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CONGRESSIONAL RECORD:

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OF THE

FORTY-NINTH CONGRESS, FIRST SESSION;

ALSO,

SPECIAL SESSION OF THE SENATE.

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CONGRESSIONAL RECORD,

FORTY-NINTH CONGRESS. FIRST SESSION.

in the community is responsible and that the responsibility of this Government arises only where the case becomes too great, first for the municipality and then for the State, so that it reaches the National Government finally; so believing, I shall vote against this amendment consistently, because I have ever so voted in this body and I have ever so spoken in this body. I shall vote against this amendment, not because I am not in favor of the principle it enunciates, but because it ought not to be adopted in national legislation.

Mr. MORGAN. Mr. President, I am not very much prepossessed in favor of the proposition that Congress has the constitutional power to pass this bill, because I think that the bill presents a serious question touching the civil rights of individuals that have been heretofore left by the common law and by the spirit of our institutions to be controlled by the agreements of the men who are concerned. The power of making a contract is one of the rights of every individual in this land, which I think is about as sacred as any other that can be mentioned.

But whatever may be the power of Congress under the Constitution in regard to the control of the matters included in this bill, there can be no doubt at all of the right of Congress, and I think there can be no doubt either as to its duty, to lend its hand for the purpose of repressing crime in the United States when that crime relates to matters with which the Federal Government has a just and proper constitutional connection. To illustrate, we issue all the money in this country, we coin money, and issue bills of credit of every kind that circulate as money among the people. There can not be any doubt that for the counterfeiting of any bond, or bill, or coin that we put out as money or as a national obligation the Government of the United States has the right to punish for such counterfeiting. There is no doubt either that the government of each State in the American Union——

Mr. GEORGE. Will the Senator from Alabama allow me to make a suggestion there?

Mr. MORGAN. Yes, sir.

Mr. GEORGE. There is an express grant in the Constitution of the power to Congress to punish the counterfeiting of the coin of the United States.

Mr. MORGAN. There is no question of that. There is an expressed grant, not an implied grant at all; still there are other things that we do, which are not included in express grants, which are quite as important as that.

But I was about to state that, notwithstanding the Government of the United States has the right and duty resting upon it by express grant in the Constitution to punish counterfeiting, still it is the right and the duty of every State in the American Union to punish counterfeiting of the United States coin; and I do not believe there is a statute-book of any State or Territory that has not got upon it highly penal acts for the purpose of punishing that same offense when committed within a State. A man may be convicted by the United States courts of counterfeiting a silver dollar and be punished, and you can take him to a State court and convict him and punish him for the identical same act, one offense being against the State law and the other against the United States law, and yet the State has no right to coin money.

Now, take the subject of selling whisky without a license. We authorize under the laws of the United States the selling of whisky under license, whether by retail or by wholesale, and we punish with severe penalties men who violate the laws of the United States anywhere in this country, State, Territory, or District, in selling whisky without a license, and yet after the man is indicted, tried, and convicted for that offense, you can go into the States, and if you find there laws against the selling of whisky by wholesale or retail without a license you can convict him under the State laws for the same act. After convicting a man for selling whisky contrary to law in a United States court, you can carry him into a State court and convict him of selling the same bottle or the same quart of whisky, because it is a violation of the State law.

The States in this and a number of other cases I might refer to, such as cases of larceny from the post-office, can take jurisdiction. For instance, in the robbery of the mail. A mail-rider is going through the country unprotected, and a robber seizes the boy, it may be, and his mail-sacks and cuts them open and robs money from them. That man is liable to indictment and punishment and in some of the States to capital execution for having violated the State law in committing that robbery upon the person of that individual. Clearly he is liable also for robbery of the United States mail under the United States law; and, as I was about to observe, there are many instances where the States have found it to be their duty to maintain and support the Federal authority within their borders by enacting strong penal laws for the punishment of men who violate the United States laws there.

Now, suppose the States have laws that punish the tearing up of a railroad-track; that punish a conspiracy to stop a train from running, or any other of the great number of statutes that really exist upon the statute-books of the different States for the protection of State commerce. That is all well enough. That has its effect and its purpose—to protect commerce within the State. The United States would have no right to interfere in case of that kind, because the railroad was also employed in interstate commerce, to prevent the State from punishing such offenses. But, could it not, as in the cases I have referred to, punish the same person for the same criminal act?

This amendment certainly is predicated upon the idea that the commerce or the mails to be transported must be interstate commerce or foreign commerce, or must be United States mails. And having the power in this bill, as you say, to regulate commerce, certainly having the power, whether it is expressed in this bill or not, to prevent any obstruction of commerce, we assert our right and our duty of preventing conspiracies which have for their purpose the stoppage of the transportation of mails, troops, munitions of war, and the like, and the transportation of commerce between the States.

The honorable Senator from Missouri [Mr. VEST] thought that no lawyer in the United States would dare to assert in the presence of what he said was his opinion that the Government of the United States might punish this offense.

Why, Mr. President, a plainer proposition was never stated on the floor of the American Senate than that if we have the right to control foreign commerce we are the only power perhaps that has the right to punish crimes against it, crimes committed by men who obstruct its passage inward or out from the country. Congress has that power, and so it must be in respect to the interstate commerce. But suppose that the States also choose to do in the case of the obstruction of commerce what they have done for the protection of the national currency, for the protection of postal service, and for the protection of various other matters that I could refer to, can not the States, notwithstanding we have the power and jurisdiction to punish it ourselves, come in with their criminal laws and punish it also? Surely they can do this for the protection of commerce within the States. It is one of the cases where the exertion of the power by one government does not exclude its exertion by the other, because the offense is different against each government. It is the same act, but a distinct and different offense.

Now, sir, I would not have thought about wasting one moment upon an argument of this kind in the presence of the body of lawyers here assembled but for the rashness of the Senator from Missouri in making the assertion he did a moment ago, for it can not be anything else, that the Congress of the United States has no right to punish offenses against the postal service, because larceny and robbery and obstruction of the public highways and the like are punishable by the States, and that in the teeth of the history of our legislative experience since the Government of the United States was founded. That is my answer to that proposition.

The Senator from Colorado [Mr. TELLER] thinks that the States ought to control this matter themselves, because he doubts very much the constitutional power of the Government of the United States to protect interstate commerce against raids and conspiracies by persons who are assembled within the States for that object. Well, Mr. President, I think the Senator from Colorado is supporting this bill. It would be indeed a solecism to assert, as he must, that the Congress of the United States has the power to make and control and fashion the contracts between the shipper and his bailee, to regulate the terms and conditions upon which freight shall be delivered, shall be hauled from State to State, and the price at which it shall be done; to prohibit a private agreement between a railroad company and a shipper in California for a certain rate for the transportation of material to the Atlantic seaboard; to interfere in all the numerous ways and by all the numerous devices which are presented in this bill with the civil rights of private individuals, and yet that Congress has not the power to punish men who obstruct commerce. This would be equivalent to the assertion that Congress can control the personal rights of the people, but can not preserve their public rights, or the public peace, the public welfare, or the freedom of interstate commerce.

It appears to me that Congress must either protect the general public in the transmission of commerce between the States and foreign countries or admit that they are afraid to do it. It is not for me to say whom they are afraid of; but, Mr. President, if there was a combination between railroad companies to prevent commerce from going freely between the States, you would see in a minute where the ax would fall and how heavily it would come down upon the necks of the offenders.

Mr. EDMUNDS. *Quorum pars magnus.*

Mr. MORGAN. I have only one appeal to make to the Senate about this matter, and that is, when you are exercising the power to regulate commerce, as I am afraid you are doing it contrary to the Constitution of the United States so far as it interferes with the rights of private citizens, while you are engaged in this work ostensibly to make commerce free and so protect it, do not stop until you have removed those difficulties which have risen up in all the different parts of our country to shame the power and majesty of the law upon occasions so frequent that they lead to alarm, and where the conduct has been so gross that I could scarcely desire to have these stories repeated on the floor of the Senate. We know what these occasions have been. We have been confronted with them in almost every State and Territory of this Union. But, sir, we know also the power of the men concerned in it; and whether we stop or whether we go on will depend, I think, not upon our respect for the peace and welfare of this country, but upon

our respect for the power of the votes that are supposed to be under the control of men thus combined to obstruct commerce.

I will not hesitate, timid as I may be, about such matters, desirous as I am to escape criticism, objection, and dissent from any of my friends in the Senate of the United States; I cannot forbear to press this amendment without doing injustice, as I think, to myself. Other Senators can act for themselves, but so far as I am concerned I feel it to be my duty to bring forward this amendment and to insist on its adoption.

While I am on my feet, Mr. President, I will submit a few observations in regard to the general character of this bill as it impresses me, in order to explain why it is that I insist that we have the constitutional power to adopt the amendment I offer. It may be very doubtful whether we have the constitutional power to do all that we have been attempting to do in the bill that is before the Senate. I do not propose to attempt an analysis or general discussion of the bill, but only to state a few difficulties that have occurred to my mind in connection with this subject, and to show that our power to protect commerce by criminal laws is clear, whatever may be our power to regulate it.

Mr. TELLER. I ask the Senator to yield to me for a moment.

Mr. MORGAN. Yes.

Mr. TELLER. I only desire to say in regard to the Senator's allusion to me, that I did not state that there was no constitutional power in the Government to do perhaps what is suggested. I said or intended to say that the whole subject was one of the doubtful exercise of power, but that if the national Legislature had the right to pass such a bill, it would seem to follow that they might have some means of protecting and executing the bill, but that I denied the general policy, the propriety of putting this on such a bill, because it was taking from the States what I think is their first duty, that is, the maintenance of peace within their borders.

Mr. MORGAN. Mr. President, the fact that fifty men were killed the other night in Chicago, fifty killed and wounded perhaps in Saint Louis, fifty killed elsewhere, and that then all was quiet does not prove that the States are maintaining the peace in regard to this matter. It proves merely that men are exposed to slaughter, and after they have satiated themselves with blood that they become peaceful from reaction.

Mr. TELLER. I should like to ask the Senator from Alabama if he believes the condition of affairs would have been otherwise in Chicago if the power to punish had rested exclusively with the United States.

Mr. MORGAN. I believe that the power of prevention is worth a great deal more than the power of punishment. What I think we ought to do in respect to all these matters, if we can, is to prevent the commission of crime, prevent the combination of men to commit crime, and punish those who unlawfully conspire and unite with each other for this purpose. When they find that the conspiracy is punishable with some severity they will abstain from entering into these combinations, and we shall thus be saved the effusion of blood. I do not care to appeal to "the bloody assize" of the policeman armed with the sword and the pistol when I can go to a court, have a man arrested for a conspiracy or a criminal combination, and have him tried and punished if he is guilty of it. It is so much a better remedy, it is so much more in accordance with the spirit of humanity to check men who are about to commit crime than it is to thunder down upon them volleys from Gatling guns after they have been wrought up to a pitch of fury from drunkenness, or by licentious speeches, or in any other way; it is so much more in accordance with my ideas of proper government to resort to the preventive powers of the law, that I can not abstain from asking the Congress of the United States to confer this power upon the Federal courts. It can do no harm. If it does no harm in the States to enact laws to prevent such combinations and conspiracies, it can do no harm to add also the power and strength of the Federal Government in the same direction. The act that I propose is an innocent act in itself. It looks to peace; it looks to the public welfare; it looks to the security of private property and of life.

Now, sir, why should we discard it? Why is it that we are here legislating to control these railroads unless we are acting upon the admitted proposition that the State powers are insufficient for the control of the very corporations that they have created? There is scarcely one corporation that will come within the purview of this bill that is not the creature of State power, born of State authority, endowed with all its corporate faculties and powers from the State Legislatures. But the States in their slack manner of dealing with these corporations have permitted them to ride down State authority and State laws and to make combinations which reach from the great seaports on the Atlantic coast to those of the Pacific coast, so that railroads chartered in many States are united under one control and one government and become virtually one railroad from ocean to ocean. From that permission given by the different States to the usurpation of authority and power by these different railroads has grown up the evil we are trying now to check, and wiser men than I am say it is absolutely necessary in order to check it to invoke the powers of the Federal Government.

We are here legislating to-day upon this bill and in reference to this subject upon the sole reason that the States either have not got the power to control it or that they refuse to do it. No other reason is to be assigned why Congress is engaged in this new field of legislation. If that is necessary in respect to the protection of the civil rights of parties concerned in railroad transportation, why is it not equally so in reference to the prevention of the crimes which the States have dealt with so ineffectually and will deal with so ineffectually as that they can not repress the commission of grave crimes against the freedom of commerce and the peace of the people of the country.

Suppose a combination exists in Baltimore, in Harrisburg, in Washington city between a thousand men, or two or three thousand men, to prevent by threats or intimidation or by the mildest form of opposition that can be offered, not including absolute violence to persons, the transmission of commerce between these cities. These men do not want any commerce; they do not want any trains to run; they have reasons of their own for this. They may be working in the interest of some rival city that wants to build itself up at their expense. They may be working in the interest of some secret organization or order that does not intend that certain men shall work railroads unless they permit them to do it. They may be working in the interest of some combination of men who usurp to themselves the authority to control all commerce, all power political and judicial in the country, until they give their own consent that matters may be conducted according to their own wishes. Now, here is the combination. How are you going to prevent it in the State of Maryland? A thousand of these men reside in Pennsylvania, a thousand of them in Maryland, and a thousand of them in the District of Columbia.

When you come to the District of Columbia to punish conspiracy, perhaps you find no law at all upon your statute-books punishing any conspiracy of the kind, so that the man who is here and conspires with these men by letter or telegraph in these other places, though guilty of conspiracy under the laws of some of these States, is not guilty here. How is the State of Maryland going to punish a man in the District of Columbia or in the State of Pennsylvania? How are you going to get hold of him? How are you going to bring him within the Maryland jurisdiction? Is that not a clear case of an inefficient remedy growing out of the fact that a separate organization with separate judicial power is found in these different localities? In this District the United States have exclusive jurisdiction, and the other two States are also separate jurisdictions.

Will any lawyer say that, for the purpose of protecting the general commerce of the United States between the States and with foreign countries, such a state of law is adequate to prevent obstructions to the transmission of passengers or freight back and forth from the seaboard to the interior? No, sir; the law is sadly, painfully defective, and I must confess that it surprises me no little when the occasion is presented so prominently in the mass of testimony that surrounds us and in all the arguments which have been made in support of this bill, that Senators should not recognize that there is an immediate necessity for adding a clause like this and perhaps another one to this bill.

I wish now to say a few words in regard to one other feature of this bill. The power that Congress is seeking to exert in the passage of this bill can only be made effectual through the judgment of some Federal court. No provision of the bill is self-executing, and none of them call to the assistance of Congress the executive power of the United States for their enforcement. The rights that are affected and the duties imposed by this act upon the railroad companies are all of that class which for their enforcement come within the authority and protecting care of the judicial power of the United States.

If the legislative power can create or modify these rights, or can assert and impose the duties mentioned in the bill so as to make them obligatory on the railroad companies, it still can not enforce them in the least degree except through the assistance of the courts, so that in considering the several provisions of this bill we must endeavor to understand, in advance, what we can compel the courts to do in their dealings with the rights and duties that we are attempting to prescribe and to regulate. Whatever Congress may declare the right or duty to be, if the courts shall adjudge that it is not what Congress declares, but is otherwise, and that it is beyond the power of Congress to create or change the right or to impose the duty, there the matter ends, and there it will rest, just as if Congress had never attempted its vain task.

No American legislature has the power to divest or change a vested right, as between two private persons; nor can any Legislature impose a duty on one man for the benefit of another and compel its performance against his objection until the courts have determined that it has been rightfully imposed. In cases involving the personal rights of any citizen no Legislature can impose a duty upon him, to the destruction of such rights, when that duty is not to be performed toward the State or the general public, but only toward certain individuals. The courts can and will always protect the right so assailed against the act of the Legislature; so that Congress has no absolute power in such cases to create rights by declaring them, or to destroy rights that are vested in one man by creating rights in another.

The courts will protect the actual vested rights of all men against any usurpation of power by Congress. There is not a right assailed by this bill that the courts will be unwilling or unable to protect. There is nothing in this bill which will compel the courts to accept the mandate of Congress that they shall act in accordance with its will. There is not a duty imposed by the bill that the courts can not release

any man from, if the performance of that duty involves the destruction of any right vested in him by law.

The questions that will at once arise under this act must all be decided by the courts. None of them can be withdrawn from their power. The convenient and timid excuse sometimes resorted to by the courts to avoid disagreeable conflicts with Congress, that the questions presented are political and not judicial in their character, will not avail under this act. Not a question will arise that will not directly involve the decision of some right of a private and personal nature in dispute as a controversy between private persons. No question in this bill can be so covered up with considerations of a political nature as to escape full investigation by the courts. But to the extent that the courts have no jurisdiction of any matter arising under this bill the measure will be powerless for good or evil, for it can only be made effectual through the aid of the judgments of the courts.

The doings of the commissioners to be appointed under this act, so far as they fall short of being the decrees of courts of inferior jurisdiction, will be nugatory.

They may persuade or intimidate the railroad companies, but they will work no change in their material rights.

The frame of the bill shows that they are not intended to decide anything finally, but only to make a case and present it in a certain form for the adjudication of the courts.

The real question therefore to be considered on this bill is to what extent can Congress increase and enlarge the jurisdiction of the Federal courts so as to enable them to consider and adjudge questions arising between the bailor and the bailee, where the subject of the bailment is to be transported as commerce between the States.

There is one limitation upon the power of Congress as to extending the judicial power of the United States that seems to have escaped attention in this debate.

It is a limitation which, if it is respected, must cut down the powers of the commissioners as judicial officers and the rights of persons aggrieved by the extortions and discriminations of the railroad companies, to very narrow limits as compared with the broad sweep given to the intended operations of this measure as disclosed on the face of the bill. I refer to the provisions of section 2, Article III, of the Constitution of the United States, which is that—

> The judicial power shall extend * * * to controversies * * * between citizens of different States.

This clause, if it is applicable to the proceedings under this bill, either by or before the commissioners, would exclude from the benefits of the act all persons who reside in the State from which the railroad company derived its charter. A shipper of merchandise residing in Philadelphia could not sue the Pennsylvania Railroad either before the commissioners or the Federal courts for its violation of this law, both being citizens of the United States and of the same State. Such a condition of affairs would enable the railroad companies to defeat the purposes of this act as to the most important part of the people with whom they have dealings as common carriers.

The bill is framed, I suppose, upon the idea that the cases to which it applies are cases arising under the laws of the United States, and that as to such cases the citizenship of the parties is not a question that affects the jurisdiction of the courts to hear and determine the controversy. This assumption may possibly be correct as to the matter of the citizenship of the parties, but I am not prepared to admit it in this broad extent.

As to the other matter, whether after this act is passed the cases that are presented under its provisions for decision by the courts or the commissioners, I am well satisfied that they will not be such cases "arising under a law of the United States" as will, from their nature, give to the Federal courts jurisdiction to hear and determine them without respect to the citizenship of the parties to the controversies. These cases and the controversies concerning them exist now. They are now cognizable by the State courts and by the Federal courts.

Any man can sue any railroad company in a Federal court for any extortion or unjust discrimination (which is evidence of extortion) which has caused him a loss or any damage to his business. He can sue in a Federal court, if the defendant is not a citizen of the same State in which he lives, or in a State court if they both reside in the same State. So that the cases and controversies now exist, and are now being settled by the courts, State and Federal, to which the parties can lawfully appeal.

The evil exists, the right to be compensated for its infliction now exists, the remedy now exists, and the cases are now being prosecuted for damages, and for injunction, and all that, in the various State and Federal courts. How, then, can we so frame the law we are enacting that after its passage these cases and controversies that now arise without the help of an act of Congress shall then arise only under the act we are passing?

Congress can as well pass laws relating to divorces and to inheritance and to guardianship in the States and claim the jurisdiction for the Federal courts to decide upon them as cases arising under a law of the United States, as it can sustain such a pretension in this matter.

The argument that after this law is passed all the cases and controversies it deals with will be cases and controversies that will then arise under it is dangerously broad and revolutionary.

Such an interpretation of this act would cause it to repeal the common law in every State and Territory as it affects the rights and duties of shippers and carriers, and every statute law of each which fixes the rights of bailor and bailee in such cases. No cases would then arise under the common law or local statute law, nor would any common-law right or right under a local statute exist in the presence of the supreme law enacted by Congress, which would ride down and supplant all other laws covering the same subjects.

In an effort, which I believe to be a vain and fruitless endeavor, to give a better remedy to an aggrieved class against their oppressors, I do not wish to cut away the broad ground on which their rights are now comparatively secure to interpose a patchwork scaffolding, admitted to be imperfect and experimental, as the only ground on which the people who are injured can stand in defense of their rights.

I draw the distinction, of course, between the power of the Congress of the United States to enact such a law relating to the civil rights of persons and its power to enact a law for the preservation of the peace of the country and for the freedom and protection of commerce notwithstanding the States may pass laws of like kind, for the reason that the laws which the States pass are to punish offenses against the State sovereignty, and the laws which the United States pass are to punish offenses against the United States sovereignty, two different sovereignties enacting laws for the punishment of the same man for the commission of the same act, being two distinct offenses, because they are offenses against two distinct sovereigns. I draw that distinction and leave the subject.

Mr. BLAIR. Mr. President, I confess to a little surprise that the labor problem of the country should have been projected into this debate and into this bill, but it seems to be here, and I wish to make a few observations in regard to the pending amendment.

Though I am not authorized to speak for the class of men supposed to be perhaps immediately interested in the amendment of the Senator from Alabama, I do not suppose that there is any more law-abiding class of American citizens than what are known as the American workingmen, the American laborers, whether they are employed in factories, upon the farms, upon the railroads, or in any other of the manual occupations of life. Whatever agitation there may be in the country at the present time or at any time, whatever tendencies to violence there may be as the result of deep and exciting causes, I do not suppose that this class of men are any more subject to the ebullitions of feeling or tendencies to breach of the peace than are any other class of men when they feel grievances which should, as they think, be redressed, and are in pursuit of some remedy which the law apparently is in no haste to afford them.

So far as the amendment is concerned, setting aside questions of its being vicious for the nation to enter into this course of legislation, if in line 8 the words "with violence" were substituted for the word "unlawfully," I do not believe that this class of men would be likely to object to the adoption of the amendment. In that case the amendment which now seems to be quite indefinite as to what shall constitute the act of conspiracy or shall make the conspiracy unlawful and so come under the just surveillance of the Government by the substitution of the words "with violence," so as to read, "with violence to obstruct or prevent the movement or running of any such train," I say with such a change as that I do not think, if criminal legislation would be proper in a bill like this, that the class of men alluded to and who it is proposed to curb and restrain by this provision, would make any objection to it, for they are as a rule, as I understand it, law-abiding citizens.

There are railroad commissions provided for in the statutes of many of the States. So far as I know there never has been any attempt to incorporate legislation properly belonging in a criminal statute directed to this class of men in any law the main purpose of which was to provide such a commission to regulate commerce in the States over the railroads and perhaps over the water ways in some instances of the States.

It would seem to be unnecessary to embarrass the bill with a provision of this kind; but if under the general power to regulate commerce it is necessary to introduce a provision of this sort, it seems to me that the Senate and the country ought to go in its national capacity a little further. If these men are to be punished for the combinations resulting in strikes, they certainly ought to find in the same legislation some provision which shall redress the grievances which lead to them. I do not allege that there have been any grievances which have led to the recent disturbances in Saint Louis and in the Southwest and in Chicago, and which have been threatened in other parts of the country. I do not allege that there are any grievances, but it is a matter of common knowledge that those who have been induced to make the disturbances complained and have believed that they were suffering great wrongs.

If we have a right to interfere with this branch of the labor problem, to legislate directly against strikes, and if it be judicious to do so in this bill, why should we not go further? Commerce can not be carried on between States without employers and employés, and in the regu-

lation of commerce why is it not proper for us to see that the employer is guilty of no wrong, of no grievance, of no extortion whatever upon the laborer, without whom that commerce can not be conducted at all? It is well enough for us to go deep enough to find the causes which lead to disturbances, and to legislate so as to give relief against them.

With that view, if this amendment were to be adopted I would submit an amendment to the amendment, which I think the Senate would concede to be entirely proper, adding a proviso which I shall read, or something like it. It has been, of course, drawn without much reflection and without that careful attention to phraseology which should be given possibly to the amendment if it were to be adopted; but I would add something like this:

Provided, That whenever the persons so conspiring are employés of the common carrier so carrying persons or property, it shall be made to appear to the court that the employer shall have paid to such persons due and reasonable wages for their work, and shall have redressed or offered to redress any grievance of which the employé shall have had just cause to complain on the part of the employer, and any failure of such carrier or employer to pay due and reasonable wages to its employés for their work or to redress such grievance or complaint of the employé shall subject the employer, his agents, and managers to the penalties of this section.

I do not say that I would advocate that; but if the bill is to undertake to deal with the entire labor problem and to repress these ebullitions on the part of men who are feeling great grievances, whether they have a right to complain or not, who themselves believe they have been the subject of extortion in the direction of unfair pay for fair work, receiving an amount of wages which does not give them opportunity of comfortable support for themselves and their families, when labor to the full extent of the capacity of the human frame to perform it has been rendered—I say if we are to undertake to deal with one part of the labor problem in this bill we should deal with the whole, under the claim that having the right to regulate commerce we may regulate the carrier so far as concerns his relations with the men whose employment and work are indispensable to the performance of public transportation.

Are the men who own the railroads, who employ the men who make this complaint, to be allowed to make use of so great power in extorting from their employés when the public at large are making complaint of their alleged extortions? Are not these laborers a portion of the public, a portion of the American people, residents of the different States living along the line of the roads, depending upon the employment of the roads for their maintenance and support? To deprive the laborer upon that means of locomotion of labor without the means of reaching other sources of employment, so that practically to discharge those men is to turn them out to starve, or to deprive them of reasonable compensation for their work, is an extortion which should be held to be, if anything is, in the regulation of interstate commerce, a crime.

I am not in favor of any amendment of this kind to the bill. I think it out of place. It is not to be inferred, however, that should the general discussion of the subject of the labor troubles of the country take place in this body or in Congress this aspect of the question will fail of consideration. It is a large subject; it concerns the whole social fabric; and it is not to be dealt with in any piecemeal or patchwork manner.

So far as the bill in a general way is concerned I should be glad to support it; but I should not like to see interjected here the ideas or sentiments which seem to appertain to another discussion.

Mr. VEST. Mr. President, I have only a word to say in reply to my friend from Alabama [Mr. MORGAN], for I always accept with due humility any lecture he reads me on constitutional law or any other sort of law. But the Senator is not the only lawyer whom I have encountered in a practice of more than twenty-five years who always asserted that it was never right for any one to doubt the correctness of his legal conclusions.

If the Senator from Alabama is right on this question, it has destroyed all the ideas of my life in regard to the difference between Federal and State authority, all the ideas of the school of politicians to which I belong, and all the ideas that the great leaders of the States-rights Democratic party of the country have asserted. I never could under any possible state of the case, no matter what the danger or how imminent, agree to any such proposition as is asserted in the amendment now pending here.

The Senator from Alabama seems incapable of making any distinction between Federal instrumentality and the rights of private property. In so far as the United States takes property and uses it to carry out the delegated powers given it by the Constitution, it has the right to punish for an obstruction of the exercise of those agencies or instrumentalities. When a car is used for the purpose of carrying the United States mail it is a Federal instrumentality, and if it is obstructed, ever since 1791 the statutes of the United States have punished that obstruction. If a mob—as was the case, and I happened to be of counsel in it, some four years ago—stop a train of cars carrying the United States mail, and murder two men upon it and detain that train for an hour, that mob are tried by Federal authority in the district court of the United States for an obstruction of the mail, and then tried in the State court for the murder they have committed.

The United States under the Constitution has the power to regulate commerce among the States; and what is the meaning of that term as construed over and over again? The Federal Government has the right to say under what sort of limitations and restrictions commerce among the States shall be carried on. That is the whole and entire meaning of it. But if private property is attacked inside the jurisdiction of the States, outside of the delegated power given to the Federal Government, then the State courts only have jurisdiction, and under our form of government no others can have it.

The Government of the United States has the power to make money. It alone can issue the greenbacks which are now the currency of this country. If I invade the sphere of the Federal Government and undertake to make that money, I am punished in the United States courts and there alone; but after the money is made if I steal $500 or $50 of that money of the United States from another citizen, I am punished by the State authorities for theft, and not by the General Government. The limitation is clear and distinct upon the respective spheres of government.

Who creates these corporations? Are they created by the United States? They are created by the State governments. When they go into interstate commerce they come within the sphere of Federal authority and only then; but if on this private property, the car, the locomotive, if the lives or the security of the officials of the road, who are simply citizens of the respective States, are attacked, then the States and the States alone have power to punish.

This proposition, it seems to me, is so clear that I am perfectly willing to submit what I have said to go with the charge of rashness on the part of the Senator from Alabama in having asserted it. It is so clear to me, that I can conceive of no possible state of case in which the Federal authorities could go into a State and punish a citizen of that State unless he attacked the instrumentality used by the Federal authority within the grants of the Constitution for its own purposes.

Mr. PLATT. Mr. President, the course which the discussion has taken in the Senate since the amendment was introduced has determined me as to my action upon it, irrespective of the principle which seems to be involved in the amendment; and that there may be no mistake about my view with regard to that, I wish to say that if we are to have a government at all and if American citizenship is to be worth anything, then there are three objects which must be protected in this Government and by this Government, and those are life, property, and the pursuit of happiness. But it is evident that to put this amendment upon the bill would embarrass and I think imperil the passage of the measure, and therefore I am against it, if for no other reason.

The discussion which has taken place here shows that the amendment raises two questions which are foreign to the bill. One is the question whether the Government has a right to legislate, or whether the States alone have the power to legislate, in the enactment of a law such as is proposed by the amendment. That is a question upon which Senators will differ and do differ, and it is a question upon which the other branch of Congress will differ, and which will excite there as it has here discussion and elicit differences of opinion. It has drawn into this discussion another topic, and that is the whole labor question. I can not consent to vote for an amendment which if put upon the bill would subject it to the discussion of those questions in the other branch of the national Legislature, and while I do not speak for the committee and speak only for myself, I shall vote against the amendment.

Mr. MAXEY. Mr. President, I do not yield to any Senator in my devotion to law and order, nor in opposition to every violation of law coming from any source whatever; but the amendment of the Senator from Alabama does not strike me as one which should be adopted by Congress, for this reason if for no other: The interstate commerce which we are trying to regulate, carried on by railroads running through the States, does not thereby make the railroads or the ground over which they run property belonging to the United States. They are not like forts, arsenals, dock-yards, &c., under the exclusive jurisdiction of the United States, where a crime committed is under the control of the Federal courts. But the offense committed is an offense committed within the State, amenable to the laws of the State; and if the amendment is sound in principle it will be appropriate in the Legislature of a State, and not in the Legislature of the United States. In other words, I do not think that we have anything to do with it. That is my judgment in regard to that.

Suppose you were having commerce carried on between the States under the old fashion as it used to be fifty or more years ago, by wagons carrying goods from Philadelphia out to Kentucky, Tennessee, and so on, passing through many States, and a difficulty were to occur between the wagoner and a man who tried by force to prevent his traveling over the highway, would that give the Federal Government jurisdiction? Wagons thus used are common carriers between the States just as much as the railroads. No one would pretend that the Federal court would have jurisdiction in that case and yet the principle is precisely the same. Suppose you have a strike as we had in Texas not long ago at Fort Worth, on the Texas and Pacific Railway, and several men were killed in the progress of the strike, did that confer upon the Federal courts jurisdiction to try the men who were guilty of offenses undoubtedly against the laws of the State of Texas? The fact that the railroad was in the hands of a receiver appointed by a Federal court in no wise deprived the State of Texas of criminal jurisdiction.

It does seem to me that this would be conferring upon the Federal courts enormous power, and would produce a feeling of unrest and alarm in the States which it would be very difficult, if not impossible, to overcome. It would be a well-grounded alarm. Let the State alone in controlling its own internal police affairs. The crimes which are committed against railroads are committed against the laws of the State, and the corporations should be protected by the law of the State the same as anybody else, and amenable to the law the same as anybody else. If in passing through a State these corporations violate the laws of that State, let them be punished by the State law for it, or if their employés commit crimes against the laws of the State let them be punished through the State courts.

I am averse to the stretch of Federal power beyond the provisions of the Constitution. This amendment is not provided for, in my judgment, by the commerce clause or any other clause of the Constitution.

Whenever you confer upon the Federal courts criminal jurisdiction over offenses committed by or against those engaged in interstate commerce reaching from the Atlantic to the Pacific, from the lakes to the Gulf, all over this country, you add to the jurisdiction of the Federal courts an enormous power never contemplated by the Constitution of our country, and you rob the States of that which justly belongs to them. Whatever I might do as a member of the Legislature of the State of Texas in regard to this matter, in the enforcement of the rights of life, liberty, and property, would be a very different thing from what I would do here. There in the Legislature I would not doubt my perfect right to aid such laws as I believed necessary in the protection of life, liberty, and property. Here I do not think the Congress of the United States has jurisdiction of the question.

I shall, therefore, vote against the amendment.

Mr. CULLOM. I am satisfied that the Senate is not for this amendment. I am against it myself, because I think it will embarrass the chances of passing any law on the subject, and if there is no further disposition to debate the question I hope that we shall vote at once. I am urged to move to lay the amendment on the table; but I shall not make the motion if the Senate is ready to proceed to vote on the merits of the amendment.

Mr. MAXEY. The Senator from Illnois will pardon me for one moment. I ought to add to what I said that there is a bill pending upon which this question might properly arise, and I think it should not arise here.

Mr. HOAR. I move to lay the amendment on the table.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Massachusetts moves to lay the amendment on the table.

Mr. BROWN. On that question let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VOORHEES]. If he were present, he would vote "yea," as I understand, and I should vote "nay."

Mr. CAMERON (when his name was called), I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were present, he would vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER]. I do not know how he would vote upon this question.

Mr. CULLOM. I think I can state that the Senator from Michigan [Mr. CONGER] would vote to lay the amendment on the table from what he said when he left the Chamber.

Mr. MCPHERSON. I should vote "yea," if I were not paired.

Mr. VEST (when his name was called). I wish to announce a general pair with the Senator from Kansas [Mr. PLUMB] in his absence. I have no doubt that he would vote "yea" on the pending question, and so I shall vote. I vote "yea."

The roll-call was concluded.

Mr. MCPHERSON. Being assured that the Senator from Michigan [Mr. CONGER] would vote "yea," I vote "yea."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. CHACE. I am paired with the Senator for Georgia [Mr. COLQUITT]. I should vote "yea" if he were here.

The result was announced—yeas 49, nays 3; as follows:

YEAS—49.

Aldrich,	Fair,	Logan,	Sewell,
Beck,	George,	McMillan,	Spooner,
Berry,	Gibson,	McPherson,	Teller,
Blair,	Gorman,	Maxey,	Vance,
Bowen,	Gray,	Mitchell of Oreg.,	Van Wyck,
Call,	Hale,	Morrill,	Vest,
Camden,	Harris,	Palmer,	Walthall,
Cockrell,	Hawley,	Payne,	Whitthorne,
Coke,	Hearst,	Platt,	Wilson of Iowa,
Cullom,	Hoar,	Pugh,	Wilson of Md.
Dawes,	Ingalls,	Sabin,	
Eustis,	Jones of Nevada,	Saulsbury,	
Evarts,	Kenna,	Sawyer,	

NAYS—3.

Dolph,	Edmunds,	Morgan,

ABSENT—24.

Allison,	Colquitt,	Jones of Florida,	Plumb,
Blackburn,	Conger,	Mahone,	Ransom,
Brown,	Frye,	Manderson,	Riddleberger,
Butler,	Hampton,	Miller,	Sherman,
Cameron,	Harrison,	Mitchell of Pa.,	Stanford,
Chace,	Jones of Arkansas,	Pike,	Voorhees.

So the amendment was laid on the table.

Mr. BROWN. I have an amendment somewhat like the one offered by the Senator from Alabama [Mr. MORGAN] which I desire to offer, though after the very decided vote of the Senate against that amendment I shall not call for the yeas and nays on it. It is not an amendment to prevent illegal conspiracies to wreck railroad trains, but to punish those who do wreck them. As I said, I only offer it, and shall not ask to take a vote of the Senate by yeas and nays on it.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add a new section, as follows:

SEC. —. That if any person shall willfully and maliciously destroy or in any manner hurt, damage, injure, or obstruct, or shall willfully and maliciously cause, or aid and assist, or counsel or advise any other person or persons to destroy or in any manner to hurt, damage, injure, or obstruct any railroad engaged in interstate commerce, or in carrying the mails of the United States, or any branch thereof, or any bridge connected therewith, or any vehicle, or if any unauthorized person or persons shall turn, move, or in any manner interfere or meddle with any switch, gate, siding, or other appurtenances to any railroad, such person so offending shall be guilty of felony, and, on conviction thereof in the United States circuit court, which shall have jurisdiction of the offense, shall be imprisoned for a term of not less than four nor longer than eight years. If death ensues from such act to any person, the offender shall be guilty of murder and punished accordingly. This penalty shall in no case interfere with the offender's liability to civil damage.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. CULLOM. The amendment is substantially the same as the other, and without any disrespect to the Senator from Georgia I move to lay it on the table.

Mr. BROWN. I will state to the Senator from Illinois that when I was on my feet before I said I should not discuss it, because the other had been discussed, and although I intended to have made some remarks upon it, the vote of the Senate was so decided that I shall refrain from doing so.

Mr. CULLOM. I withdraw the motion to lay the amendment on the table if the Senator desires to make any remarks.

Mr. BROWN. No; I do not desire to discuss the question after the decided vote of the Senate upon the amendment of the Senator from Alabama. I have already stated that I merely wish to put the amendment on the record and have a vote upon it; and, as I stated when up last, I shall not call for the yeas and nays.

Mr. CULLOM. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Illinois to lay the amendment on the table.

The motion was agreed to.

Mr. INGALLS. My colleague [Mr. PLUMB], who is absent from the city, before his departure requested me to offer the amendment of which he had previously given notice and which I now send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert the following as a new section:

That it shall not be lawful for any railroad company, or for any manager, officer, or employé of any such company, to issue or deliver to any member of Congress, or to any officer or employé of the Government, or to any person at the request or on behalf of such member of Congress or employé, or to any member of the family of such member of Congress, or officer, or employé, any pass, check, or other instrument entitling the person to whom issued, or any other person whomsoever, to ride over any such railroad, or any part thereof, free or for a rate or charge less than that required to be paid by the general public; and it shall likewise be unlawful for any member of Congress, or for any officer or employé of the Government, to apply for or receive, for himself or for another, or to use, any such pass, check, or other instrument, or in any way to travel over any such railroad, or any part thereof, at and for any rate or charge lower than that charged to the general public; and any person who violates any of the foregoing provisions shall be subject to imprisonment not exceeding six months, or a fine of not less than $500, or both such imprisonment and fine, in the discretion of the court.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. INGALLS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. I offer an amendment to the amendment. I move to add:

That it shall not be lawful for any railroad company chartered or created by the United States, or any railroad company that has at any time received aid or assistance from the United States, either in money or by grant of land, to issue passes to any person or persons, or to allow any person or persons to travel on said railroad, or any part thereof, at and for a rate less than that charged for general travel over said road, save and except only the officers and employés of said road.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the Senator from Kansas.

Mr. TELLER. Mr. President, I doubt very much the propriety of putting any legislation upon the bill with reference to passes. If we

do, it seems to me there is no reason why we should say to the railroad company that a certain class should not receive passes. So far as we have the power to control such a matter, I suppose we might say by statute at any time that a member of Congress should refrain from accepting passes. We might say that other officials of the Government should so refrain. I do not suppose we could say to a railroad company, simply because it is engaged in interstate commerce, that it shall not give passes to citizens of a State or to any one they see fit. The restriction must be put upon the person holding official station, and not upon the road.

But here are roads which we have chartered, have created, in which the Government of the United States has a proprietary interest; it is interested in the receipts from the passenger traffic. If there are any roads in the country which are suffering at all from this system, they are the roads which the Government holds its lien upon; and if we are going into this question at all, if we are to make any rule about passes, we ought to make one that will cover the case which I propose to cover in my amendment.

I think myself, however, that the bill ought not to be loaded down with that kind of an amendment. I am quite willing at any time to join in the passage of a general law of that kind, but it is not specially germane to this bill, and there is no particular reason why such a provision should be put on the bill at all.

Mr. PLATT. I agree with the Senator from Colorado that it is not exactly germane to the bill to put on this amendment, and perhaps as a member of the committee I ought to oppose its being put on the bill; but I am so well satisfied that the whole system of issuing passes not only to members of Congress but to everybody else is a discrimination against persons that I can not hesitate to vote for the amendment, it being proposed.

I do not wish to make any argument in favor of it, but I want to read a little from the testimony of Mr. Charles Francis Adams, who is now the president of the Union Pacific Railroad Company. Speaking of the difficulty of preventing rebates, he said:

A large shipper—and it is to large shippers that rebates are made—may have to pay an apparently sustained rate between Chicago and Omaha, while he secretly receives his rebate on local shipments to Galena or Rock Island. Again, he may pay the sustained rate on one article and receive the rebate on another, or finally he may pay the full rate to-day and receive the rebate in some other shape to-morrow. All these things are done, and done habitually.

Then he came to the pass system:

But the free-pass system is the favorite method of influencing traffic, and that is resorted to almost as a matter of course. The average shipper is fast getting to look on a pass as his right, and he thinks more of it than of several fold its money value to him. The extent to which this abuse has grown is very alarming. It is still growing.

Then ensued this colloquy:

Senator PLATT. That is one of the things which might be remedied by positive law about as easily as anything else.

Mr. ADAMS. How would you go to work to remedy it?

Senator PLATT. By forbidding the issuing of passes.

Mr. ADAMS. If you would, in a way that will be effective, forbid the issuing of passes, I would agree at once to make a considerable reduction in our passenger rates.

Senator PLATT. Would you like to have it done, if it could be done?

Mr. ADAMS. Nothing would please me more. I should like to have a heavy penalty imposed for every pass issued. I do not, as a rule, like to work through legislation in these matters, but if you will pass a law prohibiting all free passes and subjecting to fine and imprisonment any man who signs a pass or any conductor who takes a pass up——

Senator PLATT (interposing). Or any man who rides on a pass.

Mr. ADAMS (continuing). Or any man who rides on a pass, it would make a happy day for railroads and railroad managers.

The CHAIRMAN. You would feel that one good step had been taken?

Mr. ADAMS. If effective, such a law would relieve us of one of the greatest annoyances, outrages, and abuses that now exist in connection with the railroad business.

The CHAIRMAN. And yet you feel that you are compelled in self-defense to issue them?

Mr. ADAMS. Our free transportation over the Union Pacific amounts to $2,000 a day. I do not mean by that to imply that we give it away to that amount, because the carriage of our employés is included. Also very many people to whom passes are issued would never travel if they did not have a pass. Probably a very large percentage of the $2,000 a day—I will not say whether 40 or 50 or 60 per cent. of it—is travel of the non-paying kind, but last week the return of passes sent in to me footed up $14,000 in fares.

The CHAIRMAN. You think probably half of that would be to employés?

Mr. ADAMS. To employés and telegraph operators and to all the innumerable persons in some way connected with the operation of the road.

Then further on Mr. Adams said:

The pass system is an outrage. There is no reason whatever why any one should be carried free over a railroad any more than why he should be boarded and lodged free at a hotel, drive free in public carriages, or order goods without paying for them in shops. Yet, and especially in the West, things are getting to such a pass that no man who has money, or official position, or influence—especially political or newspaper influence—thinks he ought to pay anything for riding on a railroad. The company which flings about passes right and left is "liberal," the company which refuses to do so is "stingy," and it shall assuredly be made "red hot" for it when the Legislature meets.

Mr. KENNA. Mr. President, under ordinary conditions I should not hesitate a moment to vote against this proposition. I do not approve it, because I have no doubt on earth, on the principle and theory implied by the amendment, that any man in this Congress or out of it who could be bought by a railroad pass could be much more conveniently bought by the ready cash. So that so far as the real merit of the proposition be concerned, I should not hesitate at all to vote against it.

We all know that this nation of more than fifty millions of people, in a struggle which began twenty years ago and possibly more, for the intervention of some power to restrain the unrestrained railroad corporate combinations, has come to realize the fact that if any such intervention be made it must be made by Congress. That Congress is composed of two Houses, one numbering seventy-six members and the other three hundred and twenty-five, with the possibility and probability, perhaps I would not overstep the bounds of propriety if I said with the certainty, that there is not a man in either House who does not sit to-day with a pass over some railroad in his pocket. I am not only ready to concede but ready to maintain that he has received with perfect good faith and with perfect sincerity and honesty, and without a thought of improper motive or purpose, that pass. And yet the public presentation of this issue does not quite present the spectacle to the people of the United States which we ought to confront. For because of a conventional semblance, because of a conventional relationship as between those of us here who are called upon to legislate upon so grave a subject as this, I should vote, if at all, for this amendment.

I reiterate, I do not believe in the principle it asserts, because any man who may be bought or influenced by a railroad pass in his pocket could be better, more reasonably, and conveniently managed by the cash.

Mr. SPOONER. Mr. President, the proposition applied to the Pacific railway companies, that they should not be permitted while in debt to the Government, and in default, to carry hundreds and thousands of persons as a matter of compliment or favoritism without compensation, seems to possess force. It would seem to be, in a sense, a measure of protection to the Government, if it were practicable, that as to such railway companies a provision of this kind should be adopted.

But I desire to call the attention of the Senator who advocates this amendment to the fact that railway companies in this country to-day, and it has been so for a great many years, do not give passes simply as a matter of compliment, nor simply as a matter of securing favor or protection, but they have been and are often used as a means of procuring and keeping business.

The proposition to embody in the law a prohibition, applicable only to the Pacific Railway Companies which owe the Government, against issuing passes, leaving to the railway corporations whose roads are being operated by the side of the Pacific roads the unrestricted power to issue them to shippers, to purchase or influence business by means of them, would certainly put the Pacific railway corporations at a very great disadvantage. I suppose there is hardly a railroad company in the country which takes a shipment of stock which does not give to the party or parties in charge of the stock a pass or passes. While corporations which sustain no such relation to the Government of the United States as the companies mentioned in the amendment are at liberty to give passes, they will use that power to procure business, and to impose such restrictions upon the subsidized companies and leave unrestricted their rivals and competitors would be unjust to the companies and detrimental to the interest of their patrons and to the interest of the United States.

Then there are corporations which have received and earned land grants which owe the Government nothing and which would fall within the amendment of the Senator from Colorado. Right alongside of those roads railroads are being operated by companies which have received no land grants; and the effect of the amendment if it became the law would be, as I say, to give the corporations which have received no grants a very great advantage in the way of competition against those who would be embraced by the amendment.

The prohibition should be directed at all companies coming within the provisions of this bill or at none.

Mr. KENNA. I hope my friend did not in any sense whatever misunderstand my proposition.

Mr. SPOONER. Not at all.

Mr. KENNA. I believe the amendment to be utterly futile and utterly worthless, and the declaration of a principle which implies a reflection upon gentlemen of standing and character, both in and out of Congress, and that it ought not to enter into our legislation.

I have been reminded in the statement I made a moment ago that I had no reason to doubt that every member of both Houses of Congress had passes in his pocket which he had received honestly and sincerely, without any thought of reciprocation, that the statement might be too broad. I know nothing about that. I only spoke in the broad sense of what I understand and conceive to be the principle of the amendment; and I repeat what I have already said, that I believe the amendment to be calculated—perhaps "calculated" would imply a motive, and I will withdraw that if it does—but I believe the amendment in effect would operate eventually to defeat a measure which everybody concedes to have good objects in view and to be in the interest of a salutary public object.

Mr. SPOONER. I only want to say to the Senator from West Virginia that my remarks were addressed to the amendment offered by the Senator from Colorado and not to that offered by the Senator from Kansas.

Mr. CALL. Mr. President, I shall vote against the amendment, first, because I think it is unworthy of this body. It can produce no possible good effect. This is a bill to regulate interstate commerce. What possible connection has the giving of a pass with that question,

unless it be to imply that it will influence the votes of members of this body?

That is disproved, first, by the character of the men who are here. It is an insult to this body. Second, it is disproved by the fact that a large majority of this body, it is evident, are in favor of the bill reported by the committee, and there is no possible ground for an imputation so unworthy of this body.

Then it is a subject with which Congress has nothing to do. It can not deal with it except in the light that this body affirm that they believe the members of the body can be influenced by a free pass in the votes which they may give upon the subject.

I do not think that we should enforce a proposition of that kind in the very face of the fact that it is evident now that the body proposes to pass the bill reported by the committee and to go just as far as it is practicable and safe to go in regulating the interstate commerce of the country.

For these reasons, sir, I shall vote against the amendment.

Mr. HOAR. I do not propose to mingle in this debate. I am entirely in favor of the amendment, and I should like to relate an anecdote which I think has a little something to do with what was said by the Senator from Florida [Mr. CALL].

Some twelve years ago, fifteen perhaps, when I was a member of the other House, I was riding on a railroad which led north from this city. The question came up of the matter of using railroad passes by members of Congress, and I had a conversation with an official, a director of that road, who assured me that the company sent their passes to all members of Congress alike, merely because they were engaged in the performance of public business, and he thought it would be proper that a road so important to the public should pay that respect to all public men in the habit of traveling over it. When I got back to Washington I repeated the conversation to a very eminent member of the other House, now dead. He told me that he had always had a pass over that road himself till that present year when his pass had not come. He met the president of the road shortly before and said to him, "You have not sent me the pass this year that you usually do." "No," said the president, "you did not vote for our bill!"

Mr. EDMUNDS. Mr. President, I am afraid that the anecdote means a great deal; but what I think about the amendment of the Senator from Colorado is what the Senator from Wisconsin has so well stated, that the subsidized roads (saying nothing about those whose subsidies have long since passed and that we now have no connection with at all), those in which we now have an interest as representing the people of the United States, will be put at a disadvantage in respect of getting freight in connection with their competitors who are not subsidized. If the Senator from Colorado will modify his amendment so as to cover not only the subsidized lines but to cover the roads which are within the purview of this act as well, and that is the interstate-commerce operation, then I shall vote for his amendment with great cheerfulness, as I shall for that of the Senator from Kansas which has been offered and is in print.

I can not move to amend the amendment of the Senator from Colorado because it would be in the third degree. As it now stands I think what the Senator from Wisconsin has said is perfectly true, that you are offering a premium to the unsubsidized roads to get business away from those that Congress, representing the people of the United States, want to have on equal terms get all the business they can in order to pay our debt. But that is the effect of the amendment of the Senator from Colorado as it now stands. If he will add to it, I repeat, a provision that all the roads that are within the purview of this act, that is, which are in the interstate transportation business, shall come within the same proposition, so as to put the Union Pacific for instance on the same footing as the other interstate roads in respect to passes, then I think it would be a very good amendment indeed and I would vote for it.

Mr. CULLOM. That would include passes to all people.

Mr. EDMUNDS. In respect to the interstate roads.

Mr. TELLER. I shall be very glad to accept the suggestion of the Senator from Vermont if he will put it in shape.

Mr. EDMUNDS. I will try to do that.

Mr. TELLER. I desire myself to relieve these Government roads of what I know and what everybody knows is a great burden. It has seemed to me often that if I were at the head of a great road of that kind I should find some way to relieve the road; but I understand there are difficulties on account of dealing with other roads in handling freight, as suggested by the Senator from Wisconsin, that seem to render it almost impossible for a company of itself alone to make this change. I have no doubt that there is great force in the suggestion made by the Senator from Wisconsin. It had occurred to me. But if there is an evil existing at all in the country with relation to this system of passes, it is in the system of exchanging passes for freight. Railroads enter into combinations by which they agree that the companies doing business in a certain direction, certain lines, shall issue no passes for getting freight; and the first they know one company has been quietly issuing passes and bringing in the freight. Now, if we are to go into this question at all on this bill, we ought to go into it to the extent of making a complete remedy.

I agree with the Senator from West Virginia [Mr. KENNA] that it is not fair to suppose that anybody here is influenced by the simple pass that he may have over a railroad when legislation is pending affecting it, and I think it would be exceedingly wrong for us now in dealing with this subject to simply say that Senators and Members of Congress and officials of the Government shall not have passes and let the whole question go with that. It is a declaration to the public—it amounts to that—that we believe officials do not do their duty simply because they are allowed to ride free over a railroad. It does not touch the evil that the railroad people complain of. It is a mere nothing. What we want to do is to cut off the pass system as far as we have the power; and now, if the Senator from Vermont is prepared to put his motion in shape, I will accept any suggestions that he may make which will perfect my amendment.

Mr. EDMUNDS. I have written in pencil in the amendment of the Senator from Colorado a few words which I think will cover it.

Mr. CULLOM. I should like to hear the whole amendment as proposed to be amended.

Mr. EDMUNDS. But I should like to have read first what I have inserted by permission of the Senator from Colorado.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

That it shall not be lawful for any railroad company within the purview of this act, or for any railroad company chartered or created by the United States, or any railroad company that has at any time received aid or assistance from the United States, either in money or by grant of land, to issue passes to any person or persons, or to allow any person or persons to travel on said railroad or any part thereof at and for a rate less than that charged for general travel over railroads, save and except the officers and employés of such railroad.

Mr. EDMUNDS. That is as far as we have power to go.

Mr. TELLER. I accept the amendment.

Mr. SEWELL. How will you get over the contract in the charter of State roads which are obliged by their charters to issue to the judges and executive officers and members of the Legislature of the States, &c., free passes? How are you going to override that?

Mr. EDMUNDS. I do not want to override it, because I can not. That is the only reason why I do not want to do so. This modification that I have suggested to the Senator from Colorado only applies to the operations that are within the purview of this act—that is, operations from one State to another.

Mr. SEWELL. The roads within the purview of this act are covered.

Mr. EDMUNDS. The roads within the purview of this act. Therefore if any railroad in New Jersey, for instance, that is bound by its charter to give a State judge a pass over its road, undertakes to give that judge a pass by an arrangement with the Pennsylvania Railroad, for instance, from Hoboken to Pittsburgh, crossing the State line, then I say, charter or no charter, the Congress of the United States in regulating the transportation of persons from State to State has a right to say that it will not allow it. The State of New Jersey can give as many privileges by its laws to the members of its courts as it pleases within its own boundaries, but it can not give them beyond; and therefore if Congress has a right to pass this bill at all, as I believe it has most fully, it has a right to say that there shall be fair play and equality, which is the whole theory of the bill, among everybody, and that favoritism shall not be extended to anybody.

Mr. LOGAN. Mr. President, on looking at this amendment it does strike me that if there is anything that is calculated to make this bill ridiculous before the country it is this proposition. If there is anything that could be calculated to satisfy the country that we were trying to do exactly what the railroads wanted us to do, this certainly would be sufficient evidence of it. Now, I do not say that this is not a proper amendment, or that the views of those who believe the railroads ought not to give passes are not proper, or that there is any intention of an improper character in connection with it; but when the Congress of the United States commence dealing with a great measure of interstate commerce like this in such a manner as to make the whole country believe that they are afraid of themselves, that they distrust themselves and their own honesty, that they are afraid of their own course of conduct, it is not becoming the dignity of such a body. In order to make the people believe that they are perfect in everything they want to enact a law to prevent them from accepting a pass from a railroad company or any one else! There is no member of Congress required to accept a pass. There is no law requiring a member of Congress or his family to accept a pass to-day; and why do you have to pass a law against yourselves or against the people for fear you will do something that might be criticised? It strikes me as a very small piece of business for the Senate of the United States. If a railroad or a steamship company or a steamboat owner or a coach proprietor or a man driving a wagon chooses to haul me without charge, he has a perfect right to do it, the same as I have a right to take you in a carriage, or you me, down the Avenue.

What an idea, that the Senate of the United States shall attack a bill of great magnitude like this by putting upon it a provision that no man, woman, or child shall be hauled by a railroad unless he or she pays his or her fare! Why, sir, if a man is dealing with great quantities of goods and he passes them over a railroad and the railroad

chooses to give him a pass or to pass him free, whose business is it except the business of the two parties? What business has Congress to deal with a proposition of that kind, because there is a difference between the fare of one man and another, where it is no violation of law?

But I have observed in Congress time and again that if there is anything we can do to convince the people that we ought to have safeguards thrown around ourselves for our own self-protection we are always ready to do it. Why, sir, when the franking privilege was abolished, it was abolished because there was a cry against it that bureaus were sent under the franks of members of Congress and that their clothes were sent home, and all such nonsense as that. Congress rushed to the rescue at once and passed a law prohibiting themselves from sending documents free in the mail, but allowed every officer of the Army from a lieutenant up, every clerk in a Department, to send "penalty envelopes" without paying a cent, and they reserved to themselves the privilege of paying their own postage, and thought they were making the world believe that they were more honest than other people.

In this bill we find commissioners provided for who are to get $7,500 per annum. A member of Congress gets $5,000, and for fear the member of Congress might accept a pass or a frank on a telegraph line, or something of that kind, we pass a law declaring to the world that unless we prohibit ourselves from doing it we are sure to do it; and in order to make the thing look as though we were not afraid of ourselves we amend it by saying that no other person shall use a pass. We are getting a little jealous of other people now inasmuch as we restrict ourselves by the amendment of the Senator from Kansas, and now we propose to apply it to everybody else for fear people would say we are alarmed at our own honesty and therefore we take in all the rest of mankind.

I may be wrong about this; I may, perhaps, vote solitary and alone, as I very often do; but I have at least the nerve to do that which I believe to be right, I do not care whether it applies to a railroad corporation or anything else. In my own State and everywhere else—and you all know it—Legislature after Legislature has prohibited its members from receiving passes from railroads. Why? Because they wanted the people to think that they were more honest than others; and yet I notice they all ride up and down the railroads everywhere without paying fare.

Is this going to prohibit railroads from giving free transportation? You say they shall not give you transportation at more reduced rates than others. What does that mean? That you shall be charged the same as anybody else and anybody else the same as yourself. Suppose a railroad ticket agent down here should hand me a ticket the price of which is $20 or $15 or $10, or whatever it may be, instead of a pass. Is that a violation of the law? Perhaps you would say it violates this law. How will you get at it? I have a ticket; that ticket is valued at so much; it takes me over the road, and you can not stop it.

I will not say it is a piece of demagogism, because it would not be proper to use such a term, and I do not wish to use it because I do not think that is the intention of it; but we have so long kept ourselves in the pathway of a certain belief and prejudice against every man who has public office or who is prominent in this country that we have led the people to believe that nearly every man in public life is dishonest. It is by that character of weakness which we show before the country that causes men to believe that there is dishonor among those who hold prominent positions.

Now, sir, I do not propose to tell my constituents that I am going to be bought with a railroad ticket. They do not believe it, and I am not going to vote that I can be bought with a railroad pass, nor am I going to vote that any of my constituents can. If one of my constituents accepts a pass on a railroad, let him accept it. If the railroad proprietors choose to give it to him, it is their business and not mine. If one of my constituents ships large amounts of grain or other merchandise to the East and a railroad man chooses to take him through because of the fact that his transactions are great in connection with that transportation agent, I can not object. It is his right, his privilege, the right and the privilege of a railroad company or of an individual. If I choose to-day to invite twenty-five of my friends to go with me to Chicago and I pay their transportation, whose business is that? It is theirs and mine. What is the difference in the principle? Everybody knows I am able to do it; therefore if I am, and I choose to put my hand in my pocket and pay their transportation to Chicago, it is no man's business but mine and theirs.

But you would have it understood that if some person in the Senate wanted his friends to go somewhere and should give them a pass or buy them a railroad ticket, there was something underneath that which was dishonest, that he had some motive, that he was going to produce some result, that he was going to use those friends that he had taken to Chicago and paid their fare for some improper purpose, and hence he could buy them by paying their fare from here to Chicago. Is there a Senator in this Chamber who, if he is invited with a dozen others by a gentleman to go with him anywhere and return and the fare is paid, will walk back into the Senate and feel that he is under obligation to vote for the first bill that the Senator reports? I hope not. I hope there is no one here who feels himself so small that if some man invites him to dinner or invites him to go somewhere and pays his fare or has a ticket for him, he is under obligation to support him in something that he desires? I hope nobody here believes that.

Mr. President, if we continue as we have for a few years making the country believe that we are all so well to do in the world that we want to pay for everything as we go and make everybody else do it, I suppose the result will be that they will send here all the poor men they can find who are able to pay all these expenses! Do you not know that very doctrine has been taught in this Chamber by men heretofore in reference to striking your postage down, striking down everything that might be an accommodation, without any man thinking of it as an inducement to men to be elected to Congress and other places who have ample means to live and to legislate for the country and give their time and labor because it is a mere pleasure to them? We are tending in that direction, I think. It is about time, in my judgment, for men here to believe that they are honest and act as honest men, and not encumber a measure like this with such propositions.

I do not profess to know anything about the merits or demerits of great corporations, or what their relations may be to this bill if it shall be passed; but it being in the direction of great good in the future if not at present, I would not encumber it with a character of amendment that will only make the bill appear before the country as something to be laughed at, as of a trivial character, indicating that we are acting like men playing with the ignorance of the people, who believe that all the little things that can be done only show the greatness of men because they think they are doing them against some corporation. Why, sir, millions of dollars, if you pass this amendment, will inure to the railroads. Instead of doing them an injury, millions of dollars will come to them, and it is in the direction of a benefit to the railroads.

Mr. EDMUNDS. Mr. President, I agree with the Senator from Illinois on the subject of the franking matter, because I have always thought and voted that that was a matter of public communication between the representatives of the people and the people, and I voted uniformly against abolishing what is called the franking privilege. But the Senator from Illinois ought to remember that the principle of keeping members of Congress free from any bias in regard to affairs has existed a great while in the statutes of this country. A great many years ago Congress passed a law that no member of Congress should be interested directly or indirectly in any contract with the Government; and more than twenty years ago Congress passed a law that no member of Congress should promote or prosecute or have to do with any claim or matter in any of the Departments for any fee or reward whatever; that whatever he did about it he must do as the representative of his constituents, and not under the bias of having a personal interest in it by way of fee or reward, and punished it with severe penalties.

All that the Senator from Illinois has said about leading the people to suppose that Congressmen might be corrupt or dishonest or biased by such matters would apply equally to both those laws to which I have referred, and yet they were thought necessary and wise and they have been passed, and nobody thinks of repealing them.

Now when you come to this matter of passes over railroads it rests substantially upon the same principle and it certainly rests upon the principle of the bill. The Senator from Illinois asks whose business is it if the railroads from here to Chicago or from here to Burlington, Vt., propose to carry my friend and myself to our respective homes for nothing, just as they would ask us if they had a private carriage to ride up town this afternoon. In this sense it is nobody's business, but the same would be true if these railroads offered to carry our horses home for nothing. Whose business is that? Or if they offered to carry our horses for half-price, and so to do it all the year round? It is the same principle exactly. Therefore if this bill is right in its substance, and that is that there shall be equality in rates between things under similar circumstances, it is right that there should be equality of rates between persons under the same circumstances, and we provide for it as to passengers, I believe, in this bill as well as to freights. That is all there is of it. And everybody has seen, as has been seen in State Legislatures and elsewhere, that although it does not imply corruption, the fact that a railway company issues a great number of passes to all the members of the Legislature of a State implies that that corporation thinks that it will be to its benefit, which it supposes to be the public advantage, to issue those passes, and that if legislation comes up in that Legislature, or in Congress if it were here, the Senators and Members who have those passes will feel more justly inclined, will get over the prejudices they have against the corporation, just as I saw about fifteen years ago in this very Chamber, when the first effort was made to bring the Union Pacific Railway Company to some sense of its obligation and to stop the payment of public money to them when they were so largely indebted to the United States, when the debate was going on, a member of the House of Representatives, a leading director and I do not know but at the time the president of that company, appeared in this Senate Chamber, and I saw, without being impertinent and going near, that railroad passes were distributed among the Senators just at that particular time.

Everybody must understand the motive of that sort of thing; and that was to produce a bias, not to corrupt a Senator, but to make him feel more justly, as the railroad company would put it, more even-minded, that they were liberal with him and that he ought to be lib-

eral with them. That is what railroad people in general issue passes for. They issue them—I do not speak of exceptional cases to my friend from Illinois or to myself, but in general—the business of issuing passes is a business that means business, and it is intended to produce a result, just as a railroad company issues to the great shippers of grain and beef from Chicago passes to and fro from New York all the time. That is one of the compensations they give that man for getting his business; and that is not fair toward the man to whom they do not do it, and it is not fair to the other railroads who are not permitted to do it. That is the way the question stands, as it looks to me.

Mr. LOGAN. Mr. President, I do not wish to discuss this proposition any further except to say a word in answer to the suggestion that the giving of passes means business. In other words, it means when you give a pass to a legislator you expect something from him. In the State where I reside there are many miles of railroad, and more than in almost any other State in this country. There are numbers and numbers of roads in that State that never expect any legislation, have never had any after they were chartered, and do not want any; and yet they give passes to members of the Legislature, the governor, State officers, sheriffs, and often to the men who transport their goods over the roads. As I said before, they do not do it expecting any legislation. They ask no legislation and have had no legislation.

I now move to lay the amendment on the table.

Mr. INGALLS. I hope the Senator will permit me to make a single observation.

Mr. LOGAN. I withdraw the motion.

Mr. INGALLS. Mr. President, my relation to the original amendment offered is somewhat peculiar.

Mr. EDMUNDS. Vicarious.

Mr. INGALLS. Yes, vicarious, as the Senator from Vermont suggests. I should perhaps rather have described myself as its step-father, or, as the Senator from Massachusetts [Mr. HOAR] suggests, its putative father, or it may be its godfather. There is suggested here another relation, it seems; "posthumous," the Senator from Nebraska [Mr. MANDERSON] intimates. [Laughter.]

My colleague [Mr. PLUMB], who is absent, as I stated, prepared the amendment and had it printed. I am very sure that if he had not been unavoidably called away from the Senate he would have been here to have advocated it, to have presented the reasons why it should be adopted, and to have repelled the arguments that I myself feel called upon to make against it, for I frankly admit that I am not in favor of it and I do not propose to vote for it. It is a bequest to me; it is bequeathed to me, and of course as the residuary legatee I am bound to present it and make the best showing that I can for it, and having done that, to announce my determination to oppose it.

In the first place, Mr. President, I do not think there has been any adequate foundation laid for placing a wholesale imputation in this way upon Congress. The Senator from West Virginia [Mr. KENNA] declares—and I assume that he is an expert in these matters—that every member of Congress in both Houses has railroad passes in his pocket.

Mr. KENNA. Will the Senator allow me to interrupt him for a moment?

Mr. INGALLS. With great pleasure.

Mr. KENNA. The Senator could not have failed to hear my disclaimer of the broadness of that statement. I distinctly said afterward——

Mr. INGALLS. I was referring to the Senator's first statement, not to his second one.

Mr. KENNA. Will the Senator be kind enough to do me the justice to state the substance of both my statements?

Mr. INGALLS. Certainly I will, with great pleasure, but I was about to proceed, if the Senator had not been so impatient; I was commenting upon his first statement, and was about then to proceed to his second.

Mr. KENNA. I hope the Senator will do even justice to my second statement.

Mr. INGALLS. Certainly I will, indeed, and after having stated, as I did, that the Senator declared that each member of both Houses had railroad passes in his pocket——

Mr. KENNA. Now, Mr. President——

Mr. INGALLS. He then proceeded to state that his assertion was too broad.

Mr. KENNA. If the Senator will pardon me, the Senator from West Virginia in his first statement stated no such thing.

Mr. INGALLS. Will the Senator be good enough to advise me what he did say?

Mr. KENNA. The RECORD will advise the Senator what the Senator from West Virginia did state. I did not state as a fact that every member of both Houses had a pass in his pocket.

Mr. INGALLS. Until the Senator corrects me from his own recollection I shall still adhere to the verity of my remembrance, and that is that in his first statement he did declare his belief that each member of both Houses had a railroad pass in his pocket; but he subsequently modified that by the declaration that he supposed that was too broad, but how much too broad he did not declare.

Now, Mr. President, I do not know whether either of those statements is correct or not. I do not know that all the members of both Houses have railroad passes in their pockets. Nor do I know that any considerable number of members of either House have railroad passes in their pockets. Therefore I am unprepared to say that there is any widespread, deeply seated, and diffused necessity for a wholesale imputation like this to be cast upon Congress by our own declaration. I stand ready here to unite with a majority of this body in the adoption of a resolution that shall direct an inquiry to be made as to how many members of this body have railroad passes in their pockets. I will vote affirmatively this afternoon or to-morrow morning in favor of a resolution that shall inquire what members of the Senate go out of this city and come into this city northward and southward upon railroad passes, and westward also, as the Senator from New York [Mr. MILLER] suggests. And I invite those who believe that this is a great national evil, a great peril and disgrace, to unite with me in inviting immediate and instant inquiry as to the prevalence of this evil, and if it shall appear as the result of that inquiry that every member of this body, or a considerable number of the members of this body, are in the habit of avoiding the payment of railroad fare in going to and from this capital, and that it is a necessity that needs legislation, then I will vote for appropriate legislation.

But I have not the data in my possession at this time that enable me to say whether or not I ought to declare that such is the fatal contagion, the disease that has permeated the whole body-politic, that we are called upon to rise up and with our hands on our mouths and our mouths in the dust—although we can hardly do that when we have risen up [laughter]—declare that we are so unfit to be trusted with the management of our own affairs that we have got to be put under guardianship to be instituted by ourselves through an act of Congress.

Mr. President, for that reason, if for no other, because I do not know the extent of this difficulty, the perils that threaten us, the ills that should be guarded against, I am not prepared to vote for this amendment. There is a homely proverb about the obscenity of the fowl that defiles its own nest, and my judgment is that there has been fully enough during the last few years of declarations on the part of Congress that they, of all people in the United States of America, are not fit to be trusted, that their moral nature is so infirm, that they are so debilitated, that they are so incapable of conducting themselves with decorum and propriety, that they must continually be stiffened up and girded round about with penal statutes to prevent them from doing something that would render them a disgrace and a degradation in the eyes of the American people.

Mr. President, I have a brother-in-law in Colorado who is the traffic manager of one of the great trunk systems of that State. He is an estimable gentleman, who stands high in his profession, and he took the liberty not a great while ago to send me a card of travel over his railroad, and said to me in a letter that he hoped I would come out this summer and bring my family, and that he would take the observation car and hook it to a train and take us all over his route and show us the mountains and the rivers, and perhaps he would go through to Salt Lake and let us see that country.

I should regret to have it supposed that by accepting that act of courtesy on the part of a relative I was subjecting myself to the penalty of some statute like this. What turpitude would there be involved, in case my engagements should allow me after Congress adjourns, in accepting that invitation and taking that ride over that country and looking out of the back windows of the observation car on the cliffs and pinnacles and summits and mountain ranges and wonderful curiosities of Colorado? Would there be anything wrong about that? And yet if I should accept that invitation—no more injurious than if I were to accept an invitation to ride in his buggy down Blake street in Denver—I should be liable, if this amendment becomes a law, to imprisonment not exceeding six months or a fine of not less than $500, or both imprisonment and fine, in the discretion of the court, and I suppose I should get both. [Laughter.] I imagine after having had the hardihood to offer this amendment, and the temerity to vote against it, I should get both fine and imprisonment in case it should become a law.

Mr. President, in the city where I live there are eight or ten railroads concentrated. When I return to my own home to spend the vacations among my people I have had from time to time the courtesies of these various lines of railroad extended to me, not for the transaction of business, not with the idea that I was to do any dirty work for those railroad companies, not that by doing that they had put a collar on my neck so that I was like Gurth, the born thrall of Cedric the Saxon, the bond slave, but simply to enable me from time to time to go out as I desired among my people and visit them and see how they were getting along out in the waste places, and what they wanted me to do when I came back to Congress.

Of course there was no difficulty about my paying my fare if I had desired to do so, but it has not been my habit. [Laughter.] When I have made these journeys around among my people it has not been my habit to pay railroad fare. [Laughter.] And I have occasionally on those journeys been hospitably entertained in various cities on the route. I have been invited to gentlemen's houses and kept overnight and had supper and breakfast and no bill was tendered to me in the morning, and I have gone on my way rejoicing. And yet I venture

to say that, notwithstanding all that career of unbridled freedom and license, there has been no profound or deeply seated impression that I was guilty of turpitude, or that in consequence of having accepted these courtesies I had placed myself under any serious obligation to those people.

Mr. President, after we have carefully inspected and scrutinized this amendment, after we have escaped from the first tremor of fear, from the instantaneous trepidation that always overcomes a person when he meets with a specter of this kind in the highway, I do not think the isle had better be affrighted from its propriety. I do not really think that when any man who has heard this amendment read and who has done me the honor of listening to my feeble observations comes to-night to review in the inner consciousness of his own soul the evils that he has done, he will feel himself individually conscious that there has been any such profound wrong or wickedness in his conduct in this behalf as to require us to adopt an amendment that, in the first place, has no connection whatever with the subject of this legislation, and in the next place, does not seem to be warranted by any public exigency.

I now, therefore, with great pleasure yield to the Senator from Illinois to move to lay the amendment on the table.

Mr. LOGAN. I move that the amendment lie on the table.

Mr. EDMUNDS called for the yeas and nays; and they were ordered.

Mr. CULLOM. May I say one word before——

The PRESIDENT *pro tempore*. Debate is not in order unless by unanimous consent.

Mr. CULLOM. If I have no right to be heard on the subject, very well.

The PRESIDENT *pro tempore*. The motion is to lay the amendment on the table. The question is on that motion.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. BUTLER] upon this bill. Understanding that if he were here he would vote to lay this amendment on the table, I cast my vote "yea."

Mr. CHACE (when his name was called). I am paired on all questions with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea" on this motion.

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON], but as I believe if he were present he would vote "yea" on this motion, I take the liberty of voting "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER]. I do not know how he would vote.

Mr. SPOONER. I should like to inquire if we are voting on the amendment offered by the Senator from Colorado.

The PRESIDENT *pro tempore*. The motion is to lay on the table.

Mr. SPOONER. Which amendment?

Several SENATORS. All.

The PRESIDENT *pro tempore*. All the pending amendments.

Mr. INGALLS (when Mr. PLUMB's name was called). My colleague [Mr. PLUMB] is absent and paired with the Senator from Missouri [Mr. VEST]. If he were here, my colleague would vote against the motion to lay on the table.

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. If he were present, I understand he would vote for this amendment and I should vote against it. In other words, I would vote to lay it on the table.

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

The result was announced—yeas 41, nays 16; as follows:

YEAS—41.

Aldrich,	Fair,	Kenna,	Sawyer,
Allison,	Frye,	Logan,	Sewell,
Beck,	Gibson,	McMillan,	Sherman,
Berry,	Gorman,	Miller,	Spooner,
Bowen,	Gray,	Morgan,	Teller,
Brown,	Hale,	Palmer,	Walthall,
Call,	Harris,	Payne,	Whitthorne,
Camden,	Hawley,	Pugh,	Wilson of Md.
Cameron,	Ingalls,	Ransom,	
Cullom,	Jones of Arkansas,	Sabin,	
Evarts,	Jones of Nevada,	Saulsbury,	

NAYS—16.

Blair,	Edmunds,	Hoar,	Platt,
Coke,	Eustis,	Maxey,	Vance,
Dawes,	George,	Mitchell of Oreg.,	Van Wyck,
Dolph,	Hearst,	Morrill,	Wilson of Iowa.

ABSENT—19.

Blackburn,	Conger,	Mahone,	Riddleberger,
Butler,	Hampton,	Manderson,	Stanford,
Chace,	Harrison,	Mitchell of Pa.,	Vest,
Cockrell,	Jones of Florida,	Pike,	Voorhees.
Colquitt,	McPherson,	Plumb,	

So the motion to lay on the table was agreed to.

Mr. BROWN. On the top of page 6 I find the following provision in the bill:

And when any common carrier shall have established and published its rates, fares, charges, and classifications, or any part of the same, in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation than is set forth and specified in such published rates, fares, charges, and classifications, until the same shall have been changed as hereinafter provided.

Now, Mr. President, it seems to me that that provision intends to compel all railroad and other transportation companies that fall within the purview of this act to charge everybody alike for fares as well as for the transportation of property. It has been the immemorial practice between railroad men controlling their respective railroad companies to exchange passes and to secure tickets from the proper authority of any other company when an officer in charge of a company desires to send an agent connected with his company to transact any business with other companies. It has never been usual, in other words, for railroad presidents or superintendents to charge each other when passing over each other's railroads to railroad conventions or anything of that character; or when a railroad company desires, for instance, to send a clerk to the headquarters of another railroad company to look into some difference between the balances on their books, or anything of that character, to charge fare. I think under this provision of the bill they would be obliged to charge each other for every mile they might ride on their respective roads.

Mr. CULLOM. Will the Senator allow me to make a suggestion?

Mr. BROWN. With pleasure.

Mr. CULLOM. Has he had his attention called to section 20, which is the last section but one, in which the right to issue "mileage, excursion, and commutation passenger tickets" is reserved in the bill?

Mr. BROWN. These are free tickets; neither mileage nor excursion nor commutation tickets.

Mr. CULLOM. I suggest whether that does not go as far as the Senator cares to go?

Mr. BROWN. No, it does not. I think between railroad companies, when they are transacting business with each other, or their officers are attending railroad conventions where they meet to consult about the common good of the respective roads, they should be permitted, as they always have been, to pass each other free of charge over their respective roads; in other words, to give free tickets or free passes in such cases.

Mr. CULLOM. I did not understand that to be the purport of the amendment offered by the Senator.

Mr. BROWN. I have not yet read the amendment I propose in this section.

Mr. CULLOM. I supposed it was the one in print.

Mr. BROWN. No; it is one I have just prepared. I propose in line 26 of section 5, before the word "No," to insert:

But nothing in this act shall prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés.

That is simply conforming to the constant usage, and I do not see that there can be any legitimate objection to it.

The PRESIDENT *pro tempore*. The Senator from Georgia offers an amendment, which will be read.

The CHIEF CLERK. On page 6, line 26 of section 5, after the word "provided," it is moved to insert:

But nothing in this act shall prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers or employés.

The amendment was agreed to.

Mr. BROWN. Now, Mr. President, I desire to offer one or two other amendments, and I will first turn to section 20, the one to which the honorable chairman of the committee has just directed my attention. I should like to preface the motion with a very short statement. I do not intend to take much time on any of these propositions, because I appreciate the value of time now and the further fact that we are to dispose of this bill this evening before we adjourn, as I understand.

It has been the constant usage of railroad companies, so far as I know anything about their management, or at least for a very long time—it has been so during the years I have had connection with them, and I think it has been for a much longer time—to grant reduced rates to the clergy of the different churches. With the exception of a few who occupy the principal pulpits of the cities, as a class clergyman are poor and receive very meager compensation. Many a time one preacher living on the line of a railroad attends three or four churches, preaching at the different churches on different Sabbaths and different days.

The custom of the railroads with which I am familiar is in such cases to give them half-rates or half-fare. It aids the churches very much in their support, and I think the railroad companies do not extend the half-fare very grudgingly. It is no very great burden upon them. I think it would gratify not only the clergy, but all the church-going people of this country to permit that practice to continue, and it would very much mortify them to cut off that privilege.

Now, why should not the railroad companies have the right, if they think proper to do so, to grant free passes even, or reduced fare, to the clergy under such circumstances? It seems to me proper to do so, and as the bill now stands I do not think it could be done.

Mr. GRAY. I should like to ask the Senator from Georgia what

there is in the bill now that would prevent a railroad company doing that thing.

Mr. BROWN. I will again refer to the section that I read from a few minutes ago. Probably the Senator did not notice the reading of it.

Mr. GRAY. I ask for information.

Mr. BROWN. I understand that section 5, on page 6, prohibits railroad companies that fall within the provisions of this act from collecting or receiving "from any person or persons a greater or less compensation than is set forth and specified in such published rates, fares, charges, and classifications, until the same shall have been changed as hereinafter provided." When they publish their rates of fares they are bound to stand by them until they have changed them on ten days' notice, and while they are in force they are not permitted to make any distinction or discrimination in favor of or against anybody in reference to rates, fares, or classifications. "Fares" come in there, and they are forbidden from making any discrimination.

Mr. SEWELL. I will say to the Senator from Georgia that it looks to me now as if the amendment already adopted on his motion would be the limit of the power of the railroad officers. Under the section as it is amended the railroad officer can issue passes to employés.

Mr. BROWN. If the Senator will look at my amendment again he will see that it only applies to passes granted by railroad officers, presidents or other principal officers, to other railroad officers and employés.

Mr. SEWELL. It would be construed that it was the only exception allowed by this bill. The provision now cited requires that after they have fixed the rates they shall not make any exception; and the Senator's amendment makes it very much stronger than the amendment offered by the Senator from Kansas.

Mr. BROWN. It was as strong as the English language could make it. I could not make it stronger. I was proposing now not to amend that section, but to amend the twentieth section, by inserting on page 21, after the word "tickets," in line 6:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates or free passes to ministers of the gospel.

I have some other classes in the printed amendment I offered, but I prefer to have the vote on each class separately, because Senators might be willing in one case to incorporate the amendment and not in another. Therefore, I offer the amendment now in that shape, including only ministers of the gospel.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia.

Mr. CULLOM. I do not think that the amendment is necessary in order to enable railroads to allow reduced fares to clergymen; but if it does not by its adoption raise the presumption that nobody else shall have the benefit of reduced rates I have no objection to it. I think it does raise that presumption, and therefore is objectionable.

Mr. BROWN. It comes in at the end of the section.

Mr. CULLOM. But by presumption it precludes the railroads from doing it for anybody else.

Mr. HARRIS. I should like to suggest to the Senator from Georgia and the Senator from Illinois that if the Senator from Georgia will modify his amendment so as to say that "nothing in this act shall be construed to prevent railroad companies from giving reduced rates," then I think it would enable them to give reduced rates; and my judgment is that under the bill as it stands they would have the right to do it if they chose.

Mr. BROWN. I can not find any provision in the bill which would seem to authorize a company to give passes.

Mr. HARRIS. Does the Senator find any prohibition?

Mr. BROWN. I think I do in the section I have read.

Mr. HARRIS. I looked at the section very closely and I could not see it.

Mr. CULLOM. I think the Senator from Georgia had better withdraw his amendment, or at least it had better not be adopted, because I think under the bill all the liberty that ought to be taken by railroads in dealing with clergymen can be taken.

Mr. BROWN. Under the bill as it stands, I take the liberty of saying that railroads can not grant passes to clergymen.

Mr. CULLOM. I differ with the Senator.

Mr. SPOONER. I should like to ask the Senator from Georgia why, when a railroad company publishes its rates, it may not publish that it will give half-fare to clergymen?

Mr. PLATT. I have been listening with all the attention I could for the last fifteen minutes, and I have not heard anything so as to be able to get a connected idea of what has been going on in the Senate.

The PRESIDENT *pro tempore*. The Chair again reminds Senators that complaint is being constantly made that it has been impossible in the last half-hour to hear a word that has been said. The Senate is expected to take notice that the Senator occupying the floor is unable to be heard and Senators complain that they can not hear him on account of the loud conversation in the Chamber.

Mr. BROWN. I offer the amendment to come in after the word "tickets," on page 21, in line 6 of section 20, at the top of the page.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 21, section 20, line 6, after the word "tickets," it is moved to insert:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates or free passes to ministers of the gospel.

Mr. HARRIS. I move to amend the amendment by striking out "or free passes." I do so because I am satisfied that under the bill the companies will have that right if they choose to exercise it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee to the amendment of the Senator from Georgia.

Mr. BROWN. I ask for the yeas and nays.

Mr. TELLER. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the amendment lie on the table.

Mr. BROWN. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on laying on the table the amendment of the Senator from Georgia with the amendment to it.

The Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER] on all questions. I should vote "nay" if he were here.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER]. I know not how he would vote. Therefore I decline to vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote. I should vote "yea" if he were here.

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. VEST. I am told by the colleague of the Senator from Kansas that he would vote "nay." So I vote "nay."

Mr. KENNA. I desire to vote "nay;" and I inquire whether the Senator from Minnesota [Mr. SABIN] has voted?

The PRESIDENT *pro tempore*. He has voted "nay."

Mr. MCKENNA. I vote "nay."

The result was announced—yeas 6, nays 36; as follows:

YEAS—6.

Fair,	Miller,	Platt,	Teller.
Hawley,	Mitchell of Oreg.,		

NAYS—36.

Allison,	Evarts,	McMillan,	Saulsbury,
Beck,	Frye,	Maxey,	Sewell,
Berry,	George,	Morgan,	Spooner,
Blair,	Gibson,	Morrill,	Vance,
Brown,	Gorman,	Palmer,	Van Wyck,
Coke,	Gray,	Payne,	Vest,
Cullom,	Hale,	Pugh,	Walthall,
Dawes,	Harris,	Ransom,	Whitthorne,
Eustis,	Kenna,	Sabin,	Wilson of Iowa.

ABSENT—34.

Aldrich,	Colquitt,	Jones of Arkansas,	Plumb,
Blackburn,	Conger,	Jones of Florida,	Riddleberger,
Bowen,	Dolph,	Jones of Nevada,	Sawyer,
Butler,	Edmunds,	Logan,	Sherman,
Call,	Hampton,	McPherson,	Stanford,
Camden,	Harrison,	Mahone,	Voorhees,
Cameron,	Hearst,	Manderson,	Wilson of Md.
Chace,	Hoar,	Mitchell of Pa.,	
Cockrell,	Ingalls,	Pike,	

So the motion to lay on the table was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment to the amendment.

Mr. BROWN. I ask leave to amend the original amendment by striking out one word and inserting another. As I now have it, it reads:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates or free passes to ministers of the gospel.

I desire to say "ministers of religion," instead of "ministers of the gospel." The latter expression, I understand, would exclude the ministers of some religious associations in the United States, because they do not pretend to preach the gospel.

Mr. EDMUNDS. What ministers are those?

Mr. BROWN. The Jews, I believe.

Mr. EDMUNDS. The Old Testament is part of the gospel.

Mr. BROWN. Preaching the gospel is generally considered to apply to the New Testament.

The PRESIDENT *pro tempore*. The amendment as modified will be read.

Mr. BROWN. I strike out the words "the gospel" and insert the word "religion."

The CHIEF CLERK. The amendment as modified is to insert in section 20, line 6, after the work "tickets:"

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates or free passes to ministers of religion.

Mr. HARRIS. I renew my amendment to strike out "or free passes,"

and reiterate that I do so because under the bill as it stands I hold that the companies have the authority to grant such a pass, if they choose to do so, without such legislation as this.

Mr. BROWN. I do not think they have, and I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Georgia asks for the yeas and nays on the adoption of the amendment of the Senator from Tennessee [Mr. HARRIS] to the amendment.

The yeas and nays were ordered.

Mr. INGALLS. I did not clearly understand the effect of the amendment of the Senator from Tennessee.

Mr. HARRIS. If my amendment is agreed to it will give the railroad companies power to discriminate in favor of special and lower rates to clergymen. I offer the amendment because inserting the words "or free passes" may tend to construe the bill so that it would not allow the railroad companies to give free passes to anybody else if they choose to do so.

Mr. HOAR. It is very clear that if the original amendment passes without the amendment of the Senator from Tennessee [Mr. HARRIS] my friend from Kansas [Mr. INGALLS] can not have his free passes any longer unless he preaches the gospel. [Laughter.]

Mr. BROWN. I see gentlemen are about to vote under a misunderstanding of the question. Let my amendment be read from the desk.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment of Mr. BROWN and the amendment to the amendment.

Mr. CULLOM. As I understand, the Senator leaves out the words "or free passes."

Mr. BROWN. No, the motion is to strike them out. The bill provides as it now stands:

That nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets.

Then my amendment comes in after the word "tickets," and the provision is made here as to the class it refers to for free tickets or free transportation in the exception. Why should there not be free or reduced rates in the case of clergymen?

Mr. CULLOM. While I do not believe that the amendment is at all necessary in view of the general provisions of the bill, if the amendment of the Senator from Tennessee [Mr. HARRIS] to the amendment is adopted I have no objection to it personally.

Mr. BROWN. If that is adopted it is worth nothing.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. DAWES. What is the pending question on which we are about to vote?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee [Mr. HARRIS] to the amendment of the Senator from Georgia [Mr. BROWN], which will be again read.

The Chief Clerk read the amendment and the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. PALMER (when Mr. CONGER'S name was called). My colleague [Mr. CONGER] is not here. If he were here he would vote "yea."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

The result was announced—yeas 31, nays 16; as follows:

YEAS—31.

Beck,	Gorman,	Maxey,	Sewell,
Berry,	Gray,	Miller,	Sherman,
Call,	Hale,	Mitchell of Oreg.,	Spooner,
Camden,	Harris,	Palmer,	Teller,
Cullom,	Hawley,	Platt,	Van Wyck,
Evarts,	Ingalls,	Pugh,	Whitthorne,
Fair,	Kenna,	Sabin,	Wilson of Md.
Gibson,	Logan,	Sawyer,	

NAYS—16.

Blair,	Edmunds,	McMillan,	Vance,
Brown,	George,	Morgan,	Vest,
Coke,	Hearst,	Payne,	Walthall,
Dawes,	Hoar,	Ransom,	Wilson of Iowa.

ABSENT—29.

Aldrich,	Colquitt,	Jones of Florida,	Plumb,
Allison,	Conger,	Jones of Nevada,	Riddleberger,
Blackburn,	Dolph,	McPherson,	Saulsbury,
Bowen,	Eustis,	Mahone,	Stanford,
Butler,	Frye,	Manderson,	Voorhees.
Cameron,	Hampton,	Mitchell of Pa.,	
Chace,	Harrison,	Morrill,	
Cockrell,	Jones of Arkansas,	Pike,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

Mr. EDMUNDS. Let it be read as it stands now.

The PRESIDENT *pro tempore*. The amendment as amended will be read.

The CHIEF CLERK. After the word "tickets," in line 6 of section 20, insert:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion.

Mr. EDMUNDS. What has become of the remainder of the printed amendment as to "editors of newspapers, delegates to agricultural conventions," &c.?

Mr. BROWN. That has not been offered yet. I desire to offer one amendment to the amendment. At the end of the amendment I desire to have inserted the words:

Or free passes to blind persons.

Mr. CULLOM. I hope that Senators will not nibble at this bill all day in this sort of way. It seems to me that if we are going to pass any bill we ought to confine it to legitimate subjects for consideration. It has been voted here two or three times that the bill does not interfere with the issuance of passes. That has been declared by two or three yea-and-nay votes, and I certainly think it does not. I hope the Senator (who I believe is friendly to some legislation) will not interfere with the passage of the bill by offering amendments that have already been disposed of in effect.

Mr. BROWN. The Senator accuses me of nibbling at the bill. There are only a few little errors that I want to nibble out of it. I want to get the bill in a shape to get along with. I think there are some little defects that ought to be nibbled out. I have examined the bill very carefully, and I confess I can not find anything that authorizes me as an officer of a railroad to grant a pass to a blind man. I think it is prohibited as the bill now stands.

Mr. CULLOM. It seems to me that the votes of the Senate have twice declared very clearly that the bill does not interfere with the issuance of passes. I have no objection to the Senator offering his amendment, however.

Mr. EDMUNDS. I should like to know, under the bill as it now stands with the modified amendment of the Senator from Georgia, whether delegates to religious assemblies, that is, conventions of the Methodist Church, the Baptist Church, &c., are included? I wish to know what the amendment means which provides that free passes or reduced rates may be given to ministers?

Mr. CULLOM. The words "free passes" were voted out.

Mr. EDMUNDS. Then leave out "free passes." I wish to know what "reduced rates to ministers" means if it does not imply that the delegates to any religious assembly, as the Senator's amendment originally was, are to be excluded, or whether the bill would permit a railroad company, if there was to be a great Methodist convention at Atlanta, Ga., or at Burlington, Vt., to allow delegates to that convention to go at half-fare; that is, a full rate one way for going and returning?

Mr. BROWN. I do not understand that, as the bill now stands, any reduction of fares could be given, unless it came under the head of an excursion.

Mr. EDMUNDS. Then I want to bring it down further in the same line to the assemblies of the soldiers, who every year assemble and have their camp-fires and reunion meetings, both North and South, I suppose; and people on the one side, at least, are thought to have deserved a good deal of their country; and on the other side, of that part of the country for which they fought. Now, I should like to know whether this bill would prevent a railroad company from giving half-fare, as it is called, to a great soldiers' convention North or South—I am not on the question on which side they fought?

Mr. CULLOM. If the Senator will look at section 20 he will find these words:

That nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets.

It seems to me that these words authorize the railroad companies to issue tickets at reduced rates to anybody who is going to a convention or soldiers' reunion, or whatever it may be.

Mr. EDMUNDS. Coming under the head of excursion tickets?

Mr. CULLOM. Certainly, excursion tickets.

Mr. BROWN. What I refer to are not usually called excursions.

Mr. CULLOM. My observation is that they are always called excursion tickets, and always issued by railroads.

Mr. BROWN. In my section of country the railroads never issue them as excursion tickets. An "excursion" is where a large number of people want to go from one point to another for a sort of holiday or frolic, as they do sometimes. That is called "an excursion," or by our colored friends, who abbreviate it a little, "a 'scursion." But I do not understand that that would embrace a Methodist camp-meeting, such as the Senator from Vermont referred to.

Mr. CULLOM. Could not the railroad issue excursion tickets to the camp-meeting the Senator refers to?

Mr. BROWN. Not in the usual acceptation of the term, not in the usual railroad phrase.

Mr. CULLOM. They may adapt the phrase to the law.

Mr. BROWN. I think as we have made these exceptions we had better perfect them by making them as they ought to be. I would agree

with the Senator from Vermont in his suggestion that they ought to apply to soldiers on both sides. The railroad companies are not compelled to grant a free pass, only permitted to do so if they think proper.

The PRESIDENT *pro tempore*. The Chair does not understand whether the Senator offers his amendment.

Mr. BROWN. I offer my amendment in reference to blind persons. I know they are very seldom provided for. They come to a railroad office and say, "I have a friend at the next city"—perhaps 100 or 200 miles—"and he writes me that if I will come there he will do something for me. I have not a dollar of money; I live on charity. Will you not give me a free pass?

Mr. EDMUNDS. That would fall under the head of charity in the other part of the section.

Mr. BROWN. It might possibly fall there.

Mr. CULLOM. It seems to me perfectly clear that such cases are already provided for in the bill, and I hope the amendment will be voted down.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Georgia to his own amendment.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the original amendment of the Senator from Georgia as amended.

Mr. BROWN. I move further to amend by inserting as the language is in the print:

The delegates to agricultural conventions or religious assemblies.

Simply giving a railroad company, if it chooses, the right to grant reduced rates in such cases.

Mr. CULLOM. I hope it will be voted down. I do not care to discuss it further.

The CHIEF CLERK. Add to the proposed amendment the words:

Or delegates to agricultural conventions or religious assemblies.

Mr. BROWN. Under no proper acceptation of the term is an agricultural convention called an excursion, nor is a Methodist camp-meeting or people going to it called an excursion.

Mr. EDMUNDS. Will you not please add, "or people who go to assemblages of military men?"

Mr. BROWN. I will, with pleasure.

Mr. EDMUNDS. I cannot move to amend it because it would be in the third degree.

Mr. BROWN. I accept it as part of my amendment if you will put it in shape.

Mr. EDMUNDS. Say "or assemblies of those who have been in the military service."

Mr. HARRIS. I should like to ask the Senator from Vermont and the Senator from Georgia, or one or the other, if a thousand people were going from Washington to Baltimore to an agricultural convention or a military assemblage or a church convention or to any other meeting, could they not get excursion rates under this bill?

Mr. PLATT and Mr. CULLOM. Certainly.

Mr. EDMUNDS. That is the very question in dispute between the Senator from Georgia and the Senator from Illinois.

Mr. HARRIS. I do not think there can be any dispute about it.

Mr. BROWN. I do not think they could if this bill becomes a law and the law is observed by the railroad companies. They must follow the usual practice and call things by their right names.

The PRESIDENT *pro tempore*. The amendment of the Senator from Georgia as modified will be read.

The CHIEF CLERK. Add to the amendment the following:

Or delegates to agricultural conventions or religious assemblies or assemblies of those who have been in the military service.

So as to read:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion or delegates to agricultural conventions or religious assemblies or assemblies of those who have been in the military service.

The PRESIDENT *pro tempore* put the question on the amendment to the amendment, and declared that the noes appeared to prevail.

Mr. BROWN. I call for the yeas and nays. I understand that strikes out what I thought there was a pretty strong disposition to adopt, a provision in favor of ministers of religion.

Mr. HARRIS. That amendment is still pending. The Senate is proposing to amend that.

Mr. BROWN. Does the Chair hold that the vote just taken voting down these others does not embrace that?

The PRESIDENT *pro tempore*. It certainly does not.

Mr. BROWN. The question will still be on that?

The PRESIDENT *pro tempore*. Certainly.

Mr. BROWN. Then I merely call for a division and not for the yeas and nays.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the original amendment of the Senator from Georgia as amended.

The amendment was agreed to.

Mr. VAN WYCK. I submitted an amendment some days ago, to which I now call the attention of the chairman of the committee. In the bill previously reported in the Forty-eighth Congress the commission were directed to inquire into the system known as "stock-watering." I had proposed an amendment, to insert the clause of the proposed bill of the Forty-eighth Congress, which has been omitted from this bill. Whether it was an accidental omission by the committee, or whether the committee intended to strike out that portion of the previous bill, I do not know.

I propose on page 20, after the word "pooling," to insert the words:

Also the system known as stock-watering.

In the bill proposed by this same committee and acted upon in the Forty-eighth Congress those words were included, and if I should obtain the attention of the chairman of the committee I would desire to know whether they purposely omitted those words in this bill.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 19, line 3, after the word "pooling," it is proposed to insert:

Also the system known as stock-watering.

So as to read:

That the said commission shall specially inquire into the method of railroad management or combination known as pooling, also the system known as stock-watering, and shall report to Congress what, if any, legislation is advisable and expedient upon that subject.

Mr. CULLOM. The Senator seems to be appealing to me. I do not think there is any importance to be attached to the amendment whatever. It is something that belongs to the States substantially. We have no control over it, and I do not think it will add anything to the force of the legislation.

Mr. VAN WYCK. Have we no control over the roads incorporated by the United States?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

The amendment was rejected.

Mr. VAN WYCK. I now propose an amendment as a separate section, to be added to the bill:

Any railroad corporation against whom suit is brought in the courts of the State where the cause of action originated or the penalty was incurred is hereby prohibited from removing the same to any circuit or other court of the United States.

That is, that when such a suit is brought in a State court the corporation shall not be allowed to remove it to a United States court under this bill. That is my amendment.

Mr. PLATT. There is nothing in this bill that provides for bringing an action in a State court.

Mr. VAN WYCK. No, sir; it is not necessary that there should be anything in the bill allowing it. That a party has a right to do. A citizen of Connecticut or of Nebraska may bring a suit against a corporation in a State court, and there it will remain and be tried unless the corporation asks to remove it to a Federal court under a statute of the United States.

For a violation of this proposed act, for any damages which accrue, for which a party may bring suit under the act, or for which any penalty is provided under the act, I propose that when such a suit is brought, if the party has a right to bring it in a State court, the corporation shall be prohibited from removing it into the Federal courts. The removal to the Federal courts is provided by statute already; and for damages incurred, which the bill provides for, a man may bring suit against the corporation, and the suit for the penalties provided in this act may be brought in the State court.

It would seem to be hardly worth while in this bill, which seeks to do justice to the people, to make their burdens any greater. What would any remedy given by the bill be worth to the citizen who lives, if you please, 400 or 500 miles from the place where a Federal court may be held? Under the bill damages may be allowed to an individual for overcharge, for extortion, or for discrimination. He may bring suit in the State court, and the cause may be removed 500 miles—it may be in the State of Kansas or Nebraska or on the Missouri River, where Federal courts are held—and to give the privilege for damages in such a case would be a denial of justice, because after the party has commenced his suit in the court of the State which is opened to him, then the corporation presents itself and asks to remove it to a point 500 miles distant, where he must go with his witnesses and dance attendance week after week and month after month, and the case may be placed on the calendar, where it may be four or five years before it is reached. It is a mockery to tell the citizen he may have damages when they are denied to him in this way.

The people of the Western States have been suffering a long time from the power of corporations to remove their cases into the Federal courts. If I may be allowed a moment longer I will state that the foreign insurance companies came into the State of Nebraska, and when her Legislature attempted to provide that their suits should not be removed, they were met by a decision of the Supreme Court of the United States, or some district or circuit court, saying that the State has not the power to protect its own citizens by providing that no foreign insurance company shall do business in that State until it has filed a

written agreement with the secretary of state that it will not remove a case from the State court to the Federal court. In the interest of the people it is time there should be some such remedy either by providing that the Federal courts shall be held in different parts of the State or granting this relief.

We are suffering in various ways, if I may be allowed still further to speak of this matter. A foreign corporation in Scotland or in England goes to the State of Nebraska and loans money on real estate at 10 per cent. interest; which they have a right to do, and if even for a day or two the debt is overdue the mortgage may be foreclosed. Two-thirds and probably three-fourths of the farms in Kansas and Nebraska are mortgaged, and a large portion of them are mortgaged to foreign corporations, and then for any default, when they borrowed the money in order to improve their condition in life and to improve their farms, the mortgage is foreclosed.

We want to protect a little the people from the advantages which capital gives. I shall not probably be successful in this attempt, but I may at least make a suggestion in that direction. I say that while we are seeking to restrict the ownership of real estate in the hands of foreigners, we give them an unlimited power to foreclose our lands under their mortgages. Iowa may be more fortunate but Nebraska is not, and the calendar in the Federal courts is beginning to be loaded down with mortgages foreclosed in the name of foreign corporations.

The point is to evade the laws of the State. It is not necessary to prohibit that. You can allow the foreign corporation to loan its money to a citizen of the State. The law of Nebraska provides that in the foreclosure of a mortgage no attorney's fee shall be allowed.

Mr. EUSTIS. That is wrong.

Mr. VAN WYCK. Wrong! No, sir. The people of Nebraska by their Legislature say so, and it belongs to them to say whether it is right or not. A Senator near me says that that would be cheating the lawyers. All I say is that it would be no crime. The State of Nebraska provides that there shall be no percentage for the attorney in the case. But although the law of Nebraska provides that there shall be no attorney's fee, yet capitalists would insist upon putting in their mortgages, notwithstanding the law against it, a provision to pay 10 per cent. to the attorney.

Capitalists demanded and required that the party to whom the money was loaned should in violation of the State law incorporate in the mortgage a promise to pay the attorney a fee of 10 per cent. That matter was taken to the supreme court of the State of Nebraska, and the supreme court of the State of Nebraska said: "No; parties can not stipulate to violate the law." A capitalist has a mortgage of $10,000 and he desires to foreclose it. I am speaking of what is the actual practice. He runs over into the State of my friend from Iowa and he gets some man to buy the mortgage, and suit is instituted in the name of the Iowa gentleman who buys the mortgage. He is a non-resident of the State of Nebraska and he brings his suit in the United States court. By that means he evades and violates the law of the State of Nebraska and proceeds to a foreclosure, and on the $10,000 mortgage there is paid 10 per cent., which is $1,000 attorney fee, in violation of the law of the State.

Foreign corporations resort to that subterfuge, and at every term foreign corporations are being more and more represented on the calendar of the Federal courts in precisely that attitude. The citizens are powerless. The Legislatures have no power to protect their citizens against this violation of the law.

The insurance companies act in precisely the same way. Two or three hundred miles out on the Missouri a man's house burns down and the foreign insurance company removes his case to the Federal court, compelling the citizen to accede to the terms which the corporation asks. So in these cases the railroad companies will do the same, and the citizen will be powerless in that respect. You give a right of action and then retain in the corporation the power of removal, and the right of action becomes of no avail.

I trust that this point will be readily seen and appreciated. What objection should there be to saying that a corporation which comes into Kansas, into Iowa, into Nebraska, may enrich itself as a citizen of Nebraska does, as their own corporations do, and that that corporation shall have their cases tried in the courts of Nebraska? For that reason I have proposed the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska will be read.

The CHIEF CLERK. It is proposed to add as an additional section:

SEC. —. Any railroad corporation against whom suit is brought in the courts of the State where the cause of action originated or the penalty was incurred, is hereby prohibited from removing the same to any circuit or other court of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Some years ago the Committee on the Judiciary had under consideration the question of amending the law regarding the removal of causes, and we were in favor of and reported a bill to limit the removal of causes from State to Federal courts, as they are called—what I should call national courts, if I do not offend anybody by the phrase. But we found that it was a subject which required careful investigation and most skillful and accurate expressions in order to keep within the constitutional line and not to do injustice as well.

The bill was reported, however, and, as we thought, in pretty good form, but it did not become a law. I hope it will yet become a law; but I appeal to my friend from Nebraska that he will produce more mischief by this amendment in the form in which he has got it, just then and there and in that way, by putting it in this bill, which is an administrative bill and not a judicial bill, than he will by leaving it and trying to help myself and others to pass a bill which shall cover the whole of this subject. For that reason I shall vote against the amendment.

Mr. TELLER. I desire to call attention to the language of the amendment. It assumes that under this bill a man may have his remedy in the State courts. I undertake to say that that is not the law. I do not suppose that anybody in the Senate will for a moment believe that that is the law.

Mr. SPOONER. He may have the common-law remedy.

Mr. TELLER. He may have the common-law remedy, and he has now, and that we are not interfering with by a special provision of the bill. The suggestion is that if a party brings in a State court under the bill his suit the corporation shall not remove it. How long will he stay in the State court? Not long enough to get a solid footing. Unless the States legislate that suits may be brought, we can not legislate into the State courts any of these cases. I have at least always understood that that was the rule.

First, if the Senator proposes to save these people a tribunal in the State courts he has got to devise some method to get them in the State courts and keep them there up to the time that they ask for a transfer of the case to the Federal courts. There is not anything in the amendment; it is absolutely meaningless. It could not help anybody; it may not hurt anybody; but it would not look well for the United States Senate to put into the bill a proposition of that character.

Mr. PLATT. If there is any force or effect to the amendment, it is that the Congress of the United States passes a law and then says that no suit shall be maintained under it in its own courts, but they shall all be maintained under it in State courts. I apprehend that Congress is not ready to do that.

Mr. CULLOM. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the amendment lie on the table.

The motion was agreed to.

Mr. SPOONER. I gave notice the other day of an amendment which I send to the Chair.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. At the end of section 1 it is proposed to add the words:

And every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. SPOONER. The only object of the amendment is to bring any case of extortion under the penalty clause of section 7. I do not know that the chairman of the committee will object to it.

Mr. CULLOM. I think there is a little distinction between the violation of an act against extortion and one of unjust discrimination. Still, so far as I am concerned, when it is declared that it shall be willful extortion, I do not personally have any objection to the amendment proposed by the Senator from Wisconsin.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. SEWELL. In section 8, prescribing the qualification of the commissioners, the following language is used:

No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office.

In another section, section 14, beginning in line 3, the bill provides that—

A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest.

This latter clause is customary in our circuit and supreme courts, that the judge shall not sit on a case where he has any pecuniary interest; but the first clause absolutely prohibits any gentleman who may be appointed to qualify if he owns any stock in any common carrier, no matter whether he has to hear the cause or not.

I submit that that is a requirement which ought not to be in the bill. The number of gentlemen in this country who are competent to fill the position of commissioner under the bill is necessarily limited. It requires deep, broad men, the very best that we can possibly obtain. I should not like to say to such men as ex-Senator Thurman, Judge Cooley, Roscoe Conkling, A. S. Hewitt, A. J. Cassatt, and a dozen others whom I might name, that before acting in this capacity they would have to divest themselves of everything that they owned in the

world in all probability, for that class of men as a general thing have their investments in railroad securities.

A man who is thoroughly equipped, thoroughly competent to fill this position, certainly has amassed something in life. If he has not, it is an evidence that he is not fit for the place, in my opinion. The provision which governs the judges of our courts up to the Supreme Court certainly ought to be sufficient to protect the country against the acts of these commissioners.

I do not think, looking at it from a business standpoint, as a business man, that we ought to require gentlemen who are competent to fill this position to divest themselves of everything they have got and put it out of their hands.

Therefore I move an amendment, which I send to the desk to be read.

The PRESIDENT *pro tempore*. The amendment of the Senator from New Jersey will be stated.

The CHIEF CLERK. In section 8, line 21, after the word "act," it is proposed to strike out the words "or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein;" so as to read:

No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act shall enter upon the duties of or hold such office.

Mr. CULLOM. I only wish to say a word about the amendment. While it may not be of very great consequence, yet the fact is that there is scarcely a State in the Union which has a railroad commission that has not such a clause in the law creating it. I think myself that it is a proper provision. Whether such gentlemen as the Senator has named have their pockets full of the bonds or securities of railroads or not, I do not know; but I know a good many men in this country who unfortunately have not, who I think would make very good commissioners. I believe myself, in view of the history of the different States upon the subject, that we ought to leave the words stand as they are.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey.

The amendment was rejected.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Illinois to a blank in the last section of the bill.

Mr. CULLOM. Yes, I intended to have that filled, if there are no other amendments to be offered.

The PRESIDENT *pro tempore*. There are no other amendments offered.

Mr. CULLOM. I propose to insert in the last section of the bill the words "one hundred," so as to read "one hundred thousand dollars."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to fill the blank in section 21, before the word "thousand," by inserting the words "one hundred;" so as to read:

That the sum of $100,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1887, and the intervening time anterior thereto.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDENT *pro tempore*. If no further amendment be proposed, the bill will be reported to the Senate.

Mr. BROWN. I have one more amendment which I wish to offer before the bill is reported to the Senate. In section 4, line 6, before the word "provided," I move to insert:

And this provision shall apply to transportation by common carriers on rivers as well as by railroads.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. CULLOM. That subject has been discussed, and I hope the amendment will not be adopted.

Mr. BROWN. There has been some discussion on the subject, it is true, but there has been no vote of the Senate on the question that I am aware of.

I know there may be a great deal of difficulty about regulating on the ocean or on the lakes the transportation companies under the provisions of the bill; but why steamboats running on the Mississippi River should have the privilege of charging more for the shorter than the longer haul, which is practiced every day, and why they should be left perfectly free from control while the railroads running alongside of them are put under this control, I am unable to see.

There is no difficulty about embracing the rivers. The railroads are a distinct class, and the committee has taken them in and made the act apply to them. The rivers are as much a distinct class as contradistinguished from either an ocean or a lake.

There are probably 30,000 miles of navigable rivers in the United States. Why should not the provisions of the bill apply as well to the transportation on the rivers as on the railroads, either on the side of the river or anywhere else? I confess I am unable to see any good reason why the bill should not apply as well to the steamboats as to the railroads.

It is not denied that the same evil exists in both cases. I put on record the other evening a table prepared by a distinguished railroad man, giving the figures, showing that there are three companies in Cincinnati who own the three steamboat lines, and they have divided the river between themselves. One company takes from Cincinnati to Louisville, another from Louisville to Memphis, and another from Memphis to New Orleans. If an independent boat is put on the river, he states that they put one of their regular boats after it, running to the same points, and putting the freights down to a ruinously low rate, and they drive it out. The companies have the monopoly, and they charge just as they please in fixing the rates. If it is a competing point, they put the rate lower. If it is a point where there is no competition, at half the distance, they put the rate double as much. If it is necessary to control transportation at all, why should that be permitted on rivers if not on the railroads?

Mr. PALMER. I think the Senator from Georgia has answered his own interrogation when he says that boats come in and compete with each other and bring down the freights to a low point, and then go in and combine.

Mr. BROWN. The Senator did not understand me. I know he would not misrepresent me if he had understood me.

Mr. PALMER. I so understood the Senator.

Mr. BROWN. I said that this distinguished railroad man had furnished me the information that the three lines or companies have divided the river into three parts and each takes one part. They allow no competition. If an independent boat goes in upon the river they take a boat out of their own lines and have it run alongside of the independent boat between the same points, charging a ruinously low rate until they drive it out of the river or drive it into a combination with themselves; and they do not tolerate any competition.

Mr. PALMER. I will say that I have seen the same course of procedure followed on the rivers of this country, but it always rectifies itself.

Mr. BROWN. Then why would not the railroads rectify themselves?

Mr. PALMER. The case is entirely different. When an evil exists you can not get up a rival railroad in six months. It is very well known that where excessive charges are not restrained new boats come into existence; the evil cures itself; and it seems to me that anything of this kind added to the bill would render it entirely nugatory and make it ridiculous.

Mr. HALE. I do not want to see the old discussion opened again, and therefore I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine to lay the amendment of the Senator from Georgia on the table.

The motion was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. I wish to reserve the amendment in section 4, agreed to by the Senate as in Committee of the Whole, striking out the words "and from the same original point of departure," so that I may move to amend it in a way that I hope will meet the approval of the Senate.

The PRESIDENT *pro tempore*. That amendment will be regarded as reserved.

Mr. HARRIS. I wish to reserve the first amendment in section 4, I mean the first in point of the order in which it stands, the amendment of the Senator from Rhode Island [Mr. ALDRICH].

The PRESIDENT *pro tempore*. That amendment also will be reserved.

Mr. HARRIS. I wish also to reserve for a separate vote the amendment of the Senator from Iowa [Mr. WILSON] to the same section next in order after the one referred to by the Senator from Vermont [Mr. EDMUNDS], and I wish to reserve also the amendment of the Senator from Georgia [Mr. BROWN] in line 26 of section 5. Those are the amendments I wish to reserve.

The PRESIDENT *pro tempore*. The amendments indicated will be reserved for a separate vote.

Mr. INGALLS. Will it be in order after the bill shall have been reported to move to strike out section 4 entirely?

The PRESIDENT *pro tempore*. It will be in order.

Mr. HARRIS. The bill has been reported to the Senate.

Mr. INGALLS. That I did not know.

Mr. VEST. I desire to reserve a separate vote upon the amendment of the Senator from Vermont [Mr. EDMUNDS], in order to move to strike out certain words in lines 59, 60, and 61, on page 3 of the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont will be reserved.

Mr. SEWELL. I desire to ask for a separate vote on the amendment offered by the Senator from Michigan [Mr. CONGER] about water routes.

The PRESIDENT *pro tempore*. That amendment will be reserved.

Mr. KENNA. I desire to ask the Senator from Vermont, who has reserved for a separate vote the amendment of my colleague [Mr. CAMDEN] to section 4, if he has any objection to stating now what will be the substance of his amendment to the amendment of my colleague?

Mr. EDMUNDS. Not the slightest.

Mr. HOAR. Let us settle the other amendments first.

Mr. EDMUNDS. I have no objection to stating.

Mr. KENNA. I should be glad to have the substance of the amendment to the amendment stated.

Mr. EDMUNDS. I think I will state that to the Senator from West Virginia, who has asked me a fair question——

Mr. KENNA. And solely for information. I want to have it understood.

Mr. EDMUNDS. I think I will state to him and to the Senate what I propose to move. I propose to retain the words which were stricken out as in Committee of the Whole and add to them, after "departure," the words "or the same point of arrival;" so as to make it reciprocal both ways.

Mr. KENNA. Let me ask, so that I may understand the Senator, whether he means to put the point of departure and the point of arrival in the alternative?

Mr. EDMUNDS. Exactly; which I think ought to harmonize the views of both sides of the Senate upon the question.

The PRESIDENT *pro tempore*. Are there further amendments to be reserved? If not, the question will be taken on concurring in the remaining amendments. The question is on concurring in the amendments made as in Committee of the Whole not reserved.

The amendments not reserved were concurred in.

Mr. ALDRICH. I suggest that the bill be printed as amended.

Mr. EDMUNDS. Let us print it as passed. That is the best way.

Mr. CULLOM. Yes, let us pass it first and then print it.

The PRESIDENT *pro tempore*. The question will be on concurring in the first amendment reserved, the reserved amendments to be taken in their order. The amendment will be stated.

The CHIEF CLERK. In section 1, line 6, after the word "used," the Senate as in Committee of the Whole agreed to insert the words "under a common control, management, or arrangement;" so as to read:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment, from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, &c.

Mr. SEWELL. It is hardly necessary for me to make any remarks on the amendment. The question is perfectly clear to the Senate. The amendment adopted throws the transportation lines by water practically out of the bill, so that you will adopt rules to govern the railroads which will prevent their competing as they do now with the transportation lines by water. The proposition was first voted down by a very large vote, and I trust it will be now.

The PRESIDENT *pro tempore*. The question is on concurring in the first amendment reserved. [Putting the question.] The noes appear to have it. The noes have it, and the amendment is non-concurred in. The next reserved amendment will be stated.

Mr. PLATT. Was the amendment agreed to as in Committee of the Whole, offered by the Senator from Michigan [Mr. CONGER], non-concurred in?

The PRESIDENT *pro tempore*. The Senate has non-concurred in the amendment made as in Committee of the Whole.

Mr. PLATT. I should like to have the question taken by yeas and nays. ["Too late!"]

Mr. PALMER. I did not understand the vote to be that the amendment was non-concurred in.

Mr. PLATT. I think it is but justice to the Senator who offered that amendment, who has now left the Chamber, that there should be a fair expression of the Senate upon it.

Mr. INGALLS. I think justice to us requires that he should stay here.

Mr. HALE. If he has abandoned the amendment, certainly the rest of us need not consume time needlessly.

Mr. PALMER. He made an express request that the yeas and nays should be called upon concurring in the amendment if he were away, and he is away on official business.

Mr. EDMUNDS. Do you want to have the yeas and nays called?

Mr. PALMER. I do.

Mr. EDMUNDS. Certainly, let the Senator have the yeas and nays.

Mr. CULLOM. I think that is fair.

The PRESIDENT *pro tempore*. The question is on taking the vote on concurring in the first reserved amendment by yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. What is the question?

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, line 6, after the word "used," insert the words "under a common control, management, or arrangement."

Mr. MCMILLAN. In the absence of this amendment all transportation by water in connection with railroads is embraced in the bill. The amendment of the Senator from Michigan, which was adopted as in Committee of the Whole, restricts the transportation by water to lines of boats which run in connection with a line of railroad under some common control, management, or agreement, so that if there is no such common arrangement or agreement the boats are not within this act, and there can be competition on the great lakes as every place else.

The PRESIDENT *pro tempore*. The Secretary will call the roll on concurring in the first reserved amendment.

The Secretary proceeded to call the roll, and Mr. ALDRICH answered to his name.

Mr. CALL. Pending the question on concurring in the amendment, if agreeable to the Senator from Illinois, I will move that the Senate adjourn. ["Too late!"]

The PRESIDENT *pro tempore*. The call of the roll is proceeding, and the first name has been responded to.

The roll-call was resumed.

Mr. CHACE (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. PALMER (when Mr. CONGER'S name was called). My colleague [Mr. CONGER] is absent, and is paired with the Senator from New Jersey [Mr. MCPHERSON] on this question. My colleague would vote "yea" if he were present.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER].

Mr. MANDERSON (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BLACKBURN].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 31, nays 14; as follows:

YEAS—31.

Beck,	Gibson,	Maxey,	Saulsbury,
Berry,	Gorman,	Morgan,	Sawyer,
Brown,	Harris,	Palmer,	Spooner,
Call,	Hearst,	Payne,	Vance,
Camden,	Hoar,	Platt,	Van Wyck,
Cockrell,	Jones of Nevada,	Pugh,	Walthall,
Coke,	Kenna,	Ransom,	Whitthorne.
Fair,	McMillan,	Sabin,	

NAYS—14.

Aldrich,	Edmunds,	Miller,	Teller,
Allison,	George,	Mitchell of Oreg.,	Wilson of Iowa.
Blair,	Hawley,	Sewell,	
Cullom	Logan,	Sherman,	

ABSENT—31.

Blackburn,	Dolph,	Ingalls,	Pike,
Bowen,	Eustis,	Jones of Arkansas,	Plumb,
Butler,	Evarts,	Jones of Florida,	Riddleberger,
Cameron,	Frye,	McPherson,	Stanford,
Chace,	Gray,	Mahone,	Vest,
Colquitt,	Hale,	Manderson,	Voorhees,
Conger,	Hampton,	Mitchell of Pa.,	Wilson of Md.
Dawes,	Harrison,	Morrill,	

So the first reserved amendment was concurred in.

Mr. CALL. Unless the Senator from Illinois objects, I will now move that the Senate adjourn.

Mr. CULLOM. The unanimous agreement of the Senate some days ago was that the bill should be finished to-day, and I hope that we shall go on until we have disposed of it.

Mr. CALL. I shall not object to that course if the Senator from Illinois insists on it, but——

Mr. CULLOM. It will take only a little while longer, I think.

Mr. CALL. These are important amendments, and necessarily we must consider them hastily now.

Mr. KENNA. I do not understand that there was any unanimous consent that the bill should be finally disposed of to-day.

Mr. CULLOM. Yes, there was.

Mr. KENNA. I appeal to the RECORD. I think there was not any understanding of the sort.

Mr. CULLOM. The President of the Senate may decide that matter.

Mr. KENNA. There was a general disposition to have an understanding that at an early hour—4 o'clock in the afternoon—the Senate should proceed to vote without further debate, but no such understanding was reached.

I wish to say to the Senator from Illinois at this moment that if his programme is to force a conclusion of the bill to-night, he may find himself rather retarding than improving the progress of the bill. This is not a bill to be forced through the Senate at this hour of the evening without a very thorough understanding by everybody that it is to be done. There are some amendments, one in particular, which will probably not be coerced through at this hour of the evening in the absence of a number of Senators. I should like to see the bill concluded at as early an hour as possible, but I admonish the Senator that he may make better haste by going more slowly on the proposition to pass the bill to-night.

Mr. CULLOM. The Senator addresses himself to me as though he thought I was undertaking to bulldoze somebody.

Mr. KENNA. I beg pardon. I do not mean to intimate any such thing.

Mr. CULLOM. The Senator is certainly mistaken in his man, if he thinks so. I have a very distinct recollection of what occurred. In

the first instance, I asked that the bill be disposed of at 5 o'clock on Monday, yesterday. Some Senators, among them the Senator from Delaware [Mr. SAULSBURY], objected. Then, on the appeal of the Senator from Massachusetts [Mr. HOAR] that I yield and give another day, fixing the time at 3 o'clock to-day for the final vote and to dispose of the bill, I asked that that be done. Then the Senator from Iowa [Mr. ALLISON] objected, and said he did not want any hour fixed, but was willing that the bill should be disposed of to-day, and that was assented to.

Mr. KENNA. Provided that we should reach a conclusion of the debate.

Mr. CULLOM. That was the unanimous agreement, as I understood it at any rate, and I think every other Senator who was present so understood it.

Mr. KENNA. I think that the Senator will find that instead of that being the unanimous understanding it was simply the end of that proposition.

Mr. HARRIS. If the Senator from Illinois will allow me, I should be glad to see this bill with the amendments, especially those which are reserved and yet to be acted upon, in print. I am going to stay with the Senator from Illinois as long as he wants to stay here to-night if he chooses to go on; but I think perhaps it would be quite as well for us to allow the bill with the amendments agreed to as in Committee of the Whole to be printed. I have no objection to an understanding that we shall take it up immediately after the routine business in the morning and proceed to vote. I have no objection to considering the general debate entirely closed, and that we proceed to vote upon the various amendments to-morrow. I am ready to go on now, however, if the Senate is entirely willing to do so.

Mr. CULLOM. I should like to know what the decision of the Senate was the other day before I say anything further about it.

Mr. HARRIS. My suggestion was wholly independent of that. I do not question the agreement as stated.

The PRESIDENT *pro tempore*. The Chair has the proceedings before him, which are much more accurate than the recollection of any individual, and they correspond with the recollection of the Chair at the time. After some colloquy between the Senator from Delaware [Mr. SAULSBURY] and the Senator from Illinois [Mr. CULLOM] the Senator from Illinois said:

My object is to get a time fixed and get the subject disposed of at some period.

Then follows:

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Illinois [Mr. CULLOM] to fix Tuesday for taking the vote on this bill? [A pause.] The Chair hears no objection to that proposition to fix Tuesday as the period for taking the vote on the bill.

Mr. EDMUNDS. Not later than that.

The PRESIDING OFFICER. Not later than Tuesday.

That was the understanding.

Mr. CALL. If the Senator from Illinois will allow me, I appeal to him to consent to an adjournment at this time. It is very evident to those of us who are friends of the bill, and have been from the earliest possible time, that there will be a good deal of discussion upon the reserved amendments.

Mr. EDMUNDS. Now is a good time for it.

Mr. CALL. It is evident that we would be kept here until a late hour to-night without effecting the passage of the bill. I therefore propose to the Senator from Illinois that he consent to adjourn, and if he does not object I will move an adjournment.

Mr. HALE. We had better come to some understanding before adjourning.

Mr. CULLOM. I do not feel like yielding, for the reason that I have been a good deal abused, I may say, for having a measure here that has taken up so much time, and I have been very anxious to have it disposed of so as to get it out of the way of other business. I have been in as much haste as possible consistent with due deliberation, and I am unwilling now to yield to an adjournment unless there can be an hour fixed at an early part of the day to-morrow at which time the bill and amendments shall be disposed of.

Mr. EDMUNDS. That I object to, as the Senator from Iowa [Mr. ALLISON] did. It is not right on a bill of this kind to fix an hour. We came to that understanding the other day, objecting to hours, and the Senator from Iowa was right about it; but we agreed that we would stay it out, with the amount of business there is before the Senate. Every Senator, if he has kept the run of the bill, knows just what the amendments are interlined in his bill, and what the effect of them is, as far as any of us can understand them, which I am not very sure that I do as to the whole of them.

It does not bind the Chair, all admit, but we agreed we would stay it out to-night; and now to make an agreement to stay it out to-morrow or to vote at a particular time would turn out in the same way probably. Certainly to agree to vote at a particular time is objectionable, as the Senator from Iowa said the other day, because some amendment might be proposed which ought to be discussed a little; but to agree to stay until it is done is safe for everybody.

Mr. KENNA. I do not understand that we agreed to stay here indefinitely, day and night, until the bill was done, or that we agreed to sit it out to-day. Of course I do not mean to assume that any Senator on this floor will undertake to delay final action on the bill for a moment. I have seen no indication of that sort, and I do not expect to see any. I know at least one amendment adopted as in Committee of the Whole to which a great many Senators attach much importance; and upon that amendment I think I express the sentiment of the entire Senate when I say that it is desirable to have the Senate full when the question is determined. That is the motive of all I have said on this question. I have no desire to delay the bill in any manner whatever, nor to precipitate it, beyond reasonable opportunities which may be afforded.

I beg the Senator from Illinois to understand most distinctly that I meant no reflection upon him in any feature of his management of the bill in what I said.

Mr. CULLOM. I only said what I did on the supposition that the Senator thought I was misrepresenting the state of facts. I certainly agree with the Senator from West Virginia in desiring a full vote on the particular amendment to which the Senator, I suppose, refers; and I should be very glad if we could have it now if we can have a full Senate here.

Mr. KENNA. I will state to the Senator from Illinois that we can not get a full vote to-night, for the reason that several Senators are absent and not paired on the question, and I hope he will consent to an adjournment until to-morrow.

Mr. CULLOM. My purpose in naming an hour was that we might get through with the bill before spending the whole day to-morrow in its consideration. If we do not name an hour it is inevitable that we shall take all day to-morrow in the consideration of the bill, and thereby keep other business back.

Mr. ALLISON. Why can we not agree that at a certain hour to-morrow, say 2 o'clock, what is known as general debate shall cease, and then brief debate shall be allowed.

Mr. HOAR. Under the five-minute rule.

Mr. EDMUNDS. Ten minutes.

Mr. ALLISON. The Senator from Vermont suggests a brief debate of ten minutes for amendments.

Mr. FRYE. I shall object for one to consuming the morning hour, as it is called, with this bill.

Mr. CULLOM. When?

Mr. FRYE. To-morrow morning.

Mr. KENNA. We can commence at 2 o'clock and dispose of the bill easily in the afternoon.

The PRESIDENT *pro tempore*. The Chair awaits any proposition which may be made.

Mr. KENNA. I hope the Senator from Illinois will consent that the matter may go over; and I speak only with reference to one amendment.

Mr. CULLOM. Will the Senator make some definite proposition, so that we may understand if it is adopted what we shall do to-morrow?

Mr. VEST. Let us agree to take the vote at 5 o'clock to-morrow.

Mr. EDMUNDS. I object to that.

Mr. HOAR. I should like to inquire whether there would be any objection to the arrangement which the Senator from Iowa has in substance suggested, that at 4 o'clock to-morrow general debate shall cease, and that debate thereafter shall be under a ten-minute rule or a five-minute rule, I do not care which.

Mr. COCKRELL and others. Five minutes.

Mr. HOAR. That proposition does not involve an agreement to take up the bill at the close of the routine morning business, but it leaves it in the power of the majority of the Senate then to do it, as of course it always can take up any particular bill when it shall see fit.

Mr. SAWYER. I suggest that we take up the bill at 2 o'clock. There will be time enough then if we vote at 4 o'clock, and it will give us the morning hour for the Calendar, which we have not had for a long time.

Mr. HALE. Why not have all debate to-morrow under the five-minute rule?

Mr. EDMUNDS. And have the same understanding which we have had, that we may violate it.

Mr. HOAR. I ask the Chair to propose that unanimous consent be given that all debate after 4 o'clock to-morrow shall proceed under the five-minute rule.

Mr. CULLOM. And that the subject be disposed of to-morrow before adjournment.

Mr. GORMAN. There will be no objection to that course, I think.

The PRESIDENT *pro tempore*. The Chair will state the proposition of the Senator from Massachusetts. The Senator from Massachusetts asks that at 4 o'clock to-morrow any further debate on the pending bill and amendments shall be under the five-minute rule, strictly enforced. Is there objection?

Mr. MILLER. I object.

The PRESIDENT *pro tempore*. The Senator from New York objects.

Mr. MILLER. I object to any arrangement of that kind at all. I have had something to do with this bill. The arrangement which was

made the other day to take the vote to-day I think was improperly made. I say that in sustaining the position taken by the Senator from West Virginia. The proposition to fix the hour for a vote on the bill was called up early in the morning, as soon as the bill was taken up, and no arrangement was made. Then later in the day it was called up, when a number of Senators who would not have consented to the arrangement were out of the Chamber, and I judge that that arrangement was improperly made.

Mr. CULLOM. If the Senator will allow me, it seems to me that he is mistaken in the question of time. I think the one suggestion followed the other in a very few minutes.

Mr. MILLER. I was present when the first suggestion was made, and I did not understand that any such agreement was come to at all. I went away from the Senate Chamber understanding and believing that no arrangement had been arrived at for any definite hour for voting.

Mr. KENNA. May I make a suggestion? I had the same impression exactly, and that is why I made the suggestion I did a while ago. When the first proposition to fix a time was made there was no agreement reached, and I left the Senate Chamber with the understanding that there was no time fixed.

Mr. MILLER. The bill has been under discussion for several weeks. One very important amendment has been made, known as the Camden amendment. A vote has been reserved upon it in the Senate. Several days of discussion have been had upon that proposition as it now stands before the Senate. After the bill is reported finally to the Senate, when we come to a time when we are to be asked to vote upon it——

Mr. EDMUNDS. Now.

Mr. MILLER. Which is now, as the Senator from Vermont suggests, the Senator from Vermont gives notice of another amendment touching that same proposition. The amendment proposed by the Senator from Vermont may be found to be quite as important as the amendment of the Senator from West Virginia which has been discussed here for days. I do not say that it is, and I do not say that I shall desire to discuss it at all, but if Senators will consider that amendment they will find that it is very important indeed, and it may necessarily lead to a long discussion.

To say that the discussion to-morrow after 4 o'clock or after any other time shall proceed under the five-minute rule is simply to say that this body is to act upon that most important proposition in the bill, because it is the most important proposition in the bill, in my judgment, the fourth section, without proper discussion and without a proper understanding of it, is to my mind to pass upon the bill without due consideration.

If the proposition of the Senator from Vermont had been presented here a week or ten days ago and had been discussed and considered in connection with the other amendments, then we would have been ready to vote upon it; but it has not been here at all. If Senators will undertake to investigate the amendment of the Senator from Vermont they will find that it is a very important proposition, and we may be prepared to take it, and we may not.

My judgment is that the best thing the Senate can do is to adjourn upon this condition of affairs and proceed with the discussion of the bill properly.

Mr. WILSON, of Iowa. The Senator from New York, I think, will remember that the proposition which the Senator from Vermont now has given notice he will offer as an amendment to section 4 was suggested by me on one of the days that the so-called Camden amendment was pending. So the Senate is not taken by surprise in this regard at all. It is not a new subject brought at this hour before the Senate, but was definitely stated several days ago during that general discussion, and was one of the amendments which I suggested on that occasion.

Mr. CALL. If the Senator from Illinois will now consent, I will move that the Senate adjourn.

Mr. CULLOM. I hope before the Senator makes the motion to adjourn that the Senate will consent to the proposition of the Senator from Massachusetts, that general debate close at 4 o'clock, and that after that the debate on the bill and amendments shall be under the five-minute rule.

The PRESIDENT *pro tempore*. The Chair will again submit the proposition.

Mr. MILLER. Oh, no.

The PRESIDENT *pro tempore*. The Chair understands that objection is made. The question recurs on the motion of the Senator from Florida that the Senate do now adjourn.

Mr. ALDRICH. I ask the Senator from Florida to withdraw the motion for a moment until consent can be had for printing the bill and amendments.

Mr. CALL. Certainly.

The PRESIDENT *pro tempore*. Is there objection to printing the bill with the amendments? The Chair hears none, and that order is made.

Mr. CULLOM. I shall move to take up the bill to-morrow morning immediately after the morning business.

Mr. CALL. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 12, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 11, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BEACH. Mr. Speaker, I ask unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions be dispensed with.

There was no objection.

The remainder of the Journal was then read and approved.

Mr. WEAVER, of Iowa. I ask unanimous consent that the prayer of the Chaplain, delivered this morning, be printed in the RECORD.

The SPEAKER. The Chair is informed by the Official Reporters that the prayer was not reported.

RECONSTRUCTION OF INTERIOR DEPARTMENT BUILDING.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the acting Secretary of the Interior for the reconstruction of the east wing of the Interior Department building, with diagrams of the proposed plan of improvement; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PORTRAITS OF EX-ATTORNEYS-GENERAL.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, a letter from the Attorney-General asking that authority be given for the allowance by the accounting officers of the Treasury of certain vouchers for portraits of ex-Attorneys-General; which was referred to the Committee on Appropriations, and ordered to be printed.

BRITISH CREE INDIANS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the acting Secretary of the Interior of an appropriation for the relief of certain renegade British Cree Indians in Montana and to prevent their starvation; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ELY. Mr. Speaker, I desire to call up for present consideration House bill No. 2851, being the special order fixed for to-day.

Mr. BRAGG. Mr. Speaker, I shall not antagonize that motion by raising the question of consideration so as to enable us to proceed with the continuation of the Army appropriation bill, in view of an arrangement partly made with the chairman of that committee, who is willing to accept, as I understand it, a suggestion that the consideration of this special order shall not consume a greater length of time than two hours. With that understanding——

Mr. ELY. I think we can finish the bill in two hours.

Mr. HALSELL. I am satisfied that two hours will be sufficient; and I feel bound in good faith not to exceed that time, since from the very wording of this resolution, making this a special order, the consideration of the bill is subject to appropriation bills.

The SPEAKER. Does the gentleman from Wisconsin raise the question of consideration?

Mr. BRAGG. I do not, with the understanding that the special order shall not consume a greater length of time than two hours.

Mr. ELY. I think that will be sufficient.

PRIVATE LAND CLAIMS, NEW MEXICO, ETC.

The SPEAKER. The Clerk will report the title of the bill which is the special order for to-day.

The Clerk read as follows:

A bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. ELY. I move that the House go into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the special order fixed for to-day, which the Clerk will report.

The Clerk proceeded to read the bill.

Mr. ELY. I ask unanimous consent that the first formal reading of this bill be dispensed with, and that it be read by sections after the general debate for consideration under the usual rule.

There was no objection, and it was so ordered.

Mr. ELY. I desire to have read as a part of my remarks the report of the Committee on Private Land Claims on this bill.

The report (by Mr. ELY) was read, as follows:

The purpose of this bill is to provide such a tribunal and course of procedure as shall be best adapted to ascertain and settle the claims of persons to lands in the Territories of New Mexico and Arizona and in the State of Colorado, by vir-

tue of any right, title, or authority derived from the Spanish or Mexican Governments, which the Government of the United States is bound to respect under the provisions of the treaty of Guadalupe Hidalgo, or of the treaty known as the "Gadsden treaty" with Mexico, or under the usages and customs of Spain and Mexico concerning the disposal of lands. To the ascertainment and settlement of their claims the faith of our Government is solemnly pledged by treaty stipulations. In recognition of these treaty engagements the act of Congress, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska," &c., approved July 22, 1854, was passed. The eighth section of that act made it the duty of the surveyor-general to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and to make a full report thereon in the manner therein provided, such report to be laid before Congress for such action as might be deemed just and proper with a view to confirm *bona fide* grants and give full effect to the treaty of 1848 between the United States and Mexico.

By a subsequent act of Congress, in 1870, the provisions of this section were extended to the Territory of Arizona. This remedy has been found inadequate and almost valueless to claimants. This report of the land commission of 1880 stated that "after a lapse of nearly thirty years more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress; and of the number so reported Congress has finally acted upon only seventy-one." It has been well said that "if this was the working of this law for thirty years, it is obvious that some new legal machinery must be found to perfect the obligations of the Government of the United States under these two Mexican treaties." This committee, believing this law of 1854 to be not only inadequate and valueless to claimants, but misleading and injurious to the just rights of the United States, have by an amendment to this bill recommended its repeal, but have in the seventh section of this bill preserved, as far as may be, to honest claimants who have attempted to avail themselves of its provisions, the results of their labor and expenditures.

The tribunal constituted by this bill, a commission of three persons, to be appointed by the President of the United States by and with the advice and consent of the Senate, seems to your committee to be one well adapted to ascertain and settle these land claims justly, equitably, and with the least delay and costs to the claimants or to the Government. It may be added that it is the tribunal which has been usually constituted by preceding Congresses for the settlement of like claims under other treaties.

This committee respectfully report this bill to the House with a recommendation that it do pass with the following amendments, namely:

Insert in line 15 of section 5, before the word "sickness," the word "non-residence."

Insert in line 6 of section 7, after the words "Guadalupe Hidalgo," the words "or the treaty concluded December 30, 1853, commonly known as the Gadsden treaty."

Strike out in lines 16, 17, and 18 of section 7 the words "shall be accepted as evidence as though taken before the commission created under this act," and insert in lieu thereof the words "shall be competent evidence before said commission of such weight and credibility as they shall deem it entitled to, having in view the manner and circumstances under which it was originally taken."

Strike out the concluding part of section 7, beginning with the word "provided," in line 26.

Insert in line 5 of section 12, after the words "Guadalupe Hidalgo," the words "and the treaty with Mexico concluded December 30, 1853, commonly known as the Gadsden treaty."

Add to the end of said bill as printed a new section, to wit:

"SEC. 20. That section 8 of the act of Congress approved July 22, 1854, entitled 'An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes,' and all acts amendatory or in extension thereof or supplementary thereto, be, and the same are hereby, repealed."

Mr. ELY. I now yield so much time as he may desire to the gentleman from Kentucky.

Mr. HALSELL. Mr. Chairman, the bill under consideration is the result of very great care upon the part of the Committee on Private Land Claims, and has been unanimously reported with a favorable recommendation to this House; and the committee believes that if it is passed that the private land claims in the Territories of New Mexico, Arizona, and the State of Colorado will be speedily settled. By the eighth article of the treaty made between the Government of the United States and the Republic of Mexico on the 2d day of February, 1848, at Guadalupe Hidalgo, Mexicans who were in the Territories previously belonging to Mexico and who should remain for the future within the limits of the United States, as defined by that treaty, should be free to continue where they then resided, or to remove at any time to the Mexican Republic, retaining the property which they possessed in said Territories, or to dispose of the same and remove the proceeds wherever they pleased without being subjected on this account to any contribution, tax, or charge whatever.

Those who should prefer to remain in said Territories might either retain the title and rights of Mexican citizens or acquire those of citizens of the United States; but they were to be under the obligation to make their election within one year from the date of the exchange of ratifications of that treaty; and those who should remain in said Territories after the expiration of that year without having declared their intention to retain the character of Mexicans should be considered to have elected to become citizens of the United States; and a further provision was that property of every kind in said Territories then belonging to Mexicans not established there should be inviolably respected; the then owners, the heirs of these and all Mexicans who might thereafter acquire said property by contract, should enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States. By the subsequent treaty with Mexico, made in 1853, known as the Gadsden treaty, the United States are bound to respect the rights of property as in the treaty of 1848.

In recognition of these treaty obligations and to carry out in good faith their stipulations, Congress passed an act approved July 22, 1854, the title of which is "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nevada, to grant donations therein, and for other purpose."

Section 8 of said act is as follows:

That it shall be the duty of the surveyor-general under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the Territories to the United States by the treaty of Guadalupe Hidalgo, of 1848, denoting the various grades of title, with his decision as to the validity and invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States, and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to their lands, such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants and give full effect to the treaty of 1848 between the United States and Mexico; and until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

This, sir, has been the law ever since 1854 for the settlement of private land claims in the Territory of New Mexico.

On the 28th of February, 1861, an act of Congress was approved extending the provisions of the eighth section of the act of 1854 to Colorado, and on the 15th of July, 1870, to Arizona Territory. I call the attention of the House to the unsatisfactory results of the attempted settlement of private land claims in these Territories and the State of Colorado under the provisions of the law as it now exists. The land commission of 1880 stated that after a lapse of nearly thirty years more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress; and of the number so reported Congress has finally acted upon only seventy-one. The surveyors-general have reported to Congress an average of only five per year since 1854, and Congress has taken action on an average of less than three per year since that date. There are embraced in those one thousand claims filed with the surveyors-general many millions of acres of as rich and fertile lands as there are in the United States, and in that vast area there are fraudulent claims no doubt set up to millions of acres of it.

On the other hand, there are no doubt many *bona fide* grants which the Government, under her treaty obligations, is bound to respect. When these claims are filed with the surveyor-general, all the lands covered by them, whether fraudulent or *bona fide*, are reserved from sale or other disposal by the Government until the final action of Congress upon such claims.

Mr. Chairman, the millions of acres of land embraced in the one thousand claims filed with the surveyor-general, with the exception of those which I referred to awhile ago which Congress has acted on, are just in the condition they were in 1848 when the treaty of Guadalupe Hidalgo was entered into. It is not known whether they belong to the United States or to the claimants, nor do I believe that it will be known to whom these lands belong in the next quarter of a century, unless there is a tribunal created for the ascertainment and settlement of these claims. So unsatisfactory is the present law that the Commissioners of the General Land Office have called the attention of Congress to the subject time and again.

In his annual report for 1872, on page 65, Commissioner Drummond used the following language, which I will read:

Particular attention is called to the condition of private land claims within the limits of the remainder of the territory acquired by the treaty of Guadalupe Hidalgo, and within the limits of the territory acquired by the treaty commonly known as the Gadsen purchase.

During the last session of Congress, this office submitted for the settlement of these claims a draught of a bill that, in my opinion, contains all the best features of the laws passed for the settlement of similar claims in California, together with certain additions which experience has suggested, and which it is believed will advance the interests of claimants and protect those of the United States. The inadequacy of the laws now in force for this purpose is well known, and justice to the meritorious class of claimants who hold private claims in said territories under grants properly acquired from the former government, requires that they be provided with a more speedy means of perfecting their titles than they are now afforded.

From the history of private land claims in other localities we may reasonably infer that all delay in the final adjustment of like claims in the Territory now under consideration will increase the number, and render more difficult the detection of parties who present claims under forged or fraudulent title papers with the view of securing confirmations therewith. And it may be added that with the completion of railroads now being built or projected, and with other material improvements constantly developing the resources and adding to the wealth of that country, land now comparatively worthless will become valuable, and the incentive for manufacturing fraudulent papers of this character will be correspondingly augmented.

In 1874 the surveyor-general of the Territory of New Mexico, in his annual report, said: "For want of a feeling of security as to title sales of land, either by Government or grant, claimants in such regions are practically closed out, and will so remain until some relief is afforded by Congress. Such a state of things is sufficient to paralyze the industry, energy, and hope of any people." The Commissioner of the General Land Office, in his annual report for 1875, called the attention of Congress again to the subject, as follows:

It is now more than twenty years since the surveyor-general of New Mexico commenced the examination of claims in that Territory, and he has since reported to Congress less than one hundred and fifty claims, though in 1856 he had more than one thousand upon his files; and of the number reported Congress has confirmed but seventy-one.

From these data it will be seen that the probable date when the last of these one thousand claims in New Mexico alone will be reported on and confirmed is in the far future. In the mean time the claimants must wait without remedy, and their grants, which would be valuable if the title were completed by a United States confirmation or patent, must remain comparatively worthless, as is all property where the vendor offers for sale an incomplete title and prospective legislation. The settler dares not settle and improve land lest it be subsequently found to be within the limits of some unconfirmed and unsurveyed grant; and the United States, by such delay, not only loses the sale of its land, but, &c.

This statement was repeated in the annual report of the Commissioner for 1876 with this addition: "In addition to the foregoing I might add that while these private land claims remain in their present unsettled condition it will continue to retard emigration to and settlement in said Territories, for until the titles thereto are ascertained and the land segregated from the public domain it will be impossible to determine which is public land subject to appropriation and settlement under the public-land laws and which is not; therefore, settlement made with a view of acquiring title under the public-land system is necessarily at the risk of finding in the future the land settled upon included within the limit of a private land claim and the improvements lost to the party who made them. There have already occurred many cases of hardship in this respect." Again, in his annual report for 1877 the Commissioner of the General Land Office called attention to the condition of these private land claims, and urged upon Congress the necessity of some suitable legislation for the removal of the cloud resting upon land titles in the Territories.

The surveyor-general of New Mexico, in his annual report for 1878, uses the following strong language:

I have little hope that Congress will act upon any of these suggestions, as they have twice been presented heretofore and no action taken thereon; but the magnitude of the Government interest involved with the title to millions of acres in question impels me to again call attention to the criminally lax method and imperfect means of investigating and adjusting these Spanish and Mexican titles. The uncertain condition of things is retarding settlement, and until all these titles are segregated from the public domain that uncertainty of title will continue, to the serious detriment of the citizens generally.

The special land commission appointed by act of Congress said in 1880 in their report, after having investigated the condition of private land claims in States and Territories containing treaty claims—

The time has arrived when the States and Territories containing these treaty claims are no longer on the frontier, and they have ceased to be populated exclusively by a foreign population. Lines of transcontinental railroads are piercing them in every direction; the restless activity of American civilization is spreading towns and farms over the plains, and has exposed the hidden treasures of the mountains; emigration is flowing in with magical rapidity, and industry and industry and thrift are exploring every avenue for development and investment.

But at the foundation of all permanent growth lies the security and certainty of land titles, and no discussion is required to prove that this is unattainable in communities covered with claims to title of foreign derivation and of unascertained boundaries. Even the Government is ignorant of the lines of demarkation between its public lands and these treaty claims, and uncertainty and insecurity taint the titles of purchasers.

I think, Mr. Chairman, that I have shown conclusively that the present law is entirely inefficient for the settlement of that long-vexed question, private land claims in the Territories of New Mexico, Arizona, and the State of Colorado. The next question, Mr. Chairman, to which I call the attention of the House, is whether the commission proposed to be created by the provisions of the bill under discussion will be adapted to ascertain and settle the claims of persons to land in the Territories of New Mexico, Arizona, and the State of Colorado.

I would say, Mr. Chairman, that this is not a new tribunal in this Government. The tracing of the history of the various boards of commissioners for the ascertainment and confirmation of private land claims is very interesting, and I am sure the operations of those boards will show their great efficiency in the speedy settlement of private land claims, wherever they have existed.

The first commission was created by act of 3d March, 1791, to finally confirm settlement claims and to grant military donations in Vincennes and the Illinois country in the territory northwest of the Ohio River derived by the United States from the Virginia cession of 1st March, 1784, and from that time at different periods boards of commissioners have been created to settle private land claims in territories acquired by the United States. Their operations have always been expeditious and satisfactory. The law of 1854 applies only to the region embraced in the bill. The judicial confirmation of land claims began with the act of 26 May, 1824, but this mode has proved so slow and so expensive to claimants that it is very unsatisfactory. The next act for the final confirmation of land claims by commissioners was the statute of 3d March, 1803, to adjust titles in Mississippi Territory, embracing so much of the present States of Mississippi and Alabama as lies north of the thirty-first degree of north latitude. For this purpose, two boards of three commissioners each were created, one for the district west of Pearl River, and the other for the district east of Pearl River. These boards, after finally deciding two thousand one hundred and fifty-two claims, adjourned *sine die* 21st September, 1805.

Congress, encouraged by such celerity of adjustment, on the 3d of March, 1807, passed an act, the fourth section of which conferred like powers of confirmation on the board of commissioners created by act of March 2, 1805, for ascertaining claims in the Louisiana purchase of April 30, 1803. The act of 1805 had created three boards of three commissioners each, one for the eastern and one for the western district of Orleans Territory in the State of Louisiana, and one for the rest of the purchase, then called the district of Louisiana, afterward called the Territory of Louisiana, and finally called the Territory of Missouri. The board for the eastern district of Orleans Territory decided about two thousand and fifty-seven land claims, and adjourned finally in 1811. The board for the western district of Orleans Territory decided two thousand three hundred and eighty-nine claims. The board for the district or Territory of Louisiana, afterward called the Territory of Missouri, embracing all of the Louisiana purchase north of the present south line of the State of Arkansas, finally confirmed one thousand three hundred and forty-two land claims and rejected a large number; the whole number confirmed and rejected is estimated to be about three thousand nine hundred and seven claims before their final adjournment, which was in January, 1812.

Florida was acquired by the United States from Spain by the treaty of February 22, 1819, and was surrendered to the United States on July 17, 1821. Congress, in view of the rapid and satisfactory adjustment of land claims by boards of commissioners having final powers of confirmation throughout the whole public domain in the Territories I have mentioned, passed an act on May 8, 1822, creating a board of three commissioners for East Florida, a like board for West Florida, and vested them with confirmatory powers in land claims. The board for East Florida confirmed or rejected 423 claims. Their successors, under act of February 8, 1827, confirmed or rejected 167 claims. Their successors, by act of May 23, 1828, the last act for the final adjustment of Florida land claims by commissioners, ended their labors on January 20, 1829, deciding in less than eight months 379 claims—confirming 116 and rejecting 263. The successive boards for East Florida had by January 20, 1829, decided about 969 claims and reported 180 more. The board for West Florida and their successors, under act of March 3, 1825, by July 13, 1825, when it finally adjourned, decided 590 land claims, confirming 515 and rejecting 75.

By act of March 3, 1851, and acts amendatory thereto, a commission similar to the one proposed in this bill was created for the settlement of private land claims in California, and nearly all the land claims in that State have been settled with facility and great satisfaction.

The Commissioner of the General Land Office, in his annual report for 1882, makes the following statement in reference to claims in California presented to board of land commissioners created by the act referred to:

Number of claims	813
Mission claims under No. 609 (24)	23
Total	836
Claims rejected by board and courts, or both	212
Claims finally confirmed (estimated)	624
Claims surveyed and reported	596
Confirmed claims not yet reported	28
Confirmed claims docketed but not disposed of	25
Total in California to be disposed of	53

Mr. Chairman, I have presented the two systems in contrast with each other. I ask, sir, if there can be a doubt in the mind of any gentleman on this floor, in the light of the results of the two methods of settling private land claims, as I have shown them, that the commission is infinitely preferable. Sir, the time has come when the Congress of the United States must meet this question and do something to protect the rights of honest claimants, and see that the stipulations of treaties in regard to these lands shall be carried out in good faith, and at the same time see to it that the Government is not swindled out of the lands belonging to it. This Congress has it in its power now by the passage of this bill, in my judgment, to settle speedily, justly, and equitably all the private land claims in the Territories of New Mexico, Arizona, and the State of Colorado, and thus check the gigantic frauds which have been perpetrated in those Territories for many years past.

The Commissioner of the General Land Office, in regard to a proposed bill creating a tribunal for the settlement of these private land claims, very similar to the one under consideration, says:

It might perhaps be suggested that, inasmuch as in the majority of the cases these claims will have to go into court for the final adjudication of title, the commission might be dispensed with and the courts vested with original and exclusive jurisdiction in all cases. This course would be open to the following objections:

First. Delay, which is the principal objection against the present mode of settling these claims under the act of 1851. In this connection it should be taken into consideration, first, that the courts already have all of the legitimate business they can attend to; and, second, that if the adjudication of the title in these cases were made an original proceeding in the courts, the whole case would have to be made up in the court, requiring in each case a period varying from two or three days to a week or ten days, according to the particular circumstances in each case, while, on the other hand, if the case is brought into court in the form of a complete transcript of the proceedings of the commission thereon it can be disposed of in a comparatively much shorter time.

If the confirmation of these claims were left entirely to the court, it would, in my judgment, be a low estimate to fix the limit within which they would all be confirmed at twenty-five years.

Second, The commission as constituted in the proposed bill, with its interpreters and two law agents, one of whom is required to be skilled in the Spanish language, furnishes a more perfect and effectual means for the protection of the interests of the United States than if the adjudication of these claims were devolved upon the courts. The bill contemplates that one of the law agents shall

be in constant attendance upon the commission, while the other, whose duties will be more in the nature of a special attorney or agent, is abroad collecting testimony in behalf of the Government. In many instances it will be necessary for each agent to visit the premises in person to procure the information and witnesses necessary to a proper defense of the interests of the Government. The district attorneys could not possibly perform these duties, if it were required of them, for the reasons, first, that outside of the time necessary to the discharge of the duties properly pertaining to their respective offices they would have but little time to devote to these duties, and, second, that it would be necessary, in order to properly peform them, for the district attorney of each judicial district to be familiar with the Spanish language.

The advantages of the settlement of private land claims by a board of commissioners instead of by judicial confirmation are set forth strongly in Commissioner's report for 1871 and in report of May, 1858, by Mr. Sandidge, chairman of the Committee on Private Land Claims, as follows:

It is submitted, however, that existing legislation in regard to these claims is very unsatisfactory both to the Government and to claimants, in proof of which it is only necessary to refer to reports of Congressional committees and to frequent reports of the surveyor-general of New Mexico and this office on the subject.

On May 28, 1858, Mr. Sandidge, from the House Committee on Private Land Claims, reported as follows:

"The Committee on Private Land Claims, to whom was referred a large mass of documents relative to private land claims in the Territory of New Mexico, instruct me to make the following report:

"It appears that a number of these claims were before the Committee on Public Lands of the last Congress; but, from some cause, no action was taken thereon by the committee, nor by Congress. These claims, with others, since forwarded by the surveyor-general of the Territory, have received the most careful attention your committee could give them; but, in justice to the committee, I must say this examination has been confined entirely to what seemed to be the principal papers in each case; having no time to scrutinize the evidence and the application as made by the surveyor-general of the Spanish and Mexican laws and usages to each of them in detail. Nor will it ever be in the power hereafter of any committee of this House to make such an examination as will be entirely satisfactory, should these claims be allowed to accumulate before Congress. It is now ten years since the Territory of New Mexico was acquired, and nearly four years since the surveyor-general of the Territory was authorized to examine and report to us the private land claims of its people: and although protected, as is supposed, by treaty in the enjoyment of their property, no man in that Territory, without some action of Congress, can say that his title, however acquired, would hold against any claimant who might purchase his lands from the Government. Heretofore, and from the same cause which has embarrassed your committee, Congress has been compelled, in passing upon similar claims in Louisiana, Florida, and Missouri, to rely upon the report of the several boards of land commissioners, and to confirm or reject by whole classes, as recommended by the commissioners.

"In view of such action, the people of New Mexico are not at all pleased to be compelled by law to submit their muniments of title to one man, whose fitness for surveying is not supposed to qualify him particularly for discharging the duties of a judge, and yet whose opinions are expected to control, to a great extent, the final action of Congress upon their claims. Because of this, and that Congress, if it shall reserve the right to itself of passing judgment, must rely upon the report of an examining commission, your committee believed it very important that such a board should consist of at least three persons, whose recommendations, whether to Congress or a judicial tribunal, would be entitled to and command more respect than your committee or the House can award to the report of the surveyor-general alone.

"But as Congress may not create such a board, and as it is due to the parties interested that the titles by which their lands are held should not be passed over to be settled by another generation, your committee have authorized me to report favorably (with one or two modifications) upon all the claims recommended for confirmation by the surveyor-general; with the understanding that should the action of Congress conform to the views of the committee as to this board, the claims may be finally determined under the new law.

"But for the gross injustice of the people of New Mexico of delaying for an indefinite period action upon their claims, and the certainty that under existing arrangements Congress can never consider them under more favorable circumstances than at this time, your committee would not have been willing to report upon any of these individual claims for the reason first stated—want of time to examine fully, and the unknown quantity of land claimed by most of the parties.

"This last difficulty can not be obviated without a survey of the lands, and that, it is presumed, will not be ordered by Congress in advance of a recognition of title. Of the fourteen claims proposed to be confirmed by the bill herewith reported, the area of but five of them is either stated or estimated. They are for 1 league, 4 leagues, 5 leagues, 7,600 acres, and about 20,000 acres.

"Whether the other claims embrace a less or greater amount is not and can not be made known from the documentary evidence of title forwarded by the surveyor-general.

"The grant in each case refers to some stream, hill, mountain-top, valley, or other known natural object, for boundary."

In the same report he says:

Attention has also been drawn to this matter in reports by my predecessors nearly every year since 1856, and in a communication recently received from the governor of Colorado he reports as follows:

"As nearly as can be ascertained, the following Mexican or Spanish land-grant claims are located wholly or in part in the Territory of Colorado: Vigil and Saint Vrain, area claimed, 4,096,345 acres; Vigil and Saint Vrain, area confirmed, 96,651 acres; Nolan, area confirmed, 48,825½ acres; Maria Baca, No. 4, area claimed, 100,000 acres; Sangre de Cristo, area claimed, 1,200,000 acres; Antonio (not confirmed), claimed 2,500,000 acres; Beaubien and Miranda, about 300,000 acres; making in all 8,342,821½ acres; to which add the Ute Indian reservation, 19,077,120 acres, and the total comprises much more than one-third of the whole area of the Territory of Colorado, all of which is rendered unavailable at present both to Government and people for purposes of sale and settlement.

"In order to realize the magnitude of this unavailable land I call your attention to the fact that it comprises more acres than the whole of the State of Ohio, or than Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, and Maryland, combined.

"Should you seek a remedy for the present unsatisfactory condition of affairs, I would most respectfully recommend that the Secretary of the Interior, or Congress, compel the grantees of all these tracts, or their representatives, to definitely locate the area conceded them by the Commissioner of the General Land Office within some limited time. So soon as this is done all this land will be open to pre-emption and entry, and both the Government and the settlers will be largely benefited thereby. Some of these grants are already inhabited by several thousand settlers, or squatters, as they are called, who can not secure Government patents for their claims, and who fear to make valuable improvements until these Mexican grantees locate the quantity of land awarded them by the decisions of the Secretary of the Interior.

"I sincerely believe that the interests of the General Government, and of our people, and the growth both of this Territory and New Mexico, will be subserved by the adoption of some policy which will enable emigrants who desire in good faith to settle upon the public lands, to know where they can make their selections without fear of future disturbance by adverse claimants. This whole matter is becoming so serious a drawback to the settlement of some portions of this Territory, that I feel it incumbent upon me to call the attention of your Department to the subject.

"It seems to me that if practicable the Ute reservation should be reduced in quantity, or at least the limits should be thoroughly defined by a public and official survey, marked by such monuments as will prevent future trespass upon the domain of the savages."

Some of the claims heretofore confirmed by Congress and surveyed cover principalities in extent, the claimed limits of one such embracing by estimation more than 2,000,000 of acres.

It is most important to the growth and prosperity of those Territories, to which settlement is being rapidly attracted by the extension of railroads, that a separation be made at the earliest possible period between the public lands and those claimed under foreign titles.

In this way only can the settler know where to locate safely, so as not to intrude on the premises of others. The want of such definitive adjustment of the lines of public and private lands has already, in one instance, brought to notice by the governor of New Mexico, led to armed hostilities between settlers and employés of the grant claimants.

It is respectfully suggested that the creation by Congress of a commission similar to that instituted by the act of March 3, 1851, for California, would best conduce to a speedy and just settlement of claims of this kind, and promote the rapid growth of those young and enterprising Territories.

Mr. Chairman, those officers of the Government whose business it has been heretofore to look after the public lands of the United States, and who have investigated the operations of the various tribunals created by Congress to adjust and settle private land claims, are prepared to form an opinion as to the best mode of settling them, and having had the opportunity, on account of their peculiar duties, to ascertain the most efficient means for their settlement, have unhesitatingly, as I have shown, recommended their settlement by a board of commissioners, such as is proposed to be created by this bill.

The ascertainment by the Government of what lands belong to it is a matter of the highest importance, and the rapidity with which they have disappeared from the public domain has excited an interest in the minds of the people of the United States in the last few years unparalleled in the history of this country. Two hundred million acres have been given away to railroad corporations, leaving only about two hundred millions belonging to the Government for the poor people of this country.

The original intention of the Government was that the public lands belonging to it should be reserved for homes for our own people, fixing a price so low that the poor people could procure homes for their comfort, but instead of that many million acres are in the possession of foreign corporations, claiming them as their own. Congress should watch with jealous eye the future disposition of the public domain.

Mr. HEWITT. Will the gentleman from Kentucky permit me to ask him a question?

Mr. HALSELL. Yes, sir.

Mr. HEWITT. I should like to know whether in the opinion of the gentleman from Kentucky this bill confers upon the commission adequate power to revise and deal with those cases in which it is alleged frauds have been committed by stretching the boundaries of the grant; in other words, whether this commission can take original testimony as to the extent of the grant, and rectify the surveys that have been already made—fraudulently made, it is alleged—so as to bring them down to the boundaries and quantity of land intended to be granted by the original grant.

Mr. HALSELL. I think so. That was certainly the intention of the committee. It was their intention to correct all the evils that it was believed had existed for many years with reference to the boundaries, and in view of the uncertainty of the testimony that had been taken to allow them to use only such testimony as had been taken, and give it such weight as the commission should think it deserved.

Mr. HEWITT. In reading the seventh section I do not find a specific grant of power to make the investigation required to rectify the allowances of land. I ask the gentleman from Kentucky whether the committee would be willing to accept an amendment which would confer specifically a grant of power on the commission to investigate the correctness of the quantities of land in the grant heretofore surveyed?

Mr. HALSELL. I will say to the gentleman from New York that the committee are exceedingly anxious to have the best bill that can possibly be matured, and if amendments are suggested that will conduce to that end I am very certain the committee will accept them. I am not prepared to say as an individual what amendments I would accept. But knowing the general feeling of the committee, I know they feel an intense interest to get such a bill as will best accomplish the object intended.

Mr. HEWITT. I ask the gentleman not to move the previous question so as to cut off the proposition of an amendment of that kind.

Mr. REAGAN. I do not know what may be the purpose of the committee, whether to call the previous question or not. But I call the attention of the gentleman from Kentucky [Mr. HALSELL] to line 15, section 5, where there is inserted the word "non-residence," as an amendment by the committee, for the purpose of saying to him I am afraid it was a great mistake to insert that word. We in Texas have had a great deal of experience in the adjudication of claims of this sort which originated under the Government of Mexico. We also had a great deal of

experience with claims evidently manufactured and brought up subsequently to the time of annexation. If this word "non-residence" be inserted, if the depositions of non-resident witnesses can be taken to establish these claims, I venture the statement that the whole of these claims will be established, and you had better just pass an act to turn over this land to whoever claims it than attempt to pass any bill of this kind.

Mr. GREEN, of New Jersey. I will explain that the provision of the bill to which the gentleman from Texas refers in section 5 only refers to the examination of non-resident witnesses.

Mr. REAGAN. I understand that. The bill as amended provides——

That in case it shall be found impossible to procure the attendance of any witness by reason of non-residence, &c.

Now, then, of all things it is the most important to the Government and to the actual settlers there, claiming under the Government, that you shall have the witnesses who establish these claims brought before the courts, if it is practicable. And when you insert this word, which is an addition to the language of the California act, as I have said, you had better pass an act turning the land over to the claimants, because it will all go to them.

I now call attention to this provision in section 7, on page 5:

And evidence heretofore taken before the surveyor-general under the act of 1854, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," shall be competent evidence before said commission of such weight and credibility as they shall deem it entitled to, having in view the manner and circumstances under which it was originally taken.

That is an amendment also by the committee. Of course the committee have examined the subject and understand it better than I do; but it is a matter of very great moment that that commission shall be able to see the witnesses and hear the witnesses and sift their means of knowledge, and not take the loose testimony that may have been given *ex parte* and settle the claims upon such evidence as that.

Mr. HALSELL. The committee contemplated that such a commission would be created as would be able to judge of the character of the testimony presented to them, and give only such weight to it as in their judgment it was entitled to. But this goes so far as to say that this "shall be competent evidence before said commission, of such weight and credibility as they shall deem it entitled to." It is there as evidence, and they can presume nothing from the presence of the witnesses, from the manner of their testifying, from the fact whether it was *ex parte* testimony or testimony taken upon cross-examination, and I suggest to the committee——

Mr. THOMAS, of Wisconsin. Will the gentleman allow me to suggest the reason of that? This testimony was proposed to be used for the reason that it was authorized to be taken under the law of 1854, and many of the witnesses are now dead. The parties claiming these lands and grants went to certain expense, under the then existing law, to bring witnesses before the surveyor-general, but, after the surveyor-general had reported Congress failed to act, and this bill now proposes to repeal all the action that has been had, and this evidence is simply to be submitted to the commissioners to have such weight as they may see fit to give it.

Mr. HALL. Up to the present time the acts of Congress have provided a method of procedure under which testimony could be taken, and a great number of claimants have proceeded in accordance with the acts of Congress, have filed their evidence before the surveyor-general, and have been knocking at the doors of the Department and of Congress for thirty or thirty-five years past attempting in vain to get some kind of action, and being almost willing to be beaten rather than be kept perpetually lying on the steps of the Department and at the doors of Congress asking for what seemed to them right and proper.

In a great many instances this testimony has been taken at great trouble and expense, and, as has been suggested, many of the witnesses are dead, so that to attempt to go back and secure that testimony again would be an impossibility. The present bill simply contemplates a change of forum, a change of method, putting this whole subject under the practical control and in the hands of the courts of the country. First, the district court, the superior, of course, of the commission created; and it was deemed not only proper but eminently just to these claimants that this evidence, which had been already taken pursuant to the laws of the country and had been on the files of the Department for years, should not be thrown aside and entirely lost, but should be made competent to be considered by this commission and by the district court, in case of review, for what it seemed worth—not, perhaps, of the high character of testimony that might be taken now pursuant to present methods, but still testimony worthy to be considered and to receive such weight as the commission and the court may see proper to give it.

Mr. REAGAN. Mr. Chairman, I appreciate fully the objects which the committee have in view——

The CHAIRMAN. Before the gentleman from Texas proceeds the Chair desires to inquire whether the gentleman from Kentucky [Mr. HALSELL] or the gentleman from Massachusetts [Mr. ELY] has the floor for this hour. The Chair did not understand whether the whole hour was yielded or only a portion of it.

Mr. HALSELL. I reserve the balance of my time.

Mr. ELY. The gentleman from Kentucky [Mr. HALSELL] has the floor.

The CHAIRMAN. To whom does the gentleman yield?

Mr. ELY. I yield now to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Chairman, I appreciate the great importance of the object the committee have in view. It is certainly a matter of very great importance that good titles should be confirmed, that bad titles should be opened and the whole matter of these titles should be adjudicated. I do not propose to set up my judgment against that of the committee, who have gone through the labor of investigating this subject and have examined the law under which this testimony was taken, which I have not done. What I wished to do was to suggest to the committee the danger of allowing the commissioners provided for by this act to have their judgment controlled by evidence the character of which they have no means of determining except what appears upon the cold paper. I have seen so much in relation to this character of claims, and in relation to the kind of evidence by which it has been sought to establish them, that I feel it is always best, wherever it is practicable, to have the witnesses who are put forward for the confirmation of these claims put in a position where they can be cross-examined, where their meaning can be fully brought out, and where their character and their means of knowledge can be tested by the tribunal that is to pass upon their testimony. My sole object was to bring that view to the attention of the committee.

Mr. ELY. I yield now to the gentleman from Wisconsin [Mr. THOMAS].

Mr. THOMAS, of Wisconsin. Mr. Chairman, I wish to call the attention of the committee to an amendment which I propose to offer at the proper time. In section 7 of the bill it is provided that the claimant can come before this commission and have his claims adjudicated, and, if the evidence be satisfactory to the commission, there is a confirmation of the grant, which deprives the United States of any claim as much as though Congress had passed a special act granting the land comprised within the boundaries of the grant directly to the claimant.

All over this vast extent of territory, comprising, as the chairman of the committee has said, an area equal to several of our most important States, people from the East and the West, the South and the North, have during the last twenty years settled and made their homes. They claim title adversely to these pretended grantees; and this bill makes no provision for their defense or protection. The Commissioner of the General Land Office says that his office is filled with petitions claiming protection from the Government against these gigantic "land-sharks" (as they must be called in many instances), who have succeeded in getting through Congress special grants conveying to them hundreds of thousands, and even millions of acres, when they were entitled either to nothing or to a very small number of acres. And these grants by Congress have been declared by the Supreme Court to be absolute, to be grants *de novo*, to cut off all title that the United States may have had in the lands. This bill provides that the decision of the commissioners to be appointed in pursuance of the act shall have the same effect as the decision of the court, with the proviso that the parties may go before the United States district court and finally before the Supreme Court to test the justice of the claim. The bill is right in every particular, except that in my judgment these men who settled upon these lands, who have resided there in many instances for twenty or thirty years, should have the right to be parties to this contest.

I have prepared an amendment, with which I think the committee will be perfectly satisfied, allowing these parties to come in and show that there is no title as claimed under the Spanish or Mexican grant, or that the boundaries as claimed extend beyond the original grant. Such things, Mr. Chairman, are common. I have the honor to be a member of this committee, and there was referred to me as a subcommittee one of these private land claims where the report of the surveyor-general, made under the law of 1854, showed that the private land claim covered 130,138 acres. On close examination and thorough inquiry I ascertained that if there was any grant at all it covered only 1,813 acres.

Mr. FELTON. How did the gentleman get that information?

Mr. THOMAS, of Wisconsin. From the General Land Office. The Commissioner of the Land Office wrote me a letter, which I embodied in the report, advising that the bill to confirm that grant be laid on the table. And the case is similar with hundreds of these claims.

Mr. FELTON. Then that shows the necessity of passing a measure of this kind.

Mr. THOMAS, of Wisconsin. Some law of this kind is absolutely necessary. Congress has and can have no means of knowing the feasibility or justice of passing in any given case a special law confirming a land grant to any man. In one case mentioned by the Commissioner of the General Land Office the quantity of land claimed to have been granted was 1,700,000 acres; and a special act of Congress was passed vesting in the claimants that quantity of land. But it was ascertained afterward that 96,000 acres constituted the full extent of the grant; and the rest of the land vested in the claimants by special act of Congress was land of the United States. By that act the settlers upon 1,600,000 acres of land had their property swept away without any judicial trial. The Supreme Court declared that the act of Congress was a gift, a grant

de novo by Congress, which could not be disturbed; that title had vested under that act, and these settlers, not having secured a title from the Government of the United States, must be turned out.

My amendment proposes, as I have indicated, that in any case arising under this bill the parties who have settled on the land in question, occupying 80 or 160 acres it may be, shall be allowed to become parties before the commissioners and before the court to defend their title and to show, if they can, that Mexico or Spain never granted to the claimants any land whatever. In this way not only the interests of the settlers but the interests of the United States will be protected, and there will be far less liability to fraud. In my judgment this bill ought not to pass without such an amendment.

Mr. THOMPSON. I understand that the Committee on Private Land Claims are willing to accept the gentleman's amendment.

Mr. THOMAS, of Wisconsin. I am glad to understand, Mr. Chairman, that the committee are willing to assent to this amendment.

Mr. ELY. Mr. Chairman, I ask unanimous consent that general debate on this bill be closed at fifteen minutes after 12 o'clock.

Mr. HOLMAN. I believe I must object. I do not know that any more time than the gentleman indicates will be desired, but on so important a bill a reasonable time should be allowed for debate.

Mr. ELY. There are only two hours allowed for the disposition of this bill, and at quarter past 12 o'clock one of those hours will have expired. After that the bill must be considered by sections, and we may not be able to get through with it in the two hours, unless we agree to this limitation.

Mr. HOLMAN. I believe I will not object.

The CHAIRMAN. If there is no objection the order requested by the gentleman from Massachusetts [Mr. ELY] will be made, and the general debate on this bill will be closed at quarter past 12 o'clock. The Chair hears no objection, and it is so ordered.

Mr. ELY. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER addressed the committee. [See Appendix.]

Mr. JOSEPH. Mr. Chairman and gentlemen of the committee, the many and involved questions growing out of land titles, which it is the aim of this bill to settle, are extremely important, both to those claiming the lands, who have their all involved, and important to our Government, in that solemn treaty obligations are involved. They should then merit the generous and favorable consideration of Congress. It may be well to state in this connection that all similar questions have been settled in the manner proposed by this bill. In all cases where lands have been acquired from foreign governments, whether by cession or conquest, the intricate questions which the new relations have given rise to have been invariably settled by commissions appointed and constituted in the same manner proposed by this bill. Questions growing out of the cession of lands by Great Britain and from the acquisition of the immense Louisiana purchase and the Spanish and Mexican land grants of California and the ceded lands of Florida from Spain were all settled in this way. The establishment of commissions has been the agency of settling speedily, economically, and satisfactorily the question of title involved in this immense territory, covering hundreds of millions of acres of land. No other method was ever suggested or thought of in regard to this immense acquisition.

In the Territories of New Mexico and Arizona and the State of Colorado are to be found the only lands now remaining unsettled, so far as land titles are concerned. Regardless of the satisfactory manner in which the method of commissions has resulted, it has been suggested that a different method be applied to them. For about thirty-eight years these lands have remained as they now are. Their condition has been growing worse instead of better. The lands there are no nearer settlement than they were thirty-eight years ago. The reason for this is that there is a constantly increasing stream of immigration pushing into this section of the country, which gives rise to a great demand for lands. The questions which grow out of this demand for lands and the rapidly increasing settlement of the lands are very complicated and embarrassing, and will become more and more difficult of solution as the years roll by. The commission appointed for the settlement of land titles in California was enabled after four years' work to finally and satisfactorily adjust practically all disputes to land titles in that State. This was accomplished, although the condition of land titles was possibly worse at the passage of this law than those of all other acquired Territories. It is no argument against the commission plan that a few cases involving large amounts have not as yet been settled in that State, involving large sums of money. This is still less an argument when it is proposed to use it as such in reference to the Territories and State named in this bill. It is not the large and valuable grants alone which this plan is intended to settle.

In New Mexico and the other sections named in the bill the smaller grants are largely in excess of the larger ones. Many of these smaller grants embrace less than 80 acres of land. This argument has no effect when brought to bear upon the smaller grants. As a rule only the larger ones will be placed in dispute. The smaller grants will be speedily settled, and will not, like the larger grants, be carried into the courts. The grants which most need the intervention of a commission are the smaller grants, and these small grants can be settled before it with small cost of time and money to the holders. The values of these grants are so small that the holders would not ordinarily be justified in expending the time and money required by a judicial ascertainment. To force them into the courts would be an act of great injustice, for, in that event, the burden of court expenses would be more than they could bear. This would put the undisputed claimant of a small holding of ten acres on a par with and to the same expensive formalities of protracted investigation and the usual delays of court proceedings as the disputed claimant of thousands of acres. It is the rights of the undisputed claimants, especially those of small holdings, that we desire to protect by a commission, and to afford them an opportunity to acquire titles to their homesteads without further delay and with as little cost as possible.

Mr. Chairman, the lands in regard to which we desire to have the titles settled by this bill are not public lands, but it must be kept constantly in mind that as a rule these claimants long before they came under the sovereignty of the United States had a good and sufficient title to the lands they claimed. Their right to these lands has long been recognized by common and statute law, and also by the usages and customs of the parent country. They exercised all the rights which any man may exercise in regard to land. They disposed of their lands by will and inherited lands from their ancestors; they bought and sold, and so doing no question was ever raised as to their right so to do; nor was the sufficiency of their title ever brought into question more than is ordinarily the case elsewhere. In their own country, where they and their fathers had lived long before the United States acquired the right to govern them, their right to these lands was absolutely clear and indisputable. As in all cases, there may be fraudulent and insufficient titles to large tracts of these lands; but wherever lands are held by the tenure of fraud and corruption this forms the exception rather than the general rule, and such titles constitute but a small part in number compared with the immense number of rightful claimants whose claims would be happily settled by a commission.

Before these lands were acquired by the United States the people occupying them owned the soil. It was theirs by all the rights secured by their laws. They had paid for them, and they had occupied them and cultivated the soil. This mere act of occupation and cultivation in itself was a valuable consideration to the sovereign of these people from whom they derived their title to these lands. Their sovereign had no claim to their lands according to their laws, and when these people were transferred to the sovereignty of the United States it must be borne in mind that they still possessed unimpaired their rights of person and of property. These rights were guaranteed to them by treaty obligations—by the treaty of Guadalupe Hidalgo and other solemn like stipulations. The people who held these lands can not, perhaps, make a perfect paper title, if any paper title at all exists. The transferring of land by written instruments was not known to their laws. Their ancestors settled upon the lands when the whole country was populated with savage tribes of Indians, and they acquired their right to possession and their possession by an apportionment according to the military usages of that day. It may be that records were kept of the different allotments that were made; but if so, many of them have been obliterated by the lapse of time. It would work great injustice now to require that these people should show some written instrument of title.

This they can not do, and to evict them in case they can not show a grant, cession, warranty, or survey of their lands, as is provided by other bills now before the Congress of the United States, is a species of cruelty and barbarism which could be compared only to savage raids known to Indian warfare. These people can only prove that they or their ancestors or grantees have occupied and owned their lands from time immemorial, and they can prove no more. Upon this showing they should be given their titles, and not be put to the trouble and expense of judicial ascertainment. The bill now pending before the United States Senate is especially detrimental to the small holders of these grants. It establishes a triple tribunal, running through the highest courts in the land. By it the poor man with his small holding is compelled to go as far with his small income as the rich man with his large interests to carry him through the difficulties of the situation. The result of such a judicial ascertainment of rights will compel the poor man to lose his all. He can not stand the pressure caused by delays and the costs of litigation. The result will be that he will be compelled to relinquish the dearest rights of man—the rights guaranteed to us by Magna Charta and the rights guaranteed to them by solemn treaty stipulations—the rights of person and property. Many of these people will lose their lands and will be driven away from their birthrights if this plan suggested by the Senate bill is consummated.

This Government has no more right to take possession of their lands in this way than it has to take possession of the Canadian dominions. It will be seen that this bill includes claims that have been acted upon and reported to Congress for confirmation by the surveyor-general of the Territory of New Mexico.

Now, Mr. Chairman, you will see that all the best features of the various plans suggested for the ascertainment of titles by judicial inquiry without inquisitorial, oppressive, and confiscatory characteristics are included in this bill. At the same time it deals generously with

the claimants, and kindly gives assistance to those who are in need of the favorable consideration of the Government. This bill places these people where they belong, in the category of citizens of the United States. It assures to them their rights of person and property, equal to those possessed by our people in all sections of this great country. It treats them as citizens and not as intruders upon public lands. It secures to them the lands which are rightfully their own, and it will be a guarantee to them that this Government means to deal with them honestly and justly.

Mr. ELY. I yield now to the gentleman from Pennsylvania.

Mr. OSBORNE. Mr. Chariman, I have been a member of the Private Land Claims Committee long enough to become thoroughly satisfied that the present method of disposing of the cases of the character now under consideration is in no way satisfactory to the committee having the cases in charge or to the Government or the parties who are interested in them. During the short time I have been on this committee it has become my duty to investigate and consider some three or four cases coming under these grants, and I have not yet found a single case wherein I have not become satisfied the claimants were asking from ten to fifteen times the quantity of land they were entitled to receive. And such a course of procedure as this, which inevitably, I may say, results in that which is not creditable to Congress and which is not just to the Government, is not one that should be sustained and upheld by the Congress of the United States.

Now, I believe that by adopting the amendments to this bill, as reported from the committee, the amendments offered by the gentleman from Wisconsin [Mr. THOMAS] which have been suggested, we have a most perfect tribunal, one that will be entirely satisfactory to the whole country, and one which will result in disposing of this question in a manner just to the Government as well as to the claimants.

The CHAIRMAN. The time fixed for the general debate on this bill has expired, and the Clerk will now report the bill by sections for debate and amendments.

The Clerk read the first section of the bill, as follows:

Be it enacted, &c., That for the purposes of ascertaining and settling private land claims in the Territories of New Mexico and Arizona and in the State of Colorado a commission shall be, and is hereby, constituted, which shall consist of three commissioners, one of whom shall be skilled in the Spanish and English languages, to be appointed by the President of the United States, by and with the advice and consent of the Senate, which commission shall continue for four years from the date of the passage of this act, unless sooner discontinued by the President of the United States; and there shall also be appointed by the President of the United States, by and with the advice and consent of the Senate, a competent attorney, whose duty it shall be to attend the sessions of the said commission in behalf of the United States, and in all things to represent the interests of the United States in the matters coming before the said commission.

Mr. REAGAN. I move to strike out the last word for the purpose of asking a question.

I desire to ask the chairman of the committee with reference to this first section of the bill whether it would be agreeable to the committee to insert after the word "States," in line 16, the words "in connection with such attorneys as may be employed by persons claiming adversely to such grant."

My reason is that there may be other or junior claims to these grants; and they may want their attorneys to co-operate with the attorneys of the Government——

Mr. GREEN, of New Jersey. Let me interrupt the gentleman from Texas to say that an amendment has been suggested which will be offered at the proper place, allowing actual settlers to come in, which amendment has been accepted by the committee and so far as I know there is no objection to it.

Mr. HOLMAN. It seems to me that provision ought to be made at the end of section 5, and I shall propose at the proper time, unless the committee suggests some amendment more satisfactory, to insert the following:

Provided, however, That any person claiming an interest in any land embraced in any such claim shall have the right to appear in any case involving the same, in person or by attorney, and introduce evidence in support thereof, and in support of the claim of the United States to the land involved in the proceeding.

Mr. THOMAS, of Wisconsin. I ask the gentleman from Indiana to permit me to read an amendment which I propose to offer at the proper time, which I think will effectually cover the ground.

Mr. HOLMAN. Very well.

Mr. THOMAS, of Wisconsin. I propose to move to insert at the proper place the words:

Provided, however, That any person or corporation claiming an adverse title or right, under the United States or otherwise, to any part of the land so claimed, or who shall be in the actual possession of the land so claimed, or any part thereof, otherwise than by the lease or permission of the claimant, at the time of the passage of this act, shall be entitled to and shall have the right to intervene as a party in interest in the cause or proceedings before the said commissioners, by attorney or otherwise, at any time before a decision has been rendered by said commissioners, and to submit evidence attesting in whole or in part the right of the claimant or the existence or the validity of the alleged grant or claim, which evidence so submitted shall be considered by the commission in making their decision.

Mr. REAGAN. That is better, and I think should be adopted.

Mr. HOLMAN. Is it the purpose to bring that in at the bottom of section 5?

Mr. THOMAS. I shall offer it at the end of section 7.

Mr. REAGAN. I withdraw the *pro forma* amendment.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 5. That any two of said commissioners shall constitute a quorum for the transaction of business, and no proceeding shall be taken as a board except there be a quorum present; and each of said commissioners shall be, and is hereby, authorized to administer oaths; and the board, when in session, may summon witness and issue writs of subpœna to compel their attendance, and examine witnesses in any case pending before the said board, and do all and singular the acts and things necessary to carry this act into effect, of all which a complete record shall be kept, and which record, together with all testimony, shall be kept, taken in writing, and be recorded and preserved in bound books to be provided for that purpose: *Provided*, That in case it shall be found impossible to procure the attendance of any witness, by reason of sickness, extreme age, or other disability of such witness, it shall and may be lawful for the said board to provide for taking the testimony of such witness in the usual manner and under the usual rules established by the courts in such cases.

The committee recommend the adoption of the following amendment:

"In line 15, before the word 'sickness,' insert the words 'non-residence,' so that it will read 'by reason of non-residence, sickness,'" &c.

Mr. GREEN, of New Jersey. There is a verbal correction to be made in this connection, which I ask consent to make; in line 6 the word "witness" should be "witnesses."

The amendment was agreed to.

The CHAIRMAN. The question recurs upon the adoption of the amendment proposed by the committee.

Mr. REAGAN. I desire to be heard upon that amendment.

I wish to inquire of the committee if they think it best to keep the word "non-residence" in; and I beg to state in relation to that, that the making and bringing of grants of this sort into Texas, and I suppose into all of the Territories, by the treaty of Guadalupe Hidalgo, has been one of the industries of that part of the country for many years, and it is conducted by as able lawyers as this country produces, men who know how to shape testimony to meet any objection which may be urged in any court. It is well known to all who are conversant with the subject that by going into Mexico and paying men as for a day's work, you can make up any case you please. If these words, then, are to remain in the bill, the claimants can go to Mexico and make their proof by deposition, as it will be taken there; so that it will be cheaper for the Government and better to pass an act at once and place the title in the present claimants than to undertake to protect its rights.

Mr. HALL. Let me interrupt the gentleman to ask: Do you think the danger to which you allude is any greater than the injustice which might follow the deprivation of the right to parties hereafter of taking testimony of non-resident witnesses? There are people living in the various States whose testimony might be applicable in that connection.

Mr. REAGAN. I suppose it is true that to get at the justice of these cases it is very rare indeed that it would be necessary to send to Mexico for witnesses, because the witnesses are in the country where the land is. That is where the cause of action arises and where the title exists.

Mr. GREEN, of New Jersey. I will state, with the consent of the gentleman from Texas, that I offered the amendment in committee, but I am not strenuous about its adoption. It only seemed right to put it in, but in consequence of the view the gentleman takes of it I am not unwilling to have it stricken from the bill.

The amendment of the committee was rejected.

The Clerk read section 7, as follows:

SEC. 7. That each and every person claiming lands in either of the Territories or State mentioned in this act, by virtue of any right, title, or authority derived from the Spanish or Mexican Governments, which right, title, or authority the Government of the United States is bound to respect under the provisions of the treaty of Guadalupe Hidalgo, the Government of Mexico, or under the usages and customs of Spain and Mexico in the disposal of lands, shall present the same to the said commissioners when sitting as a board for that purpose, together with such documentary evidence and testimony of witnesses as the said claimant relies upon in support of such claim; and evidence heretofore taken before the surveyor-general under the act of 1854, "An act to establish the offices of suryeyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," shall be accepted as evidence as though taken before the commission created under this act; and it shall be the duty of the said commissioners, when the case is ready for hearing, to proceed promptly to examine the same upon such evidence, and upon the evidence produced in behalf of the United States, and to decide upon the validity of such claim, and, within thirty days after such decision is rendered, to certify the same, with the reasons upon which it is founded, to the clerk of the United States district court in and for the district in which such decision shall be rendered: *Provided*, That all claims to lands in the Territories and State aforesaid provided for in this act which have prior to the passage of this act been examined and reported to the Secretary of the Interior with recommendation for confirmation by either of the surveyors-general of the said Territories and State, and which are now pending before Congress for its action, shall not be required to be presented for the examination of the said board, but shall be disposed of by Congress under existing laws, unless it shall appear to the satisfaction of the board, on petition made to that end, that the surveyor-general has erroneously approved any such grant or the survey thereof, and recommended for confirmation any such grant so erroneously approved or surveyed, in which case the board of commissioners shall proceed to investigate and act upon the same as though it had never been acted upon by the surveyor-general.

The amendments of the committee are as follows:

Add after the words "Guadalupe Hidalgo," in line 6, the words "or the treaty concluded December 30, 1853, commonly known as the Gadsden treaty."

The amendment was agreed to.

The committee also recommend to strike out the words "shall be accepted as evidence as though taken before the commission created under this act," in lines

18, 19, and 20, and insert "shall be competent evidence before said commission of such weight and credibility as they shall deem it entitled to, having in view the manner and circumstances under which it was originally taken."

The amendment was agreed to.

The next amendment of the committee is to strike out the proviso beginning in line 32 and continuing down to line 47.

The amendment was agreed to.

Mr. THOMAS, of Wisconsin. I wish to offer the amendment I have already indicated to that section.

The Clerk read as follows:

Provided, however, That any person or corporation claiming adverse title or right under the United States, or otherwise, to any part of the land so claimed, or who shall be in the actual possession of the land so claimed, or any part thereof, otherwise than by the lease or permission of the claimant, at the time of the passage of this act, shall be entitled to and shall have the right to intervene as a party in interest in the cause or proceedings before the said commissioners by attorney or otherwise, at any time before a decision has been rendered by said commissioners, and to submit evidence contesting, in whole or in part, the right of the claimants or the existence or validity of the alleged grant or claim; which evidence so submitted shall be considered by the commissioners in making their decision.

Mr. HOLMAN. I wish to inquire of some member of the committee whether or not it was deemed practicable to impose some limitation upon the duration of claims? There must be a great many instances where the strong adverse possession of a portion of the property claimed, or all of it, ought to be taken into consideration.

Mr. ELY. This bill provides for that further on.

Mr. THOMAS, of Wisconsin. Where a person has been in possession forty years he is entitled to claim not to exceed 80 acres of land, by reason of actual possession for that length of time.

Mr. HOLMAN. If that is contained in a later portion of the bill, I will not press the matter now.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. THOMAS].

The amendment was agreed to.

Mr. REAGAN. I desire to propose an amendment which I have written out, to come in after the word "rendered," in line 32 of section 7. I propose to insert there these words:

And such claimants, before the title to any such claim shall be confirmed to them, shall show that they, or those under whom they claim, have paid all taxes due on the same to the Territorial, county, and municipal governments in which the same may be situated.

I desire to say to the committee that we had in Texas various efforts running through more than thirty years to control the manufacture of titles. Those engaged in that business would come into the State and manufacture a title to land in a country which had been settled for thirty or forty years, where men had made their homes, built their residences, planted orchards, and made all sorts of improvements. The parties would sue the settlers in the Federal courts, perhaps at a great distance from them. Those who had wealth enough and determination enough to resist this attack upon their titles would be all right. The parties would say, "We will make a quitclaim deed to you." Others, unable to litigate, had to rebuy their lands or be ejected. We never had that stopped until we got the thirteenth article inserted in the constitution of Texas, that parties could not maintain their claims or have any standing in court unless they could show they had paid State, county, and municipal taxes upon the property in dispute. That gave us repose. If you adopt that provision you will put a stop to this fraud.

Mr. SPRINGER. I think that is right. I hope the amendment will be adopted.

Mr. HALL. I want to inquire of the gentleman from Texas if there is not a broad distinction between the case put by him and this case. The cases the gentleman has alluded to applied only to lands where the original title belonged to the State of Texas.

Mr. REAGAN. They applied to lands where there was a Mexican title.

Mr. HALL. I understand that; lands subsequently acquired by the State of Texas. Now the taxes that you would require to be paid under this proposed amendment are taxes which are assumed to have been levied on lands the title to which is in the United States.

Mr. REAGAN. I suggest to the gentleman from Iowa that in the section of country where this bill will operate these claims purport to be older than the junior claims where the titles are from the Government. These claims are brought in subsequently on older deeds. It was to prevent that that we adopted the article in our constitution to which I have referred; and the same proposition should be adopted with reference to Arizona and New Mexico.

[Here the hammer fell.]

Mr. WEAVER, of Iowa. In my judgment this body ought to go very slow in legislating upon this question, and it seems to me that here is a good place to go slow.

By the act of 1854 Congress provided for the examination of all these titles, and the present surveyor-general of New Mexico has entered upon the work of examination and re-examination of the work of his predecessors. If that work is allowed to go on it seems to me in a very brief time the facts and information will all be laid before Congress and the way will be smoothed for accurate Congressional action.

I have very little faith, Mr. Chairman, in these commissions that are appointed under the whip and spur and with the idea that they must act and act promptly. I send to the desk and ask to have read a letter I have received from Hon. George W. Julian, surveyor-general of New Mexico, concerning this bill.

The Clerk read as follows:

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Santa Fé, May 3, 1886.

MY DEAR SIR: Let me ask your particular attention to the inclosed article from a leading Democratic paper in this Territory touching the bill recently reported from the House Committee on Private Land Claims, and made the special order in your body for the 11th of May. The article pretty clearly expresses my views; and as I am on the ground, mingling freely with the people here, and my official duties necessarily interest me in the subject and qualify me, I hope, to give an intelligent opinion, I trust you will do me the honor to duly consider the points made in the article. Under the circumstances I ought to be better fitted to judge of the matter than most of the members of Congressional committees, who are obliged to look at it at long range. But I need not dwell on the subject. I only wish to add that the passage of the bill referred to, at least in its present shape, would be disastrous to the best interests of New Mexico. I know your interest in matters involving our land policy and your personal friendliness to me; and for this reason I make this appeal to you.

I am, very truly, yours,

GEO. W. JULIAN.

Hon. JAMES B. WEAVER.

Mr. WEAVER, of Iowa. There is no man in America better qualified to judge of the present land policy, or the policy as to any particular locality or district, than Mr. Julian; nor can his motives or information or intelligence be impugned in the least. I now send to the Clerk's desk the article referred to in Mr. Julian's communication, and ask that it be read.

The Clerk read as follows:

THE LAND COMMISSION PROJECT.

Under the act of July 22, 1854, it is made the duty of the surveyor-general to carefully examine all claims to Spanish grants, and make full report of his opinion to Congress for its final action. This would have proved a wise method of settling these cases if the surveyors-general of this Territory had been capable and honest men, and Congress had promptly acted upon their reports. The shameful maladministration of the act of 1854 has been the trouble, and not the act itself, and what is nedeed, therefore, is not further legislation or new machinery but improved methods. We are now living under an administration thoroughly committed to the work of reform. Our present surveyor-general has nearly completed his investigation of the cases on the files of his office; and, under instructions from the Land Department, he is thoroughly re-examining the work of his predecessors and preparing supplementary reports which will smooth the way of Congress to a speedy and just conclusion in the final settlement of these cases. All that is now wanted is that this work shall go on, and that Congress shall promptly do its duty. Many millions of acres now held in reservation under false claims and extravagant surveys can thus be speedily restored to the public domain, and the prayer of the people of New Mexico for settlement of their land titles be satisfactorily answered.

But should it be decided that Congress is not a fit tribunal for the adjudication of these cases, an easy and obvious remedy is at hand. Let the act of 1854 be so amended that the cases examined and reported by the surveyor-general shall be referred to the General Land Office for decision, with the right of appeal to the Secretary of the Interior, as in other cases. Each claim will thus be submitted to the appropriate department of the Government, with all the documentary and other evidence respecting it, and the opinion of the surveyor-general touching the law and the facts, and his citation of authorities in support of his views. This would open the way for the final settlement of the whole of these Spanish grants in less than two years, and New Mexico would have a new birth.

But the grant claimants of the Territory are now howling for a "land commission" to settle these titles. They see rocks ahead, and are hunting for some means of escape. They don't like the operations of our surveyor-general, and they are seeking to arrest his work by transferring the whole business to a tribunal to be created by the bill recently reported from the House Committee on Private Land Claims. Let us look at its provisions. The three commissioners it provides for are to decide these cases, and from their decision an appeal lies to the district court of the Territory, and from the decision of that court to the Supreme Court of the United States, which is already behind with its work four or five years. The speedy settlement of these titles by such a process is simply impossible. It would require eight or ten years; for every grant claimant would appeal from an adverse decision, even if sure that his title was bad, simply as a means of prolonging his dominion over his ill-gotten possessions. It would be his interest to do this as the holder of a false claim and, in nearly every case, of a very large additional area illegally surveyed into it. It is thus easy to see why our grant men are so anxious about the passage of this bill. The speedy and just settlement of land titles in New Mexico is exactly the thing they do not want, and they are striving, with all their might, to avert or postpone their impending day of judgment. Every intelligent man in the Territory who is not interested in Spanish grants, and has given the subject his attention, knows this, and that the passage of this bill, in its present form, would be disastrous to New Mexico.

The measure is radically defective in other particulars. It makes no provision for turning over to the proposed commission the archives now on file in the surveyor-general's office, nor the opinions of the surveyor-general, with the law and evidence in each case and his citation of authorities in support of his views, all duly certified, and now before Congress. These papers would greatly facilitate the work of the commission by economizing its labor and speeding its conclusions. Without them each case must be re-examined from the beginning, including the retranslation of all Spanish papers.

The pending bill is open to another and far more serious objection. The great curse of New Mexico, so far as these grants are concerned, has been the enormous stretching of their boundaries by deputy surveyors, whose interest it was to extend their lines as a means of increasing their pay, or as the result of bribery by the claimants. Witnesses have been suborned for the purpose, and millions of acres of the public domain surveyed into the grants. The surveyor-general, if ever so honest, has been armed with no power to judicially determine the boundaries in advance, so as to make impossible these gigantic frauds. The settlement of titles is of far less moment than the correction of surveys, and the pending bill, in making no provision for this, gives us Hamlet with Hamlet omitted. The question of boundaries is as strictly a judicial one as the adjudication of titles. We must insist, therefore, if a commission is to be created, that the act providing for it shall be no half-way measure, but cover every point, and leave nothing undone in the work of a complete settlement of this long-pending and vexatious problem.

Before the Clerk had completed the reading of the above article the time of Mr. WEAVER, of Iowa, expired.

Mr. WEAVER, of Iowa. I ask unanimous consent that the whole of the article be printed in the RECORD as a part of my remarks.

The CHAIRMAN. That can be done under the general leave that has been granted.

Mr. ELY. I yield to the gentleman from Colorado [Mr. SYMES.]

Mr. SYMES. Mr. Chairman, I desire to say one word in reply to my friend from Iowa. Of course every new surveyor-general, every new governor, every new judge, every new officer that goes out to a Territory in the West always goes there for the purpose of reforming that portion of the universe. He always announces that every officer who preceded him did not know what he was about, but he is going to bring justice to the new land of promise. I, sir, have great respect for Mr. George W. Julian. I know something of his history in Congress and in this country. I am willing to concede that he does perhaps know as much as any public man of his time regarding the proper workings of the land laws of the United States. He was appointed upon the Committee on Public Lands in this House for years. But, sir, after some practical and active experience in the West for the past seventeen years, I stand here to say that these private land claims can not be settled, they can not be properly adjudicated, frauds will be committed upon the Government, injustice will be done to private individuals, and great frauds will result under any system of laws that leaves this matter to the executive and political branch of the Government, and I will tell you why. I have watched the working of both systems.

I have had something to do, in an indirect way, with the administration of the law for the settlement of private land claims under the act (of 1851, I believe) to settle private land claims in the State of California. The present bill is modeled upon that act, and what is it? It provides for three commissioners, who are to proceed to make an examination of the claims presented. One of those commissioners and its secretary must be familiar with the Spanish language. They take the testimony. When they have settled an individual case and made their ruling or finding and decision, that decision is filed, and there is an appeal to the United States district court of the district in which the land is situated. Then there is a proceeding in the nature of a trial *de novo* in a suit in equity in the United States district court. The parties go there; they have the benefit of the testimony taken before the commissioners, and I am prepared to say, sir——

[Here the hammer fell.]

Mr. SYMES. Mr. Chairman, I would like to have five minutes more. I think I can explain this subject to the House in five minutes in opposition to the communication of Mr. Julian, which has just been read.

Mr. ADAMS, of Illinois, was recognized, and yielded to Mr. SYMES.

Mr. SYMES. Now, Mr. Chairman, when these questions come before the district court, as I have said, they come for trial *de novo*. There appears the United States with its attorney; there appear the claimants with their attorneys in their behalf. They have the record made up, and the testimony taken by the commissioners, and new testimony may be taken, as I understand, under this bill. They then proceed in, allow me to say, the only way to determine important property rights which the civilization of mankind has yet invented that will result in anything but injustice and fraud and other things I do not propose to mention.

Then, sir, when that tribunal has made its decision, if the party is dissatisfied, he can take it for review, on appeal, to the Supreme Court of the United States. Then, sir, we have some assurance that the questions of title under the treaties will be settled in such a way that we shall not have, throughout the length and breadth of the land, charges of fraud and political influence upon the executive and upon the political departments of the Government. This bill provides for settling these titles in the courts. In the State of California final decisions, which now occupy thousands of pages in the reports of the Supreme Court of the United States, have settled the title to lands worth hundreds of millions of dollars under an act similar to this. On the other hand, sir, let me look for one moment at the experience under the act undertaking to have the executive department, through its surveyor-general in New Mexico, settle private land claims in that Territory. The surveyor-general proceeded to investigate, to make surveys, to establish boundary lines, to report to the Commissioner of the General Land Office, and then, upon his report, those cases were brought here to Congress, and have been pending before Congress for the last twenty to thirty years.

Now and then claims have been confirmed, it is alleged, for millions of acres more than they ought to have been, claims now alleged to be fraudulent, and suits have been pending during the last two or three years in the circuit courts of the United States in Colorado and elsewhere to set aside the patents given for those immense grants, and fraud has been charged and countercharged so as to besmirch every man connected with the business. The Maxwell land grant is an example. For these reasons, sir, I stand here to say that the attempt to settle private land claims by the executive and political departments of the Government is a farcial failure when those claims are supposed to be worth millions of dollars, and the cupidity of ringsters and claimants is involved. So I ask the House to consider this bill, perfect it if it is not perfect in details, and pass it. Then, when these claims shall have passed the commission, been reviewed in the district court of the United States, and appealed to the Supreme Court, we shall have settled these private land claims in a manner that will be above suspicion.

The pending formal amendment was withdrawn.

Mr. SPRINGER. I renew the amendment. Mr. Chairman, there is no gentleman upon this floor who has a higher regard for Mr. Julian, the surveyor-general of New Mexico, than I have.

Mr. REAGAN. If the gentleman from Illinois will pardon me, I think he is not speaking upon my amendment, and, as I fear that we may get away from the question, I suggest that the gentleman yield, and let us have that disposed of.

Mr. SPRINGER. I have no objection to that.

Mr. HOLMAN. Mr. Chairman, in looking at the provisions of section 15——

Mr. SPRINGER. Mr. Chairman, I gave way to have the amendment of the gentleman from Texas [Mr. REAGAN] acted upon.

Mr. HOLMAN. I want to introduce an amendment just before that.

The CHAIRMAN. The pending amendment is the one proposed by the gentleman from Texas [Mr. REAGAN].

Mr. HOLMAN. I move to strike out the last clause in the pending amendment.

Mr. SPRINGER. Mr. Chairman, I yielded to the gentleman from Texas [Mr. REAGAN] for the purpose of having a vote upon his amendment. The gentleman from Indiana [Mr. HOLMAN] now proposes to call up a different subject, and I think we had better dispose of the pending amendment before we proceed to anything else.

Mr. HOLMAN. My reason for seeking the floor now is that the amendment which I offer ought, I think, to precede that submitted by the gentleman from Texas. The fifteenth section provides—

That wherever evidence shall be adduced by any claimant, and the fact proven to the satisfaction of the said commissioners, of the continuous occupancy and possession by such claimant, by himself or his ancestors or grantors, for forty years next preceeding the passage of this act, &c.

Now that does not meet the proposition to which I was seeking to call the attention of the committee a short time ago. It seems to me that where a party in possession—not the claimant who brings the matter formally before the court, but the party in possession, and who, under an amendment already adopted, is permitted to come in and defend—shows an uninterrupted adverse possession for a long period of time, the land ought not to be awarded to the claimant.

Mr. SYMES. Without a hearing.

Mr. HOLMAN. I say if that fact is established the land ought not to be awarded to him at all. I therefore propose to amend by inserting immediately after the language of the gentleman from Texas, whose amendment I think ought certainly to be adopted, a provision to this effect——

The CHAIRMAN. The Chair suggests to the gentleman from Indiana that it would be best now to vote on the amendment of the gentleman from Texas in order to ascertain whether it is to be a part of the bill or not.

Mr. HOLMAN. I have no objection to that course. I call for the reading of the amendment of the gentleman from Texas.

The amendment of Mr. REAGAN was read, as follows:

After the word "rendered," in line 32, insert the following:
"And such claimants, before the title to any such claim shall be confirmed to them, shall show that they or those under whom they claim have paid all taxes due on the same to the Territorial, county, and municipal governments in which the same may be situated."

The question being taken on the amendment of Mr. REAGAN, it was agreed to; there being—ayes 46, noes 44.

Mr. HEWITT. I send to the desk an amendment——

Mr. BROWNE, of Indiana. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. The proceedings on this bill are conducted in such a way that it is impossible for gentlemen on this side of the House to know what is going on. The last vote was cast largely on suspicion, gentlemen about me inquiring on what subject they were voting.

The CHAIRMAN. The amendment was twice read.

Mr. BROWNE, of Indiana. The discussion seems to be conducted almost exclusively by gentlemen on the other side of the House, and with so little voice that we do not hear what is being said. I call attention to the matter with the view of having legislation proceed intelligently.

The CHAIRMAN. The Chair can not compel gentlemen to speak loudly.

Mr. HEWITT. I move to amend by inserting after the word "taken," in line 23, page 5, the clause which I send to the desk.

The Clerk read as follows:

And whenever a claim is presented before the said commission under the provisions of this act it shall be the duty of the said commission, before proceeding to hear the same, to ascertain and determine the extent thereof in number of acres; and all final decisions shall be limited and determined by said preliminary determination; and said commission shall not include in their said determination any land in excess of the land intended to have been granted in the original grant; and for the purpose of said determination the said commission shall have control of the archives now on file in the offices of the several sur-

veyors-general, together with the opinions of the surveyors-general relative thereto.

Mr. HEWITT. This amendment has been framed upon consultation with the members of the committee, and I believe it receives their approval. It is intended to meet the criticisms which the gentleman from Iowa [Mr. WEAVER] made after having the letter from Mr. Julian read. I believe there is no objection to the amendment.

The amendment of Mr. HEWITT was agreed to.

Mr. HOLMAN. I move to amend by inserting at the end of the text of section 7, as it now stands amended, the clause which I send to the desk.

The Clerk read as follows:

No land which it shall be established by competent evidence has been in the actual possession of any person and the person under whom he claims, adverse to the claimant, continuously for the period of twenty-five years previous to the formal presentation of the claim, shall be awarded to the claimant.

Mr. HOLMAN. Mr. Chairman, the fifteenth section of this bill provides for a title by limitation to the claimant after an occupation of the land for forty years; but there is no provision in the bill, so far as I am able to discover, by which a limitation shall run in favor of the adverse claimant, the party who is permitted by an amendment offered at the instance of the committee to appear adversely to the claimant. It does seem to me that in perfect harmony with the treaty on which these claims are supposed to rest, where it is established that there has been during a long period of time an actual, open, adverse possession on the part of an occupant, and he is permitted to come in and defend and show that fact, the land which he has thus occupied should not be embraced in the finding in behalf of the claimant.

Mr. CROXTON. Does not the fifteenth section cover that?

Mr. THOMPSON made a remark *sotto voce*.

Mr. HOLMAN. The fifteenth section does not apply to it at all. It only applies to the claimant who brought proceedings. These claims were generally filed. It is suggested to me the language is, Mr. Chairman, "that wherever evidence shall be adduced by any claimant and the fact proven to the satisfaction of the said commissioners of the continuous occupancy," &c. My friend misapprehends it. Wherever it is proved by any claimant the term claimant will be interpreted by the proceedings showing claimant is the person who presented originally his formal claim to the land. The amendment I seek to offer is not as to the claim between a claimant and the Government, but as between a claimant when filing his claim under this bill and the other who is permitted to come in and defend for himself. It does seem to me where a claimant has held peaceful possession for twenty-five years the claim ought not to be determined in favor of the adverse party.

Mr. THOMPSON. Mr. Chairman, I do not think this amendment should prevail. The territory in which these private land claims lie was ceded by Mexico to the United States, and the United States therefore acquired whatever title Mexico had; that is, the legal title to these lands, subject to the treaty stipulations with Mexico. It seems to me the attempt here is to set up a statute of limitation against these claimants or against the United States pending the consideration by the United States of the rights of claimants. If the claimant has not a title as against the United States, if the United States decides against the claimant's title, then the land lapses into the body of the public domain, as I understand it. But now it is proposed to set up a statute of limitations against the United States and against the claimants. If one of these claimants under a grant from Mexico has not a valid title, then I say these lands should lapse into the body of the public domain. If he has a good title, then under the treaty with Mexico we are bound to confirm that title, and no intruder or trespasser in the mean time upon that land should be allowed to establish an adverse claim.

Mr. REAGAN. Mr. Chairman, the objection I have to the amendment is not that it is too short, but, on the contrary, that it is too long. There have been times in our country when statutes of limitation were not regarded with favor, but this is not the case now in the most learned and able courts of the country.

In the State which I have the honor in part to represent on this floor we have three or four statutes of limitation. We have the three-year statute and five-year statute and ten-year statute; and possession, peaceable possession, without actual or constructive notice of adverse claim, for ten years gives the claimant title superior to the older title which has not been asserted in that time to the land claimed by the occupant. This is in the interest of peace, to prevent litigation. It has been vindicated in the courts upon the ground that it was a fraud upon the settler to allow him to go upon the land and settle upon it and hold possession without actual or constructive notice of adverse title. If a man holds a title not placed of record, not giving notice of it, and allows the Government to grant it away or people to settle upon it, he perpetrates a fraud upon the settlers; and the statute of limitations, I should say, instead of twenty-five years in behalf of the settler who has occupied land in peaceful possession, without any notice, constructive or otherwise, of adverse title, should have a far less period.

Mr. THOMPSON. As against the United States?

Mr. REAGAN. I am not talking about the United States.

Mr. THOMPSON. But I put the question to the gentleman as to the statute of limitations as against the United States.

Mr. REAGAN. I am not talking of claims against the United States.

Mr. THOMPSON. But the legal title is in the United States.

Mr. REAGAN. I am discussing the question of contesting claimants. This bill is to adjudicate claims between adverse claimants, and I say when a claimant has occupied the land in peaceful possession, without actual or constructive notice of adverse title, in consideration of peace and justice and the growth and settlement of the country his claim should be allowed after the period fixed by the statute of limitation.

Mr. THOMPSON. Even if his claim did not originate under a grant from Mexico?

Mr. REAGAN. I have been trying to state what my proposition is. I do not know that I understand the gentleman's point.

Mr. THOMPSON. Let me explain it. Here is a claim under a grant from the Government of Mexico; now, as I understand that proposition, an outsider may enter upon the possession of that land without claiming to have had a grant—a mere interloper—and if allowed to remain in possession of it for ten years or for twenty-five years or some other term, he acquires a valid title even as against the United States.

Mr. REAGAN. The gentleman does not understand the point of my argument. I do not mean that.

Mr. THOMPSON. Well, then, a valid title as against one who claims under a grant from Mexico, and which grant, if valid, the United States as the holder of the legal title is, under the treaty with Mexico, bound to confirm.

Mr. REAGAN. The gentleman misapprehends my point. I say as against the private adverse claimant. This law has for its object the quieting of these titles and the adjustment of the claims. Provision is made to authorize adverse claimants to set up their titles. Now I insist that there ought to be some limit——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. REAGAN. I regret that I can not finish the sentence.

Mr. HALL. Mr. Chairman, I wish to make a suggestion or two upon the proposed amendment which seems to me ought to settle the question that it is not a proper one to append to this bill. The title to these lands is now in the United States Government, and it holds them in trust under these treaties for the various parties who have held and still claim to hold grants from the original proprietary government; and this Government is under the highest duty and obligation to perform that trust as well as to see that the original and rightful beneficiaries receive the lands which this Government has been holding all these years for them. It is the duty of Congress to prevent, therefore, these interlopers and trespassers from going upon the lands and acquiring title hostile to the original and rightful owners, either by adverse possession or otherwise.

It would be a new idea for the Government to place a limitation in behalf of these interlopers and trespassers, by which they could acquire title as against the sovereign Government. Such a procedure could not be permitted and should not be allowed to intervene to dispossess the original and rightful beneficiaries; especially in view of the fact that the Government has never furnished them a tribunal into which they could go and assert their rights so as to have their titles completed; but the slow policy of the Government has been to stand mute and silent until they should come here and knock at the doors of Congress. It seems to me in consequence of it that no statute of limitations should be enacted to work this great injustice to them.

Another reason why a statute of limitation ought not to run in behalf of persons who are occupying the lands without rightful title or claim, or even color of title, is that these titles are in the Government of the United States. If the Government has granted to any of these individuals, they will be protected by the amendment of the gentleman from Indiana; they can assert that right in the courts as a matter of defense, that is to say, if they have any right under the authority of the Government they have a means to protect themselves. But this bill is simply to settle titles that are supposed to be held by the Government in trust for the beneficiaries under these treaties with foreign governments; and under such a state of affairs it would be scarcely just, in my comprehension, to bar or cut off rights of that character by such a limitation.

Mr. REAGAN. Mr. Chairman, I desire to withdraw the *pro forma* amendment, and I beg the indulgence of the committee to permit me to renew it for a few moments upon this subject.

The United States Government by the treaty of Guadalupe Hidalgo made provision to respect the titles acquired by citizens under the laws of Mexico; but it did not obligate itself, as supposed by the argument of the gentleman from Iowa here, to allow them to retain a dormant title an indefinite length of time, and then when the lands became valuable present it to the country and demand that it should be recognized. There is no such thing as that. The gentleman seems not to have understood the proposition I make, which is that the statute of limitations is not to run in favor of any one except as to persons who have occupied lands in fee-simple—uninterrupted adverse possession—for ten years after

the constructive notice or a record or an actual notice of title. Is it to be presumed that the United States have enacted such a folly, when it agreed that the titles acquired under the Government of Mexico should be respected, as to say that under this treaty and according to our own laws the holders of these titles should be permitted to allow them to remain dormant in their hands, with no notice of their interest, for twenty or thirty years, until parties have gone in and held possession and made improvements, and then when the lands are valuable to present their claim?

Mr. HALL. How can you complain about the beneficiaries not making the record of their title when you have furnished them with no tribunal in which they can make them?

Mr. REAGAN. I think the gentleman from Iowa assumes too much in saying that the Government has not made arrangements; in fact, it never prevented them from recording their titles.

Mr. HALL. They are recorded.

Mr. REAGAN. If they are recorded that is a sufficient notice to the people.

So the whole of the gentleman's argument rests on the idea that there has been no notice of title; and he assumes that. But if they have titles they should be known to the records and the public maps or to some human being, and if they are known to none of these, if there is no evidence of them, how can there be any justice or morality in holding dormant titles in their hands till the country is settled up and improved, and then producing the titles and driving settlers from their homes?

Mr. HALL. Will the gentleman allow me to interrupt him?

Mr. REAGAN. Yes, sir.

Mr. HALL. Is there any such thing known to the law as constructive notice? Can there be notice unless the law prescribes the act which shall operate as such? And is there any such act of Congress prescribing anything that can be done by these occupants that shall act as notice?

Mr. REAGAN. I venture to say there is not a State in the Union where it has not been determined that a record of a title is constructive notice.

[Here the hammer fell.]

Mr. SPRINGER. I renew the formal amendment.

I think, Mr. Chairman, the gentleman from Texas [Mr. REAGAN] is mistaken as to the object which he desires to accomplish by the amendment of the gentleman from Indiana. My friend from Iowa, I think, was also mistaken in one statement. The titles to Mexican grants are not in the United States, and never have been. The theory of all these cases is, that if the claim is a good one the titles began with the Republic of Mexico or with Spain, and that this Government never owned the land at all. That is the theory upon which the claim is based. If it is not derived from Spain or Mexico it has no status.

Mr. THOMPSON. The title must remain somewhere. If not vested in the claimant it must have passed with the act of cession, and therefore the legal title is in the United States.

Mr. SPRINGER. The title is not in the United States, if the claim is a good one. The United States acquired the sovereignty. But wherever an individual owned land under the Government of Mexico his title is protected under the treaty of Guadalupe Hidalgo, and that is what this commission is for, to determine the rights under the Government of Mexico.

Mr. WEAVER, of Iowa. Suppose there is no evidence of the man's title anywhere?

Mr. SPRINGER. Then he has no title. The title does not exist in the air. It must be established by proper muniments of title.

Mr. REAGAN. From the time of the annexation of Texas until now these titles have continued to come in, and I venture to say will continue to come in, in New Mexico, Arizona, and Colorado until they are finally closed up in some way.

Mr. SPRINGER. If any citizen of the Republic of Mexico at the time of the cession of territory to the United States owned land under the laws of Mexico, he did not part with his title by reason of the cession; but the Government of the United States pledged itself in the treaty of Guadalupe Hidalgo to protect that title, whatever it was; and it is for the purpose of ascertaining what that title was that this commission is established.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I find that the amendment will more appropriately come in when we reach section 15 than where it is now offered. I therefore withdraw it.

Mr. McADOO. I desire to offer an amendment.

Mr. BRAGG. I make a point of order against further debate on this bill. This debate was only allowed to proceed for two hours by unanimous consent.

The CHAIRMAN. As the Chair is informed, there was no order of the House on the subject of limiting debate, nor was unanimous consent asked. The Chair was informed that the chairman of the Committee on Private Land Claims and the chairman of the committee having charge of the Army appropriation bill made an agreement as to the committee rising, but there has been no order of the House upon the subject. The Chair suggests a motion to rise is the way to dispose of the matter.

Mr. HALSELL. What the Chair has stated is exactly true. I feel I have no right to trespass on the time of the gentleman from Wisconsin [Mr. BRAGG], but I think we are near the end of this bill, and I ask the gentleman's indulgence for a few minutes longer, and in that event I think we will get through without any difficulty.

Mr. BRAGG. It does not seem as if this bill would be finished although all the afternoon should be given to it.

Mr. HALSELL. I think we can get through with it pretty soon.

Mr. BRAGG. Will the gentleman state what time he desires?

Mr. HALSELL. Thirty minutes.

Mr. BRAGG. I will yield thirty minutes, and I give notice that at the end of thirty minutes I will claim the floor, vote or no vote, on this bill.

Mr. McADOO. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to section 7 the following:

"*Provided*, That no alien, or person who is not a citizen of the United States, shall acquire title to any lands subject to the decision of this commission unless his right to the same is clearly provided for by any of the treaties herein referred to."

Mr. McADOO. I think the time has come when in all future legislation of Congress the principle contained in this amendment should be ingrafted on the statute-book. In the first place, both political parties in their national conventions have declared against alien ownership of lands. In the second place, we are confronted by the fact that nearly 30,000,000 acres of land are owned by persons who are not citizens of the United States, with millions upon millions of foreign capital invested in cattle now grazing on the public domain, and by the additional fact that by reason of large foreign investments in railroad bonds secured on lands, which will in many instances be foreclosed, the time is not far distant when 100,000,000 acres of land will through foreclosure come into the hands of foreigners, as has been pointed out in the able report made by the gentleman from Alabama [Mr. OATES] in support of his bill against such ownership.

There are now two bills before this House embodying the principle of this amendment; one, as I have said, introduced by the gentleman from Alabama and one by myself; and there is probably no other measure before Congress which has behind it such a powerful public sentiment as have these bills against alien ownership. American land for American citizens, say our people; let those only own our land who believe in our institutions. Why, Mr. Chairman and gentlemen of this committee, it is a fact, demonstrated by the exceedingly able Commissioner of the General Land Office, a gentleman of sterling integrity and marked ability, Mr. Sparks, that there are now only 5,000,000 acres of the public domain upon which a settler who has no capital can settle himself.

When you look at the map of the United States and the vast amount of public land which it exhibits, the idea naturally occurs that our public domain is almost illimitable and inexhaustible; but the real fact is, that taking out the great area of land that can not be cultivated without irrigation, which is always costly, and the large portion of land which is sterile and unfit or unprofitable for agricultural purposes, such as mountain and desert land and the like, there remains only about 5,000,000 acres of the public domain open to the poor settler, and this while the public lands are being settled up at the rate of 20,000,000 acres every year. Now, this public domain of ours—what is it? It is the safety-valve of republican institutions. It is the outlet for popular discontent. It is the hope and the heritage of the people of the whole United States, and I, for one, will see to it so long as I am a member of this House that in all land measures that come up here the industrial and deserving people of this land shall be protected by adopting this principle.

Now, Mr. Chairman, one word in regard to this bill. Many of these claims, it is fair to presume, have been disposed of to aliens and to alien companies, and therefore I hope they will not be considered by the commission.

[Here the hammer fell.]

Mr. ELY. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado, and had come to no resolution thereon.

Mr. ELY. Mr. Speaker, I now move that the House go into Committee of the Whole House on the state of the Union for the purpose of further considering House bill No. 2851; and, pending that, I move that debate upon each remaining section of this bill be limited to one minute.

The SPEAKER. That motion can only apply to the section under consideration.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent at this point, as all the amendments that are desired can be made in the House, that

the Committee of the Whole be now discharged from the further consideration of this bill, and that the bill be considered in the House.

There was no objection, and it was so ordered.

The SPEAKER. The first business in order is to dispose of the amendments which have been agreed upon in Committee of the Whole. Unless a separate vote is demanded upon some one of these amendments the question will be taken upon agreeing to them in gross. Is there objection?

There was no objection.

The question was taken, and the amendments adopted in Committee of the Whole were agreed to.

The SPEAKER. The Clerk will now report the amendments which are pending in the House.

Mr. GREEN, of New Jersey. Mr. Speaker, it seem to me that my friend did not carefully read the first part of section 7, or he would not have offered this amendment. The bill, it seems to me, can not refer to any persons except those who claim in the way that is now suggested, or sought to be excepted, by the amendment. The amendment seems to me to be entirely unnecessary in the first place, and in the next place if these parties have these rights under the treaties we have no right here by act of Congress to deprive them of those rights.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 7 insert:
"*Provided*, That no alien, or person who is not a citizen, shall acquire title to any lands subject to the decision of the commission unless his right to the same is clearly provided for by one of the treaties herein referred to."

The amendment was agreed to.

Mr. SPRINGER. Mr. Speaker, there are some amendments reported by the Committee on Private Land Claims to a subsequent portion of the bill, and I suggest that they had better be acted upon at this time.

The SPEAKER. The Clerk will report the amendments recommended by the Committee on Private Land Claims which have not been acted upon.

Mr. THOMAS, of Wisconsin. I have sent to the desk some formal amendments to which the members of the Committee on Private Land Claims have assented, designed to make section 8 correspond with section 7.

The SPEAKER. The question will first be taken on the amendments of the committee, after which the Chair will cause the amendments of the gentleman from Wisconsin to be read.

The following amendment was read:

After the words "Guadalupe Hidalgo," in line 5, section 12, insert "and the treaty with Mexico concluded December 30, 1853, commonly known as the Gadsden treaty."

The amendment was agreed to.

The next amendment of the committee was to add the following as a new section:

SEC. 20. That section 8 of the act of Congress approved July 22, 1854, entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," and all acts amendatory or in extension thereof or supplementary thereto, be, and the same are hereby, repealed.

The amendment was agreed to.

Mr. ELY. I now move the adoption of certain formal amendments to section 8, to which the Committee on Private Land Claims have assented.

The Clerk read as follows:

After the words "United States," in line 4, insert "or for any intervener."
After the words "United States," in line 15, insert "by any intervener."
After the words "United States," in line 21, insert "and upon all parties intervening in said cause or proceeding."
In line 23, after the word "attorney," insert "and upon all parties intervening in said cause or proceeding."
After the words "United States," in line 30, insert "and the answer of the intervener."
After the word "claim," in line 31, insert "or any part thereof."

The amendments were agreed to.

Mr. ELY. The Committee on Private Land Claims has also agreed to another amendment, which I send to the Clerk.

The Clerk read as follows:

Add to section 20 the following:
"*Provided*, That the filing of a claim in good faith, as provided in this act, shall have the effect of *lis pendens* as to all persons subsequently entering upon the lands or on any portion of them, or acquiring any interest therein embraced within such claim."

The amendment was agreed to.

Mr. SYMES. I desire to offer a somewhat formal amendment to line 13, section 7, to insert before the word "court" the words "or Territorial," so as to read "United States district or Territorial court." In the Territories of Arizona and New Mexico there are no United States district courts; there are Territorial courts. If my amendment be adopted the language of the section will describe the different classes of courts found in the Territories of Arizona and New Mexico and the State of Colorado to which the bill applies.

The amendment was agreed to.

Mr. SYMES. I also desire to move an amendment to line 27, section 13. The section there speaks of "a petition to the district judge of the United States." In the Territories of Arizona and New Mexico there are no district judges of the United States. There are Territorial courts held by the chief-justice of the Territory or the associate justices, acting as judges of the Territorial district. I therefore move to amend by inserting after the words "United States," in line 27, the words "or Territorial district judge."

The amendment was agreed to.

Mr. SYMES. I also move to amend by inserting after the words "district court," in the first line of section 9, the words "or Territorial district court." The same reasons which I have stated in behalf of the other amendments apply in this case.

The amendment was agreed to.

Mr. REAGAN. I move to amend by adding at the end of section 15 the clause which I ask the Clerk to read.

The Clerk read as follows:

And in cases in which there are adverse private claimants, the actual occupant, though claiming under a junior claim or title, if he has been in the peaceful, uninterrupted, and adverse possession of the land in controversy for ten years without either actual or constructive notice of the adverse title or claim, shall be held to have the superior title as between the private claimants.

Mr. REAGAN. This amendment is designed to fix a limitation in favor of occupants of land who have been in peaceful, uninterrupted, adverse possession for ten years, without either actual or constructive notice of another outstanding title. The treaty of Guadalupe Hidalgo was made thirty-eight years ago. Within the period which has since elapsed claimants under that treaty have had ample time to make known the existence of their claims, to assert title, and to place the evidence of it among the appropriate archives or to have it recorded in the proper office. If they have failed to do this and have thus allowed other parties to occupy and cultivate the lands and build up homes without the knowledge of any opposing title, then justice and equity require that the title should be awarded to the occupant of the land. I beg gentlemen to understand that if the claimant has deposited the evidence of his title in the proper office, if he has recorded it among the proper records, if he has at any time practically asserted his claim, this provision will not affect him; but if he has chosen to hold a title dormant in his hands for nearly forty years without asserting his title or taking any steps to place it on record or to file the evidence of it among the proper archives, he has no right to come in now and claim the benefit of improvements made in good faith by occupants who have had no notice of the existence of any such opposing title. I trust that my amendment will be adopted.

Mr. ELY. I demand the previous question on the pending amendment and engrossment and third reading of the bill.

The previous question was ordered.

Mr. REAGAN's amendment was disagreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALIFORNIA CONTESTED-ELECTION CASES.

Mr. LOWRY. I rise to a question of privilege. I submit a report from the Committee on Elections; and as it is a unanimous report of the Committee on Elections I shall ask for its immediate consideration.

The SPEAKER. The Clerk will read the resolutions reported by the Committee on Elections.

The Clerk read as follows:

Resolved, That Barclay Henley, J. A. Louttit, Joseph McKenna, W. W. Morrow, Charles N. Felton, and H. H. Markham, from the respective Congressional districts of California, were duly elected members from the State of California and are legally entitled to their seats.
Resolved, That Alexander M. McKay, Montague R. Leverson, and Archibald McGrew were not elected as such Representatives and are not entitled to seats in this body.

The resolutions were adopted.

Mr. LOWRY moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BELMONT. Mr. Speaker, I ask by unanimous consent the call of committees for reports this morning be dispensed with.

The SPEAKER. That can be done by a two-thirds vote.

Mr. BELMONT. I ask first for unanimous consent.

Mr. STORM. I object.

Mr. BELMONT. I move that the call of committees for reports be dispensed with for this morning.

The House divided; and there were—ayes 56, noes 36.

So (two-thirds not having voted in the affirmative) the motion was disagreed to.

APPROVAL OF BILLS, ETC.

Several messages in writing were received from the President of the United States by Mr. PRUDEN, one of his secretaries.

The message further announced that the President had approved and signed bills of the following titles, namely:

An act (H. R. 129) to protect homestead settlers within railway limits, and for other purposes;

An act (H. R. 4395) granting a pension to Betsey Martin;

An act (H. R. 4572) granting a pension to Willis W. Fink;

An act (H. R. 3364) granting a pension to Asahel Middleton;

An act (H. R. 3387) granting a pension to Sidney Sherwood;

An act (H. R. 4389) granting a pension to William Bridges, jr.;

An act (H. R. 5583) granting a pension to John G. Burrill;

An act (H. R. 5284) granting a pension to Rinaldo R. Somes;

An act (H. R. 5589) granting a pension to Frederick Bauman;

An act (H. R. 5259) granting a pension to William E. Hardy;

An act (H. R. 5193) granting a pension to Levi Koontz;

An act (H. R. 5234) granting a pension to Jesse H. Gaines;

An act (H. R. 792) granting a pension to David McKinney;

An act (H. R. 6638) granting a pension to William Gordon;

An act (H. R. 6134) granting a pension to Hugh Mulholland;

An act (H. R. 1988) granting a pension to Peter F. Saeman;

An act (H. R. 1836) granting a pension to George Slack;

An act (H. R. 1782) granting a pension Cornelia W. Ellis;

An act (H. R. 1703) granting a pension to Joseph Williams;

An act (H. R. 549) granting a pension to Enoch Goss;

An act (H. R. 443) granting a pension to Susan Woolley;

An act (H. R. 1564) granting a pension to Phebe Saunders;

An act (H. R. 1568) granting a pension to Nathaniel Taylor;

An act (H. R. 1368) granting a pension to Philip Jacobs;

An act (H. R. 4111) granting a pension to Minerva T. Thompson;

An act (H. R. 4346) granting a pension to Elijah W. Putney;

An act (H. R. 4370) granting a pension to M. S. Towne;

An act (H. R. 291) granting a pension to George H. Campbell;

An act (H. R. 3520) granting a pension to William H. Blake;

An act (H. R. 3538) granting a pension to Amy A. Hurst;

An act (H. R. 3539) granting a pension to Hannah M. Chapman;

An act (H. R. 3633) granting a pension to E. B. Sweeny;

An act (H. R. 3903) granting a pension to Taylor Voss;

An act (H. R. 3919) granting a pension to Bridget O'Brien;

An act (H. R. 2054) granting a pension to Rebecca Marchant;

An act (H. R. 1113) granting a pension to Walter S. Haynes;

An act (H. R. 1109) granting a pension to John H. Barry;

An act (H. R. 1104) granting a pension to Elizabeth Sullivan;

An act (H. R. 3370) granting a pension to John Clark;

An act (H. R. 802) granting a pension to August Schindler;

An act (H. R. 777) granting a pension to Frederick Bottjer;

An act (H. R. 737) granting a pension to N. M. Miller;

An act (H. R. 746) granting a pension to J. W. A. Bennett;

An act (H. R. 3402) granting a pension to Lizzie E. Cooney;

An act (H. R. 1345) granting a pension to Nathaniel H. Blakely;

An act (H. R. 1506) granting a pension to James McAnny;

An act (H. R. 1472) granting a pension to Mary Murphy;

An act (H. R. 1369) granting a pension to George H. Perkins;

An act (H. R. 928) granting a pension to Lewis A. Thornbury;

An act (H. R. 846) granting a pension to Samuel V. Holland;

An act (H. R. 844) granting a pension to Daniel T. Ferguson;

An act (H. R. 837) granting a pension to Edgar Payne;

An act (H. R. 693) granting a pension to William B. Keith;

An act (H. R. 618) granting a pension to James Morgan;

An act (H. R. 2793) granting a pension to Silas James;

An act (H. R. 2196) granting a pension to Sarah A. Gettis;

An act (H. R. 1275) granting a pension to William Turville;

An act (H. R. 4918) granting a pension to J. Francis Hopper;

An act (R. R. 4517) granting a pension to Timothy Driscoll;

An act (H. R. 2011) granting a pension to Joseph Chalfant;

An act (H. R. 634) granting a pension to John Defenbaugh;

An act (H. R. 3562) for the relief of Peter Tower;

An act (H. R. 6023) for the relief of Frank Sherbonaw;

An act (H. R. 3505) for the relief of Mary B. Smith;

An act (H. R. 19) for the relief of David C. Pallus;

An act (H. R. 1589) for the relief of Newton O. Baker;

An act (H. R. 1593) for the relief of Sarah Manz;

An act (H. R. 533) for the relief of Thomas Ferguson;

An act (H. R. 2159) for the relief of D. P. Simmons;

An act (H. R. 3946) to increase the pension of Alexander Forsyth;

An act (H. R. 3309) to increase the pension of Thomas Ward;

An act (H. R. 6012) to increase the pension of Leander W. Corry;

An act (H. R. 3177) for placing the name of Ann J. Conwell on the pension-roll.

An act (H. R. 4579) granting an increase of pension to Thomas S. Owens;

An act (H. R. 4999) to place the name of James B. Wilde on the pension-roll;

An act (H. R. 1367) to place the name of Thomas G. Newman on the pension-roll;

An act (H. R. 3399) to grant a pension to Philip Wagner;

An act (H. R. 686) to grant a pension to John G. Shawbell;

An act (H. R. 1396) to pension Martin Kirk; and

An act (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late of the Eleventh Regiment Pennsylvania Reserve Corps.

It further announced that the following bills were received by the President on April 27, 1886, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, they have become laws without his approval:

An act (H. R. 5277) granting a pension to Zeba S. Ayer;

An act (H. R. 6466) granting a pension to Eliza Humes;

An act (H. R. 3489) granting a pension to Amelia J. Gill;

An act (H. R. 5252) granting a pension to John W. Thornton;

An act (H. R. 4813) granting a pension to Perry Johnson;

An act (H. R. 2805) granting a pension to Mary S. Douglas;

An act (H. R. 2939) granting a pension to Henry H. Green;

An act (H. R. 1940) granting a pension to Louisa J. McFarland;

An act (H. R. 1989) granting a pension to John C. Frees;

An act (H. R. 1821) granting a pension to Daniel Kane;

An act (H. R. 1701) granting a pension to Anson B. Sams;

An act (H. R. 551) granting a pension to Rhoda Dane;

An act (H. R. 415) granting a pension to William Condon;

An act (H. R. 698) granting a pension to Philip D. Campbell;

An act (H. R. 4538) granting a pension to Mary Ann Murphy;

An act (H. R. 3117) granting a pension to Walter A. Phillips;

An act (H. R. 3359) granting a pension to Henry S. Morgan;

An act (H. R. 3419) granting a pension to C. W. I. Pugh;

An act (H. R. 4461) granting a pension to Stevens W. Merrill;

An act (H. R. 4960) granting a pension to Mary S. Webster;

An act (H. R. 6044) granting a pension to Eliza Francesco;

An act (H. R. 5779) granting a pension to Peter Falkner;

An act (H. R. 6125) granting a pension to W. C. Davis;

An act (H. R. 5323) granting a pension to George W. Flint;

An act (H. R. 5527) granting a pension to Emeline Crawford;

An act (H. R. 1474) granting a pension to Mary G. Colby;

An act (H. R. 6225) granting a pension to Abigail H. Cary;

An act (H. R. 2197) granting a pension to Fidelia A. Cheney;

An act (H. R. 4400) granting a pension to Polly Belden;

An act (H. R. 441) granting a pension to Kate Amann;

An act (H. R. 704) granting a pension to Benjamin Dubach;

An act (H. R. 1032) granting a pension to Josiah B. Snell;

An act (H. R. 4022) granting a pension to Elizabeth Stocksdale;

An act (H. R. 4101) granting a pension to Marthy A. Silkey;

An act (H. R. 1024) granting a pension to Aurelia F. Robbins;

An act (H. R. 1824) granting a pension to Mrs. Louisa Noland;

An act (H. R. 3481) granting a pension to Philomena E. Nolan;

An act (H. R. 936) granting a pension to James T. Caskey;

An act (H. R. 934) granting a pension to Charles W. Minnix;

An act (H. R. 858) granting a pension to Lucy J. Mitchell;

An act (H. R. 646) granting a pension to Thomas M. Commuck;

An act (H. R. 626) granting a pension to Minton Prall;

An act (H. R. 619) granting a pension to Robert F. H. Goode;

An act (H. R. 2798) granting a pension to Bruner D. Hyatt;

An act (H. R. 2797) granting a pension to John L. Hunter;

An act (H. R. 2755) granting a pension to Robert Monahan;

An act (H. R. 2179) granting a pension to Henry Barr;

An act (H. R. 2161) granting a pension to Andrew J. Putnam;

An act (H. R. 2802) granting a pension to Sarah A. Lovell;

An act (H. R. 2804) granting a pension to Clayton E. Rogers;

An act (H. R. 1228) granting a pension to Grace A. Harrington;

An act (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards;

An act (H. R. 1108) granting a pension to Margaret Caffey;

An act (H. R. 1107) granting a pension to Augusta M. Richards;

An act (H. R. 3632) granting a pension to Ada O. Krepps;

An act (H. R. 4031) granting a pension to Rachel W. Heard;

An act (H. R. 788) granting a pension to Jeptha Hornbeck;

An act (H. R. 702) granting a pension to Dr. J. F. Bruner;

An act (H. R. 700) granting a pension to Mrs. M. A. Brickerdyke;

An act (H. R. 1352) granting a pension to Isaac Chenoweth;

An act (H. R. 1344) granting a pension to William H. H. Gillespie;

An act (H. R. 1278) granting a pension to Ann Bird;

An act (H. R. 1255) granting a pension to Isaac Moore;

An act (H. R. 1198) granting a pension to Louis Abear;

An act (H. R. 1475) granting a pension to Margaret Flaherty;

An act (H. R. 1469) granting a pension to Lois Holt;

An act (H. R. 1084) granting a pension to Alice S. Holbrook;

An act (H. R. 1083) granting a pension to Francis H. Kirmayer;

An act (H. R. 1543) granting a pension to Margaret Kearns;

An act (H. R. 1574) granting a pension to Sarah L. Bragg;

An act (H. R. 4077) granting a pension to Frederick Korth;

An act (H. R. 4027) granting a pension to Sophia F. Bixby;

An act (H. R. 4026) granting a pension to Algernon S. Flagg;

An act (H. R. 4114) granting a pension to Capt. Anthony Harsel;

An act (H. R. 4125) granting a pension to John M. Milton;

An act (H. R. 4132) granting a pension to Mary E. Johnson;

An act (H. R. 226) granting a pension to Mrs. Martha E. Turney;

An act (H. R. 225) granting a pension to Daniel Connolly;
An act (H. R. 3516) granting a pension to Fanny Collins;
An act (H. R. 3530) granting a pension to Albert L. Allen;
An act (H. R. 4118) granting a pension to Frank Lightner;
An act (H. R. 1136) granting a pension to Charles E. Bolles;
An act (H. R. 1117) granting a pension to John Owens;
An act (H. R. 6130) granting a pension to Frank Manhart;
An act (H. R. 6504) granting a pension to Nathan Magoon;
An act (H. R. 3100) granting a pension to Samuel Hanson;
An act (H. R. 5024) granting a pension to William Christie;
An act (H. R. 4592) granting a pension to Agnes Renz;
An act (H. R. 715) granting a pension to Tunis J. Roosa;
An act (H. R. 4122) granting a pension to Mary E. Snow;
An act (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart;
An act (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer;
An act (H. R. 553) granting a pension to William J. Suffall;
An act (H. R. 1456) granting a pension to Lydia A. Nelson;
An act (H. R. 1292) granting a pension to Mrs. Kate Miller;
An act (H. R. 3524) granting a pension to Maria Mibord;
An act (H. R. 4516) granting a pension to Harriet M. Larrabee;
An act (H. R. 2689) granting a pension to Delilah Knill;
An act (H. R. 1575) granting a pension to Elizabeth Kahler;
An act (H. R. 6019) granting a pension to Mariah Hollands;
An act (H. R. 1254) granting a pension to Mary Hoff;
An act (H. R. 2193) granting a pension to Amelia M. Green;
An act (H. R. 3152) granting a pension to Eliza A. Fisher;
An act (H. R. 602) granting a pension to Mrs. Anna E. W. Eichman;
An act (H. R. 5192) granting a pension to Elmira M. Dorman;
An act (H. R. 4580) to grant a pension to William Taylor;
An act (H. R. 805) to increase the pension of James A. Underwood;
An act (H. R. 5884) to increase the pension of John A. Stewart;
An act (H. R. 1138) to increase the pension of Mary E. Fillebrown;
An act (H. R. 3308) to increase the pension of Joseph R. Cravens;
An act (H. R. 5191) to increase the pension of Patsy Jackson;
An act (H. R. 5199) to increase the pension of Thomas G. Barton;
An act (H. R. 650) granting an increase of pension to Charlotte D. Crocker;
An act (H. R. 2791) granting an increase of pension to George Wells;
An act (H. R. 1858) granting an increase of pension to James McMullin;
An act (H. R. 4824) granting an increase of pension to James Morgan;
An act (H. R. 5061) granting an increase of pension to Samuel Baker;
An act (H. R. 5022) increasing the pension of Isabella J. Ramsdell;
An act (H. R. 1468) increasing the pension of John P. Davis;
An act (H. R. 4116) increasing the pension of John P. Brinegar;
An act (H. R. 5070) to provide increase of pension to James Waters;
An act (H. R. 1937) for increase of pension to A. Schuyler Sutton;
An act (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan;
An act (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater;
An act (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller;
An act (H. R. 5000) to place the name of John W. Logan on the pension-roll;
An act (H. R. 4835) to place the name of John Pruitt on the pension-roll;
An act (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll;
An act (H. R. 3902) for the relief of Susannah Carmichael;
An act (H. R. 1590) for the relief of Timothy Paige;
An act (H. R. 4076) for the relief of George A. Roberts;
An act (H. R. 1273) for the relief of Samuel J. Brown;
An act (H. R. 4410) for the relief of John C. Clark;
An act (H. R. 3945) for the relief of Mrs. John B. Alfers;
An act (H. R. 1348) for the relief of Pernetta Hendley;
An act (H. R. 1152) for the relief of Mrs. Ellen S. Tolman;
An act (H. R. 2740) for the relief of Norman S. Bull;
An act (H. R. 2753) for the relief of John W. Robson;
An act (H. R. 1742) for the relief of Thomas Askew;
An act (H. R. 613) for the relief of Catherine Collins;
An act (H. R. 1634) for the relief of Margaret A. Caswell;
An act (H. R. 4131) for the relief of Samuel C. Peck, jr.;
An act (H. R. 4224) for the relief of Amanda Rodgers;
An act (H. R. 5706) for the relief of Elizabeth Leffman;
An act (H. R. 5551) for the relief of Robert Moran;
An act (H. R. 6339) for the relief of Harrison W. Moore;
An act (H. R. 1711) for the relief of George C. Haynie;
An act (H. R. 4405) for the relief of William F. Miller;
An act (H. R. 5678) for the relief of Mrs. Martha A. Marble;
An act (H. R. 2254) for the relief of Jane M. Langley;
An act (H. R. 1579) for the relief of Amy A. Lewis;
An act (H. R. 4992) restoring Leander C. Twitchell to the pension-roll;
An act (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers;
An act (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885.

CALL OF COMMITTEES.

The SPEAKER. The committees will now be called for reports for reference.

SETH M. BARTON.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8278) for the relief of Seth M. Barton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. R. EGGLESTON.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 8192) to remove the political disabilities of J. R. Eggleston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER MISSISSIPPI RIVER AT SAINT LOUIS.

Mr. CLARDY, from the Committee on Commerce, reported, as a substitute for the bill H. R. 7522, a bill (H. R. 8745) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 7522 was laid on the table.

Mr. DUNHAM, by unanimous consent, was granted leave to present the views of the minority; which were ordered to be printed with the majority report.

ANNUAL REPORTS OF POSTMASTER-GENERAL.

Mr. WARD, of Indiana, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 7665) relative to the annual reports of the Postmaster-General and amendatory of section 413 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with favorable recommendation the bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SENECA INDIANS, NEW YORK.

Mr. STORM, from the Committee on Indian Affairs, reported, as a substitute for H. R. 1642, a bill (H. R. 8746) to allot the lands of the Seneca Indians in New York; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 1642 was ordered to be laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. STORM, by unanimous consent the Committee on Indian Affairs was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Claims, namely:

A bill (H. R. 4798) for the relief of H. H. Kidder; and
A bill (H. R. 5094) for the relief of William Beddo and others.

BUSINESS FROM COMMITTEE ON MINES AND MINING.

Mr. HILL, from the Committee on Mines and Mining, submitted a resolution fixing a day for the consideration of business reported from that committee; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6441) to increase the pension of Amelia A. Taylor; and the same was referred to the Committee on Pensions.

JOHN E DOGGETT.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 8372) granting a pension to John E. Doggett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN HAWES.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 7234) granting a pension to Susan Hawes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID M. RENNOE.

Mr. MATSON, from the Committee on Invalid Pensions, also re-

ported back with favorable recommendation the bill (H. R. 7914) to increase the pension of David M. Rennoe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. TUCKER.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7193) granting a pension to Sarah A. Tucker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN PATTON.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8280) granting a pension to John Patton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports ordered to be printed, namely:

A bill (H. R. 6082) granting a pension to Charles Robinson;
A bill (H. R. 3646) granting a pension to Jacob Baker;
A bill (H. R. 3654) granting a pension to William Brown;
A bill (H. R. 6560) granting a pension to Mary Byers;
A bill (H. R. 6576) granting a pension to Andrew S. Callum;
A bill (H. R. 6749) granting a pension to Mrs. Anna M. Clark;
A bill (H. R. 2146) granting a pension to Agnes Harkness;
A bill (H. R. 3638) granting a pension to Elizabeth H. Inghram;
A bill (H. R. 4251) granting a pension to John L. Jacobs, late second lieutenant in the One hundred and eighty-fourth Pennsylvania Volunteers;
A bill (H. R. 4698) granting an increase of pension to John L. Jacobs;
A bill (H. R. 5402) for the relief of Ezra Neff;
A bill (H. R. 2122) to increase the pension of the widow and heirs of the late Lieut. Commander Henry Clay Nields;
A bill (H. R. 2167) for the relief of Norton L. Newberry; and
A bill (H. R. 5752) granting a pension to Joseph Van Holt.

NEWCOMB PARKER.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1077) granting a pension to Newcomb Parker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUGUSTUS FIELD STEVENS.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1726) granting a pension to Augustus Field Stevens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH SHULL.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1841) granting a pension to Joseph Shull; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD FENLON.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 2136) for the relief of Edward Fenlon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATTHEW H. FULTON.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1753) for the relief of Matthew H. Fulton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. POWELL.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 269) for the relief of W. H. Powell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. P. BUSH AND M. GRIGSBY.

Mr. DOUGHERTY, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2953) for the relief of John P. Bush and Martin Grigsby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. HOLLISTER E. GOODWIN.

Mr. GEDDES, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUITS BY FOREIGN EXECUTORS.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

STEAM-ENGINEERING IN THE DISTRICT.

Mr. HEMPHILL, from the Committee on the District of Columbia, also reported back with amendments the bill (H. R. 4308) to regulate steam-engineering in the District of Columbia; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. PRICE, under leave heretofore granted, presented the views of the minority on the bill (S. 182) providing for a commission on the alcoholic liquor traffic; which was ordered to be printed with the report of the majority.

Mr. TAULBEE. I ask unanimous consent to file a separate minority report on that bill.

There was no objection.

ELIZA J. RAY.

Mr. MCMILLIN, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 2207) for the relief of Eliza J. Ray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALARIES OF POSTMASTERS.

Mr. MERRIMAN, from the Committee on the Post-Office and Post-Roads, reported, in the nature of a substitute for the bills H. R. 8250 and 6993 and H. Res. 86, the bill (H. R. 6993) amendatory of the act of March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866," and confirmatory of the action of the Post-Office Department thereunder; which was read a first and second time.

The SPEAKER. Does this bill make an appropriation or require an appropriation to be made?

Mr. MERRIMAN. No, sir.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 5250 and H. Res. 86 were laid on the table.

ORDER OF BUSINESS.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. BELMONT. I am compelled to raise the question of consideration against that motion.

The SPEAKER. The gentleman can not raise the question of consideration. The motion to go into Committee of the Whole can only be defeated by a negative vote.

Mr. BELMONT. Is not the regular order the call of committees for consideration of bills?- The call now rests with the Committee on Foreign Affairs.

The SPEAKER. But the motion that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills has preference over the hour for consideration of bills. It is a motion in order at any time after the morning hour has expired, but the House if it chooses can refuse to go into Committee of the Whole.

Mr. BELMONT. I desired the ruling of the Chair on that point.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN (Mr. SPRINGER). The House is now in Committee of the Whole for the purpose of further considering the Army appropriation bill. There being no amendment pending, the Clerk will read the next paragraph.

The Clerk read as follows:

Additional pay: For pay of officers in the Corps of Engineers for length of service, to be paid with their current monthly pay, $66,864.

Mr. WHEELER. Mr. Chairman, I move to insert after line 77, between lines 77 and 78, the words "pay of staff officers." That is necessary in order to pay these officers as staff officers, because those words were stricken out from another line. I suppose there will be no objec-

tion to the amendment. It was understood when the words were stricken out above that they should be inserted here.

Mr. BRAGG. Mr. Chairman, I do not know who understood it. I seriously object to the amendment, for two reasons: First, it is inoperative to produce the result which the gentleman and those whom he represents desire. The insertion of a head-line in an appropriation bill is a mere nullity, and will not be printed in the bill. If the purpose is to declare that the Engineer Corps are not staff officers, then it becomes new legislation, because they have been held to be staff officers by the decisions of the Department ever since 1802.

Mr. WHEELER. Mr. Chairman, the amendment which I offered on Saturday, and which was adopted by the committee, was that we should strike out the words "staff officers" and substitute the words "pay of the Corps of Engineers," and the RECORD of Saturday shows it. That does not make any new legislation, because it does not use the words "the line." Now, what I wished to do by my amendment was to prevent new legislation; putting in anything that would designate the Corps of Engineers as either staff or line officers, simply leaving them just as the law fixed them.

I do not think it is necessary for me to recapitulate now what I said on Saturday, but I assert that what I then said (giving the pages and dates of the enactments) shows that every law ever enacted with regard to the Corps of Engineers fixes it as a corps of the line of the Army; that no law ever enacted has fixed it as a part of the staff, and that every law ever enacted which has fixed the staff, or sought to designate what the staff should be, omits the Corps of Engineers. Therefore I say there is no law which has ever in any way fixed the engineers as a part of the staff.

Mr. BRAGG. Mr. Chairman, the Revised Statutes in force (paragraph 1158) show that this corps do not belong to the line of the Army. The decision of the Secretary of War made in a special case last season decides that they do not belong to the line of the Army. The statute which is now in force has been in force since 1802, and in every instance where the question has been decided it has been held that these officers do not belong to the line of the Army. The insertion of words which the gentleman says the RECORD shows I was not aware of. I understood the motion to be to strike out the words "for pay of staff corps," not to insert any words in lieu thereof. If it should be "for pay of Engineer Corps," why then at the head of each paragraph we would have to insert "for pay of," whereas at the close we use the general expression "for pay of the Army." As soon as I can get the Revised Statutes I will show the gentleman the law, and he and those whom he represents have been struggling against that law and the decisions of the Departments for nearly eighty years.

The question when it first arose was in relation to a major of engineers who found himself stationed at West Point, and when the superintendent of the institution and the officer next in rank went away this major claimed to control the post upon the ground that he was the ranking officer, but the Secretary of War decided that he could not control because he was not an officer of the line, and that the next officer of the line who was there outranked him. The paragraph of the Revised Statutes to which I have referred is numbered 1158, which reads:

Engineers shall not assume nor be ordered on any duty beyond the line of their immediate profession, except by the special order of the President.

They can assume control of no troops; they can exercise no command; they can do no act outside of their corps, except by special assignment of the President. That has been the law ever since the ruling made by General Dearborn, as Secretary of War, in 1802. That is all I have to say.

Mr. WHEELER. Mr. Chairman, as I have been spoken of as "representing" somebody in this matter, I desire to say to this House that I represent here nothing on earth and nobody on earth but the people of the eighth district of Alabama, and by their authority, so far as the Constitution and laws provide and the good of the country demands, all the people of the United States. In all that I have said on this subject I have merely sought to have this bill conformed to what I believe to be the best interests of the service. The very paragraph read by the distinguished chairman of my committee shows that the person who issued that order or rendered the decision and the Congress which enacted the law recognized that the Corps of Engineers were not of the staff, because if they had been of the staff such an order or decision or law would not have been necessary. Staff officers do not have a right to command troops, and if these engineer officers were of the staff no order would have to be issued or law enacted saying that they should not command. But that order went on to give the reasons why they should not command, and the reason is this——

Mr. BRAGG. It is a statute, not an order.

Mr. WHEELER. Well, the statute. The reason given was that the scientific pursuits of the Corps of Engineers did not allow time for attention to the details of the care and discipline of troops. That shows that under the law they had a right to command, but that the character of their ordinary duties was so much more important than the commanding of troops, that unless the President so ordered they should not command, but should have time to attend to these more important duties of a scientific character.

There is not, as I say, a single paragraph which in any way designates engineer officers as officers of the staff. These paragraphs in the laws and orders simply designate what duties the officers shall perform, and prescribe that without an order of the President they shall not assume the command of troops.

Mr. BRAGG. Are there any other line officers who can not assume command without an order from the President?

Mr. WHEELER. There would be if there were a law so providing. If there were any other line officers whose duties were recognized as more important than to command troops, it would very probably have been provided by law or by order that they should perform such duties, and should not command troops. The very fact that this order was issued, the very fact that a law was enacted limiting the authority o these officers to command to such periods as the President might direct, shows that they are not officers of the staff. I again call attention to the fact which I mentioned the other day, that during the war of 1812 the President ordered General Bloomfield to assign engineer officers to their appropriate commands, because at that time the exigency was such he thought they were needed to command, and, as he could not be present to designate when they should command, he ordered the commanding generals to assign them to commands when they saw fit. I think this conclusively refutes the suggestion of the gentleman that these officers are to be regarded as officers of the staff.

The question having been taken on the amendment of Mr. WHEELER,

The CHAIRMAN said: In the opinion of the Chair the "ayes" have it.

Mr. BRAGG. I shall have to ask for a division.

The question being again taken, there were—ayes 41, noes 11.

Mr. BRAGG. I suppose that under the rule prevailing in the English Parliament I ought now properly, after this vote, to tender the charge of this bill to the gentleman from Alabama [Mr. WHEELER]. I am willing to take the instruction of the House on that point.

Mr. WHEELER. If that point should carry I would cry out, "No quorum!"

Several MEMBERS. Regular order!

The Clerk read as follows:

Subsistence Department.—For one brigadier-general, two colonels, three lieutenant-colonels, eight majors, twelve captains (mounted), and additional pay for one hundred and forty acting commissaries, $79,500.

Mr. HEPBURN. I move to amend by striking out the paragraph just read; and I give notice that at the proper times I shall move to strike out the paragraphs beginning respectively on line 100, line 113, line 116, line 120, and line 124.

I wish to call attention to the fact that this bill provides for the pay of officers of the Army $5,261,849.50, and for the pay of all the enlisted men and non-commissioned officers of the Army $4,723,773.25, showing an excess for pay of officers of our Army of something over $538,000. This first paragraph, providing for the pay of the Subsistence Department, appropriates in round numbers $100,000; for the Pay Department there is appropriated $167,000; for the pay of the Judge-Advocate-General's Department more than $31,000; making a total in round numbers of $300,000.

Now, it seems to me, Mr. Chairman, that all the duties of the Commissary Department and of the staff ought to be performed by the Quartermaster's Department. The fact of our having a Commissary Department absolutely increases, in my judgment, the labors that are necessary. For example, as soon as a commissary makes a purchase, we will say, in New York city, he must turn that over to the Quartermaster's Department (a great deal of clerical labor being necessary), in order to have the articles purchased transported, we will say, to the division headquarters in Chicago. On reaching there they are turned back again to the commissary, clerical labor of an extraordinary character being again necessary. Then, if it is desired to send the articles to a department they must be again turned over to the Quartermaster-General for transportation, and on arrival at their destination must be turned over to the commissary. When you want to send them to a post they must again be turned over to the quartermaster, and on reaching their destination turned back again to the commissary. In my judgment all this labor connected with the Subsistence Department might easily be performed by the Quartermaster-General's Department with the clerical force that the commissaries now have.

Again, all the duties of the Pay Department might be performed by the quartermasters of the Army. These quartermasters are everywhere where there is any portion of the Army. It would be a great deal easier, more convenient, and safe, it seems to me, to send money by drafts than in the cumbersome way in which it is sent by our Pay Department, being carried in safes, subject to robbery or spoliation. The Quartermaster's Department, with the clerical force that the Pay Department now has, could perform all these duties easily and without additional expense, thus saving $167,000 a year.

I would like to have any gentleman explain the necessity for eight or ten or a dozen of these law officers for the twenty-five thousand men composing the Army, and especially a class of law officers who never do any regular business. That is a question that should be satisfactorily explained before we consent to keep this provision in the bill.

Now, whenever a judge-advocate is to do anything in the prosecution of a criminal case in connection with the Army some man is detailed from the Army to do the actual work. Yet we have eight of these gentlemen proposed to be set apart and paid to do the legal business for the Army. A public prosecutor in one of our districts will do the criminal legal business for one hundred thousand or two hundred thousand people, while eight of these high-priced men are to be detailed to do the legal business of twenty-five thousand men and that, too, with such assistance as to enable them to shirk absolutely the labors of the trial. They do nothing of that kind, for some one is detailed or the other officers of the Army do it.

Mr. GROSVENOR. Let me interrupt the gentleman to ask: Does your motion include the pay of judge-advocates general of the Army?

Mr. HEPBURN. I can not make the motion at this time; but I have just stated that it was my intention to submit that motion.

Mr. GROSVENOR. The reason I interrupted the gentleman to ask the question was that I have something to say on that motion when it is presented.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BRAGG. Does the gentleman withdraw the amendment?

Mr. HEPBURN. I do not.

Mr. BRAGG. I supposed the gentleman would withdraw it, as I took it for granted that it was only offered for buncombe.

Mr. HEPBURN. No, sir; not by any means. I desire to strike out that provision of the bill, with the expectation that when it is stricken out and we refuse to make an appropriation for these gentlemen, the gentleman from Wisconsin will take that as such a hint of the temper of the House upon the subject that he will introduce a bill from his committee doing away with that branch of the service in the future.

Mr. BRAGG. I thank the gentleman for the hint.

Mr. Chairman, this provision is for the pay of officers who have been created by law, and the officers have been appointed by law. The salary is fixed by law, and if we fail to provide, to appropriate for the payment of the salary, we simply force them to the necessity of instituting proceedings against the United States in the Court of Claims, and thereby recover judgment for what they are entitled to get under the law.

Mr. HEPBURN. What then?

Mr. BRAGG. What then? I doubt very much whether my distinguished friend from Iowa would ask the Committee on Military Affairs to violate the law and neglect to provide for the express contracts of the Government, with the understanding that we are to take the contingencies that may arise thereafter.

These officers must be provided for; that is the law. We can not change the law. We can not in this bill make a new law; we have to take the law as it is given to us. We do not make it ourselves. Gentlemen with whom my friend from Iowa associates, his political associates, made it. They foisted on the Army this Judge-Advocate Department. Such a thing was never heard of until they came into power; never dreamed of until it was necessary to make some safe places to put the "kitchen cabinet" in that had attended some of the Presidential candidates during certain political canvasses. To them we owe this provision. But it comes here as the law, and we are obliged to abide by it and make provision to carry it out, whether it be good or bad.

Mr. HEPBURN. I move to strike out the last word. At the time of the creation of this department there was a necessity for it. There were more than a million of men then in the Army, and it was entirely proper and legitimate that there should be a number of judge-advocates for the purpose of transacting the business necessarily arising in an army of that size. There is no such necessity now.

The gentleman suggests that because the law provides for these officers, therefore necessarily there must be a provision in the appropriation bill for their payment. The gentleman fails to note this fact: that this appropriation bill is to take effect at a day somewhat distant in the future. Long before that day arrives, if this amendment shall be adopted and the gentleman discovers that it is the temper of the House that these officers are necessary, then he can undoubtedly, as the chairman of the Committee on Military Affairs, frame a law which will fit that condition, and would be swift to bring in a bill here that would provide for the repeal of the statute or its modification.

I do not understand that because there is a statute upon the subject creating these officers, therefore the House is precluded from voting affirmatively on an amendment of this kind. We are doing no harm to anybody. We are simply saying in this act we do not want these officers continued, and simply laying out a line of duty for the chairman of the Committee on Military Affairs, which I have no doubt he will speedily follow.

I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Iowa [Mr. HEPBURN] to strike out the words which the Clerk will again read.

The paragraph proposed by Mr. HEPBURN to be stricken out was again read.

The committee divided; and there were—ayes 37, noes 23.

Mr. BRAGG. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair appoints the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Wisconsin [Mr. BRAGG] to act as tellers.

The committee again divided; and the tellers reported—ayes 39, noes 63.

The CHAIRMAN. The "noes" have it.

Mr. HEPBURN. I wish to ask if the point of no quorum has been withdrawn?

Mr. BRAGG. I did not make the point of no quorum. I called for tellers.

Mr. HEPBURN. I understood the Chair to say that the point of no quorum was made. Certainly a sufficient number of gentlemen did not vote to authorize the appointment of tellers.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] demanded tellers. The Chair stated that no quorum having voted the Chair would order tellers. The Chair held the gentleman from Wisconsin was entitled to have tellers. Does the gentleman from Iowa [Mr. HEPBURN] now make the point as to a quorum?

Mr. HEPBURN. No, sir.

So (further count not being called for) the amendment was disagreed to.

The Clerk read the following paragraph:

Additional pay: For pay of the officers of the Subsistence Department for length of service, to be paid with their current monthly pay, $22,260.

Mr. HEPBURN. I move to strike out that paragraph.

Mr. BRAGG. I think it is time this House should begin seriously to consider what they are doing. This may be a very clever thing to do. It may be very pleasant to do a thing at one time and very injurious to do the same thing at another time.

We have under consideration a general appropriation bill. We have men who are entitled to receive their pay and can recover it in the courts. We are simply asking to make the regular annual appropriation to provide for their payment, rather than to create litigation on the part of the people who are in our service holding commissions, and whom we have no means just at present under this bill of ousting.

If any of these distinguished reformers desire to make any changes in the Army which will result either in reducing the number of officers or reducing their pay I will ask that the committee rise, in order to give them an opportunity to introduce a bill and have it referred to my committee. I have served several years in this body, and I have never heard any cry come from that side unless it was a cry for more. But here when we reach a class of legislation that we can not interfere with, when no enactment can be adopted, when no change can be made, and when they can be put to their mettle by asking them to vote for the measure, they propose to destroy the operations of the Government, or to block its wheels, by refusing to make appropriation for men who hold their offices by virtue of law and with whom we have contracted to make payment for their services. I hope the amendment will fail.

Mr. HEPBURN. There is no proposition here in any manner to interfere with the functions of the Government. This motion I have made may be adopted and still there will be no irreparable harm done to the administration of public affairs. There is already provision made for the pay of the Subsistence Department; until the beginning of the next fiscal year that will be paid.

Now, if this House shall by an affirmative vote say that in their humble judgment the Subsistence Department should no longer exist, before there shall be any deficiency the chairman of the committee can see to the wiping out of these officers. The gentleman suggests the proper way to do it is to bring in a bill to reform this matter. The gentleman knows what the fate of such a bill would be with himself at the head of the committee. If he does not know all the rest of us do, that it would be smothered there and that there would be no opportunity to have a fair, dispassionate, discussion of the whole question in this House. The gentleman would take care of it. This is the only way in which the temper of this House on this question can be ascertained; and it is an entirely legitimate way. There is nothing revolutionary in it. There is nothing which should subject the gentlemen who may vote for the proposition to the sneers of the gentleman from Wisconsin.

Mr. Chairman, I believe that if there has been no effort at reform in this direction heretofore it is time now that there should be. No man, in my humble judgment, conversant with the subject will seriously insist that the officers of the Commissary Department are essential to the well-being of the Army. There is no well-informed man but knows that all the duties of these officers can and ought to be performed by the officers of the Quartermaster's Department; that instead of increasing the labors of the Quartermaster's Department it would actually diminish their labors. Instead of increasing the necessity for clerical force it would do away with the necessity for a large portion of it. The fact of having the two staffs creates labor, creates trouble, creates confusion; and we would be minifying the expense and labor by changing the statute upon that subject.

I have not made this motion for the purpose, as the gentleman from Wisconsin states, of buncombe. That was the word he used. He does not always opportunely use his words. He does not always select them as they ought to be selected.

Mr. BRAGG. I got the right one that time.

Mr. HEPBURN. I do not think the gentleman got the right word. There is no buncombe in this. It is a right and proper reform. And if there was any sincerity whatever in the professions of gentlemen on that side with reference to reform, if they meant anything when they talked about economy, they would be glad to seize upon this opportunity of saving $300,000 of the people's money. But the efforts of the gentlemen and the vote they have given show the utter falsity and untruthfulness of all these continual pretenses that are made on that side of the body-politic with regard to reform and with regard to economy. You do not mean it, gentlemen. You simply made use of that talk as a lever to help you to get into place. You have got there, and now you like the expenditures—I was going to say, as well as any one—I will say better than any one.

Mr. BRAGG. I move to strike out the last word. I had sincerely hoped that the pot from Iowa had boiled and effervesced so much and that so much gas had escaped from it on the river and harbor bill that the people of Iowa had become satisfied that one of their distinguished Representatives was here as a champion of reform, and that he would rest on his laurels and give us an opportunity to go on with legislation.

I withdraw my formal amendment and call for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN].

The question was taken; and there were—ayes 55, noes 69.

So the amendment was not agreed to.

The Clerk read as follows:

Pay Department: For one brigadier-general, two colonels, three lieutenant-colonels, and forty-three majors, $129,000.

Mr. HEPBURN. I move to strike out that paragraph.

The question was taken on the amendment; and there were—ayes 23, noes 58.

So the amendment was not agreed to.

The Clerk read as follows:

Judge-Advocate-General's Department: For one brigadier-general, one colonel, three lieutenant-colonels, three majors, and for additional pay for acting judge-advocates, in all $24,250.

Mr. HEPBURN. I move to strike out that paragraph.

Mr. GROSVENOR. Mr. Chairman, I support the motion to strike out this paragraph because in my judgment there is not in all the laws of the United States a more fruitful source of the violation of all principles of law, constitutional and statutory, than the machinery of this Judge-Advocate-General's Office. Here is a paragraph of the bill which, after you have added the average expenses which are incurred for the employment of lawyers to carry on the business of this department in important cases, makes an annual outlay of something like $60,000. We have an army of perhaps twenty thousand soldiers, and it costs us $60,000 annually to pay for the reviewing officers who review the judgments of courts-martial.

I undertake to say, sir, that I can point to a half-dozen records in the Judge-Advocate-General's Department where, by the advice of the Judge-Advocate-General and by the solemn judgment of the courts-martial acting under that advice, every principle of legal protection guaranteed to us by the Constitution, every principle which is taught in the books as pertaining to the great law of evidence has been overruled and trodden under foot. I can show you a record there where a judge-advocate of high rank solemnly declared to a court-martial that it was perfectly competent to prove the price at which commodities had been sold in the city of New York on given days by producing the telegrams of people who said that they had had the report by telephone from the fellow who said that he had contracted to sell the property.

The same officer said that it was perfectly competent to explain by parol evidence a written contract and to vary its terms and modify them materially. And the way he came to find that out was this: He said that in the circuit court in New York he was allowed to prove by parol evidence that a deed, absolute upon its face, was in fact only a mortgage, and he cited that as an authority to show that he had a right to vary the terms of a written contract by oral evidence!

Mr. STEELE. What officer was that?

Mr. GROSVENOR. It is hardly worth while to be personal. There are so many of these records that I can put my hand upon a hundred of them such as I have described inside of twenty-four hours in which the most absurd rulings appear.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. Yes, sir.

Mr. BRAGG. Under what administration were the men appointed who committed those violations of law?

Mr. GROSVENOR. It makes no sort of difference under what administration they were appointed. I condemn the system under which this Bureau of Military Justice has been organized and the whole system by which military law is administered; I condemn the system which permits the organization of the courts, by which the Secretary of War (not the one now in office) can pack a court to execute his personal vengeance; and I condemn a system of law which permits the President of the United States to send back to a court-martial twice over their finding and judgment and to demand that they shall set aside their finding and make another one to conform to his ideas of proper punishment. I do not care who does it, it is an outrage. I care not when it was done, it was an invasion of liberty in this country, and I condemn it. I care not who invented it, the system is pernicious and outrageous. I care not who was the author of it, I am opposing it, and I would oppose it as quickly as I would oppose the suspension of the writ of habeas corpus; I would oppose it as zealously as I would oppose any other invasion of the rights of man in this country under the forms of law.

[Here the hammer fell.]

Mr. WHEELER. Mr. Chairman, we have all heard the expression, "conceived in sin and brought forth in iniquity." I do not know but that this expression is applicable to one episode in the history of the Judge-Advocate-General's Department, and I therefore concur very much with what has been said by the gentleman from Ohio [Mr. GROSVENOR], and as something has been said here about the origin of this department, and as I have examined the matter, I want to add a word about that.

By act of March 2, 1849, Thirtieth Congress, volume 9, page 351, section 4, it was provided:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint a suitable person as judge-advocate for the Army, to be taken from the captains in the Army, who shall have the brevet rank, pay, and emoluments of a major of cavalry.

Capt. John F. Lee, a most excellent officer, was that day appointed, and while still creditably performing the duties of the position the law of July 17, 1862, was enacted. This law will be found in volume 12, page 598, Statutes at Large, Thirty-seventh Congress, second session, and is in these words:

SEC. 5. *And be it further enacted*, That the President shall appoint, by and with the advice and consent of the Senate, a judge-advocate-general, with the rank, pay, and emoluments of a colonel of cavalry, to whose office shall be returned for revision the record and proceedings of all the courts-martial and military commissions, and where a record shall be kept of all proceedings had thereupon. And no sentence of death or imprisonment in the penitentiary shall be carried into execution until the same shall have been approved by the President.

Gentlemen will all recollect that in the summer of 1862 there were, as a gentleman has said upon this floor, a million of men under arms. We all remember that at that time there was a great political quarrel between McClellan on the one side and influential officials connected with the Republican administration on the other side, and means had to be devised to strike down McClellan. During that summer, while troubles were brewing in the Army in front of Washington, a law was enacted providing for the appointment of a Judge-Advocate-General. The idea was to appoint Joseph Holt to be Judge-Advocate-General of the Army, not, as history tells us, for the purpose of administering justice, but in order to use the intricacies of the law to strike down McClellan; and after the disasters of August, 1862, in the month of September, Joseph Holt was appointed. His first official act was to attempt to strike at McClellan and Fitz-John Porter, and the only apparent reason why they did not strike McClellan was that the exigencies of the service demanded that he should be placed in command of the Army. Being reinstated in command, he won the battle of Antietam, which placed him so high in the estimation of the people that they dared not strike at the head, and therefore they struck at the man next to the head.

Now, I fully concur with much that the gentleman from Ohio has said about courts-martial; but I insist it is necessary for us to have a Judge-Advocate-General's Department in order that we may have uniformity in the system of our military courts.

Mr. STEELE. One question; would the gentleman like to extend his remarks on Fitz-John Porter? [Laughter.]

Mr. WHEELER. I do not believe I will this time; we have said enough on that.

The President of the United States in his first message to Congress used this expression with regard to courts-martial:

If some of the proceedings of courts-martial which I have had occasion to examine present the ideas of justice which generally prevail in these tribunals I am satisfied they should be much reformed if the honor and honesty of the Army and Navy are by their instrumentality to be vindicated and protected.

Now, I wish to say to the gentleman from Iowa [Mr. HEPBURN] and also the gentleman from Ohio [Mr. GROSVENOR] that all the inefficiency, all the evils and wrongs of which they complain, arose under Republican administration; and now, as ten million of people have seen fit to intrust the power of this Government to the Democratic party they will see that these abuses are remedied. Mr. Cleveland, our President, took the first opportunity to express his views on this subject; and I think we can depend upon his rectifying these and all other abuses. Therefore I hope the gentleman will not insist upon the amendment, but will trust to the Democratic party to rectify, as they well can, every wrong which has been brought upon this Government during the twenty-five years of Republican administration. [Laughter.]

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. Debate is exhausted.

Mr. GROSVENOR. I move to amend the amendment by striking out the last two words. Mr. Chairman, I have not offered my amendment with a view of precipitating a political debate. If the Demo-

cratic party desires upon every question of appropriation of money to discuss any of the blunders the Republican party has made, I am willing. The greatest blunder the Democratic party has made during the last twenty-five years was to keep on living—to go about the country cheating the political undertaker out of his just dues for their burial. [Laughter.]

But, Mr. Chairman, I did not intend to engage in any political discussion. I suppose the gentleman from Alabama will do me the justice to believe that I have not made this motion for any other purpose than to express honestly my views on this important question. I am in favor of remitting the questions of law which now go to the Judge-Advocate-General's Department in all important cases to some other branch of the Government, where one of the conditions precedent to eminence as an officer shall be some knowledge of the elementary principles of law. There has been no great controversy before a court-martial in this country for years past in which the Government did not employ outside counsel; and this has been done in violation of law, or rather without any justification in law.

Away back in 1814, when Mr. Monroe was President and Martin Van Buren was a leading lawyer in the State of New York, the Secretary of War detailed Mr. Van Buren to go up to Troy and assist as a Government attorney in the prosecution of the case of The United States *vs.* General Wilkinson. That court-martial sent back to the Secretary of War a statement that there was no law authorizing the appearance of Mr. Van Buren, and it would not and did not permit him to appear. From that day to this there has been no change in the statute; and Judge Holt, at the time of the Surratt case in this city, decided that there was no law which authorized the employment of outside counsel; hence it was that Judge Bingham, of Ohio, was compelled to take a commission in the Judge-Advocate-General's Department before the military court would permit his appearance. But now we have reached a point when all the great controversies before courts-martial are tried by outside lawyers. Last year $3,000 was paid in one case in this city to a lawyer. I did not begrudge him his money; he earned it; he was a most capable lawyer, and conducted the case in a most lawyerlike manner; conducted it as well as he could do in view of the surroundings by which he was environed all the way through the progress of the case.

But I insist that these reviews which go to questions affecting men's property, men's honor, men's liberty, ought to be made by some branch of the Government other than the Army. The small courts-martial which are held at the different posts—the garrison courts-martial—may well enough be run by judge-advocates detailed from the line for that purpose; and then let the other records, records involving important questions of law, go for review to some officer of the Attorney-General's Department or some other officer of this Government, who is clear of the traditions of the court-martial, clear of the traditions of the regular Army, clear of all the controversies, jealousies, and ambitions which inhere in the organization of the Army, men who will base their judgment upon the principles of law which we hold dear in this country.

I say this Judge-Advocate-General's Department is an excrescence upon the Army. It is totally unnecessary, and ought not to be continued. It costs $60,000 a year, and adds to the Army nothing of grace, nothing of justice, nothing of martial efficiency, but in all respects the reverse. Therefore I have made the motion to strike out this paragraph; and I venture to say that if this paragraph were to be stricken out to-day, never to be revived, there would be, one year from now, no one who would remember it except to point to it as a monument of the greatest error we have ever committed in the organization of the Army.

Mr. WHEELER. I hope the gentleman from Ohio [Mr. GROSVENOR] did not think—I hope I was not so unfortunate in my remarks as to convey any such intimation—that I designed any personal reflection in regard to the gentleman's motives.

Mr. GROSVENOR. Oh, no!

Mr. WHEELER. I did not intend anything of that kind.

Mr. HEPBURN. Mr. Chairman, one suggestion which might be made in connection with this matter has not been made. Under a sentence passed by a court-martial the chief of this corps is entirely incapacitated from serving in the corps; and the duration of his incapacity under the sentence passes beyond the period when he will be retired under the law. So we have at the head of a department a man who is entirely incapable of serving in that department.

Mr. BRAGG. His incapacity commenced at an earlier day than trial by court-martial.

Mr. HEPBURN. I am speaking of his incapacity as the result of the judgment of a court. I do not know this question ought to be disposed of by the insulting and sneering methods of the chairman of this committee. The fact he sees something in his disordered imagination that assimilates the gentleman who made that motion to a boiling pot ought not in my judgment to dispose of this question. The fact the gentleman indulged himself in that way perhaps he is not to be censured for. There seems to be a vein of ill-natured manifestation resulting from everything the gentleman does that would indicate the difficulty with him is congenital, and therefore he ought not to be censured for it. But when he ventures on the domain of the blackguard, if he does, he ought to be forgiven by all of those who feel a sympathy for others who are not amenable to criticism or to harsh judgment because of the unfortunate manifestations of Providence toward him. [Laughter and applause on the Republican side.]

Now, in regard to my friend from Alabama.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. MCCOOK, its Secretary, which announced that that body had disagreed to the amendments of the House to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C., and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. RIDDLEBERGER, Mr. SPOONER, and Mr. VANCE as managers of said conference on its part.

It further announced the passage of the bill (S. 2256) to create a port of entry at Lewes, Del.; in which concurrence was requested.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HEPBURN. My friend from Alabama [Mr. WHEELER] is undoubtedly correct in his history of the formation of this department so far as the date is concerned. It was created in 1862, I believe. But when he goes further than that, trusting to his memory, he is liable to fall into egregious error; and on this occasion I am sorry he did go to the length he did. It seems to me the gentleman hardly considered the weight of the words he indulged in. He took upon himself, unwittingly, perhaps, the rôle of slanderer when he made the charge he did upon Abraham Lincoln, who appointed Judge Holt to the office he held. Judge Holt was not appointed to that high office for any purpose that was inimical to justice and to right-dealing. When he was appointed there was no such condition existing as the gentleman imagined existed later.

There was no purpose of assaulting General McClellan, or any other general of the Army, let me tell him. If he had not been engaged just where he was at that time, if there had not been difficulty of communication from where he was to the men who were well informed on the subject, he would have known better than to have made the charge he did. [Applause on the Republican side.]

It ill becomes that gentleman, it ill becomes any man situated as he was in those days, to assume, in my humble judgment, the rôle of slanderer of Abraham Lincoln. [Applause.]

Mr. BRAGG. I regret exceedingly the economist from Iowa should be a little economical in his knowledge of history. If I recollect rightly, Lieutenant-Colonel Lee was judge-advocate until about the 4th of September, 1862, and the change in the head of that department was not made until after General Pope made his report here and sought to prefer charges against the Army of the Potomac. Then the decks were cleared for action, and the hangman was selected.

It is not a slur upon Mr. Lincoln, but as I had occasion to state substantially once before in this House, the gentlemen who are fearful to have the drapery of the garment drawn aside for fear of showing the leprosy, political and moral, which exists, always dodge behind Mr. Lincoln's great coat. [Laughter.] It was Mr. Stanton and not Mr. Lincoln of whom it was said by Mr. Lincoln he had but little influence with his administration. [Laughter.]

Now, as to the personal allusion to myself, all I have to say to him is this: It took him so long to get into action, out of compassion for him just now I will not stir him up any more, for I want him to have time to get ready. [Laughter and applause.]

Mr. WHEELER. I move to strike out the last word. [Cries of "Vote!" "Vote!"]

Mr. Chairman, I regret very much that the gentleman from Iowa [Mr. HEPBURN] should see fit to make the personal allusions that he did to myself. I want to say to him and to this House that in all matters of legislation I never have been in the habit of looking behind, but I only look before, and every act of mine is prompted by the purpose of adding my feeble efforts to contribute to the greatness and grandeur, to the weight and power, of this the greatest country that ever did or ever can exist, except in its own future possibilities.

Mr. HEPBURN. When did you begin?

Mr. WHEELER. I wish to say that if the gentleman will examine every word that I have ever uttered he can not find that I used a word or even a syllable against the President of the United States, Abraham Lincoln, to whom he alluded. It has become my duty in this House during two Congresses to defend Abraham Lincoln and General Grant against the assaults made upon them by Republicans in their efforts to crush down and destroy one of the bravest men that ever led armies to victory. It has become my duty and my pleasure to stand here and defend that great general, Ulysses S. Grant, from charges brought against him on this floor; from charges impugning his motives, impugning his integrity, impugning his capacity, impugning his ability as a soldier, and impugning him in his duties to this great Republic.

It has become my duty to investigate reports, to investigate facts, and to investigate history to hurl back charges and insinuations against General and ex-President Ulysses S. Grant, and no gentleman can point to

one word ever uttered by me reflecting upon him or upon his ability as a general or a statesman. That has been reserved to gentlemen in this and the last Congress on the other side of the House, who have, when it suited their purposes, been found among his detractors.

But another word and I have done. The gentleman spoke of the time of the appointment of Judge Holt. He was appointed in September, and the first act of his official life was to proceed to do what has been stated. I thank the gentleman from Wisconsin [Mr. BRAGG] for the suggestion that the statements refer to the conspirator Edwin M. Stanton [hisses on the Republican side], who sought to conspire to drag down officers of the Army who did not conform to his views or sustain the line of policy that he had inaugurated.

Mr. HEPBURN. Mr. Chairman, this "arch conspirator" the gentleman names was a man who was at the head of the Federal armies. He was the man who directed, as no other living man could, all of the maneuvers and operations of the Federal Army. He is the man that brought your banner down into the dust, that destroyed your "lost cause"——

Mr. WHEELER (from his seat). No, it was Grant.

Mr. HEPBURN. That whipped you back into your allegiance to the Government. [Applause on the Republican side.] He was the man who made it possible for you to be here in this exalted place to be his maligner and slanderer. [Applause on the Republican side.] He is dead now and can not answer you, but notwithstanding you try to blacken his memory, although you live to-day because that man was willing, among others, that you might live and not have the halter around your neck that you had won. [Applause.]

Mr. HISCOCK. Mr. Chairman I move to strike out the last word.

Mr. HAMMOND. I rise to make an inquiry.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HISCOCK. Mr. Chairman, I have listened here more than once to aspersions upon the character as well as charges against the motives and services of Edwin M. Stanton. He was our able War Secretary; he organized victory. Under his advice and administration, even admitting he committed some errors, the Union triumphed over the rebellion. [Applause.]

Now, these small men [laughter], as was said by the gentleman from Iowa, some of whom are here by grace alone, avail themselves of the opportunity to slander his memory. [Applause.]

Mr. Chairman, Ohio has given many able men to the public service of this country, but none braver, none more true, none who did more for the Union than our great War Secretary, Edwin M. Stanton, who came to us from within its borders. [Applause on the Republican side.]

You have dragged into this discussion the Fitz-John Porter case. I remember it was discussed while the war was in progress, and I do not forget there was nowhere a man who sympathized with the rebellion who did not sustain Fitz-John Porter and applaud McClellan and denounce Stanton, and thus sought to paralyze the energies of the Union forces. I care not, for one, if Porter would have been technically acquitted by a civil court.

We believed—I believe it now—the people everywhere in the North believed there was a powerful conspiracy to compel arbitrament of the issue between the North and South by other means than the sword.

As Edwin M. Stanton had the power and the vigor to defeat the cabal of conspirators that was seeking to bring about a peaceful solution by inactivity, I am willing for one again and here to indorse what he did. The country approved him then and has continued to approve. I am ready to discuss this Army bill upon its merits, but I am not willing to be silent when it is made the occasion to defame one of the ablest, one of the purest, one of the most patriotic men ever given to the service of his country; to hear him unjustly assailed and his memory maligned, either by those who were in arms against him and his country at that time or by those who belonged to the party that is to-day in political fellowship with them.

It is not for me to write Secretary Stanton's biography. You gentlemen may not do him justice. Those who felt his iron hand and knew his strong will may be reluctant to do him justice. Those who were not in sympathy with him, who met in convention to adopt resolutions that the prosecution of the war was a failure, those whose places were south of the line drawn between the two armies—they may assail him here, and question his motives and acts; they may indulge in these little denunciations against him; but I deem it now and shall hereafter a great pleasure to honor his memory. [Applause.]

[Here the hammer fell.]

Mr. HAMMOND. I desire, before the vote is taken on this proposition, to ask the chairman of the committee whether, if the motion to strike out shall be adopted, it abolishes any of the system that has been spoken of so severely?

Mr. BRAGG. Not at all.

Mr. HAMMOND. I think we are ready to vote.

The CHAIRMAN. The question is on striking out the clause which the Clerk will again report.

The Clerk again read the pending amendment.

The committee divided; and there were—ayes 89, noes 93.

Mr. HEPBURN. I call for tellers.

Tellers were ordered; and Mr. HEPBURN and Mr. WHEELER were appointed.

The committee again divided; and the tellers reported—ayes 82, noes 92.

So the amendment was disagreed to.

The clerk read the following paragraph:

For mileage to officers, when authorized by law, $130,000: *Provided*, That in disbursing this allowance the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of transportation actually paid, exclusive of sleeping or parlor car fare.

Mr. PRICE. I make the point of order against the proviso contained in this clause:

Provided, That in disbursing this allowance the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of transportation actually paid, exclusive of sleeping or parlor car fare.

I desire to call attention to section 1273 of the Revised Statutes. I will read the statute in support of my position. I am encouraged to make the point of order at this time for the reason that, notwithstanding the Chair a few days ago overruled the decision of the Supreme Court and our own rules—and the proposition was so flagrant a breach of the rules that the gentleman in charge of the bill himself by an amendment afterward struck it out—I have now a distinct and square statute on this subject, which must be existing law even in the opinion of the chairman of this committee.

I read section 1273 of the Revised Statutes, which is as follows:

SEC. 1273. When an officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed 10 cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army.

That fixes it at 10 cents. Now the Army appropriation bill of 1877, passed July 24, 1876, provides that the rate shall be 8 cents per mile. That law changed it from 10 to 8 cents.

Now I make the assertion, and it is a correct one, if I am not mistaken, that that is the last provision of law governing the mileage for the distance that officers travel. That distinctly states it is 8 cents. That stands bound in this book as existing law; and yet this provision of the bill reads that the sum allowed shall be 4 cents per mile instead of 8, and adds thereto the additional cost of transportation under certain circumstances.

Now, that is not only objectionable as being squarely in contravention of an express statute, but it increases expenditure, I think; that, however, is a matter of computation, and I may be mistaken. But I make the point without arguing it further that that provision is squarely in contravention of this section of the Revised Statutes, which stands as the law of the land.

I raise the point of order also on subdivision 3 of Rule XXI. The last clause of that rule provides:

Nor shall any provision changing existing law be in order in any general appropriation bill or any amendment thereto.

I think that is plain enough. If it is not, I will be ready to tear up my copy of the rules and bury the statute, for I do think that an express statute constituting existing law which stands there unrepealed ought to guide us; and I venture the suggestion that outside the Military Committee there is not a committee of this House that would have the audacity, in view of the existing facts, to place a provision of law in an appropriation bill and then ask us, because it comes from that high and mighty committee—"my" committee, as the gentleman from Wisconsin called it a few moments ago—and has the stamp of authority on it of the Committee on Military Affairs, that therefore we must accept it. I ask the Committee of the Whole to take together that law, that rule, and that provision in this bill, and then let them sustain or overrule my objection as they will.

Mr. BRAGG. Mr. Chairman, my answer to the point of order is that the paragraph does not change existing law. The difference between this clause and a clause changing existing law is easily illustrated. I will read from a previous Army appropriation bill a clause which did change existing law:

Provided, That hereafter any paymaster of the rank of major, who has served twenty years, may upon his own application be placed upon the retired-list.

To change existing law the provision must either repeal a law or be an affirmative enactment. The difference between such a provision and this proviso may be stated in a few words. This is a limitation upon the use of the money appropriated by this bill without affecting any existing law whatever. The hand that gives directs how the gift shall be used. This proviso was inserted for the purpose of sustaining the Paymaster-General in his distribution of the fund for the payment of mileage, and to carry out his wishes in that regard. He made the request specially of the committee, and we prepared that section, and he himself prepared the proviso limiting the use of the money.

Mr. CANNON. Mr. Chairman, I desire to say a word on this point of order. A few paragraphs back the gentleman from Wisconsin was fast and furious to appropriate according to existing law.

Mr. PRICE. What gentleman from Wisconsin? [Laughter.]

Mr. CANNON. The gentleman in charge of the bill.

Mr. PRICE. That will do.

Mr. CANNON. Now, Mr. Chairman, the gentleman admits that there is a law fixing the mileage of these officers, and he seeks to amend it. I do not care to say anything now about the merits of that amendment. I doubt very much whether it would be a wise one, even if it were in order, and I doubt also whether it is an economical amendment; but I will not discuss that question now. The gentleman says that because the words "Provided, that hereafter," &c., are not in there the proviso does not amount to legislation which changes existing law, but is a mere limitation upon the expenditure of the money hereby appropriated. If it be true that these rules of ours, positive in their terms, can be frittered away by merely juggling with words, then I suppose the point of order is not well taken. Given, however, a positive statute upon any subject, and Rule XXI as it exists, I undertake to say, that a provision of this kind does change existing law, at least by construction if not in words, and if the gentleman can avoid the force of the rule and the force of the statute by such a provision as this in an appropriation bill, why then the rule amounts to nothing.

The CHAIRMAN. The Chair is prepared to decide the point of order raised by the gentleman from Wisconsin [Mr. PRICE].

Mr. PRICE. One word further, Mr. Chairman. I did not know but my positions were wrongly taken and my authorities good for nothing, so I waited to hear something which would break the force of the rule and of the statute which I have read and which I say should control the action of this House. I want to call the attention now of gentlemen who failed to hear what I said a while ago to the fact that the whole defense made for this indefensible action is based upon two statements: First, that there was a similar provision to this in a bill of last year, and that, it having passed there without the point of order being raised upon it, we may with propriety pass a similar provision now; and second, that some one (I did not catch the name) advised the committee to put this provision in this bill.

Now, Mr. Chairman, I ask again, can we permit the Committee on Military Affairs to override the rules adopted for the government of this House merely because some gentleman, I do not know who, has recommended that this provision shall go into this bill? Or will you justify yourselves by keeping that proposition in the bill because, forsooth, a similar one was in an appropriation bill one year ago? I am perfectly willing to concede that if the point of order were not raised against this provision and it were passed as a portion of this bill, it would then be a law to govern us, but the point of order being raised at this stage, there is but one thing to do, and that is to expunge it from the bill as an attempt on the part of this committee to exercise authority not delegated to them, to legislate about a matter over which they have no control, and not binding upon this House even as a recommendation.

The CHAIRMAN. The Clerk will again report the paragraph on which the point of order is made.

Provided, That in disbursing this allowance the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of transportation actually paid, exclusive of sleeping or parlor car fare.

The CHAIRMAN. The gentleman from Wisconsin on the left [Mr. PRICE], makes a point of order against this proviso that it changes existing law and, therefore, is not in order upon an appropriation bill. A similar point of order was made upon another provision on Saturday last when this bill was under consideration. The provision against which the point of order was then made was declared to be in contravention of the Army regulations and therefore in contravention of existing law. This proviso is said to be in conflict with a provision in a statute which allows a greater amount per mile than is here fixed. It will be observed that the proviso against which the point of order has been made states that in disbursing this allowance—the allowance appropriated in this paragraph—there shall be paid the rates specified. That does not change the existing law. It only directs the manner in which this appropriation shall be expended and the objects to which this money shall be applied. The law stands as it was before, but this appropriation is directed to be expended in a particular way for a particular purpose. The Chair does not understand that the House is obliged to appropriate the sum which the law has fixed as the full salary for any public officer. If it were so obliged the discretion of Congress would be in great measure taken away.

But Congress may in its discretion appropriate for a particular service a less amount than the law designates, or it may fail to make any appropriation whatever. The House is now engaged in making appropriations of money for a particular purpose, and in doing so it may determine to appropriate less than the law prescribes for the full payment of this service. The law is not changed thereby; Congress merely fails to make full appropriation for the service. For these reasons——

Mr. PRICE. Before the Chair gives his decision will he allow me to call attention to two facts which appear in this controversy? First, the existing law provides that the person required to travel under a military order shall be compensated at the rate of 8 cents per mile and shall receive no allowance for transportation. This bill provides that he shall receive compensation at the rate of 4 cents per mile, and such transportation as may occur under different contingencies. Now, is not this a new provision of law fixing the compensation for a person who is required to travel under a military order? And can we under our rules adopt such a provision upon an appropriation bill?

The CHAIRMAN. If the provision to which the gentleman refers made a permanent appropriation for compensation the gentleman's point would be well taken; but it is not a permanent appropriation. Though existing law may provide 8 cents a mile as the compensation for a person traveling under these circumstances, he can not receive a cent of money for such service unless Congress makes the appropriation.

Mr. PRICE. But this provision of the bill allows transportation and the existing law does not. Is not this then a new provision of law?

The CHAIRMAN. The officer would not be entitled to take any money out of the Treasury on account of the existing law unless there were an appropriation. The House is now making appropriations for this service, and Congress may, if it sees fit, appropriate a less sum than the existing law provides for.

Mr. PRICE. But we are undertaking to say by this bill that the person shall be furnished with transportation.

Mr. HAMMOND. I rise to a point of order. I understand the Chair to have decided this question, and I submit that we should proceed with the bill unless an appeal is taken from the decision of the Chair.

The CHAIRMAN. The Chair was about to say that for the reasons stated the point of order should be overruled.

Mr. CANNON. I hope the Chair will allow me a single moment. I think the Chair does not understand the point of the gentleman from Wisconsin. If the Chair will examine the bill he will find in the paragraph now under discussion these words, "and in addition thereto the cost of transportation actually paid." Now, in the general law there is not one word about "the cost of transportation actually paid," but there is the allowance of a lump sum of 8 cents a mile. This bill proposes to allow a lump sum not exceeding 4 cents a mile "and in addition thereto the cost of transportation actually paid." How can the Chair tell how much more than 8 cents a mile this bill may allow? I apprehend the actual allowance in many instances under this bill would be 10 cents or 12 cents a mile. So that the effect of this so-called "limitation" is to change the law and authorize a greater compensation than that fixed by existing law, which in no case can exceed 8 cents a mile. That is the point, as I understand.

Mr. BRAGG. I would like to ask the gentleman from Illinois a question.

The CHAIRMAN. The Chair has decided the question of order.

Mr. PRICE. I must appeal from the decision of the Chair.

Mr. BRAGG. I desire to ask the gentleman from Illinois whether he does not recognize the difference between limiting the expenditure of a particular sum of money and making a general provision for expenditure which shall become a permanent law? A limitation in an appropriation bill does not make any positive continuing enactment, but dies with the disbursement of the funds appropriated in that bill——

Mr. CANNON. Certainly.

Mr. BRAGG. But a positive affirmative provision of law becomes embodied in the statutes, and stands as a continuing law on the subject for the future.

Mr. CANNON. I hope I may be allowed to answer the gentleman from Wisconsin [Mr. BRAGG].

Mr. STEELE. I make a point of order. The Chair has decided this question.

Mr. PRICE. And I have appealed from the decision of the Chair.

Mr. CANNON. I think I am entitled to answer the point of the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. I understand the point made by the gentleman from Wisconsin to be that the clause in this bill is a limitation upon the expenditure of this money. I tried to make my position plain when I maintained that it is such a limitation as will make this mileage for the coming year more than the existing law authorizes, namely, 8 cents a mile. That is the point.

The CHAIRMAN. With reference to the point raised by the gentleman from Illinois, the Chair is of opinion that this Committee of the Whole might provide for extraordinary expenses of the Army not provided for under any general law, and that therefore, even if this clause is new legislation, the House under the rules has the right, as this is one of the established departments of the Government, to provide for the expenditure. For these reasons the Chair has overruled the point of order. The gentleman from Wisconsin appeals from the decision. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 93, noes 46.

The CHAIRMAN. So the decision of the Chair stands as the judgment of the committee.

Mr. CANNON. I move the following amendment:

Strike out the following words:

"In addition thereto the cost of transportation actually paid, exclusive of sleeping or parlor car fare."

Mr. Chairman, if I can have the attention of the committee I will not claim it longer than one minute. The present law gives 8 cents a mile when an officer is traveling under orders and by the shortest route. This change in the law, or limitation, or whatever you may choose to call it, for the coming year gives officers traveling under orders 4 cents a mile and in addition thereto the cost of transportation actually paid. Now, I undertake to say the average cost of travel in this country does not exceed 4 cents a mile, including subsistence. Yet in the name of economy I see they have decreased the appropriation upon the estimates some $30,000. Now they come in and seek to enlarge the existing law. For what? The cost of transportation actually paid is to be added to the 4 cents a mile. No man can tell until the accounts are rendered just how much will be required to be paid out of the Treasury.

I appeal to my friend from Wisconsin, so long as this limitation is to be placed on officers while traveling under orders, we ought to stop with the allowance of 4 cents a mile and not add the cost of transportation actually paid. Take the case of an officer ordered from San Francisco to New York, 3,000 miles at 4 cents a mile would be $120 in the pocket of the officer after he gets to New York in addition to the actual cost of transportation.

I want to be fair with the Army. It serves its purpose in the Government and ought to be fairly and liberally dealt with; but while we are seeking to make reform, in my judgment we should only provide for the actual expenses of travel, and there stop.

Mr. BRECKINRIDGE, of Kentucky. I had intended, Mr. Chairman, to offer an amendment to strike out all after "provided," in line 164, and to insert "only actual expenses of transportation shall be paid," which is precisely the reverse of the amendment moved by the gentleman from Illinois, who proposes to strike out the cost of transportation actually paid exclusive of sleeping and parlor car fare, and to leave the allowance of 4 cents a mile.

Mr. HOLMAN. I think the limitation should be "not exceeding 4 cents a mile."

Mr. BRECKINRIDGE, of Kentucky. Four cents a mile is not enough in some parts of America. I speak with some little knowledge of this matter, because some who are near to me have been engaged in that part of the Army and required to travel on both sides of the continent. Four cents a mile is ordinarily paid in the populous States, but I have known as high as 30 and 40 cents a mile paid for actual transportation of an officer in the Inspector-General's Department through the Rocky Mountains, in Colorado, California, Washington Territory, and other places where there are posts which have to be inspected. Therefore, 4 cents a mile would be but a small proportion of what is actually paid by officers on inspecting tours.

If we have in the public service those whose integrity and honor can be safely trusted, upon whose fidelity to duty we may safely rely, they are officers of the regular Army. It occurs to me the best course for us to pursue is to allow for the actual expenses of transportation when officers are traveling under orders. That is the object of my amendment.

Undoubtedly it does allow some latitude, but as I said before, in my judgment we can safely trust in these small matters the officers of the regular Army.

Mr. HOLMAN. Why not add "over the shortest traveled routes?"

Mr. OATES. The word "necessary" covers that.

Mr. BRECKINRIDGE, of Kentucky. My idea was, as suggested by the gentleman from Alabama, that the word "necessary" covers it. But I accept the modification.

Mr. BRAGG. The law as provided in the bill as first reported from the committee was the result of careful computation and estimates made by the Paymaster-General, in which he arrived at this clause as being a proper amount to equalize expenditures between travel on this side of the Rocky Mountains and on the other side of it, and was enacted to guard against precisely the objection that the gentleman from Kentucky has urged as the reason for his amendment.

It is, however, a matter of entire indifference to me, although I think the amendment will increase the expenditures.

Mr. HAMMOND. It will reduce it enormously, in my opinion.

Mr. BRAGG. I think not. The reason the Paymaster-General called our attention to the fact was this, let me state: That there are certain gentlemen in the Army who like very much to ride upon railway passes. Of course there is a very small number, and perhaps the number is still smaller who are able always to procure them. But the records of the Department show that in several months of the year certain officers are so situated that they must unquestionably travel on passes though they draw more for mileage than the full salary, longevity pay included.

To guard against that the proviso was enacted. For instance, let me suggest a case.

Mr. HAMMOND. Before the gentleman leaves this point will he permit a question?

Mr. BRAGG. Yes, sir.

Mr. HAMMOND. The proviso would allow, as you put it, only 4 cents per mile?

Mr. BRAGG. Yes, sir.

Mr. HAMMOND. The amendment of the gentleman from Kentucky would allow the officer traveling upon a free pass to draw nothing.

Mr. BRAGG. No, sir; but it does not prevent him from riding in a parlor car. It does not check him from stopping any length of time at expensive hotels, paying $5 a day, and using all the porters and servants about the establishment.

Mr. HAMMOND. I understand that this applies only to mileage, not their other expenses.

Mr. BRAGG. No, sir.

Mr. HAMMOND. The section itself is on the subject of mileage.

Mr. BRAGG. But the amendment does not so restrict it.

Mr. HAMMOND. It speaks of his expenses for "necessary travel."

Mr. BRAGG. But it does not limit it to mileage.

Mr. HAMMOND. Then it should be restricted to mileage, so as to limit that.

Mr. BRAGG. The amendment does not do it.

Mr. HOLMAN. Let the amendment be again reported.

The amendment was again read.

Mr. HAMMOND. I move to amend by striking out the word "expenses" and inserting the word "mileage;" so that it will read "necessary mileage."

Mr. BRAGG. Then, if that be done, there is another part of it that must be made to conform.

Mr. BRECKINRIDGE, of Kentucky. I think if the gentleman will look at the bill before him he will see that that is unnecessary. The bill reads "for mileage to officers when authorized by law," and sets apart a fund of $130,000 for the payment of this class of expenditures. Now, the proviso is to the effect that this mileage is not to be paid except in a certain manner, and the amendment relates to that payment. I think it is perfectly clear.

Mr. ADAMS, of Illinois. Mr. Chairman, I propose to add the words at the end of line 169, or rather at the end of the substitute proposed by the gentleman from Kentucky, "not to exceed the amount now authorized by law."

The fact is, a change of the law is necessary. The chairman of the committee has so informed us. He has stated that west of the Rocky Mountains one rate prevails while east of it another rate prevails. The existing law, as I am informed, is uniformly 8 cents per mile. It is right that only the actual traveling expenses shall be paid. It is wrong to allow the existing law to be violated. It is right to inaugurate a change in the law, and that is my motive in proposing the amendment. It may operate with some degree of harshness in some parts of the country for a short time, but undoubtedly some change in the statute will be made which will rectify it; and hence I propose to add the words I have suggested.

Mr. HOLMAN. Should not the word "rate" be inserted instead of "amount?" I think it would be better.

Mr. ADAMS, of Illinois. I have no objection to that, and will so modify the amendment.

The CHAIRMAN. Does the Chair understand the gentleman from Georgia [Mr. HAMMOND] to submit an amendment?

Mr. HAMMOND. I suggested an amendment to the gentleman from Kentucky for the purpose of confining his amendment to mileage, out of abundant caution; but on an examination I think it unnecessary and shall not insist upon the amendment.

Mr. BRAGG. Let the amendment be reported as it will stand if adopted, including the amendment of the gentleman from Illinois.

The Clerk read as follows:

Strike out all after the word "provided," in line 164, and insert in lieu thereof: "That necessary expenses actually paid shall only be allowed, to be computed over the shortest usually traveled route, not to exceed the rate now authorized by law."

Mr. WARNER, of Ohio. Mr. Chairman, there is an incongruity there surely. As the amendment now stands mileage is intended to cover and is made to cover not only railroad fare but hotel expenses as well. That is the practice.

Now, the last part of this amendment limits it to a rate of 8 cents a mile, while the other part of the amendment relates to expenses which include both fare and hotel expenses. I think the provision as contained in this bill is better than the amendment as last read. The limitation then is the actual fare and 4 cents a mile allowance for other expenses, or not exceeding 4 cents a mile. If the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] is adopted, then it leaves open an indefinite charge for hotel expenses. It has been found necessary in all departments to place some limit on these expenses.

Mr. BRECKINRIDGE, of Kentucky. After the explanation of the chairman of the Military Committee, that this has been made a matter of estimate, and is supposed to be a fair mode of making this allowance, I beg leave to withdraw my amendment.

The CHAIRMAN. The gentleman can not now withdraw his amendment, as an amendment to the amendment is pending.

Mr. PRICE. I offer as a substitute for the amendment what I send to the desk.

The Clerk read as follows:

Amend by striking out "4 cents" and inserting "8 cents," in line 166; and strike out all after the word "routes," in line 167; so that it will read:

"*Provided*, That in disbursing this allowance the maximum sum to be allowed and paid shall be 8 cents per mile, distance to be computed over the shortest usually traveled routes."

Mr. PRICE. I desire to state that if the amendment is adopted it

will simply neutralize the provision in the bill which I have opposed, and leave the law for next year just where it was last year.

The CHAIRMAN. The gentleman can not offer that as a substitute. But he may offer it simply as an amendment, because it is in order to perfect what is proposed to be stricken out.

Mr. PRICE. Very well.

Mr. SKINNER. I move that all after the word "dollars" be stricken out. I do that because I think none of the amendments that have been offered are any improvement on the existing law. That will leave the law precisely as it is to-day.

The CHAIRMAN. The amendment of the gentleman from Wisconsin takes precedence of that.

Mr. PRICE. And covers that ground.

The question being taken on the amendment of Mr. PRICE, there were—ayes 67, noes 75.

Mr. PRICE. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Wisconsin, Mr. PRICE, and the gentleman from Alabama, Mr. WHEELER.

The committee again divided; and the tellers reported—ayes 68, noes, 90.

Mr. PRICE. I do not insist further on the point as to a quorum.

So the amendment was disagreed to.

Mr. ADAMS, of Illinois. I understand the gentleman from Kentucky [Mr. BRECKINRIDGE] announced a desire to withdraw his amendment, and I understood the Chair to say that he could not, because an amendment had been offered to that amendment. I offered the amendment to the amendment, and am willing to withdraw it, so as to allow the gentleman from Kentucky to withdraw his.

The CHAIRMAN. If there be no objection, the amendment to the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. And now, if there be no objection, the amendment submitted by the gentleman from Kentucky will be withdrawn.

There was no objection.

Mr. ADAMS, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:
"But in no case shall the amount paid exceed 8 cents a mile."

Mr. ADAMS, of Illinois. That is the existing law.

The amendment was agreed to.

The Clerk read the following paragraph:

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall be considered but one fund.

Mr. PRICE. I desire to call the attention of the committee to two provisions of the Revised Statutes. Section 3623 provides:

All officers, agents, or other persons receiving public moneys shall render distinct accounts of the application thereof according to the appropriation under which the same may have been advanced to them.

And section 3678 reads:

The sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

The provision of this bill to which I take exception is as follows:

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall be considered but one fund.

Now, this kind of legislation sought to be obtained under this clause might be good. I am not fighting the principle embodied in it. I only say, hitherto in our Indian Department, in this department, in the Agricultural Department, in every Department of the Government, we distinctly give so much money for such a division and so much for another division, and we distinctly require them to keep those sums separate; not to draw, for example, on the statistical division to pay for the publication of documents or *vice versa;* but each must be kept separate under the head for which it was appropriated. That is the rule which governs the disbursement of funds under this appropriation bill. But this appropriation bill provides that that rule shall be set aside and "the money hereinbefore appropriated" "shall be considered but one fund." I do not know but the Committee of the Whole will be prepared to do as in the other case and allow the Committee on Military Affairs to make laws. But, in the name of common sense, if you do so, wipe out the rule we have adopted.

Mr. BRAGG. It seems strange to me there are so many ghosts seen through the fog. The appropriation for the Army has always been kept under the account "the pay of the Army," between the paymasters and the Treasury. In all former bills it reads in this wise: "Pay Department: For pay of the Army;" and then the act recites the officers and purposes, and concludes, "in all, $12,500,000."

Now, instead of putting it at the head of the bill, we have put it in this case at the foot of the bill, and the use of the words "shall be considered but one fund," and of the words "accounted for by the Pay Department as pay of the Army" (as it has always been) was to guard against the contingency that by some accident somebody in the Treasury with a crotchety mind might insist that it was the intention of Congress to change the rule from what it has heretofore been. Therefore we use the language of the previous bill, and go further and say, "but one fund;" so that it leaves it precisely as it has always been and always will be.

There never was such a thing as making a draft on the Treasury to pay brigadier-generals, major-generals, colonels, lieutenant-colonels, and captains. It is all drawn together, and the account is kept separately so far as the disbursement or payment of the money is concerned; but as between the Department and the Treasury it stands as "Pay of the Army. In accounting to the accounting officers the vouchers show in detail how the disbursements have been made. There is no change at all, and there is no difference between this bill and any other Army appropriation bill, except what I am about to state, which is not in this clause. In the draft of the bill which I submitted to the committee and which received their indorsement, I dissected the different component parts of the Army, to the end that the people might know what each cost. I have made the appropriation in the bill precisely as it was before—"for the pay of the Army," but I show in the bill how it is disbursed, and that disbursement is not fixed by the Pay Department, but by law.

Mr. PRICE. One word, Mr. Chairman. It will be observed that no better defense can be made of this violation of law than was made of the other violation passed upon a while ago. We are told that this has always been so, and that is the only justification offered except that the important announcement is made to us that it always will be so. Now I admit that all through this bill the appropriation is broken up, so much for a certain purpose, so much for another purpose, and so much for another. The gentleman correctly states the plan of the bill when he makes that statement. But, sir, it is because these different appropriations for different objects have always been kept separate (if they have been kept lawfully) that I oppose this proposition to say now that they shall be all considered as but one fund.

You remember, Mr. Chairman, and every gentleman here remembers that a short time ago the Commissioner of Agriculture, having used in some other division $1,800 which belonged to the laboratory fund, came to Congress and asked us to justify that expenditure. We did justify it by a bill, and the same thing might be done again; but that case shows the importance of applying each fund to its own particular purpose for which it was appropriated, for certainly if the point were not deemed very important this Congress would not have been asked to legalize that act of the Commissioner of Agriculture, an act which he recognized and we recognized as clearly in contravention of existing law.

Now this proposition in this bill says that all the money hereinbefore appropriated for all these different objects shall be considered as but one fund to pay everybody and anybody, and that is the objection that I make to this provision. I do not know that we had not better change our rules on this point; I do not know that we had not better say that a committee of this House shall have power to do certain things that we have said they shall not have power to do. But the fact remains that we have said they shall not do it and they have done it. I call upon this House, then, to respond to this point of order, and to say that this committee have done that which they could not legitimately do under the power conferred upon them by the House.

The CHAIRMAN. The section of the statute which the gentleman from Wisconsin [Mr. PRICE] read is section 2678, and is the existing law upon that subject. It provides that all sums appropriated for the various branches of the public service shall be applied solely to the objects for which they are respectively appropriated, and to no other objects. If the object of the provision of the pending bill which has just been read by the Clerk and against which the point of order is made is to authorize any of the specific amounts provided in the several clauses of the bill to be used for other objects or purposes than those there designated, then it does change existing law and the point of order is well taken. The object of the provision is a question about which there may be some doubt. The gentleman from Georgia [Mr. HAMMOND] expresses the opinion that the effect of this provision of the bill would not be to authorize the diversion to other objects of any of the sums appropriated in the bill for particular purposes. It seems to the Chair, however, that the object of this clause is to provide that sums appropriated in the bill for one purpose if not used for that purpose may be used for another; and, with that view of its meaning, the Chair sustains the point of order.

The Clerk was proceeding to read the next paragraph on the bill, when

Mr. BRAGG said: I did not catch perfectly the decision of the Chair. Does the Chair hold that this appropriation is not to be considered as properly for pay of the Army?

The CHAIRMAN. The Chair held that in so far as this clause authorized any specific amount heretofore stated in the bill to be used for another purpose than that mentioned in the bill it was a change of existing law, and therefore the point of order was sustained.

Mr. BRAGG. There is no such provision here.

The CHAIRMAN. That was just the question which the Chair asked.

Mr. BRAGG. There is no such provision.

Mr. PRICE. I call for the regular order. The paragraph has been ruled upon and passed.

The CHAIRMAN. The Chair understands this provision of the bill to authorize accounting officers of the Treasury to use all the sums appropriated in the bill up to this point as pay of the Army, and if in so doing the appropriation in any clause is found to be in excess, the money may be used for another purpose. If that is not the purpose of the clause——

Mr. BRAGG. Oh, no, sir; that is not the purpose.

The CHAIRMAN. The Chair understood that it was. He would be glad to have the gentleman from Wisconsin [Mr. BRAGG] explain the provision.

Mr. PRICE. I call for the regular order. That paragraph has been ruled upon and passed.

The CHAIRMAN. The Chair desires to have this matter thoroughly understood. The gentleman from Wisconsin states that the meaning which the Chair put upon the clause is not the proper construction.

Mr. HAMMOND. I rise to a parliamentary inquiry. If I did not misunderstand, the Chair has stricken out the clause—

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall be considered but one fund.

Now, does the Chair mean to strike out that entire clause, or only to strike out the words "and for that purpose shall be considered but one fund?"

The CHAIRMAN. The Chair ruled the whole clause out of order.

Mr. HAMMOND. I understood the objection of the gentleman from Wisconsin [Mr. PRICE] to apply only to the latter portion of the paragraph—"and for that purpose shall be considered but one fund."

The CHAIRMAN. The Chair understood the point of order to be made against the whole clause.

Mr. PRICE. That is it.

Mr. HOLMAN. I suggest, then, that omitting these concluding words, the remainder of the clause might be reinstated on motion of the gentleman from Wisconsin. But if the clause should embrace these words, "and for that purpose shall be considered but one fund," it seems to me it would have to be construed as allowing the fund to be applied for any purpose connected with the pay of the Army.

Mr. BRAGG. I am not particular about those concluding words. They were inserted only for the purpose of having it understood that we did not undertake to change the existing method of keeping the accounts.

Mr. HAMMOND. Of course, if the words mean what the gentleman from Indiana construes them to mean, the ruling of the Chair is right, and those words ought to go out. But the remainder of the paragraph ought to stand.

The CHAIRMAN. In the opinion of the Chair the clause is somewhat obscure and is subject to two constructions. The Chair put upon it the construction which first occurred to him and the one which evidently was put upon it by the gentleman from Wisconsin [Mr. PRICE] who made the point of order.

Mr. BRAGG. I care nothing about those concluding words. I move to reinstate the paragraph in this form:

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army.

The CHAIRMAN. That would be in order.

Mr. HOLMAN. Before the question is put on this motion I wish to make an inquiry on a single point of the gentleman from Wisconsin [Mr. BRAGG] who has charge of this bill. The appropriations for the pay of the Army for the current fiscal year are $12,205,000. If my calculations are correct, the appropriations embraced in this bill for the pay of the Army are $12,466,358.26, which would show an excess of $261,358.46 in the appropriations made by this bill for the pay of the Army over those made in the law for the current fiscal year; and inasmuch as one change has been made in this bill involving an increase of $76,340, the aggregate excess of the appropriations in this bill for the pay of the Army over the appropriations for the same object for the present year would be $337,698. If my computations are correct, I do not understand how this excess could occur—how there could be so large an increase of appropriation in this bill for the pay of the Army for the coming year over the appropriations for the present year.

Mr. BRAGG. I will endeavor to explain——

Mr. HOLMAN. Before my friend answers that point I wish to call his attention to another fact (because the occasion may not arise for me to refer to this matter again), that the reductions contemplated in this bill are not up to the expectations of those who have had occasion to consider these measures heretofore. I have never been familiar with the Army appropriation bill; so I speak of the opinions of others, not my own. The present bill does not provide any material reduction; yet there has been a steady reduction from year to year for a number of years, and it was supposed that the reduction could be continued.

In 1884 the appropriation for the support of the Army was $24,681,250. In 1885, $24,454,450, or a reduction of $240,000. In 1886, the present year, $24,014,052.50, a reduction on the preceding year of nearly half a million of dollars, while the reduction by this bill for the present year, as it stood as reported, was only $121,464.04, and as amended up to this time of $45,124.40.

And my friend from Wisconsin [Mr. BRAGG] will discover, notwithstanding his mild remarks about the economical Appropriations Committee, that it was reducing appropriations for the Army at the rate of from $200,000 to $440,000 a year, while the bill he has prepared with great care and ability shows only a reduction of a little over $45,000.

I may have possibly made a mistake as to the increase of appropriations proposed in this bill for the Army proper; but if my figures are correct my friend will see that some explanation is necessary.

Mr. BRAGG. Mr. Chairman, having heard that statement from three different members of the Appropriations Committee I had declined to reply to it until the close of the bill. The bill for this purpose in the last Congress appropriated $24,434,052.50. The reduction which they speak of was not made by this House nor by the economical committee that usually takes care of the Treasury. The bill they reported, the bill they passed, was over a half a million more than the bill of the committee that was to open the door of the Treasury and shovel out the money of the people to everybody who came along. They are seeking to protect their reputation for economy by sheltering themselves under the skirt of the Senate, which forced them to come down.

The reason I stated at the foot of the bill the sum appropriated was to show to the House the hypocritical pretensions to economy this committee set forth when they sought to retain the power to control all the appropriation bills. [Applause on the Republican side.]

Now, I concede the amount of money appropriated for the support of the Army is $200,000 more in the present bill than in the last bill.

Mr. HOLMAN. Three hundred thousand dollars more.

Mr. BRAGG. Well, $300,000 more; and I will explain that. If you will go to your deficiency committee you will find a deficiency of $200,000 which has to be supplied. Why? Because you did not investigate and see what the Army pay was. You voted it in a lump. You did not have time to drive your knife into every part of the bill; and you made a blunder of $200,000 when you were preparing your bill in the pay of the Army [laughter and applause]; and I will tell you where the balance comes from. If you will turn to page 275 of the Book of Estimates you will find the net increase to the Army is $194,417.31, which more than makes up the difference. That is all I have to say on that subject. [Applause.]

Mr. HOLMAN. Now, Mr. Chairman, I am not aware of any hypocritical pretenses on the part of any committee of this House. I have never known of any committee making unfair pretenses, I think, and however complimentary the gentleman may be to individual members I do not think it is respectful to a committee of this House to speak of its hypocritical methods. Nor have I ever heard, up to this time, of any committee boasting of its achievements.

Mr. BRAGG. That was in reply to the Appropriations Committee wanting to know whether it was the purpose of the Military Committee to deceive the people by reporting such a bill.

Mr. HOLMAN. I never heard of it before.

Mr. BRAGG. Yes; on the floor yesterday, or the last time this bill was up for consideration.

Mr. HOLMAN. I have never heard of that committee making any display of its methods or desires to accomplish economical legislation on any occasion. I have never known it to parade itself in this House, nor have I ever known it to twit other committees with the manner of considering or introducing legislation into this House.

If I wanted to retaliate upon the subject of blundering, as referred to by my friend, I would simply call the attention of my friend to the fact that by this very bill there is an appropriation of $29,160 for the payment of enlisted men serving as general service clerks and messengers, one hundred and thirty-five in all, when at the very last moment the committee was informed that a mistake was made in that item of $76,340, which amount had to be added, making $105,500 in all instead of $29,160.

If there was any mistake in the Army appropriation bill for the last year it was simply a mistake in the Senate, as the gentleman is well aware, in the amount which had been amended.

Mr. BRAGG. No, sir; the Senate did not reduce your appropriation for pay.

Mr. HOLMAN. And resulted from the economical action of the Senate; and if, as the gentleman says, there is a deficiency even as large as he fixes it, this bill is still over $240,000 in excess of the bill for the current year.

Mr. PRICE. Mr. Chairman, if the friends of this bill desire to correct the paragraph against which the point of order is made and strike out the words to which I have excepted, I have no objection to withdrawing the point of order.

The CHAIRMAN. If there be no objection the amendment of the gentleman from Wisconsin will be considered as agreed to.

There was no objection, and it was so ordered.

The CHAIRMAN. Under the rules of the House the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole

House on the state of the Union having had under consideration the Army appropriation bill had come to no resolution thereon.

And then (the hour of 5 o'clock p. m. having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRADY: Papers in the claim of Charles F. Livesay, Dinwiddie County, Virginia—to the Committee on War Claims.

Also, papers in the claim of John W. Eppes, of Prince George County, Virginia—to the same committee.

By Mr. W. W. BROWN: Memorial of A. G. Jennings & Sons, urging additional duty on lace and lace goods—to the Committee on Ways and Means.

Also, memorial of the Commercial Exchange of Philadelphia, Pa., praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. CAINE: Petition of 2,586 citizens of San Pete County, and of 1,089 citizens of Summit County, Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of that Territory by disfranchising them through test-oaths on account of their religious belief, as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create for the government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. ERMENTROUT: Memorial of ex-prisoners of war, for pensions—to the Committee on Invalid Pensions.

Also, memorial of A. G. Jennings & Son, of Brooklyn, N. Y., for increase of duty on lace and lace goods, whether of silk or cotton—to the Committee on Ways and Means.

Also, memorial of Mrs. J. P. Zell, President of Woman's Christian Temperance Union, for the passage of the scientific temperance instruction bill—to the Committee on Education.

Also, memorial of the Commercial Exchange of Philadelphia, for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, memorial of John R. Kancher and others, for the immediate passage of bill to redeem the trade-dollar—to the same committee.

By Mr. GIBSON: Petition of William Church, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. GLASS: Petition of N. Delap, surviving partner of A. & N. Delap, of Gibson County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. R. S. GREEN: Petition from citizens of Elizabeth, N. J., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GROUT: Petition of Adna Lovewell and 52 others, citizens of Corinth, Vt., favoring a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of Andrew P. McCool, of Fulton County, Georgia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. JACKSON: Additional evidence in the case of George H. Rider—to the Committee on Invalid Pensions.

By Mr. T. D. JOHNSTON: Memorial of citizens of Buncombe County, North Carolina, for the establishment of a national bureau of health—to the Committee on Commerce.

By Mr. LANHAM: Petition of citizens of Eastland, Palo Pinto, Stephens, and Haskell Counties, Texas, for the removal of the Federal court from Graham to Cisco, Tex.—to the Committee on the Judiciary.

By Mr. LINDSLEY: Petition in favor of making the trade-dollar a legal tender—to the Committee on Coinage, Weights, and Measures.

By Mr. LYMAN: Petition of Eli N. Bradly and others, of Roxbury, Conn., favoring the substitute bill reported by the Committee on Agriculture respecting oleomargarine, &c.—to the Committee on Agriculture.

By Mr. PEEL: Petition of Samuel E. Rogers, of Washington County, Arkansas, praying for compensation for property taken and used by the United States during the late war—to the Committee on War Claims.

By Mr. PETERS: Petition and affidavit to accompany claim of Levi Fellers, of McPherson County, Kansas, for property destroyed during the late war—to the same committee.

By Mr. SENEY: Petition of Charles Griffen and M. J. Field, relating to the Government policy toward the Indians—to the Committee on Indian Affairs.

By Mr. STAHLNECKER: Petition of business men of New York, for a fair compensation to be paid American steamships for carrying the mail—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Resolutions of E. B. Wolcott Post, No. 1, of Milwaukee, Wis., favoring legislation as indorsed by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. STORM: Petition of citizens of New York city, asking members to vote $800,000 to pay American steamships to carry the United States mail—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Granges Nos. 56 and 322, of Pennsylvania, for legislation to suppress the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, memorial of same against placing wool, hides, jute, tobacco, raw sugars, &c., on the free-list—to the Committee on Ways and Means.

By Mr. WAIT: Petition of Robert J. Simpson and 58 others, citizens of Montville; of J. E. Hall and 112 others, citizens of Colchester, and of S. H. Bentley and 53 others, citizens of Stonington, Groton, and Ledyard, Conn., asking for a law requiring that all imitations of butter be sold by their true names—to the Committee on Agriculture.

By Mr. WILSON: Petition of Asberry Stalnaker, of Randolph County, West Virgina, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WINANS: Petition of Dr. J. A. Messinger, Dr. W. J. Mills, and 25 others, citizens of Howell, Mich., asking Congress to take active measures to prevent epidemics—to the Committee on Commerce.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented and severally referred to the Committee on Agriculture:

By Mr. BLAND: Of citizens of Saint James, Mo.

By Mr. BUNNELL: Of citizens of Pomeroy, of Fairview, of Brooklyn, of Pleasant Mount, of Auburn, of Bridgewater, of Erie County, of Dillingersville, of Berwick, of Waterford, of Hopbottom, of Sterrettania, of Lower Providence, of Lake Pleasant, of Pleasant Mount, of Lake Como, of Academy Corners, of New Britain, of New Milford, of Juva, of Erie, of Milford Mills, of London Grove, of Earlville, of South Montrose, of Dimock, of Roeder, of Grater's Ford, of Chandler's Valley, of Upsonville, of Bridgewater, of North Eastern, of New Freedom, and of Fairdale, Pa.

By Mr. ELDRIDGE: Of 386 farmers of Michigan.

By Mr. HALE: Of citizens of the second Congressional district of Missouri.

By Mr. HAMMOND: Of B. Woodward and others, citizens of Fulton County, Georgia.

By Mr. HEARD: Of citizens of Columbia, Mo.

By Mr. D. B. HENDERSON: Of 50 citizens of Iowa.

By Mr. HOPKINS: Of citizens of Freeburg, of Tamaroa, of Chicago, of Lake Zurich, of Barrington, of Curran, of Rankin, of Alden, of Plato City, of Prophetstown, of Cay Station, of Fairmount, of La Murrillo, of Ontario, of Ashton, of Formosa, of Diamond Lake, of Mount Carroll, and of Garden Prairie, Ill.

By Mr. LORE: Of citizens of Delaware.

By Mr. McCOMAS: Of citizens of Frederick County, Maryland.

By Mr. O'FERRALL: Of citizens of Clarke County, Virginia.

By Mr. PRICE: Of citizens of Otsego, of Manpaca, of Medina, of Brandon, of Fennimore, of Fairwater, of Alleon, of Sharon, of Mandyne, of Osseo, of Richland, of Mishicott, of Parker's Prairie, of Baraboa, of Auroraville, of Graveville, of Freistadt, of Yellowstone, of Waunandee, of Troy, and of Honey Creek, Wis.

By Mr. ROCKWELL: Of citizens of Alford, Egremont, and Great Barrington, Mass.

By Mr. STAHLNECKER: Of citizens of Fort Plain, of Roxbury, of Earlville, of Sinclairville, of West Edmeston, of Burk, of Windham, of Forestville, of Horseheads, of Sanford, of Walpack Centre, of Delphi, of Adams Centre, of Potsdam, of Starkville, of Parrish, of Decatur, of Little Falls, of Boomertown, of West Kill Centre, of Upper Lyle, of Stamford, of Hobart, of Fort Plain, of Cattaraugus, of Canton, of Shusham, of Macedon, of Spencer, of East McDonough, of Oxford, of Rural Hill, of Bloomville, of Thompson Ridge, of Gunreil, of Bridgeville, of Chemung, of Gouverneur, of Avoca, of Parksville, of North Bangor, of Sidney Centre, of South Danby, of Ross Mills, of Poland Centre, of Stockton, of Lowell, of New York, of Addison, of North Bangor, of Cortland, of Panama, of West Bangor, of Westernville, of Augusta, of Belfast, of Halcottville, of Sanford, of Bainbridge, of Cincinnatus, of Watertown, of Sherman, of Rockwell's Mills, of Polk, of Afton, of Walton, of Whitestone, of Bennington, of Wellsburgh, of Eaton, of Randolph, of Norway, and of Chateaugay, N. Y.

By Mr. E. F. STONE: Of citizens of Ipswich, Mass.

By Mr. STRUBLE: Of H. Walters and 86 others, of Iowa.

By Mr. WADE: Of citizens of Neosho, Mo.

By Mr. WILLIAM WARNER: Of citizens of Kansas City, Mo.

By Mr. MILO WHITE: Of 1,262 farmers of Minnesota and 18 of Michigan.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part

by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. ARNOT: Of citizens of Tompkins County, New York.

By Mr. COOPER: Of citizens of Marion County, Ohio.

By Mr. R. H. M. DAVIDSON: Of citizens of Hillsborough County, Florida.

By Mr. DORSEY: Of citizens of Dodge and Furnas Counties, Nebraska.

By Mr. JACKSON: Of citizens of Beaver, Lawrence, and Washington Counties, Pennsylvania.

By Mr. STEPHENSON: Of citizens of Portage and Oconto Counties, Wisconsin.

By Mr. SWOPE: Of citizens of York County, Pennsylvania.

SENATE.

WEDNESDAY, *May* 12, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON THE LATE SENATOR JOHN F. MILLER.

Mr. STANFORD. Mr. President, I give notice that on the 27th of the present month I shall submit for the consideration of the Senate memorial resolutions in regard to the death of my late colleague, JOHN F. MILLER.

The PRESIDENT *pro tempore*. The notice will be entered.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of captains and owners of steam-vessels on the Mississippi and Ohio Rivers, remonstrating against the passage of Senate bill No. 1718 and House bill No. 6047, providing for a bridge across the Ohio River at Cairo, Ill.; which was referred to the Committee on Commerce.

Mr. PALMER presented a petition of the Woman's Christian Temperance Union of Lansing, Mich., praying for appropriate legislation for the protection of young girls in the District of Columbia and other localities within the jurisdiction of the United States; which was referred to the Committee on the District of Columbia.

Mr. CAMERON presented a petition of citizens of West Chester, Pa., praying for such enactments and appropriations as will enable the National Board of Health to take measures for the prevention of epidemics, &c.; which was referred to the Committee on Epidemic Diseases.

He also presented memorials of Granges No. 291, No. 786, and No. 593, Patrons of Husbandry, of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented petitions of Granges No. 593 and No. 291, Patrons of Husbandry, of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. MAXEY. I present a petition of citizens of Cameron County, Texas, praying for the enactment of such laws and the making of such appropriations as will enable the National Board of Health to employ all the power and resources of the Government which can be lawfully exercised in the prevention of epidemics to which the country is now exposed, and to prosecute investigations, &c. I move the reference of the petition to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. INGALLS. I present a petition signed by many citizens of African descent of the county of Riley, in the State of Kansas, praying for such legislation as will enable them to return to Liberia. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GORMAN presented the petition of N. Lehman & Brother and other firms and citizens of Baltimore, Md., praying for the passage of a law providing for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. STANFORD presented a memorial of wool-growers of California, remonstrating against the placing of wool on the free-list; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4163) granting a pension to Dr. William H. Sheffield;
A bill (H. R. 4199) granting a pension to William B. Jacobs;
A bill (H. R. 3614) granting a pension to Charlotte Buck;
A bill (H. R. 4882) granting a pension to Washington T. Otey;
A bill (H. R. 6770) granting a pension to Ferdinand Koehler;
A bill (H. R. 1818) granting a pension to H. L. Kyler;
A bill (H. R. 7074) granting a pension to William P. Carleton;
A bill (H. R. 2800) granting a pension to Mary Manes;
A bill (H. R. 426) granting a pension to Elizabeth A. Robbins;
A bill (H. R. 6453) granting a pension to Martin J. Reynolds;
A bill (H. R. 6774) granting a pension to Bruno Schultz;
A bill (H. R. 6117) granting a pension to James D. Cotton; and
A bill (H. R. 1997) granting a pension to Nancy R. Brown.

Mr. RANSOM, from the Committee on Private Land Claims, to whom was referred the bill (S. 11) to provide for ascertaining and settling private land claims in certain States and Territories, reported it without amendment.

He also, from the Select Committee to Investigate the Condition of the Potomac River front of Washington, reported an amendment intended to be proposed to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 2940) granting a pension to John T. Pennington, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 381) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., moved its indefinite postponement; which was agreed to; and he submitted a report, accompanied by a bill (S. 2415) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo.; which was read twice by its title.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 1576) for the relief of Col. James C. Dunne, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues, reported it without amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 33) for the relief of Alexander K. Shepard, to report it with an amendment. I submit the report of the majority of the committee, and also present the views of the minority [Mr. DOLPH], which I ask may be printed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 306) for the relief of Alexander K. Shepard, moved its indefinite postponement; which was agreed to.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (S. 277) for the relief of Samuel P. Evans, reported it without amendment, and submitted a report thereon.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 483) to restore Sidney B. Tullar to the pension-roll;
A bill (S. 612) granting a pension to William Weightman;
A bill (S. 843) granting a pension to Elise Burki;
A bill (S. 857) granting a pension to Dudley B. Branch;
A bill (S. 963) granting a pension to Harriet M. Rider;
A bill (S. 977) granting a pension to Elizabeth Barker;
A bill (S. 1152) granting a pension to Sarah E. Bassett;
A bill (S. 1290) granting a pension to David W. Hamilton;
A bill (S. 1438) granting a pension to Isom Wilkerson;
A bill (S. 1630) granting a pension to James C. Chandler;
A bill (S. 1998) for the relief of John D. Ham;
A bill (S. 2134) granting a pension to Patrick A. Callanan;
A bill (S. 2185) for the relief of George Titus;
A bill (S. 2186) granting a pension to Louis Melcher;
A bill (S. 2188) granting a pension to Ann Smith;
A bill (S. 1065) granting a pension to Emeline J. Babson;
A bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.;
A bill (S. 2187) for the relief of Rebecca E. Haskin; and
A bill (S. 1020) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots.

BILLS INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 2407) for the relief of Charles A. Ruffee; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2408) for the relief of Charles A. Ruffee; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS (by request) introduced a bill (S. 2409) to incorporate the Washington Cable Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MANDERSON (by request) introduced a bill (S. 2410) for the relief of W. H. Tibbits; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 2411) prescribing the times for

sales and for notice of sales of property in the District of Columbia for overdue taxes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MILLER introduced a bill (S. 2412) to amend "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883; which was read twice by its title, and referred to the Committee on Finance.

Mr. JONES, of Arkansas, introduced a bill (S. 2413) for the relief of R. R. Tinsley; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2414) for the relief of Miss Eula E. Henry; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. BLAIR, Mr. DOLPH, and Mr. HARRIS submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. MITCHELL, of Oregon, submitted the following concurrent resolution; which was read:

Whereas the experience of the past has fully demonstrated the fact, viewed from whatever standpoint, that further Chinese immigration to the United States is undesirable, and that the best interests of this country, of modern civilization, of the Chinese themselves, the vindication and integrity of free labor, and its just protection from the degrading labor of Asiatic coolyism, the preservation of domestic peace, and the promotion of the general welfare, demand the absolute prohibition in the future of the coming of Chinese to the United States, excepting only duly commissioned diplomats and other Government officials, and their necessary body servants and attendants: Therefore,

Resolved by the Senate (the House concurring), That it is the sense of the American Congress that it is advisable that negotiation should be entered into with the Chinese Government without delay by the proper executive officers of the United States Government with a view of securing such modification of the existing treaties with China as will either in terms absolutely prohibit, or authorize the United States to absolutely prohibit, in the future the coming of Chinese to any port or place within the United States, excepting only duly accredited diplomatic, consular, and other government officials, and their necessary body servants, and excepting further only those driven into or seeking any port or place of shelter within the United States by or on account of storm or shipwreck.

Mr. MITCHELL, of Oregon. I move that the resolution be referred to the Committee on Foreign Relations, and that it be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, yesterday, approved and signed the act (S. 214) for the relief of Oscar Eastmond and James W. Atwill.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Calendar is in order.

Mr. CULLOM. I move that the Senate proceed to the consideration of the unfinished business of yesterday.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 1532) to regulate commerce.

The PRESIDENT *pro tempore*. The pending question is on concurring in the second reserved amendment made as in Committee of the Whole. The amendment will be stated.

The CHIEF CLERK. In line 3 of section 4, after the words "passengers or," the Senate, as in Committee of the Whole, inserted the words "of the like class and quantity of;" so as to read:

That it shall unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or of the like class and quantity of property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction.

Mr. CAMDEN. That is the amendment which the Senator from Kentucky [Mr. BECK] gave notice that he would move to amend or to strike out.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment, which is the converse proposition.

Mr. CAMDEN. It is in order, after the notice given by the Senator from Kentucky, to move to amend the amendment, is it not?

The PRESIDENT *pro tempore*. It is in order to move to amend it, or the question of agreeing to it will, as a matter of course, present the same question as the question of striking it out. It is in order to amend it, however.

Mr. CAMDEN. Would it be in order, if the clause is not stricken out, then to move to amend it?

The PRESIDENT *pro tempore*. If it is now agreed to, it can not be amended, except by adding other words.

Mr. CAMDEN. But if it fails to be amended, then a vote could be taken on striking it out entirely?

The PRESIDENT *pro tempore*. Certainly.

Mr. HARRIS. Pending the question, Will the Senate concur in the amendment made in Committee of the Whole? it is competent to amend the amendment, if the Senate chooses so to do.

The PRESIDENT *pro tempore*. Clearly.

Mr. CAMDEN. Under the notice given by the Senator from Kentucky I will move to strike out the word "quantity" and insert the word "quality."

The PRESIDENT *pro tempore*. That is in order.

Mr. CAMDEN. The amendment as it stands now, confining it to the "like class and quantity of property," would place the section in a position in which it could not be carried out, and would entirely destroy the value of the provision. It would limit it to the exact quantity or would leave it liable to the interpretation that a shipper of one car-load of property might be charged more than a shipper of fifty or five hundred car-loads of property. In other words, it limits it to the same quantity of shipment. If a car-load of freight of the same kind contains a thousand pounds less than another car-load of the same kind it opens the question of discrimination between the two cars containing a different quantity. If one shipper ships one car-load and another shipper ships fifty car-loads it allows the large shipper to be discriminated in favor of against the shipper of only one car-load.

When the amendment was offered by the Senator from Rhode Island [Mr. ALDRICH] I sat by the side of the Senator from Kentucky [Mr. BECK] and I thought that it would apply to the same class and quality. That would be a proper amendment, and to that amendment I should have no objection. When the Senator from Kentucky asked me what it was, I replied to him that it was for the same class or quality of goods. That would mean that the companies may charge, as provided by this section, the same rate for car-loads of cattle, for car-loads of grain, or for car-loads of the like quality of goods; and that would be a proper amendment.

The Senate will understand the question, no doubt. I move to strike out "quantity" and insert "quality."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from West Virginia [Mr. CAMDEN] to the amendment made as in Committee of the Whole.

Mr. ALLISON. I should like to ask the Senator from West Virginia what he understands by the word "quantity." Does it not have reference to transportation, for instance, by car-load as distinguished from transportation in single packages or parcels? I think that is the understanding in the several State statutes. For example, most railways, I think, charge less for a keg of nails in a car-load of nails transported from Wheeling to Chicago than they do for a single keg of nails mixed up with other freight. I suppose the amendment simply relates to car-load quantities as distinguished from smaller parcels which are taken from station to station.

Mr. HARRIS. It is certainly very clear, the Senator from Iowa will allow me to say, that if the amendment stands as it now is incorporated in the bill, the fourth section will not be operative wherever there is a difference in the quantity of goods shipped, however small that difference. If the Senator desires that it shall apply to the car-load unit, that idea had better be incorporated into the amendment; but I would prefer the adoption of the amendment suggested by the Senator from West Virginia, striking out the word "quantity" altogether and letting it apply to the same class, character, and quality of freight.

Mr. ALLISON. That is substantially the same thing.

Mr. ALDRICH. If the Senator from Iowa will let me answer the suggestion of the Senator from Tennessee I will state that these words are now in the statutes of Massachusetts, Connecticut, Vermont, and a large number of other States, and have received judicial construction, and that construction has not been at all of the nature suggested by the Senator from Tennessee.

Mr. HARRIS. I should like to ask the Senator from Rhode Island if his amendment remains in the bill and one man ships of grain, if you choose, a car-load of so many tons and another ships a car-load of one ton less, would the rule apply?

Mr. ALDRICH. It certainly would; that is, it would allow the car-loads to be carried at the same rate.

Mr. HARRIS. If one man shipped 100 car-loads and another 50 car-loads, would not his amendment exempt that shipment from the operations of this section?

Mr. ALDRICH. I think it would.

Mr. HARRIS. Because they have not shipped the same quantity?

Mr. ALDRICH. I think it would, and very properly. That was the intention of the amendment.

Mr. HARRIS. Very well; we understand the amendment alike, then. If they differ in quantity, the rule prescribed by the fourth section does not apply to the shipment. Therefore I want to strike out the word "quantity" and let it refer to "quality."

Mr. ALDRICH. I understand the pending amendment of the Senator from West Virginia to be to insert the word "quality" in place of the word "quantity." I take it for granted that the Senators upon that side of the Chamber are desirous that some intelligent and sensible bill shall be passed on this subject. For one, I hope the Senate will not make the bill ridiculous by inserting the word "quality."

I should like the Senator from West Virginia or any other Senator to say what he means by the "quality" of the freight. Does he mean to say that coal worth $4 a ton is to be transported at a different rate from coal worth $5 a ton, or that coal which is to be used for domestic purposes is to be transported at a different rate from that which is to be used for manufacturing purposes, or that cotton cloth worth 4 cents a yard is to be charged a different rate from cotton cloth worth 8 cents a yard, or that pig-iron is to be charged a different rate according to the quality of the iron?

It seems to me that the amendment is perfectly absurd, with due respect to the Senator from West Virginia who offers it. I do not think that any railroad company ever has varied or ever could vary its rates for the transportation of freight on account of the quality of the goods transported. Every railroad company would be compelled to have an appraiser to determine the quality of the goods upon inspection before the rate could be fixed.

Mr. HARRIS. I should like to suggest to the Senator from West Virginia to modify his amendment and move to strike out the words "and quantity" without inserting the word "quality." "Of the like class" is quite specific enough, without putting in the word "quality" at all.

Mr. CAMDEN. I accept that.

Mr. HARRIS. Hence I suggest to him to modify his amendment so as to move merely to strike out the words "and quantity."

Mr. CAMDEN. I accept the suggestion of the Senator from Tennessee. My object is to get at the same result aimed at by the Senator from Tennessee, and I think that his suggestion completely covers it.

In this connection I will say, however, in answer to the Senator from Rhode Island, that "quality" can not be construed to embrace the definition he gives to it. The word "quality" here would mean "the like kind and character." It does not refer to the degree of fineness or the difference between the quality of the goods, but it refers to the same classification of goods. That is the idea of my amendment.

Mr. ALDRICH. The word "class" is already in the amendment.

Mr. CAMDEN. But "class" is not classification. Classification rates are divided into first, second, third, and fourth class rates. The quality is the classification of the rate; but the word "class" embraces the whole thing, and I accept the suggestion of the Senator from Tennessee.

Mr. PLATT. The necessity of some amendment of this kind, I suppose, arises from the fact that there is fear that unless something of the nature of this amendment is put into this section it will prevent a railroad from charging for a small quantity of goods any more than for a large quantity of goods under the short-haul provision. For instance, if there was nothing of the kind suggested by the amendment in the bill, it is supposed by some Senators that a railroad company would have no right to charge any greater amount for one horse when shipped alone than was charged for one horse when shipped by the car-load a greater distance. I think it would be wrong to bind a railroad company to any such rule as that. It would not be right to allow a person who wanted to ship 10 bushels of grain for 900 miles to say, "I must have the same rate on those 10 bushels of grain when shipped alone that a large shipper has for 950 miles when the grain is shipped by the car-load or by many car-loads."

If the section is open to that construction, there ought to be some amendment here to relieve it from that construction, for Senators will see that that would not be right or just. It would not be right or just for the Senator from West Virginia to go to the depot at Parkersburg with a single horse and say, "I must have the same rate, or at least no higher rate, for this horse which is to occupy an entire car than for a horse when shipped in a car-load of horses from Chicago to New York.

If the section is open to that construction, it should have something in the nature of this amendment; but the difficulty, I apprehend, is in the language employed. It is the language of the Massachusetts statute, but Mr. Russell, the chairman of the Massachusetts railroad commission, says that "class" is an unfortunate word in that statute. "Class" is used certainly at times with a technical significance, meaning "classification." The railroad commissioners of Massachusetts have held, however, that "class" in the statute means "kind," but they admit that it is open to misconstruction. "Kind" is a very much better word than "class," in my judgment. Let me read from the testimony of Mr. Russell, chairman of the railroad commission of Massachusetts. He says:

> The law applies to freight of the same kind.

Mr. CAMDEN. Will the Senator from Connecticut allow me to interrupt him a moment?

Mr. PLATT. Yes, sir.

Mr. CAMDEN. If the Senator prefers the word "kind" I have no objection.

Mr. MILLER. I would suggest to the Senator from Connecticut if he wants to change the word "class," that the technical railroad word is "classification." We all know that all railroads divide their freight into from one to five different classifications.

Mr. PLATT. That is just what I want to avoid.

Mr. MILLER. You can not run any railroad without classification.

Mr. PLATT. The classification throughout the country is not uniform. That is one of the difficulties of the railroad problem. The classification west of the Mississippi River is entirely different from the classification east of the Mississippi River; and if this word "class" or "classification" is in here and the word "class" means "classification," then you immediately get into trouble with freight which crosses the Mississippi River either east or west, because the classification is entirely different.

Mr. MILLER. The Senator will permit me for a moment. There is not any possible doubt that this word "class" as used in the Massachusetts law means precisely "classification" as used by all railroads throughout the country. Furthermore this bill provides that the railroads are to report to the commissioners their rates and their classifications, and those rates and classifications of course will come under the cognizance of the commission, and through the operations of the commission the classifications of the different railroads of the country, or the through lines at least, will be made the same. That is one of the principal objects to be arrived at by having a commission, that the railroads on the long trunk lines shall be brought to have the same classification of goods. That is one of the objects to be arrived at by the passage of this bill.

Mr. PLATT. I do not think so. I want to answer the Senator from New York when he says that the word "class" in the Massachusetts statute is interpreted to mean "classification." I was reading from what Commissioner Russell said:

> The law applies to freight of the same kind. The word used in our statute is "class," but that word is a mistake. "Class" is a word used technically in railroad phraseology which does not mean "kind," but means a great deal more than that. In order to come under the short-haul law the goods must be of the same kind.

So that the Massachusetts commission interpreted the word "class" there not to mean class in its technical sense, in the sense of "classification," but to mean "kind," and I think it is easy to show that there should be a discrimination oftentimes between goods of the same class or classification. All the articles of the country are put into four or five classifications. In those classifications a great number of different articles are included in a single classification, and articles which ought not, I think, to be the subject of this short-haul law.

I do not know that I am correct, but for illustration I will suppose that feathers and cotton goods are in the same classification. I do not know whether they are or not, but it simply illustrates the point that I am making. If they were there should be a distinction; and whether that be true or not, goods which go into a single classification are so diverse in their nature and so diverse in their character that a short-haul law ought not to apply to classifications, in my judgment. As I said before, there is nothing in this bill, I think, which makes it imperative upon the railroads to have the same classification in all parts of the country. Now they have different classifications not only as between east and west of the Mississippi River, but as between other sections of the country.

I want to say one thing more. The Senator from Rhode Island [Mr. ALDRICH] is a little mistaken in supposing that his language has gone further than the statute of Massachusetts. It is not the language of the short-haul law in the State of Connecticut. That language is this:

> No railroad corporation shall charge or receive for the transportation of freight to any station on its road a greater sum than is at the time charged or received for the transportation of the like kind and quantity of freight from the same original point of departure and under similar circumstances to a station at a greater distance on its road in the same direction.

Mr. ALDRICH. I beg to call the attention of the Senator from Connecticut to the language he has read. There are the very identical words, so far as they apply to this limitation "of the kind and quantity of freight," of the Massachusetts statute and of the amendment I have offered. Not a word or a letter is changed.

Mr. PLATT. The Massachusetts statute says "class" instead of "kind," and does not embrace the words "under similar circumstances." That is the distinction between the two statutes.

Mr. ALDRICH. I shall be glad to cover that.

Mr. PLATT. Perhaps because it is the law of the State of Connecticut I am partial to it, but it seems to me those words "under similar circumstances" are good words to be used in a short-haul law. I do not suggest anything with relation to this amendment; I merely wanted to make these explanations.

Mr. ALDRICH. When my attention was first drawn to this clause of the fourth section I supposed that these words had been left out of the bill, as the committee followed the language of the various State statutes almost entirely, by inadvertence or by an oversight; and when I called the attention of the various members of the committee to it they said that the words ought to be inserted. Without these words a railroad company would have been obliged to carry a ton of artificial flowers from Philadelphia to New York or *vice versa* for the same rate, or not a greater rate than they would carry a ton of coal from, say, some point on the Pennsylvania Railroad west of Philadelphia to New York. There was absolutely no discrimination or distinction between any class or kind of freight or any quality of freight. They would have been obliged to carry a half ton of coal for the same rate they carry

50,000 tons. I take it for granted that there is no member of the Senate who believes that a law of that kind would be reasonable or could be enforced. It would make a farce of the bill. I do not suppose it was intended to do that; but it certainly would do that.

Railroad companies are obliged, as the Senator from New York has well said—and this bill makes it imperative that they shall do so—to divide the various kinds of property they transport into classes. I use the language of the Massachusetts law because it has stood the test of the courts and it is a broader and a better word in my opinion than the word "kind." The word "class" means classification of course, and it means the classification which the railroad companies put upon their freight. I do not know what the word "kind" does mean. I have no special objection to the use of the word "kind;" but I believe it is a narrower word and would practically restrict the operations of this fourth section. With my manner of thinking I am perfectly willing that every limitation possible shall be put upon it.

Mr. GORMAN. I ask the Senator from Rhode Island to allow me to interrupt him a moment.

Mr. ALDRICH. Certainly.

Mr. GORMAN. I think the Senator is correct to a certain extent. I agree with him that the word "class" would be construed the same as "kind;" coal is a class, grain is a class; and "quantity" would unquestionably include a car-load. That is one of the great troubles of the railroad problem to-day; 10,000 tons of grain or 10,000 tons of coal are charged at a less rate than 500 tons. What the Senator from Rhode Island desires is that there shall be some equality. I suggest to the Senator that he strike out the words "and quantity" and insert the word "car-load," making the car-load the unit.

Mr. ALDRICH. I would suggest to the Senator from Maryland that that would be very unjust to a large class of shippers who never under any circumstances ship a car-load of freight. It would be extremely unjust to the poor people of the country and to the small dealers of the country. There are certainly a very large number of people in this country who never in the course of their lives or their business experience would ship a car-load of freight at any one time, and to say that they shall not have the benefit of this bill is, it seems to me, to put into the bill a discrimination against a large class of people and in favor of a very small class. We are thereby establishing a monopoly, which I understand the Senator from Maryland is anxious to avoid.

Mr. GORMAN. Will the Senator permit me to interrupt him again?

Mr. ALDRICH. Certainly.

Mr. GORMAN. It is unquestionably admitted on all sides that it costs a railroad company equally as much to transport 5 tons in a car as it does 20 tons. It is a great hardship on the common carrier to compel him to carry at the same rate per ton 5 tons as he does an entire car-load. The car-load is recognized by all the railroads and by all transporters to be the unit; and if we can make the rate per car-load for all shippers it will be satisfactory.

Mr. ALDRICH. What the Senator states in regard to a car-load being the unit is undoubtedly true with the trunk lines and in the heavy transactions of the West, but upon local roads in the East doing an interstate commerce business the car-load as a unit is an exception; very little freight is ever transported at the car-load rate. It is always so much by the pound or the ton, or some classification of that kind.

Now, in regard to the necessity of this provision, I have already stated that the bill without it is an absurdity, and the Legislatures of the various States have recognized that in their legislation. The Massachusetts law provides that carriers shall not charge or receive more "for the transportation of the like class and quantity of freight," using exactly the same words as I have used here. The Senator from Connecticut has read the language of the statute of his State, which is practically in the same terms. The statute of South Carolina provides that no greater charge shall be made for the transportation of goods of the same class and in like quantity. The statute of the State of Vermont provides for the transportation of the like class and quantity of freight, using the same identical words. Oregon, Ohio, Nevada, New Hampshire, Minnesota, Kansas, Iowa, Texas, Wisconsin, Missouri, and Colorado all have statutes in which these or similar words of like import are contained, and New York has the same provision by regulation of her commission.

It is this universality of legislation, this recognition on the part of the Legislatures of all the States who have undertaken to legislate by a commission on this question of the correctness and necessity of this principle, which led me to offer the amendment. If the Senate want to make this bill absolutely inoperative they will leave the section as it is, providing that railroad companies shall charge the same rate for 1 pound as for 10,000, and for carrying feathers as they do for carrying pig-iron or coal.

Mr. CAMDEN. Mr. President, the Senator from Rhode Island referred to the statute of Massachusetts. Will the Senator state what construction has been given to that expression in other States?

Mr. ALDRICH. In the case of Pittsfield *vs.* The Boston and Albany Railroad Company—I have not the book here, but if the Senator will send to the Law Library I presume he can get it—the interpretation, as I understand, given to these words is the usual common interpretation which the words import, that "like" shall mean a similar quantity—not precisely the same, but a similar quantity. For instance, if one man was shipping 4 pounds of freight and another 5, that would be a like quantity; but if one man was shipping 50 pounds and another 50 tons, that would not be a like quantity. If we propose to equalize rates, as this section does propose, for carrying merchandise, the proposition must be applied to merchandise of similar quantity, of a similar class, and under similar circumstances, or else the bill will certainly be inoperative.

Mr. CAMDEN. I think we are all aiming to get at about the same thing. All that I desire in changing this amendment is to make it apply to like carriage. The Senator suggested an amendment a while ago that he was willing to accept, which I think was "of the like kind."

Mr. ALDRICH. I have no objection to using the word "kind" instead of "class."

Mr. HARRIS, Allow me to suggest to the Senator from Rhode Island that I think he misconstrues the bill as it would stand if this amendment was agreed to. The railroad companies in fixing their tariff of rates will fix one rate for packages and a different rate for car-loads. All I desire is that the rule prescribed by the fourth section shall apply to the packages, to the car-loads, and to every shipment. The company having fixed its rates, the rates for packages is one thing. Very different rates may be fixed for shipments by the car-load, and by the greater or smaller number of car-loads; but when these rates are fixed, let the rule prescribed by the fourth section apply—that is, that no greater sum shall be charged in the aggregate for the short than the long haul over the same road and in the same direction.

Mr. ALDRICH. I would be perfectly willing, so far as I am concerned myself, to modify this amendment so that it should apply to the like kind of property under similar circumstances, leaving the word "quantity" out entirely.

Mr. CAMDEN. I think that covers the idea I want to get at, that it shall not be limited to a specific quantity. Will the Senator put the amendment in the form just suggested?

Mr. MILLER. If the Senator from West Virginia is going to consent to that sort of an amendment, he had better consent to take out the fourth section at once and be done with it, because when you undertake to say it shall only operate under absolutely like circumstances, those never happen in the shipment of any two articles.

Mr. PALMER. I would ask the Senator from Rhode Island who is to decide what are similar circumstances?

Mr. ALDRICH. The same tribunal that will decide on a violation of the section in any case, the commission in the beginning and the courts afterward. The Senator from Michigan knows as well as I who decides on all violations of the provisions of the bill.

Mr. PALMER. It gives a tremendous latitude to whoever has the determination.

Mr. ALDRICH. You propose in this very first section to give the commission a chance to fix it entirely.

Mr. CAMDEN. I would suggest to the Senator from Rhode Island to adopt this amendment "of the like class and kind of property."

Mr. ALLISON. That will not do.

Mr. CAMDEN. Leave out "class," then, and say "like kind of property."

Mr. ALDRICH. The amendment I suggested, which I understood was agreeable to the Senator from West Virginia, was "of the like quantity of property under similar circumstances."

Mr. CAMDEN. No; I do not want "quantity" in.

Mr. ALDRICH. Well, "the like kind of property under similar circumstances."

Mr. HARRIS. I suggest to the Senator from Rhode Island that I think his object will be better accomplished by moving to strike out the fourth section altogether, because if either of the amendments he has suggested remains in the fourth section it makes the fourth section inoperative and utterly prevents it having any effect whatever. His object will be very much better accomplished by moving to strike it out.

Mr. CAMDEN. I will move to strike out the words "class and quantity" and insert "kind;" so as to read:

For the transportation of passengers, or of the like kind of property subject to the provisions of this act.

Mr. INGALLS. Let us hear that read from the desk.

The PRESIDENT *pro tempore*. The amendment proposed will be read.

The CHIEF CLERK. In section 4, line 4, it is proposed to strike out the words "class and quantity" and insert in lieu thereof the word "kind;" so as to read:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or of the like kind of property subject to the provisions of this act, for a shorter than for a longer distance over the same line in the same direction.

The PRESIDENT *pro tempore*. The question is on this amendment to the amendment made as in Committee of the Whole.

Mr. CAMDEN called for the yeas and nays; and they were ordered.

Mr. ALLISON. Under the amendment as suggested by the Senator from West Virginia the same price will be charged per hundred pounds for a single keg of nails as will be charged for a car-load. That, I think, is manifestly unjust.

Mr. HARRIS. I beg to assure the Senator from Iowa that no such

construction is possible. The railroad companies under this bill have the right to fix their own tariffs on freight; they will fix one tariff for packages, one tariff for the car-load, and perhaps a totally different tariff for a larger than a smaller number of car-loads.

Mr. ALLISON. Now let me ask the Senator from Tennessee a question. This proposes to regulate the rate according to the kind of property. I ask the Senator from Tennessee if a keg of nails and 500 kegs of nails are not property of the same kind?

Mr. HARRIS. Absolutely so; and I will ask the Senator from Iowa that where the common carrier has the right to fix his rate for carrying 1 keg of nails and a different rate for carrying 500 kegs of nails, if such construction as he puts upon the bill is possible?

Mr. ALLISON. That is true if the carrier would have that right under this section; but the amendment of the Senator from West Virginia is to preclude that right as applied to the carrier.

Mr. HARRIS. I beg to assure the Senator that the only effect of this section is to declare that no larger sum in the aggregate shall be charged. It does not fix rates at all, but it does declare that no larger sum shall be charged by the carrier for the shorter than the longer haul over the same line in the same direction.

Mr. INGALLS. Mr. President, this section appears to me to be getting up into the region of metaphysics. The atmosphere is very rarefied in its neighborhood. It is rapidly reaching a point where nobody will pretend to understand what it means and what its effect will be, and I venture to say that it will be very difficult for anybody to give an intelligent and comprehensive statement of its effects as it now stands.

The Senator from Tennessee last upon the floor [Mr. HARRIS] said that this section proposed to legislate with regard to rates of freight.

Mr. HARRIS. On the contrary, I said it did not propose to fix rates at all.

Mr. INGALLS. But it does fix rates nevertheless, and I should like the Senator from Illinois [Mr. CULLOM] to explain in connection with the amendments that have been offered by the Senator from Rhode Island and the Senator from West Virginia, and agreed to, what the words "in the aggregate" now mean as they stand in this section:

SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or of the like class and quantity of property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction.

What is "greater compensation in the aggregate" for hauling a passenger over a given line of road? Will not the Senator who is in charge of this bill be good enough to explain now what the words "in the aggregate" mean when relating to the compensation for hauling a passenger over a line of railroad?

Mr. CULLOM. As the Senator appeals to me to explain what the provisions of the fourth section mean as it now stands, I can only say to him that I am not responsible for the present condition of the section. I voted against the amendment of the Senator from West Virginia [Mr. CAMDEN], and I think that that amendment and the words inserted on the motion of the Senator from Rhode Island [Mr. ALDRICH] ought both to go out of the bill. That is my judgment about it, and I have become convinced that the more the Senate undertakes to amend the bill the nearer the bill gets up into the region that the Senator describes, where nobody will be able to understand it.

The words "in the aggregate" in the section, as it was reported by the committee, meant exactly what they say, that there should not be a greater charge for a shorter distance than for a longer one for carrying any given quantity over the same line in the same direction.

Mr. INGALLS. How do the words "in the aggregate" change that? Suppose this section read this way: "That it shall be unlawful for any common carrier to charge or receive any greater compensation for the transportation of passengers or of the like class and quantity of property subject to the provisions," &c. How do the words "in the aggregate" change the meaning of the section from what its significance would be if they were omitted?

Mr. CULLOM. It is possible that they do not change it?

Mr. INGALLS. Why are they there?

Mr. CULLOM. The words "in the aggregate" were inserted to preclude the idea that this section was to be considered or construed as a mileage provision.

Mr. HARRIS. Prorating.

Mr. CULLOM. Prorating the distance, so much for the whole length in the aggregate of the haul, instead of so much per mile.

Mr. INGALLS. How does the use of the words change the meaning of the section as it would be without them?

Mr. CULLOM. I have just stated.

Mr. INGALLS. It says:

It shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation, &c.

Mr. CULLOM. In the conduct of the examination of witnesses by the committee during the vacation it was found on asking questions in reference to the long and short haul that almost every man seemed to answer with the idea that we wanted to know whether they wished to charge the same rate per mile for the long and the shorter distance. It appeared that the only way we could get them to understand what we wanted to know was by using the word "aggregate," asking whether they should be allowed to charge more in the aggregate for a thousand miles, for instance, than for 100 or for 500 miles. Hence we put in the words "in the aggregate" in order that there could be no question as to what the meaning was; and I do not think there is any question.

Mr. SEWELL. The term is a proper one. The word "aggregate" means the summing up of so much a mile. It is customary to give either a mileage rate or an aggregate rate to cover the whole. Take a class of freight from New York to Chicago, say a thousand miles. You give a rate of so much a mile, or you give an aggregate rate of say 25 cents a ton, or whatever it may be. That is the distinction between a mileage rate and an aggregate rate.

Mr. INGALLS. That is a little mystical, Mr. President, not to a practical railroad man, as the Senator from New York [Mr. MILLER] suggests; and the great difficulty that is apparent and obvious every moment is that we are dealing with this subject, which is a practical subject, and that we are not practical railroad men, and therefore we do not understand it, we do not comprehend it.

Mr. CULLOM. Does the Senator think that we ought not to undertake to do anything with it?

Mr. INGALLS. I think that if we intend to deal with certain evils and propose to place this subject under the control of a commission to deal with them we should not limit or impose restrictions upon their power, but leave it with them to determine in the light of circumstances as they arise. I am entirely willing to say in general terms what shall be the duties of this commission; but the more we deal with the subject mentioned in this fourth section the more inextricably we are befogged, the more apparent it is that pobody understands or can comprehend the result of the various provisions that have been up to this time introduced in that section.

Not being a practical man, it would occur to me that the words "compensation in the aggregate" might refer to the entire amount of compensation that any one man would pay for shipping a certain quantity of freight, so as to be immensely to the advantage of a man who was engaged in making large shipments over a line of railroad.

Mr. CULLOM. If the Senator has a specific amount of goods to be shipped from his town to New York, the aggregate would mean exactly the whole amount he has to pay between his town and New York; and if he ships it half way from his town to New York, the aggregate of what he would have to pay there would be the whole amount that he would pay.

Mr. INGALLS. It would be exactly the same if those words were left out of the bill, would it not?

Mr. CULLOM. It might, as I said a while ago.

Mr. INGALLS. That is to say, the carrier shall not charge or receive any greater compensation for the transportation. That is the plain English; but when you have put in these words "in the aggregate" you have put in there something which has a significance that I do not comprehend but that I very shrewdly suspect means something.

Mr. HARRIS. If the Senator——

Mr. INGALLS. I very shrewdly suspect that means something, because what we want to accomplish would be just as absolutely effectuated if those words were left out; and therefore when they are put in by some interpolation that I do not understand I very shrewdly suspect that they were put in there for a purpose.

Mr. CULLOM. They were put in there for no sinister object.

Mr. INGALLS. I do not impute anything to the Senator from Illinois.

Mr. CULLOM. I know that; but the Senator makes remarks as though there was some scheme about this that was covered up.

Mr. INGALLS. I suspect that the practical railroad men, who have been pretty tolerably planted around this committee for the last eight or ten months, whose testimony has been taken and who know exactly what they want to accomplish, have succeeded by some means or other in getting into this bill here those little words "in the aggregate" for a purpose. I suspect that. I cast no imputation upon the candor, the sincerity, the intelligence, or the good faith of the committee.

Mr. HARRIS. I want to say to the Senator from Kansas that the committee intended those words to mean something.

Mr. INGALLS. What do they mean?

Mr. HARRIS. They were intended to mean this, no more and no less——

Mr. INGALLS. Would the section not mean exactly the same if they were left out?

Mr. HARRIS. It would not, according to the opinion of the present exponent of the bill. Those words were intended to mean this, that this bill shall not be construed by any tribunal to mean that the railroad company should be compelled to charge the same rate or as low a rate per mile for the short as it charges for the longer haul.

Mr. INGALLS. Oh, no, not that.

Mr. HARRIS. That is exactly it.

Mr. INGALLS. No, because that was put in by the amendment of the Senator from Iowa [Mr. WILSON] afterwards.

Mr. HARRIS. I say they were intended to exclude the construction

that the companies should charge the same rate per mile for the short as for the long haul.

Mr. INGALLS. They are allowed to charge the same rate by the bill. That was put in by the Senator from Iowa afterwards, that they should not charge as much.

Mr. HARRIS. That is an amendment upon which I have asked a separate vote; but I am speaking of the text of the bill, and the idea that I have of it is that when you offer to ship freights from Washington to New York, suppose the railroad company charges 50 cents a ton from Washington to New York. Under the provisions of this bill the company shall not charge a greater sum than 50 cents a ton from Washington to Baltimore or from Washington to Philadelphia, or to any other intermediate point, than it charges to New York—the terminal point.

Mr. INGALLS. Not a greater sum, a greater compensation.

Mr. HARRIS. They shall not charge more than 50 cents per ton from here to Philadelphia; they shall not charge more than 50 cents per ton from here to Baltimore; but under the provisions of this bill before the amendment of the Senator from Iowa was incorporated the company could charge as much in the aggregate; not the same price per mile, not prorating by the mile, but the aggregate sum of compensation.

Mr. EDMUNDS. What the committee then means, if I understand the Senator from Tennessee, by the words "in the aggregate," is that that language means exactly the same as if it read, "shall not charge or receive any greater total compensation."

Mr. HARRIS. That is what I understand it to mean, including terminal charge.

Mr. EDMUNDS. It would be very easy to make that reasonably clear by striking out "in the aggregate" and inserting "total" before "compensation."

Mr. INGALLS. Does "compensation" mean total compensation or partial compensation? Suppose the sentence stands exactly as it does now, when we say compensation, do we mean compensation or do we mean partial compensation? Why is it necessary to put in the word "total" before "compensation" when you have said "compensation?" Can you make "compensation" mean less than total? That is gilding refined gold; that is throwing perfume on the violet; and I still remain in the most profound and Cimmerian darkness even after the lucid explanation of the Senator from Tennessee as to the meaning of the words "in the aggregate" in this section, and I have sought carefully and with tears for information on that subject. I appeal again to the eminent chairman of this committee, to his lieutenant and coadjutor, the Senator from Tennessee, to advise me, even still after what he has said, how this bill means anything less or how it means anything more than it would if those words were omitted, how greater compensation in the aggregate means any more than greater compensation. And if the Senator from Illinois and the Senator from Tennessee can not give us the information, I shall still feel called upon to suspect that in the mind of practical railroad men, to whose subtle analysis this is in the last event to be submitted, we shall find that there is a very considerable feline animal under the pulverized corn.

We seem also to have become inextricably entangled through the efforts of the Senator from West Virginia to assure what he intends to accomplish by his modification of the amendment offered by the Senator from Rhode Island. He wants to strike out the word "quantity." Now that is exactly the word that ought to be in there if you are going to keep in "in the aggregate." What has "in the aggregate" to do except with quantity? What has "in the aggregate" to do with quality, whether it is a silk-worm, or coal, or salt in barrels, or tea from the Orient? It seems to me that "quantity" is exactly the word you want to retain if you retain the words "in the aggregate," because they can not apply to anything but quantity. It is not "quality;" and so far as "class" is concerned, that is obviously the word to retain there, because the word "kind" means "class" in the language of what we are told is the vernacular of practical railroad men.

I should venture to hope, therefore, that the Senate would feel called upon to retain the words that have been proposed by the Senator from Rhode Island as an amendment to this bill, and that if we are dealing with "compensation in the aggregate" we should allow that to apply rather to the quantity of material that is to be transported than to the quality.

Mr. ALDRICH. Mr. President, to return to the pending amendment, if the interpretation sought to be put upon this bill by the Senator from Tennessee, who is a member of this committee, and I suppose speaks by authority, as to its effect, it is obviously and monstrously defective. The Senator from Tennessee says that railroad companies under this bill can not only fix upon classes, but they can fix upon different rates of freight for carrying different quantities of merchandise, as I understood him, without the supervision of the commission and without going outside of the law. Now let us see what the effect of that will be.

Suppose the Pennsylvania Railroad or the Erie road fixes compensation for transporting oil in barrels from Cleveland or Pittsburgh to New York at a certain rate if a man ships 10,000 barrels, at another certain rate if a man ships 200,000 barrels a month, and in one case they fix it at one-fourth or one-tenth of what they fix in the other, the result is to allow a monopoly like the Standard Oil Company, to have one rate of freight, 10 cents a barrel perhaps, while all other shippers by the very terms of the classification which may be fixed under the provisions of this bill, according to the Senator from Tennessee, are excluded from shipping their oil at all. It was that class of discrimination which this bill was intended to obviate, if it had any purpose or intention at all. I was surprised to hear the Senator from Illinois say that if my amendment was out the bill would be better than it is now. Leave that amendment out, and what does the bill say in plain English? I will read from the fourth section:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property, &c.

How much property and what kind of property I should like to know? Have you got to charge the same for shipping a jackknife that you would for a ton of coal or 10,000 tons of coal? It says the carriers shall not receive a greater compensation for the transportation of property a shorter than a longer distance. I should like to know how it is possible to say how much property or of what kind, and it is absolutely necessary, to make the bill intelligible, that it shall be of like class and quantity of property transported under similar circumstances and in similar quantities.

Mr. CULLOM. Mr. President, gentlemen have become very technical recently. The bill as reported by the committee, it seems to me, is subject to but one construction, and when the Senator from Rhode Island says that it becomes monstrous when the provision is recited that more shall not be charged in the aggregate for the transportation of passengers or property——

Mr. ALDRICH. I used the word "monstrous" in connection with the assertion made by the Senator from Tennessee as to the provision allowing different rates to be fixed for carrying different quantities.

Mr. CULLOM. I thought the Senator was pronouncing the provision monstrous. The truth about it is that the language of that section of the bill as reported is perfectly plain. And when the Senator from Kansas and the Senator from Rhode Island undertake to mystify the language of the bill, they are simply doing it because they do not believe in the bill so far as that section is concerned.

Mr. ALDRICH. Will the Senator answer a question?

Mr. CULLOM. I will.

Mr. ALDRICH. How much property, or what kind of property is meant?

Mr. CULLOM. It is perfectly absurd for the Senator to stand here and say because the exact amount is not designated, therefore a railroad company would have the right to charge as much for shipping a jackknife as one hundred car-loads of grain. It simply means if I ship a given quantity of grain or any kind of property over a given line of road, say a thousand miles, and another given quantity for 500 miles, the railroad company shall not be allowed to charge any more for shipping the 500 miles that given quantity of property than the thousand miles.

Mr. ALDRICH. Referring to a similar kind of freight and to a similar quantity, I want an explanation of the Senator's own statement. Does he refer to a similar kind of freight or a similar quantity?

Mr. CULLOM. The railroad companies are allowed to make their own classifications as far as this bill is concerned. The bill does not undertake to say that they shall charge as much or less for shipping a car-load or any other given quantity of grain. We do not undertake to regulate the question of amount at all, but we leave the subject in the hands of the commission, so that if a man is charged as much for shipping a jackknife as he does for shipping a car-load of grain it is extortion, and it is for the commission to see what is being done and to prosecute the railroad company, if it is proper to do so in such a case. The bill does not interfere with that.

The bill simply provides, so far as this section is concerned, in the first portion of it, that you shall be governed by the provisions of the law, and you shall not charge more for the short than you do for the long distance. As to the quantity, there is nothing said about it in the section, and there is not any necessity for anything being said about it to make any court or anybody else understand what the provision means.

When the Senator from Kansas intimates that there has been some sort of following of this committee by railroad men and the procuring of the insertion of words in this bill that will protect the railroads in some way or other in the framing of the provisions of the section, I undertake to say that any insinuation of that sort is utterly groundless, because those words were inserted in the section as a matter of fact on the suggestion of the Senator from Tennessee [Mr. HARRIS], who was simply desiring to get the section in such shape as that it could be construed to mean what it says in contradistinction of the idea that they should not be allowed to charge so much per mile. In other words, that it should not be a prorate provision, but it should be in the aggregate as to the whole distance.

Mr. KENNA. Will the Senator allow me to make a suggestion?

Mr. CULLOM. Certainly.

Mr. KENNA. I understand the section to be intended to deal with gross amounts and not with rates.

Mr. ALLISON. If the fourth section was out that would be exactly true.

Mr. CULLOM. That is the effect of the fourth section.

Mr. ALLISON. I do not know that I can contribute anything to the debate on this subject, but after carefully looking at the second section of this bill it seems to me that the true amendment to be inserted in lines 3 and 4 of section 4 would be to put in a substantial reference to the second section of the bill. The second section of the bill provides:

That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of the act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

It seems to me plain that the second section does recognize the right of the railway company to charge different rates for the same class of property, if you please, where the conditions and circumstances are dissimilar; so that I think a railway can make a classification of so much per car, so much per parcel, or can make a classification which shall include pig-iron and crude oil, and another classification which shall include nails by the keg and refined oil, and so on; and under those classifications, if the conditions are similar and the circumstances alike, they may make the same rate. If they are not alike, they can make different rates.

So it seems to me it would be better to insert here "that it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property, as provided by the second section of this act," which clearly indicates the conditions and circumstances, &c., which will regulate the different classes. Would not that cover the suggestion of the amendment of the Senator from Rhode Island? Unless some such provision is already understood to be in this bill, I am entirely in favor of the insertion of it in the fourth section, as the Senator from Rhode Island has proposed, and if anything is to be inserted the language that is there now is the precise language that ought to be inserted, and no other.

Mr. PLATT. Of course I do not suppose that any member of this committee can compete with the Senator from Kansas in the critical examination of the language of this bill, but I want to assure the Senator from Kansas, without any feeling in reference to the charges or insinuations which he has made with regard to the object of this word "aggregate" in the bill, that he is entirely mistaken so far as the committee is concerned, though I understand he does not impute anything to the committee.

Mr. INGALLS. I made not the slightest imputation by the remotest inference on any member of the committee.

Mr. PLATT. I so understood the Senator, and I have no feeling about it. The committee put that word in there as I understand—it was not a favorite word of mine; I think it was rather a favorite word of the Senator from Tennessee—so that there should be no opportunity for a railroad company or a railroad manager to evade this provision as to not charging more for a short than for a long haul; and I will illustrate what it was for. If that word was not in there, what might a railroad officer do under a given set of circumstances? For instance, we will say it is 90 miles from New York to Philadelphia. That is the long haul. We will say it is 80 miles from New York to Germantown. That is the short haul. A railroad officer in New York might give a rate to Philadelphia of half a cent per mile, which would be 45 cents per ton, and for 10 tons would be $4.50 to Philadelphia. A man comes and says: "I want to ship some goods to Germantown," which we will say is 80 miles—these are not the exact distances. He says: "I charge you half a cent a ton per mile, which is 40 cents per ton, which is $4 for 10 tons, and I charge you $2 for terminal charges at New York," which makes $6 from New York to Germantown as against $4.50 he charged from New York to Philadelphia. The committee may have got befogged about that, but that and similar things were what the committee intended to prevent.

Mr. VANCE. Mr. President, it is said that in a multitude of counselors there is safety, at least for the counselors if for nobody else. This discussion, to which I have listened with a great deal of interest since its beginning, has satisfied me that the amendment made by the committee in the fourth line should not be there. The true object of the fourth section is to prevent the unjust discrimination of the overcharge on the short haul. That is the whole object; and it seems to me that if that is the object of the section, the purpose is sufficiently and explicitly answered as the original language of the bill was with the exception of the amendment which was made in lines 6 and 7:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property.

Leaving the classification of property and all the details of it to the discretion of the railroad companies. Whenever we have said that there shall be no more charged for the short haul of passengers or property than for the long haul, we have answered what is intended by the section, no matter what kind of property may be affected. The language now of the amendment, "of the like class and quantity of property," would by implication say that there may be a kind of property and is a kind of property on which a carrier may rightfully charge more for the short haul than for the long haul. That can not be, because if the proposition is correct that the short haul shall not be charged more than the long one, it applies to one kind of property as well as another. I hope that the Senator from West Virginia will agree to the striking out of the words inserted in Committee of the Whole, and will stand square in behalf of the fourth section without any further amendment.

Mr. McPHERSON. Mr. President, it would simplify the matter very much if it were in order at this stage of the discussion of the bill to move to strike out the entire fourth section and present a substitute for it. I rise to inquire if I should be in order at this time in doing that.

The PRESIDENT *pro tempore*. It would not be in order at this time to move to strike out the whole fourth section. The amendments of the Committee of the Whole must first be acted upon. After they are acted on it will be in order to move to strike out the section.

Mr. McPHERSON. I ask that unanimous consent be given me at this stage——

Mr. RIDDLEBERGER. I object.

Mr. McPHERSON. Very well, then; I will wait.

Mr. HARRIS. I suggest to the Senator from New Jersey and to the Chair that the Senator from New Jersey proposes to strike out the whole section and offer a substitute for it. His amendment may be offered at this time, and both the substitute he offers and the text of the section proposed to be stricken out will be open to amendment.

The PRESIDENT *pro tempore*. It would not be in order now to offer to amend the fourth section of the bill further than to amend the amendments already proposed. At a later stage it will be in order.

Mr. McPHERSON. I would like to state while I am on my feet and in the line of discussion touching the amendments now being considered by the Senate, that I think if there is any question which has come before the Senate during my service in this body which the Senate has demonstrated its inability to cope with or meet intelligently it is the question now before the Senate. What I proposed to do, and what I shall do at some future time, is to eliminate from this discussion and from this bill this entire section, and leave the whole matter where it is proposed to leave the pooling question in the nineteenth section of the bill, with the commission itself, to examine and report to Congress exactly what legislation can be made and safely made. That is my purpose.

The nineteenth section of the bill proposes that the commission shall deal with the pooling question. I shall take part of the amendment offered by the Senator from Wisconsin [Mr. SPOONER], for I do not agree with all his amendment; neither do I agree with the committee's fourth section of the bill; but I shall take the last half of the amendment offered by the Senator from Wisconsin, which places the whole question of the long and short haul and of pooling entirely in the hands of the commission and requires it to report to Congress. That seems to me to be the intelligent way of dealing with it. The commission in other sections of the bill are required in every case to see that the rates from any part or section of the country, whether for a long or short haul, are reasonable and just; but as to the question involved in the fourth section of the bill, it properly belongs to the commission for examination and report.

Mr. CALL. Mr. President, I believe the question presented to the Senate now is upon concurrence in the amendment adopted in Committee of the Whole as to "the like class and quantity of property."

The PRESIDENT *pro tempore*. An amendment is proposed to that amendment by the Senator from West Virginia [Mr. CAMDEN].

Mr. CALL. After that the question will come up on concurrence in this amendment.

I quite agree with the Senator from Illinois [Mr. CULLOM] that this part of the original section was in proper form and is better without this amendment. I think, therefore, that neither the amendment proposed by the Senator from West Virginia nor this amendment should be adopted, but that the Senate should non-concur in both.

The section is intended to reach and does reach alone the question of the long and short haul and the compensation for it. It is pertinent to nothing else; it can not affect anything else. It is perfectly clear that it only relates to the question of a greater compensation for a shorter than for a longer distance, and by no possibility, unless you interpolate this language in it, can it have any kind of relation to or effect on any other thing.

As to the discussion in reference to the word "aggregate," adopted by the committee, that is very plain. Suppose there are two companies, common carriers in interstate transportation, using two lines of road. One line of road may charge twice as much as the other. This bill does not prohibit it. It simply requires that the aggregate on both roads, including their terminal charges, shall be the same. There is no difficulty about that; it is perfectly plain. The language adopted by the committee is appropriate, and you can not find a better term than the term "aggregate" to express that idea that two roads, each charg-

ing different rates, shall not to the interstate transporter charge more in the aggregate, in the total, including their terminal facilities. The language is perfectly plain.

Mr. BROWN. Will the Senator from Florida permit me to ask him a question, as I am not sure that I understand him?

Mr. CALL. Certainly.

Mr. BROWN. Do you mean that we should disagree to the amendment of the Senator from West Virginia which was adopted some days since, and the amendment of the Senator from Rhode Island, both, and leave the section as it came from the committee?

Mr. CALL. No, sir, I mean this: In the text of section 4 you will see the amendment of the Senator from Rhode Island in italics, "of the like class and quantity of."

Mr. BROWN. Then you do not propose to leave the section as it was reported by the committee, but you propose to take the section with the amendment of the Senator from West Virginia, which was adopted some time since, and treat that as the section?

Mr. CALL. That question is not now before the Senate.

Mr. BROWN. I understand that, but I wanted to understand your position.

Mr. CALL. That is my position; but the question before the Senate now is upon amending the words which are now in the bill "of the like class and quantity of" by striking out the word "quantity" and inserting the word "quality."

Mr. BROWN. Then, by the amendment of the Senator from West Virginia you mean his amendment to the amendment of the Senator from Rhode Island?

Mr. CALL. Yet, sir, that is what I am speaking of.

Mr. HARRIS. If the Senator from Florida will allow me to make a suggestion to him, the Senator from West Virginia is ready to ask the unanimous consent of the Senate to withdraw the amendment he has heretofore offered and to offer this, which is satisfactory to the committee and also to the Senator from Rhode Island who moved the amendment:

Of like kind of property under substantially similar circumstances and conditions.

Adopting the language of the second section instead of the language adopted by the Senator from Rhode Island in his amendment.

Mr. CALL. I have no objection to that, though I do not think that has anything to do with that section.

Mr. RIDDLEBERGER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from West Virginia not being present——

Mr. HARRIS. The Senator from West Virginia is right at my elbow.

The PRESIDENT *pro tempore*. The Chair begs pardon. The Senator from Virginia was recognized by the Chair.

Mr. RIDDLEBERGER. Mr. President, I do not like the way this bill is being managed. There are too many amendments proposed and adopted without a vote. If the Senator from Rhode Island has any amendment to make to the bill it would be well to suggest it to the Senate and not to the Senator from Tennessee.

Sir, I do not represent a terminal State as the Senator from Rhode Island possibly does, but I do know the difference between a terminal State and terminal points of railroads. Therefore, I suggest again to the Senator from Tennessee that every Senator on this floor shall know exactly what is going in the bill and what is being taken out of it. I asked that an amendment be read a while ago and I could not have it done, because the Senator from Iowa and the Senator from Kansas insisted upon holding the floor and discussing the amendment.

I undertake to say that the bill is argued only from the constituent standpoint; that every Senator here is trying to do something that will give his own people an advantage over those somebody else represents. If I am mistaken in that, then I do not understand the debate.

Mr. ALDRICH. Then you disclaim it.

Mr. RIDDLEBERGER. I do not disclaim it, and if I excel the Senator from Rhode Island in making a frank statement he will excuse me for it. I do not mean to cast my vote for a bill that is to give Rhode Island an advantage over any other State unless she is entitled to it and unless she can assert here to-day that she labors under some disadvantage.

The bill ought never to pass Congress unless it is meant to say that we intend to take charge of the railroads and the telegraph lines of the country. Then we should say it all at once, take charge of everything that is identified with the transmission of mail matter and of freight, and let every man be patriotic enough to come up and vote for it. But when the Senator from New Jersey suggests the amendment he does I know what it means, and I should be unfit to represent the people who sent me here if I did not know it. Representing an Atlantic coast State simply, fighting on the same line that he has been for the three years I have known him here, he asks that there shall be free trade for all that labor produces everywhere else than in the State of New Jersey and that they shall have protection there.

I know that it is not in order after having made a speech to make a motion which will in itself not be debatable, but there seems to be so much in the bill that so many gentleman have an interest in that I now move to lay it on the table.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the amendment do lie on the table.

Mr. RIDDLEBERGER. No, sir, the bill, I beg pardon; and I ask for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. The Senator from Virgina moves that the bill lie on the table, and on that motion he demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PALMER (when Mr. CONGER'S name was called). If my colleague [Mr. CONGER] were here, he would vote "nay."

The roll-call was concluded.

Mr. BLACKBURN. On this question I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay."

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK]. If he were here, I should vote "nay."

Mr. HARRIS. The Senator from Kentucky [Mr. BECK] would vote "nay" if he were here.

Mr. BLACKBURN. I will say to the Senator from Maine that if my colleague [Mr. BECK] were present he would vote "nay."

Mr. HALE. Then I shall vote "nay."

Mr. BLACKBURN. I will assume to vote in the face of my pair, and ask to record my vote "nay."

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], but I feel sure that if he were present he would vote "nay." So I record my vote "nay."

Mr. VAN WYCK. My colleague [Mr. MANDERSON], who is paired with the Senator from Kentucky [Mr. BLACKBURN], is only temporarily absent from the Chamber. He would vote "nay" if present.

Mr. BLACKBURN. I have already recorded my vote in the negative.

Mr. VAN WYCK. I merely desired to state the position of my colleague.

Mr. BLACKBURN. I have stated as much, and voted.

Mr. VEST (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Kansas [Mr. PLUMB]. I do not know how he would vote, and I do not see his colleague [Mr. INGALLS] here to instruct me.

The PRESIDENT *pro tempore*. The vote is withdrawn.

The result was announced—yea 1, nays 54; as follows:

YEA—1.

Riddleberger.

NAYS—54.

Aldrich,	Dolph,	Jones of Nevada,	Saulsbury,
Allison,	Edmunds,	Kenna,	Sawyer,
Berry,	Eustis,	Logan,	Sewell,
Blackburn,	Evarts,	McMillan,	Sherman,
Blair,	Fair,	McPherson,	Spooner,
Bowen,	Fryc,	Maxey,	Teller,
Brown,	George,	Miller,	Vance,
Call,	Gibson,	Morgan,	Van Wyck,
Camden,	Gorman,	Morrill,	Walthall,
Chace,	Gray,	Palmer,	Whitthorne,
Cockrell,	Hale,	Payne,	Wilson of Iowa,
Coke,	Harris,	Platt,	Wilson of Md.
Colquitt,	Hawley,	Pugh,	
Cullom,	Jones of Arkansas,	Sabin,	

ABSENT—21.

Beck,	Harrison,	Manderson,	Stanford,
Butler,	Hearst,	Mitchell of Oreg.,	Vest,
Cameron,	Hoar,	Mitchell of Pa.,	Voorhees.
Conger,	Ingalls,	Pike,	
Dawes,	Jones of Florida,	Plumb,	
Hampton,	Mahone,	Ransom,	

So the motion to lay the bill on the table was not agreed to.

Mr. CAMDEN. Mr. President——

Mr. RIDDLEBERGER. May I ask the Senator from West Virginia to give me just one moment?

Mr. CAMDEN. Certainly.

Mr. RIDDLEBERGER. I wish to call attention to the fact that the vote just taken settles the whole constitutional question, and certainly resolves all that we would call a Democratic States rights party into the one general proposition that the Federal Government has a right to control the railroads. I ask pardon, but I wanted to solve the proposition. I do not want any more gentlemen to come and talk to me and to the people whom I in part represent about States rights. We have now determined that question with one single vote against it, that the Federal Government has a right to fix the status of the railroads and to control them, and that includes telegraphs and everything else.

Mr. CAMDEN. I am very heartily in favor of the bill, and I do not seek to throw any obstructions in the way of it. My sole object is to so restrict and modify the language used in the amendment offered by the Senator from Rhode Island as to make it in harmony with the bill. It has been suggested to strike out after the word "or," in line 3, the words "of the like class and quantity of property," and to insert "of like kind of property under substantially similar circumstances and conditions."

The PRESIDENT *pro tempore*. Does the Senator from West Vir-

ginia withdraw his former amendment to the amendment made as in Committee of the Whole on the motion of the Senator from Rhode Island?

Mr. CAMDEN. I desire to withdraw my former amendment, and to offer the amendment I have just stated, as it meets the point fully I was aiming at in offering the former amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from West Virginia to the amendment made as in Committee of the Whole will be stated.

The CHIEF CLERK. In section 4, line 3, after the word "or," it is proposed to strike out the words "of the like class and quantity of property," and insert in lieu thereof the words:

Of like kind of property under substantially similar circumstances and conditions.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from West Virginia to the amendment made as in Committee of the Whole.

Mr. MILLER. I am very glad to see that the Senator from West Virginia has repented of his amendment which was adopted some days ago, and that he is now willing to restore section 4 to its condition as it was originally reported by the committee. Of course, while agreeing to the amendment which he has suggested, and I shall be very glad to agree to it, it leaves nothing of his other amendment, and I have no doubt when we reach line 6 he will vote to non-concur in it.

Mr. CAMDEN. I could not understand what the Senator from New York said, though I should have liked to have done so.

Mr. VANCE. If the object of the friends of this portion of the bill is sincerely to relieve the discrimination upon the individual whose shipment is called the short haul, I can not see why they are not content to let well enough alone. The language employed in the fourth section, "that it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than a longer haul over the same line in the same direction," is just as explicit as language can be made. Everybody would understand it, and there could be no mistaking it by courts or railroad companies.

But when you come to insert "under substantially similar circumstances and conditions," you simply open a gap through which, in less time than we have taken in the passage of this bill, the railroad companies will drive not only a coach and six, but an engine with forty cars. That would be the effect of it.

How can the conditions be substantially similar, if one lot of freight is shipped 500 miles and another is shipped 1,000 miles? What do you mean by that? How can the circumstances be similar when the articles are dissimilar, when the distance is dissimilar, and when the amount of service rendered by the carrier is dissimilar?

I do not impugn men's motives; I am not in the habit of doing so; but it seems to me that if we are in dead earnest, if we are not trying to deceive the people by throwing a tub to the whale, when we have incorporated language which serves our purpose we should stop and not put in any language that would enable somebody to hang a doubt upon it, or by perverting the interpretation avoid the true intent and meaning of the act. I am opposed to the amendment.

Mr. MAXEY. The amendment offered by the Senator from West Virginia and adopted as in Committee of the Whole was perfectly plain to my mind, and was a positive command of law. The law proposed directed; it left nothing on that point to the commission, nothing to the discretion of anybody. But the expression used now in the proposed amendment takes from the power of the law the settlement of this question and transfers it to the commission. That is the effect of it. It leaves to the discretion of the commission to determine whether there are substantialty like conditions and circumstances, whereas the measure settled the matter without leaving it to the commissioners or anybody else.

If the question came into court, all the courts could do would be to take the law as written and say whether the law has been complied with; but when you put in these words of discretion (and they are words of discretion), "substantially similar conditions and circumstances," then the courts would have to determine by their own discretion or by that of the commissioners whether the circumstances were substantially the same.

So to my mind there is an essential difference between the amendment as now proposed and that adopted as in Committee of the Whole.

The PRESIDENT *pro tempore*. The question is on agreeing to the proposed amendment to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

The amendment as amended was concurred in.

Mr. CULLOM. Probably it would be well to transpose the words in lines 4 and 5 of the fourth section, "subject to the provisions of this act," and insert the same words after the word "carrier," in line 2 of the same section, so as to read:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive, &c.

The PRESIDENT *pro tempore*. The words will be transposed if there be no objection. The Chair hears none. The next reserved amendment will be stated.

The CHIEF CLERK. In section 4, line 6, after the word "direction," the Senate as in Committee of the Whole agreed to strike out the words:

And from the same original point of departure.

The PRESIDENT *pro tempore*. The question is on concurring in this reserved amendment.

Mr. EDMUNDS. I move to amend the clause proposed to be stricken out by adding after the word "departure" and before the semicolon, in line 7 of the reprinted bill, the words "or to the same point of arrival."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 4, line 7, after the word "direction," insert the words "or to the same point of arrival;" so as to read:

For a shorter than for a longer distance over the same line, in the same direction, or to the same point of arrival.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont to the reserved amendment.

Mr. EDMUNDS. The object of that is to have the clause retained in the bill and made complete.

Mr. HARRIS. The Chief Clerk did not read the part stricken out as in Committee of the Whole—the amendment of the Senator from West Virginia [Mr. CAMDEN].

Mr. EDMUNDS. I refer to the clause as it stands in the original bill. The Committee of the Whole recommends that it be stricken out, but it is still part of the bill; it is merely a recommendation of the Committee of the Whole. If my amendment be agreed to with the clause proposed to be stricken out it would read:

And from the same original point of departure or to the same point of arrival.

That makes a whole clause. I am amending the clause proposed to be stricken out. If my amendment should be agreed to then the bill would read:

For a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure, or to the same point of arrival.

The bill as it stands only covers that evil from the point of departure, and therefore, while you could not ship from Chicago to Pittsburgh at a less rate than you could from Pittsburgh to New York, for instance, you could ship at a less rate than you could from Pittsburgh to New York, because Pittsburgh is not the same original point of departure that Chicago is. Therefore, to complement it, and make that proposition complete, you have got to have it work both ways, so that shipping from Chicago to New York (I take that as an illustration), being the original point of departure, the bill would forbid the Chicago shipper, the railroad, to make a greater rate from Chicago to Pittsburgh, for illustration, than from Chicago to New York. But when you come to the other part of the same proposition, the shipper, without my amendment, would still be at liberty to make a greater rate from Pittsburgh to New York than from Chicago to New York, because Pittsburgh and Chicago are not the same original points of departure.

In order to make this thing just, it is proper to add "or to the same point of arrival," so that a shipper from Pittsburgh to New York could not be charged more than a shipper from Chicago to New York. As the bill has it, he could be charged more from Chicago to Pittsburgh than he could from Chicago to New York, and from Pittsburgh to New York he could be charged any sum that the company chose to impose upon him.

Mr. HARRIS. May I ask the Senator from Vermont if his amendment is agreed to and his idea is carried out in respect to this section, whether the railroad company could not charge one rate from Chicago to New York and charge a different rate from a depot 50 miles east of Chicago, and a higher rate to New York?

Mr. EDMUNDS. No; that is exactly what my amendment forbids, and exactly what may be done now under the bill as it stands.

Mr. KENNA. Not as it stands.

Mr. HARRIS. Not as it stands amended.

Mr. EDMUNDS. As it stands; because the amendment agreed to as in Committee of the Whole is not yet finally agreed to, and so I say the words are still in the bill "from the same original point of departure."

Mr. KENNA. I hope the Senator will allow me a word just at that point. Suppose a car-load or a number of car-loads started 50 miles east of Chicago and stopped 5 miles west of New York, then the provision which the Senator proposes would not affect the right to charge there.

Mr. EDMUNDS. It would not affect it either way; neither would the original proposition.

Mr. KENNA. But as proposed to be amended by my colleague it would be affected in that way as in every other.

Mr. EDMUNDS. That is perfectly true, but in respect of the provision as it stands in the bill it is obviously incomplete, with great respect to the opinions of others, in the very particular that the Senator from Tennessee stated, that a shipper from Chicago to New York might get one rate and a man 10 miles or 50 miles east of Chicago, or 100 or

200 miles anywhere west of New York, might get a much higher rate, because Chicago is the original point of departure.

Mr. HARRIS. That I understand, but if the language stricken out by the amendment made as in Committee of the Whole remains out of the bill, would not the effect of the section as it would then stand be, that no matter what the point of departure is nor the point of destination anywhere on the same line and in the same direction, no matter from what depot to what depot, the railroad company is restrained from charging a higher rate for that shorter haul than it would charge from Chicago to New York?

Mr. EDMUNDS. So it is. That is perfectly true. I did not vote on the original proposition at all, as I came in just as the yeas and nays were being taken in Committee of the Whole. I am afraid that that is going too far, and that you are going to interfere with the purely local traffic of these lines in States and merely across a river, which is a nominal line for all business purposes between one State and another, and that you are going to carry your great objects so far as to hamper and interfere with the operations of these local affairs to the injury not only of the general public but of the local public, because their interests are really interests in common, for all that they pay goes to make up the mass of money necessary to carry on the operations of the railroads and give a reasonable profit to those who invested their money in them.

While I agree that striking it all out and not amending it at all goes much further than my amendment proposes, I think it is going too far, and that it is safer for the objects of the bill and for what is truly interstate commerce not to undertake to carry the principle of equality of distance, and equality of haul, and equality of price into regions where we have no constitutional power to arrange it, as between the western and the eastern borders of Ohio, and then say that from the eastern side of Ohio to Pittsburgh, a distance of only 25 miles, if you please, or less, the railway shall be under a compulsion to make one charge, while from the eastern border of Ohio to the western border you can not touch it at all, and thus discriminate by the operation of an act of Congress between citizens of the same State engaged in the same business.

Therefore by such a provision, which carries it down to its utmost detail that we can, you are creating a division and a discordance and an injustice between the local traffic that is wholly within the State and that local traffic which happens to be a little out of the State and into it which only we can touch. If Congress had the power to regulate the whole thing in States as well as between States, then I should agree with the principle contained in the amendment of the Senator from West Virginia, that there ought to be equality of substantial distance and weight and that sort of thing everywhere; but we have not that power.

Mr. HARRIS. I quite understand the position of the Senator from Vermont, and desire simply to ask him this additional question, if he thinks there is any serious danger to the local traffic or to the common carrier by the provision as it stands, the amendment made as in Committee of the Whole being agreed to and his amendment not agreed to?

Mr. EDMUNDS. Yes, I do. That is the reason why I offer the amendment.

Mr. HARRIS. I ask the Senator if he thinks there is any serious danger in view of the fact that this section gives the railroad commission the discretionary power to relieve the common carrier from the provisions of the section whenever appealed to and in its opinion justice demands that it shall be relieved?

Mr. EDMUNDS. Yes; but having been born and brought up a real Jeffersonian Democrat, I have always been opposed to giving a discretion when I could possibly avoid it to any set of men or officers. I am in favor, therefore, when we are making laws, of making laws which declare things instead of leaving discretions. If we can lay down a rule and we are to lay it down at all, we ought to lay down that rule as positively as we may, so as to relieve the commission from the responsibility and the danger which the Senator from Virginia pointed out the other day, of their soon being the charms on the watch-chain of the railroad president, from the danger of being tempted or persuaded or misled into granting special and favorite exceptions to this company and that company and under these circumstances and those circumstances. I would not do it any further than I could help it.

On the face I should have liked the bill better if it had adopted the English plan of having one general first section which declared that all railroads over whom we may have any constitutional control and the particular traffic over which we may have constitutional control should be conducted upon principles of justice and equality under all circumstances and conditions to which it could be applied, and then make a tribunal that should settle, as the English people did, the application of the rule to every particular case as it arose. The committee has thought it better to lay down these positive principles and limitations and rules, and having thought so, I am disposed to stand by them and make it as perfect and as safe as I can.

Mr. SHERMAN (Mr. HALE in the chair). Mr. President, either the Senator from Vermont understands this differently from what I do or else the amendment substantially confines the benefit of the fourth section of the bill as to the long haul and the short haul exclusively to the voyage between Chicago and New York or between New York and Chicago. That is the way I understand it.

Mr. EDMUNDS. No, it is exactly the other way.

Mr. SHERMAN. From any intermediate point?

Mr. EDMUNDS. From every point between those two points.

Mr. SHERMAN. In other words, take this case: Suppose goods are shipped from New York to Chicago and the rate fixed there by the common carrier which would be subject to the operations of this proposed law is a dollar a ton, or $10 a ton, whatever it may be. We will say $10 a ton, and for a thousand miles the rate would be about a cent a mile. Under the operations of this bill that rule of $10 a ton from New York to Chicago would bind the company, and they could not charge anybody else higher than that rate for a shipment between those two points. But if the shipment was made from New York to Pittsburgh they might charge $20, $30, $40, or $50 a ton, so far as this section is concerned, and so on at every point of the line until they reach within 10 miles of Chicago they might charge any rate they choose.

Not only that, but the fourth section would expressly give them that right. In the absence of the fourth section the shipment would be restrained somewhat by the first and second sections, because this would be a discrimination which might be pronounced against by the commission; but here in the fourth section they are expressly authorized by necessary implication to make a discrimination to any extent they choose where the shipment is not between one point and another point, both of which are extreme points. It seems to me that would reverse the whole object of this measure.

However, the report of the committee did give to the shipper from intermediate points an advantage. It did declare that from a common point of departure they should not charge more to an intermediate point than to an ultimate point. That is, under the operations of the bill as it was reported to us, if they charge $10 a ton from New York to Chicago they could not charge more than $10 a ton from New York to Pittsburgh, or from New York to Mansfield, or from New York to Fort Wayne, or other points on the line. So with Cleveland. To that extent the bill was a benefit to intermediate points, but now that is practically abrogated by this other provision as I understand it.

Mr. EDMUNDS. If my friend will pardon me for interrupting him——

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. Let me tell him that it is to prevent exactly the thing he fears that I propose this amendment. The bill does prevent you from charging more from New York to Pittsburgh than from New York to Chicago, but when a man wants to ship from Pittsburgh to Chicago and appeals to this bill for protection it does not protect him, because Pittsburgh is not New York, and he only gets fair play from any point west of Pittsburgh. Now, if you put in the words "or the same point of arrival," when he offers freight at Pittsburgh, probably on the very first train that started from New York, they can not charge him any more for taking it from Pittsburgh to Chicago than they charge from New York there. But leaving those words out and taking the print as it stands, Pittsburgh does not fall within the category at all; they may charge what they like from Pittsburgh to Chicago, because Pittsburgh is not the point of original departure.

Mr. SHERMAN. Both these phrases are words of limitation which limit the operation of the section of the bill. Both the phrases "and from the original point of departure" and the phrase proposed by the Senator from Vermont are words limiting the operation of the fourth section of the bill and plainly so.

If the fourth section is to be retained at all, as I said in the few remarks I made the other day, it ought to operate fairly on all the intermediate points, because the effect of the measure as it now stands will be to discriminate against all the moderate cities of the United States in favor of three or four of the great overcrowded cities which will be the places of vast shipment.

If the discrimination can be made against intermediate points it does just exactly what neither the Senator from Vermont nor I desire to do, it destroys the smaller towns or communities, where vice does not prevail so largely as in great cities, and builds up the great centers of population where corruption naturally grows and breeds. The better part of our population, as we all know, is in the farming communities, in the smaller towns, in the flourishing manufacturing towns of ten, fifteen, twenty, or thirty thousand inhabitants, where public opinion to a certain extent controls vice and controls all the habits of mankind. Corruption breeds in cities.

It seems to me, therefore, that the provisions of the bill ought to operate equally and justly, so that every town or community which is trying to build up a local trade in its neighborhood shall be protected in having the benefit of this general rule.

If you are in favor of striking out the fourth section, so as to give our country a broader commerce with a view to building up our foreign commerce and better facilities to the grain-growing States to carry their freight to Europe at a lower rate so as to compete with India, that I can understand. In that event you do not want the fourth section at all. But if you have this rule of the long and short haul, you must apply it not only in favor of the extreme points of shipment but of all the intermediate points.

It seems to me, therefore, that the proposition of the Senator from West Virginia ought to be retained, and that it should not be restricted either by the clause proposed by the Senator from Vermont or by the

clause reported from the committee, but in other words that there should be that general rule of equity and equality which is manifest to every one however plain he may be, and which every railroad man admits to be the correct one, and which by the laws of several of the States is enforced against their own railroads where they have the jurisdiction, that while you need not charge pro rata per mile, you never shall charge a man for hauling the less distance over his road more than you would charge for hauling a greater distance over the same road. That is a fair and universal rule which ought to be applied.

I believe that if the fourth section was retained in the bill, and I shall vote to retain it in the bill, it would bring about that kind of healthy competition which would be beneficial to the roads themselves and would not interfere with our foreign commerce. I do not myself want to vote for any bill which will prevent us from competing sharply with India, with Russia, or with any part of the world for feeding the great population of Europe. That is the problem of the age. Who shall feed Europe? Who shall supply their markets with food? The population is overgrown; they can not feed themselves; and therefore Russia, India, and America are called upon to furnish them the necessary supply. By their accumulated wealth and labor they restore to us a value in kind in their products, largely in luxuries.

I do not want to interfere with that commerce, and although I should like to protect the people of Ohio, I do not want at all to interfere with that broader commerce which is for the benefit of the whole country.

It seems to me if the principle of the long haul and the short haul is retained in the fourth section of the bill, competition by water at points like Chicago and Saint Louis—I think more markedly at Saint Louis than at Chicago—will enable the railroads at times and the water at other times to carry on this commerce cheaper than it can be done either in India or Russia. Ever since my inspection of the Eads jetties I have had the idea that from Saint Louis and all points along the Mississippi they can transport wheat and other cereals from anywhere along the mighty Mississippi and the Missouri River to New Orleans, there to be transshipped into vessels of great bulk, of four, five, or six thousand tons, as the case may be, and they may ship wheat and produce to Liverpool and to other countries in Europe, and there compete even with the advantages the English now derive from the Suez Canal and with the new improvements which have been made in the building of railroads in Russia, and the like. That is my impression, and also as to the enlargement of the canal between Lake Erie and Lake Ontario.

To come back to the point, I am afraid if you should adopt in the bill the amendment of the Senator from Vermont and should non-concur in the amendment of the Senator from West Virginia discriminations against smaller interior points will be made from time to time, and will bring back the same discontent that we have had to contend with heretofore; but if you have this universal rule, and apply it to all our people without respect to their locality, they will see that it is right, the railroad companies will enforce that rule, as we have only copied the wisdom of different States so far as their jurisdiction goes, and this problem will work out its own solution.

If you stop short of that and leave it possible for railroads to discriminate against local towns and local communities, you will have this trouble brought back upon you, and probably a more extreme measure will be adopted. There is a universal feeling in our country that the question of interstate commerce should be dealt with in a broad and liberal spirit. I believe the feeling exists in every State that no State and no community should have any advantage over the other; that no man should have any advantage over another; that such a thing should not be allowed as has occurred in the last few years, where a great corporation has had the benefit of a rate of 10 cents a barrel on their products, while the smaller producers in the same line of business had to pay 40 cents, supplemented by the fact that that great corporation not only demanded the right to transport at 10 cents, but demanded the 30 cents collected from their competitors in order to enable them to crush all who operated in the same line of business. Although that is an extreme case, yet it has occurred to my certain knowledge over several of the railroads running from the city of Chicago and many other places where shippers, on account of the discrimination between a five-car and a ten-car within a certain time, or between a ten-car and a twenty-car within a certain period of time where great operators were speculating, actually crushed out all the intermediate operators.

I have seen enough of railroad business to know that that has been done in all parts of the country. It could not be very well avoided, because in the struggle of the railroads to get the benefit of traffic they have been competing with each other, and in a sharp struggle they have made special contracts with these great shippers in order to get the benefit of their business, and they have got it in this way. All these things are broken down, so far as a law can do it, by the first and second sections of the bill.

Now, in the smaller towns and communities it applies as well to Illinois and Iowa as any other States; if they want to make a rate they can take Omaha and make a rate through to New York, which will crush out everybody in Iowa, or they can make a rate between Saint Louis and crush out the farming and business men in Illinois, or make a rate between Chicago and New York and crush out our people in Ohio.

To my certain knowledge this mode of doing business has destroyed a great many towns which were once flourishing and active, and has built up other towns which have had some advantages as to competition. The town in which I live has been largely benefited by this operation, because they there have three railroads competing with each other, while another town east or west is charged more for the freight to New York or to Chicago than the town in which I live, simply because we have the advantage of local competing through traffic.

Now, that is not just or right, and therefore the rule ought to apply universally that where a man puts his property on a railroad to go 300 miles it shall not be charged more than when it is transferred over that same railroad 1,000 miles. In the case which has been put here, where they have the benefit of a sharp competition to Chicago, we ought not by our law give these railroads the power of breaking down all the farmers between Chicago and New York merely to give an advantage to the farmers around Chicago. Nor do the farmers in Illinois get the benefit of this, because for the short distance between their homes and Chicago they are charged a very large local rate, and in that way the farmers even of Illinois in the great markets of Saint Louis and Chicago do not get the benefits because the excessive local rates are put upon their products before they reach the great marts of Saint Louis and Chicago.

I hope therefore, without detaining the Senate about this matter, that the Senator from Vermont will see that it is better for us to try this experiment, better to give what the people have demanded, fair rates and equal rates for a short haul and a long haul, so that no discrimination shall be made against them, and if it does not work well, or if it operates to destroy our foreign commerce, I shall be as ready to make the necessary changes as any man in the Senate.

Mr. PALMER. I should like to ask the honorable Senator from Ohio a question before he concludes. He says he is in favor of foreign commerce, and he is in favor of competition. I ask him how under those circumstances can he vote for the amendment of the Senator from West Virginia, which shuts out four or five roads from competing for the freight between Chicago and New York?

As I remarked the other day, under the pressure of slack times a couple of years ago they carried freight by rail from Chicago to New York at 10 cents a hundred, or 2 mills per ton per mile. There is not a Senator upon this floor who supposes that any railroad could live upon any such rate as that, if it was general and if it was to be applied to all the intermediate points.

I should like to ask the Senator, when he speaks of competition by water, how under the amendment of the Senator from West Virginia the railroads can compete? They only get 10 per cent. of their freight at this very low rate. It is carried possibly for little or nothing, because the cars otherwise would go back to tide water empty; but if they have got to graduate all of their intermediate freights upon the basis of 2 mills per ton per mile, the result will be that those roads will be out of the ring of competition and everything will go by the lake or by foreign corporations or by the River Saint Lawrence.

Mr. SHERMAN. I do not think there is any difficulty. I think these abnormally low rates are injurious not only to the railroads but to the people of the United States. What is the object now of these great railroads carrying freight for an abnormally low rate? I suppose simply to destroy steamboat navigation so as to make vessel-owners lay up their boats as they did one or two years. These railroads owned by the people of the United States actually destroyed all their earning capacity to their stockholders and sometimes could not pay dividends; some of them became bankrupt in the process, merely for the purpose of destroying the competition they had on the lakes. That was not a healthy process. When they destroyed competition on the lakes or with each other, then they put up the rates abnormally high, and made a pretty fair general average, taking an average of two or three years together. That ought to be prevented. To prevent that is one of the objects of this bill, as I understand it. But, on the other hand, if this is left to an ordinary and fair competition, if these railroads are not allowed to put down their rates to such a degree that they will drive off the steamers from the lakes, then, as a matter of course, steamboats can be readily built.

Railroads can not be readily built, but steamboats can; and the Senator from Michigan knows very well the energy of those people up there, that if they can make 5 or 6 cents a bushel from Chicago to Buffalo on their new-modeled propellers, they would make a very good business, and if they have that business in the summer season, when the lakes are open, they can give as cheap transportation from Chicago to New York over the Erie Canal as can be found in any place in the world except only on the Mississippi River from Saint Louis to New Orleans. What is the actual cost by these modern propellers per bushel?

Mr. PALMER. I do not think they can live at the hundredth part of 1 per cent. under 2 cents a bushel. That would be equivalent, I believe, to 5 or 6 cents a bushel to New York, but the railroads have carried for 10 cents a hundred, which would be equivalent to 6 cents a bushel.

I appreciate what the Senator says in regard to the attempt of the railroads to annihilate the commerce of the lakes. That is the intent undoubtedly. I have felt it very severely myself; and I am arguing now against my own interest, because I believe the proposition is sound

to throw this competition open to the railroads as well as the lake traffic. But as to 5 or 6 cents a bushel being charged for lake transportation that is a thing unheard-of as long as the railroads compete. They brought the rates down to 2 cents a bushel from Chicago to Buffalo; and when they carry for 10 cents a hundred to New York or 6 cents a bushel vessels can not get, unless there is a glut in the elevators, over 2 or 2½ cents to Buffalo, which is not a living rate.

But I would say right there, in answer to one remark the Senator made in regard to the annihilation of the lake commerce, that I have wondered time and again why it is not annihilated; but it seems not to be, and vessel craft are being built to replace those lost by accidents on the lakes and by fires, and now probably the tonnage of the lakes is greater than it ever was, notwithstanding all these adverse circumstances of competition. Selfishly I should like to see the whole of the traffic of the Northwest confined to the lakes during the six months of navigation, but at the same time I imagine that you would find that rates would go up very materially and the farmers of the Northwest would suffer.

Mr. SHERMAN. The Senator from Michigan agrees with the information I have received that shippers by lake would cheerfully take a contract for any period of time or for any amount to carry wheat from Chicago to New York and place it on shipboard at 5 cents a bushel.

Mr. PALMER. I do not agree to that extent. We should be very glad to take freights from Chicago to Buffalo for the season for 3½ or 4 cents, but I do not think any shipments are ever made from Chicago direct to New York by what we call the general craft on the lake that are running wild, that are out of any line. They take freights from Chicago to Buffalo, but freights are not classified in any other way than from Chicago to Buffalo or Chicago to Ogdensburg, or some other lake port.

Mr. SHERMAN. It only shows that we have now from these great central points, Saint Louis and Chicago, the dominating points in the geography of the West, the cheapest transportation that is to be found in the world, because even in India and in Russia and in other countries they can not bring their productions to market at any such rate, say 5 cents a bushel to carry wheat from Chicago to New York and place it on shipboard. Suppose it is 6 cents. That is very low.

Mr. PALMER. Six cents, I think, is the lowest.

Mr. SHERMAN. That is very low indeed. Take the cost of transporting from Saint Louis to New Orleans and placing it on shipboard, and that is only 1 or 2 cents. If the Senator from Louisiana [Mr. EUSTIS] knows about the cost of that shipment I should like to have him state it.

Mr. EUSTIS. About 4 cents.

Mr. SHERMAN. From Saint Louis loaded from the barge on shipboard 4 cents.

Mr. McPHERSON. Will the Senator from Ohio please explain to me a statement I heard him make, that railroad competition had absolutely destroyed the business of the lakes?

Mr. SHERMAN. For a time.

Mr. McPHERSON. Notwithstanding he says that the rate of transportation between New York and Chicago is 6 cents a bushel.

Mr. SHERMAN. It is one of those things that ought never to have happened, but the railroads did at one time by combined low rates, which they maintained at the cost of their stockholders—wrongfully maintained, as they think——

Mr. McPHERSON. For whose benefit, then?

Mr. SHERMAN. Nobody's benefit at all. They in that way sought to drive out all competition of boats on the lakes, and to a certain extent they did it. They destroyed the ability of these boats to run; and remember it is quite a different thing between the owner of a boat and the owner of a railroad. The railroads do not care how much they sacrifice the interest of their stockholders. They can run anything out of the water, and they did impair the boating interests of the great Northwest, and actually laid up boats that would otherwise have been running at abnormally low rates; and then when they drove the boats out of the business they resumed operations again. It is to prevent that that I desire to see the railroads compelled by the rule of equity to maintain a reasonable rate.

Mr. McPHERSON. Then, if I understand aright the Senator from Ohio, his vote and his position upon this bill is in the interest of higher rates for the railroad?

Mr. SHERMAN. No, sir; not at all.

Mr. McPHERSON. Now, let me question the Senator a little further.

Mr. SHERMAN. I must protest against this mode of conducting debate.

Mr. McPHERSON. Very well. I will wait until the Senator gets through.

Mr. SHERMAN. I am through now.

Mr. McPHERSON. Now, if the Senator will give me his attention a moment, I should like to ask him a question which I think is very important and very proper in this connection. The Senator has stated that the water rate is a very low one, which we all admit; that the railroads by an equally low rate have taken the business away from the water at Chicago, Chicago being the shipping point. Who has received the benefit of that low rate except the Western producer? This bill proposes what? It proposes to fix a rate for all railroads to work on east of Chicago. A railroad company has the power to make its rates from Chicago, but it has no other power whatever left it. The bill says that whatever rate you make from Chicago shall govern rates at all other points on the line. Now unless a railroad manager is an idiot, what will be the natural result? He will fix a rate from Chicago that will give him a living price from every station east of Chicago. If he fixes that rate from Chicago it is at the expense of the Western producer. There can be no alternative. Either the railroads must consent to go into bankruptcy or they must fix a rate from Chicago which will enable them to have a living rate east of Chicago.

Now, sir, the competition that we meet to-day, that the Western producer meets, is found where? It is found in the London market in the India productions. The Indian producer during the past year has furnished England 44,000,000 bushels of grain. The 44,000,000 bushels which India now produces have heretofore been furnished by the people of the United States upon the low rate which the Senator from Ohio says enabled them to ship their products from the West to Liverpool. Now we are not to get rid of that competition of India by reason of any sort of a contrivance which we make here in the shape of a short-haul or long-haul bill. That competition is there. India will continue to raise wheat. She has the lands, and the product will be raised. The great West also has the land; it does not propose to give up the raising of products or abandon the farms; but the question for the Western man to consider is a question of transportation. What is left after transportation is paid the producer gets, and no more. That is exactly the state of the case. Very well. The committee report a bill here that establishes a commission, and to that commission you propose to give all power to provide against unreasonable rates, to declare what rates shall be reasonable and just. But it goes further.

The committee then say that they will adopt the principle of the short haul and the long haul in their bill, which to my mind had no business there whatever, for after leaving it to the commission to determine as to the reasonableness and unreasonableness of rates, it should have stopped right there.

In my opinion if inventive men were paid at public cost to determine some method by which railroads could more completely oppress the people of this country they could not devise a system better than that afforded in the fourth section of this bill, and why? Simply for the reason that the very trouble that railroad companies have had for years has been the cutting of rates from the through stations like Chicago and elsewhere. If this bill shall pass how can there be a cutting of rates by a competing line of railroad? How is it possible for a railroad that does not mean to go into bankruptcy to compete with another line of railroad from Chicago when this bill declares that whatever rate is fixed for that through business shall fix the rate from every other point? In short, the through rate under this bill determines and fixes the local rate.

Now, when you say to competing railroads, "You may fix your rate from Chicago, but take notice that when that rate is fixed from Chicago you can not charge a higher rate from any other station east of Chicago," what is the meaning of it? The meaning is bankruptcy to the railroads, or it means that they will fix a rate from Chicago which will enable them to live and make money. I say to you that every intelligent railroad man in this country will adopt that alternative. No legislation ever was devised by mortal man which placed so absolutely in the power of railroads the legal right to oppress the people as this proposed bill. Self-defense will demand an increase in through rates, and hence local rates will be correspondingly high.

Mr. CAMDEN. The Senator will allow me to ask him if the whole country is not injured by allowing railroads which compete with each other from Chicago to charge less than cost on through business and make it upon the local business? Do they not oppress the whole country by charging a higher rate for local hauls?

Mr. McPHERSON. Your bill proposes to appoint a commission, and upon that commission you confer the absolute power of determining the question whether a rate is reasonable and just or unreasonable and unjust. When from a station between here and Chicago complaint is made to the commission, I say under the power conferred on the commission by the bill they could change that rate and make a different rate and more reasonable rate without affecting the Chicago rate at all.

Mr. CAMDEN. I want to say to the Senator that unless the amendment offered by me is adopted the commission have no discretion whatever on that subject; and whenever a complaint is made to that commission by a shipper for a shorter distance claiming that he is charged more than a shipper for a longer distance, they will refer to this statute and say "Congress has recognized that principle by law and we can not change it." They have to carry out the law and they can not fix any rule correcting that evil.

Mr. HOAR. Will my friend from New Jersey allow me to utter one sentence in reply to the Senator from West Virginia?

Mr. McPHERSON. Certainly.

Mr. HOAR. The Senator from West Virginia might as well say that it was not proper that a manufacturer should never sell his goods in the ordinary course of business at a less price wholesale than that at which

he sells by retail as to say that a railroad can not charge on the ordinary local traffic a price larger than it charges for the through traffic, which it would not get at all if it charged the same price.

Mr. CAMDEN. Let me ask the Senator from Massachusetts a question. Is there any equity or justice in charging the shippers from the sea to the Mississippi River 10 cents a bushel and charging the shipper from the extreme West 5 cents a bushel for shipping the same thing?

Mr. HOAR. To state an extreme case of double the price does not test this rule. There may be the greatest equity and justice, and often is great equity and justice, in permitting a carrier to charge more for a short haul than a long haul. It is often not only equity and justice but absolute necessity to charge more for a short haul than a long haul.

Mr. CAMDEN. I ask the Senator to name a case where there would be justice and equity in charging a shipper 10 cents a bushel for carrying a thousand bushels of wheat from Ohio to New York and charging a shipper of the same commodity 5 cents from Chicago to New York.

Mr. HOAR. In the one case he would not get the Chicago haul at all unless he took it at the lower rate; and it is very often true, I believe it is true as a matter of fact at this moment, that while in many cases the short haul is charged more than the long, the short haul is made cheaper by the railroads in consequence of the fact that the long business is also done, although done at a less rate.

Mr. McPHERSON. I would like to illustrate the whole matter in dispute to the Senator from West Virginia. Within one year I have transported or caused to be transported from Chicago to New York twenty car-loads of freight. I am so unfortunate as to own a farm in the vicinity of New York. The railroad passes my door. Those twenty car-loads of freight on a certain road passed my farm. On the same train I loaded five cars of freight from my farm. All went to the same destination, being hitched to the same train; and the cost of transporting the freight 28 miles from my farm to New York was greater than the cost from Chicago to New York, but the rate from my farm to New York was reasonable. The whole twenty-five car-loads of freight were put on board ship for London. If it had not been for the low rate given from Chicago I could not have exported the five car-loads raised upon my farm. I again say that the rate from my farm to New York was a reasonable rate.

Mr. CAMDEN. The Senator must have raised something on his farm that was raised by no other person in this country or he would not have recognized that principle.

Mr. McPHERSON. How could I help but recognize that principle? The State of New Jersey under its laws says that no railroad company shall charge an unreasonable rate of freight. The charter granted by the State fixes the rate beyond which they shall not charge per mile, and in addition to that competition steps in and reduces that limit fixed in the charter to more than 50 per cent. below that, and in addition to that, as I say, I paid a reasonable rate upon the five car-loads of merchandise which were to be exported from my farm. I found no fault with that rate; it was reasonable; but twenty car-loads came from Chicago——

Mr. CAMDEN. Others of the same kind?

Mr. McPHERSON. The same kind of freight and the same quantity in each car.

Mr. CAMDEN. Do you recognize the principle that it was fair to charge more for twenty-eight miles than for a thousand?

Mr. McPHERSON. I recognize this: I say that the proposition presented by the Senator from West Virginia, that it is not right to charge more for a short haul than for a long one, as an abstract principle is correct; but when you undertake to apply any such principle to conditions that are dissimilar, that can not be made alike, and when you undertake to incorporate that in an iron-bound rule of procedure which must govern a commission, that very moment you so disturb the relations of labor and capital and enterprise and transportation that it is impossible for any community of citizens to get on at all. That I say, and I say, moreover, when you undertake to establish the principle in your bill, as you have, you confer on railroads by enactment the power to oppress the people of this country to a greater extent than they are now doing.

I repeat, and I want any Senator on this floor to contradict the proposition if he can, that no measure was ever devised which will help railroads so much as this will if the railroads see fit to help themselves. How? By simply electing whether they will rob the Western country of the power to export their goods, or whether they will consent to go into bankruptcy. There are the two propositions. If they continue the low rate from Chicago, and if they permit goods to be exported, bankruptcy pure and simple is inevitable, because it fixes all local rates. If they decide, on the other hand, to protect themselves they will raise the rate from Chicago, and what becomes of the export trade? There is the whole proposition in a nutshell. That is the common sense of the whole question, and there is no other view to take of it. It admits of no other.

I have no objection, as far as I am concerned, to dealing with this question; but I do object most positively to making a statute and placing it upon the statute-books of the United States in the interest of low transportation, a principle which must needs have a contrary effect.

I am in favor of water transportation, and the time will never come in this country when we can control railroads except by the water routes of the country. Take a map of this country and consider for a moment the geography of the whole question. Chicago is the key to-day to the entire Western world by reason of railroad concentration reaching to all parts of the West. It stands at the head of the water transportation of the country, at the head of the great lakes, connected with the seashore. How? First, by the Erie Canal of very limited proportions, unable to do anything like the amount of business that must necessarily be thrown upon it if the railroads do not enter into the Chicago competition. What else is there? The Welland Canal, the Canadian route of transportation, capable of floating immense quantities to the seaboard, with almost unlimited capacity for transportation. What must be the result? Inevitably a large proportion of the products that we send to-day to the seashore will go to Montreal, and from thence by steamer to Liverpool. What does not go there will go to New York. It will tend to build up the great ports of New York and Montreal at the expense of Philadelphia and Baltimore and every other seaport city.

Let us follow the illustration further. The New York Central Railroad is not within the jurisdiction of this law. It begins and ends in the State of New York. All its competitors from Buffalo to New York are interstate roads, and by reason of this exemption it can bankrupt all its rivals.

Mr. CAMDEN. Is it not already governed by the law of New York?

Mr. McPHERSON. There is no such law as this on the statute-books of the State of New York and never will be, let me tell my friend, because the people of New York will find it not to their advantage if Congress passes this bill.

Mr. CAMDEN. Is not that the rule which the New York railroad commission applies to the New York Central?

Mr. McPHERSON. I do not know about that. The railroad commission of the State of New York unquestionably has a great influence, but, as I read the law, no absolute power on these matters; but as to the long and short haul business, you will not find a law on the statute-book of New York to-day, neither will you ever find it if by so doing it will cripple the commerce of the State and city of New York.

Mr. CAMDEN. The New York Legislature appointed a railroad commission and that railroad commission has established the rule that no greater sum shall be charged for a shorter than for a longer haul, and the New York Central Railroad is now operating under that rule.

Mr. McPHERSON. Very true. They may give their implied sanction to the work of the commission; perhaps it is for their interest to do it; but when their interest becomes different, what then?

Mr. GEORGE. Has it bankrupted that corporation?

Mr. McPHERSON. I do not say that it has. That does not necessarily follow.

Mr. GEORGE. I understood the Senator to say it would bankrupt the companies.

Mr. McPHERSON. I simply said if the railroad companies from Chicago did not abandon the low rates which to-day do not pay the cost of transportation it would bankrupt railroad companies that engaged in it after being made subject to the provisions of this bill.

Mr. GEORGE. Did it bankrupt the railroad from Buffalo?

Mr. McPHERSON. The reason they have not been bankrupted is because there is no provision of law which requires them to make the low rates for all their business.

Mr. GEORGE. The statute which is binding on all of them is the rule laid down by the railroad commission of the State of New York, which they are bound to obey.

Mr. McPHERSON. I do not know that I understand exactly the purpose the Senator has in view in proposing the question.

Mr. GEORGE. My purpose is to show that the necessary effect of the obligatory law on these railroad companies to charge no more for a shorter distance than for a longer one is not to destroy them, as I understood the argument of the Senator from New Jersey to be.

Mr. McPHERSON. Now I catch the Senator's idea. Simply because the railroad companies have a pool by which they agree to maintain rates from Buffalo. The New York Central Railroad is to-day charging reasonably high rates from Buffalo in order to maintain local rates if the long and short haul principle of this bill is operating in that State.

Mr. GEORGE. Then I understand that the result of the law which compels them to charge no more for a shorter haul than for a longer one is obviated by the fact that they have gone into a pool. There is nothing in this bill which prohibits a pool.

Mr. McPHERSON. Why do you not provide in the bill for prohibiting pools? You propose to establish a short haul and long haul system, and you do not propose in the bill to prohibit pooling.

Let me now ask the Senator a question. If, for instance, the rate of freight for a car-load of wheat from Chicago to New York was fixed at $20, and the rate is often as low as this, and that did not represent the cost of moving it, and it does not to New York, and under existing conditions the railroad company could charge from the next station east of Chicago $50, would you not alter the situation if they were compelled to ship from Chicago at $20 a car, with no power to charge more from local stations? Would it not lessen the earning power of the road?

Mr. GEORGE. I will answer that question by asking the Senator

another. Will he tell me by what standard of morals or justice he can justify the imposition on the man he has just named 10 miles this side of Chicago a charge of $50 on his freight, when only $10 is imposed upon the man who lives in Chicago? I should like to ask him also by what rule of morals or justice he can justify the practice of any railroad company in making up its loss, as the Senator said the other day it did, on the through freights from Chicago by overcharging upon customers who live along the line and have no other means of getting their freight to market than by the road. In other words, I would like to know by what rule of right and justice you can justify upon individuals, upon communities that have no competition, the loss sustained by railroads in a war of rates that they make upon each other in carrying freights for less than the actual cost from other points?

It seems to me that the interests of somebody else but the railroads ought to be consulted in the matter. If the railroads of their own will (because there is no law to regulate them now) at certain points where they come in competition, in order to destroy each other, put rates so low as to cause an actual loss to the companies, then I ask how it is right or just that all these railroad companies who have thus entered into war shall make up their losses by extraordinary charges upon those who live along the line of the roads and who have no competition?

Mr. MCPHERSON. I do not undertake to justify anything of the kind. As a distinct proposition, standing alone, certainly the Senator is right when he says that a service is entitled to certain consideration and compensation. If that service is increased either in length of route, or by whatever process it is increased, most assuredly it would seem to honest and common minds that the compensation ought to be increased. That is a proposition which is an axiom. It is a self-evident truth.

Mr. GEORGE. Put that proposition as an axiom in the law, and then it can not be violated.

Mr. MCPHERSON. Now, the Senator proposes to apply that to what? He proposes to apply it to a system of railroads. The railroads were built in the first place for the purpose of developing the country. You will find when a railroad is located it takes a position somewhat remote from existing lines in order that the country may be developed and local trade may be developed. The railroad very naturally expects to get a fair compensation for the local business over its line. But you find a great point of distribution like Chicago, where there is competition on the lake, where, as the Senator from Ohio said, you carry grain for 6 cents a bushel between Chicago and New York, then the railroad will abandon the field of competition and leave it to the lakes, provided you make a rule for railroads which you can control, and no rule for lake or water transportation which you can not control. The lake transit has no local stations.

Let us go further. The lakes furnish transportation six months in the year, and if the railroads abandon the field what will the lakes charge? Will it be more or less than they now charge? The natural effect of that is to double the cost of transportation by the lakes. When the lakes are frozen up, the railroads step in and they make their own rate from Chicago, and your bill makes it from every other station. Now, taken together, adding if you please the increased lake transportation and the increased rail transportation in winter, and how much more have you paid for the privilege of putting in your bill this absurd idea?

Mr. GEORGE. Now, will the Senator allow me to ask him a question?

Mr. MCPHERSON. Certainly.

Mr. GEORGE. I understand him now, in answer to the proposition which I made, to say that the effect of competition by railroad is to lessen the water carriage by lake and let the water carriers charge what they please, but when the lake is frozen up, then, having no lake competition, the railroads can charge what they please to New York and make more money than they do now. I understand that to be the position.

Mr. MCPHERSON. In reply to the Senator's question, I stated that the railroads would abandon the business to the lakes. Naturally the lakes, having the business without competition with railroads, would then increase the price. The lakes can run but six months in the year. Then step in the railroads, and they take the business for the other six months at higher rates, and the Senator makes it necessary that the railroad should charge a higher rate, because by his bill he has made every other rate conditioned upon the rate from Chicago.

Mr. GEORGE. I understood the Senator to say that they frequently carry freight from Chicago to New York at a loss. What is the reason of that proposition?

Mr. MCPHERSON. A railroad company, as I said before, depending on local business for all their profit, find a great distributing station in the West. Lines of railroad radiate from that to all points of the West. The connection is valuable to them. They are forever expecting that some time in the history of railroads the business from that point may be made profitable. They are waiting in expectation of getting something out of it. Unless a railroad line has a connection with some great distributing point, it would be nothing in the world but a local road and a road of no importance.

I want to add here that I think the railroad lines, say from New York to Chicago, can afford to carry freight for less compensation per mile upon long lines than upon short ones. Therefore as to what motives control them I can not say. I am not a railroad man; never have been engaged in railroad business. I only know the common sense of this bill as applied to them purely from a business standpoint. I think I understand that.

Mr. HARRIS. May I inquire of the Senator from New Jersey if I understood him correctly to say that from the competing point railroad companies carried freight at less than the cost of transportation?

Mr. MCPHERSON. I think it safe to say 50 per cent. of all the freight shipped from Chicago to New York is to-day transported for less than it costs to haul it over the road.

Mr. HARRIS. Then do I understand the Senator from New Jersey that it is just and proper that railroads should be permitted to carry through freights at a loss and recoup for that loss on the local traffic of the people who live on the road and do not live at a competing point? That seems to involve the whole question.

Mr. MCPHERSON. Not at all; that does not necessarily follow. If the railroad at a point which is not competitive exacts only a fair compensation for doing the business, who can object? Certainly a railroad like any other business enterprise is entitled to pay its fixed charges, the interest upon its bonds, and to give a fair margin of profit to its stockholders. Nobody will deny that to a railroad if properly managed and if its stock properly represents the amount of money the stockholders have in the line. If it represents three or four times that amount it is a different question. But suppose the railroad did not run to Chicago at all; suppose it stopped 20 miles this side of Chicago where there was no competition, I want to ask the Senator if it would be an unreasonable rate to charge from that station enough to compensate the railroad for the work done the public?

Mr. HARRIS. Conceding all the Senator says as to the justice of allowing a railroad corporation to earn money enough to pay its fixed charges and a reasonable profit upon its stock, according to what he has just admitted the railroad company takes upon itself additional burdens by taking through freights at an actual loss, rendering itself therefore less able to pay these charges than it would otherwise be. And if I understand his argument he justifies the railroad companies in doing that in respect to through freights, and justifies their making up that loss and securing the profits that they are to earn on their capital by charging the local traffic that has no competition an extra charge. Does he justify them in doing that in order to pay them a profit and to enable them to carry through shipments at less than the actual cost of transportation?

Mr. MCPHERSON. I have already denied the statement *in toto*, and I can see no reason whatever for the Senator from Tennessee insisting upon it. Suppose a railroad—this local road of which I have spoken—desires to reach the city of Chicago, a great distributing point; this railroad, if you please, is connected with steamship transportation across the water. They are required to furnish loads for the steamships. They can not get freights outside of Chicago to load the ships. Unless they send loads one way they can not get return loads. The steamship arrives from Liverpool loaded with goods to be transported over the line, not all perhaps to Chicago but to local stations along the line. Reasonably and fairly they would expect to get sufficient compensation to compensate them for doing the work, and as I said before, if they take goods to and from Chicago very low in order to maintain their shipment across the ocean it would be justifiable.

Mr. MAXEY. The Senator states that 90 per cent. of the business between New York and Chicago is done at less than cost. If a railroad can not make and does not make a reasonable profit on the investment, necessarily that must be made up on the intermediate points, the result of which is absolutely that those intermediate points are charged more than they ought to be charged if the terminal points paid fair and reasonable charges. In other words, every dollar of that loss which occurs at terminal points must in the nature of things be made up by the intermediate points.

Mr. MCPHERSON. I am somewhat surprised in this discussion to hear the Senator from Texas and the Senator from Tennessee combating a proposition which they already put in this bill in the fourth section. You find it here in the proviso, "that upon application to the commission appointed under the provisions of this act such common carrier may in special cases" be excepted. In other words, the commission consenting, all competitive points are excepted. In one line you make an arbitrary rule, and in the next line you consent to its violation.

Mr. MAXEY. I hardly think that answer of the Senator from New Jersey will quite do. The fourth section absolutely requires that there shall not be a greater charge for a short haul than a long haul. Then there is an exception allowed to the commissioners. The principle is laid down that there shall be no more charged for a short haul than a long haul; and yet the Senator says that 90 per cent. of the long haul is at a loss. If that be the case, and we say "You shall not charge more for the short haul than the long haul," the short haul must come down correspondingly.

Mr. MCPHERSON. The section allows the commission to permit exceptions to your long and short haul rule. Now, then, it remains for

us to determine whether the railroad companies will consent to go into bankruptcy or whether they will demand that they may be made rich, and the Senate has given them the power to choose. That is the complaint I make of the bill, and I do not agree with the statement that I have heard on the other side of the Chamber that it was injurious to railroads. I say it is beneficial to railroads. I do not agree with the statement on this side of the Chamber that it will have a tendency to prevent extortion. It legalizes higher rates, call it extortion or what you please.

I approve of the amendment to the original bill as made by the Senator from West Virginia [Mr. CAMDEN]. When the committee come here with a bill acknowledging the principle of the long and the short haul and then undertake to limit it to special cases, I say the Senator from West Virginia is right when he undertakes to make general the very thing which the committee wanted to make special. Therefore I indorse the action of the Senator from West Virginia in making general a principle which the committee insist shall be injected into this bill.

But then the Senator from West Virginia and the committee together proceed further. They proceed to put in this bill as a proviso that which gives the commission full power over this whole affair.

I am opposed to the fourth section because it is not understood, and if anything can better demonstrate to reasonable minds that it is not understood than the debates that have occurred here I think it would be very hard to find it. I am opposed to it because I think that in a commission bill, conferring on a commission absolute power to adjudge grievances, the true policy of the Senate is to leave it with that commission, and if it can not find it possible under the power given to do away with the abuses that are complained of, then I propose to offer an amendment which will make it necessary for that commission to report at the next session of Congress whether it is practicable in their view of the case, after considering the whole subject, to have Congress pass a law acknowledging and recognizing the short-haul system, and let us incorporate it in intelligent legislation. I am too conservative in my mind and in my action to undertake to ingraft an iron-bound provision of law to regulate a commission to do a certain thing when you have given them the absolute power to regulate it themselves. I do not wish to burden the labor interest of the country or the transportation interest unnecessarily, arbitrarily, and foolishly.

Mr. TELLER. Mr. President, the bill before the Senate is in response to a popular demand for some control over interstate commerce. Whatever may have been the original idea about the power of the General Government over interstate commerce as provided for in the Constitution, the courts have so enlarged it and amplified it that I suppose it may be assumed that over matters pertaining to interstate commerce the Government of the United States is pretty nearly or quite absolute in its jurisdiction. So there need be no controversy, I suppose, as to the power of the General Government. The question for us to determine is simply one of policy, and then having determined that, one of detail.

In this bill as it came from the committee the distinguishing feature in it from other bills which have from time to time been presented was the provision for a commission. The commission is given extraordinary powers, powers which I venture to say were never given to any other commission in any other bill. After having given this commission these extraordinary powers, as if afraid that the commission would not exercise them with proper discretion, in a proper manner, the committee insert section 4 of the bill.

The whole bill is an experiment. There is not a Senator on the floor who does not know it is a very doubtful question whether we ought to interfere with the commerce of the country in this way. I venture to say also that but for the very fact, which is recognized by the Senators on this floor, that there is a popular demand back among the people, who believe they have not been properly treated by the railroads, there would be no legislation proposed upon this subject.

What will be the effect of the whole bill nobody can determine. What will be the effect of the fourth section? We have a variety of opinions expressed on this floor. One Senator says it will absolutely destroy the commerce between the Atlantic seaboard and the Northwest and the Western States. Another Senator declares that it will do equity between the people and compel the railroads to do that which they are by the common law obliged to do. It seems to me that we have lost sight of the fact that there is great danger that that which stimulates commerce and trade, that which has built up the great West, the center, and the East alike, competition will be destroyed.

This bill has been discussed, and especially the provision to which I allude in the fourth section, as if all the competing points in this country were Chicago, Milwaukee, Saint Louis, with a few other places of considerable importance. Mr. President, I have here a list of the competitive points in some of the States, not a full list, but a list showing at least that there is more to be considered than the welfare of Chicago, more to be considered than the welfare of Saint Louis, more than a question of how this will affect the people of Milwaukee and the surrounding country. I find that in the State of Michigan there are twenty-two competitive points, railroad competitive points, twenty-two points to be affected by the provisions of this bill. In the State of Ohio I find there are eighty-three competitive points, in the State of Indiana eighty-two competitive points, in the State of Illinois forty competitive points, in the State of Virginia twenty-two, Kentucky twenty-six, North Carolina twenty, Tennessee eighteen, South Carolina sixteen, Georgia sixteen, Alabama eighteen, Florida sixteen, Louisiana twelve. No calculation is here made for the State of Missouri, or the State of Minnesota, the State of Iowa, the State of Nebraska, or the State of Colorado, or the Territory of Dakota, and other sections of the country where competition prevails.

Mr. SPOONER. There are thirty-nine competitive points in Wisconsin, forty-four in Iowa, and twenty-six in Illinois.

Mr. TELLER. And a great many other points besides those I have mentioned, and I presume it would not be an exaggeration to say that this bill affects a thousand points in the United States—a thousand places at least where competition is active, created by railroads either because of the hostility of one with the other, or of antagonism one with the other, or because of water ways or other reasons. There, where competition is sharp and active, it is to be destroyed by the fourth section of this bill.

I have supposed, as I have stated, that this bill was in response to a popular demand of the people and not of the railroads. I have supposed this legislation was to be based upon the supposition that it was the people of the United States who were being benefited and not the railroads. I have heard here to-day what I consider conclusive to my mind that it is the railroads that are to be benefited by the destruction of the competition all over the land, and they will be enabled to put up the prices according to their own terms. We have an illustration of it which the Senator from Ohio gave us. He said that the competition had destroyed the lake freight. It is proposed by this to prevent that competition, as I understand. If you can prevent competition between the lakes and the railroads you must prevent competition between the railroads themselves. I know upon the first blush it seems difficult to say that you may haul a car of freight from the city of Chicago to the city of New York for the same price that you haul it from Columbus, in Ohio, or Pittsburgh, in Pennsylvania. I know that the people who live on the Atlantic border, who were fortunate enough to get there early and to locate themselves there and to maintain their status and to be there, contend that they ought not to be brought in competition with the great Northwest. But we are not legislating for any section of the country; we are legislating for the interest of the whole broad land. We are not legislating for the railroads of New England or New York, or the railroad lines between Chicago and New York, or any other cities; we are legislating for the protection of commerce; and it is our duty to legislate in such a way as to build it up, increase it, and not hamper it and destroy it.

Mr. President, it is said that there is but a little through traffic on these roads and that they might not make much by it; but you must remember that while from the city of Chicago they may bring but a small amount of grain to New York city, they take back in return vast quantities of supplies used by the people in the West.

The honorable Senator from Ohio said it was a question how this would affect the foreign commerce of the country, it was a question whether we should not by this kind of legislation put our hands upon the producers of the Northwest in such a way that they would be compelled to suspend shipments to the seaboard and thus the export abroad would be curtailed and cut short. Why, Mr. President, if you will look over the reports of the Government you will find that 72 per cent. of all the exports are the products of the farm and the forest. From whence do they come? Where do you raise the cattle, and where do you raise the corn, and where do you raise the wheat exported but in the Northwest? How will the people of Massachusetts be fed, with very nearly 2,000,000 people and yet raising less than 40,000 bushels of wheat in that State in 1880—how will they be fed in such a manner that they may create in their mills subjects for exportation unless they can be fed with the cheap food brought from the West by virtue of the long haul?

I wish to call attention to the fallacy that has been repeated over and over again on this floor during this debate. It is not a question whether you are paying too little from Chicago to New York, but it is a question whether you are paying too much from Pittsburgh to New York; and when the railroad company carries from Pittsburgh to New York at a reasonable rate no man has a right to say that it may not carry from Chicago at the same rate or even less. It has been assumed in this debate that whenever a railroad company made a long haul for less than it charged for a short haul it was an extortion on the man who paid for the short haul. That is not the logical sequence; that is not true as a general rule.

I need not say to the Senate that every railroad company that is managed as it should be managed has a variety of ways in which to use the surplus that comes into its treasury. It has its mortgage upon which it pays interest. It has its stock upon which it pays dividends. It has its collateral branches to support and keep alive. It has its cars to support and keep up; it has its track to keep in order. A railroad company properly managed and properly officered divides all of these upon its books. The railroad company is offered in a Western city freight, and the officer looks at it and says, "I can make upon that a certain amount, not a percentage large enough, not enough money on

that alone, or if I could do all the business the line could do at that rate it would not be enough to pay all my expenses, but the profit on that will be enough to meet the interest on my mortgage; the profit on that will be enough to meet some other specific fund provided for by the railroad company." So he takes it; it goes to Pittsburgh or somewhere else, and there he says to freight offered, "I can get for this freight more," in the first place because the product that it finds at Pittsburgh is of a character that will stand and bear a higher rate than the product at a place in the far West will.

Mr. President, a few years ago in the State which I in part represent we had a surplus of wheat. That may seem strange from "the American Desert," but we had a surplus of wheat. There was no market for it, and it would not bear the price that the Illinois farmer paid for transporting his wheat. It could not bear a price proportionate to that paid by the citizen of Ohio on his wheat; but the railroad companies said: "Here, we will take your wheat and we will carry it at a certain figure to the seaboard;" and they carried it not without profit to the railroad companies, but with a divided profit, small as it was, to the farmer. He had raised enough for his own use, and this was the surplus; and although the money was little that he obtained for it, yet it went to swell the aggregate of the earnings of the people and enabled the people of that State to purchase of the manufactured articles of New England, of the fruits of the South and of the West and all that goes to make life comfortable in this country. Everybody participated in that profit. It was not a profit alone to Colorado. It was a profit to the railroad companies; it was a profit to the manfacturers in New England; it was a profit to the fruit-raisers in California and in Florida and other regions of the country, because it was divided out among the people.

The honorable Senator from Ohio said that there was danger that it would interfere with our exports. I think he is right, and yet he said he thought, as I understand him, that this provision ought to be left in the bill. I think there is danger that it will interfere with our exports. Our export of wheat last year fell off. As the Senator from New Jersey said, the import into Great Britain of wheat from India has practically destroyed the market there for American wheat. With the falling price of wheat in Great Britain we are to seek cheaper transportation to the Old World and not dearer. In November last wheat was selling in the city of Liverpool within half a cent of the market price in the city of Chicago.

We have produced in the United States vast quantities of corn; we have sent that corn from Minnesota, Iowa, Nebraska, and Kansas to the East, either to be fed to their stock or to the people; and we have shipped it abroad. It is a great crop; nearly 2,000,000,000 bushels; it can not be used in the country where it is raised. Iowa raises 250,000,000 bushels of corn in a year. It must seek in some form a foreign market, either in the shape of alcohol or in the shape of meats or as human food or as food for the stock of Great Britain or some other portion of the world. We have had practically up to this hour no competitor in the production of corn. To-day there appears a competitor of the corn-raisers of the Northwest. India, until recently not a raiser of wheat, until recently raising no corn or wheat, has commenced to plant and has planted this year vast fields of corn.

We are not only coming in competition with India as a wheat-raiser or she coming in competition with us, but also as the raiser of corn and as the raiser of cotton. All these things indicate that to the seaboard from the extreme West you have got to have cheap freights, and if you do not you will lose your export trade, and that means simply a condition of affairs such as we have seen heretofore when we were steadily running in debt to foreign countries, buying what we could not pay for and sending abroad our bonds and other evidences of indebtedness.

I said a few moments since that it was not a question of Chicago or New York; it was a question of all the competing points that I have mentioned. It is a question that interests the people of all parts of the country, for competition at Atlanta, in Georgia, is competition to all the people who live in that region of country as much as it is at Peoria, as much as it is at Chicago or any other city. All the people thereabouts are benefited by it.

You propose by this short-haul provision, as I understand it, to say to the railroad companies, "Fix your price from all these points, and then your intermediate prices must be of the same character." I know, of course, that this provision does not say absolutely, "You shall carry correspondingly as cheap from Columbus as you do from Chicago;" but I know the principle is the same, and the very same argument can be made why they should carry it per mile pro rata, save and except, perhaps, some question of terminal facilities, and the same argument can be made why they should not be allowed to carry it as they see fit.

All that this commission ought to inquire, if left with full control of this, is, is the rate from Columbus, Ohio, to New York a reasonable rate, not is it too cheap from Chicago? I want to repeat again that I deny the assertion I heard made on the other side of the floor to-day—and I have heard it on this—that necessarily because the railroads took freight from Chicago at half the price they took it from Columbus, they lost on the Chicago freight, or that it was an extortionate charge from Columbus. For the reasons I have stated a railroad company has a right to say, "I will do business from a certain point with a profit less than from another." It has as much right to do that as a man who does business in this country has to prefer one purchaser to another. He has a right to say, "I will yield my profit in this case to my purchaser; I will yield one-half my profit to the man who has brought the freight to me," possibly because of competition or frequently because the freight that he brings is not able to bear the extreme price that freight from another point may. One man may raise wheat that he may sell for a dollar. Another man may not be able to raise wheat and sell it for a dollar. One man may be able to produce a manufactured article cheaper than it can be produced by another because the advantages are with him. This principle that is applied to the people of the West has a tendency to build up the great cities of the East to the exclusion of the West; and when you have done that, when you have destroyed the prosperity of the West, where will you get the business for the railroads? When you have done that, where will you get the purchasers for your manufactured goods? Where will you get a market for the products of the East if you can not send them inland?

Mr. President, I intend to vote for this bill. I do not suppose it will be put in any shape that I shall not give it my vote. I propose to vote for it, not believing it to be perfect. I propose to vote for it, doubting very much the policy of any legislation on the subject. I shall vote for it in obedience to what I recognize to be a public demand all over the country. If the bill should prove to be what its friends believe, we shall all be rejoiced; but upon all questions where there can be so much doubt as upon the question of introducing this measure of the long or short haul, I think the friends of the bill ought to be willing, in view of the fact that this is a tentative measure at most, to agree that all doubtful questions of that character should be eliminated from the bill, and that the bill might have a fair trial with the great powers given to this commission, and let the commission come here at a subsequent day and say to us in the light of their experience, in the light of their observation, whether we can adopt this principle or whether we can not, and not attempt to put in the bill that which must make it obnoxious to a great portion of the people of the country and must render its success as a controller of interstate commerce exceedingly doubtful.

Mr. GEORGE. Mr. President, I do not intend to detain the Senate. Nearly two years ago, on December 19, 1884, I suggested a provision on this subject. I simply desire to submit the views of the question I then presented and ask for their reading.

The Chief Clerk read as follows:

The practice of giving extremely low rates between certain points and making up the loss by high charges on other communities is simple robbery under the forms of law, if the law permits it. It is not in the power of human reason to successfully controvert this. No amount of ingenious sophistry can even obscure it.

But, independent of its abstract injustice, the consequences to the public are pernicious in the extreme. One city or town is built up at the expense of another. One community is enriched or favored by unjust and unequal impositions on another. Jealousies are engendered and illegitimate and baneful rivalries fostered. The struggle for advancement and superiority between rival communities is degraded from an honorable competition in which success is sought by superior energy and business management into a reliance upon favors to be received from railroad companies and dishonorable and unmanly subserviency in order to gain them.

Mr. President, it is a marked tendency in modern economic and industrial life that population and business of all kinds concentrate in large cities. Much more than one-half of the population of Great Britain is crowded into cities and towns. The tendency in our country is in the same direction. I do not regard this as desirable. On the contrary, I think it would be far better for the happiness and prosperity of my countrymen if wealth and enterprise—all kinds of business—were more diffused all over the land. Producer and consumer should be brought nearer together, that the interchange of commodities, the barter and exchange of the products of agriculture and manufactures should be carried on with as little intervention of middlemen as practicable. The profits of the workers would be increased and the cost to consumers diminished. There would also be more homogeneousness in our population; a greater knowledge of economic processes would be extended beyond the limits of the class engaged in each particular business. There would be fewer specialists, with little or no information outside of the particular work in which they are engaged. There are many considerations connected with this subject worthy of the attention of the Senate. I do not propose to go further now. I may on some other occasion state some of them.

Now, Mr. President, the practice of railroad companies in violating the provision I am now discussing, charging discriminating rates as between different places, tends greatly to this aggregation and concentration of population, wealth, and business in a few favored places, and for that reason should be prohibited. The result I condemn, it must be remembered, is not the creation of new wealth by railroad companies, but it is merely the concentration and aggregation of wealth created by others at favored places and in the hands of favored individuals at the expense of other places and other persons, and that, too, in many instances by the ruin of those who created it.

Mr. CALL. Mr. President, I wishto express my own judgment in regard to this amendment. When we consider the extent of the railroad interest of the United States, and the fact that it controls and governs almost absolutely the commerce of the whole country and its productions, we must see the importance and the necessity of considering the local trade of the country, the transportation that concerns the people who live at the intermediate points throughout the United States. It should be regarded and equitably dealt with as a question of paramount importance. This is a very plain fact, and I am surprised that it has not received universal assent, that to allow any power to build up one community at the expense of another, to allow the productions of New York or of Colorado or of the great West to be transported without cost to those people and at the cost of the people intermediate between those points, is an evil that can not be tolerated.

Why should you destroy the people of the intermediate territory by imposing upon them the entire cost of transporting the productions of countries at the terminal points? And if you do not allow them to transport their entire productions at the cost of the intermediate people, why should you allow them to saddle on the latter an improper and unjust proportion of the cost? You must approximate it with some degree of propriety; and the question presented in this amendment is whether the entire cost of the transportation of the productions of extreme terminal points shall be imposed by anything, whether by law or competition, or any other wise, upon another and a different community.

If we say, as has been said in this argument, that railroads are built for the convenience of the local trade, and that their charges are to be borne by those people for their own local convenience, and admit that to be true, why shall it be said that they shall be charged the entire cost, or any unreasonable proportion of the cost, of that business which it may be expedient for them to do at other and distant places by reason of new connections? I can not see that there is anything in this proposition but the simple question of adjusting charges with some degree of equity. Admitting the whole argument that the extreme terminal points must be provided for, that the foreign commerce of the country must be regarded and such rates imposed as will allow through trade, and that there is a difference between the rates for through trade and local trade, there must be some reasonable proportion of it, some mode of justice, something besides the mere arbitrary imposition of rates without reference to the interest of the communities who are to pay those rates.

But what then? You may destroy the entire interest of the intermediate country, you may place them at a disadvantage in respect to their productions and their market rates by leaving them entirely in the power of an arbitrary rate fixed without reference to the cost and the value of their productions in the market by reason of an unreasonable cost of transportation imposed upon them. That, I understand, is the evil proposed to be remedied in the amendment of the Senator from West Virginia. It is that these people shall not be discriminated against in the sale of their productions by being required to bear an unjust and unfair proportion of the cost of transportation, which must be taken from the market value of their productions.

Mr. President, I hold in my hand a little manual, a report of a railroad commission, by John H. Savage, of Tennessee, from which I will read:

The railroad is a stranger and a new-comer among men. Fifty-five years ago there were neither railroads nor railroad laws. There is nothing in the world's history like the beginning and progress of railroad building, investment, and power. Railroads have worked greater changes in the affairs of men in forty years than the bloody work of conquerors ever effected in many centuries. They now exist in all nations where wealth and intelligence are found. In Europe all railroads are under the control of law, and many are owned and operated by the governments. The loud complaint of railroad employés that legislation, courts, and juries, if allowed, will destroy them, is false, and is like the charge of the tyrant Pisistratus, who inflicted bloody wounds upon himself and charged his opponents with having done it, and the people therefore gave him a guard of soldiers, which he used to enslave them.

It is estimated that there are more miles of railway in the United States than in all the rest of the world. There are about two thousand five hundred of these railroads. Poor's Railroad Manual estimates the total length of all railroads in the United States, in 1884, at 149,183 miles, and railroad building progressing at the rate of more than 6,000 miles per year, and at a cost of near $500,000,000; so that before the end of this year there will be enough railroad track to go around the world six times and more. The total value of these roads is $7,495,471,311, equal to about one-sixth of all the property and money of fifty millions of people. These roads tax the people annually for transportation $823,772,924, and divide $102,056,548 annually among themselves after paying all expenses.

The United States has a railroad commissioner to supervise the railroads incorporated by Congress. The commissioner, in his report for 1883, reports in reference to the legislation of the States as well as of Congress. He recommends national legislation for the regulation of commerce between the States and foreign countries, and State regulation for commerce within a State. He reports eighteen hundred thousand persons employed by these corporations in operating and building railroads. Of these (see pages 17, 145-54) "fourteen hundred thousand persons are employed in operating these roads, and probably four hundred thousand upon construction of new lines."

It is estimated that Congress has given favored corporations about 200,000,000 acres of the public lands. The report aforesaid (page 49) shows that the Northern Pacific (of which Jay Cooke and Henry Villard were builders) received 31,323,098.49 acres, which (exclusive of town lots) sells as high as $30 per acre and none lower than $2.60, the average price being $4.02 per acre; making $122,918,858 given this one railroad which sum is about fifteen millions more than one-half of all the taxable property assessed in Tennessee.

* * * * * * *

It is estimated that the people of Tennessee pay railroads annually more than $6 for each man, woman, and child, and pay the State for taxes less than $1 per capita. The railroad saves time and furnishes great facilities for commerce and travel, but collects from the people vast sums, transcending all collections in the past history of this country. The railroad is a grand thing—and so would be an emperor or king with a court ruled by discriminations and favorites to make some rich and honorable and others poor and dependent. Americans want neither king, court, nor corporation that is not under the control of law as absolutely as the humblest citizen.

FACTS WORTHY TO BE NOTED BY THE PATRIOT, STATESMAN, AND READER OF HISTORY.

1. The 1,800,000 employés are almost absolutely under the control of railroad officials as if organized as an army.

2. They are about six times more than Napoleon was able to command when he disposed of crowns and kingdoms and made all Europe tremble.

3. They are about forty times more than any army commanded by Alexander, Pompey, or Cæsar.

4. These corporations are said to be controlled, and in great part owned, by a few men—less than a dozen—headed by Vanderbilt, Gould, Huntingdon, and others like them.

5. The annual investment of $500,000,000 in railroad building exceeds investments in any other business, and shows that railroad building is the most profitable business in America. Capitalists are not fools and do not throw money away; they put it where it will do most good.

6. The amount invested—the appropriation of hundreds of millions of the public domain, once the common property of all the people—the 400,000 men now engaged in building railroads, show that railroad building is progressing as rapidly as the general welfare demands.

7. The merchants of Liverpool built the first railroad in 1830 from Liverpool to Manchester, which the Parliament of England had refused to build.

8. Capitalists and business men will build railroads to all points where the trade and commerce of a people make them necessary, and not an exhaustive and expensive luxury.

9. It is unwise and unjust to build railroads by the issuance of bonds or by taxation levied upon the people, because in all instances of this kind the people pay for the roads and speculators and railroad officials soon own them.

10. It is estimated that $700,000,000 worth of lumber is cut from American forests annually. The railroads get the lion's share of this sum. This process will leave but little valuable timber for the next generation.

11. The railroad is called a civilizer. It is certainly a centralizer. It builds up centers at the expense of the circumference. Roman armies made the provinces tributary to the city. Railroads, by rebates, discriminations, special rates, greater charges for short hauls than for longer ones, concentrate commerce, business, wealth, and population at favored points.

These facts are not suggested in hostility to railroads, but that proper legislation may be enacted to prevent these wrongs by the roads, so far as practicable.

The Committee on Interstate Commerce, of which the Senator from Illinois [Mr. CULLOM] is the chairman, say in their report on page 199:

It is well understood in commercial circles that the Standard Oil Company brooks no competition; that its settled policy and firm determination are to crush out all who may be rash enough to enter the field against it; that it hesitates at nothing in the accomplishment of this purpose, in which it has been remarkably successful, and that it fitly represents the acme and perfection of corporate greed in its fullest development. A recent public exposition of its methods comes from Ohio, where the corporation operates the Macksburg Pipe Line, which carries oil to the Cleveland and Marietta Railroad. This road is in the hands of a receiver appointed by the United States circuit court.

Complaint having been made to Judge Baxter of that court, he investigated the rates charged for the transportation of oil by the receiver, which resulted in his prompt removal by the court. It was found that while the receiver was charging all independent shippers 35 cents per barrel, the rate to the pipe line in question was but 10 cents per barrel. It appeared that the Standard Oil Company owned the pipes through which oil is conveyed to the road from wells owned by individuals, with the exception of certain pipes owned and used by George Rice and carrying oil from his wells. To get rid of this competition the assistance of the receiver was sought and obtained. The company offered to give the railroad $3,000 worth of business each month, while Rice could give but $300 worth. If its demands were not complied with it threatened to extend its pipe line from Macksburg to the river at Marietta. What those demands were was stated as follows in a letter filed by the receiver as part of his defense:

"The Standard Oil Company threatens to store and afterward pipe all oils under its control unless you make the following arrangements, namely: You shall make a uniform rate of 35 cents per barrel for all persons excepting the Standard Oil Company; you shall charge them 10 cents per barrel for their oil, and also pay them 25 cents per barrel out of the 35 cents collected of other shippers."

No comment is needed upon this most impudent and outrageous proposition. If matters have reached such a pass that this enormously wealthy corporation, not content with the advantage of paying less than 30 per cent. of the rates charged its occasional competitors, is in a position to demand of a railroad which may desire the privilege of carrying oil for others 70 per cent. of the revenue received in that way, the least that Congress can do is to insist upon publicity of rates, and make effective provision for letting in the full light of day upon arrangements of this character.

I will also read a few extracts from some of the most important witnesses who appeared before the Interstate Commerce Committee. Said Mr. Simon Sterne, on page 78 of that report:

UNIFORMITY OF ACCOUNTS.

The next question is, "Should corporations engaged in interstate commerce be required to adopt a uniform system of accounts?" Upon that point my answer is emphatically in the affirmative. The Government owes this small element of protection against fraud to the investing public. The system of railway accounts has been a mystery even to railway accountants; that is to say, a Pennsylvania railway accountant was, until recently, absolutely in the dark as to how the New York Central kept its accounts. The Reading's accountant could not tell how the Jersey Central kept its books.

The books of each railway company were a sealed mystery to all save the head of its book-keeping department. Each particular road had its own system of accounts. Indeed, it was testified before a railway committee that some $700,000 expended during one particular year by the Erie Railway as a corruption fund and for legal expenses was carried to the India-rubber account, and thus found its way into the construction account. So that part of the construction account of some of these railways is what they expend annually upon legislative committees, or in influencing or preventing legislation, and in the law courts.

The New York Central Railway Company in 1869 doubled its stock, watered its stock by 50 per cent., on the amalgamation or consolidation of the New York Central and Hudson River roads, issuing two dollars for one of the entire stock of these several companies. They had, therefore, after this consolidation, a stock account which was out of all harmony with their construction account, and for ten years following, every year varying, from 3 to 8 per cent. of this water was artificially carried into the construction account, so that eventually the construction account and the capital account balanced; and there is therefore a construction account wholly fictitious as to a trifle of $40,000,000 or thereabouts in the New York Central books.

As a system of book-keeping it had to balance, and therefore the balance was forced by carrying some years 3, some 5, and some 8 per cent. of this water into the construction account, as though so much construction had been carried on that year, and eventually the two accounts balanced. In the same way the balances were forced in the Erie Railway Company when Mr. Gould took $40,000,000 of the stock of the Erie Railway Company out of its books, sold it on the street, and appropriated the money to his own use, and there was not a dollar's worth of construction to represent it, and when a reorganization took place the balance of the Erie Railway Company was forced to meet that violence done to the stock account. So that in some of these railway corporations their system of keeping accounts is a mystery to everybody outside of the corporation.

I now read from Mr. E. B. Thurber's statement:

EXCESSIVE CAPITALIZATION.

A good illustration of how excessive capitalization operates as a mortgage upon the industry of the country and as a machinery for concentrating wealth in few hands wherever the power exists to impose rates for transportation which will yield dividends on watered stock, is found in the following table, showing what the dividends have amounted to (with interest compounded annually) on the $47,000,000 of watered stock put into the New York Central and Hudson River Railroad in 1867–'68 by the Vanderbilt management:

Watered stock issued in 1867 and 1868 by the New York Central and Hudson River Railroad, $47,000,000.

Dividend on this watered stock at 8 per cent. for the year 1869, $3,760,000 (1869).
Interest on 1869 dividend at 7 per cent., $263,000; with 1870 dividend, $3,760,000, $7,783,000 (1870).
Interest on $7,783,000 at 7 per cent., $544,000; with 1871 dividend, $3,760,000, $12,087,000 (1871).
Interest on $12,087,000 at 7 per cent., $846,000; with 1872 dividend, $3,760,000, $16,693,000 (1872).
Interest on $16,693,000 at 7 per cent., $1,168,000; with 1873 dividend, $3,760,000, $21,621,000 (1873).
Interest on $21,621,000 at 7 per cent., $1,513,000; with 1874 dividend, $3,760,000, $26,894,000 (1874).
Interest on $26,894,000 at 7 per cent., $1,882,000; with 1875 dividend, $3,760,000, $32,536,000 (1875).
Interest on $32,536,000 at 7 per cent., $2,777,000; with 1876 dividend, $3,760,000, $38,573,000 (1876).
Interest on $38,573,000 at 7 per cent., $2,700,000; with 1877 dividend, $3,760,000, $45,033,000 (1877).
Interest on $45,033,000 at 7 per cent., $3,152,000; with 1878 dividend, $3,760,000, $51,945,000 (1878).
Interest on $51,945,000 at 7 per cent., $3,636,000; with 1879 dividend, $3,760,000, $59,341,000 (1879).
Interest on $59,341,000 at 7 per cent., $4,153,000; with 1880 dividend, $3,760,000, $67,254,000 (1880).
Interest on $67,254,000 at 6 per cent., $4,035,000; with 1881 dividend, $3,760,000, $75,049,000 (1881).
Interest on $75,049,000 at 6 per cent., $4,502,000; with 1882 dividend, $3,760,000, $83,311,000 (1882).
Interest on $83,311,000 at 6 per cent., $4,998,000; with 1883 dividend, $3,760,000, $92,070,000 (1883).
Interest on $92,070,000 at 6 per cent., $5,524,000; with 1884 dividend, *$2,820,000, $100,414,000 (1884).

VANDERBILT RICHER, THE PEOPLE POORER, FROM STOCK-WATERING.

In other words, if the capital had been maintained at the amount then outstanding, and the rates of transportation had been reduced to a point which would only have yielded the same dividends upon the capital then existing (which, by the way, had been previously largely watered), the public would have been about $100,000,000 richer, and Mr. Vanderbilt and his associates $100,000,000 poorer.

* * * * * * *

ENORMOUS ACCUMULATIONS OF WEALTH.

Never in the history of the world have we seen such enormous accumulations of wealth suddenly acquired by any class as we have seen in this country during the last quarter of a century through the carrier thus taxing all other classes in the community.

PERSONAL ILLUSTRATIONS.

Within twenty-five years the Vanderbilt estate has grown from $5,000,000 to over $200,000,000. Within the same time the Central Pacific quartet have, it is estimated, extorted from the public more than $250,000,000. Twenty-five years ago Jay Gould was not rated even as a single millionaire; within two years he exhibited to an admiring group of Wall street friends railroad securities, variously estimated, worth from $50,000,000 to $75,000,000, and it was announced that this was only a portion of his gains.

The men connected with our transportation system who are rated at $10,000,000 and upwards are too numerous to mention, and by far the greater portion of this has been accumulated within twenty years. Yet railroad men when confronted with these facts meet them with the assertion that rates are reasonable, that the transportation of this country is done cheaper than any other country in the world, and that a majority of all the railroads of the country are unremunerative to their owners. It is true that wherever water competition prevails rates are reasonable, and fortunately for the people of the United States a large portion of our country is thus favored.

* * * * * * *

EXTENT OF STOCK WATERING.

The CHAIRMAN. Have you any intimate or definite information in reference to the amount of watered stock in railroads and things of that nature?

Mr. THURBER. No, sir; I do not think anybody has in particular. I heard Mr. Poor's estimate. I know there are so many instances where that is so very much short of the mark that it is absurd. I think he said that the New York Central was about half water. Why, the New York Central had been watered three times prior to 1867–'68, and at that time they doubled it. They put forty-seven millions of water into the New York Central and Hudson River Railroad in 1867–'68, and they paid 8 per cent. dividends on that forty-seven millions until last year, which was the first year they dropped their dividends down.

I think last year they paid 6 per cent., and I guess they have now got down to 4. I know I have figured up what the dividends on that water had amounted to in thirteen years with interest compounded annually. It was $81,000,000. I think that that is a pretty good indication of where one-hundred-millionaires were made. That was for thirteen years on the watered stock of that road. I think I have a tabular statement of it here, if I am not mistaken. It was only carried up to 1881. In 1881 it was $75,049,000; and the next year, 1882, put it over $80,000,000.

Mr. William F. King said:

The great drawback to our railroad system is the attempt to pay interest on its enormous capitalization. Of course I am not as experienced as Mr. Fink in these matters. But say a railroad in the West, or anywhere in the country, cost $12,000 a mile to build. They stock it for $25,000 a mile, and $25,000 of bonds are issued, and they may get a railroad land grant in addition, and yet, before they have finished the road, it is bankrupt. The West Shore road cost a large amount of money, and before it was finished it was bankrupt.

*In 1884 the rate of dividend was reduced to 6 per cent., which on the $47,000,000 of water amounts to but $2,820,000, instead of $3,760,000, which is the amount at the rate of 8 per cent.

Said Mr. John O'Donnell, a member of the board of railroad commissioners of the State of New York:

Mr. O'DONNELL. I will read what is stated in Poor's Manual for 1884, pages 3 and 4, on that subject:

"The increase of share capital and indebtedness of all the companies for three years ending December 31, 1883, was $2,093,433,054, the cost of the new mileage, as represented by share capital and debt, being about $70,000 per mile. The increase in the three years of the funded debts of all the companies was $924,165,440; of their floating debts, $169,880,406; of the two, $1,094,045,846. It is not probable that the cost of the mileage constructed in the three years equaled the increase of funded and floating debts by at least the sum of $200,000,000. The cost of mileage constructed certainly did not exceed $30,000 to the mile. The whole increase of the share capital, $999,387,208, and a portion of the funded debt, was in excess of cost of construction. If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts $3,787,410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling about 9 per cent. on their cost. If the fictitious capital could be eliminated from their accounts their success as investments would have no parallel."

I now quote from an article entitled The Manchester Ship Canal, published in the Westminster Review for July, 1885:

Although the legislature had conferred no monopoly upon railway companies, it was found that they were creating a practical monopoly for themselves. They were combining with one another, and were becoming a great power in the state—so great a power, indeed, that one well-known authority had said, "If the state will not manage the railways the railways will manage the state." But the management, or "regulation," to use the statutory word, of railways was a matter of very great difficulty—of such difficulty, indeed, that up to the present time, although Parliament has been trying her "'prentice hand" at the regulation of railways for the last thirty years, it has not yet found out any excellent method of doing so. It tried and abandoned Lord Dalhousie's commission. It tried and abandoned the courts of law; and it is now, at considerable cost and without producing much satisfaction, experimenting with the railway commissioners.

Mr. President, here is a vast and controlling interest which ought to be protected, which ought to be dealt fairly with by the laws which we enact; for certainly there should be reasonable compensation allowed and reasonable profit to those who may invest their money in these great corporations. But that the people who live in much the larger portion of the territory of this country, that by far the larger portion of the producers and the manufacturers of the United States who live at intermediate points should be protected against an unfair imposition of transportation rates which may disadvantage them in the markets of the world, is the most manifest proposition and the most important duty which now rests upon us. The committee in this bill have provided simply that there shall be no discrimination in this one respect, that there shall be no greater charge for a shorter than for a longer distance by these lines.

The amendment of the Senator from West Virginia only goes to that extent with a limitation; and when you strike out "the original point of departure" it leaves that to apply to the roads in general, and that I think is exactly where we ought to stand without any amendment which may limit it, which may render it doubtful, which may deprive it of its full effect in protecting the intermediate points, to that extent at least that there shall not be a greater compensation for a shorter distance than for a longer one. If we try that and find we can go further, certainly the interests of the country will demand it.

The amendment of the Senator from Vermont seems to be difficult to understand as to its precise effect on the great body of interstate commerce, which necessarily comes from intermediate and not from terminal points. It proposes to make the law read that all freight "from the same original point of departure or to the same point of arrival shall not pay a greater amount for a shorter than for a longer distance." To me the effect of this language seems to be nearly if not exactly the same as the amendment of the Senator from West Virginia. There can not be, I think, a pound of freight on any railroad anywhere which does not depart from the same original place of departure or arrive at the same place of arrival.

Every station on every railroad is the same original place of departure and the same place of arrival for all the freight which departs from or arrives at that station, and the sum total of all places where freight is received and from which it is forwarded must embrace the total of the road's business; and the amendment of the Senator from Vermont expressly says that both for freight from the same original point of departure and the same place of arrival there shall be no greater charge for the shorter distance than for the longer; but I prefer the amendment of the Senator from West Virginia, because it is more easily understood.

Judge Cooley, a distinguished man and a thoughtful observer, makes the following statement on the subject of railroad legislation:

I shall venture to say, also, that there are in the country two distinct and very dissimilar classes of railroad men, one of which would manage the roads so as to make them legitimately useful to both the stockholders and the public, while the other embraces men who find their profit in the manipulation of stocks, whether at the stock board or elsewhere. The two characters may of course be combined in the same man, but the stock speculator is supposed to carry into his road management an inordinate and unscrupulous greed, and he stands in the public mind as the representative of all, and is assumed to be a man of great wealth, which, by tricks and extortion, has been taken from the pockets of the public, and requiring legislation to hold him in check. But it is matter of public notoriety that this second class has thriven rather from the handling of wrecks than of substantial properties, and that their business has largely consisted in possessing themselves of failing or bankrupt concerns and loading them by consolidation or otherwise upon better enterprises, to the ruin, in many cases, of

those thus loaded. But the man who finds his profit in "systems into ruin hurled," where the stockholder and the public are alike sufferers, may feel little or no interest in better management than now exists.

The injury inflicted on the country by such men can not be estimated. They should be regarded as the enemies of the people.

Mr. President, before concluding my remarks I will call the attention of the Senate to the following observations of the committee on a subject of great importance which claims careful consideration:

FICTITIOUS CAPITALIZATION.

Another serious evil incident to the prevailing methods of railroad management, and one which is especially conspicuous in connection with the construction of unnecessary roads is fictitious capitalization, popularly known as stock-watering. This pernicious practice has unquestionably done more to create and keep alive a popular feeling of hostility against the railroads of the United States than any other one cause. It has been the favorite device adopted to illegitimately increase the profits of these corporations and their speculative manipulators, and has been made use of to cover up and conceal from the knowledge of the public the returns really received from the capital actually invested. It has encouraged extravagance and corruption; has been made the means of swindling innocent investors out of millions of dollars; has promoted stock gambling, and, worst of all, has imposed a serious and continuous illegitimate burden upon commerce. In the words of Mr. F. B. Thurber, "Excessive capitalization operates as a mortgage upon the industry of the country, and as a machinery for concentrating wealth in few hands wherever the power exists to impose rates for transportation which will yield dividends on watered stock."

By reference to the statement of Mr. Poor (testimony, page 228), the extent to which this vicious practice has been indulged in will be better understood. Mr. Poor estimates that of the capital stock, bonds, and other evidences of indebtedness issued by the railroads of the United States, amounting in the aggregate at the close of 1883 to $7,495,471,311, at least $2,000,000,000 represents what is known as "watered stock." Others have pronounced this estimate too low; and attention is invited to the statements of Messrs. Poor, Sterne (page 79), Thurber (pages 274 and 295), O'Donnell (page 46), King (page 130), for illustrations of the effects of this practice.

As the committee is not prepared to suggest any method by which Congress can directly regulate such financial operations on the part of railroads chartered by the States, it is only deemed necesary at this time to call attention to the need of State legislation calculated to effectively check such speculative transactions.

Mr. CULLOM. Mr. President, I think it is pretty evident that every Senator on this floor has made up his mind on this question. I hope we shall have a vote on the amendment.

Mr. EDMUNDS. I wish to say a word about the particular question which is pending before the Senate. The paragraph that I propose to amend is a part of the bill. The question is whether we will make that paragraph perfect and complete before we vote upon the question of striking it out. That is the pending question, and no other.

As the paragraph now stands as part of the bill—and we do not yet know that it will go out—it merely provides for equality and security in respect of people who are bringing things into the State of Ohio from some common point outside of it. If my amendment be adopted it will provide for the farmer and the manufacturer of Ohio—I take that for an illustration as the center of the country—as well as for the farmer and manufacturer of California east of San Francisco, the extreme western point, who wishes to send his goods to a common point of arrival; that is, one of the great markets. If that is not just, if it is not indispensable to the protection of the farmer and the home manufacturer who wishes to send his goods out, then I am incapable of understanding the effect of the English language or the effect and application of just principles to transportation.

When we come to the other and the broader question of intermediate traffic from one local point to another, it will secure against excessive charges even then. But if you strike it all out, there is danger, as has been stated by Senators, that in respect of transporting the great products of the West, the wheat, the corn, the pork, the bacon, the beef, and all that, to the Atlantic seaboard or to the Pacific seaboard for exportation, you have reduced them to a point where the rate must be put up to the local rate or the local rate put down to a point where it will not pay as a local rate, and thus break up this exporting business altogether.

That I do not wish to do, but I do wish to prevent a discrimination against the farmers of Vermont and Ohio and California and even of Oregon who wish to send their things to New York or to Chicago or to any of these great markets, and against their being obliged to pay more than they would have to pay if they sent them one hundred or a thousand miles west or east to start to go to the point of destination. That is the point of my amendment, and as long as this paragraph is in the bill the question is—and we can not avoid it—whether it can not be perfected by providing for the point of arrival as well as that of common departure.

Mr. HARRIS. If the amendment of the Senator from Vermont shall not be agreed to and the amendment made in Committee of the Whole shall be agreed to, this principle of limiting the right to charge more for the short than the long haul applies all along the line; but if his amendment be adopted and the amendment of the Committee of the Whole shall not be adopted, then a very different rule will prevail and the principle will not apply all along the line. I shall therefore vote against the amendment of the Senator from Vermont and for the amendment made in Committee of the Whole.

Mr. EDMUNDS. You do not know that the clause will be stricken out. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GEORGE. I wish to ask a question. If the amendment offered by the Senator from Vermont should be adopted how will it affect the words proposed to be stricken out by the Senator from West Virginia? We first vote to put the amendment in, and how are those of us who think the amendment of the Senator from West Virginia is better than the amendment of the Senator from Vermont to get rid of this amendment after it is put in?

Mr. EDMUNDS. The question then recurs, if my amendment be agreed to, on striking out the whole paragraph including what now is in the text and including mine, so that it is a perfectly fair way.

Mr. HARRIS. The question will be on agreeing to the amendment of the committee as amended.

Mr. EDMUNDS. That is it.

Mr. ALLISON. We can vote this amendment in, and then vote to strike it out.

Mr. EDMUNDS. Together with the other one.

Mr. GEORGE. I think the amendment of the Senator from Vermont improves the bill as it now stands, but I prefer the amendment of the Senator from West Virginia.

Mr. EDMUNDS. You can do that by then voting to concur with the committee in striking out the clause.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment made as in Committee of the Whole.

Mr. HARRIS. I desire to say that if we vote for the amendment of the Senator from Vermont, those of us who prefer the bill as amended in committee can not afford afterward to vote against agreeing to the amendment made in committee. I am in favor of sustaining the amendment made in committee, striking out those words that confine the application of this rule to shipments made from the common point of departure. Hence I simply wanted the Senator from Mississippi and others to understand that the vote on the amendment of the Senator from Vermont would not enable us to defeat his general idea by then voting against the whole amendment as made in committee.

Mr. EDMUNDS. Why not?

Mr. HARRIS. Because I do not want to strip the bill of the amendment made in committee; I am for that.

Mr. EDMUNDS. But you do not strip it of it; you then vote to concur in the amendment made in Committee of the Whole as amended.

Mr. HARRIS. Exactly.

Mr. EDMUNDS. Then you strike it out, but you do not know yet that you can do that; and you want therefore, if you can not do it, to perfect the paragraph and make it as good as you can, and then if it is not as good as you want strike it out.

Mr. HARRIS. It is an amendment striking out. I concede the point. I was in error.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). On this amendment I am paired with the Senator from Maine [Mr. FRYE].

Mr. GORMAN. (when his name was called). On this amendment I am paired with the Senator from Oregon [Mr. DOLPH]. He was called from the Chamber temporarily. I should vote "nay" and he would vote "yea" on this amendment. I have, however, transferred the pair to the Senator from Virginia [Mr. RIDDLEBERGER], and therefore vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER]. I do not know how he would vote.

Mr. MANDERSON (when his name was called). I would, if privileged to vote, vote "yea" on this amendment, but I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote.

Mr. MITCHELL, of Oregon (when his name was called). On all questions concerning the fourth section I am paired with the Senator from South Carolina [Mr. HAMPTON]. I do not know how he would vote. I should vote "yea" on this amendment.

Mr. STANFORD (when his name was called). I am paired with my colleague [Mr. HEARST].

The roll-call was concluded.

Mr. PALMER. My colleague [Mr. CONGER], if he were here, would vote "nay" on this question. I think he is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCPHERSON. Do I understand that the Senator's colleague would vote "nay?"

Mr. PALMER. He would vote "nay."

Mr. MCPHERSON. Understanding that the Senator from Michigan [Mr. CONGER] would vote "nay" on this question, I vote "nay."

Mr. FRYE. I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. COCKRELL. The Senator from Massachusetts [Mr. DAWES] was called away. I am paired with him. He would vote "yea" and I should vote "nay" on this proposition.

Mr. HOAR. My colleague [Mr. DAWES] is absent in the discharge of his duty as a member of a committee of the Senate.

Mr. FRYE. The Senator from Mississippi [Mr. GEORGE] is now in, and therefore I vote "yea."

The result was announced—yeas 23, nays 24; as follows:

YEAS—23.

Allison,	Edmunds,	Logan,	Sabin,
Blair,	Evarts,	McMillan,	Sawyer,
Bowen,	Frye,	Miller,	Teller,
Brown,	Hawley,	Morrill,	Van Wyck,
Chace,	Hoar,	Palmer,	Wilson of Iowa.
Cullom,	Ingalls,	Platt,	

NAYS—24.

Berry,	Fair,	Maxey,	Sherman,
Call,	George,	Morgan,	Vance,
Camden,	Gorman,	Payne,	Vest,
Coke,	Harris,	Pugh,	Walthall,
Colquitt,	Kenna,	Ransom,	Whitthorne,
Eustis,	McPherson,	Saulsbury,	Wilson of Md.

ABSENT—29.

Aldrich,	Dolph,	Jones of Florida,	Riddleberger,
Beck,	Gibson,	Jones of Nevada,	Sewell,
Blackburn,	Gray,	Mahone,	Spooner,
Butler,	Hale,	Manderson,	Stanford,
Cameron,	Hampton,	Mitchell of Oreg.,	Voorhees.
Cockrell,	Harrison,	Mitchell of Pa.,	
Conger,	Hearst,	Pike,	
Dawes,	Jones of Arkansas,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made as in Committee of the Whole.

Mr. BLAIR. Is that the question necessarily now?

The PRESIDENT *pro tempore*. It is.

Mr. BLAIR. I desired to offer an amendment to the section before that was acted upon.

The PRESIDENT *pro tempore*. It is not in order now. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Let the amendment be reported, so that we may vote understandingly.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 4, line 6, after the word "direction," the Senate, as in Committee of the Whole, agreed to strike out the words:

And from the same original point of departure.

The PRESIDENT *pro tempore*. The Secretary will call the roll on concurring in this amendment.

The Secretary proceeded to call the roll.

Mr. PLATT (when Mr. CAMERON'S name was called). The Senator from Pennsylvania [Mr. CAMERON] yesterday requested me to announce that he is paired with the Senator from South Carolina [Mr. BUTLER]. He did not state how he would vote on any of these amendments, but I wish to make the announcement of his pair for all the votes that may be taken on the bill.

Mr. COCKRELL (when his name was called). The Senator from Massachusetts [Mr. DAWES] is still absent from the Senate Chamber, and I am paired with him. I should vote "yea" and he would vote "nay."

Mr. PALMER (when Mr. CONGER'S name was called). My colleague [Mr. CONGER] would vote "yea" on this question if he were present. I do not know whether he is paired at all. I think he is paired with the Senator from New Jersey [Mr. MCPHERSON], but that Senator may vote the same way, and then my colleague will have no pair.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. MITCHELL, of Oregon (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "nay."

Mr. SABIN (when his name was called). I am requested to pair with the Senator from Michigan [Mr. CONGER] on this question. I should vote "nay" if I were not paired.

Mr. LOGAN. The Senator from Michigan is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. SABIN. The Senator from New Jersey is going to vote "yea."

The PRESIDENT *pro tempore*. The Senator from New Jersey has already voted.

Mr. PALMER. I made the pair according to the request of my colleague. He wishes to be paired, and I have paired him. He is for striking out the clause.

The PRESIDENT *pro tempore*. The Secretary will proceed with the call of the roll.

The roll-call was resumed.

Mr. STANFORD (when his name was called). I am paired with my colleague [Mr. HEARST].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. I should vote "yea" if he were here.

The roll-call was concluded.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], who was called away from the city by business. Not knowing how he would vote on this question, I withhold my vote. I should vote "yea" if he were present.

Mr. FRYE. My colleague [Mr. HALE] is paired with the Senator from Kentucky [Mr. BECK].

Mr. GORMAN. I desire to state again that the Senator from Oregon [Mr. DOLPH] is paired with the Senator from Virginia [Mr. RIDDLEBERGER]. The Senator from Oregon would vote "yea" on this proposition.

The result was announced—yeas 26, nays 24, as follows:

YEAS—26.

Berry,	Fair,	Maxey,	Sherman,
Call,	George,	Morgan,	Vance,
Camden,	Gorman,	Morrill,	Walthall,
Coke,	Gray,	Payne,	Whitthorne,
Colquitt,	Harris,	Pugh,	Wilson of Md.
Edmunds,	Kenna,	Ransom,	
Eustis,	McPherson,	Saulsbury,	

NAYS—24.

Aldrich,	Cullom,	Jones of Nevada,	Sawyer,
Allison,	Evarts,	Logan,	Sewell,
Blair,	Frye,	McMillan,	Spooner,
Bowen,	Hawley,	Miller,	Teller,
Brown,	Hoar,	Palmer,	Van Wyck,
Chace,	Ingalls,	Platt,	Wilson of Iowa

ABSENT—26.

Beck,	Dolph,	Jones of Florida,	Riddleberger,
Blackburn,	Gibson,	Mahone,	Sabin,
Butler,	Hale,	Manderson,	Stanford,
Cameron,	Hampton,	Mitchell of Oreg.,	Vest,
Cockrell,	Harrison,	Mitchell of Pa.,	Voorhees.
Conger,	Hearst,	Pike,	
Dawes,	Jones of Arkansas,	Plumb,	

So the amendment was concurred in.

Mr. EDMUNDS. I move to amend the bill by inserting——

The PRESIDENT *pro tempore*. There are other reserved amendments which are first in order.

Mr. EDMUNDS. Then I wish to give notice, if I may, that when I get the lawful opportunity, I shall move to insert in the bill, in the place that is now made vacant, the words:

And from the same original point of departure or to the same point of arrival.

Mr. HOAR. I suggest that the amendments to be offered to the fourth section be considered now instead of passing to other parts of the bill and coming back to it.

Mr. EDMUNDS. I ask unanimous consent to be authorized now, while we have this very subject up, to finish it out.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate that the question be taken on the amendment proposed by him. Is there objection? The Chair hears none.

Mr. EDMUNDS. Now, my amendment is to insert the words:

And from the same original point of departure or to the same point of arrival.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In section 4, line 6, after the word "direction," insert:

And from the same original point of departure or to the same point of arrival.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont.

Mr. EDMUNDS. And on that question I call for the yeas and nays.

Mr. HARRIS. Is that amendment in order? We have just voted upon both of those propositions.

The PRESIDENT *pro tempore*. The Chair is of opinion that it is in order.

Mr. EDMUNDS. It is clearly in order. My former amendment was an amendment to an amendment.

Mr. HARRIS. I shall not insist, but it is a matter of very serious doubt to me.

The PRESIDENT *pro tempore*. The yeas and nays are demanded on the question of agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS].

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HOAR (when the name of Mr. DAWES was called). My colleague [Mr. DAWES] is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were here, I should vote "yea" and I understand he would vote "nay."

Mr. MITCHELL, of Oregon (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If I were not paired, I should vote "yea."

Mr. PALMER (when his name was called). I should vote "yea" on this question but that I am paired with my colleague [Mr. CONGER], who would vote "nay."

Mr. STANFORD (when his name was called). I am paired with my colleague [Mr. HEARST] on all questions on the bill of a party character, and so I refrain from voting.

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were present, I should vote "nay" and he would vote "yea."

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK].

The result was announced—yeas 27, nays 24; as follows:

YEAS—27.

Aldrich,	Edmunds,	Logan,	Sawyer,
Allison,	Evarts,	McMillan,	Sewell,
Blair,	Frye,	Miller,	Spooner,
Bowen,	Hawley,	Morrill,	Teller,
Brown,	Hoar,	Platt,	Van Wyck,
Chace,	Ingalls,	Pugh,	Wilson of Iowa.
Cullom,	Jones of Nevada,	Sabin,	

NAYS—24.

Berry,	Fair,	McPherson,	Sherman,
Call,	George,	Maxey,	Vance,
Camden,	Gorman,	Morgan,	Vest,
Coke,	Gray,	Payne,	Walthall,
Colquitt,	Harris,	Ransom,	Whitthorne,
Eustis,	Kenna,	Saulsbury,	Wilson of Md.

ABSENT—25.

Beck,	Dolph,	Jones of Florida,	Plumb,
Blackburn,	Gibson,	Mahone,	Riddleberger,
Butler,	Hale,	Manderson,	Stanford,
Cameron,	Hampton,	Mitchell of Oreg.,	Voorhees.
Cockrell,	Harrison,	Mitchell of Pa.,	
Conger,	Hearst,	Palmer,	
Dawes,	Jones of Arkansas,	Pike,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on concurring in the next reserved amendment, which will be stated.

The CHIEF CLERK. In section 4, line 7, after the word "arrival," the Senate as in Committee of the Whole inserted the following words:

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Mr. INGALLS. I wish to inquire what effect the amendment offered by the Senator from Iowa [Mr. WILSON], which was agreed to as in Committee of the Whole, will have on the section; whether it will not be exactly the same as if we struck out the words "any greater," in line 2 of section 4, and inserted "as great," because if the effect of the amendment offered by the Senator from Iowa is what I have suggested, to forbid the charge of as great a compensation, then it would be a great deal simpler and better to omit the amendment offered by the Senator from Iowa and change the language of line 2 so as to prevent the retention of two apparently conflicting and contradictory provisions in the same section.

Mr. WILSON, of Iowa. The purpose of the amendment offered by me, and which is now pending, was to negative the presumption that by authority of this bill, should it become a law, the carriers of this country would be authorized to charge as much for a short as for a long haul. That was the purpose, and I think it will be the effect.

I did not wish to interfere with the text of the bill as reported from the committee any more than seemed to be necessary, and therefore instead of proposing to amend the text of the bill I offered my amendment in the form of an addition.

Mr. INGALLS. I suggest to the Senator from Illinois having charge of the bill that if the amendment is to be adopted it would be a great deal simpler to take the sense of the Senate on the question of amending line 2 by striking out the words "any greater" and inserting the words "as great," because if the amendment of the Senator from Iowa is adopted it is the meaning then of the section that the common carrier shall not be permitted to charge as great compensation for a short distance as for a long distance.

Mr. CULLOM. I shall vote to non-concur in the amendment of the Senator from Iowa. I think that is the better way to dispose of the subject. I think the original section with the words "any greater" in it, if the amendment is gotten rid of, is all right, and I hope we shall non-concur in the amendment of the Senator from Iowa.

Mr. WILSON, of Iowa. I think the better course for the Senator who has the bill in charge to pursue would be to move to amend the text of the bill, and if he secures an amendment of that kind to the text then it would be safe to vote down the amendment offered by me. But if he shall first defeat my amendment, and if that be followed by a defeat of the amendment which is now suggested, then the bill will stand with the implication that the carriers may charge as much for the shorter as for the longer haul.

Mr. PLATT. I am opposed to this amendment, because I deem it entirely unnecessary and because it does not avoid any implication, if it be necessary to avoid an implication.

This short-haul provision is not a thing which we are enacting for the first time. As has been said here, it is incorporated in some form or other into almost all the laws of the States, and the question has never been mooted up to this time that the prohibition of charging more for a short than for a longer haul raised any implication that a right was conveyed to charge as much for the short as for the long haul.

Unless I am entirely mistaken in the effect of the bill no such implication is raised, even if the amendment proposed by the Senator from Iowa be not incorporated in the bill. No such implication was raised by the original language of the bill. It is simply a provision that a railroad shall not do a specific act, and that is to charge a greater compensation for a short than for a longer distance. That does not authorize the charging of as much for every short distance as is charged for the long distance.

Nobody will pretend that under the bill a railroad company is authorized to charge as much for one mile as for a thousand miles. If my friend from Iowa should go into court and attempt to maintain any such construction as that, I apprehend that he would not find any success before any judge or any tribunal in the country. His proposition would be this: Under the bill as left by the committee the railroad company was authorized to charge as much for one mile as for a thousand miles, to put an extreme case. No court would say that there was any such implication in the bill or any such authority by implication. Therefore, in my judgment, this amendment is entirely unnecessary.

But let us see if it avoids the implication. This is the language of the Senator's amendment:

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

If there was an implication to be avoided as the bill stood, then the implication is that for the shorter distance you may charge as much to 1 cent so that you fall below. If you fall below the charge for the long distance by even 1 cent, then on the reasoning of the Senator from Iowa there would be authority for that.

Upon these two grounds, first, that no such construction can be put on the bill as he assumes, that no court and no tribunal would put a construction on the bill as reported by the committee that it authorized charging as much for a short distance as for a long distance; and for the second reason, that it does not avoid the implication which he seeks to avoid, I am opposed to this amendment.

Mr. WILSON, of Iowa. The Senator from Connecticut will admit, doubtless, that there are many cases in which the carriers of the country are charging as much and more for a shorter than a longer distance. Everybody knows that. There is no dispute about it. Now, it is proposed to declare by law that it shall be unlawful for common carriers to practice that under the terms of this bill which was not unlawful before; but when a case shall arise under the bill, if it shall become a law, wherein a carrier has charged as much for a short haul of 100 miles as for the long haul of 1,000 miles, his answer to complaint made would be that he has complied with the terms of the bill by not charging more. What I want to avoid is a statutory declaration that that thing may be done, and leave it for the regulation of the commissioners under the general terms of the act.

I do not doubt that under the provisions of the bill reserving to shippers the right to commence actions in their own behalf under the common law with reference to carriers for extortions imposed upon them, in a case so commenced on the ground of extortion because a carrier had charged as much for 100 miles as for a thousand, answer made thereto in the State court that the charge was authorized by implication of a law of Congress would determine that case in the State court and defeat the complainant therein.

It is not an uncommon thing, I presume, certainly it has not been uncommon in my practice in years gone by, to test questions of that kind by action of replevin. Where extortionate charges have been imposed and a reasonable amount tendered to and refused by the carrier, an action in replevin would be brought for the recovery of the goods withheld. The only question at issue in a case of that kind was whether the charge was a reasonable one or not, and if it appeared that the amount tendered was reasonable for the service rendered, the plaintiff gained his case. But in such an instance as that, an answer being made under this law that by act of Congress, jurisdiction having been taken over the subject of interstate commerce, a rule was established from which comes the necessary implication that that extortionate charge may be made, the action in the State court would fail, and the provision reserving to parties the right to bring their action there would be nugatory.

Therefore I hope either the amendment I have proposed will be agreed to or the modification suggested by the Senator from Kansas and accepted by the Senator from Illinois.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in—ayes 27, noes not counted.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The next reserved amendment made as in Committee of the Whole is first in order.

Mr. BLAIR. I think unanimous consent was given to close out the fourth section before proceeding further.

The PRESIDENT *pro tempore*. According to the rules of the Sen-

ate the amendments made as in Committee of the Whole must first be acted on.

Mr. BLAIR. I understood that unanimous consent was given to dispose of section 4 now, in response to the request of the Senator from Vermont.

The PRESIDENT *pro tempore*. The request of the Senator from Vermont only extended to the amendment proposed by him. The next reserved amendment will be read.

The CHIEF CLERK. In section 5, line 26, the Senate, as in Committee of the Whole, inserted after the word "provided" the words:

But nothing in this act shall prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out section 13 of the bill and inserted in lieu thereof:

Whenever any common carrier, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey any lawful order or requirement of the commission in this act named it shall be the duty of the commission and lawful for any company or person interested in such order or requirement to apply in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or interdict to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or interdict, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or interdict against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or interdict; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or interdict to pay such sum of money not exceeding for each carrier or person in default the sum of $500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or interdict; and such moneys shall be payable as the court shall direct, either to the party complaining, or into the court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses for the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] announced his purpose to propose an amendment to the section, and therefore it was reserved.

Mr. VEST. On page 3 of the amendment, commencing in line 59 with the word "but," I move to strike out the words:

But such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri to the amendment made as in Committee of the Whole.

Mr. VEST. As I understand the amendment proposed by the Senator from Vermont it gives the right of appeal to either the complainant or the defendant where the amount in controversy is $2,000. The amendment also provides that if any railroad corporation fails to observe or obey the order that is made by the court, then the court may inflict a penalty, commencing at a certain time after a certain day, of $500 a day. As a matter of course, in four days the railroad company could appeal to the Supreme Court, because the amount in controversy would be $2,000. The amendment also provides that the court may order the amount of the penalty to be paid over to the complainant.

In the first place, the amendment is extraordinary in granting an appeal and then providing in the language which I propose to strike out, that the appeal shall not operate as a supersedeas after bond. In all other cases where the party who is defeated in the court below gives bond that operates as a stay of execution until the action of the appellate tribunal.

Let us look for a minute at the operation of this amendment. Any person, whether responsible or irresponsible, solvent or insolvent, can file a complaint against a railroad corporation, and under the provisions of this amendment the court may find in favor of the complainant, may award this penalty of $500 a day and order it to be paid to the complainant.

The only redress which the railroad company has is to file a bond which does not operate as a supersedeas, does not stay the execution and go to the Supreme Court. There is no provision to advance the case on the docket of the Supreme Court, and if it takes the ordinary course of litigation it remains three years at least in the Supreme Court and $500 is accruing each day against the railroad company. The court below may issue an execution each day for the $500 and pay the money over, if the judge sees proper, to the insolvent person or corporation who is the complainant; and at the end of three years when the railroad company may have gained the suit and it is found that really there was no basis for the complaint against it, it finds that its only remedy has been a declaration of law and the money has been paid over to an insolvent person, and is gone, and no redress is given to the company.

If that is not the operation of the amendment, then I totally misconceive its whole scope and meaning. For that reason I move to strike out the words which make the distinction between this case and any others in appeals, that the bond executed by the party that loses in the court below shall not operate to stay the execution.

If the Senator from Vermont in offering the amendment meant simply to say that the injunction or "interdict," as it is termed here, should remain in force, that is one proposition; but I should be unwilling as a lawyer to give the power to any *nisi prius* tribunal, to any judge, to say that money should be paid over to any complainant without regard to his responsibility, and then that the execution should not be stayed even by a bond, and at the end of the litigation in the appellate court the party appealing find that the money has been collected and is gone.

Mr. EDMUNDS. I think the Senator from Missouri slightly misapprehends the section as it stands which was on my motion substituted for the former section 13 of the bill. It does not authorize any private person or private corporation to apply to a court against a railway for a general grievance or a special grievance under the bill. It only provides for an application to the court in case of a disobedience of the order of the commissioners that has been made upon inquiry and upon hearing. That is what it does. The commissioners may apply, or the party aggrieved may apply, but he begins, and the only status that he has in the court except on its ordinary common-law side like anybody else with security, is that he begins with the order of these commissioners under the bill to the railroad company to do something or to stop doing something that they believe to be in contravention of duty under this act. He comes in in that attitude. It may be a small shipper at Saint Louis or at San Francisco or wherever, who would stand no chance whatever in the battle of this life in the courts of law with a great railroad corporation, not because the judges and the juries would not do him justice but because by the law's delay and the enormous expense of litigation he would be eaten up and dead and gone before he could come to the final solution and establishment of his rights. That would be hopeless, everybody knows.

Therefore, this section provides that having appealed to the commissioners and they having heard the railroad company in respect of the particular grievance complained of and made their order, they or he, the railroad company refusing to obey it may apply to the circuit court of the United States for the proper district, and that circuit court having heard the parties and determined the matter and directed the company to obey that order, then if the company appeal, notwithstanding their appeal they shall continue to obey. If they continue to disobey, appealing or not appealing, then the court may compel them to pay $500 a day by attachment or whatever means can lawfully be employed as a penalty for that contempt; and I never yet heard that an appeal against the judgment of a court for a contempt was to stay proceedings. It ought not to.

So I think my friend from Missouri has misapprehended the scope of this section. If it had been, as he supposed, the ordinary case of a private person applying in a suit on application against a corporation or anybody else on a case and he could not make it out, and had not already been heard by the tribunal that the bill appoints, there would be great force in what he says; but applying only, and being authorized to apply only, for a disobedience of the order of the commission made on a hearing, and then having got the judgment of the court in his favor upon that, that the defendants shall do so and so or omit doing so and so, then they choose to appeal, that meantime they must obey, that it shall not supersede the order, as the Senator himself said it ought not to do. If it does not supersede the order the order must be obeyed.

Then comes the five-hundred-dollar provision, that if that order which is still in force and must be obeyed is still disobeyed, the court can compel the disobeying party to pay $500 a day into court or to whomever it chooses.

Mr. VEST. Does the Senator from Vermont mean to say that a decision of the circuit court of the United States as to the legality or lawfulness of the order of the commission is final?

Mr. EDMUNDS. No.

Mr. VEST. Does he not provide for an appeal to the Supreme Court?

Mr. EDMUNDS. I do.

Mr. VEST. On what is that appeal?

Mr. EDMUNDS. That appeal is on the validity of the order.

Mr. VEST. Then if such an appeal is made, what good does it do to the railroad company to win in the Supreme Court if the money is already paid to the other party and gone?

Mr. EDMUNDS. The money is only paid over for continuing to disobey the order while the appeal is pending. If the company choose to obey the order of the court pending the appeal, it not being superseded as the Senator seemed to agree it should not be superseded, then they do not have any money to pay. They are only required to pay money because they do not obey the standing order of the court still in force.

Mr. VEST. But that is not a final decree of the court, because the party can go to the Supreme Court on it, and still the $500 a day continues and can be paid over each day to the complainant, whether it is an insolvent corporation or an insolvent individual.

Mr. EDMUNDS. But the common carrier has his option. He can either obey the order of the commissioners affirmed by the court when he has nothing to obey but to continue to do his duty until he can show it is not his duty, or if he refuses to obey the order of the court, then he must put up his money rather than go to jail; because that is all there is to it.

It is not the ordinary case at all; but if you strike that out and provide that the circuit court, an appeal being taken from this order, shall not continue the order in force, that it shall operate as a supersedeas on giving bond, having been a railway lawyer and railway counsel almost all the days of my life I think I know enough about railway operations and railway counsel to know that any private benefit to be gotten to the people of this country by any order of these commissioners affirmed by the circuit court would be worth nothing at all except in disputes between railway corporations where one had as much money as the other to spend years in fighting it out.

My point was in this amended section 13 to bring this justice home. When the commissioners first and the circuit court afterwards had said that the railroad must do a particular thing to a private citizen, then I say until the railroad can show the Supreme Court of the United States that it ought not to do so, it must do it pending the appeal; that the order should not be superseded. Very well; not being superseded then this money part only applies to where they refuse to obey the order of the court instead of obeying it meantime, and then the court is authorized to take their money. I think that is right. It is exactly what the English law has been for thirty years.

Mr. VEST. If the argument of the Senator from Vermont is worth anything as to the inequality of a legal contest between a poor man and a rich corporation, those words ought not to be in the bill. The logical conclusion of what he says is that the clause ought not to be in the bill because the parties are not in litigation on equal terms. But the Senator proposes to give an appeal from what? From the question whether the order of the commission is lawful or not. If you want to stop the order of the commission, then say so in plain and distinct terms; but the Senator does not stop there. He says "the lawful order." Who is to determine that? It goes to the circuit court of the United States and they pass upon the question of the legality of the action of the commission. If the Senator wants to stop there let him say so, and let that be the tribunal of last resort. But he does not stop there. He says that from the decision of the circuit court either party can go to the Supreme Court of the United States upon filing a bond as in ordinary cases. A bond for what? If a bond as in ordinary cases in practice in the United States courts it would be a supersedeas; but the Senator goes further even than that to remove all doubt and says that an appeal can be taken from an ordinary judgment for so much money or from this order as for a contempt.

In the mean time while this mockery of an appeal is going on the judge of the circuit court may order the $500 a day to be paid each day over to the complainant. What redress is there for the railroad company? What railroad company would ever take an appeal? If the Senator from Vermont wants no appeal taken, he has absolutely destroyed it by the terms of the section without saying so in express terms.

Mr. EDMUNDS. My friend seems to omit the consideration of the circumstance that this order of the circuit court ordinarily would be a continuous order, or an order, if it were a prohibitory and restrictive one, that in the mind of the railroad company might hamper their operations an unjust one. If they can succeed in showing the Supreme Court of the United States that it is an unjust or unlawful order, then they get it set aside, but while it is going on they must obey the order of the circuit court.

This money part of it does not come in as a question affecting the right of the matter to be recovered back or anything else, but they can obey that order, and that is the point, making them obey it until they can get it reversed by the Supreme Court. That merely means that they shall not charge me more for one distance than my friend from Missouri for another distance, or that they shall make a certain connection between two railroad companies. Pending the litigation it is not very hard to ask them to obey as far as that goes.

Then they are only required to pay this money when they refuse to obey, so that the appeal is made for something. It is worth a great deal, and we are giving them a great deal by allowing them to appeal; but it is only a punishment to them for refusing to obey meantime that they are called upon to pay any money at all.

Mr. VEST. I understand the Senator from Vermont to say now that this is not a question of money judgment at all. If that is so, then what is the meaning of this language in the section:

> When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States.

Here is $500 each day adjudged against the corporation.

Mr. EDMUNDS. But that is not "the subject in dispute," for the $500 a day is punishment for contempt in disobeying the order. If the matter between the railroad company and the shipper is a mere trifle of no value or consequence to either of them, then as in all other cases we do not allow any appeal. It must be a matter of substantial importance, which amounts to something, and I called it $2,000 instead of $5,000 in order not to press the railroad company too hard.

Mr. VEST. Does the Senator from Vermont mean to say that after four days at $500 a day, when the amount of $2,000 is reached, the railroad company can not appeal to the Supreme Court?

Mr. EDMUNDS. I mean to say it could not appeal from the money at all. It depends on the question that is in controversy between the parties when the circuit court pronounces judgment as to whether the railroad should obey the order of the commission or should not.

Mr. VEST. That unquestionably is in dispute between the parties, the legality of the judgment of $2,000, at $500 a day. The order itself may not be susceptible of being reduced to dollars and cents. It may be an order that the company shall charge a certain amount of freight or shall put on so many cars or something that you can not put into money. Would not the judgment of the Supreme Court of the United State release the company from this penalty if the company succeeded in the appellate tribunal?

Mr. EDMUNDS. It would stop the penalty itself, because the order then is obeyed, but the $500 a day has nothing to do with the subject in dispute between the parties. It is the consequence simply of disobedience by the party of the order of the commissioners affirmed by the circuit court upon a hearing. That is all.

When you come to $2,000 in reference to what the Senator says in regard to being incapable of estimation, we have all lived long enough in the world to know that the Supreme Court allows affidavits on questions about the conduct of affairs and business transactions and disputes between parties to show whether the subject in controversy is of consequence amounting to $2,000 or $5,000, or not. As a practical question, any judge of the Supreme Court who is called upon to allow an appeal says: "What is this question between you? What is this order of the commission?" The order is then stated in a given case, that the railway company at Richmond, Vt., where I was born, shall stop its trains once a day there in order to take on freight and passengers, to carry them to Burlington, a dozen miles, where I live now.

To the judge of the Supreme Court, to whom an application for appeal is made, as this is a continuous order, the railway company say that it will cost us $20 a day to do this thing in stopping and backing our trains, and all that sort of thing, and therefore, as a permanent and continuous order, this is of more consequence to us than $2,000, a good deal. The judge says, "Very well; I am satisfied; it would be a continuous order; this controversy, therefore, between these parties is of more consequence than that." If it was a question whether they should take on five barrels of apples one day or the next day the whole value there would not be $20. Then the judge from whom the appeal was asked would say, "This is a matter of no special consequence; it is not worth any $2,000; I shall not allow you an appeal at all." That is all easy enough in the practice of the courts.

Mr. VEST. Then there ought not to be any limitation of amount fixed here to determine the appellate jurisdiction at all. If this thing is to be left to the mere judgment of the judge himself, it is the most extraordinary jurisdiction that I have ever known.

The Senator says in his amendment an appeal is to lie when the amount in dispute is $2,000. Here are two parties in the court below, and they may apply for an appeal. It seems to me that the judge would look at the record and look at the pleadings and see what is the amount claimed and what is the amount in litigation. But instead of that the Senator from Vermont tells us now that the $2,000 goes for nothing except that the judge is to estimate as to the value to either party of the subject-matter in litigation.

I do not so understand the practice of the law. To say the least of it, this will give rise to complicated litigation as to the right of appeal and the jurisdiction of the Supreme Court. There ought to be an appeal or there ought not to be an appeal. If the Senator from Vermont means to stop with the judgment of the commission or the circuit court of the United States he ought to say so. If upon the other hand he means that the Supreme Court of the United States shall pass upon the whole controversy, then the bond should be a supersedeas.

Mr. SPOONER. If I may be allowed to suggest it, I think the prop-

osition of the Senator from Missouri is based partly upon the anomalous provision here that the $500 a day, which as the Senator from Vermont says is a punishment for contempt of court, may under the provisions of the bill be paid over to the complainant, so that it might happen under the operation of this section that a great many thousand dollars as daily fines for contempt would be paid over to a complainant possibly irresponsible, and after the lapse of time the Supreme Court of the United States decide that there was no cause of action and that the court below should not have granted the injunction at all. I submit to the Senator from Vermont whether in any event the penalty provided by the section for contempt of court ought to be paid to a party to the suit? Should it not go into the Treasury instead?

Mr. EDMUNDS. My answer to my friend from Wisconsin about that (and his criticism is a perfectly fair one to bring the question to consideration) is this, and it is in the interest of the citizen: The citizen is not entitled to it by force of the law but only when the case is of a kind where the only redress he has got to have in compelling the railroad to obey the order which is made for his benefit and they will not do it, the only hope of getting anything, as he can not go to law and get his action for damages because he would be eaten up in costs and expenses, is that the court in a proper case may direct that this penalty for disobeying the order, which compels them to do justice then and there, shall be paid to him. It is discretionary with the court, and I think it is right. It is exactly what the English law of 1854 was, and in substance continues still, when they changed their judges to a commission, to whom they can give, as we can not, judicial powers.

Mr. SPOONER. I should like to make one other suggestion to the Senator from Vermont, and that is whether this provision should not be made a little more elastic than it is; whether there may not be circumstances such that it would be wise and in the interest of the public that the circuit court or district court which has ordered the injunction should be permitted after it has ordered the injunction to take a bond which should stay any operation of judgment pending the appeal, if the case is to be advanced on the calendar of the Supreme Court of the United States. I can without much difficulty, and I think any Senator may, imagine cases where it would be a very close question whether the injunction should issue or not, and it might involve very serious consequences to an entire community, and there might be in such a case very good reason why upon adequate security to be exacted in the discretion of the court the bond should operate as a supersedeas. It would seem that something should be left to the discretion of the court in such a case.

Mr. EDMUNDS. There is force in that; but after the order of the commissioners, who are supposed to be men of great character and capacity, after a hearing before them and then a rehearing before the court, if the court is in so much doubt about the propriety of affirming the order of the commissioners that it would not wish to do it and compel the parties to obey it, meantime all the court has got to do is to say, "I will not affirm this order," and let the commissioners or the other side appeal. The matter will adjust itself, as it did under the English law in thirty years of practice, my fundamental point being to secure the humble private citizen who has not the capacity or the means to fight a great corporation (and having been a corporation lawyer I perfectly well know how it is) when he has got the judgment of this commission first, and the judgment of the circuit court second, in having his rights respected as they are thus ascertained until the corporation can show that he has not any. That is the point.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

Mr. HOAR. In line 31 of the amendment made as in Committee of the Whole, I move to strike out the word "interdict" and insert the words "other proper process." I hope the Senator from Vermont will accept that amendment. The word "interdict" is an entirely new word to our common law. My amendment is more comprehensive, so that it includes "interdict" if there be such a process, as well as any other process.

Mr. EDMUNDS. Let the amendment be stated.

The CHIEF CLERK. In line 31 it is proposed to strike out the word "interdict" and insert the words "other proper process;" so as to read:

It shall be lawful for such court to issue a writ of injunction or other proper process to restrain such common carrier, &c.

Mr. EDMUNDS. I will explain to my friend from Massachusetts why I inserted that word. It is true, as my friend from Massachusetts says, that "interdict" is not a word common in our common law, but it is a word describing a process of four different capacities, I believe (I have not looked it up recently), in the civil law; and it was adopted into the English statute of 1854 on the subject of the management of railways. It has the quality, as the Senator from Alabama [Mr. MORGAN] suggested the other day, of authorizing the court to command and direct and speak between, so to express it, the common carriers and anybody else, for them to do affirmative things, and to do thus and so. Inasmuch as I found this word in the English statute, I could not think of any one word which would do any better.

If the Senator from Massachusetts has constitutional scruples about bringing that word into the law and will add to the words "other proper process" the words "affirmative or negative," so as to give a clear authority to the court to command the doing of something instead of merely refraining from something, I shall not object.

Mr. HOAR. I suppose the word "injunction" covers that. A mandatory injunction is a very common process in our equity proceedings.

Mr. EDMUNDS. Not very common.

Mr. HOAR. I remember once getting a mandatory injunction for a person. A railroad refused to deliver his freight on the payment of a certain reasonable price. He gave a bond to pay anything more that should be properly and lawfully demanded and got out a mandatory injunction, and the goods were delivered.

Mr. EDMUNDS. Have you any objection to saying "any other proper process, mandatory or other?"

Mr. HOAR. Not the slightest. The word "interdict" to most American minds is suggestive of bell, book, and candle, and the ecclesiastical process which ordinary people, though not perhaps lawyers, usually are more familiar with than they are with any other use of the word. But I will accept the modification of the Senator from Vermont and ask that that may be inserted in all the lines where the word "interdict" occurs, in line 31, line 38, line 42, and so on.

Mr. EDMUNDS. I have not the slightest objection to inserting the words "injunction, or other proper process, mandatory or other."

Mr. EVARTS. I would make one observation on this substitution, that if it is intended to enlarge a discretionary creation of process by the courts it ought not to be allowed. Is not this a process that means the power of the court to do this, that, or the other at discretion?

Mr. HOAR. Certainly. In the jurisdiction with which I am most familiar the courts have power to frame it. It does not enlarge the judicial power.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts to the amendment made as in Committee of the Whole will be stated.

The CHIEF CLERK. In line 31 of the amendment strike out the word "interdict" and insert "other proper process, affirmative or negative."

Mr. EDMUNDS. "Affirmative" is just as well, but "other proper process, mandatory or otherwise," would be better.

Mr. EVARTS. The processes of our law are well understood and have long been practiced upon. I suppose it is not the intention of the Senate or of Congress to create new methods of executing the special function which is brought into play in aid of this bill. I can not see that anything valuable is added by using any additional phrase to that of "injunction." However, if it is necessary to point with full efficacy to the use to which the injunction may be put, we should follow language that we understand, and say the court may issue a writ of injunction that restrains or is mandatory upon those common carriers. I do not like to carry to the courts a dispute whether there are new creations or inventions as to "interdict." It has no meaning with us in our law; but the Senator from Vermont has found in the practice newly introduced into the English law that word, which has, if I understood him rightly, four meanings.

Mr. EDMUNDS. Four applications.

Mr. EVARTS. Four applications. I should like to know before I agree to incorporate the word "interdict" what those four applications are. I should not like to adopt the phrase merely because the English Parliament know what "interdict" means, being then presently instructed, which they never understood before; but I should like to know what it means also. The truth is that "injunction" is adequate as it is used and understood by our law, and that "mandatory injunction" has no more need to be resorted to in this instance than it has in other instances. An injunction covers a proper resort to a mandatory injunction; and if that covers it in other cases it covers it just as well here.

I submit that if it is necessary to point an application, it should be an injunction either restraining or mandatory upon the carrier, and then we shall know what that means.

Mr. EDMUNDS. In support of the suggestion of my friend from Massachusetts, and in opposition to what my friend from New York has said, I wish it to be borne in mind that this application to the circuit court is on its equity side, and it is on a new state of circumstances that have not hitherto been brought into the jurisprudence of the courts of equity, and for which the general rules and regulations which the law authorizes the Supreme Court of the United States to make for equity practice do not at all provide. Therefore, under this new state of circumstances it would still be proper to allow this court of equity to frame and mold its methods to the circumstances of the case, as the Senator from Massachusetts has said, by such processes as are suitable and adequate to the occasion.

So I hope the Senate will agree to the amendment of the Senator from Massachusetts, if they do not like "interdict."

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 31 of the amendment it is proposed to strike out the word "interdict" and to insert:

Other proper process, mandatory or otherwise.

In line 38 to strike out the word "interdict" and insert the same words.

Mr. EDMUNDS. And in line 35 as well. Insert the words wherever the word "interdict" occurs.

Mr. HOAR. In lines 44 and 49 the word "interdict" occurs.

The PRESIDENT *pro tempore*. The question will be put on the first amendment to the amendment, inserting the words read in lieu of "interdict," in line 31.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The same words will be inserted wherever the word "interdict," in four or five places in the section, occurs. The question recurs on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. In section 20, line 6, after the word "tickets," the Senate, as in Committee of the Whole, inserted the words:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion.

The amendment was concurred in.

The PRESIDENT *pro tempore*. This closes the amendments made as in Committee of the Whole which were reserved.

Mr. CULLOM. I desire to call the attention of the Senate to page 10 of the bill and to move to strike out these words, beginning in line 15 of section 8:

Vacancies occasioned by removal, resignation, or other cause shall be filled by the President, by and with the advice and consent of the Senate.

That might be construed to mean that we should have no commissioner if a vacancy occurred in vacation until after the Senate had acted upon the nomination.

Mr. EDMUNDS. That is right. The Constitution provides for all that.

Mr. CULLOM. The Constitution would cover that without these words, and hence I ask that they be stricken out of the bill.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the words read by him be stricken from section 8 of the bill.

The amendment was agreed to.

Mr. CULLOM. At the end of section 8, so that the commission may never become extinct by virtue of any two or three of them resigning or dying or whatever might occur to make vacancies, I think these words ought to be inserted:

No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

I move that amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois.

Mr. CULLOM. My purpose is that whatever members of the commission may be in service shall have the power of the commission to proceed with the work until the President shall fill the vacancies.

Mr. HOAR. Is there not a general law on that subject?

Mr. EDMUNDS. That is all right.

The amendment was agreed to.

Mr. ALLISON. In section 1, line 5, I think the word "wholly" should be inserted after the word "property;" so as to read:

Carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water.

So as to make it perfectly certain that this measure will apply to all railroads.

Mr. CULLOM. I have no objection to that amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. MCPHERSON. I now move to strike out all of the fourth section and to insert what I send to the Chair.

Mr. BLAIR. Before that amendment is put I desire to offer an amendment to the fourth section for the purpose of perfecting the text.

Mr. EDMUNDS. The amendment of the Senator from New Jersey will have to be read to see what his motion is.

Mr. MCPHERSON. Let my amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read, and the amendment of the Senator from NewHampshire will then be in order.

The CHIEF CLERK. It is proposed to strike out all of section 4 and to insert in lieu thereof:

That it shall be the especial duty of said commissioners to investigate and report at the next session of Congress as to the extent to which, if at all, the commercial interests of the country and justice to the carriers engaged in interstate commerce demand or permit the enactment of a law prohibiting carriers within the provisions of this act from charging or receiving any greater compensation, in the aggregate, for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance.

Mr. EDMUNDS. Is that in print?

Mr. MCPHERSON. It is in print.

Mr. EDMUNDS. Where can I see it?

Mr. MCPHERSON. It is on the last page of the amendment offered by the Senator from Wisconsin [Mr. SPOONER].

Mr. BLAIR. Before that amendment is acted upon I desire to move one for the purpose of perfecting the section as it now stands.

The PRESIDENT *pro tempore*. That amendment will be first in order.

Mr. BLAIR. I move to amend the fourth section by inserting at the end of the proviso, in the twenty-first line:

Provided, also, That when such application under the foregoing proviso shall have been made to said commission within ninety days after the organization thereof, of which notice shall be given by proclamation of the President, this section shall not go into effect if against the applicant, until thirty days after the decision of the commission thereon shall have been made known to the applicant.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. BLAIR. I ask the Secretary to read the preceding proviso, so as to show how the whole will read if my amendment is adopted.

The Chief Clerk read as follows:

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall, until changed by the commission or by law, have like force and effect as though the same had been specified in this section: *Provided, also*, That when such application under the foregoing proviso shall have been made, &c.

Mr. BLAIR. Mr. President, I wish to explain, if I can have the attention of the Senate, the reasons why I offer this amendment.

The fourth section seems to me to be the bill and contains all which to my mind is objectionable in the work of the committee. The commission seems to be created primarily for carrying out the common law. This section interferes with the existing condition of things, the arrangements which have been the result of business for the whole term of railroad life in the country, and must of course, as we all see, compel the immediate reconstruction of every tariff of fares and freights throughout the country. The bill, if enacted into a law, so far as every railroad is concerned, has immediate operation to compel this reconstruction of its tariffs. That I suppose every one will concede.

The friends of the bill justify the fourth section, at least many of those who are about me say they do, because of the saving clause in the proviso, that application may be made by the roads whose interests are affected for a modification of the natural operation of the law; that is to say, they may be allowed upon application to the commission and showing a good cause, notwithstanding the law, to charge more for a short haul than for a long haul. It is by reason of this power on the part of the commission to nullify the act that the act itself is tolerable at all to a great many Senators who say they propose to support it. That is to say, by reason of the fact that the law will not be operative they propose to vote for it. The commission they contemplate will have power to permit, whenever good cause is shown for so doing by any interstate railroad whatever, a charge of more for a short than for a long haul.

It seems to be conceded all the way around that the competition between distant points is under the practical operation of the bill, if it has any practical operation, to be nullified, to be prevented, and the reason of that is this: By the operation of the bill the rates between competing points will be increased and in a corresponding degree the expenditures for transportation upon local points along the great lines will be diminished. By so much as the latter are diminished the other must be increased in order that the revenues of the railroad may be such as to keep them from bankruptcy.

There is the Grand Trunk road, which is beyond the regulation of our law, and if the rates at Chicago and New York, at these distant points, are increased, of course the Grand Trunk will take the great through business. It inevitably must do so. The operation of this measure, as I have tried to explain and as everybody understands, will be to increase those rates, and of necessity the great through business of the country must go over this other road, and naturally the other road itself, having no competitor, will increase its rates.

However, in order to prevent this result the committee incorporated this section in the bill, and it has been amended on the motion of the Senator from West Virginia in such a way as to aggravate and immensely increase the evil, the way to which was opened to some extent by the section as it originally stood upon the report of the committee.

That being so, and the evil to which I have adverted under the operation of the bill being guarded against by the first proviso, which gives the right to any of these roads to apply to the commission for a negative of the general provisions of the bill, for the right to charge more for the short than for the long haul, it seems to me that consistency, ordinary fair dealing, and good sense in the procedure should give the trial before the judgment is rendered rather than after it has been rendered.

If the bill goes into operation every road must change its rates of fares and freights immediately. If it continues under the existing system its managers become liable to the heavy penalties of the law. At once this change must be made.

Everybody believes from what I have stated and from his own knowledge of the bill and of the condition of affairs that in a great many in-

stances the provisions of the bill will be relaxed in the way that I have indicated. It must be so, unless we drive the business of the country out of the country, and unless we are to add greatly to the cost of the long haul.

The provision which I have offered as an amendment simply gives the right to any road that thinks itself liable to be injuriously affected in its interests three months after the proclamation of the President, within which time it may make its application for a modification of the law, so that if it is a case where they ought to be permitted to charge more for the short haul than for the long haul they may have a hearing before the commission and may have a judgment before they change their tariffs and before the business of the country is thrown into a general condition of confusion.

That is the only purpose there is in the amendment. The time limited is three months, or ninety days, within which the application may be made. If it is not made within that length of time the law will become at once operative. In substance this proviso will be a little more than if we provided that the law itself should go into effect ninety days after its passage, giving the *interim* as a period within which applications might be made by those roads which are interested for a modification of the operation of the fourth section.

I do not know that the committee themselves will make any opposition to the adoption of the amendment, but at all events I offer it and I hope that it may be adopted.

Mr. PLATT. It seems to me that the provision proposed by the Senator from New Hampshire is unnecessary. If this measure passes it will be some considerable time before the law can become practically operative. That will afford a sufficient time for railroad companies to conform their rates to the provisions of the bill.

In the second place, I think that the instances in this conntry where a railroad company charges more for a short than for a longer distance are greatly overestimated. One such instance travels all over the country and is taken as the rule of railroad corporations. I do not think as a rule that railway corporations in this country, especially in the Eastern portion of the country, are charging any more for short than for longer distances, unless it be in rare instances. I do not believe any such instances exist in the State of Connecticut. I am told that none exist in the State of Massachusetts. I presume at the West and South the instances are more frequent than in the East, but I think the number of such instances has been vastly overestimated in this debate.

It seems to me the rule ought to be that there shall be no greater charge for the short than for the longer distance, and I think no great hardship will accrue to the railroad companies in letting that rule go into operation as soon as the commission get organized and ready to proceed to business. The corporations can make their application at once to the commission, and the commission, I have no doubt, will speedily dispose of the cases, so that if the exceptions ought to be made they will be made without any serious inconvenience to the railroad companies. I do not think the amendment is necessary.

Mr. VANCE. Mr. President, if the Senator from Connecticut or any other Senator is under the impression that the bill as now amended by the amendment of the Senator from Vermont forbids the greater charge on the short haul, he is very much mistaken. There is no such provision in the bill as it now stands. There is, it is very true, a provision made that if the shipper happens to live in Chicago or in New York or at some other great terminal point of railroad concentration this injustice shall not be inflicted upon him. But every other shipper from every intermediate point between two great terminal railroad points is by the adoption of that amendment subject to the rapacity of the railroads just as he ever was, and, sir, for that reason I shall not vote for this bill.

I had hailed the introduction of this bill as a partial relief and as something in the right direction, but I will not vote for relief to men who already have the benefit of competition at these great terminal points, leaving the men who can not help themselves at the intermediate points in the same unsatisfactory condition as before. I will not grant relief to A and refuse it to B, who is in substantially the same circumstances. There are other people living in the United States of America besides those who live at the great terminal railroad points, and it is those other people whom I am desirous to protect, and I will not vote for a bill that protects those only who do not need protection, who live in the great cities, and that at the same time leaves the people of the intermediate towns, the small towns and villages, and the humble shippers still at the mercy of railroad rapacity. I will not be a party to any such scheme of pretended relief as that.

Mr. BLAIR. The Senator from Connecticut [Mr. PLATT] seems to me to misapprehend the nature of my amendment entirely. The purpose of the amendment is to prevent the act commencing to be operative against these roads and compelling the revision of their tariffs of fares and freights until they have had the opportunity, which the bill contemplates, of making application for exception from the operations of the act; and now it seems to me that that opportunity ought to be given before the judgment is rendered.

The bill as it is, without this proviso, simply compels a general reorganization of the railroad tariffs of the whole country at the start. It has got to be done or these penalties will be incurred. Now, why should there not be a short period of time given by the terms of the bill during which those roads which find their interests seriously threatened, or who may think they are threatened, by such a revision of their tariffs (which is a very expensive and troublesome thing to do) may make their application, and then, having made their application, await the judgment of the commission? It seems to me that no one can object to a provision of that kind.

As to all the other roads where there is no difference between the long and the short haul, or where there is no violation of the general provisions of the act, of course there is no probability of an application; but the great through lines, the great interests which are to be affected by the operation of this bill if it shall amount to anything, are likely to make these applications; they will inevitably do so. Why should they not have the opportunity to do so and to be heard and to avoid the ill effects, if they are to be such, of the act upon their interests before the act itself goes into operation? It seems to me just like rendering judgment and hanging a man and giving him a trial afterward.

I hope the amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

The amendment was rejected.

Mr. MCPHERSON. Now I should like to have the vote taken on my amendment. I do not suppose the fourth section is satisfactory to anybody in its present shape.

Mr. CAMDEN. I hope the amendment will not prevail. While the fourth section is not as I prefer it, yet it is in pretty good shape, and I hope it will be retained in the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey [Mr. MCPHERSON] to strike out the fourth section and insert his substitute.

Mr. MCPHERSON called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. PALMER (when Mr. CONGER'S name was called). My colleague [Mr. CONGER] is paired with the Senator from Virginia [Mr. MAHONE]. If my colleague were here, he would vote "nay."

Mr. HOAR (when the name of Mr. DAWES was called). My colleague [Mr. DAWES] is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. MITCHELL, of Oregon (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. But for that I should vote "nay."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. COCKRELL. I am paired, as announced by the Senator from Massachusetts [Mr. HOAR], with his colleague [Mr. DAWES], or I should vote "nay."

Mr. ALLISON (after having voted in the affirmative). Yesterday the Senator from Indiana [Mr. VOORHEES] said he would be absent an hour or two, and asked me to pair with him, and I did pair with him yesterday. The matter did not occur to me to-day. I am reminded now that it is his understanding that I am paired with him for to-day.

Mr. KENNA. That is my recollection of his statement to me.

Mr. ALLISON. He certainly did not so state to me and I had no such understanding, otherwise I should have paired with him with pleasure during the day. Now I withdraw my vote and announce the pair.

Mr. HARRIS. I desire to state that the Senator from Kentucky [Mr. BECK] is paired with the Senator from Maine [Mr. HALE]. If the Senator from Kentucky were present, he would vote "nay" upon this question.

The result was announced—yeas 20, nays 29; as follows:

YEAS—20.

Aldrich,	Evarts,	Jones of Nevada,	Sabin,
Blair,	Frye,	Logan,	Sawyer,
Bowen,	Hawley,	McPherson,	Sewell,
Brown,	Hoar,	Miller,	Spooner,
Chace,	Ingalls,	Palmer,	Teller.

NAYS—29.

Berry,	Fair,	Morrill,	Van Wyck,
Call,	George,	Payne,	Walthall,
Camden,	Gorman,	Platt,	Whitthorne,
Coke,	Harris,	Pugh,	Wilson of Iowa,
Colquitt,	Kenna,	Ransom,	Wilson of Md.
Cullom,	McMillan,	Saulsbury,	
Edmunds,	Maxey,	Sherman,	
Eustis,	Morgan,	Vance,	

ABSENT—27.

Allison,	Dawes,	Hearst,	Pike,
Beck,	Dolph,	Jones of Arkansas,	Plumb,
Blackburn,	Gibson,	Jones of Florida,	Riddleberger,
Butler,	Gray,	Mahone,	Stanford,
Cameron,	Hale,	Manderson,	Vest,
Cockrell,	Hampton,	Mitchell of Oreg.,	Voorhees.
Conger,	Harrison,	Mitchell of Pa.,	

So the amendment was rejected.

Mr. COKE. I offer the following amendment to come in at the end of section 20:

Provided, That the time when any common-law remedy shall be suspended under this section shall not be counted under any statute of limitation against such remedy.

I ask the Secretary to read from line 11 of section 20 to the end of the section with my amendment added.

The CHIEF CLERK. As proposed to be amended, the last clause of section 20 will read as follows:

But no person, association, or corporation shall at the same time prosecute any complaint before said commission and pursue his or its remedy at law; and lodging a complaint before such commission shall suspend, until the same is disposed of, the common-law remedy; and it is expressly provided that no pending litigation between railroad companies shall in any way be affected by this act: *Provided*, That the time when any common-law remedy shall be suspended under this section shall not be counted under any statute of limitation against such remedy.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas [Mr. COKE].

The amendment was agreed to.

Mr. SAULSBURY. I desire to offer an amendment to section 17, found on page 22, to strike out all after the word "information," in line 6, down to and including the word "balance-sheet," in line 20. This section authorizes and requires "annual reports from all common carriers, subject to the provisions of this act," and the commissioners are to "fix the time and prescribe the manner in which such reports shall be made," and are to require from carriers specific answers to all questions upon which the commission may need information.

I do not propose to strike out that portion of the section, but I propose to strike out what I now read:

Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employés and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet.

It strikes me that those provisions are not necessary to enable the commission to perform any duty assigned to them. It is an interference with the private affairs of corporations. It seems to me to be going entirely too far. What advantage will the people of the country have from a report to the commission of what a railroad corporation paid out, what was the financial condition of the corporation, the value of its property, and the amount it pays to all its employés? There can be no valid reason assigned why a corporation should make such a detailed report to the commission while the items called for do not touch the question whether the corporation has discriminated against anybody or made extortionate charges. For that reason I move to strike out that part of the section.

I desire to say that I am sure I can not and I do not believe any member of the Senate can tell to-day the effect of this legislation either upon the interests of shippers or of common carriers. I have taken no part in the discussion of the bill, because I confess here and now that it is a bill the effects of which I can not predict with any degree of certainty. I do not know how it is going to affect the shippers of the country or the common carriers of the land. We are simply making a venture.

There has been great complaint of extortion and discrimination. Doubtless these complaints are well founded. I think we should apply a remedy to those wrongs. The bill may have that effect, but I am sure I can not tell that it will. I do not believe from anything I have heard in the discussion here that there is any just expectation as to what effect it will have. There was a provision offered by the Senator from West Virginia [Mr. CAMDEN], which was a valuable provision if it had remained in the bill, for the protection of shippers at intermediate points. That has been stricken out, and so far as I can now see there is not a single provision in the bill which imposes an additional obligation on common carriers to that imposed on them at common law. If extortionate prices for carrying freight or produce are imposed, or if unjust discriminations are made, the common-law courts of the country afforded a remedy; and that is all that is proposed by the bill. But under this bill that remedy is not in the State courts; it is in the Federal courts, at a distance from the shipper. So I do not see that the shipper himself is benefited one particle by this bill. I am fearful that, after the amendment of the Senator from West Virginia has been disposed of by striking it from the bill, the effect will be injurious rather than beneficial.

There are other objections to this bill. I shall, perhaps, vote for the bill, because there seems to be a popular demand that something shall be done to correct the evils perpetrated by railroad corporations; but there are objections to the bill. One is the vast power placed in the hands of the commission. You virtually oust the State courts of all jurisdiction over questions as to tolls and freights, because, after you have given this remedy through the commission, there will not be any person who will seek a remedy in his own State in the State courts. Those railroad corporations engaged in interstate commerce were chartered by the States; and the simple fact that under some of the provisions of their charters they have been authorized to consolidate with other companies so as to form continuous lines of transportation in different States does not divest them of the obligation to obey the behests of the States that imposed the charters; and yet under the provisions of this bill they will not consult the States, and you practically take away the authority of the States.

Again, you assume that because this is interstate commerce, as it is termed where freight passes over different lines incorporated by different States, it gives you jurisdiction over it as interstate commerce. One thing is certain, you have no greater power over interstate commerce than you have over foreign commerce, for the very provision of the Constitution which gives you the power to regulate commerce between the States gives you the power to regulate foreign commerce. May you not follow this by some provisions of law seeking to control the foreign commerce of the country by regulating the charges on that commerce?

I am not sure that your Supreme Court will sustain the law when enacted. It seems to me to be a measure fraught with a great deal of doubt as to the constitutionality of the proposed law as well as to the policy of its enactment; and there is still greater doubt as to any beneficial effects it will have on the interests of the country.

But I will not detain the Senate by any further discussion. I have called attention to the clause which I have moved to strike out because I think it imposes unnecessary burdens on the common carriers of the country without aiding in any respect the general object proposed.

Mr. HARRIS. The committee supposed that the report of the commission would have a large if not a controlling influence upon such future legislation as Congress might choose to adopt in respect to the regulation of interstate commerce. It also supposed that at no time would Congress be willing to so regulate interstate commerce as to deprive the common carrier of the power or right to earn a reasonable profit upon the actual capital invested in the carrying trade; but if that profit is to be confined to the moneys actually invested in the trade, it is absolutely necessary, as it seems to me and as it seemed to the committee, that the commission should possess itself of precisely the character of, and to the full extent of, the information required by the section. It is a fact known to the committee from the mouths of many witnesses, known to the whole country before the committee was created, that in very many instances these corporations are stocked at three or four times the amount that the railroads actually cost.

Now, I do not suppose that if Congress should proceed to regulate hereafter the carrying trade it would be inclined to allow a reasonable profit on what is known as the watered stock of these corporations, while I do suppose Congress would always desire to so legislate as to allow the corporations to earn all of the necessary expenses with a reasonable profit upon the money actually put into the construction and maintenance of the road. Unless the commission is authorized to acquire information to the extent that the seventeenth section as it now stands requires it will be utterly impossible for the commission to give information to Congress as to the extent to which it may safely go in regulating the carrying trade, and for that reason I shall vote against the amendment of the Senator from Delaware.

Mr. SEWELL. I do not want to take any part in this discussion except to say a word in relation to the statement made by the Senator from Tennessee. That statement has been repeatedly made on the floor of the Senate, and I desire to say, on a thorough investigation of it, that I believe there is no practical foundation in fact for the assertion that the corporations of this country are stocked at three or four times their cost. There is some "water" in some of the railroads, but it does not amount to a bucketful as compared with the ocean, and I am surprised to hear such a statement from an intelligent member of the Senate, one who ought to know, if he does not know, that such is not the case. The capitalization of the railroads of this country is about $60,000 per mile, stock and bonds, as against $300,000 a mile in England, and as against $100,000 a mile on the continent of Europe; and I assert here from what I know of the situation that the railroads today are capitalized at less than it would be possible to acquire the same property for in actual cash at the present time.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware [Mr. SAULSBURY].

Mr. MORGAN. I will support the amendment proposed by the Senator from Delaware because I think the work that we require of these commissioners is entirely supererogatory. We can gain all the information needed in regard to railroads at any time in the direct course of our legislation. I have noticed that when we put the duty of collecting information on commissions they are very apt to make reports for the purpose of continuing the work they may have in hand. I notice that United States engineers, for instance, in making reports on works of public improvement, never fail to find all the little streams throughout the country that they think might be usefully dug out for commerce, not because they feel any decided interest in commerce themselves but because they want to magnify their office. They want to promote the necessity for the employment of those officers in this line of business.

Now you put these commissioners to work and let them collect the facts and they will never come here with a report that will indicate in

the slightest degree that it is unnecessary for Congress to continue them any longer. They will always pile in evidence here for the purpose of showing that they ought to be continued in office. That has been the history of a good many of the commissions we have created, and I think the Senator from Delaware is acting wisely in removing this temptation out of the hands of these judges, if they are judges.

Mr. CULLOM. I only want to say one word. It seems to me that one of the important things which will result from the passage of this act will be the acquisition of information. One of the troubles with the people of the country is that they suppose that railroads are capitalized over and over again beyond what their actual value is, and they therefore are complaining of extortion. My judgment is that this information is necessary in order to enable the commission to know what reasonable rates are; and it is very important that the provision, now proposed to be stricken out, shall remain in the bill, and I hope it will.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware [Mr. SAULSBURY].

The amendment was rejected.

Mr. MORGAN. I offer an amendment to insert the following as an additional section:

SEC. 22. The commissioners appointed under this act shall be considered and regarded as being executive officers, and shall not exercise either legislative or judicial powers.

Mr. PLATT. They can not exercise judicial powers because they have no life tenure. If you made them judges they would have to have a life tenure under the Constitution, as I understand. Therefore they can not exercise judicial powers.

Mr. EDMUNDS. They ought to exercise exactly the power that the bill confers; that is, an executive, discretionary power.

Mr. PLATT. This bill has been very carefully drawn so as to avoid the exercise of judicial powers by these commissioners, so as to deprive it of any constitutional objection. Therefore I do not think this amendment is requisite or necessary.

Mr. MORGAN. I have heard a great variety of expressions among Senators in regard to the functions of these officers, whether they are executive, or whether they are legislative, or whether they are judicial. My judgment is that we have combined very skillfully powers derived from each of these departments of the Government in the hands of these commissioners; and I merely wanted to understand whether they were executive officers, or whether they were legislative officers, or whether they were judicial officers.

Now, the point made by the Senator from Connecticut is not well taken, for commissioners of the United States exercise judicial powers, and they are not appointed for life. They exercise preliminary judicial powers, but nevertheless they originate proceedings of a criminal nature, and sometimes of a civil nature, which run on to and reach the Supreme Court in a judicial way, and can be either affirmed or reversed in the Supreme Court.

I think that in passing this bill we ought to give the courts some guide as to whether we are conferring these powers upon executive officers, or upon judicial officers, or upon legislative officers. I think I have seen in this bill decided evidences of legislative powers, and I suppose the Senate is prepared either to express its opinion or not to express it. I do not care which way so that we have a definite expression.

Mr. EDMUNDS. This bill confers upon these commissioners powers, much or little, great or small; and to undertake to say that they shall exercise no power of one kind or another is entirely unique in the history of legislation. I should suppose that an amendment of this kind would be offered in order to trammel the exertion of the powers that we confer upon the President of the United States all the time and upon the Secretary of the Treasury and everybody else, to exert in respect to executive and administrative affairs a discretion applied to circumstances. I think, therefore, that the amendment ought not to be adopted.

Mr. MORGAN. A distinction is taken between the right of an executive officer to judge what his duty is and to judge of the extent of his powers, and the exercise by him of powers that are judicial under our Constitution. I do not understand that the President of the United States, the Chief Executive, though he may have a right to cause a man's arrest for a certain offense against the law, can sit as a magistrate to hear the cause and commit that man to jail. He exercises his executive power and must have some discretion, of course, that is the power and discretion of making up his judgment for himself to control his own conduct, but that does not convert him into a judicial officer.

Now, if these commissioners have a right to exercise any judicial function, to sit in judgment on the rights of men, then they are judicial officers, and I want to know merely whether we are conferring that power upon them. If they have the right to change the rights of men by their decrees, whether arbitrary or not, whether just or not, then they are legislative officers. Perhaps they are even more than that; they are autocrats. But we ought to know what they are.

The Senator from Vermont says we have given them powers. Well, we have given them powers, a large admixture of powers, quite a voluminous array of powers. We have given them contradictory powers, I am afraid. I believe we have, and I think it is our duty to be able to expound what is our view of their authority that we are conferring in this bill, and not to leave it as a matter of litigation and dispute to be fought out at the expense of people who go before these commissioners hereafter. It is the first bill I have ever known to be brought into the Senate—and in that respect this bill is unique—where the authors of it were not willing to enter into a definition as to whether the powers they conferred by the bill were conferred upon officers of the executive department, officers of the legislative department, or officers of the judicial department of the United States.

Mr. MAXEY. I only want to say that it is not a matter of the slightest consequence to me whether the powers are called executive, judicial, legislative, or ministerial. We have defined on the face of the bill the powers which are to be exercised by the commissioners, and if those powers are not constitutional, that fact ought to be pointed out. Therefore I see no necessity whatever for the amendment proposed by the Senator from Alabama.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment was rejected.

Mr. CAMDEN. Is it in order now to move an amendment, on page 4, section 4, line 6, by striking out the word "original;" so as to make it read:

For a shorter than for a longer distance over the same line, in the same direction and from the same point of departure?

The word "original" before "departure" is surplusage.

Mr. EDMUNDS. We have refused to strike out the fourth section, and therefore voted that the words of the fourth section shall stand. Hence, I submit, the amendment is not in order.

The PRESIDENT *pro tempore*. The Chair thinks that it is in order to strike out one word.

Mr. EDMUNDS. But the Senate has voted that it will not strike out the fourth section.

Mr. KENNA. Suppose the vote was taken on a motion to strike out all after the enacting clause?

Mr. EDMUNDS. That includes more than the fourth section.

Mr. KENNA. Of course it does, but it is the same proposition.

Mr. EDMUNDS. No; quite a different proposition.

Mr. ALLISON. I desire——

The PRESIDENT *pro tempore*. The Chair will correct the impression he formed and expressed. The word "original" is in the very clause that was once stricken out and restored again by order of the Senate.

Mr. ALLISON. That is what I desired to call attention to.

The PRESIDENT *pro tempore*. Therefore it is not open to amendment. The Chair supposed the word "original" was in another part of the section, or the ruling would have been different. That word being in the clause stricken out and reinserted by action of the Senate, it is not now amendable. The question is on ordering the bill to be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. MCPHERSON and others called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALDRICH (when his name was called). Upon this bill I am paired with the Senator from Nebraska [Mr. VAN WYCK]. If he were present, I should vote "nay" and he would vote "yea."

Mr. ALLISON (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES], as I was reminded a few moments ago.

Mr. KENNA. I do not doubt but that the Senator from Indiana would vote for the bill.

Mr. ALLISON. Then I shall vote "yea."

Mr. PALMER (when Mr. CONGER'S name was called). My colleague [Mr. CONGER] is absent, but he wanted it announced that he would vote "yea."

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON], but I am informed he would vote for the bill if present, and therefore I record my vote in the affirmative.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], but understanding that he would vote for this bill if present, I vote "yea."

Mr. VANCE (when his name was called). On this question I am paired with the Senator from Michigan [Mr. CONGER]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB], but I understand that if present he would vote "yea," and I vote "yea."

The roll-call was concluded.

Mr. COCKRELL. I am relieved from my pair with the Senator from Massachusetts [Mr. DAWES], as his colleague tells me how he would probably vote, and I vote "yea."

Mr. HOAR. My colleague [Mr. DAWES] is absent in the service of

the Senate visiting an important public institution with which his committee is specially connected. I do not know how he would vote upon the bill as the fourth section now stands, therefore I have not felt at liberty to arrange his pair for him, as I otherwise should and as he requested me to do when he went away.

I desire also permission to say in regard to myself that I should vote against this bill as the fourth section now stands, believing the bill to inflict a very serious injury on our foreign commerce, were it not for my belief that in its passage through Congress that section will in some way be materially modified before it becomes a law, and I do not desire to prevent the opportunity to pass a bill.

Mr. MITCHELL, of Oregon. I am paired with the Senator from South Carolina [Mr. HAMPTON], but as I understand he would vote for this bill, I vote "yea."

Mr. HARRIS. I desire to announce that the Senator from Kentucky [Mr. BECK] is paired with the Senator from Maine [Mr. HALE]. The Senator from Kentucky requested me to announce that if present he would vote for the passage of this bill. I so announce.

Mr. BLAIR. My colleague [Mr. PIKE] is absent from the Senate by reason of illness. I am not informed how he would vote upon this question, and I am not aware that he is paired. I can not announce how he would vote.

The result was announced—yeas 47, nays 4; as follows:

YEAS—47.

Allison,	Evarts,	Logan,	Sabin,
Berry,	Fair,	McMillan,	Saulsbury,
Blair,	George,	McPherson,	Sawyer,
Bowen,	Gorman,	Manderson,	Sewell,
Call,	Gray,	Maxey,	Sherman,
Camden,	Harris,	Miller,	Spooner,
Chace,	Hawley,	Mitchell of Oreg.,	Teller,
Cockrell,	Hoar,	Morrill,	Vest,
Coke,	Ingalls,	Palmer,	Walthall,
Cullom,	Jones of Arkansas,	Payne,	Whitthorne,
Edmunds,	Jones of Nevada,	Platt,	Wilson of Iowa.
Eustis,	Kenna,	Pugh,	

NAYS—4.

Brown,	Colquitt,	Morgan,	Ransom.

ABSENT—25.

Aldrich,	Dolph,	Jones of Florida,	Vance,
Beck,	Frye,	Mahone,	Van Wyck,
Blackburn,	Gibson,	Mitchell of Pa.,	Voorhees,
Butler,	Hale,	Pike,	Wilson of Md.
Cameron,	Hampton,	Plumb,	
Conger,	Harrison,	Riddleberger,	
Dawes,	Hearst,	Stanford,	

So the bill was passed.

PENSION TO SOLDIERS AND DEPENDENT RELATIVES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the first special order, which is the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I understand that there has been a conference between Senators on both sides of the Chamber in regard to the order of business, and that it has been understood generally that the pension bill, which stands after this bill in order, will be first taken up; and I therefore ask unanimous consent that the pension bill may be laid before the Senate, and that the bankruptcy bill may preserve its right as the special order after the pension bill is disposed of.

The PRESIDENT *pro tempore*. If there is no objection the pension bill will be regarded as the unfinished business. Its title will be stated.

The CHIEF CLERK. A bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. HOAR. I understand that the bankruptcy bill retains its place.

The PRESIDENT *pro tempore*. It does not lose its place as a special order.

Mr. BLAIR. Senate bill No. 1886 is the unfinished business for 2 o'clock to-morrow, as I understand?

The PRESIDENT *pro tempore*. It is.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 13, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 12, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SPECIAL SESSION OF UTAH LEGISLATURE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Territories, and ordered to be printed:

To the Senate and House of Representatives:

The last general appropriation bill passed by the Legislature of Utah was vetoed by the then governor of that Territory. It made an appropriation of money for the support of the district courts of the Territory, including the pay of reporters, jurors, and witnesses, and for the completion and maintenance of the Deseret University and the education of the deaf mutes therein. It also appropriated for the support of the Territorial insane asylum, as well as the salaries of Territorial officers, including that of the superintendent of the district schools, the auditor, the librarian, and the treasurer of the Territory. It also provided for internal improvements, such as roads and bridges.

The appropriation for the district courts, for the payment of witnesses and jurors in criminal cases, was $40,000; that for the Deseret University and the deaf mutes was $66,000, and for the insane asylum $25,000.

The board of regents of the Deseret University have borrowed money for the completion of the university buildings which were authorized by legislative action, and which is now due and no provision made for the payment. The act appropriating for the benefit of the Territorial insane asylum passed by the Legislature was also vetoed. This included the sum of $13,000 which had been borrowed by the board of directors of the asylum for its completion and furnishing, and which now remains due and unpaid. It also included the sum of $3,548.85 for the care and maintenance of the indigent insane.

The Legislature of the Territory, under existing law, will not again convene for nearly two years, there being no authority for a special session. In the mean time, under present conditions, the good order of society will be jeopardized, educational and charitable institutions will be paralyzed, and internal improvements stopped until the Legislature meets and makes provision for their support.

A determination on the part of the General Government to suppress certain unlawful practices in this Territory demands neither the refusal of the means to support the local government nor the sacrifice of the interests of the community.

I therefore recommend the immediate enactment of such legislation as will authorize the assembling of the Legislature of that Territory in special session at an early day, so that provision can be made to meet the difficulties herein suggested.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 11, 1886.

WEIL AND LA ABRA MINING COMPANY CLAIMS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State, dated the 6th instant, touching the claims of Benjamin Weil and La Abra Silver Mining Company against the Government of Mexico.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 11, 1886.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

By a joint resolution of Congress, approved March 3, 1877, the President was authorized and directed to accept the colossal statue of Liberty Enlightening the World when presented by the citizens of the French Republic, and to designate and set apart for the erection thereof a suitable site upon either Governor's or Bedloe's Island in the harbor of New York, and upon the completion thereof to cause the statue "to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic."

The President was further thereby "authorized to cause suitable regulations to be made for its future maintenance as a beacon and for the permanent care and preservation thereof as a monument of art and the continued good-will of the great nation which aided us in our struggle for freedom."

Under the authority of this resolution, on the 4th day of July, 1884, the minister of the United States to the French Republic, by direction of the President of the United States, accepted the statue and received a deed of presentation from the Franco-American Union, which is now preserved in the archives of the Department of State.

I now transmit to Congress a letter to the Secretary of State from Joseph W. Drexel, esq., chairman of the executive committee of "the American committee on the pedestal of the great statue of 'Liberty Enlightening the World,'" dated the 27th of April, 1886, suggesting the propriety of the further execution by the President of the joint resolution referred to by prescribing the ceremonies of inauguration to be observed upon the complete erection of the statue upon its site on Bedloe's Island, in the harbor of New York.

Thursday, the 3d of September, being the anniversary of the signing of the treaty of peace at Paris by which the independence of these United States was recognized and secured, has been suggested by this committee under whose auspices and agency the pedestal for the statue has been constructed as an appropriate day for the ceremonies of inauguration.

The international character which has been imprinted upon this work by the joint resolution of 1877 makes it incumbent upon Congress to provide means to carry their resolution into effect.

Therefore I recommend the appropriation of such sum of money as in the judgment of Congress shall be deemed adequate and proper to defray the cost of the inauguration of this statue.

I have been informed by the committee that certain expenses have been incurred in the care and custody of the statue since it was deposited on Bedloe's Island, and the phraseology of the joint resolution providing for "the permanent care and preservation thereof as a monument of art" would seem to include the payment by the United States of the expense so incurred since the reception of the statue in this country.

The action of the French Government and people in relation to the presentation of this statue to the United States will, I hope, meet with hearty and responsive action upon the part of Congress, in which the Executive will be most happy to co-operate.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 11, 1886.

Mr. LONG. Mr. Speaker, in view of the nature of this communication I would suggest that it be referred to the Committee on the Library, with leave to report at any time.

Mr. DUNHAM. I object.

The SPEAKER. The Chair will state that this, having reference as it does to the use of this statue as a beacon-light, might properly be referred to the Committee on Commerce; but in view of the international

character of the proceedings with reference to its inauguration it might go to the Committee on Foreign Affairs.

Mr. LONG. Then I will change my suggestion, and move that it be referred to the Committee on Foreign Affairs, with leave to report at any time.

The SPEAKER. It has been already referred to the Committee on Foreign Affairs; but the Chair will submit the latter part of the gentleman's motion to the House.

Mr. DUNHAM. I rise to a parliamentary inquiry. Does that give this committee the privilege of reporting legislation for immediate action?

The SPEAKER. It would, under the uniform practice of the House.

Mr. DUNHAM. And force the Congress of the United States to pay for celebrating this matter?

The SPEAKER. That would be a question for the determination of the House when the proposition is reported.

The motion of Mr. LONG was agreed to; and the Committee on Foreign Affairs was authorized to report at any time.

INDIAN AGENT, MACKINAC AGENCY.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of additional compensation to the Indian agent at the Mackinac agency, Michigan, for the next fiscal year; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN R. WATKINS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact in the case of John R. Watkins *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

CLAIMS ALLOWED BY THE COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a list of claims rendered against the United States in the Court of Claims, and recommending an appropriation for their payment; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATE BILL REFERRED.

The SPEAKER also laid before the House the bill (S. 2256) to create a port of delivery at Lewes, Del.; which was read a first and second time, and referred to the Committee on Commerce.

BRIDGE ACROSS THE POTOMAC.

The SPEAKER also laid before the House the bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C., with an announcement by the Senate that that body disagreed to the amendments of the House, requested a committee of conference, and had appointed as conferees on the part of the Senate Mr. RIDDLEBERGER, Mr. SPOONER, and Mr. VANCE.

The SPEAKER. If there be no objection, the request for the conference will be agreed to, and the Chair will announce the conferees on the part of the House hereafter.

DECORATION DAY.

The SPEAKER also laid before the House the following communication; which was read, and referred to the Committee on Military Affairs:

DEPARTMENT OF THE POTOMAC,
GRAND ARMY OF THE REPUBLIC,
Washington, D. C., May 10, 1886.

SIR: The executive committee on memorial services have the honor to extend to you and through you to the Representatives of the Forty-ninth Congress a most cordial invitation to unite with the comrades of this department in the ceremonies in honor of their deceased comrades at Arlington, Va., on Monday, the 31st instant.

Very respectfully, your obedient servant,

S. E. FAUNCE,
Assistant Adjutant-General and Secretary.

Hon. JOHN G. CARLISLE,
Speaker, House of Representatives.

VISIT TO BATTLEFIELDS.

The SPEAKER also laid before the House the following communication; which was read, and referred to the Committee on Military Affairs:

COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 11, 1886.

SIR: On behalf of the association of the First Army Corps of the Army of the Potomac, I have the honor to extend to you and to the members of the House over which you preside a cordial invitation to join the association in a visit to the battlefields of South Mountain and Antietam, Maryland, on the 17th and 18th of the present month.

I have the honor to be, sir, very respectfully,

EDWARD S. BRAGG,
Chairman of Committee.

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. O'HARA, for fifteen days, from the 14th instant.

To Mr. MITCHELL, for one week.

To Mr. LOWRY, for one week, on account of important business.

To Mr. LONG, indefinitely.

To Mr. GIBSON, of West Virginia, indefinitely, on account of sickness.

To Mr. WADE, for two days, on account of important business.

To Mr. LYMAN, until Saturday morning of the present week, on account of important business.

To Mr. CUTCHEON, for one day, to be absent from the city.

To Mr. WINANS, indefinitely, on account of sickness in his family.

ORDER OF BUSINESS.

Mr. EDEN. I ask unanimous consent to introduce for reference two or three bills, as I was unable to be present on Monday.

The SPEAKER. If there be no objection the Chair will recognize gentlemen who were not present on Monday for the purpose of introducing bills.

There was no objection.

EDWARD S. HARRISON.

Mr. EDEN introduced a bill (H. R. 8747) to place on the pension-roll the name of Edward S. Harrison, of the county of Shelby, State of Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK P. WINCHESTER.

Mr. EDEN also introduced a bill (H. R. 8748) to place on the pension-roll the name of Frank P. Winchester, of Montgomery County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. WILLIAMS.

Mr. EDEN also introduced a bill (H. R. 8749) to increase the pension of James H. Williams, of Montgomery County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FICHTHORN.

Mr. CURTIN (by Mr. STORM) introduced a bill (H. R. 8750) to increase the pension of William Fichthorn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL F. RICE.

Mr. FORNEY introduced a bill (H. R. 8751) for the relief of Samuel F. Rice; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. D. AUSTIN.

Mr. PETERS introduced a bill (H. R. 8752) granting a pension to J. D. Austin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALACHI KNISSELL.

Mr. PETERS also introduced a bill (H. R. 8753) granting a pension to Malachi Knissell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER O. WATSON.

Mr. PETERS also introduced a bill (H. R. 8754) granting a pension to Walter O. Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORRECTION.

Mr. BRUMM. I desire to call the attention of the House to an error in the RECORD in the report of the remarks of the gentleman from Alabama [Mr. WHEELER]. The RECORD shows the gentleman from Alabama spoke as follows:

I thank the gentleman from Wisconsin [Mr. BRAGG] for the suggestion that the statements refer to the conspirator, Edwin M. Stanton.

The correction I want to have made is that the gentleman used the words "to the arch conspirator, Edwin M. Stanton." I ask that the correction be made.

The SPEAKER. The gentleman from Alabama does not appear to be in his seat.

Mr. BRUMM. Then I will withhold this matter until the gentleman comes in.

ORDER OF BUSINESS.

Mr. LORE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 8087), and that the same be taken up for present consideration.

Mr. BEACH. In pursuance of the notice that I gave last Saturday, I shall be obliged to call for the regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of the committees for reports.

ADVERSE REPORTS.

Mr. MILLER, from the Committee on Banking and Currency, reported back adversely bills of the following titles; which were sever-

ally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8287) to authorize the State National Bank of Lincoln, Nebr., to increase its capital stock;

A bill (H. R. 7687) to change the name of the Muscatine Bank in Iowa.

BAYOU TECHE, GRAND LAKE, AND CHARENTON, LA.

Mr. IRION, from the Committee on Railways and Canals, reported a bill (H. R. 8755) for connecting Bayou Teche with Grand Lake at Charenton, La.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

OFFICERS' QUARTERS, NEW YORK ARSENAL.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 7764) for the erection of officers' quarters at New York arsenal; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EDWAY A. GRANT.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 267) for the relief of Edway A. Grant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

T. H. NORTON AND JAMES M'LEAN.

Mr. MCKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4760) for the relief of T. H. Norton and James McLean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN RYAN.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5921) granting an increase of pension to John Ryan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION IN PATENT SUITS.

Mr. COLLINS, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 6320) extending the jurisdiction of the Court of Claims to certain suits for the use of patents and patented inventions against the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PROCEDURE UNITED STATES COURTS IN CRIMINAL CASES.

Mr. HAMMOND, from the Committee on the Judiciary, reported, as a substitute for H. R. 3883, a bill (H. R. 8756) to simplify the pleadings and procedure in criminal cases in the courts of the United States and of the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3883) was laid on the table.

Mr. ROGERS, by unanimous consent, obtained leave to file the views of the minority, to be printed with the report of the committee.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 363) granting a pension to Edward Ayers;

A bill (S. 483) to restore Sidney B. Tullan to the pension-roll;

A bill (S. 612) granting a pension to William Weightman;

A bill (S. 843) granting a pension to Elise Burki;

A bill (S. 957) granting a pension to Dudley B. Branch;

A bill (S. 963) granting a pension to Harriet M. Rider;

A bill (S. 977) granting a pension to Elizabeth Barker;

A bill (S. 1020) authorizing the District of Columbia to convey the alley 15 feet wide, running east and west between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots;

A bill (S. 1065) granting a pension to Emeline J. Babson;

A bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.;

A bill (S. 1152) granting a pension to Sarah E. Bassett;

A bill (S. 1290) granting a pension to David W. Hamilton;

A bill (S. 1438) granting a pension to Isom Wilkerson;

A bill (S. 1630) granting a pension to James C. Chandler;

A bill (S. 1998) for the relief of John D. Ham;

A bill (S. 2134) granting a pension to Patrick A. Callanan;

A bill (S. 2185) for the relief of George Titus;

A bill (S. 2186) granting a pension to Louis Melcher;

A bill (S. 2187) for the relief of Rebecca E. Haskins; and

A bill (S. 2188) granting a pension to Ann Smith.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration, under the rule, of bills called up by committees, begins at twenty-five minutes before 12 o'clock. The call rests with the Committee on Foreign Affairs.

INDEMNITY TO CHINESE SUBJECTS.

Mr. BELMONT. I call up for consideration the joint resolution (H. Res. 147) providing indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States.

The SPEAKER. This resolution is in Committee of the Whole House on the state of the Union.

Mr. BELMONT. I ask that the Committee of the Whole be discharged from the further consideration of the joint resolution, and that it be considered in the House as in Committee of the Whole.

Mr. HOLMAN. I ask that the resolution be first reported.

The SPEAKER. The resolution will be read, after which the Chair will state the request of the gentleman from New York [Mr. BELMONT].

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the sum of $147,748.74 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the Chinese Government, in consideration of the losses unhappily sustained by certain Chinese subjects by mob violence at Rock Springs, in the Territory of Wyoming, September 2, 1885; the said sum being intended for distribution among the sufferers and their legal representatives, in the discretion of the Chinese Government.

SEC. 2. That the further restriction of Chinese or coolie labor immigration, if the same shall be found necessary and expedient, can be most properly accomplished by the modification of existing treaties.

The amendment reported by the Committee on Foreign Affairs was read, as follows:

Strike out section 2.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this joint resolution, and that it be now considered in the House as in Committee of the Whole. Is there objection?

Mr. LOUTTIT. I object.

Mr. BELMONT. I move, then, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this joint resolution.

The motion was agreed to; there being—ayes 89, noes 7.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HATCH in the chair), and proceeded to the consideration of joint resolution (H. Res. 147) providing indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States.

Mr. MCCREARY. I ask that the report of the committee, which embraces the message of the President of the United States on this subject, in which this whole subject of Chinese indemnity is thoroughly presented and fully discussed, be read:

The CHAIRMAN. Does the gentleman from New York [Mr. BELMONT] yield to the gentleman from Kentucky [Mr. MCCREARY]?

Mr. BELMONT. Mr. Chairman, I think that the business of the House will be more quickly disposed of if the reading of the report is dispensed with. It contains the message of the President together with voluminous documents. I think I can explain the matter briefly.

The CHAIRMAN. The gentleman from New York is recognized as first entitled to the floor. The Chair will recognize the gentleman from Kentucky later.

Mr. BELMONT. Mr. Chairman, I am confident there need be no special appeal made to the sense of justice which exists in this House; and it hardly seems necessary to do more than briefly state the facts concerning this unfortunate affair in order to bring the House to a full understanding of the grounds upon which was based the President's message of March 2 on this subject, and the reasons which have induced the Committee on Foreign Affairs to ask unanimously the passage of this joint resolution.

In September last there occurred at Rock Springs, in the Territory of Wyoming, a conflict among the laborers engaged in the mines, of whom it should be remarked at the outset that none appear to have been citizens of the United States. Rock Springs consisted of two settlements, one inhabited chiefly by Welchmen and Swedes, the other by Chinamen. All received the same rate of pay of $3.50 a day the year round; and for eight years the white and the Chinese miners had lived and worked peaceably alongside of each other. Last summer a strike was attempted to be organized by the white miners. The Chinese refused to take part in it. The evidence is clear and uncontradicted that no other cause of offense was given. On the 2d of September the white miners, to the number of about one hundred and fifty, armed themselves with rifles and made a sudden attack upon the defenseless Chinamen. The shooting continued for ten hours; twenty-eight of the Chinamen were killed, a number wounded, and their quarters were burned and plundered. No serious effort was made to bring to punishment the perpetrators of this outrage. An inquest was held over the bodies of some of the victims, and this was the verdict rendered:

We, the undersigned, members of the coroner's jury, from the evidence before us, state that human bodies Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 came to their death from exposure to fire, the nationality of said bodies being unknown to us, as they were defaced beyond recognition.

The report of the grand jury was as follows:

We have diligently inquired into the occurrence at Rock Springs on the 2d

day of September last, and, though we have examined a large number of witnesses, no one has been able to testify to a single criminal act committed by any known white person that day. Whatever crimes may have been committed, the perpetrators thereof have not been disclosed by the evidence before us; and, therefore, while we deeply regret the circumstance, we are wholly unable, acting under the obligation of our oaths, to return indictments.

Shortly after, under the protection of United States troops, the consuls of the Chinese Empire in New York and San Francisco proceeded to the scene of the massacre and made a careful investigation and report. Of this the President of the United States says:

In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest, the Chinese representatives were aided by the agents of the United States, and the reports submitted, having been thus framed and recounting facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

In the papers accompanying the message is contained a statement in detail of the value of the property destroyed, which averages for each Chinaman mobbed about $200; and the whole amount is the sum named in this joint resolution.

It may be urged against the payment of indemnity under these circumstances that the subjects of China are under our treaties entitled to the same remedies at law as our own citizens; that the Territorial, State, and Federal courts are open to them for redress. But this is provided always that the laws are executed and enforced. In this instance it is clear that they were not executed, which goes far in determining our responsibility and liability as a Government. Besides, whatever may be said to the contrary, it is a fact that the States do not protect foreigners from the hatred or prejudice of their citizens.

Mr. BUTTERWORTH. Let me ask the gentleman a question right here. Of what nationality were the men who murdered these Chinamen?

Mr. BELMONT. They were Welshmen and Swedes.

Mr. BROWN, of Pennsylvania. None were American citizens?

Mr. BELMONT. It does not appear that any of them were American citizens.

Mr. FELTON. All of them were aliens, were they not?

Mr. BELMONT. All of them, as far as can be ascertained.

Mr. FELTON. One alien against another—the Asiatic against the European?

Mr. BUTTERWORTH. Or the reverse.

Mr. BELMONT. Yes, sir.

The States have surrendered to the National Government their power over the intercourse of their citizens with foreign nations. It may perhaps be argued that throughout all of the treaties with China there runs a certain lack of reciprocity in respect to certain restrictions as to residence and occupation imposed upon our citizens in China; which, on the other hand, are not placed upon the subjects of the Chinese Empire within our own borders. For instance, the treaty of 1844, in article 1, applies to our citizens "resorting to China for purposes of commerce." Article 3 permits Americans to frequent certain specific ports. Article 17, among other things, provides:

And in order to the preservation of the public peace the local officers of the government at each of the five ports shall, in concert with the consuls, define the limits beyond which it shall not be lawful for the citizens of the United States to go.

These conditions are substantially retained in the treaty of 1868, and even in 1880 we are not admitted to full reciprocity in respect to the matter of intercourse within the Chinese Empire. But at all times the Chinese when they are here can go where they will and can engage in any occupation they may choose. We have, however, no fault to find with China on that ground.

The differences between our free institutions and the civilization of China are sufficient reasons in justification of it, and it does not in the least interfere with the friendly relations which we have maintained and which we desire to continue to maintain with China, and we may well recall the promptness and the fairness with which China has always responded to our own demands for similar indemnities, which have been paid to us in large amounts in the past.

Should the House see fit to adopt the recommendations of the President in this message, it will assume the claim which the Chinese minister has made under the instructions of his government to be a debt of honor which we owe to China; and while we thus express our sympathy with the victims of a wrong which the Government of the United States could neither foresee nor prevent, we are well aware that it is our own Government, rather than that of China, which has suffered the greater indignity and injury by reason of this flagrant violation of our laws.

We desire to extend to China the same liberality and generosity which characterizes the action of the Government of the United States in its relation to all foreign powers; and it must at the same time be made very clear that the results of mob dictation and mob violence have only to be made known in this House to meet with the condemnation which they merit. It is not so much many and new laws the country demands of Congress as it is the execution and enforcement on the part of the Government of laws already existing, under which we should abide.

I reserve the remainder of my time.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman before he takes his seat how this amount was ascertained?

Mr. BELMONT. By a careful investigation made by the officers of the Chinese Government; and we were also represented, as stated in the President's message, the extracts from which I read a few moments ago.

Mr. BROWN, of Pennsylvania. How is it ascertained that China is satisfied with that amount?

Mr. BELMONT. China, through its minister, made the claim, specifying the amount ascertained, and the President recommended its payment.

Mr. PETERS. Is there any evidence showing that any of these parties had indicated any intention of becoming citizens of the United States?

Mr. BELMONT. There is no such evidence.

Mr. PETERS. The inference is that none of them had declared their intention to become citizens?

Mr. BELMONT. Yes, sir; of course the gentleman's question does not refer to the Chinese, who can not become citizens.

Mr. MORROW. Under the law the Chinese can not become citizens of the United States.

Mr. DUNHAM. Let me ask the gentleman from New York if under the treaties with China this Government is under any obligation to pay an indemnity in this case?

Mr. BELMONT. No more in respect to China than any other nation.

Mr. DUNHAM. Then this proposition is entirely voluntary on our part?

Mr. BELMONT. It is not entirely voluntary in the sense I understand the gentleman to mean. It is to meet an obligation——

Mr. DUNHAM. Are we under any more obligation to pay this indemnity than to pay for damages that might occur to the citizens of the United States in any of the Territories?

Mr. BELMONT. Oh, yes. These were subjects of a foreign government, and the distinction is very clear. Our own citizens do not certainly claim the protection of the Federal Government in such cases; but they have the privilege of going into the courts of the States or the Territories to seek redress for their wrongs. But there is a failure of justice in this case.

Mr. DUNHAM. Do I understand the gentleman to mean that we are more under obligations in this case than we would be if these people had been American citizens?

Mr. BELMONT. Certainly.

Mr. HISCOCK. Will the gentleman state the basis of the calculation—upon what the committee fixed a value?

Mr. BELMONT. On the property; not upon the lives of the victims.

Mr. HISCOCK. And what they ask for is the value of the property destroyed?

Mr. BELMONT. Exactly.

Mr. HISCOCK. And the lives of the men are not taken into account?

Mr. BELMONT. They are not taken into account. I must refuse to yield further for questions, because there are gentlemen who desire to address the committee. I yield three minutes to the gentleman from California [Mr. FELTON]. But first I will ask unanimous consent to limit general debate to thirty minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate be limited to thirty minutes.

Mr. MCCREARY. I object.

Mr. BELMONT. I yield three minutes to the gentleman from California [Mr. FELTON].

Mr. FELTON. As three minutes are hardly time enough to discuss this question in any of its parts, I simply desire to say this, and I say it with due respect to the Committee on Foreign Affairs, that if they had expended their time in examining the causes from which these outrages arose, if they had looked to the history of the past, they would have found as they followed the history of Chinese immigration, without one deviation whatsoever, that this outrage was the natural result of that immigration, and they would have addressed their attention to the curing of the evil rather than to palliating or paying for scenes like these. I have no time to go into details, and will give to my colleague [Mr. MCKENNA] the balance of my time.

Mr. BELMONT. I yield ten minutes to the gentleman from California [Mr. MORROW].

Mr. MORROW. This resolution standing alone is perhaps a measure of doubtful propriety, but considering our relations with China, and the necessity not only for further legislation but further treaty stipulations absolutely prohibiting the immigration of Chinese subjects to this country, I am disposed to think that the benevolence of Congress in this matter may be an act of wisdom. The proposition is that the General Government shall pay to the Empire of China a sum of money as indemnity for the cruel outrages committed upon Chinamen at Rock Springs, in the Territory of Wyoming, in September last.

Two classes of laborers, both alien, were in the employ of the Union Pacific Railroad Company working coal mines at Rock Springs. A con-

troversy arose out of that employment, and a collision followed, as has happened many times before elsewhere under like circumstances. Murder and spoliation ran riot. The Chinamen were driven from their habitations, a number were murdered, many were wounded, and some property was destroyed. The whole affair was disgraceful in the extreme, and can not be excused or ignored. The most that can be said is that no citizen of the United States was engaged in the massacre. This may console us somewhat in the regard we have for American citizenship, but it does not right the wrong that has been committed on American soil. Our national fame is involved in the course we shall pursue with reference to this unfortunate occurrence. The Chinese Government has presented a claim for indemnity for the losses sustained by her subjects, and as the purpose of this resolution is to pay that claim, the question at once arises, why does the Federal Government assume the obligations of a local Territorial community in this particular case? The answer is, that no legal obligations are assumed, but because the local authorities at Rock Springs have failed to enforce the laws and furnish proper protection to the Chinese subjects temporarily residing at that place the United States will, under the peculiar circumstances of this case and as an act of benevolence, satisfy the claim of China in this behalf.

Some further justification for this indemnity may perhaps be found in the provisions of Article III of the treaty of November 17, 1880, between the United States and China, which provides as follows:

If Chinese laborers or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

The agreement on the part of the United States to exert all its power to devise measures for the protection of Chinese residing in this country is, of course, not a legal obligation to indemnify the Chinese Government for the absence of that protection in any particular case; but is there not a moral obligation to deal generously with the Chinese Government in a case like the present one when the proper responsible channels to redress have been closed? Under our form of government an obligation on the part of the General Government to assume responsibility for the conduct of local police affairs is clearly inadmissible as trenching upon the duties of local sovereignty, but the Federal jurisdiction, under its treaty-making power, may deal with any nation upon such generous and honorable terms as shall serve the best interest of the people of the United States. This is a material and important point in this matter. The people of the United States, and particularly those who reside on the Pacific coast, are deeply concerned in the relations that shall continue to exist between the United States and China.

We demand that the immigration of Chinese laborers into this country shall absolutely cease. We have already entered into treaty stipulations with the Chinese Government with that purpose in view. We have legislated under that treaty to carry this purpose into effect, but the persistent character of the Chinese people in seeking the advantages of a new country and a free government has set our efforts at defiance. Further legislation is proposed. Indeed it is announced that the next bill to be considered from the Committee on Foreign Affairs is one designed to more effectually carry out the purpose of the existing treaty with China respecting the restriction of Chinese immigration. I regret that the restriction bill was not first brought forward.

Such a proceeding would have shown a disposition on the part of Congress to remove the cause of disease before applying the plaster to the sore. If the dangers that now threaten us from this direction were fully understood, Congress would not hesitate a moment in its action, but would at once put an end to the controversy by the abrogation of so much of the Burlingame treaty as gives sanction to this hostile invasion. I say hostile invasion, because however peaceable it may appear to the casual and uninformed observer, it nevertheless carries with it a poison absolutely destructive to the labor industries and free institutions of this country. Between Asiatic labor and American labor there is an antagonism beyond the reach of arbitration, compromise, or judicial decree. We must not mistake the situation. There are danger-signals flying which we would do well to heed. The sky of social order is ominously overcast and threatening, and unless we are firm of purpose and wise in counsel the storm will come and find us unprepared to resist its fury or escape its perils. In Europe the emergency would be met with the force of a standing army. We have no standing army, and do not propose to provide for one for the purpose of intimidating our own people. Our method of security does not lie in the direction of armed men.

The duty of the hour is clearly to protect American labor by giving it all the safeguards we can devise and see that it is treated justly. In doing this we will preserve the life and vigor of our civilization for ourselves and for those who, inheriting our hopes and aspirations, shall come after us. Legislation such as the occasion demands in settlement of the Chinese question is not now promised by Congress. We are told that our present treaty with China will not permit extreme measures, and that we must not legislate in contravention of its express or implied terms. Then we insist that the treaty must be abrogated sooner or later and this barrier to our freedom of action removed. We can not continue in this state of uncertainty, breeding restlessness and discontent among a people already disturbed and anxious from other causes. The honest, intelligent labor of the country demands that this question shall be effectually and permanently settled, and men of business and affairs see that their security and prosperity depend upon the removal of these causes of agitation. The present restriction act provides for the exclusion of Chinese laborers for a period of ten years. Four years have already run, and the Chinaman still comes slyly creeping in through the holes his cunning has discovered in the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORROW. I should like to have two minutes more.

Mr. BELMONT. I desire to ask the gentleman from California [Mr. MORROW] a question. Do I understand that he is in favor of this proposition?

Mr. MORROW. I am. I was about to state so, if I can have another minute.

The CHAIRMAN. Does the gentleman from New York yield further time to the gentleman from California?

Mr. BELMONT. Yes, sir.

Mr. MORROW. We ought to stop this immigration and extend the period of exclusion for at least twenty years, so that those who may seek labor and fortune in the great West may be assured that for at least the active period of one human life they will be protected from further inroads from that direction. We ought to go still further, and this is the point I desire to make in favor of this indemnity. In order that all cause for alarm in the future may be removed we should by treaty stipulations make the exclusion of Chinese laborers from this country absolute and perpetual. To this end I would place the administration in the best possible position to honorably demand such terms and conditions from China as would secure this important result. I would strengthen the hands of the Executive in every legitimate and proper way, so that in the event of a failure to secure the consent and co-operation of China in this matter we will at least be left free to act for the best interests of our own people. This indemnity will be money well expended, if while discharging whatever moral obligations we may be under we can also make it do duty in paving the way to a settlement of this vexed question of Chinese immigration. In this view of the situation, and considering the benefit that may accrue to this country by the course indicated, I shall support the measure. And for these reasons I differ from some of my colleagues upon this question, although having the same object in view and as earnest as they in securing it. [Applause.]

Mr. BELMONT. I now yield to the gentleman from California [Mr. MCKENNA] seven minutes.

Mr. FELTON. Before my colleague commences I will state that I will give him the two minutes which I had reserved.

Mr. MCKENNA. Mr. Chairman, any proposition that can invoke the aid of sympathy and sentiment is more than specious; and any opposition to it, with whatever good intention urged or with whatever good reason supported, may seem cold, if not invidious.

The law was outraged at Rock Springs, and even now we can not hear of the massacre on that occasion without being filled with indignant horror, and our excited sympathies are apt to consider as mean a refusal to remunerate the victims of that unfortunate occurrence by at least indemnifying them for the property that was stolen or destroyed.

But, sir, notwithstanding what has been said it is not clear to me that an outbreak of race antipathies in which no American participated though it was made horrible by arson and murder has any claim to the consideration of this Congress. Our deputed function should be directed by something else than feeling; and it may be urged that to the representatives of a people with limited power that there are no moral obligations except what are also legal ones and the groaning Calendar of this House admonishes us that we have other use for $147,000 than bestowing them in benevolence, expending them upon factitious obligations or squandering them in romantic and showy comity. I would not counsel a disregard of the usual comity of nations, nor for our self-respect would I urge less to be shown China than to any other nation. Nor would I hunt with grudging purpose and miserly, minute vision through the intricate relations existing between the States or Territories and the General Government for reasons to evade any liability; and if I could see in the facts of the case one reason to impute blame to the General Government or any substantial claim to our sympathy and our charity that could not be urged as a dangerous example hereafter, I, sir, would support this measure.

President Cleveland and Secretary Bayard are very distinct in affirming that no blame can be imputed to the Government. It is true they think it is a proper matter to be submitted to the compassionate consideration of Congress. But Mr. Evarts and Mr. Blaine in like situations denied an appeal for indemnity for the Denver riots in 1880. It did not occur to their manly, practical sense that there was any reason for the Government's benevolence to be exercised or that it was its duty to requite every injury caused by "man's inhumanity to man."

But my colleague says there is something in the treaty that is of special obligation; that we have assumed to exert ourselves to protect these people and to afford them like rights as we do those of the most

favored nation. Mr. Chairman, if there is any effect in that provision it is to limit, not extend, liability, and have not we discharged it? It is not said that there was any blame before the riots; it is not claimed that there was any default on the part of the Government afterward, and it so promptly interfered, Mr. Chairman, that it is no figure of speech to say that the fugitive Chinamen were escorted back by Government troops, installed in their employments, and have been protected there ever since. But the distinguished chairman of the Committee on Foreign Affairs says that a coroner's jury ignored all personal knowledge of the rioters. Well, suppose it did. Is this Government to be substituted to the misconduct or the dereliction of a local tribunal? And, sir, when are we to stop? Are we to continue this vicarious atonement for all the lawlessness that is committed everywhere? But Secretary Bayard says that we are to call this no precedent. He says that we shall stop here. Sir, it is an example of some kind; if it is a good one it ought to be followed; if it is a bad one it is sure to be. The declaration, sir, is either idle or inconsistent, and exposes the slender grounds upon which this claim to our charity or our courtesy or our benevolence, or whatever you may please to call it, rests.

Further, Mr. Chairman, if we indemnify the victims of this riot, why not indemnify the victims of every riot? A nation can not be expected to furnish to aliens ampler remedy and surer remuneration for injury than to its own citizens. This is the vice, the discrimination of the pending measure; and if we pass this resolution, if we pay this money, we can have no reason to refuse to requite the victims of the riots in Chicago or of the late labor strikes. Those who lost property in those affairs can come to this Congress and claim like reparation, and complain—ay, sir, justly complain—if they are turned over to the local tribunals for redress, to run the chance of inadequate recovery, because juries prejudiced against them or sympathetic with the strikers may return bad verdicts or false ones.

Now, as to the amount of the claim, Mr. Chairman, I have this to say: If it is intended to smooth diplomatic relations with China, and is to be given to the Government instead of to those who were injured, I say do it well. If it is to be a donation of the charity, the mercy, the pity of this Congress, I would say, sir, borrowing the thought and the language of another, give your dollars as though they were leaves and you had a forest to draw from. But, sir, if it is intended to be strict remuneration for the loss of property, I say you should take some means to ascertain whether the amount of money which is set forth in the report is the true amount or not, and I have been credibly informed that the assessment-roll of Sweetwater County, Wyoming Territory, will reveal the fact that only $200 of property was assessed against Chinamen at the time they say they had $147,000, and that $200 was for a piece of real estate.

I submit, then, Mr. Chairman, that there is no reason to pass this measure. I submit that it is not a proper matter to appeal to the benevolence of Congress, that it is not a proper matter for the charity of Congress. It will set a dangerous precedent which will be urged hereafter as charitable certainly, and as just also, because if you refuse like charity to some other victim you do an injustice. Therefore, Mr. Chairman, I think this Congress should refuse to pass this resolution. [Applause.]

Mr. BELMONT. Mr. Chairman, I now yield seven minutes to the gentleman from Illinois [Mr. HITT].

Mr. MILLS. I ask the gentleman from New York to yield to me for one minute.

Mr. BELMONT assented.

Mr. MILLS. Mr. Chairman, I understand that this report comes from the Committee on Foreign Affairs with the unanimous consent of the members of that committee. I want some of the gentlemen who are going to advocate the report before the House to tell us why we ought to pay this indemnity to the Chinese, and, at the same time, to tell us why no bill has been reported to this House to indemnify our own citizens who have suffered from depredations committed by Indians, who also have treaty relations with the Government of the United States. What distinction is there between the rights of citizens of the United States whose property has been despoiled by Indians and the rights of these Chinese whose property has been despoiled? I put this question in order to invite discussion by gentlemen who are urging the speedy passage of this resolution, in order that they may tell the House upon what principle it is that our own citizens who have been for years despoiled of their property by Indians, and who have been appealing to Congress year after year for redress, and who have now claims amounting to six or eight million dollars filed in the Interior Department, have never had one dollar appropriated by Congress to indemnify them for their losses.

Mr. BELMONT. Is all this to come out of my time?

Mr. ERMENTROUT. I suggest to the gentleman that his question should be directed to the Committee on Indian Affairs, not to the Committee on Foreign Affairs.

Mr. MILLS. I am asking it of the House.

Mr. HITT. The observations of the gentleman from Texas [Mr. MILLS] may be very pertinent upon some other bill when our domestic affairs are under discussion; but this is a measure touching our relations with the Empire of China, and growing out of the principles of justice among men and the obligation under which we have placed ourselves by the third article of the treaty of 1880 with China, by which we solemnly promised to protect Chinamen in the territory of the United States who meet with ill treatment at the hands of any other persons. We are to protect them not only against our own citizens, but Welsh and Swedes not naturalized and all other persons—when they are within the United States, and to secure to them the same rights as the subjects of the most favored nation.

The gentleman who has just taken his seat [Mr. MCKENNA] said that the passage of this joint resolution would be a dangerous precedent. Let me remind him that it is in the line of precedent, and it would be a violation of the national duty not to follow here as a Christian nation the policy and course which our Government has adopted over and over again in dealing with questions of this character. We paid $71,000 for the houses and other property of twenty-two Spanish subjects destroyed at Key West and at New Orleans by furious mobs, in 1851, like this one at Rock Springs. We have claimed payments over and over again in similar cases where the government or its courts had failed to prevent wrongs to American citizens. I might cite one which is within the knowledge of every citizen of the United States, where we demanded from Great Britain indemnity for our citizens injured by the Alabama and other cruisers because she would not enforce her local laws, because she permitted men to organize within her borders and prepare for piracy and crime upon the high seas at the expense of our people. She failed to prevent these crimes and losses as we failed to prevent or punish the crimes so horribly perpetrated at Rock Springs on Chinamen. We claimed that the Government of Great Britain, not the individual citizens who perpetrated the crimes, should pay that bill; and uncounted millions were handed over as we demanded them. A king's ransom was paid for the losses of our citizens in that case, and was paid without question as to the amounts or details of losses.

We have made similar demands over and over again of many different nations. We made a demand of this kind from China herself; we took $67,000 for mob violence——

Mr. HAMMOND. I was about to remind the gentleman that we have demanded indemnity from China herself over and over again and have obtained it.

Mr. HITT. Yes, sir; my friend would have heard me state in a moment that we took from China $735,000 in 1858 on demands which we did not let that government scrutinize, and $67,000 of that was for mob violence to Americans just as Chinamen were injured by mob violence at Rock Springs. We exacted so much money then from the Chinese Government that there were not claims enough to absorb it, and after all were satisfied several hundred thousand remained for many years, and in the last Congress our time was taken up in finding out how much of this vast sum in excess of any just demands had been retained by us more than twenty years, nearly thirty years—money which we demanded long ago from an unwilling but yielding nation, and from which we made payments upon every claim that any American could invent, and at last had to send back a great sum to the Chinese Government; and in that case no Chinese official was ever permitted to look into the evidences on which our demand was based.

The gentleman from California says these amounts proposed to be paid to victims are extravagant—$200 or $300 each for all that men had on earth; men who were wounded, driven from their homes, thrown back while wounded into their burning houses and burned alive; others escaping to the mountains, robbed, bare, and outcast! More than seven hundred of these unhappy men were thus outraged; and the gentleman thinks the sum of $147,000 is extravagant.

The gentleman says that for the outrages committed in this case no American citizen is responsible. Were they not accessories to these crimes after the fact? Is there no responsibility resting upon the coroner and a jury of American citizens who thought it fitting to put a jest into their finding upon this horrible crime, who said, in what should have been the solemn finding of the coroner's jury upon the charred bodies of men wounded by murderers who boasted of it and thrown into the flames of their houses, that they thought "the said parties must have come to their death by fire."

Where is there redress if not here for these unhappy people? Can they sue their murderers and robbers before courts where justice is administered to Chinamen in such horrible mockery of justice? Only the Government can help them.

We have demanded of the Chinese Government pay for injuries by mobs and all other forms of injury to individual Americans. I could occupy your time until the sun goes down in reciting the cases. They are innumerable; they run through almost every year of our intercourse with China since 1844. We have presented bills in enormous amounts for losses in household furniture and for personal injuries. We did not ask $200 per injured man as damages. For example, an American named Edwards, in Canton, at a time when the British and the Chinese were in hostility, was mistaken for an Englishman. One of our anglo-maniacs would have been flattered by the mistake [laughter], but Edwards was not. They put him in irons, hurried him to prison, and kept him there till near night, when the mistake was discovered and he was liberated, the mandarins expressing their sorrow for the occurrence. Our minister presented a bill in that case for $31,-

600, and it was paid. How many millions would this resolution require for seven hundred and sixty-four outraged Chinamen by that rule of value?

Take another instance. A missionary, Mr. Corbett, went off 130 miles from the treaty port where he had been stationed. A mob there maltreated him and injured his property. He was engaged in preaching the gospel of peace. He complained of the violence which he had suffered, and our Christian nation sent a consul and a vessel to settle the occurrence. The Chinamen were dragged 140 miles from their homes. Twenty-eight of them were punished; some by being beaten with the bamboo, some receiving forty blows, some sixty, some eighty. Others were imprisoned. The whole claim of the missionary for all his losses was paid in full; and the Chinese authorities were commanded to announce that hereafter the gospel of peace should be proclaimed without molestation.

In that stern fashion the Chinese Government punished those who troubled an American; in that liberal spirit they indemnified him for all losses. Shall we cavil now at this bill? The Christian nations pass by the Chinese courts contemptuously, though our commissioner says they are faithful and punctual, and make their demands on the government, which has to pay them. They have yielded to force to admit the vile opium traffic. All they do is yield and pay. Their knowledge of foreign nations is all painful and humiliating.

Is it wonderful that Chinese writers find some justification for that national distrust and often hatred of foreigners that pervades the borders of China where foreigners are known?

Is it not most ungracious in us, after the high and hard demands we have made upon China for every bruise or insult an American has suffered, to haggle over this resolution to pay $147,000 for the losses of more than seven hundred people driven from their homes, shot, their dwellings burned, they themselves in some instances murdered as they fled, or dragging their wounded limbs and starving to death afterward upon the sterile mountains? The property lost by these people was their all. The President, in his message, says the investigation into the losses by the Chinese consuls and the agents of the United States was impartial and their report truthful. Shall the survivors of those outrages go to the courts? What one among these timid creatures would dare face almost certain death by going into a court-house to sue these ruffians? The courts afford no remedy for Chinese. Fancy those unhappy wretches drawing near a court of justice in California! [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HITT] has expired.

Mr. BELMONT. I now yield seven minutes to the gentleman from Illinois [Mr. WORTHINGTON].

Mr. WORTHINGTON. Mr. Chairman, it is not claimed this resolution is based upon any treaty stipulation or any well-established principle of international law. Nor, on the other hand, can I assent at all to the expression of the Executive in his message calling favorable attention to this subject, in which he speaks of the action here proposed as "wholly gratuitous and resorted to in a spirit of pure generosity." If I believed the action was based solely on gratuitous and generous motives I should certainly vote against this proposition. But I believe, sir, there are cogent reasons for its adoption, and in the short time given to me I can but advert to some of them without attempting to amplify or defend them.

In the first place, it is a matter of policy a resolution of this kind should be passed. Gentlemen must not forget we have nearly one thousand American residents in China, with hundreds of thousands of dollars invested there. The same prejudices which exist here against Chinese in China exist against American residents. If we fail to make some reparation for damages done to Chinese residents here, it is but natural in the cities of China, in the densely populated quarters in which our American residents live there, the Chinese will be actuated by the same feelings which actuated these assailants of Chinese in Wyoming, and our residents will suffer therefrom.

But it is evident it is the desire of our people that more strict laws be passed against Chinese immigration. The experience of the last twenty-five years has demonstrated that Chinese laborers are unwelcome in this country. We never want to see the day when our American laborers shall live in the manner in which the Chinese live. Nor do we want to see the day come when they will compete with them by living in that way.

Now, if that is true, it is certainly right, while we propose to go to the very verge of treaty stipulations in excluding Chinese, we should at least manifest the same degree of fairness and liberality in settling for damages which have been done to them that they have shown in paying for damages done to American citizens.

It is very true there is no precedent on the part of America for paying damages in the shape of indemnity to Chinese, but there is example on the part of Chinese we as a Christain nation may do well to follow.

Gentlemen must not forget that in 1858 $738,000 was paid by the Chinese Government to be used for the purpose of indemnity for damages suffered by Americans. It ought not to be forgotten the damages were estimated solely by a commission of America, by which no Chinese were employed at all, and that, after canvassing and giving to every claimant every damage he claimed, and to which the commissioners believed he was entitled, there was a surplus, as declared by Mr. Ward in the following language:

On the 26th of January, 1860, Minister Ward transmitted to the Secretary of State the following report of the commission, and said, as far as I have been able to learn every claimant is content with the amount awarded. Certainly such ought to be the fact, and yet the amount secured by the treaty will not be exhausted, but after paying every just demand against the Chinese Government there will be a surplus of more than $200,000.

Now, after the commission had granted every amount there was enough in excess to warrant Congress, as I understand, by its action finally, out of this amount to appropriate the further sum of $151,259 for demands our own commission had absolutely refused to allow.

We boast we are a Christian nation. We think we are on a plane of civilization higher than the Chinese. We send our missionaries to heathen China to convert the Chinese. Shall it be avowed and said we will allow them to be murdered in Christian America and will refuse to make that reparation which China amply gave for damages suffered by our citizens resident in China?

I, for one, while fully acknowledging we are not bound by any treaty stipulations, we are not bound by any principle of international law, am willing to base my action on the broad principles of equity and of that comity which ought to control the intercourse between the United States and China now as heretofore, and be willing as a Christian to follow the example these heathens, as we call them, have set us. [Applause.]

I do not wish to consume any further time.

Mr. BELMONT. I wish now to yield for five minutes to the gentleman from Massachusetts [Mr. RICE]. I would like to know, before taking my seat, how much time I have remaining.

The CHAIRMAN. There are only five minutes of the time remaining.

Mr. RICE. I ask by unanimous consent, as the time has been taken up out of the hour allowed by the committee by interruptions, I may have five minutes in addition to the five minutes remaining of the hour.

The CHAIRMAN. Is there objection?

Mr. REAGAN. The gentleman's time can be taken to-morrow.

Mr. RICE. Mr. Chairman, I desire to say that the unanimity with which the Committee on Foreign Affairs reported this bill to the House seems to me to be followed by similar unanimity on the part of the House, which seems almost unanimous in its support; and yet, sir, I am unwilling to let it go that we are passing this bill as an act of benevolence or as anything else than an act of international obligation.

My friend who has just taken his seat [Mr. WORTHINGTON] says that there is no international law resting upon this Government to demand from it the passage of this bill of indemnity to these foreigners, who were within our borders by our invitation and the treaty rights, and yet who were subjected to violence and loss by persons also under our jurisdiction and within the limits of our territory.

I say, sir, that our obligation to indemnify the victims of this violence rests upon well-established international law, in which, neither when we go to the authorities nor when we search the precedents, can there be found a single break. I am unable, sir, within the limited time at my disposal to state this rule of international law in my own language, and, therefore, take it from Vattel, summed up in a single sentence:

If a nation refuses or fails to pass the laws necessary to restrain its citizens from aggressions upon other states, or upon their citizens, or if such laws have been enacted and the officers of the state neglect to enforce them, and such aggressions by individuals result therefrom, the state is unquestionably responsible for the injury.

One gentleman asked, are we more responsible for these injuries than if they had been done to our own citizens? I answer, yes, sir; we are. Our own citizens are a part of our body-politic. They look to our domestic laws for protection. But when foreigners from other states come to this land they are not obliged to look to our domestic municipal laws; they appeal to that great code of international law which is recognized by every Christian nation on earth.

I reserve the remainder of my time.

The CHAIRMAN. The hour having expired, the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole on the state of the Union having had under consideration joint resolution H. Res. 147 had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. BRAGG. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the Army appropriation bill. There being no amendment pending, the Clerk will report the next section of the bill.

The Clerk read as follows:

Incidental expenses: For postage; cost of telegrams on official business re-

ceived and sent by officers of the Army; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor, for periods of not less than ten days, and as clerks for post quartermasters at military posts, but in no case at a greater rate of pay than is fixed by law; for expenses of expresses to and from the frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains, where military escorts can not be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at military posts and on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; hire of laborers in the Quartermaster's Department; compensation of forage and wagon masters authorized by the act of July 5, 1838; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, and for the trains, to wit: Hire of veterinary surgeons, medicine for horses and mules, picket-ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movement and operations of the Army, and not expressly assigned to any other department, $675,000: *Provided*, That $250,000 of the appropriation for incidental expenses, or so much thereof as shall be necessary, shall be set aside for the payment of enlisted men on extra duty at constant labor of not less than ten days; but no such payment shall be made at any greater rate per day than is fixed by law for the class of persons employed and the work done.

Mr. BRAGG. Mr. Chairman, I desire to offer an amendment to this section.

The Clerk read as follows:

Amend by adding after the word "soldiers," in line 267, the words "authorized office furniture."

The amendment was agreed to.

Mr. BRAGG. I offer the additional amendment which I send to the desk.

The Clerk read as follows:

In line 268, after the words "Quartermaster's Department," insert "including the hire of interpreters, spies, and guides for the Army, compensation of clerks and other employés of the officers of the Quartermaster's Department."

The amendment was agreed to.

The Clerk read as follows:

For purchase of horses for the cavalry and artillery and for the Indian scouts, and for such infantry as may be mounted, $130,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service; and that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection by such Department, all under the direction and authority of the Secretary of War.

Mr. CANNON. I move a formal amendment for the purpose of asking the gentleman in charge of this bill a question. I notice that the amount appropriated by the paragraph is $130,000, a decrease of $50,000 in the appropriation for like service for the current year. I would be glad to know of the gentleman the cause of the decrease, and as to whether the service can be carried on properly for the amount recommended by the bill; also whether it is likely there will be a deficiency for this service next year.

Mr. BRAGG. Mr. Chairman, in reply to the interrogatory of the gentleman from Illinois, I can say that the figures fixed here by the committee, $130,000, were based upon the expenditures of the preceding year pro rata. Those figures show that the requirements for the Department during the coming fiscal year would be amply met by the amount appropriated, in view of the expenditures for the past year, to meet its requirements for the current year; and I was assured by the Quartermaster-General that he would be able to get through with that amount of money.

Mr. CANNON. I withdraw the *pro forma* amendment.

The Clerk read the following paragraph:

Army transportation: For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing, camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of the funds of the pay and other disbursing departments; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for the disposal of sewage and drainage, and for clearing roads, and for removing obstruction from roads, harbors, and rivers to the extent which may be required for the actual operation of troops in the field, in all $2,800,000: *Provided*, That the whole number of civilian employés, including agents, superintendents, mechanics, and train-masters paid from the appropriation for transportation of the Army shall not at any one time hereafter exceed one thousand, nor shall any of said employés be graded for salary above fourth-class clerks as graded and fixed in Army Regulations.

Mr. BRAGG. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 312, strike out the words "mules, oxen" and insert "draught and pack animals."

The amendment was agreed to.

Mr. CANNON. I believe there is a decrease here in the amount of this item as compared with the act for the current year of $100,000. I would be glad to know the reason for that decrease.

Mr. BRAGG. The reason for the decrease is that on consultation with the Quartermaster-General, and after an examination of the necessary expenses of the past year, it was concluded we could get along with this sum of money.

Mr. CANNON. The department is satisfied?

Mr. BRAGG. Yes, sir.

Mr. HOLMAN. I wish to call the attention of the gentleman from Wisconsin to an omission in the proviso as compared with the present law. The proviso commencing in line 329 is as follows:

Provided, That the whole number of civilian employés, including agents, superintendents, mechanics, and train-masters, &c.

The words "packers and teamsters" are omitted. I ask the gentleman if the omission is intentional?

Mr. BRAGG. That is an oversight in making the copy of the bill. I move to amend by inserting, after the word "mechanics," the words "packers, teamsters."

The amendment was agreed to.

Mr. VIELE. I move to amend by striking out on page 14, line 333, all the words after "thousand" to the end of the paragraph.

The Clerk read the words proposed to be stricken out, as follows:

Nor shall any of said employés be graded for salary above fourth-class clerks as graded and fixed in Army Regulations.

Mr. VIELE. The purpose of this amendment is to restore the maximum of pay allowed to civilian clerks to the same as is now allowed; that is $1,800 a year. These clerks are a few civilian employés of the War Department. As a rule they are men of ability far in excess of the pay which they receive.

The report of a competent board of officers made to the War Department in 1879 was emphatic in its declaration that the clerks of the Quartermaster's Department received as a rule a lower compensation than is paid to persons of the same ability in other departments of life. All the principal cities of the United States were visited by that board; and the management in the commercial houses showed that the clerks received salaries from the merchants far in excess of those paid to employés of the Quartermaster's Department.

The present maximum rate is the pay of a fifth-class clerk. I propose to restore that by this amendment. These men as a rule are men of high intelligence and probity. I do not think you will find any of them following bank presidents and bank cashiers to the penitentiary.

Mr. BRAGG. I sincerely hope this amendment will not be adopted. We have already passed the clause which fixes the pay of the clerks in the Commissary Department of the fourth class. The clerks in each of these departments performing the same duty should receive the same pay.

There are two reasons why this amendment should not be adopted. The first is, when we pay $1,600 to a clerk in the Quartermaster's Department we are paying him, in my judgment, more money than he can earn for the same labor in any other place in this world. If there are so many fine places with better salaries for the same amount of labor we should not have these men applying all the time for us to keep them where they are. The difference between the kind of labor they do and the kind of labor that an employé in a large mercantile establishment does, if you make your estimate from that and reason by analogy what the price should be, is very considerable. These men have very much shorter hours. They have no responsibility at all. They are simply machines. They are mere copyists, and $1,600 a year is more in my judgment than they can earn anywhere else.

Now, how many of them are there? There are fifty-four of these clerks in the Quartermaster's Department. Who are they? They are the class of confidential clerks who have grown up to be as it were brevet officers in the several bureaus. They are the men who superintend the abstracts, the returns, and the vouchers, and all that sort of thing; in other words, they are the identical men that do the duty that the officer himself ought to do. In my judgment, these fifty-four clerks can be dispensed with; and by abolishing that grade of clerks, by refusing to pay for it, we will, in my judgment, dispense with the fifty-four clerks and call upon the officers to do the duty which they ought to do themselves.

What is the result of allowing these confidential clerks to remain in the position they occupy? There is scarcely a session of Congress in which we are not called upon to settle a quartermaster's account or a paymaster's account or a commissary's account. What for? Because A B, who had been for fifteen years in the Department and had been trusted as a confidential clerk, had been forwarding the vouchers and making the abstracts without the knowledge of the chief, who should have done it, and after the affair comes to be investigated and examined in the passing of the accounts through the Auditor's office it is detected there that false certificates, false estimates, false vouchers have been returned without the knowledge of the chief; and he comes to us to ask us to relieve him. Why? Because the custom of his department had been such that that class of duty had been intrusted to a subordinate when he should have done it himself.

I want these gentlemen upon the staff to learn that their offices are

not sinecures, that they are to do a portion of the work and to supervise it all, and for that reason I hope this amendment will not prevail.

Mr. VIELE addressed the Chair.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. VIELE. Mr. Chairman, I move to strike out the last word. I desire to read an extract from the report of the board of officers to which I have referred:

Comparing the work performed by the higher grade of clerical labor above referred to with that devolved upon the chief or more important clerks of disbursing offices of the Army, stationed at depots or in large commercial centers, or at headquarters of departments or divisions, we find considerable analogy. Comparing the prices paid for this class of labor, we find the Government habitually paying very much less than the citizen, the difference in a majority of cases brought under our notice being as much as 33 per cent., and ranging from that up to 50 per cent. In other words, the Government secures a higher class of clerical labor at from one-third to one-half less than corresponding talent, fidelity, and experience command in civil life. As further evidence of this fact, it seems proper to here record the opinions of disinterested parties as to the value of the services of the two clerks employed in the office of the depot commissary in Chicago, and of the transportation clerk in the office of the depot quartermaster in New York. Speaking of the latter, the general ticket agent of the Hudson River and New York Central Railroad Company said, voluntarily and without being questioned in reference to him, that he was a most zealous and competent man, and that by his knowledge, experience, and shrewdness he saved the Government annually thousands of dollars, and when asked what his services were worth, replied unhesitatingly that to any man or corporation needing men possessing such characteristics and acquirements he would be worth from $2,500 to $3,000 a year.

And that is the class of men that gentlemen here insist shall be paid only $1,600 a year.

Mr. HOLMAN. Will my friend from New York inform the committee what the document is that he has just read from?

Mr. VIELE. It is a report made by a board of officers appointed by the Secretary of War to visit the commercial cities of the United States and compare the prices paid to clerks in commercial houses with those paid to the clerks in the Commissary Department.

Mr. HOLMAN. Now will the gentleman tell us by what authority the Secretary of War organized that board with the view to compel us to pay higher salaries?

Mr. VIELE. He organized it, I presume, in the intelligent administration of his Department.

Mr. HOLMAN. I guess there is no authority for it.

Mr. BRAGG. Mr. Chairman, I have but one word more to say on this subject. The very circular or report which has been read demonstrates exactly what I have heretofore said to the committee, namely, that the business of that depot is all done by a clerk——

Mr. VIELE. Then he ought to be paid for it.

Mr. BRAGG. Although we have there a captain, a major, a lieutenant-colonel, and a colonel. What do they do?

Mr. VIELE. I never saw them idle.

Mr. BRAGG. Mr. Chairman, the object I have in view, as I said before, in restricting this class of clerks is to put the shoulder-strap man in there to do some of the work, and not have his office a sinecure.

Mr. VIELE. I withdraw the formal amendment.

The question was taken on the amendment offered by Mr. VIELE, striking out the words "nor shall any of said employés be graded for salary above fourth-class clerks as graded and fixed in Army regulations," and it was rejected.

The Clerk read as follows:

Arrears of Army transportation on certain land-grant railroads: For the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts; but in no case shall more that 50 per cent. of the full amount of the service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such services, $85,000.

Mr. CANNON. Mr. Chairman, I desire to inquire of the gentleman from Wisconsin [Mr. BRAGG] whether this amount will be sufficient to pay for this service for the next year. I grant that it may not make much difference whether it is sufficient or not, as the service will doubtless be performed and will be paid for by a deficiency appropriation; but I desire to know whether the gentleman has inquired about the matter, and, if so, the result of that inquiry.

Mr. BRAGG. Mr. Chairman, representing the committee, I called upon the Quartermaster-General, and I have here an abstract——

Mr. HISCOCK. Mr. Chairman, I would like to inquire of the gentleman from Wisconsin what this expression "arrears of Army transportation on certain land-grant railroads" means?

Mr. BRAGG. The "arrears" there embodied are a legacy sent down to us from a committee of which my distinguished friend was formerly chairman.

Mr. HISCOCK. It has not come down from any committee of which I was ever chairman.

Mr. BRAGG. The railways have their accounts pending and in course of settlement through the different auditing offices of the Government. They are not paid promptly. Those that are paid this year may be for the Army transportation of last year, or even of the year previous.

Mr. HISCOCK. Then, as I understand it, this provision is for a deficiency.

Mr. HOLMAN. Not at all.

Mr. BRAGG. No, sir. It is an appropriation that is carried right along in this bill as it has been carried heretofore.

Mr. HISCOCK. Has the money been already earned?

Mr. BRAGG. The money has been earned.

Mr. HISCOCK. Then if the money has been already earned, as I understand it this is not an appropriation for the service for the next fiscal year.

Mr. BRAGG. Not specifically.

Mr. HISCOCK. Do you provide here for the service which may be rendered during the next fiscal year when you limit the payment to "arrears," which means money already earned?

Mr. BRAGG. I think not.

Mr. HISCOCK. Then there is no provision in this bill for the service of the next fiscal year.

Mr. HOLMAN. There has been no deficiency sent down for the present year.

Mr. HISCOCK. This is certainly a deficiency if it is for the service of last year.

Mr. BRAGG. This is a standing appropriation which comes in this form in all the Army bills, because the vouchers for this service are not adjusted and sent in for payment until the year after the service is rendered, or sometimes longer than that after the money has been earned, so that the account is carried on in this way.

Mr. HISCOCK. Then, as I understand you, this service has always been settled for a year after it has been rendered?

Mr. BRAGG. That is as soon as it has been settled for. Very often the settlement has not been so soon as that.

The Clerk read as follows:

For quarters for veterinary surgeons, post quartermaster-sergeants, commissary-sergeants, and ordnance-sergeants, $20,000.

Mr. HOLMAN. I move *pro forma* to strike out the paragraph just read. I notice that this appropriation of $20,000, and the two succeeding appropriations—one of $10,000 for chapels, school-houses, and libraries, and one of $10,000 for shelter, and shooting-galleries and ranges and repairs thereof—these three items, covering $40,000, are new subjects of appropriation, and I trust the gentleman from Wisconsin [Mr. BRAGG] will explain the necessity for entering upon a new field of expenditure.

Mr. BRAGG. Mr. Chairman, it is certainly a new field of appropriation to provide persons with something to live under in order to discharge their duties.

Mr. HOLMAN. Yet these are new fields of expenditure—new items.

Mr. BRAGG. They are. These expenditures are estimated for by the Secretary of War in his estimates for the support of the Army. By turning to page 99 of the estimates you will find an estimate—

For quarters for veterinary surgeons, post quartermaster-sergeants, commissary-sergeants, and ordnance-sergeants, $25,000.

Now the object of this is to provide for the non-commissioned officers distinct quarters belonging to their class. We have followed the estimate of the Secretary of War, (reducing the amount $5,000), because the committee were fully satisfied that this class of non-commissioned officers should have this provision made for them at the posts, which are permanent.

Mr. HOLMAN. They now pay rent.

Mr. BRAGG. Yes, sir; they are now stowed away in something that they have to pay rent for.

As for chapels, school-houses, and libraries, I suppose the gentleman from Indiana can understand the use of these as well as I—perhaps very much better.

Mr. HOLMAN. The question I put to the gentleman was as to the occasion for entering upon this new field of expenditure. I admit that the War Department is always, or very generally, estimating for some new items of expenditure. The only question I make is how it happens that just at this time those three items, amounting to $40,000, become necessary?

Mr. BRAGG. It happens because the estimate is submitted to a committee, who have attempted to investigate the subject, and in their judgment have determined that this is a very proper and necessary appropriation to be made for the welfare and efficiency of the Army; and being charged with this duty, they have reported the appropriation.

Mr. HOLMAN. What about the last item?

For shelter and shooting-gallery, and ranges and repairs thereof, $10,000.

Does the gentleman deem that necessary?

Mr. BRAGG. I do.

Mr. HOLMAN. They have got along without it thus far.

Mr. BRAGG. Let me explain to the gentleman from Indiana. When you ask the opinion of a military man upon the efficiency of a soldier, he will tell you that in his judgment it makes but very little difference whether a man carries a broomstick or a musket on his shoulder, provided he does not know how to use the musket. Now, the necessity of encouraging our troops in target practice has attracted a great deal of attention. It has been thought desirable that they should all become, as far as practicable, skilled marksmen, that they may be in a con-

dition on the frontier to meet the Indian, who is a skilled marksman. For this reason there have been constituted throughout the Army rifle teams; there have been offered medals, badges, and rewards for the best shot in the several rifle teams throughout the Army. The object of this has been to create a spirit of rivalry and competition. The purpose of this appropriation is to provide a covered place—you may call it a gallery—where this practice in shooting can go on at the different posts in stormy as well as in pleasant weather.

Mr. HOLMAN. My only reason for calling attention to the matter was that it is so unusual an item; and the shooting, which is of course at long range, is now done at all the posts in the open air. I have never before observed this estimate, although it may have been submitted.

The gentleman from Wisconsin refers to the fact that our men should be just as good marksmen as the Indians whom they fight. I presume they are. At any rate I do not suppose the Indian has the benefit of a sheltered shooting-gallery in which to practice.

The CHAIRMAN. Does the gentleman from Indiana withdraw his amendment?

Mr. HOLMAN. I withdraw it.

The Clerk read as follows:

For manufacture of arms at the national armories, $300,000: *Provided*, That no clerk paid from the appropriation for the Ordnance Department shall receive as salary or compensation a greater sum per month than the salary of a fourth-class clerk as graded and fixed in the Army Regulations.

Mr. ROCKWELL. I make the point of order against that proviso, and my point of order is this: there is no such provision as that contained in the Army appropriation for last year, and this provision is contrary to existing law, there being a law fixing the salary of clerks at the Armories, contained in 18 Statutes at Large, in act passed June 23, 1874.

The CHAIRMAN. The Chair inquires of the chairman of the Committee on Military Affairs what is the present compensation of clerks in this section.

Mr. BRAGG. Sixteen hundred and fifty dollars.

The CHAIRMAN. What is the pay of a fourth-class clerk?

Mr. BRAGG. Sixteen hundred dollars.

Mr. LONG. It will be noticed this proviso differs from others where there has been a ruling of the Chair, inasmuch as it is not a limitation of the amount appropriated, but a special provision changing the law so these employés shall not receive the amount of their present salary.

Mr. BRAGG. The proviso here is that no clerk paid from the appropriation for the Ordnance Department shall receive as salary——

Mr. HOLMAN. From this appropriation.

Mr. BRAGG. That is, from this appropriation.

The CHAIRMAN. The Chair is of the opinion this is a general law, and would be in force during the current year, for which this sum is provided.

Mr. BRAGG. I move to strike out the words "for the Ordnance Department" and insert the words "from this appropriation;", so it will read:

Provided, That no clerk paid from this appropriation shall receive as salary or compensation a greater sum per month than the salary of a fourth-class clerk, as graded and fixed under the Army regulations.

Mr. ROCKWELL. I did not hear the Chair's decision.

The CHAIRMAN. The Chair sustained the point of order, but the gentleman from Wisconsin now moves an amendment which he has indicated.

Mr. ROCKWELL. What is the amendment?

The CHAIRMAN. He moves to strike out the words "for the Ordnance Department," and to insert "this" instead of "the;" so it will read "to be paid from this appropriation," &c.

Mr. LONG. I raise the question of order against that amendment. It is not a limitation of the appropriation. The provision is "no clerk shall receive as salary or compensation a greater sum per month than the salary of a fourth-class clerk." It is ac hange of law, in that it provides he shall not receive a salary of more than $1,600, whereas the present law is that he shall receive $1,650.

Mr. ROCKWELL. I have not heard what has just been said, but I raise the point of order on the amendment of the gentleman from Wisconsin.

Mr. HOLMAN. Does not the point of order come too late?

The CHAIRMAN. The gentleman from Massachusetts [Mr. LONG] also made the point of order.

Mr. HOLMAN. There has been some discussion.

The CHAIRMAN. But the gentleman on the left raised the point of order as soon as the amendment was offered.

Mr. LONG. I did make the same point of order against the amendment.

Mr. HOLMAN. I wish to be heard for one moment. This provision is that no portion of the money appropriated by this paragraph shall be expended in the employment of clerks of a higher grade than fourth-class clerks. Would any person doubt that is a simple limitation of the appropriation? Yet that is almost exactly in substance the language of the pending proposition. It seems to be a limitation of this expenditure of money.

Mr. HISCOCK. I suggest as a test that the amendment instead of providing for what the law fixes as the salary or compensation of those employés they shall only receive as compensation so much.

Mr. LONG. There is another test. It is provided here these employés shall receive only so much, and not the sum provided by law. That is the new law in the amendment. That is to be his compensation. If the clerk accepts it he will not have any claim against the Government for any balance due him. Apply the test which has been applied before. If this proviso is adopted then certainly he could not maintain a suit in the Court of Claims for more than the salary of a fourth-class clerk. Therefore the law is changed. It is not a limitation, but a change of the law, which would defeat his rights in the Court of Claims.

Mr. BRECKINRIDGE, of Kentucky. Let me ask the gentleman from Massachusetts if he has examined the late decision of the Supreme Court in the case of Mr. Langston, minister to Hayti; and I ask the question because possibly the language in that case may cover the point made here.

Mr. LONG. I have not examined it.

Mr. BRECKINRIDGE, of Kentucky. Nor have I examined it, but I understand that in his case the Committee on Appropriations appropriated $5,000 to pay his salary as minister, without changing the act of Congress which fixed the salary at $7,500. Minister Langston sued for the balance of his salary and the claim was allowed by the Court of Claims, and the decision, which was taken to the Supreme Court, has been affirmed, as I understand, by the Supreme Court.

Mr. LONG. I have not examined that case. In this case it is a provision that no clerk paid from this specific appropriation shall receive such and such a salary.

Mr. HISCOCK. That is the point here, the language being as now proposed—

Provided, That no clerk paid from this appropriation shall receive as salary or compensation a greater sum per month than the salary of a fourth-class clerk as graded and fixed in the Army Regulations.

Mr. BRECKINRIDGE, of Kentucky. My inquiry of the gentleman was whether in the Langston case the same language was used. I am not familiar with the case.

Mr. HISCOCK. No; in that case this language is not adopted; but it was simply an appropriation of so much money to pay the salary, which was less than the amount fixed by the law.

Mr. BRAGG. Mr. Chairman, I did not know that it was possible so much criticism could be made upon language which produces exactly the same results. This provides "that no clerk paid from this appropriation"—that is, that no one shall be paid from the money appropriated under this act a greater sum than the salary of a fourth-class clerk as graded and fixed in the Army regulations. It is simply a limitation upon the use of the money in making the payments, that and nothing else.

Mr. LONG. But, if the gentleman will observe, it goes further now in the proviso than that. It says that he shall not receive it from any appropriation.

Mr. BRAGG. No, sir.

Mr. LONG. That no clerk shall receive a salary greater per month than that of a fourth-class clerk.

Mr. BRAGG. That no clerk paid from "this appropriation;" that is, the appropriation for the Ordnance Bureau.

Mr. LONG. What other clerk is there except the one paid from this appropriation?

Mr. BRAGG. None.

Mr. LONG. Then no clerk can receive a greater salary than the salary of a fourth-class clerk, as graded and fixed in the Army regulations, if this provision is adopted.

Mr. BRAGG. But that provision to which the gentleman refers will die with the bill for the current year.

Mr. LONG. If you say he shall not receive from this appropriation a greater salary it would be right; but you go further and say that no clerk paid from this appropriation shall receive such and such a salary.

Mr. BRAGG. I intend to limit the disbursement of this money to a certain purpose.

Mr. LONG. You have done that; but you do more than that, and that is the reason the point of order is made.

The CHAIRMAN. The Chair is of opinion that the amendment as now submitted is subject to some doubt as to its proper construction; but is of opinion that the construction placed upon it by the gentleman from Massachusetts on the left [Mr. LONG] is correct, that it does preclude the right of recovery for a greater amount of salary than that which would be fixed by the bill. It therefore changes existing law to that extent. In other words, if he takes pay out of any part of this appropriation he takes it in full of the salary.

Mr. BRAGG. I would be very glad if the Chair would speak so that he could be heard in this part of the Hall.

The CHAIRMAN. The Chair will repeat the ruling.

Mr. HOLMAN. Is not the Chair assuming that the salaries are fixed by law?

Mr. BRAGG. This salary is fixed by law.

The CHAIRMAN. The Chair was so informed.

Mr. HOLMAN. They are fixed by regulation.

Mr. BRAGG. No; this is fixed by law. The Ordnance Office, if the gentleman will search, succeeded in getting a little bill through of not more than four lines, a little innocent bill, some years ago, which fixed these salaries by statute. What was the ruling of the Chair?

The CHAIRMAN. The Chair stated that the proviso was subject to two constructions, but that in the opinion of the Chair the construction placed upon it by the gentleman from Massachusetts [Mr. LONG] was the correct one, which is to the effect that by receiving the compensation appropriated in this bill a clerk could not receive a greater compensation for his services in the courts; and if received at all it was to be received in full satisfaction of all claims for such service.

Mr. BRAGG. That is assuming that an officer of the Government in charge of the Springfield armory might desire to hire a clerk at a higher rate than he is allowed by the law to pay.

The CHAIRMAN. No; it is simply that the clerk employed would be entitled to the salary fixed by law for this service; and the Chair sustains the point of order as to the proviso.

Mr. ROCKWELL. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 466 strike out the word "three," and insert the word "four;" so as to make it read:

"For the manufacture of arms at the national armories, $400,000."

Mr. ROCKWELL. When this bill was under general debate last Saturday I showed from the official statements that the armory had saved to the Government during the late war more than twice its entire cost since its establishment in 1795. I also proved from the official reports that the Springfield rifle as now made at the armory is the best service rifle in existence. These facts are not disputed. Mr. Chairman, a few words as to the reasons that underlie this amendment. There being at present but one national armory at which arms are manufactured the whole amount, $400,000, has been allotted to the Springfield armory. This amount has been for four years past appropriated, and greatly to the advantage of the United States in an increased production and reduced cost per arm, and to the workmen employed in a more permanent employment than one depending on a varying appropriation of less amount. There is a part of the cost of manufacture a constant quantity (the pay of the master armorer, clerks, foreman, inspectors, and others) which does not vary with the appropriation. The ratio between this constant and the number of arms manufactured yearly depends, of course, upon the amount of appropriation.

The experience of these years shows that $400,000 is not too much and is little enough; not too much, because it enables us to supply the wants of the Army and militia and store up a few arms yearly; is little enough, in that a less amount works disastrously in disorganizing the labor employed and increasing the cost of production with no corresponding compensation to the United States. This armory being the only one in operation possesses all the expert labor familiar with public methods of manufacture and amenable to the discipline and control so highly essential for the successful prosecution of Government work. To turn this expert labor adrift, to deprive itself of the skill and system, the growth of years under its own patronage, would be a suicidal policy for the Government. The armory is now on about the lowest plane possible as to number of men and expense for the character of production public establishments in this country are expected to turn out.

Less money means a more costly rifle, or an inferior one, depending upon the number made. It is no economy to reduce appropriations beyond a certain limit—a limit already reached in the amount appropriated for several years past—for the production will be curtailed very materially and the cost largely increased. If an appropriation requisite to keep it up in all its departments to the highest standard is wanting, decay, detrimental alike to workmen and Government, must result. About an average of four hundred and sixty men—all kinds, skilled and unskilled—is certainly a small force for such an establishment as this. It is but a mere nucleus and should not be allowed to deteriorate, but kept in the highest state of efficiency as the basis to work upon in the time of need. How soon that time may come who is wise enough to say? The statement that a reserve of one hundred and fifty thousand arms is enough for a nation of fifty-six million people, with its six million militiamen, carries an absurdity on its face.

It is said we can buy arms in case of need. Wars in these days may end in two months and before arms can be made under contract. We can not buy in time nor what we want. The rifles made outside of the armory under contract during the late war cost $9 apiece more than those made at the armory, and were inferior. Our small army is an expensive one in the matter of small-arms; and between its expenditure and the number supplied to the States under the law of 1808 for arming and equipping the militia this reserve of one hundred and fifty thousand would soon—so soon as to surprise very much the gentlemen who think it enough—disappear if production be stopped or much curtailed. Improved methods, machinery, and excellent supervision have reduced the cost of the rifle and consequently increased the yearly production. Last year over forty thousand rifles and other arms were made, and the product of this year will be about the same. The cost last year for the present rifle was less than $12, the lowest yet reached, and so low that it would be safe to say no private firms in this country could have equaled it. During the civil war as high as $20 was paid to private firms for inferior muzzle-loading muskets of the Springfield pattern.

[Here the hammer fell.]

Mr. HISCOCK was recognized and yielded his time to Mr. ROCKWELL.

Mr. ROCKWELL. Mr. Chairman, I urge this matter because I have examined into it and because I believe that it is public economy to maintain the Springfield armory upon the basis upon which it is now maintained. And I am sustained in that proposition by a note which gentlemen will find in the Book of Estimates for this year on the 101st page, and which I will read for the information of the committee. It fully sustains the proposition that I have been advocating:

NOTE.—Besides supplying the regular Army, the militia, the various colleges, and the other branches constituting the military establishment, the War Department has now to supply arms, ammunition, &c., to the Marine Corps and to the several Executive Departments for use in protecting public money and property, under the act of March 3, 1879 (20 Statutes, 412). The increased cost of the present breech-loading rifle, the greater demand for its use, and the paucity of the appropriations of late years have left the country in a dangerous condition, there being on hand, July 1, 1885, subject to issue, but one hundred and thirty-one thousand eight hundred and twenty-two breech-loading rifles and carbines. It is of the most vital importance to the nation that the manufacture of arms by this Department be steadily continued, in quantities sufficient to render a gradual accumulation of them in store a certainty. The number of small-arms on hand should never be less than 500,000.

Now I say, Mr. Chairman, that the action of this committee is not based upon the recommendation of the Department. For the Department recommended for this appropriation the sum of $500,000. The sum last year was placed at $400,000 because it was thought that nearly $100,000 would be taken out of the militia law of 1808.

Now I am told, and I see the chairman of the committee is on his feet ready to make the statement, that the ordnance bill now in the Senate for $400,000 will come into this branch of Congress and be passed, and then the Springfield armory will have $50,000 or $100,000 in addition to this appropriation of $300,000. In other words, they ask us to reduce in this appropriation the amount from $400,000 to $300,000 because, they say, possibly a bill may pass in this Congress which will give us a little more money to run the armory than we should otherwise get. If that bill passes it would not be necessary for the Government to cause to be made at the Springfield armory more rifles than it needs.

[Here the hammer fell.]

Mr. BRAGG. I sincerely hope this amendment will not be adopted. The reason why it ought not to be adopted is that the Government has no need of the expenditure of the money. They have no need for the extra manufacture of arms. The gentleman's constituents may need the money, but the Government have no need for that extra issue of arms. Why?

Mr. ROCKWELL rose.

Mr. BRAGG. I decline to yield.

Because, first, we have now in excess on hand in store for troops of the United States over one hundred and fifty thousand stand of arms. The appropriation of $300,000 will make in addition to that one hundred and fifty thousand, an increase of between twenty thousand and twenty-three thousand annually in addition, which will leave us at the end of this year with one hundred and seventy-five thousand stand of arms, and at the end of next year with twenty and odd thousand more in addition over and above those that have already been supplied.

Now, if it be the purpose of the Government to manufacture arms for the purpose of having an excuse to manufacture store-houses to keep arms and to pay ordnance-sergeants for watching arms and to pay them according to the estimates of the Ordnance Department for cleaning and repairing arms, and for burnishing arms, then, of course this House will not stop at increasing the appropriation, but will extend it so that it may run out into all of the ramifications of the labor under the control of the ordnance.

There is another reason why we should not have an overexcess of arms. In this age of invention there is change going on and improvement every month, both in large guns and in small guns. It is said we are obliged to take the report of the officer who has charge of an institution of his own, who regulates the tests that are to be applied to all guns, and who then sits in judgment upon the efficiency of all arms as compared with his own. I think it is well to take such recommendations *cum grano salis*, for they come from a juror who gets a part of the pork.

But let us go back a few years and find what our distinguished Chief of Ordnance said on this subject of guns. He says:

To be prepared for war is one of the most effective means of preserving peace—

There is wisdom for you.

Such preparation, to be efficient and complete, must be made at leisure, with all the skill, experience, and means of which we are capable. In making them, time is an element not to be ignored or despised. The progress in invention of the mechanic arts must be consulted and kept in view in the work of preparation, because the approved articles of the past may have become the mere stepping-stone to the perfected improvement of the present. What fifteen years ago was deemed a perfect musket is now classed as obsolete, with hardly a marketable value, and that marvel of mechanism to-day, the breech-loading rifle, must soon

make room for a greater marvel in simplicity and effectiveness. In our preparations we must keep pace with the progress of the age.

That is the report for 1879–'80 of the Chief of Ordnance. Acting upon that report, the Committee on Military Affairs found we had all that was essential for present use for which there would likely be any necessity for some time to come.

[Here the hammer fell.]

Mr. BRAGG. I move to strike out the last paragraph.

Now, Mr. Chairman, to show that this improvement is going on precisely as the Chief of Ordnance wisely anticipated, that officer made a report to the Committee on Military Affairs, a copy of which was furnished to the gentleman from Massachusetts [Mr. ROCKWELL], on the subject of the test of magazine guns. I read an extract:

The reports from one hundred and forty-nine companies have been received, examined, and tabulated, and the results are as follows:

Comparing the three magazine guns with each other, the reports are, for the Lee, 55; Chaffee-Reece, 14; Hotchkiss, 26. As magazine guns, therefore, the reports are largely in favor of the Lee.

Comparing the magazine guns with each other and with the Springfield rifle, as single-loaders, the preference is for the Springfield, as follows: For the Lee, 5; Chaffee-Reece, 0; Hotchkiss, 1; Springfield, 21.

There, you see, he finds the magazine gun, for the purposes for which that gun is made, superior to the Springfield, but when he comes to comparing and testing it with the Springfield, he makes the magazine gun and tests it as a single-loader; that is, he destroys it as a magazine gun and makes it into a single-loader, and then makes the comparison and reports that the Springfield is the best.

Mr. LONG. But the gentleman will notice that in the first comparison there is no comparison with the Springfield.

Mr. BRAGG. No, sir; they rate with each other. But in the second comparison he compares them with each other and with the Springfield as single-loaders. Now, the magazine gun was never made to be a single-loader. The very province of the magazine gun, its peculiarity, the consideration that led to its invention, was the superiority of a magazine gun under certain circumstances to any single-loader.

I simply allude to this to show that inventors who must have their inventions passed upon by the Ordnance Department, which has a pet arm of its own, are liable to receive a not overfavorable judgment.

Mr. ROCKWELL. I ask the gentleman from Wisconsin whether he does not read in that same report that the Chief of Ordnance says he is in favor of magazine guns himself, but that at the same time, from the tests made, he must acknowledge that the Springfield rifle has the preference.

Mr. BRAGG. That the Springfield rifle has the preference over the magazine gun as now improved.

Mr. ROCKWELL. Will the gentleman please read that part of the report?

Mr. BRAGG. Yes, sir [reading]:

I have been and am an advocate for a magazine gun, but it would seem to be the part of wisdom to postpone for the present any further efforts toward the adoption of a suitable [magazine] arm for the service.

Mr. ROCKWELL. Does he tell why?

Mr. BRAGG. No, sir.

Mr. ROCKWELL. He wants to postpone it for the reasons stated.

Mr. BRAGG. He wants to postpone the magazine gun—that is, he wants to postpone all private inventors——

Mr. ROCKWELL. No, no.

Mr. BRAGG. He wants to postpone the magazine gun, though he is in favor of such a gun, because he has an institution of his own to make guns.

Mr. LONG. Mr. Chairman, it strikes me that if the argument of the gentleman from Wisconsin [Mr. BRAGG] means anything it means that we should stop the manufacture of rifles altogether. But that he does not propose to do, and the simple question is whether we shall destroy one-quarter of our present plant and reduce by one-quarter our production of rifles at this time. The gentleman suggests that my colleague from Western Massachusetts [Mr. ROCKWELL] is representing not the needs of the Government but the needs of his constituents. It is a most unfair fling, Mr. Chairman. Undoubtedly the fact that the Springfield armory is located in the district of my colleague suggests to him the importance of this matter; but he understands, as I understand, and as every man in this House understands, that this question is to be determined by the national need. The gentleman from Wisconsin says we do not require even the number of arms that we now have. Unfortunately for the gentleman, the Ordnance Department—whether he be in sympathy with the head of the department or not I do not know—but the Ordnance Department declares that we do need these arms, and I desire, even at the risk of repetition, to again call the attention of the House to what the gentleman from Massachusetts [Mr. ROCKWELL] has read as the statement of the department upon this subject. The Ordnance Department recommend an appropriation of $500,000, which is $100,000 more than the appropriation for this purpose for each of the last four years. Not only does the gentleman from Wisconsin [Mr. BRAGG] propose not to follow that recommendation, but he proposes to cut the appropriation down $100,000 below the last one, reducing it to $300,000 for the next fiscal year. Mr. Chairman, what are the reasons given by the department for its judgment upon this question? I read from its note to the estimate it submits:

Besides supplying the regular Army, the militia, the various colleges, and the other branches constituting the military establishment, the War Department has now to supply arms, ammunition, &c., to the Marine Corps and to the several Executive Departments for use in protecting public money and property under the act of March 3, 1879. (20 Statutes, 412.) The increased cost of the present breech-loading rifle, the greater demand for its use, and the paucity of the appropriations of late years have left the country in a dangerous condition, there being on hand, July 1, 1885, subject to issue, but 131,822 breech-loading rifles and carbines. It is of the most vital importance to the nation that the manufacture of arms by this department be steadily continued, in quantities sufficient to render a gradual accumulation of them in store a certainty. The number of small-arms on hand should never be less than 500,000.

Yet the gentleman from Wisconsin says that the country needs no more arms, and that we ought to stop the manufacture because we do not require even those that we have now on hand. Mr. Chairman, there are sixty millions of people in this country; there are six millions of militia. The gentlemen from Alabama [Mr. WHEELER] told us the other day that in case of an invasion a foreign power might land a million of foemen upon our soil, and we have only one hundred and thirty thousand spare arms.

There are two or three facts which gentlemen should bear in mind in considering this question. One is that you have but one national armfactory in the whole country, so that the question of the Springfield armory is a question for the whole country. In the second place, the rifle made at the Springfield armory is the best rifle that is made. The gentleman from Wisconsin did not read the whole of the Ordnance report on that subject. Comparing the magazine guns with the Springfield for all uses, the Ordnance Department says that the preference for the Springfield rifle is as 46 to 10 for the next best, as 46 to 4 for the second next best, and as 46 to 3 for the third next best, or in these words:

Comparing the magazine guns and the Springfield for all uses, the preference is for the Lee, 10; Chaffee-Reece, 3; Hotchkiss, 4; and the Springfield 46, being largely in favor of the Springfield.

Now, Mr. Chairman, there are two relations in which this appropriation must be considered. The first is the national necessity for a present supply of small-arms. Is the country safe with only a reserve of one hundred and thirty thousand small-arms when the Secretary of War says we should not have less than five hundred thousand? The second is the relation of this question to the future interests of the country. Remember that in striking down this appropriation you are not merely reducing the supply of arms for this year, but you are striking down your plant, which is an absolute necessity to the supply of your requirements for future years. You are taking away from that armory of the United States one quarter of its valuable, expert, skilled labor. It is not only false economy with regard to the coming year, but it is far more false economy with regard to the general needs of the country for the future.

And what is the reason which prompts this reduction? I think we are all able to see it. The gentleman from Wisconsin told us the other night that he desired to carry through a bill for the establishment of a barracks in the West, the gross cost of which would be some $375,000——

[Here the hammer fell.]

Mr. GROSVENOR. If I can be recognized, I will yield my time to the gentleman from Massachusetts [Mr. LONG] that he may continue his remarks.

The CHAIRMAN. If the gentleman from Wisconsin [Mr. BRAGG] will withdraw his formal amendment the gentleman from Massachusetts can renew it.

Mr. BRAGG. Before doing that I would like to know——

Mr. LONG. I hope the gentleman will allow me two minutes; I think I can finish in that time.

Mr. BRAGG. I was about to yield to the gentleman.

Mr. LONG. The gentleman from Wisconsin told us the other night that he desired to pass a bill which would give us a barracks in the West; and I remember that the purpose of that bill, as then stated, was to establish what should be a training-school for our militia. There was no pretense that we needed the troops at present; but the argument was—and a very sound one—that we must have some place to train and discipline the troops that are entering our service. The same rule applies here. There is necessity that you shall have some place not only where you can manufacture the arms necessary for this year, but where you may have your plant for future years—a plant which you have been nearly one hundred years in constructing—and where you may congregate the skilled workmen you have been many years gathering together and ought not now to discharge and disperse.

This experiment of a barracks, we were told, would cost some $375,000; and the gentleman from Wisconsin proposed to save that amount by cutting it out of the regular Army appropriation bill. And here is where he cuts out $100,000 of that sum. I undertake to say that this $100,000—the appropriation being $200,000 below the estimate of the Department—is taken out of this bill simply for the purpose of enabling that scheme of the barracks in the West to go through. I do not be-

lieve that is good statesmanship, especially since the action of the House has shown that the bill for the establishment of the barracks can not become a law. If I may be permitted a homely illustration, it is very much as if a man should have a pair of trousers made with a single leg, in order that he might have something left toward buying him an overcoat. That would hardly be considered good policy, especially after he or his friends and guardians had determined that he should not have the overcoat. [Laughter.]

There is another consideration to which I want to call attention. I do not regard this as a good time to strike at the interests—the reasonable, meritorious interests—of skilled labor. I do not regard it as a desirable thing for us to pass a bill which is going to turn out one-fourth of the skilled laborers employed at our national armory, when, on the earnest recommendation of the Department, there is necessity for their work and for their product. A few months ago we passed here an "urgency deficiency bill" almost solely upon the ground that by putting it through we could avoid the discharge of certain laborers at the Washington navy-yard for a few months. Following the policy adopted in that case, it certainly is not a good time to pass a bill which is to turn permanently out of employment skilled labor which the necessities of the country demand should be retained.

I undertake to say that if this were a matter of $100,000 for the erection of a public building in Texas or New York, a public building in Illinois or Massachusetts, or anywhere else, it would go through almost by common consent. Certainly we are not going to allow ourselves to strike down something that is of infinitely more consequence than any public building—the maintenance of a plant for the production of small-arms which are needed by the country. One hundred and fifty thousand small-arms are a mere bagatelle. As I said before, we have sixty million of people and six million of militia who are liable to be called out in time of war. What are one hundred and fifty thousand reserve arms for such a body? In case of war they would be scattered in a moment; and the loss which would attend their distribution in case of domestic trouble or international disturbance is a matter well worthy of consideration. Mr. Chairman, I am surprised at the position the Military Committee has taken. I can not believe that it is the result of the mature judgment of all its members.

[Here the hammer fell.]

Mr. BRAGG. I withdraw my former amendment and move to amend by striking out the last two words. Mr. Chairman, this country has no need of commencing to store arms now in large quantities in view of any foreign war. The annual increase of twenty-odd thousand muskets is all the increase we ought to make, and more. I am frank to say to the gentleman from Massachusetts that in my judgment, but for the single purpose of keeping alive this plant there would not have been a dollar of appropriation in this bill for the Springfield armory as a matter of necessity. That I believe would have been the judgment of a majority of the committee. I think the recommendation here presented is the recommendation of all the committee.

Sir, we need no army to repel foreign force. We have no foreign invasion. Whenever we are threatened with foreign invasion we shall not need to go to the Springfield armory to get all the arms we want. We can go if need be to private armories, those that have furnished arms to Turkey and the European nations and furnished better arms than we ever had. One hundred and fifty thousand stand of arms will supply an army large enough to repel any invasion that may ever come into this country. If the idea is that we are to manufacture muskets for the purpose of pinning together our people by military power and supporting our Government by shooting down one another, then it is time that our armory should be blotted out.

I am not a believer in the doctrine it is necessary to manufacture arms and build military posts for the purpose of preserving peace and order among our citizens. I believe this Government rests upon the consent of the governed; and when you come to pin the Republic together with cartridges and bayonets, the first match will explode the Republic.

We must trust to the posse comitatus and local sentiment and strength where disorders occur for the purpose of suppressing them, and not appeal to the Federal Army. Call not for the weapons which tyrants and despots use, but at home among ourselves settle our own difficulties peaceably if we can, forcibly if we must. Let us try such force only as is necessary to place the opposition where the courts can reach them.

Mr. ROCKWELL. Mr. Chairman, I am deeply grateful to my colleague [Mr. LONG] for the able defense he made for me against the insidious attack of the gentleman from Wisconsin [Mr. BRAGG]. I had discovered long since that ordinary courtesy falls as coldly on that gentleman's [Mr. BRAGG] heart as icy waves on a wind-swept shore. [Laughter and applause.] He appears to be unhappy unless he is in a quarrel with somebody. [Laughter.] And now he is in a quarrel with the Democratic Ordnance Department because he can not shape his views to agree with their experience.

Mr. Chairman, I stand upon this business proposition: In peace we must be prepared for war. If necessary we must run our armory at a loss even, that we may have means at short notice to supply arms for our soldiers in case of war.

The gentleman talks beautifully about peace. Who can tell at what moment England or some other nation may be arrayed against us? Who can foresee the future? Wars come up suddenly. A cloud no bigger than a man's hand is seen and then the cloud of war bursts upon us, and unless we are prepared we shall be stricken down.

Why talk about a reserve of one hundred and fifty thousand arms for a nation of this size? Why, sir, it would be a mere bagatelle in the distribution in case the emergency should arise.

Take our experience in the late war; and I do not know of anything better we can follow than that, and I do not propose to exchange that experience for the theory of the gentleman from Wisconsin; our experience was that we could not get a good arm, and could not get it in time. Therefore we had to appropriate a very large sum of money to improve our plant so we could make a thousand rifles a day.

It is said that some other bill will provide for the Springfield armory. Is that the business way? We are here to make the appropriation now, and not to legislate upon this bill in the hope that another bill will pass elsewhere and be brought in here to carry out our intentions. That argument is idle and futile. See that this appropriation be made right now, and if you wish to use the other argument, use it when the other bill is before us. Do not cut down this appropriation, looking for another to come from another place to make it good.

The gentleman says it was thought at one time they would leave out the appropriation for the manufacture of arms altogether. I do not stand here for my constituents alone when I protest against that idea also. I stand here for every citizen of the United States, and maintain that it is for the interest of the Government to see that this armory plant is kept up.

What a sad plight we are in. We are wholly unprepared for war. In case of a foreign war, our ports on the seaboard are at the mercy of any fourth-rate power. We are considering how we shall protect ourselves.

When we have scarcely any naval defenses, would you also cripple another branch of the service?

In the very argument the gentleman himself uses, that another bill may provide the $100,000 he cuts out here——

Mr. BRAGG. I beg the gentleman's pardon; I said nothing of the kind.

Mr. ROCKWELL. I can not yield to the gentleman for an interruption.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BRAGG. Mr. Chairman, I desire to correct the statement of the gentleman that I alluded to that other bill. I made no allusion to it whatever. It is but the echo of his own voice; he opened and closed with it; nobody else said a word about it.

I call for a vote.

The CHAIRMAN. The Clerk will again report the pending amendment of the gentleman from Massachusetts.

The amendment of Mr. ROCKWELL was again read.

The question was taken; and on a division there were—ayes 74, noes 68.

Mr. McMILLIN. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. McMILLIN and Mr. ROCKWELL were appointed tellers.

The committee again divided; and the tellers reported—ayes 86, noes 84.

So the amendment was adopted. [Applause on the Republican side.]

Mr. BRAGG. I offer an additional amendment to be added to this paragraph.

The Clerk read as follows:

That no part of this appropriation shall be expended in the employment of clerks of a higher class than fourth-class clerks as graded by the Army regulations.

Mr. ROCKWELL. I renew the point of order on that.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that this amendment is new legislation. The Chair overrules the point of order, being of the opinion that this provision is in order as an amendment to the bill.

The question was taken; and on a division there were—ayes 76, noes 58.

So the amendment was adopted.

The Clerk resumed and concluded the reading of the bill.

Mr. BRAGG. I move that the committee rise and report the bill and amendments to the House.

Mr. HOLMAN. I move to strike out the last word.

Mr. Chairman, the effect of the last amendment made to this bill is that the bill now appropriates $54,875.60 more than the appropriation law for the present fiscal year; and to show that the increase can not be possibly justified by the necessity of the War Department, I wish to call the attention of the House again to the fact that for a number of years there has been a moderate yet steady reduction in the cost of the Army.

For 1884 the whole sum appropriated was $24,681,250. For 1885 the whole sum appropriated was $24,454,450; while for 1886 the whole

sum appropriated was $24,014,052.50, showing a reduction on the three successive appropriation bills of $667,197.50, or at the rate of more than $200,000 a year. There is, taking the two current years together, that is the present and the last year—there is, I think, no deficiency. There is an estimated deficiency in the Pay Department for the current year of $189,259.12; but the appropriation for the preceding year embraces $229,099.85 more than was required, so that no more is required to be appropriated as a deficiency for the present year, but simply a re-appropriation of unexpended balances of the preceding year to the amount of $189,259.12. Taking the two last years together, as my friend from Wisconsin [Mr. BRAGG] will perceive, there will be a difference between this bill as it now stands and the average of the two last bills of about $50,000.

Now, Mr. Chairman, I do not think that there should be any such increase, or any increase, in the expenditures of the Army. I think this is a branch of the service where there ought to be, as appropriation bills have heretofore indicated, a steady decline in the amount required. One important element of expense in the Army is transportation, and that largely results from the vast number of our military posts; but the tendency of late being to concentrate these materially diminishes the cost of the transportation. That tendency should go on, and instead of having increased expenditures for the benefit of the Army, instead of being an increase on appropriations of former years, there should have been a heavy reduction. I hope, therefore, sir, that this increase of $100,000, which has been satisfactorily shown to be unnecessary, for ordnance, will be defeated ultimately in the House.

I withdraw the *pro forma* amendment.

The CHAIRMAN. The Chair will now submit the motion of the gentleman from Wisconsin.

Mr. BRAGG. I made the motion prior to the gentleman from Indiana making his informal amendment.

The CHAIRMAN. But the amendment was in order at that time.

Mr. BRAGG. Was an informal amendment in order?

The CHAIRMAN. Certainly.

Mr. BRAGG. I do not care to discuss that matter now.

The motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, had directed him to report the same back to the House with sundry amendments and the recommendation that the bill as amended do pass.

Mr. BRAGG. I move the previous question on the amendments and the engrossment and third reading of the bill.

The previous question was ordered.

Mr. BRAGG. I ask that all the amendments may be acted upon by one vote except that at line 466 striking out "$300,000" and inserting "$400,000."

The SPEAKER *pro tempore*. If there be no demand for a separate vote on any other amendment the Chair will put the question on all the amendments except the one indicated by the gentleman from Wisconsin.

The amendments, with the exception indicated, were agreed to.

The SPEAKER *pro tempore*. The Clerk will report the amendment on which a separate vote is asked.

The Clerk read as follows:

In line 466, strike out "$300,000" and insert "$400,000;" so that it will read: "For manufacture of arms at the national armories, $400,000."

Mr. BRAGG. Upon that amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 106, not voting 113; as follows:

YEAS—103.

Adams, G. E.	Farquhar,	Little,	Romeis,
Anderson, J. A.	Fuller,	Long,	Sawyer,
Atkinson,	Funston,	Loutlit,	Scranton,
Baker,	Gay,	Lovering,	Sessions,
Bayne,	Goff,	Mahoney,	Smalls,
Boutelle,	Grosvenor,	Markham,	Spooner,
Brady,	Grout,	McComas,	Stephenson,
Browne, T. M.	Guenther,	Merriman,	Stone, E. F.
Brown, C. E.	Hanback,	Millard,	Strait,
Brown, W. W.	Harmer,	Milliken,	Struble,
Brumm,	Hayden,	Morrill,	Swinburne,
Buck,	Haynes,	Morrow,	Symes,
Butterworth,	Hepburn,	O'Donnell,	Taylor, I. H.
Campbell, Felix	Herman,	O'Neill, Charles	Taylor, Zach.
Campbell, J. M.	Hires,	O'Neill, J. J.	Thomas, O. B.
Campbell, T. J.	Hiscock,	Osborne,	Thompson,
Cannon,	Hitt,	Owen,	Van Schaick,
Cooper,	Hopkins,	Payne,	Wadsworth,
Davenport,	Jackson,	Peters,	Wakefield,
Davis,	James,	Pettibone,	Warner, William
Dibble,	Johnson, F. A.	Phelps,	Weber,
Dorsey,	Johnston, J. T.	Plumb,	West,
Dunham,	Ketcham,	Price,	White, Milo
Ely,	La Follette	Reed, T. B.	Whiting,
Evans,	Lawler,	Rice,	Woodburn.
Everhart,	Lindsley,	Rockwell,	

NAYS—106.

Allen, J. M.	Davidson, A. C.	Jones, J. H.	Scott,
Anderson, C. M.	Davidson, R. H. M.	King,	Seney,
Ballentine,	Dawson,	Kleiner,	Seymour,
Barksdale,	Dockery,	Laffoon,	Shaw,
Barnes,	Dunn,	Laird,	Singleton,
Barry,	Eldredge,	Lanham,	Springer,
Beach,	Ellsberry,	Le Fevre,	Steele,
Belmont,	Ermentrout,	Lore,	Stewart, Charles
Bennett,	Ford,	Martin,	St. Martin,
Bland,	Forney,	Maybury,	Stone, W. J., Mo.
Blount,	Glass,	McCreary,	Storm,
Bragg,	Green, R. S.	McMillin,	Swope,
Breckinridge, C. R.	Green, W. J.	Miller,	Taulbee,
Breckinridge, WCP.	Halsell,	Mills,	Throckmorton,
Bynum,	Hammond,	Morgan,	Tillman,
Cabell,	Harris,	Morrison,	Trigg,
Caldwell,	Hatch,	Murphy,	Turner,
Campbell, J. E.	Heard,	Neal,	Van Eaton,
Candler,	Henderson, J. S.	O'Ferrall,	Viele,
Catchings,	Herbert,	Perry,	Ward, J. H.
Clements,	Hewitt,	Pidcock,	Weaver, J. B.
Cobb,	Holman,	Reid, J. W.	Wheeler,
Cowles,	Howard,	Richardson,	Willis,
Cox,	Hudd,	Riggs,	Wilson,
Crisp,	Hutton,	Robertson,	Wolford.
Croxton,	Irion,	Sadler,	
Dargan,	Johnston, T. D.	Sayers,	

NOT VOTING—113.

Adams, J. J.	Dougherty,	Libbey,	Rowell,
Aiken,	Dowdney,	Lowry,	Ryan,
Allen, C. H.	Eden,	Lyman,	Skinner,
Arnot,	Felton,	Matson,	Snyder,
Barbour,	Findlay,	McAdoo,	Sowden,
Bingham,	Fisher,	McKenna,	Spriggs,
Blanchard,	Fleeger,	McKinley,	Stahlnecker,
Bliss,	Foran,	McRae,	Stewart, J. W.
Bound,	Frederick,	Mitchell,	Stone, W. J., Ky.
Boyle,	Gallinger,	Moffatt,	Tarsney,
Buchanan,	Geddes,	Muller,	Taylor, E. B.
Bunnell,	Gibson, C. H.	Neece,	Taylor, J. M.
Burleigh,	Gibson, Eustace	Negley,	Thomas, J. R.
Burnes,	Gilfillan,	Nelson,	Townshend,
Burrows,	Glover,	Norwood,	Tucker,
Carleton,	Hale,	Oates,	Wade,
Caswell,	Hall,	O'Hara,	Wait,
Clardy,	Hemphill,	Outhwaite,	Ward, T. B.
Cole,	Henderson, D. B.	Parker,	Warner, A. J.
Collins,	Henderson, T. J.	Payson,	Weaver, A. J.
Compton,	Henley,	Peel,	Wellborn,
Comstock,	Hiestand,	Perkins,	White, A. C.
Conger,	Hill,	Pindar,	Wilkins,
Crain,	Holmes,	Pirce,	Winans,
Culberson,	Houk,	Randall,	Wise.
Curtin,	Jones, J. T.	Ranney,	Worthington.
Cutcheon,	Kelley,	Reagan,	
Daniel,	Landes,	Reese,	
Dingley,	Lehlbach,	Rogers,	

So the amendment was not agreed to.

Mr. HENDERSON, of Illinois. I voted "ay," but being paired, I withdraw my vote. I voted to make a quorum if my vote was necessary.

Mr. BRAGG. I ask unanimous consent to dispense with the recapitulation of the vote.

There was no objection.

The following pairs were announced until further notice:

Mr. ADAMS, of New York, with Mr. KELLEY.

Mr. MULLER with Mr. HOUK.

Mr. BOYLE with Mr. HENDERSON, of Illinois.

Mr. DOWDNEY with Mr. WEAVER, of Nebraska.

Mr. NORWOOD with Mr. GILFILLAN.

Mr. TOWNSHEND with Mr. GALLINGER.

Mr. OUTHWAITE with Mr. PARKER.

Mr. CURTIN with Mr. NEGLEY.

Mr. CRAIN with Mr. STEWART, of Vermont.

Mr. CULBERSON with Mr. MCKINLEY.

Mr. BURNES with Mr. BUCHANAN.

Mr. FISHER with Mr. O'HARA.

Mr. GIBSON, of West Virginia, with Mr. PIRCE.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. CARLETON with Mr. HOLMES.

Mr. HUDD with Mr. FLEEGER.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. TARSNEY with Mr. CASWELL.

For this day:

Mr. SNYDER with Mr. CONGER.

Mr. BARBOUR with Mr. CUTCHEON.

Mr. HEMPHILL with Mr. LYMAN.

Mr. BLISS with Mr. PAYSON.

Mr. ARNOT with Mr. ROWELL.

Mr. ROGERS with Mr. PERKINS.

Mr. MITCHELL with Mr. DINGLEY.

Mr. LOWRY with Mr. EZRA B. TAYLOR.

Mr. GIBSON, of Maryland, with Mr. NELSON.

Mr. FREDERICK with Mr. LEHLBACH.

Mr. REESE with Mr. BINGHAM.

Mr. MATSON with Mr. MCKENNA.

Mr. FELTON with Mr. LANDES.

Mr. WILKINS with Mr. HENDERSON, of Iowa.
Mr. LIBBEY with Mr. WISE.
Mr. MCRAE with Mr. ALLEN, of Massachusetts.
Mr. PINDAR with Mr. BUNNELL.
Mr. NEECE with Mr. WAIT.
Mr. RYAN with Mr. TUCKER.
Mr. JOHN M. TAYLOR with Mr. BURROWS, on this vote.
Mr. SOWDEN and Mr. STAHLNECKER were paired, or otherwise they would have voted in the negative.

The result of the vote was announced as above stated.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BRAGG. I move the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER announced the appointment as Visitors to the United States Military Academy of Mr. BRAGG of Wisconsin, Mr. VIELE of New York, and Mr. LAIRD of Nebraska.

TERRITORY OF ALASKA.

Mr. HILL, by unanimous consent, introduced a bill (H. R. 8757) for the organization of the Territory of Alaska, and to provide for the establishment of a civil government therefor; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ARKANSAS, NEW MEXICO AND PACIFIC RAILROAD.

Mr. HILL, by unanimous consent, also introduced a bill (H. R. 8758) to incorporate the Arkansas, New Mexico and Pacific Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

CORRECTION.

Mr. BRUMM. Mr. Speaker, I rise to a question of privilege. This morning I called the attention of the House to the fact that there was an error in the RECORD in the remarks made yesterday by the gentleman from Alabama [Mr. WHEELER]. My attention was then called to the fact that the gentleman was not in the House, and I therefore withheld the matter until now. The gentleman, I observe, is now in his seat. I therefore now again call attention to the error, which appears upon page 4389 of the RECORD in the remarks which the gentleman made yesterday. The error consists in the omission of the prefix "arch" before the word "conspirator." The language actually used by the gentleman from Alabama, as furnished by the Official Reporter who recorded it, is:

I thank the gentleman from Wisconsin for the suggestion that the charges we make were against the arch-conspirator, Mr. Stanton [hisses on the Republican side], who sought and conspired to drag down officers of the Army who did not comport to his views or sustain the line of policy he sought to inaugurate.

The passage as printed in the RECORD reads:

I thank the gentleman from Wisconsin [Mr. BRAGG] for the suggestion that the statements refer to the conspirator Edwin M. Stanton [hisses on the Republican side], who sought to conspire to drag down officers of the Army who did not conform, &c.

In the printed remarks the gentleman appears to have said that Mr. Stanton sought to conspire, whereas he did in fact say not only that Mr. Stanton sought to conspire, but that he did conspire. The language actually used by the gentleman is "who sought and conspired to break down officers of the Army," &c., and the gentleman applied the term "arch-conspirator" to our honored late Secretary of War, Mr. Stanton. I ask that the RECORD be corrected on this point.

The SPEAKER *pro tempore* (Mr. CRISP). Is there objection to the correction being made as indicated by the gentleman from Pennsylvania?

Mr. HAMMOND. Mr. Speaker, I do not know what the fact is. If the fact is as the gentleman from Pennsylvania [Mr. BRUMM] states, the error ought to be corrected. It is certainly very important that the adjective should be restored. There are some people who would not mind if they were called a "liar," but if they were called a "damned liar" would get very mad. [Laughter.]

The SPEAKER *pro tempore*. Is there objection to the correction indicated?

Mr. WHEELER. Mr. Speaker——

Mr. MCMILLIN. If it suits the gentleman from Pennsylvania better, I suppose there would be no objection.

Mr. BRUMM. What did the gentleman remark?

Mr. MCMILLIN. I suppose that if the phraseology you suggest suits you better there will be no objection to the change being made.

Mr. BRUMM. Oh, I have nothing to do with it. It is not that one word alone, but the context also has been changed.

Mr. MORRISON. Mr. Speaker, I do not think there is any question of privilege involved in this matter. My recollection is that the gentleman from Alabama [Mr. WHEELER] did use the expressions and say substantially what the gentleman from Pennsylvania [Mr. BRUMM] attributes to him; but it may be that, like the gentleman from Georgia [Mr. HAMMOND], I do not remember what the fact was. It is a very common thing for gentlemen to revise their remarks before they go into the RECORD. When gentlemen who take the trouble to look over their remarks find that they have slopped over a little they erase something. [Laughter.] This is too common, and often too creditable to be criticised.

Mr. BRUMM. That is all we want the gentleman from Alabama to do, to acknowledge that he did slop over.

Mr. MORRISON. It seems to me the gentleman from Alabama, with entire propriety, without infringing any rule of the House or offending any of its members, might have erased the word or the whole of what was said in connection with it.

The SPEAKER *pro tempore*. Is there objection to making the correction?

Mr. REED, of Maine. A matter like that always shrinks on cooling, and the great wonder is that it did not shrink more. [Laughter.]

Mr. SPRINGER. Just as our friend upon the other side, Mr. CUTCHEON, when he made an assault on General Grant left it all out of the RECORD. [Laughter.]

Mr. REED, of Maine. And if some of you gentlemen on your side had done the same thing it would be better for your history.

The SPEAKER *pro tempore*. Does the gentleman from Alabama [Mr. WHEELER] object to the correction?

Mr. WHEELER. I would like to state, Mr. Speaker——

Mr. MORRISON. Mr. Speaker, if there is no question of privilege in this matter I want to stop it right here. I have had my say. [Laughter.]

The SPEAKER *pro tempore*. The Chair understands that the only question involved is as to the truth of the RECORD. The gentleman from Pennsylvania [Mr. BRUMM] calls attention to certain portions of the remarks of the gentleman from Alabama [Mr. WHEELER] yesterday wherein it is claimed that the RECORD is not correct. Is there objection to making the correction?

Mr. DUNN. Mr. Speaker, I think the point made by the Chair about the RECORD being required always to speak the truth is hardly tenable. It is important that the Journal shall tell the truth, but I do not know that there are many people in the country who expect the RECORD to contain the whole truth. [Laughter.]

The SPEAKER *pro tempore*. The object of the RECORD is to record correctly the proceedings of the House.

Mr. MORRISON. Well, it is near enough correct. [Laughter.]

Mr. BRUMM. A truth half told is often worse than the worst kind of a lie.

Mr. DUNN. Oh, you have said worse things than anybody else I have ever heard speak in this House.

Mr. BRUMM. I stand by them though. I do not slink away from them.

The SPEAKER *pro tempore*. Does the gentleman from Alabama object to the proposed correction?

Mr. WHEELER. Mr. Speaker, I wish to state the facts, which are that the expression "arch" did appear in my remarks, and that, with a desire to prevent a thing going into the RECORD which I saw had created some feeling on the floor, I did draw my pen over the expression in a way which showed that it had been used, leaving the RECORD to be discussed, as I rather thought it would be discussed, this morning.

The SPEAKER *pro tempore*. The correction will be made.

Mr. BELMONT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of considering a general appropriation bill.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HATCH in the chair), and proceeded to the consideration of the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. BELMONT. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. If there be no objection that order will be made.

There was no objection.

Mr. BELMONT. Mr. Chairman, this bill, as now reported by the Committee on Foreign Affairs, appropriates $1,299,665 as against $1,919,713 appropriated in the corresponding bill passed last year. This apparent decrease, however, is owing to the fact that last year's bill included an item of $594,000 for the payment of awards of the French-American Claims Commission, and also an item of $100,000 for the international survey between the United States and Mexico. Neither of these items is included in the present bill. The Department estimates contain an item of somewhat over $15,000, the balance due upon the

French-American Claims Commission awards, and also an item of $100,000 for continuing the international boundary survey. These were recommended by the Department to the Committee on Foreign Affairs, but under the rules the committee was relieved from their consideration, and they will probably come before the House in the sundry civil bill.

This bill appropriates for the diplomatic service $536,845, and for the consular service $762,820—very much the same amounts that were appropriated in last year's bill. This bill is, in fact, a very simple one—merely a money bill; and the committee that reported it thought, upon consultation, that the House probably would not desire to occupy much time in its discussion. Variations from last year's bill can very briefly be stated to the House as the items are reached and are unanimously recommended by the committee. Therefore under instructions of the Committee on Foreign Affairs I move that the committee rise for the purpose of limiting debate.

Mr. CANNON. I would be glad if the gentleman, before pressing that motion, would yield to me five or ten minutes.

Mr. BELMONT. Would not the gentleman be able to submit his remarks during the five-minute debate?

Mr. CANNON. I think I could shorten my remarks so as probably not to exceed ten minutes.

Mr. BELMONT. I suppose the gentleman's purpose is to facilitate the dispatch of business.

Mr. CANNON. I want to talk about the bill for a few minutes only.

Mr. BELMONT. Then I ask unanimous consent that general debate on this bill be limited to half an hour.

Mr. CANNON. For my own part I certainly shall not want that much time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that general debate on this bill be limited to half an hour? The Chair hears none, and it is so ordered.

Mr. BELMONT. I now yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I have not given this bill a great deal of consideration; yet I have read the report accompanying it; and the statements in that report differed so much from my recollection that I have taken a little pains to verify my recollection touching some of those statements.

Mr. BELMONT. The gentleman will permit me to say that since the report was presented to the House the committee has had under consideration certain recommendations from the Department of State and has agreed upon certain amendments; and in the summary which I have just given to the House of the appropriations embraced in the bill those recommendations are included. While they differ somewhat from the original report, yet, as I stated in the outset, they can very briefly be explained when we come to consider the items of the bill in detail. It seems to me perhaps best that the discussion of those items should be deferred until that time arrives.

Mr. CANNON. I was not referring to those items, but to other statements in the report. I read for instance:

The total amount appropriated by this bill is $1,254,165.

Mr. BELMONT. The statement which I have just made of the aggregate appropriation in this bill included the changes since agreed on. As I said, the bill as now reported appropriates $1,299,665.

Mr. CANNON. As you propose to amend it?

Mr. BELMONT. Yes, sir.

Mr. CANNON. I was taking the bill without reference to any subsequent action of the Committee on Foreign Affairs. I cast up the figures with some care, and I find that in the bill as originally reported there is a slight error in the addition.

Mr. BELMONT. The gentleman will permit me to say there is no error at all, because the committee has instructed me in reporting the bill to ask that the amendments I referred to be adopted when we come to the particular items to which they relate.

Mr. CANNON. Those amendments are not now printed in the bill, are they?

Mr. BELMONT. They are amendments, for instance, in regard to the increase in the contingent expenses of consulates.

Mr. CANNON. But those amendments do not now appear in the bill?

Mr. BELMONT. They do not.

Mr. CANNON. I am not referring to the amendments that the gentleman now speaks of. I am referring to the bill as it was reported from the committee, read twice, and referred to the Committee of the Whole on the state of the Union. A copy of the bill as thus reported and referred to the Committee of the Whole I hold in my hand. I am not dealing with the amendments the gentleman speaks of at all.

Mr. BELMONT. I understand the gentleman is speaking about the amendments.

Mr. CANNON. I have not got that far yet, but will presently. [Cries of "Go on!"] A careful footing of the bill carries $1,279,665, an item between $25,000 and $30,000 more than the report states it. I should not have thought anything of that error of the clerk, perhaps——

Mr. BELMONT. I must insist I have explained that matter. Thirty thousand dollars was the amount the committee instructed me to ask the House to adopt in the way of amendments to the last item of the bill in regard to contingencies.

Mr. CANNON. Is it an amendment to the amendment?

Mr. BELMONT. I have already answered it is not.

Mr. CANNON. It is not. If the gentleman will allow me to complete my statement he will see I am not referring to his amendment hereafter to be offered. I am referring to the error that committee made, or more probably its clerk made, when they footed the total of the appropriations recommended by the bill. The report states it at $1,254,165, whereas in fact it is $1,279,665.

I go a step further. The report of the Committee on Foreign Affairs states that the amount appropriated by the corresponding act for the present fiscal year is $1,919,713. Now the truth is the amount appropriated by the corresponding act for the current year is $1,242,925, $700,000, in round numbers, less than is stated in the report.

Mr. BELMONT. I am sorry to interrupt the gentleman again, but I think the House ought to know——

Mr. CANNON. I am going to explain it. I have already explained it.

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. Certainly.

Mr. BELMONT. That there was included in this estimate as to the expenditure last year the amount for the French-American Claims Commission awards and the $100,000 for the Mexican boundary survey.

Mr. CANNON. The gentleman would save himself trouble as well as myself by allowing me to state what I understand this bill shows and what I understand the report of the committee to be. I will be able to do it in about three minutes if the gentleman will allow me to complete my sentence.

The report I hold in my hand, I will say again, states that the bill for the current year corresponding to this amounts to $1,919,713, whereas it only amounts to $1,242,925, a difference in round numbers between the fact and the statement in the report of $700,000. The bill as reported recommends an increase over the law for the current year of over $35,000. The gentleman speaks of appropriation of $594,000 for the awards of the French-American Claims Commission and $100,000 for the Mexican boundary survey. Why, my friend, your committee never could have examined the law for the current year. It does not contain either item. They are both appropriated for in the sundry civil appropriation bill, and not in the corresponding bill to this.

Mr. BELMONT. I have already said to the House the committee had no instruction on the question of appropriation for the Mexican boundary survey, that it was discharged from its consideration, and that probably it would be presented to the House in the sundry civil bill. Five hundred and ninety-four thousand dollars for the French American Claims Commission awards was an item which appeared in the last year's appropriation bill, but did not appear in this.

Mr. CANNON. If my friend will allow me, that is a question I desire to dispute and do dispute. The report shows just that, and now you repeat it, whereas in truth and in fact both items, one for $594,000 and another for $100,000, are not in the law for the current year. Your report mistakes when it says the act for the current year covers those items.

Somebody may ask what does all of this amount to? It amounts to just this, Mr. Chairman, and that called my attention to it in the first place: When the gentleman reported his bill from the committee and placed it upon the Calendar evidently the agent of the Associated Press made haste to analyze the bill and to read the report submitted, and what was the result?

The result was that there went out a report which appeared in every metropolitan newspaper in the land, the statement that this economical Committee on Foreign Affairs had reported a bill cutting down the expenses, as compared with the corresponding act for the current year, over $700,000.

The CHAIRMAN. The time yielded to the gentleman has expired.

Mr. CANNON. I understood I had half an hour if I desired it.

The CHAIRMAN. The Chair understood the gentleman from New York [Mr. BELMONT] to yield ten minutes.

Mr. CANNON. I shall only want a few moments longer.

Mr. BELMONT. I will yield to the gentleman all the time he desires.

Mr. CANNON. More than that, the report went out that this saving in this appropriation bill, that of $700,000, was the first fruits, showing the wisdom and economy of the House in adopting the new rules distributing the appropriation bills among the committees.

Mr. STEELE (from his seat). That is just where it hurts. That question has been settled.

Mr. CANNON. My friend from Indiana says that question has been settled; so I grant you, it has been settled. The rule has not operated yet sufficiently to demonstrate its wisdom; but I do not say that it was not wise; nor am I grumbling about it, although an absolute misstatement of a saving of $700,000 in this report appears as one of its fruits.

Now I have not noticed any contradiction in the Associated Press dispatches, nor do I care whether they make the contradiction or not. But here is the report made to the House of Representatives from one of its committees, and I could not let that report go unchallenged, as it contained an error of this character.

Mr. LONG. What is the fact in reference to the amount of the appropriation; is it less?

Mr. CANNON. No; the appropriation for the current year is $30,000 less than that recommended by this bill; whereas the Committee on Foreign Affairs have gone before the country as having recommended a bill carrying $700,000 less than the bill for the current year. That is all I desire to say upon that point.

As the consideration of the bill progresses, unless somebody else undertakes to do it, I shall offer some amendments to correct certain errors that I have noticed in the arrangement of the bill. I find that there is a misarrangement of several items of appropriations with reference to consuls, &c.

Mr. RICE. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. RICE. Is not the difference to which the gentleman refers made up as shown by the very first paragraph of the report? Does it not show that the item of $594,000 for the awards of the French and American Claims Commission included in the bill for the current year are omitted in this? Also that $15,000 due on those claims has been omitted, and that $100,000 for the purpose of continuing the international boundary survey between the United States and Mexico has been omitted? If the gentleman will take these amounts and add them will they not bring the amount appropriated by the bill down to the aggregate sum as stated?

Mr. CANNON. My friend from Massachusetts has certainly not heard the statement I made at the opening of my remarks. Let me read for him the first five lines of the report.

The total amount appropriated by this bill is $1,254,165. The amount appropriated by the corresponding bill for the present fiscal year was $1,919,713. There was included in that measure an appropriation of $594,000 for payment of the awards of the French-American Claims Commission. No item on this account appears in the present bill.

Now, there is no item of $594,000 for awards of the French-American Claims Commission in the law for the current year. It never was in it, and when you say that the corresponding law for the current year bears that item and the other item of $100,000 for the boundary commission it is a clear misstatement, because the act for this year does not bear either of these items.

Mr. BELMONT. I of course took it for granted, Mr. Chairman, that when this discussion commenced the gentleman from Illinois desired, in asking for the time, to dispatch the business of the House. The point he raises I believe would certainly have been explained as we went on with the consideration of the bill; and if he would look at the Department estimates he will find the reasons which explain the arrangement of the bill. The Department estimates for the service, contained in the Book of Estimates, embody the items——

Mr. CANNON. I am talking about the law for the current year.

Mr. BELMONT. And I am seeking, since the gentleman has called in question the action of the committee, to establish before the House the methods it pursued in the preparation of the bill. The Book of Estimates for foreign intercourse contains many suggestions which the committee did not adopt; and it will be found as we proceed with the consideration of the bill that the misplacement as to the consuls, if the gentleman will permit me, at the proper time will be remedied by amendment, as I had proposed to suggest that to the House on the part of the committee, because I have had already under consideration that very fault in the printed bill.

The Department had recommended certain increases of salary, but under the rules of the House and the interpretation given to them we did not think we would undertake to recommend any changes of law in this bill, but would leave all such changes and increases for the general bill, which we hope to present to the House at an early day. It is easy to account for the misplacement as to the few consulates of which the gentleman speaks. The estimates of their salaries were sent in to the committee.

The increase in salary involves a change in the classification of consuls, consuls being classified under the present system according to salary. Therefore it occurred, as the gentleman suggested, that some of these consuls appear in the wrong place; but when we reach those lines there will be nothing more easy than to ask the striking out of the name of the misplaced consulate in the printed bill and its insertion in its proper place.

As the gentleman from Massachusetts [Mr. RICE] explained to the House just now, the $600,000 which make the difference are accounted for by the fact that the Department in its estimates has sent a recommendation in regard to those items to the Committee on Foreign Affairs, supposing the amount for the Mexican boundary commission, the amount for the French claims commission, and also the amount for the Haytian commission belonged to the consideration of that committee. But I was instructed to ask that the committee be discharged from the consideration of those items; and, as stated at the outset, they will probably appear in the sundry civil bill. Therefore I fail to see how it can be said, after this explanation, that there is any danger of the House being misled as to the purpose of the committee in this bill.

I will ask that the Clerk commence the reading of the bill by paragraphs.

The CHAIRMAN. If there be no objection the Clerk will now commence the reading of the bill by paragraphs for amendment.

There was no objection.

The Clerk read the following paragraph, under the heading "Contingent expenses, foreign mission:"

For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, and traveling and miscellaneous expenses, and for printing in the Department of State, $105,000.

Mr. BELMONT. I offer the amendment which I send to the desk. It does not increase the expenditure. It has been prepared on the advice of the accounting officers of the Treasury simply in order that the items may be clearly specified.

The Clerk read as follows:

Amend the paragraph from line 88 to line 94 so that it will read as follows:

"For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk-hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, $105,000."

The amendment was adopted.

The Clerk read the following paragraph:

Hiring of steam-launch for use of the legation at Constantinople, $1,800.

Mr. HOLMAN. I hope there will be some explanation of this item. This is a new appropriation.

Mr. BELMONT. It has been customary to have a steam-launch for the use of the legation at Constantinople, and it is absolutely necessary. The increase in this item is $800.

The CHAIRMAN. There is no motion pending.

Mr. HOLMAN. I move to strike out the last word, in order that the gentleman from New York may give an explanation.

Mr. BELMONT. I understood the gentleman from Indiana to say this was a new item.

Mr. HOLMAN. New as to the amount.

Mr. BELMONT. The fact is the steam-launch has been used by the legation at Constantinople for years past; the minister being unable to reach the place of his official duties unless he has one.

Mr. WILSON. Is there an increase?

Mr. BELMONT. There is an increase of $800.

Mr. WILSON. Was that given because of the increase of the size of the minister?

Mr. BELMONT. The request of the minister has been very recently presented to the Department of State and to the committee, and there was not any difference of opinion that I know of in regard to the justice of his demand. I have in my hand the letter of the minister, which fully describes the necessity for this launch. I hardly think it necessary to have it read.

Mr. HOLMAN. I withdraw the formal amendment.

Mr. CANNON. I would like to say a word, and therefore renew the amendment.

I shall not antagonize by my vote the increase of $800 for a steam-launch for the use of our representative at Constantinople. But I do want to call the attention of gentlemen on this side and on that side of the House to this fact, that this administration is Democratic.

Several MEMBERS. We all know that.

Mr. CANNON. And you Democrats say that it is an economical administration. Yet I find a very clever gentleman appointed to Constantinople—you all understand who; he has had long years of service on the floor of the House, and the first thing that is done when this administration comes into power is to pay him a salary as minister at Constantinople of $10,000 a year, whereas under the Republican administration the minister at Constantinople only received $7,500 per annum.

A MEMBER. We have got better men now as ministers.

Mr. BELMONT. Will the gentleman pardon me for interrupting him?

Mr. CANNON. Let me finish my statement. In addition to that, we have here an increase of $800 for the steam-launch. I recollect that steam-launch in former years, when this bill was being considered, begot discussions on that side of the House which, if put in the aggregate, would run for days, about the extravagance of that launch. It was declared there was no necessity for a steam-launch there, and all that sort of thing. I believed then, when the debate was going on, you did not know much about it. But now, when circumstances have changed, you find it is not only proper to increase the salary of the minister at Constantinople $2,500, and not only proper to give a thousand dollars for the steam-launch, but that it is very proper to increase the amount to $1,800, making his pay, including the steam-launch, $11,800, while General Wallace, the Republican minister, only received $8,500.

So be it. I do not want our representatives at foreign posts to appear at a disadvantage; I do not want them to have to be mean for want of sufficient appropriations to sustain the dignity and honor of the American people and the American flag at Constantinople or anywhere else.

But, having sat in this House and in former Houses for ten or twelve years past and heard this matter discussed Congress after Congress, and heard the statements made upon the Democratic side of the House about all this useless extravagance, and about the entertainments and the wines and things of that kind, having sat by and heard from year to year enough campaign thunder manufactured here to elect a great many men to Congress, as no doubt it did——

Mr. LONG. Champagne thunder. [Laughter.]

Mr. CANNON. My friend from Massachusetts suggests champagne thunder. I accept the amendment. I say, Mr. Chairman, having sat here and heard all this, I simply wanted to show the difference between then and now. I do not say that this appropriation is improper; I am not going to antagonize it, but I just wanted to stir up the pure minds of the gentlemen upon the Democratic side by way of remembrance of their former professions of virtue [laughter], and they have virtues, for they themselves said it. But now, when they get the administration, in this one item alone for your minister at Constantinople you make an increase the first year of $3,300. Gentlemen, if you told the truth about the extravagance of the Republicans when they were in power, how much greater is your extravagance now when you make these increases!

Mr. BELMONT. Before he takes his seat, I would like to ask the gentleman from Illinois, for whose experience in these matters I have very great respect, whether he does not know that this appropriation is absolutely necessary?

Mr. CANNON. If my friend asks me whether I know that this appropriation is or is not absolutely necessary, I answer that I never was at Constantinople and can not say. I know that Mr. S. S. Cox, who was formerly a member of this House, is our minister there under this administration, and I have no doubt that he says the appropriation is necessary, and I am not going to antagonize it. However, it is no more necessary for the Democratic minister there than it was for the Republican who was there.

Mr. BELMONT. As the gentleman has been a member of the Committee on Appropriations, he must have investigated this subject, and must undoubtedly have found that our minister in Constantinople is compelled to have this mode of conveyance, and for that reason an appropriation has been made for it every year. If it is necessary, Mr. Chairman, to explain this matter further, I think the letter of the minister to which I have already referred may as well be read.

Mr. MORRISON. Mr. Chairman, before we get away from this subject I want to move to strike out this $800.

Mr. SPRINGER. Let us have the letter read.

The Clerk read as follows:

[No. 124.]

UNITED STATES LEGATION, *Constantinople, February* 3, 1886.

SIR: Your dispatch No. 67 is received. Its requirements will be regarded, as will be seen by a dispatch which I will send by next mail as to the particular items, &c.

The caique will be disposed of.

For the steam-launch, as you are aware, there must be an annual appropriation.

The contract last year was for four months only, at $836.

Our accounts show the other expenses, coal, water, oil, porterage, repairs, crew, &c., to be $325.42 for the four months, or the total cost was at the rate of $290.37 per month.

The owner will not let it again, as he says, for the above sum.

It is desirable to have it for six months, at least, from 1st May to 1st of November, while the legations are outside the city on the Bosporus.

That should make the appropriation $1,800. It is desirable that you should have this estimate, as you may desire to recommend the same to the proper committee.

I have the honor to be, sir, your obedient servant, S. S. COX.

Hon. T. F. BAYARD,
Secretary of State, Washington, D. C.

Mr. EDEN. If my colleague [Mr. CANNON] is opposed to this appropriation why does he not move to strike it out?

Mr. CANNON. I will say to my colleague from Illinois that I am not opposed to this appropriation. Your administration submits it and says it is necessary, although you always denied it to the Republican ministers at that court, and I am willing to take it at its word. I have only been calling attention to the difference between the attitude of gentlemen on that side of the House in regard to this matter now and their position in the past.

Mr. EDEN. I understand, then, that my colleague is in favor of this provision; and, if so, I do not know what he is complaining about.

Mr. MORRISON. Mr. Chairman, I have very little personal knowledge on this subject of compensation and allowances in the foreign service. Gentlemen of experience who have served on the Appropriations Committee and have investigated this matter in connection with former appropriations tell us the sum appropriated for this service for the present fiscal year is ample. This is comparatively a small sum and may be thought not very important, but it is admitted by all that when we have been heretofore very creditably represented at this foreign court $1,000 was sufficient for the boating part of this diplomatic service. I see no reason, therefore, why we should allow our present excellent representative an additional $800. I therefore move to strike out eight hundred. This increase, unimportant as it may appear, will be followed by larger ones if this is permitted to pass unchallenged.

Mr. HISCOCK. Mr. Chairman, what is the question before the committee?

The CHAIRMAN. The Chair will cause the amendment offered by the gentleman from Illinois [Mr. MORRISON] to be read in order that gentlemen may know what the question is.

Mr. BOUTELLE. That is what we want.

The Clerk read as follows:

In line 99 strike out "eight hundred;" so that the paragraph will read: "Hire of steam-launch for use of the legation at Constantinople, $1,000."

Mr. HEWITT. I hold in my hand a letter which I have received within a day or two from our friend, lately a member on this floor, the present minister at Constantinople, which relates to pretty much everything that he was in the habit of discussing in this House; and I believe during his long service here he discussed about everything, but at the conclusion of it occurs this very brief remark:

I received a copy of the dip. app. bill.

I take it that means this bill.

Mr. SPRINGER. That means the diplomatic bill; it is probably Turkish.

Mr. HEWITT (reading):

They have put in enough for the launch for six months, $1,800. I can only hire it for six months, and no one can live here in summer without it.

Now, gentlemen, if you want Mr. Cox back again you had better adopt the amendment offered by the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. If Mr. Cox can not go on and represent us ably abroad without unnecessarily adding to the expenses of the office I would like to have him back. In fact I would be glad to have him back anyhow. He was useful and did us more service here than he can do there.

Mr. HEWITT. I want him back. I miss him every hour. This House misses him every day. I have observed that there is a great deal less enjoyment in the House since he left it. We do not have the original jokes that he used to perpetrate in reply to the stereotyped jokes on the other side. [Laughter.]

Mr. REED, of Maine. It seems to me you are developing rather a fine power of irony. [Laughter.]

Mr. HEWITT. But, Mr. Chairman, as to the necessity for this steam-launch, I have been there myself [laughter]; and I want to say that it is absolutely impossible for the minister to get along without a steam-launch, and it is not possible to get along with a steam-launch that will cost less than $1,800. My friend from Illinois says the late Republican minister at Constantinople managed to do it; but he did not. I started out with him one day in his steam-launch. We proceeded for about a quarter of a mile when the British steam-launch came out and went by us; then the Italian launch came out and went by us; then the French launch came out and went by us; and as the only American flag that floats in those waters is the flag on the steam-launch, we had to submit to the humiliation of seeing it run away from by all the foreign powers.

A MEMBER. Why did you not put on steam?

Mr. HEWITT. We did put on steam. Our American blood began to boil, and the boiler began to boil. [Laughter.] The result was that when we got half way down to Constantinople the whole thing suddenly collapsed, and we were left in the open Bosporus.

A MEMBER. Why did you not swim?

Mr. HEWITT. The Republican minister said he had been trying to swim with his party for the last two years, and could not; he knew they were going out at the next election. As I knew I could swim at the next election, I did not try it there. [Laughter.]

Mr. SYMES. Will the gentleman yield for a question?

Mr. HEWITT. Oh, yes; I want to defeat this amendment; so I am ready to yield to every gentleman.

Mr. SYMES. I desire to inquire whether in these days when the Democratic party are making their great effort to return to "Jeffersonian simplicity" the minister at Constantinople should not have a canoe, and "paddle his own canoe." [Laughter.]

Mr. HEWITT. The minister at Constantinople has "paddled his own canoe" so well that he has done what the rest of us have not been able to do—he has got out of this House and into a more genial climate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HEWITT. But, Mr. Chairman, I have not got down to the point of this business.

Mr. MILLS obtained the floor and said: I yield my time to the gentleman from New York.

Mr. HEWITT. I thank my friend from Texas. I knew he would sympathize with our genial friend, Mr. Cox, whom we have lost.

Now, if a Republican minister could not get along with $1,000—and I am a witness to prove that he did not get along with it—I do not see how any Democrat can do so.

Mr. MORRISON. But that Republican did not ask for any more.

Mr. HEWITT. Yes, he did. He not only asked for more, but he appealed to me as an American citizen to come into the House and make a statement of the humiliation which he and I both felt on that occasion. I have not yet recovered from the humiliation. I am sure if

you will send for General Lew Wallace he will tell you that even after his glorious defeat at Monocacy, where he saved the Union Army, he never felt so much humiliated as he did when on this broken-down launch, with the British and French and Italian launches running away from him.

Mr. REED, of Maine. Will $800 enable us to save the honor of the American flag?

Mr. HEWITT. It will, and no doubt it will prevent large appropriations of money in the way of subsidies.

Mr. REED, of Maine. I want to see how many Democrats value the American flag to the extent of $800. [Laughter.]

Mr. HEWITT. You will find that out by the vote on this amendment. As a matter of course we are going to vote down the amendment.

Mr. GUENTHER. Is this steam-launch an American-built vessel?

Mr. HEWITT. The one that broke down was not; but the one we intend to have, which will not break down, will be an American vessel.

Mr. GUENTHER. Can it sail under the American flag?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from New York [Mr. HEWITT] has expired.

Mr. GUENTHER. Mr. Chairman, I have not received, as other gentlemen have, letters from Mr. Cox on this subject; but I have received from him a newspaper; and as I presume it may relate to this question, I send it to the Clerk to be read.

(A newspaper printed in French, at Constantinople, was handed to the clerk).

The CHAIRMAN. The Chair is informed by the Clerk that the gentleman from Wisconsin will have to read his own newspaper.

Mr. GUENTHER. It is not my own paper, but a paper which I received from Mr. Cox. I presume it relates to the steam-launch business. [Cries of "Read!" "Read!"]

The CHAIRMAN. Will the gentleman from Wisconsin oblige the Clerk by reading the extract in the paper which he sent up?

Mr. GUENTHER. I am not so proficient in the French language as my friend from Massachusetts, and I ask him to read it. [Laughter].

Mr. BLOUNT. Mr. Chairman, the gentleman from Illinois [Mr. MORRISON] has called attention to the increase by this appropriation over that of last year by way of suggestion to this side of the House. They had better regard the economical profession they have heretofore indulged in. On this occasion I am glad the gentleman has seen fit to do so, and that it seems to be a pleasure to other gentlemen from time to time, as appropriation bills come up, to call attention to the fact we are not as economical as we ought to be. It is a proper reminder to us. It does not cost them anything at all. If it did they would not indulge in it perhaps.

Now, whatever reductions were made in past Congresses were made against your protest, and made by that side of the House with almost perfect unanimity. But, sir, I would rather see them at last come to the conclusion the policy we adopted was the correct one, by constantly reminding us that although we think it is the correct one, we are nevertheless constantly departing from it. [Laughter.]

I confess on this occasion, Mr. Chairman, the gentleman has made a proper point. The Book of Estimates only requires $1,000 for this steam-launch. It is proper we should regard the Book of Estimates, coming to us from the Secretary of the Treasury, who is to be regarded in the amounts necessary to carry on the Government as of much higher authority under the law than any foreign minister can possibly be, and especially in reference to any matter in which the latter is himself personally concerned. I am unwilling this House should act on private matters upon the recommendation of any foreign minister when it comes in conflict with the estimates which come to this House from the source whence the law requires they should come.

Mr. HEWITT. There was a supplemental estimate in this case which the gentleman from Georgia overlooks.

Mr. BLOUNT. I have seen that supplemental estimate.

Mr. HISCOCK. Does the gentleman respect the estimates when they are cut down or when appropriations are in excess of them?

Mr. BLOUNT. The gentleman knows well what I respect. He can not forget when he has had to rely on this side of the House time and again when he was chairman of the Committee on Appropriations to prevent his own side of the House from running up his own appropriation bills to an excessive amount.

Mr. HISCOCK. I only wanted to know how you regard the estimates as authority.

Mr. BLOUNT. I wish to say oftentimes under your administration the estimates were as excessive as they have been under our administration. But so far as my opinion is concerned, for one I have felt it to be my duty to examine them and cut them down as you did. While I do not regard them as absolutely correct, I would take them in preference to the estimate of any foreign minister as to his own wants.

Before leaving this point, I wish to refer to the suggestion of the gentleman from New York [Mr. HEWITT]. There was a supplemental estimate from the Department in this matter. I have seen it. It is only a letter from the State Department covering a letter from the minister, without any recommendation at all. It was only transmitted to the House for its information.

The fact stated that the owner of that launch will not contract for a less amount does not exclude the idea another may not be had at something less. I hope the amendment of the gentleman from Illinois will prevail.

Mr. MORRISON. Mr. Chairman, I would not for a much greater sum than $800 humiliate or contribute to the humiliation of our minister, Mr. Cox, or his predecessor, General Wallace, or the gentleman from New York [Mr. HEWITT], when he next visits Turkey. But I do not believe we can buy rank at Constantinople or elsewhere abroad, nor do we seek to obtain rank or respectability abroad by the splendor of equipment. Until we depart from our ancient or earlier faith we must not expect to compete even at foreign courts in the maintenance of magnificent display. Even there we must depend upon other causes and undertake to be respectable for something else. [Laughter and applause].

What has been said by gentlemen of this item of expenditure and the humiliation of our representative at this court for lack of equipment and more expensive outfit may be said of all our representatives abroad with the same or as much propriety. I have made this motion because if this increase is made others can not be denied, especially if made on the reasons stated by the gentleman from New York [Mr. HEWITT], for the same reason will apply to all the foreign services. I am not here to read lectures to nor to criticise gentlemen on the other side of the House. I have no right to do that in this matter, but I do want to say a word to my own party friends here and in all kindness. These increases in the cost and expenditures of the public service, however small they may appear to some of us, are hardly in accordance with the assurances which brought us here, and we should have a care how we act on these appropriations. [Applause.]

Mr. HISCOCK. I move to strike out the last word.

Mr. Chairman, this item is vouched for in a peculiar way, and there is no intention on this side of the House or on the part of any gentleman here to crowd up your bill, I will say to the gentleman from New York. The gentleman's colleague from New York [Mr. HEWITT] says it is necessary. Everybody believes it to be necessary. Now, if there has got to be a sacrifice to economy do not select Mr. Cox. It will not destroy the Democratic party and it will not be subjected to the charges of extravagance because this peculiar item of $1,800 is inserted in this appropriation bill. I have great respect for the estimates of the Department, as high, doubtless, as the gentleman from Georgia [Mr. BLOUNT], but here comes my colleague from New York who practically says that unless you give this $1,800 there is no need of giving anything. For one, I am in favor of allowing our representative at this court to live in a respectable manner. I hope that this amendment or this provision will be held in the bill.

Mr. BAYNE. Mr. Chairman, I rise more for the purpose of inquiring of the chairman of the Committee on Foreign Affairs as to whether or not we make provision of this character for any other minister than to make any comments on the proposition.

Mr. BELMONT. It is not necessary anywhere else than in Constantinople, and that is the reason for making it there.

Mr. BAYNE. As I understand it, then it is an exceptional case. We propose to supply a yacht to our minister plenipotentiary at Constantinople in order that he may make a favorable showing and a successful race on the Bosporus with the resident ministers of other countries of the world.

Mr. BELMONT. The gentleman from Pennsylvania misapprehends entirely the purpose of the appropriation. Surely the gentleman does not mean to create a wrong impression as to the actual facts. He must know that all of the representatives of other governments at Constantinople are compelled to cross the Bosporus in the discharge of their duties, because they live in another quarter, they live in the European quarter, and they must cross the water in something, and it has been customary to allow this steam-launch to be used by our minister for that purpose.

Mr. STRUBLE. And the racing is simply incidental.

Mr. BAYNE. Then this is a new departure, and I cordially approve the position taken by my friend from Illinois [Mr. MORRISON]. I am disposed to think that if you begin to supply yachts and carriages and other things for our ministers abroad you will depart from a very correct principle. Our best plan is, I think, to pay a salary, and we do pay a very large one in these cases, and let our ministers expend that in supplying themselves with such things as they may need in the service.

Mr. BELMONT. How would the gentleman enable them to pay the rent, for instance?

Mr. BAYNE. I do not understand the gentleman.

Mr. BELMONT. What plan would you suggest to enable them to pay their rent? Would you recognize the system which has been in operation so long or reject it?

Mr. BAYNE. Why, if we are in the habit of paying rent let us pay it.

Mr. BELMONT. Well, we have been in the habit of paying for this particular steam-launch, which the gentleman will persist in calling a "yacht." It is a means of conveyance absolutely necessary to the minister in the discharge of his official duties, as he is compelled to

live in the European quarter, where all the other legations are situated, and is obliged to cross the Bosporus in order to reach the officials of the Turkish Government.

Mr. BAYNE. If we supply anything for our minister there I think we ought to supply a yacht. I do not believe in supplying an ordinary vessel or one that will not compare favorably with those supplied by other nations. I think the appropriation ought to be very much larger if we supply anything.

[Here the hammer fell.]

Mr. KING. I move to strike out the last word.

In line with the remarks of the gentleman from Illinois [Mr. MORRISON] I send to the desk to be read a part of the speech made by our very worthy minister at Constantinople on this very subject. It is dated March 4, 1882.

The Clerk read as follows:

On this floor, years and years ago, I have urged that the time would come when, by harnessing the forces of nature through steam and telegraph, we might be rid of most of this diplomacy. I have said it again and again in elaborate speeches; I said it to sodden ears who heeded not. My colleague from New York [Mr. HEWITT] afterward, when he became a member of this House, made research and speeches in the same direction.

My distinguished friend from Pennsylvania [Mr. CURTIN], who has honored our country at a foreign court, intimated the other day that he hoped the time would come for a happy riddance of the inutilities, forms, and fooleries of diplomatic etiquette and ostentation. I wish the world were ripe and ready for it now. Looking at the records of the English Parliament, I see that this sentiment is growing there, and that some practice has obtained to that end. In so far as such improvement has been made, it is to be noted for our instruction. Treaties are negotiated at home offices, and without the aid of embassies or ministers, in great emergencies, as at Washington and Berlin. Our recent fishing troubles were settled here in Washington without the intervention of our minister at St. James. Our telegraph expenses at the State Department will show how much is done now by the quick intelligence of the cable. In many places, by consolidating the various embassies under one head, through the aid of the telegraph and prompt travel, much more might be accomplished. All this, sir, I have urged and I concede.

Our committee, Mr. Chairman, in moving in this direction are pursuing by this bill the thought of my friend from Pennsylvania [Mr. CURTIN] and my colleague from New York [Mr. HEWITT]; they are pursuing the thought, though not completely, of the gentleman from Illinois [Mr. SPRINGER] and of members of the last Congress and of the Congress before that, when we consolidated these Central American missions into one. For the benefit of the service, as well as in the line of economy, we have still pursued this idea in the present bill. We are combining Holland with Belgium, and by making the Scandinavian nations, Denmark, Norway, and Sweden, one in our representation. We have attempted it somewhat in South America. We might go further and adopt the plan of my friend from Illinois [Mr. SPRINGER], but let us do it more heedfully than in his proposition, for that is subject to much criticism; let it be done, if you please, after advice by the Secretary of State and after examining all our relations of comity and commerce.

In this bill provision is made for every proper representation of our Government abroad. We have economized on ministers to the amount of some $15,000. Most of this we add to the efficiency of the consular service. Moreover we have on the whole cut down from last year some $11,125.

This bill is therefore ample for all our diplomatic and commercial work, and it is ample in so far as economy is concerned. It takes from the ornamental minister to give it to the useful consul.

Mr. REED, of Maine. Mr. Chairman, I deprecate, I must be permitted to say, the reproduction of things as ancient as that in the consideration of an appropriation bill.

The CHAIRMAN. The Chair will state that the debate on the pending amendment has been exhausted.

Mr. REED, of Maine. Then I move to strike out the last two words.

The CHAIRMAN. The Chair will inform the gentleman that two *pro forma* amendments are pending already, and unless an amendment be withdrawn another would not now be in order.

Mr. KING. I withdraw the amendment I offered.

Mr. REED, of Maine. I congratulate the House upon the attention which the chairman gives to the forms of debate. I was saying that I deprecate the reproduction of matters as old as that in debate on this floor. Why, I have seen wave after wave of economy and reform go over the Democratic party in the House, but it does not last but a year; it is not intended to last but a year. I remember that famous debate from which the quotation is read. My friend the gentleman from New York [Mr. HEWITT], whose pride is so stirred for the honor of the American flag to-day, participated in it.

Mr. HEWITT. I beg the gentleman's pardon. I did not open my mouth in that debate. The gentleman is a little off his feet there.

Mr. REED, of Maine. It was the one preceding that.

Mr. HEWITT. I have had several debates with the gentleman.

Mr. REED, of Maine. I have not forgotten the man or the occasion. His proposition was diplomacy on wheels. His idea was we should have one grand mogul who should travel from one end of Europe to the other, and with that easy facility which he himself ever possesses for acquiring all sorts of information and misinformation should get thoroughly acquainted with the habits of the people of different countries on a flying trip, and do business with them all at one salary. [Laughter.]

That was a charming debate; but it meant simply nothing. It meant simply the Democracy was in opposition and they chose that particular method of manifesting it. So all these speeches I have heard for the last eight years when the Democracy come into power have not been put to the slightest practical use.

I can remember when my friend from New York [Mr. HEWITT] was convulsing this country on the subject of free raw material. He never rose in his place, his mouth never opened without free raw material issuing forth. [Laughter.] But he has forgotten it all. The whole thing has passed from his mind. Now his particular point is tariff taxation. Why, sir, the other day he told us that the people of this country were reduced to such terrible straits by taxation that the limit had actually been reached, and that the good anarchists of this country could not stand it any longer; and yet for the honor of making the American flag stream ahead in that procession of representatives of the effete monarchies of the Old World he proposes to put on a people already burdened beyond the verge of human endurance what in my country is a large sum of money—the sum of $800. [Laughter.]

Well, now, Mr. Chairman, do not let your mind be troubled by this thing; it will pass away like all the rest. Tariff taxation, free raw material, letters to Jay Gould in favor of protection, they all take their regular course like the old jingle, "soldiers, sailors, tinkers, tailors." It is the regular old song. That is what we have heard right along. And what the gentleman from Illinois [Mr. CANNON] called the attention of the Democracy to was not, as the gentleman from Georgia supposed, by way of reproach. It was not for the purpose of reminding them of their old fame as economists. It was only to remind the Democratic party that they really never meant anything by it; and they all know it. [Laughter.]

I shall take occasion some day in some other debate to point out the flattering compliment which the Democratic party pay to us in administration as it does in every phase of human belief by following us. Why they do it now, when they have control of the Government, just as they used to do it on the stump, only they were always a year or two late.

[Here the hammer fell.]

Mr. BELMONT. I wish I could accept the amendment which the gentleman from Illinois has sugested. But it seems to me that Mr. Cox having so long served on the Democratic side of this House is surely entitled to this amount of consideration so far as his opinion goes; his opinion is that the service of this steam-launch absolutely requires that amount of money, and it surely is not in me to refuse him that request.

This question of the usefulness of the diplomatic service is a very old one, and I know no better statement of it than that which was made in a report of the Secretary of State to President Jackson. Surely that is going far enough back in the past. Yet nothing has been said which more clearly to-day defines the usefulness of the diplomatic service or tends so well to correct the misapprehension which seems to exist at times in every national legislature.

In the extract which has been read from Mr. Cox's speech there is reference to some action in England, and after hearing what our own Secretary of State said in 1833, I will ask the House to listen to what was said in Parliament on the same subject.

In 1833, Edward Livingston, then Secretary of State, in a report made to President Andrew Jackson, and found in House Executive Document No. 94, second session Twenty-second Congress, said:

Ministers are considered as favorities, selected to enjoy the pleasures of foreign travel at the expense of the people, their places as sinecures, and their residence abroad as a continued scene of luxurious enjoyment. Their exertions, their embarrassments, their laborions intercourse with the governments to which they are sent, their anxious care to avoid anything that might on the one hand give just cause of offense, or to neglect, or to abandon the rights of their country or its citizens on the other, are all unknown at home. Even the merit of their correspondence is hid in the archives of the Department, and rarely sees the light.

And this criticism appears to be true to this day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT was recognized and yielded his time to Mr. BELMONT.

Mr. BELMONT. Mr. Frelinghuysen sent a report to this House from which I think I may as well read an extract. He says:

Diplomatic representation is a definite factor in the political economy of the world, and no better scheme has yet been devised for the dispatch of international affairs, or for the preservation of friendly relations between governments. With an unprotected coast; without an effective navy; with a population energetic in commerce and fond of travel, pushing themselves into all countries for purposes of trade, pleasure, or instruction, or as missionaries pursuing their self-sacrificing labors among a hostile population; with a national and necessary policy forbidding European political intervention on this continent; with a system of government regarded by many other countries with disfavor, and with a production greater than we can consume, which must seek foreign markets, it is vitally important to the United States to sustain a sufficient and well-compensated diplomatic and consular service.

Lord Palmerston's answer to Messrs. Cobden and Bright, when questioned by them as to whether the telegraph and rapid mail service did not supersede the necessity of a foreign diplomatic corps, has been quoted before when this subject has been under consideration by Congress. He said:

No; your embassador can tell the minister of a foreign country that your interests are so and so; that the public opinion of your country runs in a certain direction and has obtained a certain height; that there are certain things that your government can do and certain things it can not do; and by making the minister of that country aware of these facts he places under the consideration of the government to which he is accredited matters which may greatly influence the conduct of that government with regard to things which may involve questions of peace or war; which, at all events, may involve questions deeply affecting the commercial interests of the country; and therefore I should think that the change which has taken place with regard to the transaction of public affairs in Europe tends to make diplomatic agents of more importance rather than of less importance.

But whatever prejudice there might be against this service, we entered at the Congress of Vienna in 1815 and three years later at Aix la Chapelle into agreements by which certain rules of international intercourse between nations was established. And the greatest writer on international law, Mr. Wheaton, himself an American, says that—

International assent to the system for a long period of time has given to the customs the force of an obligation upon all civilized powers.

In regard to the suggestion which was contained in the speech read at the request of the gentleman from Louisiana, I think it is only just to say on behalf of the Committee on Foreign Affairs that the subject of the consolidation of these missions was carefully considered. A plan was formulated and presented to the Department of State. The Department of State made a very careful examination into the expediency of such an arrangement, and, although no formal action was taken by the committee on the subject, it became very clear it was impracticable at this time to recommend any consolidations. Moreover, a change in existing law would be necessary and could not take place on this bill.

Mr. KING. If the gentleman from New York will allow me, I wish to state that in asking to have that speech read I did so for the purpose of saying that I believe if Mr. Cox were here he would vote for the proposed amendment as being in the direction of economy.

Mr. REAGAN. Mr. Chairman, as the subject of the necessity for the diplomatic service has been brought somewhat into view in this debate I desire to say a word upon that rather than upon this particular amendment. The diplomatic service at one age of the world was necessary. When the world was ruled by monarchs, and when there were but few liberal legislative bodies in existence, it was deemed necessary to have ministers resident at every foreign court for the purpose of bribing officers of state and acting as spies upon the governments to which the ministers were accredited. That is not a very flattering notion of the use of ministers plenipotentiary in former ages but it is the use that history says they were put to at that time. That was at a period when there were no telegraphs, when there were no railroads, when there were no newspapers of the kind we have at the present day, when there was little intercommunication between nations, when the secrets of state were very carefully kept and when each state was watching all the others for the purpose of getting some advantage or some opportunity for self-aggrandizement. How different all is now!

The world has outgrown the whole diplomatic system and the necessity for it. We now have rapid intercommunication by steam navigation; we have intercommunication by the still more rapid mode of railway transportation, at least as between governments on the same continent; we have telegraphic communication which brings to the capital of every civilized nation the action of the various governments, so far as it has been made public, in every other capital of a civilized country throughout the world. We know the news from all parts of the world that is material to be known the day after it transpires.

If the object is to promote commercial intercourse, the active, vigilant, intelligent merchants of the country are the men who acquire and avail themselves of all the information that is necessary to the successful prosecution of mercantile pursuits. They never go to the State Department to get mercantile information. If we desire to promote friendly relations with other nations we live in an age of the world when we have but to be just. No nation now will undertake to use its foreign ministers as instruments to extract the secrets of other cabinets. That is not what they are expected to do. I remember that a few years ago there were read upon this floor some dispatches from our minister in Persia, I believe it was——

Mr. HOLMAN. And from Greece also.

Mr. REAGAN. Yes. In that correspondence there were very interesting accounts of balls and receptions, but nothing was found in it referring to the political relations of that country with this or with the other commercial nations. At the present day some of our ministers may chance to deal occasionally with a political question, but they are more likely to be occupied with questions of etiquette and of precedent. The truth is, they have simply become an expensive ornament unsuited to the civilization, the progress, and the intelligence of our age, and we would be just as well off without them; we would save what they now cost us, and at the same time avoid what has been referred to here, the humiliation of having ministers at foreign courts who have not as great salaries or as splendid outfits as are furnished to their ministers by the monarchies of the Old World.

Mr. WILLIS. Mr. Chairman, I rise to a parliamentary inquiry. I wish to know whether it would be in order to move to limit debate on this steam-launch to two hours and a quarter. [Laughter.] If so, I hope that motion will be made.

The question was taken on the amendment offered by Mr. MORRISON striking out from line 99 the words "eight hundred;" and there were—ayes 58, noes 87.

So the amendment was not agreed to.

Mr. MORRISON. Mr. Chairman, I believe there is no quorum present, but as my Republican friends are voting against me and my Democratic friends are at the races, I will not call for a quorum. [Laughter.]

Mr. HISCOCK. Mr. Chairman, I wish to inquire of the gentleman from Texas [Mr. REAGAN] why he does not give force and form to his ideas with reference to the diplomatic service by introducing a bill on the subject?

Mr. REAGAN. Mr. Chairman, I have not attempted to do so because I am not a member of the Committee on Foreign Affairs, and also because I am engaged in other duties which occupy my whole time, but I have hoped, year after year, to see some action taken toward abolishing the diplomatic service.

Mr. REED, of Maine. Mr. Chairman, in saying that these waves of "economy" that pass over the Democracy are transient, I am bound to admit that with the gentleman from Texas they are permanent. [Laughter.]

Mr. REAGAN. Mr. Chairman——

The CHAIRMAN. There is no question pending before the committee.

Mr. HISCOCK. Mr. Chairman, I move to strike out the last word, and yield my time to the gentleman from Texas.

Mr. REAGAN. Mr. Chairman, in the course of my life I have witnessed the broad face of the full moon on a bright evening and the placid joyousness which the observation of it was calculated to produce; I have witnessed the brilliancy of the setting sun and the expression of pleasure and of self-satisfaction produced by observing it; but I have rarely seen anything that indicated so much self-satisfaction and complacency as the gentleman from Maine seems to derive from the jests which he gets off here from time to time. [Applause on the Democratic side.]

The Clerk read as follows:

SCHEDULE B.

Salaries, consular service (class 1):

Consuls-general at London, Paris, Havana, and Rio de Janeiro, at $6,000 each, $24,000.

Mr. CANNON. I move to amend by striking out line 144, "salaries, consular service (class 1)," and inserting in lieu thereof "salaries, consuls-general."

Mr. HOLMAN. If that amendment is subject to a point of order, I wish to reserve the point.

Mr. CANNON. I call the attention of the gentleman from New York [Mr. BELMONT] to the fact that if this heading is intended to conform to the current law it is misleading. The amendment which I have offered will make it conform to that law.

Mr. BELMONT. The gentleman will observe that this is a classification of officers of the consular service; that there are in this class a number of consuls-general and two consuls, one at Liverpool and the other at Hong Kong, the one at $6,000 and the other at $5,000. These consuls belong in this class, and therefore the heading simply describes the class—"salaries, consular service (class 1)." I do not see any necessity for the gentleman's amendment; in fact, I think the change might be somewhat misleading, from the fact that there are included in this class two consuls, one at $6,000, the other at $5,000.

Mr. CANNON. But my friend will observe that this part of the bill provides for consuls-general——

Mr. BELMONT. And two consuls.

Mr. CANNON. And these consuls-general are not consuls of class 1. The bill in this heading departs from the current law.

Mr. BELMONT. I do not object to the amendment.

Mr. CANNON. I suspect that the gentleman from New York intended to make this appropriation bill correspond perhaps to some change in the classification hereafter to be made—possibly embraced in legislation to be reported by his committee. But I do not believe it is a very good idea to depart from the usual form.

Mr. BELMONT. There is no change attempted in this bill. The classification here is according to the old plan; that is to say, according to salaries. The classification recommended by the committee in the other bill is on an entirely different basis.

Mr. CANNON. Very well; then my amendment is proper if the gentleman wants to conform to the existing classification.

Mr. BELMONT. I am perfectly willing to accept the gentleman's suggestion, but again call his attention to the fact that there are two consuls included among these consuls-general.

Mr. CANNON. But they are not consuls-general.

Mr. BELMONT. They are consuls.

Mr. CANNON. When we reach the proper place they ought to be transposed.

Mr. HOLMAN. I have not been able to understand the remarks of the gentleman from New York [Mr. BELMONT] as to this rearrangement. I do not understand the motive for it.

Mr. BELMONT. Schedule B, "Salaries consular service (class 1)," includes all the consuls-general and two consuls—one at Liverpool at $6,000, and the other at Hong-Kong at $5,000. Class 2 includes consuls at $3,500 and $3,000.

Mr. HOLMAN. Then in Schedule B there is no change in the number of officers or in salaries; it is simply a rearrangement—nothing more?

Mr. BELMONT. Nothing more.

The amendment of Mr. CANNON was agreed to.

The Clerk read as follows:

Consul-general at Matamoras, $2,000.
Consul at Liverpool, $6,000.
Consul at Hong-Kong, $5,000.
Consul at Antwerp, $2,500.

Mr. BELMONT. In the line last read there is a clerical error. I move to strike out the line "consul at Antwerp, $2,500," and shall move its insertion later on.

The CHAIRMAN. If there be no objection, the amendment suggested by the gentleman from New York will be agreed to.

There was no objection.

Mr. CANNON. I think the clerk, in making up this bill, has fallen into a mistake. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 8, strike out lines 162, 165, and 166; preceding line 163 insert "salaries, consular service," and preceding line 167 insert "class 2."

Mr. CANNON. The gentleman from New York will allow me to suggest that if the lines which I propose to strike out be transposed to line 203 they will then come under the proper class.

Mr. BELMONT. I was about to propose that line 165 be struck out; and further on I shall move to insert it in the proper class.

Mr. CANNON. My amendment will put these consuls in the proper class.

Mr. BELMONT. It seems to me the gentleman's amendment would transfer to class 2 the consul at Liverpool and the consul at Hong-Kong, both of them now belonging to class 1. I think the gentleman will see that.

Mr. CANNON. I think not. I ask the Clerk to read the amendment again.

The amendment of Mr. CANNON was again read.

Mr. BELMONT. Under the operation of that amendment where would the consulates at Liverpool and Hong-Kong be?

Mr. CANNON. They would appear immediately after that.

Mr. BELMONT. If that is the arrangement it would be perfectly proper.

The CHAIRMAN. The Chair hears no objection, and the amendment is adopted.

Mr. KING. In the rapid reading by the Clerk I did not notice when he reached St. Petersburg. I ask by unanimous consent to offer an amendment the effect of which will be to curtail expenses. I do not think any one will object.

Mr. BELMONT. It seems to me that we had better proceed in regular order.

The CHAIRMAN. We can only return to the paragraph by unanimous consent.

Mr. KING. I ask unanimous consent.

The CHAIRMAN. Is there objection?

Mr. COX. We would like to know what the amendment is.

Mr. KING. I send the amendment up to be read by the Clerk.

The Clerk read as follows:

That at the city of St. Petersburg, Russia, the offices of consul-general and secretary of legation shall be consolidated, one person filling both offices, and shall receive $4,000 per annum.

Mr. BELMONT. That would be a change of existing law, and of course could not be entertained.

The CHAIRMAN. Does the gentleman from New York object?

Mr. BELMONT. I will have to object.

The Clerk read as follows:

Consul at Ningpo, China, $3,000.

Mr. CANNON. I move to amend by striking out what has been read and inserting it exactly as it is after line 178. The object of the amendment is to put that consulate at Ningpo, China, under the heading of class 3, where it properly belongs.

Mr. BELMONT. That is correct. The salary of $3,000 shows it has been included here by mistake, and should be under the heading of class 3.

The amendment was agreed to.

The Clerk read as follows:

Salaries, consular service (class 3).

Mr. CANNON. I move to strike that out and insert "class 3."

Mr. BELMONT. That seems to be immaterial, and I will not object to it.

The amendment was agreed to.

The Clerk read as follows:

Great Britain and British dominions: Consuls at Manchester, Glasgow, Bradford, Belfast, Demerara, Ottawa, and Singapore, at $3,000 each, $21,000.

Mr. HOLMAN. What is the object of this paragraph? The salary of these consulates is fixed by the class to which they belong, and as they belong to class 3, the salary is fixed by law at $3,000 a year. What necessity is there for the repetition of the salary here?

Mr. BELMONT. It not only avoids confusion, but to my mind makes the provision of the bill more clear.

Mr. HOLMAN. The consulates by law were arranged in classes, and the salary of each class was fixed. In the bill heretofore they were referred to as class 2, 3, and 4; that, it seems to me, avoided confusion. In addition to the class this bill also names the salary. I admit the only difference is by repetition to swell the bill.

The Clerk read as follows:

Salaries, consular service (class 4).

Mr. CANNON. I move to strike out "salaries, consular service (class 4)" and insert "class 4."

The amendment was agreed to.

The Clerk read as follows:

Belgium: Consul at Brussels, $2,500.

Mr. BELMONT. Line 165, "Consulate at Antwerp, $2,500," was stricken out, and I now move to insert after "Brussels" "and Antwerp;" so it will read: "Belgium: Consuls at Brussels and Antwerp, $2,500 each." This is merely a transfer.

The amendment was agreed to.

Mr. HOLMAN. I express my regret again that the gentleman from New York, chairman of the Committee on Foreign Affairs, has deemed it necessary to make a change by repeating the salaries of these foreign consuls. Instead of avoiding, in my judgment it creates confusion and uncertainty as to the grouping of these consuls.

Mr. BELMONT. The Committee on Foreign Affairs has unanimously reported to this House and will ask for the consideration of a bill changing the basis of this classification. It will be found, I think, to be a great improvement on the old system.

Mr. HOLMAN. How can it be an improvement?

Mr. BELMONT. When the House comes to consider the bill the gentleman himself I think will admit it. We are trying to carry out as far as possible the old classification in this appropriation bill, but when the House comes to consider the bill for the reorganization of the consular service it will be found the classification recommended is much better in every way than the old system.

Mr. HOLMAN. Certainly; and the policy has been, through all these years since this present classification has been in existence, from time to time to change the arrangement of consuls and regulate them in accordance with the importance of the consulate they fill.

The Clerk read as follows:

Salaries, consular service (class 5).

Mr. CANNON. I offer the same amendment in reference to that: To strike out the words "salaries, consular service," so that it will stand "class 5."

Mr. BELMONT. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Mexico: Consul at Acapulco, $2,000.

Mr. CANNON. I move to amend by striking out that line——

Mr. BELMONT. The hour of 5 o'clock has about arrived, and I ask unanimous consent that the House go on with the consideration of the bill, as I think we can complete it within a short time. [Cries of "No!" "No!"]

Mr. DUNHAM. Regular order!

Mr. HAMMOND. I rise to a question of order.

The CHAIRMAN. The hour of 5 o'clock having arrived, the committee will rise and report to the House.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the consular and diplomatic appropriation bill had come to no resolution thereon.

And then (the hour of 5 o'clock having arrived) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of S. I. G. Scott, executrix, praying that war claim of John Scott, deceased, late of Culpeper County, Virginia, be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of French Dodd that his claim for compensation for damages incurred during the war may be referred to the Court of Claims—to the same committee.

By Mr. BOUND: Petition of citizens of Millersburg, Pa., for the passage of a law for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BURLEIGH: Petition of citizens of Troy, N. Y., praying for a law to redeem the trade-dollar—to the same committee.

Also, joint resolution of the Legislature of New York, urging the passage of a bill for the relief of Jonathan D. Stevenson—to the Committee on Invalid Pensions.

By Mr. CAINE: Petition of 1,535 citizens of Juab County, and of 919 citizens of Box Elder County, Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of that Territory by disfranchising them through test-oaths on account of their religious belief, as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create for the

government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. CATCHINGS: Papers relating to the claim of Mary A. E. Harris, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. CRAIN: Petition of Thomas Carson, mayor of Brownsville, Tex., and others, citizens of Cameron County, praying for the re-establishment of the National Board of Health—to the Committee on Commerce.

By Mr. DUNHAM: Petition of Chicago Live Stock Exchange, against House bill 8328 to tax butterine—to the Committee on Agriculture.

By Mr. ELY: Petition of Lucius W. Daniels and 35 others, in favor of legislation to control the manufacture of imitation butter—to the same committee.

By Mr. ERMENTROUT: Memorial of the Live Stock Exchange, of Chicago, Ill., protesting against taxing oleomargarine—to the Committee on Ways and Means.

By Mr. EVERHART: Petition of merchants, manufacturers, and other citizens of the United States, asking for an appropriation to compensate American steamships for carrying the United States mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of West Chester, Pa., praying for appropriation to enable the National Board of Health to take measures for the prevention of epidemics—to the Committee on Commerce.

By Mr. FORNEY: Petition of James Hawkins; of John B. Taylor, heir at law of John E. Taylor; of Andrew Wells; of Isaac Chadwick; of E. T. Davenport, heir at law of Joseph Davenport; of C. C. Davenport, and others, heirs of Orville J. Davenport; of James M. Dillard and of James M. Dillard, jr., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Affidavit in support of House bill 4396, granting a pension to Harriet Harrington—to the Committee on Invalid Pensions.

Also, petition of A. E. Eldridge and 33 others, citizens of Waitsfield, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HEPBURN: Petition of S. S. Morrow and others, citizens of Thayer, Iowa, asking that William Thurston be granted a pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of George T. Powell and 17 others, of Ghent; of Ransom Dodge and 21 others, of Buckman; and of Darius Weed and 58 others, of Copake, N. Y., asking for the passage of the bill to regulate sale of all imitations of butter, &c.—to the Committee on Agriculture.

By Mr. LORE: Petition of Delaware Clark and 41 others, and of John J. Black and 259 others, citizens of Delaware, for the suppression of the manufacture and sale of oleomargarine and other imitations of butter—to the same committee.

By Mr. MORRISON: Petition of the Chicago Live Stock Exchange, against taxing butterine—to the same committee.

By Mr. O'FERRALL: Petition of Mary L. Nulton, executrix of James Bowlen, of Clark County; of J. M. Silver, of Frederick County, and of C. C. Shumaker, executrix of Peter Zettee, deceased, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PAYNE: Petition of William F. Filkins and others, in favor of bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. T. B. REED: Petition of Simon E. Foss and others, for relief of Elizabeth Wild—to the Committee on Invalid Pensions.

Also, petition of John E. Hobbs and others, of North Berwick, and of J. E. Barker and others, of Naples, Me., in favor of the oleomargarine bill—to the Committee on Agriculture.

By Mr. RIGGS: Resolutions of the Chicago Live Stock Exchange, opposing bills to tax oleomargarine—to the same committee.

By Mr. SENEY: Memorial of A. G. Jennings & Son, of Brooklyn, N. Y., asking for an increase of duties on lace and lace goods—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of A. G. Jennings & Son, of Brooklyn, N. Y., for an increase of duty on lace goods and lace—to the same committee.

Also, resolution of the New York State Legislature, in favor of Col. J. D. Stevenson—to the Committee on Claims.

Also, petition of Robert P. Getz and others, of Yonkers, N. Y., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. STORM: Petition of Grange No. 149, Patrons of Husbandry, of Pennsylvania, for the passage of a law to suppress the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, petition of same, against putting wool, hides, jute, tobacco, rice, raw sugars, &c., on the free-list—to the Committee on Ways and Means.

Also, memorial of the Live-Stock Exchange of Chicago, Ill., against the passage of any law prohibiting the manufacture or sale of oleomargarine or butterine—to the Committee on Agriculture.

By Mr. TAULBEE: Petition of Jesse P. Nelson, for relief—to the Committee on Invalid Pensions.

By Mr. TUCKER: Petition of Nicholas H. Van Zandtz, for a pension for permanent disability in the naval service—to the Committee on Pensions.

By Mr. VOORHEES: Joint memorial of the Chamber of Commerce and the Board of Trade of Seattle, Wash., protesting against the decrease of duties on coal and lumber imported into the United States—to the Committee on Ways and Means.

By Mr. WAIT: Petition of Charles A. Williams and others, of Salem, Conn., for the enactment of a law requiring that all imitations of butter be sold by their true names—to the Committee on Agriculture.

By Mr. WILSON: Petition of Amos Morrison, of Berkeley County, West Virginia, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. J. A. ANDERSON: Of 22 citizens of Delphos; of 27 citizens of Minneapolis; of 30 citizens of Clyde; and of 40 citizens of Minneapolis, Kans.

By Mr. ELY: Of citizens of Northborough, Mass.

By Mr. FULLER: Of citizens of Strawberry Point, of Waukon, of Nashua, of Wadena, and of Rockford, Iowa.

By Mr. FUNSTON: Of William Cunningham and others, of Humboldt, Kans.

By Mr. HALL: Of citizens of Washington, of Madison and Denmark, of Tallyrand, and of Burlington, Iowa.

By Mr. HANBACK: Of citizens of Jewell, of Paris, and of Beloit, Kans.

By Mr. D. B. HENDERSON: Of citizens of Lamont, of Shell Rock, of Manchester, of Independence, of Gowrie, of Volga, of Almoral, of Mechanicsville, of Bristow, of Waverly, of Plainfield, and of Lamont, Iowa.

By Mr. HEPBURN: Of citizens of Pella and of Dana, Iowa.

By Mr. HIRES: Of Glenwood, of Dickertown, of Hartford, of Medford Grange, of Tom's River, of Beaver River, of Frankfort, and of other towns of New Jersey.

By Mr. HOLMES: Of J. D. K. Smith and 97 others, citizens of Iowa.

By Mr. LYMAN: Of Peter Olsen and 43 others, citizens of Iowa.

By Mr. MURPHY: Of citizens of Spring Brook, of Amber, of Baldwin, of Elwood, and of Sand Springs, Iowa.

By Mr. OSBORNE: Of citizens of Yardley, of Worcester, of Hosensack, of Windsor Castle, of Woodcock, of Darling, of Afton, of Flavin, of Columbus, of Union City, of Wayne, of Six Mile Run, of Corry, of Almont, of West Chester, of Corydon, of Solebury, of Limerick, of Obelisk, of Font, of Perth Amboy, and of Bainbridge, Pa.

By Mr. PETERS: Of 22 farmers of Reno County, Kansas.

By Mr. E. F. STONE: Of citizens of Salisbury, of West Newbury, of Peabody, and of Middleton, Mass.

By Mr. STRUBLE: Of J. T. Norton and 70 others, citizens of Iowa.

By Mr. J. B. WEAVER: Of citizens of Clifton, of Marion County, and of Greeley, Iowa.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. R. S. GREEN: Of citizens of Union County, New Jersey.

By Mr. RIGGS: Of citizens of Pike, Scott, Cass, and Adams Counties, Illinois.

By Mr. ROGERS: Of citizens of Pulaski County, Arkansas.

By Mr. SPOONER: Of citizens of Newport County, Rhode Island.

By Mr. J. M. TAYLOR: Of citizens of Carroll County, Tennessee.

SENATE.

THURSDAY, *May* 13, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado was read twice by its title, and referred to the Committee on Private Land Claims.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Supervising Architect of that Department favoring an appropriation of $100,000 for the continuation of work on the public building at Roches-

ter, N. Y.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting additional information in response to a resolution of March 26, 1886, relative to money due the commissioners appointed to examine and report on the damages against the Government occasioned by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMISSIONER OF LABOR.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with Senate resolution of April 6, 1886, the first annual report of the Commissioner of Labor; which was read.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Education and Labor.

Mr. COCKRELL. Ought it not to be referred to the Committee on Printing?

The PRESIDENT *pro tempore*. The report is presented in the form of a printed document, and therefore the order to print will not be made except upon the recommendation of the committee to which it is referred.

Mr. COCKRELL. Very well.

AQUEDUCT BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a letter of the 8th instant from the Chief of Engineers, and a copy of a report of the 4th instant from S. T. Abert, civil engineer, United States agent, in response to Senate resolution of the 25th of February last, directing the Secretary of War to cause to be made a careful examination of the Aqueduct Bridge at Georgetown and report its present condition, especially as to its safety for ordinary travel when the aqueduct is filled with water; which was referred to the Committee on the District of Columbia, and ordered to be printed.

VISIT TO MARYLAND BATTLEFIELDS.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, and ordered to lie on the table:

FORTY-NINTH CONGRESS,
COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 11, 1886.

SIR: It has been found necessary to postpone the visit of the First Army Corps Association to the battlefields of South Mountain and Antietam from May 14 and 15, instant, to May 17 and 18, instant, and on behalf of the association I have the honor to extend the invitation heretofore given you and the members of the honorable body over which you preside to the last-named days instead of May 14 and 15.

I have the honor to be, sir, very respectfully,

EDW'D S. BRAGG,
Chairman Committee.

Hon. JOHN SHERMAN,
President United States Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the American Agricultural and Dairy Association and 786 farmers, praying for the passage of House bill 8328, imposing a tax of 10 cents per pound on, and regulating the manufacture, sale, importation, and exportation of, oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 12 citizens of Zanesville, Ohio, praying for the enactment of a law for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. MORRILL. I present a petition of citizens of Rutland, Vt., in relation to imitation butter, not asking that its manufacture be prohibited, but demanding that it shall be sold under its true name. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HAWLEY presented the petition of H. D. Tinker and 104 other citizens of Suffield, Conn.; the petition of Curtis H. Case and 32 other citizens of Bloomfield, Conn.; the petition of James B. Olcott and 25 other citizens of Manchester, Conn.; the petition of Roswell Flower and 32 other citizens of Bolton, Conn., and the petition of B. C. Hatch and 32 other citizens of New Milford, Conn., praying for legislation regulating the sale of imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. INGALLS presented petitions of 567 farmers of Kansas, praying for the passage of House bill 8328, defining butter, and also imposing a tax of 10 cents per pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented petitions of 2,181 farmers of Pennsylvania, praying for the passage of House bill No. 8328, imposing a tax of 10 cents a pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of farmers of Chester County, Pennsylvania, praying that a tax of 10 cents a pound be imposed on imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present an additional statement of Clara B. Davidson, widow of General John W. Davidson, deceased, who is an applicant for an increase of pension, for consideration in connection with the bill which has been introduced for her relief. I move the reference of the paper to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL. I present a petition of dairymen and buttermakers of Flag Springs, Mo., praying for the adoption of the bill of the American Agricultural and Dairy Association, introduced by Hon. WARNER MILLER, of New York, in the Senate, and by Hon. W. L. SCOTT, of Pennsylvania, in the House of Representatives, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue of the United States and imposing a tax of 10 cents per pound. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. COCKRELL. I present a letter addressed to me, intended as a memorial, from the Armour Packing Company of Kansas City, Mo., engaged in the manufacture of oleomargarine, butter, and other such articles, remonstrating against the passage of a law imposing a tax of 10 cents a pound or any internal-revenue tax upon these manufactured articles, and giving reasons why such a law should not be enacted. I ask that it be received and referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The paper will be received and so referred, if there be no objection.

Mr. CALL presented a petition of 71 citizens of Cedar Keys, Fla.; a petition of 43 citizens of Parish, Fla.; a petition of 148 citizens of Gainesville, Fla., and a petition of 35 citizens of Sarasota, Fla., praying for an extension of the time for the completion of the road of the Florida Railway and Navigation Company; which were referred to the Committee on Public Lands.

Mr. MILLER presented a petition of 3,000 farmers residing in different parts of the State of New York, praying the passage of Senate bill 1837 defining butter, and imposing a tax of 10 cents per pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Farmers' Club of Hanover, N. Y., praying for the passage of the bill taxing all imitations of butter at 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER. I present a petition of the Northern New York Annual Conference of the Methodist Episcopal Church, composed of 228 ministers and representing 25,000 church members. The petition recites some of the outrages which have been perpetrated upon the Chinese in Wyoming Territory and elsewhere in the West, and closes with this prayer:

We therefore petition your honorable body to enact without delay such measures as will enable the officers of the law to suppress all efforts to persecute and drive out the Chinese, and secure to them, wherever they may be in our wide domain, the same protection afforded to all other persons in "life, liberty, and the pursuit of happiness." And for this your petitioners will every pray.

This petition is properly certified to and signed by the secretary of the conference. It is substantially the same that was sent some time ago from the New York conference. I shall not read it further nor ask to have it spread upon the record. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BOWEN. I present memorials of citizens of the United States resident in La Plata and San Juan Counties, in the State of Colorado, protesting against the location of the Southern Ute Indians in the southeastern corner of Utah immediately bordering on the line of Colorado.

I will state in this connection that the Committee on Indian Affairs have already reported the bill to the Senate with an amendment which was proposed by the Indian Office of the Interior Department which seems to meet the views of these citizens. The amendment is one which I have already offered and I think will meet the case, but I thought it best to present the memorials. The bill with the amendment as I understand conforms to the views of the memorialists, and I think they are right about the matter.

The PRESIDENT *pro tempore*. The memorials will lie on the table.

Mr. SEWELL presented fourteen petitions of 479 farmers of New Jersey, praying for the passage of House bill 8328 imposing a tax of 10 cents per pound and regulating the manufacture, sale, importation, and exportation of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of bankers, merchants, and business men of New Jersey, praying for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. MANDERSON presented a petition of 103 farmers of Nebraska, praying for the imposition of a tax of 10 cents per pound upon oleo-

margarine; which was referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a memorial of E. B. Wolcott Post, No. 1, Department of Wisconsin, Grand Army of the Republic, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present sixty petitions signed by 1,997 farmers of the State of Iowa, praying for the passage of Senate bill 1837, imposing a tax of 10 cents per pound on and regulating the manufacture, sale, importation, and exportation of oleomargarine. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM. I present numerous petitions from farmers in different sections of the State of Illinois in the following language:

The undersigned dairymen and butter-makers respectfully petition your honorable body for the adoption of the bill of the American Agricultural and Dairy Association, introduced by Hon. WARNER MILLER, of New York, in the Senate, and by Hon. W. L. SCOTT, of Pennsylvania, in the House of Representatives, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue of the United States, and taxing it 10 cents per pound, &c.

These petitions are signed by numerous farmers of different parts of the State of Illinois. I move their reference to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM presented a resolution adopted by the Chicago (Ill.) Live Stock Exchange, remonstrating against the passage of any law prohibiting or taxing the manufacture and sale of oleomargarine, &c.; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 29 farmers of Gurnee, Ill., and a petition of Lafayette Morton and 39 citizens of Will and Kankakee Counties, Illinois, praying for the imposition of a tax of 10 cents a pound on imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. CONGER presented a petition of Knights of Labor of Columbiaville, Mich., praying for the enactment of a law prohibiting the employment of persons under twenty-one years of age more than eight hours a day; which was referred to the Committee on Education and Labor.

Mr. CONGER. I present a large number of petitions from different parts of the State of Michigan, praying for the passage of a bill in regard to the sale of oleomargarine or butter substitutes. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PLATT. I present a petition numerously signed by business men and firms of Meriden, Conn., praying for the redemption of the trade-dollar. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented a petition of wholesale grocers of Chicago, Ill., praying for the abrogation of the Hawaiian treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of veterans of Southwestern Minnesota, praying to be granted arms for their encampment; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HOAR. I ask unanimous consent that the reference of the bill (S. 1967) to refer the claim of Clinton G. Colgate, of the city of New York, to the Court of Claims, being a claim for the use of his patent, be changed from the Committee on Claims to the Committee on Patents. This is not technically the report of the committee, but I take the responsibility as a member of the Committee on Claims of making that request.

The PRESIDENT *pro tempore*. If there be no objection the Committee on Claims will be discharged from the further consideration of the bill and it will be referred to the Committee on Patents. The Chair hears none.

Mr. HOAR. I make a similar request in regard to the bill (S. 1954) for the relief of Eli Ayres, that it may be taken from the Committee on Claims and referred to the Committee on Indian Affairs. It is a claim for an Indian depredation.

The PRESIDENT *pro tempore*. The Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on Indian Affairs if there be no objection.

Mr. VANCE, from the Committee on Finance, to whom was referred the bill (H. R. 7470) for the relief of William Fisher, reported it without amendment, and submitted a report thereon.

Mr. SAULSBURY. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (H. R. 6637) relating to contested elections, to report it with amendments. As the bill relates to matters solely connected with the House of Representatives, I ask that it be put upon its passage.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7365) for the relief of Nancy Franklin;
A bill (H. R. 3043) granting a pension to Lewis W. Scanland;
A bill (H. R. 6670) granting a pension to Susan Malone;
A bill (H. R. 6120) for the relief of Richard Horrigan;
A bill (H. R. 6452) granting a pension to Samantha A. Smith;
A bill (H. R. 6718) granting a pension to William H. Starr;
A bill (H. R. 6135) granting a pension to James W. Stanford;
A bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman;
A bill (H. R. 7073) granting a pension to Mary S. Woodson;
A bill (H. R. 7075) granting a pension to Orson W. Sears;
A bill (H. R. 7222) granting a pension to Callie West; and
A bill (H. R. 4730) for the relief of Mary Murphy.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 1534) for the relief of John P. Bush and James Grigsby, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (S. 2355) granting a pension to Edward R. Shubrick, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5472) to increase the pension of Henry Brooks; and
A bill (H. R. 3054) granting a pension to Sylvester Root.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers; and
A bill (H. R. 5438) for the relief of Elias Sheads.

Mr. LOGAN. I report from the Committee on Military Affairs the bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union, by consent of the committee, without recommendation either for or against it, except that I am authorized to present the report that I submit for myself with the bill. I ask that it be printed, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The report will be printed and the bill placed on the Calendar.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2416) granting an increase of pension to Joseph Wirth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2417) for the refund of duties exacted in error upon the importations of steel railway blooms; which was read twice by its title, and referred to the Committee on Finance.

Mr. BLAIR introduced a bill (S. 2418) granting a pension to Sarah E. Boulter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2419) granting a pension to Jackson Steward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2420) granting a pension to Sidney Denton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2421) granting a pension to Mrs. Maria C. McPherson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2422) granting a pension to Mrs. Belle Griffith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Maryland, introduced a bill (S. 2423) for the relief of Grafton Munroe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2424) granting an increase of pension to George W. Kincaid; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VANCE (by request) introduced a bill (S. 2425) for the relief of the heirs of Myra Clark Gaines; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. CALL introduced a bill (S. 2426) to prevent improper selections of the public lands of the United States under the act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GRAY and Mr. SEWELL submitted amendments intended to be proposed by them to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

REPRINTING OF BILLS.

Mr. CULLOM. I have received several dispatches requesting a copy of the interstate-commerce bill as it passed the Senate yesterday evening. I ask that an order be made to print the bill (S. 1532) to regulate commerce as it passed the Senate.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. BLAIR. The bill (S. 194) to aid in the establishment and temporary support of common schools has been out of print for some time, and there is great demand for it. If the Senate will make a like order in regard to that bill, I should feel greatly obliged.

The PRESIDENT *pro tempore*. The order will be made if there be no objection. The Chair hears none, and it is ordered.

WITHDRAWAL OF PAPERS.

On motion of Mr. SPOONER, it was

Ordered, That Lewis D. Allen have leave to withdraw the papers in his case from the files of the Senate, for use before a committee of the House of Representatives.

PRE-EMPTION LAND ENTRIES.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was read:

Whereas there is now pending before the Senate bill (S. 2299) providing among other things for the protection of parties who have innocently purchased lands after final proof and entry and before the issuance of patent entered under the pre-emption laws: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, requested to suspend action in the Land Department in all cases where the rights of such innocent purchasers are alleged, until Congress shall have passed upon the legislation proposed by the aforesaid bill.

Mr. MITCHELL, of Oregon. I move that the resolution be referred to the Committee on Public Lands.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARBOUR, Mr. WILSON, and Mr. ROWELL managers at the conference on the part of the House.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the morning business is closed.

Mr. COCKRELL. The Calendar.

The PRESIDENT *pro tempore*. The Calendar is now in order. The first case on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

Mr. INGALLS. That stands on a motion to reconsider. Let it be passed over.

STATEN ISLAND BRIDGE.

Mr. FRYE. I gave notice ten days ago that when I had an opportunity I should move that the Senate proceed to the consideration of Senate bill 121, known as the Staten Island bridge bill. I make that motion.

Mr. CONGER. I hope the Senate will go through with the Calendar in its order and consider first the unobjected cases. I gave notice last week that I should while I was able, and by instruction from the committee of which I am chairman, the Committee on Post-Offices and Post-Roads, insist upon taking up the Calendar and going through with the unobjected cases, and then with the other cases, as rapidly as we can, and finish the Calendar. The Calendar has become very large, and there are bills of public and private interest scattered through the whole length of the Calendar which can not be reached——

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Michigan that debate or discussion is not in order on a motion to take up a bill. Debate is not in order in the proceedings now on a motion to take up a particular bill.

Mr. CONGER. But the regular order of business is to take up the Calendar.

The PRESIDENT *pro tempore*. That is the regular order.

Mr. CONGER. I call for the regular order.

Mr. SEWELL. I ask unanimous consent to be allowed to make a remark.

The PRESIDENT *pro tempore*. The regular order is the Calendar, but the rule provides also that upon the motion of any Senator the Senate may proceed to the consideration of a particular bill, and that motion must be submitted without debate. The Senator from New Jersey asks the unanimous consent of the Senate for what purpose?

Mr. SEWELL. Just to make a remark on the proposition of the Senator from Maine, which simply is that the bill to which he refers can not possibly be taken up and disposed of in the morning hour. Myself and my colleague are instructed by our State, and will at least consume several hours in its discussion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of the bill named by him. The bill will be read by its title.

The CHIEF CLERK. A bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound known as Arthur Kill, and to establish the same as a post-road.

Mr. MAXEY. Is it proposed to take up the bill by a vote of the Senate?

The PRESIDENT *pro tempore*. By a majority of the Senate; but if that is declined then the Calendar will be in order. The question is on agreeing to the motion of the Senator from Maine. [Putting the question.] The noes appear to have it.

Mr. FRYE. I will call for a division. This is a matter of great public importance, and I want to do my duty. I call for a division of the Senate.

Mr. MCPHERSON. I ask unanimous consent to make a single remark to the Senator from Maine upon his proposition.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from New Jersey that the motion is not debatable.

Mr. MCPHERSON. I do not propose to debate it. I simply wish to state to the Senator that a good many documents which will be necessary for my use in the discussion of this measure I have not with me this morning; they are at my house. I shall be very glad to assist the Senator at any other time in getting up the bill; I have no wish to postpone its consideration; but so far as I am concerned I am not ready to go on with the discussion this morning. Therefore I ask the indulgence of the Senator for its postponement, as it is an important bill.

The PRESIDENT *pro tempore*. As many as are in favor of proceeding to the consideration of the bill referred to will rise and stand until counted.

There were on a division—ayes 11, noes 19.

The PRESIDENT *pro tempore*. The motion is lost. It is proper for the Chair to state that the divison discloses the want of a quorum, but there is a quorum present by actual count.

Mr. FRYE. I am not going to press the motion. The indication of the Senate was against me, and I make no further request.

HOUSE BILL REFERRED.

The bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PEARSON C. MONTGOMERY.

The PRESIDENT *pro tempore*. The first case on the Calendar will be proceeded with.

The CHIEF CLERK. A bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

Mr. INGALLS. That has already been objected to.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over under the rule.

L. MADISON DAY.

The bill (S. 266) for the relief of L. Madison Day was announced as next in order on the Calendar.

Mr. COCKRELL. The Senator from New Hampshire [Mr. PIKE] who reported the bill is absent, and I shall not insist upon action on it now.

The PRESIDENT *pro tempore*. The bill will go over. Shall it go over without losing its place?

Mr. COCKRELL. Let it go over under the other rule. It can be called up at any time.

The PRESIDENT *pro tempore*. The bill goes over, and will take its place on the Calendar under the ninth rule.

WILBUR F. STEELE.

The next bill in order was the bill (S. 1223) for the relief of Wilbur F. Steele.

Mr. COCKRELL. Let that go over to the other Calendar.

Mr. MCMILLAN. Is there any objection to that bill?

The PRESIDENT *pro tempore*. The bill goes over, being objected to.

YAKAMA INDIAN RESERVATION.

The bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the

Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, was announced as next in order.

Mr. MITCHELL, of Oregon. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

WALKER RIVER RESERVATION.

The bill (S. 1056) to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada, was announced as next in order, and the Secretary proceeded to read the bill.

Mr. ALLISON. I object. That seems to be a long bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. DAWES. I should like to inquire of the Senator from Oregon what is the objection to the other bill.

Mr. MITCHELL, of Oregon. The objection is simply that it will take the whole morning hour.

DEVIL'S LAKE RESERVATION.

The bill (S. 1057) granting a right of way to the Jamestown and Northern Railroad Company through Devil's Lake Indian reservation, in the Territory of Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. W. SHARRETTS.

The bill (S. 1069) for the relief of George E. W. Sharretts was announced as next in order.

The bill was read.

Mr. ALLISON. I object.

Mr. HOAR. I ask the consent of the Senator who made the objection to be permitted to make one statement.

Mr. ALLISON. I withdraw the objection so as to hear the statement.

Mr. HOAR. This is the claim of a very worthy, a very aged, and very poor man, as I understand. He rendered a great service to the Government in preparing pay tables. Originally the claim was for $30,000. The committee sent the case to the Court of Claims, and on their report we reported an amendment which pays the man $1,200.

Mr. ALLISON. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HOAR. It is a case which has given the committee a great deal of trouble. I once on very full and thorough study of the case made a report to the Committee of Claims for a large sum, fifteen or twenty thousand dollars. On further reflection it was sent to the Court of Claims, and a very small allowance reported.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Claims will be stated.

The CHIEF CLERK. The committee report to amend, in line 6, after the words "sum of," to strike out "thirty thousand" and insert "one thousand two hundred;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George E. W. Sharretts the sum of $1,200, in full compensation for his time and services in the preparation of his salary tables used by the Government, and in lieu of all royalty or value of said tables, of which he is the inventor and author, as appears by the findings of facts of the Court of Claims, filed February 2, 1885.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. WILSON.

The bill (S. 922) for the relief of Joseph F. Wilson was announced as next in order.

Mr. MCMILLAN. This is a case adversely reported, and I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

ARMY HOSPITAL STEWARDS.

The bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army and to fix their pay and allowance, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in section 2, line 4, before the word "dollars," to strike out "fifty" and insert "forty;" and before the word "dollars," in line 4, to strike out "twenty-five" and insert "thirty;" so as to make the section read:

That the monthly pay of hospital stewards of the first class shall be $40, and the monthly pay of hospital stewards of the second class shall be $30; that each class shall receive the increase pay for continuous service now allowed by law; and that the allowances of quarters, fuel, rations, clothing, &c., shall be as now, or may hereafter be, fixed by law or regulation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TIME FOR MEETING OF CONGRESS.

Mr. HOAR. The next bill on the Calendar (S. 1406) fixing the time for the meeting of Congress relates to the same subject as a constitutional amendment which has also been reported favorably, and I would like to have the two subjects considered at the same time. I therefore object to the bill for the present.

The PRESIDENT *pro tempore*. If there be no objection the two propositions will be considered at the same time. Is there objection?

Mr. CONGER. Let the bill go over without prejudice.

The PRESIDENT *pro tempore*. Senate bill 1406 will be passed over without prejudice.

JUDICIAL CIRCUITS.

The bill (S. 1286) to amend section 604 of the Revised Statutes, and for other purposes, was announced as next in order.

Mr. ALLISON. Let that be read for information in the first place.

The bill was read; and the Senate as in Committee of the Whole proceeded to consider it. It proposes to amend section 604 of the Revised Statutes, so as to make a part of it read:

Eighth. The eighth circuit includes the districts of Nebraska, Kansas, Arkansas, and Colorado.

Ninth. The ninth circuit includes the districts of Minnesota, Iowa, and Missouri.

Tenth. The tenth circuit includes the districts of California, Oregon, and Nevada.

The bill further provides that hereafter the present judge of the ninth judicial circuit, comprising the districts of California, Oregon, and Nevada, shall be the judge of the tenth judicial circuit; and there shall be appointed a circuit judge for the ninth judicial circuit as now designated, comprising the districts of Minnesota, Iowa, and Missouri.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. The title should be amended.

Mr. CONGER. I ask that the title be amended to correspond with the terms of the bill.

The PRESIDENT *pro tempore*. In what respect?

Mr. CONGER. So as to state the object. I suggest that it should read "A bill to amend section 604 of the Revised Statutes relating to circuit courts, and for other purposes."

Mr. ALLISON. I think that the real purpose is to establish a new judicial circuit, and that ought to be stated in the title. It is really to establish a new circuit and appoint a new circuit judge.

Mr. CONGER. It defines also some other circuits. I desire that the title of the bill should give some indication when we look at it of what the subject-matter is.

The PRESIDENT *pro tempore*. If the Senator will propose an amendment the Chair will submit the question.

Mr. CONGER. I suggest "A bill to amend section 604 of the Revised Statutes in relation to circuit courts, and for other purposes."

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. HOAR. I suggest that the title ought to be "A bill to change the limits of the eighth and ninth and tenth circuits."

Mr. ALLISON. "And appoint another circuit judge," because that is the principal thing here. It is to establish a new circuit and appoint a new circuit judge.

The PRESIDENT *pro tempore*. The Senator from Michigan has submitted an amendment.

Mr. CONGER. I accept the suggestion. All I want is that the title of the bill should give some indication of the contents.

The PRESIDENT *pro tempore*. Will the Senator from Massachusetts repeat his amendment?

Mr. HOAR. I will suggest that the title read in this way: "A bill to change the limits of certain circuits and to establish a new judicial circuit."

Mr. MITCHELL, of Oregon. I think this bill changes the ninth circuit to the tenth circuit. How does it affect the ninth circuit?

Mr. INGALLS. The present eighth circuit includes the States of Nebraska, Kansas, Arkansas, Colorado, Minnesota, Iowa, and Missouri, the places for holding court extending from Saint Paul on the north to Little Rock on the south and from Saint Louis on the east to Denver city on the west—a region of country that is obviously so enormous in extent that it is impossible that the duties can be discharged by a single judge. This bill proposes to divide that circuit, interfering with no other judicial area within the United States, and creates a new eighth circuit which instead of embracing that whole territory shall include the States of Nebraska, Kansas, Arkansas, and Colorado, and makes the ninth circuit consist of the districts of Minnesota, Iowa, and Missouri, and as to the tenth, which is now the ninth, it merely changes the enumeration, that circuit including the districts of California, Oregon, and Nevada.

Mr. MITCHELL, of Oregon. Making what is now the ninth circuit the tenth circuit?

Mr. INGALLS. It merely changes the enumeration as to that circuit.

Mr. MITCHELL, of Oregon. That is the only way that it affects the ninth circuit?

Mr. INGALLS. In no other respect whatever. Of course it provides for the appointment of a new circuit judge. The interests of the public service inevitably require that this should be done. While I hear in various quarters suggestions that this will result in the appointment of a judge in sympathy with the present administration, I do not regard that as a sufficient reason why an act of great public necessity should not be accomplished by this Senate.

The PRESIDENT *pro tempore*. The title is amended as proposed, and the next case on the Calendar will be stated.

Mr. WILSON, of Iowa, subsequently said: I desire to enter a motion to reconsider the vote by which the Senate this morning passed Senate bill No 1286. I merely enter the motion now.

The PRESIDENT *pro tempore*. The motion will be entered.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The resolution submitted by Mr. PLATT January 29, 1886, declaring that executive nominations shall hereafter be considered in open session, which was reported adversely by Mr. INGALLS from the Committee on Rules February 8, 1886, was announced as next in order.

Mr. PLATT. I should like to say one word about that matter. I should be very glad to take the vote on the resolution at this time, but I understand there are Senators who desire to discuss it and I suppose there is an understanding that it shall be taken up after 2 o'clock when the pension bill reported by the Senator from New Hampshire [Mr. BLAIR] and the Des Moines lands vetoed bill and the bankruptcy bill shall have been disposed of.

Mr. VAN WYCK. There is a bill I have had considered in the morning hour which ought to be taken up with the pension bill and the Des Moines bill.

Mr. PLATT. I understand there has been substantially an agreement as to the order of business relating to certain measures, and I understand the agreement to be as I have stated. At any rate I ask that this resolution may be passed over on the Calendar for the present without prejudice.

The PRESIDENT *pro tempore*. The resolution goes over without losing its place.

Mr. MILLER. As the statement of the Senator from Connecticut goes on record that there is an understanding in the Senate as to the time when this measure is to be taken up, I wish to say that I do not think the Senate has made any such understanding or agreement which is binding on any one.

Mr. PLATT. I do not understand that it is an order or agreement of the Senate, but I think it is an order which is well understood by a majority of the members of the Senate.

Mr. MILLER. I do not so understand.

Mr. HOAR. I suppose I am betraying no secret—if I am I shall consent to be expelled in case it is deemed that I deserve expulsion—when I say that the Republican Senators in this body requested six or seven of their number to look over the order of business and see what would be a convenient order, and that they unanimously, after consulting every Senator they could find, three or four weeks ago agreed on a certain order and then proposed it to the other side, all the Senators they could find over there, and they agreed that it would be a convenient way to do. That was then stated to the Senate, I think, by the present occupant of the chair, if I am not mistaken.

I do not understand that the Senate is bound by any such thing, but there is a general expectation certainly that this order of business will be followed. That settles the time for the discussion of the resolution of the Senator from Connecticut; and other matters embraced have been made special orders by the Senate.

Mr. SEWELL. I do not understand it to be a fact——

The PRESIDENT *pro tempore*. The Chair must remind Senators that this debate is entirely out of order.

Mr. CONGER. I call for the regular order.

Mr. SEWELL. I desire——

The PRESIDENT *pro tempore*. The Chair must enforce the rules. The next bill in order will be stated.

ELON A. MARSH AND MINARD LAFEVER.

The bill (S. 500) for the relief of Elon A. Marsh and Minard Lafever was announced as next in order.

Mr. CONGER. As to that bill there is an attempt to harmonize the parties interested, and I ask that it go over without prejudice.

The PRESIDENT *pro tempore*. If there be no objection that course will be pursued.

STEPHEN N. SMITH.

The bill (S. 708) for the relief of Stephen N. Smith was announced as next in order.

Mr. ALLISON. Let that be read for information.

The bill was read.

Mr. COCKRELL. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

Mr. ALDRICH subsequently said: I ask unanimous consent that Order of Business 165, being the bill (S. 708) for the relief of Stephen N. Smith, be restored to the Calendar under the eighth rule. I have satisfied the Senator from Missouri [Mr. COCKRELL] about the character of the bill.

Mr. COCKRELL. I hope that will be done.

The PRESIDENT *pro tempore*. If there be no objection the bill will be restored to the same position it held on the Calendar under the eighth rule.

WILLIAM C. DODGE.

The bill (S. 301) for the relief of William C. Dodge was considered as in Committee of the Whole.

Mr. LOGAN. Who is this man William C. Dodge? Is he an officer of the Army?

Mr. PLATT. No, sir; he has been a patent attorney, I think, in Washington, and never was connected with the Army at all.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Patents will be read.

The CHIEF CLERK. The amendments reported by the Committee on Patents are, in line 6, before the word "dollars," to fill the blank by inserting "ten thousand," and to fill the blank in line 13, before the word "dollars," by inserting "ten thousand;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of $10,000, for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges patented July 4, 1865, and for the infringement of his said patents by the United States; which said sum of $10,000 shall be in full satisfaction of all claims for such use and infringements, and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

Mr. LOGAN. I ask that that bill be referred to the Committee on Military Affairs. That is the committee to which matters of that kind have always gone heretofore, so that they could be investigated. There is a rule in reference to patents used by the Government that I do not think would comport with this bill, and I would like to examine it. I move that the bill be referred to the Committee on Military Affairs.

Mr. PLATT. I do not think it ought to be referred to the Committee on Military Affairs. It has been before the Committee on Patents at former sessions of the Senate. It was reported favorably last year for the same amount and passed the Senate last year. I hardly think when a matter has come to the time for consideration it is a fair thing to take it away from a committee that has considered it several sessions and refer it to the Military Committee. I have no objection to the bill being passed over, that the Senator from Illinois, the chairman of the Military Committee, may have all the time he desires to examine it.

Mr. LOGAN. Is there a report?

Mr. PLATT. There is.

The PRESIDENT *pro tempore*. The bill is subject to objection.

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. PLATT. I understand that the Senator from Illinois, who made the objection to the bill (S. 301) for the relief of William C. Dodge, is perfectly willing that the bill should go over without prejudice, and I wish that to be the understanding.

The PRESIDENT *pro tempore*. That order will be made.

BUSTS FOR THE SENATE CHAMBER.

The next business in order was the resolution reported by Mr. VOORHEES from the Committee on the Library, February 8, 1886, that marble busts of those who have been Vice-Presidents shall be placed in the vacant niches of the Senate Chamber, &c.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That marble busts of those who have been Vice-Presidents of the United States shall be placed in the vacant niches of the Senate Chamber; that the Architect of the Capitol is authorized, subject to the advice and approval of the Senate Committee on the Library, to carry into execution the object of this resolution, and the expenses incurred in doing so shall be paid out of the contingent fund of the Senate.

Mr. ALLISON. It seems to me that the cost ought to be paid out of some other fund than the contingent fund of the Senate. I have no objection to the resolution.

Mr. SEWELL. It will not involve much at any one time.

Mr. ALLISON. Then I withdraw the suggestion.

Mr. HOAR. I think it would be well to put in the resolution the words "from time to time" or some other words which will imply that the whole cost is not to come in any one year.

Mr. SEWELL. It is left practically to the Library Committee.

Mr. HOAR. But the Architect might consider it a direction to do it all at once. This ought to be spread over ten years.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts move an amendment?

Mr. INGALLS. After the word "Chamber," in the third line, I move to insert "from time to time."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 3, after the word "Chamber," it is proposed to insert the words "from time to time;" so as to read:

Resolved, That marble busts of those who have been Vice-Presidents of the United States shall be placed in the vacant niches of the Senate Chamber from time to time, &c.

The amendment was agreed to.

The resolution as amended was agreed to.

WILLIAM J. SMITH.

The bill (S. 13) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with amendments, in lines 4, 9, 11, and 13, to strike out the word "collector" where it occurs in each of those lines and insert "surveyor;" so as to make the bill read:

Be it enacted, &c., That in the settlement of the accounts of William J. Smith, formerly surveyor of customs at the port of Memphis, State of Tennessee, the proper accounting officers of the Treasury be, and are hereby, authorized and directed to credit the said William J. Smith with the sum of $2,004.99 in the settlement of his accounts as late surveyor of customs, on account of the embezzlement and defalcation of N. D. Smith, deputy to the said surveyor, he being no relative, and it clearly appearing that the embezzlement and defalcation were no fault of the surveyor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee."

MILITARY TELEGRAPH OPERATORS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 845) for the relief of telegraph operators during the war.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the Army of the United States, and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge, reciting this act and the term and character of his service, as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay or allowance other than that heretofore received by them.

Mr. HOAR. I should like to inquire of the chairman of the Committee on Military Affairs whether the exception contained in the proviso is intended to include pensions?

Mr. LOGAN. It was intended to include pensions.

Mr. HOAR. Should not the word "pension" be inserted then?

Mr. LOGAN. I have no objection to its being inserted. The intention of the bill is merely to give these persons a recognition and assimilated rank, which means nothing more than to recognize them as of a certain grade without pay or allowances other than those which they have received.

Mr. CONGER. Why not insert "bounty or pension?"

Mr. COCKRELL. I move to amend, which will meet the suggestion, by striking out, after the word "pay," in line 16, the word "or," and after "allowance" inserting "bounty or pension;" so that the proviso will read:

Provided, That this law shall not be construed to entitle the persons herein mentioned to any pay, allowance, bounty, or pension other than that heretofore received by them.

Mr. LOGAN. Very well; I have no objection to that.

The amendment to the amendment was agreed to.

Mr. SEWELL. I ask the Senator from Illinois if he intends that a telegraph operator on the military lines or at the different stations of the Government during the war, who received $125 a month compensation, and who may never have got near the sound of a gun, shall have the assimilated rank of a first or second lieutenant and be placed in the position of claiming the pension of a commissioned officer? If that is the intention, I object to it.

Mr. LOGAN. No, sir, there is no such intention. That is provided against in the bill itself. The bill provides that they shall not receive any pay, and as amended now shall not receive any bounty, allowance, or pension other than already received.

Mr. SEWELL. What is the object of the bill then?

Mr. LOGAN. Merely to recognize them; they have never been recognized, and they did good service.

Mr. SEWELL. I have no objection to their going on the pension-roll if they were wounded in service; but when privates during the war got from ten to thirteen dollars a month and risked life, and the telegraph operators got $125 a month, and some of them I know were in the field and acted very gallantly and were wounded, I do not believe the operators ought to be placed in a position for recognition to pension merely because of the services they rendered as operators, for the reason that they were not part of the military establishment in reality.

Mr. LOGAN. The bill provides expressly that they are not to have pensions.

The amendment as amended was agreed to.

Mr. INGALLS. Were these persons so employed "an integral part of the Army of the United States?" The Senator from Illinois can state.

Mr. LOGAN. They were no part of the Army in the strict sense.

Mr. INGALLS. Then would it not be well to omit the preamble and give them the rank to which they would be entitled, omitting this declaration that they were "an integral part of the Army," which I did not know before?

Mr. LOGAN. I will explain to the Senator. When I say that in a certain sense they were no part of the Army, it is in the sense that they were not performing strictly military duty and had no rank or pay as officers. They were not in that sense part of the Army; but in the sense that they were under the control of the military authorities, under their direction, subject to arrest and subject to trial by court-martial, they were an integral part of the Army.

Mr. INGALLS. Their service was entirely voluntary, I suppose; that is to say, they could terminate it whenever they pleased.

Mr. LOGAN. I will not say that they could not, and yet they were employed as telegraph operators and came under the law.

Mr. INGALLS. So long as they remained in service.

Mr. LOGAN. So long as they remained in the service; and the man at the head, who was nominated brigadier-general and died here not long ago, had them organized the same as other military organizations. The orders were delivered to them in the same way, and as I say they were subject to the orders of the military commanders. For instance, they were subject to the orders of any officer having the command of a district or department; they could be arrested and tried by court-martial for any improper conduct, and they were entirely under military control.

Mr. INGALLS. The recitation in the preamble does not appear to be strictly accurate, and I suggest that it be omitted inasmuch as the principal purpose is gained by the enactment of the statute.

Mr. LOGAN. The recital in the preamble is the only thing that notifies the world really what their services were; and it is only that recital which, carried on the bill, gives them the standing they were really entitled to as a part of the military of the country.

Mr. HOAR. The bill speaks of "all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion." Were there not persons engaged in the construction of those lines who were mere laborers and who were constructing them in territories which were not actually the scene of danger or of military operations?

Mr. LOGAN. Not at all. This applies to persons employed as military telegraph operators and constructing and operating such military lines.

Mr. SEWELL. Allow me to ask the Senator the meaning of this language of the amendment:

And to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge, reciting this act and the term and character of his service—

The recital of the preamble makes the telegraph corps "an integral part of the Army." The amendment proceeds—

as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge.

You are by an act at this late day creating these gentlemen officers of the Army who served as telegraph operators.

Mr. LOGAN. Oh, no.

Mr. SEWELL. Practically you are doing that and giving them a discharge as such. I have no objection to recognizing the services of telegraphers; it came under my personal observation that many of them were very gallant men; but as they were paid well for their services, I object to our now twenty years afterward taking that pay and making it the basis for assimilated rank with the officers of the Army who were discharging active duties in the field.

Mr. LOGAN. I did not know that the Senator made this objection to the bill when it was before the committee; but that is immaterial. I tried to draught the bill so that it would not confer a commission on any one, and it certainly does not, and so that it would not give any additional pay, which it certainly does not. The mere fact that it gives to these men an honorary title is a matter of no consequence. There were many persons who served in the Army who had what was called an honorary commission or title from the governors of various States and received discharges as such, and yet they received no pay on that account. It was an honorary commission giving them the rank of major or lieutenant-colonel. They have their commissions and have their discharges, but have never claimed to be entitled to pay and never have

received any. There are many persons who served in such capacities. I know one who was a newspaper correspondent who had a major's commission, but it was a mere honorary commission carrying no pay. It was given to him, I suppose, for the purpose of giving him certain facilities that he might desire. I know nothing about why it was given, but I know that was the fact.

The first clause of the preamble recites that—

Whereas, except commissioned officers, those persons engaged in the military telegraph corps of the United States during the war of the rebellion, although performing strictly military duties, whereby some lost their lives and others were wounded or imprisoned, have received no official recognition for their fidelity, intelligence, bravery, and efficiency.

In answer to the question of the Senator from Massachusetts [Mr. HOAR] I will say that this language clearly defines who are the people that are to be recognized. They are not persons who were engaged in building military telegraph lines in Illinois or in the Senator's State, but it applies to the military telegraph corps which was organized as a corps in the Army and subject, as I said, to the orders of the commanding officer. The chief of this corps received his instructions and orders from the general commanding, the same as a subordinate general did. They were compelled to keep secrecy and to perform very important duties, and some of them behaved very gallantly. The preamble says:

Whereas, except commissioned officers, those persons engaged in the military telegraph corps of the United States during the war of the rebellion, although performing strictly military duties, whereby some lost their lives and others were wounded or imprisoned, have received no official recognition for their fidelity, intelligence, bravery, and efficiency; and

Whereas, as an integral part of the Army, they ought to have been accorded a military status corresponding in rank to the service so meritoriously performed.

If they performed services that corresponded with the services of a private soldier they would have their discharge the same as a private soldier. If their services and pay were similar to those of a second lieutenant they would receive a discharge with the assimilated rank of a second lieutenant, and so on. That is the meaning of it——

The PRESIDENT *pro tempore*. The Chair must remind the Senator that under the rule his five minutes have expired.

Mr. SEWELL. I had no idea when the Senator got the consent of the committee to make the report in this way that the bill had this provision as to assimilated rank in it. I should have objected to it in the committee if my attention had been called to it. If the Senator will allow me, I will move to amend by striking out commencing with the word "receipt" in the tenth line to the word "discharge" in the fourteenth line.

Mr. COCKRELL. I suggest to commence with the word "as" on line 10, covering the words "as well as the relative rank."

Mr. SEWELL. Yes; I move to strike out from the word "as" in line 10 to the word "discharge" on line 14; that is, to strike out the words "as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge."

The PRESIDENT *pro tempore*. The amendment proposed will be stated.

The CHIEF CLERK. It is proposed to strike out of the proposed amendment, in line 10, after the word "service," all down to and including the word "discharge," in line 14, as follows:

As well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge.

Mr. LOGAN. Then how will the bill read?

The CHIEF CLERK. The amendment as proposed to be amended would then read as follows:

That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the Army of the United States; and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge, reciting this act and the term and character of his service: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, allowance, bounty, or pension other than that heretofore received by them.

Mr. LOGAN. I do not think that amendment ought to be made to this bill. The proviso certainly covers everything. Under it these operators can receive no pay, no allowance, no bounty, no pension. They have already been discharged from the service, but discharged merely as telegraph operators. Now, if you are going to give them any title or confer any honor at all upon them for the services performed in a meritorious way, you have got to designate them in some mode. They have been already discharged as military telegraph operators.

Mr. SEWELL. They are designated as in the Telegraph Corps. The objection I have to it is that you are creating a commissioned officer twenty years after the service performed.

Mr. LOGAN. It does not create a military officer at all, it does not give a commission. Let us see; the bill says:

That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the Army of the United States; and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge.

That is all, "a suitable certificate of honorable discharge," not an Army discharge, but a certificate of the service that he performed and declaring his discharge as a part of the Army. What else?

Reciting this act—

That is reciting this law—

and the term and character of his service as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army.

The certificate that he receives with this recital in it, reciting just what this preamble does, is for the purpose of identifying him as one of the corps of military telegraph operators. In other words, it is to designate him so as to distinguish him from other telegraph operators during the war who did not serve as military operators. That is all it means; and this certificate of discharge is a discharge with a rank, not a rank in the Army but assimilated rank. There is a very great difference between rank and assimilated rank. Assimilated rank carries with it no pay, carries with it no power, carries with it no authority to command, carries with it nothing except that which the law gives, carries, in other words, nothing whatever except that which the law confers upon the rank.

Assimilated rank means nothing except that the operator is given a certificate that he was employed and that his pay was a similar pay to that of a lieutenant, and therefore as a military operator in the military corps he was entitled to a lieutenant's rank in that corps.

I hope the amendment will not be made, for I certainly do not see anything in the bill that would draw money or give any rank.

Mr. CONGER. If the discussion of this question is to take up the rest of the morning hour I must object to the consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

The bill (S. 78) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States was announced as next in order.

Mr. COCKRELL. That is reported adversely.

The PRESIDENT *pro tempore*. This and the three cases following having been reported adversely will be passed over as under objection and placed under the ninth rule.

Mr. LOGAN. Who objected to the military telegraph operators' bill?

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. CONGER].

Mr. CONGER. I objected because it was taking up all there is of the morning hour for discussion. The rule limits discussion to five minutes; but that bill was taking all the time.

The PRESIDENT *pro tempore*. The four cases reported adversely will be considered as objected to and passed over.

Mr. LOGAN. My friend from Michigan was kind enough to object to the telegraph operators' bill just about the time we were going to vote upon it. I want to say one word in relation to it.

The PRESIDENT *pro tempore*. Debate can be only by unanimous consent.

Mr. LOGAN. I understand that. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. BLAIR. I wish to ask a question. Under the rule has not the Senator the right, notwithstanding the objection, to move to proceed to consider the bill?

The PRESIDENT *pro tempore*. He did not make that motion.

Mr. LOGAN. Really I did not know it had been objected to. I did not hear the objection when it was made.

What I want to say in justification of myself is that the print shows on its face that the original bill was entirely stricken out, and the amendment was agreed to after discussion in the Committee on Military Affairs. I must say I was a little surprised to find objection to it here; but inasmuch as some of the committee object to it, having forgotten perhaps that they agreed to it in the committee-room, I ask that it may be recommitted to the Committee on Military Affairs, so that gentlemen may fix it there in a way that they will not object to it when it is returned to the Senate.

The PRESIDENT *pro tempore*. If there be no objection, Order of Business 170, being the bill (S. 845) for the relief of telegraph operators during the war, will be recommitted to the Committee on Military Affairs. The Chair hears no objection, and that order is made.

CASES REPORTED ADVERSELY.

Mr. HOAR. I desire respectfully to call the attention of the Chair and the Senate, if I may be pardoned for a moment, to the great inconvenience of the ruling made just now. There are a great many cases reported adversely from the Committee on Claims. Perhaps some Senator who has introduced the bill at the request of a constituent, when the report is made, in order that he may examine it, asks to have it put on the Calendar. If that adverse report is considered as an objection to discussing and disposing of the case under the five-minute rule, these cases do not get disposed of at all, and the result is they come back the next year and the next and the next. Now, in nine cases out of ten when they come up under the five-minute rule, although the report is adverse, nobody would object to their being disposed of and ended. It seems to me, with due respect to the Chair, that although the adverse

report shows that somebody objects to the passage of the bill—indeed that the whole committee object that has made the report—it does not at all follow that any Senator objects to considering it.

The PRESIDENT *pro tempore*. The Chair will recall the ruling in case there is objection; but the Chair considered an adverse report from a committee as equivalent to a single objection.

Mr. HOAR. But that is not an objection to considering such a bill under the five-minute rule, but only an objection to its passage.

The PRESIDENT *pro tempore*. Then the first of the bills adversely reported will be placed before the Senate.

CLAIMS FOR HORSES.

The bill (S. 78) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States was announced as in order.

Mr. COCKRELL. I reported that bill adversely from the Committee on Military Affairs. It was introduced by the Senator from Oregon [Mr. DOLPH]; he is absent, and at his request it was placed upon the Calendar. I should dislike to have it postponed indefinitely now in his absence, and therefore I object to its consideration and let it go on the other Calendar.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

PROPOSED DAILY RECESS.

The next business on the Calendar was the resolution submitted by Mr. MORGAN, February 3, 1886, providing for a recess of the Senate from 2 o'clock to 2.30 p. m. each day, which was reported adversely from the Committee on Rules by Mr. FRYE, February 9, 1886.

Mr. CONGER. That being reported adversely let it be passed over.

Mr. ALLISON. Why not move its indefinite postponement?

Mr. CONGER. Very well.

Mr. ALLISON. I move the indefinite postponement of the resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Ordered, That the Senate will take a recess on each day at 2 o'clock and be in session again at 2.30 p. m. This order may be suspended by a vote of a quorum required in case of adjournment, to be had without debate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa [Mr. ALLISON] to postpone the resolution indefinitely.

The motion was agreed to.

SCHOOL LOT IN CHICAGO.

Mr. LOGAN. I ask leave to call up Senate bill 1394, in reference to the sale of public property in Chicago. There was an amendment made to it by the House, and I wish to have the amendment concurred in.

The PRESIDENT *pro tempore*. The Senator from Illinois, pending the consideration of the Calendar, moves that the Senate proceed to the consideration of the amendment of the House of Representatives to the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

Mr. CONGER. That can come up after 2 o'clock.

Mr. LOGAN. I move to take it up now. I desire to have the amendment concurred in. It is a very important matter, and time is very precious in connection with it.

Mr. CONGER. Every minute taken from the morning hour is so much lost.

Mr. LOGAN. I do not doubt that, but it will not take any more time now than on any other occasion.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the House amendments to this bill.

The motion was agreed; to and the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

The first amendment of the House of Representatives was stated to be on page 2, line 5, section 1, to insert, after the word "three," the word "disinterested;" in line 5, after the word "persons," to strike out the words "officers of the United States."

Mr. LOGAN. I move that the amendments be concurred in.

Mr. EDMUNDS. Let the bill be read as amended.

The Chief Clerk read the bill as amended, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to name, within ten days after the passage of this act, a commission, to consist of three disinterested persons, whose duty it shall be to ascertain and report to said Secretary, within twenty days after their said appointment, the cash market value of the lot above mentioned in the city of Chicago; and the said Secretary is hereby authorized and empowered to sell and convey the said lot to the said Chicago and Great Western Railroad Company, at such price, not less in any event than the value thereof as appraised and reported by said commission, as he and said railroad company shall agree upon; the said price, when agreed upon, to be paid in cash: *Provided, however*, That if said Secretary and said railroad company shall be unable to agree upon the price to be paid for said property, the same shall be finally fixed by a board of three commissioners to be appointed as follows: One, upon the application of the railroad company, on notice to the district attorney of the United States for the northern district of Illinois, by the district judge of the United States in and for said district; another to be designated by the Secretary of the Treasury; and the two thus chosen to select a third, who shall be competent and disinterested. The said board thus constituted, or a majority thereof, shall fix the price (not to be less, however, than the first appraisal thereof hereinbefore provided for) at which the same shall be sold to said company, and upon payment to the Secretary of the Treasury of said price the title to said property shall vest in said company, its successors and assigns, upon the following express conditions: That all non-competing railroads not now having right of way into Chicago, desiring to use the tracks, switches, depots, and terminal facilities of said Chicago and Great Western Railroad, shall be, by said company or its assigns, permitted to do so, to the extent of the capacity of said company to furnish railroad terminal facilities, upon fair and equitable terms and regulations; and in the event the companies interested can not agree upon such terms and regulations, then the same shall be fixed and determined by three disinterested persons, one of whom shall be selected by said Chicago and Great Western Railroad Company, one by such other company as may desire to use said tracks, switches, and terminal facilities, and the third by the two persons so selected. If the purchase-price of said land, as agreed upon or finally fixed as hereinbefore provided, is not paid within ten days after the same shall have been so agreed upon or fixed as aforesaid, this act shall be null and void.

SEC. 2. That all costs incurred under the provisions hereof in appraising said property, or ascertaining the price to be paid therefor, shall be added to the said price as agreed upon, or as the same may be finally fixed hereunder, and paid by said railroad company.

SEC. 3. That the Secretary of the Treasury shall invest the purchase-money of the said lot received by him, or so much thereof as may be necessary, in the purchase or acquisition by condemnation of a site, and in the erection thereon of a suitable and commodious warehouse, for the use of the United States local appraiser of customs and other Government uses, in the city of Chicago. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the purchase-money received by the Secretary of the Treasury for the lot mentioned in the first section of this act; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said purchase-money received by the Secretary of the Treasury under this act, for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Illinois shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. And the act entitled "An act for the erection of a public building at Chicago, Ill.," approved March 3, 1885, is hereby repealed.

Mr. EDMUNDS. What is the first part of that bill? What does the bill describe? What is the property to be sold, and what is it now used for?

Mr. LOGAN. I can state——

Mr. EDMUNDS. Let the Secretary just read the first section.

The PRESIDENT *pro tempore*. The Senator refers to the preamble.

The Chief Clerk read as follows:

Whereas the Chicago and Great Western Railroad Company, a corporation chartered under the laws of the State of Illinois, is constructing its railroad within the city of Chicago, and possesses, under its charter and under the ordinances of said city, a franchise to construct, maintain, and operate its railroad to Harrison street, in said city, for which purpose it has acquired, and is acquiring, by purchase and otherwise, the real estate lying between Taylor street and said Harrison street, and west of Fifth avenue; and

Whereas the United States owns the south half of block 87, in school section addition to Chicago, which is in the center of the property so acquired and being acquired by said railroad company for terminal facilities, and is vacant, and is indispensable to said company in exercising said franchise and affording to the public the terminal facilities for which said company has so purchased the property as aforesaid: Therefore,

The PRESIDENT *pro tempore*. The rest of the bill has been read.

Mr. EDMUNDS. The preamble states the case. Now will my friend from Illinois explain the situation?

Mr. LOGAN. The situation is just this: The railroad terminal point is north of this lot several blocks. This lot is a vacant lot belonging to the Government, that was set aside for the purpose of an appraiser's office. The railroad has to pass through it. It is entirely out of the way for an appraiser's office. The object is to let the railroad purchase it, inasmuch as they have to go through it, and take the money and buy a lot for an appraiser's office nearer the custom-house, where it will be more convenient, much better for the Government and for all parties. This is a bill that nobody in Chicago has ever objected to that I have heard of, but all think it is absolutely necessary.

Mr. EDMUNDS. May I ask the Senator one question about the House amendments? I thought I heard the Secretary read that this sale was to be upon a condition subsequent or a stipulation subsequent, that all non-competing railroads should have facilities in that depot and over that ground. Is that right? If we are to sell this property, why do we not sell it straight out, or if we are to make a provision for common facilities why not make it for all roads?

Mr. LOGAN. I can not tell the Senator why we do not do that. I can only tell him that the bill passed the Senate for an absolute sale without objection and went to the other House, where they put on these amendments, and the parties would rather have the bill with the amendments than to have it thrust back and forth between the House and the Senate and probably get in the end something that nobody would agree to. That is all there is in it.

Mr. EDMUNDS. It simply makes a distinction between railroads that does not seem to be very valuable.

Mr. LOGAN. That I have nothing to do with. The other House put the amendments on, and I would rather take the bill with the amendments than take the chance of not having the bill at all.

Mr. EDMUNDS. All right; go ahead.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

OVERVALUATION OF AUSTRIAN FLORIN.

The PRESIDENT *pro tempore*. The Calendar will be resumed.

The bill (S. 599) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878, was announced as next in order.

Mr. CONGER. That being reported adversely, I object.

Mr. ALDRICH. I move that the bill be indefinitely postponed.

Mr. CAMERON. Perhaps some one who is not in the Senate now requested it to be put on the Calendar.

Mr. ALDRICH. I do not know of any one else except the present occupant of the chair who feels an interest in the bill.

The PRESIDENT *pro tempore*. The bill goes over under objection.

EUGENE WELLS.

The bill (S. 504) for the relief of Eugene Wells was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

EFFICIENCY OF THE INFANTRY.

The bill (S. 137) to increase the efficiency of the infantry branch of the Army was reported by its title.

Mr. MANDERSON. I presume that will have to go over under the ninth rule.

The PRESIDENT *pro tempore*. Objection has been made by another Senator.

OBSERVATION OF ECLIPSE OF THE SUN.

The bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886, was announced as next in order.

Mr. ALLISON. In the absence of the Senator from Maine [Mr. HALE], I ask that that bill go over without prejudice.

Mr. EDMUNDS. You ought not to interfere with the eclipse of the sun.

Mr. ALLISON. I do not object, as the Senator from Vermont wants it considered.

Mr. EDMUNDS. It would be a great pity to stop the eclipse of the sun.

Mr. ALLISON. I yield to the Senator from Vermont, who thinks it ought to be passed immediately.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. McMILLAN. Is there a report accompanying that bill? If so, let us hear it.

The PRESIDENT *pro tempore*. There is no report.

Mr. EDMUNDS. Instead of saying "the Navy Department" it should read "under the direction of the Secretary of the Navy." I move to amend by striking out "Navy Department" and inserting "Secretary of the Navy."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN KENOFSKY.

The bill (S. 1219) for the relief of the heirs of Martin Kenofsky was considered as in Committee of the Whole. It proposes to pay to the heirs or legal representatives of Martin Kenofsky $8,861 in full of all demands for and on account of the claim of Kenofsky for the proceeds derived from the sale of $4,992.50 of gold coin belonging to him and used in the service of the United States.

Mr. EDMUNDS. Let us hear the report.

The Secretory read the following report submitted by Mr. FRYE, from the Committee on Foreign Relations, February 10, 1886:

Your committee, to whom was referred Senate bill 1219, for the relief of the heirs of Martin Kenofsky, find that Martin Kenofsky, a Prussian subject, was a resident of Grenada, in the State of Mississippi, in 1864; that he was a man of Union sentiments; that he converted his possessions into gold, amounting to $4,992.50; then started for Memphis, at that time occupied by the Union forces, was seized within the lines, his gold taken from him, and he cast into prison, from which he was discharged without trial, and without any restoration of his property. The gold was converted into currency, realizing $8,861. By authority of military officers in command this money was used for military purposes, contrary to law and the regulations of the Treasury Department. It should have been covered into the Treasury.

The claimant was industrious in pursuing his remedy, commencing at once, in 1865, by application to the Secretary of War, and continuing without cessation until his death in 1880. Then his widow petitioned Congress for relief, but died pending its hearing, in 1881, leaving seven children in destitute circumstances. The authorities of the Widows and Orphans' Home, of New Orleans, and friends of the family then petitioned Congress for relief. No laches can be charged against the claimants.

The United States have had the benefit of this money; it was not justly exposed to confiscation; it should have been in the Treasury to-day, subject to the disposal of Congress; and in the opinion of your committee, justice requires that, notwithstanding it was never covered into the Treasury, having been committed to the use of the Army contrary to law, this money should be paid to the legal heirs of Martin Kenofsky, and they accordingly report back the bill referred, with an amendment striking out the words "eight thousand eight hundred and sixty-one dollars," in the sixth and seventh lines, and inserting instead thereof the words "four thousand nine hundred and ninety-two dollars and fifty cents," with the recommendation that as amended it ought to pass.

The bill was reported from the Committee on Foreign Relations with an amendment, in line 6, after the word "of," to strike out "$8,861" and in lieu thereof to insert "$4,992.50."

Mr. LOGAN. It is stated in general terms, but I should like to inquire where this man was attempting to go, whether to pass through the lines with his money, or whether he was intending to invest it—what he intended to do with it. If there is any information on that point I should like to have it.

Mr. FRYE. The statements contained in the evidence on file were that this man had remained down at Grenada as long as he felt it was safe to remain there and that he sold out everything that he had, converted it into gold, and started for the Union lines, to get within them at Memphis, Memphis being then occupied by the Union troops, and that as he was entering he was taken prisoner, and the money taken away from him. General Washburne says in his letter dated Memphis, May 27, 1865, forwarded to the Secretary of War:

I found Kenofsky in prison and in irons when I took command, and soon after released him and sent him out of the lines that he might return to Grenada, Miss. Federal officers who were in Grenada in 1863 assure me that he showed our officers and men great attention, and officers now occupying the post of Grenada assure me that it is known that he was always a friend to our Government.

I think he was roughly handled, probably more so than the facts would justify.

The money was used by General Washburne in part and by his successor in part, for the use of the United States Army, contrary to the rules and regulations then prevailing of the Treasury Department, as it should have been covered into the Treasury. I see no reason why the amount of money which was taken should not be restored. The former report of the Committee on Foreign Relations was in favor of paying the $8,861, the value of the money in currency.

Mr. VEST. How was it used in the military service? In what way?

Mr. FRYE. General Hurlbut says:

The gold, the amount of which I can not now give, was sent under my direction by Captain Williams to Saint Louis or Chicago, and converted into paper currency at proper premiums.

My headquarters were removed to Cairo; at that place the messenger in charge reported to me the amount of United States notes the produce of the exchange, $8,861.

This amount was taken up by me and has been lawfully used in the secret-service of the United States, for which I am at all times ready to account and display proper vouchers.

That is General S. A. Hurlbut. This man's money was used.

Mr. VEST. That may be so, but to make the United States Government responsible for the unlawful conduct of one of its officers, civil or military, on such a statement, without showing what the expenditure was for, would seem hardly to be justified on legal principles.

He says it was used for the secret service.

Mr. FRYE. Hurlbut says further:

The annexed account will show the statement of this particular fund up to the 4th May, 1864, when I ceased to command the Sixteenth Army Corps.

The amount of $5,001, charged to Lieut. Col. W. H. Thurston, assistant inspector-general Sixteenth Army Corps, was left with him for use of my successor in command of the corps. No successor was appointed, and that sum was paid back to me by him and expended in the Department of the Gulf.

Mr. VEST. How?

Mr. FRYE. He does not say.

Mr. ALLISON. Great injustice seems to have been done to this man, who was endeavoring to get within the Union lines. It seems that the military officer there immediately put him in irons. I should think it was rather hard treatment for a Union man who was trying to get into our country to put him in irons and take his money away from him. Then General Washburne, it seems, who had charge of this case, afterward thought it wise under the circumstances to send the man back to Grenada, Miss.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? ["No!" "No!"]

Mr. WILSON, of Iowa. I reported this bill from the Committee on Foreign Relations during the Forty-eighth Congress. I examined the case with care and became satisfied that the amount of money reported in the bill then presented to the Senate should be paid to the heirs of Martin Kenofsky. It was a case of very great hardship. His money had been taken from him and had been used for the benefit of the Government, but in violation of the law and Treasury regulations. I do not think there is any doubt at all but that the heirs of Kenofsky are entitled to that money.

The bill was passed by the Senate in the Forty-eighth Congress and went over to the House, and there by delay failed in its passage.

Mr. FRYE. The man and his wife are both dead, the widow dying last and leaving seven little children. They are now supported, or were when this report was made by the Senator from Iowa [Mr. WILSON],

by an orphan asylum in New Orleans; and there was a largely-signed petition from New Orleans in favor of this repayment. It seems to me that the United States, having used the money, can afford to let these children have it.

Mr. EDMUNDS. I simply wish to say that as I now remember in the multitude of affairs that we have had, I was not able to concur in this report of the Committee on Foreign Relations. I was under the impression that this man was a man who was operating, as it might be, on both sides of the line at that time; and I was not satisfied of his loyalty or the impropriety of his having been seized and his money confiscated. I do not make any point, if he was loyal and had this money, on the fact that it did not get into the Treasury. It was taken by military power. But I was not myself satisfied that this person at the time was otherwise than an enemy of the United States, coming into our lines for improper purposes, which led to his being put in irons by the general in command; and then, when that general was superseded, his being released and sent back into the confederate lines, instead of having been sent North, if he was then believed to have been a Union man.

Mr. WILSON, of Iowa. At the time of the arrest of Kenofsky and the appropriation of this money he was a subject of the Czar of Russia. The case was brought to the attention of our Government by the Russian minister. It was considered in the War Department, and finally found its way into Congress and into the hands of the Committee on Foreign Relations.

The only proof in the case, as I remember it, tended to show that so far as Kenofsky was concerned his sympathies and his actions were all entirely on the side of the Government, and that is supported by the statements of Union officers. But he was not a citizen of the United States; his money was taken in an unlawful manner and used unlawfully, and it does seem to me that his minor children now ought to have the benefit of it.

Mr. LOGAN. I would not deprive minor children or any other character of children from that to which they are lawfully entitled. I asked what testimony, what facts, demonstrated the truth of this man's assertion that he was coming to our lines for protection.

It is very easy for Senators, who perhaps only get their knowledge from the facts which are presented to them here, to sympathize with these cases; but there are men on this floor on both sides who know that all over that section wherever the Army approached, wherever the flag of the country appeared, there were men who had not taken the oath of allegiance, who floated "free jacks," as the phrase was. That was a common thing. I have seen hundreds and even thousands of them, I might say. Knowing what may come from the establishment of such a precedent as this, I want to be certain as to the facts before I assist in returning the money, for if we are to pay for everything that is now considered to have been unlawfully done this Government will never be able to do it.

I have known many persons who did not speak plain English coming into our lines, who were engaged in other pursuits than in aiding and assisting the Union Army, and many who did speak plain English who were similarly occupied, who were trading between the lines and professing friendship to whichever army happened to be in the closest proximity to them; and so I am always suspicious of claims of this kind. I know that in my travels through that country (and I was down through Mississippi a little) I failed to find loyal men. I heard of a great many of them, and I know many now claim that they were loyal, but I did not form their acquaintance at the time the "unpleasantness" was going on. I know now they are all right enough, and if they had to organize themselves they would have an immense army and there would have been no necessity for our going down there. I find them now, but I did not find them then, either man or woman. I do not pretend to say they are not all right now. I have not said that, but I say at that time the fact was as I have stated. These cases are novel to me.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business of yesterday, being the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. BLAIR. Mr. President——

Mr. McMILLAN. I ask unanimous consent of the Senate to take up and consider Senate bill 503, Order of Business 638 upon the Calendar, which relates to the supreme court of Montana Territory.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield for that purpose?

Mr. McMILLAN. I ask the Senator to yield for the consideration of the bill.

Mr. BLAIR. The Senator from Oregon asked me to yield for a like request and I declined.

Mr. BERRY. Let us have the regular order. I object.

The PRESIDENT *pro tempore*. Objection being made on the right of the Chair, the request of the Senator from Minnesota can not be entertained.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. BLAIR. Mr. President, the bill has already been before the Senate on two occasions, but has received very little consideration upon either. I desire to discuss its provisions for a short time, and, if there be no objection, before proceeding to do so I will call the attention of the members of the Committee on Pensions and others to a few verbal amendments which ought to be made in the bill itself.

Since the bill was reported I have received many letters from soldiers who were in the first Bull Run fight, and who saw other active service, whose term of enlistment was three months, but who rendered valuable service, who were the earliest of the volunteers, and who feel hurt that they are not included within the terms of the bill as it now stands, which provides that the service must have been for a period of six months. I am satisfied, as I have been on former occasions, that the bill should provide for those who rendered not less than three months' service; and I ask that a substitution be made in the seventh line of the first section, that the word "six" be stricken out and the word "three" inserted.

The PRESIDING OFFICER (Mr. PALMER in the chair). The amendment will be stated.

The SECRETARY. In section 1, line 7, after the word "of," it is proposed to strike out "six" and insert "three;" so as to read:

> For the period of three months during the war of the rebellion.

Mr. MORRILL. May I ask the Senator from New Hampshire if that is done by the direction of the committee?

Mr. BLAIR. I have conferred with some members of the committee and I call the attention of other members to it now.

Mr. MORRILL. It was not in the original report?

Mr. BLAIR. It was not in the original report.

Mr. MORRILL. I think, then, the Senator had better wait until a quorum is present before moving such an amendment.

Mr. BLAIR. I move a call of the Senate if the Senate is not in a condition to proceed with business.

The PRESIDING OFFICER. The Senator from New Hampshire moves a call of the Senate. All in favor of the motion will say "ay." [Putting the question.] The noes seem to have it. The noes have it.

Mr. MILLER. If the Senator will call for the yeas and nays we shall secure a quorum in that way.

Mr. BLAIR. I understand. I know how the Senate is engaged just now. This is a mere verbal amendment, and if the members of the committee have no objection and a majority of the committee is present——

Mr. SEWELL. I think there will be no objection to letting the amendment go over for the present.

Mr. MORRILL. It should go over until the Senate is fuller.

Mr. BLAIR. Very well. I make a like request in regard to the insertion of the word "manual" before the word "labor," in line 11 of the first section, which is an amendment suggested by the Senator from Nebraska [Mr. VAN WYCK], a member of the committee.

I shall also make a like request, after the word "support," at the end of line 11, to insert the words "or upon the contributions of others not legally bound thereto," the same phraseology used in the second section, which treats of the dependent parents, and which should have been inserted in the first section.

In the fifteenth line, after the word "disability," I propose to insert the words "and dependence," and in the twentieth line, after the word "dollars," the words "per month" should be inserted.

In the tenth line of the second section, after the word "laws," the words should be inserted "as modified by this section."

I think there should be added at the end of the fourth section the following clause:

> And so long as any person shall claim pension under this act he or she shall be held to have waived pension under any other provision of law.

Mr. COCKRELL. I can not hear one solitary word, and I object to all these amendments unless I can hear what is proposed.

Mr. BLAIR. They are not being made at this time. They are amendments which I propose to move.

Mr. COCKRELL. Oh!

Mr. BLAIR. I will ask the attention of members of the committee and of the Senate at this time to an amendment which may be offered, a new section to be inserted, as follows:

> The widow of any person who served in the military or naval service and was honorably discharged therefrom as mentioned in the first section, who shall not have remarried and who shall be dependent upon her own manual labor or the contributions of others not legally bound thereto for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authorities, be placed upon the list of pensioners of the United States at the rate of $12 per month during the continuance of such widowhood and dependence.

The PRESIDING OFFICER. These amendments intended to be proposed to the bill will be noted.

Mr. BLAIR. Mr. President, this bill is taken in all its substantial provisions from what is known as the Mexican pension bill of the last Congress, a bill which primarily made provision by a service pension for the soldiers of the Mexican war. Coming from the House to the Senate and being referred to the Committee on Pensions of the Senate, that committee moved as an amendment to it what was known in the last Congress as the Cullom bill. That Cullom bill had been modified in committee, so that its substantial provision was the same as was discussed previously in the Forty-seventh Congress to a considerable extent, the purpose of it being to make provision for those soldiers of the war of 1861 who, not being provided for under existing pension laws, or who, being embraced within the provisions of existing pension laws, found it impossible or exceedingly difficult by reason of the death of witnesses or the destruction of testimony, documentary or otherwise, or for other causes without fault on their part, causes based upon misfortune, to establish their claim under existing law; so that all soldiers who should have served in that war for a period of three months or more, who may have been disabled from any cause not occurring through their own fault, and who, whether that cause originated in the service or not, being thus disabled and further dependent upon their own manual labor for support, should receive assistance from the Government to an amount in case of total helplessness not exceeding $24 down to a smaller sum less than $24, according to the actual disability from which they were suffering.

That amendment which was moved to the Mexican pension bill embraced dependent parents, widows of the soldiers who might be dependent, and some other classes which are not embraced in the present bill.

When this session opened there was introduced by the chairman of the Committee on Pensions the Mexican pension bill as amended with the provisions I have specified in the last Congress, and it was the desire of many members of the committee, and I think of the Senate, that the entire bill with its multifarious provisions, covering as it did nearly all cases of hardship or alleged hardship growing out of the pension laws actually existing, or actual hardship which was not embraced in any law—I say it was the desire of the members of the committee that that bill as a whole should be presented in this Congress and that action should be had thereon. But another plan was adopted, and so we have come to have in the present Congress a great variety of little bits of bills, a little in this, a little in that, and a little in another, and the whole pension legislation which had been thus symmetrically arranged has been chopped up and divided about, and is scattered here and there and yonder in the two Houses of Congress.

The bill now before the Senate contains probably the most important features, not excepting the Mexican bill proper, which are found in any of them. I do not mean to say that it is the most important in the sense that it involves the largest appropriation of money should it become a law. By no means.

The arrears-of-pension bill, which is one of those now pending, by the estimate of General Dudley, the former Commissioner of Pensions, would require at least $246,000,000 in order to adjust the claims which have been filed since July, 1880, and have been allowed since that time, and also the claims of those filed since that time, which in all probability, judging from what has been evolved from previous action of the office in such cases, will yet be allowed, the $246,000,000 by his estimate covering, I say, the amount which will be involved in the enactment of that law to settle claims which have been filed since that time which have since been allowed, and those which in all human probability will yet be allowed by the office.

This estimate makes no provision, of course, for the claims yet to be filed, whether the limitation upon the payment of arrears should be repealed or not. What amount would be involved in that case is purely one of conjecture, because the claims not yet having been even filed it is impossible that we should have any reliable data whereon to form a judgment.

The present Commissioner of Pensions, in reply to a call from the committee made recently, has furnished a letter, which has not been read before the committee, for the reason that it was not received until last night—it has, however, come into my possession—in which he quite elaborately, and apparently with great care and good judgment, makes an estimate covering precisely the same cases which I have mentioned as was involved in the calculation of his predecessor, that the cost of the enactment of the arrears-of-pension law would be $222,000,000; I think that is the amount—less than $230,000,000. That, of course, as in any other case, does not cover the conjectural ground.

Mr. VEST. I should like to ask the Senator from New Hampshire if, under the arrears act, as it is called, of 1879, we have not paid about $25,000,000 already?

Mr. BLAIR. Perhaps the Senator does not understand me.

Mr. VEST. I did not catch the Senator's remark distinctly.

Mr. BLAIR. We have adjusted all arrears of claims that were filed prior to July 1, 1880, which have been already adjudicated. There is, of course, a certain number—we do not know how many—yet unascertained, which will be allowed, of claims filed prior to July 1, 1880, that have not yet been adjudicated. The letter of the Commissioner I shall insert in the RECORD:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., May 12, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 11th instant, transmitting a copy of Senate bill No. 35, and asking for a detailed estimate of the amount required to meet the payments necessary in the event that the said bill becomes a law.

The proposition submitted is twofold. The proposed legislation will repeal the limitation as to the commencement of pension now imposed by the second section of the act approved March 3, 1879, and it will, secondly, repeal the provision now found in the act of March 3, 1885, that the presumption of prior soundness in the adjudication of pension claims authorized by said act may be rebutted.

I shall find it necessary therefore to consider each point separately.

Section 2 of the act approved March 3, 1879, provided that all pensions should commence at death, discharge, or termination of prior title, if the application were made prior to July 1, 1880.

Since July 1, 1880, there have been allowed the following number of cases in which, by reason of said limitation, no arrears have been granted: Invalid, 46,867; widows, minors, and others, 29,558; the figures being calculated to June 30, 1885.

Of the invalid allowances there were filed in 1880, 26,027; in 1881, 4,812; in 1882, 6,189; in 1883, 5,678; in 1884, 3,351; in 1885, 810.

If we fix July 1, 1865, as the average date of discharge and $100 as the average yearly rate, it will appear that to pay the arrears in these cases it will require approximately the following sums:

When filed.	No. of pensioners.	Yearly value.	Amount.
1880	26,027	$1,500	$39,040,500
1881	4,812	1,600	7,699,200
1882	6,189	1,700	10,521,300
1883	5,678	1,800	10,220,400
1884	3,351	1,900	6,366,900
1885	810	2,000	1,620,000
Amount required to pay invalids now on rolls			75,468,300

The twenty-nine thousand five hundred and fifty-eight allowances to widows, minors, and others include the pensions to minors against whom no limitation has run, as well as to dependents whose title did not accrue in many instances until the death of the soldier and of another person.

In the case of a widow the title will accrue at the death of the soldier. It is difficult, therefore, to fix the dates from which to compute the probable amount to become due.

Assuming nine years as the average period and $100 as the average yearly rate, the amount required to pay arrears in ten thousand (estimated) cases will be $9,000,000; add to pay invalids, $75,468,300; total amount to pensioners on rolls, $84,468,300.

To state the amount likely to be required to pay arrears in cases still pending in this office will be to indulge largely in conjecture.

It may, however, be stated that on the 30th day of June, 1885, there were pending in this office 171,402 invalid and 61,582 widows' and other applications.

Assuming that 60 per cent. of these will receive favorable consideration, that the average arrears period will be eighteen years and that $100 will be the average annual rate, the amount required to pay these cases will be as follows:

Sixty per cent. of 171,402 = 102,841 × $1,800 = $185,113,800.
Sixty per cent. of 61,582 = 36,949 × $900 = $33,254,100.

But of the pending invalid cases 73,415 and of the pending widows and others 26,656 were filed prior to July 1, 1880, and, if allowed, arrears will be paid to them without regard to the pending legislation.

To determine the net additional cost to the Government by the passage of the present bill, it is essential therefore that these be deducted from the total number of cases.

Upon the same basis of allowances, the amount due in said cases will be as follows:

Sixty per cent. of 73,415 = 44,049 × $1,500 equals	$66,073,500
Sixty per cent. of 26,656 = 15,994 × $900 equals	14,394,600
Total	80,468,100
From the total cost	218,367,900
Deduct this amount	80,468,300
	137,899,800
Add amount to pay pensioners on rolls	84,468,300
Additional total amount to pay pensioners and in claims already filed	222,368,100

The foregoing estimates are substantially those submitted to the Committee on Appropriations of the House of Representatives by letters from this office dated January 25 and February 5, 1886, addressed to Hon. SAMUEL J. RANDALL, chairman of said committee, in response to a similar inquiry. I know of no reason for departing from the estimates submitted to said committee.

Your inquiry will, however, include in its scope not only the cases already allowed and those now pending in this office, but also those which have been already rejected, as well as those which may hereafter be filed.

Up to June 30, 1885, there had been rejected 85,589 invalid claims and 45,837 widows' and other claims, all of which had been filed since July 1, 1880.

How many of these cases, will upon re-examination receive favorable consideration it is impracticable to state with any degree of accuracy.

The repeal of the limitation will greatly stimulate the filing of cases, it is conceded, but how many will be filed and how many of them when filed will receive favorable consideration are entirely conjectural.

The second proposition is the probable cost to the Government resulting from the repeal of the proviso contained in the act of March 3, 1885, that the presumption of prior soundness in pension cases may be rebutted.

I should not be able to intelligently reply to this question without requiring an examination to be made in each of the 85,580 invalid cases and 45,837 widows' cases now upon the rejected files of this office, all of which, have been filed since July 1, 1880, and also 48,780 invalid and 33,217 widows' cases also upon the rejected files, all of which were filed prior to July 1, 1880, to determine the causes of rejection.

The magnitude of this work, as well as its impracticability, you will at once appreciate.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. HENRY W. BLAIR,
Acting Chairman Committee on Pensions,
United States Senate.

Mr. CAMDEN. Can the Senator state how much was paid under the act for the payment of arrearages up to the time it went out by limitation?

Mr. BLAIR. I do not know the amount. It is stated in some of the reports. It can be ascertained by a reference to the reports of the Commissioner of Pensions. I have not examined the matter for a year or two; but it will not be difficult to find it. I do not care, however, to go into that matter at any length at the present time. I merely wish to indicate in round numbers something of the relative importance of these various propositions, considered from the pecuniary point of view.

Mr. HARRIS. Has the Senator any estimate made by the Commissioner of Pensions or by the Committee on Pensions as to the probable amount of the drafts upon the Treasury resulting from the bill that his committee has reported?

Mr. BLAIR. The present bill?

Mr. HARRIS. Yes, the pending bill.

Mr. BLAIR. I will speak of that in a few moments.

But however the matter may be, the argument in favor of the payment of arrears of pensions based upon justice and equity is one that I have never yet seen replied to. The arrears-of-pensions act applies only to those soldiers who rendered service, contracted disability therein, and who had they applied for pension at any time since their discharge, and upon making due proof would have been entitled to receive it. If this measure (the arrears-of-pension bill) becomes a law soldiers will make application after the lapse of this great length of time, a lapse of time which, as we all know, results in very greatly increased difficulty in the establishment of their claims by the necessary proof. The witnesses are dead, the documents are destroyed, and by reason of the lapse of time in the public mind and in the mind of the adjudicator there grows up an impression that the claim being stale may not be just. So that suffering under all these presumptions, lapse of time and otherwise, the soldier nevertheless finally makes out his case against an adverse adjudicator, against the Government which is to pay the money, and the judgment is rendered by the Government or its officers against itself. Finally, under all these increased difficulties the claim is allowed, and in the allowance of the claim what has been established? The primary fact established under all these increased difficulties is that the man contracted the disability while in the service and line of duty, that he has had all this time the right to a pension, not that he has failed to assert the right because he did not possess it, and by reason of the lapse of time he hopes to impose upon the authorities of the Government, and to obtain an adjudication by perjury and fraud. It is not that, but in spite of all these adverse conditions he has finally obtained a verdict by the Government against itself.

Why, under these circumstances, should the Government come in and say that because this man who the Governments admits had a right all the while to pension has not claimed it, so that the Government has had during all these years the use of his money—why, I say, should the Government be heard to say that this man shall be deprived of the principal as well as the interest which he has already given to the Government?

Such, sir, is the argument as it strikes my mind, and the whole question is with me remitted to this: It is one of choice, of discrimination among many worthy claimants or different classes of claimants, and the question of the enactment of such a law is to be decided not with reference to the obligation of the Government but rather to its ability at the time to pay. If there is to be any discrimination, if there is to be any question as to whether the soldier who has a just or equitable claim upon the Government for compensation is to be paid or not, if there is any question of that kind then it us for us to say who should be paid first, and where would be the greatest hardship if we fail to adjudicate favorably upon all the claims which may rightfully exist.

It is only in that light that any collision can possibly, in my mind at least, arise between those who claim under the proposed arrears act against the Government and those who claim under such an act as the committee has submitted to the Senate here and various other classes that I will not stop now to enumerate, because they relate to classes less numerous, and perhaps being partially provided for it is less important just now to discuss them.

Nearly all, in fact all, cases of necessity are provided for to some extent under existing law except those soldiers who, having rendered service and having contracted disability subsequent to their service without their own fault, are now poor and dependent and obliged to be assisted by somebody. The law does not reach their case, and yet as Senators will see those men having passed through their terms of service without wounds, without sickness, without disabilities which interfered with the discharge of their duty as soldiers, are the very men to whom the Government is under the greatest obligation for service actually received. The great mass of the men who will be benefited by the bill now under consideration are men who rendered one, two, three, four, and in some cases nearly five years of service, all the while on duty. They are the men who really put down the rebellion, rather than the men who died on the field or who were disabled. So that the actual service in the subjugation of the rebellion was not rendered even by the dead in battle, as it was rendered by the class who are embraced in the bill.

I do not wish to be too prolix upon this matter, and so I will approach the point suggested by the Senator from Tennessee [Mr. HARRIS] as to the amount of money that would be involved in the bill if it should become a law. But before I come to that I wish to mention another point that had escaped my mind. All through the country, especially in the northern part of the country, and it is to some extent so in the South, are to be found men who put down the rebellion, who served throughout their terms, but who did not contract disability or in whose case the disability did not appear during the term of service and who are now in want. They are suffering for lack of proper relief at the present time. They are becoming disabled; they are dependent upon their labor. Somebody has to assist them. It is a crying want to-day. Those who can establish their claims under the existing law are receiving pensions. The men to whom the arrears-of-pension act would apply are prosecuting their claims under existing law, or have already received them; they are either receiving or expecting soon to receive relief from the Government. Whether the Government owes them in equity or in law the arrears or not, they are for the time being provided for either in fact or in law, so they are not starving for help. They are not charges upon the charity of their friends or of the Grand Army or upon the ordinary pauper system of the various States. They are provided for against the exigency of hunger three times a day, of cold, and nakedness; but the men to whom this bill applies are not thus provided for.

If now it be claimed that the condition of the national finances is such that we can not spend the $250,000,000 which are necessary to meet the requirements of the proposed arrears act, and that we can not increase the pensions of the various classes which are now being paid under existing law, but who do not consider that their pensions are as much as their necessities require—if such be the condition of the public finances and the capacity of the nation to endure taxation, what can any man say if we enact this bill into law and by its provisions give to every man who is in need the support which he must necessarily receive from some source if we should deny it?

Many soldiers of the late war come to us with claims for a service pension. Senators may remember that in the last Congress, if I recollect aright, between eleven and twelve hundred posts of the Grand Army besought the Government to enact a service-pension law with reference to the soldiers of the war of 1861, the same as was being enacted for the soldiers of the Mexican war, the same that we did enact in 1871 for soldiers and their widows of the war of 1812, and as our fathers did for the soldiers and their widows of the Revolutionary war

There is a strong tendency and demand on the part of the soldier element of the country for a service pension, a service pension applicable to all the soldiers of the late war irrespective of want and of necessity, which every one must see presents an astounding aspect so far as public taxation is concerned. When this demand is made upon the American people by any class of men who served the Government, who protected our Treasury, who preserved to us the power of taxation and our form of national existence, when they make their demand upon us and we say to them we are not able to pay it, but that we will go further than we have hitherto gone and say that for the man who is in anything like actual need, who is disabled not by reason of his own fault or crime, who requires help from somebody, we will tax ourselves and furnish that aid to the extent of his necessity. When we say that, it seems to me that that will be met by the soldier element of the country with an admission that on the whole our proposition is fair, equitable, and just. When it can be demonstrated that the country is in a condition to pay further, to pay the arrears which, as I have undertaken to show, are a just claim upon the Government, let them be paid. If we can do so now let us do it now, but at all events let us take care of this class of meritorous claimants whose service was of the greatest importance and most valuable character, but who are now in actual want.

The bill undertakes to reach that class of soldiers. It also undertakes to provide for the dependent parents of soldiers who have died in the service. Those are the two leading features of the bill.

As to the cost which will be involved in the bill, that is very largely problematical. There are limits which we can fix, but whether it will be $20,000,000, $25,000,000, or $15,000,000 it is impossible for anybody to say. It may be more than $25,000,000, but there is some data and it is as available to one gentleman as to another. It is as available to us as it is to the Commissioner of Pensions.

From this data I think we can form a rational judgment. The late Commissioner of Pensions, in a communication to Congress made upon this subject, estimated the number of soldiers surviving at between 900,000 and 1,000,000. I think it is fair to assume that the number is not over 1,000,000. When we endeavor to ascertain how many would be embraced in the language of the bill, those who are disabled and who are dependent upon their manual labor for support, we are of course involved in great difficulty. I have satisfied my own mind

that when we have eliminated those who are in good circumstance, when we have eliminated those who are already upon the pension-list, who are a quarter of a million, and when we eliminate those who are claiming pensions under existing law, and those not dependent, not in any want, under the provisions of this bill probably about one-fourth of the million would be able to establish their claims against the Government. I do not think it could at any one time possibly exceed that number, for it is to be considered that before a claim is allowed to be paid at all applications must be made, clerical force must be provided, facts must be proven, adjudications must take place, and the right be established. I think at no one time under the operations of the provisions of the bill would there be more than a quarter of a million of soldiers and others placed upon the pension-rolls. Possibly there might be more, but I think the probability is rather less than more. We are to consider that the pension-roll would be constantly diminishing, and there might be from time to time additions made to it, but with the uniform decrease in the future of the soldiers and their relatives I think there would never be more than a maximum of a quarter of a million.

If we can assume that to be substantially true, and I do so in my own reasonings upon the matter, I shall proceed to consider some other points in the case which bear upon the general question of the probable cost of this bill if it should become a law.

Mr. BROWN. Will the Senator in charge of the bill be kind enough to state before he proceeds to his next point whether he has made a calculation in accordance with his estimate of adding a quarter of a million to the pension-list, as to how much annually would be the appropriation needed hereafter to meet it?

Mr. BLAIR. That is what I am now approaching.

Mr. BROWN. We have lately increased the pensions by an act passed at this session.

Mr. BLAIR. I am not dealing with the increase to widows or to the soldiers of the Mexican war.

Mr. BROWN. I want to get at the entire amount of pension-money that we should have to appropriate, say next year, if we passed this bill, including those now on the roll and those who would be put on the roll under the bill.

Mr. BLAIR. I will give the Senator the data on that point as I go on.

The report of the Commissioner of Pensions contains a table which shows the rates per month at which invalid pensions are now being paid for disability to the various pensioners. There are of invalid soldiers now upon the roll 244,201 names. This statement is made up to June 30, 1885, the period covered by the Commissioner's report. There are 244,201 names in all. The table is as follows:

Statement showing number of pensioners at different monthly rates, on the pension-roll June 30, 1885.

Rates.	Number.	Rates.	Number.
At $1	1,260	At $18	1,598
At $1 to $2	1	At $18 to $20	153
At $2	26,134	At $20	1,328
At $2 to $4	3,976	At $20 to $24	116
At $4	60,268	At $24	15,020
At $4 to $6	2,629	At $24 to $30	342
At $6	34,639	At $30	7,927
At $6 to $8	1,729	At $30.75	3
At $8	44,775	At $31.25	135
At $8 to $10	1,806	At $31.25 to $36	2
At $10	9,297	At $36	36
At $10 to $12	612	At $37.50	64
At $12	15,480	At $37.50 to $40	2
At $12 to $14	1,184	At $40	14
At $14	3,413	At $40 to $50	11
At $14 to $15	38	At $50	834
At $15	1,849	At $72	930
At $15 to $16	15	At $75	1
At $16	4,488	At $100	1
At $16 to $17	44		
At $17	2,019	Total	244,201
At $17 to $18	28		

I was myself surprised, as I doubt not Senators will be on perusing this table, to find how comparatively few are being paid at the higher rates. I had an impression, and I doubt not others have had it, that a very large proportion of the list was being paid at the higher rates of pension.

Mr. BROWN. Will the Senator pardon me for asking one more question? Is that statement made up so as to include the additions made by the act passed at this session, for instance, increasing the widows' pension from $8 to $12 per month?

Mr. BLAIR. I stated that this was taken from the Commissioner's report and came down to June 30, 1885.

There is another point to which I will call the attention of the Senate. I am now leading on to a calculation and giving my reasons for what I believe will be the cost of this bill. The bill relates to soldiers who are to be pensioned in proportion to their disability. The table I read comprises the invalid soldiers, not the widows and dependent parents now upon the roll but those who are being paid according to disability; and the point of the table is to show even with these high rates possible, which may be up to $72, that a very large proportion of them are $24 and less and a very large proportion of them are even less than $8.

Mr. BROWN. The Senator will pardon me. What I wanted to get at is an estimate as to the probable amount of pensions to be paid next year in the event this bill should become a law.

Mr. BLAIR. I will give it to the Senator before I get through. I am, in my slow, methodical but I think logical way, giving my reasons as I go along. I shall try to show the Senator, as near as I can, the additional amount which I think will be required should the bill become a law; and I will also give the Senator, from the reports, the other data for which he asks, if he will pardon me for doing it a little later.

Mr. BROWN. Certainly. I simply want to get at those facts.

Mr. BLAIR. I have the data here, and will furnish all the evidence I can in that direction.

Of the 244,000 invalid soldiers whose names are now on the roll all of them, with the exception of 10,302, are at the present time drawing a pension at the rate of $24 or less. The first section of the bill which relates to soldiers provides that under its terms no more than $24 shall be allowed for a case of total helplessness, which is a case that under the existing law will entitle the soldier to receive a pension at the rate of $72 per month; and I ask Senators to note this almost fundamental feature of the bill, which so very largely limits the possibilities of the expenditure under its terms.

Mr. PLATT. The Senator says that under the present law a person receives $72 for total helplessness. I wish to inquire of him if he is sufficiently accurate in that respect? As I understand it, those who were pensioned for such total helplessness as required the attendance of another person prior to June 16, 1880, get it, while those who have been pensioned from the same cause since only get $50 a month.

Mr. BLAIR. The Senator is correct in regard to that. A bill is pending to remedy that defect; but my point is still the same. The highest pension which can be paid under the existing law is $72 per month, and the great mass of soldiers pensioned receive $24 or less. That is the highest sum which this bill proposes to pay in any case whatever, for the reason that the disability may not have been contracted in the service. The chief object of the bill is like that of the Revolutionary pension act of 1818, to provide for those who must be provided for by somebody, and who should be chargeable upon the nation at large, which has received their service, if upon any one.

Deducting, then, that 10,302 it leaves about 234,000 invalid soldiers, whose rating is $24 or less. There are 15,020 at the rate of $24, and at various sums exceeding $8 and up to $24 there are 43,468. There are between $12 and $24, 16,293. There are between $8 and $12, 11,715, and there are at exactly $12 15,480. Then at $8 there are almost 45,000; at $6, almost 35,000; at $4 there are 60,000; at $2 there are 26,000, and at $1 there are 1,260. These ratings are all made upon the examination of a medical board of the country, and even upon existing ratings for disability the great mass are at $8 and below that. There are 60,000 at the rate of $4, and 26,000 at the rate of $2.

This bill provides for cases of total helplessness—which is of course a condition requiring the attendance of one or more persons, an absolute incapacity not only to perform manual labor, but a condition requiring medical attendance and other attendance, one of continual and great expense—only the sum of $24. The rate is by the terms of the bill to be fixed according to the proportion of disability, from total helplessness down; so that it will be seen that under the operations of the bill if it becomes a law the great mass of allowances to the soldiers would be $8 a month or less. If we may assume that there are one-fourth of a million of soldiers who would be provided for under the terms of the bill, and also assume this to be a calculation quite in the direction of a too heavy expenditure under the bill, not one calculated to impose upon the public by a false estimate of the smallness of the expenditure—if we should, I say, make the calculation in the way I now indicate, I think it would be at least just to the Treasury.

If we should say of the two hundred and fifty thousand that one hundred and twenty-five thousand be rated at $4 per month, the yearly expenditure would be $6,000,000; if fifty thousand at $8 a month, there would be an addition of $4,800,000; if fifty thousand at $10 a month, there would be $6,000,000; averaging all between $10 a month and $24—if experience of the Department can be any guide to us, there will be at $12 per month, $3,600,000, which would make the total actual yearly expenditure under this clause of the bill $20,400,000, which I believe would cover it all.

Mr. LOGAN. Will the Senator allow me to ask upon what data he estimates for a quarter of a million of persons under the bill?

Mr. BLAIR. That is my judgment about it.

Mr. LOGAN. The bill would only bring pensions to those who are unable to get pensions, although disabled?

Mr. BLAIR. Yes.

Mr. LOGAN. We have not over a quarter of a million of disabled men who were wounded, sick, and discharged from hospital and everything else as pensioners, and I do not think there is any reason to believe that there would be any more than half the number stated by the Senator from New Hampshire.

Mr. BLAIR. A great many think as the Senator does.

Mr. LOGAN. The men whose applications for pensions have been rejected because they could not prove that they became incapacitated on account of disease contracted in the service would come under the bill; and men who have become disabled since the war would come under the bill. Those are the only two classes.

Mr. BLAIR. That is all very true, and I remember an estimate made by the former Commissioner of Pensions, to which I shall refer.

Mr. LOGAN. I do not think it would be half the number mentioned. That is only my judgment, of course, but I do not believe there would be.

Mr. BLAIR. I remember an estimate, I am not sure that it reached the Senate in an official form, but an estimate which was attributed to the late Commissioner of Pensions, to the effect that this provision as found in the former bill would not require an expenditure of over $12,000,000.

Mr. LOGAN. That is what I understood.

Mr. BLAIR. So far as the observations of the Senator from Illinois are concerned, his knowledge of the condition of the soldiery of the country is better than mine. I would be especially anxious that no misrepresentation should be made to the Senate or to the country as to the probable expenditure under the bill, and I have endeavored to make these calculations as I think in excess of what would be actually called for should it become a law.

But this is to be considered, that the disability which I think is fairly covered by the bill is not merely one resulting from accident or from actual disease. It would cover a disability which grows out of or results from increasing age, or from hardship and exposure, by reason of which a man hitherto able to do his full day's work is able only to perform a lesser amount. Being dependent upon his manual labor for support, if he can now perform only three-fourths of a day's work, although there may be no positive disease about him and although there may be no loss of limb or severe physical injury, he ought under a fair construction of the bill, if it should become a law, to be allowed by the examining board for that diminution of his capacity to do the work whereby he gets his living.

If he may do but three-fourths of a day's work his wages are diminished one-fourth, and he ought to be allowed one-fourth of the pension, I should say, which would be $6 a month. Perhaps that would not be a proper estimate, but it should be such an adjudication in reference to the degree of total helplessness, which is $24 a month, as may be just and fair under the law. I believe that the amount which I estimate, $20,000,000, is all the expenditure which the country will be subjected to under the provisions of the bill.

The Senator from Oregon [Mr. MITCHELL] suggests that there will be a large percentage falling off every year. That is true, but at the same time others will be growing older and more enfeebled, and for some years to come at least these will be placed upon the roll. There is not a very large number, I suppose, that is, large in proportion to the million of the surviving soldiers of the war of 1861 who are absolutely and wholly dependent upon their manual labor for support, but still there is a large number when you speak absolutely, and I should not be surprised if all the beneficiaries under this measure came to the number I have mentioned.

The law will reach another class that perhaps the Senator from Illinois did not in his own calculation embrace. It will give to all the men who have really a disability contracted in the service but who have been unable to establish their claims, whose cases are now lingering and have lingered some of them for ten or fifteen years, the option of abandoning their existing application and making a new one under the bill. Of course the remedy under this measure is slight to what many of them would receive if they were able to establish their claims by obtaining the proof under existing law, but no doubt many men discouraged and heart-broken and in absolute want will abandon the apparently hopeless chase of their rights through the existing forms of procedure and embrace the provisions of this act, for under the provisions of this act it will only be necessary to establish the service, the honorable discharge and the actual disability existing at the present time, without fault on the part of the applicant, together with dependence upon his manual labor or the charitable contributions of others for assistance.

The other provision of the bill which relates to dependent parents will give to all parents a pension who lost their sons in the service and who are now dependent upon the contributions of others who are not legally bound for their support, whether they were thus dependent at the time when the child sacrificed his life in the service of the country or not. It will be remembered by the Senate that such is the law at the present time that the dependence upon the son must have existed at the time of his death. Otherwise, the parent is not entitled to receive the aid of the Government. It seems to me that this is a most inequitable condition of the law.

There are a great many cases all through the country of parents who sacrificed every son they had, those who were their only prospective means of support, but yet just at that particular time were not dependent upon them. They may have had property, or physical capacity to labor; they were able to take care of themselves, but who since have lost that physical capacity, and who by the misfortunes of life have also been deprived of their estates as well and are now in abject want, with old age fast upon them. Many of them are very old, and dependent upon the pauper systems of their States for the means of life. The bill proposes not to reach the case of any parent who can establish the claim under a former law, but to reach the case of a parent who is in actual need, who sacrificed her boy and has no means of present support. The amount which would be called for under that class is problematical, as in the other case, but the number of dependent parents in the country as shown by the existing pension-roll is comparatively very small. It is very much less than that of the widows of the soldiers of the country, and I do not look upon that feature of the bill as one very likely to burden the Treasury.

The Senator from Georgia [Mr. BROWN] made some inquiries as to the existing condition of pension expenditures as the roll now stands. I read from the report of the Commissioner of Pensions coming down to June 30, 1885:

> There were at the close of the year 345,125 pensioners, classified as follows: 241,456 Army invalids; 78,841 Army widows, minor children, and dependent relatives; 2,745 Navy invalids; 1,926 Navy widows, minor children, and dependent relatives; 2,945 survivors of the war of 1812, and 17,212 widows of those who served in that war.
>
> There were added to the roll during the year the names of 35,767 new pensioners, and the names of 1,835 whose pensions had been previously dropped were restored to the roll, making an aggregate of 37,602 pensioners added during the year. During the same period the names of 15,233 pensioners were dropped from the roll for various causes, leaving a net increase to the roll of 22,369.
>
> The average annual value of each pension at the close of the year is shown to be $110.36, and the aggregate annual value of all pensions is $38,090,985.28; an increase over like value for the previous year of $3,634,384.93.
>
> The amount paid for pensions during the year is $64,933,288.12; an increase in amount over the previous year of $8,024,690.52. It will be observed that the amount actually paid exceeds that of the annual value of pensions several millions of dollars, and this excess—

And this it is important to know—

> and this excess represents the first payments of pension known as accrued in new pensions.

The first payment, of course, covers all the preceding time embraced in the application, and where the application was made prior to July 1, 1880, it reaches back to the date of the disability, which under existing law must have been contracted in the service, and covers all the time back to the war, unless it may be the case of a widow, whose pension commences at the termination of the primitive pension from which hers is derived—that is to say, her husband's—and in that case she draws back to the death of her husband. That is the reason why what the Commissioner calls the actual value of the pension-list is increasing. It is based upon the amount that is drawn from year to year by the law as it stands, and excludes this excess drawn in the form of arrears from the date of application or date of disability contracted in the service down to the issue of the certificate and first payment. The Commissioner of Pensions further states:

> The amount paid to 37,839 new pensioners during the year upon first payment was $27,115,912.21, and there remained in the hands of the several pension agents 3,677 of this class unpaid, in which there was due $2,243,567.54.

The Senator from Georgia will observe that the Commissioner says the entire payment the last year, that is to say the amount due and appropriation required to be made, which was the Senator's question, was $64,933,288. If the calculation which I have made, which as the Senator has seen I think I have endeavored to make honestly as large as it ought to be, is worth anything it would in its leading feature add to that $64,000,000 $20,000,000.

I do not think that the clause relating to dependent parents can amount to more than $2,000,000 or $3,000,000 at most, that is parents who may be added by reason of the enactment of this bill into a law should it be passed. Probably it would be less than $3,000,000, probably less than half that amount; but still, as I said before, no man can tell just how this will be any more than he can know how many people will die next year in this country. We can form some good estimate, a rational guess, so to speak, and we can fix outside limits beyond which it is quite apparent the amount will not go; but it is as impossible for the Commissioner of Pensions to calculate with anything like mathematical accuracy as it is for any one of us.

In the last Congress when we called on the Commissioner of Pensions to make the calculation and give us the benefit of his judgment, he said he could not do it in a way to be held responsible, but he thought, as he made known in some way, I remember, that the amount would not exceed $12,000,000. During the discussion upon the Mexican pension bill in the last Congress in speaking of the probable or the maximum expenditure as it was in my mind under the proposed amendments which covered the disabled soldiers, the dependent parents, the widows, minor children, and some other classes, I said I thought the amount might be $50,000,000. I very likely estimated the sum too large. I had not then given the subject as much careful thought as I have done at the present Congress, and my estimate is very considerably diminished. I imagine that under this bill if it becomes a law the increased expenses of the country in the way of pensions would be probably $25,000,000 a year, giving it in round numbers. I will detain the Senate but a little while longer, during which I wish to make a few general observations upon this subject.

The true object of the art of war is the defense of nations and of society; that is to say, the true end of war is peace. Those who engage in it assume its dangers and hardships, not from any special interest which they have in the result, more than others of their countrymen, nor are they under greater obligations to risk their lives for the common good. One citizen is just as much interested as another in the preservation of law and order; that is to say, of life, liberty, and property, and to contribute of these last to secure the establishment of the former and the integrity and independence of the nation to which he belongs. Therefore, when for the common good, including of course his own, he renders a service, he becomes entitled to compensation from the whole body politic, of which he is a part, according to the degree of the service rendered or the nature of the injury suffered. Hence the laws of the land provide payment in wages and salaries for his time and labor, in camp and field, and pensions for wounds and disabilities contracted in the line of duty.

Recognizing that every man is the special defense and support of his parents, his wife, and his children, the state, for whose defense he is called upon to risk the sacrifice of them all, assumes by law and necessity the discharge of these natural obligations of the individual, in so far as he shall be rendered unable to fulfill them. Thus it is seen that pensions themselves are but the payment or discharge of an orginal obligation which the soldier, as a member of society, was bound to perform to himself or those who were dependent upon him, but which society assumes in order that he may render a still higher service by the devotion of his life even for the defense of all.

True, it may be said, and is said, that pensions are a gift, and that they may be conferred, revoked, or wholly refused, even after service rendered and disability contracted, while the law expressly provided for them; but no one can seriously claim this, save upon the ground that if the nation becomes too poor to carry the burden of taxation, then the obligation may be repudiated; just as in like case the individual is discharged in bankruptcy so the state may refuse from necessity to pay its debts. The pensions for which the nation provides, and which are so many of them still withheld through inadequacy of required proof, or imperfection in the laws or in their administration, are the natural and legal right of the disabled soldier, when surviving, or of his dependent relatives when for the common defense he has died. Any other doctrine, by whatsoever authority advanced, is a repudiation of the fundamental principles of natural justice, and is subversive of the true interests of society.

The claimant of such pensions is not a beggar; he is a creditor, and should be a preferred creditor of the nation. He holds the bond of his country written in his own blood. He demands a right, and to him is due the performance of a sacred obligation, and not a gratuity. And as it is the duty of the debtor to find and to pay his creditor, and not to put the creditor to endless and ruinous loss to establish his claim by interminable suits at law, so it is the duty of the state itself, at its own expense, to ascertain and to meet at once all just claims for pensions, or at least to provide every facility for their adjustment, and to pay the costs when the claim is delayed in the process of adjudication.

It is the duty of the Government to ascertain and to pay the pension to the soldier just as much as it is to ascertain and to pay his wages while in the field. It is a practical denial of his right to throw obstacles in his way by interposing trivial or technical objections, or by depriving him of the right to employ competent counsel and assistance, in refusing fair remuneration for services necessarily performed in order to establish his claim.

The denial of the right to pay a reasonable compensation to counsel is a denial of the right to emply counsel, and the greatest evils and grievances under which the applicants for pensions have suffered and continue to suffer, the worst horrors of the "pension tragedy," as the Senator from Massachusetts [Mr. HOAR] once so strikingly said, have grown out of the denial by the Government (denied to no other litigant, but rather protected by the most sacred provisions of the laws) to employ and pay a reasonable price for competent and honest counsel and assistance in the establishment of his claim. Hence the business has passed beyond the scrutiny of the community where public opinion can be brought to bear upon the merits of each particular case and upon the action of those who may be engaged in its prosecution.

Too often dishonest or incompetent men defraud both Government and claimant, or life is worn out in heart-crushing, deadly delays. The upright and competent home counselor is the soldier's best friend, and of the Government also; but such has been the law, enacted from the best of motives, that unless his services were nearly gratuitous, which as a rule he was unable to make them, the home counselor could not be employed at all.

The dishonest and incompetent claim agent has been the consequence of the law. The chief evils of the system—the concentration of the business in great centers and the innumerable delays and frauds and failures, of which the applicant has reason to complain, and which constitute the most terrible and pathetic chapter in real life of which I have any knowledge—are in my deliberate judgment principally chargeable upon two things: The denial of the right to employ counsel by the denial of the right to pay for skillful service, and the failure to provide a proper tribunal to try the facts where the party lives in as close analogy as possible to the provisions of the common law in all those cases where, after a fair inquiry at its own expense, the Government sees fit to litigate the case as one of substantial doubt. In both these directions great and radical changes should be made in our system of pension administration.

The Government, as the result of much effort and as a partial concession to urgent demands for legislation which should place upon the nation the burden of ascertaining its debt at its own expense, has instituted the order of special agents, who accomplish great good in pending and long delayed cases by investigations on the spot where the evidence and the party are to be found; but the system is very imperfect and inadequate, and there is as yet no provision made by which a poor and honest claimant can obtain an informal investigation into the validity of his claim, such as would in most cases be sufficient at once for its decision, without compelling him to resort to the elaborate chancery of the system now in force.

Under a proper system of informal preliminary investigation by a competent person, instituted upon application made by the soldier or his dependent relative, or, better still, in advance of any application by the Government itself, I believe that a great majority of the worthy cases throughout the country could be disposed of within a year. Such facilities exist for obtaining reliable information by inquiry of reputable citizens of the vicinity, of the Grand Army, and in all such ways as enable business men to obtain the evidence upon which they act in their important affairs, that the Government would be in no serious danger of imposition or mistake; and even if there should be an occasional wrong it is better that the whole people should lose a little until discovery furnishes a remedy by suspension, rather than this national crime of non-payment of just pension claims should be prolonged until they are settled by death.

In our form of government it is sometimes difficult properly to apportion the burdens of taxation among the people who are at the same time citizens of the nation and of the States, but there can be no doubt of the general proposition that the expenses and disabilities resulting from a war for the preservation of the nation should be borne by the nation. This principle has been fully recognized by the Government hitherto in the payment of wages, pensions, bounties, and the like, and the assumption of many of the expenses of the States in the raising, equipment, and transportation of troops to and from the seat of war. The nation has gone still further by the appropriation of the public money in special recognition of glorious actions on land and sea, and for all services even for very brief periods of time in great emergencies of national life. Millions are even now yearly paid to the surviving soldiers and their widows of the war of 1812, which ended seventy years ago, and this regardless of any disability contracted in the service and of any necessity of pecuniary assistance to the recipient.

Whatever rewards distinguished and dangerous public service tends to promote patriotism and just pride in the preservation and greatness of the country. It is wise to teach the coming generations that this Republic is not ungrateful and that our glorious institutions are worth struggling and dying for. Ancient as well as modern nations have found it both necessary and noble to build monuments and expend the public treasure in the commemoration of valor and virtue that the memory and manifestation thereof might not fail from the earth.

But it is evident, on the other hand, that every man owes something himself to the institutions and laws which he finds already provided for him at his entrance upon life, and upon the preservation of which he is dependent, the soldier as well as others, for all that separates him from destruction or the savage state. Therefore it is that the nation as a whole must not be held as matter of right to pay for mere glory, for service pensions or monuments, any further than it may deem to be consistent with the condition of the public revenues and the ability of the people to endure taxation for other necessities of the public service.

A service-pension bill, when providing only for the survivors of war, regardless of disability or necessity, has been opposed by men who, like myself, believe that the nation can not afford to pay money where there is no want of money and no disability contracted in the service; but we have always sought to amend it so as to give pensions to all, and only to those who really required help in order to relieve them from the hardships of labor, and to give them in honor the comforts of life. For a Mexican pension bill like this I have always striven, and no man can, I think, after due consideration, say that the laboring masses of this country, who bear chiefly its public burdens, can be justly called upon to pay pensions to those who are not in need and would only add them to an already overflowing bank account.

Besides, the principle, if admitted at all, must of necessity be applied at once, or very soon, to the men of wealth and fortune who served in the war for the Union, and to those connected with them. Under such a law, I believe that at least a million of names would sooner or later, most of them at once, become entitled to be placed upon the pension-roll. Such a law would increase the public burdens not less than $100,000,000 a year, and would be liable to break down greatly the whole system of pensions, those for disabilities with the rest. In my judgment no wise friend of the soldiers and of their dependent relatives can labor to promote the passage of such a law.

In addition to pensions for disabilities contracted in the service, pay

to every soldier, who, after any considerable period of actual service or liability to service, was honorably discharged, or deserved to have been honorably discharged, and to his dependent parent, widow, and child, whether he was disabled in the service or not, an honorable pension according to disability and need, not the result of his own folly or wrong, and to none else. Less than this justice will not withhold; more than this she can not give. Public duty and national honor demand only this; nothing less nor more. Of the ability of the nation to pay what by this rule justice requires there is no dispute, nor of the further fact that national taxation falling so largely upon luxuries is much more easily borne than that imposed by the States or voluntary contributions from sources which now supply the wants of soldiers and their dependent friends.

The question whether assistance shall be given in the form of pensions to those soldiers and their dependent relations who are in need of relief is only the question who shall bear the pecuniary burden. Shall the soldier suffer for the want of relief? Can his friends and relatives, generally as poor as himself, provide for it? Shall the uncertain charity of the community be depended upon to supply this constant and ever-increasing demand? Will you turn over the soldier to the tender care of the pauper systems of the States? Shall the Grand Army, composed so largely of the very men who by reason of advancing age and decreasing productive powers require the aid, continue to tax themselves to support each other? The Grand Army can not much longer march under its increasing load. I believe that as many soldiers with their dependent relatives are to-day receiving aid from these various sources or suffering for the want of the common comforts of life as are now assisted by pensions from the nation.

The burden exists; the want is a great fact, and is manifested in the form of deprivation and suffering, or it is met by the sacrifice and charity of individuals and communities—by the pauper system of the State or by the Grand Army of the Republic which has so largely hitherto performed the great work, and which, in the nature of things, it becomes, with every passing year, less and less able to carry on.

The question proposed to the country by this bill, in behalf of the soldiers of the war for the Union, is this: Shall the nation, which, as a nation, received the benefit of their services and sacrifice, and which by reason thereof, with all her unbounded resources, exists to-day—shall the nation, as a nation, perform this great duty which is not now performed, and which must be performed by somebody in some way, or untold suffering is to follow, because it is left undone—shall this rich nation take care of the preservers of its own life? That is the question. It must be answered. Inaction is the worst answer, for it paralyzes all other sources of help. It grows more pressing every day.

Once the American Senate has answered "yes."

What shall be its reply to-day?

I wish, Mr. President, to add one or two things more. I have here quite a list of letters, which I selected from a great mass, and which, if there is no objection, I will ask leave to have printed in the RECORD that Senators may examine them. They are not numerous. They are rather specimens of a mass of others received, and they tell the story, the need from the standpoint of the soldier himself. I think, as evidence coming here from the people themselves whose rights and interests are concerned in this bill; the Senate will find it worth while to examine them as they will find them in the RECORD:

PEEKSKILL, N. Y., *April* 27, 1886.

SIR: I trust you will pardon the liberty I take in asking if the bill presented in Congress this session, granting pensions to the dependent parents of the soldiers of the rebellion, has been passed?

I am a dependent mother—widowed and dependent. My only son, on whom I depended for help and support in my declining years, volunteered, on the President's first call, April, 1861, and went with the Hawkins Zouaves; first lieutenant, Company A, Ninth Regiment; promoted after to be captain Company G, Ninth Regiment New York Volunteers; was wounded at battle of Antietam; served his time, and was honorably discharged, and returned with health broken down; died 1868.

I am now nearly sixty-nine years of age, and unable longer to work for my own maintenance, and am therefore entirely dependent.

Will you please let me know if there is a law granting me a pension, and oblige,

Yours, respectfully,

MRS. S. WILLITS.

Senator BLAIR, *Senate, at Washington, D. C.*

LAWRENCE, KANS., *January* 5, 1886.

DEAR SIR: Would like to call your attention to the fact that there are thousands of soldiers of the late war who have become disabled since their discharge by diseases contracted through exposure while in the service who have no proof of such disabilities being contracted in service. All have alike placed their life and health in jeopardy, and it seems to me that this Government is under as many obligations to provide for the necessaries of life for him who has become disabled since the expiration of his term of service as though such disability had been received while in actual service.

I would, therefore, respectfully ask of you to give this a careful thought, and if, in your opinion, it is an act of justice that you introduce a bill to pension all disabled soldiers no matter when such disabilities were received, pension to date from date of such disabilities, and that you endeavor that it become a law at the earliest convenience.

Respectfully, your obedient servant,

A. EBERHARD.

Hon. J. J. INGALLS.

RINSE BANK, CONN., *April* 17, 1886.

SIR: Why do they not pass a pension bill so that all soldiers can get something? You take nine out of ten that get a pension, they are able to work, and there is thousands that can't work or have not been able to work since the war that can not get a pension no way they can fix it. I know of several men that are entirely disabled, and have been ever since the war, and because they are poor they keep them out of it. One fellow in particular, and he served all through the war and he has spent quite a lot of money to go and be examined and everything. No favorable, and he waited three years and heard nothing from it until some friend took hold of it and they found the papers had never been sent on to Washington. I served three years and ten months. If they would pass a law so that each soldier could get a little it would be the right way to do business. Give them $5 from the close of the war, if nothing more. I would be satisfied with 75 cents this morning; that would feed me for one day.

Please answer this in some way, if you do not send more than a blank piece of paper.

Yours, with respect,

WM. W. WILBER,
Stamford, Conn.

Mr. BLAIR.

SWINTON, OHIO, *March* 26, 1886.

DEAR SIR: Please have the pension bill that you reported passed as soon as possible. Please call it in morning hour of the Senate Monday morning next, without fail. This is the kind of a bill that ought to have been passed a long time ago. It is a shame and disgrace that twenty-three years after the war has closed thousands of soldiers have to go to the poor-house just because they can not comply with the red tape of the Pension Office requirements under the existing laws. Do not fail to press this bill at once, and please make this move on Monday morning without fail, as this is the most important bill before the Senate, I think, and should be passed at once, as no time is to be wasted if you want this bill to become a law.

Very respectfully, a friend of the soldiers,

JAMES M. CURTIS.

Hon. Senator BLAIR.

ELROY, WIS., *March* 26, 1886.

DEAR SENATOR: Your endeavor to recognize the services of men who during the civil war were there and who afterward through accident became crippled is indeed a meritorious one.

I have been a cripple since three years after the war, and am hobbling through the world with all the disadvantages that would have obtained had I met with the loss (a leg) during my three years of service.

I only see one thing in the bill that I feel is wrong. I think pension should date from disability instead of application because other pensions do, and if this act is just now it would have been just at the end of the war.

There is but a handful of us that the act will benefit, and no one could object to dating from disability because of cost to Government.

Your obedient servant,

T. P. WENTWORTH,
Lt. Company H, Twenty-first Wisconsin Volunteers.

Hon. H. W. BLAIR.

I served about four years in the late war, and although my clothing was cut and skin burned many times by the rebel bullets, yet I received no wound that would entitle me to a pension; and I had also served one and a half years in the Mexican war with like results; and when discharged from the late war my health was completely broken down. I am now sixty years of age and not able to work at anything. For the last fifteen years I have held the post-office at this place, to which I emigrated soon after the war. The office, together with a few goods to sell, has made me a living; but now in my old age to come under the Democratic ban of offensive partisanship and have to step out, and not able to work, I very naturally look to you, &c.

J. M. WADDELL,
Ex-Postmaster, Deerfield, Mo.

EXPOSITION BOULEVARD, NEW ORLEANS, LA., *April* 22, 1886.

MY DEAR SIR: I have been watching with interest your efforts in behalf of invalid soldiers. I belong to that class who made "no hospital record." Although sometimes sick and racked with pain I was too stubborn to report on sick-list or to be taken to the hospital. I have suffered from rheumatism since 1863. Served in the Fourteenth and One hundredth Ohio Infantry from April, 1861, to July, 1865. Have been practically helpless since 1876, and unable to walk a step in thirty months; legs and arms are bent badly; hands and feet crippled. Applied for pension No. 506631, Now stand rejected.

I have no means of support, and rather die than have to ask for private aid, when my Government should care for all such as I. Have written to Senators Collum and Conger, also several members of the House.

Curtis & Burdett, Washington, D. C., are my attorneys. Thanking you kindly for your aid, I am, dear sir, fraternally yours,

JOHN EASTWOOD.

Hon. HENRY W. BLAIR,
Washington, D. C.

Senator BLAIR:

DEAR SIR: In the pension bills before Congress is there any provision for the aged and widowed mothers of soldiers and sailors of the late war who left orphan children?

I have no doubt there were many parents left entirely destitute by the death of their son, because there was a widow or children to come before them.

I think such were entitled to some consideration. There was no help for such but the alms-house or the charity of friends that took compassion on their condition. I know of one case where the only son and only support of his aged and widowed mother was killed. She was left entirely destitute at seventy years of age. There has been nothing provided for her because there were two orphan children to draw the pension allowed by the Government, which expired in 1869. That aged mother has been cared for and supported by an unmarried daughter, who has had to labor for a support for both her mother and herself. The mother is now over ninety years of age; her daughter far advanced in life and in broken health. I do not believe this a singular case; there are many such, and I think our Government that has been so liberal to those who lost by the war should not forget such cases as I have stated. If the laws do not provide for such mothers, could a pension be allowed by special application to Congress? If it can, please reply, and direct what course to pursue.

Very respectfully,

Miss FRASER.

MARION, WAYNE COUNTY, NEW YORK, *April* 22, 1886.

PORTLAND, OREG., *February* 2, 1886.

SIR: Soldiers of our late civil war, who served three years and were then honorably discharged, and veteran volunteers who were honorably discharged at the close of the war, now have great difficulty in obtaining a pension, though according to law entitled to one, especially if their regimental surgeons are dead, and many of them now are. These soldiers have not the advantage of their

disabilities being recorded on the rolls and returns of their respective companies, as those that were discharged for disability have.

Congress should grant them some relief, even if all who served three years or more in the Army and Navy during the civil war should receive a pension. Are they not as deserving as any whom it is now proposed that Congress should help?

Veteran volunteers who were promoted from the ranks lost all of their bounty not then due, and if one of them now receives a pension for a wound received prior to his promotion, it is as an enlisted man; thus, where a part of his bounty could be withheld he was an officer, and when his pension can be diminished he is an enlisted man. Is that right?

Respectfully,

WILLIAM S. McCREADY,
Veteran Eleventh Wisconsin Infantry.

Hon. HENRY W. BLAIR,
Washington, D. C., United States Senate.

SWANZEY, N. H., *April* 16, A. D. 1886.

DEAR SIR: Five years have now elapsed since I applied for a pension for disabilities contracted while in the war of 1860-'65. I have proven all that I have been requested to. I enlisted by the name of William Baxter, my right name is David S. Aldrich. I have not seen a member of my regiment or company since our discharge on July 11, 1865, but have procured evidence of two of my comrades, enlisted men, and also the first sergeant of said company.

P. S.—My proof what I have furnished has been strong indeed. I have requested the Commissioner to favor me with a reply in regard to a letter I sent some four weeks ago for more evidence, if required to furnish more, in order to facilitate an early settlement, for I am poor and not able to do a day's work.

P. S.—DEAR SIR: My last evidence sent to the Pension Office and called for in regard to identity from the first sergeant of my company.

P. S.—I can not find a commissioned officer or addresses of them. I have been advised by friends [to] apply to you, dear sir, as being a soldier's friend, and would assist them. I am sorely in need of the pension of which I am justly entitled. And now, dear sir, I should esteem it with feelings of everlasting gratitude and kindness to favor me in this.

Yours, very truly,

DAVID S. ALDBICH, alias WILLIAM BAXTER,
Swanzey, N. H., P. O. box 78.

To the honorable Senator H. W. BLAIR,
Washington, D. C.

[Extract from a newspaper.]

And now yet another pension bill has been reported favorably by the House Committee on Invalid Pensions, namely, to increase the pensions of all those who lost a limb below the elbow or knee to $30 per month; above the elbow or knee, $36; and at the shoulder or hip joints, $45 per month.

First came the "widdies," bless their hearts, for an increase from $8 to $12, and now come the armless and legless legion for their increase.

And just here a thought strikes me. Is a soldier who perhaps has lost an arm or a leg really much worse in regard to helplessness than one who lost his former robust health while wearing the blue and has been lingering in suffering and misery for the past twenty years with perhaps the chronic diarrhea, dysentery, piles, the various forms of rheumatism, &c.?

To the man minus an arm or leg many avenues of employment are open, provided his general health is good, and many a one now receiving a good round pension has besides been earning large salaries as book-keeper, clerk, salesman, &c.

But who wants the utterly broken-down old soldier, who, with tottering steps and trembling tongue, asks for employment? Who wants him? No one.

There are hundreds—yes, thousands—to-day leading a cheerless and rayless life by reason of suffering through one of the many diseases contracted while in the service, who are mere wrecks of their former selves, and who are drawing but from $1 to $6 per month.

These men are not able to do a good day's work on account of their disabilities, and I have thought it would surely be in order not to overlook them, and if this increasing business still continues, why give them the benefit of it too.

The widows of the men who "fought, bled, and died" for our common country are a deserving class, but give the living husbands of some of the future widows "a show for their white alley."

If the soldier who now receives but $2, $4, or $5 per month dies from the effect of his disabilities, his widow will draw $12 per month. Consequently, why not now give the same to the old soldier while he is yet alive and kicking? He who did the fighting is surely entitled to as much from the Government while living as his widow would be entitled to at his death.

There is too much discrimination made in this granting of pensions. There is no equalization in the manner it is granted. While one man receives enough to keep him in comfort and above want, another, whose disability perhaps is much greater, gets barely enough to pay for a little medicine now and then.

I hope some of our Congressmen who are championing the soldiers' cause will think of this, and act upon it, and endeavor to procure for all soldiers entitled to it a more uniform pension.

Yours,

E. G. B.

Mr. BROWN. Before the Senator proceeds further——

Mr. BLAIR. I am nearly done.

Mr. BROWN. The Senator will excuse me for asking him one more question. The Senator is remarkably well informed on the whole matter of pensions, I see. Has he data at hand which will enable him to state to the Senate how the pensions we already pay to the soldiers of the late war and the pensions proposed by the bill now in charge of the Senator compare with the pensions paid by the leading powers of Europe, say, for instance, Great Britain, France, Germany, and Russia?

Mr. BLAIR. I am not able to state the pensions which they pay. Great Britain provides a home for every soldier of her army. He is never permitted to want. As to the amount of money that may be given, I do not know. I have not data on that point; but in ancient and in modern times all great nations have cared for the soldiers upon whom their defense depended.

Mr. BROWN. I desire to state that I am willing to vote as liberally and to go as far in pensioning our soldiers as any other enlightened power on earth goes, and——

Mr. BLAIR. I trust the Senator would be even disposed to do more, because we value our institutions more highly than those of any foreign power.

Mr. BROWN. The Senator took the words out of my mouth. I was going to add that I was willing to go further than any other power had gone, but I think there ought to be some limit, that the burden on the tax-payer should be considered, and I want to get at the fact whether the limit should be here or where it should be.

Mr. BLAIR. This bill proposes no new idea. It stops this side of the Mexican pension bill, of which the Senator is a very earnest advocate.

Mr. BROWN. I am.

Mr. BLAIR. So am I. The Mexican pension bill enacted into law, as it is presented and agreed upon Congress after Congress, would have placed on the roll several millionaires, several men who were members of Congress, men who were in no more need of a pension than the railroad magnates of the country. In 1818, as long ago as that, our fathers, in their poverty-stricken and crippled condition, soon after the war of 1812, before prosperity had revived, and when they were hardly able to support their own families, enacted a law which gave a service pension to every officer and soldier of the Revolutionary war who was in need of help from his country.

Mr. HOAR. Thirty-five years after the war ended, was it not?

Mr. BLAIR. Thirty-four years—perhaps thirty-five; from 1783 to 1818 is a calculation easily made. In 1832, only fourteen years later, they gave a service pension like that proposed in the Mexican bill to all officers and soldiers of the Revolutionary war, irrespective of necessity, and their widows as well. That was a step beyond the provision of this bill, and this bill, the Senator will observe, stops a long way this side of the Mexican pension bill. It only undertakes to provide for those who must be provided for by somebody. It adds nothing to the public burden or to the burden of maintaining the soldier. Either his relatives or his friends, the local community, the pauper system of the State, or the great organization known as the Grand Army, which undertakes to care for every soldier having an honorable discharge who belongs to its membership—and others also as well—some of these agencies or private charity must afford this relief. This bill only steps in to furnish relief to him who is disabled to some extent to earn by manual labor his daily bread; it only proposes to give to him when he is dependent on that labor enough to make up the deficiency occasioned by his disability; that is all.

Here is no increase of expenditure. Just as much money comes out of the American people as a whole in one case as in the other, and the theory of the bill is that this man having rendered service, according to the way which I have endeavored to describe in the earlier part of what I had to say, shall be helped by the nation to which he has rendered this great service rather than fall back upon the unreliable resources which I have named.

Mr. BROWN. I call attention to the fact that the case as between the Mexican soldiers and the soldiers of the war for the Union is not exactly similar.

Mr. BLAIR. Certainly not.

Mr. BROWN. The Mexican war had terminated twelve or fourteen years before the late war commenced, and the Mexican war soldiers, therefore, as a class, are a great deal older; and a great deal larger proportion of them are dead than of the Union soldiers.

Mr. BLAIR. Certainly.

Mr. BROWN. If it was as long a time since 1865 as since the Mexican war terminated there might be good reason for saying we ought to pension everybody who served in the Union Army.

Mr. BLAIR. That is not what this bill undertakes to say, and the Mexican pension bill does undertake to say just that, that everybody who served at all, irrespective of necessity, shall receive a pension. This bill only undertakes to discharge a burden from the national coffers that must be borne by somebody, and although the period of time is not quite as great as that which elapsed between the Revolutionary war and the legislation of 1818, nevertheless, when we take into consideration the relative ability of the nation in 1818 to make that contribution and the ability of the nation to-day, with overflowing coffers, to take care of these men, I think the Senate will admit that we are rather tardy in recognizing the obligation as compared with the action of our forefathers. I have no doubt the time will come—and I alluded to the danger that there may be pressure which will be difficult to resist, and it may come very soon—to place all the soldiers of the war for the Union on the same footing as it is proposed to place these of the Mexican war; that is, to give a service pension which will carry at least a million names onto the pension-list, whereas this bill proposes to place there only one-quarter of that number.

I think it is a conservative bill. I think it is a bill which might be favorably considered by our friends on the other side of the Chamber who will not at this late day claim that they received any less benefit from the efforts of the soldiers in the war for the Union than did we of the North. I think they will admit that the unity and integrity of the country which these men preserved to us all has been to them as great a benefaction as it has been to that section of the country where these men mainly live and whose army they constituted. I think this obligation is one that all Senators from all sections of the Union will be likely, upon reflection, to recognize, and I trust they will consider the bill as a conservative bill, for I assure Senators that it is not a difficult thing to surmise that in the kaleidoscopic condition of our politics the time is not remote when every department of this Government will

be again in the control of the men who were dominant from 1861 to 1885. Should that be the case and taxation continue, as it must be imposed upon all parts of the country alike, they may find in the South as in the North that there is an increase of expenditure growing out of the fact that there is a general service-pension law providing for the expenditure of five or six hundred millions to commence with, and a permanent increase of one hundred and fifty or two hundred millions to the pension-roll with which the financiers of the country will be obliged to grapple from year to year.

But when you enact a law of this kind, to this demand you can say "we have by our legislation provided for every soldier who needs anything," and what has the soldier to say? Shall we tax the common people of the country, as poor many of them as the soldiers themselves, to give money to those who do not need it, whether they who bear such taxation were soldiers or not? That is the reply which might well be made. Many of them will be benefited under the Mexican bill to which I propose to make no more factious opposition; indeed I have never made factious opposition, but opposition based upon sound principles, of opposition to payment by taxation to any man not disabled in the service and who needs no help, but it has been pressed so much and so long that I am willing it shall go through as soon as it can be reached, according to the original terms, and then you have a service pension for Mexican-war soldiers. It is not worth fighting about any longer. Let them have it, though I think it is an abandonment of a great principle, and I am not yet willing to see that principle applied even to the soldiers who preserved the country in its integrity at present, because I do not believe that the national finances as yet could bear the strain.

I am willing to see the nation, as soon as it properly can, and immediately if it is able, undertake the payment of the arrears of pension, because that is a debt absolutely due, and by delaying it the country has benefited already very largely. But, as I said before, I do not believe that we can safely incur the danger of a service-pension law which would add a million names to the pension-list, not now at least, but the time will come after many of these men have passed away, when the gratitude of the country will do as it proposes now to do with the soldiers of the Mexican war, as it has already done with the soldiers of the war of 1812 and their widows, and as it did with our forefathers who took part in the grand Revolutionary struggle—give these men and their widows and dependent relatives, if there be any surviving, a service pension, but the time ought not to be yet, and this bill providing for an immediate necessity is in the interest of deferring that period to a more convenient season when the nation can better discharge the obligation.

In regard to the special acts in reference to which the Senate and Congress has been very greatly criticised, roughly, improperly, ignorantly, I wish to say one word. This bill, if it goes into operation, will take from the room of your Committee on Pensions and of the other House at least three-fourths of the cases that now absorb their attention. The controversies over those cases which come to our committee, very many of them originate in the Pension Office on account of failure of proof. They come to us because we are supposed to have a legislative equitable jurisdiction; and if the applicant produces on the whole the belief that his claim is just, although he may not be able to marshal the testimony which is required under the rules of law, we are expected to allow the claim, and we do it. But I assure any one who imagines to the contrary that every case is designed to be very thoroughly, carefully, patiently, impartially, and justly adjudicated, giving, as every humane man ought, to the soldier the benefit of the doubt where there is no evidence of fraud.

And considering the great mass of business that is pressed in upon us, I think those cases which come from your committee, and so far as I can judge from the statements of facts and general situation the environment of cases that come from the other House, they are as carefully adjudicated and decided as the ordinary verdicts of juries in our courts of law. And when after a careful inspection of a thousand of these cases it may be found that here and there is a mistake of an initial letter or a misspelling of a given name, or some other trivial accident may be discovered, I do not believe that is any general impeachment of the care and the justice with which these claims are decided. However that may be, a general law of this kind will remove the difficulty very largely.

I ought perhaps to apologize to the Senate for occupying so much more time than I had myself designed to, but this bill is an exceedingly important one. It is important not only with reference to the interests of those who are concerned in its provisions, but to the nation, and it is not wholly a matter of indifference with reference to the probable lessening of the future expenditures of the nation in this same direction. I say, as I have said several times before, it is a conservative bill, it is a bill which it would be well for Congress to enact. If they would save money let them do justice to the extent that the provisions of this bill require; better do it early, far better do it now.

Mr. BERRY. Mr. President, the bill now before the Senate proposes to place upon the pension-rolls the names of all soldiers who served in the Union Army during the late war for the period of six months or longer, and who have from any cause become or may hereafter become disabled, and who are dependent upon their own labor for support. There is no report from the committee accompanying the bill. There is no estimate, so far as I am advised, of the number of soldiers now living and not drawing a pension from the Government. There is no estimate of the number that this bill, if it becomes a law, will add to the list.

There is no estimate of the additional cost per annum for which it will be necessary to provide. We are asked by the committee to vote with our eyes closed as it were for a bill that confessedly involves a vast outlay of money; but whether the sum required will be twenty-five or fifty millions of dollars annually, we do not know. Whether or not our present receipts will be sufficient to pay the ordinary expenses of the Government, the interest on the public debt, and meet the additional cost of this bill, or whether it will be necessary to levy additional taxes, we are not informed.

It is true that the Senator from New Hampshire has given us an estimate that in his judgment it will not cost exceeding $25,000,000 per annum, but he admits himself that that estimate is vague, indefinite, and not satisfactory to his own mind. He admits also that that does not include pensions for the widows and minor children of soldiers who have died from causes other than wounds or disease that they contracted during the war.

But, judging from the number who are drawing pensions on account of being disabled during the war, and by the time that has elapsed since the war closed, and considering the exposure to which they were subjected, I think it safe to say that within two years from the passage of this bill fully 95 per cent. of the surviving soldiers of the war will be able to prove that they are disabled and dependent upon their own labor for support, and will be claiming a pension from the Government. I heard this morning one prominent Republican member of this body estimate that within one year 99 per cent. would be able to make this proof if this bill became a law.

From a petition to Congress by the Citizens and Soldiers' League I copy the following paragraph, which shows that the petitioners think all are disabled. The petition says:

> And that as it is a self-evident truth that all the Union soldiers are more or less disabled, either in the service or in consequence thereof, never recovering the full vigor which they once possessed, but will carry the effects of exposure and privation and malaria to their graves, we respectfully petition your honorable body to grant a pension of $8 a month to all honorably discharged United States soldiers and sailors of all wars who are not drawing a pension, commencing on the national anniversary, July 4, 1883.

It will be seen from this that they claim, and no doubt can prove, that all are more or less disabled. If it is the object and purpose of the committee to pension all, I submit that the better way would be to say so directly and specifically, and not make it necessary to incur the expense of a medical examination and subject the soldier to the inconvenience and expense of procuring witnesses to prove his disability when the result will be the same in either case. The question, then, which this bill presents for our consideration is, Are we prepared at this time to say that it is the duty of the Government to undertake the support of the surviving soldiers of the war? Is their claim for such consideration of a nature and character that it imposes upon the Government an obligation to assume its payment without regard to and without considering the means at our command to discharge it?

If this bill becomes a law I have no doubt, and I think the Senator from New Hampshire has no doubt, that it will speedily be followed by another bill giving to the widows and minor children of all deceased soldiers a pension, whether the disease from which they died was contracted in the service or otherwise; and I confess that I can see no argument in favor of this bill that will not apply with equal force to that; and if both are passed it is admitted that instead of lowering the taxes and reducing the amount of revenue collected by the Government, it will be necessary for the Ways and Means Committee of the House to determine what articles will bear an additional tax, or to provide for a loan and the issuance of new bonds.

Mr. President, no one denies that the soldiers who gallantly defended the flag in the hour of danger are entitled to the gratitude of the Government. No one, and least of all those who were arrayed against them in the late contest, would wish to deprive them of a single honor won by their valor, or in any way underrate their services to the country or seek to lessen the obligation that the people have always felt was due them. It may be admitted that the citizen who voluntarily enlisted in the Army, who endured the hardships and suffered the privations incident to a soldier's life, who fearlessly exposed his life upon the battlefield, and who quietly and peacefully returned to civil pursuits at the close of the war should be honored above his fellow-citizens; but it does not follow from this that every other obligation should be disregarded, and that we, out of gratitude to the soldier, should be unmindful of the rights and unjust to the claims of the vast number of people of this Republic who were not soldiers.

I submit that the condition of the country at this time is not so prosperous, that the taxes levied are not so low, that the demand for labor or the compensation paid therefor is not so great as to justify us in imposing upon the people in addition to the obligations now resting upon them the additional duty of supporting all soldiers who can bring witnesses to prove that they are disabled and dependent upon their own labor for support. For the soldiers of America I entertain the greatest

respect, their love for their country, their devotion to duty, their readiness to obey orders, to make sacrifices, to submit to privations, their cheerfulness and hopefulness in defeat, and their moderation in the hour of victory, are all worthy of the highest commendation; and it seems somewhat strange that men of their character and self-sacrificing disposition should demand of Congress the passage of a bill that involves an expenditure so great that the committee has declined to estimate the amount.

I do not like to believe that men so brave as those who composed the Union Army would wish to be dependent upon their fellow-citizens; that they would be willing to be relieved from daily labor and daily toil if thereby additional labor and greater toil should be imposed upon laboring men, upon their friends and neighbors, many thousands of whom find it already difficult to meet legitimate demands, and who are often sorely pressed to find support for themselves and the wife and children who look to them for bread. There is at this time a spirit of unrest and dissatisfaction abroad in the land that has no parallel in the past—a feeling in the minds of many that the times are out of joint, that the gap between capital and labor is rapidly widening; a belief that evil times are upon us; a fear that there are dangers and difficulties in the future that will require all the wisdom and patriotism of the American people to successfully meet. And this feeling can not be laid to rest, this belief can not be removed, and this fear can not be dissipated by a reckless and extravagant expenditure of the public moneys. Some other means must be adopted, some other plan devised to allay discontent, to adjust existing difficulties, and to restore confidence. That which would, as I firmly believe, go far toward securing peace and order in the future, that which would bring hope and confidence to the American people, that which would tend to protect and preserve our free institutions, would be an earnest effort upon our part to check extravagance in any department of the Government, and return as far as may be to that economy and simplicity in the conduct of public affairs which was the chief strength and beauty of our system in the earlier days of the Republic.

The nation has already shown gratitude and generosity to the soldier in a degree not equaled by any other nation. The amount paid for pensions to the 30th day of June, 1885, is reported to be the sum of $765,092,640.18. It is estimated that under the present laws we will have paid by June, 1887, $900,849,840.18. It is also estimated that the applications pending for pensions which will be allowed, the increase in the widows' pensions, and the private bills passed at the present session will swell the amount paid annually to $100,000,000.

Steadily and continuously, Congress by Congress and year by year, the amount has been increased. Democrats and Republicans, either from a sentiment of gratitude for services rendered the country by the soldier or from the less worthy motive of obtaining the soldier vote and the soldier influence, have disputed with each other who should be first to increase the number of soldiers drawing a pension from the Government, and first to increase the amount paid to each; and while this feeling has prevailed and legislation has been secured without difficulty for the soldiers of the late war, the claims of the soldiers of the Mexican war, those who so gallantly and successfully bore our flag forty years ago in a foreign land, have been ignored, neglected, or denied.

It seems to me, and I think a large portion of the American people are of the same opinion, that the time has come to call a halt. It seems to me that our duty to the great mass of toiling people requires us to put on the brakes; that we should not assume obligations which will force us to increase taxes or borrow money. If the Democratic party, which won the Presidency by so narrow a majority in 1884, hopes to retain power in this Government it will not be secured by increasing expenditures during the present administration.

When we go before the people we can not appeal to them to give us their support because we have expended many thousands of dollars in building monuments to departed statesman, however great their fame or patriotic the services they have rendered the country. Nor can we gain their confidence by showing that we have appropriated many thousands more in subsidizing American ships, building ship-railways, or cutting canals. Neither do I believe that we can base a claim for support upon the fact that we have passed three hundred pension bills in one day and have by the passage of this bill added twenty-five or fifty millions to the amount already paid for pensions.

I am afraid also that the people will be unable to fully appreciate the great benefit that has accrued to the country by sending a civil service commission from State to State to propound a number of questions to those who are ambitious of serving their country as clerks in the various Departments, many of these questions having no reference to or connection with the duties that the clerk is expected to perform. Nor is it at all probable that we can arouse the Democratic voters to any very high degree of enthusiasm by showing that a large proportion of the Federal offices are still in the possession of their Republican opponents.

But if we can truthfully state to them that we have made good our promises of 1884, that we have discharged all superfluous and supernumerary officers, that we have reduced all excessive and extravagant salaries, that we have been brave enough to disregard the charge of demagogue that is brought against any man who dares to raise his voice against extravagance in the expenditure of public moneys, and that we have given the people better government, at less cost to the country, than our Republican predecessors, I have no doubt that they will rally to our support and secure to us a long lease of power. Mr. President, the grave and serious objections to the passage of this bill at this time can not be answered by appealing to our sympathies; they can not be answered by picturing the veteran soldier, who rallied to the flag and saved the nation in her hour of danger, as utterly helpless and destitute, appealing in vain to his countrymen to save him from starvation or the poor-house. This bill means something more than providing for the helpless and destitute.

The words "disabled and dependent" are words of indefinite and expansive meaning when applied to proving or granting a pension claim. I think the Senator from New Hampshire will hardly deny that this bill practically opens the door to all surviving Union soldiers, and that it will be followed by one to pension the widows and minor children of all soldiers, whether the soldier died from disease contracted in the service or from any other cause. Nor do I believe that any large number of those soldiers are utterly helpless and destitute, as has been said. Men who were able to overcome the South and bring the war to a successful close were, as a rule, men of such energy and determination that they are able to take care of themselves, without calling upon the Government for aid. I judge them by my knowledge of their opponents in the contest.

The confederate soldiers of my State returned from the war in 1865 to find grass-grown and uncultivated fields, broken and ruined fences and lone chimneys marking the places that had once been peaceful and happy homes, and although the soldiers were without money and without credit, without stock and without farming implements, without aid from the Government or elsewhere, they bravely went to work to build up the waste places and if possible to regain their lost fortunes, and while I have often seen the soldier with but one arm and the soldier whose lost leg was supplied with one made of rough-hewn wood following the plow from day to day, I have never known a confederate soldier in Arkansas to beg for bread or become dependent upon the public. I know full well, Mr. President, that by many it is regarded as little less than treason for one who was engaged in the rebellion to vote or speak against granting any character of pensions that may be asked for Union soldiers, but if we as representatives of the States or the people either from fear of being assailed, denounced, and abused for our participation in the war, or from fear of arousing prejudices that may injure our political friends in certain States, refuse to oppose measures that we believe will be hurtful to the nation, or refuse to support measures that we believe will promote its prosperity, then we are not free and independent representatives, and are unworthy the confidence and support of the people of the free commonwealth whose commission we bear.

Acting upon this belief I oppose this bill not because of any hostility to the Union soldier, not because those with whom I fought and who suffered all that the Union soldier suffered with the bitterness of defeat in addition can not share in its benefits, not because I am not as loyal to the United States Government to-day, as proud of its past history and as anxious for its future glory and prosperity as the soldiers who followed Grant at Cold Harbor and into the trenches at Petersburg, but I oppose it because I believe the condition of the soldier does not demand it, that the condition of the country is such that its passage is unwise and that it would tend to increase the discontent already prevalent and which all patriotic and law-abiding citizens hope will soon pass away; because I believe that to make so large a body of men dependent upon the Government, instead of depending upon their own labor, their own skill, and their own energies, is demoralizing in its tendencies, discouraging to other citizens less fortunate, dangerous to the stability of the Republic, and contrary to the spirit and genius of a free government.

Mr. VAN WYCK. I desire to indicate two or three amendments which I have already proposed to the bill.

The PRESIDENT *pro tempore*. The amendments proposed have not been definitely offered, though notice has been given. The Senator's amendments will be read. Where are they to come in?

Mr. VAN WYCK. In section 1, at the end of line 10, I move to add the words "to the extent of incapacity to perform labor," leaving out the word "manual," which is in the printed amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 1, at the end of line 10, it is proposed to add:

To the extent of incapacity to perform labor.

Mr. BLAIR. I should like to understand that. Does the Senator propose an amendment to his amendment or to the bill now?

M. VAN WYCK. To the bill.

Mr. BLAIR. I should like to know what it is.

The PRESIDENT *pro tempore*. The amendment will be again read.

The SECRETARY. At the end of line 10, section 1, it is proposed to add:

To the extent of incapacity to perform labor.

So as to read:

That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who

served in the military or naval service, as mentioned in said section, for the period of six months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, to the extent of incapacity to perform labor, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor.

Mr. VAN WYCK. I will now propose an amendment to the amendment, to insert "to earn his support by labor;" so as to read:

To the extent of incapacity to earn his support by labor.

The PRESIDENT *pro tempore*. The Senator can modify his amendment.

Mr. VAN WYCK. So that no question may arise as to what class of cases this should apply to. If the soldier is not able to earn his complete support by his labor, then he can be placed on the pension-roll, leaving out the question whether he could work a quarter of a day or a third of a day or now and then a day; but if his inability is such that he can not earn his support by his labor, then he is to be placed on the pension-roll.

Mr. BLAIR. The bill seems to me to require no amendment of that kind. The latter part of the section apportions the pension from $24 down, according to the degree of disability to perform manual labor, when the word "manual" is inserted on the top of the page as the Senator proposed the other day, and the degree of disability is not for us to settle, but it must be settled as in any other case by an examination under the rules of the Department. There are boards of surgeons all over the country to examine soldiers, to ascertain the degree of their disability. Just so the applicants for pension under this bill will receive their examinations, and for absolute helplessness may have as high as $24 and all the way down on the sliding scale to $1, according to the degree of disability. The less disability, the less money. I do not think the Senator wants that in there, for it is either meaningless or will have the effect of confusing the administration of the bill very much and do no good. If the Senator will insert his word "manual" between the words "own" and "labor," in line 11, then, with the proviso in the latter part of the section, with the examinations required, the administration of the bill would be perfect.

Mr. VAN WYCK. The force of this amendment will be seen when I come in a moment to another amendment to be passed. The object is to avoid the very thing which the Senator from New Hampshire properly says must follow, that is an examination or adjudication by the Pension Office of every case included within the bill proposed. If that be done then the force of this Pension Office must be doubled because every one of the new cases, whether they be 250,000 or 300,000 or 400,000, must come up before the Pension Office.

Mr. BLAIR. Not at Washington, however.

Mr. VAN WYCK. No matter where. The force of this Pension Office must be doubled.

Mr. BLAIR. Why so?

Mr. VAN WYCK. Because every case must be examined before it goes upon the pension-roll as to the amount of disability.

Mr. BLAIR. It is not the proposition of this bill to get two hundred and fifty thousand men on the pension-roll without an adjudication. In every case there must be an application, and the man must prove his case as in every other instance, and to settle the amount of disability there are boards all over the country. They can examine two men where they do one now without the slightest difficulty.

Mr. VAN WYCK. The amount of disability must be examined. That is the point. My proposition by a subsequent amendment is to make this service pension, as I understand, the same as all other service pensions that are allowed.

Mr. BLAIR. This is not a service pension.

Mr. VAN WYCK. Oh, yes.

Mr. BLAIR. It is a pension depending on disability, and the question is whether disability was contracted in the service or out of the service. This dispenses with the adjudication of that question here, simply finds disability. If the man was a good soldier, honorably discharged, and is disabled now—and that is to be settled by a medical examination—he is to be entitled to pension according to disability; if total helplessness, $24, and so down to almost nothing, and that must be decided by the boards already provided.

Mr. VAN WYCK. The point of this bill, as I understand, is that every soldier who to-day is dependent upon his daily labor for his daily bread and who is disabled from labor shall be placed upon the pension-roll.

Mr. BLAIR. Certainly, upon establishing those facts.

Mr. VAN WYCK. It only differs from a service pension by requiring the two matters referred to, which form no part and no element of the pension laws as they now exist.

Mr. BLAIR. That is the only difference there is between the existing case under the present law and a service pension, save only this, that the disability which is provided for under existing law (which is not a service-pension law) must be a disability contracted in the service and in the line of duty. Now this bill proposes that, there being a disability which must be proven in these cases as well as under existing law, it is immaterial whether it was contracted in the service or out of the service. Then the applicant having alleged his disability, and proved his disability, the Department orders an examination to ascertain the degree thereof. No examination is made until the disability is proven, unless it is made to ascertain whether there is one or not, which is a medical question. Probably the first thing to be done would be to order an examination of the applicant by the local board. They report the man well, not disabled; that ends the case. They report that he is disabled and the degree of his disability for earning his living by manual labor, whether one-half, one-third, one-fourth, or one-sixth, and upon that report the office will make its adjudication. It is just like any other case dependent upon a disability and upon the further fact of dependence and need.

Mr. VAN WYCK. It is a qualified service pension based upon the ground of the dependence of the pensioner principally. If he is not able to earn his daily bread by his daily labor, then we propose to give him a pension. To meet the argument which is urged that not as much time has elapsed since the close of the last war as elapsed from the war of the Revolution or the war of 1812 until those soldiers were placed on the pension-roll, these qualifying conditions about dependence and disability were interposed. It shocked the sentiment of this whole nation that a soldier who had followed his flag on the field should be either grinding an organ or vending peanuts on the street corners or seeking that meager bounty which is given by the charity laws of the State in which he lives, and therefore it was that it was deemed a burning shame and disgrace to the great American nation that its soldiers should be in that position.

Mr. BLAIR. They endured it fourteen years.

Mr. VAN WYCK. Only fourteen years!

Mr. BLAIR. They endured it from 1818 to 1832.

Mr. VAN WYCK. I am speaking of the soldiers of the last war. They endured it. We have boasted of the generosity of this nation and of its Congress, and yet Congress has been in the past very careful to grant no service pension until the great majority of the Army had gone to join the great majority of mankind. That was the position toward the soldiers of the Revolution and the soldiers of the war of 1812, that the great majority of that army had gone down to the grave before the nation recognized and manifested its generosity to them; so in regard to the soldiers of the Mexican war. Even to this day we have refused to perform what the American nation have demanded at the hands of Congress, and place the soldiers of that war upon the pension-roll.

In order to simplify this discussion it was thought best to require the condition of dependence and disability without regard to disability in the service, and thus place a large class of deserving soldiers upon the pension-roll. I speak not now of the extent of the disability, for I say to my friend from New Hampshire that disability incurred in the service was a damage, it was an injury, for which the soldier had a complete claim under the law, and therefore if he had one arm off or a leg off it made a difference as to the extent of the pension to be given him.

I repeat that under this bill we propose to pension by reason of dependence and disability; and if we give a pension on account of dependence it matters not whether the soldier since the war has lost one arm or both arms, or one leg or both legs. The dependence is complete when he is unable to procure his subsistence by his labor, and that is the only point of the bill. If he is unable to procure his support by reason of his disability, no matter whether it be both arms or both legs of which he is deprived, no matter whether the disability be the rheumatism or the consumption or the asthma or whatever it may be, he is to have a pension.

The only point is, is the soldier able to procure his daily bread by his labor no matter what that labor may be? If it is the idea of the Senator from New Hampshire that this must be a matter of examination, the highest grade to be $24, I do not understand how much disability there must be to obtain the $24. I did not understand from the Senator. Does the bill say?

Mr. BLAIR. The bill says:

The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability.

Mr. VAN WYCK. Precisely; but if the man has both legs and both arms off, or one leg and one arm off, he gets $24. He can not possibly earn his living. Suppose another man has only his right arm off; is not that total incapacity? Is it not?

Mr. BLAIR. I suppose the Senator is a man of common sense. He need not appeal to me continually.

Mr. VAN WYCK. I was appealing to my friend because he was a man of common sense.

Mr. BLAIR. It is unnecessary to put those questions to me.

Mr. VAN WYCK. I would ask whether it is not total incapacity if a man has one arm off?

Mr. BLAIR. Does the Senator ask the question seriously?

Mr. VAN WYCK. Yes.

Mr. BLAIR. Not necessarily. A man might be able to do some work

with one arm. Some kinds of work he might gain his living by. Many a man with one arm gets his living by labor of various kinds. But the Senator will observe in the bill that there is no disability which, under this bill, no matter how great it may be, can draw beyond the amount of $24 per month.

Mr. VAN WYCK. Precisely.

Mr. BLAIR. If it were a case, as it might be in some instances, where there was an arm gone and the man might have no occupation he could work at but manual labor, the loss of an arm might disqualify that man absolutely from doing anything in the way of manual labor to get a living. I suppose that man probably would be entitled to the full amount under this bill. If he had lost both legs and his disability was not contracted in the service, he would be entitled under this bill to no more.

Mr. VAN WYCK. Precisely. The point is that total inability for labor comes if the man has one arm off as much as if he has both off, and he can not obtain more than $24 under this bill. If a man is sufficiently disabled to be totally incapacitated for labor, he is entitled to $24; and it makes no difference whether the two arms are off or the one arm is off. But suppose the man is disabled from asthma or consumption; that is total disability, as I understand, and he would be entitled to $24.

Mr. BLAIR. If there was total inability to perform manual labor, certainly.

Mr. VAN WYCK. Certainly. I suppose it was intended that no man should be a recipient under this bill unless he was unable by manual to obtain support. That is the reason I propose this amendment, and I do not care to say a word more, because I understand the Senator from Illinois [Mr. LOGAN] intended to speak on the merits of the bill proper. Therefore, with the consent of the Senator, I will continue some suggestions on the amendment at another time when they will be more properly in order, and he can take the floor on the merits of the bill.

Mr. HOAR. I should like to give notice of an amendment. I do not wish to address the Senate, but merely to give notice of an amendment I purpose to move, when it is in order, to strike out all after the word "own," in the tenth line, to the end of the line, as follows: "gross carelessness, disreputable conduct, or vicious habits," and substitute the word "fault." As it now stands it reads:

And who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits.

If amended as I propose it will read:

And who is or shall become disabled from any cause not the result of his own fault.

Mr. LOGAN. I think that would be a very good amendment.

Mr. HOAR. As the bill goes over, as I presume it will, I should like to have the amendment printed.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. LOGAN. Mr. President, I shall not detain the Senate long, but before proceeding I wish to give notice that I shall at the proper time propose an amendment to this bill providing—

That all pensions heretofore granted under any previous act to any soldier shall, where less than $8 is or has been allowed, be increased to $8 per month, and no less amount shall be hereafter allowed to any pensioner being a soldier, under this or any previous act.

I only desire now to call the attention of the Senate to one or two remarks made by the Senator from Arkansas [Mr. BERRY]. First, he said that this bill was going far beyond anything that the people had anticipated, and that the soldiers who fought the war with Mexico and gained our victories there had been for forty years neglected, while the Union soldier had called to him support from all quarters of the country to put him on the pension-roll.

That assertion was made without due consideration. There is not on the statute-books to-day a law allowing a pension to a Union soldier whose provisions a Mexican war soldier can not also avail himself of. All soldiers disabled in the Mexican war from wounds or disease contracted in the service and their widows or their orphans are entitled to a pension under the law just as the Union soldier is to-day. More than that, the Mexican war soldier had more given to him than the Union soldier has had. The Mexican war soldier drew from this Government his bounty in land, from 40 to 160 acres, which land was given to every soldier, sailor, and marine who served in the Army or the Navy of the United States against Mexico. Further than that, the officers of the United States received three months' extra pay when they were mustered out of the service after the Mexican war.

So up to the present time it is only because of the numbers that have been benefited in consequence of service in the Union Army that persons can speak of the Government having done more for them. But this is not a question of numbers. If the Army that marched against Mexico had been as large as the Army that marched against the rebellion, the pension-roll after the same lapse of time would have been as large as the pension-roll on the Union side to-day. It is the numbers that were in the two armies that make the difference between the pension-roll of to-day and heretofore.

But the Senator went further than this in alluding to his own service. I have no disposition to allude to that, nor will I except as he called it out. He said that he would be accused almost of treason. Why, Mr. President, there is no disposition to accuse any man of prejudice because he does not support this bill. It is a matter for each and every representative of his constituents to do that which he deems proper and right without reference to anything that may have occurred in the past.

The Senator said that no confederate soldier to-day was dependent on the charity of the country. I would be pleased to know that there was not a human being beneath the old starry emblem of this Union that to-day was dependent on the charity of the people anywhere. But that is a part of the misfortunes that strike humanity. That is a portion of the misfortunes that men in all countries are liable to. Because a man has been unfortunate, because a man is not capable to-day of gaining his livelihood and securing food and raiment, that is no crime, nor is it any sin against God or man. It is a misfortune that he can not overcome, and for that reason he becomes a subject of charity.

In all governments, no matter what their character may be, where they have called forth armies for the preservation of their integrity, pensions have been given to the wounded and afflicted, those who have become in the course of years unable to make for themselves a livelihood.

Talk about the bounties and the charities of this Government! Why, sir, this Government would be unworthy of the name of Republic if it should deny to give to the unfortunate soldier who suffered either from wounds or disease or disability produced in any way not by his own fault the sustenance which he is entitled to, so that he may at least live under the flag for which he fought.

But the discussion to-day has gone rather on a narrower channel than it seems to me a question of this kind ought to turn. My friend the Senator from Georgia [Mr. BROWN] made an inquiry which was pertinent and proper, of course. It was as to the amount that would be expended provided this bill should pass, not as to the disability of the man, but what will it cost. The Senator from New Hampshire [Mr. BLAIR] occupied much of his time in explaining what this bill would probably cost the Government of the United States. Now, sir, let me ask if some poor old soldier who left his wife and children at home penniless, perhaps, after serving his country faithfully, having the seeds of disease sown in his system by lying upon snow and upon damp ground, and wading through morass and river and stream, should come hobbling up the steps of this Capitol to-day unable to procure food and raiment for himself by his own physical exertions, where is the man who would ask the question how much is it going to cost to help that poor soldier? Is that the question? Is that the kind of argument that is to be used in a great country like this when we are appealed to to sustain the poor man as he goes traveling along, perhaps crutch in hand, down the lane of life? Mr. President, I never can hear this argument—and I have heard it often—without its sending a cold chill through my whole frame. It is not the argument that should be made by patriots in favor of patriotism.

The question that should be asked is this: Are these men in a suffering condition; are they disabled from making a livelihood; and did that disability come upon them on account of their services to their country? That should be the question. If that be answered affirmatively, I shall never ask what my taxes shall be to assist that man, I care not where he lives. You may talk about economy and about expenditure as much as you choose; the grand thought within the breast of the patriot is not that its sympathies shall be closed against the misfortunes of the men who saved this people.

How much is it going to cost, we are asked; how much charity are we to contribute; how much is the Democratic party to be held responsible for—that at least was the argument of one Senator—if we pass a pension bill. Why, sir, the Democratic party or the Republican party have never been chastised politically by the people of this country for giving pensions to the unfortunate soldiers.

Now, let us examine for a moment the provisions of this bill. What are they? That every man who served for six months or more in the Union Army against the rebellion, who is now disabled by reason of wounds, disease, or any disability not his own fault, to the extent that he is not capable of making a livelihood, shall have a pension. Why not? Who is there here to-day who will not on the street put his hand in his pocket and give his dollar or two dollars at any time to a poor, unfortunate man whose condition shows that his misfortune has come upon him without his own fault? There is hardly a Senator but what does this. Why? You do it because that man has been unfortunate. He is to-day incapacitated from making his living by reason of having aided and assisted in preserving this Government. Therefore, when he appeals to you as an old soldier disabled, you always extend the hand of charity to him.

What is this Government except an aggregation of the people in their sovereign capacity? Then let this charity, if you call it charity, be given by the aggregate voice of the men of this country having patriotism enough to believe that those who served their country in time of danger are to be taken care of when misfortune overtakes them so that they can not take care of themselves.

Further on we provide that their widows shall have a pension. The pension, however, is to be reduced down to a certain amount. As I

said, I propose to increase it; that is, not the higher pensions, but the lower grades; and why? We have been so fearful in days past that some poor soldier might obtain a pittance from the Treasury of the United States that we reduced the pensions to what? One dollar, $2, $3, $4, and give a man a pension of $12 a year for what? Because he is disabled and some surgeon, some gentleman whose intellect is so keen that he can absolutely draw the line by looking at a man between a disability entitled to $1 and $2 a month, has said he is to have that low rating. There are men who can do that; that is to say, there are men who do it. I tried to be a physician once, and I found I could not, and I am glad that I am not one of that kind, if I could ever have been one, that would have so keen a knowledge of disease and disability as to tell the difference between the disability entitling to a one-dollar and a two-dollar pension.

Now let me explain. An old soldier came to me yesterday in the Military Committee room with his pension certificate and desired me to introduce a bill in the Senate to increase his pension. "What is your disability?" I asked. He pulled out his hand and showed me a finger off. Said he, "I am an old soldier, and I could not join the Army now because under the regulations that finger being off I could not be taken." Then he went on to tell me that he was wounded in the left arm and received no pension for it, and that it had become so nearly paralyzed that he could not use it, and he had to go around begging. How much pension do you suppose that man was getting? Two dollars a month! That had as much influence on me to offer this amendment to this bill as anything else. I do not believe that a man, if he is on the pension-roll at all, should receive less than $8 per month. If he is a pensioner at all he has disability so that he can not make for himself a comfortable livelihood; and does anybody think that $96 a year is too much to give a man who has disability to such an extent that he can not make a support for himself? But we are so economical of the public money and so kind and so generous to the old soldier that we run the pension from $1 a month up, and if he has both legs off we give him $72 a month.

Mr. TELLER. I should like to call the Senator's attention to the fact that there are twenty-six thousand one hundred and thirty-four pensioners who are only getting $2 a month.

Mr. LOGAN. That shows the liberality of our Government! That shows that the Treasury is being robbed! Twenty-six thousand one hundred and thirty-four old soldiers, who preserved this country for you and me, who saved our property and the rights we have as American Senators, who have been disabled in battle or by sleeping on the cold earth, have become diseased and disabled, and we in our magnanimity, opening our great hearts as the American Republic, give them $2 a month, $24 per annum! Great God, Mr. President, is not this robbery of the Treasury? Is it not destroying the peace and the happiness of the people of this country?

No wonder that my friend from Arkansas was alarmed for fear the Democratic party would be destroyed if a pension bill should pass! I certainly have no right to make suggestions to the Democratic party, but I may, in a friendly manner, intimate that if they want to keep in power as long as they can they had better support pension bills where they are just and right, and satisfy the loyal people of this country that they are for their country and for the men who preserved that country. That is the way for the Democratic party to satisfy the country that they are not shamming, to agree, now that we are all in the Union, that it is our Union, to take care of the men who saved it, for they saved it for all of us, for you and me alike, although we stood opposed during those dark days.

Now when we stand under the same flag, with the same Constitution, surrounded by the same laws and protected by the same civil power, while we are thus together as one nation, as one family, we should show to the world that we appreciate that which to-day is one of the grandest benefits you gentlemen have ever received. These soldiers preserved this Government for you and for me, and it is the grandest government on the earth. They removed the blot from this mighty nation, and placed us all on an equality as men. Now then let no one here say that he belongs to a party that can only keep its strength by reducing expenditures, by denying rights that belong to men who have done for us what these men have done.

Mr. President, the Senator referred to the Mexican war soldiers. I return to that for a moment. A year or more ago the Senate passed a bill to give every man who served in the Mexican war a pension of $8 a month. It was passed by the votes of both parties. An amendment was put on it in the Senate giving to the Union soldiers in the late war the same rate that was given to our soldiers in the Mexican war; and the bill did not become a law because of non-action elsewhere. Do not let gentlemen say on this floor that they want justice done to the Mexican war soldiers. I should like to see justice done to them as well as to anybody else. Do not let them say, however, that the same justice meted out to the Mexican war soldier should not be meted out to the Union soldier in the late war. In that bill you provided that every man with a certain disability should receive a pension the same as in this bill. I supported it and will do so again. If that was justice then for the man who went to Mexico, is it not justice now for the man who preserved this country?

The Senator said it was time for us to call a halt. A halt about what? What does the Senator mean by calling a halt? Does he mean that it is time for us to call a halt in passing bills through the Senate to compensate for property taken by the Army amounting to from $1,000 up to $60,000 or $70,000 in single bills every few days? I see nobody halting in that sort of performance. I have tried once or twice to stop it, but could not. If he meant that, he and I would join hands so far as the greater portion of such claims is concerned, where my ground is that there is no claim.

But does he mean to call a halt in reference to granting pensions? Is that what he means? If he means to call a halt in reference to granting pensions to men who are not entitled to them, then I will agree with him; but if he means to call a halt in reference to granting pensions to men who are entitled to them, then I disagree with him. Under this bill no person is allowed or permitted to have a pension unless he was disabled in service, except he is in such a condition that he is not competent to make a living for himself. If the desire is to call a halt against these poor, unfortunate men that are not able to make a living for themselves, I utterly disagree with him, and I say to him now that if that is his proposition, and if he makes that proposition as one that he expects his party to stand on and succeed on, he makes the grandest mistake he ever made in his life. You can not succeed on that proposition in this country.

My judgment is that it is a grand mistake for any party to make war upon pensions that are given to men who are entitled to them. For years at every session of Congress we heard the same speech repeated over and over again about "pensions," "pensions." You would have thought the Senator who was driving at them was determined to stop all kinds of frauds and reduce expenditures, and doubtless he so intended. Finally he became so enthusiastic that he got a resolution through the Senate to have printed in book form the name of every pensioner, with his residence and post-office address. It cost about $75,000 to print that book. What did that mean? It meant that there were $75,000 expended by the Government for the benefits of claim agents, to obtain information which otherwise they themselves would have had to pay for. It was just what they wanted—the post-office address of every pensioner and where he served. So that Senator's enthusiasm carried him right into the meshes of men who wanted exactly what he got for them and made the Government pay for them, and instead of discovering fraud after the names were given, with the post-office address, &c., published at the expense of Congress, it developed no frauds whatever, but did just what I said, put these books in the hands of the agents and saved them the expense of procuring that information. Now, do not allow yourself to get so enthusiastic on this subject that you commit the same kind of errors which have been committed heretofore by other persons in reference to this same question.

Mr. President, there are other things to which I might allude in regard to what this Government has done for the soldier. Now, let me make a statement right here that will seem probably strange. The Government of the United States by law agreed to give $100 bounty per annum to soldiers who served one year against the rebellion. They were to receive if they served one year $100, two years $200, three years $300, and it was to be paid by the paymaster. A few were paid, but at the conclusion of the war regiment after regiment was mustered out in Washington city within from three to ten days of the expiration of their time as an excuse in order to deprive them of getting that bounty, and the record shows it, and they have never got it to this day. Yet men talk here about the enormous bounties given to soldiers, and the pensions paid to them, and the plundering of the Treasury for the purpose of giving to these poor unfortunate men that to which they are entitled! For twenty years these men have been asking Congress to give them that bounty that they were entitled to under the law—eight and one-third dollars per month. They never have obtained it.

Until this Government shall keep its word, until this Government shall comply with its promise, until this Government shall protect and take care as well as it can of these unfortunate men that it induced to go into the Army, and who by that service have become debilitated and disabled from performing labor to make for themselves a living, until we have performed those duties toward these men let our mouths be closed, and closed in silence. Let us not whisper so that it can be heard even in the galleries that we have done all that we can do and should do for these men.

I say then it is time to call a halt. Let the halt be called when we have performed our duty; let it be called when we have complied with our obligations; let it be called when our honor can not be tarnished in any way by a failure on our part to carry out what we agreed to when we enlisted these men in the service of their country.

Until that is done this Government has not performed its whole duty. Until it has done for the Mexican war soldier what I think it ought to do it has not performed its duty, for the precedent has been set in all governments, among all peoples, that the men who bleed that the country may live shall be recognized, that when men die in defense of their country and leave families the country shall care for those families. Those who lose the power by reason of their services to their country to make for themselves a living, as others are competent to do, should be taken care of to a certain extent by the government.

Mr. President, the government that fails to do this, the government that fails to recognize that duty toward its defenders and to return that gratitude which an individual would return to another who does him a favor and saves him in the dark hour of life, is unworthy of the name. Unless this Government shall recognize that great principle and perform that great duty it will sink in the estimation of mankind.

Mr. President, I beg pardon for having detained the Senate so long, but I do hope that on both sides of this Chamber we shall recognize the fact that these poor, old, unfortunate men shall not ask without receiving at the hands of this great Government of ours.

Mr. VEST. Mr. President——

Mr. MORRILL. There are some reasons why we should consider executive business. If the Senator from Missouri will yield I will make the motion that the Senate proceed to the consideration of executive business.

Mr. VEST. Very well.

Mr. CULLOM. I should like to make a conference report.

Mr. MORRILL. I withdraw the motion for that purpose.

EUNICE E. CLARK.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6429) granting a pension to Eunice E. Clark, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to amend the Senate amendment by striking out the word "twenty" and inserting "twelve;" so that the Senate amendment will read: "At the rate of $12 per month, subject to the limitations and provisions of the pension laws."

And that the House recede from its disagreement and agree to the Senate amendment as amended.

S. M. CULLOM,
H. W. BLAIR,
A. H. COLQUITT,
Managers on the part of the Senate.
WM. H. NEECE,
JOHN S. PINDAR,
E. H. CONGER,
Managers on the part of the House.

Mr. CULLOM. The only effect of this is to reduce the amount of pension proposed from $20 to $12. It was classed at $20 under a misapprehension on my part at the time, thinking the soldier was a captain. It turns out he was a private soldier.

The report was concurred in.

AMENDMENTS TO BILLS.

Mr. CALL, Mr. CULLOM, and Mr. WHITTHORNE submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SPOONER submitted the following amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD:

Amend by inserting therein, at line 211, page 9 of the printed bill, above the word "postage," the following:

"For investigating diseases of grains, fruits, and fruit trees.

"For investigating the nature of the diseases of fruits and fruit trees, grains, and other useful plants due to parasitic fungi; for ascertaining the actual damage to our cultivated crops occasioned by fungus diseases, and for experiments to determine suitable remedies for the same, $5,000."

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 14, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 13th day of May, 1886.

CONSUL-GENERAL.

Clarence Ridgley Greathouse, of California, to be consul-general of the United States at Kanagawa. The nomination of Warren Green, heretofore nominated to the Senate for the said office, is this day withdrawn.

COLLECTOR OF INTERNAL REVENUE.

John E. Fitzgerald, of Massachusetts, to be collector of internal revenue for the third district of Massachusetts, *vice* Charles W. Slack, deceased.

COLLECTORS OF CUSTOMS.

Hadlai A. Hull, of Connecticut, to be collector of customs for the district of Stonington, Conn., *vice* Horace N. Trumbull, commission expired.

George W. Jackman, of Massachusetts, to be collector of customs for the district of Newburyport, Mass., *vice* William H. Huse, commission expired.

John Priest, of Oregon, to be collector of customs for the district of Yaquina, Oreg., *vice* Coll Van Cleve, whose term of office will expire May 15, 1886.

SURVEYOR OF CUSTOMS.

Joseph B. Cox, of Indiana, to be surveyor of customs for the port of Evansville, Ind., whose commission will expire May 18, 1886.

POSTMASTERS.

John B. Trasher, to be postmaster at Telluride, San Miguel County, Colorado, *vice* James P. Redick, resigned.

Charles A. Sheldon, to be postmaster at Gainesville, Alachua County, Florida, *vice* George J. Arnow, whose commission expires May 22, 1886.

Charles H. Berner, to be postmaster at Stuart, Guthrie County, Iowa, *vice* William P. Moulton, commission expired. The nomination of H. P. Abert, who was appointed and also nominated to the Senate, is this day withdrawn.

Abraham Rose, to be postmaster at Vinton, Benton County, Iowa, *vice* Stephen A. Marine, suspended. The nomination of Mr. Rose, nominated to the Senate on the 16th of December last, is this day withdrawn.

James F. Elder, to be postmaster at Richmond, Wayne County, Indiana, *vice* Edwin D. Palmer, suspended. The nomination of Mr. Elder, nominated to the Senate on the 5th of January, is this day withdrawn.

Peter Nodler, to be postmaster at Covington, Kenton County, Kentucky, *vice* James C. Michie, commission expired.

Frank Cass, to be postmaster at Holliston, Middlesex County, Massachusetts, *vice* James F. Fiske, commission expired.

Louis P. Trempe, to be postmaster at Sault de Ste. Marie, Chippewa County, Michigan, *vice* Myron W. Scranton, suspended.

William O. Garvin, to be postmaster at Trenton, Grundy County, Missouri, *vice* John S. Boyle, whose commission expires May 25, 1886.

Don A. Gilbert, to be postmaster at Bainbridge, Chenango County, New York, *vice* F. T. Nichols, resigned.

W. Scott Gillespie, to be postmaster at Kingston, Ulster County, New York, whose commission expires May 16, 1886.

Benjamin F. Howell, to be postmaster at Riverhead, Suffolk County, New York, *vice* C. V. Maguire, whose commission expires May 16, 1886.

Robert Humphrey, to be postmaster at West New Brighton, Richmond County, New York, *vice* Minietta Smith, commission expired.

Albert Sweet, to be postmaster at Dansville, Livingston County, New York, *vice* John Heyland, whose commission expires May 16, 1886.

James B. Crossen, to be postmaster at The Dalles, Waco County, Oregon, *vice* Mrs. E. M. Wilson, whose commission expires May 17, 1886.

Frank W. Osburn, to be postmaster at Eugene City, Lane County, Oregon, whose commission expires May 16, 1886.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 5, 1886.

TERRITORIAL SECRETARY.

George W. Lane, of Buffalo, N. Y., to be secretary of the Territory of New Mexico.

UNITED STATES ATTORNEY.

Le Roy F. Youmans, of South Carolina, to be attorney of the United States for the district of South Carolina.

UNITED STATES MARSHAL.

William M. Campbell, of Minnesota, to be marshal of the United States for the district of Minnesota.

INDIAN AGENT.

Peter Ronan, of Saint Ignatius, Mont., to be agent for the Indians of the Flathead agency, in Montana Territory.

SPECIAL EXAMINER OF DRUGS, ETC.

Dennis J. Loughlin, of Pennsylvania, to be special examiner of drugs, medicines, and chemicals, in the district of Philadelphia, in the State of Pennsylvania.

NAVAL OFFICER OF CUSTOMS.

Henry B. Plumer, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania.

APPRAISERS OF MERCHANDISE.

Lewis McMullen, of New York, to be appraiser of merchandise in the district of New York, in the State of New York.

Nathaniel Newburgh, of Ohio, to be appraiser of merchandise for the port of Cincinnati, in the State of Ohio.

Joseph M. Poe, of Ohio, to be appraiser of merchandise in the district of Cuyahoga, in the State of Ohio.

Joseph B. Baker, of Pennsylvania, to be appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania.

Thomas Beck, of California, to be appraiser of merchandise in the district of San Francisco, in the State of California.

ASSISTANT APPRAISERS OF MERCHANDISE.

James E. Tucker, of California, to be assistant appraiser of merchandise in the district of San Francisco, in the State of California.

Daniel Z. Yost, of California, to be assistant appraiser of merchandise in the district of San Francisco, in the State of California.

George H. Hoffman, of Pennsylvania, to be assistant appraiser of merchandise in the disrtict of Philadelphia, in the State of Pennsylvania.

George R. Snowden, of Pennsylvania, to be assistant appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania.

SURVEYORS OF CUSTOMS.

Alexander M. Wallace, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia.

Addison D. Cole, of New York, to be surveyor of customs for the port of Albany, in the State of New York.

John M. Campbell, of Pennsylvania, to be surveyor of customs for the port of Philadelphia, in the State of Pennsylvania.

James Burns, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri.

COLLECTORS OF CUSTOMS.

John Cadwalader, of Pennsylvania, to be collector of customs for the district of Philadelphia, in the State of Pennsylvania.

John A. Richardson, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina.

Henry W. Richardson, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina.

Conrad Krez, of Wisconsin, to be collector of customs for the district of Milwaukee, in the State of Wisconsin.

Anthony F. Seeberger, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois.

Charles H. Robinson, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina.

B. Huger Ward, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina.

Theodore D. Jervey, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina.

REGISTERS OF LAND OFFICES.

John B. Webb, of La Crosse, Wis., to be register of the land office at La Crosse, Wis.

Edmund G. Shields, of Silver City, N. Mex., to be register of the land office at Las Cruces, N. Mex.

Samuel W. Langhorne, of Bozeman, Mont., to be register of the land office at Helena, Mont.

William C. L. Beard, of Hutchinson, Kans., to be register of the land office at Wa Keeney, Kans.

RECEIVERS OF PUBLIC MONEYS.

Horatio S. Howell, of Virginia City, Mont., to be receiver of public moneys at Helena, Mont.

Lloyd T. Boyd, of Waukesha, Wis., to be receiver of public moneys at Bayfield, Wis.

CONSUL-GENERAL.

John H. Putman, of Chillicothe, Ohio, to be consul-general of the United States at Honolulu.

CONSULS.

William H. Moffett, of New Jersey, to be consul of the United States at Athens.

George W. Savage, of Rahway, N. J., to be consul of the United States at Belfast.

William Slade, of Cleveland, Ohio, to be consul of the United States at Brussels.

James Whelan, of New York, to be consul of the United States at Fort Erie, Canada.

Alexander Bertrand, of Beekmantown, N. Y., to be consul of the United States at St. John's, Quebec.

Charles Förster, of Indiana, to be consul of the United States at Elberfeld.

Thomas R. Jernigan, of North Carolina, to be consul of the United States at Osaka and Hiogo.

Oscar Bischoff, of Topeka, Kans., to be consul of the United States at Sonneberg.

Erhard Bissinger, of New York city, N. Y., to be consul of the United States at Beirut.

J. Harvey Brigham, of Louisiana, to be consul of the United States at Paso del Norte.

William S. Crowell, of Ohio, to be consul of the United States at Amoy.

Ferdinand F. Dufais, of New York city, N. Y., to be consul of the United States at Havre.

Joseph Falkenbach, of Columbus, Ohio, to be consul of the United States at Barmen.

Benjamin J. Franklin, of Kansas City, Mo., to be consul of the United States at Hankow.

E. J. Hale, of Fayetteville, N. C., to be consul of the United States at Manchester.

Joseph D. Hoff, of Keyport, N. J., to be consul of the United States at Vera Cruz.

Joseph B. Hughes, of Hamilton, Ohio, to be consul of the United States at Birmingham.

J. P. Imboden, of Georgia, to be consul of the United States at Yuscaran.

Edward D. Lynn, of Victoria, Tex., to be consul of the United States at Piedras Negras.

Albert Loening, of New York city, N. Y., to be consul of the United States at Bremen.

Beckford Mackey, of South Carolina, formerly consul at Rio Grande do Sul, to be consul of the United States at Nuevo Laredo.

Henry F. Merritt, of Chicago, Ill., to be consul of the United States at Aix la Chapelle.

Joseph W. Merriam, a citizen of the United States, to be consul of the United States at Iquique.

J. L. McCaskill, of Brandon, Miss., to be consul of the United States at Dublin.

James M. Rosse, of Tarrytown, N. Y., to be consul of the United States at Three Rivers, Canada.

John M. Strong, of New York, to be consul of the United States at Belleville, Canada.

Richard Stockton, of New Jersey, to be consul of the United States at Rotterdam.

George C. Tanner, of Spartanburg, S. C., formerly consul at Tegucigalpa, to be consul of the United States at Chemnitz.

Arthur B. Wood, of New York, to be consul of the United States at Dundee.

Louis D. Beylard, of Pennsylvania, to be consul of the United States at Kingston, Jamaica.

Moses H. Sawyer, of Mystic Bridge, Conn., to be consul of the United States at Trinidad.

POSTMASTERS.

John D. Mitchell, to be postmaster at New Albany, in the county of Floyd and State of Indiana.

John P. Norvell, to be postmaster at Danville, in the county of Vermillion and State of Illinois.

John Neff, to be postmaster at Winchester, in the county of Randolph and State of Indiana.

George R. Reynolds, to be postmaster at Plymouth, in the county of Marshall and State of Indiana.

Edward Duffy, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan.

Samuel S. Lacey, to be postmaster at Marshall, in the county of Calhoun and State of Michigan

William W. Van Antwerp, to be postmaster at Jackson, in the county of Jackson and State of Michigan.

Robertz P. Menefee, to be postmaster at Bozeman, in the county of Gallatin and Territory of Montana.

William Clevenger, to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

M. M. Gaunce, to be postmaster at Xenia, in the county of Greene and State of Ohio.

Samuel C. Haag, to be postmaster at Napoleon, in the county of Henry and State of Ohio.

F. S. Reefy, to be postmaster at Elyria, in the county of Lorain and State of Ohio.

Daniel C. Stearns, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio.

J. R. Thorne, to be postmaster at Piqua, in the county of Miami and State of Ohio.

Arthur D. Glover, to be postmaster at Olympia, in the county of Thurston and Territory of Washington.

William N. Carter, to be postmaster at Viroqua, in the county of Vernon and State of Wisconsin.

A. Everhard, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin.

Charles B. Whitehead, to be postmaster at Bradford, McKean County, Pennsylvania.

Frank Abt, to be postmaster at Lead City, Lawrence County, Dakota.

William K. Thompson, to be postmaster at Portsmouth, in the county of Scioto and State of Ohio.

William E. Baker, to be postmaster at Fairbury, Livingston County, Illinois.

H. C. Briley, to be postmaster at Dell Rapids, Dak.

Charles H. Burroughs, to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin.

Barclay P. Smith, to be postmaster at Deadwood, Lawrence County, Dakota Territory.

Frank Shields, to be postmaster at Wilmington, Will County, Illinois.

Erskine P. Linzee, to be postmaster at Pierce City, Lawrence County, Missouri.

S. R. Davis to be postmaster at Creston, in the county of Union, and State of Iowa.

The above confirmation was accompanied by the following report

from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to which was referred the nomination of S. R. Davis, to be postmaster at Creston, Iowa, *vice* Lowell C. Teed, suspended, submits the following report:

When this nomination reached the committee the Postmaster-General was requested to communicate to it all of the papers and documents on file in his Department relative to the case. To this request he responded by forwarding to the committee all of the papers and documents called for, both in respect of the suspended officer and of the person nominated to the Senate, and who had been designated to discharge the duties of the office during the recess of the Senate.

It appears from the papers and documents thus submitted to the committee, and from letters and papers communicated to it by the suspended officer and others, that there is nothing in the case calculated to place discredit on Mr. Feed, either as an officer or a man. The only complaints made against his administration of the office are rather to his credit than otherwise, inasmuch as they are based on his strict observance of the law and the regulations of the Department. The case is one of suspension for political reasons. "Offensive partisanship" is abundantly charged, and the nominee seems to have understood that it rested on that basis; and he evidently recognized that as the controlling element in the case. In his application to the President for appointment Mr. Davis stated:

"I herewith make application for the appointment of postmaster at Creston, Iowa. I am at present employed on the editorial staff of the Creston Commonwealth, and, if appointed, I will resign that position and give my whole time to the duties of the office."

This indicates that Mr. Davis believed that the rule of offensive partisanship, as defined in the letter of the Postmaster-General, was intended to apply alike to Republicans and Democrats occupying official positions.

Mr. Teed has not expressed a desire to retain the office from which he was suspended. On the contrary, he has made other business engagements. He has simply asked that his character as an officer and a man be protected for himself and his children, and requested that this be done for him by the Senate in view of his own inability to ascertain the character of the charges made against him from those to whom the same had been presented. This report performs that office for him.

The nomination of S. R. Davis is herewith reported with a recommendation that it be confirmed.

W. E. Lewis, to be postmaster at Chariton, in the county of Lucas and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to which was referred the nomination of M. E. Lewis, to be postmaster at Chariton, Iowa, *vice* James H. Stewart, suspended, reports:

That this is a case of suspension from office on account of "offensive partisanship." This appears from the official files in the case sent to the committee by the Postmaster-General, in response to its request for the same. The complete files seem to have been placed in the possession of the committee.

The charges presented against the suspended officer and all of the letters and telegrams in support thereof, as well as the papers in respect of the application of the nominee, were all before the committee, and from these it appears that the suspension of Mr. Stewart was induced by charges of "offensive partisanship," and not because of anything reflecting on his character as an officer or a man.

M. E. Lewis seems, so far as the papers in the case show, to be a proper and competent man to be intrusted with the office to which he has been nominated, and his confirmation is therefore recommended.

COLLECTOR OF INTERNAL REVENUE.

Robert Barnett, of California, to be collector of internal revenue for the fourth district of California.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 846) of Robert Barnett, of California, to be collector of internal revenue for the fourth district of California, in place of Amos L. Frost, suspended, and, so far as they have been able to obtain the information, they find that Mr. Barnett is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Frost, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Amos L. Frost, late collector of internal revenue for the fourth district of California, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommends the confirmation of Mr. Barnett.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 13, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLIC BUILDING, ROCHESTER, N. Y.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Supervising Architect, asking an appropriation of $100,000 to continue work on the public building at Rochester, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

SALE OF OLD POST-OFFICE SITE, NEW YORK.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting statement of the claim of the Mutual Life Insurance Company of New York for expense in perfecting title to the old post-office property in New York, and an account of certain liens thereon, and recommending payment; which was referred to the Committee on Appropriations, and ordered to be printed

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ARNOT, for five days, on account of important business.

To Mr. IKE H. TAYLOR, for one week, on account of important private business.

BRIDGE ACROSS THE POTOMAC.

The SPEAKER announced the appointment of Mr. BARBOUR, Mr. WILSON, and Mr. ROWELL as conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate (No. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

SEIZURE OF VESSEL DAVID J. ADAMS.

Mr. RICE. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back a resolution of inquiry referred to that committee in regard to the seizure of the American schooner David J. Adams, and recommend its adoption.

The SPEAKER. The report will be read.

The Clerk read as follows:

"Whereas it is reported in the public prints that on May 7, at Digby, in the Dominion of Canada, the schooner David J. Adams, owned by American citizens, was forcibly seized by the steamer Landsdowne, under order of the government of said dominion, and is now held for further proceedings: Therefore,

"*Be it resolved*, That the President of the United States be requested to inform this House, if not deemed by him incompatible with the good of the public service, what steps have been taken by him to have said seizure investigated, and to communicate to this House at the earliest practicable day what were the circumstances and the pretense under which said seizure was made."

The Committee on Foreign Affairs, to which was referred the accompanying resolution of inquiry relating to the seizure of the American schooner David J. Adams in Canadian waters, having considered the same, respectfully report it back with the recommendation that it should pass.

The resolution was agreed to.

Mr. RICE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS AGAINST THE MEXICAN GOVERNMENT.

Mr. WORTHINGTON. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back a resolution of inquiry referred to the committee, with the recommendation that it be adopted.

The SPEAKER. The report will be read.

The Clerk read as follows:

"*Resolved*, That the President of the United States be requested to communicate to the House, if in his opinion not incompatible with the public interests, any correspondence with the Mexican Government or with the claimants relative to the claims specified in the fifth section of the act of Congress approved June 18, 1878, filed after the publication of the papers contained in the President's message to this House on February 25, 1884, and to inform this House if any payments have been made on such claims after such date, and, if so, what date and of what amount."

Your committee, to which was referred the accompanying resolution asking for copies of certain correspondence with the Mexican Government, or with claimants, relative to certain claims therein specified, have had the same under consideration, and report the said resolution back to the House and recommend its adoption.

The resolution was agreed to.

Mr. WORTHINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider lie on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURROWS. I ask unanimous consent that a bill reported unanimously from the Committee on Ways and Means be now considered.

The SPEAKER. The gentleman from Michigan asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of a bill the title of which will be read, and to consider the same in the House.

Mr. BEACH. I must object. Let it come up in its regular order.
Mr. BURROWS. I hope the gentleman will let the title be read.
Mr. BEACH. I demand the regular order.
Mr. BURROWS. I made a mistake in my request. I should have asked consent of the gentleman from New York.
The SPEAKER. The regular order being demanded, the Chair will proceed to call committees for reports.

CHANGE OF REFERENCE.

Mr. TUCKER, from the Committee on the Judiciary, reported back the House resolution of May 10, 1886, calling upon the acting Secretary of the Treasury for information as to the payment of fees of witnesses and jurors for 1883, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.
The motion was agreed to.

RIGHT OF FISHING IN NAVIGABLE WATERS.

Mr. TUCKER. I am also instructed by the Committee on the Judiciary to report back with an adverse recommendation the bill (H. R. 4690) to equalize the right of fishing in navigable waters of the United States which border on any State or Territory. The gentleman from Pennsylvania [Mr. EVERHART] introduced this bill on which the committee makes an unfavorable report. He desires that it shall go upon the House Calendar, and I make that request.
The bill was referred to the House Calendar, and the accompanying report was ordered to be printed.

JUDICIAL DISTRICTS IN IOWA.

Mr. HEPBURN, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 5990) amending the act of July 20, 1882, dividing the State of Iowa into two judicial districts; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INVESTIGATION OF PACIFIC RAILROADS.

Mr. RICHARDSON, from the Committee on Pacific Railroads, reported back with a favorable recommendation the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific Railroads which have received aid from the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The call of committees was completed, no further reports being made.
The SPEAKER. The hour for the consideration of bills begins at twenty-four minutes past 11 o'clock. The call rests with the Committee on Foreign Affairs.

INDEMNITY TO CHINESE SUBJECTS.

Mr. BELMONT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (H. Res. 147) providing indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States, and pending that motion I move that all general debate upon the bill be limited to forty minutes.
The motion to limit debate was agreed to.
The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.
The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HATCH in the chair.
The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (H. Res. 147) providing indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States. By order of the House, general debate on this joint resolution has been limited to forty minutes. The gentleman from Massachusetts [Mr. RICE] is entitled to the floor.
Mr. BELMONT. I believe I have three minutes remaining from yesterday. I reserve that time.
The CHAIRMAN. The gentleman from Massachusetts [Mr. RICE] has two minutes remaining.
Mr. MCCREARY. I yield the gentleman from Massachusetts five minutes of my time.
The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor for seven minutes.
Mr. RICE. Mr. Chairman, I was saying yesterday when the gavel fell that our obligation to pay these damages rests not upon our good-will or our spirit of benevolence, but upon the obligation of international law; and I quoted my authority to that effect.
I now desire to cite two or three precedents in support of the position which I yesterday assumed. And first I cite the precedent of England. In 1847 a Jew named Don Pacifico was assailed in Athens by a mob, who destroyed his property. He was born at Gibraltar, but he was born under the English flag and was an English citizen. So soon as word came to England of the damage which had been done to him by the mob in Athens the English Government made demand upon Greece for indemnity. Mark you, he was mobbed because of the prejudice against his race, the Jews, on the part of the Greeks in Athens. Greece refused to indemnify him for his losses. No sooner did word come to England of that refusal than a fleet was sent to the Piræus, and before its shotted guns Greece paid the indemnity. Lord Palmerston was called to account in the house of commons for this act, and it was claimed there as here that there was no international law to sustain his position. He met in the house of commons those who assumed this position, and after a day's debate he fixed the principle in English law so firmly that it never since has been questioned or shaken. In that great debate Lord Palmerston quoted the old boast of the Roman citizen, in which he went panoplied through the world, and asked, "Is it less to be an English citizen; shall an English citizen be subjected to the laws of the country where he chances to be, or shall the army of England follow him and protect him wherever in the world he happens to find himself?" He scouted the idea that an English citizen was to seek redress and be confined for redress to local courts. And he was sustained, as I said, by an overwhelming majority of the house of commons; and that principle has never been questioned since by the English people.
My friend from Illinois [Mr. HITT] showed yesterday very plainly what we ourselves have done. We demanded indemnity from China; what for? For damages done to our citizens, first by mob violence, secondly by the armaments of England cannonading Chinese cities; and China paid the bills, although the damage was done by the armed forces of England attacking the city of Canton. And what did we do, as the gentleman said again, when England, through her carelessness, let loose the cruisers which drove our commerce from the sea? We exacted indemnity for our citizens from proud England; and I trust, Mr. Chairman, that there will be now an arm as long and a voice as strong to exact indemnity from England for the injuries that her subjects are now perpetrating, or seeking to perpetrate, on American fishermen. [Applause.]
And now, Mr. Chairman, I say that we owe this to China, not as a gratuity, but as an obligation. On the 2d day of September last this massacre occurred. The massacre at Glencoe, for nearly two hundred years the theme of tragic verse and prose, did not parallel the horrors of this in the Territory of Wyoming last September—twenty-eight defenseless men and women shot down in their tracks, fifteen of them coming to their death by fire. Thank God, we have the assurance of the President that these outrages were committed by aliens, as we are assured the outrages in Chicago which have just been shocking the country were also committed by aliens, who I hope will not escape the justice which has not yet visited their fellow-assassins in Wyoming. And now, sir, let us hasten to make such poor reparation as we can by payment of the bills for the damages sustained by the victims of these outrages, which are detailed with so much accuracy in the appendix to the President's message sent to this House. [Applause.]
Mr. MCCREARY. Mr. Chairman, I ask that the President's message on this subject be read in my time.
The CHAIRMAN. The message will be read.
The Clerk read as follows:

To the Senate and House of Representatives:

It is made the constitutional duty of the President to recommend to the consideration of the Congress, from time to time, such measures as he shall judge necessary and expedient. In no matters can the necessity of this be more evident than when the good faith of the United States under the solemn obligation of treaties with foreign powers is concerned.
The question of the treatment of the subjects of China sojourning within the jurisdiction of the United States presents such a matter for the urgent and earnest consideration of the Executive and the Congress.
In my first annual message, upon the assembling of the present Congress, I adverted to this question in the following words:
"The harmony of our relations with China is fully sustained.
"In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.
"The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in similar lawless demonstrations.
"All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon.
"Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.
"Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.
"The admitted right of a government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evident in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures within the treaty limits which the wisdom of Congress may devise."
At the time I wrote this the shocking occurrences at Rock Springs, in Wyoming Territory, were fresh in the minds of all, and had been recently presented

anew to the attention of this Government by the Chinese minister in a note, which, while not unnaturally exhibiting some misconception of our Federal system of administration in the Territories, while they as yet are not in the exercise of the full measure of that sovereign self-government pertaining to the States of the Union, presents in truthful terms the main features of the cruel outrage there perpetrated upon inoffensive subjects of China. In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest, the Chinese representatives were aided by the agents of the United States, and the reports submitted, having been thus framed and recounting facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

The facts, which so far are not controverted or affected by any exculpatory or mitigating testimony, show the murder of a number of Chinese subjects in September last at Rock Springs, the wounding of many others, and the spoliation of the property of all when the unhappy survivors had been driven from their habitations. There is no allegation that the victims, by any lawless or disorderly act on their part, contributed to bring about a collision. On the contrary, it appears that the law-abiding disposition of these people, who were sojourners in our midst under the sanction of hospitality and express treaty obligations, was made the pretext for the attack upon them. This outrage upon law and treaty engagements was committed by a lawless mob. None of the aggressors, happily for the national good fame, appear by the reports to have been citizens of the United States. They were aliens, engaged in that remote district as mining laborers, who became excited against the Chinese laborers, as it would seem, because of their refusal to join them in a strike to secure higher wages. The oppression of Chinese subjects by their rivals in the competition for labor does not differ in violence and illegality from that applied to other classes of native or alien labor. All are equally under the protection of law, and equally entitled to enjoy the benefits of assured public order.

Were there no treaty in existence referring to the rights of Chinese subjects, did they come hither as all other strangers who voluntarily resort to this land of freedom, of self-government, and of laws, here peaceably to win their bread and to live their lives, there can be no question that they would be entitled still to the same measure of protection from violence and the same free forum for the redress of their grievances as any other aliens.

So far as the treaties between the United States and China stipulate for the treatment of the Chinese subjects actually in the United States as the citizens or subjects of "the most favored nation" are treated, they create no new status for them; they simply recognize and confirm a general and existing rule, applicable to all aliens alike, for none are favored above others by domestic law, and none by foreign treaties, unless it be the Chinese themselves in some respects. For, by the third article of the treaty of November 17, 1880, between the United States and China, it is provided that:

"ARTICLE III.

"If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty."

This article may be held to constitute a special privilege for Chinese subjects in the United States as compared with other aliens; not that it creates any peculiar rights which others do not share, but because in case of ill-treatment of the Chinese in the United States this Government is bound to "exert all its power to devise measures for their protection," by securing to them the rights to which, equally with any and all other foreigners, they are entitled.

Whether it is now incumbent upon the United States to amend their general laws or devise new measures in this regard I do not consider in the present communication, but confine myself to the particular point raised by the outrage and massacre at Rock Springs.

The note of the Chinese minister, and the documents which accompany it, give, as I believe, an unexaggerated statement of the lamentable incident, and present, impressively, the regrettable circumstance that the proceedings, in the name of justice, for the ascertainment of the crime and fixing the responsibility therefor were a ghastly mockery of justice. So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken. But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it became necessary to meet his argument, and to deny, most emphatically, the conclusions he seeks to draw as to the existence of such a liability and the right of the Chinese Government to insist upon it.

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, while the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 2, 1886.

Mr. MCCREARY. Mr. Chairman, the whole subject of indemnifying certain Chinese for damages done to them at Rock Springs, Wyoming Territory, has been so fully discussed and so ably presented by the President in his message, and his reasons are so ample for the proposed appropriation, that I shall be very brief. The Chinese problem is very interesting and very important. The trouble at Rock Springs and the information that we get from the States on the Pacific slope show that there is a hostile feeling between Americans and Chinese, and that there is almost an irrepressible conflict between our people and them, which in my opinion can not be stopped except by absolute restriction of Chinese immigration to this country, and I am in favor, sir, of going as far as the treaty between this country and China will allow us in prohibiting Chinese laborers from coming to this country. But the question before us for consideration now is the treatment of the subjects of China sojourning within the jurisdiction of the United States. It appears, according to all the evidence, that these harmless and helpless people at Rock Springs were in no respect guilty of violence, that they were in no respect injuring anybody at the time they were attacked and twenty-eight of them killed and a number wounded.

These Chinese were within the territory of the United States, and allowed to come here under a treaty, and the United States had agreed to "exert all its power to devise measures for their protection and to secure them the same rights, privileges, immunities, and exemptions as are enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty. I do not know that I would be able to support this proposition of indemnity if it stood alone, but considering the relations between the United States and China and the necessity for further legislation and further treaty stipulations prohibiting Chinese immigration, I am inclined to support the bill.

It appeals to us because it concerns our relations with a nation with which we are to-day upon friendly terms, and which, when we asked indemnity for injuries inflicted upon American citizens in China, granted it to a large amount, having paid at one time $750,000. In addition to this, policy requires the payment of the amount asked for. There are to-day more than a thousand American citizens in China and millions of American capital, and under all the circumstances it is perhaps best to pay this indemnity. I wish to say, however, in this connection that there is no treaty stipulation and no law that requires it to be paid. If we pay it, we pay it for the benefit of poor, helpless, unfortunate men whose houses were burned before their eyes, the lives of twenty-eight of them destroyed, and many of them wounded. I believe, sir, that this case appeals to us as a civilized people, as a Christian people, and the bill should be passed to indemnify the sufferers. I now yield to the gentleman from New Jersey [Mr. PHELPS] ten minutes.

Mr. PHELPS. Their houses were burned; their goods were pillaged; twenty-eight of them were killed and fifteen wounded. And the only provocation was that they would not join in a strike. That is the case, and the question is, "What are we going to do about it?" and the answer ought to be, and I believe will be, "Do what the administration recommends and what this bill provides for and pay for the property destroyed." Not for charity's sake, but for solid reasons. Because it is good policy, as urged by the gentleman from Illinois [Mr. WORTHINGTON]; because it is a single reciprocity for a hundred cases, where China has paid an indemnity to us, as urged by his colleague, Mr. HITT, and because it is an international obligation, as urged by the gentleman from Massachusetts [Mr. RICE].

It is good policy, because we have more property in China than China has in the United States. We need millions to measure our property, thousands will measure theirs; and if we change the old rule of practice and adopt the new one, that the natural government may throw the obligation to defend the rights of foreigners on one of its members, call it State, Territory, province, or vice-royalty, the United States will in the future lose a great deal more than China. If the new rule had prevailed in the East, the great fortunes which have been brought to this country, and whose splendor is yet conspicuous in Wall street and Fifth avenue, would never have got across the Pacific. But there is a moral obligation stronger than these considerations of policy. We ought to pay this indemnity to China, because China has paid indemnities to us in a score, perhaps in a hundred cases similar to this, only less meritorious.

The history of our diplomatic relations with China for nearly fifty years has been only the history of prompt and greedy claims for indemnity on our part and of prompt and generous payment on its part. It has paid for the rights of every American citizen when violated. It has paid for the violated rights of Chinese subjects when they were connected with ours; as when they paid a Chinese landlord, whose house was destroyed by a mob, because an American leased it, and as when they paid for the property and clothing of native helpers, which was lost in the service of American missionaries. This is the way China paid indemnities up to 1858. In this fashion she paid them in detail, then she paid them in gross. She took more than $700,000, gave it to the United States Government and said, "Take this and pay your countrymen."

We took it, we paid all claims generously, with 12 per cent. interest; but the generosity of China was so ample that after all this we had left nearly one-third of the original sum to return to China. China did this and shamed the grudging spirit in which Christian countries pay their international bills.

This is the moral obligation, but there is a legal one—the international obligation. The United States has treaties with the Empire of China. In these treaties she promised to protect Chinese subjects. The United States has failed to keep its covenants. It did not protect Chinese subjects, and it is liable in damages for a broken contract unless it can establish and maintain as a doctrine of international law that when a nation makes a treaty with another nation and breaks one

of its covenants it can shift its liablity by saying that it was the covenant and therefore the liability of one of its members.

Unfortunately it is easy to declare this doctrine, but it seems impossible to establish and maintain. All writers on international law from Grotius to Woolsey have examined and rejected it. We have accepted it in declaration but have always rejected it in practice. We have generally asserted this doctrine most vehemently at the very moment we were about to transgress it. Our habit has been to assert bad law and practice good. We did this in the famous case at New Orleans. A mob destroyed the property of Spanish subjects. Her Spanish Majesty demanded indemnity.

The powerful voice of Daniel Webster was heard in reply. He declared this bad law magnificently and referred them to the State of Louisiana and its courts. Her Spanish Majesty ignored all this eloquence in declaration of bad law and asked for the usual practice, and the Secretary of State recommended Congress to vote the indemnity and say nothing more of the State's liability. But more significant yet was the case in China at the time of the Anglo-Chinese war. China, learning the verbal tricks of civilization, concluded she would declare bad law and see the result. She told our Department of State that the vice-royalty of Canton was the party liable and that in its tribunals the American claimants must find redress. Our Secretary, Lewis Cass, said little against the bad law in the plea. How could he? But insisted on the usual good practice, and China, the nation, the empire, paid the bill.

And in European countries the same uniformity of action prevails, accompanied still in some cases by the same declaration of the bad law, that would relieve national obligation and substitute local. Indeed, comprehensive as was the claim made yesterday by the gentleman from Massachusetts [Mr. RICE] that no text-book in its summary of principles and no civilized nation in its practice had ever followed this bad law, I believe it is the truth. If, then, in this case we put the bad law for the first time into practice against a semi-barbarous nation, public opinion will say we did it because China was weak and could not enforce its rights, and the world will compare the pagan civilization of the Chinese Empire with the Christian civilization of the great American Republic, and not to our credit.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. PHELPS] has expired.

Mr. HENLEY. I desire to ask the gentleman from New Jersey a question.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PHELPS. I shall be glad to answer the gentleman's question if time be given me.

The CHAIRMAN. The gentleman from Kentucky [Mr. MCCREARY] is entitled to the floor.

Mr. HENLEY. Will the gentleman from Kentucky permit me to put a question to the gentleman from New Jersey?

Mr. MCCREARY. I yield for that purpose, but I trust the gentleman will be very brief.

Mr. HENLEY. It was stated yesterday, and the gentleman from New Jersey doubtless heard the statement, that Mr. Blaine, when Secretary of State, adopted a different rule from that for which the gentleman contends and which is asserted by the Committee on Foreign Affairs in presenting this bill; in other words, that upon outrages being committed upon certain Chinese subjects in the city of Denver and upon indemnity being demanded, Mr. Blaine or Mr. Evarts, I forget which——

Mr. MCKENNA. Both of them. It was I who made the statement yesterday.

Mr. HENLEY. Denied the right to indemnity. I should like to hear from the gentleman from New Jersey on that subject, because upon these matters everybody knows him to be *facile princeps*.

Mr. PHELPS. If I answer the gentleman in the way he wishes me to do, I do not see that it involves any contradiction of my statement that Daniel Webster, Lewis Cass, Hamilton Fish, James G. Blaine, and Frederick T. Frelinghuysen all made the declarations I have cited. I admitted that the declarations had been made by almost all our administrations that we were exempt from obligation under a treaty if we could refer the party complaining to a local authority or tribunal; but at the same time I claimed that there was no break in the practice of these very Secretaries, who, after making their declarations, followed the fashion of American diplomacy and paid the indemnity whenever it was due and demanded.

Mr. MCKENNA. Will the gentleman from New Jersey allow me to ask him a question?

Mr. MCCREARY. I yield three minutes to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. Mr. Chairman, as I intend to vote for this resolution I wish to briefly state my reasons for so doing, as well as to refer to the question of Chinese immigration which has been introduced into this discussion. Within the limited time allotted to me in the debate I can only discuss the questions generally and not minutely. The resolution of indemnity is to pay for the losses the Chinese sustained by the outbreak and violence upon them at Rock Springs, in Wyoming Territory, last September. The facts of this inhuman and murderous affair have been so widely published throughout this country and the world, and that to our discredit, that it is unnecessary for me to detail them here. Twenty-eight unoffending Chinamen were killed outright, many others wounded and driven from their burning homes and property, seeking refuge in the hills and mountains; some were burned.

The coroner's jury there found as follows:

We, the undersigned, members of the coroner's jury, from the evidence before us, state that human bodies Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 came to their death from exposure to fire, the nationality of said bodies being unknown to us, as they were defaced beyond recognition.

And the grand jury as follows:

We have diligently inquired into the occurrence at Rock Springs on the 2d day of September last, and, though we have examined a large number of witnesses, no one has been able to testify to a single criminal act committed by any known white person that day. Whatever crimes may have been committed, the perpetrators thereof have not been disclosed by the evidence before us; and therefore, while we deeply regret the circumstance, we are wholly unable, acting under the obligation of our oaths, to return indictments.

There is no chance of redress there. Shall this Christian nation which has persistently sought closer and more intimate commercial and friendly relations for years with China, into which country our missionaries and merchants and other citizens go, and for whom we claim protection of life and property while there, and for the loss of which by violence we have exacted and received indemnity from that Government in times past, now fail or refuse to respond to the requirements of the "golden rule?"

The gentleman from California [Mr. HENLEY] inquires of the gentleman from New Jersey [Mr. PHELPS] if this proposition is not against the policy of Mr. Blaine when he was Secretary of State. Be that as it may, I see the gentleman from Illinois [Mr. HITT], then Assistant Secretary under Mr. Blaine and now a member of this House, advocates it.

I do not support this joint resolution upon any idea that there is clear and undoubted liability on the part of this Government under international law. I do not consider the many instances cited here are good precedents for this case, but I shall vote for the joint resolution upon the ground of our past relations with China. It was at the instance of this Government our people have been admitted there and our missionaries and merchants have been allowed to pursue their calling in that empire. Our citizens resident there have also been indemnified by the Chinese Government for losses and damages sustained by them. I do it, sir, upon the ground of moral obligation under the peculiar circumstances of the case. In this connection I call attention again to the closing paragraph of the President's message which has been read. It is as follows:

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

The correspondence exchanged is herewith submitted for the information of the Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, March* 2, 1886.

And also to that part of the note of the Secretary of State therein referred to as follows:

Yet I am frank to say that the circumstances of the case now under consideration contain features which I am disposed to believe may induce the President to recommend to the Congress, not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity to an innocent and unfortunate body of men, subjects of a friendly power, who, being peaceably employed within our jurisdiction, were so shockingly outraged, that in view of the gross and shameful failure of the police authorities at Rock Springs, in Wyoming Territory, to keep the peace, or even to attempt to keep the peace, or to make proper efforts to uphold the law, or punish the criminals, or make compensation for the loss of property pillaged or destroyed, it may reasonably be a subject for the benevolent consideration of Congress, whether with the distinct understanding that no precedent is thereby created, or liability for want of proper enforcement of police jurisdiction in the Territories, they will not, *ex gratia*, grant pecuniary relief to the sufferers in the case now before us to the extent of the value of the property of which they were so outrageously deprived, to the grave discredit of republican institutions.

I trust you will recognize in what I have herein suggested the desire of the United States to carry into effect the "golden rule" recited in the treaty to which you have made reference, and that in such action you will perceive our wish and purpose to confirm and perpetuate the friendship and comity which, I trust, may long exist between our respective countries. You will, I am sure, agree that in good faith, and in compliance with their obligations, the Government of the United States is strenuously asserting its power to secure the protection of your countrymen within its jurisdiction.

Accept, sir, a renewed assurance of my highest consideration.

T. F. BAYARD.

I desire to say in relation to some criticism which the gentleman from California [Mr. FELTON] made upon the Committee on Foreign Affairs, wherein he called attention to the fact that in his judgment the committee ought to have given more attention to the question of restriction upon the immigration of Chinese than to making reparation for any loss or damage they may have sustained—I wish to say in reply to that criticism of the gentleman from California that no question before that committee has received more deliberate and careful consideration than the question of further restriction to which he has adverted. I had the honor myself to vote for the strongest restriction bill which has passed the House, but which was vetoed by a Republican President.

I have voted for all these measures of restriction and will also vote for this joint resolution. I am willing to vote to the fullest extent in favor of *bona fide* restrictions, and to go even to the extent of abrogating the treaty with China if necessary to protect American laborers and American society from the evil effects of this Mongolian immigration. It is conceded by all that it is an evil. It has been greatly repressed by laws already enacted under treaties. Let us by proper action go forward and entirely stop it in the interest of intelligent, honorable, and self-respecting American laborers, but let us do it by honorable means consistent with treaty stipulations; and while upon this subject let me say that Congress may well consider whether the time has not come when patriotism and wisdom shall dictate further discrimination against the immigration of some other classes equally as dangerous to this country and its institutions as these Chinese. The true laborer and bread-winner of this country has no worse enemies than such creatures as these who committed this massacre upon these unoffending Chinese at Rock Springs in the Territory of Wyoming. These creatures were aliens and not citizens of this country. The cause of honest American laborers is not promoted by the lawless conduct and crimes of such persons. And while well-meaning, industrious, and virtuous foreigners desiring to better their conditions should be welcomed to our shores, there are those whose conduct and teachings lead toward anarchy, and who are far more dangerous to American society and institutions than are the Chinese. I mean such as bring among us socialism, Mormonism, and anarchism.

[Here the hammer fell.]

Mr. BELMONT. I call for the regular order of business.

The CHAIRMAN. Under the order of the House general debate is now closed on the pending joint resolution, and the Clerk will proceed to read the first section.

The Clerk read the first section of the bill, as follows:

Resolved, &c., That the sum of $147,748.74 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid to the Chinese Government, in consideration of the losses unhappily sustained by certain Chinese subjects by mob violence at Rock Springs, in the Territory of Wyoming, September 2, 1885, the said sum being intended for distribution among the sufferers and their legal representatives, in the discretion of the Chinese Government—

Mr. CAREY. Mr. Chairman, I rise to move an amendment to the first section.

The CHAIRMAN. The gentleman will state it.

Mr. CAREY. I move in line 5, after the word "appropriated," to insert "or so much thereof as may be necessary."

Mr. BELMONT. There is no objection to that amendment.

Mr. CAREY. I desire to be heard on my amendment.

The CHAIRMAN. The gentleman will proceed.

Mr. CAREY. Mr. Chairman, I have no doubt the amount proposed to be appropriated by this resolution is double the value of the property actually lost and destroyed. If the purpose of this joint resolution be to pay the Chinese Government vindictive damages, intending thereby to make the Chinese Government and people feel kindly toward us as a nation, the appropriation is not too large. But if the object be to pay the value only of the property lost through the outrages of the mob, then this joint resolution should be amended by the insertion of the words "or so much thereof as may be necessary," and further amended so as to require the existence and loss of the property to be established by evidence.

The effect of this resolution is to pay to the Chinese Government an amount of money sufficient to give each Chinese resident of Rock Springs on the day of the riot nearly $200. The assessed value of the property of Sweetwater County, in which Rock Springs is located, was in 1885 about two and a half million of dollars. Of this amount the Chinese residents only returned a few hundred dollars.

The Chinamen, after they were induced to return to Rock Springs under military protection, examined the ruins of their huts, and unearthed, it was stated at the time, much of the treasure which they claimed they had lost. Because the Chinese Government made a mistake a number of years ago, and paid to this Government a much larger sum of money than was required to indemnify American citizens for losses sustained in the Chinese Empire, is no reason why this Government should make a similar mistake now.

On behalf of the people of my Territory I desire to state, that it is very unfortunate that the whole truth has not been told with reference to the riot at Rock Springs. There is a disposition to shirk the responsibility and place it at the door of certain classes of the foreign-born population. The chairman of the Committee on Foreign Affairs, in answer to a question yesterday, replied that only Welshmen and Swedes were engaged in the mob. The appendix to the report of that committee shows that the nationalities engaged were English, Welsh, Scotch, Irish, and Scandinavians, their numbers predominating in the order named." These people are not deserving of all the odium which attaches to the disgraceful affair. Race was undoubtedly a strong factor, but the constant agitation of the Chinese question by the press and the people had intensified the bitter feeling prevailing at that time. Congress and the treaty-making power of the Government had attempted to restrict Chinese immigration. The remedy applied had not been sufficiently radical. Labor, always jealous of its rights, read daily that the law was being evaded and that the country west was being overwhelmed by Chinese immigrants.

The white miners on the day the riot occurred claimed and thought they had grievances. They believed from reports circulated in the camp that they had been discriminated against in the working of the mines, and that white miners in the village were refused work while Chinamen readily obtained employment. While these grievances were probably imaginary, it only required a difficulty in the mines between a white man and a Chinaman to rouse the miners to the highest state of excitement. There is no evidence that the outrageous deeds committed were in any sense premeditated. The fire had been smoldering for months, and it only required the excitement of the morning to fan it into flames. When the mob had once assembled and started on its mad career reason did not govern; its only code was blood, pillage, and destruction.

The people of Wyoming Territory sincerely regret that the riot occurred. They do not apologize for it, but in the strongest terms condemn it. They do not think they should in any wise be held responsible for it.

During the sixteen years of the political existence of the Territory previous to this trouble good order had been maintained throughout the Territory; the laws had been enforced, and life and property were as safe as it was possible for it to be in a new country. Her people are not of that kind that excite race prejudices or justify mob violence.

The President, in his special message to Congress, says:

While the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection, and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country, with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

This paragraph does an unintentional injustice to the authorities of the Territory. Sweetwater County is a large county containing an area equal to the combined area of several of the small States. Its voting population is only 1,100. Its peace officers, scattered over the county at the time the riot occurred, consisted of a sheriff and his deputy and three or four constables; which, previous to this time, had been ample to maintain good order. The trouble had not been apprehended by any one. The Chinese consul states in his letter that the sheriff of the county did all that was in his power. All the officers, from the governor down, backed by the people of the Territory, were prompt to suppress subsequent threatened outbreaks in other sections of the Territory. Much is said about the action of the grand jury in Sweetwater County. The excitement was so great in the county immediately after the riot that the investigation should have been postponed to a future time.

It is rare, indeed, that men who have engaged in riots are brought to justice. It is true there is no forum in the county in which compensation for the losses incurred can be maintained; but this is not because those who were damaged were Chinese subjects. The Chinese stand in the same position as Americans in this respect. A civil action would not lie against the county. Sweetwater County stands in this regard in the same position as the counties in most of the States of the Union. In but a small number of the States is a right of action given by statute against municipal corporations for losses sustained by reason of mob violence.

The riot had not its origin at Rock Springs. Of the population of the Pacific States and Territories it is estimated that nearly 10 per cent. are Mongolians. Chinese labor has largely undermined on the Pacific coast the labor not only of citizens of foreign birth, but of those born in this country. Each year the Mongolians are pushing farther East, white labor is uneasy, and difficulties between the two races are becoming frequent occurrences. As long as the Chinamen are in the country they will be entitled to its protection. White labor will array itself against Chinese labor, because it can not successfully compete with it. The Chinaman, owing to centuries of deprivation, can live on far less than it is possible for an American to live on. The former can breathe and have good health in a space not large enough for an ordinary closet. He is not burdened in this country with wife and children. He in no sense becomes a part of our people or takes upon

himself any of the duties of citizenship. He gathers the fruit of his toil with the view only of transporting it to his mother country.

The only remedy is the enactment of a law that will absolutely restrict all further Chinese immigration to this country. The people of the Pacific States and Territories have for years protested against further Chinese immigration. The Territories of the United States want more population. Men who bring families become citizens, build homes, and take part in the development of the country always receive a hearty welcome. Possessing these qualifications, there is never any inquiry made as to race or nationality. It is such men as these who live in the Territories that ask that their honest labor shall not be brought into competition with that of the Chinese who are imported into the country under contracts which hold them in a condition little removed above that of slavery.

This nation has since its foundation with wise laws protected its productions against the competition of the productions of foreign countries. It is important that the nation should elevate the labor of its own citizens and protect them against a race that can in no wise identify and assimilate itself with the American people. The good order of the land and the best interest of the American citizen require and demand it.

Owing to the building of new railroads, to the inexhaustible coal fields of Wyoming Territory ten thousand miners will within a very short time be required. If these miners be Mongolians, they will add nothing to the wealth of the Territory, but will sap its very life, and the mining camps will consist only of huts. If the miners employed be white men, besides adding great wealth to the Territory it will bring forty to fifty thousand additional population, and instead of villages of Chinese huts, well-built towns will spring up, in which will live thrifty populations.

[Here the hammer fell.]

Mr. BELMONT. I move that the committee rise for the purpose of limiting debate.

Mr. O'NEILL, of Missouri. I have an amendment to offer.

Mr. CAREY. I would like an opportunity to continue my remarks.

Mr. O'NEILL, of Missouri. My object in offering the amendment is to speak to the merits of the bill; but I suppose an opportunity will be afforded before the measure is disposed of.

The CHAIRMAN. The motion of the gentleman from New York is in order; and the Chair is bound to entertain it. The gentleman from New York moves that the committee now rise.

Mr. CAREY. What has become of my amendment?

The CHAIRMAN. The gentleman's amendment is pending; but pending that amendment the gentleman from New York has moved that the committee rise.

Mr. CAREY. I think a number of amendments will be required to this section.

The question being taken on the motion of Mr. BELMONT, there were—ayes 123, noes 16.

Mr. KING. No quorum.

Mr. BROWNE, of Indiana. I asked for a division on this question, with no intention whatever of delaying the consideration of the bill. I am in favor of it; but I think it only fair that some one should be heard for five minutes in opposition to the amendment suggested by the gentleman from Wyoming, and especially in opposition to the logic by which he attempted to support it.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the amendment of the gentleman from Wyoming is pending.

Mr. BROWNE, of Indiana. But, as I understand, the purpose of the motion to rise and go back into the House is to cut off further debate on the subject.

The CHAIRMAN. That is for the House to determine. Does the gentleman from Louisiana [Mr. KING] make the point that no quorum voted?

Mr. KING. Yes, sir.

Mr. MILLS. A quorum is not required upon a motion that the committee rise.

The CHAIRMAN. On this question the ayes are 123, the noes 16. The motion is agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration House joint resolution No. 147 had come to no conclusion thereon.

Mr. BELMONT. Mr. Speaker, I move that, when the House next resolves itself into Committee of the Whole for the consideration of this subject, all debate on this resolution and all amendments thereto be limited to one minute.

Mr. MILLS. Say thirty minutes.

Mr. BELMONT. I must insist upon the motion; the time of the committee is very limited.

Mr. O'NEILL, of Missouri. I move to amend by making it five minutes.

Mr. MILLS. All the debate has been taken up on one side. Give us some on the other. I move to amend by making it ten minutes.

Mr. BELMONT. The time of the committee under the rule is limited to only a few minutes more, and I must insist upon the motion.

The question being taken on the amendment to the amendment, submitted by Mr. MILLS, the House divided; and there were—ayes 41, noes 79.

Mr. MILLS. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. MILLS and Mr. BELMONT were appointed tellers.

The House again divided; but before the result was announced the Speaker declared that the hour for the consideration of bills under the rule had expired.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. BELMONT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of further considering the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The Clerk will report the pending amendment, submitted by the gentleman from Illinois last evening.

The Clerk read as follows:

Strike out line 237 and insert:
"Mexico: Consuls at Acapulco and Matamoras, at $2,000 each, $4,000."

Mr. CANNON. This is merely adding Matamoras at its proper place, it having been stricken out before.

The amendment was agreed to.

The Clerk read as follows:

Friendly and Navigator's Islands: Consul at Apia, $1,500.
Chili: Consul at Talcahuano, $1,000.

Mr. BELMONT. I move to strike out the paragraph in lines 250 and 251, and also line 252, with a view of inserting them hereafter at their proper places in the bill.

The motion was agreed to.

The Clerk read as follows:

Salaries, consular service (class 6).

Mr. CANNON. I offer the same amendment there, to strike out the words "salaries, consular service," so it will stand "class 6."

The motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 1532) to regulate commerce.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Turkish dominions: Consul at Sivas, $1,500.

Mr. BELMONT. At this point, Mr. Chairman, I move to insert the line 250, stricken out a moment ago, as follows:

Friendly and Navigator's Islands: Consul at Apia, $1,500.

Mr. HOLMAN. I do not understand, because of the rearrangement of this bill, which is so different from what we have had before, what is the necessity for this amendment. I should be glad if the gentleman would state it. What is the effect of the amendment?

Mr. BELMONT. It is simply to put the salary in the class to which this officer belongs.

Mr. HOLMAN. Under the present law?

Mr. BELMONT. Yes; and the manner in which it is inserted in the wrong place arose from the fact that the estimates of the Department contained a recommendation that this consul should have the salary raised, and would therefore go into another class. The committee, however, preferred to leave him in the class to which he belonged.

Mr. HOLMAN. So the salary is not raised?

Mr. BELMONT. No, sir; on the contrary, he remains by this amendment where he was prior to the preparation of this bill.

The amendment was agreed to.

The Clerk read as follows:

SCHEDULE C.

Salaries, consular service (class 7):

Mr. CANNON. I move to amend in line 302 by striking out the words "salaries, consular service," so that it will stand "class 7," as in the other classifications.

The amendment was agreed to.

The Clerk read as follows:

British dominions: Consuls at Gaspe Basin, Windsor (Nova Scotia), Bombay, Sierra Leone, and Turk's Island, at $1,000 each, $5,000.

Mr. CANNON. Does the gentleman from New York desire to offer an amendment there?

Mr. BELMONT. I have no amendment that I desire to offer.

Mr. CANNON. I propose to offer an amendment, to insert the line stricken out heretofore, 252, as follows:

Chili: Consul at Talcahuano, $1,000.

Mr. BELMONT. I had proposed to insert that at the end of this paragraph of the bill; but let it go in here; it is immaterial.

The amendment was agreed to.

The Clerk read as follows:

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk-hire, no greater portion of this sum than $400 to be allowed to any one consulate in any one fiscal year: *Provided*, That the total sum expended in one year shall not exceed amount appropriated, $10,000.

Mr. HEWITT. I desire to offer an amendment, and after it is read I will make a brief explanation of the reason for offering it.

The Clerk read as follows:

At the end of line 379 add:

"*Provided further*, That out of the amount hereby appropriated the Secretary of State may make such allowance as may to him seem proper to any interpreter for clerical services in addition to his pay as interpreter."

Mr. HEWITT. Mr. Chairman, under this provision $10,000 may be used in the discretion of the Secretary of State to pay additional clerk-hire at consulates. By a subsequent provision $4,000 are appropriated for pay of interpreters and guards at the consulates at Constantinople, Smyrna, Cairo, Jerusalem, Beirut, and Seoul. At Constantinople the interpreter receives a salary of $480 a year. When I had the honor of being in that city I discovered that this interpreter was the mainstay of the consulate; that he was not only the interpreter, but he had to go into the court, that he had to keep the records of the consulate, that he was doing the work of a first-class lawyer in Turkish law. He is a Greek by birth, is a good English scholar, and has a general knowledge of modern languages. I found the sum he received was totally inadequate, and I satisfied myself we were doing a gross injustice to this competent gentleman by giving him only $480 a year. On my return I represented the fact to the Secretary of State, and allowance was made of $120 a year out of the appropriation for clerks at consulates, which gave him $600 in all.

This continued till the change of administration, when the incorruptible First Comptroller of the Treasury disallowed the additional amount paid to the interpreter of $120. The result was that my friend, out of his allowance of $480, had to repay the additional amount he had already received and expended. He has written to me a most distressful letter, with which I will not trouble the House, except by showing the length of it [holding up the letter] to see if some relief could not be had.

I communicated with the First Comptroller, and have received from him a most careful legal opinion, in which I am bound to say he sustains his position that he was compelled to reject this additional allowance of clerk-hire on the ground that section 1765 of the Revised Statutes forbids any officer receiving pay from two several appropriations, unless it is done by authority of Congress. He says he is very sorry he is compelled to come to this conclusion, but the law leaves him no choice. I ask the House to authorize the Secretary of State, if he deems it proper, to make an allowance of this moderate character, as he has done heretofore, out of this fund. It does not increase the amount one dollar. It allows meritorious officers receiving small salaries to live, and no more.

Mr. CANNON. I would have preferred, if this very worthy employé of whom the gentleman from New York speaks needs relief, that the provision should be specific as to that employé. I do not know whether it is good policy or not to provide that interpreters may also receive pay as clerks. If this principle is to be applied the world round at all these different consulates where an interpreter is necessary, it may grow into an abuse.

Mr. HEWITT. It is left to the discretion of the Secretary.

Mr. CANNON. I know it is left to his discretion, and I presume he will exercise it wisely.

Mr. HEWITT. I am perfectly willing to modify the amendment; but I supposed the same difficulty might exist at some place we did not know about. I only pointed out this case. The amount for clerk-hire is very small, only $10,000, and only $4,000 are allowed for interpreters. The Secretary by this amendment is allowed a little discretion, and that is all there is of it.

Mr. CANNON. I apprehend as to this item the gentleman is right, but if he will go through the bill he will find other appropriations for interpreters at other places.

But as regards the decisions of the First Comptroller I want to give the gentleman from New York and the House notice that if the House proposes to change legislation all along the line to meet the legal opinions and views of the First Comptroller and of the clerks in his office as now desired, the gentleman from New York will find that he will not have time for anything else scarcely during the balance of this Congress.

Mr. HEWITT. I admit the amendment is open to a point of order, and the gentleman can object to it on the point of order if he sees fit. I have simply thrown, not myself, but this particular case, on the charity of the House. If any gentleman objects on the point of order, I have done my duty.

Mr. CANNON. It is too late now to make the point of order.

Mr. HEWITT. I am glad of that.

Mr. CANNON. And I do not want to make it anyhow. But I want to call the attention of the committee again to the fact that many decisions of this most excellent First Comptroller are breeding great trouble in very small matters. For instance, I recollect one now that was called to our attention the other day. An appropriation was made for the current year for putting in gas-pipes, &c., into the new Pension building. That learned officer held you could not after you got the gas in put on the small fixtures to utilize it. There is an appropriation for contingencies used for a thousand things, used for ice and a great many other things. That learned officer has held that you can not from that appropriation purchase car-tickets to send messengers upon an errand. Constant application is being made now to change the laws all along the line to meet the opinions of the learned and, as my friend from New York says, incorruptible First Comptroller. One of two things has got to be done: Either the First Comptroller must modify the strictness of his views touching construction, or we must appoint a commission to go all along the line and make the law to suit the First Comptroller. [Laughter.]

Mr. HOLMAN. Mr. Chairman, I move to strike out the last word. I am hardly surprised that the attempt of an officer of the Government connected with a very important branch of the public service, the First Comptroller, to return to the old practices of the Government and to its severe integrity in the expenditure of the public money should, after these years of loose administration, excite astonishment here. The speech which my friend from Illinois [Mr. CANNON] has just made would not have been made by a member of his own party twenty-five years ago, for then the old methods still prevailed and the accounting officers were careful to see that not one dollar was drawn from the Treasury unless it had been properly appropriated to the purpose for which it was drawn.

But in this long lapse of a quarter of a century things have changed, loose methods of administration have sprung up. Under doubtful appropriations large sums of money have been drawn out of the Treasury, and the methods of administration have been such that, guard your appropriation bills as you might, the expenditures in many instances largely exceeded what was intended to be appropriated by Congress. I think, sir, that no higher compliment could be paid to the present First Comptroller of the Treasury, once a distinguished member of this House, than the charge made against him here that he will not consent that the public money shall pass out of the Treasury unless properly appropriated for the specific purpose to which it is sought to be applied. You can pronounce no better eulogy upon him. It is getting back, sir, to the better days of the Republic. It is getting back to the principle that the money which is drawn by taxation from the people shall be applied only to public objects, and that those objects shall be specified by public enactment. For one, I regret that this amendment has been offered. I regret that in the very first session of Congress after the incoming of a Democratic administration a bill like this, involving a little over a million dollars and containing many appropriations which have been held by this side of the House to be unnecessary for the proper administration of our foreign relations, should have grown $35,000. The expense of one of the most unimportant of our foreign legations has increased to the extent of $3,300. We have a minister there at the capital of a nation with which we have no political relations whatever and where we have a consul-general who is entirely competent to transact the entire business relations which we possibly can have with that government.

Mr. BELMONT. Will the gentleman from Indiana allow me a question?

Mr. HOLMAN. Certainly.

Mr. BELMONT. Was not the increase in the salary of that minister made in last year's appropriation bill?

Mr. HOLMAN. Certainly it was, but that salary was never received until our administration came into power, and that position, one of the least important of our ministerial positions, is made the basis of this increase, and increase is to be piled upon that.

Mr. MILLS. What minister does the gentleman refer to?

Mr. BELMONT. Our minister at Constantinople.

Mr. HOLMAN. As I have already remarked, we have there a consul-general, at a salary of $3,000 a year, who can perform every possible duty that can be required.

Mr. HEWITT. He can not interpret.

Mr. HOLMAN. What is the present salary of the interpreter there?

Mr. HEWITT. Four hundred and eighty dollars a year. He had an allowance of $120 a year, which has been disallowed, and I want to give him the same allowance that he had before out of the same fund.

Mr. HOLMAN. Then it was found that that allowance was made in violation of law.

Mr. HEWITT. But the man can not live on $480 a year. Even the gentleman from Indiana would find it difficult to make both ends meet on $480 a year.

Mr. HOLMAN. He lived for four years upon that salary.

Mr. HEWITT. No; he did not. He had an allowance in addition to his salary.

Mr. HOLMAN. For how many years?

Mr. HEWITT. He had an allowance for two years.

Mr. HOLMAN. Then he had an allowance for two years, but prior to that he lived upon the salary.

Mr. BLOUNT. Mr. Chairman, as I understand this matter, there is no proposition here involving an expenditure of money for this item during the next fiscal year greater than what we are expending during the present fiscal year. The amendment, I believe, does not propose to increase the expenditure one single cent, but the necessity for the amendment grows simply out of the fact that a new Comptroller has made a ruling different from the rulings of prior Comptrollers. It is simply a difference of opinion such as is natural among men.

I care nothing at all for the amendment. I think, however, the facts stated by the gentleman from New York disclose the importance of such a change of the rules as will allow the committees of this House representing great Departments of the Government to come in and meet just such exigencies as this. The Committee on Foreign Affairs, as I am informed, has had this subject under consideration, and has now pending before it a bill for the purpose of correcting just such difficulties as this. In one case salaries are too high; in another they are too low. The legislation fixing these salaries was passed years ago. Times have since changed; and you must provide new legislation to meet new exigencies.

In this very instance we find our utter inability, if the rules of the House were insisted upon, to make a very proper increase. The point of order having been made in this case, it seems to me we must of necessity vote this appropriation. Had my attention been drawn to the point earlier I should have made the question of order against this proposition, as I would all along the line in reference to legislation in this bill changing salaries, my object being to illustrate to the House the necessity of allowing the committees having relations with the great departments of this Government on important subjects an opportunity to be heard before the House in reference to needed legislation.

[Here the hammer fell.]

The CHAIRMAN. Does the gentleman from Indiana [Mr. HOLMAN] withdraw the *pro forma* amendment?

Mr. HOLMAN. I do.

Mr. CANNON. I renew the amendment only for the purpose of saying a word in reply to the gentleman from Indiana, who congratulated himself and the country that at last we have a First Comptroller of the Treasury who is disposed to return to the "days of the fathers"—a strict constructionist. I know the present Comptroller very well; and I am not here to make an attack upon him. I am satisfied he is an honest man——

A MEMBER. Then why does he need so much defending?

Mr. CANNON. I am not seeking to defend him, nor particularly to attack him; I am only replying to the gentleman from Indiana. While I am satisfied that this officer intends to do right, yet I do not think the House or the country is to be congratulated upon many of his rulings, the gentleman from Indiana to the contrary notwithstanding.

In a general way it is true that without the approval of the First Comptroller the accounts which go to the Treasury can not be passed. He construes the law. What I complain of is that this officer, instead of standing erect and looking all along the line of the public service, asking for the substance of appropriation and legislation, viewing the whole field, appears to have seized a magnifying glass, and if he can find a fly-speck anywhere in any general or special legislation, he proceeds to examine it through the magnifying glass and makes his decision from the fly-speck, instead of taking in the whole field of the public service.

I say again that the gentleman from Indiana when he congratulated himself that this officer had brought about a return to the "days of the fathers" must have had in view that lengthy and learned decision of the First Comptroller upon the appropriation for miscellaneous expenses of the Treasury Department, an appropriation covering ten thousand items, which it would be impossible to specify, the appropriation for that reason being called "miscellaneous." When the Secretary of the Treasury desired to buy $50 worth of car-tickets to give to messengers to pay their fares as they went from one part of this city of magnificent distances to another upon his errands, this Comptroller examined the law and said that this miscellaneous fund would not cover car-tickets. Why he so ruled I never understood until the gentleman from Indiana just told us that we were returning to the "days of the fathers." In the "days of the fathers" there were no street-cars, and no car-tickets; therefore an expenditure of that kind could not be drawn from this miscellaneous fund. [Laughter.] That is all I desire to say.

Mr. HEWITT obtained the floor.

Mr. HOLMAN. Before the gentleman from New York [Mr. HEWITT] proceeds I desire to remind my friend from Illinois [Mr. CANNON] of the provision of the Constitution, which he no doubt remembers very well, that—

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Certainly a public officer who would administer his office in disregard of this provision, who would allow money to be drawn from the Treasury which had not been appropriated to the specific object, would be liable to condemnation.

Mr. HEWITT. Mr. Chairman, I have no controversy with the gentleman from Illinois [Mr. CANNON]. The First Comptroller is the creature of the law. He must obey the law. The law may be very unreasonable, and it is quite possible the First Comptroller may take unreasonable views of the law, and he may have done so in many cases, and they will come up for consideration from time to time. But in this particular case he has decided rightly. I have no controversy whatever with him, but in his own letter to me he says it is a hardship, and Congress can correct it.

There is no controversy about the merits. My friend from Indiana [Mr. HOLMAN] is quite mistaken in the view he takes of this matter. He says he regrets the introduction of the amendment, because it increases this salary. It does nothing of the sort. It gives this unfortunate young gentleman what he had before.

Mr. HOLMAN. Only for two years?

Mr. HEWITT. Unfortunately, when a man living at $480 a year has increased his expenses to $600 and has to get back again to $480 a year it is a greater hardship and more difficult to do. Besides, out of that $480 he has to give back $120 he had for the last year.

Mr. HOLMAN. Did the gentleman make inquiry in reference to the salary?

Mr. HEWITT. I made inquiries as to these salaries everywhere. To clear the thing up I will ask to put in the RECORD my letter to the First Comptroller and his reply. In this case there is no disagreement about the fact and the law, and I hope the committee will make it possible for the Secretary of State to do an act of justice to a deserving young man.

The correspondence referred to by Mr. HEWITT is as follows:

HOUSE OF REPRESENTATIVES, *Washington, D. C., January 8, 1886.*

MY DEAR JUDGE: I am afraid in your zeal for the public service you have inadvertently done an injustice to the interpreter of the consulate at Constantinople. I happen to know this gentleman, who is an exceedingly accomplished young man, and has very important functions to perform, as he must appear in court in all cases affecting American citizens, and is in reality the only person capable of taking care of their interests. His salary was so ridiculously low that I recommended the Department some years ago to make an increase in the shape of clerk-hire, and he received $120 a year in addition to his salary of $480 as interpreter. This, however, only gave him $600 a year, which was entirely inadequate for his support. Subsequently on my suggestion the allowance was made $400 in lieu of $120, which would have given him a salary of $880 a year, a sum entirely inadequate for his support, but as he had some means he was able to get along with it. I inclose you herewith a letter just received from him, showing the straits in which he has been placed by your decision that the allowance for clerk-hire was unlawful, so that he is not only reduced to the salary of $480 a year, but is compelled to return the $100 which he had received as his first quarter's allowance as clerk. I must trouble you to read his letter, although it is somewhat long, because I think it will better explain than I can the embarrassment in which he is placed, and will, as I hope, lead you to reconsider your decision. Of course if there be no discretion we must make some provision in the diplomatic and consular bill to meet this case, because so long as we maintain a consulate at Constantinople at all we must have an interpreter, and the interpreter must live. I do not myself see any reason why an interpreter can not also be a clerk; nor why, if the allowance be insufficient to sustain two persons, one man might not have both salaries. At any rate, in this case there is no abuse, but there is a real hardship, which I hope you will be able to overcome. Please return the letter of Mr. Demetriades, with such a review as will enable me to put his mind at rest and relieve him from the suffering in which your decision has placed him.

Sincerely, yours,

ABRAM S. HEWITT.

Hon. MILTON J. DURHAM,
First Comptroller, Treasury Department.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., January 11, 1886.

SIR: I have carefully read the letter of Mr. D. N. Demetriade to you of December 21, 1885, as well as yours of January 8, 1886, in regard to the disallowance of $110 in the accounts of Consul-General Heap at Constantinople, being the amount charged in his account as having been paid by him to Mr. Demetriades for one quarter's clerkship and exchange.

I can not reconsider or change the decision I made in the matter, as I think I decided the same in accordance with law.

Section 1765 of the Revised Statutes says:

"No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance or compensation."

Mr. Demetriades, acting as interpreter of the consul-general at Constantinople, was an officer. His pay was fixed at $480 per year. Now, the above section declares "no officer in any branch of the public service * * * shall receive any additional pay, extra allowance or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance or compensation." How can Mr. Demetriades receive any additional pay for any other work he may do unless "the appropriation therefor explicitly states that it is for such additional pay, extra allowance or compensation?" I admit that a man may hold two distinct compatible offices and receive pay for both, when it clearly appears that Congress intended he should do so; but that is certainly not the case here. There is nothing to indicate that he was to have additional pay for his clerical work; and he therefore comes within the inhibition of section 1765.

I have been compelled to pass upon this section frequently since I have been in office, by reason of efforts on the part of very many employés of the Government to get compensation for what they call extra work or pay for two offices. The case of Mr. Demetriades may be a hard one, but you are aware that I can not provide against that. Congress must do that. I can only construe the law as I find it. I would cheerfully allow Mr. Demetriades what he claims if I could conscientiously do so.

I return herewith the letter of Mr. Demetriades.

Very respectfully,

M. J. DURHAM, *Comptroller.*

Hon. ABRAM S. HEWITT,
House of Representatives.

Mr. BELMONT. I accept the amendment of the gentleman from New York. It is in the line of the action of the committee yesterday. The committee adopted an amendment, which I have presented under the instruction of the Committee on Foreign Affairs, in regard to the contingent fund for foreign missions, and like this it was also offered at the instance of the First Comptroller and seems proper.

Mr. CLEMENTS. Mr. Chairman, I am constrained to oppose this amendment. It is a small matter, it is true, but the policy of the committee is not to allow new legislation on appropriation bills. It is in violation of the spirit of the rule we adopted at the beginning of this Congress.

While it may be true this is a small item, still we can not undertake to cure whatever may be imperfect in the consular and diplomatic service of the Government upon an appropriation bill. It has been deemed unwise to do so, as shown by the rule adopted at the beginning of this session prohibiting legislation upon general appropriation bills.

I do not think the First Comptroller of the Treasury Department is subject to the criticism made against him this morning. We can not be too careful in appropriating the public money, and executive officers can not be too careful in construing the law while paying out the public money, because we all know there is a constant pressure upon the heads of these Departments to yield to the most liberal interpretation of the law.

There is a constant clamor now by many of the new ministers and consuls recently sent abroad to foreign countries for increased salary and expenses.

We can not undertake to regulate all these things in an intelligent and proper way upon an appropriation bill. The Committee on Foreign Affairs has been considering a bill on this particular subject upon the basis of the services rendered by our various representatives abroad. This has not been thoroughly done since 1856. It ought to be done again. To that when it is brought into the House we can submit amendments which will not be in violation of the spirit of the rule of this House prohibiting legislation on appropriation bills.

The salary of the mission in reference to which the pending amendment has been offered was increased some time ago 25 per cent. Yesterday an increase was voted for a steam-launch for it. Now we are asked to increase the compensation for interpreter at this place.

Mr. HEWITT. I beg the gentleman's pardon; it is to give him what he was getting before.

Mr. CLEMENTS. It is to give him by law what he heretofore got in violation of law.

Mr. REED, of Maine. What the First Comptroller regarded as violation of law.

Mr. CLEMENTS. He is the officer to interpret the law, and we are not; I think we had better let all these things go until they can be properly considered.

The whole diplomatic and consular service needs reclassification and rearrangement. Owing to the great progress in telegraphy, means of travel, and intercommunication, as well as the advance in commerce and civilization and enlightenment, the diplomatic service has become less important and the consular service more important. Some consulates that for commercial reasons have risen to greater importance are not adequately paid, while others are paid too much. The system of consular fees is sadly in need of correction. Some of the less important missions might well be consolidated and the number of officials somewhat reduced and unnecessary expenses cut off without detriment to the service. But under our rules this, if done at all, must be done upon another bill, for it changes existing laws.

Mr. KING. Mr. Chairman, I would like to call the attention of my friend from Indiana, Judge HOLMAN, to the fact that the whole question of economy here turns upon something like $140; whereas a moment ago there was a bill here presented, for which there was no constitutional authority that I have been able to discover, requiring if adopted the payment by this Government of about the sum of $147,000, and he did not open his lips to oppose it.

Mr. RICE. Mr. Chairman, I agree fully with what my friend from Georgia on the committee has said. There was an effort on the part of the committee to put nothing in the bill which would subject it to the point of order, and consequently we left out many things which might have been introduced and which we would have been glad to insert had it not been for that.

Now, this amendment has been offered by a gentleman not on the committee. It has escaped the operation of the point of order, and it is in line with what the committee would have been glad to do had it not been for the fact that it subjected such measures to the point of order. It is in line with what everybody admits ought to be done; and having escaped the point of order we ought to secure it while in our power, and not wait until another general bill is reported to cover all of the defects of which complaint is so justly made.

Mr. COX. Mr. Chairman, I differ with my distinguished friend from Massachusetts in regard to his views on this matter. There have been demands made upon the committee from the employés of nearly all of our foreign service, and while this particular item may have escaped the point of order, as he suggests, I am satisfied that the friends of these different consuls have failed to offer amendments in their behalf, knowing that we were pursuing the policy of preserving the appropriations hitherto made. Now, we ought to follow out the same principle in regard to every one of them. If we are going to set aside the system which has been inaugurated, and make different appropriations from those which have been made, instead of applying the uniform rule to this appropriation bill as heretofore, the effect of such a departure would be simply to embarrass the Department.

There are none of these interpreters or clerks who do not desire an increase of salary, and I concur with my friend from Indiana in saying that it was wise in the First Comptroller in not attempting to legislate upon this subject. He has before him the law upon the statute-book. He has taken that and interpreted it as he finds it and as his duty requires him to do.

Mr. RICE. Let me ask the gentleman from North Carolina has he acted equally wise in asking the House to legislate?

Mr. COX. Most unquestionably. If he wants different legislation, if he sees the necessity or importance of it, it is his duty to suggest it and get it through this body, and not through any interpretation which he may give to existing law. That would be most unwise; and for that reason I say that he has acted most properly in the course pursued. Judicial as well as constructive legislation by departments is always unwise, and it will be unwise here. While there may be merits, and undoubtedly there are merits in the individual case presented, in this particular case the interpreter has the advantage of having some gentleman upon the floor who has been there and knows the facts which surround him; and had members of this House been at the different courts throughout the world where our legations are established they would no doubt have found many other equally meritorious cases which would have been advocated in the House.

Mr. BLOUNT. I would like to ask the gentleman from North Carolina a question for information. Has the State Department made any order making a special allowance to this officer—that is, the present Secretary of State? What I wish to know is whether or not, prior to this ruling of the Comptroller of the Treasury, the Secretary of State made any allowance, or a special allowance out of this fund, for this officer?

Mr. HEWITT. He had.

Mr. BLOUNT. Then, as I understand it, the present Secretary of State finds, in view of the ruling of the Comptroller, which may be right, that the sum of this allowance is not sufficient?

Mr. HEWITT. I do not know as to that.

Mr. BLOUNT. Has he made any recommendation?

Mr. COX. He makes no recommendation.

Mr. BELMONT. He holds that he is precluded from making the allowance.

Mr. BLOUNT. Then, I understand, the Secretary of State holds that he is precluded from making an order granting the allowance?

Mr. COX. The Secretary of State has made no recommendation, as I understand it, in the matter.

Mr. BLOUNT. Then if the point of order is withdrawn a vote can be taken upon the merits of the proposition.

Mr. BELMONT. That is my suggestion.

The CHAIRMAN. The amendment proposed by the gentleman from New York will be again read.

The amendment of Mr. HEWITT was again reported.

The amendment was agreed to.

The Clerk proceeded to read the next section of the bill.

Mr. BRECKINRIDGE, of Kentucky. Before leaving this section I desire to offer a further amendment. I want to move to strike out the words in lines 375, 376, and 377:

> No greater portion of this sum than $400 shall be allowed to any one consulate in any one fiscal year.

Mr. CLEMENTS. I reserve the point of order, but am willing to hear a statement by the gentleman from Kentucky in support of his amendment.

Mr. BRECKINRIDGE, of Kentucky. The object of the amendment is to leave to the State Department the distribution of this sum of $10,000 without the limitation that no greater portion of this sum than $400 be allowed to any one consulate in any one fiscal year.

The idea I had in offering the amendment was that the State Department would know better the exigencies of any particular consulate, the circumstances of the places, and the expense of living than we could or the Committee on Foreign Affairs. It does not increase the amount or the number of persons employed among whom and for whose benefit this sum shall be distributed. It simply removes the limitation on the discretion of the State Department.

Mr. BELMONT. It seems to me this would be adopting a new principle. While I did not care to raise the point of order against the proposition of the gentleman from New York [Mr. HEWITT], the object of which was to render the law more specific and limit the discretion of the accounting officer, this amendment would seem to extend the discretion of the Department. Although it is a small matter, I make the point of order against the amendment as changing existing law.

The CHAIRMAN. Will the gentleman from New York indicate to the Chair what the exising law on the subject is?

Mr. BELMONT. The existing law is that no greater portion of this

sum than $400 be allowed to any one consulate in any one year. This is the law according to the last appropriation bill.

Mr. BRECKINRIDGE, of Kentucky. If I understand the point made by the gentleman from New York it is that in the last appropriation bill, perhaps in several preceding appropriation bills, the same sentence was included as in this appropriation, that no greater portion of this sum than $400 be allowed to any one consulate in any one fiscal year.

I do not think the rule of order the House has adopted is applicable here. It does not apply to a mere limitation in a former appropriation bill as to how a particular appropriation shall be expended. I do not think that can be considered as having the force of continuing law so that it can not be changed in an appropriation bill. It expires of necessity at the end of the year for which the appropriation is made. It does not continue longer than the distribution of that particular money under that particular appropriation bill.

The CHAIRMAN. The Chair is informed, although he has not the law before him, and the gentleman from New York [Mr. BELMONT] states, that the existing law is the same as in this paragraph to which the gentleman from Kentucky offers his amendment to strike out the portion indicated. Under clause 3 of Rule XXI, the Chair considers that the amendment changes existing law, and therefore is not in order. The Chair sustains the point of order.

Mr. BRECKINRIDGE, of Kentucky. I do not know that the Chair precisely caught the point I was endeavoring to make. My point is that this is no longer existing law; that the words in the rule "existing law" mean necessarily a continuing law, a statute by which and under which certain appropriations are permanently paid for certain permanent officers; that therefore it does not change any existing law to put into a new appropriation a statement what shall be done with the money appropriated under that bill for objects which already exist by operation of law. The consulate exists, the consular clerk exists. He is not given any fixed salary. There is no fixed amount appropriated for him under any law or for any of the expenses of that consulate. Whatever appropriation has been made expires from the very necessity of the case at the expiration of the year for which that particular appropriation has been made.

Now, a new bill making a new appropriation for the objects created by the law to which no fixed salaries have been given certainly can not come under that rule of order, as it appears to me. The distinction between the words in the rule "existing law" and an appropriation bill seems a clear one. One is a permanent statute. An appropriation bill is simply a mode of justifying the officers of the Government in paying out certain sums of money therein set apart for the objects therein mentioned.

Mr. BURROWS. May I be permitted to say one word upon this point of order, because it involves an important question?

The CHAIRMAN. The gentleman from Michigan will proceed.

Mr. BURROWS. I think the gentleman from Kentucky is entirely right in his construction of this rule. I think in determining the question whether a provision of an appropriation bill does violence to that rule the only question is whether it changes existing law. Now a provision in an appropriation bill, which appropriation bill is now in force, simply providing the manner in which the money shall be distributed, is not existing law, in my judgment, in the sense of that rule. I think it is all determined by this consideration: If when the appropriation bill dies or the appropriation for the year expires there is a provision in that bill which would float into the general statutes of the country, then that is existing law; but if a provision dies with the bill, then it is not. Now certainly this does.

The CHAIRMAN. The Chair will submit the amendment offered by the gentleman from Kentucky. The Clerk will again report the amendment.

The amendment was again read.

Mr. RICE. I desire to say a single word on the amendment. The amendment, I have no doubt, is in accordance with the wish of whoever might be Secretary of State. As will be seen by all, if there is no limit to the allowance he may make to any one consulate out of this sum which is appropriated for general purposes for all the consulates he will be overwhelmed by requests from every one on account of emergencies for more than the $400. Every one will want a little more. If he has a provision of law which restricts the amount to $400, he can say no at once, without any partiality to any one, and can avoid a great deal of trouble and importunity to which he would otherwise be exposed. It seems to me, therefore, that the amendment is not one which it will be good policy to adopt.

Mr. HITT. Mr. Chairman, while I did not hear my friend from Massachusetts [Mr. RICE] very distinctly, as nearly as I could at this distance catch the drift of his words I agree with him, for I must say, as a practical fact in the operation of the Department, that this limitation is one which serves the purpose of wholesome administration and does not hamper it. The administration of the State Department is now, and always is, beset with applications, with pleas from every quarter of the globe, for more assistance in each of the great consulates and in many of the small ones, and the answer can be made at once by referring to the law which fixes the limit at $400. And that is not an unreasonable limit when you remember that Congress, after having carefully scanned the whole service, with the estimates of the Department in hand, has already provided what it believes is a proper allowance of clerk-hire for every consulate in the service that needs an allowance for clerk-hire at all. The limit of $400 is one by which I believe the Department of State will be aided rather than hampered.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I move to strike out the last word.

Of course I differ from the gentleman from Illinois [Mr. HITT] with great deference and with great reluctance, because I have had no practical experience in these matters and he has had a great deal; but if I catch the drift of his argument it is that we ought to have this limitation upon the power of the State Department because it would enable the Department in answering applications from the different consuls to say, "I would be very glad indeed to help you, but my hands are tied." In other words, I understand his point to be that the State Department would be very glad to have the ungraciousness of a refusal taken from its own shoulders and put upon ours. Mr. Chairman, that does not seem to be a good reason for legislating. The State Department understands the exigencies of these various consulates which need this money. It is a part of the duty of the State Department to understand that subject, and it is a part of the duty of the Department when they do understand it to carry out into executive action the preliminary knowledge which it is the duty of the Department to acquire. And whether the State Department would like us to take the responsibility of the ungraciousness of their reply or not is not really the gist of the matter.

The real question is, which department is the best to distribute this money? I say undoubtedly the executive department, that has charge of it, rather than the legislative department, which merely appropriates the money. Undoubtedly the Committee on Foreign Affairs have gone over this matter carefully. No doubt they know a great deal more about it than I do, and I do not undertake to say that there ought to be more than $400 paid out at any given place; but I do undertake to say that it may be so during the current year; that it is contingently probable that it will be so, and that it is better to leave some flexibility for overdistribution of this money than to make the rule inflexible. The sum is very small, $400, and the maximum is a very scant support. It may be that at a given time, at a given place, and under given circumstances more will be needed. If not, this does no harm. If so, it does do harm not to have this amendment, and that is the view I had in offering it.

I withdraw the formal amendment.

The question was taken on the amendment offered by Mr. BRECKINRIDGE, of Kentucky, and it was lost.

Mr. MCADOO. Mr. Chairman, I send to the desk an amendment which I desire to offer to this bill.

The Clerk read as follows:

Insert after the word "dollars," in line 438, these words:

"*Provided*, That such parts of said reports as contain novel personal experiences of the writers, portions of standard history, legendary, romantic, and other historical episodes, descriptions of scenery, accounts of royal and other courtly fetes, unnecessary scientific disquisitions, and individual opinions on political economy, shall not be printed at the public expense."

Mr. BLOUNT. I desire to reserve the point of order on that amendment.

Mr. MCADOO. I hope the gentleman will not insist upon that. Let me talk a few minutes about the merits of the amendment.

Mr. BLOUNT. We are just getting some good political economy in those reports now, and I do not want it stopped.

Mr. MCADOO. I do not want any theoretical political economy in them, but do not object to the statement of social and economic facts.

Now, Mr. Chairman, if this amendment sounds facetious it is because the subject has been made ridiculous by many of the consuls who write these reports. I do not want to curb the wild and fruitful imagination of such gentlemen as the one who represented us a few years ago at the court of Greece and who filled many pages in one of his reports recounting how he had danced with the queen of that country.

We all remember how the poetic imagery of J. Meredith Reed used to run riot through these monthly magazines of the State Department. What American citizen does not remember that bright and glowing description of scenery given by Hon. Sapodilla Scruggs, formerly of Georgia, late of Patagonia! I have before me a volume of the consular reports, picked up at random. One consul at Cuba proceeds to tell how much he paid the colored guide to take him across the island; of his daring adventures and masterly horsemanship in his long journeys; he describes the beauty and magnificence of the scenery, the grand luxuriance of the tall palm trees, the ferocity of the wild beasts, the cooling locust leaves that protected his surging brain from the tropical sun, the dusty cars, the plenitude of asses in the roads, the water he had to drink, and his personal expenses. Another consul, writing from the East, begins with a long scientific disquisition, covering some ten pages, about the origin of coal, starting out with the trite theory, with which every school-boy is familiar, that it originates from vegetation.

If this powerful mind had not been sent to represent the Republic in the wilds of Australasia the United States and the world would be in ignorance of this great ray of scientific knowledge. Says he, "With

regard to the origin of coal various theories have been advanced by scientists, all agreeing, however, that it is purely of a vegetable character." This original discovery must have made the consular brain ache. How refreshing this from a business statement of our relations with Australasia. Another consul, writing from China, fills up his report with a startling account of a village fire, telling how the bank building was about to be consumed by fire, and how the Chinese firemen rushed up to put it out—a mere matter of local news. Had not a wise Government established this literary bureau the whole Occident would remain in dense ignorance of the fact that "about 8 p. m. on June 3, 1882, a fire broke out in the town of Amoy, close to the Hong-Kong and Shanghai bank buildings, and, there being a strong northwest wind blowing at the time, the fire made considerable headway and threatened to become a serious conflagration, but at 10 p. m. it was extinguished by the roof of the burning house falling and smothering the flames." Pause and consider the importance of this startling international information. Think of the effect on commerce if the roof had not fallen, possibly leaving Hi Liver's butcher-shop to the fury of the flames. Another, writing from the antipodes, discusses the ethics of suretyship for a friend, and describes the workings of the mind of a man of "refined and delicate sensibilities."

So all through these reports. There are some exceptions. Some of these reports are very well written, and indeed valuable. But all through these volumes many of these consular officers simply write magazine articles. Now, I do not object to a good magazine article; it is very refreshing. But if these men want to write books of travel and glowing descriptions of scenery, let not their productions be printed at the public expense. They have no business in these volumes. They may tickle the vanity and please the personal friends of the writers, but they are not proper public documents.

I remember an instance in connection with the gentleman I alluded to a moment ago, our former minister to Greece. He was one of the galaxy of literary stars that contributed to this magazine. He told how nimbly the queen danced with him, described her dress, stating whether it was decollette or not; he no doubt thought the Grecian king very gracious in not being jealous when a man of his martial renown and personal charms danced with her majesty, his wife.

Mr. CANNON. Was that in a consular report?

Mr. MCADOO. I believe it was in a consular report.

Mr. HOLMAN. No, it was in the report of the minister.

Mr. MCADOO. I thank my friend from Indiana for the correction. That description was in the report of J. Meredith Read, our late minister to Greece.

I believe these reports, so far as our consuls are concerned, are now somewhat improved; but we want to have this evil stopped by legislation. The State Department should be authorized to put an end to it. No one would appreciate more than myself a fine description of Constantinople, the beauties of the Bosporus, with the "tapering summits of the tall minarets," of the mosques towering above the stream with a halo over all of oriental legends and millennial traditions; such a description from our imaginative, genial, soulful, and exiled friend Mr. Cox would certainly be worth reading. But Mr. Cox can find hundreds of publishers who will give to "the suffering millions of this country," as a gentleman lately from Colorado used to say, his book of travels telling about all these things, and there is no need of its being published at the Government Printing Office at the expense of the people. He can come here and read it to Congress. No one could resist his request for unanimous consent. Of course Mr. Cox will not waste his superb talents as a narrator and wit in these literary adjuncts of a versatile if not substantial diplomacy.

It is, however, an outrage upon men of literary ability like Mr. Cox and our consul at Glasgow, Bret Harte, that they should be obliged to enter a literary contest with Scruggs and Reed in contributing to these musty records articles which, thus published, are not appreciated, when private publishers would be glad to give to the world their views upon the scenery, the social habits, and the political economies of the countries in which they have traveled. I therefore sincerely hope that this amendment will be adopted. I believe it is in the line of positive and aggressive reform, and will result in substantial benefits to the consular service.

Mr. CANNON. I hope my colleague [Mr. SPRINGER], whom I now see leaving the Hall, will remain, for I wish to make an allusion to him. No doubt it is his modesty which prompts him to retire.

Mr. Chairman, I have listened to the gentleman from New Jersey [Mr. MCADOO], and especially to his remarks about the dispatches from our former minister to Greece. The remarks of the gentleman only show how the emanations of great minds, when handled and improved upon by competent people, pass into literature and become a part of the common property of us all, so that frequently we do not exactly know their origin. Now, the gentleman from New Jersey, in telling us about the dispatches of J. Meredith Reed, our Grecian minister, over ten years ago, did not know, I suspect, that he was using—I presume without leave or license—a speech of my colleague [Mr. SPRINGER], made over ten years ago on the floor of this House upon the consular and diplomatic appropriation bill. It was that speech of my colleague which brought him into notice all over the country and gave him his reputation—I mean his speech in which he quoted "The Maid of Athens," &c.

Maid of Athens, ere we part,
Give, oh, give me back my heart!
* * * *
Can I cease to love thee? No!
Ζώη μου, σάς ἀγαπῶ.

I recollect we extended his time for a second hour, so delighted were we in listening to his remarks. Of course the gentleman from New Jersey did not know that my colleague was entitled to all the credit of having discovered and brought to public notice those dispatches.

Now, having defended my colleague (whose modesty made him retire as soon as I rose) against this piracy upon his exclusive property, I yield the floor.

Mr. MCADOO. I had no knowledge that the gentleman from Illinois [Mr. SPRINGER] had ever commented on this subject.

Mr. BLOUNT. I make the point of order against the amendment that it is a legislative proposition sought to be attached to an appropriation bill, and, under the rule, is not in order.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

Mr. BELMONT. I am instructed by the Committee on Foreign Affairs to move, in line 448, to strike out "one hundred and thirty" and in lieu thereof to insert "one hundred and fifty;" so it will read:

Expense of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight, foreign and domestic, telegrams, advertising, messenger service, and such other miscellaneous expenses as the President may think necessary for the several consulates and commercial agencies in the transaction of their business, $150,000.

Mr. HOLMAN. I call for a division on that amendment.

The committee divided; and there were—ayes 33, noes 21.

Mr. HOLMAN. No quorum has voted.

Mr. BELMONT. If the gentleman will withdraw his demand for a division I think I can satisfy this Committee of the Whole of the necessity and justice of the amendment which I have offered under the instructions of the Committee on Foreign Affairs.

Mr. HOLMAN. I take it for granted, of course, there will be no objection to the gentleman from New York explaining the amendment which he has moved.

The CHAIRMAN. The gentleman from New York will proceed, no objection having been made.

Mr. HOLMAN. Before the gentleman from New York proceeds I wish to call attention to the fact that these contingencies have been increased some $20,000, and now it is proposed still further to increase them to the extent of $20,000.

Mr. BELMONT. Mr. Chairman, I am as earnest a friend of economical administration of Government as any gentleman possibly can be on either side of this House. The necessity for this appropriation, moved in the amendment I have offered, is the reason why the Committee on Foreign Affairs have unanimously recommended the amendment which I have submitted. Although in the first instance we thought the Department might be able to get along with $130,000 appropriated in this paragraph, upon further inquiry it was found that during the last eight years this has been about the average limit of the cost of this service. A comparison of the books shows that one year differs very little from another in this respect, and that for a number of years the appropriations for consular contingent expenses have been less than the known requirements of the service, the deficit being supplied each year by a deficiency appropriation. For the past eight years the appropriations have been as follows:

Fiscal year.	General appropriation.	Deficiency.	Total.
1878	$115,000 00	$17,637 17	$132,637 17
1879	115,000 00	21,929 50	136,929 80
1880	115,000 00	29,511 75	144,511 75
1881	125,000 00	13,836 78	138,836 78
1882	135,000 00	16,983 19	151,983 19
1883	135,000 00	19,546 00	154,546 00
1884	110,000 00	41,598 56	151,598 56
1885	110,000 00	34,970 35	144,970 35

The result of the deficiencies in this particular branch of the service is not only to embarrass but to discredit American consuls abroad. I do not know whether this matter has been brought to the attention of the House hitherto, but it was a matter of surprise to the committee that for several years past American consuls have been subjected to this form of humiliation.

Under the law, Mr. Chairman, consuls are required to draw upon the State Department for the amounts expended by them in the discharge of their official duties. These drafts have been often dishonored and have been protested because the Department has not had the funds to meet them, and there are at present over $7,000 in drafts of consuls which remain dishonored. The House has received a communication from the Secretary of State, addressed to the Committee on Appropriations, asking for $40,000 in the deficiency bill to meet these drafts. While this has been called a contingent fund, the fact really is all the

separate expenditures under this heading are made according to provisions of law.

Mr. CUTCHEON. What is the amount of the current appropriation for this purpose?

Mr. BELMONT. It is $110,000, and I hope the House will give its attention to the present condition of these expenses under the last appropriation bill.

From a statement prepared by the disbursing officers of the State Department, with a view of asking Congress for an immediate defficiency appropriation of $40,000 to meet the expenses under this head for the current fiscal year, it appears that the expenditures for the contingent expenses of consulates for the first six months of the present fiscal year have been as follows:

Rent	$34,999 76
Postage	12,012 49
Stationery and blank forms	11,934 22
Furniture	1,669 85
Statistical information	2,142 42
Messengers and oriental writers	2,138 00
Traveling expenses	277 60
Miscellaneous	7,451 41
Expended by Department for stamps, flags, seals, &c	7,429 78
Total	80,055 77

It will be noticed that the expenditure for rent is at the rate of $70,000 a year, out of an entire appropriation of $110,000. This rent allowance is provided for by permanent statutes. Under section 1700 Revised Statutes consuls above the $1,000 grade may be allowed rent to the extent of 20 per cent. of their salaries. The consular salaries of this class for the present fiscal year amount to $345,000. Twenty per cent. of this sum would be $69,000, which leaves, at the current rate of expenditure, only $1,000 for the rents of all the feed consuls, who by section 1732 Revised Statutes are also entitled to receive such allowance for rent as may be approved by the Secretary of State.

The other main items of consular expenses are almost as certainly fixed in practice as that of rent, though not specifically established by law.

So it is not only impossible with the present appropriation to carry out the law in regard to rent, but in regard to other necessary expenses. The consuls of course can not be expected to pay office-rent out of their own pockets any more than the officials in the Department here can be expected to pay for the use of their offices in the public buildings. Consuls in carrying out their instructions under the law are required to draw upon this fund. They have so drawn, but their drafts have been protested and remain protested.

I desire to say on behalf of the committee we have had many appeals from ministers and consuls for increases which we were compelled to refuse.

We have presented what we deemed to be an economical bill. But from the very reasons of economy it seems to me that this method hitherto in practice of appropriating an amount of money known and proved to be below the absolute needs of a Department under the law, and then making the pretense of increased economy in the preparation of the bill as so constructed, with a view of appealing again to the House subsequently for a deficiency, is neither wise nor proper legislation, and in this case it is a vicious form of legislation and even discreditable, since it has discredited our own officials, and for these reasons I now ask a vote on the amendment.

Mr. HOLMAN. The sum appropriated for the present fiscal year for contingent expenses of our foreign ministers is $75,000.

Mr. BELMONT. Will the gentleman permit me to ask a question? Does he not know that there is already a deficiency on that account?

Mr. HOLMAN. Yes, sir; I understand the ministers have overdrawn sums allowed for contingencies.

Mr. BELMONT. There is a deficiency, nevertheless.

Mr. HOLMAN. There is no deficiency in the proper sense of the term, and there could not be a deficiency in such case without a violation of the law.

Mr. BELMONT. The manner in which these bills have been presented has compelled a deficiency in this fund; and the gentleman will find that it does exist and amounts to about $14,000.

Mr. HOLMAN. I am very confident that there is no proper deficiency. The law expressly declared the sum that might be expended during the fiscal year.

Mr. BELMONT. A deficiency, however, exists for foreign missions. The rule of the Department is different in regard to the consulates. That rule requires that the consuls shall be paid a certain amount for rent, &c., out of the contingent fund for consulates, whereas the Department, having been given a certain amount for foreign missions, can only distribute that amount among them. Nevertheless, under the present system, deficiencies have been introduced in both services, and provision has been made for them. In the present case a deficiency will have to be provided.

Mr. HOLMAN. I repeat, that under the present state of the law there can be no deficiency. That could only arise under a violation of the law; and it will be seen from the very items which make up this provision of contingent expenses that it would be impossible, without a violation of the law, to create a deficiency. The law expressly limits the sum that could be expended. The law indicates the purpose and extent of the expenditure, "for the purpose of enabling the President to provide such stationery, blank-books, seals, presses, blanks, &c., as he shall think necessary," &c., $75,000. Such are the terms and other provisions of the law; making allowance, as will be seen, for nearly every possible item of contingencies that ought to arise.

The law for this fiscal year appropriates for these purposes $75,000. The present bill appropriates $105,000, an increase of $30,000.

For the consulates the contingencies are stated in the law of the present fiscal year substantially as follows:

> For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several consulates in the transaction of their business, and also for rent, postage, telegrams, furniture, and traveling and miscellaneous expenses, and for printing in the Department of State, $110,000.

The bill reported and now under consideration proposes to increase that amount $20,000, making it $130,000, and the amendment offered by the chairman increases that amount $20,000 more, making it $150,000. The increase to $130,000 was unjustifiable, and yet $20,000 more is to be added!

I take issue with gentlemen who speak of the possibility of an American citizen representing this Republic abroad, as minister or consul, being humiliated by its frugality in expenditure in the diplomatic and consular service. I do not consent to that form of speech.

Mr. BELMONT. Let me interrupt the gentleman.

Mr. HOLMAN. Let me complete the sentence. I do not consent that the service of a representative of this country in any foreign government, under any conditions, if he bears himself as becomes the representative of the republican institutions of his Government, can by any possibility be humiliated in his intercourse with foreign powers. Such speech is not admissible, certainly not here.

Sir, the highest dignity that can be bestowed upon an American citizen is that when brought into official relations with the jeweled and tinseled courts of Europe or elsewhere he represents the republican simplicity of his Government, and the highest honor that can gather around him springs from his deportment as an American gentleman, with the simplicity, dignity, and integrity of an American citizen engaged in the public affairs of a free people, and conscious that he represents greatness as well as the intelligent manhood of his country and its frugal expenditure of the taxes drawn from the labor of its people. Sir, the most honorable display that has occurred in our period of our republican institutions and system of government in the capitals of Europe was that made by Joseph A. Wright, of Indiana, minister to Prussia, passing with the independence of an American gentleman through the streets of Berlin and its great market-place with a market-basket upon his arm; and that still greater example of Elihu B. Washburne, in the midst of the fierce tumults of Paris, representing with the simplicity and dignity of an American citizen the power and manhood of this great Republic, standing undismayed in the presence of appalling public disorder, not supported by the glitter and tinsel, the power of wealth, or the splendor of courts, but by the simplicity and dignity that so well became him as a representative of the American people, with the flag of his country still floating when the flag and representative of every kingly court of Europe had gone down and disappeared before the fierce blast of the commune. This is the quality that should characterize the American minister abroad—republican simplicity and dignity and manhood; not the petty tinseled display of wealth, monarchical institutions, and courts. [Applause.]

Mr. BELMONT rose.

Mr. MORGAN. I ask if all this is in order?

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York [Mr. BELMONT] are proceeding by unanimous consent.

Mr. MORGAN. How long will it last?

The CHAIRMAN. Until some gentleman demands the regular order.

Mr. STORM. I demand the regular order.

Mr. BELMONT. I move to strike out the last word.

The CHAIRMAN. But debate on the amendment had closed and the committee was dividing. The gentleman then proceeded to explain the amendment by unanimous consent of the committee. The demand for the regular order cuts off all debate.

Mr. HOLMAN. I hope unanimous consent will be given to the gentleman from New York to make any explanation he wishes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from New York may be permitted to make a further explanation of the pending amendment. Is there objection?

There was no objection.

Mr. BELMONT. I shall not detain the committee more than a moment, but I regretted at the time the gentleman from Indiana was speaking that he did not see fit to allow me to state that he must have misapprehended me. When I spoke of the humiliation to which our officials have been put under the present system of deficiency appropria-

tions, that had nothing whatever to do with the amount of their salaries. The Committee on Foreign Affairs has been careful to retain the salaries according to existing law. What I referred to was the humiliation put upon consuls when drawing upon the State Department for expenditures authorized by law, and their being compelled to submit to having their drafts protested, and remaining protested until the deficiency bill comes in to make up the necessary amount.

Mr. RICE. Does not the evidence of the State Department show that for three years these expenses every year have exceeded $150,000, and that the drafts of the consuls have had to go to protest, to the dishonor of our name and of their credit?

Mr. BELMONT. That is so. And while the last bill appropriated $110,000, there is now a request from the Department for $40,000 more to be put in the deficiency bill, making $150,000, the very amount we are asking here.

Mr. HOLMAN. Does the gentleman think we can not get along as economically as our predecessors?

Mr. BELMONT. We are appropriating here the same amount as has been required heretofore.

Mr. HOLMAN. We have never appropriated so much.

Mr. COX. I ask unanimous consent that the statement of the Secretary of State on this point be read.

There was no objection.

The Clerk read as follows:

The fund from the current fiscal year, as in the previous years, will doubtless be exhausted early in the last quarter, involving a deficit of some $40,000. The accounts presented cover expenses which the laws contemplate. Under the standing instructions of the Department the consuls draw for the amounts due them. These drafts are often necessarily dishonored for want of funds, and the accounts returned to the consuls until such time as a deficiency appropriation shall be available for their payment. This entails widespread hardship. Consuls are not in a position, and should not be expected, to advance money to the Government without interest, and it is unjust to ask it. The protest of a draft duly negotiated must often injure their local credit, and may even destroy it, leaving their situation actually critical. It also operates to injure the credit of the United States Government and unfavorably affect our commercial interests in quarters where the development of influence and a permanent market may be desirable. The difficulty increases with the remoteness and isolation of the consul. As a fact, at some distant posts it has become impossible to negotiate even a salary draft. For instance, drafts must be sent from Apia to San Francisco for collection, and three or four months lost in receiving the amount. From every point of view it is both advisable and just that sufficient provision should be made for items of charge which the statute directs. A margin for unforeseen and contingent but perfectly legitimate demands is plainly essential. The lowest amount without margin which the Department can recommend is $150,000, and this is not reasonably adequate to the great increase in the consular service during the past ten years.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York [Mr. BELMONT] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 104, noes 43.

Mr. HOLMAN. No quorum.

The CHAIRMAN. A quorum not having voted, the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, John J.	Dibble,	Lore,	Sawyer,
Aiken,	Dingley,	Lowry,	Snyder,
Anderson, J. A.	Dowdney,	Lyman,	Spriggs,
Arnot,	Fisher,	Matson,	Stewart, J. W.
Barbour,	Fleeger,	McComas,	St. Martin,
Boutelle,	Gallinger,	McKinley,	Stone, E. F.
Boyle,	Gibson, C. H.	Milliken,	Strait,
Bragg,	Gibson, Eustace	Mills,	Tarsney,
Brumm,	Gilfillan,	Mitchell,	Taylor, E. B.
Buchanan,	Hammond,	Muller,	Taylor, I. H.
Burleigh,	Hanback,	Neece,	Taylor, Zach.
Burnes,	Harris,	Negley,	Thomas, J. R.
Butterworth,	Henley,	Norwood,	Townshend,
Carleton,	Hepburn,	O'Donnell,	Trigg,
Caswell,	Holmes,	O'Hara,	Wellborn,
Clardy,	Hopkins,	Outhwaite,	White, A. C.
Cole,	Houk,	Parker,	Wilkins,
Collins,	Irion,	Perkins,	Winans,
Comstock,	Kelley,	Perry,	Woodburn,
Crain,	Ketcham,	Pindar,	Worthington.
Culberson,	King,	Pirce,	
Curtin,	Libbey,	Randall,	
Daniel,	Long,	Riggs,	

The committee rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration House bill 6392 and finding itself without a quorum, he had directed the roll to be called, and now reported to the House the names of the absentees to be entered upon the Journal.

Mr. CLEMENTS. I desire to state that my colleague, Mr. HAMMOND, is detained at his room by sickness.

The SPEAKER. The Chair will state that the absence of the gentleman from Maine, Mr. DINGLEY, is caused by his having been severely hurt by a fall. The names of the absentees will be entered on the Journal. It appears that there are eighty-nine members absent; two hundred and thirty-three members having answered—more than a quorum.

The Committee of the Whole House on the state of the Union, under the rule, resumed its sitting.

The CHAIRMAN. The tellers will resume their places.

Mr. HOLMAN. With a view to promoting the transaction of the public business I shall not insist further on a quorum upon this vote. I have no objection to the Chair now announcing the result.

The CHAIRMAN. The ayes are 104, the noes 43. The ayes have it, and the amendment is agreed to.

Mr. BELMONT. Mr. Chairman, I now move that the committee rise and report the bill, with the amendments, favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes, and had instructed him to report the same to the House with sundry amendments and with the recommendation that it do pass.

Mr. BELMONT. Mr. Speaker, I now move the previous question on the amendments reported from the Committee of the Whole and upon ordering the bill to be engrossed and read a third time.

The motion was agreed to.

The SPEAKER. Is a separate vote desired on any of the amendments?

Mr. HOLMAN. I ask a separate vote upon the last amendment.

The SPEAKER. Is a separate vote demanded upon any of the other amendments agreed to in the Committee of the Whole?

Mr. SOWDEN. I ask that the amendment upon which the gentleman from Indiana [Mr. HOLMAN] demands a separate vote be reported to the House.

The SPEAKER. It will be, when the House comes to vote upon it. If there be no other demand for a separate vote the question will be taken upon agreeing to the other amendments in gross.

The question was taken, and the amendments adopted in the Committee of the Whole were agreed to.

The SPEAKER. The Clerk will now report the amendment on which a separate vote is demanded by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

In line 448, strike out "$130,000" and insert "$150,000."

The SPEAKER. The question is on agreeing to this amendment.

Mr. HOLMAN. I call for the yeas and nays on that question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 74, not voting 103; as follows:

YEAS—145.

Adams, G. E.	Crisp,	Hires,	Price,
Allen, C. H.	Croxton,	Hiscock,	Reed, T. B.
Anderson, J. A.	Cutcheon,	Hitt,	Rice,
Atkinson,	Dargan,	Jackson,	Rowell,
Baker,	Davenport,	James,	Ryan,
Ballentine,	Davidson, A. C.	Johnson, F. A.	Sadler,
Barksdale,	Davidson, R. H. M.	Jones, J. T.	Sayers,
Barnes,	Davis,	Laird,	Scranton,
Bayne,	Dockery,	Lanham,	Sessions,
Belmont,	Dorsey,	Lawler,	Singleton,
Bingham,	Dougherty,	Le Fevre,	Smalls,
Blanchard,	Dunham,	Lindsley,	Spooner,
Bland,	Ely,	Little,	Steele,
Bliss,	Ermentrout,	Louttit,	Stephenson,
Blount,	Evans,	Lovering,	Stone, E. F.
Bound,	Farquhar,	Mahoney,	Struble,
Boutelle,	Findlay,	Markham,	Swinburne,
Brady,	Foran,	Martin,	Symes,
Breckinridge, WCP.	Fuller,	McCreary,	Thomas, O. B.
Brown, C. E.	Funston,	McKenna,	Thompson,
Brown, W. W.	Gay,	Merriman,	Throckmorton,
Buck,	Goff,	Millard,	Turner,
Bunnell,	Grosvenor,	Miller,	Van Eaton,
Burrows,	Grout,	Moffatt,	Van Schaick,
Butterworth,	Hale,	Morgan,	Viele,
Bynum,	Harmer,	Morrill,	Wade,
Caldwell,	Hatch,	Murphy,	Wadsworth,
Campbell, Felix	Hayden,	Nelson,	Wait,
Campbell, J. M.	Haynes,	O'Ferrall,	Wakefield,
Campbell, T. J.	Heard,	O'Neill, Charles	Ward, T. B.
Cannon,	Hemphill,	O'Neill, J. J.	West,
Catchings,	Henderson, D. B.	Osborne,	White, Milo
Clardy,	Hepburn,	Payne,	Whiting,
Clements,	Herbert,	Peters,	Willis.
Conger,	Herman,	Pettibone,	
Cooper,	Hewitt,	Phelps,	
Cox,	Hiestand,	Plumb,	

NAYS—74.

Allen, J. M.	Geddes,	McMillin,	Springer,
Anderson, C. M.	Glass,	McRae,	Stewart, Charles
Barry,	Green, W. J	Morrison,	Stone, W. J., Ky.
Beach,	Hall,	Neal,	Stone, W. J., Mo.
Bennett,	Halsell,	O'Donnell,	Storm,
Breckinridge, C. R.	Henderson, J. S.	Owen,	Swope,
Cabell,	Holman,	Peel,	Taulbee,
Campbell, J. E.	Howard,	Pidcock,	Taylor, J. M.
Candler,	Hudd,	Reagan,	Ward, J. H.
Cobb,	Hutton,	Reid, J. W.	Warner, A. J.
Comstock,	Johnston, T. D.	Reese,	Warner, William
Cowles,	Jones, J. H.	Richardson,	Weaver, J. B.
Dawson,	King,	Rogers,	Weber,
Eden,	Kleiner,	Romeis,	Wheeler,
Eldredge,	Laffoon,	Scott,	Wilson,
Everhart,	La Follette,	Seney,	Wise,
Ford,	Lehlbach,	Seymour,	Wolford.
Forney,	Maybury,	Skinner,	
Frederick,	McAdoo,	Sowden,	

NOT VOTING—103.

Adams, J. J.	Fisher,	Lowry,	Rockwell,
Alken,	Fleeger,	Lyman,	Sawyer,
Arnot,	Gallinger,	Matson,	Shaw,
Barbour,	Gibson, C. H.	McComas,	Snyder,
Boyle,	Gibson, Eustace	McKinley,	Spriggs,
Bragg,	Gilfillan,	Milliken,	Stahlnecker,
Browne, T. M.	Glover,	Mills,	Stewart, J. W.
Brumm,	Green, R. S.	Mitchell,	St. Martin,
Buchanan,	Guenther,	Morrow,	Strait,
Burleigh,	Hammond,	Muller,	Tarsney,
Burnes,	Hanback,	Neece,	Taylor, E. B.
Carleton,	Harris,	Negley,	Taylor, I. H.
Caswell,	Henderson, T. J.	Norwood,	Taylor, Zach.
Cole,	Henley,	Oates,	Thomas, J. R.
Collins,	Hill,	O'Hara,	Tillman,
Compton,	Holmes,	Outhwaite,	Townshend,
Crain,	Hopkins,	Parker,	Trigg,
Culberson,	Houk,	Payson,	Tucker,
Curtin,	Irion,	Perkins,	Weaver, A. J.
Daniel,	Johnston, J. T.	Perry,	Wellborn,
Dibble,	Kelley,	Pindar,	White, A. C.
Dingley,	Ketcham,	Pirce,	Wilkins,
Dowdney,	Landes,	Randall,	Winans,
Dunn,	Libbey,	Ranney,	Woodburn,
Ellsberry,	Long,	Riggs,	Worthington.
Felton,	Lore,	Robertson,	

The following-named members were announced as paired until further notice:

Mr. LOWRY with Mr. MCCOMAS.
Mr. ARNOT with Mr. LONG.
Mr. MITCHELL with Mr. IKE H. TAYLOR.
Mr. FELTON with Mr. LANDES.
Mr. MULLER with Mr. HOUK.
Mr. BOYLE with Mr. HENDERSON, of Illinois.
Mr. DOWDNEY with Mr. WEAVER, of Nebraska.
Mr. NORWOOD with Mr. GILFILLAN.
Mr. TOWNSHEND with Mr. GALLINGER.
Mr. OUTHWAITE with Mr. PARKER.
Mr. CURTIN with Mr. NEGLEY.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. CULBERSON with Mr. MCKINLEY.
Mr. BURNES with Mr. BUCHANAN.
Mr. FISHER with Mr. LYMAN.
Mr. GIBSON, of West Virginia, with Mr. PIRCE.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. CARLETON with Mr. HOLMES.
Mr. HUDD with Mr. FLEEGER.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. TARSNEY with Mr. CASWELL.

The following-named members were announced as paired for this day:

Mr. WILKINS with Mr. PERKINS.
Mr. HAMMOND with Mr. KELLEY.
Mr. MATSON with Mr. STRAIT.
Mr. PINDAR with Mr. HOPKINS.
Mr. ADAMS, of New York, with Mr. DINGLEY.
Mr. LE FEVRE with Mr. HAYDEN.
Mr. PERRY with Mr. HANBACK.
Mr. WINANS with Mr. BRUMM.
Mr. LIBBEY with Mr. SNYDER.
Mr. ROCKWELL with Mr. DIBBLE.
Mr. MILLS with Mr. PAYSON.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is upon ordering the bill as amended to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BELMONT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

By unanimous consent leave was granted to the Committee on Naval Affairs to sit during the sessions of the House for the next five days.

ORDER OF BUSINESS.

Mr. REAGAN. I desire to call up House bill No. 6657 to regulate interstate commerce and to prevent unjust discrimination by common carriers.

Mr. HATCH. I demand the regular order.

The SPEAKER. This is the regular order, if the House determines to consider it.

Mr. HATCH. I make the point of order that by special order of the House it has been provided—

That Thursday, the 13th day of May, 1886, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture, this order not to interfere with general appropriation or revenue bills, and whether so interfered with on that day or not, shall be a continuing order until the bills presented by said committee shall be disposed of.

The SPEAKER. The order which the gentleman cites was made by the House on April 30; but on the 16th of March the House by a suspension of the rules set the 13th day of April for the consideration of House bill No. 6657, and provided that its consideration should continue from day to day until disposed of.

Mr. HATCH. I make the point of order that the resolution just referred to by the Speaker does not "set apart" the 13th day of April, but simply makes the bill a special order for that day. The resolution which I have read, and which takes effect to-day after the second call of committees, sets apart this day for the special business of the Committee on Agriculture, and it does not except prior orders. I submit, therefore, that the motion of the gentleman from Texas [Mr. REAGAN] is not in order.

Mr. REAGAN. I call attention to the language used in the two orders. The order of March 16 provides that "the 13th day of April be fixed for the consideration of House bill No. 6657," and "that its consideration be continued from day to day until finally disposed of." The order of April 30 provides that the 13th of May be "set apart." The difference in the language of the two resolutions is that one provides that a day be "fixed," and the other provides that a day be "set apart." Both are continuing orders. There is simply a difference of verbiage, the effect being exactly the same in both cases.

The SPEAKER. But upon examination of the two orders the Chair finds that in one case the bill referred to is simply made a special order, and in the other case a day is "set apart"—dedicated for the consideration of certain business.

Mr. REAGAN. The inquiry I make is, what is the difference between "setting apart" a day and "fixing" a day?

The SPEAKER. There is a very considerable difference. When a day is "set apart" for the consideration of certain measures that day must be appropriated for that purpose, and the business can not be interfered with except by raising the question of consideration against each measure as it is called up or by revoking the order, a motion to do which can only be entertained by unanimous consent. The Chair was at first under the impression that the two orders were alike in their terms, in which case the special order which the gentleman from Texas desires to call up would have had priority over that of the gentleman from Missouri, because first adopted. But upon examination the Chair finds that the two orders are not in the same language.

Mr. REAGAN. If the business which the gentleman from Missouri desires to call up is in order to-day, can I not antagonize it——

The SPEAKER. Certainly. When the gentleman from Missouri makes the motion, for instance, to go into Committee of the Whole House on the state of the Union to consider a particular bill, if that motion be rejected, then the gentleman from Texas can call up his special order.

Mr. REAGAN. Then I ask the House to refuse to go into Committee of the Whole.

Mr. HATCH. I hope the House will not do any such thing. [Laughter.] Under the order which I have read, I first call up for consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture. Mr. Speaker, as a matter of precaution, I desire to state that under this order I propose to present for consideration, besides the bill I have just mentioned, a bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; a bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884; a bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; a bill (H. R. 2293) to promote agriculture, and for other purposes——

Mr. REAGAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. If the Chair holds that this day is set apart for the consideration of business of the Committee on Agriculture to the exclusion of a prior special order, will that ruling operate beyond this day? Will the business of the Committee on Agriculture go on from day to day until it is disposed of? I want to know whether anything else can be done this session. [Laughter.]

Mr. HATCH. Mr. Speaker, it is a continuing order.

The SPEAKER. It is true it is made a continuing order, but the Chair thinks the only day "set apart" or dedicated is to-day. After to-day it will be in order for the gentleman from Missouri [Mr. HATCH] to call up his measures, but the House will all the time have the right to decide the question of consideration.

Mr. EDEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDEN. Can the question of consideration be raised under this order?

The SPEAKER. Of course it can. If a bill called up by the gentleman from Missouri is in the House, any gentleman can raise the question of consideration against that bill. But the bill to which the gentleman from Missouri first calls attention is in Committee of the Whole on the state of the Union; and the only way to prevent the consideration of that bill is to refuse to go into Committee of the Whole on the state of the Union.

Mr. REAGAN. At the proper time I desire to raise the question of consideration.

The SPEAKER. The Chair has just stated that if a bill called up is in the House, the question of consideration can be raised immediately. But if it is in Committe of the Whole on the state of the Union, the only way to defeat its consideration is by refusing to go into Committee of the Whole to consider it. The gentleman from Missouri calls up the bill which has been named by him.

Mr. HATCH. Unless the gentleman from Texas will consent this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Motions are pending and the Chair will state the condition of the question. The bill is in the Committee of the Whole House on the state of the Union and one hour to which the committee was entitled under the rule has expired. The motion pending was that the House resolve itself into the Committee of the Whole House on the state of the Union, and pending that a motion was made by the gentleman from Missouri [Mr. HATCH] to limit debate to one hour and an amendment by the same gentleman to limit the debate to ten minutes. The question now is upon the amendment to limit debate to ten minutes, on which the previous question had been ordered.

Mr. HATCH. I withdraw it.

The SPEAKER. The previous question was ordered by unanimous consent.

Mr. REAGAN. I hope the gentleman from Missouri will be allowed to withdraw it.

Mr. HATCH. I withdraw the amendment to limit debate to ten minutes, and now move an amendment to make it two hours instead of one.

Mr. REAGAN. I think there are serious defects in the bill, and notice I believe has been given of two or three substitutes to be offered for it. I doubt such a bill creating a new department of Government can be considered properly in two hours. I think a longer time should be allowed.

Mr. HATCH. How much time do you suggest?

Mr. REAGAN. Three or four hours.

Mr. HATCH. I am willing to say three hours. I wish the gentleman to have all the time he wishes.

Mr. HATCH'S motion as amended, to limit general debate to three hours, was then agreed to.

The SPEAKER. The question recurs on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. REAGAN. I propose to ask for the consideration of the interstate-commerce bill.

The SPEAKER. The only way to prevent consideration is to refuse to adopt the motion to go into committee.

The House divided; and there were—ayes 93, noes 36.

Mr. REAGAN. I give notice that to-morrow after the morning hour I will move to take up the interstate-commerce bill.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill H. R. 5190, enlarging the powers and duties of the Department of Agriculture. By order of the House all general debate has been limited to three hours.

Mr. REAGAN. At what time will it be in order to offer a substitute for this bill?

The CHAIRMAN. When the gentleman has been recognized to speak he can offer his substitute for consideration. It can not be voted upon until after the debate is closed.

Mr. REAGAN. I would like to have the substitute I desire to offer read for the information of the House.

The CHAIRMAN. Does the gentleman from Missouri desire the floor at this time?

Mr. HATCH. He does.

The CHAIRMAN. The gentleman from Texas asks to have his substitute read at this time.

Mr. HATCH. I have no objection to the substitute being read and coming in at the proper time.

The CHAIRMAN. The substitute may be read for information.

Mr. REAGAN. I submit the following substitute.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be at the seat of Government an executive department to be known as the department of industries, and a secretary of industries, who shall be the head thereof.

SEC. 2. That there shall be in the department of industries a division of agriculture, and to superintend said division a commissioner of agriculture, who shall be a practical agriculturist, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to receive a salary of $5,000 per annum.

SEC. 3. That for the purpose of collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, the secretary of industries shall organize the following bureaus in the division of agriculture, namely:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry; and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories, and shall report such practical information as shall tend to increase the profits of the farmer; respecting the various methods; the crops most profitable in the several sections; the preferable varieties of seeds, vines, plants, and fruits; fertilizers, implements, buildings, and similar matters.

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Third. The bureau of lands, the chief of which shall investigate and report upon the resources or capabilities of the public or other lands for farming, stock-raising, timber, manufacturing, mining, or other industrial uses. And all powers and duties vested in the commission now known as the Geological Survey, together with all clerks, employés, and agents, and all instruments, records, books, papers, &c., are hereby transferred to the department of industries. And the secretary of industries shall institute such investigations and collect and report such information, facts, and statistics relative to the mines and mining of the United States, and facilities for their ventilation and general operations, as may be deemed of value and importance.

SEC. 4. That in addition to the duties imposed by chapter 10, title 7, of the Revised Statutes, the secretary of industries shall cause to be collected and report the agricultural statistics of the United States; and, in addition, all important information or statistics relating to industrial education and agricultural colleges; to markets and prices; to modes and cost of transporting agricultural products and live-stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, cost of transportation, and prices; to such commercial or other conditions as may affect the market value of farm products or the interests of the industrial classes of the United States. And the secretary is hereby authorized to establish such divisions in this bureau, and to make such monthly or other reports as he shall deem most effective for the prompt dissemination of such reliable information respecting crops and domestic and foreign markets as will be of service to the farmers, miners, mechanics, laborers, or other industrialists of the United States.

SEC. 5. That there shall be in the department of industries a division of labor, which shall be under the superintendence of the Commissioner of Labor; and the Bureau of Labor, as provided for in chapter 127 of the acts of the Forty-eighth Congress, with its officers and duties, shall be transferred from the Department of the Interior to the department of industries.

SEC. 6. That there shall be in the department of industries a division of commerce, and to superintend said division a commissioner of commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $5,000 per annum.

SEC. 7. That all divisions and subdivisions, bureaus or parts thereof, heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10, of title 7, of the Revised Statutes, relating to the Bureau of Statistics, which shall hereafter be known as the bureau of external commerce; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the Coast Survey; title 55, relating to lights and buoys; sections 4801, 4802, 4803, 4804, 4805, and 4806, of chapter 1, title 59, relating to hospital relief for seamen; and chapter 265 of the acts of the Forty-fifth Congress, second session, relating to the Life-Saving Service, or by virtue of any law amendatory of said several provisions, or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries; and the secretary of industries shall establish in said division of commerce a bureau of internal commerce, to be organized and governed as other bureaus in said division.

SEC. 8. That all duties devolving upon the Secretary of the Treasury by virtue of the several provisions mentioned in the preceding section shall, from and after the passage of this act, be performed by the secretary of industries. The authority conferred and the duties imposed by said several provisions upon the Register of the Treasury shall, from and after the passage of this act, be exercised and discharged by the commissioner of commerce. All bonds authorized by any of the provisions aforesaid to be made payable to the Register of the Treasury shall, from and after the passage of this act, be made payable to the commissioner of commerce.

SEC. 9. That section 158, title 4, of the Revised Statutes is hereby amended by adding at the end thereof the words: "Eighth. The department of industries."

SEC. 10. That this act shall not be construed to interfere with the present organization of the various departments, divisions, subdivisions, and bureaus embraced herein, except with reference to the transfer thereof to the department of industries, subject to the general provisions of law relating to regulations in the various Departments of the Government and appointments to office therein.

SEC. 11. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. HATCH. I yield fifteen minutes of my time to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY. Mr. Chairman, at the beginning of this session I introduced a bill to establish a department of agriculture, with a secretary appointed by the President, by and with the advice and consent of the Senate, to preside over the department, with equal rank and pay as the secretaries now constituting the executive Cabinet. The bill now under consideration provides for a department of agriculture and labor, and while it is broader and more comprehensive than the bill introduced by me, it is not materially different, and I am most heartily in favor of its passage.

The object of the bill is to enlarge the powers and duties of the Department of Agriculture. It is based on a belief that it is the duty of our Government to give to American farmers all such important and practical information as will insure larger yields and better profits, more encouragement and greater protection to agriculture and labor.

From the center to the circumference of our indissoluble Union the people, animated by a desire for fraternity, reconciliation, and prosperity, have "beat their swords into plowshares and their spears into pruning-hooks," and there has never been a more opportune time than the present for giving to agriculture and labor the appreciation and recognition they deserve.

Our Republic is more than a hundred years old, and during all these years agriculture has been the foundation and chief support of nearly every other business.

The census of 1880 shows that about one-half of the population of

the United States live by agriculture, and the vast contributions made from farms constitute the material prosperity of our Republic and its greatest wealth.

This great and growing country is now the foremost agricultural country in the world, leading all others in the aggregate yield of corn, cotton, wheat, and tobacco, and many other products of the soil.

New Orleans exceeds all other cities in the value of her cotton trade. Louisville is the "queen city" of the world in her tobacco trade, and Chicago has no equal as a grain-distributing point, and five-sixths of all the exports of this nation go directly from the farms.

In the rush and push of business but few persons look carefully at the vast and splendid results of agriculture in the United States. It is estimated that the capital invested in this industry amounts to $28,000,000,000. While the most careful estimates place the annual value of manufactured products at $6,000,000,000, the farms of our country furnish in value more than $9,000,000,000 annually to help feed and clothe the world. The total sales of the United States to other nations in 1880 amounted to $823,946,352. Of these the agricultural products constituted 83 per cent., worth $683,010,976, while all other products were but 17 per cent.; or, in other words, our agricultural exports are five times greater than all other exports. Yet less than 8 per cent. of our agricultural products go to foreign markets, 93 per cent. being used at home. For the last sixty years the proportion of agricultural to total exports averages over 81 per cent., as is shown by the following facts published by the former Statistician of the Agricultural Department:

The immense increase of our exports in sixty years past makes an extraordinary showing, but it is a more remarkable fact that with the growth of population and of varied industries the agricultural surplus should more than maintain its proportion to total exports. The customs figures are as follows:

Year.	Exports.	Agricultural exports.	
			Per cent.
1820	$51,683,640	$41,657,673	80.60
1830	58,524,878	48,095,184	82.18
1840	111,660,561	92,548,067	82.93
1850	134,900,233	108,605,713	80.57
1860	316,242,423	256,560,972	81.14
1870	455,208,341	361,188,483	79.34
1880	823,946,353	683,010,976	82.90

In the last ten years the exports of agriculture have nearly doubled, and at the same time the proportion to total exports has increased.

The great progress and prominence of breadstuffs and provisions in this record is shown in connection with cotton, which fifty years ago constituted about five-eighths of the exports of agriculture. The decennial record is as follows:

Year.	Breadstuffs.	Provisions.	Cotton.
1830	$7,071,767	$2,971,002	$29,674,883
1840	13,535,926	3,503,704	63,870,307
1850	13,066,509	10,927,485	71,984,616
1860	24,422,310	16,612,443	191,806,555
1870	72,250,933	29,175,539	227,027,624
1880	288,036,835	127,043,242	211,535,905

These are but samples to illustrate the immensity of this great industry, but the picture may be enlarged by showing the wonderful increase of our crops and chief products in the decade between 1870 and 1880, as shown by the Commissioner of Agriculture:

Article.	Quantity.	Year.
Cotton produced in United States.....bales...	4,352,317	1870
Do .....do.....	6,000,000	1880
Corn raised in United States.....bushels...	760,940,594	1870
Do .....do.....	1,754,449,435	1880
Wheat crop of United States .....do.....	287,745,626	1870
Do .....do	407,859,033	1880
Tobacco crop amounted to.....pounds...	262,735,341	1870
Do .....do.....	446,286,889	1880
Oats produced in United States.....bushels...	282,107,157	1870

The increase of agricultural products was nearly 100 per cent. in these ten years, and in the last year of this decade our cattle exports rose from $13,000,000 to $14,000,000, beef from $7,000,000 to $12,000,000, pork from $5,000,000 to $8,000,000.

The labor of this country is to-day what the sunshine is to the universe, what the heart is to the body—it gives health and life and vigor; it makes the anvils ring, the spindles whizz, the furnaces glow, the fields beautiful with abundant harvest, and places our agricultural, manufactured, and mineral products in the front rank among the productions of the world. Is it asking too much then for agriculture and labor to be represented in the executive Cabinet? Almost every intelligent and civilized nation in the world has given more prominence to agriculture than the United States.

It is neither new nor unprecedented to elevate the Department of Agriculture to an Executive Department and place it in charge of a secretary.

In France there are nine executive departments. A minister of agriculture is at the head of one of them.

In Prussia there are eight secretaries, including one for agriculture.

In Italy there are nine heads of departments. One is the minister of agriculture.

In Russia there are ten secretaries. Everything pertaining to agriculture in its broadest sense is in charge of one of these secretaries.

In Austria there are seven secretaries, forming what is called the council of ministers. One is for agriculture.

In Spain the council of ministers consists of eight members, one of whom is the minister of agriculture and commerce.

In Brazil, the great empire of South America, there is a minister of agriculture.

In Portugal there is a department of agriculture and commerce; and Mexico and most of the republics of South America have each a department of agriculture and statistics, under the supervision of a secretary, who is a member of the executive cabinet.

France expended last year for agriculture and commerce (I give round numbers), $20,000,000; Brazil, for agriculture, $12,000,000; Russia, for agriculture, $11,000,000; Austria, for agriculture, $5,500,000; Italy, for agriculture, $1,914,000; Japan, for agriculture, $1,000,000; United States, for agriculture, chemical division, entomological division, seed division, division of agricultural statistics, Bureau of Animal Industry, forestry, museum, laboratory, &c., $585,790.

Of all countries the great Government of the United States does the least to promote agriculture, although we have the grandest agricultural empire in the world.

Mr. BLOUNT. I would like to ask the gentleman from Kentucky a question. You speak of the sum of $20,000,000 expended by France——

Mr. McCREARY. Yes, for agriculture and commerce.

Mr. BLOUNT. How was that spent; in what direction? Of course I do not ask for details.

Mr. McCREARY. In paying the expenses of the department.

Mr. BLOUNT. I would like to know if it was not largely in bounties for the culture of beets for sugar?

Mr. McCREARY. In France the amount expended for agriculture and commerce was $20,000,000. For the minister of agriculture the budget for 1885 provided $8,154,000.

Mr. BLOUNT. What I wanted to get at was what was the general expenditure for specific purposes.

Mr. McCREARY. I can not furnish the details; I simply know the amount was expended in paying the expenses of the department of agriculture.

Mr. Chairman, we should no longer be hesitating in the rear when other civilized nations have wisely and justly exalted agriculture. This, the foremost agricultural nation in the world, should give pre-eminent recognition to this fundamental industry. The cause deserves it and the people demand it. They asked for it away back in 1838, when the citizens of Kentucky, the State which I have the honor in part to represent in this House, petitioned Congress to establish at Washington a department of agriculture and mechanics, the head of which was to be a member of the executive Cabinet. This petition was a model of conciseness and elicted much attention, and helped very much to secure the first recognition ever given to agriculture by Congress, when, in 1839, a bill was passed authorizing one clerk to be appointed in the Patent Office to distribute seeds and collect statistics.

Though the petition was short it was wonderfully comprehensive, and with great exactness it suggested the business of the department, defined the duties of the officers, and forecasted with wonderful accuracy the perfection and practical utility which we now see in the existing Agricultural Department.

The people were heard again in 1876, when a convention of farmers assembled in Chicago, Ill., representing an agricultural constituency of over a million of farmers scattered through twenty-eight sovereign States, and unanimously declared their wishes in the following words:

Whereas it is the duty of wise and just legislators to see that the blessings and burdens of government are laid with impartial rule upon all classes alike: Therefore,

Resolved, That American agriculturists demand that they shall be recognized as a real factor in this Government by the establishment of a department of agriculture, to be presided over by a Cabinet officer, who shall organize the same upon a plan to be devised by the wisdom of Congress, which department shall embrace to the fullest extent the agricultural interests of twenty millions of people.

Again and again since that time resolutions substantially the same have been adopted at the national conventions held by the Patrons of Husbandry.

Mr. Chairman, no people are more independent and less obtrusive than the farmers. The combinations and the methods so frequently resorted to by almost every other class to secure Congressional legislation is unknown to them. They have no "lobby" here to urge the passage of this bill. They have sent no delegations here to address committees in the interest of this measure; but they are greatly interested in it and the justice of their cause, and their dignified and honorable and independent course should make us respect them more highly and give them the legislation they desire.

In the early settlement of our country farmers found the virgin soil of unsurpassed fertility and a home market for all their products, and

they were, of all classes, the most independent and unhampered; but their situation has changed. Now they are confronted with surplus products, transportation difficulties, labor problems, competition with India and Egypt as regards the shipment of grain and cotton, rivalries with Austria and South America in regard to wool products, reciprocal treaties affecting imports and exports, and a tariff system that is a burden on labor and an incubus on nearly everything farmers use in their homes and on their farms.

It is especially necessary, therefore, that the agricultural and laboring interests of our country should have a representative in the Cabinet who understands and appreciates these great questions, and who is ready at all times to foster and encourage and protect them in every way that may be necessary.

The farmers and tillers of the soil annually pay a large part of the taxes; they furnish a majority of the soldiers in time of war, and to them we look in every crisis for calm, conservative, energetic support of the Government. From the earliest days of the Republic they have constituted the advance-guard of liberty and progress, and in the face of dangers, trials, and hardships they have blazed the way for civilization in its westward march and helped to establish churches, schools, and happy homes from the Atlantic to the Pacific and from the northern lakes to the Gulf of Mexico.

There has been less legislation for farmers than for any other class. The passage of this bill will encourage farmers and laboring men of our country and prove to them that the great interests they represent are properly appreciated and recognized. Never until 1839 did agriculture receive any recognition by having an office at Washington to look after its interests. As I have already stated, an annual appropriation of $1,000 was then made. During the administration of President Buchanan a superintendent of agriculture was appointed, and in 1862 the present division of agriculture was created.

Government revenue depends in a great measure upon profitable farming, and the profits of agriculture depend on the intelligence and skill of our farmers; hence it is essential and proper that the Government should place before all farmers the best information pertaining to their business and throw around them the fullest and most ample protection.

Finally, this bill, should it pass, will bring the farmers and laboring men of our Republic into more intimate relations and help to obliterate the last vestige of sectionalism growing out of the late war, and it will not only furnish the Executive with an adviser representing twenty-eight millions of men and over five millions of homes, but it will cultivate among agriculturists all over this vast country a love for and a devotion to the Government which can not be obtained so fully in any other way.

To refute all the arguments in favor of the new executive department the opponents of the bill, so far as I have heard, present but two objections. They say it will cost money to enlarge the powers and duties of the Department of Agriculture, as provided for in the bill under consideration.

Since the organization of our Government millions of dollars have been appropriated for the improvement of rivers and harbors. Many millions have gone to railroad corporations either as donations or loans. Subsidies have been voted and paid to ocean-sailing mail steamers and aid given to those engaged in the fisheries, while uncounted millions have gone into the pockets of manufacturers under the operation of the protective tariff laws.

Is it not about time we were giving more attention to that interest which is the foundation of all others? Last year the Congress of the United States appropriated out of the Treasury for—

Pensions	$60,000,000 00
Navy	15,070,837 95
Post-offices	53,700,000 00
Indians	5,762,512 70
Army	24,014,032 50
Ministers and consuls	1,242,925 00

And to sustain and support an agricultural department, with its chemical division, seed division, entomological division, division of agricultural statistics, Bureau of Animal Industry, museum, laboratory, and Bureau of Forestry, only the sum of $585,790, or one-thirtieth of the amount appropriated for a navy which is by no means a grand navy, and only one-third of the amount appropriated to pay the expenses of a few ministers and consuls who, representing the United States, enjoy themselves abroad, and only one-tenth of what was appropriated as a gift to the Indians; yet now, when only about $8,000 per annum is asked to establish a new department for agriculture and labor, it is objected to on the ground of economy.

Mr. Chairman, I believe as much as any man in economy, and I believe Federal taxation should be exclusively for public purposes, and should not exceed the needs of the Government economically administered, but I can not appreciate the economy that refuses to appropriate $8,000 where justice and right so fully demand this sum.

The next objection to the bill is that it is an unnecessary increase of Executive Departments, and that the number composing the Cabinet should not be changed. This is not a strong objection, for our country has fewer Departments than any of the great nations of the world. It has progressed and advanced in every way, and the Government must be adapted not only in its legislative provisions but in its organic structure to the growth and increasing wants of the people. The Constitution of the United States was regarded as sacred and complete, yet fifteen amendments have been added to it since it was first adopted.

The Cabinet has also grown with the growth of the country and with the ever-increasing necessities of the people. When the Government started there were but three Executive Departments, known as the State Department, War Department, and Treasury Department. The same act creating these Departments also provided for a Postmaster-General, but this Department was only considered a bureau until 1829, when Andrew Jackson appointed a Postmaster-General and invited him to a seat in the Cabinet. The act also provided for an Attorney-General, but it was not until 1870 that the Department of Justice was made an Executive Department of the Government, though long before that time the Attorney-General sat in the Cabinet.

In 1798 the Navy Department was created, and in 1849 the Department of the Interior was created, and Pensions were given it from the War Department, Patents and Census from the State Department, and Public Lands from the Treasury Department. It is, therefore, apparent that the increase in the Cabinet from three Secretaries to seven has been in accordance with the growth of business and the necessities of the people. All the Departments have only a statutory existence, and may be increased by act of Congress, approved by the President, any time.

Wise and patriotic men in every age have given encouragement to agriculture. George Washington said, in his address to Congress in 1796:

> It will not be doubted that with reference either to individual or national welfare agriculture is of primary importance.

Cincinnatus loved the plow more than the sword, and Cato and Virgil wrote ably and extensively on agriculture and forestry. Daniel Webster said "all national wealth depends upon enlightened agriculture." In this country we have enlightened agriculture and intelligent agriculturists, and this industry is greater and vaster than all others combined. The head of the department should always be an able and intelligent man, and he should be equal in rank and pay to the other Secretaries of the executive Cabinet.

Mr. Chairman, I have been a practicing lawyer for twenty years, but I was raised on a farm and for a quarter of a century I have been a land-owner and interested in farming, and I am glad of this opportunity to speak in behalf of agriculture and labor.

The future of our Republic is grand and beautiful. Only a few years separate us from 1910, when, according to the estimates of De Bow and Elliot, we will have one hundred millions of people and one hundred thousand millions of dollars' worth of property. The human mind can hardly assign a limit to the growth of our country or compute the time-table of its progress.

The wealth and population of our Republic now demand this new Executive Department, and it will surely be created. Whether helped or hindered by this Congress, the demand will grow and the voices favoring it will multiply until its triumph is assured. [Applause.]

Mr. HATCH. Mr. Chairman, I reserve the remainder of my time until I hear what gentlemen have to say on the other side.

Mr. REAGAN addressed the Chair.

The CHAIRMAN. The Chair desires to state to the gentleman from Texas that the time in which the substitute was read is to be deducted from his time.

Mr. REAGAN. I did not so understand it, Mr. Chairman.

The CHAIRMAN. It must be taken out of the time of the gentleman from Texas, as the gentleman from Missouri did not yield to have the substitute read.

Mr. REAGAN. I was in hopes it would not be taken out of anybody's time.

The CHAIRMAN. The time having been limited by the House, of course the Chair has no discretion in the matter.

The gentleman has fifty minutes of his time remaining.

Mr. REAGAN. Mr. Chairman, I acquiesce very fully in the interesting statements just made by the gentleman from Kentucky [Mr. MCCREARY] as to the extent, importance, and great interest of this country in the subject of agriculture; and, as I am a farmer myself and represent farmers almost exclusively, I think I may speak for farmers.

Sometimes we find that when the subject of farming and agriculture comes up the most zealous farmers are those who, perhaps, never followed a plow and never owned a farm, but those, however, who remember that farmers are numerous and have a great many votes.

It is well when we come to look at a great question like this that we should divest ourselves of the idea that we are to take up one particular class of citizens of this country and observe and take care of this interest to the exclusion of other classes of people equally meritorious and with other interests equally important. I desire to make this observation, and I call attention particularly to it: taking the bill reported by the Committee on Agriculture and the substitute I have offered, I think, when you have read both and compare them, this distinguishing difference will be seen between them, that the committee's bill means to dignify labor by a name, by giving to labor the name of a department

exclusively; while the bill I have offered means to dignify it by providing the largest means for the collection and dissemination of information on all subjects pertaining to the interest of agriculture. I beg you to bear in mind that the one undertakes, because of the interest of farmers, to dignify that, not by all proper and necessary legislation, but by giving it a chief and making it top-heavy; while the other proposes to use all the instrumentalities that can promote the interest of agriculture.

Now, the bill I have offered as a substitute for the committee bill proposes to create a department of industries. In this department of industries is a division of agriculture, to be presided over by a practical agriculturist, with a salary of $5,000, which it is fair to presume will secure for this particular business men of superior talents, ability, and character. Then it goes on to provide for the various bureaus, which I can not now undertake to enumerate, but which will be seen by reading the bill. It then provides for a second division, which is to transfer the Labor Bureau created by the Forty-eighth Congress to this department of industries with the officers and powers and duties of the Labor Bureau as pointed out by the act in question. It then provides for a division of commerce, and it provides for transferring to the department of industries various branches of the public service now attached to the Treasury and the Interior Departments, not because of any necessary connection between them, but for the reason mainly that there is no other place to put them.

It is well that I should observe here, perhaps, that the National Board of Trade has, year after year for several years, appealed to Congress to create a department of commerce, and they are as persistent in asking that a separate department of commerce shall be created as some of our friends here are in asking for a separate department of agriculture. They have also been sustained by the resolutions and declarations of boards of trade and chambers of commerce in various parts of the country.

The gentleman from Kentucky [Mr. McCREARY] who preceded me gave a very interesting summary of the value and importance of agriculture. I could not take time and have not prepared myself to give a like summary of the value and importance of the commerce of the country; but without due reference to the commercial interests of the country agriculture would not fare so well. The internal commerce of the country (I mean that which passes from place to place and from owner to owner) was estimated by a learned and able gentleman at the other end of the Capitol a few days ago at $15,000,000,000 annually. It is made up very largely of agricultural products; and it also embraces all goods, wares, and commodities of every possible description, not only agricultural, but the whole interior commerce of the country. Our external foreign commerce amounts to about $800,000,000 annually.

This represents the earnings of the American people and the articles consumed by them. It is a matter of great moment to them to have all the information through this bureau of industries in relation to agriculture, in relation to labor, and in relation to commerce which can enlighten the people with regard to all three of these great and paramount interests.

My wish is to see an additional department of Government established. I agree with the gentleman from Kentucky [Mr. McCREARY] that the growth of this country, its development in population and wealth and industries, calls for an additional department of Government, but not for two additional departments at this time, and I think that agriculture and commerce equally demand this consideration at the hands of the Government, and that we will make a mistake if we make a department for one of these great industries and omit reference to the other of these great interests.

Both bills provide for the consideration of the questions of labor, but with differences in language and for different purposes. I have a criticism to make on the committee's bill. If that should be adopted by the House it seems to me there would be a necessity for an alteration of some of its provisions. I desire here to call the attention of the House to the fifth section of the committee's bill and the clause beginning at line 8 of that section:

The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women—

That is all well enough—

the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry.

I also call attention to the clause in the same section beginning at line 21:

The secretary of agriculture and labor shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States, and he may invite and hear sworn statements from both such parties concerning the matters in controversy.

I am almost afraid to mention the Constitution. [Laughter.] I was upbraided for mentioning it some days ago.

A MEMBER. Most of the Republican members are out.

Mr. REAGAN. Unfortunately, I was upbraided on our own as well as on the Republican side.

Mr. WEAVER, of Iowa. I should like very much to hear from the gentleman as to the constitutional aspect of these questions.

Mr. REAGAN. What has the Federal Government to do with—

The best means to protect life and to prevent accident in mines, workshops, factories, and other places of industry?

What has the Federal Government to do with that? If that is to be provided for by this bill, what use is there for State governments? I repeat, if that and kindred things are to be left in this bill and the Government is to assume authority over such subjects, what is the use of State governments? If we assent to this bill we propose to utterly disregard the Constitution of the United States, to utterly disregard the theory of our Government, and to take hold of things that are local and belong purely and exclusively to the State. Of all the classes of people in this country who are interested, greatly and profoundly interested, in preserving our form of government as transmitted to us by our forefathers, it is the farmers and the laboring class of people. It is their shield and protection, and whenever for expediency, or for any other purpose, we disregard the theory of our Government, under which we live, we inflict a serious and lasting injury upon the American people.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a question?

Mr. REAGAN. In a moment.

Mr. WEAVER, of Iowa. I wish to make a suggestion to the gentleman that he may express his view on it at this point. There is another thing he will want to comment on.

Mr. REAGAN. Very well; I will hear the gentleman now.

Mr. WEAVER, of Iowa. I find in the substitute offered by the gentleman from Texas [Mr. REAGAN] provision is made on page 2 for a "bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States."

What has the Constitution got to do with the condition of the domestic animals of the United States? And is the Constitution more powerful to collect that kind of information than to collect information as to the condition of the mines and the workshops where human beings are congregated?

Mr. REAGAN. The boundary between the two propositions is not very clearly marked, I concede. But in relation to the rights of persons, of individuals, and the protection of the laws there are obligations imposed upon the State governments, and there is directly and impliedly a prohibition upon the Federal Government to engage in some of these things. Cattle and hogs and horses have no individual rights; they are property only. Inquiry is to be made on that subject. The object is simply to collect information, as has heretofore been done by the Agricultural Bureau. I will read the clause:

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

The Agricultural Report now published under existing law disseminates just this kind of information, and the purpose was simply to embody in this bill what was in the present law and to follow existing law. But I submit that does not warrant us in going down into a State, that has peculiarly the constitutional protection of life, person, and property, which this Government has nothing to do with by its Constitution as to citizens of the States, and inquiring as to "the best means to protect life and prevent accident in mines, workshops, factories, and other places of industry."

The gentleman understands, and we all understand, if we have not got so far from the Constitution as to have forgotten it, that the Federal Government has certain delegated powers, and that among them is not the power contemplated in that provision of this bill to be exercised over persons. They are under the protection, control, and jurisdiction of the State and the State constitution, not under the jurisdiction or control of the Federal Constitution.

That is my answer to my friend from Iowa. Then this bill provides that "the secretary of agriculture shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States, and may invite and hear sworn statements from both such parties concerning the matters in controversy."

That seems to be a proposition to make the department a sort of court for the adjudication of questions between laborers and their employers, and it embraces laborers generally, not only the employés of a railroad or a canal, but the employés of manufacturers or farmers; in short, all the employés in the country. I had occasion some time ago to discuss this question when another bill was under consideration here, and to say that it was beyond the jurisdiction of the Federal Government to undertake to meddle in local personal contracts in relation to labor, and I venture the statement now that there is not a respectable court, presided over by a good lawyer, in America that would sustain the constitutionality of that provision in this bill. Why? Because contracts between employers and laborers are local, domestic, unconnected with the public service, private. The powers of the Federal Government are delegated for particular national and international purposes, and for no other purposes, and the declaration in one of the amendments to the

Constitution is, in substance, that the powers not delegated to the Government of the United States are retained in the States and in the people of the States respectively.

The States and the people retain to themselves all the powers not conferred by the Constitution on the Federal Government for national and international purposes. It was necessary that the Federal Government, acting as the unit for the whole, should control questions of peace and war, and should have control of the Army and the Navy. It was convenient and advantageous that it should take charge of the postal facilities, because they relate to the whole people, and it is better that the mails should not be interrupted at the boundaries of States. It was right that the Federal Government should take charge of the question of coinage, because the coinage ought to be uniform, and it was to the interest of the whole people that it should be uniform. Such powers as these were delegated to the Federal Government by the Constitution; but local matters, such as contracts for labor, matters relating to the descent and to the distribution of estates, matters relating to marriage and divorce—all such questions as these, relating to the local domestic internal policy of the State, were reserved to the States. Among the reservations was the right to determine questions in dispute between hirer and hired, and whenever we pass a bill with these two provisions in it I would advise that we add one more section to the bill, and abolish the State governments entirely and get rid of the useless expense of Legislatures and governors and State courts; because, if we mean to turn this into a consolidated centralized republic we may as well do the whole job at once and not by piecemeal. But we should bear in mind that a government with the extent of territory and the variety of interests which ours has can not permanently exist except in one of two forms. First, a Federal Republic like ours, which may, I believe, be indefinitely expanded in its territorial limits, if we only observe the principles of federation, the doctrines and principles and usages of the Constitution. Second, a depotism, with all power concentrated in the central government. But a consolidated centralized republic is an impossibility, and there is no writer on the subject of government whose opinions are worthy of respect who will not tell us that a country of the extent of territory, population, and interests of ours can not long exist as a centralized republic. Why? Because it will always be to the interest of the majority section—I care not where that section may be, whether in the North, in the South, in the East, or in the West—it will always be to the interest of the majority section to rob and plunder the minority section, and they will do it by law. Why? Because it will be popular to do it, and the representatives of the people will always obey the popular will.

Mr. BROWN, of Pennsylvania. That is assuming that it is always popular and right to plunder.

Mr. REAGAN. Well, if my friend speaks of the rules of morality, it is not right, but I am speaking of the practical operation of government and of the practices of men. We may have our fine theories about government, but government is a practical matter, and, whatever our theories may be, we will use the power of the Government, as the Republican party has used it for the last twenty years, to enrich particular classes.

Mr. MILLIKEN. Will the gentleman please state where his proposition has taken shape in practice, where one section of this or of any other country has robbed the other sections? Is it not a fact that the gentleman is merely stating a theory which he entertains, and one which is not exemplified in practice anywhere?

Mr. REAGAN. I am sorry that I can not answer that question in the affirmative. I will show the gentleman that the principle has been and is now in operation. The manufacturing interests of this country are most of them in a particular locality.

Mr. BROWN, of Pennsylvania. It does not necessarily follow that they should be confined to any locality.

Mr. REAGAN. I am talking not about what should be, but about what is. The manufacturing interests of this country are mostly in a particular locality, and for their benefit we have been plundering the workingmen of all sections of the country at the rate of hundreds of millions annually.

Mr. MILLIKEN. I take issue with the gentleman as to the fact. I assert that that part of the country in which manufactures are most numerous shows to-day a farming community more thrifty than can be found in any other section, and if the gentleman will examine the subject he will find that where the factories are most numerous there the farmers receive the best prices for their products and the men who labor on the farm receive the best wages.

Mr. REAGAN. Mr. Chairman, I would be glad if I had time to listen to interruptions, but I have not the time. Let me say, however, in reply to the gentleman from Maine, that the state of things he describes is easily accounted for, because when you find a place where all the manufacturing capital of the country is concentrated, where all the railroad capital is concentrated, where all the banking capital is concentrated, where all the insurance capital is concentrated, where all the express capital is concentrated—when you find a place with this great aggregation of capital, you will find a rich and prosperous community such as that of which the gentleman from Maine speaks.

In an agricultural country like the West or the South where there are not these aggregations of capital, where there are not these concentrations of wealth, there you find struggle and poverty and debt and mortgages from year to year, as you see them now. This very fact illustrates the point which the gentleman has brought out, to which I did not intend to refer; for I do not wish to go into that branch of the subject now.

Mr. PETERS. But is it not a fact that your own party, or a portion of it, disputes with you the fact which you allege?

Mr. REAGAN. I will say to my friend from Kansas that I have nominally a party to which I belong, as he has nominally a party to which he belongs. But, as said by the gentleman from Iowa a short time ago, a man may be anything on earth in politics, religion, and morals, and be either a Democrat or a Republican. [Laughter.]

Mr. MILLIKEN. I would like to ask the gentleman one other question; it has nothing to do with party. Does the gentleman think that the agriculturists of Texas, or any other part of this country where there are not manufactures, would be any better off to-day if the manufactures of New England did not exist?

Mr. REAGAN. I would not take an extreme case like that. I do not want to contemplate a condition of things in which manufactures do not exist. But without going into extreme suggestions and suppositions like that, I will say to the gentleman that if the people of Texas and of the whole South or the whole West were relieved of the 40 per cent. tax on all they use, a tax imposed year after year for the benefit of manufactures, you would see the same thrift and prosperity there that you see where these interests are concentrated. [Applause on the Democratic side.]

Mr. MILLIKEN. How would the gentleman meet the expenditures of the Government—by direct taxation upon the farmers of Texas?

Mr. REAGAN. No, sir. I have not been discussing that, and I do not propose at this time to be led into any discussion of that sort. I hope the gentleman will excuse me from answering any further inquiries, because I can not spend the limited time allowed for debate on the pending measure by a discussion of everything that gentlemen may think of. [Laughter.] But the gentleman knows as well as I know that nobody now contemplates carrying on this Government upon revenues collected by direct taxation. The pretense that there exists such a purpose is one of the political frauds that have been kept before this country by the Republicans and by a few money-bag Democrats for several years past. [Laughter.] They have pretended that we who seek a revenue tariff are free-traders and want to carry on the Government by direct taxation. They all know they lie. [Laughter and applause.]

We would like to have a revenue-tariff, such as the Constitution contemplates—not such as is in violation of the Constitution, for the very clause of that instrument which authorizes the collection of revenues from imports declares also the purposes for which such revenues shall be collected—to support the Government and to pay the debts of the United States. That is the only purpose for which a tax of that kind can be constitutionally collected. When we go beyond that and say, "We will levy a tax to draw money from one citizen to give it to another without consideration," we not only violate that provision of the Constitution, but we violate also the most sacred fundamental principles of our system of government, among them the principle that private property shall not be taken except for public use, and not even then unless upon just compensation. This principle is so firmly intrenched in the Federal Constitution and in all the State constitutions that private property can not be transferred from one citizen to another except by violence or fraud. There is no way to do it according to law.

Mr. MILLIKEN. I would like to ask the gentleman one more question, though I dislike to interrupt him. The gentleman argues now in favor of a tariff for revenue?

Mr. REAGAN. Yes, sir.

Mr. MILLIKEN. I ask the gentleman what reason he can give to the poor man who has ten children for levying upon the backs and the mouths of those children the taxation to support this Government, unless it be done in such a way as to protect the avocation by which that man lives?

Mr. REAGAN. Of course any tax of that kind gives protection to the extent of the tax. The only difference between the gentleman and myself, I suppose, is that I would have a tariff for revenue, letting it carry with it whatever incidental protection it might; and he would have a tariff for protection, for robbery, with revenue as an incident. [Applause on the Democratic side.]

Mr. MILLIKEN. Would not the gentleman be——

Mr. REAGAN. The gentleman will excuse me. I am obliged to go on with my remarks upon this bill. I would be glad to yield further if I had time.

My friend from Missouri [Mr. HATCH], the chairman of the Committee on Agriculture, proposes, as I anticipate, to attack my position on this subject as inconsistent; for the other day he stated that in a former session of Congress I voted for a bill similar to the one of which he now has charge. It is right for me to say that when he told me I was opposing a bill similar to one for which I had voted at a previous session I felt a little surprised at a statement which my memory failed alto-

gether to confirm; for I had no recollection of ever having voted for a bill that distinctly violated the Constitution and intermeddled with the local affairs of the States.

The gentleman said I had not only voted but spoken for such a bill. On examining the record I have found that the bill which I supported in a speech was known as "the Kenna bill," urged conspicuously by a gentleman from West Virginia, now a Senator. That bill—and I am willing that this Committee of the Whole shall judge how far it resembles this bill—is the one for which I spoke.

The bill for which I voted was introduced by Mr. ANDERSON, of Kansas. In looking over that bill to see whether it contains the same provision I find the only thing which assimilates to it this:

SEC. 3. That in addition to the duties now performed by the statistician of the Department of Agriculture, provided in section 520, title 22 of the Revised Statutes, it is hereby made the further duty of the statistician to collect all the facts and information and statistics obtainable relative to the annual products of manufactures and the cost thereof, the various processes applied to quantity and value of the raw material consumed, and such other information as shall show each year the conditions of the manufactures in the several States. It shall also be the further duty of said statistician to collect all facts relative to the wages of labor, hours of labor, and the general condition of the laboring classes throughout the country.

Mr. HATCH. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Certainly.

Mr. HATCH. The gentleman will do me the justice to acknowledge I said he had voted for a bill substantially the same as the bill reported from the Committee on Agriculture. I ask whether he did not support the Kenna substitute, and whether he did not vote for the original bill?

Mr. REAGAN. I did not. The bill was not passed.

Mr. HATCH. If the gentleman will turn to it I will give him the page of the RECORD where he will find that when the bill was on its passage he voted for it. He voted for substantially the same bill also in the Forty-eighth Congress.

Mr. REAGAN. The gentleman will find that was Mr. Hubbell's bill, which was adopted as a substitute for the committee's bill.

I am going to give my time to others, and therefore must hurry on. All I desire to say further on this point is that the gentleman from Missouri is mistaken. After having examined the RECORD I am sure I never voted for any such provision as that which is contained in this bill, and I do not think the gentleman himself ever did before, or that any other member of this House did until the vote was taken the other day.

I wish to return to the subject-matter. The gentleman took occasion to call attention to the fact the committee's bill aims to give dignity and importance to agriculture by naming it as the head of a department. The substitute I offer proposes to benefit labor by making all those substantial and necessary provisions which will dignify and ennoble labor and promote agriculture to whatever extent it can be done by the action of any department.

I also make provision for the transfer to it of the Labor Bureau, provided by the act of the Forty-eighth Congress.

It is also a matter of as great importance to the people of the country there should be wise supervision of the commerce of the country by a first-class intellect as that there should be a wise supervision of agriculture by a first-class intellect. I do not know whether there are as many voters among the merchants as there are among the farmers of the country, and I suppose that is the fault with my bill. But if we look at what will benefit the country, what will aid its commerce, what will encourage agriculture, and what patriotism demands at our hands, then I hope the House will adopt the substitute I have offered.

How much time have I left?

The CHAIRMAN. The gentleman has twelve minutes of his time remaining.

Mr. REAGAN. I yield then that time to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, the time the gentleman from Texas has allotted to me will not afford the opportunity to have read at the Clerk's desk the substitute I wish to offer, and with the consent of the House I will append it to the brief remarks I am going to submit, so that members, if they feel enough interest in it to do so, may read it in the RECORD.

It may be that the time has come to create another Executive Department, and group under a common supervision some of the bureaus formed in our progress of growth and development, and thereby give greater efficiency to them. To meet this view I have draughted the substitute as merely a suggestive scheme to be the basis of consideration and legislation, and am not wedded to it. If either this plan or that offered by the gentleman from Texas [Mr. REAGAN] be adopted it will be a real department, with much substance, and giving to its head both labor and dignity. It will be in the number of its employés, in the importance of the subjects embraced in its jurisdiction, in the value of its labors to the country, and the dignity of the matters involved, the equal of the present Executive Departments. It gives the dignity asked in the name of agriculture by bestowing her name upon it; it elevates this interest to the front rank among a group of industrial bureaus, and puts it in its proper place as the head of industrial pursuits and the chief of scientific labors.

I beg the committee to examine the plan and wherein it is faulty amend it, or in its stead substitute a wiser and better scheme. It creates no new bureau; changes in no important matter the present law; makes no doubtful experiment; trenches upon no disputed constitutional powers; opens no old contentions, nor gives rise to new disputes. It relieves two Departments—the Treasury and Interior—of great labor, renders the grouping of bureaus more logical, and will cause supervision of offices through which now large sums of money are disbursed without proper control and check. The additional cost is $8,000 for the salary of the Secretary and $10,000 for all other necessary additional employés. I submit this plan in deference to the opinion of many colleagues that another Department is necessary.

I will not now attempt to point out certain defects in the proposed bill, for this can be done under the five-minute debate and the bill can be amended to obviate these objections. But I desire to submit to the committee some general considerations, and I will confine these to so much of the bill as attempts to legislate concerning agriculture and an agricultural department.

I am a farmer's boy, Mr. Chairman, and nobody on this floor can say anything as to the dignity of agriculture to which I will not most heartily agree. I suppose no one has memories which are more tender than my own connected with the country. Having been born in a city, I was carried a motherless boy, with a motherless family, into the bluegrass region of Kentucky in the exquisite month of May. I still recollect the scene that I beheld the first morning after we reached the old homestead; where, under the old trees in the yard before the old house, I looked on the undulating fields watered by North Elkhorn, and forming part of what Bancroft calls "the unrivaled valley of the Elkhorn;" with the rising sun covering the green grass with the radiance of his level rays—a picture that to-day is as dear and as vivid as it was to the little barefooted, motherless boy forty years ago. And, sir, from that day to this I have so loved that country that no temptation has been strong enough to lure me from it.

In the old field schools I was grounded in the "humanities." In the country church I joined in the simple forms of an old-fashioned worship; and to-day my friends are the farmers, whose lot I am constantly tempted to envy.

Therefore, both as to the sentimental as well as the material considerations that may be urged concerning country life and its occupations, I allow no man to go further than I. But to-day, in the midst of the agricultural distress that is prevailing, this does not seem to me to be the means to give any remedy.

How the making of the Commissioner of Agriculture a Cabinet minister and enlarging his salary from $4,500 a year to $8,000, without substantially increasing his duties, and giving him an assistant secretary of agriculture, with nothing under heaven to do, at a salary of $4,000 a year, organizing a Department with increased expenditures in the shape of stenographers, clerks, and all the paraphernalia that will be required, will either dignify agriculture or lighten the burdens upon its shoulders or put money into its empty pockets is to me an unsolved and unsolvable riddle. If it can be demonstrated that this will aid this great industry I am ready to go for it. Representing probably the richest agricultural community in America, and desiring to do all I can for those generous people, I am anxious to go any distance with anybody that can help that industry.

But I confess the more I look into it the less it seems to me to do good, and the more it seems likely to do harm. I apprehend it is a universal principle that an improper remedy to a real grievance prevents the examination and consideration of that grievance and of the remedy proper to be applied.

Whenever we think we have done something for that which requires that something ought to be done, we instantly turn from it with contentment, turning our attention from the subject, satisfying our conscience that what we have done is all that is necessary, and cease to seek for real remedies. So every time we palter with an important matter, every time we attempt to do something that has in it no substance, about a matter that needs relief, we draw ourselves off from its real consideration, and fail to do that which otherwise might have been done and that ought to have been done, and content ourselves with the insufficient remedy. Besides, sir, I look with reluctance upon every step that separates American citizens into classes. It was my duty, as I thought not long ago, to protest against the labor bill because one of its results would be in my opinion to dignify by Congressional legislation the thought that labor and capital were separate classifications into which American citizenry might be divided. So to-day, Mr. Chairman, I protest against any legislation which would tend to give force to the thought that the farmers are a separate class of our citizens. We are not all farmers; but farmers and mechanics, farmers and lawyers, farmers and merchants are constantly represented in one and the same individual.

My friend [Mr. MCCREARY], who made a summary of agriculture a few moments ago, my old comrade and college-mate, is himself a lawyer and farmer as well as member of Congress. We are all intermingled in our vocations, and so inextricably intermingled that the old story when the plebs retired from Rome to one of the hills, and the fable of the body was spoken, that the head could not do without the

stomach or the legs without the arms is as true to-day as it was then. We are inextricably and indissolubly united in our various vocations, not alone as farmers, but as farmers and all other occupations combined; and how the mere taking of one man and making him the chief of a department of agriculture, to sit at the table with the other seven, and at its head the President, dignifies the industry which he represents, or elevates it, or does anything to aid it in the struggle for better life, greater results, and ampler improvements, is a mystery to me. Nay, more, Mr. Chairman, I apprehend that when the minister of agriculture comes to take his seat there he will be no longer an agriculturist; he will be a politician.

The head of the Army Department is not a soldier; the chief of the Navy Department is not a sailor. He who, as a rule, is at the head of the Interior Department is not either a patentee, a man who gets a patent for an invention of his own, nor a man who served in the Army and is a pensioner, nor one who is a homesteader, with present interests in the public lands. All of these gentlemen are politicians, and represent considerations of state, or Presidential influences, or electoral votes; and I apprehend that when the farmer comes to take his seat at that table he will be a gentleman representing a certain section, certain political opinions, and with certain political weight.

We deceive ourselves, I think, when we say this is the road that leads to power or wealth for the agriculturist. I admit there is something wrong. I take the liberty of reading from the work of another:

By the census of 1850 the estimated value of farms in the United States was $3,271,575,426. In 1860 the value was estimated at $6,645,045,007, showing an increased value during the decade of $3,373,469,581, or more than 100 per cent. In 1870 the value of the farms was estimated at $9,262,803,861, showing an increase during the decade of $2,617,758,861, or less than 40 per cent. In 1880 the value of farms was estimated at $10,197,096,776, being an increase during the decade of $939,292,915, or only a fraction over 9 per cent. (See Compendium of the Census of 1880, page 658.)

The value of the live stock in the United States in 1850 was estimated at $544,180,566. In 1860 it was valued at $1,089,329,915. The increase during the decade was $545,149,349, or over 100 per cent. In 1870 it was estimated at $1,525,276,547, being an increase during the decade of $435,946,542, or less than 40 per cent. In 1880, the live stock was valued at $1,500,464,609, being a decrease during the decade of nearly $25,000,000, or more than 1½ per cent.

Mr. HISCOCK. I recommend that to the gentleman from Texas as a commentary on the "robber policy" of protection.

Mr. BRECKINRIDGE, of Kentucky. I accept the challenge of the gentleman addressed to the gentleman from Texas.

In the value of live stock during this period of thirty years, in ten of them there was an increase of over 100 per cent. In the next ten years there was an increase of less than 40 per cent. In ten more years there was a decrease of 1½ per cent. In the first of these decades we were under the tariff of 1846, a low tariff. In the decade from 1860 to 1870 the country was under the high tariff, the Morrill tariff, when the 100 per cent of increase diminished to 40 per cent.; and from 1870 to 1880, in time of profound peace, when the country was under the renewed and accelerated power of high tariff, the decrease was 1½ per cent. [Applause.]

In other words, under a low tariff the agricultural interest doubled in ten years. Under a high tariff in another decade of ten years there was a decrease in live stock of 1½ per cent. There is the grievance. Let us find the remedy.

Mr. HISCOCK. If the gentleman will carefully examine the census returns and take the returns themselves he will discover he is mistaken.

Mr. BRECKINRIDGE, of Kentucky. These are the returns of the census; two of these censuses, if not three of them, having been taken under statisticians who belonged to the protectionist school, who would make the figures conform to their theories as far as their consciences would allow them to do it.

Mr. HISCOCK. I repeat, if the gentleman will look at the original figures he will find he is mistaken.

Mr. BRECKINRIDGE, of Kentucky. These are the correct figures.

There seems every reason to believe that between 1850 and 1860 there was a very rapid increase in wealth. In the general prosperity of the country the great farming community appears to have fully participated. Then, as now, it comprised about half of all our people. Starting in 1850 with less than $4,000,000,000 they increased their wealth by more than an equal amount in ten years. But since 1860, with far more than twice as much capital, and added millions of persons employed, they have scarcely been able, even by the highest estimates the census officers could possibly make, to add as much to their wealth in twenty years as they did in the preceding ten. In 1860 farmers owned half of the wealth of the country. In 1880 they owned but a quarter. By the census estimates the other half of the community between 1860 and 1880 increased their wealth by more than $23,000,000,000. But farmers starting with an equal capital increased their wealth during the same time only a little more than $4,000,000,000.

And if we could obtain the result in figures of the five years since the census of 1880 was taken the picture would be a still more distressing one. Wheat, cotton, wool, meats, every product of the farm at prices that scarcely pay for the cost of production; the value of live stock yearly, ay, daily decreasing; the vendible value of land also decreasing; mortgages unpaid; interest accumulating; debt increasing; new competitors with their products pressing down the price of our products in fierce rivalry, unable to sell in many of the markets of the world, because by our system we can not there buy—the farmer may well declare that all legislation has been to his detriment; that the system of taxation imposed on us is unjust to him; that the profits of his labor have gone into the coffers of others, and that this has been carefully, skillfully, sytematically kept in view in all our governmental legislation for a quarter of a century.

Here is the grievance, here is the burden which like a parasite keeps this mighty industry from moving onward in her glorious march. This is the clog which keeps her steps from advancing in a prosperous career. Take it off; remove this burden, reduce these immense and enormous protective duties that are eating her life away. Do not palter by talking of giving her a Cabinet officer, of crowning her with palms. Take off the weights that now rest upon her and she herself will be crowned by her own labor. She will crown herself with the rewards of honest sweat; she will cover herself with the achievements of honest industry, doing it for herself and on her own ground and asking no favors of Cabinet officers or Presidents. [Applause.]

Upon a soil so fertile, with a climate so salubrious, amid a race so glorious, with a territory so magnificent, all agriculture wants is a free, unrestricted, unburdened chance in the great battle of life. Give this to her and you give her all she asks. [Applause.]

The following is Mr. BRECKINRIDGE'S substitute:

Mr. WILLIAM C. P. BRECKINRIDGE introduced the following bill:

A bill to establish a department of agriculture and industry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be at the seat of Government an Executive Department to be known as the Department of Agriculture and Industry; and the head thereof shall be secretary of agriculture and industry, and he shall receive an annual salary of $8,000, to be paid as other salaries of the heads of Executive Departments are by law paid, and hold his office for four years, unless sooner removed from office.

SEC. 2. That this department shall consist of—

First. The Department of Agriculture.

Second. The Bureau of Labor.

Third. The Bureau of Education.

Fourth. The Bureau of the Office of Commissioner of Railroads.

Fifth. A bureau to consist of the United States Coast and Geodetic Survey and of the Office of the Geological Survey.

Sixth. The Bureau of Statistics.

Seventh. The Bureau of the Life-Saving Service.

Eighth. The Bureau of the Office of the Supervising Architect.

Ninth. The Office of Steamboat Inspection.

Tenth. The Patent Office.

SEC. 3. That the laws now in force respecting said above-named ten department, ment, bureaus, and offices shall remain in force unil the department herein created is organized by the appointment of the secretary of agriculture and industry, who shall be appointed by the President, by and with the advice and consent of the Senate, at which time the heads and chiefs of said department, bureaus, and offices shall report to said secretary, who shall, under the direction and with the approval of the President, make such rules and regulations for the supervision, control, and management of said Executive Department hereby created as may be necessary; and the laws governing said department, bureaus, and offices, fixing the salaries, duties, and terms of all officers and employés therein, stipulating what duties and labors are required of them, and imposing liabilities and giving privileges to them, shall remain in force, save as altered and modified by this act.

SEC. 4. That the secretary of agriculture and industry is hereby given power to employ such clerks, stenographers, and employés as may be necessary, in addition to those now by law provided for the department, bureaus, and offices hereinbefore set out, and to fix the salaries and wages of such persons, not, however, exceeding in the aggregate the sum of $10,000 a year; and the sum necessary to pay said persons is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 5. That this act shall take effect on June 30, 1886.

Mr. WEAVER, of Iowa, obtained the floor.

Mr. HATCH. I ask the gentleman from Iowa [Mr. WEAVER] to yield to me a moment that I may reply to the gentleman from Texas [Mr. REAGAN].

Mr. WEAVER, of Iowa. I yield to the gentleman.

Mr. HATCH. I said the gentleman from Texas [Mr. REAGAN] voted for the bill reported from the Committee on Agriculture in the Forty-seventh Congress. There were various amendments and substitutes offered for the bill. One substitute was offered by Mr. Hubbell, of Michigan, and from that the gentleman read the first section. The question was taken on that substitute and it was not agreed to. I read from the RECORD:

The bill as amended—

That is, the bill reported by the committee and in charge of Mr. ANDERSON, of Kansas—

was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ANDERSON, of Kansas. I call for the previous question on the passage of the bill.

The previous question was ordered.

Mr. WELLBORN and Mr. ANDERSON, of Kansas, called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 7, not voting 101.

Among the yeas is recorded the name of Mr. REAGAN, of Texas. So that my statement that the gentleman after voting for the Kenna substitute voted for the bill is supported by the RECORD, and is correct.

Mr. REAGAN. I read the clause from the bill for which I voted and to which the gentleman refers, which is the only thing that bore any resemblance to the bill now before the House. I did so in order to show that I never voted for the provisions of this bill, and the gentleman from Missouri himself did not.

Mr. WEAVER, of Iowa. Mr. Chairman, it has been beautifully said by Jonathan Duncan that—

Infinite benevolence has given to man a wonderful patrimony. He has laid the three kingdoms of nature at our feet. The earth abounds in endless fertility; the race of domestic animals will never become extinct; the mines teeming

with every variety of minerals are inexhaustible; what is deficient in one hemisphere is redundant in another, the trade-winds are the unerring auxiliaries of transmarine intercourse, and the magnet is the pilot of navigation.

This beautiful statement is true of the whole earth, and it is wonderfully accurate when applied to this the New World; and yet society seems to be suffering under some universal depression and disorder. Want and extreme poverty afflict at this moment a very large proportion of our population. Why are these things so?

Our life as a nation has been but a span. I saw the other day at the Executive Mansion an individual who had called to pay his respects to the President. This gentleman has lived under every administration of every President from Washington to Cleveland. We are as a nation not as old as some of our living individual citizens. We are in our youth, but debauched by profligacy and eaten up by internal disorders. Labor built the state; but labor to-day is on the rack. Laboring people feed, clothe, and shelter the world, but they have less to consume and possess fewer of the necessaries and luxuries of life than any other class of our population.

Now they intend to know the reason of all this. They intend to know how it turns out to be true that we, a republic, have traveled farther during the first century of our existence toward extreme poverty on the one hand and extreme riches on the other than was ever traveled by any other nation on the globe in five hundred years. This condition of affairs, I insist, calls for the closest scrutiny on the part of statesmanship and on the part of our people. "What good," it is asked, "can result from a bill of this kind?" I answer, much, every way. In the first place, labor is asking for a voice in the Cabinet, where measures are matured, where they receive their final discussion, where they are to be approved, and often where they are slaughtered.

Labor asks for a voice in that council, and if this bill is passed it will give labor a status which it has not enjoyed during the first century of the Republic. Again, labor is organizing for a great civic contest with monopoly, and has the right to be heard. It is seeking a vantage-ground which, as every one knows, is one-half the battle. It is seeking to be dignified and demands that it shall be respected everywhere. Treat the producers of wealth fairly and give them an equal voice with every other branch of our population. There is nothing in this bill that smacks of creating classes, as has been intimated, but it is designed to lift labor to a higher level and a higher recognition. Our system of political economy calculates accurately the product of labor, but it forgets the producer. It tells us of our wonderful productions, but forgets the great aim of it all—a perfect manhood and a peaceful and prosperous state of society.

Now, the gentleman from Texas [Mr. REAGAN] has assailed this bill as being unconstitutional. I have the highest admiration for that gentleman's ability and courage, for the tenacity with which he adheres to his views and the fearlessness with which he asserts them upon this floor; but the position taken by him is certainly untenable, and if this bill be subject to the objection which he has raised, certainly his own bill is obnoxious to the same criticism, but in a greater degree. I call his attention and the attention of the committee to subdivision 1 of section 3 of the gentleman's substitute. I read:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry, and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories—

If there be no constitutional authority for the bill of the committee, where is the authority for this, I ask?

I read further—

and shall report such practical information as shall tend to increase the profits of the farmer respecting the various methods, the crops most profitable in the several sections, the preferable varieties of seeds, vines, plants, and fruits, fertilizers, implements, buildings, and similar matters.

And here is the second subdivision of the same section of the gentleman's bill:

Second. The Bureau of Animal Industry to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Mr. Chairman, I concede that these are very proper provisions to be in a bill of that kind, and I claim that they are not in violation of any provision of the Constitution, but I insist that if this bill is in violation of the Constitution, then the gentleman's own bill is in the same category. At the commencement of this Congress I had the honor to introduce a bill to establish a department of labor. After consulting with the Committee on Agriculture and after consultation of the two committees it was thought best to combine the two departments of agriculture and labor, and hence the fifth section of the bill now under consideration is substantially the bill which I introduced for the establishment of a separate department of labor.

Now, the clause referred to by the gentlemen is this:

The relation of capital to labor, the hours of labor, the earnings of laboring men and women, the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry.

The gentleman says he does not think he ever voted for the passage of such a bill as this or that any other member of this House ever did. I remind him that the language to which he objects is copied *verbatim* from the bill to establish a bureau of labor, which passed this House and became a law June 27, 1884, and is now in force.

It is said that labor is suffering and agriculture is suffering. So they are. But neither this suffering nor its causes are new; they are as old as civilization. Every nation has passed through them. Just after the Napoleonic wars, about the year 1826, the laboring people of England passed through a crisis similar to that through which we are now passing and it was brought on by similar causes. The very same suffering then existed, and the very same frivolous excuses and causes were assigned then that have been urged here from 1873 to the present hour—overproduction, transition from war to peace, lack of specie basis, and other nonsensical and intentionally deceptive theories.

Mr. REAGAN. Will the gentleman allow me a moment? I have examined the statute creating the Labor Bureau; and I do not find the passage which the gentleman read.

Mr. WEAVER, of Iowa. It is there; I copied it myself.

Mr. REAGAN. I do not find it, and my recollection does not agree with the gentleman's.

Mr. WEAVER, of Iowa. I will yield to the gentleman later for any correction he may desire to make.

Mr. ROGERS. Will the gentleman permit me to ask him a question for information?

Mr. WEAVER, of Iowa. I was just about to pass to a different branch of the subject.

Mr. ROGERS. My question relates to that branch which the gentleman is about to leave. Has the gentleman observed that by the terms of this bill the act by which the Bureau of Labor was created is repealed, and there is no provision at all for the transfer of this bureau to the new department?

Mr. WEAVER, of Iowa. I think there is such a clause. I will examine the matter.

Mr. ROGERS. I have examined the bill carefully; and there is no such provision in the bill. You abolish the act creating the present bureau; and the corresponding bureau in this department is left with no head, no control, no management.

Mr. WEAVER, of Iowa. When this bill shall become a law, there will be no necessity for continuing in force the other act. This bill simply repeals the former law, and creates a division of labor within the new department.

Mr. ROGERS. But you do not make any provision for the transfer.

Mr. WEAVER, of Iowa. I will pay attention to that point when we reach the time for amendments.

I wish to call attention to a satire published by Thomas Moore, the poet, at the time of the financial crisis in England. This satirical poem will answer many of the arguments now appearing in magazines and urged on this floor in speeches with reference to the condition of affairs in this country. The poet compares the laboring people of England at that time to an overloaded donkey. The satire proceeds as follows:

A donkey, whose talent for burdens was wondrous,
So much that you'd swear he rejoiced in a load,
One day had to jog under panniers so pond'rous,
That—down the poor donkey fell, smack on the road.

His owners and drivers stood round in amaze—
What! Neddy, the patient, the prosperous Neddy,
So easy to drive through the dirtiest ways,
For every description of job-work so ready!

One driver (whom Ned might have "hailed" as a "brother")
Had just been proclaiming the donkey's renown,
For vigor, for spirit, for one thing or other—
When, lo, 'mid his praises, the donkey came down!

But, how to upraise him?—one shouts, t'other whistles,
While Jenky, the conjuror, wisest of all,
Declared that an "overproduction" of thistles—
(Here Ned gave a stare)—was the cause of his fall.

Another wise Solomon cries, as he passes,
"There, let him alone, and the fit will soon cease;
The beast has been fighting with other jackasses,
And this is his mode of "'transition to peace.'"

Some looked at his hoofs, and, with learned grimaces,
Pronounced that too long without shoes he has gone—
Let the blacksmith provide him a 'sound metal basis,'"
The wiseacres said, "and he's sure to jog on."

* * * * * *

Meanwhile the poor Neddy, in torture and fear,
Lay under his pannier, scarce able to groan,
And—what was still dolefuller—lending an ear
To advisers whose ears were a match for his own.

At length a plain rustic, whose wit went so far
As to see others' folly, roared out, as he passed—
"Quick! off with the panniers, all dolts as ye are,
Or your prosperous Neddy will soon kick his last!"

You will observe that it was a plain laboring man who discovered that the animal was overloaded, and who made the sensible suggestion to take off the load. [Laughter.]

A very sensible remedy, was it not? The trouble with American laborers to-day is that they are simply overloaded. Take off these burdensome taxes; take off the load of usury that is annually extorting from the people of the United States at least $350,000,000 more than

the net annual increase of wealth in this country; take off that load, and the people will get up.

Relieve labor of exorbitant railroad charges, that rob the producer at one end of the line and the consumer at the other and which exhaust their life and eat their substance. Take off these loads and labor can take care of itself. To this end, that labor may take care of itself, take it into your highest councils. Provide for it a vantage-ground; dignify it.

Mr. REAGAN. I know the gentleman does not wish to do me injustice in the remarks he has made. I have referred to the statute, and while the gentleman doubtless has copied a portion of it, he has not copied that portion I object to in the bill.

Mr. WEAVER, of Iowa. I would not misrepresent the gentleman for the world.

Mr. REAGAN. The words I refer to are these:

The best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry.

This did not appear in that act. Nor did these words:

The secretary of agriculture and labor shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States; and he may invite and hear sworn statements from both such parties concerning the matters in controversy.

Neither of these things is in the bill the gentleman copied.

Mr. WEAVER, of Iowa. What is there about that that is in conflict with the Constitution? May we not do that if we can inquire by the gentleman's substitute as to the best breed of cattle, the best breed of hogs, and the best method of cultivating the soil in the several States? May we not do one as well as the other? The gentleman can not point out the distinction to save his life, nor can anybody else. It is a distinction without a difference.

Mr. REAGAN. The gentleman will find when he reads my speech that I did point out the difference.

Mr. DUNHAM. I ask the gentleman what he thinks of the rate of 6 cents a bushel on wheat from Chicago to New York?

Mr. BLAND. How much did it cost to get it to Chicago?

Mr. WEAVER, of Iowa. Many times charges are not exorbitant. They vary; one time high and again low. In return, I repeat the question put by my friend from Missouri [Mr. BLAND]; what did it cost to get it to Chicago?

Mr. DUNHAM. All the way from 4 to 15.

Mr. WEAVER, of Iowa. The railroads carry it cheaper for 800 than for 400 miles. Besides, there are elevator and terminal charges which are enormous.

Mr. DUNHAM. Is 85 cents in New York high?

Mr. WEAVER, of Iowa. No, it is too low; but that results from another cause. It is too high, considering what the producer gets at the farm. This bill only provides for collecting information as to the condition of labor in the country, and this we must have in order to legislate intelligently. There are several provisions of the Constitution from which this authority can be obtained. The General Government may be called upon at any time to protect the States against domestic violence.

The CHAIRMAN. The hour of 5 o'clock having arrived, the committee will rise and report to the House.

Mr. WEAVER, of Iowa. I still have the floor.

The committee accordingly rose; and the Speaker having taken the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5180) to enlarge the powers and duties of the Department of Agriculture, and had come to no resolution thereon.

BUTTERINE.

Mr. DUNHAM. I ask unanimous consent to present resolutions of the Chicago Board of Trade.

Mr. HATCH. Are they in reference to butterine?

Mr. DUNHAM. Yes.

Mr. HATCH. I object.

The SPEAKER (at 5 o'clock p. m.) declared the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of many citizens of Harrisburg, Pa., for the passage of a law to redeem the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BURLEIGH: Petition of citizens of Salem, N. Y., praying for the passage of a law for the redemption of the trade-dollar—to the same committee.

By Mr. CRISP: Petition of W. H. Love, B. B. Gray, and others, citizens of Coffee County, Georgia, in favor of the Blair educational bill—to the Committee on Education.

By Mr. ELY: Petition of Samuel W. Crane and 28 others, of Blackstone, Mass., in favor of bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. ERMENTROUT: Memorial of John J. K. Gittleman, asking for legislation to equalize the pay of the soldiers of the late war with the gold standard—to the Committee on War Claims.

By Mr. FINDLAY: Memorial of merchants, manufacturers, and citizens of the United States, in favor of fair pay to American steamships engaged in carrying the United States mail—to the Committee on the Post-Office and Post-Roads.

Also, memorial of N. Lehman & Brother and others, and of Daniel Miller & Co., and others, of Baltimore, Md., praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GAY: Petition of Jasper Gall, of Iberia Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GLASS: Petition of J. T. Lennox, of Obion County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. HAYNES: Petition of Abby L. Burbank, for increase of pension—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Resolution of General Robert Anderson Post, No. 68, Grand Army of the Republic, of Waterloo, Iowa, favoring the recommendations of the national pension committee of the Grand Army of the Republic—to the same committee.

By Mr. HEWITT: Petition of the Berdan Fire-Arms Manufacturing Company, for relief—to the Committee on Patents.

By Mr. HIESTAND: Memorial of Grange No. 3, of Lancaster County Pennsylvania, in favor of the passage of a law preventing the manufacture of imitation butter—to the Committee on Agriculture.

Also, memorial of same against admitting free of duty wool, hides, iron, &c.—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of C. P. Woodworth and 35 others, of Canaan, N. Y., for the passage of the bill to regulate the sale of all imitation butter—to the Committee on Agriculture.

By Mr. KING: Petition of T. J. Powell administrator of Warren M. Benton, of Carroll Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LIBBEY: Petition of William E. Cathart, of Norfolk County, Virginia, requesting that his claim be referred to the Court of Claims—to the same committee.

By Mr. MATSON: Petition of Francis F. Gelvin, John H. Gelvin, John H. Budd, and 500 soldiers of Indiana, asking for the passage of House bill 3320, granting a service pension—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of Thomas R. Elliott and of Linnæus W. Risley, for invalid pensions—to the same committee.

By Mr. OSBORNE: Petition of merchants, manufacturers and citizens interested in the extension of American commerce, favoring the payment of fair compensation for carrying the United States mails—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Commercial Exchange of Philadelphia, favoring House bill 5013 legalizing contracts between commercial associations and carriers—to the Committee on Commerce.

Also, resolution of the Chicago Live Stock Exchange, opposing the passage of any law prohibiting or taxing the manufacture of oleomargarine—to the Committee on Agriculture.

By Mr. PETTIBONE: Petition of Jesse A. Bailis, and of John M. Watkins, of Hamilton County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. T. B. REED: Resolution of the Maine branch of the Indian Association, in aid of the Dawes bill of Senate, bill 53—to the Committee on Indian Affairs.

By Mr. SENEY: Petition of O. A. Bigley and 70 others, citizens of Wood County, Ohio, for laws giving ex-Union soldiers 160 acres of land and to retire them on half-pay, &c.—to the Committee on the Public Lands.

By Mr. SESSIONS: Petition of business men of Olean, N. Y., in favor of redeeming the trade-dollar at par—to the Committee on Coinage, Weights, and Measures.

By Mr. SEYMOUR: Papers relating to House bill No. 8349, for the relief of Almira Ambler—to the Committee on Invalid Pensions.

By Mr. SINGLETON: Petition of P. Maberry and others, asking to have a law passed in favor of pensioning the veterans of the Florida war—to the Committee on Pensions.

By Mr. STORM: Petition of Grange No. 291, Patrons of Husbandry, of Pennsylvania, for the passage of a law suppressing the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, petition of the same, against putting wool, hides, jute, tobacco, rice, and raw sugar on the free-list—to the Committee on Ways and Means.

Also, petition of John Gorman and others, of Hazelton, Pa., against the suppression of the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. STRAIT: Petition of John E. Kennedy and 20 others, citizens of Northfield, Minn., praying for such laws and appropriations as will enable the National Board of Health to investigate epidemics, such as cholera and yellow fever, and for the preservation of the public health—to the Committee on Appropriations.

By Mr. TUCKER: Petition of John R. Buchanan, son of David Buch-

anan, of Craigsville, and of Barbara Stover, administratix of Jacob Stover, and of Z. F. Colbreath, of Augusta County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. VAN EATON: Papers in the case of Lewis D. Allen—to the same committee.

By Mr. WHEELER: Papers relating to the claim of Phillip Lindsey, of Lauderdale County, Alabama—to the same committee.

Also, petition of Walter Rosser, of Jackson County, Alabama, asking that his war claim be referred to the Court of Claims—to the same committee.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented and severally referred to the Committee on Agriculture:

By Mr. C. H. ALLEN: Of citizens of South Lancaster and of Littleton, Mass.

By Mr. J. M. ALLEN: Of citizens of Union; of Garland, Me.; and of Jackson, and of Bolton, Miss.

By Mr. EVERHART: Of citizens of West Chester, Pa.

By Mr. GROUT: Of citizens of Holland; of Brookfield, Vt.; and of New York State.

By Mr. HOLMAN: Of citizens of Freelandville, of Franklin, of Carson, of Ainsworth, of Kendallville, and of Henryville, Ind.

By Mr. MORRILL: Of J. W. Dunthart and 36 others of Willis, and of D. E. Bonett and 20 others of Hiawatha, Kans.

By Mr. A. J. WARNER: Of citizens of Northfield, of East Trumbull, of Ashland, of Johnsonville, of Cincinnati, of Huntsburg, of Stryker, of Painesville, of Austinburg, of Seville, of Rootstown, of Lock, of Wakeman, of Weymouth, of Axtel, and of Beaver Dam, Ohio.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of citizens of Worcester County, Massachusetts.

By Mr. EDEN: Of citizens of Macoupin County, Illinois.

By Mr. PHELPS: Of citizens of Passaic County, New Jersey.

By Mr. SCRANTON: Of citizens of Luzerne County, Pennsylvania.

By Mr. SPRINGER: Of citizens of Mackinaw County, Illinois.

By Mr. STAHLNECKER: Of citizens of Westchester County, New York.

By Mr. A. J. WARNER: Of citizens of Washington County, Ohio.

SENATE.

FRIDAY, *May* 14, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. HOAR. I have in my hand a copy of a very interesting and able letter addressed to the President of the United States by Mr. William L. Elseffer, civil engineer. Mr. Elseffer is a very eminent civil engineer, and has made a very interesting and important discussion of the existing measures and plans for the improvement of the Mississippi River. I have been asked to introduce a resolution in the Senate requesting the President to forward that letter to the Senate for its information. I have a copy of the letter, and ask leave to present this copy and have it referred to the Committee on Commerce and have it printed, without going through the unnecessary ceremonial of calling upon the President. I understand that the letter is not confidential.

The PRESIDENT *pro tempore*. The Senator from Massachusetts presents a copy of the paper mentioned by him, and asks that it be referred to the Committee on Commerce and ordered to be printed. Is there objection? The Chair hears none, and that order will be made.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present petitions of 119 farmers of the State of Massachusetts praying for the passage of House bill 8328 defining butter and also imposing a tax of 10 cents a pound on that which is not butter. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES presented a petition of citizens of North Reading, Mass.; a petition of citizens of Williamstown, Mass.; and a petition of citizens of Williamsburg, Mass., praying for the passage of a law against the fraudulent sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS. I present the petition of William G. Bliss and 50 others, citizens of Richford, Vt., praying for legislation to tax or otherwise put down the fraudulent disposition of false butter; a similar petition of J. G. Aldrich and 120 other citizens of Shrewsbury, Vt., praying for the passage of similar legislation; a similar petition of W. S. Shattuck and 104 others, residents and citizens of Weston and vicinity, in the State of Vermont, on the same subject, asking the same relief; also the petition of A. A. Edson and 26 others, citizens of Chester, Vt., praying for the same relief. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HOAR presented petitions of citizens of Boylston and Sterling, in the State of Massachusetts, praying for the enactment of the provisions contained in the bill concerning oleomargarine reported by the House Committee on Agriculture; which were referred to the Committee on Agriculture and Forestry.

Mr. ALLISON. I present a petition signed by a dozen people in my State, "praying for the abolishment of the American house of lords and the substitution of a republican form of government." I do not know precisely what the petitioners desire, but I move the reference of the petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. EVARTS presented a petition of General Hiram Berdan, of New York city, praying for compensation from the United States for the use of his patented fire-arms; which was referred to the Committee on Patents.

Mr. EVARTS. I also present a petition of prominent banks and bankers of the city of New York, praying for the redemption of the trade-dollar.

This is a matter in which my constituents having commercial relations in the city of New York take a great interest. The petition is a brief one and is signed by leading corporations and individuals of distinction in commerce and trade. I ask that it may be printed in the RECORD.

The petition was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the honorable members of the United States Senate and House of Representatives, Washington, D. C.:

Your petitioners respectfully represent that on July 12, 1873, Congress enacted a law authorizing the coinage of a "trade-dollar" and making it "a legal tender for any amount not exceeding $5 in any one payment.

After $15,569,000 of these "trade-dollars" had been coined, and a large part of them had entered into circulation, Congress, on the 22d day of July, 1876, by taking away its legal-tender quality, virtually repudiated this coin, but the Mint went on coining them until May, 1878.

Soon after the Government began to coin the "standard dollar" no more "trade-dollars" were issued.

It is calculated that there are now in this country less than six million of these trade-dollars, more than 90 per cent. of which have been taken at par.

All that bear date 1873, 1874, 1875, and 1876 were "legal tender" when issued. Those bearing date 1877, 1878 were issued after the resolution of repudiation.

The withdrawal of the one and two dollar bills is calling into circulation silver dollars, and as the "trade-dollar" and "standard dollar" so nearly resemble each other, innocent parties, particularly laborers, are now receiving trade-dollars in many cases and in ignorance of their repudiation, and then find they can not use them in payment of their bills.

It is bad policy for Government to leave in circulation two coins so nearly alike, one of which is of unlimited legal tender and the other repudiated.

Therefore your petitioners humbly pray that Congress would immediately pass a bill for the redemption of the trade-dollar.

Mr. TELLER. I present a resolution adopted at a convention of wool-growers of Colorado, Wyoming, Utah, and Idaho, held at Salt Lake City, remonstrating against a reduction of the tariff on wool, and favoring the restoration of the tariff of 1867 on wool and woolens. I move the reference of the resolution to the Committee on Finance.

The motion was agreed to.

Mr. PLATT presented a petition of citizens of Manchester, Conn., praying for legislation imposing a tax upon the manufacture of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN presented the petition of Dr. A. T. Mason and other citizens of Hagerstown, Md., praying that increased appropriations be made to enable the National Board of Health to prosecute investigations into the causes of diseases; which was referred to the Committee on Appropriations.

Mr. SAWYER. I present various petitions signed by 914 dairymen and butter-makers of Wisconsin, praying for the passage of a law taxing the manufacture of imitation butter. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion wss agreed to.

Mr. HARRISON presented a memorial of members of the bar of the county of Cochise, in the Territory of Arizona, remonstrating against the passage of House bill 5496, to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in that Territory; which was referred to the Committee on Territories.

Mr. LOGAN presented a petition of the ex-soldiers and citizens of the National League, praying that the recommendations of the national committee of the Grand Army of the Republic be favorably considered by Congress; which was referred to the Committee on Pensions.

Mr. CHACE presented a petition of the New England Southern Con-

ference of the Methodist Episcopal Church, praying for the enactment of laws for the protection of the Chinese; which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Produce Exchange of Chicago, Ill., representing the produce and dairy interests of that State, praying for legislation for the protection of the dairy interests against the sale of imitations of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the directors of the Chicago Board of Trade, remonstrating against the passage of measures proposing to place a tax upon the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a joint memorial of Local Assemblies No. 4080, No. 1597, No. 4052, No. 4327, No. 5449, No. 5959, and No. 1912, Knights of Labor, of Englewood, Ill., remonstrating against proposed legislation to regulate the manufacture and sale of oleomargarine as injurious to the laboring classes and against sound public policy; which was referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented petitions of citizens of Saint Paul, Berne, Heron Lake, Mapleton, Pipe Stone, Rushford, Lewiston, Le Seur, Parke's Prairie, Nashville Centre, and Hutchinson, in the State of Minnesota, praying for the imposition of a tax on imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. LOGAN presented a memorial of the Produce Exchange of Chicago, Ill., representing the produce and dairy interests of that State, favoring the Scott bill, which has for its object the protection of the dairy interest of the United States; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chicago Live Stock Exchange, protesting against the passage of any law which shall interfere with or prevent the manufacture of oleomargarine or butterine; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER presented a petition of citizens of Hudson, N. Y., praying for the passage of a bill for the redemption of the trade-dollar; which was referred to the Committee on Finance.

He also presented a petition of citizens of Adams Centre, N. Y., praying for the passage of the bill taxing imitation butter 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2392) to limit the commercial privileges of vessels of foreign countries in the ports of the United States to such purposes as are accorded to American vessels in the ports of such foreign countries, to report it with amendments. I am instructed to offer the bill as an amendment to the House shipping bill, and I shall do so whenever that bill comes up for consideration.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (S. 2178) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River, reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker had appointed Mr. E. S. BRAGG of Wisconsin, Mr. E. L. VIELE of New York, and Mr. JAMES LAIRD of Nebraska, as Visitors to the Military Academy at West Point, N. Y., under the provisions of section 1327 of the Revised Statutes of the United States.

The message also announced that the House had passed the bill (S. 1387) for the completion of a public building at Wichita, Kans.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 2427) for the relief of the legal representatives of Eliza M. Ferris, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STANFORD introduced a bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco in trust for the people of the United States: which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 2429) granting an increase of pension to Martha A. F. Terret; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 2430) for the relief of the estate of the late John How, Indian agent, and his sureties; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 2431) granting a pension to Henry Shoulders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES. I introduce a bill with the merits of which I am unacquainted; but it has been sent to the Senate accompanied by a message, which has gone to the other branch. At the request of the Interior Department I introduce it and ask that it be referred to the Committee on Indian Affairs.

The bill (S. 2432) authorizing the Secretary of the Interior to purchase certain improvements belonging to white settlers on the Mescalero Indian reservation, in New Mexico, and appropriating a sum of money therefor, was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LOGAN introduced a bill (S. 2433) granting a pension to Joseph S. Lutz; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2434) to provide for the purchase of grounds and the erection of buildings for the post-office and for other uses for the United States, at Logansport, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRISON introduced a bill (S. 2435) granting a pension to Henrietta M. Drum Hunt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a joint resolution (S. R. 62) authorizing the publication of an edition of a Digest of International Law, edited by Francis Wharton; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. VOORHEES. I submit the following amendments intended to be proposed by me to the river and harbor appropriation bill:

For the improvement of the Chehalis River in Washington Territory, $5,000.
For the improvement of the Cowlitz River in Washington Territory, $6,000.
For the improvement of Upper Columbia and Snake Rivers in Oregon and Washington Territory, $36,000.
For the improvement of the harbor at Olympia, Washington Territory, $100,000.
For the improvement of Skagit, Steilaguamish, Nootsack, Snohomish, and Snoqualimic Rivers in Washington Territory, $22,000.

I move that the amendments be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, it was—

Ordered, That when the Senate adjourn to-day, it adjourn to meet on Monday next.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was—

Ordered, That the papers in the claim of William H. Beck be taken from the files and referred to the Committee on Claims.

BRANCH SOLDIERS' HOME.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be, and it hereby is, instructed to inquire into the expediency of establishing a branch national home for disabled volunteers in Northern New York or Western Vermont, with a view to the care and assistance of disabled volunteer soldiers residing in that section of the country.

L. C. CAPEN.

Mr. HOAR. I offer by request a resolution to pay L. C. Capen $210 as compensation for extra labor performed by him while a messenger in the employ of the Senate, accompanied by a letter from Mr. Capen setting forth the grounds of his claim. I move that the resolution with the accompanying petition be referred to the Committee on Contingent Expenses of the Senate.

The resolution was referred to the committee to Audit and Control the Contingent Expenses of the Senate; as follows:

Resolved, That there be paid out of the contingent fund of the Senate to L. C. Capen the sum of $210, as compensation for 294 hours of extra labor performed by him while messenger from February 5, 1885, to April 4, 1885.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is now in order.

The Chair will advise the Senate that under the fifth rule it is his duty to interrupt Senators at the end of five minutes, and although it is sometimes an unpleasant duty, Senators will feel that it is simply done in obedience to the imperative rule of the Senate.

Mr. CONGER. I was unable to hear what the statement of the Chair was.

The PRESIDENT *pro tempore*. The statement was simply to remind Senators that it is the duty of the Chair to enforce the five-minute rule,

and although it is sometimes unpleasant, yet Senators must remember that it is the rule which imposes the duty and not the wish of the Chair to interpose.

Mr. MAHONE. I ask the unanimous consent of the Senate at this time to take up certain bills relating to public buildings, which are on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Virginia asks the unanimous consent of the Senate that the Senate proceed to the consideration of bills reported from the Committee on Public Buildings and Grounds. Is there objection? The Chair hears none.

Mr. RIDDLEBERGER. I wish to ask the Senator whether he means to take up all the bills which are reported from the Committee on Public Buildings and Grounds?

Mr. MAHONE. That is what I propose to do.

Mr. CONGER. I desire to object to the taking up of any series of bills not regularly on the Calendar.

Mr. MAHONE. These bills are on the Calendar.

Mr. CONGER. It is not proposed to take them up regularly in their order on the Calendar.

The PRESIDENT *pro tempore*. The Chair understands that assent has been unanimously given. Did the Senator from Michigan rise to make an objection to it?

Mr. CONGER. Is it the desire to go through with those bills?

Mr. RIDDLEBERGER. I object. I did not hear the statement when the Chair put it. I object to taking up any series of bills now that will go through with a series of appropriations. We have had that on pensions, have had that on a number of other things, and now it is proposed to take up the public building bills. I should like to see some other business done than simply giving away money.

The PRESIDENT *pro tempore*. So that there may be no misunderstanding, the Chair will again put the question to the Senate.

Mr. INGALLS. I suggest to the Senator from Virginia [Mr. MAHONE] that he move to take up the bills one by one, to avoid the necessity of asking unanimous consent.

The PRESIDENT *pro tempore*. The Senator can do that. A Senator may move to proceed to the consideration of any bill on the Calendar during the morning hour.

Mr. MAHONE. Then I move that the Senate take up Order of Business 269, being Senate bill 117.

Mr. BLACKBURN. May I ask the Senator from Virginia, as his purpose seems to be to reach by consent action upon a number of bills, to yield for a moment to allow me to ask the consent of the Senate to consider at this time the bill just reported from the Committee on Commerce by the Senator from Michigan [Mr. CONGER], providing for the erection of a bridge across the Ohio River between Cincinnati and Covington, assuring the Senator that there can be no discussion evoked by it? I think if I were permitted to make a statement of a minute I could convince the Senate that it is important and proper that the bill should be passed now.

Mr. MAHONE. Before yielding to the Senator from Kentucky, I desire to say to the Senate that the bills which I wish to take up this morning are for the most part bills making provisions for the completion of buildings which are already in process of construction. I now yield to the Senator from Kentucky.

OHIO RIVER BRIDGE.

Mr. BLACKBURN. Now I ask that House bill 7938 be taken up.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks the unanimous consent of the Senate to proceed to the consideration of the bill reported from the Committee on Commerce this morning.

Mr. ALLISON. Let it be read in full for information.

The Chief Clerk read the bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. CONGER. I send to the desk a letter of the Secretary of War in reference to this bridge, which I think will satisfy the Senate that there should be no objection to the passage of the bill.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, May* 13, 1886.

SIR: Your letter of the 11th instant is received. I have no objection to offer to the passage of the bill as it now stands. I understand that the bridge proposed is subject to the restrictions and provisions of the general law in all respects except the two particulars mentioned in the proviso. In reply to your specific inquiry as to "the effect the construction of the bridge contemplated in the bill will have upon the navigable interests of the Ohio River," I would say that I have considered from the first that this question is to be determined by the Secretary of War assisted by the board of engineers provided for in the fourth section of the act of 1883, after the railway company is authorized by law to bridge the river and has presented its plans and conformed to the other requirements provided in that section.

Very respectfully, yours,

WM. C. ENDICOTT, *Secretary of War.*

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT KANSAS CITY.

Mr. MAHONE. I move that the Senate proceed to the consideration of the bill (S. 117) making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.

The PRESIDENT *pro tempore*. The bill will be read at length if there be no objection.

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the bill.

Mr. RIDDLEBERGER. Is the motion to proceed to the consideration of this series of bills——

The PRESIDENT *pro tempore*. The motion is to proceed to their consideration one by one.

Mr. RIDDLEBERGER. I ask if the motion to proceed to consider these public building bills is debatable?

The PRESIDENT *pro tempore*. It is not debatable. The motion is to proceed to the consideration of the particular bill which has been stated.

Mr. RIDDLEBERGER. Is it not a fact that a majority of the Senate can carry that motion, and if that be so, is it not debatable?

The PRESIDENT *pro tempore*. It is not debatable. Under the express terms of the rule a motion to take up a bill during the morning hour is not debatable. The question is on agreeing to the motion of the Senator from Virginia [Mr. MAHONE] that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $150,000 for the purchase of suitable ground and the erection thereon of an additional building as an extension and enlargement of the custom-house at Kansas City, Mo.

Mr. RIDDLEBERGER. I presume that the bill is debatable, whether the motion to take it up is or not.

The PRESIDENT *pro tempore*. The bill is debatable.

Mr. RIDDLEBERGER. There is no Senator here who can close his eyes to the fact that we have about three committees in the Senate whose only business seems to be to spend money, and that those committees all the time get a preference in the Senate. I should like to see some other business done, so far as I am concerned as a humble representative of a very humble constituency.

Mr. SPOONER. The appropriation is necessary.

Mr. RIDDLEBERGER. A necessary appropriation! Yes, to build a house that nobody knows anything about, and that very few in the Senate know where it is to be built!

I know that these bills will pass; I know that almost every Senator on this floor has a constituency interest to represent in passing them; but I know at the same time that when we pass these bills we are taking money from the people who are not now able to pay it, and that the demagogy is here. Make the most of it here, but do not practice it when you get to your home. If I shall play the demagogue, I shall do it here and not on the hustings.

How many public building bills are to follow this one? How many pension bills have we passed? How many bills granting arrears of pension have we passed without knowing scarcely that we were doing it? And we have pending a general bill for arrears of pension.

Mr. President, I only ask that I shall be permitted to make my protest against what I believe all the people of this country recognize, simply the convening of Congress to make appropriations for one set of people and to tax another.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LAFAYETTE, IND.

Mr. MAHONE. I move that the Senate proceed to the consideration of the bill (S. 531) to provide for the erection of a public building at Lafayette, Ind., being Order of Business No. 281.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for the purchase of a site and the erection at Lafayette, Ind., of a suitable building for the use and accommodation of the post-office and other Government offices in that city, the site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 12, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to read:

And the sum of $75,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and completion of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DETROIT.

Mr. MAHONE. I move that the Senate now proceed to the consideration of Order of Business 282, being Senate bill 1131.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1131) to amend an act to pro-

vide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The bill was reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, after the word "million," in line 19, to strike out "five" and insert "three;" so as to read:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $1,300,000.

The amendment was agreed to.

The next amendment was, in line 44, after the word "million," to strike out "five" and insert "three;" so as to read:

Provided, however, That if a new site shall be purchased for said building as hereinbefore authorized, it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building, and the approaches thereto, exceeding the portion of $1,300,000 remaining after the site of said building shall have been paid for; and no plan of said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building:

The amendment was agreed to.

The next amendment was, in line 52, after the word "million," to strike out "five" and insert "three;" so as to read:

And provided further, That nothing herein contained shall be construed in any event to increase the cost of the new site and building, including approaches, when completed, beyond the sum of $1,300,000, as provided in this section.

The amendment was agreed to.

Mr. ALLISON. I ask the Senator from Virginia in charge of this bill to explain wherein this differs from the existing law on the subject? We had a very considerable discussion, I remember, last year on the question of the propriety of enlarging the present building at Detroit, or purchasing a new site; and as I read the language of this bill, it is substantially the language of the present law, and I should be glad to have the Senator from Virginia or one of the Senators from Michigan explain wherein this differs from the existing law.

Mr. PALMER. I suppose I can explain the matter better than any one else. The increase (which I imagine is what the Senator from Iowa wishes to ask about) is caused in this way: Owing to the change of site made by the commission appointed by the Secretary of the Treasury, and owing to a ruling of the Comptroller of the Treasury, the former bill was shorn of $200,000, which brought our appropriation of $900,000 down to about $700,000. On account of our having removed the site it became very evident after the purchase of the new site that it was very desirable—and in that the Secretary of the Treasury agreed—that we should have the balance of the block, which would call for over $200,000 more. That makes $400,000, which, added to the $900,000 already appropriated, would make $1,300,000.

The fact is, the appropriation is much less than Detroit is entitled to from her position and from the actual state of business there, and if the Senator would like a lot of statements by the rule of three by which that can be proved I have them in my pocket and I can read them.

Mr. ALLISON. I will take some other occasion to have those statements made. I do not ask for them now.

Mr. PALMER. I have them here and they might be interesting reading.

Mr. RIDDLEBERGER. Allow me to ask the Senator how much the aggregate of these appropriations for public buildings will be?

Mr. PALMER. I do not understand the Senator.

Mr. RIDDLEBERGER. Will the Senator tell me how much the aggregate of these appropriations is or will be?

Mr. PALMER. I do not know. I hope many millions. I think that the United States can not do better with its money than to put up suitable public buildings that shall be educational as well as useful where they are demanded for the public business, and I propose always to vote for reasonable and proportionate appropriations.

Mr. ALLISON. The reason I made the inquiry respecting this building was that last year the limit of its cost, including the site, was, I think, eight or nine hundred thousand dollars.

Mr. PALMER. Nine hundred thousand dollars.

Mr. ALLISON. Now it seems that the new site has already been purchased, as I understand, and in view of the cost of that site it is necessary to increase the limit, and the only object of this bill is to increase the limit from $900,000 to $1,300,000.

Mr. PALMER. That is the only object. I will state here that the proceeds of the sale of the old building and the old site will be over $200,000, so that practically we only get $1,100,000. We are entitled, as I stated before, to about $2,200,000 by the rule of proportion, taking thirty-one cities of the United States as appropriated for.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SAINT PAUL.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 554, being Senate bill 1919.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1919) to authorize the purchase of additional ground adjoining the United States court-house and post-office building at Saint Paul, Minn., the erection of a bonded warehouse, and the repair of the existing United States building at said place, and appropriating money therefor.

Mr. MCMILLAN. I move to amend the bill in line 7 by changing the name "Wabash" to "Wabasha," adding the letter "a," so as to read:

Not to exceed 100 feet on Wabasha street.

The amendment was agreed to.

Mr. MCMILLAN. I also move to amend, which perhaps the committee will accept, by inserting after the word "lots," in line 6, the words following:

Or in lieu thereof, in his discretion, an equivalent in area of the ground fronting on Fifth street and adjoining said building.

The building is on a corner, and this merely gives the alternative to purchase a site on either side.

Mr. MAHONE. I have no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DENVER.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 780, being Senate bill 1592.

The motion was agreed to; and the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 6, after the word "building," to strike out "seven hundred and fifty" and insert "five hundred and seventy-five;" so as to make the section read:

That the act entitled "An act for the erection of a public building at Denver, Colo., approved May 8, 1882, be amended by making the limit for said building $575,000, and that sum is hereby fixed as the limit of cost thereof.

The amendment was agreed to.

Mr. RIDDLEBERGER. I want to ask my colleague, if he will answer, how much money in the aggregate is covered by these bills that are reported from the Committee on Public Buildings and Grounds that we are asked to vote upon to-day. It does seem to me that we ought to know how much money we are voting out of the Treasury when we are asked to simply take up bills for some Senator to move an amendment to, and we pass them blindly through.

But a few minutes ago the Senator from Iowa [Mr. ALLISON] objected to a bill because he said it had been under consideration at the last session, and he finally consented to it because he could understand that the only purpose of the bill was to add $400,000 more to what he objected to at the last session of the Senate.

Now, sir, I am not willing for one to sit here and note that kind of language going into the RECORD, objecting to a bill and then saying that the only difference is that it appropriates $400,000 more, without some inquiry. I should like to know, for one, what I am voting out of the Treasury. We do not hear a bill here except so far as it is necessary to put into it an amendment. Why, sir, if I could do it with becoming diffidence—and I will almost presume it now—I might ask how many States are interested in these appropriations that you are making; and I assume that no Senator would go so far as to violate a constitutional obligation by voting for a proposition in which he had an interest.

We have done nothing but vote away money and take it out of the Treasury. Look at your Treasurer's report; the money is not in the Treasury to get out, and you have to put it into the Treasury before you take it out.

I know that Virginia has a court-house provided for in one of these bills, and I believe I know that three-fourths of the States have court-houses or public buildings in this series of bills; but I claim that until there can be some reason assigned for voting away this money we ought not to do it. I have sat here for the last four weeks doing nothing but quietly acquiescing in taking money out of the Treasury that is not in there, but they say it is in there.

Now, sir, if there be one Senator on this floor who will condescend not to answer me but to answer his own people, I venture to ask how much money are we called on to vote here out of the Treasury, and to tell us what States it is going to; tell us, if it be possible, the necessity for a building somewhere, tell us whether it is to be a court-house or a city hall or something to ornament a town, or something that is simply put into a bill to get some gentleman who was opposed to it to silently acquiesce in it.

I should think I was falling far short of my obligation and my duty to the Senate if I were to ask them to appropriate one dollar, ay, even a silver dollar, without giving them a reason and a public reason for appropriating it.

Sir, I mean to carry this question further than the discussion of it which suggests itself to Senators on this floor. I hear of strikes, I hear of bloodshed, in Chicago, in East Saint Louis, in Saint Louis. Do you expect to sit upon this floor and continuously vote away that which you extract from the pockets of the people, and not suppose they will

strike? You are voting away money as if it belonged to you. I have asked gentlemen on this floor to state how they own one farthing of that which is in the United States Treasury. Have you paid in some taxes? Have you paid any taxes that you could estimate and say belonged to you? Yet you sit here and idly vote a million and a half on a public building, and not one Senator in five knows even in what State it is to be located or for what purpose it is to be used.

Now, sir, I do ask again—and that was the purpose of my rising—that some Senator will give us a statement of the amount of money that is to be voted out of the Treasury by these bills, and to how many States it is to go, and whether there is possibly enough of what we call Senatorial courtesy here—I believe I am not charged with practicing a great deal of it—that we can not now and then have the yeas and nays and let it be known who are voting for these indiscriminate appropriations and who are voting against them.

Mr. MORRILL. Mr. President, only a few days since the chairman of the Committee on Public Buildings and Grounds made a very elaborate report in compliance with a resolution introduced by the Senator from Virginia who has just taken his seat, giving the details of every bill that had been reported from that committee and the amount of the appropriation; and if Senators have not read that report I beg leave to refer them to it for very full information on this subject. It is a valuable public document.

The bills that are being pressed for action this morning are, with one or two exceptions, for very small amounts. They seem to be necessary, so far as I know, from the reports of the Treasury Department, and it is necessary that they should be passed very early in order that the buildings may be properly completed.

Mr. RIDDLEBERGER. I venerate the Senator from Vermont, who I know is a member of that committee, but how can he expect any Senator on this floor to know that some one has made a report when that report has not been read in the Senate? We have not been asked to hear the report now referred to. We have been asked to do nothing but sit here and vote money for public buildings and public grounds. If there has been a report emanating from that committee, with all due respect to my colleague and to the gentleman who I believe is the senior Senator of the whole body, I have not heard the report and I do not think any other Senator has heard it. If it were worth the while of these gentlemen to make a report, it is worth our while to hear it read. I do think it ought to be read so that we may know what we are voting for.

Mr. MAHONE. Mr. President, the bills which we are now considering have been before the Senate for a good while. They have been printed; they have been within the reach of every member of the Senate, to know not only where all the buildings are located, but on what particular account the bills are proposed, whether for a new building or for the completion of some building already in course of construction. In addition to that, there accompanies every one of these bills a special report giving the reasons for the appropriation, and those reports have been printed and have been placed upon the desks of Senators. So it has been all the while within the reach of the Senator from Virginia to get the information that he now seeks to obtain.

I will add, Mr. President, that the bills which we have under consideration this morning aggregate about a million and a quarter of dollars, all told.

Mr. RIDDLEBERGER. I desire to make one further observation. If that report has been where I could get it and read it, I am unaware of the fact. I have certainly been here in the Senate every day, and possibly my colleague makes the mistake of supposing that I have been away since Tuesday, but I have not.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HARRISONBURG, VA.

Mr. MAHONE. I move to proceed to the consideration of Order of Business 781, being Senate bill No. 2058.

The motion was agreed to; and the bill (S. 2058) to complete the public building at Harrisonburg, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FORT DODGE, IOWA.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 782, being Senate bill 1611.

The motion was agreed to; and the bill (S. 1611) for the erection of a public building at Fort Dodge, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT JACKSON, MISS.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 783, being Senate bill 1550.

The motion was agreed to; and the bill (S. 1550) to provide for an addition to the United States building at Jackson, Miss., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, before the word "thousand," to strike out "twenty" and insert "six;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable fire-proof addition to the United States building in Jackson, in the State of Mississippi, for the accommodation of the register and the reciver of public lands, and for the safe-keeping of the records of the same, and also for use as offices of the United States revenue officials; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $6,000: *Provided*, That said sum shall be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MARQUETTE, MICH.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 784, being Senate bill 1457.

The motion was agreed to; and the bill (S. 1457) to increase the appropriation for the erection of the public building at Marquette, Mich., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 6, before the word "thousand," to strike out "eighty" and insert "twenty-five;" so as to make the section read:

That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Marquette, Mich., be, and the same is hereby, increased to $125,000, and that sum is hereby fixed as the limit of the cost for the erection of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT TERRE HAUTE.

Mr. MAHONE. I move that the Senate proceed to the consideration of Order of Business 785, being Senate bill 430.

The motion was agreed to; and the bill (S. 430) to change the limit of appropriation for the public building at Terre Haute, Ind., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment in section 1, line 6, after the word "building," to strike out "two hundred" and insert "one hundred and seventy-eight;" so as to make the section read:

That the act entitled "An act for the erection of a public building at Terre Haute, Ind.," approved July 7, 1882, be amended by making the limit for said building $178,000, and that sum is hereby fixed as the limit of cost thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PARKERSBURG.

Mr. MAHONE. I move that the Senate proceed to the consideration of Senate bill 2191, Order of Business 786.

The motion was agreed to; and the bill (S. 2191) to complete repairs and alterations of the public building at Parkersburg, W. Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MAHONE. I have no further bills to present this morning.

THE RIVER AND HARBOR APPROPRIATION BILL.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred a resolution for the preparation of a report as to each public work for which an appropriation is made in the river and harbor bill, to report it without amendment, and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Commerce be directed, when the river and harbor appropriation bill shall be reported, to report as to each public work for which an appropriation is made in said bill, the facts which render such appropriation advisable and of national importance, and the condition of the work, if begun.

ADDITIONAL CLERK TO THE COMMITTEE ON COMMERCE.

Mr. McMILLAN. I am also instructed by the Committee on Commerce, to whom was referred a resolution for an additional clerk to the Committee on Commerce, to report it with an amendment. I ask for its present consideration.

There being no objection, the Senate proceeded to consider the resolution, as follows:

Resolved, That there be an additional clerk for the Committee on Commerce for the remainder of the session.

The amendment of the committee was, to add to the resolution:

At a salary of $8 per day; and that the Secretary of the Senate be, and he is hereby, authorized and directed to pay the said salary out of the appropriation for miscellaneous items of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. Under the rule this resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MCMILLAN. I ask then that it be so referred.

Mr. FRYE. Might not the amendment be adopted first?

The PRESIDENT *pro tempore*. It can not be considered at all except for reference to that committee. The amendment goes to the committee with the resolution.

COMMITTEE ON COMMERCE.

Mr. MCMILLAN. I move that the Committee on Commerce be permitted to sit during the sittings of the Senate for the remainder of the session.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Calendar is now in order. The first case on the Calendar will be reported.

Mr. ALLISON. It seems to me, as we have taken up bills a little out of order to-day, it might be well to go on with that course; and I suggest that we take up the pension cases that have been reported since the last day they were considered.

Mr. CONGER. A special hour may be set aside any day by vote to take up pension bills and pass them, as we have always done heretofore; but let us now go on with the Calendar in the regular order of the morning hour.

Mr. ALLISON. Very well; if the Senator from Michigan has something he desires to reach, I shall not interpose.

Mr. CONGER. Several Senators have bills which are of importance, and it seems almost impossible to ask that separate bills be taken up on the Calendar, and for that reason, for the accommodation of all Senators, I think we should go on regularly and thus reach in time the bills in which they are interested.

The PRESIDENT *pro tempore*. The first bill on the Calendar will be stated.

The bill (S. 1219) for the relief of the heirs of Martin Kenofsky was announced as first in order.

Mr. HOAR. What was done with Order of Business 161, being the bill (S. 1406) fixing the time for the meeting of Congress?

The PRESIDENT *pro tempore*. That matter went over yesterday informally, retaining its place.

Mr. HOAR. That may as well go on the General Calendar, because I shall ask the Senate to consider it when we consider the constitutional amendment on the same subject introduced by the Senator from Kansas [Mr. INGALLS] that will require an express order of the Senate.

The PRESIDENT *pro tempore*. There being no objection, Order of Business 161 will be considered as objected to and go over to the Calendar under the ninth rule.

Mr. HOAR. I did not exactly wish to enter an objection, but I desire it to go on that Calendar by unanimous consent.

The PRESIDENT *pro tempore*. That order will be made.

MARTIN KENOFSKY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1219) for the relief of the heirs of Martin Kenofsky.

The PRESIDENT *pro tempore*. The pending question is on the amendment reported from the Committee on Foreign Relations, which will be stated.

The CHIEF CLERK. In line 6, after the words "sum of," the Committee on Foreign Relations reported an amendment to strike out "$8,861" and insert "$4,992.50;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs or legal representatives of Martin Kenofsky the sum of $4,992.50, in full of all demands for and on account of the claim of the said Kenofsky for the proceeds derived from the sale of $4,992.20 of gold coin belonging to him and used in the service of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS ON ALASKA.

The next business on the Calendar was the resolution reported by Mr. HAWLEY, from the Committee on Printing, February 10, 1886, to print 4,000 extra copies of the report on Alaska by L. M. Turner.

The resolution was considered, and agreed to; as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska, by L. M. Turner, be printed with the necessary illustrations, and that 4,000 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

SEWELL COULSON, AND PORTER, HARRISON & FISHBACK.

The bill (S. 249) for the payment of Sewell Coulson and Porter, Harrison & Fishback, for legal services, was considered as in Committee of the Whole.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MITCHELL, of Oregon, from the Committee on Claims, February 10, 1886, but before concluding was interrupted by—

Mr. VOORHEES. I think it is hardly necessary to read that long report. I am conversant with all the facts in the case. There is a valid claim for legal services there, and I have no doubt the matter is properly stated in the bill. I was counsel myself in the cases mentioned there on the other side, and I know personally that the services were rendered, and I have no doubt that the amount charged was proper.

The PRESIDENT *pro tempore*. If there be no objection——

Mr. EDMUNDS. I wish to hear the report read. I thought I asked for the reading of the report.

The PRESIDENT *pro tempore*. The exhibits and papers were being read. The substantial part of the report has already been read, but the reading will proceed if the Senator from Vermont wishes.

Mr. EDMUNDS. That is what I asked.

The Secretary resumed the reading of the report, which is as follows:

The facts in this case are clearly and fully stated in a report made to the House by the House Committee on Claims, first session, Forty-seventh Congress (Report 1755), which reads as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 4431) for the payment of Sewell Coulson, and Porter, Harrison & Fishback, for legal services, having had the same under consideration, have carefully examined all the papers and evidence connected therewith, and find the facts substantially as stated in a letter of Mr. Coulson, which is in part as follows:

"'About the 1st of October, 1864, Samuel McCormick, of Sullivan County, Indiana, was captain of a company of State militia, organized and mustered in his county, under and in pursuance of the act of the State Legislature approved and signed May 11, 1861. Bedee Johnson, John McConnel, John Rotramel, John G. Kimberlain, Thomas Wells, Peter Wilson, and others, were members of said company. This company was frequently called into active service by the provost-marshal of the district, to aid in enforcing the laws of the United States, and in preventing opposition to the drafts or uprising of the people to resist the drafts.

"'In February, 1886, five civil suits were commenced against Captain McCormick and his men, in the Sullivan circuit court, to recover damages for false imprisonment in cases where they had made arrests under and in pursuance to orders from General A. P. Hovey, in command of the district of Indiana, R. W. Thompson, captain and provost-marshal, and Daniel Conover, captain and provost-marshal, both of the seventh Congressional district of Indiana, accompanied by orders from Maj. Gen. James Hughs, in command of the State militia.

"'At the same term of the Sullivan circuit court the grand jury returned an indictment against the same men, charging them with grand larceny for seizing two kegs of powder found concealed, and which were undoubtedly procured and intended to be used in opposing the Government of the United States. I was employed as counsel to defend all of these six cases, to wit: Andrew Humphreys *vs.* Samuel McCormick *et al*; Thomas Mayfield *vs.* Same; James Leach *vs.* Same; William Holson *vs.* Same; John Sisson *vs.* Same; and the State of Indiana *vs.* Same. On entering their first appearance in the civil cases the defendants filed their affidavits and motions with an offer to make requisite bonds to remove said cases to the circuit court of the United States for the district of Indiana for trial. The motions were severally overruled by Judge Eckles, he holding the act of Congress of 3d of March, 1863, unconstitutional and void, and ruled the defendants to answer, pending which all the cases were continued. At the August term, 1866, judgment was taken by default in the case of Humphreys *vs.* McCormick *et al.*, and his damages assessed at $25,000. Issues were formed in all the other cases, and the cases of Mayfield *vs.* McCormick *et al.* was tried by the court, which resulted in finding a judgment for plaintiffs for $500. These two cases defendants appealed to the supreme court; in the other three, on defendant's application, the venue was changed to the Knox circuit court. The indictment in the criminal case was quashed.

"'After the appeal of the cases of Humphreys and Mayfield to the supreme court Messrs. Porter, Harrison & Fishback, of Indianapolis, were retained to assist in those cases, and did so. They filed a brief that required great labor, learning, and reasearch to prepare, the cases involving new questions, not then fully adjudicated.

"'These cases were decided at the November term, 1866, of the supreme court, by which decision the judgment and ruling of the Sullivan circuit court was reversed, and the cause remanded, with instructions to the court below to pass upon the sufficiency of the bond that might be offered under the law of Congress, &c. (See cases, Mayfield *vs.* McCormick *et al.*, 27 Indiana, 143, and McCormick *et al. vs.* Humphreys, 27 Indiana, 144, where a more detailed statement will be found.)

"'Immediately after the decision of the above cases in the supreme court, Judge Baker, of the Knox circuit, ordered the three cases pending in his court by change of venue to be removed to the United States circuit court for the district of Indiana for trial, which was done, and the cases were finally disposed of in that court at the November term, 1867, in favor of the defendants.

"'The cases of Humphrey and Mayfield were transferred to the United States circuit court at the May term thereof, 1868, and leave was given to plead at the November term following.'"

* * * * * * *

The claims for these services were filed with the Secretary of War, and the same were by him referred to the Judge-Advocate-General. Although the facts found by him are substantially as stated above, your committee think it fair to the House to give the facts as found by him, together with his conclusions thereon, which are in these words:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE, *May* 10, 1875.

Respectfully returned to the Secretary of War.

This is the claim of Sewell Coulson, esq., and of Messrs. Porter, Harrison & Fishback, attorneys, for their fees for professional services rendered in the defense of sundry actions instituted and prosecuted against a militia officer and men of his command, in the State courts and the United States circuit court, within the State of Indiana.

Mr. Coulson's account amounts to $4,500, less a credit of $550—that is to say, $3,950. The account of Porter, &c., is $3,000, less $500, or $2,500. Total, $6,500.

The credits indicated were amounts paid out of a fund appropriated by the State of Indiana for the indemnification of officers and soldiers of the United States and of the State militia who had been exposed to suits, &c., by reason of their military acts. In regard to this fund Governor Baker certifies in his statement, dated April 1, 1870, and contained among the papers, that "The appropriation was wholly insufficient to pay reasonable attorney's fees for the defense of all such suits as were brought. * * * The services rendered by Captain Coulson and Messrs. Porter, Harrison & Fishback were not by any means compensated by the sums which they respectively received, nor was it so considered."

The present claims are accompained by an extended statement by Mr. Coulson, setting forth the facts of the inception and history of the proceedings.

The actions, which were all commenced in February, 1866, were six in number—five being civil suits for damages, and one a criminal prosecution for larceny.

The civil suits were severally instituted by Andrew Humphreys (apprehended and brought to trial by military commission with Milligan and others, for treasonable conspiracy, &c.), who claimed $50,000 for false arrest and imprisonment; by Thomas Mayfield, on account of the seizure from him of arms and ammunition found concealed in his possession with a supposed treasonable purpose; by John Sisson, for an alleged assault and battery and false imprisonment, growing out of the case of Mayfield; by James Leach, for false arrest and imprisonment as a member of the "Sons of Liberty" (a secret traitorous association in aid of the Southern rebellion), charged with resisting the draft; and by William Holdson, whose alleged ground of action was identical with that of Leach. The criminal indictment was in the name of the State of Indiana, and for the larceny of the property of Mayfield, above mentioned. The defendants in each case were Samuel McCormick, a captain of State militia (or of the "Indiana Legion," as it is styled), and certain members of his company, from five to thirteen in number. The order for the arrest of Humphreys was given by Brig. Gen. A. P. Hovey, United States Volunteers, commanding district of Indiana, and was addressed to Capt. John W. Day, First Heavy Artillery, Indiana Volunteers, who was directed to make the arrest "with the force turned over to him for that purpose, by Maj. Gen. Jas. Hughes," commanding Indiana Legion; Captain McCormick being thereupon ordered by General Hughes to report with certain of his company to Captain Day.

For the arrest of Mayfield and the seizure of his property by McCormick the order was given by the United States provost-marshal of the seventh district of Indiana.

For the apprehension of Sisson no order of arrest was ever made. It is represented in the statement of Mr. Coulson that he was never arrested at all, nor in any manner assaulted, &c., as claimed by him in his action.

For the arrest of Leach and Holdson by McCormick the order was given by Capt. W. W. Jones, Twenty-second Regiment Veteran Reserve Corps, placed by General Hovey in command of the United States troops in the county of Sullivan, a detachment having been stationed there for the protection of loyal citizens.

Under what specific authority or circumstances the State militia had come to be under the orders of the district commander and provost-marshals at the period of these arrests, &c., is not set forth in Mr Coulson's statement.

The five actions were commenced in State courts, and subsequently removed to the circuit court of the United States, where they were finally disposed of without trial. In the suits by Humphreys and Mayfield, an application having been made and enforced by argument for the removal of the cases to the United States jurisdiction, the same was refused by Judge Eckles, who held the State court, whereupon both suits went to trial, and a verdict or judgment (in the former action of $25,000 and in the latter of $500) was rendered against the defendant. These cases were then appealed to the supreme court of the State, where, after an elaborate argument, the adverse ruling of the court below was reversed and the removal of the suits ordered. The other actions which had meanwhile awaited this result were also then removed. Complaints and answers were thereupon filed in the two first-named suits in the United States court, and after some continuance the same were, as above mentioned, finally dismissed for want of prosecution in November term, 1870. The suits brought by Sisson, Leach, and Holdson were dismissed in May term, 1868, for want of a declaration. The criminal indictment was quashed in or about August, 1866.

Mr. Coulson is understood to have acted as attorney from the beginning to the end of the proceedings. The services of Messrs. Porter, Harrison & Fishback were rendered in the supreme court upon the appeal, and afterward in the United States circuit court.

The proceedings in the action by Mayfield were substantially identical with those in the action by Humphreys, and those in the actions by Leach & Holdson substantially identical with those in the action brought by Sisson.

The performance of the services and reasonableness of the charges are certified to by Judge Eckles of the State circuit court, by Judges Frazer and Ray of the supreme court of the State, before which the appeal in the two principal actions was argued by Governor Baker and by Hon. T. A. Hendricks, John C. New, J. T. Gunn, N. G. Buff, and J. E. McDonald, attorneys and counselors at law of Indiana.

No specific authority from the Secretary of War for the employment, at the expense of the United States, of Mr. Coulson or of Messrs. Porter, Harrison & Fishback, in any of these proceedings, is to be found in the papers exhibited.

If, however, the communication of the Secretary of War, of February 22, 1869, to Hon. H. D. Washburn, M. C., in which the Secretary merely declines to consider the question of compensation till the services are fully performed, and upon the rendition of a final account, is to be viewed as a ratification of such employment, the Secretary would then be authorized to settle these claims, inasmuch as the services were entered upon more than four years before the passage of the act transferring the authority to employ such counsel to the Department of Justice, and were indeed almost entirely concluded before the date of such act. Should the Secretary of War regard himself as fully authorized to entertain the settlement of the charges, it would be the opinion of this bureau that, in view of the difficulty of these cases, the variety of services required in the same during the six years in which they were pending, the successful result of the contest, and of the testimony, above indicated, of the judges and counsel, in favor of the reasonableness of the fees charged, the Secretary would probably be justified in allowing the full amount claimed, although the same certainly appears to this bureau as a full and generous estimate of the value of the services rendered.

If, on the other hand, in view of the fact that no specific engagement of these counsel on the part of the United States, or authority for their employment at its expense, appears among the papers or is even claimed by the parties to have existed; of the fact that the defendants were State militia and not a part of the Army of the United States; of the fact that a provision inadequate though it may have been, was made for the fees of this class of counsel by the Legislature of Indiana, and that their share of it was accepted by claimants, who thus apparently contemplated that their fees were most properly a State charge; and of the further consideration that the payment by the War Department of so considerable an amount as that claimed (at a date when such payments have entirely passed within the sole discretion of the Department of Justice) could hardly have been contemplated by Congress in making the current appropriation for Army contingencies, as well as of the probability that other claims for professional services in these cases may yet be presented by James C. Denny and R. W. Thompson, esq., the Secretary of War should doubt as to his authority for satisfying these charges, or as to the expediency of his settling the same, it would be then suggested whether it would not be well to refer this claim, which in this aspect addresses itself rather to the generosity than to the justice of the Government, to the next Congress, with a view to a specific appropriation for its payment, if the same be deemed proper.

J. HOLT, *Judge-Advocate-General.*

And there being no funds at the disposal of the Secretary of war out of which said claims could be paid, the same were referred to the then Attorney-General with a recommendation for payment, as shown by the following letter of indorsement:

WAR DEPARTMENT, *June* 9, 1875.

Approved.

Inasmuch as there are no funds subject to the control of this Department for the payment of such claims, and it being suggested that there are funds subject to the control of the Department of Justice which may properly be applied to such purposes, the papers in this case are respectfully forwarded to the honorable Attorney-General, with recommendation of payment of these claims.

WM. W. BELKNAP,
Secretary of War.

Subsequently, to wit, June 12, 1875, the honorable Attorney-General returned said claims to the Secretary of War, with the following statement:

DEPARTMENT OF JUSTICE, *Washington, June* 12, 1875.

SIR: I have the honor to acknowledge the receipt of the papers in the case of Sewall Coulson and Messrs. Porter, Harrison & Fishback, relative to their accounts of fees for services in certain cases in said papers named.

I herewith return those papers, and beg to inform you that there is no appropriation over which this Department has control, and out of which these accounts can be paid.

Very respectfully your obedient servant,

EDWARDS PIERREPONT,
Attorney-General.

Hon. W. W. BELKNAP,
Secretary of War.

Afterward, to wit, November 24, 1876, the Secretary of War referred said claims to the Third Auditor of the Treasury, in the following statement:

Respectfully referred to the Third Auditor of the Treasury for settlement. The account being approved at this Department, but no funds being available, it may be a proper case to report to Congress in the estimates.

By order of the Secretary of War.

H. T. CROSBY, *Chief Clerk.*

NOVEMBER 24, 1876.

And the said Auditor having examined the claims, did, on the 5th day of August, 1881, render his decision therein in these words:

DECISION BY THIRD AUDITOR.

In the matter of the claims of Sewall Coulson, esq., and Messrs. Porter, Harrison & Fishback for attorney fees.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
August 5, 1881.

The general history of these cases is stated in the report made to the Secretary of War by the Judge-Advocate-General, on May 10, 1875, to which I will refer to avoid recapitulation.

The claimants were not employed under any order or other authority emanating from the Secretary of War, nor at any time while the service was being rendered were they recognized by the Secretary as employed in behalf of the United States. The letter addressed by direction of the Secretary to Hon. H. D. Washburn, M. C., by the Inspector-General on the 22d February, 1869, contained no such negotiation, but merely declined to pass upon a case not then pending in the Department, but hypothetically presented in a letter, and the full particulars of which were not known at the Department.

The parties to whom these professional services were rendered were not in the service of the United States, but were officers and soldiers of the State of Indiana. It does not appear by whom these claimants were retained, but it does appear that part payments on account of these services were made and received from a fund provided by the State of Indiana.

If, as appears very probable, the matters in respect to which the services were rendered were of importance to the United States, it may be highly proper for the General Government to assume the burden of compensating these claimants; but only Congress can assume for the United States an equitable duty not based upon a legal obligation.

The claims not being within my jurisdiction I can not entertain them.

The papers will be transmitted, with this decision, to the Second Comptroller.

E. W. KEIGHTLEY, *Auditor.*

The decision of the said Auditor was confirmed by the Second Comptroller of the Treasury, in these words:

Claim No. 42127.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
March 10, 1882.

Respectfully returned to the Hon. Third Auditor, the papers in the claim of Sewell Coulson *et al.*

The report of the Auditor is concurred in and approved, and the claim is disallowed.

However meritorious this claim may be, as against the General Government, it seems to be clearly one that can now be properly considered only by Congress.

W. W. UPTON, *Comptroller.*

"Your committee thought best to give the facts pretty fully in this case, even at the risk of repetition. It will be seen that the payment of these claims was recommended by the Secretary of War, and would probably have been paid by him or the Attorney-General but for the want of funds. The claims were rejected by the Third Auditor upon the ground, as stated by him, that 'the claimants were not employed under any order or other authority emanating from the Secretary of War.' While this may be true, nevertheless the services were rendered, and in the defense of men who were legally ordered to make the arrests and seizures mentioned above. The disturbances in Indiana during the war, and especially at the time of these arrests, are so well known that your committee deem it unnecessary to make any other than a general reference thereto. The arrests, &c., were made in the interest of the Government, and to protect loyal citizens of Indiana. It would have been manifestly unjust to have allowed the defendants in these several suits to have been compelled to pay counsel fees, as their cause was a common one, in which the Government was vitally interested, and your committee assume that counsel was necessary to the proper defense of these men.

"The disposition of all these cases was in favor of the defendants. The value of the services rendered is certified to by the then governor, Conrad Baker, Judge Eckles, who held the State court, by Hon. Joseph E. McDonald, Hon. T. A. Hendricks, by Judges Frazier and Ray, then members of the supreme court of Indiana, and others.

"Your committee believe that in view of the circumstances of this case, it is a proper claim to be paid by the Government, and they therefore recommend the passage of the bill."

Your committee adopt the foregoing statement of facts and conclusions, with this further statement:

That while there is a lack of evidence showing an original employment by the Secretary of War, the evidence is conclusive that on a presentation of the e claims to him, with full explanations of all the circumstances, they were by him accepted, recognized, and approved as just and legal claims against the United States, based upon and due and owing on account of valuable professional services rendered in the interest and for the benefit of the General Government at a critical period in its history.

Mr. EDMUNDS. The reading need proceed no further now. Having myself been able to read through the report, which I could not do with any very great advantage after the bill had passed, I withdraw my request to have it further read.

The point seems to be whether these gentlemen were acting under a retainer of the United States when they performed this service, or whether they were acting for the State. The committee find from the correspondence that they were justified in supposing that they were acting under a retainer from the United States or a recognition by the Secretary of War, which, I think, is not an unfair conclusion of the committee, and that point being established, all the Departments agree that they ought to be paid.

Mr. MITCHELL, of Oregon. I had the honor of reporting this bill, and the Senator from Vermont is entirely right. That is the real state of the case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT SECRETARY OF THE NAVY.

Mr. CAMERON. During my absence some days ago Senate bill 1302, Order of Business 128, was passed over. I should like now to call it up and ask for its passage. It is a bill authorizing the appointment of an assistant secretary of the Navy. The Senator from Illinois [Mr. LOGAN] desires to offer an amendment to the bill.

The PRESIDENT *pro tempore*. The regular business before the Senate is the Calendar under the eighth rule.

Mr. CAMERON. I ask that that be laid aside for a moment and that the Senate take up Senate bill 1302. It was on the Calendar and put aside some days since during my absence.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves, pending the Calendar, that the Senate proceed to the consideration of the bill (S. 1302) authorizing the appointment of an assistant secretary of the Navy, and fixing the salary of the same.

Mr. EDMUNDS. I suggest to my friend from Pennsylvania that the Senator from Kansas [Mr. INGALLS] and two or three other Senators, as I remember, who opposed the bill before are not now in their seats, and it would not be quite fair perhaps to take it up in their absence.

Mr. CAMERON. I did not think at the moment of their absence.

Mr. EDMUNDS. I know that.

Mr. CAMERON. But the Senator from Kansas made a very elaborate speech on the subject, and I suppose he said all he can say.

Mr. EDMUNDS. I presume he would like to be here to vote.

Mr. VAN WYCK. The Senator from Kansas remarked after his speech, when it was proposed to vote, that he had only entered on the vestibule of the argument.

Mr. CONGER. I call for the regular order.

Mr. CAMERON. If objection is made I shall not press my request.

A. H. VON LUETTWITZ.

The bill (S. 794) for the relief of A. H. Von Luettwitz was announced as regularly in order.

The bill was read.

Mr. EDMUNDS. Let us hear the report.

Mr. LOGAN. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

GEORGE S. FISHER.

The bill (S. 147) to reimburse George S. Fisher for losses sustained by fire in Japan, November 26, 1866, was announced as next in order.

Mr. MAXEY. There is an adverse report in that case.

The PRESIDENT *pro tempore*. Objection being made the bill goes over under the rule.

Mr. ALLISON. I move its indefinite postponement, so as to get rid of it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill be indefinitely postponed.

The motion was agreed to.

WESTERN MIAMI INDIANS.

The bill (S. 1433) for the relief of the Western Miami Indians of Kansas was considered as in Committee of the Whole. It directs the Secretary of the Interior to cause to be paid to the Western Miami Indians of Kansas, in the Indian Territory, out of the land fund to their credit in the Treasury, in cash, per capita, or to be expended in such other manner as he may consider best for their interest and welfare, $9,495, in order to relieve their pressing wants and necessities, occasioned by the destruction of their crops, and loss of cattle, hogs, and horses by disease, during the summer and fall of the year 1885.

Mr. EDMUNDS. Does that bill meet the approval of my friend from Massachusetts?

Mr. DAWES. Yes, sir; I reported it.

Mr. EDMUNDS. All right.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROADS IN INDIAN TERRITORY.

The bill (S. 1485) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was announced as next in order.

Mr. JONES, of Arkansas. A bill has passed the House substantially the same as this, though there are some immaterial variations, and I should like to substitute the House bill for this bill.

The PRESIDENT *pro tempore*. The Senator can move to proceed to the consideration of the House bill. If there be no objection the House bill will be considered instead of the Senate bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. DAWES. There are some slight differences between the two bills that the Senator from Arkansas will explain if any Senator desires an explanation.

Mr. JONES, of Arkansas. They are immaterial. The two bills were compared carefully by the Senator from Massachusetts [Mr. DAWES] and other members of the Committee on Indian Affairs, and the House bill was considered substantially the same as the Senate bill. There are a few verbal changes, but they are immaterial in their nature.

Mr. DAWES. I wish to offer an amendment to section 9. The Senator from Vermont [Mr. EDMUNDS] has called my attention to an omission there which should be supplied. In the fifth line, after the word "all," the word "fences" should be inserted and a comma, and the word "road" should be changed to "roads;" so as to read: "That said railroad company shall construct and maintain continually all fences, roads, and highway crossings," &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. 1485) to authorize the Kansas City, Fort Scott and Gulf Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes, will be indefinitely postponed.

The bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was announced as next in order.

Mr. EDMUNDS. That bill wants the same amendment, I believe.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will notice that but five minutes remain of the morning hour, and the bill can not be read in that time.

Mr. MAXEY. I desire to have the bill read and to take it up in the morning the first thing on the Calendar, unless we can have it acted on now.

The PRESIDENT *pro tempore*. At 2 o'clock the consideration of the Calendar is arrested. The bill will be read till 2 o'clock.

Mr. DAWES. There are two bills, one reported from the Senate committee and one reported in the other branch. There are no material differences affecting the provisions of the bill, but there are verbal ones. It is desirable that the Senate should pass, if at all, the bill as it has been reported to the other branch. Therefore I ask unanimous consent to substitute the House bill for the Senate bill and to treat that as the Senate bill. That will cover all the verbal changes which are necessary.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Massachusetts asks unanimous consent to substitute the House bill for the Senate bill. Is there objection? The Chair hears none, and the House bill will be treated as an amendment to the Senate bill, striking out all after the enacting clause of the Senate bill and inserting the House bill No. 6388 as a substitute.

The proposed substitute was read, as follows:

That the Denison and Washita Valley Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, near Denison, in Grayson County, in the State of Texas, and running thence by the most practicable route through the Indian Territory in the direction of Fort Smith, in the State of Arkansas, to a point of intersection with the projected line of the Saint Louis and San Francisco Railway, in the Indian Territory, from Fort Smith to Paris, in the State of Texas, by the most feasible and practical route thereto, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles

of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants, according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the district judge of the court held at Fort Smith, Ark., or at the district court for the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Ark., or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State in which the same shall be heard, provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of $50 in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Denison and Washita Valley Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Denison and Washita Valley Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Mr. DAWES. In section 9, line 5, of the substitute, I desire to make the same amendment as was proposed to the previous bill. After the word "all" I move to insert the word "fences."

Mr. MAXEY. I accept that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In section 9 of the substitute, line 5, after the word "all," insert "fences;" so as to read:

That said railroad company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway, &c.

The amendment to the amendment was agreed to.

Mr. DAWES. I should now like to hear the last section of the substitute read.

The PRESIDING OFFICER. The Chief Clerk will read the last section.

The Chief Clerk read section 12.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being Senate bill 1886.

Mr. MAXEY. I ask unanimous consent that the consideration of the pending bill may be concluded.

The PRESIDING OFFICER. The Senator from Texas asks that the unfinished business be laid aside informally for the purpose of continuing the consideration of the pending bill. Is there objection?

Mr. BLAIR. I understand that it is not a bill which will involve discussion.

Mr. MAXEY. There will be no debate whatever; it is precisely like the other bill just now passed.

The PRESIDING OFFICER. The Chair hears no objection. The question is on agreeing to the amendment of the Senator from Massachusetts as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes;

A bill (H. R. 3173) for the relief of Samuel H. Fleming;

A bill (H. R. 5890) for the relief of Grafton Monroe;

A bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas; and

A bill (H. R. 8188) to admit free of duty a certain lecturn for the use of the Saint Luke's Episcopal church, in the parish of Kalamazoo, Michigan.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK], and on that the Senator from Missouri [Mr. VEST] has the floor.

Mr. VEST. Mr. President, I shall not be deterred from performing what I conceive to be my duty in regard to the pending measure, or from expressing the reasons which will influence the vote I cast, because of the fact that I was upon the losing side during the last war. That struggle ended twenty years ago, and the animosities and prejudices which naturally grew out of it should cease to be invoked, especially as to matters of legislation.

As for myself, without any sort of bitterness or any retrospect that has the slightest acrimony connected with it, I am conscious that I have kept my oath of loyalty to the Government of the United States in letter and in spirit, and I propose hereafter to make no other promises or professions. I shall answer any allegation or intimation that I am not the equal of any Senator here in patriotic devotion to this country and in loyal aspiration for its welfare and honor as Lord Marmion answered the Douglas:

> And if thou said'st I am not peer
> To any lord in Scotland here,
> Lowland or highland, far or near,
> Lord Angus, thou hast lied!

The soldier who risked life and limb for his country is entitled to know that his country will repair all damages he has received in the line of duty. If disabled and not able to perform manual labor he should receive a liberal pension so as to be placed beyond penury and want. If his life be sacrificed, his last hours should be cheered with the certainty that the loved ones depending upon him shall be the recipients of the country's bounty in whose service he died. This is the contract between the country and the soldier who enters into its service, and the nation that would not keep this contract as a sacred obligation deserves to be blotted out from the map of Christendom.

How well the people of the United States have kept this compact is evidenced by the fact that by the votes of Senators and Representatives from the South as well as the North the enormous amount of $744,040,541.06 has been voted for pensions since 1861, and more than $700,000,000 of this amount has been voted to the Union soldiers of the war between the United States and the confederacy.

Although the South was impoverished and desolated by that war, the people of the South as well as its soldiers have borne without complaint or murmur their portion of the debt necessary to pay the sacred obligation to the soldiers of the Union, their widows and orphans. The Southern soldiers and the widows and orphans of the South have asked and will ask nothing from the victors except the right to weep for their dead and to defend the purity of purpose for which they died.

Steadily and rapidly since 1866 the pension-roll has increased. The report of the Commissioner of Pensions shows that while in 1866 there were 126,722 pensioners receiving $13,459,996, in 1885 there were 345,125 pensioners receiving $65,693,706.

Now can it be expected from our experience in the past that this wonderful increase will pause even for a moment? The generosity of a great people toward the men who fought for their flag, and the anxiety of both political parties to secure what is known as "the soldier vote," have caused this generosity and this political anxiety to be utilized by claim-agents and curbstone lawyers in the city of Washington to invent new laws creating new classes of pensioners and to increase the pensions and the arrearages which they claim to be already due.

At each recurring session of Congress we are flooded with petitions to increase pensions, to originate pensions; and I charge here and now that this demand does not come from the citizen soldiery of this country. It comes almost entirely from Washington city and from the class of lawyers who are engaged in working up and making available for their own purposes these classes of claims.

As a proof of the truth of what I say I read from a letter received from a constituent, which I have now in my possession, and which well illustrates the truth of what I have charged:

Hon. G. G. VEST,
Washington, D. C.:

The inclosed circular will explain itself, and I desire to state that I am very much in need of the increase spoken of, and urgently request that you will use due diligence to aid in the passage of this bill. I am an invalid pensioner from the loss of both my eyes.

The inclosed circular reads as follows:

WASHINGTON, D. C., *January* 6, 1886.

SIR: A bill has been introduced in the United States Senate by Senator WARNER MILLER, and in the House of Representatives by Hon. W. L. SESSIONS, to increase the pensions for the loss of both arms or both legs, or the sight of both eyes, or other injuries resulting in total helplessness, to $100 per month.

If you desire the passage of this bill I would advise you to at once communicate with your United States Senators and Representatives in Congress, urging them to do all in their power to secure favorable action upon this most meritorious measure.

PENSIONER.

By such means as this, Congress has been induced to pass at each recurring session new laws originating pensions and increasing the amount of pensions already granted under existing legislation. Touching and pathetic letters from those whose condition appeals to the sympathy and mercy of every humane Representative and Senator are poured into these Halls. A systematic effort is carried on from time to time, and so soon as the last dollar is wrung from the claimant under existing law the astute and fertile intellect of these legal cormorants located in this city is immediately put to work to invent a new law, and then we are flooded and overwhelmed with petitions from all portions of the country that we should pass it. Is it to be wondered at today that brown-stone fronts and immense fortunes attest the activity and zeal of these persons in Washington city? The soldiers of the country are utilized for the purpose of making private fortunes.

In the State of Missouri there are 109,111 Union soldiers. I undertake to say to-day that those soldiers, belonging to both political parties, have not demanded this legislation. The call for it has emanated in a large degree from the capital of the country; and the military organizations of the country, together with the appeals of private claimants, are being systematically used in order to swell the gains of these persons who are to-day making raids upon the Treasury in the name of the soldiers who risked life and limb for the country's flag.

The bill pending before the Senate has a precedent as to the nature of the relief to be granted, but it has no precedent as to the time within which that relief was given by Congress. Although an attempt was made in Congress in 1858 to give the soldiers of the war of 1812 a service pension, they did not receive pensions until 1871, some forty-seven years after the termination of the service. It was fifty-six years after the service that pensions were granted to the Revolutionary soldiers. The soldiers of the Mexican war, that handful of brave men who carried the flag of this country to the Mexican capital and who gave to the common treasury of the United States the enormous domain that stretches along the Pacific coast and the interior States and Territories adjacent to it, have applied again and again to Congress for a service pension without success.

I must confess some little surprise that the Senator from Illinois [Mr. LOGAN] yesterday defended with such zeal and earnestness the pending bill as it comes from the Committee on Pensions, when in the first session of the Forty-eighth Congress that Senator supported a motion to strike out an amendment to the Mexican pension bill which came from the House, and which amendment, placed upon the bill by the Pension Committee of the Senate, was almost identical with the bill now before this body.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. VEST. With pleasure.

Mr. LOGAN. The Senator well knows, if he will read the RECORD, that I admitted that the measure was meritorious and should pass upon its own merits, and I did not move to strike out the proposition because I was against it, but because I did not wish to have the bill encumbered.

Mr. VEST. I hope the Senator knows that I would not for any purpose in the world misrepresent him or misstate him.

Mr. LOGAN. Of course; I know that.

Mr. VEST. My impression was, and I have looked at the RECORD, that the Mexican pension bill, as it is termed, came from the House with a provision for a service pension pure and simple, and the Pension Committee of this body placed an amendment upon that bill which limited the pensions to soldiers who had served in the Mexican war, and were disabled, and were unable to perform manual labor.

Mr. BLAIR. The exact condition was this: The service-pension bill came from the House, went to the committee of the Senate, and was reported back a service-pension bill, with this provision and some other matters in the way of an amendment. So the Mexican pension bill as it came from the Senate committee was a service-pension bill, and the Senator from Illinois, I recollect, was opposed to amendments to it. I do not recollect that particular debate, but I remember hearing him express himself on the floor of the Senate as opposed to any additions to the Mexican pension bill at that time.

Mr. VEST. In other words, the Senator from Illinois, as my recollection is now and as I think the RECORD will show, was opposed to limiting the pension. He was in favor of a service pension, as I very well remember. The Senator from Kansas [Mr. INGALLS] now before me gave a history of the pension legislation of the country, and particularly alluded to the act of 1818, which gave a similar pension to that provided for in the pending legislation to the Revolutionary veterans. It was known as the pauper clause, and afterward created great excitement throughout the country, and was stricken out by Congress upon subsequent deliberation.

That I do not misrepresent the Senator from Illinois I quote from a speech delivered by him in the first session of the Forty-eighth Congress upon his motion to strike out the disability clause, or the clause which stated that the soldier should not receive a pension unless disabled for manual labor. Said the Senator from Illinois:

I presume that no person in the Senate, not even the Senators who reported the bill, will insist on it that a soldier shall prove that he is a pauper, and that he shall be brought up before a justice of the peace in order to testify that he is a pauper, and is therefore entitled to a pension.

I presume that nobody wants to heap an indignity of that kind upon a man who has served his country.

Is not that substantially the provision that we have in this bill? The Senator shakes his head; but it seems to me to be substantially the same. Eliminating the process by which the proof is to be made to the Department that the soldier is disabled, that he is unable to perform manual labor, where is the difference? It is true that the pending bill does not provide that he shall be taken before a justice of the peace in order to make the proof, but he is certainly compelled to file his claim that he is not able to perform manual labor, and he must prove by additional evidence, if required by the Department, that such is the fact before he can obtain the benefit of the provisions of the pending measure.

The Senator from Connecticut [Mr. PLATT] who is now the ardent supporter of the pending legislation declared in the debate to which I have alluded, in the first session of the Forty-eighth Congress, that he was opposed upon principle to all service pensions of every description.

Mr. LOGAN. This is an additional pension.

Mr. VEST. It is not a service pension pure and simple, but it is a modified service pension, because under the provisions of the pending bill the soldier is pensioned not by reason of disability contracted in the service, but he is pensioned for any subsequent disability not connected with the war, because he has been a soldier of the Union. In that far it is a modified service pension. The Senator from Connecticut declared that the act of 1818, which gave a service pension for disability to the veterans of the Revolutionary war, and the act of 1871, which gave a service pension to the veterans of 1812, were vicious legislation, and that he never would support a bill which went further than present disability at the time he spoke. That there may be no mistake in regard to that statement I read from the RECORD the words of the Senator from Connecticut:

For myself I believe that disability is the only correct basis of a pension. I will not insist twenty or twenty-five years after the war that the soldier shall be compelled to prove that the disability was incurred in the service.

That is to say, he will assume that within that length of time the disability did originate from exposure in the service.

I am willing to admit that after as many years have passed as have now passed since the close of the war every soldier who suffers present disability shall receive a pension. But when you go beyond that, when you propose to pension soldiers for service merely, then you are recognizing the principle that a soldier fights for pay.

The provisions of the pending bill go far beyond the statement made then by the Senator from Connecticut. In the present measure it is provided that the soldier who comes out of the war unhurt by wounds or disease and goes back into the struggle of civil life prepared to contend for its emoluments and honors, if at any time afterward disabled from any cause whatever, from accident, from disease, from any of "the ills that flesh is heir to," becomes a pensioner for life. In other words, it is an accident insurance policy for life to every man who served six months during the war and was honorably discharged from the service.

While it is true to a certain extent, as has been eloquently urged by the Senator from Illinois, that the amount to be voted in pensions is not entirely determinate of the question before this body, yet we are compelled, as practical legislators, whenever a measure of this sort is pending before Congress, if we do our duty to the people who have sent us here, to look to the condition of the country and to the amount that must be taken from the Treasury to meet the demands of the bill.

Under this legislation what mortal man can approximate to the amount that will be taken out of the Treasury of the United States? The Senator from New Hampshire, as I understood him the other day in his first address upon this subject, said that the amount would not exceed $25,000,000 annually. I understood the Senator yesterday to modify that statement to some $20,500,000.

Mr. BLAIR. No; the Senator will excuse me——

Mr. VEST. Certainly; if I misunderstood you.

Mr. BLAIR. My statement yesterday was with reference to the soldiers. The dependent parents form another class. I said yesterday that I thought that both classes would be included within $25,000,000.

Mr. VEST. That is conjecture. It is beyond the ken of any mortal man to say what will be the amount taken from the Treasury under this measure. What human prescience can reach the accidents by flood and field, by casualty, by disease over a continent like ours? Who can undertake to say how many railroad trains may be hurled from the track and how many ex-Union soldiers will be maimed by such an accident? Who can say what disease, what pestilence may sweep over this country, and at each recurring visitation swell the pension-list beyond all proportion?

The Senator from Illinois says if it is right, then the amount should be paid irrespective of the sum required. But it is impossible for us to do our duty without knowing beforehand something in regard to the amount that will be taken from the Treasury by the votes we cast. I remember very well when the arrears-of-pension act was being discussed in the Senate and in the House it was predicted that $40,000,000 were the outside figures which would be reached by that law; and statistics, those dubious but ever-attendant insignia, I was about to say of a failing argument, certainly of a doubtful one, were paraded here in long lines to show that the expenditure under that act could never exceed $40,000,000. The report of the Commissioner of Pensions shows that the amount already expended has reached $259,873,972.96, and if the limitation is taken off as proposed now by the Senator from Illinois in his amendment to the Mexican pension bill as it has come from the House the Commissioner of Pensions has stated that the amount required to meet that legislation would be $302,836,200.

Mr. LOGAN. To what legislation does the Senator have reference?

Mr. VEST. I refer to the proposed legislation to take off the limitation on the arrears-of-pension act.

Mr. LOGAN. The Senator spoke of the amendment I proposed to offer to the Mexican pension bill?

Mr. VEST. I understood that it had been offered. Perhaps I am in error.

Mr. LOGAN. He spoke of the amendment I proposed as an amendment to the Mexican pension bill?

Mr. VEST. Yes, sir.

Mr. LOGAN. I only ask the Senator to notice that the Commissioner of Pensions has shown that he is very much mistaken in a great many statements he has made.

Mr. VEST. I quote from the first report which I have before me in regard to the amount necessary to meet this expected legislation or proposed legislation. Subsequently, as I understand now from the report read by the Senator from New Hampshire yesterday, the amount required if the limitation is taken off under the acts of March and September, 1879, will be two hundred and twenty-two million and some hundred thousand dollars, but whether it be $302,000,000 or $222,000,000, either statement answers the purposes of the argument I now make.

Mr. COCKRELL. And that is for those who have already applied.

Mr. VEST. As my colleague says, that amount is for those who have already applied. A great many more will file their applications for arrears of pensions within the dubious and coming future. But, as I was saying, either statement, $302,000,000 or $222,000,000, illustrates the absolute nebulosity, to use the word, which covers this whole question. We were told that it would be $40,000,000 for arrears. We have paid out now $259,000,000, with $222,000,000 more to pay in the near future. Where are we to stop, if pause there be, in this wholesale legislation on this subject?

Thirty-seven years have elapsed since the close of the Mexican war. No such legislation as this has been given to the soldiers of that war. It is true that in 1818 a law was passed by Congress which gave relief or pensions to the disabled soldiers who followed Washington in the struggle for the young Republic; but the Revolutionary war closed on the 19th of October, 1781, and the long lapse of years between 1781 and 1818 had gone by before Congress saw proper to pass any such act.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. HOAR. I think the Revolutionary war closed on the 19th of April, 1783.

Mr. VEST. That is true technically, and yet Yorktown surrendered in 1781.

Mr. HOAR. The troops remained under arms, and General Washington issued to his troops on the 18th of April, 1783, a general order, they then being in camp, declaring that the war would terminate the next day, which was precisely eight years from its beginning, and it may comfort the benevolent soul of the Senator from Missouri to know that he ordered a double ration of rum to be issued to each soldier in commemoration of the event.

Mr. VEST. When it comes to the question of rum, it strikes me that Massachusetts has made a great deal more out of rum than the people of Missouri or the Senator from Missouri. If I am not mistaken, that was the principal staple in the trade of Massachusetts for a great number of years. Trading rum for negroes and selling negroes to the South enriched that people to such an extent that they have ever since been sensitive on the question of negroes and rum both; and they have now undertaken to a large extent to prohibit rum after having exterminated slavery.

It is true that technically the Revolutionary war closed in 1783, but as a matter of fact Yorktown surrendered on the 19th of October, 1781, and it was thirty-seven years afterward before any pension was given to the men who followed Washington and who endured the privations of Valley Forge in their struggle for the flag of our country.

I have spoken of the amount and of the precedents in regard to this question. The general pension laws which are passed by Congress constitute not the only conduit through which the public money is being given out under this cry of relief to the soldiers who preserved the life of the nation. Each recurring session of Congress witnesses an arduous contest between Senators and Representatives as to who shall illustrate his political career with the largest number of private pension bills to be exhibited to an admiring and loving constituency. Our Calendar now is crowded with these private pension bills, and the daily press in localities where Senators and Representatives reside is filled with long columns of pension bills that attest the sincerity and zeal of the persons who represent their constituencies in the respective bodies of Con-

gress. But the other day 240 special pension bills were taken to the President, the largest portion of which passed this body without being read, or if read, so eagerly and impatiently that no knowledge of their contents came to any member of this body outside of the Pension Committee.

Mr. BLAIR. Will the Senator permit me to ask him a question?

Mr. VEST. Certainly.

Mr. BLAIR. This process has been going on for many years, as the Senator says, and I ask him if he knows of a single instance wherein Congress has by special act granted a pension to an individual, officer, soldier, or relative of a soldier, where in his belief that pension was granted unjustly, he being himself familiar with the facts?

Mr. VEST. I do not know that I am familiar with the facts. I shall be perfectly frank in the discussion of this question, and I will say to the Senator from New Hampshire that with very great reluctance I have brought myself to oppose the pending measure. I believe that I but voice the feeling of many of my colleagues situated like myself on this side of the Chamber when I say that we have felt a delicacy, to use that word, in interfering with either public or private pension bills on account of the fact that we were ex-confederates.

Mr. BLAIR. The Senator will permit me to say that I was entirely prepared for the honorable avowal which he makes in reference to his disposition toward this general bill and the special acts of which he speaks. I wish to say for myself, having by compulsion if not from disposition become very familiar with applications for relief under special acts, that I have never known a single one to pass the Senate committee or to pass this body where I do not believe the Senator from Missouri, himself being the judge, would have allowed the case and would have voted for it; and I have never known to be developed in the public prints or in the public councils a single instance where there was reason to believe that Congress had acted either injudiciously or too hastily or had been imposed upon fraudulently—not one.

Mr. VEST. It is impossible for an exact issue to be made between the Senator from New Hampshire and myself as to his allegation. I have not been upon the Pension Committee. I have submitted—that is the word—to this legislation on account of the fact which I have mentioned, the fact that I was upon the losing side in the last war; and I have left this matter to those Senators more fortunate than myself in that struggle, who represented the victorious side in that contest. But when this bill is pending, breaking down what I conceive to be the real and correct principle of the whole pension system, representing as I do a border State which furnished about an equal number of soldiers to each side in that conflict, I felt it my duty, against the delicacy of motive which has hitherto controlled me, to enter my protest against this legislation.

I do not believe that any man is entitled to a pension from his country unless after at least thirty-five years from his service, except under the contract which I have named, that so far as a pecuniary compensation can do so the damages he received while in the service shall be repaired. This bill breaks down or ignores that principle entirely. It is simply the precursor, the *avant-coureur*, to the wider and broader legislation of giving within the near future a service pension to every man who served in the Union Army.

The Senator from New Hampshire says that in each one of the individual cases no injustice was done, but on the contrary simple justice was meted out to the claimants. In the large majority, in fact I may say in all those cases the Pension Department had passed upon the claims and refused them.

Mr. BLAIR. Oh, no; not many.

Mr. VEST. Well, it is passing strange that they came to Congress if their claims could be passed through the ordinary channel of the Pension Bureau.

Mr. BLAIR. I do not wish to interrupt the Senator, but he is misled evidently. The cases which are reviewed by the Pension Committee after having been acted upon by the Commissioner of Pensions are almost universally cases where by reason of defect in the formal proof, documentary or otherwise, the Pension Commissioner does not feel justified in making the allowance under the law. So far from the action of the committee being always a reversal of the opinion of the office in reference to these cases, the parties come frequently to the committee with a letter from the Commissioner in which he recommends, by special act, the granting of the pension, because, though the claim is just and equitable, by reason of the limitations of the law which confine him he can not meet the requirements of the case.

Then there are many other cases where it was evident upon examination that a good cause for pension existed and it is impossible, by reason of lapse of time or the destruction of testimony, to establish the case to the satisfaction of any technical mind; and yet a mind looking upon the evidence from the standpoint of a master in chancery would find a verdict for the applicant. Many cases of that kind come to Congress.

It is not right to close without saying that in many instances the action of the office is directly overruled, and in that regard it may be proper to say that there seems to me to be no impropriety in assuming that the judgment of a member of the House of Representatives or a member of the Senate carefully given, after the examination of the facts in any particular case, is as likely to be right as that of a $1,200 clerk.

Mr. VEST. I do not doubt that there are numbers of cases which appeal to the equitable jurisdiction of Congress as against, to use the expression, the common-law judgment of the Commissioner of Pensions; but I do know, limited as my knowledge is on this subject, that there are numbers of pension bills which have failed in preceding Congresses that have passed through this Congress. I know that within my personal knowledge.

Mr. BLAIR. The Senator must know that as time passes on it is possible for the applicant to acquire new testimony and to strengthen his case, not by the development of falsehood but by the recovery of facts which previously had been lost to him. It does not follow that the case is fraudulently sustained simply because as time passes on it becomes stronger, nor does it follow that the original decision rejecting the case was itself right.

Mr. VEST. I am not speaking of cases of fraud; I am speaking in regard to the sufficiency of proof. I know cases where the identical proof has failed in the preceding Congress and has been sufficient for this.

Mr. BLAIR. That might be.

Mr. VEST. I know bills that have received not a single vote in committee which when one of these pension "spasms," to use the word, has struck the committee or the Senate have passed through without question. The two hundred and forty bills that went to the President of the United States in one day embraced or caused an expenditure of $35,000 annually from the public Treasury. They received absolutely no attention in the Senate, and the only examination they had was from the Pension Committee. We have now, I am afraid to say how many more of these bills pending. The Calendar evidences the fact that about half of it is taken up with individual pension bills, and they will be passed after a report from the Pension Committee. So year after year, by general and special legislation, we are taking from the public Treasury enormous sums of money to enrich the claim agents and curbstone lawyers in the city of Washington without any demand for it on the part of the citizen soldiers of the country.

I have a right to speak for some of these soldiers, because they are my political friends and supported me for my present position in the Senate. They went into the war and bared their breasts to shot and shell honestly for the country's flag, and they deserve all credit and honor for it. They took their chances in the storm of battle. If they survived uninjured by wounds or disease, they bared their bosoms to the civic conflict, the struggle in civil life for emolument and honor upon an equal basis and footing with their fellow-citizens around them. It is the boast and honor of the citizen-soldier of the United States that he does not ask from the country after the contract between him and the country is ended, after he has served as a soldier, and in the providence of God has escaped wounds and disease, that on account of some railroad accident, some attack of typhoid fever, he may be enabled to come to the Treasury and say, "I escaped from the war untouched, my contract with the country was ended, but I now propose to become a pensioner upon the common Treasury of the people."

Mr. President, I am tired for one of being used by the pension-claim agents of Washington city to increase their spoils or by ambitious statesmen to enhance their political fortunes. I am determined to make this issue with my own people, and I declare here to-day that I am not going any further in the direction in which we have been recklessly hurrying. This bill means an indefinite raid upon the public Treasury for an indefinite time. It means that the people's money shall be taken from the Treasury for the purpose of paying for a length of years beyond the prescience of any mortal man an indefinite amount of money, and I shall vote for no such measure.

Mr. TELLER. Mr. President, I do not intend to discuss the details of the bill; I only rise to make a few general remarks on the subject of pensions and to take this occasion to correct some statements which have gone out to the country.

I would say in the outset that the present Commissioner of Pensions has made some reflection upon the late administration of the Pension Office. That is a matter which I understand is now under consideration by a proper committee of this body. I therefore shall say nothing upon that subject. I shall leave it until the proper time.

Every soldier who went into the Army of the United States went in with a contract that if he came out disabled in any manner he should receive a pension of a certain character. That was a contract as binding upon the General Government as the contract to pay its bonded debt or any other obligation of the United States. Further than that the Government did not go; further than that there is no legal obligation upon the Government. Whether we ought to pension the soldier who is unfortunate because of occurrences independent of his Army record is a question addressed, first, I suppose to our economic judgment, whether we are able to do it; and secondly, whether we ought to do it in view of the services rendered with a proper regard for the honor of the nation.

At all times, in all portions of the world, and in all history, the men who have gone out and fought the battles of the country have occupied a high position in the affections of the people. All nations have in

some way attempted to reward them for their devotion to their country. If we were asked to vote money out of the Treasury for such a purpose when there happens to be a very large sum of money there not at present being used, I suppose the simple question to be presented is, are we able to do it? I do not know that anybody has contended, or will contend, that the United States Government is not able to do not simply what it has contracted to do, but the generous thing, if it sees fit.

I say we made a contract with the soldier to pay him a pension in a certain contingency. We provided at once the machinery for determining whether he was entitled to it under the contract. It was a contract on our part as to which we reserved the right to determine for ourselves whether the obligation existed. We called together a great number of people of moderate capacity, of but little learning, and we put them at work to adjudicate in our behalf as our employés upon the questions presented by these applicants, not for bounty but for what was rightfully the due the applicants under the contract. We denied to those people the opportunity of going into the market and hiring competent attorneys to represent them before our own tribunal created for the purpose of adjudicating their claims. We shut the doors of the Department against this class of men when they came there to inquire what was their record except that they first came through the source and in the manner that we provided they should come.

Year after year these men came and lodged their complaint before our tribunal, and complained year after year that we did not adjudicate upon their claims, but held them in suspense, until many a soldier who had lodged his complaint, before it became a matter of determination, had passed beyond the benefits that were supposed to be conferred upon him by his contract. Year after year they petitioned Congress for more efficient methods of adjudication. I recollect when I was in the Senate some years ago—and the honorable Senator from Illinois [Mr. LOGAN] referred to it yesterday—this Chamber resounded with the denunciations of claim agents and the fraudulent soldier claims that were presented. I remember that a distinguished Senator, who is not in the Chamber to-day, repeated day after day in the hearing of many members of the Senate that 10 per cent. of all the claims which had been allowed were fraudulent claims; and, as the Senator from Illinois said, for the purpose of determining whether the claims were fraudulent or not—that was the purpose expressed—the Government went to work and first made out a list of every man who received a pension and the amount that he received, and then the lists were published in the country papers all over the United States, and the people were invited to make their complaints as to any persons on the roll they could find who were not entitled to a pension.

I am glad that I do not remember who introduced that resolution, because if I say anything of it that might be considered harsh it will not be personal. That resolution was introduced into this body at the bid and beck of men who wanted to know who were the soldiers of the United States. It can be demonstrated that as much as $100, for that was developed recently where I had an opportunity to know, was paid for the first publication of that volume that was lodged in the second-hand book stores of this city. Thereupon every claim agent hired clerks and sat them down to write to those soldiers that they were not receiving as much as they were entitled under the law to receive. Then came a flood of applications from those men who believed they were not receiving what the law entitled them to have, and who had been informed, by persons who asserted that they knew, that they were not so receiving it, and that if they would apply to them they would receive an additional sum.

I forgot to say that in the early legislation when we denied to the soldier the opportunity to select his own attorney, or at least to pay him what he saw fit, we fixed a provision in the statute that no attorney should be paid more than $25, and that he should not be paid until he had secured the allowance of the claim. By the same method exactly that the pension-roll was made up and published that provision of the statute was repealed, and every claim agent was allowed to charge the sum of $10, and $10 only. That was done in the interest apparently and professedly of the soldier, but it was in the interest in fact of the claim agents of the country.

I will stop here a moment before I allude to some other things to show how that worked. A man started a claim agency; he sent out his circulars all over the country to every soldier, whether he was on the roll or whether he was off the pension-roll, and solicited either that he should apply for a pension or that he should apply for an increased pension. He drew upon him as much as he could, to the extent of $10. When he had that done, he stopped. I do not think it is a stretch of imagination when I say that he turned the case, in some instances, over to another man and he to another from three to four and five times. He turned the case over to somebody else because he had gotten all he could. When he could not get any more he ceased his effort. The soldier appealed in vain to have his case moved, and it was not stirred. Then some other fellow sat down and sent a circular and said, "I understand your claim has dragged. Your agent does not press it. Send it to me." Then to the new agent it went with another payment. When he got what he could get out of the claimant, to the extent of the $10, he sent it to another, and so it went on by collusion *ad infinitum* just as long as the soldier would respond.

The claim agents, I am glad to say, were not all of that character. There were very many reputable men who did their duty before the Department in an honest and straightforward way as an attorney would do it in court.

Subsequently there was a revision of that provision and the old law was restored. The effect was that there was no inducement for a man then to get up a false, fictitious claim to induce a soldier to send in a plea for a pension when he knew he had not any claim, and it relieved the office of a great number of claims, and relieved the soldiers from being robbed by a class of unworthy men.

Now, I wish to come back to what has been so often said about the fraud upon the Treasury of the United States by the granting of pensions. In the first place, I want to reiterate again that we have not paid a dollar except as we contracted to pay, unless in the few cases which have gone through here when there was a lack of evidence of such a character as would enable the Department of the Interior to grant the pension. Those are insignificant in number, and in the great majority of cases, as I can say from an experience on the Committee on Pensions, there could be no doubt but that the soldier was entitled to receive his pension but for lack of some connecting link of proof that he failed to get.

The cry that there was fraud in the pension laws affected the Pension Office. I have no hesitation in saying that but a few years ago there was a feeling in the Pension Office that every application which came in was a fraud, and that every clerk regarded it as his duty to hunt out and, if possible, find some method by which the application could be rejected. I do not know, and nobody will ever be able to determine, how many men have claims pending that ought to be allowed. There are one hundred and fifty thousand invalid pension claims still pending and undetermined—more perhaps than that, but at least that number. A great many persons who are entitled to pensions will never be able to make the proof; others will never make the proof because of their ignorance.

I have had some considerable observation and some experience in these matters, and I have found that it was impossible and it will be impossible with the best administration of the office to prevent errors and mistakes with the materials that are furnished the Pension Office for the adjudication of these claims. I recollect during my previous term in the Senate a case was called to my attention of an old woman whom I had known in the western part of the State of New York who had lost a son in battle. There was no question about his having been killed in defense of his country; no question of that kind was presented to the Department; but when the evidence was presented the Department said to the old lady, "You have not produced proper evidence as to the fact that this man was your son;" and she was told, "You must obtain the evidence of some person who was present when the child was born and send that to the Department." The old woman sat down and waited for fifteen long years under the impression that that was the law, under the impression that she must produce that proof or else she could not get a pension. It was only by accident that I discovered that such a demand had been made upon this old woman, and when she was eighty years of age, after having supported herself for seventeen years by her toil and her labor, she finally got a pension. The stupidity of a clerk or of a pension agent had kept her out of it, not the ingratitude of the Government; and the records are full of cases of that kind, and they ever will be while you have human agents to determine such questions. Now and then undoubtedly an agent errs on the other side, and occasionally it is probably true that somebody gets a pension who is not strictly entitled to it under the law.

But I remember in 1880, if that was the time, when there seemed to be so much anxiety, when we allowed to the Secretary of the Interior additional force for the purpose of detecting frauds, and when we filled the country everywhere with the agents of the Government investigating the question whether these men were entitled to be on the roll or not; when we called upon all their neighbors and everybody in connection with them or who knew anything about them to send in their complaints, we did not find the half of 1 per cent.—not one man in two hundred was found to be on the roll without being entitled to be there. Since that time the Department has been furnished with additional agents, and the system of investigation of those claims has been materially improved. There are now in the field at least one hundred and fifty men of a better class and better grade, who are sent out, and the Commissioner sends them anywhere that he pleases whenever there is a complaint. An anonymous letter, charging that a soldier is receiving a pension to which he is not entitled, is received, and even such a letter always has found, and always should find, ready response. The Commissioner sends a person there at once to investigate the case, and if it is found that the man is not entitled to a pension he is dropped off the roll; or if there is doubt about it he is dropped off the roll.

Mr. President, I recollect about a year ago, owing to a change of administration, there was a good deal said about the purging of the roll. I do not contend that anybody connected with the administration was responsible for it; I have no reason to suppose that any person charged with pension affairs was; I want to make a disclaimer of that; but the newspapers contained from time to time statements that at such a place, at Boston for example, there had been so many dropped from the roll, at Chicago so many had been dropped from the roll, and that

the roll was now being purged of all the dishonest and fraudulent claims which had been allowed under previous administrations. I recollect that just about a year ago a man came here from the State of New York who announced that he had come to the conclusion that he had been receiving a pension from the Government long enough. He was receiving a large pension, $72 a month, and he said that he had received more than he ought to receive, that he was able to take care of himself, and he came here and proposed to surrender his pension. The newspapers were full of the fact that this reform had reached even the pensioners themselves and that they too were about to assist in purging the roll of the fraudulent claims. It turned out a few days afterward that this poor, unfortunate fellow was an escaped lunatic from one of the asylums in New York, and he was soon returned to the asylum, where I am sorry to say he is still confined.

If there are persons improperly on the pension-roll it is practically the fault of the Government, for all the agencies that are necessary have been given to the Department for the purpose of eliminating such frauds. I do not myself believe that there is any considerable number of such cases in existence, while I do believe that, under the technical rules which have been adopted from time to time by the Department, there are thousands of people who have applied who are not receiving pensions to which they are properly entitled, and that there are others who have been deterred from making applications by the strictness of the rules.

Up to 1884 it was the rule that a man who went into the Army, who was accepted by the Government after an examination as to his physical ability, had to prove that he was a sound man when he entered the Army, and thousands of cases were rejected because the applicants could not submit such proof. Congress has since provided another rule, that the presumption should be that the man was sound when he enlisted in the Army.

Here I want to refer to the last report of the Commissioner of Pensions, in which I find that there were 345,125 pensioners on the roll. I find that during the last year 15,233 persons were dropped, or less than 5 per cent. of the whole number on the roll. I believe that a great many people in the United States, when that statement is made, suppose that those whose names were dropped from the roll were dropped because they were improperly there. Of this number of invalid pensioners the names of 3,998 were dropped because they were dead; of widows and dependent relatives 1,694 were dead, and so on, until the total number who were dropped from the roll on account of death, remarriage, or because they were minors coming to the age fixed by legal limitation, or because the pensioners had failed to call for their pensions and for other causes not given, including frauds and all other things, was less than 2,000, or 1,914 to be exact, a mere bagatelle, and only a small percentage of these were dropped, mind you, because they ought never to have been upon the roll.

Mr. President, I did not intend to make any extended remarks upon the question of pensions. I simply rose to say that I have always regarded the obligation of the Government to pay the soldier equal to that to pay any other debt. We talk a great deal about the expense of the pension-list, as if it was something that we ought not to have paid, something that we might have avoided or from which we might have escaped. I suppose we need not have paid the nearly $3,000,000,000 that we owed when the war closed. I suppose we might have repudiated it, and we could have repudiated it and stood before the world in a great deal better condition than if we should repudiate our contracts with the men who fought for us at $13 a month. We have paid to the pensioners in the United States $744,000,000; we have paid as interest on the debt to the men who loaned the money to carry on the war more than three times that sum, and we are paying their debt besides. We have no right to repudiate either obligation. They are both sacred and should be kept, and to the satisfaction of us all the Government is able to keep its obligation both to the men who loaned it the money and to the men who fought its battles.

We boast sometimes that we have dealt liberally with the soldiers, and we also boast of the total amount we have paid them when we want to congratulate ourselves as a nation that we have done so much. We figure up and say we pay $65,000,000 a year to pensioners. We do not pay any more than we contracted to pay, and we do not pay any very magnificent sum to the men who took their lives in their hands and maintained the integrity of the nation.

I have here the list showing the amount that we are paying, to which I referred yesterday when the Senator from Illinois was speaking, and I will refer to it again.

We are paying 1,260 persons $1 a month. We are paying, as I said yesterday, $2 a month to 26,134—$2 a month or $24 a year. We are paying to 60,268 persons $4 a month or a little less than $50 a year. We are paying to 34,639 pensioners $6 a month. When you reach $12 a month you have got 15,480 receiving that amount. Then we rise to some of the higher numbers, and we have pensioners at $40, $47, $48, $50, $72, one at $75, and one at $100.

Mr. President, the one at $100 is the present Commissioner of Pensions, and I do not mention it to say anything to his discredit. I say here and now, whatever criticism may have been made on his receiving the pension, that, in my judgment, he does not receive a dollar more than he is entitled to receive from this Government. I do not believe any man who is in his condition in consequence of his service to the country ought to be asked to take less money as long as there is a dollar in the Treasury. I think, on the contrary, that many of these men who are receiving the pittance of a dollar a month, of $2 a month, of $3 a month, and $5 a month, ought to be receiving double the latter sum as compensation for what they are suffering and under the contract, and I want to say here that I am satisfied the Department has never been overliberal in rating these people high. Why? Because there has been such a thundering at the door of the office against large pensions, and such a cry as if it was an extravagance, that he has to be a very courageous officer who goes beyond the very strictest letter of the law.

Mr. President, I believe the proposition to put the Mexican war soldiers upon the pension-roll, without reference to their disability, without reference to their poverty, has met with the universal approval of the gentlemen on the other side of the Chamber. I recognize the great service rendered by the Mexican war veterans; I recognize the fact that they carved out of Mexico for us an empire that has added incalculably to the wealth of the country, that has strengthened it and made it great and powerful; but I do not recognize their services as to be compared with those of the men who went out to battle for the integrity of the country, to save its territorial integrity, to save its principles, and to maintain it intact as a nation. They are entitled to immeasurably more than the other men. They are entitled to greater credit because the work was greater, inasmuch as human liberty, human freedom, is greater than dollars and cents or territorial area; and if we can vote service pensions to the one we ought to vote them to the other; and if we can vote them to but one we should vote them to the men who have rendered, in my judgment, the greatest service that men have rendered to governments in modern times.

Mr. LOGAN. Mr. President, I said yesterday all that I desired to say in reference to the general features of this bill, but I wish to reply for a moment to a remark made by the Senator from Missouri [Mr. VEST] who is not now in his seat.

I have never heard an argument in this Chamber that I considered substantially good in opposition to granting a pension to a soldier who was disabled from wounds or disease, or from any misfortune that had befallen him where it was owing to no fault on his part; but the argument resorted to to-day is the same one that has been resorted to for years whenever a bill was before the Congress of the United States to grant pensions. The objection was, first, the amount to be taken out of the Treasury; second, that agents about this city were building brownstone fronts. I have heard that argument a dozen times. As to whether they build brown-stone fronts or any other kind of fronts I have naught to say, for I do not know; but I will say in reply to the Senator that no pension agent can obtain a pension for a soldier under the law unless that soldier is entitled to it, provided the officers of the Government do their duty.

What answer is it to the misfortunes of a man who is entitled under the law to a pension to say that some attorney may ask to be his agent in obtaining his pension? Is that an answer to his disability? Is that an answer to his misfortune? Is that an answer to the equity in his case as to whether he shall be allowed a pension by this Government or shall have it refused? Why, sir, this red rag has been shaken in the Senate Chamber time and again. If men can not be frightened by the amount that is to be expended for these unfortunate soldiers, next we are told it is the pension agents of Washington city who are urging these bills.

Sir, if the Senator were present I would tell him who was the only man who has spoken to me on this subject. Pension agents may have sought the Senator's presence, but they have not been seeking mine. I have had letters from poor unfortunate soldiers, which I frequently receive and always respond to; but aside from letters the only application was from a poor unfortunate man from the State of New York, legless, walking on wooden legs. He came to me and discussed this question of pensions, and he is the only man who has done it outside of this Chamber. If that man without legs, who lost them in battle for his country, is one of the pension agents who are to be benefited, in God's name let him be benefited. I have never heard of him as a pension agent; but if that class of unfortunate men can be benefited by the Congress of the United States doing for them that which in my judgment is honorable and is a duty incumbent on the representatives of the people, I am ready now and at all times to do it. I will repeat what I said yesterday, that I have no respect for a government which allows the poor soldier who has become a wreck, not by his own fault but by misfortune, either by disease or by any accident that may happen to him, to perish, and which says to him, "True, you helped save our country when it was in its direst trouble, and now that misfortune has overtaken you, though the Treasury is plethoric, we must economize; it is true you are unfortunate, but there is a pension agent up here in town who might make money, and therefore you shall not have the bounty of this great Government."

Mr. President, such arguments as these are unworthy of the Senate of the United States. The only question should be, "Is he entitled to the bounty of his Government?" If he is, give it to him; if he is not, let him go a beggar before the world.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I hope the Senator will withhold that motion for five minutes. There are a few observations I wish to make.

Mr. CAMERON. I prefer to insist on the motion.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I hope the motion will not prevail, for five minutes at least.

The PRESIDING OFFICER. Debate is not in order.

Mr. BLAIR. I only want five minutes.

Mr. CAMERON. Then I withdraw the motion.

Mr. BLAIR. Mr. President, the intimation that this bill is the offspring of the mercenary brain of claim agents is as far from the truth as any intimation possibly could be. So far as I know, it is a bill in which the claim agents never have exhibited the slightest interest whatever. The principle involved in this bill was incorporated in our legislation, as I have already stated, as early as the year 1818, and in a more emphatic form than it is embraced in this bill. It continued to be the law with reference to the soldiers of the Revolutionary war and their widows for fourteen years, when a service pension pure and simple, giving to all those soldiers and their widows a pension at a specified rate regardless of disability and regardless of want or dependence, was enacted into law.

Then again we have by a proposition not adopted in the year 1858, but the adoption of which was delayed unquestionably by the outbreak of the war, rendering it by reason of its great burdens impossible for us to assume it earlier, and the adoption of which was for that reason deferred until 1871, asserted the same principle by legislation and applied it to the soldiers and the widows of the soldiers of the war of 1812. And on more than one occasion, I think three times, the House of Representatives has passed a service-pension bill, pure and simple, in favor of the survivors of the Mexican war. Once the Senate has passed that bill. So the principle involved here and its extension to those who are without any dependence, any need, or any disability, has been in all these instances already indorsed in the history of legislation, and to fail to indorse it at the present time would be to institute an exception in regard to those soldiers who preserved the unity of our institutions and the integrity of our territory.

It is true, sir, that it is at the present time proposed to extend the benefits of the public bounty, if you choose so to call it, to this class of disabled and dependent men a little earlier than was done in the case of the Revolutionary soldiers; but it is to be remembered that the exactions of war in these modern times are even greater than they were then. Arms are more deadly; the exactions of campaign life are greater than they were then. Beyond this, the wealth of the country, its capacity to assist those who are in need of assistance, is altogether out of proportion to what it was in the earlier day. At the time when our fathers assumed the burden of assistance to the indigent soldiers of the Revolution we were in the most adverse industrial circumstances known at any period of our history since the Revolutionary war itself and the few years which immediately followed it before the organization of the Government. And yet notwithstanding those circumstances the nation assumed a far heavier pecuniary burden then than it is proposed that we take upon our shoulders now, when we have a plethoric Treasury and billions upon billions of property untaxed and paying as yet nothing whatever into the national coffers.

Why, sir, the funds which we have in our Treasury, as we all know, are levied upon personal habits which it would be better to dispense with, upon commodities which it would be better for the country were they entirely destroyed save for a few legitimate purposes, and upon the luxuries of life as they are introduced from foreign lands. Substantially two-thirds of the income of this Government is levied upon our customs; and that tariff makes its collections almost universally, as every Senator knows and as the whole country knows, upon articles not necessaries of life, so that that taxation comes out of wealth and is but a redistribution to the masses at large of money which it would be better had it never accumulated in the form of the large possessions and the large fortunes of our wealthier people.

It is thus, Mr. President, an absolute blessing to take the money which we have obtained by the customs service of the country and distribute it among the people at large, and the same observation might be made with reference to the income from the internal-revenue system.

Allusion has been made to the alleged fact that the increases of pension, of which there have been some instances in the present Congress, add to the fees of the claim agent; but that is not the case. The arrears-of-pension bill adds very slightly to the fees of the agents. It was not designed to do so at all, because the arrears are never paid save where there has been already a favorable adjudication and the fees of the agent are payable for that adjudication whether there are any arrears paid when the case is established or not, and most of those arrears were paid by a direct order from the Government itself without the interposition of any fee whatever to any agent at all. So the point made by the Senator that that legislation or any legislation increasing existing pensions is in the interest of claim agents is entirely aside of the mark.

Now, Mr. President, a word as to the origin of this particular bill further than the precedents to which I have alluded. I hold in my hand the printed minutes of a hearing before the Committee on Pensions accorded to George S. Merrill, Louis Wagner, James Tanner, John C. Linehan, and John S. Kountz, who were the committee of the Grand Army of the Republic charged with the recommendation of what the Grand Army deems to be necessary pension legislation, and among the various items of legislation which they indorse and recommend is precisely that which is contained in this bill. It is a bill indorsed, so far as I know, universally by the soldier element of the country, and not by them only, but by the great mass of our liberal-minded citizens who have given attention to the wants and necessities of the soldiery throughout the land. I wish to read a remark made by General Merrill before the committee:

Of the nearly three hundred thousand cases pending in the Pension Office the great bulk are delayed because of the lack of evidence, and the evidence can not be produced because the witnesses are dead. They can not produce them. And unless some general provision of this kind is passed giving these men pensions that are to-day disabled, it is impossible for them to get pensions, and they must go to the almshouses. It is a public scandal for that to occur. Just in that line we said to your committee, two years ago, that we were opposed to the eight-dollars-a-month pension bill.

He is alluding now to the service-pension bill which so many favor, applicable to the soldiers of the late war.

We have been endeavoring to sustain that position—

That is, of opposition to that bill—

We have been endeavoring to sustain that position, but to-day the eight-dollars-a-month bill is becoming a more formidable question than ever before. Perhaps we see it more closely, for we have been making the fight against it in the Grand Army. I see by a telegraphic dispatch to-day from New York that the assembly of that State has passed a resolution in favor of a universal pension bill. Now, you may pass such a bill, but it does not remedy any of the other defects or deficiencies of the pension legislation. Indeed, it gives a well man a pension to the actual disadvantage of the disabled soldier, and the well man ought to stand back and let the cripples get a pension first. This idea is gathering force, because Congress in the last two years has not succeeded in passing bills which have passed the Senate or the House. Between the House and Senate this legislation has failed, and it is this failure that is giving the impetus to the eight-dollar-a-month bill to-day. I know that the pension committee of the Grand Army can not stand up much longer in the Grand Army of the Republic and contest the passage of the eight-dollar-a-month bill unless something is done speedily.

And their recommendation is that this bill be enacted into law which will simply provide for all those who are disabled to earn their living and must be assisted from some source. Now, this particular bill is a bill which I had myself the honor to originate and to write, without suggestion from any mortal being, and introduce into the Senate of the Forty-eighth Congress, first session; and it is Senate bill No. 1342 of that session. That bill went to the committee. Presently a bill came from the House, and was referred to the Senate Committee on Pensions, was taken charge of by the Senator from Illinois [Mr. CULLOM], and in committee the provisions of this bill were incorporated. It was reported to the Senate and moved as an amendment to the Mexican pension bill of the House. So, then, I am able to state that this measure originates, not in the brain of any claim agent whatever; it originates with the soldiers of the country and in the necessities of the case. It is the natural outgrowth of the sentiment of public justice which the whole nation, I believe, will be glad to recognize in the enactment of this bill into law.

I give way now to the Senator from Pennsylvania.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Before that is done I desire to offer an amendment to the bill before the Senate, and I ask that it be read at the desk.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. Any pension that is payable under this act, and is not provided for under an existing law, shall be payable only out of the money derived, or that shall hereafter be derived, under the internal-revenue laws of the United States. And the Secretary of the Treasury shall report to Congress by the 10th of December, 1886, what rate per cent. of taxation upon the capital stock of corporations will be sufficient to pay the expense incurred and to be incurred under this act, not to include in such estimate any corporation whose capital stock is less than $50,000, nor any corporation created to promote religion, good morals, charity, education, or health.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER. Before submitting the question to the Senate on the motion of the Senator from Pennsylvania [Mr. CAMERON] the Chair will lay before the Senate bills from the House of Representatives for reference.

The bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money in the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 8188) to admit free of duty a certain lecturn for the use of the Saint Luke's Episcopal church in the parish of Kalamazoo, Mich., was read twice by its title, and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 3173) for the relief of Samuel H. Fleming; and

A bill (H. R. 5890) for the relief of Grafton Monroe.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania [Mr. CAMERON].

Mr. ALLISON. I hope the Senator from Pennsylvania will not press his motion now.

Mr. CAMERON. I insist on my motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. SAULSBURY'S name was called). The Senator from Delaware [Mr. SAULSBURY] is paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. FAIR (after having voted in the affirmative). I withdraw my vote. I am paired with my colleague [Mr. JONES, of Nevada], who is not in his seat.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote if present, and therefore I withhold my vote.

The result was announced—yeas 32, nays 17; as follows:

YEAS—32.

Berry,	Dolph,	Harrison,	Pugh,
Brown,	Eustis,	Hawley,	Ransom,
Call,	Evarts,	Ingalls,	Vest,
Camden,	George,	Kenna,	Voorhees,
Cameron,	Gibson,	Maxey,	Walthall,
Cockrell,	Gorman,	Miller,	Whitthorne,
Coke,	Gray,	Mitchell of Oreg.,	Wilson of Iowa,
Colquitt,	Harris,	Morgan,	Wilson of Md.

NAYS—17.

Aldrich,	Edmunds,	Mahone,	Teller,
Allison,	Frye,	Morrill,	Van Wyck.
Blair,	Hoar,	Sawyer,	
Cullom,	Logan,	Sherman,	
Dawes,	McMillan,	Spooner,	

ABSENT—27.

Beck,	Hale,	Manderson,	Riddleberger,
Blackburn,	Hampton,	Mitchell of Pa.,	Sabin,
Bowen,	Hearst,	Palmer,	Saulsbury,
Butler,	Jones of Arkansas,	Payne,	Sewell,
Chace,	Jones of Florida,	Pike,	Stanford,
Conger,	Jones of Nevada,	Platt,	Vance.
Fair,	McPherson,	Plumb,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-nine minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned to Monday, May 17, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of May, 1886.

DISTRICT JUDGE.

Henry F. Seversens, of Michigan, to be United States district judge for the western district of Michigan, *vice* Solomon L. Withey, deceased.

UNITED STATES MARSHALS.

Thomas E. Kelly, of Nevada, to be marshal of the United States for the district of Nevada, *vice* P. S. Corbett, whose commission will expire May 17, 1886.

David C. Fulon, of Wisconsin, to be marshal of the United States for the western district of Wisconsin, *vice* F. W. Oakley, whose commission will expire May 24, 1886.

POSTMASTER.

John C. Pennewill, to be postmaster at Dover, Kent County, Delaware, *vice* Andrew Smithers, whose commission expires May 16, 1886.

ASSISTANT SURGEON IN THE NAVY.

Charles Philip Henry, of Pennsylvania, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, May 6, 1886.

ASSISTANT TREASURER.

James T. Healy, of Illinois, to be assistant treasurer of the United States at Chicago, Illinois.

DIRECTOR OF THE MINT.

James P. Kimball, of Pennsylvania, to be Director of the Mint.

UNITED STATES ATTORNEY.

Robert S. Shields, of Ohio, to be attorney of the United States for the northern district of Ohio.

UNITED STATES CONSUL.

Henry W. Gilbert, of Fort Montgomery, N. Y., to be consul of the United States at Trieste.

SUPERVISING INSPECTOR OF STEAM-VESSELS.

William D. Robinson, of New York, to be supervising inspector of steam-vessels for the ninth district.

SURVEYOR OF CUSTOMS.

Thomas F. Donvan, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

APPRAISER OF MERCHANDISE.

Nathan B. Gatchell, of New York, to be appraiser of merchandise in the district of Buffalo Creek, in the State of New York.

COLLECTOR OF CUSTOMS.

James Tilton, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey.

ASSISTANT COLLECTOR OF CUSTOMS.

George D. Borton, of New Jersey, to be assistant collector of customs for the port of Camden, in the district of Philadelphia, in the State of Pennsylvania.

REGISTER OF LAND OFFICE.

Chester H. Warner, of Colfax, Wash., to be register of the land office at Walla Walla, Wash.

RECEIVERS OF PUBLIC MONEYS.

William M. Garrard, of Lawrenceville, Ill., to be receiver of public moneys at Cheyenne, Wyo.

John W. Leigh, of California, to be receiver of public moneys at San Francisco, Cal.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer George W. Stivers, to be a chief engineer in the Navy, from the 18th of December, 1885.

Passed Assistant Engineer William W. Heaton, to be a chief engineer in the Navy, from the 26th of January, 1886.

APPOINTMENT IN THE NAVY.

Charles Edward Woodruff, of Pennsylvania, to be an assistant surgeon in the Navy.

POSTMASTERS.

James W. Satcher, to be postmaster at Union Springs, in the county of Bullock and State of Alabama.

George W. McMillen, to be postmaster at Mount Sterling, in the county of Brown and State of Illinois.

Henry W. Cook, to be postmaster at Michigan City, in the county of La Porte and State of Indiana.

Herman Freygang, to be postmaster at Angola, in the county of Steuben and State of Indiana, in place of Francis Macartney.

Squire L. Major, to be postmaster at Shelbyville, in the county of Shelby and State of Indiana.

Juliette M. Jones, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana.

Edward L. Garcelon, to be postmaster at Winchester, Middlesex County, Massachusetts.

John T. Irion, to be postmaster at Paris, Henry County, Tennessee.

John H. Saxton, to be postmaster at De Witt, Clinton County, Iowa.

Charles O. Thiebald, to be postmaster at Vevay, Switzerland County, Indiana.

Frank Brown, to be postmaster at Baltimore, Baltimore County, Maryland.

REJECTION.

Executive nomination rejected by the Senate May 6, 1886.

POSTMASTER.

John L. Handley, to be postmaster at Fairfield, in the county of Wayne and State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14, 1886.

GOVERNOR OF MONTANA TERRITORY.

Samuel T. Hauser, of Helena, Mont., to be governor of the Territory of Montana.

SUPERINTENDENT OF MINT.

Gabriel Montegut, of Louisiana, to be superintendent of the mint of the United States at New Orleans, in the State of Lousiana.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 14, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

NON-PAYING CUSTOM-HOUSES, ETC.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, with accompanying papers, in response to a resolution of the House calling for information in regard to custom-houses or ports of entry at which the expense to the Government exceeds the revenue collected; and submitting draught of a bill to fix salaries of collectors and officers of customs and to consolidate customs districts; which was referred to the Committee on Ways and Means, and ordered to be printed.

CONTINGENT EXPENSES, TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, asking authority to apply a certain unexpended balance of appropriation "for fuel, &c.," to supply deficiency in appropriations "for contingent expenses, Treasury Department, gas, &c.," for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

SORGHUM AND BEET SUGAR.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting certain papers in response to a resolution of the House calling for information concerning the process and methods of making sorghum and beet sugar; which was referred to the Committee on Agriculture, and ordered to be printed.

REFERENCE OF SENATE BILL.

The SPEAKER, under the rule, laid before the House a bill of the Senate of the following title; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed, namely:

A bill (S. 1532) to regulate commerce.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GROSVENOR, indefinitely, on account of ill health and pressing business.

To Mr. HILL, until Wednesday next.

ST. LUKE'S EPISCOPAL CHURCH, KALAMAZOO.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 8188) to admit free of duty a certain lecturn for the use of the St. Luke's Episcopal church, in the parish of Kalamazoo, Mich., and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty, at the custom-house in Boston, Mass., a cross lecturn, for the use of the St. Luke's Episcopal church, of the parish of Kalamazoo, Mich., imported by Rev. R. E. Jones, the rector of said church, and consigned to ——.

The Committee on Ways and Means recommend the adoption of the following amendments:

Strike out the word "cross," in the fifth line, and insert "brass;" and fill the blank in the eighth line by inserting "Messrs. Jones, McDuffie, and Stratton."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURROWS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL H. FLEMMING.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 3173) for the relief of Samuel H. Flemming and put the same upon its passage.

The bill is as follows:

Be it enacted, &c., That the proper accounting officer of the Treasury be, and he is hereby, directed to pay to Samuel H. Flemming, of North Carolina, the sum of $206.66, for carrying the United States mails in North Carolina in 1870.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, WICHITA, KANS.

Mr. PETERS. Mr. Speaker, I ask unanimous consent——

Mr. MORRISON. Regular order.

The SPEAKER. The regular order is demanded.

Mr. PETERS. I hope the gentleman will withdraw the call for a moment to enable me to ask consent to pass this bill.

Mr. MORRISON. I will withdraw the call.

Mr. PETERS. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1387) for the completion of a public building at Wichita, Kans., and put the same upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the additional sum of $50,000 is hereby appropriated for the completion of a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, United States courts, and other Government offices, at the city of Wichita, State of Kansas, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved March 3, 1885. The limit of cost prescribed in said act is hereby extended as aforesaid, and no plan shall be approved which will involve an expenditure for site and building complete, including approaches, greater than the limit herein fixed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OTOE AND MISSOURIA INDIANS.

Mr. WEAVER, of Nebraska. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to extend the time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the confederate Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes:" *Provided*, That the interest shall be paid at the rate now provided by said act: *And provided further*, That such extension shall be for five years only from the time said payments have or shall become due.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DORSEY. I ask consent, Mr. Speaker, to submit an amendment, which is recommended by the Committee on Indian Affairs, extending the time also to the Omaha reservation.

The amendment was read, as follows:

That the provisions of this act shall be, and are hereby, extended to the purchasers of lands in the Omaha Indian reservation in the State of Nebraska.

Mr. MORRISON. I shall object to the amendment.

Mr. DORSEY. Then I withdraw it.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GRAFTON MONROE.

Mr. COMPTON. I ask unanimous consent to take from the Private Calendar, and have considered at this time, the bill (H. R. 5890) for the relief of Grafton Monroe.

The bill was read, as follows:

Be it enacted, &c., That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, directed, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him, the said Grafton Monroe, in his accounts as such postmaster, with $4,315.13, the same being for postage-stamps and money-order funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884, said credit being recommended by the then Postmaster-General after a full investigation of all the circumstances attending said burglary.

SEC. 2. That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, directed, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him, the said Grafton Monroe, in his accounts as such postmaster, with $2,430, the same being for postal funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884: *Provided*, That it shall be proven to the satisfaction of said Auditor that said postal funds were lost as aforesaid without fault or negligence upon the part of said postmaster.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the read time, and passed.

Mr. COMPTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to dis-

charge the Committee of the Whole from the further consideration of the bill H. R. 2156, and that the same be now considered.

Mr. MORRISON. I object, and demand the regular order.

The SPEAKER. The regular order being demanded, the Chair will proceed to call the committees for reports of a private nature.

FREDERICK ROBERTSON.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1860) granting a pension to Frederick Robertson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5751) granting a pension to Jacob Holder;
A bill (H. R. 8065) for the relief of Daniel Killigan;
A bill (H. R. 6252) granting a pension to Susan V. Young;
A bill (H. R. 6585) granting a pension to Lottie E. Dietrich; and
A bill (H. R. 3643) granting a pension to Elizabeth Johnson.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN P. M'DONALD.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8151) granting a pension to John P. McDonald; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. D. HAVELY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7616) for the relief of W. D. Havely; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. W. GOODING.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 8205) granting a pension to J. W. Gooding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. PARKS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7736) to increase the pension of George W. Parks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BETHUREN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1124) granting a pension to William Bethuren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REUBEN FARNUM.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 787) granting a pension to Reuben Farnum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM REYNOLDS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1304) granting a pension to William Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. KIRKPATRICK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1797) granting a pension to John S. Kirkpatrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN NICHOLAS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1618) granting a pension to John Nicholas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 701) granting a pension to Mrs. Mary B. Kenney;
A bill (H. R. 7754) to pension Henriette Burns;
A bill (H. R. 7752) granting a pension to John Griffith;
A bill (H. R. 6128) granting a pension to Susan A. Duncan;
A bill (H. R. 7978) granting a pension to T. J. Locey;
A bill (H. R. 8154) granting a pension to Resin M. Gard;
A bill (H. R. 2944) granting a pension to John H. Lash;
A bill (H. R. 796) granting a pension to Levi H. Naron;
A bill (H. R. 7251) to pension C. W. Ekengren;
A bill (H. R. 6777) granting a pension to John Zimmerman;
A bill (H. R. 6131) granting a pension to John H. Gause;
A bill (H. R. 6799) granting a pension to Daniel Lester; and
A bill (H. R. 5611) granting a pension to W. J. Wood.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4480) authorizing and directing the Secretary of the Interior to place the name of Freeland Haston on the pension-roll; and the same was referred to the Committee on Pensions.

JAMES R. BAYLOR.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6825) granting a pension to James R. Baylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS BROWN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6817) granting a pension to Thomas Brown; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM CONNER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6819) granting a pension to William Conner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALLY A. STONE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5041) granting a pension to Sally A. Stone; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. CUTLER.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3551) granting a pension to George W. Cutler, late a private of Company B, Ninth New Hampshire Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. GRAY.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 165) for the relief of William H. Gray, of Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOWARD, from the same committee, also reported back the bill (H. R. 879) for the relief of W. H. Gray; which was laid on the table.

MORGAN RAWLS.

Mr. LANHAM, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4451) for the relief of Morgan Rawls; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. TRENTLEN.

Mr. LANHAM, from the Committee on Claims, also reported with a favorable recommendation a bill (H. R. 8759) for the relief of John F. Trentlen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. R. M'GOLDRICK.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 960) for the relief of J. R. McGoldrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOTT S. BAYLESS.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 4973) for the relief of Lott S. Bayless; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. J. WORDEN.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported, as a substitute for H. R. 720, a bill (H. R. 8760) for the relief of L. J. Worden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 720) was laid on the table.

FRANK SHUTT.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 8297) for the relief of Frank Shutt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS SMITH.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 5343) for the relief of Thomas Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. C. WILKEY.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 6046) for the relief of H. C. Wilkey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 7661) for the relief of Jonathan D. Stevenson; and the same was referred to the Committee on Military Affairs.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 1639) for the relief of William Rutherford; and the same was referred to the Committee on War Claims.

MARTIN MURPHY AND P. B. MURPHY.

Mr. McKENNA, from the Committee on Claims, reported back with an amendment the bill (S. 22) for the relief of Martin Murphy and P. B. Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SELMA AND MERIDIAN RAILROAD COMPANY.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4423) for the relief of the Selma and Meridian Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NICHOLAS WHITE.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back with an amendment the bill (H. R. 5133) for the relief of Nicholas White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES E. O'SHEA.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 327) granting a pension to James E. O'Shea; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. P. JACKSON AND OTHERS.

Mr. VAN EATON, from the Committee on the Public Lands, reported, as a substitute for H. R. 3240, a bill (H. R. 8761) for the relief of A. P. Jackson and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3240) was laid on the table.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I move to dispense with the business on the Private Calendar.

Mr. SPRINGER. Mr. Speaker, would a motion that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar take precedence of the motion just made?

The SPEAKER. It would.

Mr. SPRINGER. Then I make that motion.

The SPEAKER. But the result is just the same. If the House refuses to go into Committee of the Whole for the purpose of considering bills on the Private Calendar, under the rule the public business will proceed as on other days.

Mr. HATCH. I desire to state that my purpose in making this motion is to call up the bill which was under consideration when the House adjourned yesterday.

The SPEAKER. The gentleman from Illinois, this being Friday, moves that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The motion was agreed to; there being—ayes 91, noes 31.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair) and proceeded to the consideration of business on the Private Calendar.

FRANCIS W. HALDEMAN.

The CHAIRMAN. The Clerk will report the title of the bill which was under consideration last Friday when the Committee of the Whole House on the Private Calendar rose.

The Clerk read as follows:

A bill (H. R. 658) for the relief of Francis W. Haldeman.

Mr. SPRINGER. As this bill was under consideration when the Committee of the Whole rose last Friday, and as there were not many members present at that time, I ask that the bill be again read.

The CHAIRMAN. With the amendment?

Mr. SPRINGER. Yes, sir.

The CHAIRMAN. In the absence of objection the bill will be read for the information of the House.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Francis W. Haldeman, of Avoca, State of Iowa, out of any money in the Treasury not otherwise appropriated, the sum of $250, as compensation for services performed and money expended for the benefit of the United States during the late civil war.

The amendment reported by the Committee on War Claims was read, as follows:

Strike out the words "and fifty," in line 6, so as to make the bill read, "the sum of $200," &c.

Mr. SPRINGER. Was that amendment agreed to in Committee of the Whole?

The CHAIRMAN. Upon examination of the record the Chair learns that the amendment was agreed to. The pending question is on the motion that the bill as amended be laid aside to be reported to the House with a recommendation that it do pass.

The motion was agreed to.

PRIVATE LAND CLAIMS.

The next business on the Private Calendar was the bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. SPRINGER. I ask unanimous consent that this bill and the three bills immediately following it on the Calendar relating to private land claims be passed over without prejudice.

The CHAIRMAN. If there be no objection that order will be made. The Chair hears none.

ERNEST H. WARDWELL.

The next business on the Private Calendar was the bill (H. R. 1062) for the relief of Ernest H. Wardwell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to Ernest H. Wardwell, of Garrett County, Maryland, late a captain and assistant quartermaster of United States volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain and assistant quartermaster in the United States Army from the 11th day of March to the 18th day of May, 1865; and also the three months' additional pay proper as first lieutenant and regimental quartermaster of the Second Regiment North Carolina Union Volunteers (white), the same as allowed to all volunteer officers under the act of Congress approved March 3, 1865.

Mr. SPRINGER. I ask that the report in this case be read.

The report (by Mr. LYMAN) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1062) for the relief of Ernest H. Wardwell, report as follows:

That this claim was presented to the Forty-eighth Congress, and a favorable report thereon was made by Mr. Lyman (Massachusetts), March 18, 1884, and this bill passed the House February 6, 1885. It was reported favorably by Mr. HAMPTON (South Carolina), without amendment, from the Committee on Military Affairs.

Inasmuch as the examination by your committee has led them to the same favorable conclusion as that reached by the Committee on Military Affairs in both Houses, and by this House in the Forty-eighth Congress, this committee now adopt the report approved in the last Congress and recommend that the bill (H. R. 1062) do pass.

The report incorporated in this is as follows:

"The Committee on Military Affairs, to whom was referred the bill H. R. 3236, beg leave to submit the following report:

"Ernest H. Wardell, in May, 1861, enlisted in the Sixth Massachusetts Volunteers, and served for more than three months without pay. On September 7 of the same year he enlisted as a private in the Twenty-sixth Massachusetts Volunteers. November 8, 1862, he was commissioned second lieutenant, Second Louisiana (Union) Volunteers. April 4, 1863, he resigned on account of sickness. February 5, 1864, he was commissioned first lieutenant and quartermaster Second North Carolina (Union) Volunteers. February 23, 1865, he was mustered out to accept a commission which had been promised him as captain and assistant quartermaster, in which grade he was confirmed by the Senate March 11, 1865. His commission, dated April 15, 1865, was forwarded to him May 11, and was accepted May 18. He was honorably mustered out of service July 28, 1865.

"From this record it appears that Captain Wardwell had an honorable though not continuous service of over three years.

"He claims that he should receive pay from March 11, 1865, to May 18, 1865, and also three months' extra pay under the act of March 3, 1865.

"There was a certain delay between March 11, 1865, when Captain Wardwell was confirmed by the Senate, and May 11, when his commission was sent to him. For this period of delay he thinks he ought to receive the pay of his rank, because he resigned his lieutenantcy to accept the commission of captain which had been promised him, and was present and ready to receive his commission at the date of his confirmation. It appears, however, that in addition to the time usually required for the making out and signature of the commission, there was a further delay caused by the assassination of President Lincoln, April 14. By law and regulations an officer does not begin to draw pay until he has received and accepted his commission and has taken the oath. Unfortunate circumstances caused a delay of some weeks to Captain Wardwell in the receipt of his commission, and it seems not unreasonable to allow him pay during this period of waiting, because he resigned his lieutenantcy on the positive information that he had been appointed a captain, and he was present and was ready to assume his new duties.

"The act of March 3, 1865, grants three months' extra pay to officers then in commission, and who should continue in service to the close of the war. Captain Wardwell was mustered out February 23, 1865, and was not confirmed by the Senate as captain till March 11, and only accepted his commission on the 18th of May, so that he was not in service on the 3d of March, 1865, and could not legally draw the three months' extra pay.

"But as Captain Wardwell, after being in the Army nearly three years, resigned for the sole purpose of receiving his new commission, and was present and ready to be mustered in under it, he may not improperly be considered as constructively in the service on the 3d of March, 1865, and therefore entitled to three months' extra pay.

"The committee, therefore, report that the bill should pass."

Mr. SPRINGER. The gentleman from Iowa [Mr. LYMAN] who reported this bill is not present; but the report seems to indicate that the bill should pass. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

WILSON B. GEORGE.

The next business on the Private Calendar was the bill (H. R. 3373) to correct the military record of Wilson B. George.

The bill was read, as follows:

Be it enacted, &c., That Wilson B. George, late a private soldier in Company L, Fourth Regiment Iowa Volunteer Cavalry, be, and he hereby is, relieved from the charges on which he was dishonorably discharged on the 5th day of December, 1864, and that he be taken and considered as an honorably discharged soldier: *Provided, however*, That this act shall not be taken or construed as entitling said Wilson B. George to any further pay or allowances as a soldier: *And provided further*, That said dishonorable discharge shall not in any manner affect any claim for pension said Wilson B. George may have against the Government of the United States, but said claim for pension shall be considered and determined the same as though said George had never been dishonorably discharged.

Mr. FINDLAY. The report in this case is adverse.

Mr. McMILLIN. Let us have the report read.

The report (by Mr. FINDLAY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill to correct the military record of Wilson B. George, late a private soldier in Company L, Fourth Regiment Iowa Volunteer Cavalry, have had the same under consideration and submit the following report:

The military record of this soldier, as shown by a letter from the Adjutant-General of the Army, herewith appended and made a part of this report, discloses the fact that private George, for conduct prejudicial to good order and military discipline and offering violence to his superior officer, was found guilty and ordered to be shot, a sentence which was mitigated to imprisonment at hard labor during the unexpired term of his enlistment, to be followed by a dishonorable discharge, with loss of all pay and allowances due and to become due.

Whatever may be the ulterior object of the bill, the committee are of the opinion that the correction of a military record, in itself a grave exercise of power, and to be used sparingly and only on considerations of the very highest moment, find nothing in the facts of this case to justify it, and they recommend therefore that the bill do lie upon the table.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 22, 1885.

SIR: In reply to your request of the 25th ultimo, for the military record of Wilson B. George, as of Company L, Fourth Iowa Cavalry, I have the honor to inform you that the official records show that private George was enrolled November 17, 1861, at Mount Pleasant, and mustered into service November 25, 1861, to serve three years; was tried by a general court-martial December 9, 1863, for conduct prejudicial to good order and military discipline, and offering violence to his superior officer, found guilty of both charges and sentenced to be shot to death. The sentence was mitigated to confinement at hard labor during the unexpired term of his enlistment, and then to be dishonorably discharged the service with loss of all pay and allowances due or to become due.

In accordance with this sentence he was dishonorably discharged, to date December 6, 1864.

I am, sir, very respectfully, your obedient servant,
R. C. DRUM, *Adjutant-General.*

Hon. JOSEPH LYMAN,
House of Representatives.

Mr. FINDLAY. I move that this bill be laid aside to be reported to the House with a recommendation that it lie on the table.

Mr. GEDDES. I have been requested by the gentleman from Iowa [Mr. LYMAN] to ask that this bill be passed for to-day informally. He is necessarily absent, and desires to be heard in advocacy of the passage of the bill.

The CHAIRMAN. The gentleman from Ohio [Mr. GEDDES] asks unanimous consent that this bill be passed over informally. Is there objection?

Mr. FINDLAY and Mr. REAGAN objected.

The question being taken on the motion of Mr. FINDLAY that the bill be laid aside to be reported to the House with a recommendation that it lie on the table, the motion was agreed to.

WILLIAM K. HAMMOND.

The next business on the Private Calendar was the bill (H. R. 1740) for the relief of William K. Hammond.

The bill was read, as follows:

Be it enacted, &c., That William K. Hammond be recognized as a recruiting officer for the Second North Carolina Regiment, and receive the pay and allowances of a second lieutenant of infantry for the period from December 22, 1863, to August 12, 1864; and the sum of $1,000, or so much thereof as may be necessary, for the payment to the said William K. Hammond, his heirs or assigns, for his services as recruiting officer for the said regiment during the said period, be, and is hereby, appropriated out of any money remaining in the Treasury not otherwise appropriated.

The amendment reported by the Committee on War Claims was read, as follows:

Strike out, in lines 6 and 7, the words "December 22, 1863," and insert "March 12, 1864."

Mr. REID, of North Carolina, and Mr. EDEN called for the reading of the report.

The report (by Mr. REID, of North Carolina), was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1740) for the relief of William K. Hammond, submit the following report:

The purpose of this bill is to give Lieut. William K. Hammond, of the Second North Carolina Volunteers, the pay and allowances of a first lieutenant of infantry from December 22, 1863, to August 12, 1864.

Your committee find that William K. Hammond was recognized as a member of the Second North Carolina Volunteers as early as December 17, 1863, and that March 12, 1864, he was appointed a second lieutenant in the Second North Carolina Volunteers, subject to approval of Major-General Butler.

That from the said 12th of March, 1864, to the 12th day of August, 1864, said Hammond performed the duties of a lieutenant in the said Second North Carolina Volunteers.

August 12, 1864, said Hammond was duly appointed and duly mustered into the service as a second lieutenant in the above-named regiment, and that his said services were valuable and often of the most difficult and dangerous character.

Your committee does not find that said Hammond was acting as lieutenant prior to March 12, 1864, by competent authority, or that he was entitled to any higher grade than that of second lieutenant.

Your committee therefore recommend that said bill be amended by striking out the words "December 22, 1863," in lines 6 and 7, and inserting in place thereof the words "March 12, 1864;" and that said bill, when so amended, do pass.

Mr. REID, of North Carolina. I move the adoption of the amendment reported by the Committee on War Claims, and ask that the bill with that amendment be laid aside to be reported favorably to the House.

Mr. EDEN. What is the effect of the amendment?

Mr. REID, of North Carolina. It shortens by a few months the time for which pay and allowances are to be granted.

The amendment was adopted.

Mr. REID, of North Carolina. I now move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

THOMAS SAMPSON.

The next business on the Private Calendar was the bill (H. R. 4139) for the relief of Thomas Sampson.

The bill was read, as follows:

Whereas by act of Congress approved June 20, 1874, it was enacted that the Secretary of the Treasury prepare medals of honor, to be distinguished as life-saving medals, to be bestowed upon any persons who should thereafter imperil their own lives to save the lives of others from the sea; and

Whereas Thomas Sampson had theretofore, at various times, greatly distinguished himself in rescuing human beings from death in the manner prescribed by said act: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to cause to be prepared a medal of honor, with suitable devices, to be bestowed upon Thomas Sampson, of the city of New York, according to the provisions contained in section 7 of the act entitled "An act to provide for the establishment of life-saving stations and houses of refuge upon the the sea and lake coasts of the United States, and to promote the efficiency of the Life-Saving Service."

SEC. 2. That the said Thomas Sampson be, and he hereby is, entitled to receive all the benefits of said section in said act contained, just as though he had rendered the services subsequent to the approval of said act.

SEC. 3. That this act shall take effect immediately.

Mr. JAMES. I ask for the reading of the report.

The report (by Mr. IRION) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 4139) directing the Secretary of the Treasury to bestow upon Thomas Sampson, of New York city, a life-saving medal of honor, beg leave to report as follows:

A similar bill was before the Forty-seventh Congress, was considered by the Committee on Commerce, and a favorable report was submitted by Mr. Page, a copy of which is hereto annexed and made a part of this report.

The committee consider the case a meritorious one and recommend the passage of the bill.

[House report No. 355, Forty-seventh Congress, first session.]

The Committee on Commerce, to whom was referred the bill (H. R. 3025) directing the Secretary of the Treasury to bestow upon Thomas Sampson, of New York city, a life-saving medal of honor, beg leave to report as follows:

Under the act of June 20, 1874, the Secretary of the Treasury was directed to have prepared medals of honor "which shall be bestowed upon any person who shall hereafter endanger their own lives in saving or endeavoring to save lives from perils of the sea."

It appears that prior to the passage of this act Sampson had rescued a number of persons from drowning; had received medals for his gallantry from the mayor, Humane Society, and Board of Underwriters of New York city, and other organizations, and is highly indorsed by leading citizens in connection with these services, as well as others of a different character rendered by him to the Government.

The fact that the rescues were made prior to the enactment of the above provision of law deprives Sampson of its benefits.

The committee consider the case a meritorious one and recommend the passage of the bill.

Mr. JAMES. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

JOHN P. T. DAVIS.

The next business on the Private Calendar was the bill (H. R. 449) for the relief of John P. T. Davis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to grant to John P. T. Davis, late second lieutenant of Company H, Fifty-second Regiment of Indiana Volunteers, an honorable discharge from the military service as of the date of November 6, 1862.

The report (by Mr GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 449) for the relief of John P. Y. Davis, respectfully report as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 16, first session Forty-eighth Congress, which report is hereto annexed and made a part of this report, and is as follows:

[House Report No. 1494, Forty-seventh Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5417) for the relief of John P. Y. Davis, reports as follows:

That the bill under consideration directs the Secretary of War to grant to John P. Y. Davis, late second lieutenant, Company H, Fifty-second Regiment of Indiana Volunteers, an honorable discharge from the military service as of the date of November 6, 1862.

The facts gathered from papers accompanying the bill show that John P. Y. Davis was mustered in as second lieutenant with Company H, Fifty-second Indiana Volunteers, February 1, 1862, to serve three years. He was tried by general court-martial convened at Fort Pillow, Tennessee, pursuant to General Orders No. 2, of date October 29, 1862, from headquarters district of Columbus; charge, absent without leave; found guilty, and sentenced to be dismissed from the service, to date from November 6, 1862. The disability to re-enter the service resulting therefrom was removed by letter from the Adjutant-General United States Army to the governor of Indiana, dated January 15, 1866.

It appears from the proof submitted that on or about the 19th day of September, 1862, the said Lieutenant Davis was prostrated by a severe attack of fever, and became very feeble in body and mind in consequence of said sickness, and while in this weak and debilitated state of mind and body that Major Strickland, then in command of the regiment, persuaded and induced the said Lieutenant Davis that he had better visit his home to regain his health; that he, the said Major Strickland, would see that it was all right, &c.; that under these inducements the said Lieutenant Davis left his post and went North and returned voluntarily to his command as soon as his health was restored, in about three weeks afterward. Shortly after his return to his regiment he was summoned before a military court-martial, and on a charge of absence without leave was tried and dismissed the service. This was the whole offense for which this soldier was tried.

Your committee are of opinion that the relief should be granted, and report back the bill with the recommendation that it do pass.

Your committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 449) for his relief with recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SIDNEY R. SMITH.

The next business on the Private Calendar was the bill (H. R. 1511) for the relief of Sidney R. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sidney R. Smith, late a sergeant in the Thirty-third Regiment of New Jersey Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from the 10th day of March, 1864, the date at which he was assigned to duty under his commission as such, to the date of his actual discharge from service, deducting therefrom the pay received by him as sergeant during said period.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to amend the record of the said Sidney R. Smith and to muster him as a second lieutenant of infantry, to date March 10, 1864, the date at which he entered upon duty under the commission issued to him by the governor of the State of New Jersey as of that rank.

Mr. KLEINER. Unless objection is made, or some one calls for the reading of the report, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. COWLES. Let the report of the committee be read.

The report (by Mr. KLEINER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1511) for the relief of Sidney R. Smith, having considered the same and accompanying papers, submit the following report:

Sidney R. Smith enlisted in the military service of the Government in the Thirty-third Regiment New Jersey Volunteers on the 31st day of July, 1863, for three years or during the war.

On the 29th of December, 1863, he was by the governor of New Jersey commissioned as a second lieutenant in said regiment. He received said commission on the 10th of March, 1864, and was immediately ordered by the commanding officer of the regiment to equip himself, which he did promptly, and he was thereupon assigned to duty with Company G of said regiment, there being a vacancy of both first and second lieutenant in the company at the time; that from the time he was assigned to duty as aforesaid until his separation from his command said command was continuously in active service attending the advance of the Army in Northern Georgia, and no opportunity occurred for his muster into service; that he continued on duty with the company until the 8th of May, 1864, when, in an engagement known as Rocky Faced Ridge, Georgia, the commanding officer of the company, Captain Battell, was killed, when Lieutenat Smith assumed command until he was himself severely wounded, losing his left forearm, when he was ordered back to officers' hospital at Nashville, Tenn., where he remained under treatment until he received leave of absence for twenty days.

After he returned home gangrene set in in his wound, and he was unable to return to hospital until September, 1864, his condition in the mean time being regularly reported by the attending surgeon to the surgeon in charge of hospital at Nashville.

When he returned he remained in hospital until 19th of November, 1864, when he reported to the commanding officer at Chattanooga, Tenn.

The regiment then being with General Sherman on his march to the sea, and the line of communication having been severed, it was impossible for him to rejoin his command, and he was assigned to duty with the Twentieth Army Corps detachment, where he was engaged equipping for service convalescent soldiers. When General Hood advanced upon Nashville, Lieutenant Smith, with the command under his charge, was engaged in the battle of Dalton, Ga.; was subsequently ordered back to Nashville, and actively participated in the several engagements which followed.

After the battle mentioned, his wound broke out afresh, and it never having entirely healed, he was again sent to the officers' hospital at Nashville, where he remained until January 9, 1865, when he was discharged therefrom, and on same date received orders to report to his command at Savannah, Ga.

That upon his arrival at Hilton Head, S. C., February 8, 1865, he found that his command had started northward. He was then ordered to report for duty to the commanding officer at Blair's Landing, S. C., by whom he was ordered to duty as commanding officer of detachment Second Division Twentieth Army Corps. The last of March he was relieved from duty at that point and ordered to report to his command, which he did, taking with him about two hundred men belonging to his regiment.

After rejoining his command, April 5, 1865, he was regularly mustered into service as of the rank to which he had been commissioned as stated, and shortly thereafter he resigned on account of his disabled condition.

In consequence of his assignment to duty as a commissioned officer he was compelled to and did employ a servant, and to pay his own expenses while in hospital.

That is not through any fault or negligence of Lieutenant Smith, but solely on account of wounds received while in the line and performance of duty, which compelled a separation from his command and prevented him from being mustered into service at the time he received his commission.

This claimant under the circumstances mentioned should be paid the compensation he would have been entitled to if he had been mustered into the service in pursuance of the commission received by him. It would be a great hardship and gross injustice to deny it to him.

A case similar to this was presented at one time to President Lincoln. He wrote to the War Department as follows:

"I remember nothing of this case. I desire that it shall be investigated and that Captain Bowry be paid for the services actually rendered, if any. The Government can not afford to accept services and refuse payment for them.

"A. LINCOLN."

The papers were returned to him with the statement that Captain Bowry had not been mustered into the service prior to February 6, 1862, the period for which pay was claimed being anterior thereto. Under date of August, 1862, President Lincoln replied to this "red-tape" suggestion as follows:

"I did not ask for information as to whether this man has been mustered into the service. Have we accepted his actual services? If we have, let him be paid for them, unless there is positive law against it."

"A. LINCOLN."

Congress has provided by a general law for the relief of officers who failed to be mustered into the service, but this case does not come within its provisions. It is, however, so manifestly just that your committee recommend the passage of the accompanying bill.

Mr. KLEINER. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

SAMUEL M. GAINES.

The next business on the Private Calendar was the bill (H. R. 821) for the relief of Samuel M. Gaines.

The bill was read, as follows:

Be it enacted, &c., That the letters patent numbered 85299, dated December 29, 1868, which were granted by the Patent Office of the United States to Samuel M. Gaines, of Glasgow, Ky., for the period of seventeen years from the date of the original grant, "method of teaching the rudiments of chemistry," be, and are hereby, referred to the Commissioner of Patents, to hear and determine the facts as to whether they shall be continued in force for the period of seven years from the 29th day of December, 1885.

Mr. MARTIN. I move the amendment be agreed to, and the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

Mr. SPRINGER. I hope we shall have some explanation of this bill from the gentleman from Alabama [Mr. MARTIN].

Mr. MARTIN. Mr. Chairman, there is much about this invention to claim the attention and to commend it to the favor of this House.

The invention is one of those works of inventive genius which always excite feelings of pleasant surprise; it is one of the fruits of that high and daring order of mind which is always seeking to pluck from the realm of the unknowable something deemed unattainable. Upon examination of it we find that the inventor has sought to represent fifteen out of the sixty-four or sixty-five different kinds of elements or simple bodies which have been thus far revealed by means of analysis. These selected elements are those concerned or employed in the formation of by far the greater portion of the familiar objects about us, whether they be mineral, vegetable, or animal; and these elements are represented by cubes of different sizes and different colors. By such means the relative weight of the atoms, the structure of the molecules, and other features necessary to a thorough comprehension of the subject are made visible to the naked eye. When we remember that atoms and molecules, of which bodies are made up, are so small as to be beyond the unaided power of the human eye, and that such elements as hydrogen, oxygen, and nitrogen are invisible in any quantity, great or small, we will readily perceive how remarkable was the inventive talent of him who believed them the subject of materialization.

The spiritualist believes that the souls of the departed may be recalled from the "vasty deep" of eternity and made to take a material, tangible form; and it may be that Mr. Gaines caught the idea from

the dream of those enthusiasts. Certain it is that he has not alone materialized the gases, which we do not see, which we can not feel, and the very existence of which we know only by the absolute need we have for them. But he has done even more; he has shown the relative weight of the atoms; has shown the structure of the molecules, and has represented the leading characteristic of each by the color given to the cube representing it. Now, to illustrate what I have said, it is necessary to describe the invention known as "Gaines's chemical alphabet," and which is used in the inventor's new system of "object teaching." This "chemical alphabet" consists of cubes of wood of different sizes and of different colors, each representing an atom of one of the elements or simple bodies of nature.

As an atom of hydrogen is the lightest particle of matter known to science, the smallest cube of the number represents it. H, the symbol for hydrogen, is placed upon one side of the cube, while the figure 1, representing its atomic weight, is put on each of the other sides. The pale-blue color of this cube is intended to indicate that hydrogen burns with a pale-blue flame. Taking another cube, the symbol O, for oxygen, is put upon one side of it, and the figure 16, representing its atomic weight, is found upon the other faces of the cube. The Roman numeral II put upon the same face with the symbol indicates its quantivalence—one of the distinctive features of the system—and means that one atom of oxygen has the value of two atoms of hydrogen. The color of this cube is red, the most striking characteristic of oxygen, namely, its power to make things burn. We next take nitrogen, represented by the cube marked N, its symbol, and the color given it is sky-blue. because nitrogen constitutes about four-fifths of the bulk of our atmosphere, which when seen in mass has that color.

Let us next proceed to the use of the apparatus. The teacher having written upon the blackboard the symbol representing a molecule of water, namely H_2O, the class is called upon to state the weight of the three items. Add sixteen for the oxygen cube and two for the hydrogen cubes, and you have two-eighteenths, or one-ninth; showing that eight parts of it are oxygen and one part of hydrogen; eight parts of the great ocean is oxygen gas and one portion of it is hydrogen. This in brief is the invention, and its application in practice—a kindergarten system for teaching the elements of chemistry in so easy and simple a manner that even a child may comprehend—indeed, may see it; it is an object put before his eyes! [Applause.]

Having explained the nature of the invention in a very general manner, as well as its application in practice, I will ask the Clerk to read the report of the Committee on Patents (which I make a part of my remarks), for the purpose of showing the reasons which influenced the Committee on Patents to make a report favorable to the passage of the bill after amendment as therein proposed.

I ask for the reading of the report.

The report (by Mr. MARTIN) was read, as follows:

The Committee on Patents, to whom was referred the bill (H. R. 821) for the relief of Samuel M. Gaines, have had the same under consideration, and now report the same to the House, with an amendment, and recommend its passage.

This bill provides for an extension of the letters patent which were granted to Samuel M. Gaines, numbered 85299, and dated December 29, 1868, for "method of teaching the rudiments of chemistry," for the period of seven years from the 29th day of December, 1885. The committee have determined to recommend the passage of this bill, because, in their judgment, it has merit; because the patentee has received no just remuneration for his invention; and, lastly, because further time and labor, with the expense incident thereto, will be required to make the said method of general utility to the public. Besides, it is not an article of manufacture to be put on the market, and upon which the user might be taxed in the form of royalty, but its object is to remedy and correct the system introduced by Berzelius, of illustrating chemical compositions and reactions to the eye by means of symbols and equations, which is too abstract for beginners, by means of a chemical alphabet, found by actual experiment to be far more efficient than any other method heretofore used for such purpose.

Amend House bill 821 by adding to said bill the following words at the end of line 13: "And the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patent herein described for the period herein named."

Mr. HALSELL. Mr. Chairman, after hearing the interesting discussion of this question by my distinguished friend from Alabama [Mr. MARTIN], I will not go into the merits of the pending case. He has presented it so well I shall not pursue the scientific investigation further than he has done. But I do wish to state that I had the honor of introducing this bill for the relief of Samuel M. Gaines. He lives in my town of Bowling Green, in Kentucky, and I have known him for many years. He had charge of a female school there for a long time. He was a widower with two or three daughters, who were dependent upon him for support. He was unable to introduce his patent in the time limited by the law for that purpose on account of his poverty. The limitation having expired, he now asks the time be extended so he may derive some benefit from his invention, as well as the world at large.

It is regarded not only by the gentlemen on this committee who have investigated it but by others to be an invention of the highest character and the greatest value. Some of the testimonials in regard to it have already been read by my friend from Alabama. They all show this to be a grand invention.

I know there is in the minds of gentlemen some prejudice against the extension of patents, but, as was remarked by my distinguished friend, if there ever was a case where a patent should be extended it is the one now pending.

I wish also to bear witness to the fact that to my knowledge Professor Gaines is one of the most excellent gentlemen I ever knew in my life. He has given me the information that he has prepared a book adapted to his invention, which will be of great benefit to the world at large when published. No one will be deprived of any privilege or right now possessed by the extension of this patent. He simply asks that it may be extended, and that I hope will be done without opposition.

Mr. SPRINGER. Mr. Chairman, I have usually opposed the extension of patents. I do not understand from the very able and learned argument of the gentleman from Alabama [Mr. MARTIN] why it was that this gentleman, the proposed beneficiary of this act, has not availed himself of the privileges and the benefits of his invention during the lifetime of the invention. It may be, of course, this subject is one of such great abstruseness that the ordinary mind failed to comprehend it during the lifetime of the patent, or preferred to grope in ignorance; or possibly an additional length of time should be allowed to the inventor in this case to enable the times, which he seems to be considerably ahead of, to catch up with him. [Laughter.] It must be apparent to all that he has gone ahead of the times. Previous scientists have heretofore devoted themselves to measuring the distances of the fixed stars, to inventing peculiar and delicate apparatus by which they could weigh the sun or the north star in the balance and compute the distances between the planets.

But this scientist has taken the opposite direction, and has gone down into the very depths of molecules and atoms to furnish the apparatus by which you can weigh infinitesimal particles of matter and photograph a molecule of water. [Laughter.]

This seems to be a most extraordinary invention; it is a process by which you may establish kindergartens through the medium of which the little children of the country can learn what constitutes a molecule by sight, and can see with photographic distinctness the colors of the particles of oxygen and hydrogen. [Laughter.] I confess it astounds me. If this gentleman has succeeded in accomplishing this wonderful and extraordinary result, which has conferred and is to confer so much benefit upon humanity and so little pecuniary result to the inventor, there is nothing to equal it except the profound mysteries of Providence, of which Job, in the throes of one of his tribulations, spoke when he said:

Which removeth the mountains, and they know not; which overturneth them in His anger;
Which shaketh the earth out of her place, and the pillars thereof tremble;
Which commandeth the sun, and it riseth not; and sealeth up the stars;
Which alone spreadeth out the heavens, and treadeth upon the waves of the sea;
Which maketh Arcturus, Orion, and Pleiades, and the chambers of the south;
Which doeth great things past finding out; yea, and wonders without number.

Mr. WARD, of Indiana (from his seat). Give us the authority you are reading from. [Laughter.]

Mr. SPRINGER. My distinguished friend from Indiana asks what authority I read from. Mr. Chairman, I regret very much to feel compelled——

The CHAIRMAN. Will the gentleman suspend for a moment? [Laughter.]

Mr. SPRINGER. Certainly.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SCOTT having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 6429 granting a pension to Eunice E. Clark.

Also, that the Senate agreed to the amendments of the House to the bill of the Senate No. 1394 to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

The message further announced the passage of bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 13) for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee;

A bill (S. 1057) granting the right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation in the Territory of Dakota;

A bill (S. 1069) for the relief of George E. W. Sharetts;

A bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance; and

A bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886.

SAMUEL M. GAINES.

The Committee of the Whole resumed its session.

Mr. SPRINGER. Mr. Chairman, when I was interrupted I had been asked for the authority from which I read. [Laughter.] I regret very much to feel compelled to acknowledge the ignorance of gentlemen of the authority from which I read, the great words of wisdom, for I had hoped it was so familiar in the American Congress that that would not

be necessary; though I feared that there might be some members even of this Congress who would not have known that I was reading from the ninth chapter of the book of Job, verses 5 to 11. [Laughter.]

Mr. WARD, of Indiana. Why don't you stick to your text?

Mr. SPRINGER. Mr. Chairman, my friend from Indiana——

Mr. HOLMAN. Be sure that you do not get the gentlemen from Indiana mixed. [Laughter.]

Mr. SPRINGER. My friend here insists that I shall stick to my text. I am going to stick to it. It is my intention to stick to it, and I call upon the honorable chairman of the Committee of the Whole here for his information upon the subject whether by means of this mysterious invention we will be enabled to detect the subtile difference that exists between oleomargarine and butter. [Laughter.] If this invention will accomplish that marvelous result it ought to be extended indefinitely; and as we are conferring what we understand to be nothing in the way of pecuniary benefit upon the inventor, the extension should be accompanied, as a fit testimonial, by a photograph of the old flag and a big appropriation. [Laughter.]

Mr. CUTCHEON. Will my friend from Illinois be kind enough to read the rest of the document from which he quoted? [Laughter.]

Mr. SPRINGER. I would with pleasure for the benefit of my distinguished friend from Michigan, but I refer him to the book, which I will take pleasure in commending to him, as I am sure he is not familiar with it.

Mr. SWOPE. Let me ask the gentleman from Illinois if he will be kind enough to indicate by what color oxygen and hydrogen are represented?

Mr. SPRINGER. That will appear from the remarks of my distinguished friend from Alabama. It has all been photographed there, and will appear to-morrow morning in the RECORD.

Mr. KELLEY. If I understood the distinguished gentleman from Illinois [Mr. SPRINGER] aright, he gave us a description of this invention from Job. Now science and invention have made such extreme progress since Job's day that I would rather have this bill referred to the Academy of Sciences and let them say whether this is an invention that ought to be patented by special act.

Mr. WEAVER, of Iowa. If Job discovered it you can not patent it now.

Mr. KELLEY. I felt that embarrassment, but I did not like to reflect on the right of Job to demand anything after the sufferings he had endured. [Laughter.] But I would really like to have the opinion of the Academy of Sciences, which we can get by the next private bill day, so as to know whether we are not being carried away by an invention having fallen into the hands of gentlemen who have not kept themselves up in the records of invention and scientific discovery. I therefore hope that when we come to consider this bill it will be referred to the committee on natural sciences. I suggest this, meaning no disrespect to the gentleman from Alabama [Mr. MARTIN] or the gentleman from Illinois [Mr. SPRINGER]——

A MEMBER. Or Job.

Mr. KELLEY. Or even to Job. But I would respect the opinions of the Academy of Sciences on modern inventions beyond those of the three gentlemen united.

Mr. WILSON. I will call the attention of the gentleman from Pennsylvania [Mr. KELLEY] to the fact that in the beginning of his explanation the gentleman from Alabama [Mr. MARTIN] stated that this inventor had "plucked the unattainable from the realms of the unknowable;" and I ask the gentleman if under these circumstances he should not have his patent?

Mr. KELLEY. That is very well; but this is not the only man who has founded kindergartens that have taught children something.

Mr. MARTIN. I think we have had sport enough over this matter. I now propose to make a statement in addition to the explanation I gave at the outset, and which has excited the mirth of the gentleman from West Virginia [Mr. WILSON]. I will make this statement, that this is nothing more than a simple invention of blocks, colored, numbered, and lettered, by which the various substances, gases, &c., of which chemistry takes cognizance are represented and brought to the eye. It is so simple and plain that by taking these blocks in a moment or two the most intricate and delicate combinations of chemistry and everything relating to that science can be brought to the mind and made so plain and comprehensible that a little child can as easily understand it as a wise man. All the formulæ can be set up in these little blocks instead of being written down with letters.

I want to say to the distinguished gentleman from Pennsylvania [Mr. KELLEY] that this matter has been brought to the attention of the Academy of Sciences, if by that he means the great scientific men of the world, whose opinions I hold in my hand. I have here a little pamphlet of certificates which have been given to the inventor showing the invention is one of great value and utility.

Mr. KELLEY. I will assure the gentleman from Alabama that in what I said I was not joking. We have an Academy of Sciences established under the auspices of Congress for the purpose of examining just such questions as this. Its head and center is here in Washington. When I hear things described as being among the unattainable and unknowable I feel at least that I would like that academy to have——

Mr. O'NEILL, of Missouri. A crack at them.

Mr. KELLEY. Yes, as the gentleman says, to have a crack at them. Let us know whether we can penetrate the unknowable and possess ourselves of the unattainable.

Mr. MARTIN. I will say to the gentleman from Pennsylvania I have exactly the same feeling on that subject as the gentleman has. But when I find the testimony of the first men who are at the head of their pursuit all testifying and cheerfully testifying as to the value, importance, and utility of this invention, I am content, and I am perfectly willing for my own part to vote to extend the patent for the brief term of seven years, to enable an old school teacher who has worked this thing out of his own brain to bring it to perfection, and, if he can, to make it compensate him somewhat for the time and labor he has bestowed upon it.

Mr. ANDERSON, of Kansas. It seems to me that the opinions of these gentlemen, "like the flowers that bloom in spring," do not apply to this case. This is a question as to whether you will broaden the scope of the patent system so as to include all improvements which hereafter may be made in methods of teaching. If it be proper to give a patent in this case or to extend this patent for this valuable method of teaching chemistry, then certainly it is by analogy as proper to patent and extend patents for any improvement in teaching any possible science, to patent any improvement that may be used in common schools, and the simple statement of that fact is, to my mind, the very best reason why this bill should not pass. I question whether the patent originally ought to have been given. You may patent machinery, but when you come to patenting improved methods of teaching it does seem to me that the limits are being stretched altogether too far.

Mr. WILSON. Are there not patents on educational apparatus and copyrights on books used in teaching?

Mr. ANDERSON, of Kansas. If I had my way there would be no copyrights on books used in common schools.

But this is something which applies to colleges; it applies to modes of teaching, and my point is this: Say what you may as to the copyright system and as to patents upon apparatus also, where you apply the principle to a case of this sort, and then project it beyond this, as you will do presently, patenting every conceivable method devised for instruction, I for one shall oppose it.

The amendment reported by the committee, adding, in line 13, after the word "eighty-five," the words "and the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patent herein described for the period herein named," was agreed to.

The CHAIRMAN. The question now is, Shall this bill be laid aside and reported to the House with the recommendation that it do pass?

Mr. DUNN. Mr. Chairman, is it in order now to move to strike out the enacting clause of this bill?

The CHAIRMAN. It is.

Mr. DUNN. Then I make the motion that this bill be reported to the House with the enacting clause stricken out. I desire to speak to that motion.

Mr. HOLMAN. Mr. Chairman, let me suggest that the motion in Committee of the Whole to strike out the enacting clause is of the same character as the motion to lay on the table in the House, and is not debatable.

Mr. DUNN. Then, Mr. Chairman, I withdraw that motion, and move to strike out the last word, because I wish to make a few remarks on this bill.

I desire to call the attention of the House to the fact that all bills of this character are measures to maintain and perpetuate taxation of the most oppressive, burdensome, and extortionate character. It is that unseen and indirect method of taxation which robs the people without their knowledge. There is but one species of monopoly actually created by the laws of the United States, and that is created by the patent laws. Monopolies grow up under the operation of other laws, but the patent law is the only one that directly creates them. I had the honor to introduce into this House during the present session a bill to change the patent laws. That bill proposes to take away from the patentee and his assignees the exclusive right to manufacture, vend, and use the patented or discovered article, and provides that a just and liberal royalty, or upon the gross sales of the patented article, shall be secured and paid to the patentee or his assignee, and that all people who secure to him the payment of that royalty shall have the right to manufacture, sell, and use the patented article. That takes out of the patent law the element of monopoly.

It takes the whole country into partnership with the inventor, gives the people the benefit of it, and deprives the patent jobber, the patent broker, who now robs both the inventor and the public, of his occupation. That bill, if it should be reported favorably, would, I am satisfied, be passed by the House, and it would give the inventor himself better protection than he has to-day and more certain remuneration for his invention or discovery. The patent laws as now administered impose upon the people of the United States a larger aggregate measure of taxation than all other tax laws put together, State and national—I say it intrepidly, bold as it may appear. In their extortionate operations they reach every furrow, every workshop, every household, every individual in this broad land, and rob them *ad libitum*. The rate of taxation imposed by the patent laws goes by the hundred and thousand per cent. above the just and legitimate value of the article. What has

the Goodyear Rubber Company robbed the people of this country of in excess of the just value of their goods? What has the Singer Sewing-Machine Company similarly robbed the people of this country of? What have the inventors and manufacturers of agricultural implements also robbed the people of this country of?

What have all these patented articles, numbered by the thousand and the hundred thousand, which can not be enumerated, robbed the country of? What has the Bell Telephone monopoly robbed the country of? Let me tell my friends that the Bell Telephone monopolists are to-day but upon the threshold of the vast field of plunder that lies before them. They have not yet fairly entered upon their work; they have not yet got their hands into the pockets of the people up to their wrists, and they will go in up to the shoulder before they stop. And it is so with all other owners of patents which are or may be organized into monopolies. These patent organizations have gone further to corrupt the judiciary of the country than any other one legalized interest. They constitute a system of monopoly which should be stamped out. I want to tell gentlemen here, and to repeat with emphasis the language of the distinguished gentleman from New York [Mr. HEWITT] in this House a few days ago, that we have reached and far exceed the just limits of taxation. No wiser, no more timely, declaration than that has been made in this House.

When I speak of these taxes I mean not only those which are expressly and avowedly imposed as taxes *per se*, but I mean that vast field of resulting taxation which is concealed and unknown to the tax-payer, but which is made possible in a thousand forms, reaching like the tentacles of the devil-fish to every individual and every interest in this country, robbing them as mercilessly as that monster draws the life-blood of his victim.

The people complain. They are in arms. There is bloodshed. Congress and the country are inquiring the reason of the disquietude and distress. It is that taxation which is unseen and which has been legalized and made possible by legislation in this House in many different forms. Its most odious form is that of the patent laws. Our whole system of Government has been perverted, drawn away from the original basis on which the fathers placed it when they created it, and has been converted into a huge system of jobbery.

The taxing powers of the Government in dozens of different forms have been surrendered to associations of wealth, and by unseen and mysterious agencies the people are robbed of their earnings and the just fruits of their industry, and they know not why, where, nor how it is done. The direct taxes known and seen by the people, willingly and cheerfully paid, are the least of all these taxes. We have surrendered to associations of wealth the great, the primal powers which the Constitution attributes to Congress. The power to regulate commerce, attributed to Congress, imposed upon it, has been surrendered to associations of wealth known as railroad corporations. They have invested $9,000,000,000—no, I should rather say they had issued stock and bonds to the amount of $9,000,000,000—on which they tax the commerce and the traffic of the country for enough to pay interest and dividends on those $9,000,000,000 of stocks and bonds. Their actual invested capital is about three and one-half billions of dollars. They take the country's note for $3 to every $1 invested, and they collect interest upon the whole amount. Cheap as transportation in this country seems to be, if it were brought down to the basis of legitimate earnings on the money actually and honestly invested it would be, I doubt not, one-half what it is to-day, and yet pay a liberal remuneration on the capital invested.

The power to coin money and fix its value, to regulate the currency, has been surrendered to banking corporations. Instead of one United States bank we have to-day more than twenty-two hundred, exercising powers that belong to the Government and should not be intrusted to associations of wealth, and coupled with the powers surrendered to these associations is the power to contract and expand the currency at will. My friend from Iowa [Mr. WEAVER] some days ago pointed to these methods of taxation and robbery. Let me tell him that he was firing over the head of the real enemy when he was firing at the national banks, amenable as they were to his able criticism.

Mr. WEAVER, of Iowa. Will the gentleman allow me——

Mr. DUNN. It is the taxation that is extorted under the operation of this surrender of the powers of Government that is impoverishing the people and driving them to desperation. The indirect and unseen taxation was the enemy that lay in ambush nearer to him than that at which he was firing. He was sound and correct in what he said, but he did not say half enough.

Mr. WEAVER, of Iowa. Then, Mr. Chairman, as it was impossible for me to say all, if I was sound and correct in what I did say, I am not obnoxious to criticism.

Mr. DUNN. It is almost impossible for any one to say all that ought to be said on this subject. The power of taxation, the power to lay and collect duties on imports for the purpose of paying the debts of the Government and providing for the common defense and welfare, has been farmed out, absolutely farmed out, to associations of wealth engaged in what is called the protected manufactures and industries of this country. For every single dollar that goes into the Treasury of the Government under that system of taxation $5 go into the coffers of private associations of wealth or individuals to increase their private profit and build up their private enterprises. When we look at all these vast surrenders of power, this absolute transformation of the Government from one which was intended to give its bests results to all its people to what it is to-day, it is enough to fix the brand of treason upon the men who did it.

Where is your free people's Republic of thirty years ago? What is it to-day but a huge system of jobbery, that is taxing and robbing the people to poverty, to ignorance, to violence, and to bloodshed? Unless these evils are corrected there will come a day when this young Samson of the people will rise in his might, and, bursting these bands asunder, inflict just and merited punishment upon those who have been guilty of the attempt to throttle and bind and destroy them.

Mr. WEAVER, of Iowa. Will the gentleman yield to me one moment?

Mr. DUNN. Certainly.

Mr. WEAVER, of Iowa. In reply to the remark of the gentleman that I shot over the head of the real enemy when I shot at the national banks, I want to say that I think I shot at the head. In my judgment the national-bank monopoly is associated with all the other monopolies of this country, and stands at the head.

Mr. DUNN. I said not that the gentleman did not fire at a proper subject for his excellent artillery, but that he fired over the head of the more dangerous and unseen enemy—these invisible forms of taxation which lie concealed nearer to him.

Mr. WEAVER, of Iowa. If they were invisible I could not be expected to fire at them.

Mr. DUNN. I want to remind gentlemen again that these patent laws constitute a greater and worse burden than any of the others. I know nothing and care nothing about this particular case. I am opposed to the perpetuation of such monopolies and such taxing power in any form, and shall oppose it in every form in which it may make its appearance here. I oppose the extension of any and all patents.

Several MEMBERS. "Vote!"

Mr. KELLEY. Mr. Chairman, I ask leave to reply to the gentleman's proposition to strike out that single word. [Cries of "Vote!"] I will make my reply as brief as possible.

The CHAIRMAN. Only a *pro forma* amendment is pending, and general debate has not been closed.

Mr. KELLEY. I understood there was an amendment of the committee pending to the bill.

The CHAIRMAN. There is an amendment of the committee pending, to which the gentleman from Arkansas submitted a *pro forma* amendment when he rose to address the committee; but it was not necessary, as general debate has not been closed.

Mr. KELLEY. Then I have the floor for an hour if I choose to occupy it.

The CHAIRMAN. Certainly. [Cries of "Vote!"]

Mr. KELLEY. Mr. Chairman, in all seriousness, I ask before we approve this bill which is commended to us by such extraordinary assertions that we take the opinion of the official adviser of Congress in such matters—the National Academy of Science. I do it in all sincerity and in all respect to the gentlemen who press the bill.

I am not afraid, as is the gentleman from Arkansas [Mr. DUNN], of its ruining the country by the amount of money it will draw from the pockets of people who may want to use the patent, for, as I understand, the patent existed for seventeen years and nobody ever thought of buying one of the instruments, and therefore I can not believe that if we give it seven years additional life the demand for it will ruin the country.

I want to address the committee again to say that, while as at present advised I am against the extension of this patent, the gentleman from Arkansas [Mr. DUNN] has not spoken for me. I dissent from his premises *in toto*. I have read translations of much that both Most and Spies have published, but they have not convinced me that property is robbery and this country is going to the dogs because the Government imposes taxes and appoints assessors and collectors. I do not accept any of their infernal doctrines. [Laughter and applause.]

Mr. BROWN, of Pennsylvania. Good!

Mr. KELLEY. But I do believe that a great invention is property, which should be protected by a just government. [Applause.]

Mr. DUNN. The gentleman will allow me. No one will doubt he is in favor of high taxes. He has left the country in no doubt about that. [Laughter and applause on the Democratic side.]

Mr. KELLEY. I am in favor of taxation to so develop States that there may be something to tax. [Applause on the Republican side.] I will discuss that proposition on the basis of Arkansas when we get up a bill reported by a committee of this House of which I am a member. I believe in developing the resources of a country, in giving the people of a country employment in other seasons than when agriculture requires either planting or reaping. [Applause.]

I believe, sir, that if the politicians of Arkansas would permit the development of the material resources of that State she would shine resplendent among the industrial nations of the world, and her people would abound in wealth. What other State has her material resources?

Mr. DUNN. What prevents it?

Mr. KELLEY. What prevents it! Why, the absurd economic theories, devotion to which led to the formation of your southern confederacy. [Applause on the Republican side.]

Mr. BROWN, of Pennsylvania. That is just it.

Mr. KELLEY. Popular belief that our workshops should be on the other side of the ocean instead of in the United States. [Renewed applause on the Republican side.] That is what is the matter with you.

What prevents you!

Mr. DUNN. Yes.

Mr. KELLEY. Why the principle of that provision of your confederate constitution.

Mr. DUNN. Have you not one law——

Mr. KELLEY. It is my turn now, and I do not yield.

Mr. DUNN. Have you not one law for Arkansas to-day and another for Pennsylvania?

The CHAIRMAN. The gentleman from Pennsylvania has the floor, and does not yield.

Mr. KELLEY. No; I do not yield.

Mr. DUNN. I grant you have a law which robs Arkansas.

Mr. KELLEY. I do not yield; nor do I ask the gentleman to make my remarks.

What prevents them! Why, sir, it is that constitution which lives in their hearts and minds and controls them, which prohibits, so far as law and popular principle can do it, the development of the resources of great States. Sir, that constitution, against the establishment of which Abraham Lincoln and Edwin M. Stanton, the Army and the Navy of the United States, and the loyal people of the country were "arch-conspirators," prohibited the development of the resources of the States over which it was intended to prevail as fundamental law. In roundabout language it declared that the boundless and vastly diversified mineral resources and manufacturing power of the country should not be developed so long as the oppressed laborers of Europe could under the control of the concentrated capital of the world make wares and fabrics cheaper than they could be made in those undeveloped States where capital was needed. That is the whole story. It is devotion to this theory that keeps the South poor.

Where, for instance, outside of the State of Arkansas, on the American continent can you find beds of purest chalcedony from which an ingenious, cultivated, and industrious people would supply the world with precious works of art?

Mr. DUNN. You do not send 2 per cent. of all of your manufactures to the world.

Mr. KELLEY. I will not consent, Mr. Chairman, that the gentleman shall continue to interrupt me.

Where are there beds of better ore for iron or for steel, whether Bessemer, open-hearth, or basic? Where are there more willing laborers than in the State of Arkansas and other undeveloped portions of the late confederated States; and, let me ask, where does illiteracy so prevail? Yes, the comparative poverty and ignorance of the entire South are legitimate results of that same system of infernal devotion to foreign commerce to the exclusion of the utilization of their own native material and the development of the faculties of their own people. [Applause on the Republican side.]

Of what has the mowing-machine robbed the country? By what statute, State or national, was any citizen of Arkansas ever compelled to buy a mowing-machine? [Laughter and applause on the Republican side.]

What Arkansas woman was ever arrested and lugged before the courts of law because she did not buy a sewing-machine? [Laughter.] Sir, the gentleman is not old enough, but if he were and would recall Arkansas as she was half a century ago, when bands of freebooters made her their refuge and there was not an industrial invention known within her borders, he would be ready to agree with gentlemen on this side of the House that if it had not been for patented invention Arkansas would still be a wilderness.

Mr. DUNN. And Pennsylvania protection has been raiding it ever since Murrell quit.

Mr. KELLEY. Pennsylvania has done her whole duty in the premises. She furnished the Army against that free-trade constitution as many able-bodied men in proportion to her population as any other State. [Applause on the Republican side.] Her people were all "arch-conspirators" against the perpetuity of the constitution of the Confederate States of America. [Renewed applause.]

I have probably gone far enough. If I went further I might touch upon the domain of the tariff [laughter], and I therefore yield to my friend from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Chairman, the bill now before the committee for consideration has not challenged the slightest attention from either of the honorable gentlemen who have just spoken. The discussion has taken a wide range. It was very far from my thought to take any part in this debate. I avail myself of the courtesy of my honored friend from Pennsylvania, Judge KELLEY, only to reply to the observations of my friend from Arkansas [Mr. DUNN] with reference to the operation and influence of our system of patent laws; but I have been so happily anticipated by the father of the House, Judge KELLEY, in much that I would say, that I shall detain the committee but a very short time.

My friend from Arkansas has rightly said that in some cases inventions have been so utilized in this country as, in a measure, to exact unjust tribute from our people. That has been exceptional, however. The instances are few and far between. I submit, Mr. Chairman, that our fathers did no wiser thing for their posterity than when they provided in the Constitution for encouraging and cherishing the growth of literature and art among our people by securing to inventors and authors for a term of years the exclusive ownership of the product of their genius. The unequaled growth and development of the arts and the marvelous progress made in all the fields of literature are due, and almost wholly due, to the protection afforded to inventors and authors under our beneficent patent and copyright laws.

The genius of invention lies at the very foundation of our industrial growth. Everything about this Hall bears witness to the good that has been done by the inventive genius of the country. In some rare instances there may have been what seemed to be unjust exactions by those owning and controlling valuable inventions, and I agree with my friend that possibly, if such a thing was practicable, it would be well to do here as is done in Germany with reference to certain inventions.

Mr. DUNN. Let me ask the gentleman from Ohio a question. Do you not believe that a liberal royalty would be better, and would more uniformly compensate the inventor himself, than the present system?

Mr. BUTTERWORTH. I was just about to refer to that. Under the German system there are certain inventions upon which the government reserves the right to and does fix a royalty. It relates to that class of inventions which, on account of their utility, go into such general use that if retained in the hands of monopoly hardships might result by reason of the price being placed beyond the reach of many of the people. There is, however, this difficulty in the way of adopting such a system here: One invention is often so related to and blended with others, and necessarily so, that it is almost if not quite impossible to tell just what device or improvement would properly be covered by the royalty. I have given the subject much thought, and am inclined to the belief that, however desirable in result, the German system would, in practical operation in the United States, be impracticable if not impossible.

Now, I wish for a moment to call the attention of the committee to the suggestion of the venerable gentleman from Pennsylvania. No man in this country is compelled to use an invention. He may let it severely alone if he prefers for any reason to do so. It does not devolve upon the farmer to use a horse-rake or a mowing-machine or a thresher. He may still rake his grain with a hand-rake, cut his grass with a scythe, his grain with a sickle, and thrash it with a flail or upon the tramping-floor. We may still go to church in a jolt-wagon instead of availing ourselves of the more modern phaeton or traveling carriage. We may still go for the doctor upon a horse or afoot instead of using the telegraph or the telephone or going upon the swift-moving train. We may still put wheat in one end of a sack and a stone in the other to balance it and swing the sack across the back of a mule and take it miles across the country to mill or market instead or availing ourselves of the modern instrumentalities, the product of inventive genius, which will enable us to do it cheaper and better at a tenth of the cost of time and labor. I say this only to illustrate that we may resolutely stick to the old ways if we will We are not compelled by law to have things either comfortable or convenient. But it is susceptible of easy demonstration that under the system which my friend seems to disparage it has been made easier and cheaper in all the affairs of life to have both the comforts and the conveniences which are in this day and generation almost indispensable to happiness.

The growth of industrial art, while rapid in one sense, is yet so gradual that we are apt to ignore the marvelous achievements in the matter of practical results attained. In a short time the broad fields of the South will be white with cotton. Why, Mr. Chairman, all the adult population of the United States would not be equal to harvesting the cotton picking the fibers from the seed, and preparing and putting the product into cloth by the old hand process and without the intervention of modern inventions.

Think of a nation of fifty-five millions of people being unequal to caring for and utilizing a single crop in one section of the country. This seems like an exaggerated statement, and yet it is susceptible of demonstration. And not only would the labor be enormous but the cost of the coarsest calico would be equal to the cost of a yard of silk to-day.

Why, sir, but for the inventive genius of this country our lines of settlements would not to-day have reached beyond the Alleghanies.

Mr. DUNN. Will the gentleman allow me one remark?

Mr. BUTTERWORTH. Yes, sir.

Mr. DUNN. That is the stereotyped answer to every argument that is made against extortion, against the right to extort unreasonable charges. What the gentleman has been stating is not what I was arguing. I say that the patenting of these invented articles and these discoveries under the law which gives the inventor or his assigns the exclusive right to do what he pleases with them destroys all compe-

tition in manufacture, all competition in sale, all competition in any methods of use, and causes the thing to be sold at a price four or five times higher than it ought to be.

Mr. BUTTERWORTH. That is what my friend said. I understood him perfectly. I do not think any one misunderstood him. I want to say to him the experience and history of the world is that without the full and adequate protection which our law affords to the inventive genius of the country there would be no development in the line of industry, no competition for which he sighs, since the very germ from which competition in the various arts must grow, would sicken and die the moment you take away the exclusive property right of the inventor in the thing which he invents. In the absence of law which secured to men the fruit and coinage of their hands and brain, science hid itself in the cloisters. It had nothing for and gave nothing to the people. What there was of learning, what there was of science and art was hid away in temples and cathedrals, and was retained without law by the few and scattered curses instead of blessings among men. It was not until encouragement was given to the inventive genius of the world that rapid progress became possible, and a superior and enlightened civilization was ushered in. The tax, if any, is in each case self-imposed, and for dimes exacted dollars are returned. I wish in this connection to call the attention of my honored friend to a fact not generally known, and which he therefore naturally overlooks. It is this: There is not 10 per cent. of the inventions of this country that pay back to the inventors, or to anybody except our whole people who use and enjoy them, 10 per cent. of the cost of their production.

Of the four hundred patents I signed each week not 10 per cent. ever paid the inventors a tenth of the cost of their production, and yet each and every one was a valuable step in the growth and development of the art to which it related. Alone it could not be made available to yield profit to the inventor. And so the world obtains all these improvements, these progressive steps in the growth of the art, without paying a penny. We pay full value possibly for those great improvements which work a revolution in the art or method, and even in these the advantage in the use of the improvement is in excess of the increased cost; else clearly they would not be purchased, for men do not buy or hire without a view to profit. The advantage is always weighed in the balance against the increased cost over the old method. Few have any just conception of the number of persons who have bestowed earnest effort in investigation, thought, and labor in the production of the finished machines by which such wonderful results are obtained. The sewing-machine of to-day is a remarkable instance. The first crude machine was invented more than two centuries ago in Paris, France. And, sir, the production of the finished machine of to-day with all the appliances, engaged the effort in thought and action of a greater number of men than Cæsar led in the conquest of Gaul.

The mowing-machine in crude form antedates the Christian era. It was used in Colchis. The reaper and mower seen to-day in the harvest fields of our country are the product of the efforts of a greater number of men than were required to build the lines of railway to the Pacific Ocean. Sir, the genius of artisans and mechanics throughout the world and especially in the United States is at work daily solving the great problem of lightening the burdens of the toiler by securing better and larger results with less use and wear of human energy and muscle. They are busy everywhere increasing and cheapening the comforts and conveniences of life, each having under our system for a term of years the exclusive ownership of the valuable thing he has contributed to the growth of art or literature.

The history of the world shows conclusively that men do not put forth an effort except in the hope and expectation of reaping a proper reward. No man or woman ever struggled to produce a sewing-machine merely to do his or her own sewing, nor would McCormack have labored, studied, and experimented a lifetime to produce a reaper merely to cut his own harvests, nor yet to give without just compensation the result of his efforts to the community at large. Our knowledge of men and the experience of mankind leaves no doubt of the correctness of this proposition.

Now, I desire to call the attention of my friend to another matter in reference to the inventive genius of the country. There is a widespread belief that when an instrument, device, or machine is produced which enables one man to do the work of five or six, wages are thereby necessarily and permanently reduced. The result is exactly the reverse. Instead of reducing wages they are in fact increased. Our industries are multiplied and labor redistributed and lightened. The inventive genius of our country redistributes labor, lightens the burdens of the laborer, increases the comforts of home, multiplies the means of enjoyment, and adds to the sum of human happiness. Why, sir, there are one hundred industries in the United States to-day employing thousands of men that did not exist five years ago, each one of those industries filling an important part in our vast economic system.

I had occasion while preparing the exhibit for the New Orleans Exposition to investigate in order to see how far the inventive genius of this country in producing labor-saving machines and machinery tended to reduce wages. I found the result was simply to redistribute the labor. In the shoe factories of New England, where one man by means of labor-saving machinery was enabled to do the work of twelve, the wages were advanced while the output was vastly increased. Our people do not go barefooted from spring to fall now; shoes are within the reach of all.

I desired to make this reply to my friend from Arkansas because I did not want the allegation to go out unquestioned that the patent laws of this country, which secure to every inventor the product of his genius, are working against the best interests of our people. That is not true. Mr. Chairman, there never was a time in the history of this Republic, there never was a time in the history of the world when a day's labor would purchase so much that is necessary and needful for the comfort and convenience of mankind. Never in the world! Talk about our struggling people. Why, sir, do you reflect that within a generation we have received into our midst nearly eight millions of people from Europe, that we have taken them into the ranks of labor, and into our social and political organism as well.

Those people have had to find in our mills, shops, factories, fields, and mines the opportunity to earn a livelihood. And to-day, I say to the gentleman, it is due to the inventive genius of this country, from which has sprung our multiplied industries, that we have been enabled to do this. Look at the results. Why, sir, the wage of one day's labor in Boston or New York will pay the freight on a year's supply shipped from the city of Chicago to New York or Boston. In other words, the price which an artisan or mechanic in Boston or New York gets for a day's labor will pay the cost of shipping his year's supply from the city of Chicago to Boston and New York, and that result is due and due alone to the inventive genius of this country, fostered, cherished, and protected by our system of patent laws.

My friend says that the patent laws impose an unperceived and unknown, though oppressive, tax upon us. What is there in this country that costs more than it did half a century ago? What comfort and convenience has not been enlarged, increased, and cheapened? What burden has not been lightened by the fruits of the genius of invention? Name one.

Mr. DUNN. That is not the question. The question is, What is there in this country that does not cost more to-day because of the excessive tax upon it.

Mr. BUTTERWORTH. There is absolutely nothing that costs more. Every man is able to produce more now. There is not a man in America that can not produce 500 per cent. more in every direction than he could twenty-five or fifty years ago. The farmer can plant a far greater number of acres with less labor and less expense—can take care of more acres of land, take care of it better, and have his crops in better condition than he could in the older day. Nor is the labor of the husbandman now, as formerly, a constant wear and waste of muscle. He does have to pay more for each laborer, but the general cost of production is less.

Mr. DUNN. And he has less at the end of the year.

Mr. BUTTERWORTH. One moment. My friend can not hire a man now to go into the field to rake and bind behind the cradle, but the same man gets more wages for sitting up and driving the horses that haul the mowing machine, or the reaper, or cultivator. You can not get working men to toil as they once did. The day of drudgery has passed away. The brain has come to the relief of the hand, the mind to the relief of the muscle. Our miners will not dig as they used to. Why? Because modern inventions and appliances have enabled one man, without the effort which so rapidly wore out the workman, to do the work of ten, and the interest and the humanity of the employer compels him to adopt the labor-saving appliances. Coal is dug for less now than it was years ago. It is shipped for less; the cost of production generally is less, and hence the cost to the consumer is much less than formerly; and, Mr. Chairman, I repeat, nobody is obliged to use modern inventions.

There is nothing to hinder my friend from Arkansas in case he has the toothache from going to the old-fashioned dentist and being dragged around the floor two or three times before his tooth is extracted. [Laughter.] Or, if he prefers, he can adopt the modern method, and go to a dentist who is abreast with the age and have the tooth extracted almost without pain. If amputation of a leg is necessary, he has still the right to have his leg sawed off by the old method, instead of adopting the new, by which the operation is comparatively painless and perfectly safe. It is the inventive genius of the young Republic, encouraged by the Constitution and the laws made in pursuance thereof, that has made us what we are, the first among the nations of the earth in industrial growth. It is interesting to compare the machines and implements of to-day with those of the olden time. Consider the art of war. Why, sir, if there had been mounted upon the walls of Troy our modern enginery of war "Argive Helen" could have summoned to her side her maids and unaided driven the Greeks from the plains before the city and have sunk the Grecian fleet, had she been opposed only by the implements of war the invading hosts are said to have used in that famous siege. [Applause.]

Sir, it will not do to protest against what the inventive genius of this country has done, or to denounce it as a source of unjust or needless extortion. It has cheapened everything. It has carried blessings to every household in our land, and has placed them within the reach of all.

My friend from Pennsylvania [Mr. KELLEY] has put the case well with reference to the protective system. I will not enter upon that line of discussion. I proposed only and very briefly to point out the result of our patent system in securing better methods and increased comforts at reduced cost.

Mr. Chairman, how is the inventive genius stirred into active effort? Why, sir, clearly by giving to that genius the enjoyment of the result of its effort. Why, sir, in every shop the man who was busy hammering into shape a horseshoe asked: "Is it not possible to make this horseshoe without wearing out the muscles of the men who stand at the forge?" And in answer the spirit of our law said: If you produce such a machine it shall be your exclusive property for a term of years in consideration of your labor in its production and the ultimate blessing to mankind. The result was that in time the genius of the workman solved the problem. A mechanic—a mechanic, not a millionaire, not an idler—constructed a machine which makes more horseshoes in a day, and makes them better, than fifty blacksmiths could. The blacksmith that used to make horseshoe-nails—the man in whose shops we as boys used to sit and at whom we used to look with admiration of the cunning of his hands, to whom we talked, while resting he leaned upon his anvil—that man asked himself daily if there was not some machine possible by which his labors could be lessened and he be made prosperous in the production of such a machine, and the result was that the struggling inventive genius finally gave to the world a machine which would do the work of a hundred blacksmiths in making horseshoe-nails, and would make them better and cheaper. And so it goes through the whole range and field of art. Thus the artisans and mechanics of our country in the development of their several arts—blessed themselves, and better still, they conferred a lasting blessing on their fellow men.

Mr. KELLEY. Will the gentleman yield to me for a single minute?

Mr. BUTTERWORTH. Always.

Mr. KELLEY. My friend's description of the manufacture of horseshoe nails, and other nails, recalls very vividly to my mind what I spent some days in studying in the neighborhood of Birmingham, England, in 1883. There I saw nails made by women and their daughters, in the nail-works of England, where our patent law does not operate. There you find the mother, assisted by her daughter, working fourteen hours a day and the two getting a shilling and a half, what with us would be 37½ cents.

Mr. MILLS. But one man here makes as much as five men over there.

Mr. BUTTERWORTH. I thank the gentleman from Pennsylvania for the interruption. I wish to say one other thing. It seems as if Providence had guided and controlled the genius of invention so as to meet in proper order the growing wants of men, kindred inventions in the same art going forward hand in hand. This is happily illustrated by the fact that while Whitney down near the Gulf was giving the world the much needed cotton-gin, a colaborer across the ocean was finishing the spinning-jenny. And in another shop a busy workman was completing the loom. All working unknown to each other, to one great end—to comfortably and cheaply clothe our people. And though older in conception, yet later in maturing came the sewing-machine. So amid the cotton fields of America Whitney by his genius enabled the planter to prepare his cotton for the manufacturer. Hargraves, an English mechanic, had produced the spinning-jenny. And Cartwright had invented the loom, and in a short time, although all the fields throughout the South whitened with the cotton crop, inventive genius had prepared the way to take care of it so as to make our clothing cheaper and more abundant.

The same idea is grandly exemplified in the development of the art of printing? When the Dark Ages passed away and the Reformation was ushered in, it was necessary to facilitate the dissemination of great truths, to scatter them broadcast throughout the world. What followed? The invention of the art of printing; and on the heels of that there came in time the power-press; so that to-day the thoughts of worthy men, and I regret to say the unworthy, too, are carried on the wings of lightning and given to the press everywhere, so that the sententious suggestions of my honored friend from Arkansas will be read to-morrow in every hamlet throughout this country as well as, I am glad to say, that thoroughly efficacious antidote administered by the honorable gentleman from Pennsylvania. [Applause.]

I wish to say but one thing further, for I had no expectation of trespassing so long on the time and patience of the House. The spirit which actuates my friend from Arkansas is the same spirit which mobbed Jacquard in Lyons when he sought to bless his people by giving to them the Jacquard loom, through the aid of which a handful of men could do the work of a hundred. It is the same spirit which mobbed the inventor of the sewing-machine in Paris; the same spirit which in England mobbed that genius in mechanics Hargreaves because it was supposed his invention would take bread out of the mouths of the laborers who worked in the factory by his side. Yet I take it, the gentleman from Arkansas will, like those who in Lyons mobbed Jacquard and afterward contributed to build a monument to his genius, live to thank the inventors of this and other countries for what they have done to bless mankind.

If I should make any criticism upon the disposition of the people represented by my honored friend from Arkansas it would be that they have refused to keep pace with the growing spirit of the age. They have had to be dragged along slowly; but I trust they are coming surely. I am willing, sir, if it be not ill-advised, to suggest the comparison, to take any State of the Union where inventive genius has been encouraged, where the people have made haste to use turbine wheels and engines and sewing-machines and telegraphs and telephones—in other words, where they have been quick to avail themselves of the best method of achieving important results—I am willing to compare any such State or locality in point of intelligence, industry, the comfort of its people, and in point of true contentment and that happiness which springs from wise content, with any section of this country or any other where the spirit which actuates my honorable friend from Arkansas is in the ascendency. The results will speak for themselves, and are more potent than any language I can employ.

The inventive genius of this country hunts out every furrow and seeks to turn it broader and deeper. It seeks the woman who is using the needle and says to her, "Do not use your fingers; use machinery." In other words, it seeks to lessen the toil which makes man a burthen bearer, and seeks to enable him to do by his genius that which our fathers did with their muscle alone.

I desire to say that the intellectual coinage of my friend is as much his property as that which he creates with his hands, and may be of vastly more importance to mankind. There is not a wheel that turns in all this universe, not a trip-hammer that falls, not a spindle that whirls, that did not first turn and fall and whirl in the brain of the inventor. The machine is but the materialization of the inventor's conception. And the result of his intellectual effort is as much his property as if it was merely and wholly the work of his hands—work fashioned out of physical substances without the exercise of the genius of invention. If this truth be not recognized, then inventive genius will shut itself up, will cease to be active, for no man exerts himself except for the reward which is to follow. My friend, if he will investigate this subject carefully, will find that his criticisms upon that system under which our Government protects the inventors and authors of the country are unwarranted and unjust.

There are so many things coming into my mind as I stand here which illustrate so thoroughly the advantages we have obtained from fostering and cherishing the inventive genius of our people that if I should attempt to recite them I should detain the House much longer than I desire and much longer than members would be willing to listen. I will, however, cite one or two marked instances to which my honorable friend from New York [Mr. HEWITT] called my attention yesterday. Bessemer steel is one, the value of this invention in saving to the country is not estimated by hundreds of millions only, but by thousands of millions of dollars. The other invention to which that same friend also called my attention is the machine for testing the strength of wood, iron, and steel, used in the construction of buildings, bridges, &c. Thousands of lives have been saved as the result of its adoption, and the saving in dollars to this people amounts to hundreds of millions. Mr. Chairman, the genius of invention is the inspiration of God; and it can not do otherwise than bless us when wisely directed. [Applause.]

I will not consume more time to-day, but I shall take occasion at an early period, if opportunity is offered, to furnish to the House and the country some statistics which will set forth somewhat in detail the marvelous growth of the industrial arts in this country; how greatly our industries have been multiplied; how opportunities for remunerative employment have been increased; to what vast extent the comforts and conveniences which adorn, beautify, and make healthful the homes of our land have multiplied and cheapened. I shall do this in connection with the proposition to give the honorable Commissioner of Patents, Mr. Montgomery, the force actually necessary to dispose of the vast business brought to his bureau. I feel well assured, Mr. Chairman, that upon careful study of this question gentlemen will reach the conclusion that in nothing did our fathers show greater wisdom than in providing for the encouragement of the coining and printing of noble and ennobling thoughts and the production of labor-saving machinery. I return to my honored friend from Pennsylvania such portion of the hour as remains. [Applause.]

Mr. KELLEY. The general demand seems to be for a vote; and, unless somebody has some special benediction to pronounce, I will now ask for a vote.

Mr. DUNN. I have a "special benediction to pronounce" for the benefit of my friends on the other side.

Mr. KELLEY. Then I reserve the residue of my time. How much time have I remaining?

The CHAIRMAN. Twenty minutes.

Mr. DUNN. I am not at all surprised, Mr. Chairman, my criticism of the policies which have obtained during the past twenty-five years of bad legislation and administration should have roused to the very depths the friends, adherents, and advocates of high taxation and monopoly extortion. I anticipated that, and I am gratified at the result.

Let the galled jade wince, my withers are unwrung!

Now for reply to my distinguished friend from Pennsylvania [Mr.

KELLEY]. Who doubts if the Government would longer exist without a method of taxes which enables Pennsylvania and other such States with like interest to develop by robbing the tax-paying people by means of an unseen, unknown, unpublished, and unconsented-to system of taxes. [Applause.]

That gentleman, as he always has done, claims to be the special champion of labor. I will ask the Clerk to read what is said by a master workman and laborer of Pennsylvania—what he says in behalf of Pennsylvania capital and monopoly, of associated wealth clothed with power to extort and rob under an unjust system of taxation.

Mr. KELLEY. Name the author.

Mr. DUNN. Mr. Powderly. You will get his name when the article is read.

The Clerk read as follows:

FREE TRADE IN LABOR—THE KIND OF WORKERS PROTECTED INTERESTS EMPLOY IN PENNSYLVANIA.

SCRANTON, PA., *June* 24.

Ex-Mayor Powderly, of this city, general master-workman of the Knights of Labor, who has just returned from a trip to the Connellsville coke region, said Saturday that he never believed such degradation possible as he had witnessed among the Hungarians in that portion of Pennsylvania. The condition of the women who worked at and around the glowing furnaces, doing tasks that would try the stoutest men, he described as being most lamentable, and surpassing in grim realism anything he had ever heard or read on the subject. He says: "I have often heard of the employment of women at the coke-ovens, but never had an opportunity of seeing it before. At 6 o'clock in the morning I went to the coke-works, and there I saw that the stories I had heard about this matter were not exaggerated. At one of the ovens I saw a woman half naked drawing the hot coke from the chamber. She had no covering on her head and very little on her person. Her appearance was that of one whose spirit had been broken by hardship and hard work. Her attire consisted of a coarse chemise and a pair of cowhide boots. In a freight car close by stood another woman forking the coke as it came to the car. Forking is the term used to indicate the disposition of the coke when it is thrown into the car. The person who does the forking throws the coal to either end of the car as it is wheeled in. The woman stood in the doorway and was dressed in a rough, loose-fitting outer garment and an apron. Her person from the waist up was exposed. When she stooped over to handle the coke she caught her hair between her teeth in order to keep it out of her way. Her feet were encased in a pair of heavy shoes and her legs were exposed from the knees down. Her babe, which she brought to the works with her, lay in front of the car, with scarcely any covering except the shadow of a wheelbarrow, which was turned up in order to protect the child from the rays of the sun. Many more such scenes met my view, and some of them were even worse than this. The opposition to the Hungarians amounts to a hatred, which is liable at any time to burst forth into a blaze that may sweep them entirely out of the country."

Mr. DUNN. Now, Mr. Chairman, my friend from Kentucky [Mr. BRECKINRIDGE] hands me an extract from the New York Herald, which I also ask the Clerk to read. It gives a further account of the beauties, luxuries, and wealth and delight of that protected labor. [Applause.]

Mr. KELLEY. Mr. Chairman——

Mr. DUNN. I do not yield.

Mr. KELLEY. I thought the gentleman had taken his seat.

Mr. DUNN. No; I have a good deal more to say. [Laughter.]

Mr. KELLEY. I do not ask him to yield.

Mr. DUNN. I hope the gentleman will have patience to hear what is coming.

The Clerk read as follows:

WORN OUT—AFTER YEARS OF STRUGGLING LITTLE EMILY HEARN FINDS LONG REST.

Yesterday the body of little Emily Hearn lay in a casket, and beside it stood those who had loved her, and their tears fell upon her shroud. She seemed to rest in sleep; it hardly seemed as though it was death. A smile softened the rigid lines of her mouth, while the lips and the cheeks were softly tinged with a pink that might have adorned a rose. The neighbors and the acquaintances who lived in the same building—No. 47½ Carmine street—reverently glanced at the dead girl's face and gave their whole heart's sympathy to the poor widow whose main support she had been.

Yes, she had toiled for the mother and the little brothers since the time she had first been able to earn a dollar, and only ceased to toil when exhausted nature revolted as she sat making gay millinery feathers at her bench in the factory. Of the young girl the kind-hearted neighbors talked freely. In the humble dwelling she was known as "Pretty Emily." Her features were regular, her hazel eyes large and flashing, and her black hair when shaken from the comb fell in great masses, so that she, to please the mother who adored her, would laughingly sit upon it, "just to show the folks how long it was."

MUCH LABOR AND SMALL EARNINGS.

She had one of those faces, those sweet, open faces, that men as they pass through the streets turn to look at. "And had she not those who would love her?" said the mother amid sobs. "Lord bless you, sir, my girl was a good girl, and she listened to no nonsense. It was from bed to the shop, from the shop to the work she brought home with her. She was one of the industrious kind." Of her virtues and industry the neighbors were never tired telling.

"And what did she earn working so hard?"

"Six dollars a week, please you, sir."

The little maid, for she was scarcely eighteen, was loyal by nature, true in heart and faithful to those few persons with whom she came in contact. For three years she had worked for her employers in the Grand street millinery goods factory, and she was fond of them and they of her. Only a week ago the two other girls who had been employed there left to go to another place where fur goods were made. It was the very height of the employers' busy season, yet they deserted him. Little Emily believed it a "shabby trick," and "she tried to do too much," so says the son of one of her employers.

DIED FROM OVERWORK.

"She left her table, where she had been making dark-blue pompons, and started for the stairs," said the same young man. "She went up as I came down. She was suddenly ill. Mother went up and saw her lying down. Mother said, 'She is overworked; let her sleep.' Later mother went up to see her, and she came down saying, 'I don't like Emily's looks; her cheeks are getting blue.' I was out. Mother went for a doctor and father tried to make Emily drink a little cognac, but she was insensible. The doctor came, but Emily was dead."

Deputy Coroner O'Meagher made a post-mortem examination of the body. He said: "She died of congestion of the brain. Her blood was watery from general debility, caused by overwork."

Indeed, into her work she had put her life; it was all she had to give.

They took her from the workshop to the place which had been her home and left her with her mother. And to-day, between the hours when the church bells will ring for morning and evening service, she will be borne away to Calvary Cemetery to be laid among those who have fallen asleep before her. At rest—poor little Emily Hearn, poor little factory girl.

Mr. DUNN. There is another from the great protected silk manufacturing industry, where they all should be happy and clothed in fine raiment.

The Clerk read as follows:

THE SILK-WEAVERS' APPEAL.

The striking silk weavers, of West Hoboken and Union Hill, N. J., have issued a circular, setting forth that their wages have been steadily reduced during the past five years until now they are less than 50 per cent. of what they were. At the same time living expenses have increased by the advance of rents and cost of necessaries. They believe that overproduction can be checked by decreasing the hours of labor, and their productions will consequently command better prices. They state their position is that of white slaves; that the manufacturer pays them paltry wages, while he lives in princely style. Their demand is for bread, and they appeal to the people to aid them.

Mr. DUNN. Mr. Chairman, that ought to be an answer to all that has been said by those who claim to be the special champions and protectors of labor. No such conditions as these have ever existed in Arkansas or the South. The day is coming, has come, when they will no longer be able to rob the wages of the laborer of half its value by doubling the cost of that which is necessary for him to live upon with an unseen and insidious tax and persuade the laborer that it is protection to him.

In the name of protection you have robbed labor of its wages; you have robbed the life of labor and of laborers and their families of its happiness and pleasure, and you send their children to premature graves with the prayers and the smiles of the pharisee upon your lips, while you send them to a pauper's grave prematurely prepared for them, and pocket the ill-gotten fruits of protection.

The gentleman says that but for the unwisdom and folly of Arkansas politicians Arkansas would be great to-day.

Mr. BAYNE. I would like to ask the gentleman a question.

Mr. FARQUHAR. I hope the gentleman from Arkansas will not be interrupted. This is the best speech for protection ever made on this floor.

Mr. BAYNE. I hope the gentleman will yield for a question.

Mr. DUNN. No; I do not yield. I hope the gentlemen from Pennsylvania will be able to keep their seats while I occupy the floor.

Mr. BOUTELLE. The gentleman did not keep his seat while the gentleman from Pennsylvania was on the floor.

Mr. MILLIKEN. No; the gentleman from Arkansas did not appear to be very well anchored while the gentleman from Pennsylvania was speaking.

The CHAIRMAN. The gentleman from Arkansas declines to be interrupted.

Mr. DUNN. I expected the galled jades to wince. I expected that. I am not surprised. It shows that my shots are well directed.

The gentleman from Pennsylvania said that it was the folly of Arkansas politicians, which he uttered with a sneer, which prevented that State from blooming and developing as a garden. He is mistaken as to whom Arkansas is indebted for its present condition, which is not perhaps as deplorable as the gentleman might imagine. Still I confess that it has been grievously wronged and robbed.

If the account is carefully examined and the guilty parties detected requisition would be sent to Pennsylvania for the robbers. It is the Pennsylvania statesman who has robbed Arkansas and also other tax-paying communities of their just prosperity; and I am aware, and I grant him, that this policy of protection has allowed them to do it; that this Government in fact lays one hand upon the property of the agricultural communities, and with the other transfers it to the pockets of his constituents; and that is what a judge of the Supreme Court called "robbery."

But I am not here to make a tariff speech. The people are coming to understand all of that. What have I said that looks toward striking down the inventive genius or impoverishing it or discouraging it? I think that those who framed this Government intended that the laws should be so enacted and so administered that the greatest possible freedom and benefits and happiness should flow to all the people, not to favored associations of wealth alone. I know that it is the theory of old countries and of our own Federalist friends that the masses of the people could not be trusted to govern and to shape the future of this country; that they are not safe; that some favored class ought to have the control of the Government. This Government denies that to any class, and leaves the whole power in the hands of all the people for their benefit. Every living soul in this country it was intended should share equally the blessings and benefits of the Government. It was thought that the efforts of the wisest and best statesmanship would so direct affairs that each and all should be permitted to participate, and not the favored few.

But these powers have been surrendered to associations of wealth who are no better born than anybody else that I am aware of, and they

are taxing the masses of the people of this country out of the just fruits of their earnings. This has created the results which we now seek to correct, but the people are more restless, more discontented, because your system of monopoly and protection deprives them not only of half of their wages, but of the just measure of employment that belongs to them. One of the great apostles of protection announced not long since that the time was coming when the statesmanship of this country would be called upon to determine how production could be limited instead of finding how markets can be extended. That long and oft promised home market that was to enrich everybody has not appeared, but the result has brought riots and bloodshed and butchery, short time, lock-outs, strikes, lower wages, and richer employers. We are all to live upon one another—the manufacturers to live upon all other producers and all other laborers, and everybody else to live upon him.

If I may be pardoned a homely and rather rough metaphor, to pursue that theory to its logical conclusion is about as unwise as to feed a dog upon his own tail and expect him to grow fat upon it—just about as wise as that.

There is but one policy, and that is to extend our markets to compete with all the manufactures of the whole world, and not only sell agricultural products abroad, but manufactures as well. We are exporting to-day, I believe, about 1 or 1½ per cent. of what we manufacture. Eighty per cent. of all that we do export is made up of agricultural products. And let me tell gentlemen that the time has come when the American laborer, by the influence of railroads, telegraphs, and improvements which have spread themselves over the whole earth, is brought face to face with that long-talked-of pauper labor of the whole world. India, through the Suez Canal, is reaching the markets of the world which formerly took your wheat from the Northwest. That India which exported 40,000 bushels of wheat a few years ago exported more than 40,000,000 bushels last year. They can produce it and lay it down in the markets of consumption cheaper than you can transport it to and across the sea in the near future if our present restrictive policy is adhered to.

Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. DUNN. Yes, sir.

Mr. MILLIKEN. Will the gentleman tell us how it is that they are able to produce wheat so cheaply in India? Is it not by the cheap labor they have there, and does he want American labor to be reduced to that level?

Mr. DUNN. They are enabled to produce it so cheaply because of cheap labor, cheap living, and cheap taxation, but however it comes we must confront it and compete with it.

Mr. MILLIKEN. What clothes do they wear?

Mr. DUNN. Their condition is bad, wretched, and miserable. Take care that you do not tax your own people into a worse condition. They may take the markets and employments away from our people if we continue to increase the cost of production.

Mr. MILLIKEN. We will protect them from that.

Mr. DUNN. Your protection has brought you riot and bloodshed and poverty, and the squalor which you have heard described in the extracts reads from the Clerk's desk to-day.

Mr. PETERS. Will the gentleman permit me to ask him a question?

Mr. DUNN. I can not. I am not an advocate of unconditional free trade. That is not practicable now. But I want to get away from those outrageous war measures of taxation and protection which you adhere to.

Mr. MILLIKEN. Will the gentleman have the goodness to state what his position is?

Mr. DUNN. I do not yield further to the gentleman. I come back to the question under discussion. The gentleman from Ohio [Mr. BUTTERWORTH], the late Commissioner of Patents, was roused to frenzy, and delivered to us here a most admirable commencement oration on the splendors that have resulted from the inventive genius of the world, and especially of this country, that was delightful, and shows his admirable ability for such an address as that. But I think that the office of statesmanship is to consider and ascertain correctly all the resources of the country of every character, for food, for commerce, for industries, for labor, and to so legislate that they shall be kept within reach of every living soul in this country at the lowest possible price and under the most favorable conditions possible.

I want to give to the people of this country the results of inventive genius. While I would give genius its reward in full measure for all its discoveries, and would protect the inventor in all of them, I want to give to mankind the fruits of his invention at the lowest possible rates. Instead of creating one gigantic monopoly, one great manufacturing establishment employing a limited number of hands and taking four or five or ten times the legitimate price that ought to be paid for the invented article, I would put all the laborers in the country at work upon it and would allow all the workshops in the land to be open and in competition with each other for the manufacture of the article; and instead of giving employment to a few hundreds I would give it to all in the country, and give that article to the consumer cheaper by tenfold than it is given to them by that policy which the gentleman advocates. That is what I favor.

I want to place all the necessaries of life within the reach of everybody. It is no answer for the gentleman to tell me if people do not want an article they need not take it. That is not the question. The point is, all the people ought to get everything they require at the lowest possible price. I do not favor a policy which makes all the necessaries of life dearer, which makes life harder, and the struggle for life more terrible than it already is. You have made it bad enough.

I reserve the remainder of my time.

Mr. KELLEY. Mr. Chairman, I want to express my profound acknowledgments to the gentleman from Arkansas [Mr. DUNN] for having justified me in referring to Grand Master-Workman Powderly as my friend and as my earnest and intelligent colaborer in the cause of protection. It has never been my privilege to meet Mr. Powderly, but I have received through many sources his kind acknowledgment of my services in behalf of the laborers of the country when defending that provision of Republican policy and law to which intelligent laborers look for the maintenance of just compensation for faithful work. I desire also to thank the gentleman for having quoted Mr. Powderly's description of the laborers imported by contract into this country, as it justifies me in saying that against such importations I was among the earliest and have been among the steadiest and most vehement opponents.

Here is the CONGRESSIONAL RECORD of June 19, 1884, which contains the discussion upon the labor bill introduced by the gentleman from Missouri [Mr. O'NEILL] on behalf of the Committee on Labor.

Mr. O'NEILL, of Missouri. Let me correct the gentleman. That bill was introduced by the gentleman from Ohio [Mr. FORAN].

Mr. KELLEY. Well, you were championing it.

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. KELLEY. I am glad to know that we agreed once. [Laughter.]

Mr. Chairman, during the consideration of that bill I begged a few minutes, and in the course of my remarks said:

> I have looked upon the misery of the British, French, Belgian, German, and Austrian laborers. I tried during the tariff debate to depict the sufferings of some of them. I was told when I did so that all the ills I had pointed to could be found in this country.
>
> I painfully admit that specimens of them all can be found in this country. The only answer I can make is that they are not general here, as they are elsewhere. They are merely seminal here; there they are in full fruition; there they are not only germinal, but you will find them blooming everywhere you find population at all condensed. It is our duty to guard against their spread while we may. Let us avail ourselves of every means by which we may inspire with hope and ambition the poor foreigners who have come to our shores, or who have been thrust upon them by speculating contractors and have drifted into the tenement houses and cellars of New York and elsewhere. Do not let us permit avarice to add to their numbers. Do not let us gratify the greed of Pole, Italian, or Slav by welcoming to the ranks of our laborers men and women from the worst associations of Eastern and Southern Europe. Do not let us—

I invite to this early utterance the attention of the gentleman from Arkansas who has intimated that I am the creature of capitalists. I wish I had capital invested or deposited, but it could not add to my freedom or independence, for there is no capitalist or combination of capitalists in the country that can put foot upon me or control my opinions or conduct.

Mr. DUNN rose.

Mr. KELLEY. I decline to be interrupted. The gentleman need not shake his Arkansian finger at me. [Laughter.] On the occasion in question, I went on to say:

> Do not let us permit grasping capitalists, whether making glass, or coke, or iron, or any other product, to herd together men and women who seem to be without a clear recognition of social or moral distinction between the sexes, if we may judge from their daily life and the manner in which they inhabit indiscriminately their large but unfurnished sleeping apartments. Can we prohibit such immigration? We have the general-welfare clause put at us now and again, and, should I fail to find power elsewhere in the Constitution, I would invoke the general-welfare clause in behalf of the laborers of the country.

Sir, I need not ask assent to this doctrine from Arkansas, a State which employs in her manufacturing industries less than one-fifth of less than one-third of 1 per cent. of the manufacturing workmen of the country. They who are arithmeticians may work out the problem for themselves: the proportions are less than one-fifth of less than one-third of either the capital or the employés engaged in manufactures in this country. The gentleman can not contradict it.

Sir, I have been laboring, against Democratic opposition, since 1866 to relieve from duty raw materials imported for manufactures and to relieve our manufactures of the burden of internal taxation. Every tobacco-grower, every tobacco manufacturer, every maker of cigars, cheroots, cigarettes, whether man, woman, or child, is burdened by this Democratic taxation against which I have been battling for twenty years.

Mr. DUNN. Who levied those taxes?

Mr. KELLEY. Who levied them? Why, the "arch-conspirators" against the rebel army, Stanton and Lincoln and a Republican Congress, levied them in order to provide means to maintain the Union and the supremacy of the national flag. [Applause on the Republican side.]

Mr. DUNN. And you——

Mr. KELLEY. I decline to yield. I say, Mr. Chairman, that for twenty years I have striven to relieve the tobacco-grower of Arkansas from this Democratic internal taxation which should have been abolished long ago. For twenty years I have labored, in season and out

of season, to give free alcohol to the arts for the manufacture of drugs, medicines, and varnishes, and in the ten thousand industries of the country into which it enters; but Democratic love of foreign importations has said, "No; tax our corn, as you do now, 90 cents a bushel if we attempt to convert it into liquid; tax our tobacco as you do now, but in God's name keep out factories and workshops from our free country by abolishing protective duties."

They forget they can no longer whip their laborers as they used to do when slavery existed; that labor is now free, and that they may as well let the free laborer of Arkansas be prosperous. They adhere to the doctrine that prevailed when great workshops were justly regarded as dangerous to the institution of slavery. They should remember that that institution ceased to exist nearly a quarter of a century ago.

I find that on January 16, 1866, I said:

My anxiety is not about the debt. It is that the taxes it involves shall be as little oppressive as possible and be so adjusted that while defending our industry against foreign assault they may add nothing to the cost of those necessaries of life which we can not produce and for which we must therefore look to other lands. The raw materials entering our manufactures, which we are yet unable to produce, but on which we unwisely impose duties, I would put into the free-list with tea, coffee, and other such purely foreign essentials of life, and would impose duties on commodities that compete with American productions, so as to protect every feeble or infant branch of industry and quicken those that are robust. I would thus cheapen the elements of life and enable those whose capital is embarked in any branch of production to offer such wages to the skilled workmen of all lands as would steadily and rapidly increase our numbers; and, as is always the case in the neighborhood of growing cities or towns of considerable extent, increase the returns for farm labor. This policy would open new mines and quarries, build new furnaces, forges, and factories, and rapidly increase the taxable property and taxable inhabitants of the country.

I would like to know—I would like the gentleman from Arkansas to give me a categorical answer to the question whether the average wages of a laboring woman in Arkansas are like those that were earned by the little girl an account of whose death he caused to be read—a dollar a day? She was but a child; she was working under the "oppression" of the tariff system, but her wages were more than have ever been given as an average to any laboring woman in Arkansas.

Mr. DUNN. I will answer the gentleman, of course, as he asks me a question. The wages of a laboring woman in Arkansas depend altogether upon which woman it is and what she is doing; but——

Mr. KELLEY. I ask the average wages.

Mr. DUNN. But more than half her wages are robbed from her today by a protective system which doubles the cost of living. [Derisive cries on the Republican side.]

Mr. KELLEY. Sir, I shall have occasion to show what the industry of Arkansas is. I shall have an opportunity to show how many workshops she has, how many people she employs in them, what wages she pays. There is not a woman in the State who ever consecutively for a month received the wages that were paid to that poor, little, overworked girl—a dollar a day.

Mr. DUNN. What is the gentleman's authority for that statement?

Mr. KELLEY. My authority is the United States census and the patent facts of the case—the poverty of the dwellers within that magnificently endowed region known to the world as the State of Arkansas. [Applause on the Republican side.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Six minutes.

Mr. KELLEY. I will reserve that. I want a little rest.

Mr. DUNN. I yield the remainder of my time to the gentleman from Tennessee [Mr. MCMILLIN].

The CHAIRMAN. The gentleman from Arkansas [Mr. DUNN] has eight minutes remaining.

Mr. MCMILLIN. Mr. Chairman, one would suppose from the speech of my distinguished friend from Pennsylvania [Mr. KELLEY] that a good deal of the fatigue of which he now complains was the result of exertion to get rid of the internal-revenue system. It is well for us to recur in this connection to the history of legislation on this subject. The system was inaugurated by the party of which the gentleman is a member.

Mr. KELLEY. It could not help it, having a war on its hands.

Mr. MCMILLIN. "Having a war on its hands!" If the gentleman pleads war and the extremities of war, I will go to another time when there was no war raging. I speak of a period eighteen years after the war closed. After his party had lost control of the House of Representatives and had been out of power for years they were restored to power in the Forty-seventh Congress. They had the House, they had the Senate, they had the Executive. For years we had been listening to speeches from the gentleman from Pennsylvania of exactly the same tone as that which has rung out here to-day. For years he had complained that the Democratic House would not recommend a repeal of the internal-revenue system. For years he had said that it was a system of oppression; for years he had said it was an outrage to continue it; for years he said that its continuance was incompatible with the best interests of the country. When his party organized the House and came into full power that distinguished gentleman [Mr. KELLEY] was made chairman of the Ways and Means Committee. He thereby held the authority to say whether or not the internal-revenue system should continue. After he was elected and after his party was in power he had stated on this floor that the internal-revenue system ought to be repealed. Yet when the test came, when the power was in his hands, and his sworn duty was to conserve the best interests of the country, he came before this House and refused to recommend any such measure, but, on the contrary, said that his caucus had determined otherwise, and he would obey the caucus. [Applause on the Democratic side.]

Mr. KELLEY. I ask the gentleman in one minute whether I did not report a bill——

Mr. MCMILLIN. I have but little time.

Mr. KELLEY. Very well. I ask the gentleman whether I did not report a bill repealing internal-revenue taxes, and whether——

Mr. MCMILLIN. I can not yield further.

Mr. MORRISON. The gentleman brought in a bill to repeal the tax on banks.

Mr. MCMILLIN. The gentleman reported a bill to repeal the tax on banks and to reduce certain internal-revenue taxes, but I never heard, and the country never heard, of a single officer that he complained of as an engine of oppression being cut off. [Laughter and applause.]

Mr. KELLEY. I had no support in the Democratic or Republican party.

Mr. MCMILLIN. The gentleman's party was in full power. Whose fault was it if he had no support? What more? He reported a bill to repeal the tax on certain cosmetics, to repeal taxes on banks, and to reduce the tax on playing-cards, but leaving it on Bibles. [Laughter and applause on the Democratic side.] That is the history of the whole business.

Now, sir, when the Democratic party is to be blamed I want all who are fairly deserving of a share of the blame to bare their shoulders, take it, and to stand to it. [Applause.]

Mr. KELLEY. If I could have had Democratic support then against my own party I would have repealed the internal-revenue taxation.

Mr. MCMILLIN. But the gentleman came and notified us that Democratic aid would not be accepted, because he said his caucus determined otherwise, and he would stand by his caucus, Democrats to the contrary notwithstanding. [Laughter and applause.] When the proposition came before the House to repeal the internal-revenue taxes, or to reduce them to an extent beyond the recommendations of the gentleman's bill, the gentleman must not be remembered as one who voted for the amendment and for the reduction.

Mr. KELLEY. Who made such a demand? Who moved such an amendment? If one was submitted I supported it.

Mr. MCMILLIN. I know the gentleman does not like to share this responsibility in connection with his utterances to-day, but in what I have said I only wanted to call attention to the facts of history, and was determined they should be made known.

Now, Mr. Chairman, no man reveres my distinguished friend from Pennsylvania [Mr. KELLEY] more than I do, but I will not, after having heard him for years revile against the internal-revenue system, and seen him with power in his hands, and seen him refuse to use it to secure the repeal, I will not, I say, take all the responsibility for keeping that system up when it justly belongs to him. [Laughter and applause.]

Mr. KELLEY. I must say I have never seen an instant in which I had the power in my hands.

Mr. SPRINGER. Let me inquire of the gentleman from Pennsylvania whether he did not vote through the tellers against taking the tax off tobacco in the Forty-seventh Congress?

Mr. KELLEY. I never voted against taking the tax off tobacco.

Mr. SPRINGER. I saw the gentleman go through the tellers and vote against taking off the tobacco tax.

Mr. KELLEY. When you wanted to allow your favorites to sell 100 pounds without restriction——

Mr. SPRINGER. The gentleman went through the tellers and voted against the proposition. I saw him do it.

Mr. MCMILLIN. I regret I can not yield to these interruptions further, because I have but a moment more time.

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor.

Mr. MCMILLIN. What has been complained of by the country, Mr. Chairman, in connection with the internal-revenue system was its oppressive administration and its large number of officers. While the internal-revenue taxes were reduced by the gentleman's party in the Forty-seventh Congress, and on his recommendation as chairman of the Committee on Ways and Means, they never got rid of a single bit of the obnoxious machinery, not a particle of this oppression of administration. Now, sir, the surplus annually is less than the internal-revenue taxation, from thirty to fifty millions of dollars less; and when the gentleman stood here confronted with the fact that when he repealed the internal-revenue taxes he must place an additional tax on coffee or something else he did what every statesman was bound to do, he hesitated to make that reduction and to place with it the tax on coffee. [Applause.]

Mr. KELLEY. The record shows otherwise.

The CHAIRMAN. The gentleman's time has expired.

Mr. MARTIN. I take the floor now, Mr. Chairman, and I move that the committee rise for the purpose of closing general debate.

Mr. KELLEY. I believe I have six minutes of my time remaining. I desire to ask any gentleman——

The CHAIRMAN. The gentleman from Alabama has submitted a privileged motion, that the committee rise for the purpose of closing debate.

Mr. KELLEY. I want simply to ask——

Mr. MARTIN. I will withdraw my motion that the committee rise.

Mr. KELLEY. I want simply to ask the members of the Committee of Ways and Means whether any Democratic member of the present Committee of Ways and Means favors the repeal of the internal-revenue taxes?

Mr. MORRISON. I think not. [Laughter and applause.]

Mr. BAYNE. Mr. Chairman, the gentleman from Arkansas has charged that the strikes and the labor troubles in this country arise from high taxation. To my mind these strikes arise from the intelligence of the working masses of this country. The efforts on the part of the workingmen themselves to better their condition by reason of their intelligence give rise to these strikes and other movements seeking to accomplish the same end on their part throughout the United States. You hear of none of these things in China, where the laboring classes have not the intelligence which moves them to seek their amelioration and raise themselves from their pauperism.

Mr. DUNN. And that is the result of Chinese protection, is it not?

Mr. BAYNE. It is not a question of taxation. It is a question of intelligence. Why, sir, in free-trade England but a short time ago twenty thousand men marched through the streets of London in demonstration of their intentions to improve their condition.

You hear of such demonstrations only in those countries, and emphatically in the United States, where labor is intelligent and educated. You do not hear of them in Arkansas, where labor is not educated.

Mr. DUNN. Let me ask the gentleman——

Mr. BAYNE. No, sir; you declined to yield to me even for a moment, and I shall not yield to you.

You do hear of strikes among the intelligent workmen of Pennsylvania. Our working people there are well off. In my own county of Allegheny the workingmen own more property and represent more wealth than the entire State of Arkansas.

The gentleman talks about the strikes being the result of poverty and taxation. Why, I repeat, in China, among its pauper population, there are no strikes. Its people are ignorant and poor.

Mr. DUNN. Yes, and that labor has been reduced to that condition of pauperism by centuries of protection amounting to absolute prohibition.

Mr. BAYNE. I hope I will not be interrupted.

I say wherever you have educated men, thinking men, you will find men who are seeking to better their condition. You will find men who agitate the labor question for their own protection against low and unjust wages.

Now, sir, the gentleman has called attention to a colony of Hungarians in the western part of Pennsylvania. What has that to do with this question? It is a transplantation from Europe.

Mr. DUNN. By protectionists.

Mr. BAYNE. Mr. Chairman, I must ask the protection of the rules of the House against these constant interruptions, or else I shall ask for more time if this thing is to go on.

Mr. HENDERSON, of Iowa. Now the "galled jade" winces on that side. [Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania declines to be interrupted.

Mr. BAYNE. That colony in Western Pennsylvania represents all the essential elements of European labor and that class of European civilization which is represented by its working people.

These free-trade laborers were imported into this country under the contract system and against the protest of Pennsylvania and Pennsylvanians, as every vote will show that has ever been recorded upon the subject by Pennsylvanians in Congress.

Mr. DUNN. But not against the protest of Pennsylvania manufacturers.

Mr. BAYNE. It represents an essentially foreign element and foreign methods; an element that is as foreign to our United States as that represented by the Chinese in San Francisco, which illustrates the Chinese mode of living and Chinese civilization.

But, sir, you go among the workingmen of Pennsylvania east and west throughout all of the limits of that broad Commonwealth, and you will find an educated class, a thrifty class. You will find them owning property, having deposits in the savings-banks of the State. You will find among them intelligence and cultivation, and you will find them equal to any class of the people throughout this great Union in any section of our common country.

Mr. MCADOO. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. MCADOO. This discussion is not germane to the subject-matter of the bill under discussion. I make this point of order because I understand that eighty gentlemen have signified their intention of discussing the tariff in the regular manner, and I object to the introduction in this way of the debate, thereby giving gentlemen an opportunity in advance of those who are entitled to be heard upon the question.

Mr. CUTCHEON. I do not wonder the gentleman objects.

Mr. BAYNE. The galled jades are wincing on the other side.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. MCADOO. I ask a ruling on the question of order.

The CHAIRMAN. The Chair will call the attention of the gentleman from Pennsylvania to the point of order, and he will confine himself to the subject.

Mr. BAYNE. Mr. Chairman, I venture to say that in the county of Allegheny, where I live, there are more wages paid to labor in one year than are paid in three years in the whole State of Arkansas. In that county there were paid in one year over $22,000,000 to the workingmen; and in one bank in that county there are deposits of $9,000,000, a large proportion of which deposits are owned by the workingmen of the county. They own their own houses. They can strike to better their condition, and they can sustain their strikes; and in the struggle with monopolists and against combined capital they are holding their own; and under the leadership of a man like Mr. Powderly, whose prudent counsels and wise course is commended by all thinking people all over the country, they are achieving better conditions and results every day for themselves. The condition of these men in that State, their prosperity in Pennsylvania, is attributable to this law of protection which the gentleman from Arkansas has berated and traduced as resulting in the oppression of the people in different sections of the country.

I have said that the county of Allegheny, in Western Pennsylvania, pays more in wages in one year than the whole State of Arkansas does in three years. I now have the figures. The census of 1880 shows that the total amount paid in wages in Arkansas during the year was $925,328, while in Allegheny County there was paid a total for the year of $22,371,951 and in the State of Pennsylvania over $134,000,000.

The average paid to hands in Arkansas is about $195 per year, while the average in Allegheny County is over $450.

And the people of Pennsylvania not only pay good wages, but they are educated. I find in the census that in Arkansas in 1880 there were 97,990 native whites—mark you, native whites; not colored persons or foreigners—above ten years of age who could not write—about 25.5 per cent. of the population. In Pennsylvania there were but 123,206 of native whites who could not write, or 4.8 per cent.

So it is easy to see how things go in Pennsylvania as compared with Arkansas. [Applause.]

[Here the hammer fell.]

Mr. MARTIN. I move that the committee rise for the purpose of obtaining an order from the House to limit debate.

Mr. SPRINGER. I ask unanimous consent that general debate on this bill be closed.

There was no objection.

The CHAIRMAN. The question is, Shall the bill be laid aside and reported to the House with the recommendation that it do pass?

Mr. LOVERING. Mr. Chairman, what is the bill? [Laughter.]

The CHAIRMAN (having put the question). The "ayes" have it.

Mr. ANDERSON, of Kansas. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON, of Kansas. I addressed the Chair before the question was put for the purpose of inquiring whether the amendment offered by the gentleman from Pennsylvania was adopted. I had that right as a member of the House.

The CHAIRMAN. The Chair will state no amendment was offered by the gentleman from Pennsylvania. The only amendment to the bill was the amendment submitted by the committee.

Mr. ANDERSON, of Kansas. I call for a division on this vote.

The committee divided; and there were—ayes 120, noes 33.

So (further count not being called for) the bill was laid aside to be reported to the House with a favorable recommendation.

The committee informally rose, and the Speaker resumed the chair.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1393) granting a pension to Silas S. White;

A bill (H. R. 1406) granting a pension to Simmons W. Harden;

A bill (H. R. 1582) for the relief of Eleanor C. Bangham;

A bill (H. R. 2145) for the relief of Rebecca Eldridge;

A bill (H. R. 3921) granting a pension to Richard Gear; and

A bill (H. R. 5254) to increase the pension of George W. Smith.

DEFICIENCY APPROPRIATION BILL.

Mr. ADAMS, of New York, from the Committee on Appropriations, reported a bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. MCMILLIN. I reserve all points of order on this bill.

The Committee of the Whole resumed its session.

HENRY MARTIN.

The next business on the Private Calendar was the bill (H. R. 1418) for the relief of Henry Martin.

The bill was read, as follows:

Be it enacted, &c., That Henry Martin, of Seward County, Nebraska, or his legal representatives or assigns, may select and shall be allowed a patent for 80 acres of the unoccupied and unappropriated public lands of the United States in the State of Nebraska, not mineral in character, and in tracts not less than the subdivisions provided for in the United States land laws, and if unsurveyed when taken, to conform when surveyed to the general system of the United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Martin, or his legal representatives, in accordance with the provisions of this act, which scrip shall be received in payment for said land.

Mr. SPRINGER. I ask that the report may be read.

The report (by Mr. DORSEY) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 1418) for the relief of Henry Martin, respectfully submit the following report:

Henry Martin made homestead entry No. 15209, at Lincoln, Nebr., December 15, 1874, of the E. ½ SW. ¼, and W. ½ SE. ¼, Sec. 2, T. 11 N., R. 4 E., containing 160 acres. It appears that Martin's entry to the W. ½ SE. ¼ was erroneously allowed by the register and receiver, as the same was embraced in a prior entry.

The fact that the 80 acres had been embraced in a prior entry was unknown to Martin, and it was selected by him in good faith and upon the assurance of the register and receiver that the land was vacant and unappropriated public land.

Martin, immediately upon making said entry, took possession of the land, erected a house and made valuable improvements, and made it his home. Sixteen months after the entry and occupation of the land he was advised by the Commissioner of the General Land Office that his entry was held for cancellation to the extent of said 80 acres, and he was allowed to retain the E. ½ of SW. ¼, Sec. 2 (80 acres), as his homestead, or have his entire entry canceled and be allowed to make a new entry.

The land, in the time intervening between his entry and his receiving information that the register and receiver had made an error in allowing his entry of said 80 acres in conflict, had all been taken up for miles beyond this tract upon which he had made his home and improvements.

Martin was a poor man, who had lost his leg while in line of duty as a Union soldier during the late war (as a private in Company A, Eighth New Jersey Volunteers).

Every dollar he had was invested in this land, and it was a matter of impossibility for him and his family to leave their home and commence anew. He therefore remained on the 80 acres which were not canceled.

Martin subsequently applied for permission to make an additional entry. This application was denied, as his entry was made after the Revised Statutes took effect.

Martin has continuously endeavored from that time to this to secure an additional entry of 80 acres, but has been informed by the Land Office that his only remedy would be relief by special act.

This is a meritorious case. Martin has, through no fault of his, but by reason of an error of the officers of the land office, been deprived of the right to letters patent for 160 acres, to which he would have been entitled had no error been made by the local officers. He is a crippled soldier, with a large family, who are dependent upon his labor for support. He therefore asks simply justice, namely, that he be granted scrip to the amount of 80 acres, which he may locate upon any of the unappropriated public land in the State of Nebraska which is not mineral in character.

The committee recommend that the bill do pass.

Mr. SPRINGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 6, after the word "Nebraska," insert the words "subject to entry."

Mr. SPRINGER. This amendment is acceptable to the gentleman from Nebraska [Mr. LAIRD], who introduced the bill.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

J. M. ENGLISH.

The next business on the Private Calendar was the bill (H. R. 2244) for the relief of J. M. English, the administrator of the estate of Richard Fitzpatrick, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to J. M. English, administrator of the estate of Richard Fitzpatrick, deceased, $12,000, out of any money appropriated for the payment of judgments of the Court of Claims; that amount being found due and allowed to Richard Fitzpatrick, during his lifetime, by the Court of Claims, as compensation for the use and occupation of his property by the United States Government.

Mr. TRIGG. This is a bill to provide for the payment of a judgment of the Court of Claims. It is the unanimous report of the Committee on Claims of this House. It was also unanimously reported by the Committee on Claims last session. I do not think it is necessary to make any statement unless some gentleman has any objection to urge against the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RELIEF OF LIGHT-HOUSE EMPLOYÈS.

The next business on the Private Calendar was the bill (H. R. 190) for the relief of certain employés and others of the twelfth United States light-house district; reported by Mr. MCKENNA from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $18,465.65, in payment of certain claims against the United States Government not heretofore paid because of the defalcation and forgeries of John T. Best, late clerk of the engineer of the twelfth light-house district, and due the several claimants as follows: Employés at Point Conception light, $3,784.70; Miguel Ortego, $478.14; Charles Ashton, $270; Pigeon Point light station, $980.99; sundry small bills, $1,200.95; Martin and P. B. Murphy, $10,000; O. B. Shaw, $1,748.87.

Mr. FELTON. This bill is simply to pay an indebtedness of the United States incurred four years ago to certain employés, mechanics, and laborers in the twelfth United States light-house district. It has been examined by three different commissions of the Light-House Department, and I have in my hand the report containing the recommendation of each commission that this bill be passed, and stating that there is no question whatsoever of the indebtedness and that the money ought to be paid. I do not desire to take up the time of the House in having the report read, but it can be read if any gentleman desires it.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATTISON & CALDWELL.

The next business on the Private Calendar was the bill (H. R. 1813) for the relief of Pattison & Caldwell.

The bill was read, as follows:

Whereas it is represented that in an attempt to extinguish the fire by which the distillery of Pattison & Caldwell, located at Hamilton, Ohio, was destroyed, water was thrown into, ran into, and become intermixed with certain distilled spirits then in the drawing-off cisterns in the cistern-room of said distillery; that by reason of said intermixture said spirits were reduced twenty degrees below proof; and that, under that provision of law by which a tax of 90 cents is imposed on each and every wine-gallon of distilled spirits when below proof, said Pattison & Caldwell were required to pay, and did pay, internal-revenue taxes upon said spirits to the amount of $510.30 in excess of the sum they would have been required to pay thereon had there been no such intermixture: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to said Pattison & Caldwell so much, not exceeding $510.30, as it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue they have paid as internal-revenue taxes on said spirits in excess of what they would have been required to pay thereon had there been no such intermixture of water and reduction of proof.

Mr. BROWN, of Ohio. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. Is there any recommendation of the bill from the Internal-Revenue Bureau?

Mr. BROWN, of Ohio. The report might as well be read. It embodies the recommendation of the officers of the Department.

Mr. KING. Is this bill reported favorably by the committee which had the matter in charge?

The CHAIRMAN. The bill is favorably reported by the committee. The Clerk will read the report:

The report (by Mr. BROWN, of Ohio) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1813) for the relief of Pattison & Caldwell, have considered the same, and respectfully report:

That the bill is the same as Senate bill 956 of the Forty-eighth Congress, which received a favorable report (No. 356) from the Committee on Finance; which report, after careful consideration by this committee, is adopted as its own, and is as follows:

That the bill, together with the accompanying papers, was submitted to the Secretary of the Treasury, and by him referred to the Commissioner of Internal Revenue. In view of the facts set forth in the letter of the Commissioner, which is appended hereto and made a part of this report, the committee recommend that the relief be granted.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, March 8, 1884.

SIR: I have the honor to return herewith the letter and inclosures of Hon. Justin S. Morrill, chairman of the Committee on Finance, United States Senate, addressed to you and by you referred to me for report. Mr. Morrill incloses a copy of Senate bill 956 for the relief of Pattison & Caldwell, and papers relating thereto, and asks that you will direct the proper officer of your Department to report the facts, and also his views as to the propriety of granting the relief.

Senate bill No. 956 recites the circumstances of the destruction of the distillery of Pattison & Caldwell by fire, when water thrown upon the burning building ran into the spirit cisterns and became intermingled with the spirits therein so as to reduce the same twenty degrees below proof, and the tax of 90 cents was exacted as required by law on each wine gallon of said spirits, and proposes to authorize and direct the Secretary of the Treasury to pay to said Pattison & Caldwell so much, not exceeding $510.30, as it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue they have paid as internal-revenue taxes on said spirits in excess of what they would have been required to pay thereon had there been no such intermixture of water and reduction of proof.

I have the honor to report as follows:

The records of this office show that the distillery of Messrs. Pattison & Caldwell was destroyed by fire March 18, 1883; that the contents of the receiving cisterns were damaged and reduced below proof by water from the fire-engines; that the spirits so damaged and reduced below proof were drawn off and warehoused on the 28th of March, 1883, the gauger's report showing 2,899 wine and 2,319.20 proof gallons, and that they were withdrawn and the tax paid on the number of wine gallons, 2,899, April 19, 1883. Had the tax been collected on the proof gallons only it would have been collected on 2,332 gallons, the difference between this and 2,319.20 being made by the fractions of over one-half. The difference between the number of wine and taxable gallons was therefore 567 gallons, the tax on which, at 90 cents per gallon, is $510.30.

I am of the opinion that the bill (S. 956) is an equitable one, and that a bill of this nature should become a law.

Very respectfully,

WALTER EVANS, *Commissioner.*

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

E. J. PHILLIPS.

The next business on the Private Calendar was the bill H. R. 5553; which was read, as follows:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized and directed to settle and adjust the accounts of E. J. Phillips, postmaster at Oberlin, Ohio, and credit him in said settlement with the sum of $2,114.89, the same being for United States postage-stamps of the value of $1,837.64, and money-order funds amounting to $277.25, lost by a burglary, without any fault or negligence of the postmaster.

Mr. BROWN, of Ohio. Mr. Chairman, this bill is reported in pursuance of the recommendation of the Post-Office Department. An investigation of the matter has shown that the postmaster was in no way at fault. I therefore move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CANNON. Will the gentleman allow me a question before that motion is put?

Mr. BROWN, of Ohio. Yes, sir.

Mr. CANNON. If it be true that this postmaster was without fault in relation to the loss of these stamps, why is he not relieved under the general law passed some years ago?

Mr. BROWN, of Ohio. He could be relieved so far as the stamps are concerned; but there are some other items as to which he could not be relieved under the general law, and the Department recommended this course.

Mr. CANNON. Then this does not apply to relief for the stamps?

Mr. BROWN, of Ohio. Yes. The Department recommends that he be credited for both in this way.

Mr. WARNER, of Missouri. If I may be pardoned, I will say, in reply to the gentleman from Illinois, that under the general law the Department has no authority to act in a case where the amount exceeds $2,000.

Mr. BEACH. Does this case exceed $2,000?

Mr. WARNER, of Missouri. It does.

Mr. GEDDES. I will say to the gentleman from Illinois [Mr. CANNON] that I presented this matter in person at the Department, and was willing, on behalf of the postmaster concerned (who resides at Oberlin, Ohio, in my district), to waive or lose the odd $124, or whatever the exact amount was, and I made that suggestion; but the Department declined it, saying that he ought not to lose any portion of the money, and that the account ought to be made correct on the record, and the Department advised this course. I then filed a bill in the last Congress, which was favorably reported by the committee but was not reached on the Calendar.

Mr. CANNON. Yes; but is there any reason why at least as to the stamps lost the Department should not give him the necessary relief under the law now in existence?

Mr. GEDDES. The law officer of the Department has decided otherwise.

Mr. CANNON. On what ground?

Mr. GEDDES. Well, he had his own judgment about it, and declined very positively to act, and advised him to come here.

Mr. CANNON. Then the trouble about the matter is this, I fear: that the special agent does not make a report which brings this case within the general law.

Mr. GEDDES. Oh, I assure the gentleman from Illinois that there is no trouble of that kind about it. The Department found the case in all respects meritorious, and it was only on the purely technical ground that they could not give this relief under the law that they declined to give relief, and advised this method.

Mr. WARNER, of Missouri. On the ground that they could not give relief where the amount exceeded $2,000?

Mr. GEDDES. Yes.

Mr. CANNON. Well, but the stamps lost, I understand, did not amount to $2,000.

Mr. GEDDES. No.

Mr. CANNON. Then there is certainly no reason why the Department should not grant relief to the extent of the value of the stamps lost. The only object I have in asking these questions is that I fear, from the circumstances of the case, that this postmaster is not entitled to relief on account of some carelessness on his own part.

Mr. GEDDES. Oh, not at all. I wish I had here the letter from the Post-Office Department on the subject; I would read it to the gentleman from Illinois, and he would see that the postmaster is wholly and entirely faultless in the matter, as shown by an official investigation.

Mr. WARNER, of Missouri. If the gentleman will pardon me again, I will state, as a member of the Committee on Claims, that we have never passed on any claim of this character until we have received a letter from the Department showing that the loss occurred without neglect or fault on the part of the postmaster; and that was the case in this instance.

Mr. GEDDES. That is the case, and that was the decision of the Department, and they would willingly have given the necessary relief if they could have done so under the law.

Mr. CANNON. Then, Mr. Chairman, I understand it is agreed on all hands that up to $2,000 there is authority in the Department under the general law to grant relief, and I understand that the stamps did not amount to $2,000. Yet, notwithstanding this clear authority to relieve, the Postmaster-General, through his representative, sends this claimant to Congress. Now, if all that be true, the Department itself ought to be reformed.

Mr. GEDDES. I will not stop to debate that question now. If you will just let this bill pass and let this man be relieved, we will reform the Department hereafter.

Mr. WARNER, of Missouri. If the gentleman from Illinois will aid the Committee on Claims, there is a general bill now reported from that committee to reform this very thing.

Mr. CANNON. Mr. Chairman, if it were not that I know from what the gentleman from Ohio [Mr. GEDDES] and the gentleman from Missouri [Mr. WARNER] both have said, that they have investigated this matter, I should say there was a "nigger in the wood-pile."

Mr. GEDDES. Not at all. It is all perfectly white.

Mr. CANNON. I am willing to take the assurance of the gentleman on that point.

The report (by Mr. BROWN, of Ohio) was read, as follows:

The Committee on Claims, to whom was referred the bill H. R. 5687 in the Forty-eighth Congress, considered the facts in this case, and made report thereon, which your committee adopt as their report, as follows:

"From the papers filed in this case it appears that on the night of the 2d day of May, 1882, the post-office at Oberlin, Ohio, was entered by burglars, the safe blown open, and postage-stamps of the value of $1,837.64, and money-order funds amounting to $277.25, were stolen therefrom. The Post-Office Department examined the case, and report that the loss resulted from no fault or negligence of the postmaster, E. J. Phillips, but that he seems to have exercised all the care and diligence in the premises that could be required. The said sum of $227.25 has been paid by Phillips to the Department; the said sum of $1,837.64 has not been paid to the Department, but stands as a charge against Phillips. The Department recommends that the said Phillips be allowed a credit of $2,114.89, being the aggregate of the two sums last named. The bill provides for the payment of said sum to E. J. Phillips, the postmaster; but as he has only paid $277.25, and is charged with the balance, $1,837.64, your committee report a substitute for the bill submitted, which substitute provides that the Postmaster-General be authorized to credit the accounts of E. J. Phillips with the said sum of $2,114.89 in settling his accounts.

"The committee recommend the passage of the substitute."

Your committee therefore recommend the passage of the accompanying substitute reported by this committee.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PAY OF FORMER HOUSE EMPLOYÉS.

Mr. HENDERSON, of Illinois. I ask unanimous consent that the Committee of the Whole now take up for consideration the bill which I send to the desk—a bill for the relief of some persons who have been employés of the House.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the following specified sums to the persons herein named, for services rendered as laborers in the employ of the House of Representatives of the Forty-fifth Congress, namely:

To Beaufort Lee, the sum of $180.
To Alexander Thomas, the sum of $260.
To James Hall, the sum of $260.
To Charles Carter, the sum of $260.

The CHAIRMAN. The gentleman from Illinois [Mr. HENDERSON] asks unanimous consent that this bill be taken up at the present time for consideration. Is there objection?

Mr. KING. In what Congress were these persons employés of the House?

Mr. HENDERSON, of Illinois. I think in the Forty-fifth. This bill is the unanimous report, I believe, of the Committee on Claims.

Mr. BLAND. Reserving the right to object, I wish to inquire how it happens that these persons have not been paid heretofore.

Mr. HENDERSON, of Illinois. I do not know how it has happened, but this claim has been made from time to time as I know; and it is now, I understand, reported unanimously from the Committee on Claims.

Mr. BLAND. Is it for services actually rendered?

Mr. HENDERSON, of Illinois. It is for services actually rendered.

The CHAIRMAN. Is there objection to the present consideration of the bill? The Chair hears none. The Clerk will read the report.

The report (by Mr. DOUGHERTY) was read, as follows:

The Committee on Claims have had under consideration the petition of Beaufort Lee and others, and report the accompanying bill and recommend its passage for the following reasons:

Said petitioners appear to have been laborers employed by the Forty-fifth Congress, and to have been paid only $1 per day for their services, while the usual rate of compensation was $2 per day. Your committee think these men ought to receive the usual compensation for such services, namely, $2 per day during the time indicated in the following statement:

Forty-fifth Congress, recess between March 4 and December 4, 1877.

Beaufort Lee worked 180 days, at $2	$360
Received, at $1 per day	180
Due	180
Alexander Thomas worked 260 days, at $2	520
Received, at $1 per day	260
Due	260

James Hall worked 260 days, at $2	520
Received, at $1 per day	260
Due	260
Charles Carter worked 260 days, at $2	520
Received, at $1 per day	260
Due	260

A discussion was had touching the employment of these men in the House of Representatives at the time they were allowed the $1 per day, which is to be found on pages 246, 247 of the CONGRESSIONAL RECORD, second session Forty-fifth Congress, under date of December 15, 1877.

Mr. HENDERSON, of Illinois. I move that this bill be laid aside to be reported favorably to the House.

Mr. CANNON. Before that motion is put I wish to say a word. I understand from the reading of the report that this is a bill from the Committee on Claims to double the pay of certain employés of the Forty-fifth Congress. I suspect from listening to the report that it is a just bill; but I can not let it pass without calling attention to the fact, which I have no doubt an examination of the discussions in that Congress will show, that these people were cut down to the rate which they actually received through the determination of the Democratic party, then controlling the House, to carry out their loudly proclaimed policy of economy and reform.

This is the Forty-ninth Congress; and, according to my recollection, since the Forty-fourth and the Forty-fifth Congresses, when this magnificent party under the leadership of the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN] was making its magnificent record of economy and reform, there has not been a Congress when bills of this kind have not come in from the Committee on Claims to pay the employés of the Forty-fourth and Forty-fifth Congresses what should have been paid to them at that time. We Republicans, in the minority at that time, told you that you were not sincere, that your pretense of economy and reform was a cheat, that bills of this kind would come in for five and ten years afterward, appealing for justice in behalf of these people whose pay had been refused under your then policy, and that, as the years rolled round, you would give them this pay which had been denied them.

Now, I do not make these remarks to antagonize this bill; but having sat in this House through the Forty-fourth and the Forty-fifth Congresses and seen these tricks played year after year, having heard the statesmanlike professions of economy on the other side of the House and seen you vote substantially as a unit under the lead of the gentlemen I have indicated, I can not now, in this Forty-ninth Congress, when years have passed and the prophecies we then made have come true, let this bill become a law without calling attention to the fact that our prophecies are now being verified and that the gentleman from Pennsylvania, the gentleman from Indiana, and my colleagues from Illinois sit here and allow their injustice of eight and ten years ago to be rectified after they have postured before the country as economists by withholding a just compensation for services rendered the Government.

Mr. MORRISON. I do not know what the exact facts may be as to the items of expenditure about which my colleague [Mr. CANNON] has just spoken. He was always apparently in entire accord with the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN], with whom he has served on the Committee on Appropriations during many successive Congresses.

Mr. CANNON. I had not the honor to be a member of that committee at that time.

Mr. MORRISON. I am now, or was a moment ago, talking of what happened when you were on the committee helping to economize. It is true that only two days ago my colleague did support an increase of appropriation—a very small one—on the consular and diplomatic appropriation bill; that is to say, he opposed it in a speech and voted for it afterward. [Laughter.]

Mr. CANNON. I said I would vote for it, as the gentleman will see if he will do me the honor to read my remarks.

Mr. MORRISON. I had the pleasure of listening to him, and now do the gentleman the honor to cause to be read a paragraph from his remarks.

Mr. CANNON. It is good reading.

Mr. MORRISON. Yes; very good reading. Better than the facts.

The Clerk read as follows:

Mr. CANNON. And you Democrats say that it is an economical administration. Yet I find a very clever gentleman appointed to Constantinople—you all understand who; he has had long years of service on the floor of the House, and the first thing that is done when this administration comes into power is to pay him a salary as minister at Constantinople of $10,000 a year, whereas under the Republican administration the minister at Constantinople only received $7,500 per annum.

Mr. MORRISON. Now, my colleague, in these remarks conveyed, perhaps unintentionally, to the House and to the country the impression that since this administration came into power and since Mr. Cox had gone to Constantinople we had increased his salary and were paying him $2,500 more than was paid under the former administration to the Republican representative at that court. But the gentleman must have known that that increase was made under the last administration. I think the increase of salary had its inception at the other end of the Capitol. It was made by the last Congress and had the approval of President Arthur.

The gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] whom my colleague so sharply criticised, and who, with him, were on the committee when this increase was made, happened to be out of their seats when he was making his criticism of this item of appropriation; I therefore had this paragraph read.

It may be my colleague, with whom I seldom disagree because he is always economical and nearly always just, is again giving out a wrong impression. I thought it barely possible he might have been as far off from the facts in what he has just said of the items of this bill, their origin and the reasons why they are here, as he was when he was giving out or leaving the impression on the country that $2,500 was added to this salary under this administration. [Laughter.]

Mr. CANNON. In reply to the gentleman from Illinois, my colleague, I have to say I stand by the remarks I made and which he heard. If he wants the facts, as I understand them, touching the increase of the salary of our minister to Constantinople I will say to him that the consular and diplomatic appropriation bill passed through the House last March, if I recollect aright, for $7,500. By some means, I know not what, but I certainly suspect what the means were, that salary was taken out from among all the others and increased by an amendment of the Senate to $10,000 a year. It came back to a Democratic House, and finally when the bill passed with the salary, $10,000, for the minister at Constantinople, it received the vote of that side of the House as well as of this side of the House, and it was so written into the law. That was about three days before President Cleveland was inaugurated. After his inauguration the present minister was appointed to Constantinople at $10,000 a year, where he has been from that time to now.

Again, you come in and recommend in this Democratic House, when you have full possession of the administration, of the House, and the President, that same increase of $10,000, thus putting the stamp of your approval on it. [Applause.] And more than that, you added $800 increase for a steam-launch.

Mr. MORRISON. And you voted for it.

Mr. CANNON. I said I would find no fault with the committee if it were needed; and a Democratic Secretary of State said it was needed, and you said on that side of the House by your votes that it was needed. I am always ready to make any proper increase for service to the Government, and this to whoever may be President. Can our Democratic friends say as much? This is all I have to say.

Mr. HISCOCK. Will the gentleman be good enough to tell us how much the bill passed the other day carries more than the bill for the current year?

Mr. CANNON. I think the increase for the coming year in the consular and diplomatic bill beyond that for the current year is in round numbers $50,000.

Mr. HISCOCK. Over the law of last year?

Mr. CANNON. Over the law for the present year.

Mr. HISCOCK. Certainly.

Mr. CANNON. But I make no point about that. I am glad the gentleman from New York called attention to the fact; and I repeat that this particular bill now pending is to double the salary of certain employés of the Democratic House in the Forty-fifth Congress, a Congress my friends on that side will recollect.

Mr. SPRINGER. I desire to say for the benefit of the committee and my colleague from Illinois, that in the Forty-fifth Congress Mr. BLAIR from New Hampshire, now a Senator in Congress from the same State, submitted from the Committee on Accounts a resolution providing for the payment of certain persons therein named specific amounts, as stated in the resolution, for services they had rendered during the vacation of that session of Congress. Mr. BLAIR, in introducing the resolution from the Committee on Accounts, said, after an objection had been made:

I think the gentleman from Pennsylvania [Mr. White] will withdraw his objection when I say this resolution provides only for paying several common labors and atthachés around the Capitol who have done this service and have not received what is due them.

These were colored men who had been in the employ of the House for years preceding the time when the Democratic party obtained control. They were employés that the Democractic House had inherited from their predecesors; and they were still hanging on as employés or seeking employment of the House. They had not been on the pay-roll, but had been performing service.

Now, when that question was under debate in the House Mr. Garfield said:

I have no doubt that this resolution should pass, and the only reason I asked the question was that I might know whether this was a case where the force had been increased by indirection, which is a thing that we should guard against. If these men have performed services they should be paid.

Mr. BLAIR said:

These men rendered services not in accordance with any specified law, but the services were made necessary by the necessities of the House of Representatives. Most of these services were rendered during the last vacation. The first two named in the resolution, Mr. Bell and Mr. Stewart, have been for many years paid under resolutions similar to this: they have never been upon any

roll. I presume both of them are known to the old members of the House. They have hitherto been paid at the rate of $2 per day, and we have cut them down to $1.50 a day. The others named in the resolution are, with perhaps one exception, common laborers, and the services they have rendered have been chiefly in repairs of the Capitol.

Instead of paying them at the usual rate of $2 per day, we cut them down to $1 per day. We have reduced them to starvation prices, and it is my belief that every one of them is hungry at this moment.

And it seems that they have got hungry again, for they are here asking for another appropriation.

I think there is nothing in this resolution to which any gentleman in this House would have the slightest objection if he knew the merits of the case.

It seems that the persons who participated in that debate in favor of the resolution were the present Senator from New Hampshire, Mr. BLAIR, and the late President of the United States, Mr. Garfield. I see no reference to any Democrat having taken part in the debate except Mr. Roberts, of Maryland, then the chairman of the Committee on Accounts, who favored the payment on the ground that the services had been rendered.

Mr. Chairman, this bill was reported from the Committee on Claims at a time when the chairman happened to be absent, and was not advised of the merits of the case when it was called up out of its usual order by unanimous consent. But the point involved is simply this: Whether we should increase now the compensation of these persons, which compensation was allowed in the Forty-fifth Congress as a matter of grace, when that was fixed and accepted at the time as the compensation, and it occurs to me it would be a mistake to increase——

Mr. KING. Let me ask the gentleman a question.

The gentleman from Illinois appears to be familiar with the facts of the case, and I will be glad to know from him why this account has been so long standing? It has been standing some eight years.

Mr. EDEN. Who reported the bill?

Mr. SPRINGER. The gentleman from Florida [Mr. DOUGHERTY], whom I do not now see in his seat, reported the bill to the House.

I was saying, when interrupted, that I think the action in the Forty-fifth Congress ought to regulate this compensation.

Mr. EDEN. I think so too.

Mr. SPRINGER. That compensation was fixed then with all of the facts before the House, and was accepted by the employés in full satisfaction for their services.

Mr. WARNER, of Missouri. If the gentleman from Illinois will pardon me a moment, the Committee on Claims, I understand, had no doubt that the parties had rendered the services. They had been employed as they thought by competent authority having power to employ them, and the committee believed that the men, having rendered the services to the Government in that way, should not be kept out of the pay upon a technicality, or upon party principles, or upon any question of economy on either side of the House.

Mr. SPRINGER. These men were paid by the resolution I have indicated, and the amount to which they were entitled was then fixed, in some cases at $1.50 per day and in others at $1 per day. They were paid for the services then actually performed. This bill proposes to pay the difference between what was then adjudged to be a fair value for the service, that is to say, $1.50 in one case and $1 in the other, and $2, which they now think they ought to have.

I am opposed to the bill for that reason.

Mr. MCMILLIN. This, as I understand it, then, is to go back and readjust the amounts which were paid and accepted as the compensation?

Mr. SPRINGER. Yes, sir.

Mr. MCMILLIN. And is to allow more than was allowed by the Congress having all the facts before it?

Mr. SPRINGER. That is the effect.

Mr. RANDALL. I do not remember the particulars of this claim, but I do know that all of these men—I think all of them—were colored men, and not in harmony politically with the present majority of this House. But I leave that subject altogether.

I was not present when the gentleman from Illinois assailed the Democratic economy of former Congresses, and I want to say that that question, more than anything else, in my judgment, gave the Forty-fourth Congress to the Democrats. The Republican party had become extravagant, and the people came to think that a new party would better clean out the excrescences, and they did clean them out. The appropriations of the first year were enormously reduced, that is to say, at the first session of the Forty-fourth Congress. There was preceding that a system of making provision for the payment of deficiencies which should never be allowed.

Their own Secretary of the Treasury himself stated that the reductions by that Congress could have been ten millions more. That was stated in the report of the Secretary of the Treasury laid before Congress at the very next session.

I have heard often about the policy of the Democratic party being for economy, and have heard it condemned by that side of the House. I am not surprised at it. It is only once that they have been able to carry a Congress since, because of their tendency to extravagance.

Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. RANDALL. Yes, sir.

Mr. MILLIKEN. Has this side condemned the real economy of the Democratic party, or only its pretense to economy?

Mr. RANDALL. Real economy means reducing the expenses; and that is what the Democratic party has done.

Mr. MILLIKEN. Does the gentleman think anybody condemns real economy? Is not what we have condemned that talk of economy which does not mean it?

Mr. BLAND. The side of the House of the gentleman from Maine condemned the Democratic party of that time for attempting to destroy the Government by insufficient appropriations. That has been what you have always complained of.

Mr. MILLIKEN. We have contended that the Democratic party has endeavored to destroy the Government by other means than by withholding appropriations.

Mr. RANDALL. Oh! I am not on that subject. What I want to say is this: The Republican party at that time in the Forty-fourth and Forty-fifth Congresses resisted every sort of economy that was suggested, and charged the Democratic party with cheese-paring, and the like. Yet the people have approved of that policy. I am sorry to say the appropriations have not been as much reduced as I would have desired to have them reduced. But they have always been dealt with by the Committee on Appropriations with intelligence and judgment, in my opinion. And when this House had its celebrated conflict with the Senate as to reductions the economy of this side of the House was made apparent. I have no doubt the House regrets to hear these constant allusions, and the constant necessity of these explanations in defense of those Congresses.

Mr. MILLIKEN. I do not think anybody in this country belonging to either party—for politics do not change men's natures—desire to have extravagance in appropriations.

Mr. RANDALL. I do say this: that the Republican party *en masse* resisted the economies of that day.

Mr. MILLIKEN. I desire to say to the gentleman if he will go back and look over the financial policy of the Government under Republican administration for twenty-five years he will in his calm judgment approve it.

Mr. RANDALL. I repeat, a Republican Secretary of the Treasury stated that the reductions of the Forty-fourth Congress might have been made ten millions more.

Mr. MILLIKEN. If the Democratic party has done anything good, I would be the last man to rob them of their laurels.

Mr. RANDALL. I think all men have good in them.

Mr. SPRINGER. I desire to recall the attention of the committee to the pending bill. I regret that political questions have been injected into this debate at the expense, perhaps, of these colored men who in the Forty-fifth Congress, upon claims coming over from the Forty-second, had been then adjudicated as entitled to payment for some services which they had insisted on rendering to Congress. At that time the House in deference to the wishes of the Republicans, among them General Garfield and Mr. BLAIR, now Senator, took up the appeals of these poor colored men who had rendered services at the Capitol—in deference to the wishes of that side of the House we allowed them to be paid for services rendered irregularly and without warrant of law. And because we did that at a price satisfactory to them, and because they now want to be paid a higher price, my colleague [Mr. CANNON] insists we are now setting aside the economies we practiced in the Forty-fourth and Forty-fifth Congresses. That argument does not apply in this case. We granted it then at the instance of Republicans, who thought we should pay these persons whom they had had in employment and who still remained about the building rendering some services. They were, therefore, put on the roll at $1 and $1.50 per day, and they accepted that amount as satisfactory, and with that the account closed. But they came forward again and ask now to be paid a higher rate.

Mr. CANNON. I want to say just one word in reply to the gentleman from Illinois. He says these were Republican employés. Does not my friend remember that the Democratic majority ran up to I think over sixty, or between fifty and sixty, in that Congress? You organized all the committees. You controlled the Committee on Accounts. That committee unanimously made the report referred to by the gentleman from Illinois. These people were employed about the business of the House and received this pay which you say now is inadequate; and now in the Forty-ninth Congress the Democratic House, through my friend from Illinois [Mr. SPRINGER], the chairman of the Committee on Claims, comes in with this report and proposes to do the tardy justice to these people of paying them what they ought to have been paid eight years ago.

Mr. SPRINGER. The gentleman misunderstands the fact. I said this was reported when the chairman of the committee was absent and that I thought this bill ought not to pass. The parties had received what was considered a proper rate for their services, and ought to be satisfied with it.

Mr. CANNON. Now, when the attention of the House is called to the facts—not for the purpose of defeating this bill, because I have no desire to defeat it after the report of the committee, from which it appears that the compensation these men received as employés of a former Democratic House was really insufficient—when the attention of this

Democratic House is called to the facts, and when my colleague, the chairman of the Committee on Claims, is brought face to face with the facts in the case, he gets up and, with that extraordinary power of his, greater than that which belongs to any other man upon this floor, he proceeds like a cuttle-fish to muddy the water and then to swim away. [Laughter.]

Mr. SPRINGER. The waters were muddied by my colleague from Illinois, and I was trying to clear them. [Laughter.]

Mr. HENDERSON, of Illinois. Mr. Chairman, I regret exceedingly the course which the debate on this bill has taken, and I will say to the committee that I would not have asked its indulgence if I had supposed that the time would have been occupied as it has been. It appears that these men received a dollar a day. The Committee on Claims reported that they were entitled to $2 a day. I knew nothing myself as to the facts, but the committee had made its report, and I took the precaution to ask my colleague, the chairman of the committee [Mr. SPRINGER], before I stated that the report of the committee was unanimous, whether such was not the fact, and I understood him to say that it was, or that he supposed it was.

Mr. SPRINGER. There was no adverse report.

Mr. HENDERSON, of Illinois. It was upon that information that I made the statement I did make. I believed myself that the amount allowed these men was inadequate, and inasmuch as the Committee on Claims had reported in favor of the passage of this bill, I, in behalf of the persons concerned, asked unanimous consent to take the bill up out of its order, and I hope now that nothing that has been said here for political effect either on the one side or the other will really affect the merits of the bill and that it will now be permitted to pass.

Mr. BLAND. Mr. Chairman, there are some of us here who were members of the Forty-fourth Congress, and when I hear the gentleman from Illinois [Mr. CANNON] and other gentlemen upon that side taunting the Democratic party upon the subject of economy, I am reminded of the scenes in that Congress which I happened to witness. The gentleman from Pennsylvania [Mr. RANDALL] was chairman of the Committee on Appropriations, and when that House—the first Democratic House that had assembled here since the war—undertook to institute some economy in the appropriations for the support of this Government, and when, in a long contest with the Republican Senate, extending far into the dog days of August, that House did reduce the appropriations to the tune of $30,000,000, the Republicans, standing by their leaders on the other side of the House, declared that the Democratic party were undertaking to starve the Government to death, to destroy it in that way, and went on the hustings throughout the country denouncing the Democratic party for its economy and its efforts to "starve" out the Government.

Tell me they did not complain of economy! When the Forty-fifth Congress met, a Democratic Congress also, it continued these reductions, or at least there was no increase in the appropriations, and so in the Forty-sixth Congress, until at last the Republicans themselves began to see that after all the Government was not being starved and that it was able to get along with these reduced appropriations. And yet, sir, we are expected to sit silent here under the taunts which are now flung at the Democratic party about "economy" and the reduction of expenses. Whenever such taunts are indulged in I think it is well enough to go back a few years, and remind gentlemen upon the other side of their speeches and their conduct upon this subject at that time.

Mr. ALLEN, of Mississippi. Mr. Chairman, I was not here in the Forty-fourth nor the Forty-fifth Congress, the economical spirit of which has been the subject of the criticism of the gentleman from Illinois [Mr. CANNON], but, sir, I am here now and am still fully imbued with the spirit of economy [laughter], and before this vote is taken I want the committee to understand the proposition on which we are about to vote, and I desire to give my reasons for the vote I will cast. The record read by the gentleman from Illinois [Mr. SPRINGER] discloses this sort of a case.

During the vacation of the Forty-fifth Congress the proposed beneficiaries of this bill whose names were not borne on the rolls of the House and for whose employment there was no authority of law insisted, doubtless out of a spirit of pure patriotism or from force of long habit [laughter] on serving the Government here. They seem, some of them at least, to have been serving about the House for years, and, strange to say, like most other Government employés, were reluctant to quit. They seem to have performed some vague sort of service, just what we are not informed, but it was no doubt very laborious and onerous, performed doubtless of their own volition, as there was no authority of law for their employment.

It seems, then, Mr. Chairman, that certain benevolent and humane gentlemen, members of the Congress at the time, who knew of the value of the patriotic labors performed by these men, passed a bill and fixed the compensation to be paid them, which was no doubt satisfactory to them at the time, and was accepted by them in full satisfaction for their services. And now this bill proposes to go back and readjust those claims, and pay them double what was adjudged by the House, for which the services were performed, to be reasonable and just. It is true, sir, that the money involved here is not much in dollars and cents as compared with amounts in most bills passing this House, but, sir, there are questions of policy and precedent involved that I am not willing to permit to pass without challenge.

Sir, is it wise or statesmanlike for this House to sit here and fritter away its time in endeavoring to go back and hunt out and give additional compensation to some person who has served the Government in some capacity at some time since its foundation, who, in the estimation of some philanthropic and liberal-minded man (I mean liberal-minded with Government money), did not get all he thinks he ought to have had, though it was doubtless much more than the employés of private interests similarly employed at the time got and what the party was anxious at the time to accept? In the language of the gentleman from Maine [Mr. REED], is this what you call attending to the public business?

Mr. Chairman, if there is any one disposition that has developed itself over and above all other traits of the American citizen it is a willingness to serve the Government. [Laughter.] Sir, this willingness on the part of the people to accept Government employment at the compensation already fixed is so unanimous and universal as to have banished all fears that republican institutions would ever fail here for the want of men to hold the offices. [Laughter.] Sir, laborers are striking all over the country, but I hear of no threatened strike on the part of the employés of the Government. [Laughter.] And yet one would think they were about to strike, for scarcely a day passes but that some proposition is made on this floor to better their condition at the expense of the toiling masses of the country, by giving them more pay and less work, shorter time to work in and longer furloughs or leaves of absence with pay going on; and reference is often made to them as the poorly paid and overworked Government employés.

Mr. Chairman, if I have been impressed with one thing more than another since I came to Washington it has been the vast difference in condition between the vast mass of the people whom we came here to represent and their rulers and servants in the public service about Washington, so far as the salaries they receive and spend and the comforts and luxuries with which they are surrounded are concerned. Sir, in the midst of all this splendor and show and extravagance do not let us forget those who have to foot the bills and who sent us here to represent them.

When their crops fail or prices fail or disasters overtake them, as they have thousands of honest and hardworking men and women in my country, until they can scarcely provide food and clothing for themselves and their families, there is no one to readjust their claims and double their compensation or give them back pay.

Sir, there is not one of us on this floor who could not from among our own constituents fill all the vacancies that will occur within the next two years in the Government service with people who would be glad to take the places without an increase of salary.

Mr. REED, of Maine. If we could get the chance.

Mr. ALLEN, of Mississippi. Now, sir, gentlemen may say what they please about the action of past Congresses, but for myself I am more interested in correcting the abuses of the present than I am about fixing responsibility for the past. If the Forth-fifth Congress was economical let us imitate its example, and not attempt to squander in profligate extravagance what they saved by their economy. I say to gentlemen on this floor I do not care to what political party you belong; those of you who are willing to do what you can to show to the people that the Forty-ninth Congress is anxious to give the country an economical administration, and to eradicate extravagance in all of its forms, will have my cordial co-operation in all such endeavors. Then leave these parties where the Congress they served left them, and do not set a precedent by which a thousand like bills will be invited from persons who come to realize years after the services are performed that they worked for the Government too cheap. Sir, I desire, in the name of an overtaxed constituency, to enter my protest against any and all such legislation. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. HENDERSON] that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken, there were—ayes 68, noes 59.

Mr. COWLES. No quorum.

Mr. WARNER, of Missouri. The report in this case was made by a gentleman on the other side, a Representative from Florida [Mr. DOUGHERTY], who is not present to-day. He had no expectation that the bill would be called up at this time; and if there is to be any controversy, if the point of no quorum is to be raised, I ask unanimous consent that the bill be passed over until he appears.

Mr. EDEN. Let us have tellers. I think this bill ought to be defeated.

Mr. COWLES. I insist on the point that no quorum voted.

Tellers were ordered; and Mr. HENDERSON, of Illinois, and Mr. COWLES were appointed.

The committee again divided; and the tellers reported—ayes 116, noes 47.

So the bill was laid aside to be reported favorably to the House.

Mr. SPRINGER. I move that the committee rise.

JOHN ELLIS.

Mr. HOLMAN. Before my friend from Illinois [Mr. SPRINGER] makes the motion that the committee rise I wish to ask a special favor of the committee.

Mr. SPRINGER. I withdraw my motion for the present.

Mr. HOLMAN. I ask unanimous consent to have taken up at this time a very small bill for the benefit of a colored employé of the House, the case being of the same class as that just acted on, except that in this instance no payment at all was made. I am satisfied there has been continuous injustice in not making this payment. I therefore ask unanimous consent for the present consideration of the bill.

Mr. SPRINGER. Let the bill be read subject to objection.

Mr. HOLMAN. I am satisfied there will be no objection.

The CHAIRMAN. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (H. R. 3908) for the relief of John Ellis.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John Ellis the sum of $210, in full for services rendered as messenger to the Forty-fifth Congress from October 15, 1877, to February 1, 1878.

Mr. HOLMAN. The report in this case is very brief, and I ask that it be read.

The report (by Mr. NEAL) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3908) for the relief of John Ellis, submit the following report:

Bills seeking the same object as the present bill were favorably reported by the Committee on Claims of the Forty-seventh and Forty-eighth Congresses. The Committee on Claims in the Forty-seventh Congress made the following report, which we adopt, and recommend the passage of the present bill:

"That John Ellis, by the appointment of the Doorkeeper, acted as messenger to the House and its committees, in the Forty-fifth Congress, for the period of three months and a half, from October 15, 1877, to the 1st day of February, 1878, for which he has received no pay, because, for some reason unknown to your committee, his name was not put upon the proper rolls. Your committee, therefore, report a bill herewith, and recommend its passage."

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. COX. I do not understand why the name of this man was not borne on the roll if he was actually in the employ of the House.

Mr. HOLMAN. I will say to my friend from North Carolina that for many years Mr. Ellis has been claiming that this money was due him. I brought the subject to the attention of the Forty-seventh Congress, and a report was made in his favor by the Committee on Claims and again in the Forty-eighth Congress. How it happened that he was employed without his name being on the roll I am not able to say; but it occurred in regard to these other four men just as it did in regard to him. The only trouble was that this claim was not adjusted at the same time the other four claims were adjusted.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. KING rose.

The CHAIRMAN. Does the gentleman from Louisiana object?

Mr. KING. Before unanimous consent is given I would like to ask the gentleman from Indiana why this measure has not been brought here before. Several Congresses have elapsed since the time when these services are claimed to have been rendered.

Mr. HOLMAN. The claim has been brought in time and again. This is the third report made in its favor.

The CHAIRMAN. If there be no objection the bill will be taken up for consideration. The Chair hears no objection. The question is on ordering the bill to be laid aside to be reported to the House with a recommendation that it pass.

Mr. CANNON. I hope this bill will pass. It is proper and fitting that it should. The gentleman from Indiana [Mr. HOLMAN] approves and blesses it. It is for services rendered in the Forty-fifth Congress, a Democratic Congress, memorable in the annals of this country. It is peculiarly appropriate that my friend from Indiana should now come in to do this tardy justice to a man who served that Congress for nothing under their scant appropriations, because this very cutting off of the appropriation for this employé and a few others furnished the gentleman from Indiana the campaign thunder which re-elected him to Congress. [Laughter.]

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass?

The question was decided in the affirmative.

JOHN E. WHITE.

Mr. PERKINS. The gentleman from Illinois [Mr. SPRINGER] agrees to withhold for a moment the motion that the committee rise. I ask unanimous consent that the Committee of the Whole take up for present consideration the bill (H. R. 5175) extending the provisions and benefits of the pre-emption laws to John E. White.

The bill was read, as follows:

Be it enacted, &c., That the provisions and benefits of the pre-emption law be extended and granted to John E. White, of Wilson County, Kansas, so as to permit him to pre-empt and purchase of the proper land office, and upon the conditions applicable to other lands in the same community, the north half of the northeast quarter and the southwest quarter of the northeast quarter of section numbered 20, township numbered 27 south, of range numbered 16 east of the sixth principal meridian, in the State of Kansas, notwithstanding his previous filing on a different tract of land.

The amendment reported by the Committee on the Public Lands to strike out the word "of," in line 5, after the word "purchase," and insert the word "at," was read.

Mr. PERKINS. The Committee on Public Lands have unanimously reported in favor of this bill, and I have the report here; but I can briefly state that the reason that this man can not pre-empt the land upon which he has his home to-day is that formerly he filed upon 80 acres of land, after which he was taken sick and was prostrated a number of weeks. During the time of his sickness and prostration others came in and filed upon those 80 acres, and instituted a contest against him. Not having the money to prosecute that contest he abandoned it, and located upon the tract which he now occupies; but in consequence of his former filing the Land Office holds that he is now precluded from the benefits of the pre-emption act. This bill simply gives him the right to pre-empt without regard to his former filing.

Several MEMBERS. "All right."

There being no objection, the Committee of the Whole proceeded to consider the bill.

The amendment reported by the Committee on the Public Lands was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it pass.

Mr. SPRINGER. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar and had directed him to report back sundry bills with various recommendations.

CHANGE OF RANK ON RETIRED-LIST.

The SPEAKER. The first bill reported from the Committee of the Whole House on the Private Calendar is a bill (H. R. 37) to change the rank of an officer on the retired-list of the Army.

Mr. SPRINGER. That is the bill upon which a yea-and-nay vote has been demanded. The gentleman from Wisconsin, Mr. BRAGG, and the gentleman from Alabama, Mr. WHEELER, both now absent, demanded a yea-and-nay vote. The Committee of the Whole reported adversely on the bill. There is some dispute about it.

The SPEAKER. The yeas and nays have been demanded, but not ordered.

Mr. SPRINGER. Let the bill be reported.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to select, from among the colonels now on the retired-list of the Army of the United States, one person who has served in the late civil war as chief of artillery of one of the principal armies of the United States, and to place him on said retired-list with the rank and pay of major-general from the date of his retirement: *Provided*, That the officer so selected has been borne on the active-list of the Army for more than forty years as a commissioned officer of artillery: *And provided further*, That he held at the date of his retirement the brevet rank of major-general, conferred by the President, by and with the advice and consent of the Senate, for distinguished services in said war.

Mr. SPRINGER. I made a statement which may be misunderstood by the House. The bill was reported favorably by the Committee on Military Affairs and put on the Private Calendar. When the bill was up to be considered by the Committee of the Whole tellers were ordered. A quorum failed to vote. The gentleman having charge of the bill submitted to an adverse report for the purpose of getting it into the House, the tellers having reported a majority voting against the bill.

Mr. PRICE. I want the yeas and nays on the bill.

The SPEAKER. Not on the third reading and engrossment of the bill?

Mr. PRICE. No; but on the passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The yeas and nays were ordered on the passage of the bill.

The question was taken; and there were—yeas 76, nays 111, not voting 135; as follows:

YEAS—76.

Allen, C. H.	Dorsey,	Hopkins,	Rockwell,
Atkinson,	Dowdney,	Howard,	Sawyer,
Bayne,	Eldredge,	Hutton,	Seney,
Bingham,	Ely,	Johnson, F. A.	Seymour,
Blanchard,	Ermentrout,	Ketcham,	Shaw,
Bound,	Farquhar,	King,	Spooner,
Bragg,	Forney,	Laird,	Stahlnecker,
Breckinridge, WCP.	Frederick,	Libbey,	Strait,
Brown, C. E.	Funston,	Lindsley,	Swinburne,
Campbell, Felix	Gay,	Martin,	Swope,
Campbell, J. E.	Green, R. S.	Maybury,	Symes,
Campbell, T. J.	Guenther,	Merriman,	Tillman,
Catchings,	Hale,	Millard,	Trigg,
Cobb,	Hayden,	Milliken,	Van Eaton,
Comstock,	Hemphill,	Morrill,	Wade,
Cutcheon,	Henderson, D. B.	Morrow,	Weaver, J. B.
Dargan,	Hewitt,	Perry,	Whiting,
Davenport,	Hiscock,	Pettibone,	Wilkins,
Dibble,	Hitt,	Rice,	Wolford.

NAYS—111.

Adams, G. E.	Dawson,	Lanham,	Rogers,
Allen, J. M.	Dockery,	McKenna,	Romeis,
Ballentine,	Dunham,	McMillin,	Rowell,
Barnes,	Dunn,	McRae,	Sadler,
Barry,	Eden,	Miller,	Sayers,
Beach,	Everhart,	Moffatt,	Scranton,
Bland,	Fleeger,	Morgan,	Sessions,
Blount,	Fuller,	Morrison,	Skinner,
Brady,	Geddes,	Murphy,	Smalls,
Breckinridge, C. R.	Glass,	Neal,	Sowden,
Brown, W. W.	Green, W. J.	Neece,	Springer,
Buck,	Grout,	Nelson,	Stephenson,
Bunnell,	Hall,	O'Donnell,	Stone, W. J., Ky.
Burrows,	Halsell,	O'Ferrall,	Stone, W. J., Mo.
Bynum,	Harris,	O'Neill, Charles	Struble,
Cabell,	Hatch,	Osborne,	Taulbee,
Caldwell,	Haynes,	Owen,	Taylor, Zach.
Candler,	Heard,	Payson,	Turner,
Cannon,	Hepburn,	Peel,	Van Schaick,
Clements,	Hiestand,	Perkins,	Wadsworth,
Conger,	Holman,	Peters,	Wait,
Cooper,	Jackson,	Pindar,	Wellborn,
Cowles,	James,	Price,	West,
Cox,	Johnston, J. T.	Reagan,	White, Milo
Crisp,	Johnston, T. D.	Reed, T. B.	Willis,
Croxton,	Laffoon,	Reid, J. W.	Wilson,
Davidson, A. C.	La Follette,	Richardson,	Wise.
Davis,	Landes,	Riggs,	

NOT VOTING—135.

Adams, J. J.	Evans,	Little,	Scott,
Aiken,	Felton,	Long,	Singleton,
Anderson, C. M.	Findlay,	Lore,	Snyder,
Anderson, J. A.	Fisher,	Louttit,	Spriggs,
Arnot,	Foran,	Lovering,	Steele,
Baker,	Ford,	Lowry,	Stewart, Charles
Barbour,	Gallinger,	Lyman,	Stewart, J. W.
Barksdale,	Gibson, C. H.	Mahoney,	St. Martin,
Belmont,	Gibson, Eustace	Markham,	Stone, E. F.
Bennett,	Gilfillan,	Matson,	Storm,
Bliss,	Glover,	McAdoo,	Tarsney,
Boutelle,	Goff,	McComas,	Taylor, E. B.
Boyle,	Grosvenor,	McCreary,	Taylor, I. H.
Browne, T. M.	Hammond,	McKinley,	Taylor, J. M.
Brumm,	Hanback,	Mills,	Thomas, J. R.
Buchanan,	Harmer,	Mitchell,	Thomas, O. B.
Burleigh,	Henderson, J. S.	Muller,	Thompson,
Burnes,	Henderson, T. J.	Negley,	Throckmorton,
Butterworth,	Henley,	Norwood,	Townshend,
Campbell, J. M.	Herbert,	Oates,	Tucker,
Carleton,	Herman,	O'Hara,	Viele,
Caswell,	Hill,	O'Neill, J. J.	Wakefield,
Clardy,	Hires,	Outhwaite,	Ward, J. H.
Cole,	Holmes,	Parker,	Ward, T. B.
Collins,	Houk,	Payne,	Warner, A. J.
Compton,	Hudd,	Phelps,	Warner, William
Crain,	Irion,	Pidcock,	Weaver, A. J.
Culberson,	Jones, J. H.	Pirce,	Weber,
Curtin,	Jones, J. T.	Plumb,	Wheeler,
Daniel,	Kelley,	Randall,	White, A. C.
Davidson, R. H. M.	Kleiner,	Ranney,	Winans,
Dingley,	Lawler,	Reese,	Woodburn,
Dougherty,	Le Fevre,	Robertson,	Worthington.
Ellsberry,	Lehlbach,	Ryan,	

So the bill was rejected.

During the roll-call, on motion of Mr. JAMES, the reading of the names was dispensed with.

The following pairs were announced from the Clerk's desk until further notice:

Mr. HENLEY with Mr. RYAN.
Mr. HILL with Mr. BAKER.
Mr. WINANS with Mr. GROSVENOR.
Mr. MULLER with Mr. HOUK.
Mr. HEMPHILL with Mr. IKE H. TAYLOR.
Mr. ARNOT with Mr. LONG.
Mr. LOWRY with Mr. MCCOMAS.
Mr. PEEL with Mr. HENDERSON, of Illinois.
Mr. NORWOOD with Mr. GILFILLAN.
Mr. TOWNSHEND with Mr. GALLINGER.
Mr. CURTIN with Mr. NEGLEY.
Mr. OUTHWAITE with Mr. PARKER.
Mr. PIDCOCK with Mr. MCKINLEY.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. BURNES with Mr. BUCHANAN.
Mr. FISHER with Mr. LYMAN.
Mr. GIBSON, of West Virginia, with Mr. PIRCE.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. CARLETON with Mr. HOLMES.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. TARNSEY with Mr. CASWELL.

For this day:

Mr. HAMMOND with Mr. HARMER.
Mr. DAVIDSON, of Florida, with Mr. BUTTERWORTH.
Mr. MURPHY with Mr. PAYNE.
Mr. ROBERTSON with Mr. STEELE.
Mr. OATES with Mr. DINGLEY.
Mr. JOHN M. TAYLOR with Mr. HIRES.
Mr. LA FEVRE with Mr. ANDERSON, of Kansas.
Mr. HENDERSON, of North Carolina, with Mr. HANBACK.
Mr. O'NEILL, of Missouri, with Mr. WAKEFIELD.
Mr. JONES, of Texas, with Mr. KELLEY.
Mr. MCADOO with Mr. LOUTTIT.

The vote was then announced as above recorded.

Mr. PRICE moved to reconsider the vote by which the bill was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

By unanimous consent leave was granted to Mr. BUTTERWORTH, Mr. BAYNE, and Mr. ALLEN, of Mississippi, to extend their remarks, made to-day, in the RECORD.

EUNICE E. CLARK.

Mr. NEECE. Mr. Speaker, I desire to submit a privileged report from the committee of conference on House bill No. 6429, granting a pension to Eunice E. Clark.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6429) granting a pension to Eunice E. Clark, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to amend the Senate amendment by striking out the word "twenty" and inserting "twelve;" so that the Senate amendment will read: "At the rate of $12 per month, subject to the limitations and provisions of the pension laws."

And that the House recede from its disagreement, and agree to the Senate amendment as amended.

WM. H. NEECE,
JOHN S. PINDAR,
E. H. CONGER,
Managers on the part of the House.

S. M. CULLOM,
H. W. BLAIR,
A. H. COLQUITT,
Managers on the part of the Senate.

The committee submit the following statement to accompany the report:

The effect of this report, if adopted, is to reduce the Senate amendment from $20 per month to $12. The husband of this claimant was a private soldier, and this report puts her on the pension-roll at the same rate as soldiers' widows of the same rank.

WM. H. NEECE,
JOHN S. PINDAR,
E. H. CONGER,
Managers on the part of the House.

The report of the committee of conference was adopted.

Mr. NEECE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

The SPEAKER. The Clerk will report the next bill reported from the Committee of the Whole House on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes.

Mr. SPRINGER. There is a yea-and-nay vote to be taken on that bill in the House, and as there are several other bills upon the Calendar, upon the passage of which there will be, I think, no objection, and which can not be disposed of to-day if a yea-and-nay vote is ordered on this bill, I ask unanimous consent that the consideration of this bill be passed over for the present.

Mr. COWLES. I object.

Mr. SPRINGER. I will mention in particular that there is a bill for the relief of John S. Kendrick, which is to be recommitted to the Committee on War Claims——

The SPEAKER. But the gentleman from North Carolina has objected to the postponing the unfinished business.

The question is upon ordering the bill to be engrossed and read a third time.

Mr. RICHARDSON. Mr. Speaker, I do not intend to enter into a discussion of the merits of this bill. It has been already discussed in Committee of the Whole on two separate occasions, and I do not desire now, as I have intimated, to extend that debate. I want to say simply that by the Judiciary Committee of the Forty-eighth Congress this bill was unanimously reported.

By the Committee on War Claims of the present House it has been again favorably reported. When it was first considered and discussed in Committee of the Whole, and the question being taken upon laying it aside the committee found itself without a quorum. The vote upon the bill at that time, as I now recollect it, was 70 in favor of the passage of the bill and 55 against it.

When it was again called up——

Mr. EDEN. Is debate in order?

The SPEAKER. It is. The previous question has not been ordered upon the bill. The gentleman from Tennessee is entitled to an hour.

Mr. RICHARDSON. When it was again called up and the vote was

taken after debate, I think, as I now remember, the vote was about 75 to 65.

I have said that I did not care to discuss the question upon its merits any further. I want to yield, however, a few minutes to the gentleman from Maine [Mr. REED], who I understand desires to submit some remarks in the House upon the bill. I do not know that I am correct, but if I am I shall yield to the gentleman from Maine.

The SPEAKER. How much time?

Mr. RICHARDSON. Five minutes, or so much time as the gentleman may desire—longer if he wishes.

Mr. REED, of Maine. I have always felt some interest in the claims arising from the war, because I believe that while justice ought to be done in all proper cases, there would be very grave danger in undertaking to pay what might properly be called the losses of the war. I believe that those losses which arose in the prosecution of the war directly ought to rest where they fell and that we ought not to disturb them in any manner.

Since this matter was first brought up for debate in the committee it occurred to me, on hearing a part of the discussion that then took place, that this was one of those cases which ought to be resisted. I therefore examined the report, and became satisfied that if the report was true I was mistaken in that regard; but the gentleman from Indiana [Mr. JOHNSTON], in some of his remarks upon the floor, induced me to think that I ought to investigate the record in order that I might at least be consistent in the principles which I have always supported. I found upon an examination of the record that it was right and just for me to say, on investigation of the documents, that in my judgment this is not one of the cases which were the direct results of damage ensuing from the prosecution of the war. Wherever the armies of the United States tore up a railroad or took possession of it in the enemy's country, whatever loss happened is like a loss occurring from a cyclone, not to be investigated, not paid for by the government of either belligerent which was successful; but in 1864 I find, while war was not prevalent in the country where this railroad was situated, the United States, under a statute made for that purpose, took possession of this road, and the United States, having taken possession of it, took away the iron and sold it to another corporation and received pay for it.

The Quartermaster's Department investigated that subject by a commissioner, and that commissioner reported the price which this House is to-day asked to pay. Now, the only reason why this is not a strictly legal determination is because the act of 1862, under which the railroad must have been taken, if it was taken by law, requires that the appointment of a commissioner to assess damages shall be made by the President. It was made by the Quartermaster's Department and the documents show it, and show also the figures at which this iron was estimated. The next question is how did the railroad company, which to-day asks that this shall be allowed on their account—how did they get possession of the road? The answer is to be found in a contract which the gentleman from Tennessee [Mr. RICHARDSON] has just shown me—the original document—which contains a full and complete transfer of the right of the railroad whose iron the United States have taken. That completes the circuit. That shows the damage, the amount of damage, the legality of its payment, and the party to whom it ought to be paid. For my part I can see nothing wanting to make it a proper and suitable claim against the Government.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman a question?

Mr. REED, of Maine. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. How does the estimate of the commissioner compare with the amount claimed?

Mr. REED, of Maine. It compares exactly. It is the same amount with this exception, that the commissioner estimated for damaged bridges, and such matters, which the committee and this bill do not propose to pay.

Mr. BRECKINRIDGE, of Arkansas. Those are expressly stricken out?

Mr. REED, of Maine. They are expressly stricken out. The bill is confined solely to railroad iron taken by the Government of the United States and sold by it, the proceeds of which the United States has received.

Mr. HENDERSON, of Iowa. Will the gentleman permit me a question?

Mr. REED, of Maine. Yes, sir.

Mr. HENDERSON, of Iowa. You have examined this act of 1862. Will you explain something with regard to its provisions? I understand it was an act not for war purposes, but for getting possession of railroads.

Mr. REED, of Maine. It was for getting possession of railroads not in the enemy's territory.

Mr. HENDERSON, of Iowa. What was the object of the act?

Mr. REED, of Maine. To enable the authorities of the United States to take railroads near the scene of conflict. Of course army operations extended away back to the base, and it was necessary to have the power of taking railroads along the border. Am I right in that statement?

Mr. PETTIBONE. That is exactly correct.

Mr. HENDERSON, of Iowa. When taken possession of was the railroad being used by the confederate army?

Mr. REED, of Maine. No, sir; the confederate army had not been there for a long time. That is a point which is not disputed.

I do not know that I need add anything further, but I thought I should say this much because, having taken a decided stand on these claims, I deemed it proper to state this in order to justify my judgment.

Mr. RICHARDSON. I hold in my hand the original contract referred to by the gentleman from Maine.

Mr. JOHNSTON, of Indiana. Will the gentleman from Tennessee [Mr. RICHARDSON] yield a portion of the time to this side?

Mr. RICHARDSON. I do not want to debate the question. I hold in my hand the original contract entered into between the Nashville and Chattanooga, and the McMinnville and Manchester Railroad Companies. The gentleman from Maine has stated it correctly. It transfers all the rights of the Manchester road to the Nashville and Chattanooga road.

I move the previous question.

Mr HOLMAN. I hope the gentleman from Tennessee will not make a speech, then yield to the gentleman from Maine for a speech on the same side, and then move the previous question so as to cut off debate.

Mr. RICHARDSON. I have not debated the question.

Mr. HOLMAN. Yes, sir; you have debated the question, and now you call for the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question on ordering the bill to be engrossed and read the third time.

Mr. HOLMAN. Let it be voted down.

The House divided; and there were—ayes 73, noes 62.

Mr. BYNUM. No quorum.

Mr. RICHARDSON. If it will obviate any trouble I will concede five minutes to the gentleman from Indiana. [Cries of "Regular order!"]

The SPEAKER. A quorum not having voted, the Chair appoints as tellers the gentleman from Indiana, Mr. BYNUM, and the gentleman from Tennessee, Mr. RICHARDSON.

Mr. REED, of Maine. The only difficulty about discussion arises from the fact that 5 o'clock is so near. If it is considered desirable that gentlemen on the other side should talk upon this question we can by unanimous consent extend the sitting a quarter of an hour. I think there is no desire to cut off debate. [Cries of "Regular order!"]

The House again divided; and the tellers reported—ayes 97, noes 20.

Mr. ANDERSON, of Kansas. No quorum.

Mr. RICHARDSON. I call for the yeas and nays.

Mr. BRECKINRIDGE, of Kentucky. Is a motion to take a recess until half-past seven in order?

The SPEAKER. It is.

Mr. BRECKINRIDGE, of Kentucky. I make that motion.

Mr. RICHARDSON. Is it in order to take a recess before 5 o'clock?

The SPEAKER. The rule of the House requires an adjournment at 5 o'clock, but the House has always the power to take a recess or to adjourn.

Mr. BRECKINRIDGE, of Kentucky. I withdraw the motion for a recess.

Mr. SPRINGER. I renew it.

The motion for a recess was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House took a recess until half past 7 p. m.

EVENING SESSION.

The recess having expired, the House at half past 7 p. m. resumed its session.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering bills under the special order for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar under the special order.

Mr. MATSON. Mr. Chairman, I ask unanimous consent that members present may be allowed to call up such bills as they desire. I think it is only just to those who attend these Friday evening sessions that they should have that preference, and in my judgment after the bills so called up are disposed of we ought to stop.

There was no objection, and it was so ordered.

MRS. MARIA WALKER.

Mr. MILLS. Mr. Chairman, I desire to call up House bill No. 6311, granting arrears of pension to Mrs. Maria Walker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, arrears of pension from the 4th of March, 1860, the date at which she was dropped from the pension-roll; and that the said Maria Walker be, and is hereby, restored to her rights as a pensioner of the Revolutionary war.

The Committee on Pensions recommend an amendment striking out all of the bill after the word "sixty," in line 7, and inserting the words "to March 9, 1878, at the rate of $8 per month."

Mr. MILLS. I move the adoption of the amendment.

Mr. MATSON. Mr. Chairman. I would like to hear the report in that case.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker, submit the following report:

Mrs. Maria Walker is the widow of John H. Walker, who was a private soldier in Captain Henry's company, Colonel Alexander's regiment, Georgia militia, in the war for American independence. Mrs. Walker became his wife on March 14, 1815. Her husband died in 1836, and she has never remarried. Under the act of February 3, 1853, which provided for the pensioning of the widows of Revolutionary soldiers who were married after the year 1800, she was placed on the pension-roll from the date of that act, and continued to draw a pension up to March 4, 1860, at which time she was dropped from the rolls. She was restored to the rolls under the act of March 9, 1878, at the rate of $8 per month.

Mrs. Walker has made several applications to the Pension Office to be allowed payment of her pension for the time during which she was suspended from the rolls, but is and has been unable to comply with the requirement of that office as to proof of loyalty to the United States during the period of the late civil war, as, being a native and always a resident of the South, she naturally sympathized with her people, to whom only, at her then advanced age, could she look for counsel and relief.

Mrs. Walker is now over ninety years of age, is in straitened circumstances, and largely dependent upon relatives and friends for a home and support, her only income being the $8 per month she now receives since she was restored to the rolls.

Mrs. Walker is one of the very few, perhaps the only widow of a soldier of the Revolutionary war now living; and in view of the facts it would seem eminently proper for the American Congress to pay to this old lady the small sum which the bill will allow, and thereby place her for the remainder of her days, which must be very short at best, beyond the reach of want.

Your committee therefore recommend that the bill do pass, with the following amendment: Strike out all after the word "sixty," in line 7 of the bill, and insert the words "to March 9, 1878, at the rate of $8 per month."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. If there be no objection this bill, as amended, will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. Mr. Chairman, I know of no instance where we have voted arrears to these pensioners, and I know of many cases where the parties were really suffering and where arrears should have been granted if we are to depart from the rule at all. I do not know why we should make an exception in this instance.

Mr. MILLS. I did not hear distinctly the remark of the gentleman from Wisconsin.

Mr. PRICE. I say that this is in direct conflict with the rule that has guided us here in dealing with these cases.

Mr. MILLS. This lady had been receiving a pension for a number of years.

Mr. PRICE. I know it, and I would give her a pension again.

Mr. MILLS. She has had her pension restored since 1878. This is simply to give it to her from 1860 to 1878, the period during which it was suspended.

Mr. PRICE. I know; but why should that be done in this case, when there are so many other cases where we refuse to do it?

Mr. MILLS. So many other Revolutionary pensioners, the widows of Revolutionary soldiers?

Mr. PRICE. No; but so many widows of soldiers who served you and me and the country.

Mr. MILLS. Do you know of any other case just like this?

Mr. PRICE. Oh, no. I presume there are no two cases on the pension rolls entirely alike.

Mr. OSBORNE. This lady was entitled to the pension all these years.

Mr. PRICE. The constituted authorities decided otherwise.

Mr. MILLS. She was simply dropped from the roll. She was living in the South, within the fire-circle at that time, and, I suppose, without knowing anything about her, or knowing whether she was loyal or disloyal, they simply dropped her from the roll; and then in 1878, I presume, upon proper proofs they restored her, and she has been drawing her pension again ever since that time.

Mr. DOCKERY. Do I understand that this case was dropped from the roll in 1860?

Mr. MILLS. Yes; in 1860.

Mr. DOCKERY. There were many cases of that kind.

Mr. BURROWS. Mr. Chairman, let me inquire whether this report is the unanimous report of the committee.

Mr. MORRILL. The bill comes from the Committee on Pensions. As to the Committee on Invalid Pensions, I will say that in cases similar to this that have come before that committee where parties were improperly dropped from the roll we have recommended restoring them and placing them back as they were before they were dropped. I remember one case last winter where a man got $2,800 arrears. If this lady was entitled to be restored to the pension-roll at all she is entitled to receive a pension for all the time that she was dropped from the roll, and the Pension Office by restoring her admit that they did wrong in dropping her. I think she ought to receive the arrears.

Mr. PRICE. Mr. Chairman, I will not take up the time of the committee in arguing the question, but will content myself by voting against the bill.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

CLARK BOON.

Mr. CONGER. Mr. Chairman, I ask unanimous consent to call up House bill 7931, increasing the pension of Clark Boon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Clark Boon, late a member of Company H, Thirty-third Regiment of Iowa Volunteers, to the sum of $24 per month.

The Committee on Invalid Pensions recommended an amendment striking out in the last line of the bill the words "twenty-four dollars per month" and inserting "twelve dollars per month, to take effect from and after the passage of this act.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY HOWARD FARQUHAR.

Mr. MAYBURY. Mr. Chairman, I ask unanimous consent to take up House bill 1201 for the relief of Mary Howard Farquhar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Maj. and Bvt. Lieut. Col. Francis V. Farquhar, Corps of Engineers, United States Army, and daughter of the late Maj. Gen. Alpheus S. Williams, United States volunteers, at the rate of $50 per month, in lieu of the pension which she now receives.

The Committee on Invalid Pensions recommended an amendment, striking out, in line 9 of the bill, the word "fifty" and inserting the word "forty."

The amendment was agreed to.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. There is objection, Mr. Chairman.

Mr. MAYBURY. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

LYDIA HADLOCK.

Mr. STEELE. Mr. Chairman, I desire to call up House bill 1142, granting a pension to Lydia Hadlock.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the act of Congress approved March 9, 1878 (20 Statutes at Large, page 27), the name of Lydia Hadlock, of Lexington, Mass., widow of Colburn Hadlock, who served three months in the war of 1812.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GERIAH COLLINS.

Mr. DOCKERY. I call up the bill (S. 891) granting a pension to Geriah Collins.

The bill was read, as follows:

Be it enacted &c, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Geriah Collins, formerly of Company D, Thirty-third Regiment Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DUNCAN FORBES.

Mr. ROWELL. I call up the bill (H. R. 8336) granting an increase of pension to Duncan Forbes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow Duncan Forbes, late a private in Company F, Sixteenth United States Infantry, a pension on account of wound of right breast, in addition to that now received by him for wound of right ankle.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA ROBERTS.

Mr. RIGGS. I call up the bill (H. R. 8111) granting a pension to Rebecca Roberts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rebecca Roberts, widow of Clark Roberts, who was lately surgeon of the One hundred and first Regiment Illinois Volunteers, at the rate provided by the pension laws for widows of surgeons in volunteer regiments.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC FOSSETT.

Mr. PETERS. I call up the bill (H. R. 5261) granting a pension to Isaac Fossett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place the name of Isaac Fossett, late a private in Company K, First Minnesota Cavalry, on the pension-roll, and pay him a pension, subject to the provisions and limitations of the pension laws, from the date of the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA M'ILWAIN.

Mr. ERMENTROUT. I call up the bill (H. R. 7162) granting a pension to Martha McIlwain.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha McIlwain, widow of Robert J. McIlwain, late a sergeant of Company K, Eighth Regiment Pennsylvania Reserves.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN SMITH.

Mr. BURROWS. I call up the bill (H. R. 4552) for the relief of Susan Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Smith, widow of ——, late first lieutenant of Company I, One hundred and eighty-fourth Regiment —— Infantry.

The amendment reported by the committee was read, as follows:

After the word "of," in line 6, insert "Michael Smith," and after the word "regiment," in line 7, insert the word "Pennsylvania."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN E. DOGGETT.

Mr. MATSON. I call up the bill (H. R. 8372) granting a pension to John E. Doggett.

The bill was read, as follows:

Be enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John E. Doggett, son of George R. Doggett, late a private in Company L, Eighth Indiana Cavalry, subject to the provisions and limitations of the pension laws.

The amendment reported by the committee was read, as follows:

After the word "cavalry," in line 6, insert "as a dependent child of said soldier, and pay him a pension of $12 a month."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNA A. PROBERT.

Mr. MORRILL. I call up the bill (H. R. 7703) granting a pension to Anna A. Probert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Anna A. Probert, widow of George C. Probert, late a first lieutenant in the Third Ohio Cavalry, and to pay her a pension subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN CORCORAN.

Mr. ELLSBERRY. I call up the bill (H. R. 1815) granting a pension to Ellen Corcoran.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Ellen Corcoran, sister of Eugene Corcoran, late chaplain of the Fiftieth Regiment Ohio Volunteer Infantry, on the pension-roll at the rate of $20 per month.

Mr. PRICE. I move to amend this bill by striking out the clause which fixes the rate of pension.

Mr. ELLSBERRY. I ask that the report be read.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1815 having had the same under consideration, submit the following report:

Eugene P. Corcoran was chaplain of the Sixty-first Ohio Infantry Regiment and served faithfully from December 4, 1861, to January 25, 1863. When he entered said service he was sound, healthy, and vigorous. In the winter of 1862-'63 he was captured, and subjected to exposure and severe weather without proper clothing or food, and thereby contracted disease of throat and lungs, which resulted in his death after a continuous illness of three years. He returned from the Army a physical wreck, and never afterward grew better.

He was ordained a priest of the Catholic Church about March or April, 1856, at the city of Cincinnati, Ohio.

By the well-known discipline of that church he was not, of course, permitted to marry, and by the equally well-known care exercised by the ecclesiastical authorities of that church to prevent scandals and immoral conduct among its clergy, it became necessary to provide for him a housekeeper whose relations to him would be such as to preclude any and all fears on that head. The applicant, Ellen Corcoran, was his sister. In 1856 this brother and sister entered into an agreement, with the consent of their parents, and at the earnest request of the late Archbishop Purcell, who was Chaplain Corcoran's ecclesiastical superior. By the terms of this agreement the sister was to take entire charge of all the domestic affairs of the brother during their mutual lives, and to abandon all other vocations and pursuits, to live a life of celibacy, and devote herself wholly and solely to the service of her brother as his housekeeper. In return he was to maintain her, and, if she survived him, to leave her such property as he might own at his death.

This agreement was carried out to the letter. The sister refused many advantageous offers of marriage, and other offers to change her condition, and nursed and cared for her brother during his long illness as devotedly as any wife could have done, and at serious injury to her health, as well as great expense to herself. He made her his sole legatee by will, but left no property. It was all consumed, and mostly, too, by his long illness. Since his death she has remained single, and has had no means of support except her own labor. She is now in advanced years and feeble health.

This brave soldier gave his life to his native country, and performed services as necessary in the eyes of those who received them as were the services of the greatest heroes and commanders of that unhappy war; and his services contributed as much to that perfect discipline, undaunted courage, and consequent victory as any other element of success, the fruits of which are being now enjoyed by a united people. Were the applicant for a nation's gratitude and bounty the wife of such a man, no one would question her right to demand what she now asks as a favor owing to the peculiar circumstances surrounding the matter. It is unique in its facts, and it is doubtful if another such case can be found in the whole United States.

We therefore recommend the passage of the bill.

Mr. PRICE'S amendment was read, as follows:

Strike out "twenty," and insert "subject to the provisions and limitations of the pension laws."

Mr. MATSON. That would make the bill inoperative. There is no law providing a pension for a dependent sister of a soldier over sixteen years of age, and this one is over that age. To amend the bill so as to provide for a pension subject to the provisions and limitations of the pension laws would be in effect to make it inoperative. To make it operative a rate must be fixed.

This man was a chaplain; and the bill as reported puts this dependent sister upon the pension-roll at the same rate as the widow of a chaplain, which is $20 a month. If the bill is to be passed the rate ought to remain as it is.

Mr. PRICE. I had no idea of destroying the bill.

Mr. MORRILL. The rate provided in the bill is the same as that allowed the widow of a chaplain.

Mr. PRICE. I have learned something, and as I had no intention of destroying the bill I will withdraw my amendment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

H. R. DUKE.

Mr. PRICE. I call up for consideration the bill (S. 1098) granting a pension to H. R. Duke.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. R. Duke, late a member of Company K, Seventh Regiment of Iowa Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

K. G. BILLINGS.

Mr. HEMPHILL. I call up for consideration the bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of K. G. Billings, of Lancaster County, South Carolina, formerly a soldier in the Mexican war, the pension to begin at and run from the date of the last payment to the said K. G. Billings.

The amendment of the committee strikes out the following words:

The pension to begin at and run from the date of the last payment to the said K. G. Billings.

Mr. HEMPHILL. Mr. Chairman, I trust the amendment will not be adopted, as it deprives this old gentleman of the back pension he is entitled to for the time he was dropped from the pension-roll. If the amendment be adopted he will be restored to the pension-roll from this date only, while if the amendment be rejected his pension will date back to the time when he was dropped. Unless some good reason is shown why he should be deprived of his back pension I trust the amendment will not be adopted.

Mr. DOCKERY. In these cases I believe it is the uniform practice to apply such a restriction.

Mr. MATSON. If this man has been wrongfully dropped from the pension-roll he ought to be restored as others have been. I do not understand it is the practice to restore them from and after the passage of the act, but on the contrary that where a man is restored to the pension-roll he is restored without limitation.

The proposition to restore to the pension-roll proceeds upon the idea the man has been wrongfully dropped, and justice is to be done to him. It is not the granting of a pension *de novo*, but doing justice where wrong has been committed. I do not understand this bill, therefore, without the amendment contravenes the well-established practice of the House.

Mr. BYNUM. What was the cause of his being dropped from the pension-roll?

Mr. MATSON. That is what I would like to know; and I therefore call for the reading of the report.

The report (by Mr. LANDES) was read, as follows:

The Committee on Pensions, to whom was referred the petition of Kennedy G. Billings, asking to be restored to the pension-rolls, and for back pension, submit the following report:

The committee, after examination, find that at the outbreak of the war with Mexico Kennedy G. Billings enlisted as a lieutenant in Captain Canty's company of the regiment of South Carolina Volunteers, and served with distinction during the entire war, and, as is shown by the affidavit of T. J. Mackey, filed in this case, he fought with great bravery, doing honor to himself and his country, and at the time when his company became reduced, by casualties in battle, from one hundred and fifteen to but nine or ten men fit for duty, he voluntarily entered the ranks with a musket and fought at the battles of Chapultepec and at the Garita de Belen in the capacity of a private soldier.

That on the 10th day of January, 1854, a pension was granted said Billings, for services rendered his country in said war, at the rate of $17 per month, payable semi-annually on the 4th of March and the 4th of September, at the Charleston agency. That the pension so granted him was paid regularly up to the 4th day of September, 1860, when, without assigning any reason, the agent declined to pay him anything more, and he has received no payment on account of said pension since said last-mentioned date.

Your committee are of the opinion that said Billings should be restored to the pension-rolls at the rate of $17 per month, and to that end report the accompanying bill, with recommendation that it do pass, amended, however, by striking out all after the words "Mexican war," in the seventh line.

Mr. BYNUM. I should like to hear some explanation from the gentleman who made the report why this man was dropped from the pension-roll?

Mr. HEMPHILL. I was informed by the gentleman who made the report he had sent to the Pension Office for the papers connected with the case, and I presume if any reason had been given why this old gentleman was dropped it would have been reported to the House. But so far as the committee is concerned they seemed to have obtained no reason why he was dropped.

Mr. STEELE. Do you know this man yourself?

Mr. HEMPHILL. I do.

Mr. STEELE. Was he loyal during the war?

Mr. HEMPHILL. I think not.

Mr. ROWELL. If he was in the confederate army he certainly should not be paid during that time.

Mr. HEMPHILL. The whole matter is in the report, and it is for the House to decide upon the amendment submitted.

The amendment was adopted.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it pass as amended.

Mr. JOHNSTON, of Indiana. It seems to me there ought to be some reason given why this man was dropped from the pension-roll.

The CHAIRMAN. The amendment striking out that part of the bill has been agreed to, so that it now restores him to the pension-roll from and after the passage of the act.

Mr. JOHNSTON, of Indiana. That is all right, but it is not sufficient.

Mr. PETTIBONE. The report does not show why he was dropped from the pension-roll, and surely we can not cast reflection upon the Pension Office which examined this case as it has all others, and it has not been shown so far that the Pension Office was mistaken. Until that is shown we certainly should not give this man back pension. The bill, I believe, should be recommitted, or at least it should not pass until we know why he was dropped. I move its recommittal to the Committee on Pensions for further consideration.

Mr. MATSON. I rise to a question of order. This matter has been disposed of in the committee; and the motion of the gentleman is not proper in committee. It can only be made in the House.

Mr. PETTIBONE. This bill has not been disposed of. The motion I am aware can not be made in committee.

The CHAIRMAN. The Chair will state that the House was dividing upon the question of laying the bill aside at the time the gentleman addressed the Chair. The Chair had already taken the affirmative vote on the bill as amended, and at that stage the gentleman from Tennessee addressed the Chair.

Mr. BAYNE. The proper time to make the motion is when the bill comes up in the House.

The CHAIRMAN. The Chair will state that it is within the province of any member to make the motion in the House when the bill is reached.

The Chair will again submit the motion on laying the bill aside.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYRUS DUBBS.

Mr. BOUND. I ask consent to call up the bill (H. R. 7407) granting a pension to Cyrus Dubbs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized, empowered, and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Dubbs, the poor blind brother of Hiram N. Dubbs, late of Company F, Fourth Pennsylvania Cavalry.

The committee recommend the adoption of the following amendment:

Strike out line 5, "subject to the provisions and limitations of the pension laws," and insert "at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY F. BLAKE.

Mr. PINDAR. I ask to call up House bill No. 1520, granting an increase of pension to Mary F. Blake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary F. Blake, widow of the late Commodore Homer Crane Blake, United States Navy, from $30 to $50 per month, said increase to take effect from and after the passage of this act.

Mr. BYNUM. I should like to have the report read in that case.

The report (by Mr. PINDAR) was read, as follows:

The claimant is the widow of Homer C. Blake, late commodore in the United States Navy, who died from disease contracted in the service, in the year 1880, after an active and efficient service to his country for forty years. His widow is in circumstances requiring aid and without means of adequate support. She is now receiving pension as such widow of $30 per month, and asks to have it increased to $50 per month, and that she be allowed an amount equal to that received by widows of other officers of the rank of commodore. The facts upon which she bases her claim are fully set forth in her petition and affidavits hereto attached and made part of this report, and are sufficient, in the opinion of your committee, to entitle claimant to the increase asked, and we recommend that the bill do pass.

Petition and affidavits are as follows:

Mr. BYNUM. I do not ask to have the petition accompanying the report read, but I wish to ask the chairman of the Committee on Invalid Pensions if it has been usual to grant to the widows of officers of this grade such increased pensions.

Mr. MATSON. I will say to my colleague that it has been the practice, although I think it is a bad one, but nevertheless it has been the practice for many years. I have never favored this legislation, but it has been steadily carried on for ten years past, granting this increase of pension to the widows of general officers both of the Army and Navy.

The question was taken on laying the bill aside; and on a division there were—ayes 27, noes 8.

So (no further count being demanded) the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH COLLINS.

Mr. WHITE, of Minnesota. I desire to call up House bill No. 7728, granting a pension to Mrs. Elizabeth Collins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Elizabeth Collins, widow of William H. Collins, late of Company H, Sixth Regiment of Minnesota Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. DELP.

Mr. NEECE. I call up the bill (H. R. 4460) to pension John W. Delp.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John W. Delp, late of Company F, First Kansas Volunteers, subject to the provisions and limitations of the pension laws.

The bill was lad aside to be reported to the House with the recommendation that it do pass.

THOMAS A. ROWLEY.

Mr. BAYNE. Mr. Chairman, I call up House bill 6250 to increase the pension of Thomas A. Rowley.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act Thomas A. Rowley, late a brigadier-general of volunteers, shall be entitled to receive an increase of pension of $10 per month in addition to the allowance heretofore paid to him, the same to be subject to the provisions and limitations of the pension laws:

Mr. WATSON. I would like to have the report read in this case.

The report (by Mr. SWOPE) is as follows:

Thomas A. Rowley was colonel of the One hundred and second Regiment Pennsylvania Volunteers; promoted to be brigadier-general. He is now in receipt of $15 per month for injuries received at the battle of Fair Oaks, Va., which disabilities are described as follows by the examining surgeons:

"There is a cicatrix one inch to the left of crest of occipital bone over inferior curved line. The cicatrix is tender, with considerable thickening of periosteum. He complains of pain radiating from cicatrix over left side of head. He states that seven pieces of bone have been removed and discharged from site of wound. He also states that since receipt of injury he has had frequent attacks of hemicrania. We think the present rating too low—disability one-half."

General Rowley's disabilities have very considerably increased since the above examination. He is now seventy-seven years of age, is partially paralyzed, and in indigent circumstances.

Your committee, considering the serious nature of the wound received in the battle, his helpless condition at present time, which is clearly shown, together with his extreme age and poverty, recommend the passage of the bill.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I will ask if this applicant has not his remedy before the Department for an increase of pension? And I ask this because I understand it has been the rule of this Committee on Invalid Pensions to report no bills here as long as there is a remedy in the Department. I have had some such rulings made against me, and want it to be carried out if it is to be the principle on which these bills are reported.

Mr. BAYNE. Mr. Chairman, I do not suppose this man can be rated

higher than $15, which amount he is getting now by the Department; and, I presume, the rating is correct, according to the nature of the wound. But the committee undoubtedly favored the increase because of certain circumstances surrounding the case. This man was a worthy and distinguished officer in the Mexican war, and he also served with gallentry and distinction in the late war. He is an old man, seventy-six years of age and upward, and in reduced circumstances. He has been quite unfortunate in business matters, and for these reasons I presume the increase was made.

There is one portion of the bill which I think ought to be stricken from it, and that is the provision which makes it subject to the limitations and restrictions of the pension laws. I therefore move to strike out in the sixth and seventh lines the words:

The same to be subject to the provisions and limitations of the pension laws.

I do this because I think the increase from $15, which he is now receiving, to $25 per month with that incumbrance upon it would probably make some difficulty in interpreting the bill.

Mr. MATSON. Mr. Chairman, I do not like to quibble about an increase of $10 to a man who had been severely wounded, but the position the Committee on Invalid Pensions have uniformly taken on such questions has been correctly stated by my colleague, that is to refuse Congressional aid where the applicant has a perfect remedy in the Department. If this bill is to be taken upon the question purely of the man's disability he has a perfect remedy in the office, because if he was entirely disabled from the performance of manual labor and holding the rank of colonel or brigadier-general, he would be entitled to $30 a month. But the surgeons who have examined him fix the disability at one-half hard labor, and rated him accordingly at $15 per month; so that those who were competent to determine the character of the disability fix the rate at that amount. Congress, of course, if it thinks proper can with or without reason increase the pension ten or fifteen or any other sum of dollars per month; but the question is whether we can afford to increase a man's pension on our own motion, as against the examination of competent surgeons who have investigated the case and fixed the degree of the disability.

If we undertake that, we are undertaking to do a thing where we must necessarially do great injustice; because no one is as competent as the physicians who make a personal examination of the applicant. My colleague [Mr. JOHNSTON] stated the rule correctly, and that was the reason why I asked for the reading of the report, because I was struck at once by the language of the bill, "to increase the pension $10 a month."

I will state to the gentleman from Pennsylvania [Mr. BAYNE] that the words in the bill "subject to the provisions and limitations of the pension laws" would not defeat the increase, because the language of the bill is absolute. The bill provides the pension shall be increased $10 a month, and after that I apprehend the construction would be that the pension would be subject to the provisions and limitations of the pension laws.

Mr. BAYNE. If that is the interpretation of the language of the bill I would have no objection to have these words left in and would not press the amendment.

There are some considerations which make this case exceptional. General Rowley is a man well advanced in life; he is seventy-seven years of age, and he has been very unfortunate. He is in very poor circumstances. He is a man who fought all through the Mexican war. He went into the late war for the Union, and fought all through that war. He is certainly deserving of this consideration. He was a brave and gallant soldier, and is well liked by all his people around him at home; and they would all like to have this consideration extended to him.

Mr. STEELE. Do you not think if these words are left in he would only get the $15?

Mr. BAYNE. After the explanation of the gentleman from Indiana [Mr. MATSON] I think the proposition is absolute; the $10 would be added, and then in the event of his disability being increased he might be rated even higher than the $25 which he will get if the bill becomes law. I withdraw the amendment.

The bill was laide aside to be reported to the House with the recommendation that it do pass.

MRS. ARLANTA T. TAYLOR.

Mr. BYNUM. I call up for consideration the bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Arlanta T. Taylor, widow of John T. Taylor, who was a private in Company B, First Engineers Missouri Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. VAN ETTEN.

Mr. BAKER. I call up for consideration the bill (H. R. 6170) granting a pension to Mary A. Van Etten.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Mary A. Van Etten, widow of James F. Van Etten, late of Company A, Thirteenth Regiment of New York Volunteers.

The bill was laid aside to be reported to the House with a favorable recommendation.

MRS. ANNIE C. OWEN.

Mr. GREEN, of New Jersey. I call up for consideration the bill (S. 1850) granting a pension to Mrs. Annie C. Owen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized to place on the pension-roll, and subject to the limitations of the law, the name of Annie C. Owen, widow of Capt. Mortimer B. Owen, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA S. JOHNSON.

Mr. SAWYER. I call up for consideration the bill (H. R. 8078) for the relief of Lydia S. Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Lydia S. Johnson, of Yates, Orleans County, New York, and a nurse in the Army during the late civil war, and to pay her the sum of $12 per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY MARSH.

Mr. HAYNES. I call up for consideration the bill (S. 685) granting a pension to Mary Marsh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Marsh, daughter of the late Charles Marsh, of Company A, Fifth New Hampshire Volunteers.

The Committee on Invalid Pensions recommended the following amendments:

After the word "pension-roll," in line 4, strike out the words "subject to the provisions and limitations of the pension laws."

After the word "volunteers," in line 7, insert the words "and pay her a pension at the rate of $12 dollars per month."

Mr. DUNHAM. I should like to hear the report in that case read. This seems to be an exception to the general rule.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 685) granting a pension to Mary Marsh, have had the same under consideration, and report:

This is a bill for the relief of a soldier's orphaned daughter—one who, from her physical deformities, is totally incapacitated for self-support. The case is set forth as follows in the report of the Senate Committee on Pensions:

"The claimant is the daughter of Charles T. Marsh, late a private in Company A, Fifth New Hampshire Volunteers. The soldier presented his claim to the Pension Office and it was allowed. He soon after died, and his widow made application to the same office. Her application was rejected, on the ground that the disease of the bowels, from which the soldier and husband died, originated after discharge from the service. An examination of the evidence shows clearly to your committee that the said disease originated from the kick of a horse received by the soldier while in the line of duty. This disease is shown to be clearly traceable to and to have existed continuously from the time of the injury received in the service until his death.

"It is the popular impression that in cases of doubt it is well to give the soldier the benefit of the doubt. This is not, however, a case of reasonable doubt. No jury of his countrymen would hesitate for a moment upon the evidence in this case to find that the cause of death originated in the service, and to give to the widow of the soldier the benefit of the pension laws.

"The widow is now also dead, and the bill is for the relief of a deformed and helpless child."

The committee recommend that the bill be amended by striking out all from word "subject," in line 4, to word "laws," in line 5, inclusive; also, insert after word "volunteers," in line 7, the words "and pay her a pension at the rate of $12 per month," and that as so amended the bill do pass.

The amendments of the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EVELINE HUNT.

Mr. COWLES. I call up for consideration the bill (S. 1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Eveline Hunt, as the widow of Lewis Hunt, deceased, late of Company C, Seventy-sixth Regiment Enrolled Missouri Militia, and the minor children and heirs of the said Lewis Hunt, deceased.

The Committee on Invalid Pensions recommended the following amendments:

In line 5, strike out the word "names" and insert "name:" after the word "militia," in line 8, strike out the words "and the minor children and heirs of the said Lewis Hunt, deceased."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

C. K. HUGHES.

Mr. OSBORNE. I call up for consideration the bill (H. R. 2144) granting a pension to C. K. Hughes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of C. K. Hughes, late major of the One hundred and forty-third Regiment Pennsylvania Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID M. RENNOE.

Mr. HALSELL. I call up for consideration the bill (H. R. 7914) to increase the pension of David M. Rennoe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of David M. Rennoe, late a private in Company H of the Twenty-ninth Regiment Indiana Volunteers, and pay him a pension at the rate of $40 per month, in lieu of the pension now received.

The Committee on Invalid Pensions recommended the following amendment:

In line 7, strike out "$40" and insert "$30."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LUCY G. DUTCHER.

Mr. DUNHAM. I call up the bill (H. R. 6430) granting a pension to Lucy G. Dutcher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy G. Dutcher, widow of Nathaniel Dutcher, late of Company D, Twelfth Regiment Wisconsin Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACKSON STEWARD.

Mr. STONE, of Missouri. I call up for consideration the bill (H. R. 7979) granting a pension to Jackson Steward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Jackson Steward, late a member of Companies C and E of the Sixth Kansas Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

J. D. HAWORTH.

Mr. HEPBURN. Mr. Chairmain, I move to take up Senate bill No. 1253 granting a pension to J. D. Haworth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. D. Haworth, late a member of Company H, Thirty-third Regiment of Iowa Volunteer Infantry, and who was transferred, on account of disability, to Company H, Twenty-first Veteran Reserve Corps.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM POWELL.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I move to take up Senate bill 1420, granting a pension to William Powell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitation of the pension laws, the name of William Powell, late a private in Company D, Sixth Regiment of Indiana Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. C. A. BAILEY.

Mr. JOHNSTON, of Indiana. I call up Senate bill 1830, granting a pension to Mrs. C. A. Bailey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. C. A. Bailey, widow of Albert Bailey, deceased, late a private in Company H, Forty-sixth Regiment of Illinois Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CECELIA C. M'KENNA.

Mr. BRECKINRIDGE, of Arkansas. I move to take up House bill 7509, granting a pension to Cecelia C. McKenna.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cecelia C. McKenna, mother of John H. McKenna, late a private in the United States Marine Corps, and pay her a pension at the rate of $35 per month from and after the passage of this act, the same to be in lieu of the pension now received by her.

The Committee on Invalid Pensions recommended an amendment, striking out, in line 8, before the word "dollars," the word "thirty-five" and inserting "twenty-five."

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES L. MILLER.

Mr. HANBACK. Mr. Chairman, I call up House bill 8332, increasing the pension of James L. Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James L. Miller, late of Company C, First Kentucky Cavalry, to $72 per month.

Mr. BYNUM. I think we had better have the report in that case read.

Mr. MORRILL. Mr. Chairman, the report is very long, and if it will be satisfactory to the gentleman, I will ask my colleague [Mr. HANBACK] to make a statement of the case.

Mr. HANBACK. Mr. Chairman, I can state the case just as it is. This soldier, James L. Miller, lives in the town of Gaylord, in my State. I visited him there last November. He is totally helpless and has been for six years; he is paralyzed. He is now drawing $50 a month. He requires constant attendance, day and night. He has neuralgia and has to be relieved by the use of morphine; and I can state from personal observation that around his body there is a broad band of cauterized flesh where the injections of morphine have been made. It is the most pitiful sight I ever saw in my life, and the case is just as it is stated in the report and as I have stated it. I do not think the man has long to live; indeed, the wonder is that he has lived so long.

Mr. BRECKINRIDGE, of Arkansas. What family has he?

Mr. HANBACK. He has three or four children. He was a member of Company C, First Kentucky Cavalry.

Mr. BRECKINRIDGE, of Arkansas. Is he the only sick member of his family?

Mr. HANBACK. Yes; but he is sick enough for the whole family. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. The proposition now is to give him $72 a month?

Mr. PERKINS. If the gentleman from Arkansas [Mr. BRECKINRIDGE] will allow me to make a suggestion, I will state that under the existing law a man who has lost both arms or both feet or both eyes receives $72 a month; but a man who is absolutely paralyzed and helpless, needing constant attendance, as seems to be the case here, can not get under the existing law a higher pension than $50 a month. Now this bill proposes to give this man the same pension that would be granted under the law to a man who had lost both arms or both feet or both eyes.

Mr. HANBACK. Mr. Chairman, I desire to state also that I presented this case to the Commissioner of Pensions, and he said that he would be entirely willing, under the evidence before him, to allow this pension at the rate of $72 a month if he had authority under the law. There is no question at all about the justice of this bill, and I hope the gentleman from Arkansas [Mr. BRECKINRIDGE] will not oppose it.

Mr. BRECKINRIDGE, of Arkansas. Well, let it go.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. HUNTER.

Mr. HAYDEN. Mr. Chairman, I move to take up House bill 5324, granting a pension to John H. Hunter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Hunter, late a private in Company B, One hundred and forty-third Pennsylvania Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIHU JONES.

Mr. CANNON. Mr. Chairman, I desire to call up Senate bill 823, granting a pension to Capt. Elihu Jones.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elihu Jones, late captain of Company G, Eighth Regiment Illinois Infantry Volunteers, and pay him a pension at the rate of $24 per month, in lieu of the pension he is now receiving.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY SULLIVAN.

Mr. HENDERSON, of Illinois. Mr. Chairman, I ask unanimous consent to call up House bill 308, granting a pension to Mary Sullivan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Sullivan, widow of Michael Sullivan, late a private in Company K, Ninety-third Regiment Illinois Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NIRA D. GWYNNE.

Mr. WARNER, of Missouri. Mr. Chairman, I ask unanimous consent to call up House bill 1361, giving a pension to Nira D. Gwynne.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Nira D. Gwynne, widow of the late N. M. L. Gwynne, a private in Company H, Thirteenth Regiment Ohio Cavalry, and that she be allowed a pension of $50 a month from and after the passage of this act.

The amendment by the Senate was read, as follows:

After the word "cavalry" strike out all to the end of the bill and insert the words "and pay her a pension at the rate of twenty-five dollars per month."

Mr. WARNER, of Missouri. Mr. Chairman, I move that this bill be reported to the House with the recommendation that the Senate amendment be concurred in and that the bill do pass.

The motion was agreed to.

M. ROMAHN.

Mr. LA FOLLETTE. I call up the bill (S. 1441) granting a pension to M. Romahn.

Mr. MORRILL. If the gentleman from Wisconsin [Mr. LA FOLLETTE] will yield to me I will move to take up these Senate bills in their order. There are about a dozen of them.

Mr. MATSON. I object to that.

The CHAIRMAN. The bill called up by the gentleman from Wisconsin will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Romahn, late a private in Company K, Thirty-seventh Regiment of Iowa Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE CARR.

Mr. SPOONER. I call up the bill (S. 1431) granting a pension to Jane Carr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jane Carr, widow of Colwell Carr, late a private in Company F, Thirtieth Regiment of Pennsylvania Volunteers, and Company E, Twentieth Regiment of the Veteran Reserve Corps, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Let us have the report in that case read.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1431) granting a pension to Jane Carr, having examined the same, concur in the Senate printed report hereunto attached, and recommend the passage of the bill.

The petitioner is the widow of Calwell Carr, late a private in Company F, Thirteenth Regiment of Pennsylvania Volunteers, and who, during his lifetime, received a pension for disabilities incurred while in the service. The petitioner claims that his death, which occurred October 14, 1884, was the result of the disabilities for which he was pensioned.

The widow's claim for pension was rejected by the Commissioner of Pensions for the reason that the mortality certificate, given by Donnel Hughes, M. D., of Philadelphia, attributed the cause of death to cancer of the stomach.

In a subsequent affidavit the same physician testifies as follows:

"Previous to making post-mortem examination affiant gave certificate of death, stating cause to be cancer in the stomach. First saw Calwell Carr about two weeks before his death; found him to be suffering from a severe abdominal inflammation of a chronic character. After death made an examination and found he had chronic inflammation of the peritoneum and enlarged and typical malarial liver. From a history of the case and from what was seen during life and from results of post-mortem examination, affiant believes all his ill health and early death were caused from exposure during his service in the Army."

In a subsequent affidavit he says:

"My opinion is that the man died from effects of peritonitis caused by the gunshot wound or from exposure at the time of the injury."

There is other medical testimony to the same effect.

Your committee report the bill favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. MOORE.

Mr. PERKINS. I call up the bill (S. 1509) granting a pension to William H. Moore.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Moore, late of Company F, Thirtieth Regiment of Iowa Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1509) granting a pension to William H. Moore, submit the following report:

Your committee adopt the report of the Senate committee, which is as follows, and recommend the passage of the bill:

"That the claimant, William H. Moore, enlisted August 13, 1862, in Company F, Thirtieth Regiment Iowa Volunteers, and that he was discharged June 5, 1865. Made application for pension April 18, 1881, alleging in his declaration—

"'That on or about August 25, 1862, while in the United States service, and in the line of duty at Keokuk, Iowa, he contracted measles.'

"The claim was rejected by the Department on the ground that the "disabilities from which claimant is disabled do not result from the cause alleged, namely, measles, with the exception of nasal catarrh, which is susceptible of proof as having so resulted.'

"The claimant testifies—

"'That five years prior to his enlistment he followed the occupation of a farmer. That for three years after the war was a medical student, and has practiced medicine since. That at Camp Lincoln, Keokuk, Iowa, in 1862, was taken with measles, received a fall while convalescing from same, and while being removed from hospital to camp under the direction of Dr. Hughes (now dead), in which fall he received injuries to his back (lumbar region) from which he never recovered; that after the incurrence of said injury he was kept at headquarters as clerk. Was treated by regimental surgeon, whose whereabouts is unknown. After discharge was treated by Dr. Quigley (now dead); has since taken counsel, but has treated himself. No other disease. Claims that said injuries affect his spinal column; was treated at the medical college hospital, Keokuk, Iowa.'

"The soundness of the claimant prior to enlistment is clearly shown by the affidavits of a number of witnesses. Captain Woodson and Lieutenant Miller testify:

"'That claimant contracted measles about October, 1862, at Camp Lincoln, Keokuk, Iowa; that he was in the hospital about a month before his health would permit of his return to his company, and while being transferred received injuries to his back (lumbar region) from which he has never recovered.'

"Dr. D. B. Allen, surgeon, testifies that he did not keep a record, and can not call to mind any individual cases.

"Dr. Price testifies—

"'That he was sound prior to enlistment; that he prescribed for him August 28, 1862, for measles. Affiant was then acting as hospital steward. Remembers conversing with him at his home about his still suffering with pain in his back, result of army service during the summer of 1865. Has not treated him since service; has an impression of treating him at different times while in the service, but can't fix dates; has an indistinct recollection that the claimant reported at sick call at Helena, Ark., in December, 1862.'

"Dr. C. G. Lewis testifies—

"'That he kept no record and can not call to mind individual cases. That he treated claimant on the steamer Stephen Decatur on the way from Saint Louis, Mo., to Vicksburg, Miss., about December, 1862, for lame back, supposed to be the result of measles, from which he was just recovering.'

"Dr. Greenleaf testifies—

"'That he was claimant's physician prior to enlistment; saw him at Woodville, Ala., about February, 1864; conversed with him, and he complained of his back hurting him.'

"Dr. J. A. Maggood, examining surgeon at Wellington, March 31, 1882, certifies to his belief that the disability originated in the service and rates him at one-fourth total.

"The board at Harper, Kans., under date of April 1, 1885, rates him at $12 per month, and in addition says:

"'We find him suffering from nasal catarrh to such an extent as to completely destroy sense of smell; has also couple of pile tumors, which he says become much aggravated when he is suffering from retention of urine.'

"Reports from the Adjutant-General verify presence of all comrades who testify, and letters from postmasters substantiate the credibility of all affiants.

"Your committee are of the opinion that the claim is clearly established, and recommend the passage of the bill."

Mr. BRECKINRIDGE, of Arkansas. What amount of pension does this bill propose to grant?

Mr. PERKINS. It simply places the man upon the pension-roll subject to the provisions and limitations of the pension laws. The rate will be fixed at the Pension Office, as in the case of other pensioners.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL DALY.

Mr. TAULBEE. I call up the bill (S. 983) granting a pension to Michael Daly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Daly, late of Company B, Eleventh Regiment Wisconsin Volunteers, from and after the passage of this act.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 983) granting a pension to Michael Daly, have examined the same, and adopt the Senate report thereon, and recommend that the bill do pass.

The facts in this case are fully stated in the report of the House Committee on Invalid Pensions, during the Forty-eighth Congress (H. R. Report No. 1598), which we adopt as follows, and recommend the passage of the bill:

Soldier enlisted October 4, 1864, and served in Company B, Eleventh Wisconsin Infantry, until discharged, September 4, 1865.

Declaration for pension was filed July 1, 1881, claimant alleging that he was taken with chills and fever at Montgomery, Ala., about June, 1865, for which he was given large quantities of quinine and other drugs, which so affected him that he was taken with chorea.

Claim was rejected April 21, 1882, upon the ground that alleged disability was incurred since discharged from the service.

James M. Kelly (affidavit filed March 11, 1882), William Charlton (affidavit filed March 11, 1882), and Thomas Kelly (affidavit filed March 11, 1882), testify to soundness at and prior to enlistment.

Lieut. William Charlton, in affidavit filed March 11, 1882, testifies that claimant was a faithful soldier, and contracted his alleged disease (chorea) within one year after his discharge.

Comrade Thomas Mannion, in affidavit filed March 11, 1882, testifies that claimant was taken with fever and ague in June, 1865, while near Montgomery, Ala., and was treated by Surgeon Wilson, deceased. Claimant was sick with ague when he came home and since has been taken with chorea.

Comrade Thomas Kelly corroborates the above.

William Charlton, a resident of Madison, Dane County, Wisconsin, in an affidavit filed March 11, 1882, states that ever since their return from the service he has lived in the same town with claimant, and that claimant has steadily grown worse, and is at present unfitted for manual labor.

James M. Kelly, a resident of Madison, Wis., in an affidavit filed March 11, 1882, states that claimant has suffered from the disease of which he now complains ever since his return from the Army, and that he is now totally disabled.

Dr. William Fox, a resident of Milwaukee, Wis., in an affidavit filed March 11, 1882, states that he prescribed for claimant in 1872, for shaking palsy.

Dr. T. W. Evans, a resident of Madison, Wis., in an affidavit filed March 11, 1882, states that he has repeatedly prescribed for claimant during the past three years for pain in back, cramps, and spasmodic pain in the muscles. He has suffered from chorea during the period of affiant's acquaintance and has been totally disabled.

Although this claimant has no hospital record, still his lieutenant and two comrades testify to contraction of alleged disease in the service, and he has good evidence as to continuance of same ever since up to the present time.

The board of examining surgeons who examined claimant February 15, 1882, state that claimant, in their opinion, is totally incapacitated for obtaining his subsistence by manual labor from the cause stated—chorea, resulting from chills and fever. They also state that the disability is permanent, and in their opinion that said disability originated in the service and in line of duty. They state his disability as total.

Burr W. Jones, M. C., third Congressional district, Wisconsin, states that claimant is a resident of his city, Madison, Wis., and is in a helpless condition from progressive paralysis. The family are very poor and suffering, and they have no income except from the earnings of one daughter as a servant.

Taking into consideration all the evidence filed and the surgeon's certificate, the committee feel it their duty to report in favor of this bill.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask the chairman of the Committee on Invalid Pensions [Mr. MATSON], or any other gentleman who may have charge of this bill, why the Pension Bureau here, upon the certificate of the board of surgeons, which is cited in the report, did not grant this man a pension. I do not profess to be familiar with the pension laws. I suppose very few members of the House are so. Hence I seek this information.

Mr. MATSON. All I know of this case I learn from the report, which was prepared by the gentleman from Michigan [Mr. WINANS], who is not now present. If I remember the report correctly it states that the claim in this case was rejected at the Pension Bureau on the ground that the disability had been contracted since the expiration of the soldier's term of service.

Mr. BRECKINRIDGE, of Arkansas. But it appears in the report that since that rejection a board of physicians or surgeons convened, perhaps in Madison, Wis.—an examining board, I suppose, such as we are familiar with—delivered an opinion that the disability of the claimant was the result of sickness contracted during the war. Now, what is the defect in our pension laws that prevents this man from getting a pension, in view of that certification?

Mr. MATSON. Mr. Chairman, the board of pension examining surgeons are furnished with blanks upon which they make their certificates; and in one place the blank calls for a statement of opinion on their part as to whether the disease is likely to have resulted from military service. The opinion which the members of the board express is not based upon any hearing of evidence. It amounts to nothing more than an opinion from a physical examination of the applicant.

Mr. BRECKINRIDGE, of Arkansas. Which is subject to revision here?

Mr. MATSON. Oh, certainly. There is nothing conclusive about it.

Mr. BRECKINRIDGE, of Arkansas. And that is accepted here only as an opinion, not as direct evidence.

Mr. MATSON. The gentleman is correct.

Mr. BRECKINRIDGE, of Arkansas. I will urge no objection to granting a pension in this case, though it was refused by the Pension Bureau in 1882. The man is, I have no doubt, a very worthy and a very suffering citizen, though as a soldier he entered the Army as late as October, 1864, and was never in battle, his only service consisting, perhaps, in being subjected to attacks of chills down in the cotton-belt. Notwithstanding the reflection cast upon the opinion of the examining board by the Pension Bureau, where their opinion is revised by competent surgeons, I do not dispute this man's claim to a pension. At the same time I do not believe he has rendered any measure of service that places the country under any particular obligation to him, for he never fought a battle or fired a gun.

But it is a strange thing for a man from the South, who lived on chills and fever part of his life, to say a few chills produced all these disastrous effects. I have known many cases of people who had chills, and never yet knew one who had the experience this applicant has had or who received such permanent and far-reaching effects.

I have no doubt the Pension Bureau was correct; but here is a case where there is undoubtedly a state of suffering. I dissent from these proceedings, and believe very many of these cases are impositions upon the honest pensioners. I will let this pass without further objection.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. SQUIRES.

Mr. SYMES. I call up bill (S. 1227) granting an increase of pension to William P. Squires.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitation of the pension laws, the name of William P. Squires, late of Company C, Seventy-fifth Illinois Volunteer Infantry, at the rate of $45 per month, in lieu of the pension he is now receiving.

The CHAIRMAN. This bill has been reported from the Committee on Invalid Pensions to strike out "fifty" and insert "forty-five" dollars per month.

The report of the committee (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1227) granting an increase of pension to William P. Squires, submit the following report:

The claimant enlisted August 9, 1862, and was discharged March 6, 1865. At battle of Stone River he received a gunshot wound in hand, destroying the usefulness of that member. Afterward, at Lovejoy Station, he was wounded in the left leg, making an amputation necessary. Gangrene set in, rendering it necessary to perform three subsequent amputations. He refused to receive a discharge and served until the close of the war.

Under the general law he can only receive a pension for the loss of the leg. This bill proposes to give claimant a pension of $50 per month. It is not shown that he required the personal attention of another person.

Your committee recommend the passage of the bill with an amendment striking out "fifty" and inserting "forty-five."

[Senate Report No. 261, Forty-ninth Congress, first session.]

We find that claimant enlisted August 9, 1862, and was discharged March 6, 1865; that he received a gunshot wound in his hand at the battle of Stone River, and afterward, at Lovejoy Station, he was wounded in the left leg, making necessary an amputation of that limb. Gangrene set in, rendering it necessary to perform three subsequent amputations. He is now receiving the pension allowed for the loss of that limb. The man refused to receive the discharge offered him after his first wound, and bravely continued in the service. He is clearly entitled to pension for both disabilities and we recommend the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. How much pension is this man receiving now?

Mr. MORRILL. He is receiving $30 a month for the loss of a leg above the knee. He also lost a hand, but is not receiving anything therefor, because the Pension Office can not under existing law pension for both disabilities.

His leg was amputated, but gangrene set in and he was compelled to have it amputated twice more, destroying his physical health completely.

Mr. BRECKINRIDGE, of Arkansas. He is a very gallant and meritorious man so far as the report is given of him. He is receiving now $30 a month?

Mr. MORRILL. There is no rate between $30 a month and $50 a month. The man who lost a leg above the knee or an arm above the elbow is pensioned at $30 a month. For total disability—total inability to perform manual labor—the pension is $50 a month. There is no rate between $30 and $50. This man does not require the attention of one person all the time, and therefore we have fixed the rate at $45 a month, the law allowing where the attention of one person is required all the time $50 a month.

Mr. BRECKINRIDGE, of Arkansas. Has this man a family?

Mr. MORRILL. He has.

Mr. BRECKINRIDGE, of Arkansas. How many children?

Mr. MORRILL. I do not know; two or three.

Mr. BRECKINRIDGE, of Arkansas. Are they dependent upon him?

Mr. MORRILL. He is a poor man and has nothing to live upon but his pension.

Mr. BRECKINRIDGE, of Arkansas. How much did he make when in full health?

Mr. MORRILL. He is a bright, intelligent man, who would make a living anywhere if he was able to perform any duty.

Mr. BRECKINRIDGE, of Arkansas. What was his rank during the war?

Mr. MORRILL. I saw the man when he was here.

Mr. BRECKINRIDGE, of Arkansas. I think the law is liberal enough.

Mr. MORRILL. This man lost not only a leg, but he lost a hand. The man who lost a leg by amputation gets $30 a month.

Mr. MATSON. I agree with the gentleman from Arkansas, the law is liberal for a man who lost a leg. This case is another thing, and the law is deficient in not providing for it. He has not only lost a leg, but he has also lost a hand. The bill has not granted him a total disability pension, such as is granted in cases requiring the aid and assistance of another person, but only $45 a month.

Mr. BRECKINRIDGE, of Arkansas. Why does not the law make provision of the kind suggested?

Mr. MATSON. I have had a bill prepared, and have had for some time, to remedy the defect in the law.

I think it is manifestly unjust that a man who has a leg off and other wounds should only receive the same pension as one who has only lost a leg; but such is the law, and we have been passing these special cases for relief. It seems when a man who has lost a leg and hand he is more deserving than the man who has merely lost a leg.

Mr. BRECKINRIDGE, of Arkansas. Do you uniformly fix the amount at $45 when you pass such bills?

Mr. MATSON. We have graded them according to the degree of disability, as shown by the medical examination. Sometimes $45. This evening, for instance, we passed a bill raising a pension from $24 to $30 a month in the case of a soldier who had one leg wounded and the ball passed through the other foot, practically disabling him completely. In each case, however, we try to regulate the pension by the degree of disability shown in the medical testimony. In this case this man has had not only the wound in his foot which required amputation, and the subsequent additional amputations owing to the improper healing of the stump, three amputations in all, which completely shattered his general health, but he had the gunshot wound in his hand, completely disabling that, and so we fixed the amount at $45—not quite up to the standard of entire disability.

Mr. JOHNSTON, of Indiana. I understand this to be a Senate bill fixing the amount of the pension in this case at $50 a month, and the committee here propose to amend it by reducing the amount to $45.

Mr. MATSON. Yes, sir.

Mr. JOHNSTON, of Indiana. I am opposed to the amendment under the circumstances. This is a case where the soldier lost a leg and one arm.

Mr. MORRILL. No; lost a hand.

Mr. JOHNSTON, of Indiana. Well, it is practically the same thing. Now, if he had been a captain or a lieutenant or a colonel or a major there would not be, I take it, in accordance with the precedent here established, any questions raised about his pension being increased to $50 a month. We have already passed one bill here to-night raising a pension for a widow, who has no disability, from $30 to $50 a month. We have passed another bill here to-night, a Senate bill, for the pension of a widow whose husband did not die from the effect of wounds or injury contracted in the Army, but simply because he was a brave man and held a certain position; and I would like to see a pension bill pass here once where the merits and rights of a private soldier could be recognized. If there ever was a man who is entitled to a pension of $50 a month this man certainly is, wounded as he has been; and I am opposed to concurring in the amendment and want it left at $50, the amount fixed by the Senate.

Mr. MATSON. If my colleague from Indiana will permit me a moment I think I can explain to him so that he can see the reason why this was done. If this man was entitled to $50 a month there would be no need of our legislation at all; and that is the reason that we reduced the Senate bill to $45, because if the disability was such as to entitle him to a rating of $50 per month he could get it under the present law from the Department. That is the reason we did not adopt the Senate bill.

Now, so far as saying that if he was an officer of higher rank there would not have been any objection to the increase of the pension, let me inform my colleague that the general law makes no distinction in so far as these higher grades of pensions are concerned, but the distinction is only with reference to the lower grades. Congress has not shown any disposition to fix these rates, as the gentleman seems to imagine, by special acts; because where the law fixes the grade, and the disability is sufficient to warrant the pension, there is no need for legislation. I think, therefore, the amendment is right.

Mr. JOHNSTON, of Indiana. Let me ask if we have not the power to increase the pension?

Mr. MATSON. Oh, yes; we have the power to make it a thousand dollars if we want to.

Mr. JOHNSTON, of Indiana. Then why should not this man have this pension as well as any other man?

Mr. MATSON. Because the Pension Office could give him $50 if he was entitled to it; and that is the reason we objected to the Senate bill.

Mr. JOHNSTON, of Indiana. You admit the proposition that if he was an officer he would be entitled to it?

Mr. MATSON. If necessary to get on with the public business we will admit anything.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET O'CONNOR.

Mr. ROMEIS. I call up House bill 6278, granting a pension to Margaret O'Connor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret O'Connor, late widow of James Hackett, deceased, late of Company G, Eighth Pennsylvania Cavalry Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. SWOPE) is as follows:

James Hackett enlisted September 12, 1861, in Company G, Eighth Regiment Pennsylvania Cavalry Volunteers, and was killed February 7, 1864.

His widow, claimant, applied for pension, but the bureau rejected her claim "upon the ground that the soldier being absent from his command, away from the control of his officers and the protection of his comrades, can not be considered as having been within the line of duty at the time of his death. The cause of the soldier's death was not incident to or in any way connected with his military service."

The marriage of James Hackett, the soldier, to the claimant is shown by the affidavit of the officiating magistrate.

The Adjutant-General reports:

"This man, while in Philadelphia, Pa., on the 7th of February, 1864, the regiment being at home for the purpose of receiving veteran furloughs, and before the furloughs were given, was found dead near the navy-yard. Cause of death and circumstances attending same unknown, beyond the fact that the coroner's inquest developed the existence of poison in the stomach, and that the soldier was seen the night before in the company of a stranger upon whose person, when arrested, was found a pair of shoes which it was believed was the property of the deceased. The said stranger escaped from arrest and was not retaken."

John E. Kane, late lieutenant of Company E, Eighth Pennsylvania Cavalry, testifies:

"That Company G, with other companies of that regiment, was, on February 2, 1864, relieved from duty in the Army of the Potomac in accordance with special orders and ordered to report to the governor of Pennsylvania, by reason of reenlistment. That in pursuance of said orders, deponent, with his company, under Captain Howard, now deceased, went to Harrisburg, and were ordered to report to Major Gilbert, Philadelphia, Pa., for furloughs, and arrived at Philadelphia about 12 o'clock m. Were received by the mayor, military, and public. That said James Hackett came to deponent and talked with him, asked deponent to take his money, which deponent declined to do, having taken charge of a large sum for other men in the field to convey to their families. This occurred about 6 o'clock p. m. Deponent returned to the State-house, leaving James Hackett at the Soldier's Rest, and saw him no more that night. James was perfectly sober, and known as a sober man. That deponent saw James the next morning about 8 or 9 o'clock at the Union street station-house a corpse. That he was present at the post-mortem examination; that the evidence before the coroner's jury showed that the body was found near the navy-yard among some timber. The physician testified there was poison in the stomach. That the detachment had not yet reported to Major Gilbert for their furloughs, and was under the command of its officers, and James was with the organization at the date of his death. Deponent made a personal examination of his person and clothes, but not one cent was found. That he was poisoned and robbed was the belief of all who knew the circumstances."

Your committee hereto attach the petition of the claimant:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, Margaret O'Connor, whose post-office address is 266 Washington street, in the city of Williamsport, and State of Pennsylvania, respectfully represents that she was the widow of James Hackett, who enlisted on the 12th day of September, 1861, to serve three years, or during the war, in Company G, Eighth Pennsylvania Cavalry Volunteers, and who served faithfully therein until December 15, 1863, when he re-enlisted in the same company and regiment as a veteran and received a thirty days' furlough, returning to Philadelphia, Pa., with a majority of his company, by order of the Adjutant-General, United States Army, at Washington, D. C., and the adjutant-general, State of Pennsylvania.

While at Philadelphia, on the night of February 6, 1864, the said James Hackett and a squad of his comrades started for some theater; but after going some distance, he left them, saying he would return to the Soldiers' Home, where they were quartered. He turned back, and that was the last seen of him until about 2 o'clock in the morning, when he was found in a vacant lot not far from the Soldiers' Home, apparently having just died, his boots and money taken from him. The coroner's inquest showed he had been chloroformed, which caused his death.

The furloughs were not issued to the said Hackett and his comrades until the 9th of February, 1864, and they were all under the command of their officers, and were until they received their furloughs.

Your petitioner has been denied a pension upon several applications, upon the grounds that the soldier was not in line of duty, the fact of his being in the United States service not being questioned.

Your petitioner prays for the passage of a special act granting her a pension from the 6th day of February, 1864, the date of her former husband's death, until June 5, A. D. 1866, the date of her remarriage; also a pension for her two daughters, Mary Ann Hackett and Bridget Hackett, from February 6, 1864, until the time they were sixteen years of age.

MARGARET O'CONNOR.

This seems to your committee a clear case. Soldier was in the service of the United States at the time he met his death; he was undoubtedly murdered and robbed. That he was not in the line of duty at the time is a mere surmise, and not substantiated by any proof whatever; on the contrary the evidence shows that he declined to accompany his comrades to the theater, and left them to return to his quarters at the Soldiers' Home.

Your committee report favorably, and recommend the passage of the bill.

Mr. DUNHAM (before the Clerk had concluded the reading of the report). I think perhaps a statement could be made in much less time than the report could be read.

Mr. BRECKINRIDGE, of Arkansas. Well, let some statement be made. I have no objection. Here is the case of a widow who married again and may have married affluently for all the House knows. There is no statement or explanation at all about the claim. The gentleman can make a statement if he prefers.

The CHAIRMAN. The Clerk will read the report.

The Clerk resumed and concluded the reading of the report as above.]

Mr. BRECKINRIDGE, of Arkansas. I want to ask one or two questions about this case. Who is sponsor for this bill?

Mr. BROWN, of Pennsylvania. I introduced the bill.

Mr. BRECKINRIDGE, of Arkansas. This applicant, I believe, has married again.

Mr. BROWN, of Pennsylvania. It seems she has married again.

Mr. BRECKINRIDGE, of Arkansas. That is in evidence in the case.

Mr. BROWN, of Pennsylvania. I judge from the name she has married again.

Mr. BRECKINRIDGE, of Arkansas. I supposed the gentleman knew all about the case.

Mr. BROWN, of Pennsylvania. I do not.

Mr. BRECKINRIDGE, of Arkansas. Who knows anything about it?

Mr. BROWN, of Pennsylvania. The committee seem to have had a pretty good understanding about it.

Mr. BRECKINRIDGE, of Arkansas. Who is here to speak for the committee?

Mr. BROWN, of Pennsylvania. Dr. SWOPE made the report, but that gentleman is not here.

Mr. BRECKINRIDGE, of Arkansas. Very well. I wish now to inquire what is the law in regard to the widow of a man who died in the service receiving a pension when she marries again.

Mr. MATSON. The law is that she is dropped from the rolls when she remarries; and in case of the death of the second husband she is not restored to the pension-roll. Formerly she was restored in that case.

Mr. BRECKINRIDGE, of Arkansas. As long as she is a widow and is entitled to a pension because of her husband's death she would receive a pension till her remarriage?

Mr. MATSON. I will ask the gentleman from Arkansas to consent that this bill be laid aside informally, as the gentleman who reported it is not here. There may be some circumstances he may desire to know in

regard to it which I can not answer as well as the gentleman from Pennsylvania [Mr. SWOPE]. I ask unanimous consent that the bill be laid aside informally without losing its place on the Calendar.

Mr. BRECKINRIDGE, of Arkansas. There seem to be two shortcomings in this case. One is that, according to several decisions on the part of the Pension Bureau, the death of this soldier was not of such a character as entitled the applicant to a pension. The next is that she has married again, and had she been entitled to a pension she would have forfeited her right to it by that act. This may be a small matter, but we are paying sixty or seventy millions of dollars a year for these small matters, and we want to exclude all the small matters that are not meritorious. I have no objection to this bill being laid aside informally.

Mr. ERMENTROUT addressed the Chair.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] has made a request for unanimous consent, which must be submitted without debate, that the bill be laid aside informally without losing its place on the Calendar. Is there objection?

There was no objection.

Mr. MATSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had the Private Calendar under consideration, had instructed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1142) granting a pension to Lydia Hadlock;
A bill (H. R. 8336) granting an increase of pension to Duncan Forbes;
A bill (H. R. 8111) granting a pension to Rebecca Roberts;
A bill (H. R. 5261) granting a pension to Isaac Fossett;
A bill (H. R. 7162) granting a pension to Martha McIlwain;
A bill (H. R. 4703) granting a pension to Anna A. Probert;
A bill (H. R. 1815) granting a pension to Ellen Corcoran;
A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;
A bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins;
A bill (H. R. 4460) to pension John W. Delp;
A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;
A bill (H. R. 7310) granting a pension to Mrs. Arlanta F. Taylor;
A bill (H. R. 6170) granting a pension to Mary A. Van Etten;
A bill (H. R. 8078) for the relief of Lydia S. Johnson;
A bill (H. R. 2144) granting a pension to C. K. Hughes;
A bill (H. R. 6430) granting a pension to Lucy G. Dutcher;
A bill (H. R. 7979) granting a pension to Jackson Steward;
A bill (H. R. 8332) increasing the pension of James L. Miller;
A bill (H. R. 5324) granting a pension to John H. Hunter; and
A bill (H. R. 308) granting a pension to Mary Sullivan.

Bills of the following titles were reported from the Committee of the Whole House with amendments. The amendments were adopted; and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker;
A bill (H. R. 7931) increasing the pension of Clark Boon;
A bill (H. R. 1201) for the relief of Mary Howard Farquhar;
A bill (H. R. 4552) for the relief of Susan Smith;
A bill (H. R. 8372) granting a pension to John E. Doggett;
A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;
A bill (H. R. 7407) granting a pension to Cyrus Dubbs;
A bill (H. R. 7914) to increase the pension of David M. Rennoe; and
A bill (H. R. 7509) granting a pension to Cecilia C. McKenna.

Amendments to Senate bills of the following titles, reported from the Committee of the Whole House, were severally agreed to as amended; and the bills were read the third time, and passed:

A bill (S. 823) granting a pension to Capt. Elihu Jones;
A bill (S. 891) granting a pension to Geriah Collins;
A bill (S. 983) granting a pension to Michael Daly;
A bill (S. 1098) granting a pension to H. R. Duke;
A bill (S. 1850) granting a pension to Mrs. Annie C. Owen;
A bill (S. 1253) granting a pension to J. T. Haworth;
A bill (S. 1420) granting a pension to William Powell;
A bill (S. 1830) granting a pension to Mrs. C. A. Bailey;
A bill (S. 1441) granting a pension to M. Romahn;
A bill (S. 1431) granting a pension to Jane Carr; and
A bill (S. 1509) granting a pension to William H. Moore.

Amendments to Senate bills of the following titles, reported from the Committee of the Whole House, were severally agreed to, and as amended the bills were ordered to a third reading, and accordingly read the third time, and passed:

A bill (S. 685) granting a pension to Mary Marsh;
A bill (1227) granting an increase of pension to William P. Squires; and
A bill (1539) [title amended so as to read "A bill granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased;"]

The bill (H. R. 1361) giving a pension to Nira D. Gwynne was reported from the Committee of the Whole with Senate amendments.

The amendments were agreed to, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House then, on motion of Mr. MATSON (at 9 o'clock and 50 minutes p. m.), adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Elias Edwards, executor of Elias Edwards, deceased, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Petition of Mary E. Jones, of Alexandria; of Thomas K. Smith, of Rapides Parish; of W. C. Johnson, son of Samuel K. Johnson, deceased; and of Frances Carr, widow of Carter Carr, deceased, of Alexandria, La., asking that their war claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claims of Carter Carr, of Samuel K. Johnson, of Mary Jones, executrix of Fannie Burgess, and of Thomas K. Smith, of Rapides Parish, Louisiana—to the same committee.

By Mr. BOUND: Petition of Mary A. Block, of Harrisburg, Pa., for pension—to the Committee on Invalid Pensions.

By Mr. W. W. BROWN: Memorial of Grange No. 384, Patrons of Husbandry, of McKean County, Pennsylvania, for the suppression of the sale and manufacture of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same against the admission, free of duty, of raw agricultural products—to the Committee on Ways and Means.

By Mr. BUNNELL: Petition of the Chicago Live-Stock Exchange, opposing the taxing of oleomargarine—to the Committee on Agriculture.

Also, petitions of bankers, merchants, manufacturers, and leading citizens of New York city, favoring the appropriation made by the United States Senate to steamships for carrying the mails—to the Commitee on the Post-Office and Post-Roads.

By Mr. CAINE: Petition of 1,795 citizens of Davis County, Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of that Territory by disfranchising them through test-oaths on account of their religious belief, as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create for the government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. DUNHAM: Resolutions of the Produce Exchange of Chicago, Ill., signed by George W. Linn, president, and R. M. Littler, secretary, favoring bill 8328, to tax oleomargarine—to the Committee on Agriculture.

Also, resolutions adopted at a joint session of Knights of Labor Assemblies Nos. 4080, 1297, 4052, 4327, 5449, 5959, and 1912, of Chicago, Ill., opposing the bill No. 8328, to tax oleomargarine—to the same committee.

By Mr. ELY: Petition of E. D. Howe and 31 others, for taxing oleomargarine—to the same committee.

By Mr. ERMENTROUT: Memorial of E. H. Baines, against legislation prohibiting the manufacture of oleomargarine—to the same committee.

By Mr. EVERHART: Petition of citizens of Phœnixville, Chester County, Pennsylvania, praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GAY: Papers relating to the claim of Jasper Gall, of Iberia Parish, Louisiana—to the Committee on War Claims.

By Mr. W. J. GREEN: Petition of executor of Joseph Wilson, deceased, of Sampson County, North Carolina, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. GROUT: Petition of N. H. Ricker and 67 others, citizens of Ryegate, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. T. J. HENDERSON: Petition of T. J. Rich, M. D., and others, of Union County, Illinois, praying for the passage of an act granting a pension to Elizabeth Haine, widow of Robert R. Haine, and arrears of pension—to the Committee on Invalid Pensions.

Also, petition of J. P. Lyttle, M. D., and others, citizens of Bureau County, Illinois, praying for the enactment of such laws as will prevent epidemics—to the Committee on Commerce.

By Mr. HITT: Memorial and resolutions of the Chicago Produce Ex-

change, in favor of legislation against fraudulent production and sale of imitations of butter—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of Joel S. Winans and 53 others, asking for the passage of a law to regulate the sale of all imitations of butter—to the same committee.

By Mr. LEHLBACK: Petition of the Women's Indian Association of Northern New Jersey, asking for the passage of Senate bill 53, for the relief of the Mission Indians of California—to the Committee on Indian Affairs.

Also, memorial of Grange No. 104, of New Jersey, asking for legislation to suppress the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, asking for the same protection to agricultural products that is accorded to other industries—to the Committee on Ways and Means.

By Mr. LIBBEY: Petition of Moses Dawley, for a pension—to the Committee on Invalid Pensions.

Also, petition and affidavits in the claim of R. E. Bennett—to the Committee on War Claims.

Also, letter of Mary E. Parker relative to claim—to the same committee.

Also, papers relating to the claim of William E. Carhart, of Norfolk County, Virginia—to the same committee.

By Mr. MATSON: Petition of Mary Lawson, for a pension—to the Committee on Invalid Pensions.

By Mr. MORRISON: Memorial of the Chicago Produce Exchange for legislation in the dairy interests—to the Committee on Agriculture.

Also, memorial of the Chicago Board of Trade against the oleomargarine bill—to the same committee.

By Mr. NEECE: Resolution of the Produce Exchange of Chicago, praying for the passage of the Scott bill prohibiting the manufacture of imitation butter—to the same committee.

By Mr. O'FERRALL: Petition of Joseph Cleit, of Bridgewater; of Lucinda J. Thompson, daughter and heir of Lucinda Robbins, and of John Brewer, of Madison County; of Solomon Beery, of Cross Keys; of Emanuel M. Hoover, of D. B. Wampler, son of Samuel H. Wampler; of Jacob A. Huntberry, administrator, and of Curtis Yates, of Rockingham County; of Samuel Roller, of Shenandoah County; of Samuel Fetzer, of Harrisonville; of Thomas W. Russell, of Clark County; of Harrison Fauber, of Tom's Brook; of John Sours, of Page County; of John A. Walter, son and heir of Harriet J. Walter, of Rappahannock County; of Sarah Ambrose, of Capon Roads; of John T. Hattel, of Mount Olive, and of W. K. Abbott, of Broadway, Va., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of Joseph D. Long, late of First Regiment Kentucky State Troops—to the Committee on Military Affairs.

By Mr. RICE: Petition of citizens of Shrewsbury, Mass., in favor of a bill regulating the traffic in oleomargarine—to the Committee on Agriculture.

By Mr. SENEY: Remonstrance of Chicago Live Stock Exchange against taxing oleomargarine and butterine—to the same committee.

By Mr. SCOTT: Petition of Granges Nos. 55, 106, 236, 320, 407, and 656, Patrons of Husbandry, of Pennsylvania, urging the passage of the bill to restrict the manufacture and sale of counterfeit butter—to the same committee.

Also, petition of same, protesting against the admission of agricultural raw materials free of duty—to the Committee on Ways and Means.

By Mr. SEYMOUR: Memorial of Sherman Kimberly and others, citizens of Torrington, Conn., favoring the enactment of committee bill concerning oleomargarine, &c.—to the Committee on Agriculture.

By Mr. SWOPE: Petition of 32 business men of York, Pa., asking for the enactment of laws to enable the National Board of Health to employ all the power and resources of the Government which can be lawfully exercised to prevent epidemics—to the Committee on Commerce.

By Mr. TAULBEE: Petition of Adam Feltner, for relief—to the Committee on Invalid Pensions.

By Mr. TUCKER: Papers relating to the claims of Jacob Stover; and of David Buchanan, of Augusta County; and of Zachariah F. Calbreath, of Fishersville, Va.—to the Committee on War Claims.

By Mr. TURNER: Petition of Hon. Henry Gay and others, citizens of Colquitt County, Georgia, for Federal aid to common schools in the States—to the Committee on Education.

By Mr. MILO WHITE: Petition of McIntire Post, No. 66, and of John Ball Post, Grand Army of the Republic, in favor of pension legislation—to the Committee on Invalid Pensions.

By Mr. WISE: Papers relating to the claim of Loftin D. Allen, of Henrico County, Virginia—to the Committee on Claims.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. BUCK: Of Timothy Sedgwick and others, of West Hartford: of Clinton Phelps and others, of East Granby; of H. W. Ladd and others, of Windsor; of H. L. Heyden and others, of Windsor; and of Daniel Webster and others, of Berlin, Conn.

By Mr. FREDERICK: Of citizens of Raymond, of Madison County, of Decora, of Hoyleston, of Manly, of Ellsport, of New Hartford, of Vanmeter, of Washington, of Bowen, of Longworthy, of Red Oak, of Denison, of Nashville, of Saint Lucas, and of Wellman, Iowa.

By Mr. HISCOCK: Of citizens of Norwich, of Helena, of Conewango, of Bennerford, of Coventryville, of Bangor, of New York, of Moore's Ford, of Warsaw, of Otsego County, of Herkimer County, of Chateaugay Lake, of North Pitcher, and of East Homer, N. Y.

By Mr. McMILLIN: Of G. W. G. Brown, of Tazewell, Tenn., and others.

By Mr. PRICE: Of citizens of Wautoma, of Brandon, and of Waupun, Wis.

By Mr. SCOTT: Of citizens of London and of Russell, Pa.

By Mr. SPRINGER: Of citizens of Charleston and of Lanark, Ill.

By Mr. SWOPE: Of citizens of Hosensack, of Rogers' Ford, of Plumsteadville, of Elkland, of Knoxville, of East Greene, of Guy's Mills, and of Thompsontown, Pa.

By Mr. WAIT: Of citizens of Middleton, of East Grandy, of Rockville, and of Northfield, Conn.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BAYNE: Of citizens of Allegheny County, Pennsylvania.

By Mr. W. W. BROWN: Of citizens of McKean County, Pennsylvania.

By Mr. LEHLBACH: Of citizens of Newark, N. J.

By Mr. LIBBEY: Of citizens of Southampton County, Virginia.

By Mr. RICE: Of citizens of Worcester County, Massachusetts.

By Mr. SCOTT: Of citizens of Erie County, Pennsylvania.

By Mr. SWOPE: Of citizens of York County, Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 15, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ECLIPSE OF THE SUN.

The SPEAKER laid before the House a bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886; which was referred to the Committee on Naval Affairs.

HOSPITAL STEWARDS, UNITED STATES ARMY.

The SPEAKER also laid before the House a bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance; which was referred to the Committee on Military Affairs.

GEORGE E. W. SHARRETTS.

The SPEAKER also laid before the House a bill (S. 1069) for the relief of George E. W. Sharretts; which was referred to the Committee on Claims.

RIGHT OF WAY, JAMESTOWN AND NORTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House a bill (S. 1057) granting the right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota; which was referred to the Committee on Indian Affairs.

WILLIAM J. SMITH.

The SPEAKER also laid before the House a bill (S. 13) for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee; which was referred to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. NORWOOD, an extension of his leave for ten days, on account of important business.

To Mr. LITTLE, for this day.

To Mr. HENLEY, indefinitely, on account of sickness.

To Mr. ROBERTSON, indefinitely, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. ERMENTROUT, by unanimous consent, obtained leave for Captain Cone to withdraw papers filed with the Committee on Commerce in relation to House bill 1984.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take up from the Private Calendar for present consideration Senate bill 1484,

to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] asks unanimous consent to discharge the Committee of the Whole from the further consideration of the bill indicated by him, and to consider the same. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Kansas and Arkansas Valley Railway, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the eastern line of said Territory at or near the city of Fort Smith, in the State of Arkansas; thence running, by the most feasible and practicable route, in a northwesterly direction, through the Indian Territory, to such point on the northern boundary-line of said Territory between the Arkansas River, in Cowley County, and the Caney River, in Chautauqua County, Kansas, as said corporation may select; also a branch line of railway to be constructed from the most suitable point on said main line for making a connection with a line of railroad of the Southern Kansas Railway Company terminating at or near Coffeyville, in the said State of Kansas, and at or near the southern boundary-line thereof, and running thence from such suitable point on said main line in a northerly direction, and by the most feasible and practicable route, to the northern boundary line of said Indian Territory at or near Coffeyville aforesaid, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory for said main line and branch of the Kansas and Arkansas Valley Railway, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Ark., or at Wichita, Kans., upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Ark., or the district court held at Wichita, Kans., which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said main line and branch may be located, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas and Arkansas Valley Railway and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Kansas and Arkansas Valley Railway shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 13. And the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. PERKINS. Mr. Speaker, I would like to make a brief statement, subject to the objection which may be interposed subsequently.

Mr. COX. Mr. Speaker, I wish to ask the gentleman from Kansas whether this bill has been referred to any committee of the House?

Mr. PERKINS. Mr. Speaker, in reply to that inquiry I will state that this bill has been unanimously reported by the House Committee on Indian Affairs. A like bill had been previously reported unanimously. This bill has passed the Senate, having been unanimously reported by the Committee on Indian Affairs of that body and having passed the Senate with scarcely a dissenting vote, perhaps not one. The bill contains substantially the same provisions as were contained in the bills which were passed in the Forty-eighth Congress providing for the right of way through the Indian Territory. I would state further that this is not a paper company, nor is it a case of asking a charter for speculative purposes. Two important companies are interested in this right of way. One, what is known as the Santa Fé Company, is already operating more than 4,000 miles of railroad, and the Kansas Valley Railroad Company, whose road runs from Fort Smith to New Orleans, is associated with the Santa Fé Company in this enterprise. When the road connecting these two points shall have been completed there will be a continuous line of railway from the Pacific coast to New Orleans. The road across this little gap through the Indian Territory down the Arkansas Valley is the only link now missing in this important chain.

I desire to say, in addition, that at the suggestion of the Indians in-

terested, the language of this bill has been somewhat modified from that used in similar bills in the Forty-eighth Congress. Instead of granting the right of way, as did the bills passed in the Forty-eighth Congress, this bill simply authorizes the construction of this road. That modification of the language has been made at the suggestion of the Indians, in order that the measure might be entirely satisfactory to them.

Mr. BRECKINRIDGE, of Arkansas. And they are satisfied with the bill.

Mr. PERKINS. There is no objection to it from any Indian in the Territory so far as we have learned or heard.

Mr. BRECKINRIDGE, of Arkansas. They have been conferred with.

Mr. WEAVER, of Iowa. How wide is the right of way proposed to be granted?

Mr. PERKINS. One hundred feet.

Mr. PEEL. It is just like the other bills—precisely.

Mr. PETTIBONE. Does the gentleman from Kansas [Mr. PERKINS] know, or can he affirm to the House, that a road is to be built there in good faith; that the franchise is not sought merely for the purpose of enabling somebody to sell it?

Mr. PERKINS. As I have already stated, the Santa Fé Company has now more than 4,000 miles of road in operation and the Kansas Valley road is in operation from Fort Smith to New Orleans. This will supply the missing link, and make a continuous line.

Mr. ROGERS. And there is a provision in the bill prohibiting the transfer of the franchise. This is not a paper company. The company are anxious to build the road; they will do it in self-defense; they will do it to protect themselves; they need and must have an outlet west and north.

Mr. PETTIBONE. I am glad to understand that. I wanted the fact to be emphasized that this is not a mere speculation.

Mr. BRECKINRIDGE, of Arkansas. Not at all. The money is now in bank to be used for building the road.

Mr. PETTIBONE. That is exactly what we want.

Mr. TAULBEE. Does the bill involve any incumbrance on the land other than the ordinary right of way?

Mr. PERKINS. None whatever. Condemnation proceedings are to be had, and any parties not satisfied with those proceedings will have the right to appeal to the United States courts.

Mr. DUNHAM. Mr. Speaker——

The SPEAKER. Does the gentleman object?

Mr. DUNHAM. For the present I do. I desire to ask a question.

The SPEAKER. If the gentleman objects, the bill is not before the House.

Mr. DUNHAM. Can I not ask a question without objecting?

Mr. PERKINS. I shall be very glad to answer any question.

Mr. DUNHAM. Has this bill passed the Senate?

Mr. PERKINS. Yes, sir; more than two weeks ago.

Mr. BROWN, of Pennsylvania. Will it develop the resources of Arkansas? [Laughter.]

Mr. PERKINS. Oh, yes.

Mr. BROWN, of Pennsylvania. Then I am in favor of it.

Mr. DUNHAM. This day has been set apart by previous order of the House for general debate. It seems to me that a debate of an hour or more might be allowed on this bill, so that the House could perfectly understand it. I will not object to the consideration of the bill; but I think debate ought to be allowed on it for at least an hour.

The SPEAKER. If there be no objection the bill is before the House for consideration. The Chair hears no objection.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

Mr. PERKINS. Moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I desire to call up at this time the bill for the establishment of a subtreasury at Louisville, Ky.

The SPEAKER. The gentleman from Kentucky calls up for consideration a bill which by a vote of the House some time since was postponed until to-day. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 902) establishing a subtreasury at Louisville, Ky.

Mr. HOLMAN. I rise to a question of order. I see that the prior order for to-day is House bill No. 6973, to provide for the appointment of a commission to inspect and report on the condition of Indians, Indian affairs, and for other purposes.

The SPEAKER. The further consideration of both these bills was by a vote of the House postponed until to-day, and the question of consideration can be raised against either of them.

Mr. WILLIS. My object is to get this bill out of the gentleman's way. At the time the motion was made postponing this bill till to-day I did not know his bill had been fixed for to-day. This bill for the establishment of a subtreasury at Louisville has been debated for an hour and a half in two morning hours. As I have stated, my object in calling it up now is to get it out of the way of business in which other gentlemen are interested. I sincerely hope the House will execute its previous order and allow this bill now to be considered.

Mr. SPRINGER. I rise to a question of order. I submit that these special orders are not in order until after the morning hour.

The SPEAKER. Upon what rule or order does the gentleman rely in making that point?

Mr. SPRINGER. The rules of the House require that after the reading of the Journal the Speaker shall call the committees for reports——

The SPEAKER. But by an order of the House made some time ago all Saturdays during the remainder of the session were set apart for general debate only. These orders, made afterward, revoke so much of that prior order as refers to to-day as respects the two bills mentioned. If these orders had not been fixed for to-day there would have been no morning hour and no hour for the consideration of bills.

Mr. HOLMAN. It seems to me that the bill which was first made a special order, which was first postponed, is entitled to priority.

The SPEAKER. These two bills—the bill reported by the gentleman from Indiana from the committee on expenditures for Indians and Yellowstone Park and the bill which the gentleman from Kentucky desires to call up—were both postponed until to-day. They are both special orders; and in the opinion of the Chair neither has priority over the other; but the question of consideration can be raised against either of them.

Mr. SPRINGER. I desire to raise the question of consideration, if admissible.

Mr. WILLIS. We are very anxious to get this bill out of the way of the gentleman from Indiana.

Mr. HOLMAN. We are equally anxious to get out of the way of the gentleman from Kentucky. [Laughter.]

Mr. SPRINGER. I desire to raise the question of consideration as against both of these measures.

The SPEAKER. But only one is called up now.

Mr. SPRINGER. The reason being that the bill to organize the Territory of Oklahoma, which is a continuous order, shall be called up at the earliest possible moment for consideration; and if in order to do so I propose to call it up to-day. It is my intention to maintain that order as against all other measures that conflict with it. [Cries of "Regular order!"]

The SPEAKER. If gentlemen will preserve order upon the floor the Chair will again state the exact condition of the question.

By a vote of the House the further consideration of the two bills, that reported by the gentleman from Indiana from the committee on expenditures for Indians and the Yellowstone Park, and the other called up by the gentleman from Kentucky, for the establishment of a subtreasury at Louisville, were postponed until to-day.

The gentleman from Kentucky now calls up for consideration the bill last mentioned by the Chair, and against that the gentleman from Illinois raises the question of consideration.

Mr. WILLIS. And his is a continuing order, whereas we are confined to a special day. He has the whole of next week.

The SPEAKER. The Chair has already stated that unless these bills be considered to-day, this day is dedicated, under an order of the House, to general debate only.

Mr. SPRINGER. I rise to a parliamentary inquiry. If the House refuse to consider the bill mentioned by the gentleman from Kentucky, as well as that mentioned by the gentleman from Indiana, will it be then in order to move to proceed to the further consideration of the Oklahoma bill?

The SPEAKER. The Chair has already twice stated that this day has been set apart, until the further order of the House, for general debate in Committee of the Whole House on the state of Union, and a special order continuing from day to day does not come up on a day otherwise set apart or dedicated to other business; as, for instance, it would not come up on Friday, which is dedicated to the consideration exclusively of private business.

The question is, Will the House proceed to the consideration of the bill the title of which has just been read?

The House divided; and there were—ayes 102, noes 19.

So the motion of Mr. WILLIS was agreed to.

SUBTREASURY, LOUISVILLE, KY.

The SPEAKER. The question is upon ordering the bill to be engrossed and read a third time.

Mr. MORRISON. Mr. Speaker, when this bill was up for consideration some days ago I said about all I cared to say in opposition to it. My own opinion is, as then expressed, that it should not be passed, and to press it I still insist is wholly inexcusable. I can not more earnestly express my objections to it than I have on a former occasion. I want to have read a letter from the United States Treasurer upon this subject. Of course it is only the expression of an opinion by that officer, but he is the officer at the head of the Treasury and subtreasury system, and his opinion ought to be considered as that of the officer whose duty it is to know the demands of that branch of the public service of which he is the head.

The Clerk read as follows:

TREASURY OF THE UNITED STATES, *Washington, May 4, 1886.*

DEAR SIR: House bill No. 902 seeks to establish a subtreasury at Louisville, Ky. for the purpose of collecting the public revenues, the national banks in that city are fully competent, as well as for such disbursements as are made at that point. For the purpose of putting the silver dollar or subsidiary silver into circulation the subtreasuries at Cincinnati and Saint Louis for short and the mint at New Orleans for longer distances will be as prompt and economical. The sum proposed as compensation to its officers will be inadequate, as it will cost not less than $15,000 to $20,000 per annum to run a subtreasury with proper reference to the safety of the public moneys. There are at least five of the existing subtreasuries that could be dispensed with (Saint Louis, Baltimore, Cincinnati, New Orleans, and Chicago) and their functions be performed by the national banks in the respective cities with greater economy and very much less risk than under the present system. While they exist, however, the persons intrusted with the heavy responsibilities attached to these offices should receive sufficient compensation.

The duties of the subtreasuries have changed since the passage of the laws authorizing the issue of the various kinds of certificates and exchange and redemption of the silver coinage and paper currency of the country. Each subtreasury is now a bank of issue and redemption. Whether such functions should be performed by these offices is a grave question; but one thing is certain, that the persons who discharge the duties thus imposed should be men thoroughly well qualified, receiving sufficient compensation to induce them to remain, while the duties of their respective offices are performed to the satisfaction of the Secretary of the Treasury.

Very respectfully,

C. N. JORDAN,
Treasurer United States.

Hon. WILLIAM R. MORRISON,
Chairman Committee on Ways and Means,
House of Representatives.

Mr. HOLMAN. Mr. Speaker, I have but a word to say in addition to what I have already said in regard to this bill. The House is aware of the fact that there are already subtreasuries established at Cincinnati, Saint Louis, and Chicago, in the Western section of the Union. There is one also at New Orleans and in San Francisco; while in the East there is one at Boston, one at New York, one in Philadelphia, and one in Baltimore. The subtreasury at Cincinnati, which is the least expensive of the whole, costs about $16,500 a year, while that at New York, which is the highest, amounts to about $154,000. The proposed subtreasury, with a much larger body of officers than that named in the bill, as will be seen before this House adjourns should the bill become a law, can not cost the Government less than that at Cincinnati, some four hours distant by rail.

It seems to me, sir, that it would be very unwise for Congress to increase the number of employés in this branch of the service, with the assurance from the head of the subtreasury system already stated in the presence of this House from the Clerk's desk that this increased expenditure is not demanded by any question of public consideration, that the public interests do not require the establishment of this subtreasury at Louisville. If, therefore, public considerations control our legislation and our expenditures of the public money, these expressions from the head of that particular branch of the Government ought to be conclusive.

It was so well said by the gentleman from Illinois [Mr. MORRISON] on a former occasion, that this side of the House is so committed to severe economy in the expenditures of the public money, that it is committed in favor of retrenchment in all governmental expenditures, that it is to be hoped at least that this side of the House will hesitate before it adds this very considerable body of high-salaried officials to the already overgrown list of public employés.

Mr. PETTIBONE. Mr. Speaker, the gentleman from Indiana very properly states that if there is no use for the public treasury at Louisville it ought not to be established; but he states in the same breath that there is already one at Cincinnati, one at Chicago, one at Saint Louis, one at San Francisco, one at New Orleans, one at Boston, one in New York, one in Philadelphia, and one in Baltimore.

Mr. HOLMAN. Let me interrupt the gentleman from Tennessee to ask if he is not aware of the fact that of these subtreasuries, some of them established as late as 1873, three at least can be dispensed with, as shown by the head of that department of the public service without any impairment of the public interests?

Mr. PETTIBONE. I doubt not that may be so. But it must be remembered that in all the South there is only one subtreasury, the one at New Orleans; while a map of our country will show that the converging railroads are centered at Louisville, making the city of Louisville the great city of the South. We have more business there than in any other city.

Mr. HOLMAN. If that consideration should govern, I ask the gentleman why should not Memphis be selected? Is it not a more central point?

Mr. PETTIBONE. For the reason that twenty railroads concentrate at Louisville for one at Memphis.

Mr. ADAMS, of Illinois. Why not select Kansas City?

Mr. PETTIBONE. I will not quarrel about that. If there be good reason for a subtreasury there, all right. But our people in Tennessee, in Kentucky, in North Georgia, in North Alabama, in North Mississippi, in Western North Carolina, in Southern Indiana, and in Arkansas have their business relations at the city of Louisville, and it is for the convenience of the business of the population of that whole section of the country that this bill is urged by its friends. If $15,000 or $16,000 a year is more to the people of the United States than the business convenience of five or six millions of people, this bill ought not to pass. But if the business convenience of five or six millions of people is worth more than this amount which has been spoken of, then it ought to pass.

Mr. HEWITT. Will my friend from Tennessee point out in what way the business convenience of those people will be promoted?

Mr. PETTIBONE. You have one in New York. Does it not contribute to the convenience of the people?

Mr. HEWITT. The business convenience of the people of New York is not promoted by its presence.

Mr. PETTIBONE. What good does it then do in New York?

Mr. HEWITT. It does no good to the people of New York.

Mr. PETTIBONE. Then why not abolish it?

Mr. HEWITT. I have no objection to seeing it abolished.

Mr. PETTIBONE. Then all the subtreasuries ought to be abolished, or this bill establishing one at Louisville ought to pass—that is all I have to say.

Mr. BLAND. It is usual when such communications as that which has just been read are sent to this House that they come from the head of the Department. Such a communication ought to come from the Secretary of the Treasury, if there be any objection on the part of the head of the Treasury Department to the passage of this bill.

Gentlemen who will examine the statistics will find that from the New Orleans mint the State of Louisiana absorbed a million and a half of dollars in the first two or three years after the coinage was commenced; simply owing to the fact that the mint was contiguous to the people of that State. Mississippi received over half a million a year, and the surrounding States of the South were supplied from that mint; and it was an aid in putting the money in circulation.

Under the act of last Congress providing for the deposit or transfer of silver coin and subsidiary coin from the mints to the subtreasuries it was intended to place the silver coinage, both the subsidiary and the standard, in a convenient position for circulation. And inasmuch as these subtreasuries are the only means by which these deposits can be made, it does seem to me a matter of convenience and a matter of importance in securing the circulation of this money to have it deposited near the populations who desire it.

Furthermore, Mr. Speaker, we have a bill pending now for the purpose of issuing certificates on silver, and I understand it is the will or the wish of the majority of this House at least that a larger issue of these certificates be made. Now, under the ruling of the Treasurer, Mr. Jordan, these certificates can not be issued fully. The coin itself is first paid out, is first received by some holder and then redeposited. Now, as to this coin that is all piled up in Washington and in New York, it is almost impossible in the first place to get it in circulation, and in the second place to deposit it anywhere and receive the certificate for it.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. BLAND. Yes, sir.

Mr. HOLMAN. Will not the creation of facilities for the deposit of silver rather increase the amount of silver drawn from circulation? By increasing the facilities for the deposit of silver you will increase the amount of dead currency.

Mr. BLAND. That is a branch of the argument I do not desire to go into at present. It is a question whether the people desire the coin or the certificates. If you have subtreasuries where the coin is to be deposited they can have their choice; otherwise not. But if you fail to deposit the coin where it will go into circulation the people will not have either the coin or the certificates, as is the case to-day with one hundred millions in the Treasury that ought to be in circulation.

Now I say as a means of putting in circulation the coin of the country and the certificates it is a matter of importance to have these subtreasuries where the populations are and where the people want the money. Instead of shipping it from New Orleans to Washington or New York, as was done some time ago, let it be sent to Louisville, Cincinnati, Saint Louis, and the other places where you may establish subtreasuries, so that the people can get this coin, and where, if they do not want the coin, they can redeposit it and get certificates. I am sorry to say, Mr. Speaker, that Treasurer Jordan has not heretofore indicated a very favorable disposition to put silver into circulation, and hence it may be that he does not favor the subtreasury system and the establishment of subtreasuries throughout the country, but I take it for granted that those Representatives of the people who desire to get this money into circulation and to have means provided for that purpose will not follow Mr. Jordan in his hostility in that respect.

Mr. TAULBEE. Will the gentleman allow me to make a suggestion in connection with what he has just said?

Mr. BLAND. Certainly.

Mr. TAULBEE. In the letter of Mr. Jordan which has been read here by the Clerk he says that "for the purpose of putting the silver dollar or subsidiary silver into circulation the subtreasuries at Cincinnati and Saint Louis for short and the mint at New Orleans for longer distances will be as prompt and economical." As I understand it, his statement conveys the idea that this subtreasury would tend to put silver into circulation; and as in the same letter he objects to the establishment of the subtreasury, I think the inference that that is the foundation of his objection is a very tenable one.

Mr. MORRISON. There is no such inference to be drawn from that letter.

Mr. HOLMAN. It is right the other way.

Mr. MORRISON. He says it can be as well and as economically done without this subtreasury as with it.

Mr. BLAND. I do not yield further, Mr. Chairman. If there was some law (and I think there ought to be) by which the Treasurer or the Secretary of the Treasury would be directed to issue certificates on the coin without its being paid out there might be no great necessity for these subtreasuries, because then the certificates could be issued and could go into circulation; but, under the ruling of Treasurer Jordan himself, no certificate can be used until the coin is first paid out and received by the holder and redeposited. If that be so, we ought to have a subtreasury in every city of fifty thousand people, in order to enable this coin to be deposited and go into circulation, and be redeposited and certificates taken if the people desired them. If they did not so desire, then let the coin be deposited in the centers of population where it can be issued and go into circulation. The coinage of silver is peculiarly situated. The bullion is bought by the Government.

Holders of bullion have no right to go to the Mint and have it coined and put into circulation as they could with gold. The Government exercises a monopoly of the silver coinage by purchasing so much per month and coining it. It is for the Government to put it into circulation or not, and heretofore it seems to have been the policy of the Treasury officials to keep it out of circulation, but it is the policy of the people to institute some means to put it in circulation. There are about eighty millions of money now, standard silver dollars, in the Treasury of the United States that ought to be in circulation. How are you to get it into circulation? By simply coining it and holding it in the Mint and in the Treasury and the subtreasuries in Washington, New York, and the few others throughout the country? Is it not a matter of importance that this money, coined by the Government, shall be sent to the centers of population, where it can be placed in circulation, or where it can be returned and certificates taken if we are to adopt the policy of issuing certificates for silver coin? I would rather, however, see the policy adopted of issuing coin notes on the deposit of gold or silver coin without distinction; I would abolish the whole system of issuing silver and gold certificates separately, and let any holder of gold or silver coin deposit it, receiving a coin certificate, redeemable at the pleasure of the Government in gold or silver. But when you institute a policy of that kind you must provide conveniences for holders of coin to deposit it in the subtreasury, receive their certificates, and take the certificates back to the subtreasury and receive the coin again whenever they desire. The national banks are not in favor of that sort of money, and they will not give it any particular circulation if they can avoid it. They are not the parties to charge with such transactions, and, as against national-bank deposits, I am in favor of subtreasury deposits, so as to take that business away from the national banks.

Mr. CANNON. Mr. Chairman, I want to say only a word about this matter. I am curious to see what anybody can say on that side of the House or on this by way of excuse for a vote for this proposition.

Mr. BLAND. I will ask the gentleman from Illinois [Mr. CANNON], who seems to be opposed to this bill, whether he claims that the national banks should have this power with reference to the currency, instead of the Government performing the function itself. The gentleman, I believe, is a stockholder in one of these banks. I do not know whether I am correct in that impression.

Mr. CANNON. I am; and I only wish I had a little more stock. I also own a little farm and a mule.

The only gentleman who has thus far presented any excuse for this measure is the gentleman from Missouri [Mr. BLAND], who proceeds by first throwing his patient into fits and then curing the fits. I think there is no proposition that could possibly come before this House in reference to which the gentleman from Missouri could not see somewhere, through the fog and the cloud, a "silver lining."

Now, what is there in all the gentleman has said? Under the law, at the demand of anybody who has the money to pay for it, the silver dollar is laid down at his door free of transportation charge. That is a fact, and the gentleman ought to know it. I do not know whether he does or not.

Again, suppose you want silver certificates. Any correspondent of any bank, or any individual at any money center, is more than glad to send the silver certificates the moment they are ordered, provided you pay for them. So there is nothing in all that talk of the gentleman.

Now I will tell you all there is in this proposition. A Democratic Treasurer of the United States says that this subtreasury now asked for will be an additional expense and not so safe as the existing depositories. That is his opinion. I am not particularly interested in backing up this Democratic Treasurer; but from what little knowledge I have of business I have no doubt he states the fact. So that the question, after all, resolves itself purely into this—whether we are to establish a subtreasury at Louisville and go on to establish them at every city of ten thousand people throughout the country, as the gentleman from Missouri seems to desire, for the purpose of giving more places for hungry Democrats. That is all there is of it. If gentlemen want to do so they may march up and vote for the bill and provide these places. For one I am not hungering and thirsting to do that thing; and I do not propose to vote for this bill. Of course everybody on either side controls his own vote.

It has been said to me by a number of persons that the parties who very much desire the passage of this bill are very clever people—nice men. I presume that is so; but after all, so far as I am individually concerned, I do not choose to vote for a measure because I would be glad to accommodate this gentleman or that gentleman or the other.

There is no propriety in this bill. I think anybody who understands business understands that. Your Treasurer of the United States says the establishment of this subtreasury will be a useless expense, and that the system here proposed is not so safe as the present system. I commend his opinion to the other side of the House.

Mr. STEELE. I would like to ask the gentleman a question. If, as the gentleman says, the Treasury Department now "lays silver down at the doors" of these banks why are they asking the passage of a bill to do that?

Mr. CANNON. The law——

Mr. STEELE. The existing law does not do it, I am just informed.

Mr. CANNON. Then I am wrong or the gentleman is wrong.

Mr. STEELE. The gentleman who has charge of this bill tells me that this very privilege is now asked so as to avoid the expressage on silver.

Mr. CANNON. I can only state what I know the law to be, which provides that silver shall be delivered without cost of transportation to any one in the United States who desires it. I do not care to stand here and, in addition to having a knowledge of the law myself, furnish my friend from Indiana with that knowledge when apparently he will not receive it.

Mr. STEELE. The gentlemen make assertions without knowing much about the law. I will ask the gentleman from Kentucky what his understanding on that subject is?

Mr. CANNON. There is an appropriation annually for this purpose.

Mr. STEELE. But you fail to appropriate enough, perhaps, because I know of banks in the district I represent that have been refused such benefits. I think they ought to have them for the benefit of their patrons.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption of the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the report on Alaska by L. M. Turner be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

The message also announced that the Senate had passed without amendment the bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River.

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, a bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 117) making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.;

A bill (S. 249) for the payment of Sewell Coulson and Porter, Harrison & Fishback for legal services;

A bill (S. 430) to change the limit of appropriation for the public building at Terre Haute, Ind.;

A bill (S. 531) to provide for the erection of a public building at La Fayette, Ind.;

A bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885;

A bill (S. 1219) for the relief of the heirs of Martin Kenofsky;

A bill (S. 1433) for the relief of the Western Miami Indians of Kansas;

A bill (S. 1457) to increase the appropriation for the erection of a public building at Marquette, Mich.;

A bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (S. 1550) to provide for an addition to the United States building at Jackson, Miss.;

A bill (S. 1592) to change the limit of appropriation for the public building at Denver, Col.;

A bill (S. 1611) for the erection of a public building at Fort Dodge, Iowa;

A bill (S. 1919) to authorize the purchase of additional ground adjoining the United States court-house and post-office building at Saint Paul, Minn., the erection of a bonded warehouse, and the repair of the existing United States building at said place, and appropriating money therefor;

A bill (S. 2058) to complete the public building at Harrisonburg, Va., and

A bill (S. 2191) to complete repairs and alterations of the public building at Parkersburg, W. Va.

Mr. HEWITT. I did not count the number of public buildings authorized by the action of the Senate just returned to the House by its Secretary; but, sir, if there be good reason for putting a subtreasury at Louisville there will be found equally good reasons for having one in every one of the public buildings on this long list.

Mr. Speaker, this proposition proceeds on an entire error as to the subtreasury system. These subtreasuries are not established for the convenience of the people. It is an abuse of the original purpose for which they were established when they are made a convenience to the people. In other words, they can only be made convenient to the people by converting them into banks of issue and deposit, for which they were never designed. If there is anything against which this side of the House is committed by tradition, by principle, by repeated declarations in platforms and otherwise, it is against any union of this Government with the banking system of the country and any usurpation of banking power by the Government.

The subtreasury was established solely for the convenience of the Treasury of the United States, to keep its property safely, as a place of deposit for its property; and every function it performs beyond that, except disbursements in payment of its debts, is an abuse and a dangerous abuse.

The great difficulty we have to-day in this country in regard to the use of currency is due to the fact the subtreasuries of the United States have been converted into a species of national bank. I do not mean by that banks belonging to the national banking association, but a national bank of the kind against which the Democratic party waged undying warfare, and which finally, under the lead of Andrew Jackson, was destroyed.

Mr. BLAND. Let me ask the gentleman from New York whether the subtreasury system was not established for the very purpose of destroying the national banks?

Mr. HEWITT. It was.

Mr. BLAND. Now let me ask the gentleman further whether the national banks will hold silver for the purpose of putting it into circulation? Can you show a national bank anywhere in this country which will take ten millions of silver and hold it for the purpose of putting it into circulation?

Mr. HEWITT. No, sir; nowhere. But I will produce, any time the gentleman wants it, the engagement of every bank in the city of New York to put into circulation every silver dollar the gentleman will furnish them for that purpose. The trouble with the gentleman and his constituents is they have no more silver dollars than they want for circulation, and they will not take them and put them on deposit in the national banks of the city of New York.

Mr. BLAND. I prefer my constituents, and not the gentleman nor the national banks, to determine the question whether we have all the circulation of silver dollars we want or not. Why, sir, we can take four times more than we have now.

The SPEAKER. There is too much confusion in the House, and gentlemen will resume their seats and preserve order.

Mr. HEWITT. I will only answer, as was well answered by the gentleman from Illinois, that if anybody wants silver dollars and is willing to pay for them he has only to ask for them, for under the last sundry civil appropriation bill there is this provision:

For the transportation of silver coin, $50,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries free of charge silver coin when requested so to do.

Mr. BLAND. What amount?

Mr. HEWITT. Any amount.

Mr. BLAND. I understand that is the exchange of one form of money for another. What we want is to get an extra amount into circulation, and not to change paper for silver or to swap dollars. No one can be deceived by that argument. We want to get into circulation more money than is in circulation now; but what the gentleman refers to is merely an exchange of one form of dollar for another form of dollar without adding anything to the circulation.

Mr. HEWITT. I will yield to questions to everybody if they will only make them all at once and then wait until I can answer them. But it is difficult to answer speeches of that sort injected into the belly of my speech. [Laughter and applause.]

Mr. WEAVER, of Iowa. Will the gentleman yield to me?

Mr. HEWITT. Certainly.

Mr. WEAVER, of Iowa. The gentleman from New York says any man can get silver dollars who wants them. The trouble is there are men in this country who do not want silver dollars, and they should be compelled to take them.

Mr. HEWITT. Ah! [Laughter.]

Mr. WEAVER, of Iowa. There are men who, with bonds due on call to-day and with $60,000,000 in the Treasury which should be paid out on those bonds—there are bondholders who do not want their bonds to be exchanged for silver dollars. And why should they not be compelled to exchange those bonds, while we are compelled to take those dollars and nothing else?

Mr. HEWITT. Now, Mr. Speaker, my friend from Iowa [Mr. WEAVER] says we ought to be compelled to take the silver dollars whether we want to take them or not. I wish to state to him that I was compelled to take four of them this morning.

Mr. WEAVER, of Iowa (from his seat). Served you right. [Laughter.]

Mr. HEWITT. Here they are [holding them up]. [Cries of "Hand them over!" "Pass them around!" "Pay them out!" "Disburse them!" &c., and laughter.] And, Mr. Speaker, this remarkable readiness which is exhibited here among my impecunious colleagues on this floor [laughter] to relieve me of this silver burden is very significant of the condition of this country to-day, where everybody would take a silver dollar promptly if offered for nothing and be glad to get it, but if they have to pay for it they prefer some other kind of currency, more convenient to carry and quite as good to spend.

My friend from Kentucky [Mr. WILLIS] wants to afford facilities for what? Is it the distribution of these silver dollars, or is it for the reception of these silver dollars in order to lock them up more completely? Undoubtedly for the latter purpose; and if for the latter, how can this proposition give effect to the views of my friend from Missouri [Mr. BLAND], who wants to put them in circulation? The truth is, the more you multiply the places of deposit for silver dollars, the more rapidly they will be deposited and lie dead.

Mr. BROWN, of Pennsylvania. But there will be certificates issued instead if they are deposited.

Mr. HEWITT. I hope so; at present, however, the certificates are limited in amount to $10.

Now, I know of no good reason whatever why I should be compelled to carry these four silver dollars in my pocket when I would much prefer to have one and two dollar bills.

Mr. SYMES. Will you support the silver-certificate bill, which will accomplish what you want in that direction?

Mr. HEWITT. I have introduced a bill myself and it is pending before the Committee on Banking and Currency, but has not been reported, by which the Government of the United States shall be compelled to give a gold dollar for a silver dollar whenever it is presented at the Treasury Department. That bill will afford relief.

Mr. SYMES. I ask will you support the silver-certificate bill before the House?

Mr. HEWITT. I do not know what the bill is, except in a general way; but I will say to the gentleman that I am ready and willing to support any bill which establishes and perpetuates the equality of the dollars of the United States, whether they be gold, silver, or paper. [Applause.]

Mr. SYMES. Then, if you do, you will have to revolutionize your record in that regard for the last ten years.

Mr. HEWITT. On the contrary, I have never ceased in my efforts to put and keep the currency of the country on a par with gold, and it will be an evil day for the country when this parity is destroyed, as it will be sooner or later by the continued coinage of overvalued silver dollars.

[Here the hammer fell].

Mr. WILLIS rose.

Mr. HEWITT. Is my time limited?

The SPEAKER. The gentleman has exhausted the five minutes.

Mr. HEWITT. I am sorry; I did not know that I was speaking under the five-minute rule; my time was largely occupied by interruptions, and I had not concluded what I had desired to say.

Mr. EDEN was recognized and yielded his time to Mr. HEWITT.

The SPEAKER. The gentleman from New York is not subject to interruption without his consent, and will proceed.

Mr. HEWITT. I am perfectly aware that the interruptions were because of my own foolish good nature.

But, Mr. Speaker, I got up to say something totally different from what I have said, and it is this: These subtreasuries being established for the convenience of the United States, the officers of the Treasury best know where they want them for that purpose. The radical trouble they experience is, however, to secure competent officers to fill these places at the salaries which are established by law; and in the city of New York within three months past it was almost impossible to get a man of sufficient responsibility to take charge of the subtreasury; and the subtreasurer there now in office is appealing to Congress to raise the salaries of his subordinates, because at the rates fixed by the law capable men can not be had for the service.

Every time therefore you establish an additional subtreasury you will increase that difficulty; and I want to warn my Democratic friends that every effort of this sort is simply the imposing of a new charge upon the Treasury and an additional burden upon the tax-payers of the country. This bill proposes to establish a subtreasury at Louisville not because it is needed for the public convenience, as we are informed

in the letter of the Treasurer, but simply because it will provide patronage to the extent of $16,000 annually, and lead to large expenditures for vaults now and buildings in the future.

Mr. WILLIS (from his seat). The bill limits it to $9,500.

Mr. HEWITT. But the incidental expenses will run it up to at least $16,000, which is the smallest sum that any of these subtreasuries are run for. As the continual dropping of water will wear away a stone, so these propositions to spend a little here and to spend a little there until the sum total is enough to frighten every thinking man will finally exhaust the patience of the people.

I have sat here day after day and heard propositions for the expenditure of public money, running up into large sums, constantly made where there is no public necessity to demand it, and I wish to warn my friends that this can not go on in this way without making the burden of taxation unbearable. This is as good a place to stop the unnecessary expenditures as any other, for here is the testimony of the Treasurer of the United States, charged with the care of its funds, to the effect that it is a useless expenditure; that it will add nothing to public convenience and afford no protection to the Treasury. But, worse than that, it may be an enormous risk to the Treasury; for, Mr. Speaker, when money is deposited in the national depositories the banks are responsible for its safe-keeping to the Government, and they are required to give security for the deposits of the funds of the United States in the bonds of the United States, so that there is no possibility of loss.

The subtreasury in New York to-day is only safe from a mob, if a mob should ever arise in that city, by reliance on the police and on the armed forces of the United States that are kept in readiness on Governor's Island for its protection. Wherever you build a subtreasury you must have a guard in the neighborhood. There is always the risk of violence and of robbery.

Mr. WILLIS. We have a guard at Louisville.

Mr. HEWITT. My friend says they have a guard at Louisville——

Mr. WILLIS. And can wipe New York out. [Laughter.]

Mr. HEWITT. I have no doubt on the question of passing this bill you will wipe the votes of New York out, but you will not wipe out the warning which I now venture to give the gentleman, that he and his Democratic associates who vote for this bill will also be wiped out when the next election comes, and the power to expend the public money uselessly will no longer be allowed to reside in a Democratic majority. We came into power because of Republican extravagance; let us not lose it because of Democratic improvidence and a reckless disregard of our pledges to the people.

Mr. WILLIS. I have been astounded at the arguments and the facts upon which the opposition to this bill has been raised, and by no statement have I been more astounded than that of my honored friend [Mr. HEWITT] who has just taken his seat. I would hesitate to express any opinion on finance against his if I did not have before me the law creating subtreasuries and also the report of that very Treasurer whose opinion has been introduced here to control the judgment of the House upon a unanimous report of the committee of this House. The gentleman says that a subtreasury is confined merely to the deposit of silver. The act passed in 1846——

Mr. HEWITT. I beg to state I made no such statement. The gentleman may as well deal fairly with me.

Mr. WILLIS. I stand corrected. Will the gentleman say what he did state?

Mr. HEWITT. I said the substreasuries were established for the care of the funds in the custody of the United States.

Mr. WILLIS. I have before me the law which states it differently; and I have before me the last report of the Treasury Department which puts it differently. And if I can not, let me say here, show by the reports of this very Department the necessity of this subtreasury I appeal to every gentleman on this floor to cast his vote against it.

As to the duties of the subtreasuries, here is what the original law said. The act of August 6, 1846, said the subtreasuries were "for the receipt, safe-keeping, transfer, and disbursement of the public funds."

But what further? Since these coinage acts have been passed the sphere of the subtreasury, the duties and responsibilities of the subtreasury, as we all know, and no one better than the distinguished gentleman from New York, have been entirely changed, enlarged, and increased.

What does the Treasurer say? On page 485 of the last annual report of the Secretary of the Treasury he says this:

> The subtreasurers of the United States, having had their duties and responsibilities largely increased through the issue of the gold, silver, and legal-tender certificates and the issue and redemption of the standard silver dollar and the fractional coins—

And in view of the enlarged sphere of the subtreasury what does he further say—

> it is respectfully submitted whether a scheme for a reorganization of the respective offices should not receive the attention of Congress.

And why? Listen, gentlemen of the House of Representative, listen to the reason that your Treasurer gives for a reorganization and change of your subtreasuries. What does he say on that point?

> Persons occupying the positions of messengers and laborers are now engaged in handling, counting, shipping money, and doing other clerical labor.

Is that the position in which the Treasury of the United States wants to stand before the tax-payers and representatives of the people? Are we to allow messengers and laborers to conduct these important pecuniary transactions connected with the Treasury Department?

Mr. HEWITT. I ask the gentleman how will the establishment of a subtreasury at Louisville change that?

Mr. WILLIS. They demand additional clerks, and we propose to give them additional clerks. It is true they will not be located in New York. But I can say we will find in Louisville men just as competent in finance to attend to this clerical work connected with the subtreasury as the gentleman can find within the limits of Wall street.

He says there is need of more clerical force. The Secretary of the Treasury says the same thing. There is not clerical force to attend to the duties of the subtreasury.

And further, as to vault-room, what does he say? And I challenge any gentleman to deny any statement I make. I welcome interruption. I say in the report of the Secretary of the Treasury we find the astounding fact that every subtreasury in the United States except the mint at New Orleans is to-day full to overflowing with silver and gold, and there is to-day yonder in your Committee on Appropriations a letter from the acting Secretary of the Treasury asking an appropriation of $100,000—for what? To enlarge the vaults at Washington and New York. Can we not have vaults in this building at Louisville? And permit me to say, as I have mentioned the word "building," and as the gentleman from New York referred to the building bills which have been brought in, that this bill neither now nor hereafter contemplates the construction of a public building.

[Here the hammer fell.]

Mr. WILLIS. I ask some gentleman to yield me a few minutes.

Mr. ROGERS was recognized, and yielded to Mr. WILLIS.

Mr. WILLIS. Thanking the gentleman, I would state that this does not now nor hereafter contemplate any public building. We have a building there that will last for a hundred years, and this is simply a proposition to build a vault in an existing building and to provide for four or five clerks at the enormous cost of $9,560. That is the bill that has evoked these vaticinations of ruin. That is the bill that has called forth the Treasurer of the United States to the rescue. That is the amount that has caused my friend from New York to presume that a cyclone will sweep over the Democratic party in the next November elections. Sir, if I can not, upon the facts presented by the Treasury Department, defend this bill, I want it defeated.

Mr. HOLMAN. Will the gentleman allow me a single question?

Mr. WILLIS. Yes.

Mr. HOLMAN. The gentleman has stated that the Treasurer is demanding an increased force of clerks in the subtreasury and an increase of salaries. Will the establishment of this subtreasury at Louisville diminish the grounds for that demand?

Mr. WILLIS. I answer the gentleman that the subtreasury system is an entirety, and that if you have five clerks in Louisville it lessens the necessity for five clerks in Washington or New York.

Mr. HOLMAN. It will not lessen the expense a clerk nor a dollar.

Mr. WILLIS. And further, you can get the clerks cheaper in Louisville than you can in and around your central cities.

But, Mr. Speaker, I desire to call attention to the extraordinary condition of your mints and assay offices. Here is the report of the Secretary of the Treasury. What does he say? That to-day there are unlawfully—that is the word—that to-day there are unlawfully in the mints and assay offices of the United States $148,000,000, and he says that there is no correct report made to him by the mint officers, and that he does not know to-day, officially, whether there is even one dollar in those mints and assay offices instead of $148,000,000. What further does he say? He says that they have relied for safety heretofore upon the police regulations of the cities in which subtreasuries are located. Upon that point he says:

> As a matter of fact, still further dependence is placed on the legal preservation of public order and the efficiency of local police, and confidence in such personal, as distinguished from structural, means of safety seems happily to have suffered no relax from serious disturbances of public order. Yet it may well be asked, should even this long immunity from popular violence be accepted as a guarantee against the future occurrence of anything of the kind in large cities like New York, Philadelphia, and New Orleans?

He could not to-day write that sentence. Since that was written riots have occurred in three of the subtreasury cities of the country. Ah, but the gentleman [Mr. HEWITT] says we have a military force in New York. I would say to the gentleman that we have a military force in Louisville, organized and supported by leading citizens there, which has been in existence for several years. But is it prudent, even from this point of view, to pile up all our money in the city of Washington or the city of New York? In view of the disturbances that have occurred, and in view of this statement made by the Director of the Mint, is it not prudent even from this point of view to distribute that money? Who does not know that a force of one thousand men could capture Washington to-day, even against the resistance of all the brigadier-generals and major-generals who sit around me? Yet the gentleman from New York says, "Go on; pile up your money here; pile it up in New York; you people of the West and South do not need it." He asks, "What need is there for a subtreasury at Louis-

ville?" I say to him: Here is a petition signed by every bank in the city of Louisville, twenty-two in number, which declares that they need it for the transfer and exchange of silver; that they need it to pay the pensioners. One of the pension agencies is located there; they draw their checks on New York; they make mistakes; and, as they state, the pensioners suffer.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Speaker, I do not expect to change the verdict which will be shortly recorded in favor of this bill. I rise chiefly to congratulate those eminent reformers on the other side of the House upon the tight command they have of their party. I call attention of the gentleman from Illinois to it, the leader of the House [Mr. MORRISON]; I call the attention of the gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL]; I call the attention of the gentleman from Indiana [Mr. HOLMAN], the economist; I call the attention to it of my friend and colleague from New York, whom I always delight to honor [Mr. HEWITT]. How well, gentlemen, you hold your party in hand when there is a bill pending before the House to create a little more patronage for your party! Where are those resolutions that you formulated at your last national convention and that you talked about so much before the people, pledging the reduction of public expenditure and the abolition of unnecessary offices? What do you propose to do with these places that you have made for the people, the dear people, whose money you would under no circumstances waste? Is this bill that is now pending, and is your action upon it to-day, an earnest of what your future policy will be in the matter of economy? Your Secretary of the Treasury has said that this expenditure is unnecessary. He has told you that $370,000,000 are to-day tied up and kept from circulation by this system of subtreasuries. He has told you that in Cincinnati seven millions and more are held which can not get into circulation because of the subtreasury there; he has told you that there are ten, eleven, twelve, thirteen millions in Chicago, and I suppose twenty millions in New Orleans, and all because of this subtreasury system.

You stand here, some of you, saying that you want more currency; that prices are forced down on account of increase in the purchasing power of money. That is the argument you frequently use, yet you come in here to-day and, despite all the "oppression" of the people because they have not money enough, you propose, in violation of your pledges in convention and on the stump, to vote for a bill looking to the expenditure of $20,000, very likely $30,000 a year—and in the end half a million dollars for a public building—because there is a little patronage involved in it for the Democratic party.

Mr. WILLIS rose.

Mr. HISCOCK. Through this bill you hope to be able to pacify the Democracy in the State of Kentucky. There is not enough of official patronage there to "go round;" and this bill is brought in as a measure of relief, to provide more patronage to pacify the disaffected and the needy; and because certain Democrats on the other side appear as apologists and defenders of this bill, the remainder of you will rush between the tellers and vote for it. [Laughter and applause.]

[Here the hammer fell.]

Mr. DUNHAM obtained the floor and said: I yield my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. I will now yield to the gentleman from Kentucky [Mr. WILLIS] if he wants to ask a question. As I said, Mr. Speaker, I do not take part in the discussion of this question with any expectation of changing the result. I know that has already been determined. I know that on the other side of the House a few men of national reputation as reformers will mouth their protestations briefly against this bill; but can it be that they are so shorn of influence, can it be that the premier, the king-maker, the very Warwick of the Democracy is so powerless as to be unable to stem this tide of extravagance? Can it be that our distinguished friend from Pennsylvania, with that great State at his back, is powerless to resist these encroachments, these raids upon the public Treasury? How many members from Indiana on the other side of the House will follow our friend from that State [Mr. HOLMAN] in his vote against this bill? I shall watch the record with interest, for I hope you will give us a vote by yeas and nays. I want to see the following that our friend from Illinois [Mr. MORRISON] will have in his opposition to this measure. He is strong, very strong in national conventions, and I want to see in what estimation he is held by his colleagues on this floor when in tame phrases he advises economy and urges that we should let the public Treasury alone. I hope at least that the Democracy from the State of New York, for its own credit, will wheel into line under the leadership of my friend from New York [Mr. HEWITT].

Mr. ANDERSON, of Kansas. You will do the same, will you not?

Mr. HISCOCK. I answer no; I will not wheel into line under the leadership of my friend from New York. I thank Heaven that I am strong enough with my constituency to adopt my own policy, which will ever be to vote against bills of this character. It is unnecessary for my friend from Kansas to insinuate that it is necessary for me to receive oracles from any other source than my own constituency, by virtue of whose warrant I hold a seat on this floor.

Gentlemen on the other side have told us there is a "silver lining" to this measure. My friend from Illinois [Mr. CANNON] has promptly replied that silver is already laid down at your doors free of expense for transportation. It has been pointed out here that this subtreasury system ties up money, keeps it out of circulation, and thus oppresses the people about whom we hear so much on this floor. But, notwithstanding all this, there are four or five offices to be created; there are some positions as keepers of public buildings; there are some people who wish to sweep out and clean them; there is some petty patronage; and the distinguished chairman of the Committee on Rivers and Harbors, not satisfied with the passage of the river and harbor bill, misses nothing; he wants this patronage; and almost as an amendment to that bill this legislation is to be forced through the House.

[Here the hammer fell.]

Mr. TAULBEE. Mr. Speaker, I desire to be recognized long enough to ask the gentleman from New York a question.

The SPEAKER. The gentleman's time has expired.

Mr. TAULBEE. I desire to be recognized myself for that purpose.

The SPEAKER. The gentleman will proceed.

Mr. TAULBEE. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Oh, yes, I suppose so.

Mr. TAULBEE. The gentleman from New York seems to put this bill on the ground——

Mr. HISCOCK. I suppose if the question is asked me I shall have all the time I want in which to answer it. [Laughter and applause.]

Mr. TAULBEE. I propose to yield to the gentleman such time as is accorded to me for the purpose of answering the question.

Mr. HISCOCK. Then I will answer it.

Mr. TAULBEE. The gentleman seems to put the merits of this bill on the ground of patronage.

Mr. HISCOCK. Ground of what?

Mr. TAULBEE. Of patronage. He has labored during the time allotted him to show the fact that the friends of this bill are induced to support it by the hope of getting places for Democrats. Now, if that is his argument and his position I desire to ask why it was on the first day of this month he cast his vote against a resolution to investigate certain of his party friends who are receiving salaries from the Government and making no return therefor? I desire to know why he did so.

Mr. HISCOCK. Mr. Speaker, I do not know to what the gentleman refers. I can not tell that, but it is very possible I may have voted against a resolution to investigate my party friends. If I did, I will tell you one good reason I had for doing it. In my judgment the Democrats have on their hands enough to do in investigating their own party friends. [Laughter and applause.] If the Democratic party will confine itself for the balance of the period it shall be in power to creating committees to investigate what they have done even up to date, and to hold it in check for the future, it will have discharged its full duty to the people, and if it results in pure administration of the Democratic party it will accomplish much more than I expect of it. [Laughter and applause.]

Mr. WILLIS. I demand the previous question.

Mr. SPRINGER. I hope not. [Cries of "Vote!" "Vote!"] I hope the gentleman will yield to me for five minutes.

The SPEAKER. Does the gentleman withdraw the demand for the previous question?

Mr. WILLIS. Yes; and I will yield for four and one-half minutes to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, it is somewhat amusing to this side of the House, and I presume also to the country, to observe the mental agony and physical contortion exhibited by the gentlemen on the other side of the House while they are straining at this little gnat of Democratic extravagance, notwithstanding the fact that for the past twenty-five years they have been swallowing the huge camels of Republican wastefulness. [Laughter and applause.] When I came here in the Forty-fourth Congress the Committee on Appropriations, under the leadership of the distinguished gentleman from Pennsylvania [Mr. RANDALL], began to reform abuses and to reduce the enormous expenditures of the preceding years of Republican rule. During that Congress, while that effort was being made, the Republican members of this House stood as a solid phalanx and resisted every effort looking to such reduction.

I remember on one occasion I was on a conference committee which sat in the month of August for two weeks resisting efforts of the Senate and the Republican side of the House to increase one bill to the extent of $5,000,000.

I heard no protest then from the gentlemen on the other side of the House against that extravagance or any word in favor of curtailing the expenses of Republican rule. But, sir, the Democratic party as then represented persisted in making these reductions and remained here until the 15th of August for the purpose of securing the accomplishment of their object. During two years of that Congress we reduced the expenses of the Government over $60,000,000 below what they had been for the two years of the preceding Republican rule. During all this period there was no effort upon the part of the gentlemen on the other side to co-operate with us, but on the contrary they resisted every proposed reduction in the unnecessary expenditure of the public money.

We were told then by the Republican leaders in this House that the Democratic party was endeavoring "to starve the Government;" that our proposed reductions would cripple the public service, if not destroy the Government outright. But we went forward and reduced expenditures to the enormous extent to which I have already stated. These reductions not only did not cripple or even embarrass the Government, but on the contrary they gave confidence and security to the country and increased power to the Democratic party. It was Democratic economies that opened the way to the resumption of specie payments, and made it possible for the Government to pass through that trying ordeal with safety and establish our financial stability throughout this country and the whole world.

The gentlemen on the other side of the House discovered in the consular and diplomatic bill the other day a proposed increase of $800 in an item at the Turkish legation. This proposed increase in appropriations seemed to startle that whole side of the House at the extent of Democratic extravagance as exhibited by that item. And when the gentleman from Kentucky [Mr. WILLIS], who is now anxious to get the question to a vote, proposed to supply the growing wants of a great region of country by establishing an additional subtreasury in Louisville, gentlemen on the other side resist the proposition and assert that it is another evidence of Democratic extravagance.

[Here the hammer fell.]

Mr. WILLIS. I demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered.

The question was taken; and on a division there were—ayes 102, noes 38.

So the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. Upon the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 62, not voting 102; as follows:

YEAS—158.

Anderson, J. A.	Ely,	Markham,	Singleton,
Arnot,	Farquhar,	Martin,	Skinner,
Barksdale,	Felton,	Maybury,	Smalls,
Barnes,	Forney,	McCreary,	Stahlnecker,
Barry,	Frederick,	McKenna,	Steele,
Bayne,	Fuller,	McMillin,	Stephenson,
Blanchard,	Gay.	Merriman,	Stewart, Charles
Bland,	Geddes,	Milliken,	St. Martin,
Boutelle,	Gibson, C. H.	Mills,	Stone, W. J., Ky.
Brady,	Glass,	Moffatt,	Stone, W. J., Mo.
Breckinridge, W C P.	Glover,	Morgan,	Struble,
Brown, C. E.	Goff,	Morrill,	Swinburne,
Burrows,	Green, W. J.	Morrow,	Symes,
Bynum,	Guenther,	Murphy,	Tarsney,
Cabell,	Hall,	Neal,	Taulbee,
Caldwell,	Halsell,	Nelson,	Taylor, J. M.
Campbell, Felix	Hanback,	O'Donnell,	Taylor, Zach.
Campbell, J. M.	Harris,	O'Ferrall,	Thompson,
Candler,	Hatch,	O'Neill, Charles	Tillman,
Catchings,	Haynes,	O'Neill, J. J.	Townshend,
Clements,	Heard,	Owen,	Trigg,
Cobb,	Henderson, D. B.	Peel,	Tucker,
Compton,	Herman,	Perkins,	Van Eaton,
Comstock,	Hitt,	Perry,	Van Schaick,
Conger,	Hopkins,	Pettibone,	Wade,
Cooper,	Howard,	Pindar,	Wadsworth,
Crisp,	Hudd,	Plumb,	Wait,
Culberson,	Jackson,	Price,	Wakefield,
Cutcheon,	Johnson, F. A.	Reagan,	Ward, T. B.
Davidson, A. C.	Johnston, J. T.	Reese,	Weaver, A. J.
Davidson, R. H. M.	Johnston, T. D.	Richardson,	Weaver, J. B.
Davis,	Jones, J. H.	Rogers,	Weber,
Dawson,	Jones, J. T.	Romeis,	Wheeler,
Dibble,	Ketcham,	Ryan,	White, Milo
Dorsey,	Kleiner,	Sadler,	Whiting,
Dougherty,	Laffoon,	Sawyer,	Willis,
Dowdney,	La Follette,	Scranton,	Wolford,
Dunham,	Laird,	Sessions,	Woodburn.
Eldredge,	Lanham,	Seymour,	
Ellsberry,	Lovering,	Shaw,	

NAYS—62.

Adams, G. E.	Dargan,	Holman,	Rice,
Allen, C. H.	Davenport,	James,	Riggs,
Anderson, C. M.	Dockery,	Kelley,	Rowell,
Barbour,	Eden,	Landes,	Seney,
Beach,	Ermentrout,	Lyman,	Sowden,
Bennett,	Everhart,	McRae,	Spooner,
Bingham,	Fleeger,	Millard,	Springer,
Bound,	Foran,	Miller,	Strait,
Bragg,	Ford,	Morrison,	Swope,
Breckinridge, C. R.	Green, R. S.	Neece,	Thomas, O. B.
Browne, T. M.	Grout,	Oates,	Throckmorton,
Brown, W. W.	Hammond,	Payne,	Turner,
Buck,	Hayden,	Payson,	Wilson,
Cannon,	Hewitt,	Randall,	Worthington.
Cowles,	Hiestand,	Reed, T. B.	
Cox,	Hiscock,	Reid, J. W.	

NOT VOTING—102.

Adams, J. J.	Ballentine,	Brumm,	Butterworth,
Aiken,	Belmont,	Buchanan,	Campbell, J. E.
Allen, J. M.	Bliss,	Bunnell,	Campbell, T. J.
Atkinson,	Blount,	Burleigh,	Carleton,
Baker,	Boyle,	Burnes,	Caswell,
Clardy,	Henderson, T. J.	Mahoney,	Scott,
Cole,	Henley,	Matson,	Snyder,
Collins,	Hepburn,	McAdoo,	Spriggs,
Crain,	Herbert,	McComas,	Stewart, J. W.
Croxton,	Hill,	McKinley,	Stone, E. F.
Curtin,	Hires,	Mitchell,	Storm,
Daniel,	Holmes,	Muller,	Taylor, E. B.
Dingley,	Houk,	Negley,	Taylor, I. H.
Dunn,	Hutton,	Norwood,	Thomas, J. R.
Evans,	Irion,	O'Hara,	Viele,
Findlay,	King.	Osborne,	Ward, J. H.
Fisher,	Lawler,	Outhwaite,	Warner, A. J.
Funston,	Le Fevre,	Parker,	Warner, William
Gallinger,	Lehlbach,	Peters,	Wellborn,
Gibson, Eustace	Libbey,	Phelps,	West,
Gilfillan,	Lindsley,	Pidcock,	White, A. C.
Grosvenor,	Little,	Pirce,	Wilkins,
Hale,	Long,	Ranney,	Winans,
Harmer,	Lore,	Robertson,	Wise.
Hemphill,	Louttit,	Rockwell,	
Henderson, J. S.	Lowry,	Sayers,	

So the bill was passed.

On motion of Mr. HAMMOND, by unanimous consent the reading of the names was dispensed with.

The following gentlemen were announced as being paired until further notice:

Mr. HILL with Mr. BAKER.
Mr. ROBERTSON with Mr. GALLINGER.
Mr. ARNOT with Mr. LONG.
Mr. MITCHELL with Mr. IKE H. TAYLOR.
Mr. HENLEY with Mr. LITTLE.
Mr. MULLER with Mr. HOUK.
Mr. WINANS with Mr. GROSVENOR.
Mr. NORWOOD with Mr. GILFILLAN.
Mr. BOYLE with Mr. HENDERSON, of Illinois.
Mr. LOWRY with Mr. MCCOMAS.
Mr. PIDCOCK with Mr. MCKINLEY.
Mr. OUTHWAITE with Mr. PARKER.
Mr. CURTIN with Mr. NEGLEY.
Mr. TARSNEY with Mr. CASWELL.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. CARLETON with Mr. HOLMES.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. GIBSON, of West Virginia, with Mr. PIRCE.
Mr. BURNES with Mr. BUCHANAN.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. VIELE with Mr. HIRES, until Tuesday next.

The following gentlemen were announced as being paired for to-day:

Mr. WISE with Mr. DINGLEY.
Mr. HENDERSON, of North Carolina, with Mr. OSBORNE.
Mr. LAWLER with Mr. WEST.
Mr. ERMENTROUT with Mr. HARMER.
Mr. WARD, of Illinois, with Mr. LIBBEY.
Mr. DORSEY with Mr. CROXTON.
Mr. KING with Mr. EVANS, of Pennsylvania.
Mr. LE FEVRE with Mr. WARNER, of Missouri.
Mr. MATSON with Mr. SCOTT, on this vote.
Mr. WILKINS with Mr. BUTTERWORTH, on this vote.
Mr. WARNER, of Ohio, with Mr. ROCKWELL, on this vote.

The result of the vote was then announced as above recorded.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. Mr. Speaker, the title I suppose of this bill has not been adopted, and upon that subject I want to observe, before the debate is closed, that the leaders on the other side of the House, and especially the gentleman from New York [Mr. HISCOCK], do not seem to have been able to control the votes of that side of the House any better or to any greater effect than the leaders on this have done. Honors, therefore, seem to be easy, and I trust the gentleman from New York will remember this fact in his forthcoming canvass in New York.

The SPEAKER. There is nothing before the House for discussion.

Mr. HISCOCK. The gentleman from Illinois having been allowed to make that remark, I ought to have the privilege of responding. I desire to state to the gentleman from Illinois that he always does well when he acts upon his own individual promptings and not from the inspirations of others. But what is a more shameless sight than for the Democracy with 40 majority in this House [cries of "Regular order!"] to charge any responsibility for this legislation upon this side of the House? [Loud cries of "Regular order!"] You organized the House, and you have 40 majority, and you are responsible for its legislation.

Mr. WILLIS. What is before the House?

The SPEAKER. There is no question as to the title of the bill.

Mr. WILLIS. Then I demand the regular order.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (H. R. 1361) granting a pension to Nira D. Gwynne.

INDIAN COMMISSION.

Mr. HOLMAN. I now call up for consideration the bill providing for the appointment of an Indian commission.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Indiana.

The Clerk read as follows:

A bill (H. R. 6973) to provide for the appointment of a commission to inspect and report on the condition of Indians, Indian affairs, and for other purposes.

The SPEAKER. The gentleman from Indiana has twelve minutes of his hour remaining.

Mr. HOLMAN. I propose only to occupy a moment to call the attention of the House to the fact already mentioned that this bill has been prepared by the Interior Department under the Secretary of the Interior; that in pursuance of the policy announced by the President touching Indian matters in his last annual message, the bill contemplates the appointment of a commission, detailed from the Army and the Interior Department, to adjust the entire Indian question so far as the relations of the Indians to the land are concerned and the manner in which it shall be held.

The measure would seem to be almost indispensable as a preliminary proceeding in the adjustment of the relation which the Indians are to occupy in future to the lands, and the manner in which they shall be held, and the extent to which those lands shall be held by the Government in trust and disposed of for the benefit of the Indians.

This commission of course would supersede the commission already provided in connection with the Chippewa lands of Minnesota and the Indian lands in the northern portion of Montana. This commission would supersede that one, inasmuch as the creation of that commission is left discretionary with the Secretary of the Interior. It would also obviate the necessity for the commission proposed by the bill for the organization of the Territory of Oklahoma.

It is believed by those having charge of Indian matters that the details provided for by the bill will result in the creation of a better commission than if it were to be appointed from civil life. I believe I have nothing further to add at this time. There are quite a number of amendments pending, some of which are entirely satisfactory, and others of which may be offered. If I have any time left I reserve it.

The SPEAKER. The gentleman has five minutes remaining.

Mr. HOLMAN. I would be very glad if the House would consent, inasmuch as the subject I presume is well understood, that any amendments to be offered may be offered at once, and then that the previous question shall be allowed on the bill and pending amendment.

The SPEAKER. When the bill was formerly under consideration it was postponed by the House until to-day. The question then pending was on the motion of the gentleman from Indiana [Mr. HOLMAN] for the previous question on the bill and pending amendments. A quorum not having voted, the gentleman from Indiana and the gentleman from Iowa [Mr. WEAVER] were appointed tellers.

Mr. WEAVER, of Iowa. I hope the gentleman will not call the previous question, as important amendments will be offered to the bill, which will involve necessarily a good deal of discussion.

The SPEAKER. The Chair will state that by consent before the postponement of the bill a large number of amendments were sent up to be printed in the RECORD. They are not pending unless it shall be agreed they shall be so considered; but there were some amendments, all that were allowed by the rules, actually pending.

Mr. HOLMAN. I think it was understood that by unanimous consent all the amendments sent up were to be considered as actually pending.

The SPEAKER. The Chair finds by an examination of the RECORD that a quorum not having voted on the demand for the previous question the gentleman from Indiana did not insist on further count, and the previous question was not ordered.

Mr. CUTCHEON. I had offered an amendment to the text of the bill which was pending by agreement between the gentleman from Indiana and myself.

Mr. HOLMAN. I think it was understood by unanimous consent that all amendments might be submitted and understood as pending. If there is any doubt about it I will make that request now.

The SPEAKER. The gentleman from Indiana asks that all the amendments offered heretofore be considered as pending. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLMAN. And all other amendments that are germane to the bill.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] had offered an amendment to the first section.

Mr. WEAVER, of Iowa. I understand there has been no limitation to the debate.

The SPEAKER. There has not been thus far. The first question is on the amendment of the gentleman from Illinois [Mr. CANNON] to the first section.

The Clerk read the amendment, as follows:

In line 4, after the word "authorized," insert "and directed," making it read: "That the President of the United States be, and he is hereby, authorized and directed to appoint a commission."

The amendment was agreed to.

Mr. SPRINGER. Is it in order to move an amendment to this bill?

The SPEAKER. By the consent of the House just given, the gentleman from Illinois [Mr. SPRINGER] can send up his amendment and it will be considered as pending,

Mr. SPRINGER. I do not desire to interfere with the amendments already sent up; but I want to move at the proper time to strike out the sixth section of the bill, and to add as a new section what I send to the desk.

The Clerk read the following amendment proposed by Mr. HOLMAN:

In line 6, section 1, fill the blank with the word "major;" so that it will read: "To consist of six persons, three of whom shall be detailed from the officers of the Army not below the rank of major."

The amendment was agreed to.

The Clerk read the following amendment proposed by Mr. DORSEY:

In section 1, lines 7 and 8, strike out the words "appointed from civil life or;" so that it will read: "Who shall report to the Secretary of the Interior for duty, the other members to be detailed from officers in the service of the Department of the Interior."

Mr. HOLMAN. Mr. Speaker, the bill as it now stands provides for a detail of three Army officers of a grade not lower than that of a major, the other three commissioners to be appointed from civil life or detailed from the Interior Department. The proposition of the gentleman from Nebraska is to strike out the power to select from civil life, so that the commissioners would be detailed either from the Army or from the Interior Department.

Now I think that, as a matter of fact, it will be found desirable to make the detail of the three civilians from the Interior Department. It is quite manifest that a very proper appointment would be that of the Commissioner of Indian Affairs as a member of this commission, but still it might occur that some gentlemen peculiarly adapted to the position and not connected with the Indian Department might be suggested, in which event it seems to me desirable that the power of the President to go outside of the Department ought to be retained.

Mr. DORSEY. Mr. Speaker, in view of the explanation of the gentleman from Indiana I withdraw my amendment.

Mr. CUTCHEON. Mr. Speaker, when this bill was under consideration before I offered an amendment to the first section, which will be found in the RECORD, and which I ask to have reported.

The Clerk read the amendment, as follows:

The President of the United States be, and he is hereby, authorized to reorganize the board of Indian commissioners, so as to make it to consist of seven persons, two of whom may be detailed from the officers of the Army, who shall report to the Secretary of the Interior for duty, the other members to be appointed from the existing board, from civil life, or detailed from officers in the service of the Department of the Interior. And when said board of Indian commissioners shall be so appointed, the organization and functions of the present board of Indian commissioners shall cease and determine. It shall be the duty of the said reorganized board of Indian commissioners to perform all duties heretofore intrusted to and performed by the board of Indian commissioners; and they shall inspect all goods and supplies purchased for the Indian service, and advise the Commissioner of Indian Affairs in regard to the purchase of such goods and supplies. It shall also be the duty of said commissioners, under the direction of the Secretary of the Interior, to inspect from time to time, as he may require, the condition of the Indians of the various tribes and bands on the different reservations under the care, control, or jurisdiction of the United States.

The SPEAKER. The amendment is equivalent to a motion to strike out the first section and insert what has been read, and before that can be voted upon all the amendments to the text of the first section must be disposed of.

The Clerk will report the first amendment to the first section.

The Clerk read the amendment [proposed by Mr. COWLES] as follows:

Strike out in lines 7 and 8 the words "appointed from civil life or."

Mr. COWLES. Mr. Speaker, that amendment proposed by me is in effect very nearly the same as the one proposed by the gentleman from Nebraska [Mr. DORSEY], but it goes further. It proposes to strike out the provision for the appointment and the appropriation for the payment of the salary and expenses of the persons to be chosen from civil life. Now, sir, I do not see the necessity of selecting persons from civil life to be appointed on this commission. I think that officers in the Interior Department who have charge of Indian affairs, and officers in the Army who are brought in contact with Indians on the frontier, and who, in the execution of their duties, become familiar with the working of the Department in relation to the Indians, should know more of these matters than any civilians, and be better adapted to service on this commission. Furthermore, they are already in the pay of the Government, and no additional expenditure will be required except for their traveling expenses, if even that be necessary. This amendment, therefore, is in the line of economy, for I do not see the necessity of creating new offices for the purpose of this commission. With regard to the policy of the commission itself I have nothing to say. My learned and distinguished friend from Indiana [Mr. HOLMAN] is very familiar with all subjects appertaining to the Indians, but I do not see the need of appointing anybody from civil life upon the commission when we have men who are already in the employ of the Government receiving regular salaries, and who will perform this duty as well as any man that can be selected from civil life.

Mr. WEAVER, of Iowa. Mr. Speaker, I can not agree with the remarks of the gentleman from North Carolina [Mr. COWLES]. This bill is a very important and far-reaching one. The powers conferred upon

this commission have never been equaled in the history of our Indian legislation. Powers are conferred relating to scores of millions of acres of the public domain, and in fact the whole Indian policy is really placed under the care of this commission and of the Secretary of the Interior. Now, I think the people of the United States would not be willing to put all these vast interests entirely in the hands of Army officers. However well informed those officers may be, however competent they may be, their relation to the Army and their isolation from civil life makes them, whether justly or not, obnoxious to the criticism that they have been so separated from the people that they have ceased to sympathize with them. They have been brought in contact with frontiersmen, with cattle syndicates, with speculators, with everybody except the people of the United States, and I for one would not be willing to see those vast interests placed in their hands alone. I respect the officers of the Army; I make no charge against them; all I say is that I, as a civilian, would not be willing to intrust these immense interests to their hands alone. I am perfectly willing that they should constitute one-half of this board, but the other half, I think, should be chosen from civil life, and if there is not enough in this measure to justify paying those commissioners for their services, then clearly the bill ought not to pass. If there is not sufficient utility in this proposition to justify a reasonable expenditure of money to pay these men for their services, the bill ought not to become a law.

Mr. HOLMAN. I trust my friend from North Carolina [Mr. COWLES] will bear in mind that in the appointment of a commission of so much importance, to be intrusted with the examination of this whole question, involving 137,000,000 acres of lands, it is very likely to occur that some gentleman peculiarly adapted to service upon the commission may be outside of the Interior Department; and in such a case I submit the President should have power to go outside of that Department in making the designation.

Mr. COWLES. My proposition is to confine these appointments not to Army officers exclusively, but to officers of the Interior Department who have charge of Indian affairs, and to Army officers, who, I take it, are as honorable men and as capable of performing these duties as any persons in civil life. I do not understand this commission to be a court, as one gentleman has said——

Mr. WEAVER, of Iowa. I did not say that.

Mr. COWLES. It is simply a commission to obtain information in regard to Indian affairs and report to Congress such measures as in the opinion of the commission should be adopted for the benefit of the Indian service.

Mr. HOLMAN. Certainly. There is no intimation that it is to be a court. My friend from North Carolina [Mr. COWLES] goes on the assumption that three competent persons can be spared from the Interior Department. I do not know that such will be the case.

Mr. COWLES. Not in summer time?

Mr. HOLMAN. Well, we can not tell. This ought to be a continuous commission. I admit that the Commissioner of Indian Affairs or the Secretary of the Interior would be a very proper member of this commission; and I have no doubt if the commission be authorized one or the other of these will be appointed. But it may be found that no three gentlemen eminently qualified for the service can be found in the Interior Department or can be spared from their positions there. Hence I think we ought to leave this discretion with the President.

Mr. WEAVER, of Iowa. I think so.

Mr. COWLES. I see no necessity for the creation of new officers.

Mr. NELSON. I desire to call the attention of the gentleman from Indiana to one defect which it occurs to me is found in his bill. The bill, so far as I have examined, contains no provision indicating what is to be the life of this commission—whether it is to be a continuous commission existing during the life of the administration or is merely to continue until it sees fit to make a report. I would like information on that point. I find that the fifth section of the bill contemplates allowing to these commissioners per diem pay and traveling expenses. Now, my question is, if the commission shall be appointed how long will it continue to exist and how long before its members will go out of office?

Mr. HOLMAN. The commission will last as long as the appropriation lasts—not longer. The appropriation is simply for the current year. If the services of the commission should be required longer Congress, of course, at its next session will make the necessary appropriation. It is impossible to tell now how long such a commission will be required. We can not now determine how long it will take to carry through the various negotiations with the different tribes of Indians. All that we can do now is to appropriate for the current year, making no provision for further duration of the commission. If Congress at its next session should find it necessary to continue the commission the appropriation will no doubt be made.

Mr. NELSON. This, then, will be equivalent to the establishment of an annual office with a per diem compensation?

Mr. HOLMAN. As to the civilians appointed outside of the Interior Department there will be of course a per diem compensation. But the commission will exist simply so long as Congress shall keep it in existence by the appropriation of the annual sum necessary for its support.

Mr. NELSON. The gentleman will allow me another question. Is there anything in the bill that will prevent the members of the commission, or those of them who will be entitled to per diem compensation, from getting pay for the entire year?

Mr. HOLMAN. Those who are appointed outside of the Interior Department, if any such should be appointed, will receive $10 per day; and this appropriation is made on that basis for one year.

Mr. NELSON. That will be at the rate of at least $3,000 a year, exclusive of traveling expenses?

Mr. HOLMAN. Yes, sir.

Mr. NELSON. And the bill may involve the creation of three new offices, with compensation at the rate of $3,000 a year and traveling expenses?

Mr. HOLMAN. Yes, sir.

Mr. NELSON. And this commission is to have no other power than simply to investigate and report?

Mr. HOLMAN. If the gentleman examines the bill he will find that while such is the limitation of power, yet the negotiations with these various tribes, the investigation of the whole subject of their lands, the question of vesting those lands in the Indians in severalty, the disposition of lands for the benefit of the Indians—these and similar questions cover a wide field. It has heretofore been thought necessary to confer upon the Secretary of the Interior the power to appoint for the gentleman's own State a commission of three persons upon the same basis as that embraced in this bill. The present measure, as I have sought to explain, seeks to supersede that commission and to cover the whole field by a single commission, instead of having several different bodies of this character.

Mr. COWLES. I believe the gentleman from Indiana has served upon one of these expeditions?

Mr. HOLMAN. Yes, sir.

Mr. COWLES. I would like to know what that expedition cost the Government of the United States.

Mr. HOLMAN. About $4,200.

Mr. COWLES. Why, then, appropriate in this bill $10,000 for those members of the commission selected from civil life?

Mr. HOLMAN. Let me explain to the gentleman that the commission of which I had the honor to be a member was occupied for three months and a half; and I think it was deemed quite an economical commission. It was composed of five members, and was accompanied by a sergeant-at-arms and a clerk. All these were salaried officers; no salaries were paid. Four thousand two hundred dollars was the sum expended for traveling expenses and for a stenographer.

Mr. COWLES. That is what I propose to do, to have them appointed from salaried officers now, so as to avoid any additional expense.

Mr. WEAVER, of Iowa. If members of the House will examine the bill they will find every line confers power either upon the commission itself or upon the Secretary of the Interior. I repeat, sir, there is nothing like it in the whole history of Indian legislation.

I say in reply to the gentleman from Minnesota [Mr. NELSON] that in my judgment this commission, if ever appointed, can not discharge the duty imposed upon it by this bill in ten years. It is evidently intended to place the whole Indian service and all that pertains to the Indians, including their lands, including, as the gentleman from Indiana [Mr. HOLMAN] has said, 137,000,000 acres of land under this commission and under the Secretary of the Interior, subject in some instances to the approval of Congress and in others not. I do not think we can find men in the Interior Department who can be spared from their duties now at the desk and from their present positions who would be satisfactory to the House and to the American nation as commissioners.

If this bill is to become a law—and I have extreme doubt whether it should ever become the law—but if it is to become the law the largest minded men to be found by the President of the United States, the most comprehensive, the best acquainted with the Indian policy, the public land policy, and the wants of the people generally should be selected as the civilian portion of that commission. I would be unwilling to confine it to the Army or to the present employés of the Interior Department, because certainly the Secretary of the Interior can not be spared from his duties to enter upon this new field of labor nor can the Commissioner of Indian Affairs. I know of no one else in the Interior Department who would be satisfactory to the people if selected. It is important when the commission is appointed that the rights of the public should be taken care of, and the whole transaction should be one of breadth and force.

Mr. SPRINGER. I desire to call the attention of the gentleman from North Carolina [Mr. COWLES] and of the gentleman from Minnesota [Mr. NELSON] to some of the provisions of the bill. They do not seem to be understood. The object of this commission is a permanent one; that is to say, it extends to the solution of the Indian problem; and I undertake to say it can not be accomplished in less time than ten years. And if it can be done in twenty-five years it is time we were beginning to do it now, so that we may have an end to it some time in the future.

I am opposed, therefore, to incorporating in this bill a provision cov-

ering any officer of the Government, unless it may be officers of the Army, whose duties may enable them to devote a large portion of their time to carrying out the purpose of the commission.

Let me now call attention of the House to one provision of this bill, and let me ask whether officers of the Government who now have anything to do can possibly carry out the labors imposed upon them under this bill?

In section 2 it is provided that it shall be their duty in making such inspection to ascertain and report in detail as to the exact condition and needs of the Indians; what steps are necessary to be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; what, if any, of the reservations may be reduced in area, and what portion thereof, not needed for Indian occupation, may be held by the Government in trust for the Indians having title thereto by law or treaty, and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view to their concentration, and the sale, on their behalf and for their benefit, of their abandoned reservations; what, if any, lands reserved by executive orders for Indian occupation are no longer needed for such purpose and may be restored to the public domain; what Indian lands now held in common should be allotted in severalty, the quantity to be allotted to heads of families, unmarried adults, orphans, or others, and what, if any, Indians are not provided with or located upon reservations or lands which may be patented to them; what is the exact number of Indians belonging to each tribe or band, the extent to which they are civilized and engaged in industrial pursuits, and what occupation is best suited to their circumstances and surroundings; whether they should be furnished with implements of agriculture or stock, and of what kind; in what cases and to what extent the support of the Government should be withdrawn; in what manner the annuities or other funds appropriated or payable by the United States to the Indians under existing treaties and laws should be expended to insure the greatest and most permanent benefit to them; wherein and in what manner the present plans of procuring and distributing Indian supplies should be changed; the conduct and fitness of the several Indian agents and agency employés; the number, kind, and qualification of employés required for the proper conduct of the service at each agency and on each reservation; where schools should be established or discontinued; the relative efficiency of the Indian reservation schools as compared with those Indian training schools not on reservations; the best plans and methods for accomplishing the educational and industrial training of the Indian youth and to make such training effective for their self-support; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties, and which, if any, Indians should be invested with the rights of citizenship; the extent to which the Indian reservations are occupied or intruded upon by unauthorized persons, and the best methods for correcting this evil, and to prevent the introduction upon Indian reservations or the sale to Indians of intoxicating liquors, and of arms and ammunition to such tribes or bands whose facilities for procuring such things should be further restricted.

Now, these multifarious and complicated duties can not be performed by anybody who has anything to do now.

Mr. WEAVER, of Iowa. Every line is a grant of power.

Mr. SPRINGER. The Secretary of the Interior is compelled to remain in his office from 10 in the morning till 4 in the afternoon. What time has he to spare for the discharge of these important duties? What time has any officer in that Department to devote to the distribution of lands in severalty among these Indians? How can they know how many Indians are upon a reservation unless they go there and count them?

Mr. COWLES. Does not the bill provide for the appointment of a portion only of the commission from the civil service of the Government, the Department of the Interior, and of those now holding office?

Mr. SPRINGER. Yes, sir.

Mr. COWLES. And a portion from the military arm of the Government?

Mr. SPRINGER. Yes, sir; and that is what I am opposing.

Mr. COWLES. The gentleman can submit an amendment to strike out that part of it.

Mr. SPRINGER. If we are to have a commission, let us appoint persons who will have time to discharge the duties imposed upon them; for I undertake to say that the commission appointed under this bill, if they fully execute its provisions, will have more business to do than any officer of the Government could attend to in addition to those which he is now called upon to discharge under the law.

This commission must go in person to each Indian reservation in order to treat with the various tribes. You can not bring the Indians to Washington for this purpose; you must go on the various reservations and count them and learn their qualifications for particular pursuits; you must learn what lands of their own can be allotted in severalty, and how many of the heads of the Indian families are willing to take their lands in severalty. These are questions which necessarily require the presence of the commission at every Indian reservation and among every tribe throughout the broad expanse of this country. You can not otherwise deal with the question.

Mr. COWLES. Does the gentleman propose this to be a resident commission?

Mr. SPRINGER. No, sir; but I propose that it shall be a commission which can in the very nature of things discharge the duties for which it is created, and those duties will require them, instead of being a resident commission, to travel and acquaint themselves with the condition of each of the various Indian tribes on the reservations and deal with them individually and separately; and any other system of dealing with them will prove absolutely ineffectual.

Mr. COWLES. Is not the only use, or very nearly the only use—and I thank Providence for it—of the Army officers to locate them upon the frontier where the very nature of their duties is such as to familiarize them with the condition of the Indians and their wants?

Mr. SPRINGER. I am entirely willing, as I have already stated, to have some Army officers, if deemed proper, detailed for the service. I do not want this commission to be an extravagant one, but I want it to be able to accomplish the objects for which it is created; and if the presence of Army officers will be beneficial in that direction, and they can be spared from their duties in connection with the Army, I think it would be well to select some for that purpose.

[Here the hammer fell.]

Mr. PETERS. I wish to ask, Mr. Speaker, if it would be in order to offer an amendment at this time?

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The Chair is informed that two amendments are pending, and an amendment now could only be offered and read for information in the time of the gentleman from Kansas. It can be read, to be considered at the proper time.

Mr. PETERS. Then I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by striking out, in line 5, the word "three" and inserting "two;" and also, in lines 8 and 9, by striking out the words "or detailed from officers in the service of the Department of the Interior."

Mr. PETERS. I think, Mr. Speaker, that Army officers are not usually conversant with the character of administrative affairs that will be necessary to carry out the provisions of this bill, its object, its spirit, and its intent. Army officers are not, as a rule, experienced in the administration of subjects connected with civil affairs. Their duties as Army officers, their lives, and their training preclude the idea of their being fully conversant with civil affairs and civil government.

One of the objects of this bill, as I understand it, is to obtain information upon which legislation may be based in the future, and that information is of such a character that it will require the services of those who are familiar not only with Indian affairs and with the management of the Indians, as well as the policy pursued by the Government in relation to them during the past year, but also familiar with all matters and things connected with the public domain, with Indian treaties, as well as with the rights of the Indians under these various treaties. Now, I think it will not be contended that an Army officer who has been educated at West Point and has performed nothing but military duty for years and years can be supposed to be familiar with Indian treaties, with the management of Indians, and the policy of the Government in connection therewith during the past year. Aside from this, I think it is bad policy to provide that three of this commission shall be appointed from the Army, because all of us who are conversant with the social features connected with Army life and with Army officers know that these three officers would in almost every instance meet together in their views and ideas and stand together, and they would then have an even division of the commission upon any question that might come up. I therefore think it would be essential that the Army officers to be represented upon the commission should be in the minority.

I think, then, in relation to those selected from the Interior Department, that the amendment should prevail. I do not believe such a provision as is so contemplated would be wise. I think it requires something more than a mere knowledge of the clerical routine necessary in the management of the Interior Department to treat intelligently the subject-matter involved here. The man who is familiar with the books and ledgers and methods of keeping the accounts of the Indian Department is not the man who has ordinarily the breadth of view and knowledge of Indian affairs sufficient to treat intelligently with the questions presented to this commission by this bill. I believe that four of the members of the commission should be drawn from civil life, should be drawn from those who are conversant with the Indian treaties, should be taken from those who are conversant with Indian affairs, should be taken from those who have a knowledge of the relations the Indians sustain to our public domain; and I think, therefore, my amendment in relation to this provision of the bill should be adopted.

[Here the hammer fell.]

Mr. BAKER. In connection with the work to be done by this commission it is important for us to consider that they have, as has been stated by the gentleman from Iowa, very large powers conferred upon them. In the first place I desire to call the attention of the House to the fact that they are invested with these powers and charged with the duties assigned to them entirely under the direction of the Secretary of the Interior. By section 2 they are charged with investigating and

reporting upon fifteen different subjects relating to the Indian question. These will necessarily require the judgment and experience of men of far more than ordinary ability.

It seems to me the proposition of the first section to constitute this commission by detailing three from the Army and three from the Department of the Interior, or to be appointed from civil life, is well calculated to meet the necessities of this important trust. The fifteen subjects with which they will be charged, and which they will be called upon to investigate, are very important. Attention has been called to one by the gentleman from Illinois [Mr. SPRINGER], but there are other questions of equal importance here specified.

At the very outset we find that their first duty is "to inspect, ascertain, and report as to the condition and needs of the Indians."

Secondly, they are to ascertain and report—

What steps are necessary to be taken on behalf of the Government to improve their circumstances in the direction of their self-support and complete civilization.

With those questions met, the progress of the Indians in the direction of their civilization and self-support is assured, and the Indian problem is practically solved.

The duty of the commission is also to investigate and to report as to—

What if any of the reservations may be reduced in area.

Now it must be remembered that we have in existence in the Indian Territory five civilized tribes, embracing a population of 65,000 persons, whose interests are secured by express treaty stipulations under laws of Congress. This bill contemplates that their rights and interests shall be protected, and provides that no action shall be taken and no recommendation made by this commission which shall have any effect until it is ratified by Congress. In that respect the bill is well guarded, and I think commends itself to every person who would deal justly by the Indian problem, and who would accord full protection to the rights of the Government of the United States as regards the public domain.

In the third section the commissioners are charged with certain duties. They are charged with the duty of negotiating with the Indians with a view to the adoption of certain plans for the betterment of their condition. These are important duties, and I think should be confided only to men of the very highest and best ability.

[Here the hammer fell.]

Mr. ROGERS. The remarks just delivered almost supersede the necessity for what I was about to say. This bill is a departure from the past and the present Indian policy. If it has any merit, it is in the fact that it is a departure; for nothing has fallen so far short of dealing with any public question as the policy heretofore with reference to the Indians.

I differ widely both with my friend from Kansas [Mr. PETERS] and my friend from North Carolina [Mr. COWLES]. The observations of the first proceed upon the theory that in the Interior Department exists a supernumerary corps of clerks who are capable of discharging the important duties of this commission. If that be true, my friend should commend the fact to the Civil Service Committee of the House and have these parties gotten rid of.

But if the departure in the Indian policy contemplated by this bill is to be successfully carried into execution, it ought not to be put under the control of those men who have been schooled and drilled in the narrow channels of the past precedents and practices which have hitherto governed the Department of the Interior in dealing with this broad and important question. In other words, whoever may be selected to serve upon this commission ought to be free from all these precedents and practices. They ought to be men of broad, general, and comprehensive views and with the courage of conviction to carry out such policies as may be found necessary in dealing practically with the Indian question. Then upon the other hand if we were to look this country over in all of its sections perhaps we would not find any class of men more capable of discharging the important duties connected with a commission like this than are numbers of the Army officers in this country.

There is scarcely one of these men of any importance in rank who has had any considerable length of service who has not been brought in contact with almost every Indian reservation throughout this broad land. Among that number will be found many of the best-advised and the best-informed men, and not only that, but men of the highest character and of the highest moral courage, administrative capacity, and executive ability. So that this commission when formed will come from both branches of the service; the one schooled in practical affairs in dealing with the Indians, and the other coming from the great civil ranks of life, where may be found the men best qualified to deal, in conjunction with the Army officers, with this important matter.

Therefore I say I agree fully with the committee which reported this bill upon that aspect of it, and acquiesce fully in the observations just delivered by the gentleman from New York [Mr. BAKER].

Mr. CUTCHEON. When this bill was before under consideration I offered an amendment in the nature of a substitute for the first section. It affects only the organization of the commission, and leaves its duties precisely as they are here. It adds to those duties certain duties belonging at the present time to the board of Indian commissioners. As is well known to every member of the House, we have now, and have had since 1869, a board of Indian commissioners, consisting of ten.

The duties of the board of Indian commissioners were first defined by an executive order of President Grant, under date of June 3, 1869. At that time they were almost as comprehensive as the duties which are imposed upon the proposed commission by this bill; but the duties of the board, as defined at the present time, will be found in the appropriation bill for the Indian service for the year 1883, and are as follows:

And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian service and to inspect goods purchased for said service; and the Commissioner of Indian Affairs shall consult with the commissioners on the purchase of supplies. The commission shall report their doings to the Secretary of the Interior.

In accordance with this law, the board of Indian commissioners have made their annual reports, two of which I now hold in my hand, two reports for the years 1883 and 1884. Now it seems to me wholly unnecessary to have both these boards of Indian commissioners. The existing board is not a paid body. It is composed of eminent gentlemen, who give their services, their expenses being paid by the Government. I have, therefore, by the substitute or amendment that has been read from the desk, proposed to annex the present duties of the existing board, inspecting agencies and inspecting and reporting upon supplies, to the duties enumerated by the pending bill.

As to the organization of the commission, as proposed in my substitute it differs from that proposed by the committee only in this: Foreseeing that a commission composed of any even number might find themselves in the same condition that our supreme court in the State of Michigan sometimes finds itself, evenly divided, I have provided for an odd number, whether it be five or seven I do not care; I have not used the word "shall," or made it mandatory upon the President to appoint any particular number of the members of the commission from civil life or from the Army. I do not care whether he takes two or three of them from the Army, but I am quite satisfied that they ought to be a minority of the commission. I think the majority ought to be from civil life. I am very positive about that.

I agree with the gentleman from Iowa [Mr. WEAVER] and the gentleman from New York [Mr. BAKER] that this bill is a new departure of a most important character. It covers the entire Indian question in regard to tribal relations, in regard to education, in regard to lands in severalty—every important question which enters into what we call the Indian problem is here included and placed in the hands of these commissioners, making them, not omnipotent, but exceedingly potential in dealing with all these matters.

[Here the hammer fell.]

Mr. CANNON was recognized and yielded to Mr. CUTCHEON.

Mr. CUTCHEON. I thank the gentleman. A few words, and I shall have done. There is no need of both these boards. Either we should extend the powers of the existing commission or else wipe them out.

My substitute proposes to consolidate the powers of these two boards, to wipe out, if you please, the powers of the present commissioners, and to add their present limited jurisdiction to the broader jurisdiction proposed to be conferred by the pending bill. I trust that something like this will be done. We have had enough crossing of lines on this Indian question; we should have no more of it. Let us consolidate these powers. Let us make one commission, composed of eminent men, in part of men from the Army who have been brought in practical contact with the Indian tribes and understand Indian character, and in part of men from civil life who are able to comprehend the law and the treaties and the general bearings of the Indian question. I think that a part of the commission, also, but a small part, ought to come from the Interior Department, because there are men there whose familiarity with these questions for long years would enable them to understand more readily than others the scope and the relations of the different subjects involved.

Such a commission would meet the exigencies of the case, but I trust that we shall not have a commission composed of an even number of members, nor a commission the majority of whose members shall be taken from the Army. Let us have a commission composed of an odd number, with more than one-half of its members taken from civil life, and let us consolidate in its hands all these powers. Then we shall have unity and uniformity of action, no clashing, no collision, and we shall doubtless secure satisfactory results.

Mr. WEAVER, of Iowa. Do you not think that an experienced clerk from the Interior Department would be all that the commission would need from that quarter?

Mr. CUTCHEON. It has occurred to me that one of the heads of divisions, a man familiar with these Indian questions, should be taken. I think there should be at least one member of the commission from the Interior Department, and some from the Army, but the body of the commission should be composed of eminent citizens taken from civil life.

Mr. THROCKMORTON. Mr. Speaker, I regard this bill as one of the most important bills that is now before Congress, and I hope it will pass; but on account of its importance I think we can not be too careful in guarding all its provisions and making it such a law as will probably give satisfaction to the country in shaping and determining the Indian policy of the government. I differ with my friend from Indiana [Mr. HOLMAN] in regard to the necessity of any portion of this

commission coming from the Interior Department. He says that the Commissioner of Indian Affairs or the Secretary of the Interior might well be a member of the commission. Now the Commissioner of Indian Affairs and the Secretary of the Interior would have to pass upon the work of the commission.

Whatever practical measures the commission proposed would go into the hands of the Commissioner of Indian Affairs and the Secretary of the Interior and would be passed upon by them, meeting either their approval or their disapproval. Again, so far as those two officers are concerned, they have the opportunity now, and it is their duty, to look into these matters, and doubtless the Commissioner on many occasions may visit the reservations and the country of the Indians, and can do so without the necessity of being a member of this commission.

I do not think that any clerk or head of a bureau or any other officer in the Interior Department should be a member of this commission. I believe it is wisely proposed to make this a mixed commission of officers of the Army and of gentlemen from civil life; but if in forming this commission you are to discard one or the other of these classes, it would be in my judgment far wiser to discard the gentlemen from civil life than to dispense with officers of the Army. One gentleman who has spoken discredits the executive ability and fitness of officers of the Army for the duties of this commission. I think no greater error could be committed. We have in the Army officers who, throughout long lives, have been in constant contact with the Indians, and are eminently suited to conduct negotiations with them.

Apart from their experience, derived from their long contact with Indian affairs, there is another reason which, in my judgment, makes them more suitable for the duties of this commission than gentlemen from civil life, although I believe a portion of this commission should be appointed from civil life. The fact is notorious throughout the whole extent of our Indian border that the Indians have confidence in the officers of the Army and have very little confidence in men from civil life who have been sent to negotiate or work with them. That has been the general experience in this country. And there is good reason for the feeling of the Indians in this matter. They have found that the officers of the Army have dealt with them fairly and squarely on all occasions, while they have been too often plundered by men from civil life who have been sent to transact business with them.

The point made by the gentleman last on the floor that a preponderance of the members of this commission should be from civil life, and that there should be an odd number of members, is not, I think, well taken. The finding of this commission is not to have any binding force, but is simply to be reported to Congress and passed upon by it. If there should be six members of this commission, and they should be equally divided in opinion, Congress, when it came to consider the report, could determine which was right and which was wrong.

Mr. WEAVER, of Iowa. My friend will allow me to interrupt him to call his attention to the proviso of the third section—

That no such arrangement thus made which involves the change of any existing treaty or law shall be binding or operative until ratified by Congress.

It thus appears that everything else can be done by this commission without ratification by Congress. That is one of the extraordinary and dangerous powers conferred by the bill.

Mr. THROCKMORTON. I do not understand that any recommendation which this commission might make would become law unless approved by the Secretary of the Interior.

Mr. WEAVER, of Iowa. But it need not be approved by Congress.

[Here the hammer fell.]

Mr. ROGERS obtained the floor and said: I yield my time to the gentleman from Texas [Mr. THROCKMORTON].

Mr. HOLMAN. I hope my friend from Texas will observe the language of the third section:

All such arrangements as may be thus made and agreed upon to be reported to the Secretary of the Interior, who may, in his discretion, approve them in whole or in part: *Provided*, That no such arrangement thus made which involves the change of any existing treaty or law shall be binding or operative until ratified by Congress.

Mr. BROWN, of Pennsylvania. That refers only to the "arrangements" to be made under the third section.

Mr. HOLMAN. It refers to all the powers of action confided to this commission, and those are all embraced in this section.

Mr. WEAVER, of Iowa. Under this bill, would not the Secretary of the Interior, on the recommendation of this commission, or even without it, be authorized to remove the Indians from reservations which they are now occupying under departmental order? If this commission should find the Indians ought to be removed from one place to another, the Secretary of the Interior can do it without reporting to Congress at all.

Mr. HOLMAN. Is not that the law now? This bill confers no new power in that respect.

Mr. WEAVER, of Iowa. It is now the law; but it is not being exercised. Suppose, however, that this commission should go down to the Cheyenne and Arapaho reservation and find there Arapahoes, Cheyennes, Kiowas, Comanches, and Kickapoos occupying a certain portion of that country——

Mr. HOLMAN. Under executive order.

Mr. WEAVER, of Iowa. Under executive order. May not this commission decide it to be a good thing that those Indians living west of the rain-belt should be removed——

Mr. HOLMAN. Farther east.

Mr. WEAVER, of Iowa. Farther east, onto the Oklahoma lands. Now, would not the Secretary of the Interior have the power to ratify such a recommendation and put those Indians there without Congress having anything to say about it?

Mr. HOLMAN. He has that power now.

Mr. WEAVER, of Iowa. But the Secretary of the Interior would not exercise the power now when a bill is pending before Congress to organize a Territorial government there. If, however, this commission should be appointed in the face of the fact that a bill is now pending to organize a Territorial government in Oklahoma, it is very likely something of that kind would take place. The bill would confer a very dangerous power in this respect.

Mr. HOLMAN. There is no provision in this bill that increases the power of any officer. It provides for no increase of power. If there should be, as undoubtedly there will be all along the line, recommendations by this commission for changes in the terms of treaties and various matters of that kind, these recommendations will all have to be ratified by Congress.

Mr. WEAVER, of Iowa. In reply to that I will say that now Congress would be very slow to act; would act with great discretion and deliberation; but if a change of policy should be indorsed by a report of a commission created under this act the case might be otherwise.

Mr. BAKER. Is it not true that the Secretary of the Interior now possesses every one of the powers proposed to be conferred on this commission by section 2 of this bill?

Mr. WEAVER, of Iowa. I do not think he does.

Mr. BAKER. I think he does.

Mr. WEAVER, of Iowa. I will discuss that with the gentleman when we come to consider that section.

Mr. BAKER. The third section, as has already been suggested, provides that all arrangements which may be agreed upon by the commission shall be reported to the Secretary of the Interior, and they are subject to his approval, in whole or in part, as he may determine.

Mr. WEAVER, of Iowa. There are numerous provisions of section 2 which I desire to discuss when we come to consider that section.

Mr. THROCKMORTON. I have no doubt my friend from Iowa will have ample time hereafter.

Mr. HOLMAN. I hope that by unanimous consent the five minutes yielded to the gentleman from Texas [Mr. THROCKMORTON] by the gentleman from Arkansas [Mr. ROGERS] will be considered as beginning now.

The SPEAKER. It will be so ordered, if there be no objection.

Mr. THROCKMORTON. Mr. Speaker, I apprehend that under the provisions of this bill no difficulty will arise by reason of any action which this commission may take, or any approval of such action by the Secretary of the Interior. I feel quite assured the Secretary would be entirely disposed to observe whatever may be foreshadowed here as the will of Congress in regard to Oklahoma or any other portion of the Indian Territory. But, sir, is it not the fact that this territory of Oklahoma was purchased from the Indians with the distinct understanding that it might be peopled by other friendly Indians?

Mr. WEAVER, of Iowa. Certainly. But the Representatives from the States of Texas, Arkansas, Missouri, and Kansas, as the Commissioner of Indian Affairs states in his annual report, have unanimously and "fiercely" insisted that no more Indians shall be put into the Indian Territory from any place whatever.

Mr. THROCKMORTON. The Representatives from Texas, Arkansas, Missouri, and Kansas have insisted that the Apaches and other distant tribes should not be brought to the Indian-Territory. But Oklahoma is a part of the Indian Territory. And if the cases submitted by my friend from Iowa are to be put in vogue for the removal of the Arapahoes and Cheyennes to Oklahoma it would be in accordance with the treaty made with these Indians.

Mr. WEAVER, of Iowa. The Apaches——

Mr. THROCKMORTON. My friend from Iowa knows I have only a few minutes, and I hope he will permit me to proceed.

Mr. WEAVER, of Iowa. I wish to reply. The gentleman does not stand here representing the people of Texas to insist the savages living southwest of Oklahoma, and who do not cultivate an acre of the soil, or, if any, but a few, that those who live beyond the rain-belt, those who do not cultivate the soil and do not want to, shall be taken from where they are and put upon the tillable portion of Oklahoma to the exclusion of white settlers. Does he stand here and insist they shall be put on the fertile lands of Oklahoma and that white people shall be driven beyond the rain-belt?

Mr. THROCKMORTON. I stand here faithfully to carry out the stipulations made by the Government of the United States with the five civilized tribes of Indians. And in my judgment, sir, it is beneath the dignity of any member of Congress to do anything in the way of violating our treaty stipulations with those Indians.

Mr. WEAVER, of Iowa. There is no treaty with the five civilized tribes of Indians requiring any such thing on our part.

Mr. THROCKMORTON. No, but the Government promised it.

Mr. WEAVER, of Iowa. Is it a violation of the treaty when we do not put them there?

Mr. THROCKMORTON. When that question comes up we will argue it, whether it is or is not in violation of treaty stipulations.

Mr. WEAVER, of Iowa. There is no violation of treaty stipulations.

Mr. THROCKMORTON. It was agreed to by treaty stipulations, and for that purpose and with that understanding the Indians consented to it.

Mr. WEAVER, of Iowa. It was agreed to put freedmen there also.

Mr. THROCKMORTON. Precisely; but the freedmen will not go there.

Mr. WEAVER, of Iowa. And the Indians refuse also to go there.

Mr. THROCKMORTON. That question can be fully discussed when the Oklahoma bill is before the House.

Now, Mr. Speaker, what has been elicited during this brief discussion shows the vast importance of this bill, and the necessity of giving it the most careful consideration.

Let me recur to the appointment of Army officers as a part of this commission. Now, it is well known we have Army officers who have had large experience in regard to Indian matters, and who have been connected in such manner with all the subject-matters to be brought under investigation in such commission as will make them the very best of executive officers, and their judgment can be relied upon as surely as the judgment of any civilian in the country. I trust, therefore, instead of diminishing the number of Army officers to be appointed on this commission, if any change be made, the number will be increased in that direction.

But I believe three civilians and three Army officers will be sufficient for the purposes of the commission. I am in favor of composing the commission equally of civilians and Army officers, because I think it will strengthen its recommendations when they come to be presented to the country.

Instead of not being qualified for this peculiar work, as the gentleman from Kansas has intimated, I think they are qualified in an especial degree for its execution. We have found in our past experience officers educated at West Point make the very best executive officers. And if there is to be any change at all, although I hope there will be none, it should be in the direction of increasing the number of these Army officers. I hope no member of the Interior Department will be placed upon this commission.

[Here the hammer fell.]

Mr. PEEL. Mr. Speaker, after the gentleman from Texas [Mr. THROCKMORTON] I do not feel it to be necessary for me to say much on this bill, because his views are sound upon that portion of it which he undertook to discuss. I, like him, believe there are to be found men in the military service of the country, serving upon the western frontiers, who are as well qualified and, in fact, better qualified than any other class of men we have in the public service amicably to adjust the Indian question.

There is another important reason for the appointment of this commission, and that is this: It is a well known fact to all who have given this subject careful attention that there are scarcely to be found two tribes of Indians that are alike. There are scarcely any two of them who are located alike. Their surroundings, their manner of living, and they are dissimilar in almost every respect.

This commission being a supervisory board and auxiliary to the Indian service, and intrusted with the execution of this law, will go and investigate each and every tribe of Indians and every trouble in regard to lands and everything else pertaining to them. They will make it their exclusive business to do nothing else than the duty imposed upon them by this bill. The facts they will accumulate will be submitted to Congress by the Secretary, and will be in every way reliable and complete.

The great trouble about the Indian agents is that each one has his own little government about him, and his reports apply solely to this particular community. This commission, if the bill becomes a law, grasps the whole Indian question. Those persons upon it who are detailed from civil life are presumed to be men of practical experience and capacity, men who know something about the Indian question, who will act in conjunction with men who have spent half a lifetime upon the frontier and are thoroughly conversant with the Indian problem. When these men act in conjunction, and go from reservation to reservation, examining the condition of the Indians and the treaties with the various tribes, investigate their needs, wants, and capacity, their ability for improvement, grasp the whole thing and report the results back to the Interior Department, it will prove a source of information to Congress as reliable as any that can possibly be obtained.

Mr. HOLMAN. I hope the House will now consent to limit debate to some reasonable time. How much time does the gentleman from Iowa desire?

Mr. WEAVER, of Iowa. I think, Mr. Chairman, that we can not now very safely limit debate upon the bill. When we reach the second section, that is the section in which the main grant of power is contained, it is very voluminous, very extensive, and will require, every line of it, careful consideration.

The SPEAKER *pro tempore*. The Chair understands the gentleman to propose to limit the debate upon the pending section and amendments.

Mr. WEAVER, of Iowa. I have no objection to that.

Mr. HOLMAN. Then I ask the previous question upon the first section of the bills and amendments.

Mr. PETERS. Mr. Speaker, I would like to inquire if that would include the amendments offered by myself and read for information?

Mr. HOLMAN. I have no objection to including all the amendments which have been sent to the desk to be read for information.

The SPEAKER *pro tempore*. With that understanding the gentleman from Indiana demands the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The first question is upon the amendment proposed by the gentleman from North Carolina [Mr. COWLES], which the Clerk will read.

The Clerk read as follows:

Strike out in section 1, lines 7 and 8, the words "appointed from civil life or."

The amendment was rejected.

The SPEAKER. The Clerk will report the next amendment proposed by the gentleman from Texas [Mr. REAGAN].

The Clerk read as follows:

To come in after the word "Interior," in line 9 of section 1:

"*Provided*, That members of Congress may be appointed to the places to be filled by civilians; and that those who may be appointed on this commission, and who are in receipt of salaries from the Government, shall receive no additional compensation; but their traveling and other expenses shall be paid on sworn vouchers."

Mr. REAGAN. I understand from conversation with several gentlemen that it will not be practicable for members of Congress to attend to the duties of this commission during this summer, and I therefore, if there be no objection, withdraw the amendment.

There was no objection, and the amendment was withdrawn.

The SPEAKER. The Clerk will report the next amendment proposed by the gentleman from Kansas [Mr. PETERS].

The Clerk read as follows:

Amend by striking out, in line 5, the word "three" and inserting "two." Also amend by striking out, in lines 8 and 9, the words "or detailed from officers in the service of the Department of the Interior."

Mr. PETERS. I would like to suggest by unanimous consent to the gentleman from Indiana that the word "major" be stricken out and the word "captain" inserted instead in this section.

Mr. HOLMAN. I ask unanimous consent, as the gentleman makes the suggestion, that the word "major" be stricken out and "captain" inserted. Many gentlemen of that grade are eminently qualified to fill the duties of this position.

There was no objection, and it was so ordered.

Mr. ROGERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. I wish to ask whether or not the amendment now pending is divisible?

The SPEAKER. There are two propositions involved in the amendment; in fact there are two amendments to the section.

Mr. ROGERS. Then I ask a separate vote upon them.

The SPEAKER. The question will be taken upon the first branch of the amendment of the gentleman from Kansas, which the Clerk will again report.

The Clerk read as follows:

Strike out, in line 5, the word "three" and insert "two."

The question was taken; and on a division there were—ayes 18, noes 29.

So the amendment was rejected.

The next amendment proposed by Mr. PETERS was read, as follows:

Strike out, in lines 8 and 9, the words "or detailed from officers in the service of the Department of the Interior."

The question was taken; and on a division there were—ayes 41, noes 37.

So the amendment was agreed to.

The SPEAKER. The question now recurs upon the substitute for the first section, proposed by the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I ask unanimous consent to modify the substitute by changing the number of the commission from seven to five.

There was no objection, and it was so ordered.

The substitute was read, as follows:

1. Amend the title of the bill to read as follows:

"A bill to provide for reorganizing and further defining the duties of the board of Indian commissioners, and for other purposes."

2. Amend section 1 of said bill so that it shall read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to reorganize the board of Indian commissioners, so as to make it to consist of five persons, two of whom may be detailed from the officers of the Army, who shall report to the Secretary of the Interior for duty, the other members to be appointed from the existing board, from civil life, or detailed from officers in the service of the Department of the Interior. And when said board of Indian commissioners shall be so appointed, the organization and functions of the present board of Indian commissioners shall cease and determine. It shall be the duty of the said reorganized board of Indian commissioners to perform all duties heretofore intrusted to and performed by the

board of Indian commissioners; and they shall inspect all goods and supplies purchased for the Indian service, and advise the Commissioner of Indian Affairs in regard to the purchase of such goods and supplies. It shall also be the duty of said commissioners, under the direction of the Secretary of the Interior, to inspect from time to time, as he may require, the condition of the Indians of the various tribes and bands on the different reservations under the care, control, or jurisdiction of the United States."

Mr. CUTCHEON. The latter portion is precisely in the words of the latter part of the first section of the bill.

Mr. THROCKMORTON. I ask if we can not have a division upon this amendment.

The SPEAKER. It is a motion to strike out and insert, which is not divisible.

Mr. THROCKMORTON. I would like to support the first part of it, which does away with the present commission and attaches the duties to the new commission.

The SPEAKER. The question will be taken upon the substitute as a whole.

The substitute was rejected.

The Clerk read the second section, as follows:

SEC. 2. That it shall be their duty in making such inspection to ascertain and report in detail as to the exact condition and needs of the Indians; what steps are necessary to be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; what, if any, of the reservations may be reduced in area, and what portion thereof, not needed for Indian occupation, may be held by the Government in trust for the Indians having title thereto by law or treaty, and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view to their concentration, and the sale, on their behalf and for their benefit, of their abandoned reservations; what, if any, lands reserved by executive orders for Indian occupation are no longer needed for such purpose and may be restored to the public domain; what Indian lands now held in common should be allotted in severalty, the quantity to be allotted to heads of families, unmarried adults, orphans, or others, and what, if any, Indians are not provided with or located upon reservations or lands which may be patented to them; what is the exact number of Indians belonging to each tribe or band, the extent to which they are civilized and engaged in industrial pursuits, and what occupation is best suited to their circumstances and surroundings; whether they should be furnished with implements of agriculture or stock, and of what kind; in what cases and to what extent the support of the Government should be withdrawn; in what manner the annuities or other funds appropriated or payable by the United States to the Indians under existing treaties and laws should be expended to insure the greatest and most permanent benefit to them; wherein and in what manner the present plans of procuring and distributing Indian supplies should be changed; the conduct and fitness of the several Indian agents and agency employés; the number, kind, and qualification of employés required for the proper conduct of the service at each agency and on each reservation; where schools should be established or discontinued; the relative efficiency of the Indian reservation schools as compared with those Indian training schools not on reservations; the best plans and methods for accomplishing the educational and industrial training of the Indian youth, and to make such training effective for their self-support; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties, and which, if any, Indians should be invested with the rights of citizenship; the extent to which the Indian reservations are occupied or intruded upon by unauthorized persons, and the best methods for correcting this evil, and to prevent the introduction upon Indian reservations, or the sale to Indians, of intoxicating liquors, and of arms and ammunition to such tribes or bands whose facilities for procuring such things should be further restricted.

Mr. WEAVER, of Iowa. I move to strike out the second section.

The SPEAKER. The Chair will state to the gentleman from Iowa that there are several amendments pending to that section which must be voted on first, and then a motion to strike out the section will be in order.

The Clerk read the following amendment to the second section, proposed by Mr. DORSEY:

After the word "self-support," in line 41, add the following:

"Also to ascertain the amounts due from the Government to the different tribes of Indians for educational purposes already agreed upon, or promised to be paid by treaties heretofore made."

The amendment was agreed to.

The Clerk read the following amendment, proposed by Mr. GALLINGER:

Add to section 2 the following words:

"*Provided*, That no person shall be appointed a member of the commission who habitually uses as a beverage any spirituous or intoxicating liquors."

The amendment was disagreed to; there being—ayes 26, noes 37.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6429) granting a pension to Eunice E. Clark.

INDIAN COMMISSION.

Mr. PETERS. I desire to offer an amendment to the second section, to come after the amendment last adopted.

The Clerk read the proposed amendment, as follows:

Also to ascertain what property, and the value thereof, of settlers has been destroyed by the Indians, and the tribe to which the Indians belonged who destroyed said property.

Mr. PETERS. I desire to say that there are certain claims pending before this House in the nature of bills for property destroyed by Indian tribes or by members of certain Indian tribes; and it seems to me if this commission is to be appointed to investigate the number of subjects that are enumerated in this second section, they would have ample and good opportunity to investigate as to the property destroyed and the value of the property destroyed by these tribes, and to ascertain also the Indians and the tribes to which they belonged that destroyed the property.

Mr. HOLMAN. I trust the gentleman will not press that amendment. The subject of his amendment is entirely different from the general purpose of the bill. The investigation of the depredations by Indians should be assigned to a separate commission. The questions are judicial. It seems to me the duties devolved upon the commission proposed by this bill are of so high and important a character as expressed in the bill that these duties of detail, involving also judicial powers, should not be conferred on this commission.

Mr. SPRINGER. I call the attention of the gentleman from Kansas [Mr. PETERS] to the fact that the Secretary of the Treasury has sent a communication to Congress giving a list of those claims. They number forty-five hundred, and embrace sums aggregating $15,000,000. They cover the whole period of our existence under the Constitution of the United States. If this commission is to be authorized to take those subjects under consideration it can give no attention to the Indians as provided in the other portions of this bill.

Mr. PETERS. In reply to the statement just made let me say that I think the examination of this subject by this Indian commission would tend to give them a more practical knowledge of Indian affairs and the relations of the Indians to the white settlers and to our country than any other investigation they could undertake. I think it would be a species of education that this commission, appointed as contemplated, very much needs.

Mr. THROCKMORTON, I will say to my friend from Kansas [Mr. PETERS] this is a matter far too large for this commission to undertake. I would like to go with him or with any one else to have these claims investigated. Two bills are now pending before the Committee on Indian Affairs, and I can only express my regret that they have not given their attention to this matter and made a report to the House. One of these bills refers the claims to the Court of Claims and the other authorizes the Secretary of the Interior to appoint a commission within the Department who shall examine and finally determine, approve, or reject these claims and report to Congress for an appropriation.

While we have this subject up, I beg the attention of the House to the question introduced by my friend from Kansas. It is a crying shame that the Congress has sat here from year to year since 1847 and has neglected these claims secured by treaty stipulations between the Government and the Indians. But my friend can not attain his object under this bill. If he will join with me and encourage the Committee on Indian Affairs to report one or the other of the propositions to which I have referred, I trust before this Congress adjourns these long-suffering people who have been despoiled of their property will have a response from the heart of the American Congress in their behalf.

Mr. SPRINGER. I desire to add one word. The document I referred to is Executive Document No. 125, first session Forty-ninth Congress, and is a letter of the Secretary of the Interior to the Speaker of the House of Representatives, transmitting the report of Commissioner Atkins on the subject of Indian depredations. In that document gentlemen will find the statement made that there are forty-five hundred of these claims, approximating in amount to $15,000,000. I call the attention of the House to this important document, because it is a subject we should deal with in legislation to come up hereafter.

Mr. PEEL. I will say to the gentleman from Texas [Mr. THROCKMORTON], and the gentleman from Kansas [Mr. PETERS] as a member of the Committee on Indian Affairs, that we have had the measure which has been referred to under consideration, and I think I can say with safety it will be reported at a very early day. We have had so much work before us that we can not possibly dispose of it all. But at a very early day we will be able to report a measure that will supersede the necessity of this amendment. The proposition is one that will be judicial in its character and in keeping with the object sought. As this amendment is foreign to the object of this bill I hope the gentleman will not insist upon it now.

Mr. SYMES. Mr. Speaker, the explanation just made by the gentleman from Arkansas [Mr. PEEL], if we had some assurance that the bill would pass, would do away with the necessity for the amendment proposed by my friend from Kansas [Mr. PETERS]. Sir, if there is a subject upon which the lawmakers of this country have been remiss in their duty during the last quarter of a century, it is the payment of claims for depredations upon the pioneers of the West by the murders and ravages of the Indians. When we come here and present the facts that people have been murdered and that their property has been destroyed by roving bands of Indians, we are met by the proposition that a few Indians have been killed. Sir, that is no answer. The Government of the United States should keep the peace and should protect the white man as well as the Indian.

Sir, about thirteen months ago, hearing that in Southwestern Colorado the Indians were getting leave from the agent of the Southern Ute agency to go and hunt off their reservation because they had not rations to support them, and that they were ranging through the country where the cowboys were proceeding to make their "round-up," I foresaw there would be trouble. Every now and then they were killing cattle without any justification whatever, and the cowboys said they were stealing their horses. Having had some experience in the West, I knew

what must inevitably be the result if action was not taken to protect the innocent settlers from the Indians. I therefore asked that a summer camp should be established in Southeastern Utah or Southwestern Colorado, and that two companies should be sent from Fort Lewis to establish the camp and protect the pioneers along the little streams where they had gone to bring out their irrigating ditches and settle and make homes.

Action was slow, and it was easy to anticipate what would take place and what in a short time did take place. In two weeks from the time I wrote that communication to the President expressing my apprehension that there would be a conflict between the cowboys and the Indians, and that the Indians, after losing two or three of their vagabond scoundrels who had been stealing horses and killing cattle, not having the courage to go out and take revenge upon the cowboys, would go along these little streams where the pioneers had settled on the arable land (made arable by their irrigating ditches) and would murder them—sir, in two weeks from the time I wrote that communication to the executive department a little row took place between the Indians and cowboys, the cowboys claiming that the Indians had stolen some horses and the Indians claiming that the horses belonged to them, and the usual fight ensued, in which three or four Indians were killed.

The very next night a band of Indians went to the Dolores and to the cabin of a poor man who was trying to make a home there. They set fire to the cabin; he ran out in the light and blaze of the fire; they shot him. His wife ran out to try to protect him, and she was pierced through the shoulder by a bullet from a gun of one of the savages. Then she ran into the cabin, dragged her little children out of the back door and into the sage brush, and thence into the darkness of the thicket, and made her way to where she was taken care of by the neighbors. She was brought to Durango, a subscription was taken up, and she has subsisted mostly on charity from that time to this. She has partially recovered, though her arm will be useless the balance of her days. Her little children have been living on the charity of her neighbors in Durango.

I went to the Commissioner of Indian Affairs this very morning, and I said to him: "Is not this an extraordinary case? Can you not make this case special? Can you not have it examined ahead of the few thousands of claims that are now on file in the Department?" The Commissioner said that under the law and the rule he did not know how he could do so, but that if I would make an application to him he would try to have the Secretary of the Interior make the case special. Meanwhile that woman and her children are starving. Mr. Speaker, I think the amendment of the gentleman from Kansas [Mr. PETERS] ought to be adopted.

If we are going to create an expensive commission to deal with the Indians and try thereby to improve the administration of Indian affairs, these commissioners should investigate and report on such depredation claims.

The claims are very just, and the present mode of dealing with them amounts to a denial of all justice to these suffering claimants. We are paying millions of money to these Indians to keep them in idleness, and we are practically refusing to pay these just demands.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I call for the previous question on the pending section and the amendment.

Mr. WEAVER, of Iowa. I hope that will not be done. I have been yielding here by courtesy to give several gentlemen an opportunity to express themselves, but I want to make a speech myself.

Mr. PRICE was recognized.

Mr. HOLMAN. After the gentleman from Iowa [Mr. WEAVER] is heard I shall call for the previous question.

Mr. PRICE. Mr. Speaker, there is a phase of this question which I think has not been brought out, and which I desire very briefly to bring to the attention of the House; that is the question of the propriety of creating such a commission as this at all. In the first place, I have very grave doubt of our power to create a commission that will do the work here proposed, and do it for what it is worth.

In support of this suspicion, I desire to call attention to a recent report made by a select committee sent out by the Forty-eighth Congress on this identical business. That commission is held up to us as a model of economy. I have not an itemized account of its expenses; but I find that $4,500 was expended by four gentlemen—excellent gentlemen, too. I find that they took with them the Sergeant-at-Arms of this House. Was he taken along to keep the Indians off? [Laughter.] They took with them also the clerk of one of the committees of this House; and they hired a stenographer. How many of these gentlemen took their wives with them I do not know. But is not the report of the expenses of this committee enough to emphasize the fact that it is very difficult to get this kind of work done, even under the economical management of the distinguished gentleman from Indiana, for what it is properly worth? Something appears to stick to it that ought not to belong to it.

Now with relation to this subject of commissions, I want to call attention to the fact that for fifteen or twenty years past the people of this country, in numbers counting thousands where there are hundreds of these Indians, have been asking Congress to appoint a commission to inquire what effect the alcoholic liquor traffic has upon the revenues of the Government, upon our civilization, upon our political system. For at least a decade and a half the petitioners for such a commission have been spurned from the councils of this nation and their request denied. Here are two hundred and sixty thousand Indians, not distinguished for their beauty [laughter], neither ornamental nor useful; and the great American heart goes gushing out toward them. Yet in every three years of our nation's history a greater number of those people of this country, that embrace all its respectability and intelligence and produce all its wealth, go down under the blasting influence of a crime sanctioned by this Congress; and when we come here seeking information on this subject through the establishment of a commission you turn a deaf ear. Is there any consistency in this? Or is there not a "gush," with a lack of sense and correct sentiment behind it, which can not commend itself to the minds of candid men?

[Here the hammer fell.]

Mr. WEAVER, of Iowa. Mr. Speaker, I trust that my motion to strike out this second section will be adopted. I think this is a most extraordinary section. Indeed, the bill itself is extraordinary and in my judgment entirely unnecessary. The second section begins by providing—

That it shall be their duty—

That is, the duty of the commissioners—

in making such inspection to ascertain and report in detail as to the exact condition and needs of the Indians.

Now, we already have an Indian Commissioner; we already have an Indian agent for every tribe; we have special agents; we have Indian inspectors; and it does seem to me that all the avenues of information are now open, all the necessary machinery is already provided, all the required officers are already appointed, for ascertaining the condition of every Indian tribe on this continent. I submit, therefore, that this measure is entirely useless and unnecessary—not in the line of retrenchment and reform.

Let me call attention to other provisions of this section. The commission is to inquire—

What, if any, Indians may, with their consent, be removed to other reservations.

Now, when I said that under the provisions of this bill "blanket Indians" living west of the rain-belt might be removed east onto the fertile lands of Oklahoma, which had not been occupied by the Indians for twenty years, and ought to be reserved for white settlers, the gentleman from Texas [Mr. THROCKMORTON] said, as I understood, that it was beneath the dignity of a member of this House to insist that that should not take place. Why, sir, it is of record, as we are informed by the Commissioner of Indian Affairs, that the objection to the removal of any more Indians to the Indian Territory came from the Representatives of the States of Texas, Arkansas, Missouri, and Kansas. When the Government had a perfect right under the treaties with the Seminoles, the Creeks, the Cherokees, and other Indians to remove Indians not residing in the Indian Territory to that Territory, an objection which the Commissioner of Indian Affairs pronounced to have been "fierce"—and I say rightly so—came from the Representatives of those States against such action by the Interior Department.

Mr. RYAN. Let me say to the gentleman from Iowa that there is an act of Congress prohibiting the removal of any Indians from Arizona.

Mr. WEAVER, of Iowa. There is an act of Congress forbidding the removal of Apaches and Sioux Indians, and that is by a provision which was offered as an amendment to an appropriation bill by the gentleman from Texas [Mr. MILLS]. There is no general act of Congress prohibiting the removal of other Indians.

Now, if they could prohibit the removal of those Indians in the line of the treaty and in the line of the law, there is nothing to prevent members of Congress providing that the blanket Indians shall be removed west of the rain-belt, because those Indians do not cultivate a particle of the soil, as they have no more use for it than a wolf. They do not live upon the products of the soil, but upon the products of the chase, with what they can get from United States appropriations.

Mr. RYAN. That is, what they can get from the Commissary Department.

Mr. WEAVER, of Iowa. Generally out of appropriations in the Indian appropriation bill. They live on the products of the chase and what they can get from those Indian appropriations, instead of upon the products of the soil.

Under the provisions of this bill, Mr. Speaker, there is an attempt in my judgment to seek fresh authority and expression from Congress to commit the Government to a policy of removing these Indians from one reservation in the Indian Territory to another. And that is what we protest against.

[Here the hammer fell.]

Mr. STRUBLE. What is the pending question before the House?

The SPEAKER. The pending question is the amendment proposed by the gentleman from Kansas [Mr. PETERS].

Mr. ROGERS. Mr. Speaker, the question discussed by the gentleman from Iowa [Mr. WEAVER] is hardly a question germane, I take it, to the bill we have under debate. And the great difficulty I have

in dealing with my friend from Iowa in any discussion with him is to get him to stick to the facts. Now, the Commissioner of Indian Affairs has not said anything about the Representatives from Arkansas.

Mr. WEAVER, of Iowa. Hand me his published report, and I will show it to you.

Mr. ROGERS. No; but I want to show you, as I have the floor. I want to get you to stick to the facts, if I can. I invite your attention, therefore, to this extract from the report of the Commissioner of Indian Affairs:

But a stronger and more potent objection to concentration in the Indian Territory exists than any yet given, and that is the fierce and uncompromising opposition which this proposition meets in the almost unanimous sentiment of the white citizens of the four great States of Missouri, Kansas, Texas, and Arkansas, which surround this Territory. Such an array of political power and influence, speaking as one man, is entitled to respect and grave consideration.

Now, sir, the first intimation——

Mr. WEAVER, of Iowa. I supposed they were all citizens of those States of which they are Representatives. [Laughter.]

Mr. ROGERS. That is an artful dodge. [Laughter.]

Mr. BROWN, of Pennsylvania. But still you do not get around it.

Mr. ROGERS. The gentleman's statement was that it was the "Representatives of Arkansas." I presume he used the expression meaning Representatives on this floor, or those who preceded them. There is nothing important in it, but this misleading statement may do injury in other quarters.

Let me invite attention to another fact which has some significance and some importance. While the people surrounding the Indian Territory may resist the concentration there of tribes from other reservations, the natural result of which is to prolong the present *status quo* there and prevent them from becoming civilized by being separated from the white people, yet there is no opposition from any of those States that I have ever heard of or dreamed of from any quarter to the Government's concentrating those Indians now there anywhere it pleases in that Territory, provided such action looks to the speedy civilization of those Indians. In other words, responding to another suggestion the gentleman makes, let me say that the policy of the Government is to civilize them, to get them into agricultural districts, where they may be taught by example and precept the arts of agriculture.

But how shall we teach them agriculture, when my distinguished friend from Iowa proposes to remove them to the arid plains, where nothing but a prairie-hen could live?

The Government in negotiating for Oklahoma acquired it for a specific purpose, and that specific purpose was to settle these wild Indians in a country where they could make a living for themselves by agriculture. And when that specific purpose of the Government is marked out by treaty stipulations we have it contemplated here that that purpose shall not be carried out, but shall be superseded by a purpose the treaty never contemplated at all.

Now, I will go with the gentleman from Iowa, and with the very strongest desire possible, to see these people civilized and that country opened to settlement to become a State of this Union with every man within its borders clothed with all the rights and privileges of citizenship; but we should not undertake, Mr. Speaker, to do that by disregarding facts and violating all of the obligations of the treaties under which we are bound toward these people. There is a way and a method out of the difficulty without adopting such a course as that.

There is this feature, if we are going to open up the country to settlement in violation of the treaties we should do it by establishing a Territorial government at once, changing thereby the policy of the Government toward the treaties as heretofore made, regarding them as mere expedients for the civilization of the Indians as I have had occasion to say heretofore, and not by undertaking to violate little by little this or that treaty, never keeping faith with them in our dealings. Let it be done by a systematic policy, which operates equally upon all. Let the Territories be opened, if that is to be the policy, so that these men may in time be clothed with all the rights and duties of American citizenship.

Mr. CANNON. Mr. Speaker, I assented to the reporting of this bill, and as it has been amended I shall vote for it, although there are some amendments I would like to have added to it.

I do not think it is perfect in all its provisions, but it is a step forward, and I believe if in good faith the Executive appoints a competent commission, with the authority this bill confers upon them, that very valuable information can be made and report upon the same to the Secretary of the Interior and in turn to Congress for its action. I think the information thus furnished will be most valuable.

But what I desired to say upon it I indicated some weeks ago, when I addressed the House upon the subject, and have no desire to say it over again.

What I wish to see accomplished now as rapidly as possible, and I would run while the Government has been creeping heretofore at a snail's pace in that direction, is the reduction of these large reservations. The Indians should be taken off the large reservations and placed upon very small ones, or their lands assigned in severalty and intersettlement with the whites. All that stands in the way now of carrying out that policy, in my opinion, is the want of knowledge on the part of the Executive, knowledge on the part of Congress, knowledge on the part of the people.

I will stand by this commission by my vote, because I believe it is a means adjusted to the end. That it can be worked out in one month or one year I have no idea, but it is the commencement, and that is all I desire to say upon the merits.

One word in reply to the playful allusion of the gentleman from Wisconsin [Mr. PRICE] touching the expenditures of the committee. Never was a committee appointed by Congress brought down to such a rigid system of economic expenditures as the gentleman from Indiana [Mr. HOLMAN] brought down this committee, as I think each member of it can bear witness, from being some hundreds of dollars out of pocket. I will say to my friend from Wisconsin that I do not think any money was spent from the Treasury, certainly none was spent upon anybody except the members of the committee, and even that very scantily. The most rigid economy was practiced. It would have been impossible, I imagine, to have gotten along for less. I do not know where the gentleman from Wisconsin journeyed last summer, or whether he took his wife with him or whether he paid her bills or not. That is none of my business as long as he did not pay for her bills out of the public Treasury. But certainly his expenditures could not show more economy.

[Here the hammer fell.]

Mr. HOLMAN. I desire now to call the previous question upon this section and amendments.

Mr. WEAVER, of Iowa. I hope the gentleman will not do that for a moment; I wish to reply to the gentleman from Arkansas.

Mr. HOLMAN. How much time?

Mr. WEAVER, of Iowa. I shall not occupy over two or three minutes.

Mr. HOLMAN. I yield three minutes.

Mr. WEAVER, of Iowa. I wish to say, Mr. Speaker, in reply to the gentleman from Arkansas that he will never have any trouble in holding me to my text. I will hold myself to it if he will let me alone. But I want to call the attention of the House to the distinction the honorable gentleman makes. He says that the Commissioner of Indian Affairs does not say that the "Representatives" of the four great States of Missouri, Kansas, Texas, and Arkansas which surround the Territory are opposed to this concentration.

Mr. BLAND. Let me interrupt the gentleman to say that, as one of the Representatives of one of the States mentioned, I am opposed to this concentrating of the Indians in that great Territory.

Mr. ROGERS. I do not object to that. I concur fully with my friend from Missouri on that point. I so said in my remarks.

Mr. WEAVER, of Iowa. I understand, then, the gentleman says it is not the Representatives of these States but the people of the States who object to this concentration. Well, in the first place, it was not to be supposed that the gentleman from Arkansas was not one of the people of the State which he represents.

Mr. ROGERS. I think my friend from Iowa, after the promise he has just made of sticking to the text, is going very far from it. The gentleman must be aware that I made a distinction between the concentration or removal of all of the tribes in this country into the Territory and the concentration of the tribes now in the Territory. I am distinctly opposed to removing any other wild Indians to the Territory, but I think those now there should be so located and disposed of as to promote their civilization, and I believe that would be done by concentrating them on smaller reservations than they now occupy.

Mr. WEAVER, of Iowa. Well, then, any more tribes. He is not in favor of concentrating all the tribes; and I want to know if he is in favor of concentrating any more of them.

Mr. ROGERS. I answer in the negative. But that is not the question.

Mr. WEAVER, of Iowa. Do I understand the gentleman to take the position before the House that he is in favor of removing the Comanches, the Apaches, the Kiowas, the Kickapoos, and other Indians now in the Indian Territory to Oklahoma to the exclusion of the white settlers?

Mr. ROGERS. It is not necessary for me to answer that question. I do not claim to know just where it is best for them to be located. But I will say to the gentleman whatever will most speedily hasten their civilization in that regard I am in favor of; and the gentleman should not attempt to put me or my people in the attitude of opposing that. They want them civilized and the country opened as soon as possible.

Mr. WEAVER, of Iowa. But the gentleman did say he was in favor of putting these Indians where they would make a living and of teaching them agriculture; and that was equivalent to saying he was in favor of putting them in the Oklahoma Territory.

[Here the hammer fell.]

The SPEAKER. The previous question on the second section and amendments thereto is demanded by the gentleman from Indiana [Mr. HOLMAN].

The previous question was ordered.

The SPEAKER. The question is first on the amendment offered by the gentleman from Kansas [Mr. PETERS], which the Clerk will again report.

The Clerk read as follows:

In line 41, after the word "self-supporting," add the following:
"Also to ascertain what property, and the full value thereof, of settlers has

been destroyed by the Indians, and the tribe to which the Indians belonged who destroyed said property."

The House divided; and there were—ayes 23, noes 46.

So (further count not being called for) the amendment was disagreed to.

The SPEAKER. The question is now on the motion of the gentleman from Iowa [Mr. WEAVER], to strike out the second section.

The motion was not agreed to.

The Clerk read section 3, as follows:

SEC. 3. That it shall be their duty to arrange with the various tribes and bands, in the manner and upon the terms most favorable and just alike to the Indians and to the United States, and to procure the consent of the Indians thereto, in accordance with the treaty, law, or customs governing the tribes or bands in such matters, for the cession or relinquishment of any portion of their reservations; for their removal to other reservations, and consolidation with other Indians thereon; for any changes in the manner of expending their annuities, and, generally, other matters calculated to promote their advancement and civilization. All such arrangements as may be thus made and agreed upon to be reported to the Secretary of the Interior, who may, in his discretion, approve them in whole or in part: *Provided*, That no such arrangement thus made which involves the change of any existing treaty or law shall be binding or operative until ratified by Congress.

The SPEAKER. The question is first on an amendment proposed by the gentleman from Kansas [Mr. RYAN], which the Clerk will read.

Mr. RYAN. Before that amendment is read I desire to offer an amendment which should properly come in before that.

The Clerk read the proposed amendment, as follows:

In line 16, section 3, after the word "law," insert "or removal of any Indians to other reservations.

Mr. RYAN addressed the Chair.

Mr. ROGERS. May I interrupt the gentleman for one moment? I want to understand him. I did not catch sufficiently the amendment to understand it, and ask the Clerk to report the proviso as proposed to be amended.

The Clerk read as follows:

Provided, That no such arrangement thus made which involves the change of any existing treaty or law, or the removal of any Indians to other reservations, shall be binding or operative until ratified by Congress.

Mr. RYAN. This amendment will simply preserve the present practice of the Government. Although perhaps the Secretary of the Interior may have by present law authority to remove Indians from reservations, still the Department has done nothing of the kind, I think, for many years without express authority from Congress. It has been the practice whenever the Department desired to move Indians from one reservation to another to inform Congress of the desirability of doing so and the reasons therefor, and to ask Congress to make an appropriation for that purpose. But this bill would step in and seem to change that practice and specially authorize the Secretary of the Interior to make such removals without further action on the part of Congress.

I think the present practice the safer and the wiser one, and therefore I have introduced the amendment which would require the Secretary of the Interior first to get the assent of Congress for that purpose.

Mr. HOLMAN. I suggest to the gentleman from Kansas [Mr. RYAN] whether it would not be better to make the provision apply simply to the removal of Indians to the Indian Territory rather than make it apply to all. Under the present law the Secretary of the Interior can remove the Sioux Indians in the Northern portion of Dakota to the Sioux reservation, which my friend from Kansas, I think, believes ought to be done. The Blackfeet Indians can be removed with great benefit to themselves and the white population of that section of country to the Flathead reservation. Why not leave the discretion with the Secretary of the Interior except as to the removal of Indians to the Indian Territory?

Mr. RYAN. I am not sure that I quite understand my friend from Indiana. Does he want to confine this to removals to the Indian Territory alone? I ask him to suggest the modification he desires.

Mr. HOLMAN. I am not myself in favor of the proviso, but if adopted I suggest this is the better form:

Or the removal of the Indians to the Indian Territory.

Mr. RYAN. Mr. Chairman, the modification would simply abolish, so to speak, the practice of the Government for many years. While, perhaps, the power has existed to remove Indians from one reservation to another, except those in Arizona and New Mexico, to the Indian Territory, still the Department has not exercised that power. On the contrary, it has always, as I stated a little while ago, informed Congress of the desirability of their removal and the reasons therefor, and asked Congress to make an appropriation for that purpose. Now that is a wise practice, and I do not see why we should introduce legislation here to change it.

The amendment which I offer simply preserves the present practice. If it is desirable to remove Indians from any part of the country to the Indian Territory or from one point to another, it is but proper it seems to me to preserve the practice and custom of the Government by which the Department has hitherto appealed to Congress for approval and for funds for that purpose.

Mr. HOLMAN. The gentleman from Kansas is certainly aware there has been some consolidation of the Chippewas within the last two years, and that we have already legislated this session on the Indian appropriation bill with a view to a further concentration of the Chippewa Indians.

Mr. RYAN. I do not care whether the authority of Congress appears in an appropriation bill or elsewhere, but the practice has been to obtain the approval of Congress before any removals whatever have been made.

Mr. HOLMAN. An appropriation of money for the removal would have to be made at any rate, so I think there is not much danger.

Mr. RYAN. Then, sir, my amendment is highly proper. If it becomes necessary under the bill that an appropriation shall be made before any action can be had, then, of course, it becomes necessary for Congress to act before there can be a removal. My amendment is simply in the line of the suggestion of the gentleman from Indiana in that respect.

Mr. ROGERS. Mr. Chairman, if my friend from Kansas [Mr. RYAN] will reflect for a moment, he will see that this bill contemplates a new departure in the Indian policy. I assume, without being advised myself, that he is correct in saying that these transfers of Indians from one point to another have not been made, and indeed could not very well be made, without an act of Congress appropriating funds for the purpose. But if that be true, then the necessity for his amendment does not and can not exist; but I dislike in creating this commission to take any step backward or to deprive the Secretary of the power to avail himself of the advice of this commission, whose objects and duty it is to study the conditions and to look into the whole domestic concerns of the Indians. It would be unfortunate if a case should arise when if the Secretary of the Interior could exercise this power without act of Congress beneficially to the Indians and to the service generally we should take it from him.

Therefore, I think that while the amendment of the gentleman from Indiana is entirely correct, and I should be glad to support it, I am unwilling to take from the Secretary of the Interior, when he has at his command the aid of the able commission contemplated by this bill, the power to do whatever he may do by way of concentration of these tribes now within the Indian Territory or elsewhere, so as to reduce the reservations, if it can be done without Congressional action. I submit, sir, that no one who reads the report of the present Secretary of the Interior, no one who understands the cast of mind and the make-up of that gentleman, can doubt for one moment that any action that he might take with reference to these people would be taken with the highest degree of both intelligence and conservatism.

Now, if a case should occur for the exercise of this power by the Secretary of the Interior with the aid of the commission contemplated by this bill—it might be a very small tribe, it might occur in one quarter or in another, within or without the Indian Territory proper—a case where a removal could be made without additional expense to the Government and without injury to the Indians themselves, or even with actual benefit to them—if, I say, such a case should occur, I think it might well be left to him to do it, and that, too, without reference to what has been the practice heretofore. To take away this power which has always existed, as my friend says, but which has not been generally exercised, may therefore hamper the Secretary in the work contemplated in the bill. I dare say that perhaps not a single instance of its exercise has occurred, and yet it might become necessary, and in that event the power ought to be lodged in the proper place for its exercise.

Mr. NELSON. Mr. Speaker, unless this amendment proposed by the gentleman from Kansas [Mr. RYAN] is adopted I am frank to say that I, for one, can not support this bill. Under the provisions of section 3 as it stands, without the amendment, it would be within the power of this commission and the Secretary of the Interior to colonize all the Northwestern Indians, or all the Indians for that matter, within the limits of my own State; and I, for one (and I think every gentleman who comes from any part of the country where they have Indians will agree with me), am utterly opposed to leaving that power of colonizing the Indians in any State of this Union or in any one particular place either with these commissioners or with the Secretary of the Interior. The power, it is conceded, has remained a long time in abeyance. I do not believe it has ever existed.

From the very nature of the case it could not exist where the Indians by treaty owned the reservations. But here in this bill, by implication, you attempt to enact that such a power does exist, and that these commissioners may exercise that power and colonize the Indians wherever they see fit in this country.

Mr. ROGERS. Will the gentleman allow me to make a suggestion?

Mr. NELSON. Mr. Speaker, it is not merely the question of protecting the Indian Territory, it is a question of protecting every State in this Union where Indians might be colonized. We do not want to have any body of officers endowed with power to colonize these Indians—to overslaugh the people of any portion of this country by colonizing the Indians there.

Mr. ROGERS. May I make a suggestion to my friend from Minnesota? Of course no such colonization as that which he mentions could be made without an appropriation; and in the second place, no transfer could of course be made where there were treaty stipulations. It is only where small tribes might occupy a territory under executive order, not under treaty, that a thing of that sort could be done.

Mr. NELSON. In my opinion, it is dangerous to leave the power of colonizing or removing Indians under any circumstances with any other body than the department of the Government which represents directly the people interested.

Mr. ROGERS. The power, so far as it has existed hitherto, has not proved dangerous.

Mr. NELSON. I desire now to say a few words in regard to the general features of this bill. I believe the bill in its main provisions to be a desirable measure. It is of the utmost importance that something of this kind should be enacted into law. All, or nearly all, of our proposed Indian legislation is referred from time to time to the Commissioner of Indian Affairs for his opinion and advice. Technically we are supposed to get his opinion, which is deemed of considerable importance. As a matter of fact we get in ninety-nine cases out of a hundred merely the opinion of some subordinate or clerk receiving a salary of $1,500 or $1,800 a year.

[Here the hammer fell.]

Mr. NELSON. I wish I could have a little more time.

Mr. ANDERSON, of Kansas, obtained the floor and yielded his time to Mr. NELSON.

Mr. NELSON. Mr. Speaker, I was about to say that I regard it as of vital importance that a commission of this kind should be instituted. There is at present no branch or Department of the Government from which we can obtain any authentic or reliable information in regard to these different Indian reservations and the status of the various Indian tribes. All that we obtain now is information gathered by clerks and subordinates of the Indian Office from the different local Indian agents.

Indian agents, as we all know, are interested parties. It is to them a matter of great importance to swell the returns of the number of Indians at the different reservations, in order to get increased appropriations and larger allowances for annuities. It is of the utmost importance to them as Indian agents to retain their offices and their perquisites; and hence it is their interest that matters shall be kept *in statu quo*, that no changes shall be made in reference to the reservations. Their interests to a certain extent run side by side with those of the chiefs and headmen of the different tribes. They constitute, as may be said, a portion of the Indian oligarchy.

What we need and what this bill is designed to supply is some power or authority that can furnish this Government, especially the legislative department of it, with full, complete, and reliable information in reference to the Indian problem. We have large areas of land occupied by a few small scattered bodies of Indians—some of them partially civilized and some in their savage state. It is of the utmost importance when legislating in reference to these reservations and these isolated tribes that we have authentic and trustworthy information from men who have been on the ground, who have examined into the wants of the Indians and the needs of the people in the country surrounding the reservations.

I am led to these remarks from the experience I have had within the last two years as a member of the Committee on Indian Affairs. We have from time to time referred our measures to the Commissioner of Indian Affairs; and I have been curious enough to ascertain how and where the information furnished to us has been obtained. The Commissioner of Indian Affairs would refer our bill to some clerk or subordinate, who would pull out from a pigeon-hole the report of some Indian agent; and there would come to the committee of this House, ostensibly from the Commissioner, a voluminous report, based entirely upon the information of this Indian agent, and stating that this or that measure of Indian legislation ought to be adopted by the House, while at the same time it would be evident from the report itself that the recommendation came merely from a clerk knowing nothing at all about the subject-matter.

[Here the hammer fell.]

Mr. BLAND. Mr. Speaker, I am sorry to see that my friend from Indiana [Mr. HOLMAN] desires to retain in this bill what seems to me a rather extraordinary power—a power on the part of the Secretary of the Interior or the Indian Department to exercise control over the public domain of this country in so far as to transfer Indians from one reservation to another, and thus make disposition of the lands of the Government without the consent of Congress. I think that all questions of this kind, especially questions affecting the settlement of the lands of this country, should be left at all times to the determination of Congress. However much confidence I may have in the present Secretary of the Interior—and no one, not excepting my friend from Arkansas, has more confidence in him than I have—I am unwilling that this discretionary power should be left with the head of any Department. In my judgment, all these questions ought to be reserved for the revision and determination of Congress.

For my part, I am opposed to the removal of any more Indians into the Indian Territory. I trust the time is not far distant when that whole country will be opened up to settlement by the white people; and I am unwilling in this bill to give the Secretary of the Interior or any commissioner or officer of the Government the power, express or implied, by which Indians may be settled in that country or may be removed from one reservation to another without the consent of Congress. I hope, Mr. Speaker, that the amendment of my friend from Kansas will prevail; and if it should fail I hope this bill will be defeated.

Mr. HOLMAN. I call the previous question on the section and pending amendments.

Mr. CUTCHEON. Withhold it for a moment until I can offer an amendment to the third section.

Mr. HOLMAN. I will withdraw it to let in the amendment.

Mr. CUTCHEON. I will explain the amendment.

Mr. HOLMAN. For one moment.

Mr. CUTCHEON. Not for longer than one minute. The commission is not required to make any report of such legislation as they may recommend. The proviso is that no such arrangement shall be made involving a change of treaty which will be operative until ratified by Congress. My amendment is to add that said commission shall report to the Secretary of the Interior what legislation the committee recommend to be enacted affecting the Indian tribes which shall be laid before Congress.

Mr. HOLMAN. I think that is a good amendment.

Mr. LAIRD. I move to strike out the proviso entirely.

Mr. HOLMAN. I hope my friend will not insist upon that. I demand the previous question.

Mr. LAIRD. It ought to be stricken out.

Mr. WEAVER, of Iowa. Oh, no.

The previous question was ordered.

Mr. HOLMAN'S amendment to the amendment was agreed to, and then Mr. WEAVER'S amendment was disagreed to.

The question next recurred on Mr. RYAN'S amendment.

Mr. RYAN. I withdraw the proviso.

The amendment was adopted.

The question next recurred on the following amendment of Mr. CUTCHEON:

Add after "Congress," in the seventeenth line, the following:
"*Provided, further*, That the said commission shall annually report to the Secretary of the Interior what legislation, if any, the commission recommend to be enacted for the civilization or otherwise affecting the Indian tribes; and the Secretary of the Interior shall lay the same before Congress at the beginning of each Congress."

The amendment was agreed to.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). There is no other amendment pending.

Mr. SPRINGER. I ask by unanimous consent to make this bill a continuing special order. This is Saturday night, and it is impossible to complete the bill before the adjournment. I wish at the end of the bill to move an important section. If there be no objection, I will move that the further consideration of the bill be postponed until some other time. If I can get an order made to consider it with the Oklahoma bill, which is of a kindred nature——

Mr. COWLES. I call for the regular order.

Mr. HOLMAN. It is Saturday evening and the House is thin; yet I think gentlemen present will be impressed with the importance of this bill and will acknowledge the propriety and necessity of this legislation in some form or other. I move that the bill be postponed until Saturday next.

Mr. HATCH. I ask the gentleman to accept "that it is not to interfere with prior orders."

Mr. HOLMAN. I would not like to do that.

Mr. HATCH. I move to amend the proposition "not to interfere with prior orders of the House."

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. My question is, that a prior order of the House is that Saturday's sessions shall be devoted to debate in the Committee of the Whole.

The SPEAKER *pro tempore*. Heretofore the order was made until further order the session of Saturday should be devoted to debate. The Chair is informed that there has been a special order for next Saturday. If the amendment of the gentleman from Missouri be adopted it will virtually amount to fixing no day.

Mr. HOLMAN. What is the order?

The SPEAKER *pro tempore*. The free-ship bill.

Mr. HOLMAN. Then I move it be postponed until Saturday week.

Mr. COWLES. I object.

The SPEAKER *pro tempore*. The gentleman from Indiana moves it be set down for Saturday week. The Clerk informs the Chair that also has been appropriated for the Indian Committee.

Mr. HOLMAN. I am willing to take the risk of that.

Mr. HATCH. Go on, and finish your bill now.

Mr. HOLMAN. I demand the previous question on my motion.

The House divided; and there were—ayes 81, noes 12.

Mr. COWLES. No quorum.

Mr. HOLMAN. It is apparent no quorum is present, and I therefore withdraw the demand for the previous question and the motion to postpone, and ask the House to proceed with the bill.

The Clerk read as follows:

SEC. 4. That the Secretary of the Interior may direct any two or more of the commissioners to take charge of, superintend, and put in operation the plans, not inconsistent with existing laws or treaties, which he may decide upon for

the improvement of the condition of any of the tribes or bands of Indians. Where resurvey of the lines or remarking of the corners of old surveys may be found necessary in order to locate the Indians upon allotments of land in severalty upon any of the reservations, the work may, when practicable, be done under the direction of competent officers of the Army to be detailed for that purpose.

The Clerk read as follows:

SEC. 5. That the commissioners appointed from civil life under the provisions of the first section of this act shall be paid at the rate of —— dollars per diem while actually and necessarily employed in the service; and that each member of the commission detailed or appointed shall be paid his actual and necessary traveling expenses, including transportation; and for the purposes of this act the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated out of moneys in the Treasury not otherwise appropriated, to be expended under the direction and subject to the approval of the Secretary of the Interior:

For payment of the traveling expenses, including transportation of the members of the commission, —— dollars.

For payment of the per diem for services of the civil members of the commission, —— dollars.

For expenses of resurveying any portions of the reservations, for ascertaining the exact number of Indians of the different tribes and bands, as hereinbefore required, for such clerical services as may be absolutely required, for stationery, rent of offices when necessary and away from Indian reservations, and for other necessary expenses, $25,000.

Mr. HOLMAN. There are certain amendments there proposed by the committee to fill the blanks.

The Clerk read as follows:

In line 3 of section 5 fill the blank with the word "ten." In line 14 insert "ten thousand."

The amendments were agreed to.

In line 16 fill the blank by inserting the words "not drawing salaries, nine thousand."

The amendment was agreed to.

Mr. HOLMAN. Mr. Speaker, the next amendment is to strike out in line 22 of this section the word "five;" so that it will read "twenty thousand dollars."

The amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the amendment proposed by the gentleman from North Carolina [Mr. COWLES].

The Clerk read as follows:

Strike out all of section 5 down to and including the word "service," in line 4 of said section. Also strike out lines 15 and 16 of said section.

Mr. COWLES. Mr. Speaker, this is to strike out that portion of this bill which provides for these commissioners who are to be appointed from civil life and their compensation, which is by the bill now fixed at the rate of $10 a day. With reference to that provision that they—the commission—shall have their necessary expenses paid, including transportation, I wish to say a word. What the other necessary expenses may be, including transportation, we had better go and investigate in the office of the clerk of this body and see what these have cost heretofore. There has been great complaint of these committees and commissions sent abroad in the country and the extravagant amount of the expenditures that are created by them.

I trust the motion to strike out will prevail. I do not think, under the circumstances, it is wise to permit this provision for the appointees from civil life at such compensation to remain in the bill.

Mr. HOLMAN. I ask the previous question upon this section and amendments.

The question was taken on the amendments of Mr. COWLES, and the Chair announced that by the sound the amendments had been rejected.

Mr. COWLES. I call for a division.

Mr. HOLMAN. Too late.

The SPEAKER *pro tempore*. The Chair was swift in announcing the result and does not think that advantage should be taken of the gentleman. The Chair recognizes the demand for a division.

The question was taken; and upon a division there were—ayes 19, noes 65.

Mr. COWLES. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. COWLES and Mr. HOLMAN were appointed tellers.

Mr. HOLMAN (before the tellers had completed their count). It is understood from the gentleman from North Carolina that the call for a quorum will be withdrawn, with the understanding that a vote may be taken upon this amendment, in case the bill passes, by yeas and nays in the House.

The SPEAKER *pro tempore*. This is in the House.

Mr. HOLMAN. I am aware of that; but with that understanding the point of order will be withdrawn.

Mr. COWLES. Whenever the matter comes up on the passage of the bill, if it is understood that we may have a yea-and-nay vote on this portion of it, I will withdraw the call.

Mr. MORRISON. I do not agree to that.

Mr. COWLES. Then I insist upon the point of order that no quorum has voted.

The SPEAKER *pro tempore*. The tellers will resume their places.

The House divided; and the tellers reported—ayes 30, noes 119.

Mr. COWLES. No quorum.

The SPEAKER *pro tempore*. The tellers will resume their places.

EVENING SESSION FOR EULOGIES ON THE LATE MICHAEL HAHN.

Mr. SCOTT. Mr. Speaker, as the House is to meet at 7.30 this evening for eulogies on the late Mr. HAHN, of Louisiana, I move that we now take a recess.

The SPEAKER *pro tempore*. The Chair is informed that the order fixes the time of meeting this evening, at 7 o'clock.

Mr. ST. MARTIN. This being the day fixed for the memorial services in honor of the late MICHAEL HAHN, I ask that the House take a recess until 7.30 o'clock to consider the special order fixed for this day.

SALE OF GOODS, ETC., BY SAMPLE.

Mr. O'FERRALL. Mr. Speaker, I ask unanimous consent, pending that motion, to present a minority report from the Committee on Commerce on House bill 1621 in relation to the sale of goods and merchandise by sample.

There was no objection, and the views of the minority were ordered to be printed to accompany the report of the committee.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is on agreeing to the motion of the gentleman from Louisiana that the House take a recess until 7.30 o'clock.

The motion was agreed to; and accordingly (at 4 o'clock and 22 minutes p. m.) the House took a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The House reassembled at 7.30 p. m., and was called to order by Mr. MCMILLIN as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read a letter from the SPEAKER.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *May* 15, 1886.

SIR: I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK,
Clerk of the House of Representatives.

EULOGIES ON LATE HON. MICHAEL HAHN.

Mr. ST. MARTIN. Mr. Speaker, the House is convened under special order that we may pay a tribute of respect to the memory of our deceased colleague, the late Hon. MICHAEL HAHN, a Representative from the State of Louisiana, and I send to the Clerk's desk resolutions which I ask to have read and considered.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. MICHAEL HAHN, late a Representative from the State of Louisiana.

Resolved, That in the demise of our late colleague the country has suffered the loss of a wise legislator, a valuable citizen, and an able and faithful public servant.

Resolved, That as an additional mark of respect to the memory of the deceased the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. ST. MARTIN. Mr. Speaker, in offering these resolutions I feel it incumbent upon me to give a brief sketch of the life and public services of my late friend and colleague.

MICHAEL HAHN was born in Bavaria on the 24th day of November, 1830. When an infant, his widowed mother emigrated to the United States, landing at New York and subsequently moving to New Orleans, La. He attended the public schools, and, after graduating from the high school of the city, entered the law office of that most eminent jurist, the late Christian Roselius. After graduating in the law department of the University of Louisiana he entered upon the practice of his profession, conjoining with it the duties of a notary public.

At an early age he was elected a school director and served for several years. During the late war between the States, in 1862, he was elected to Congress, but was not admitted to his seat until the 7th of February, 1863. After the expiration of his Congressional term he was appointed prize commissioner at New Orleans, during which period he purchased the New Orleans True Delta, which he conducted editorially for some time as a Republican journal. He was inaugurated March 4, 1864, as the first Republican governor of Louisiana as a free State—receiving from President Lincoln on the 15th of the same month the additional powers of military governor. This mark of esteem and confidence on the part of President Lincoln Governor Hahn cherished as a marked distinction and held it as the highest of his honors.

I well remember that the day before his untimely death—when he seemed to have fully recovered his health, and not supposing then that we were to part that day to meet no more, I told him in a playful manner that I was glad to be spared the trouble of preparing his eulogy. He smilingly said: "My eulogy would have given you little trouble. It could have been written in a few words. It would have been necessary simply to have stated that I enjoyed the friendship and confi-

dence of the martyr President." At the same time he presented the following for my perusal:

EXECUTIVE MANSION, *Washington, D. C., March* 13, 1864.

MY DEAR SIR: I congratulate you on having fixed your name in history as the first free-State governor of Louisiana. Now that you are about to have a convention, which, among other things, will probably define the elective franchise, I barely suggest, for your private consideration, whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty in the family of freedom. But this is only a suggestion, not to the public, but to you alone.

Yours, truly,

A. LINCOLN.

Hon. MICHAEL HAHN.

Having been elected to the Senate of the United States, he resigned the governorship, but did not press his claim to his Senatorial seat. After having filled with credit and usefulness several appointive positions, he withdrew to his country place at Hahnville, in the parish of Saint Charles, where he secured so fully the confidence of his neighbors that he was elected, almost without opposition, police juror, representative to the State Legislature, and district judge, serving as such until March 3, 1885, when he resigned to enter upon his duties in the Forty-ninth Congress. His term of service in this House, though short, gave promise of great usefulness and activity, and had the fatal archer spared his life he would have made his mark in this Hall, and his Congressional career would have been one of unusual splendor and success.

Mr. Speaker, it was my privilege to enjoy relations of personal friendship with Governor Hahn for more than thirty years, and although differing in our political faith, still it affords me pleasure to bear witness that his record as a citizen was such as endeared him to all who knew him. He was noted for the gentleness of his manners and kindliness of his disposition. He was a scholarly man of great ability, coupled with great modesty. He possessed pleasing and winning manners, and in all his social relations he bore the character of an estimable, generous, kindly, and true man.

Like many other bright men, he has been cut down at the threshold of a career full of promise, and which would have brought additional luster to an already honored name, and given a broader scope to his public career. Imbued with a laudable ambition to acquire distinction for devotion to his adopted country, fealty to his party, and fidelity to his friends, he was ever governed in his conduct by a conscientious desire to perform his whole duty as became a man, a citizen, and a public servant. His success was achieved under most perplexing and embarrassing circumstances—standing at one period almost alone in his advocacy of moderation, conciliation, and justice. His conservatism commanded the respect of his political opponents and secured a confidence which was evinced by their votes. On the other hand, he supplied to his own party its safest and wisest counsel and its ablest leadership.

This much is honestly due the memory of my deceased colleague; and, in closing, I can but say that by his death this body has lost a member who would have taken high rank as a legislator and made a record that would have been alike creditable to himself and to the State which he represented.

Mr. BLANCHARD. Mr. Speaker, a colored fireman at Willard's Hotel, this city, making his early rounds, unlocked the door of room No. 16, on the second floor, at half past 6 o'clock on the morning of March 15, 1886, and stepped softly into the room to kindle a fire for the comfort of its occupant. He had advanced but a step toward the open grate when he discovered that occupant lying prone upon his back and surrounded by a pool of blood. Astounded by the discovery, he ran affrighted into the hall, down the neighboring stairs, and pulled up in breathless state at the office counter, where he related in a tremor of nervous excitement what he had just seen. He was confident that it was a case of suicide, and to his terror-stricken gaze there appeared to be a gaping wound in the dead man's throat.

The night-clerk and the keeper of the neighboring hack-stand, who happened to be present, ran up the stairs as rapidly as the servant had descended them, and were themselves in turn horrified by the appalling sight.

The room was the one occupied by Representative MICHAEL HAHN, of the second Congressional district of Louisiana, who was found lying upon the floor in the manner described. He was in his night-dress, which was deeply stained about the bosom with blood, and in his right hand was clutched a handkerchief. The left was drawn up toward the body, as if to press the side to ease pain. The feet were toward the grate and near the fender, showing that the dead man had stood leaning against the mantel, and in his exhaustion from the loss of blood had fallen full length backward. Further examination of the room told the rest of the melancholy story.

The sick man, finding he was discharging blood through the mouth, had left his bed and walked across to the mantel. The discharge continued copiously there, as was plainly to be seen, and also after he had fallen exhausted to the floor. The expression of the face was calm and free from pain. The servant's story of suicide and of a gaping wound in the throat was, of course, merely a matter of the imagination. Death had resulted from the bursting of a blood vessel near the heart. Thus died MICHAEL HAHN, who, coming to America a child and friendless, had carved out for himself a notable career, illustrating the possibilities within the reach of every American citizen, whether native-born or foreign, under the liberal and benign institutions of our beloved country.

The deceased was born in Bavaria, on the Rhine, on the 24th of November, 1830. When he was quite an infant his widowed mother with five children came to the United States, stopping a short time in New York and Texas and finally settling in New Orleans about 1840. The mother died of yellow fever in 1841. Young Hahn was educated in the public schools of the city, and after finishing his course entered upon the study of law. In April, 1851, he graduated from the law department of the University of Louisiana with the degree of LL. B. This diploma admitted him to practice in all the courts of the State. He immediately engaged in the practice of his profession. When but twenty-two years of age he was elected a school director and served for several years, being at one time president of the board.

Politically he identified himself with the Democratic party, adhering to that wing of the party whose recognized head was Stephen A. Douglas, whom he supported for the Presidency in 1860. He was a member of the Douglas State committee.

After the disruption of the Charleston convention a large Union mass-meeting was held at Lafayette Square, New Orleans, May 8, 1860, at which HAHN made a strong Union speech and offered the resolutions adopted by the meeting.

He continued zealous and persistent in his opposition to secession. The State seceded. After secession the legislative authorities required all officers of the State to take a new oath of office, which prescribed a pledge to be faithful "to the constitution and laws of the Confederate States." He refused to subscribe to the oath, and on the arrival of Farragut and Butler at New Orleans was prominent in forming Union associations and in reconstructing the State.

In December, 1862, there was an election for Congress in the two districts of the State then entirely within the Federal lines, and HAHN, after a candidacy of but a few days, was elected from the second district, receiving more votes than the other three candidates together. He was not admitted to his seat until February, 1863. During his short stay in Congress he voted for all the war measures of President Lincoln, and he and the President very soon became close friends. After the expiration of his Congressional term he was appointed prize commissioner of New Orleans.

During this year (1863) he made a number of speeches in favor of President Lincoln's policy to re-establish a loyal State government in Louisiana, and in a speech at Lyceum Hall, New Orleans, in November, 1863, he declared for the abolition of slavery in the whole State.

In January, 1864, he took charge as owner and editor of the New Orleans Daily True Delta, in which he advocated emancipation, being the first paper ever owned by a Louisianian to do so. On the reconstruction of the State government on a loyal basis, February, 1864, Mr. HAHN was elected the first free-State governor, and was inducted into office in March following. In the same month President Lincoln invested him with the additional powers of a military governor.

A reconstruction constitution for the State having been declared adopted, a legislature was elected thereunder, which, in January, 1865, elected Governor HAHN to the United States Senate for six years. In consequence of this election he resigned the office of governor, but never pressed his claim to a seat in the Senate.

On the 4th of July, 1865, he made a speech at the emancipation celebration in Washington, which was widely circulated.

A few months later he made a speech before the Equal Suffrage Association of Washington, which also obtained wide circulation.

In 1867 he became editor and manager of the New Orleans Daily Republican, and continued with eminent success in that position until 1871. During this time he received the appointment of administrator of the Charity Hospital of New Orleans. On quitting journalistic life he retired to his plantation in Saint Charles Parish. Here he laid out and built the pretty and thriving village of Hahnville.

He was made a school director of Saint Charles Parish, and repeatedly elected to represent the parish in the Legislature of the State. In 1872 he served as president of the Louisiana State educational convention during its three days' session.

While in the Legislature he served as chairman of the committee on the judiciary and a short time as speaker.

In 1876 he was appointed State registrar of voters; in 1878 he was unanimously elected police juror for his parish, and in June, 1878, was appointed by the President superintendent of the United States mint at New Orleans, which position he held until January, 1879.

In November, 1879, he was elected by an almost unanimous vote judge of the district composed of the parishes of Jefferson, Saint Charles, and Saint John, and was unanimously re-elected to that position in 1884. In November, 1884, he was the Republican nominee for Congress in the second Congressional district of the State. He had repeatedly refused the nomination, but toward the close of the campaign, two weeks before the election, being pressed to accept, he yielded and became a candidate. His election in a district usually Democratic by 3,000 ma-

jority attested his great popularity with the people in and out of his own political party.

In consequence of his election to Congress he resigned his judgeship in March, 1885, and was serving in Congress with usefulness to his State and credit to himself when stricken down by the icy hand of death.

It is thus seen that MICHAEL HAHN had long been a conspicuous figure in the public and political affairs of Louisiana, and his career is one of which any man might well be proud.

Though an active, consistent Republican from the earliest days of that party's existence in the South, Governor HAHN always enjoyed the esteem and respect of even his bitterest political opponents. He was recognized as a man of unswerving integrity and sincere devotion to principle, and it was because of this that he was enabled to retain the respect and esteem of the people generally, notwithstanding his affiliation with a party which had made itself justly odious in the State.

Of all the leading Republicans in Louisiana he was one of the least objectionable.

He was—

Said an editorial in a New Orleans paper, speaking of his death—

among the few men prominently connected with reconstruction who enjoyed the respect and esteem of the community, whose life was honorable, and whose record would bear scrutiny.

In disposition Governor HAHN was warm-hearted and genial, and his courteous demeanor toward all with whom he came in contact drew around him a large circle of devoted friends.

In positions of trust he was inflexible in the performance of his duty; in his social relations he bore the character of an estimable, generous, kindly, and true man.

His popularity in the immediate community in which he lived was unexampled; his people loved him. A number of citizens in the village of Hahnville draped their houses in black when the announcement of his death was made.

The bar of the district over which he had presided as judge adopted the following tribute to his memory on March 22—a few days after his death:

Resolved, That in the death of the late MICHAEL HAHN the country at large, the State of Louisiana, and especially the district represented by him in Congress, have suffered a loss deeply to be deplored and difficult to be repaired.

Resolved further, That as a gentleman he was without reproach, as a politician he was incorruptible, as a judge he was learned, just, and patient, and as a citizen he was accessible to all, courteous without subserviency, stern without asperity, enterprising without extravagance, appreciated and beloved by high and low as trustworthy and energetic, and a man of high power and remarkable intellect, without false pride.

Mr. Speaker, a good man has gone from among us in the noontide of his usefulness as a member of this House; one who, whether on the bench, in the executive office, or in the State or National Legislature, was recognized by his contemporaries as just, honest, and capable. And such will be the judgment of posterity.

Peace to his ashes!

Mr. O'DONNELL. Mr. Speaker, it is a mournful pleasure to have been invited to pay a tribute to the memory of one who deserved so well of his associates. My acquaintance with Governor HAHN began soon after the opening of the present session, and from familiar conversations I grew to esteem him highly. He was modest and retiring, but even in the few weeks he served here he gathered about him many friends. You remember the suddenness of his demise; while those who knew him had noted his absence from his accustomed place, no one thought death near until his end was announced.

His departure from earthly scenes teaches us the frail tenure of existence here; it was an impressive admonition of the brevity and uncertainty of life, an exemplification of the hollowness of ambition and the emptiness of office. It is indeed sad to contemplate that this quiet man should be forced into such rude acquaintance with death, that the rending of soul and body should be accompanied with such terrible suffering. Little did he or I realize at our last friendly interchange of thought that he stood on the very threshold of eternity, that the conqueror of all mankind was already beckoning him to its cold embrace, that his soul should so soon go forth on the mystic journey to the hereafter.

No native of the soil of Louisiana loved the State more than this its adopted son. I remember, sir, when I first began service in this body I offered a bill which he thought, if it became a law, would affect a great industry in Louisiana, and he at once came to me to discuss the provisions of the measure, pointing out the injury he feared it might entail upon the people of the State he served and cherished. This son of a foreign monarchy loved liberty and our institutions; indeed his example taught patriotism to the children of the land; his devotion to the nation was often tried in the crucible of persecution, but he ever remained true to freedom and union.

Representative HAHN lived nearly fifty-six years. More than a third of that life was passed in the service of the people, and, though elevated to high positions where avarice could have its sway, it is recorded to the honor of this public servant that he died poor in this world's goods. He was the just executive, the erudite jurist, and the faithful Representative. During the fierce contests in the section where he lived no one ever assailed his purity or the integrity of his intentions. Even during the last political strife, a campaign when plummet and press fathomed greater depths of acrimony and injustice in the political sea than any before, the fierce light did not beat upon him with withering rays, and he came here the accredited Representative of the better elements of each party in his district. He sought to serve his people and the Commonwealth which he in part represented on this floor.

The only time we heard his voice was when he appealed for the interests of Louisiana to promote the prosperity of its great undertaking. We all remember a bill he offered and urged its passage. It was to remove a bitter reminder to his constituency of the struggle of two decades agone. He hoped to see the prejudices of the past "dissolve like the winter drifts in the sunshine of spring," and rejoiced that they were yielding to the inevitable influences of time.

Our late associate was of a genial nature and loved harmony. I remember just before he left this House the wound inflicted on him by party reflection and the mournful manner in which he read to me an article from a journal in his State and expressed the hurt he felt from its injustice.

Little did its author realize the one he assailed would so soon join the vanished procession of men who were. Ah, Mr. Speaker, we can but deplore partisan malice, while kindly feeling and justice are lost on the arid waste of political controversy. It is one of the lamentable accompaniments of our institutions that the sincerest and most upright intentions are too often refracted by party atmosphere from their aim. As I think of my friend who is gone, I am mournfully reminded of the truth of the Arab proverb: "The word that we speak to-day, shall it not meet us again and again at the turning of the ways to show us how it has cursed or blessed our fellows."

The evidences of respect and regard for the memory of our departed brother, shown by those in whose midst his honorable life was passed, were a comfort to relatives and friends. To them it was a sweet blossom of the thorny wreath of sorrow. In the harsh and cruel contests of the troublous times and contentions which convulsed his State much that was unkind came to the surface, but in the calmer years of retrospect happily "death holds a flag of truce over its own; under that flag friend and foe sit peacefully together—passions stilled, benevolence restored, wrongs repaired, and justice done." As time passes, bitterness and acrimony are forgotten. Blessed be the kindly feeling! And as the past is viewed through the mellowing atmosphere of time old friendships are renewed, and the grateful seed of charity and forbearance bring forth a fruitage whose harvests blossom for all eternity.

Among the precious legacies left by the past our dead friend prized the letters written him by the martyr President Lincoln. They embodied the thoughts of that most imperial brain penned during "the great evolution of history—that creative act, so to speak, which still exercises an influence over the destinies of mankind." The great ruler regarded him with warm feeling, commended his moderation and wise use of power, and gratefully acknowledged his devotion to country, liberty, and law. Well may his heart have been animated with just pride as he read the lines, as he often did, traced by the hand that lifted up humanity and made the flag the honest emblem of a free and happy nation.

The life of Judge HAHN has closed. It is a tribute to the genius of our institutions that the child of another clime came to our shores and his worth so recognized to call him to the highest places in the gift of his people, for they were his people and he was theirs. He sought to build anew the broken fortunes of the section where his lot was cast. In all positions of responsibility and trust he exercised their powers wisely and well, with an eye single to the prosperity and advancement of the nation and those whom he served.

The useful life is over. With him the world's sun has gone down in the shadow of death, but to emerge in the full light of God's eternal day. Farewell, true patriot and friend of freedom. Thy days on earth have been for the benefit of others more than for thine own, and as we give voice to the praise due departed worth, we bestow upon you the well-earned commendation: You left your country better than you found it. What more need be said?

Therefore on thy unknown way,
Go in God's peace! We shall stay,
But a little while delay.

Mr. LYMAN. Mr. Speaker, my personal acquaintance with MICHAEL HAHN began on the first day of the present session of Congress, when, as the result of the chance by which our respective places in this Hall are determined, I found myself allotted to a seat immediately on the right of that occupied by the Representative of the second district of Louisiana. From that time there sprang up between us a friendship which continued steadfast, warm, and sincere until the hour of his sudden and unexpected death.

But while, personally, until that time he had been a stranger to me, he was not by me entirely unknown. Our deceased companion is a historic character in the annals of this country for the last quarter of a century. Being familiar with the history of his varied and eventful career, it was with a good amount of interest that I watched the appear-

ance in the House of the only representative of his party and of mine from the State of Louisiana.

As we learn from the Congressional Directory, Mr. HAHN was not to the manor born. He was not a native of the land he loved so well, and owed no natural allegiance to the Government which he served so faithfully. He was born in Bavaria, November 24, 1830, whence he came when an infant, brought by his widowed mother, to the United States, landing in New York, and afterward removing to the city of New Orleans, which city and vicinity continued to be his home until his death. Like the majority of American youth, his education was that of the public schools. He graduated from the high school of the second municipality of his adopted city. He studied law in the office of Christian Roselius, esq., and attended lectures in the law department of the University of Louisiana, from which department he graduated April 7, 1851, before he had reached his majority.

He at once commenced the practice of his chosen profession. His ability to serve the people was promptly recognized, and when but twenty-two years of age he was elected a member of the school board of the city of New Orleans, and was made its president. In the days prior to the civil war he was in politics a Democrat, and a follower of Stephen A. Douglas, making Union speeches, and by all the power he could command opposed secession. And even after his State had taken the fatal step he still remained loyal to the Union, and refused to take an oath requiring allegiance to the Confederate States government. When the State of Louisiana again fell into the hands of the Federal authorities he took an active and a prominent part in the reconstruction of the State, and was the trusted friend and adviser of President Lincoln. In 1862 he was elected to Congress, and in February, 1863, took his seat in this Hall as a Representative of the people of Louisiana.

At the expiration of his Congressional term he was appointed prize commissioner of New Orleans. He at this time also began the career of a journalist. He purchased and edited the New Orleans Daily True Delta, and, true to the principles he had always entertained, he was a fearless and powerful advocate of emancipation. He was elected, and on March 4, 1864, was inaugurated, the first governor of Louisiana as a free State, to which was added during the same month by the appointment of President Lincoln the duties and powers of military governor. In January, 1865, he resigned the office of governor, having been chosen to represent his State in the United States Senate. Owing to the disturbed and unsettled condition of the country at that time he did not press his claim, and was not admitted to a seat in the Senate. As a result of his devotion to what he deemed the best interests of his State and country, in 1866, during the progress of a riot in New Orleans, he received a gunshot wound, which went with him to his grave, and made him a cripple from that time to the end of his life.

In 1867 he became editor and manager of the New Orleans Daily Republican, and was also appointed administrator of the Charity Hospital of New Orleans. In 1871 he added to his other duties and vocations that of a sugar planter, and removed to his sugar plantation in Saint Charles Parish, where he laid out and built the village of Hahnville. He was a school director of Saint Charles Parish, and in May, 1872, served as president of the Louisiana State educational convention. During the years 1872, 1874, and 1876 he was a member of the Legislature of his State. He was superintendent of the United States mint at New Orleans in 1878, and during the fearful ravages and excitement of the yellow-fever epidemic of that year he remained at his post, faithful to his trust.

In November, 1879, he was elected judge of his district, and unanimously re-elected in 1884, in which position he served until his term as a member of the Forty-ninth Congress began. His career as a youth in a strange land, as a man, as a citizen, as a student, as an educator, as a lawyer, as a judge, as a journalist, as a politician, and as a patriot, is worthy of all commendation, and challenges the admiration and imitation of every American. His death was wholly unanticipated by his friends and himself. He had been absent from his seat for several days on account of what he and all supposed was only a slight and a temporary indisposition. On the Friday evening previous to his death on Monday morning, I met him for, as events proved, the last time in life, on this floor. He greeted me cheerfully and said he was feeling better than he had for a long time, and that on Monday morning he would be again regularly in his seat. How little thought I then that one week from that day, and almost at the same hour of the day, I should as one of a committee of this House assist in the sad duty of laying his mortal remains away to their final rest in the silent city of the dead, the beautiful cemetery Metairie, hard by the Crescent City, the Queen of the South, the city of his adoption and of his labors.

How shocked was I when on that Monday morning, coming to the House expecting to find my genial neighbor in his seat, to find that seat draped in the habiliments of mourning and to be told that Mr. HAHN was dead! Our deceased friend was a man who appears to have won the esteem of all classes, races, and conditions of his follow-citizens. This trait of his character was strikingly illustrated at the funeral obsequies at his home in New Orleans. All classes, rich and poor, high and low, Anglo-Saxon and African, from the governor of the State and State and city officials to the humblest member of society, appeared to feel that the Commonwealth and the community of his immediate home had met with a great loss, and they all came together and mingled their tears at his bier.

MICHAEL HAHN had the confidence of all who knew him. He was the only Representative of his political faith from his State. Yet a tribute of inestimable value was paid him in the sincere sorrow at his death shown by his colleagues from his own State, differing from him politically so radically as they do. I stood by the side of one of those gentlemen at the services held in this city, and he said Mr. HAHN had got beyond the plane of mere politics, and was a statesman who could act for what he believed to be the best interest of his State and country. He said, "MICHAEL HAHN could always be relied upon. I always knew where to find him." What higher tribute could be paid to his worth? In this connection I may be pardoned for mentioning an incident which occurred during the earlier days of our present session, which illustrates this phase of his character, his devotion to the interests of the people he represented, and also the extreme modesty of the man and his distrust of himself and of his abilities.

We had under consideration the bill or resolution authorizing the sending of certain property of the United States to the New Orleans Exposition, a proposition which was generally opposed by his party associates. I asked him what he would do about it. His answer was characteristic of the man: "I shall favor it; I think it will assist in developing the resources of my State, and I shall not only vote for it but I must speak for it, even if I am a new member here." And he did speak and made an eloquent plea for it. When he sat down, with his usual distrust of himself he asked: "Did I make a fool of myself and hurt the cause?" While he was thus modest and distrustful of himself, there was one phase of his life of which he was justly proud, and of which he was wont to speak, and that was the friendship and confidence of Abraham Lincoln. With what pardonable and justifiable pride did he use to exhibit to his friends the autograph letters of that great man to him, asking his advice upon questions of reconstruction and commending his patriotic and judicious efforts in that direction!

The career of our departed colaborer is one of which his friends may well be proud. The man who, under the peculiar circumstances surrounding our country during his active life, with all the disadvantages of foreign birth, could live a lifetime in a community which was necessarily opposed to him in sentiment on almost every question and sustain himself and retain the entire confidence, support, and esteem of everybody was no ordinary man.

He has gone. In his death his adopted country and State have lost a patriotic, devoted, and useful citizen, his city and district a faithful and earnest Representative, and his friends a steadfast ally. Peace to the ashes of MICHAEL HAHN. Let all that is mortal of our dead companion rest in the quiet tomb to which loving hands have consigned his remains until the trump of the resurrection morn shall call us all to appear before the great Judge to give an account of the deeds done in the body; and if he shall then rise to a future as happy as his life was useful to his country and to his fellows, his warmest friends can desire no better fate for him we mourn.

Mr. ELY. Mr. Speaker, in obedience to a graceful custom, we are convened in this Hall to pay our tributes of respect and esteem to the memory of a deceased member of this House. Not alone do the proprieties sanctioned by past Congresses impel us to these services. The associations of this House form a peculiar bond of union between us. We come here strangers to each other. We take these seats, and each looks in the other's face with courteous civility or, it may be, with idle curiosity. But as day follows day, and members join in the work of legislation, meet in committee-rooms or on this floor, consult, antagonize, compare and contrast opinions, and struggle with the problems before them, there arises a common interest in the well-being and destiny of all and of every one which can never be wholly effaced. And when death's pale flag enters this Chamber, and at his summons a brother leaves his chair and departs to return no more, all hearts are moved by the bonds of good-will here cemented to speak the last farewell, to strew flowers on his new-made grave, and to place on the printed page an appreciative estimate of those qualities which elevated him to this distinguished post of honor and responsibility.

Animated by these emotions, I gladly avail myself of this occasion to offer my brief tribute to the life and character of MICHAEL HAHN. My personal acquaintance with Mr. HAHN covered a period of scarcely more than three months, but during that brief time I had not failed to observe that he was a man of a calm, conservative, judicious temperament, full of experience in public affairs, firm and decided in his views, but gentle in his expression of them. He was evidently a man whom it would be safe to follow. I was attracted toward him by his quiet and unassuming manners and interesting conversation. In him were happily blended those qualities of mind and heart which would make him, as he was from earliest manhood to the day of his death, the trusted public servant of those among whom his lot was most intimately cast. What a remarkable record of public service was his! Without the influence of birth or fortune, born in a foreign land, almost from infancy the son of a widow, he had scarcely attained his majority when he was selected for school director, and from that time onward the rolling years succeed each other not so rapidly as honor suc-

ceeded to honor and trust to trust, until in the plenitude of his influence and usefulness, but it may be believed not in the plenitude of his honors, we mournfully draped his chair in this national House of Representatives, and tenderly escorted his remains to their last resting-place among the people who loved him so well and trusted him so much.

Nor were his public trusts more remarkable for their number than their variety. In all departments of public service, educational, legislative, judicial, and executive, he seemed equally at home. It may not perhaps be said that in any special attribute was he notably endowed. Others may be undoubtedly named who were more eloquent than he, others more learned, others of stronger intellects. But he was eloquent, he was learned, he was strong, because he was faithful—faithful with an ingenuous, noble, inspiring faithfulness, which bore him successfully and triumphantly through the rugged and sometimes dangerous paths of his eventful career, and made him equal to the performance of every duty. In war and in peace he was ever the same calm, conservative, faithful man.

He loved his country. He never forgot his allegiance to her. When the war of the rebellion carried the whole people of the South willingly or unwillingly into its vortex, MICHAEL HAHN stood aloof, and was foremost in all measures for the maintenance of the Federal Union as our fathers had established it. Considering the circumstances in which he was placed, this part of his career distinguishes him as a remarkable man. By his election as the first governor of Louisiana as a free State, by his position as military governor under Abraham Lincoln, by his advocacy of the emancipation of the slaves, he acquired a national reputation, and has written his name in indelible characters on the scroll of his country's history.

By this devotion to his adopted country and the perpetuity of her institutions MICHAEL HAHN made fitting recognition of what she had done for him. His career furnishes another illustration of the beneficence of our beloved land to all her children, native and adopted. Coming to our shores a fatherless boy, the doors of the public schools of the country opened to receive him. Without money and without price, competent teachers guided his tottering feet into paths of learning and opened to his youthful mind store-houses of knowledge. He emerged from the public school well equipped to enter on the study of that most difficult and intricate science, the law. At the age of manhood that same country placed him on a stage of action where all men were equal, equal under the law, equal in opportunity, equal in the inspiration which American representative government breathes into all her children. How well he availed himself of these privileges is clearly written on the pages of his life and will long be treasured in the memory of those to whom he was a true friend, a faithful adviser, and a devoted public servant.

Mr. PETTIBONE. In the late months of 1863, after the fall of Vicksburg and the surrender at Port Hudson, when the Mississippi was again opened from its source to the sea, it became my fortune to arrive at New Orleans with a large contingent of the Federal Army; and then and there I first made the acquaintance of our late associate, Hon. MICHAEL HAHN. He was then in power in the great city of the South, New Orleans; but I believe that they who will recall that time, the citizens of Louisiana in the dread period of the civil war, will always remember that when in power he so bore himself and carried his faculties so meek, with such just and scrupulous equity in looking after the rights and interests of all, as that the whole of the people of Louisiana who came in contact with him at that time felt that in him they had a safe adviser, a true and warm and steadfast friend.

This man, as has already been stated, was born under a foreign sky beyond the sea. In early life he sought the shores of America. He came to this country as thousands had come before him, believing that here was larger scope and verge and room for those who desired to enjoy the blessings of liberty for themselves and their posterity; and Louisiana became his foster-mother. As the years went by he grew into the full stature of American citizenship and manhood.

The great civil war which was then before us, which was too much for the wisdom of Clay and Calhoun and Webster and the sages of that now elder time to avert, because the reasons and the causes of it lay back almost within the Middle Ages—that great civil war was in front of MICHAEL HAHN in his early manhood. Through that dark ordeal he passed as did the citizens of his State and his section of the Union.

When the war closed divergent interests, sharp passions, keen antagonisms, virulent partisanship had their influence and their power, as we all know, over the States that had thrown their interests with the confederacy. We look back upon it now as we look back upon the history of the Revolution or the great rebellion in the time of Cromwell. A generation of men have been born since that time. To-day and now we can come, and with calmness and clearness of mind can measure men not as they would have been measured in the olden days, but as we now see them, surrounded by the circumstances which environed them in that time and in the light which subsequent experience has cast upon it.

It is well for any one of us that, when life's journey is done, it can be said of him he was honest, he was true, he was discreet, he was patriotic, he desired and loved the just.

Knowing MICHAEL HAHN a generation ago, and then having been separated from him by the long years that have passed, when I learned that he was elected to this Congress and was made a member of my committee I joyfully renewed the old acquaintance, and I found him what he was in the dark days of 1861 to 1865, only broader, and widened, and ripened.

In him the elements were mixed. All the elements were so combined that Nature might stand up and say to all the world, This was a man! That he was a man of broad principle, of profound conviction, and that he had the moral courage to breast all time and all circumstance, I think will be admitted by all who knew him. The Quaker poet Whittier (and in one of the last conversations I had with Mr. HAHN he quoted Whittier) has described the character of this man and his aspirations for what was right and just in the little poem wherein he brings the Angel of Freedom and the Angel of Peace together in the dark time which we call our civil war, when, to the pleadings of the Angel of Peace for a surcease of battle, the Angel of Freedom replied:

> Then Freedom sternly said: I shun
> No pang nor strife beneath the sun
> When Human Rights are staked and won.
> I knelt with Ziska's hunted flock;
> I watched in Touissaint's cell of rock;
> I walked with Sidney to the block.
> The moor of Marston felt my tread:
> Through Jersey's snows the march I led;
> My voice Magenta's charges sped.

That was the spirit with which MICHAEL HAHN stood up in those dark days in Louisiana. But it happened to him that, as the years went by and age came on, the people of Louisiana came to regard him, as he was, as a true citizen of their State, wishing only the best things for the State and for all the Southland and for all the Republic. That the man fought life's battle well, that he was an honored citizen of his Commonwealth and of the nation, was attested by the fact that he was sent as a Representative to this the Forty-ninth Congress, when long years had interposed between the sharp antagonisms of the past and the present time.

> No farther seek his merits to disclose,
> Or draw his frailties from their dread abode
> (There they alike in trembling hope repose),
> The bosom of his Father and his God.

Mr. GAY. Mr. Chairman, this occasion has been set apart by solemn resolution to pay the just tribute of respect to the memory of Hon. MICHAEL HAHN, of Louisiana.

It often happens in intercourse with our fellow-men that we do not fully appreciate their value until the rude hand of death removes them from our midst. This I feel to be especially true with regard to my deceased colleague, and when made aware of his untimely, unlooked-for death, I awoke to a partial realization of the great loss sustained by this House, by his colleagues, by his constituency, and by the State of Louisiana.

MICHAEL HAHN was a native of Bavaria, and removed in 1840 with a widowed mother to the city of New Orleans, in the tenth year of his age. His mother had five children, and when the yellow-fever epidemic of 1841 visited that city she fell a victim, leaving these children, doubly orphaned, in a strange land.

The solid metal of young MICHAL'S nature may be seen by watching the progress of events. He attended the public schools and graduated in the high school of the second municipality. In his nineteenth year we find him in the law office of Christian Roselius, an eminent lawyer, whose pure and unblemished character no doubt stamped itself on young HAHN.

While here, besides attending to the duties of the office, he followed two courses of lectures in the law department of the University of Louisiana, and graduated in April, 1851.

During his study of the law he earned his livelihood by attention to the agency of real estate, with which he was intrusted, and by writing short articles for the press, for which he developed an early taste. His diploma admitted him to all the courts of the State, and he immediately commenced the practice of law, blending with this the duties of a notary public, receiving his commission in 1851.

When but twenty-two years of age he was elected a school director and served on the committee on teachers with such men as Rawle, Jennings, and Bonford. This position he filled several times, and was at one time president of the board and *ex officio* chairman of the committee on teachers and high schools.

In politics Mr. HAHN was a Democrat and a member of the Douglas State committee, supporting Stephen A. Douglas for President. After the disruption of the Charleston convention he was pronounced in his attachment to the perpetuation of the Union, and when in 1861 all persons holding office were required by the Louisiana Legislature to swear allegiance to the confederate government he declined.

On the arrival of Farragut and Butler at New Orleans Mr. HAHN was recognized as a Union man, and became prominent in devising means for the re-establishment of the State government within the lines of Federal control.

On the 3d of December, 1862, elections for Congress were held in the first and second districts of Louisiana, then entirely within the Federal lines. Mr. HAHN was elected in the second district, receiving more votes than his three competitors, Darrell, Greathouse, and Jacob Barker, together, but was not admitted to his seat until the 17th of February, 1863.

During his short stay in Congress he became an intimate friend of President Lincoln, whose confidence he enjoyed. During the year 1863 he was appointed and acted as prize commissioner at New Orleans. He was appointed by General Banks with two others commissioners to liquidate the affairs of the Bank of Louisiana; but on his recommendation the appointments were revoked and the bank allowed to settle its own affairs.

On the reconstruction of the State government on a loyal basis (22d of February, 1864) he was elected the first free-State governor, and was inducted into office on the 4th of March following, and on the 15th of the same month he was invested with the additional powers of a military governor by President Lincoln.

A constitutional convention was elected and submitted a constitution, which was ratified. A legislature was elected, and in January, 1865, Governor HAHN was chosen as Senator to the Senate of the United States for six years. He resigned his position as governor, to take effect on the 4th of March, 1865. He never pressed his claim to a seat in the Senate, because he approved of the reconstruction measures which were then being matured.

As a journalist, his experience was extensive. On the 1st of January, 1864, he took charge of the New Orleans Daily True Delta. In 1867 he formed a corporation for publishing the New Orleans Daily Republican, of which paper he continued to be the manager and editor till 1871 with eminent success.

On retiring from editorial life he went to reside on his plantation in Saint Charles Parish. He laid out thereon the thriving village of Hahnville. Here he was made a school director, and in 1872 was elected to the Legislature.

In May, 1872 he served as president of the Louisiana State educational convention during its session of three days. He was elected to the Legislature three successive terms, in 1872, 1874, 1876, generally without opposition.

He served as chairman of the committee on the judiciary and a short time as speaker.

On the 15th of August, 1876, he was appointed registrar of voters, and although much discussion took place concerning the irrgularity of the election that year, both political parties approved of the conduct of MICHAEL HAHN. In June, 1878, he was appointed by the President as superintendent of the United States mint at New Orleans, which office he held until the 1st of January, 1879, remaining at his post of duty during the epidemic of 1878 and contributing his services in relieving the distress caused by that scourge upon the city.

In November, 1879, he was elected by an almost unanimous vote judge of the district composed of the parishes of Jefferson, Saint Charles, and Saint John. In 1880, during the Presidential campaign, he started and edited the New Orleans Ledger, supporting the Republican nominees. In April, 1884, he was re-elected district judge unanimously for four years. In October following he reluctantly accepted the nomination as the Republican candidate for Congress from the second district of Louisiana, only two weeks before the election, at which he received over 1,300 majority.

The mature years of MICHAEL HAHN ran parallel with the most exciting and trying period in the history of his adopted State. The political caldron of 1860 stirred the souls of the great masses from one end of the land to the other. Hard feelings were engendered; solicitudes were entertained and nurtured.

The Sage of Auburn had declared that this country must be all free or all slave. The people of the South knew well that it would never be all slave.

Mr. Lincoln was elected. His motives were pure, his sentiments were liberal, his course would doubtless have been paternal and national, but he was untried, and the minds of the South were filled with apprehension. Webster, Clay, and Benton, alas! were dead. Had they lived, their counsel, as oil poured upon the raging waters of the storm, might have brought calm. But they had been removed from our midst.

The people of the South loved their country, but the security of their equal rights seemed to be in peril. Hence the coals were easily fanned to a flame and the clash of arms succeeded.

The heart of Louisiana was with their whole country; but when the hour for decision came she stood side by side with her sister States of the South.

I recall these incidents not to revive the recollection of events which have passed into history, but merely to show how the subject of this memoir was brought into greater prominence.

It was in such a crisis that MICHAEL HAHN took his stand amid the few who at the advent of the victorious Federal commanders in New Orleans in 1862 could be received with confidence. It was but natural that General Butler should look with favor upon the small band of men of good repute who went forward in good faith to welcome his arrival.

In the prominent part taken by MICHAEL HAHN during this trying period it is worthy of remembrance and commendation that his course was never marked by unfriendly bearing to his fellow-citizens who had differed with him in opinion; that he evinced no malice, and he had none; that he never used his power to oppress or annoy when it could have been so readily done.

On the contrary, his talents and influence seem ever to have been industriously given to re-establish order and civil government, to restore prosperity, and to build up the best interests of the State in the mode he thought available. In this he was trusted far beyond what is the ordinary lot of man, and his judgment and learning lent strength to the fabric rebuilt.

He was of a kindly, courteous disposition, ever willing to extend the hand of relief and approachable by all.

When a member of Congress in 1863 he was granted permission by the President to visit the Union military prisons to look into the condition of Louisiana prisoners.

Many kindly acts of Governor HAHN to the people of Louisiana will live in their grateful remembrance, and especially one recounted, when citizens from the interior of the State were dragged upon frivolous charges before the court in New Orleans and lodged in a loathsome prison, and it became necessary in order to enlarge them to give a heavy bond, his warm heart led him to tender his name for their relief.

In his quiet country home he was looked up to with the confidence of a father. His advice was sought by all, and his decisions settled difficulties, smoothed asperities, and preserved order.

He was not permitted to retire from public life, but was compelled to accept positions of trust, and when he consented to be a candidate there was seldom opposition.

Mr. HAHN was a bachelor; was accustomed to living alone. In his solitary apartments alone he was called upon in the silent hour of night to surrender his existence. That he was ready and that he met his fate with dignity was plainly manifest from the calm and genial glow which wreathed his countenance when his prostrate form was discovered.

When I gazed for the last time upon the placid, peaceful countenance of the deceased, I was deeply impressed that the light which seemed to shine upon his forehead was but the reflex of the gentle spirit of the still small voice instilled by a mother and the heavenly spirit of all grace vouchsafed to man through the sacrifice of the Son of God, which stands ready to enter the hearts of all men who serve God with a willing mind and with a perfect heart.

The nation has done honor to itself in bearing the mortal remains of MICHAEL HAHN, in the guardian charge of his peers of both Houses of Congress, to their last resting-place amid the cypress and myrtle of his cherished home in Louisiana. They have laid him to rest in peace in the midst of relatives, friends, and neighbors, who to him were most dear and with whom the energies of his life had been identified.

As one of the colleagues of Mr. HAHN I bear testimony to the urbanity of his manners, to his firmness of purpose, and to his unswerving devotion to the interests of his constituents.

His presence here gave promise of great usefulness, and I sincerely mourn his loss.

Mr. ST. MARTIN. Mr. Speaker, I now move the adoption of the resolutions.

The resolutions were adopted unanimously; and the House thereupon (at 8 o'clock and 50 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of M. F. Eastman, F. T. Greenhalge, and Ella T. Wright, representing the Woman's Indian Association of Lowell, Mass., in aid of Senate bills 53 and 54—to the Committee on Indian Affairs.

By Mr. BAYNE: Memorial of the Grocers' Association of the District of Columbia, in behalf of the American Agricultural and Dairy Association, for the passage of House bill 8328, defining butter, and imposing a tax and regulating the manufacture, sale, importation, and exportation of oleomargarine—to the Committee on Agriculture.

By Mr. BLAND: Two petitions of citizens of Miller County, Missouri, praying for pension legislation, as recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BOUND: Petition of Grange No. 249, of Northumberland County, Pennsylvania, for the passage of a law prohibiting the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. BURROWS: Petition of 31 citizens of South Haven, Mich., praying the passage of a bill granting suffrage to women—to the Committee on the Judiciary.

By Mr. CAINE: Petition of 4,800 citizens of sundry districts in Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of said Territory, by disfranchising them through test-oaths on account of their religious belief, as proposed by the minority party of said Territory; also

against the passage of any law which would abolish the Legislature of Utah and create for the government of the Territory a legislative commission—to the Committee on the Territories.

Also, memorial and resolutions adopted at a convention of the wool-growers of Colorado, Wyoming, Utah, and Idaho, representing a combined capital of $25,000,000, held at Salt Lake City, Utah, May 3, 1886, remonstrating against that portion of the tariff bill now before Congress which places wool upon the free-list, and asking for a restoration of the tariff of 1867 on wool and woolens—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of Woman's Indian Association of Auburn, Me., for the passage of Senate bill for the allotment of lands in severalty to Indians—to the Committee on Indian Affairs.

By Mr. DUNHAM: Resolutions passed by directors of the Chicago Board of Trade against House bill 8328, proposing a tax on oleomargarine—to the Committee on Agriculture.

Also, resolutions of the same, favoring the construction of a bridge by the Illinois Central Railroad over the Ohio River at or near Cairo, Ill.—to the Committee on Commerce.

By Mr. ELDREDGE: Petition of A. F. Kinning, M. D.; Edward Batwell, M. D.; C. F. Ashley, M. D.; Morris Hale, M. D.; and 33 others, favoring an appropriation for the National Board of Health—to the same committee.

By Mr. EVERHART: Petition of business men of Chester city, Pa., praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. FLEEGER: Petition of Grange No. 538, of Pennsylvania, for the passage of a bill to protect the dairy interests of the country—to the Committee on Agriculture.

Also, memorial of same, protesting against all legislation favoring the admission to our ports, free of duty, of all agricultural raw materials, such as wool, hides, jute, tobacco, raw sugars, rice, &c., and asking for agriculture the same protection afforded other industries—to the Committee on Ways and Means.

By Mr. GROUT: Petition of D. R. Houghton and 63 others, citizens of Orange, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. GUENTHER: Memorial asking action of Congress relative to State debts—to the Committee on the Judiciary.

By Mr. HIESTAND: Petition of citizens of Lancaster County, Pennsylvania, asking for the redemption of the trade-dollar—to the Committee on Coinage, Weights. and Measures.

By Mr. HITT: Memorial and resolutions of the Chicago Board of Trade, favoring a law authorizing a railroad bridge at Cairo—to the Committee on Commerce.

By Mr. JAMES: Petition of the Woman's Indian Association of Brooklyn, N. Y., asking for the enactment of Senate bill 54 as it passed the Senate, known as the Dawes allotment of land in severalty to Indians—to the Committee on Indian Affairs.

By Mr. LA FOLLETTE: Petition of W. C. B. Weltzin and 32 others, citizens of Primrose, Wis., in favor of some bill to so tax oleomargarine as to drive it from the market—to the Committee on Agriculture.

Also, petition of the Woman's Indian Rights Association of Madison, Wis., praying for the favorable consideration of the Sioux reservation allotment bill (S. 54) and the bill for the relief of the Mission Indians of California—to the Committee on Indian Affairs.

By Mr. LINDSLEY: Petition asking for a system of post-office savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN: Petition of heirs of John R. Carpenter, deceased, late of Sumter County, Alabama, praying that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Petition of Mrs. Catharine S. McMahan, asking for a pension—to the Committee on Invalid Pensions.

By Mr. OWEN: Petition of Arthur V. Bryant, asking for a pension—to the same committee.

By Mr. PLUMB: Memorial of the Board of Trade of Chicago in favor of the bill authorizing the erection of a railroad bridge at Cairo—to the Committee on Commerce.

Also, resolutions of the Board of Trade of Chicago, against taxing oleomargarine—to the Committee on Agriculture.

By Mr. RANDALL: Petition of citizens of Philadelphia, that the Government provide for the redemption of the trade-dollars—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Grange No. 149 of Pennsylvania, to suppress the manufacture of imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, against the admission free of duty of all agricultural raw materials—to the Committee on Ways and Means.

By Mr. RICE: Petition of citizens of Holland, of Uxbridge, and of Warren, Mass., in favor of a bill regulating the trade in oleomargarine—to the Committee on Agriculture.

By Mr. RIGGS: Protest of the Chicago Board of Trade against the taxation of oleomargarine, &c.—to the same committee.

Also, resolution of the same, favoring the railroad bridge at Cairo—to the Committee on Commerce.

Also, resolution of the Chicago Produce Exchange, relating to the protection of dairy interests—to the Committee on Agriculture.

By Mr. SENEY: Remonstrance of Cincinnati Chamber of Commerce against oleomargarine and butterine—to the same committee.

By Mr. STEELE: Petition of Harvey Mendenhall, clerk Salem Monthly Meeting of Friends of Greentown, Ind., asking for the passage of Senate bill 355, providing for peace among nations—to the Committee on Foreign Affairs.

Also, petition of N. M. Neeld, of the board of inspectors, Chicago Board of Trade, asking for the defeat of the oleomargerine bill—to the Committee on Agriculture.

By Mr. TOOLE: Resolutions of wool-growers of Helena, protesting against putting wool on the free-list—to the Committee on Ways and Means.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. FREDERICK: Of 172 farmers of Iowa.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the National Treasury, were presented and severally referred to the Committee on Education:

By Mr. J. M. CAMPBELL: Of citizens of Somerset County, Pennsylvania.

By Mr. ELY: Of citizens of Middlesex County, Massachusetts.

By Mr. HITT: Of citizens of Winnebago County, Illinois.

By Mr. OWEN: Of citizens of Newton County, Indiana.

By Mr. SCOTT: Of citizens of North East, Pa.

By Mr. SOWDEN: Of citizens of Northampton County, Pennsylvania.

By Mr. WAKEFIELD: Of citizens of the second district of Minnesota.

SENATE.

MONDAY, *May* 17, 1886.

Prayer by Rev. FREDERICK D. POWER, of the city of Washington.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a large number of petitions from twenty-two different States, signed by over 2,000 citizens, on behalf of the American Agricultural and Dairy Association, praying for the passage of House bill 8320, in reference to the manufacture and sale of oleomargarine and other imitations of butter. The petitions will be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The Chair also presents a preamble and resolutions of the Chamber of Commerce of Cincinnati, remonstrating against the passage of a law imposing a special tax on oleomargarine or butterine, but setting forth that, under proper penalty, these articles should be sold under their proper name and description. The resolutions will be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore* presented a resolution adopted by a convention of wool-growers of Colorado, Wyoming, Utah, and Idaho, recently held at Salt Lake City, remonstrating against the placing of wool on the free-list, and praying for the restoration of the tariff of 1867; which was referred to the Committee on Finance.

He also presented a memorial of Knights of Labor of Van Wert, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of 23 citizens of Rutland County, Vermont, praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of Rev. M. J. Firey, Dr. N. K. Adams, and other citizens of Altoona, Pa., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of Granges No. 3, No. 249, No. 198, No. 337, and No. 330, Patrons of Husbandry, of Pennsylvania, praying for the suppression of the manufacture and sale of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Granges No. 337, No. 3, No. 198, and No. 330, Patrons of Husbandry, of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented a petition of citizens of York, Pa., praying that increased appropriations be made for the National Board of Health; which was referred to the Committee on Appropriations.

He also presented the petition of Charles Stoughton, of New York

city, praying that an appropriation be made for the improvement of Harlem River; which was referred to the Committee on Commerce.

Mr. BUTLER presented a memorial of members of the bar of Pima County, Arizona, remonstrating against the passage of House bill 5496, to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in that Territory; which was referred to the Committee on Territories.

Mr. BERRY. I present a petition of the Board of Trade of the city of Little Rock, Ark., and the petition of a large number of citizens of Arkansas, praying that the full amount of $250,000 recommended by the board of engineers be appropriated for the improvement of the Arkansas River. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES. I present the petition of Thomas Grissit and a number of other citizens of the United States of African descent, praying that an appropriation be made to enable them to emigrate to Liberia. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HARRISON presented the petition of John F. Vawter and 27 other citizens of Franklin, Ind.; the petition of G. Bullock and 78 other citizens of Lake County, Indiana; the petition of J. Ritterskamp & Sons and 29 others, of Freelandsville; the petition of G. W. Lawrance, jr., and 30 others, of Lowell, Ind.; and the petition of W. R. Easter and 52 others, of Kendallville, Ind., praying for the passage of House bill 8328, defining butter, and regulating the manufacture, sale, &c., of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted at a meeting of the citizens of Evansville, Ind., remonstrating against the passage of House bill No. 6047 and Senate bill No. 1718, authorizing the Chicago, Saint Louis and New Orleans Railroad Company and the Illinois Central Railroad Company to construct a bridge over the Ohio River at or near Cairo, Ill.; which were referred to the Committee on Commerce.

He also presented a memorial of members of the Pima County (Arizona Territory) bar, remonstrating against the passage of the bill (H. R. 5496) increasing the jurisdiction of probate courts of Arizona, and repealing all acts of the Legislative Assembly creating county courts; which was referred to the Committee on Territories.

He also presented the memorial of Hon. B. F. Potts and 29 other cattle-men of Montana, remonstrating against the passage of the bill (S. 1715) to regulate the transportation of live stock; which was referred to the Committee on Commerce.

He also presented a petition of the board of supervisors of Pima County, Arizona, praying for the passage of the bill (H. R. 5496) to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in said Territory; which was referred to the Committee on Territories.

Mr. CULLOM presented resolutions adopted by the directors of the Commercial Exchange of Chicago, remonstrating against the passage of the bill to tax butterine and oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the directors of the Chicago Board of Trade, in favor of the passage of Senate bill No. 1877, to amend the immediate transportation act; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Chicago Board of Trade, in favor of the passage of the bill authorizing the Illinois Central Railroad Company to construct a bridge at Cairo; which were referred to the Committee on Commerce.

Mr. PALMER. I present a petition of the board of health and citizens of Ypsilanti, Mich., praying for such legislation and appropriations as will enable the National Board of Health to effectively prevent the introduction of contagious diseases into the United States and their spread from one State to another. I move the reference of the petition to the Committee on Epidemic Diseases.

Mr. HARRIS. If I understood the petition correctly, it ought to go to the Committee on Appropriations, I think.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee so move?

Mr. HARRIS. I am not sure that I understood the petition. I think it prays that increased appropriations be made. If so, it ought to go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That reference will be made if there be no objection.

Mr. VEST presented resolutions of the Board of Trade of Kansas City, Mo., remonstrating against the passage of the bill to place a tax of 10 cents per pound on oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. F. Pattison and other citizens of Saline County, Missouri, praying that an appropriation be made to improve the Missouri River; which was referred to the Committee on Commerce.

Mr. WHITTHORNE presented the petition of Jesse M. Tate, of Carroll County, Tennessee, late a corporal of Company I, Seventh Regiment Tennessee Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. INGALLS presented a petition of William Mackey, late first lieutenant of Company C, Ninety-ninth Indiana Volunteers, praying to be restored to the pension roll; which was referred to the Committee on Pensions.

Mr. HAMPTON presented a petition of colored citizens of South Carolina, praying for aid to enable them to emigrate to Africa; which was referred to the Committee on Foreign Relations.

Mr. MITCHELL, of Oregon. I present a petition of citizens of Willow Springs, Oreg., praying that the coinage of silver be placed on an equality with that of gold; that the coin-certificate system be continued and so modified as to authorize the issue of certificates in denominations of one, two, and five dollars and upward; that legal-tender notes of the denomination of one and two dollars be reissued; that the public debt be as rapidly liquidated as the revenues of the Government will permit; and that the Secretary of the Treasury be authorized and instructed to loan money secured by mortgage on real estate to the people, especially the farmers. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. MILLER presented a petition of citizens of Geneva, N. Y., praying for the passage of a bill for the redemption of the trade-dollar; which was referred to the Committee on Finance.

He also presented a petition of farmers of Alfred Centre, N. Y., praying for the passage of the bill taxing imitation butter 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

Mr. HAMPTON presented a memorial of citizens of Charleston and Berkeley Counties, South Carolina, asking an appropriation for the purpose of reopening the water highway known as the "New Town Cut," between the city of Charleston and Stono River; which was referred to the Committee on Commerce.

Mr. MCMILLAN. I ask leave to present a communication from the board of directors of the Minneapolis Industrial Exposition, asking for appropriations to secure a Government exhibit at that exposition during the summer. This communication, although addressed to me, is evidently intended for Congress, and I ask that it be printed in the RECORD. It is short.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The communication will be so printed if there be no objection. Does the Senator desire its reference to any committee?

Mr. MCMILLAN. Let it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. It will be so referred.

The communication is as follows:

MINNEAPOLIS, MINN., *April* 17, 1886.

DEAR SIR: At a meeting of the board of directors of the Minneapolis Industrial Exposition, held April 12, 1886, it was unanimously voted to take steps at once to secure an exhibit from the National Government, made up of displays from the Smithsonian Institution and various Departments, Fish Commission, &c.

Hon. J. B. GILFILLAN, from this district, has been solicited to present the matter to the House, and we hope that Senator SABIN and yourself can pilot the matter safely through the Senate.

To enable the different departments to make a creditable showing it is necessary to have Congress appropriate from $10,000 to $15,000 to cover the expense. The cost is so trifling and the benefit derived by the people from these displays is so vast that there ought to be no hesitation about making the small appropriation needed.

On July 7, 1884, an act was passed appropriating $10,000 to send such a display to the Cincinnati Exposition. Mr. O'NEILL procured a similar act in favor of Saint Louis last year, and we trust you may succeed in doing as much for the Northwest.

A letter similar to the inclosed has been mailed to each of your colleagues in Congress from this State, requesting their co-operation with you, and we trust the Minnesota delegation may present a solid front in this matter. We hope it will be agreeable and convenient to you to aid the exposition in this manner, and we request that you endeavor to secure the necessary action of Congress at as early a date as possible, as it takes a long time to prepare the exhibits after they are authorized by Congress.

We will be pleased to render you any assistance we can from this end, and follow any suggestions you may make.

Mr. Charles W. Johnson, Clerk of the Senate, is an associate member of our committee, and we are certain will be glad to work with you.

Truly, yours,

WM. M. REGAN,
W. E. STEELE,
GEO. L. DALE,
W. J. DEAN,
JAMES MCGOLRICK,
Committee on Exhibits.
W. D. WASHBURN,
President.

I cordially concur in the above request.

L. F. HUBBARD,
Governor of Minnesota.

Hon. SAMUEL J. R. MCMILLAN,
U. S. Senator, Washington, D. C.

MINNEAPOLIS, MINN., *April* 17, 1886.

DEAR SIR: The Minneapolis Industrial Exposition has been duly incorporated under the laws of this State and has an invested capital of $500,000. A board of directors has been chosen, consisting of twenty-five representative business men, pledged to devote their time and talents to the success of the exposition this year. The capital stock has been subscribed by about two thousand three hundred citizens of Minneapolis, showing the universal interest taken in the matter here and the public character of the enterprise. An eligible site in the

very heart of the city, valued at a quarter of a million dollars, has been donated to the exposition by citizens.

A date, August 23, 1886, has been fixed for the opening of the first grand industrial and educational exposition ever held in the Northwest, and the interest of not only the entire State, but of the whole northwestern section of our country, demands that it be made an unqualified success. Many unsolicited applications for space have already been received from the leading manufacturers of various parts of the country, and there is no question as to the success of the commercial part of the display. The board of directors, however, are in the highest degree ambitious to make it not only an attractive and entertaining one, but in as great a measure as possible an exhibition of substantial benefit to every visitor, whether young or old. To achieve this end, they intend to give particular attention to the art department and all displays of a specially educational nature.

We have inaugurated a movement to secure from the General Government displays from the Patent Office, Interior, War, Navy, and State Departments, and Smithsonian Institute, &c., similar to the exhibits made by these Departments in New Orleans, Cincinnati, and other expositions; and would bespeak for the movement the assistance of your influence.

The benefits derived from these displays by visitors, especially those of the rising generation, can hardly be overestimated. They give to every person who sees them an enlarged idea of the power and resources of our common country, and enable the people of the interior to form some idea of the methods by which the affairs of the various Departments of the National Government are conducted.

The citizens of the Central States have had the benefit of these valuable and instructive displays at the Cincinnati and Saint Louis expositions. Those of the Southern and Southwestern sections of the country have had an opportunity to see them at the World's Exposition in New Orleans. It is but fair and just that the Northwest, so far remote from the seat of Government, should be permitted to enjoy the same advantages. From the fact that Minneapolis is the great railroad center of this section, and also a great summer resort, and at the time of the holding of our exposition will be filled with tourists from all sections of the country, is presented as the strongest reasons why it will be just and proper for Congress to authorize the slight expenditure necessary to enable so many people to inspect these treasures of our Government.

Our honorable Representative in Congress from this district will present the matter to the House of Representatives, and the subject will be brought before the Senate by our honorable Senators.

We trust you may find it agreeable to assist them in securing this great advantage to the people of the Northwest.

We can assure you that this exposition is not local in its character, but is truly national in its scope. It will be conducted in a cosmopolitan spirit, and has already enlisted the interest of all parts of the country.

A reply at your earliest opportunity is earnestly requested.

Truly, yours,

WM. M. REGAN,
GEO. L. DALE,
JAS. McGOLRICK,
W. J. DEAN,
W. E. STEELE,
CHAS. W. JOHNSON,
Committee on Exhibits.
W. D. WASHBURN,
President.

I cordially concur in above request.

L. F. HUBBARD,
Governor of Minnesota.

Hon. S. J. R. McMILLAN,
United States Senate, Washington.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1018) for the relief of Patrick Cook, reported it without amendment, and submitted a report thereon.

Mr. VEST. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 711) to establish the meaning of the word "month" in the statutes of the United States, to submit an adverse report thereon.

The PRESIDENT *pro tempore*. Does the Senator from Missouri move to postpone the bill indefinitely?

Mr. VEST. The Senator from Connecticut [Mr. PLATT], whom I do not see in his seat, introduced the bill. I do not know whether he desires it to go on the Calendar or not. I am instructed by the committee to ask for its indefinite postponement.

The PRESIDENT *pro tempore*. If there be no objection the bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMERON. I am instructed by a majority of the Committee on Military Affairs, to whom was referred the bill (H. R. 1877) for the relief of John McNaughton, to report it adversely. I do not agree with this report, and therefore I beg leave to submit the views of the minority, which I ask may be printed and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. That order will be made.

Mr. CAMERON. I am also instructed by a majority of the Committee on Military Affairs, to whom was referred the bill (S. 1822) for the relief of Maj. E. A. Hancock, to report it adversely. I do not concur in this report, and submit the views of the minority. I ask that this bill also may be placed on the Calendar.

The PRESIDENT *pro tempore*. That order will be made.

Mr. MANDERSON, from the Committee on Territories, to whom was referred the bill (S. 101) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, moved its indefinite postponement; which was agreed to.

Mr. MANDERSON. I am also directed by the Committee on Territories to report back another bill for the same purpose. This bill is substantially the bill introduced by the Senator from Missouri [Mr. VEST], which has just been indefinitely postponed. There have been numerous changes made in the bill, many of them suggested by the Senator from Missouri, and the committee deem it best to report in the form of an original bill, and I hope it may receive early consideration at the hands of the Senate.

The bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, was read twice by its title.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the resolution of the Senate relating to Congressional land grants in aid of military wagon-roads in the State of Oregon, submitted a report thereon, accompanied by a bill (S. 2437) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon; which was read twice by its title, and the report was ordered to be printed.

Mr. BROWN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1213) to regulate insurance in the District of Columbia, reported it with amendments, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 902) establishing a subtreasury at Louisville, Ky.; and

A bill (H. R. 6665) for the erection of a public building at El Paso, Texas.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1361) giving a pension to Nira D. Gwynne.

The message further announced that the House had passed the following bills:

A bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (S. 823) granting a pension to Capt. Elihu Jones;

A bill (S. 891) granting a pension to Geriah Collins;

A bill (S. 983) granting a pension to Michael Daly;

A bill (S. 1098) granting a pension to H. R. Duke;

A bill (S. 1253) granting a pension to J. D. Haworth;

A bill (S. 1420) granting a pension to William Powell;

A bill (S. 1431) granting a pension to Jane Carr;

A bill (S. 1441) granting a pension to M. Romahn;

A bill (S. 1509) granting a pension to William H. Moore;

A bill (S. 1830) granting a pension to Mrs. C. A. Bailey; and

A bill (S. 1850) granting a pension to Mrs. Annie C. Owen.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 685) granting a pension to Mary Marsh;

A bill (S. 1227) granting an increase of pension to William P. Squires; and

A bill (1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6429) granting a pension to Eunice E. Clark.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1398) granting a pension to Silas S. White;

A bill (H. R. 1406) granting a pension to Simmons W. Harden;

A bill (H. R. 1582) for the relief of Eleanor C. Bangham;

A bill (H. R. 2145) for the relief of Rebecca Eldridge;

A bill (H. R. 3921) granting a pension to Richard Gear;

A bill (H. R. 5252) to increase the pension of George W. Smith;

A bill (H. R. 1361) granting a pension to Nira D. Gwynne;

A bill (H. R. 6429) granting a pension to Eunice E. Clark;

A bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River; and

A bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 2438) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GIBSON (by request) introduced a bill (S. 2439) to create a board for national defense; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BECK introduced a bill (S. 2440) for the relief of occupying claimants of real estate in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL (by request) introduced a bill (S. 2441) for the re-

lief of Joanna Barry; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LOGAN introduced a bill (S. 2442) granting a pension to Miss Hattie A. Dada; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2443) granting a pension to Miss Elizabeth E. Tuttle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2444) granting a pension to Mary A. Mykins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2445) granting a pension to Charles W. Holland; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2446) for the relief of Joseph G. Swank; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2447) granting a pension to Mrs. Elizabeth Stewart; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2448) for the relief of William H. Deery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2449) for the relief of Thomas C. McElravy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2450) granting a pension to Abner Daily; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2451) for the relief of Julia De Quindre; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER introduced a joint resolution (S. R. 63) authorizing the Secretary of the Treasury to convey to Anson Rudd certain real estate in Fremont County, Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. RIDDLEBERGER introduced a joint resolution (S. R. 64) for the erection of an equestrian statue in the city of Washington, D. C., in honor of General Zachary Taylor, twelfth President of the United States; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. VOORHEES. I offer an amendment intended to be proposed by me to the river and harbor appropriation bill, providing an appropriation of $5,000 for the rebuilding of the bridge across the canal at the Ohio River Falls at Louisville, Ky. I ask that it be printed, and move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. VOORHEES. I also offer an amendment intended to be proposed by me to the river and harbor appropriation bill, providing for an appropriation of $100,000 for the improvement of the harbor at Michigan City, Ind. I move that it be referred to the Committee on Commerce, with the accompanying papers, and printed.

The motion was agreed to.

Mr. CULLOM, Mr. PLUMB, Mr. VEST, and Mr. WILSON, of Maryland, submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAWES submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WILSON, of Maryland, it was

Ordered, That the papers in the claim of James Hooper be taken from the files and referred to the Committee on Claims, new evidence having been filed.

E. P. THOMPSON.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the routine morning business is closed and the Calendar is in order.

Mr. HARRISON. I ask unanimous consent to call up House bill 570, No. 1135 on the Calendar. I have not made such a request at this session before, and this is a little private bill involving a very small amount of money.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 570) for the relief of E. P. Thompson. It proposes to pay to E. P. Thompson, assistant postmaster at Indianapolis, Ind., $338, for postage-stamps and postal cards stolen and destroyed February 1, 1881, for which he was held liable by the postmaster and paid the amount.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 308) granting a pension to Mary Sullivan;
A bill (H. R. 1142) granting a pension to Lydia Hadlock;
A bill (H. R. 1201) for the relief of Mary Howard Farquhar;
A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;
A bill (H. R. 1815) granting a pension to Ellen Corcoran;
A bill (H. R. 2144) granting a pension to C. K. Hughes;
A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;
A bill (H. R. 4460) to pension John W. Delp;
A bill (H. R. 4552) for the relief of Susan Smith;
A bill (H. R. 7703) granting a pension to Anna A. Probert;
A bill (H. R. 5261) granting a pension to Isaac Fossett;
A bill (H. R. 5324) granting a pension to John H. Hunter;
A bill (H. R. 6170) granting a pension to Mary A. Van Etten;
A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;
A bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker;
A bill (H. R. 6430) granting a pension to Lucy G. Dutcher;
A bill (H. R. 7162) granting a pension to Martha McIlwain;
A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor;
A bill (H. R. 7407) granting a pension to Cyrus Dubbs;
A bill (H. R. 7509) granting a pension to Cecilia C. McKenna;
A bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins;
A bill (H. R. 7914) to increase the pension of David M. Rennoe;
A bill (H. R. 7931) increasing the pension of Clark Boon;
A bill (H. R. 7979) granting a pension to Jackson Steward;
A bill (H. R. 8078) for the relief of Lydia S. Johnson;
A bill (H. R. 8111) granting a pension to Rebecca Roberts;
A bill (H. R. 8332) increasing the pension of James L. Miller;
A bill (H. R. 8336) granting an increase of pension to Duncan Forbes; and
A bill (H. R. 8372) granting a pension to John E. Doggett.

The above twenty-nine pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

THE SHIPPING LAWS.

Mr. FRYE. I ask unanimous consent to say one word touching the order of business.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Maine will proceed.

Mr. FRYE. I do not like to interfere with what seems to have been an arrangement that the Calendar shall be taken up in regular order, but I find myself obliged to be absent from Washington for an indefinite period. My consicence will not trouble me at all in relation to it provided I can have one bill disposed of before I go, and that is the House bill touching shipping fees, &c. I do not think it will take long to dispose of the bill.

Mr. COCKRELL. What is the order of business?

Mr. FRYE. It is No. 267. The bill has been on the Calendar for a long while.

The PRESIDENT *pro tempore*. The Senator from Maine asks the unanimous consent of the Senate to proceed to the consideration of the bill named by him. Is there objection?

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes.

The bill was reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask that the formal reading of the bill be dispensed with, and that it be read by sections for amendment.

The PRESIDENT *pro tempore*. If there be no objection that course will be pursued.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Commerce was, in section 1, line 32, after the word "allow," to insert "and pay, from any money in the Treasury not otherwise appropriated;" and in line 35, after the word "act," to insert "also such compensation to clerks of shipping commissioners as would have been paid them had this act not passed;" so as to read:

Collectors or other officers of customs, inspectors of steam-vessels, and shipping commissioners who are paid wholly or partly by fees shall make a detailed report of such services, and the fees provided by law, to the Secretary of the Treasury, under such regulations as that officer may prescribe; and the Secretary of the Treasury shall allow and pay, from any money in the Treasury not otherwise appropriated, said officers such compensation for said services as each would have received prior to the passage of this act; also such compensation to clerks of shipping commissioners as would have been paid them had this act not passed.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, in section 2, line 4, after "West Indies,"

to insert "or that part of the coast of South America bordering on the Caribbean Sea;" so as to make the section read:

SEC. 2. That shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or that part of the coast of South America bordering on the Caribbean Sea, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section 4612 of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners.

Mr. FRYE. That amendment is a mistake. I withdraw the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment of the Committee on Commerce was to strike out section 3, in the following words:

SEC. 3. That section 10 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, be amended by inserting after the word "relative," in line 19, the following: "Or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding one month's pay for board and one month's pay for clothing." And said section 10 is further amended by striking out all of the last paragraph after the words "vessels of the United States" and inserting in lieu of such words stricken out the following: "And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 4, line 11, after the word "navigation," to strike out the words "but shall not apply to any canal-boat, barge, or lighter," and to insert "including canal-boats, barges, and lighters;" so as to make the section read:

That section 4289 of the Revised Statutes be amended so as to read as follows:

"SEC. 4289. The provisions of the seven preceding sections, and of section 18 of an act entitled 'An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes,' approved June 26, 1884, relating to the limitations of the liability of the owners of vessels, shall apply to all sea-going vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal-boats, barges, and lighters."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was to strike out section 7, in the following words:

SEC. 7. Every vessel of 20 tons or upward, entitled to be documented as a vessel of the United States, other than registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than 20 tons and not less than 5 tons burden found trading or carrying on the fishery as aforesaid, without a license obtained as provided by this title, shall be liable to a fine of $30 at every port of arrival without such enrollment or license. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine of $30 shall not be incurred. And so much of section 4371 of the Revised Statutes as relates to vessels entitled to be documented as vessels of the United States is hereby repealed.

The amendment was agreed to.

The next amendment was, in section 8, line 4, after the words "fine of," to strike out "$1" and insert "$2;" so as to make the section read:

That foreign vessels found transporting passengers between places or ports in the United States, when such passengers have been taken on board in the United States, shall be liable to a fine of $2 for every passenger landed.

The amendment was agreed to.

The next amendment was, in section 9, after the word "six" at the end of line 1, to strike out "seven;" and in line 4, after the word "such," to insert regulations and;" so as to make the section read:

That the fines imposed by sections 5, 6, and 8 of this act shall be subject to remission or mitigation by the Secretary of the Treasury when the offense was not willfully committed, under such regulations and methods of ascertaining the facts as may seem to him advisable.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 10, line 6, after "United States," to strike out the words "and to vessels of foreign countries granting similar privileges to vessels of the United States in their ports;" so as to make the section read:

That the provision of Schedule N of "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883, allowing a drawback on imported bituminous coal used for fuel on vessels propelled by steam, shall be construed to apply only to vessels of the United States.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 11, line 13, after the words "Bermuda Islands," to insert "on the coast of South America bordering on the Caribbean Sea;" and after the word "ports," at the end of line 18, to insert "not, however, to include vessels in distress or not engaged in trade;" so as to read:

That section 14 of "an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, be amended so as to read as follows:

"SEC. 14. That in lieu of the tax on tonnage of 30 cents per ton per annum imposed prior to July 1, 1884, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West Indian Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or the Sandwich Islands, or Newfoundland; and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is hereby imposed at each entry upon all vessels which shall be entered in the United States from any other foreign ports, not, however, to include vessels in distress or not engaged in trade."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 11, line 32, after the words "provided further," to strike out:

That any vessel arriving from a foreign port in a port of the United States in distress or not engaged in trade shall be exempt from such tonnage tax: *And provided further.*

The amendment was agreed to.

The next amendment was to insert as section 14 the following:

SEC. 14. That section 4418 of the Revised Statutes is hereby amended by striking out from the nineteenth and following lines thereof the words "and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit, and the highest point attained."

The amendment was agreed to.

The next amendment was to insert as section 15 the following:

SEC. 15. That the provisions of sections 2510 and 2511 of the Revised Statutes and of section 16 of "an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, shall apply to the construction, equipment, repairs, and supplies of vessels of the United States employed in the fisheries or in the whaling business, in the same manner as to vessels of the United States engaged in the foreign trade.

The amendment was agreed to.

Mr. FRYE. I am instructed by the Committee on Commerce to offer an amendment, but I shall withhold it, in order that the Senator from New York [Mr. MILLER] may offer an amendment which would more properly come in first.

Mr. MILLER. My amendment would more properly come in at the present time than follow the amendment of the Senator from Maine. I move to add as a new section:

SEC. —. That rule 12 of section 4233 of the Revised Statutes shall be so construed as not to require row-boats and skiffs upon the river St. Lawrence to carry lights.

The amendment was agreed to.

Mr. FRYE. From the Committee on Commerce I move to add a new section.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add as an additional section the following:

SEC. —. That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign countries, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending the concessions previously granted to the vessels of such country; and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States; and any person opposing any officer of the United States in the enforcement of this act, or aiding and abetting any other person in such opposition, shall forfeit $800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years.

Mr. MCPHERSON. May I inquire of the Senator who has charge of the bill if this amendment is reported by the committee?

Mr. FRYE. It is reported by the committee.

Mr. MCPHERSON. Is it in print?

Mr. FRYE. It is.

Mr. MCPHERSON. It is a very important amendment and has not come under my notice before.

Mr. FRYE. It was reported about a week ago by the Committee on Commerce unanimously.

Mr. MCPHERSON. Will the Senator be so kind, when the proper time arrives, to explain it?

Mr. FRYE. No time is any more proper than now.

Mr. MCPHERSON. Very well. I have only heard it hurriedly read at the desk, and therefore can not exactly understand the full purport of the amendment.

Mr. VEST. Will the Senator from Maine allow me? My understanding was when this amendment was proposed in committee that the Senator from Maine was to confer with the State Department in regard to it. I have heard nothing with reference to the matter since. I should like to hear from the Senator from Maine what the Secretary of State says in regard to this amendment. I see in the proceedings of the House of Representatives that a resolution has been adopted calling upon the State Department to explain the status of this matter at present.

Mr. FRYE. I was to call on the State Department the next morning, but unexpectedly to me the Committee on Commerce was called together the next morning on the river and harbor bill. I was obliged to be present there, and therefore did not see the Secretary of State. I submitted the question to the committee whether I must see him before the amendment was reported, and it was unanimously agreed that I need not. As the matter was pretty thoroughly understood and there

seemed to be no special necessity for doing so I did not see him, and have not.

Mr. VEST. I was not present in the committee at the last meeting.

Mr. FRYE. I hardly know what explanation to give about this, and I do not wish to occupy any more time than is absolutely necessary. I learned long ago not to discuss a bill if I wanted to pass it.

It was stated in the discussion on the fishery resolution some time since that there was a statute which authorized the President of the United States to suspend intercourse with Canada or any other foreign country in case necessity arose for doing it. On examining that statute I found that it was not so; that it had no application to the condition of things which now exists in Canada, and therefore I had referred to the Committee on Commerce a general bill giving the President, not authority in a special case, not naming Canada, or England, or any other country, but a general bill authorizing the President, where discriminations were made and ports were closed against United States vessels by any country, if in his judgment it was deemed advisable, after notice given, to issue a proclamation closing our ports against the same vessels of that country.

I do not see myself the slightest earthly objection to it. I do not see that the Secretary of State could possibly object to it. I made it the duty of the President, but the Committee on Commerce amended that by simply giving the President the right to do it if he pleased, leaving it entirely to his judgment. It seems to me a very important law to have on the statute-book, as Congress is not always in session.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. VEST. I was detained from the Senate by illness at the time the bill was passed upon in committee. I wish to ask the Senator from Maine why section 14, which strikes out certain lines of section 4418 of the Revised Statutes, was inserted:

SEC. 14. That section 4418 of the Revised Statutes is hereby amended by striking out from the nineteenth and following lines thereof the words "and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit, and the highest point attained."

Mr. FRYE. That was undoubtedly one of those requirements of law in the interest of a patent. The supervising inspector of steamships addressed a letter to us, in which he called our attention to it and said that the thing itself was utterly useless, it could not be of any benefit, and was of large cost, and that in his opinion the law ought to be repealed which required it; and it was repealed on the strength of the supervising inspector's request.

I have one other amendment which I desire to offer as a new section. The old law with regard to destitute seamen left in foreign ports required our vessels to bring them home, being paid for a certain distance $10 and a certain other distance $20. That was when only sailing vessels were in use; and while it was not a reasonable sum to pay those vessels for a long voyage, yet as sailing vessels can almost always make use of an extra man it was supposed that they would get extra labor enough out of these sailors sent home to make it reasonable pay.

The last shipping act, the act of 1884, increased that limit to $20 and $35, but it is found nowadays wherever you have a line of steamers that the American consuls and the sailors themselves who are left insist on being carried home in the steamer; but the steamer never has any use for an extra hand. A steamer is obliged to take hands enough on board to be occupied at landings and all that sort of thing, but it always has extra hands when at sea, and a large number of extra hands; so that when the Government puts a destitute sailor or stranded sailor in a foreign port on a steamship he is a charge to the steamship entirely.

Now, take the line to Brazil. There were carried about forty-two men a distance averaging over 4,000 miles each. The amount under the act which the Government was authorized to pay the steamship company for carrying those men was $35 apiece. The Government pay amounted to $1,190. The actual cost to the steamship company for doing that service was over $3,000, for which it received $1,190. The steerage passage of those seamen would have amounted to $6,065; so that the loss to the steamship company was $4,875. In all respects they were treated precisely the same as steerage passengers—no work, and nothing for them to do on earth.

Of course these sailors prefer to be sent home by a steam line, and undoubtedly a great many men who are not sailors manage through some dishonest consul to get a certificate and are sent home on a steamer. To remedy this very grave injustice I offer the following amendment, to be inserted as a new section:

SEC. —. Section 9 of "an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, is hereby amended in the eighth line by inserting after the words "consular officer" the following: "When the transportation is by a sailing vessel; and the regular steerage-passenger rate, when not exceeding 2 cents per mile, when the transportation is by steamer;" and the third section is further amended by adding at the end the following: "Or to take any seaman having a contagious disease."

That retains the old price where they are sent by sailing vessels, as the law undoubtedly expected they would be sent, and increases the price to the steerage rate where sent by a steamer.

The amendment was agreed to.

Mr. FRYE. I ask leave to have printed in the RECORD the statement to which I have referred.

The PRESIDENT *pro tempore*. If there be no objection the paper will be printed in the RECORD.

The statement is as follows:

Distressed United States citizens (paupers) placed on board United States and British mail steamship companies' steamers by United States consuls, and carried, fed, and housed in all respects same as steerage passengers.

Vessel and voyage.	Port.	Number of men.	Distance to New York.	Amount paid by Government.	Regular steerage fare.	Loss to ship.
			Miles.			
Finance, voyage 2, March 5, 1883	Pernambuco	2	4,177	$20 00	$130 00	$110 00
Reliance, voyage 4, September 1, 1883	Pernambuco	12	4,177	120 00	785 00	665 00
Reliance, voyage 8, June 26, 1884	St. Thomas	1	1,440	10 00	30 00	20 00
Advance, voyage 8, December 8, 1883	St. Thomas	2	1,440	20 00	60 00	40 00
Finance, voyage 10, June 2, 1884	St. Thomas	12	1,440	120 00	360 00	240 00
Advance, voyage 10, February, 1884	Rio de Janeiro	1	5,308	10 00	75 00	65 00
	St. Thomas	3	1,440	30 00	90 00	60 00
Advance, voyage 12, May 3, 1884	Bahia	38	4,563	380 00	2,660 00	2,280 00
Advance, voyage 14, July, 1884	Bahia	2	4,563	20 00	140 00	120 00
	Perno	2	4,177	20 00	130 00	110 00
Advance, voyage 18, December, 1884	St. Thomas	17	1,440	170 00	510 00	340 00
	St. Thomas	1	1,440	10 00	30 00	20 00
Finance, voyage 20, January 1, 1885	St. Thomas	5	1,440	50 00	150 00	100 00
Merrimack, voyage 2, February 7, 1885	St. Thomas	1	1,440	10 00	30 00	20 00
	Pernambuco	1	4,177	10 00	65 00	55 00
Advance, voyage 20, February 21, 1885	Para	2	3,022	20 00	100 00	80 00
Merrimack, voyage 6, July 6, 1885	Pernambuco	1	4,177	10 00	65 00	55 00
Advance, voyage 24, July 18, 1885	St. Thomas	4	1,440	40 00	120 00	80 00
Merrimack, voyage 10, November 29, 1885	Pernambuco	5	4,177	50 00	325 00	275 00
	St. Thomas	2	1,440	20 00	60 00	40 00
Advance, voyage 28, December 12, 1885	St. Thomas	2	1,440	20 00	60 00	40 00
Finance, voyage 30, January, 1886	St. Thomas	3	1,440	30 00	90 00	60 00
Totals		119		1,190 00	6,065 00	4,875 00

Mr. ALLISON. I wish to call the attention of the Senator from Maine to the last section, wherein it is provided:

That the provisions of sections 2510 and 2511 of the Revised Statutes——

I turned to the editions of the Revised Statutes with a view to see what those sections were, and I find in the edition of 1878 that section 2510 relates to "machinery for manufacture of beet sugar;" and I find in looking further back to the edition of 1873–'75 that sections 2510 and 2511 are the sections intended probably to be referred to by this section of the bill.

It seems to me that is rather an indefinite reference to those statutes, because the revised edition of 1878 seems to be the lawful edition now of the Revised Statutes, made so by proclamation of the Secretary of State.

Mr. FRYE. The last edition is clearly a mistake, but the statement of the sections is right in the bill as I have it here, but perhaps that had

better be looked to. How would the Senator suggest that the section be amended?

Mr. HARRISON. I suggest to the Senator from Maine that the reference to the title ought to identify the subject.

Mr. FRYE. The title is the same in the bill.

Mr. ALLISON. In the revision of tariff act "duties on imports" in one edition I find sections 2510 and 2511, and in the other edition they are sections 2513 and 2514. You might say "edition of 1873." That would cover it.

Mr. FRYE. I think myself that it is certain now, although I got into trouble when I hunted the matter up. The last edition was wrong. I move to amend, in section 15, so as to make it read:

That the provisions of sections 2510 and 2511 of the Revised Statutes of the edition of 1873, &c.

Mr. ALLISON. We had better say 1875. It seems to have been proclaimed in 1875.

Mr. FRYE. Very well, say "edition of 1875."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to insert the words "edition of 1875."

The amendment was agreed to.

Mr. SEWELL. I should like to ask the Senator from Maine what change is made in the tonnage tax?

Mr. FRYE. The tonnage tax stands precisely as it did before, but complications arose by reason of certain foreign countries repealing certain dues, and complaining that they were not treated so favorably as those countries which were contiguous, and the law has been changed, so that now in a country that retains its dues taking the place of tonnage dues, the President by proclamation may extend the repeal of these dues to that country.

Mr. SEWELL. Making it a reciprocal law?

Mr. FRYE. Yes, sir; we make it a reciprocal law.

Mr. CALL. I ask the Senator from Maine the meaning of section 13, which provides that the provisions of section 11 of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June 26, 1884, shall not be construed to apply to whaling vessels.

Mr. FRYE. The requirement referred to in that section is the slop-chest. Whalers all sail upon contract, the men and officers sharing with the owners, and they prefer very much to take care of their own outfit. The provision was inserted at their request.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate insist on its amendments, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* appointed the conferees on the part of the Senate; and Mr. MILLER, Mr. DOLPH, and Mr. VEST were appointed.

ORDER OF BUSINESS.

Mr. CONGER. I call for the regular order.

The PRESIDENT *pro tempore*. The first case on the Calendar will be stated.

Order of Business 162, being the bill (S. 1286) to amend section 604 of the Revised Statutes, and for other purposes, was announced as in order.

Mr. MITCHELL, of Oregon. I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. MITCHELL, of Oregon. Mr. President, there is a bill on the Calendar, Senate bill No. 2115, being Order of Business 981, granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon.

The bill is reported unanimously from the Committee on Commerce, and the company stands ready to construct the bridge. It is a local matter. The company is delayed proceeding with the construction of the bridge simply awaiting the passage of this bill. Under these circumstances I ask the unanimous consent of the Senate to allow the bill to pass at this time. It will require only the reading of the bill.

Mr. CONGER. The object I have in view in desiring the Calendar to be proceeded with is that we may reach a good many such bills which are on the Calendar. There are two or three bills in which my constituents are interested where there seems to be an absolute necessity for action by the Senate. I hope we shall devote the morning hour to bills on the Calendar. I have not asked the consideration of special bills, and must object to the consideration of others. I did not object in the case of the Senator from Maine [Mr. FRYE] because the Senator was going away.

The PRESIDENT *pro tempore*. Objection being made, the bill can not be considered at this time.

Mr. CONGER. Are bills to be taken up on the Calendar that have been passed over heretofore without prejudice?

The PRESIDENT *pro tempore*. Those passed over without prejudice are usually not taken up without being called for. Those passed over without prejudice can be called up on motion.

Mr. CONGER. The first bill on the Calendar that has been called up is one that was passed over, and several have been passed over without prejudice. Should not the Calendar be taken up where we left off the call, and let these others be called up?

The PRESIDENT *pro tempore*. That is the course which is being taken. The first case on the Calendar under that ruling will be stated.

JURIES IN UNITED STATES COURTS.

The bill (S. 12) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen, was announced as in order; and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, line 6, after the words "shall be," to strike out "in session" and insert "held;" and in line 8, after the word "if," to strike out the words "possible and;" so as to make the section read:

That the act of Congress approved June 30, 1879, chapter 52, section 2, be, and the same is hereby, amended so that whenever any circuit and district courts of the United States shall be held at the same time and place they shall be authorized and required, if the business of the courts will permit, to use interchangeably the juries in either court drawn according to the provisions of said act.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That in order to avoid delay in the business of the courts, it shall be lawful, in drawing names from the jury-boxes as tales-jurors, for the court to excuse those drawn who live at a distance from the court until names of persons living within a convenient distance are drawn; or the court may direct the clerks and commissioners to provide a box, as those now authorized by law are made up, containing not less than three hundred names of persons residing near the place where the court is held, and qualified to serve as jurors, from which the court may direct to be drawn the tales-jurors required to fill vacancies on the regular panel; or the court may, in an emergency, authorize bystanders to be summoned to fill vacancies on the jury: *Provided, however*, That nothing herein contained shall authorize the courts to draw the regular juries otherwise than in the mode prescribed by the act of June 30, 1879.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LABOR ARBITRATION.

Mr. COKE. I desire to give notice that to-morrow after the morning hour I shall ask the unanimous consent of the Senate to lay aside the pending order and take up Order of Business 553, being the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés, for the purpose of submitting some remarks thereon.

CALIFORNIA SCHOOL LANDS.

The bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 7, after the word "lands," to insert "within the State of California and from lands;" so as to make the section read:

That the State of California shall have the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as may have been or shall be found to be mineral lands: *Provided*, That such selections shall be made from lands within the State of California, and from lands returned as agricultural, and upon which at the date of selection no valuable mineral discoveries have been made; and all such selections shall be reported to the Secretary of the Interior, who shall, if he is satisfied such lands so selected are not mineral, so certify, and thereupon the right of said State to such selected lands shall finally attach; and the Secretary of the Interior shall also ascertain whether any of such sixteenth and thirty-sixth sections are mineral lands, and shall certify their character, which certificate shall determine the matter.

The amendment was agreed to.

Mr. ALLISON. Section 3 ought to be stricken out.

The PRESIDENT *pro tempore*. Does the Senator from Iowa move to strike out section 3?

Mr. ALLISON. I move to strike out section 3, in the following words:

SEC. 3. That this act shall take effect from and after its passage.

It is utterly unnecessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALIFORNIA LAND SALES.

The bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of lands in said State was announced as next in order.

Mr. ALLISON. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. DOLPH. I believe the Senator from California [Mr. STANFORD] desires it to keep its place on the Calendar without prejudice.

The PRESIDENT *pro tempore*. Does the Senator from Iowa object to its retaining its place on the Calendar?

Mr. ALLISON. I do not.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar.

ISAIAH W. LEES AND H. H. ELLIS.

Mr. FAIR. I ask unanimous consent to call up Order of Business 666, being the bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government.

Mr. CONGER. We are progressing toward that bill very rapidly now if nobody interferes, and I hope we may go at full speed without interruption. I want to get at some bills on the Calendar in their order.

Mr. FAIR. I am very sorry for the objection. I am only carrying out a request of Mr. MILLER, our late associate, now dead.

The PRESIDENT *pro tempore*. Objection being made, the bill can not be taken up now.

Mr. FAIR. Will not the Senator from Michigan withdraw his objection?

Mr. CONGER. If the Senator states that he asks for the consideration of the bill at the request of our former colleague, Mr. MILLER, I feel unwilling to make objection, if it was a measure in which he was interested.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. Order of Business 666, being the bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government.

Mr. CONGER. If it will not lead to debate I shall not object.

Mr. ALLISON. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

Mr ALLISON. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAIR April 14, 1886:

The Committee on Claims, to whom was referred the bill (S. 1963) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, Cal., for services rendered the Government, have had the same under consideration, and report as follows:

It appears that the late Senator MILLER, of California, was immediately connected with the direction of the service performed by these claimants for which compensation is asked in the bill.

His opinion of the value of their labor, as well as his manifest desire to aid them in obtaining remuneration therefor, is clearly shown by the following affidavit and letter.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

John F. Miller, being duly sworn, says that he read the petition of H. H. Ellis and I. W. Lees, and that the statement of facts therein contained is substantially true; that the frauds upon the United States revenues mentioned in said statement were detected and brought to light by the efforts of said Ellis and Lees, and that the payments mentioned in said statement were made by way of a compromise between the United States and Charles S. Lord, and the same was sanctioned by the Treasury Department; that the confessions of judgment in the actions brought upon the export bonds given by said Lord were mere incidents to said compromise, and the money was paid in settlement of all matters of difference between the revenue department and said Lord; that affiant was, at the time of all the transactions mentioned in said statement, collector of customs for the district of San Francisco, and made said compromises on the part of the United States; that affiant expected that said Ellis and Lees would receive one-fourth part of said sum, being the parties who gave the information which led to the payment of said moneys into the Treasury of the United States, and so represented to them; that the detection of the said frauds were, as affiant verily believes, of great benefit to the United States, and that the compensation requested by said Ellis and Lees is justly due them; and further saith not.

[SEAL.] JOHN F. MILLER.

WASHINGTON, D. C., *May* 1, 1870.

GENTLEMEN: Your note of the 21st ultimo and copies of your memorial to Congress have been received.

It will afford me pleasure to render you all the aid in my power. Your memorial is well prepared and correctly states the facts and circumstances of the case. If a bill is introduced for your relief I will cheerfully go before the Committee on Claims and give my testimony, which will substantiate all you have said in the memorial.

Very truly, yours,

JNO. F. MILLER.

Messrs. LEES and ELLIS,
San Francisco.

The accompanying affidavits also appear in the proof:

I hereby certify that I was United States attorney for the district of California during the time referred to, and I fully concur with General Miller in his statement in regard to the services rendered by Messrs. Lees and Ellis, and that they ought to be liberally compensated therefor.

[SEAL.] DELOS LAKE,
Judge of the Municipal Criminal Court, San Francisco.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

I hereby certify that during the time the alleged frauds were committed on the revenue of the United States Government said Lees was a captain of police and said Ellis policeman, both belonging to what is known as the detective branch of the police department of the city and county of San Francisco, State of California, and who were specially detailed at said time to investigate into said frauds and aid in the discovery thereof by and at the request of General John F. Miller, the collector of the port of San Francisco at that time.

[SEAL.] P. CROWLEY, *Chief of Police.*

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Thomas B. Shannon, being duly sworn, deposes and says that he was surveyor of the port of San Francisco during the years of 1867-'68; that detective officers Lees and Ellis discovered the frauds practiced on the Government by the firm of Nudd, Lord, and others, and the sales and compromises resulting directly from their seizures amounted to $43,415.84, cash.

That they had never been paid their moiety on this or any other sum up to the present time, and are justly entitled to a liberal compensation, for the effect of their labors utterly destroyed the most formidable whisky combination that ever existed on this coast.

[NOTARIAL SEAL.] THOS. B. SHANNON.

A letter from ex-Mayor Bryant, of San Francisco, to Hon. BARCLAY HENLEY, of the House of Representatives, contains the following statement:

"I was naval officer of this port at the time of the detection of frauds on the revenues which resulted in the seizure at different times of goods and property belonging to the firm of Nudd, Lord & Co., and their associates.

"The United States Government received from the seizures, sales, and compromises over $43,000, but this sum was unimportant compared with the revenues accruing to the Government through the prompt destruction of that 'ring.'"

"Messrs. Lees and Ellis, of the San Francisco detective force, were the sole persons who accomplished the great work."

On account of the sickness of the late Senator MILLER, a bill for the relief of these claimants was not introduced in the Senate until after his decease.

On the 18th day of January last, Mr. MORROW, of California, introduced in the House of Representatives a bill (H. R. 3864) containing the same words and figures, which was referred to the Committee on Claims in that body.

On the 11th day of March it was favorably reported from that committee with an amendment.

That report presents a full and concise statement of the case as exhibited by the proofs, and is herewith appended and made a part of this report, as follows:

"The claimants mentioned in the bill were members of the detective arm of the San Francisco police department during the years 1867-'68, and were employed by Senator MILLER, of California, who was at that time the collector of customs of the port of San Francisco, to work up certain suspicious circumstances connected with the management of local internal-revenue affairs.

"The result of their skill and labor brought to light the existence of a systematic method by which distilled spirits were removed from the internal-revenue bonded warehouses for the alleged purpose of rectification; the packages thus removed were filled with water and returned to the warehouse, while their original contents were placed upon the local market and sold without paying the tax due thereon.

"To perfect the scheme, and place its detection beyond the reasonable possibility of exposure, they exported the barrels containing the water so fraudulently substituted to foreign countries, under custom-house export bonds. Upon presentation of landing certificates from the American consul at the port of destination the job was finally concluded.

"The incident which unveiled the peculiar methods adopted to evade the lawful tax came to light through the failure of a captain of a vessel in the employ of Nudd, Lord & Co., a heavy wholesale liquor house, to successfully execute one of their plans.

"It appears that on the 9th day of July, 1867, the schooner Sarah cleared in the San Francisco custom-house for the Amoor River, laden with 175 barrels and 100 cases of spirits, properly protected by an export bond for $64,800, which represented double the amount of the tax due thereon had it entered into local consumption. A few days thereafter she was reported wrecked off Santa Cruz, which is located about 75 miles south of the harbor of San Francisco.

"It was at this time that Senator MILLER secured the services of these officers. They discovered the wreck, and found evidence that she had been intentionally scuttled; that the hoops on the barrels were purposely cut to permit the contents to escape, and a few of the barrels that had not been cut contained water only. With this information they proceeded to arrest the cook of the schooner, whom they found concealed on board a vessel lying in the harbor of San Francisco, and imprisoned him. While under arrest, through the payment of money and promise of exemption from criminal prosecution, they obtained information by which they found concealed in a cave in Sir Francis Drake's Bay, located on the coast of California, about 40 miles north of San Francisco, 24 barrels and 100 cases of genuine spirits, part of the schooner Sarah's alleged cargo.

"The remainder of the crew were subsequently arrested and indicted.

"It also appears in the evidence that the same firm of Nudd, Lord & Co., in the month of May previous, had shipped forty-three barrels of alleged spirits to Victoria, British Columbia. Further investigation proved that forty contained water and three only contained spirits.

"In the same month they had shipped one hundred barrels of alleged spirits to Guaymas, Mexico. This shipment turned out to be ninety barrels of water and ten only of spirits, which were sold at that place.

"The proofs furnished the committee are documentary, and found in House Executive Documents, first session Forty-first Congress. They are embraced in the report of ex-Governor Samuel Purdy, who was detailed as special agent of the internal revenue at Washington to proceed to San Francisco and investigate the internal-revenue affairs, which had now become the subject of much newspaper excitement.

"The proofs show that the sums collected from the seizures and information furnished Senator MILLER by these claimants were as follows:

From the sale of the spirits found at Drake's Bay	$2,370 80
From sale of the wreck of the schooner Sarah	845 04
From the export bond of the schooner Sarah	32,400 00
From the export bond of the steamer Active	7,800 00

"The total net sum paid into the National Treasury through the efforts of the claimants aggregates $43,415.84, and they ask for one-half of that amount, namely, $21,707.92, as compensation due them for services rendered, or moieties due to 'informers' under section 179 of the old internal-revenue laws.

"From the historical facts set forth in the report of ex-Governor Purdy, and the unimpeachable character of the gentlemen signing the letters, as well as the accompanying affidavits, your committee find no hesitation whatever in concluding that these claimants are entitled to a just compensation for services rendered.

"Had each of these cases been tried before the court and judgment duly rendered for those amounts respectively, it is probable that, upon a proper representation, the United States district judge might have ordered at that time that these claimants be declared the "informers" according to law, and awarded them one-half of the net sums collected through their instrumentality. But no such action was had, and a further discussion of that phase of the case does not properly enter into the present consideration.

"It is conclusively shown by the affidavit of Senator MILLER, of California, who was at that time the collector of customs for the port of San Francisco, that when he employed these claimants he represented to them that they would receive one-fourth part of the net sum accruing to the Government from the success of their labors.

"This representation was based upon section 3090 United States Revised Statutes, page 183, and is the law to-day as well as then. That section, after stating

what disposition shall be made of the fines, forfeitures, or penalties incurred under the act by first paying the duties, costs, &c., says:

"'And the residue of the proceeds aforesaid shall be paid into the Treasury of the United States, and distributed under the direction of the Secretary of the Treasury in the manner following, to wit: One-half to the United States; one-fourth to the person giving the information which led to the seizure or the recovery of the fine or penalty,' &c.

"It was under the authority conferred by the foregoing section that Senator MILLER offered these gentlemen employment and received their services. The subsequent transfer of the different civil and criminal proceedings then pending to the courts for final adjudication through the internal-revenue arm of the Government did not, in the opinion of your committee, change the status of the original contract and understanding with Collector Miller.

"It is clearly shown in the proofs that each case was compromised by Senator MILLER as collector of customs; that the money was paid to him, and by him personally covered into the national Treasury without reference to the Internal Revenue Office. The confessions of judgment before the courts were merely incidental; they were doubtless resorted to by the defendants as being the more expeditious way to terminate the discomfiture and expense attendant upon such a complete exposure of bold and questionable transactions.

"Your committee therefore report the bill with the following amendment, namely: In lieu of the words 'twenty-one thousand seven hundred and seven dollars and seventy-two cents' insert the words 'ten thousand eight hundred and fifty-three dollars and eighty-six cents.'

"The last-named sum represents one-fourth of the net amount collected and paid into the national Treasury growing out of the efforts of the claimants, and which they are equitably entitled to under the provisions of section 3090 of the United States Revised Statutes before mentioned.

"With this amendment, we recommend the passage of the bill."

Your committee therefore report the bill back to the Senate with the recommendation that a bill the same as reported from the Committee on Claims of the House of Representatives be adopted as a substitute for Senate bill No. 1693, and that Senate bill 1693 be indefinitely postponed.

In deference to the manifest wish of our late brother Senator, we recommend the early consideration and passage of the accompanying substitute bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSIONAL LIBRARY BUILDING.

Mr. VOORHEES. I presume there will be no objection to my calling attention to the fact that Order of Business 238, being Senate bill 61, relates to the same subject as a bill which came from the House and has been passed, for the erection of a new library building. I therefore ask that that bill be indefinitely postponed.

The PRESIDENT *pro tempore*. If there be no objection the bill referred to, being the bill (S. 61) authorizing the construction of a building for the accommodation of the Congressional Library, will be indefinitely postponed. The Chair hears no objection, and that order is made.

ACQUIREMENT OF PROPERTY BY ALIENS.

The bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes, was announced as next in order.

Mr. CONGER. If the gentleman who reported that bill has no objection, I think it had better go over without prejudice.

Mr. PLUMB. I wish to have it retain its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, retaining its place on the Calendar.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company was considered as in Committee of the Whole.

The preamble recites that the Kansas City, Fort Scott and Gulf Railroad Company, successors to the Kansas and Neosho Valley Railroad Company, has, under and in accordance with the provisions of "An act to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act entitled 'An act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River,' approved July 25, 1826," restored to the United States all the unsold lands received by it under its land grant, and paid into the Treasury the proceeds of all lands sold.

The resolution therefore declares the Kansas City, Fort Scott and Gulf Railroad Company entitled to the payment in full of all compensation earned heretofore in transporting mails and military and other supplies for the Government, to the same extent and effect as though no lands had been granted for the benefit of the company.

Mr. MCMILLAN. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. PLUMB. I can state the purport of the measure, which has heretofore passed the Senate twice, and perhaps three times.

The company named in this bill was some time in July, 1866, granted lands for the purpose of enabling it to complete its road. Subsequently, by the authority of an act of Congress, passed in 1876 I think, it was authorized to reconvey the land to the United States, which it did, and paid back to the United States all the money that it had received for the land which had been sold, divesting itself entirely of all benefit growing out of the original land grant. Meanwhile, however, before it had done this, it had transported certain supplies for the United States Government. Under and by reason of the fact that it was a land-grant railroad pay for such transportation has been withheld. As it restored to the Government all that it received before the grant went into effect, it is proposed to put the company and the Government back in their original position.

Mr. MCMILLAN. That is all right. I do not care for the reading of the report.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on the adoption of the preamble.

The preamble was agreed to.

BILLS ADVERSELY REPORTED.

The PRESIDENT *pro tempore*. Where bills are reported adversely, if there be no objection the Chair will pass them to the Calendar under the ninth rule. So that the next bill on the Calendar, being the bill (S. 510) for the relief of Sophia B. Moore, will be placed on the Calendar under the ninth rule.

JAMES S. CLARK & CO.

The bill (S. 41) for the relief of James S. Clark & Co., was announced as next in order.

Mr. DOLPH. I ask that that bill go over, retaining its place on the Calendar. I think I will offer a substitute for it when it comes up again after the meeting of the Committee on Claims.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

JAMES BAINTER.

The bill (S. 145) for the relief of James Bainter, was announced as next in order.

The PRESIDENT *pro tempore*. This, being an adverse report, will be placed on the Calendar under Rule IX, and also the next four cases.

COMMANDER JOHN W. PHILIP.

The bill (S. 1568) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher tendered him by the Government of the United States of Colombia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY F. POTTS.

The bill (S. 244) for the relief of Mary F. Potts was announced as next in order.

Mr. ALLISON. I ask that that go over without losing its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

MICHAEL J. HEWSTON.

The bill (S. 329) to increase the pension of Michael J. Hewston was announced as next in order.

The PRESIDENT *pro tempore*. This bill, being reported adversely, it will be placed on the Calendar under Rule IX.

TICE METERS.

The bill (S. 950) to authorize suits to be brought in the Court of Claims for money paid and expenses incurred on account of Tice meters, was announced as next in order.

Mr. MCMILLAN. That is adversely reported.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar under Rule IX.

DISTRICT TAX SALES.

The bill (S. 634) relating to sales for taxes in the District of Columbia was announced as next in order.

Mr. CONGER. The Senator reporting that bill is not present. I ask that it go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

DISTRICT LIQUOR SALES.

The bill (S. 1380) relating to the sale of distilled and fermented liquors in the District of Columbia was announced as next in order.

Mr. HARRIS. That was also reported by the Senator from Kansas, who is not present. Let it go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

LOUISE HOME PROPERTY.

The bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes, was announced as next in order.

The bill was reported from the Committee on the District of Columbia with an amendment, striking out all after the enacting clause and in lieu thereof inserting:

That all property held as endowment fund by the trustees of the Louise Home, in the city of Washington, D. C., for the purpose of revenue to support said institution, shall be, and the same is hereby, declared exempt from all taxation and assessments by the municipal authorities or by the United States so long as the same shall be so held; and all taxes and assessments made or imposed upon any of the property of said trustees subsequent to the 21st day of November, 1869, whether real, personal, or mixed, be, and the same are hereby, released: *Provided*, That real estate heretofore purchased by said trustees in the management of the endowment fund shall be exempt from taxation only while so held, and not to exceed five years from the passage of this act.

Mr. CONGER. Is there a report accompanying that bill?

The PRESIDENT *pro tempore*. There is a report.

Several SENATORS. Let it be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. MILLER. I object to the consideration of the bill.

Mr. HARRIS. I appeal to the Senator from New York to allow the report to be read. It simply releases from taxation the endowment fund of the charity established by Mr. Corcoran known as the Louise Home. The endowment fund has been assessed and taxes are claimed on it.

Mr. MILLER. If I understand the measure, it not only relieves the property they may now have but all they may hereafter have; and if these funds are invested in real estate in the city, in houses which are rented or in stores or in manufacturing establishments or in any other property, under the provisions of this bill they are entirely exempted from local taxation.

Mr. HARRIS. If the Senator will look at the bill and report he will find that a part of the endowment fund was loaned out upon mortgage security on certain real estate, and the trustees were compelled to acquire the property to secure that portion of the endowment fund. The bill does release the taxes upon that property while so held, but they are required to dispose of it within a limited time and not to hold it free from taxation.

Mr. ALLISON. This settles a very important principle if adopted, because of course it would be inequitable to apply these provisions to one charity without applying them to all, and I think it a matter of so much importance that it ought not to be considered in this way.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

Mr. HARRIS. I ask that it be allowed to hold its place on the Calendar, because when Senators look at it I am satisfied they will not object to it.

Mr. MILLER. I have no objection to that course.

The PRESIDENT *pro tempore*. The bill will go over without prejudice.

The bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes, was announced as next in order.

Mr. HARRIS. That presents exactly the same question in respect to another charity.

Mr. CONGER. Let that go over without prejudice.

The PRESIDENT *pro tempore*. That will be the order.

BONDS OF EXECUTORS.

The bill (S. 1422) to amend the law relating to the bonds of executors in the District of Columbia was considered as in Committee of the Whole.

It provides that whenever hereafter a testator shall, by last will and testament, request that his executor or executors be not required to give bond for the performance of his or their duty as such executor or executors, then and in such case the bond required shall be in such penalty as the court may consider sufficient to secure the payment of the debts due by the testator. The penalty of this bond may be increased, or an additional bond required, whenever it shall be made to appear to the court that the bond as given is insufficient to secure the payment of the debts of the testator; and on application of any distributee or legatee entitled to take under the will, the court shall require the executor to give additional bond, with security in penalty sufficient to secure the interest of such distributee or legatee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. BUTLER. I should like to invite the attention of the Chair to a bill which has just been passed over, the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes." I was out of the Senate Chamber temporarily. I should be glad to have that bill retain its place on the Calendar.

The PRESIDENT *pro tempore*. That has been done on account of the absence of the Senator from Maine [Mr. HALE] and the Senator from South Carolina [Mr. BUTLER].

The bill (S. 984) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia was announced as next in order on the Calendar.

Mr. ALLISON. I object to that bill. I see the Senator from New Hampshire [Mr. PIKE] is absent, and there is no printed report.

The PRESIDENT *pro tempore*. The bill will be passed over.

The bill (S. 1598) to annex a certain strip of land therein named to the Territory of New Mexico was announced as next in order.

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes to the Calendar under Rule IX.

MARTIN L. BUNDY.

The bill (S. 365) for the relief of Martin L. Bundy was considered as in Committee of the Whole. It provides that in the settlement of the accounts of Martin L. Bundy, late a paymaster in the Army, the proper accounting officers shall allow $719.47 for the forage of two horses, to which he was entitled, and which was not drawn by him, from the 17th of July, 1862, to the 15th of April, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMS ACCOUNT OF MONTANA.

The bill (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAR-ADMIRAL NICHOLSON.

The next business on the Calendar was the joint resolution (S. R. 48) authorizing Rear-Admiral J. W. A. Nicholson to accept a medal conferred upon him by the King of Sweden and Norway.

Mr. LOGAN. Is there any report in that case?

Mr. FRYE. Perhaps that had better stand over, as the Senator reporting it is absent.

Several SENATORS. There is a report. Let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read as follows:

Mr. FRYE, from the Committee on Foreign Relations, presented the following, to accompany S. R. 48:

DEPARTMENT OF STATE, *Washington, February* 9, 1886.

SIR: At the instance of the Secretary of the Navy, I have the honor to invite the action of Congress on the request of Rear-Admiral J. W. A. Nicholson, United States Navy, retired, to be authorized to accept from the King of Sweden and Norway a gold medal with an inscription thanking him for services to the consul-general of his government in Egypt during the bombardment of Alexandria in July, 1882.

Reference is made to S. R. 39, Forty-eighth Congress, first session.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN F. MILLER, &c.,
Committee on Foreign Relations, Senate.

DEPARTMENT OF STATE, *Washington, January* 8, 1884.

SIR: I have the honor to transmit herewith for the information and consideration of your committee a copy of a letter to this Department from the Secretary of the Navy, in regard to certain decorations and presents therein described which have been tendered to officers of the Navy by foreign governments and deposited in this Department pursuant to the provisions of the third section of the act of Congress, approved January 31, 1881.

I respectfully recommend that permission be granted to the several officers named in Mr. Chandler's letter to accept the presents and decorations which have been tendered to them, respectively, subject to the provisions of the second section of the above-mentioned act of Congress.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

Hon. JOHN F. MILLER,
Chairman of the Committee on Foreign Relations, Senate.

NAVY DEPARTMENT, *Washington, October* 10, 1883.

SIR: Referring to the letters of the Department of State, dated January 4, 10, and 11, April 3 and September 13, 1883, with regard to certain decorations and presents tendered officers of the United States Navy by foreign governments, I beg leave to inclose herewith a list of the officers upon whom presents or decorations have been conferred, and to ask that such steps may be taken as may seem to you expedient for obtaining the authority of Congress for their acceptance by the officers named.

I have, &c.,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. FREDERICK T. FRELINGHUYSEN,
Secretary of State.

List of officers of the United States Navy who have been tendered decorations or presents by foreign governments.

Rear-Admiral J. W. A. Nicholson.—A gold medal, presented by the King of Sweden for kindness and attention shown to Swedish subjects during the bombardment of Alexandria, Egypt, by the British.

Rear-Admiral R. W. Shufeldt.—A sword, Persian carpet, and other articles, presented by the Sultan of Zanzibar, during cruise of the Ticonderoga; presentation made after the custom of Oriental princes.

Rear-Admiral C. H. Baldwin.—A gold box, with a portrait of the Emperor of Russia set in diamonds, presented by the emperor on the occasion of his coronation at Moscow.

Capt. George E. Belknap.—Decoration of Knight Commander of the Royal Order of Kamehameha I, tendered by the King of the Hawaiian Islands, in recognition of his services in restoring order upon the occasion of a riot at Honolulu.

Capt. Henry Wilson and Commander Frederick Pearson.—Decorations of Knight Commander of the Royal Order of Kalakaua, tendered by the King of the Hawaiian Islands upon the occasion of his coronation.

Lieut. Charles A. Foster and Lieut. Jesse M. Roper.—Decorations of Knight Companion of the Royal Order of the Crown of Hawaii, tendered by the King of the Hawaiian Islands on the occasion of his coronation.

Commander P. H. Cooper, Lieut. Commander E. T. Strong and Lieut. T. T. Wood.—Decorations of the Order of El Busto del Libertador, tendered by his Excellency the President of Venezuela on the occasion of their visit to Caracas.

Rear-Admiral George H. Cooper, Capt. R. F. Bradford, Lieut. B. F. Tilley, Lieut. W. S. Cowles, and Ensign R. T. Milligan.—Decorations of the Order of El Busto del Libertador, tendered by His Excellency the President of Venezuela upon the occasion of the unveiling of the statue of Washington at Caracas.

Mr. LOGAN. That resolution had better go over, I guess.

Mr. HAWLEY. I suggest that it might as well go through, if the Senator has no special objection.

Mr. FRYE. This is a case where services were actually rendered, and the medal has been in the Department for several years.

Mr. HAWLEY. I do not think any injury to the public service can

result from allowing an officer to receive a compliment, equivalent to a tender of thanks, from the King of Sweden as an act of national courtesy. I hope we shall not be too severe in these matters.

Mr. LOGAN. I do not want to be severe about these things. I object generally to the acceptance of medals from any foreign government by any of our officers. I always have opposed it and always shall vote against it. If the Senate wants to pass the resolution, it can do it without any objection exeept my own personal objection, which I enter.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

Mr. FRYE. I do not understand the Senator to object.

Mr. LOGAN. I do not object to its consideration, but I object myself to it and shall vote against it.

The PRESIDENT *pro tempore*. The Chair will put the question then.

The joint resolution was considered as in Committee of the Whole, reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

H. K. BELDING.

The next bill on the Calendar was the bill (S. 127) for the relief of H. K. Belding, which proposes to pay $1,566 to H. K. Belding, of Minnesota, the amount due him for carrying the mails of the United States between the years 1858 and 1862.

Mr. ALLISON. I see the committee report—

They therefore recommend the payment to Mr. Belding of the sum of $850 for the seventeen months of service as above stated.

Mr. HOAR. I suggest that the bill stand over to be taken up when the Senator from Wisconsin [Mr. SPOONER] returns to his seat, as he is absent at this moment.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be passed over.

FRANK DELLA TERRE AND SUSAN F. DELLA TERRE.

The next bill on the Calendar was the bill (S. 492) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the word "of," where it occurs the second time, strike out "fifty" and insert "ten;" so as to make the bill read:

Be it enacted, &c., That out of any money in the Treasury of the United States the Secretary pay to Frank Della Terre and Susan F. Della Terre, heirs of the late district attorney of the northern district of California, Peter Della Terre, deceased, the sum of $10,000, in full consideration for extraordinary services rendered by said Peter Della Terre, during the years 1857, 1858, and 1859, in defending the title of the United States to public property in the State of California, and recovery of 19,148 square miles of territory, valued at $150,000,000.

Mr. LOGAN. Where is the report in that case?

The PRESIDENT *pro tempore*. The report will be read.

Mr. ALLISON. It is a long report.

Mr. LOGAN. I do not care whether it is long or short; I want to know what the claim is.

Mr. DOLPH. As that report is very lengthy and will occupy the entire morning hour and may lead to some discussion, I ask that the bill go over, retaining its place on the Calendar, and when the Calendar is taken up to-morrow morning I shall have the papers ready and be prepared to answer any question about the case.

The PRESIDENT *pro tempore*. The bill will be passed over informally.

WILLIAM TABB.

The bill (S. 1310) for the relief of William Tabb was considered as in Committee of the Whole. It proposes to pay to William Tabb, of Spottsylvania County, near Fredericksburg, Va., $2,149.75, in full for supplies taken from him during the years 1863 and 1864 by and for the use of the United States troops.

Mr. HOAR. There is a very brief report in that case which I should like to have read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HOAR February 24, 1886:

The Committee on Claims, to whom was referred the bill (S. 1310) for the relief of William Tabb, have considered the same, and respectfully report:

We adopt the report made by Mr. HOAR from this committee in the first session of the Forty-eighth Congress, and recommend the passage of the bill:

This is a claim for property alleged to have been taken from the claimant, in part in May, 1863, by forces under the command of General Joseph Hooker, and in part in May, 1864, by forces under command of Maj. Gen. U. S. Grant. It appears from the evidence on file that the claimant was born in England; that he came to this country in 1848, and has since resided in Spottsylvania County, Virginia; that in 1856 he declared in one of the courts in said State his intention to become a citizen of the United States and to renounce all allegiance to foreign powers in the manner prescribed by law; that in 1870 he took his final oath and received his naturalization papers.

On the 16th of September, 1872 he presented his claim to the Southern Claims Commission. The reports of that commission show that the claim was never prosecuted before them. The claimant alleges that he did not prosecute his claim before that commission because informed by his counsel, after having presented his claim, that the commission had said that they would not take jurisdiction of the cause, owing to the fact that the claimant was not, at the time of the taking of the property, a citizen of the United States. The claimant further alleges that his counsel informed him that the commission advised a petition to Congress.

Upon this state of facts the claimant made a petition to Congress in 1874, that being two years after he had filed his petition before the Southern Claims Commission.

There seems to be no doubt as to the claimant's loyalty, it being established by the testimony of several witnesses, including his neighbors and Union soldiers. Your committee are of the opinion that, so far as the character of the claimant is concerned, there is nothing which should deprive him of relief from Congress. The Southern Claims Commission held that they had no jurisdiction, because the claimant was not a full citizen in every sense of the word; but he surely was so far a citizen as to entitle him to protection of his rights of property from this Government. The oath delaring his intention to become a citizen of the United States was an act of expatriation, after which he could not claim redress through the British Government.

The claim is for quartermaster and commissary supplies taken to the value of $2,149.75. No vouchers were given by the officers taking the property, which is explained by the fact that Mr. Tabb and his family were sick at the times with diphtheria. There is evidence showing that on one of the occasions two of Mr. Tabb's children were lying dead in his house from that disease. But there is other satisfactory proof that property belonging to the claimant, of the amount and value alleged, was taken for the use of the Army.

A favorable report in the case was made in the second session of the Forty-fourth Congress, recommending that the Southern Claims Commission be given jurisdiction of the claim. Since the commission ceased to exist, it has been the usual way in such cases to recommend the passage of a bill authorizing the Quartermaster-General to examine the claim and report to Congress the facts. This claim, however, is for a small sum, and the proof as to the amount and value of the property taken is very satisfactory.

Your committee therefore recommend that the bill pass.

Mr. PLUMB. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

SAC AND FOX AND IOWA RESERVATIONS.

The bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in line 19, to strike out "withheld" and insert "held;" in line 20, after the word "accepted," to strike out "in full" and insert "at their fair valuation, to be ascertained by the Secretary of the Interior, in part;" in line 26, to strike out "certificate" and insert "patent;" in line 27, to strike out "section" and insert "act, and the act to which this act is an amendment;" in line 29, to strike out "certificate" and insert "patent;" and, in line 30, to strike out "certified" and insert "patented;" so as to make the bill read:

That section 3 of the act entitled "An act to provide for the sale of the Sac and Fox and Iowa reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That if any member of said Sac and Fox or Iowa tribe of Indians, properly enrolled at the Pottawatomie and Great Nemaha agency, shall elect to remain upon the reservation of his respective tribe, he shall be allowed to select an allotment of land in quantity as follows: If he be the head of a family, 160 acres; if a single person over eighteen years of age, or orphan child under eighteen years of age, 80 acres; and if a minor child under eighteen years of age, 40 acres, heads of families selecting the land for themselves and minor children, and the United States Indian agent for orphan children. The lands so selected shall be held from sale as provided for herein, and shall be accepted at their fair valuation, to be ascertained by the Secretary of the Interior, in part satisfaction of his interest in and to said reservation, and of the moneys or fund realized from the sale thereof: *Provided*, That his right to share in the other funds and credits of the tribe shall not be impaired thereby; and the Secretary of the Interior shall cause a patent to issue to each of the allottees, under the provisions of this act, and the act to which this act is an amendment, for the lands selected by or for such allottee, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus patented for the period of twenty-five years, in trust for the sole use and benefit of the allottee, or, in case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus allotted, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; and such lands, during such time, shall not be subject to taxation, alienation, or forced sale, under execution or otherwise."

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. SQUIRES.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1227) granting an increase of pension to William P. Squires, which was, in line 7, to strike out "fifty" and insert "forty-five;" so as to make the rate of pension $45 per month.

The amendment was concurred in.

MARY MARSH.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 685) granting a pension to Mary Marsh, which were, in line 4, after the word "pension-roll," to strike out the words "subject to the provisions and limitations of the pension laws," and at the end of the bill to add "and pay her a pension at the rate of $12 per month."

The amendments were concurred in.

EVELINE HUNT.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1539) granting a

pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased, which were, in line 4 to strike out the word "names" and insert "name;" in line 7, after the word "militia," to strike out the words "and the minor children and heirs of the said Lewis Hunt, deceased;" and to amend the title so as to read "An act granting a pension to Eveline Hunt."

The amendments were concurred in.

HOUSE BILLS REFERRED.

The bill (H. R. 902) establishing a subtreasury at Louisville, Ky., was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 6665) for the erection of a public building at El Paso, Tex., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK], which will be read.

The CHIEF CLERK. It is proposed to add:

That no soldier under this act shall receive less than $8 per month.

Mr. BLAIR. That is an amendment in which the Senator from Illinois is interested.

The PRESIDENT *pro tempore*. It is an amendment moved by the Senator from Nebraska [Mr. VAN WYCK].

Mr. BLAIR. I move to amend the amendment by substituting $4 for $8.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. COCKRELL. Where does the original amendment come in?

The PRESIDENT *pro tempore*. The Secretary does not know, because the amendment does not state where it is to come in. The Chair supposes that it will come in at the end of the bill or wherever it may be appropriate. Will the Senator from Nebraska indicate in what part of the bill the amendment shall be inserted?

Mr. VAN WYCK. Put it at the end of the first section as a proviso in this form:

Provided further, That no soldier under this act shall receive less than $8 per month.

Mr. BLAIR. Then I renew my amendment to the amendment, to substitute $4 instead of $8.

Mr. COCKRELL. I understand the effect of the amendment of the Senator from Nebraska is to make the lowest rate of pension $8. Is that the intention of the Senator?

Mr. VAN WYCK. The amendment was presented with a view of meeting the state of facts illustrated by the Senator from Illinois [Mr. LOGAN]. For a long time we have necessarily in the number of cases coming before the Pension Committee and for action in both bodies discovered that what seemed to be great injustice was done to soldiers seeking pensions from the mode, system, or manner of weighing disability. A certain maximum is allowed, and then the pension is rated down in proportion to the disability. The result was, as heretofore stated, that a pension may be $1 per month; and so far has this matter of weighing disability been carried in the Pension Office, not only now but under previous administrations of that office, that really they have fixed it in fractions of a dollar, and some pensions are granted not only for $2, but for $2 and a certain number of cents; I think some $2.66.

At all events it would seem improper to go into such fractions, and therefore it was that early in the session I introduced a bill providing that all persons then on the pension-roll receiving less than $8 a month should be pensioned at the rate of $8 per month. When I saw this bill presented here with the provision it contains as to the amount of the pensions, different from what I supposed the committee intended—and I think I may say now that the rate of pension is fixed differently from what a majority of the members of the Pension Committee supposed—I felt that an injustice would be done if the basis of computation was to be the same as heretofore in these cases. I think the persons seeking pensions under this and previous laws would be better protected by being removed as far as possible from adjudication by the Pension Office, and therefore I have felt that a fixed, definite sum named in the law would be a greater protection to the people seeking pensions. So it was that I desired that there should be no pension for less than $8 a month. How high it will be proper to graduate them is another matter, for the consideration of the Senate of course; but the very difficulty under which we labor will be increased by allowing the measuring of pensions in this way.

The great majority of cases reach Congress because after examination by the Pension Office they are rejected or because an increase is denied where there properly should be an increase. To avoid these appeals to Congress I would have the law fix the amount and not leave it as a matter of adjudication by the Department. All Departments of this Government—and the Pension Bureau is not an exception—soon learn to believe that they are placed in power for the sole purpose of protecting the Government. That is certainly one of their duties; but they seem to think that in any event the Government must be protected, and finally they think the protection of the Government requires them to scale down every honest claim and to deny justice where it properly belongs.

Probably the Departments are not to blame, because Congress sets the example. Congress denies justice to its honest creditors, and the majority of Congress seem to believe that it is their duty to protect the Government by denying justice to its creditors. Therefore it is natural that the Pension Bureau and others should be watchful and vigilant in the same direction. But neither the Pension Department nor any other Department should deny to a claimant under the law that which any jury in any court where justice is decently administered would award him by its verdict. But it is so, and we have seen it in thousands of cases.

Now if we frame a bill leaving it optional with the Pension Department to fix the amount of the pension the consequence will be that after that is fixed by the Department three-fourths probably of those entitled to pension will come to Congress and ask the reversal of the judgment of the Department, and a great majority of those cases will properly come to us when the disability is graded down to $2 or $2.66 per month. There is too much of figures and mathematics in such a rating to make it safe for a claimant to get what this law allows him to have. Therefore it is, I trust, that no bill will pass Congress at any time which will place a man on the pension-roll and give him less than $8 a month. I desire at the outset that that much justice shall be done which can not be taken away, and it will save very much expense to the Government in preventing the increase of officers which will otherwise be necessary, and it will save Congress from being overwhelmed with applications for increase of pensions when that increase should have honestly been given originally. If we do not fix a definite sum we shall be here as a board of review to readjudicate and reverse decisions which probably have been improperly made in the Department, and which ought to be reversed.

The point is to protect the soldier and give to him according to the bounty and generosity of this Government as exemplified by acts of Congress, and after we have presented to him this pittance in his old age, in his decrepitude, in his inability to labor, and in his poverty, and when we propose to keep him from the poor-house, his ailments preventing his laboring, is he to be turned off from the Department with a miserable allowance of $1 or $2 or $2.65 a month, as has frequently been done? I desire at least at one end of the line that the soldier shall be protected, and protected to the extent of saying that in no event shall his pension be less than $8 per month.

Mr. PLUMB. I will, to carry out what appears to be the intention of both Senators who have this matter in charge, give notice of an amendment which I will offer to follow the amendment of the Senator from Nebraska in case it shall be adopted, or rather to amend that when it shall be in order. I ask to have this amendment read.

The PRESIDING OFFICER (Mr. SEWELL in the chair). There is an amendment to an amendment pending now, but this can be read for information.

Mr. PLUMB. I ask that.

The CHIEF CLERK. The amendment is to add:

And this rate as applied to the least disability for which any soldier shall be pensioned under this act, shall furnish the basis on which all pensions of persons pensioned hereunder or under any other law shall be adjusted and paid hereafter, saving only pensions for what are known as specific disabilities.

Mr. PLUMB. It would be very unjust indeed to adopt the amendment of the Senator from Nebraska in its present shape, because it would give to all pensioners $8 a month equally whether they were disabled more or less, or at all events it would operate to give to one who was disabled one-tenth or one-fourth or one-half as much as to one who was disabled totally. It would not only do that, but it would give to a soldier who has been unable to furnish evidence that his disability occurred in the line of duty a pension at $8 a month notwithstanding he might not be disabled except in a very slight degree, while those who are now on the rolls and have already proven that their disability was incurred in the line of duty and has continued from the date of their discharge until the present time, get, many of them, as I stated in debate here, only $2 a month and from that on up. So, then, if the Senate should establish the rule of paying $8 a month as the lowest pension to those who shall be pensioned under this bill if it shall become a law, it is only proper that we should take the lowest disability as the basis for the adjustment and give to all the others the rating which they are entitled to in proportion to the $8 which you propose to fix as the pay for the slightest disability which can be made the subject of a pension as the result of medical examination.

What we want in the first place is uniformity, and in this case uniformity is equality. If we are to give to persons who are disabled only

slightly $8 a month, then we should give to those who are disabled in a greater degree a still greater sum, and we should not in taking up this class who have not been able heretofore to prove and will not, as we assume, be able hereafter to prove that they incurred disability in the line of duty nor that that disability has continued from the date of disability down to the present time, grant them a position upon the pension-roll which gives them greater financial relief than we give to those who have been able to furnish the most conclusive proof required by the Pension Department that their disability occurred in the line of duty and has continued to the present time, which would be the case if the amendment of the Senator from Nebraska were adopted without the addition I propose.

Therefore to carry out the idea the Senator from Nebraska has expressed, my amendment will estbalish $8 as the lowest rate for any disability which shall be determined upon medical examination, and the pension will be graded from that upward except as to special disabilities, such as the loss of an eye, the loss of a limb, and others which are given a special rating under the law.

Mr. LOGAN. I offer the following as a substitute for the amendment offered by the Senator from Nebraska [Mr. VAN WYCK]:

Provided, however, That all pensions heretofore granted under any previous act to any soldier shall, where less than $8 is or has been allowed, be increased to $8 per month, and no less amount shall be hereafter allowed to any pensioner being a soldier under this or any previous act.

The pensions of children who are provided for in one act are less than those for others, but this is applicable to the soldier's pension, that his pension shall not be less than $8, so as to distinguish as to pensions which are granted to others under the law not having been soldiers.

Mr. PLUMB. The objection to that is the same that I made to the amendment of the Senator from Nebraska. I think the Senator from Illinois will see at once that his amendment will do great comparative injustice. The rate for what is technically known under the statute as total disability is $8 per month. One-fourth total disability entitles a pensioner to $2 a month; one-half to $4 a month; and so on.

Now, why should there not be a distinction in reference to the grade of disability in effect seriously, permanently destroying the ability to make a living? It is the theory upon which the law itself has proceeded from the very beginning, and the law which was the basis of the contract, which made the contract between the soldier and the Government, and why should that distinction be removed? Why should a person who is disabled one-quarter get as much as one who is disabled totally? Why should one who is disabled one-half get as much as one who is disabled totally? At once the invidious distinction will be apparent, and it will be the source of a great deal of feeling, and very proper feeling, because of the injustice; and many a man will come here and say, "Whereas I have shown that I am disabled totally I get only $8 a month, yet the man who is disabled one-quarter gets as much as I do. If it is fair that he shall have $8 a month, which will not be disputed, then give me in proportion as you give him." And unless some scale of that kind is adopted as applied to the actual disability as shown by the medical examination, we might as well take the whole pension-list from beginning to end and say we will capitalize it at eight, ten, twelve, fifteen, or twenty dollars a month as we see fit.

There is no reason for beginning at the lower grades any more than for beginning at the upper grades. Either there is to be a pension based upon the disability, or it becomes solely and only a service pension in which the question of whether a man lost an arm or a leg or an eye, whether he is totally disabled or half or quarter disabled, cuts no figure whatever, the obligation of the Government to the individual being the same in each and every case. It is to avoid this that I seek to establish a rating below which the pension shall not go. If it is the judgment of the Senate that $8 is the proper rating, then grade the pensions upward from that, so that each pension as granted shall represent the exact measure of disability so far as the medical examination shall determine it which the soldier labors under by reason of his service in the Army.

Mr. LOGAN. The Senator is certainly mistaken. The amendment which I offered does not affect the grading in the slightest degree. I prepared it especially so that it should not. The grading from $8 and upward is not affected at all. This only provides that no pension shall be granted for less than that sum. It does does not affect the grading from that up.

Mr. PLUMB. But it grades pensions up to $8 a month; and would not a man who is disabled one-fourth get as much as one who labors under total disability?

Mr. LOGAN. Total disability is a grade much higher than $8 a month.

Mr. PLUMB. What is known under the pension law technically as total disability is entitled to $8. There is another grading whereby a different scale of payment is determined to embrace the private soldier up to $24. I am not talking now about a specific disability, the loss of an eye or an arm or a leg. I am talking about the general grades of disability. The Senator must admit that one who is disabled less would get as much as one who is disabled more under his amendment unless he adds to it my provision, which establishes $8 as the lowest possible grade, and bases all other allowances on that lowest rate, that is, grading upward according to the degree of disability.

Mr. LOGAN. I have no objection to that as an amendment to mine.

I understand the law to be that pensions are graded according to disability, but, as I said the other day when the Senator was not present, a physician who can determine the disability so as to give one man $1 and another $2 is a physician of extraordinary capacity and capability in his profession. I do not believe in it, and never have believed in it, and I do not expect to be made to believe in it. I do not believe any man who gets a pension of $8 because he receives no more would be dissatisfied with his neighbor who gets $4 if he should be increased to $8. I do not think he would be dissatisfied with that man getting $8 because he did not get any more himself. It does not seem to me that that would be very charitable or generous on the part of men suffering from the same character of disability.

I do not believe in a one-dollar pension; I do not believe in a two-dollar pension, or a three, or a four, or a five, or a six dollar pension. I believe in an eight-dollar pension. That is to say, I do not believe in giving less than that, for if a man is entitled to a pension at all it is because he is disabled and because he is not capable of making a livelihood or at least such a one as he would be able to make if he had not the disability. Therefore, I believe in giving him at least $96 a year, I do not care what his disability is, if under the law he is entitled to a pension at all.

Now, let us go a little further. A man has lost a portion of his hand, or he has a wound, a muscular wound. No one can tell the amount of pain that man suffers. There is no physician on earth who can tell. No man can tell the degree of suffering that a person has from a wound in a joint or from a wound that produces what is known as rheumatism or neuralgia growing out of a wound. I do not believe there is a physician on earth who can tell the degree of disability and the degree of suffering in such cases.

There is more than that in connection with pensions. It is not altogether the fact that a man may suffer so that it is not known to physicians or others. He may be disfigured in some way. A man for the loss of an eye gets a very small pension, and so for the loss of a finger, or the loss of the nose. The Senator may say that is specific. No matter what it is, he gets less than $8 a month. What man would travel through the earth with his nose off for $4 a month? It is not the pain or the suffering, but it is the disfiguration that he suffers from which is the great annoyance. When physicians tell me there is a distinction between a one and a two dollar pension that they can discover, I do not believe it. I do not want to see these discriminations. If a man can not get over $8 a month, I want to see him get $8 a month.

The Senator believes that this will not produce the result he desires up to the amount provided for in this bill. Now, if he will examine the bill he will find that under the law when a man's disability is such that his rating ought to be higher than is allowed under this bill, if he applies for a pension under the old law and gets his rating above this $8 the rating of $8 will commence if this bill passes; but under the law passed heretofore his higher rating will be given to him if he is entitled to more than $8. This only provides for a case where a pension is given on account of a disability that can not be proved to have occurred in the service. Where the disability has occurred in the service and the proof shows that fact, his rating is under the old law and not under this. He makes his application under the other law.

Mr. PLUMB. But under the old law he might get a rating of $2 a month.

Mr. LOGAN. This repeals that.

Mr. PLUMB. Except for the amendment of the Senator from Illinois. He will admit that, I think, while of course he is willing to claim that the doctors do not know anything about this subject——

Mr. LOGAN. The Senator is mistaken. I do not claim that they do not know anything about it. The expression is too strong.

Mr. PLUMB. He will admit that there may be grades of disability.

Mr. LOGAN. I agree to that.

Mr. PLUMB. Why should not a man be pensioned according to the grade of his disability? Whether we shall take a man who does not know anything about medicine or surgery to determine it, or whether we shall take anybody we pick up to adjudicate it, is a matter about which I make no argument now. If it is deemed best to say we shall not have medical boards and shall have boards of lawyers or others to determine the degree of disability, be it so; but I want the law so that while the minimum pension shall be $8 a month, where you get above the disability for which $8 is allowed the pension shall be increased accordingly, whether it is left to the Senator from Illinois and myself or a board of doctors or anybody else to determine what the rate of disability is.

I am not saying that in many cases it is hard to tell whether the pension should be $1 or $2 a month, but if the cutting off of one finger is a disability the cutting off of two fingers is a greater. The Senator has seen, as others have, hundreds and thousands of men very little able to get around at all, and he knows those men are disabled more than the men who can get around briskly and who are in good flesh, and yet who are disabled in a perceptible degree. Why not have these pensions based on the disability actually existing, establishing the minimum below which they shall not go, and then grading upward from that? If a man is just disabled so that it can be shown that he can not do as

much as he could do if he were in perfectly sound health, allow one rate; and then why not say to a man disabled twice as much, "You shall have twice as much pension as the man just slightly disabled?" That is the point I am aiming at. I am not defending the present system, but we ought to have some way of determining the degree of disability a man is under, or we should say every man shall have the same pension without examination at all except to establish that there is a disability, leaving no power to say what degree of disability exists.

I say the Senator's amendment is going to do the very injustice, though in a less degree, that the amendment of the Senator from Nebraska will, and we shall have these men coming up here and saying, "Why, if you are rating men by statute, do you not rate us higher? You have rated men only slightly disabled at $8; why not give us, disabled four times as much, some little increase as well?"

Mr. LOGAN. I do not wish to detain the Senate by discussing this question, but I certainly have not intended to cast any reflection on any physicians or boards; and the Senator from Kansas need not say we will have a board of lawyers. I said I did not believe a physician could tell the distinction always as to the character of disability. The Senator referred to the case of the loss of one or two fingers, but I do not believe as to the character of suffering that the physicians can tell the distinction between the granting of a pension for $1 and $2. That is all I said on that point.

I have no reflection to cast upon physicians or anybody else. I only take that as an illustration that I do not believe any man can tell the amount of suffering that a soldier undergoes, except from his own statement. No one can tell by looking at a man how much suffering he endures. I do not speak it as a reflection on the character of the profession—I have no right to do so; but I speak it as a fact that I do not believe any one is capable of making such a distinction, I do not care how much he knows.

If the Senator desires to have the rating commence at $8—and that is exactly, I think, what my amendment does and what I propose it shall do—let him amend it by saying that this shall be the basis for the rating hereafter. I have no objection to that.

Mr. PLUMB. That is what I propose.

Mr. LOGAN. Your amendment applies to all?

Mr. PLUMB. Certainly.

Mr. LOGAN. My amendment does not. It applies only to the soldiers themselves, those who are to have $8 per month, and that is the language that the rating shall be on this basis, and that is all you need.

Mr. PLUMB. Does this bill apply to anybody but soldiers? I understood it pensioned ex-soldiers. I did not know that it applied to others.

Mr. LOGAN. I suppose the Senator knows what I mean by pensioning soldiers. The distinction between soldiers and soldiers' children is very great.

Mr. PLUMB. I see the point, but my amendment does not apply to children at all. It applies simply to soldiers. That is because it is based on disability. The law does not recognize disability in a child as the basis of a pension.

Mr. LOGAN. I understand that; but where you want an amendment to apply to a particular thing it is better to state it. Therefore I state that this shall apply to soldiers who are pensioned. I offered this amendment the other day as a substitute for the Senator's amendment. I do not see why if the Senator is so anxious to make his basis, that he can not offer his amendment to this substitute.

Mr. PLUMB. I can.

Mr. LOGAN. Then say this shall be the basis.

Mr. PLUMB. And if the Senator will listen to my amendment he will find that my amendment applies, like his, to soldiers and to nobody but soldiers. If the Senator from Illinois will indulge me a moment further, I will read my amendment to show that it is in perfect harmony with his, only I suppose that he designed his to be the beginning and the end of it, and I wanted to say that I was opposed to the adoption of that amendment or any other one which would cut off some provision for the purpose of putting all persons upon an equality, which that determination of their disability can only bring about. My amendment is this:

> And this rate as applied to the least disability for which any soldier shall be pensioned under this act shall furnish the basis on which the pensions of all persons pensioned hereunder, or under any other law, shall be adjusted and paid hereafter, saving only pensions for what are known as specific disabilities.

So the Senator will see it is in perfect harmony with the idea of the bill.

Mr. BLAIR. Perhaps an amendment substantially in the form I have drawn would meet the views of both Senators, would be briefer, and might come in instead of the amendment offered by the Senator from Nebraska as a substitute for it, if agreeable to these gentlemen. I shall read it.

The PRESIDING OFFICER. The Chair will state that the first amendment in order is that offered by the Senator from New Hampsire to the amendment offered by the Senator from Nebraska.

Mr. BLAIR. I only made a suggestion which might help us out of the whole of it, and then I might make a few remarks upon the subject itself. I was going to ask the Senators if language like this would suit them, to add to the end of the first section the following additional proviso:

> *And provided further*, That no pension paid under any law to any soldier hereafter shall be rated at less than $— per month.

Mr. LOGAN. That would cover it.

Mr. BLAIR. Would that cover the idea?

Mr. PLUMB. No; that is vicious in the same direction in which I conceived the other amendment was, that it does not establish that as the basis from which all rating shall be made up.

Mr. BLAIR. Certainly it does; just listen to the language:

> That no pension paid under any law to any soldier hereafter shall be rated at less than $4 per month.

Mr. PLUMB. Very well. Now, if you say in the language of my amendment——

Mr. BLAIR. I have said $4, but the amount is another point.

Mr. PLUMB. I know, but that would require the office to give a uniform rating of $4 per month.

Mr. BLAIR. Nothing less than $4.

Mr. PLUMB. But in that case a man totally disabled would get just as much and more than a man half disabled.

Mr. BLAIR. But this would provide that there should be nothing less than that rate paid.

Mr. PLUMB. How would you rate it above that?

Mr. BLAIR. That would leave the whole body of the law and practice just as it is now.

Mr. PLUMB. Would that establish the basis on which the rating could be made?

Mr. BLAIR. That would establish the starting point. The starting point must be $4.

Mr. PLUMB. That is to say, the least perceptible disability would be rated at $4 and every degree above that would get more?

Mr. BLAIR. Certainly.

Mr. PLUMB. I do not think it would do so; but if that is the design, my amendment would accomplish the purpose and I do not know that that would. I think that would have the effect of simply putting those now lower than $4 in that category and leaving the remainder undisturbed; whereas what I want is to establish a basis of equality so that a pensioner shall be given $8 as the lowest possible rating and every other pensioner disabled more than that person shall have more in proportion to his disability.

Mr. BLAIR. I do not suppose the Senator means to say that he should have more in proportion, and if he is now rated at $1 he would then be rated at $8, and the man who is being paid $8 would have $64 in order to have eight times as much as the one whose rate of pension is increased from $1 to $8.

Mr. PLUMB. If he is disabled eight times as much, and the other one gets $8, why should he not get eight times as much?

Mr. BLAIR. I suppose the Senator does not make such a proposition.

Mr. PLUMB. I do, undoubtedly; that is to say——

Mr. BLAIR. When our ratings run all the way from $1 to $72 under various laws, though not under the ones perhaps to which the Senator refers, one could hardly tell to what extent it would multiply the pension expenditures to invalid soldiers, putting the pension at eight times the amount of the present rating.

Mr. PLUMB. I am not talking about the question of expenditure; I will come to that later; and I did not suppose the Senator from New Hampshire was especially concerned about that feature of it.

Mr. BLAIR. The truth is, I am too parsimonious in these matters, I suppose. The Senator from Kansas makes a proposition to multiply the pension expenditures to the invalid soldiers by eight, if he means by his proposition what his own explanation shows.

Mr. PLUMB. What I mean to say is that you have established the rate of $8 a month which one person may get who is simply perceptibly disabled, and there is no equality then in putting off a man who is disabled two, three, four, five, or eight times as much, with the same pension. Therefore I propose that whatever basis we do establish shall be the basis from which we shall grade upward according to the grade of disability of the soldier receiving the pension, to be determined by the medical examination, whether one, two, four, or ten times as great.

Mr. BLAIR. There are twelve hundred and sixty invalid soldiers pensioned at the rate of $1 per month. The Senator's proposition, as I understand him, is to give each one of those men $8 per month.

Mr. PLUMB. Yes.

Mr. BLAIR. And the man who is now getting $8 a month would get $64.

Mr. PLUMB. I do not say $8. I simply say, establishing the basis we do establish as the lowest pension, there ought to be a grading upward from that, whether $8 or $10 or $4 is the basis which we establish.

Mr. BLAIR. I suppose the point which most Senators wish to reach is just this: There are quite a number of soldiers whose rating is discreditably and contemptibly little, and it seems almost offensive and humiliating that a Government of fifty million or sixty million people who are pretty well off should be paying a dollar, or a dollar and a

half, or a dollar and a quarter, or $1.38 a month to a man whom it is worth while to pension at any rate. The object of the Senator from Illinois is to cut off that little work and have it out of the way; and so he assumes that where it is worth while to pension a man at all he ought to have as much as $8.

I supposed that was the point the Senator from Kansas desired to reach, but it seems that it is quite a different one, and that if the basis should be adopted at $8 instead of $1, as it is in these twelve hundred and sixty cases, then when you come to the class who have a pension of $8 they should have $64, and so on. Of course any one can take the invalid pension-list and the table that was published the other day, and which is to be found in the report of the Commissioner of Pensions on the twenty-fifth page, and see to just what extent this would add to the expenditures annually to invalid pensioners. It would increase the amount paid by some hundreds of millions.

Mr. VOORHEES. May I ask the Senator from New Hampshire a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BLAIR. For a question, certainly.

Mr. VOORHEES. I notice that the bill fixes the maximum pension, as far as it pensions anybody, at $24 per month.

Mr. BLAIR. That is the highest rate, and that would be paid for total inability to labor.

Mr. VOORHEES. Would the adoption of the amendment offered by the Senator from Nebraska make the pension uniform at $8, no higher and no lower, or is that proposed as the minimum?

Mr. BLAIR. That would be the lowest, and it would vary between $8 and $24 instead of as the bill now is, varying between $1 and $24, according to the degree of the disability.

If the amendment as offered by the Senator from Nebraska should be adopted and it should be applied, as it necessarily must be, with any sort of justice to the invalid soldiers already upon the list, it would increase the annual expenditures about $8,000,000. It would add that amount to the annual payment to the invalid soldiers in the country. It will be seen by an examination of the table to which I have referred that there are one thousand two hundred and sixty soldiers now rated at $1; from $1 to $2 there is one; at $2 there are twenty-six thousand one hundred and thirty-four; rated from $2 to $4 there are three thousand nine hundred and seventy-six; at $4 per month there are sixty thousand two hundred and sixty-eight; from $4 to $6 there are two thousand six hundred and twenty-nine; at $6 there are thirty-four thousand three hundred and thirty-nine; from $6 to $8 there are one thousand seven hundred and twenty-nine; and at $8 there are forty-four thousand seven hundred and seventy-five. To increase the present invalid roll to $8 per month would make an annual additional expenditure of substantially $8,000,000. If we should increase the pensions of those who are drawing less than $4 a month up to $4, so that this little petty work should be entirely dispensed with (if I have not made a mistake, and I think I have not), that would increase the annual expenditure less than $1,000,000. As I have figured it, it would make $720,000—that is, taking those upon the present roll. I may be possibly slightly inaccurate, and it may be placed at a million dollars. I do not think that the amendment I have suggested of $4 a month would involve us upon the existing roll in an annual increased expenditure of more than a million dollars, and it would wipe out the offensive littleness of this business to which the Senator from Illinois has referred, and which it does seem to me is in a way so contemptible that it ought to be obliterated.

Of course this amount of $1,000,000 would be somewhat increased if the bill should become a law, because, under the bill as it now is, the rating would be from $1 to $24, and there would be some of these men who would be rated less than $4. Perhaps $500,000 might be a fair addition to the increased pension-roll if we should amend the bill by providing that the lowest rate paid under this and any act should be $4 a month. That would make $1,500,000 a year. I do not think it would exceed that.

As to the basis, whether it should be adopted at $4, $6, or $8, of course with my looseness in money matters to which the Senator has alluded I would not be particular one way or the other. But I am not that sort of a man. I am parsimonious, conservative, and determined to guard the purse-strings of the country. I am, I think, notably the watch-dog of the Treasury, and I mean to be such hereafter. It does not seem to me that we can afford to put the lowest rate at $8 a month. It is too much. Perhaps the soldiers deserve it, but on the other hand you know how it is; this country is growing poorer and poorer every day. We are not accumulating money as fast as we ought to be doing; and our Democratic friends and some others have a somewhat marked tendency, I think, to distribute the surplus and to increase the taxes in a manner most lamentable to behold; and I do not think we can endure it. The future of the country is compromised, and we ought to pay some attention to the maxims of Poor Richard. It is time that we revert to them.

For my part, I think we should arrange this business in such way as to give the soldier, the man whom it is worth while to go through the performance of pensioning at all, $48 a year for the smallest disablity, which may be a wound in the little toe or the obliteration of one end of his little finger or the finger of his left hand. If we give him $48 a year that is pretty fair on the whole, considering the close circumstances of the country. That would buy his flour, it would pay for his fuel, clothe himself and his wife and perhaps his children, for I tell you, Mr. President, that $48 dollars a year is a great deal of money to thousands and hundreds of thousands of American people! It would pay their taxes, pay their rent, and help them a great deal.

At the same time, when we consider that this comes out of the national Treasury, and the national Treasury is filled, as we all know, by the sweat of the poor man, many of the poor men never having been soldiers at all, and while we are to derive this taxation from them, in a certain sense blood-money exacted from them by the hard heart of the Federal tax imposer and tax collector, it seems to me that that is about the fair thing to do. I will warrant you if we make the basis, the lowest point $4 a month, the soldiers of the country will be well satisfied. They are reasonable men. They are not in pursuit of political prominence, many of them, and the $48 a year would be exceedingly satisfactory everywhere, in my belief.

I should be gratified if the Senator from Illinois would see this, and if he would be willing to offer his substitute in such a way as to effectuate these ideas, making the basis $4 a month; and if we should take this language or something like that which I have suggested, it would avoid all the difficulties with reference to the existing body of law and leave all those questions to which the Senator from Kansas has alluded, the complications that would arise from an indefinite and heedless plunge into the existing law; it would avoid all those troubles and there could be no misunderstanding of a simple provision that the lowest pension paid, which would cut off the little things I have mentioned, should be $4 a month. Of course, if the Senate is inclined to fix the matter at $8 a month, I should acquiesce, although it seems to me that it is a pretty formidable thing to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire, limiting the amount to $4 a month.

Mr. LOGAN. Is the question on that amendment?

Mr. BLAIR. Yes, it being an amendment to the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. It is an amendment of the text. The amendment of the Senator from Illinois will come in afterward.

Mr. LOGAN. I will offer an amendment as a substitute for the whole, and if that be voted down, then we can act on the other propositions.

The PRESIDING OFFICER. The amendment of the Senator from Illinois will be read for information.

The Chief Clerk read as follows:

Provided, That all pensions heretofore granted under any previous act to any soldier shall, where less than $8 is or has been allowed, be increased to $8 per month, and no less amount shall be hereafter allowed to any pensioner being a soldier under this or any previous act; and this shall be the basis for rating in cases of specific or total disability.

The PRESIDING OFFICER. The question will be first taken on the amendment of the Senator from New Hampshire, limiting the amount to $4 per month.

Mr. LOGAN. Will not the proposition be first on the substitute?

The PRESIDING OFFICER. The question will be first taken on perfecting the text of the amendment of the Senator from Nebraska, which is the amendment offered by the Senator from New Hampshire, limiting the amount to $4 instead of $8.

Mr. BLAIR. The amendment of the Senator from Nebraska applies only to pensions under this act. It does not embrace those outside of this act. The question then is on the substitution of $4 for $8.

The PRESIDING OFFICER. On the substitution of $4 for $8. The amendment and the amendment to the amendment will be stated.

The CHIEF CLERK. At the end of section 1 it is proposed to add the following additional proviso:

Provided further, That no soldier under this act shall receive less than $8 per month.

The amendment to the amendment is to strike out "eight" and insert "four;" so as to read:

Provided further, That no soldier under this act shall receive less than $4 per month.

Mr. BLAIR. I ask for the yeas and nays on agreeing to the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. MANDERSON (when his name was called). I am paired upon this amendment with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

Mr. WALTHALL. My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. PIKE].

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM]. I do not know how he would vote, but if he were here I should vote "nay."

Mr. HARRIS. It is not in order, but I should be glad to know if this is the amendment of the Senator from New Hampshire to the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. It is.

Mr. HARRIS. Then I voted as I intended to vote.

The result was announced—yeas 18, nays 22; as follows:

YEAS—18.

Berry,	Cockrell,	Harris,	Saulsbury,
Blair,	Edmunds,	Hawley,	Sawyer,
Brown,	Eustis,	Morgan,	Vest.
Butler,	Gibson,	Morrill,	
Call,	Gray,	Payne,	

NAYS—22.

Aldrich,	Cullom,	Mitchell of Oreg.,	Voorhees,
Allison,	Evarts,	Plumb,	Walthall,
Bowen,	Frye,	Sewell,	Whitthorne,
Cameron,	Ingalls,	Spooner,	Wilson of Iowa.
Chace,	Logan,	Teller,	
Conger,	McMillan,	Van Wyck,	

ABSENT—36.

Beck,	Gorman,	Kenna,	Platt,
Blackburn,	Hale,	McPherson,	Pugh,
Camden,	Hampton,	Mahone,	Ransom,
Coke,	Harrison,	Manderson,	Riddleberger,
Colquitt,	Hearst,	Maxey,	Sabin,
Dawes,	Hoar,	Miller,	Sherman,
Dolph,	Jones of Arkansas,	Mitchell of Pa.,	Stanford,
Fair,	Jones of Florida,	Palmer,	Vance,
George,	Jones of Nevada,	Pike,	Wilson of Md.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The next amendment, that of the Senator from Kansas [Mr. PLUMB], will be stated.

Mr. HARRIS. What becomes of the amendment of the Senator from Nebraska?

The PRESIDING OFFICER. It is subject to the amendment of the Senator from Kansas to perfect the text.

Mr. INGALLS. Let the amendment be stated.

The CHIEF CLERK. It is proposed to add to the amendment:

And this rate, as applied to the least disability for which any soldier shall be pensioned under this act, shall furnish the basis on which the pensions of all persons pensioned hereunder or under any other law, shall be adjusted and paid hereafter, saving only pensions for what are known as specific disabilities.

Mr. PLUMB. I will modify my own amendment so as to strike out the word "persons" and substitute the word "soldiers."

The PRESIDING OFFICER. The amendment to the amendment will be so modified.

Mr. LOGAN. Now I offer the substitute that I offered as a substitute for this.

Mr. PLUMB. I will withdraw my amendment and let the Senator from Illinois propose his substitute for the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment to the amendment is withdrawn.

Mr. PLUMB. I will offer my amendment at a later period.

The PRESIDING OFFICER. That course will be taken, and the amendment of the Senator from Illinois will be again read.

The CHIEF CLERK. At the end of section 1 it is proposed to add:

Provided further, That all pensions heretofore granted under any previous act to any soldier shall, where less than $8 is or has been allowed, be increased to $8 per month, and no less amount shall be hereafter allowed to any pensioner, being a soldier, under this act or any previous act; and this shall be the basis for rating in cases of total disability.

The PRESIDING OFFICER. The question is on the adoption of the substitute proposed by the Senator from Illinois for the amendment of the Senator from Nebraska.

Mr. PLUMB. I wish to suggest to the Senator from Illinois that the purpose I think he has in mind would be better accomplished by an amendment that shall be the basis of rating for total disability. Why should it not read "or any grade thereunder?" That is to say, if he designs to make a pension based upon the actual disability, why should he give one who is disabled only in a slight degree as much as he does to a person totally disabled?

Mr. LOGAN. The distinction is perfectly clear, if a person will only think of it for a moment. The suggestion of the Senator from Kansas would cause an increase of the rating of those who are now pensioned at $8 a month in accordance with the raising of the pension of those below $8 a month. That is not my intention at all. My intention is to let those who are at $8 a month remain at $8 a month unless they are entitled to more under the law, and if they are they can get it by applying to the Pension Office, but to increase those who are below $8 a month to $8 a month, and let $8 be the rate of pensions granted hereafter under the law or those granted heretofore under the law; and where there is a total disability, that that shall be the basis of the rating. The specific disability is provided for already. So far as the language is concerned it is immaterial. That is the object of the amendment I offer; that is exactly what the result will be, and that is what I mean by it. I shall ask for the yeas and nays on agreeing to the amendment.

Mr. INGALLS. The lowest existing rate of disability I believe is entitled to a pension of $1 a month. This proposes to substitute for that unit $8 a month, so that if a soldier was disabled by having the first joint of his little finger shot off in an engagement, which would now give him a dollar a month, he shall be entitled to receive $8 a month. Then the amendment, which does not clearly establish its effect in my mind, declares that this shall be the basis for all ratings above $8 as they now exist. It simply multiplies by eight the lowest sum that is allowed for a pensionable disability. I suppose that the effect of the amendment of the Senator from Illinois would be to multiply each one of the sums now allowed by eight. It will increase the sum now allowed for pensionable disabilities eight times.

Mr. MILLER. A man could receive a hundred dollars a month.

Mr. INGALLS. I should say so, if I can understand the language of the amendment.

Mr. BLAIR. The Senator's colleague [Mr. PLUMB] explained that away.

Mr. INGALLS. Where a man gets $8 a month now he would have $64 a month.

Mr. LOGAN. That is absurd.

Mr. INGALLS. The Senator from Illinois says that is absurd. I ask the Chief Clerk to read the amendment over again and let us understand whether it is absurd or not.

The PRESIDING OFFICER. The amendment of the Senator from Illinois will be again read.

The Chief Clerk read as follows:

Provided further, That all pensions heretofore granted under any previous act to any soldier shall, where less than $8 is or has been allowed, be increased to $8 per month, and no less amount shall be hereafter allowed to any pensioner, being a soldier, under this or any previous act, and this shall be the basis for rating in cases of total disability.

Mr. INGALLS. "This shall be the basis for rating in cases of total disability"—that is to say, you have increased the unit of lowest disability by multiplying it by eight. The Senator from New York [Mr. MILLER] made a suggestion of course that is not borne out fully by the law, because I believe that the highest rate allowed for total disability now is $72 a month. That is not specific; that would not come within the class of cases known as specific disabilities, which could result from rheumatism, from paralysis, from nervous prostration, from a variety of causes which would be regarded as a specific disability. Therefore I should say, notwithstanding the eminent authority of the Senator from Illinois who characterized my deduction as absurd, that under the strict literal interpretation of the amendment if it becomes a law the man who now receives $72 a month for total disability would be entitled to have that multiplied by eight, and he would then receive $576 per month, if that is the amount of seventy-two multiplied by eight.

I know the Senator from Illinois does not intend to be brusque or discourteous in the observations which he made about the character of my suggestion, but if that is not a legitimate and fair interpretation to be placed upon that language I certainly am unable to comprehend it. I trust therefore if the object is other than that, if the purpose is not what is named in the amendment itself, that we shall have such a modification of it as at least will not leave it open to an absurd interpretation coming from those who would certainly be disposed to regard it in a friendly aspect.

Mr. LOGAN. In order to relieve the amendment from anything that would be liable to be misconstrued I will strike out the latter part of it. I added that to it in order to conform to the views of the Senator's colleague, which he discussed in a different light from what the Senator now does, and I came to the same conclusion that he did, that the basis of the rating would be $8 and not eight times $8.

But in order that there shall be no dispute about it, as I put it in at the suggestion of others, I will strike it out. Let the amendment be read as I offered it first, and then there will be no dispute about it.

The PRESIDING OFFICER. The amendment to the amendment will be read as modified.

The Chief Clerk read as follows:

Protided, however, That all pensions heretofore granted under any previous act to any soldier shall, where less than $8 is or has been allowed, be increased to $8 per month, and no less amount shall be hereafter allowed to any pensioner, being a soldier, under this or any previous act.

The PRESIDING OFFICER. The yeas and nays are demanded on agreeing to the amendment to the amendment.

Mr. BLAIR. Before that is acted upon, as a part of the Senate is now here that was not here during the previous discussion, I think that a few things ought perhaps to be repeated.

I have stated once the number of soldiers who are now receiving pensions at less than $8 a month. In round numbers there are about one hundred and twenty-five thousand of the two hundred and forty-odd thousand invalid soldiers whose pensions now are rated at less than $8 per month. Sixty thousand of those are now rated at $4 per month, and about thirty thousand at from $1 to $4. That makes ninety thousand, and from ninety thousand up to about one hundred and twenty-

five thousand are rated between $4 and $8. These ratings are made by the medical examining boards of the country, sworn officers, competent surgeons who under oath and actual examination rate these men in this way. I do not know any reason why we should impeach their official finding and say that the rating shall be $8, the same as the rating for total disability. Total disability is stiffness of one elbow-joint, and a man who is disabled to the extent of a stiff elbow-joint is entitled to $8, for that is the rule. Any disability which is equivalent to a stiff elbow-joint of either arm is called a total disability for a private and is rated at $8.

The one hundred and twenty-five thousand men who have an infinite variety of disabilities less than that, running all the way from $8 down to a single dollar, are rated in the way I have stated by these sworn officials of the Government. I admit that a dollar a month is a little thing to bother about, and a dollar and a quarter a month is rather a small matter. It seemed to me that in order to get rid of this national littleness we might say that the lowest pension paid at all should be $4 a month, leaving all the rest to stand just as it does.

The Senate acting upon a suggestion of a substitution of $4 for $8 voted that they would not make the substitution, and that brought the question upon the amendment of the Senator from Nebraska, his basis being $8 per month so far as all the additions under this bill are concerned.

Now the Senator from Illinois comes in with his amendment as a substitute for the proposed amendment of the Senator from Nebraska, which is, in effect, to take the soldiers rated at less than $8 per month, the various gradations that I have stated, the one hundred and twenty-five thousand men now rated at less than $8 per month, and place them all on the roll at $8 a month; so that a man who has his little finger affected is to receive hereafter exactly the pension given to the man who has a stiff elbow of either arm.

The Senator from Kansas [Mr. INGALLS], understanding the amendment offered by way of a substitute by the Senator from Illinois precisely as the other Senator from Kansas [Mr. PLUMB] explained his proposition, goes on to draw his logical deductions that some would be entitled, $8 being the basis of rating, to the amount of $500 per month, those who would have the very highest pension. That, however, has been obviated by the Senator from Illinois, who strikes out the addition, so that the substitute upon which the Senate is now to vote provides that everybody now rated at less than $8 shall hereafter be rated at $8 per month—all upon an equality with the men who have a disability equivalent to a stiff elbow-joint and who have hitherto been entitled under the law to $8 per month.

If this be adopted, it must at once result that the inequality of pension paid to the men whose disability is very slight as compared with the men now upon the roll who will remain payable at $8 per month must at once produce a sense of injustice; and adopting $8 a month as the lowest possible rate, we shall be inevitably by subsequent legislation obliged to make the increase appropriate to the higher rates of disability which are to be found among our soldiers; that is, higher than this most trivial class, who are to be rated hereafter at $8 per month.

I do not think that this sort of interjection into the general pension system ought to be made. It is quite indefinite as to what the result may be in the way of expenditure, and certainly it does seem to me that it will result in an absolute perpetration of inequality and injustice under which the country as well as the soldiers will become restive, and we shall be obliged by subsequent legislation either to strike this all out again and go back to the old system or to immensely and indefinitely increase our subsequent ratings.

Mr. COCKRELL. Mr. President, I am opposed to the pending amendment. Under the existing pension laws we allow those physically disabled from manual labor (and that is the ground upon which a pension is granted) pensions ranging from $1 to $8 per month. This proposes to change that whole system and put the minimum pension at $8 per month, as I understand it. There are 1,260 pensioners rated at $1 per month, one at $1.87, and 26,134 at $2. I find that there are 31,371 pensioners receiving less than $4 per month, and there are 128,636 pensioners receiving less than $8 per month; so that 128,636 pensioners are the number to be affected by this provision.

I have not been able to make an exact calculation of the effect of this amendment, but taking those who receive pensions at the rate of $2 per month it will add to them $6 per month; it will add to those who receive $4 $4 per month; and to those who receive $6 it will add as a matter of course $2. I find that there are 60,268 soldiers receiving $4 per month. I have made a calculation not of all the different rates, but of those who are receiving pensions at the rate of $1, $2, $4, $5, and $6 per month, and the increase would be about $600,000 per month or $7,200,000 per annum. Taking those who are receiving between $1 and $2 and between $2 and $4, and so on, I think it might be very safe to say that the effect of the amendment would be an increase of $10,000,000 per annum to the amount expended for pensions, a small item, it is true, but worth considering in legislation.

I am opposed to the amendment for the further reason that it would create a great inequality, in my judgment. We allow pensions for physical disability. Where the applicant is disabled from manual labor he receives $8 a month; where he is only disabled one-half he receives $4 per month; and one-fourth, $2 per month. There would be no justice in giving the soldier one-fourth disabled from manual labor the same amount that you give the soldier totally disabled, nor would there be any justice in giving the soldier disabled one-half from manual labor the same amount that you give the soldier disabled totally. I do not believe that it would be right or just.

Mr. MORRILL. I am very anxious that this bill shall take a shape in which I can vote for it myself, and also a shape that will make it possible to become a law. Upon the statement of the Senator from New Hampshire the last time this bill was under consideration that it would not create a burden upon the Treasury of more than $18,000,000 to $20,000,000 a year, I thought it was no greater than what the country could bear; but I have looked at the RECORD of the debate when this same proposition was before the Senate in 1884, and I find a statement made by the then Senator from Oregon, Mr. Slater. He said, in the first place, "there are two hundred and seventy-five thousand undisposed-of claims upon the files of the Department, with an annual rating of $33,000,000 which we are paying."

Mr. BLAIR. Claims undisposed of?

Mr. MORRILL. Yes.

Mr. BLAIR. Then they can not be drawing anything.

Mr. MORRILL. He says, it is fair to assume that each one of these two hundred and seventy-five thousand claims must necessarily at once become a vital force; that is, that they would all come in and be allowed for a disability of some description or other. Then he says:

> It is a very low estimate if we calculate that 25 per cent. shall be entitled to pensions of the one million who have not presented any claims who are known to be living, and these estimates allow for five hundred thousand of the Union Army who have gone to their graves since the close of the war.

He adds the following words:

> * Allowing the number to be five hundred thousand, and supposing the average rate to be $4 a month, we will have added under this bill at once $24,000,000 to the annual rating under that clause alone, to say nothing of the Mexican war pensions or of the widows' pensions or of the dependent relatives. If you will figure this out you will see that under any arrangement that can be made the bill will provide for more than doubling the present annual pension rate, which is now $33,000,000, and in all reasonable probability it will reach more nearly $50,000,000 per annum.

The Senator from New Hampshire [Mr. BLAIR] in reply to this said:

> Before the question is taken I wish to make one or two statements that may have a little bearing upon the pecuniary importance of the pending amendment. It is quite as large as it might appear to be from the statements of the Senator from Oregon [Mr. Slater]. I did not hear all that he said, but I have no doubt that if the amendment is adopted it will involve an annual addition to the pension expenditures of the country of $50,000,000.

I desire to know whether the Senator from New Hampshire adheres to his estimate made a day or two since of $18,000,000 or $20,000,000, or whether he goes back to the one he assented to in 1884.

Mr. BLAIR. If the Senator had observed the debate at this session he would have known that I have been over that matter several times already. I do not understand that that estimate was made with reference to the pending bill.

Mr. MORRILL. It was the Van Wyck amendment which was then under consideration.

Mr. BLAIR. No, it was the Cullom amendment.

Mr. MORRILL. No, it was the Van Wyck amendment.

Mr. BLAIR. I know my recollection is not at fault about it. The Senator from Nebraska [Mr. VAN WYCK] may have spoken on the subject, but perhaps the Senator from Vermont will remember that the Mexican pension bill came from the House of Representatives in the Forty-eighth Congress. It was referred to the Committee on Pensions. The Committee on Pensions reported it back with what was known as the Cullom amendment. A bill had gone to the committee which made or assumed to make provision for soldiers who had been disabled. Having been changed considerably in the committee, it was reported back in the form of an amendment to the Mexican pension bill, and in the Senate the question was upon the passage of the bill with this amendment of the committee. Upon the amendment of the committee I said at that time what has been read, that I thought it would involve the country in an expenditure of $50,000,000.

The Cullom amendment embraced several other classes of pensioners besides those who are embraced in the present bill. It embraced widows. We have already passed a bill referring to one class of widows and increased their pensions by an annual cost which has been estimated at from $6,000,000 to $10,000,000. They are not included in this bill; and so of some others.

As I stated upon the floor of the Senate the other day, my estimate was at that time made without the opportunity of close examination, and any estimate of course is somewhat uncertain because the data can not be obtained. My estimate was then four times as much as what is understood to have been the estimate of the Commissioner of Pensions, who I believe, as was stated by some one upon the floor—certainly in conversation I have heard him so quoted—estimated the expenditures under what is this bill at about twelve and a half million dollars.

My estimate thus to be found in the RECORD and made in the way I have stated with reference to all these classes was about twice what anybody called it even then. I do not know about the estimate of the late Senator from Oregon. I know there was a prevalent impression in

the committee and on my own part that the estimates of the Senator from Oregon were as large as they well could be. I do not think anybody would be inclined to estimate the expenses under the bill now reported to the Senate at any such rate. Of course we do not know how much the bill will cost if it becomes a law; but we do know that we undertake only to assist those who must be aided by somebody; and the rule is, to this extent at all events, an inflexible one, that under its provisions no soldier will receive anything except a man who is dependent upon his own work for his living, who is disabled to a greater or less extent from earning his living; and who, consequently, has to be aided by the Grand Army, who are getting old and poor themselves and are made up very largely of the same men.

Mr. MORRILL. I wish to call the attention of the Senator from New Hampshire, if he will permit me, to the fact that Senator SLATER was discussing the Van Wyck amendment, excluding Mexican pensions, excluding all pensions for widows, and that after he made that statement the Senator from New Hampshire said he had no doubt that the estimate of the Senator from Oregon was not too high.

Mr. BLAIR. The Senator will remember that in my language, as he just read it, I said I did not understand all that the Senator from Oregon had said, and I say now to the Senator from Vermont that the language I used there had reference to the entire Cullom amendment.

Mr. MORRILL. That does not appear.

Mr. BLAIR. I think it appears; I think it must appear from any fair reading of the context of the entire discussion. However that may be, it is neither one thing nor another to the debate to-day.

As I was saying, there is to this extent an iron and inflexible rule by which the expenditure would be limited, that the country is only called upon to pay to those who are poor and must be helped by somebody, and who are actually disabled without their own fault from the earning of their living. At present those people must be uncomfortable, hungry, cold, and unprotected from the elements to some extent, or else the deficiency in their means of livelihood must be made up by the contributions of others, and those contributions must come from private charity, they must come from the Grand Army, which does what it can to relieve such cases, and which, as I said before, is itself made up of this very same class of poor men very largely, who are themselves growing old and poor and in want of health, and therefore ought not to be called upon to any greater extent nor any longer to contribute to the support of this class, or relief must come from the poor-houses of the various States and localities where these men live, or the money must be paid by the nation at large.

Since the burden is to fall somewhere, either upon the soldier in the form of contribution from those who surround him and as a rule are unable to contribute to his support, and most of them unable to do more than maintain themselves comfortably, or upon the poor-house, or upon the nation, where ought that burden to fall?

Since the general burden of expenditure in giving these men a comfortable livelihood is not to be increased and the sixty million people simply take it among themselves in aliquot parts according to the ratio and the rules of taxation, throughout the country at large, I submit that the fair and equitable thing is to put that burden where it belongs, upon the whole mass, upon the nation whose integrity these men helped to preserve; for it is to be remembered that these men are the ones who did the fighting. The bill covers only the cases of those who actually did service and the dependent parents of those men who are themselves in want and suffering, and no others. Those men got through the war without disability; they are the men who rendered one, two, three, four, and in some cases five years of service; so that the country in the form of putting down the rebellion received from those men far more than it did from those who contracted disabilities, and so rendered a much shorter period of service. The equity of the thing as between the benefit received by the Government on the one side and the service rendered by these men on the other, is greater as between the nation and the men who were only disabled after they had served out their full period of service in the war.

Whether the country is able to bear this burden is a question, of course, for every Senator to decide for himself. I think I have made clear the suggestion that the burden is to be borne by somebody, by the soldier in the form of suffering, or by individuals, or by local communities, and that it is not increased in the actual amount of contribution by placing it upon the nation at large who received the benefit.

It is not fair to ask any one who comes in with a measure of this kind or supports a measure of this kind to give to exact dollars or to a million of dollars the amount of expenditures under it. It is essential; and it should appear that the principles involved in the bill are based upon equity and justice and that the honor of the country and the duty of the country are involved in the extension of assistance to those men. That appearing, when we can see by the number of men, by the rules of mathematics, that there is a limit and a reasonable limit to the entire expenditure—when all that is apparent in the provisions of the bill, and there are precedents in the case of the Revolutionary soldiers and the soldiers of the war of 1812 and those of the Mexican war (the latter of which we have indorsed by passing it through the Senate and several times through the House), I submit that it is not exactly the fair way of discussing this bill to find fault with estimates which in their nature must be somewhat indefinite for the very reason that no man can make an absolute prophecy as to the future.

Mr. MORRILL. Will the Senator permit a single word? I hope the Senator does not understand that I was trying to make a point against the bill; but I wanted him to give such an explanation as would show to the country that we were voting for no bill that was going to take out $50,000,000 or $100,000,000.

Mr. BLAIR. I do not know but that it will take a hundred millions. I do not undertake to say it will not take a hundred millions. I undertake to say it will not take out of the nation any money that otherwise has not got to come out of somebody, either in the form of starvation, cold, hunger, nakedness, or in the form of contribution by people who live in the vicinity of these men, or by the pauper system of the States or the contributions of the Grand Army. I undertake to say that much.

As to the actual number of the men whose cases are now pending in the Pension Office on an allegation of disability contracted in the service, those cases not yet acted upon I have not taken into account in this bill very much. They allege that they have claims under the general pension laws, and the general pension laws are much more favorable than this law will be, and if they can establish their claim under those laws they will get more than they will under this measure.

There may be some of them, there undoubtedly will be many of them, who, worn out with the effort to establish their claims on account of the failure of proof and other causes, will finally fall back on the comparatively less remedial features of this law and get something in their old age under the provisions of this bill if it should become a law. But, outside of that, I thought it was a fair estimate to fix the number that would be entitled to its benefits, who would gradually establish their claims, at two hundred and fifty thousand. That would be about one-fourth of the entire number of soldiers now supposed to be alive in the country. Those would not all come upon the roll at once. If there were two hundred and fifty thousand added at once to the roll, according to the best estimate that I could make, based upon the list of the adjudications in the table and ratings of the disabilities of the invalid pensioners, assuming that the same rules were followed by boards of examination with reference to these men that they have now adopted with reference to those upon the invalid-roll, the highest pension not being over $24, I thought the amount payable to this class, assuming the two hundred and fifty thousand to be upon the rolls at once, would be about $20,400,000.

In addition to that there would be the dependent parents. I could not judge in regard to that class exactly, but I presume that a very large number of dependent parents are upon the roll now, and I thought it would be fair to assume that the entire expenditures under the bill without any amendments increasing its expensiveness would be perhaps $25,000,000. But I do not make any prophecy that that is the amount, nor do I undertake to enter any warranty that twice that amount will not be called for by the bill. I only point to the justice of this provision and to the fact that somebody has got to bear the burden.

Mr. LOGAN. Mr. President, I can not understand the argument which has been adduced in opposition to this amendment by calling attention to a certain class of injuries to men who might claim a pension. Our attention was called to the fact that a man might lose a little finger and he would get $1 a month, and if he lost another one he would get $2 a month. Are we to estimate injuries to a person the same as you would purchase pork? That seems to me to be a very strange argument. Upon the principle which was suggested by the Senator from New Hampshire a little finger is worth $1 a month, the next finger is worth $2 a month, the next $4 a month, the next $6 a month, and the next $8 a month. Is that the way it is to be estimated?

Mr. BLAIR. I made no suggestion of a method of that kind.

Mr. LOGAN. I understood the Senator from Kansas to say that if one finger was worth $1 a month the estimate would be that the second was worth $2, the third $3, the fourth $4, and the fifth $5, which is the pension that may be given for the loss of a hand. Who ever heard of such a rule as that about injuries done to the person?

Let me put one question. Our friends on the other side are anxious always for the passage of what is called the Mexican pension bill. Why do we not rate men according to their age in that measure and their disability from age? You give them $8 per month as a service pension; you give them $8 per month for their service. If there is to be a distinction made, a man who is seventy-five years old should receive more than a man who is fifty years old according to that argument.

I do not believe this Government does the magnanimous act to its soldiers and dependents where it gives $1 a month for any kind of injury, I do not care what it is. If it is a scratch on the nose and is an injury sufficient to have a pension paid the person ought to have more than $1 a month. It is absurd and ridiculous to talk about giving a man $1 a month, and here one man is rated at $1.80 per month. As I said this morning a physician must be a remarkable man who can see the difference between $1 and $2 in an injury when the man has pains or disease, and in fact they reduced one man from $2 down to $1.80 and allowed him a pension of $1.80 per month. That proposition to my judgment is absurd; I do not care what physicians do it.

There is one point in reference to this bill which has not been noticed. If you raise the pension and equalize it and make it $8 per month, you by that means reduce the expenses in one line by reducing the number of boards who examine these one-dollar, two-dollar, and three-dollar pensioners every three months for the purpose of ascertaining their disability. You reduce that portion of the expense very greatly.

As I said on a former occasion, I do not wish to discuss the amendment I have offered on the ground of the amount of money it takes out of the Treasury. I desire it to be discussed on the theory as to whether it is right or wrong. If a man draws a pension from his Government and is entitled to an eight-dollar pension, it is not a question as to whether the Government has now at this time that $8 arranged and set aside for his benefit. It is a question whether this Government intends to perform an obligation which rests upon it toward the men who preserved and protected it. That should be the only question asked in reference to these pensions, where you do not put them too high, as a pension going to a man who is entitled to it.

It may be a very fitting time, perhaps, to call the attention of the country at least, whether I can the attention of Senators or not, to the distinctions which are made in this country against the poor soldier who volunteered in behalf of his Government. By the very laws you have passed, if a man is pensioned as a major-general belonging to the Army of the United States known as regular Army, if it is called retirement he is paid $5,625 per annum, but if he was a major-general in the volunteer service he receives $360 per annum. It is a fact that the Congress of the United States since 1861, when that law was passed, has discriminated against the poor unfortunate voluuteer every time he knocks at the door of this great Capitol. Because a man may have served one year in the regular Army, no longer than than a volunteer of the same rank, performing the same service, entering at the same time and retiring at the same time, you pay one $1,800 and the other $204 a year.

It is for the reason that these discriminations have been made by the Congress of the United States that there is complaint among the poor soldiers of this country that you give to a man who served his country honestly and faithfully $12 a year as a pension. I say it is a disgrace to this Government. Talk about the little finger for the purpose of ridiculing the idea of a pension! Give him no pension if he is not entitled to it, but if he is entitled to it give him one that at least will buy him a week's lodging. To turn a man out on the world at $12 a year, or $24 a year, or $48 a year, is that which this great Government should never do.

My friend from Vermont [Mr. MORRILL] said he hoped a bill would be so prepared that he could vote for it. I remember very well when at the head of a committee in the other branch of Congress his great abilities were brought to bear for the purpose of affording facilities to this Government to put down the great rebellion against it. We never thought then that he would ask "how much is it going to take out of the Treasury to pay the unfortunate men a pension for saving this Government." No, sir, it is an afterthought; it is a thought brought into this Chamber from the other side; it is the adoption of arguments against pensions by our own people, who ought not, in my judgment, to bring to bear this character of argumentation against these unfortunate men.

I say give every man who is entitled to a pension $8 per month. Oh, says the Senator from New Hampshire, that makes a discrimination between the man who has a stiff arm and the man who has lost two fingers perhaps; the one with total disability gets but $8, and, therefore, you should not give the other one $8. The old Revolutionary soldier got his $8 or his widow got her $8. So did the child. Why give the child the same pension you gave the mother? Was not that a discrimination? The age of one was a disability; the age of the other was not.

Mr. BLAIR. I suppose the Senator does not mean to be understood that the child received $8 and the parent $8 at the same time?

Mr. LOGAN. Oh, no; not at the same time.

Mr. BLAIR. The child received it on the ground of dependence, while the parent received it on the ground of another disability—age.

Mr. LOGAN. I understand the ground.

Mr. BLAIR. I understand that there is no difference then between the policy and action of the Government in reference to the Revolutionary soldier and its policy and action with reference to the soldier of the late war.

Mr. LOGAN. The only difference is that the same amount of pension was given to each and every one by the law in that case.

Mr. BLAIR. It does so now. When the parent dies the child takes the pension which would have belonged to the parent, the full amount.

Mr. LOGAN. The child gets $8 a month.

Mr. BLAIR. No, the child would then get $20 a month, the rate for the rank of captain if the father held that rank, for all the discrimination disappears when the soldier or officer dies in consequence of the service, and the pension, which then becomes a derivative pension, goes to his representative, and that representative takes the full amount for total disability.

Mr. LOGAN. I understand that perfectly. According, then, to the argument of the Senator, if the man who gets a dollar a month dies the pension goes to the child and the child gets a dollar a month. Is that it?

Mr. BLAIR. I did not offer that as an argument. I simply offered it as a statement of fact which was contravening the Senator's assertion, as I understood it.

Mr. LOGAN. Very well. Now that is the logic and that is the law.

Mr. BLAIR. Deal with the law then.

Mr. LOGAN. Very well. I will deal with the law and with those who propose to support the law.

The Senator says because the child was dependent upon its father or its mother, therefore it received the same pension as the parent. The child dependent on the father who to-day receives a dollar a month, no matter what his dependence, gets a dollar a month.

Mr. BLAIR. There may be some reason for that. The father is paid on account of disability contracted in the service and paid according to the degree of that disability—that is the law—and according to that degree, as settled by the medical examination. In these contemptible cases that I should like to get rid of it is only a question of degree. Suppose it to be a dollar a month. He is living and he is as good a man as ever, save that $1 per month disability which the Government makes up to him, and he supports his child.

Mr. LOGAN. He is a first-class man except that he lacks a dollar a month of being so.

Mr. BLAIR. He lacks $12 a year of being a first-class man. That is the law; but we are now speaking of the case of the child who, when the father dies, becomes entitled to the same pension that that man would have if he were totally disabled. He dies; his source of support to the child is wholly taken away. The Government takes the position of the parent in that case and furnishes the child just what the parent would receive if totally disabled; that is, his $20 a month if the rank was that of captain. That is the reason why the child gets more than the parent.

Mr. LOGAN. I do not wish to detain the Senate. I have spoken on this bill two or three times and have said all I care to say about it, except to call the attention of the country to the distinction and discrimination that is made between different classes of soldiers, no matter whether one is as good as another or not. This discrimination has been made by Congress, and Congress ought to undo it; Congress ought to retrace its steps; and when we are requested to do it in justice to these men we ought not to be called upon every day and asked how much is it going to cost. Who can tell? The chairman of this committee can not tell how much it is going to cost. It is an impossibility. No one can tell. It will not cost, however, the amount that has been charged. The Senate has been affrighted time and again out of supporting proper bills for the benefit of men who were entitled to relief because of the fact that it was told it would cost so many millions of dollars. I know there was a time in this country—it has passed many years, it is true—when Senators now on this floor would have pledged their lives and their fortunes to the soldiers in the field for pensions or bounties if they could only have had the assurance that those soldiers would bring back the old flag of their country that it might be unfurled over every inch of soil belonging to the United States of America.

But, sir, you needed not that pledge. They did bring it back, they did unfurl it over your heads, and now they come beneath that old banner and say to you, "In the name of the Stars and Stripes, in the name of all that belongs to the perpetuity of this great Government of ours, take away this dollar a month, take away these two or these four dollars a month and recognize us as men entitled at least to receive something that is but a pittance in maintaining us and our families;" and, sir, I hope the Republican party in this body will never so far forget itself as that it will allow a proposition as fair as this to be voted down on account of a desire to prevent money coming from the Treasury of the United States, that it may be piled up mountain high, so that in times coming it may be said, "Economy has been our watchword."

The PRESIDING OFFICER. The yeas and nays have been ordered on this amendment; which will be again read.

The CHIEF CLERK. It is proposed to insert at the end of section 1:

Provided, however, That all pensions heretofore granted under any previous act to any soldier shall, where less than $8 is or has been allowed, be increased to $8 per month; and no less amount shall be hereafter allowed to any pensioner, being a soldier, under this or any previous act.

Mr. BLAIR. Before the question is taken, I wish to say that if the amendment shall be rejected I will then move to add to the first section these words:

And provided further, That no pension paid under any law to any soldier hereafter shall be rated at less than $1 per month.

The yeas and nays were taken.

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. If present, my colleague would vote "yea."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. FRYE. My colleague [Mr. HALE] is paired with the Senator from Kentucky [Mr. BECK].

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. BECK (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Maine [Mr. HALE].

The result was announced—yeas 22, nays 27; as follows:

YEAS—22.

Allison,	Evarts,	Mitchell of Oreg.,	Van Wyck,
Cameron,	Frye,	Plumb,	Voorhees,
Conger,	Hoar,	Sawyer,	Whitthorne,
Cullom,	Logan,	Sewell,	Wilson of Iowa.
Dawes,	McMillan,	Sherman,	
Dolph,	Manderson,	Spooner,	

NAYS—27.

Berry,	Coke,	Hawley,	Riddleberger,
Blackburn,	Colquitt,	Hearst,	Saulsbury,
Blair,	Eustis,	Ingalls,	Teller,
Brown,	Gorman,	Maxey,	Vest,
Call,	Gray,	Morrill,	Walthall,
Chace,	Hampton,	Payne,	Wilson of Md.
Cockrell,	Harris,	Pugh,	

ABSENT—27.

Aldrich,	George,	Kenna,	Pike,
Beck,	Gibson,	McPherson,	Platt,
Bowen,	Hale,	Mahone,	Ransom,
Butler,	Harrison,	Miller,	Sabin,
Camden,	Jones of Arkansas,	Mitchell of Pa.,	Stanford,
Edmunds,	Jones of Florida,	Morgan,	Vance.
Fair,	Jones of Nevada,	Palmer,	

So the amendment of Mr. LOGAN was rejected.

Mr. BLAIR. I now move to insert at the end of the section the following words:

And provided further, That no pension paid under any law to any soldier hereafter shall be rated at less than $4 per month.

The PRESIDING OFFICER. The question before the Senate now is the amendment offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. BLAIR. I move this as a substitute for that.

Mr. VAN WYCK. That is the same proposition which was voted down awhile ago, I understand.

Mr. BLAIR. This is not the same proposition that was offered before. The proposition offered before was to strike out "eight" and insert "four," which related only to this act. This covers all cases.

The PRESIDENT *pro tempore*. The amendment will be read.

The Secretary read as follows:

And provided further, That no pension paid under any law to any soldier hereafter shall be rated at less than $4 per month.

Mr. VAN WYCK. Will the Senator state wherein this differs from the proposition we voted on before?

Mr. BLAIR. The Senator from Nebraska asks me wherein this proposition differs from the one already voted upon, which was an amendment to his amendment as moved by myself, and which was rejected in order that the Senate might proceed to act upon the substitute of the Senator from Illinois. The amendment of the Senator from Nebraska proposed to fix the lowest rate of all pensions to be paid under this bill, if it becomes a law, at $8 a month. The amendment which I moved, and which was rejected, was to strike out the word "eight" in his amendment and insert the word "four," so that if it had been adopted, and then the amendment itself adopted, the bill would have provided that no pension paid to the new class provided for by this bill should be less than $4 a month. That was the proposition which was voted upon by the Senate.

Now, I offer as a substitute for the entire amendment of the Senator from Nebraska, which relates only to the class embraced in this bill, a provision that no pension hereafter paid to any soldier under any law, this or any other law, shall be less than $4 per month, fixing the minimum for all soldier pensioners under this or any other act at $4 a month. The reasons for this are precisely the same that could be adduced and were adduced in favor of the amendment offered by the Senator from Illinois and that offered by the Senator from Nebraska, save that it fixes the minimum at $4 rather than $8.

Mr. INGALLS. Now, Mr. President, what is the parliamentary state of this proposition? On what are we to be called upon to vote?

The PRESIDING OFFICER. The proposition before the Senate is the amendment of the Senator from Nebraska limiting to $8 a month, to which the Senator from New Hampshire offers a substitute.

Mr. INGALLS. There is no such thing known in parliamentary law as a substitute. We must vote on this as an amendment to that proposition or else let it go by. What I inquired was, what the attitude of the proposition was.

Mr. BLAIR. I may say to the Senator that there certainly is, for the Senate has just acted on a substitute, and on the principle that the justice of the peace hung a man, it can be done, parliamentary law or not. The Senator from Illinois moved a substitute, and his motion failing, I moved another substitute for the amendment of the Senator from Nebraska. I have no objection to moving it as an amendment to strike out all after the word "provided" in the amendment of the Senator from Nebraska and insert.

The PRESIDING OFFICER. That would be in order.

Mr. BLAIR. I put it in that form.

Mr. VAN WYCK. I stated—and it may be probably proper to repeat it—that the bill as reported contained a provision as to the amount and distribution of the pension, which is not in accord, I think I may say, with the views of the members of the committee, or a large majority of them, who desire a bill to pension all disabled and dependent soldiers.

Mr. BLAIR. Will the Senator permit me? He has made that assertion once before this afternoon. Now let me say to him that he is laboring under a misapprehension. This bill as offered in that regard is the same that was thoroughly discussed and passed in the Forty-eighth Congress. It was reintroduced and sent to the committee, printed, examined, acted upon, and reported in precisely this phraseology, and either the committee and the last Congress must have acted with extreme indifference or they must have known of this provision in the bill.

Mr. VAN WYCK. I was not speaking of the committee of the Forty-eighth Congress. I was speaking of the committee of the Forty-ninth Congress.

Mr. BLAIR. It is the same, and the Senator was himself a member of the committee in the Forty-eighth Congress.

Mr. VAN WYCK. In both Congresses; and I never supposed a bill was to be reported here containing the provisions in this bill, and as soon as I discovered it I offered two or three amendments, one of which is now under consideration.

Now to show what is the intent and meaning, let me ask my friend from New Hampshire if it was in his contemplation or he thinks in the contemplation of the members of the committee that under this bill if a soldier lost his forefinger by an accident not the result of his own fault nor in the line of service, and was otherwise strong, able, vigorous, capable of earning his support by his labor, that person should go upon the pension-roll?

Mr. BLAIR. I understand that that man if he applied to the Department, like any other applicant for a pension, and proved that he had a disability—if the loss of the tip of his finger was a disability—he would be entitled under the bill to a corresponding rating, the highest for total inability to perform labor being $24. That was unquestionably the understanding of the committee, because such is the language of the bill and it is incapable of any other construction; but it must be found by the certificate of the examining board that the alleged disability constituted a disability to impair his capacity to earn his living. Whether it was such would be an open question. Doubtless the occupations of many are such that a disability of that sort would not disable in the earning of a living.

Mr. VAN WYCK. It is right at that point exactly, I think I may say, that the members of the committee did not suppose they were authorizing a bill of that kind.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. VAN WYCK. Certainly.

Mr. BLAIR. With the bill just as it is in all other respects, the Senator comes in and makes a proposition that every one of these men who is paid anything shall be paid $8 a month.

Mr. VAN WYCK. Precisely.

Mr. BLAIR. Does he wish the Senate to adopt a provision which shall give to a man with this insignificant hurt $8 a month instead of $1?

Mr. VAN WYCK. No, sir.

Mr. BLAIR. That is the Senator's proposition.

Mr. VAN WYCK. I am not in favor of a bill that would give that man anything, nor was it supposed he was to go on the pension-roll.

Mr. BLAIR. If the man were disabled from getting his living, why not? That finger might be so sore as to disable the man.

Mr. VAN WYCK. Then he would be pensionable.

Mr. BLAIR. Now, the fact to be found is the existence of a disability which disqualifies from getting a living in some degree. The Senator's supposition is based on his own logic.

Mr. VAN WYCK. That amendment asserts that a man can not be placed on the pension-roll at a dollar or two dollars.

Mr. BLAIR. Under existing law men may be.

Mr. VAN WYCK. And under this bill as reported that we are considering that man's disability might be weighed, measured to the extent of a dollar or two dollars.

Mr. BLAIR. The country has been legislating for a quarter of a century in just that way, and if there is anything in the nature of stupidity or impropriety in this proposed legislation the same is chargeable to all the legislation on the subject from the beginning. The table to which I have referred the Senator would be the best answer to his own question, and he will find it on the twenty-fifth page of the report of the present Commissioner of Pensions. There he will see that about one hundred and twenty-five thousand of the two hundred and forty-five thousand invalid pensioners at the present time under existing laws are rated at less than $8 a month, and some of them, twelve hundred and sixty, as low as $1 a month.

Mr. VAN WYCK. Those who are on the pension-roll at one, two, or three dollars per month are there for injuries received in the service and in the line of duty; and whether the soldier be rich or poor he becomes entitled to that pension, whatever it may be. It is a measure of

damages, it is a legal claim against the Government, and no conditions are annexed to it. Those are the cases of the one hundred and twenty-five thousand to which the Senator refers.

Mr. BLAIR. Will the Senator answer me, these men being entitled to justice, if it be justice to give them this little pension when they have contracted disability in the service, how is it justice to take another class whose disability, greater or less, was not contracted in the service at all, and pay them $8 a month even for the most trivial hurt? The Senator will find the language of this bill in the first section—

The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability.

Mr. VAN WYCK. Now I will state what I suppose this bill was intended for and what I think three-fourths of the Committee on Pensions thought it was intended for, and what I suppose the country at large thinks it was intended for. By an injury in the course of service and in the line of duty the soldier becomes entitled to a pension as a legal claim without regard to whether he be rich or whether he be poor; but what this bill proposes now is a service pension, a service pension upon certain conditions, and I have never heard and the Senator, I think, has never heard of a bill for a service pension graduating the pension, neither has it been discriminated heretofore whether the recipient be rich or poor.

Mr. BLAIR. This is not a service pension; nothing of the kind. It is not offered as such.

Mr. VAN WYCK. When it was proposed at the last session that we should have a service pension, it was objected to that time had not sufficiently intervened between the end of the war and the date of the proposed bill, and we were referred to the soldiers of the Revolutionary war and to the soldiers of the war of 1812 to show how great a length of time had elapsed between those wars and the granting of the pensions, and hence it was proposed that there be a service pension here. The decrepit and disabled dependents of the other wars were not before our eyes. The nation appealed to us that the soldiers of the last war should not be allowed to end their days in poor-houses or in grinding organs on the street corners, and they said it was an outrage for this great nation to suffer the men who saved the integrity of the Republic and preserved the honor of the flag to endure that abasement, and that that spectacle should not be witnessed by the American people. We said yes, because the nation said so.

It is true my friend this morning said we forgot that in the plenitude of our power and our patriotism we said we were ready to vote the last man and the last dollar to save this Republic. We voted the "last man," but the "last dollar" is far off. We said that this spectacle was an outrage in the eyes of the nation, and we agreed that our dependent soldiers, those who are compelled to labor for bread and have no other means of support, should at least be taken care of, and we supposed we were meeting that call in this bill.

Now, my friend thinks I am not consistent. Let me see. I proposed, first, that any soldier who was disabled from furnishing his own support, if he was dependent upon that support for his bread, should be placed upon the pension-roll to the extent as I supposed of $8 per month. There was no grading of disability. Does any gentleman expect to get exact justice? My desire was that the bounty of this Government, that the justice of this Government should extend to the largest number and do the most good, and the object was first to gather in those who were sorrowful as they were to contemplate, who are the objects of the nation's bounty and the nation's charity, and to extend it no further.

If that be so then to share the bounties of this bill, as I supposed, there was to be a total incapacity to work enough to procure bread for subsistence; and hence if the soldier could work one-fourth of his time, and that one-fourth was not enough to procure his daily bread, it was a case of total incapacity. If the incapacity was to earn enough to support life it should be considered total.

Mr. HARRIS. Will the Senator from Nebraska allow me to ask him a questson?

Mr. VAN WYCK. Certainly.

Mr. HARRIS. If I understand the effect of his amendment, it is that for the soldier's disability the soldier shall receive a pension of $8, no matter how slight the disability. The pension, if allowed at all, shall not be allowed for less than $8. Am I correct in that?

Mr. VAN WYCK. You are correct if the remaining part of the bill stands as it is.

Mr. HARRIS. Is that the object of the Senator?

Mr. VAN WYCK. No, sir. My object is that no man shall be placed on the pension-roll at $8 a month unless he is incapacitated to earn enough to support life.

Mr. HARRIS. The question I want to get at is this: If for a very trifling disability the Senator would give a soldier a pension of $8, if another soldier presented himself equally meritorious, disabled to a degree three or four times as much, would he think it fair to give these two soldiers the same amount of pension, or would he not give the latter soldier three or four times as much as he gives the former?

Mr. VAN WYCK. I would not think that fair, and that was precisely what I was going to illustrate. I would think it fair if the injury was in the service and in the line of duty because the Government then I suppose would pay for the injury received, and that injury is different whether it be the loss of the small finger of the whole arm, or whether the injury be here or there [illustrating], or whether it be the leg below or above the knee or at the hip. That is an actual claim against the Government for which the Government pays to the extent of the damage. That is one point; but this bill is not that. This bill is a service pension, a gift, a charity if you please, given for the purpose of relieving the nation from the exhibition of its dependent and disabled soldiers begging at the street-corners, dying in the workhouses, and being buried in pine boxes at the expense of the counties.

I hope the Senator will at once see my point, that no one shall go on this pension-roll unless he is disabled to the extent of incapacity to earn his livelihood, and when he gets there it is to the extent of total incapacity. Suppose a man be wrecked in a railroad car and has his arm taken off. If that injury had been received in the line of duty he would have been graded up possibly as high as $72. We do not propose to grade him up there under this bill. Twenty-four dollars is the highest. If he is wrecked almost beyond recognition but still lives, that is total incapacity to earn his bread. Then if he depends on his labor for that bread, he is placed on the pension-roll. Here you come down and down to lower cases.

A man, if you please, comparatively enjoying life is suffering from nervous prostration who evidently can not go into the field and earn his bread by his labor. That amounts to total incapacity; and when you give that man $24 and the other wreck $24, there is not any justice in that if you base it on justice. This man can feed himself, he can move around and enjoy the society of friends and progress in locomotion. Another man has his arm so far off that when he exercises he is prostrated and can not do anything, but he can feed himself. That is total incapacity; but it does not compare with the wreck or even the man with nervous prostration, and yet you give none of them beyond $24 by this bill.

I suppose this bill is for the greatest good to the greatest number. It applies to those who are disabled to the extent of inability to work, and I did not suppose it contemplated that when you got below total incapacity, where a man was unable to earn his livelihood, where his injury was so trivial that it did not interfere with him, such a man was to be a recipient of bounty.

Mr. President, as I stated before, if we are to do anything for these men who do need relief, let Congress give them a fixed sum in order to enable them to live, because that is all they have asked for, that we relieve these soldiers from the weight of poverty and disability resting upon them so that they may to a reasonable extent enjoy the comforts of life. To reach that we want to do as we do with all other pension bills. We only make two conditions which can be easily ascertained, first that the soldiers are dependent, and next that they are unable to work so as to obtain the necessaries of life.

Now, what is proposed? You propose to grade them as I understand, so that for any disability from the lowest to the highest the Pension Office, as is now the case, shall draw distinctions. They are to be examined with the same care that they are now, and three-fourths of the cases, particularly if sympathy is not with the soldier, will be adjudged so adversely as to create discontent and dissatisfaction. Three-fourths of these cases, or one-half of them at any rate, will be appealed from the Pension Office to the Congress of the United States; and then here this little committee, which handles probably three thousand cases in a year, will have its work increased three or four times. I think it ought to be considered that the object of this bill is to furnish the greatest quantity of relief to the greatest number of persons. I would have the allowance fixed at a certain rate. You want to relieve the old soldiers. They are all getting old. Such a man has a difficulty in the Pension Office and he appeals to Congress. All pension departments soon get in antagonism to claimants. They begin to think, or at least they act as if they thought, that every soldier is a fraud. We have seen that in our committee; we have seen cases upon cases of that kind. I speak of the Department itself; not within the last year or the last two years, but years ago. Antagonisms naturally grow up and they look with suspicion upon the soldiers' claims.

I have taken the position I have in this matter because I have believed that it would do the most good. If we are to measure the disabilities of men as they have been measured I fear there will be great discontent necessarily in the minds of the soldiers. Even my friend from New Hampshire admits that. He has himself denounced, I think, this system of measuring the extent and value of the disability. My friend insists that that is wrong, and he himself is willing that all that class, amounting to one hundred and twenty-five thousand, shall be placed on the pension-roll at a fixed rate and put at $4 per month.

Mr. BLAIR. No; there is no such number as that. There is a trifling number below $4.

Mr. VAN WYCK. No matter what the number. My friend's position to-day is that those who have been measured below $4 shall be raised to $4. Now he proposes by this bill to continue this measuring process, scaling down by the Pension Department, so that injustice and wrong will be measured out to the soldier to whom you propose to send relief. You denounce this scaling and measuring process, and yet you leave it in this bill precisely as it has been in the past.

Mr. BLAIR. I hope the Senator will not undertake to attribute to me any criticism upon the bill or the general law which I did not make. I do not wish it to be understood that his remarks are applicable to me.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. Before that motion is put, I wish to submit an amendment to the pending bill.

The PRESIDING OFFICER. The proposed amendment will be received and printed.

Mr. BUTLER. Let it be read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

After section 3 add as a new section:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of $8 per month, from and after the passage of this act, during their lives. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud: *And provided further*, That this act shall not apply to persons under political disabilities."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 15th instant, approved and signed the following acts:

An act (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards; and

An act (S. 1020) authorizing the commissioners of the District of Columbia to convey the alley, 15 feet wide, running east and west between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots.

The message also announced that the President had, on this day, approved and signed the following acts:

An act (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine;

An act (S. 1471) to remove the charge of desertion from the rolls and records in the Office of the Adjutant-General of the Army against certain soldiers;

An act (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.; and

An act (S. 223) to regulate the promotion of graduates of the United States Military Academy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States.

The message also announced that the House had passed the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886; in which it requested the concurrence of the Senate.

THE PASSPORT CHARGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to a resolution of the Senate of the 5th instant, inquiring as to the necessity for the continuance of the present charge for passports for American citizens desiring to visit foreign countries, I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 17, 1886.

SPRINGFIELD PORT OF DELIVERY—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I return without approval Senate bill No. 1397, entitled "An act to establish a port of delivery at Springfield, in the State of Massachusetts."

It appears that the best reasons urged for the passage of this bill are that Springfield has a population of about 40,000; that the imports to the section of country where the city is located for the last year amounted in value to nearly $3,000,000, and that the importers at this point labored under a disadvantage in being obliged to go to New York and Boston to clear their goods, which are frequently greatly delayed.

The Government is now subjected to great loss of revenue through the intricacies of the present system relating to the collection of customs dues and through the frauds and evasions which that system permits and invites. It is also the cause of much of the delay and vexation to which the honest importer is subjected. I am of the opinion that the reforms of present methods which have been lately earnestly pressed upon Congress should be inaugurated instead of increasing the number of ports where present evils may be further extended.

The bill now under consideration provides that a surveyor of customs shall be appointed to reside at said port, who shall receive a salary not to exceed $1,000 per annum.

It is quite obvious that an experienced force of employés at the ports where goods for Springfield are entered would be much better qualified to adjust the duties upon the same than the person thus proposed to be added to the vast army of Federal officials.

There are many cities in the different States having larger populations than Springfield and fully as much entitled upon every ground presented to the advantages sought by this bill; and yet it is clear that the following of the precedent which the proposed legislation would establish could not fail to produce confusion and uncertainty in the adjustment of customs duties, leading to irritating discriminations and probable loss to the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 17, 1886.

Mr. DAWES. I move that that message be printed and lie on the table.

The motion was agreed to.

ALASKA FRONTIER LINE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

With reference to the paragraph in my annual message to Congress in which I called attention to the uncertainty that exists as to the location of the frontier line between Alaska and British Columbia as defined by the treaty of cession with Russia of March 30, 1867, I now transmit herewith for the information and consideration of Congress a report of the Secretary of State upon the subject, with accompanying papers.

In view of the importance of the subject I recommend that provision be made by law for a preliminary survey of the boundary line in question by officers of the United States, in order that the information necessary for the basis of a treaty between this country and Great Britain for the establishment of a definite boundary line may be obtained; and I also recommend that the sum of $100,000, or so much thereof as may be necessary, be appropriated for the expenses of making such survey.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 17, 1886.

The PRESIDING OFFICER. The message will be referred to the Committee on Foreign Relations, and be printed.

Mr. BUTLER. It seems to me that the message ought to go to the Committee on Territories.

Mr. ALLISON. Perhaps it ought to be referred to the Committee on Appropriations, but I do not ask that.

The PRESIDING OFFICER. The message will be printed and lie on the table for further determination of the question of reference.

Mr. MANDERSON. My attention is called to the fact that in one of the communications from the President—I think that in reference to the boundary line of the Territory of Alaska—there is an accompanying map. It seems to me the printing of that map, which would be a matter of expense, had better be referred to the Committee on Printing.

The PRESIDING OFFICER. That order will be made, if there be no objection.

HOUSE BILL REFERRED.

The bill (H. R. 8762) making appropriations to supply deficiences in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, was read twice by its title, and referred to the Committee on Appropriations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BUTLER, it was

Ordered, That the memorial of the citizens of South Carolina and other papers relating to the claim of the Ursuline nuns be withdrawn from the files of the Senate and referred to the Committee on Claims.

EXECUTIVE SESSION.

Mr. CAMERON. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. LOGAN. I ask leave to report the bill appropriating money for the Military Academy. I desire to have it considered at this time. It will take but a moment. There are no amendments to the House bill.

Mr. CAMERON. I have moved an executive session. The Senator from Nebraska [Mr. VAN WYCK] informs me that he had not entirely finished his remarks, but he gives way to my motion.

Mr. LOGAN. It will not take ten minutes to dispose of this bill.

Mr. CAMERON. Report it to-morrow.

Mr. LOGAN. I had the impression heretofore that appropriation bills had the right of way.

Mr. CAMERON. My motion was made before the Senator interfered.

The PRESIDING OFFICER. The question in on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned to to-morrow, Tuesday, May 18, at 12 m.

NOMINATIONS.

Executive nominations received by the Senate this 17th day of May, 1886.

COLLECTOR OF CUSTOMS.

Joel Wilson, of Maine, to be collector of customs for the district of

York, Maine, *vice* Edward A. Bragdon, whose commission will expire May 18, 1886.

RECEIVER OF PUBLIC MONEYS.

S. S. Carnahan, of Concordia, Kans., to be receiver of public moneys at Concordia, Kans., *vice* Thomas Wrong, resigned.

REGISTERS OF LAND OFFICES.

George W. Munroe, of Bozeman, Mont., to be register of the land office at Bozeman, Mont., *vice* Oliver P. Chisholm, resigned.

A. F. Snelling, of Lakeview, Oreg., to be register of the land office at Lakeview, Oreg., *vice* Warren Truitt, resigned.

INDIAN AGENTS.

George W. Norris, of Woburn, Mass., to be agent for the Indians of the Nez Percé agency, in Idaho, *vice* Charles E. Monteith, commission expired.

John B. Scott, of Nevada, to be agent for the Indians of the Western Shoshone agency, in Nevada, *vice* John S. Mayhugh, whose term of office has expired.

Charles H. Yates, of Ukiah, Cal., to be agent for the Indians of the Round Valley agency, in California, *vice* Theodore F. Willsey, to be removed.

CONFIRMATION.

Executive nomination confirmed by the Senate May 17, 1886.

ASSISTANT SURGEON IN THE NAVY.

Charles Philip Henry, of Pennsylvania, to be an assistant surgeon in the Navy.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 17, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. JONES, of Texas, for this day.

To Mr. SHAW, for Monday (to-day) and Tuesday.

To Mr. HUTTON, for two weeks, on account of sickness.

To Mr. BARKSDALE, for this day, on account of sickness.

To Mr. WILKINS, of Ohio, indefinitely, on account of important business.

To Mr. ELY, for ten days, on account of important business.

PUBLIC BUILDING, EL PASO, TEX.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6665) for the erection of a public building at El Paso, Tex., and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States custom-house, post-office, and Federal courts, and for other Government uses, at El Paso, in the State of Texas. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 50 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Texas shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain owner thereof for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAYSON, from the Committee on Public Lands, reported, as a substitute for the bill H. R. 450, a bill (H. R. 8763) to forfeit the lands granted to the State of Florida to aid in the construction of certain railroads, &c.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES D. WOOD.

Mr. WAKEFIELD. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6337) for the relief of James D. Wood, and that the same be put upon its passage.

Mr. COX. I object.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of the States and Territories for the introduction of bills and resolutions.

Mr. DUNHAM. Mr. Speaker, has the regular order been called for?

The SPEAKER. The regular order has not been demanded.

Mr. DUNHAM. Then I ask unanimous consent to discharge the Committee of the Whole from the further consideration of Senate bill 263, which I ask to have read.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read the title: An act (S. 263) providing for the erection of a public building at Springfield, Mass.

Mr. BEACH. I call for the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

A. H. ALFREY.

Mr. PEEL introduced a bill (H. R. 8764) for the relief of Capt A. H. Alfrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. SOWELL.

Mr. PEEL also introduced a bill (H. R. 8765) to place the name of William J. Sowell on the roll of the Arkansas volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. R. DUNKELBERGER.

Mr. MARKHAM (by request) introduced a bill (H. R. 8766) for the relief of J. R. Dunkelberger; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROSANNA ROBEY.

Mr. MORROW introduced a bill (H. R. 8767) granting a pension to Rosanna Robey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HARLAN.

Mr. CLEMENTS introduced a bill (H. R. 8768) for the relief of George Harlan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DANIEL P. ROBERTS.

Mr. MORRISON introduced a bill (H. R. 8769) granting a pension to Daniel P. Roberts; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRIETTA PETERSDORF.

Mr. WARD, of Indiana, introduced a bill (H. R. 8770) granting a pension to Henrietta Petersdorf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS HADDEN.

Mr. COBB introduced a bill (H. R. 8771) for the relief of Thomas Hadden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS A. QUEEN.

Mr. COBB also introduced a bill (H. R. 8772) for the relief of Thomas A. Queen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. SWAN.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 8773) granting a pension to George W. Swan, Company H, Third Regiment Missouri Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLIE H. KING.

Mr. HOWARD introduced a bill (H. R. 8774) granting a pension to Allie H. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES AGNEW.

Mr. HOWARD also introduced a bill (H. R. 8775) for the relief of James Agnew, granting him a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES R. BURCHAM.

Mr. HOWARD also introduced a bill (H. R. 8776) for the relief of James R. Burcham, granting him a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSIDERATION OF PENSION BILLS.

Mr. MATSON introduced a resolution to fix two days for the consid-

eration of bills reported by the Committee on Invalid Pensions; which was referred to the Committee on Invalid Pensions.

SUSAN WILSON.

Mr. MATSON also introduced a bill (H. R. 8777) granting a pension to Susan Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN BAKER.

Mr. MATSON also introduced a bill (H. R. 8778) for the relief of Susan Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CHRISTIE.

Mr. MATSON also introduced a bill (H. R. 8779) granting a pension to Elizabeth Christie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY NALLY.

Mr. MATSON also introduced a bill (H. R. 8780) granting a pension to Mary Nally; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA A. KEELING.

Mr. MATSON also introduced a bill (H. R. 8781) granting a pension to Martha A. Keeling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY LAWSON.

Mr. MATSON also introduced a bill (H. R. 8782) granting a pension to Mary Lawson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. LOCKWOOD.

Mr. HOLMAN introduced a bill (H. R. 8783) granting a pension to Charles H. Lockwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the following be adopted as a substitute for clause 3 of Rule XXI of the House:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

SOLDIERS' HOME IN IOWA.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 8784) to authorize the location of a branch home for volunteer disabled soldiers in the State of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN H. HALE.

Mr. FULLER introduced a bill (H. R. 8785) increasing the pension of John H. Hale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. HEPBURN introduced a bill (H. R. 8786) granting a condemned cannon to Isminger Post, Grand Army of the Republic, at Chariton, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM THURSTON.

Mr. HEPBURN also introduced a bill (H. R. 8787) granting a pension to William Thurston, of Thayer, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATIONS OF CONDEMNED CANNON.

Mr. HEPBURN also introduced a bill (H. R. 8788) granting a condemned cannon to the Post of the Grand Army of the Republic at Allerton, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HEPBURN also introduced a bill (H. R. 8789) granting a condemned cannon to New Market Post of the Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT HAYS MILITARY RESERVATION, KANSAS.

Mr. HANBACK introduced a bill (H. R. 8790) to provide for the disposition of a portion of the Fort Hays military reservation in the State of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALLY W. RICE.

Mr. PETERS introduced a bill (H. R. 8791) granting a pension to Sally W. Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. H. M'ARTHUR.

Mr. PETERS also introduced a bill (H. R. 8792) granting a pension to W. H. H. McArthur; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. DEVOL.

Mr. FUNSTON introduced a bill (H. R. 8793) for the relief of E. Devol, of Company A, Twentieth Ohio Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. HURLEY.

Mr. FUNSTON also introduced a bill (H. R. 8794) for the relief of Benjamin F. Hurley, of Company A, Tenth Kansas Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERNARD CARLIN.

Mr. RYAN introduced a bill (H. R. 8795) granting a pension to Bernard Carlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HECTOR W. SUMMERS.

Mr. HALSELL introduced a bill (H. R. 8796) granting a pension to Hector W. Summers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. M'CLURE.

Mr. McCREARY introduced a bill (H. R. 8797) granting a pension to G. W. McClure, of Rock Castle County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. HAYS.

Mr. McCREARY also introduced a bill (H. R. 8798) granting a pension to Thomas J. Hays, of Rock Castle County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN BRANDENBERG.

Mr. McCREARY also introduced a bill (H. R. 8799) granting a pension to Jonathan Brandenberg, late private Company E, Fourteenth Kentucky Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. C. JAMESON.

Mr. LAFFOON introduced a bill (H. R. 8800) for the relief of R. C. Jameson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCIE A. JAMESON.

Mr. LAFFOON also introduced a bill (H. R. 8801) for the relief of Lucie A. Jameson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES W. HAMPTON.

Mr. LAFFOON also introduced a bill (H. R. 8802) for the relief of Charles W. Hampton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES O. KNOX.

Mr. LAFFOON also introduced a bill (H. R. 8803) for the relief of James O. Knox; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES R. RASH.

Mr. LAFFOON also introduced a bill (H. R. 8804) for the relief of James R. Rash; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. RIDDLE.

Mr. LAFFOON also introduced a bill (H. R. 8805) for the relief of George W. Riddle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM W. ANDERSON.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 8806) for the relief of William W. Anderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CANCELLATION LAND RESERVATIONS, LOUISIANA.

Mr. GAY introduced a bill (H. R. 8807) to cancel certain reservations of land on account of live-oak, in the southwestern land district, State of Louisiana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

M. A. LEDET.

Mr. GAY also introduced a bill (H. R. 8808) for the relief of M. A. Ledet, late United States consul at Tuxpan, Mexico, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASHLEY C. RICE.

Mr. LOVERING introduced a bill (H. R. 8809) granting a pension to Ashley C. Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. FOOT.

Mr. COMSTOCK introduced a bill (H. R. 8810) for the payment of veteran bounty to William R. Foot, Company H, Twenty-first Regiment Michigan Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN M. WATROUS.

Mr. CUTCHEON introduced a bill (H. R. 8811) for the relief of Edward M. Watrous; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELLA A. ARCHER.

Mr. HALE introduced a bill (H. R. 8812) granting a pension to Ella A. Archer, widow of M. P. Archer, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. W. W. MANTLO.

Mr. HALE also introduced a bill (H. R. 8813) for the relief of Dr. W. W. Mantlo, of Mercer County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

O. P. PHILLIPS.

Mr. HALE also introduced a bill (H. R. 8814) for the relief of O. P. Phillips, of Sullivan County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN E. CARTER.

Mr. HALE also introduced a bill (H. R. 8815) granting a pension to John E. Carter, of Grundy County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY MURPHY.

Mr. HATCH introduced a bill (H. R. 8816) for the relief of Nancy Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SMITH V. CAMPBELL.

Mr. BURNES (by Mr. DOCKERY) introduced a bill (H. R. 8817) granting a pension to Smith V. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK DIERKING.

Mr. BURNES (by Mr. DOCKERY) introduced a bill (H. R. 8818) granting a pension to Frederick Dierking; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMPLOYÉS OF THE UNITED STATES NAVY-YARDS.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 8819) to grant leave of absence to employés of United States navy-yards; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

SOPHIA BUMP.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8820) for the relief of Sophia Bump; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY B. STURGIS.

Mr. DORSEY introduced a bill (H. R. 8821) granting a pension to Henry B. Sturgis, late captain and aid-de-camp, United States volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZARDUS JEWELL.

Mr. DORSEY also introduced a bill (H. R. 8822) granting a pension to Zardus Jewell, late sergeant Company K, Ninety-second Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. DEVALL.

Mr. DORSEY also introduced a bill (H. R. 8823) granting a pension to James M. Devall, late private Company O, Sixth Regiment West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. PLAISTED.

Mr. HAYNES introduced a bill (H. R. 8824) increasing the pension of James W. Plaisted; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT ATLANTIC CITY, N. J.

Mr. BUCHANAN introduced a bill (H. R. 8825) for the erection of a public building at Atlantic City, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY M. THOMPSON.

Mr. BUCHANAN also introduced a bill (H. R. 8826) granting a pension to Mary M. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BUCHANAN.

Mr. PIDCOCK introduced a bill (H. R. 8827) granting a pension to John Buchanan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILES WRIGHT.

Mr. PIDCOCK also introduced a bill (H. R. 8828) granting a pension to Giles Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB TEITS.

Mr. PIDCOCK also introduced a bill (H. R. 8829) granting a pension to Jacob Teits; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON GARRIS.

Mr. PIDCOCK introduced a bill (H. R. 8830) granting a pension to Aaron Garris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN JOHNSON.

Mr. PIDCOCK also introduced a bill (H. R. 8831) granting a pension to John Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH E. DILTS.

Mr. PIDCOCK also introduced a bill (H. R. 8832) granting a pension to Elizabeth E. Dilts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. BURD.

Mr. PIDCOCK also introduced a bill (H. R. 8833) granting a pension to Samuel W. Burd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM P. GRIGGS.

Mr. PIDCOCK also introduced a bill (H. R. 8834) granting a pension to Abraham P. Griggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB CASE.

Mr. PIDCOCK also introduced a bill (H. R. 8835) granting a pension to Jacob Case; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MILLER.

Mr. PIDCOCK also introduced a bill (H. R. 8836) granting a pension to John Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN Q. A. BROKAW.

Mr. PIDCOCK also introduced a bill (H. R. 8837) granting a pension to John Q. A. Brokaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISE PAUL.

Mr. VIELE introduced a bill (H. R. 8838) granting a pension to Louise Paul; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. WRIGHT.

Mr. HIRES introduced a bill (H. R. 8839) to remove the charge of desertion from the record of James L. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTIFICIAL BUTTER.

Mr. BEACH introduced a bill (H. R. 8840) to regulate the manufacture and sale of artificial butter in the District of Columbia and in the Territories and Government reservations, and to regulate commerce in such butter with foreign nations and among the several States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PATRICK DALEY.

Mr. ARNOT introduced a bill (H. R. 8841) for the relief of Patrick Daley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM W. FORD.

Mr. ARNOT also introduced a bill (H. R. 8842) for the relief of

William W. Ford, late a private of Battery D, Fifth United States Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

Mr. SWINBURNE introduced a bill (H. R. 8843) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JAMES E. ATKINS.

Mr. BURLEIGH introduced a bill (H. R. 8844) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against James E. Atkins; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS L. RYAN.

Mr. JOHNSON, of New York, introduced a bill (H. R. 8845) to increase the pension of Thomas L. Ryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD HAMBLIN.

Mr. MERRIMAN introduced a bill (H. R. 8846) to pay Richard Hamblin the difference between the pay of sergeant of artillery and sergeant of engineers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILA CLARK.

Mr. WEBER introduced a bill (H. R. 8847) for the relief of Phila Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON NOTES OF STATE BANKS.

Mr. BENNETT introduced a bill (H. R. 8848) to repeal the tax of 10 per cent. on notes of State banks used as circulation; which was read a first and second time, and referred to the Committee on Banking and Currency, and ordered to be printed.

DIGEST OF INTERNATIONAL LAW.

Mr. COX introduced a joint resolution (H. Res. 173) authorizing the publication of an edition of a digest of international law edited by Francis Wharton; which was read a first and second time, and referred to the Committee on Printing.

SARAH A. HOOPER.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. H. 8849) granting an increase of pension to Sarah A. Hooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM LAIRD.

Mr. MCKINLEY introduced a bill (H. R. 8850) granting a pension to William Laird, late a private Company F, Fourth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPROPRIATIONS COVERED INTO TREASURY.

Mr. LITTLE (by Mr. COOPER) introduced a bill (H. R. 8851) to authorize the covering into the Treasury of specific items of appropriation in certain cases; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

THOMAS J. SUTTON.

Mr. ELLSBERRY introduced a bill (H. R. 8852) for the relief of Thomas J. Sutton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VALENTINE VANGUNDY.

Mr. ELLSBERRY also introduced a bill (H. R. 8853) for the relief of Valentine Vangundy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. J. ARMENTROUT.

Mr. ELLSBERRY also introduced a bill (H. R. 8854) granting a pension to J. J. Armentrout, Company D, Fourth Regiment United States Artillery, in the war with Mexico, 1846; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HUGH M'SURELY.

Mr. ELLSBERRY also introduced a bill (H. R. 8855) granting a pension to Hugh McSurely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORGAN TEDRICK.

Mr. ELLSBERRY also introduced a bill (H. R. 8856) granting a pension to Morgan Tedrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CASSIUS BEEBE.

Mr. SENEY introduced a bill (H. R. 8857) granting a pension to Cassius Beebe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN FINNEGAN.

Mr. SENEY also introduced a bill (H. R. 8858) granting a pension to Ann Finnegan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. L. DOZER.

Mr. SENEY also introduced a bill (H. R. 8859) granting a pension to J. L. Dozer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMELINE HARRIS.

Mr. GEDDES introduced a bill (H. R. 8860) granting a pension to Emeline Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER PUTERBAUGH.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 8861) granting an increase of pension to Alexander Puterbaugh, late of Company D, Sixty-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD MANION.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8862) granting a pension to Edward Manion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. MILLER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8863) granting a pension to John W. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN FRANKLIN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8864) granting a pension to Benjamin Franklin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL M. O'DOWD.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8865) granting a pension to Michael M. O'Dowd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD DARRY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8866) granting a pension to Edward Darry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. HETZLER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8867) granting a pension to John M. Hetzler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. W. LEIGHT.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 8868) granting a pension to J. W. Leight; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HENRIETTA M. DRUM HUNT.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. CATHARINE S. M'MAHAN.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 8870) granting a pension to Mrs. Catharine S. McMahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ACCOUNTS PENNSYLVANIA RAILROAD COMPANY.

Mr. O'NEILL, of Pennsylvania (by request), also submitted the following resolution; which was read, and referred to the Committee on Expenditures in the Treasury Department:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a copy of all papers in the case of the Pennsylvania Railroad Company, audited and reported for payment by the Secretary of the Treasury in the Forty-eighth Congress, and finally disallowed by the Secretary of the Treasury, and so reported to this the Forty-ninth Congress. (See evidence, Document House of Representatives, 210, page 23; settlement 4889, &c., 1884.)

BILLS INTRODUCED BY REQUEST.

Mr. O'NEILL, of Pennsylvania, also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Committee on Rules be requested to recommend a rule requiring that there be printed in the Journal, and on the bills which are presented by request, the words "by request."

WILSON E. REED.

Mr. FLEEGER introduced a bill (H. R. 8871) granting a pension to

Wilson E. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOTTLIEB KAFER.

Mr. FLEEGER also introduced a bill (H. R. 8872) granting a pension to Gottlieb Kafer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. LOWREY.

Mr. SWOPE introduced a bill (H. R. 8873) providing for an increase of pension to Charles L. Lowrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHAMBERS C. MULLIN.

Mr. SWOPE also introduced a bill (H. R. 8874) to increase the pension of Chambers C. Mullin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. SALLIE M. STEWART.

Mr. SWOPE also introduced a bill (H. R. 8875) granting a pension to Mrs. Sallie M. Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. STAIR.

Mr. SWOPE also introduced a bill (H. R. 8873) to restore the name of William C. Stair to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUITS AGAINST THE UNITED STATES.

Mr. ERMENTROUT introduced a bill (H. R. 8877) to provide for bringing suits against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN SHROYER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 8878) granting a pension to John Shroyer, late a member of Company C, Two hundred and tenth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SWIFT.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 8879) granting a pension to William Swift; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS TENNESSEE RIVER, CHATTANOOGA.

Mr. NEAL introduced a bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIBONE introduced a bill (H. R. 8881) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN CAMPBELL.

Mr. PETTIBONE also introduced a bill (H. R. 8882) for the relief of John Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. H. AND R. E. GOODWIN.

Mr. PETTIBONE also introduced a bill (H. R. 8883) for the relief of L. H. and R. E. Goodwin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIAS BEAL.

Mr. PETTIBONE also introduced a bill (H. R. 8884) for the relief of Elias Beal, captain Company H, One hundred and fifth Regiment Tennessee Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 5258 REVISED STATUTES.

Mr. HOUK (by Mr. PETTIBONE) introduced a bill (H. R. 8885) to amend section 5258 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF TOBACCO FREE OF TAX.

Mr. GLASS introduced a bill (H. R. 8886) to enable tobacco planters to sell tobacco raised or produced by them free from any internal-revenue tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES F. CULLEN.

Mr. MCMILLIN (by request) introduced a bill (H. R. 8887) for the relief of James F. Cullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. HUCKABEE.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 8888) for the relief of John W. Huckabee, of Decatur County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. J. KRAHEY.

Mr. THROCKMORTON (by request) introduced a bill (H. R. 8889) for the relief of John R. J. Krahey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RECEIVERSHIPS.

Mr. REAGAN introduced a bill (H. R. 8890) to limit the powers of circuit and district courts and judges of the United States in the matter of receiverships; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

R. L. MUNSON.

Mr. GROUT introduced a bill (H. R. 8891) granting a pension to R. L. Munson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAHALA DEXTER.

Mr. GROUT also introduced a bill (H. R. 8892) granting a pension to Mahala Dexter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIA P. RANDOLPH AND OTHERS.

Mr. WILSON introduced a bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quitclaim and release to a certain alley in Washington to Cornelia P. Randolph and others; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FISHWAYS AT GREAT FALLS.

Mr. WILSON also submitted a resolution calling on the Secretary of War for information as to the erection of fishways at the Great Falls of the Potomac, as directed by act of July 15, 1882; which was referred to the Committee on Appropriations.

CALEB SMITH.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 8894) to correct the records of the War Department as to the date of death of First Lieut. Caleb Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM PATCHELL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8895) to place on the pension-roll the name of William Patchell, a pilot in the service of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. A. AYERS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8896) to restore to the pension-roll M. A. Ayers, of Smithville, Ritchie County, West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'CAFFREY.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8897) to remove the charge of desertion and grant an honorable discharge to James McCaffrey, a member of Company B, Third West Virginia Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES LOYD.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8898) granting a pension to James Loyd, late a member of Company H, Third Regiment West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB E. ISRAEL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8899) granting a pension to Jacob E. Israel, of Company M, First Regiment West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. MARSHALL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8900) granting a pension to Thomas H. Marshall, of Company C, First Regiment West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL C. VICKERS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8901) granting a pension to Samuel C. Vickers, late a member of Company E, Thirteenth Regiment West Virginia Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARIA HILL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8902)

granting a pension to Mrs. Maria Hill, dependent mother of Jesse L. Hill, late of Company K, Thirteenth Regiment West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN M. COVANOVAN.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8903) for the relief of Susan M. Covanovan, sole surviving heir of the late Mary Ann Covanovan, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL ROUSH.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8904) for the relief of Daniel Roush, of New Haven, Mason County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CALVIN DOUGLASS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8905) for the relief of Calvin Douglass, of Jackson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that he had examined and found duly enrolled the bill (H. R. 7938) to authorize the Washington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River; when the Speaker signed the same.

D. D. HOLBERT.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 8906) for the relief of D. D. Holbert, of Gilmer County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. W. WATSON.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8907) for the relief of G. W. Watson, of Parkersburg, W. Va.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM LARGE.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8908) for the relief of William Large, of Wayne County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INDIGENT SOLDIERS OF THE MEXICAN WAR.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8909) for the relief of indigent soldiers of the Mexican war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS B. KLINE.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8910) for the relief of Thomas B. Kline, executor, &c., of J. A. Kline, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABSALOM WESTFALL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8911) for the relief of Absalom Westfall, of Gilmer County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRAUDULENT CLAIMS AGAINST FOREIGN GOVERNMENTS.

Mr. GUENTHER introduced a bill (H. R. 8912) to prevent and punish the prosecution, under the protection of the United States, of fraudulent claims against foreign governments; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GEORGE W. EVANS.

Mr. PRICE introduced a bill (H. R. 8913) for the relief of George W. Evans; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ERNEST DESJARDINS.

Mr. PRICE also introduced a bill (H. R. 8914) granting an increase of pension to Ernest Desjardins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY SMITH.

Mr. PRICE (by request) also introduced a bill (H. R. 8915) for the relief of Nancy Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IGNACIA SYLVA.

Mr. JOSEPH introduced a bill (H. R. 8916) for the relief of Ignacia Sylva; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

QUIRINO GALLEGOS.

Mr. JOSEPH introduced a bill (H. R. 8917) for the relief of Quirino Gallegos; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THE MAXWELL GRANT.

Mr. JOSEPH also introduced the following resolution; which was read, and referred to the Committee on the Public Lands:

Whereas, in pursuance of a decision of the Secretary of the Interior of December 31, 1869, the surveyor-general of New Mexico was instructed, on January 23, 1874, to regard and treat the entire tract claimed as the Beaubien and Miranda or Maxwell grant "as public land and extend the public surveys over the same;" and

Whereas said Maxwell grant tract for the past nine years has not been treated as public land, but as a private land claim; and

Whereas the settlers within the limits of the Maxwell grant tract claim protection as pre-emption claimants to the public lands until such time as said decision of December 31, 1869, upon which their rights depend, may have been regularly reversed: Therefore,

Be it resolved, That the Secretary of the Interior be, and is hereby, requested to inform the House of Representatives whether in the Land Department or in the courts there has been instituted a direct proceeding for the especial purpose of having said decision of the Secretary of the Interior of December 31, 1869, judicially annulled; and if so, whether such proceeding resulted in a formal decree of reversal.

DAVID B. CORDELL.

Mr. HEARD introduced a bill (H. R. 8918) for the relief of David B. Cordell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS MARION HUNTER.

Mr. HEARD also introduced a bill (H. R. 8919) for the relief of Francis Marion Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. JONES.

Mr. NEECE introduced a bill (H. R. 8920) granting a pension to George W. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTONIO MARQUEZ.

Mr. ST. MARTIN introduced a bill (H. R. 8921) for the relief of Antonio Marquez; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY EAST.

Mr. FINDLAY introduced a bill (H. R. 8922) for the relief of Henry East; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. SEYMOUR introduced a bill (H. R. 8923) to amend "an act in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, and referred to the Committee on Ways and Means.

SELMA AND MERIDIAN RAILROAD.

Mr. SADLER introduced a bill (H. R. 8924) to authorize the Secretary of War to open and readjust the settlement made by the United States Government and the Selma and Meridian Railroad of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 3480 REVISED STATUTES.

Mr. McRAE introduced a bill (H. R. 8925) to repeal section 3480 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

M. W. LOCKE.

Mr. McRAE also introduced a bill (H. R. 8926) for the relief of M. W. Locke, deceased, late postmaster at Lockesburg, Ark.; which was read a first and second time, referred by unanimous consent to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

EULA E. HENRY.

Mr. McRAE also introduced a bill (H. R. 8927) for the relief of Miss Eula E. Henry; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

R. R. TINSLEY.

Mr. McRAE also introduced a bill (H. R. 8928) for the relief of R. R. Tinsley; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CAROLINE A. GROSHON.

Mr. STAHLNECKER introduced a bill (H. R. 8929) granting a pension to Caroline A. Groshon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRUST FUNDS, ETC., IN CUSTODY OF DEPARTMENTS.

Mr. HEWITT introduced the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of State, the Secretary of War, the Secretary of the Treasury, the Attorney-General, the Postmaster-General, the Secretary of

the Navy, and the Secretary of the Interior be required respectively to furnish this House with a full and complete schedule of all trust funds in their custody, from whom and when received, to whom due, where held, and amounts of same; the amount of the unexpended balance of the Geneva award available for the payment of the judgments of the Court of Alabama Claims; and all other unexpended balances in the custody of the above-named officers of the Government; the estimated amount required for repayment to importers of excess of custom dues, and any and all claims, of whatever nature, estimated and ascertained, which may within the fiscal year become a liability against the Treasury of the United States.

COL. JONATHAN D. STEVENSON.

Mr. HEWITT also introduced concurrent resolutions of the Legislature of the State of New York commending Col. Jonathan D. Stevenson to the favorable consideration of Congress; which were read, and referred to the Committee on Pensions.

EUGENE E. M'LEAN.

Mr. HEWITT also introduced a bill (H. R. 8930) to relieve Eugene E. McLean, of the State of New York, of disabilities under the fourteenth amendment of the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREDERICK MARTIN.

Mr. HEWITT also introduced a bill (H. R. 8931) for the relief of Frederick Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE OF ABSENCE, BUREAU OF PRINTING AND ENGRAVING.

Mr. REID, of North Carolina, introduced a bill (H. R. 8932) granting leave of absence to employés in the Bureau of Printing and Engraving; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. WEAVER, of Iowa, introduced a bill (H. R. 8933) granting a condemned cannon to Grand Army post at Montezuma, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. M. SAILORS.

Mr. STEELE introduced a bill (H. R. 8934) for the relief of H. M. Sailors; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 5258 REVISED STATUTES.

Mr. ADAMS, of Illinois (by request), introduced a bill (H. R. 8935) to amend section 5258 Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY M. DEVONE.

Mr. DAVIDSON, of Florida (by request), introduced a bill (H. R. 8936) for the relief of Mary M. Devone; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MONUMENT TO EDWIN M. STANTON.

Mr. BOUTELLE introduced a bill (H. R. 8937) for the erection of a monument to the late Edwin M. Stanton; which was read a first and second time, the second reading being in full, at the request of Mr. BOUTELLE.

Mr. BOUTELLE. Mr. Speaker, is it now in order to ask unanimous consent to put this bill upon its passage immediately?

The SPEAKER. The Chair thinks not. This is simply a continuation of the call of States and Territories for the introduction of bills and resolutions.

Mr. BOUTELLE. Then I ask the reference of the bill to the Committee on the Library.

The bill was referred to the Committee on the Library, and ordered to be printed.

JOHN B. EADS.

Mr. CANNON introduced a bill (H. R. 8938) for the relief of John B. Eads; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF WILLIAM BLAIR LORD.

Mr. REED, of Maine, introduced a resolution for the relief of the estate of the late William Blair Lord; which was referred to the Committee on Accounts.

DUTIES PAID BY EXPORTERS OF FRUITS.

Mr. FELTON introduced a bill (H. R. 8939) to refund to exporters of fruits duties paid on imported sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM C. DIAL.

Mr. TOWNSHEND introduced a bill (H. R. 8940) for the relief of William C. Dial; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. J. ROBINSON.

Mr. TOWNSHEND also introduced a bill (H. R. 8941) granting a pension to A. J. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DWYER TRACY.

Mr. TOWNSHEND also introduced a bill (H. R. 8942) increasing the pension of Dwyer Tracy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WESLEY PHILLIPS.

Mr. TOWNSHEND also introduced a bill (H. R. 8943) for the relief of Wesley Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY OGLESBY.

Mr. TOWNSHEND also introduced a bill (H. R. 8944) for the relief of Henry Oglesby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GANT.

Mr. TOWNSHEND also introduced a bill (H. R. 8945) granting a pension to John Gant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS CHASE.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 8946) granting a pension to Thomas Chase, formerly of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADALENA T. BLICK.

Mr. BRADY (by request) introduced a bill (H. R. 8947) for the relief of Adalena T. Blick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

U. S. GRANT POST, KANSAS.

Mr. RYAN introduced a bill (H. R. 8948) donating condemned cannon, carriage, and cannon balls to U. S. Grant Post, Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LUKE HOROBIN.

Mr. STRUBLE introduced a bill (H. R. 8949) granting a pension to Luke Horobin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS SORRELL.

Mr. DANIEL introduced a bill (H. R. 8950) to remove the political disabilities of Francis Sorrell; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELLEN S. NEWCOMER.

Mr. HITT introduced a bill (H. R. 8951) for the relief of Ellen S. Newcomer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE P. NELSON.

Mr. TAULBEE introduced a bill (H. R. 8952) for the relief of Jesse P. Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH F. DONALDSON.

Mr. BARBOUR introduced a bill (H. R. 8953) for the relief of Sarah F. Donaldson, of Fairfax County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPAGNIE GÉNÉRALE TRANSATLANTIQUE.

Mr. BELMONT introduced a bill (H. R. 8954) referring to the Court of Claims the claim of Compagnie Générale Transatlantique for tonnage illegally exacted; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOSEPH KUGLER.

Mr. EVERHART (by request) introduced a bill (H. R. 8955) granting a pension to Joseph Kugler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH B. SHUEY.

Mr. LANDES (by request) introduced a bill (H. R. 8956) granting a pension to Elizabeth B. Shuey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ROUTIER.

Mr. LANDES (by request) also introduced a bill (H. R. 8957) granting a pension to John Routier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WATSON I. WHEELER.

Mr. LANDES (by request) also introduced a bill (H. R. 8958) for the relief of Watson I. Wheeler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RHODA C. COCHRAN.

Mr. DAWSON introduced a bill (H. R. 8959) for the relief of Rhoda C. Cochran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE HOLMES.

Mr. DAWSON also introduced a bill (H. R. 8960) for the relief of Jane Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH VANTINE.

Mr. BINGHAM introduced a bill (H. R. 8961) granting a pension to Sarah Vantine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EARL D. PERCY.

Mr. BINGHAM also introduced a bill (H. R. 8962) granting a pension to Earl D. Percy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL FITZPATRICK.

Mr. KETCHAM introduced a bill (H. R. 8963) granting a pension to Michael Fitzpatrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. SCOTT.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 8964) for the relief of John W. Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET W. SHACKLETT.

Mr. STONE, of Kentucky, introduced a bill (H. R. 8965) for the relief of Harriet W. Shacklett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ADAMS, of New York. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills.

The question was taken; and on a division there were—ayes 72, noes 70.

Mr. O'DONNELL. I demand tellers.

Tellers were ordered.

Mr. HENDERSON, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON, of Iowa. If this motion prevails will that prevent us from going ahead with the regular order for Monday's business?

The SPEAKER. As long as the consideration of the appropriation bill shall be continued by the House it would prevent the consideration of other business to-day.

Mr. RANDALL. I desire to say that this appropriation bill ought to be immediately considered and passed. It makes provision among other things for printing the RECORD; and meet pension deficencies; also to pay the Army. It will not take any length of time, in all human probability.

Mr. HISCOCK. I desire to inquire if there is to be any general debate, or if it is to be passed speedily?

Mr. RANDALL. That is a matter to be regulated by the House. Whatever debate is necessary to explain fully the terms of the bill will be allowed; but so far as the committee are concerned there is no desire to debate the bill.

The SPEAKER. Tellers being ordered, the Chair will appoint the gentleman from Michigan, Mr. O'DONNELL, and the gentleman from New York, Mr. ADAMS.

The House again divided; and the tellers reported—ayes 76, noes 85.

Mr. ADAMS, of New York. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. REED, of Maine. I hope it will be understood [cries of "Regular order!"] that this is against temperance legislation. [Cries of "Regular order!"]

The SPEAKER. The Clerk will call the roll.

Mr. RANDALL. I hope the gentleman from Maine will be allowed to make his statement, but coupled with the condition that an opportunity is given for a reply. [Cries of "Regular order!"]

Mr. REED, of Maine. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REED, of Maine. How does this motion become in order? This is suspension day.

The SPEAKER. The day is not set apart exclusively for suspensions. It is simply in order to move to suspend the rules to-day; but the gentleman from New York, before the Chair had proceeded to call the committees, rose and made the motion, which is also in order.

Mr. REED, of Maine. I never heard it made on suspension day before.

The SPEAKER. The Chair thinks the gentleman is mistaken.

Mr. MCMILLIN. There were several recognitions to-day before the regular order was demanded.

The SPEAKER. The Clerk will call the roll.

The question was taken; it was decided in the affirmative—yeas 119, nays 105, not voting 98; as follows:

YEAS—119.

Adams, J. J.	Dawson,	King,	Sayers,
Allen, J. M.	Dibble,	Laffoon,	Scott,
Ballentine,	Dockery,	Landes,	Seymour,
Barbour,	Dowdney,	Lawler,	Singleton,
Barnes,	Dunn,	Lore,	Skinner,
Beach,	Eldredge,	Lovering,	Sowden,
Belmont,	Ellsberry,	Martin,	Stahlnecker,
Bennett,	Ermentrout,	Matson,	Stewart, Charles
Blanchard,	Findlay,	Maybury,	St. Martin,
Bland,	Fisher,	McCreary,	Stone, W. J., Ky.
Breckinridge, C. R.	Ford,	McMillin,	Stone, W. J., Mo.
Breckinridge, W. C. P.	Forney,	McRae,	Swope,
Bynum,	Gay,	Merriman,	Tarsney,
Cabell,	Glass,	Miller,	Taulbee,
Caldwell,	Green, R. S.	Mills,	Taylor, J. M.
Campbell, Felix	Green, W. J.	Mitchell,	Throckmorton,
Campbell, J. E.	Hall,	Morgan,	Tillman,
Campbell, T. J.	Halsell,	Morrison,	Townshend,
Clements,	Hammond,	Murphy,	Trigg,
Cobb,	Harris,	Neal,	Tucker,
Comstock,	Hatch,	Peel,	Turner,
Cowles,	Hemphill,	Perry,	Van Eaton,
Cox,	Henderson, J. S.	Pindar,	Ward, J. H.
Crisp,	Herbert,	Randall,	Ward, T. B.
Croxton,	Hewitt,	Reagan,	Warner, A. J.
Culberson,	Holman,	Reese,	Wilson,
Curtin,	Howard,	Richardson,	Wise,
Daniel,	Hudd,	Riggs,	Woodburn,
Davidson, A. C.	Irion,	Rogers,	Worthington.
Davidson, R. H. M.	Johnston, T. D.	Sadler,	

NAYS—105.

Adams, G. E.	Fleeger,	McKinley,	Smalls,
Allen, C. H.	Fuller,	Milliken,	Spooner,
Anderson, J. A.	Geddes,	Morrill,	Steele,
Atkinson,	Goff,	Neece,	Stephenson,
Bayne,	Grout,	Nelson,	Stewart, J. W.
Bingham,	Guenther,	O'Donnell,	Stone, E. F.
Bound,	Hayden,	O'Neill, Charles	Strait,
Boutelle,	Haynes,	O'Neill, J. J.	Struble,
Brady,	Henderson, D. B.	Osborne,	Swinburne,
Browne, T. M.	Henderson, T. J.	Outhwaite,	Symes,
Brown, C. E.	Hepburn,	Owen,	Taylor, E. B.
Brown, W. W.	Herman,	Payne,	Taylor, Zach.
Buchanan,	Hiestand,	Payson,	Thomas, O. B.
Buck,	Hiscock,	Perkins,	Wade,
Bunnell,	Hitt,	Peters,	Wadsworth,
Burrows,	Jackson,	Pettibone,	Wait,
Campbell, J. M.	James,	Plumb,	Wakefield,
Cannon,	Johnson, F. A.	Price,	Weaver, A. J.
Conger,	Johnston, J. T.	Reed, T. B.	Weaver, J. B.
Cooper,	Kelley,	Reid, J. W.	Weber,
Cutcheon,	Ketcham,	Rice,	White, Milo
Dingley,	Laird,	Rockwell,	Whiting,
Dorsey,	Lindsley,	Rowell,	Willis,
Dunham,	Louttit,	Ryan,	Wolford.
Everhart,	Lyman,	Sawyer,	
Farquhar,	Markham,	Scranton,	
Felton,	McKenna,	Sessions,	

NOT VOTING—98.

Aiken,	Davis,	Jones, J. H.	Pidcock,
Anderson, C. M.	Dougherty,	Jones, J. T.	Pirce,
Arnot,	Eden,	Kleiner,	Ranney.
Baker,	Ely,	La Follette,	Robertson,
Barksdale,	Evans,	Lanham,	Romeis,
Barry,	Foran,	Le Fevre,	Seney,
Bliss,	Frederick,	Lehlbach,	Shaw,
Blount,	Funston,	Libbey,	Snyder,
Boyle,	Gallinger,	Little,	Spriggs,
Bragg,	Gibson, C. H.	Long,	Springer,
Brumm,	Gibson, Eustace	Lowry,	Storm,
Burleigh,	Gilfillan,	Mahoney,	Taylor, I. H.
Burnes,	Glover,	McAdoo,	Thomas, J. R.
Butterworth,	Grosvenor,	McComas,	Thompson,
Candler,	Hale,	Millard,	Van Schaick,
Carleton,	Hanback,	Moffatt,	Viele,
Caswell,	Harmer,	Morrow,	Warner, William
Catchings,	Heard,	Muller,	Wellborn,
Clardy,	Henley,	Negley,	West,
Cole,	Hill,	Norwood,	Wheeler,
Collins,	Hires,	Oates,	White, A. C.
Compton,	Holmes,	O'Ferrall,	Wilkins,
Crain,	Hopkins,	O'Hara,	Winans.
Dargan,	Houk,	Parker,	
Davenport,	Hutton,	Phelps,	

So the motion was agreed to.

Mr. ANDERSON, of Kansas. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following members were announced as paired:

Until further notice:

Mr. HUTTON with Mr. WARNER, of Missouri.

Mr. SENEY with Mr. ELY.

Mr. WILKINS with Mr. WEST.

Mr. LOWRY with Mr. MCCOMAS.

Mr. COLLINS with Mr. RICE.

Mr. NORWOOD with Mr. GILFILLAN.

Mr. WINANS with Mr. GROSVENOR.

Mr. MULLER with Mr. HOUK.

Mr. HENLEY with Mr. LITTLE.

Mr. MITCHELL with Mr. IKE H. TAYLOR.

Mr. ARNOT with Mr. LONG.

Mr. ROBERTSON with Mr. GALLINGER.
Mr. HILL with Mr. BAKER.
Mr. GIBSON, of West Virginia, with Mr. PIRCE.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. CARLETON with Mr. HOLMES.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. TARSNEY with Mr. CASWELL.
Mr. VIELE with Mr. HIRES.
For this day:
Mr. WELLBORN with Mr. NEGLEY.
Mr. PIDCOCK with Mr. DAVIS.
Mr. LE FEVRE with Mr. PARKER.
Mr. JONES, of Texas, with Mr. THOMPSON.
Mr. GIBSON, of Maryland, with Mr. EVANS.
Mr. SHAW with Mr. BUTTERWORTH.
Mr. BURNES with Mr. HOPKINS.
Mr. BARKSDALE with Mr. FUNSTON.
Mr. BRAGG with Mr. VAN SCHAICK.
Mr. MILLARD with Mr. BOYLE.
For this vote:
Mr. SPRINGER with Mr. MORROW.
Mr. ANDERSON, of Ohio, with Mr. HARMER.
Mr. KLEINER was announced as paired with Mr. DAVENPORT until Wednesday, May 19.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

URGENT DEFICIENCY BILL.

Mr. DINGLEY. I ask unanimous consent that at 3 o'clock the vote may be taken on the temperance education bill under the suspension of the rules.

Mr. RANDALL. I have no objection to that.

Several members called for the regular order.

The result of the vote was then announced as above stated.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union to consider the bill which will now be reported by the Clerk.

The Clerk read as follows:

A bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886.

Be it enacted, &c., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the objects hereinafter expressed for the fiscal year ending June 30, 1886, namely:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Department of State, and the Treasury Department, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $229,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely:

For printing and binding for Congress, including the proceedings and debates, $200,000; for the State Department, $5,000; for the Treasury Department, $24,000.

PENSIONS.

For Army and Navy pensions as follows: For invalids, widows, minor children, and dependent relatives, and survivors and widows of the war of 1812, $6,000,000: *Provided*, That the appropriations aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same may be sufficient for that purpose: *And provided further*, That the amount expended under each of the above items shall be accounted for separately.

PAY OF THE ARMY.

That so much of the unexpended balance of the appropriation for pay of the Army for the fiscal year ending June 30, 1885, as may be required, not to exceed $200,000, is hereby reappropriated and made available to supply a deficiency in the appropriation for pay of the Army for the fiscal year ending June 30, 1886.

NOTE.—Amount appropriated by this bill, $6,229,000.

Mr. ADAMS, of New York. I call for the reading of the report. It is very short, and explains the reasons why this bill is brought before the House at this time.

The report (by Mr. ADAMS, of New York) was read, as follows:

In presenting the accompanying bill providing for certain deficiencies in appropriations for the fiscal year 1886, and which are urgent, the Committee on Appropriations submit the following in explanation thereof:

The bill is based upon estimates submitted in House Ex. Docs. 86, 162, 176, 192, and 222, and upon representations from the various heads of the Departments that the amounts recommended are urgently and immediately necessary to aid in completing the service of the Government for the current fiscal year. The amounts recommended are for purposes as follows:

For public printing	$229,000
For pensions	6,000,000
	6,229,000

Provision is also made for the transfer of an unexpended balance of $200,000 from the appropriation for pay of the Army for 1885, to meet a deficiency for pay of the Army for 1886.

In addition to the reasons given in the executive documents above mentioned for the immediate appropriation of the sums named, attention is called to the letters of the Secretary of State, Public Printer, Commissioner of Pensions, and Paymaster-General, which are made a part of this report.

DEPARTMENT OF STATE, *Washington, May 8, 1886.*

SIR: Referring to my letter of the 26th ultimo, requesting an additional sum of $5,000 to cover expenses of printing and binding for this Department for the fiscal year ending June 30, 1886, I have the honor to repeat that the work now in the hands of the Public Printer is of such importance as to require immediate attention, and unless prompt action is taken by Congress to provide the amount necessary to complete the work for the fiscal year the public service will suffer.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

OFFICE OF PUBLIC PRINTER, *Washington, D. C., May 3, 1886.*

SIR: I regret to inform you, as intimated in my last annual report, that it will be necessary to appropriate not less than $200,000 to continue the operations of this office, including the publication of the CONGRESSIONAL RECORD, during the remainder of the fiscal year.

This action is necessary because of the reduction of the appropriation for the present fiscal year of $250,000 by Congress *without a corresponding reduction of orders for printing.*

In order to avoid a furlough, and the suspension of the publication of the CONGRESSIONAL RECORD, and the discontinuance of all work except such as was provided for by special appropriations, this appropriation should be available not later than the 25th instant.

Very respectfully,

S. P. ROUNDS, *Public Printer.*

Hon. S. J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

OFFICE OF PUBLIC PRINTER, *Washington, D. C., May 3, 1886.*

DEAR SIR: In preparing my estimate for the amount of appropriation required for the use of the Government Printing Office for the fiscal year beginning July 1, 1885, and closing June 30, 1886, it was necessary first to take into consideration the actual amount expended during the previous year, the average annual increase of the business of the office, and the fact that the new estimate would also have to provide for a long session of Congress, which included nearly four months' extra expenditure for printing the CONGRESSIONAL RECORD from March 4 to June 30, as well as a large quantity of extra Congressional work, such as bills, reports, &c., and such other extra expenditures as would naturally have to be provided for during the long session.

The following appropriations will indicate what has been heretofore provided:

For 1883, short session	$2,377,650
For 1884, long session	2,500,000
For 1885, short session	2,250,000
For 1886, long session	2,250,000

The House of Representatives reduced the amount to the sum of $2,000,000. At this time I was called before the Senate Committee on Appropriations for the purpose of giving them such information as they desired upon the subject, and I also addressed the chairman of the committee the following letter:

"OFFICE OF PUBLIC PRINTER, *Washington, D. C., March 3, 1885.*

"DEAR SIR: Please let me urge the committee to insist upon the $2,500,000 appropriation. If less is appropriated for the long session, in my judgment a deficiency will be necessary. There is plenty of work to be done.

"I have never asked for a deficiency, and if the Senate will insist upon its amendments the good record I have endeavored to make will not be broken the coming year.

"Very respectfully,

"S. P. ROUNDS, *Public Printer.*

"Hon. W. B. ALLISON,
"*Chairman Committee on Appropriations, United States Senate.*"

The Senate amended the bill by increasing the appropriation to $2,500,000, the same amount as was appropriated for the previous long session, but the conference committee reduced it to $2,250,000 ($426,107 less than the estimates), or the same sum that was appropriated for the previous fiscal year, which had only the short session of Congress.

This office has never, during my administration, found it necessary to ask for any deficiency, although its yearly increasing business has been promptly and satisfactorily done, and its machinery and facilities increased out of its regular appropriation; but judging from the general increase of business and having to provide for the large extra expenditure of a long session of Congress, I stated, in my annual report, that in my judgment, with a reduced appropriation, a deficiency bill would become necessary.

And I regret to say that although the expenses of the office have been kept at as low a figure as was possible, considering the largely increased expense of the long session, and the great excess of printing ordered by Congress over that of previous years, I find that this office will require an additional appropriation in order to print the CONGRESSIONAL RECORD, complete the work ordered by Congress, and carry it to the close of this fiscal year.

I have made a careful computation of the work in hand, and what I believe to be a correct estimate of the amount needed is $200,000 (required for the pay-rolls and the necessary materials for the month, which added to the amount of the appropriation will be $50,000 less than was appropriated for the last long session), and I would respectfully but urgently ask the Joint Committee on Printing to call the attention of the Committee on Appropriations to the matter, and request that immediate steps be taken to provide it in season for use not later than the 25th instant, as if not available at that date I shall, under the law, be compelled to suspend all further work, including the publication of the CONGRESSIONAL RECORD, except such as is provided for by special appropriation.

It may be proper for me to state that from the meeting of Congress in December last up to date it has ordered very much more work than ever before during the same period of time—as, for instance, the number of bills and resolutions printed to April 30 was 13,770, as against 10,761 up to the same date at the previous long session, the number of documents being 9,735, as against 7,874 during the same period, and other work in proportion.

The extra cost of the CONGRESSIONAL RECORD for this (the long) session over the short one, from March 4 to June 30, based upon its cost to the present time, will be, say, $60,000.

Had the appropriation for the present fiscal year been in proportion to that of the previous year, or had the amount estimated for been appropriated, or, after the reduction of the appropriation, had Congress made a corresponding reduction in orders for printing, it would not now be my unpleasant duty to urge upon the committee the importance of having this additional amount available for use by the 25th instant, so as not to be obliged to cut down the force or suspend

the business of the office, which would amount, in fact, to blocking the wheels of Congress and every Department of the Government.

Any further information desired by the committee I will be very glad to furnish promptly.

I have the honor to be, very respectfully, your obedient servant,

S. P. ROUNDS, *Public Printer.*

Hon. E. BARKSDALE,
Chairman Committee on Printing.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE.
Washington, D. C., May 13, 1886.

SIR: In connection with the interview had this morning with the subcommittee on deficiencies of the Committee on Appropriations, on the subject of the deficiency in the appropriation for the payment of invalid and other pensions for the present fiscal year, I have the honor to submit the following statement:

On the 8th day of May, instant, there was to the credit of this appropriation in the Treasury, as shown by the records of this office, available for the payment of Army pensions (including $53,884.77, pay and allowances, and $13,264.85, examining surgeons' fees), $5,674,206.76.

On the same day there was in the hands of the several United States pension agents, $2,576,804.08, making a total available of $8,251,010.84.

During the month of March last there was paid out for Army pensions for the quarter ending on the 4th day of that month, the sum of $11,251,543.80.

Since that date the pension-roll has continued to increase, and it is estimated that a sum not less than $12,750,000 will be required to meet the payments due June 4 next, which will be made prior to the expiration of the fiscal year, and it may not be improper to add that the experiences of this office is that the payments for the month of June are always largely in excess of those for any preceding month of a fiscal year.

There will therefore result in the appropriation for the payment of Army pensions a deficiency amounting to $4,498,989.16. In addition to this deficiency the sum of $1,000,000 will also be required to pay the increase provided by the act of Congress approved March 19, 1886, increasing the pension of widows, minors, and dependent relatives.

In explanation of this amount, it may be proper to state that there are ninety-nine thousand pensioners now on the rolls whose rates have been increased by this law, and that the increase in each case to June 4 next will be $10. This will make $900,000, and the additional $100,000 will be required to make final payments and in the settlement of claims to reimbursement by the accounting officers of the Treasury under section 4718 of the Revised Statutes.

The attention of the committee has been heretofore called to the necessity of providing for these deficiencies. I have the honor to request, therefore, that the sum of $6,000,000 be appropriated for the purposes stated, and that the action be speedily taken, so that the money shall be available not later than the 30th instant, as unless the money be appropriated without delay the appropriation will be exhausted in a few days after the 4th of next June, and the payment of all pensions will, as a consequence, terminate until the appropriation for the next fiscal year shall become available.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. CHAIRMAN SUBCOMMITTEE ON DEFICIENCIES OF
COMMITTEE ON APPROPRIATIONS, *House of Representatives.*

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, May 10, 1886.

SIR: I have the honor to invite your attention to a letter from this office dated April 20, 1886, submitting to the Secretary of War an estimate of the amount that will be required to supply a deficiency in the amount appropriated for pay, &c., of the Army for the fiscal year ending June 30, 1886.

As the balance now available for distribution will not be sufficient to complete the payment of the Army to June 30, it will be necessary, unless the funds requested are in the hands of the paymasters on or before that date, to direct that the payments on the muster of June 30 be suspended until the appropriation is made, or to make partial payment thereon.

It is very desirable, for reasons that will suggest themselves, that either of the above contingencies should be avoided. I would therefore respectfully urge as prompt action as possible in the matter.

Very respectfully, your obedient servant,

WM. B. ROCHESTER,
Paymaster-General, U. S. Army.

Hon S. J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

Mr. ADAMS, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 43 insert the following:

"Treasury Department:

"To enable the Secretary of the Treasury to transfer from the appropriation for contingent expenses Treasury Department, fuel, &c., 1886, a sum not exceeding $4,000 to supply a deficiency in the appropriation for contingent expenses Treasury Department, gas, &c., 1886."

The CHAIRMAN. The Chair will state that until general debate is closed amendments will not be in order.

Mr. ADAMS, of New York. I ask unanimous consent that all debate be now closed.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all general debate on the bill be closed, and that the committee proceed to consider it under the five-minute rule. Is there objection?

There was no objection.

Mr. ADAMS, of New York. I now offer the amendment which I sent up a few moments ago.

The amendment was again read, and was agreed to.

Mr. ADAMS, of New York. I move that the committee rise and report the bill to the House as amended.

Mr. TAULBEE. Before that is done I would like to ask a question of the gentleman in charge of the bill. I would like to know if this bill appropriates any money to pay for the printing of the Agricultural Reports for 1883 and 1884.

Mr. ADAMS, of New York. It does not. I understand the printing of those reports is provided for by special appropriations.

Mr. HATCH. It is.

Mr. MORRISON. Mr. Chairman, the Commissioner of Pensions is better advised than I am as to the necessity for this deficiency appropriation, and I do not question the propriety of it. In the annual report of the Commissioner he states that the amount paid for pensions during the fiscal year 1885 was $64,933,288, while the statement of the Treasury Department shows the amount to be $56,102,267. I assume that this discrepancy can be explained, but no explanation appears in the report of the Commissioner or in the Treasury statement, and there ought to be some explanation by the Committee on Pensions. If only the smaller sum, $56,000,000, was paid last year, there has been no such increase of the pension-list as would require the additional sum asked for deficiencies in this. The appropriation for this year already made is $60,000,000, and adding this $6,000,000 would make a total of $10,000,000 above the payment of last year, as appears from the Treasury statement, only one million of which results from the increase of widows' pensions. If only the amount shown by the Treasury statement was paid out, instead of requiring an additional sum of six millions, or five millions, only a small portion of that amount will be needed, and we shall have a considerable balance. That, of course, will not hurt us; but I do not see the propriety of making the appropriation larger than is needed to meet the necessities of the case. The end of this first full fiscal year under the present administration will show a very considerable reduction of national expenditure over the last year even with increased expenditures for pensions. It will show several millions addition to the receipts over last year, showing general frugal management.

Mr. RANDALL. The appropriation for the fiscal year 1886 was $60,000,000, and I take it for granted that that amount has been drawn by warrant by the Commissioner of Pensions, and that the amounts which appear as expenditures are the amounts shown by the final settlement with the pension agents as they stand upon the books of the Treasury. That is the only explanation I can give of the discrepancy. I have always thought that there ought to be closer correspondence in accounts between the Commissioner of Pensions and the Treasury Department in the particulars indicated by the gentleman from Illinois [Mr. MORRISON].

Mr. BROWN, of Pennsylvania. What is the actual difference?

Mr. RANDALL. It would be $12,000,000, including this deficiency; but when you come to look at the report of the Third Auditor you can see very plainly why these deficiencies of appropriations are required. He states that the rate of increase of pensions continues, and that since the 1st of April, 1885, there have been not less than forty thousand names added to the roll of pensioners. On the other hand, there have been a great many names taken off the roll—the gentleman from Illinois [Mr. MORRISON] I believe has heretofore indicated the number.

Mr. MORRISON. About fifteen thousand.

Mr. RANDALL. There have been about forty thousand added to the roll and about fifteen thousand taken from it, so that the net increase is about twenty-five thousand. The Third Auditor, in his very able report, for which, as indicating the manner of the conduct of his office, I desire publicly to thank him here, further says:

During the past month over eight thousand reports were received at the office from the Commissioner of Pensions, the largest number known in the history of the office.

These are the reasons, I take it, which have occasioned this deficiency. The Congress at its last session gave the full amount asked for, $60,000,000.

Mr. MORRISON. Mr. Chairman, I am not questioning the propriety of this deficiency, but I would like to be able to understand the propriety of a $10,000,000 discrepancy between the statement of the Commissioner of Pensions and the Treasury statement. If that were fully understood we could better judge of the probable amount of the deficiency.

Mr. RANDALL. I can account for it in no other way than as I have stated. I agree, Mr. Chairman, with the gentleman from Illinois [Mr. MORRISON] that there is no inexplicable procedure about the matter. Anything that is in excess is covered into the Treasury. If the pension agents at the end of the year have money on hand which has not been expended it goes back into the Treasury.

Mr. SPRINGER. Mr. Chairman, the manner in which the pension money is disbursed will furnish an explanation of this seeming discrepancy. The Commissioner of Pensions, in the first place, draws his warrants upon the Treasury for the amount in gross, and the money is placed to the credit of the pension agents throughout the country. Those agents place the funds in the national banks which are designated as depositories of the United States. That money represents the amount which the allowances of the Commissioner of Pensions call for. When the pension agents in the various localities make their disbursements to the pensioners they take vouchers, which show the amounts that they have actually paid out. Those vouchers are then sent to the Third Auditor of the Treasury, and he examines all the details of the disbursements by the pension agents, and finally determines how much of the money has reached the hands of the pensioners themselves; and between the time of the making of the allowances by the Commissioner of Pensions and the time when the accounts of the agents are finally adjusted this discrepancy appears. That is the explanation.

Mr. MORRISON. Mr. Chairman, that is an explanation which does not explain. The Treasury officials state that they have paid out

$56,000,000 for this purpose. The gentleman's explanation would show that the officials of the Pension Office have paid out more. I do not see how they can pay more than they get from the Treasury. They have no money except that drawn from the Treasury, the amount of the Treasury warrants.

Mr. SPRINGER. The Sergeant-at-Arms of this House draws the money for the pay of the members of the House for the month, but his account is not settled until he turns in the vouchers which he has received from members, and between the time when he draws the amount in gross and the time of making his final settlement there will appear a discrepancy between his account and the Treasury account.

Mr. CANNON. I apprehend also, Mr. Chairman, that the Third Auditor's statement is deferred not only until the vouchers are returned, but until they are examined and approved.

Mr. SPRINGER. That is what he states. His statement is not made until the vouchers have been turned over to the Treasury Department and examined and approved.

Mr. REAGAN. I desire to inquire whether the committee are informed as to the cause of the great increase in the number of pensions at this late period after the close of the war.

Mr. RANDALL. I suppose the reason is to be found in difficulties which have delayed the settlement of cases, and in the fact that as the soldiers of the late war grow older they feel greater necessity for applying to the Government for help. I think that in general claimants are now prosecuting their claims with greater anxiety and energy by reason of their greater physical necessities.

Mr. LAIRD (in an undertone) addressed a question to Mr. RANDALL.

Mr. RANDALL. I have not sought to draw any discrimination in this matter between the late administration and the present administration.

Mr. CUTCHEON. Can the gentleman inform us whether the number of new filings is greater now than in previous years?

Mr. RANDALL. The Third Auditor states that there continues to be a rapid increase in the number of allowances.

Mr. CANNON. I will ask the gentleman how it could be otherwise when for four years past the Pension Office has been working twice and a half as much force as it did, both in the field and in the office. In this way proofs have been accumulating from year to year, thus putting claims in a shape for final action, so that within a year or two past claims have been adjudicated and disposed of more rapidly than they were.

Mr. HISCOCK. Is it not true that within the last four years there has been a great deal of general legislation which has removed objections to claims already filed?

Mr. RANDALL. I think there has been very little legislation of that sort. At some other time when the consideration of the question will not obstruct other matters of legislation I would be glad to enter fully into a discussion as to the causes which have induced a more rapid payment of pensions by the present Commissioner than by the former.

Mr. LAIRD. Will this appropriation for printing permit the publication of the deferred report from the Bureau of Animal Industry?

Mr. RANDALL. Yes, sir.

Mr. LAIRD. That document is much needed in our country.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. ADAMS] that the committee rise and report the bill as amended to the House with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, directed him to report the same back as amended with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the amendment reported from the Committee of the Whole House on the state of the Union.

Mr. ADAMS, of New York. I call for the previous question upon the amendment and on ordering the bill to be engrossed for a third reading.

The previous question was ordered; and under the operation thereof the amendment reported from the Committee of the Whole on the state of the Union was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. COWLES. I demand the yeas and nays.

The yeas and nays were not ordered, only 4 voting in favor thereof.

The question being taken on the passage of the bill, there were—ayes 94, noes 4.

Mr. COWLES. No quorum.

Tellers were ordered; and Mr. COWLES, and Mr. ADAMS, of New York, were appointed.

The House again divided; and the tellers reported—ayes 163, noes 5.

So the bill was passed.

Mr. ADAMS, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON PACIFIC RAILROADS.

The SPEAKER. This being the third Monday of the month, the Chair will proceed to call the committees for motions to suspend the rules. The call rests with the Committee on Pacific Railroads.

Mr. RICHARDSON. Mr. Speaker, a month ago, when the Committee on Pacific Railroads was called, I moved, by direction of the committee, to suspend the rules and pass House bill No. 6667, a bill providing for the collection of certain fees from the Northern Pacific Railroad Company. By direction of the committee I now withdraw that motion, and move to suspend the rules so as to adopt a resolution which has been reported from the committee and is now on the Calendar. I ask that the resolution be read.

The SPEAKER. On the third Monday of last month the gentleman from Tennessee [Mr. RICHARDSON], by direction of the Committee on Pacific Railroads, moved to suspend the rules and pass a certain bill. A second was demanded, but before it was ordered by the House an adjournment took place. The gentleman now, by direction of the committee, as the Chair understands——

Mr. RICHARDSON. Yes, sir.

The SPEAKER. Withdraws that motion, which in fact is not yet before the House and could not be until seconded, and moves to suspend the rules so as to adopt the resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That Saturday, the 5th, and Tuesday, the 8th days of June, 1886, immediately after the morning hours, be set apart for the consideration of measures reported from the Committee on Pacific Railroads, not to interfere with revenue or general appropriation bills, nor with prior orders, nor with the consideration of reports from the Committee on the Public Lands under the special order; and if the consideration of such business be displaced, then the next days not previously set apart shall be devoted to the consideration of the same until it shall be disposed of, or until two days shall hav e been consumed, subject to the above-mentioned interference.

The SPEAKER. The Chair will inquire of the gentleman from Tennessee for his own information, and especially with reference to action hereafter, what is meant in this resolution by the phrase "morning hours." There is but one morning hour under the rules.

Mr. RICHARDSON. The resolution should read "morning hour," not "morning hours."

The SPEAKER. The gentleman, then, does not intend to allow on the days designated the hour for the consideration of bills.

Mr. RICHARDSON. No, sir; that was not intended.

Mr. SPRINGER. Was it not the intention of the committee to allow the consideration hour on those days?

Mr. RICHARDSON. The resolution reads just as the committee agreed to it, except that the word should be "hour" instead of "hours."

The SPEAKER. The resolution in the hands of the Clerk reads "hours." The correction will be made. Is a second demanded?

Mr. MORRISON. Yes; I demand a second.

The SPEAKER appointed as tellers Mr. MORRISON and Mr. RICHARDSON.

Mr. CRISP. Will gentlemen agree to a second being demanded?

Mr. SPRINGER. I want to object to doing away with the second morning hour.

The SPEAKER. The matter is not now debatable. If there be no objection the second will be considered as ordered.

There was no objection.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it. The gentleman from Tennessee [Mr. RICHARDSON] will be recognized to control the time in support of the motion, and the gentleman from Illinois [Mr. MORRISON] to control the time in opposition to it.

Mr. DUNHAM. You ought to except the morning hour from your motion.

Mr. RICHARDSON. I do not desire to take up the time of the House in discussing the resolution. I do not think there will be any objection to it. I wish to state, however, that there are a number of measures of considerable importance to the country pending before the House which have been reported from the Committee on the Pacific Railroads.

Mr. RANDALL. Will the gentleman be kind enough to indicate them?

Mr. RICHARDSON. I will do so with pleasure. One of the measures to be presented—I am authorized by the committee to say—will be the one I brought to the attention of the House on the 3d day of April last, the bill (H. R. 6667) to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route," requiring said Northern Pacific Railroad Company to pay the costs of surveying, selecting, and conveying the lands granted to said railroad. It will involve about $1,300,000.

It is unnecessary, Mr. Speaker, for me to take up the time of the House by explaining what is meant by that bill. It has been already done upon a previous occasion in this House.

One of the other measures which will be presented will be a joint resolution authorizing the appointment of a commission of experts to investigate these companies as to the methods of the system of Pacific railroads which have been aided by subsidy bonds and grants of land. It includes all the railroads embraced in that system.

Another one of the measures which will be considered, being bill of the House No. 8318, is one of great interest to the country, and involving the entire system of railroads aided with subsidy bonds by the Government. It has been deemed essential by the committee some legislation should be had looking to the interest of the Government. The indebtedness already from these railroads to the Government amounts to something over $100,000,000, and under the Thurman act, as gentlemen know, it is gradually increasing year by year and every year.

Mr. OATES. Does the gentleman mean the railroads which have received grants from the Government?

Mr. RICHARDSON. The joint resolution I mention refers to the entire system of Pacific railroads.

Mr. OATES. You mean the Union Pacific and the Central Pacific Railroads?

Mr. RICHARDSON. I mean the investigation provided for in the joint resolution relative to the Union Pacific Railroad and the Central Pacific Railroad and all their branches, and the Northern Pacific Railroad, which has received land but not bonds.

Mr. OATES. If you investigate the Northern Pacific, why not investigate every other one?

Mr. RICHARDSON. We have nothing to do with any but the Pacific railroads, and therefore we do not propose to investigate all the railroads in the country. It is simply the Pacific railroads we now speak of.

Mr. OATES. There are others than those you have named.

Mr. RICHARDSON. It embraces all which have received aid from the Government in bonds or lands.

We have a number of other measures of not so much importance—chartering railroads through some of the Territories and giving permission to some of the Pacific railroads to make "running arrangements" and other business arrangements with certain other railroad lines.

I now yield the remainder of my time to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, I should be content to submit the question to the House without a word, but the action of the Committee on the Pacific railroads, in some quarters and for some purpose, has been grossly misrepresented. Therefore while I know here and now is not the proper time to discuss on their merits the bills reported by that committee, yet I take this opportunity to put on record in a few words the substance of the important measure looking to the settlement of the great debt due the Government by these Pacific railroads.

As is well known to the House, in 1862 an act was passed granting to certain corporations charters to build railroads from the Missouri River to the Pacific Ocean, and granting to them large tracts of land, and also giving them bonds of the United States—subsidy bonds, of so much a mile—in some parts of the road $16,000 a mile, in some parts $32,000 a mile, and in other parts $48,000 a mile. By that act, to secure the Government from loss, a lien was created on all the property of the roads in favor of the United States. In 1864 the Government waived its first lien and allowed these railroad companies to issue bonds of a like amount, which should have priority over those bonds which the Government gave to aid in building the roads—in other words, agreed that the bonds issued by the companies should have a first lien and the bonds issued by the United States for the benefit of such roads should be subordinate thereto.

It was thought, Mr. Speaker, at the time of the passage of the act of 1864 that one-half of the transportation account of the Government would be sufficient to pay the interest on the bonds, and that 5 per cent. of the net income, which was required to be paid annually into the sinking fund, would at the maturity of the bonds enable us to have a fund in the Treasury sufficient to pay them.

Mr. REED, of Maine. Was that stated in the debate?

Mr. CRISP. Yes, sir; it was so stated in the debate upon the passage of the act, and we have retained each year one-half of the amount due these railroads for transportation of the mails, troops, &c.

We can not always foresee results, although we may be ever so careful in devising and formulating a plan which we think will accomplish a certain object. The 5 per cent. which it was thought would enable the Government to accumulate a fund with which to pay the bonds at maturity has proven wholly inadequate for that purpose. Indeed, looking to the whole indebtedness of the companies, the sinking fund is trifling and insignificant.

One-half of the transportation account that was supposed to be sufficient to pay the interest on the bonds—they are 6 per cent. bonds, without option of redemption before maturity——

Mr. WEAVER, of Nebraska. What is the aggregate amount of the bonds?

Mr. CRISP. They amount to $64,623,512. I say that so far from one-half of the transportation account being sufficient to pay the interest upon the bonds, the Government is paying out, and has been paying out for years, in addition to the one-half transportation account, $1,600,000 a year as interest on the bonds loaned these railroads. These bonds are due and will have to be paid by the Government in 1898.

Mr. LAIRD. Eighteen hundred and ninety-four, is it not?

Mr. CRISP. No; 1898—twelve years from now. We are adding to the debt that the railroads owe us annually a large amount, and they owe us now, Mr. Speaker, a net debt (after deducting all amounts now in the sinking fund, after deducting every claim they have against the Government) of $102,834,794.

That debt will not be due until 1898. It draws no interest, and we are adding to it under the present law at the rate of $1,610,785.93 every year.

Mr. WEAVER, of Nebraska. Over and above the amount received by the sinking fund from all sources?

Mr. CRISP. Over and above all receipts of the Government from the roads, sinking fund included. In 1898 the debt that they will owe to us—under the present law—will be about $128,500,000.

Mr. LAIRD. That is in 1898?

Mr. CRISP. Yes, sir. There are now outstanding——

Mr. SOWDEN. Let me ask the gentleman a question.

Mr. CRISP. Let me finish this sentence.

Mr. SOWDEN. I wish to ask a question for my own information. I understand you to say that they will owe the Government about $102,000,000 in 1898?

Mr. CRISP. They owe that now.

Mr. SOWDEN. Is it collectible and payable now?

Mr. CRISP. It is not collectible and payable now, but that is the sum of their indebtedness now, due in the future.

Mr. SOWDEN. Then how can they owe the debt unless it is due and payable?

Mr. CRISP. The gentleman is a stickler for words, while I am trying to inform the House of the substance of the indebtedness of these corporations. A man or company may be indebted, although the debt is not due.

In 1898, I repeat, the indebtedness to the Government will have reached one hundred and twenty-eight and a half millions of dollars. Then that amount of money will be due and payable. Before they can pay us, however, it must be remembered that they have an outstanding debt of their own, which is a prior lien to ours, upon the same property, which, added to our debt, will make the sum of the indebtedness approximately $193,000,000. Let me give you the figures. The United States has paid as interest on subsidy bonds $63,099,504.18. Total credits of the several companies, half transportation accounts, &c., $18,804,122.28, leaving unpaid balance of interest $44,295,381.90. This added to principal of bonds, $64,623,512, makes $108,918,893.30. Deduct from this $6,084,099.82, amount in sinking fund, leaves balance due United States July 1, 1884, $102,834,794.08. The annual interest paid by the United States on the subsidy bonds is $3,877,410.72. The average annual repayment by the companies has been $2,266,624.79, showing an average annual increase of the debt of $1,610,785.93. Of the $2,266,624.79 average annual payment, $1,013,016.64 is carried to the sinking fund, which bears interest in favor of the companies, and only $1,253,608.15 is actually paid into our Treasury on interest account; we therefore advance annually to these companies in interest an average of $2,623,802.57 in excess of repayment of interest by them. The first-mortgage bonds of these companies amount to $64,613,000. They will owe us in 1898 about $128,500,000; this makes $193,000,000.

Mr. WEAVER, of Nebraska. How much is the property worth?

Mr. CRISP. The property, from the best information the committee can obtain, could be built to-day for one-half of the amount of the indebtedness.

Mr. LAIRD. What is it worth now?

Mr. CRISP. I was saying that from the best information the committee has been able to get the property could be built to-day for one-half of the $193,000,000.

Now, Mr. Speaker, the question arises, What is to be done?

Mr. BAYNE. When do the bonds—not the Government indorsed bonds—fall due?

Mr. CRISP. They fall due at the same time. They are identical; for the act of Congress of 1864 allowed them to issue a like amount, due at a like time with the bonds on which we were indorsers, and gave those bonds priority of lien.

Mr. WEAVER, of Nebraska. Have they not kept the interest on these bonds to which you now refer paid up?

Mr. CRISP. On their own bonds they have paid the interest. If there had been a default upon their own bonds what would have been the result? The railroad franchises would have been sold, and if they only brought enough to pay the first-mortgage lien, which is understood to be the full value of the property, the Government of the United States would have literally nothing—no security whatever upon which to realize this vast sum of $128,000,000.

Now, Mr. Speaker, for many years there have been suggestions and propositions looking to the protection of the interests of the Government in these great corporations. In 1878 what was known as the Thurman act was passed, by the terms of which the amount to be paid into the sinking fund was increased from 5 per cent. to 25 per cent., and

which increase it was supposed would furnish some protection to the Government. That expectation has not been realized. By reason of the building of competing lines of railroad the receipts of these great corporations have fallen off, competition having cut them down; and while there has been a great increase in the amount of the percentage of the net income required to be paid into the sinking fund, it does not make a great increase in the number of dollars that go into that fund. Something must be done to protect the Government. And now I wish to say a word upon the proposition submitted by the committee.

Mr. WEAVER, of Nebraska. I desire to ask the gentleman this question. It was provided as to this 25 per cent. which should go into the sinking fund that its payment was dependent upon their ability first to pay the interest on the prior bonds. If they paid that interest, and we realized the 25 per cent. on the sinking fund——

[Here the hammer fell.]

Mr. MORRISON. I yield to the gentleman from Georgia [Mr. CRISP].

The SPEAKER. How much time?

Mr. MORRISON. All the time I have.

Mr. CRISP. I thank the gentleman from Illinois very much, because I want the House and the country to understand the character of the bill brought in by the committee. We are confronted, then, with this condition of things, that this debt is increasing $1,600,000 every year; that we never get a dollar of interest on what we pay out for these companies; that they already owe us, or that the amount we have paid out for them, is now $102,000,000 over and above what we have received; and that this debt is increasing at such a rate that it will be $128,000,000 in 1898; and the property of the companies to be of sufficient value to secure our debt must be worth in the market $193,000,000. We may as well accept the fact that the property is not worth nearly that sum. Now, what shall we do?

As I have said, various plans have been suggested to protect the Government in this debt. I will state to the House the plan that the committee have reported. The committee have thought that the first question was to try to better our security. We have thought it was not so much a question of when we were paid as it was a question of certainty of payment. I am aware, sir, that the past conduct and management of these railroads has been such as to excite, and perhaps justly excite, great prejudice against them. If we take counsel only of our prejudice I fear we can do nothing. If we take counsel of our judgment, viewing the matter as business men, I hope we may. I think the committee have done the latter, and have taken a business view of the question; they have at least tried to do so. We are not concerned with the past history of these corporations when we come to settle with them. We have looked at it in this way: Here is a great debt due to the Government. What shall we do? Why the first thing we do is to look at the ability of the debtors to pay. What can they pay? When you find what they can pay, then you determine is the Government willing for increased security to extend the time of the final payment.

Mr. WARNER, of Ohio. Will the gentleman yield to me for a question?

Mr. CRISP. Yes, sir.

Mr. WARNER, of Ohio. I wish to ask the gentleman whether the bill proposes to extend the date of the extinction of the bonds guaranteed by the Government?

Mr. CRISP. I am coming right to that. We have framed a bill, and if it does not meet the approval of the House when the question is considered we are open to receive any other suggestion; we are not wedded to it, but we believe as business men it is a good plan to be adopted.

We provide that this debt of $128,000,000, that will be due us in 1898, shall be divided into one hundred and forty parts, two of which shall be paid each year, beginning now, which is twelve years, you understand, before under the present law we would realize anything. We compute interest upon the one hundred and twenty-eight millions, supposing that to be the sum they are to pay in 1898. We run the average interest forward, as is usual in such business transactions; so that the Government is receiving 3 per cent. interest upon whatever is deferred beyond 1898. Under that plan, instead of waiting twelve years before we receive a dollar and paying out each year from now until then more than a million and a half dollars, we will begin this year receiving from the companies on the debt about the sum of $3,757,496.

A MEMBER. How do you know you will?

Mr. CRISP. I know it in this way: By the terms of the bill it is not operative until the companies have accepted it; and if they do accept it and fail to make the payments, then the whole debt becomes due at once, and the Government can proceed to collect this debt in any way that any creditor could.

Mr. WEAVER, of Iowa. The Government must get it subject to the first mortgage.

Mr. CRISP. Of course, having surrendered our first lien to the other bondholders of the company, we can not take it back by act of Congress. But instead of paying over one and a half millions each year we receive more than three and a half millions each year; and in 1898, when under the present law they would owe us $128,000,000, the debt will have been decreased about $41,000,000. There is a partial extension of the time of payment, and there is a partial anticipation of the time of payment; there is an average extension of twenty-four years; but we begin to receive now instead of paying out from now until 1898.

Now, then, let us see what we gain by this plan if the bill should become law and the companies accept it. We have no absolute assurance that they will——

Mr. WARNER, of Ohio. The gentleman has not explained whether the bill contains any scheme for refunding or extending the Government debt.

Mr. CRISP. I have endeavored to explain that, instead of the whole debt being due in 1898, forty-one millions of it will be paid before that time.

Mr. WARNER, of Ohio. These bonds must be paid when due. Is there any scheme which embraces their extension or refunding?

Mr. CRISP. The bill has been carefully drawn, so as to preserve all the liens we have now, and whatever rights, franchises, or property these companies now have not embraced in our mortgage we propose to reach by lien. You understand these railroad companies have built great numbers of branch lines and own vast tracts of lands that are not connected with or embraced in the lien of the Government.

Mr. REAGAN. I desire to ask my friend from Georgia if the committee have considered the question if this arrangement is made without the assent of the railroad company, or if it is made with its assent, what the probability is of the railroad company defaulting at once, selling the road, buying it in, and leaving the Government without payment.

Mr. CRISP. You ask what is to prevent that?

Mr. REAGAN. Yes.

Mr. CRISP. I will tell you.

Mr. REAGAN. If the gentleman will allow me a further suggestion before he replies, it seems to me that it would only make the default come perhaps next year instead of waiting until the maturity of the bonds.

Mr. CRISP. There is a provision in this bill that the Government, like an individual, may, if necessary, buy to protect itself. As an individual creditor, you would go in and purchase a prior lien to protect your own security. The Government has no right to do that without an act of Congress. As I have said, there is a provision in this bill which permits the Government, if it becomes necessary, to step in and purchase to protect itself. So much for that.

Now, Mr. Speaker, the increased security that will be obtained when this act is accepted is set out in the report, and it aggregates about $79,000,000. These companies own non-subsidized lines which are controlled and operated by them, and in most cases they own the majority of the stock of those lines.

Mr. LAIRD. Are not those lines generally of little value?

Mr. CRISP. Those lines are in debt, and we have a report which shows the amount of their indebtedness. We do not, of course, get additional security to the full value of the lines. Their average indebtedness, I believe, is about $8,000 a mile, and that indebtedness will have priority over ours on these non-subsidized lines; but the difference between their value and this indebtedness of $8,000 a mile will be something upon which we shall have a lien.

Mr. PAYSON. Whatever equity the company has in those other lines the Government is to have the benefit of.

Mr. CRISP. The Government is to have the benefit of it.

Then, Mr. Speaker, there is another consideration. Under this bill all the transportation accounts of the Government are to be held by the Government. Gentlemen will remember that under the present law, although they owe us all this money, and although we are paying interest for them every year, still we have to pay them one-half our transportation account in cash. Under this bill we shall not have to pay them anything.

Mr. DUNN. Unless transportation account is in excess of the next ensuing payment due from the roads.

Mr. CRISP. Of course, if the amount of our transportation account should be at any time more than the annual or semi-annual payment next due we would pay the difference.

Mr. Speaker, we believe these companies are able to comply with this law, and we believe it is to their interest to comply with it, and I know no better rule of judging whether a man will do a thing than to look to his ability and his interest.

If these companies are to be managed honestly, here is a way in which they may be so managed, here is a way by which the Government may be paid and the companies not injured. We give them also, as my friend from Arkansas [Mr. DUNN] suggests, the privilege of refunding their prior debt at 4 per cent. It now bears interest at 6 per cent.; but if when it is due they are unable to pay it they can refund it at 4 per per cent., thus cutting down the rate of interest they have to pay.

These are substantially the provisions of this bill. One word more: If the companies fail to accept this proposition, then the bill provides that the provisions of the Thurman act shall be so amended as to increase the amount to be paid into the sinking fund from 25 per cent. to 40 per cent.

Mr. TOWNSHEND. Suppose the companies fail to pay the amount due annually?

Mr. CRISP. Then the whole debt becomes due and the Government may proceed to collect in whatever manner it sees fit.

Mr. LAIRD. Why not declare it due now?

Mr. BAYNE. What proportion of the public lands does this bill affect?

Mr. CRISP. There were millions of acres of the public lands granted to these companies, upon which, if this proposition is accepted, we shall get a lien to protect this debt.

Mr. BAYNE. What has been done by these corporations with the proceeds of the sales of those lands?

Mr. CRISP. They have applied them generally, and perhaps exclusively, to the payment of a land mortgage. When they got those lands they gave a mortgage on them. Under the acts granting the lands to the companies, if the lands were not disposed of in three years they were to be open to settlement as other public lands. The companies gave mortgages on them, and thus disposed of them within the meaning of the act. The proceeds of the sales of these lands have been applied to these mortgages, and under their terms must be.

Mr. HEARD. Mr. Speaker, I desire to ask the gentleman from Georgia a question. I understood him to say, in response to the inquiry of the gentleman from Texas [Mr. REAGAN], that in case of the acceptance of this bill by these companies, then, in case they should make default in payment, the Government might come in and buy the property to protect itself.

The SPEAKER. The time fixed for debate on this bill has expired.

Mr. CRISP. Mr. Speaker, I desire to make just one other statement.

The SPEAKER. The time has expired. The gentleman can proceed only by unanimous consent.

Mr. PAYSON. I ask unanimous consent that the gentleman from Georgia [Mr. CRISP] be allowed five or ten minutes more, as he may choose.

Mr. WEAVER, of Iowa. Let me say before consent is granted——

Mr. WADSWORTH. I shall object, if the time of the gentleman is to be taken up by interruption.

Mr. WEAVER, of Iowa. This is a discussion in which we can not participate under the rules.

Mr. CRISP. The proposition now is simply to set a day under the rules for the consideration of this subject.

Mr. WEAVER, of Iowa. So I understand.

The SPEAKER. The Chair hears no objection to extending the gentleman's time as requested.

Mr. HEARD. I wish to inquire whether under the existing law the Government has the right to go in and buy the property in case the company should make default on the maturity of their indebtedness, as the law now fixes the date of its maturity?

Mr. CRISP. There is no provision of the existing law which permits the Government or any officer of the Government to do any such thing.

Mr. HEARD. Then you hold that the rights of the Government are increased by this bill?

Mr. CRISP. If the committee did not believe that the rights of the Government were increased we certainly should not bring in this bill with the expectation of having the House pass it.

Mr. HEARD. I mean increased in that regard.

Mr. CRISP. Under the present status the Government has no right to pay prior bonds, and no right to collect a dollar until 1898, and it has no lien on the branch roads. Under the bill reported by the committee yearly payments of more than three and a half million dollars will begin to be made at once. Default upon the maturity of any installment of the indebtedness of the company gives the Government the right to proceed immediately for the collection of the whole debt, a right which, under the present law, can not be exercised until 1898. A failure on the part of the railroad company to accept the provision of this act results in an act of Congress increasing the amount to be paid into the sinking fund from 25 to 40 per cent. of the net earnings of the roads.

I confess, Mr. Speaker, that so far as I am concerned I see nothing, absolutely nothing, that has been accomplished by the Thurman act except the determination of our right to amend the act of 1864. As to any practical results in dollars and cents, we have received but little substantial benefit from the act. We have, however, obtained the judgment of the highest court in the land that we can amend that act. Now, if the company fails to accept this act, we do make an amendment by requiring 40 per cent. to be paid into the sinking fund. My hope is that the company will accept.

So far as we can see, this is the best that can be done for the interests of the Government at this time. It seems to us that the real interests of the Government absolutely demand that there shall be some legislation toward the collection of this debt. It is utterly absurd to suppose that in 1898 these companies can pay $193,000,000. They can, we think, begin now to pay a little more than three and a half million dollars each year, so that by 1898 they will have paid the Government $41,000,000. And the balance due will be thenceforward paid in semi-annual installments until they have reimbursed us every dollar, principal and interest, that we have paid out in their behalf. This is honest and right, and I think should be acceptable to both parties. We ask that the House now adopt this resolution, so that the question may come up and be fully discussed. If the majority of the House should not approve the plan suggested——

Mr. SCOTT. I would like to ask the gentleman one question. I understand he claims it is in the power of Congress to increase the payments under the Thurman act from 25 per cent. to 40 per cent. Will that percentage be reckoned upon the net receipts or the gross receipts?

Mr. CRISP. The net receipts, under the acts of 1862 and 1864.

Mr. SCOTT. If those net receipts should not exceed the amount of interest on the first-mortgage bonds, can the Government deprive the first-mortgage bondholders of the right to be paid their interest out of the earnings of the road?

Mr. CRISP. It can not.

Mr. SCOTT. Then, though the amount to be paid might be increased by Congress from 25 per cent. of the net earnings to 40 per cent., the Government might in fact secure only 10 per cent. or less.

Mr. CRISP. I have already stated within the hearing of the gentleman and the House that so far as I am concerned, after a pretty full investigation of the question, I see no relief to the Government by an increase of the percentage under the Thurman act.

Mr. HERBERT. If this legislation should result in yielding to the Government no more than the gentleman from Pennsylvania [Mr. SCOTT] has just suggested, then will not this bill have the effect of putting all remedy out of our hands for twenty-four years longer?

Several MEMBERS. "Oh, no."

Mr. CRISP. I have been very unfortunate in my explanation if I have conveyed any such idea as that.

Mr. HERBERT. I merely wanted to know whether such would be the effect or not.

Mr. CRISP. So far from that being so, I will say to the gentleman that under our plan the payments will begin next year instead of in 1898; and if there should be a default in one payment, the whole debt will be immediately due.

Mr. HERBERT. But the payments depend upon the amount of net income.

Mr. CRISP. Oh, no. The plan proposed by the committee is that the companies shall pay us a little over three and a half million dollars in cash each year, a fixed sum, without regard to their income.

Mr. HERBERT. I did not hear that portion of the gentleman's explanation. That is the reason I asked the question.

Mr. CRISP. In conclusion I will only say that I hope the House will adopt this resolution and permit us at the time designated to consider this subject. Mr. Speaker, we are so frequently unlocking the doors of the Treasury that a proposition to put something therein should have consideration for its novelty; and, seriously, I know of no measure more important than this, which seeks to put into the Treasury about $128,000,000 that has been paid out for the benefit of these great corporations, and which should now be returned to the Treasury of the people, where it justly belongs.

Mr. BUTTERWORTH. Does the report of the committee set forth fully their scheme?

Mr. CRISP. It does.

Thanking the House for its courtesy, I now ask for a vote.

The question being taken on adopting the resolution, it was adopted (two-thirds voting in favor thereof).

Mr. RICHARDSON. Mr. Speaker, some members of the committee desire to print or extend remarks on this subject in the RECORD. I ask unanimous consent that leave be given.

The SPEAKER. If there be no objection members of the committee who desire to do so——

Mr. RICHARDSON. I did not mean to confine the request to members of the committee.

The SPEAKER. What is the gentleman's request?

Mr. RICHARDSON. I want to extend my remarks in the RECORD, and so does the gentleman from Georgia [Mr. CRISP].

The SPEAKER. If there be no objection the leave requested by the gentleman will be granted.

STUDY OF THE NATURE OF ALCOHOLIC DRINKS, ETC.

Mr. O'DONNELL. Mr. Speaker, by direction of the Committee on Education I move to take from the House Calendar the bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States, and to suspend the rules and pass the same.

The bill was read, as follows:

Be it enacted, &c., That the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and in the Military and Naval Schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text-books in the hands of pupils where other branches are thus studied in said schools, and by all pupils in all said schools throughout the Territories, in the Military and Naval Academies of the United States, and in the District of Columbia, and in all Indian and colored schools in the Territories of the United States.

SEC. 2. That it shall be the duty of the proper officers in control of any school described in the foregoing section to enforce the provisions of this act; and any such officer, school director, committee, superintendent, or teacher who shall refuse or neglect to comply with the requirements of this act, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by the first section of this act, for all pupils in each and every school under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases.

SEC. 3. That no certificate shall be granted to any person to teach in the public schools of the District of Columbia or Territories, after the 1st day of January, A. D. 1888, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and the effects of alcoholic drinks and other narcotics upon the human system.

Mr. LORE. I demand a second.

Mr. O'DONNELL. I move by unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). Under the rules of the House, thirty minutes are allowed for debate—fifteen minutes in favor of the motion, and fifteen minutes in opposition to the motion. The gentleman from Michigan, Mr. O'DONNELL, will be recognized to control the time in support of the motion, and the gentleman from Delaware, Mr. LORE, will be recognized to control the time in opposition to it.

Mr. O'DONNELL. I reserve my time. [Cries of "Vote!"]

The SPEAKER *pro tempore*. If the gentleman from Delaware does not take the floor and the gentleman from Michigan does not wish to be heard and no other member seeks the floor, the Chair will submit the question to the House without debate.

Mr. WEAVER, of Iowa, demanded the yeas and nays, but afterward withdrew the demand.

Mr. BENNETT renewed the demand for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 209, nays 8, not voting 105; as follows:

YEAS—209.

Adams, G. E.	Ermentrout,	Lindsley,	Scott,
Adams, J. J.	Evans,	Lore,	Scranton,
Allen, C. H.	Everhart,	Lyman,	Sessions,
Anderson, J. A.	Farquhar,	Markham,	Seymour,
Atkinson,	Findlay,	Matson,	Skinner,
Ballentine,	Fisher,	McAdoo,	Smalls,
Barnes,	Fleeger,	McCreary,	Sowden,
Barry,	Foran,	McKenna,	Spooner,
Bayne,	Ford,	McKinley,	Springer,
Beach,	Forney,	McMillin,	Stahlnecker,
Bingham,	Frederick,	McRae,	Steele,
Blanchard,	Fuller,	Merriman,	Stephenson,
Bland,	Funston,	Millard,	Stewart, Charles
Bound,	Gay,	Milliken,	Stewart, J. W.
Boutelle,	Geddes,	Mills,	Stone, W. J., Ky.
Boyle,	Gibson, Eustace	Moffatt,	Stone, W. J., Mo.
Breckinridge, C. R.	Glass,	Morgan,	Strait,
Breckinridge, WCP.	Goff,	Morrill,	Struble,
Browne, T. M.	Green, R. S.	Morrison,	Swinburne,
Brown, C. E.	Grout,	Neal,	Swope,
Brown, W. W.	Hale,	Neece,	Symes,
Buchanan,	Halsell,	Nelson,	Tarsney,
Buck,	Hammond,	Oates,	Taulbee,
Bunnell,	Hanback,	O'Donnell,	Taylor, E. B.
Burrows,	Harris,	O'Neill, Charles	Taylor, J. M.
Cabell,	Hatch,	O'Neill, J. J.	Taylor, Zach.
Caldwell,	Heard,	Osborne,	Thomas, O. B.
Campbell, Felix	Hemphill,	Outhwaite,	Throckmorton,
Campbell, J. E.	Henderson, D. B.	Owen,	Tillman,
Campbell, J. M.	Henderson, J. S.	Payne,	Townshend,
Candler,	Henderson, T. J.	Payson,	Trigg,
Cannon,	Hepburn,	Peel,	Turner,
Catchings,	Herbert,	Perkins,	Van Eaton,
Conger,	Herman,	Perry,	Van Schaick,
Cooper,	Hewitt,	Pettibone,	Wade,
Crisp,	Hiscock,	Phelps,	Wadsworth,
Croxton,	Hitt,	Pindar,	Wait,
Culberson,	Holman,	Plumb,	Wakefield,
Curtin,	Howard,	Price,	Ward, T. B.
Cutcheon,	Hudd,	Randall,	Weaver, A. J.
Daniel,	Irion,	Reagan,	Weaver, J. B.
Davidson, A. C.	Jackson,	Reed, T. B.	Weber,
Davidson, R. H. M.	James,	Reid, J. W.	Wheeler,
Dawson,	Johnson, F. A.	Reese,	White, Milo
Dibble,	Johnston, J. T.	Rice,	Whiting,
Dingley,	Johnston, T. D.	Richardson,	Willis,
Dockery,	Kelley,	Riggs,	Wilson,
Dorsey,	Ketcham,	Rockwell,	Wise,
Dowdney,	Laffoon,	Rowell,	Wolford,
Dunham,	La Follette,	Ryan,	Worthington.
Dunn,	Landes,	Sadler,	
Eden,	Lanham,	Sawyer,	
Ellsberry,	Lawler,	Sayers,	

NAYS—8.

Bennett,	Cobb,	Dargan,	Hall,
Bynum,	Cowles,	Green, W. J.	Murphy.

NOT VOTING—105.

Aiken,	Brumm,	Comstock,	Glover,
Allen, J. M.	Burleigh,	Cox,	Grosvenor,
Anderson, C. M.	Burnes,	Crain,	Guenther,
Arnot,	Butterworth,	Davenport,	Harmer,
Baker,	Campbell, T. J.	Davis,	Hayden,
Barbour,	Carleton,	Dougherty,	Haynes,
Barksdale,	Caswell,	Eldredge,	Henley,
Belmont,	Clardy,	Ely,	Hiestand,
Bliss,	Clements,	Felton,	Hill,
Blount,	Cole,	Gallinger,	Hires,
Brady,	Collins,	Gibson, C. H.	Holmes,
Bragg,	Compton,	Gilfillan,	Hopkins,
Houk,	Mahoney,	Pirce,	Thompson,
Hutton,	Martin,	Ranney,	Tucker,
Jones, J. H.	Maybury,	Robertson,	Viele,
Jones, J. T.	McComas,	Rogers,	Ward, J. H.
King,	Miller,	Romeis,	Warner, A. J.
Kleiner,	Mitchell,	Seney,	Warner, William
Laird,	Morrow,	Shaw,	Wellborn,
Le Fevre,	Muller,	Singleton,	West,
Lehlbach,	Negley,	Snyder,	White, A. C.
Libbey,	Norwood,	Spriggs,	Wilkins,
Little,	O'Ferrall,	St. Martin,	Winans,
Long,	O'Hara,	Stone, E. F.	Woodburn.
Louttit,	Parker,	Storm,	
Lovering,	Peters,	Taylor, I. H.	
Lowry,	Pidcock,	Thomas, J. R.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

During the roll-call the following additional pairs were announced from the Clerk's desk:

For the rest of the day:

Mr. MAYBURY with Mr. LIBBEY.

Mr. WARNER, of Ohio, with Mr. PETERS.

Mr. ROGERS with Mr. HAYDEN.

Mr. MARTIN with Mr. HARMER.

Mr. ROGERS. I am paired with Mr. HAYDEN, of Massachusetts, otherwise I should have voted for the bill. I do not know how he would have voted, but suppose he would also have voted for it.

Mr. MORRILL. My colleague, Mr. PETERS, who is confined to his room, requested me to state if present he would vote in favor of the bill.

Mr. GIBSON, of West Virginia. I am reported as paired on all political questions, but not regarding this as a political question, I have voted in the affirmative.

Mr. RICE. I am paired with my colleague [Mr. COLLINS], but he has authorized me to vote on this question, and I have accordingly voted in the affirmative.

The vote was then announced as above recorded.

Mr. O'DONNELL. I ask by unanimous consent members have general leave to print remarks in the RECORD on this bill.

There was no objection, and it was so ordered.

BUSINESS OF COMMITTEE ON LABOR.

Mr. O'NEILL, of Missouri, from the Committee on Labor, moved to suspend the rules and adopt the following resolution:

Resolved, That Thursday, the 3d day of June, be set apart for the consideration of such business as may be presented by the Committee on Labor; this order not to interfere with general appropriation or revenue bills; and, whether so interfered with on that day or not, shall be a continuing order as above until the bills presented by said committee shall be disposed of.

Mr. REAGAN. I ask the gentleman to insert the words "or prior orders."

Mr. HOLMAN. And also reports from the Committee on Public Lands.

Mr. O'NEILL, of Missouri. I will insert the words "not to conflict with prior orders."

Mr. HOLMAN. And land bills.

The SPEAKER *pro tempore*. It does not conflict with those, as they are prior orders.

The resolution as modified was read.

Mr. HOLMAN. Insert the words "or bills reported from the Committee on Public Lands."

The SPEAKER *pro tempore*. They are prior orders.

Mr. HOLMAN. I think these words should be inserted. They are not prior orders, but get their privilege under the rule.

Mr. O'NEILL, of Missouri. I will modify the resolution so as to include those words.

Mr. BYNUM. Does that include the morning hour?

M. O'NEILL, of Missouri. It does.

Mr. BYNUM. The morning hour ought not to be included.

Mr. MORRISON. I demand a second.

The resolution as modified was again read.

Mr. CANNON. I rise to a parliamentary inquiry. Is the effect of that order, if it be adopted by the House, to give preference to any other business reported from the Committee on Labor after the one day has been consumed?

The SPEAKER. It will be a continuing order and an order which will remain in force until all bills reported from the committee are disposed of; but only one day is fixed for consideration.

Mr. CANNON. But it is a continuing order from day to day, as I understand it, until all their bills are disposed of?

The SPEAKER. That is the effect of it.

Mr. RANDALL. Let the resolution be again reported.

Mr. REAGAN. I wish to inquire of the Speaker if that means to set apart that particular day——

The SPEAKER. The order will be again reported.

The resolution was again read.

Mr. RANDALL. I desire to ask the gentleman from Misssouri whether he will not modify that resolution so that it shall read "any bills relating to the arbitration of labor, growing out of the President's communication to this House."

Mr. O'NEILL, of Missouri. We already have that right under the order of the House.

Mr. DUNN. I hope that will not be done.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. That resolution uses the words "be set apart for the consideration of such business as may be presented" by this committee, subject, however, to certain prior orders. Now I desire to know whether or not, if we "set apart" this day, we can defeat any measure that may be brought up by raising the question of consideration against it; or whether these words will not bind us notwithstanding the exceptions.

The SPEAKER. It is always in the power of the House to determine, if the question of consideration is raised against any particular bill or proposition, whether it will enter upon its consideration then or not.

Mr. REAGAN. But can the question of consideration be raised? We had an example of that two or three days ago, in which it was not so held.

The SPEAKER. The Chair ruled just the contrary, as the gentleman will find upon an examination. The Chair ruled that the gentleman could raise the question of consideration against each bill called up by the gentleman from Missouri [Mr. HATCH] if the bill was in the House. If the bill was in Committee of the Whole House on the state of the Union, then the House could refuse to consider it by refusing to go into the committee.

Mr. REED, of Maine. That was the ruling.

The SPEAKER. Is a second demanded.

Mr. MORRISON. I demand a second.

Mr. CANNON. I desire to ask another question——

Mr. O'NEILL, of Missouri. Mr. Speaker, I ask unanimous consent that the second be considered as ordered, and I will make a brief statement to the House, which I think will be satisfactory.

Mr. DIBBLE. I object to a second being considered as ordered, unless this resolution is modified so as to save the second hour for the consideration of committee bills.

Mr. O'NEILL, of Missouri. I am entirely willing to have that second hour saved, and have no objection to such a modification.

Mr. DIBBLE. Then I withdraw my objection.

The SPEAKER. The Chair desires, before the debate begins, to understand exactly what form the resolution will assume under the several modifications which have been accepted. The Clerk will again report the resolution.

The Clerk read as follows:

Resolved, That Thursday, the 3d day of June, 1886, after the hour for the consideration of bills, be set apart for the consideration of such business as may be presented by the Committee on Labor; this order not to interfere with general appropriation or revenue bills, bills reported from the Committee on the Public Lands, or prior orders, and whether so interfered with on that day or not, shall be a continuing order as above until the bills presented by said committee shall be disposed of.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I desire to know if the gentleman from Missouri has power under the rules to accept modifications or amendments to the resolution, which, as I understand, he is authorized by his committee to introduce?

The SPEAKER. That is not for the Chair to determine. If the gentleman's committee has authorized him to do so the Chair can have no control over the matter either way.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Under the language of the resolution, as I recollect it, the gentleman if he does not get through on the first day shall have a continuing order, to take effect from day to day, until he disposes of all the bills reported by the committee.

Mr. REAGAN. That is just what it does.

Mr. HAMMOND. I would like to know from the Chair how long that order will last?

The SPEAKER. It will last until Congress adjourns, on the 4th of March next. [Laughter.]

But the Chair will say, in response to the gentleman, that no day is dedicated to the consideration of this business under the resolution as reported, according to the construction of the Chair heretofore upon such orders, except the first day named. After that the gentleman from Missouri can call up bills, but it will be for the House to determine whether they shall be considered or not. The continuing order, however, lasts until Congress expires.

Mr. MILLS. Let me ask the gentleman if he intends to call up the educational bill under this order?

Mr. O'NEILL, of Missouri. I do not.

Mr. DUNN. Then I will vote against the order.

Mr. MORRISON. Let us have a vote by tellers on seconding the demand.

Mr. RANDALL. I wish to ask the gentleman from Missouri to make this further modification in his resolution: to strike out the words "such business" and insert in lieu thereof "for the consideration of such legislation relating to labor in the United States."

Mr. O'NEILL, of Missouri. In the first place, I am not authorized to accept this modification.

Mr. RANDALL. You have been modifying the resolution.

Mr. O'NEILL, of Missouri. And in the second place, I do think it remarkable when the committee have tried to get a day from the Committee on Rules and they pocketed the resolution, and when now we get it before the House, there should be shown such intense hostility to giving the committee a day for the consideration of its business. But you may vote it down if you please.

Mr. RANDALL. I desire to say there never has been a vote in the Committee on Rules cast by a single member of the committee that was not in favor of labor.

The SPEAKER. The tellers, the gentleman from Illinois, Mr. MORRISON, and the gentleman from Missouri, Mr. O'NEILL, will take their places.

Mr. WEAVER, of Iowa. I ask unanimous consent to make a statement. I am satisfied the intention is not understood.

Several members called for the regular order.

The House divided; and there were—ayes 85, noes 83.

So there was a second.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen minutes in support of the resolution and fifteen in opposition. The gentleman from Missouri, Mr. O'NEILL, will control the time in support of the resolution, and the gentleman from Illinois, Mr. MORRISON, the time in opposition to it.

Mr. O'NEILL, of Missouri. In order to remove a wrong impression in the minds of some of the members concerning the effects of this resolution if adopted, and the scope of measures likely to be brought before the House, I desire to state that the only bills now pending on the Calendar and in the committee which could be called up under this resolution other than the educational bill are the bills to prohibit the employment of aliens on public works and to prohibit the use of the product of convict labor on public buildings; to protect laborers, servants, and mechanics in their wages; to restore wages in the public printing establishment to the standard of 1879; to extend the scope of the eight-hour law, not in regard to the back claims pending under it which were referred to a different committee, but to extend its scope; to grant leave of absence to certain laborers in different Departments of the Government; to provide for the incorporation by a national law of trade unions; to further extend the scope of the bill passed by the last Congress prohibiting importation of contract labor, to include those engaged in the traffic in foreign slaves under the guise of "employment agents." Those bills, together with the President's message on the subject of arbitration, comprise the business of that committee.

Mr. ADAMS, of New York. Will the gentleman yield to me for a question?

Mr. O'NEILL, of Missouri. Before I yield I want to make one further statement. This House in its wisdom referred to the Committee on Labor the educational bill, and in the face of the fact that we can not obtain a two-thirds vote on that bill to-day—I do not believe we could and the members of the committee do not think they could—believing they could not obtain a two-thirds vote for the consideration of that bill, the committee did not think it right to ask to have all its other business killed unless that bill was included. I desire to state on behalf of the committee that that bill will not be called up under this order.

Mr. GOFF. Is that statement founded on action taken by the committee?

Mr. O'NEILL, of Missouri. On action taken by the committee when six members were present. It was the unanimous action of those then present, and it was ratified by two other members; making it the action of the majority.

Mr. ADAMS, of New York. I wish to ask the gentleman whether the provisions he has enumerated are in one bill or in separate bills.

Mr. O'NEILL, of Missouri. In separate bills.

Mr. RANDALL. If the statement of the gentleman be correct and the educational bill will not be brought up, I ask why will he not accept these words: "Such business as relates to labor in the United States?" That will cover every one of the measures he has enumerated.

Mr. O'NEILL, of Missouri. I have no objection to that; none whatever.

Mr. COWLES. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWLES. I want to know if that amendment to the resolution is open to objection at this stage.

The SPEAKER. The Chair was about to state the modification proposed and ask unanimous consent.

Mr. COWLES. I object. I am for a fair deal on this educational bill. I am not afraid to put myself upon record upon it, and I do not think others should be.

Mr. RANDALL. The suggestion I offered had no purpose to hide my vote on that bill.

Mr. O'NEILL, of Missouri. I will vote to take up that bill, but I

am not willing to jeopardize the entire work of the Committee on Labor by including it in the resolution and failing to secure a day for the consideration of those bills.

I yield three minutes to the gentleman from Kentucky [Mr. WILLIS], who has charge of the educational bill.

Mr. WILLIS. I hope it will not be necessary for me to assert to this House that I am a friend of the educational bill. But I am also a friend to fair play. This Committee on Labor comes in upon the day for the suspension of the rules when they require to get a two-thirds vote; and it is evident that although we have voted with the gentleman from Missouri, there may be some difficulty in securing for his committee, for the consideration of measures that have been legitimately and properly referred to it, the time which is necessary. As one friend of the educational bill, with no authority to bind any human being on this floor and with no expectation of my announcement securing any one to follow me, I say as a matter of fair play and justice to the Committee on Labor, and recognizing the great merit of many of these bills which they have presented, I shall gladly and cheerfully vote for this resolution, or trust to the justice and generosity of that committee in due time under the rules to give us a consideration of that other great bill, which, in my judgment, is as important as any of these.

Mr. DUNN. Does the gentleman from Kentucky [Mr. WILLIS] think that the educational bill has had fair play in this House?

Mr. WILLIS. I am not on the stool of confession. I have not expressed any opinion on that point, nor is it necessary.

Mr. DUNN. I have never seen any great measure throttled by such extraordinary and unwarranted methods as have been resorted to here to stifle this educational bill.

Mr. PETTIBONE. Nor I.

Mr. MCADOO. It is an extraordinary measure, and has to be met in that way.

Mr. DUNN. It is gagging the House.

Mr. O'NEILL, of Missouri. The gentleman certainly can not apply that remark to our committee.

Mr. DUNN. I apply it to those who govern this House so as to prevent the consideration of that bill.

Mr. MORRISON. Whatever responsibility attaches to me I accept. [Laughter and applause.]

Mr. DUNN. My opinion is that it is very large.

Mr. MORRISON. Very well. I have no inclination to avoid it, however large it may be.

Mr. JOHNSTON, of North Carolina. Then let every member of the House have an opportunity to take the responsibility of voting for or against the bill.

Mr. MCADOO. We are perfectly willing.

Mr. JOHNSTON, of North Carolina. Very well; then let us have it included in this resolution.

Mr. O'NEILL, of Missouri. Mr. Speaker, I can state frankly, on behalf of the Committee on Labor, that that bill will not be called up under this order. I am authorized to make that statement by a majority of the committee.

Mr. SPRINGER. With that understanding I will vote for the order.

Mr. O'NEILL, of Missouri. Now, Mr. Speaker, I say it is unfair and ungenerous in gentlemen who pretend to be friends of the educational bill, when they have had that bill referred to a committee to which it does not belong simply for the purpose of getting it reported, and when they have got a report, to then put their legs around the neck of that committee and undertake to throttle all the rest of its business unless it will agree to carry that bill also.

Mr. RANDALL. Mr. Speaker, I objected from the beginning to making labor carry the educational bill. If, as the gentleman from Missouri [Mr. O'NEILL] states, the resolution is now in such form that we shall be confined, on the day designated, to the consideration of matters which relate to the laboring interests of the country, then I have no objection to the resolution.

Mr. O'NEILL, of Missouri. No other bills will be called up under this order than those I have mentioned.

Mr. SPRINGER. With that understanding I will vote for the order.

Mr. CUTCHEON. I would like to ask the gentleman from Missouri [Mr. O'NEILL] whether he expects at another time to call up the education bill.

Mr. CABELL. If the majority of the members of the House want to vote upon that bill they ought to have a right to take it up.

A MEMBER. There is no objection.

Mr. RANDALL. But we object to labor being made the means of giving an undue advantage to this educational bill.

Mr. COWLES. I would like to ask the gentleman from Pennsylvania [Mr. RANDALL] a question.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] is not occupying the floor.

Mr. COWLES. He has just sat down. I want to ask him what undue advantage this gives to the education bill?

Mr. RANDALL. Labor affects everybody here.

Mr. COWLES. So does education.

Mr. RANDALL. Well, some of us are not prepared to vote for education as embodied in the Blair bill.

Mr. COWLES. I am.

Mr. CABELL. If the majority of this House want to vote that way, they ought to have an opportunity to do so.

Mr. COWLES. We come here as a party pledged to support that bill, and I am in favor of carrying out every pledge.

Mr. O'NEILL, of Missouri. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has six minutes remaining.

Mr. O'NEILL, of Missouri. How much time am I to be allowed for these interruptions?

The SPEAKER. The gentleman is not subject to interruption except with his own consent.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I want to ask the gentleman from Missouri a question before he sits down. I understood him to say awhile ago that he would give the educational bill a day.

Mr. O'NEILL, of Missouri. I say I am willing to do all in my power to give it a day.

Mr. JOHNSTON, of North Carolina. But the committee do not ask that it shall have a day.

Mr. O'NEILL, of Missouri. They have reported the bill to the House and it is on the Calendar.

Mr. JOHNSTON, of North Carolina. I know it is on the Calendar, and so are a great many other bills.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] controls the time in opposition to this resolution.

Mr. MORRISON. I yield to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Speaker, it used to be customary in this House in former times for committees and individuals to ask for a suspension of the rules in order that they might have the privilege of calling up for consideration certain special and important bills. The practice has been no doubt useful in the past, but in this session we have shrewder men in Congress than we used to have; so that the Committee on Agriculture has got the whole of its business set as a special order; the Committee on Foreign Affairs has asked to have the whole of its business set as a special order, and now the Committee on Labor asks to have the whole of its business set as a special order. Had we not better make the thing general and set all the business of the House down as a special order? [Laughter.]

Mr. HATCH. Will the gentleman allow me a question?

Mr. REAGAN. No, sir; I have not time. I do not want any questions on that subject.

Mr. Speaker, the practice which has grown up in this House of thus assigning the whole business of committees as special orders to the exclusion of great public measures is one which ought not to be tolerated. We ought now to arrest the evil. The petty business of this House it may be well enough for us to act on, if there be leisure for it. But the Committee on Commerce now has before this House a measure that has interested this whole country for fourteen years, a measure on which the people demand action, a measure affecting the cost of transportation from one end of the country to the other to the extent of millions of dollars; and this important bill is to be set aside for petty measures, or to be antagonized by a combination of them. The Committee on the Public Lands seeks to bring to the attention of the House measures which ought to be acted on, involving the restoration to the public domain of millions of acres of land. The Committee on Pacific Railroads desires the action of the House upon a single measure, which, as has been explained to-day, involves more than one hundred million dollars of indebtedness due the Government. Yet with these important questions pending, upon which the American people are anxiously demanding action, we go on day after day setting apart the time of this House for the consideration of the whole business of committees——

Mr. O'NEILL, of Missouri. Has not your committee already had two days?

Mr. REAGAN. No, sir.

Mr. O'NEILL, of Missouri. You had one day.

Mr. REAGAN. Yes, we had one day.

Mr. O'NEILL, of Missouri. And you have a continuing order for the interstate-commerce bill.

Mr. REAGAN. Yes, sir.

But, Mr. Speaker, these committees have grown especially sharp in another respect. They not only ask that the whole business of committees be assigned as special orders, but each of these committees asks that the time of the House be "set apart" for the consideration of its business.

Mr. HATCH. The gentleman's committee had its day, in which fifty-four bills were passed.

Mr. REAGAN. I do not know, sir, what is to become of the business of this House if each committee is to have days "set apart" for its business, and no preference is to be given by the House to great commanding measures, which require consideration by Congress in response to the demand of the American people. Because of the impropriety of this practice of "setting apart" the time of the House for the whole business of a committee, and because of the impropriety of allowing petty business of all sorts to come in the way of great meas-

ures the consideration of which the country demands, I protest against the adoption of this resolution.

As to the measures which have been named to the House by the gentleman from Missouri [Mr. O'NEILL], who seems to feel that the whole labor interests of this country together with the necessity of guarding against the incursions of foreigners rest upon his shoulders, some of those measures, from his statement, seem to me to carry such absurdity on their face that they ought not to be considered at any rate.

Mr. O'NEILL, of Missouri. The gentleman from Texas, I believe, has opposed all of them so far; he has consistently fought us all the way through.

Mr. REAGAN. The gentleman assumes a very general proposition that he is not warranted in assuming. While I do not profess to be a demagogue, while I make no bid for votes, I am the friend of labor and have been ever since I was able to form an intelligent judgment. Those who know me, those especially whom I represent on this floor, are well aware of this fact; but I never sacrifice my manhood or my character as a Representative by appealing to vulgar passions against the best interests of the country and endeavoring to array one class of our population against another. [Applause.] I do not believe in doing that. All classes of the American people are one family, and we should be interested alike in the welfare of all of them. The man who would engender strife between class and class is not a friend of his country. The man who would give special precedence to any one class of the citizens of this country as against other classes, whether it be because the favored class is numerous or because it is bound together by powerful organization, does not perform a patriotic duty.

Whenever a matter comes here upon which Congress can act, upon which it is right Congress should act for the protection of labor, for the protection of the rights of the humble, I shall be found in line struggling for those rights, as I have done during the whole course of my life. But when I am asked to turn summersaults whenever labor is mentioned [laughter], when I am asked to do things that violate the Constitution or violate our sense of common right and common propriety, I do not intend to do it. The gentleman from Missouri is very anxious as to the responsibility to be assumed by other men here. Let him bear his own responsibility; I will take care of mine; and I am willing to meet that responsibility before my constituents.

The SPEAKER To whom does the gentleman from Illinois now yield?

Mr. MORRISON. I yield three minutes to the gentleman from North Carolina [Mr. COWLES]. I want to hear something about education. [Laughter.]

Mr. COWLES. Mr. Speaker, I am sorry, after the attitude of the Democratic party on the subject of education in the last campaign, that the duty and responsibility which my illustrious friend from Illinois [Mr. MORRISON] has devolved upon my shoulders could not have been conferred upon those worthier and stronger than mine to bear it. I am more sorry to find myself among so few here who are willing to champion openly the cause of public education.

Mr. ADAMS, of New York. Where was the Democratic party committed on this subject?

Mr. COWLES. In its national platform, and, if I mistake not, in almost every State platform.

A MEMBER. Not in the national platform.

Mr. COWLES. I do not refer particularly to the Blair bill, but to the general principle of public education.

The SPEAKER. The gentleman will suspend his remarks. The Chair again appeals to gentlemen to take their seats. The House will come to order.

Mr. COWLES. The gentleman from New York asks where we were committed to it. We were committed to it in the platform of the last national Democratic convention. We were committed then and there to favor education. We were committed to it in the Democratic platform of my own State. We were committed to it by my party in my State and in most of the other States.

Mr. ADAMS, of New York. I deny that the Democratic party was ever committed in its platform to any such thing.

Mr. COWLES. Gentlemen come here now, and I am afraid they are so short in their memory that some of them have forgotten the pledges they made to the people during the campaign. I am willing to stand on the same platform, and where I stood in the campaign. I espoused the cause of free and popular education before the people then, and I espouse it now and here.

If the proposition designated as the Blair bill is not the correct thing, why then let gentlemen who say they are in favor of aiding education, if offered in the proper way, formulate some other proposition that is better. I am willing to vote on their proposition, and if I shall be satisfied it is better I will vote with them.

But what I want, Mr. Speaker, is to keep our pledges made to the people and utilize the surplus in the Treasury, which has been so much talked of, in the best manner possible, so as to do the greatest good to the greatest number. Can we do that better than by favoring popular education? The people of the section from which I come, and whom I have the honor to represent here, are taxed to the utmost extent of their capacity. They are taxed by the tariff and they are taxed by the internal revenue; they pay their taxes as honestly as any other people in America, and yet they do not get back a particle of it—no, sir, not a particle. It is all dispensed in other quarters and for purposes in which they have, save the necessary expenses of the machinery of Government, no immediate interest.

We ask for this as a measure of justice. We demand it of the country as a matter of right. Gentlemen will come here and vote money by hundreds of millions of dollars for other projects. It is not dispensed in the country from which I come, nor for the immediate good of the people there, and what I ask of you is to deal fairly with us and set off our portion of the surplus public money to be devoted to the best purpose to which it can be devoted, and that is for the elevation and Christianization of the people by the means of popular education. [Applause.]

[Here the hammer fell.]

Mr. MORRISON. I yield to the gentleman from Arkansas.

The SPEAKER. For how long?

Mr. MORRISON. How many minutes have I remaining?

The SPEAKER. The gentleman has three minutes. How much does he yield?

Mr. MORRISON. I will give the gentleman from Arkansas two and one-half minutes of my time, or I will give him all of it if he will not say anything against me. [Laughter and applause.]

Mr. DUNN. Mr. Speaker, I shall vote against this resolution, not because I wish to indicate that I would be opposed to any of the measures which the chairman of the Committee on Labor has declared he will call up. I do not know how I might vote on those measures when I come to consider each one of them. I may favor some and may vote against some.

But, sir, I vote against it because it is an unfair discrimination against what I consider the most important and urgent measure before Congress, the educational bill. The opponents of it are afraid to allow this House to vote on the educational bill. That bill has never been allowed to get before this House for consideration, and the most remarkable and extraordinary precautions seem to have been taken to prevent it. Fortifications have been erected against it. All the avenues of approach have been studiously barricaded against it. The House is for it and the whole country wants it. But, sir, it is all well understood. The country gains no information from the declaration of the distinguished gentleman from Illinois [Mr. MORRISON] that he assumes his share of the responsibility. He is always frank, straightforward, and manly, and that is simply a frank confession on his part, and a few others might also come to the confessional. To show how unfair this world is, for instance, here is another measure, one of ill-fame, that can get here with or without aid or approval of committees. The right of way is always open to it. There dropped out of my bundle of reports the other evening this one, numbered 2288, on bill 740, to extend the bonded period for whisky. "It is the same old sixpence," and seems to let in the same old scheme which has been kicked with ignominy out of this House regularly during the last two or three Congresses.

But, like a "bad dollar," it continues to come back, unbidden and unwelcome. It is sad to know that there are some gentlemen here who seem to be willing to vote millions for whisky, but not one dollar for education. [Laughter and applause.] Yes, sir, not one dollar for education. That is not my platform. This odious whisky bill received two years ago what should have been its eternal quietus. It was then proposed to extend the bonded period, involving about $75,000,000 per annum to the whisky dealers, two years, making a chasm of $150,000,000 in the revenues. And the gentleman from New York, speaking for the bill, said the charge which I made that they intended at the end of two years to surrender the revenue was possibly true, and he would favor it. That bill comes, as before, from the Committee on Ways and Means. I enter my protest against such a policy.

Mr. DUNHAM. Where does it come from?

Mr. DUNN. The Committee on Ways and Means.

The SPEAKER. The gentleman's time has expired.

Mr. MORRISON. Have I any time left?

The SPEAKER. The gentleman has half a minute left.

Mr. MORRISON. The gentleman from Arkansas does not understand that report, but wholly misunderstands and misinterprets it. There is no report from the Committee on Ways and Means giving away or remitting a single dollar of the tax on whisky. No, not one cent is to be remitted or given away.

Mr. DUNN. But it extends the bonded period.

Mr. MORRISON. Yes, as recommended by the Commissioner of Internal Revenue, who is charged with the collection of the tax, and it is in the interest of the retention and collection of the tax. While I have a place here this tax will never be taken off with my consent or vote. Until voted off by you or others it will remain.

As for the gentleman from North Carolina [Mr. COWLES], who says that the Blair educational bill is embodied or to be found in the Democratic platform adopted at Chicago, I wish only to say that he forgets what party did that; it was the Republican, not the Democratic party. [Laughter.] The Chicago Democratic platform says:

We are opposed to all propositions which upon any pretext would convert

the General Government into a machine for collecting taxes to be distributed among the States or the citizens thereof.

Mr. O'NEILL, of Missouri. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes.

Mr. O'NEILL, of Missouri. I yield three minutes then to the gentleman from Michigan [Mr. TARSNEY].

Mr. TARSNEY. Mr. Speaker, it so happens that I am a member of the committee of which my distinguished friend from Texas [Mr. REAGAN] is chairman, the Committee on Commerce. I am likewise a member of the committee of which my friend from Missouri [Mr. O'NEILL] is chairman, the Committee on Labor, which reports this resolution.

I remember that it has been but a short time since when the Committee on Commerce had a full day set apart for the consideration of its measures.

Mr. REAGAN. Only for one class, a single class of business reported from the committee.

Mr. TARSNEY. We passed upon that day fifty-four bills reported from the Committee on Commerce. The Committee on Labor now asks this poor boon of this House to-day, that it may set apart a few hours' time to consider some questions which go to the very root of the discord which prevails throughout the land at this time.

Will the House shut the door to this committee; will it shut the door to the labor of this country that is suffering to-day, and say that it will not devote any time to the consideration of the evils that are producing this trouble? We ask this House to set apart one day that we may consider bills, and my humble judgment is, Mr. Speaker, that it will require but one day to consider all the bills which the committee will call up for the action of the House.

Mr. REAGAN. We have already appointed a committee to investigate the subject of the troubles to which the gentleman has referred, and they can come in and make their report and ask action of the House upon it.

Mr. TARSNEY. And I answer the gentleman from Texas, Mr. Speaker, by saying that the Speaker of this House appointed a committee at the very beginning of the session to investigate these troubles. That committee stands here upon the floor to-day with a number of important bills upon the Calendar of the House which reach the very evils which this special committee went West to investigate, and now we ask that we have a day set apart to consider them.

So far as the educational bill is concerned, it does not pertain to labor. It has no business in the Labor Committee, and as a member of that committee I am frank to say here and now that while in committee the bill was fairly dealt with, yet, sir, I am prepared to admit here to this House and to the country that when it comes before the House for consideration it will find an opponent in your humble servant. [Applause.]

Why, sir, I come from a State that boasts of the best educational system in this whole broad land. It has a system, beginning with our common schools, controlled and directed by the people living within sight of the school-houses where their children are educated; in our cities and villages are our public high schools, where our children are taught, are educated beyond the rudiments, and towering above them all is the great University of Ann Arbor——

Mr. WILLIS. And that system of education, the gentleman should not forget, came from grants of the public lands by the United States.

Mr. TARSNEY. I decline to yield to the gentleman.

I say towering above them all is the great university at Ann Arbor, where we invite your people from Kentucky, the people from everywhere in this broad land to come and receive at our expense an education for their children. Do you ask me about the lands granted to the State of Michigan for educational purposes? Why, God bless you, my Kentucky friend, every acre of Government land in the State of Michigan that has ever been utilized for educational purposes would not pay the expense of its school system for six months in any one school year. [Applause.]

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. Mr. Speaker, I want only to say in so far as the question of education is concerned that it was considered fully by the Committee on Labor, and I differ as widely from my friend from Michigan [Mr. TARSNEY] in this respect as any two men can differ on any subject. The gentleman speaks of these questions as being essentially different. I can see blending together the two questions of education and labor. Where you improve the condition of the laboring classes, that benefit is felt all the way through every walk of society, from the lowest to the highest. But this is not the place to discuss that question. When the educational bill comes up we may consider it fairly upon its merits; but for the present the only question for our determination is whether this House will give to the cause of labor a day or not; and I want you gentlemen to keep your pledges made to the people and recollect that it is but a few months now before you will go back to them again. You can not stand before any intelligent constituency and give a reasonable excuse why you would not give to the cause of labor, to the reports from the Committee on Labor, a day in this House. That is all we ask.

Mr. BLAND. Mr. Speaker, I understand, if I may be permitted to make an inquiry, that that order if adopted gives all the reports of this Committee on Labor a sort of standing order for consideration during the remainder of this Congress?

Mr. O'NEILL. No, sir.

The SPEAKER. The Clerk will again report the resolution.

Mr. STEELE. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I want to know whether this report has not already been read nine or ten times.

The SPEAKER. It has been read several times; but without objection it will be again reported.

The resolution was again read.

Mr. BLAND. I wish now to make a parliamentary inquiry: whether or not that order will cover simply such bills as are brought up on that day from the committee for consideration, or whether it will permit the committee to call up any bill that may hereafter be reported?

The SPEAKER. The language of the resolution is very plain: "Such bills as may be presented by the committee."

Mr. BLAND. Then of course they can call up any bill they may report at any time throughout this Congress?

Mr. WILLIS. The gentleman from Missouri [Mr. O'NEILL] yields me a quarter of a minute. The gentleman from Arkansas [Mr. DUNN] asked me as to the organization of the Committee on Education. I desire to say the Speaker of the House organized that committee, as he did every committee in this House, with reference to the public interest, and solely with reference to that.

Mr. DUNN. I do not think I asked the gentleman any such question.

Mr. WILLIS. And I believed at the time the committee was organized the Speaker did not know the opinions of a single member of it except myself on this question.

Mr. DUNN. I have no idea that I intimated any such thing.

Mr. WILLIS. Then I misunderstood the gentleman and withdraw what I have said.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River;

An act (H. R. 5543) making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes;

An act (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana;

An act (H. R. 3371) authorizing the construction of bridges across the Illinois River, in the State of Illinois, and the Des Moines River, in the State of Iowa, and for other purposes;

An act (H. R. 5673) to authorize the construction of a railroad and wagon-bridge across the Mississippi River from Winona, Minn., to the opposite shore in Wisconsin;

An act (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Stillwater, Minn.;

An act (H. R. 3370) to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes;

An act (H. R. 2397) for the relief of Thomas F. Purnell;

An act (H. R. 1464) for the relief of David Webster;

An act (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

An act (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri;

An act (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri;

An act (H. R. 3369) authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes;

An act (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo.;

An act (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas;

An act (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a bridge

across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota;

An act (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.;

An act (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made;

An act (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf;

An act (H. R. 1027) for the extension and repair of the public building at Belfast, Me.;

An act (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War;

An act (H. R. 897) for the relief of the heirs at law of Andrew F. McMillen, deceased;

An act (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

An act (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River;

An act (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon-bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin;

An act (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Crooke County, Texas;

An act (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; and

An act (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post route.

BUSINESS OF COMMITTEE ON LABOR.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution offered by the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 39—not one-fifth of the last vote.

Mr. O'NEILL, of Missouri. I withdraw the demand for the yeas and nays.

The question being taken, there were—ayes 94, noes 26.

Mr. REAGAN. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Texas, Mr. REAGAN, and the gentleman from Missouri, Mr. O'NEILL.

The House again divided; and the tellers reported—ayes 129, noes 17.

Mr. REAGAN. No quorum.

Mr. O'NEILL, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 198, nays 20, not voting 104; as follows:

YEAS—198.

Adams, G. E.	Campbell, J. M.	Forney,	James,
Adams, J. J.	Campbell, T. J.	Frederick,	Johnson, F. A.
Allen, C. H.	Cannon,	Fuller,	Johnston, J. T.
Allen, J. M.	Catchings,	Funston,	Johnston, T. D.
Anderson, C. M.	Clements,	Gay,	Jones, J. H.
Anderson, J. A.	Comstock,	Geddes,	Ketcham,
Atkinson,	Conger,	Goff,	Laffoon,
Ballentine,	Cooper,	Green, R. S.	La Follette,
Barbour,	Cox,	Grout,	Laird,
Barnes,	Croxton,	Guenther,	Lanham,
Barry,	Culberson,	Hale,	Lawler,
Bayne,	Curtin,	Hall,	Lindsley,
Beach,	Cutcheon,	Halsell,	Lyman,
Belmont,	Daniel,	Hammond,	Martin,
Bingham,	Davidson, A. C.	Hanback,	Matson,
Blanchard,	Davidson, R. H. M.	Harris,	Maybury,
Bland,	Dawson,	Hatch,	McAdoo,
Bound,	Dibble,	Haynes,	MCreary,
Boutelle,	Dockery,	Heard,	McKenna,
Boyle,	Dorsey,	Henderson, D. B.	McKinley,
Brady,	Dougherty,	Henderson, J. S.	McRae,
Brown, C. E.	Dunham,	Henderson, T. J.	Merriman,
Brown, W. W.	Eden,	Hepburn,	Millard,
Buchanan,	Ellsberry,	Herman,	Milliken,
Buck,	Ermentrout,	Hewitt,	Moffat,
Bunnell,	Evans,	Hiestand,	Morgan,
Burrows,	Everhart,	Hiscock,	Morrill,
Butterworth,	Farquhar,	Hitt,	Murphy,
Bynum,	Findlay,	Holman,	Neal,
Cabell,	Fisher,	Howard,	Neece,
Caldwell,	Fleeger,	Hudd,	O'Donnell,
Campbell, Felix	Foran,	Irion,	O'Neill, Charles
Campbell, J. E.	Ford,	Jackson,	O'Neill, J. J.
Osborne,	Riggs,	Stewart, Charles	Wade,
Outhwaite,	Rockwell,	Stone, E. F.	Wadsworth,
Owen,	Rogers,	Stone, W. J., Ky.	Wait,
Payne,	Rowell,	Stone, W. J., Mo.	Ward, J. H.
Payson,	Ryan,	Strait,	Ward, T. B.
Peel,	Sadler,	Struble,	Weaver, J. B.
Perkins,	Sawyer,	Swinburne,	Weber,
Pettibone,	Sayers,	Swope,	Wheeler,
Phelps,	Scranton,	Symes,	White, Milo
Pindar,	Seymour,	Tarsney,	Whiting,
Plumb,	Singleton,	Taylor, J. M.	Willis,
Price,	Sowden,	Taylor, Zach.	Wilson,
Randall,	Spooner,	Thomas, O. B.	Wise,
Reed, T. B.	Springer,	Thompson,	Wolford,
Reid, J. W.	Stahlnecker,	Townshend,	Worthington.
Reese,	Steele,	Trigg,	
Richardson,	Stephenson,	Van Eaton,	

NAYS—20.

Bennett,	Crisp,	Hemphill,	Skinner,
Breckinridge, C. R.	Dargan,	Mills,	Taulbee,
Breckinridge, WCP.	Dowdney,	Oates,	Throckmorton,
Candler,	Dunn,	Perry,	Tillman,
Cowles,	Green, W. J.	Reagan,	Turner.

NOT VOTING—104.

Aiken,	Gibson, C. H.	Lore,	Scott,
Arnot,	Gibson, Eustace	Louttit,	Seney,
Baker,	Gilfillan,	Lovering,	Sessions,
Barksdale,	Glass,	Lowry,	Shaw,
Bliss,	Glover,	Mahoney,	Smalls,
Blount,	Grosvenor,	Markham,	Snyder,
Bragg,	Harmer,	McComas,	Spriggs,
Browne, T. M.	Hayden,	McMillin,	Stewart, J. W.
Brumm,	Henley,	Miller,	St. Martin,
Burleigh,	Herbert,	Mitchell,	Storm,
Burnes,	Hill,	Morrison,	Taylor, E. B.
Carleton,	Hires,	Morrow,	Taylor, I. H.
Caswell,	Holmes,	Muller,	Thomas, J. R.
Clardy,	Hopkins,	Negley,	Tucker,
Cobb,	Houk,	Nelson,	Van Schaick,
Cole,	Hutton,	Norwood,	Viele,
Collins,	Jones, J. T.	O'Ferrall,	Wakefield,
Compton,	Kelley,	O'Hara,	Warner, A. J.
Crain,	King,	Parker,	Warner, William
Davenport,	Kleiner,	Peters,	Weaver, A. J.
Davis,	Landes,	Pidcock,	Wellborn,
Dingley,	Le Fevre,	Pirce,	West,
Eldredge,	Lehlbach,	Ranney,	White, A. C.
Ely,	Libbey,	Rice,	Wilkins,
Felton,	Little,	Robertson,	Winans,
Gallinger,	Long,	Romeis,	Woodburn.

So (two-thirds voting in favor thereof) the rules were suspended and the resolution passed.

Mr. WEAVER, of Iowa. I ask unanimous consent that the reading of the names of members voting may be dispensed with.

Mr. MORRISON. I object.

The following additional pairs were announced:

Mr. LANDES with Mr. LOUTTIT, until further notice.

Mr. KING with Mr. BRUMM, for the remainder of the day.

Mr. CRAIN with Mr. DINGLEY, for the remainder of the day.

Mr. BLISS with Mr. WAKEFIELD, for the remainder of the day.

Mr. SCOTT with Mr. ROMEIS, for the remainder of the day.

The result of the vote was then announced as above recorded.

Mr. MORRISON. I move that the House do now adjourn.

The question was taken; and there were—ayes 100, noes 35.

So the motion was agreed to; and the House accordingly (at 4 o'clock and 20 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Resolutions of the Produce Exchange of Chicago, in favor of the anti-butterine bill—to the Committee on Agriculture.

Also, resolutions of the Chicago Board of Trade, relative to amendment to immediate transportation act—to the Committee on Ways and Means.

By Mr. C. M. ANDERSON: Petition of Alexander Puterbaugh, for a special act increasing his pension to $50 for total helplessness—to the Committee on Invalid Pensions.

By Mr. J. A. ANDERSON: Petition of Knights of Labor of Minersville, of Concordia, and of Hope, Kans., against the free-ship bill—to the Select Committee on Ship-building and Ship-owning Interests.

Also, petition of 40 citizens of Manhattan, Kans., for national aid to American Colonization Society—to the Committee on Appropriations.

By Mr. BARNES: Petition of citizens of Dooly County, Georgia, in favor of the passage of the Blair bill—to the Committee on Education.

By Mr. BLANCHARD: Papers in the case of John A. Purner—to the Committee on Claims.

By Mr. BLAND: Petition of citizens of Howell County, Missouri, for a pension for N. C. Moore—to the Committee on Invalid Pensions.

By Mr. BRADY: Petition of Adelina T. Blick, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Adalena T. Blick, of Ream's Station, Va.—to the same committee.

By Mr. BUCHANAN: Petition of J. M. Howell, for the relief of Mrs. Mary M. Thompson—to the Committee on Invalid Pensions.

By Mr. BUNNELL: Petition of the Grand Army of the Republic of Port Rush, Susquehanna County, Pennsylvania, favoring House bill 4902, to extend the benefits of the act of March 3, 1879, and March 3, 1885, to certain pensioners whose disabilities are caused by amputation, and increasing the rate therefor, and for other purposes, and disabilities contracted in the service of the United States—to the same committee.

Also, petition of ship-builders, ship-owners, and lumber merchants of the Pacific States, relating to the treaty of reciprocity between the United States and the Hawaiian Islands—to the Committee on Foreign Affairs.

By Mr. CAINE: Petition of 3,892 citizens of sundry districts in Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of that Territory by disfranchising them through test-oaths on account of their religious belief, as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create for the government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. CANNON: Memorial of John B. Eads, for relief—to the Committee on War Claims.

By Mr. CAREY: Memorial of wool-growers, protesting against the reduction of tariff on wool—to the Committee on Ways and Means.

By Mr. CONGER: Petition of Madison McClelland, for increase of pension—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of citizens of Mason County, Michigan, relative to the prevention of epidemic diseases—to the Committee on Commerce.

By Mr. ERMENTROUT: Petition of 53 miners, laborers, and others of Philipsburg, and of 161 of Snow Shoe, Centre County; of 54 of Karthaus, of 248 of Osceola Mills, of 572 of Houtzdale, of 503 of Du Bois, Clearfield County, Pennsylvania—to the Committee on Labor.

Also, memorial of M. Mengle, for the passage of a law to redeem the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. EVERHART: Petition of Joseph Kugler, for invalid pension—to the Committee on Invalid Pensions.

By Mr. FINDLAY: Memorial of T. A. Sprigg and others, of Baltimore, praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. FISHER: Petition of Whiteside Post, No. 143, Grand Army of the Republic, of Michigan, asking for favorable consideration of Grand Army of the Republic pension committee's bill—to the Committee on Invalid Pensions.

By Mr. FLEEGER: Memorial of Grange No. 337, of Pennsylvania, asking for the passage of the bill to protect the dairy interests of the country—to the Committee on Agriculture.

Also, memorial of Granges Nos. 337 and 190, of Pennsylvania, protesting against all legislation favoring the admission to our ports free of duty, of all agricultural raw material, such as wool, hides, jute, raw sugars, tobacco, &c., and asking the same protection for agriculture accorded to other industries—to the Committee on Ways and Means.

By Mr. GIFFORD: Petition of Woman's Indian Association of Chamberlain, Dak., praying for the passage of the Dawes bill for the allotment of lands in severalty—to the Committee on Indian Affairs.

Also, eighteen petitions of citizens of Dakota Territory, asking that the Territory be divided on seventh standard parallel, and that the Territory of North Dakota be created and organized from that portion lying north of said standard parallel—to the Committee on the Territories.

By Mr. GLASS: Petition of G. F. Brooks, administrator, of Gibson County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of Mahala Dexter, praying for a dependent mother's pension—to the Committee on Invalid Pensions.

Also, testimony in support of bill granting a pension to R. L. Newsom—to the same committee.

By Mr. HANBACK: Petition of J. Wiley and 50 others, of Phillips County, Kansas, praying for an amendment to the laws regulating a national board of health—to the Committee on Commerce.

Also, petition of Friendship Assembly, No. 5635, Knights of Labor, of Kirwin, Kans., praying for the construction of a double-track railway by the United States from New York to Kansas City, Mo.—to the Committee on Railways and Canals.

By Mr. HEWITT: Petition of Frederick Martin, for a pension—to the Committee on Invalid Pensions.

By Mr. HIRES: Petition of James L. Wright, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. HITT: Memorial and resolutions of Chicago Board of Trade, for amendment of immediate-transportation act—to the Committee on Ways and Means.

By Mr. HOLMAN: Petition of Dr. George L. Osborne and 22 others, citizens of Ripley County, Indiana, praying that Charles H. Lockwood, late a private in Company F, Sixth Regiment Indiana Volunteers, be granted a pension—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: Petition of George W. Swan, late private Company H, Third Missouri Infantry, for pension—to the same committee.

By Mr. JOSEPH: Petition of citizens of Las Ranchos de Taos, N. Mex.—to the Committee on the Public Lands.

By Mr. LAFFOON: A bill appropriating money to protect the wharf and improve the channel of the Ohio River at Owensborough—to the Committee on Rivers and Harbors.

Also, petition of James R. Rash, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. LANHAM: Petition of citizens of Eastland and Erath Counties, Texas, in relation to the removal of the Federal court from Graham to Cisco, Tex.—to the Committee on the Judiciary.

By Mr. McCREARY: Petition of F. J. Wolford, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of Mary L. Cleveland, for increase of pension—to the same committee.

By Mr. MORRILL: Petition of J. W. Harp and 62 others, for equalization of bounty and pay to sailors and soldiers—to the Committee on War Claims.

By Mr. MORRISON: Petition of the Commercial Exchange of Chicago, Ill., against the bill taxing oleomargarine and butterine—to the Committee on Agriculture.

By Mr. MORROW: Petition of Rosanna Robey, for widow's pension—to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: Resolutions of the Kansas City Merchants' Exchange, against the passage of the bill taxing oleomargarine or other substitutes for butter—to the Committee on Agriculture.

Also, memorial of the Western Commercial Travelers' Association, urging the passage of the James bill concerning the tax on commercial travelers—to the Committee on Commerce.

By Mr. PAYNE: Petition and resolution of Macedon (N. Y.) Grange, in favor of bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. PERKINS: Petition of Frederick Hainlen, late private Company C, Fourth Missouri Cavalry Volunteers, with accompanying papers, for rerating and increase of pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Petition of Mary J. Senter, and of Isaac F. Hayworth, of Jefferson County; of Bannister Medlen, of Hamblen County; and of David S. Noe, of Hamblen County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition and proof in the matter of Elias Beal, late captain Company H, Eighth Tennessee Volunteers—to the Committee on Military Affairs.

By Mr. PINDAR: Petition of Philo Osgood and 67 others, citizens of Herkimer County, New York, favoring an appropriation for the National Board of Health—to the Committee on Commerce.

Also, petition of the Northern New York Methodist Episcopal church conference, composed of 228 ministers, representing 25,000 church members, for the enactment of such measures as will enable the law to protect Chinese in the United States—to the Committee on Foreign Affairs.

By Mr. RANDALL: Petition of Hugh Harkins, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of Harriet W. Bartleman, widow of Richard M. Bartleman, late a chief engineer of the United States Navy, for a pension of $50 per month—to the same committee.

By Mr. RIGGS: Resolutions of the Cincinnati Chamber of Commerce, protesting against taxing oleomargarine, &c.—to the Committee on Agriculture.

By Mr. ROGERS: Papers in the case of Lewis S. Bateman—to the Committee on Invalid Pensions.

By Mr. ROWELL: Memorial of W. H. Lacy, Jennie A. Lacy, Emma D. Lacy, and Emma M. Gregory, wife of John W. Gregory, praying that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SCOTT: Petition of Grange No. 198 of Pennsylvania, for the suppression of the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, petition of same against the admission to our ports, free of duty, of all agricultural raw materials—to the Committee on Ways and Means.

By Mr. SINGLETON: Papers relating to the claim of Charles H. Johnson, of George C. Harper, and of James H. Owen, of Scott County; of Samuel Herd; and of Wiley A. Pullen, of Newton County; and of Tilman Loggins's estate, Mrs. Helen Loggins, administratrix, of Rankin County, Mississippi—to the Committee on War Claims.

By Mr. SPRINGER: Petition of the Chamber of Commerce of Milwaukee; of the Board of Trade and the Live Stock Exchange of Chicago; and of Charles F. Steiger & Co., of Springfield, Ill., opposing the taxing of oleomargarine—to the Committee on Agriculture.

Also, petition of Robert P. Langley, Uriah R. Allen, and Joel Potts, of Christian County, Illinois, praying for pensions—to the Committee on Pensions.

Also, petition of A. A. Talmage, of Chicago, Ill., asking additional legislation for the protection of railroad companies—to the Committee on the Judiciary.

Also, resolution of the Chicago Board of Trade in favor of the construction of a railroad bridge at Cairo, Ill.—to the Committee on Commerce.

Also, resolutions of the same, recommending amendment to the immediate-transportation act—to the same committee.

By Mr. STAHLNECKER: Petition of ship-builders, ship-owners, and others of the Pacific coast, relating to the reciprocity treaty with Hawaii—to the Committee on Ways and Means.

By Mr. STEELE: Petition of C. E. Briant and 75 others, of Huntington, Ind., asking an increase of pension for Joshua Parker, Twelfth Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. SWOPE: Petition of ship-owners, ship-builders, and lumber merchants of the Pacific coast States, relating to the treaty of reciprocity between the United States and the Hawaiian Islands—to the Committee on Foreign Affairs.

Also, memorial of Samuel T. Dougherty, of Seaville, N. Y., for an invalid pension—to the Committee on Invalid Pensions.

Also, petition of ship-owners, ship-builders, and lumber merchants of the Pacific coast States, relating to the treaty of reciprocity between the United States and the Hawaiian Islands—to the Committee on Ways and Means.

By Mr. TOWNSHEND: Petition of citizens of Union County, Illinois, for arrears and increase of pension to Dwyer Tracy—to the Committee on Pensions.

Also, petition of citizens of Macedonia, Ill., and vicinity, praying that a pension be granted to William C. Diol, of the Sixth Cavalry, Illinois Volunteers—to the Committee on Invalid Pensions.

Also, petition of 251 ex-soldiers of Saline County, Illinois, demanding the passage of a bill pensioning all ex-Union soldiers and sailors—to the same committee.

By Mr. WILKINS: Petition of Cornelia P. Randolph and others, for removal of cloud on title of certain alley in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. WISE: Petition of Laflin D. Allen, of Henrico County, Virginia, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. ERMENTROUT: Of 68 of New York, of 248 of Pennsylvania, of 46 of Maine, of 81 of Minnesota, of 28 of Vermont, of 24 of Oregon, of 446 of Iowa, of 225 of Illinois, of 68 of Wisconsin, of 109 of Missouri, of 240 of Nebraska, of 15 of Virginia, of 46 of New Jersey, of 136 of Michigan, of 17 of Connecticut, of 38 of Ohio, of 36 of Alabama, of 476 of Iowa, of 310 of Pennsylvania, of 30 of Indiana, of 48 of Minnesota, of 27 of Wisconsin, of 48 of Kansas, of 27 of Colorado, of 21 of West Virginia, of 149 of Iowa.

By Mr. GLOVER: Five petitions of citizens of Saint Louis, Mo.

By Mr. SCOTT: Of citizens of Hopbottom, Pa.

By Mr. SPRINGER: Petitions of the American Agricultural and Dairy Association of America and of the Produce Exchange of Chicago, Ill.

By Mr. STRAIT: Of M. D. Manning and 74 others, citizens of Kandiyohi County, Minnesota.

By Mr. MILO WHITE: Petition of the Farmers' Alliance, of Stevens County, Minnesota.

By Mr. WINANS: Of citizens of Thornton, of Jefferson, of Davison Station, and of Elm Hall, Mich.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BAYNE: Of citizens of Allegheny County, Pennsylvania.

By Mr. BEACH: Of citizens of Rockland County, New York.

By Mr. BOYLE: Of citizens of Fayette County, Pennsylvania.

By Mr. BUCK: Of citizens of Tolland County, Connecticut.

By Mr. DOCKERY; Of citizens of Gentry County, Missouri.

By Mr. FORD: Of citizens of Saint Joseph County, Indiana.

By Mr. FULLER: Of citizens of Floyd County, Iowa.

By Mr. EUSTACE GIBSON: Of citizens of Wood and Cabell Counties, West Virginia.

By Mr. HATCH: Of citizens of Knox County, Missouri.

By Mr. HAYNES: Of citizens of Rockingham County, New Hampshire.

By Mr. HEARD: Of citizens of Boone County, Missouri.

By Mr. LORE: Of citizens of Kent County, Delaware.

By Mr. MCKINLEY: Of citizens of Summit County, and of Stark County, Ohio.

By Mr. RICE: Of citizens of Boston, Mass.

By Mr. SWINBURNE: Of citizens of Albany County, New York.

By Mr. T. B. WARD: Of citizens of Boone County, Indiana.

By Mr. MILO WHITE: Of citizens of Steele County, Minnesota.

Also, of German citizens of Winona, Minn.

SENATE.

TUESDAY, *May* 18, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of April 9, 1886, documents containing a list of claims allowed by the accounting officer of the Treasury Department for the payment of which no appropriations have been made by Congress; which was read.

The PRESIDENT *pro tempore*. This communication will lie on the table and be printed. The accompanying documents, having been already printed by order of the present Congress, will not be reprinted.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of April 8, 1886, certain information in regard to the construction and expediency of completing the harbor of refuge at Sandy Bay, near Cape Ann; which was read.

Mr. DAWES. Let it be printed, without the accompanying maps, and referred to the Committee on Commerce.

Mr. MCMILLAN. The accompanying papers, except the maps, will be printed.

The PRESIDENT *pro tempore*. The order to print will extend to the accompanying papers, without the maps. The communication and accompanying papers will be referred to the Committee on Commerce.

Mr. MCMILLAN. Very well.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Postmaster-General, replying to a resolution of the 10th instant, calling for a report in regard to the applications of postmasters and late postmasters for readjustment of salaries under the act of March, 1882. As this letter is long the Chair will not have it read, as is generally done, unless the reading is specially called for. The communication, with the accompanying papers, will be referred to the Committee on Post-Offices and Post-Roads, and printed.

PETITIONS AND MEMORIALS.

Mr. HALE. I present a memorial of officers of American mail steamship lines, setting forth the advantages of governmental aid and denying that any attempts are being made to improperly influence Congress to that end.

I very willingly present this memorial, not only because it is a very brief and complete statement of the advantages to be gained to our commerce from governmental aid to mail steamship lines, but also because it denies very squarely what has been stated in certain newspapers, that an attempt is being made to improperly influence Congress in the interest of what are called subsidies to such lines.

I wish to say here and now that if this effort in the interest of reviving American commerce ever prevails in Congress, it will not be done by the influence of the "lobby." That can only do harm. Success can only come to this effort because the American people are growing more and more interested in the subject, and sooner or later Congress must respond to the popular demand. I hope to hear of no lobbying influence anywhere in its favor.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Appropriations.

Mr. CULLOM. I present the petition of Isaac N. Osborn, late a private in Company C, Twenty-first Indiana Volunteers, praying to be placed upon the pension-roll, and setting out the reasons for his request in the petition. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CALL presented a petition of citizens of Fernandina, Fla.; a petition of citizens of Waldo, Fla.; a petition of citizens of Ocala, Fla.; and a petition of citizens of Callahan, Fla., praying that the time of the Florida Railway and Navigation Company for the completion of their road may be extended; which were referred to the Committee on Public Lands.

Mr. WILSON, of Iowa. I present petitions of citizens of Carson, Fairfield, and Brookville, in the State of Iowa, praying for the passage of the bill introduced by the Senator from New York [Mr. MILLER] placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue and taxing them 10 cents a pound. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HAWLEY presented the petition of Henry Talley and others, citizens and tax-payers of McLean County, Dakota, praying for the pas-

sage of the bill taxing lands sold by the Northern Pacific Railroad Company; which was ordered to lie on the table.

Mr. HOAR. I present a petition of the New England Conference of the Methodist Episcopal Church, by Henry W. Warren, president, and E. A. Manning, secretary. This is a conference composed of two hundred and fifty ministers and representing thirty-five thousand church members. They beg leave to present to the Senate and House of Representatives their respectful petition, showing:

1. That the treaty of 1881 between the United States and China, in which China gave her consent to the restriction of immigration of Chinese laborers to this country, provided that "Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and the subjects of the most favored nation." Said treaty also contained the following solemn pledge on the part of our Government: "If Chinese laborers, or Chinese of any other class, now either temporarily or permanently residing in the territory of the United States, meet with ill treatment at the hands of any other persons the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty."

2. That most flagrant and grievous outrages have been perpetrated upon the Chinese in Wyoming and Washington Territories and in the States of Oregon and California, and in many places in that portion of our country the purpose is still openly expressed of driving out the Chinese inhabitants.

3. That in the course of these outrages not only has much property belonging to Chinese residents been destroyed, but many persons have been put to death.

4. That the failure to keep our treaty obligations and the inhuman and brutal massacres which have been perpetrated upon these strangers in our midst have disgraced our country in the eyes of the civilized world and subjected us to the just judgments of a righteous God.

5. That the safety of our citizens in China is imperiled by these frequent and unredressed wrongs to Chinese subjects in the United States, and that we have no right to expect that the people of a heathen country will be more careful of the rights of American merchants and missionaries than the people of this Christian country are of the rights of the Chinese in our land.

6. That it is imperatively necessary that immediate measures of the most stringent character be taken for the protection of the lives and property of the Chinese in this country, and the spirit of persecution and lawlessness so rife in some regions be sternly rebuked and prompt and efficient punishment be visited upon lawbreakers.

We therefore petition your honorable body to enact, without delay, such measures as will enable the officers of the law to suppress all efforts to persecute and drive out the Chinese, and secure to them, wherever they may be in our wide domain, the same protection afforded to all other persons in "life, liberty, and the pursuit of happiness."

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PUGH presented a petition of the Grocers' Association of the District of Columbia, on behalf of the American Agricultural and Dairy Association, praying for the passage of House bill No. 8328, defining butter and imposing a tax and regulating the manufacture and sale and importation and exportation of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

TAX ON IMITATION BUTTER.

Mr. BECK. I present a petition, which, as it is brief, I shall read. I understand that similar petitions have gone to the Committee on Agriculture and Forestry heretofore. I desire to send this petition to the Committee on Finance, if I am correct. It is very brief, and I read the heading over the names:

The undersigned, dairymen and butter-makers, respectfully petition your honorable body for the adoption of the bill of the American Agricultural and Dairy Association, introduced by Hon. WARNER MILLER, of New York, in the Senate, and Hon. WILLIAM L. SCOTT, of Pennsylvania, in the House of Representatives, placing the manufacture and sale of all imitation butter under the control of the Commissioner of Internal Revenue and taxing it 10 cents per pound. And your petitioners represent that the prompt adoption of such an effective measure is absolutely necessary to save the dairy industry of the United States from ruin and to protect the consumers of butter from fraud and imposition of the most extreme character.

The petition is signed by J. F. Roberts, of Waterford, Pa., and quite a number of others.

I desire the reference of the petition, which I find is met by remonstrances from the Cincinnati, Louisville, Chicago, and other live-stock exchanges, to the Committee on Finance, as I think that is the only committee which can deal with these questions.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the petition presented by him be referred to the Committee on Finance.

Mr. MILLER. I hope that the Senator will not insist upon or request that reference. This whole matter up to the present time has gone to the Committee on Agriculture and Forestry, not only in the Senate, but in the House of Representatives. Certainly if any subject should properly go to that committee, which is charged with the interests of agriculture, this question should go there.

It does not follow that any inference can be made as to what the action of that committee will be. It may be in favor of a tax and it may be in favor of some other measure of relief. But if the question to which the petition refers can not go to the Committee on Agriculture, then the Committee on Agriculture had better be dispensed with entirely in this body. From time to time for many years other committees have been trenching upon the duties and privileges of that committee, until a few years ago it had been substantially driven entirely out of the Capitol and into quarters which are not large enough to hold the committee itself, much less to be able within its committee-room to give hearings to any persons who shall come before it as petitioners. Some days ago when this question was being considered in the Committee on Agriculture it was compelled to ask the privilege of the Committee on Patents that it might hold its sessions in that room, because the Committee on Agriculture was not provided with accommodations sufficient for the business properly coming before it.

As this petition refers to the whole subject, and there has been no decision either by the House of Representatives or by this body as to whether there shall be an attempt to pass purely a tax-bill, or whether there shall be some other regulation, or whether nothing shall be done, I insist that all these petitions shall go to that committee, where they have already gone and where they properly belong.

Mr. DAWES. I should like to inquire of the Senator from New York if his committee has considered the question whether there is any power at all to originate any such measure as a tax-bill in this body.

Mr. MILLER. The Committee on Agriculture is considering the subject at the present time. As to the question which the Senator submits, I will say that the Committee on Agriculture and Forestry will undertake not to invade the rights of the House of Representatives or to violate the Constitution by any action which it may see fit to take. If the committee should decide in favor of a tax measure, of course it would have to wait until the other House should have acted upon the subject.

But I do not propose to have this subject taken away from the Committee on Agriculture unless the majority of the Senate favor that course, and if they do, we may just as well know it now as at any other time.

Mr. DAWES. I am desirous of co-operating with the Committee on Agriculture in any feasible legislation on this subject; but I have been troubled very much with the question whether any tax measure could be originated here. If any other remedial legislation could be adopted here that does not include a tax, I should think that with more propriety should go to the Committee on Agriculture than to the Committee on Finance. Going to the Committee on Finance includes the idea that this imitation product can be taxed, and if it can be taxed certainly neither committee could have original jurisdiction. Therefore, if the Committee on Agriculture can devise some method of protecting the community against fraudulent transactions in imitations of butter, that would be their proper work.

Mr. MILLER. In answer to the Senator from Massachusetts I can say, without unduly indicating what the Committee on Agriculture propose to do in this matter, that if the House of Representatives, which has the constitutional power to originate tax bills, a power which undoubtedly does not pertain to this body, shall fail to act in that direction within due time, I have no doubt the Committee on Agriculture will undertake to formulate a bill to in some degree meet this great evil in a way which will be within constitutional limits. Then the subject must undoubtedly belong to the Committee on Agriculture, as I hold that the whole subject now belongs there.

As the question of taxation is a question which can not now be before the Senate or before its committees properly, I think there can be no possible reason given why these petitions which are now coming in should be taken from the channel in which they have all gone up to the present time.

Mr. BECK. The petition I had the honor of presenting a few minutes ago deals with taxation and taxation alone, and it asks for nothing else. I read it for the purpose of showing that.

Mr. MILLER. I beg the Senator's pardon; if he will read the petition he will find that it undertakes to do a good deal more than merely to impose taxation.

Mr. BECK. Let the petition be read again from the desk.

The PRESIDENT *pro tempore*. The petition will be read.

The Chief Clerk read the petition, as follows:

To the Senate of the United States:

The undersigned, dairymen and butter-makers, respectfully petition your honorable body for the adoption of the bill of the American Agricultural and Dairying Association, introduced by Hon. WARNER MILLER, of New York, in the Senate, and by Hon. WILLIAM L. SCOTT, of Pennsylvania, in the House of Representatives, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue of the United States and taxing it 10 cents per pound; and your petitioners represent that the prompt adoption of such an effective measure is absolutely necessary to save the dairy industry of the United States from ruin and to protect the consumers of butter from fraud and imposition of the most extreme character.

Mr. BECK. As I understand it, that petition is looking alone to the question of taxation. The bills may contain other provisions; I have not the bills before me.

Mr. MILLER. The petition refers to the bill introduced by me, and the bill itself contains many other provisions tending in the direction of preventing fraud in the manufacture of imitation goods.

Mr. BECK. The remonstrances against it, one of which I have in my hand from the Chicago Live-Stock Exchange, which they say was unanimously adopted and ordered to be sent to the Senators and Representatives in Congress, proceeds upon the same idea that it is a tax measure that is being urged. The remonstrance to which I refer reads as follows:

CHICAGO LIVE-STOCK EXCHANGE, UNION STOCK-YARDS,
Chicago, May 10, 1886.

At a full meeting of this association, held at their rooms this day, the follow-

ing resolutions were reported from the undersigned committee, and were adopted by a unanimous vote:

Whereas bills are now pending in both Houses of Congress proposing special taxes on all manufacturers and venders of oleomargarine and butterine, and also proposing an internal-revenue tax of 10 cents on each pound of those articles made in this country, and placing the production and sale of them under charge of the Internal Revenue Bureau; and

Whereas the proposed laws, while purporting to be revenue bills, are in reality intended to stop the manufacture of oleomargarine and butterine in this country: Therefore,

Be it resolved by the Chicago Live-Stock Exchange, That we are firmly opposed to the passage of any law prohibiting or taxing the manufacture or sale of oleomargarine or butterine, for the following reasons:

1. The leading chemists of this country have repeatedly examined and pronounced oleomargarine and butterine healthful articles of food. This being the case, Congress has no right to prohibit their manufacture or sale; and to subject them to taxation, when revenue is not needed, is equally a violation of constitutional rights.

2. In this market prime fat cattle are worth at least $2 per head more than they would bring if the manufacture of these desirable articles of food was prohibited or burdened with unjust taxation, and the materials now used in their manufacture were thus compelled to be used in other channels.

3. The price of choice grades of butter is frequently so high as to place them beyond the reach of people of moderate means, who can now get a wholesome and palatable substitute at a low price, but who would, if the proposed laws should be enacted, be compelled to eat poor butter or do without.

Resolved, That the secretary of this exchange be instructed to forward copies of these resolutions to our Senators and Members in Congress, and to furnish a copy to the press.

IRUS COY,
L. B. DOUD,
J. C. BOHART,
SAMUEL WAUGH,
B. F. HARRISON,
Committee.
C. W. BAKER, *Secretary.*

The remonstrance assumes, as the petition does, that taxation is the remedy proposed, and I suppose the Committee on Finance, having to await the action of the other House, is the committee to deal with that subject. If a bill should come from the House of Representatives making no proposition to tax this product the Committee on Finance would not take any charge of it. Until the other House does act this body can not deal with taxation, and when it does deal with the subject of taxation the Committee on Finance and the Committee on Finance alone under our organization is the proper body to consider the question.

I have no desire to express any opinion particularly upon the subject of these petitions and remonstrances. Taxation, it seems to me, is not the remedy. If oleomargarine is injurious to health, its manufacture ought to be stopped entirely by State authority. If it is a wholesome article. then people have an equal right to use it and to make it as they have to make and use butter, if they want it. But it ought to be so stamped and marked that every man who buys it can know what it is, and know that he is buying oleomargarine or butterine.

If we can do anything in that direction it ought to be done; but beyond that, to say that a man shall not eat what he wants if it is wholesome and good, and that a man shall not manufacture that without a tax being imposed upon it, it seems to me is not legislation that we ought to indulge in.

That is the view I take at present. I have no doubt I have eaten this article. I hope I never have; I never will, if I know it; and therefore I want it stamped and branded so that people can know it. If people prefer it and can buy it more cheaply than they can buy butter, let them have it, if it is fit to be eaten at all; and if it is not, then a tax ought not to be imposed; it ought to be stopped entirely as injurious to public health.

I thought the Committee on Finance was the proper committee to deal with the subject, but if the Senator from New York has any feeling about it, and there are other matters in the bill (I confess I have not studied it with care), I am willing for the time being to let the petition go to the Committee on Agriculture and Forestry, advising the Senator from New York, however, that if the other House sends over any bill on the subject involving taxation I shall then make the motion to send that bill to the Committee on Finance, which can and ought to deal with taxation.

In the mean time this petition may go with the others. I did not know where they had all gone until this morning. It may go to the Committee on Agriculture and Forestry, so that they can look into it in the mean time, reserving the right, when the House bill comes over, if it deals with taxation, to move that it shall go to the Committee on Finance. I shall therefore let the petition go to the Committee on Agriculture and Forestry.

Mr. MORRILL. I am glad the Senator from Kentucky has consented to that reference. If a bill shall be reported from the Committee on Agriculture and Forestry imposing any taxation, it will be time enough then to refer it to the Committee on Finance.

Mr. BECK. I am willing that the petition may go there for the present.

Mr. MILLER. The bill of which the Senator from Kentucky has spoken contains very much more than the mere proposition to tax imitation butter 10 cents a pound. It undertakes the inspection of all these goods under the supervision of Government officers, and properly stamping them so that they can not be sold to consumers without the consumers' knowledge as to what they are and what they are not. I understand the Senator to be in favor of that proposition at the outset, and I have no doubt we shall all be in favor of doing as much as that.

I do not care to go into any discussion this morning as to the propriety of this tax. I shall do that when the measure properly comes before the Senate and not before.

We are receiving from day to day petitions from thousands and tens of thousands of the small farmers scattered all over this country asking substantially for this legislation or for some measure of relief. We have received protests already from a few individuals engaged in this infamous trade of the manufacture of imitation goods, butterine and oleomargarine. The manufacture is confined, however, to a very few persons in this country, perhaps not more than fifty or one hundred establishments; I do not know the exact number. These manufacturers have suddenly awakened to a sense and a knowledge that the people of this country propose in some way, and in some proper way, to put this manufacture under control, so that the people of the country shall know what they are buying, and shall prevent all kinds of fraud or imitations being put upon the people.

When the House of Representatives shall have acted upon this question, if not before, the Committee on Agriculture will undertake to formulate the matter, and then, if it shall in its wisdom see fit to report a bill here favoring a tax, it may probably be wise for the Committee on Finance to consider it. But it is well known to this body that the whole question of the taxation and control under law of imitation butter has been considered by a similar committee in the House, and has been reported to the House without the action of the ordinary committee, the Committee on Ways and Means, which controls the matter of taxation.

Mr. CONGER. I ask if this debate is in order under the rule?

The PRESIDENT *pro tempore*. It is in order under the rule on the motion to refer, but the motion to refer the petition to the Committee on Finance having been withdrawn, the petition will be referred to the Committee on Agriculture. The Chair can not restrain debate on a motion to refer.

REPORTS OF COMMITTEES.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 3367) granting a pension to Mary A. Foster, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4501) granting a pension to Daniel B. Randall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 783) granting a pension to D. B. Randall, moved its indefinite postponement; which was agreed to.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3831) granting a pension to Charles T. Reber;
A bill (H. R. 3836) granting a pension to James Dunbar; and
A bill (H. R. 1061) for the relief of Sarah M. Shearer.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2193) to retire disabled officers of the Army, to report it adversely, and recommend its indefinite postponement, but as the Senator who introduced it [Mr. BUTLER] has requested me to do so, I ask that it be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. WHITTHORNE, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 6457) granting a pension to Alfred Pickelsimer;
A bill (H. R. 6039) for the relief of Greenville R. Hale;
A bill (H. R. 6045) granting a pension to Adam Feltner; and
A bill (H. R. 6000) granting a pension to George W. Cramblett.

Mr. WHITTHORNE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft; and
A bill (H. R. 6020) granting a pension to Levi M. Starne.

Mr. ALDRICH, from the Committee on Pensions, to whom was referred the bill (S. 2372) for the relief of Mary McMahan, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 158) granting a pension to Mary A. Mykins, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2341) granting a pension to Josephine D. Whitted;
A bill (S. 2353) granting a pension to William Barden;
A bill (S. 2310) granting a pension to Hiram Morris;
A bill (H. R. 5656) granting a pension to Margaret S. Davis;
A bill (H. R. 3737) granting a pension to John H. Downing;
A bill (H. R. 2968) granting a pension to Harriet Peak;
A bill (H. R. 7066) for the relief of Andrew G. Hillberg;
A bill (H. R. 5951) granting a pension to John M. Mattingly;
A bill (H. R. 5645) granting a pension to Rebecca Allen;
A bill (H. R. 7660) granting a pension to James Stobaugh;

A bill (H. R. 1678) for the relief of Henry N. Huggins;
A bill (H. R. 4426) granting a pension to Fannie E. Evans;
A bill (H. R. 2971) granting a pension to Francis Deming;
A bill (H. R. 2043) to place Mary Karstetter on the pension-roll;
A bill (H. R. 421) granting a pension to Jesse B. Scudder;
A bill (H. R. 918) granting a pension to Gilbert A. Philips;
A bill (H. R. 3601) to increase the pension to Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of the United States volunteers;
A bill (H. R. 6088) granting an increase of pension to Nelson Monroe;
A bill (H. R. 6237) for the relief of Samuel Shuler;
A bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell;
A bill (H. R. 3047) granting a pension to Thomas Tegan; and
A bill (H. R. 1627) granting a pension to Annie Bagley.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 2286) for the relief of Albert C. Kelley; and
A bill (S. 2393) granting a pension to Anna M. Marshall.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2330) for the relief of Adam Eitapence; and
A bill (S. 2308) granting a pension to Henry Lafner.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the petition of Rachel Ann Pierpont, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2452) granting a pension to Rachel Ann Pierpont; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of George W. Peavey, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2453) granting a pension to George W. Peavey; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of James S. Furniss, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2454) granting a pension to James S. Furniss; which was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Edward D. Patchin, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2455) granting a pension to Edward D. Patchin; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5761) granting a pension to Margaret J. Reighter;
A bill (H. R. 6919) granting a pension to Sarah Ann Williams;
A bill (H. R. 6372) to pension Charles A. Chase; and
A bill (S. 2382) granting a pension to Alice Kelley.

Mr. VOORHEES, from the Committee on the Library, to whom the subject was referred, reported a bill (S. 2456) providing for the purchase of the painting entitled "Farming in Dakota;" which was read twice by its title.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 2313) defining the service of a stevedore as a maritime service, and creating a maritime lien in his favor therefor, reported it without amendment.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, moved their indefinite postponment; which was agreed to:

A bill (S. 419) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes; and

A bill (S. 1659) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., except that portion that lies westward of a line 50 feet east of the center of the railroad track of the Louisville, New Orleans and Texas Railroad Company, to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the resolution of the Legislature of Georgia in relation to the payment of the Trezevant claim to that State, submitted a report thereon, accompanied by a bill (S. 2457) for the relief of the State of Georgia; which was read twice by its title.

Mr. GEORGE. I should state that the Senator from Vermont [Mr. EDMUNDS] does not agree with this report.

Mr. HAWLEY. The bill (S. 2209) for the erection of a milling-shop at the national armory, Springfield, Mass., was referred to the Committee on Military Affairs. That committee has considered the bill and approves it, but instructs me to report it with a recommendation that it be referred to the Committee on Appropriations, so that the substance of it may be incorporated in the Army appropriation bill.

The PRESIDENT *pro tempore*. If there be no objection the report will be agreed to, and the bill will be referred to the Committee on Appropriations.

Mr. HAWLEY, from the Select Committee on Coast Defenses, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare; and

A bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare.

Mr. HAWLEY. By leave of the Senate I will submit a report later.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, reported it without amendment.

THE MENHADEN FISHERY.

Mr. PALMER. I am instructed by the Committee on Fisheries to ask that 400 copies of certain statements made before that committee on the subject of the menhaden fishery be printed for the use of that committee.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

SOUTH PASS OF THE MISSISSIPPI.

Mr. GIBSON. I am instructed by the Committee on Commerce to report favorably and to ask for the immediate consideration of the bill (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River.

There is a report here from the Secretary of War and from the Chief of Engineers asking that the appropriation be made.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $6,492 to supply deficiency in amount required for expenditure to June 30, 1886, for examinations and surveys required by the acts of March 3, 1875, and June 19, 1878, to ascertain the depth of water and width of channel secured and maintained from time to time by James B. Eads at South Pass of the Mississippi River and to enable the Secretary of War to report to Congress during the maintenance of the work.

The bill was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. The bill reported by the Senator from Louisiana is the House print. The identical bill referred to the committee should be here, if practicable.

Mr. GIBSON. I supposed it was the identical bill. It was handed me by a member of the other House.

The PRESIDENT *pro tempore*. The Chair will treat it as such. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading, read the third time, and passed.

WILLIAM L. DUNLOP, TRUSTEE.

Mr. HARRIS. The Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 79) for the relief of William L. Dunlop, trustee, direct me to report it with a recommendation that it pass, and I ask the consent of the Senate to consider it at this time.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The joint resolution was read, as follows:

Resolved, &c., That the United States, in favor of the said William L. Dunlop, of the District of Columbia, as trustee of the estate of George Lowry, late of said District, deceased, his heirs and assigns, hereby surrender, abandon, and forever release all right or claim they may have, by reason of any escheat, to any part of lot numbered 13, in square numbered 75, in the city of Washington, in the District of Columbia, as the same is known and distinguished on the plan or plat of said city, and included in the following lines and bounds, to wit: Beginning for the same at a point on the line of the southwest side of Pennsylvania avenue 79 feet 3 inches from the stone planted at the northwest corner of the square, and running thence along the line of Pennsylvania avenue toward said corner-stone 20 feet; thence at right angles to the avenue back to an alley 9 feet wide, heretofore laid off in a lease to Thomas Y. Sprogell; thence with the line of said alley due east till it intersects with said Sprogell's line; thence with said Sprogell's line to the place of beginning, with the free use and privilege of the said alley of 9 feet in width, and with the brick dwelling-house and buildings thereon.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTH AMERICAN COMMISSION REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution for printing additional copies of the reports of the South American Commission, to report it favorably and to ask for its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 15,000 additional copies of the Reports of the South American Commission, Executive Document 226, Forty-eighth Congress, second session, and Executive Document 50, Forty-ninth Congress, first session; of which 5,000 shall be for the use of the Senate, and 10,000 for the use of the House of Representatives.

REPORT ON INTEROCEANIC CANAL.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution for printing additional copies of the report on the Interoceanic Canal, to report it favorably and to ask for its present consideration.

There being no objection, the Senate proceeded to consider the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the report of Mr. Menocal on the Interoceanic Canal, Senate Executive Document No. 99, first session Forty-ninth Congress; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 2,000 copies for the use of the Navy Department; and such additional number shall contain the plates, maps, and photographic illustrations.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. BUTLER. May I ask the Senator why he confines the maps to the 2,000 copies for the use of the Navy Department? Why not include the maps in all?

Mr. MANDERSON. I do not think that is the wording of the resolution. It applies to all.

The PRESIDENT *pro tempore*. The map will be printed with the 5,000 additional copies.

Mr. BUTLER. The language of the resolution did not so strike me.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution, reported it adversely, and moved its indefinite postponement; which was agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of drawings and report of a recent survey of the Nicaraguan Canal route made by Engineer A. G. Menocal, United States Navy; of which 1,000 copies shall be for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

ALASKA FRONTIER LINE.

Mr. MANDERSON. There came to the Senate yesterday a message from the President on the subject of the boundary line between Alaska and British Columbia. Accompanying the message of the President there is a report of the Secretary of State. Upon an examination of the report I find that it is very voluminous, and that accompanying it are quite a number of publications, among them one by the Coast Survey, which contains a large number of plates the printing of which would be a very great expense. By the action of the Senate yesterday not only was the message of the President ordered to be printed but also the accompanying papers. I move now to reconsider the vote by which the accompanying papers were ordered to be printed, and to refer the papers accompanying the message to the Printing Committee for their consideration.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, moves to reconsider the action of the Senate yesterday taken, that the documents referred to by him be printed. If there be no objection that order will be reconsidered and the documents will be referred to the Committee on Printing. The Chair hears none, and it is so ordered.

PORT OF ENTRY AT PORTLAND, OREG.

Mr. DOLPH. By direction of the Committee on Commerce I report favorably without amendment the bill (S. 1393) to extend the limits of the port of Portland as a port of entry. The bill is favorably recommended by the Secretary of the Treasury. I ask unanimous consent that it may be considered now. It will take but a moment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the limits of the port of Portland, in the State of Oregon, as a port of entry, be, and the same are hereby, extended so as to include all that portion of the east bank of the Willamette River lying opposite to the city of Portland, for a distance of 1 mile in width, and extending from the south boundary line of the corporate limits of the city of Portland down said east bank of said river to a point directly opposite to the lower end of Swan Island, in said river.

SEC. 2. That this act shall take effect from and after the date of its passage.

By unanimous consent the Senate as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

Mr. MAXEY. I ask that the Calendar be taken up and that it be disposed of in regular order. I think that is fair to all.

The PRESIDENT *pro tempore*. The morning business is not yet closed.

Mr. MAXEY. I thought the Calendar had been reached, as several bills have been passed by unanimous consent.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

BILLS INTRODUCED.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 2458) for the relief of C. H. Fristoe, Simon Shultice, John J. Sumpter, and George W. Baxter; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 2459) granting a pension to Eliza Wilkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2460) granting a pension to Stephen D. Mead; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2461) granting an increase of pension to Philip Kirschner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2462) granting a pension to Helen A. Beebe, a volunteer nurse in the United States service during the war of the rebellion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2463) granting a pension to H. D. Hobbs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES (by request) introduced a bill (S. 2464) extending the jurisdiction of the Court of Claims to certain suits for the use of patents and patented inventions against the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLPH introduced a bill (S. 2465) to amend section 5258 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRISON introduced a bill (S. 2466) for the relief of Samuel E. Nichols; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2467) granting a pension to John S. Coleman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2468) for the relief of Lewis Bitlick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. EUSTIS introduced a bill (S. 2469) for the relief of Thomas G. Mackie and the heirs at law of William A. Hyde; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2470) for the relief of Hiram Bordner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 2471) making an appropriation for the building of a new light-house at Milwaukee, Wis.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. BUTLER introduced a bill (S. 2472) for the organization of the Territory of Alaska, and to provide for the establishment of a civil government therefor; which was read twice by its title, and referred to the Committee on Territories.

Mr. LOGAN introduced a bill (S. 2473) supplementary to and amendatory of section 1342 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. CALL, Mr. HOAR, Mr. JONES, of Arkansas, and Mr. SAULSBURY submitted amendments intended to be proposed by them severally to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

BONDS OF EXECUTORS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Calendar is in order, and the first case on the Calendar will be announced.

Mr. CALL. I ask the unanimous consent of the Senate to reconsider the vote by which the Senate yesterday passed the bill (S. 1422) to amend the law relating to the bonds of executors in the District of

Columbia. I find that the House has passed a bill precisely the same, in the same words, and, if my motion is granted, I shall ask that the House bill be put upon its passage.

The PRESIDENT *pro tempore*. The Senator from Florida asks the unanimous consent of the Senate to reconsider its action upon the bill named by him, stating that a bill precisely the same has been passed by the House of Representatives. Is there objection? The Chair hears none, and the vote by which the bill was passed is reconsidered. The House bill will be read.

Mr. CALL. It is House bill 7879.

Mr. CONGER. That bill is not on the Calendar.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Florida that the bill is not yet on the Calendar, and the motion to proceed to its consideration will have to be postponed.

Mr. CALL. If it be in order I move that the committee be discharged from the further consideration of the bill and that it be reported back to the Senate without delay, inasmuch as it is precisely, word for word, the same as the Senate bill which was passed yesterday. The House bill is now pending before the committee to which it was referred.

The PRESIDENT *pro tempore*. To what committee was it referred?

Mr. CALL. To the Committee on the District of Columbia. "H. R. 7879. Read twice and referred to the Committee on the District of Columbia, May 11, 1886." It is precisely word for word the same as the Senate bill.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Committee on the District of Columbia be discharged from the further consideration of the bill he has named, which he will be kind enough to send to the desk that it may be read.

The CHIEF CLERK. "A bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia."

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. What is the object? I did not understand the Senator from Florida.

Mr. CALL. The Committee on the District of Columbia reported Senate bill 1422, being the same as this House bill, a bill relating to the bonds of executors in the District of Columbia. It is the same, word for word, as the bill from the House.

Mr. INGALLS. Will the Senator give bond that those bills are identical in language?

Mr. CALL. Yes, sir; they are just word for word the same bill. I have here the Senate bill.

Mr. INGALLS. I should doubt that unless the Senator himself has made the comparison.

Mr. CALL. I have read the bills.

Mr. INGALLS. The matter was called to my attention at the last meeting of the District Committee, and it appeared upon an inspection and comparison that the language of the bills was not identical. Therefore, unless there has been some change meanwhile, or some modification, or unless I am laboring under a mistake, the Senator from Florida is not as accurate as he usually is.

Mr. CALL. There may be some immaterial difference, and as the chairman of the committee makes that point I will withdraw the motion, but I have no doubt that the bills are identical.

The PRESIDENT *pro tempore*. The motion is withdrawn.

STATEN ISLAND BRIDGE BILL.

Mr. CONGER. I call for the regular order.

The PRESIDENT *pro tempore*. The first case on the Calendar will be announced.

The CHIEF CLERK. "A bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road."

The PRESIDENT *pro tempore*. If there be no objection the bill is before the Senate as in Committee of the Whole.

Mr. MCPHERSON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. FRYE. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. MCPHERSON. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Maine moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. MCPHERSON. I should like the privilege of making a statement before the motion is put.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent to make a statement in regard to this matter. Is there objection? The Chair hears none.

Mr. MCPHERSON. My colleague [Mr. SEWELL] has been necessarily called away to-day by reason of illness in his family, I understand. He is very much interested in this bill and would like to be present when it is considered. I ask that it go over without prejudice until to-morrow morning. I think my colleague will be here to-morrow. I should not like to have the Senate consider the bill in his absence.

I understand also that the Senator from Missouri [Mr. VEST], who is absent likewise, takes some interest in the bill and would like to be present when it is considered. Therefore I ask that the bill may go over until to-morrow without prejudice.

The PRESIDENT *pro tempore*. Is there objection to the proposition made by the Senator from New Jersey?

Mr. FRYE. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator from Maine has unanimous consent.

Mr. FRYE. This bill will occupy more than the remainder of this morning hour. If I did not know that it would, I should not move now to proceed to its consideration notwithstanding the objection. The Senator from Missouri [Mr. VEST] and the Senator from New Jersey [Mr. SEWELL] informed me that they both would be here to-morrow morning, and it seems to me they will be here in ample season to take part in the discussion of the bill, and the Senator from New Jersey [Mr. MCPHERSON] might proceed this morning. That is the only reason I urge the matter.

Mr. PLUMB. I ask permission to make a statement.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. PLUMB. The Senator from New Jersey [Mr. SEWELL] certainly desired that that bill should not be called up to-day, and his understanding was that it would not be.

Mr. MCPHERSON. He left here with that understanding.

Mr. PLUMB. I know he left the city with that understanding, and I think it would be manifestly unfair in regard to a matter affecting his State that it should be taken up during his absence.

Mr. CONGER. I understand the motion is not debatable.

The PRESIDENT *pro tempore*. The Senate gave unanimous consent to the Senator from Kansas to speak.

Mr. CONGER. The announcement was made in so low a voice that I did not hear it. I stand here to object to all violations of the rules.

The PRESIDENT *pro tempore*. Objection being made——

Mr. FRYE. I ask unanimous consent to say one word more.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent of the Senate to address the Senate upon this subject.

Mr. CONGER. I shall not object now after what has occurred.

Mr. FRYE. I am entirely willing that this bill shall go over until to-morrow morning provided I can have unanimous consent to take it up to-morrow morning. I ask unanimous consent to have this bill considered to-morrow morning.

Mr. MCPHERSON. If the Senator will yield to me one moment I will say that I will consent to have the bill come up at any time if my colleague is present, and I expect him here to-morrow morning. I have no knowledge that he will be absent longer than to-day; but I hope the Senator from Maine will not press the consideration of the bill in my colleague's absence, as it is a matter in which he feels a deep interest, and in which the people of New Jersey feel a deep interest.

Mr. FRYE. The Senator told me he would be here to-morrow morning.

Mr. MCPHERSON. If he is here then I shall not object. I do not mean to object to the consideration of the bill.

Mr. FRYE. I ask unanimous consent that the bill be taken up to-morrow morning for consideration.

Mr. PLUMB. I object to that.

Mr. FRYE. I move then that the Senate proceed to the consideration of the bill notwithstanding the objection.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

Mr. PLUMB called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired for the day with the Senator from Alabama [Mr. MORGAN].

Mr. VAN WYCK (when his name was called). On this motion I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present I should vote "yea," and I understand he would vote "nay."

The roll-call was concluded.

Mr. INGALLS (after having voted in the affirmative). I have been requested to pair with the Senator from Missouri [Mr. VEST], who is absent and who would vote against this motion. I therefore withdraw my vote.

Mr. COCKRELL. My colleague [Mr. VEST] is necessarily detained from the Senate Chamber by illness. He is paired with the Senator from Kansas [Mr. INGALLS].

Mr. CAMDEN (after having voted in the negative). I am paired with the Senator from Connecticut [Mr. PLATT], who is necessarily absent to-day; I therefore withdraw my vote.

The result was announced—yeas 22, nays 24; as follows:

YEAS—22.

Berry,	Cullom,	Hale,	Mitchell of Oreg.,
Blackburn,	Evarts,	Harris,	Sawyer,
Blair,	Frye,	Hawley,	Whitthorne,
Butler,	George,	Hoar,	Wilson of Md.
Call,	Gorman,	Logan,	
Cockrell,	Gray,	Miller,	

NAYS—24.

Aldrich,	Conger,	McPherson,	Saulsbury,
Bowen,	Eustis,	Manderson,	Sherman,
Brown,	Gibson,	Palmer,	Spooner,
Chace,	Hampton,	Payne,	Teller,
Coke,	Harrison,	Plumb,	Walthall,
Colquitt,	Jones of Arkansas,	Pugh,	Wilson of Iowa.

ABSENT—30.

Allison,	Hurst,	Mitchell of Pa.,	Sewell,
Beck,	Ingalls,	Morgan,	Stanford,
Camden,	Jones of Florida,	Morrill,	Vance,
Cameron,	Jones of Nevada,	Pike,	Van Wyck,
Dawes,	Kenna,	Platt,	Vest,
Dolph,	McMillan,	Ransom,	Voorhees.
Edmunds,	Mahone,	Riddleberger,	
Fair,	Maxey,	Sabin,	

So the motion was not agreed to.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. The next case on the Calendar will be stated.

Mr. FRYE. One moment.

Mr. HARRISON. I rose to make a request for unanimous consent that this bill might retain its place on the Calendar.

Mr. FRYE. That is what I was going to ask.

Mr. HARRISON. Many of us voted against the consideration of the bill on account of the statement that the Senator from New Jersey [Mr. SEWELL] was absent because of illness; and under those circumstances, for one I did not feel that it was right to proceed to the consideration of the bill, but I am in favor of the bill and in favor of its early consideration. Therefore I ask that it may retain its place on the Calendar for to-morrow.

The PRESIDENT *pro tempore*. If there be no objection the bill will retain its place on the Calendar.

EQUALIZATION OF BOUNTIES.

Mr. LOGAN. I desire to call attention to Report No. 1082, accompanying the bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union. On page 2, in the twenty-seventh line, the word "not" should be struck out, and on page 3, in the twenty-second line, the word "deceased" should be "diseased." These errors make the report read awkwardly, and I ask for an order that the Public Printer may reprint it.

The PRESIDENT *pro tempore*. If there be no objection the order to reprint will be made.

ADMINISTRATOR OF RICHARD FITZPATRICK.

Mr. BUTLER. Before proceeding to the next bill on the Calendar I ask that Order of Business 670, being the bill (S. 502) for the relief of T. M. English, administrator of Richard Fitzpatrick, be withdrawn from the Calendar and recommitted to the Committee on Claims.

Mr. CONGER. I rise to a question of order. I am unable to hear what is said. Things may be said and done that we in this part of the House do not know. I ask that order may be preserved, so that what is being said and done may be known.

The PRESIDENT *pro tempore*. Senators will resume their seats. The Senator from South Carolina was not heard by the Chair.

Mr. BUTLER. I repeat. I ask that Order of Business 670, being the bill (S. 502) for the relief of T. M. English, administrator of Richard Fitzpatrick, reported by the Senator from Arkansas [Mr. JONES], April 14, 1886, from the Committee on Claims adversely, be taken from the Calendar and recommitted to the Committee on Claims. I make that motion.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the bill named by him be recommitted to the Committee on Claims. Is there objection? The Chair hears none, and the order is made. The next case on the Calendar will be stated.

DISTRICT POLICE REGULATIONS.

The bill (S. 1339) to amend the police regulations of the District of Columbia was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 5, after the word "therefor," to insert "by the police authorities of the District;" so as to make the bill read:

Be it enacted, &c., That whenever any female under the age of twenty-one years shall be found in any house of ill-repute, or soliciting vice upon the streets or elsewhere, she may be arrested therefor by the police authorities of the District, and, under the order of the police court of the District of Columbia, be sent to the House of the Good Shepherd, in the city of Washington, in said District, and be there required to labor at some suitable employment and to receive instruction and practical training; and for the support of such females in said institution, and in consideration of the agreement of said institution to receive said females, the sum of $5,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to said institution.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALIFORNIA SCHOOL LANDS.

Mr. PLUMB. I move to reconsider the vote by which the Senate passed yesterday the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands. Perhaps the bill should be amended. I do not care to press the motion now; I only want to have it entered now, so that the bill may be subjected to inspection.

The PRESIDENT *pro tempore*. The bill has gone to the House of Representatives. Does the Senator ask for its return?

Mr. PLUMB. Yes, sir.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered, and the bill will be recalled from the House of Representatives.

REGISTERS TO FOREIGN-BUILT VESSELS.

The bill (S. 805) to authorize certain foreign-built steamships in the service of the International Navigation Company to be registered as vessels of the United States was announced as next in order.

Mr. FRYE. I object to the consideration of that.

Mr. CONGER. Then it goes over to the Calendar under Rule IX.

The PRESIDENT *pro tempore*. Under Rule IX.

Mr. MCPHERSON. I ask that Senate bill 805 may go over without prejudice, not losing its place on the Calendar.

Mr. CONGER. That bill can not be considered in the morning hour.

Mr. MCPHERSON. I do not ask to have the bill considered, only that it may go over without prejudice.

Mr. CONGER. I think it had better go under Rule IX.

The PRESIDENT *pro tempore*. It will take its place on the Calendar under Rule IX.

TRUSTEES OF DISTRICT REFORM SCHOOL.

The bill (S. 1587) in relation to the trustees of the Reform School of the District of Columbia was considered as in Committee of the Whole. It provides that hereafter the chief clerk of the Department of Justice shall be, *ex officio*, a trustee of the Reform School of the District of Columbia, with all the powers, privileges, and duties of other trustees of the school.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTS WITH RAILWAY COMPANIES.

The bill (S. 511) to provide for the settlement of accounts with certain railway companies was announced as next in order.

Mr. CONGER. That embraces a large variety of subjects, and has been a matter of considerable discussion and examination before committees. I do not think it can be settled in the morning hour with justice either to the companies or to the Government. It provides for a settlement and payment of balances.

Mr. BROWN. I ask unanimons consent to make a very short statement and I think the Senator will not make the objection.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to make a statement in respect to this bill. Is there objection? The Chair hears none.

Mr. BROWN. At the conclusion of the war there was a very large amount of railroad rolling-stock in the hands of the Government that had been used in what were known as the rebel States. The gauge there was 5 feet and the gauge over the North and West was 4 feet 8½ inches. The rolling-stock had been made in a hurry, as the exigencies of the Government required. It was not, therefore, of very superior quality. There was over $7,000,000 worth of it, and the Government wanted to get rid of it. The rolling-stock had been destroyed on so many of the Southern railroads that they were obliged to take rolling-stock on any terms they could get it.

It was very important to the whole country that commerce should be reopened and transportation revived between the two sections of the Union. A board was appointed to value this rolling-stock and let the different roads have it. As reported again and again here in different reports from the committees of the Senate and House of Representatives, the rolling-stock was valued at a price in many instances higher than the Government originally gave for it, and it was generally admitted to be valued at at least 25 per cent. above its value if it had been put on the block and sold for cash.

In 1871 Congress passed an act that applied to a number of these railroads giving them a reduction which amounted to 25 per cent. Again, in 1875, another act was passed relieving another batch of the roads, and they got the same reduction of 25 per cent. on the amount of the valuation which had been put on the rolling-stock by the commissioners. In 1877 the last act was passed that has been enacted on the subject, which applied to the Western and Atlantic Railroad of Georgia, and it received the same reduction of 25 per cent.

So then there has been a reduction allowed by three different acts passed by the Congress of the United States. The reductions up to 1877, as stated in Mr. Hartridge's report from the Judiciary Committee of the House of Representatives, amounted to over $5,000,000 on the original investment and there was only a little over $7,000,000 of the whole original investment. Therefore five-sevenths of it has already been acted on, and that allowed to the Western and Atlantic Railroad is to be added to the amount, so that the great bulk of it has already been settled on that particular plan.

There was an act passed that referred to the Mobile and Ohio road

that was the same as the others, allowing the Secretary of War and the Attorney-General in their discretion to make a settlement at a reduction of not more than 25 per cent.; but it was found that that company had paid within a small per cent. of the entire investment, so that if the settlement was made on 25 per cent. there would be a balance due to the company, and there was no appropriation to meet that balance, and therefore they could not make the settlement. The matter was reported back, and during the last Congress, as I recollect, and I think correctly, a bill was passed by the Senate for the relief of that particular company, but I think it was not reached and acted on in the other House. Every report that I have learned anything about that has been made on this question from first to last has always been favorable to the settlement.

This bill covers the rest of the companies in one measure, so that that shall be the end of it, and gives two years within which the adjustment and settlement may be made; and after that, as I understand, if any company does not apply it will be barred by the statute of limitations. It provides, also, that where the payment has been made, as in the case of the Mobile and Ohio Company, for more than 75 per cent. of the whole amount, then the balance may be refunded to the company, so as to put them all on the same basis. We simply ask now that the remaining companies shall be settled with on the same basis that has been allowed to nearly six-sevenths of the whole amount up to this time, and let that dispose of the whole question. Otherwise, bills will continue to come in here in behalf of each one of the three or four companies still left behind. This will dispose of the entire question, leaving the Secretary of War and the Attorney-General to look into and investigate the whole matter.

In that state of the case I appeal to my friend from Michigan to withdraw the objection and let this bill pass.

Mr. CONGER. I think the very statement shows that this ought not to be left to two men and money appropriated out of the Treasury without something before Congress.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. BROWN. Relief has been granted in cases of like character.

The PRESIDENT *pro tempore*. The bill is passed over.

Mr. BROWN. The bill I suppose will go on the other Calendar under the objection. I appeal to the Senator now to consent that it may retain its place on this Calendar, and ask him to look into the report and satisfy himself before it comes up again. I am sure if the Senator will read the report and look into the whole matter he will have no objection. I simply ask that the bill be permitted to retain its place without prejudice on this Calendar.

Mr. CONGER. It will be subject to the same objection when it comes up again?

Mr. BROWN. Of course it will be.

Mr. CONGER. Then I shall not object that it shall hold its place.

Mr. BROWN. I simply ask that it hold its place, and I ask the Senator to be kind enough to read the report and then I think he will waive all objection.

The PRESIDENT *pro tempore*. The order will be made as requested by the Senator from Georgia.

JAMES D. REMY.

The bill (S. 736) granting a pension to James D. Remy, was announced as next in order.

The PRESIDENT *pro tempore*. This, being reported adversely, will be placed on the Calendar under Rule IX.

TIMOTHY KIBBY.

The bill (S. 775) granting arrears of pension to Timothy Kibby, was announced as next in order.

The PRESIDENT *pro tempore*. This, being reported adversely, the same order will be made.

OFFICERS OF SIGNAL SERVICE.

The bill (S. 976) for the relief of certain officers of the Signal Service was considered as in Committee of the Whole. It provides that the expenses of operating and keeping in repair the northwestern section of the United States military telegraph lines (from Bismarck to Fort Ellis, and connections), constructed under the act of Congress approved June 20, 1878, which, between the 20th of June, 1878, and the 30th of June, 1883, may have been paid out of moneys received from dispatches sent over that section, be authorized and allowed; and the several officers making such payments are entitled to and shall receive proper credit therefor upon examination of their respective accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. K. BELDING.

Mr. SPOONER. When Order of Business 251, Senate bill 127, was reached by the Senate yesterday I was out of the Chamber, and it was passed over with the understanding, as I am informed, that it should not be displaced on the Calendar.

The PRESIDENT *pro tempore*. The Senator can move to take it up.

Mr. SPOONER. I ask that it be now taken up.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate take up the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 127) for the relief of H. K. Belding. It provides for the payment of $1,566 to H. K. Belding, of Minnesota, for carrying the mails of the United States between the years 1858 and 1862.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. SPOONER. I will state to the Senator from Missouri that this claim has been reported upon favorably by a number of committees. It was reported favorably by the Committee on Claims of the House of Representatives at the first sessions of the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses. It was reported favorably by the Committee on Claims of the Senate in the last Congress and passed both Houses, but passed too late to be presented in time to the President for his signature. The report of the Committee on Claims is unanimous.

The PRESIDENT *pro tempore*. Does the Senator from Missouri ask for the reading of the report?

Mr. COCKRELL. Let part of it be read at least that we may see what it is.

The Secretary read the report submitted by Mr. SPOONER February 24, 1886, as follows:

The Committee on Claims, to whom was referred the bill (S. 127) for the relief of H. K. Belding, have had the same under consideration, and respectfully report:

This claim was reported upon favorably by the Committee on Claims of the House of Representatives at the first session of the Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and was reported upon favorably, with amendment, at the first session of the Forty-eighth Congress. It was also reported upon favorably by the Senate Committee on Claims at the first session of the Forty-eighth Congress.

The last-named report was as follows:

"They find that said H. K. Belding was contractor on mail route No. 13585, from Brownsville, Minn., to Carimona, in the same State; that the contract was for four years from July 1, 1858. The contract price for carrying the mail on this route was $1,800 per annum. Mr. Belding performed the service under the contract until May, 1859, and was paid the contract price therefor. In 1859 there was a failure of sufficient appropriation for this route, and an order was issued by the Post-Office Department reducing the service on the same one-third.

"There was some correspondence between the contractor and the Post-Office Department about continuing the full service, and the contractor was informed there was no objection, except there was no money to pay until Congress convened and made an appropriation.

"Mr. Belding did perform full service from May 1, 1859, to October, 1860, and has received but two-thirds of the contract price therefor, and claims that having rendered the service in good faith he should receive the full compensation named in his contract.

"This full service was performed for seventeen months after the order of reduction, and at the contract rate Mr. Belding should have received $150 per month. He did not receive but $100 per month, and he asks to be paid $50 per month additional, or $850 for the service so performed.

"The service having been performed with the knowledge of the Department and for the manifest benefit of the community, the committee think it just and equitable that Mr. Belding should be paid for the service actually performed the contract price for the same.

"They therefore recommend the payment to Mr. Belding of the sum of $850 for the seventeen months of service as above stated.

"Mr. Belding makes an additional claim, and the committee find the following facts:

"Prior to the 1st of October, 1860, the route from Brownsville to Carimona was extended, and the contract with Belding annulled. Mr. Belding complained to the Department that he had left a good business and made large investments to perform his contract, and would suffer very great injury if compelled to give it up. He was informed that he would be reinstated and his contract renewed. The service at this time was lessened 5 miles at one end of the route and increased 12 miles at the other, and the compensation was increased $110 per year.

"Negotiations continued between Mr. Belding and the Post-Office Department from October 1, 1860, to February 14, 1861, four months and fourteen days, when the contract was renewed with Mr. Belding. During this four months and fourteen days Mr. Belding performed the service and has received no pay therefor. This route over which Mr. Belding performed the service had been included in a much larger one and let to other parties. They never performed any service upon it, but collected the pay under their contract for the service performed by Mr. Belding.

"It clearly appearing that the original contract with Mr. Belding was annulled for no fault or omission on his part; that he continued to perform the service in good faith under the assurance that he would be reinstated; that his doing so was well known to the Post-Office Department, and that he was subsequently reinstated, we are of the opinion that the payment to other parties for this service, under the circumstances, should not relieve the Government from paying Mr. Belding therefor. We therefore report back the bill without amendment, said bill including payment of the two sums allowed by the committee, and recommend that the bill pass."

Your committee concur in the above report and recommendations, and recommend that the bill do pass.

Mr. COCKRELL. I do not think there is any justice in that portion of the claim increasing it from $850. The $850 seems to be a meritorious and just claim. The balance is a payment due this man, but which the Government has at some time paid to other parties who seemed to be entitled to it. I think it is a double payment, which is neither just nor right. I move an amendment in line 5 of the bill by striking out $1,566 and inserting $850.

Mr. SPOONER. It is true as stated by the Senator from Missouri that the Government paid another party for the service mentioned in this last item, but it was improperly paid, and this claimant, then a very old man, performed the service. There is no question about that, and he performed the service acceptably to the public and with the knowledge of the Department. The fact that the Government erroneously paid some other party ought not to preclude him from receiving the sum to which he is equitably entitled.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVIDSON DICKSON AND OTHERS.

The bill (S. 290) for the relief of Davidson Dickson and others was considered as in Committee of the Whole. It provides for the payment to the following-named persons, or to their legal representatives, of the amounts due on their contracts with the United States, as appears by certified accounts on file in the Treasury Department, namely: to Davidson Dickson, $40; to W. B. Daniels, $28; to J. C. McCrary, $12.50; to A. Pike, $100; to James A. Ralston, $771.25; to E. E. Rawson, $246.33; to M. Sparks, $100; and to trustees of Odd Fellows' Lodge, Pulaski, Tenn., $64.16.

The bill was reported from the Committee on Claims with an amendment, in line 13, before the name "James A. Ralston," to insert "estate of;" so as to read:

To estate of James A. Ralston, $771.25.

Mr. CONGER. Will some one state what these services were for and when they occurred? I will not ask for the reading of the report, if some one will state what the services were and when they were rendered.

Mr. GRAY. I ask to have the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. GRAY March 3, 1886:

The Committee on Claims, to whom was referred the bill (S. 290) for the relief of Davidson Dickson and others, submit the following report:

The claims made by the respective parties mentioned in the bill, to wit, Davidson Dickson, W. B. Daniels, J. C. McCrary, A. Pike, James A. Ralston's estate, E. E. Rawson, M. Sparks, and the trustees of the Odd Fellow's Lodge, Pulaski, Tenn., are all for rent. In support of their claims they file the original vouchers which they received, and in each one of which the certifying officer certifies that the United States is debtor to the party named for rent of certain described premises for the sum named in the bill; that the account is correct and just; that the services were rendered as stated; that they were necessary for the public service and are reported as required by the Army Regulations. These vouchers are all in duplicate on form 22, as prescribed by the said regulations.

All of the said accounts have been presented to the Third Auditor for settlement and have been disallowed by him for the reason that by the act of February 21, 1867 (volume 14, United States Statutes at Large, page 397), it is provided that the act of July 4, 1864, shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the Southern rebellion in a State or part of a State declared in insurrection by the proclamation of the President of the United States dated July 1, 1862, or in a State in which, by an ordinance of secession, attempted to withdraw from the United States Government.

Under said act of February 21, 1867, the Departments have declined to pay any claims originating in the insurrectionary States from the beginning of the insurrection to the date of the President's proclamation declaring the insurrection at an end, whether such claims arose under contract or otherwise. And thus all persons whose just claims are based upon an express contract between themselves and the proper officers of the Government, made within the limits of the insurrectionary States, are forced to appeal to Congress for relief.

These claims arose out of contracts between the claimants and quartermasters, which were duly reported by such quartermaster, and claimants are, in our opinion, entitled to the amounts specified in their said vouchers and named in the bill.

Your committee recommend the passage of the accompanying bill, inserting the words "estate of" before the words "James A. Ralston," in the thirteenth line.

Mr. CONGER. I do not find in the report anything in regard to the character of these men or the manner of taking the property.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived——

Mr. COCKRELL. One moment. I happen to be familiar with this class of cases. They are claims for rent after the actual close of hostilities, where contracts were made between the parties, and no questions of loyalty came up at all, and were reported for allowance; but Congress in 1867 passed the act of February 21, which prevented the Departments from paying them, and the Departments simply refused to pay them. As they are right, the only relief is here. I suppose there have been fifty such bills passed.

Mr. CONGER. I think these cases were familiar to me for years back in the House. The time has passed, however, for this bill to-day. Let it go over until to-morrow.

WILLIAM P. SQUIRES.

Mr. VAN WYCK. I desire to ask the reconsideration of the vote by which the Senate concurred in the amendment of the House of Representatives to the bill (S. 1227) granting an increase of pension to William P. Squires. Without attention being called to it, the Senate concurred in the House amendment. I desire to have that vote reconsidered.

The PRESIDENT *pro tempore*. If there be no objection the motion to reconsider will be entered.

Mr. VAN WYCK. I desire to have it reconsidered at this time, and the bill with the amendment referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. It can be done by unanimous consent.

Mr. VAN WYCK. I ask unanimous consent that it may be disposed of. It is a small matter.

The PRESIDENT *pro tempore*. If there be no objection the vote by which the amendment of the House of Representatives was concurred in will be reconsidered, and the bill, with the amendment, will be referred to the Committee on Pensions.

Mr. CONGER. Now I want to know what the request of the Senator from Nebraska [Mr. VAN WYCK] was.

The PRESIDENT *pro tempore*. The Senator from Nebraska submitted a motion to reconsider the action of the Senate on concurring in a House amendment to a pension bill with a view to have it referred to the Committee on Pensions. That order has been made.

Mr. CONGER. All right.

LABOR ARBITRATION.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business of yesterday, being the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein. The pending question is on the amendment proposed by the Senator from New Hampshire [Mr. BLAIR] to the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

Mr. COKE. I gave notice yesterday that at the conclusion of the morning hour to-day I would ask unanimous consent of the Senate to lay aside temporarily the pending order for the purpose of taking up House bill 7479 (Order of Business 553) in order that I might submit some remarks upon it. I now make that motion.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Texas?

Mr. CONGER. The request was not heard here.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the pending business be informally laid aside that he may make some remarks on another subject. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés.

Mr. COKE. Mr. President, I shall vote for the bill as it came from the House, because I believe it the best, with one or two amendments which will be proposed, that our present experience enables us to formulate. After a while we may and doubtless will be able to do better, but I have heard no suggestion of what seems to me to be an improvement as yet. There is nothing compulsory in this bill; it contemplates only voluntary action. It proceeds on the assumption that both labor and capital are averse to conflict as disastrous and dangerous to both, and desirous of harmony as being in the interest of both, and offers the only means yet suggested of compromising difficulties between the organizations representing these great forces—that of arbitration—the Government agreeing to pay the expenses of the proceedings. In the very nature of the case there is, and can be, nothing compulsory in such a proceeding, and therefore there is nothing coercive in the bill. The submission to arbitration, and every subsequent step contemplated by the bill, even to a compliance with the award, is purely voluntary, and necessarily so, because specific performance would be impossible of enforcement upon either party.

The laws as they now stand and are administered in the courts are framed to meet every conceivable case where compulsion is necessary, and the executive officers of the State and National Governments are ready to enforce them under the mandate of the courts. This field is already fully occupied by a system of jurisprudence the growth of many centuries, which justly claims to furnish a remedy for the assertion of every right and a method of redress for every wrong, with ample power to enforce its judgments and decrees. It is outside of this field that this bill proposes to operate. The matter of individual and corporate rights and wrongs and the methods of redress it is true are incidentally involved, but are not the primary objects proposed to be acted on.

The great contests between organized capital and organized labor as represented by railroad corporations and their employés engaged in interstate commerce, to which alone the provisions of the House bill are applicable, involve interests vastly greater than those of the immediate parties to the conflicts, and these are the interests of the great public whose commerce and system of exchange, upon the orderly administration and flow of which the comfort and happiness and fortunes of millions may and does depend, is not infrequently obstructed and impaired, if not destroyed, by them. Recent experience in the Southwest proves the necessity for some measure of protection for the interests of the public against the disastrous results certain to follow a widespread collision between organized labor and capital. The States can preserve the peace within their borders. The State courts can try and condemn and punish for violations of criminal laws, and by their judgments and decrees can adjust and settle civil rights of action, but there is no remedy for the wrong done the general public, upon whom falls the great bulk of the damage resulting from these disturbances. It makes no difference which party is right or which is wrong, the damage to the public is inevitable and the same.

The highest public interest, as well as the best interest of both labor and capital, is to be found in harmonious relations and mutual confidence between the two, and any measure which is a single step in the direction of promoting this end, such as arbitration proposed by this bill, is worthy of a fair trial. It is in the interest of the laborer whose union or organization has no standing in court, and can not plead or be impleaded in prosecution or defense of his individual rights, and whose poverty can not brook the expense and delay of litigation in courts against the wealth and power of great corporations. The tribunal established by the bill recognizes the union, the organization of labor, and permits and invites its representation of its individual members, giving to each of them the protection of the power of the whole, which is denied in the courts where each individual must stand on the merits of his own case. Nor is it less in the best interest of capital which finds its widest margins and most profitable fields, where labor is the best cared for and is consequently the most contented. And it is in the promotion of harmony and healthful co-operation between labor and capital by the peaceful arbitration and settlement of differences that strikes and disturbances are averted and avoided with all their resultant injury to the public, as well as the parties directly concerned.

The bill is founded, and as I believe properly, upon the theory that public opinion, the great arbiter and lawmaker and executive of laws in this country, is the only tribunal competent to deal with the contentions between the labor organizations and the railroad corporations. It will not do to say that we have courts, State and Federal, and marshals and sheriffs, and all the equipments for enforcing law and preserving order in a perfect state of organization and operation, and that nothing else is necessary, for we all know that something more is necessary. Stubborn facts, such as have recently transpired in Missouri, Illinois, and Texas, prove a necessity for some means which shall prevent such violent disturbances of the peace and such obstructions of the commerce of the country. After they have commenced, with the attendant bloodshed and destruction of property, and damage to all the material interests of the country, the ordinary and extraordinary powers of the judicial and executive branches of the State and National Governments, are admitted to be ample for their suppression and for bringing violaters of law to justice and punishment, but we all know that these do not prevent such troubles, for they do occur; and besides labor strikes are not only possible but of frequent occurrence, in which no law is violated, a perfectly lawful concerted cessation of labor unaccompanied by violence or intimidation, but which nevertheless paralyzes the business of the country and inflicts great damage on the public as well as loss on the parties directly concerned.

The object of this bill is to prevent their occurrence, by providing a peaceful and reasonable method of compromising differences. With a remedy by arbitration always open and accessible, public opinion will demand and coerce a resort to it. Neither party will dare decline a tender by the other of investigation and arbitration. To do so would be a confession of wrong, and would drive public opinion to the support of the other side. Neither capital nor labor can antagonize public opinion, and neither will do it, for it is well known to the representatives of both that either with public opinion on its side, would score an easy victory over the other. The investigation provided for by the bill would turn light on the subject of difference and enable the public to determine and locate the right and the wrong of it. The award of the board of arbitrators provided for would carry with it a moral force and the approval of a public opinion which would irresistibly compel its performance. In these considerations is found a conclusive answer to the objection that the bill, containing no compulsory provision, and being purely voluntary in all its features, is destitute of force or effectiveness.

This objection is in my judgment clearly untenable. If the subject can not be dealt with in this way, it must be left as it is, to remedies already existing in the organization of our governments and courts, which, as we know, have repeatedly failed to protect the public against the consequences of the disturbances sought to be provided against. The object of this bill is to prevent and avert and provide against, the occurrence of conflicts between railroad corporations and their employés. Existing laws provide only for their suppression in the instances when the laws are violated, after they have occurred. This bill seeks to provide for maintaining intact the trained labor in the employment of railroad companies engaged in interstate commerce, by furnishing free of expense to either party a method of settling differences between them, while existing laws leave such differences to culminate in strikes and the cessation and disorganization of labor, to the obstruction and hindrance of commerce and the injury of the public, and does not then take cognizance of the subject unless violence or destruction of property is attempted.

This bill proposes intervention between the railroad corporations and their employés in the general public interest, and to prevent disturbances which inflict great public injury in the stoppage or impairment of the methods and processes of interstate commerce, a subject which, by express grant of the Constitution, is within the regulating power and control of Congress, and the intervention is that of a peacemaker, which interferes with no personal or individual right, and neither invades nor trespasses upon the rights of any State. I look in vain for the constitutional objections charged without specification or definition against this bill. It does not pretend to interfere with State laws, or the right of the States to deal as they now do with the individuals composing the labor organizations or the railroad corporations, or with the corporations themselves, for violations of State laws. It contemplates no single act derogatory to the power or dignity of the States. It touches no phase or aspect of the subject, which it is possible for State legislation to handle or control or regulate. It does not act upon persons or individuals. It assumes neither right nor power to dictate to the bodies intended to be acted on what they shall or shall not do. It leaves that to be determined by the parties themselves, who have agreed to abitrate, who will act in full view of a public opinion which has been enlightened by a thorough and impartial investigation, and which will be swift to condemn wrong and uphold the right. The operation of the bill is outside of the realm of positive law which deals with individuals—is outside of State jurisdiction and State laws and State rights. It deals only with moral forces. It appeals to that highest of all tribunals in this country, an intelligent, well-informed public opinion.

Nobody denies the power of Congress to regulate commerce between the States, and it does seem unquestionable that it is competent for Congress, in virtue of this power, to appropriate the money necessary to defray the expenses of arbitrations as provided for in this bill, to prevent and avert collisions which always hurtfully obstruct and frequently temporarily suspend or destroy interstate commerce. In virtue of the power "to regulate commerce with foreign nations and among the several States and with the Indian tribes," granted in section 8, article 1 of the Constitution, and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," granted in the same article and section, we annually pass river and harbor bills appropriating millions of dollars for clearing out snags, shoals, and sand-bars in the interior water ways of the country so as to facilitate the transit of commerce and the means of intercommunication between the States, and for the same purpose, as well as the promotion of foreign commerce, to deepen, improve, and render safe and accessible our exterior ports and harbors.

Mr. Calhoun, strict constructionist that he was, freely admitted this power to be in Congress. Since the decision in the great case of Gibbons *vs.* Ogden, reported in 9 Wheaton, in which Chief-Justice Marshall discussed and illuminated every phase and aspect of the clause of the Constitution just read in, an opinion which from that day to this has been followed as the unquestioned law of the subject, it has been held that Congress possesses the power to regulate foreign and interstate commerce in all its branches, and that this regulating power extends over all the agencies and instrumentalities and subjects and operations of commerce, whether on sea, in the interior rivers or lakes, or on land, whether in boats or vessels or on railroads; and by Chief-Justice Waite in Telegraph Company *vs.* Texas (105 United States Reports), that "a telegraph company occupies the same relation to commerce as a carrier of messages that a railroad company does as a carrier of goods;" that "both companies are instruments of commerce, and their business is commerce itself."

Mr. Justice Johnson, who delivered a concurring opinion in Gibbons *vs.* Ogden, said:

> Commerce in its simplest signification means an exchange of goods, but in the advancement of society, labor, transportation, intelligence, care, and the various mediums of exchange become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations become the objects of commercial regulation.

In virtue of the regulating power of Congress over commerce, bills have been recently reported from the Commerce Committees of the two Houses of Congress, and are now pending, giving national aid to the construction of a ship-railway across the Isthmus of Tehuantepec, and a similar bill has been once before reported from the Commerce Committee of this body. The proposed assertion of this power in aid of the construction of a ship-railway in a foreign country for the purpose of uniting the waters of the Atlantic and Pacific Oceans, would seem to justify the language of Justice Field, delivering the opinion of the Supreme Court in County of Mobile *vs.* Kimball (102 United States Reports), when he said, referring to the power of Congress to regulate commerce:

> That power is indeed without limitation. It authorizes Congress to prescribe the conditions upon which commerce in all its forms shall be conducted between our citizens, and the citizens or subjects of other countries, and between the citizens of the several States and to adopt measures to promote its growth and insure its safety.

If Congress may constitutionally appropriate money to clear out and keep open and safe and navigable our rivers and harbors and lakes, to the end that the flow of commerce between the States shall be free and unobstructed, why may not money be appropriated as is done in this bill to pay the expenses of arbitrations to insure the safety, and provide against obstructions of commerce carried on land by rail? The power of Congress over the subject is the same whether the carriage is by land or by water, and that power has always been exerted by Congress to remove obstructions and perils and hindrances to commerce in any of its branches, and it can not be denied that the purpose of this bill is to guard that portion of the commerce of the country carried by rail, constituting as it does at least four-fifths of the whole, against embarrassing and hurtful interruption.

It is generally admitted that Congress has power to intervene between railroad corporations and shippers and passengers, and see to it

that charges are reasonable, and this includes necessarily the power, if Congress chooses to exercise it, of prescribing what the charges shall be; and again that Congress has the power, if deemed wise to exercise it, as I believe it is, to prohibit a greater charge for a short than for a long haul. These and many other regulating provisions are to be found in the various interstate-commerce bills, which at one time and another have been discussed and passed, sometimes through one House and sometimes through the other of Congress, the two Houses never having yet concurred, however, in passing the same bill. These regulations assume that trains are running, that transportation is going on, that the car wheels are moving. If these stop, commerce is suspended, is *pro tanto* destroyed. To keep them moving would seem a primary and fundamental principle underlying all other regulations, because without it all other regulations are nugatory, and is therefore within the power of Congress, whenever that power may be exercised without trenching upon the rights of individuals, or the rights or powers of the States, neither of which I have shown is done in this bill.

With the single exception of appropriating money to pay the expense of arbitrating and settling differences between railroad corporations and their employés, in order to provide against strikes, and the consequent disorganization of the trained and expert labor on our great lines of transportation, to the detriment and hindrance of commerce, there is no exercise of power in this bill beyond the authority granted the board of arbitrators to summon and swear witnesses, &c. The award of the arbitrators is not to be entered as the judgment of any court, is not to be enforced by judicial or executive process, is simply to be publicly announced by the arbitrators and filed with and proclaimed by the Commissioner of Labor of the United States. An arbitration is defined in the law-books to be, "a proceeding by private and unofficial persons selected by the parties upon matters of difference submitted to them." In all the statutes I have ever seen or heard of providing for arbitration there are provisions for making the awards, judgments of courts, to be enforced as other judgments are, by regular judicial process.

This feature, for reasons I have indicated, is necessarily absent from this bill. The board of arbitrators having no power to enforce the award, and not even to adjudge costs against either party, for they are assumed by the Government, neither person nor property being affected in any legal sense by their action, are in no respect judicial officers, are only an advisory board, and the objection to the method of their appointment as being unconstitutional is clearly not well taken. The suggestion that a labor bureau of three commissioners be established here, and invested with the same powers proposed to be given arbitrators chosen by the parties themselves under the House bill does not meet the approval of my judgment. A fixed and permanent board, appointed by the President, to be a part of the executive branch of the Government, and residing in this at all times red-hot political center, could not fail to take on a distinct political character and complexion, when absolute nonpartisanship would be essential to its effectiveness.

This tribunal, located in this city, the focus and center of corporation influence and power, the theater of its greatest achievements, the field on which its great victories over the people in railroad, land, tariff, financial, and other class legislation have been won, surrounded on all sides by a demoralizing and undermining atmosphere, and, while thus domiciled in the very home and residence of one party, and under the very shadow of Wall street, is thousands of miles it may be from the other to be affected by the award and the public opinion to be enlightened by the investigation, would utterly fail, and justly too, to command the confidence of the laboring people or the country, and would therefore be a failure as a tribunal for voluntary arbitration of differences. Perfect fairness and impartiality between the parties in the constitution of the board of arbitration is an indispensable requisite to a successful operation of the plan, and this proposed permanent board located in Washington would be, although honestly intended otherwise, wholly to the advantage and in the interest of the corporations. For we can not suppose that three labor commissioners will withstand a power which it is well known has so often dominated not only Congress, but all the branches of the Government here, and if they should be able to do this, the impression that they would fall under corporation influence could not be removed, and would as effectually destroy their usefulness as if it were true. Such a board would at once assume the characteristics of a court in its proceedings and methods, and its bent and bias soon become known, and instead of going before it voluntarily, parties would prefer to go at once into the established judicial tribunals of the country. I believe every State in the Union has on its statute-book a law providing for the settlement of causes of action by arbitrators chosen by the parties themselves, and the object of all these laws is to enable parties, when they prefer, to select their own tribunal rather than go into the established courts.

The suggestion to take away from the parties the selection of the board of arbitrators and vest the power of choice elsewhere, and to establish the board thus chosen into a fixed and permanent one, seems to me to be destructive of the vital principle and theory of arbitration, and the erection of a new tribunal, which in its relation to this subject would possess all the vices and none of the virtues of the established courts. The proceeding by arbitration is eminently a domestic, home remedy, one dependent for its efficacy upon the moral influence of the fact that the award is made by arbitrators chosen by the parties themselves on account of their peculiar fitness for the business in hand, and this fitness comes usually from well-known high character as well as a thorough knowledge of the matter they are called on to arbitrate, and of all the facts and circumstances connected with it.

These considerations apply with unusual force to such contentions as we are now considering, when the character of labor required, and the cost of living and the *res gestæ* of the whole business involved in the particular case, ought to be familiar to those who sit as arbitrators. The differences and disturbances aimed to be met by the proposed legislation, if general over the country, could not be investigated by one board, and if local should always be investigated in the locality where the troubles occur. The bill passed by the House tenders to the parties at issue a remedy for the friendly settlement of their differences on the spot, without the delay of Washington bureau red tape, each party being authorized by its provisions to select one arbitrator, and the two arbitrators thus chosen to select a third as umpire.

The remedy is omnipresent, and wherever a difference occurs is there to settle and adjust it. We are endeavoring to devise a plan which will encourage and invite and assist a settlement of disputes between railroad corporations and their employés without delay, and the injury to the public and the immediate parties incident thereto, and it does seem clear to me that a provision which enables the parties to select their own arbitrators, men of their own choice, would induce and promote and accomplish this mode of settlement, and that the establishment of a fixed and permanent tribunal, remote from the field of disturbances, regardless of what might be the desire of either party, would repel and discourage it. While I do not propose to commit myself to all that has been said by the Supreme Court of the United States touching the power of Congress in the regulation of interstate and foreign commerce, and especially mean, so far as my vote and action are concerned, here or elsewhere, to guard vigilantly against any interference with or invasion of the powers and duties and rights of the States by Federal authority, I can see nothing but what is in strict accord with the Constitution, and with the most liberal definition of State rights, in this bill as it came from the House. There is certainly no harm in the bill, and it may, and I believe will, if passed, accomplish a great deal of good. It is an experiment, of course, but one in my judgment well worthy of a fair trial.

Organization is the order of the day in every department of human industry. Labor organizations are the counterpart of organizations of capital. The latter have produced the former, and both are the natural outgrowth of a phenomenal increase in population, productiveness, and unequally distributed wealth. That these exciting causes will remain in a growing and increasing form, and will continue to stimulate and enlarge these organizations, can not be doubted, and it is equally unquestionable that the stronger and more widespread the organizations become the greater, will be the necessity for some measure for the settlement of differences between them. A law for this purpose can never be less necessary than it is now, with all the probabilities that it will be very much more necessary in the future. It does not meet the question to say, as has been said, that a remedy for the evils complained of may be found in an enforcement of existing laws, and an appeal to the ballot-box. The evils grew up under existing laws, and under the same ballot we now have. The people are the same, are moved by the same impulses, swayed by the same influences, imbued with the same passions and prejudices, and prompted by the same incentives that have always actuated them.

We must deal with the situation as it is, not as it might be or ought to be. The subject is one which can neither be ignored nor postponed. Philosophic discussions over the causes which have produced the existing condition of affairs, coupled with admonitions to the people that if they will be wiser and more virtuous in the use of the ballot they will be happier and better governed, have their uses. But this subject requires more definite and specific and rapid treatment, and the bill as it came from the House is the best suggestion of a remedy yet made, in my judgment.

The railroad statistics brought up to the end of the year 1884 by Mr. Henry V. Poor in his railroad manual, show the total number of miles of railroad in the United States up to that time to have been 125,379, more than 45 per cent. of the railroad mileage of the world. And the astonishing statement is made in the able and exhaustive report of the Senate Select Committee on Interstate Commerce submitted to the Senate on the 18th of January last, on the authority of Mr. Edward Atkinson, of Massachusetts, that "the railway property of the country constitutes one-fifth part of the accumulated capital of the country to-day," and it is further stated in that report that "there are 650,000 people employed in that service in the mere mechanism of the distribution of products, without reference to those employed in construction," and that the railroads of the United States move about 400,000,000 tons a year, half of which is food and fuel." These facts illustrate with unanswerable force the magnitude and importance of the subject we are now considering. The rapidity with which these facts are being intensified and enlarged may be determined by the following, which I read from the same report:

The average number of population to 1 mile of road completed by decades has been as follows: In 1840, 6,191; in 1850, 2,705; in 1860, 1,087; in 1870, 784; and in 1880, 571.

And still the work of railroad building goes on with unabated vigor. In the face of facts like these, no higher duty rests upon Congress than to the extent of its constitutional power to provide against any hindrance from any source of a commerce in which all the people of the United States are so vitally interested, millions of them even dependent upon it for such absolute necessaries of life as food and fuel—a provision demanded no less in the interest of the great army of laboring people engaged in this commerce, and of the owners of the vast capital invested in it, than in that of the great public they are serving.

It may be assumed as a fixed and settled fact that the power to regulate a commerce between the States and Territories of this Union, so vast in its proportions, and so interwoven with the routine business and every-day life of all the people as to be a part and parcel of it, as is that carried on the railroad lines of this country, will be maintained as a proper function of Government, and that both the State and National Governments, each acting within the sphere of constitutional power, are required by the people to put forth and exercise when necessary all their power to the end that this commerce shall go on unobstructed, unhindered, and unimpeded by dissensions between those engaged in carrying it on. This much is unquestionably demanded by the country, and nothing less will be accepted. Railroad corporations are public servants and will be held to a rigid accountability for the performance of their duties as common carriers, and ought to be, strike or no strike, and those who obstruct them in discharge of those duties by the injury or destruction of property or by unlawful violence, or threats of violence, will and ought to be sternly dealt with as criminal violators of the laws of the state.

The public interest is supreme and paramount, and this requires that the flow of commerce shall be free, and shall not be obstructed either by default or design. Nobody questions the right of any man, or any number of men, to throw down their implements and cease work at any time that he or they may desire or choose to do so. Nor can it be questioned that others willing to do the work have the legal and moral right with the consent of the employer, to take the vacated places and perform the labor free from violence or intimidation. A government which would fail to protect its citizens in the enjoyment of these unquestioned rights, would be a failure in a vital regard. Capital associates, and it is right and expedient that labor shall do the same. The condition of the laboring people of this country has been greatly advanced and benefited by organization, as an abundance of high authority could be quoted to show. Indeed, the history of the labor question in Europe and America establishes beyond controversy that labor organizations, based on the fundamental idea of obedience to law and scrupulous regard for the rights of others, have more than all other causes combined, elevated and improved in every way their membership and tended to bring labor and capital into harmonious and just relations.

The labor organizations of the country are in their infancy, are crude and untrained, but time will bring them the wisdom of experience and discipline, and place in the lead their most intelligent, conservative, and patriotic men, and send to the rear or expel from their ranks the rash, turbulent, and lawless, who when permitted to lead always bring about mischief and trouble. They will find out that it will not do to risk bread and meat for their families and the consequences of violated law upon the counsels of such men, but that patient forbearance, even under wrong, and obedience to law and respect for the rights of others, will bring to their support a solid public sentiment, which will join with and maintain them in demanding under the forms of law all that just and reasonable men can ask, and that the opposite course will always isolate and defeat them. Many of the capitalists of to-day were laboring men a few years ago. Many of the laboring men of to-day will be capitalists a few years hence. The great mass of the American people are laborers in some form of industry. All of them are free men, armed with the power of the ballot, and all aspire to an improved and bettered condition. The interests of the laboring men in good government are precisely those of all other good citizens.

There has never been a time and never will be, when the sympathies of the great body of the people have not been and will not be found with the laborers and producers of this country, and opposed to the rapacity and avarice of corporate power; but ours is a conservative, self-governing, and self-reliant people, who feel and know that there is no liberty without law, and that obedience to law is the fundamental idea of all government and all law and all social order, and this they will always inexorably demand as a condition of their favor and support. Organizations of laboring people for self-protection, advancement, and improvement, for securing for themselves a fair share of the profits of the enterprises they labor in, through lawful methods, will never fail to command the active sympathy and support of the people, but when used for purposes of aggression upon the rights of others, for attack instead of defense, for defiance instead of obedience to law, will not fail to excite odium and bring down swift condemnation. I yield to no man a greater abhorrence of the domination of money and corporate power than I feel. I will go as far as he who goes farthest, by every constitutional method and means in opposition to it, because I believe it, as developed and manifested in this country in its corrupting power over legislators, judges, governments, and the press, and in its power to plunder and rob the people, a standing menace to liberty and free government. But all men must recognize the inexorable necessity of adhering to the Constitution and laws in dealing with it, for lawlessness and anarchy would aggravate the evil, would invite a stronger government, further removed from the people, and still more under the dominion of that power—would bring but another turn of the screw.

No honest man can read the testimony on the files of the two Houses of Congress, taken by the various committees who have from time to time investigated the subject, without a feeling of profound indignation and disgust, that a vital necessity to the whole country, like our great railroad system, should be an instrumentality in the hands of a few individuals for the systematic robbery of all the people of the country. That it is so used is not a matter of conjecture, nor does it rest on the assertion of enemies of railroad corporations, but is shown by the testimony of some of the ablest railroad men and experts in the United States; some of whom for years have been engaged in the highest branches of railroad administration. Mr. Henry V. Poor, the author of Poor's Railroad Manual, to whose testimony before the Senate committee I have already adverted, and who will be accused by nobody of unfriendliness to railroad corporations, in his statement estimates that of the capital stock, bonds, and other evidences of indebtedness, issued by the railroads of the United States, amounting at the close of 1883 to $7,495,471,311,, at least $2,000,000,000 represents what is known as "watered stock."

Mr. F. B. Thurber, of New York, a distinguished member and one of the directors of the Board of Trade and Transportation of New York city, one of the leading witnesses examined by the Senate Committee, in reply to a question propounded by Chairman CULLOM as to whether he had definite information as to the amount of "water" in railroad stock, said, on page 295 of the testimony:

No, sir; I do not think anybody has in particular. I heard Mr. Poor's estimate. I know there are so many instances where that is so very short of the mark that it is absurd. I think he said that the New York Central was about half water. Why, the New York Central had been watered three times prior to 1867-'68, and, at that time, they doubled it. They put forty-seven millions of water into the New York Central and Hudson River Railroad in 1867-'68, and they paid eight (8) per cent. dividends on that forty-seven millions until last year, which was the first year they dropped their dividends down. I think last year they paid 6 per cent., and I guess they have now got down to 4. I know I have figured up what the dividends on that water had amounted to in thirteen years, with interest compounded annually. It was $31,000,000. I think that that is a pretty good indication of where one hundred millionaires were made. That was for thirteen years on the watered stock of that road. I think I have a tabular statement of it here, if I am not mistaken. It was only carried up to 1881. In 1881 it was $75,049,000; and the next year, 1882, put it over $80,000,000.

Other witnesses examined by the committee whose testimony is embodied in the report establish upon what seems to me to be clear proof, that at least one-half of the great aggregate just given of railroad stock, bonds, &c., is "water" and nothing more, and that Mr. Poor's statement is greatly under the truth.

I referred a few minutes ago to the statement of Mr. Edward Atkinson, of Massachusetts, as to railroad values in this country as being an astonishing one. It is found on page 318 of the testimony, and is in these words: "One-fifth part of all the capital of the country, one-fifth part of all that has been saved from the hand of man and placed upon the land, consists of railway property to-day." I ask when we contemplate the accumulations of sixty millions of people in cities, towns, and country, in houses and fences, in manufactures, in horses and cattle and other live-stock, and personal property, in money and bonds, and in values of all kinds on land and water, covering a continent, and then, speaking in round numbers, the 130,000 miles of railroad in the United States, if the statement itself, assuming it to be correct as to face values, does not bear upon its face and in its body overwhelming, unanswerable, and conclusive evidence that the stock of these roads has been inflated and watered and rewatered many times over?

There are some propositions which the common mind can fathom as well as the most learned expert, and this is one of them. In the census year there were for each mile of completed railroad 23.8 square miles of area, 571 population, and 3,243 acres of improved land, and the average value of products of farms, manufactories, mines, quarries, and petroleum wells was $88,347 for each mile of road. A large proportion of the accumulations of wealth of the country is not embraced under either of the heads constituting that aggregate. Yet this product of one year of capital invested in its production is almost three times as great as the average cost of one mile of railroad, which Mr. Poor, as I will presently show, estimates at $30,000. Deducting a reasonable estimate of the value of the land actually used in the production of the aggregate of products for the census year, which is comparatively small in amount, and allowing for the enormous amount of other wealth not embraced in this calculation, it will be seen that railroad property, instead of being one-fifth part of all the accumulations of value in this country, can not be over one-half, and is most probably not a dollar over one-third, of that amount, and that the difference between this estimate and Mr. Atkinson's simply represents the "water" in the railroad stocks. Railroad building only commenced in this country about fifty years ago.

In 1830 there were only 23 miles of railroad in operation in the United States. For more than two hundred and fifty years this country has been developing, and its millions of hardy, enterprising, and thrifty people laboring and struggling and saving up wealth. It is too

heavy a draught upon the credulity of the country to expect it to be believed that the comparatively few persons who have for fifty years only been building and operating railroads have honestly acquired one-fifth part of all the accumulations of value in the country. That they claim to have done so is certain. That the figures at which they value railroad property, stocks, &c., sustains that claim is equally certain. That they tax the people for transportation on a basis established for the purpose of paying interest in the shape of dividends on the amount thus claimed to be railroad values is unquestionable, and that at least one-half, and most probably a considerably larger proportion, of the alleged values is fictitious, bogus, "watered stock" does not admit of a doubt or question.

"Watered stock" means stock created by a stroke of the pen, costing nothing except the paper and ink used in making it, and representing not a penny of actual capital or value but which is added to the actual, *bona fide* stock which represents capital, and counted as part of the cost of the railroad, and freight and passenger rates are fixed high enough to pay dividends upon the whole, fictitious as well as real. Through this device, honest stockholders are defrauded and the people compelled to pay nearly double rates for transportation, because the corporations claim the right to fair profits or dividends on the entire stock, "watered" as well as real. This watered stock, representing nothing but the wrong which created it, stands on the books of the railroad corporations, in the stock markets, everywhere, on the same footing with stock honestly representing cash value, draws the same dividends, and commands the same prices, and the people are taxed in transportation charges to pay interest on it as if it represented full and honest cash face value.

Through this process of fraudulently watering railroad stocks a perpetual mortgage for an amount greater than the entire national debt when at its greatest figure after the war, before its reduction was commenced, has been placed upon the industry of the country, exacting from every person and every pound of freight carried its daily and hourly tribute. In order to give some idea of the methods through which stock watering is performed I here read from the testimony of Mr. Simon Sterns, representing the Board of Trade and Transportation of New York, given before the Senate committee, and found on pages 78 and 79 of the volume of testimony. He says:

The books of each railway company were a sealed mystery to all save the head of its book-keeping department. Each particular road had its own system of accounts. Indeed, it was testified before a railway committee that some $700,000 expended during one particular year by the Erie Railway as a corruption fund and for legal expenses was carried to the india-rubber account, and thus found its way into the construction account. So that part of the construction account of some of these railways is what they expend annually upon legislative committees, or in influencing or preventing legislation, and in the law courts.

The New York Central Railway Company in 1869 doubled its stock, watered its stock by 50 per cent. on the amalgamation or consolidation of the New York Central and Hudson River roads, issuing $2 for one of the entire stock of these several companies. They had, therefore, after this consolidation, a stock account which was out of all harmony with their construction account, and for ten years following, every year varying, from 3 to 8 per cent. of this water was artificially carried into the construction account, so that eventually the construction account and the capital account balanced; and there is therefore a construction account wholly fictitious as to a trifle of $40,000,000 or thereabouts in the New York Central books. As a system of book-keeping it had to balance, and therefore the balance was forced by carrying some years 3, some 5, and some 8 per cent. of this water into the construction account, as though so much construction had been carried on that year, and eventually the two accounts balanced. In the same way the balances were forced in the Erie Railway Company when Mr. Gould took $40,000,000 of the stock of the Erie Railway Company out of its books, sold it on the street, and appropriated the money to his own use, and there was not a dollar's worth of construction to represent it, and when a reorganization took place the balance of the Erie Railway Company was forced to meet that violence done to the stock account. So that in some of these railway corporations their system of keeping accounts is a mystery to everybody outside of the corporation.

Again, Mr. F. B. Thurber, of New York, on pages 274 and 275 of the volume of testimony, illustrates the operation of stock watering by a tabulated statement of figures showing that the dividends on $47,000,000 of watered stock put into the New York Central and Hudson River Railroad, the same referred to by Mr. Sterne, with interest thereon from 1869 to 1884, both inclusive, amounted to $100,000,000. He concludes on this point by saying that if this stock which had previously been largely watered had not again been watered "the public would have been $100,000,000 richer and Mr. Vanderbilt and his associates $100,000,000 poorer." "Overcapitalization" is the polite designation for this method of plundering the people.

The same gentleman in his testimony said: "Excessive capitalization operates as a mortgage upon the industry of the country whenever the power exists to impose rates for transportation which will yield dividends on watered stock." The power to impose rates exists universally with the corporations, except in the rare cases when competition controls them. Pooling, which is now the order of the day among railroads, and is utterly destructive of competition, gives to railroad corporations power to exact full dividends upon their fictitious watered stock. It has become an axiom in railroad administration that when combinations is possible competition is impossible.

Says Mr. Thurber on page 274 of testimony taken by the committee:

In considering the subject, "what is a reasonable rate," we are constantly brought face to face with perhaps the greatest difficulty and one of the greatest wrongs connected with the whole subject, namely, fictitious capitalization. Professional promoters have overloaded our railway system with watered stock, and have imposed upon the practical railway men of this country, who operate these great highways, the impossible task of earning dividends upon this mass of fictitious capital, and at the same time satisfying the public. Having thus overcapitalized our transportation system, they endeavored by combination to enforce rates which would yield dividends upon the entire mass of capital.

The testimony of Mr. Poor, Mr. Stern, Mr. Atkinson, Mr. O'Donnell, and all of the ablest and best informed men who came before the committee, concurred that railroad property, on the basis of the actual honest capital in it, pays better even in the hardest times than any other investment in the United States, and that all the trouble about it comes from forcing dividends on watered stock. From the beginning of time, the effort to get something for nothing has produced trouble, and always will. Discussing this subject, Mr. Poor says, in his manual for 1884:

The increase of share capital and indebtedness of all the companies for three years ending December 31, 1883, was $2,093,433,054, the cost of the new mileage, as represented by share capital and debt, being about $70,000 per mile. The increase in the three years of the funded debts of all the companies was $924,-165,440; of their floating debts, $169,880,406; of the two, $1,094,045,846. It is not probable that the cost of the mileage constructed in the three years equaled the increase of funded and floating debts by at least the sum of $200,000,000. The cost of mileage constructed certainly did not exceed $30,000 to the mile. The whole increase of the share capital, $999,387,208, and a portion of the funded debt, was in excess of cost of construction. If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,787,-410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling 9 per cent. on their cost. If the fictitious capital could be eliminated from their accounts, their success as investments would have no parallel.

This statement from Mr. Poor, than whom the railroad corporations have no abler or better friend, that for the three years ending December 31, 1883, the new railroad constructed was stocked and bonded for $70,000 per mile, when the actual cost of construction was only $30,000 per mile, showing $40,000 per mile of "watered stock," and that in as hard a year as 1883 the actual capital invested in railroads paid 9 per cent. net profit, fully justifies the conclusion of his statement that—

If the fictitious capital could be eliminated from their accounts, their success as investments would have no parallel.

Mr. Poor again says, on page 229:

The introduction of water into the share-capital of railroads, from the enormous amount issued, is the chief cause of the condition of things of which so much complaint has been made, and which was the occasion for the appointment of your committee. After "water" is issued the next thing is to make it valuable by the imposition of exorbitant charges upon traffic passing over the roads issuing it. There have never been wanting earnest protests against this great wrong, all to very little or no effect.

To give value to "watered stock" means in plain English to rob the public in extortionate transportation charges, and the employés who perform the labor on the railroad lines in reduced wages. Labor can not duplicate itself to meet this duplication of capital, nor can the public protect itself against the wrongful and dishonest exaction.

It is the watered stock which brings down the per cent. of profit on railroad investments and forces them into bankruptcy, and the proceeds of this fictitious stock, the issuance of which is covered up in the intricacies of a system of book-keeping understood only by the few who keep the books, find their way into the pockets of the few high in authority in the corporations, who, in violation of official trust, defraud honest stockholders and plunder the public in amassing princely fortunes for themselves. It is to give value to this fraudulently-issued stock and buoy it on Wall street, that dividends on it are forced by double charges on the public for transportation, and by cutting down the wages of labor. In order to keep up the value of stock the charges must be sufficient to pay interest on the bonds outstanding, because that must be paid first, and then to pay the dividends on the stock, so that the stock and bonds constitute the basis for transportation charges.

Mr. Joseph, of Iowa, a witness before the committee, stated that the aggregate of the bonded debt and stock of the railroads of Iowa amounted last year, according to official reports, to $258,000,000, while the property of the roads upon which they paid taxes was assessed at only $30,000,000, and that the annual net profit of the roads was within a fraction of 5 per cent. on the first-named amount, or about $12,000,000, which is exactly 40 per cent. net profit on the amount they assess for taxes; and it will be remembered that this profit was made during a period of unparalleled depression. I read from the testimony, page 1036:

Senator HARRIS. Did I understand you correctly when I understood you to say that the stock and bonded debt amounted to $258,000,000 on your railroads?

Mr. JOSEPH. Yes, sir.

Senator HARRIS. And that the assessment for taxation was $30,000,000 in the aggregate?

Mr. JOSEPH. Yes, sir.

Senator HARRIS. A difference of $228,000,000?

Mr. JOSEPH. The assessment is about one-ninth of the sum on which they draw revenues.

The assessment for taxes to the State about one-ninth of the sum on which their rates and charges are fixed and on which they draw revenues. This statement as to the Iowa roads is believed to be equally true as to the proportion of "water" in railroad stocks throughout the Southwest.

I could multiply quotations to the same effect indefinitely from the mass of testimony before the Senate, but will not consume more time to do so. It is sufficient to say that all the testimony concurs in attributing to overcapitalization, or, in other words, to fraudulently issued stock and bonds known as "watered stock," all the difficulties sur-

rounding railroad administration, producing, as it does, a war between the people and the railroad corporations, the former trying to protect themselves from extortionate rates sought to be enforced by the latter for the purpose of making dividends on fictitious capital, or, to speak more accurately, on no capital at all.

The mystery as to the mode of accumulating the colossal fortunes which in the last fifteen years have been amassed by leading railroad men is solved under the light of the undisputed facts, which show wholesale pillage of the public in the administration of the great transportation business of the country. These great railroad lines are as necessary to the civilization and commercial, social, and political life of the Republic as blood circulation is to the life of man, and disease, impurity, and taint in the latter is no more fatal to physical health than corruption and dishonesty in the management of the former is to the health of the body-politic. The duty of the government, State and national, is plain. Congress should no longer permit corporations in their own interest to regulate interstate commerce as they now do, to usurp a function vested by the Constitution in Congress, but should itself by law regulate it in the interest of the public in a mode which shall be fair to honestly invested capital. But the chief responsibility and the highest duty rest with the States which have chartered the great railroad corporations. These owe it to themselves, to their people, to the great right of local self-government which needs to be vindicated in this regard, to take hold of this subject in earnest and deal with it as its stupendous importance demands. The power is in their hands to apply the remedy. I read from page 52 of the testimony taken by the Senate committee, from the statement of Mr. John O'Donnell, a member of the board of railroad commissioners of the State of New York. He says:

The prejudice against railroads will be dissipated when railroads are honest or are made to be honest by basing their earning upon honest capital.

Senator PLATT. Suppose the stock of a railroad or any other corporation falls to a point where it correctly represents the cost—you say that some of these elevated roads have a capital largely in excess of their cost—suppose the stock of such a railroad should fall to a point that actually represented its cost or value, is there any way you know of that the State can oblige the company to reorganize on that basis?

Mr. O'DONNELL. Probably not; but the State can limit their earnings so that it is a practical reorganization on a basis of honest capital. They can reduce the rates of fare and freight.

Senator PLATT. Do you think it ought to be done?

Mr. O'DONNELL. Certainly. I think railroads should only be permitted to earn a fair dividend on honest capital.

I read again from the testimony of the same gentleman, on pages 48 and 49:

Senator PLATT. The ownership of the roads has passed largely out of the hands of the men who watered the stock. Does that fact make any difference in your mind as to the amount of earnings they should be allowed?

Mr. O'DONNELL. You have raised a difficult question, and one that, as a just man, I have considered very much. Where a State, by legislative action, has legalized watered stock, it can not afford to repudiate it. Where there has been no legislative action I know of no rule of law or ethics which makes an investor in railroad stocks stand differently from an investor in any other stock. I think the sooner the idea that no matter where a road is built, or for what purpose, when its stock or bonds are put on the market somehow they are guaranteed against loss, is dissipated the better for all concerned. The commerce of the country must not be burdened to pay large dividends on watered railroad stocks, it being inimical to the prosperity of the commonwealth.

Senator PLATT. You think this question of watering is so well known that persons who buy railroad stock buy it with knowledge?

Senator HARRIS. With such knowledge as to put them on inquiry?

Mr. O'DONNELL. The courts have decided that a man buying stock must buy with his eyes open, and this is the way the public buy all other securities.

I read from page 39 of the testimony, part of the statement of Mr. Rogers, also one of the board of railroad commissioners of the State of New York:

Senator PLATT. You think it is a matter a commission could deal with to determine whether, in a particular case where complaint was made, a railroad was charging too much?

Mr. ROGERS. Where complaint is made that too much is being charged from a particular point the method in which our commission deals with it is this: We take up the question of the cost of the construction of the road, we find out how much it has taken to build it, how much stock and how many bonds are out, and how much has gone in good faith into the construction of the road. We then take their revenues and see whether those revenues are paying a fair rate, after the cost of hauling and handling are taken out, upon the cost of construction. If so, we reach the conclusion that the general rates upon that road ought not to be diminished under the guarantee of the general railroad act.

* * * * * * *

Senator PLATT. In dealing with this question do you call the "cost of construction" what the company represents the cost of construction to be, or do you try to get at what the road was actually constructed for?

Mr. ROGERS. We get at what it actually was constructed for. Of course we can not go into the question as to whether they paid more for their iron or their ties than they really ought to have paid, but we do substantially get at the question what amount of money went in, and take out the "water."

Senator PLATT. Suppose the company, in building the road, let the contract to a construction company in which parties interested in the building of the road were also interested, and made a very large and unconscionable profit out of that contract, do you consider that at all?

Mr. ROGERS. That specific question has not been brought before us, although I can see that it would be very embarrassing. Not having been brought before us I can not answer it, but a number of cases have been brought before us where we were obliged to find out the cost of construction, and we did it substantially. The elevated roads was a case in point. They are stocked and bonded for $45,000,000. We found their actual cost of construction was $22,680,000, and Commissioner O'Donnell found in his minority report that it was $22,250,000.

I read again from page 301 of the same volume of testimony, from the statement of Judge Thomas Russell, chairman of the railroad commission of the State of Massachusetts. He says:

Furthermore, our supreme court has always held very strictly the doctrine that railroad corporations are public corporations, created solely for the good of the public, and that they are to be dealt with accordingly. A great many years ago Mr Choate said to the Legislature: "Railroads are made for the people, and not the people for railroads;" and that idea has been adopted by the supreme court of this State. The doctrine that a railroad corporation is a public corporation, existing solely for the benefit of the people, and not of the stockholders, has been stated by Chief-Justice Shaw and Justice Gray, who was lately our chief-justice, as strongly and as clearly as ever any Granger asked to have it stated.

I now read from the report of the board of railroad commissioners of the State of New York to the Legislature of that State. They say:

A common carrier thus created becomes at common law a quasi public servant, bound, as the price of its privileges conferred, to carry all persons and property offered to it for a just and reasonable compensation, and with due regard to public safety and convenience. It is the right and duty of the State, either in the original charter or by subsequent legislative or other action, to see that the citizen has service to which he is thus entitled, to prevent railroads from assuming rights and privileges not granted, to compel the correction of abuses, and to require the performance of duties assumed. No less has the railroad at least a well-recognized, equitable right to insist that the State shall guard its property, that it shall be protected in the exercise of its chartered privileges, and that subsequent legislation shall not exceed the limits above stated.

This position toward its citizens and toward its railroads the State ever and unceasingly occupies. For instance, the right conferred to impose and collect fares and freight rates is the permission of the State to exact from transportation and commerce a tax in return for a public service required of and performed by the railroad. The amount of this tax in a just and equitable view and based on a public policy which duly regards good faith, and which is liberal enough to promote and sustain prompt, eficient, and constantly improving service on the part of railroads is that amount which will pay expenses and a fair return upon the capital of the corporation invested. To keep the tax within this limit is the duty of the State toward its citizens; to sustain it at this point is the corporation's right, in the enforcement of which the State ought not to interfere.

The States are under the highest obligation to protect and deal liberally with the actual honest capital invested in railroads. This is due to the corporations, their stockholders and creditors, no less than to the public honor and credit, but the obligation is equally binding and sacred to protect the public against the extortion and imposition practiced by the corporations through the instrumentality of fraudulently issued stock and bonds. There is not a railroad company in the United States except one who se stock has not been repeatedly watered and rewatered, and that is not taxing the people nearly or quite double on transportation to pay interest and dividends on bogus, fictitious capital. The Baltimore and Ohio is named by Mr. Thurber as an exception. That corporation, he says, has never watered its stock, and he attributes its great prosperity to that fact. There is not a railroad corporation in the United States whose stock which represents actual capital honestly expended in construction and equipment, would not pay heavy dividends and be a magnificent investment.

These conclusions are overwhelmingly established in all the testimony on the records of the Senate and House, and there is no dissent from the opinion that nine-tenths of the rate wars and other troubles between the railroad corporations themselves, and between them and the public grow out of "watered stock." This being the great disturbing cause should be eliminated by the State governments, whose charters confer on these corporations the right to exist. It makes no difference how this is done, whether through a commission with power to adjust the rates of freight and passage on the basis of the actual capital invested, discarding "watered stock" from the estimate, or in some other mode which is just and equitable, so it is done. The evil will never correct itself, but if not dug up by the roots will grow from bad to worse. Whenever a corporation is driven through the instrumentality of "watered stock" into bankruptcy and the hands of a receiver, and is settled up and its property sold out, the first thing done by the purchaser on reorganization is to water the stock again, and thus the process goes on, and the grip on the throat of the public is maintained without interruption.

This crime against the public will never cease until the people through their State governments, which alone can deal with it, shall make war upon it with earnestness, energy, and determination. Now that the attention of the country is attracted by recent disturbances to the general subject of railroad transportation in connection with the labor troubles, and the public mind is busy with the problem, it would be well while devising means to assure with absolute certainty the perfect freedom of commerce from embarrassment, obstruction, or hindrance, by protecting railroad property from injury and railroad employés from violence and intimidation, which should be done, if necessary, with the whole power of the respective States, also to consider and adopt the surest and best means of eradicating and wiping out that greatest of all evils affecting our railroad system, the prolific parent of all the evils which beset it, "watered stock," bogus, fictitious capital, and of placing the railroad system of the country upon the honest basis of the actual capital invested in construction and equipment.

Common justice and the public interest alike require that while the whole power of the state shall guard and protect railroad property and franchises and employés against invasion, injury, or molestation from any quarter, that it shall also protect the people against extortion and oppression by the railroad corporations. The honor of our Government, State and national, is solemnly pledged to the protection of honest capital actually invested in railroad enterprises, in the enjoyment of fair and even liberal returns, but is pledged with equal sacredness to protect the people against the fraud and rapacity of the corporations, and oppressive and wrongful exactions upon their commerce.

When laying its hands upon the laborer, who, under the exasperating

influence of evil counsels and real or imaginary wrongs, violates its mandates, the law must not shrink from a contest with the corporations of its own creation, which coolly and systematically use their powers to wrong and defraud the whole people. To command respect and obedience the law must act equally and alike upon all, upon the strong as well as the weak, the rich as well as the poor.

Mr. LOGAN. Mr. President, I do not rise to make a speech on this subject; but, inasmuch as the Senator from Texas has called up this bill and has advocated it in a very able speech, principally devoted to the watered stock of railroads, of which I have nothing to say, I desire to call his attention to some points, inasmuch as he is an advocate of this bill, without committing myself either for or against it if I can do no better.

First, it proposes an arbitration. When? After commerce has been interfered with, and not before. That is objectionable in my mind.

Second, after you arbitrate you do not agree in the bill that the arbitration shall be enforced. You provide that the trouble shall be arbitrated, but provide no means by which either party shall have power to enforce the judgment of the arbitrators. That is all there is of the bill. The rest of it is mere machinery.

Mr. COKE. If the Senator will allow me I will state——

Mr. BLAIR. I hope Senators will not allow this to pass into a miscellaneous debate.

The PRESIDENT *pro tempore*. It is proceeding by unanimous consent.

Mr. BLAIR. The Senator from Illinois wished to make a remark.

Mr. LOGAN. I ask the Senate to give me ten minutes.

Mr. BLAIR. I should object to its leading to a discussion between Senators.

Mr. LOGAN. I am not going to have a discussion. I did not get up to make a speech, but I rose for the purpose of saying that this bill, as reported by the Committee on Education and Labor, has three propositions in it: First, to arbitrate after commerce has been stopped——

Mr. COKE. The Senator from Illinois will permit me to say that I think he is very clearly mistaken about that.

Mr. LOGAN. Well, what is it?

Mr. COKE. I have sent for a copy of the bill; I have not one before me just now.

Mr. LOGAN. I have it. It reads:

> Which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers.

Then they shall do what? Then they shall, on the application of both sides, arbitrate. That is, after the impeding has been done, then they shall arbitrate.

I propose that they shall arbitrate before, that if a difference occurs they shall arbitrate before commerce is interfered with.

But I have framed a substitute for the amendment of the President of the Senate and for this bill, which I propose to offer at the proper time. I concluded, inasmuch as the Senator from Texas had taken some time in discussing the bill, to state briefly what my proposition is. I have only the framework of it; I was just completing it when the Senator rose to speak; and for that reason I desire to state exactly what I shall propose when I get my scheme completed.

Mr. MCPHERSON. Have it printed.

Mr. LOGAN. I will when it is completed. I am not going to offer it now, but I will state what I propose to offer as a substitute.

First, I propose that a commission to be called the commission of arbitration shall be appointed by the President of the United States and confirmed by the Senate; that they shall be selected from men who understand the industries of the country, the labor question, and those questions which have caused the trouble between employers and employés; that they shall not be partisans, but one shall be selected from one party and another from another and another from persons claiming no party organization, another one selected from the class of persons who are well versed in transportation, and the other one selected from the class of persons known as the laboring classes of this country, so that all classes shall be represented, the commission being five in number, and have a secretary, a stenographer, and a messenger. These members shall as soon as appointed and confirmed meet and organize and elect one of their number as president of the board. That is the first proposition. They are to hold their term of office for three years, and receive an annual compensation of $3,500, the secretary $2,000, the stenographer $2,000, and the messenger $1,400.

Their duties then shall be to examine into all cases where differences exist between employer and employé engaged in the transportation of persons or property, and to make a report through the President of the United States to the Congress of the United States. Where the parties, as the House bill provides, agree to an arbitration, they shall submit their agreement in writing. In other words, they and their attorneys shall agree in writing that these commissioners shall arbitrate the question. Then the commissioners shall have power to send for persons and papers, to swear witnesses and examine the whole case in a summary way and decide the question on principles of equity pertaining to the controversy. When a decision is made, that decision shall be filed in the district court of the United States for the district in which the controversy occurred. When that award is filed between the parties before the district court, it is to be spread on the record and become a decree of the court, to be enforced as other decrees of the court.

I propose to substitute that for this bill for the reason that there is no way provided in this bill for enforcing the decree. Under the House bill you may arbitrate to-day, and to-morrow if I am a party I may say, "I do not care for your arbitration; you have no power to provide for its enforcement; you make no provision for its enforcement;" it is a mere act of the parties after some trouble has arisen, and the whole thing vanishes if either side disagrees to it.

My proposition declares that the parties are all to be heard by themselves on their own oath if they desire and by witnesses and may be represented by attorneys if they wish. Further than that, I make it the duty of the commission to investigate all controversies arising as the one did arise which perhaps caused the introduction of this bill. I provide whether these persons refer the question to the commission or not, whether they agree to arbitrate before the commission or not, that it shall be the duty of the commission to investigate the controversy and report the facts so that the President shall refer them to Congress, that Congress may have some means of judging and knowing hereafter as to the manner of dealing with this question.

Then I provide for the mode of summoning witnesses, for the pay of witnesses and officers serving process, and give authority to the commissioners to send for persons and papers and have officers to execute subpœnas and bring witnesses before them, having the powers that a commission should have for the purpose of making proper examinations.

I provide also that the expense of an arbitration shall be paid by the Government of the United States where it does not exceed a certain amount; that witnesses and marshals shall be paid fees according to the fees now allowed by law to witnesses and persons serving process.

I go further. I provide that the act entitled "An act to establish a Bureau of Labor," approved June 27, 1884, is hereby amended so that the bureau shall hereafter be designated and known as the Department of Labor, and that the Commissioner, in addition to the duties now required of him by law, shall be required to communicate with the various railroad companies and other corporations and associations of individuals engaged in the transportation of persons or property, or engaged in any other of the industries of the country where they are carried on by a corporation or an association, and shall ascertain the number of employés in each instance as far as practicable and the manner in which their labor is conducted and the character of the labor performed, and also as near as may be the condition, situation, manner of living, facilities for the education of the children of the laborers so employed, the relations of labor to capital generally, and also make comparative lists and statements as to the number of hours of labor required in the various employments, and also ascertain the character of the labor and compensation in the various European countries, make up the statistics, make comparative statements of labor, the price of food, the price of living, and make report to the Secretary of the Interior and through him to the Congress of the United States for the purpose of ascertaining properly all connected with labor and employments in this and other countries, so that we may legislate hereafter, if necessary, in a manner that will be calculated to bring proper results.

Mr. COKE. Will the Senator allow me to suggest that one of his objections to the House bill was that it did not operate until after a disturbance had occurred? I desire to read a clause of the bill to show him that he is mistaken in that regard. The first section provides—

> That whenever differences or controversies arise between railroad companies engaged in the transportation of property or passengers between two or more States of the United States, between a Territory and State, within the Territories of the United States, or within the District of Columbia, and the employés of said railroad companies, which differences or controversies may hinder, impede, obstruct, interrupt, or affect such transportation of property or passengers——

Mr. LOGAN. Then they shall investigate.

Mr. COKE. I read this simply to answer the Senator's objection that the bill did not operate until after the obstruction had occurred.

Mr. LOGAN. We will not discuss it now. That affects investigation. What I said was that the provision of the bill was that where transportation was impeded they might arbitrate. The Senator now refers to another matter.

What I wish to say is that as soon as I correct one or two provisions in this proposition, that I have been preparing last night and this morning, I shall offer it as a substitute for the bill and amendments, and I will try to be prepared as well as I can when it comes up to advocate the proposition.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

Mr. BLAIR. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. The amendment proposed by Mr. VAN WYCK is at the end of section 1 to add the following proviso:

Provided further, That no soldier under this act shall receive less than $8 per month.

To which Mr. BLAIR proposes as an amendment to strike out all after the words "*Provided further*" and insert:

That no pension paid under any law to any soldier hereafter shall be rated at less than $4 per month.

Mr. MCPHERSON. It seems to me from the discussion which has taken place on this bill that it comes before the Senate in a very loose form. There appears to be a great desire for information and a want of information which no member of the committee seems to be able to give. It is a very important subject, and the measure, if enacted, will necessarily take a large sum of money from the public Treasury.

In order that the Senate may be thoroughly advised as to the result, the actual or approximate result, of its action if the bill should be passed and become a law, I desire for my part to have such information as will enable me to act intelligently on the subject. I therefore move that the bill be recommitted to the Committee on Pensions with instructions to investigate and report to the Senate the approximate amount of money which will be needed from the Treasury to carry into effect the provisions of the bill, so that the Senate may have full knowledge of all matters connected with the bill, the amount of money needed, and that provision may be made in some way to raise the needed amount of money to carry out our pledges to the pensioners.

I think the chairman of the committee and the Committee on Pensions generally should agree to such a proposition at once. The delay need not be very long. The Pension Department will be able to give something like an approximate estimate, taking into consideration the number of persons who will probably call for relief under this bill, and it need not perhaps delay action on the bill more than a week or ten days, or perhaps even less. Certainly the Committee on Pensions should come to the Senate prepared to give us some information touching this subject. If the committee are unwilling to take that responsibility upon themselves, certainly the committee ought to give some Senator upon the floor the opportunity of making the investigation. I would even attempt to do it myself at the sacrifice of any and every other duty I may have here rather than be called upon to vote for a bill which I can not tell one of my constituents what its effect will be upon the tax-payers of the country.

While I sympathize somewhat with the bill, I submit that this is a piece of the blindest legislation with respect to the cost and the consequences to the tax-payer that has ever been brought to the attention of the Senate since I have been a member of the body.

While I do not wish it to be understood in making this motion that I am attacking the bill itself, at the same time I think it must be apparent to the mind of every Senator that we should pause and see where we are going before proceeding any further in this direction.

Mr. President, I now offer my motion.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves to recommit the bill with instructions, which will be read.

The CHIEF CLERK. The motion is:

That the bill be recommitted to the Committee on Pensions, with instructions to investigate and report to the Senate the approximate amount of money which will be needed from the Treasury to carry into effect the provisions of the bill.

Mr. MCPHERSON. One word more. There are several amendments pending in the Senate which tend in the direction of increasing the committee's bill and others in the direction of decreasing it. If an approximate estimate, which would be sufficient for all the practical purposes of legislation, could be given on the basis of the committee's bill, it would enable each Senator to form something like a correct estimate touching the effect of the amendments which propose to either increase or decrease the amount granted by the committee.

Mr. BLAIR. Mr. President, the Senator from New Jersey is so kind and good, so anxious to be right on this matter, that I felt almost entranced into acquiescence in his motion. He is so "child-like and bland" in his manner that I was nearly persuaded, until about the last of his remarks, that he was really for the bill and was in the honest and anxious pursuit of information. But I am compelled to remind the Senator that this is a bill on which he has already once voted in a former Congress, that here is no new proposition, he is perfectly familiar with it, he has acted upon it once; he is not a new member of the Senate who is entirely ignorant of the contents of the bill and the data on which it is based.

Mr. MCPHERSON. Did we have the information in the former Congress that is asked for now?

Mr. BLAIR. The Senator had such information that he did not feel the necessity of calling for more. He was able to vote and did vote, at least I have no doubt that he did, and probably against the bill, as now he will again under any circumstances whatever. This proposition was discussed more or less, the idea itself, in the Forty-seventh Congress, if I recollect aright. It was pending in the Forty-eighth Congress during both sessions. It was finally discussed at very considerable length in the last session of the Forty-eighth Congress, and this precise proposition was voted upon.

Application was made to the Pension Department for information touching upon the probable cost of this bill if it should become a law; and upon the propositions contained in the bill the Commissioner replied, as he very naturally might, as anybody must, that it was impossible for him to estimate any better than anybody else could as to the probable cost of the bill if it should become a law. We know, and he gave to us, about the number of surviving soldiers in the country, but how many of those surviving soldiers are now disabled it is impossible for him or for anybody else to tell. How many of them are both disabled and poor, so that they would be brought within the provisions of the bill, it is quite as difficult to determine. But we do know that it is the duty of a man to pay his debts, and that that duty is not affected by the question of amount.

As I stated yesterday, the bill contains a general proposition upon which a man must vote as his conscience shall dictate rather than anything else. If it is right that these men, to be provided for by somebody, should be provided for by sixty million people instead of by their comparatively few associates in the communities in which they live, the sixty million having received the benefit of their sacrifices and services in the field, the bill ought to become law. If not, the bill should be rejected. That is the general rule by which I guide my own opinions and my own action in regard to the support of the bill.

As to the actual amount that the bill will cost, I have stated on several occasions as closely as I could my own conjecture, if you please. I think it will cost somewhere from $20,000,000 to $25,000,000 as the bill stands—probably $25,000,000. The Senator from Illinois says he does not think it will cost that amount. I do not know of anybody who estimates the amount to be more than I have done.

Mr. INGALLS. Is that the annual or the gross sum?

Mr. BLAIR. The annual sum.

Mr. MCPHERSON. I find by a reference to the RECORD that the Senator from New Hampshire on another occasion concluded that it would cost $50,000,000.

Mr. BLAIR. The Senator is quite mistaken about that. We have been over that three times in the present debate.

Mr. MCPHERSON. Does the Senator know that it would not cost $50,000,000, or $100,000,000, or $150,000,000? I am supposing, as we must necessarily suppose, that as a pensioner becomes old and in a measure decrepit his pension would be increased. As you provide in your bill for total-disability pensions of $24 a month, would it not be reasonable to suppose that the majority of the pensioners at this time, twenty-odd years after the war has closed, twenty-five years after it was begun, would be total-disability pensioners? Therefore how can the Senator, from any data in his possession, give us anything like an approximate idea of the cost of the bill?

Mr. BLAIR. I will answer that by asking the Senator—

Mr. MCPHERSON. One word more. If it were submitted to the Pension Department, where these ratings have been made, a judgment could be formed from the pensioners of the present time, from the number of those who are total-disability pensioners and those of smaller ratings, which would give us something of a more accurate knowledge than the Senator seems able to give, or than, if able, he is willing to give.

Mr. BLAIR. We made that call in the last Congress; we submitted it to the Pension Department, and obtained the reply which I have stated. I ask the Senator whether, with the knowledge which he exhibits of the elements of the problem, he believes it is possible for a man who happens to be clothed with the position of Commissioner of Pensions to answer such questions any better than we can?

Mr. MCPHERSON. I should like to have an answer to my question on that subject.

Mr. BLAIR. We have all the data, we have the ratings; we have the number of pensioners that there are now; we have the number of soldiers who are probably surviving in the country; we have possession of all the facts he can give us; and we have been accustomed to assume that we had as much of the necessary common sense to consider the data when furnished to us as anybody, and that we are as capable of forming an opinion.

Mr. MCPHERSON. I wish to say in this connection, if the Senator will bear with me, that I think if that inquiry were made of the Senator from New Hampshire or myself, as Commissioner of Pensions, we should respond to it. I take it that the present Commissioner will with equal alacrity respond to any call made on him for information. Certainly he has done so in the past; and if it took every clerk in the Pension Department to make estimates and to give facts and figures I believe he would employ them for that purpose. It would surely do no harm to the Senate to be in possession of all the information touching this matter which could possibly be given.

Mr. BLAIR. The investigations of the Commissioner of Pensions and his clerks are not among the class of soldiers who are covered by the bill, and the Commissioner is not likely to be in the possession of any data which would enable him to throw light in the form of an opinion upon the probable cost of this bill any further than he has already done so by giving us the data which we have in his report, and the statistics which are open and common to us all.

In regard to the actual expense, the immediate expense, should the bill become a law, it must not be considered, because perhaps a quarter of a million may under its provisions come to represent the average addition from year to year to the pension-roll, that the immediate cost for the present year would be any such amount. If there should be an increase to that number, and if it should average from year to year that number until the soldiers disappeared, or at least until the roll commenced to diminish by reason of their disappearance from the earth, the probable cost would be from $20,000,000 to $25,000,000, as I have often stated, so far as my own judgment is concerned. But nothing would be paid under this measure until the claims were investigated and established, and that is a process requiring time. It is not probable that the next fiscal year would witness an increase of the expenditures of the Pension Office to any great extent, because six months or a year would undoubtedly be required in the investigation and establishment of the claims to any considerable number at least.

With a million survivors, which is the estimate I believe all around in the country, a quarter of them already on the pension-roll, a great many of them still in the full vigor of life, a great many more who are not in the full vigor of life, but who nevertheless have the means of comfortable support, neither class coming under the provisions of this bill, I do not believe that there can remain more than another quarter of a million who would be covered by its provisions by reason of their being both poor and dependent upon their labor for support and disabled for the performance of that labor. If that be so, taking the tables which the Commissioner furnishes us, the expense under the bill could not be more than $20,000,000 or $25,000,000. At the same time, it is like guessing how many people will die next year, and it is of course utterly impossible to furnish any warrant beforehand of the exact amount of the expenditure.

But, as I said in the first place, if this money ought to be paid, if these people ought to be taken care of, and they have got to be taken care of, and will be taken care of, for there must be the endurance of starvation and want on their part or they must be taken care of by the nation at large or by their neighbors, generally poor, or by their comrades, generally poorer still, or by the ordinary pauper systems of the counties and the States—if that is true, then I think the question is one which the Senate can decide in but one way, whether the parties whom I have mentioned should bear the burden or the nation itself at large.

I received a paper this morning from Pennsylvania. Of course I do not know whether its statement is true or not, but I have no reason to doubt it. It is a newspaper containing the statement that in that single county where it is published there were seventy-five old soldiers of the war for the Union who were supported in the pauper-houses of the county by public charity. Facts of that kind, as we all know, exist in all parts of the country where these soldiers live, and such facts are a national disgrace.

If I felt that the committee could give the Senate any further or more reliable information by a continued investigation, which has now been prolonged for some three or four years, I would not object to the bill going back to the committee. I would not object if I thought a recommittal could be of any service to the committee or the Senate or the country in the elucidation of further data. Still, feeling it not to be possible that we could give more information to the Senate and feeling that this disgrace should not longer exist, I must oppose the Senator's motion, and I hope that the Senate will proceed to consider and dispose of the bill in some way.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the bill be recommitted with instructions.

Mr. TELLER. Mr. President, it does not seem to me that if we refer the bill to the committee they can give us a very great deal of information. Although I confess myself that the bill in the shape in which it comes from the committee has no careful estimate of what it would cost, and is not entirely satisfactory to me, I think the friends of the bill, of whom I consider myself one, ought in some way to attempt to show about what will be the whole cost.

The first section of the bill practically, as I understand it, puts every survivor of the Union armies on the pension-roll who is disabled and dependent upon his own labor for support. There are 149,000 applications pending before the Department of persons who we may presume will be considered dependent under the bill. There were in June, 1885, 149,000 applications for invalid pensions that had been rejected, and rejected I suppose almost entirely because the parties failed to prove that their disability was incurred in the line of duty. I think very few cases will be found where the parties have applied for a pension that they will not be able to show that they were disabled, and the great question to be determined was whether they were disabled in the line of duty or out of the line, or subsequent to their discharge from the Army. Those persons, it may be presumed, would make their applications under the pending bill.

We add to that large body of men a very uncertain number. Every man who has been disabled since the war and has to depend upon his own exertions would be entitled under the bill to make his application. Out of the one hundred and forty-nine thousand cases it is fair to presume that at least much more than one hundred thousand will be able to put themselves on the roll under that provision. Then there will be a very large number of men who are not on the roll, who are not applicants, who are not now in the Pension Office seeking to be put on the roll. Then we add the dependent fathers and mothers, which is an uncertain quantity, and it is impossible for anybody to determine the number.

So far as I am concerned, I am exceedingly anxious, wherever there is a disabled soldier who is disabled from earning his living in an honest way, to provide for his support. I am also exceedingly anxious that the class of men who will sometimes seek to put themselves on the roll who are not so dependent or not so disabled shall be kept off. I suppose the machinery of the Department is sufficient to keep that class of people off.

I think if the bill had come here with a provision for a fixed sum for those who are found to be disabled, it would be more satisfactory than it is now. If the committee are of the opinion that they can not give us any data to go upon, then it is not worth while to rerefer the bill to the committee.

What it would cost is a mere conjecture. The honorable Senator who has the bill in charge says it will cost probably not less than $25,000,000 per annum, a mere nothing in the way we consider amounts in these days. I do not want the bill to pass with the understanding that it is a very small sum that we are to pay. In my judgment $25,000,000 will not begin to cover it. Three hundred and forty-five thousand one hundred and twenty-five pensioners now on the roll require $65,000,000 per annum.

Mr. BLAIR. Thirty-eight million dollars is the annual charge. Sixty-five million dollars was the total last year. That includes the aggregation of the first payments.

Mr. TELLER. It represents the aggregation of the first payment.

Mr. BLAIR. Thirty-eight million dollars is the cost from year to year.

Mr. TELLER. So after deducting those we might take the $38,000,000. Now if you add one hundred thousand more names to the roll you have added nearly a third more in amount. Then you have all the dependent fathers and all the dependent mothers to be added, of which, as I said before, the number is entirely uncertain. Nobody will be able to say whether it is ten thousand or fifty thousand.

I notice whenever these bills come before the Senate that they always come here with an estimate exceedingly small, and they have always been underestimated. While, as I said before, I am in favor of paying to every disabled dependent soldier a bounty from the Government, I am in favor of doing it with our eyes open; and I am not in favor of pushing such a bill through here or anywhere else and deceiving ourselves that it is going to cost a mere nothing.

Mr. McPHERSON. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. Certainly.

Mr. McPHERSON. I think I understood the Senator to say that he saw no particular advantage to be gained by recommitting the bill to the committee if the committee could give no further information. Let me say to the Senator that I observed yesterday in the discussion that the committee itself did not agree as to what plan should be adopted, whether there should be an indefinite sum or a fixed sum paid, and certainly the committee would be able to come to some conclusion touching that subject. I noticed that some members of the committee were in favor of fixing a sum of $8 a month to cover all cases of disability. There are a great many things it seems to me that the committee might be able to agree upon.

Mr. BLAIR. Will the Senator permit me to say a word on that point?

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor.

Mr. McPHERSON. The Senator from Colorado was yielding to me.

Mr. TELLER. I was coming to the very point to which the Senator from New Jersey calls attention.

Mr. BLAIR. Will the Senator from Colorado permit me to interrupt him?

Mr. TELLER. Certainly.

Mr. BLAIR. I will say that the committee at the regular meeting this morning failed to agree on those points. The committee is unable to agree, and it would be entirely useless to send the bill back for the determination of questions which in the end must be submitted to the Senate, and which have been already pretty thoroughly discussed in the presence of the Senate.

Mr. TELLER. I was about to allude to the fact that yesterday there seemed to be a diversity of opinion among the members of the committee. Some members of the committee thought that $8 should be the limit. The bill confines it to $24. Other members of the committee thought that the lowest sum to be paid, whatever might be the disability, should be $4, and some thought that $8 should be the lowest sum. I think the committee should have brought in a definite bill, or if the bill comes here with the committee divided, I think the committee should let the bill alone and we should pass the bill as it now stands, which is a good deal better than to tinker with it by determining whether the lowest rate shall be $4, or $8, or whether the highest

rate shall be $8. Twenty-four dollars is fixed in the bill as the highest limit. As the law now stands the highest rate is $72. If a man is totally disabled under the existing law he is entitled to receive $72. I understand that under this bill if a man is totally disabled he would be entitled to receive $24. Therefore it is fair to presume that the Department will so administer the office that a man who has a small disability will not receive any more than a man now on the roll is receiving.

The reason why I said that it does not seem to me that the committee are going to give us any further information was because the Senator in charge of the bill declares that it is impossible to do it. I do not know myself any way to arrive at what the bill is going to cost, and I think we shall have to shut our eyes and vote for it, if we do vote for it, with the understanding that it is going to cost a good deal of money. I know that when the arrears-of-pensions act was passed, a measure of which I entirely approved, a provision of law that I think ought not to have been limited to 1880, we were told that it would add only a few million dollars, when it has added an immense sum.

So far as the beneficiaries under that act are concerned it was a contract with the Government. The Government entered into a contract with all the soldiers that if they were disabled in the service it would pay them a pension. This is not a contract. This is a bounty which we propose to give to show our appreciation of their patriotic service, and in doing this we have a right to guard the measure in any shape we choose and to limit it as we see fit. We are under no moral obligation to do anything more than is just and proper so far as the honor of the nation requires us. If the man is poor and goes to the poor-house, I think it is something to the disgrace of the United States Government, when he has been a loyal soldier and has received his discharge in the proper manner, if he does not receive at least the pittance of a pension that is allowed to others who have served with him under like circumstances.

I am going to vote against the return of the bill to the Committee on Pensions, not because I think the bill is in the shape in which it ought to have come here, not because I am satisfied with the bill, but because I am satisfied that to recommit it will add nothing to our information on the subject.

Mr. VOORHEES. Mr. President, ordinarily I should give a silent vote upon such a question, but I deem it proper to depart from that rule for a few minutes.

I would have no objection, and have none in fact, to the reference of this matter back to the committee, as moved by the Senator from New Jersey, but whether that takes place or not, I expect to vote for the bill; so that the question of investigation concerning the amount which is to be paid under it will not determine my vote.

I have listened to the objections to the bill as well as to the statement of its merits. I am not a person who is deterred from following the inclinations of my mind and heart by the outcry that it will take a good deal of money out of the Treasury. Sir, it is active, circulating money that is a blessing; and it is dead, unspeeding money that is a curse. The worst evil of our times is the rapid accumulation of large sums of capital in a few hands. That is the cause of distress throughout the land. It is the cause of strikes. It deprives labor of its opportunities.

I say again that the worst evil which overshadows the Republic and all its best interests at this time is the tendency to accumulate immense estates and to withdraw the circulation of the country from the many into the hands of the few. It is the busy, active, circulating dollar that does the people good.

Mr. EUSTIS. The silver dollar?

Mr. VOORHEES. Yes, as the Senator from Louisiana well says, the silver dollar, as well as every other good dollar with equal purchasing power; and I know no dollar, the silver dollar included, which does not pay for a meal's victuals, or a suit of clothes, or any other article of need or comfort, as well as the gold dollar or any other piece of circulation.

I therefore do not deprecate the appropriation of enough to pay the soldiers of this country liberally. I do not deprecate that degree of expansion of the currency which follows it. I say here, that beginning with the closing year of the panic which afflicted this country from 1873 to 1878, from that time forward the money which has been annually paid on pension account has in a large degree averted hard times, oppression, financial panics, and the overthrow of the prosperity of the laboring people.

We are now hard upon a crisis of great peril to the business interests and to the labor interests of this country. The money which goes out through the channel of pensions is not merely beneficial to the pensioner who directly receives it; it passes into every channel of industry and trade; it pays debts on all hands.

I have heard allusion made in this discussion to the question of arrears, that it involved a large amount. It did, and it did a vast deal of good, North and South, East and West. There is nothing sectional in a full circulating medium. I have traveled over the State of Indiana and seen the little white houses built in a number of instances, hundreds of them, by the amount received in a considerable sum at a time for arrears of pension. That money did not stay in the hands of any one man or any narrow circle, but circulated everywhere; it bought lumber, bought nails, bought shingles, bought glass, bought flooring, bought furniture, and paid for these articles and brought ease to the business interests for miles around.

I wish to say a word so far as the sectional aspects of this question are concerned. I presume never as long as we live will the incidents of the war fail to revive in our minds the recollections of that war. It would not be possible in the economy of human nature that it should be otherwise. I wish to say, however, that there never was a nobler spectacle, more generous, magnanimous, and unselfish presented upon the face of the earth in the annals of mankind, than has been presented by the people of the South as represented on this floor and on the floor of the other House of Congress, in year after year ungrudgingly and unmurmuringly voting for large sums pensioning the victors in the great conflict of the past.

But there is this to say to them and for them: There is a compensation to them even. The money thus spent, nearly a hundred millions a year, expanding the currency to that extent, is confined to no lines. It goes to New Orleans; it goes to the great State of Georgia; it finds its way to Arkansas and to Mississippi, and through all the channels of trade and industry throughout this wide extended country. Its immediate blessing, perhaps, is more direct to the communities of the North, but at last it percolates and finds its way throughout all the communities, and is a blessing to them all alike. I am glad it is so, for such magnanimity and unselfish devotion and patriotism to the institutions of the country as they stand should have something back in the way of compensation.

I will say further to my Southern friends, that their course upon this subject has not been barren of results or barren of response from the people of the North. If my Southern friends around me will think for a moment, the course of this Government so far as pecuniary and financial dealing with them is concerned has not been illiberal. I will not pause now to speak of the great educational bill which recently passed this body and which is yet pending in another, where I hope it will be adopted. I know there is difference of opinion among Southern Senators as to the power of the Government to enact such legislation, but there can be no difference of opinion among Southern gentlemen as to the grand liberality, the grand national generosity, and the great conception of the future of education on the part of those who originated that measure. There can be no two opinions upon that subject.

I may be permitted also, while I am on my feet, to say to Senators from the South who have to answer to their people (and I do not expect men to forget their own sections and their own constituencies), that those people can be easily reminded of many other acts besides the educational bill calculated to reconcile them to the generosity and magnanimity of their representatives on the subject of pensions. This Government has been liberal and great in its appropriations for the improvements of the rivers and harbors of the whole country, the South well included. She has not been treated as a step-sister when it comes to these benefactions from the Government. I, too, have voted for every one of them, on the principle largely that I shall vote for this measure, because the circulation of money employing labor and improving the country is the way to develop its greatness, its strength, and to give to the people the blessings of industry and prosperity in their own homes.

Where have we fallen short in our improvements of the Mississippi River and the other great water courses which interlace the entire South? In our careful expositions of the great industries of the country we have done something, I hope, for the Southern people to feel as a compensation for what they have done on this great question of pensions.

Mr. President, I have felt impelled to say these things because of the position which I occupy. I do not expect miracles from my Southern friends. I am not one of those men who expect Southern Senators or Southern Members or the Southern people to repudiate and affect to scorn or rebuke the great struggle in which they were engaged. They are doing enough without that being required of them, but if a few words of mine like these may enable them to meet their constituents and reconcile them to a liberal and generous course on the great question of pensions I shall be glad. I think they can; and I shall be amply rewarded for any exertions I have made on this and other questions in their behalf by contributing, in however minor a degree, to such a result.

I have not thought it necessary, Mr. President, to discuss pensions at great length or indeed at all during the present session of Congress, but I have embraced this opportunity to give in a general way my views upon this question.

The merits of those to whom these benefactions of the Government go are beyond the reach of discussion. They rest not in the field of debate. I never want to live to see the soldiers who marched to the drum and fife in the bloom and freshness of youth passing their old age in the poor-house. Whether they were disabled by cannon-shot or saber-stroke, or subsequently by disease or the creeping debility of old age, I want to see them taken care of, and by my vote they will be taken care of.

Mr. CULLOM. Mr. President, I only desire to say, as I have been mentioned several times in connection with the discussion of this bill, that the central idea which is intended to be presented by the bill is that soldiers of the Union who are diseased from whatever cause, if not from their own folly or wickedness, should be put upon the pension-rolls if they are not able to take care of themselves. I have not examined the bill before the Senate very closely, but from my reading of it it is substantially the bill which I had the honor of reporting to the Senate two years ago, and which was passed by the Senate.

Mr. BLAIR. It the same precisely, except that it is six months' service instead of three.

Mr. CULLOM. I think the bill does not go as far perhaps as that bill did, but it is because some of the provisions of that bill have been already enacted into law; so that the provisions of that bill which have not become law, as I read it, are now before the Senate.

Mr. President, the reason why I think this bill ought to be passed, in brief, is this: We are now twenty-one years since the close of the war. There are thousands and tens of thousands of soldiers of this country yet not pensioned and who have not yet made application even for pensions. Every man knows that the further away we get from the scene of action the more difficult it is for the man broken down in health, diseased in body, incapable of performing manual labor, to prove his case and show that he is entitled to a pension. So it seemed to me when I introduced this bill, and it seems to me yet, that it is the duty of this Government at this late day, two decades after the war closed, to put all the soldiers who fought for the country who are disabled and unable to care for themselves upon the pension-roll without the necessity on their part of proving that the disability was incurred in the line of duty or in the service of their country.

Unless some such bill as this is passed we shall see what we already see in part, and to which the Senator from Indiana referred—we shall see not only a few of the gallant soldiers who fought for this country in its time of peril marched off to the poor-houses, but the time will not be far distant when hundreds and thousands of as brave men as fought for the Union will be compelled to go to the poor-houses of our country unless by individual charity they are kept out.

I think the time has come when it is the duty of the National Government to do away with the necessity of that particularity of proof which has been required in the years that have gone, so that every honest soldier who fought for his country who is now disabled or who may hereafter become disabled, if it was not from his own fault or wickedness of conduct, shall go upon the pension-roll and be taken care of by the Government. I do not believe in a reckless, extravagant expenditure of money in pensioning soldiers or in any other direction; but here is a simple bill; its provisions are plain, and as has been stated by the acting chairman of the committee, as I understand him, he does not believe it will take over twenty or twenty-five million dollars per annum out of the Treasury. My own judgment is that it will not take so much, but even if it takes more, I contend that it is the duty of the Government of the United States to see that these men who fought for the flag and for the Union shall be kept out of the poor-houses of the country and not allowed to starve.

Mr. President, that is the substantial feature of this bill. There are other features in it which are of minor importance; but that is the great feature of the bill, and it is the reason why, in my judgment, the bill ought to pass.

There is another provision, that the man's enlistment shall be conclusive evidence of the fact that he was sound when he went into the service. I believe the law already is that it is *prima facie* evidence; but this goes further and makes it absolute. I contend that the time has come when that also should be incorporated into the law, so that twenty years or more after a man's service to the country and after the time has come when it is impossible, an absolute impossibility, that he should make the proof necessary, the Government should presume, should take it as a conclusive presumption, that he was sound when he went into the service, if there was no fraud in the manner in which he entered the service.

Mr. President, I did not rise to speak long upon this question. I believe the bill has been before the Senate long enough so that every man here understands its provisions, and probably is ready and waiting to vote; but I did not feel, as I have been referred to several times in connection with the discussion, like allowing the debate to pass over and the bill to be acted upon without giving my renewed expression to the belief that the duty of Congress is to pass the bill so that it may become a law.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to recommit the bill with instructions.

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, I presume I shall not be suspected of any want of liberality toward the veteran soldiers of this country. The accusation hitherto made has been that my course in this body has been characterized by a somewhat wanton and indifferent extravagance upon this topic.

I shall not vote for the motion to recommit this bill with or without instructions, not because it is satisfactory to me in its present condition, but because I am unable to see what advantage or benefit would be derived from any action like that contemplated by the motion of the Senator from New Jersey.

Mr. MCPHERSON. The Senator will pardon me a moment. He is certainly aware of the fact that the same Congress which passes this bill will be required to raise means for its fulfillment. The Senator very well knows that an appropriation of money, of $50,000,000 or more, as I have heard it stated by different Senators in the Chamber and by persons outside the Chamber, will be involved, and this will necessarily tend to reduce the chances of other measures.

One of the objects I have in view in desiring a recommitment of the bill is that we may have the most information possible touching the amount involved, that we may be advised to the fullest extent, in order that we may make provision for the fulfillment of the promise which the bill makes. Certainly it will take but little time and we shall perhaps be better informed than we are now.

Mr. INGALLS. Obviously, Mr. President, any computation based upon the idea of obtaining statistics for consideration under the provisions of this bill would be mere conjecture and surmise. No one knows that better than the Senator from New Jersey. In the naval and military service of this country during the war there were about two million seven hundred thousand enlistments. Very nearly three million men enlisted under the flag of their country and served on sea and on land that this country might survive and that we might be here to discuss in this halting and imperfect phrase as to the measure of relief that we should bestow upon them. How many of the survivors of those two million seven hundred thousand men would apply for relief under this act the Senator from New Jersey is just as capable of computing as anybody else. There are no data upon which the computation can be made any more than one can predict how many babies will be born next year or how many birds will fly over this Capitol next fall on their way to the southward. And I have observed, notwithstanding the somewhat extravagant eulogy that the Senator from Indiana bestowed upon his associates on the other side of this Chamber, that whenever a measure for the enlargement and liberalization of the pension system is brought up in this body, or has been brought up for the past thirteen years since I have been a member thereof, some Senator of the political persuasion to which he belongs gets up with a slate and pencil and begins to figure out how much it is going to cost to accomplish this great measure of national beneficence which the Senator from Indiana approves, like myself.

I am not aware that during all that period of time there has been an objection upon the Republican side of this Chamber as to the amount of money that would be required to pension the disabled volunteer soldiers of the Republic, but it has been left for the associates of the Senator from Indiana to ask how much will all this cost, and to refuse with something of petulance and impatience, as the Senator from Missouri did the other day, as the Senator from Arkansas did the other day, to give their assent to measures of this description because they are uncertain what they will cost, and because as they say, it is time to call a halt in these matters, that the nation has gone far enough, and that too much has been paid already, that it goes as the Senator from Missouri said into the insatiable maws of the claim agents, or that this is not an impulse that arises from the great, generous heart of the nation to do justice to its defenders, but that it is a sordid and mercenary scheme engendered in the foul souls of the claim agent and the scalper and the bounty-jumper to make new raids upon the Federal Treasury. That sort of accusation has come from the other side of this Chamber. They have not been in haste to ask whether or not this is just, but they have been active to inquire how much it will cost and whether we can afford it.

Now, Mr. President, how many or how few will come under the provisions of this bill no man can tell. It is obviously impossible by any arithmetic, by any system of mathematics, by any demonstration, to declare that so many thousand veteran soldiers of the Republic will be disabled next year and need assistance from the Treasury. What, therefore, would be the use, upon that ground, for that purpose, suggested by the Senator from New Jersey, to refer this bill back to the committee? I confess that I have not the slightest idea how much this bill will cost in case it shall become a law, and I do not care how much it will cost—whether it will cost $25,000,000 or $100,000,000 in addition to what we pay now.

If there are any survivors of the veteran armies of the Republic who by reason of disability are liable to become public charges like those named by the Senator from New Hampshire, tenants of almshouses, dependent upon public charity for support, I repeat that I do not propose to inquire how much it will cost. It would be a national shame, a scandal, a disgrace, if a nation as opulent as this, with uncounted millions lying idle in its Treasury, were to permit those who had ever served under its flag to become the inmates of almshouses and county poor-houses.

I think upon reflection the Senator from New Jersey will himself become convinced that the rereference of this bill to the committee for the purpose of making the inquiry that he suggests would be futile and nugatory and useless as well, because if it be true that there are enough of the veterans of those armies in such a condition as described

by the Senator from New Hampshire whose payment under this bill would require $50,000,000 annually from the Treasury, would the Senator from New Jersey refuse to pay it? I think not. I am quite sure, sir, that no matter what might be the amount which would be called for by the accomplishment of the purposes of this bill, if there should chance to be those who are entitled to its beneficence, the Senator from New Jersey would be one of the very foremost to demand that that amount should be paid.

We are coming, Mr. President, very rapidly to the idea of service pensions for the survivors of the Union armies, and I regret that the Committee on Pensions were not able to present to us a bill pure and simple for the purpose of doing one single thing, and that is to omit from the present chain of evidence necessary in a pension cause that which now requires that the disability proven to exist shall be proven also to have resulted from disability incurred in the service. As the law now stands, in the first place, military service must be established; in the next place, disability; in the third place, the connection of that disability with the military service; and in the fourth place, its continuance from the time of its occurrence down to the time when the application for pension is made.

Mr. HAWLEY. Will the Senator allow me to add one other?

Mr. INGALLS. Yes, sir.

Mr. HAWLEY. The poor fellow is frequently called upon to prove that he was a well man when he entered the service, though the Government examined him itself.

Mr. INGALLS. That I omitted, because of course it is an antecedent portion of the evidence; but I believe, though I am not clear on that point, that we have already passed a law making enlistment *prima facie* proof of soundness.

Mr. HAWLEY. That is in this bill.

Mr. INGALLS. No; this makes it conclusive.

Mr. BLAIR. The Senator from Kansas is correct.

Mr. INGALLS. I understand the law now to be that enlistment and acceptance constitute *prima facie* evidence of soundness at the time the soldier was enlisted.

Mr. BLAIR. I understand that to be so, but in the practical working of the law the very slighest evidence to the contrary, or a hint even, is held to repel that presumption.

Mr. INGALLS. That shifts the burden of proof.

Mr. BLAIR. The practical result is about the same as before.

Mr. CULLOM. What does the Senator from New Hampshire say about that?

Mr. BLAIR. The law is as stated by the Senator from Kansas.

Mr. CULLOM. I know it is so.

Mr. WILSON, of Iowa. The provision making it *prima facie* evidence was enacted during the Forty-eighth Congress.

Mr. BLAIR. But notwithstanding the enactment of the law making the fact of enlistment presumptive evidence of soundness, in pracical operation, as I said, the slightest hint is held to repel it, so that, practically the poor fellow is obliged in almost every instance to prove that he was actually sound at enlistment notwithstanding the law; and a great number of cases during this very last year were rejected at the Pension Office on the ground of want of soundness at the time of enlistment, notwithstanding in some cases there had been two enlistments and two findings by the Government surgeon at those enlistments that the man was fit to perform service. Sometimes this plea has been set up against a man who performed three or four years' service, and the allegation made that he was unsound at the time of enlistment.

Mr. CULLOM. The law as it stands makes the enlistment *prima facie* evidence of the soundness of the man. This bill provides that the fact shall be conclusive.

Mr. BLAIR. This bill now, in section 3, ends all that, by providing that the enlistment and muster into service shall be conclusive evidence of soundness at the time of enlistment, except in cases of fraud, which, of course, vitiates everything.

Mr. INGALLS. I was about to proceed to say that I suppose the ultimate purpose of this bill is merely to omit one link in the chain of evidence now necessary to establish the right of a man to a pension; that is to say, being shown to have been a soldier and the fact of disability being established, he shall not be required to prove that that disability resulted from his military service; but that (subject to existing laws as to the rates of disability), having been enlisted in the service, he shall be entitled to a pension, whether that disability resulted from his service or not, except in cases that are known as specific, like those resulting from gunshot wounds, or fractures, or something of that kind.

But the bill of the committee, no matter what might have been their purpose, does not seem to accomplish this result. It is complicated with considerations that I think ought to have been omitted, and among others is the condition that is contained in line 11, on top of page 2, which reads:

> And shall also be dependent upon his own labor for support.

It is not clear exactly what the committee meant by that provision. The language is ambiguous. I can not tell whether if this should become a law it would be necessary for a man to prove that the disability was such that he could not support himself by his own labor, or whether having established the fact of disability, even if it did not impair his capacity to take care of himself, he should still have a pension. I submit to the Senator from New Hampshire that the bill is not explicit on that point, because there may be grades of pensionable disability that would not in any way whatever impair the capacity of a man to earn his own livelihood; yet under this bill I suppose that a liberal interpretation would be that whether he was disabled to an extent to impair his capacity to earn his own livelihood or not, having enlisted in the service he would be entitled to a pension if he were a laboring man. That is unjust. That is a distinction which ought not to exist. Either you should make the pension depend upon the inability of the man to earn his own livelihood and support, or you should give him a pension if he is disabled whether he is a laboring man or whether he is engaged in any other avocation in life.

The bill is illogical; I think it is unjust. It is in one aspect of it open to the objections that were made against what was known as the pauper law of 1818, applying to the soldiers of the Revolutionary war. If it were possible to so amend the bill as to provide either one of two things, in the first place, that any man who has been in the military service and who has been disabled from any cause not resulting from his own misconduct should receive a pension at the rate of $8 a month whether he was a laboring man or not, that would suit me; or if it should provide that any man who had been in the military or naval service of the United States who was disabled should have a pension coresponding to the rate of his disability as established by existing laws, whether he was a laboring man or not, that would be agreeable to me. I am unable to decide from the language of the bill which of these interpretations the committee desire should be placed upon it.

Mr. CULLOM. I wish to suggest to the Senator that the use of this language "and shall also be dependent upon his own labor for support," was, as I understand it, and as I recollect it originally, to prevent, for instance, a man who had wealth and who was disabled from procuring a pension, it not being deemed necessary for him; but the man who in every-day life has to labor for his support to keep himself out of the poor-house or from being an object of charity, that man, whether he incurred his disability in the line of duty or since the war, should be entitled to a pension.

Mr. INGALLS. Still, does the Senator mean to say that, being dependent upon his own labor for support, if it appears that his own labor is sufficient to give him a support notwithstanding his disability, he is still entitled to a pension?

Mr. CULLOM. If a man is disabled so that he can not labor, he certainly should be pensioned.

Mr. INGALLS. Of course that goes without saying; but there are disabilities, as the Senator knows very well, which are recognized under that term, which do not destroy the capacity of a man for supporting himself by labor. Now, suppose a man had his little toe shot off during an engagement, or that he lost it in a thrashing-machine, or that he was in some way disabled through a railway accident so that he became to a certain extent disabled, technically speaking, as the pension laws now fix it, but where he is still able to support himself by his own labor, is the fact of his disability technically a fact that entitles him to a pension under this bill?

Mr. CULLOM. I suppose the same rule would apply to that case that does now under the law. If a man has lost one finger, he now gets a pension to the extent of the disability incurred thereby; and just so in the case of a disabled person under this bill. That I suppose would be the fair construction of the language used. He would secure a pension in proportion to his disability.

Mr. INGALLS. If that is the interpretation, it is obviously unjust to make this bill apply only to those who are dependent upon their own labor for support. Does that mean manual labor? Is it the intention of the committee to say that it shall be manual labor? I should like to have some information from the committee or some member of it on this subject.

Mr. BECK. I, too, want some information on that point. After reading it over I should like to ask the Senator from Illinois a question, if the Senator from Kansas will allow me. Suppose one of our stenographers had been a soldier, had received an honorable discharge, had come out of the war healthy, but afterward lost an arm, the left arm, in a thrashing-machine, or otherwise, a year or two ago, and could still make $3,000 a year as a stenographer, is he still to be paid a pension?

Mr. CULLOM. I would ask the Senator whether he would not be paid under the law as it is?

Mr. BECK. I beg pardon; not if he lost the arm in a thrashing-machine three years ago.

Mr. CULLOM. Suppose he lost the arm in the Army and still was able to perform his duty as a stenographer.

Mr. BECK. The bill provides for a disability incurred since the war. Is a man who left the Army a perfectly healthy man who is perfectly able as a clerk or stenographer or anything else to make a handsome living, because he has been disabled by the kick of a horse or anything else in the last few years to get a pension?

Mr. CULLOM. My understanding is that every disabled soldier, whether he is able to perform labor or not, under this bill will be entitled to a pension.

Mr. BECK. Even though he has ample means of support?

Mr. BLAIR. Oh, no.

Mr. CULLOM. Not if he has ample means of support.

Mr. BECK. But his own labor——

Mr. CULLOM. Where he is "dependent upon his own labor for support" is the language of the bill.

Mr. BECK. I put the case of a clerk or a stenographer or any one who is dependent on his own labor for support, who has received an injury long after the war, having been a perfectly sound man for years after the war closed, who has had the left arm taken off by a thrashing-machine and still can write and make $3,000 a year. He is a disabled man for some purposes, but he can make his own living.

Mr. CULLOM. In proportion to his disability, according to the provisions of the bill, he is pensionable.

Mr. BECK. Therefore we are to pay all men who have been hurt in any way since the war, whether they need help or not?

Mr. BLAIR. Oh, no.

Mr. BECK. A stenographer can make his money and make an ample living, or a clerk can, although he may have lost the left hand.

Mr. BLAIR. The Senator from Kansas will allow me a word. I believe I shall be about the fifth occupier of the floor.

Mr. INGALLS. Go on.

Mr. BLAIR. The bill contains two conditions which must be complied with, must be facts proven before a pension can be granted. One is disability, physical disability of course, and that must be ascertained by a board of examining surgeons under other regulations of law, and it will be rated anywhere from $24, which is for total incapacity to perform manual labor. The disability being ascertained and the rating or proportion of disability, the highest being total incapacity to perform manual labor, as you will see further on in the bill, and the lowest the slightest impairment of capacity to perform labor, the rating being according to the degree found between those two points, then further it must be proven that he is dependent upon his labor for support. The bill does not say that he must be dependent upon his manual labor; but he must be dependent upon his labor. He must have a physical disability which would impair that of a well man to some degree, and the degree must be ascertained. Then he must be a man who is dependent upon his labor, not upon his income from other sources, not upon his bonds or money at interest, but upon his labor for support.

Mr. BECK. Now, one word to make myself plain. The stenographer at that table has nothing to live on but what he earns by his work, his labor. He was a soldier, he was honorably discharged, he was a well man, a healthy man; and without any fault of his, either by a thrashing-machine or the kick of a horse, as I said, he has lost his left arm. He has become disabled without fault of his own; he is dependent on his labor; and yet after the loss of that arm he can still make $3,000 a year. Is he pensionable? That is the question.

Mr. BLAIR. If he is dependent on his labor, and his labor is that of a stenographer, and he is physically disabled, he will be entitled to a pension.

Mr. BECK. He has lost the left arm.

Mr. BLAIR. If he be a lawyer and dependent upon his own labor as a lawyer for his support, and is also physically disabled in a degree which is to be ascertained and might run from $24 down, then he will be entitled to a pension.

Mr. BECK. A man who has lost a leg is disabled for some purposes, but that does not disable him from being a stenographer at that table.

Mr. BLAIR. That would be a physical disability, but the degree of that physical disability settles the rate. Total disability, as you will see further on, to perform manual labor is entitled to the $24 rate. The disability would be measured and its degree determined by the proportion which it bore to total incapacity to perform manual labor. The degree of disability having thus been fixed, then the further question whether the man is dependent upon his labor for support, rather than upon outside property, is to be determined under the bill, and then the pension would be granted.

Mr. INGALLS. Mr. President, take the case of the lawyer who was actually in the service and who had the three fingers of his left hand shot off.

Mr. BLAIR. In the service?

Mr. INGALLS. In the service. Although that mutilation of his hand does not in any way whatever interfere with his capacity to earn a livelihood in his profession, although it may be an added badge of distinction and decoration that would give him larger fees and more lucrative employment, yet under existing laws he is entitled to pension for that disability notwithstanding the fact that it does not impair or interfere in any way whatever with his capacity to earn a livelihood or support himself.

Mr. MILLER. As a lawyer.

Mr. INGALLS. The Senator from New York says "as a lawyer." Very well; it makes no difference in speaking about the existing pension law whether a man gets his livelihood by the practice of the law, or in politics, or by following the plow, or working in a blacksmith's forge. The fact that he is disabled, whether it interferes with his capacity to get a livelihood or whether he has funds invested in Government bonds or an income from rents or from bonds and mortgages, if he has been disabled in battle, or suffered any mutilation of his person, or is crippled, he is pensioned because he is disabled. Well now I understand that this bill proposes a departure from that plan.

Mr. BLAIR. Just in this respect, which the Senator has led the way up to so distinctly: That same man who could get a pension under the general law, no matter how wealthy he might be, no matter how little disabled to get his living as a lawyer he might be, who by reason of his physical hurt is entitled to a pension under the general law, must under this law prove further that he is dependent upon his labor for support.

Mr. INGALLS. Now we will take the lawyer under this bill. Having taken him under the general pension law, now we will introduce him into this bill. Here is the lawyer who was in the military service of his country and came out without mutilation, without disability of any kind whatever, and is engaged in the active practice of his profession. We will assume that this last year, in a railway accident, he lost the three fingers of his left hand. It is a pensionable disability under existing law and as I conceive as defined by this bill. It may be that I am mistaken; but what I desire to know is whether or not in the case that I have detailed and specified that man, the lawyer, being shown to be disabled and mutilated, so far as the existing laws are concerned, would become one of the beneficiaries under this bill?

Mr. CULLOM. Suppose the lawyer should quit the law business and go to shoving a jack-plane, where would he come out then? Would he be pensionable then?

Mr. INGALLS. I do not know where he would come out. [Laughter.]

Mr. CULLOM. Would he not be pensionable?

Mr. INGALLS. That is what I am trying to find out.

Mr. BLAIR. I think, as the bill stands, the lawyer in that case being dependent upon the practice of his profession for support and that being his labor, he would be entitled to pension under the bill.

Mr. INGALLS. That is not right.

Mr. BLAIR. I do not say that it is right, but I think that it is well enough. At the same time I stated early in the discussion that it might be well to insert before that word "labor" the word "manual," and say "manual labor."

Mr. INGALLS. In saying that was not right, I was hasty. It is not what I want to do; I meant to say I do not want to do that. The lawyer that is dependent upon his own labor for his subsistence and who received a disability, pensionable under other circumstances, that does not disqualify him from continuing to earn his livelihood by his labor, I do not want to pension; but I should like, if it were possible, to introduce some language of limitation in this bill which would provide that the disability should be such as would prevent a man from obtaining his livelihood in his own calling in life to which he has devoted himself. If he becomes disabled in that way, having himself been enlisted in the military service, he should be entitled to some compensation in the way of a pension to keep him out of the poor-house. I submit that this bill does not do that if the interpretation that I put upon it is correct, and I am still further fortified by the further provision that I find in lines 18, 19, 20, and 21:

> The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability.

I refer to that for the purpose of saying that in my judgment those four lines propose to apply the existing laws and regulations of the Pension Office—in other words, they propose to apply the present rates and grades of the Pension Office to the grades of disability that are provided for in this act.

Mr. BLAIR. I think the word "manual" is omitted in the eleventh line with design; but the man who is actually disabled and who is dependent upon his work, whatever it may be, for his livelihood, shall be entitled to a pension. That proposition held distinctly in mind, then the next question to be determined is how shall that man's pension be measured, for the bill provides that those disabilities from which men may come to suffer, varying as they do in degree, shall vary in the amount of pension applicable to each. If the physical disability from which a man suffers, disregarding his employment entirely, it being a physical disability, is so great that he can not perform any manual labor—whether that manual labor was the means of getting his living or not is unimportant—then he is entitled for such a degree of physical disability to $24 a month.

If his physical disability is the loss of three fingers of his hand in a railroad accident, which the Senator from Kansas supposed in his illustration, of course it is not a disability totally incapacitating him to earn his living by manual labor, and he would be rated less than $24 per month and at such degree less than $24 per month as might be determined by the examining board. So these later lines which provide for the rating of the pension from $24 down are simply a measure of the degree of pension that shall go to the degree of physical disability from which the man suffers, and that must be got from the idea of the nature of the work on which the man depends.

Mr. INGALLS. Now, will the Senator advise me why or upon what principle of justice the lawyer disabled by a railroad accident and los-

ing three fingers of his left hand and still able to carry on the business of his profession should receive any pension at all? That is what I want to know.

Mr. BLAIR. He is disabled physically, and he is in that regard. There are very few instances of that kind, of course. But when you pass from the lawyer, who may be one in a hundred thousand or one in fifty thousand throughout the country, and you come to the case of the clerk, how is it? You may assume that there is not any great necessity that the lawyer shall receive under this general bill; but on the other hand you have to consider that there are but very few such, and that in the vicissitudes of life he may come to be dependent upon physical labor. Although then he may have to depend upon his profession, the time may come when he may have to abandon it. It is a comparatively trifling matter.

You come very soon to other classes, the clerks and the teachers of the country who have been in the service and in regard to whom the Senator from Kentucky made his inquiry. There there does not seem to be any objection. They are not a very large number, and they suffer from physical disability, and they are all to be dependent upon their labor. There does not seem to be any great objection, they having performed honorable service, to giving them a pension in proportion to the actual degree of physical disability from which they suffer. It is very true that oftentimes this disability in these classes of what you may call the higher or more intellectual occupations would not largely disable them from acquiring a livelihood in their chosen vocation; but after all there are a great many cases where it would; and if you say "manual labor" you exclude a very large class of those who ought to take under the provisions of such an act. It was on the whole thought best to omit that word "manual" as the bill came to the Senate because of the hardship that would result in such a very large class of cases if these persons in intellectual employments, if you may so call them, were omitted.

Mr. INGALLS. I do not understand how any modification was made by omitting the word "manual" before "labor" in line 11, if you retain it before "labor" in line 19, because that is the controlling clause.

Mr. BLAIR. I ask the Senator to reflect a moment and see if that is so. The second clause is:

> The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability.

That, without any reference whatever to what precedes in the section, is there simply to indicate a measure for the varying degrees of physical disability from which the applicant may have come to suffer, from total incapacity to perform manual labor down.

Mr. HOAR. May I inquire whether it means working with his hands or something equivalent to that? When you give a lien to a laborer you do not give it to a lawyer or teacher; you use the word "laborer." I understand that word has in law, if not technically, still such a uniform signification that, independent of the observation of the Senator from Kansas, with which I entirely agree, where the phrase is used "dependent parents" which says "their own manual labor," the word "labor" has the same significance the Senator attaches to it.

Mr. INGALLS. Not only in law, but in religion; we say "the laborer is worthy of his hire." That does not mean the lawyer is worthy of his hire; it means the laboring man.

Mr. BLAIR. Then the bill is right as it is, and the Senator's criticism is of no consequence.

Mr. INGALLS. No.

Mr. BLAIR. So I am glad he is satisfied.

Mr. INGALLS. The Senator will not understand me. I speak from an entirely amicable standpoint.

Mr. BLAIR. I understand that.

Mr. INGALLS. I shall vote for this bill, unless it can be improved or we shall get something better. I merely suggest the difficulty in the way of uniting the friends of some intelligible pension measure on this bill.

Mr. BLAIR. The Senator's objections to the bill, which seem to be as the phraseology now stands as I understand him, may be resolved in favor of the existing phraseology.

Mr. INGALLS. If we can not get anything better.

Mr. BLAIR. If we can get better, very well. I am ready for better phraseology.

Mr. INGALLS. I want to say further that I can see no reason why there should be a reduction of the existing rate for total incapacity to perform manual labor from $72, which is now the sum that is paid monthly, to $24, as provided in this bill. If there is any reason in the existing law that gives to a pensioner who is entirely disqualified for taking care of himself and requires the constant aid and attention of another person $72, then there is no reason, if you are going to be just to these men who did service under the same flag and encountered the same difficulties, why you should make a discrimination and pay those who are the beneficiaries of this bill one-third only of the amount allowed by existing law to those who are disabled in the service.

Mr. BLAIR. The reason of that is this: that this is an extension of pensions to an entirely new class who are supposed not to have derived their disability by virtue of their service, and therefore we may justly deal with them upon a different basis as to the degree of pension which we give them from that which we have adopted in treating those who contracted their disability in the service itself.

Mr. MORRILL. Will the Senator from Kansas give way for an executive session?

Mr. INGALLS. Yes, sir.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

HARBOR OF REFUGE AT SANDY BAY, MASSACHUSETTS.

Mr. MANDERSON. Before the doors are closed I should like to make a report from a committee. I am directed by the Committee on Printing to report the papers accompanying the letter of the Secretary of War, pertaining to the harbor of refuge at Sandy Bay, Massachusetts, with the recommendation that they be not printed, and ask that the papers and accompanying maps be sent to the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, moves that the papers accompanying the communication named by him be not printed, and that they be referred to the Committee on Commerce. That order will be made if there be no objection. The Chair hears none.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After fifty-two minutes spent in executive session the doors were reopened, and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 19, at 12 m.

CONFIRMATIONS.

Executive nomination confirmed by the Senate April 20, 1886.

William S. Rosecrans, of California, to be Register of the Treasury.

Executive nominations confirmed by the Senate May 14, 1886.

UNITED STATES CONSULS.

Victor Vifquain, of Nebraska, to be consul of the United States at Barranquilla.

John M. Birch, of Wheeling, W. Va., to be consul of the United States at Nagasaki.

Peter Staub, of Knoxville, Tenn., to be consul of the United States at St. Galle.

Promotions in the Revenue-Marine Service.

First Lieut. Morton L. Phillips, to be a captain in the revenue-marine service of the United States.

Second Lieut. Wm. S. Baldwin, to be a first lieutenant in the Revenue-Marine Service in the United States.

APPRAISER OF MERCHANDISE.

Lawrence Harrigan, of Missouri, to be appraiser of merchandise for the port of Saint Louis, in the State of Missouri.

NAVAL OFFICER OF CUSTOMS.

Silas W. Burt, of New York, to be naval officer of customs in the district of New York, in the State of New York.

SURVEYORS OF CUSTOMS.

Robert C. Jordan, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska.

Hans S. Beattie, of New York, to be surveyor of customs for the port of New York, in the State of New York.

COLLECTOR OF CUSTOMS.

Obadiah W. Cutler, of New York, to be collector of customs for the district of Niagara, N. Y.

William Reed, of New York, to be collector of customs for the district of Champlain, in the State of New York.

Charles C. Sweeny, of Texas, to be collector of customs for the district of Galveston, in the State of Texas.

Clother H. Vaughn, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York.

Serson P. Coffin, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts.

PENSION AGENT.

William W. H. Davis, of Doylestown, Pa., to be pension agent at Philadelphia, Pa.

REGISTER OF LAND OFFICE.

Edgar S. Wilson, of Jackson, Miss., to be register of the land office at Cheyenne, Wyo.

RECEIVER OF PUBLIC MONEYS.

Edward R. Fogg, of Nebraska, to be receiver of public moneys at Beatrice, Nebr.

POSTMASTERS.

John N. Major, to be postmaster at Redding, in the county of Shasta and State of California.

Jo. D. Sproul, to be postmaster at Chico, in the county of Butte and State of California.

Russell D. Stephens, to be postmaster at Sacramento, in the county of Sacramento and State of California.

David W. Gwynn, to be postmaster at Tallahassee, in the county of Leon and State of Florida.

Daniel W. Krisher, to be postmaster at North Manchester, in the county of Wabash and State of Indiana.

John E. Ward, to be postmaster at Modesto, in the county of Stanislaus and State of California.

Robert M. Roberson, to be postmaster at Tipton, in the county of Tipton and State of Indiana.

Sumner B. Chase, to be postmaster at Osage, in the county of Mitchell and State of Iowa.

A. L. Downard, to be postmaster at Marengo, in the county of Iowa and State of Iowa.

C. C. Yonge, jr., to be postmaster at Pensacola, in the county of Escambia and State of Florida.

William S. Evans, to be postmaster at La Grange, in the county of Troup and State of Georgia.

Harry C. Evans, to be postmaster at Bloomfield, in the county of Davis and State of Iowa.

E. D. Fenn, to be postmaster at Nevada, in the county of Storey and State of Iowa.

J. C. Roney, to be postmaster at Americus, in the county of Sumter and State of Georgia, in place of William A. Black.

William T. Sharp, to be postmaster at Brooklyn, in the county of Poweshiek and State of Iowa.

W. H. Brister, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi.

William E. Black, to be postmaster at Gallatin, in the county of Daviess and State of Missouri.

Louis Lowry, to be postmaster at Cameron, in the county of Clinton and State of Missouri.

John Marens, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri.

Francis M. Setzer, to be postmaster at Albany, in the county of Gentry and State of Missouri.

John C. Anderson, to be postmaster at Spartanburg Court House, in the county of Spartanburg and State of South Carolina.

Patrick M. Shea, to be postmaster at Chicopee Falls, Mass.

James S. Vedder, to be postmaster at Washington, Washington County, Kansas.

William Lavies, to be postmaster at Santa Barbara, Santa Barbara County, California.

Warren Woodson, to be postmaster at Red Bluff, Tehama County, California.

T. C. McConnell, to be postmaster at Brownwood, Brown County, Texas.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Twenty-fourth Regiment of Infantry.

First Lieut. John L. Bullis, to be captain, April 29, 1886.

Second Lieut. Alfred M. Palmer, to be first lieutenant, April 29, 1886.

THIRD REGIMENT OF INFANTRY.

Capt. George E. Head, to be major, April 20, 1886, *vice* Jordan, promoted to the Nineteenth Infantry.

First Lieut. John P. Thompson, to be captain, April 20, 1886, *vice* Head, promoted.

Second Lieut. Francis P. Fremont, to be first lieutenant, April 20, 1886, *vice* Thompson, promoted.

EIGHTH REGIMENT OF INFANTRY.

First Lieut. Cyrus A. Earnest, regimental quartermaster, to be captain, April 19, 1886, *vice* Andrews, promoted to the Twenty-first Infantry.

EIGHTEENTH REGIMENT OF INFANTRY.

Lieut. Col. John E. Yard, of the Twenty-fourth Infantry, to be colonel, April 19, 1886, *vice* Ruger, appointed brigadier-general.

NINETEENTH REGIMENT OF INFANTRY.

Maj. William H. Jordan, of the Third Infantry, to be lieutenant-colonel, April 20, 1886, *vice* Bliss, promoted to the Twenty-fourth Infantry.

TWENTY-FIRST REGIMENT OF INFANTRY.

Capt. John N. Andrews, of the Eighth Infantry, to be major, April 19, 1886, *vice* Pearson, promoted to the Twenty-fourth Infantry.

TWENTY-THIRD REGIMENT OF INFANTRY.

Second Lieut. Stephen O'Connor, to be first lieutenant, April 1, 1886, *vice* Bolton, appointed regimental adjutant.

TWENTY-FOURTH REGIMENT OF INFANTRY.

Lieut. Col. Zenas R. Bliss, of the Nineteenth Infantry, to be colonel, April 20, 1886, *vice* Potter, appointed brigadier-general.

Maj. Edward P. Pearson, of the Twenty-first Infantry, to be lieutenant-colonel, April 19, 1886, *vice* Yard, promoted to the Eighteenth Infantry.

FIRST REGIMENT OF CAVALRY.

First Lieut. Frazier A. Boutelle, to be captain, April 24, 1886, *vice* Bendire, retired from active service.

Second Lieut. Oscar J. Brown, to be first lieutenant, April 24, 1886, *vice* Boutelle, promoted.

FIFTH REGIMENT OF CAVALRY.

First Lieut. Charles H. Rockwell, to be captain, April 24, 1886, *vice* Payne, retired from active service.

Second Lieut. Henry J. Goldman, to be first lieutenant, April 24, 1886, *vice* Rockwell, promoted.

EIGHTH REGIMENT OF CAVALRY.

First Lieut. Richard A. Williams, to be captain, April 24, 1886, *vice* Foote, retired from active service.

Second Lieut. Joseph A. Claxton, to be first lieutenant, April 24, 1886, *vice* Williams, promoted.

FIRST REGIMENT OF INFANTRY.

Second Lieut. John S. Mason, jr., to be first lieutenant, April 20, 1886, *vice* Edmunds, appointed regimental adjutant.

THIRD REGIMENT OF INFANTRY.

First Lieut. Melville C. Wilkinson, to be captain, April 24, 1886, *vice* Mitchell, retired from active service.

Second Lieut. George Bell, jr., to be first lieutenant, April 24, 1886, *vice* Wilkinson, promoted.

ELEVENTH REGIMENT OF INFANTRY.

First Lieut. William Hoffman, to be captain, April 24, 1886, *vice* Jackson, retired from active service.

First Lieut. Charles F. Roe, to be captain, April 24, 1886, *vice* Whitney, retired from active service.

Second Lieut. James E. Macklin, to be first lieutenant, April 24, 1886, *vice* Hoffman, promoted.

Second Lieut. John H. Philbrick, to be first lieutenant, April 24, 1886, *vice* Roe, promoted.

TWENTY-FIRST REGIMENT OF INFANTRY.

First Lieut. Edward B. Rheem, to be captain, April 24, 1886, *vice* Evans, retired from active service.

Second Lieut. Charles M. Truitt, to be first lieutenant, April 24, 1886, *vice* Rheem, promoted.

COLLECTOR OF INTERNAL REVENUE.

John H. Farley, of Ohio, to be collector of internal revenue for the eighteenth district of Ohio.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1304) of John H. Farley, of Onio, to be collector of internal revenue for the eighteenth district of Ohio, in place of Worth S. Streator, suspended, and, so far as they have been able to obtain the information, they find that Mr. Farley is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Streator, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Worth S. Streator, late collector of internal revenue for the district of Ohio, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Farley.

REJECTION.

Executive nomination rejected by the Senate May 14, 1886.

Charles W. Button nominated to be postmaster at Lynchburg, in the county of Campbell and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 18, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. DOCKERY, the reading of so much of the Journal of the proceedings of yesterday as related to the introduction of bills and resolutions was dispensed with. The remainder of the Journal was read and approved.

REGULATION OF MACKEREL FISHING.

Mr. REED, of Maine. Mr. Speaker, the bill with regard to the importing and landing of mackerel caught during t e spawning season was assigned for to-day, but I understand it is designed to bring up the postal appropriation bill, in which case I do not desire to interfere, but will ask that the mackerel bill be postponed until the day after to-morrow immediately after the reading of the Journal.

The SPEAKER. By an order of the House made some days since a bill reported from the Committee on Ways and Means, in charge of the gentleman from Arkansas [Mr. BRECKINRIDGE], was postponed until to-day. The gentleman from Maine [Mr. REED] now asks that the order postponing it be continued until the day after to-morrow.

Mr. HOLMAN. What is the character of the bill?

Mr. REED, of Maine. It is a bill with regard to the close of the time for mackerel fishing. It is a bill that will not take long.

The SPEAKER. If there be no objection the order will be made as requested by the gentleman from Maine.

There was no objection, and it was so ordered.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

With reference to the paragraph in my annual message to Congress in which I called attention to the uncertainty that exists as to the location of the frontier line between Alaska and British Columbia as defined by the treaty of cession with Russia of March 30, 1867, I now transmit herewith for the information and consideration of Congress a report of the Secretary of State upon the subject, with accompanying papers.

In view of the importance of the subject I recommend that provision be made by law for a preliminary survey of the boundary line in question by officers of the United States, in order that the information necessary for the basis of a treaty between this country and Great Britain for the establishment of a definite boundary line may be obtained; and I also recommend that the sum of $100,000, or so much thereof as may be necessary, be appropriated for the expenses of making such survey.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 17, 1886.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BAYNE, for the remainder of this week.

To Mr. WEST, for one week, on account of important business.

To Mr. GEDDES, for one week, on account of important business.

To Mr. LANDES, for one week from to-day, on account of important business.

SALARIES OF CONSULAR OFFICERS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, submitting an estimate from the Secretary of State for salaries of consular officers, not citizens of the United States, for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

N. A. ADAMS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosure, a letter from the Secretary of the Interior relative to an appropriation to reimburse N. A. Adams, late pension agent at Topeka, Kans., for protest fees paid by him; which was referred to the Committee on Claims, and ordered to be printed.

ASSISTANT COLLECTOR, NEW YORK.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, submitting the estimate of appropriation for one assistant collector, district of New York; which was referred to the Committee on Appropriations, and ordered to be printed.

M'LEMORE VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of the findings of fact in the case of Sarah L. McLemore, administratrix, *vs.* The United States; which was referred to the Committee on War Claims.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, with an amendment by the Senate.

Mr. PEEL. Mr. Speaker, the Senate amendment is merely formal; it does not change the meaning of the bill in any way, and I ask that it be now concurred in.

The amendment was read, as follows:

Page 7, line 24, after "all," insert "fences."

The amendment was concurred in.

CUSTOM-HOUSE AT KANSAS CITY, MO.

The SPEAKER also laid before the House the bill (S. 117) making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.; which was referred to the Committee on Public Buildings and Grounds.

SEWELL COULSON AND OTHERS.

The SPEAKER also laid before the House the bill (S. 249) for the payment of Sewell Coulson and Porter, Harrison & Fishback for legal services; which was referred to the Committee on War Claims.

PUBLIC BUILDING AT TERRE HAUTE, IND.

The SPEAKER also laid before the House the bill (S. 430) to change the limit of appropriation for the public building at Terre Haute, Ind.; which was referred to the Committee on Public Building and Grounds.

PUBLIC BUILDING AT LA FAYETTE, IND.

The SPEAKER also laid before the House the bill (S. 531) to provide for the erection of a public building at La Fayette, Ind.; which was referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDING, DETROIT, MICH.

The SPEAKER also laid before the House the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885; which was referred to the Committee on Public Buildings and Grounds.

HEIRS OF MARTIN KENOFSKY.

The SPEAKER also laid before the House the bill (S. 1219) for the relief of the heirs of Martin Kenofsky; which was referred to the Committee on War Claims.

PUBLIC BUILDING AT MARQUETTE, MICH.

The SPEAKER also laid before the House the bill (S. 1457) to increase the appropriation for the erection of a public building at Marquette, Mich.; which was referred to the Committee on Public Buildings and Grounds.

DENISON AND WASHITA RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 1486) to authorize the Denison and Washita Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was referred to the Committee on Indian Affairs.

PUBLIC BUILDING, JACKSON, MISS.

The SPEAKER also laid before the House the bill (S. 1550) to provide for an addition to the United States building at Jackson, Miss.; which was referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT DENVER, COLO.

The SPEAKER also laid before the House the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.; which was referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT FORT DODGE, IOWA.

The SPEAKER also laid before the House the bill (S. 1611) for the erection of a public building at Fort Dodge, Iowa; which was referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDINGS, SAINT PAUL, MINN.

The SPEAKER also laid before the House the bill (S. 1919) to authorize the purchase of additional ground adjoining the United States court-house and post-office building at Saint Paul, Minn., the erection of a bonded warehouse, and the repair of the existing United States building at said place, and providing money therefor; which was referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT HARRISONBURG, VA.

The SPEAKER also laid before the House a bill (S. 2058) to complete the public building at Harrisonburg, Va.; which was referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT PARKERSBURG, W. VA.

The SPEAKER also laid before the House a bill (S. 2191) to complete repairs and alterations of the public building at Parkersburg, W. Va.; which was referred to the Committee on Public Buildings and Grounds.

WESTERN MIAMI INDIANS.

The SPEAKER also laid before the House a bill (S. 1433) for the relief of the Western Miami Indians of Kansas; which was referred to the Committee on Indian Affairs.

REPORT ON ALASKA.

The SPEAKER also laid before the House the following Senate concurrent resolutions; which was read, and referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, *May* 14, 1886.

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska by L. E. Turner be printed, with the necessary illus-

trations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

BONDS OF CIGAR MANUFACTURERS.

Mr. HARRIS, from the Committee on Ways and Means, reported, as a substitute for H. R. 1985, a bill (H. R. 8966) to so construe and amend section 3387 of the Revised Statutes as amended as to reduce the penal sum of the bonds of cigar manufacturers; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 1985 was ordered to be laid on the table.

BRIDGE ACROSS SAINT AUGUSTINE AND LAZARETTO CREEKS, GEORGIA.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for H. R. 7600, a bill (H. R. 8967) to authorize the building of railroad bridges across Saint Augustine and Lazaretto Creeks, State of Georgia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 7600 was ordered to be laid on the table.

BRIDGE ACROSS THE MENOMINEE.

Mr. CRISP, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menominee, Mich., and Marinette, Wis., over Menominee River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS LAKE CHAMPLAIN.

Mr. CRISP, from the Committee on Commerce, also reported back with a favorable recommendation the bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BELLINGHAM BAY RAILWAY AND NAVIGATION COMPANY.

Mr. CRISP, from the Committee on Commerce, also reported back with a favorable recommendation the bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

READJUSTMENT OF POSTMASTERS' SALARIES.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, submitted the views of the minority, to accompany the bill (H. R. 6993) amendatory of the act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866, and confirmatory of the action of the Post-Office Department thereunder;" which was ordered to be printed, to accompany the report of the committee.

ADVERSE REPORTS.

Mr. PAYSON, from the Committee on the Public Lands, reported back with adverse recommendation the bill (H. R. 450) repealing all laws granting public lands to certain railroad companies and to certain States for the benefit of said railroad companies, and declaring the right and interest of said railroad companies and States in said lands forfeited, and also declaring said lands to be a part of the public domain, subject to homestead, pre-emption, and sale as other public lands belonging to the United States, and for other purposes; which was ordered to be laid on the table, and the accompanying report printed.

Mr. PAYSON. This relates to so much of that bill as refers to the lands granted in aid of the Alabama and Chattanooga Railroad Company, as the report fully sets forth.

Mr. SADLER, from the Committee on the Territories, reported back with adverse recommendation the bill (H. R. 2163) to regulate the manufacture and sale of intoxicating liquors in the Territories, with a provision to submit the same to the voters thereof for ratification; which was ordered to be laid on the table, and the accompanying report printed.

Mr. MITCHELL, from the Committee on Patents, reported back with adverse recommendation the bill (H. R. 2117) for the relief of the assignees of Charles W. Jones by the extension of a patent; which was ordered to be laid on the table, and the accompanying report printed.

BUSINESS FROM COMMITTEE ON INVALID PENSIONS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with favorable recommendation the resolution of May 17, 1886, fixing certain days for the consideration of business from said committee; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with adverse recommendation the bill (H. R. 2653) for the relief of West Virginia troops acting under authority of the governor of said State during the late war; which (on motion of Mr. GOFF) was referred to the Calendar of the Committee of the Whole House on the state of the Union, and, with the adverse report, ordered to be printed.

MARY MORTIMER SEMMES.

Mr. SCOTT, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, U. S. N.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. CRIMMINS.

Mr. SCOTT, from the Committee on Pensions, also reported back with a favorable recommendation the bill (S. 160) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET HUNTER HARDIE.

Mr. SCOTT, from the Committee on Pensions, also reported back with a favorable recommendation the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. PINDAR, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6843) for the relief of Archibald Donnelly; and the same was referred to the Committee on Pensions.

On motion of Mr. HAYNES, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3119) for the relief of Louis Garon; and the same was referred to the Committee on Military Affairs.

ALFRED J. HILL.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8651) increasing the pension of Alfred J. Hill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES J. ESTY.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 810) granting a pension to Charles J. Esty; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7334) granting a pension to Mrs. Ruth Adley;

A bill (H. R. 7946) granting a pension to Elizabeth Bridges;

A bill (H. R. 1473) granting a pension to Mary Carr;

A bill (H. R. 7944) to increase the pension of Andrew J. Durgin; and

A bill (H. R. 4123) granting a pension to Charles J. Esty.

RACHEL FLEMING CELLAR.

Mr. BRADY, from the Committee on Pensions, reported back favorably the bill (S. 895) granting a pension to Rachel Fleming Cellar; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ABBY L. BURBANK.

Mr. BRADY, from the Committee on Pensions, also reported back favorably the bill (S. 2192) granting a pension to Abby L. Burbank; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY HOWARD FARQUHAR.

Mr. LANDES (by Mr. ELDREDGE) from the Committee on Pensions, reported back favorably the bill (S. 678) for the relief of Mary Howard Farquhar; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY BELLION.

Mr. BRADY, from the Committee on Pensions, also reported back favorably the bill (S. 1217) for the relief of Henry Bellion; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed.

A bill (H. R. 271) for the relief of Valencia C. Hutchinson;

A bill (H. R. 2534) granting a pension to James A. Van Nort;

A bill (H. R. 4893) granting a pension to Mary I. Foster; and

A bill (H. R. 3710) granting a pension to B. F. Foy.

WILLIAM LYNCH.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (H. R. 6132) granting a pension to William Lynch; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN MELLIFONT AND ELLEN RIORDON.

Mr. LANHAM, from the Committee on Claims, reported, as a substitute for H. R. 3716, a bill (H. R. 8968) for the relief of John Mellifont and Ellen Riordon; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3716 was, by unanimous consent, laid on the table.

MARIAN F. HAYNIE.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 96) for the relief of Marian F. Haynie; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 685) granting a pension to Mary Marsh;

A bill (S. 1227) granting an increase of pension to William P. Squires; and

A bill (S. 1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased.

The message also announced that the Senate had passed without amendment the bill (H. R. 570) for the relief of E. P. Thompson.

The message also announced that the Senate had passed with amendments the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; asked a conference with the House on the amendments to said bill; and had appointed as conferees on the part of the Senate Mr. MILLER, Mr. DOLPH, and Mr. VEST.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 12) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen;

A bill (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States;

A bill (S. 365) for the relief of Martin L. Bundy;

A bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands;

A bill (S. 1422) to amend the law relating to the bonds of executors in the District of Columbia;

A bill (S. 1568) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher from the Government of the United States of Colombia;

A bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885;

A bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government;

A joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; and

A joint resolution (S. R. 48) authorizing Rear-Admiral J. W. A. Nicholson to accept a medal conferred upon him by the King of Sweden and Norway.

LAFAYETTE FOWLER.

Mr. TRIGG, from the Committee on Claims, reported back favorably the bill (H. R. 8676) for the relief of Lafayette Fowler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENOCH JACOBS.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back favorably the bill (H. R. 4197) to compensate Enoch Jacobs for services rendered to the Department of State; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NIGHT INSPECTORS, ETC.

Mr. BROWN, of Ohio, from the Committee on Claims, also reported back favorably the bill (H. R. 7771) for the relief of night inspectors of the ports of New York and Baltimore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JABEZ BURCHARD.

Mr. SOWDEN, from the Committee on Claims, reported back favorably the bill (H. R. 570) for the relief of Jabez Burchard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CORONNA, TAUSSIG & CO. AND OTHERS.

Mr. NEAL, from the Committee on Claims, reported, as a substitute for the bill H. R. 6310, a bill (H. R. 8969) for the relief of Coronna, Taussig & Co. and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6310 was laid on the table.

LIEUT. JOHN G. KYLE.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back favorably the bill (H. R. 1926) for the payment of the funeral expenses of Lieut. John G. Kyle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. E. SCARBOROUGH.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 3257) for the relief of S. E. Scarborough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRUSTEES OF JUDSON FEMALE COLLEGE.

Mr. REID, of North Carolina, from the Committee on War Claims, reported, as a substitute for the bill H. R. 3172, a bill (H. R. 8970) to reimburse the trustees of the Judson Female College; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 3172 was laid on the table.

FREDERICK W. RUGGLES.

Mr. LYMAN, from the Committee on War Claims, reported back adversely the bill (H. R. 1001) for the relief of Frederick W. Ruggles; which was laid on the table, and the accompanying report ordered to be printed.

Mr. LYMAN, from the Committee on War Claims, also reported back adversely the bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF THE LATE FRANCIS I. WHEELER.

Mr. RICHARDSON, from the Committee on War Claims, reported back favorably the bill (H. R. 6080) for the relief of the heirs of the late Francis I. Wheeler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CALIFORNIA SILK.

Mr. HATCH, from the Committee on Agriculture, reported back favorably joint resolution (H. Res. 171) authorizing the exhibition of specimens of California silk in the Capitol building by Professor Newman; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL ASSOCIATE JUSTICE SUPREME COURT, NEW MEXICO.

Mr. JOSEPH, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 2850) providing for one additional associate justice of the supreme court of the Territory of New Mexico, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported back the amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5092) granting a pension to Nancy Conner;

A bill (H. R. 7405) granting a pension to Mary F. Black; and

A bill (H. R. 5437) granting a pension to Lewis Chronister.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the amendments of the Senate to the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, are now open to general debate, and the gentleman from Georgia [Mr. BLOUNT], chairman of the Committee on the Post-Office and Post-Roads, is entitled to the floor.

Mr. BLOUNT. Mr. Chairman, for the present I shall confine what I have to say to the sixth amendment of the Senate to the Post-Office appropriation bill, which may be succinctly stated as what is known as the subsidy clause. I send to the Clerk's desk to be read a statement from the Superintendent of Foreign Mails defining sea and inland postage.

The Clerk read as follows:

Q. Define sea and inland postage.
A. It is the gross revenue collected on the mails destined to foreign countries.
Q. On what basis is it calculated?
A. Five cents per each one-half ounce, or $1.60 per pound, on letters and post-cards, and 1 cent per 2 ounces, or 8 cents per pound, on other articles.
Q. Please define sea postage.
A. It is an indefinite term. Under the Berne treaty, which went into effect July 1, 1875, the rate of extraordinary sea transit of the mails was fixed at 25 francs per kilogram, or $4.82 for 2 pounds 3 ounces for letters and post-cards, and 1 franc (19 cents) per kilogram (2 pounds 3 ounces) on other articles, and the ordinary rate of sea transit of the mails was fixed at 6 francs 50 centimes, or about 60 cents per pound, on letters and post-cards, and 50 centimes on other articles. The Paris convention of June, 1878, by paragraph 2, article 4, page 5, reduced the international sea transit rates of the mails as follows: Where the extraordinary rates of sea transit had been hitherto fixed at 25 francs it was reduced to 15 francs, and where the ordinary sea transit rate had been fixed at 6 francs 50 centimes per kilogram, it was reduced to 5 francs, or 44 cents per pound. As the United States Government was a party to, and is bound by, this conventional treaty this Department has accepted and taken these rates to be sea postage on the mails conveyed by the various steamship companies. There is no statutory law defining sea or inland postage, and this Department has been governed solely by the Universal Postal Union treaty.

Mr. BLOUNT. This rule of payment for carrying our mails is the only provision upon the subject at this time. We are brought now to examine the Senate amendment, which is based on an allegation that the compensation is inadequate, as well as on various others. It will be observed that in the first portion of that amendment there is a declaration that its object is—

To secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails.

To do this the Postmaster-General is directed to advertise for proposals, to contract with owners of American steamships—

For a term of not less than three years nor more than five years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points, in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

So far the object seems to be provided with language out of which some results are to be anticipated. He is required up to this point to provide for greater speed and a greater number of trips. After that, however, tne friends of the steamship companies, discontented with this arrangement, apprehending that the Postmaster-General up to this point having a discretion in reference to this matter might exercise it to an end they were not seeking, found means of adding to that the following clause:

And if he shall be unable to make such contracts for any of such respective services he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

It is to be observed that this last clause is the gist of this whole amendment. This sum of money is to be confined to the payment of American steamers between points specifically designated. It can go nowhere else. And if these companies are not willing to give any increase of trips, or increase of speed, or particular size of vessels, or any other requirement which would seem wise and proper regarding the postal and commercial facilities of this country, they have but to say to the Postmaster-General, "We decline; we shall continue to run the lines we have as we run them now. And what can you do? Here is a declaration that if you can not negotiate with us after advertisement under the first portion of this paragraph then you shall, if possible, as the language runs, have the mail carried on steamships of this kind at a rate not exceeding 50 cents a mile. We have these steamers; we are willing to carry the mails at 50 cents a mile, and the law takes from you all discretion. We are at your service; give us this money."

It is equivalent to an absolute direction to the Postmaster-General, and such is his understanding of it. The Postmaster-General is required to have these mails carried upon the existing lines of steamers. As the service stood last year some of these lines contained foreign-constructed steamers. Take the New York, Havana and Mexican line. Five of the steamships of that line are American and four are foreign vessels. On it, therefore, under this law the Postmaster-General is compelled to reduce the number of trips. And so it happens on other lines. You have, therefore, an expenditure of $800,000 which will not give you any greater number of trips, which will result in your getting fewer trips, in actually narrowing your foreign mail facilities.

In addition to this he must contract, if he contracts at all, for a term not less than three nor more than five years. When he shall have given to these lines 50 cents a mile for either period, it works an absolute inhibition upon any other company attempting to traverse the same route. Fifty cents a mile each way, running up into thousands of dollars, gives them an advantage over any other line, and prevents the construction of new ships for the purpose of going on these routes for that period. Therefore you have, so far as your commerce is concerned, blocked the way for an increase of lines for commercial purposes. You have prevented by your law any increase of the postal service during that time. Other vessels will not come in when you want more trips, when you want more speed, under circumstances like these.

Now, Mr. Chairman, you will not, as I have already stated, get an additional trip by it. On the contrary, you will have reduced your service.

I wish to call the attention of the committee to a statement from the Superintendent of the Foreign Mail Service, prepared under the direction of the Postmaster-General. In relation to this matter, the first line to which I call the attention of the committee is the New York, Havana and Mexican. Article 4 of its contract with the Mexican Government of January 17, 1881, extended to 1886, requires that—

All letters, official documents, and other packages dispatched by the administration of posts for the ports at which the steamers are pledged to call—

Mark you—

both going and coming from Mexico will be transported free by the company during the period it enjoys the subsidies.

Article 7 of the postal convention between the United States and Mexico of December 11, 1861, provides for the transmission of American mails through Mexico without charge.

An extract from the letter of the Mexican secretary of the interior, dated August, 1885, addressed to the director-general of posts of Mexico, and by him transmitted to this Department, is as follows:

It is stated in the contracts made with these companies, the New York, Havana and Mexican, the Pacific Mail Steamship Company, and the California and Mexican line, that they are obliged to convey, both going and coming, the official and public correspondence.

Virtually, the steamer may be considered as a traveling office of the Mexican post-office whose services the other countries of the Postal Union may employ by paying to the Mexican post-office the transit expenses, in accordance with articles 3 and 4 of the Paris convention.

Article 3, paragraph 2, of the Paris convention, reads thus:

Unless there be a contrary arrangement, the direct sea conveyance performed between two countries by means of packets or vessels depending upon one of them shall be considered as a third service, and such conveyance, as well as any performed between two offices of the same country by the intermediary of maritime or territorial services maintained by another country is regulated by the stipulation of the following article.

Article 4 fixes the rate of sea transit for such service at 5 francs per kilogram for letters and postal cards and 50 centimes per kilogram for other articles.

Now, under this arrangement here is the New York, Havana and Mexican line, which belongs, so far as mail facilities are concerned, to the Mexican Government, receiving a subsidy for carrying their mails to this country and carrying back our mails. The pending proposition designs to give that company $58,700—to give it to them absolutely. It is ours now, but this bill proposes that you shall give them that amount as an absolute donation.

But supposing this obligation on the part of this company to the Mexican Government did not exist, I ask attention to some statistics as to what you would pay this line under the present law or treaty stipulations compared with what this bill proposes to pay them. I have here a statement from which, as I intend to print it in full in the RECORD, I shall read now only brief extracts.

The price per pound at subsidy rates, 50 cents a mile, is $1.18.2. The price per pound at sea and inland postage is 24 cents. And that is above their advertised express rates.

Now let us examine the case of the Pacific Steamship line running from San Francisco to Panama. Article 4 of its contract with the Mexican Government provides that the company obligates itself to convey free on its steamers correspondence and packages of prints dispatched by post-offices and intended for the port of call or originating in it, the company being obliged to receive or deliver on its account in each port such correspondence and to take care of it while on board their steamers.

The extracts from the letter of the Mexican secretary of the interior and the observations set forth in connection with the New York, Havana and Mexican line apply likewise here; also article 7 of the postal convention between the United States and Mexico and the extracts from the Paris convention given above.

So here you have a second line under contract with the Mexican Government to carry the Mexican mails to this country and to take the American mails to Mexico. Now it will be observed that the pound rate here is $\$5.70\frac{6}{10}$, while at sea and inland postage it would be 24.4 cents.

The contract of the California and Mexican Steamship Company with the Mexican Government contains the same provisions, and the various regulations of the Postal Union which I have cited in other cases apply here.

I ask gentlemen, especially those who are seeking to pay only adequate compensation for mail service, to mark the rate.

Mr. BINGHAM. Will the gentleman allow me a single question?

Mr. BLOUNT. In a moment. The price per pound at subsidy rates on this line is $8.18; the price per pound at sea and inland postage is 27 cents.

It will be observed, therefore, that when they come to pay these steamships at the rate of 50 cents a mile, the rate per pound is on one line two dollars and a fraction, on another five dollars and a fraction, and on another over $8.18 a pound. What does the gentleman from Pennsylvania desire to ask?

Mr. BINGHAM. The gentleman from Georgia, in referring to the New York, Havana and Mexican line to Mexico, assumed, I thought from his statement, that the subsidy of the Government applied to the carriage of mails from the United States to Mexican ports.

Mr. BLOUNT. I did.

Mr. BINGHAM. Mr. Chairman, I would state that in the New York——

Mr. BLOUNT. Mr. Chairman, my friend will have an hour to discuss this question, and I have not any time to spare.

Mr. BINGHAM. I simply ask this for information.

Mr. BLOUNT. I understand. I will say to my friend that I shall publish this document in full in the RECORD, and from it he will see very clearly what is claimed.

Mr. BINGHAM. I merely wanted to be informed as to this particular point. The statement which I have here, which is almost identical with the one from which the gentleman from Georgia has been quoting, only states that the subsidy is for the carriage of the Mexican mails from San Francisco to the United States.

Mr. BLOUNT. Well, Mr. Chairman, my friend will have his hour. Now look at the Brazil line. On that at subsidy rates the price per pound is 2.43\frac{3}{10}$; at sea and inland postage it is 21 cents.

As to the mails to Guatemala and Costa Rica there is a long statement, which I will not take time to read but will ask gentlemen to examine in print.

On the Pacific line to Hawaii and Australia at 50 cents a mile the rate per pound is $1.71; at sea and inland postage it is 22 cents.

Take the mails to Japan and China. That mail has been carried since 1885 by the Oriental and Occidental line. Should it be taken by the Pacific Mail Steamship Company, by reason of its ships being of American construction, we would pay at subsidy rates $2.91 a pound, while at sea and inland postage the rate per pound would be 26 cents. The total amount of money we would pay at subsidy rates would be $109,620, as against $3,500 now paid to the Oriental and Occidental line for the same service. That line is anxious to continue to carry the mail at that rate—at a rate per annum equal to what is now proposed to be paid per month to the Pacific Mail Steamship Company. And this Oriental and Occidental Company, while all its vessels save one are of foreign registry, is as much American property as the Pacific Mail line.

Now let us examine the statement as to the Venezuela mails. The Red D line would get the appropriation should this amendment become law. At 50 cents a mile, that company would get $104,244; at sea and inland postage the amount would be $3,901.

The price per pound, at subsidy rates, is $6.25; at sea and inland postage it would be 23 cents. The companies carrying the mails for Hayti, San Domingo, and Turk's Island would receive under this arrangement $22,355, as against $552.79. The pound rate would be $2.83, as against 18 cents for sea and inland postage. The mails for the Isthmus and the Pacific coast by way of the Pacific Mail Steamship line from New York to Colon would be paid for at the rate of 69 cents a pound, as against 17 cents sea and inland postage, and 6 cents the price actually paid.

This statement, therefore, discloses first the fact that you propose to pay to lines belonging to other governments, under contract with other governments, for a service they are already engaged to perform at the rate of 50 cents a mile. You thereby disregard all reference to distance and all reference to service. You tie down your Government to the lines now in existence; and you prevent any increase of them. You utterly ignore all commercial advantages which might be secured by any prescription as to the size of the ship, the regulation of freight, or any other consideration which would advance your postal or commercial facilities.

I wish now to invite attention to a table showing the total number of nautical miles traveled exclusively by vessels American built and registered, during the fiscal year ended June 30, 1885, to China, Japan, Hawaii, New Zealand, Australia, Mexico, the States of Central America, the Bahamas, Cuba, Hayti, Venezuela, Brazil, and the Argentine Republic. (See exhibit attached.) This statement also shows the sum which would be derived from this service at the rate of 50 cents a mile. The amount after careful calculation, taking out all the foreign ships, is $815,000.88. A little more would be required to pay the 50-cent rate than the sum in the amendment. In this connection I wish to call attention to a communication from the Superintendent of Foreign Mails as to the effect on the Pacific Mail Steamship Company. He says that this would be $325,000 more than the sea postage paid to that company for the same service during the fiscal year ended June 30, 1885.

It is proper, Mr. Chairman, that I should qualify in one particular the statement that we would have no increase of mail service. The Venezuelan line, which now declines to carry the mail to Venezuela, would carry it in a shorter time than the line now employed. With this exception there would be no increase in any particular, and there will be a large decrease on other lines and in the service.

I ask in this connection the attention of the committee to the subsidies paid to steamship companies in 1884, taken from the general statistics of postal service, published by the international bureau, Berne. From this it appears France is paying $5,152,388; Great Britain, $3,006,000, &c. It will take some time to read them all, but the total is $11,661,118.22. (See exhibit attached.)

Then I invite your attention to the table showing the surplus and deficiency in foreign countries of the Universal Postal Union during the year 1884, from general statistics of the postal service published by the international bureau, Berne, 1886. From this it appears Great Britain, which is commended for her subsidies to her foreign lines, after having granted these subsidies, has of surplus revenue, $12,492,856; Germany, $6,448,000; France, $5,732,000; Austria, $2,009,000, and so on to the end of that column, while on the other side, the United States has the largest deficiency of any country, to wit: $4,000,000, in round numbers; Brazil, $2,501,000; Russia, $1,057,000, and so on throughout that list. (See exhibit.)

Now, Mr. Chairman, during the last Congress the Senate of the United States placed upon an appropriation bill to be paid to these lines of steamers the sum of $400,000. Its subsequent history I need not recall. The Senate of the United States now proposes for that same, or rather less, service the sum of $800,000.

From time to time as this subject has been discussed the friends of the amendment have seen fit to parade tabular statements showing the subsidies paid by Great Britain, France, Germany, Italy, and other countries for the purpose of improving their commercial intercourse. Notwithstanding the act is alleged to be for mail pay, the argument of its friends is continually running that it is to improve and extend our commercial facilities. They confine themselves to these tabular statements. These gentlemen with broad and great views standing upon a pinnacle and surveying the great nations of the earth in their commercial intercourse can observe nothing but tabular statements of subsidy amounts and have you instructed from these alone as to what other nations were and are doing.

I invite your closer attention to the action of several of the European governments. In Executive Document No. 172 of this session, on page 5, you will find the following statement:

THE FRENCH BOUNTY LAW.

The bounty proposition in France assumed a definite form by the promulgation of a law in January, 1881, by which the privileges enjoyed by ship-builders since 1866 of importing free of duty all materials used in the construction and equipment of vessels were abolished, and a system of bounties paid directly from the state treasury was substituted. These bounties were fixed at the following rates: For iron or steel vessels, 60 francs per ton, gross measurement; for wooden vessels of 200 tons or more, 20 francs per ton; for wooden vessels of less than 200 tons, 10 francs per ton; for composite vessels, 40 francs per ton; for engines placed on board steamers, and for auxiliary apparatus, such as steam-pumps, donkey-engines, winches, ventilators worked by machinery, also their boilers and pipes, 12 francs per kilogram. These various allowances were payable on the delivery of the French register by the receiver of customs at the nearest place of construction.

Nor was the state aid confined to the construction of ships only; it was extended to the navigation of them.

ART. 9. As compensation for charges imposed on the mercantile navy for the recruitment and service of the military navy, a navigation bounty shall be granted, during ten years from the date of publication of this law, to all French vessels, sailing or steam.

This bounty is applicable only to foreign-going vessels.

It is fixed at 1.50 francs per register ton and per 1,000 miles' run for vessels of French construction fresh off the stocks and decreases annually by—

	Francs.
For wooden vessels	0.075
For composite vessels	0.075
For iron vessels	0.05

For foreign-built vessels the bounty is reduced to one-half of the above-assigned amount.

One-half of the bounty allowed by France is allowed on ships of foreign construction, and it is competent for any citizen of France to go into any market of the world and buy his ship and put it on the ocean, not only in competition with the French but all the vessels of the world.

You have, therefore, as the French policy, a bounty on ship-building, a bounty on navigation, and the right of Frenchmen to buy their ships as cheaply as they can anywhere on the face of the globe and register them as French vessels. In the matter of subsidizing there, it is by competition. Furthermore, they may require of any French ships, where the lines are not subsidized or are not under contract, to carry her mails.

Now let us examine Germany. On page 61 of this same report, the annual aid granted by the German Government to promote ship-building is the duty free on the importation of steam-engines and boilers used in ship-building, while the free importation of sea and river vessels rather protects the interests of the coast and export trade.

No. 15, clause *d*, of the German tariff of July 15, 1879, still in force, reads as follows:

(*d*) Sea and river vessels, inclusive of the customary ship utensils belonging thereto (marine stores), anchors, anchor and other ship chains, as well as steam boilers and engines, free.

Some of the above privileges seem to have been given to German ship-builders in compliance with their petition in common, under date of April 29, 1879, addressed to the German Reichstag, for a duty-free importation of materials necessary for ship-building and ship engines and boilers.

Again, as to ship navigation:

The ocean postal service of the German Empire in direct intercourse with

transmarine countries is at present—and as long as the subsidized steamship lines have not yet assumed the service to commence about the month of July next—carried on by ten private steamship lines, which keep up by regular trips the communication between Hamburg and Bremen and ports of the United States and of other countries.

Up to the 1st of July next the result of the action of the German Government in this regard is that she never aided in the building of ships; she never subsidized any lines; and notwithstanding this, while France has been subsidizing and giving bounties, German ship-building and German tonnage have gone on increasing at a rate beyond that of France. And she has been paying this service 320,000 marks.

I ask gentlemen who have belittled the foreign-mail pay of the United States to pay attention to the statement contained in this report:

That her annual pay is 320,000 marks on all these lines.

Which is about $80,000. This great German Empire, because she had a contract to take effect in the future, has been paraded a subsidy-giving government, notwithstanding her past history, disclosing the fact that the entire foreign-mail pay is less than $100,000. We have been ridiculed, notwithstanding this fact, for allowing Germany, France, England, and the other subsidized lines to dominate the seas, as we are told.

On page 87 of the same report you will find reference to the character of these German subsidized lines, and I want to invite American legislators to the zealous care with which the government is guarded by the German law rather than by those loose methods which would give $800,000 without any advantage to anybody except the owners of the American steamship lines. You will find in article 17 the following:

ART. 17. The receipt for freight and passage money remains to the contractor. The tariff will be fixed with the agreement of the imperial chancellor. For this purpose a sketch of the tariff must, before they are enforced, be laid before the imperial chancellor at least three months before commencing the business. Any later changes in the tariff must be notified to the imperial chancellor at least six weeks before the time they will be enforced, and shall be deemed valid if during that time no other determinations are received from the imperial chancellor. In regard to the publishing of the tariffs and changes submitted the contractor has to comply with the instructions given by the imperial chancellor.

Rates of passenger fare and rates of freight are regulated by the assent of the imperial chancellor, lest with these privileges they should be able to destroy other companies; for the same hand is directing them and keeping on an equal footing the subsidized as well as the unsubsidized lines.

Again:

ART. 20. The contractor binds himself to forward at a rate of 20 per cent. less than the fixed tariff: (a) Officials traveling in the service of the empire, or in the service of a federal state; (b) the men relieved and relieving of the imperial navy, and those belonging to the imperial navy who are on account of sickness or for punishment returned to Germany; (c) arms, ammunition, outfits, and provisions for the imperial navy. The number of men mentioned under *b*, however, shall not exceed sixty-five on the same ship without the consent of the contractor.

Then again I ask your attention to a paragraph contained in article 26. After providing for the keeping of the accounts, the following occurs:

If it is proved by the separate account in this way that at the expiration of the first five years of this agreement the contractor has made a surplus yearly, the contractor shall be bound for the time to come, on demand and at the choice of the imperial chancellor, to carry out further the discharging of the purposes and conditions in this contract for half the amount of the respective sum, or to refund to the imperial treasury half of the surplus mentioned.

The line is provided with ample pay and its freight rates are regulated, and the character of the ship shall be as good as that of any other ship that runs between the designated ports. If there be a surplus at the end of five years the mail pay shall be reduced half, or one-half the surplus shall be refunded to the imperial treasury.

How business-like; how worthy of the great statesman at the head of the German Empire! See his directing hand controlling the destines of his people, rising high above the influences of capital about him, and making regulations for the benefit of her commerce, of her postal service, in the interest of the German people, rather than in the interest of such men as are seeking, without furnishing return to the government, to take from its treasury enormous sums of money.

I ask next your attention to Great Britain. On page 98 of the same report you have this statement:

Any nation can have its vessels constructed in this country on the same footing as British owners, and no fines or penalties are incurred in having such vessels registered in any other country. All materials used in ship-building are admitted free of duty.

BOUNTIES, ETC.

The British Government does not grant bounties, subsidies, or privileges to ship-builders. It does, however, pay for the mail service. This service is awarded by open competition. Any company which has steamers having the requirements demanded by the post-office authorities may tender for this service.

There are no privileges accorded to vessels sailing under the British flag not enjoyed by vessels of other nations. Italy stands as to her policy about as France does. I am admonished that my time is expiring, and therefore I can not enter into details as to that service.

We are continually reminded of the condition of the American carrying trade. I ask your attention to the map in front of the Clerk's desk. I understand it has been prepared at the foreign mail office. You will see that there is on the transatlantic service no American line. You will find a few lines of American registered vessels on the Pacific and a few running down from New Orleans to Central and South America.

The South American Commission declared that—

Of the eight hundred millions of merchandise exported from the United States less than 7 per cent. went to countries south of us; only 2 per cent. of our manufactured products goes to foreign markets, and the percentage that reaches Central and South America is too small to be estimated.

The amendment gives up all thoughts of carrying that eight hundred millions, less 7 per cent; it abandons that at the instigation of certain steamship lines, perhaps for reasons no doubt honorable in their estimation. But why is this? Why should that great Atlantic Ocean and these American ports fail to disclose an American registered line of steamers carrying the American flag to Europe? You can not carry the commerce of the world unless you can carry it as cheap as other countries. You can not build a ship as cheap as France, as Germany, as England. You require all your ships for register shall be American-built. The blank place for the American ships on that map is the result. These other great nations provide their citizens may go anywhere on the face of the earth and buy their ships at the cheapest rate and enter into competition for the carriage of merchandise. And yet we stand here and, instead of facing the truth, attempt to delude ourselves as to this policy by saying that it comes from the fact that we do not subsidize. The practical sense of any disinterested man must revolt at any such conclusion.

Why have we lost this commerce? Gentlemen have been in the habit of saying from a partisan standpoint that it was because perhaps one or the other party was in power. The exact truth is easy of ascertainment. When we were the second power on the face of the globe in the carrying trade of the world the cheapest ship manufactured was American. The time came when the demands of commerce required we should have first iron and then steel steamers, and then instead of being able to construct the cheapest ship ours was the most costly. I shall ask to publish a table containing a statement of the increase at one navy-yard in England during the period of seven years from 10 per cent. of steel tonnage to about 50 per cent.

USE OF STEEL AND DEVELOPMENT OF MARINE ENGINEERING.

The general depression in the trade of ship-building has not only affected the prosperity of the workmen in connection with the trade and the prosperity of their employers, but it has also tended to some extent to diminish the number of novelties in the way of vessels which have been produced in our Clyde shipyards. We may, however, note the steadily increasing use of steel, and the greater favor with which it is regarded by both ship-builders and ship-owners. The following table bears out this fact, as will be clearly seen from a glance at the column giving the percentage of steel tonnage to the total tonnage of vessels launched:

Year.	Total tonnage.	Tonnage of steel.	Percentage of steel to total tonnage.
1879	174,750	18,000	About 10½
1880	241,114	42,000	About 17½
1881	341,022	66,609	About 19½
1882	391,934	108,254	About 27½
1883	419,664	129,651	About 31
1884	296,854	133,670	About 45
1885	193,458	92,677	About 48

We can not build as cheaply as other nations. We are not allowed to buy, and the disgraceful record on that map arises from the narrow-minded policy here stated. Our consul at Marseilles writes thus:

From this distance even the present collapse of maritime interests is thought to bring to our country a fortuitous opportunity.

"Ah!" said a marine broker of Marseilles recently, "you Americans hold all the winning cards. While we in Europe are overburdened with costly armies, you have only a single army corps to guard your fortifications and watch the Indians; while we have been squandering millions upon iron-clad fleets which are obsolete, without ever having fought a battle, you can now build a navy that will include and surpass all that we have impoverished ourselves to learn; and as for a merchant marine, you have only to change a paragraph in your shipping laws and your merchants can buy everything they want, the best steam fleets that can be built, at any price, from half their cost down to their value as old iron."

FRANK H. MASON, *Consul.*

UNITED STATES CONSULATE,
Marseilles, March 9, 1886.

Mr. Chairman, I have seen it stated in various quarters, in the press and in legislative bodies, that we have a country south of us and we ought to take its trade. It is said that this amendment opens up a field for our commerce, and it has been addressed as a special argument to gentlemen coming from the section where I reside that it was calculated to build up Southern States in their manufactures. I am admonished by the passing time that I shall not be able to recur to these statistics.

Allow me to recur for a moment, however, to Venezuela and to Brazil. You have six trips to and from Venzuela—six trips either way per month. Your goods go down there. They are simply the cheaper grade of cotton goods. When they get there the English manufacture is cheaper than ours; we therefore can sell but a small part of what those people buy.

As to Brazil, the cotton goods furnished by Great Britain and the

United States are as 27 to 1. Why? Because the British plain piece-goods sell at 5.65 cents, while the American sell at 9.78 cents. The printed British goods sell at 7.79 cents, and the American at 10.39 cents. It is absurd to talk about controlling a market under such circumstances. It will only serve to delude and frame a public opinion, ignorant and misled, and tributary to subsidy advocates; this, and nothing more.

Let us observe, Mr. Chairman, for a moment the proposition in this amendment. Only 7 per cent. of your exports go to countries south of us. Your grain finds its way to Europe. Two-thirds of the cotton product of the South goes to Liverpool. All abandoned! No effort on behalf of our agriculture to reduce the freight rates on our grain or on our cotton. That field is all abandoned. Lines are to be subsidized to Central and South America, where statistics show we are unable to do much in the way of trade unless we allow the American merchant to buy his ships as the citizens of other countries are permitted to buy theirs. And yet, sir, with this state of facts and with a few factories in the Southern States, you are told that you are going to build up that great agricultural population by subsidizing these few steamship companies, ignoring the real sources of wealth. And this, too, when you can not add a ship or a trip to our transportation facilities.

[Here the hammer fell.]

APPENDIX.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 17, 1886.

MY DEAR SIR: I herewith inclose you some comments upon the proposed amendment to the Post-Office appropriation bill which seem to me to be worthy of consideration. Also a new table of mileage made by American-built ships in American lines last year.

I am, sir, very respectfully, yours,

WM. F. VILAS, *Postmaster-General.*

Hon. J. H. BLOUNT, M. C.,
Chairman Committee on Post-Offices and Post-Roads,
House of Representatives.

Memoranda in regard to the Senate amendment to the Post-Office appropriation bill in relation to the transportation of the foreign mails.

I. It will be observed at once that the proposed amendment provides for a gratuity merely to existing steamship lines wholly unnecessary to accomplish the purpose of carrying the mails. The statements in regard to the present arrangements for the carrying of these mails to the countries in question, which have been directed to be prepared in the office of the Superintendent of Foreign Mails, will make this very obvious. They show that the mail carriage, as at present conducted, is as frequent, as regular, and as speedy as it would probably be in the power of the Department to provide even with the aid of this subsidy, with but one or two exceptions to be mentioned; and that the price proposed, when contrasted in the rate per pound, inordinately exceeds any fair pretext of mere compensation for the transportation of the mails by a carrier going on his own business, at his own convenience, when he pleases, and how he pleases.

On the route to Venezuela the price would enable and require the Department to use the services of the American Steamship line, and give a little quicker dispatch than that which the Department has been limited to the use of, since the Red "D" line refused to carry the mails in the manner set forth in the annual report; but it would probably be no better service than was rendered by the same company during the fiscal year ended June 30, 1885, and would cost for the carriage of about 8 tons of mail during the entire year, which at the parcels dispatch rates given in that company's tables would have cost less than $1,200, and which at sea and inland postage would have been less than $4,000, the round sum of $66,000; or at the rate of $3.90 per pound, instead of 7 cents per pound, at their parcels dispatch rates. As that company has for years carried this same mail for a price not exceeding $1,500 per annum, and as it is probable the greater share of the mail relates to the freights transported on the vessels, it is certain that such a sum would be properly characterized as a gratuity, or subsidy, instead of compensation. This is one of the excepted cases referred to above. I will now mention the other.

On the route to Japan and China, if a contract should be made under this enactment it would go necessarily to the Pacific Mail Steamship Company which sails a line of American-built and registered ships. That company makes a sailing every twenty days only, while the Occidental and Oriental line, which now carries the mails, also makes sailings every twenty days. The operation of this subsidy would therefore be, so far as mail carriage is concerned, simply to change it from one company to another. The company which now carries the mail does so at about $6,000 a year, less than $7,000, and has faithfully and fairly continued to carry the mail when the Pacific Mail Company refused to do so.

The subsidy would give the Pacific Mail Company, for each of the thirteen trips made during the year, a greater price than is paid the other company for the entire yearly service. Thus the Pacific Mail Company would be awarded thirteen times for the breach of obligation to the Government what the other company has been allowed for rendering faithful service, and the latter deprived of its privilege of mail carriage. The Occidental and Oriental Company is, in fact, I am credibly informed, at least as much owned by Americans as the Pacific Mail Company, but it possesses only one American-built ship.

The tabulations which Mr. Bell has made for me show that the entire $800,000 would be exhausted, and more than exhausted, at the proposed rate of 50 cents per mile per trip both ways without adding a trip to those which were made during the last fiscal year, and hence exclude a reasonable expectation of better service.

The totality of the subsidy involved is at least $2,400,000, and possibly $4,000,000, accordingly as the proposed contracts shall be limited to three or extended to five years.

II. Another feature of this proposed enactment deserving particular attention is the effect which it would have in preventing an extension of ship-building. It is obvious that if one line of vessels shall receive on every trip a bounty of 50 cents per mile sailed, amounting to some thousands of dollars on every voyage, such a line will possess advantages which will enable it to defy competition, should any other persons have the temerity to attempt to enter the field against it. So far, therefore, from its being in the interest of new ships, the effect of it will be to deter the building of American ships. The only way to obviate this would be to extend the proffer of 50 cents a mile to any American ship which should enter upon the traffic between the United States and any of the countries to which such lines should be subsidized.

This, indeed, would become necessary to the postal service as well as to the interests of shipping extension, because only by provisions of that kind could there be any enlargement of the postal facilities for the full term for which the contracts should be made, and the Department would otherwise be denied opportunity to use any increased facilities for the transportation of the mails. In a word, contracts made under this subsidy will be fetters upon an extension for a term of years.

III. The last sentence but one of the amendment proposed, will operate to practically destroy opportunity for negotiation on the part of the Department. It provides that the Postmaster-General shall "so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in American vessels and for a reasonable compensation not exceeding the rate aforementioned." Inasmuch as there exists but one line of American vessels to each of the countries named, with the single exception this will leave it in the power of the companies to dictate their terms to the Department, being secure under the enactment of carrying the mails, and therefore able to insist upon the full measure of compensation proposed.

This also removes possibility of substantial gain of service indicated as the reason for large appropriation by the beginning of the enactment, that the large appropriation is designed "to secure the greater frequency and regularity in the dispatch and greater speed in the carriage of such mails." Inasmuch as the only existing American line on the route, in each case, will have the legal right to require mails to be transported by its vessels, it can refuse a contract except for the highest sum named and without any increased performance of service, either in frequency, regularity, or speed, which the Department might desire.

In short, the law might as well proffer 50 cents a mile to each of the American companies direct, and simply add a requirement that they should take such United States mails as the Department should tender for transportation.

Some of the vessels employed in at least one of the lines of American steamship companies are of foreign build, and to that extent the services of those companies, it may be anticipated, will be limited instead of increased.

IV. The clause which has just been mentioned also contains another peculiar feature. It requires the Department to procure and pay for the transportation of mails from the several foreign countries to the United States. The Postal Union convention, of which all of the countries except those in Australia are members, requires every government to provide only for the dispatch from its own shores of the foreign mails. This act proposes that the United States, in violation of the treaty obligation, shall assume the performance of the duty of these governments in regard to sending their own mails.

Most of the companies which would be beneficiaries of this amendment now receive from those governments liberal payments for the carriage of the mails, which the amendment would require the United States to provide for.

V. The provision in the last sentence that mail contracts shall be made from the ports of New York and New Orleans respectively to the Empire of Brazil must necessarily prove inoperative, because the appropriation of $800,000 will be inadequate to do more than give gratuities to existing lines. It is somewhat doubtful if it be sufficient to provide all of the existing lines at the price indicated, since it may be assumed that they will all stand for the full 50 cents a mile, being in no wise restricted in their possible demands, and little or nothing being left to the discretion of the Department.

VI. The inequality, and consequent unfairness, between carriers of paying for mail service by the mile sailed, without reference to the character of the ship or the character of the service, is also a feature of this amendment apparent without discussion. There is nothing, in short, which makes it more practicable and useful than the provision in the last annual appropriation bill, except that sufficient or nearly sufficient money is provided to enable all American carriers now under employment or upon the sea which will be necessary to be employed to have the full rate proposed.

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., May 10, 1886.

SIR: In compliance with your instructions, I have the honor to furnish the following items of information relative to the conveyance of United States mails during the fiscal year ended June 30, 1885, by American lines of steamers subsidized by foreign governments; to mails dispatched to Japan and China by vessels of the Occidental and Oriental line, since August 1, 1885; and to New Zealand and Australia by the Oceanic Steamship Company, under a contract with the New Zealand Government, dated November 21, 1885.

MAILS FOR MEXICO.

I. New York, Havana and Mexican line: Nine vessels—five foreign registry, four American.

Article IV of its contract with the Mexican Government, of January 8, 1878, extended to September 1, 1886, requires that—

"All letters, official documents, and other packages dispatched by the administration of posts for the ports at which the steamers are obliged to call both going and coming will be transported free by the company during the period it enjoys the subsidy."

Article VII of postal convention between the United States and Mexico, of December 11, 1861, provides that—

"The United Mexican States engage to grant to the United States of America the transit, in closed mails, free from any postage duties, imposts, detention, or examination whatever, through the United Mexican States, or any of their possessions or territories, of letters, newspapers, printed pamphlets, or other printed matter, forwarded from the United States of America, or any of their possessions or territories, to any other possession or territory of the United States of America, or to any foreign country, or from any foreign country or possession or territory of the United States of America to the United States of America, their possessions or territories. A mail agent of the United States of America shall be permitted to accompany the closed mails in their transit."

Extracts from letter of the Mexican secretary of the interior, dated August 18, 1885, addressed to the director-general of posts of Mexico, and by him transmitted to this Department:

"It is stated in the contracts made with these companies (New York, Havana and Mexican; Pacific Mail Steamship Company; and California and Mexican) that they are obliged to convey, both going and coming, the official and public correspondence.

* * * * * * *

"Virtually the steamer may be considered as a traveling officer of the Mexican post-office, whose services other countries of the union may employ by paying to the Mexican post-office the transit expenses, in accordance with Articles III and IV of the Paris convention."

Article III, paragraph 2, of the Paris convention:

"Unless there be a contrary arrangement the direct sea-conveyance performed between two countries by means of packets or vessels depending upon one of them shall be considered as a third service; and such conveyance, as well as any performed between two offices of the same country, by the intermediary of maritime or territorial services maintained by another country, is regulated by the stipulations of the following article."

Article IV fixes the rate of sea transit for such service at "5 francs (96.5 cents) per kilogram (2.205 pounds) of letters and post-cards, and 50 centimes per kilogram (about 4½ cents a pound) for other articles."

SERVICES RENDERED, ETC.

Number of trips during the year ending June 30, 1885	50
Total mileage for the year	117,400
Amount that would have been paid at 50 cents a mile	$58,700 00
Amount of mail (letters and prints) carried (pounds)	49,682

Amount if paid at sea and inland postage (letters 5 cents per ½ ounce, prints 1 cent per 2 ounces)	$11,932 11
Amount actually paid by this Department (sea postage)	4,134 13
If paid at freight rates (26 cents per 100 pounds)	129 17
If paid at parcel-dispatch rates (6½ cents per pound)	3,229 23
Price per pound at subsidy rates (50 cents a mile), letters and prints	1 18.2
Price per pound at sea and inland postage	24
Price per pound actually paid	8.3

II. Pacific Mail Steamship Company, San Francisco to Panama: Eleven American vessels.

Article IV of its contract with the Mexican Government provides that—

"The company obligates itself to convey, free, on its steamers correspondence and packages of prints dispatched by post-offices and intended for the ports of call, or originating in them; the company being obliged to receive or deliver, on its account, in each port, such correspondence, and to take proper care of it while on board their steamers."

The extracts from the letter of the Mexican secretary of the interior given under "I" likewise apply here; as also Article VII of the postal convention between the United States and Mexico and the extracts from Paris convention given under "I."

SERVICES RENDERED, ETC.

Number of trips during year ended June 30, 1885	25
Total mileage for the year	163,550
Amount that would have been paid at 50 cents a mile	$81,775 00
Amount of mails (letters and prints) carried (pounds)	14,330
If paid at sea and inland postage	$3,505 55
Amount actually paid (sea postage)	1,238 44
If paid at freight rates (50 cents per 100 pounds)	71 64
If paid at parcel-dispatch rates (7 cents per pound)	1,003 10
Price per pound if paid at subsidy rates (50 cents a mile), letters and prints	5 10.6
Price per pound at sea and inland postage	24.4
Price per pound actually paid	08.6

III. California and Mexican Steamship Company: One vessel.

Article VII of its contract of November 13, 1883, with the Mexican Government provides that:—

"All letters, official documents, and other articles dispatched by the postmasters of the ports designated (San Francisco, Ensenada, Bahia de la Magdalena, Cabo de San Lucas, Guaymas, and La Paz) will be transported free by the steamers of the 'California and Mexican Steamship Company' during the period it enjoys the subsidy."

Extracts from letter of the Mexican Secretary of the Interior given under "I" likewise apply here; as also Article VII of the postal convention between the United States and Mexico and the extracts from Paris convention given under I.

SERVICES RENDERED, ETC., SAME PERIOD.

Number of trips	12
Total mileage for the year	36,480
Amount, if paid at 50 cents a mile	$18,240 00
Amount of mail (letters and prints) carried (pounds)	2,229
Amount, if paid at sea and inland postage	$602 65
Amount actually paid (sea postage)	208 82
If paid at freight rates	111 45
If paid at parcel-dispatch rates	156 03
Price per pound at subsidy rates	8 18
Price per pound at sea and inland postage	27
Price per pound actually paid	09.3

I desire to call your attention to the fact that Article VII of the Postal Convention of December 11, 1861, between the United States and Mexico, provides as follows:

"The United States of America engage to grant to the United Mexican States the transit, in closed mails, free from any postage, duties, imposts, detention, or examination whatever, through the United States of America, or any of their possessions or Territories, of letters, newspapers, printed pamphlets, or other printed matter forwarded from the United Mexican States, or any of their possessions or territories, to any other Mexican possession or territory, or to any foreign country, or from any foreign country, or Mexican possession or territory to the United Mexican States, their possessions or territories."

Under which provision the greater portion of the Mexican mails for Europe, and for China, Japan, and Australia, is conveyed by the United States postal service free across the United States, and also Mexican mails for Mexican destinations conveyed across United States territory by railroad, star route, and other services.

BRAZIL.

IV. United States and Brazil Mail Steamship Company: Vessels all American.

Contract between the Government of Brazil and this company is not on file in the Department; but the amount of the subsidy paid to this company per annum is, according to the report of the Brazilian post-office department for 1881, 200,000 milreis, at the United States Treasury standard of 1 milreis=.54.6 cents, $109,200.

SERVICES RENDERED, ETC.

Number of trips, same period	13
Total mileage for the year	134,004
Amount if paid at 50 cents per mile	$67,002 00
Amount of mail (letters and prints) carried (pounds)	27,536
Amount if paid at sea and inland postage	$5,791 93
Amount actually paid (sea postage)	4,210 00
If paid at freight rates (55 cents per 100 pounds)	151 43
If paid at parcel-dispatch rates (6½ cents per pound)	1,789 83
Price per pound if paid at subsidy rates (50 cents per mile, letters and prints)	$2 43.3
Price per pound at sea and inland postage	21
Price per pound actually paid	15.2

MAILS FOR GUATEMALA AND COSTA RICA.

V. The Pacific Mail Steamship Company has contracts with the Governments of Guatemala and Costa Rica for the conveyance of mails between San Francisco and Panama, and is paid by each of these governments at the rate of $2,000 per month; but copies of the contracts have not been furnished this Department, and consequently their terms are not known.

MAILS FOR NEW ZEALAND.

VI. Extract from letter of postmaster-general of New Zealand, dated Wellington, February 26, 1886:

"I forward copy of contract with Union Steamship Company, of New Zealand, for the performance of a 'four-weekly' mail service (thirteen round trips annually) between Sydney, Auckland, Honolulu, and San Francisco, for a period of three years from the 21st November last, and to draw your special attention to clauses 10 and 11:

"'Clause 10. The payment for all the services mentioned in this contract shall be £30,000 sterling per annum, less the deduction next hereinafter mentioned, namely: The Postmaster-General of the United States has agreed by cablegram to pay £4,000 toward the services herein provided, unless Congress forbids, and, if such payment shall be made, two-thirds of the said sum of £4,000 shall be deducted from the total payment of £30,000.

"'The contractors shall collect the said £4,000, and account as aforesaid to the Postmaster-General for two-thirds of that sum, which sum shall be equally divided between the postmasters-general. If the Postmaster-General of the United States is prevented by Congress from paying the £4,000, then the postmaster-general shall make up the payment to the £30,000 aforesaid in the proportion of £20,000 by the postmaster-general of New Zealand to £10,000 to the postmaster-general of New South Wales.

"'Clause 11. Ten thousand pounds of the total sum payable under this contract shall be paid by the postmaster-general of New South Wales, and £20,000 shall be paid by the postmaster-general of New Zealand; but from such payments there shall be deducted by each of the postmasters-general, respectively, an amount equal to one-third of the £4,000 agreed to be paid by the Postmaster-General of the United States as aforesaid.'"

The service to be performed exclusively by the Oceanic Steamship Company, during the next three years between San Francisco and the Hawaiian Kingdom, under the contract between the New Zealand Government and the Union Steamship Company, for the conveyance of mails between New Zealand and the United States, was performed during the year ended June 30, 1885, by the Pacific Mail Steamship Company and Oceanic Steamship Company jointly, the details of which during the last fiscal year were as follows:

PACIFIC MAIL TO HAWAII AND AUSTRALIA—SERVICES RENDERED, ETC.

Number of trips during fiscal year ended June 30, 1885	13
Total mileage	169,650
Amount if paid at 50 cents a mile	$84,825 00
Amount of mail (letters and prints) carried (pounds)	95,374
If paid at sea and inland postage	$41,018 65
Amount actually paid	13,565 29
(At 2 cents and 6 cents rate for letters to Australia, and 5 francs per kilogram of letters and 50 centimes for papers to Hawaii.)	
If paid at freight rates (80 cents per 100 pounds)	762 93
If paid at parcel-dispatch rates (10 cents per pound)	9,537 40
Price per pound at subsidy rates (50 cents a mile)	99.9
Price per pound at sea and inland postage	43
Price per pound actually paid	14.2

OCEANIC STEAMSHIP COMPANY—SERVICES RENDERED, ETC.

Number of trips during fiscal year ended June 30, 1885	24
Total mileage	99,792
Amount if paid at 50 cents a mile	$49,896 00
Amount of mail (letters and prints) carried (pounds)	29,086
If paid at sea and inland postage	$6,593 32
Amount actually paid (sea postage)	2,369 48
If paid at freight rates (80 cents per 100 pounds)	232 68
If paid at parcel-dispatch rates (10 cents per pound)	2,908 60
Price per pound at subsidy rates (50 cents a mile)	$1 71.5
Price per pound at sea and inland postage	22.6
Price per pound actually paid	08.1

MAILS FOR JAPAN AND CHINA.

VII. The first inward mails from China and Japan by steamer of the Occidental and Oriental line were brought to San Francisco June 29, 1875; and the first outward mail by steamer of that line from San Francisco for Japan and China was dispatched July 15, 1875.

The Pacific Mail line withdrew from the China and Japan service August 1, 1885.

Occidental and Oriental line performed service during fiscal year ended June 30, 1885, as follows: Number of trips, 12; weight of mail carried, 22,668 pounds.

Amount paid to Occidental and Oriental line since it became sole carrier.

To San Pablo (American register):	
Quarter ended September 30, 1885	$579 16
Quarter ended December 31, 1885	1,789 95
Quarter ended March 31, 1886	890 13
Total	3,268 24
To three other steamers (foreign register):	
Quarter ended September 30, 1885	275 80
Quarter ended December 31, 1885	917 10
Quarter ended March 31, 1886	979 10
Total	2,172 00

PACIFIC MAIL STEAMSHIP COMPANY TO YOKOHAMA AND HONG KONG.

Number of trips during fiscal year ended June 30, 1885	18
Total mileage	219,24
Amount if paid at 50 cents a mile	$109,620 000
Total weight of mail (letters and prints) carried (pounds)	37,584
If paid at sea and inland postage	$10,125 84
Amount actually paid (sea postage)	3,506 64
If paid at freight rates (60 cents per 100 pounds)	226 34
If paid at parcel-dispatch rates (10 cents per pound)	3,758 40
Price per pound if paid at subsidy rates (50 cents a mile)	2 91.6
Price per pound at sea and inland postage	26.9
Price per pound actually paid	09.3

MAILS FOR VENEZUELA.

VIII. Red D line, New York to Venezuela and Curaçoa.

Number of trips during fiscal year ended June 30, 1885	34
Total mileage	208,488
Amount if paid at 50 cents a mile	$104,244 00
Total weight of mail (letters and prints) carried (pounds)	16,723
If paid at sea and inland postage	$3,901 22
Amount actually paid (sea postage)	1,392 94
If paid at freight rates (35 cents per 100 pounds)	58 34
If paid at parcel-dispatch rates (7 cents per pound)	1,185 01
Price per pound at subsidy rates (50 cents per mile)	6 23.3
Price per pound at sea and inland postage	23.3
Price per pound actually paid	08.3

MAILS FOR HAYTI, SAN DOMINGO, AND TURK'S ISLANDS.

IX. Clyde line. New York to Hayti, San Domingo, and Turk's Island. Terms of contract with Dominican Government not known.

Number of trips during fiscal year ended June 30, 1885	17
Total mileage	44,710
Amount, if paid at 50 cents a mile	$22,355 00
Weight of mail (letters and prints) carried (pounds)	7,897

If paid at sea and inland postage	$1,466 35
Amount actually paid (sea postage)	553 66
If paid at freight rates (35 cents per 100 pounds)	25 53
If paid at parcel-dispatch rates (7 cents per pound)	552 79
Price per pound at subsidy rates (50 cents a mile)	2 83
Price per pound at sea and inland postage	18½
Price per pound actually paid	07

MAILS FOR THE ISTHMUS AND THE PACIFIC COAST.

X. Pacific Mail Steamship Company, New York to Colon.

Number of trips during fiscal year ended June 30, 1885	38
Total mileage	152,456
Amount, if paid at 50 cents a mile	$76,228 00
Weight of mail (letters and prints) carried (pounds)	110,169
If paid at sea and inland postage	$19,662 49
Amount actually paid (sea postage)	7,579 22
If paid at freight rates (37½ cents per 100 pounds)	42 41
If paid at parcel-dispatch rates (7 cents per pound)	7,711 82
Price per pound at subsidy rates (50 cents per pound)	69.1
Price per pound at sea and inland postage	17.8
Price per pound actually paid	06.8

I am, very respectfully, your obedient servant,

NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. WILLIAM F. VILAS,
Postmaster-General.

Total number of nautical miles traveled exclusively by vessels of American build and register during the fiscal year ended June 30, 1885, to China, Japan, Hawaii, New Zealand, Australia, Mexico, the States of Central America, Bahamas, Cuba, Hayti, Venezuela, Brazil, and Argentine Republic.

American lines.	Vessels of American register.	Number of trips made.	Total number of nautical miles traveled.	Amount these lines would receive if paid at the rate of 50 cents per nautical mile.
Pacific Mail line:				
China and Japan	4	18	219,240	$109,620
Hawaii, New Zealand, and Australia	1	4	56,550	28,275
Colon and Panama	11	63	319,940	159,970
Oceanic Steamship Company, Hawaii	2	24	99,792	49,896
Occidental and Oriental Steamship Company, China and Japan	1	5	63,700	31,850
California and Mexican Steamship Company, Mexico	1	12	36,480	18,240
New York, Havana and Mexican Steamship Company, Mexico	4	33	137,016	68,508
New York and Cuba Mail, Bahamas	5	35	68,250	34,125
Clyde line, Hayti	2	17	44,710	22,355
United States and Brazil Mail line, Brazil	3	13	134,004	67,002
Red "D" line, Venezuela	5	31	132,060	66,030
New Orleans and Central American line, Nicaragua, &c	2	15	40,500	20,250
Oteri's Pioneer line, British Honduras	2	19	38,000	19,000
Morgan line, Cuba	4	41	30,500	15,250
Morgan line, Mexico		17	28,900	14,450
New Orleans, Honduras and Guatemala line, British Honduras	1	5	10,650	5,325
Royal Mail line, British Honduras	3	36	76,680	38,340
Service from Tampa to Cuba via Key West	1	104	72,800	36,400
Mendoza, Argentine Republic	1	1	12,578	6,289
Kate Currell, British Honduras, &c	1	1	2,130	1,065
Lizzie Henderson, Cuba	1	12	3,600	1,800
Christiana, Cuba	1	2	600	300
Dictator, Cuba	1	2	600	300
Aaron Kingsland, Cuba	1	3	900	450
Total	58	513	1,630,176	815,088

Subsidies paid to steamship companies during 1884.

[From General Statistics of the Postal Service, published by the International Bureau, Berne, 1886, page 15.]

Argentine Republic	$6,229 07
Austria	43,106 55
Belgium	134,793 32
Brazil	2,223,958 10
Denmark	32,469 54
France	5,152,388 98
Great Britain	3,006,766 67
British India	350,724 42
Japan	241,250 00
Netherlands	101,975 60
Portugal	23,964 61
Roumania	984 87
British Honduras (British colony)	23,320 67
Hong-Kong (British colony)	31,314 82
Danish Antilles (Danish colony)	2,895 00
Cochin China (French colony)	202,044 00
Guadelupe (French colony)	22,204 07
Martinique (French colony)	2,123 00
St. Pierre and Miquelon (French colony)	10,072 67
Senegal (French colony)	11,042 68
Netherlands East Indies (Netherlands colony)	29,635 15
Cape Verde Islands (Portuguese colony)	7,854 43
	11,661,118 22

Postal surplus and deficiency in various countries of the Universal Postal Union during 1884. *(From General Statistics of the Postal Service, published by the International Bureau, Berne,* 1886.)

Countries.	Surplus.	Countries.	Deficiency.
Great Britain	$12,492,856 22	United States	$4,013,943 74
Germany	6,448,003 00	Brazil	2,501,000 92
France	5,372,500 63	Russia	1,057,410 46
Austria	2,093,834 41	Canada	579,623 77
Belgium	917,178 46	Japan	391,631 93
Hungary	891,820 15	Bulgaria	203,638 35
Netherlands	516,452 17	Argentine Republic	92,281 21
Switzerland	293,584 26	Algeria	91,685 61
Sweden	190,066 40	Guatemala	15,526 07
Roumania	137,491 07	Norway	14,517 84
Denmark	109,983 94	Hayti	13,761 28
Egypt	109,416 26	San Domingo	10,607 44
Greece	29,404 70	Uruguay	9,014 83
Chili	11,043 84	Portugal	7,463 69
Persia	5,855 04		
British India	3,739 37		
Luxemburg	2,841 34		

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., May 15, 1886.

DEAR SIR: Pursuant to your verbal request I have the honor to inform you that the total amount that would go to the Pacific Mail Steamship Company under the Senate amendment would be a little in excess of $325,000, or $262,000 more that the sea and inland postage, or $325,000 more than the sea postage that was paid to said company for the same service during the last fiscal year ended June 30, 1885.

I inclose herewith a letter of the honorable Postmaster-General dated May 12, and the letter of this office of May 10, No. 71967, which were left at my office this morning.

I am, very respectfully, your obedient servant,

NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. JAMES H. BLOUNT,
House of Representatives.

Exports of cotton manufactures.

Dutch Guiana: British, $92,000; United States, $1,733.

French Guiana, nothing.

Cotton goods to Brazil: British, $17,182,000; American, $660,740; or $27 British to $1 American. British goods cheapest. British plain piece-goods, 5.65 cents; American plain piece-goods, 9.78 cents; British printed, 7.59 cents; American printed, 10.39 cents.

Uruguay: Cotton goods imported—British, $3,081,000; American, $580,000.

Argentine Republic: Two-thirds of the cotton thread and nine-tenths of the cotton fabrics come from England. American exports exceed her imports. Exports of cotton fabrics on the decline.

To Central America:	
Great Britain	$2,009,000
United States	58,629
To British Honduras:	
Great Britain, 1880	213,000
United States, 1881	78,000
To United States of Colombia:	
Great Britain, 1880	3,163,000
United States of America	838,138
To Venezuela:	
England	1,477,000
France	274,000
United States	136,000
To British Guiana:	
British	670,000
American	18,686

Mr. HOLMAN. Mr. Chairman, if there be no objection, I ask that the time of the gentleman from Georgia be extended.

Mr. BLOUNT. Mr. Chairman, I should like very much to have further time, but I do not think it would be courteous to other gentlemen, because I propose to limit the debate, and looking to that end, I now move that the committee rise for the purpose of limiting general debate on this amendment.

Mr. BURROWS. Mr. Chairman, in the first place, I trust that by unanimous consent the chairman of the committee may be allowed additional time.

Mr. BLOUNT. Mr. Chairman, I shall not ask a privilege for myself that I can not afford to ask for others. I believe that two days will be ample for general debate. I propose to ask for that, nothing more and nothing less, and in so doing I am acting under the instructions of my committee and deferring to a sentiment in this House that the public time should not be uselessly occupied.

Mr. BURROWS. I trust that the chairman of the committee will not make the motion to rise at this time, just at the close of his address, thus disturbing the impression which he has made.

Mr. BLOUNT. I suppose three minutes will answer the purpose, and I trust that I have made impression enough to last that long. [Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that the committee now rise.

The motion was agreed to.

Mr. BURROWS. If the Chair will bear with me for a moment, I wish to say that I was not at the meeting of the committee this morning and did not understand, what I now learn, that it was agreed in the committee that general debate should be limited as proposed by the chairman. I now withdraw my objection and desire that the debate may be limited by unanimous consent.

The CHAIRMAN. The committee determines to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND, from the Committee of the Whole, reported that they had had under consideration the Post-Office appropriation bill, and had come to no resolution thereon.

Mr. BLOUNT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the Senate amendments to the Post-Office appropriation bill, and pending that, I move that general debate on the same be limited to this day and to-morrow.

Mr. HISCOCK. I suppose it is the intention of the gentleman from Georgia [Mr. BLOUNT] to move to go into Committee of the Whole to-morrow after the morning hour.

Mr. BLOUNT. After the first morning hour. The Chair has held that it requires unanimous consent to dispense with that hour.

The SPEAKER. The Chair has decided that it is in order, under the rule, at any time after the expiration of the morning hour, which is the hour for the call of committees, to move to go into Committee of the Whole on the state of the Union to consider general appropriation bills or revenue bills.

Mr. BLOUNT. That is what I propose to do.

The motion of Mr. BLOUNT to limit general debate was agreed to; also the motion that the House resolve itself into Committee of the Whole.

The House accordingly again resolved itself into Committee of the Whole, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the further consideration of the Post-Office appropriation bill.

Mr. BURROWS. Mr. Chairman, the Post-Office appropriation bill, having passed the House, comes back to us from the Senate with several amendments, only one of which will provoke any considerable discussion. That is the amendment numbered 6, which provides an appropriation of $800,000 to support the carrying of our foreign mails to Central and South America, China, Japan, and Australia.

The carrying of the mails is a governmental obligation. The establishment of post-offices and post-roads is a duty imposed upon the National Government by the national Constitution. The carrying of the mails to these post-offices over established post-routes is enjoined by legislative mandate. In the execution of this obligation the National Government expended for the fiscal year ending June 30, 1885, in carrying the domestic mail above twenty-three and a half million dollars. Of this sum over sixteen and a half millions were paid to the railways of the country. We paid to the star-route service throughout the country about five and a half millions. We paid for our steamboat service, coastwise and inland, over half a million—$563,000. We paid for the messenger service, carrying the mails from the depots to the post-offices, $879,217.

While we make this liberal appropriation for the carrying of the domestic mail, we appropriated last year for our entire foreign service over both oceans, through the Gulf, and over the Caribbean Sea to the South American countries, the sum of $326,735—a trifle over one-fifth of the amount we appropriated to the domestic messenger service. This was the sum total of our foreign appropriation. This paucity of compensation is no fault of the Postmaster-General; it is no fault of any Government officer; but it arises from the law. For instance, the railway service, for which we paid, as I have said, sixteen and one-half millions last year, is contracted for, not by advertisement; but under certain limitations the Postmaster-General is authorized to contract for that service.

The star-route service, for which we pay five and one-half millions, is let to the lowest responsible bidder, and if there are no competing bids upon any competing route the route is let to the single bidder, whoever he be, if the price be reasonable; in other words, the letting of this service is lodged with the Postmaster-General, to be contracted for to the lowest responsible bidder after due advertisement.

The coastwise service and the river service on our steamboats is not even let to the lowest responsible bidder; but the Postmaster-General is authorized to contract for this service upon his own judgment, and an appropriation is made to enable him to make contracts to carry out this service along our coast and over our rivers. For that service we paid over half a million last year.

But when you come to the foreign service, sections 4007 and 4009 of the Revised Statutes limit the amount of compensation; for instance, the former section (4007) gives the Postmaster-General authority to contract for the foreign service.

But section 4009 restricts him in the payment of compensation by saying that when the mails are carried on an American steamship he may pay the postage of the mail carried; but if carried on a foreign vessel or a sailing vessel he shall pay the sea postage only, which is the difference between the whole postage and the inland postage. So, under the operation of that law, which restricts the Postmaster-General to this rule of compensation, this great injustice arises.

To illustrate: We paid last year for carrying the mails from Tampa, Fla., to Key West, a coastwise service of 249 miles, $23,600. We took that same mail and carried it from Key West to Cuba, about 100 miles, and that, being foreign service, could be paid only the sea and inland postage at most. It was paid the sea postage—about $237—$23,600 from Tampa to Key West and $237 from Key West to Havana. Why? Because the law permits the Postmaster-General to contract for coastwise service, while the provisions of law restrict him in the matter of compensation for the foreign service to the sea postage if it is a foreign vessel, or the sea and inland postage if it be a domestic vessel.

Now as a result of this the amount expended for our whole foreign service, as I have said, was limited during the last year to the sum of about $326,000. But the shameful part of this matter is that of this $326,000, $280,000 went into the pockets of foreign ship-owners and only $46,000 to our own vessels, for the whole mail service across the Atlantic is carried in foreign bottoms under foreign flags. They readily take our mails for the sea postage, and this law has driven American mails from American ships.

The Post-Office appropriation bill, as it went from the House, continued this old method of compensation, giving to American lines at most only the sea and inland postage. It comes back to us authorizing the Postmaster-General to do with this foreign service precisely what is done with the domestic service, with the mail carried on star routes and on steamboats. It authorizes him to contract for this service to the lowest responsible bidder sailing an American craft and flying the American flag. This whole talk of "subsidy" and "bounty" is simply to excite the prejudices of this House, instead of appealing to the judgment of reasonable men.

The only practical question then is, will you appropriate $800,000—less than you pay for the domestic messenger service—for the support of your foreign mail service? To this measure, for myself, I give my most earnest and cordial support.

The chairman of the committee, in commenting on this provision, says that by its terms it will allow no increase of service; that the whole $800,000 will go to existing lines between their present terminal points, and there will be no opportunity under this provision for the Postmaster-General to either increase the service or put on new lines.

The chairman was not unaware of the fact that in committee I offered an amendment to this provision, which I now send to the Clerk's desk and ask to be read, and when the proper time arrives I will move to concur in this amendment with the following proviso.

The Clerk read as follows:

Provided, That not exceeding $400,000 of the amount herein appropriated shall be expended in payment of existing American steamship lines for the transportation of foreign mails according to the schedules heretofore in force; and that so much of the balance as may be required shall be expended in increasing the frequency of the postal service of such steamship lines and in the establishment of postal service by American built and registered steamships between the United States and such ports of the foreign countries herein named, not now connected with the United States by American steamship lines, as the Postmaster-General may select, including Buenos Ayres and Montevideo.

Mr. BURROWS. Mr. Chairman, it will be observed by this amendment, upon which I shall ask a vote in committee, that only $400,000 of this $800,000 is to be used for existing lines between their present terminal points, and the balance of the $800,000 may be used by the Postmaster-General for the extension of present lines or to establish new lines to new ports.

The question then is, is this $800,000 or $400,000 too much for our whole foreign service?

To the New York and Brazilian line, the only line we have running to Brazil, we paid last year $4,210, and the distance it had to go on a single trip was 5,154 miles, or in a round trip more than 10,000 miles. To Rio and return we paid this line the sum of $4,210 for the year, or $326 a trip, or about 3 cents a mile, while at the same time we paid for 246 miles from Tampa to Key West $23,600, or 46 cents a mile. Upon what principle of justice or of reason is this distinction made?

The "Red D line," to which the gentleman referred, the only line running from New York to Venezuela, the only steamship flying the American flag in that country, sailed to reach the ports of Venezuela 3,066 miles, in each round trip 6,132 miles, and received—how much?—$56.53 a trip, stopping at eight ports, and paid out more to deliver the mail than they received from the Government of the United States.

At the same time we paid the steamship for carrying the mails from Norfolk to Baltimore, but 200 miles, the sum of $18,000—more than 15 cents a mile!

To the New York and Cuban line, running from New York to Cuba, 1,174 miles, we paid a little over $2,600. That line made seventy-one trips, sailing a total distance of 166,608 miles. And how much did we pay a mile to that line? One cent and a half for carrying the United States mail. At the same time a steamer running from Norfolk to Cape Charles, 38 miles of coastwise service, for that 38 miles received $10,971, or over 39 cents a mile. A cent and a half from New York to Cuba, 1,174 miles, and 40 cents a mile from Norfolk to Cape Charles, 38 miles! We paid the New Orleans and Central American line, running from New Orleans to Nicaragua, 1,065 miles' distance, making fifteen trips, traveling in the year 40,500 miles—we paid for that service, for carrying the United States mail, going to the post-office in the United States and getting the mail, taking it to the boat, and delivering it to the post-office in the foreign country, the magnificent sum of $24.50. It is proposed now to pay this line a reasonable compensation for that service, and it is denominated a subsidy!

At the same time while we paid this line the sum of $24.50 we paid another line, running from New Orleans to Port Eads, $22,719. The Clyde line, which runs from New York to Hayti, 1,315 miles, seventeen trips (44,710 miles a year), was paid for that service $553.66 for a year, a cent and one-fifth per mile. At the same time we paid from Memphis to Arkansas City, only 216 miles, $24,000. Upon what principle do we pay only one cent and a half a mile from New York to Hayti and 33½ cents a mile from Memphis to Arkansas City. From New Orleans to Honduras, a service of 1,060 miles, we paid last year the sum of $38.91; for carrying the United States mail from New Orleans to Grand Isle we paid $3,950. We paid more last year from Tampa to Key West, 246 miles, than we paid the American lines for the whole Gulf service, South Atlantic and transatlantic service, and the service to Mexico, Central and South America, and Europe.

Let us look now at the other side of the South American country. From San Francisco to Hong-Kong, 6,080 miles distant, we paid $3,506 for last year's service, eighteen trips, each trip 12,180 miles, the total distance sailed nearly 220,000 miles, and we paid 1½ cents a mile for that foreign service. At the same time another boat starts from San Francisco and goes to Eureka, on the coast, only 216 miles distant, and we paid that line $6,500. Why pay for a trip of 12,000 miles $195 and a trip of 432 miles $125?

From San Francisco to Panama, a distance of 2,539 miles, we paid $1,238. The total number of trips was twenty-five, each trip more than 5,000 miles, and we paid to that line for each trip $49.53, or about 9 mills per mile.

At the same time we paid another line running from Tacoma to Port Townsend, 98 miles $29,700, or 48 cents a mile. Why pay 9 mills for a trip of 5,000 miles and 48 cents for a trip of 95 miles? The California and Mexican Steamship Company, running from San Francisco to Mexico, 1,520 miles, sailing during the year more than 36,000 miles, was paid $208.82, while at the same time we paid from Port Townsend to Neah Bay, 102 miles, $6,303.

Mr. HENDERSON, of Iowa. Will the gentleman permit a question?

Mr. BURROWS. Yes, sir.

Mr. HENDERSON, of Iowa. Is there any explanation for this astounding statement of difference you make by reason of the quantity of work done or amount of mail handled?

Mr. BURROWS. No, sir, there is not; and it may be said further that domestic lines can stop along the coast or at cities on our rivers and trade at different towns all along the line, while the foreign ship after it puts to sea has no way business *en route* to its foreign destination.

Mr. GOFF. And that is in the interest of the home service, which makes it worse yet.

Mr. BURROWS. If there is any service that ought to be paid well it is that upon the ocean, which can draw nothing from local trade.

We paid more for carrying the mails from San Francisco to Sacramento, 171 miles, to wit, $6,000, than we paid the American line from San Francisco to Hong-Kong, Panama, and to Mexico. We paid $6,000 more for carrying the mails from Tacoma to Port Townsend, a distance of 98 miles, than we paid the whole foreign Pacific mail service. We paid as much from Tacoma to Sitka, 1,441 miles, to wit, $47,700, than to all the American lines to foreign ports across both oceans. And yet no man charges that the compensation from Tacoma to Sitka is a subsidy. I have alluded to these facts for the purpose of showing how unjustly the law of sea and inland postage operates. It is not the fault of any executive officer, it is simply because the law declares that you shall pay to a foreign vessel only the sea and inland postage if it is flying an American flag from an American ship; and there is nothing under the sun in the amendment of the Senate but the mere saying to the Postmaster-General "you shall have the same authority to contract for the foreign service as you now have to contract for domestic service," and makes an appropriation to carry these contracts out.

Mr. HENDERSON, of Iowa. I would like to ask the gentleman another question, if I do not disturb him.

Mr. BURROWS. It does not disturb me, but my time is limited and I have a great deal that I desire to present to the House.

Mr. HENDERSON, of Iowa. It is claimed by some that these foreign vessels only carry sometimes ten or twelve letters on these long trips, while the shorter routes carry immense quantities of mail. Now, in line with the question before asked, I would like to inquire (to have some light thrown upon that point) if it is the quantity handled or the weight of the mails which has such a material effect in creating the difference to which you allude.

Mr. BURROWS. The amount handled does not enter into the computation at all. That, of course, is considered in the railway mail service; but in the star-route service it is not considered.

Mr. GUENTHER. It is not weighed.

Mr. BURROWS. The mails are not weighed except on the railroads; but when they are to be carried over a star route the law is that the service shall be let to the lowest responsible bidder, and steamboats carrying the domestic mail enter into contracts for this service without regard to weight, simply receiving it in pouches and throwing it off at the port of destination; but the weight of the mail on star-route and coastwise lines does not enter into the question of compensation to any considerable extent, and the quantity of mail should not govern in compensating for the foreign service for the reason that it is just as much labor to go from the wharf in New York city to the post-office, as the master of the ship is compelled to do, to get the mail where it fills one bag as it would if it filled five or fifty bags.

When the steamship company receive the mail for foreign transportation the delivery of it is attended with the same expense whether it is five bags or fifty. At some of the ports in South America, in Venezuela or Brazil, the mails have to be taken on a tug and carried to the landing, and then carried to the post-office. They are not delivered at the wharf. And it makes no difference in the expense in hiring that tug, which the steamship companies must now do—paying at one place as I remember $15—whether they take one mail-bag or fifty.

Mr. GUENTHER. Will the gentleman permit me?

Mr. BURROWS. Yes, sir.

Mr. GUENTHER. But the fact remains that the carrying of foreign mails is paid by weight. These astounding figures are not on the proper basis.

Mr. BURROWS. The carrying of the foreign mail is paid, as I have stated, according to the postage on that mail, and nothing more.

Mr. GUENTHER. Based on weight.

Mr. BURROWS. On the postage, which is, of course, based on weight—so much on every half-ounce; 5 cents, for instance, from New York to Rio; and the Government says to the American steamship company carrying the American flag, "If you carry that letter from New York to Rio we will divide the postage; we will give you 3 cents and take 2; that is, we will take the domestic and give you the sea postage; or, if we incline to generosity, we are permitted to give you the whole postage, 5 cents." And if this line running to Rio, which might extend its line to the Plata, to Buenos Ayres, and the Argentine Republic, we say to it, "Push ahead; and if you go down and open that country and carry fifty letters, we will pay you $2.50."

Mr. GUENTHER. I wish to ask the gentleman, then, whether he puts this appropriation on the ground of extending our commerce?

Mr. BURROWS. I will come to that presently.

Mr. GUENTHER. I do not desire to interrupt the gentleman.

Mr. BURROWS. The Government says to the Brazilian Steamship Company, "If you will push 1,500 miles farther along, and strike the great city of Buenos Ayres, with its population of 500,000, and carry the flag to the borders of the Argentine Republic, we will pay you the sea and inland postage on the mails carried," and that is all the Postmaster-General can pay under the law.

Mr. HISCOCK. Will the gentleman allow me a question?

Mr. BURROWS. Yes, sir.

Mr. HISCOCK. Is there any other mail service except the foreign mail that is compensated on the basis of the postage—on the earnings of the mail service to the Government?

Mr. BURROWS. None other. We carry the mail to the distant frontier, if there be but a single man. My friend from Wisconsin made a suggestion about our foreign commerce. I suppose the mail is carried to the frontiersman not because he expects to remain there but a day and then return but because he has located there, and in the track of the mail line will follow the tide of immigration, which will contribute to the establishment of new homes and cities, the development of the country, and in the end contribute to the general weal.

In other days other men were not afraid to champion a proposition like this. Other men were not afraid to pay reasonable compensation to American lines for carrying the foreign mails. In other days this subject commanded the thoughtful consideration and earnest speech of American statesmen and was a matter of national solicitude.

Mr. Bayard, the illustrious father of the no less illustrious present Secretary of State, said:

> The mail service in this and all countries on land is a government duty; and with all great maritime nations which have the power to control that service on the ocean it is as much a government duty where their extensive commerce is concerned as is on land the proper transportation of correspondence. The mail service with foreign countries on any principle that I can appreciate is as much a governmental duty and demands as much the expenditure and the attention of the Government as transportation of correspondence in the interior of the country. Will you—

Senator Bayard said—

> adopt a policy which will place the entire transportation of your mails under British control—

That is what you have done—

> which will put into their hands the transportation of passengers, which will lay a tax on American citizens for the advancement of British commerce? Such may be the judgment of the honorable Senator, but it is not mine, and I trust it will not be that of the American Senate.

Thomas Butler King, speaking on this same subject, said:

> If it be asked why Great Britain has thus taken the lead of us in ocean steam navigation, while we are so clearly superior in domestic steamers and sailing ships, the answer is she has anticipated us through the extension of her mail system to foreign countries in combination with naval arrangements.

James K. Polk once said this:

> It is strange, sir, that men who are presumed to embody the wisdom of the land should have to be reminded that they are pandering to British power, for-

getting American interests, and losing sight of that greatness and grandeur which attach to this American Government.

I stand upon the floor of the American Congress and I find men who are willing to measure our greatness by the circumference of a dollar—a dollar, sir!—measure American prosperity and American greatness by a round dollar, and thus pander to British interests, bow the pliant knee, and say to the power that assailed us at Lexington, that flashed the first guns from Bunker Hill, that fought us upon the sea and land in 1812, and that has been jealous of our prosperity and our greatness ever since—say to her, "Good mother, won't you please carry our mails?" Why, sir, I scorn, I despise that anti-American feeling and sentiment. The men who stand battling upon these principles are behind the age; they are behind the progress of their country; they know nothing of its power or its influence and are contributing to a combination of foreign policy designed to overslaugh us.

How prophetic the words of Bayard which I have quoted! To-day, as I have said, of the $326,000 paid for carrying our foreign mails $280,000 is paid to the owners of foreign vessels, and not a single American line crossing the Atlantic carries the American mails.

But, Mr. Chairman, I have not discussed what I intended when I arose. It was my purpose to call the attention of this committee to the advantage which would result to the nation in carrying our mails to the South American countries, as this bill proposes, in American steamships.

We can not and we must not lose sight of the advantage of connecting this country with the South American republics. The carrying of a single letter to Chili or to the Argentine Republic may lay the foundation of a trade of inestimable value, not to these steamship companies, but to all the American people. Our diversified industries are capable of giving employment to all our laboring people. The field and the factory, the forest and the mine, our facilities for employing labor, are simply boundless, and yet to-day a million of our laboring people are out of employment and the bloody hand of the communist is clutching at the throat of capital.

We might give employment to this labor if we would. But if we employ this labor and light the fires of our furnaces and open the mines and set the looms in motion, where shall we dispose of the products? Why, at our very door is the answer. We have the market at hand if we are wise enough to control it. Within a stone's throw almost, right south of us, is the Republic of Mexico, with its twenty-seven States, with a government patterned after our own, with ten millions and a half of people. Her imports last year were more than $35,000,000; her exports were more than $46,000,000; her entire trade aggregating more than $82,000,000.

Who controls the trade of Mexico, lying right upon our border? Why, sir, Spain took over twenty-six millions of it, Germany over eighteen millions and a half, France nearly sixteen millions, while the United States controlled less than ten millions; England took nine millions, and the Central American countries two and a half millions. So that of this entire trade with Mexico the United States controlled but a trifle over one-tenth, while nine-tenths of it was held by foreign countries.

Take Central America, with its five republics. Those five Central American republics have more trade with England by far—yes, double the trade—than they have with the United States, although they lie at our very doors, easily accessible from the ports of the Gulf States. Their principal imports are cotton goods. We could furnish every yard of cotton goods that the Central American countries need, but Great Britain in 1880 sold them 31,000,000 yards, while the United States sold them only 688,000 yards—a little over half a million. The balance of trade with Mexico in 1884 was against us by over $3,000,000. The import trade of Central America has increased rapidly in the last fifteen years. In 1870 it was only $730,000; in 1884 it was $6,500,000.

In 1883 the United States sold the Central American countries manufactured goods amounting to less that $2,000,000, while Great Britain sold them over three and a half million dollars. Of cotton goods the United States sold them $124,000 worth, while Great Britain sold them $2,500,000 worth. The United States sold them only $4,000 worth of candles, Great Britain $13,000 worth. We sold them $16,000 worth of china and glassware, Great Britain $28,000 worth. Of wearing apparel the United States sold them but $24,000 worth, England $148,000 worth. Of iron and steel we sold them $300,000 worth, while England sold them $500,000 worth. Of wood manufactures we sold Central America but $4,000 worth, England $121,000 worth. And in the last twenty years our entire trade with the Central American countries, so far as exports are concerned, has amounted to only sixteen millions, while that of Great Britain alone has been more than $46,000,000, and with France more than ten millions and a half.

Why, sir, look at these countries south of us—Mexico, Central and South America, embracing within their confines forty-three million people substantially without manufactures—fifteen republics, fashioned after our own, and the great Empire of Brazil. I have referred to the commerce of Central America alone. Take the commerce of Central and South American countries together. The total foreign commerce of Central and South America is $850,000,000 annually, and their imports alone from Europe and the United States aggregate in value $420,000,000 annually. These countries buy of foreign countries $420,000,000 worth of commodities. Of that total foreign trade of $850,000,000 how much does the United States control? One hundred and thirty million dollars, while Europe controls $720,000,000. Of her $420,000,000 imports, they bought of the United States only $40,000,000—one-tenth—the balance, $380,000,000, was purchased of foreign countries other than our own; yet all she consumes we can produce. Of the $800,000,000 merchandise exported last year from the United States less than 7 per cent. went to Central and South America.

Why, sir, South America imports annually enormous quantities of coal. How much from the United States? None; she brings it from England. Yet our coal mines are running on half time or closed up altogether. Mexico and Central and South America consume annually about $100,000,000 worth of cotton goods. How much do they buy of Great Britain? Ninety-five per cent., and the other 5 per cent. we share in simply. There is no reason why we should not furnish all her cotton fabrics, and these constitute the wearing apparel of three-fourth of her people.

Mr. MILLIKEN. And yet we can furnish coarse cotton goods more cheaply than Great Britain.

Mr. BURROWS. Iron and steel those countries buy of Europe by millions, while our mills are shut down. What is the reason of this? What is the trouble?

Why, sir, to those South American countries we have two lines of steamers—only two. We have one line, the Red D line, running from New York to Venezuela, and another line running from New York and Newport News to Brazil. Outside of these lines there is not a single American steamer entering a port of the South American countries or flying an American flag. The Brazilian line has three steamers, every one of them American built; the Venezuelan line seven, all of American construction. We thus have ten steamers on two lines running to Venezuela and Brazil, the only two countries of all the South American republics to which our steamers run. And for the mail service to these two countries we paid last year the magnificent sum of $5,603.08. At the same time we paid from Tampa to Key West $23,600; we paid to the Pacific Mail Steamship line, from New York to Colon and from San Francisco to Panama, $8,817; we paid the New Orleans and Central American line, $24.50; Oteri's Pioneer line, from New Orleans to Honduras, $81.38; the Royal Mail line, from New Orleans to Honduras, $509; the New Orleans, Honduras and Guatemala line, $35.91; and the Kate Currell, from New Orleans to Honduras, $1.17. The aggregate amount paid for carrying the mails to Central and South America was $15,136.16, about the same sum we paid from Louisville, Ky., to Evansville, Ind. This is the extent and amount of compensation paid American steamships for carrying our mails to Central and South America; and if you want to reach any other country in South America to-day aside from Venezuela and Brazil you must take passage to England and under a foreign flag reach the Argentine Republic, her capital city of Buenos Ayres, Uruguay, Chili, or any other of the great eastern or western republics of South America.

Now, what have foreign countries been doing and what are they still doing to sustain their foreign-mail service with these countries? In showing what Germany, France, Great Britain, and other foreign countries pay for their foreign service I restrict my statements to Central and South America. In the winter of 1884–'85 Mr. Frelinghuysen, then Secretary of State, requested the various legations in Europe to advise him as to the amount of aid granted by the governments of those countries to encourage commerce between their ports and Central and South America. Mr. Lowell, our minister to England, inclosed in reply the following communication from the English premier:

FOREIGN OFFICE, *January* 24, 1885.

SIR: I have the honor to transmit to you the accompanying statement, which her majesty's postmaster has caused to be prepared, giving the information, so far as the records of the general post-office extend, namely, from the year 1861 to the present date, in regard to the aid granted by Her Majesty's Government toward the establishment of direct steamship communication between this country and Central and South America.

I have the honor to be, &c.,

GRANVILLE.

The following is the statement:

1862	£294,243	1874	£248,697
1863	294,243	1875	249,018
1864	294,243	1876	139,652
1865	231,414	1877	130,499
1866	226,914	1878	123,084
1867	225,104	1879	116,306
1868	229,972	1880	95,367
1869	229,519	1881	99,355
1870	241,459	1882	96,614
1871	247,624	1883	96,785
1872	250,568	1884	95,560
1873	253,352		

From the foregoing it appears that, commencing in 1862, the English post-office department paid £294,000 to establish mail steamship communication with Central and South America, and that rate continued from year to year until 1884, when the British Government paid £95,000 for mail service between her ports and Central and South America. Nearly $1,500,000 in 1862, continuing until the close of our civil war, and in 1884 $500,000 were paid by that country to connect her ports with Central and South America. In twenty-two years she paid for this service twenty-two and one-half millions of dollars, and she is still expending half a million dollars every year to hold this trade. She pays the Royal Mail line for nine steamers to Rio, fourteen steamers to Cen-

tral America and the countries of the Caribbean Sea $432,000. At the same time, the United States in twenty-two years has expended for her mail service to Central and South America only $350,000.

Our minister to France replied by saying that in 1884 France paid her South American line $728,000 and her West India and Central American lines $790,000, a total of $1,518,000, while the United States paid $15,000.

Mr. Dayton, our minister to the Hague, replied that the Royal West India mail steamers are paid $3,000 a round trip for a weekly service between its ports and the ports of the West Indies and Central and South America—$156,000 a year. The United States paid for similar service $15,000.

Austria-Hungary pays the Lloyd Steamship Company, for each trip to Central and South America, 4,000 florins. The Spanish line of steamships to the West Indies receive annually $350,000 from that government—more than the United States paid for her entire foreign service. Belgium pays a line of steamers between Antwerp and the ports of Rio, Buenos Ayres, and Montevideo, the whole postal revenues of the mail carried, whether originating in or destined to Belgium, and $100,000 annually besides.

Mr. Kasson, minister to Berlin, in his reply said:

LEGATION OF THE UNITED STATES, *Berlin, March* 30, 1885.

SIR: Inclosed herewith I transmit a copy of the law recently passed by the Reichstag granting subsidies for the establishment of three new steamship lines for the further development of German commerce and German interests in foreign countries, with translation of the same.

The contract is made for fifteen years, the annual amount for the first two lines being 4,000,000 marks, and for the tributary lines 1,000.

The determined resolution of the chancellor to provide this new opening to market for the surplus manufactures of Germany, to open new spheres of employment to the enterprising German people, and to increase the influence of Germany in the world, enforced by his powerful and patriotic arguments in Parliament, carried the day over the combination of opposing parties. Happy country, whose intelligent and patriotic statesmanship is not howled down by the demagogue's cry of "jobbery."

I have the honor to be, sir, your obedient servant,

JOHN A. KASSON.

The foregoing is sufficient to give some idea what foreign governments are doing to secure and hold the trade of Central and South America.

I have referred to the importance of this trade in a general way; let me take it up somewhat more in detail.

Take the Republic of Venezuela, with her population of 2,000,000 of people. Our exports of manufactured goods are small. In 1883 we sold her of cotton goods $214,000 worth, while England sold her $1,500,000 worth.

We sold her of chemicals $107,000 worth, $278,000 of iron and steel, $77,000 of petroleum, and $75,000 of furniture.

France sold her of leather goods, boots and shoes, $70,000 worth, and the United States, with her great factories, sold the people of Venezuela only $1,700 worth.

The establishment of the Red D line has opened that country to us and done much to increase our trade. In 1870 our imports from Venezuela were two millions, in 1884 they were six millions and a half. Our exports in 1870 were $866,000; in 1884 two millions. In 1870 we imported 11,000,000 pounds of coffee; in 1884 53,000,000 of pounds. In 1870 we shipped to her $15,000 worth of furniture; in 1884 $80,000 worth. In 1870 we bought of her $440,000 worth of hides; in 1880 $1,052,000 worth. In 1870 we sold her $23,000 worth of oil, and in 1880 $82,000 worth. This gives some slight idea of what the Red D line has accomplished. Yet of the entire import trade of Venezuela England to-day controls one-half of it, and the United States a little less than one-third.

The CHAIRMAN. The gentleman's time has expired.

Mr. MILLARD. I will take the floor, Mr. Chairman, and yield to the gentleman from Michigan.

The CHAIRMAN. For how long?

Mr. MILLARD. As long as he wishes.

Mr. BURROWS. I will conclude in a few minutes.

Mr. Chairman, the Red D line has advanced our interests with this country, and yet it has but seven vessels. It made thirty-four trips last year, sailing 6,000 miles each trip; yet we paid that line only $1,300, while at the same time we paid to the steamer running from Brunswick to Simon's Mills, in your State of Georgia, Mr. Chairman, 12 miles, $1,000, and we pay only $1,300 to this Venezuelan line.

The United States of Colombia, how about our trade with her? Not a solitary American steamship entering her port, yet her trade is great. England sells her annually three and a half millions of cotton goods, while the United States only half a million. Of boots and shoes she bought of the United States $112,000 and of France $750,000. France sells her $828,000 worth of wearing apparel, while the United States sells her but $85,000. She imports annually $20,000,000 worth of manufactured products, every single article of which we produce in this country and might sell her, but we have not a single steamship connecting with her ports.

Go down to Peru, a country with three millions of people and institutions modeled after our own. She is practically without manufactories.

The United States sold Peru in 1882 of cotton goods only $42,000 worth, while Great Britain sold her $2,325,000. In 1882 we sold her of hardware—iron and steel—but $73,000 worth, while Great Britain sold her $811,000 worth.

Of the article of paper the United States sold $1,170 worth and Great Britain $16,000 worth. Of manufactured hemp the United States sold her $7,000, while Great Britain sold her $100,000. Of wearing apparel Great Britain sold her $58,000, France $178,000, and the United States not a dollar's worth. Of woolen goods she bought of England $481,000 worth, of France $719,000 worth, and of the United States not a dollar. Why is this? We have no communication with that country.

Look at the map before you and you will observe that there is not a line running from the United States down the western shore of South America. Now and then by a stray sailing vessel American goods reach her ports, but they are shipped generally to Liverpool and Hamburg and carried under a foreign flag around the Horn. The Royal Mail Steamship Company and French line monopolize this entire trade, and do it not by being paid the sea and inland postage, but are aided by liberal compensation for carrying the mails.

How easily the Pacific Steamship Company could extend her line from Panama down the western coast, but the United States says to her, "If you take that venture we will give you half the postage on the letters you carry, though these letters may lay the foundation for a great trade with the Republic of Peru."

Take Chili, with her population of two and one half-millions, and the trade with that country is enormous. I can not go into it at length, but she buys annually $35,000,000 worth of manufactured goods. Think of it; $35,000,000 annually! She has more trade per capita than France, twice as much foreign trade as Mexico, and four times as much as the whole of the Central American states.

Yet the United States has less than 4 per cent. of this trade; England, France, and Germany control more than 80 per cent. of her trade; and Great Britain alone takes more than 50 per cent. of it. In 1882 our trade was only $3,500,000 with Chili, while Great Britain's trade that very year was $73,000,000, and France and Germany $13,000,000. And yet we stand idly by and refuse to do anything to secure this trade, and when it is proposed to pay reasonable compensation to American lines if they will open communication with this country and thereby extend our communications through the instrumentality of a mail service we are met with the cry of "subsidy." Germany sold of sewing-machines—for they are not savages down there—in 1882 Germany sold of sewing-machines $109,000 and the United States $7,000.

Germany sold her of pianos $112,000 worth and the United States $7,000. Of cotton goods Germany sold $1,645,000 worth, and the United States $300,000 worth. Of boots and shoes Germany sold $234,000, and the United States sold none! In 1882 England sold $7,000,000 worth of cotton goods and one-half million dollars' worth of woolen goods and two millions of iron and steel, every single yard and pound of which could have been furnished by the looms, mines, and mills of the United States. From 1863 to 1882, in twenty years, England sold her $213,000,000 worth, France $135,000,000, and the United States $36,000,000.

In 1882 Chili bought $10,000,000 worth of cotton goods, only $300,000 of which came from the United States; $4,000,000 worth of woolen goods, $6,000 of it from United States; $319,000 worth of carpets, none from United States; $470,000 worth of silks, none from the United States; $1,289,000 grain and flour bags, $114 worth bought of the United States; she bought $722,000 worth of hats and caps, from the United States none; $1,261,000 furnishing goods, $125 of this came from the United States; she bought $400,000 worth of watches and jewelry, we sold her $21,000 of it; $428,000 worth of boots and shoes, $11,000 worth of which came from the United States; she bought $892,000 worth of glass and crockery, $15,000 of it from the United States; she bought $2,000,000 worth of hardware and cutlery, $200,000 of it came from the United States; $2,300,000 worth of iron, of which the United States sold her but $306; she bought $164,000 worth of watches, but no portion of them came from the United States. What is the trouble? Why this paucity of trade? Why, we have no communication with Chili! And when it is proposed to extend the steamship lines carrying American mails to that country by permitting the Postmaster-General to contract for this service the same as for the domestic service the cry of "subsidy" is raised.

In 1881, thirteen hundred and eighty, and in 1882, fifteen hundred and sixty, vessels entered the ports of Chili, more than twenty-five hundred craft in all. Four-fifths of them were under the English flag and not a single steamship from the United States carrying the American flag.

It is easy to extend our Pacific mail down the coast and touch at Chili, but the reply comes, "if you take the venture we will give you only 5 cents a letter for carrying American mails."

What does Chili say in her public press? And let me say right here that many of these foreign countries are anxious to establish mail communication with us. They never refer to us but as the "Great Republic," and they have standing offers of a hundred thousand dollars if we will do something to establish mail communication with them; but we have refused. When we try to do it we are met with the cry of subsidy.

I read from an article, an editorial, published in a Valparaiso paper, the Journal of Commerce, which will give you some idea of the thought of Chili upon this subject:

The political economists and manufacturers of the Grand Republic (as they call the United States) are beginning to realize the small amount of trade they do with the South American countries in comparison with England, France, and Germany. Without exaggeration we may say that these nations rule our market, and the commerce of the first named exceeds that of all the other nations of the Old and New World together, forming a painful contrast with the United States.

In the last twenty years, commencing from 1863, the exports from Germany to Chili have increased from $772,515 to $10,015,564, those from France from $4,301,858 to $8,935,309, and those from England from $4,090,069 to $31,638,000. From the United States they have decreased from $1,810,846 in 1863 to $1,774,645 in 1883. More notable still are the exports, for to Germany they increased from $684,596 to $4,811,438, to France from $1,649,364 to $6,208,927, to England from $12,313,029 to $58,961,622, but to the United States they only increased from $1,352,672 to $1,666,978.

We can therefore say that, should the commerce with the other nations continue in the same proportion, before twenty-five years shall have elapsed the products of the Grand Republic will be excluded from this coast, as the North American flag now is, being represented last year by only two steamers—vessels of war—in the presence of 10 Spanish, 12 Italian, 78 French, 100 German, 1,944 English steamers. The United States yields in nothing to other nations, neither in population, richness, nor industrial products. It rather surpasses them in most respects, and should have our trade by reason of its proximity and the international sympathy engendered by common institutions and aspirations. It is therefore a case which excites our curiosity, wounds our self-esteem, affects our commercial interests, and needs careful consideration and efficacious remedies.

The people of the United States no doubt believe, as they have good reason to, that the humiliating condition of their commerce in South America is neither natural nor fatal, and there is an easy method of improving it, by overcoming the artificial obstacles which stand in the way, in order that the Great Republic may take the first place in rank and honor. The distinguished commissioners will commit a grave error if they attribute the prostration of their commerce to antipathies or bad feeling toward their country, or to a predilection for European manufactures. On the contrary, there is no one in Chili who does not recognize the superiority of American products, natural and manufactured, and as regards price and quality they are preferred to European goods, with perhaps the exception of articles of fashion and fine arts, which they themselves import. Yet in spite of this the English and Germans have almost a monopoly in all the South American markets.

Whenever we have established and maintained steamship communication with foreign countries increase of trade has rapidly followed. As the result of establishing the "Red D line," running between New York and the ports of Venezuela, our trade with that country has rapidly increased from $1,793,000 in 1879 to $2,953,000 in 1884, and $3,043,339 in 1885.

But I must pass over much that I would like to say and conclude. On the eastern side of South America the Brazilian line stops at Rio. Fifteen hundred miles beyond lies the great Argentine Republic, with a population of 3,000,000, with fourteen sovereign states confederated into a central government, with her president and national congress, her capital, Buenos Ayres, having 500,000 people, 40,000 of whom speak the English language. We are scarcely known there as a nation.

In 1884 this great republic bought $94,000,000 worth of manufactured goods. Of this amount $38,000,000 came from Great Britain; from France, $17,000,000; from Germany, $9,000,000; from Belgium, $7,500,000; from Spain, $5,000,000; from distant Italy, $4,000,000, and from the United States seven and one-half million dollars' worth—only about 8 per cent. of the United States.

Last year she bought $20,000,000 worth of clothing, every article of which could be manufactured in the United States; $8,000,000 worth of furniture, all of which we might have furnished. In the last twenty years we have bought of her $110,000,000 worth of raw material and sold her but $47,000,000 worth, paying her $63,000,000 in cash, which has gone to enrich our foreign rivals. But with whom does the Argentine Republic trade? In the last twenty years we have sold her $40,000,000 worth; Great Britain, $254,000,000, and France, $313,000,000. In 1883 Great Britain sold her of cottons alone $6,665,000 worth; while the United States sold her but $150,000 worth. The United States sold her of woolen goods but $7,500 worth; while Great Britain sold her $2,169,000 worth. The United States sold her of iron and steel $500,000 worth; while Great Britain sold her $6,725,000 worth. Her total commerce with European countries is 90 per cent. of her whole trade, and with the United States only 10 per cent.

What is the trouble? We have no communication with the Argentine Republic, and her great capital, Buenos Ayres, or with Uruguay, and the beautiful city of Montevideo. Twenty-one lines connect her ports with Europe.

In 1884, 3,629 steamers arrived at the great city of Buenos Ayres. How many from the United States? Not one; 3,629 steamships and 3,445 sailing vessels.

Of the total tonnage that entered the port of Buenos Ayres, 24 per cent. was under the British flag, 16 per cent. under the French flag, 9 per cent. under the German, and 24 per cent. under the flags of other countries, and the United States had the miserable representation of 2 per cent. of the sailing vessels. Two hundred ocean steamers ply between Buenos Ayres and European countries, and if you want to reach Buenos Ayres you must take passage across the Atlantic and sail from England. Forty to sixty steamships arrive in Buenos Ayres every month. English, German, French, and Italian lines have over one hundred steamships carrying the mail into her ports, with freight and passengers. Italy has a fast mail line, running in fifteen days. We must send our mails, passengers, and freight by Europe. All these lines are liberally paid for carrying the mails.

How easily the Brazilian line could be extended down to the Plate. Yet we refuse to encourage this line in such an undertaking. And if she takes the venture we will promise to pay her only the sea and inland postage on the mails carried.

Look to Uruguay, with her seven hundred thousand people and her capital of one hundred and four thousand. The annual value of her commerce is $50,000,000, her imports $26,000,000. In 1885 she imported from Great Britain $8,000,000 worth, from the United States $1,500,000. She imports annually $20,000,000 of manufactured products, more than one-fourth of which comes from England and 18 per cent. from France. Between 1862 and 1882 she bought of the United States $21,500,000 worth, of England $115,000,000, and of France $118,500,000. In 1882 England sold her of cotton goods $3,000,000 worth, the United States $580,000; of iron and steel $1,269,000, the United States $98,000; of woolen goods $865,000, the United States $1,350. England sold her $350,000 worth of coal, the United States $2,000 worth; $286,000 worth of hemp, the United States $38,000 worth.

Twenty-one lines of steamers from Europe enter her ports—eight British lines, four French, two Spanish, one Italian, one Belgian, one with the Netherlands, none with the United States—only an occasional sailing vessel. The result is we have no trade with this country and can not have until we have regular communication. Merchants can not order goods of us with any certainty of receiving them in time for their trade. The South American Commission say in their report that if a merchant in Uruguay orders goods from the United States he must wait from five to nine months for returns, while he can cable an order to Europe and receive his goods in forty-five days. The commission note an instance where a nine-months' order had not been received, and last cargo from New York was one hundred and twenty-five days to Montevideo, six months after the order was mailed. In another case a merchant ordered three hundred harvesters from the United States—for they use harvesters there—from an American manufacturer and sold them all before they arrived. They found such ready sale that he ordered three hundred harvesters more. But it was seven months before he heard from this order and long after the harvest was over. We had no mail communication except via Europe, hence the delay. But a cablegram was sent to England, and in sixty days the goods were there. The advantage of mail communication is that the foreign merchant in ordering goods knows they will arrive in time to meet his trade, as mail lines run upon regular time between intermediate and terminal ports; come up the eastern coast of South American to the great Empire of Brazil, with its population of 13,000,000, with which country we are connected by the New York and Brazilian Steamship Company.

This empire bought of England in 1885 $34,000,000 worth, and of the United States only $7,317,000. We import from this country annually about $50,000,000 and sell her only eight or ten millions. Her total imports are $140,000,000 annually. Of this, England furnishes 45 per cent., France 17 per cent., and the United States only $8,500,000.

In 1883, she bought of England $15,778,098 worth of cotton goods, of the United States $612,828; of England $95,613 worth of hats and caps, of the United States only $119 worth; of England $1,446,572 worth of flax manufacture, and only $49,000 from United States; from England $5,674,407 of iron and steel, $1,034,648 worth from the United States; $1,000,000 of manufactures of leather goods from England, and $36,000 worth from the United States. She bought of Great Britain $1,618,000 worth of woolen goods; of the United States only $2,842 worth. She bought $1,500,000 worth of wearing apparel from France, and only $17,000 worth from the United States.

In twenty years England sold Brazil $630,000,000 worth of products, and the United States in the same time only $138,000,000. Why do we have so little trade with this country? Because the only communication we have with this great empire is by means of the New York and Brazilian Steamship line, having only three steamers, making a monthly service. Yet against great odds this line has maintained its course and carried our flag into the rich ports of this empire. While we have but this one line with three steamers, Great Britain has three lines with fifty-five steamers, France has nineteen steamers, and Germany fifteen steamers—eighty-nine in all from these three countries, connecting their ports with the ports of this empire. All these European lines are liberally paid for carrying the mails, while we paid this Brazilian line last year from New York to nine ports in Brazil only $4,210. It costs that to handle the mails. Brazil pays annually over $1,000,000 for her foreign-mail service, and the United States stands whining on the wharves and asks that her mails may be carried as a deadhead. It is astounding that we pay this line only $4,210 for 6,000 miles, while we pay a line from Lake Charles to Cameron, 55 miles, $4,090. Upon no principle of justice or equity can this inequality be maintained.

Now, Mr. Chairman, I have only glanced at the surface of this question. The man who talks "subsidy" upon this does it to mislead. The statement of the chairman of the Committee on Post-Offices and Post-Roads that this $800,000 must go to existing lines is an error. He makes his computation on a basis that they must each be paid 50 cents a mile. That is a mistake. The service is to be let to the lowest responsible bidder, not to exceed 50 cents. We pay the coastwise service

57 cents, while some of the English lines that carry our mails across the Atlantic receive about 40 cents a mile.

We pay annually to foreign ships for carrying our mails $280,000. Why not do something for our own lines? Only $46,000 last year to our own steamship lines. We produce annually eight billions of manufactured goods; seven and a half billions of agricultural products; together fifteen and a half billions; and we need a market for our surplus products. Where shall we find it? It lies at our very door. It is amazing to me that when a proposition is made to expend only $400,000 to existing lines connecting with Central and South America, with China and Japan, and to use another $400,000 to extend these lines and put on new ones that may serve to connect with other countries and open the ports of the Atlantic and Gulf States to the commerce of the republics of South America—it is amazing, I say, to me that gentlemen will resist it on either side of the House.

What object is there in opening the Mississippi River at an expense of twenty, thirty, fifty million of dollars, and then permit the commerce she carries to be taken and carried under foreign flags? What sense is there in it? What sense is there in expending $450,000 on the harbor of Galveston to give an outlet for her commerce, and then say to American lines proposing to carry that commerce, "We will pay only 3 cents, or the letter postage, for carrying the mails between that harbor and the ports of Central and South America?" I would not permit England to hold this market, at the very threshhold of our own country, if by paying a liberal compensation for carrying the mails I could rescue the trade from her. All we plead for is reasonable compensation.

It has been said this is in the interest of the steamship companies alone. That is not true. That it will advantage them no one can deny, but that they are the only parties to be benefited is wholly untrue. I hold in my hand the manifest of a single steamship, the Finance, of the Brazilian line, which sailed from New York on the 28th of February last. What cargo did she have on board? She had on board, going from the United States to those South American countries, $250,000 worth of American goods—a quarter of a million dollars' worth of American products on one steamship going to the markets of those countries. This a matter that concerns the steamship companies alone?

Where did that cargo come from? It came from twenty-four States of this Union. Look over the manifest—hardware, scales, and fur goods from Connecticut; axes, organs, and printing-presses from New York; locomotives, cars, steel tires, and machinery from Pennsylvania; wagons and sewing-machines from New Jersey; ranges from Maryland; cotton cloth from Georgia; steel springs and furniture from Michigan; car wheels, sewing-machines, and furniture from Ohio; rosin and tobacco-cutters from North Carolina; scales and axes from Rhode Island; engines and machinery from Illinois; sheetings from South Carolina; furniture and slates from Vermont; watches and clocks from Massachusetts; bacon and hams from Kansas; scales and wire from Missouri; flour from Wisconsin and Minnesota; canned fruit and hominy from Maryland; fish from Maine; canned fruit from Delaware; oysters from Louisiana; flour from Virginia; rosin and hominy from Oregon, and agricultural implements from Iowa.

So, Mr. Chairman, I could go on through the list, embracing the products of twenty-four States, and amounting in value to a quarter of a million of dollars taken from American farms and factories and going to these South American markets. Yet men will say that this matter concerns only the steamship companies! This measure must commend itself to the good judgment of the American Congress and the American people. The South specially must be deeply interested in its success. It is high time that we cease to pay foreign ship-owners $75,000,000 annually for carrying American freight, passengers, and mails.

I hope this appropriation will be made. I hope my amendment will be adopted, allowing $400,000 to be used on the present lines, and authorizing the Postmaster-General to use the balance to extend those lines and to put on new ones. I would not permit England to hold the markets of Mexico, Central and South America, if by paying a liberal compensation to American steamships for carrying the mails I could rescue them from her. This can be done, and by so doing we will reopen our mines, relight our furnaces, dispose of our surplus products, give employment to labor and investment to capital, and augment the prosperity of the nation at home and her prowess upon the sea. [Applause upon the Republican side.]

Mr. MILLARD. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has thirty minutes.

Mr. MILLARD. I reserve the balance of my time.

Mr. RIGGS. Mr. Chairman, I do not expect to occupy the hour to which I am entitled under the rule, but if I should forget myself, I will ask the chairman to call me down at the end of forty-five minutes, as I desire to yield fifteen minutes to the gentleman from Minnesota [Mr. WAKEFIELD].

At the risk of being a little desultory, I will adopt a course which I had not intended, and first make some reference to a portion of the speech of the gentleman from Michigan [Mr. BURROWS]. He has made some comparisons between the amounts paid in other branches of the postal service and those paid in the foreign sea-service, and he has mentioned some steamboat lines carrying the mails upon our rivers and some carrying the coastwise mails. I presume the gentleman's figures are correct so far as the amounts paid are concerned, but I do not think they prove what he designs them to prove. If we have paid none too much to steamboat lines for carrying our inland and coastwise mails then his comparisons might have some force, but his figures may prove simply that we have been paying too much to the steamboat lines, and in some instances that is what they do prove. The gentleman, if I did not misunderstand him, mentioned the steamboat line running from Port Townsend to Sitka, Alaska. If I am wrong about that I hope he will correct me.

Mr. BURROWS. I did refer to that line.

Mr. RIGGS. The gentleman referred to that line and compared the amount paid there in 1885 with the amount paid to some steamship line the name of which I forget at this moment. If I have the correct figures (and they have been furnished to me officially) we paid in the fiscal year 1885 to the steamboat line carrying the mails from Port Townsend, Wash., to Sitka, Alaska, $18,002.06.

Now, the fact about that line is that since then that same service has been let for less than half that amount, and we are still, I imagine, paying too much. I call the gentleman's attention to the fact that since that time the same service on that same steamboat line has been let for $9,000 per annum. I call his attention and the attention of this committee to the fact that during the nine months beginning April 1, 1885, and ending December 31, 1885, the pay upon steamboat lines was reduced $118,062.06.

Mr. BURROWS. I understand the gentleman does not criticise the statement I made as to the amount paid last year.

Mr. RIGGS. Oh, no; I think the gentleman is correct, or substantially so, about the figures.

Mr. BURROWS. But the gentleman states that in reletting the service has been let lower?

Mr. RIGGS. Yes, sir. I am not criticising the statement of fact that the gentleman made, only the inferences he sought to draw. These official figures are evidence to my mind—and it seems to me they should be evidence to the minds of all—that we have been paying too much upon the steamboat lines. I believe, as I have said, that we are still paying too much.

The gentleman from Michigan also compared the amount (and it is very large) which we pay for our star-route service with the gross amount we have paid to American steamships for foreign mail service. I presume the gentleman has not forgotten the frauds, the swindles, and the great scandal connected with our star routes not long ago. We have been paying too much. The Government has been defrauded in this star-route service; and I have no doubt we are still paying too much upon many of these routes. So that the figures, when furnished, do not necessarily warrant the inference which the gentleman seeks to draw, that because we pay $18,000 or a little more for mails upon a coastwise and inland route of 1,349 miles, therefore we should pay the same amount for a sea route of the same length.

If I understood the gentleman—and I certainly understood one remark near the close of his address—he insists that no question of subsidy arises under this Senate amendment, that the proposition to pay $800,000 to American steamships for carrying the mails to the countries named in the Senate amendment is simply a proposition to pay what the carrying of those mails is fairly worth—nothing more. I understood him to say, I think he did say, near the conclusion of his remarks, that whoever talks "subsidy" upon this amendment talks simply to deceive. I will do the gentleman the credit of supposing him to believe that; he is entitled to the credit of sincerity in that statement; and I want him to have all he is entitled to in that particular. But I insist that the only attempt to deceive here is on the other side. I believe that this amendment was cunningly devised with the view of deceiving.

Mr. BROWN, of Pennsylvania. Give us some evidence of that; do not merely assert it.

Mr. RIGGS. If I should rest upon assertion alone, the assertion on one side is as good as the assertion on the other.

Mr. BROWN, of Pennsylvania. The gentleman from Michigan gave one hundred reasons for his assertion.

Mr. RIGGS. I did not hear them, and I think I heard all he said.

Now, before I go further I want to call attention to the construction of this amendment, and I will do so in connection with the provision which by an amendment of the Senate was inserted in the annual appropriation bill to pay the expenses of the Post-Office Department for the present fiscal year. That amendment provided—

> For transportation of foreign mails, including railway transit across the Isthmus of Panama, $800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

In the debates on this floor upon that amendment it was conceded by all that its language was merely directory; that under it the Postmaster-General would not be bound to make contracts or even to advertise for bids and lettings. It was so understood and so stated on the floor repeatedly by gentlemen who were in favor of the amendment and by the gentleman on this side of the House who had charge of the Post-

Office appropriation bill. Now, the Postmaster-General for reasons assigned in his last annual report—reasons which I think are entirely satisfactory—failed to make any contract for carrying the mails under that provision. The terms of the provision were directory. Now, I want to call attention to the terms of the amendment under discussion which appropriates a similar sum of money, but does not, as it comes to us from the Senate, contain the proviso limiting the expenditure under such contract to $400,000 for American steamships. The language of the amendment under consideration is:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than three years nor more than five years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points, in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth. And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

What construction must be put upon this amendment? The first portion of it uses the language that "the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts," &c., employing the phraseology which was used in the amendment inserted in the Post-Office appropriation bill passed at the last session. And I suppose that portion of it would be held to be merely directory.

We have been told on the floor to-day by the gentleman from Michigan [Mr. BURROWS], in response to the statement made by the chairman of the committee, that we are not bound under this amendment to pay 50 cents a nautical mile to these American steamships. I understood the gentleman to make that statement.

Mr. BURROWS. Certainly.

Mr. RIGGS. I understood him to criticise the statement of the chairman, and to say that we were not bound to do it.

Mr. BURROWS. I understood the chairman in making his statement to base it on the theory that 50 cents a nautical mile, which is the maximum, would have to be paid, when in fact the service is to be let to the lowest bidder, and it may be only 25 cents a nautical mile.

Mr. RIGGS. As I construe this amendment there is no discretion left with the Department; the discretion is all left to the steamship companies. Under the amendment placed on the bill last year by the Senate there was discretion, and that discretion resided in the Postmaster-General.

Mr. BURROWS. What does the gentleman do with this phraseology in the amendment?

At a rate of compensation not exceeding 50 cents a nautical mile.

It limits the Postmaster-General.

Mr. RIGGS. Certainly; but I am talking within the limit of 50 cents a mile. I understand the gentleman from Michigan to say that we are not bound to pay 50 cents a mile. I think the result would be that we would be compelled on every American line existing to pay 50 cents a mile.

Mr. BURROWS. The gentleman is speaking of the result. He is to advertise for bids, and to get it as much lower as he possibly can.

Mr. BINGHAM. Is it not compulsory on the Posmaster-General?

Mr. RIGGS. Having given the promise to yield a portion of my time—a promise which I intend to keep—I do not propose to let this discussion run into a desultory colloquy.

I understood the chairman of the committee presented the matter in this line, or rather his qualifications were based on the theory we would have to pay 50 cents a nautical mile. I understood the gentleman from Michigan [Mr. BURROWS] to criticise that statement, and to insist we would in all probability not be compelled to pay that price. I believe it will result in the payment of 50 cents a mile if it be adopted.

Mr. BURROWS. The statement I made is this: The chairman argued if we pay the whole of the $800,000 we would pay these lines 50 cents a mile. I understand by the amendment I propose to offer at the proper time it would take only $400,000 for existing lines, and the balance for the extension of new lines, and we would not pay 50 cents a mile.

Mr. RIGGS. Now, when the chairman made his statement the gentleman's amendment had not been presented, and there was no notice that it would be presented. The discussion was then proceeding on this amendment of the Senate. I will state why I think the Government will be compelled to pay 50 cents a nautical mile. The first clause of the amendment would seem to be directory and to leave a discretion in the Postmaster-General; but the latter clause provides as follows:

And if he shall be unable to make such contracts for any of such respective services, he shall—

That leaves no discretion—

so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

There is no discretion there. If he fails to receive bids under the first clause it is provided he shall then cause the mails of the United States to be carried to and from the places enumerated in the previous portion of the amendment upon American vessels at a rate not to exceed 50 cents a nautical mile.

In the light of what has occurred in this country in the history of the carrying trade on railroads and on steamships is it unreasonable to imagine a case in which the steamship companies, by concert, would refuse to bid under the first clause of the amendment, and would therefore compel the Postmaster-General to contract with them under the latter clause?

Mr. BINGHAM. He contracts under the general statutes.

Mr. RIGGS. He is authorized under the first clause to advertise for bids, but if he shall be unable to make contracts for such service he shall then, as far as possible, cause the mails of the United States to be carried in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned; that is, of 50 cents a mile. There is nothing in that clause about advertising, nothing said about bids, nothing said about competition, and no competition is contemplated.

The design of the amendment was to leave the discretion in the steamboat companies to refuse to bid by concert of action, and compel the Postmaster-General without discretion to pay them their own price, not exceeding 50 cents a nautical mile; and I believe that is the fair and legitimate construction of the amendment.

We are charged with seeking to deceive. I perhaps have said it already; but whether I have or not, I wish emphatically to deny any attempt to deceive upon this side of the House. It is upon the other side that that charge must rest; and I claim that upon a fair construction of the amendment, a legal construction of it, it can bear no other interpretation than I have given to it.

Mr. BINGHAM. Will the gentleman allow me a moment?

Mr. RIGGS. I have but a very few minutes.

Mr. BINGHAM. I merely want to call the gentleman's attention to the language of this amendment:

And if he shall be unable to make such contracts for any of such respective services, he shall as far as possible, &c.

That is the whole scope of it.

Mr. RIGGS. I understand that, and if the steamship companies refuse to bid under the first clause, then the Postmaster-General says, I want you to carry the mails; I am compelled to have them carried if possible upon American steamships——

Mr. BINGHAM. Certainly, "if possible."

Mr. RIGGS. And what will you carry them for? The answer is manifest. They well say, 50 cents a nautical mile, and he is bound under the latter clause of this Senate amendment to give them that amount and there is no escape from it. That is the opinion of the Department, that is the opinion of good lawyers who have examined the subject; and I repeat I do not believe there is any escape from that legal construction of the amendment, taken altogether. I believe it was prepared and designed for the purpose of depriving the Postmaster-General of discretion which he had under the previous appropriation bill. I believe it was designed to leave the discretion entirely with the steamship companies.

When we remember, Mr. Chairman, that they have pooled heretofore, when we remember that the railroads are pooling as they are doing now, when we learn from the last reports of the Pacific Railroad, which gentlemen no doubt have received within the last week, that that road is expecting some trouble with the Government now because it and the Pacific Mail Steamship Company have pooled, when we know this is occurring every day in the year, is it unreasonable to suppose that by concerted action these steamship companies will drive the Postmaster-General into a corner and force this payment? I do not believe it to be an unreasonable construction, but I do believe that it was designed for that very purpose.

But, Mr. Chairman, leaving that, there are so far as some of their methods are concerned two classes of steamship-subsidy men. There is one class represented by such gentlemen as A. Foster Higgins, of New York, who at the Boston meeting a few days ago said, "We want subsidies, and there should be no quibbling about it;" and another class who are saying we do not want subsidies; we are opposed to subsidies. Now, so far as the first class is concerned it is not necessary to undertake to ascertain what the design of this amendment is. They understand that it is designed to pay them subsidies, that that is its object; but as to the other class, and as to their friends upon this floor, such friends as the gentleman from Michigan [Mr. BURROWS], who says there is no subsidy in this, it is necessary to institute inquiry to ascertain whether or not it really amounts to a subsidy.

If the sum of $800,000 is necessary to pay reasonable compensation to American steamship companies carrying the mails they do carry to the countries named in the amendment, then I favor an appropriation of $800,000. I favor paying the American steamship companies all that is fair, even a liberal pay for carrying the mails, but when it comes to

a business proposition of undertaking to hire somebody to carry our mails, considering that proposition by itself regardless of the question of promoting the interest of ship-builders and ship-owners or the private interests of anybody else, then I insist that if we pay a dollar more than what is liberal and fair pay we pay just that much more than we ought to pay; and here I want to institute some comparisons.

I remember the gentleman from Michigan on a former occasion said to the House—I came near saying curtly; he said it bluntly at all events—that those of us who chose to compare the money paid for carrying the United States mails with the amount paid for the parcels-dispatch and for freights could have no argument with him; and yet notwithstanding his longer experience, notwithstanding the confidence with which he has made his statement, I am disposed to make a comparison of that very character. I do not intend to weary anybody else, or myself, with a long detail of figures here. It is sufficient for my purpose and for the purpose of this argument to state general results, which the official figures will bear out.

You may take the "Red D" line, the United States and Brazil line, or any other line of steamers, take all of the lines, compare the rates paid on each by the Postmaster-General, or which he has offered to pay and which they refused, with the rates paid for carrying freights, and it will be found that the Postmaster-General offered these American steamships, if they would carry our mails to such countries as they were sailing to (and impose upon them no other conditions than those that were imposed by the conditions of their ordinary traffic)—he offered them a rate that would pay them from forty to nearly one hundred times the amount that they were getting for carrying freight.

He offered them a rate which would pay them an average of four times as much for carrying the mails as they were receiving for carrying an equal weight of parcels at their dispatch rates. Now, is it fair to compare these payments? I think it is if we consider the duties and responsibilities, the labor and the expense, attaching to parcel packages and freight and those attaching to the mails.

What duty is imposed on a steamship carrying the United States mails that is not imposed on that steamship in carrying parcels at its dispatch rates? What responsibility is imposed that is not imposed in carrying parcels? What expense is imposed that is not imposed in carrying parcels? The gentleman from Michigan [Mr. BURROWS], alluding I think to the United States and Brazil line, called attention to the fact that the steamship company is bound before its steamship leaves the port of New York to send to the post-office there and get the mails. He alluded to that fact in a way which impressed me as if he spoke of it because he believed that fact entitled that company to 50 cents per nautical mile for carrying the mails. What does it really cost them? Eight dollars and fifty cents; that is the amount, as appears from their own statement signed by their own manager. Their round trip is about 10,000 miles, and the mileage at 50 cents per nautical mile would be over $5,000 a trip. Is the outlay in the port of New York in sending for the mails and putting them on board a warrant for such a sum? It is an item, of course. If they pay out $8.50 they should have it repaid, and should be compensated fairly for carrying the mail.

But what duty do they perform in carrying the mails? They send to the post-office and get the mails; they are put up in closed bags; they convey them on board and lock them up in a small room 8 feet each way. That is the end of the attention the mails have until they reach the port of destination in South America. And then they were bound when they carried our mails to put these mails ashore as speedily as was practicable and deliver them to the postal authorities at the port of destination. That is the attention the mails have.

Now take the expense at one port of destination. At Pernambuco the United States and Brazil Company say they expend $30.80 on one trip in putting the mails ashore. I do not know whether they do or not. I sometimes doubt it, for the reason that other portions of the statement will not bear close inspection and analysis. But suppose they do expend $8.40 at New York and $30.80 at Pernambuco, these payments furnish no warrant for paying 50 cents a nautical mile, amounting to $5,000 a round trip, for carrying the mails.

They ought to get back the money they pay out and a fair amount for carrying the mails. But when they have put the mails on board, receiving them in closed pouches, locked them up in a small room, put them ashore at the port of destination and delivered them to the postal authorities, then their duties are performed. Now, what is their duty as to parcels carried at their dispatch rates for which they get not one-fourth of what the Postmaster-General offered them, sea and inland postage, for carrying the mails. They receive them I suppose at some office in New York city and convey them to their vessels; they take just as good care of them as they do of the mails. They are sent at higher rates, because the senders attach some special value to them; just as in our own country we send parcels by express and pay higher rates than freight rates because some special value attaches to the parcel. They take as good care of them as they do of the mails. At the port of destination they deliver them to some office just as they deliver the mails at the post-office. And so far as duty is concerned and so far as responsibility is concerned the duties and responsibilities attaching to the carriage of these parcels are as great as those attaching to the carriage of the mails, and greater, because at least in some sense they become insurers of the parcels, while they are not insurers of the mail. Nobody ever heard of an attempt to hold a steamship company or the master or the owner of a vessel responsible for the loss of a mail or any injury to it. Such a thing has never occurred.

With regard to freights, of course most of the freights, except the highest class, are stowed in the hold of the vessel. They do not occupy as valuable space as the mails or the parcels carried; but the Postmaster-General offered to pay this special sum, one hundred times as much as they carry freights for. Is not that enough? It certainly is enough upon all comparisons that can be made or that I have been able to make.

I am not satisfied that we ought to pay any line more than sea and inland postage for carrying the mails just as a business proposition. If we want to encourage the building of more ships, if we want to encourage ship-owners to put more ships on the sea, and to establish lines to ports where we have none, and to build up a commerce by paying subsidies, that is another thing. But if you want to do that, I insist that the fair way to the people who provide the money to pay these subsidies, if they are paid, is to call the transaction by its right name, and not pay subsidies to ship-owners and those who establish steamship lines to carry on business upon the sea, under the pretense of simply paying fair compensation for carrying our mails.

There have been some facts presented with reference to what the service would cost us under this amendment, but they were made and the figures that I have were made upon the assumption that we might be compelled to pay 50 cents per nautical mile.

Mr. WADSWORTH. Will the gentleman permit me to ask him a question?

Mr. RIGGS. Yes, sir.

Mr. WADSWORTH. As a business proposition, why do you give the preference to American ships? Why not take foreign ships if you can get the service for less?

Mr. RIGGS. Mr. Chairman, I am frank to say to the gentleman that in my judgment the very fact that we do give that preference to American ships and pay them more than foreign ships, at first blush seems to tend slightly in the direction of the views of that side of the House.

Mr. WADSWORTH. It contravenes your business principles.

Mr. RIGGS. Oh, no, Mr. Chairman; I do not believe that one cent and forty-seven hundredths is enough pay for carrying a letter 5,000 miles. And the Postmaster-General did not think it enough, and offered our own steamships more. But that is what we pay foreign ships for carrying each letter that is carried from this country across the Atlantic under the International Postal Union rates; and when the gentleman from Michigan [Mr. BURROWS] alluded to what he called the shameful fact that we were paying foreign vessels about $280,000 out of the total of $326,000 that is paid for carrying our foreign mails, one who had not examined the facts and figures might have been impressed with the idea that we were paying those foreign vessels higher than we paid our own vessels or higher than we proposed to pay our own vessels, when the truth is that the Department has offered our own ships nearly three times as much for carrying the letter mail as we have ever paid, or as, under the law, we can pay to foreign vessels.

If the depression of our shipping comes from the fact that we are not paying enough or that we do not propose to pay enough for carrying the mails, why is it that we are taunted here on this floor with the fact that foreign vessels receive what has been alluded to as munificent pay for carrying the transatlantic mails, although they are paid at a less rate than we have offered our own vessels? If that is a lucrative trade why do not our own ships enter it? There is no prohibition. They can go into it if they choose.

The fact that they do not enter that trade proves that the difficulty does not grow out of a failure on the part of the Government to pay properly for carrying the mails, if it proves anything.

It has been mentioned, I believe, by the gentleman from Michigan [Mr. BURROWS] to-day—it certainly was mentioned by him on a former occasion—that we were paying, or had paid, one foreign line as high as 80 cents per mile for carrying the transatlantic mail. We paid that line not so much by two-thirds as we have offered our own line. We paid the international postal rate, and the estimated large mileage, if it ever existed, resulted from carrying a very large quantity of mail.

Mr. BOUTELLE. What line does the gentleman mean?

Mr. RIGGS. I do not know to what line the gentleman from Michigan [Mr. BURROWS] alluded, but he mentioned what he alleged to be the fact that we had paid as high as 80 cents a mile for carrying our foreign mails. We paid those vessels the international rate of sea postage, and we have offered our own vessels sea and inland postage, which is nearly three times as great, on letter mail.

Under the proposed amendment if we pay 50 cents per nautical mile the New York, Havana and Mexican Mail line will receive, supposing it carries the same weight of mail as in 1885, $11.06 a pound for carrying letters. That is allowing them the same rate for carrying papers that they received in 1885. They then received 8 cents a pound for carrying the newspapers and 6½ cents a pound for carrying parcels, which are more valuable. I presume that 8 cents a pound for carrying newspapers, which are not valuable and require less care than parcels, is ample compensation.

Allowing them the same rate of pay for newspapers, which is enough,

they would receive $11.16 per pound for carrying letters against 6½ cents a pound for carrying parcels, many of which are more valuable than letters. Now, why the difference? Is it necessary to make this difference in order to give them fair pay for carrying the mails? I insist it is not. Take the "Red D" line. Suppose they should carry the mails for the next fiscal year, and this amendment should be in force, and we should pay them 50 cents a mile, if they should carry the same number of pounds carried in the fiscal year 1885 they would receive $65.05 a pound for carrying letters; that is, allowing them the same rate of pay which they received in 1885 for carrying papers, which is 1 cent a pound more than they charge (and they fix their own rates) for carrying parcels more valuable than newspapers, parcels which receive as much attention as newspapers.

Now, is it necessary in order that we may give these companies fair pay for carrying the mails that we shall pay them 1 cent more per pound for newspapers than they receive for parcels, and $65.05 per pound for carrying letters? I insist it is not; and in any comparison that can be made under the proposed legislation with other rates, and with what is paid in other branches of the service, the result reached, so far as I am concerned, leads me to conclude that no such sum as $800,000 is necessary. I do not believe it would be regarded as necessary by anybody except the gentleman from Michigan. He has said substantially that it is necessary to appropriate this sum in order that we may give fair pay for carrying the mails. I suppose he thinks so. I do not believe such is the fact; but I believe the fact to be that such a sum of money will pay a bounty to these steamship companies. I believe that is the intention.

I have some respect and some admiration for the candor of those steamship men and their friends who say, "We want subsidies and there should be no quibbling about it," and who have caused a bill to be introduced into this House, and a counterpart in the Senate, proposing directly to pay 30 cents per ton bounty on every thousand miles sailed and pro rata for each fraction of a thousand miles, which by the way is substantially the French tonnage bounty system. I have admiration for such candor; but when people propose under the disguise of paying merely fair pay for carrying the mails to pay subsidies to the owners of steamships, my respect is not so great. For myself, I would have no taxation of the poor to pay subsidies to the rich.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Illinois [Mr. RIGGS] has now occupied forty-five minutes of his time.

Mr. RIGGS. I yield the remainder of my time to the gentleman from Minnesota [Mr. WAKEFIELD].

Mr. HEWITT. Before the gentleman from Minnesota proceeds, I trust he will allow me a moment in order that I may present, and have printed in the RECORD, so that members may read it to-morrow, an amendment which I desire to offer. It is designed as a substitute for the amendment proposed by the gentleman from Michigan. I ask that it may be printed in the RECORD.

The Clerk read as follows:

Strike out all after the word "Japan," in line 104, to the end of the paragraph, and insert the following:

"Four hundred thousand dollars; and the Postmaster-General shall, as far as possible, cause the mails of the United States to be carried to and from said places respectively in American built and registered steamships, provided the same can be carried for a reasonable compensation, to be by him determined, but not exceeding the rate of 50 cents per nautical mile for the distance usually traveled in the most direct and feasible course between the terminal points hereinbefore specified."

Mr. WAKEFIELD. Mr. Chairman, I had not intended until yesterday to take any part in the discussion of this Senate amendment. My attention, however, has been called to some misstatements of my position that have recently appeared in the public press of the country, and in justice to myself I am compelled to ask the indulgence of the House while I correct the errors into which they have fallen.

Since I have had a seat in this House I have endeavored fearlessly, if unobtrusively, to do my duty in respect to all questions upon which I have been called upon to act. In every vote I have given here I have, to the best of my judgment, reflected faithfully the views of the generous people who have twice elected me to represent them on this floor.

As a member of the subcommittee of the Committee on Post-Offices and Post-Roads, to which was assigned the duty of formulating the bill making an appropriation for the postal service of the Government, I investigated very carefully and with no little labor such facts and data as were obtainable in order that I might arrive at a just conclusion as to the demands and needs of that branch of the public service. I scrutinized more particularly and with special care the item in the Book of Estimates having relation to our foreign-mail service. After a very critical examination of the precedents and a thorough investigation of the facts and figures furnished by the superintendent of this service bearing upon the question of just compensation, and after an exhaustive discussion of this item by the subcommittee, we came to the conclusion with great positiveness some months ago, a conclusion that was subsequently reached by the House, that the full amount originally recommended by the Postmaster-General for this service would not be required, and therefore we reduced his estimate $50,000.

It will be remembered that when the bill was under discussion here on its final passage the gentleman from Michigan [Mr. BURROWS] moved as an amendment to the report of the committee to increase the item for the foreign-mail service $50,000. During the discussion that arose upon his proposition, it will be remembered by those who did me the honor to hear me, I gave to the House some of the reasons which compelled me to the opinion that the Burrows amendment ought not to be adopted. I thought and said then, on the 25th of March, as I think and say now, that that amount or any amount in excess of that agreed upon by the committee and subsequently ratified by the House is a largess, a donation, pure and simple, and one that is not demanded by any needs of the service nor by any reasonable anticipations of its increased efficiency. The bill went to the Senate without change in this particular, and now comes back to us with an amendment involving an expenditure of $4,000,000, or $800,000 per year for five years.

From the well-known position occupied by me when the bill was under consideration by the subcommittee, and from the views expressed by me on this floor when this bill was under discussion in Committee of the Whole, it seems not unreasonable that I should be found among the opponents of this Senate amendment.

It is impossible for me to conceive that any person of ordinary intelligence could suppose that having earnestly and honestly antagonized any increase of the amount to be allowed for the foreign-mail service, in every stage of its consideration, I should now find myself justified, either in the vestibule of my independent judgment or in the forum of my conscience, if I permitted this Senate amendment to pass without an earnest and emphatic protest against such action. Such a course would be a veritable illustration of the action of that class of people who strain at a gnat and swallow a camel.

Under the special plea of affording better mail facilities, and with the illogical assurance that our merchant marine would be greatly stimulated and encouraged, the sum of $50,000, which was modestly suggested by the distinguished gentleman from Michigan, has swollen under the liberal manipulations of the Senate to the enormous sum of $4,000,000. I had the right, I think, as a member of this House, to expect that my views in this regard, honestly formed and expressed without excitement or passion, would be criticised by those who disagreed with me in a dispassionate and honorable manner. I regret to be compelled to say that such has not been the fact. I seem to have incurred the hostilty of some of those corporations that hope to be the recipients of a large share of this enormous bounty. Their enginery of detraction and slander has been set in motion. Their lobbyists have been busily engaged in the work of misrepresentation and abuse. Through these instruments and such of the newspapers of the country as have a warm side for anything with a subsidy in it they have sought to blacken my reputation and rob me of my good name, either for purposes of intimidation, or to punish me for exercising my right of individual judgment.

I send to the Clerk's desk and ask to have read the telegram I have marked. In this connection I will say that the newspaper I have sent up is the Pioneer Press, of Saint Paul, in my State, one of the ablest and most widely circulated journals of the Northwest.

The Clerk read as follows:

WAKEFIELD AND GUENTHER—A COBDEN CLUB MAN'S WORK.

[Special telegram.]

WASHINGTON, *May* 12.

John Codman, the well-known free-trader and agent for the Cobden Club, is here to assist in the defeat of the Senate amendment to the post-office appropriation bill, appropriating $800,000 for the transportation of United States mails. Mr. Codman is one of the most active and able advocates of free ships. He was sent here by the English steamship companies, and is assisted by an agent of the German lines. They are working together, and have GUENTHER of Wisconsin and WAKEFIELD of Minnesota in tow, who are the only Republicans that will oppose the amendment. Senator SAWYER and other friends of GUENTHER have remonstrated with him for his opposition to the industries of this country and his attacks upon American shipping, but he appears to be very decided in his position, and nothing can move him. Codman is furnishing material for a speech GUENTHER intends to make in the House.

The author of that telegram, I am credibly informed, has within the last few weeks manifested a very lively interest in the success of this subsidy scheme. I do not desire to question his motives in so doing. They are no doubt such as are satisfactory to him, and with which I have nothing to do. But I do desire to say in reference to that libelous telegram that so far as it relates to me, and I may add so far as it relates to my colleague on the committee, I have no doubt it is a malicious and inexcusable falsehood. It is wholly and utterly false; false in general and false in detail. There has been and is no attenuated shadow of a shade of foundation in fact for any assertion or innuendo it contains.

To my knowledge I have never even seen the gentleman mentioned in the telegram, or his German associate, or any of his or their representatives, nor the agents or representatives of the English or German steamship companies. At the risk of arguing myself unknown, I will say further that until I saw Mr. Codman's name in this telegram I can not recall that I ever heard the name.

I will add that I here assert, without mental reservation or secret evasion of mind, that I have never been solicited or requested, directly or indirectly, by any living soul to oppose this Senate amendment. On the other hand, I have been frequently, persistently, and earnestly urged to support it by leading representatives of some of the corpora-

tions to whose benefit it would inure. I will say, however, in justice to those gentlemen that they discussed the subject as gentlemen of honor and integrity, and I am convinced they would not countenance or approve of the character of attack upon an honorable opponent that that telegram illustrates.

A cause must be weak indeed that is driven to such reprehensible measures to sustain itself.

If I am not misinformed as to the authorship of the telegram, at least one gentleman has called on me at his urgent solicitation and requested me to withdraw my opposition to this amendment. I was not prepared to stultify myself, and respectfully declined. Is it for this that I am the object of his righteous indignation? Is it because of this refusal that this infamous falsification of the facts is wired to the leading newspaper of my State as an item of news from the Federal capital? It so appears.

I believe the final action of the House upon this proposition will prove that he has not many of the elements of a wise political prophet, as his action in this regard has proven that he has few of a high-minded and honorable journalist.

I have no wish again to go over the field of discussion that resulted in March last in a decisive expression of the judgment of the House upon the principle involved in this Senate amendment.

The $50,000 proposition came to us with the plausible argument that the amount was needed to enable the Postmaster-General to pay the South American and China lines a fair and reasonable compensation for the transportation of our mails. The House after full discussion regarded the amount proposed as a subsidy, and repudiated it.

This $4,000,000 amendment comes to us upon no such theory, and we are asked to ratify and adopt it for another and entirely different reason. We are told it is needed to foster and build up our foreign trade, to revive and encourage our shipping interests, and to enable us to compete with the great powers of Europe for the carrying trade of the world. Especial claim is made that this munificent donation from the public Treasury will enable our merchants and manufacturers to better cultivate trade relations with our sister republics, and will give to us great advantages over our foreign rivals. It is claimed, also, that it will result in the construction of more American ships, and thus lessen the tariff of freight rates to those southern ports. Is there any reason or logic in such a claim? Now, I think it is well understood and conceded that if this money should be voted it will from the very logic of the situation, pass into the hands of the Pacific Mail, the Brazilian, and the Red D lines. With what result? Why, it appears to me with the natural and unavoidable result of giving additional power to those lines and enabling them to maintain a complete monopoly of the passenger and freight traffic to the ports we desire to reach. Intrenched as they will be in the favor of the Government they will establish such rates as they please, and those rates will have no restriction except their own conceptions of profit. What encouragement appears here for the construction of new ships and the establishment of new and independent lines?

As to the other proposition that it will increase our trade with South America, I can make no better or more conclusive answer than by presenting a few extracts from the report of the commission appointed under an act of Congress approved July 7, 1884, to ascertain and report upon the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America. This commission examined a large number of the principal merchants and business men of Central and South America with a view if possible of ascertaining the best policy for us to pursue to secure their trade. The first extract I will read is from the statement of Mr. L. H. Boulton, who, as a correspondent of the owners of the Red D line, would not be likely to be prejudiced against Government subsidies. He resides at Caracas.

[Here the hammer fell.]

Mr. GUENTHER was recognized, and yielded a portion of his time to Mr. WAKEFIELD.

Mr. WAKEFIELD. The following is the statement of Mr. H. L. Boulton:

Q. Please state the name of your firm.
A. H. L. Boulton & Co.
Q. What is the name of your New York firm? Have you a branch there?
A. It is not a branch. We are correspondents. The two houses are entirely separate.
Q. What is the name of the New York house?
A. Boulton, Bliss & Dallett.
Q. Are you an American citizen?
A. No; I am an English citizen.
Q. But your trade is mostly with the United States?
A. I may say entirely.
Q. Will you give us, in your own language, a history of the establishment of the line of steamers from here to New York?

I would like Mr. Boulton to say how long his firm has been doing business here.

A. Since the year '30.
Q. Give us the history of your lines of steamers from here to New York, please.
A. The history is that we used to run a line of sailing vessels, and finally made up our minds that possibly steamers might do as well as sailing vessels.
Q. In what year did you commence the steamship lines?
A. Toward the end of 1879.
Q. How many vessels does it consist of?
A. Three steamers.
Q. How many originally?
A. Two.
Q. Give us the history of the building of those steamers; where were they built?
A. Two of them were built in Philadelphia, and we are building a third. We have three, really, but one is a chartered steamer. We have a branch steamer running to Curaçoa, to Maracaibo also. She was also built in Philadelphia.
Q. What are your views as to the effect of the United States Government favoring the lines in some way? What would be the effect on the commerce between the two countries?
A. A subsidy from the United States Government might enable us to introduce other improvements in the line that would facilitate business, but I doubt if it would pay to run a weekly line instead of fortnightly steamers unless business should increase considerably.
Q. Is the facility the same for American merchants for getting their goods here?
A. The same tariff for all nations.
Q. Then why does not the United States, which is nearer to you, get that business?
A. They can not produce as cheaply as in Europe.
Q. The people would be just as willing to buy of us if they could buy as cheaply?
A. There would be no difficulty at all if they could produce as cheaply. Generally speaking, the American manufactured cotton goods and hardware are superior to the European article; very likely too good.
Q. The point is that our manufacturers do not adapt themselves to the tastes or the fashions, whatever it may be, of the consumers in Venezuela as well as the European?
A. Yes, sir; that in part, but it is not even that; it goes farther than that. The quality of American manufactures is superior to the general importation from Europe, as far as I understand, and consequently dearer.
Q. But they cost more?
A. Yes, of course.
Q. And if our dry goods manufacturers want this trade they must manufacture cheaper?
A. Not only that, but they must accommodate themselves to European ways.

I will call the attention of the committee to the statement of Mr. Rohl, our consular agent at Caracas, and particularly to his views in reference to the present facilities for steamship communication between that port and the United States:

Q. You are our consular agent here?
A. Yes sir; I have lived here in Caracas nearly always, and my business is dry goods.
Q. Where do you import most of them from?
A. From England and Germany.
Q. What should our manufacturers do to obtain your trade here?
A. They should send out commercial travelers with samples, whose duty it would be to study the special requirements of the country; offer their goods and send their orders home. A great part of the business is done on credit, so that these agents would have to become acquainted with the different firms to know to whom to give credit and up to what amount. This is the way the English and German houses abroad do. Many of their travelers visit Venezuela annually, principally English, and many repeat their visits periodically, so they are always ready to give precise information to their employers about the trade, the standing of their customers, and the changes in the taste of the people. They do, of course, business in certain branches different one from the other.

The trade with the United States is gradually growing and increasing by its own efforts, and there is every reason to believe that it will further increase.

Q. Would increased steamship communication increase trade?
A. It seems to me that the steamship communication we have is quite sufficient. The owners of the Red D line do all in their power to meet every requirement. Their ships are first-rate vessels as regards speed, and in every other respect. Formerly we had two steamers a month; now we have three. Two are their own, and are ships built expressly for this trade; one is chartered. This last one will be substituted in two months by a third, now being built in the United States, so that traffic will be carried on by steamers all built in the United States, and owned by the firm of Boulton.
Q. Is there any prejudice against American goods; have the people been "beat?"
A. There are slight complaints in that respect. Some merchants have complained, and it has come under my notice that manufacturers have not sent the second or third time what they did first.

Hear what Mr. Behrings and E. Valiente say are some of the reasons we do not increase our trade with their people more rapidly—

STATEMENT OF A. BEHRINGS.

Q. How long have you lived here?
A. Since 1868.
Q. Can you suggest anything whereby the United States can increase its business in this country?
A. I have not thought on that.
Q. The problem is submitted to you, how can we get the business of Venezuela? We take nearly all you raise now, but we do not give you all you use. We take a large proportion of your products.
A. It is increasing already, the dry-goods branch, and may increase more even. We bring "lona" and grey drills and printed goods and cotton.
Q. Do you deal in ready-made clothing?
A. No; the duty is very high. We bring quite common articles for the people from England and Germany; they are cotton goods. Bagging comes principally from England. It can be made cheaper there.
Q. Have you very heavy import duties?
A. Yes; we caculate them at 40 per cent., more or less.
Q. Would a reduction of duty tend to increase importation?
A. I think so; no doubt.
Q. Do you find your freight charges a great burden?
A. No; and freights from the United States, I will say, are more favorable than from England.
Q. How much cheaper are they?
A. From the States it is 30 cents, and from England 50 cents.

STATEMENT OF E. VALIENTE.

Q. Are you a citizen of the United States?
A. Yes. I was naturalized in New York. I was in the States since I was seven years old. I am a Cuban by birth, and I am manager of the gas-works here.
Q. What could our Government do to increase trade between the two countries?
A. Well, I have traveled for a great many American houses throughout South America, and have endeavored to push American goods. Spanish is my native tongue; and I was twenty years a broker in New York. Americans know very little and study very little and cater very little to our business. Our merchants in New York will not make prints, for example, of the width and size required, unless you give them an immense order. They will not touch it. Another

thing is the packing. In the States they have the idea that we are fond of 1½-inch planks, and we have to pay duty on the gross weight. That alone kills three-fourths of the business, because you have also the interior freight to pay.

Q. How should they do the packing?

A. Like in Europe. The chairs they have learnt to pack, and that is why we get them here now. I received three hundred and forty boxes of brick the other day, and the planks were so heavy that I have not been able to sell them for any price. I had to burn them. Our packing in the States does not compare with Europe.

Mr. HENEY. American goods come here all smashed, and the European goods, the finest crockery and china, you will find nothing broken.

Q. In what other articles should there be a difference in packing?

A. Generally speaking, in everything. The American houses advertise here, but if you send an order they can not fill it; does not know the requirements of the custom-house, and the invoice is generally sent wrong, and therefore we have to deal with commission houses. A very few houses deal directly with the people, as Lanman & Kemp, for instance, and they do an immense business. They are the largest drug house in the United States for foreign articles. They are manufacturers. They sell by commission men traveling around the retail dealers. They have agents in all parts and they fill any order at once, and if not satisfactory you simply hand it over to the agent.

Q. Will you please give us any information you can?

A. We import dry goods and export coffee. We import from England, Germany, France, and the States. We get cotton goods from the States.

Q. Coarse or fine?

A. Coarse.

Q. Do you find them satisfactory?

A. We import only a few from the State.

Q. Why?

A. Only since the last ten years we have tried it, but they did not suit the people. In general the goods in England are cheaper.

Q. We understand the American goods are better, but they do not suit the people.

A. Yes, sir; by and by they will be convinced it is better to pay a higher price and get a good article.

Q. They are finding that out in Mexico. What would you suggest to American manufacturers to enable them to get this trade here?

A. For agents to come with regularity with samples from New York or the States, and if we find anything suitable we always take it.

Q. Then you would say to send intelligent, good men with samples of goods, men who know how to talk to the people?

A. Yes, sir.

Q. Can the government here do anything to help you?

A. Yes; but they won't.

Q. Is there much smuggling?

A. Yes, sir; but not near Caracas or La Guayra, but in the western and eastern part of the country.

Q. Do they get away some of your custom by smuggling?

A. Yes, sir.

Q. Is there much complaint about the partiality of custom-house officers?

A. No.

Q. Would an increase in steamship lines help you?

A. It is quite sufficient now. We export also cocoa and cotton. The cotton we send to Hamburg. We also export bark quinine from Puerto Rico, which is found in the west.

Q. Is there any of that bark manufactured here?

A. No, sir.

Q. Then you export it and you bring the medicine back?

A. Yes. We also export a few hides and skins. Our coffee we export to Hamburg and France, and also to New York.

Q. Where do your hides go?

A. We exported very few last year. They mostly go to New York. These hides are from animals killed for beef.

Q. Is there much wool raised?

A. Only a little in Maracaibo.

Q. We would like to know what obstacles there are, and what our people must do to push them aside, to get your trade.

A. As I told you, in our branch it depends on seeing the goods.

Q. Do you go and inspect the goods when you buy, or do you order by samples?

A. By samples, and sometimes we go over there.

Q. Generally you go by New York?

A. Generally, since the steamers run regularly.

Q. Do steamers come here from New Orleans and Baltimore?

A. No; now and then a sailing vessel comes with lumber.

Q. Do you export any oranges and bananas?

A. No, sir.

Mr. ROHL. They have tried it, but did not continue it.

Q. Are many quinces raised here?

A. Very few.

Mr. Gossrich appears to be a well-informed importer, and he does not regard an increase in steamship lines as necessary for their trade.

The report of the commission is full of this character of testimony, showing that there is no such demand for additional steamship facilities as the friends of this subsidy assert to exist.

I will cite but one more extract, taken from the statement made to the commission by Winfield S. Bird, our consul at at Laguayra. I will not read his entire statement; it is too long; but at the close of a very intelligent and well-considered exposition of his views upon the whole subject of our trade relations to that country he says:

In conclusion, to summarize and emphasize what is here stated, it may be taken for granted that the people of Venezuela are well disposed toward and prefer to trade with the merchants and manufacturers of the United States; but these latter, indifferent to the tastes of the people, or disinclined to comply with the demands of the market, suffer a large and lucrative commerce to fall into the hands of Europeans. It can be remedied by sending active and energetic agents, familiar with the Spanish language, to traverse the country and talk up our goods. We have ample and excellent steam communications with New York, and everything is propitious and inviting, so that with proper and well-directed energy, our already thriving commerce with this country may speedily acquire a volume and extent that will be, from every point of view, permanent and satisfactory.

But I have read enough to show, I think, that the great obstacle to an increased trade with Central and South America, or at least one great obstacle to that trade, is not so much the want of proper facilities for transportation as the neglect on the part of our merchants and manufacturers to accommodate themselves to the peculiar conditions that exist there. If they would adapt themselves and their wares to the tastes and demands of those peoples, consulting their needs as to quality and price of their goods and merchandise, extending to them the same credits that they receive from England and Germany, sending their agents there with samples and employing the same means they employ at home to extend and enlarge their sales, there is no reason to fear that they would not in due time largely increase their trade. When that is done, when they have built up by energy and integrity a lucrative business, when the demand comes for greater transportation facilities there need be no apprehension but the supply will equal the demand. [Applause.]

Mr. GUENTHER. Mr. Chairman, in my opinion this appropriation of $800,000 does not even rise to the dignity of a subsidy. It is "neither fish, flesh, nor fowl." If I understand it correctly, and I think I do, a subsidy is government aid to individuals or private corporations, given for the purpose of promoting immediately, or ultimately at least, the public interests, the general welfare of the people. If this element of public benefit is lacking, as it is in this case, then it is not a subsidy, but a donation—a gift, pure and simple.

Now, I have occasionally given my vote to donate moneys from the public Treasury where the circumstances justified such a course—where, for instance, a great calamity had befallen a portion of the American people—with reference perhaps to the great floods, when the cause of humanity appealed to us. I did it because I knew that the great heart of the American people would justify such a course. I did it "for sweet charity's sake." [Applause.]

But, Mr. Chairman, can it be charity in this case to vote this appropriation of $800,000—or of $4,000,000, because it amounts to nothing less—given as it is for five years—for charity's sake to the Pacific Mail Steamship Company? What public interest will it promote? Will it increase our commerce? Will it revive our foreign carrying trade? Will it give us better mail facilities? To all these questions every unprejudiced mind, everybody who has studied the situation impartially, must answer in the negative. If you are unsophisticated enough to think that this amount will either revive our foreign carrying trade or benefit the commerce of the country, you might as well try to cure a severe case of chronic Washington summer malaria with an annual dose of one grain of quinine. [Laughter.]

It is not my purpose to discuss at this time the decadence of American shipping, or the tariff, or any other economic question. I may touch on them briefly and incidentally only to sustain my argument.

I maintain, Mr. Chairman, that this appropriation is a donation for the benefit of a few parties who have neither the intention nor the capacity to render any equivalent service to the public for it. [Applause.]

It is, in my opinion, an unjustifiable attempt to vote the people's money to private parties disguised under the gauzy pretext of extending our commerce and reviving our foreign carrying trade. It must be a hard task, even for the cheek of the Pacific Mail Steamship Company, to make this proposition and keep up a sober face. [Laughter and applause.]

It seems grotesque enough to make a half-way intelligent horse laugh. [Laughter and applause.]

Mr. Chairman, I can not help considering this appropriation, to say the least, as an impolitic measure, which should find no response on either side of the American House of Representatives, charged with the high duty of guarding the people's money and seeing to it that the public money is conscientiously expended, and for public purposes only. [Applause.]

About one-half of this sum will go to the Pacific Mail Steamship Company. They are the beneficiaries of this scheme. Will any gentleman deny that? I pause for a reply.

It should seem, Mr. Chairman, that after the exposure of this malodorous company in the Forty-fourth Congress, when it was shown by the investigating committee in the report submitted to this House by the gentleman from Iowa, Mr. Kasson, that the sum of $900,000 had been expended to carry through a similar measure in that Congress—it should seem that we ought to be very cautious at least with this company; that we should shun it like a burnt child does fire, that we should shrink from that company and not touch it with a 10-foot pole. [Laughter.] This Pacific Mail Steamship Company is the same company that until recently received an annuity of over a million of dollars from the Pacific roads under a stipulation that they would not carry passengers and freights as low as they profitably could afford to do.

What do you call such a contract, my friends, Democrats and Republicans alike? I call it a conspiracy against the public interests. It was a corrupt bargain and opposed to every principle of public policy. I say it was nothing short of a crime on the part of both contracting parties, both parties having been subsidized for the purpose of building up the commerce of the country. Instead of doing that, they hampered it all they could by levying extortionate tribute upon the very people who had voted them millions of acres of the public lands and millions of dollars, presenting such a spectacle of black ingratitude before the world as would have caused the robber knights of the mediæval ages to blush with shame. [Laughter and applause.] And from this company and their ilk, you and their advocates expect good to flow to our commerce!

Mr. Chairman, I almost lose patience when I have to listen to such

propositions. It seems enough to make a saint use unparliamentary language. [Laughter.] Vote money to this company under the pretext of increasing and extending our commerce! Vote it to the very parties that conspired to burden and oppress it. Will the time never come when we will be able to see things in their proper light? Will we always lend a willing ear to the sham pretenses of these grasping corporations? Is it only necessary for them to come to us under the thin guise of unselfish patriotism, sound their hypocritical cants about the glory of the starry banner, reminding us of the inquisition of the mediæval age, when every horrible and dark deed done was justified by it as *pro majore Dei gloria*, brag about the immense benefits they will render to the commerce of the country, provided we give them so much cold and glittering cash, and yet you will give it to them! Is it not strange that we should not see through their confidence game? Are we really as verdant as that, to be made their victims so easily, to be deluded and deceived like green country boys by their artful hypocrisy and shallow pretenses? [Laughter.] Will we always take their bait? Are we really what their brethren of lower degree call "su ers?" [Great laughter and applause.]

Mr. Chairman, the main charge that has been brought in all campaigns for a number of years against my party—the Republican party; the party by which I have stood ever since I became a voter and by whose principles I stand to-day, under whose colors I fight my political battles; the party which I loved when in power and love still more since it is out of power [applause]; the party of Lincoln and Grant; the party whose achievements are engraved in indestructible letters on the golden tablets of history; the party that preserved the Union, that made us a powerful and prosperous nation—I say, Mr. Chairman, the main charge brought against us as a party, was the popular belief in the truth of it which has caused the Republican party, in spite of the truth of its principles, in spite of its glorious achievements, to find itself to-day out of power, were charges just of this character, charges that we had been too free with the people's money; that we had granted too many millions of dollars for subsidies; that we had paid too dearly for what we had received; that we had allowed ourselves to be made the victims of scheming corporations; that we had been too credulous; that we had been imposed upon too frequently by land-grant and subsidy-hunting railroad, canal, and transportation companies; that we had dealt too much in class legislation for the benefit of monopolies and millionaires, and that we let the plunderers pull the wool over our eyes—these were charges that many honest people believed, and the result was our dis-charge from power.

Now I, for one, do not want to see my party furnish ground for a renewal of such charges. If we have done a wrong in the past, let us confess it and not do it again. [Laughter.] Confession is good for the soul, and it brings forgiveness. [Laughter and applause.] Let us profit by the sad experiences of the past. Do not let the Shylocks of the Pacific Railroad Company make us pull their chestnuts out of the fire any more. [Laughter.] Is it not enough that our wings have been singed? Shall we fly back into the flame again unmindful of our former experience?

Mr. Chairman, I stand here upon this floor as a Republican whenever questions arise involving political principles upon which parties divide. But, sir, on this question I do not rise as a Republican, for it does not involve a political principle. I stand here as the representative of my people, irrespective of party. They who have honored me with the proud distinction of representing them on this floor have a right to expect that on questions of such a character, of such far-reaching possibilities, I should vote, not as a Republican, not as a Democrat, not as a Mugwump [laughter], but as a representative of the American people, boldly and fearlessly, not minding the dirty and uncalled-for insinuation that I have been influenced by improper motives or by the agents of foreign transportation lines.

Right here I will say that no man will ever successfully impeach my patriotism as a through-and-through American citizen. [Applause.] I am not susceptible to be led astray by agents of the Cobden Club. I take my stand because I believe I am right. I am fully aware that my motives will be assailed. Still I must give vent and voice to my honest convictions, though the heavens should fall.

I will read an article from the New York Tribune similar in tone to that which my friend and colleague on the committee had read from the Pioneer Press, of Saint Paul, Minn.:

John Codman, the well-known free-trader, is in town, with the object, I understand, of defeating the Senate amendment to the Post-Office appropriation bill, which provides $800,000 for the transportation of foreign mails. Mr. Codman is one of the most active advocates of free ships, and has an article in the current number of The North American Review, in which he favors the repeal of the protective tariff on ships and the passage of the Mormon bill. It is charged here that he is an agent of the English steamship companies, and that in his present task he is assisted by an agent of the German steamship lines. They seem to have captured GUENTHER, of Wisconsin, and WAKEFIELD, of Minnesota, who are the only Republicans who will oppose the amendment.—*N. Y. Tribune*, May 13.

That is a fair sample of the slush sent by certain newspaper writers to the metropolitan press, which they expect their readers to swallow. I have great regard, as my friend from Minnesota [Mr. WAKEFIELD] has, for honest representatives of the press. But in response to this falsehood, I affirm right here, as if I stood in the presence of my Creator, that I do not know Mr. Codman from Adam or Moses [laughter]; that nobody ever approached me in any manner for the purpose of inducing me to vote against this subsidy, but that, on the other hand, a number of persons, not members of this House, have tried to induce me, not by reprehensible or corrupt means, but by persuasion, lengthy arguments, and button-holing, to vote for this subsidy. In view of my steadfast opposition to this subsidy in the Forty-eighth Congress and to similar propositions in the Forty-seventh this article is not very appropriate. I should not be surprised if this "smart Alick" of a correspondent will write another brilliant article and make the startling announcement that the free-traders have at last succeeded in capturing Mr. MORRISON, or that before long Mr. WILLIAM D. KELLEY is likely to join the protectionist wing of the party. [Laughter and applause.]

I think that the New York Tribune, a great and influential paper, ought to be a little more careful before it takes to smirching the character of those who happen to differ from it. Some newspapers have made the statement that the Postmaster-General, Mr. Codman, and others were furnishing me material for this debate. In answer to this false statement I will say neither the Postmaster-General nor Mr. Codman nor any other person living has furnished me anything designed for this discussion. What facts I have were looked up by me in public official documents, and nobody but myself is in any degree responsible for what I say.

Now, Mr. Chairman, I am determined to make my fight without fear, and I trust also without reproach. I ask my party friends not to provoke public condemnation by voting for this donation. Let us pause and reflect well before we jump into the deep water of this subsidy, not knowing where we will land. Do not let us enter upon the policy involved in it, which may eventually cost this country untold millions.

The bill to which this proposition is an amendment is one making appropriation for the Post-Office Department. It is not the business of that Department to devise means to extend our commerce. This bill deals solely with the business of carrying and distributing the mails. It is not one for the extension of commerce or to revive American shipping.

Right here I wish to say a word to my friend from Michigan [Mr. BURROWS]. He quoted about an hour ago a tabular statement of the Brazilian line and said they carried in one cargo a value of $250,000 to Brazil. Now, if they did do such a large and I take it profitable business, why should they pose here before this Congress as mendicants and ask for aid?

Mr. BURROWS. Is that any reason why the Government of the United States should not pay for the service the company performs for it?

Mr. GUENTHER. I claim, as I claimed in the speech I delivered some weeks ago, that the compensation for carrying the mails, sea and inland postage, is sufficient.

Mr. FELTON. Is not that a matter of opinion?

Mr. GUENTHER. I say I claimed that.

Mr. BOUTELLE. On what basis does the gentleman place it?

Mr. GUENTHER. On the basis of weight.

Mr. BOUTELLE. Would he estimate the charge on the mails on the basis of weight the same as on coal?

Mr. GUENTHER. The same as I would estimate the charge on the carriage of valuable matter, such as express matter perhaps.

Mr. BOUTELLE. Do express companies carry diamonds on the basis of charging by weight?

Mr. GUENTHER. In carrying diamonds they charge for value; but other express matter they carry by weight, and I presume according to the space it occupies. I am willing to base the compensation on space and weight.

Mr. BURROWS. Do you apply the express-matter rule of compensation to other branches of the service, the star-route service and the coastwise service?

Mr. GUENTHER. I have nothing to do at present with the star-route service. I deal now solely with the carriage of the foreign mails by steamships.

Mr. BURROWS. I ask you if the rule of compensation which you apply to that applies in other branches of the service?

Mr. GUENTHER. I guess not; but I have not paid any attention to that subject, because I intended to speak here upon the carriage of the foreign mails by steamship lines, not to the inland service:

Mr. SPRINGER. On the star-route lines the service is put on specially for the carrriage of the mails; but in these cases the vessels make the trips all the same, whether they carry the mails or not.

Mr. BURROWS. Passengers and freight are carried on the star-route lines also.

Mr. GUENTHER. Now, I must go on with the subject under debate. Establish such a precedent as you propose and where will you end? There are a number of industries in our country that are not profitable. Why should we refuse to make them so by appropriations from the public Treasury, if we do it for the sea-carrier? The workingmen of the country claim that they do not receive adequate compensation. Why should not the Government make appropriations for them the same as to these transportation companies? What higher

right have these companies than the laborers? When the farmers of the West call upon Congress to protect their wool-growing interests against ruinous competition which has almost destroyed that branch of industry, when they ask for the restoration of the wool tariff of 1867, their demand, instead of being complied with, is met by the proposition to completely kill the wool-growing interest of the country by placing wool on the free-list.

Mr. BROWN, of Pennsylvania. Just as you meet this.

Mr. GUENTHER. I do not meet it in that way. Mr. Chairman, when the farmers of my own and other States engaged in the cultivation of tobacco ask to have the duty on Sumatra tobacco increased, or at least the existing law amended it so thatwill do what it was intended to do, masterly inactivity prevails; but as soon as the elegant gentlemen of the Pacific Mail Steamship Company and other lines ask for a contribution of four million of dollars—because that is the sum given in this appropriation, $800,000 for five years—so that they can add that amount to their incomes and increase the value of their stock, we seem to run over each other in the effort to comply with their demand.

The farmers are coolly told that nothing will be done for them, but that they are expected to cheerfully contribute their share to subsidize these great corporations so as to enable them all the more to import wool and tobacco, the product of slave and pauper labor, to the detriment of that class of American industries. To make them swallow the pill you sugar-coat it, and call it a measure "for the promotion of the commerce of the country;" but, gentlemen, the nauseous taste remains, because the coating is too thin. [Laughter.]

You strangle the Western farmer and expect him to buy the cord to do it with. You expect him to commit financial *hara-kiri* and generously propose to furnish him the knife to perform that operation. I repeat what I have said on former occasions: secure your home market first before you reach out for other markets. You import annually hundreds of millions of dollars' worth of articles which we might as well manufacture in our own country. Devote your attention to the problem of controlling this home market first, which will give profitable and steady employment to every poorly paid and unemployed workman the year round. Do not fritter away your money and your efforts in foolish attempts to secure one dollar by paying five for it. One to five represents about the proportion of the exports and imports to and from the countries to which you want to establish additional lines.

Why do you want to reach out across the seas to semi-barbarous countries for that which lies at your feet? Why do you want to go into direct and ruinous competition with every country on the face of the globe, with the products of their cheap pauper labor, the paupers of Europe, the slaves of the Dutch and the Spanish possessions, the coolies of China, and the pariahs of India? Mr. Chairman, let me read a few lines from a letter recently written by a gentleman for whom I entertain the highest respect, and with all due regard to my honorable friend [Mr. BURROWS] I will say that on the subject of promoting the industries of the country I take the authority of Judge KELLEY in preference even to the authority of my distinguished friend from Michigan. Judge KELLEY, in a letter written on the 2d of this month, says:

HIS RECOLLECTIONS OF PAST LABOR AGITATIONS IN PHILADELPHIA.

To the editor of the Press:

SIR: I am old enough to have participated in the struggle of her working people for the establishment of the ten-hour system in Philadelphia, and young enough to remember the denunciations that were poured upon the heads of participants in what was called that revolutionary movement for the shortening of the hours of labor. I have long believed that if the eight-hour system of labor for both man and machinery prevailed throughout the industrial world there would be less suffering, a greater average duration of life, and a higher and more general degree of contentment among the wealth-producing community throughout the world.

Mark the following language:

The increasing productive power of man should have long since secured to labor a larger share of its production than it anywhere receives. The struggle for cheapness, which is dangerously stimulated by the competition of nations for foreign markets, has reduced the laboring population of transatlantic countries to such hard conditions and wrought it to such intensity of discontent as to have unsettled the foundations of government and individual property in those countries.

If as the laborer's power of production increases his share of the joint products of labor and capital had been equitably increased, the terrible contrast between the rich and the poor, which now shocks the observant traveler in every foreign land and is painfully apparent in the large cities and some other portions of our country, would have been impossible. The well-paid and prosperous laborers would have made a profitable home market in every country, and every reduction of wages that is made in obedience to the demand for cheaper goods has been a step in the wrong direction.

The universal establishment of eight hours as the limit of a day's labor would improve the social habits and increase the intelligence of the laboring classes, as the reduction from thirteen hours to ten per day did nearly sixty years ago.

If it be suggested that an eight-hour law be beyond the scope of government, I reply that it is the duty of a popular government to defend and protect the property of that great body of its citizens whose estate consists solely of the physical and mental ability of its members to perform productive labor, as much as it is to protect and defend the real and personal estate of those who derive incomes from such possessions.

WILLIAM D. KELLEY,
Member of Congress from Philadelphia.

That is first-class doctrine, and I stand by it. What has England profited by this system? A few great merchants and great corporations have enriched themselves at the expense of the masses of the English people. The people have been ground down; their wages have been reduced more and more; and in order to keep up this system thousands upon thousands of precious human lives were sacrificed to the greed and the fiendish avarice of those merchant princes of England.

I say, Mr. Chairman, every million of mammon acquired in the foreign trade of England was bought at the price of human blood. All the oceans upon which the merchant marine of England floats to-day can not wash that stain away. The smell of blood is there, and all the perfumes of Arabia can not sweeten it. Let other countries have the trade with these countries. Let them have their trade, their discontent among the people, and their constant wars, while we in this blessed land of ours, on the other hand, secure our own market, accompanied by prosperity and the blessings of peace. Let the English and the French strike their balances. Let them add up the sums they have paid for subsidies, the hundreds of millions of dollars swallowed up by their wars to protect their foreign commerce, not counting even the thousands upon thousands of human lives sacrificed in that cause, and then count the actual gain realized, and see whether the balance will not be on the wrong side.

Mr. Chairman, we hear day after day the doleful songs of these subsidy-asking shippers. Those who are not posted must receive the impression that we have hardly any vessels left, while in fact we are to-day second on the list of maritime powers. If we look at the comparative growth of the tonnage of the merchant navies of the principal maritime nations we find that we have held our own. I will give you a few figures.

TONNAGE OF LEADING NATIONS.

	1880.	1883.	Gain.
United States	4,068,034	4,235,487	167,453
Great Britain	8,447,171	9,131,418	684,247
Norway	1,518,655	1,546,793	28,138
German Empire	1,182,097	1,269,477	87,380
France	919,298	1,003,679	84,381

They may be dry, but they are instructive. Comparing the year 1880 with 1883, the latest for which I had official figures, the United States in 1880 had a tonnage of 4,068,034 tons; in 1883, 4,235,487 tons, a gain of 167,453 tons. Great Britain, which leads the world, and I think will always lead the world in the carrying trade on account of her geographical position——

Several MEMBERS. Not always.

Mr. GUENTHER. Well, as long as we are as happily situated as we are, having a protective system in this country, I do not envy England the doing of the carrying trade of the world almost at a loss.

Mr. BROWN, of Pennsylvania. We can do better business.

Mr. GUENTHER. We are engaged in a more profitable business right here at home.

In 1880 the tonnage of Great Britain was 8,447,171 tons; in 1883, 9,131,480 tons; a gain in round numbers of 684,000 tons.

Norway is third on the list of maritime nations. Now, do you think this fact has made Norway the third most powerful nation in the world? I presume to a great many this statement will be utterly astounding. But the fact remains that Norway is the third largest maritime power to-day.

In regard to the tonnage of the German Empire and France I gave the figures. We, Mr. Chairman, gained in tonnage 167,453 tons—pretty nearly as much as the gain of France and Germany put together, 171,760 tons; and this in spite of three years' bounty, a large bounty, in France.

Will these comparative figures justify the incessant lamentations of these Eastern gentlemen about the decadence of American ship-building and ship-owning? Will they always succeed in making it a convenient pretext for asking help from the Government? Will they never "give us a rest" [laughter and applause], and allow us to pay some attention to the grievances and needs of the farmers of the West and of the laboring element of the whole country? I am surprised at the alacrity, the agility, and the zeal with which my Western colleagues always rush to the succor of these Eastern gentlemen whenever they blow their little whistle. [Laughter.] Why not pay a subsidy to the farmers when the price of wheat is so low that it does not pay to raise it? We might do so with perfect propriety if you pass this appropriation to the steamship owners.

If we establish the principle involved in this amendment it will furnish a pretext for every industry to call upon Congress for aid, whether it is needed or not. If it is your purpose to embark in the business of extending Government aid to private business enterprises, declare that policy boldly; act like men; but do not dodge the question by putting a rider upon a Post-Office appropriation bill.

I will print some remarks of the Postmaster-General about this subject.

A MEMBER. Oh, well, but he is a Democrat.

Mr. GUENTHER. I know he is but I think he has given this subject a good deal of study. If not, I presume the very men who have made it a study are Republicans in the Department; and so the insinuation that I should not listen to what the Postmaster-General

says, because he is a Democrat, has no force whatever for me. I am not one of those who pretend that because a man is a Democrat he most always be wrong. I quote from the last annual report of the Postmaster-General:

Much has been said about employing the postal appropriation to aid American commerce. When Congress shall desire to invest the Post-Office Department with care for that object, it can not be doubted it will easily choose language which will plainly convey the purpose and impose the duty. Until then that Department can not rightfully employ the moneys appropriated for the postal service to secure objects not intrusted to its care, however meritorious in themselves.

It may be properly further observed of this, that during many years the practice of granting pecuniary aid to American lines was pursued at so great a cost, and to so little advantage, that it was long since wholly abandoned; that when followed, Congress had directed it; and if that body designed its renewal, presumably it would again have declared the purpose.

But the policy of subsidizing American steamship companies, or any of them, is not involved in the decision arrived at. That pertains to Congress instead of the Department, and therefore the Department can only award just compensation and then stop. If exigencies may arise to justify its adoption, it seems to belong to that body to recognize their existence and prescribe the object and amount of the grant.

The Postmaster-General adds:

No exigency exists for the establishment of any new lines to carry the mails. Those now on the sea as common carriers are sufficient for the present needs of the foreign mail service. They appear to have maintained themselves for years without Government bounty in profitable pursuit of their business.

Now, Mr. Chairman, the advocates of this proposition point us to the glorious results that have been accomplished in other countries by granting subsidies. Why should not we imitate them they say? If you think they are always right on economic questions why do you not adopt free trade in this country because England has it?

I claim, Mr. Chairman, that the benefits other countries have derived from subsidies have not been adequate to the expenditures. France has paid the largest subsidies in the whole world. Let us compare her with a country that so far has paid none.

Take Germany; and I want to say to gentlemen who point to Germany as a country that has always paid subsidies that they have been entirely misinformed; that Germany has never paid a dollar's worth of subsidy to any steamship line. They have just embarked in that business, but they have not paid anything as yet. They have gone at it like men. They have made an appropriation of $30,000,000 for the establishment or the creation of new lines. But this proposition here does not ask for the creation or establishment of new lines, but simply proposes to pay money to lines already in existence.

Now I will compare France with Germany, because France on the one hand has paid and is paying large subsidies and Germany is not.

Mr. MILLIKEN. But she has agreed to pay them?

Mr. GUENTHER. Yes, she has agreed to pay them, but she has not yet paid out a dollar.

Mr. MILLIKEN. She has agreed to pay subsidies to her steamship lines.

Mr. GUENTHER. Yes, but it is not so much for the promotion of her commerce as to further the colonization schemes of Germany. I can say from a comparison of France with Germany that the increase in tonnage has been greater relatively in Germany with no bounty than in France since her adoption of large bounties.

It may be interesting to know that in eight years prior to the era of bounties the French tonnage of steam-vessels increased relatively much faster than that of its continental competitors; than it did afterwards.

Let individuals and corporations understand that somebody is going to back them, that they may rely on some power other than their own push and energy, and the result will always be the same. To my mind the reason why American enterprise has been so successful, that we to-day lead the world in almost every branch of industry, is that the American has not relied on a paternal government to help him out of a scrape, but has established the motto, "Help yourself; be self-reliant; fight your own battle." [Great applause.] That has been the stimulus by which we have made a steady and conspicuous progress, and not by pleading the baby act. [Laughter and applause.]

France, after she adopted her bounty system, from 1881 to 1884 inclusive, paid in aid of her vessels directly and indirectly nearly $28,000,000. In the same period Germany paid her vessels about $320,000. During that time France increased her tonnage 1,768 tons over that of Germany. In other words, by paying twenty-seven millions and a half of dollars more for the same period, for the same purpose, and having about as much tonnage as Germany, than Germany did pay, France succeeded, by means of an expenditure of over $27,000,000, in increasing her tonnage to the enormous extent of 1,768 tons! [Laughter and applause.] That is about half the size of a good steamer. By the time they have gained a whole vessel it will have cost the large sum of $55,000,000; a rather expensive price to pay for one vessel. [Laughter and applause.]

Mr. MILLIKEN. If Germany did so much better without subsidies than France did with them in increasing her tonnage and extending her commerce, why has Germany adopted the policy of granting subsidies and appropriated so much money for that purpose?

Mr. GUENTHER. We can not legislate here in this country to prevent the Germans from making fools of themselves if they choose. [Laughter and applause.] Germany has done a great many things I do not indorse.

Mr. McADOO. Let me inquire of the gentleman whether it is not a fact that France has physical advantages over Germany in having more ports and ports easier of access?

Mr. GUENTHER. Yes; certainly. Germany has only a northern sea boundary, while France is surrounded by the seas on several sides.

Mr. McADOO. Are not the advantages all with France?

Mr. GUENTHER. Yes; the advantages are all with France.

Mr. MILLIKEN. Why does the gentleman go back on his country?

Mr. MILLS. Has French commerce fallen off?

Mr. GUENTHER. Of course it has.

Mr. O'NEILL, of Missouri. Some gentleman referred to Germany as your country.

Mr. GUENTHER. Did any gentleman refer to Germany as "my country?"

Mr. MILLIKEN. Yes; I said I did not think the gentleman could go back upon his country.

Mr. GUENTHER. Upon my country! What do you think is my country! [Great applause.] I want to say to the gentleman from Maine that, although I was born on German soil, and I have no reason to feel otherwise than proud of it; I am still prouder, as I always have been, to call myself an American citizen. [Great applause.]

Mr. MILLIKEN. I am glad to hear the gentleman's outburst of patriotic devotion to the country. I have never had any doubt of that. But I refer to the gentleman's own country; I meant the land of his birth, when he spoke of them slightingly; and I suggested the presumption that he did not intend to go back on them or say they were fools, as I thought I understood him to say.

Mr. GUENTHER. I did not say they were fools, but I say that Germany may have made a fool of herself, as doubtless my friend has done, and as I myself have occasionally done, made a fool of myself. [Laughter.] I think they made a mistake in this matter; that is what I referred to.

Mr. MILLIKEN. I am sorry the gentleman ever did it. I have never noticed it. [Laughter.]

Mr. GUENTHER. I say it because I am nothing but human and it is human to err.

Mr. MILLIKEN. The gentleman can plead guilty for himself, but not for me.

Mr. GUENTHER. Now, Mr. Chairman, I was speaking of the result in France of this subsidy system. The official statistics show that its shipping has decreased during the years pointed out, instead of being benefited and built up.

Besides, the lines that had been called into existence through the bounty system are earning nothing or else are in a state of bankruptcy to-day, and other lines are paying little or no dividends at all, and during all of that time France has paid in the way of bounties, direct or indirect, to her vessels about $3,000,000 more than England, Austria, Italy, Belgium, and Germany combined. These are official figures, and yet we are told by the advocates of subsidy that it will benefit commerce to imitate France. The truth is, Mr. Chairman, that the ocean carrying trade, in consequence of these subsidies and bounties granted to the shipping interest, has so overstimulated ship-building that there is to-day a carrying capacity in excess of the world's need. There can be no question about that, as my friend from Pennsylvania just suggests.

The year 1885 has been especially disastrous to the shipping business. Subsidized lines are paying little or no dividends; the net earnings are trifling or nothing, and the whole business has become unprofitable, and that is the reason that Americans, who seldom make fools of themselves in a matter of business, do not embark in this business now.

How much will it require to do what gentleman expect to do in the way of building up our shipping interests in this country and making it self-supporting? The advocates of the bounty system claim it will bring new lines into existence and new vessels into competition. It will not do it, I venture to assert. On the contrary, subsidize a line for five years, as proposed here, and you create a monopoly; and I do not say that as a demagogue, in an odious sense, but the effect is that it will be a monopoly. No other line will start, because it can not compete with the subsidized line; so that instead of promoting shipping and commerce, the reverse will result.

The purpose of this donation is ostensibly to stimulate commerce and give better mail facilities by creating new lines. I reply that the effect will be to distribute the money among the existing lines and give them the power to prevent competition. The general opinion in France to-day is that the bounty system has failed to produce the effect of increasing the shipping trade, and has only succeeded in creating a few large steamship companies, who have monopolized the steamship interests and the whole carrying trade to the exclusion of other lines engaged in the business.

Now I want to call the attention of the House to the fact that whenever coffee is mentioned it is said that these lines to Brazil will bring it so much cheaper. The fact I think is, and in that I am satisfied I am

correct, that most if not all of the coffee is brought in sailing vessels. That at least is my understanding.

I say the very lines that were called into existence by these large bounties from France are bankrupt to-day; who will be benefited by a similar bounty here? On what real ground can you excuse this appropriation which will take $4,000,000 from the public Treasury? How can you justify such a proposition before the bar of public opinion. I claim that it would be a gross abuse of our power. I appeal to my party friends; I appeal in the name of the American people whose money we have to take care of; I appeal as one to whom the fortunes of the Republican party are dear; I appeal to you as a Republican who wants to have his party, like Cæsar wanted his wife, to be above reproach; I appeal to you gentlemen that you will not again act as you did in the closing hours of the last Congress; do not allow yourselves to be again intimidated or coerced by threats of a prolonged or extra session into voting for such a subsidy. Assert your manhood and independence. Be not deceived by the siren songs of lobbyists who swarm in the corridors here to button-hole the members. Do not vote the public Treasury away to fill the coffers of Jay Gould and his greedy corporations. And when I mention the name Jay Gould I simply do it because I am informed, and believe, he will be a large beneficiary of this appropriation; because he is one of the main stockholders of the Pacific Mail Steamship Company. Listen to the voice of the American people, and not to the insincere pretenses of a handful of millionaires. I long, Mr. Chairman, for the purer atmosphere and the cool breezes of my State. I would like to go home and be with my family and friends in Wisconsin, provided our business was done here. I know the people also would breathe easier had we adjourned already. [Laughter.] But, sir, ardent as my desire is for the session to close, I for one will not be induced by any pretext, under any circumstances, to vote for this misappropriation of public money.

Mr. BUCHANAN. You will fight it out on that line if it takes all summer?

Mr. GUENTHER. Yes, sir. I thank the gentleman for the suggestion. If it is proposed to make the close of the session conditional on the passage of this amendments, if it is proposed to make it a question of physical endurance, I am physically not very strong myself, but I for one am willing to stay rather than yield, rather than to be coerced into submission to the dictates of these hunters for subsidies and would-be plunderers of the people's Treasury. I for one am determined to stay here, and, in the language of that immortal hero, as suggested by my friend, stay and fight them if it takes all summer. [Great applause.] If I have any time remaining I reserve it.

Mr. BURROWS. I hope the gentleman will bear me witness there has been no suggestion on the other side of any such coercion as he has spoken of.

Mr. GUENTHER. I have heard many suggestions.

Mr. BURROWS. There has been no such suggestion in the debate. The gentleman seems to have drawn on his imagination.

Mr. GUENTHER. I do not make statements unless I have something more substantial than imagination to draw upon.

Mr. BURROWS. Has the gentleman from Wisconsin any time remaining?

The CHAIRMAN. The gentleman has one minute left.

Mr. BURROWS. I will state to the Chair I suppose it is understood that one hour and a half have been occupied on this side. How much time has been used on the other side?

Mr. BLOUNT. I understand from the Chair we have had three hours.

Mr. BURROWS. The gentleman from Kansas [Mr. PETERS] had expected to speak to-day, but is ill and unable to be here this afternoon. I had expected him to follow; and it will be impossible now for anyone on this side to go on.

Mr. BLAND. I do not think this subsidy question should take up all the time of the House. Why not have a vote upon it?

The CHAIRMAN. If no gentleman proposes to continue the debate further or to make a motion the Chair will put the question on concurrence in the amendments of the Senate.

Mr. BLOUNT. I think there is some misunderstanding. The gentleman from Michigan [Mr. BURROWS] concedes that the remaining time of this day should be occupied by that side of the House.

Mr. BURROWS. But I stated that it was expected that Mr. PETERS, who is ill, would talk half an hour.

Mr. BLOUNT. I shall insist if gentlemen on that side are not ready to go on gentlemen on this side shall not suffer by it. We do not propose to let gentlemen on the other side conclude this debate. I move that the committee rise.

Mr. BURROWS. I have given a reason for our not proceeding, which ought to be satisfactory—the sickness of a member of the committee who expected to speak this afternoon.

Mr. BLOUNT. I am not complaining that the gentleman is sick, but the understanding was that this should occupy two days. The practice is to alternate, and we have certainly done our share up to this time.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Senate amendments to the Post-Office appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, requested the return of the resolution of the Senate of May 17, 1886, agreeing to the amendment of the House to the bill (S. 1227) granting an increase of pension to William P. Squires.

It also requested the return of the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-second sections found to be mineral lands.

It also announced the passage of a bill and joint resolution of the following titles:

A bill (H. R. 7207) making appropriations to supply deficiencies in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River; and

Joint resolution (H. Res. 79) for the relief of William L. Dunlop, trustee.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 127) for the relief of H. K. Belding;

A bill (S. 976) for the relief of certain officers of the Signal Service;

A bill (S. 1339) to amend the police regulations of the District of Columbia;

A bill (S. 1393) to extend the limits of port of Portland as a port of entry; and

A bill (S. 1587) in relation to the trustees of the Reform School of the District of Columbia.

It also announced the passage of concurrent resolutions providing for the printing of 15,000 additional copies of the reports of the South American Commission and 5,000 additional copies of the report of Mr. Menocal on the interoceanic canal; in which concurrence was requested.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 823) granting a pension to Capt. Elihu Jones;

A bill (S. 685) granting a pension to Mary Marsh;

A bill (S. 983) granting a pension to Michael Daly;

A bill (S. 1098) granting a pension to H. R. Duke;

A bill (S. 1250) granting a pension to J. D. Haworth;

A bill (S. 1387) for the completion of a public building at Wichita, Kans.;

A bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics and of their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States;

A bill (S. 1420) granting a pension to William Powell;

A bill (S. 1431) granting a pension to Jane Carr;

A bill (S. 1434) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (S. 1441) granting a pension to M. Romahn;

A bill (S. 1509) granting a pension to William H. Moore;

A bill (1539) granting a pension to Eveline Hunt;

A bill (S. 1830) granting a pension to Mrs. C. A. Bailey; and

A bill (S. 1850) granting a pension to Mrs. Annie C. Owen.

RETURN OF BILL FROM SENATE.

On motion of Mr. DOCKERY, by unanimous consent it was ordered that the Clerk be directed to request the Senate to return to the House the bill (S. 891) granting a pension to Geriah Collins.

N. H. VAN ZANDT.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 8971) granting a pension to N. H. Van Zandt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DISTRICT OF COLUMBIA SPECIAL ASSESSMENT LIENS.

Mr. COMPTON, by unanimous consent, introduced a bill (H. R. 8972) for the relief of the holders of the District of Columbia special assessment liens and others; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SHIPPING LAWS.

On motion of Mr. DINGLEY, the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, owners of vessels, and for other purposes, with amendments by the Senate, on which the Senate asked for a conference, was taken from the Speaker's table, referred to the select Committee on American Ship-building and Ship-owning In-

terests, and ordered to be printed, with the amendments of the Senate.

Mr. KING. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Newburgh, N. Y., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BENNETT: Petition of the president and faculty of the University of North Carolina, for experimental stations in aid of agriculture—to the Committee on Agriculture.

By Mr. BLAND: Petition of citizens of Wright, Webster, and Laclede Counties, Missouri, for opening up Oklahoma Territory—to the Committee on the Territories.

By Mr. BUCHANAN: Petition of Grange No. 40, of New Jersey, for the suppression of the manufacture and sale of imitations of dairy products—to the Committee on Agriculture.

By Mr. J. M. CAMPBELL: Petition of citizens of Bedford County, Pennsylvania, asking that a pension be granted to Asahel Walker, late of Company A, Eighty-fourth Pennsylvania Volunteers (House bill 8716)—to the Committee on Invalid Pensions.

By Mr. DORSEY: Sundry petitions from 33,000 citizens of Nebraska, asking the passage of the bill giving permission to the Union Pacific Railway Company to build branch lines—to the Committee on Pacific Railroads.

By Mr. DUNN: Petition of Richard D. Lamb and John M. Lamb, praying that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of 53 miners, laborers, and others, of Philipsburg; of 161, of Snow Shoe, Centre County; of 54, of Karthaus; of 248, of Osceola Mills; of 572, of Houtzdale; of 503, of Du Bois, Clearfield County, Pennsylvania, requesting an investigation by the Curtin committee of labor troubles in said district—to the Committee on Labor.

By Mr. EVANS: Petition of 168 citizens of Bucks County, Pennsylvania, praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. EVERHART: Petition of Grange No. 60, Patrons of Husbandry, of Chester County, Pennsylvania, praying for the suppression of imitation of dairy products—to the Committee on Agriculture.

Also, memorial of same, protesting against the admission, free of duty, of agricultural raw material—to the same committee.

By Mr. GROUT: Petition of Joel H. Marsh and 71 others, citizens of Sharon, Vt., for a tax on oleomargarine—to the same committee.

By Mr. HERMAN: Petition of Herman Baumhager, of Oregon, for increase of pension, with accompanying papers, to accompany House bill 6958—to the Committee on Invalid Pensions.

Also, affidavits, petitions, and proofs on behalf of claim of Kate Hatton, of Oregon, to accompany House bill 6553—to the Committee on Claims.

By Mr. HEWITT: Petition of the Berdan Fire-arms Manufacturing Company, for relief—to the same committee.

Also, petition of Eugene E. McLean, for removal of political disabilities—to the Committee on the Judiciary.

By Mr. HIRES: Petition for relief of Joseph Curriden (House bill 1491)—to the Committee on War Claims.

By Mr. KELLEY: Petition of Georgiana Showers, for a widow's pension—to the Committee on Invalid Pensions.

Also, petition for the protection of the purity of girls under eighteen years of age—to the Committee on the Judiciary.

By Mr. KING: Petition of captains and owners of steam-vessels running on the Ohio and Mississippi Rivers, against the building of a low bridge across the Ohio River at or near Cairo, Ill.—to the Committee on Commerce.

By Mr. NEAL: Petition of John Stewart, of Bledsoe County, Tennessee, asking pay for services as recruiting officer during the late war, and pay for expenditures incurred in and about said recruiting—to the Committee on War Claims.

By Mr. OSBORNE: Resolutions of the Commercial Exchange of Chicago, opposing tax on oleomargarine—to the Committee on Agriculture.

Also, resolution of the Commercial Exchange of Philadelphia, favoring the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Chamber of Commerce of Cincinnati, opposing tax on oleomargarine—to the Committee on Agriculture.

By Mr. PARKER: Petition of the Legislature of New York in favor of granting relief to Jonathan D. Stevenson—to the Committee on Military Affairs.

Also, petition against changing the tariff on spool-cotton—to the Committee on Ways and Means.

By Mr. PAYSON: Petition of L. Martin and many others, citizens of Kankakee County, Illinois, for legislation against imitation butter—to the Committee on Agriculture.

By Mr. RANDALL: Petition of cutters, trimmers, and other skilled mechanics of Philadelphia, Pa., against the proposed reduction of the duty on ready-made clothing—to the Committee on Ways and Means.

By Mr. RICHARDSON: Papers relating to the claim of William F. T. Coleman, of Rutherford County, Tennessee—to the Committee on War Claims.

By Mr. RIGGS: Resolutions of the Commercial Exchange of Chicago, against taxation of oleomargarine—to the Committee on Agriculture.

Also, protest of the Kansas City Board of Trade, against taxation of oleomargarine—to the same committee.

Also, protest of the Kansas City Live-Stock Exchange, against the bill to tax oleomargarine—to the same committee.

By Mr. SAWYER: Petitions for amendment of patent laws—to the Committee on Patents.

By Mr. SHAW: Petition of citizens of Carroll County, Maryland, for retirement of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. STORM: Petition of the Chamber of Commerce of Cincinnati, against taxing oleomargarine and butterine—to the Committee on Agriculture.

By Mr. TUCKER: Petition of Nicholas O'Keefe, for pension as school teacher—to the Committee on Pensions.

By Mr. WHITING: Petition of citizens of Fitchburg, Mass., for the bill establishing a national board of health—to the Committee on Commerce.

Also, petition of citizens of South Hadley, of Chicopee, of Holyoke, of Plainfield, of Hatfield, of Athol, and of Prescott, Mass., in favor of the bill taxing imitation butter—to the Committee on Agriculture.

By Mr. WISE: Petition of Peter Tresnon, private Company B, Sixth Regiment New York Volunteers, for change of record of charges of desertion—to the Committee on Military Affairs.

The following petitions, urging the adoption of the bill placing the manufacture and sales of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. SHAW: Of dairymen and butter-makers of Carroll County, Maryland.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools suppported wholly or in part by money from the national Treasury, were presented, and severally referred to the Committee on Education:

By Mr. BENNETT: Petition of citizens of Mecklenburgh County, North Carolina.

By Mr. BRUMM: Of citizens of Schuylkill County, Pennsylvania.

By Mr. D. B. HENDERSON: Of citizens of Dubuque County, Iowa.

By Mr. HITT: Of 65 citizens of Stephenson County, Illinois.

By Mr. WAIT: Of Rev. S. G. Willard and other citizens of New London County, Connecticut.

SENATE.

WEDNESDAY, *May* 19, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

POTOMAC RIVER BRIDGE AT ANALOSTAN ISLAND.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia; which was read, as follows:

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, May 18, 1886.

SIR: In response to the Senate resolution of May 3, the commissioners beg to inform the Senate that preliminary estimates of the cost of a bridge across the Potomac to connect the city of Washington with the Arlington National Cemetery have been prepared.

The line of the bridge is approximately that of New York avenue prolonged, and, traversing Analostan Island, leads directly to the main gate of Arlington.

As the Senate resolution conveys no intimation of the character of the proposed structure nor of the probable uses to be made thereof, the commissioners are without a guide in these respects.

Alternative estimates have been made for an iron trussed structure for the entire width of the valley and for a combined truss and embankment construction.

The general features of both are for a roadway of 20 feet in width with two 6-foot sidewalks, open spans of 210 feet each, and a draw-span over the channel of 250 feet, with center pier. The bottom chord of the bridge is 20 feet above mean low water.

Plan A includes 1,300 linear feet of trussed bridge as above proposed, with 2,100 feet of embankment; total cost, $350,000. If the roadway be reduced to 18 feet and the sidewalks be omitted, the cost would be $300,000.

Plan B is for a trussed iron structure throughout, with no embankment. The estimated cost is $460,000. With the reduced dimensions as under subplan A the cost would be $360,000.

The constructions above estimated for are about the cheapest that it would be at all worth while to consider. Of the two, plan A is the cheaper and probably the more advantageous, if the embankment across Analostan Island and the marsh beyond be not considered injudicious.

If more ornamental structures of greater capacity be contemplated the cost will depend upon the plan adopted.

In addition to the above the Senate resolution requires an estimate of the cost of converting the plateau belonging to Arlington into a parade-ground. In the absence of detailed surveys, for which no provision exists, it is roughly estimated that the cost of conversion as indicated may be placed at about $100 per acre, which for the 200 acres in question would aggregate $20,000.

Very respectfully,

W. B. WEBB, *President.*

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

The PRESIDENT *pro tempore*. The communication will be printed and referred to the Committee on the District of Columbia if there be no objection.

Mr. DAWES. I should think it had better go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Does the Senator so move?

Mr. DAWES. I think it should be referred to that committee.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Appropriations.

Mr. DAWES. It relates to a matter before the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of William Webster, of Washington, D.C., praying Government aid in furtherance of his claims against Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CALL. I present the petition of Mrs. Louisa Avery, formerly postmaster at Tallahassee, Fla. The petitioner prays for the adjustment and payment of the difference of salary allowed by Department circular No. 1223, November series, 1884, under the terms of the act of March 3, 1883, which she alleges has been denied to her by the action of the Postmaster-General. I move the reference of the petition to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. CALL. I also present a preamble and resolutions adopted by the Board of Trade of Jacksonville, Fla.; which was read, as follows:

Whereas the board of trade has been informed that a resolution has been introduced into the United States Senate looking to the forfeiture of the land granted to the Florida Railway and Navigation Company: Therefore,

Be it resolved, That it is the sense of the Jacksonville Board of Trade that it would be to the interest of the State of Florida to grant further time for the completion of said railroad, and that the land granted to said company by the United States should not be forfeited, as this board has perfect confidence that the said railroad will carry out in good faith the purposes of its original charter.

Resolved, That a copy of these resolutions be forwarded by the secretary to the Senators and Representatives in Congress.

In presenting this petition I desire to say that I ask its respectful consideration by the Committee on Public Lands and by the Senate. I have presented a large number of similar petitions from citizens of the State of Florida, for which I also ask the most careful consideration. I am myself opposed to the action prayed for by these petitioners.

The petition in effect asks Congress to extend a railroad grant which expired in 1866 and to re-enact it. This action by Congress would in my opinion substantially be to recognize and give its approval to about $15,000,000 or $16,000,000 of fictitious securities in the shape of watered stock and fictitious bonded indebtedness placed on this railroad property above either its original cost or the price paid for it by the persons now holding it.

It would be for Congress to give its approval to the methods and practices by which $3,000,000,000 of fraudulent and fictitious securities have been put upon this country in defiance of law and without the consent of the taxing power, and by which an annual tax of between two and four hundred millions of dollars is imposed on the labor and industries of the country without the authority of law, but in the forms of law, and with a certainty and a relentless power which will require the greatest efforts on the part of the people to prevent and overcome—a tax on locomotion and transportation paid by every man, woman, and child; a tax equal in amount and more oppressive than the entire taxation required for the support of the Federal Government, with its great army of pensioners, all to pay the interest on fraudulent and unreal securities, issued without consideration, and made operative through the connivance and permission of the tribunals charged by the people with the protection of the public and the just enforcement of the law.

It asks an imposition of between five and eight hundred thousand dollars of annual taxation upon the people of Florida in the shape of transportation to pay the interest upon these fictitious securities; and it further in effect asks that it be put in the power of this railroad company or of those who hold the fictitious securities to take from the settlers upon the public lands in the State of Florida between a million and a half and two million dollars as a contribution to the great property which they have already accumulated by gratuities from the United States and the State.

The railroads constituting the Florida Railway and Navigation Company are the Florida Railroad, which sold in 1866 for $320,000, payable in its bonds at 20 cents in the dollar; the Pensacola and Georgia Railroad, which sold in 1869 for $1,400,000, of which about $900,000 was paid in bonds bought at 30 and 40 cents, and which was again sold about 1880 subject to a lien of about $900,000; the Florida, Atlantic and Gulf Central Railroad, which was sold in 1879, I think, for about $120,000, payable in bonds at 20 cents in the dollar, with about 120 miles of new road. This property, the trustee and the receiver testify, is now bonded for $18,080,000. It produces a gross income of $1,000,000 annually, and is subject to a fixed interest charge of about $450,000. We are therefore confronted with the question on which the Senate lately acted in the interstate-commerce bill, which the Senate passed by a vote of 44 in favor of the bill and 4 against—the question which of all others now menaces the country and oppresses the people, increasing the cost of living and depressing the business of the country, which has deprived a million of men of employment and made hundreds of thousands of starving women and children.

The paramount and overshadowing question, How shall Congress and the States so legislate as to prevent the $3,000,000,000 of watered and fictitious bonded debt, with its three or four hundred millions of annual tax levied on the people of this country, from remaining a perpetual and crushing burden on all the industries and labor of the people? is met by this petition of the board of trade, requesting that this fifteen millions of indebtedness shall be approved by Congress and rewarded with a gift of the public land by the renewal of a railroad grant which expired twenty years ago, and with the power to demand from the settlers on the public land of the United States from one and a half to two millions of dollars as the price of their homes.

I will print, as a part of these remarks, the following extracts from the able speech of the Senator from Texas [Mr. COKE] on this subject, delivered in the Senate yesterday:

No honest man can read the testimony on the files of the two Houses of Congress, taken by the various committees who have from time to time investigated the subject, without a feeling of profound indignation and disgust, that a vital necessity to the whole country, like our great railroad system, should be an instrumentality in the hands of a few individuals for the systematic robbery of all the people of the country. That it is so used is not a matter of conjecture, nor does it rest on the assertion of enemies of railroad corporations, but is shown by the testimony of some of the ablest railroad men and experts in the United States, some of whom for years have been engaged in the highest branches of railroad administration. Mr. Henry V. Poor, the author of Poor's Railroad Manual, to whose testimony before the Senate committee I have already adverted, and who will be accused by nobody of unfriendliness to railroad corporations, in his statement estimates that of the capital stock, bonds, and other evidences of indebtedness issued by the railroads of the United States, amounting at the close of 1883 to $7,495,471,311, at least $2,000,000,000 represents what is known as "watered stock."

* * * * * * *

In 1830 there were only 23 miles of railroad in operation in the United States. For more than two hundred and fifty years this country has been developing, and its millions of hardy, enterprising, and thrifty people laboring and struggling and saving up wealth. It is too heavy a draught upon the credulity of the country to expect it to be believed that the comparatively few persons who have for fifty years only been building and operating railroads have honestly acquired one-fifth part of all the accumulations of value in the country. That they claim to have done so is certain. That the figures at which they value railroad property, stocks, &c., sustains that claim is equally certain. That they tax the people for transportation on a basis established for the purpose of paying interest in the shape of dividends on the amount thus claimed to be railroad values is unquestionable, and that at least one-half, and most probably a considerably larger proportion, of the alleged values is fictitious, bogus, "watered stock" does not admit of a doubt or question.

"Watered stock" means stock created by a stroke of the pen, costing nothing except the paper and ink used in making it, and representing not a penny of actual capital or value, but which is added to the actual, *bona fide* stock which represents capital, and counted as part of the cost of the railroad, and freight and passenger rates are fixed high enough to pay dividends upon the whole, fictitious as well as real. Through this device honest stockholders are defrauded and the people compelled to pay nearly double rates for transportation, because the corporations claim the right to fair profits or dividends on the entire stock, "watered" as well as real. This watered stock, representing nothing but the wrong which created it, stands on the books of the railroad corporations, in the stock markets, everywhere, on the same footing with stock honestly representing cash value, draws the same dividends, and commands the same prices, and the people are taxed in transportation charges to pay interest on it as if it represented full and honest cash face value.

Through this process of fraudulently watering railroad stocks a perpetual mortgage for an amount greater than the entire national debt when at its greatest figure after the war, before its reduction was commenced, has been placed upon the industry of the country, exacting from every person and every pound of freight carried its daily and hourly tribute. In order to give some idea of the methods through which stock-watering is performed I here read from the testimony of Mr. Simon Sterns, representing the Board of Trade and Transportation of New York, given before the Senate committee, and found on pages 78 and 79 of the volume of testimony.

Mr. F. B. Thurber, of New York, on pages 274 of his testimony, said:

That if this stock which had previously been largely watered had not again been watered "the public would have been $100,000,000 richer and Mr. Vanderbilt and his associates $100,000,000 poorer." "Overcapitalization" is the polite designation for this method of plundering the people.

The same gentleman in his testimony said: "Excessive capitalization operates as a mortgage upon the industry of the country whenever the power exists to impose rates for transportation which will yield dividends on watered stock." The power to impose rates exists universally with the corporations, except in the rare cases when competition controls them. Pooling, which is now the order of the day among railroads, and is utterly destructive of competition, gives to railroad corporations power to exact full dividends upon their fictitious watered stock. It has become an axiom in railroad administration that when combinations are possible competition is impossible.

Corporations which, in violation of official trust, defraud honest stockholders and plunder the public in amassing princely fortunes for themselves. It is to give value to this fraudulently issued stock and buoy it on Wall street, that dividends

on it are forced by double charges on the public for transportation, and by cutting down the wages of labor. In order to keep up the value of stock the charges must be sufficient to pay interest on the bonds outstanding, because that must be paid first, and then to pay the dividends on the stock, so that the stock and bonds constitute the basis for transportation charges.

Mr. Joseph, of Iowa, a witness before the committee, stated that the aggregate of the bonded debt and stock of the railroads of Iowa amounted last year, according to official reports, to $258,000,000, while the property of the roads upon which they paid taxes was assessed at only $30,000,000, and that the annual net profit of the roads was within a fraction of 5 per cent. on the first-named amount, or about $12,000,000, which is exactly 40 per cent. net profit on the amount they assess for taxes; and it will be remembered that this profit was made during a period of unparalleled depression. I read from the testimony, page 1036:

"Senator HARRIS. Did I understand you correctly when I understood you to say that the stock and bonded debt amounted to $258,000,000 on your railroads?

"Mr. JOSEPH. Yes, sir.

"Senator HARRIS. And that the assessment for taxation was $30,000,000 in the aggregate?

"Mr. JOSEPH. Yes, sir.

"Senator HARRIS. A difference of $228,000,000?

"Mr. JOSEPH. The assessment is about one-ninth of the sum on which they draw revenues."

The assessment for taxes to the State about one-ninth of the sum on which their rates and charges are fixed and on which they draw revenues. This statement as to the Iowa roads is believed to be equally true as to the proportion of "water" in railroad stocks throughout the Southwest.

I could multiply quotations to the same effect indefinitely from the mass of testimony before the Senate, but will not consume more time to do so. It is sufficient to say that all the testimony concurs in attributing to overcapitalization, or, in other words, to fraudulently issued stock and bonds known as "watered stock," all the difficulties surrounding railroad administration, producing, as it does, a war between the people and the railroad corporations, the former trying to protect themselves from extortionate rates sought to be enforced by the latter for the purpose of making dividends on fictitious capital, or, to speak more accurately, on no capital at all.

The mystery as to the mode of accumulating the colossal fortunes which in the last fifteen years have been amassed by leading railroad men is solved under the light of the undisputed facts, which show wholesale pillage of the public in the administration of the great transportation business of the country. These great railroad lines are as necessary to the civilization and commercial, social, and political life of the Republic as blood circulation is to the life of man, and disease, impurity, and taint in the latter is no more fatal to physical health than corruption and dishonesty in the management of the former is to the health of the body-politic. The duty of the government, State and national, is plain. Congress should no longer permit corporations in their own interest to regulate interstate commerce as they now do, to usurp a function vested by the Constitution in Congress, but should itself by law regulate it in the interest of the public in a mode which shall be fair to honestly invested capital. But the chief responsibility and the highest duty rest with the States which have chartered the great railroad corporations. These owe it to themselves, to their people, to the great right of local self-government which needs to be vindicated in this regard, to take hold of this subject in earnest and deal with it as its stupendous importance demands. The power is in their hands to apply the remedy.

I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. MCPHERSON presented a petition of citizens of New Jersey, praying for the enactment of a law providing for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. DAWES. I present the petition of George M. Lyons and other members of the George E. Sayles Post, No. 126, Grand Army of the Republic, praying for legislation that will make more just and equal the pensions, and especially of those soldiers who have lost both arms. They therefore pray for the passage of Senate bill No. 927, in relation to that subject. This, although in all other respects in the form of a petition to Congress, is addressed to me personally. I ask that the paper be received and treated as a petition and referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The petition will be received and so referred, if there be no objection.

Mr. DAWES. I also present the petition of Simon H. White, of Hinsdale, Mass., and other farmers in various towns in the county of Berkshire, Mass., praying for the passage of the bill introduced in the Senate by Hon. WARNER MILLER for the purpose of placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MILLER presented a petition of Lucinda Silver, of New York, praying for the passage of a bill extending the time for the filing of certain pension claims; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of Catherine White, of Grundy County, Tennessee, praying to be reimbursed for certain quartermaster's stores taken for and used by the United States Army; which was referred to the Committee on Claims.

Mr. GRAY presented a petition of citizens of Wilmington, Del., praying for the redemption of the trade-dollar; which was referred to the Committee on Finance.

He also presented a petition of owners of vessels engaged in the United States merchant marine, and others, owners of cargoes carried thereon, praying for the passage of the bill to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on Claims to present a supplemental report in regard to the bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine. I ask that the report may be printed and that the clerks make the proper entry on the Calendar.

The PRESIDENT *pro tempore*. The report will be printed and noted on the Calendar.

Mr. DOLPH. By direction of the Committee on Claims I report an original bill for the relief of James S. Clark & Co., which I ask to have read twice and placed upon the Calendar; and when Order of Business 213, being the bill (S. 41) for the relief of the same claimants, is reached I shall offer this as a substitute for that bill.

The bill (S. 2474) for the relief of James S. Clark & Co. was read twice by its title.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (H. R. 4837) for the relief of Mary E. Whitehead, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2414) for the relief of Miss Eula E. Henry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2261) for the relief of R. R. Tinsley and Miss Eula E. Henry, moved its indefinite postponement; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7436) to grant a pension to Mary Anderson;
A bill (H. R. 6566) granting a pension to Henry I. Cartin;
A bill (H. R. 7253) for the relief of Joseph Guy;
A bill (H. R. 6247) granting a pension to Mayberry Vance;
A bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll;
A bill (H. R. 504) granting a pension to Anna Kessinger;
A bill (H. R. 3640) granting a pension to James T. Irwin;
A bill (H. R. 1177) granting a pension to William J. Barker;
A bill (H. R. 7257) granting a pension to James H. Darling;
A bill (H. R. 6323) granting a pension to Rebecca Reese McKee;
A bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers;
A bill (H. R. 5414) granting a pension to Maria Cunningham;
A bill (H. R. 8086) granting a pension to Cummins Porter;
A bill (H. R. 5232) for the relief of Mary Hawhe; and
A bill (H. R. 5492) granting a pension to Eliza Newman.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7509) granting a pension to Cecelia C. McKenna;
A bill (H. R. 5434) granting a pension to Amos C. Wertz;
A bill (H. R. 3501) granting a pension to Daniel J. Bingman;
A bill (H. R. 6176) granting a pension to Margaret Mayham;
A bill (H. R. 6193) granting a pension to Charles Foreman;
A bill (H. R. 4382) to increase the pension of John F. Chase;
A bill (H. R. 5411) granting a pension to John Butler;
A bill (H. R. 7641) granting a pension to Sophronia Witham;
A bill (H. R. 1945) granting a pension to Jeremiah M. Fitger;
A bill (H. R. 6266) granting a pension to Philip Arner;
A bill (H. R. 6147) granting a pension to Frederick Marion;
A bill (H. R. 4226) for the relief of Samuel Kitzmiller;
A bill (H. R. 5435) granting a pension to David L. McDermott;
A bill (H. R. 3645) granting a pension to Sarah Brooks;
A bill (H. R. 3366) granting a pension to Henry Bollman; and
A bill (H. R. 6812) granting a pension to Margaret Lucas.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1932) granting a pension to Mrs. M. Augusta Barnes, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 565) for the relief of Joseph H. Maddox and others, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Samuel Noble, of Anniston, Ala., praying compensation for certain cotton alleged to have been captured by the United States military authorities at Savannah, Ga., during the late war, submitted a report thereon, accompanied by a bill (S. 2475) for the relief of Samuel Noble; which was read twice by its title.

THE PASSPORT CHARGE.

Mr. FRYE. I am instructed by the Committee on Foreign Relations, to whom was referred the message of the President of the United States, transmitting a letter of the Secretary of State, in response to a resolution of the Senate of May 5, relative to charges for passports to American citizens, to report it back and ask that the committee be relieved from the further consideration thereof, and that the message be referred to the Committee on Finance, as it relates to what is practically a tax.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the

Senate, in compliance with its request, the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; and also to return to the Senate its resolution agreeing to the amendment of the House of Representatives to the bill (S. 1227) granting an increase of pension to William P. Squires.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*.

A bill (S. 823) granting a pension to Capt. Elihu Jones;

A bill (S. 685) granting a pension to Mary Marsh;

A bill (S. 983) granting a pension to Michael Daly;

A bill (S. 1098 granting a pension to H. R. Duke;

A bill (S. 1253) granting a pension to J. D. Haworth;

A bill (S. 1387) for the completion of a public building at Wichita, Kans.;

A bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics and of their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States;

A bill (S. 1420) granting a pension to William Powell;

A bill (S. 1431) granting a pension to Jane Carr;

A bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (S. 1441) granting a pension to M. Romahn;

A bill (S. 1509) granting a pension to William H. Moore;

A bill (S. 1539) granting a pension to Eveline Hunt;

A bill (S. 1830) granting a pension to Mrs. C. A. Bailey; and

A bill (S. 1850) granting a pension to Mrs. Annie C. Owen.

BILLS INTRODUCED.

Mr. BOWEN. I introduce a bill granting a pension to Alfred Cumings, and I wish to state that I accompany it with some papers, one of which is signed by Mr. Cumings himself. I call the attention of the chairman of the Committee on Pensions to the fact that the difficulty in the case in the Pension Office was that the identity of the claimant could not be established. It is possible that his signature may be compared with that on the pay-rolls of his company, which the committee will no doubt be able to get by calling on the Department for them, so that the missing link in this man's evidence may be supplied.

The bill (S. 2476) granting a pension to Alfred Cumings was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 2478) granting a pension to John Wines; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2479) granting a pension to Mrs. Adaline P. Loy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCPHERSON introduced a bill (S. 2480) granting a pension to Augustine H. Flood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2481) granting a pension to Robert Hall; which was read twice by its title, and referred to the Committee on Pensions.

LABOR ARBITRATION.

Mr. LOGAN submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés.

THE GENEVA AWARD.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the morning business is closed and the Calendar is in order.

Mr. HOAR. Before the Calendar is proceeded with I should like to give notice that if it be agreeable to the Senator from Iowa [Mr. WILSON] I shall ask the Senate to-morrow morning after the routine business is over to take up and dispose of the bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims and for other purposes. I desire that the bill shall be disposed of at an early day, and I understand that it will be agreeable to the Senator from Iowa to take it up at an early day.

Mr. WILSON, of Iowa. If it be the pleasure of the Senate to consider the bill to-morrow I shall have no objection.

Mr. CONGER. If it is proposed to take up the bill in the morning hour I shall have to object to its being taken up before 2 o'clock. I do not wish by my silence to give any assent to taking up the bill before 2 o'clock.

DAVIDSON DICKSON AND OTHERS.

The PRESIDENT *pro tempore*. The first case on the Calendar will be announced.

The CHIEF CLERK. A bill (S. 290) for the relief of Davidson Dickson and others.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill as in Committee of the Whole. The bill was read yesterday and also the report from the Committee on Claims. The pending question is on the amendment reported from the committee, in line 13, before the name "James A. Ralston," to insert the words "estate of;" so as to read:

To estate of James A. Ralston, $771.25.

The amendment was agreed to.

Mr. FRYE. Was not the Staten Island bridge bill the regular order for this morning?

The PRESIDENT *pro tempore*. It was left on the Calendar undisposed of. The pending bill was under consideration at the expiration of the morning hour yesterday. If there be no further amendment as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEN ISLAND BRIDGE.

Mr. FRYE. I move that the Senate proceed to the consideration of Order of Business 259, being on the Calendar two ahead of the bill which has just been passed.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of Order of Business 259, being the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road.

Mr. SEWELL. I shall object to the consideration of the bill in the morning hour.

Mr. FRYE. I move that the Senate proceed to its consideration, notwithstanding the objection. The Senator from New Jersey is apparently now present.

The PRESIDENT *pro tempore*. Objection being made, the Senator from Maine moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in line 9, after the word "Kill," to strike out the words "at or near Elizabeth, Union County," and to insert "from;" and in line 10, after the word "Jersey," to strike out the words "and the town of Northfield" and insert "to;" so as to read:

That it shall be lawful for the Staten Island Rapid Transit Railroad Company, a corporation existing under the laws of the State of New York, and the Baltimore and New York Railroad Company, a corporation existing under the laws of the State of New Jersey, or either of said companies, to build and maintain a bridge across the Staten Island Sound, or Arthur Kill, from New Jersey to Richmond County, New York, for the passage of railroad trains, engines, and cars thereon, and to lay on and over said bridge railway tracks for the more perfect connection of any railroads that are or shall be constructed to the said sound at or opposite said point.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "than," to strike out "thirty" and insert "thirty-two;" and after the word "above," in the same line, to insert the word "mean;" so as to read:

SEC. 2. That said bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the sound at an accessible and navigable point, and with spans of not less than 200 feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than 32 feet above mean low-water mark, measuring to the lowest member of the bridge superstructure.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "plan," to insert the words "and location;" and in line 5, after the word "plan," to insert the words "and location;" so as to read:

SEC. 4. That the plan and location of said bridge, with a detailed map of the sound at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built, &c.

The amendments were agreed to.

Mr. MCPHERSON. Are the amendments of the committee through with?

The PRESIDENT *pro tempore*. They are.

Mr. MCPHERSON. I now desire to offer an amendment.

Mr. SEWELL. Will my colleague allow me to ask for the reading of the report in this case?

Mr. MCPHERSON. Certainly.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the following report, submitted by Mr. FRYE February 25, 1886:

The Committee on Commerce, to whom was referred the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, beg leave to report as follows:

This bill makes it lawful for the Staten Island Rapid Transit Railroad Company and the Baltimore and New York Railroad Company, corporations existing under the States of New York and New Jersey respectively, to construct a railway bridge across the Staten Island Sound, known as Arthur Kill, at or near Elizabeth, N. J., and the town of Northfield, upon Staten Island, New York.

Mr. FRYE. Right there I wish to say that the latitude of the Secretary of War has been increased as to the location of the bridge by an amendment which has been adopted.

The Chief Clerk resumed and concluded the reading of the report, as follows:

It provides that the bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the sound at an accessible and navigable point and with spans of not less than 200 feet in the clear on each side of the central or pivot pier of the draw, and that these spans shall not be less than 32 feet above low-water mark measuring to the lowest member of the bridge superstructure. The bill further provides that the plan and location of the bridge shall be submitted to the Secretary of War and receive his approval before it can be constructed.

The committee gave ample opportunity to all parties interested to present their arguments in favor of or against the bill, and, after carefully considering the same, now state their conclusions as follows:

(1) Staten Island Sound, or Arthur Kill, is a tidal water way separating New Jersey from Staten Island, New York. The bill does not locate the site of the bridge, but leaves the same to be determined by the Secretary of War. It was conceded, however, in the arguments before the committee that the point at which the railroad companies desired to construct the bridge, if the site chosen by them should be approved by the Secretary of War, was near the southern border of the town of Elizabeth, where the sound does not exceed 600 feet in width. Some of the opponents of the bill did not object to the construction of the bridge across the sound, but to the location as chosen by the railroad companies. The committee, however, are of opinion that the question of the location of the bridge should be left, as it is left by the bill, to the determination of the Secretary of War, who will doubtless be governed in his action by the report of engineer officers thoroughly familiar with the sound, and who are eminently qualified to determine what is properly a question of engineering.

In almost all the acts of Congress authorizing the construction of bridges over navigable streams we find that the Secretary of War has been invested with the power to locate the bridge and approve the plans thereof, and no sufficient reason has been presented to the committee warranting a departure from this uniform usage.

(2) Staten Island Sound is an important water way connecting Newark Bay and Kill von Kull with Raritan Bay, and along this sound there is carried an extensive commerce. The shores on either side in the main are low, flat salt meadows.

The chief commerce of the sound that is to be affected by the construction of this bridge is that coming from South Amboy, Perth Amboy, and the Raritan River. At South Amboy the Pennsylvania Railroad Company have constructed their extensive coal wharves, and at Perth Amboy are found the large piers of the Lehigh Valley Railroad Company. The tonnage from South Amboy, as shown by the report of Major Gillespie, for the year ending June 30, 1884, was 2,308,961 tons, being chiefly coal (see page 754); from Perth Amboy, from the same report (page 754), the tonnage was 2,293,620 tons; this also was chiefly coal. From the Raritan River came, first, the tonnage passing through the Delaware and Raritan Canal, connecting the Delaware and Raritan Rivers, amounting, as shown by that report (page 756), to 1,272,386 tons; and also the tonnage coming from manufacturing and other establishments upon the river and tributaries, and which was carried in small sail-boats or small steamers, and shown in the same report as 409,939 tons.

What proportion of this entire tonnage passes through the Raritan Bay and takes what is known as the outer channel through the Narrows to New York, and what proportion of the same passes through the outer channel and past Sandy Hook and up the coast, the committee have no accurate means of determining; it was, however, conclusively shown to the committee, and indeed admitted by all parties, that the commerce from South Amboy, Perth Amboy, and the Delaware and Raritan Canal, and which passed up the sound to New York Harbor and to ports situated on or near Long Island Sound, was carried almost exclusively in canal-boats and barges. These boats and barges are placed in large tows, sometimes containing, as stated to the committee, 8,000 tons of coal, and drawn by tugs. The canal-boats or barges coming from the Delaware and Raritan Canal are brought down the Raritan River in large tows and pass through the draw-bridge of the Central Railroad of New Jersey at the mouth of the Raritan River. The draw of this bridge gives a clear water way of 200 feet. The opponents of the bill claim that the construction of the bridge would offer serious obstruction to this canal-boat and barge traffic by contracting the width of the channel to two clear water ways of 200 feet each; the committee, however, are of the opinion that the difficulties anticipated by the opponents of the bill will not arise in actual practice. It must be remembered that these canal-boats and barges will readily pass under the bridge constructed 30 feet above law-water mark without the draw thereof being open, and it was shown to this committee that a large proportion of the tugs were provided with smoke-stacks of such a height that they could readily pass under the bridge without the opening of the draw. Moreover, it is a well-known fact that the smoke-stacks of these tugs can be so constructed that they can be lowered while passing under a bridge, and that this form of construction is quite common, if not almost universal, upon the Western rivers, where the boats are frequently required to lower their stacks while passing under bridges constructed without a draw.

The committee call attention to the fact that the bill does not fix the exact height at which the bridge is to be constructed above low-water mark, but prescribes that it shall be constructed not less than 30 feet above the same, leaving to the Secretary of War to determine whether, under all the circumstances, the bridge shall be constructed a few feet higher than the minimum prescribed by the bill. The committee call attention to the fact that very much of this commerce that will pass through this bridge has not only come through the Delaware and Raritan Canal, but has come in tows through the 200-foot draw at the mouth of the Raritan River. The committee are not aware that a draw of greater length than that prescribed by the bill has ever been required by Congressional enactment. The New York and Greenbush Railroad Company's bridge is constructed across the Hudson River, near Albany, with a draw of 170 feet, and above this draw are made up the large tows of canal-boats coming from the Erie Canal and destined to New York, and through it also pass all the large steamers plying between New York and Albany.

The lake commerce of the city of Chicago is accommodated upon the Chicago River, and at least 99 per cent. of the same passes through one draw-bridge and 90 per cent. passes through five draw-bridges. Over the Chicago River there are some thirty-three bridges with draws therein, and none of them, we believe, are of greater width than that provided by the bill. Under the act of Congress approved the 3d day of March, 1883, the construction of a bridge of the New York, Boston and Providence Railroad Company across the Thames River, at or near New London, Conn., was authorized; the location and plans thereof were to be approved by a board of Army and Navy officers designated by the Secretaries of War and Navy. After full discussion this board has approved a plan of a bridge with a draw of substantially the same length as that provided in the bill, and through this draw pass the sound steamers of the Norwich line, and large ocean craft, and the United States war vessels destined to the naval station, which is situated some distance above the bridge. Across the Harlem River in New York bridges have recently been constructed and approved by the engineers of the Army with draws of considerably less width than the one proposed by this bill; and under these bridges and through these draws passes an immense commerce, as well as the large car floats and tows of the New York Central and Hudson River Railroad to the High Bridge terminus of that line.

It is a fact well known that there is scarcely a navigable water way in New Jersey which has not been bridged under the authority of the Legislature of that State. The large commerce of the city of Newark, with a population of 150,000 inhabitants, and of its neighboring towns passes through the draws of the numerous bridges across the Newark Bay and the Passaic River, and none of these draws have a width greater than 80 feet, and the extent and value of the commerce and the number of vessels passing through the same is shown by the above-mentioned report of Major Gillespie (page 742). All of these bridges across the Newark Bay and the Passaic River are so low that the draws are required to be opened even for the smallest craft.

The committee are therefore persuaded that the commerce of Arthur Kill can readily pass through a 200-foot draw. It was shown to the committee that there was a limited commerce of small oyster-boats and craft of that kind, but of course these would have no difficulty in passing through this draw-bridge. Very few sea-going vessels pass through the Arthur Kill and only when in tow, and it was not seriously claimed that vessels of this character would be affected by the construction of this bridge.

The committee refer to the fact that a bill similar to this received the unanimous approval of the Senate Committee on Commerce at the last session, and they also refer to and make a part of this report the report of the Secretary of War and the communications of the War Department in regard to the previous bill, which contained provisions substantially the same as the one now in question. They call special attention to the following language of Major Gillespie, of the engineers:

"The proposed clear width of 200 feet on either side of the pivot will be ample to prevent interference with the security and convenience of navigation of Arthur Kill. It is a comprehensive enterprise, which, if successfully carried out, will add greatly to the commercial character of the island and the adjacent shores, and the bridges may be safely authorized to be built under the restrictions of the bill without any detriment to commerce, present or prospective."

In the report of Major Gillespie the Chief of Engineers concurred, and the same was approved by the Secretary of War.

(3) The two corporations which by the bill are authorized to construct this bridge are now controlled by the Baltimore and Ohio Railroad Company, which seeks for its traffic an independent outlet upon New York Harbor. This company is one of the large trunk lines, so called, controlling some 3,000 miles of railway, extending to Cincinnati, Louisville, and Saint Louis on the southwest, and Pittsburgh, Cleveland, Sandusky, and Chicago in the north and northwest.

This company desires to use the northern and eastern shore of Staten Island for its terminus; upon these shores there is ample depth of water for the accommodation of the largest sea-going vessels. These vessels can come direct to the piers constructed upon these Staten Island shores and unload their cargoes direct into warehouses, whence the same can be loaded directly into cars for shipmment to their places of distribution. Terminal charges for lighterage from the vessel to the warehouse and again from the warehouse to the railroad will thus be saved. The average cost of lighterage in New York Harbor was stated to your committee at 60 cents a ton. The railroad company also propose to carry their passenger traffic in fast steamers directly from the northern point of the island to their depot near the Battery in New York city, and which is immediately connected with the station of the four elevated railroad lines in New York.

The construction of the bridge will therefore serve a very important public purpose and accommodate a very large amount of interstate and foreign traffic, and will give to the Baltimore and Ohio Railroad an independent terminus at New York, and will bring into use for commercial purposes the deep-watered shore of Staten Island, which forms the southern portion of the New York Harbor.

(4) The committee are of opinion that the commerce which passes across such a stream as Staten Island Sound is to be accommodated as well as that which passes along it, and, in the language of the Supreme Court in the case of Escanaba Company *vs.* Chicago (107 U. S. Reports, page 680), "The object of wise legislation is to give facilities to both with the least obstruction to either." This we think is accomplished by the provisions of the bill. Commerce of the railroad can pass across the sound, commerce of the sound can pass through the draws which are ample for every purpose, and the large proportion of the sound traffic can pass under the bridge without even the necessity of opening the draw and without being obstructed in any substantial degree.

The committee therefore report Senate bill No. 121 with amendments, and recommend its passage as amended.

Since this report was prepared the attention of your committee has been called to resolutions passed by the Legislature of New Jersey touching the authority of Congress in these premises, and in fact denying that authority. They therefore submit their views as to this question. They also annex communications from the Secretary of War.

The committee does not deem it necessary to enter into an extended discussion of the power of Congress to pass acts authorizing the construction of bridges over interstate water ways. This power has been exercised too frequently to be now the subject of serious denial. To cite a single instance, among the statutes enacted by the Forty-seventh Congress there are twenty-four acts in substantially the same terms as the present bill authorizing railroad companies to build bridges over navigable rivers within and between States; hardly a session of Congress passes without similar authority being conferred upon a railroad or bridge company to bridge some navigable stream.

In 1876 the State of South Carolina filed a bill in the Supreme Court of the United States against the State of Georgia and the Secretary of War to prevent the United States engineers from building a crib across one channel of the Savannah River in order to deepen the others. The court dismissed the bill, and in doing so used the following language:

"They (the States before the adoption of the Federal Constitution) had plenary authority to make improvements in the bed of a river, to divert the water from one channel to another, and to plant obstructions in it at their will, but the power to regulate commerce conferred by the Constitution is that which previously existed in the States. The power to regulate commerce confers the control for that purpose to the extent necessary of all the navigable rivers of the United States which are accessible from a State other than those in which they lie; for this purpose they are the public property of the United States, subject to all the requisite legislation by Congress." (South Carolina *vs.* Georgia, 93 U. S., page 4.)

Again the court said:

"Every structure erected in the bed of a river, whether in the channel or not, would be an obstruction. It might be a light-house erected on a submerged sand-bank, or a jetty pushed out into the stream to narrow the water way, or a pier of a bridge standing where vessels now pass."

It is true that the States retain the power to authorize the construction of bridges across navigable streams, as long as the subject is not regulated by Congress, but the moment that Congress, in pursuance of the power delegated to it by the Constitution, exercises its right to authorize the construction of bridges, State enactments contrary thereto become null and void. This is a doctrine settled by numerous decisions of the Supreme Court of the United States, and upon which Congress has uniformly acted. In the case of Gillman *vs.* Philadelphia (3 Wallace, 713) the court, referring to the construction of bridges, uses the following language:

"The States have always exercised this power, and, from the nature and objects of the two systems of government, they must always continue to exercise it, subject, however, in all cases to the paramount authority of Congress whenever the power of the State shall be exerted within the sphere of the commercial power which belongs to the nation."

Again:

"Lastly, Congress may interpose, whenever it shall be deemed necessary; by general or special laws it may regulate all bridges over navigable waters, remove offending bridges, and punish those who shall thereafter erect them. Within the sphere of their authority both the legislative and judicial power of the United States are supreme. A different doctrine finds no warrant in the Constitution and is abnormal and revolutionary."

In a case concerning a license to construct a boom in the Mississippi, the court said, in 1878: "Moreover, the United States, having paramount control over the river, may grant such license if the State should refuse one." (98 U. S., page 409, Patterson *vs.* Boom Company.) In 1882 the same court said, in the case relating to the bridge over the Ohio River, authorized by both State and the United States, that the act of Congress was "the paramount license for the erection and maintenance of the bridge." (105 U. S., page 479, Bridge Company *vs.* United States.) The authority to construct the bridge across the Mississippi River from Council Bluffs to Omaha is derived from the act of Congress of February 24, 1871, without any legislation of the State of Iowa authorizing its construction, and the construction of the bridge under this act has been declared legal by the Supreme Court of the United States.

The act of Congress of July 14, 1862 (11 Stat. L., 570), authorized a railroad company to construct the bridge over the Ohio River near Steubenville, and makes void all provisions of the acts of Ohio or Virginia in conflict therewith. This is a notable instance of where Congress authorized a railroad company to construct its bridge over the Ohio River, although the express legislation of Virginia provided that it should not construct that bridge until certain other bridges should be constructed elsewhere. The act of Congress strikes down this restriction of the State Legislature, and gives express authority to the railroad company to construct its bridge in spite of the same.

The committee do not deem it necessary to cite more instances of Congressional action in authorizing bridges, nor to refer at greater length to the numerous decisions of the Supreme Court and circuit courts of the United States, in which this power is recognized as unquestioned.

WAR DEPARTMENT, *Washington City, January* 27, 1886.

SIR: I have the honor to acknowledge the receipt of a letter, dated the 8th instant, from the Committee on Commerce, by its clerk, inclosing Senate bill No. 121, Forty-ninth Congress, first session, "to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road," and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I beg to invite your attention to the inclosed letter, dated the 21st instant, from the Chief of Engineers, who embodies a report in this matter by Major Gillespie, Corps of Engineers, concurring in his views, and recommending that the height in the clear between the bridge and the water be measured from the level of mean low water, and be made 32 feet, if practicable.

The recommendations of Major Gillespie and of the Chief of Engineers are concurred in.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. SAMUEL J. R. MCMILLAN,
Chairman Committee on Commerce, U. S. Senate.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C., January 21, 1886.

SIR: I have the honor to acknowledge the reference to this office for report of letter from the Senate Committee on Commerce, by its clerk, Mr. J. B. McMillan, dated the 8th instant, inclosing Senate bill 121, Forty-ninth Congress, first session, "to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and establish the same as a post-road," and to state that it was referred to Maj. G. L. Gillespie, Corps of Engineers, who has returned it with a report, of which the following copy is respectfully submitted.

Major Gillespie's views are concurred in by this office, and in addition it is recommended that the height in the clear between the bridge structure and the water be measured from the level of mean low water, and be made 32 feet, if practicable.

UNITED STATES ENGINEER OFFICE, *New York, January* 16, 1886.

GENERAL: I have the honor to submit the following report in compliance with first indorsement, Office Chief of Engineers, United States Army, January 14, 1886, on letter from Committee on Commerce, United States Senate, January 8, 1886, referring to Senate bill 121, Forty-ninth Congress, first session, "To authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road."

This is essentially the same as Senate bill 1447, Forty-eighth Congress, first session, upon which reports were submitted from this office under dates of February 28 and April 15, 1884, to which references are respectfully made.

Arthur Kill is about 12 miles long, and is a retired and sheltered water connection, through Kill von Kull, between the Upper Bay of New York and the mouth of the Raritan River. At the proposed site of the bridge the width from bank to bank, between high-water lines, is 625 feet, approximately, and between the 12-foot curves 500 feet; approximately, the depth in the center of the channel being 18 to 19 feet M. L. W. In the northern half of the kill the navigable depth is 13 feet, low stage, and in the south half 15 to 18 feet, low stage; these are the minimum depths arising from small shoals, the maximum depth near Perth Amboy being in excess of 35 feet. By a slight improvement the navigable depth may readily be increased throughout to 20 feet, low stage.

Senate bill 121, Forty-ninth Congress, first session, provides for the construction of a pivot draw-bridge, which shall have a width of span of not less than 200 feet in the clear on either side of the pivot pier, and a height of not less than 30 feet from lower chord to low-water level. These provisions, in my opinion, meet all the demands of the present or future commerce of the kill, and the restrictions contained in section 4 of the bill are ample to secure a location and construction for the pivot pier such as will cause least interference with the existing deep-water channel and at the same time will be least obstructive to the tidal currents.

The construction of the proposed bridge under the provisions of the bill will not injuriously affect any interests over which the Government has control.

Very respectfully, your obedient servant,

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., United States Army.

Brig. Gen. JOHN NEWTON,
Chief of Engineers, United States Army, Washington, D. C.

The letter from the Senate Committee on Commerce is herewith returned.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. General.

Hon. W. C. ENDICOTT,
Secretary of War.

WAR DEPARTMENT, *Washington City, March* 7, 1884.

SIR: In returning herewith the copy of bill S. 1447, "A bill to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," which was referred from the Senate Committee on Commerce for the views of this Department thereon, I have the honor to inclose herewith a report of the Chief of Engineers, dated the 4th instant, embodying a copy of a report upon the subject of said bill by Maj. G. L. Gillespie, Corps of Engineers, New York, dated the 28th ultimo.

The views presented by Major Gillespie, in which the Chief of Engineers expresses his concurrence, are also concurred in by this Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

OFFICE OF CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 4, 1884.

SIR: I have the honor to return herewith (S. 1447) "A bill to authorize the construction of certain bridges across the Staten Island Sound known as Arthur Kill, and to establish the same as post-roads," referred to the War Department for its views and suggestions from the Committee on Commerce of the Senate of the United States, and thence to this office, and to invite attention to the following copy of the report thereon of Maj. G. L. Gillespie, Corps of Engineers.

It will be observed that Major Gillespie sees no objection to the construction of draw-bridges as provided for, but makes objection to spanning the highway in question by a bridge with unbroken spans having the elevation specified in the bill.

[Second indorsement.]

UNITED STATES ENGINEER OFFICE, *New York, February* 28, 1884.

Respectfully returned to the Chief of Engineers, United States Army. That there may be no mistake as to the water way mentioned as "Staten Island Sound," I take occasion to say in the beginning that the navigable channel known by that name is limited exclusively to the narrow and tortuous water course usually called Arthur Kill, which separates Staten Island on the west side from the New Jersey shore, and extends from Elizabethport to Perth Amboy, N. J.

The name Kill von Kull is reserved solely for the connecting passage between Upper New York Bay and Newark Bay, separating Bergen Neck on the north from Staten Island on the south.

The bridges mentioned in Senate bill 1447, Forty-eighth Congress, first session, are proposed to be erected over Arthur Kill, one at or below Elizabethport, N. J., and the other at or above Perth Amboy, N. J.

Arthur Kill is the grand highway for all the local commerce of the several ports and streams on the west side of Staten Island, as well as for the interstate commerce passing south and west through the Delaware and Raritan Canal, which connects the Raritan River at New Brunswick, N. J., with the Delaware River at Trenton, N. J. This canal is one of the principal links of the chain of internal navigation of the Atlantic seaboard. It has a minimum depth of 8 feet throughout, and its annual tonnage is 2,000,000 tons, approximately; less of late years than formerly, owing to railroad competition, though its importance as a water way is not impaired.

The draws which are described in the bill are sufficiently wide to meet all the requirements of commerce along the route over which the bridges are to be built.

I do not approve the spanning of any important navigable highway adjacent to the sea, which is now or may hereafter be utilized by sea-going vessels, by a bridge with continuous spans, even if the bottom chords should be placed so high as 100 feet above high-water mark, except in the rare case of two large and populous cities, where the intercommunication between them over a bridge would be greatly interfered with by frequent and prolonged openings of the draw.

No such condition exists on Arthur Kill, and while the existing depth of water is not sufficient for sea-going vessels of the first class, yet the stream is capable of improvement, and will be improved whenever commerce demands it. For this reason the bridges should be provided with draws. The proposed clear width of 200 feet on either side of the pivot will be ample to prevent interference with the security and convenience of navigation of Arthur Kill.

On the approach to Newark, N. J., from Kill von Kull, the Central Railroad of New Jersey, which crosses Newark Bay, has a draw with a clear opening of 80 feet on either side of pivot; the New York and Newark Railroad, at the mouth of the Passaic River, has one of 65 feet, and the Pennsylvania Railroad, in the city of Newark, has one of 75 feet.

The Central Railroad of New Jersey, whose tracks cross Raritan River near its mouth, on the approach to the canal, after a lengthy controversy with the Delaware and Raritan Canal Company, adopted and built a draw-opening of 200 feet, the same as proposed in this bill.

The main objects to be gained by the construction of these bridges are to give rapid transit around the island to points on the New Jersey shore, to increase the facilities for reaching New York, and to provide means for reaching coal wharves to be built, it is said, by the coal-carrying roads on deep water on the east side of the island.

It is a comprehensive enterprise, which, if successfully carried out, will add greatly to the commercial character of the island and the adjacent shores, and the bridges may be safely authorized to be built under the restrictions of the bill without any detriment to commerce, present or prospective.

The papers are herewith returned.

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

I concur in these views.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., April 17, 1884.

SIR: I have the honor to acknowledge the reference to this office on the 11th inst. of the letter of Hon. W. P. FRYE, of the Committee on Commerce of the United States Senate, inclosing S. 1447 "to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," and certain papers relating thereto, and to state that it was referred to Maj. G. L. Gillespie, Corps of Engineers, who has returned it with the report of which the following is a copy.

Major Gillespie's views appear to be just and proper, and are concurred in.

UNITED STATES ENGINEER'S OFFICE,
New York, April 15, 1884.

Respectfully returned to the Chief of Engineers, United States Army.

The intent of the act, as I understand it, is to authorize at this time the construction of a railroad bridge over the navigable waters of Arthur Kill, the Secretary of War having the reserved right, in the interest of commerce, to dictate the character and arrangement of the bridge in all its parts.

The petition submitted with Mr. Bonnett's paper has been carefully considered. The east bank of Arthur Kill, on the northern side of Staten Island, extending south to Fresh Kills, is a wide marsh land, with but little variation in its elevation for a distance back from the shore line of over 2 miles. If the lower chord of the bridge proposed to be built near Elizabethport be placed at 135 feet above high water the approaches to the bridge would be over long and high trestle-work, which would have so steep a grade as to make the railroad probably unfitted for giving rapid transit to the towns on the island and on the west bank, or for convenient connection with existing railroads.

The 135-feet contour of the island along the proposed railroad line on the north shore does not extend westward of Factoryville. At the southwestern point of the island the ground is higher than on the north shore; on the ridge above Tottenville the 100-feet contour appears on a single rise, but this is an exception; all the rest of the ground in the vicinity is much lower.

The low character of the land adjacent to Arthur Kill therefore compels, with rapid transit in view, the construction of low bridges; and that they may not obstruct navigation, draws must be provided, the exact width and arrangement of which can be definitely stated only after a careful survey of the water course has been made, including the determination of the strength and directions of the current. A clear width of not less than 200 feet in the channel way, through the bridges provided for in the act, is, with my present knowledge, deemed sufficient for the requirement of the commerce of Arthur Kill, and the projected bridges may, it is thought, be built without interfering injuriously with the flow of the tide, or without increasing the dangers to navigation due to ice which forms in the kill or which is driven there by winds and currents.

The relation of the bridges to the tides, ice floes, and other matters involving the rights of commerce will engage the attention of the examining officers designated by the Secretary of War, after the bridge company shall have presented drawings and specifications of the plans proposed.

The examination will include not only the bridges proper and the necessary width of draws, but their sites and the sites and arrangements of the piers with reference to the navigation of Arthur Kill in all its bearings.

The papers are herewith returned.

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

The letter of the Hon. Mr. FRYE is herewith returned.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

WAR DEPARTMENT, *Washington City, April* 19, 1884.

SIR: Referring to your letter of the 10th instant, inclosing bill S. 1447, Forty-eighth Congress, first session, a bill "to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," together with a petition from Mr. P. Bonnett and other shore-owners, and also returning for consideration in connection with the petition referred to a report, dated the 4th ultimo, from the Chief of Engineers, embodying a report on this bill from Maj. G. L. Gillespie, Corps of Engineers, I have the honor to invite your attention to the inclosed report of April 17, 1884, from the Chief of Engineers, embodying a supplemental report, dated the 15th instant, from Maj. G. L. Gillespie, Corps of Engineers, whose views as expressed therein are concurred in by the Chief of Engineers.

The inclosures to your letter are herewith returned.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN, *Secretary of War.*

Hon. WILLIAM P. FRYE,
Chairman of subcommittee of Committee on Commerce,
United States Senate.

Mr. MCPHERSON. I desire to offer an amendment to the pending bill which I think will commend itself to every member of the Senate. I have not formulated my amendment exactly in the shape I desire to present it, but I will state, first, that I propose to strike out the word "bridge" wherever it occurs in the bill and to insert the word "tunnel." I propose also to strike out all of the second section which provides the machinery by which the draw shall be closed and opened.

The PRESIDENT *pro tempore*. Does the Senator propose——

Mr. MCPHERSON. I care nothing about the amendment offered by the committee.

The PRESIDENT *pro tempore*. The Chair understands the Senator proposes to strike out the word "bridge" wherever it occurs.

Mr. MCPHERSON. I propose to amend the bill according to the copy I have sent to the desk, including the amendments made by the committee.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That it shall be lawful for the Staten Island Rapid Transit Railroad Company, a corporation existing under the laws of the State of New York, and the Baltimore and New York Railroad Company, a corporation existing under the laws of the State of New Jersey, or either of said companies, to build and maintain a tunnel under the Staten Island Sound, or Arthur Kill, from New Jersey to Richmond County, New York, for the passage of railroad trains, engines, and cars thereon, and to lay in said tunnel railway tracks for the more perfect connection of any railroads that are or shall be constructed to the said sound at or opposite said point; and in case of any litigation concerning any alleged obstruction to the free navigation of said sound on account of said tunnel, the cause may be tried before the circuit court of the United States of either of said States in which any portion of said obstruction or tunnel touches; and that all railway companies desiring to use the said tunnel shall have and be entitled to equal rights and privileges in the passage over the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, for a reasonable compensation to be paid to the owners of said tunnel under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

SEC. 2. That any tunnel constructed under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to said tunnel; and the United States shall have the right of way for postal-telegraph purposes through said tunnel.

SEC. 3. That the plan and location of said tunnel, with a detailed map of the sound at the proposed site of the tunnel and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said tunnel it shall not be built; but upon the approval of said plan by the Secretary of War the said companies, or either of them, may proceed to the erection of said tunnel in conformity with said approved plan; and should any change be made in the plan of said tunnel during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MCPHERSON. Mr. President, in obedience to the instructions of my State, whose behests I respect, and in behalf of the interests of free and unobstructed commerce upon the water ways of the country, which are the people's ways and their only relief against unjust railroad exactions, I shall vote against the passage of this bill unless properly amended.

The bill now before the Senate is misleading in its title. It should be entitled a bill to destroy water ways in the interest of railways. With all due respect to the honorable committee who reported this bill, and I do respect each and every member of said committee, I venture as my opinion that with all the facts before it there is not another legislative committee of any progressive nation on earth that would for a moment entertain such a proposal as this bill contains. I take it, therefore, the committee have not been given the facts as they exist, and trust that when the facts are stated even the committee itself will agree to the amendments I have offered.

The bill itself proposes to give ostensibly to the Baltimore and Ohio Railroad the right to bridge Staten Island Sound, an arm of the sea, and is the sea itself, to an island in front of it, by a structure which when built will of necessity obstruct commerce. The bridge is not for the use of the Baltimore and Ohio Railroad solely, but for the use of any and all railroads who desire to use it, and all railroads can and will use it who think they will be benefited by its use. So, therefore, my opposition is not alone to one railroad but to all railroads, except the crossing be by tunnel or a suitable bridge structure that will not impair the navigation of the stream.

New Jersey hails with delight the advent of any and all new railway lines, from whatever source they spring or whatever name they bear, seeking access to the State and the terminal facilities she enjoys. In that State the franchise is free and the liberty to build railroads absolute and unrestricted. Although not first in the advance, at last, however, the iron horse, that great apostle of liberty and enterprise, is given more freedom in New Jersey than anywhere else. No laws more liberal for the construction of railroads can be found upon the statute-books of any State in the Union.

While New Jersey has been more than liberal to the railroad lines that have sought to cross her territory, she has at all times defended her water courses from aggressions of every kind with a force and vigor that would be creditable and profitable for the Federal Government to imitate.

New Jersey has nearly 30 miles of water front contiguous to New York Harbor (including the 12 miles of Arthur Kill), all of which is available for terminal facilities for all the great railroad lines which stretch far and wide over the continent, developing its industries and which seek their outlet at the sea.

The New Jersey shore is the point at which imports and exports meet for exchange. The great steamship lines to and from all parts of the world here meet the vast system of railroads and inland water routes, and cargoes are exchanged with the least possible expense for handling. It was to preserve intact and free from obstruction this Arthur Kill and the Kill von Kull and other great streams that she required that all railroads should gain the consent of her Legislature before the stream could be bridged. It was not so much to prevent the crossings as to control the manner of the crossings.

If Arthur Kill and the Kill von Kull were the property of any European nation it would ere this have expended untold millions upon it, converting it into a ship-canal for vessels of the largest size. Nature has done its full share, leaving it to the hand of man to fashion and improve it to meet the demands of increasing commerce and national development.

The bill authorizes the construction of a bridge over this sound to Staten Island shore at a point where the sound is only 600 feet wide, providing for a center pier in the middle of the stream to accommodate a railroad which desires to cross the stream, follow up the opposite shore, and locate its depot 2 miles above on the same stream, notwithstanding the resulting infinite distress of the water route and two great railroads whose depots are located on the Jersey shore, and all of which are the competitors of the railroad which seeks this legislation.

It is said that Staten Island should have rapid transit, that the Baltimore and Ohio Railroad should have the right to establish its terminal on Staten Island if its own and the public interest requires it. In both cases true, very true, and neither the State of New Jersey nor myself will place any obstacle in the way, provided the crossing be made in such manner as not to defeat and destroy a much greater public interest.

It is claimed by some of the ablest lawyers and jurists in the country that Congress has no constitutional right under the circumstances as here presented to authorize the construction of this bridge.

Without affirming or denying the existence of such power in Congress—as the Supreme Court has never recorded its decision in a similar case—I am ready, however, to admit that the tendency of its decisions of late has been in the direction of enlarging the scope of Congressional power, and to this extent restricting the authority of the States even in matters over which the States claimed exclusive control. Even the Senate itself, whose members are the representatives of States, seems to have forgotten the teachings of the fathers, and has already taken gigantic strides toward a centralized government, denying to the States even the control of its municipal affairs.

I need not therefore waste the time of the Senate in discussing the constitutional power to do this thing, but will leave the discussion with others so disposed and better equipped than myself to deal with the constitutional phases of the case. However, let me remind the Senate that the propriety or necessity of a bridge only 30 feet high and having a center pier is not a question for the discretion of the court but for the discretion of Congress. The means or instrumentalities by which the power granted should be executed is a Congressional power and should be exercised with extreme caution.

I am well acquainted with the location and business upon this water way. The 16,000,000 tons which annually pass the sound and Arthur Kill consist of coal, lumber, iron-ore, clay, brick, and all kinds of heavy material used by manufacturing establishments located on the banks of the sound, together with the vast traffic of the rivers and streams which enter into it, all of which have been made navigable by the Government, to wit, the vast traffic of the Passaic and Hackensack Rivers, upon which are located the great manufacturing cities of Newark, Paterson, Passaic, Hackensack, and other towns of less importance as manufacturing centers.

Large smelting works and other important manufacturing industries have been established on the banks of these rivers and streams. Then comes the Elizabeth River, made navigable by the bounty of the Government to the city of Elizabeth; the Rahway River, made navigable to the city of Rahway; the Raritan River, made navigable to the city of New Brunswick, and by internal water communication furnishing an interior water route as far as Pamlico Sound on the south. The vast clay interest, which furnishes material for a large proportion of the pottery manufactured in the United States, is mainly transported through this channel, and reaches the channel through Reesh Kill, Richmond, Woodbridge, Cheesequake, and Whale Creeks, all of which have been dredged and improved by the Government to meet the requirements of this trade. It will thus be seen that the major part of the traffic through this sound is of the coarser and weightier material, which will not bear rail transportation.

The extent and importance of this traffic is simply enormous, employing over one hundred thousand vessels, carrying 16,000,000 tons of products, with an estimated value of over $60,000,000—a tonnage greater than the entire foreign commerce of the port of New York and much greater than the foreign tonnage of Philadelphia and Baltimore combined; and, with the exception of the single article of coal, the tonnage of the sound is greater than the entire tonnage of the six great trunk lines of railway having their termini in New Jersey. It is estimated that over thirty thousand people find employment in the navigation of this natural water way, made by nature's God for man's use, and upon which, together with its feeders, the Government has already expended nearly $1,000,000.

The tonnage of the Suez Canal in 1883, which cost to build over 457,000,000 francs, was less than half the tonnage of the sound during that year. The tonnage of the Detroit River, of which I will speak hereafter, was in 1872 about 9,000,000 tons. Compared with the tonnage of the Erie Canal, consisting of like bulky and weighty products, the comparison stands as follows: Erie Canal in 1885, 5,000,000 tons, or less than one-third of the tonnage of the sound.

Pursuing the comparison further, we find that the estimated tonnage of the Panama or Nicaragua canal, or the interoceanic ship-railway, estimated to cost, severally, from two to five hundred millions of dollars, will be less than the present tonnage upon this sound.

Let it now be remembered that the stream through which this immense commerce passes is an arm of the sea, in short the sea itself. The point at which this proposed bridge is to be built is only 600 feet in width, and in the very middle of the channel a center pier is to be located, upon which the draw is to rest, and the channel is to be restricted 200 feet in width, thereby placing serious restrictions upon the commerce of the stream for the immediate accommodation of a single railway company, which, after allowing said railway its full share of the traffic to New York, will not carry over this bridge one-tenth of the traffic which now passes upon the waters below the proposed bridge. Again, starting from Pamlico Sound on the south, this great internal water way is a direct competitor for almost every mile of said distance with the Baltimore and Ohio system, which seeks by the proposed legislation to cripple the water route.

Again, the Pennsylvania system has its terminal at South Amboy; the Lehigh Valley at Perth Amboy, and the New Jersey Central at Elizabethport, each of which is upon the banks of the sound on the Jersey shore, all of which are competing lines with the Baltimore and Ohio, and any obstruction to their commerce will tend to lessen active competition. In addition to the obstructions stated to the business of rival lines, very extensive manufacturing establishments have been built upon the Jersey shore, with a prospective commerce greater than that of any single railway in the United States. I send to the Clerk's desk, which I wish to have read, a letter from the Standard Chemical Company, whose works are located on the sound, and which contains much valuable information.

The Secretary read as follows:

OFFICE OF STANDARD CHEMICAL COMPANY,
New York, April 9, 1886.

DEAR SIR: We have in Union County, New Jersey, an extensive investment in land and manufacturing plant on Arthur Kill, which stream forms a part of the channel between Staten Island and New Jersey. This safe and sheltered inland water way has, within the past ten years, made a wonderfully progressive advance in commercial importance. The two drawbacks which in the past have hindered its development were shoalness of water for a certain distance in Newark Bay and narrowness for a mile or so in front of the city of Elizabeth, where in summer there is scarcely room for the crowd of traffic, and where in winter there is a strong tendency for ice to collect and jam.

The United States Government has since 1873 done much to remedy the first difficulty in the way of the profitable use of this channel by excavating through the shoals of Newark Bay a passage 13 feet deep at low water and 400 feet in width, such channel being a necessity for existing traffic. (See report Secretary of War, 1884, volume 2, part 1, page 742.)

In 1879 this dredging work was so far advanced that this company deemed it safe to erect large works just south of Elizabeth. Daily communication with New York is a matter of prime necessity with us, and we note that our business has not been interfered with by ice, except for a few days at a time during the severe cold spells of the winters of 1885 and 1886. The passage of large passenger steamers and heavy tugs with tows breaks up all ordinary ice, and the rapid tidal flow of Arthur Kill disperses this formation in the wide expanse of Newark and Raritan Bays. At times we have done our part in keeping this channel clear by running our own steamer, the Advance, backward and forward from our docks to Newark Bay. We regard with apprehension the favorable report of Senate bill 121, a bill that would authorize the building of a draw-bridge just north of our works where the kill is only 635 feet wide.

Such a structure, even when provided with two openings of 200 feet each, would completely change the character of this water way. At times it would so collect the ice as to render all our efforts to break through of no avail. It would throttle the flow of the tide where it now has to pass through the narrowest section of this extensive channel, and thus create in many places above and below it a shoaling of the water. It would be ruinous to the profitable prosecution of the great towing business that now uses this highway of necessity. It would even seriously impede large vessels in tow from passing safely except at slack-water. Thus our location would be reduced from a situation on a free and unobstructed "arm of the sea" to one scarcely better than upon an artificial dock with tidal gates.

We are surprised that any engineer should pronounce such a bridge equal to the requirements of existing commerce, much more that it should be said that it could "be safely authorized to be built, without any detriment to commerce, present or prospective."

Since the United States Government took away the main obstacle to this remarkable highway—the shoal in Newark Bay—we have located our works upon its shores, occupying about 1,000 feet out of total New Jersey shore front, between Elizabeth and Perth Amboy, of about 12 miles. To this 1,000 feet the privileges of a free and unobstructed navigation have brought an interstate commerce of 25,000 tons per annum. Four other establishments, averaging about the same business that we do, have taken advantage of the same facilities to extend that great commerce that is now centering in the vicinity of New York, and there is every reason to suppose that this entire shore will in the near future be lined with commercial establishments, to which the free use of the water way is the most important condition. Here, then, is a prospective commerce of 1,500,000 tons per annum, far greater than any railway can ever expect to carry across the stream.

We hope that no bill will ever be authorized in Washington, Trenton, or elsewhere that would allow the clear water way of this stream to be reduced to a width of less than 500 feet by any bridge structure, or without having a provision regarding height and width of draw, admitting of safe passage of vessels with lofty masts through the same.

Respectfully, yours,

STANDARD CHEMICAL COMPANY.

Hon. JOHN R. MCPHERSON,
United States Senator, Washington, D. C.

Mr. MCPHERSON. I will now read the statements of Mr. W. T. Meredith, of New York, Mr. D. C. Chase, and Mr. Isaac L. Fisher, president of the Steam and Sail Vessels' Association, all intelligent men, in respect of this matter:

[New York Herald, February 8, 1886.]

BLOCKING THE KILLS—HOW THE BALTIMORE AND OHIO'S BRIDGE WILL AFFECT NEW YORK—A SOURCE OF DANGER AND DELAY—INTERVIEWS WITH VESSEL-OWNERS WHO OPPOSE THE BRIDGE—A RAILROAD'S SELFISH ENTERPRISE.

The general public seems to be entirely ignorant of the inland water way to the south of New York Harbor and its value to the commerce of the country and the people of New York. The Herald lays before its readers to-day some information regarding the navigation of the Arthur Kill Sound, of the disastrous manner it will be affected by the building of the proposed bridge between the Jersey shore and Staten Island.

SECOND ONLY TO THE EAST RIVER.

"The importance of the Arthur Kill Sound to the commerce of New York," said Mr. William T. Meredith, of No. 58 Wall street, "is second only to that of the East River. Arthur Kill Sound carries every year more freight than the combined foreign shipments of Philadelphia and Baltimore. The Clyde lines, the other freight lines to the South, the coal traffic of the Pennsylvania and Lehigh railroads from Perth and South Amboy all pass over this highway. It would be no greater outrage on the commerce of New York to build a cheap

spile with a draw across the East River to the north of Blackwell's Island than it would be to block up Arthur Kill Sound with the same kind of structure."

What evidence is there that the spile bridge with a draw would obstruct the navigation of the sound?

"The evidence of the towboat companies," replied Mr. Meredith, "following the water of the south of New York; the reduction of the tonnage of the Raritan Canal by more than one-half in consequence of the building of the Raritan Bridge at the lower end of the Arthur Kill Sound, a structure very similar to that which it is proposed to throw across from New Jersey to Staten Island. Besides this, the common sense of every man teaches him that a bridge so low that a draw is required to admit the passage of vessels is an obstruction in a crowded stream. How would New York get along with a drawbridge across the Hudson 2 miles above the city?"

HOW THE BRIDGE WILL BE BUILT.

Mr. D. C. Chase, president of the Delaware and Raritan Canal Steam Towing Company, was found at his office, No. 129 Broad street. Upon being asked to give his opinion on the present proposed spile-bridge he said: "Already much has been said about the enormous traffic of the stream across which the bridge is to be built. We all know that a bridge of some kind or other is to be constructed, and all that navigators, whether steam lines, oystermen, or traders, want is a bridge that will not interfere with that traffic. Few know that over one hundred thousand vessels a year pass up and down the Arthur Kill Sound. These carry coal, iron, sand, brick, and almost every variety of freight. The trade is very large, there being 13,500,000 tons of freight carried every year. The value of this freight is from $4 to $100 a ton.

"The center pier, constructed of driven spiles," explained Mr. Chase, "is to be 550 feet in length, which, with the cribbing or guards at each end, will probably be 570 feet in all. It is to be about 65 feet in width. The stream at this point is narrow, being only 600 feet from shore to shore. As spile piers are to be built out from both shores, the width of the draw, when open, will be only 225 feet. At the place in question there are strong cross-currents, and the tide runs about 4 miles an hour. Thus a tow coming toward New York loaded with 8,000 tons, not an unusual cargo, and being towed by steam, moves along with the tide at a rate of speed of from 7 to 8 miles an hour. Should the draw be closed or shut in the face of such a tow, as will often be the case, there is no power on earth that can check the loaded boats from sheering into the center pier; and the immense weight forging along at such a great headway will cause the boats to crash up against each other, and not only run a chance of being wrecked, but do considerable damage to the bridge. Any one acquainted with the towing traffic on this stream knows this will be the case, as the stream at the point where the bridge is to be built is too narrow to admit of long tows being turned and checked.

THE REAL POINT AT ISSUE.

"The real point at issue is whether the bridge shall or shall not be such a structure as will leave the navigation of Arthur Kill Sound free. The Baltimore and Ohio Railroad Company propose to build a bridge costing only $350,000, with a draw affording a passage-way 225 feet wide from the center pier to either side, at an elevation of 30 feet above the water. At the point where it is proposed to locate the bridge the sound, though deep, is only 600 feet in width. I have talked with a number of expert bridge-builders on the subject, and there can be no doubt that an expenditure of $750,000 would build a bridge with a single span of 600 feet from shore to shore at a height of 70 feet above the water, and this would leave the navigation of the sound comparatively free. President Cleveland, in his message to Congress, refers to this very question of the construction of bridges over navigable waters.

"Nowhere else in the country would such a bridge be tolerated as the Baltimore and Ohio is now preparing to construct over a great water way for a paltry cost of $350,000. This bridge question seems to be looked upon in New York as only a good joke on New Jersey. But if this cheap draw-bridge be built New York will find it more than a joke against her sister State. It will be an obstruction to her own commerce. Public attention should be directed to the right of the people to demand a structure costing from $750,000 to $1,000,000, and New York should look to it carefully that no bridge across Arthur Kill Sound by act of Congress which will interfere with her commerce, as the proposed spile-bridge with a draw will certainly do, should be constructed.

The whole country should rise against this contemplated outrage. No pier or any superstructure should be built in navigable waters. The Government has already expended $848,000 in removing obstructions in this place, and propose to spend upward of $2,000,000 more for the same purpose. The center pier of itself will be a greater obstruction to navigation than all the obstructions which have been or will be removed. There is no other inland water route from New York to the South and West, and no one State is more interested in this matter than another. The secret is that the Baltimore and Ohio desire to block up the water traffic that they may control the business themselves."

THIRTY THOUSAND NAVIGATORS TO SUFFER.

Mr. Isaac L. Fisher, president of the Steam and Sail Vessels' Association, was next called upon at his office, No. 14 South street. "I have only the interest of the navigator at heart," said he. "I speak for no corporation. The greatest interest of all in this matter is that of the men who earn their bread and butter on the stream of water in question. The number of vessels plying through the Kills is annually increasing. One hundred thousand passed up and down from this city through the Kills and Arthur Kill last year.

"Altogether there are ten thousand different vessels employed in the Arthur Kill traffic. They average three men each; the oyster-boats and vessels carrying bricks employ six to eight hands; the canal-boats about two. Altogether thirty thousand men earn a living on these waters; besides this 30 per cent. of these men carry their families with them. Block up the stream with a bridge at the place selected by the railroad and these men must necessarily suffer. The whole plan of navigation in the sound will have to be changed, thereby casting a heavy burden upon all employed in it. The tugboat men, who must respond for damage to the vessels and cargoes towed, will not take additional risks without additional compensation. The carrier will ask increased rates to meet the increased rates charged. The shippers, in order to protect themselves, must pay increased rates of insurance, for underwriters will advance their rates for the increased risk, all of which must ultimately be borne by the consumer. If granted, this cheap water route so conspicuously mentioned by Colonel Gillespie in his report of 1883 will be ruined, and many thousand men who earn their living upon this stream of water will be driven off, because a single corporation, in order not to change their plans, insist upon choosing a spot that will ruin the sound. The bridge can be built so as not to interfere with the commerce, and it ought to be if built at all.

THE DRAW WILL RARELY BE CLOSED.

"The bridge bill provides," continued Mr. Fisher, "that the draw shall be opened promptly upon reasonable signals, except when trains are passing over it. That section is delusive. When a train is about due that draw would not be turned until the train had passed over it, for all the vessels in the country. In all fairness, how could a vessel running with the tide, and often hampered by the fogs prevalent thereabouts, avoid colliding with the bridge under such conditions. It is so at every railroad drawbridge, and it is that which makes them so objectionable and dangerous. For the safety of the traveling public alone, they should all be built without a draw, especially where it is as practicable as in this case. I honestly believe that the draw in this bridge built as proposed will be open seven-tenths of the time, because the work that is now done in bulk will of necessity be divided in many parts."

What scheme, then, do you suggest for bridging the Arthur Kill? was asked by the reporter.

"Let the railroad people move below Morss Creek, but 4,500 feet, to a spot known as Buckwheat Island, where the current runs true and fair, the center abutment being placed on the island and the bridge constructed 70 feet above high-water mark, so that all vessels can pass under the span."

And Buckwheat Island——

"Yes, of course. Mr. Wiman's statement has been read that the island is only 25 feet square, while as a matter of fact it contains over 2 acres, being 600 feet in length and 160 feet in width, these figures being based upon the sworn statement of the engineer of the riparian commission."

THE OYSTERMEN'S OPINION.

The reporter then followed the water's edge and talked with over twenty owners of oyster-boats and their captains. They all seemed to be aware of the trap that was about to be sprung on them. One of the oldest captains said: "We have only recently learned that the sound was to be blocked by driven spiles. The bridge people had better build a dam across Arthur Kill and be done with it. If nature had placed such an obstruction in the middle of the channel at the point suggested the Government would have been obliged to remove it long ago. The gist of the thing is that the bridge is not to be built so as not to interfere with commerce, but commerce is to be regulated so as not to interfere with the bridge. Congress, as a rule, seems to be down on American commerce, and is going now to let an Englishman block us up worse than ever."

Mr. William P. Clyde, No. 35 Broadway, said: "I have no objection to a proper kind of bridge across Arthur Kill, but if the stream is blocked up with spiles there will be trouble. More I decline to say." From an authentic source it is learned that the Clyde lines carry $65,000 of freight daily through Arthur Kill Sound. In all $5,000,000 of freight is carried by the steam lines every month.

WHAT COAL SHIPPERS SAY.

Messrs. Berwind, White & Co., No. 55 Broadway, are the largest miners and shippers of bituminous coal in this country. Last year 600,000 tons of their coal was brought through Arthur Kill Sound. Mr. Berwind said: "We have felt that the bridge must come, but we are strongly opposed to one with a draw. It should be at least 70 feet above the surface of the water."

Capt. Henry Hoffman, the superintendent of the harbor work of Berwind, White & Co., said: "The proposed bridge is going to do incalculable damage to the commerce of New York—far more harm than it will do to Jersey. This city is the great central shipping point. I know some of the bridge builders, and they say it is to be built of spiles driven in the center of the channel. This will practically block up the sound. Both the sailing and steam traffic will be disastrously affected. The fleets of oyster-boats can not beat through a draw against a head wind. They will lose days of time every year. The spile pier in winter will create ice, and catch enough to block the draws. As the sound is now we have the greatest trouble with ice for several months every year. There are thousands of men who make a living on the sound because it is now open; but shut it up, as is contemplated, and the poor man, of course, goes by the board. As far as the coal traffic is concerned, it is impossible to bring the coal to the city as cheaply or as safely as through Arthur Kill. When we are forced by the ice to go outside of Staten Island we have to load our boats with one-fourth less coal, and the danger is increased four hundredfold. When east winds prevail we do not dare to make the outside route."

A GREAT EXPENSE TO NAVIGATORS.

How about the tows of coal coming to this city?

"The usual tows consist of from thirty to forty boats. I have seen forty-eight boats in one tow. Each boat is loaded with 300 tons of coal. Thus a tow of thirty-five boats is laden with 10,500 tons of coal. According to the weather and tides, from one to three tugs are used. The boats are four abreast and string out a great length. The line from the tow to the tugs is about 120 fathoms, say 720 feet. This length of line is necessary. It will be impossible to get such tows through the draw, because the boats sheer and swing in the cross current where the bridge is to be built. Extra tugs will have to be located there to assist the regular tugs in getting the tow through the draw. The expense will be greatly increased, and, of course, prices will have to be advanced. The additional expense between a draw-bridge and one to span the Kill will be but a flea-bite to what the navigators will have to expend yearly if the channel is blocked up with spiles. These are the facts, and no one can truthfully contradict them."

Again. The State of New Jersey is the owner of the riparian right of nearly 12 miles of water front from Elizabethport to Perth Amboy, having a present value of $10 per front foot and a prospective value almost incalculable, the proceeds of which are pledged to the school fund of the State, and whose value would be vastly decreased by the proposed bridge structure. In the judgment of many prominent gentlemen—whose judgment in these matters is superior to my own—considering the pecuniary interests the State has in these lands, it could better afford to build a tunnel at its own cost and expense and present it to the railway companies desiring to use it than to suffer the loss which the proposed bill will entail.

It is estimated that 95 per cent. of all the coal distributed through the New England States is transported by boat through Long Island Sound, a large proportion of which first passes through Staten Island Sound. Although the coal fields have direct communication by rail with New England, the railways have not been able to compete successfully with the cheap water transportation to the New England ports. Any obstruction to this water commerce is an additional charge upon coal products to all points east of New York.

This proposed bridge is to have a center pier 580 feet in length parallel with the channel. And this long center pier is the very thing which the mariner so greatly dreads. Any Senator who has crossed the East River between New York and Brooklyn when the tide begins to ebb can form an approximate idea of the force of the current through the narrowest part of this stream again narrowed down to 400 feet by the bridge structure. The tide will run through this narrow water way (now like a mill-race) with increased velocity, making navigation very dangerous if not well-nigh impossible.

The present method of navigation in the sound is by long tows of thirty or forty boats, each containing 300 tons, more or less, drawn by one or two steamboats of great power. These boats enter the kills at Raritan Bay, and start upward when the tide begins to flow, having the assistance of the tide or slackwater until they reach Long Island

Sound. In the opinion of those who navigate the sound, by reason of the center pier of the bridge or the approaches thereto in this tortuous stream, with long, snake-like tows, it would be necessary to use the ebb tide instead of the flow, thereby increasing the cost and delay in navigation more than 100 per cent. As explained by one mariner, a steamboat would be required at the rear end of the tow to steer it through the passage. Another says, if running with the tide and the draw be not open, as will be often the case, these frail and heavy-loaded canal-boats would be forced against the bridge and with certainty be wrecked. He even predicts that the stream itself will be absolutely closed at times by reason of sunken wrecks.

In proof of this he cites the conditions which existed at the Raritan bridge when first built, when the attempt was made to pass the draw at an ebb tide which was followed by the wreck of many boats. The practice now is to anchor the tows above the bridge, at great loss of time, and go through the draw against the tide. They then pass into Arthur Kill and approach the proposed bridge with the conditions exactly reversed. They must then anchor again until the tide changes, or take the chances of safely passing the pier, and that, too, in a current much stronger than at the Raritan bridge.

Again, if an upward-bound tow should anchor below the bridge for the reason stated, all commerce in the opposite direction would necessarily be impeded, for the stream is too narrow at this point to permit them to pass safely.

Again, the traffic over the railroad owning this proposed bridge, consisting of passenger and freight trains, will necessarily be very large, and the draw will of necessity be closed a great portion of the time. It takes several minutes to open and close the draw. It is plain, then, that this wealthy railroad corporation, secure in its power by its being given control of the bridge, can not do its own business without disregarding its obligations toward its weaker competitor, a part of whose rights it has already taken away under the protection of the law and obstructs its operations. With the incessant passage of trains vessels must be delayed for hours, time which they can not make up, and which must prove a serious loss to men who are not able commonly to bear it.

The only question the committee seem to have considered is not whether the bridge will seriously interfere with commerce, but whether commerce shall be regulated so as not to interfere with the bridge.

To illustrate further, over one hundred thousand vessels annually pass through the sound, or three hundred and thirty vessels every twelve hours. The trains of the Baltimore and Ohio Railroad alone (if no other road avails itself of the privileges the bill confers), if equal to the present business of the Pennsylvania line (and it would scarcely be willing to concede it to be less), would require to pass over the bridge over three hundred trains per day, or say two hundred trains within the twelve working hours by water. Allowing fifteen minutes to both open and close the draw, it would require each working day to be fifty hours long to adjust the draw alone, to say nothing of the time required in passing boats or trains through or over the draw, and to say nothing of the increasing commerce required by 12 miles of new manufacturing enterprises which would otherwise soon locate on the shores of the sound. Therefore, for the reasons I have stated, any attempt to bridge this sound other than by a bridge sufficiently high to permit the commerce to pass under it, or by a tunnel underneath it, is a mistake so heinous that it approaches a crime.

The proposed bridge is to be 32 feet above the low water, and is to cost $300,000. A tunnel can be made 32 feet below the surface of the water, the bed of the sound being solid sandstone, making the grades precisely the same, for the sum of six hundred thousand dollars, and even four hundred thousand has been named as its cost. Through this tunnel, if properly constructed, could pass without interruption all the commerce, present and prospective, to and from Staten Island for a hundred years to come. The tunnel proper would be scarcely as long as this Capitol building, it being only 600 feet from shore to shore; and the approaches could be open, as the shores are nearly on a level with the water. A bridge 70 feet high and to span the stream without draws would be somewhat more expensive because of the approach thereto on the Jersey shore. However, the question of expense should have no place in this controversy, for no railroad should be permitted to cross that stream except above or below the waters, so as not to interfere with its immense commerce.

In a newly settled country the natural water courses are the only highways available for heavy transportation. As population increases and the country is developed railways are built, and, for a time, they can do all the business required, thus apparently superseding water transportation altogether; but as the wealth and density of population still further increase the necessity for water transportation again asserts itself. So true is this, that now on all sides we find a cry raised for the improvement and greater use of water ways. The necessity for paying increased attention to our inland navigation has been forced upon the public in this country by the combination which railway companies have managed so skillfully to arrange and work for their exclusive benefit. It is not in this country alone, however, that a tendency to revert to the older means of transit is noticeable. Throughout the world of commerce the desire for more direct means of conveying goods in bulk prevails.

By the cession of Alsace and Lorraine France lost the connection between the northern tributaries of the Rhone and the Rhine, which were united at Strasburg. She set to work without delay to reunite these two lines of communication by a new canal constructed on their side of the Vosges, the estimated cost of which was sixty-five million francs. This work must now be complete or drawing toward completion. Even the Russians have been at work converting St. Petersburg into a seaport by a canal 20 miles in length. At the mouths of the Danube and the Mississippi great improvements have been carried out with marked success, giving to the Danube 20 feet of water in place of 9 feet, and increasing the low-water depths of the Mississippi from 8 feet to 30 feet, with the result that the exports from New Orleans have increased many fold. Manchester is about 40 miles from Liverpool, with six lines of railway connecting the two cities, yet it is proposed to connect the two cities by a ship-canal to cost $40,000,000, as the numerous railway lines are deemed insufficient to transport economically heavy and bulky merchandise. In this connection I desire to read a statement by Maj. W. R. King, one of the ablest of the Corps of Engineers of the United States Army:

This is evident from the experience in older countries, for although we are, in our own estimation, a wonderful nation, we are not exempt from the laws of nature, and will probably obey "manifest destiny" about as others have done before us, and we are not so wise but that we may profitably take lessons from their experience. France, for example, with an area about four-fifths as large as our State of Texas, and a population thirteen times denser than that of the United States, has 18,000 miles of railway, or about 1 mile of railway to 11 miles of territory, while the United States have only 1 mile of railway to 29 miles of territory.

Notwithstanding these facts, and the enormous strain upon her finances for war expenses and indemnity, France is expending sums on her water ways that would make our short-sighted economists howl with alarm.

For rivers she proposes to expend	$13,200,000
For canals	142,600,000
For harbors	20,000,000
Making in all	175,800,000

to be expended in the immediate future for these improvements; a sum larger than all that has been expended for rivers and harbors by the United States since the foundation of the Government. This last, including all unexpended balances, amounts to only $136,112,576, and if we include the $31,621,423, which covers all that has been expended by States and private corporations for river improvements, so far as can be ascertained, the amount would still be only $167,134,000, or $8,000,000 less than this one appropriation by the French.

Germany affords another excellent example of how river navigation ought to be developed. With an area almost equal to that of France, and only one seventeenth part as great as that of the United States, she has fifteen times our density of population, and a mile of railroad to every 9 square miles of territory, instead of 1 to 29 as we have. She finds it advantageous, however, to expend far greater sums for river improvements than the most enthusiastic advocate of internal improvements would think of expending on our rivers. On one stream, not as large as some of the branches of the Tennessee, say the Holston or Clinch, she has expended $20,000,000, and I am informed that a cable-towage company on one of these rivers, which is too rapid for ordinary navigation, has a chain cable 100 miles long, which enables boats to make regular trips according to schedule and carry freight at about half a cent per ton-mile, for short as well as for long distances. This towage company pays 6 per cent. dividends on its capital stock, which is considered a good investment in that country.

Among the advantages of river improvements may be mentioned:

1. They furnish means for the transportation of heavy and bulky commodities, such as coal, iron-ore, scrap and pig iron, stone and timber, which often will not pay the cost of transportation by rail.

2. They keep in check the grasping tendencies of railway companies by controlling freight rates and facilities.

* * * * * * *

Now, sir, this proposed legislation is based entirely upon the request of the parties interested, and the propriety of which is supported solely upon the opinion of Major Gillespie, of the Engineer Corps of the United States Army, who seemingly never resists the plans and purposes of powerful and wealthy corporations. A reference to Major Gillespie in 1884, February 28, exhibits a want of knowledge in the performance of his duties, touching the needs and requirements of commerce, truly amusing. The bill then pending was for two railroad bridges, similar to the one now proposed, to be located one at each end of Arthur Kill. As Arthur Kill is the nearest and the necessary outlet for the great floods of ice from a part of New York Bay, the Kill von Kull, Newark Bay, the Hackensack and Passaic Rivers, together with the Rahway and Elizabeth Rivers, this ice floe would be forced between the two bridges and effectually blockade the sound. And yet he declared these two bridges no detriment to commerce, present or prospective. In 1886 he again reported, in a modified and guarded form, and concludes as follows:

The construction of the proposed bridge under the provisions of the bill will not injuriously affect any interests over which the Government has control.

With the exception of the report of Major Gillespie, there nowhere appears the opinion of any Government or other engineer in support of the position taken.

The PRESIDENT *pro tempore*. The Senator from New Jersey will pause for a moment. It is the duty of the Chair to lay before the Senate the unfinished business, 2 o'clock having arrived.

Mr. MCPHERSON. I think I can finish in a few minutes what I desire to say on this point.

Mr. FRYE. I ask unanimous consent that the Senator from New Jersey may be permitted to finish.

The PRESIDENT *pro tempore*. If there be no objection the Senator from New Jersey will proceed.

Mr. MCPHERSON. In direct contradiction, however, to the reasoning and conclusions of Major Gillespie we have the statements and opinions of several other engineers, civil and military, touching this subject. I desire to read a statement of Maj. A. B. Burr, United States Government engineer, in charge of Raritan River improvements, whose long experience with the commerce of these waters would appear to make him a competent authority on this subject:

In regard to the proposed building of a railroad bridge across Arthur Kill, between Staten Island and New Jersey, this proposed railroad bridge is to be built over the existing channel, which passes Elizabethport, runs between Staten Island and New Jersey, and empties into Raritan Bay. The bill introduced is for a bridge to extend from Elizabethport to Staten Island, with a center pier 500 feet long parallel with the channel, having a draw 200 feet wide. To build such a bridge at this point at least 300 feet of the water inclosed between these shores will be obstructed by the piling or piers, which will have to be driven or built to support the road-bed. Arthur Kill is very narrow, only 600 feet wide; is one of the most important highways for commerce in the vicinity of New York Harbor.

The channel is used by all the vessels which transport the commerce originating at Elizabethport, and also by all vessels, steamers, boats, barges, and tows which go to and come from the many rivers tributary to Arthur Kill, or which pass from New York Harbor southward, through the Delaware and Raritan Canal, which with the Raritan River is the connecting link of interstate commerce, between States south of New Jersey and those east. The annual tonnage of the canal alone at one time amounted to 5,500,000 tons; it is now diminished to 1,800,000 tons on account of shoals in the Raritan River and the unfortunate delay at the mouth of this river compelling the tows to wait for certain stages of the tide before attempting to pass through the draw of the Long Branch Railroad Company's bridge; then they experience great difficulty in getting through.

In 1874 the General Government proposed to improve the channel by dredging the channel 400 feet wide, 13 feet deep, mean low water, extended from Shooter's Island leading past the wharves at Elizabethport with deflecting dikes on both sides of the channel. The opposition to the dikes was so influential that April 26, 1875, a general order was issued constituting a board of United States engineer officers to examine and report a plan for a channel between Staten Island and New Jersey, which board reported November 30, 1875, and in this report is the following paragraph:

"It has been urged that the projected route, by reason of the abrupt termination of direction at the eastern end of the dikes, will inconvenience the towage companies, while the advantages of a wider, deeper, and shorter channel only about a mile long between dikes more than compensate for the inconveniences of this change of direction to the larger class of vessels. It is quite probable that large tows would by preference take the present channel if suitably improved. Any proposition to dike in the present channel would doubtless prove a failure, as the meeting of Arthur Kill and Kill Von Kull currents would form a shoal somewhere between the dikes, or at the entrance, and thus defeat the purpose of their construction. This board place their decision not to recommend the dike system of improvement already commenced solely on this ground, that whatever may have been the prospective requirements of commerce on this route three years ago, its present needs do not in their opinion call for a 14-foot channel at mean low water to be attained by the construction of dikes at large cost. On the contrary they believe that the existing channel can be sufficiently improved to accommodate present commercial interests by dredging to a depth of 10 to 11 feet at mean low water by diminishing its curvature at the Corner Stakes Light, and by giving it such width as to permit the passage of large tows, and the largest class of sailing vessels in use on these waters without risk of colliding or grounding. We therefore recommend that this deepening and widening of the channel be effected in accordance with the plans which we now submit."

"As the channel in its western and difficult portion was produced by the transit of large tows drawn by steamers and the larger class of propellers, it is presumed that when deepened the same causes will help maintain that depth and diminish the expenditures that will be required from time to time for dredging."

It will be noticed that the board of engineers decided that shoals form somewhere between the dikes, or at their entrance. These dikes were to be built parallel with the channel, so that the water could flow past them. Now if shoals form around such dikes, which comparatively do not obstruct the flow of water, is it not demonstrated that if piles are driven directly across or horizontal to the flow of water of the channel or large piers built with narrow outlets that they act as a dam, stopping the flow of water in a great measure? And in consequence shoals will more readily form, and in a short time the channel will diminish down to a narrow, intricate one, caused by shoals forming around the piers of this railroad bridge, causing great inconvenience to the commercial interests of the many tributary rivers which rely on this kill as the means of a direct and economical delivery of their merchandise, and on which the General Government has expended $848,000 improving.

The maintenance of deep water and open channel at this point is a matter of more than local importance, as it not only concerns the coasting trade of New Jersey but also a considerable part of that of Pennsylvania, Delaware, and Maryland, being a great outlet for easy and economical delivery to the manufactories of the New England States.

The number of vessels which pass through this channel amounts to ninety-eight thousand annually, carrying a total tonnage of 16,500,000 tons, with an estimated value of $61,592,000.

Any bridge across this kill would greatly obstruct the navigation of this channel, as the distance from Staten Island to New Jersey is only about 600 feet, and at least 300 feet of that would be occupied by the piers to support the bridge.

A bridge can be built a little farther down Staten Island Sound which would have its center pier entirely out of water, resting on Buckwheat Island, a draw on the New Jersey side of the island, and a span reaching from Buckwheat Island to Staten Island. Such a bridge should have an elevation of at least 70 feet from mean high water, and would not be an obstruction to the navigation of this highway.

For verification of commercial statistics I refer to the report of Col. G. L. Gillespie, United States Engineer Corps, United States Army, Appendix G, pages 741, 742.

A. B. BURR, C. E.,
In charge Raritan United States Government Improvement.

It will thus be seen that Major Burr contradicts flatly almost every statement made by Major Gillespie. In a matter of so much importance as this great water way, with almost double the tonnage of the Detroit River, why was not the same course pursued as was done with the proposed Detroit River bridge? Several reports favorable to the construction of the bridge had been made by Government engineers as to the propriety and feasibility of the bridge, until finally, and with commendable caution, a board of engineers was appointed, five in number, consisting of Majors Warren, Comstock, Weitzel, and Merrill, and Captain Livermore, who after carefully considering the whole matter, and although the river tonnage was only about one-half the present tonnage of the Arthur Kill, and although the river was closed to navigation four months of each year and the railway interests seemingly almost imperative, this board reversed all former decisions, declared against the bridge and in favor of a tunnel.

Now, Mr. President, I have reached that point in the discussion where I wish to refer to very many authorities upon this subject, if it is the pleasure of the Senate that I should proceed now, or I will wait until some other time, as I am very hoarse and it is almost impossible for me to speak this morning. However if the Senate would prefer that I shall conclude all I have to say on this subject, I will try and worry through it.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from New Jersey express any request to the Senate?

Mr. MCPHERSON. I wish to say that the subject to which I wish to refer in my remarks hereafter will be to read from reports of different engineers, &c., touching similar improvements which have been proposed to be made in other parts of the country, and it may take me some little time. As I say, I am very hoarse, and it is almost impossible for me to speak at all.

Mr. SEWELL. I suggest to my colleague to let the matter go over and let the regular order be proceeded with, and he can resume his remarks to-morrow in the morning hour.

The PRESIDING OFFICER. If the Senator from New Jersey refrains from addressing the Senate at any greater length at this time, the regular order will be presented. It is a matter for the Senator from New Jersey to determine.

Mr. MCPHERSON. I desire of course to consult the convenience of the Senate and the committee. It is well known that I have placed no hinderance or obstacle in the way of the discussion of this measure. I desire to have it fairly discussed before the Senate, so that the Senate may fairly understand it. If it is the desire of the Senate that I shall go on now, I will continue to do so, and conclude all I have to say about the matter.

Mr. BLAIR. I was called from the Chamber. I should like to understand the condition of the business of the Senate.

The PRESIDING OFFICER. The Senator from New Jersey announced that he was nearly through with his speech when the hour of 2 o'clock arrived, and unanimous consent was given that he might conclude to-day. The Senator from New Jersey now informs the Senate that he has numerous quotations or citations to make from authorities and that he does not desire to go on further now.

Mr. BLAIR. Has it been suggested that the quotations be printed without reading them?

The PRESIDING OFFICER. The Chair has heard no such suggestion.

Mr. BLAIR. If they are all citations of authorities and the Senator has suggested that he is not in a condition to speak, would it be looked upon in the light of a favorable suggestion if some one should ask, or if he should ask, that they be printed without being read? I think consent would be given.

Mr. MCPHERSON. It simply amounts to this: We have a regular order which I understood was to come up at 2 o'clock. When that hour arrived the Senator from Maine asked the courtesy of the Senate that I might conclude what I had to say on that particular part of the question of which I was then speaking. If it is the wish of the Senate that I shall continue the discussion of the bill to-day, I will continue. If it is the wish of the Senate to take up the regular order and then continue the discussion of this measure to-morrow in the morning hour, I should like to understand it.

Mr. HARRIS. What is the preference of the Senator from New Jersey? Does he prefer to go on now?

Mr. MCPHERSON. I wish to say that having occupied the floor for an hour and a half, and being somewhat debilitated and weak, it would be very difficult for me to speak longer, and I should prefer to go on to-morrow.

Mr. HARRIS. I call for the regular order.

The PRESIDING OFFICER. The regular order is called for, and will be proceeded with.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] to recommit the bill to the Committee on Pensions with instructions, on which the yeas and nays have been ordered.

Mr. TELLER. The Senator from Kansas [Mr. INGALLS] had the floor yesterday and I think perhaps had not concluded. I understood him to say that he had not. He is not here, but is in attendance on a committee near the Senate Chamber. I desire to say a few words, and I may say them now, and give way to the Senator from Kansas if he shall desire to occupy the floor when he comes in.

Yesterday I made some allusions to the large amount of money that

would undoubtedly be necessary to carry out the provisions of the bill if it should become a law. I do not desire to have it understood that in making that suggestion I was opposing the bill or finding fault with it because of that. I only wanted it to go to the country and be thoroughly understood that we can not be generous without being somewhat expensive. That is to say, if we are going to give to all these people what we claim that we should do, as a matter of generosity, as a matter of bounty, and as a matter of propriety and right, it will be a very expensive affair, and that we all understand. I did not mean to intimate that the Government of the United States was not able to meet all these demands as made upon it at any time. I do not myself think that there is any danger but what the Government will be able to do so. I do not myself think that there is any danger of the Government bankrupting itself in the payment of pensions, although as I said I would very much prefer always in voting upon a bill to know just exactly what it will cost, and that is always true of a bill which is not absolutely required as a legal obligation on the part of the Government.

I noticed that yesterday the Senator from New Jersey [Mr. MCPHERSON] in speaking of this bill, addressing himself to the Senator from New Hampshire [Mr. BLAIR], said:

He is certainly aware of the fact that the same Congress which passes this bill will be required to raise means for its fulfillment.

I understand by that that the Senator from New Jersey means to make the declaration that the present financial condition of the country will not justify the payment of the sum suggested, $25,000,000 a year; that it will become the duty of Congress to devise some method to increase the amount of money coming into the Treasury in order to meet the increased and new obligation created by the passage of the bill. If that is true, it affords a reason why we should at least go forward with some caution. I do not think it true myself. I do not think that the present financial condition of the country justifies the assertion that it will be necessary to increase our revenues for the purpose of meeting this bill if it costs even what the Senator supposes it is possible that it may cost, $50,000,000 a year. If it costs as much as that it might necessitate a suspension of some payments that the Government might pay and would otherwise make undoubtedly if the bill did not pass, but it is not possible if the bill passes that there should be any deficit, at least for some time.

In the first place, these pensions will not all of course come upon us at once. The applications will come in gradually and by degrees, and money will accumulate in the Treasury as it has been accumulating, to meet the expenditures which will be incurred under the bill.

I do not propose to go into any general financial discussion as to the methods of rasing money or as to the propriety of piling up in the Treasury Department vast sums of money. I noticed yesterday that the Senator from Indiana [Mr. VOORHEES] said that one of the causes of strikes was the vast accumulation of money in the hands of individuals. I agree with him. The aggregation of vast fortunes in the hands of a few, whether they be corporations or individuals, has a tendency to create in this country a feeling of unrest, and it creates a feeling in the mind of a very large portion of the people that what those men have accumulated unduly they must have taken from somebody, and that it has come largely from the class of people who have the least protection at the hands of the Government, the laboring class.

So I think that the accumulation of large fortunes in the hands of a few people or corporations is an evil. I think that an equal evil is the accumulation of a very large amount of money in the Treasury of the United States. I think in fact that it is a greater evil than to have it in the hands of individuals who make use of it in some way or other. If it is in the hands of a corporation it is probably engaged in some business which makes the capital available and profitable, and everybody has some benefit from the fact that the company has the money. Locked up in the United States Treasury it is of no benefit to any person whatever.

I find by looking at the Treasury report a statement that when this administration came into power in March, 1885, the net balance in the Treasury was only eight million and some odd thousand dollars, to be accurate, $8,764,590. To force this net balance the Treasury Department was compelled to carry to the debtor side of the column $100,000,000 of gold lying in the Treasury upon the hypothesis that it might be called out of the Treasury for the purpose of the redemption of the national notes. So in fact there were $108,000,000 of surplus money in the Treasury at that time instead of a net balance of $8,000,000; but for the purpose for which I desire to call the attention of the Senate it is not necessary that that should be added.

Starting out with the assumption that $8,000,000 was the net balance, I find that when the Treasury Department made its report in November, 1885, it stated then that there had accumulated in the Treasury some $66,000,000 more than was in the Treasury in the March preceding. It is fair to presume that this money, if allowed to lie in the Treasury, was money not needed, not required for paying the obligations of the Government or for the purpose of administering the affairs of the Government.

I find by taking the last report issued by the Treasury Department in which the accounts are brought up to the date of April 30, 1886, there is a net balance in the Treasury of $106,391,874.06. When you consider for a moment the hundred million dollars that is held as a reserve for the redemption of national notes, there is in the Treasury of the United States, or was on the 1st of May, $206,391,874 more than is required for the purpose of carrying on the Government of the United States.

Mr. CAMDEN. Did the last Treasury statement include the hundred million of reserve?

Mr. TELLER. The hundred million reserve is not included in this. The hundred million is treated as a liability and is to be subtracted from this amount, because it is found in the liability account. The total amount of money in the Treasury was $505,201,319.97. Against that in the column of liabilities stands $398,809,445.91. Included in that liability will be found the hundred millions of bank reserve stated as a liability.

Of course the Government of the United States can get rid of some of this money by calling bonds, for there is a large amount of bonds which can be called. The holders of the bonds are not at all anxious that they should be called. The Government does not seem to be anxious that the bonds should be called either, because they have been called rather slowly; although I believe there has been a call since last December of $30,000,000, which has not had the effect I think of distributing very much money among the people, but on the contrary has reduced the amount of money in circulation instead of increasing it.

I cite this to show that there is no immediate danger of the bankruptcy of the Government of the United States, if we are pretty liberal in the matter of pensions; and, although I would not want to vote for any measure for the express purpose of distributing the money in the Treasury, I think it would be a good thing for the business interests of this country if $100,000,000 of that money could be distributed at once. I think a good and wise and economical administration of the affairs of the Government requires that at least from one hundred to one hundred and fifty millions of that money should be paid out at once.

Mr. President, not only is the $206,391,874, which is held in the Treasury serving no particular purpose, except the $100,000,000 which is supposed to be held to meet demands that may possibly, not probably, be made by the holders of greenbacks, but there is a large amount besides that could be paid out which is held to meet claims that are not expected to be presented for many years, if at all. It is undoubtedly wise for the Government to keep on hand money enough to meet all its immediate demands. Beyond that it is not at all necessary that the Government should go. Of course, it may be said that the greenbacks are a demand on the Government, and that they are a liability which must be always considered and calculated upon in determining the liabilities of the Government; and yet everybody understands that the Government is no more likely to be called upon to redeem the national greenbacks to-day than to redeem the bonds which do not mature until 1891. Nobody who was at the head of a great bank having its paper out in that way would ever think of holding one-third of its issues for the purpose of redemption if it had an income independent thereof of $1,000,000 a day; and there is not a banking institution in the United States or in the world in the same financial position that the Treasury of the United States is in that would not feel itself justified in paying out $300,000,000, discounting paper to that extent, and it would be held a solvent and sound bank in any financial circle in the world.

There need be no apprehenison or alarm that a government which can accumulate from March, 1885, to November, 1885, sixty-odd millions of money more than it needed and demanded for its current expenses and for the discharge of its obligations will not be able to meet any demand which may be made upon it by the passage of this bill.

Mr. President, I see that the Senator from Kansas [Mr. INGALLS] is here, and I have said all I desire to say on this bill at this time.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the motion of the Senator from New Jersey [Mr. MCPHERSON] that the bill be recommitted to the Committee on Pensions with instructions, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] has been called away on public business. I understand that he is paired with the Senator from Indiana [Mr. HARRISON]. I do not know whether the Senator from Indiana has voted or not.

Mr. HARRISON. I did not notice that the Senator from Arkansas [Mr. JONES] was absent. I beg to announce a pair with the Senator from Arkansas. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. DAWES. I am paired for the day with the Senator from Texas [Mr. MAXEY]. If he were present, I should vote "nay."

Mr. CHACE. I am paired with the Senator from Maryland [Mr. WILSON].

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the

Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "nay."

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT], who is unavoidably absent.

Mr. COCKRELL. The Senator from Texas [Mr. COKE] is paired with the Senator from New York [Mr. EVARTS]. If present, the Senator from Texas would vote "yea" on this proposition.

The result was announced—yeas 14, nays 28; as follows:

YEAS—14.

Beck,	Cockrell,	Harris,	Saulsbury,
Berry,	Gibson,	McPherson,	Vest.
Blackburn,	Gorman,	Pugh,	
Call,	Hampton,	Ransom,	

NAYS—28.

Aldrich,	Hale,	Miller,	Sherman,
Blair,	Hawley,	Mitchell of Oreg.,	Spooner,
Brown,	Ingalls,	Morrill,	Stanford,
Conger,	Logan,	Plumb,	Teller,
Dolph,	McMillan,	Riddleberger,	Voorhees,
Frye,	Mahone,	Sawyer,	Walthall,
George,	Manderson,	Sewell,	Wilson of Iowa.

ABSENT—34.

Allison,	Dawes,	Jones of Arkansas,	Pike,
Bowen,	Edmunds,	Jones of Florida,	Platt,
Butler,	Eustis,	Jones of Nevada,	Sabin,
Camden,	Evarts,	Kenna,	Vance,
Cameron,	Fair,	Maxey,	Van Wyck,
Chace,	Gray,	Mitchell of Pa.,	Whitthorne,
Coke,	Harrison,	Morgan,	Wilson of Md.
Colquitt,	Hearst,	Palmer,	
Cullom,	Hoar,	Payne,	

So the motion to recommit was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. INGALLS. Let that be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. The amendment is to strike out of the amendment proposed by Mr. VAN WYCK all after the words "*Provided further*" and to insert:

That no pension paid under any law to any soldier hereafter shall be rated at less than $4 per month.

Mr. GEORGE. Is the amendment before the Senate now the one offered by the Senator from New Hampshire?

The PRESIDING OFFICER. The amendment now before the Senate is the amendment proposed by the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Nebraska [Mr. VAN WYCK], which has just been read. It is practically to strike out "eight" and insert "four." The amendment will be again read, in order that the Senate may understand the precise question.

The Secretary read the amendment to the amendment.

Mr. LOGAN. I desire to inquire to what amendment that is offered as an amendment.

The PRESIDING OFFICER. It is an amendment to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. LOGAN. What is that amendment?

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Nebraska.

The SECRETARY. The amendment proposed by Mr. VAN WYCK is, at the end of section 1 to add the following proviso:

Provided further, That no soldier under this act shall receive less than $8 per month.

The PRESIDING OFFICER. That is the amendment proposed by the Senator from Nebraska. Now the Secretary will report the amendment to it proposed by the Senator from New Hampshire.

The SECRETARY. The amendment of Mr. BLAIR is to strike out all after the words "*Provided further*" and insert:

That no pension paid under any law to any soldier hereafter shall be rated at less than $4 per month.

Mr. LOGAN. I ask the Senator why not amend that so as to provide that no soldier heretofore or hereafter shall be pensioned at less than $4?

Mr. BLAIR. That is what it is; but that language would make more words. The amendment of the Senator from Nebraska applies only to those who may be pensioned under this act, and if it is adopted just as offered it will give to all a pension of not less than $8. The amendment to the amendment moved by myself is that no soldier pensioned under any law, this or any former act, shall hereafter be paid a less pension than $4 per month. So if this amendment to the amendment be adopted and then the amendment be adopted as amended and become part of the bill, the law will be that no soldier pensioned shall be paid a pension of less than $4 a month.

Mr. HOAR. May I ask the Senator from New Hampshire why when the rest of the bill applies to soldiers and sailors all through, the amendment applies only to soldiers?

Mr. BLAIR. The word "sailors" may be inserted so as to read "soldiers or sailors." I will modify my amendment so as to include "sailors."

The PRESIDING OFFICER. The amendment to the amendment will be so modified.

Mr. LOGAN. I desire to move an amendment. I moved an amendment the other day providing $8 per month.

The PRESIDING OFFICER. The Chair suggests to the Senator that the amendment is not now in order, as it would be in the third degree. The pending question is on an amendment to an amendment.

Mr. LOGAN. I understand that, but I think I can offer it so that it will be in order. Day before yesterday I offered an amendment applicable to pensions under this and all other laws, providing that no pension should be rated at less than $8. It was voted down. The proposition now is to rate them at $4. I move to substitute for the amendment and the pending amendment to the amendment the words used in my former amendment, changing the amount to not less than $6.

The PRESIDING OFFICER. The Senator can give notice of his intention to offer such an amendment, but the amendment is not now in order. The pending question is upon the amendment of the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Nebraska [Mr. VAN WYCK]; a further amendment would be in the third degree and therefore out of order at this time.

Mr. LOGAN. A substitute for both, then——

The PRESIDING OFFICER. Would not be in order at this time.

Mr. LOGAN. Very well. I hope this will be voted down, and then I shall offer an amendment for $6.

Mr. INGALLS. I ask the Senator from New Hampshire to advise the Senate what persons are specified and what classes enumerated in section 4693 of the Revised Statutes as pensionable.

Mr. BLAIR. Has the Senator the Statutes before him?

Mr. INGALLS. I have not.

Mr. BLAIR. That is the general statute, under which soldiers, sailors, and others connected with the Army are pensioned for their participation in the war of 1861. I have the provision here in the compilation of the pension laws.

Mr. INGALLS. I have found the Revised Statutes. Section 4693 includes soldiers, sailors, and marines.

Mr. BLAIR. And militia.

Mr. INGALLS. And militia. Now I am unable to see, that being the case, why a proviso should be attached to the bill declaring that only one of the enumerated classes shall receive a minimum pension. I ask the Senator from New Hampshire if there is any reason for that or if that was the intention of the committee? Otherwise I suggest to him that the word "soldier" should be left out and the provision simply be "that no pension paid under this act shall be less than $8 a month."

Mr. BLAIR. Or "paid under any act."

Mr. INGALLS. "Under any act;" but I do not want to vote for that.

Mr. BLAIR. The bill came from the committee with none of that matter with reference to the minimum limit of pensions. One was offered by the Senator from Illinois proposing to fix the lowest pension at $8 a month. An amendment was moved to another amendment offered by the Senator from Nebraska [Mr. VAN WYCK] to the same effect, substituting $4 for $8. That amendment was moved by myself, and it was voted down, as was the general amendment of the Senator from Illinois making the minimum of any pension $8 payable under any act.

The effort that I am making is to fix that minimum at $4 rather than at $8, if any legislation takes place on the subject at all. The committee has recommended none whatever; and if all these amendments are negatived the bill will then stand as it came from the committee.

What the Senator from Kansas says is quite true, that if the amendment to the amendment that I offered should be adopted it would be better to substitute another which would include all the cases covered by section 4693 of the Revised Statutes. There are but very few that would be embraced more than are already embraced in the language of the amendment as it stands. These classes I can specify to the Senate:

First. Any officer of the Army, including regulars, volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, &c.

That is in one section; in another:

Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered, &c.

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, &c.

The fourth class:

Any acting assistant or contract surgeon disabled.

And the like. And—

Any provost-marshal, deputy provost-marshal, or enrolling officer disabled.

Perhaps I had better substitute for the words "soldier or sailor" the word "person."

Mr. INGALLS. The better way would be to strike out all the qualifying words after "pension" and let the proviso apply simply to pensions, declaring what shall be the lowest rate of pension under the act. If the Secretary will read the amendment, it will appear that by striking out three or four words the object the Senator desires will be at-

tained, leaving the provision a general one, applicable to all persons entitled to pension.

Mr. BLAIR. That is what I desire.

The PRESIDING OFFICER. The amendment suggested by the Senator from Kansas will be read.

The SECRETARY. It is proposed to strike out of the pending amendment the words "to any soldier or sailor;" so as to read:

That no pension paid under any law hereafter shall be rated at less than $4 per month.

Mr. BLAIR. That will cover it all and will include everything.

The PRESIDING OFFICER. The Senator from New Hampshire so modifies the amendment to the amendment.

Mr. LOGAN. I suggest to the Senator that the amendment may be changed to some other sum. The word "persons" applies to all persons.

Mr. BLAIR. "Pension" is the word.

Mr. LOGAN. Then it would apply to all pensions, whether given to children, to soldiers, or to sailors. You have got to make a distinction and use the words "soldiers, sailors, and marines," so that it will apply to them and not interfere with the pensions of children.

Mr. BLAIR. There is a bill already pending proposing to increase the pensions of minor children to $4 per month, and hence there is no class, so far as I know, that would not be included and by proposed legislation is not already included at as high a rate as $4.

Mr. INGALLS. Mr. President, if this amendment shall prevail the entire practice of the Pension Office will be inverted. The rule now is to take the highest rate paid as the unit and grade downward from that. Seventy-two dollars being the rate for total disability or helplessness requiring the continual attendance of another person, all other grades are established by rating downward from that to the lowest sum, which is $1 per month. If we establish a minimum rate four times the amount now paid we dislocate the entire system, and it will require a rerating of all pensions upon an entirely novel basis. I assume that the Senator from New Hampshire does not want to do that.

Mr. BLAIR. I would suggest to the Senator that the amendment to which he is really speaking is that of the Senator from Nebraska, which proposes to fix the minimum at $8, and I moved to modify that by fixing it at $4. I do not say that I care whether either amendment is adopted.

Mr. INGALLS. The principle is the same whether $4 or $8 is fixed as the minimum.

Mr. BLAIR. There are twenty-five or thirty thousand small cases less than $4, and it seems to be rather trifling with a man to give him such an infinitesimal sum.

Mr. INGALLS. I think the man who trifles is the man who applies for a pension under these circumstances, a man who is not disabled at all practically but merely technically, who has had some little trifling mutilation, or some scar, or some sort of bodily hurt that does not at all interfere with his capacity to earn his livelihood or transact his business insomuch that when you come to what his condition is physically by medical examination, taking the highest rate of total disability as the unit, it is determined that he is entitled to $1 a month as a pension. The trifling is with the man who applies for it, and not with the system that gives it to him. And instead of saying that the man who now gets a dollar a month after having been examined by a board of surgeons sworn to discharge their duty shall have $4 a month, the wiser and better and more patriotic course would be to say that no man who can establish a claim to no higher disability than that shall receive any pension at all.

There is not any reason or justice in saying that those men who have technically established a claim to a pension that does not disable them or impair their capacity for earning a livelihood shall be increased either to $4 or to $8 per month. It is an injustice to those men who have been disabled. I do not regard it at all as trifling on the part of those who have the control of this business when they decide, after an examination of all the facts in the case, that a man is entitled to but $1 a month.

Mr. President, inasmuch as the Senator from New Hampshire declares that both these amendments are excrescences on this bill; that they are interpolations not considered by the committee, not desired by the committee, but put on here for some reason after the bill reaches the Senate—I will not say with what object or purpose or with what design or with what intent, but placed here illogically and without any concurrence on the part of the committee—I hope neither of them will be agreed to, and that we shall be enabled to come down to the simple proposition involved in this bill, and that is, whether or not the man who has served in the Army of the United States and not been disabled, but is subsequently incapacitated by disease from obtaining a livelihood for himself, shall be placed on the pension-roll, rather than become an object of public charity, without being compelled to prove that his disability resulted from his military service. I therefore move to lay this amendment on the table.

Mr. VAN WYCK. I trust the Senator will not press that motion.

Mr. INGALLS. I withdraw the motion if the Senator desires to speak.

Mr. VAN WYCK. Yes, sir; only for a moment. I did not intend to say anything more on this amendment or the features connected with it or what might follow as a necessary consequence from it, beyond, before the question is put on the amendment to the amendment, explaining more fully the state of the case.

The Senator from Kansas says that this amendment comes here without action of the committee and that it is an excrescence upon this bill.

Mr. INGALLS. I took what the Senator from New Hampshire said.

Mr. BLAIR. I did not say it was an excrescence.

Mr. INGALLS. That was an inference.

Mr. BLAIR. Then you could not have taken it from what I said.

Mr. INGALLS. The remark I made was based on what you said.

Mr. BLAIR. I said it had not been considered or recommended by the committee, which is true; but the committee would hardly be justified in taking the ground that an amendment offered in the Senate was necessarily an excrescence upon their work. It is very liable to be a great improvement upon it.

Mr. VAN WYCK. I took occasion at one time in the discussion to state that this matter of the amount of pensions was not, as I understood it, adjudicated upon by the committee. There are two propositions as to the amount, and in order to make myself clear I will repeat what I said before. I introduced three amendments to this bill for the purpose of establishing the point sought to be arrived at by me, and all three would bear interpretation on the theory which we supposed properly attached to this bill.

The case referred to by the Senator from Kansas yesterday very properly was that of an injury to a man who had labored at the profession of the law, or medicine if you please, or as an editor, by his losing his fingers in the service. If a man loses any portion of his limbs or is disabled, it makes no difference whether he may have been ten days in the service or served four years, it is an actual injury for which the existing law says he shall have a pension.

Mr. INGALLS. Specifically.

Mr. VAN WYCK. Specifically; no matter whether he is rich or poor, no matter whether he served ten days or four years, he gets no more and no less for that injury. But now we propose to establish another class of pensioners, which are service pensions subject to conditions. This service pension requires six months' service. If a man has served five months and twenty-nine days, no matter what the extent of his disability, under this bill he does not get a pension. He must have served six months; and then there are two other conditions, that he shall be dependent and that he shall be disabled. My idea always has been in a bill of this kind that a man's disability should amount to an inability to procure his livelihood by his labor, and I suppose that a soldier who did not come within that condition first of six months' service and then disability to earn a livelihood should not be placed on the pension-roll. That has always been my notion of a pension of this kind.

We start with the theory of benefiting those who actually need it on account of their necessity, because they are unable to procure their daily bread by daily labor. Any disability less than that should not place a person on the pension-roll. Any disability greater than that, because it could be no greater, should entitle him to no greater pension. It must be incapacity, no matter what the cause, to procure his daily bread by his daily labor; and when you find a case of that kind it is total incapacity. Anything less than that, in my judgment, should never be placed on the pension-roll.

That is the point from which we start on this matter. The main question is, shall it be a uniform pension? So I always supposed; I supposed every service pension should be a uniform pension. I supposed it was to be $10. If the disability is not entitled to that, it is entitled to nothing. No matter whether it proceeds from prostration or asthma or consumptiou, or whether it be both legs off or both arms off, it is incapacity to work. Hence it was that in this class of pensions I suggested that the rate of disability should be to incapacitate for obtaining a livelihood by labor, and by that was meant a complete livelihood. If a man was able to go around and do chores for a few days in the week he was incapacitated to earn his complete livelihood, and therefore was completely incapacitated. I thought that proposition would extend the bounty of this bill to a class of men that the people of the nation were desiring should be benefited, and would reach the greater number of cases. Therefore it was that I desired first to settle the class of cases and then the amount of pension to be allowed; and I thought I had made myself clear on that matter.

With this one amendment standing alone saying the pension shall be $8 a month, and with the other parts of the bill remaining that the pension may be graded down, I concede there would be an inconsistency. It would be an injustice to those already on the pension-roll who may be receiving two or three dollars for a disability that under this bill you give $8 for. But that is the point to be considered and the only point that I desired by the three or four amendments I submitted to bring to the consideration of the Senate, whether we should fix this rate at $24 running down to $1, or whether it should be a uniform rate of $8 a month.

The only purpose and the only idea, as I understand, of the American

people, which finds its echo here, should be and is to prevent the spectacle, revolting to the American people, that there should be a portion of their soldiers, from a disability incurred after the service, dying in the poor-house or begging on the street-corners. That was the purpose of the bill, and I did not suppose it was to be extended further than that.

If a strong, able-bodied man, competent to earn his livelihood, lost one finger, or two or three fingers, a disability known and recognized under the law, and which yet might not affect his power to earn his bread by his own labor, he should not go on the pension-roll. As I understand, this bill provides that this class of cases shall go on the pension-roll; and therefore the proposition I make is not an excrescence, but one of the features of the bill. After we have determined the class, then comes the question of the amount of pension. Therefore I supposed it was perfectly logical, for until the bill appeared here I did not know that the bill was coming from this committee. So I had to add that feature to it. It is true, as the Senator from New Hampshire says, it was in the bill of the Forty-eighth Congress.

I desire to say nothing further than to explain, which I have sought in these few words to do, precisely the point whether we shall fix this pension at $24, running down to any sum, even as low as $1 or $2 per month. If that is its judgment, let the Senate say so. If it desires the other proposition, let that be said. But I did not suppose when it was proposed, nor do I think the Grand Army of the Republic ever formulated, a bill arranged in this way. They did ask that Congress should recognize the claim of disability and dependence on the part of the old soldier, even where that disability occurred after the close of the war; but I think they never formulated the amount of the payment and how it should be graduated.

I shall be content with what the action of the Senate may be. My only object has been to extend its provisions so as to reach the greatest number of deserving and desirable cases. I dread to submit the claims of soldiers for disabilities incurred in the service or afterwards to any Pension Department, no matter under what administration, for unfortunately it is the case that generally their sympathies somehow or other seem to be against the claim of the soldier, and if there be a doubt in the evidence it is generally resolved against the soldier; and if there is any doubt as to the amount of the money which should be allowed because of the disability, the general tendency seems to be to fix it at the lowest amount. Therefore I think justice would be nearer done to the people and to the claimants of this bounty by fixing in the law a uniform amount to be paid to each pensioner.

Mr. BECK. Mr. President, I have only a word or two to say in opposition to the principles of this bill, while I will vote for the amendment reducing the minimum pension rate from $8 to $4 per month.

Heretofore all pensions have been limited to those persons who have been injured in the service of the United States or whose present ailment can be traced distinctly to disease originating in the service. This bill proposes to pension all men who were in the military or naval service for a period of six months and have been honorably discharged therefrom who now depend upon their own exertion for support, if they should happen to be injured at any time either this year or hereafter. That is a very wide departure from any class of injuries or ailments that has been considered pensionable heretofore. In other words, this bill proposes to pension men who may never have heard a gun fired, who may never have been exposed to danger or risk in any form in the military or naval service. He may have been stationed in New York or Boston in some quartermaster or commissary establishment in the service of the United States, and may have been discharged honorably after six months' service after receiving full pay for his work without ever having been within 100 miles of an enemy. He may be, as was suggested yesterday, a lawyer in full practice, earning annually $5,000, or, to use my illustration of yesterday, a stenographer at our desk making three or four thousand dollars a year; and yet, if in opening his door or riding in his buggy he loses a little finger by accident (which would have made him pensionable if it had been lost by a gunshot wound or any other accident while he was in the military or naval service) he is to be pensioned because that is a physical disability and he is making his living by his labor, whether at the bar, in the pulpit, or anywhere else, no matter how small the disability is if it is a disability that would have entitled him to a pension if it had been received in the service of the United States.

If for example by a gunshot wound from the enemy he had lost his little finger he would be pensionable, and if by mashing it in the door of his house he loses it to-morrow, more than twenty years after he left the service, having been a healthy and unhurt man, having never heard a gun fired, having occupied a safe position during the six months he served, he is to be pensioned at not less than $8 a month, and his wife and children are also to be pensioned after he is dead.

I have heard of men cutting off their fingers during the late war to avoid the draft. There may be men in this country who would be glad to lose a little finger to secure a pension of $8 a month for themselves and their wives and their minor children.

Mr. BLAIR. The Senator does not understand that the bill provides any fixed pension at $8 a month or more.

Mr. BECK. I understand that is the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. BLAIR. But it is not in the bill.

Mr. BECK. It is the proposition we are now required to vote on. The loss of a finger now by a man twenty-five years after his discharge from the service will entitle him to a pension, and the minimum shall be $8 a month if the amendment of the Senator from Nebraska prevails and $4 if it does not.

Mr. VAN WYCK. Will the Senator allow me a moment?

Mr. BECK. Certainly.

Mr. VAN WYCK. I suggested that the pensions be uniform at $8, and that no person shall be entitled to a pension unless his disability is to the extent of incapacity to obtain his livelihood by his labor.

Mr. BECK. That is not the provision of the bill.

Mr. VAN WYCK. I tried to explain that that was not the provision of the bill.

Mr. BLAIR. The Senator describes a disability now which under existing law is pensionable at $72. So this bill, if it should pass and pass in the way the Senator from Nebraska explains that he wants to have it passed, would cover the cases of two hundred and forty or two hundred and fifty thousand now on the roll. It would cover nine hundred and thirty cases, if that number can be found, who have that disability not contracted in the service, but who had rendered service to the country, so that it would be no bill at all to reach the poor.

Mr. BECK. The $4 a month proposed by the Senator from New Hampshire is less objectionable than the $8, and therefore I shall vote with him that far. That was really about all I rose to say.

But I think the principle of the bill, extending beyond disabilities incurred in the service and carrying the pension-roll to a point that there is no warrant for in either reason, or justice is objectionable.

Up to this time no one who was in the service ever expected that it would be carried to the length now proposed. The pension-roll is now a very heavy one. I know complaint is made against all of us who desire reasonable economy. It is said that we are grumbling about the amount of money that is being expended for pensions, yet in spite of all these flings, when we consider that $765,000,000 have been paid for pensions up to the 1st day of last July, and that all the expenses of this Government from the day of General Washington's inauguration until after the inauguration of Mr. Polk, for fifty-five years, for all the expenses of the Government, including the Army, the Navy, and everything else, were less than $765,000,000, we can form some idea of the magnitude of the sum that has been paid for pensions. And when we come to consider still further that it is proposed to pension men who have been healthy for years and years after the termination of the war, many of whom have rendered no service except being subject to call for six months, and that our present taxation has to be made that much more onerous, while it is so adjusted now that all the money comes out of the labor of the very poorest of our people who are struggling to make a bare living for themselves and their families, the impropriety of such legislation will be manifest.

If this bill passes I hope that a provision will be made requiring the wealth of the country to support the people who have become poor because of their service to the country in time of war. I think every well-regulated government ought to have an income tax at least upon incomes over $5,000 a year, and I hope to see attached to this bill in the other House, if it can not be done here, a provision that there shall be a graduated tax upon the incomes of the men of wealth of this country corresponding with the pension-list, so that the wealth of the country shall pay for the services of the soldiers who have lost their health in protecting the property which is not now taxed, or at least very inadequately taxed.

If that were done more care perhaps would be exhibited by very many people who are now clamorous for the granting of pensions than is now shown when they are to be paid out of the now grievous taxation on the poor and all their wants and needs. There is no reason why it should not be done. There is no more legitimate tax than a tax upon the incomes of the men who have made their money by the methods described by the Senator from Texas [Mr. COKE] yesterday, through the watered stock of railroads, protective tariff, class legislation, and the ten thousand other devices that have made so many millionaires, who manage to avoid taxation altogether, and can therefore very well afford to pay a tax on their incomes to pay pensions, instead of raising these vast sums as now by taxation on the necessaries of life of the poorest of our people in order to increase the wealth of the monopolists by increased taxation. But I am not going into that question at this time. I only take occasion to express the hope and wish which I have stated. I shall vote for the amendment to the amendment, but I am not content with the principle of the bill extending bounties and donations when no injuries were received in the service and no disease traceable to the service is even suggested. I shall oppose all such measures, believing them to be only devices to maintain unjust and oppressive taxation on the industries and labor of the country.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

Mr. LOGAN. Now, can I offer my amendment?

The PRESIDING OFFICER. It is now in order.

Mr. LOGAN. Very well, sir. I offer, then, as an amendment to the amendment:

Provided, That any pension hereafter allowed or paid to any soldier, sailor, or marine under this or any other act shall not be less than $6 per month.

Mr. President, just one word in response to what the Senator from Kentucky [Mr. BECK] has said. Of course he did not intend an unfair argument, and I hope he will not consider that I am criticising what he has said when I remark that I do not think the argument he made and which has so often been made by opponents of pension bills is a fair one. Because a soldier has lost his little finger and gets a pension for that, to say that this bill is made for the purpose of pensioning that class of persons is not a fair argument. Why? It is only occasionally that you find a person who is disabled in that way. That is an exception to the rule. The majority of those who are disabled by disease, whether contracted in the service or since the expiration of their term of service, are not of that class. There might be found a few of that class in the country; but there are very few on the pension-rolls of that class. It is very seldom that any one is pensioned for the loss of a little finger or something of that kind. The majority of those pensioned are persons who are disabled by disease, and more that are disabled by disease will be pensioned under this bill than of those disabled by wounds. They contracted the disease probably in the service, but they are not capable of proving it, and why?

Every one who is familiar with the facts connected with the granting of pensions knows that the soldier who was disabled early in the war or during the war from disease and who went to the hospitals is readily pensioned, because such persons have no trouble in proving their cases. It is the man who did his duty faithfully, and who when he was stricken down by disease that was not considered dangerous remained in camp and did not go to hospital, who fails to get his pension. That class of persons have very hard work to prove their cases. Their associates who were living with them in tent during the time, their messmates, as they were called, have changed their residences and are located in different parts of the country, and the applicant for a pension who is not able to find them fails in his testimony, and he fails in obtaining his pension, although he deserves it as much as a man who was in hospital and who can prove by the hospital records that he was sick. This is and has been one of the great troubles in connection with very many who are really entitled to pensions. They are not able to prove the fact of the contraction of the disease in the service. This bill applies to that class of cases.

There is another class of cases to which it applies, as the Senator from Kentucky said—persons who have received injuries since the war; but when he says that a person who is making his $5,000 a year is included in this bill I disagree with him. That is not the case. It is where a person earns his livelihood by his labor and is disabled from doing it that he is to be pensioned, not a person who can make $5,000 a year or $10,000 or even $500 a year, if that is a competency for him, but it is those who are so disabled by disease or injury that they are not capable of making for themselves a living. It is that class to which this bill applies.

As I have before stated, I at one time saw a soldier who had served through the entire war, a stout, healthy man, and on a Fourth of July he was firing a gun and lost both arms in firing that gun. He is not competent to make a living of any kind. Both arms are off, one above the elbow and one just below. I saw the poor unfortunate man and gave him all the assistance I could. That man ought to have a pension; he ought to have a pension because he was a soldier who served his country, and because by misfortune he has been deprived of the power of making for himself a living. I think so at least.

Now, so far as the amount of pay is concerned, as I said before—and I do not desire to repeat at any length—I do not believe that $1, or $2, or $3, or $4 is a sufficient pension for a man who is entitled to draw a pension at all. I tried to have this pension raised to $8, but I was voted down. Of course I shall not bother the Senate by trying it again, but the amendment I have now proposed is $6 a month.

The Senator who is in charge of the bill well knows the fact that the soldiers of this country know more about the troubles, trials, and diseases of one another than any other class of people. They are associated together in their little societies and organizations and they learn the ills of one another. They have almost universally throughout this country petitioned Congress to do away with these small pensions for the very reason I mentioned the other day, that no physician can tell the sufferings of these men who have a disease that is not prominent and apparent to all, and you have to take the man's word for it as to his suffering. No evidence can be produced to prove the amount of suffering. Therefore you must take the man's word. The Department can only have his word. His evidence is not considered sufficient. Then they rate him. If he walks about and labors somewhat, performs some labor, they give him $1, or $2, or $3 a month.

In my judgment—and I do not ask any man to be governed by my opinion—it is absurd for the Government to pay a pension of that character, if it pays any at all. I would, as the Senator from Kansas said, rather not have a pension, if I was a pensioner, than to be put off with a dollar a month and have to make out my certificate four times a year for a dollar a month or have somebody else to do it if I was not competent to do it. I think it is absurd and preposterous to give a pension of that kind.

As pensions have been given heretofore, there has, as I said the other day, been a discrimination made against the Union soldier. He has not received the character of bounty that other soldiers have who have served this country. I said he had not received land as all other soldiers had. He has not received the rating of pension that all other soldiers had. He is reduced down from $8 to $1 in many instances, and the others were not. My object was to put them upon the same plane of equality where all other soldiers have been heretofore placed.

I think $6 is too small an amount, but as $8 was not accepted by the Senate I hope, if they will accept any change whatever, they will adopt at least the proposition of $6 per month, for if there is any man in this country who served it for three years or four years or nearly five years at $13 per month when money in which he was paid was worth only from 37 to 40 cents on the dollar, and has expended all of it and much more for his family, if he had one, or in supplying himself at times in getting provisions that the Government did not furnish—if such a man is disabled at all, if this Government can not afford to pay him $72 a year for the remainder of his life if he is disabled so that he can not make a living, no matter when that misfortune occurred, then I do not think that this Government performs its duty toward that unfortunate man.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that the Chair was not aware of the fact when he ruled that the Senator's amendment was in order a few moments since that the amendment of the Senator from New Hampshire was itself a substitute for the amendment of the Senator from Nebraska. Hence, to entertain the amendment of the Senator from Illinois at this time would be to propose to strike out what the Senate has by vote just inserted in the amendment; and the opinion of the Chair is upon that state of facts that while the bill remains in committee the Senator's amendment will not be in order if he intends it as a substitute for the amendment of the Senator from Nebraska as amended.

Mr. LOGAN. The Senator from New Hampshire offered his as an amendment to the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. An amendment in the nature of a substitute, as the Chair is informed by the Secretary.

Mr. LOGAN. I did not so understand. I offered a substitute and the Chair said it was out of order.

Mr. INGALLS. It was a motion to strike out and insert.

Mr. BLAIR. It was to strike out all after the words "provided further," and to insert.

Mr. LOGAN. It was an amendment to an amendment.

The PRESIDING OFFICER. As the Chair is now advised by the Secretary, however, the effect of the Senator's amendment is to strike out precisely what has just been inserted, and to insert other language in lieu. That being so, it would not be in order while the bill is in committee; it will be in order in the Senate.

Mr. INGALLS. Can not the Senator from Illinois move to strike out the word "four" in the amendment and insert "six?"

The PRESIDING OFFICER. In view of the fact that the Senate has by vote within the last few minutes inserted the word "four," the Chair thinks it would not be in order to move to strike that out while the bill remains in Committee of the Whole. It will certainly be in order to do so when the bill is reported to the Senate.

Mr. LOGAN. I, of course, submit to the opinion of the Chair, but at the same time it certainly is an opinion that has not been followed in this Senate very generally. Only day before yesterday the very same proposition was entertained by the Chair.

The PRESIDING OFFICER. If the proposition was to strike out anything other or in addition to the language which has just been inserted the Chair would unhesitatingly hold that the amendment of the Senator was in order; but the proposition, as the Chair now understands it, is to strike out no more nor less, but precisely what the Senate has just inserted, and that being true, the Chair holds that it would not be in order to move to strike that out and insert something else.

Mr. INGALLS. The Senator from Nebraska offered an amendment proposing to establish the minimum rate of pension at $8 in certain language. The Senator from New Hampshire moved to amend the amendment, or to strike out of it all after the words "*Provided further*," and insert certain language limiting the minimum of pensions to $4 per month. Then when that amendment of the Senator from New Hampshire was agreed to the amendment offered by the Senator from Nebraska had been amended, and the question then was, will the Senate agree to the amendment offered by the Senator from Nebraska as amended upon the motion of the Senator from New Hampshire. Therefore it appears to me that this is still in an amendable stage. While I differ with great diffidence from authority so eminent and so long unquestioned as that of the occupant of the chair, I should still venture to say that inasmuch as the question has not yet been put on agreeing to the amendment of the Senator from Nebraska as amended, while that is pending the Senator from Illinois would plainly have the right, the parliamentary question being undetermined before the Senate, to ask the opinion of the Senate as in Committee of the Whole whether that should be finally amended by inserting the word "six" instead of "four."

I am opposed to all these propositions, the eight, the six, and the four; but speaking from a parliamentary standpoint, it seems to me, with very great deference to the Chair, that the ruling would result in great inconvenience, and that the question is still undetermined whether the Senate will agree to the amendment of the Senator from Nebraska as amended.

The PRESIDING OFFICER. The present occupant of the chair will not interpose the question of order. The Senator has suggested it or made the question of order, and if there be no objection the Chair will entertain the amendment of the Senator from Illinois.

Mr. BLAIR. I was about to ask that by unanimous consent the amendment be entertained.

The PRESIDING OFFICER. The Chair thinks the amendment is not technically strictly in order at this time. The question is on the amendment proposed by the Senator from Illinois to the amendment of the Senator from Nebraska as amended.

Mr. LOGAN. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Mr. President, I am opposed to all these alterations of the pension law. I do not believe it is wise policy to adopt the provision proposed by the Senator from Nebraska or any of these others. The only effect is to take more money out of the Treasury, and I shall vote against all these propositions. But I want to say that in my opinion the pension laws of this country have been as liberal as those of any country on earth, and that we have to-day as large a pension-roll as ever was provided for by any country of which I know. We have paid out since the close of the war a larger amount of money in pensions I suppose than ever was paid in the same length of time by any other country on earth. Yet the proposition of this bill and all the amendments offered to it is looking to further increase the expenditures from the public Treasury for the purpose of pensions.

I appreciate as highly as any person does the service rendered by the soldiers of the country, and I have never knowingly voted against any person having a pension who I believed was entitled to it under the laws of the land. I voted against the arrears-of-pensions act because I believed that that was a mere gratuity, just as this is a bounty, as was said yesterday by the senior Senator from Kansas [Mr. INGALLS]. To bounties that are unnecessary, whether in the form of subsidies or in the form of additional amounts to soldiers, I am opposed. Unless there is an absolute necessity for the expenditure of public money I believe we ought not to expend it.

The time was when in this Senate Chamber the efforts of Senators was to scrutinize expenditures and to guard the public interests against wastefulness and extravagance; but the tendency to-day is in exactly the opposite direction, and our whole legislation is looking to see how we can expend the public money.

I shall not inquire into the motives of the extravagant disposition on the part of Congress, either of this House or the other, but I venture the remark that with reference to pensions to soldiers the only way to stop that would be by a constitutional amendment to deprive all soldiers of a right to vote, of which I would not be in favor, or to provide by a constitutional amendment that no man who has served in Congress should ever be eligible to the position of an incumbent of the White House.

We are all human and governed sometimes by our ambition. If the soldiers of this country had no votes to-day you would hear nothing about the patriotism which prompted the expenditure of the public money for the purpose of pensioning soldiers. It is because the soldiers have a vote that their voice is potential in this Hall. We had as well speak the truth about this matter.

There are other people just as worthy as the soldiers. There are ladies in this land who are earning their living by their needle. We do not hear any talk of pensioning them or providing for their necessities. Many of the soldiers are needy, but the country has provided liberally for them if their inability resulted from service for the country.

If there is any man who has not been provided for, whose disabilities were incurred in the war, let him be provided for; but this bill provides for a service pension. Many of the soldiers are worthy men, and the country ought to deal liberally with them, but there are other people just as worthy.

We are looking at what we can do with the money in the Treasury. I heard a speech yesterday from the Senator from Indiana [Mr. VOORHEES], in which he talked about the beneficial effects of the distribution of money. I heard a speech this morning on the other side of the Chamber by the Senator from Colorado [Mr. TELLER], in which he talked about wanting a hundred millions distributed out of the public Treasury. I have not heard a single member of the Senate talk about the source from whence this money comes. Where does it come from, sir? It comes out of taxes upon the poor people of this country as well as the rich.

Look at the taxes the people of this country are paying! Look, for instance, at the clothing of the people of this country! What does it cost to clothe the American people? I venture the assertion at once that it will take a billion dollars to furnish the clothing that is worn by the people of this country. It is true that all that clothing is not imported, and therefore does not pay duty, but that which is manufactured in this country is protected by the duty upon that which is imported, and the price of it is enhanced by reason of the duties put upon that which is imported; so upon the billion dollars paid out annually for clothing in this country at the rate of 40 per cent. that would amount to $400,000,000, which is paid alone upon the clothing of the country. Then there are many other articles, articles of diet and of food, which are subject to taxation, and almost every article of furniture. When you come to the enormous amount of taxes paid directly or indirectly by the people of this country it amounts to $400,000,000 or $500,000,000 annually, and yet you are talking about increasing the expenditures of the Government, and therefore increasing necessarily the expenses of Government to the people of the country. We ought to look rather to a reduction of the expenditures than to an extravagant expenditure of money. We ought to look to see whether we can not reduce the burdens of the people.

While there may be three or four hundred thousand soldiers who are needy, there are five millions of people equally as needy as they are to-day, who are helping to pay the taxes which you are giving away to the soldiers and to others. Go through the rural sections of the country. There are men and women toiling from early dawn until late at night, scarcely able to make a living. They have to pay taxes upon their clothing, upon much that they eat, upon all that they have in their houses in the shape of furniture, and yet we never turn to look to that class of people; it is to some person who has a vote that we can secure by appropriations of the public money.

For one, while I remain in the Senate I shall not vote subsidies nor bounties which are not demanded by the public service to any class of men, and if the consequence to me is that I am retired from public life well and good, I shall have the satisfaction of knowing that while serving in the Senate I have followed the dictates of my own judgment in that regard and that I have not been influenced by a desire to promote my political interests.

Mr. President, I would do anything that is proper and right to be done by the soldiers. As the bill is now amended we are to increase the pension of a man who has $1 to $4. The proposition of the Senator from Illinois is to increase it to $6. Those men were rated under the law at the time when their disabilities occurred or soon after. Many are to-day on the pension-rolls who ought not to be there because the disability has passed away; and I expect, while I do not know the fact, that if there was a perfect scrutiny into the present condition of pension affairs there would be found a very considerable percentage of those now on the roll and drawing pensions from the Government whose disabilities have disappeared and who are as able to make their living as any other person of the same age in the country.

I shall not vote for any of these propositions. I might vote for a proposition to reduce the amount proposed in the bill, as I would have voted for a proposition to reduce the limit from $8 to $4 for the purpose of limiting it as far as possible, but against the bill, however amended, I shall cast my vote.

Mr. LOGAN. Mr. President, I certainly did not intend to occupy the time of the Senate any further, but I can not sit quietly by and listen to so remarkable a speech as I have just heard from the Senator from Delaware without responding very briefly to some of the points which he suggests.

The question as to whether a person shall receive a pension who has not been in the Army, because he is poor, is one which I have never heard mooted before. I have never known that line to be drawn at all, and the suggestion made that the fact of a person being in impoverished circumstances shall be the only merit which shall cause the Government to give him a pension

As I understand the Senator, he does not believe that patriotism is worthy of his country. He does not believe that because a man served his country faithfully he is entitled to any more than one who failed to serve it faithfully. He does not believe that a government should hold out inducements to a man to defend its flag and its honor. He does not believe that a man is gifted with any patriotism in his breast, but he is a mere machine to be employed for pecuniary gain

The Senator even insinuates that if it were not that soldiers had votes to give at the polls there would be no pensions granted them. I am willing that the Senator shall apply that remark to himself. If he holds within his breast a heart so bloodless as that, without sympathy toward these unfortunates, I am perfectly willing that he shall enjoy all the consolation it gives him.

But, sir, so far as I am concerned I do not appeal for pensions for votes. I have never appealed for votes on any ground. I appeal for pensions on the ground of misfortune, on the ground of sympathy, on the ground of charity, on the ground of a duty that the Government owes to its preservers and protectors, and upon no other ground; and he who insinuates that men who have sympathy with the unfortunate soldier are only actuated by sinister motives or designs to procure their votes has a poorer opinion of honesty and honor than I desire to have of him.

Sir, it is the most remarkable statement that I ever listened to, and it would have only been stronger if the ability had been greater. When the time comes in this land that men stand up in the Senate Chamber

and from the standpoint of opposition to the honor of this Government declaim against the right of the Government to grant charities or bounties to the unfortunate men who have become so in defense of the Government which protects them to-day, I say then the respect of the soldier for that class of men ought to cease. How can the soldiers have respect for men who declare that they are entitled to nothing on account of having served their country?

Mr. SAULSBURY. If the Senator intends to insinuate that I made any such allusion to the soldiers it is not justified by what I said. I said the country had provided liberally for the soldiers, and that if there was any disabled soldier in the land who had not been provided for he ought to be provided for.

The Senator certainly could not have listened to my remarks on that point, for I want to say that I made no personal application of my general remarks to anybody. If the Senator sees proper to give it a personal application I can not help that. I did not give it any personal application. I only made a general statement and a statement which I think the people of this country believe to-day, that our action here in reference to pensions is being influenced to a certain extent at least by the very fact that soldiers have votes. I think the country believes it. I made no personal application to the Senator from Illinois, but if he sees proper to give it a personal application to himself I can not avoid it.

Mr. LOGAN. The latter speech of the Senator is amusing. I did not take what he said as personal to myself; I took it as personal to every one who was in favor of granting these benefits to soldiers. I am not the only advocate of those unfortunate men; I do not take it to myself; but I was only trying to give the Senator to understand what he had said so that he might apply that to himself.

What I said was that the distinction was not drawn by his remarks between those who served their country and those who did not; that his argument was on the basis that one person was entitled to a pension just as much as another if he was unfortunate and poor. That was his argument, and that was what I was replying to. It was that patriotism had nothing to do with a pension; that service had nothing to do with it, and the only question was the want of the individual.

I was replying to that, and further I was replying to the remark which he made that because they had votes was the only reason why they were pensioned. In governments where they do not vote they are pensioned. Under the lead of the autocrats of countries where men have not been entitled to vote they have always had pensions. There is not a government on earth, whether the soldier votes or does not vote, that does not pension the unfortunate soldier, and his widow and orphans also.

I presume there are not very many soldiers perhaps in Delaware who have votes, because there are but few people who vote there, for some reason or other, I do not know what. In my State all men twenty-one years old who have not disfranchised themselves are entitled to vote, whether they have been soldiers or not. There are more people there who have not been soldiers than there are who have been soldiers; so that if the theory of the Senator is right, that the people believe what he says they believe, the soldiers' vote would amount to very little in this country when compared to the vote of those who were not soldiers. So the argument is very light so far as that particular is concerned, as well as in other particulars.

I presume that the women who are widows of soldiers and the children who are the orphans of unfortunate soldiers have no vote in Delaware. They have not in my State. Why should I or any other Senator be in favor of pensioning a widow? Forsooth, because she votes, would be the argument of the Senator from Delaware. Why should I be in favor of pensioning a child one year old? Because it votes, says the Senator from Delaware. Did a man ever hear such an argument fall from the lips of a great statesman before? I never did. It is new; it is novel. It is an argument which ought to be preserved and handed down to be declaimed by boys in schools, that they might learn the patriotic devotion of men in this country who believe that nothing but a desire for votes can cause a Senator to vote for a pension.

What causes Senators here to vote for clearing out spring branches, as has been done? Money is appropriated for rivers and places where boats never could float. Is that for the benefit of the country, or to accommodate some particular section of the country? I do not hear the Senator declaim against that. The only loud declamation that I hear from him at different times is against pension bills for unfortunate soldiers because the Treasury is being robbed!

When the Senator speaks of men who agree on this subject taking money out of the Treasury to pay the soldier, it is not robbery. The only time the Treasury has ever been robbed in this Government was when those left it whom the soldiers brought back; and it comes in very bad grace from any Senator to talk about robbing the Treasury by paying pensions to unfortunate soldiers. I do not allude to this for the purpose of harrowing up and arousing the feelings of any one; but I do say that when men insinuate that others are willing to rob the Treasury to pay these soldiers they had better turn their attention back a few years and see when the Treasury was robbed and by whom it was done.

Mr. SAULSBURY. Mr. President, I do not intend that the Senator from Illinois shall put me in a false position. I said nothing against pensioning soldiers who had been wounded in the service. This bill is not for that purpose. It is a service-pension bill for disabilities incurred at any time since the service was rendered, and it is that bill to which I am opposed.

I said expressly in the remarks which I made that the country had provided for the soldiers who were disabled during the war, and that if there was any soldier thus disabled who had not been provided for it should be done. I spoke against extending the bounty of the Government to men who were not wounded or who did not receive any disability in the war, men who have become diseased, as everybody is liable to become diseased, since the termination of the war, not traceable to the war, but traceable to the afflictions which fall upon humanity.

I do not intend that the Senator from Illinois shall hold me up as being opposed to the pensioning of soldiers under the laws who had received wounds in the war or who became diseased while in the service of their country. It is against extending that, and giving now what I consider a bounty to men who were not wounded in the war, who contracted no disease in the war, simply from the fact that they were once in the war—it is against the provisions of such a bill that I spoke.

The Senator seems to talk with some feeling. He was a gallant soldier in the war and he deserves well of his country, but at the same time he is not to be allowed to dictate to everybody else what their views shall be. If Senators on this side of the Chamber see proper to differ with him it comes very ungraciously from him to say that they were unpatriotic and that they have got no patriotism. The simple fact that a man wore epaulets is not a proof of his patriotism more than the man who in any other of the walks of life faithfully discharged his duty to his country.

I defy the Senator to point to any word of mine or to any act of mine that was not in perfect consonance and harmony with the interest of the Government of the country at the time of the war. I voted the Democratic ticket. If that was evidence of disloyalty, I plead guilty to it.

Mr. LOGAN. I did not say anything about disloyalty.

Mr. SAULSBURY. No duty that I owed to this Government was ever omitted, and I have no doubt that I went as far as the Senator to discharge my duty. I do not mean to say that I rendered as much service, for he was a gallant officer in the war, but I went as far from compromising myself with those with whom my country was engaged in war as he would have gone. I remember at one time while passing through Canada being invited to see certain gentlemen who were there as representatives of the confederate government. I positively declined to see them, on the ground that I had no right to hold intercourse with those who were fighting against the country to which I belonged.

I declined to see Mr. Thompson, Mr. Clay, and other gentlemen to whom I could have been introduced, on the ground that I had no right as a citizen of the United States to hold any intercourse whatever with the enemies of my country. The imputation in the remarks of the Senator that gentlemen who differ with him are not actuated by as loyal motives as himself is unjust at least.

Mr. LOGAN. If the Senator will allow me, I made no such imputation. I was discussing the remarks of Senators, and said that they made that argument; and so they did.

Mr. SAULSBURY. No, sir; the Senator was not discussing the position of the Senator from Delaware at all. He was misrepresenting the position, doubtless unintentionally.

Mr. LOGAN. If I misrepresented the Senator I beg his pardon. I did not intend to do so, and I do not think I did.

Mr. SAULSBURY. I say it was doubtless unintentional, but he was misrepresenting my position.

Mr. LOGAN. One position the Senator occupied I did not allude to for the reason that I did not know it. If I had known that he was in Canada at that time I should have alluded to that fact.

Mr. SAULSBURY. The Senator from Illinois represented the Senator from Delaware as being opposed to all pensions. That is not true in fact, and no word that has escaped me has justified such a remark from the Senator from Illinois.

I have observed in the discussion which has been going on upon this bill that gentlemen who see proper to take their view of the subject are disposed to attribute a want of patriotism to others who do not coincide with them. I have my views, and I am not afraid to express them in the Senate or out of it; and I am willing to be judged by them; but I am not willing to be judged by the interpretation of the Senator from Illinois. When I want an interpreter of what my meaning or my position is I shall not seek for it in that quarter.

I only intended to express my opinion because the yeas and nays were called upon the pending amendment, and to say that I intend to vote against the bill and against every proposition which proposes to increase the pensions of this country for the purposes named in the bill.

Mr. CAMDEN. Mr. President, I was a Union man during the war, and at the close of it I was one of the very few Democrats who was left upon the registration roll of my State and allowed to vote because of the test-oath then required there. There is not a man who has a more generous sympathy for the disabled soldiers of the Union than I have. I should be willing to vote generous pensions to every soldier

who was wounded or disabled in the war or whose disabilities resulted from his service in the Army.

But I think that our bounty should cease at that point. I am not in favor of voting either service pensions or other pensions to those who came out of the war uninjured and possessing all the vigor of constitution with which they entered the Army. The men who served in the war of the rebellion are mainly still young men or men in the prime of life.

Mr. GEORGE. Will the Senator from West Virginia allow me to interrupt him?

Mr. CAMDEN. Certainly.

Mr. GEORGE. I understand the Senator to say that he is opposed to service pensions. Did he not vote for the Mexican pension bill last year, which was a service pension, and nothing else?

Mr. CAMDEN. I think I voted against it. I know that I was opposed to it.

Mr. GEORGE. I am very sorry to hear that you did oppose it.

Mr. CAMDEN. I voted in committee against it, and I do not hesitate to say here now that I voted against it in the Senate in the form that it finally assumed. I was opposed then, and I am opposed to-day, to service pensions to the soldiers of the Mexican war for the very reason that if we extend service pensions to the soldiers of the Mexican war at this time, it will be but a very short period until, upon the same principle, service pensions will be granted to the soldiers of the late war. Although the lapse of time will not be so great, it will be the precedent which will establish a service pension to every soldier of this country before three years.

Mr. GEORGE. Then I understand the Senator to say that he is opposed to a service pension to the soldiers of the Mexican war because it may result in giving a service pension to soldiers of the late war. Is that his idea?

Mr. CAMDEN. I will say to the Senator from Mississippi that there are exceptions to the rule, which I might concede if it was prudent or expedient to do it at this time. There is a great difference between pensioning soldiers forty years after the service and pensioning soldiers twenty years after the service. In forty years after the service the soldier has become an old man; he may be in suffering or may be decrepit; but a service pension to the soldier of the war for the Union would be entirely a bounty on the part of the Government, and the Government should have a discretion as to when it will extend that bounty, and in my judgment it ought not at this time to be extended at all.

We are not voting away our own money; we are voting away the money of the people of this country; and the people of this country are composed three-fourths or almost nine-tenths of laboring men. We should place proper limits to the bounty that the Government should extend in any and in all instances.

There are in this country engaged in agricultural pursuits, in round numbers, seven millions of people; there are in mines and manufacturing interests some four millions of people; there are in other laboring pursuits about five millions more people, making in the aggregate sixteen millions of laboring people, one-half of whom perhaps are less able to make their own living, let alone contribute bounties to others, than the average of the soldiers who came out of the war uninjured.

Mr. LOGAN. The soldiers are nearly all laboring men themselves.

Mr. CAMDEN. I know they are, but we are taxing one class of laboring men in the interest of another class of laboring men.

Mr. LOGAN. Oh, no; not at all.

Mr. CAMDEN. I appreciate the spirit of patriotism which governed those men in going into the Army. I appreciate the spirit of patriotism which has been displayed by our volunteer soldiers on every occasion when the country has demanded their services; but that spirit is not promoted by encouraging the idea of extraordinary compensation to those men. You degrade the spirit of patriotism to one of pecuniary interest.

I believe, as I said before, that the Government owes it to every soldier who has been in its service and has been disabled or wounded in that service, or whose health has been impaired from that service, to grant a liberal and generous pension to him, but I think that our bounty ought to end at that point.

I shall vote against all amendments looking to an increase of our pension-roll, and I shall vote against the bill itself.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LOGAN] to the amendment of the Senator from Nebraska [Mr. VAN WYCK] as amended, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON]. He was called away from the Senate, and I withhold my vote.

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA].

Mr. VEST (when his name was called). The Senator from Kansas [Mr. PLUMB] is engaged in the Committee on Appropriations and requested me to pair with him. If he were here, I should vote "nay" and he would vote "yea."

The roll-call was concluded.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT], who is unavoidably absent from the Senate.

Mr. CONGER. The Senator from Texas [Mr. COKE] requested me to announce his pair with the Senator from New York [Mr. EVARTS] on these questions.

Mr. HOAR. My colleague [Mr. DAWES] is paired with the Senator from Texas [Mr. MAXEY].

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN].

Mr. CHACE. I am paired with the Senator from Maryland [Mr. WILSON.]

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Bowen,	Hale,	Manderson,	Sewell,
Conger,	Hoar,	Miller,	Spooner,
Cullom,	Logan,	Mitchell of Oreg.,	Van Wyck,
Dolph,	McMillan,	Morrill,	Voorhees,
Frye,	Mahone,	Sawyer,	Wilson of Iowa.

NAYS—21.

Beck,	Eustis,	Hearst,	Stanford,
Berry,	Gibson,	Morgan,	Walthall,
Blackburn,	Gray,	Payne,	Whitthorne.
Brown,	Hampton,	Pugh,	
Call,	Harris,	Saulsbury,	
Colquitt,	Hawley,	Sherman,	

ABSENT—35.

Aldrich,	Dawes,	Jones of Florida,	Plumb,
Allison,	Edmunds,	Jones of Nevada,	Ransom,
Blair,	Evarts,	Kenna,	Riddleberger,
Butler,	Fair,	McPherson,	Sabin,
Camden,	George,	Maxey,	Teller,
Cameron,	Gorman,	Mitchell of Pa.,	Vance,
Chace,	Harrison,	Palmer,	Vest,
Cockrell,	Ingalls,	Pike,	Wilson of Md.
Coke,	Jones of Arkansas,	Platt,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

Mr. SAULSBURY. I desire to offer an amendment to come in at the end of section 1.

Mr. HOAR. That is not in order now.

Mr. INGALLS. I understand the question now to be on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK] as amended.

The PRESIDING OFFICER. That is the pending question.

Mr. INGALLS. I move to lay that amendment on the table.

The PRESIDING OFFICER. The Senator from Kansas moves to lay the amendment upon the table.

Mr. HAWLEY. Can we have that amendment read?

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to add at the end of the first section of the bill:

Provided further, That no pension paid under any law hereafter shall be rated at less than $4 per month.

The PRESIDING OFFICER. The Senator from Kansas moves to lay the amendment on the table.

The motion was not agreed to; there being on a division—ayes 15, noes 24.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Nebraska as amended.

The amendment as amended was agreed to.

Mr. SAULSBURY. I offer an amendment to come in at the end of section 1.

The PRESIDING OFFICER. The amendment offered by the Senator from Delaware will be read.

The CHIEF CLERK. It is proposed to add to the amendment just agreed to the following proviso:

And provided also, That no payment of any increase of expenditures for pensions under this act shall be made from the Treasury until provision shall be made by law to meet such increase of expenditure by a tax upon incomes specifically applicable thereto.

Mr. BLAIR. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from New Hampshire moves to lay the amendment on the table.

Mr. SAULSBURY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALDRICH (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "yea."

Mr. LOGAN (when Mr. ALLISON'S name was called). The Senator from Iowa [Mr. ALLISON] requested me to announce a pair between him and the Senator from Missouri [Mr. COCKRELL].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMDEN (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. CONGER (when Mr. COKE'S name was called). The Senator from Texas [Mr. COKE] is paired with the Senator from New York [Mr. EVARTS].

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired on all these questions with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, he would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA].

Mr. HEARST (after having voted in the negative). I see that my colleague [Mr. STANFORD] is out of the Chamber, and it is understood that we are paired when either of us is away. So I withdraw my vote.

Mr. HOAR. My colleague [Mr. DAWES] is paired with the Senator from Texas [Mr. MAXEY].

The result was announced—yeas 29, nays 15; as follows:

YEAS—29.

Blair,	Hale,	Manderson,	Spooner,
Bowen,	Harrison,	Miller,	Van Wyck,
Brown,	Hawley,	Mitchell of Oreg.,	Voorhees,
Conger,	Hoar,	Morrill,	Walthall.
Cullom,	Ingalls,	Payne,	Wilson of Iowa.
Dolph,	Logan,	Sawyer,	
Frye,	McMillan,	Sewell,	
George,	Mahone,	Sherman,	

NAYS—15.

Beck,	Colquitt,	Hampton,	Pugh,
Berry,	Eustis,	Harris,	Saulsbury,
Blackburn,	Gibson,	Jones of Arkansas,	Whitthorne.
Call,	Gray,	Morgan,	

ABSENT—32.

Aldrich,	Dawes,	Kenna,	Ransom,
Allison,	Edmunds,	McPherson,	Riddleberger,
Butler,	Evarts,	Maxey,	Sabin.
Camden,	Fair,	Mitchell of Pa.,	Stanford,
Cameron,	Gorman,	Palmer,	Teller,
Chace,	Hearst,	Pike,	Vance,
Cockrell,	Jones of Florida,	Platt,	Vest,
Coke,	Jones of Nevada,	Plumb,	Wilson of Md.

So the amendment was laid on the table.

Mr. BLAIR. I ask at this time the consent of the Senate to have two or three merely verbal amendments made. In section 1, line 15, after the word "disability," the words "and dependence" should be inserted. The pension is made payable on two conditions, disability and dependence, and in that line the words "and dependence" have been improperly omitted. I ask that the words be inserted.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 1, line 15, after the word "disability," it is proposed to insert the words "and dependence;" so as to read:

And be entitled to receive a pension during the continuance of such disability and dependence.

Mr. SHERMAN. If the Senator from New Hampshire will allow me, by the use of the words "and dependence," in line 15, it will be necessary, in line 16, for him to change the word "thereof" to the words "of such disability," so as to make it good grammar and good sense.

Mr. BLAIR. That change should be made. I thank the Senator from Ohio for the suggestion.

The PRESIDING OFFICER. The Chief Clerk will state the amendment suggested by the Senator from Ohio.

The CHIEF CLERK. In section 1, line 16, it is proposed to strike out the word "thereof" and insert the words "of such disability;" so as to read:

And be entitled to receive a pension during the continuance of such disability and dependence at a rate proportionate to the degree of such disability.

The amendment was agreed to.

Mr. INGALLS. Are there any degrees of dependence?

Mr. BLAIR. There are none now. If there are amendments on that matter they will come in later, and will apply, if the Senator should choose to move them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. BLAIR. In the twentieth line of the first section, after the words "twenty-four dollars," the words "per month" should be inserted; so as to read:

The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24 per month.

The amendment was agreed to.

Mr. BLAIR. The second section, commencing in line 8, now reads:

And such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from and after the approval of this act.

I wish to insert after the word "laws," at the commencement of the tenth line, the words "as modified by this section," this section being created to include another class.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 2, line 10, after the word "laws," it is proposed to insert the words "as modified by this section;" so as to read:

And such as may be found to be entitled to $8 a month under existing laws as modified by this section shall receive in lieu thereof $12 a month from and after the approval of this act.

The amendment was agreed to.

Mr. HOAR. I move to amend, in the tenth line of the first section, by striking out, after the word "own," the words "gross carelessness, disreputable conduct, or vicious habits," and inserting in lieu thereof the word "fault;" so as to read:

And who is or shall become disabled from any cause not the result of his own fault, and shall also be dependent upon his own labor for support.

Mr. BLAIR. I hope that amendment will be agreed to.

The amendment was agreed to.

Mr. LOGAN. In section 1, line 7, before the word "months," I move to strike out the word "six" and insert the word "three;" so as to read:

That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, &c.

Mr. BLAIR. I hope that amendment will be accepted. Is the Senator from Illinois going to speak to it?

Mr. LOGAN. I was not going to say anything except that I know myself, of my own knowledge, numbers of men who did not serve six months who would be as much deserving of a pension under this bill as a man who served five years, for they were in battles, and in heavy battles. If they are not disabled they will not get any pension under the amendment I propose, and if they are disabled they are as much entitled to a pension as if they had served six months.

Mr. BLAIR. As this bill passed the Senate in the last Congress it was precisely as it would be if amended as moved by the Senator from Illinois. Although the committee considered the matter and inserted the words "six months" on deliberation, yet I know the fact to be that of the three-months men who fought the first battle of Bull Run and who exhibited as great patriotism certainly as any of our soldiers did, being the very first to enlist, very many would be excluded from the provisions of this act unless the amendment be made. I have received several letters since the bill was reported from that class, and I hope the amendment may be adopted.

Mr. HAWLEY. Nobody objects to it.

Mr. CULLOM. We are all for it.

Mr. LOGAN. Unanimously.

Mr. BLAIR. Very well. I will say no more. I thought some one objected to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. BLAIR. In section 1, at the end of line 11, after the word "support," I move to insert the words:

Or upon the contributions of others not legally bound thereto.

So as to read:

And who is or shall become disabled from any cause not the result of his own fault, and shall also be dependent upon his own labor for support, or upon the contributions of others not legally bound thereto, shall upon making due proof of the facts, &c.

Those words are in the second section, and apply already to dependent parents, and unless they be placed in the first section the bill would be inoperative to those who are entirely disabled, and who for that reason, having been disabled for any length of time, can not be said to be dependent upon their own labor, since they are utterly incompetent to perform any labor. It could not be said that a man is dependent upon his own labor for support who can not perform any labor whatever and who is supported by charity. Therefore I think these words should be in, and I suppose they will be inserted.

The amendment was agreed to.

The PRESIDING OFFICER. If no further amendment be proposed the bill will be reported to the Senate.

Mr. BUTLER. I offered an amendment which I should like to have read and acted upon at this time.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina will be read.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of all the surviving officers, soldiers, and sailors who enlisted and served in the war with Mexico for any period during the years 1845, 1846, 1847, and 1848, and were honorably discharged, and their surviving widows, on the pension-roll, at the rate of $8 per month, from and after the passage of this act, during their lives. That the Secretary of the Interior is authorized and directed to make such rules and regulations as are necessary to carry

this act into effect: *Provided*, That where it shall appear that a discharge is lost, secondary evidence may be permitted; and where it shall appear an applicant has received a land warrant, that shall be sufficient evidence of an honorable discharge, unless the evidence shows that he procured it by fraud: *And provided further*, That this act shall not apply to persons under political disabilities.

Mr. BUTLER. I ask for the yeas and nays on agreeing to the amendment.

Mr. CONGER. Let the latter clause be read again.

The PRESIDING OFFICER. The Chief Clerk will read the latter clause of the amendment.

The Chief Clerk read as follows:

And provided further, That this act shall not apply to persons under political disabilities.

Mr. BLAIR. Mr. President.

Mr. BUTLER. I asked for the yeas and nays. Why not take a direct vote?

Mr. BLAIR. I want to say just a word. I do not care to open any discussion, but I wish the country and the Senate to understand that the committee has reported the House Mexican pension bill, the precise measure which has been read at the desk as an amendment to this bill. It is considerably modified it is true, but it is in the condition of a House bill in the possession of the Senate, and in some form, I have no doubt, will be passed by the Senate; and the committee are disposed to act in the utmost good faith and with such celerity as the sentiment of the Senate will permit them to do in pressing it for consideration. It has been reported in precisely the form in which it was passed by the Senate in the last Congress.

I think the Senate will wish to modify the bill as it came from the House considerably if they pass it. For instance, it requires no definite period of service whatever as a condition for the payment of what is a service pension purely, and there are other particulars in which the bill was not satisfactory, I may say properly, perhaps, to the minority members of the Committee on Pensions, or at least to some of them. It was objected to. The House bill which was reported to the Senate comes here as much by the action of the minority members of that committee as the majority.

For my own part I am personally in favor of giving the soldiers of the Mexican war a service pension, although I have on former occasions opposed it, but a majority of the committee decided that the bill should be reported in the form in which it comes to the Senate, which makes it a service pension absolute to all who are sixty-two years of age; and to those who are less than sixty-two years of age, in order that they may receive the pension provided, it is necessary that they shall prove disability and dependence in analogy to the provisions of the pending bill.

If this amendment should be placed upon the pending bill, or if the fate of the soldiers of the Mexican war should be made to depend upon the fate of this bill, the Senator from South Carolina will himself see that there is greater uncertainty as to the result of this measure than if we deal with the House bill, which we may amend and simply send back for concurrence in the amendments. This bill has yet to run the gauntlet of the House and of the Presidential action.

I think the Senator will himself after this statement perceive that if I should move to lay his amendment upon the table it could not be said that I did so with any unfriendly feeling toward the class of men who would be affected by it.

Mr. MILLER. But rather in their interest.

Mr. BLAIR. It is rather in their interest; and if the Senator from South Carolina does not desire to say anything more, I will make the motion to lay the amendment on the table.

Mr. BUTLER. I have nothing to say whatever in reply to what the Senator has just stated.

Mr. BLAIR. Perhaps the Senator will withdraw the amendment.

Mr. BUTLER. No, I shall not withdraw it; but if what the Senator says is true, and I have no doubt it is true, the Senate Committee on Pensions having reported the Mexican pension bill which came from the House, and proposing to have action upon it as early as possible, it will not in the slightest degree injure that measure by adopting the amendment I have proposed to the pending bill.

Mr. BLAIR. But it would injure this measure very seriously, and might excite opposition to the passage of the Mexican pension bill.

Mr. BUTLER. No, I think very likely it would strengthen it. It would in my estimation, I have no hesitation in saying, strengthen this bill very much.

Mr. BLAIR. The Senator will see that the Mexican pension bill has reached the Senate and does not meet with adverse action from some who formerly opposed it.

Mr. BUTLER. It simply gives to the Mexican pension bill two chances instead of one, and therefore I shall insist upon a vote upon my amendment. If the Senate votes it down, of course I shall have nothing to say.

Mr. BLAIR. But it will injure this bill, and I trust my motion to lay on the table will prevail. I withhold the motion, however, as the Senator from Illinois wishes to speak.

Mr. LOGAN. Allow me to say just one word. I am a friend of the Mexican pension bill. I have always voted for it, and I shall do so whenever it comes up. I made a speech here once in opposition to putting amendments upon it, because I wanted each measure to stand upon its own basis.

For that reason I shall vote against this amendment, although I shall vote for the bill when it comes up as it is presented from the committee or in some form or other, and in the best form that I can get it for the benefit of those soldiers. But to put it in this bill, with the minimum to Union soldiers limited in the bill to $4 and the pension of the soldiers of the Mexican war fixed at $8, I do not think would fit very well; and I should not like to put the measures together in that shape; for if a man who served in the Mexican war is entitled to $8 a month without any disability whatever, it seems to me that a man with disability who served in the Union Army is entitled to the same rate of pension. It was on that principle that I offered my amendment. Therefore I shall vote against the amendment, or in favor of laying it on the table, if the Senator from New Hampshire makes that motion.

Mr. BLAIR. I make the motion to lay the amendment on the table.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "yea."

The result was announced—yeas 23, nays 17; as follows:

YEAS—23.

Blair,	Harrison,	Mahone,	Sewell,
Conger,	Hawley,	Manderson,	Sherman,
Cullom,	Hoar,	Miller,	Spooner,
Dolph,	Ingalls,	Morgan,	Van Wyck,
Frye,	Logan,	Morrill,	Wilson of Iowa.
Hale,	McMillan,	Sawyer,	

NAYS—17.

Beck,	Eustis,	Harris,	Saulsbury,
Berry,	George,	Jones of Arkansas,	Walthall.
Blackburn,	Gibson,	Mitchell of Oreg.,	
Brown,	Gray,	Payne,	
Call,	Hampton,	Pugh,	

ABSENT—36.

Aldrich,	Colquitt,	Kenna,	Riddleberger,
Allison,	Dawes,	McPherson,	Sabin,
Bowen,	Edmunds,	Maxey,	Stanford,
Butler,	Evarts,	Mitchell of Pa.,	Teller,
Camden,	Fair,	Palmer,	Vance,
Cameron,	Gorman,	Pike,	Vest,
Chace,	Hearst,	Platt,	Voorhees,
Cockrell,	Jones of Florida,	Plumb,	Whitthorne,
Coke,	Jones of Nevada,	Ransom,	Wilson of Md.

So the amendment was laid on the table.

Mr. BLAIR. When the discussion opened I gave notice that I would move to insert before the word "labor," in the eleventh line of the first section, at the top of the second page, the word "manual;" but the discussion having indicated, and my own understanding now being, that the language as it stands would be held to include persons disabled and dependent upon their labor, whether it was that of a teacher or a physician or a clergyman dependent upon the exercise of his usual pursuit in life, I will not make the motion to insert that word. I think the bill ought to be construed, and as it stands will be construed to include all who are dependent upon their usual avocation in life for the means of sustenance and who are disabled. Therefore I withhold the amendment.

Mr. INGALLS. Will the Senator from New Hampshire permit me to make a suggestion in that particular? It is very clear to my mind that as the bill now stands no persons will be entitled to its benefits, should it become a law, except those who being disabled are dependent upon their own manual labor for support. I know of no reason why that rule should be applied. A man who has been a soldier and who is a physician or a clergyman or a lawyer or an editor or a merchant or a teacher, being disabled and dependent and unable to pursue his avocation, ought to receive the benefits of this bill exactly the same as a man who follows the plow or makes shoes or manufactures iron in the forge.

I therefore suggest to the Senator whether he will not consent to strike out the whole of line 11, which would certainly include all those who are at present by a technical construction included and give the other people a chance; and if he will not consent to that, whether he does not think it would be advisable to substitute for the word "labor" the word "exertion;" so as to read:

And shall also be dependent upon his own exertion for support.

Mr. BLAIR. If that is the best word to put there, I have no objection to the change. It occurred to me that "his usual avocation or calling in life" would be better.

Mr. INGALLS. I should say either "exertion" or "effort." Either of these words would be a great deal more comprehensive than the word "labor" as it is understood in the common acceptation of that term and the legal acceptation as well. Therefore, if the Senator desires to extend the benefits of this bill to all who are disabled and who would be entitled to claim, no matter what may be their pursuit in life, if he would use either of those two words he would include all those that are now included and extend the benefits of the act probably to those who are now by the terms of the act itself excluded.

Mr. BLAIR. If the Senator will move to insert the word "exertion" instead of "labor," I shall not oppose it.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kansas as offering an amendment?

Mr. INGALLS. Yes, sir. In line 11 of section 1 I move to strike out the word "labor" and insert the word "exertion;" so as to read:

And shall also be dependent upon his own exertion for support.

Mr. BLAIR. There is no objection so far as I am concerned.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. BROWN. Before the vote is taken on this bill I desire to make a few remarks giving the reasons which will control my vote on its final passage.

Mr. President, after the termination of the late unfortunate civil war, when the Southern States composing the confederacy had been conquered, the Government, standing in the capacity of victor, dictated the terms upon which the Southern States could resume their place in the Union with all the rights and privileges of States of the Union. The Southern people and Southern States accepted those terms, and whatever may be said of the terms, or of the delays which occurred, or the evils of the reconstruction period, the terms were in fact accepted by the Southern people, and the authority of the Government was re-established with all the States as members of the Union.

In this state of things the Southern States again became a component part of the Union, and the Southern people citizens of their respective States and citizens of the United States, with all the rights, privileges, and immunities, and with all the duties and obligations of other citizens.

The fourteenth constitutional amendment, which was assented to by the Southern States, contains a provision that the validity of the debt of the United States, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred by insurrection or rebellion against the United States or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held to be illegal and void.

By the terms of this constitutional amendment, agreed to by both sides, it becomes the duty of the Southern people to act in the matter of pensions to Union soldiers precisely as they would have acted if they had been on the Union side in the contest and the Union soldiers had been their soldiers. In other words, Southern Senators and Representatives in Congress are bound to act toward the Union soldiers in matters of pensions just as they would have acted if the Southern States had been part of the Union and fighting for the Union during the civil strife, or just as we would act toward them if the war had been against a foreign power and they had been fighting the battles of the Government.

Now, if I am correct in this view, as long as the people of the Northern States, who were in the Union and fighting for the Union during the contest, feel that there is still anything due the soldiers as pensions which has not been paid by the Government, and as long as Northern tax-payers are content with the passage of laws increasing pensions, I do not think the people of the South can object.

I have no doubt there are a great many tax-payers in the Northern States who do not approve the extent to which the Government has gone in the matter of pensions; but as the Northern constituencies continue to send Senators and Representatives to Congress who, without regard to party lines or party divisions, vote almost solidly for additional pension bills, we have no right to conclude that the majority of the Northern tax-payers disapprove such action; and it is reasonable to suppose if the South had been in the Union at the time and the Union Army had been considered their army that they would have gone as far in granting the soldiers pensions as the people of the Northern States would have gone. While, therefore, I feel that we are going to an extent the propriety of which is questionable, I will yield any doubt I may entertain as to the wisdom and propriety of this measure and give the benefit of the doubt in its favor as long as the representatives of both political parties North are almost solid in their support. And believing that to be true in the present instance, I expect to vote for the bill. But before I take my seat I desire to remark that our soldiers who served in the war against Mexico, which occurred nearly fifteen years prior to the late civil war and about forty years ago, have not yet received service pensions.

Very large numbers of the Mexican soldiers are dead, and those who survive are mostly becoming old and many of them decrepit.

I think while Southern Senators and Representatives have, as a rule, faithfully sustained measures for pensioning Union soldiers, Northern Senators and Representatives should consider with more liberality the claims of the soldiers against Mexico. It is true, I believe, that a majority of them were from the Southern States, and that the South would get part of the benefit if that act should pass.

Those gallant men were fighting the battles of this Government against a foreign foe, and their gallantry and success added an empire of territory to the Republic. Why, then, should we continue to decline to grant them pensions?

When forty years have passed from the commencement of the late civil war, I have no doubt service pensions will be granted to all the Union surviving soldiers engaged in it, possibly at an earlier period. I trust the soldiers against Mexico may be kindly and justly dealt with without further delay, and I do not think I shall vote in future for further increase of pensions to Union soldiers until something just and reasonable has been done for them.

And in this connection I desire to remark that the Government, in my opinion, owes the same duty to the soldiers who, at a still earlier period, fought our battles against the Indians.

There are in my State still some old men, the survivors of the soldiers who fought our Indian battles. The number is comparatively small, and they are generally old and needy. I think provision should be made for them, and I trust Northern Senators and Representatives, as well as Southern Senators and Representatives, will consider maturely the obligation which the Government is under to them, and see that full justice is done them.

Mr. HOAR. Mr. President, I think the speech of the Senator from Georgia [Mr. BROWN] should not pass without a statement of fact in connection with it.

The pension for the Mexican soldiers would have passed six or eight years ago if it were not for the fact that that side of the Chamber unanimously, with the exception of one or two Senators only, refused to accept a proposition for pensioning those soldiers which contained a provision that no pension should be paid to Jefferson Davis. It was their fault, not the fault of this side of the Chamber unless they expected us to pension Mr. Davis, that that bill did not pass at that time. Later the same Senators refused to accept a bill providing for pensioning the soldiers of the Mexican war, which this side of the Chamber was ready to support, but which put them precisely on the footing on which the soldiers of the Revolution were placed for more than forty years after the close of the Revolutionary war, and precisely on the footing that the soldiers of the war of 1812 were placed down to 1873 or 1874, fifty-six or fifty-eight years after the conclusion of that war.

The soldiers of the Revolution were required until nearly fifty years after its close to state in their application that the person applying was in need of a pension, and the general service pension treating age as a universal disability was not applied to the soldiers of the Revolution or to the soldiers of the war of 1812 until a longer interval had passed since the close of that war than has now passed since the close of the Mexican war.

So that pension bill failed on account of the claim and demand from that side of the Chamber, represented almost wholly by Southern Senators, that the soldiers of the Mexican war should be put in a better condition than the soldiers of the Revolution were placed in or than the soldiers of 1812 were placed in. They claimed, as some Senators did, that it was a degradation to a soldier to have to state in his application that he needed a pension. If it were a degradation, then we have degraded the widows and dependent fathers and mothers of the soldiers of the war of the Union; then we have degraded the soldiers of the war of the Revolution and the soldiers of the war of 1812.

The failure to pension the soldiers of the Mexican war before this time is due not to this side of the Chamber, not to the representatives of the Northern States of the Union; it is due as a matter of history to the Senators who denied, first, that a pension bill which excluded Jeff Davis should be passed by the representatives of this Government, and who afterward rejected a bill which placed them on the same footing with the soldiers of the war of the Revolution and of the war of 1812, and on the same footing with the widows and dependent parents of the soldiers of the war for the Union.

Mr. GEORGE. Mr. President, the statement made by the Senator from Massachusetts [Mr. HOAR] needs, I think, a little explanation.

As to the first bill to which the Senator alludes I know nothing. I was not a member of this body at the time when it was discussed and failed.

As to the second bill, if my recollection is not at fault, the Senate passed a bill, as stated by the Senator from Massachusetts, which was not wholly consistent with the position assigned by him to Senators on this side.

Mr. HOAR. The Senator will pardon me for saying that the bill to which I referred as the second bill, to which I suppose he is now com-

ing, was the measure which was in charge of the late Senator from Kentucky, General Williams.

Mr. GEORGE. I refer to that bill. The failure of that bill was not wholly due to the action of Senators on this side of the Chamber. In the first place, I remember very well that both my then colleague, Mr. Lamar, and myself were advocating and supporting the bill in the shape in which the Senator says it was distasteful to this side of the Chamber. In the next place, if I am not very much mistaken (and if I am I shall be glad to be corrected), the distinguished Senator from Illinois [Mr. LOGAN] made the same objection to what was then denounced as the pauper clause of that bill as was made by General Williams, the Senator from Texas [Mr. MAXEY], and some other Senators on this side. The Senator from Illinois nods assent to that proposition. I was willing, and my former colleague was always willing, to accept the pensioning of the Mexican war soldiers upon the basis finally assumed in the bill to which the Senator from Massachusetts has alluded. I believe that if it had not been for the great weight and large influence of the Senator from Illinois, notwithstanding the objections urged upon this side of the Chamber, that bill might have passed.

And now one word more. I intend to vote for the bill now before the Senate. I shall vote for it under no constraint whatever. I shall vote for it cheerfully, and because I believe it to be my duty as an American Senator to vote for it. If there be any consequences to fall on me personally for that, I am ready to meet them. I have only cast one vote on the various amendments which have been proposed which I need to explain, and I ask now to explain it.

When the proposition was made by the Senator from Delaware [Mr. SAULSBURY] to insert a proviso restraining the operation of this bill until a law was passed raising revenue sufficient from incomes to pay the debt, I voted against it; and for these reasons: In the first place I regarded it as an obstructive amendment to the passage of the bill, and being in favor of the bill, I did not propose to encumber it by amendments that would tend to defeat it.

In the second place I desire to say that I am now and I have been for a long time very profoundly impressed with the injustice of the tax laws of the Union. I have been very profoundly impressed with the truth of the statement made by the Senator from Kentucky [Mr. BECK] this morning, that most of the large revenue which we collect and disburse is collected from that class of our population who are least able to pay it; and I have also been impressed with the conviction that it was the duty of the American Congress to impose further taxation upon what is called the accumulated wealth of the country. In accordance with that conviction I have favored and I now favor the imposition of income taxes and of other taxes which would more equally impose the burdens of taxation upon all classes. But the Senate has no right to originate a measure of that sort. All revenue bills must originate in the House of Representatives; and notwithstanding my convictions as to the propriety of taxation of that sort, and my readiness to vote for taxation of that kind whenever I have the legitimate opportunity to cast that vote, I felt, for the reason which I have just stated, that it was my duty to vote against the amendment offered by the Senator from Delaware.

Mr. INGALLS. Mr. President, on the 8th of December, 1885, I introduced a bill (S. 35) to remove the limitation in the payment of arrears of pensions, which was twice read, and referred to the Committee on Pensions, where it has reposed now for a period of nearly six months without apparent action, and, so far as I am advised, without any response to the resolution adopted by the Senate on the motion of the Senator from Illinois [Mr. LOGAN] directing that committee to report that bill to the Senate for its action.

This subject is one that is very near to my heart. As the author of the original measure in 1879 for the removal of the limitation on the payment of arrears of pension, having consented with reluctance to the limitation that was imposed fixing the time beyond which their payment should not be made at the 1st of July, 1880, I have never ceased to hope and labor for the time when that act of injustice would be repaired; and I believe that of all questions which are now pending upon this matter before the people of this country there is none in which so large a number of men are profoundly and actively interested as in this measure to which I have thus called the attention of the Senate.

I do not desire in any way whatever to impede or hinder or retard or delay action upon the measure now before the Senate. I am in favor of the proposition as it has been amended, and if I can receive any assurance that there will be such action on the part of the Committee on Pensions as will enable the Senate to act upon this bill I shall not propose this as an amendment to the pending measure; but unless there has been some action taken or is likely to be some action taken so that definite assurance may be had that this bill is not to sleep in that committee but to be reported to the Senate for its action, I feel that it is an imperative duty upon me to offer this proposition as an amendment to the pending bill, and I wait to hear from the chairman of the committee to know whether there is any likelihood, whether he can give me any assurance that there is a probability that in response to the resolution of the Senate this bill will be shortly reported either with a favorable report or with an adverse report—I do not care which—so that we may have the opportunity of discussing it as an independent measure for future consideration. I wait for a reply.

Mr. BLAIR. Mr. President, the Senator as well as the Senate is aware that the chairman of the committee, nearly three months since, I think, was by reason of ill health obliged to leave the city, and since that time has been either at his home or in a neighboring city for medical treatment, and in his absence I have, as well as I could, acted as chairman and helped to get on with the business of the committee as rapidly as I could.

In regard to the particular bill that the Senator from Kansas refers to, I remember on four occasions I have brought that bill to the attention of the committee, being myself anxious that the bill should be acted upon favorably, if at all. The conditions were such on the first three of these occasions that I felt that perhaps the ultimate interest of the measure would be conserved by avoiding action by the committee for the time being at least. When the Senator from Illinois offered the motion, about two weeks since, in the Senate that the Committee on Pensions be requested to report that bill there was no action by the Senate which emphasized its anxiety for a report. As I recollect, the attendance was thin, and while there was no opposition there were but one or two votes in favor of the passage of the resolution. But still it was a resolution of the Senate, and attention was called to it at the very next meeting of the committee, which was a week ago last Tuesday.

The committee was not inclined at that time to report the measure favorably; and finally it was decided that it would not at that time report it at all, but that a call should be made upon the Commissioner of Pensions to ascertain his estimates of the probable expenditure under the terms of the bill should it become a law. That call was made immediately. The letter was written during the session of the committee, signed by myself, and immediately forwarded. The reply came the day that the discussion commenced upon this bill, and the contents of that reply I gave to the Senate in that discussion, so that the Senate and the committee might avail themselves of the information at once.

At the last meeting of the committee we took up the bill for consideration. We first acted upon the Mexican pension bill and then took up the arrears bill for consideration, and the final vote was postponed until the next meeting of the committee. I am not able to give the Senator any assurance that that final vote, if such indications as I have observed are reliable as a prophecy for the future, will be a favorable vote to the bill; but I think that the committee is determined to act and report the measure back to the possession of the Senate, so that the Senate may deal with it as it shall see fit. I do not know that I am authorized to say that the measure will be reported back without recommendation, but I think there may be some probability of that action.

Mr. SEWELL. My recollection is that we were to report the bill to the Senate.

Mr. BLAIR. The Senator was not present at the last meeting. The Senator's recollection is different from my own. There was no action that I am aware of. What was the Senator's impression as to the nature of that report?

Mr. SEWELL. Without recommendation.

Mr. BLAIR. I did not understand it so, but there will be no hesitation in returning the bill to the possession of the Senate without recommendation, or possibly with a recommendation.

Mr. VAN WYCK. Is not the Senator from New Hampshire able, from his knowledge of the committee, to state distinctly and unqualifiedly that that bill will be reported back to the Senate with or without recommendation?

Mr. BLAIR. I have so stated.

Mr. VAN WYCK. You stated that you thought so.

Mr. BLAIR. I am not authorized to say that the bill will be reported back to the Senate, but I am authorized to say that I have not the slightest doubt of it, and that a formal vote was postponed until the next meeting, several Senators having passed out from the committee-room before we were able to reach a vote. The Senate will have the bill, though. I warrant you that.

Mr. BROWN. Mr. President, after the observations I submitted a short time ago the Senator from Massachusetts [Mr. HOAR] obtained the floor and made some remarks, and then the Senator from Mississippi [Mr. GEORGE] took the floor. While he was occupying the floor I was called out for a few moments from the Chamber and the Senate passed to the consideration of something else before I returned. I simply take the floor now to say to the Senator from Massachusetts that in the remarks I made I did not intend to imply censure to any party on account of anything that had been done in reference to the Mexican pension bill, but only to make an appeal to both parties to pass a just bill in behalf of the survivors of that war.

Whether the time had come heretofore, or whether we have agreed or disagreed about it, I trust we shall all agree now that the time has come when service pensions ought to be granted to the survivors of the Mexican war; and without desiring to stir up any strife or to make any accusations or to blame anybody in the past, I desire to renew the appeal in their behalf and again to express the hope that the bill which was reported by the committee in proper shape will be passed. I intended no censure.

Mr. HOAR. I did not understand the Senator from Georgia to imply any censure upon anybody, and I did not make any remarks with the view of repelling any censure or making any on my side; but there is a great misunderstanding in some portions of the country, which I have seen myself the evidence of very extensively in the press, and in letters from Mexican veterans, and in the reports of meetings of such veterans, more particularly in the South, in regard to that matter. It should be distinctly understood by the country and by the Mexican war soldiers, first, that a veteran of the Mexican war receives to-day, and has been able to receive ever since a brief period after the close of that war, a pension upon terms which would give it to any soldier in any other war. There is no condition which would enable a soldier of the war for the Union or a soldier of the war of the Revolution or of the war of 1812 to obtain a pension which being applicable to a soldier of the Mexican war would not give him a pension. I do not think that is generally understood.

It is further true that but for the objections I stated, which came almost wholly from Senators from the South, though one or two Northern Senators may have shared them—I do not think the Senator from Illinois was one so far as to object to the bill on the ground which I stated or to express himself in favor of so doing—every survivor of the Mexican war would have been pensioned long ago whose circumstances were such as to make him need a pension. I wanted to have that understood by the country.

Mr. GEORGE. I desire to call the attention of the Senator from Massachusetts to the fact that, if I am not mistaken, the Mexican pension bill to which he refers was never put on its passage in this body as a Mexican pension bill.

Mr. HOAR. That bill was in charge of a late Senator from Kentucky, whom we all remember with respect, General Williams, himself a veteran of that war and a veteran on the confederate side in the late war; and General Williams knew very well that the Republican side of the Senate were ready to pass his bill if the same condition were attached to it which was attached to the pension bill for the soldiers of the Revolution; and while he did not bring it up for a vote, he did make speech after speech upon the subject in which he rejected that modification.

Mr. GEORGE. This is the fact about that, if I am not mistaken, that after those objections were made by the Senator from Illinois [Mr. LOGAN] and by Senators on this side the bill was then amended by attaching to it something like the present bill now before the Senate.

Mr. HOAR. And then it passed the Senate?

Mr. GEORGE. And the bill as thus amended passed this body.

Mr. HOAR. That is true.

Mr. VEST. Mr. President, I wish to say a word not in the way of general debate, for I have said all I propose in that line, but I want to notice a remark of the Senator from Mississippi.

I voted for the amendment of the Senator from Delaware, as did many gentlemen on this side of the Chamber. I did not for a moment think that any constitutional question as to the origination of a revenue measure was involved in that amendment, and I say now such question can not be possibly involved. The language of the amendment is as follows:

Provided, That no payment of any increase of expenditures for pensions under this act shall be made from the Treasury until provision shall be made by law to meet such increase of expenditure by a tax upon incomes specifically applicable thereto.

As a matter of course the originating of this income tax would come from the House of Representatives; but this amendment simply goes to the extent of providing that until, according to the Constitution, the income tax shall be created, these pensions shall not be paid. If by any sort of forced construction that can be held to announce the doctrine that the Senate can originate a revenue bill, I confess I do not understand the force of the English language.

Mr. HARRIS. Is there any tax imposed by the amendment?

Mr. VEST. Not a bit; that is a matter subsequent and to be regulated by law.

Mr. HARRIS. Of course.

Mr. GEORGE. By the very few remarks I made I did not expect to get up a debate on a constitutional question; but as the Senator from Missouri has denied the correctness of my position I will respond to his statement, I think very satisfactorily.

The Constitution of the United States provides that all bills to raise money shall originate in the House of Representatives. That gives the House of Representatives the exclusive right of the initiation of money bills. Now for this body in a bill passed by it making an appropriation which the amendment itself assumes to be a proper one, to limit that appropriation, to say it shall not take effect unless the House of Representatives shall originate a proposition to raise a tax in a certain way, it seems to me is an attempt upon the part of the Senate to coerce the House of Representatives into the origination of a tax law. It may not be strictly a violation of the Constitution of the United States, but it is a violation of its spirit. It is not within the power of this body in the discharge of a public duty, as that amendment admits the passage of this bill to be, to say it will not discharge that duty unless the House of Representatives will bring in a tax measure of a certain character.

Mr. VEST. If the Senator from Mississippi will point out one line or syllable or letter of this amendment which provides for any appropriation or the creation of any tax then I should certainly apologize to him in the most public and ample manner, but this is simply a condition which may arise in the future or may not. If the House of Representatives sees proper to originate an income tax hereafter, then this amendment would become operative. Until the House of Representatives does it under the Constitution and according to law, then the amendment is inoperative, and that is the whole of it.

Mr. VOORHEES. I wish to say a single word. I shall not be charged with taking up much of the time of the Senate.

I voted against the amendment offered by the Senator from Delaware. I voted to lay it on the table, because I knew that a vote in favor of that amendment was a vote against this bill. I do not believe there is the remotest probability at this time of the House of Representatives originating or Congress passing an income tax; and consequently the proposition that this bill should be non-effective until such a law is enacted to my mind would be giving a vote which I have at no time intended to give on this matter.

Now, a single word on the subject of the income tax, so that I may not be misunderstood. I voted for the creation of the income tax in the other House of Congress a good many years ago, and I was one of the few who voted against its repeal when it disappeared from the statute-book. I remember that nearly everybody was stampeded by the difficulties of collecting an income tax, and the cogent and somewhat peculiar argument in favor of its repeal was the enormous amount of perjury which men committed to avoid the payment of an income tax. I believe in a tax on incomes. I believe it is an honest method of raising revenue, and I think I would be, upon a fair proposition coming forward in a legitimate way, for a well-regulated income tax, and take the chances for the loss of souls by perjury in trying to evade it, which seemed to be the great argument at the time of the repeal in favor of its repeal.

This much I desired to say, and no more.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BECK. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). For this day I am paired with the Senator from Missouri [Mr. COCKRELL] and have been paired with him on all the amendments on which we have voted to-day. I should vote for the passage of the bill if he were present.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. COKE (when his name was called). I am paired with the Senator from New York [Mr. EVARTS] on this bill. If he were here, I should vote "nay."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER]. If he were present, I should vote "nay."

Mr. DOLPH (when his name was called). I am paired on this vote with the Senator from Alabama [Mr. PUGH]. I would vote "yea," if at liberty.

Mr. CONGER (when the name of Mr. EVARTS was called). The Senator from New York [Mr. EVARTS] is paired with the Senator from Texas [Mr. COKE]. If he were present, the Senator from New York would vote for this bill.

Mr. HARRIS (when his name was called). Upon all questions connected with this bill I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay," and I imagine he would vote "yea."

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD]; but I do not know how he would vote on this bill.

Mr. BLAIR. I have no doubt he would vote for the bill.

Mr. HEARST. If I were at liberty to vote, I should vote "nay."

Mr. SPOONER (when the name of Mr. MITCHELL, of Pennsylvania, was called). I have been asked to announce that the Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from Florida [Mr. JONES], and to state that if he were present, the Senator from Pennsylvania would vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. HAWLEY (when Mr. PLATT'S name was called). My colleague [Mr. PLATT] is paired with the Senator from West Virginia [Mr. CAMDEN]. My colleague, if present, I suppose would vote "yea."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My col-

league [Mr. SABIN] is absent, and is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote for the bill.

The roll-call was concluded.

Mr. DAWES. I am paired with the Senator from Texas [Mr. MAXEY]. If he were here, I should vote "yea."

Mr. COCKRELL. I vote "nay." I desire to announce that the Senator from Iowa [Mr. ALLISON] and myself were paired upon the last two yea-and-nay calls.

Mr. ALLISON. I vote "yea."

Mr. BLAIR. I desire to announce that my colleague [Mr. PIKE] is absent from the Senate on account of sickness. If present, he would vote for the bill.

The result was announced—yeas 34, nays 14; as follows:

YEAS—34.

Aldrich,	Gibson,	Mahone,	Sewell,
Allison,	Hale,	Manderson,	Sherman,
Blair,	Hampton,	Miller,	Spooner,
Bowen,	Harrison,	Mitchell of Oreg.,	Van Wyck,
Brown,	Hawley,	Morrill,	Voorhees.
Conger,	Hoar,	Payne,	Walthall,
Cullom,	Ingalls,	Plumb,	Wilson of Iowa.
Frye,	Logan,	Riddleberger,	
George,	McMillan,	Sawyer,	

NAYS—14.

Beck,	Cockrell,	Jones of Arkansas,	Vest,
Berry,	Eustis,	McPherson,	Whitthorne.
Blackburn,	Gorman,	Morgan,	
Call,	Gray,	Saulsbury,	

ABSENT—28.

Butler,	Dolph,	Jones of Nevada,	Pugh,
Camden,	Edmunds,	Kenna,	Ransom,
Cameron,	Evarts,	Maxey,	Sabin,
Chace,	Fair,	Mitchell of Pa.,	Stanford,
Coke,	Harris,	Palmer,	Teller,
Colquitt,	Hearst,	Pike,	Vance,
Dawes,	Jones of Florida,	Platt,	Wilson of Md.

So the bill was passed.

On motion of Mr. BLAIR, the title was amended by striking out "six months" and inserting "three months."

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. PAYNE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order, which is the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. LOGAN. I ask leave to make a report——

Mr. SEWELL. I ask leave to take up the next two bills on the Calendar, which relate to pensions.

The PRESIDENT *pro tempore*. The Senator from Illinois was recognized.

Mr. LOGAN. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887, to report it without amendment. I desire to have that bill acted on now. I will state to the Senate that there is not a change in it as reported. We have taken the bill precisely as it came from the House of Representatives and reported it, and I do not desire to take up the time of the Senate to explain it. I will only say that it is a reduction of some $12,000 from last year's bill. There are some things in it I would amend if it was left to me; but the committee thought it best to report the bill as it came from the House, inasmuch as there is nothing very material that we would desire to change.

The PRESIDENT *pro tempore*. Pending the special order, the Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of the bill just reported. Is there objection? The Chair hears none, and the bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887, is before the Senate as in Committee of the Whole. It will be read.

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Pending the reading of this bill the Senator from Virginia moves that the Senate proceed to the consideration of executive business.

Mr. LOGAN. I hope not. We shall get this bill through in ten minutes.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia. [Putting the question.] The noes appear to have it.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired on all questions with the Senator from New York [Mr. EVARTS]. If he were here, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS], and withhold my vote.

The roll-call was concluded.

Mr. VEST. I announce my pair with the Senator from Kansas [Mr. PLUMB].

Mr. ALLISON (after having voted in the negative). I voted, but am paired with the Senator from Missouri [Mr. COCKRELL]. He desires an executive session, and therefore I withdraw my vote.

Mr. EUSTIS. I am paired with the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 14, nays 26; as follows:

YEAS—14.

Beck,	Call,	Hampton,	Walthall,
Berry,	Colquitt.	Hoar,	Whitthorne.
Blackburn,	George,	Jones of Arkansas,	
Brown,	Gibson,	Riddleberger,	

NAYS—26.

Aldrich,	Gray,	Miller,	Sawyer,
Butler,	Harrison,	Mitchell of Oreg.,	Sewell,
Chace,	Ingalls,	Morgan,	Sherman,
Conger,	Logan,	Morrill,	Spooner,
Dolph,	McMillan,	Palmer,	Wilson of Iowa.
Frye,	Mahone,	Payne,	
Gorman,	Manderson,	Saulsbury,	

ABSENT—36.

Allison,	Edmunds,	Jones of Nevada,	Ransom,
Blair,	Eustis,	Kenna,	Sabin,
Bowen,	Evarts,	McPherson,	Stanford,
Camden,	Fair,	Maxey,	Teller,
Cameron,	Hale,	Mitchell of Pa.,	Vance,
Cockrell,	Harris,	Pike,	Van Wyck,
Coke,	Hawley,	Platt,	Vest,
Cullom,	Hearst,	Plumb,	Voorhees,
Dawes,	Jones of Florida,	Pugh,	Wilson of Md.

So the motion was not agreed to.

Mr. HARRISON. I move that the Senate do now adjourn.

Mr. WILSON, of Iowa. I ask the Senator to withhold that for a moment.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate do now adjourn.

Mr. HARRISON. I withdraw the motion if the Senator from Iowa will renew it.

GEORGE W. CRAMBLETT.

Mr. WILSON, of Iowa. I merely wish to make a request. Yesterday the bill (H. R. 6000) granting a pension to George W. Cramblett was reported adversely from the Committee on Pensions and indefinitely postponed. I ask unanimous consent that that vote may be reconsidered and the bill placed upon the Calendar.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the vote indefinitely postponing the bill named by him be reconsidered, and that it be placed on the Calendar. Is there objection? The Chair hears none; and the bill will be placed on the Calendar with the adverse report.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. LOGAN. Now I desire to have the appropriation bill read.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Secretary read the bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887.

Mr. HOAR. I understand that this bill only displaces the bankruptcy bill informally. It is not a laying aside of it.

Mr. LOGAN. It will not take ten minutes to pass this.

Mr. HOAR. It will be so understood by the Chair.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the bankruptcy bill prior to the close of the day's session.

Mr. BECK. I ask the Senator from Illinois when this bill was considered in committee? I thought I attended every meeting.

Mr. LOGAN. It was considered the other day in your absence.

Mr. BECK. I beg pardon; I was absent. My colleague on the committee from Maryland [Mr. GORMAN] tells me he never heard of it, and I never heard of it. We had no notice about it.

Mr. ALLISON. The Senator from Maryland [Mr. GORMAN] will bear in mind that I stated to him about it and he gave his assent to it, though he was not present when it was considered in committee. It was rather informally considered, I agree. If there is any objection to it I trust the Senator from Illinois will give these gentlemen an opportunity to investigate it.

Mr. LOGAN. Certainly; I have not the slightest objection to the bill being recommitted to the committee if anybody desires it. It was submitted to a subcommittee; we considered it; the subcommittee agreed to it, the Senator from Florida [Mr. CALL] being one of them. He said that whatever the rest of us agreed to would be satisfactory to him. So I reported the bill back. We agreed to the bill exactly as it came from the House, and I was instructed to report it, and I have done so. If there is any desire to have the bill recommitted I have no objection.

Mr. BECK. I do not desire to have a recommittal of the bill; but calling up a bill at twenty minutes to six and putting it through without a word of explanation is not usual.

Mr. ALLISON. I hope the Senator from Illinois will have the bill recommitted to the Committee on Appropriations.

Mr. LOGAN. I will do so. I move that it be recommitted. I have prepared a written report.

Mr. BECK. If the report is read, I shall be content.

Mr. LOGAN. I intended to have it read after the bill was read. I have a written report and statement showing every dollar expended last year and this year, and a comparative statement showing everything there is in the bill, which I intended to put in the RECORD so that everybody could see it.

Mr. BECK. The reason why I made the inquiry was that the Senator from Connecticut [Mr. HAWLEY] and myself were on the board of visitors last year and we made quite a number of recommendations in our written report of changes and improvements which ought to be made, some of which I desire to call attention to. They were submitted quite elaborately and the reasons for them were presented at length. I did not know whether they were included in this bill or not; and I desire to hear the report read, because if they are I am content.

Mr. LOGAN. I move that the bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

Mr. GORMAN. I ask leave to say one word on this subject, as I am on the committee.

It has been stated to the Senate that I had not remembered the fact of this bill having been considered in committee. I did make that remark. I had no recollection at the time, however, that the chairman of the committee had called my attention to the fact that the bill would be reported as it came from the House. I now remember that.

Mr. LOGAN. I ask that the bill be recommitted.

The PRESIDENT *pro tempore*. It has been already recommitted.

Mr. RIDDLEBERGER. I now move that the Senate proceed to the consideration of executive business.

Mr. CONGER. Pending that motion, I move that the Senate adjourn.

Mr. RIDDLEBERGER. I ask if mine is not a motion that has priority? It may not, of course, when I make it; I understand that perfectly well, especially when the Senator from Michigan proposes to make any other motion.

The PRESIDENT *pro tempore*. Pending a motion to proceed to the consideration of executive business a motion to adjourn is always in order.

Mr. RIDDLEBERGER. I then withdraw my motion, but I should like, if the Senator from Michigan would allow me, to have permission to state just now that my object in making the motion is that the Senate shall understand that I do it at a time when nobody can object to it except some one who wants to go to dinner.

The PRESIDENT *pro tempore*. It is moved that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 20, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 19, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. HEARD. Mr. Speaker, I notice that the RECORD represents me as having obtained leave of absence. I have not asked or obtained such leave.

The SPEAKER. The correction will be made. The leave of absence was in fact granted to the gentleman from Wisconsin, Mr. HUDD.

W. H. BEARD.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, submitting an estimate from the Secretary of the Navy of an appropriation to pay W. H. Beard for damages to dredge-boat caused by fouling with the United States steamer Dispatch; which was referred to the Committee on Claims, and ordered to be printed.

RECEIPTS AND EXPENDITURES 1883.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a detailed account of the receipts and expenditures of the United States for the fiscal year ended June 30, 1883; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

ROBERT SMITH VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact in the case of Robert Smith *vs.* The United States; which was referred to the Committee on War Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally read a first and second time, and referred as follows:

The bill (S. 12) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen—to the Committee on the Judiciary.

The bill (S. 127) for the relief of H. K. Belding—to the Committee on Claims.

Joint resolution (S. R. 48) authorizing Rear-Admiral J. W. A. Nicholson to accept a medal conferred upon him by the King of Sweden and Norway—to the Committee on Naval Affairs.

Joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company—to the Committee on Pacific Railroads.

The bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government—to the Committee on Claims.

The bill (S. 1587) in relation to the trustees of the Reform School of the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885—to the Committee on Indian Affairs.

The bill (S. 1568) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher from the Government of the United States of Colombia—to the Committee on Naval Affairs.

The bill (S. 1422) to amend the law relating to the bonds of executors of the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 1393) to extend the limits of the port of Portland as a port of entry—to the Committee on Commerce.

The bill (S. 1339) to amend the police regulations of the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands—to the Committee on the Public Lands.

The bill (S. 976) for the relief of certain officers of the Signal Service—to the Committee on Claims.

The bill (S. 365) for the relief of Martin L. Bundy—to the Committee on War Claims.

The bill (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States—to the Committee on Military Affairs.

REPORTS OF THE SOUTH AMERICAN COMMISSION.

The SPEAKER also laid before the House a concurrent resolution for the printing of 15,000 additional copies of the reports of the South American Commission, Executive Document No. 226, Forty-eighth Congress, second session, and Executive Document No. 50, Forty-ninth Congress, first session; which was read and referred to the Committee on Printing.

REPORT ON INTEROCEANIC CANAL.

The SPEAKER also laid before the House a concurrent resolution for the printing of 5,000 additional copies of the report of Mr. Menocal on the Interoceanic Canal, Senate Executive Document No. 99, first session Forty-ninth Congress; which was read, and referred to the Committee on Printing.

RETURN OF BILLS TO THE SENATE.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *May* 18, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands.

The SPEAKER. If there be no objection this request will be granted, and the bill will be returned to the Senate.

There was no objection, and it was ordered accordingly.

The SPEAKER also laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *May* 18, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate of May 17, 1886, agreeing to the amendment of the House of Representatives to the bill (S. 1227) granting an increase of pension to William P. Squires.

The SPEAKER. In the absence of objection this request of the Senate will be granted.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BYNUM, for ten days.

To Mr. FORAN, for the remainder of the week, on account of important business.

REPRINTING OF A REPORT.

The SPEAKER laid before the House the following request:

Mr. BELMONT desires to have House Report No. 1938, to accompany House bill No. 6520, to reform and reorganize the consular service, reprinted for the use of the House, the copies heretofore printed having been exhausted.

The SPEAKER. If there is no objection this report will be reprinted.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. CULBERSON. I ask unanimous consent to have taken from the House Calendar for present consideration Senate bill 91, to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes."

Mr. BLOUNT. Under instructions from the Committee on the Post-Office and Post-Roads I must call for the regular order.

Mr. CULBERSON. I ask the gentleman from Georgia——

Mr. BLOUNT. The gentleman well understands that this day is set apart for debate on a bill which may not be debated at any other time, while the gentleman can seek the floor any morning to bring up the bill he has indicated.

SEWELL COULSON AND OTHERS.

The SPEAKER. By mistake Senate bill No. 249, for the payment of Sewell Coulson and Porter, Harrison & Fishback for legal services, was referred to the Committee on War Claims. If there be no objection, that committee will be discharged from the further consideration of the bill, and it will be referred to the Committee on Claims.

There being no objection, it was ordered accordingly.

FEES OF WITNESSES AND JURORS.

Mr. RANDALL. I desire to make a privileged report from the Committee on Appropriations. The committee to which was referred a resolution making inquiry whether fees of witnesses and jurors for 1883 and prior years have all been paid, has directed me to report the same back with a recommendation that it lie on the table.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the House whether all fees of witnesses and of jurors, for 1883 and prior years, have been paid, and, if not, what amount thereof remain unpaid, and whether appropriations are available for the payment of the same.

The SPEAKER. Does the gentleman from Pennsylvania ask for the reading of the report accompanying the resolution?

Mr. RANDALL. I think it had better be read, or else inserted in the RECORD. The resolution proposed to call for information which the Committee on Appropriations think is already in the possession of the House, and the report gives references to the documents in which that information can be found.

The SPEAKER. If there be no objection the report will be printed in the RECORD.

There being no objection, it was ordered accordingly. The report is as follows:

The Committee on Appropriations, to whom was referred the resolution of inquiry calling upon the Secretary of the Treasury to "inform the House whether all fees of witnesses and of jurors for 1883 and prior years have been paid, and, if not, what amount thereof remain unpaid, and whether appropriations are available for the payment of the same," submit the following statement:

The information sought is already in the possession of the House and is contained in the House executive documents of this session, numbered 70, 210, and 225, showing that claims for witness' fees amounting to $3,171.66 and for jurors' fees amounting to $87.70 for 1883 and prior years have been allowed by the accounting officers of the Treasury, and are certified to Congress for consideration in compliance with section 2 of the act of July 7, 1884 (23 Statutes, page 254). Under the operation of section 5 of the act of June 20, 1874, there are now no appropriations available for the payment of these claims; the section referred to being as follows:

"That from and after the 1st day of July, 1874, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury."

The committee recommend that the resolution be laid upon the table.

The question being taken on agreeing to the recommendation of the Committee on Appropriations that the resolution be laid on the table, it was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask unanimous consent that the formal call of committees be dispensed with to-day, and that in lieu thereof the Speaker be authorized to recognize such gentlemen as may have reports to make.

Mr. BEACH. I think we gain no time by that arrangement, and it creates confusion at the desk. I shall have to object. I call for the regular order.

The Speaker proceeded to call the standing and select committees for reports to be referred to the appropriate calendars.

BRIDGE ACROSS THE MISSISSIPPI AT DUBUQUE, IOWA.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported, as a substitute for H. R. 8141, a bill (H. R. 8973) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 8141 was, by unanimous consent, laid on the table.

CHEYENNE AND NORTHERN RAILWAY COMPANY.

Mr. CAREY, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 8037) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

FORFEITURE OF LAND GRANT IN IOWA.

Mr. VAN EATON, from the Committee on the Public Lands, reported back favorably the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. STRUBLE. I desire to inquire whether it would be in order to call up that bill for consideration now.

The SPEAKER. It would not.

Mr. STRUBLE. Under the rules, when may it be called up?

The SPEAKER. An order of the House made during the present session gives the Committee on Public Lands the right to call up at any time when the House is not otherwise engaged bills forfeiting land grants to railroad companies and certain other classes of bills mentioned in the order. But the House is now engaged in receiving reports from committees under the rule.

DENISON AND WASHITA VALLEY RAILWAY COMPANY.

Mr. HALE, from the Committee on Indian Affairs, reported back with favorable recommendation the bill (S. 1486) to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TERRITORY OF NEW MEXICO.

Mr. PERRY, from the Committee on the Territories, reported back with favorable recommendation the bill (H. R. 8288) to reapportion the Territory of New Mexico; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. SMITH.

Mr. NEAL, from the Committee on Claims, reported back with favorable recommendation the bill (S. 13) for the relief of William J. Smith, late surveyor of customs of the port of Memphis, State of Tennessee; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF ISAAC P. TICE.

Mr. TRIGG, from the Committee on Claims, reported back with amendments the bill (H. R. 1671) for the relief of the administrators of the estate of Isaac P. Tice, deceased; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

H. B. WILSON, ADMINISTRATOR.

Mr. HOWARD, from the Committee on Claims, reported back with favorable recommendation the bill (H. R. 63) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

OFFICE OF SECOND VICE-PRESIDENT UNITED STATES.

Mr. DIBBLE, from the Committee on Elections, reported back with amendments the joint resolution (H. Res. 61) proposing an amendment to the Constitution of the United States creating and defining the office of second vice-president of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BEACH, from the same committee, by unanimous consent, submitted minority views; which were ordered to be printed, to accompany the report of the committee.

Mr. CALDWELL. I desire to submit hereafter other views of a minority to accompany this report.

There was no objection, and leave was granted to the minority to file views hereafter.

ADVERSE REPORT.

Mr. PETERS, from the Committee on the Post-Office and Post-Roads, reported back with adverse recommendation the bill (H. R. 5319) to amend an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for losses by fire, burglary, and other unavoidable casualties; which was ordered to be laid on the table, and the accompanying report printed.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider general appropriation bills.

Mr. STEELE. Mr. Speaker, this day was set apart for the Committee on Military Affairs, and I would like to have an understanding that

we shall have another day in lieu of this, which will be occupied by the Post-Office Committee.

The SPEAKER. The bill reported from the Committee on Military Affairs (H. R. 7634) was set for consideration on this day. The gentleman from Indiana asks that that order be continued until the committee has had one day for the consideration of this bill. Is there objection?

There was no objection, and it was so ordered.

The motion of Mr. BLOUNT was then agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

Mr. MILLARD. Mr. Chairman, having discussed the question under consideration at length upon a previous occasion, I desire to occupy the attention of the House for a very few moments only, after which I will yield what remains of my time to my friend from New Jersey [Mr. PHELPS].

The precise question before this committee and which we are called upon to pass is whether we shall appropriate the sum of $375,000 for the transportation of our foreign mails, or whether we shall appropriate the sum of $800,000, as provided by the amendment of the Senate. Sir, I am not surprised at the action taken by the Senate. The sum of $375,000, as set forth in the original bill and as presented by the Committee on the Post-Office and Post-Roads, is not sufficient even to pay sea and inland postage. To substantiate the statement I make I call the attention of the committee to the report of the Superintendent of Foreign Mails. He says:

If it is the will of Congress that the entire sea and inland postage shall be given to vessels of the United States register for the conveyance of mails transported by them, the estimate of $350,000 must be increased $75,000.

This House, upon a former occasion when this matter was here for consideration, sought to put upon the bill the sum of $75,000, but we were unable to do even that. The matter goes to the Senate, and that body, without distinction of party, proposes, to appropriate not $375,000, but $800,000.

Sir, I have no fear of the cry of "subsidy" so far as I am concerned. It has no terrors for me. I do not know any one of the companies engaged in the transportation of our foreign mails. I have no interest in these companies; I have the same interest that every other citizen of this great Republic, no more and no less. Now what is this proposition that comes before us from the Senate? First, it is that the foreign mails shall be carried by American steamships. Is there a member on the floor of this House who objects to that? Is there any subsidy in that? The original bill does not declare that our mails shall be carried by American vessels or steamships. It appropriates simply the sum of $375,000, leaving it in the discretion of the Postmaster-General how that money shall be expended.

We come to the second proposition: That not only that $375,000, but there shall be given a sum of $800,000. Notwithstanding we are the largest agricultural manufacturing country in the world and ought to export more than any other nation, we are the only nation on the face of the earth that compels vessels to carry the mails for sea and inland postage. England gives annually $3,000,000; Germany gives $1,600,000; France gives $3,600,000. We gave last year the sum of $331,000, $271,000 of which, as stated by the distinguished gentleman from Michigan [Mr. BURROWS], was paid to foreign steamships.

Mr. Chairman, a few days ago we voted fifteen and a quarter millions for the improvement of the rivers and harbors of this country; $4,000,000 of that appropriation went for the purpose of improving the Mississippi River. I ask you what justice or propriety is there in this House giving $4,000,000 to the Mississippi River and refusing the sum of $800,000 to establish lines between the United States and the South American Republics?

Upon what theory can we appropriate millions for the improvement of the navigation of the Mississippi River and then close its mouth against the ports of South America?

In my judgment, sir, this $800,000, if voted as prescribed by this amendment, will bring greater advantages and benefit to this country than the entire fifteen and one-fourth millions contained in the river and harbor bill.

The great question that confronts us to-day as a nation and as a people—and a question that we have got to meet sooner or later—is how we are to find a market for our surplus products. Just south and east of us are Venezuela and Brazil; beyond is the Empire of Japan; Venezuela with a population of 3,000,000, Brazil with a population of 10,000,000, Japan with a population of 40,000,000. They are without manufactures. They have to go abroad for their manufactured products. The answer to this question is in the passage of the Senate amendment. Let us establish our commercial relations with these countries. We are entitled to their trade, and we will have it if we will take the necessary steps.

In the South American republics we shall find a market for all our surplus products.

Mr. Chairman, I have occupied more time than I intended. I simply want to reiterate what I said on a former occasion. I have given this matter a great deal of thought without the slightest interest in the question save that of any citizen of the country. I say, rather than permit foreign vessels to transport our mails, rather than permit foreign countries, England, Germany, and France to monopolize the trade of Brazil, of Venezuela, of Japan, ay, and of China, I would build the vessels at Government expense, would equip them with American seamen, and establish commercial relations with every South American Republic. If $800,000 are not sufficient I would make it eight times this amount. [Applause.]

I yield the remainder of my time to the gentleman from New Jersey [Mr. PHELPS].

The CHAIRMAN. The gentleman has twenty-two minutes of his time remaining.

Mr. PHELPS. This amendment, and especially the action of the Senate when they passed it, is full of encouragement to the friends of American shipping. Thirty-nine Senators voted for the measure; only eighteen voted against it. In the discussion and in the division there was no effort to make it a party question. Each Senator spoke and each Senator voted according to his view of the merits of the question, and on the final passage eight Democratic Senators——

Mr. BLOUNT. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. It is not in order to comment on the opinions or action of Senators.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. PHELPS. I am not making a comment upon the opinions of Senators beyond stating the facts which are given to the world by the press and the CONGRESSIONAL RECORD. I think the gentleman from Georgia should be proud that eight Democratic Senators had the courage——

The CHAIRMAN. The gentleman will suspend his remarks till the point of order is determined.

Mr. PHELPS. I trust that the objection of the gentleman from Georgia to hearing the truth about the action of his colleagues in the Senate will not be taken out of my time.

Mr. BLOUNT. The gentleman from New Jersey is dealing unfairly in continuing his remarks.

Mr. PHELPS. Why could not the matter of order be settled if I simply say I read in the public prints that eight Democratic Senators voted to give free ships to American commerce?

Mr. BLOUNT. I call the gentleman to order.

The CHAIRMAN. The Chair asks the gentleman from Georgia to cite the rule under which he makes the point of order.

Mr. PHELPS. If this is exhausting my time I would rather print the extract from the CONGRESSIONAL RECORD which gave the vote and pass on.

Mr. BURROWS. I presume while the point of order is being considered that will not be deducted from the gentleman's time.

The CHAIRMAN. The Chair will take care of that.

Mr. STEELE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEELE. Is it in order to delay the business of the House while the gentleman from Georgia [Mr. BLOUNT] is studying the rules?

The CHAIRMAN. The business of the House is not being delayed. The rule is being sought at the request of the Chair.

Mr. BLOUNT. I will ask the Clerk to read from page 132 of Jefferson's Manual.

The Clerk read as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

The CHAIRMAN. The Chair stated to the gentleman from New Jersey that he thought the point of order was well taken, but would be willing to hear from the gentleman after the reading of the rule.

Mr. BLOUNT. Mr. Chairman, then, with the view of saving time, I will withdraw the point of order.

The CHAIRMAN. The point of order being withdrawn, the gentleman from New Jersey will proceed.

Mr. PHELPS. I thank the gentleman for waiving his point of order and will trespass no further than to say that I read in the public press and the RECORD of Congress that eight Democratic Senators had the courage to vote to give new ships to American commerce and new markets to American manufactures. And now, the Senate having done its duty, it is time for this House to do theirs. The measure has so many advantages, it supplies so many wants, we ought promptly to adopt it. We want steamships; this measure will give them. We want markets for our surplus; this measure will give them. We want to defend our coasts; this measure will give us a merchant marine, the militia of the sea—the most efficient means of doing it.

Such a measure, so useful, so reasonable, we shall refuse to pass, if we do reject it, because its enemies call it a subsidy. It is not a subsidy, for it is neither a gift nor an excessive payment. What is it? It is a fair payment to American ships for carrying the mails, and if you ask

me how I ascertain that the payment is a fair one, I answer, as I ascertain the fair price for any commodity or any service. I go out into the markets and I ask the price, and in this case I go out into the market of the world and learn that this price which we propose to pay for carrying our mail is less than the price paid by any other nation. No one has yet challenged the proposition, except in the case of Germany. Let us pause, then, for a moment to look at the history of Germany in this relation. Germany did not encourage her shipping by liberal payment or gift, and because she did not the gentleman from Georgia [Mr. BLOUNT] in great enthusiasm exclaimed, "How business-like! How worthy the great statesman at the head of the German Empire!"

But what was the result of all this business and all this statesmanship? Germany secured only two steamship lines worthy of mention. They run between Hamburg and Bremen and New York, between old and wealthy ports. These have done a good business and increased their ships, but only because they had the business of carrying emigrants, which is always lucrative. A line to Australia tried to live; but its service was so wandering and dilatory, it was such a fleet of tramps, that the Germans sent their mails and their freight in British bottoms; and look at the result! The old principle operated; business followed the flag, and the Germans found that London bankers got all of the exchanges and London merchants were beginning to get all of the business. So Germany acted the part of wisdom. These facts were stated in a memorial, which was the foundation of new legislation in the Reichstag, and upon their presentation the German Parliament acted—reversed its policy, and started courageously upon the path long trod by its successful neighbors. It agreed to give $1,000,000 to a single line for carrying the German mail one year to Australia. One million dollars to a single line! The gentleman from Georgia praised the old policy of Germany, which Germany publicly declared was a failure. Why does he refuse to praise the new policy of Germany? Must we take the words from his mouth, and, in view of $1,000,000 voted directly to the North German Lloyds, exclaim for him, "How business-like! How worthy the great statesman at the head of the German Empire!" [Laughter.]

But we think this an excessive payment. We have more moderate notions. Our Pacific Mail Company has for years been performing this same service upon almost the same terms. She has carried our mails to Australia promptly, safely, and frequently. But we did not give her $1,000,000; we gave her $20,000; and for this paltry sum she carried them during the year 1884 750,000 miles.

This is the service rendered to the mail service of this country; and this is all for many a year we have paid her for it. And yet the gentleman from Wisconsin [Mr. GUENTHER] has spoken of this company as an enemy to the country. Yes, an enemy, if to multiply our trade many times and to get no pay for doing so is worthy of censure. Yes, if to multiply our trade with Australia three times, our trade with Mexico four times, and our trade with Central America fifteen times, and to do it for nothing, is the act of a public enemy, but not otherwise. Yet this is what the Pacific Mail has done for us in the last ten or fifteen years.

This is the payment that Germany makes nowadays for carrying her mails. I will take one example from the policy of France, and choose one that is near by and familiar, because it is easier to understand and to remember.

For many years France has had a steamship line plying between Havre and New York. It was old and faithful, but not excellent. France sought to improve it. She offered an inducement, and as a result five new steamers of magnificent proportions are entering the line. And what is the inducement? France gives each steamer that makes the round trip $14,500. The round trip is 6,000 miles; so if we pay the highest rate warranted by this amendment the United States will pay to the American steamer that renders this service $3,000. France pays $14,500 for what we are to pay—if our opponents will let us give this "subsidy"—$3,000. And Germany now pays $1,000,000 for what the United States has been paying $20,000.

I will not seek other examples, but will repeat my original declaration without fear of contradiction, that no nation pays so little for similar services as we propose to do even under this amendment. And I also repeat, in view of that truth, that this amendment proposes only a fair payment to American ships for carrying the American mails.

Now, let us consider what we get besides if we make this fair payment. We get two things that we want very much—steamships and trade. And if you ask me again how do I know this, my answer is: First, because there are capitalists versed in nautical business who have again and again declared their readiness to establish new lines between all the old ports and to any of the new if the vote of this amendment can be assured for years; but, secondly, because this has been the policy of all European nations and has always had the same results. This nation wanted ships and wanted trade. They paid their money after this fashion we are speaking of and they got ships and trade, and almost in the ratio in which they paid their money. England paid the most, so England got the largest returns.

Since 1840 England has paid $250,000,000 in such subsidies. A monstrous sum, and yet there was thrift in it. She paid $250,000,000, but she has to-day 55 per cent. of the foreign tonnage of the world and 44 per cent. of all its tonnage. Englishmen can proudly look over the world and see these results, and if there were time for details how many separate proofs of the wisdom of this policy might be cited like this. The United States now sends across the seas 25,000,000 tons annually. Statisticians say it is fair to assume that each ton costs $6. If that is so, this country alone pays to Great Britian $150,000,000 for freight each year. But this only shows the liberality with which England spends money to encourage the mercantile marine. I want to show further, by a little incident, the courage and energy with which, under all circumstances, she pursues this policy. France got her steamship line into Brazil first—Brazil for whose trade civilization competes and whose trade ought to be ours. This French line carried English mails and freight with safety and dispatch. It was practically direct connection for England, as the French vessels stopped at Southampton.

But this did not satisfy England. She had learned the lesson too well that trade follows the flag, and she determined to send her own flag to Brazil, so she made this extraordinary offer, to guarantee 8 per cent. on all the capital which should be invested in a new English line, and this was in effect the form of her guarantee: If the profits made by this company shall not equal 8 per cent. on the capital invested, then the government will make up the deficiency. Was it a bad investment? Look at the trade of Brazil to-day. France and England to-day buy from Brazil about as much of its productions as we. These two nations buy between fifty and sixty millions of Brazilian products, and so does the United States. But when we look for the reciprocity how different the picture. Brazil buys of the United States nine millions; Brazil buys of France and England forty-nine millions of merchandise. And yet, as the gentleman from Michigan [Mr. BURROWS] showed, the bulk of the merchandise which Brazil buys consists of just those articles which are American specialties, and which our countrymen can produce better and cheaper than any competitors. The articles consist largely of cotton goods, machinery, agricultural implements. But France and England are willing to pay for it and own their transportation. We have no direct communication, and that disadvantage more than balances the natural advantages which we possess.

I have no time to speak of our long coast, which no navy can protect, and which must be left to the care of our mercantile marine.

The SPEAKER. The gentleman from New Jersey has already exceeded his time by two minutes. But the Chair will recognize him in his own right of——

Mr. BINGHAM. How much time does the gentleman want?

Mr. PHELPS. Five minutes are enough.

Mr. BINGHAM. I will yield eight minutes of my time to the gentleman from New Jersey.

Mr. PHELPS. Mr. Speaker, I shall not abuse my friend's courtesy, and I will sum up the rest of the points I wanted to make.

There are several questions the friends of this measure ask and never get an answer. Let me repeat them. Why do the opponents of the measure do so much and pay so much for our domestic mails and do so little and pay so little for our foreign mails? What is the difference? Why have they given so much to railways—too much—in money, $100,000,000; in land, 200,000,000 acres? And why do they refuse to give anything to steamships? What is the difference? And why do they encourage us to pay for carrying our mails on the land and along the coast more than the service returns, and exhibit horror when we suggest that they expend in the development of our foreign commerce scarcely half the money which our foreign mails have paid into the Treasury? We ask you to give $800,000 to encourage this great interest and you refuse, although you collect over $1,600,000 in ocean postage. Shall we encourage home trade and frown upon foreign commerce?

Mr. Speaker, I want again to refer to the action of the Senate, not to abuse the courtesy of the gentleman from Georgia, who waived the point of order, but to recall a remark which the RECORD officially recorded and the newspapers reported. A Senator had the courage to state the whole truth in this matter. He said his only regret in voting for this amendment was that the amount appropriated was too small. That Senator was the Senator from Georgia; and I say now, not in taunt of the gentleman from Georgia, whose sincerity I greatly honor, but in kindness for him—if what we hear of his great State is true; if it is growing in wealth, population, intelligence, and energy, the sentiments of her Senator are likely to be sentiments which his own people will approve and reward. [Applause.]

Mr. PETERS. Mr. Chairman, I regret very much that in consequence of indisposition I shall not be able to participate in the debate at this time as fully as I had intended. I shall, therefore, yield so much time to the gentleman from New York [Mr. HISCOCK] as he may desire to occupy.

Mr. HISCOCK. Mr. Chairman, I practically agree with the gentleman from Wisconsin that this is no subsidy that we propose to pay for our foreign-mail service; but, sir, I do not wish to have it understood that I would be unwilling to vote a liberal subsidy if satisfied that the effect of it would be to extend American commerce and to build up foreign markets for the products of our farms and our factories.

However, the word "subsidy" is invoked in this discussion because, I suppose, it is imagined that it may have the effect to frighten some man from his conviction and change his vote. I suppose it is true that

wherever wealth is aggregated in large, in vast enterprises, in railroads or steamship lines, you will have rich men, capitalists, in their management who will be grasping in their disposition and in their practices, and because there may be, or it is fancied there are, such men as that in the United States connected with certain steamship lines, their names are bandied about here on the floor of the House for the purpose of exciting prejudice against the Senate amendment that proposes to increase above the present law the compensation to be paid to American ships for ocean mail service. I suppose, sir, that the aggregation of capital has had the same effect upon the other side of the ocean that it has had upon this side of the ocean; and if necessary for the development of our industries I will quite as soon, yes, sooner, vote money to our own ocean lines to open up a foreign market for the fruits of our farms and factories, for the extension of American commerce, for carrying the American mail, as to adopt a policy that will enable the monopolists that control the foreign steamships to destroy our markets, cripple our industries, ruin our commerce and drive it from the ocean. And when gentlemen clamor that the lobby is filled with men who are pushing the Senate amendments, I may as well retort that as strong, far stronger, influences are at work, emanating from other quarters, to strike down our American steamship lines; and to use names, I would as soon vote for an American Jay Gould, an American Huntington, and an American Sage on this side of the Atlantic, if it will result in extending our trade, our markets, our commerce, as to vote for the English Jay Gould, the English Huntington, the English Sage, the German Jay Gould, the German Huntington, the German Sage, when a ruined trade, market, and commerce are to follow. [Applause.] I have no doubt that the same processes that are practiced here are indulged in over there on similar questions; but I make no insinuation that the foreign influences are at work here. I have not felt any lobby influences, home or foreign, in regard to this question. Those who speak of such influences as being at work doubtless speak from their own knowledge or else from their imaginations, in neither case, from my standpoint, to their credit. I believe that this question ought to be and that it will be decided, if not upon its merits and outside of any influences of doubtful character, at least according to the honest convictions of a majority of the House.

But, sir, the only argument that is used against the Senate amendment, the only argument that has any force in it as against that amendment is suggested by the question, "How can we expect to build up this trade in the South American and Central American states and in Mexico if we need a high protective tariff to hold our home markets for our home products?" That question has been put to me to-day, and I have been asked to explain it. It is very easy of solution.

He who has watched the progress of our manufacturing industries for the last twenty years knows this to be a fact: that in nearly all that they consume in South America, in the Central American states, and in Mexico, and which is produced in this country and in Europe, we to-day need no protective tariff to protect our home markets against the foreign producer. In all the cheaper fabrics, and they are the only ones for which they afford a market, we can and do compete with the world. As to all fabrics, iron, steel, wood, and leather goods, largely made by machinery, and in which manual labor is comparatively a small element, we need no protection whatever. We can make and sell them on equal terms with the rest of the world. This is so true in the iron and steel industries, that I believe the exportation of iron and steel goods to those and other foreign markets within the last year amounted to over $16,000,000; and yet we can not compete with England in all the steel goods; but in machinery, in agricultural implements—the hoe, the ax, the shovel, the augur, the bit, nails, wire, and mowers, reapers, plows—in all an agricultural people consume we can and do.

These are goods that Mexico and Central and South America demand and will buy from us and are buying from us to a certain extent to-day, and will continue to buy if we can ship them there. This is true also as to cotton fabrics. All the cheaper grades of cotton goods we can produce in this country and compete successfully with the manufacturers of the world. To-day—I will not limit, however, quite so closely—I have been told within the year our producers of the cheaper coarser cotton fabrics have been able to produce and export and sell in the English colonies their goods in competition with the English manufactured goods, because they were enabled to produce them cheaper by the aid of labor-saving machinery. And this is proved by the fact our yearly exports of them amount to $12,000,000 of many products of leather, all this is equally true. Of leather goods we export to a foreign market about $10,000,000 in value; and you may go through with lines of goods those people buy and consume and you will establish the fact that by the development of our manufacturing industries, by the use of machinery, we are able to make and sell to them as cheap as any one else those goods of which they consume considerable quantities and which make up their foreign commerce, but which they now the more largely buy in Europe, and we are unable to compete with Germany, with England, and with France only when they monopolize, control the transportation, the carrying trade. I am asked to explain why we can do this and yet pay more for our labor. I answer, because our manufacture of the goods I have mentioned is largely done by machinery; in the use of machinery but little manual labor is required to make them.

These goods, to which I have referred, I repeat, are largely the product of machinery and the mechanical ingenuity of America, and consequently manual labor enters but little into their cost. Of course when you reach the higher grade of goods, where there is a larger expenditure of skilled human labor, it is impossible to compete with the lower-priced labor of Europe. Our laborers are paid the better wages.

Mr. BROWN, of Pennsylvania. And if we enlarge the market and increase the demand can we still manufacture the article cheaper and pay the same or higher rates for labor?

Mr. HISCOCK. If we enlarge the market we enlarge the production and the cost is reduced necessarily. It is true in this country by the aggregation of capital in all industries production has been increased, and I want to add in this connection that while production has been increased the rate of wages has not only kept its place but has been increased also.

It has not had the effect to depress labor; but, sir, as bearing upon this question, we have to-day a trade of some $40,000,000 with South America, and it is all in those lines of goods in which it has been demonstrated by actual experience that we can compete with European producers. And yet Europe has, I suppose, about two-thirds the South American trade for the reason, and it is the only reason, because we have not American transportation to their markets. I assert we can drive European producers from those markets at no great cost if you will give our people the same facilities for transportation. As illustrating this, I have before me tables of the trade of the United States and other nations with Venezuela, to which the "Red D" line runs. In that country we to-day sell $14,831,221 worth of goods as against $11,902,322 worth sold by England; still less were sold there by Germany and France. Wherever we have opened up communication with a South American or a Central American state, buying largely from them, as we do, the result has been in every instance to increase the sale of our own products of American goods there.

Year by year the statistics prove that the trade has been increasing, and due to the fact I have already mentioned, that in the lines of goods which they purchase and consume we to-day can produce as cheap or cheaper than Europe. Therefore, Mr. Chairman, I say there is nothing in the argument that the protective policy is inconsistent with the development of our foreign trade, or that gentlemen who vote for this measure will take positions antagonistic to the protective policy. Sir, there is no question of free trade, revenue reform, or protection involved here at all. Gentlemen on the other side may attempt to whip men into line upon the pretense that this is a question of revenue reform or of free trade, or on this side upon the ground that it is a question of protection; but there is nothing in such pretenses. I expect to see gentlemen who understand this question quite as well as I do, and who differ with me upon the whole theory of protection and revenue, voting in the line of this Senate amendment.

Another suggestion in regard to our South American trade. By examination hastily I find in 1884 we marketed there $7,000,000 of our agricultural products—flour, bacon, lard, butter, hams, cheese. I further find South America is a large purchaser of these products, and right in juxtaposition with this I place another fact: They import into Brazil $5,000,000 worth of butter and cheese. England does not produce the butter and cheese she consumes, and the butter and cheese from the United States is shipped to England or Holland and then to Brazil and sold at 75 cents per pound, and sold as English or Dutch butter.

This is in the markets to which we do not have American lines; the shipment by way of Europe is what makes the high price.

But, Mr. Chairman, there is another aspect of this case to which I desire to call attention, and which bears directly upon the question whether this a subsidy or not. A subsidy to be offensive to me must be the giving of something for which we are to receive no return. It can only be offensive upon the theory that it is a donation, for which no value is to be returned by the donee. Let us look at this question for a moment in that light. I ask the attention of the distinguished chairman of the Committee on Post-Offices and Post-Roads, who has charge of this measure in this House, to what I am going to say, so that he or some other gentleman may have an opportunity to challenge my statement. I assert that the effect of the American lines upon our commerce with South America within the last five years has been to lessen the price of the goods that we buy from South America a million and a half of dollars in the last year. Take coffee alone. The effect of the Brazilian line upon the price of that luxury or necessity, whichever you please to call it, due to cheapened transportation alone, has been to reduce it about $1,000,000 to the American consumer.

Mr. BLOUNT. Will the gentleman allow me a question?

Mr. HISCOCK. Certainly I will.

Mr. BLOUNT. What is the proportion of coffee brought by the Brazilian line to this country?

Mr. HISCOCK. I can not give the exact amount, but the whole consumption of coffee in this country amounts, I believe, to about forty millions a year.

Mr. BLOUNT. And the Brazilian line declines to carry it, and it is carried on foreign vessels.

Mr. HISCOCK. I say, Mr. Chairman, that the effect of the Brazilian line upon the importation of coffee alone has been to reduce the freight, and so to reduce the cost to the consumer in about the amount I have stated.

Mr. BLOUNT. And I remind the gentleman that the Brazilian line does not bring coffee at all.

Mr. HISCOCK. In 1884 the Brazilian line brought here 199,284 bags, and the proportion to the whole amount taken to New York was 15½ per cent; but I do not care whether the Brazilian line brings it or not. The Brazilian line holds the trade upon it down to a certain point, and if England, Germany, or any other country underbids them so that they are unwilling to bring it, and it is brought by a cheaper line, is not the effect the same? Is not my argument equally good under that condition of facts? It makes no difference whether the coffee comes here in American bottoms or comes in foreign vessels. I say that the effect of American competition has been to lower the freight and so to lower the price of that commodity to the consumer for the past year $1,000,000 in our markets. The lowering of price, which is due to the reduction in freights upon our entire traffic, alone has benefited the consumer to the extent of one million and a half of dollars. The effect of the competition of American lines in South American trade has been within those figures——

Mr. BLOUNT. Will the gentleman state how long the Brazilian line has been running?

Mr. HISCOCK. It has been running I think since 1883; the Red line, to which is due to some extent the reduction of which I have spoken, longer. The other line began in 1882, perhaps earlier. In that short period of time, Mr. Chairman, this wonderful result has been produced in lowering the price of that commodity in this country.

I will read a dispatch just handed me:

> In '77, no steamers; in '78, tramp once in three months. Old American line began May, '78; stopped May, '81. Occasional chartered tramps up to starting of our line, January, '83.
>
> LACHLAN, JR.

I am within bounds when I state that the reduction in freights alone resulting from the competition of these American steamship lines has benefited the American consumer at the rate of a million and a half dollars each year.

Mr. Chairman, I have said thus much as bearing upon the question whether American steamship lines to South America, to Central America, and to Mexico are a possibility, whether trade with the people of those countries is a possibility. It seems to me that this is demonstrated by the large volume of business to which I have alluded, and by the fact that in those ports which have had easy communication with the United States we have driven the foreign producer from the market. It is a fixed fact which must be conceded by every one that it is in the power of the people of the United States to grasp the trade of these nations. This has been further illustrated by gentlemen who have preceded me, and I shall not discuss that point further.

What is it we propose to do? Do we propose to give American steamship lines a subsidy? No; but taking into view the rates paid by other nations for this class of service, we propose to pay to American steamships, vessels of American registry, only a meager compensation at best for carrying American mails.

Right here I wish to say that never in the history of this country have we sought to make our mail service self-sustaining. Talk about subsidy! Why, we have been continuously since the beginning of this Government paying subsidies for carrying domestic mails. I do not know of a single steamboat line which in the whole history of our country has been paid for the transportation of mails at the rate of the postage upon the mail matter carried. I ask gentlemen on the other side of this question to point me to one such case. Year after year, Congress after Congress has provided for the carrying of mails upon steamboat lines for no other purpose than to build up those lines. That has been the policy of the country.

In the star service we have year after year let contracts for the carrying of mails into the South and into the far West for no other object in the world, as it seems to me, than to build up stage routes through those localities for the purpose of helping the frontiersman, for the purpose of building up the country, for the purpose of giving to the American citizen, wherever he may be located, mail facilities. The star-route service has never repaid to the Government the expense; the steamboat-mail service has never done so; but contracts have been made time and again in those services for the purpose of subsidizing steamboat lines and stage routes.

But here, the American people, with a trade of over $200,000,000 in their hands to-day, ask to have their mails transported for them in American vessels by the United States Government, and they are told that it shall not be transported for them in American vessels, but shall be transported in foreign vessels, with the direct effect of crushing out the enterprises in which they are engaged.

Let us examine a moment to ascertain what will be paid under this Senate amendment, if adopted, as compared with sums which are paid for similar service by England, Germany, and France.

Take the Peninsular and Oriental Company, engaged in the trade with Japan and China. That line includes 664,874 miles of travel per year; and the gross amount paid by England is $2,250,000, being at the rate of $3.38 per mile. The same rate, if paid to the Pacific Mail Steamship Company, would yield $517,140. Under this amendment of the Senate, which they tell us subsidizes the Pacific Mail Steamship Company, that company will receive $76,800 as against $2,250,000 paid for similar service to rival lines.

Take the Peninsular and Oriental Company's line to Australia and the Straits colonies, running annually 145,600 miles. That company receives the gross sum of $650,000, being at the rate of $4.18 a mile. The Pacific Mail Steamship Company, if paid at the same rate, would receive $642,048, but under the Senate amendment will receive $112,500.

Take the Royal Mail, running to Central America and the east coast of South America. For 480,960 miles annually traveled that line receives $495,000, being at the rate of $1.03 a mile. The same rate paid to the American line which would compete with this foreign line would yield $135,960; yet under this bill that American line would receive only $66,000.

Take the Brazil and the River Plate line, running 182,200 miles annually at the rate of 70 cents a mile and receiving $126,280. The same rate paid to American ships would give them $92,400; but under this Senate amendment they would receive but $66,000.

I will not weary the committee by dwelling further upon these figures, which I publish with my remarks.

The result as shown by these statistics is that England, France, and Germany pay for their mail service from 50 per cent. over to 200 per cent. more than is paid by the United States. And do we say that they are subsidizing their lines? Where England has English commerce, Germany German commerce, or France French commerce, in which their citizens respectively are engaged, they say to them, "We will carry your mail to you if your necessities require it or your interests thereby will be advanced." In reference to her mail service, as in other matters, England says to her citizen, "Wherever the English citizen is the English arm is strong enough, and will continue to be strong enough, to protect him and subserve his interests.

Mr. Chairman, I would not stand here to advocate the carrying of American mails in American ships at a larger rate of compensation than other nations pay for the transportation of their mails; but I ask to find out what the service is worth and pay it. How are you to judge of its value?

Is that value to be determined by the policy which seems to be favored by the gentleman from Georgia [Mr. BLOUNT], and I regret to say is favored by the gentleman from Wisconsin [Mr. GUENTHER], that these foreign ships, paid these large sums of money for carrying the mails of their respective nations, shall have our mails to carry to those nations with which we have a commerce and which is in direct competition with the carrying nations of Europe; that we will give our mails to them to carry at the low price at which they can afford to do it for the sake of crushing out American competition?

What is the effect? As has been stated here on the floor, we have paid $240,000 to foreign vessels against $40,000 to American vessels.

Why, sir, it is for the interest of the ship-owners on the other side to carry our mails for nothing if by that method they can drive American steamships off the ocean. Shall we be parties to that?

Mr. ADAMS, of New York. Will my colleague permit me to ask a question for information?

Mr. HISCOCK. Certainly.

Mr. ADAMS, of New York. Why is it they appropriate $800,000 for this year, when the appropriation last year, so far as my memory serves me, was for $400,000?

Mr. HISCOCK. Well, sir, I do not know why. If I should give a reason—and perhaps that would be the true reason—it is that those who favor this policy——

Mr. ADAMS, of New York. I voted for it last year.

Mr. HISCOCK. Those who favor the policy supposed $400,000 was all that Congress would appropriate, and therefore that sum was adopted. It was not because it was the limit which could be expended to advantage, but because it was the largest sum Congress could be prevailed upon to appropriate.

I desire to be understood upon this question, because it was doubted for a moment by a gentleman who investigated this question. More money might well be appropriated to carry American mails and extend our commerce with the South American, Central American, and Mexican States.

As I was remarking, the policy which obtains favor on the other side, and which obtains favor from gentlemen on this side who seem to be alarmed lest some advantage might be secured by some steamship line with which some rich man is connected—the policy they favor is this: That these English, French, and German lines paid the large compensations I have named—but I do not know that they are large—but paid these rates of 50, 100, and 200 and more per cent., more than we propose to pay, that we will let them carry our mails at the lowest possible price, the direct effect of it being to drive American ships from the ocean!

As I said, Mr. Chairman, England can afford to carry our mails for nothing. As I have pointed out, we are competing with her for trade,

and she feels it. She can afford to carry our mails for nothing, if the direct effect of it would be the destruction of these American lines of steamships.

The gentleman from Wisconsin [Mr. GUENTHER] said wisely when he said this was no subsidy. It is none, measured by the price we pay for carrying our domestic mails on our railroads, on our steamboats, on our stages, upon our horses. Measured by the rates paid by European powers we propose a small compensation indeed.

I apprehend if any board sat upon this question to determine what it was fairly worth, there is not either in this country, England, Germany, or France one which would not report larger compensation was due for value received than that proposed in the Senate amendment.

Paid by—	To what company paid.	In what trade running.	Number of miles run per year.	Gross amount paid per year.	Rate paid per mile.	Additional earnings from United States Government.	Same rate to American line would bring—	Fifty cents per mile would bring—	Remarks.
England and her colonies.	Peninsular and Oriental.	Japan and China	664,874	$2,250,000	$3 38		a$517,140 b215,306	$76,800 31,850	Many additional perquisites.
	Do	Australia and Straits colonies.	145,600	650,000	4 18		a642,048	112,500	Pacific Mail driven off. Spreckel line more foreign than American.
	Royal Mail	Central and east coast of South America.	480,960	495,000	1 03		c135,960 d136,022	66,000 66,030	
	Brazil and River Plate	Buenos Ayres and Brazil.	181,200	e66,280 f60,000 126,280	70		c92,400	66,000	Exempt from Belgian and River Plate port charges in addition. Under contract to put English and Belgian mails into Buenos Ayres in thirty-five days for fifteen years. If the United States and Brazil Company extend to Buenos Ayres they will put our mails in in twenty-seven to twenty-nine days from Newport News and beat England. (Curtis's address, page 83.)
	Pacific Steam Navigation Company.	South America, Peru, Chili, and Ecuador.	137,576	27,000	20		(g)		This was at first $150,000, but having virtually exterminated commerce of United States it can go alone, and the aid is slowly withdrawn. (See report of South American Commission on our trade with these countries.)
	Montreal Steamship Company.	Europe and Canada	115,000	125,000	1 08		(g)		
	Cunard line	New York and Boston	150,000	125,000	85	54,665	(g)		
	Cunard line	Halifax, Bermuda, and St. Thomas.	48,000	87,500	1 82				England paid four transatlantic companies last year $500,000, equaling $125,000 each.
	Inman line	New York	150,000	125,000	85	29,365	(g)		
	Anchor line	New York				10,059	(g)		
	White Star line	New York	125,000			43,047	(g)		
	Liverpool and Great Western.	New York	77,500	125,000	1 60	23,765	(g)		
	National line	New York				4,255	(g)		
	Canadian Pacific line	Victoria, B. C., to China and Japan.	163,000	c500,000 h500,000	6 13		a937,890	76,800	
	Union Steamship	Cape Good Hope	168,200	145,000	86		(g)		Absolute monopoly.
	Union Steamship	East African coast	149,880	50,000	33				Absolute monopoly.
	Spreckel's line	San Francisco to Australia.	225,000	450,000	2 00		a450,000	112,500	Paid by Australia and New Zealand.
	Canadian and West Indies.	Montreal to St. Thomas.		50,000					
France	Messagerie Maritime	Japan and China via Suez.	225,844	1,714,600	7 59		a1,165,824	76,800	
	Messagerie Maritime	South America, Brazil	192,000	728,800	3 80		c502,600	66,000	
	Messagerie Maritime	Mediterranean	146,553	876,452	6 00				
	Compagnie Générale Transatlantique.	West Indies	138,400	790,651	5 71		d754,062	66,030	
Germany	North German Lloyds	China and Japan, Australia.	675,000	1,000,000	1 48	87,254	a227,328	76,800	This company begins running June 30.
	Trieste and Alexandria		36,000	100,000	2 75				
	Hamburg	New York				18,250			This is what it gets for bounty alone, without any service to the government. Its mail pay I have no means of knowing. All these Italian vessels get a bounty for building equal to about 5 per cent. or a little more. See memoranda accompanying. Every time one of these ships, equal in tonnage to ship in the Brazil line, goes to Trieste for a load of flour to Rio and returns it draws pay from the government of $3,223.85. How can we carry our flour as cheaply unless we give some aid?
Italy	La Veloce	Argentine and Brazil	240,000	76,321			(c)		
	Florio Rubatino	do	240,000	76,321			(c)		
	Piazzio & Co	do	240,000	76,321			(c)		
Spain	Antonio Lopez & Co	Argentine Republic	i110,000	(j)					
Belgium	Nautilus and other lines	Antwerp to South America.	1,000,000	(k)	(k)	(k)	(k)	(k)	

a Pacific Mail. b Occidental and Oriental. c United States and Brazil. d Red D line. e England. f Belgium. g No American line competing. h Canada. i About. j The company gets $1,000,000 for this and a Mediterranean service. I do not know how to divide it. There is also given to the line running to Havana and Vera Cruz $9,000 monthly. This line competes with New York, Havana, and Mexican. k No data.

Mileage of Pacific Mail, San Francisco to China	$153,600
Mileage of Pacific Mail, San Francisco to Australia	225,000
Mileage of Red D line, New York to Venezuela	132,060
Mileage of United States and Brazil, New York to Brazil	132,000

I have but little more to say in this discussion. Those who have preceded me have already commented in detail upon the trade which it is within our power to grasp. The effect of our taking possession of it will be to revive the industries of this nation substantially. All that will enter into that commerce we can produce. The building up of our shipping interests is involved in it. American labor is involved in it. In it we find a new investment for American capital. It is about the only thing that is necessary or that is in the power of the United States to grasp. She has grown rich through her industries and through their development. She has reached the point where she produces more

than she can consume—where she can produce as cheap as the old country the goods South America and Central America consume. It has been said by some gentlemen here that we on this side of the House could ill afford to support a measure of this kind.

I desire to say in response to that, that if there is a governmental policy that is worthy of support it is this; that if there is one governmental policy more than another that will add to our prosperity on which we can enter it is this. There is no donation in it to any person or corporation anywhere. It is simply proposed to pay for service rendered to us what it is worth, but it carries with it the extension of American trade. It carries with it the extension of American markets. It carries with it the saving to this country in the way of exchange yearly of over $40,000,000 of gold which now we pay out in exchange to the Central and South American states. The balance of trade is against us there. If we enter upon this policy it will be changed. Year by year we see signs of that change. There is not a single port into which an American steamship runs that our trade is not increased, and gradually the balance is being changed in our favor.

As I said, over $40,000,000 of gold each year go from our coffers, go from our banks, to pay these nations the balance of trade that is due them. And I for one, as a party man, and as a citizen of the United States, find nothing in this Senate amendment which I can not support.

The CHAIRMAN. The gentleman from Kansas [Mr. PETERS] has fifteen minutes of his time remaining.

Mr. PETERS. I propose to occupy a few moments.

There are one or two observations which I desire to make, Mr. Chairman, in relation to the measure which is now under consideration. In the Forty-eighth Congress I voted against a provision similar to this. I was induced to do so because it was charged at that time on both sides of the House that it was a subsidy to a great steamboat monopoly; that we were asked to subsidize the Pacific Mail Steamship Company; and that this company would receive whatever appropriation might be made for this purpose. Without examining into the far-reaching consequences of my action I voted against a similar proposition in principle which was before the House in the last Congress. Since that time I have given this subject some consideration. I have been so strongly prejudiced in my feeling against anything like a subsidy that it was with difficulty I brought myself to view this question in anything like a fair light.

I rested content with the vote that I gave in the last Congress until a thorough examination convinced me that the cry of subsidy was unjust and benefited English monopolies and injured American industries. Believing this, my vote shall be cast in favor of the Senate amendment. I would like to know what the outlook is if we are to continue on in the same course as in the past year. I would like to know what there is in the future to which an American can look forward with pride in connection with this subject. Can you look forward to 1887 to 1888 or to 1889 in the hope that this country will have any better business relations with the South American states? Can you look forward to any better time in the future so long as we continue to be whipped into this do-nothing policy by this cry of subsidy?

I have the honor to represent in this House one of the largest agricultural districts in the United States. It is exclusively agricultural, and it has a population at present which is greater than that of any other district in the United States except those States that compose one Congressional district. And I say that it is to the interest of the farmers in my district to indorse and uphold the very policy that is inaugurated by this Senate amendment. And why? Because the farmer of my district is interested in increasing the consuming power of the United States. The producing power of the United States in grain today is greater than the consuming power, and hence the wheat producer is placed at the mercy of the Liverpool wheat merchant. And what we desire, what the producing classes, especially the agricultural producing classes to-day desire, is that the consuming power of the United States shall be increased so that we within our own border can consume every bushel of wheat produced in the United States. And whenever we increase our consuming power so that we will be able to consume every bushel of wheat produced in the United States then we will free that product from the control of the Liverpool wheat merchant and the Liverpool wheat market. What the farmer of Kansas and the farmer of the Mississippi Valley need is an increase in the manufacturing industries of the United States, because every man who is a manufacturer, every man who is a laborer in the manufacturing establishment, is a consumer and not a producer of farm products.

What we desire is to take from the farming classes of to-day and add to the manufacturing classes, so that the consuming power of this country may be increased. I say that the farmer of Kansas, notwithstanding what has been said upon this floor, has a greater interest in this proposition than has the manufacturer of the East—a greater interest even than has the stockholder in any of these steamship lines. If encouraging trade with South America gives, as it will, an additional market for our manufactured products, American labor is thereby benefited, our consuming power is inereased, and agricultural products will find a remunerative home market.

If I could look forward into the future and see that the time would come when we would be relieved from the power of this monopoly that is now clutching American industry; if I could look forward into the future and see that, without some experimentation on our part, we might expect or hope to be in a better position in the future, then I would be willing to stand still. But no man can point out to me any prospect that, without action in the present, we shall be any better off in the future than we are now.

But, Mr. Chairman, aside from this is another great consideration. The American continent is the field that properly belongs to the United States. I am a believer in the Monroe doctrine that gives to the United States the American continent. I believe the time will come when Canada and Mexico will come under the American flag, and I believe that by the kind of legislation proposed in this Senate amendment the time will be hastened when we, instead of Great Britain, shall have control of the South American trade. When I examine the figures in relation to trade with the South American countries I find that the United States, which should have it all, have but a small proportion of it.

The United States with her thousands of miles of seacoast, the United States with her immense advantages over other countries, the United States with everything in her favor, should have every particle of that South American trade, yet to-day she has only $75,000,000 of it, while foreign countries have $325,000,000. Is there any man who has pride in the American flag or pride in his country who is willing to submit to this without an effort to change it—who is willing that foreign nations should have $325,000,000 of that South American trade while we have only $75,000,000? That is the situation of to-day. I repeat that if any gentleman can show me that, without some such action or legislation as this, that balance of trade will be changed in our favor, I shall be glad to have him do it, because I would like to vote against this appropriation if I could do it consistently with my ideas of what is due to the honor of my country. I know it is said that this is a subsidy; I know it is said and has been argued here that the voting of this money is robbing the tax-payers of the country.

Mr. Chairman, how utterly fallacious is any statement of that kind! Our foreign-mail service pays over a million dollars more than we pay now or have ever paid for it. As matter of fact, the United States never does invest $1 in paying for our foreign-mail service. It is the foreign merchants and the home merchants corresponding with each other. It is the inhabitant of the United States writing to his correspondents abroad and paying the sea postage—these are the parties who voluntarily contribute the money from which we propose to pay these steamship lines for carrying our foreign mails. The people of the United States do not pay a cent of it by tax. It is the voluntary contribution of the business men and others who patronize the foreign-mail service. It is out of that voluntary contribution that it is now proposed to take $800,000 and appropriate it in the interest of our foreign-mail service.

I cast aside, therefore, this talk about taxing the people of this country, directly or indirectly, for the money with which to subsidize (as some gentlemen put it) these American steamships for carrying our foreign mails. There is nothing to it.

Mr. Chairman, what a spectacle! The United States, the wealthiest nation under the sun, with $10,000,000,000 more of aggregate wealth than England and all her possessions, the wealthiest nation in agriculture, the wealthiest in manufactures, yet bowing down and crouching in the dust of humiliation before British power and British influence; yielding without a struggle $325,000,000 of the trade of the South American states which properly and naturally belongs to us! For one, I will not assent to such a surrender. I want to encourage our American steamship lines. I want to say to these men—I care not who they are, I care not how much they may come here and ask Congress to assist them—I want to say to them that we will take $800,000 from the $2,100,000 of revenue derived from the foreign-mail service and appropriate it to pay, under the discretion of the Postmaster-General, a reasonable compensation for carrying our foreign mails, with the hope that it may open up to us new fields for the sale of our manufactured goods; with the hope that it may increase the consuming power of our people; with the hope that it may restore our mercantile marine, so that the flag of our country may again float over as many merchant vessels as it did before the war.

[Here the hammer fell.]

The CHAIRMAN. If no gentleman desires to occupy the floor the Chair will put the question.

Several MEMBERS. "Vote!" "Vote!"

Mr. BLOUNT. Mr. Chairman, I hope that some gentleman upon the other side will go on with the debate. We want to make an equal division of the time.

The CHAIRMAN. The Chair will state that there have been three hours occupied on either side, and that there remains one hour and twenty-two minutes on each side, provided the debate continues until 5 o'clock.

Mr. DOCKERY rose and was recognized.

The CHAIRMAN. Does the gentleman from Georgia in charge of this bill [Mr. BLOUNT] desire to retain the last hour?

Mr. BLOUNT. I do not object to the gentleman from Missouri [Mr.

DOCKERY] going on for his hour. The residue of the time I shall claim.

Mr. DOCKERY. Mr. Chairman, having discussed at considerable length the propositions involved in what is known as the "subsidy clause" of the Post-Office bill for the present fiscal year, and inasmuch as the pending Senate amendment involves the same principles of public policy, I will content myself by offering a few additional reasons why this measure should not prevail.

The amendment, which is No. 6 in the bill now under discussion, is in the following terms:

(6) For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than three years nor more than five years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actully traveled between the terminal points, in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth. And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

The Postmaster-General, if in his judgment it be practicable, shall contract for a semi-monthly mail service between the ports of New York and New Orleans, alternately, and the port of Rio de Janeiro, under the provisions of this act.

Mr. Chairman, I am opposed to this measure because the circumstances under which it is presented make it coercive legislation.

It assumes to aid commerce; but if it does in fact do so, the aid is extended at the expense of the efficiency of the foreign postal-service.

It makes a futile parade of advertisements when in truth and in fact there can be no competition except on two lines—the line from San Francisco to China and Japan and the line from New York to Havana.

It pretends to aid in the restoration of our merchant marine, when statistics show that the subsidies of the past have not produced such a result.

It disregards the international treaty of Berne, which went into effect June 30, 1874, and to which the Government of the United States was a party.

It is a subsidy, naked, pure, and simple—a gift of the people's money in aid of private corporations. It is a departure from that wise enunciation of the Democratic party which demands that all taxes shall be levied and used for public purposes.

Before proceeding to discuss the reasons which induce me to oppose this amendment I wish to say a word in reply to the distinguished gentleman from New York [Mr. HISCOCK]. That gentleman, as we are all aware, is usually well informed, and always speaks with force and effect; but he has evidently not made a thorough investigation of this subject, as I understand him to make the declaration in connection with the commercial view of the question that the Red D line is one of the lines running to Brazil.

Mr. HISCOCK. Oh, no.

Mr. DOCKERY. I so understood the gentleman.

Mr. HISCOCK. I said since the Red D line was put on——

Mr. DOCKERY. Very well; I so understood the gentleman, and several other members on this side understood him to the same effect.

Mr. HISCOCK. If I said that, I did not intend it.

Mr. DOCKERY. Of course every one who has investigated the question knows that the Red D line does not run to Brazil but to Venezuela.

Mr. HISCOCK. I am aware of that; but I was speaking of the length of time during which there had been a reduction of freight.

Mr. DOCKERY. That there may be no misunderstanding I will be obliged if the gentleman will give me now the exact date when the Brazil line was established.

Mr. HISCOCK. According to my impression, in 1882.

Mr. DOCKERY. It was inauguarated originally more than fifty years ago.

Mr. HISCOCK. I am speaking about the present line.

Mr. DOCKERY. The present line, which has been subsidized liberally by the Government, was inaugurated, if I mistake not, in 1867.

Mr. HISCOCK. I am speaking of the present administration of that line.

Mr. DOCKERY. I am speaking of the line without any reference to past or present ownership.

I desire now to refer briefly to one or two points made by the very able gentleman from New Jersey [Mr. PHELPS], who asks the House to appropriate this $800,000, and also in reply——

Mr. HISCOCK. The gentleman will pardon me a moment. I would like to ask him whether my statement in reference to the reduction of freight within the period of five years is not correct.

Mr. DOCKERY. I have not investigated that branch of the subject. I suppose it to be correct, for the reason that the Government of the United States has contributed abundantly from its Treasury to that company, and I should assume that the company would return in some measure the favor by reducing freights. I imagine, however, that the reduction of freight comes not from subsidy, but from the competition of foreign lines which they are compelled to meet.

Mr. HISCOCK. That was precisely my argument.

I was about to say when interrupted by the gentleman from New York [Mr. HISCOCK], and in reply to the gentleman from New Jersey [Mr. PHELPS], that he is mistaken in the statement that the foreign-mail service yields any revenue whatever to the Government. On page 20 of the Postmaster-General's report for 1885 he discusses the question, and states:

In no case is there any ground to affirm that the foreign correspondence affords any revenue above the actual cost to the Department of the services performed in handling it.

The argument, therefore, of a surplus revenue in this branch of the postal service, which has been invoked in behalf of this proposition, clearly fails. The Government realizes no surplus by reason of the transportation of foreign mails.

DOES IT AID COMMERCE?

Mr. Chairman, before giving in detail my objections to this measure, I desire to call attention to the array of figures presented on yesterday by the gentleman from Michigan [Mr. BURROWS] in support of the theory that there was an inviting opportunity for trade with the republics of Central and South America, and that the one thing needful to develop our commerce in that direction was this proposed "subsidy" to American steamship lines, because the hindrance in the way of trade with South America was the lack of ocean facilities.

I shall not reply to the argument that the gentleman presented, buttressed as it was by a bewildering display of statistics, but will allow a distinguished Republican Senator, who has recently discussed this question in another body, to be heard in answer. This Senator, who is one of the ablest of the Republican leaders, expresses his views in the following language, and leaves no tenable ground upon which the gentleman from Michigan can rest his argument:

The reason for the decay of American shipping, in my judgment, will be found in the fact that American capital can be more profitably employed in some other way than in building ships. I have heard much during the continuance of this argument of the advantages to result by the proposed appropriations to the restoration of the interests of American shipping; but I have listened in vain for some information as to the reason why the men of Maine and the men of Massachusetts do not now build ships if they want them. There is no reason why they should not build ships if they desire them. They have the yards and they have the forests and they have the mines and they have the skilled labor, and if ship-building was profitable, I venture to say that the capitalists of Maine and Massachusetts would build ships; and the reason why they have not done it is because they can make more money by building railroads, and by buying Western lands, and by lending on mortgage at 6 and 8 and 10 and 15 per cent. to Western borrowers.

I do not, therefore, Mr. President, feel that this appeal to a patriotic impulse to vote for a large appropriation out of the national Treasury for the purpose of restoring the decayed interests of American commerce has much weight. Very much the same argument applies to the carrying trade of this world. There has been a unanimity of lamentation about the loss of the carrying trade by the United States, and we have been told of the disgrace and the shame that arises from the fact that the United States no longer has the carrying trade of the world. Mr. President, we did not lose the carrying trade of the world; we relinquished it. The reason why we have not the carrying trade of the world is because it is not profitable. Great Britain can afford to conduct the carrying trade of this world at a loss, as she does, because she has an insular position. There is not a point in Great Britain so remote from the seaboard that any product of her fields, that any product of her factories or her mines can not by her railway system be placed in fourteen hours in the dock ready for shipment to any portion of the world. Great Britain has an enormous excess of manufacturing facilities. She wants an enormous amount of free raw material. Therefore, Great Britain and the other continental nations so situated can afford to do what they are now doing, and that is to carry on what may be called the transfer, the transportation business of the world by water at a loss. There is to-day a million tons of English shipping that can be bought for 50 per cent. of what it cost, if anybody wants to buy it.

Therefore the reason why the United States does not do the carrying business of the world is because she can do better. It does not sound reasonable or logical or sensible to rise here and declare that the reason we do not do the carrying trade of the world is because Congress does not vote subsidies for mail pay. Statistics show better; and whenever the carrying trade of the world can be conducted at a profit, the United States of America will have their share of it. But so long as American money can be more profitably employed in railroad transportation at home than it can in water transportation upon the deep, so long it will continue to be so employed, and the voting of $100,000 or $500,000 to one or more lines of steamships for service will not prevent it, and will not help it.

We have been told also that to the south of us there is a great commercial empire waiting for the invitation of American commerce. Congress has been appealed to to vote for an appropriation upon the ground that unless it is enacted by Congress the balance of trade would continue to be against us.

There is another reason why we have not got the trade of the South American republics, one that has not been mentioned here, one that deserves mention, because it is not becoming that Congress should be held up here and fustigated and castigated for unpatriotic frugality in failing to make the necessary appropriations, whereby we are unable to secure our share in the millions of South American commerce. The reason why we do not have South American commerce is because we do not attempt to sell them the things they want to buy. The reason why our merchants and our manufacturers find no market in South America is because the merchants and manufacturers of other countries can offer them a better article at a less price. There is no want of facility of communication; the testimony in the report of the commissioners shows that the means of communication are ample, but that in their dealings with American merchants and American manufacturers they have been flouted, they have been refused credit; they have not been offered the articles they wanted to buy, and when goods have been sold to them by sample they have proved to be entirely out of comparison with those samples both as to price and as to quality.

COERCIVE LEGISLATION.

Let us examine now the legislative objection that can and properly ought to be urged against the measure. Section 3 of Rule XVI of the Senate provides that "no amendment which proposes general legislation shall be received to any appropriation bill." It is not my purpose to make any criticism upon the fact that this amendment comes from the Senate, despite the existence of this rule; it is, of course, well un-

derstood that the rules of this body forbid such criticism; but I desire simply to call the attention of the House to the rule, because this amendment seems to me to be obnoxious to the rule prohibiting "general legislation." It is certainly a change of existing law.

Section 4007 of the Revised Statutes provides:

That the Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country, whenever the public interest will be thereby promoted.

It will be readily observed that this section of the statute places no restriction upon the Postmaster-General. There is no limitation. Under this clause the Postmaster-General may enter into contract with American or foreign built ships for the transportation of the mails of the United States abroad. The pending amendment restricts the advertisements for this service to American built and registered steamships. It is, therefore, whether wise or unwise legislation, clearly a change of the existing statute. I may also add that section 4007 is almost identical in terms with the law of Great Britain with reference to the transportation of foreign mails. England has in the past subsidized liberally her steamship lines, and her policy in that regard has been commended by our friends on the other side as wise, statesmanlike, and judicious; but while this may be true, I wish to say that Great Britain and France never have restricted and do not now restrict their mail contracts to their own lines of steamships.

Here again, Mr. Chairman, the gentleman from New York [Mr. HISCOCK] was unfortunate in his statement of facts, in saying that the Government of England said to her citizens, it matters not where you go——

Mr. HISCOCK rose.

Mr. DOCKERY. That was the substance of your statement—that your mails should be carried in English bottoms. The Government of England says no such thing, but under her existing postal laws advertises for her mail service without any restrictions as to nationality.

Mr. HISCOCK rose.

Mr. DOCKERY. At this time a large part of the English mail to this country comes in the North German Lloyd steamers. Neither England nor France restrict their ocean-mail service to English and French vessels. Competition is open to the steamships of all nations.

Mr. Chairman, I am opposed to general legislation upon appropriation bills. Any legislative proposition that is for the best interests of the people ought to be strong enough as an independent measure to win the favor of the law-making power. Of course, unobjectionable legislation might be proposed in connection with appropriation bills; but the practice is bad, and leads to just such propositions as this we are now considering. Here is an attempt, unmistakable, and well defined, to coerce the judgment of this House, and induce it to accept a measure that would not receive its favor if offered as an independent proposition. This body has, in the adoption of the new rules, abandoned the unwise policy of legislating upon appropriation bills, and it seems to me, Mr. Chairman, that other bodies interested in the legislation of this country should seek rather to encourage this new departure than to discourage it by the presentation of propositions such as the one now under consideration.

Mr. Chairman, it is no use to mince matters about this amendment. Let us meet the issue fairly and frankly. It can only receive the favor of the House by the sustaining power of an appropriation bill back of it and the coercive influences necessarily incident thereto.

For myself, I wish to say that I can be persuaded to support most any reasonable legislation. My disposition leads me to desire to comply with the requests of gentlemen and render favors whenever possible; but, sir, coming as this proposition does from the Senate, circumstanced and surrounded as it is now and was in the Forty-eighth Congress, I shall never give my consent that it be enacted into law.

Mr. Chairman, I am anxious to reach the close of the present session and return to home and friends in the "magnificent Empire of Missouri," which I have the honor to represent in part upon this floor; but, sir, as strong as is my desire in this direction, I am willing to stay here until the snows of winter shall mantle the heights of Arlington rather than that this House should be coerced into the acceptance of this subsidy. [Applause.]

The leaders of the Republican party in this House have almost without exception in past years opposed "riders" upon appropriation bills. In the Forty-sixth Congress, when the revision of the rules was under discussion, Mr. HOLMAN offered the following amendment to section 3 of Rule XXI:

Nor shall any provision in any such bill, or amendment thereto, changing existing law, be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, &c.

This proposition authorized legislation looking to reduction of expenditures, while the amendment under consideration authorizes increased expenditure. Messrs. FRYE, Robeson, REED, and other Republican leaders expressed themselves on this question in clear and patriotic terms; and as I do not often have opportunity to commend the views of our Republican friends upon questions of public policy, I will give some of their utterances in that debate.

Mr. FRYE said:

I do not believe that the Committee on Appropriations should have the powers of legislation as granted in this rule. I agree with the gentleman from Connecticut [Mr. HAWLEY] and the gentleman from New Jersey [Mr. Robeson] in that. When I see the Committee on Appropriations taking our whole consular and diplomatic system, and in ten days' time, without certainly any adequate or requisite knowledge of what they are doing, smash through it as a mad bull would smash through a china shop, it has always occurred to me that that committee had better attend to their legitimate business and let the business of the Committee on Foreign Affairs alone. I do believe, and my experience both in a Republican House and in a Democratic House has forced me to that belief, that there should be a restriction upon that committee; that the right of legislation, whether in reduction of expenditures or not, should be taken away from them.

Mr. REED'S terse and timely comment was in the following terms:

Both parties have been taught lessons which ought to show us that it is unsafe to have a system of legislation which is founded upon loading down appropriation bills. Whether it is done upon pretense of economy or upon a pretense of appropriating for the proper needs of the Government, it is equally wrong. But if we frame a rule—and surely we are capable of doing that—which says that the Appropriations Committee shall make no appropriations except those which are according to law, then that provision obliges all other committees to attend to matters of legislation. And I say that the scenes we have witnessed in this House ever since this discussion of rules began has been on account of the provision which the gentleman from Ohio [Mr. Garfield] wants to strike out.

It is not in human nature, as represented upon that Appropriation Committee, not to present legislation under that clause, and when we happen to have, as we did have in the last Congress, a gentleman on that committee who knew everything, we had a perfect avalanche of such business brought before us; and it is equally impossible that human nature, as it is constituted outside of the Appropriations Committee, can prevent gentlemen from exalting their committees just as the gentlemen of the Committee on Agriculture have exalted that committee to-day. But if we say that appropriations are to be made according to law by one committee, then we have control of the great general appropriations of the Government, and we know what we can appropriate, and then the other committees can carve out of what is left.

That is a true system; a system that is right and proper, and that enables every committee and every member to participate in the legislation of this House. I sincerely hope we may come up to the level of this question, for I believe it to be a great one, and that we will not degrade it by the introduction of partisan matters. I trust that we shall adopt a system that we shall be satisfied with, a system which we see ourselves must work well, for if we adopt it the Appropriations Committee can not put a single word of legislation upon an appropriation bill except by unanimous consent, and what more can other committees desire? We then have got a system that is philosophically correct and practically correct.

Mr. Robeson's criticism, it seems to me, should be conclusive. He says:

But there is another objection to allowing this committee to legislate, more potent to my mind than any other, and it is this: When the Appropriations Committee puts legislation on an appropriation bill they exercise duress on the judgment of the House and the legislation of the country. No man votes exactly as he would; no one is as free to act as if it were an independent proposition. All legislation is driven through under the whip and spur of the pressure of appropriations. You must submit to break up the half of your policy, or you must lose it all. You do not approve the particular proposition but you must go for it, otherwise there will be no money for the uses of the Government.

I am speaking on this subject, and I mean to speak on this whole matter broadly, not in the interest of any party, not representing the views of any faction, with no spirit other than that which looks to the good of the country as a whole; and I appeal to you, gentlemen, legislators of the United States, as you are answerable to your own consciences and to your constituents, do you mean that the general legislation of the country shall be forced through under any kind of duress at all? This idea strikes at the very end and center of a deliberative body. The freedom of all deliberation and the freedom of all action will be gone where any such system prevails.

In the Forty-sixth Congress (page 116, volume 37), Mr. Garfield, in discussing a certain "rider" that was then offered upon an appropriation bill, made the following pertinent comment upon an issue such as is presented by this amendment:

Our theory of law is free consent. That is the granite foundation of our whole superstructure. Nothing in this Republic can be law without consent—the free consent of the House; the free consent of the Senate; the free consent of the Executive, or, if he refuse it, the free consent of two-thirds of these bodies. Will any man deny that? Will any man challenge a line of the statement that free consent is the foundation rock of all our institutions?

Again, Mr. Chairman, in the Forty-eighth Congress, when the revision of the rules of the Senate was being made by that body, we find, on page 274, volume 64 of the RECORD, the following appropriate comments by Senators DAWES and FRYE:

The views of Senator DAWES are expressed as follows:

That brings me to one great defect in this report of the Committee on Rules. They have done nothing to meet the great difficulty, that while one branch is permitted by its rules to incorporate into an appropriation bill matters of independent legislation you can not in the other branch even amend the legislation which comes here. You can not offer an amendment to independent legislation in an appropriation bill which comes, under the rules of the other branch, before us, and there has been no attempt in this report, as far as I am able to discover, to meet that difficulty. Under that vice, if I may use that word without any offense, under that error, that difficulty, more trouble arises in appropriation bills, more measures are pushed through by the money power behind them in an appropriation bill, more objectionable features of independent legislation go upon the statute-book, than by any other method resorted to in Congress. It has, by that new feature of it which has sprung up within a few years, been made more dangerous to legislate, one branch having by its rules provided that independent legislation, without regard to its character or its extent, may be incorporated into an appropriation bill and be carried by the necessities of appropriations through that branch and brought into the other, where it can not under the rules of the body where it is sent be even amended; it must be rejected in toto or taken as a whole.

Senator FRYE (who is mentioned in the columns of the public press as the author of this amendment) shows that he entertained in the Forty-eighth Congress the views he so vigorously expressed on this floor in the Forty-sixth Congress. His advocacy of the pending amendment might seem to imply a lack of consistency, but I forbear criticism, as the rules forbid.

Senator FRYE said:

One criticism made by the distinguished Senator from Massachusetts [Mr. DAWES] upon the action of the Committee on Rules it seems to me is not de-

served by the committee. Of course to them and to any man the absurdity is apparent of the House of Representatives having power to send appropriation bills with general legislation over here, and under our rules no power on our part to amend that general legislation. It was discussed by the Committee on Rules and certain remedies were proposed, but every remedy which could be thought of in this particular Rule XVII appeared to the committee to be an invitation to the other House to continue that rule which permitted general legislation. Then the question came to the committee. Is there any course open by which we can undertake in some way to prevent this general legislation? I think it is generally understood that there has been, even in the other House, disposition growing against that rule which permits general legislation of almost every conceivable kind, allowing general legislation decreasing expenditures, and it was hoped by the committee that under a joint rule the other House to-day might consent that this whole matter should be governed and controlled. Therefore, on page 45 of this report, Rule IV of the joint rules proposed by the committee, there is a clause which provides against all general legislation on appropriation bills. If the Senate will send that to the House and the House shall agree to it, the whole trouble will be cured at once. If the Senate will send it to the House and the House shall disagree to it, and there shall be a compromise of some kind, there may be some healing in the result of that compromise. That is the only reason why the committee did not undertake in this rule itself to provide that where general legislation came over here on an appropriation bill there should be a right to amend it.

The difficulties to which these Republican Senators referred have been remedied by the House in the adoption of the new rules, and it is now impossible to incorporate legislation in any appropriation bills. This action, in my opinion, was wise and timely, and received the sanction of the House by an overwhelming vote.

WHO IS RESPONSIBLE?

I do not wonder that our Republican friends should seek to enact some legislation that will restore the merchant marine of this country. The long period of their domination resulted in its almost total destruction, and it is a matter of no surprise that, as they must of necessity realize their responsibility for this condition of affairs, and smarting under deserved criticism, they should seek, even at this late hour, to do something to aid in its restoration. But laying aside for the moment all other considerations, I submit, Mr. Chairman, whether it is in good taste for the Republican party, with the control of the Senate only, to seek to compel a Democratic administration to adopt their policy on this great question.

The people at the last national election relieved our friends on the other side from the responsibility which had previously rested upon their party; and in view of this fact, unpleasant as it seems to them, it is not becoming that they should attempt coercive methods. The people have charged the Democratic party with the responsibility for the conduct of national affairs, and that responsibility it does not seek to avoid.

This Democratic administration is opposed to subsidies, and it is not fair dealing for the Republican Senate to seek to compel the adoption of its policy. The Democratic party is responsible to the people, and not to the Senate, and should be unvexed and unhampered by coercive legislation and allowed to employ its own methods and policies to restore our merchant marine.

MERCHANT MARINE.

My next objection to this amendment is that while its friends claim that it aids the merchant marine, it does so—if in fact it does it at all—at the expense of the efficiency of the foreign mail service. The language of the bill is "for the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails," &c. Here the design would clearly seem to be to secure greater frequency, regularity, and speed, but if this be the object of the amendment it wholly fails in its purpose. How is it possible to secure greater frequency, regularity, and increased speed when the proposition in express terms confines the mail service to one line, and nowhere provides that the vessel shall run on schedule time?

I will give an opportunity to my friend from California [Mr. FELTON], who I know to be a good business man, to answer this question. I pause for a reply. Can greater frequency and regularity be secured by dispensing with the services of two or three lines and employing only one? And how is the increased speed to be attained when there is no provision made to secure it? I await a reply from any one, as I am anxious to know how the ocean mail service is to be expedited under this proposed law. The proposition seems to me absurd and impractical.

Mr. BROWN, of Pennsylvania. Does not "money make the mare go?"

Mr. DOCKERY. Money is something of a motive power; but, if you will pardon me, it does not increase the speed unless special provision is made looking to that end.

Mr. ZACH. TAYLOR. Does not the amendment itself propose that in disbursing this money the Postmaster-General shall take steps to secure greater speed and regularity?

Mr. DOCKERY. The preamble to the amendment is something like the "general-welfare" clause in the Constitution of the United States.

Mr. ADAMS, of New York. That is very broad.

Mr. DOCKERY. The amendment says, as I have before stated, that it is for the purpose of securing greater speed, and so forth, but it makes no provision for that purpose.

Mr. ZACH. TAYLOR. I will read the amendment.

Mr. DOCKERY. I can not yield for that purpose. I understand the amendment. It authorizes greater frequency, regularity, and dispatch; but the proposed method of its execution virtually operates as a prohibition upon the first two and wholly neglects to provide for increased speed, except by way of commendation.

Mr. FELTON. The gentleman asked me a question a while ago; and now, in reply, I ask him: Can you not safely leave that to the Postmaster-General?

Mr. DOCKERY. The discretion exercised by the Postmaster-General with reference to this question of subsidies has been so wise and judicious as to command my warmest admiration, and to win for him the confidence of the people and especially of the Democratic party. I indorse in terms positive and unequivocal without any sort of reservation his official action in relation to this proposition, and if the discretion is to be vested in any officer I desire that it should be exercised by him. But my responsibility as a Representative demands that I shall endeavor to have measures upon which I am called to vote properly framed, so as to carry out the objects for which they are intended. If we are to vote this money to these companies it ought to be carefully and properly guarded.

Mr. FELTON. And if the policy of last year is continued they will not get a cent of the money.

Mr. DOCKERY. I wish to say in answer to that observation that I shall not be greatly grieved if they do not; but this amendment is quite different from the law of last year.

Mr. ADAMS, of New York. It ought to be.

Mr. DOCKERY. Instead of leaving it discretionary there seems to be a mandatory provision here, and if such is the fact, and it becomes law, it will be executed, because the Democratic party has never violated the law in this country. [Laughter.]

Before leaving this branch of the subject I wish to call the attention of the House to the fact that under the law as it exists on the statute-book to-day, the Postmaster-General can avail himself of the fastest steamers, and in fact all lines of vessels. This amendment would deny him that privilege for the future.

Whatever may be the opinion as to the effect of this proposition upon the commerce and carrying trade of the country, it seems to me clear and conclusive that it will result in decreased foreign mail facilities.

THE SUBSIDY PERIOD.

Sir, I shall favor any practical measure that seeks to restore the carrying trade of this country to American vessels, but I do not believe that such a result can be obtained by giving a monopoly to existing American lines, as this amendment does. Let us rather favor legislation that will encourage the building of American steamships, and thus inaugurate new enterprises and additional lines of ocean transportation.

Subsidies will not accomplish this result. In corroboration of this statement I need only invite attention to some statistics showing the condition of the merchant marine from 1866 to 1877, the years during which the subsidy policy received the favor of the Government. The statistics in full will be found on pages 32 and 33 of the Report of the Commissioner of Navigation to the Secretary of the Treasury for the fiscal year 1885.

Now I submit, Mr. Chairman, as a fair proposition, that if subsidies will aid in building up our merchant marine should not that result be exhibited in the development and growth of this interest in the eleven years during which the policy continued? Will my friend from Michigan [Mr. BURROWS], whom I see before me, deny the fairness of the proposition I submit when I insist that if subsidies really aid in the development of the carrying trade that the fact should exhibit itself during this subsidy period from 1866 to 1877?

Let us examine the statistics and ascertain what the result was. From 1866 to 1877 the total appropriations for vessels carrying the American flag were $7,517,661.22, and but for the inordinate greed of the Pacific Mail Steamship Company and the disgraceful scandal connected with the expenditure of $900,000 to debauch and corrupt the Forty-second Congress, for aught I know the policy might have been continued many years.

In 1866, the first year of the inauguration of the subsidy policy, the tonnage registered for the foreign trade was 1,387,756. In 1877, after eleven years of subsidy, it only amounted to 1,570,600. In 1866, 32 per cent. of the foreign trade was carried in American vessels; in 1877, only 26 per cent. was carried in American vessels—an absolute decrease of 6 per cent.

Mr. FELTON. Has it not depreciated since that time 5 or 6 per cent.?

Mr. DOCKERY. It has, but that does not affect my argument. The statistics show a decrease of 6 per cent. in the carrying trade for the time stated, despite the enormous subsidies of those years.

In 1866 vessels were built in the United States amounting to a tonnage of 336,146.56. In 1877 the vessels built in the United States amounted in tonnage to only 176,591.06, a decrease of 159,555.50 tons. In 1866 the tonnage of the vessels owned in the United States amounted to 4,310,778. In 1877 it amounted to only 4,242,600 tons, a loss of 68,178.

Now, I ask you candidly, as business men, do not these figures reveal the fact that subsidies fail to augment materially the prosperity of our merchant marine?

Mr. FELTON. Will the gentleman allow me?

Mr. DOCKERY. I can yield only for a question.

Mr. FELTON. Is not the inference this: That because it failed to increase under the subsidies, and because it failed since the subsidies, there must be other fundamental reasons involved apart from the matter of subsidies?

Mr. DOCKERY. Certainly.

We do not disagree as to that; and this brings me to the practical question presented. If the subsidizing system does not augment our prosperity upon the seas, why should we be called upon to vote this $800,000 annual expenditure out of the public Treasury? Certainly no Representative upon this floor would desire to vote away this amount of the people's money unless it be that some public good was to be subserved.

The discussion of this question having conclusively established the fact, it seems to me, that this proposed expenditure will not inure to the benefit of the public, but to the benefit of private corporations only, I shall expect the House to non-concur in the Senate amendment. This question, as it relates to commerce and merchant marine, having excited some public interest, I ask to incorporate with my remarks a part of the report of the Commissioner of Navigation for 1885, found on pages 31, 32, which is very suggestive as to the causes that have led to this decline. His opinion, in connection with the statistics submitted, shows that subsidies will not arrest this decline and restore our merchant marine. He says:

The history of the growth and development of the commercial navies of the different nations of the world is an interesting study, but although it might in the course of centuries be expected to point out some important facts showing the cause of the flourishing or depressing periods in certain countries very little is deduced from such inquiry beyond the fact that the "price rules the trade."

A people must, of course, possess enterprise and a maritime spirit to succeed on the ocean. * * * The nation that can place the cheapest ships on the ocean has an advantage.

In our early history as a nation, before iron ships came into use, we could build a ship for less money than it could be built for in England. The timber of our forests was then so abundant as to be almost valueless, while England had to import that used by her. The materials were much cheaper here, and only that the cost of labor was greater, a ship of that day could probably be put afloat for nearly one-half the cost of the same kind of vessel in Great Britain. Our young merchant marine grew up strong and healthy under the stimulus of this advantage, which continued until after the building of iron vessels had begun in England.

It was not until after iron had become cheap and the art of fashioning it into ships had become fully developed that the demand for wooden ships for the ocean trade was brought to a pause. But, although we still build the best wooden ships that are built anywhere, and can compete with the world in that particular branch, the iron vessels of Great Britain have all the time been getting cheaper, and can now be contracted for at from £9 to £10 10s per ton for a first-class sailing vessel supplied with an East India outfit. This is actually as low as a first-rate oak ship can now be built for in this country.

The arrest or decline of ship-building for foreign trade in the United States appears to have followed the prevailing prices of the cost of producing the ship in this country as compared with the cost abroad.

I am further confirmed in the opinion that the real trouble is with the carrying trade rather than with commerce, by a conversation recently had with Mr. Ripley, one of the managing directors of the Brazil steamship line, and who has been in Washington several months past looking after the interests of this corporation. He says frankly that they now have more commerce than ships, and that they are unable to transport all the commerce that is offered, but the line declines to construct or purchase other vessels because of their inability, as claimed, to compete with foreign subsidized lines.

DO THEY NEED IT?

This line and the other ocean corporations therefore ask the Government to give them $800,000 annually to enable them to meet this foreign competition. In other words, they ask the Government to make an annual investment of $800,000 for a term of three to five years in a business that is claimed to be unprofitable. In this view of the case it becomes us to ascertain whether or not it is true that these companies are unable to compete with foreign ocean carriers. Let us therefore ascertain by a comparative examination of the American and foreign merchant marine the net income on the capital invested. I find in a recent discussion a statement made by a distinguished Republican Senator in another body, in which he says:

The best statisticians inform us that for the amount of capital employed in the carrying trade Great Britain does not receive 1 per cent. per annum upon the capital invested.

The Pacific Mail Steamship Company, the largest beneficiary under this amendment, according to the Commercial and Financial Chronicle, realized, in 1881–'82, a gross income of $4,124,713; in 1882–'83, $4,102,764; in 1883–'84, $4,787,899.

The net income of this corporation for these years respectively was $901,677, $912,257, and $1,393,480—5 per cent. on capital invested. England's ship-owners, therefore, realize 1 per cent. on their capital, while the Pacific Mail Steamship Company realized 5 per cent. per annum for the years named, and last year, upon a capital of $20,000,000, they realized 8 per cent.—certainly a handsome return upon the investment.

Mr. ADAMS, of New York. No matter what they received; they earned it. This Government did not give them anything.

Mr. DOCKERY. Very well. I am not questioning that they earned it, but if they earned 5 per cent. or 8 per cent., as they did, last year, I do not want them to come here and ask the Government to pay them tribute when the English companies with whom they compete earn only 1 per cent.

Mr. BURROWS. Why not ask how much the railroads receive.

Mr. DOCKERY. Because the question of railway transportation and rates is not now under consideration. Whenever that question is presented for discussion, my friend will find me always trying to carry out the good old Democratic doctrine of "the greatest good to the greatest number," and if those corporations stand in the way of the practical exemplification of that doctrine, I shall be found voting against them.

Mr. FELTON. The gentleman talks about what the Pacific Mail Steamship Company made last year. I want to call his attention to the fact that they did not make it out of their ocean commerce, but out of the railroads.

Mr. DOCKERY. I thank the gentleman from California for the suggestion, because it calls to my attention the pooling arrangement which exists between the Union and Central Pacific Railroads and this steamship company, by which they mutually agree to keep up freight rates, and in consideration of which the railroad companies make a monthly payment to this steamship company of $95,000.

The Pacific Mail Steamship Company, that thus exacts this tribute from my people, would be, under this amendment, the chief beneficiary.

Mr. ZACH. TAYLOR. Will the gentleman yield for a question?

Mr. DOCKERY. In just a moment.

It was claimed during the debate in the Forty-eighth Congress on this question that the stock of the Pacific Mail Steamship Company was owned by seven hundred different persons. Not having access to the stock-book of that company, of course I have no means of knowing just who are the holders of its stock, but I find by reference to Poor's Railroad Manual that the names of the directors of this company elected on May 27, 1885, were Jay Gould, Sidney Dillon, Russell Sage, C. P. Huntington, Henry Hart, J. B. Houston, William Remsen, J. W. Shaw, of New York, and other gentlemen who are known to this House and to the country as millionaires.

These, Mr. Chairman, are the directors of the corporation that is most active in pressing for this subsidy.

I submit herewith a table compiled in the office of the Superintendent of Foreign Mails, showing the service rendered by this company to the Government during the last fiscal year, the amount received for such service, and the increased amount that will be realized by the corporation should this amendment become a law.

Table showing the amount the Pacific Mail Steamship Company would realize out of the $800,000 *subsidy.*

Service.	Miles traveled.	Compensation at subsidy rates.
San Francisco to Japan and China	219,240	$109,620
San Francisco to Hawaii and Australia	169,150	84,575
New York to Colon	152.456	76,228
San Francisco to Panama	163,550	81,775
Total	704,396	352,198

Pacific Mail Steamship Company received for same service, fiscal year ended June 30, 1885.

Japan and China service	$3,506 64
Hawaiian and Australian service	13,565 29
Colon service	7,579 22
Panama service	1,238 44
Total	25,889 59

Number of pounds of mail carried by Pacific Mail Steamship Company for the year ended June 30, 1885.

Japan and China service	37,584
Hawaiian and Australian service	97,374
Colon service	110,169
Panama service	14,330
Total	259,457

Average paid per pound.

Service.	Amount per pound.	Subsidy rate.	Sea and inland postage.
Japan and China	$0 09.3	$2 91.6	$0 26.9
Hawaiian and Australian	13.9	86.8	42.2
Colon	6.8	69.1	17.8
Panama	8.6	5 70.6	24.4
Average	9.6	2 54.5	27.8

Increased annual compensation to Pacific Mail Steamship Company under this amendment, $326,308.41.

A glance at the table reveals the fact that of the $800,000 proposed to be given as a donation to these steamship companies the Pacific Mail Steamship Company will receive $352,198, nearly one-half of the entire amount. In other words, to state it so that the House may be fully advised, should this amendment become a law the Pacific Mail Steamship Company will realize an increased annual compensation of $326,308.41.

Now, will the gentleman from Pennsylvania [Mr. BINGHAM], who is to follow me, deny the fact that I have just stated? If so, I pause to give him the opportunity here and now.

Sir, I do not believe that this House is yet ready to make such a gift of the public money to a corporation that in the Forty-second Congress debauched some of the people's representatives and fixed on them the ineffaceable stain of corruption, that "great Neptunes Ocean" can not wash away, or the oblivion of time wipe from the "table of memory." [Applause.]

NO COMPETITION.

Mr. Chairman, I urge as a further objection to this measure the fact that the advertisement provided for can not give the Government the benefit of competition except on two lines, the line from San Francisco to the East and the line from New York to Havana. There is but one American line on all the other routes, and therefore, while the bill would seem to offer the Government the advantage which it ordinarily has where competition is invited, it does not in fact do so. All the probabilities indicate that the maximum rate authorized by this bill will be secured by these ocean steamship corporations if this amendment becomes a law.

I discussed at length this phase of the question when the Post-Office appropriation bill was before this body for consideration, and therefore will not at this time tax the patience of the House in its further presentation.

VIOLATES TREATY.

Again, Mr. Chairman, there is a further reason why this measure should not be adopted. The provision of this amendment which authorizes a "rate of compensation, not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points," is in direct violation of the international postal treaty of Berne, which went into effect June 30, 1874, and to which the United States was a party. This treaty provides in express terms that the "expense of transit of mails shall be borne by the administration of the country of origin." Therefore this amendment, which authorizes compensation on return voyages, nullifies and sets at naught this stipulation of the Universal Postal Union. The United States is only bound for and can only properly compensate steamships for the transportation of mails on the outward voyage. The effect of this amendment will be to give the steamers double pay for the return trip.

The 50 cents mileage on the return trip is a gift beyond any sort of controversy, because the ship can not possibly have, under this treaty, any mail on board for the transportation of which the United States is bound either in law or equity.

The Postmaster-General, in a communication of the 17th instant, makes the following statement:

IV. The clause which has just been mentioned also contains another peculiar feature. It requires the Department to procure and pay for the transportation of mails from the several foreign countries to the United States. The Postal Union convention, of which all of the countries except those in Australia are members, requires every government to provide only for the dispatch from its own shores of the foreign mails. This act proposes that the United States, in violation of the treaty obligation, shall assume the performance of the duty of these governments in regard to sending their own mails.

Most of the companies which would be beneficiaries of this amendment now receive from those governments liberal payments for the carriage of the mails, which the amendment would require the United States to provide for.

A DISCARDED POLICY.

Mr. Chairman, my attention has just been called to the following editorial in the New York Tribune of the 18th instant:

The Tribune says:

Unhappily the Democrats have shown a decided unwillingness to change their past course on public questions of this kind. While they have followed the Republicans on various matters, they still persist in playing into the hands of England and other nations on this question of foreign commerce. The steady decline in the number of ships carrying the American flag, and the increase at our expense of the commerce of other nations, has opened the eyes of some few Democrats; but the party leaders are not yet willing to admit that they have blundered on this matter.

This is not the first time that I have heard the intimation that the Democratic party on some questions was not progressive, and that sometimes we tented on Republican camping ground as late as four years after that party had moved forward. Possibly this criticism may apply with force and effect on some few questions, but I invoke it now in behalf of my own party. Instead of the Democrats showing a "decided unwillingness to change their past course on public questions of this kind," the truth is just the reverse. They are indisposed to reinaugurate a policy which they discarded some twenty-eight years ago, and as a result of experience.

It therefore appears to me, Mr. Chairman, that the Republican party is now camping upon the ground we abandoned before the war. [Laughter and applause.]

Mr. BROWN, of Pennsylvania. You did some things right before the war.

Mr. DOCKERY. Nobody questions that.

Mr. ADAMS, of New York. Will the gentleman state how much money we pay for freights?

Mr. DOCKERY. I do not quite catch the drift of the gentleman's question. The gentleman can state the amount.

Mr. ADAMS, of New York. We pay about $154,000,000—more money than six New England States pay to all their laborers in all the protected manufacturing industries.

Mr. DOCKERY. What has that to do with this question?

Mr. ADAMS, of New York. It has a great deal to do with the question whether we will get back our commerce or not.

Mr. DOCKERY. The commerce is all right. The trouble is that it is carried in foreign bottoms.

Mr. ADAMS, of New York. Precisely so.

Mr. DOCKERY. Why is it carried in foreign bottoms?

Mr. ADAMS, of New York. Oh, we all know that.

Mr. DOCKERY. If you do, I would like to have you answer the question. But I will tell you. It is because they carry it cheaper than we do.

Mr. ADAMS, of New York. Precisely.

Mr. DOCKERY. Some of our Republican friends seem to think that the Democratic party is "lagging behind" and neglectful of our shipping interests. Sir, the merchant marine was fostered and encouraged by the Democratic party when in power, and it was that party that passed the first law which gave the preference to American steamships in the transportation of foreign mails.

Section 5 of the act of June 14, 1858, passed by a Democratic Congress and approved by a Democratic President, is in the following terms:

The Postmaster-General may cause mail to be transported between the United States and foreign ports by steamship for the sea and United States inland postage, and sea postage only if by a foreign vessel, preference to be given American vessels.

When we relinquished control of the National Government we left this section upon the statute-book. It remained in force until April 17, 1862, when it was repealed by a Republican Congress.

In the revision of the United States Statutes made in 1873 it was again enacted, and is now a part of section 4009 of the present revision.

During the last seven years of Republican control, and after Congress abandoned the subsidy policy as a result of the Pacific Mail exposures and scandal in the Forty-second Congress, this law, so far as it relates to compensation to American steamers, remained upon the statute-book without being enforced, except on two lines.

The Republican administrations, with the full authority to pay sea and inland postage to American vessels, only tendered and paid this amount to a line that had a brief existence from Philadelphia to Liverpool, and to the line running from New York to Brazil. Save and except on these two lines the Republican party refused to pay sea and inland postage to American vessels for the seven years succeeding the discontinuance of the subsidy policy. I submit, Mr. Chairman, in view of this record, whether criticism does not come with ill grace from the leaders of that party?

CONCLUSION.

Mr. Chairman, in conclusion permit me to appeal to the members of this House to reject the pernicious principle of subsidy.

Mr. ADAMS, of New York. I do not see any subsidy in it.

Mr. DOCKERY. I care not what gentlemen call it. I maintain that it is a proposition to give from the public Treasury the sum of $800,000 to private corporations.

Mr. Chairman, as I was about to say, subsidy taxes the many for the benefit of the few, and makes the business it seeks to aid selfish, grasping, and dependent, rather than hardy, self-reliant, and generous. It enervates and discourages, rather than stimulates to the exploration of new fields of enterprise.

Sir, this principle is at variance with our institutions and antagonizes the fundamental ideas upon which is founded our wise and beneficent system of government. Our fathers, driven from the Old World by the exactions and oppressions of favored classes, sought to establish here a government which should recognize the just rights of men and exemplify the doctrine of "equal and exact justice to all, and exclusive privileges to none." This doctrine was proclaimed by the hardy pioneers of the New World, who adopted as the corner-stone of the edifice they sought to erect the principle of "the greatest good to the greatest number."

Sir, this is not an auspicious time for the adoption of any measure increasing the already weighty burdens of taxation. Labor is discontented and capital hesitates to make new ventures because of so much unrest among the people. Eschewing subsidies, which only build up great monopolies of corporate wealth, let us without party distinction stand together in the effort to restore to the nation the maritime strength which made her once the rival of the proud mistress of the seas. [Applause on the Democratic side.]

Mr. HISCOCK. Will the gentleman yield to me a moment that I may make a statement in reference to the Brazilian line which has been referred to?

Mr. DOCKERY. I have promised to yield all my time; otherwise I would be glad to accommodate the gentleman.

Mr. HISCOCK. I ask the gentleman from Pennsylvania [Mr. BINGHAM] to yield me a moment.

Mr. BINGHAM. I will do so.

Mr. HISCOCK. I desire to refer to a dispatch which I have received from New York, giving some facts in regard to this Brazilian line. It states:

In 1877 no steamers; in 1878, tramp once in three months. Old American line began May, 1878; stopped May, 1881. Occasional chartered tramps up to starting of our line, January, 1883.

This dispatch confirms the statement I made in regard to the Brazilian line; and I will say to the gentleman from Missouri [Mr. DOCKERY] that he will find all my statements equally correct.

Mr. BINGHAM addressed the committee. He withholds his remarks for revision, and they will be published hereafter. [See Appendix.]

Mr. SPRINGER. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] yielded me the remainder of his time.

The House passed several weeks ago the bill making appropriation for the postal service for the ensuing fiscal year. As passed by the House the bill made appropriation sufficient to pay for the foreign mail service at the rate of sea postage to vessels of foreign register and sea and inland postage to vessels of American register. At these rates during the last fiscal year we paid foreign vessels for carrying our mails about $280,000, and American vessels about $46,000. These amounts, with perhaps some increase for growing service, would be required for the next fiscal year, and were appropriated in the bill as it passed the House. But the Senate, notwithstanding the rules of that body prohibit legislation on appropriation bills, placed upon this bill the following amendment:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than three years nor more than five years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points, in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth. And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from such places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

This amendment, if agreed to by the House, will increase the compensation for the service covered by it about $750,000 above the amount of the sea and inland postage, and to that extent is a gratuity, a subsidy. For it is not disputed that the sea and inland postage is ample compensation for the service actually rendered as compared with like service—express and package service—rendered for private individuals. It is not pretended that the actual service for the mail transported can not be performed for that amount. But the avowed object is to make such liberal compensation as will encourage American commerce with foreign countries.

Mr. Chairman, on yesterday I listened with interest to the remarks of the gentleman from Michigan [Mr. BURROWS], who presented a very able and carefully prepared argument in support of the pending amendment. This argument seemed to be that we were not paying for the foreign mail service in our American ships a sufficient compensation for the services actually rendered. In order to prove the statement he cited numerous instances where the coastwise service was paid a much greater sum, if mileage is to be considered as the basis of rating, than the amount paid to the foreign service. He also cited several instances to show that the trade of other governments was being taken from this country by steamship lines running between Germany and those countries and between England and the countries mentioned, while our own trade was falling off, for the reason, I presume (for that was the object of the statement), that the Government of the United States did not pay subsidies, while they did. One illustration he made was that Germany sold sewing-machines in 1882 to South America to the value of $109,000, while the United States for the same year only sold machines to the value of $7,000.

Now, if there is any conclusion to be drawn from these premises it would be that we ought to pay a subsidy to our ships in order to enable our people to sell more sewing-machines, or at least as many, as Germany does; but the gentleman failed to state that Germany, during the time he selected for his illustration, the time that this trade was being carried on, did not pay her ships any subsidy at all for carrying the mails to that portion of South America. So that argument falls to the ground. She was not paying a subsidy at that time for mail service to that country when the sewing-machines were sold, and hence the argument is good for nothing. It does not fit the case, and has no applicability whatever.

Now, the other argument was that because we had to pay for certain coastwise service a larger amount per mile than for our foreign service, therefore the foreign service did not get enough. It may be possible that the coastwise service is too liberally paid; but however that may be, the measure of compensation does not depend upon the distance or the number of miles that a steamship runs. The measure of compensation for carrying our mails, it seems to me, ought to be what it is worth to carry that much weight of other matter of like quality. Should the United States pay more for sending newspapers and letters to foreign countries than the amount paid by individuals for the transportation of express packages of equal weight and of equally valuable matter?

The payment should be the same for a like service, to be determined by like space and like value; and upon what ground, therefore, does the steamship company carrying the American flag demand a greater compensation from the Government than it charges a private individual for like service? I ask on what ground? Is it because that vessel carries the American flag for its protection, a flag that will call forth every man and every dollar in this country to protect it in all parts of the world if it should be assailed? Is it for that reason we should pay a higher price for such service than is paid by the individual citizen for the similar service? Why, Mr. Chairman, if there is any obligation created by these facts, it must be apparent that it is on the side of the steamship companies.

This House, at a time when the fact was known to but few, repealed that general law which required every vessel carrying the American flag to transport our mails at the rate then fixed; that is to say, the sea and inland postage. I was a member of the House when that was done, and am somewhat careful as to what is being transacted here, but I do not know when that provision was repealed. I have heard some of the oldest members on this floor express the same want of knowledge on the subject—members like my distinguished friend from Indiana [Mr. HOLMAN] who sits before me. He did not know the hour or the moment when that act was repealed by this House.

Mr. BLOUNT. It was never considered by the House or the Senate; it was cooked up in the conference committee.

Mr. SPRINGER. It was enacted through the instrumentality of a conference committee, and the House did not know what was being done when that act was repealed. Now, it is my opinion that an American steamship that carries the flag of our country, and gets the protection which that fact implies, ought to be compelled to carry the mails of the people of this country at a reasonable rate.

But these steamship companies, which carry the flag of our country and demand the protection of our Government wherever they go, refused to carry the people's mails after the 1st day of August last for even a greater compensation than they are paid for like service by private individuals. Let me call the attention of the committee to one of these great corporations. The Pacific Mail Steamship Company, of New York, has a capital—much of it watered stock, I presume—of $20,000,000. Last year its net earnings were 8 per cent. on this capital. That steamship company, carrying our flag and demanding all the resources of our Government to protect its ships in whatever waters they may sail, refused to carry the people's mails. It went even further than this. It not only refused to carry our mails, but it prevented the Atlas Steamship Company also from carrying them. Mr. Bell, the Superintendent of Foreign Mails, thus refers to this boycotting operation on the part of the Pacific Mail Company:

Arrangements were made with the Atlas Steamship Company to convey the mails for the Isthmus and Central and South America from New York to Colon twice a month from August 1, but before its first sailing in August the company notified this Department through the postmaster of New York that it was under an arrangement with the Pacific Mail line not to carry passengers or freight from New York to Colon (Aspinwall), and that, as the Pacific Mail had given notice that it would consider the conveyance of mails by Atlas vessels as a violation of the agreement not to carry freight or passengers, the company preferred not to convey the mails to Colon. As the Pacific Mail and the Atlas Steamship Company are the only steamship lines sailing from New York for the Isthmus direct, no direct route for forwarding the mails for and via the Isthmus was available by this Department, and consequently, by agreement with the Jamaica office, it was arranged to send the mails in question from New York to Jamaica five times a month for dispatch thence to Colon by steamers sailing from Kingston for Colon not more than one or two days later than if sent from New York to Colon direct, provided close connection be made at Kingston with the outgoing steamer for Colon. The mails sent by this route include those for Colon, Panama, and for Central and South America, destinations requiring transit across the Isthmus of Panama. (Report of Postmaster-General, 1885, page 827.)

There might be some excuse for this extraordinary conduct on the part of the Pacific Mail Company if the compensation tendered by the Postmaster-General had been inadequate. But it was ample. Upon this point I prefer to let the Postmaster-General state the facts. I read from his late report, pages 41 and 42:

The general conclusion seems sustained by the facts that, except special circumstances should require a greater, the rate of sea postage is remunerative for the service of carrying the mails.

The statute authorizes the entire sea and inland postage to be paid to American steamships, although but sea postage may be allowed to foreign vessels—a proof of the legislative judgment that the latter rate is sufficiently remunerative to command the service, as the fact is.

This statute appeared to afford power to make abundant compensation for all the service necessary until the next session of the Congress.

The accompanying tables, prepared in the foreign mails office, show that this would have yielded to the following American companies, on the basis of last year's business, respectively:

To the Pacific Mail Steamship Company, on its New York and Colon line, $19,275.82, as against $7,501.78 at sea postage, and $7,679 at its parcels-dispatch rates, and $411.40 at its freight rates, for nearly 55 tons of total mail; an average of $507.26

per trip for 288 pounds of matter, which it would have carried for $10.82 at freight rates, and $202.09 at parcels-dispatch rates.

On its San Francisco and Panama line, $3,496.18 for about 7 tons, against $1,238.44 at sea postage, $71.69 at freight, and $1,002.55 at parcels-dispatch rates.

The Government was paying on that line $3,496 for the same service for which it charged individuals $1,000—upon the same kind of parcels—express packages and other valuable matter:

On its San Francisco and Yokohama line, $10,125.80 for less than 19 tons, against $3,506.64 at sea postage, $226.34 at freight rates, and $3,758.40 at parcels-dispatch rates.

So it is upon all these lines. The report continues:

On its Australian line, $41,018.65 for about 48 tons, against $13,565.29 at the special rates paid heretofore, $762.93 at freight rates, and $9,537.40 at parcels-dispatch rates; an average per trip of $3,155.28 for 7,336 pounds, nearly fifty-four times its freight rates, over four times its parcels-dispatch prices, and a better average price per trip than the average paid across the Atlantic by $2,505.92.

To the Venezuelan Red D line, $3,942.86 for about 8 tons of mail, against $1,392.95 at sea postage, $58.34 at its freight rates, and $1,155.01 at its parcels-dispatch rates.

To the New York and Cuba line, $5,203.48 for about 12 tons, against $2,271.94 at sea postage, $61.63 at freight rates, and $1,548.17 at its parcels-dispatch rates.

To the New York, Havana and Mexican line, $11,932.11 for about 25 tons, against $4,134.13 at sea postage, $129.17 at freight rates, and $3,229.33 at parcels-dispatch rates.

These facts seem to prove that the total sea and inland postage is an abundant recompense for the proposed service; and, without further recapitulation, reference to the tables will show the amounts to the other lines a proportionate compensation. If this be correct judgment, no more could be rightfully expended of the appropriation unless other objects were to be sought than the care of the postal service.

It thus appears that the American mail steamship companies received three times as much for carrying the American mails on their lines as was charged private individuals for like service. We paid to the American and foreign ships for carrying our mails last year $331,000. Gentlemen on the other side of the House now come forward and ask us to pay $800,000 for the service on American ships alone. As before stated, the total amount of the sea and inland postage to which the American vessels were entitled during the last year was less than $50,000. During the present fiscal year, except in a few cases, our mails are being carried for the sea postage only, and they are carried as expeditiously as they have been heretofore, which proves that our Postmaster-General can secure the speedy dispatch of American mails for the sea postage only. And yet gentlemen on the other side of the House demand that we shall pay $800,000 a year for that service, more than we are now paying. Upon what is this demand based? The claim is that it is for the purpose of aiding American commerce and of building up our American merchant marine. I want to call the attention of the gentlemen to the fact that the company that is to receive the greater portion of this large subsidy—for that is what it is——

Mr. BINGHAM. It will receive $160,000.

Mr. SPRINGER. It will receive that amount if the Senate amendment is reduced to $400,000. But if the Senate amendment is agreed to it will receive $320,000. That company, that is to receive $160,000 or $320,000, as the case may be, of the sum appropriated in this Senate amendment, by their last annual report showed net earnings of over 8 per cent. upon their twenty millions of capital stock, and declared a dividend of over 5 per cent., and they had a cash balance of nearly half a million dollars in their treasury.

Mr. BINGHAM. They have lost a steamer since then.

Mr. SPRINGER. My friend from Pennsylvania says they have lost a steamer since then. I presume, if they were good business men, they had the steamer well insured and are whole on that transaction. Then, having lost their steamship and got insurance money, I suggest they build another steamship and put it in the service and carry the mails at reasonable rates.

Mr. BINGHAM. I understand they carry their own insurance; they insure themselves.

Mr. SPRINGER. Then they charge a certain rate for the purpose of securing their own insurance, which amounts to the same thing. If they can make it more profitable to insure their own vessels than to patronize insurance companies, then they make an additional profit on their business. So you can take either horn of the dilemma, and you will find the company is doing well all the time, as they tell us in their advertisements and as was stated in their last annual report for the year ending April 30, 1885. Let me read from the published report of the Pacific Mail Steamship Company:

Herewith annexed you will find statement of the business of the company for the past year, which is unusually satisfactory as showing net earnings of over 8 per cent. for the year, with a business outlook for the future that promises better than at any period of our history for the last ten years. On the 31st of December last the company paid off the entire amount of its indebtedness to the Panama Railroad Company, and the earnings since that time have sufficed to continue dividends at the rate of 5 per cent., leaving the company at the present time with a cash balance of nearly half a million of dollars.

I read from the report of Mr. J. B. Houston, president of the company, and addressed to its stockholders, for the year ending April 30, 1885.

This prosperous company, having an unusual run of business for the past year and with the brightest prospects for the future, comes before this House and asks us to subsidize it by giving it a bonus for carrying the mails of the United States. As my friend from Missouri [Mr. DOCKERY] intimated, the directors and principal stockholders of this company are not of that class of our citizens who are entitled to subsidies or Government aid.

The names of the directors of that company show that they are all able to support themselves and take care of their private business without subsidies from Congress. If gentlemen will turn to Poor's Railroad Manual they will see that the directors elected on May 27, 1885, were Jay Gould, Sidney Dillon, Russell Sage, C. P. Huntington, Henry Hart, J. B. Houston, William Remsen, J. W. Shaw of New York, and other gentlemen who have ample means and do not need subsidies from the Government in order to make their business profitable. The company is already paying 8 per cent. upon a largely augmented and watered stock. Their balance-sheet shows that the vessels they have and the real estate they own have cost only $12,500,000, and upon that actual value of $12,500,000 they declared net earnings last year amounting to nearly $2,000,000.

But nothing seems to satisfy steamship companies any more than other corporations. Their cry is continually for more, and the American Congress, the representatives of the American people, are asked to give them this large bonus of $800,000, when the Postmaster-General informs us that he can secure the same service by paying the amount of the sea and inland postage, which for the last fiscal year was less than $50,000. He is procuring the service for this year for less than that amount. The adoption of the Senate amendment will not secure greater efficiency in the foreign-mail service. It will only increase the cost but will not improve the service, nor will it benefit American commerce.

The report of Mr. Bell, the Superintendent of the Foreign Mail Service, demonstrates conclusively that we can secure a better and more expeditious foreign-mail service under the system adopted by the present Postmaster-General than under the contract system proposed in the Senate amendment. There is but one line of American steamships running between this country and Europe—that between Philadelphia and Liverpool. Under the rate of sea and inland postage we pay that company $1,416 a year. If $400,000 even are voted for the American lines on the basis proposed in the Senate amendment, that company would receive $25,000 a year for the same service. If that company is now carrying our mails on the days its ships sail for $1,400 a year why should we pay it $25,000? Perhaps some gentleman on the other side of the House will be able to explain. I can not see it.

Mr. Chairman, gentlemen who favor this Senate amendment tell us that it does not carry a subsidy. At the same time they tell us we should agree to the amendment and make this large appropriation in order to aid in building up our foreign commerce. Unless it is a subsidy, what aid can it give to commerce? If the amount to be voted is the actual cost of the service, how is American commerce benefited? We are now making appropriations for the postal service of this country, and not dealing with foreign commerce. If gentlemen desire to vote subsidies for that purpose let them bring in a bill for that purpose, that we may know exactly what is intended.

If time would admit I could demonstrate conclusively, I think, that our foreign commerce can not be restored by giving subsidies to ships. If we ever expect to get our share of the commerce of the world we must permit trade with other nations. If we expect other nations to buy from us we must permit them to sell to us. Our tariff laws impose duties on imports from foreign countries to the amount of 40 per cent. When we open our ports to the commerce of other nations theirs will be opened to us upon a profitable basis of mutual exchanges. But I have no time to elaborate this proposition during this debate.

I hope this Senate amendment will be voted down, and that our Postmaster-General may be permitted to secure the carrying of our mails as is now being done. He is entitled to the thanks of the country for the course he has pursued already, and this House should sustain him. He does not want this Senate appropriation, and we ought not to force it upon him.

[Here the hammer fell.]

Mr. BURROWS. Mr. Chairman, I now yield fifteen minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Chairman, after one year's consideration, I see no reason why I should take now a different position than was taken by me during the last Congress upon a like measure. With many other Democrats, I voted for the $400,000 amendment in the appropriation bill of the Forty-eighth Congress, and I want to say to my friend from Missouri [Mr. DOCKERY] that the vote in the Forty-eighth Congress upon the $400,000 amendment was a vote not given under pressure, or under any influence other than the enlightened conviction of the men who voted for the amendment, that it was in the line of wise statesmanship. It was the expression, sir, of men who fearlessly represented their constituencies on this floor, and who could not be deterred by the hackneyed cries of fraud and subsidies so ingeniously and persistently iterated by its opponents.

This proposition, as I understand it—and I think we all have a very clear apprehension of it now—is simply to place in the hands of the Postmaster-General the sum of $800,000 with which he may pay a liberal, or it should be said rather a fair, compensation to American-built steamships for carrying our mails to foreign countries. I do not believe, sir, that any patriot can look upon that map in front of the

Speaker's desk, on which are marked the routes of the different steamship lines, and not feel his cheeks suffused with the blush of shame. Not a single line of American steamships is there on the western coast of South America, while the ocean is literally ribbed with the tracks of European steamers that are reaping her rich harvests, and we sit supinely by at the mercy of other nations. Why is this so? Their lines plow the intervening oceans from one end to the other. From Europe to the Western continent (which heretofore has been considered ours) you find line after line of European ships, but no American. How have those lines been established? I assert, sir, without fear of contradiction, that they have been established largely if not entirely by subsidies or by the payment of liberal compensation for mail service. The gentleman from Georgia [Mr. BLOUNT] has furnished to this House a table which I desire to insert here:

Subsidies paid to steamship companies during 1884.

[From General Statistics of the Postal Service, published by the International Bureau, Berne, 1886, page 15.]

Argentine Republic	$6,229 07
Austria	43,106 55
Belgium	134,793 32
Brazil	2,223,958 10
Denmark	32,469 54
France	5,152,388 98
Great Britain	3,006,766 67
British India	350,724 42
Japan	241,250 00
Netherlands	101,975 60
Portugal	23,964 61
Roumania	984 87
British Honduras (British colony)	23,320 67
Hong-Kong (British colony)	31,314 82
Danish Antilles (Danish colony)	2,895 00
Cochin China (French colony)	202,044 00
Guadalupe (French colony)	22,204 07
Martinique (French colony)	2,123 00
St. Pierre and Miquelon (French colony)	10,072 67
Senegal (French colony)	11,042 68
Netherlands East Indies (Netherlands colony)	29,635 15
Cape Verde Islands (Portuguese colony)	7,854 43
	11,661,118 22

It shows a long list of the nations that have built up their mercantile marine by compensation for mail service or by subsidy, and gives the amount expended by each during 1884. Among them I find that even so small a country as Roumania—Roumania, struggling for existence—appropriates $984.87 for this purpose, while the other countries named in the list expend various amounts, increasing in rapid ratio until you come to France, which appropriates $5,152,388.98 to build up her merchant marine.

Those foreign lines, established originally by liberal compensation for the carriage of the mails or by direct subsidy, are the very lines that are now receiving from the American people $280,000 for carrying our foreign mails, while our own lines receive but $46,000. I think my friend from Missouri [Mr. DOCKERY] will admit all our American steamship lines were built up originally and sustained by the liberal policy of the Government from 1866 to 1877.

The American lines are now asked to compete unaided with the foreign lines still sustained in the manner I have stated by their respective governments, while we have not only ceased to aid our own, but have thrown every embarrassment in their way. Sir, we would not to-day have a line of steamers to any foreign country to carry our mails were it not for the fact that the Government at one time recognized the necessities of the case and gave them liberal aid. The gentleman from Missouri [Mr. DOCKERY] says that our commerce was not increased during the period of such Government aid, from 1866 to 1877. I admit that in the aggregate tonnage was not increased; but the gentleman overlooked one very material factor; he overlooked the fact that from 1866 to 1877 while there was no marked increase of tonnage there was that marvelous transition from sail to steam tonnage, from the wooden clipper to the iron and steel steamer, which multiplied the carrying capacity of vessels and made our commercial marine equal to at least one-third or one-half more ships. But, sir, he forgets that we owe even the shadow of a merchant marine on the ocean to the bounteous aid of the Government which is so strongly condemned. If it had not been that the liberal hand of the Government was stretched out from 1866 to 1877 there would not have been an American line of steamships any where to which we could have even offered liberal compensation to-day.

Mr. Chairman, I am free to say that if this proposition were presented to us in the form of a bold and naked subsidy—if it were a proposition that Congress should give to the respective lines the amount of money named in this amendment for the purpose of building up or helping to build up the American marine, I would vote for it, if such result could be obtained in no other way. In the last Congress we endeavored to remove some of the restrictions upon our American merchant marine; and under the Dingley bill a number of them were removed. It is now proposed to give an impetus in another direction—not to give a subsidy (it can not properly come under that term), not to give excessive compensation for carrying the mails, but to give only such compensation as you are giving to your coastwise steamers and your railroads.

The men who oppose this appropriation of $800,000 for this purpose are in this very bill voting away millions of dollars to the railroads owned by these bugbears, whom some of my friends here scarcely dare to mention except with bated breath—Jay Gould, Russell Sage, Dillon, and Huntington. You are appropriating millions of dollars for carrying the mails upon the railroads owned by the great corporations which these men control. But because, forsooth, they may get some of the money proposed to be paid under this amendment for building up the American merchant marine, this House is invoked with spasms of terror not to vote for the amendment lest Jay Gould and Russell Sage and Dillon and Huntington may receive some part of the amount. If there be force in such an argument then we should cut off the appropriation to the railroads.

But, sir, if you measure the compensation proposed to be given to these different steamship lines by the amount now paid to many of these railroads, by the amount now given for star-route service, by the amount given to your coastwise steamers and your steamboats plying up and down your rivers, the compensation here proposed is but a bagatelle. It is much less than is given on many of these routes.

Mr. BLOUNT. Will the gentleman allow me a question?

Mr. LORE. Certainly.

Mr BLOUNT. I wish to inquire of the gentleman which line of steamers he would take as the true test of the proper compensation to be paid? The steamers engaged in the coastwise and the inland service are paid different rates, according to the particular contract; and the rates vary with almost every line. Which would the gentleman adopt as the true test for proper compensation?

Mr. LORE. You might take the average for coastwise service or the average pay upon your railroad lines, and if you add all considerations into account, such as the character of the steamers required, the long routes, and competition of foreign subsidized lines, I submit that the amount proposed to be given here would be only fair compensation.

Take the line of steamers running from San Francisco to China and Japan, with not a stopping place from terminus to terminus. It is an American line floating the American flag. There are no intermediate stopping places from which that line can obtain business. The service is to be measured largely by the distance traveled, and the compensation should be the value of the work done in running five or six thousand miles without any stopping places. Now take many of the routes of which the gentleman speaks. The coastwise steamers can afford in many cases to accept comparatively low rates for mail service because all along their routes there are stopping places where they can gather trade of every character, which helps to pay expenses and necessarily enables them to carry the mail at low rates.

Take your star routes. You are paying none of these for mail transportation upon the basis of the number of letters carried or the quantity of mail matter. If that were the basis, the rate would be in some cases 50 cents a letter for every letter carried. You can fix no general and universal rule of compensation. You must take the circumstances of each particular case. And when you do so, measuring the compensation by the methods I suggest, I submit to my friend from Georgia the compensation proposed to be given under this amendment is not equal to that allowed either upon the star routes, the coastwise routes, or upon many of the railroad routes.

But there is another consideration. I believe not only that the compensation here proposed is just and proper, no subsidy, simply fair compensation for the work to be done, but the very lines which it is proposed by fair mail compensation to help are the lines which to-day connect us with the central and southern portions of our continent. There are fifty million people in Mexico, Central and South America who are to-day, with outstretched arms, asking us to come and take their commerce. That commerce amounts to $820,000,000. It is a harvest so rich that the countries of Europe vie with each other in the ambitious effort to secure its wealth; England, France, Germany, Italy, Norway, are gathering from South American soil the bounty that rightfully is our heritage.

They send out their swift steamers, liberally subsidized, to these inviting lands, while we sit idly by the great ocean highway, and through the mouths of unwise economists periodically and spasmodically cry out "subsidy," "fraud," and turn over again to our sluggish sleep.

How much of that $820,000,000 of Mexican, Central and South American commerce lying at our feet is carried in American vessels? About 10 per cent. The residue is carried by lines of European steamers, which have been established by subsidies in the way of liberal compensation for carrying the mails. When asked to take, not speculation, but the experience of the nations of the earth as our guide, in order that we may accomplish like results, that is, cover the seas once more with American-built, American manned and registered vessels, to extend our trade abroad, increase our commerce, and enhance our wealth, the corruption of the dead past is conjured up as an insuperable barrier and the abuse of a wise system instanced as the rule.

It has been said that we can have our foreign mails carried in foreign bottoms cheaper than by American steamships. Yes, to our shame, to-day they are carried in foreign bottoms; they are carried by foreign steamship lines, which have been built up and strengthened by the system of subsidies adopted in competing countries, and with the mails they are carrying all but about 17 per cent. of the $1,300,000,000 com-

merce of the United States with foreign countries. The United States is paying $140,000,000 in freight to foreign steamers, and unwisely refuses to grant fair compensation to our own steamships that are struggling unaided to win back their lost carrying trade. We are paying millions for tribute, refuse thousands for independence. Shall we allow the great commerce of this south country also to fall like a ripe apple into the laps of England, Norway, Germany, and France, whose "tramp" steamers to-day are to be found in every one of our harbors, flaunting their banners defiantly in our faces? If so, take down the American flag from every masthead, build a Chinese wall along our 10,000 miles of seacoast, and frankly admit our commercial imbecility.

On the Delaware River only two years ago we had four fine ocean steamers, owned and run by American capitalists, from Philadelphia to Liverpool, which carried the American flag—they were the Pennsylvania, the Ohio, the Indiana, the Illinois—competing as passenger carriers with European lines. I watched them with patriotic pride as they steamed up and down that broad river, and hoped they had come to stay. The United States Government turned a cold shoulder to the enterprise. I ask my friends where they are to-day?

Mr. MCADOO. I believe they are in existence.

Mr. LORE. They are in existence, but degraded to transports; not a passenger walks their decks. Instead of carrying passengers across the ocean they have become little better than freight tramps, seeking cargoes as best they may. England always fed such children, and she has a line to every leading port in this country. We starve all such. We have not an American steamship to-day carrying passengers across the Atlantic. Two hundred and fifty thousand immigrants, great numbers of business men, and pleasure-seekers from Europe land upon our shores each year, and they came not in American but in foreign steamers; while back again hundreds of thousands pass each year, and not one is carried in vessels bearing our flag. We, as my facetious friend said the other day, have not on the Atlantic Ocean two logs fastened together with ropes, and a hoop-pole mast, bearing the American flag at the masthead [laughter] to symbolize our great maritime nation.

Then, I ask, is this Congress to be frightened by the names of Jay Gould, Russell Sage, Dillon, and Huntington? I imagine the Democratic party is not made of such stuff as to be scared in that way. It sees the possibility of rehabilitating the American merchant marine. No specters invoked from the distempered imaginations of gentlemen who fear another era of corruption should stay this work. We have a Democratic administration pledged to economy and honesty. We have a Postmaster-General in whose hands we may safely intrust the distribution of this fund. He will see to it that not one dollar is wasted. Let the experiment be tried. It is in the right direction.

[Here the hammer fell.]

Mr. BURROWS. I yield the balance of my time to the gentleman from Maine.

Mr. DINGLEY. Mr. Chairman, I desire briefly to recall the attention of the committee to the exact issue presented to us. The House has adopted a paragraph appropriating the sum of $375,000 for foreign mail service; $315,000 of this sum will be required to pay for the transportation of transatlantic mails and incidentals, and only $60,000 remains to be used in paying for the transportation of mails to the West Indies, Central America, South America, Asia, and the Australian colonies by American steamships. The Senate has amended that paragraph by adding an appropriation of $800,000 for the transportation of mails by American steamships to the various countries I have named. The gentleman from Michigan [Mr. BURROWS] has moved a proviso by way of an amendment, not to change the intention of the Senate as we learn from the discussions which took place in that body, but, on the contrary, to make clear what it is intended to accomplish by this appropriation.

It is provided that not exceeding $400,000 of this amount shall be appropriated as compensation for existing American steamship lines in carrying the American mail according to schedules heretofore in force, and that so much of the other $400,000 as may be necessary shall be used according to the discretion of the Postmaster-General in establishing new steamship lines to various ports in the countries named, and for increased frequency of service on those lines already existing.

The question involved is whether the $60,000 appropriated by the House is sufficient to give fair compensation to American steamship lines already in existence, or whether the amount shall be increased by placing at the disposal of the Postmaster-General not exceeding the sum of $400,000 as compensation for those lines, the balance to be employed in establishing new lines and increasing the frequency of their trips. Gentlemen will see from the maximum amount placed at the disposal of the Postmaster-General for all American steamship lines now existing, on the basis of the service in the past, only $400,000, that it can not be in any sense a subsidy according to the European idea, where a million of dollars or more is to be given to a single line for the purpose of establishing postal and commercial connections.

But here is only $400,000 to be placed at the disposal of the Postmaster-General for the whole of the twelve existing American lines of steamships, not exceeding that amount, and as much less as he can procure contracts with them for this service.

It seems to me the practical question for us, as reasonable business men, is whether or not $60,000 is a reasonable and decent compensation for the existing lines of American steamships for the services which they have been accustomed to perform, or whether, on the other hand, that amount, which is to be placed in the hands of the Postmaster-General for securing the service should not be $400,000; and further, whether it is not wise to place in his hands $400,000 additional for the purpose of establishing new lines of American steamships and increasing the frequency of the service to the ports of South America and Central America, and the other countries mentioned in this amendment where we have not already postal and commercial communication.

There has been a great deal of declamation here with reference to this proposition, I take it not intended for gentlemen who are members of this House, but for effect outside; because it can not be possible that such gentlemen as I see before me, and whom I know to be intelligent and usually reasonable and candid, should stand up in this House and declaim about the wickedness of the "immense expenditure" proposed in the way of a subsidy to be given to American steamship lines.

I want to call the attention of the committee to exactly what this Senate amendment, as the gentleman from Michigan proposes to make clear its purport, is designed to accomplish and what it will provide as compensation for the various American steamship lines as compared with what was provided in the House paragraph.

By the House provision, which appropriated only $60,000 for American steamships, in order to give sea and inland postage to all existing American lines, it is necessary first of all to drop out from all consideration and all compensation two existing lines, and not give them anything, namely, the Cuban line and the Mexican line. Further, as to the Australian line let me call your attention to this fact: The sea and inland postage would give to the Australian line $41,000, which would be a decent compensation under the circumstances, and is made so because the Australian colonies are not in the Postal Union, and consequently postage on all letters to these colonies continues at 12 cents. Therefore a compensation of 12 cents as sea and inland postage would give a decent compensation, in this case amounting to $41,000, to be paid to that line. But mark you, instead of giving that amount to this line, which has done so much to develop our commerce, it is proposed by the House provision to give that line not a cent from the Treasury of the United States.

How is this brought about? In this manner: A private arrangement has been made with the Government of New Zealand, which has a contract with the steamship lines connecting Australia and San Francisco, by which they have secured the transportation of all of their mails at an annual compensation of $150,000. Through this arrangement with the Government of New Zealand that colony says, "You dump all of your mails into our mail-bags and pay us $20,000 a year, and we will take care of them."

Mr. ADAMS, of Illinois. What do you mean by a private arrangement?

Mr. DINGLEY. I mean an arrangement entered into by the Postmaster-General with this Government of New Zealand without authority of law. Therefore, to prevent the payment of $41,000 to the Australian mail line, under the existing law giving that line the sea and inland postage, this private arrangement is made, whereby the steamship company is not to get a cent from this Government, and we get our mails transported for $20,000. Thus we save $21,000, and only about $40,000 of the House appropriation will go to American steamship lines.

I ask, Mr. Chairman, is that worthy of a great nation like this?

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. DINGLEY. Yes; although my time is very limited.

Mr. DOCKERY. Did not this line refuse to carry the mails?

Mr. DINGLEY. Of course we understand that the Pacific Mail Steamship Company declined to accept the sea and inland postage of 12 cents on this line, because it involved the acceptance of the sea and inland postage of 5 cents on all their other lines. But I am speaking now of the next fiscal year for which this appropriation is made. It would require $106,000 to give existing American steamship lines simply the sea and inland postage; and the House has appropriated only $60,000, and got around the difficulty in the manner I have suggested. That is the House provision which we are asked to insist upon.

What do we give to the American lines under the House provision? I speak to gentlemen as reasonable business men, as men of candor. This is in no sense a party question. It is simply a business question; and I appeal to you as candid business men to look at it in a business light. I want to ask you as fair men if you think that the amounts the House proposes to pay American steamship lines are fair or decent. What do we propose to give the American steamship line which connects San Francisco with China and Japan, a distance of 6,000 miles, or 12,000 miles on the round trip? Just $10,000—no more, no less. On the other hand, we are paying the little steamboat line from Norfolk to Baltimore, a distance of 200 miles, $18,000.

And yet gentlemen who think that $18,000 for the Norfolk line is fair compensation stand up on this floor and defend the appropriation of only $10,000 for mail service to China and Japan as ample, abundant,

and reasonable. I ask gentlemen to consider this discrimination against American steamships in the foreign trade and ask themselves if it is just. Divest yourselves of prejudice in this matter. I regret very much to have seen in the course of debate a tendency not to deal with this question in a spirit of candor, but to throw in our faces certain phrases, and endeavor thereby to turn away the attention of this committee from the exact facts at issue and create prejudice against this proposition.

Look at the facts. We have an important steamship line connecting New York with Brazilian ports and running as far as Rio. The distance is 5,500 miles, or 11,000 miles on a round trip; and what does the House appropriation give that line? Only $5,791! And gentlemen stand up here and say this is fair compensation. No wonder, when you propose such compensation as that for carrying the mails to American steamships, you think it necessary to follow it up with a compulsory bill obliging American steamships to carry the mails at the compensation offered under the penalty of a refusal of a clearance.

Mr. BLOUNT. Allow me to say to the gentleman that there is another line which is anxious to take it at that compensation.

Mr. DINGLEY. Undoubtedly that may be done by a British line sailing under the British flag, and with capital furnished by Great Britain.

Mr. BLOUNT. There is as much capital in that line as in the other.

Mr. DINGLEY. I think the gentleman from Georgia did not mean the New York and Brazil mail route, because there is no other line to Brazil. The gentleman was thinking of the route from San Francisco to China and Japan.

Mr. BLOUNT. I took your illustration, which was the compensation for carrying the mail to China.

Mr. DINGLEY. I was through with that. I am now speaking of the line to Brazil. I ask the gentleman from Georgia, and I ask him because I know him to be a candid man—I ask the gentleman to say if he thinks $5,791 a year for carrying our mails from New York to Brazil, a distance of 5,500 miles, is sufficient compensation?

Mr. BLOUNT. It depends on the standpoint from which the gentleman looks at it.

Mr. DINGLEY. I ask you if it is sufficient from any just standpoint?

Mr. BLOUNT. I say I take their rates for dealing with the public, and judged by that standard this is more than ample compensation.

Mr. DINGLEY. Does the gentleman say $5,791 is ample compensation for carrying the mails that distance? If so, if that is ample compensation, in Heaven's name what are we paying everywhere else in our domestic service for carrying the mail?

For carrying the mail between Tampa and Key West, 246 miles, we paid last year $23,600; a distance of only 246 miles, and a mileage both ways during the year of only 50,000 miles, as against a mileage of 134,004 miles for the Brazilian line.

Mr. DOCKERY. May I ask the gentleman a question?

Mr. DINGLEY. Yes, sir.

Mr. DOCKERY. Does not this amendment propose to pay 50 cents a mile on the return voyage, when there is no mail on board, which the United States is liable to pay for?

Mr. DINGLEY. I will come to that in a moment. I may say in passing, however, that the Brazilian line could not be paid over $50,000 under the Senate amendment as modified, which would be less than the Tampa line is paid,

I wish to call the attention of gentlemen to the immense disproportion between the rates we propose to pay American steamship lines which happen to be in the foreign service and what we pay to those engaged in the coastwise trade. We have an American line from New York to Venezuela which makes a mileage of 208,000 miles a year; and for carrying the mails the House appropriation proposes to allow that line $4,000, or 4 cents per mile one way. Yet the British Cunard line, which carries a large part of our transatlantic mails, will be paid 40 cents per mile one way out of the House appropriation. Gentlemen can but see that when such a discrimination is worked out against our own lines which carry our smaller South American mails, that the basis of payment by weight, without regard to distance, is wrong. Gentlemen surely can not mean what they say when they stand up and assert that such compensation as the House proposes to give American steamship lines in the foreign trade for mail service is reasonable. You know, gentlemen, they are not fair and reasonable. They are not decent.

No nation gets its mails carried for such a compensation as we propose. Of course you need a compulsory law, and even a law that will give authority to confiscate private property in steamships, if you propose to give only such compensation as this for mail service. If gentlemen would examine this subject candidly they would not propose anything of the kind. The moment you have reasonable compensation the steamship lines are glad to take the mail. They do not need compulsion more than stage-coaches on the land do.

Mr. DOCKERY. Will the gentleman permit me to suggest——

Mr. DINGLEY. I must decline to yield further, as I have only a few minutes left.

What is proposed by the Senate amendment as modified by the proviso of the gentleman from Michigan? I ask if it approaches the idea of a subsidy in the European sense? What would the China and Japan line get under this amendment, even supposing the whole amount of $400,000 should be paid to existing lines? It would get $50,000. Is that a subsidy in any objectionable sense? Only $50,000 for carrying our mails on a route of 6,000 miles! Why, gentlemen can not mean what they say when they characterize such payments as these as subsidies in any improper sense.

On the basis of a payment of from $350,000 to $400,000 to existing lines the Brazilian line would receive only $50,000; the Australian line, $42,500; the Venezuelan, $50,000, and the line to China and Japan, only $50,000. And the payments in all these cases would be only a fraction more than that we pay the British Cunard and White Star lines. Why is the payment to American lines characterized as subsidy and that to British lines fair mail pay?

We pay $29,700 to the coastwise steamers which carry the mail between Tacoma and Port Townsend, a distance of 98 miles; the total mileage in a year one way being 60,000 miles, and the payment per mile being about 50 cents. You call that fair mail pay! Why is not the same rate per mile fair mail pay for an American steamship line in the foreign trade?

I wish to call attention to the two maps which gentlemen see hung before the Clerk's desk. These maps were prepared, as I understand, by the Post-Office Department. On the map at the left hand are shown the American steamship lines, connecting the United States with the various countries of Central and South America, Australia, and the colonies, and with China and Japan. Notice the small number of lines there shown.

Turn now to the other map, which shows the British, German, and French lines connecting those European countries with the West Indies and with Central and South America. When you compare the two maps, do you wonder that we can not secure a larger amount of trade with Central and South American countries? There is hardly any means of direct postal commercial communication between the United States and any of the South American ports. But, on the other hand, notice the net-work of lines connecting these ports of the countries of South America with the countries of Europe. It has been well said to-day by the gentleman from Pennsylvania [Mr. BINGHAM] that the history of the world shows that foreign trade follows the flag. That is true, sir, and unless means of communication, prompt and frequent, can be availed of by the merchant, you can not expect to build up a trade with any country. There are Central and South America lying before us, which last year had a foreign commerce amounting to eight hundred and fifty millions, of which we obtained only one hundred and thirty millions.

The exports of South and Central America last year were $430,000,000. We took a larger proportion of their products than we exported to them of our products. We took from the South American countries last year $90,000,000 of their productions. How much did we export to them? We bought from them $90,000,000 worth of goods and we sold them only $40,000,000. Why did we not sell them more? Partly for the reason that there are no means of regular, frequent, and prompt communication between this country and any portion of South America except the one line that runs to Rio.

Now, everybody knows that it is only as you have ready communication that trade can be built up. There can be no question that if we had direct, frequent, and ready steamship communication with the South American countries business could be built up to a very great extent between the United States and those countries. They do not buy of us, because the products that they would purchase from us are to a large extent those that they must have promptly, and for that prompt and regular means of communication are absolutely necessary. It so happens that these South American countries lying close to our doors are non-manufacturing countries. They have the raw products that we want, and nearly all of which are admitted free of duty into this country.

They, on the other hand, want our productions. They want our food products. They want our common cotton cloths, for cottons are the chief textiles used in the South American countries. They want our machinery. They want thousands of articles that we could supply them, and that we would supply them if we had proper means of communication. In reading the argument of the gentleman from Georgia [Mr. BLOUNT] (I trust he will give me his attention for a moment), I saw, very much to my surprise, a statement that we could not supply the South American countries with the coarse cotton cloth known as standard sheetings because the English manufacturers could supply them so much cheaper. He stated that plain standard sheetings could be furnished by English or other European manufacturers at 5¾ cents per yard, while the same goods obtained from the manufacturing establishments of this country would cost 9¾ cents a yard. I wondered where he got such information as that, but on turning over the statistics that accompany his speech I noticed that the Superintendent of the Foreign Mail Service supplied the figures.

Mr. BLOUNT. Not at all.

Mr. DINGLEY. I noticed them at least in connection with the report furnished by the superintendent, and naturally supposed that he was the authority.

Mr. BLOUNT. Oh, that is a very different thing. There are a great many things in connection with it.

Mr. DINGLEY. Now I wish to call the attention of the gentleman from Georgia to the fact that he can go into any store in Washington to-day and buy at retail plain standard sheetings at 7 cents a yard; so it can hardly be possible that the manufacturer sells them by the bale at 9¾ cents a yard. In my own city there is a mill producing largely plain cotton cloths to be shipped to China, and they are being shipped there and sold by the side of the English products at precisely the same price, quality for quality.

Gentlemen will bear in mind that in the production of these common standard sheetings three-fourths of the cost is in the raw material; the labor is a small item, and such goods we can produce as cheaply as any nation on the face of the earth. When we come to the finer products, where labor more largely enters into the cost, we are of course distanced on account of our higher-paid labor; but we can compete in such coarse cotton goods as are largely used in South America. In the gentleman's own city there are manufacturers who can supply South America as cheaply as England can if they can have direct, regular, frequent postal and commercial communication by steamship lines. It will of course take some little time to build up the trade and find out what is wanted; but give us the means of communication and the rest will follow. I mention this, Mr. Chairman, to show that there is a large range of productions in which we can compete with foreign nations in the South American market.

Our farm products, our agricultural machinery, our coarse standard sheetings we can produce and sell as cheaply as like articles can be produced and sold anywhere in the world. Now, it is this class of products, as I have already said, that South America wants, and yet we can not send them to her because we have no direct, frequent, regular means of communication.

Look at Brazil. Last year we bought of Brazil nearly $50,000,000 worth of her products, almost all of which came in free of duty, and yet we sold her goods to the mere beggarly amount of eight and a half millions.

I mention this, Mr. Chairman, in order to call the attention of the committee to the fact that we can not in this matter lose sight of the fact that the opening up of trade with South America is an exceedingly important object, which this Congress ought to have in view, and one which will justify the most liberal appropriations to American steamship lines for the purpose of establishing prompt and frequent postal and commercial communication with those countries.

But I must hasten. There is a third point to which I wish to call attention. It has been said in the progress of this debate that it makes no difference whether our mails are carried by American steamships or by British steamships; that while we would like to have American steamships engaged in this businesss, yet if British steamships can do the work more cheaply let them do it. Now, if we should apply that same principle to all other industries—to the coastwise trade for instance, and to the ordinary industries of the country—where should we be? But in the maintenance of a merchant marine and in the establishment of steamship lines there is something more than an ordinary industry.

The merchant marine is to every country the militia of the seas. No nation can maintain an efficient navy without an efficient and prosperous merchant marine behind it. That is the experience of all the nations of the world. Besides, by encouraging the establishment of American steamship lines we provide in the most economical manner vessels for use in case of war as light-armed cruisers and as transports. In case of war, if our mails are carried upon foreign steamships, those vessels are liable to be taken from us; and if the nation which owns them is the one with which we are at war, they are at once turned against us. But if our mail-carrying steamers are owned and controlled by Americans and registered as vessels of the United States, then the Government can put its hands upon them and can use them in defense, as an aid in distributing its troops and as light-armed cruisers.

The ability of England to-day to defend herself as a nation depends more upon her great steam marine, upon which she can lay her hands in case of war, than upon the naval vessels which she maintains in commission. Five hundred thousand dollars expended in this way for building up a few new steamship lines to encourage postal and commercial communication with the South American countries with which we are not now in connection, to extend and promote our trade, to open new markets for the Western farmers, for the manufacturers of the East, and for the workmen of the country, will give us steamships which, in case of war, will be worth more to us than any cruisers that we could build with $2,000,000 expended for that purpose.

There is more in this policy, which is to be inaugurated or set aside by the vote that the House may now or hereafter give on this question than many gentlemen here seem to think. If this Government refuses to give proper and efficient assistance to its steam marine, it allows the European nations by the aid of their great subsidies to seize upon every avenue of trade. We shall not only lose our trade to a great extent, but we shall lose the steamship lines which now exist. It is impossible that these lines can be maintained permanently unless there shall be some assistance in the way of fair compensation for mail service. Let me read from the foreign dispatches a telegram published only three days after the action of this House in refusing to appropriate more than $60,000 for the foreign mail service:

LONDON, *April* 8, 1886.

The Imperial Government [of Great Britain] has decided to subsidize a new line of steamers between British Columbia and Hong-Kong and Australia by paying $100,000 annually for ten years. The steamers must be first class and capable of carrying guns and troops, and if required the government shall have the right to use the steamers in the event of war.

Canada, as poor as she is, has added a sixty-thousand-dollar appropriation for the same purpose, making $160,000 to open up a new line of steamers from British Columbia on our western coast to Hong-Kong and the Australian colonies—a line intended to compete with and drive off the American steamship line now running from San Francisco to the Australian colonies and Japan.

We look on and see these things transpiring before our eyes and content ourselves with saying, "Although Great Britain and Canada give $160,000 to establish a line that is to come in direct competition with an existing American line and turn the trade of Japan, China, and Australia away from us, yet if we give $10,000 it is all we ought to do; but if we give $50,000 it is a wicked subsidy, that ought to consign gentlemen who vote for it to some unpleasant locality."

[Here the hammer fell.]

Mr. HOLMAN obtained the floor and said: I yield two minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I do not wish to occupy two minutes. I desire only to make a single remark. The gentleman from Maine [Mr. DINGLEY] was unkind enough to say that I had taken my statistics as to the prices of American and British cotton goods in Rio from the Superintendent of Foreign Mails. I desire to inform the gentleman that I quoted from our consular reports—Republican authority. I got the information from the State Department, as the latest information in its possession.

Mr. DINGLEY. I simply wanted to call the gentleman's attention to the fact that common standard sheetings could be bought here in Washington for 7 cents a yard.

Mr. BLOUNT. The statistics to which I referred did not purport to date of to-day; they gave a comparative statement; and I referred to the comparison as shown by them.

Mr. DINGLEY. But the gentleman having mentioned 5¾ cents as the price for standard English sheetings, I desired to say that goods of similar quality could be bought for about the same price from the manufacturers of this country.

Mr. HOLMAN. I now yield to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. I desired, when the gentleman from Maine [Mr. DINGLEY] was on the floor to ask him a question. Perhaps it would hardly be right to make the inquiry now, as he might not have time to answer. But as he is a gentleman who always has a ready reply, I will take the liberty of making the inquiry now, with my reason for making it.

The gentleman from Maine, as well as several other gentlemen, has said in the course of this debate, and it is perhaps true as to some of the articles mentioned, that we can make cotton sheeting and some other articles at such low cost we might sell them in or exchange with the South American countries if we only had ready communication. He said, too, that we bought from Brazil $50,000,000 in products annually, which come in free of duty, and sold to her people eight and a half millions; that if we had direct communication we could have exchanged probably to the full extent of our purchases or a greater extent.

Mr. DINGLEY. I did not say to a fuller extent, but built up greatly.

Mr. MORRISON. Well, to a fuller extent than we have sold. Now, I want to ask the gentleman from Maine what we did with the fifty millions' worth of goods we bought from Brazil? We must have brought them here, and I would inquire why the ships that brought fifty millions of heavy products to us should not and did not carry out our cheap products to these countries south of us, Brazil and others?

Mr. DINGLEY. All our vessels were sailing vessels; but of course goods can not be sent in sailing vessels in modern times.

Mr. MORRISON. They only come to and do not go from us? [Laughter and applause.]

Mr. HOLMAN. I yield for ten minutes to the gentleman from New Jersey.

Mr. MCADOO. Mr. Chairman, I think it will be a good day for the United States when our legislators shall recognize there are no international analogies so far as our country is concerned. It is idle for gentlemen on this floor to be continually pointing to Europe on all economic and even political questions. On all matters of governmental business we always have paraded before us the circumstances and policy of European nations, more especially Great Britain.

Now, physically, and I refer to the physical geography of our country, and politically and socially we are so far different from Europe there is no analogy whereby comparison can be instituted. There never was a country founded, nor situated and circumstanced like ours.

It is idle for gentlemen to resurrect the romantic fable of Greece and Rome. There is no analogy between this Republic of thirty-eight sovereign States to universal suffrage, perfect legal equality, and general intelligence, and the semi-caste-founded republics of the olden time. There is no comparison even between our Republic and the modern Republics of France and Switzerland. Therefore neither on this floor nor elsewhere can there be instituted comparison between our country and any other on the face of the globe. What may be eminently proper for them may be entirely wrong for us and against the very fundamental principles of our system. What their geographical position may demand ours may render totally unnecessary. The commercial laws of a small island may not be suited to govern a whole continent. Monarchical and paternal government can furnish no example for republican rule.

But forgetting all this, some gentlemen seem inclined to adopt and try all these English and Continental panaceas for commercial, labor, and other troubles, and which, in my judgment, are not suited at all to this country. When you compare the two countries physically see the divergence; there is an island that is but a patch of sod upon the Atlantic, and here we are the legislators for a continent. The laws that might benefit the one can not benefit the other, even if they could be enacted without violating the spirit of our institutions.

There can be no institution of comparison between our people and the people of France. France is obliged, in order to maintain her political supremacy, to enter into commercial competition with Great Britain. And Great Britain is compelled to have a foreign commerce. The British Empire, so far as Great Britain and Ireland are concerned, can not maintain itself unless it sends out its commercial feelers, as it will, into every portion of the globe. And here you have what would make the whole of Europe. You have difference of climate, and I might say difference of people and difference of production—the varied productions, the climates, conditions, and physical differences of a world all in your own country.

Did you ever think of this fact? The people of nearly every other country are migratory. Emigration and exile are painful but common household words in all Old World lands. The breezes that blow inland on the vaunted British Islands carry the sighs and sobbed adieus of British subjects. Other people are emigrants, and this Heaven-blessed land is to them the haven of rest. Our people, thank Heaven, are not forced out on the pitiless ocean to seek homes and trade and labor in foreign lands. The vacant chair of the adventurous emigrant stands a monument of regret in nearly every European home. Let us avoid the causes that produced this mournful exodus from other lands.

We have a Europe of our own, and the true cause why there is not upon the high seas the American flag as plentifully as that of these maritime Old World nations is that since the war we have been developing this vast continent. The energies and the wealth of our people have been directed in creating, not a mere maritime power, but to develop this wonderful continent. When this continent is sufficiently developed, and when it becomes necessary to plow the seas as well as the land, we shall go upon the broad ocean, and I will trust to the genius and the wealth and the power of the United States to make itself felt on the high seas as it has on the land to-day. [Applause.]

I have before me here an address delivered by Mr. Charles S. Hill before the New Orleans Chamber of Commerce. He asks the question why we have not American ships, and says:

> Because the subsidized steamship companies of foreign nations instantly drop their freight rates 50 per cent., relying upon their home statesmen and subsidy, and because the British Lloyds underwriters instantly rush to their assistance and depreciate the standard of the American ship by rating our ship enviously and jealously below the inferior ship of the Clyde.

Now that is not so. That is not the difference. Let us understand this thing and be honest about it. The trouble lies just here: it is the cost of labor. Why, sir, if you were presented the English Cunard Steamship line, to sail it under our flag with the large subsidies or bounties they are said to receive for carrying the mails, you could not contend a day against the other lines; and it is because the labor and the materials into which our labor enter are more expensive. That is the reason that these lines can not run advantageously with the same freight parallel with cheaply run foreign steamships.

Mr. McMILLIN. Let me interrupt the gentleman——

Mr. McADOO. I have but a few moments.

Mr. McMILLIN. Carrying out that same idea. Before the Shipping Committee appeared a number of expert gentlemen on this subject, and they said that if the ships were given to them they could not afford to run them.

Mr. McADOO. I believe, Mr. Chairman, it is admitted here that the difference in the cost of running an English steamship as compared with an American steamship is 25 per cent. With the Italian, Norwegian, French, and other nations the difference is very much greater.

Mr. MILLIKEN. What makes the difference?

Mr. McADOO. I can not yield, in the short time I have, for interruptions.

If we are going to compete with the foreign lines that cost 25 per cent. and even much less to run them without subsidies, then we will have to add 25 per cent., and even much more, beyond the highest subsidy paid by any foreign nation, beyond the nearly twelve millions paid annually for many years by the other nations with their cheap labor, to be able to compete with them upon the seas. In saying this I believe I state the case correctly, and if I do, who is prepared to enter upon such a tremendous scheme? If we are going into this international struggle for commercial supremacy upon the seas we will have to give additional subsidy beyond what the other countries pay in order to overcome their cheaper running expenses. Now I can not say I grieve at this. This is the slight cost, if cost at all, we pay for the greatest and best of all markets—the home market, and for having the best paid and most independent and intelligent labor on the whole globe. If you are bound to compete, you must reduce wages. Who will vote to reduce the wages of labor? Not one, I hope. Will we ever have a powerful merchant marine? Yes, undoubtedly, when our necessities demand it. All the advantage is with us. The nations of Europe are overdoing the carrying trade; they are engaged in a death-struggle.

Bounty against bounty, subsidy against subsidy, ship against ship, line against line, and all the while a constant drain on their frightfully overladen tax-payer. Few, if any, of these lines pay dividends. They are exhausting themselves, while we are strengthening ourselves. Our great rival feels keenly the loss of our markets, and when the real struggle comes, if we keep on as we have in the past, we will find her strength sapped and we will be master of the situation. Yes, without forcing events, a great American marine, unrivaled in the past, is coming. I say they are overdoing it. Look at the English ocean tramps, such as survive the deadly perils of storms and their own frailty! They cover the waters from Terra del Fuego to the Thames, from Montreal to Melbourne, and that too, by the way, without the blessings of subsidy. They do not live well, to be sure, but if our subsidy friends are correct, the wonder is they live at all.

Why, Mr. Chairman, look at the very absurdity of the argument. Mr. HILL says that the Lloyds treat our American vessels unfairly. If that be true, is it not equally true that they will treat the subsidized ships just as unfairly as those that have no subsidy? Will the mere fact of granting a subsidy make a difference in their action, and if we put a subsidy on the ship, will the British Lloyds, if this charge be correct, desist from the conspiracy to underrate and undervalue and generally conspire against American shipping?

Now I know my time is limited and I must hurry briefly over these points. Another point to which I wish to allude. I have read with a glow of patriotism the extraordinarily able report of Thomas Butler King, a Representative from the State of Georgia in Congress, in favor of, as gentlemen on the other side tell us, the subsidizing or giving large bounties to American shipping. But, Mr. Chairman, times are changed since Mr. King wrote that report. If he were present and participating in this debate to-day he would not, I believe, advocate this proposition. What was his object? To make a quasi-navy. In those days the merchant ship was readily convertible into a man-of-war. There was no very great difference in their construction.

Wooden ships composed our Navy; wooden ships were all the rule, both in the Navy and in the merchant marine; and in the event of a war it was well known that the wooden ships of the merchant marine could be quickly transferred into fighting ships for the Navy. But it is widely different to-day; and it is idle for gentlemen to say that if you subsidize the American vessels engaged in commerce that in time of war you will have there a strong arm to protect the coast, assert our rights and dignity, and defend our domestic commerce as well as our merchant marine upon the seas. The man-of-war of to-day is a special creation provided for that particular business, and no subsidized or unsubsidized merchant vessel would be able in any naval contest to maintain herself against a modern man-of-war. So the argument which was given at the time of the inception of the system of giving bounties to American shipping, to create a quasi-naval arm by stimulating the merchant marine, has ceased to have any weight so far as this Government is concerned by reason of the advance in naval architecture.

I said, Mr. Chairmain, at the outset of my remarks, that I did not believe we could build up a merchant marine by subsidies; I know you can not do it by a gratuity. If it can be done by subsidy, if that is the only remedy, and I do not believe it is a remedy, then, as a Representative, I would meet that matter squarely face to face as a business proposition; and if a subsidy is the only remedy, let us go about it in a business-like way. You say you want to enable our merchant marine to compete with the subsidized marine of other countries richly subsidized, and against these immense subsidies you want to spoon-feed our American marine with watery gruel in homeopathic doses. [Laughter.]

The passage of this amendment will not, in my honest judgment, add a ship or a man to our merchant navy. It will go to a few existing lines and give them an advantage over new American lines that may be built. It will go into well-known hands and into coffers not empty. In saying this I have no prejudice. Not one millionaire could find it profitable to build, equip, and run the finest American vessels under the American flag. I love that flag, without or with an appropriation, as much as any man living. I hope to live and know it is on every sea, powerful, respected, honored, ay, loved by all peoples who love liberty. For all honest, just, practicable laws that will advance American ships and American shipping I will be found an advocate, even to the extent

of differentiating in their favor. The day may soon come when an American zollverein will be formed and the trade of this western hemisphere become ours against all comers. Then new ships and new lines will come of necessity. Ships of themselves do not make commerce. Commerce begets ships. The arguments for this amendment are very plausible and quite forcibly and adroitly put, and we, seeing the patient so ill and weak, are supposed to be willing to try any remedy. This remedy would prove as inefficacious as feeding a consumptive on snow balls. There has been, besides, a tainted atmosphere around all this legislation in times that are past. Let us not be carried away. This money belongs to the whole people, and we must be sure we are spending it wisely and honestly.

I yield to no man on this floor in my Americanism. I care more for the prosperity and welfare of the meanest flatboat that was ever poled on the Mississippi River than I do for all the ships that have floated the English flag from the days of Alfred to the reign of Victoria. I am more interested in the humblest cross-road blacksmith-shop in the last county of Texas than I am in all the mills, looms, and ship-yards of Great Britain from John O'Groat's to Land's End. [Applause.]

As to how subsidy has operated in France, I call attention to this late report of our agent:

> The ships that were to be built and navigated with the aid of the government were to carry French manufactures into foreign markets, and so encourage and extend domestic manufactures and open new vents for home-made wares. Unless the statistics are false this result has not been attained, and it would almost seem as if there had occurred a mere transfer of carriage.
>
> Did this transfer of carriage from foreign to French vessels involve a decrease of freights peculiar to French tonnage, a saving to the French shipper alone, at least commensurate with the cost of the bounties, something might be said in favor of the policy. Under those circumstances the nation would have a larger mercantile marine and a larger share in the carrying trade at no cost to itself. There is no evidence, however, that such a result has followed; and while the bounties by stimulating ship-building and ship navigation have increased the available tonnage beyond the requirements of traffic, the consequent reduction of freights has involved a loss and not a gain to the French nation, by throwing upon it the burden of a shipping interest that but for the government aid would have been unprofitable, and that because of such aid can not conform itself to the demands of trade—the only basis that will insnre profit and permanency.

As to England, hear the eloquent and fearless gentleman from Wisconsin [Mr. GUENTHER] in his speech of yesterday:

> What has England profited by this system? A few great merchants and great corporations have enriched themselves at the expense of the masses of the English people. The people have been ground down; their wages have been reduced more and more; and in order to keep up this system thousands upon thousands of precious human lives were sacrificed to the greed and the fiendish avarice of those merchant princes of England.
>
> I say, Mr. Chairman, every million of mammon acquired in the foreign trade of England was bought at the price of human blood. All the oceans upon which the merchant marine of England floats to-day can not wash that stain away. The smell of blood is there, and all the perfumes of Arabia can not sweeten it. Let other countries have the trade with these countries. Let them have their trade, their discontent among the people, and their constant wars, while we in this blessed land of ours, on the other hand, secure our own market, accompanied by prosperity and the blessings of peace. Let the English and the French strike their balances. Let them add up the sums they have paid for subsidies, the hundreds of millions of dollars swallowed up by their wars to protect their foreign commerce, not counting even the thousands upon thousands of human lives sacrificed in that cause, and then count the actual gain realized, and see whether the balance will not be on the wrong side.

[Here the hammer fell.]

Mr. MCADOO. I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. STRUBLE. I should like to ask the gentleman from New Jersey a question?

The CHAIRMAN. The gentleman's time has expired, and the gentleman from Indiana [Mr. HOLMAN] is entitled to the floor.

Mr. HOLMAN. The pending question has been discussed at length and with more than ordinary ability. I would hardly feel justified in occupying the attention of the committee further except for the purpose of calling attention, after a brief statement, to one main feature of the policy involved. Gentlemen seem to be conscious that the idea of subsidy, the building up of the interests of a particular class of citizens or a particular industry at the expense of the whole people, is an un-American policy, and on that account have sought with great ingenuity of argument to show that this measure does not involve a subsidy but simply fair pay to the steamship lines for the transportation of the mails to foreign ports.

Now, sir, the fact can not be concealed, looking at the subject from any conceivable standpoint, that the amount proposed to be paid under the pending amendment is enormously in excess of the charges made and compensation received by American steamships or any other ships carrying our mails for transportation of commodities requiring the same degree of care and involving the same responsibilities. We are informed by the Postmaster-General in his last annual report that the rate now paid for the transportation of our mails in American steamships is thirty-four times as great—I believe I am correct in the figures, large as they are—as the amount paid for the transportation of merchandise under conditions requiring the same degree of care and responsibility, and four times the cost of transporting commodities in parcels where there is absolute insurance of safe delivery, the latter feature not being exacted in the transportation of the mails, only reasonable and proper care and vigilance.

The following are the exact words of the Postmaster-General on the subject:

> The actual service rendered by the carrier consists in taking the mails from the post-office at the port of departure, inclosed in locked bags (of leather for letters, and usually of canvas for paper mails), conveying them to the vessel, depositing them in the "mail room," to remain until arrival at the port of destination, when the bags are conveyed to the post-office. The mail room is commonly a small interior room occupying no more, and no more valuable, space than the passengers' baggage-room. In some vessels it is sheathed or ceiled with thin iron. Besides providing this room and keeping it securely locked, no special guard or care is required during the voyage, unless some accident demands. No responsibility as an insurer rests on the carrier. Such liability for loss as he undergoes is dependent on proof of negligence; and probably few, if any, instances of pecuniary mulct for such loss can be found.
>
> The "express" or "parcels-dispatch" service, which is performed by these lines at the rates indicated on the tables, appears quite as burdensome and expensive as mail carriage. Parcels are received from various persons, conveyed to the ship, transported to the port of destination, and delivered to the consignees there; and the price for carriage usually covers an insurance of $25 on each parcel and all port charges, except customs duties.
>
> The baggage of passengers imposes as much trouble, cost, and burden on the ship as the mails, except that it is received and delivered at the ship.
>
> On the other hand, in most ports vessels which carry the mails receive special advantages; in some, only greater facility of entering and debarkation; in many, exemption from port charges of various kinds and different amounts. Incidental benefit arises from the repute of Government employment.
>
> It will be seen at once from the accompanying tables that if the quantity of mail carried be considerable the compensation is generous. The total weight of the transatlantic mails carried from New York last year by eight lines of ships was 2,194,066 pounds, and at sea postage yielded to the carriers $270,157.63, the compensation varying from $2,854.39 for the most profitable trip to 19 cents for the lightest, and averaging $609.36 per trip the year through. This was over thirty-four times what the same weight of freight would have been transported for, and nearly four times the charge for parcels of dispatch matter of the same quantity; and these rates increase in disproportion on the better trips on which, in fact, the mail was chiefly carried. These figures prove the rate of sea postage to be abundant. Undoubtedly the transatlantic carriage could be procured at lower rates, if it were desirable to forego frequency of transmission and employ but one or two lines instead of all.

As far back as 1862, when our own ships, under the protection of our flag, refused to carry our mails at reasonable rates, Postmaster-General Montgomery Blair, under President Lincoln, wrote the following letter on the same subject:

> POST-OFFICE DEPARTMENT, *Washington, D. C., March 3, 1862.*
>
> GENTLEMEN: I have received formal notice from Cornelius Vanderbilt, controlling the steamship line to Aspinwall, that he will not take the South Pacific or any other mail after the 21st instant. This is an attempt to coerce Congress to contract with him on his own terms for carrying these mails. I called the attention of Congress to the coercive system exercised by the railroad companies upon the Government in my annual report. I trust suitable measures will be adopted before adjournment to maintain the public interests in that behalf. But this steamboat coercion requires immediate attention. Unless something is done at once the vast mercantile interests will be seriously affected.
>
> My own opinion is that this and every other line of steamers leaving our ports should be required to take mails to their ports of destination upon such terms as are now or may hereafter be allowed by Congress as the condition of their clearance. It is not pretended that the compensation now given is not sufficient for the service rendered. No private person pays them for any kind of transportation at the rate paid by the Government for mail matter. We give all and more than we make out of it, and no persons are so much benefited incidentally as the owners of the ships, for the bulk of the correspondence relates to the trade carried on by their vessels.
>
> Yours, respectfully,
>
> M. BLAIR, *Postmaster-General.*
>
> Messrs. COLLAMER and COLFAX,
> *Chairmen, &c., Senate and House of Representatives.*

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. HOLMAN. Yes, sir.

Mr. MILLIKEN. Is not that true of our letter postage; that it is immensely greater than it costs to send packages and goods according to weight?

Mr. HOLMAN. If my friend refers to our policy here in our own country, of course I answer yes; for, so far as our internal policy is concerned in regard to contracts for carrying the mails, under the provisions of the Federal Constitution of course an entirely different policy prevails from that which has relation to our foreign affairs. The diffusion of intelligence among our own people and facilities for intercourse between them stand on a basis entirely different from that of our intercourse with foreign nations.

Here at home the force of competition and the necessity of furnishing our whole people with postal facilities control the service.

I find among the numerous appeals made to the House since this measure has been pending none more patriotic and florid in its terms or more exacting in its demands than one that comes to us from a body of gentlemen of enterprise in the Southwest. That body do not think proper to hide behind any specious argument, but make an appeal direct. They say:

> Let us resolve that our merchant marine must and shall be revived; ay, by a subsidy, the only means of honestly obtaining what our national needs demand.

That is the appeal which comes to us. It hides behind no subterfuge. It says it is a subsidy that is demanded. And the body of gentlemen who have surrounded the Capitol during the last few days do not put it on different grounds. They urge it as subsidy pure and simple that will revive American shipping.

Take one of our greatest lines, the Pacific Steamship Company, running from San Francisco to China and Japan, an American line owned in part by Americans and in part by English capitalists, and sailing under the American flag and greatly favored in former years. That company

declined to transport your mails under the reasonable rates which have been prescribed by law. Another line in competition with it, the Occidental and Oriental Steamship line, having the same kind of vessels and running between the same ports, has been cheerfully transporting your mails without any hesitation under the rates prescribed by law—the sea postage—from the Pacific coast to those remote countries. If one line can carry at the rate prescribed by law, and it is proposed to pay the other vastly more for the same service, is not that subsidizing it? The foreign line of vessels, without any subsidy from any government, transports your mails at what your Postal Department asserts is a fair and reasonable rate, and makes no question as to its fairness. The other demands vastly more, and you propose to grant this demand by the pending proposition.

I do not believe any of the expedients resorted to in former years under the mistaken policy that is now again being urged on Congress ever had the least appreciable effect in stimulating our shipping interests. They had not up to 1859 when the former effort was abandoned, nor at any subsequent period. It has been said in this debate—I refer to the fact only incidentally—that our trade with Rio has recently been affected beneficially by the establishment of a line of steamers. You have had a steamship line to Rio for years; you have one now without subsidy; and your sailing vessels have to a greater or less extent brought the products of that country to our shores and carried ours to a limited extent to Brazil. But the period of subsidy, $150,000 a year for a short period, produced no appreciable result upon that trade. The same trade which before existed exists to-day somewhat enlarged; it was not increased by the subsidy. This became so manifest at the end of a short period of time that the law authorizing the subsidy was permitted to expire by its own limitation; while our carrying trade with the Sandwich Islands, which amounted to nothing while we paid a subsidy of $75,000 a year, grew to large proportions under the reciprocity treaty.

Sixteen years ago this House organized a committee which was directed to visit the various cities of the East and inquire into the causes of the decline of our shipping interests. That committee, of which Hon. John Lynch, then of the city of Portland, Me., was chairman, visited all the leading cities of the Eastern section of the country; and in the ponderous volume submitted to Congress by that committee containing the evidence taken and its final report there is no more intelligent statement of the cause of that decline or of the remedy than is found in a single passage in the testimony of Mr. W. H. Derby, an intelligent business gentleman of the city of Boston. He says:

You will aid shipping more by reducing the duties than in any other way. I speak as one in favor of protection incidental to revenue. I do not speak as a free-trader. I do not go to those extremes. Perhaps I am not wise in not going further than I do. I stand on moderate protection. Your protection to-day is 48 per cent. on an average on everything you import. How was it before the war? Fourteen and a half per cent. was the average. Is Congress aware of that great disparity? Is Congress aware that we have crept up from 14½ to 48 per cent. duty on everything we import? Does Congress believe that 48 per cent. is a proper stage of duties, or that we are to maintain them at those rates? Is it just to this nation to do so?

Of all the opinions expressed before that committee in your commercial cities, no statement of the cause of the disappearance of our ships from the ocean is so well fortified by facts as this which I have just read, and yet after sixteen years our tariff taxation remains substantially the same.

But, Mr. Chairman, permit me to say that gentlemen deal with this subject and with the American people unfairly when they talk about this being a question of commerce. Our commerce is not declining; our commerce grows steadily with the advance of years. Our shipping interests, our carrying trade only have declined, and they have declined for manifest reasons, in addition to the burden imposed by our excessive taxation. Of those reasons I know of none so obvious as the fact that the American capitalist has been able to invest his money in more remunerative enterprises. When he enters into the carrying trade of the world (the most cosmopolitan of all employments), he comes directly in competition with the people of all other nations, and must adopt their frugal methods and must be satisfied with their small profits, or must go to the wall. If it is to his advantage to put his vessels under the flag of a foreign nation, as it frequently is in the interest of economy, he does not hesitate to do it. But generally our capitalists prefer more lucrative investments at home.

Let gentlemen make their appeals to the American flag as much as they may, the fact remains that sixteen years ago when this inquiry was made by the committee I have named, and up to the present time, a very considerable portion of our capital has been invested wherever it could be advantageously done in foreign shipping doing business under the flags of other nations. At the time of this inquiry two iron ships were being built on the Clyde by American capitalists with the avowed purpose of putting them under the British flag and holding them under bottomry bonds. So, sir, the question upon the part of the citizen investing his capital is not one of the national credit. It is not with him a question of national pride in the flag of his country, but a cold, deliberate calculation of moneyed profit in the carrying trade of the world, and from that standpoint alone can this subject be fairly presented by gentlemen who ask for this subsidy in behalf of the carrying trade on the oceans which alike concerns all nations. Low taxes will generally secure the flag. Citizens do not hesitate to engage in the carrying trade of the nations sailing their ships under the flags of the nations where the greatest exemption from taxation exists. I hold in my hand an article clipped from the Boston Herald, one of the most intelligent of our great commercial newspapers, to which I desire to call the attention of the House. I ask the Clerk to read the article.

The Clerk read as follows:

SHIPPING INTERESTS.

The depressed state of the shipping interest, due to the falling off of merchandise exchanges between the great nations of the world, has had an exceedingly disastrous effect in England upon those belonging to the class of seamen. It is asserted that men can readily be obtained as common sailors who have certificates showing that they have passed an examination entitling them to go to sea as mates and captains of vessels, and not infrequently men have been shipped as sailors who, two or three years ago, were in command of vessels, and lost this position simply because there was not business enough to keep employed the vessels with which they were connected. This statement of the condition of maritime affairs in the largest and most successful shipping nation in the world is sufficient to prove that this is not a peculiarly favorable occasion in which to endeavor to encourage and build up the American shipping interest. If the English shipping merchants are losing money on almost every venture they make, it would be worse than useless for us to vote away the public money by endeavoring, directly or indirectly, to subsidize American merchant tonnage.

But, Mr. Chairman, I sought the floor not for the purpose of discussing except in a preliminary way the question whether this was a subsidy or not, or to what extent subsidy can revive our shipping interest, but for the purpose of presenting another view which I think underlies this whole subject. I believe, sir, that this measure involves a policy of Government which ought to arrest in a very marked degree the attention not only of this House but of the American people. The small sum of money involved, $800,000, is of but little moment. It would not be felt by our Treasury; it would not be felt by our tax-paying people. But, sir, this is one of a class of measures which up to this time have produced, as I think, only injury and disaster to the country. The point to which I desire to ask attention is so well and briefly suggested by an article in a leading commercial newspaper of the city of New York that I ask to have the article read.

The Clerk read as follows:

[From the New York Commercial Bulletin, October 26, 1885.]

THE GOVERNMENT NURSE.

Is there no way of eradicating from men's minds the pestilent fallacy that it is the function of republican government to provide (1) sinecures for persons who have no means of self-support, and (2) access to the public Treasury (*i. e.*, the tax-payers' pockets) to individuals who are unable to carry on their private business in competition with other people, except at a loss?

Under monarchical or despotic systems, where the king or the kaiser can do no wrong and where class legislation has been countenanced from time immemorial, a policy of that character is comprehensible. There the people are simply machines for providing means for the tax-gatherer, and as long as the despotic or monarchical system exists there is absolutely no help for them, save in revolution or emigration. But in this country, where the people are supreme and have no owner but themselves, any policy which proposes to deal with them as if they were servants or slaves that somehow have an all-powerful master veiled under the forms of government is to be reprobated not only as unjust in itself, but a flagrant usurpation, and from every point of view unrepublican and un-American.

Mr. HOLMAN. That article presents the point to which I wish to call attention. I do not hesitate to say that in no instance in our history where the Government has gone out of the legitimate province of government and sought to promote special interests at the general expense by subsidies, no matter in whatever form presented, have the results been otherwise than injurious to the country. I concede very cheerfully that in a few instances prior to 1860 the Democratic party departed in an evil hour from the great principle that underlies its political creed, that Federal legislation should be confined strictly to the domain of government; but in no instance was any beneficial result secured. No such result was secured by the subsidies given prior to 1858, in the vain attempt to extend our shipping, and the system broke down in 1859 by its own weight, as then all men saw that this artificial system, however it might enlarge and build up the estates of a portion of our people, could not by any possibility operate beneficially to the whole country or secure permanent results except in disordering the social condition of our people.

But what has been the history of subsidy in this country. What has been the effect of our past legislation, the attempt, through the aid of Congress, yielding to the never-ending pressure in favor of special interests, to build up the fortunes of men engaged in some special pursuit or occupation? What are the fruits of this system? Does any gentleman believe it possible that during the last twenty-six years such an extraordinary change could have occurred in the material condition of our people as that now unhappily displayed if the Government had confined the exercise of its powers inside the simple realm of government? Does any citizen believe that in the absence of this policy of subsidy, this employment of the power of the nation to promote special interests, the present condition of our country would have been reached, the old-time equality in the condition of our people so completely changed? The root of the present disorders now confronting the American people is to be found in the policy involved in this seemingly unimportant proposition to give $800,000 a year for five years to the class of citizens owning and navigating ships. Until the policy established by our fathers of a radical departure from the traditions of Europe, and its methods of government in marking out a new policy under which the interests of all men should be alike protected,

limiting government to the simple duty of securing the public peace and the administration of justice—until this policy was abandoned, the future of our Government as a strong and vigorous republic, stronger and more vigorous because of the equality of condition among our people in material affairs, was absolutely assured.

But, sir, the policy of subsidy was adopted, and for twenty-six years it has controlled affairs. It appeared at an early moment in the methods of your financial system and the adjustment of your great public debt. Men who were able to control your affairs and give color to your class legislation could not forbear seizing upon the opening opportunities, nor could the men who saw the opportunity. You can compute with safety hundreds of millions added to the wealth of a favored few of your people and placed as an oppressive weight upon the shoulders of labor by the various measures through which your legislation passed in adjusting and readjusting your financial system and the great debt of the nation. No monarchy in all history presents an example of such rapid accumulation of great estates by favorites of government.

Under the argument of opening up the country and the rapid development of its resources you granted imperial subsidies in lands and exhausted the patrimony of your people; and what, sir, have been their fruits? I admit the tendency has been to rapid development in wealth, in towns, cities, and estates, but has it been that kind of development the American people ought to desire? Is it that order of development, of general advancement and peaceful and prosperous homes which it was the interest of your people to secure? Is the development secured by these vast subsidies consistent with the principles of your free institutions and the substantial equality of your people? Or, on the contrary, is it not a departure from those principles and a development of national resources on the methods of the Old World fatal to the hopes of the New?

Why, sir, the imperial estates you have created, the more than baronial possessions you have established by your class legislation and subsidies through your great land grants, pledges of the public credit, public bonds, and financial methods are without example. Can any human being foretell the extent to which those measures, made in the interest of favored classes under the pretense of rapid development of the resources of our country, may change the character of our institutions and the destiny of the American Republic?

Congress was appealed to by the skillful and unscrupulous to open up highways of improvement, to better the conditions of labor, as though this could be brought about by opening up unbounded opportunities for the acquisition of fortunes. The inevitable result came remorselessly and steadily; wealth increased in an unexampled degree, but it was not the wealth that cheers and invigorates labor and builds up prosperous and happy homes, but the wealth of great estates. Why, sir, thirty years ago a large private estate was so rare in this country as to command special attention. Very few of our people were rich and very few of them were poor. Every successive measure that looked to the interest of the few instead of the simple duties of the Government to the many, to all alike, has created and increased estate after estate until changes in the condition of a people greater than the human race has ever witnessed has occurred in the lifetime of a single generation. Overgrown fortunes, spent largely in foreign countries, with such ostentation as to bring republican institutions, if possible, into disrepute, or at home in princely luxury, setting an example of idle display to our people, while arousing indignation on the part of those who justly feel that the Government has been unjust, an order of things exceedingly unfavorable to the maintenance of the public peace and the perpetuation of the true spirit of our republican institutions.

Sir, could any gentleman have doubted, in view of the happy condition of our country from which this period of lavish subsidy was a departure, that in departing from the early methods of our Government a fatal mistake was being made? Could any doubt have existed that the policy adopted by Congress in the series of measures to which I have referred would produce overgrown estates on the one hand and hopeless poverty and cheerless homes on the other, with masses of our people not able to keep the wolf from the door or to furnish shelter, food, and raiment for their wives and children? No, sir. The history of the human race rendered it absolutely certain that these results would follow. Who could have doubted that discontent would arise, the public peace be disturbed, and appeals to Congress for relief? Could any gentleman have doubted these would be the natural and legitimate results? They were foreseen as results likely to arise if we went back to the methods of monarchies as clearly by the prophetic eye of the early statesmen of this Republic as they are to-day. They sought to guard against such result, but our generation has failed in the high duty of its trust, and for temporary advantage and to promote favorite interests have sacrificed the grand hopes of the future.

You can not go out of the domain of the Government, you can not legislate in favor of special interests without building up fortunes of some and at the same time reducing fortunes of others. If you give great occasion, open up great opportunities, as have occurred in our generation, a few great estates, a great multitude of impoverished people are the inevitable results—great estates, and the land filled with the cry of labor struggling for relief. High taxation and subsidies to enrich special classes are alone responsible for all this.

Under the old benign policy of our fathers this Government at the end of the present century would have been in the vigor of youth, the general equality of its people in the main preserved. As it is now who can foretell what will be the condition of the American Republic at the end of the present century, with the changed condition of the people, the interest of labor oppressed by the overbearing temper of capital, with public discontent and the unrest of multitudes of our people furnishing a pretext for an increased army and an increased navy? Where are these things to end? I fear, as certain as cause follows effect, unless all this shall be changed and Congress shall undo as far as it can this un-American legislation in behalf of special interests, unless that remedy is applied, and applied speedily, our institutions will encounter grave peril.

Surely Congress will not go on adding to the elements of public insecurity.

Is this House prepared, therefore, in view of the recent experience we have had, to embark in these attempts at fostering the wealth of the few engaged in the ocean carrying trade at the expense of the whole people of the country? Are not the estates of some of the beneficiaries of this measure already too great for the public safety?

Sir, I hope that past experience will not be forgotten. I think this House at least should not forget the final result of the last subsidy grant made by this House on the ever specious pretense of reviving American shipping. I had occasion to remind the House once before that the most humiliating spectacle ever witnessed on this floor, and I trust in God it will not be repeated, was when men coming here with the respect and confidence of honorable constituencies left this Hall covered with shame and dishonor, never to return, and that, too, as the result of this policy now sought to be incorporated anew into our legislation, and as a natural outgrowth of a system of legislation in which the fortunes of the few by personal importunity are to be promoted at the expense of the many.

I think it is due to the people of this country, it is due to this House that the fact should be stated that one of the great corporations appealing to you for this subsidy came into your lobbies by its accredited agents with money in their hands to corrupt the legislation of Congress and by corrupt and dishonest means obtain money from your Treasury. In 1865 you had granted the Pacific Mail Steamship Company a subsidy of $500,000 a year for ten years. In 1872 you passed the law granting that powerful corporation a further subsidy of $500,000 a year for ten years, and two years later the fact came to light that bribery had secured the law and you promptly repealed it.

Gentlemen, here lies the great peril of this system of subsidies, this system of legislation that in its results inevitably makes a few rich and many poor. Bad enough that the policy of our period should be to disturb the natural equality in the material condition of our people by operation of law, building up great estates for the few and producing corresponding poverty in the many, because, independent of its injustice, it weakens the foundation of our Government; but how much less is that evil than that in our great Republic, in the opening of this our second century, a policy should be entered upon the natural fruits of which are to invite assaults upon the integrity and honor of the Congress of the United States and the agents of your Government. Can any man understand the extent to which the great subsidies already granted have affected your public men? How many public men have been brought into fearful and perilous temptations by motives unfriendly to the Government that employ them! That last experience in subsidy legislation is one I think that ought not to be forgotten. It is a humiliating lesson and ought not to be repeated, at least in our generation.

The Pacific Mail Steamship Company is here the recipient of most of the subsidy proposed to be granted, a company which has already accumulated enormous wealth, not as the outgrowth of enterprise, frugality, or industry, but the outgrowth of your subsidy legislation; a wealth that has been created by laws at the expense of your people, which have changed the natural order of things, operating to the disadvantage of the multitude and to the advantage of the few.

This measure is in the main to still further enrich the enormous estates you have already created. I wish, sir, that a passage from a report made to this House, which I have marked, may be read from the Clerk's desk; and before it is read let me call the attention of the committee to a statement made by this same famous document to which I have alluded and which was laid upon all our desks to-day—this appeal of wealth for still greater estates. After referring to the fact that the previously small subsidies of 1857 were abandoned in 1859, the statement goes on:

> In 1870, by hard pluck, there was built 276,063 tons, and in 1874 a rally to 432,725 tons.
>
> Then again came a breaking of national faith by further Congressional abrogation of ocean mail contracts, and again the stabbing of our shipping in obedience to foreign whisperings, by way of punishing the individuals who had plundered the small profits saved. And thus, from short-sightedness, misrepresentation, and legislative bungling, in 1880 we built only 157,409 tons.

I ask your attention to the language "foreign whisperings," and in this connection I ask to have read the passage from the report to which

I have before alluded. Let us see if it is true, as intimated here more than once during this debate, that it was influences from abroad that were inducing members of Congress to refuse to promote the interest of their own shipping. Let us see whose "whisperings" suspended the subsidy of $500,000 a year granted to the Pacific Mail Steamship Company in 1872. Let us hear the report of the Committee of Ways and Means of this House.

The Clerk read as follows:

The investigation of the Committee on Ways and Means was upon the question whether money had been corruptly used by said Pacific Mail Steamship Company or by any person to procure the passage by Congress of the act providing for the increased mail service.

The testimony shows that Arden B. Stockwell was, by a stock combination, elected president of the company in November, 1871, with a new board of directors. In December, 1871, he appears to have revived the purpose entertained by former officers of the company of obtaining an appropriation for additional service between San Francisco and China, and summoned Richard B. Irwin, one of the company's agents at San Francisco, to New York for consultation. Irwin accordingly came to New York in January, 1872, when he was told by Mr. Stockwell of his purpose to bring the matter again before Congress, and Stockwell arranged with him that he should proceed to Washington in charge of the efforts to procure the passage of such an act. This was done prior to my communication of his purpose to the board of directors or to the executive committee.

It also appears that on the 14th of February, 1872, at a meeting of the executive committee of the board of directors the following resolution was adopted by that committee, at the request of said Stockwell:

"February 14, 1872.

"*Resolved*, That the president, in his discretion, is hereby authorized to employ counsel and incur such other necessary expense as may be necessary in connection with the measures for additional subsidy now pending before Congress."

* * * * * * * *

MY DEAR SIR: I inclose checks to my order indorsed to your order for $230,000, $100,000, $110,000, and $40,000, which are placed in your hands to be used in payment of your service in case of the passage and approval by the President of the bill or amendment providing for the increase of our China mail service to semi-monthly trips with a subsidy of $500,000 a year for ten years, said compensation to be reduced pro rata in the event of a reduction of the amount appropriated as above. None of these checks to be used by you but all to be returned to me in the event of failure, excepting only the last-named ($40,000) all or any portion of which you may apply if actually required for your necessary expenses and for counsel fees.

Very respectfully yours,

A. B. STOCKWELL.

RICHARD B. IRWIN, Esq.

Mr. HOLMAN. Mr. Stockwell was the president of the company.

The Clerk read as follows:

These were either the personal checks of Stockwell or checks belonging to him, not the checks of the company.

Irwin claimed that under the arrangement made by Mr. Stockwell with him, instead of the sum of $250,000 named in the preceding letter he was to have $500,000, and so stated to Stockwell in reply to that letter. To this communication of Irwin, Stockwell replied under date of May 4, 1872.

DEAR SIR: Yours of the 3d to hand. We are much encouraged by the result of yesterday were it not for the demands of to-day. When we were defeated in the "House" you said to me there was some good to come of it; that if we did get our bill 'twould cost less. I don't think it wise for the company to give their checks in this matter. Notwithstanding, I now inclose the four checks for $100,000 each as you desire; but if they must be used, I would prefer my checks to be substituted for these; but, as I say above, I send them because I want to do everything to insure success. Of course you will return me my checks for $250,000 previously sent to you.

Yours, very respectfully,

A. B. STOCKWELL.

Mr. R. B. IRWIN.

Mr. HOLMAN. That is the letter of the president of the board of directors of the Pacific Mail Steamship Company, the president of the very company which has been appealing to you by a paper laid on your desks this morning denying that any improper influences are in use to secure the passage of this amendment appropriating this subsidy of $800,000—the same company which, according to the report in the hands of the Clerk at your desk, expended $900,000 to corrupt Congress. The following words in the conclusion of the report made to the House on the 20th day of February, 1873, only thirteen years ago, by the Committee of Ways and Means, show the extent by this extraordinary expenditure of this corporation to influence the action of Congress.

The results of the evidence are that about $900,000 was disbursed upon the allegation that it was used in aid of the passage of the act now under investigation.

Mr. MCMILLIN. What was the date of that?

Mr. HOLMAN. It was February 20, 1873. The company which expended that $900,000 and carried, on the 2d of June, 1872, that subsidy of $500,000 for ten years through, that same company now comes before you and tells you that no improper influences are being used to secure the pending subsidy. I do not believe that corrupt corporation can reach any member of this House. I hasten indeed to say that I do not believe that the Pacific Mail Steamship Company could by all of its enormous wealth, the foundation of which was laid by a Congressional subsidy, reach any member of this House.

But the fact that it has done so in former years, that it spent its corrupting money to dishonor Congress and our country—for that very letter shows that the president of the company regarded Congress as in the market and legislation as something to be bought, is too manifest to be called in question—makes me shudder at the thought that the same powerful corporation can again appear by its agents in your lobbies demanding a gratuity out of the hard earnings of our people hoarded in your Treasury. This very corporation is a direct outgrowth of your subsidy system in the grant of bonds and lands you made to the Union Pacific Railway Company, in which you created private fortunes almost unexampled in the history of mankind.

But, gentlemen, have you considered that in connection with this question of subsidy the question of taxation necessarily connected with it is of the highest moment. The current expenses of this Government confined to the simple objects and just purposes of Government would be enormously below the present rate of expenditure. Direct subsidy in various forms has swollen the expenditure to the present enormous proportions. Have you considered, gentlemen, that taxation itself is one of the most powerful centralizers of wealth ever devised by men who wish to live off of the labor of other men? You draw from the labor of the people annually $325,000,000, a sum more than equal to one-fifth of the entire currency of the country. You know that at least a part of this $325,000,000—this enormous wealth—is annually crystallized into more than comfortable estates and in instances into great fortunes somewhere. It never goes back to the great mass of our people who pay it into the Treasury through the countless channels of customs, taxes, and internal-revenue taxation. It never goes back to them. This $325,000,000 is an enormous body of wealth drawn annually from the industries of the people. Its exactions are felt in every home and at every fireside in the crimping of the comforts of home, shelter, and food. It is drawn from the whole people, and yet less than half a million, perhaps a greatly less number of our people, receive back any portion of this vast sum of money in any shape or form, and yet this goes on every year. With a taxation on labor unexampled in a time of peace, with a consciousness that our wealth in lands has been substantially exhausted by imperial grants to the favorites of Congress, that the enormous body of wealth, near $100,000,000, has been given directly to the gentlemen who have ingeniously managed the Union Pacific Railway system and unnumbered other subsidies, is it surprising that at this early moment Congress is appealed to for relief; that bills are pending to repeal the enormous land grants so far as it can be done; that efforts are made to compel the Union Pacific to disgorge the sums of money it has dishonestly withheld; that unrest and discontent fill the land with disorder? No, sir; this is the natural result of subsidy.

I admit again that the last twenty-six years have witnessed an unexampled growth of the wealth of this country, but the form of its development has thrown us back to the wretched social system of the Old World, from which our fathers thought they had forever escaped. Palaces and huts, the luxury and arrogance of wealth, the wretchedness of poverty! English, Scotch, and German landlordism in America with great landed estates and impoverished and dependent American tenants! Such are the fruits of subsidy. Such was the result of subsidy in the Old World in giving strength to monarchy by the centralization of wealth. Such is, has been, and will be in the New, and such are its results in our country up to this hour. Subsidy in the nature of things centralizes wealth. The strength of monarchy is in centralized wealth; the strength of a republic is in the diffusion of the wealth of the nation among the whole people, and yet men of ample fortunes are here demanding subsidies from your Treasury!

I protest against this presumption of wealth. I protest against a system of legislation which imperils the integrity of Congress and invites unlawful and corrupt agencies. I protest against legislation for the benefit of the few at the expense of labor. I protest against this whole system of subsidy, which in all ages has only created great estates and filled the land with poverty. And I plead for that earlier and better system which secured to all men the equal protection of law and equal and exact justice to all, "protecting all, granting favors to none."

[Here the hammer fell.]

Mr. BLOUNT. I wish to say that I shall press as rapidly as I can to-morrow the consideration of these amendments.

Mr. DOCKERY. I ask permission to extend my remarks in the RECORD.

There was no objection.

Mr. BLOUNT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the amendments of the Senate to the bill (H. R. 5887) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1887, had come to no resolution thereon.

LEAVE TO PRINT.

Mr. BLOUNT. I ask unanimous consent that gentlemen who desire to do so may have leave to print their remarks on these amendments in the RECORD.

There was no objection.

ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the

committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 79) for the relief of William L. Dunlap, trustee.

CHANGE OF REFERENCE.

The SPEAKER. The gentleman from Virginia [Mr. WISE], who was not present when the Committee on Naval Affairs was called, desires to present a report.

There was no objection.

Mr. WISE, from the Committee on Naval Affairs, reported back the joint resolution (H. Res. 54) to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Expenditures in the Navy Department.

The motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Papers relating to the claim of William Gibson, administrator of Sterling Gibson, of Warrenton, Ga.—to the Committee on War Claims.

Also, petition of William Gibson, administrator of Dr. Sterling Gibson, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. BUCK: Petition of Sara T. Kinny, Harriet Beecher Stowe, Henrietta Silliman Dana, Mary A. Cooke, Anna W. Riddle, and Mary M. Vermilye, officers of the Indian Association of Connecticut, for the passage of the Dawes bill providing for the allotment of lands in severalty to the Indians; also favoring the bill for the relief of the Mission Indians of California—to the Committee on Indian Affairs.

By Mr. J. M. CAMPBELL: Petition of Grange No. 734, of Pennsylvania, asking for legislation to prohibit the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. CONGER: Petition of citizens of Adair County, Iowa, for a special act increasing the pension of Briggs Alden, a soldier of the war of 1812—to the Committee on Pensions.

By Mr. CRAIN: Petition of citizens of Duval County, Texas, praying for the re-establishment of the duty of 1867 on wool—to the Committee on Ways and Means.

By Mr. CUTCHEON: Petition of ex-Union soldiers of Charlevoix County, Michigan, praying for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. DUNHAM: Resolutions of the Board of Trade of Chicago, urging the passage of Senate bill 1877, favoring the immediate-transportation act—to the Committee on Ways and Means.

Also, resolutions of the Commercial Exchange of Chicago, against House bill 8328, proposing a tax on oleomargarine—to the Committee on Agriculture.

By Mr. DUNN: Petition of Mrs. M. C. Tatum, for a pension—to the Committee on Pensions.

By Mr. HIRES: Petition of State Grange No. 81, of New Jersey, for the suppression of the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, petition of same, protesting against any tariff discrimination against agricultural raw material—to the Committee on Ways and Means.

By Mr. J. T. JOHNSTON: Petition of W. H. Porter and 155 others, soldiers and citizens, asking for the passage of House bill 3320, granting a pension to all Union soldiers, and for other purposes—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of Eliza S. Jones, widow of John C. Jones, deceased, and of Robert C. Jones, and other children and heirs at law of said John C. Jones, for compensation for property taken and destroyed by the British forces in Charles County, Maryland, during the year 1814—to the Committee on War Claims.

By Mr. McKINLEY: Petition of George Rex, president board of health of Canton, Ohio, and others, for the maintenance of the National Board of Health in order that further efforts may be made relative to the prevention of epidemics in this country—to the Committee on Commerce.

By Mr. RIGGS: Protest of R. H. Gavin and others, citizens of Beardstown, Ill., against a low draw-bridge across the Mississippi below the mouth of the Missouri River—to the same committee.

Also, petition of Louis L. Roberts and others, of Kane, Ill., for taxation of oleomargarine—to the Committee on Agriculture.

By Mr. SINGLETON: Papers relating to the claim of Dr. J. Burnham, of Scott County, Mississippi—to the Committee on War Claims.

By Mr. SPOONER: Petitions of the Womans' Indian Association of Rhode Island, and of the Womans' Indian Association of Newport, R. I., for the passage of Senate bills Nos. 53 and 54—to the Committee on Indian Affairs.

By Mr. STAHLNECKER: Reply of Robert M. Littler, secretary of the National Butter, Cheese, and Egg Association, to the Board of Trade of Chicago on the bogus-butter question—to the Committee on Agriculture.

By Mr. CHARLES STEWART: Petition of citizens of Harris and other counties in Texas, asking an appropriation to be expended in transporting colored citizens to Liberia—to the Committee on Appropriations.

By Mr. STORM: Petition of the Produce Exchange of Toledo, Ohio, against taxing oleomargarine and butterine—to the Committee on Agriculture.

Also, petition of J. G. Zern, A. J. Darling, and 60 others, citizens of Carbon County, Pennsylvania, in favor of redeeming the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. SWOPE: Petition of numerous citizens of Willsburg, Pa., for the redemption of the trade-dollar—to the same committee.

By Mr. TAULBEE: Petition of citizens of Knox County, Kentucky, asking a pension for Lieut. William B. Eva, late Company H, Forty-ninth Kentucky Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. ZACH. TAYLOR: Papers relating to the claim of Mrs. Laura Stovall—to the Committee on War Claims.

By Mr. WAKEFIELD: Petition of 241 citizens of Minnesota, praying for the action of Congress in reference to lands claimed to have been improperly certified to the State of Minnesota for the benefit of certain railroad companies—to the Committee on the Public Lands.

By Mr. T. B. WARD: Petition of 100 citizens of Madison County, Indiana, asking that all soldiers and sailors who served in the Federal Army sixty days in the war for the Union be pensioned—to the Committee on Invalid Pensions.

By Mr. WISE: Papers relating to the claim of Mrs. Sally Hardmann—to the Committee on War Claims.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. ERMENTROUT: Of the Solebury Farmers' Club, of Bucks County, Pennsylvania.

By Mr. HILL: Of citizens of Atwater, of Portage, of Round Bottom, of Wooster, of Bloomville, and of Hartford, Ohio.

By Mr. PRICE: Memorial of William Ulrich and 14 others, of Fountain City, Wis.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented, and severally referred to the Committee on Education:

By Mr. WORTHINGTON: Of citizens of Peoria County, Illinois.

SENATE.

THURSDAY, *May* 20, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. COKE. When in the consideration of the pension bill passed yesterday the amendment of the Senator from South Carolina [Mr. BUTLER] pensioning the soldiers of the Mexican war was voted on, that is, when the motion to lay the amendment on the table was voted on, I was absent from the Senate, at the Commerce Committee room with other members of that committee at work on the river and harbor bill, by permission of the Senate. I am marked in the RECORD as an absentee, when in fact I was paired with the Senator from New York [Mr. EVARTS]. Had I been present, I would have voted against laying the amendment on the table. I desire that fact to appear of record.

I desire to state further that my colleague [Mr. MAXEY], who was also absent on official business, who is marked here as an absentee and who has no pair announced on this vote, was paired with the Senator from Massachusetts [Mr. DAWES]. If my colleague had been here, he would have voted as I would have done, against the motion to table the amendment.

The PRESIDENT *pro tempore*. The Chair is advised that both pairs were announced.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a letter from the governor of Ohio, transmitting a copy of the resolutions of the house of representatives of Ohio in respect to the election of Hon. HENRY B. PAYNE

a Senator from that State; which, with the accompanying paper, was referred to the Committee on Privileges and Elections, and ordered to be printed.

Mr. VEST presented a resolution of the Board of Trade of Kansas City, Mo., remonstrating against the passage of the bill imposing a tax on oleomargarine and butterine; which was referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented a petition of citizens of Wilton, Fairfield County, Connecticut, praying for the passage of a bill providing that imitation butter shall be sold under its true name; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of ex-prisoners of war, citizens of Hartford, Conn., praying for the passage of the bill pending in the House of Representatives to pension ex-prisoners of war; which was referred to the Committee on Pensions.

Mr. BROWN. I present the report of the grand jury of the United States court in Savannah, made to the court at the termination of their labors, in which they call attention to the condition of the present court-house. It is located upon the most important business street in the city, which is paved with cobble-stone, and the numerous wagons and carriages and vehicles of all sorts which pass over it, as the grand jury state and as the judge states in a letter accompanying the presentment, make it almost impossible many times (and I know from having once practiced in the court there that it is true) to hear either the witnesses or the remarks of counsel. The House of Representatives having passed a bill making an appropriation for a new building at that place, this is intended as an expression of the grand jury, indorsed by the judge, as to the great necessity for the passage of the bill. I move the reference of the papers to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. EDMUNDS. I present the petition of T. R. Foster and 25 other citizens of Berlin, Vt., and some other towns, praying for legislation to repress the manufacture and sale of fraudulent butter. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. BLAIR. I present the petition of Albert D. Spalter, of Rumney Depot, N. H., in which he prays for remuneration on account of services rendered the Government by his maternal grandfather, Lieut. Moses Child, during the French and Indian and Revolutionary wars. I move the reference of the petition to the Committee on Revolutionary Claims.

The motion was agreed to.

Mr. CALL. I present the petition of Charles B. Pendleton, a senator from the twenty-fourth senatorial district of Florida, and F. Figueredo, a member of the assembly of Florida, in which they assert that Mr. Cirilo Pouble, formerly a resident of Key West and more lately of New York, and to them well known, was arrested in the city of Havana, Cuba, in December, 1884, and since then has been confined in prison by the Spanish authorities of that island for some so-called political offense.

They further show that Mr. Civile Pouble in May of 1882 declared his intention to become a citizen of the United States, which is a matter of record in the clerk's office at Key West, and which has been examined and attested by them.

They further show that Mr. Pouble is held for publications which were made in this country, and while a resident of it, and if an offense was there committed he is amenable to our laws. In the cause of humanity, common justice, and the honor of our country they respectfully ask that his immediate release and return to this country be demanded, and pray for such other action as may best comport with the dignity of this country.

I move the reference of the petition to the Committee on Foreign Relations, with the request that it may have immediate consideration.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2427) for the relief of the legal representatives of Eliza M. Ferris;

A bill (H. R. 6248) granting a pension to Louis A. Wollenweber;

A bill (H. R. 7437) to increase the pension of Levi L. Tongue;

A bill (H. R. 7407) granting a pension to Cyrus Dubbs;

A bill (H. R. 7688) granting a pension to Wilhelm Nolte;

A bill (H. R. 7843) granting a pension to Edwin R. Parks;

A bill (H. R. 7299) for the relief of Green Chambers;

A bill (H. R. 7401) granting a pension to Samuel Miller; and

A bill (H. R. 6895) granting a pension to Sarah Harbaugh.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 5154) granting a pension to Margaret A. Poland, reported it with amendments, and submitted a report thereon.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the memorial of the Legislative Assembly of the Territory of Arizona, in favor of the appointment of a fourth United States judge and an increase of compensation to judges, asked to be discharged from its further consideration, and that the prayer of the petitioners be denied; which was agreed to.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory, reported it without amendment.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. 2377) to authorize the United States district court for the northern district of California to proceed in the case of the executors and heirs of Augustine de Yturbide, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

CHEYENNE AND NORTHERN RAILWAY COMPANY.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations, to report it favorably with amendments.

I will say that this bill has not only the unanimous approval of the committee but also the approval of the Secretary of War, and as the road is to be constructed this year, I ask that the bill be now considered. I do not think there can be any possible objection to it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MANDERSON. There are two amendments proposed by the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The amendments will be stated.

The CHIEF CLERK. In line 7, after the word "line," the committee report to insert the words "and subject to such regulations;" so as to read:

That the Cheyenne and Northern Railway Company, a corporation created and organized under the laws of the Territory of Wyoming, is hereby authorized to build its road across the Fort Russell and Fort Laramie military reservations, upon such a line and subject to such regulations as may be approved by the Secretary of War.

The amendment was agreed to.

The next amendment reported by the Committee on Military Affairs was to add to the bill:

And shall be subject to such change or removal as may be prescribed by the Secretary of War.

Mr. MORRILL. I suggest to the Senator in charge of the bill that the amendment should be amended by adding "at the expense of the railway company."

Mr. MANDERSON. I have no objection to that amendment. I adopt the suggestion of the Senator from Vermont, that any change ordered by the Secretary of War shall be made at the expense of the railway company.

The PRESIDENT *pro tempore*. The amendment to the amendment will be reported.

The CHIEF CLERK. It is proposed to add to the amendment "at the expense of the railway company;" so as to read:

Provided, That such right of way shall not exceed 100 feet in width, and shall be subject to such change or removal as may be prescribed by the Secretary of War, at the expense of the railway company.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. EDMUNDS. Now let us hear the bill as amended read. It is very short.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That the Cheyenne and Northern Railway Company, a corporation created and organized under the laws of the Territory of Wyoming, is hereby authorized to build its road across the Fort Russell and Fort Laramie military reservations, upon such a line and subject to such restrictions as may be approved by the Secretary of War: *Provided*, That such right of way shall not exceed 100 feet in width, and shall be subject to such change or removal as may be prescribed by the Secretary of War, at the expense of the railway company.

Mr. EDMUNDS. I wish to add what I am sure there will be no objection to, that which ought to be added in all these granting bills:

That if the rights hereby conferred shall not be exercised and the road built within three years next after the passage of this act, all the rights and authority hereby granted shall absolutely cease and determine.

Mr. MANDERSON. I have certainly no objection to that.

Mr. EDMUNDS. We ought to have that in every one of these bills.

Mr. MANDERSON. It is a railroad bill, and I have guarded it very carefully with all the restrictions possible, and certainly I have no objection to that amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. 2. That if the rights hereby conferred shall not be exercised and the road built within three years next after the passage of this act, all the rights and authority hereby granted shall absolutely cease and determine.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 570) for the relief of E. P. Thompson;

A bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River; and

Joint resolution (H. Res. 79) for the relief of William L. Dunlop, trustee.

BILLS INTRODUCED.

Mr. BLAIR introduced a bill (S. 2482) to restore pensions in certain cases; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2483) to grant to the trustees of the German Lutheran Trinity congregation, of Washington, D. C., the right to sell a portion of their cemetery lands; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. EDMUNDS introduced a bill (S. 2484) appropriating $25,000 in aid of a volunteer disabled soldiers' home in Vermont; which was read the first time by its title.

Mr. EDMUNDS. I move that the bill be read the second time and referred to the Committee on Military Affairs, which I suppose is the proper committee, and I hope that committee will give it early attention.

The bill was read the second time, and referred to the Committee on Military Affairs.

Mr. MCPHERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2485) granting a pension to Robert Boyd;

A bill (S. 2486) granting a pension to John Spruce;

A bill (S. 2487) granting a pension to Andrew Mucklin; and

A bill (S. 2488) granting a pension to John B. Fuller.

Mr. PLUMB introduced a bill (S. 2489) for the relief of Thomas Gehagan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2490) granting an increase of pension to George H. Bethord; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2491) granting a pension to George W. Schell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2492) granting a pension to Samuel Wilson, father of Samuel Wilson, deceased; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2493) granting a pension to John Harris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2494) granting a pension to Nelson Mason; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2495) granting a pension to William Demoss; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. MORGAN introduced a joint resolution (S. R. 65) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Carlos H. L. Morsing, of Brazil, South America; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BROWN and Mr. MCPHERSON submitted amendments intended to be proposed by them severally to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

ARKANSAS JUDICIAL DISTRICTS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Calendar is now in order.

Mr. JONES, of Arkansas. I wish to ask the unanimous leave of the Senate to take up a bill of local importance in my State. It simply transfers three counties from the Federal judicial district in which I live to another Federal judicial district to save the inconvenience of parties litigant and witnesses traveling 160 or 200 miles farther than it is necessary to travel. The bill will not require the attention of the Senate above two or three minutes. It is Calender No. 1143, House bill 5910.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas. Is there objection? The Chair hears none; and the bill is before the Senate as in Committee of the Whole, and will be read at length.

The Chief Clerk read the bill.

Mr. INGALLS. Since the bill was reported it has occurred to the committee that an amendment will be necessary to it so far as pending causes are concerned.

Mr. EDMUNDS. And crimes.

Mr. INGALLS. Yes; old offenses. I ask the Chief Clerk to report the amendment which I have previously submitted.

The PRESIDENT *pro tempore*. The amendment is not with the bill at the desk.

Mr. INGALLS. I gave the clerks a paper which was to be filed with the bill.

Mr. FRYE. Has not the Senator from Mississippi [Mr. WALTHALL] the exact language in another bill relating to the districts in his State?

Mr. WALTHALL. Yes; the amendment with reference to old offenses.

Mr. JONES, of Arkansas. I send the amendment which the Senator from Mississippi has in his possession to the desk.

Mr. INGALLS. Let the amendment be read.

The CHIEF CLERK. It is proposed to add to the bill:

And all prosecutions for crimes and offenses heretofore committed against the United States shall be commenced and prosecuted as if this act had not been passed.

Mr. EDMUNDS. It should read "commenced, prosecuted, and determined." Put in the words "and determined."

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The Chief Clerk read as follows:

And all prosecutions for crimes and offenses heretofore committed against the United States shall be commenced, prosecuted, and determined as if this act had not been passed.

Mr. EDMUNDS. That will not do. It should be confined to crimes and offenses committed in the three counties named. As it is now it is altogether too large.

Mr. JONES, of Arkansas. Yes; it should apply to the three counties of Howard, Little River, and Sevier.

Mr. INGALLS. I prepared an amendment and gave it to the clerks to file with the bill, and it should appear somewhere among the papers.

The PRESIDENT *pro tempore*. The amendment does not seem to be among the papers now. If the bill lies over temporarily the clerks will probably find it.

Mr. EDMUNDS. We can fix it in a moment.

Mr. CONGER. If this bill is laid over temporarily I ask, what I have been struggling for some weeks to get, consent to consider a bill.

Mr. EDMUNDS. Will the Senator from Michigan suspend for a moment until we can finish the bill of my friend from Arkansas? I have an amendment now prepared which I think will answer the purpose. I move to amend the bill by adding after section 2, as section 3, and so changing the number of the last section:

SEC. 3. All crimes and offenses heretofore committed within said western district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

I think that will do.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE BARGE MICHIGAN.

Mr. CONGER. I now ask the consent of the Senate to proceed to the consideration of the bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOMMITTAL OF A BILL.

Mr. DAWES. I move that Order of Business 1096, being the bill

(S. 2066) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein, be recommitted to the Committee on Naval Affairs. I have the consent of the Senator who reported the bill adversely [Mr. BUTLER] to move its recommittal.

The motion was agreed to.

MISSISSIPPI JUDICIAL DISTRICT.

The PRESIDENT *pro tempore*. The Calendar will now be proceeded with. The first bill on the Calendar is the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, on which the Senator frem New Jersey [Mr. MCPHERSON] has the floor.

Mr. WALTHALL. Will the Senator from New Jersey yield to me to call up a local bill, which can be disposed of without debate?

Mr. MCPHERSON. I should be very glad to yield, but I do not know that I have any right to yield the floor on a bill which is in charge of another Senator.

Mr. WALTHALL. If the Senator will yield it will take no time. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, to add to the bill:

And all prosecutions for crimes and offenses heretofore committed against the United States shall be commenced and prosecuted as if this act had not been passed.

So as to make the bill read:

Be it enacted, &c., That the county of Attala, in the northern judicial district of the State of Mississippi, is hereby transferred from the western to the eastern division of said district; and all prosecutions for crimes and offenses heretofore committed against the United States shall be commenced and prosecuted as if this act had not been passed.

Mr. EDMUNDS. That is not correct in form, and I move, if there be no objection, to insert in lieu of that amendment precisely the words which we have inserted in the Arkansas bill, which I am sure will cover it.

Mr. WALTHALL. I will state to the Senator that the amendment just reported was made to the bill by the Judiciary Committee.

Mr. EDMUNDS. Yes; but unhappily, by some accident in transcribing, it is not in the form which was agreed upon in the committee.

Mr. WALTHALL. The amendment suggested by the Senator from Vermont will be acceptable to me.

The PRESIDENT *pro tempore*. If there be no objection the amendment as reported from the Committee on the Judiciary will be withdrawn and the amendment as heretofore proposed by the Senator from Vermont will be read.

The Chief Clerk read as follows:

And all crimes and offenses heretofore committed within said western division of said northern district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEN ISLAND BRIDGE.

The PRESIDENT *pro tempore*. The first bill on the Calendar will now be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, the pending question being on the amendment proposed by Mr. MCPHERSON as a substitute.

Mr. MCPHERSON. When I yielded the floor yesterday I was proceeding to speak of the policy which had been pursued touching the proposed construction of a bridge across the Detroit River. It will be remembered that certain officers of the Corps of Engineers of the United States Army, as in the present case, had reported favorably upon the practicability of bridging that stream consistently with the interests of navigation. It will be further remembered that in this case but one engineer officer has made such a report. In the case of the Detroit River bridge I think there had been three distinct and separate reports favoring the construction of a bridge. This would probably have been done, and the immense commerce of that great water way would have been permanently impaired, had it not been for the timely action of Congress, as found in the appropriation bill for rivers and harbors, approved March 3, 1873, in which a provision was inserted, which reads as follows:

That the Secretary of War is hereby authorized and required to detail from the Engineer Corps one or more engineers, whose duty it shall be to inquire into and report upon the practicability of bridging, consistently with the interests of navigation, the channel between Lake Huron and Lake Erie, at such points as may be needful for the passing of railroad trains across said channel, and also its effect upon the navigation of the same; and further, to inquire into the number and character of the vessels navigating said channel, and the number of trips made by each, and, if said bridging be practicable, to report what extent of span or spans and elevation above the water will be required in the construction of such bridge or bridges, so as not seriously to injure the navigation of said channel.

I send to the desk of the Secretary, and ask to have read, a small part of that report, which will be found on page 599 of the report of the engineers for the year 1874, included within the lines I have marked.

The PRESIDENT *pro tempore*. The Secretary will read as indicated.

The Chief Clerk read as follows:

The different railway crossings of the river have now been considered. Two bridges only are at present desired, namely, at Detroit and at Stony Island. As the road crossing at the latter point has but just been opened, we have no data for the amount of freight it will take over. From Messrs. Bissell and Hackett's statement, the amount of freight which would pass through a bridge at Detroit is about 9,000,000 of tons per annum, while from the Great Western Railway Company's statement the whole amount of freight crossed at Detroit in 1872 was less than one-tenth that amount. But what makes a bridge necessary to the railroads is the winter ice, as during the summer freight can be crossed about as cheaply by ferry as by a bridge, when interest on the cost of the latter and maintenance are considered.

Hence, supposing one-third of the railway freight to be crossed during the winter months, it will be seen, in the case of a bridge, that 9,000,000 of tons of freight is asked to yield its interests for the benefit of one-thirtieth of that amount. This ratio will become larger when the Canada Southern road is in full operation, but it must always be small.

But, aside from the relative amounts of freight whose interests are in opposition, there is a wide difference between the rates of transportation between points connected both by water and by rail.

From Chicago to Buffalo, during the season of navigation, there is the freest competition. The vessels engaged in freighting are of the most varied kind, their owners and managers are widely scattered, and almost as numerous as the vessels; and, when the rates of freight become high enough to make carrying a little more profitable, any man with a few thousand dollars can build a vessel and compete with the others.

A combination of any serious extent and long continuation becomes then impossible.

Among the railroad lines between Chicago and Buffalo, which are few in number, combinations to fix the rates of freight are easily formed. If the rates are too high, the fact that, to enter into competition with these, a capital of many millions of dollars is required, practically destroys such competition as would fix and keep the rates at the lowest practicable point.

The results of unlimited competition and water transportation on one hand, and of no competition and rail transportation on the other, are shown in the rates on grain from Chicago to Buffalo by water, in 1872, which varied, according to Messrs. Bissell and Hackett's statement, from 1.66 mills per ton per mile to 3.53 mills per ton per mile: averaging 2.74 mills, or about 12 cents per hundred pounds from Chicago to Buffalo, while the rail rates by Blue Line were in October, 1872, 35 cents, and in May and September, 1873, 30 cents. In 1871 these rates varied from 22½ cents in summer to 35 cents in winter.

The earnings on through freight of the Michigan Central Railroad are given in Table XVII, and in 1872 they average 12.80 mills per ton per mile.

The most pressing want of the whole Northwest is cheap transportation to the East, and no steps should be taken which can interfere with the main channel by which that transportation is secured. If we consider the magnitude of the freights which pass through the Detroit River as compared with those which in winter need a bridge to cross it, or if we compare the rates by which freight is carried between points like Chicago and Buffalo, common to the two routes, the immense importance of the preservation of the water way unimpaired stands clearly forth. Bridges would be of an additional value to the railroads on account of the quicker time its passengers could make. This consideration is, however, of minor importance to the country at large, and especially to the Northwest, which demands, not the quickest passenger transit to New York across the Detroit River, but the cheapest frieghts on grain.

Mr. MCPHERSON. I need not detail to the Senate the imperative necessity which seemed to exist to accommodate the great railroad lines engaged in interstate commerce, and the great expense entailed on said lines, especially during the winter season, in crossing freight and passengers. The cost during ice season was estimated as high as 20 cents per ton on freight by some of the railroad managers. Notwithstanding this obstruction to the railroads during the winter season the Secretary of War, wisely and prudently, appointed a board of engineers, five in number, to carry into effect the provisions of act of March 3, 1873. And notwithstanding the railroad companies proposed to compromise upon a bridge which would be available for their use four months in the year, and whose use would be denied them during the navigation season, or eight months in the year, the able board of officers to whom it was referred reported against a bridge and in favor of a tunnel.

I will now read the conclusions of the board, which will be found on page 603 of the same volume.

Second. That no bridge giving passage to vessels, by draws alone, with draw-spans at present practicable, can be permitted without serious injury to navigation.

* * * * * * *

Fourth. For the reasons heretofore given, although the question has not been directly referred to it, the board deem the crossing of the river by tunnels the only unobjectionable method; and from all the information they have obtained, think a tunnel at Detroit or Stony Island is by no means impracticable, at a cost not so great as to debar its construction.

The bridge was denied and a tunnel was recommended; a tunnel was commenced to be built, but they have not proceeded to the extent of completing it.

I only cite this case to show that after three engineer officers of like rank with Major Gillespie had reported in favor of bridging the Detroit River, the Secretary of War under an act of Congress appointed a board of engineers of the most competent men in the Engineer Corps of the Army, and they decided against the construction of a bridge across that river for the reasons so very elaborately stated which appear in the report.

Again, Mr. President, the act of June 23, 1866, making appropriations for rivers and harbors contained the following section:

For examining and reporting upon the subject of constructing railroad bridges across the Mississippi River between Saint Paul, in Minnesota, and Saint Louis,

in Missouri, upon such plans as will offer the least impediment to the navigation of the river.

The Secretary of War organized a board of engineers under that distinguished engineer officer General Warren. They examined into all of the proposed bridges, built and to be built, to wit, at Quincy, at Dubuque, at Saint Paul, at Hastings, at Winona, at La Crosse, at Prairie du Chien, at Clinton, the new Rock Island bridge, and the Burlington railway bridge, the Hannibal railway bridge, and the Louisiana railway bridge.

The board makes very elaborate reports in each case, which I commend to the consideration of the Senate, but will not take the time of the Senate to read. I will, however, read a few words from the general conclusions reached by the board as found on page 15, report of 1878, which reads as follows:

Not counting draw-bridges authorized but not built, those now in existence have more than reached the limits of aggregate obstruction to navigation that can be borne without suffering great loss. Such bridges "accommodate" the railroads, but the delays they occasion to vessels at nights and during winds which do not interfere with the navigation of other parts of the river, prevent all regularity in the running of steamboats, and destroy the systematic arrangements for loading and unloading freights, upon which economical and profitable management depends.

* * * * * * *

The conclusion then (which the whole of this investigation and report sustains) is, that high bridges with wide spans are the only kind that will with certainty "accommodate the railroads, and at the same time preserve the navigation."

Now, Mr. President, the reports that I have read impel me to the conclusion that the Senate can not with safety to all interests concerned, and especially to the great interests of navigation on this stream, consent that it be bridged as provided in this bill. A tunnel may be built at very little cost and under more favorable conditions as to approaches, depth, and foundation of the stream than can be found elsewhere in the world. If a tunnel were properly constructed the passage of the trains could not interfere with the commerce of the stream, nor could the commerce of the stream interfere with or delay the passage of the trains. For myself, I am not willing to sacrifice this great public interest at the demand of a single railroad or any number of railroads.

I will not take the time of the Senate longer, Mr. President, having only referred to one or two authorities, although I have many that I should like to submit.

Mr. FRYE. Mr. President, this bill being practically in my charge, it was my intention to have closed the debate; but as I leave to-morrow morning that will be impossible, and therefore I will take no part in the discussion. I leave the questions of law and of fact fortunately in abler hands than mine anyway. I desire to say simply a word now.

Allusion has been made to two railroad companies, the Pennsylvania and the Baltimore and Ohio, and their conflicting interests. I was appointed chairman of a subcommittee to consider this question about three years ago, and I am frank to say that my predilections were all for the Pennsylvania Railroad and are to-day as against the Baltimore and Ohio. I am free further to say that all my sympathies were with New Jersey as against New York, New Jersey being the smaller State, and I living in a small State. Therefore I started into this investigation with a desire to be able to satisfy myself that this bridge ought not to be built—an honest desire on my part to so find.

We gave at least at that time two days' hearing, and some of the ablest lawyers in this country appeared for both sides. The Senators from New Jersey appeared in behalf of one side.

Mr. MCPHERSON. I did not.

Mr. FRYE. You did not. The members of the House appeared on both sides. Fortunately nearly the whole of the members of the Committee on Commerce were present at these hearings, as it was a matter of a good deal of interest and attracted attention, and the hearings were of great interest on account of the distinguished character of the gentlemen who appeared to represent the two sides. We listened patiently and heard all the testimony in the case and reported unanimously, I being compelled to yield my predilections and my sympathies, in favor of building this bridge and building it 30 feet high above mean low water.

The bill was not acted upon. It was again presented at this session of Congress, and again the gentlemen on both sides demanded a hearing, and again the whole committee gave them a hearing that lasted, according to my recollection, three days. The investigation and the arguments were more exhaustive than they were before, and in the trial of this case there was nothing left out of evidence or of law, and when the hearing was over the Committee on Commerce, with the same unanimity as before, gave a verdict in favor of building this bridge, only amending the former bill by increasing the height 2 feet, and as the former bill limited the Secretary of War to the location at a particular point which was objectionable to many of the gentlemen who appeared against the bridge on account of a current and a curve in the stream there but which the railroad preferred on account of its being a shorter distance across, an amendment was agreed to giving more latitude to the Secretary of War as to location. I say the committee was practically unanimous on that, and after a full hearing, a great deal fuller and ampler hearing than can be had here in the Senate.

Now, Mr. President, I myself have no question about the propriety of building this bridge. In my judgment the general commerce of the country demands it. That it will interfere to a certain extent with the commerce of the Arthur Kill of course can not be doubted, and no bridge can be built on any river where there is much commerce that does not to a certain extent interfere with that commerce; and yet the interference with that commerce is amply answered for by the benefits that will be derived by the general commerce of the country.

As to the height of the bridge, it has been suggested that it ought to be 70 feet. I disagree to that suggestion. I fail to see why 70 feet would be any better than 32 feet. There is no schooner or barge that can not go under a 22-foot bridge, and there is no tug or canal-boat or barge, in my opinion from the evidence offered, that will not go under the 32-foot bridge. All tugs that are constructed nowadays that would not go under a 32-foot bridge can very easily, and at a very little expense, be so contrived that the smoke-stacks can be lowered; and on the Western rivers and in other localities very many of them are so contrived. It is very seldom that a sailing vessel goes through this Kill. There is no necessity for it. The commerce of the Kill consists of canal-boats, tug-boats, barges. According to the evidence, ninety-one one-hundredths of all the commerce that goes through it is of that character.

There is within my knowledge but one bridge in this whole neighborhood of New York and New Jersey higher than a 32 feet bridge, and that is the Brooklyn bridge. I do not know of any other. There certainly is not one in New Jersey. A large amount of the commerce which comes through this Kill comes down the Raritan River and under a bridge there which is not 32 feet high. There is not one higher in New England that I know of. The draw provided for is 200 feet in the clear. I do not believe that that draw will have to be opened four times a day to accommodate all the commerce of the Arthur Kill with a bridge 32 feet high.

Mr. President, that is all I desire to say.. In my judgment the interests of the commerce of this country, not of New England, because I do not think New England commerce will be benefited in the slightest by this bridge, but the commerce of the great West will be immensely accommodated by this bridge.

Mr. MCPHERSON. Will the Senator permit me to call his attention to a part of the report? Major Gillespie, upon whom I think the committee very largely rely seemingly, as they quote him in the formal report they make to the Senate, speaking of the bridges about New York and New Jersey, as found on page 743 of the report of the Secretary of War in 1884, says of Arthur Kill:

This is one of the most important highways for commerce in the vicinity of New York Harbor.

The channel is used by all the vessels which transport the commerce originating at Elizabethport, and also by all the vessels, steamers, boats, barges, and tows which go to the several rivers tributary to Anthur Kill, or which pass from New York Harbor southward through the Delaware and Raritan Canal.

The annual tonnage of the canal alone at one time reached the high figure of 5,500,000 tons.

It is now greatly diminished; he proceeds to state why. It will be remembered that the Raritan River is only a tributary of this sound. Across the mouth of that river was built a bridge of exactly the character which the Senator proposes to build across the main channel of Arthur Kill. As a consequence of the building of that bridge across the mouth of the Raritan River, according to the statement of Major Gillespie himself, the commerce has diminished from 5,500,000 tons to 2,300,000 tons. And yet he does not think this proposed bridge will interfere with the commerce of the sound.

Mr. FRYE. I did not say so. I said I thought it would.

Mr. MCPHERSON. Major Gillespie goes on to say:

The tonnage of coal, iron, and other freight from Elizabethport is about 3,000,000 annually, and the total tonnage through the channel is estimated at 16,500,000 tons annually, with an estimated value of $61,592,000.

The maintenance of deep water in this channel is a matter of more than local importance, and concerns not only the entire coasting trade of New Jersey, but also a considerable part of that of Pennsylvania, Delaware, and Maryland.

Especially is it a great outlet for easy and economical delivery to the manufactories of the New England States.

In that regard it does interest the Senator's constituents.

Especial attention is invited——

Mr. FRYE. The Senator will pardon me again. I said that New England had not any special interest in favor of this bridge.

Mr. MCPHERSON. I so understand him.

Mr. FRYE. It is the opposite of what the Senator has attributed to me.

Mr. MCPHERSON. Mr. President, I have noticed in the Senator's report, which I have read with a great deal of care, a statement as to the amount of tonnage passing through this stream upon which he expects to construct a bridge only 32 feet high. He speaks of the tonnage of Perth Amboy, South Amboy, and the Delaware and Raritan Canal. He quotes from Major Gillespie's report and Major Gillespie is exactly right as to the amount of tonnage from the three given points.

Major Gillespie, for some reason unexplained, whether intentionally or unintentionally, has deceived the committee and the public as to the amount of tonnage necessarily passing through the Arthur Kill. He speaks of three points which are great delivery points and there stops. Now, what are the facts? In addition to the tonnage that must neces-

sarily pass through this stream of which Major Gillespie speaks, here is Cheesequake Creek, which has been improved by the Government, and according to his own report there are 47,000 tons from that not named in his report; there is Rahway River, 50,000 tons; Elizabeth River, 30,000 tons; Woodbridge Creek, 120,000 tons annually; Matteawan Creek, 122,000 tons; and there is Keyport Harbor; its commerce must take this route in times of storm on the Atlantic, and the entire commerce of Keyport Harbor is 1,800,000 tons. Then there is South River, of which he does not speak at all, 350,000 tons; and the factories located along the Arthur Kill, 100,000 tons more.

Let me ask the Senator from Maine just one simple question. Under this bill this can not be in the special interest of the Baltimore and Ohio Railroad alone, because you propose to give all other railroads the same advantages; and that I claim will be worse than giving them to the Baltimore and Ohio alone, because it will only multiply the trains on the bridge and more seriously impede navigation because of the number of trains. Then what is the objection, what can be the objecjection to the construction of a tunnel instead of a bridge, when the tunnel can be cheaply built, and when the tunnel is built no passing vessel can interfere with a passing train and no passing train with a passing vessel?

Here is an island said to be important for the great commercial interests of the country, conceded to be so, and therefore it is that you should be extremely careful how you propose to reach that island. Let it be done in a substantial manner, in a wise and prudent manner. It is only a matter of a few thousand dollars one way or the other, and as I said yesterday when addressing the Senate it would be better for the people of New Jersey to build the tunnel, construct it at their own expense, and make it a present to the Baltimore and Ohio Railroad and all other railroads that desire to use it, than to endure this proposed bridge.

Mr. FRYE. Mr. President, I was not aware that I had said anything to provoke the Senator from New Jersey into making another speech. I said nothing about the extent of commerce on this stream at all.

Mr. McPHERSON. The Senator quoted Major Gillespie's report as to the amount of commerce.

Mr. FRYE. In my speech I said nothing about the amount of commerce.

Mr. McPHERSON. I spoke of your report.

Mr. FRYE. My report correctly stated the commerce.

Mr. McPHERSON. It stated the commerce at three points. I say that in the general estimate there are 3,582,000 tons of freight passing through there that are not stated in the report.

Mr. FRYE. I simply desire to restate what I did say, that before the Committee on Commerce all the facts appeared. The distinguished gentlemen who argued the case besides the Senator from New Jersey did not leave out anything of law or of fact. Everything was put in. I never knew a case in my experience more carefully prepared and more thoroughly treated than this case; and yet I say that the committee were compelled to come to the conclusion that the general interests of commerce demanded that the bridge should be built. That is all I said about it. I am not belittling the commerce of Arthur Kill. I know it is immense, and that is all I intended to say about it.

Now only one word further in regard to Major Gillespie. So strongly was my mind inclined for New Jersey and for the Pennsylvania Railroad as against the Baltimore and Ohio—I mean personally—that after we had had one hearing and the report of Engineer Gillespie had been read the Senator from New Jersey asked me if I would not have that report recommitted with a request that an examination be made. I recommitted that report to the Secretary of War with an invitation as strong as one could make it in a letter of that kind, that he not only would re-examine, but that he would reform his report so that it might be nearer my views and my wishes; but instead of reforming he examined again, and the report came back stronger than it was before.

That is all I desire to say. I do not intend to discuss the general merits of the question at all.

Mr. McPHERSON. Mr. President, in all the cases to which I referred this morning like favorable reports had been made by individual engineers, and those reports and recommendations when referred to a board of engineers were overruled. I am quite certain that if this matter were recommitted to a board of intelligent engineers not one of them would report favorably to the construction of a bridge across this water way, except it be a high bridge with a wide span.

Mr. VEST. Mr. President, in several years' service upon the Committee on Commerce I do not now remember a single case where a bridge was proposed to be constructed over a navigable stream where there was any considerable amount of commerce without a direct conflict between what is called the river interest or the navigation interest and the railroad companies. The great difficulty in which our committee has always been has been to strike the just medium between these two conflicting interests. The river men, the navigation men seem to be unable to see that there is a vast change in the carrying trade which has taken place all over this continent. Where there used to be hundreds of vessels navigating streams, the railroads have almost destroyed the navigation interest.

Conspicuously is this so in cases like the one now under consideration before the Senate. The natural antagonism, if I may so term it, between the railroads and the navigation interest, the vessels of the country, has been sadly enhanced in this case by the struggle between two giant corporations, the Pennsylvania and the Baltimore and Ohio Railroad Companies. The Pennsylvania Railroad, I speak of it in the most disinterested way; I have no connection with either company and but a very slight acquaintance with the officers of either; I have no favors to ask from them and have never received any. My only interest in this matter is as a Senator from a Western State, every producer in which is directly interested in cheap transportation, whether by water or by rail, and I have endeavored to perform my duty judicially in this whole matter and have listened to the arguments that have been made on each side. The Pennsylvania Railroad Company wants to keep the Baltimore and Ohio from coming into New York city, because that enhances and increases its own profits. It is the old story. The Pennsylvania Railroad Company has made this struggle upon the basis ostensibly of what, as I said before, is now the rather inconsiderable navigation interest, because as compared with the interests of these two gigantic corporations the navigation is inconsiderable, though it amounts here to a great deal.

Mr. PLUMB. Let me ask whether there is not some way of adjusting these interests so that the navigation which now exists shall not be imperiled for the benefit of interests hereafter to arise.

Mr. VEST. That is exactly the object and aim of the Commerce Committee, and has been in all these cases, and is in the case now before the Senate. If we can give to this railroad the right to cross Arthur Kill and give it direct communication with or entrance into New York city without injuring the navigation interest, we want to do it.

Mr. McPHERSON. Will the Senator yield to a question?

Mr. VEST. Certainly.

Mr. McPHERSON. Suppose another great railroad interest and a second and a third shall in the immediate future seek an outlet across New Jersey and to the terminal facilities found there, and shall also desire to build a railroad bridge. Suppose the applications multiply indefinitely. This will be accepted and taken as a precedent and rule for future action by Congress, and it is absolutely and emphatically proven that this bridge alone will not only impair but destroy the commerce, what will it be when there are half a dozen others, with differing train hours? How long does the Senator think, under such circumstances, it would require for a tow to pass through all the bridges? In short, would not all commerce on the sound be of necessity abandoned?

Mr. VEST. That is the side of the case entirely opposed to the construction of any bridge across the Arthur Kill. Does the Senator mean to say that we are to construct no bridge at all? He says this will be a precedent. In so far as it is the construction of a bridge in the interest of cheap transportation, and which does not unjustly affect the navigation interests, it is a good precedent, and the bridge ought to be built whether it goes over one navigable stream or another. When it comes now to the *reductio ad absurdum* put here by the Senator from New Jersey, that if we pass this bill we shall multiply the number of bridges across the Arthur Kill, I say that is no argument at all, because that is taking for nothing the legislative discretion of the Committee on Commerce and of the Senate and of the Congress. All these matters are to be determined as each case is specifically presented.

When the Eads bridge was built at Saint Louis, the most splendid structure of the kind at that time upon this continent if not in the world, I remember, and every Senator here will remember, the attack made upon it by all the steamboat interests of the Mississippi River. It was predicted that the river would be obstructed by the wrecks that would be caused against the piers of that bridge; yet the bridge stands there to-day without those wrecks; and now when another bridge is proposed across the Mississippi River and in every such instance these same interests, no doubt looking alone to their immediate personal benefit, declare that if another bridge is put over the stream it will destroy navigation entirely.

Mr. SEWELL. May I ask the Senator what is the height of that bridge?

Mr. VEST. Fifty feet, a fixed bridge with fixed spans, and not a draw-bridge.

Mr. McPHERSON. Above high water?

Mr. SEWELL. Sufficient to pass everything on the Mississippi River.

Mr. VEST. Boatmen said not. They complained that it would be impossible for the larger class of boats on the Upper Mississippi to go below the bridge; and yet all these difficulties have disappeared. The engineers of the United States held a convention at Saint Louis and declared that the bridge was utterly impracticable, that a 500 feet span was absolutely impossible, and they stopped the construction of it for eighteen months; yet Eads went on and built the bridge, and, so far as can be seen now, it will stand as long as the banks on each side of the river stand.

Mr. President, I approached the question, as I said, precisely in a judicial way except so far as my representation of a Western and agriculture State may influence my judgment, being, as I am, anxious for cheap transportation. Every Western Senator, every Western citizen, knows that every bushel of corn or wheat that goes to New York—and

all our agricultural products go to New York—that goes there cheapened in transportation is so much more in the pockets of the men who raise that wheat and that corn.

I would not destroy the navigation interests upon the Arthur Kill; it would be unjust to arbitrarily pass any measure that would do this; but I say to those navigation interests, as I did to the steamboatmen on the Missouri and Mississippi Rivers, "You must give and take; you must recognize changed conditions and changed methods; you must recognize the fact that three-fourths of the transportation of this country is in the hands of the railroads, and that that proportion will increase. You can not appeal from the irresistible decrees of God and nature." These streams can never be made again to become the exclusive means of transportation for the carrying trade of this continent. I would not arbitrarily destroy them, and I have conscientiously and honestly endeavored to strike what is the just medium between these two conflicting interests in my action in the committee and in the Senate.

Now I come to the legal proposition involved. Mr. Courtlandt Parker, a very eminent lawyer, argued the case on behalf of the adverse interest to the construction of this bridge in a brief which I read and reread with great interest, because as a professional production it is almost without a peer, and as a lawyer he is entitled to my intense admiration, and I say so publicly. I took the pains to examine every authority cited by Mr. Parker, and to go through the whole case as a lawyer to the best of my ability. The main authority upon which Mr. Parker relies, it may be said almost exclusively, is that of Gilman *vs.* The City of Philadelphia, found in 3 Wallace, 713. He also cites 8 Curtis, 105, the case of Wilson *vs.* The Blackbird Creek Company, which is a leading case in the decisions of the Supreme Court; 18 Howard, 232, State of Pennsylvania *vs.* The Wheeling and Belmont Bridge Company, and Pollard's Lessee *vs.* Hagan, 15 Curtis.

Whatever may have been the opinion of jurists in the past with regard to the right of Congress to construct bridges and to control navigation or commerce across navigable streams, I say to-day without any hesitation that that question has been settled and settled forever. It is not necessary now to discuss the power of Congress as against the power of a State Legislature to authorize the construction of bridges over internal streams; and I mean by that expression a stream which is entirely within one State and where the State or the citizens of the State own the soil upon each side of the proposed bridge.

The bridge that is proposed to be constructed in the present case is what is called a tidal bridge. It is where the tide ebbs and flows. In regard to that class of structures the Supreme Court have decided so often and so emphatically that the construction of bridges is exclusively within the jurisdiction of Congress whenever Congress sees proper to exercise it, that the lawyer who to-day would say that it does not exist would simply make himself absurd and ridiculous before the profession. If the Legislature of a State sees proper, even as to an internal stream, to exercise its jurisdiction and authorize the construction of a bridge Congress could nullify, to use the expression, or abrogate the exercise of that jurisdiction if Congress came to the conclusion that it was a navigable stream or came within the constitutional clause which confers on Congress power to regulate commerce among the several States. But pretermitting that discussion over an arm of the sea, over an estuary or a river where the tide ebbs and flows, there is no sort of doubt that Congress has the jurisdiction to say whether a bridge shall be constructed or not, and no State can interfere with the exercise of that discretion.

If a State sees proper to exercise its municipal jurisdiction over the land on either side, it can do so; but even in that case, if Congress sees proper to authorize the construction of a bridge under the constitutional clause to which I have referred, and in the exercise of that jurisdiction it is necessary to take a portion of the soil of the State or condemn it for the purpose of putting abutments or piers in order to construct the bridge, that power absolutely rests with the Congress of the United States and nowhere else.

The cases which are cited by Mr. Parker absolutely demonstrate this position, outside of the recent Georgia case which is cited in the report of the committee. Therefore till this proposition is contested I shall leave it where it is with the statement that this is a question for the discretion of Congress under the jurisdiction which is absolutely vested in us by the Federal Constitution.

Now as to the details of this structure the Senator from New Jersey says we have relied on the opinion of Major Gillespie. Not so. As a matter of course that opinion had great weight with the committee. He is an engineer officer of the United States. He is familiar with these waters. It was his official duty to make this report to Congress, and he has made it over and over again. He is absolutely corrupt or absolutely incompetent or else this bridge should be constructed as is provided in this bill. But aside from that report, aside from the vast interests involved in the way of cheap transportation, let us look at the details of the bridge itself.

The bill provides for a pivot draw-bridge over a stream 600 feet wide, with two spans of 200 feet each upon either side of the pivot-pier. It has all the safeguards in regard to opening the draws. No draw-bridge of over 200 feet span has been constructed over any stream. It is sufficient to say now that engineers, no matter how they may have inclined upon questions of the construction of bridges, have never recommended the construction of any draw-bridge with a span of over 200 feet. Over the Mississippi River that draw has been found ample and complete. In the State of New Jersey there are draws, as we were informed by the evidence before the committee, of 70 feet, and that over streams nearly as wide as this Arthur Kill.

It is provided in the bill not that this bridge shall be 32 feet above the surface of the stream or above the highest part of the superstructure, but it is provided that it shall not be less than 32 feet, and the bill further provides that the Secretary of War, assisted by the engineer officers, shall consider the details of the construction of the bridge and fix the height, and put such additional safeguards as may be necessary in order to preserve the navigation interest.

The whole question in a nutshell is, shall the State of New Jersey, much as I respect that State and her honored Senators upon this floor, shall the Pennsylvania Railroad with its 400,000,000 of capital—I say that in no acrimonious sense, but simply because I want to emphasize the vast interests and the importance of that corporation—shall even the State of New Jersey and the Pennsylvania Railroad Company say that this Congress shall not authorize a bridge in which the carrying trade of the whole country is interested and all the producing interests of the country, when the Secretary of War, when the Engineer Bureau, and when common sense tell you that it will be no obstruction to navigation except such as is absolutely necessary in the construction of a bridge across a navigable stream.

If the Senator from New Jersey thinks it necessary to put additional safeguards in the bill, let him do so. He can provide for sheer-booms, drop-booms, so that every craft that comes can be dropped through these draws without any danger.

It was said before the committee and principally urged that the smaller craft, the hundreds of thousands of smaller boats that are to pass through this bridge would be in danger. Why, sir, is it possible, even if the lowest bridge should be resorted to, 32 feet high—and the Engineer Bureau can go as much above that as they think proper—but even putting it at 32 feet, how, as the Senator from Maine says, could the smaller craft be in danger. Sloops, schooners, oyster boats, and other craft that are used upon Arthur Kill could go through; and after all it is a question for the discretion and the public honesty and the public capacity of the Engineer Bureau when these conflicting interests are brought together upon the floor of the Senate.

Mr. SAULSBURY. I should like to ask the Senator whether the committee considered the question in reference to the tunnel that is spoken of?

Mr. VEST. As a matter of course that was urged upon us, and urged upon us in the different arguments that were made. We heard the case over and over again. From the evidence we had in regard to the nature of the soil upon either side and as to the practicability and expense of a tunnel, and principally from our conclusion as to whether this bridge would impede navigation, we found that in our judgment a bridge was better than a tunnel and less expensive.

Mr. MCPHERSON. Mr. President, I must say that some of the statements just made by the Senator from Missouri seem to me very extraordinary. I understand him to say that this is a combination of the Pennsylvania Railroad and the State of New Jersey as against the Baltimore and Ohio Railroad system.

Mr. VEST. I made no such assertion. I did not want to say anything that would have so offensive a signification as the word "combination" might imply. I do mean to say this, and my friend from New Jersey shall have the benefit of it frankly: I mean to say that the Pennsylvania Railroad and these New Jersey interests are against this bill; and it was so represented in our committee. I do not say there was any combination or understanding. I know nothing about that. I stated it simply as it appeared. The advocates of the opposite side of the question to the passage of the bill were gentlemen representing the State of New Jersey as they claimed, and it was also very evident that the Pennsylvania Railroad Company were represented too.

Mr. MCPHERSON. With all due respect to the Senator I wish to say that what I said was a necessary conclusion I drew from the statements he made.

Now I should like the Senator from Missouri to say in what respect the bill reported by the committee of which he is an honored member cripples the Pennsylvania Railroad from enjoying all the privileges given by the bill to the Baltimore and Ohio Railroad. I read, beginning in line 20 of section 1 of the bill:

> That all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage over the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, for a reasonable compensation to be paid to the owners of said bridge under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

It is a bridge not for the Baltimore and Ohio Railway. There can be no conflict of interests as between the Pennsylvania or any other system in New Jersey and the Baltimore and Ohio Railroad under this bill. If the advantages the Baltimore and Ohio system are to receive by crossing this stream and having a location at the other end of Staten Island are of such vast consequence as the Senator avers them

to be for the great commercial interests of this country, will not the Pennsylvania system, will not the New Jersey Central, the Lehigh Valley, and the other lines which have sought access to water privileges on the shore of New Jersey also be empowered to cross to Staten Island? It is perfectly absurd to say that it is not so.

Mr. VEST. Will the Senator yield to me for a moment? The provision of the bill which he has cited appears in all our bridge bills. It is a general provision, which answers fully the position he asumed a short time ago that we should be flooded with bills for bridges across the Arthur Kill. Other railroad corporations can avail themselves of the provision. Now I ask the Senator—for we ought to be frank with each other in the discussion of this measure—if he does not know as a fact that the Pennsylvania Railroad Company do oppose the construction of this bridge? As to their reasons they are entirely within the ken of that company. I have nothing to do with them, but I ask him if it is not a fact and if he does not know it.

Mr. McPHERSON. I want to answer just as frankly as the Senator has put his question. I do not know what the object or purpose of the Pennsylvania Railroad Company may be touching this bill. I know nothing as to their wishes touching the bill. I have never had any conference with any member of the board of officers of that road or with anybody who represents them; but I can say to the Senator as within my knowledge that the Pennsylvania Railroad have a station at South Amboy for the transportation of coal for distribution through New England, for distribution through New York to each and every point of the Hudson River, over an area of hundreds of miles around the harbor of New York. That coal passes through the Arthur Kill of necessity. It dare not go outside of Staten Island, for that in stormtime means wrecking to all those who undertake to go through that channel.

I can easily see that the Pennsylvania Railroad would be opposed to the Committee on Commerce of the Senate reporting a bill which would impair the navigation of the stream so as to place the Baltimore and Ohio Railroad on better terms of competition with them than they could otherwise be. I can see a reason why the Lehigh Valley people, I can see a reason why the New Jersey Central should oppose it. Those three lines are located upon the west shore of this stream. They are at the end of the railroad transit, so to speak.

The Senator is mistaken when he says this channel is a part of the great commerce of the country between the West and the East. It is not true. It is the end of rail commerce, and it is a great system used for the distribution of that commerce. What is the commerce? It is coal, it is of articles heavy and bulky that it is impossible to transport farther by rail. The coal that goes to New England passes through this channel and goes to all the New England ports. It is there put on cars and distributed to all parts of New England. There is a direct railroad communication between New England and the coal field, but it is so much easier and cheaper to transport it by boat that it goes for that reason by that mode.

Now, Mr. President, I want to say for myself and I want to say for New Jersey that neither the Pennsylvania Railroad nor any other railroad that has had access to New Jersey soil has ever had the audacity to ask the Legislature of New Jersey for the right to cross this stream with a bridge. As I said yesterday there is no State in this Union in which the franchise to build railroads is as free as it is upon the soil of New Jersey. We hail with delight any and every railroad corporation by whatever name and coming from whatever source it may that comes to our State to enjoy its privileges under free and unrestricted laws. We ask only that they behave themselves and pay their taxes, and New Jersey would as freely confer upon the Baltimore and Ohio Railroad a franchise as upon the Pennsylvania or any other line. No railroad company owns New Jersey.

Mr. President, to get back to the subject, I wish to ask the Senator from Missouri a question. He says the committee considered the question of a tunnel, but he does not say why they did not recommend a tunnel. Will he please answer me that question?

Mr. VEST. I stated that we came to the conclusion that this bridge was cheaper and better, that it did not destroy the navigation interests, and that we did not think it was right or necessary or in order for us in considering this bill to take up the contemplated project of a tunnel, which was not before us except as an argument against this bill.

Mr. McPHERSON. Then I think the Senator will not find fault with me if I should state in this connection that it was more for the interest of the Baltimore and Ohio Railroad Company that a bridge should be built than a tunnel.

Mr. VEST. The question before us was simply this, should we, in the exercise of the jurisdiction conferred upon us by the Constitution to regulate commerce among the States, say whether this bridge bill should pass or not, and that we should determine the question whether the construction of the bridge interfered with the navigability of Arthur Kill. That was the only question. The only way the tunnel ever came before us was that it was brought before the committee by the opponents of this bill, who said, "Why do you not build a tunnel?" We did not think it was our duty to go into the statistics and the details of the construction of a tunnel, but that it was our duty to pass upon the question whether the construction of this bridge would interfere with the navigability of this stream.

Mr. McPHERSON. The stream is 600 feet wide, less than the length of this Capitol building. The bed of solid standstone underneath in which to construct a tunnel. The water is about 14 or 15 feet deep. The approaches to the tunnel are upon ground almost level with the water itself. There is no reason in the world why a tunnel should not be built. No place in the world can be found where a tunnel could be more economically built, and yet the Senator from Missouri says that the committee decided that as inasmuch as the railroad bridge which they proposed to make did not interfere with the navigation of the stream, therefore they did not consider the tunnel project at all. Now let us see about that. Let us see how well the committee have advised the Senate on that subject.

Suppose the Baltimore and Ohio Railroad alone without any other road run trains across this bridge. Other lines are to have the same privilege; it is just as much for the Pennsylvania Railroad as for the Baltimore and Ohio, and if it were entirely a Pennsylvania Railroad scheme I should oppose it just as much. If they run as many trains over this proposed bridge daily as the Pennsylvania line of railroad runs into Jersey City and out of it, it would amount to over three hundred trains a day. There are one hundred and seventeen thousand vessels running up and down the stream annually, or amounting to nearly four hundred per day.

Now, sir, allow twelve working hours of the day as a suitable time for the opening and closing of the draw to enable a boat or a train to pass. If you allow fifteen minutes, it would require a working day of fifty hours to permit the draw to be opened and closed for the amount of traffic; and still the committee says it does not, and can not, and will not interfere with commerce! The Senator says that the committee believe it will be no injury to navigation. And he goes further. He says that all applications of new enterprises desiring facilities should be considered alike. Very true. In the case of the Mississippi River and on all great streams the same rule that obtains in one case in the construction of a bridge obtains in almost all.

If some other line of road starting from the Senator's State should reach the Arthur Kill and should apply to a committee of Congress to give them facilities to cross the Arthur Kill by a bridge, certainly Congress would not impose more severe terms on that new corporation, which perhaps might be unable to expend quite as much as a wealthy powerful corporation like the Baltimore and Ohio, and that would be an additional reason why facilities should be given to that corporation instead of an older and more wealthy one. Suppose it shall apply for permission to cross the stream, the Senator certainly would not impose upon it more conditions than are already imposed on the Baltimore and Ohio. What is the consequence? The very moment this permission is given that is the end of all commerce upon Arthur Kill. Other lines would apply for like permission, bridges would be multiplied, and commerce would cease.

Mr. FRYE. I have just received a communication which I think it is important the Senate should have touching this tunnel matter. It is from one of the vice-presidents of the Baltimore and Ohio Railroad Company, and has just been handed to me:

WASHINGTON, D. C., *May* 20, 1886.

SIR: In the RECORD of yesterday I note that Senator McPHERSON offered to amend the Kill von Kull bridge bill by striking out the word bridge and substituting tunnel. The question of tunneling the Arthur Kill has been thoroughly considered by our engineering department and found to be impracticable, owing to the enormous cost entailed. I herewith submit to you some data in relation to their examination of the subject.

To build a tunnel under the Arthur Kill would require the subgrade of the same to be 63 feet below low tide, which depth will be necessary to give the required roofing below the bed of stream over the crown of the tunnel arch. The length of the approach on the west, or Jersey, shore would be 4,800 feet. The length of tunnel would be 13,509 feet, or over 2.55 miles. The length of the east approach on Staten Island shore would be 7,000 feet, making a total length of tunnel and approaches of 25,309 feet, or 4.8 miles. In addition to this, it would necessitate the crossing at grade of the Pennsylvania Railroad tracks at or near Elizabeth. This, with the fact of ascending and descending grades to the tunnel, would make the line difficult to maintain and operate.

The question may be fairly asked, What requires the great length of tunnel and approach? This is made necessary owing to the salt meadows and the ebb and flow of the tide covering them, which makes it necessary that the tunnel should be extended beyond the point of high water to prevent it being flooded at every change of the tide. Careful estimates have been made of the cost of a tunnel there, and our engineers find that the sum will aggregate $5,000,000, instead of $700,000, the Senator from New Jersey estimated it at. This estimate has been carefully considered, and our reports show that it can not possibly be done for less, even if at that sum.

All tunnels of this character projected in this country under large streams, notably the tunnel under the Hudson River and the one under the Detroit River, have exceeded the cost estimated for the work, and the engineers of the same have been compelled to stop work owing to the large increased cost and great difficulties encountered in the construction of the same.

In reply to the statement made by the Standard Chemical Company with regard to the great obstruction of navigation to be imposed by this bridge I would beg to say that the tow frontage of the largest tows carried through the kill are about 80 feet and the direction of the current is normal to the line of the piers which are proposed to be built. The average rate of the current is from two and a quarter to two and a half miles per hour. The clear water way on both sides of the pier is 216 feet. Under these conditions it is clearly impossible that any obstruction could be imposed upon the free and uninterrupted towage through these water ways.

These views are fully substantiated by the reports of the board of United States engineer officers which are before you.

I am, very respectfully, yours,

THOS. M. KING,
Second Vice-President Baltimore and Ohio Railroad.

Hon. WILLIAM P. FRYE,
Chairman Subcommittee of Committee on Commerce,
United States Senate.

Mr. MCPHERSON. If I had anticipated the presentation of this extraordinary paper I should also have been prepared to present one in substantiation of what I said yesterday touching the cost of the tunnel.

There is one particular statement in this paper that I wish to call attention to. The writer says the approach to the tunnel must be 4,800 feet from the tunnel itself; that it must be 60 feet under the water. A short distance above that where it would propose to build a tunnel or where the bridge is proposed to be built an attempt was made to tunnel the Hudson River on shores precisely the same as found on the Arthur Kill, and the distance from the mouth of the tunnel where it was to enter the river provided by that company was a little less than 2,000 feet—I think 1,800. Here I think it is proposed to go back 4,800 feet. In fact, no more extravagant statement was ever made in the world, and everybody can see its purpose. Such a statement may be a surprise, but will scarcely be influential.

Mr. DOLPH. I do not propose to discuss this bill at length. There are two questions involved. At least two questions have been discussed to some extent, and two questions were elaborately presented before the Committee on Commerce. One is the power of Congress to authorize the construction of this bridge, and the other is the necessity and propriety of the bridge.

If there is any question which has been finally and conclusively settled by a long course of judicial decisions by the highest judicial tribunal of this country, the Supreme Court of the United States, that question, I think, is the question of the power of Congress to authorize the construction of bridges over navigable streams.

As I understand the law at the present time it is settled that Congress, under the clause of the Constitution which confers upon it power to regulate commerce between the States and with foreign nations, has power to determine what is an obstruction to a navigable stream and to authorize the construction of bridges over the navigable waters of the United States, whether they form the boundary between two or more States or Territories, or whether they are wholly within the boundaries of States; that Congress never having occupied the field and undertaken to regulate by a general law the construction of bridges over streams wholly within the boundaries of States, a State Legislature may authorize the construction of a bridge over such a stream, and although such a bridge when constructed is an obstruction in fact to commerce, it is a lawful structure. But they have also held in many well-considered decisions that a State law can not authorize the construction of a bridge over a navigable stream which forms the boundary between two or more States, and, as I have said, the power of Congress extends to all the streams of the country that are navigable in fact.

In some of the early decisions, following the English decisions, it was held that a navigable stream must be a stream in which the tide ebbed and flowed, but in the case of the Genesee Chief, reported in 12 Howard, decided about the year 1851, those earlier decisions were reversed, and it was declared that a stream which is navigable in fact is navigable in law, and that the power of Congress to regulate commerce upon such streams and to authorize or prohibit obstructions upon the waters of the country extended to every river or stream which was navigable in fact.

In the case of the Wheeling Bridge Company, reported in 13 Howard, the State of Virginia had undertaken to construct a bridge over the Ohio River under an act of the Legislature of Virginia. It was an obstruction to commerce. Some of the vessels which had been constructed to ply on the Ohio River had masts and smoke-stacks of such height that they could not pass under the bridge, and the Supreme Court of the United States held that the bridge was an unlawful obstruction and ordered it taken down. Afterward Congress passed an act legalizing the bridge. The case was then a second time brought up to the Supreme Court of the United States, and is reported in 18 Howard. The Supreme Court held that Congress had the power under the Constitution to make lawful a bridge which was an obstruction in fact to commerce, Congress having power to determine what should be considered an obstruction to a navigable stream. In Bridge Company *vs.* United States (15 Otto, 470), it was held that the paramount power of regulating bridges that affect the navigation of the navigable waters of the United States is in Congress. In the case of the Escanaba Company *vs.* Chicago, reported in 107 United States Reports, 682, the same doctrine was affirmed. The court say:

> The power vested in the General Government to regulate interstate and foreign commerce involves the control of the waters of the United States which are navigable in fact, so far as it may be necessary to insure their free navigation, when by themselves or their connection with other waters they form a continuous channel for commerce among the States or with foreign countries.

Citing the case of The Daniel Ball, 10 Wallace, 557. Then the court say:

> Such is the case with the Chicago River and its branches.

The court held that in the case of a stream wholly within the limits of a State, like the Chicago River, until Congress has interfered and prescribed some regulation concerning the construction of bridges an act of the State Legislature is sufficient to authorize the obstruction of the stream and the construction of a bridge. But they say further, however, referring to this power of the State to authorize the construction of bridges:

> When its power is exercised so as to unnecessarily obstruct the navigation of the river or its branches, Congress may interfere and remove the obstruction. If the power of the State and that of the Federal Government come in conflict, the latter must control and the former yield. This necessarily follows from the position given by the Constitution to legislation in pursuance of it as the supreme law of the land.

This case was decided in October, 1882. In October, 1884, a case which was appealed from the ninth circuit, from the district of California, the case of John T. Cardwell *vs.* American Bridge Company, 113 United States Reports, was decided, in which the same doctrine was enunciated.

The PRESIDENT *pro tempore*. The Chair will have to interrupt the Senator from Oregon to lay before the Senate the unfinished business of yesterday, which is the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. FRYE. I ask that that be laid aside informally and that the consideration of the bridge bill may be proceeded with.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The special order will be laid aside informally and the consideration of Senate bill No. 121 continued:

Mr. DOLPH. I shall not take up further time on the legal question. I have references to a large number of decisions of the Supreme Court of the United States to the same point, but, as I said at the outset, I consider the question so thoroughly settled by a long course of judicial decisions that the lawyer who would undertake to dispute the proposition of the power of Congress to authorize the construction of bridges over streams which are navigable in fact, within the States and Territories, or those which form the boundary between States or between a State and a Territory, must either be uninformed as to the course of judicial decision, or must have more temerity than the average lawyer has.

Congress, then, having power to authorize the construction of this bridge, the question arises, ought the construction of the bridge to be authorized? Will the commerce of the whole country be promoted by the construction of the bridge? As was said by the Senator from Missouri, there will always be a difference of opinion between those interested in transportation by railroads and those interested in the commerce of the rivers whenever it is proposed to construct a bridge across a navigable river that will in any way interfere with navigation. There is no bridge which can be constructed that will not prove some obstruction to navigation, and the question always is, when authority to construct a bridge is asked, whether or not the entire commerce of the country will be promoted by the construction of the bridge?

I propose to examine briefly the question of the benefit to commerce of the construction of this bridge. In the first place, it will extend the limited wharf and harbor facilities of the city of New York by adding to them something like 10 miles of deep-water frontage on Staten Island, at which the trains of cars loaded with the produce of the country can discharge their freight immediately into the vessels which are to take them to foreign countries, and at which the imports which are brought into the port of New York may be loaded directly from the vessels that bring the merchandise upon the trains of cars, to be distributed through the extensive railroad systems of the United States all over the country.

Owing to the limited harbor and wharf facilities at the city of New York, I am informed that the terminal charges are unusual. I have seen it stated somewhere that during a freight war between the different railroad companies operating roads between Chicago to New York not long since the rate was reduced to 12 cents per 100 pounds, and that 4 cents of this was required to pay the terminal charges at New York. In short, every bushel of grain that is raised in the great West and is sent to New York has to pay in the way of lighterage, for handling, for ferriage, and terminal charges so much, that it becomes a burdensome tax upon the producers of the country; and so with goods which are imported.

This is therefore a question not alone between the State of New Jersey and the city of New York, not alone between the Baltimore and Ohio Railroad Company and the Pennsylvania Railroad Company, but it is New Jersey against the nation, and I might say New Jersey against the world, because the terminal charge at New York is to a greater or less extent directly or indirectly a tax upon the entire commerce of the United States.

I suppose that no one will deny the importance of opening up the shores of Staten Island bordering on the New York Bay to commerce and utilizing that river front. In fact no one had the temerity to do it before the committee and no one has had the temerity to do it in the discussion of this bill in the Senate. The only question appears to be how shall it be done.

The Senator from New Jersey [Mr. MCPHERSON] proposes a tunnel, and the Senator from Missouri admitted, as I understand, that at some stage of the discussion before the committee a tunnel had been sug-

gested. My recollection is different. If a tunnel was suggested at all before the committee it was at some meeting when I was not present, or it must have been at a previous Congress. As was said by the Senator from Maine or the Senator from Missouri, the suggestion of a tunnel comes from the opponents of this bill. The railroad company or companies proposing to build this bridge are not asking for a tunnel. They come here and show that a tunnel is impracticable.

But what has Congress to do with authorizing a tunnel under Arthur Kill? Will the Senator from New Jersey answer me? What power has Congress to say that a railroad company chartered under the laws of a State may build a tunnel under a navigable stream? Does that interfere with commerce? Is that a regulation of commerce? Is that within the constitutional power of Congress? Not at all. If these railroad companies desire to tunnel under Arthur Kill I undertake to say they may make a tunnel without the permission of Congress. The only power of Congress is to regulate commerce and to prevent obstructions to navigable streams; but when it is proposed to tunnel under a stream, when you get beneath the bed rock there is no interference with commerce, and there is no necessity for getting the consent of Congress to do that. In fact Congress has no power whatever to authorize it. The act would be a nullity. It would confer no authority whatever upon the company. Such an amendment in any event ought not to be adopted. The bill should be voted on upon its merits and should be either passed or defeated.

Will the bridge proposed to be built under the provisions of this bill be such an unusual obstruction to the commerce of Arthur Kill that Congress ought not to authorize it? It is said that the stream at the point where it is proposed to bridge it is only 600 feet wide. What difference does it make how wide it is? Whatever the width of the stream may be the commerce must pass through the two draws, which are to be 200 feet in width, or under the bridge.

As is said in the report of the Committee on Commerce to accompany the bill, the committee are not aware that there is a bridge in the United States that has a draw exceeding in width that provided for in the bill, 200 feet. The vast commerce of the Upper Mississippi River passes through numerous draws, many of which are not 200 feet in width. The lumber fleets, the fleets of coal barges, the fleets of wheat barges that pass down that river pass through draws of 200 feet and less, and the tows of great canal-boats coming through the Erie Canal, or made up at Albany and towed down the Hudson River, pass through a bridge or bridges of less draw.

But still it is claimed that here in Arthur Kill, which has a current as has been stated of two miles and a half an hour only, a bridge with draws of 200 feet in width would be such an obstruction that Congress ought not to authorize its construction. It also appears from the report of the committee, and was so stated before the committee by persons who are well informed, that nearly all the commerce of Arthur Kill is by canal boats and barges, which are towed by tugs; that the canal boats and barges can all pass under the bridge without the opening of the draw; that a large majority of the tugs can pass under the bridge without the opening of the draw, and that those which have smoke-stacks so high that they could not pass under a bridge of the height that this is proposed to be built can easily have their smoke-stacks so arranged that they can be lowered when they pass under it. It was shown also that there are very few vessels with masts passing there, and very few vessels would come down through this shallow channel which are destined for foreign ports.

So while in the aggregate, considering the commerce which is carried on through the kill, the amount is not large which would require the opening of the draw, and the number of vessels the passage of which would be impeded by this bridge is very small, it is estimated that there will be $200,000,000 in value of commerce passing over this railroad and on to Staten Island annually after the bridge is constructed. It is not claimed by the opponents of the bill that the value of the commerce that passes through this water way is more than a small fraction of this amount.

So the committee came to the conclusion, and I think the Senate will come to the conclusion, that the advantages to commerce by the construction of this bridge are so great that the inconvenience which the commerce of Arthur Kill will suffer by the construction of the bridge ought to be suffered for the public good. Every dollar in terminal charges which is saved by the construction of this bridge and by the utilization of this water front upon Staten Island is a dollar saved for the producers and consumers of the entire West. That is all I desire to say.

Mr. SEWELL. Mr. President, I regretted to hear the statement of the Senator from Maine [Mr. FRYE], who is chairman of the subcommittee on the bill of the Commerce Committee, that there had been several hearings before that committee and that ample opportunities had been given to the opponents of this measure, and that the committee had given it the fullest, freest, and fairest attention. I attended, I think, all the three meetings that the committee had on this subject, and on each of those occasions I think there were present from ten to twenty of the leading opponents of this measure, presidents and captains of tow-boat associations and vessel owners, and I remember distinctly that those hearings on both sides amounted on each occasion to not over an hour or an hour and a half. While the committee was supposed to meet at 10 o'clock, it did not get a quorum together until nearly 11. I mean by a quorum, a quorum of the subcommittee. I do not know of any occasion where the full committee met to have a hearing.

My recollection is that there were only three members of that committee present at any one time, and that many of the gentlemen who were at the expense of coming here at the invitation of the committee went away unheard. In one case which came to my personal notice, that of Major Burr, who is the civil engineer in charge of the Government work on the river, he came before the committee to give his views but was unable to do so, and left his brief with me to be sent to the committee afterward; and he is positively opposed to the construction of the bridge at the point named and in the manner proposed.

The Senate, on the two or three occasions when this matter has been presented to them, collectively as a body and individually, has not had a proper appreciation of what this stream of water has done in the shape of the transportation of the products of the country. The Arthur Kill connects the Raritan Bay with the Newark Bay and the Kill von Kull, debouching into New York Bay, and is the connecting inland water with the North River, Long Island Sound, and the commerce to the eastward, coastwise. To the south it connects by way of the Raritan River, the Delaware and Raritan Canal, the Delaware River, the Chesapeake and Delaware Canal, the Chesapeake Bay, and the sounds away down into North Carolina, and with the Delaware River to the ocean. It runs practically an inside channel for interstate commerce from North Carolina away up to the Schuylkill Canal and up the North River to the Erie Canal, and through the Erie Canal, and permeates half the country.

By tows is the principal way of transmission of the commerce from the different feeders of the Arthur Kill. There is first the Delaware and Raritan Canal; and the statement of this very engineer, who has charge of these works, who could not be heard before the committee, is to the effect that that canal at one time did a business of 5,500,000 tons, but that since the construction of the bridge over the Raritan River, which is a similar one and the largest in the country to-day and with the largest draw, by reason of the obstruction which it affords to the passage of boats, by reason of the loss and damage occurring there, a thousand tons of freight having been smashed against the piers at a time, and by reason of the fact that the piers in the bridge have changed the current, the tonnage of that great internal artificial navigation has been reduced to about 2,000,000 tons. I was surprised at the statement myself. I knew it had been reduced some, but I was not prepared to hear that the construction of that bridge had absolutely reduced 50 per cent. the commerce of that canal.

A short distance from its mouth is the Amboy division of the Pennsylvania Railroad, the terminus for the supplies of all the gasworks to the eastward and the soft coal supplies for the steam-power in and around the vicinity of New York, including the foreign ships. Amboy is the terminal point for that class of coal. They are made up in tows to go to New York.

Below a short distance is the Lehigh Valley terminus, which is a hard coal terminus, and which distributes coal all over New England and up the North River and every place in the immediate vicinity of New York, the tows being made up so as to make the transportation more convenient and cheaper. The soft-coal tows are made up so as to take them alongside of a steamer or take them alongside of a wharf for a gas company, or any place else; and they run right up and drop their coal, and the boat shoves off, and the steamer comes back the next day, picks them up, and brings them back again. The canal tows are made up partly of canal-boats, partly of three-masted schooners, partly of barges of a thousand, tons that may have a width of 125 feet and a length of 2,100.

So when the statement is made here that the commerce of this great artery is in canal-boats and simply towed by tugs, and that they can get under a 32-foot bridge or through an open way of 200 feet, it is not true. I state myself, from public knowledge of the situation, that it is a physical impossibility. Steamers take these tows, made up of forty and fifty vessels, which have a cargo of more than 10,000 tons, and which run from 1,800 to 2,100 feet in length, and it is impossible for them to go through a passage-way 200 feet wide. The very framework of the steamers themselves is such as to run up to 70 feet.

The engineer officer in charge, and I mean by that the responsible officer in charge, Colonel Gillespie, has given us his opinion that the tonnage is 16,000,000 tons passing through here. If so, it is the largest in this country, larger than that of the Mississippi River, larger than that of the Detroit River, larger than that of the port of New York, and larger than that of the North River. He says that that tonnage can be passed in that way through a pivot-draw in the center of a 600-foot channel with 200-foot openings. If you ask him why he said so he will say "it can de done." So do I. Twice as much can be passed; but in doing so you put the cost upon it so great that you destroy the whole thing. You can not undertake to bring a tow, as represented in the map, 2,100 feet long, through that channel without the meeting of tides,

without stopping and anchoring. It is almost an impossibility, because it gluts up the whole channel, and you would have to divide it into six or eight tows in order to pass it through the bridge.

I have here an accurate survey and report of this whole question made up for the counsel of the different transportation companies and the individual owners of boats on the kills. It was intended for use in the courts when it was threatened that this bridge would be built against the State authorities.

I will say before I go into that question that I was sorry to hear expressions in relation to the different railroad interests in connection with this matter. If anybody knows about it I ought to know. I have never heard of any opposition on the part of any railroad company to the construction of a bridge that would fairly pass the tonnage of that river. There is no jealousy and no feeling and no desire to keep out the Baltimore and Ohio Railroad from a terminus at Staten Island if that company so desire. I have no knowledge that they do. The fact is that the Baltimore and Ohio Railroad Company have not gotten a road in the State of New Jersey or beyond Philadelphia. The only evidence that they have got any connection with that bridge is that under the general railroad law of the State of New Jersey which allows any seven men who have $2,000 per mile to put in the hands of the treasurer as an evidence of good faith to lay out and construct a road. Six miles of road connecting with the end of the proposed bridge was laid out and filed in the office of the secretary of state of New Jersey, and $12,000 of money deposited on it. It goes nowhere and ends nowhere.

Beyond that nothing has been done in the State of New Jersey to show that the Baltimore and Ohio road are ever going to build a mile of their road, and nothing has been done on that 6 miles; not a spadeful of ground has been turned. On the other side of the river there is a small local road termed the Staten Island Transit Company, owned and controlled by a gentleman named Wiman for speculative purposes. It was offered for sale a year ago, and it is said it has since been contracted for by the Baltimore and Ohio Railroad.

Mr. FRYE. That is on the island?

Mr. SEWELL. That is on the island. I do not know that that is true, but I merely give what is the common talk; that the contract is conditioned on giving an authority to construct a bridge across that arm of the sea, and it is said that a small part of the contract money has been paid, and that this is a speculative move on the part of a citizen—no, for he is not even a citizen of the United States; a gentleman living on Staten Island interested in land. So far as I am able to judge, so far as the personal relations between myself and the different railroads entering the State of New Jersey engaged in interstate commerce, I have not even the knowledge that the Baltimore and Ohio have any idea of constructing that line, and I have the knowledge that the other companies, the Pennsylvania, the Lehigh Valley, and the Central have not a particle of objection to the construction, except the objection which comes to them collaterally by the towing companies in which they are interested in the distribution of their freights. In fact, if this is going to be a great benefit to the country at large they would desire, in my opinion every one of them, to take advantage of crossing a bridge and getting a terminus probably for coal on Staten Island, and if the bridge could be so constructed, and it can very easily be done, so as not to present an absolute barrier to the transportation from the different termini both of the canals and the railroads on the Bay of New York as at present used, all parties would be pleased.

The report, as I have stated, was made by an eminent engineer, and is in a condition to be substantiated, as it was intended to be used in the courts.

Mr. FRYE. Will the Senator inform me what that report is?

Mr. SEWELL. This is a report made by one of the leading engineers of our State for the counsel of the different companies and individual owners of vessels to be used in our State court in case there was any contest about this bridge, and it is ready to be substantiated at any time. I have gone over it very carefully myself, and I would not use it if I did not know that it was correct. The engineer says:

JERSEY CITY, N. J., *April* 14, 1886.

BARKER GUMMERE, Esq.:

DEAR SIR: In compliance with your instructions that I should make a professional examination of the projected scheme for the extension of the Baltimore and Ohio Railroad across Arthur Kill or Staten Island Sound by means of a drawbridge or viaduct, particularly as to the effect such a construction would have upon the navigation, riparian, or other interests dependent in a large degree upon that channel being retained free from all obstructions, I have the honor to report as follows:

The inquiry has covered a very wide field of research, and though opinion and rough estimates of the several items of information bearing upon the question at issue were easily obtainable, it has been a work of much time and labor to secure the properly authenticated data which only could be of use as evidence in the case of legal complication. At an early stage in the work I discovered that there was no hydrographic survey of the kill later than one executed by the United States engineers, under the direction of General John Newton, in 1872. By the courtesy of the United States engineers, I was enabled to make copies of this survey, also of the original survey of the kill made by the United States Coast Survey in 1855.

The changes in the sections of the bottom of the stream between 1855 and 1872, shown by a comparison of these surveys, was so great that I deemed it of the utmost importance that we should have a survey at the present time, in order to see if these changes still continued, and to be able to argue understandingly the effect the encroachment upon the section of the stream by building piers would have upon its usefulness as a navigable channel.

Moreover, examination and inquiry led me to believe that the engineers of the Baltimore and Ohio Railroad Company had made during the past season careful hydrographic surveys over the same ground, which they would be ready to submit to any board of United States engineers which might be detailed by the Secretary of War to examine into the feasibility of bridging this stream. Presumably these surveys would not show too glaringly the facts against the bridge, and unless these facts were presented in a perfect and well-authenticated form, the navigation and other interests opposed to a bridge might suffer.

That this might not be the case, you directed me to make a proper survey of that portion of the kill lying between Elizabethport and Buckwheat Island for use in this controversy. Such a survey has been made, and I am happy to say that I think it adds materially to strengthen our view of the question. I shall allude to the facts brought out by this survey in the proper place in this report.

For the purpose of systematizing the report I shall divide it into the following heads:

First. General description of Arthur Kill and relations which it bears to other channels tributary to the harbor of New York.

These are the different headings of the report.

Second. Commerce and comparison with commerce of other streams.

Third. Manufacturing and riparian interests on the Jersey shore and grants made by the State, with improvements made under said grants.

Fourth. Proposed project of Baltimore and Ohio Railroad Company as far as developed.

Fifth. Regimen of channel in the vicinity of proposed site of bridge as determined by soundings and current observation.

Sixth. Probable changes in channel from erection of piers in the stream.

Seventh. Increase of cost of water transportation imposed by necessity of passing the draw.

That is, one of the particular portions of the report, and the probable changes in the channel by the proposed erection of the piers in the stream.

Eighth. Effect upon value of water-front property.

Ninth. Action of Government engineers upon question of bridging other navigable channels, and comparisons with the channel in question.

Tenth. Other means of crossing the stream which will not interfere with navigation interests.

To illustrate certain of the facts under discussion I have prepared three maps, marked A, B, and C.

Map A is a general chart showing the harbor of New York and its approaches, with the depth of water in the different channels and bodies of water which together constitute that harbor.

Map B shows the whole extent of Arthur Kill, with the latest soundings by United States engineers in 1872, except where I have made soundings for this research; also, the riparian lines as established by the riparian commissioners of New Jersey, and recommended by the United States engineer for the Staten Island shore; also, the grants and leases of riparian lands made by the State of New Jersey, and the location of manufacturing and other improvements along the shores.

Map C shows hydrographic survey made for this investigation, showing on a large scale the Kill from Buckwheat Island to Elizabethport, with position of proposed bridge, soundings, current directions, &c; also, sections of the kill at eight points, showing changes between the soundings of 1855, 1872, and 1886; also, section on line of proposed bridge showing probable reduction of area of section by piers.

First. General description of Arthur Kill and relation which it bears to other channels tributary to the harbor of New York:

Arthur Kill, or Staten Island Sound, is an arm of the sea, extending from Newark Bay to Raritan Bay, between the mainland of New Jersey and Staten Island, New York. It has a length of 12 miles, and a width varying from 3,600 feet to 600 feet. It is navigable for vessels drawing 12 feet of water at mean low tide throughout its whole extent. The channel is tortuous and in places very narrow; it will be seen by inspection of map A that in these features it surpasses all the other arms or tributaries of New York Harbor. The bottom in the center of the channel and where the scour has effect is hard sand, overlying the red sandstone belt which forms the upper rock strata extending across the State from the Delaware River to the New York State line between the Palisades and marl beds of Middle New Jersey on the east and the mountains of gneiss on the west, the rock itself, I should judge from the soundings, being perfectly bare in many places on the bottom. The banks are for much of their extent black mud, forming salt meadows, the surfaces of which are about at mean high-water level. These mud banks stand almost perpendicular for a depth of 4 to 6 feet from the surface and then slope off toward the center of the channel until a point is reached where the rapidity of the current is sufficient to scour and carry away the mud, to be deposited in a bank in some eddy in one of the numerous sharp turns in the stream.

The current is comparatively rapid. Observation made for the purposes of this investigation show that its speed at half-tide varies from 1.25 to 2 miles per hour in the northern portion of the kill. A speed of ½ mile per hour is given by the authorities as sufficient to move fine sand or mud, and an examination of the sections on Map C will show great changes between the bottom by surveys of 1855, 1872, and 1886.

When the facts of the narrow, tortuous, changeable, and shallow channel are considered in connection with the enormous importance of this stream to the commerce centering on the harbor of New York, and as a link in the chain of inland navigation between the New England, Middle Atlantic, and Southern States, and the work it is doing and is destined to do as a carrier of the more bulky and low-priced products and manufactures of the country which could not survive the imposition of the lowest railroad tolls, a due appreciation may be formed of the need of zealous care and delicate study before the slightest obstruction in the way of bridge-piers be interposed to change the regimen of that channel and perhaps do irreparable damage to public and private interests representing millions of capital.

Map A will show the relative widths of channels of different depths in Arthur Kill in direct comparison with other tributary arms of New York Harbor, and Map B shows whole extent of the kill, with the depths of water at mean low tide.

Second. Commerce and comparison with commerce of other streams.

Through this narrow channel passes a commerce which, in aggregate of actual freight carried or measured tonnage, is surpassed but by very few of the great water ways of the world.

In the course of the discussion on the subject under consideration and in comparing the published statements put forth by the advocates and opposers of the bridge project, I find a misunderstanding as to the term "tonnage" which it is important should be corrected. The actual number of tons of freight carried is one thing and the tonnage of a port or body of water another. This second is the measured or registered capacity of the vessels entering and clearing. They may carry freight or be in ballast. Still a vessel registered or measuring 1,000 tons will be counted 1,000 tons on her entry into a port, or passing one way on a stream and 1,000 tons more when clearing or passing the other way, though she may not carry either time 500 tons of actual freight or may carry 3,000 tons. This last is the general acceptation of the term, as it would be an impossibility to compute with any degree of exactness the actual tonnage of the multifarious varieties of freight received and shipped from a port like New York, but the registered or measured tonnage of all vessels entered and cleared

—in the foreign trade at least—is filed at the custom-house and can be readily obtained, and from these the tonnage statistics are prepared.

It is safe to say that the actual tons of freight carried in any one year will not exceed 50 per cent. of these figures of tonnage.

This is especially the case in the stream under consideration. The great bulk of the freight is inward bound, passing only one way and the vessel goes one way light.

Then a computation of actual freight tonnage does not give the stream the credit for carrying the many hundreds of tugs and tow-boats, aggregating thousands of tons in a year.

Thus a comparison of the freight tonnage of Arthur Kill with the registered tonnage of the Chicago River, Detroit River, or other bodies of water, as has been made, is deceiving.

I have, therefore, to the best of my ability, after careful inquiry, collated first the actual freight tonnage, and then the equivalent to the registered or measured tonnage.

The kill forms an important link in the chain of inland navigation which extends from Narragansett Bay to the Carolina sounds, and is made up in part of Long Island Sound, Kill von Kull, Arthur Kill, Delaware and Raritan Canal, Chesapeake and Delaware Canal, and the Southern canals terminating in Chesapeake Bay. But the commerce brought to Arthur Kill from these sources is but a portion of the total. On its shores and upon the shores of the Raritan River and Bay south of the proposed site of the bridge are established the terminal depots for heavy freights of two important railroads, namely, the Amboy division of the Pennsylvania Railroad at South Amboy and the Lehigh Valley Railroad at Perth Amboy, besides many extensive manufactories. North of the proposed site of the bridge and perhaps liable, only in a less degree, to be affected is the Elizabeth coal depot of the Central Railroad of New Jersey and more large manufactories.

A glance at the Map A—

Which I have before me—

will show that Arthur Kill offers the only sheltered channel between the mouth of the Raritan and the wharves of New York city. The freights to which this channel is mainly devoted are coal, pottery, and brick clays, and their manufactured products, fertilizers, ores, and the cheaper and bulkier chemical products. Still the total freight tonnage is so large that if all these classes be deducted from it there still remains an actual tonnage of higher class freight approximating 1,500,000 tons, or greater in quantity than the total receipts of grain in New York in the year 1885 over the New York Central and Pennsylvania lines or by the Erie Canal.

The annual coal tonnage carried through the kill from points south of the proposed site of the bridge is made up as follows:

	Tons.
Delaware and Raritan Canal	609,632
Pennsylvania Railroad from South Amboy	2,022,213
Lehigh Valley Railroad, Perth Amboy	1,852,643
Total	4,484,488

Of the above fully 90 per cent. passes through Arthur Kill, and would be affected by the building of a bridge, namely: 4,036,040 tons.

The above figures were obtained from the following sources: The Delaware and Raritan Canal, Hon. D. C. Chase, superintendent of towing; South Amboy, A. C. Davis, terminal and shipping agent Pennsylvania Railroad at that point; Lehigh Valley, Mr. James Donnelly, superintendent of New Jersey line.

The figures for Delaware and Raritan Canal and for Lehigh Valley Railroad are for year 1884. The South Amboy figures for 1885. Since writing this I have been able to compare the figures for 1885, and find no difference which can affect any deductions drawn from the above. To accommodate this trade alone required the passage of 52,000 vessels through the kill, representing a registered tonnage of eight and one-quarter millions, or 30,500 more vessels and 1,000,000 more tons than the total entries and clearances at Chicago in 1885.

To this portion of the coal trade, reaching the inner harbor of New York from points south of the proposed site of the bridge, must be added the coal received by rail and distributed from the Central Railroad of New Jersey terminus at Elizabethport, near the northern entrance to the sound.

This consisted in 1885 of 2,000,000 actual tons, required the passage one way of vessels representing a measured tonnage of 4,500,000.

Thus the total coal shipments from points on and through Arthur Kill reach the enormous figures of 6,484,488 tons, or equal to 20 per cent. of the whole annual product of anthracite.

The figures for the tonnage at Elizabethport were collected from estimates made by Mr. F. E. Saward, of the Coal Trade Journal, and Mr. P. Cole, of Elizabethport. The estimate of vessels and registered tonnage is carefully collated from personal observation and from inquiring of Mr. J. P. Cole, shipper of Elizabethport, and others having knowledge of the facts.

Turning from coal to the next largest single item of freight shipped through the sound, namely, pottery clay, and manufactures thereof. This is a trade to which cheap and unobstructed water transportation is vitally essential. Its statistics show annual actual tonnage of freight of 750,000 tons, requiring the passage through the sound of 10,000 vessels, representing a registered tonnage of about 2,000,000.

The following detailed statistics of commerce passing through Arthur Kill have been collected with great care; each statement therein made has been verified.

The figures for the Delaware and Raritan Canal are from the official records of that corporation. Those for South Amboy from Mr. A. C. Davis, terminal and shipping agent Pennsylvania Railroad at this point. The individual shippers on the Raritan, from information furnished by them, generally in the form of a letter signed, to Hon. D.C. Chase, to whom I am indebted for the original estimates.

The Lehigh Valley Railroad trade is from information given by Mr. James Donnelly, superintendent of New Jersey division Lehigh Valley Railroad, Perth Amboy, Mr. F. B. Morris, superintendent Bee Line Transportation Company, and Mr. Isaac L. Fisher, agent Perth Amboy Towing Line. The figures for the manufactures on Arthur Kill are in most cases given by the parties themselves either to Hon. D. C. Chase or collected by personal inquiry.

The Elizabethport shipments of coal are official figures from Mr. John P. Jones, accountant of the Anthracite Board of Control, Philadelphia. Other freights from careful inquiry among parties having knowledge of the facts, and verification and correction of statements already published in official reports.

In all cases of doubt the figures are believed to be below the truth, and it will be noticed that no estimate has been made of the unattached commerce through the sound which can not be credited to any particular interest, yet must in the course of a year amount to a large item. These statistics are believed by the writer to be as near correct as it is possible to obtain in such matters, and if any error exists its correction would increase the totals here given.

I have here a detailed statement of the commerce of Arthur Kill. It gives the point where the different articles of trade originate, the amount of tons, and the different firms in business along the kill, and the shippers from the different stations and termini. It is substantially correct in this essential, that it only gives absolute date, the figures for a great many thousands of tons of irregular freight not being counted.

Detailed statement of the commerce of Arthur Kill per annum, based on returns for 1883, 1884, *and* 1885.

[Compiled from various sources and verified by E. W. Harrison, April, 1886.]

CONTRIBUTED FROM RARITAN RIVER AND BAY.

Contributor.	Average tonnage of vessels.*	Number of trips of vessels to and from.*	Actual tons freight.	Value.
Sayre & Fisher	250	2,400	310,000	$835,000
C. & W. Whitehead	175	13,000	50,000	150,000
Raritan Ridge Clay Company	75	50	2,000	10,000
Phœnix Brick Company		400	18,644	37,288
Raritan Hollow and Pressed Brick Company	300	360	18,000	90,000
W. F. Fisher	200	250	14,000	63,000
Fisher & Furman	200	216	28,000	126,000
Middlesex County	200	200	9,366	28,098
James Bissett	200	190	10,000	40,000
Theo. Willett	200	150	6,000	24,000
George W. Barnes	200	480	12,000	48,000
Anna M. Yates	200	80	2,250	11,250
Pettit & Miller	200	460	27,000	162,000
Valentine Brothers	200	20	1,000	2,000
Thomas Acker	200	120	3,000	3,000
Keasby & Co	200	368	17,000	50,000
Ashland Emery Works	200	16	1,000	37,000
Ostrander & Co	200	70	5,000	10,000
W. C. Compton	200	60	3,000	2,000
Edgar Brothers	200	300	15,000	30,000
John Phieffer	200	176	8,000	16,000
Hornsby & Co	200	268	10,000	50,000
Roberts Brothers		26	1,000	3,500
Ridgeway Brothers		200	10,000	10,000
Miscellaneous shippers		444	21,000	50,000
Delaware and Raritan Canal			871,967	9,226,080
Do. steam lines	200	14,186	224,484	15,854,474
To and from free level D. and R. Canal			7,850	172,700
New Brunswick, Amboy and New York Steamboat Company	600	666	11,375	113,750
South Amboy	250	30,698	2,125,464	10,000,000
Cheesequake Creek	100	1,176	46,137	217,000
Total estimated measured tonnage:	12,749,700			
Number of trips of vessels to and from		55,330		
Actual tons freight carried			3,889,537	
Value				35,584,004
At least 90 per cent. of above passes through Arthur Kill, namely	11,474,730	49,797	3,500,583	32,025,604

CONTRIBUTED FROM POINTS ON ARTHUR KILL AND ITS TRIBUTARIES SOUTH OF THE PROPOSED SITE OF BRIDGE.

Lehigh Valley Railroad Company at Perth Amboy	225	15,558	2,201,752	16,105,382
Williams, Clark & Co	200	250	50,000	1,200,000
United Refiners' Export Oil Company	300	50	6,000	270,000
Rahway River (see report Chief of Engineers, 1884, page 748)	75	650	48,500	485,000
Woodbridge Creek (see report Chief of Engineers, 1884, page 750)	200	1,000	112,068	834,000
Standard Chemical Company	100	500	30,000	450,000
Bowker Fertilizing Company	150	1,000	60,000	600,000
Fire-Proof Building Company	100	94	6,221	40,884
New Jersey Extraction Works	200	1,130	22,600	113,000
Staten Island shore, Fresh Kill Creek	100	440	22,000	175,000
Rossville	100	14	1,186	4,750
Priceville	100	400	16,000	160,000
Tottenville	100	124	12,200	71,000
Total estimated measured tonnage	4,347,500			
Number of trips of vessels to and from		21,210		
Actual tons freight carried			2,588,527	
Value				20,509,016
Deducting 10 per cent. of Lehigh Valley Railroad tonnage to cover freight passing out by way of Raritan Bay and not going through the sound leaves	4,297,445	19,654	2,368,352	18,998,478

CONTRIBUTED FROM POINTS ON ARTHUR KILL AND ITS TRIBUTARIES NORTH OF THE PROPOSED SITE OF THE BRIDGE.

Two dry-docks	200	600		
Elizabeth River (see report Chief of Engineers, 1884, page 749)	100	500	27,300	1,806,900
Central Railroad of New Jersey:				
Coal	240	18,700	2,000,000	8,000,000
Pig-iron	200	360	72,000	1,152,000
Iron pipe	200	125	25,000	750,000
Miscellaneous freight	150	2,000	300,000	2,500,000
Steamer Kill von Kull	1,240	1,200	60,000	2,400,000
Steamer Edward Clark (Singer's)	130	600	30,000	900,000
Total estimated measured tonnage:	6,525,000			
Number of trips of vessels to and from		24,085		
Actual tons freight carried			2,514,300	
Total value				17,508,900

*Estimated.

Recapitulation of commerce affected by proposed bridge.

Originating south of proposed site of bridge:	
Equivalent registered tonnage	15,772,175
Number of passages of vessels	69,451
Actual tons of freight carried	5,868,935
Value	$51,024,082
Originating north of proposed site of bridge:	
Equivalent registered tonnage	6,525,000
Number of passages of vessels	24,085
Actual tons of freight carried	2,514,300
Value	$17,508,900
Total Arthur Kill:	
Equivalent registered tonnage	22,297,175
Number of passages of vessels	93,536
Actual tons freight carried	8,383,235
Value	$68,532,982

To enable these figures to be appreciated it is well to compare with the statistics of other water ways, for example, Chicago Harbor, 1885:

Total registered tonnage, entries and clearances	7,287,236
Total number of vessels entered and cleared	21,542

The magnitude of this commerce differs little from that of the years 1883 and 1884.

Foreign commerce of the port of New York for the fiscal year ending June 30, 1885.

[Report Bureau of Statistics on foreign commerce and navigation.]

Number of—	Vessels.	Tonnage.
Clearances	5,304	5,440,724
Entries	5,824	5,659,733
Total	11,128	11,100,457

Detroit River, season of 1883: 40,385 vessels; registered tonnage, 17,695,174 tons.

The report of the Chief of Engineers of the United States Army for 1874, page 587, contains report of board of engineers on project of a railroad bridge across the Detroit River, and contains a careful estimate, showing that in 1872 9,116,570 tons actual freight passed Detroit. These figures are significant, as the decision of the board was that a bridge could not be permitted. This subject I have fully considered under its appropriate head in this report.

The amount of coal passing Cincinnati on the Ohio annually is given at 75,000,000 bushels, equal to 2,519,311 tons. (See appendix to report of United States engineers on bridges on the Ohio River, Chief of Engineers' report, 1871, pages 429, &c.) This would represent a registered tonnage of probably 6,000,000 tons.

The tonnage of the Hudson River, including its feeding three canals, and covering the trade of forty-three cities and towns along its banks, was estimated by Captain Vosburgh, agent of Schuyler's towboat line, at 20,000,000 tons.

The total tons freight carried on the canals of New York State in 1884 was 5,009,488. (See report of board of railroad commissioners State of New York for 1884, volume 1, page xi.)

The entries and clearances at the port of London in 1884 were 74,105 vessels, representing registered tonnage of 18,549,889 tons.

The net tonnage of the Suez Canal, 1883, was 5,775,861. (See report of Professor J. E. Nourse, United States Navy, transmitted to the Senate June 26, 1884.)

These comparisons show the rank of Arthur Kill as a water way.

The following table gives the actual passages of vessels, passing the foot of Livingston street, Elizabethport, in the twenty-four hours, between 6 p. m. of April 9 and 6 p. m. of April 10, 1886. All vessels not passing the proposed site of bridge have been eliminated:

Vessels.	Direction.	Time.
Tug	North	6.20 p. m.
Tug and barge	North	6.35 p. m.
Towboat	North	7.02 p. m.
Do	South	7.06 p. m.
Tug	South	7.11 p. m.
Brick-sloop	North	7.20 p. m.
Two tugboats joined	South	8.15 p. m.
Steam-tug	South	8.55 p. m.
Brick-sloop	North	9.05 p. m.
Large steam-tug	South	9.12 p. m.
Oyster-sloop	North	9.14 p. m.
Tug and sixteen canal-boats	South	9.35 p. m.
Oyster-sloop	North	9.41 p. m.
Tug and twenty coal-barges	North	10.00 p. m.
Tug and barge	South	10.05 p. m.
Tug and nineteen coal-barges	North	10.13 p. m.
Oyster-sloop	South	12.48 a. m.
Do	South	1.05 a. m.
Towboat	South	1.17 a. m.
Do	North	1.45 a. m.
Steam canal-boat	North	1.51 a. m.
Oyster-sloop	South	3.07 a. m.
Tug	South	5.18 a. m.
Two towboats joined	North	6.10 a. m.
Tug and oil-barge	South	6.48 a. m.
Tug and canal-boat	North	6.58 a. m.
Brick-schooner	North	7.12 a. m.
Sloop	North	7.24 a. m.
Tug and two barges	North	8.04 a. m.
Oyster-sloop	South	8.10 a. m.
Tug and three-masted schooner	South	8.55 a. m.
Tug and one barge	South	9.04 a. m.
Steamboat	North	9.35 a. m.
Tug	North	9.50 a. m.
Schooner	North	10.20 a. m.
Steam canal-boat	South	10.29 a. m.
Brick-schooner	North	11.15 a. m.
Brick-sloop	North	11.17 a. m.
Oyster-sloop	North	11.25 a. m.
Tug and canal-boat	North	11.55 a. m.
Oyster sloop	North	12.00 m.
Do	North	12.03 p. m.
Brick-sloop	North	12.21 p. m.
Tug	South	12.26 p. m.
Do	South	12.29 p. m.
Do	South	12.47 p. m.
Two towboats joined	North	12.55 p. m.
Brick-sloop	North	1.06 p. m.
Tug and canal-boat	North	1.13 p. m.
Tug	North	1.27 p. m.
Oyster-sloop	South	1.29 p. m.
Brick-sloop	North	1.40 p. m.
Tug and three-masted schooners	South	1.58 p. m.
Brick-sloop	South	2.17 p. m.
Schooner	South	2.23 p. m.
Brick-schooner	North	3.10 p. m.
Towboat	South	3.32 p. m.
Steamboat	South	3.58 p. m.
Schooner	North	4.02 p. m.
Oyster-sloop	North	4.09 p. m.
Freight boat	South	4.09 p. m.
Tug, one coal-barge, and lighter	South	4.22 p. m.
Tugboat	South	3.36 p. m.
Brick-sloop	North	4.36 p. m.
Tug and canal-boat	South	5.12 p. m.

These observation were taken at a dull season of the year and can not fairly be considered as giving even an average of the daily movement though the sound. It will be noted that the great proportion of heavy tows passed in the hours of darkness.

The president of the Pittsburgh Coal Exchange, in a communication to the board of United States engineers appointed, under authority of an act of Congress approved July 11, 1870, to examine into the effect the bridges of the Ohio were having upon the navigation of that stream, says (see Appendix B, board's report. Report Chief of Engineers, 1871, pages 429 *et seq.*):

The losses by collision with the piers of bridges spanning the Ohio River ($198,692), heavy as it is, constitutes but a small item of the aggregate loss resulting from said obstruction. The great loss sustained is by detention arising from the necessity of landing our towboats and waiting for daylight, not daring to run the narrow channel ways at night.

"The narrow channel ways" he speaks of are from three to four hundred feet wide and not obstructed by draw-pier and fenders, as would be the case in a draw-bridge, and this draw-bridge has but 200 feet clear opening. The coal fleets carry about the same number of tons of coal as the tows on the Arthur Kill and generally contain less number of boats.

The time required to open and close the Raritan draw, at the present day the longest in the world, is on an average about four and one-half minutes. This draw is for a single track, and moves, the engineer in charge informs me, exceedingly smoothly. The proposed draw will be for double track at least twice the weight. If the time of passing vessels through be considered, a fair average will be fifteen minutes, and some tows and vessels will require more time, some less, depending upon wind and tide. On this assumption, applying the figures of the last table, the draw would have been open and closed for the twenty-fours hours selected for periods as follows:

Open from—	Open.	Closed from—	Closed.
	h. m.		h. m.
6.20 to 6.50	30	6.00 to 6.20	20
7.02 to 7.35	33	6.50 to 7.02	12
8.15 to 8.30	15	7.35 to 8.15	40
8.55 to 9.56	1 01	8.30 to 8.55	25
10.00 to 10.28	28	9.56 to 10.00	04
12.48 to 1.03	15	10.28 to 12.48	2 20
1.05 to 1.32	27	1.03 to 1.05	02
1.45 to 2.06	21	1.32 to 1.45	13
3.07 to 3.22	15	2.06 to 3.07	1 01
5.18 to 5.33	15	3.22 to 5.18	1 56
6.10 to 6.25	15	5.33 to 6.10	37
6.48 to 7.39	51	6.25 to 6.48	23
8.04 to 8.25	21	7.39 to 8.04	25
8.55 to 9.19	24	8.25 to 8.55	30
9.35 to 10.05	30	9.19 to 9.35	16
10.20 to 10.44	24	10.05 to 10.20	15
11.15 to 11.40	25	10.44 to 11.15	31
11.55 to 12.18	23	11.40 to 11.55	15
12.21 to 12.44	23	12.18 to 12.21	03
12.47 to 1.55	1 08	12.44 to 12.47	03
1.58 to 2.13	15	1.55 to 1.58	03
2.17 to 2.38	21	2.13 to 2.17	04
3.10 to 3.25	15	2.38 to 3.00	39
3.32 to 3.47	15	3.25 to 3.32	07
4.02 to 4.51	49	3.47 to 4.02	15
5.12 to 5.27	15	4.51 to 5.12	21
		5.27 to 6.00	33
Total time open	11 34	Total time closed	12 26

Thus in this twenty-four hours the draw would have to keep open ten times for twenty minutes or more; three times, thirty minutes or more; twice, forty-five minutes or more, and twice over an hour; or if the same average be kept up for a month of twenty-six working days, we will have two hundred and sixty times twenty minutes or more; seventy-eight times, thirty minutes or more; fifty-two times, forty-five minutes or more; fifty-two times, one hour or more.

One of the arguments advanced by the board of United States engineers against bridging the Detroit River (see report already referred to) was the impracticability of passing this commerce of the river through a draw, at the same time accommodating the railroad traffic, and in support of this proposition they show that in June, 1873, the draw would have had to be open three hundred and sixty-one times for twenty minutes or more; ninety-three times, for thirty minutes or more; twenty times, for forty-five minutes or more; once for one hour and fifteen minutes.

A comparison of these figures will show that the objection raised to the Detroit River bridge applies with greater force to the proposed structure. And, furthermore, there will be no difficulty in my opinion in showing that during the busy season the movements of vessels through the kill is more than double the example here given.

In such a case it would become a serious question which should give way, the shipping or the railroad interest, for one must suffer serious loss and inconvenience.

I have here a statement in connection with this matter of the different buildings and manufactories along the line of the kills, the location being such, so contiguous to New York, and the land being surprisingly cheap and transportation so easy to distribute the products of large works, that a great deal of it has been taken up for that purpose.

Third. Manufacturing and riparian interests on the Jersey shore and grants made by the State, with improvements made under said grants.

Map B will show the location of the State grants of riparian lands along the whole extent of the kill.

The following are the grantees and the extent of frontage granted, measured along the exterior line for solid filling.

Central Railroad of New Jersey:

	Feet.
Livingston street, east to Trumbull estate	3,369.10
Central Railroad of New Jersey, Marshall street to Elizabeth River	795
Borne, Scrymser & Tappin	420.47
Cook and McCord	302.35
H. W. Miller, between Clifton street and Bay Way	296.85
L. F. & A. Beckwith, from near Bay Way to Morris Creek	914
H. H. Mansfield, Piles Creek south	4,985.2
Central Railroad of New Jersey, Smith Creek to Woodbridge Creek	9,453
Sarah E. Meredith, Ploughshare Point	707.6
J. R. Watson, Market street, Perth Amboy	134.3
Cornelius White, between Gordon and Lewis streets	77.95
R. V. Baldwin, 50 feet south of Lewis street	60
J. R. Watson, Sandy Point	2,344
Total	23,860.33

Or about 5½ miles.

The advantage which this water front offers for manufactories requiring large space and cheap land is evident. An open channel within easy distance of the great business center of New York, and also one of the main lines of water communication of the Union in front, and in the rear the New York and Long Branch Railroad connecting with all trunk lines.

The following manufacturing and business enterprises, some very extensive, have been established upon the shores mainly during the last ten or twelve years:

The Refiners' Export Oil Company, Perth Amboy: 8 buildings; employ about 25 men; have 200 feet of bulkhead and wharf; New York office, 46 Harrison street.

Roessaler & Hasslacher, manufacturers and importers of chemicals: 2 large brick buildings, 100 feet of bulkhead, and employ about 6 men: New York office, 56 Pine street.

John Hall & Son, lumber dealers, Perth Amboy: 450 feet of bulkheaded water front.

S. B. Greacen, machine-shop: Use portion of I. Hall & Son's water fronts; have 1 brick building.

W. G. Underhill, Perth Amboy: 100 feet of bulkheaded water front.

Pennsylvania Railroad Company, Perth Amboy and Woodbridge Railroad: 125 feet of dock.

Ashland Emery Works, Perth Amboy: 3 buildings; 150 feet of wharf.

C. W. Boynton, manufacturer of fire-brick: 5 buildings; 40 feet of improved water front on Staten Island Sound, 150 feet on Woodbridge Creek.

Henry Maures, manufacturer of fire-brick: 10 buildings; 400 feet of wharf on Woodbridge Creek; New York office, 418 East Twenty-second street.

Perth Amboy Terra Cotta Works: 20 buildings; 50 feet of wharf.

Lehigh Valley Railroad have extensive terminal facilities; 5 large wharves and coal piers, and improvements valued at $900,000.

William Clark & Co., manufacturers of chemicals: Buildings cover an area of about 3½ acres; 5 piers, 64 feet by 300 feet, and 1,000 feet of water front.

Standard Chemical Company: 10 large buildings; 475 feet of improved water front; employs 70 men; have spent about $3,000,000 in improvements. Office, 71 Wall street, New York.

Russel Coe, manufacturer of fertilizers: 5 buildings; 550 feet of improved water front.

A. Mitchell, manufacturer of fertilizers: 1 building; 100 feet of improved water front.

New Jersey Extraction Works and State Chemical Company: Several large buildings; 350 feet of improved water front.

Bowker Fertilizer Company: Buildings covering a space of about 3½ acres; 250 feet of improved water front.

The Fire-Proof Building Company: Several buildings and 350 feet of improved water front.

From the proposed site of the bridge north to the bridge of the Central Railroad Company of New Jersey over Newark Bay the New Jersey shore of the sound is improved and the seat of busy industry. This land is valued at from $50 to $100 per running foot along shore line unimproved. The agent of the Baltimore and New York Railroad Company paid $72 per foot front for the site of the proposed westerly abutment of this bridge. The land is entirely unimproved—salt marsh; land similarly situated can be purchased for $50 per foot front.

The terminal of the Central Railroad of New Jersey with its 13 coal wharves, 5 freight docks, represent an actual value of improved property of upward of $1,000,000.

The enormous works of the Singer Manufacturing Company, employing at different times 1,800 to 5,000 hands, with a large improved water front acquired at great cost, lies north of the coal docks.

All these interests are affected by the proposed bridge.

Fourth. Proposed project of the Baltimore and Ohio Railroad Company as far as developed.

The Baltimore and Ohio Railroad Company's agents have located and marked upon the ground with permanent stakes a center line of railroad crossing the sound a short distance north of Bay Way—Elizabethport. The line is shown upon Map C, and plainly designated.

On the Staten Island shore the Rapid Transit Company have purchased several large tracts of land, one in particular of about 43 acres, running along the shore from a point about 200 feet north of the proposed bridge-site to Howland Hook, the northwestern extremity of Staten Island. This tract, I am informed, was purchased of Mayor Grace, of New York, and the consideration was about $1,000 per acre.

Up to ten days ago they had not acquired title to the land upon which the Staten Island end of the bridge would abut, the owner holding it at a very stiff figure.

The plans for the bridge as far as developed contemplate a double track iron draw-bridge with a draw span of two 200-foot clear openings, which will make the draw about 470 feet long, and the heaviest at present in the world. At either side of the draw are to be shorter spans. The piers and abutments are to be of stone carried down to bottom, and will probably be built on the solid rock in a caisson. The grade is to be 30 feet above mean low water. This construction will necessitate the building of a fender pier for the pivot pier of the draw at least 470 feet long and 45 feet wide, with guide fender on outer sides of the openings probably 250 feet long. The position of the bridge with these fenders and the relative area subtracted by them from the area of the channel is shown on the Map C. It will be seen that without regard to the effects the piers may have in changing the regimen of the bottom of the channel by causing scouring or deposits, these structures must certainly cause great inconvenience to navigation. The plot of the plan of bridge is made from such information as I could obtain as to the general plan of the structure, and the position of the different spans, draw openings, piers, and fenders are as usually is the practice in structures of a similar class. Final plans might change the position of the draw openings slightly, lengthen or shorten some of the lesser spans, change the angle of the fenders, or differ from the plot in small details, but these changes could have no effect upon the deductions we desire to prove, namely: The injury the structure would inflict upon shipping. Given the lines as located and the required dimension of draw, no variation from the plot as shown on Map C could lessen the disadvantageous effect of the structure upon the navigation interests.

Fifth. Regimen of channel in the vicinity of proposed site of bridge, as determined by soundings and current observations.

Map C shows a careful survey of Arthur Kill from a point just south of Buckwheat Island to the foot of Livingston street, Elizabethport, plotted in a scale of 200 feet to 1 inch. The soundings are shown in feet and tenths and refer to mean low water—the same plan as was adopted by the United States engineers in 1872. The position of each sounding has been accurately located by triangulation from instruments on the shore. The sections plotted on the map are on a horizontal scale of 60 feet to 1 inch and a vertical scale of 10 feet to an inch. The lines of soundings are the same as those used in 1855 by the United States Coast Survey, and in 1872 by United States engineers under direction of General Newton, and the sections show the exact changes which have taken place between these dates.

It will be noted by an inspection of these sections that there have been many changes in the bed of the stream between these periods. The general tendency is to scour out and deepen the channel on the New York side and shoal on the New Jersey side. This is no doubt due in a great measure to the retardation of the tidal flow by the erection of piers and docks jutting out into the stream on the Jersey shore; but while this tendency is to be noted another fact shows, which I deem of great importance in considering the question of the effect upon the regimen of the channel likely to follow the erection of piers, there has been a regular scouring with consequent enlargement of the sectional area in the narrow portion of the kill covered by the four northermost sections and a regular deposit at the points where the channel widens in passing Buckwheat Island. The channel, 12 feet deep at low water as shown by the Coast Survey of 1885 between Buckwheat Island and the Jersey shore, has entirely disappeared, and in its place is a mud flat almost dry at low water.

I am informed that this is partially accounted for by the fact that a contractor in the employ of the Central Railroad of New Jersey deposited the silt excavated from the coal-dock slips at Elizabethport in this channel. This may have hastened the formation of the bank, but the natural deposits still go on, the current in this reach being much less swift than in the narrow reaches north, and the result is that the ebb tide deposits the scour from above as soon as its velocity is decreased beyond a certain point. The flood tide no doubt carries its share of the scour and deposits it on the flats near the corner stake at the junction of the waters of Kill von Kull, Newark Bay, and Arthur Kill. To counteract this last the United States Government have erected a dike at a large expense and produced a swifter current and deeper channel.

The general directions of the flood and ebb currents are shown upon the map by arrow-heads. The general direction of the flood current is: Coming up through the channel between Staten Island and Buckwheat Island it is a true current to the point at Sections XI and XIV, opposite the New Jersey Extraction Works, here it is deflected and divided, that portion nearest the center of the channel continuing in almost a direct line diagonally across the kill to the mouth of Morse's Creek where it forms an eddy and is greatly retarded, then passes out and is deflected diagonally across toward the Staten Island shore, gathering rapidity as it joins the other body. The portion of the flood in the deepest part of the channel opposite the points XI and XIV and within 100 feet of the Staten Island shore sweeps swiftly around the point and continues in almost a straight line to the point just north of Old Place Creek; here it is deflected toward the Jersey shore for about 600 to 1,000 feet and then continues on in a direction almost parallel to the New York shore to the foot of Livingston street.

The ebb current coming around the northwestern point of Staten Island is deflected diagonally across the kill to the mouth of Elizabeth River; from thence it bends toward the New York side in almost a direct line to the mouth of Old Place Creek; thence in almost a direct line to the point at Line XI and XIV, which it passes in the continuation of this line until the center of the channel is reached; thence in a true current directly through the passage between Buckwheat and Staten Islands. Both the ebb and flood currents cross the center line of the proposed bridge at an angle of about seventy-nine degrees. The mean velocity of the current passing the line of the proposed bridge is 2 miles per hour.

Sixth. Probable changes in regimen of channel from erection of piers in the stream.

Any sudden reduction in the area of cross-section of a stream is sure to result in a disturbance of the fixed regimen.

The same volume of water passes through any of the sections of a river channel at the same time. Where this is not the case, we have falls and rapids, which

are caused by certain cross-sections being of much less area than the others, and the water must increase in velocity in order that the same volume shall pass. Nature here comes into play, and the increased velocity produces a scour of the smaller sections and a deposit in the larger sections until the equilibrium is restored.

If the larger section be narrow and deep, such deposits may do no harm, as the area can be lessened without encroaching upon useful depth; but if the larger section be broad and shallow, as is usually the case, the deposits form bars and shoals. An inspection of the sections on Map C shows this action has been going on to a certain extent in Arthur Kill, near the site of proposed bridge. The erection of piers under the most favorable circumstances will reduce the cross-section of the stream, on Line IV and VII, at the proposed point of crossing, from 10,053 square feet to 8,565 square feet, or 1,488 square feet; or, in order for the stream to regain its present regimen, this section must be scoured out to a depth of about 2 feet, and the material thus scoured deposited at some point where the stream widens and the velocity of current decreases.

If the point of deposit could be controlled a reduction of the area of the large sections by a reduction of width only might be of advantage, but nothing is so capricious as a stream running through banks such as we find at the kills, and the deposit is as likely to be directly in the channel as elsewhere.

The portion carried north by the flood will certainly be deposited on the flats near corner stake and add to the shoal which the United States Government has spent already $92,204.62 in counteracting.

Furthermore the channel will be likely to be affected seriously by another cause resulting from the proposed erection. Arthur Kill at present is remarkably free from ice in winter. The strong current and unobstructed water way with the open waters of New York Bay and Raritan Bay at either end tend to this result. During the most severe winters it is seldom closed but for a few days. With the erection of the piers this will certainly not be the case. All examples show that the piers will hold the ice which forms and prevent it being carried out of the stream, and result in closing the sound to navigation all winter.

The formation of fixed ice in the wide and shallow reaches will be followed by more rapid shoaling, the ice itself assisting in retarding the flow and also usually carrying and gathering solid matter on its under side, which is deposited in the spring. Examples illustrating these facts can be seen in Newark Bay and the Passaic and Hackensack Rivers. The tidal currents of these streams are naturally very strong. Without bridges to hold back the ice it is likely navigation could be continued throughout the winter, but they are now closed tightly from the first hard frost until the ice rots in the spring.

The annual winter closing of the kill would, of course, result in driving all commerce going through to and from the Amboys to the outside route. When this is the case for the few odd days in winter now, the towing companies give notice to owners of barges, &c., that they will not assume responsibility for extra risk caused by going outside of Staten Island. It will thus be understood that the closing of this water route for a portion of the year will revolutionize the trade passing through it.

Another important consideration to be taken into account is:

The meeting place of the tides of the Kill von Kull and Arthur Kill is now at corner stake. Such places always show a tendency to shoal, and this has been the case here. The expenditure of the United States Government just mentioned was to secure by means of dikes a channel through this shoal of 13 feet at low water.

It is a grave question whether the retardation of the flood current of Arthur Kill caused by the proposed piers may not shift the point of meeting of the tides farther south and west, in which case shoals would be formed directly opposite the busiest portion of the wharf front of Elizabethport, where land is now worth $100 per foot front.

Seventh. Increase of cost of water transportation imposed by necessity of passing the draw.

This is a vital part of the opposition to the construction of the bridge as proposed in the bill.

The greater bulk of the freight tonnage of this stream is carried in tows made up of from thirty to seventy boats and barges towed by one large towboat or two tugs.

I will state that these towboats are not the little things described by the Senator from Maine, which might let down their smoke-stacks conveniently whenever they chose to pass an obstruction, but they are great, powerful steamers, constructed especially for pulling the 10,000 tons of freight necessary for the vessels to carry.

The amount of actual freight tonnage in one of these tows varies from six to ten thousand tons of coal. Tows vary in length from 1,100 feet to 2,150 feet and in actual width from 60 to 125 feet. The tows of the Delaware and Raritan Canal are made up and leave New Brunswick on the ebb tide in the Raritan.

This has always been the practice, the object having been to meet the flood tide at the junction of the Raritan and Arthur Kill and make use of it on the passage of the kill. Before the erection of the Raritan draw on the New York and Long Branch Railroad, it was usual to anchor at Sandy Point, the mouth of the Raritan, and wait for the flood. But the erection of the draw-bridge compelled the fleets to anchor above the draw, a process fraught with much risk and damage to pass a fleet through the Raritan draw, 200 feet clear opening with the current. The fleets, therefore, now wait above the draw until slack-water and pass through there, taking the fair tide up the kill.

But what would be the effect upon this fleet if the proposed structure be erected? It will be just as dangerous to pass the proposed draw on a fair tide as to pass the draw in the Raritan. Therefore the fleet instead of having, as now, a clear and unobstructed passage to the wharves of New York will have to anchor again below the proposed bridge, await a turn in the tide, and pass through the draw against it. The same procedure must be followed by tows from Perth and South Amboy, they leaving those places on a favorable tide. This bridge would therefore result in an actual loss of one tide, or six hours, to every tow on the kill.

The time of a Delaware and Raritan tow-boat is worth $12 per hour. The time of the Perth Amboy towing line tug is worth $85 per day, or for six hours $42.50. A fleet of thirty-two boats from Perth Amboy will be towed by two tugs. The additional cost in tugs alone will be $85, and for the Delaware and Raritan boat $72, and this is entirely independent of the time of canal-boats, barges, or lighters and their crews. If this item for a fleet of forty boats be taken at $3 per boat (a very low estimate), we have a loss of $192 in the case of a Delaware and Raritan tow. Such a fleet will average 200 tons per boat or 8,000 tons in all; thus the added cost will be 2.4 cents per ton, or on the 4,000,000 tons of coal annually conveyed through the sound the large tax of $96,000.

But this is not the actual or worse result to the floating commerce of the kill which is likely to follow the erection of a draw-bridge as proposed.

The estimates of losses last given are based upon the premises that a tow of the dimensions now common to these waters could be passed through the proposed draw opening.

I have endeavored to show upon Map C the position occupied by one of these tows at the site of the bridge, also the bridge and draw openings. The long flexible fleet is shown contorted as it is at that point by the action of the ebb current. A glance at the map will show that some difficulty will be experienced in passing such a body safely through an opening 200 feet wide into which the currents beat at an oblique angle. Again, the tows on the sound usually run together closely following each other, the same object (to take advantage of the favorable tide) being common to all. Maps A and C will show that the sound is not a place where such a fleet could lay to or anchor without blocking up the narrow passage to the injury and delay of all other navigation.

It would be impossible to stop three or four of these fleets to await a change in the tide without absolutely blocking up the channel. This is proven often in time of sudden fogs upon the sound requiring tows to anchor. The unwieldy mass of the fleet becomes strung across the channel, and for the time being offers great obstruction to or practically stops all other navigation. Under the head of "Commerce," a quotation was made from the president of the Pittsburgh Coal Exchange, alluding to the tying up of coal fleets on the Ohio, and the great expense and risk attending the operation, but the Ohio is several times as wide as this stream, and the current is always in one direction.

There seems to be no other opinion among boatmen but that the erection of the proposed bridge will compel the curtailment of the fleet. Mr. Isaac L. Fisher, agent of the Perth Amboy Towing Line and a boatman of long experience in these waters, estimates that the usual fleet of that line of thirty-two boats towed by two tugs must be cut down to eight fleets, of four boats and one tug each, so that the draw-opening can be safely passed with a favorable tide.

The additional cost would be $510 for the six added tugs. The fleet of thirty-two boats would carry on an average 7,000 tons coal; therefore the added cost per ton is 7.3 cents, or on the 4,000,000 tons of coal annually carried past the proposed bridge site, $292,000.

The actual price charged for towing such a fleet from Perth Amboy to New York is now about 3 cents per ton, so that the cost of towage would be more than tripled.

The above estimates only apply to large fleets. As to the single sailing vessels and tows of one, two, or three boats, which form no mean portion of the commerce of the kill, with wind and tide against her, it is doubtful if a sailing vessel could beat through the narrow opening of the draw at all, and if it were possible the risks of collision would be greater than the master would be warranted in assuming.

For a number of years it has been the practice on the Charles River, Massachusetts, to charge an additional freight rate of 3 cents per ton of coal per draw-bridge passed through.

This practice is mentioned in a letter from Messrs. H. and A. Morse & Co., wholesale coal-dealers, of Boston, to Maj. Charles W. Raymond, United States Engineers, printed on page 514 of the report of the Chief of Engineers for 1884, and commented upon by Major Raymond in his report on page 513, preceding. It is also confirmed by Mr. Smith W. Haines, of Jersey City, who has for many years been interested in the chartering of vessels for coal to Eastern points. The draw-bridge openings of the Charles River are narrow as compared with the one proposed.

In addition to these charges must be taken into account the actual losses by collision with piers or fenders which it is impossible to prevent and which must certainly have the effect of raising the premium of marine insurance on vessels trading through the sound. The actual losses from these causes at five bridges on the Ohio are given on the authority of the Pittsburgh Coal Exchange in a report to the Chief of Engineers, and printed with his report 1871 Appendix B, page 429, as being the sum of $198,692. The period covered was for one bridge six years and seven months, for the other four less than two years.

These bridges are all built at a height of 70 to 90 feet above low-water level, with channel spans of from 300 to 400 feet. The coal fleets consist of from sixteen to eighteen coal barges or ten coal boats, and the freight tonnage is from 7,000 to 9,000 tons.

Taking all these facts into consideration, I think it safe to estimate that the erection of a bridge as proposed will impose a tax of at least 6 cents per ton upon all classes of freight carried past the draw, or a total annual tax approximating $500,000.

The claim has been made that the elevation of 30 feet above low water proposed for the bridge will enable the greater portion of the commerce of the kill to pass under it. This claim I think on examination untenable. The top of smokestacks of tugs are usually more than 30 feet from water line, some of the towboats being large steamers 60 feet above water.

A tow seldom is made up without containing several lighters, sloops, or schooners with masts over 70 feet high, and they will be scattered through the tow from one end to the other so the draw can not be closed until the whole tow has passed, and the height of the floor can not affect the main obstruction. the piers in the channel, and the narrow channel way. No opening less than 450 feet will give the proper freedom to navigation now engaged, and a floor 70 feet above high water would still shut out some thousands of vessels per year unless a draw-span be provided also.

The Steubenville bridge over the Ohio had a channel span of 300 feet and was 90 feet above low water. The board of engineers already referred to, consisting of General G. K. Warren, Godfrey Weitzel, and Col. William E. Merrill, recommend its widening at a cost of $200,414.50, and say: "This bridge has been a serious hinderance to navigation since it was built. It is unquestionable that bridges over the Ohio, though a public necessity, are a source of danger and loss to the navigation interest." (See report Chief of Engineers 1871, pages 429, *et seq.*)

The principal traffic incommoded by this bridge was coal, amounting annually at that period to about 2,500,000 tons.

It is claimed that the railroad traffic to be accommodated by the bridge will be of so much more importance to the community at large that the result of its erection will result in a net gain.

The total receipts of principal staples at New York in the year 1885 were:

	Tons.	Value.
Flour	528,536	$19,664,505
Grain and meal	2,220,000	66,819,557
Cotton	256,000	54,497,200
Petroleum	1,456,429	29,250,000
Total	4,460,965	170,231,262

NOTE.—The quantities are taken from the Journal of Commerce for January 1, 1886. The computations are made from usual market quantities to gross tons. The values are computed on average market quotations for 1885.

Of the above 23.63 per cent. of the grain and flour is delivered by canal, 92 per cent. of the cotton by water, and a great portion of the petroleum by pipe line. I am informed also by Mr. Charles Sterling, superintendent of the National Storage Company, that petroleum should be left out of any calculation of probable freights over the proposed bridge, as it is not likely any quantity will ever be shipped by that line. These being subtracted we have, tons, 2,341,428, value, $70,407,835, on the supposition that the freight is evenly divided among the six trunk lines. The Baltimore and Ohio may expect to carry over the bridge 390,278 tons, valued at $11,734,639. If miscellaneous freights be added, say 600,000 tons, valued at $20,000,000—eastward freights, not including coal.

Eighth. Effect upon value of water-front property.

The effect of the erection of the proposed bridge upon the value of water-front and riparian property along the New Jersey shore will be to depress it.

Investigation into the effect the erection of the East River bridge has had upon the value of the water-front property east of it shows that the actual general depression has been at least 30 per cent. This depression is believed to be permanent by parties familiar with the subject.

This question was the subject of examination by the committee on commerce and navigation of the New York Assembly in 1879; some 789 printed pages of testimony was taken, and the committee reported that it was clearly established "that the bridge when completed will obstruct the navigation of the port of New York to the extent of requiring all vessels with masts above the height of 135 feet in passing the bridge to lower some portion of their masts. That the owners of dock property above the bridge have been deterred from making requisite modern improvements to retain this shipping. That the lessees of this dock property were unwilling to take leases, except from year to year, unless at greatly reduced rates, and that orders have in some cases been sent to their agents by owners of vessels loading in foreign ports for New York to have conditions inserted in the charters of these vessels not to discharge above this bridge unless all charges, damages, and loss should be borne by the consignee; and as a consequence warehouses and property fronting on the East River have considerably depreciated in value, and the tendency has been to divert business from this property to warehouses on the Brooklyn shore below the bridge."

On these points Michael Coleman, deputy tax commissioner and city appraiser, testified:

"That the water front from the bridge to Twenty-third street, which had been worth in ordinary times $7,000,000, had been depreciated 30 per cent.

"That the city had met this depreciation by reducing the valuation for taxation of the principal storehouses from 20 to 40 per cent. That same class of property below the bridge had not depreciated.

"That he had found the property on the Jersey shore and the east side of the Hudson as far as Seventy-second street increased as much in proportion as the decrease on the East River above the bridge."

Vernon H. Brown, at present agent of the Cunard Steamship Company, testified that he had knowledge of a clause being inserted on charter parties forbidding vessels to go above the bridge; had himself sent such instructions, and would not have a vessel go above the bridge if he could help it.

Capt. Ambrose Snow testifies that the bridge would injure the warehouses above it, and was a great detriment to the free use of the river, and injured the harbor and commerce of New York.

Richard C. Wiet, employed by the Standard Oil Company, testified that the building of the bridge had injured the Hunter's Point works of the company; that owners of large vessels as a favor ask that the vessels be sent to Weehawken for oil; that the business at Weehawken was thus increased at the expense of Hunter's Point.

To verify these statements made in 1879 and discover whether the depreciation then claimed had been permanent, I have conversed with Mr. A. B. Miller, warehouse owner, 88 Pearl street, and the plaintiff in a suit in the United States circuit court for the southern district of New York against the mayor and aldermen of the city and the trustees of the Brooklyn bridge, and a gentleman perfectly familiar with the subject.

I also called upon Capt. Ambrose Snow, president of the Board of Trade and Transportation, and one of the best-known merchants and ship-owners of the city of New York. Both gentlemen assured me that the experience of the seven years since 1879 had corroborated the testimony here given; that the depreciation in real estate along the shore front above the bridge was fully 30 per cent. Mr. D. A. Nash, secretary of the board of commissioners of pilots, and Mr. Francis W. Houghton, secretary of the Maritime Association, also confirmed these statements, and there is no trouble in proving them by overwhelming testimony. While this has been the effect of the East River bridge, 1,500 feet clear span and 135 feet in height, a nearer example to the land under consideration may be found in the Newark Bay bridge of the Central Railroad of New Jersey. The lands along the shore north and south of this bridge are similar as to all natural advantages.

Before the bridge was built a channel 7 to 8 feet deep at low water extended from the coal-docks of the Central Railroad Company of New Jersey along the shore to the Newark Bay light-house. This channel is shown on the Coast Survey map of 1855, and witnesses can be produced who will testify to having taken vessels to Newark from Arthur Kill by that route. This channel has entirely disappeared above the bridge, and the reason can be found in causes chargeable to the bridge. Lands north of the bridge are worth not more than $200 per acre, while not 300 feet away land south of the bridge fronting on the water are worth unimproved $15,000 per acre.

These facts were well shown out in the testimony of Mr. Charles W. Noyes, taken in the railroad-tax cases of 1882 and 1884.

Information derived from owners of manufacturing establishments along the sound show that they have well-grounded fears of the regular closing of the channel in winter by ice if the bridge be built. The free access to their wharves in all seasons is a necessity; one company maintain a boat solely for the purpose of breaking up the floating ice.

If the sound is closed for the winter many flourishing industries must go elsewhere, and the shore-front, which now offers the best facilities to such interests upon a main water way, will become of far less value, and the water way will sink to the position of a canal.

Ninth. Action of Government engineers upon question of bridging other navigable channels, and comparisons with the channel in question.

The only other navigable channels under control of the United States Government, at all comparable with Arthur Kill in magnitude and importance of commercial interest involved, upon which the question of the erection of bridges has been raised, are the East River, the Detroit River, and the Hudson.

The East River has been bridged with a span of 1,500 feet and 135 feet high. The results to the shipping interests of the port of New York it can not be denied have been detrimental. Nothing but the necessity for communications between the vast population of the two cities of New York and Brooklyn can justify or compensate for the damage inflicted upon the harbor.

Attempts have been made to bridge the Detroit River at Detroit and other points, but all have been successfully defeated by the navigation interests of the Northern lakes. This is also the case with all projects to bridge the Hudson below Albany.

The railroads interested in bridging the Detroit River were the Grand Trunk, Canada Southern, the Michigan Central, and the Great Western. These roads are compelled to ferry all their freights and passengers across this stream.

In the report of the Chief of Engineers, United States Army, for 1874, page 587, will be found a report of a board of engineers, consisting of General G. K. Warren, General C. B. Comstock, General Godfrey Hertzel, Col. W. E. Merrill, Capt. W. R. Livermore on the question of briding the channel between Lakes Huron and Erie.

The claim was made by the railroad companies that as a draw-bridge on the Chicago River accommodated forty-three thousand seven hundred and thirty-five vessels in 1868, a draw could easily pass the commerce of the Detroit River; but the board remarked that the Chicago River can not be compared to this great highway, there being no current. Tugs rarely take through more than one vessel at a time, and sometimes two tugs to one vessel; and the sides of the stream are docked, serving as fenders.

The average width of the Saint Clair River, navigable for boats of 16 feet draught, was 2,000 feet.

Nine million one hundred and sixteen thousand five hundred and seventy tons actual freight passed Detroit in 1872.

The observations of the board in regard to number of times the draw would have to be kept open and the periods of time in a month have been given under the head of "Commerce of the Kill." The president of the Michigan Central Railroad Company proposed that the draw be closed for thirty times a day for a space of ten minutes each time, to allow of the passage of trains; but this the board considered could not be allowed, due regard being had to navigation.

At that time a company had been formed to construct a tunnel under the river. The estimated cost was $2,650,000. Considerable work has since been done upon this project, but the cost overrunning the estimates and unforseen difficulties arising, the work has been abandoned for the present.

From the foregoing it will be seen that these conditions are not unlike the conditions existing on Arthur Kill with the important differences, that at Detroit four trunk lines of railroad are completely cut, with no possible way of making connection except by a tunnel or bridge. Here, we have one proposed trunk line, which out of many miles of water front available at the owner's price, prefers to select this route to the detriment of other more important interests. The Western stream is 2,000 feet wide, Arthur Kill but 700.

No fear is expressed of shoaling the channel of the Detroit River by the erection of piers, while there is great danger from this source at Arthur Kill. The Detroit River is closed by ice some months in the year. Arthur Kill is open all the year round. The registered tonnage of both streams differs slightly and in favor of the kill.

The conclusion of the board is summed up as follows:

First. That a bridge giving clear headway of 150 feet and clear span of 400 feet would not seriously impede navigation.

Second. No bridge giving passage to vessels by draw alone, with draw span at present practicable, can be permitted without serious injury to navigation.

Third. That a bridge giving a clear opening of 700 feet from April 1 to December 1, with two draw openings 100 feet in the clear, and with the permanent foundations of its movable piers 18 feet below lowest stage of water, will not be a serious obstruction to navigation.

Fourth. For the reasons heretofore given, although the question has not been directly referred to it, the board deemed the crossing of the river by tunnels the only unobjectionable method, and from all the information they have obtained think a tunnel at Detroit or Stony Island is by no means impracticable at a cost not so great as to debar its construction.

The United States engineers in the Ohio uniformly demand clear spans of at least 400 feet.

Viewing the subject under consideration in the light of these decisions it is difficult to see how the proposed structure over Arthur Kill can receive the sanction of the United States engineers.

Tenth. Other means of crossing the stream which will not interfere with navigaton interests.

There is no good reason except the cost of the work why this stream should not be crossed by a tunnel under its bed. The underlying rock, as shown by the State geological survey, is sandstone. The tunnel need not in its deepest part be more than 50 feet below low water. It could be constructed in an open cut, section by section, in caissons, and the arch protected from anchors or other weights which might be dropped upon it. The grades to reach such a tunnel would not be excessive.

In comparison with the Detroit tunnel, the Hudson River tunnel, or the tunnel just completed under the bed of the Mersey between Liverpool and Birkenhead, the work would be child's play and the cost a mere fraction.

The new Mersey tunnel shows the jealous care which Liverpool exercises over her harbor and water communications.

This is 3 miles long, excavated through sandstone rock.

The item of cost should not be allowed to come into consideration.

The injury that would be inflicted upon commerce at present and for all time by the proposed bridge is so much more in actual money value than the highest possible estimate that could be made for a tunnel, that such arguments should be thrown aside.

If it is necessary for the general good for the Baltimore and Ohio Railroad to have its terminal on Staten Island, the additional cost should not stand in the way of protecting interests as important as these now threatened by the proposed structure.

All these facts are respectfully submitted.

They are all susceptible of legal proof when necessary.

Certain points may require to be enlarged upon as developments arise in the discussion, but I believe the whole ground is covered in its engineering aspect.

Very respectfully,

E. W. HARRISON, *Civil Engineer.*

Mr. President, the people who use this passage between Raritan and New York have grown up on it. It was the first great means of communication originally between New Amsterdam and the settlements to the south and west of it, the other means being the Hudson River to the north and west of it. Before the days of railroads the great transportation companies that furnished all the products either imported or manufactured in New York and in the New England States and that brought any return they could from the West, used this line of communication; and the very people who are to-day engaged in the towing and who own these steamers and vessels are the successors of the men of one hundred years ago who opened up this first line of communication to the West. They grew from their small commencements until to-day some of them are large, powerful corporations and have a great deal of money invested in their business.

I repeat, as far as the railroad companies are concerned there is no opposition from any railroad company in New Jersey or Pennsylvania of which I have any knowledge who have ever spoken to me about it except that which comes from affiliated companies owning vessels on this stream and which they think they have a natural right to navigate. While they will not object to a tunnel or they will not object to a fair bridge, they can not see how Congress will deliberately strike at their rights, their capital, their earnings, their savings, for a road which has no existence in fact and which has never turned a spadeful of the soil of New Jersey to make it.

I have listened with some interest to the argument of the Senator from Missouri and the Senator from Oregon on the legal side of this question. I have carefully looked at it, and without the technical knowledge necessary to enable me to compete with those gentlemen in

a matter of that kind, I have prepared a brief which I think will show that there are two sides even to that case.

This bill, in express terms, confers upon a New Jersey corporation, the Baltimore and New York Railroad Company—that is, the company which owns the small 6 miles of road on paper in the State of New Jersey, to which I referred, and which never has done any work—the franchise of constructing and maintaining a railway bridge across the Staten Island Sound, that is to say, both within the boundaries and across the territory of the State of New Jersey and within the boundaries and across the territory of the State of New York; and also confers upon a New York corporation (the Staten Island Rapid Transit Company) the same franchise. Whether the franchise is joint and only exercisable by both, or several, and exercisable by either, is immaterial, as it is beyond the power of Congress to confer either the joint or several franchise upon both or either of these corporations.

The Federal and the State Legislatures are separate and independent sovereignties within the respective limits of their constitutional powers, and stand, within those limits, in the same relation to each other as do the several State Legislatures. Neither can exercise or limit the constitutional powers of the other, and it is decisively adjudged by the Federal Supreme Court that the Legislature of one State can not confer franchises upon a corporation created by another State:

It is true that a corporation by the name and style of the plaintiffs (the Ohio and Mississippi Railroad Company) appears to have been chartered by the States of Indiana and Ohio, clothed with the same capacities and powers, and intended to accomplish the same objects, and it is spoken of in the laws of the States as one corporate body, exercising the same powers and fulfilling the same duties in both States. Yet it has no legal existence in either State except by the law of the State. And neither State could confer on it a corporate existence in the other, nor add to or diminish the powers there to be exercised. It may, indeed, be composed of and represent, under the corporate name, the same natural persons, but the legal entity or person which exists by force of law can have no existence beyond the State or sovereignty which brings it into life and endues it with its faculties and powers. (Ohio and Mississippi Railroad Company *vs.* Wheeler, 1 Black, 297.)

And the same court affirms this doctrine in a recent case, and adjudges that such legislation by separate States has simply the effect of creating two separate corporations "acting in each State according to the powers locally bestowed, as distinctly as though they had nothing in common either as to name, capital, or membership." (Clark *vs.* Barnard, 108 United States, 452.)

If, then, the intent of this act is, as the act clearly expresses it to be, to confer an additional franchise upon a New Jersey corporation to be exercised both in New Jersey and New York, and an additional franchise upon a New York corporation to be exercised both in New York and New Jersey, such intent is clearly beyond the powers of Congress to accomplish. Admitting, for the present, that the Federal Government has power to construct bridges within the territory of New Jersey, it is clear that it can exercise its power only by its own agents, natural or artificial; and if it wills to construct the proposed bridge over Staten Island Sound by a corporate agent it must create a corporation for that purpose.

Thus when the Federal Government determined to exercise its powers in respect to the Federal currency, &c., through corporate agents it necessarily created the national banks for that purpose; for it is surely clear that it could not have conferred upon State banks, having only the franchise of receiving and investing deposits, the additional franchises of discount and issue. And if the Federal Government had availed itself of State banks already holding the franchises of discount and issue, it is clear that it would have been because in that case the Federal Government would have availed itself of the exercise by the State banks, in the execution of the Federal agency, of franchises already conferred upon them by the State.

The bill No. 121 is not apt to create a bridge corporation, and if Congress asserts the power to construct this bridge and to create a corporation as its agent for that purpose, it should not resort to indirection to accomplish its ends. The dignity of Congress requires that its grants should be clear and explicit, and not be couched in terms which upon their face import the conferring of additional franchises upon the creatures of the States. If Congress can confer, it must be because it has legislative dominion over the corporation, and if it has such dominion it can also take away; the result would be that Congress has unlimited power to amend the charters of State corporations.

But it may be said that Congress merely intends to give the Federal assent to such interruption of the navigation of the Staten Island Sound as will be occasioned by a bridge already authorized by State law. The terms of this act are peculiarly inapt for such purpose. They purport to give original authority to construct the bridge, and not merely to permit the partial invasion of the navigation right; and the report of the Senate committee avows that to be the intent of the act.

It is necessary therefore to consider the power of the Federal Government to construct a bridge within the territory of New Jersey and upon and over the lands of the State without its consent. This power is boldly claimed in the report of the Senate committee as a necessary incident to the constitutional power of Congress to regulate commerce in general and the commerce between the States.

It is obvious that the power to construct a bridge is limited to its construction for the public use, and includes the power of taking by the "eminent domain" such land as may be necessary for the construction thereon of the "towers" of a suspension bridge, or the abutments and piers, or piles, supporting such a structure as is described in Senate bill No. 121, and of crossing over the land underneath the structure by a permanent occupation of such crossings.

That the land intended to be appropriated and occupied under the authority of this act, from ordinary high-water mark to the middle thread of Staten Island Sound is the sole property of the State of New Jersey has been abundantly settled by the Federal Supreme Court.

It is not necessary to state particularly the charters and grants under which they (plaintiffs) claim. They are all set out in the special verdict in the case of Martin *vs.* Waddell, reported in 16 Peters, 367. The title claimed by the proprietors in that case was the same with the title upon which the plaintiff now relies. And upon very full argument and consideration in the case referred to, the court were of opinion that the soil under the public navigable waters of East New Jersey belonged to the State, and not to the proprietors, and the decision in that case must govern this. (Den *vs.* Jersey Company, 15 How., 432.)

And the same court in another case adjudged as follows:

This supposed compact (between the United States and the State of Alabama) is nothing more than a regulation of commerce, to that extent, among the several States, and can have no controlling influence in the decision of the case before us. This right of eminent domain over the shores and soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it. To give to the United States the right to transfer to a citizen the title to the shores and soils under navigable waters would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty and deprive the States of the power to exercise a numerous and important class of police powers. (Pollard's Lessee *vs.* Hagan, 3 How., 230.)

And one of the conclusions at which the court finally arrived is stated on the same page as follows:

First. The shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively.

And the same court has with equal distinctness affirmed the ruling in 3 Howard above cited by its judgment in the following cases: Goodtitle *vs.* Kibbe, 9 How., 471; Doe *vs.* Beebe, 13 How., 25. If the State of New Jersey then has title in fee to the shores and soils under the navigable waters of Staten Island Sound, it also has the incidents of such title and is the owner thereof *ab imo usque ad cœlum;* nor can the United States or any person or corporation by its authority construct an abutment on the shore or erect piers or piles upon the soil under the water of Staten Island Sound, nor stretch a bridge or viaduct through the air above such soil, except by the consent of the State. Nor has the Federal Government ever pretended to exercise such power; nor has the Federal court ever adjudged the existence of such power. The Senate committee have avowed that the power exists and has been repeatedly exercised, but an examination of the cases will show that in all of them the States owning the shores and soil under the navigable waters permitted by Congress to be crossed by a bridge had previously authorized the construction of such bridge, or was acquiescing therein.

Such was the fact in Pennsylvania *vs.* Wheeling, &c., Bridge Company (13 How., 518); Pennsylvania *vs.* Wheeling, &c., Bridge Company (18 How., 421); Wilson *vs.* Blackbird, &c., Company (2 Pet., 250); Gilman *vs.* Philadelphia (3 Wall., 713); Mississippi, &c., Company *vs.* Ward (2 Black., 485); The Clinton Bridge (10 Wall., 454); Bridge Company *vs.* United States (105 U. S., 470); Miller *vs.* Mayor of New York (109 U. S., 385). In none of these cases is there an intimation from either bar or court that Congress had power to construct or empower another to construct a bridge across a navigable stream within the limits of a State. On the contrary, in every case the reasoning and the judgment of the Supreme Federal Court are accordant with the authoritative enunciations of that court in Gilman *vs.* Philadelphia (3 Wallace, 713, &c.). On page 724 the court say as follows:

Commerce implies navigation. The power to regulate commerce comprehends the control, for that purpose and to the extent necessary, of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the nation, and subject to all the requisite legislation by Congress. This necessarily includes the power to keep them open and free from any obstruction to their navigation, interposed by the States or otherwise, to remove such obstructions when they exist, and to provide by such sanctions as they may deem proper against the occurrence of the evil and for the punishment of offenders. For these purposes Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament in England.

And on page 725 of the same case the court further speaks as follows:

We will now turn our attention to the rights and powers of the States which are to be considered.

The National Government possesses no powers but such as have been delegated to it. The States have all but such as they have surrendered. The power to authorize the building of bridges is not to be found in the Federal Constitution. It has not been taken from the States. It must reside somewhere. They had it before the Constitution was adopted, and they have it still.

This authoritative and specific definition and limitation of the Federal power over navigable waters within the territories of the States, and co-ordinate determination that the exclusive power of constructing bridges over such waters is and always has been vested in the States, effectually disposes of the report of the Senate committee and conclusively demonstrates this bill to be unconstitutional and void.

Its object is by Federal authority to violate a State statute which prohibits the construction of any bridge across the Staten Island Sound (Pamphlet Laws of New Jersey 1878, page 343), to seize upon the lands of the State of New Jersey and donate them to the perpetual use of a

corporation created by itself and a corporation created by the State of New York, and, as openly avowed by the Senate committee, this spoliation is to be committed for the use of the Baltimore and Ohio Railroad Company, a corporation of the State of Maryland, and this is to be accomplished in despite of the protest of the State of New Jersey twice repeated, through joint resolutions adopted by its Legislature, and presented by its Senators and Representatives to both Houses of Congress.

Mr. President, there is no doubt about the feasibility of a tunnel at the point named. The channel itself being only about 600 feet wide, all the surrounding circumstances are such as are favorable to the construction and maintenance and repair of a tunnel; but failing in the eunnel, while the State of New Jersey objects very strongly to anything that looks like a bridge that would obstruct navigation across what is to it and to its citizens this most important channel, I would not have any hesitation in being favorable myself to a reasonably fair bridge. And if the Senate do not think the proposition of my colleague for a tunnel is a proper one, there is in the immediate vicinity of this proposed crossing a point where the channel widens out to a thousand feet and where there is an island in the exact center of it where the construction of a bridge 70 feet high would relieve four-fifths of the commerce of the sound, as it would enable the railroad company to give a span about four or five hundred feet wide leaving on the other side a small draw which would reduce the expense in that particular. I should think this 700-foot bridge with its approaches could very readily be constructed at an additional cost of $500,000.

I have shown conclusively to my own satisfaction, and I think to that of any fair gentleman who will look into it, that the absolute increased cost in the handling of the different products through this bridge in its present condition would amount to more than this $500,000 per year.

There is no reason in the world why people like these, engaged all their lives in this particular branch of business, having all their capital invested in it, should be absolutely destroyed as you propose to do here for anything that will reduce the usefulness or add to the cost of transportation of a ton of coal. There is no reason why it should be done in the interest of a corporation if there is a corporation that is to build this bridge. If there is a great powerful company that will build a bridge across this kill, and if the interests of interstate commerce require it, there is no reason why a bridge should bear hardly on the commerce of the stream, there is no reason why they should not add $500,000 or a million dollars to the expense if that will give them all they require, and if it will save harmless the people who have enjoyed their nautical rights so long and who have their capital invested in their water craft.

If the amendment of my colleague for the construction of a tunnel shall not meet with the approbation of the Senate, I will offer some amendments which will increase the height of the proposed bridge and locate it at the point I have indicated about half a mile off.

Mr. GORMAN. Mr. President, I do not desire to consume more than a few minutes of the time of the Senate to meet one or two points presented by the Senators from New Jersey in opposition to the construction of this bridge.

Both the Senators from New Jersey dwelt at considerable length and with emphasis upon the fact that this bridge is mainly intended to accommodate the Baltimore and Ohio Railroad. The Baltimore and Ohio company, as is known to everybody, is a corporation of the State of Maryland, and, therefore, I took no part in the Committee on Commerce in the determination of this question. The Pennsylvania Railroad also passes through the State of Maryland, and I am correct in saying that it has more miles of track within the State of Maryland than has the Baltimore and Ohio company.

I have been always, in the Legislature of my own State and here, in favor of giving to all railroad corporations such facilities as would enable them to transact the public business and place them all upon an exact equality. I would not restrict the Pennsylvania Railroad or the Baltimore and Ohio, but the line of the Baltimore and Ohio north from Baltimore to-day practically terminates at Philadelphia. It is making an effort to reach the harbor of New York, and has behind it 3,000 miles of railroad extending throughout the West as far as Chicago and Saint Louis. It desires to reach the port of New York in order to compete with other trunk lines, and which, as I think, will have the effect of reducing the cost of transportation to the people of this country.

But, Mr. President, before the Baltimore and Ohio Railroad Company had the slightest interest in the construction of this bridge the measure was brought here as a local matter. It was brought here by the projectors of a railroad on Staten Island, and they came asking precisely the same privileges that are asked for to-day, to construct over this kill a bridge that would accommodate any road that should reach the banks of the kill so as to get over to Staten Island and utilize the immense water front and the deep water on the ocean side of the island. The Committee on Commerce treating it as a local matter, with no connection then with any other line, were unanimous in reporting a bill substantially the same as the one before the Senate to-day.

The objection urged is not that it will be a great obstruction to commerce, that it will obstruct all the interstate commerce passing down this kill and through the Delaware and Raritan Canal, and through the Chesapeake and Delaware Canal, and then down the Chesapeake Bay into the sounds south of Norfolk. If that were so, I myself would be opposed to the construction of a bridge across this kill. But what is the fact? Of all the commerce that passes up and down the Arthur Kill and goes through this line of canal, 90 per cent. is in barges and canal-boats, all of which, including the steamers that tow them, can pass under this bridge 32 feet high. There is but 10 per cent. of the sailing vessels that pass up and down this kill that can not pass under the bridge, and not one of them can go there unless it is towed. The width of the kill is 600 feet at the greatest extreme. The actual width of the kill for navigation purposes is about 400 feet, on account of the shoals on either side.

The Senator from South Carolina [Mr. BUTLER] asks me to repeat what I said about the towage. I say that 90 per cent. of all the immense tonnage that passes up and down the kill is in flat-boats, canal-boats, and barges that have no masts, and hence can pass under this bridge without opening the draw; and only 10 per cent. would require the draw to be opened, and of that 10 per cent. not a single vessel passes through under sail; they must all be towed by steamers.

If the statements of the Senators from New Jersey were accurate, that this draw would be required to be open nearly the entire time, the management of the Baltimore and Ohio Railroad would not desire to construct a bridge there; they would not have it. They know that there is an immense tonnage passing there, and their object was naturally, when they concluded to buy the controlling interest in the Staten Island enterprise, to have a passage across that kill which would best facilitate their own commerce, and they made a very careful examination as to the approaches, whether a tunnel was feasible, and I have no question myself, from the examination which I have given (and I believe any Senator will be so convinced by looking at one of the Government maps), that the construction of a tunnel there within the cost of $5,000,000 would be impracticable. There can be no question as to this statement. On the west side the marsh extends for about 2 miles, and before you could make an approach to a tunnel you must reach a high point so that the water will not overflow it.

An attempt has been made to increase the facilities of crossing the North River by constructing a tunnel from Jersey City across to New York; but the undertaking has been found so expensive that there has not been money enough raised in this country to make a great tunnel for the Pennsylvania Railroad and the Erie Railroad and all the other lines that have their termination at Jersey City and Hoboken, and the engineers without exception say that it is not feasible within a reasonable cost.

Now look at the commerce that passes up and down this kill. The greater portion of it goes through the Raritan River and then through the Delaware and Raritan Canal. It passes through a bridge on the Raritan River not higher than the one proposed by this bill with a draw of 200 feet in the channel of a river that is only 125 feet in width, and then into a canal that is 80 feet in width and 19 feet in depth. Talk about interruptions to trade! Why, sir, all the trade going through this kill passes through a bridge with a draw less than 200 feet without interruption. Five million tons per annum have passed that one point alone. The truth is that 90 per cent., at least 3,000,000 tons, of that can pass under the bridge without the opening of the draw. And yet gentlemen say that it is not feasible, that it is impossible to take one of these long tows through a space of 216 feet without damage at the pier. As I have shown you, it passes up the Raritan River and the channel there is only 125 feet. It is not possible for the interstate commerce to be interfered with by this bridge.

The Senator from New Jersey [Mr. MCPHERSON] asks me how much passes up the Raritan River. It is almost impossible to get the data, but a very large amount of it. The Senator from New Jersey in that connection made the point—and if he had been correct in his facts it would have been a point of great force against the construction of a bridge across the Raritan River—that the tonnage of the Delaware and Raritan had fallen off from 5,000,000 tons to 2,000,000. The construction of the bridge has had naught to do with the falling off of that tonnage. The fact is that the Pennsylvania Railroad when it bought the railroads of New Jersey bought with them the Delaware and Raritan Canal, and made such a rate on the transportation of coal that the whole body of the tonnage which formerly passed over the canal now passes over the railroad, which runs parallel with the canal.

Mr. GEORGE. How far from it?

Mr. GORMAN. It is on the banks, parellel with the canal. The same company owns the canal and owns the railroad. It is their interest not alone in Pennsylvania and New Jersey, but it is the interest of railroads everywhere to transfer freights from the canals. The tonnage of the Delaware and Raritan Canal has fallen off from five or six million to two or three million tons, but that is not owing to the construction of the bridge on the Raritan River.

At Chicago, as this report states, 99 per cent. of all the tonnage that passes down the Chicago River from the lake passes through one bridge, and about 60 per cent. of it passes through three or four bridges the draws of which are all less in span than the one we propose here. There is no bridge at Boston, with all the vast commerce of that great city, that exceeds this in length. There are forty bridges in the State

of New Jersey, all authorized by the action of that State, from 70 feet to 170 feet in length, over various streams many of which run into Newark Bay, and the Pennsylvania Railroad crosses them with a draw less than 60 feet. The great city of Newark, with 160,000 inhabitants and all its immense trade, has a bridge with a draw less than 80 feet. So they are dotted all over the State, and there has been no obstruction to commerce caused thereby and no claim of it until now.

Mr. President, my friend from New Jersey [Mr. MCPHERSON] proposes a tunnel. I do not intend to say more about it than that it is not feasible at a reasonable cost and will prevent for a long time this road having an outlet to New York harbor. The other Senator from New Jersey [Mr. SEWELL] says if that is not adopted he will propose an amendment requiring the bridge to be located at a different point and 70 feet in height. That proposition, if acceded to, would not benefit commerce in any way. Seventy feet in height would not permit a masted vessel to pass through without a draw.

Mr. SEWELL. The point I suggest is over half a mile from the present structure, where the stream widens out to a thousand feet and where there is an island in the center. My proposition is for a bridge 70 feet high, with a clear span on one side of say 400 feet and with a draw on the other side, so that the great body of the commerce of this stream which goes by the large tows may go clear and unobstructed in the 400-foot span.

Mr. GORMAN. I have shown that the greater portion of the commerce which passes up and down the kill passes in a channel 125 feet in width. One hundred and twenty-five feet width of channel is found sufficient for the great tows that pass up and down.

Mr. SEWELL. Will the Senator inform us where the channel is 125 feet wide?

Mr. GORMAN. In the Raritan River.

Mr. SEWELL. The tonnage coming from the Raritan River is not more than 20 per cent. of the whole tonnage of Arthur Kill.

Mr. GORMAN. The draw in the Raritan River bridge is 200 feet, but the width of the channel is only 125 feet; and it is perfectly well known that there is no difficulty and never has been any with the tonnage of the Raritan and Delaware Canal. At this point the stream is to be left with a channel 216 feet in width—as wide as any river in this country—when the bridge is constructed as the bill provides, which will be wide enough for all the tows that come down the Hudson River; wider than the tows that go down the Monongahela and Allegheny Rivers, and there are no such tows on any of the Western waters. A bridge 32 feet high will admit 90 per cent. of the commerce that passes up and down the kill, and the draw will only have to be opened for 10 per cent. of it.

Mr. SEWELL. It is not creditable to the business capacity and intelligence of the Senator from Maryland to make a statement that this proposed draw is wider than the openings in the bridges on the Ohio River. The Ohio River bridges are required to have spans three or four hundred feet wide; I think the smallest is 300 feet; and there have been difficulties even with 300-foot openings and all the requirements there imposed. We have advanced in the science of bridge construction so that 500-foot spans are now feasible.

Mr. GORMAN. The Senator from New Jersey did not understand me. I say that the longest draw-bridge to-day in this country is 200 feet.

Mr. SEWELL. I was talking about spans. In the Ohio River the bridges are so high that they do not practically require the draw except in extreme high water.

Mr. GORMAN. There are no draws, as I understand, on the Ohio River bridges, and the spans are much greater than elsewhere; but upon all the rivers of this country where you have bridges with draws not one of them exceeds 200 feet. My friend from Missouri tells me the longest on the Mississippi River is 200 feet. Is it possible that the commerce passing in towboats, canal-boats, and barges on the Arthur Kill requires greater space than all the commerce passing up and down the Mississippi River?

Now, Mr. President, as to the construction of a high bridge, 70 feet; that would not give greater facilities than a bridge 32 feet high; but it would add to the cost of this structure. The difference is between $450,000 and $1,510,000. Besides, if placed at the proposed point for the high bridge, the railroad officials believe it would be an obstruction to the through freights of this country. But however that may be, the bill as reported by the Committee on Commerce provides that the location and height of the bridge shall be in the discretion of the War Department; that the engineers, who are not interested in either company, who have no interest except to see that proper facilities are given, shall locate this bridge at any point upon the kill and determine its height provided it shall not be less than 32 feet.

Mr. President, all the great cities between here and Boston are crossed by these very railroads, and every one of them has draw-bridges with less span than the one proposed in this bill. The Pennsylvania Railroad, as well as the Baltimore and Ohio road, in Maryland, in Pennsylvania, and in New Jersey, has bridges over navigable streams where the commerce is very considerable, and all less than the one proposed in this bill, and yet they do not interfere with commerce.

As I have said before, I myself would oppose the construction of any bridge that would interfere with this great inland water way, which I hope to see improved and taken out of the hands of private parties and made a highway by the Government of the United States.

Mr. President, I shall not detain the Senate longer.

Mr. GIBSON. I should like to ask a question of the Senator from Maryland. He stated $5,000,000 as the cost of the construction of a tunnel. I ask him whether he has any data on that point?

Mr. GORMAN. The Senator from Maine [Mr. FRYE] read a statement made by the second vice-president of the Baltimore and Ohio Railroad, in which he said that owing to the marshy ground on the western side that approach to the tunnel would necessarily be of great length, making the approaches and the tunnel itself $4\frac{8}{10}$ miles in length, and that the cost of it would not be less than $5,000,000. That was a careful estimate. Taking the experience of the attempt to construct a tunnel under the Hudson River from Jersey City to New York, where millions of dollars have already been invested and it has baffled the best engineering skill of this country, it would not be safe to say that it could be done within the $5,000,000; and hence they came to the conclusion, and I think that will strike any practical mind as being correct, that no tunnel and no crossing of the kill could be had within reasonable cost except by a bridge.

Mr. MCPHERSON. Mr. President, were it not to answer some of the extraordinary statements of the Senator from Maryland I should not ask the Senate to listen to me any further on this bill.

First, as to the tunnel scheme, we have here to-day a statement made by engineers in the interest that seeks this legislation, and given evidently to the Senate as a reason why the amendment I have had the honor to offer should not be accepted, putting the probable cost of the tunnel at $5,000,000.

Now, sir, I wish to present to the Senate a state of fact touching the construction of other tunnels, and then leave it to the intelligence of the Senate to decide.

Through what is known as the Bergen Hill, near Jersey City, in the county of Hudson, there are two railroad tunnels constructed, each 1 mile in length, through solid trap rock, the hardest rock known, the hardest to work. They are each about a mile in length, 80 feet below the surface of the ground. The contract price for building one of those tunnels was $800,000, and the cost of building the other was about a million dollars.

What are the conditions where this proposed tunnel is to be built? All the reports in the possession of the Senate go to show that 10 or 12 feet below the surface of the ground is solid sandstone. The sandstone crops out in the bed of the stream. It is easy to excavate and very easy to protect after it has been excavated by arching it over.

They propose to build a bridge to be 32 feet above low water. I propose to build a tunnel which shall go an equal distance, or say 40 feet, under the surface. Now will some Senator rise in his place and say as a common-sense proposition that it is necessary to have that tunnel with its approaches more than 1 mile in length from one end to the other for crossing a stream 600 feet in width, with solid sandstone from which to excavate the approaches and to build up, if you please, retaining-walls. No intelligent engineer or railroad man will come before the Senate of the United States and say that the probable cost of building a tunnel at this point across that stream, so that the navigation of the stream shall not interfere with the transit of the trains or the trains interfere with the commerce of the stream, would amount to any such sum. The statement is so absurd and unreasonable that its falsity appears on its very face.

There was one other thing touched by the Senator from Maryland of which I wish to speak. He spoke of the tonnage of the Raritan River and the canal and the great water way to the South. He spoke of the commerce of the Raritan River as being the major part of the commerce of Arthur Kill. I have read from the report of Major Gillespie, who is accepted as authority by the committee, that while the commerce of that canal at one time was 5,500,000 tons annually, and continued to increase after it went into the possession of the Pennsylvania Railroad Company until the Raritan bridge was built, which was built across the mouth of the Raritan River where it empties into the kill, and that after that bridge was built the difficulties encountered in the navigation of the Raritan River were so great that the commerce fell off to 2,300,000 tons, and why? For the very best of reasons, and for a reason that is unanswerable as to the location and construction of this bridge.

Now, what is it? When that bridge was built across the Raritan with a draw of 200 feet, a tow coming down the Raritan River dare not go through the draw when the tide was ebbing, but it was forced to come to anchor above the bridge, the channel of which the Senator from Maryland says is 125 feet wide. Instead of that being true, the bridge is almost 2 miles long where it crosses the Raritan, and there is a basin there that would almost cover the whole city of Washington. A tow comes down the river and has to anchor until such time as the water flows in and keeps the tow straight by running against the stream or inland flow. When the bridge was first constructed and the boats undertook to pass the draw with a tow there were more boats wrecked and in the bottom of the river than were upon its surface by reason of coming in contact by the action of the tide with the draw at the open-

ing of the bridge. Now of the 16,000,000 tons which pass through the kill but 2,300,000 tons pass through the Raritan River.

Mr. GORMAN. The Senator does not intend to misrepresent me. I did not say 16,000,000 tons pass through the Raritan River. I said that prior to the Pennsylvania Railroad Company getting possession of the Delaware and Raritan Canal the tonnage of the canal had increased to five or six millions, but that it had fallen off to about two million since.

Mr. MCPHERSON. Did I fail to make that plain to the Senator? I stated and I state now that from the time that property went into the possession of the Pennsylvania Railroad Company up to the time the bridge across the mouth of the Raritan was built, the commerce of that canal increased from 3,500,000 tons per year to 5,500,000 tons, and until the bridge was built the commerce never decreased.

Now take the tow as it leaves the Raritan bridge we will say. It proceeds to the Arthur Kill. It is under the control of a large steamboat. The largest tugboats in this country are the tugboats that navigate Long Island Sound, which take hold of these boats in Arthur Kill, pass up with the current as the tide comes in, and if they have a fair run they can reach Long Island Sound before the tide begins to ebb. When they reach this proposed bridge, what are they to do? They find the same conditions existing that require them to come to anchor at the Raritan bridge, because the water of the tide is then going against the tow and in the middle of the channel you have a pier 580 feet long upon which these draws are located.

I have myself, at that point, when a steamboat from any cause whatever broke down or was suspended in its motion for a minute, seen the tows go, part on one bank and part on the other. The tow is almost turned around there by the action of the current. With this great mass of water forced up, first as it will be through the Raritan Bay and the Arthur Kill up into Newark Bay and the Hackensack Bay and the Rahway River, when it begins to ebb it goes out with tremendous force. Now there is nothing to obstruct the whole path of the channel; it is free and unobstructed, and it will continue to be if a tunnel is built under its waters; but if you locate this impediment in the stream, then you add to the difficulties.

With regard to this tunnel I will take upon myself the responsibility of saying that I think I can produce within forty-eight hours from this moment a responsible party who will agree to construct the tunnel for all the purposes needed by any railroad or any number of railroads for $1,000,000, and give bonds for the faithful execution of the contract.

Mr. President, the State of New Jersey, by a concurrent resolution of both houses of the Legislature, passed by an almost unanimous vote, has asked that the Congress of the United States do not destroy this water way; and it would be to my mind under all the circumstances of the case, with all the fears expressed here on the part of those who are interested in the commerce of that stream, a strange thing for the Senate of the United States at the behest or dictation of any railroad corporation or any number of them to say, "notwithstanding your objections, notwithstanding your fears, notwithstanding your appeals, still we think the Baltimore and Ohio Railroad or some railroad ought to have the privilege of crossing this stream just as it pleases; and if it is a matter of a million dollars or $300,000, the Baltimore and Ohio Railroad ought to have the benefit of that reduction in cost."

Now, I have another proposition to make, and that is this: If the tunnel cost $5,000,000, if it cost double $5,000,000, the Congress of the United States should not permit any corporation to imperil by any bridge of any kind whatever (other than one that entirely spans the stream and is high enough to permit the commerce of the kill to pass unobstructed) the navigation of this great water way.

I understand this bridge will cost about $350,000. I think it can be built for much less. As to the cost of a bridge 70 feet high, we have estimates for that.

Mr. GEORGE. Is that satisfactory?

Mr. MCPHERSON. Certainly. Anything is satisfactory to New Jersey and to the people interested in this stream that places the piers on both sides of the channel, leaving the channel free, and is sufficiently high to permit the navigation of the stream; either a cantalever bridge or a suspension bridge may be erected and nobody will find fault with that. Let notice be taken by every Senator that New Jersey does not object; I do not object to the crossing of this stream by the Baltimore and Ohio Railroad. I wish it to be done. New Jersey wishes it also. She would be glad to have it come into New Jersey and add to her wealth and importance. She only objects to the manner in which the work is proposed to be done.

Mr. EDMUNDS. Mr. President, I came to the opinion a good many years ago, when it was proposed to bridge the Detroit River and when I had observed for years the constant bridging of navigable streams, which always more or less interrupts a free highway for a monopolized one, that I would never vote again, if I knew it, in favor of anything that would in the slightest degree obstruct any free navigable highway of the United States that was necessary to any reasonable amount of commerce. I think that is especially true in reference to water ways like that at Detroit and like those in the vicinity of New York and other great cities and centers of commerce and traffic in our constantly growing country. And when we look at the map of the United States and see, what all of us know without my referring to it, that a comparatively very slight expense will make from the city of New York to the Gulf of Florida on the west side of that State, and without any considerable canal at all to the east side of it, an internal water way free from the dangers either of water or of storms that will go from the city of New York to Fernandina at least and then by a ship-canal across Florida to the waters of the Gulf and so to Pensacola and Mobile and New Orleans, I mean to be very slow in voting for any bridge that is not so high above the water or so deep below it as shall disturb what I hope we shall all live, and what many of us will live, to see done, an internal water way for the commerce of the United States in peace and war that shall traverse the whole eastern seaboard of this country and bring us substantially to New Orleans.

This little piece of water that looks so small on the map is the opening key to that whole enterprise. More than forty years ago when I was a lad I sailed through this very Arthur Kill in a large steamboat in order for the first time in my young life to see the capital of my country, Washington, and my recollection of it is very vivid. I seemed to be sailing through land, but there was water enough, and even in that day there was a great deal of commerce on it. How much it must have grown since! And as New York situated on an island has got to overgrow itself and expand as it is doing to the Jersey shore, the same business, the same people, the same commerce, the same manufactures, the same enterprise, the same common welfare require this water way to be maintained; and I feel that I must be very slow indeed to put any obstruction to this natural tide-way that connects the upper harbor of New York with Raritan Bay and so to the southward with the commerce of the United States. These waters are free to everybody. The humblest citizen with his little vessel and the wealthier citizen with his larger vessel, without paying toll to anybody or waiting for anybody, has the right to go.

I think it will be better for the Baltimore and Ohio Railroad for its own interest, with the vast commerce that it will undoubtedly bring to New York—and why it does not go to Jersey City I do not know as it is nearer still—to spend one million or two or five million dollars for a bridge that shall go high above this water or for a tunnel, if that be practicable as it is stated to be, that shall go below it, than to be subjected as this bill seems to require (and as I suppose is intended to require except when its trains are actually passing) to stop the trains and open the draws every five minutes for the constantly increasing commerce in that water.

Mr. President, for the reasons thus briefly stated, as this bill now stands I shall vote against it. If it be provided that there shall be built a railroad bridge high enough above the water or low enough below it not to interfere with the free and perfectly unobstructed commerce, without any pier in the middle of this little channel or near it, then I shall vote for it with pleasure. Without it I can not.

Mr. VEST. I wish to say a single word in regard to the matter of the tunnel which is now brought up for the first time in legislative form.

The point made by the Senator from Oregon [Mr. DOLPH] has not been answered and I think can not be. What has the Congress of the United States to do with a tunnel under a navigable stream? Undoubtedly, we have a right to regulate commerce among the States under the Constitution, and according to the decisions of the courts to say whether a bridge may go over a tidal stream anywhere; but when it comes to the question whether Congress shall regulate tunnels under a river, whether it is a tidal stream or an internal stream, that, I take it, will require some adjudication.

Mr. EDMUNDS. Would that not be the same as if the State of New Jersey and the State of New York authorized a bridge so high above the water as not to interfere with navigation? Is it not precisely the same?

Mr. VEST. That is a novel question and one that the Committee on Commerce were not required to determine, for the reason that this subject of tunneling was not brought before us in any legislative form. Although it was mentioned in the arguments of counsel, it was not brought before the committee in any sort of proposition. This proposition for a tunnel comes to us to-day for the first time in a legislative form, though it was mentioned in argument before the committee. But aside from that, when a railroad company comes before Congress and proposes to construct a bridge the only question for the committee or indeed for the Senate or for Congress to determine is whether that structure as proposed is an obstruction to navigation—not an obstruction in the way the Senator from Vermont [Mr. EDMUNDS] says. I understand him to say that he will vote for no bridge that obstructs navigation to any extent upon navigable streams. Then he will never vote to construct any bridge at all. I undertake to say that no bridge can be constructed of any size that does not to some extent obstruct navigation. A bridge can not be put up that to some extent does not obstruct navigation; and the only question for Congress to determine is whether the demands of commerce are such that a railroad company should be permitted to have a bridge in order to meet the general demands of the country.

The Senator from Vermont asks why not make this a high bridge of 70 or 80 feet? Because the evidence before the committee showed that the expense would be intolerable almost to any corporation, because of the long approaches and the condemnation of land; and we have no right

to force any corporation, large or small, to spend more money upon such a bridge than is necessary in order to cross the stream, provided always that the least amount of obstruction is brought about to navigation. That is the whole thing for us to determine.

It is a remarkable thing that the Senator from New Jersey comes here now and talks to us about a high bridge of 70 feet. Why was not that proposition made to the committee? Why not offer an amendment to the bill of that sort?

Mr. MCPHERSON. Do I understand the Senator to say that the proposition was not made in committee?

Mr. VEST. I heard the proposition as to the height of the bridge, but it was never made in any authoritative form by the Senator from New Jersey.

Mr. MCPHERSON. I wish to say that I never appeared before the committee at all, but I did understand——

Mr. SEWELL. Allow me to say that I heard the suggestion made to the committee, but the Senator from Missouri was not there.

Mr. VEST. I know that all sorts of suggestions were made. I have heard the question discussed five or six times.

Mr. MCPHERSON. May I have leave now to make the suggestion?

Mr. VEST. If the Senator wants to offer an amendment, let him do it.

Mr. MCPHERSON. If the committee will prepare an amendment providing for a bridge 70 feet high that will span the stream so as not to impair or obstruct it in any form, with the consent of the Senate I will withdraw my amendment for a tunnel.

Mr. VEST. We have reported our bill. We have examined this question over and over again and heard all sorts of arguments and read all sorts of briefs; and we have heard from the captains of schooners and sloops and steamers, and from lawyers of the highest rank in the profession, and from members of the other House of Congress and the Senate, and we have reported unanimously this bill, which the Senate can take or reject as they please.

I will say as the result of our investigation, without any prejudice I am sure on the part of the committee, that this bridge can be constructed under the details presented in this bill without materially affecting the navigation. That is the result of our conclusions.

Now the Senators stand here and say that a bridge of a certain height shall be built; that nothing but a bridge 70 feet high can be tolerated over that stream. If they have this amendment to propose, let them propose it and we will meet them and discuss it. These statements amount to nothing.

I propose to offer an amendment to this bill, as I notice in reading it over that it is not sufficiently explicit as to a certain limitation which should be in all bridge bills.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] proposes an amendment to the part proposed to be stricken out, which is in order. It will be read.

The CHIEF CLERK. It is proposed to insert:

If the Secretary of War shall at any time deem any change or alteration necessary in the said bridge so that the same shall not obstruct navigation, or if he shall think the removal of the whole structure necessary, the alteration so required or the removal of the whole structure shall be made at the expense of the parties owning said bridge; and if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall determine and cease.

Mr. MILLER. Mr. President, I do not desire to detain the Senate more than a few moments upon this question.

The Senator from Vermont [Mr. EDMUNDS] has expressed his opinion upon this bill in a very few words and his judgment against it. I regret that he did not consider this matter of sufficient importance to listen to the argument of the Senator from Maine [Mr. FRYE], who was chairman of the subcommittee which reported this bill, or to the remarks made by the Senator from Maryland [Mr. GORMAN], who also was a member of the committee which reported this bill to the Senate. If he had, perhaps he would have been convinced that this bridge when built will not be an undue obstruction to the free navigation of the Arthur Kill. If I understood the Senator correctly he is opposed to all bridges across navigable streams for the transit of railroads because they will in some way obstruct the rights of private navigators upon those waters.

Mr. President, we have passed through this body at this session a score of bills of a similar nature to this, bridging the Missouri River and the Mississippi River and a number of other streams, and, if I remember rightly, one in the State of Vermont, and I have never heard the voice of the Senator from Vermont raised here against any of those propositions, and if he has not voted for them directly he has indirectly, because every one of them has been passed by the unanimous consent of this body, and in every case they were bills for low bridges and for draws.

As I have listened to the opposition to this bill, coming chiefly and almost entirely, except the last protest that has been entered by the Senator from Vermont, from the two Senators from New Jersey, I have wondered why it was that the State of New Jersey alone stood here opposing this measure. The arguments made against this bill by the Senators from New Jersey, if correct, should elicit the warm support of the Senators from New York and from all the New England States, which are interested more than all other States in the navigation of the Arthur Kill and in the commerce which passes over it.

I have no desire to question the correctness of the estimate which the Senators from New Jersey have given as to the amount of commerce passing through this kill. It is said to be sixteen or twenty million tons per annum. Where does it come from and where does it go to? How much of it originates in the State of New Jersey and how much of it terminates there? The Arthur Kill is a tidal stream, bounded upon one side by the State of New Jersey and upon the other side by the State of New York, and presumably the State of New York might have as much interest in the commerce of the Arthur Kill as the State of New Jersey, and I do not hesitate to say that it has a thousand times greater interest, for nearly all these 16,000,000 tons of freight passing through it find their terminus and market in the State of New York and not in the State of New Jersey, and that which does not go to the State of New York goes through Long Island Sound to the New England States. In short, probably not 5 per cent. of the commerce passing through the Arthur Kill either originates in the State of New Jersey or terminates there. The coal comes from the mines of Pennsylvania, and that is the principal part of the commerce of the Arthur Kill. It goes to New York city and up the Hudson River or around Long Island Sound and to the New England ports.

How does it happen then that the State of New Jersey is exclusively charged with a watchful care over this most valuable stream? If this is to destroy the commerce of the Arthur Kill, why are not the great merchants of New York, and its chambers of commerce, and its Legislature here protesting against the passage of this bill? Most certainly if they believed for a moment that it would seriously interfere with the commerce of that stream, all those great interests centering in the city of New York and in the State and also in the New England States would be here in vast numbers protesting against it. But what are the facts? Nearly all the leading shipping merchants in the city of New York have petitioned this body for the passage of the bill. The Maritime Association and I think nearly if not quite every commercial body in the city of New York have petitioned the Senate for the passage of this bill. The Legislature of New York have repeatedly passed resolutions favoring it.

Would this appear for a single moment or could it happen if the people most deeply interested in this commerce believed that the bridge would injure it? Why does it not happen that the State of Pennsylvania from whence all this coal comes is not here protesting against the passage of this bill? Because the merchants of New York and its commercial bodies and the miners and shippers of coal in Pennsylvania know full well that the building of this bridge will be no serious obstruction to the commerce which has hitherto floated upon it. The people of Pennsylvania and of the entire South and Southwest know that the building of this bridge is to add vastly to the terminal facilities of the port of New York. They know full well that anything done to reduce the cost of terminal charges in that great harbor will redound to the interest of the grower of cotton and the grower of grain and the miner of coal in all the States which I have mentioned.

It is undoubtedly the interest of the whole portion of the country traversed by the great railroad which proposes to go in there that this bridge should be built. It is equally for the interest of all of New York's merchants and financial people and shipping merchants and also for the interest of the New England States that this bridge shall be constructed and that the terminal facilities of the harbor of New York shall be thereby greatly increased.

Any one looking at the map will discover that upon the north end of Staten Island there is a vast water front which could be well utilized for the building of piers and wharves, and that is what it is proposed to do; and when that work shall have been completed, then the harbor of New York will have a terminal which will be as cheap or cheaper than that to be found in any other city in the Union. Go to Baltimore to-day, and you will find there the cars of the Baltimore and Ohio Railroad running directly upon the wharves, and the produce of the West is taken directly from the car and loaded into the ocean-going steamer. That will be done in New York if this bill passes. By what right, then, does the State of New Jersey introduce itself here and demand of the Congress of the United States that permission shall not be given for the bridging of the Arthur Kill? What can be its object?

Mr. President, I do not care to go into the motives which have actuated that State or its representatives here in opposing this measure. It is perfectly natural that that State should desire that this great terminal should be upon its own shores, and that out of the property thus created the State should draw a large revenue in the way of taxation. I am not disposed to criticise it for that desire; but shall the demands of this great commerce be at all interfered with or checked because the State of New Jersey desires to keep this terminal within its own borders when a much better terminal, a terminal where freight can be handled much more cheaply, can be found upon Staten Island within the bounds of the State of New York? No, Mr. President, the Congress of the United States can not and will not be actuated by any such motive as that.

As to the contest between the two great railroad systems, the Pennsylvania and the Baltimore and Ohio, I have nothing to say. We all know that there has been a sharp rivalry and a great contest between them, and, growing out of it, the Baltimore and Ohio Company has found it necessary to expend large sums of money in building a new

and independent line from the city of Baltimore to Philadelphia, and from there to New York. It has met with opposition at every step of its progress. It was with the greatest difficulty that it secured the right of passage through Philadelphia. And now, when it would erect for itself an independent and a great terminal upon the harbor of New York, to which it can bring all the produce of the country through which its lines and its branches run, it is met here by the opposition of the State of New Jersey.

It seems to me that the one proposition which I have stated, that New York, that its merchants and its Legislature, and that substantially the whole of New England, have interposed no opposition whatever to the construction of this bridge, should be evidence enough to this body that it is not seriously to interfere with the navigation of the Arthur Kill; but if more testimony be necessary, the Senate has only to turn to the report made to this body by the Committee on Commerce, and there they will find the report of the Chief of Engineers, submitted to Congress by the Secretary of War. That report was made to the Forty-eighth Congress. It was distinctly and fairly in favor of this proposition. It undertakes to show that this bridge, built according to the provisions of the bill, will be no serious obstruction to the navigation of the Arthur Kill. The committee again this winter, when the question was brought before it, after nearly two years had elapsed, and when the engineering corps had had an abundance of opportunity to restudy this question, re-examined it and resubmitted the question to the engineering department of our Government for another opinion, and that opinion is to be found in the report made by the committee. It fully bears out the favorable report which was made two years ago, and it gives sufficient reasons for the report which has been made to this session of Congress. Let me read one clause of it. This report was made January 16, 1886:

Senate bill 121, Forty-ninth Congress, first session, provides for the construction of a pivot draw-bridge, which shall have a width of span of not less than 200 feet in the clear on either side of the pivot pier, and a height of not less than 30 feet from lower chord to low-water level. These provisions, in my opinion, meet all the demands of the present or future commerce of the kill, and the restrictions contained in section 4 of the bill are ample to secure a location and construction for the pivot pier such as will cause least interference with the existing deep-water channel and at the same time will be least obstructive to the tidal currents.

The construction of the proposed bridge under the provisions of the bill will not injuriously affect any interests over which the Government has control.

Very respectfully, your obedient servant,

G. L. GILLESPIE,
Major of Engineers, Brt. Lieut. Col. United States Army.

This is indorsed by General Newton and by the Secretary of War. These, in brief, are the conditions and the circumstances under which this bill comes before this body. It is desired by all the merchants and business men of the city of New York who have seen fit to express their opinion upon it, and they are numbered by hundreds. It has been indorsed by the State Legislature, and it has met with no opposition, so far as I know, in any portion of New England lying along the Atlantic coast.

The proposition now made to change the bridge into a tunnel needs no rebutting argument. If a tunnel were desired, or were possible, it would not be necessary to come to this body for permission to build it. For years the attempt has been made to run a tunnel under the North River between Jersey City and New York. Thus far its projectors have been unable to complete it or even to continue its construction, and to-day it stands substantially an abandoned project, undoubtedly one which the commerce of the port of New York would be very glad to see completed. The letter read here to-day, written on the authority of the engineering corps of the Baltimore and Ohio Railroad, is a sufficient answer as to the feasibility of building a tunnel under the Arthur Kill.

Failing in that proposition, the Senators tell us that they propose to ask for a high bridge at some other point. But this bill does not locate the bridge at any point. As originally presented, it did locate it near Elizabethport, Union County, New Jersey, and the town of Northfield, Richmond County, New York. The committee have stricken out of the bill those points designated and left the location of the bridge to be approved by the Secretary of War. If he sees fit to require the bridge to be built at some other point than the one that was originally intended in the bill, he has absolute power to do it. If he should see fit to order it to be located a half-mile below at the island of which the Senator from New Jersey [Mr. SEWELL] spoke, the Secretary of War has power to do it. If the Secretary of War and the engineering corps, after a most careful consideration of this matter, should see fit to order the bridge to be built higher than is provided for in this bill, they have power to do it, for the bill does not limit the height of it, but it simply provides that it shall be built at not less than 32 feet above low water.

In all its provisions, then, the bill leaves it absolutely in the power and control of the Secretary of War to say how the bridge shall be built, and where it shall be built, and what its height shall be. Any attempt to change the bill by turning the bridge into a tunnel or into a high bridge is simply intended for the purpose of defeating the entire measure; but if it should pass this body in any such amended form it would be absolutely destroyed, and thus one of the great trunk lines of this country would be shut out from one of the best terminals which can be found upon the Atlantic coast for the delivery of goods for shipment to foreign countries. I do not believe that any of the interests of this country demand that that shall be done. If I believed for a moment that the building of this bridge would seriously interfere with the commerce of the Arthur Kill, I should be here protesting against it more warmly than the honorable Senators from New Jersey have protested against it, for if the State of New Jersey has any interest in this commerce whatever, the State of New York has a thousand-fold greater interest in it, for it forms no inconsiderable portion of the commerce of the great city of New York.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] moved an amendment to the part proposed to be stricken out, which is first in order. The question is on the amendment proposed by the Senator from Missouri.

Mr. MILLER. What is that?

The PRESIDENT *pro tempore*. It will be again read.

The Secretary read as follows:

If the Secretary of War shall at any time deem any change or alteration necessary in the said bridge so that the same shall not obstruct navigation, or if he shall think the removal of the whole structure necessary, the alteration so required or the removal of the whole structure shall be made at the expense of the parties owning said bridge; and if the said bridge shall not be finished within two years from the passage of this act the rights and privileges hereby granted shall determine and cease.

Mr. VEST. Let that be added to the end of section 4.

The PRESIDENT *pro tempore*. The question is on this amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCPHERSON. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. VEST. I understand this strikes out the bridge and puts in a tunnel.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. FRYE. I am paired on this bill with the Senator from Alabama [Mr. MORGAN]. The Senator from West Virginia can withdraw his pair and vote.

Mr. CAMDEN. Then I vote "nay."

Mr. GEORGE (when his name was called). On this question I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present I should vote "yea."

Mr. PLATT (when his name was called). I am paired on the bill with the Senator from Vermont [Mr. EDMUNDS], who has been called from the Senate Chamber. I do not know how he would vote on this amendment. I should vote "nay" if he were present.

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote on this question, I withhold my vote.

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote.

Mr. DAWES. I am paired for the day with the Senator from Texas [Mr. MAXEY]. If any one can inform me how he would vote on this amendment, I shall be governed accordingly. I should vote "nay" if the Senator from Texas were here.

Mr. BUTLER (after having voted in the negative). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], but I have been requested to transfer my pair on this question to the Senator from Maryland [Mr. WILSON], so that I will allow my vote to stand, the Senator from Pennsylvania being paired with the Senator from Maryland.

Mr. MILLER. My colleague [Mr. EVARTS] is necessarily absent, but is in favor of this measure and would vote against this amendment. With the consent of the Senator from Maine [Mr. FRYE] I will change his pair to the Senator from Alabama [Mr. MORGAN]. The Senator from Maine announced his pair with the Senator from Alabama.

My colleague can be paired with him and the Senator from Maine can vote. My colleague desired me to get a pair for him on this measure.

Mr. FRYE. Then I vote.

Mr. MILLER. It is suggested that I did not announce how my colleague would vote. He is in favor of this bridge-building bill, and would vote against the amendment.

Mr. CHACE. I am paired with the Senator from Maryland [Mr. WILSON], but I am advised he would vote "nay" if present; therefore I vote "nay."

The result was announced—yeas 5, nays 40; as follows:

YEAS—5.

Bowen,	McPherson,	Plumb,	Sewell.
Hampton,			

NAYS—40.

Allison,	Coke,	Hawley,	Pugh,
Beck,	Colquitt,	Hoar,	Ransom,
Berry,	Conger,	Ingalls,	Saulsbury,
Blair	Dolph,	Jones of Arkansas,	Sawyer,
Brown,	Eustis,	McMillan,	Sherman,
Butler,	Frye,	Miller,	Vest,
Call,	Gibson,	Mitchell of Oreg.,	Voorhees,
Camden,	Gorman,	Morrill,	Walthall,
Chace,	Hale,	Palmer,	Whitthorne,
Cockrell,	Harris,	Payne,	Wilson of Iowa.

ABSENT—31.

Aldrich,	George,	Mahone,	Sabin,
Blackburn,	Gray,	Manderson,	Spooner,
Cameron,	Harrison,	Maxey,	Stanford,
Cullom,	Hearst,	Mitchell of Pa.,	Teller,
Dawes,	Jones of Florida,	Morgan,	Vance,
Edmunds,	Jones of Nevada,	Pike,	Van Wyck,
Evarts,	Kenna,	Platt,	Wilson of Md.
Fair,	Logan,	Riddleberger,	

So the amendment was rejected.

Mr. SEWELL. I propose to offer an amendment to locate this bridge within about a half-mile or three-quarters of a mile from the location intended by the bill.

Mr. MILLER. Will the Senator allow me to ask a question? Where in this bill does he find any location?

Mr. SEWELL. I find the map of the company locating the bridge at a certain point.

Mr. MILLER. That does not locate it at all without the approval of the Secretary of War.

Mr. SEWELL. That is a subsequent matter.

Within half a mile the stream widens out from 600 feet to 1,000 feet, with an island in the center, where I propose that this bridge shall be located. There with a sufficient elevation of the bridge—an elevation not as much as is required on the Ohio River by the general law—the great body of the traffic that goes by tow, large numbers of vessels, as I stated in my remarks, being towed, can get through. This can be secured by an elevation of 70 feet, leaving on the other channel space for a smaller draw, which I provide for by reducing the size of the draw fixed in the original bill from 200 to 100 feet, so as to allow masted vessels to go through in a single tow. I will read the amendment and afterward send it to the desk.

In line 9 of the first section of the bill I propose to amend by locating the bridge at Buckwheat Island, and in the second section by striking out all down to "mark," in line 6, and inserting:

That said bridge shall be constructed with a draw over the channel on the New Jersey or westerly side of Buckwheat Island of not less than 100 feet opening, and with a span of not less than 400 feet on the easterly side of said island, and said bridge shall not be less than 70 feet above mean high-water mark.

Providing for a clear span on one side and a draw on the other.

After the remarks of the Senator from New York favoring this project I beg to say that the only charters that exist to-day passed by the Legislature of New York are one for a bridge 137½ feet high, which has not been built, and one for a tunnel at this very proposed site.

Mr. MILLER. What does the Senator mean by that?

Mr. SEWELL. I mean that that is the legislation of New York State.

Mr. MILLER. We have three bridges across the Hudson River at Albany.

Mr. SEWELL. I speak of this particular locality between Richmond County, New York, and New Jersey.

Mr. FRYE. This whole matter was discussed and considered by the committee, and it was the unanimous opinion of the committee that the location of this bridge should be left to the Engineer Department. The bill itself as it was first presented rather indicated that the bridge was to be built at the location to which the Senator from New Jersey objects. It has to-day been amended by an amendment reported by the committee itself giving the Engineer Department a latitude of several miles, so that if in their opinion commerce requires that it shall be located over this island, they will so find.

As to the height of 70 feet, there is not the slightest advantage in a 70-foot bridge over a 32-foot bridge, and 32 feet is the minimum, but not the maximum. No masted vessel can go under a 70-foot bridge any easier than it can go under a 32-foot bridge, and these coal-barges can go under a 32-foot bridge as well as they can under one of 70 feet.

Mr. MCPHERSON. In regard to this amendment I only wish to state one fact: For the 70-foot bridge but one approach is necessary, to wit, on the Jersey shore. The altitude of the island is so great that the trains can run to and from the bridge right on a level, so that but one high approach would be needed.

Mr. SEWELL. I will say that I have estimates of the difference in cost, and they correspond very nearly with what the Senator from Maryland stated. It is a question of $400,000 or a million; my estimate makes it $500,000. The increased cost for towing the vessels would be more every year than the additional cost of construction of a high bridge if it should be $600,000.

Mr. PLUMB. As far as I am concerned I am not willing to leave the question whether this bridge affects commerce or not to the judgment of some engineer officer we do not know about. I really candidly think that in many respects the engineer officers of the Army are disqualified to judge of that question. Their education and their prepossessions run in certain lines, and they may not take into account all the ramifications of the great trade that has existed from time immemorial and which are to be affected by the location of the bridge or by the height of it or by the manner of its construction.

There is no parity, as I think, between this case and that which is cited by the Senator from Missouri of the commerce of the Mississippi River. As every one knows, the commerce of all that great section of the country has been comparatively diverted by means of the construction of railroads in such a way that the river does not now carry anything like what it did formerly in proportion, and that diversion, as the Senator from Missouri says very well, will continue. At the same time we shall vote before this session is over, I have no doubt, many millions of dollars for the purpose of improving and keeping open the Mississippi River, which is so unimportant a channel of commerce and which is becoming less important, as the Senator from Missouri says, every day.

But the commerce which traverses this stream, as I understand, is not to be changed or taken off, or in any way diminished by reason of the construction of the railroad. It is the local traffic incident to approximation to a great city that comes along this water way, not because of its cheap transportation alone, but because of the enormous facilities furnished by the extent of frontage for the receipt and deposit and redistribution again of all the products of this trade, and it is the end also, as the Senator from New Jersey [Mr. MCPHERSON] suggests, of railroad transportation. And so every single thing which is carried upon this stream will continue to be carried there no matter how many railroads may be constructed across it. So we are confronted with this proposition as to whether we will authorize the construction of an impediment or anything that may possibly prove to be an impediment to a traffic that is bound always to continue.

No one objects, as I suppose, to the construction of a bridge across this or any other stream where it is necessary for the purposes of railroad transportation; but what damage we may do by improvident action here can not be repaired, and whether we require a railroad company to build a bridge costing a million dollars or a million and a half of dollars does not touch the question of the cost of the transportation that is finally to make use of that railroad. It will not affect the price of cattle or corn or hogs in the State of Missouri or the State of Kansas, as every one knows. Is it not, therefore, the part of wisdom to require the building of such a structure as shall in no possible case interfere with a traffic which is essential to the welfare of the people who live in that section of country and which is always bound to be carried on by the same means that it is now carried on unless it is to be destroyed?

I think, then, if it be true that this bridge will not cost more than half a million dollars built with the span suggested by the Senator from New Jersey, or even if it will cost not more than a million if thereby we make perfectly sure that we shall not harm in any single vital particular the business now carried on upon that stream, there ought to be no hesitation in taking that precaution and voting for the more costly and the higher structure.

It is true that this business, when we come to speak of the amount that a man's little boat carries of clay, chemicals, and things of that kind down this stream, cuts a very insignificant figure compared with the enormous business of the Baltimore and Ohio Railroad. At the same time it is not only vital to him, but the trade itself and the ability to carry it on in the way it has always been carried on affects very seriously all the population of the adjoining country, and for the reasons which I have already stated.

Why shall we not, therefore, give to that existing traffic every possible chance to continue as it always has continued, as it exists to-day, rather than run the risk of taking away one single iota for the benefit of a railroad company, when by taking it away we do not add at all to the value of the railroad property practically, or to the value of the railroad as the transporter of the great products of the country, and in no sense tend to increase the cost of that transportation, for, as I said, if a corporation of that kind is capitalized at forty, fifty, sixty, or perhaps one hundred million, the addition of half a million or a million dollars to the cost of such a structure affects in not the slightest degree the cost of transportation over that line, because it is not the transportation simply from one bank of the stream to the other, but the haul from the great interior of the country to the Atlantic seaboard, to which the distribution of the interest upon half a million dollars or a million dollars, the cost of the entire bridge, is as nothing.

I would guard as jealously and save from all harm just as certainly every single owner of any means of transportation upon this stream and every one who has been carrying on and is now carrying on any commerce or trade there, however humble, as I would save the Baltimore and Ohio Railroad Company with its forty millions of capital. And when I speak of that railroad company I speak with great respect, for it is a great channel of commerce, which ought to have all reasonable facilities for getting into New York and all other cities where it wants to go. But at the same time when it comes to the essential matter of right, it is not right to run any risk at all of taking away privileges already existing, humble though they may be and small in amount, for the purpose of giving additional privileges to corporations which always find in one way or another means of accomplishing their purposes. It will not add to the revenues of the Baltimore and Ohio Railroad Company to take away these privileges. It will not add to the cost of maintaining and operating that great railway to require them to build such a bridge as shall under no possible condition of things injure the slightest or the humblest of the people who now use this water way for their own purposes and as an adjunct to the commerce of the city of New York and of all the vicinity. Therefore, if there is any possible chance that this low bridge or this bridge to be built

at the place fixed upon this map will do harm, we ought to vote to put it somewhere else and put up a different kind of structure.

When I come to consider that question I am bound to give credit and great weight, in fact almost controlling weight, to the statement made by the two Senators representing that State on this floor, the men who know more about it than I do, the men who have had an intimate connection with the affairs of that section of country all their lives perhaps, and who represent that people here. While they claim nothing as I understand in any way to deprive New York of any privilege of access to the West, they do claim that we shall not take action which will in any wise impair the interests that have grown up there and are important to the people of that section of the country; and that claim, so far as I am concerned, I am willing to concede.

Mr. MILLER. Will the Senator pardon me a moment?

Mr. PLUMB. Certainly.

Mr. MILLER. The Senator is willing to be guided by the judgment of the Senators from New Jersey in the matter. Will he tell us how the State of New Jersey has any greater interest in the commerce of Arthur Kill than New York has?

Mr. PLUMB. I do not suppose it has any greater interest.

Mr. MILLER. The commerce neither begins in the State of New Jersey nor does it end there.

Mr. PLUMB. The State of New York is not interested in any way in the question as to whether this bridge is 30 feet high or 70 feet high; it is not interested in any way, near or remote, in the question of whether the bridge costs half a million dollars or a million or three million dollars. That may be left out of account entirely; that concerns the railroad company; and in view of the fact that it concerns the railroad company solely and only, I am not willing to put in the balance that question of the interest of the railroad company against the interest which has been built up, which exists to-day in enormous volume, which is the means of existence and profit to many thousands of people, who use this means of communication planted there by nature, and all the affiliated interests which they serve by means of the navigation they carry on in their modest and inconsequential boats. Therefore, as I said, the question is whether we will, for the purpose of enabling this railroad company to get along with a little less cost, take risks, however slight, of doing harm to somebody who is not able to respond to the loss and damage which are threatened, not half as able to respond to that loss and damage as the railroad company is to pay out of its ample revenues the additional sum of half a million or a million dollars for the purpose of making this structure in such a way that there can be no question at all that it will be equally useful to them and lacking the power of harm to existing interests.

For this reason I will vote all the time to resolve doubts in favor of the commerce existing there and the people who are carrying it on and against those who seek to take a privilege, which, while useful to the public interest, can be exercised in some other way by them, and which only costs them a little sum of money without value to the public.

As I said before, I do not speak with any special disrespect of the Engineer Corps of the Army or of any member of it, but I ask the Senate seriously to consider whether they are willing to put the question as to whether a commerce of the magnitude which this commerce is by common consent known to be at the mercy of a single person, whoever he may be?

The engineer officers are not charged with any question relating to commerce; they are not educated in such questions; they know nothing about them except in some remote way. They know less about them, I venture to say, than almost any other class of educated people, because their education, their instruction, their means of observation have not been in that line. They are not men to whom should be committed those great questions as to whether these interests, made up of a multitude of small transactions, but in their ramifications extending hundreds of miles along that coast, embracing interests aggregating large amounts, and yet in many respects no doubt of a delicate character, are to be interrupted, and whether this course which has become to a certain extent a prescriptive right, will be trenched upon by the erection of this great highway across this other great highway.

For my part, therefore, as I said, I am not willing to permit that question to be decided by any one having less authority than Congress itself. With us ought to rest the ultimate responsibility, and we ought not to dodge our responsibility by committing this great question to any one, either to the Secretary of War or any member of the Army under him. We ought to decide it ourselves. For the purpose of the vote which I shall give, I shall vote for the longest and highest and most costly structure within a reasonable limit which may seem to give the most assurance that the business which now plies along this water way shall ply with the same safety, the same convenience, the same volume, the same lack of impediment and restriction that it always has had; which can be accomplished by the erection of such a structure as shall be not only within the means of the railroad company, but a structure of safety for all the traffic which it will carry over it.

Mr. VOORHEES. Mr. President, I have listened to this discussion with considerable interest, and with an honest and earnest desire to be instructed on this subject. Observing the remarks made by the Senator from Kansas, I should like to ask him whether a bridge was ever authorized to be constructed by an act of Congress where the bill did not have in it the provision that it should be placed in the hands of the War Department and conducted by the engineers?

Mr. PLUMB. That is true in minor cases, but not in all cases, and not as broadly as is the proposition in the bill. The length of the span is provided for always, and the height above high-water mark, and no discretion is committed to the Secretary of War, except that if at any time thereafter the structure authorized in all its parts to be put up in a particular way by Congress shall prove destructive to commerce, he may then take certain action.

Mr. VOORHEES. My recollection of bills upon this subject is perhaps not as accurate as that of other Senators, but I know of no precedent by which the construction of a bridge was placed in different hands than those proposed by this bill, nor indeed can I conceive how it could be done otherwise. I do not suppose that Senators sitting here could devise the method, the details, the distances, and the heights of a bridge. The construction of a bridge must necessarily be placed in the hands of the engineer officers, capable men upon that subject.

I will observe further, in response to what the Senator from Kansas says, as to the risk of interfering with navigation, that we could not interfere with it if we tried to do so. We could not obstruct navigation by law. If we were to enact a law for that purpose, and if a bridge built by the engineers, or the War Department, or by anybody else should interfere with navigation it would be torn down; it could not stand. There is no risk on that subject.

The matter at last resolves itself back as to whether the committee which reported this bill has done its work intelligently or not. If we can not trust such attention as has been given to this measure by the committee, I know not how we can legislate upon a subject of this kind. There is a safeguard to navigation in the Constitution. It is there, and can not be taken away by an act of Congress. The committee assures us that this structure will not interfere with navigation. If it should interfere it will give way to the supreme right of way which navigable waters have. I do not believe that it will interfere with navigation for the reason that the committtee who have investigated this subject give us that assurance. Therefore I can see no risk in voting for this measure.

As a Western man, representing in part a Western State, we have but one interest, and that is to have as many competing lines to carry our mighty products to the markets of the East as possible. I can not sympathize with an attempt to shut out any competing line of railroad by other roads and by other lines. It is impossible for us to do so. This looks to me like an honest and legitimate effort upon the part of one great railroad system to get into New York, and there is an attempt, natural though selfish, because selfishness belongs to corporations as well as to individuals, to keep it out of that market. That is the light in which it appears to me, and as to the risks I can not find them, investigating the matter in the brief space in which I have given it my attention.

Mr. SEWELL. I wish to correct an impression necessarily created by the remarks of the Senator from Indiana in relation to the construction of these bridges. I doubt if Congress has ever passed an act for the construction of a bridge in which it did not specifically give limit to the height and to the spans. I will cite an instance in point which covers this case to a great extent, that of the Newport bridge, authorized in 1868 to be built by the Newport and Cincinnati Bridge Company, where it was prescribed that the lowest point should be 73 feet high. The tonnage of the Ohio River is not 25 per cent. the tonnage of this passage-way. The steamboat interest on the Ohio River after that bridge was half built—and I have the maps of it here showing the process of construction of that bridge at the time—came to Congress and complained that 73 feet was not sufficient for the passage of just such tows as go through the kills; and by an act of Congress they had it increased to 103 feet, although the bridge was more than half constructed and the piers were all laid and one-half of the superstructure was up, as this map will show. A railroad company arbitrarily is empowered by this act of Congress; and the protection I seek now for the people who navigate the kills is to change the plan, elevate the bridge 38 feet, and spend $600,000 in doing it.

Mr. VEST. I do not choose that the Senator from Kansas shall come into this debate at this hour like a cavalry charge and put me in a position I have never occupied. The Senator said I stated that the Mississippi River was becoming unimportant as a portion of the carrying agency of the country. I said no such thing. The whole scope of my argument was simply to the effect, and it is true, that the river men were unable to appreciate the fact that the railroads of the country were doing the largest portion of the carrying trade.

As to the Mississippi River becoming unimportant, it can never become so; and it is idiotic to suppose that it ever will. It is to-day the great conservative factor in the carrying trade of this country, and it is the only check we have upon the great trunk railroads that run from east to west. I do not propose to be put in any such position by the Senator from Kansas.

Mr. PLUMB. I wish to say to the Senator that I do not think I represented him as saying that it was unimportant, but comparatively unimportant. I was probably not listening very closely at the time,

although I noticed that particularly, because he lives on the river and is as competent to judge of its comparative importance as anybody. I understood him to say that an increasing amount of commerce was constantly being taken away from that river by railroads, and of course that would mean that the river had lost its comparative importance. That it is important in the way he speaks of, as a corrective, I agree; that no one denies. I do not care to discuss the question as to whether it has lost either its absolute or its relative importance; but the statement which he made had the effect upon my mind certainly of conveying the impression that the Mississippi River was not the factor in the commerce of this country, in the transportation of products, that it formerly was, by reason of the fact that the railroads had diverted traffic from it.

Mr. VEST. Yes; and so far as that statement is concerned I repeat it. There was a time when there were no railroads in the country, or only here and there a sporadic road which did not meet at all the demands of commerce, and then we were dependent entirely upon the rivers. When I first became a citizen of Missouri I found upon the Missouri River seventy-odd packets equal in accommodation to any of the coast packets of Louisiana or to be found now upon the North River, and to-day I believe between the city in which I live and the city of Saint Louis there are two boats, dependent almost entirely upon way traffic. I simply meant to say that the changed conditions and circumstances of the country had brought about a condition of affairs which the river men seem very reluctant to admit but which still does exist. What I meant to say at the same time, and I repeat it, was that the Mississippi River and its great tributaries must always remain a most important factor and a conservative one in the carrying trade of the United States.

Mr. PLUMB. Let me ask the Senator a question. We do not differ about this matter. I agree with him entirely in what he now says, and certainly I did not mean to misrepresent him. Does he mean to say now in support of the bill that he thinks the building of a bridge by the Baltimore and Ohio Railroad across this channel will in any way interfere with the commerce of this stream as an auxiliary of trade with New York and all that section of country? In other words, does he believe that the Baltimore and Ohio will take up any of the business that now comes down it?

Mr. VEST. I do not know that it would, and it is not necessary to consider that question in regard to the propriety of passing this bill. The only question which was before the Committee on Commerce, and which is now before the Senate, is whether we can authorize the building of this bridge in the interest of the general commerce of the country without doing manifest injustice to the people who navigate the stream; and that is what we are trying to do.

Mr. HOAR. I should like to ask a question of some of the lawyers of the Committee on Commerce.

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. HOAR. Perhaps the Senator from Missouri can answer. Perhaps the question will exhibit a good deal of ignorance on my part. But as I understand the Senators from New Jersey the State of New Jersey opposes this project, and its Legislature has put itself on record against it.

Mr. VEST. I believe they do.

Mr. HOAR. Now, if that be true, what operation is there in this bill at all to accomplish anything? I understand that Congress may, in the first place, by national authority, remove the objection in regard to a structure across a navigable stream that it obstructs navigation so that the persons building the bridge would not be indictable at common law or by any other proper process, and the structure would not be destroyed as a nuisance. I understand that many persons, not everybody, claim that under our power to regulate commerce we may authorize a railroad under the law of eminent domain to cross the country and take land, in which case, however, there must be provisions for its condemnation, and provisions which must attend the exercise of the power of eminent domain. But here there is nothing of that kind. Here is one New Jersey corporation and one New York corporation, either of which is authorized to build a certain structure which must rest at one end upon land in New Jersey and must occupy New Jersey soil. There is not any authority to use eminent domain.

Has not the State of New Jersey the absolute power over this New Jersey corporation, the Baltimore and New York Railroad Company, and has it not the absolute power over all corporations to prevent them from building this bridge or any part of it in the State of New Jersey, notwithstanding this assent given by Congress? So, how does this measure do anything against the insistance or remonstrance of the State of New Jersey?

Mr. SEWELL. It is the peculiarity of the bill that the Congress of the United States proposes to give a power to a corporation of New Jersey which the charter of that corporation especially prohibits it from using.

Mr. HOAR. But this bill has not said that A B and C D, a corporation which we create, or a corporation which any State has created, or any individuals may have delegated to them the power of eminent domain to build a bridge or to build a railroad. It has simply said that a New Jersey corporation may build a bridge on certain conditions, and that is all it has said. It has not undertaken to exercise in a proper way or in any way the authority which I named.

Is not this corporation, although Congress has said it has no objection to its doing so, still under the control of New Jersey? Is not New Jersey soil still under the control of New Jersey for the purpose of building bridges or constructing railroads or anything else, unless Congress by national power, if it can do so, as most of us think, has authorized an exercise of eminent domain? I can not see that any Senator has yet answered the proposition that if it be true that New Jersey objects we have been entirely wasting our time in bringing in and passing this bill.

Mr. INGALLS. What has New Jersey done?

Mr. HOAR. Nothing, except her Legislature have voted to instruct her Senators on the subject.

Mr. SEWELL. The Legislature of New Jersey have on two occasions voted, the first time unanimously, the next time by a two-thirds vote, requesting Congress not to pass this bill, and they have passed an act prohibiting any corporation of New Jersey from exercising the right of crossing this stream without their consent.

Mr. HOAR. What can be done under this bill if New Jersey objects?

Mr. SEWELL. I presume the corporation can throw the matter into litigation in the United States courts.

Mr. VEST and others addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Missouri has the floor.

Mr. VEST. I think I have the floor.

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to the floor.

Mr. VEST. I yielded, but the statute of limitations is still running.

The charters of these two railroad companies have in them the ordinary provisions in regard to the crossing of a navigable stream and the condemnation of such portions of the land upon each side of the stream as may be necessary for piers or abutments or the appurtenances to a bridge. That is a sufficient answer to the Senator from Massachusetts, if he requires an answer.

But aside from that, the Supreme Court of the United States has decided that Congress has the power, notwithstanding the act of a State Legislature, to give to a railroad company the right to condemn so much of the soil of a State as is necessary for the construction of a bridge.

Mr. HOAR. But that is not done by the bill.

Mr. VEST. The charters of these railroad companies give them a general right to bridge navigable streams.

Mr. HOAR. That is my precise proposition. If Congress gives it to them, then it may be that it is beyond the power of the State Legislature; but if they have got no power except from the State Legislature which created one of these corporations and which can give or refuse to give powers to the other, how can they go on under the bill without New Jersey legislation to accomplish this result?

Mr. VEST. I have already stated that these charters contain the ordinary provisions for the passage of the railroad tracks over navigable streams, and the construction of bridges from each State, one from New York and one from New Jersey, with the right to condemn land for abutments or for piers upon the soil of those States. But even aside from that, if no such right existed under the charters, under the bill that we have now any court would imply the right absolutely to use so much land as was necessary.

Mr. INGALLS. Is it denied that the Arthur Kill is a navigable stream?

Mr. VEST. I think not.

Mr. INGALLS. I ask the Senator from Massachusetts if he understands that this Kill von Kull is a part of the navigable waters of the United States.

Mr. HOAR. Of course.

Mr. INGALLS. Then what has New Jersey got to do with it? Suppose that New Jersey passed a thousand acts of her Legislature forbidding a corporation from building a bridge over that stream, what effect would that have over an act of Congress declaring that a railroad corporation might construct a bridge over it? I do not understand the point made by the Senator from Massachusetts.

Mr. SEWELL. I ask the Senator from Kansas——

The PRESIDENT *pro tempore*. The Senator from Missouri has the floor.

Mr. SEWELL. I ask the Senator from Kansas to tell me how the act of Congress is going to give the authority to acquire soil that is inherent in the State of New Jersey itself?

Mr. INGALLS. They have got the right already under the act of incorporation from New Jersey and New York to go up to the line of those navigable waters.

Mr. SEWELL. That is just where the Senator is mistaken.

Mr. INGALLS. Of course, if I am mistaken, that is the end of it.

Mr. SEWELL. There is a special provision on that subject.

Mr. INGALLS. But the Senator from Missouri says, and it has been repeatedly stated in this debate, that existing corporate rights have been conferred both in New Jersey and in New York. If that

is the case they have the right up to the navigable line of that water, already upon the soil. Then to assume that an act of the New Jersey Legislature forbidding the crossing of the navigable waters of the United States by a bridge could interfere with the power of Congress, which has been exercised a thousand times over all the navigable waters of this country, is imputing a power to New Jersey that never has been claimed for any other State in this Union.

Mr. HOAR. Will the Senator from Missouri allow me to restate my proposition that it may be understood? The Senator from Kansas manifestly does not understand it.

It is conceded that the power exists in the United States to authorize the dealing with navigable water as it sees fit. It may authorize the extension of a wharf into Boston Harbor, and it may authorize the taking of land by eminent domain for that purpose, if that be a matter of general public interest. It may authorize the crossing of the Mississippi River. That is one thing it may do.

There is another thing which Congress may do. It may authorize the crossing of the entire continent for purposes of interstate commerce with a railroad and confer eminent domain. That is a separate thing which it may do. But it can not take away the power from New Jersey to control its corporations. If a corporation whose charter New Jersey created and whose charter it may alter or repeal, as I assume it can the charter of this corporation, undertakes to go into a business of interstate commerce, to build a railroad across Pennsylvania or anywhere else, New Jersey may stop it, and that is in the control of New Jersey, notwithstanding all the authority which Congress may have given it.

In the next place, if it be necessary to take New Jersey soil to come down to the line of navigable water on one side, and the bridge can not be built without that, the control of that proceeding is solely within the power of the New Jersey Legislature, unless the Congress of the United States, in addition to its license to cross or occupy or interfere with the waters of the navigable streams, have added the authority to come down to the bank, and have added the authority to exercise eminent domain under national power conferred upon it for that purpose.

That does not appear in this bill. We have simply said that a New Jersey corporation may cross this navigable water, and that is all. A great deal is necessary to put this thing out of the control of New Jersey. New Jersey may destroy this New Jersey corporation. It may say that it shall exist only on condition that it shall not exercise the power to interfere with this navigable stream; but in the absence of any such thing, unless New Jersey has conferred the power of eminent domain to put one end of this structure upon her soil, this bill, it seems to me, is nugatory. That is the proposition I make.

Mr. VEST. We have nothing to do with the powers of these corporations. Here are two corporations created under State law. One of the corporations is in New Jersey and the other is in New York. They come to us full and complete or incomplete as the State Legislatures have made them, and they simply ask from us the exercise of our jurisdiction, which is that to regulate commerce among the States. We say to them, you may go with your corporate power as the Legislature of your State has invested you and pass over a navigable stream of the United States. Now, that is all. We can not consider the question as to the powers of these corporations.

If I understand the Senator from Massachusetts he wants Congress to put in this bill a provision to condemn land in New Jersey. We have nothing to do with that. The Supreme Court of the United States has said that no State Legislature can by any sort of legislation mar or decrease in any iota the power given by the Constitution to Congress to regulate commerce. That involves the right to put a bridge over a navigable stream, and if New Jersey were to attempt by any legislation after we have passed this bill to say that these corporations should not have this land, the New York corporation especially in New Jersey, for the purpose of constructing the bridge, it would be as much a nullification as South Carolina or any other State has ever been charged with attempting. There is no question in regard to that matter. No Legislature would have a right to nullify an act of Congress in any such fashion.

As I said before, it is a complete answer to the Senator from Massachusetts for us to say from the Committee on Commerce that we have nothing to do with the power of these corporations. They come to us and say, "We exist, we have our powers, and we ask from you the exercise of the jurisdiction which you possess, and only that jurisdiction; that is, to say that we may construct a bridge over a navigable stream;" and when the United States Congress does that it does all that it has the power to do.

That is the whole of this question, sir. I hope the Senate will now take a vote upon the bill and determine it at once, as I presume the debate has developed every question which is necessary to a correct determination of the whole subject.

Mr. CALL. Mr. President, it seems to me that the question we have been considering, so far as the law of this matter is concerned, is whether, as the bill provides, a corporation created under the laws of New Jersey, dependent upon the laws of that State for its very life and existence, can do anything forbidden by the public policy and the laws of that State?

There can be no objection about this proposition; and when the Senator from Missouri speaks of a corporation created in New York being authorized by Congress to exercise any power under its authority to regulate interstate commerce, he varies the proposition. That is true, but it is not true that a corporation, in defiance of the law that creates it and of the sovereign power to which it is amenable, may do anything.

The statement here is that the State of New Jersey has forbidden this creature of it to pursue a certain line of policy. That New Jersey corporation is completely subject to the laws of the State of New Jersey and can have no power conferred upon it by Congress in violation of the law that creates it and the law to which it is amenable.

Mr. SEWELL. Will the Senator from Florida allow me to state right there that the State of New Jersey forbade the exercise of the right to bridge that stream without submitting the plans of the bridge to the action of the Legislature? It was intended just to protect the people navigating that stream from a low bridge; that was all; and New Jersey will grant these companies the power if they will only build a decent bridge.

Mr. CALL. The coporation is a creature of New Jersey law, and the law can not be violated by that corporate body which depends upon New Jersey law for its existence and for its powers.

I propose to vote for the bill; yet I wish to say that I think there ought not to be, unless it is absolutely necessary, any obstruction placed in a great water highway adjacent to a great commercial city like New York. It is immaterial whether the State of New Jersey or the State of New York or any other State has the principal interest in the commerce that is to be found upon that highway. The question with me is that it is immaterial whether it be a million or two million dollars that is necessary to make a single span across a highway that bears upon its bosom such a vast and stupendous traffic or a smaller amount; if it be practicable to do it, it ought to be done without any pier which may obstruct even in the smallest degree the navigation of that great highway.

We are deficient in information upon that subject, and I think this matter ought to go over until some information of a definite character is presented. If the two Senators from New Jersey who have spoken upon this subject are right, and a bridge without a pier and with a single span can be built for any reasonable cost, in my judgment it ought to be done, and I shall sustain a proposition to that effect.

Mr. HARRIS. I move that the Senate adjourn.

Mr. VEST and others. I hope not.

Mr. MILLER and others. Let us vote.

Mr. HARRIS. If we can come to a vote I withdraw the motion.

["Vote!" "Vote!"]

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. CALL. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, line 9, after the words "Arthur Kill," it is proposed to insert the words "over Buckwheat Island;" and in section 2 to strike out all down to and including the words "low-water mark," in line 6, as follows:

That said bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the sound at an accessible and navigable point, and with spans of not less than 200 feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than 32 feet above mean low-water mark.

And in lieu thereof to insert:

That said bridge shall be constructed with a draw over the channel on the New Jersey, or westerly side of Buckwheat Island, of not less than 100 feet opening, and with a span of not less than 400 feet on the easterly side of said island; and said bridge shall not be less than 70 feet above high-water mark.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment. [Putting the question.] The noes appear to have it.

Mr. SEWELL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. GORMAN (when Mr. FRYE'S name was called). I was requested by the Senator from Maine [Mr. FRYE] to state that he was called from the Chamber, but is paired with the Senator from Alabama [Mr. MORGAN].

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE] on this question. If he were present, I should vote "yea."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. PLATT (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. SPOONER (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. BUTLER. I will announce for the last time the pair between

the Senator from Maryland [Mr. WILSON] and the Senator from Pennsylvania [Mr. CAMERON].

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON], who was called out of the Chamber and who will be absent for a few moments. He would vote "yea" and I should vote "nay."

Mr. MAHONE (after having voted in the affirmative). I have agreed to pair with the Senator from New York [Mr. EVARTS], and therefore withdraw my vote. He would vote "nay" and I should vote "yea."

The PRESIDENT *pro tempore*. The Chair will inform Senators that so many are paired that less than a quorum have voted, although more than a quorum are present in the Chamber.

Mr. MILLER. I suggest to the Chair that the announcement of the result be delayed for a few moments, and that the Sergeant-at-Arms go into the committee-rooms and ask Senators who are there to come in and vote.

The PRESIDENT *pro tempore*. More than a quorum are present in the Senate Chamber, but many Senators present are paired.

Mr. MCPHERSON. I do not suppose anybody desires a roll-call on this subject. The negation is sufficiently strong on the side of those opposed to the amendment.

The PRESIDENT *pro tempore*. The call for the yeas and nays may be withdrawn by unanimous consent.

Mr. HARRIS. I ask unanimous consent that the call be withdrawn.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks the unanimous consent of the Senate that the call for the yeas and nays be withdrawn. There being no objection, the call is withdrawn, and the amendment is rejected.

Mr. MCPHERSON. I will offer one amendment to which I think the committee will agree. If I thought the committee would not agree to the amendment I should not delay the bill. Looking at the fourth section it reads as follows:

That the plan and location of said bridge, &c.

I desire to offer an amendment to that section by inserting after the words "and location" the words "height and span;" so as to read:

That the plan and location, height and span of said bridge, with a detailed map of the sound at the proposed site, &c.

And at the end of line 3, in the same section, after the words "shall be," I move to add the words:

First recommended by a board of engineer officers of the United States Army, not less than five in number, whose recommendation shall be—

Providing that their recommendation shall be submitted to the Secretary of War. Instead of leaving it, as you do now, to Major Gillespie to report, the amendment provides for a board of engineers, not less than five in number, who must examine into the location and the height and span. I suppose the committee will not object to the amendment.

Mr. MILLER. I think I shall have to object to the amendment. I do not feel authorized to speak for the committee, but I introduced the bill. This matter has been under consideration by the Corps of Engineers for two years——

Mr. GORMAN. I hope the Senator from New York will withdraw his objection. This will only delay the matter for a short time, and really I think there is no objection to the amendment.

Mr. MILLER. Perhaps I do not understand it fully.

Several SENATORS. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be stated.

Mr. MCPHERSON. Let me explain to the Senate that the amendment proposes to do exactly what was done in regard to bridging the Detroit River and other streams. Instead of taking the opinion of a single engineer officer, I propose a board of engineers. They may meet within a week for that matter. They are to be appointed by the Secretary of War, to determine the question as to the plan and location of the bridge and the height and span of the bridge, taking into consideration the commerce, and to make a recommendation to the Secretary of War who shall approve the same before action is begun.

Mr. BUTLER. There is no objection to that.

Mr. MILLER. This is a very sudden movement, and it is not very fully understood; but if the Senator from Maryland thinks it is all right I do not know that I shall object. As the amendment is explained it entirely does away with the provision for the bridge being 32 feet above water; it entirely does away with the proposition of a draw of 200 feet in the clear on either side, and puts the whole thing absolutely, without any provision of Congress whatever as to the bridge, either as to the length of span or the height or length of the draw, not only out of the hands of Congress, but commits it to a board of Army engineers. That is all there is of it.

Mr. MCPHERSON. If the board decide that the bridge shall be higher than 32 feet, and that should be the opinion of the board taking into consideration the commerce, I do not suppose the Senator from New York would complain, when the bill says it shall not be less than 32 feet.

Mr. MILLER. The Senate has never yet undertaken, in authorizing the building of a bridge, after having made provision in regard to the limitation of the width of span and height, &c., then to turn around in an addendum to the bill and say that the whole thing shall be referred to a board of engineers, who shall have absolute control of the plans and propositions connected with it.

Mr. MCMILLAN. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 4, line 1, after the words "and location," insert the words "height and span;" and at the end of line 3, after the words "shall be," add the words "first recommended by a board of engineer officers of the United States Army, not less than five in number, whose recommendation shall be"—

So as to read:

That the plan and location, height and span of said bridge, with a detailed map of the sound at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be first recommended by a board of engineer officers of the United States Army, not less than five in number, whose recommendation shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built.

Mr. DOLPH. I suggest to the Senator from New Jersey that he had probably better say "to be appointed by the Secretary of War" than to be submitted to him.

Mr. MCPHERSON. There will be no objection to that modification.

Mr. BUTLER. Pending that, I move that the Senate adjourn. ["Let us vote!"]

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate adjourn.

Mr. GORMAN and Mr. MCPHERSON. Let us finish the bill.

Mr. BUTLER. If we can vote I will withdraw the motion. ["Vote!" "Vote!"] I withdraw the motion for the present, and give notice that I shall renew it pretty quickly unless a vote is reached.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCMILLAN. If this amendment is adopted it seems to me, with the very brief examination I have been able to give it, that it is entirely inconsistent and in conflict with the second section of the bill. There is no express repeal of the section, but it leaves the bill in a shape in which it seems to me it can not be executed. I have not charge of the bill, and therefore will say nothing further.

Mr. MILLER. I must protest against the adoption of this amendment. We have provided in the bill for a certain kind of a bridge. We have specified that it shall be a pivot draw of not less than 200 feet in the clear on each side, that the bridge shall be built not less than 32 feet above low water, and that so far as the location is concerned and the rest of the plans of the bridge all shall be submitted to the Secretary of War for his approval before anything can be done.

Now there is a proposition made to put the whole thing in the hands of the Secretary of War, he to be guided by a board of Army engineers consisting of five, who shall decide upon the location, upon the length of span, upon the height of bridge, and upon every particular pertaining to it before anything can be done.

As the chairman of the Committee on Commerce [Mr. MCMILLAN] has suggested, this amendment is in absolute conflict with the second section and in fact with nearly all that precedes it in the bill. It is simply a part of the attempts which have been made to amend this bill and to destroy it, first, by authorizing the building of a tunnel and then by compelling the bridge to be 70 feet above high water. Failing in that, it is now proposed to entirely destroy the bill and simply pass a bill, if it amounts to anything, which says that a bridge may be built at some point across the Arthur Kill, of such dimensions, of such height above the water, and of such width of spans as the Secretary of War, guided by five Army engineers, may decide.

It was only a few moments ago when the opposers of this bill were arguing here that it was not safe to leave even the discretion which we had put into the bill with the Secretary of War and the Army engineers. The Senator from Kansas [Mr. PLUMB] argued strenuously against giving the Secretary of War even that discretion, and urged that we should absolutely locate it at some particular point on the stream, and that we should provide carefully in every particular. Now it is proposed to take out all the provisions guarding the bill and put it absolutely into the hands of the Secretary of War guided by a board of Army engineers. I protest that that kind of legislation has never been proposed in this body and has never been carried.

Mr. BUTLER. I move to lay the amendment on the table.

The motion to lay the amendment on the table was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, numbered 1 and 2; that it had disagreed to the amendments of the Senate numbered 3, 4, and 6, and that it had agreed to the amendment of the Senate numbered 5 with an amendment, in which it requested the concurrence of the Senate.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business.

The CHIEF CLERK. "A bill (S. 714) to establish a uniform system of bankruptcy throughout the United States."

Mr. HOAR. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 21, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 20, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CARPENTERS, NAVY DEPARTMENT.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for pay of carpenters at the Navy Department; which was referred to the Committee on Appropriations, and ordered to be printed.

PANAMA CANAL—PROGRESS IN 1885.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a special intelligence report by Lieutenant Kimball and Naval Cadet Capp, United States Navy, upon the progress of the Panama Canal during the year 1885; which was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ROGERS, indefinitely, on account of important business.

To Mr. KELLEY, on Friday and Saturday next, to enable him to visit Lynchburg and Roanoke, Va.

CORRECTION OF A BILL.

On motion of Mr. STORM, unanimous consent was given for the reprinting of the bill (H. R. 8746) to allot lands of the Seneca Indians in New York with the following correction, being the insertion of words omitted by mistake: On page 5, section 8, line 6, after the word "Indians," insert the words "and said commissioners shall;" also, on page 6, section 9, line 2, after the word "them," insert the words "or made by Indians."

ORDER OF BUSINESS.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that Senate bill 91 be taken from the House Calendar and considered at this time. It is an act to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railroad Company, and for other purposes."

The SPEAKER. The Clerk will report the bill, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill just read?

Mr. LA FOLLETTE. I object.

Mr. BEACH. Mr. Speaker, I do not make objection to the consideration of the bill. I understand that this is in the nature of a private bill.

The SPEAKER. The Chair will state that there is considerable doubt about such bills, as to whether they properly go to the House Calendar or to the Private Calendar. The Chair understands that this is a bill giving the consent of the United States to a private corporation obtaining the right of way through certain Indian lands.

Mr. BEACH. Mr. Speaker, I do not object, but I desire to make some remarks on the bill if it is to be considered at this time.

Mr. BRUMM. Mr. Speaker, I desire to inquire of the gentleman from Texas [Mr. CULBERSON] whether this is an act granting a right of way, or simply an act extending the time for the building of the road?

Mr. CULBERSON. Extending the time. That is all.

The SPEAKER. The Chair was misinformed as to the character of the bill.

Mr. BRUMM. Is there any land grant that will be affected by reason of this extension of time?

Mr. CULBERSON. None at all, sir. The reason why the extension is needed is that under the original act the Secretary of War was required to designate the point at which this company should cross the Arkansas River with its bridge, and he failed to make the designation in time to permit the completion of the road within the time prescribed by the original act.

Mr. BRUMM. The bill, I believe, is unanimously reported by the committee.

Mr. CULBERSON. Yes, sir; there is a unanimous report of the committees, both in the House and in the Senate.

Mr. HOLMAN. How long does it extend the time?

Mr. CULBERSON. One year.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. LA FOLLETTE. I object.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported a bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and moved that it be referred to the Committee of the Whole House on the state of the Union.

Mr. MORRISON. Mr. Speaker, I reserve all points of order on that bill.

The bill was referred to the Committee of the Whole on the state of the Union.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker——

Mr. REED, of Maine. Regular order.

Mr. BLOUNT. I ask the gentleman from Maine to withdraw his demand for the regular order long enough for me to make a request for unanimous consent to dispense with the morning hour.

Mr. REED assented.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent that the morning hour be dispensed with.

There was no objection, and it was so ordered.

MACKEREL FISHING.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I move to take up House bill No. 5538, which was made the special order for the 18th of May, but was, I believe, on motion of the chairman of the Committee on the Post-Office and Post-Roads, postponed until to-day.

Mr. BLOUNT. I understand that that bill will not occupy more than an hour.

Mr. BRECKINRIDGE, of Arkansas. I think not.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

The SPEAKER. Is the reading of the bill demanded?

Mr. REED, of Maine. I think the bill should be read.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the period of five years from and after the passage of this act, no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year shall be imported into the United States.

SEC. 2. That section 4321 of the Revised Statutes is amended, for the period of five years aforesaid, so as to read before the last sentence as follows: "This license does not grant the right to fish for mackerel, other than for what is known as Spanish mackerel, between the 1st day of March and the 1st day of June, inclusive, of this year." Or, in lieu of the foregoing there shall be inserted so much of said period of time as may remain unexpired under this act.

SEC. 3. That the penalty for the violation or attempted violation of this act shall be forfeiture of license on the part of the vessel engaged in said violation, if a vessel of this country, and the forfeiture to the United States, according to law, of the mackerel imported or landed, or sought to be imported or landed.

SEC. 4. That nothing in this act shall be construed to conflict with existing treaties.

SEC. 5. That all laws in conflict with this law are hereby repealed.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, this bill has been presented by the Committee on Ways and Means in response to numerous petitions referred to the committee, as well as urgent representations by gentlemen of the House who are well informed on this subject. The object of the bill is to prevent mackerel fishing when the fish are first moving to our shores and for the most part are spawning. Gentlemen are familiar with legislation of this kind relating to other species of fish, and the general nature of the measure will be apparent, perhaps, without much explanation from me.

It may be well to remark that the committee proposes two amendments, one of which arises from the lapse of time since the introduction of the bill. The bill as drawn proposes to embrace the present season as one during which mackerel caught in the early part of the season can not be landed. That period having substantially passed, the bill, of course, can only begin to operate with the coming year.

There is also one section, section 4, which has been inserted by mistake, and which at the proper time I will ask to have stricken out. That section provides—

That nothing in this act shall be construed to conflict with existing treaties.

Upon inquiry at the State Department we have learned that this provision is unnecessary verbiage.

Mr. Speaker, I would not consent to any extreme and permanent legislation upon a matter of this sort; but a conservative proposition like this, temporary in its duration, is, I think, only a reasonable response to the views and solicitations which have been presented to us. The bill can only operate for five years; and it will only preclude, so far as it may be effectual, the catching of mackerel during a period of three months of each year, mainly the spawning season, when, as is well known, so far as the salting of fish is concerned, they are ill-suited for that purpose.

There is considerable doubt among the authorities as to whether or not any appliances for catching fish that rove in the open sea can have an appreciable effect upon their quantity. I am less of opinion now than I was in the earlier stages of such investigation as I have been able to give to this matter that it is possible to practically exterminate open-

sea fish. But, as I before remarked, there is considerable difference of opinion on this subject, especially in view of modern appliances dealing with classes of fish that congregate closely in great schools and upon limited areas. By means of immense nets operated by steam fish are now taken, not as in olden times by hook and line, but as many as hundreds of barrels at a single haul.

But apart from that, a matter about which there is practically no dispute is the unwisdom of their being harassed in the early part of the year and during the spawning season by being pursued, as they sometimes are, by hundreds of vessels, plowing among them and dispersing them from our coast, driving them far out to sea, where it is difficult to get them, and of course much more expensive to dispose of them after they are caught. Especially is this realized in the warm season of the year—and the mackerel-fishing season proper is mainly from about the 1st of July to the 1st of November, running through the warm months of July and August—when the fish are taken at a point remote from shore, and when there must, of course, be more expensive arrangements made for preserving them until they can be properly handled.

Therefore, sir, the concurrent testimony being that, independent of the question of extinction, while the fish are coming into our shores and during this earlier portion of the season embracing at least a greater part of the spawning season, they should not be disturbed, and should not be harassed until fully upon our fishing grounds and fitted for consumption, I have come to the conclusion (without myself knowing by experience anything at all of this business, but after conferring with those who have experience and from reading the productions of those who are considered authorities upon the question) that the passage of a bill of this character is a reasonable and conservative step, and so far as food products are concerned will tend to cheapen the supply of food. I am all the more strengthened in my support of this measure because it seems to be in accord with the almost unanimous wish of the men who catch the fish and see the need of some regularity and system.

It may be well to remark that of the fleet we have engaged in this business, three hundred and fifty-eight vessels in 1885, carrying five thousand four hundred and twenty-five men, all but four of the vessels came from the States of Massachusetts and Maine. Of those four, one comes from Portsmouth, N. H., one from Connecticut, one from Pennsylvania, and one from New York. I believe the principal opposition will come from my distinguished friend from New York [Mr. HEWITT], who I suppose represents that single vessel.

Mr. REAGAN. Will my friend from Arkansas be kind enough to state (because I have not examined the bill) in what waters the bill proposes to control fishing?

Mr. BRECKINRIDGE, of Arkansas. We do not specify any waters in the bill. We can not do that. The bill seeks to prevent the landing of mackerel from the 1st of March to the 1st of June, wherever they may be caught, upon the theory that if people can not land and sell them they will not catch them.

Mr. REAGAN. What I wish to ask the gentleman from Arkansas in this connection is if there is anything in the bill that applies to the waters within the marine league of the shore on our State coasts.

Mr. BRECKINRIDGE, of Arkansas. There is nothing in the bill that affects the waters within the marine league, at least no thought of interference is entertained, nor is there anything that applies to the fish caught in the estuaries along our shores.

Mr. REAGAN. I asked the question because there was a bill referred to the Judiciary Committee for the purpose of extending to citizens of each State the rights granted to citizens of any other State to fish for floating fish——

Mr. COLLINS. They reported adversely on that bill.

Mr. BRECKINRIDGE, of Arkansas. This has no connection with that bill.

Mr. REAGAN. That is what I understand, that the Committee on the Judiciary reported adversely as to the authority to do that. How then can authority be assumed to do it here?

Mr. BRECKINRIDGE, of Arkansas. But we do not touch that question; this has reference to deep-sea fish. We do not say, or I do not wish to say, that citizens of the United States shall not catch fish within the jurisdiction of the State.

Mr. REAGAN. But if you disregard the principles that the waters within the marine league belong to the States, and if this bill applies to such waters, then you do restrict the rights of the citizens of the State.

Mr. REED, of Maine. We do not touch that question at all; this applies to the waters beyond the marine league.

Mr. BRECKINRIDGE, of Arkansas. This has reference, as the gentleman will observe, only to the fishing for mackerel, which do not run up the streams or come into the estuaries. They are an open-sea deep-water fish, perhaps do not come within the marine league, or least of all during the season here embraced, and hence the point that the gentleman from Texas raises is perhaps not touched by this bill. But I will be glad to see any proper features that may be lacking added by the House.

Mr. REAGAN. But the gentleman from Arkansas must remember that the marine league extends a good way out from the estuaries.

Mr. BRECKINRIDGE, of Arkansas. I am aware of that, but I am stating the fact that these, being what are termed open-sea fish, do not come into the estuaries like shad and herring, and perhaps are not caught to any appreciable extent even within the marine league. Other gentlemen here can speak to that point better than I can.

Mr. COLLINS. And they do not catch them with a hook and line any more.

Mr. LORE. Let me ask the gentleman from Arkansas whether the Fish Commission of the United States have favored this bill?

Mr. BRECKINRIDGE, of Arkansas. I will state in response to the gentleman from Delaware that the Fish Commission of the United States has not been asked specifically about the bill; though I have talked fully with the Commissioner and others of the service, and had some correspondence with them about the propositions involved; and I have here in my hand a very interesting letter from the specialist employed by Professor Baird to study and observe the habits, &c., of the mackerel. Captain Collins, a gentleman whom I am assured by Professor Baird is the best living authority on the subject, and his statements of facts strongly sustain this bill.

Mr. TUCKER. I would like to ask the gentleman from Arkansas another question. In reading this bill it seems to me it does apply to waters which belong for the purpose of fishing to the States as well as the waters beyond the marine league or domain of the States.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman point out the provision of the bill to which he referred?

Mr. TUCKER. The second section of the bill.

Mr. BRECKINRIDGE, of Arkansas. Well, that I shall be glad to hear further upon; but I can not understand now how you can make such a construction.

Mr. TUCKER. I am asking only for information, not pretending to criticise the bill. The second section of the bill provides:

That section 4321 of the Revised Statutes is amended, for the period of five years aforesaid, so as to read before the last sentence as follows: "This license does not grant the right to fish for mackerel, other than for what is known as Spanish mackerel, between the 1st day of March and the 1st day of June, inclusive, of this year."

Now, what is the nature of this license to which reference is made?

Mr. REED, of Maine. That is simply for the purpose of giving notice to the fishermen directly in their licenses.

Mr. TUCKER. Does this license which the Government allows under this bill apply to waters which belong exclusively to the States?

Mr. REED, of Maine. No, sir.

Mr. TUCKER. It applies then only to the ocean, or to waters beyond the marine league?

Mr. REED, of Maine. It applies only to such waters as the United States has the right to issue a license for.

Mr. REAGAN. It seems to me that this first provision of the bill is more indefinite than the other.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman point out——

Mr. BRAGG. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. There are a number of gentlemen here who are very anxious to hear what this private conversation is about.

The SPEAKER. The Chair has been endeavoring to secure order upon the floor, and gentlemen will facilitate the transaction of the public business by assisting the Chair in that respect.

Mr. REAGAN. By permission of the gentleman from Arkansas I want to call his attention to the reading of the first section:

That for the period of five years from and after the passage of this act, no mackerel, other than what is known as the Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

There is nothing in this that would indicate that the bringing in of mackerel caught within the territory of the States may not be covered by this act.

Mr. REED, of Maine. It is not intended to cover it, and has not that effect.

Mr. TUCKER. I do not think it will cover it, for I take it for granted that the section applies only to mackerel caught in waters beyond the boundary of the United States.

Mr. REAGAN. It does not say so.

Mr. TUCKER. Yes; it says "shall not be imported," and that implies that it is caught in foreign waters; and therefore I think the first section applies only to fish caught in foreign waters.

Mr. HEWITT. Fish caught by American vessels in the deep sea and brought into our ports would not be classed as an importation under our customs laws and regulations.

Mr. BRECKINRIDGE, of Arkansas. I will now surrender the floor, and yield one-half hour to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT. Mr. Speaker, I should like to understand the rule which governs the disposition of time in this discussion. I do not know whether this bill is open for general discussion without limit of debate, or whether it is limited by the hour rule for the call of committees.

The SPEAKER. Under the rule of the House a gentleman who obtains the floor in his own right has an hour, and the discussion continues until the previous question is ordered.

Mr. BRECKINRIDGE, of Arkansas. I desire to call the previous question at the close of one hour.

Mr. HEWITT. I decline to have time yielded to me. I wish to take the floor in my own right. This is a much more important subject than it might be inferred to be from the remarks of the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from New York can consume the half-hour which I yield him, and then take the floor in his own right.

The SPEAKER. The gentleman from Arkansas holds the floor.

Mr. HEWITT. I desire to have the floor in my own right.

Mr. REED, of Maine. I desire to say to the House and to the gentleman from New York, that while I am deeply interested and my constituency is also deeply interested in this bill, I have not the slightest desire to limit him or any one else in debate.

But we all have to be governed in dealing with matters before the House by the situation of affairs as we find them. We can not cut these debates out of whole cloth. We have got to do as we can; and we could only get this question fairly before the House upon an understanding that we should not interfere with other business. Now if the gentleman from Georgia [Mr. BLOUNT] has no objection to let the discussion go on, I do not care how much time is given. But under the circumstances, having only an hour, we desired to give the gentleman from New York one-half the time and take one-half ourselves, and then close up the discussion, having reference to the actual time there is for business before the House.

Mr. HEWITT. I do not propose to be dependent upon the grace of the gentleman from Maine [Mr. REED] when I defend the rights and interests of my constituents. If the House chooses to close debate in an hour, I must do the best I can. But this is a subject which can not be properly discussed in an hour; and for myself, I claim either that the subject shall go over or that we shall have time to deal with it intelligently.

Mr. REED, of Maine. If the gentleman from New York [Mr. HEWITT] does not desire to speak, I will make a few remarks and then call the previous question.

Mr. HEWITT. I want to be recognized in my own right; and I notified the gentleman from Georgia [Mr. BLOUNT], who understands it perfectly, that this discussion could not be ended in an hour. I do not think the subject can be properly discussed in an hour, and I wish ample time. If I were in condition to enter upon discussion to-day, as the gentleman from Maine knows I am not, I might in fifteen or twenty minutes state the case; but as it is, disabled by utter loss of sleep, I must take considerable time in reading authorities which otherwise I would state.

Mr. LORE. I wish to ask the gentleman from New York whether this is not a question of cheap food for a large portion of the people of this country?

Mr. HEWITT. It is certainly an important question.

Mr. REED, of Maine. If the gentleman from New York declines to take the time yielded to him I shall endeavor to state both sides of the question.

Mr. HEWITT. I simply ask the Chair to decide whether at any time in the course of this debate I will be able to take the floor?

The SPEAKER. The Chair can not state that, because the House may order the previous question. Unless the previous question is ordered, the gentleman from New York being a member of the committee and opposed to the bill, the Chair will recognize him.

Mr. HEWITT. I desire to be recognized now.

The SPEAKER. Does the gentleman from Arkansas [Mr. BRECKINRIDGE] yield the floor?

Mr. BRECKINRIDGE, of Arkansas. If I am permitted to resume the floor after the gentleman from New York has made his remarks I am willing to yield to him now.

Mr. BLOUNT. I ask the gentleman from Arkansas, was it not understood he would call the previous question at the expiration of one hour if I would not antagonize this proposition with the Post-Office appropriation bill?

Mr. BRECKINRIDGE, of Arkansas. There was no absolute agreement. I desire, however, to call the previous question at the expiration of one hour.

Mr. BLOUNT. I understood from the gentleman from Arkansas and from the gentleman from Maine that this matter would take only an hour.

Mr. BRECKINRIDGE, of Arkansas. I expressed an opinion as to what time it would take; that is all. I expressed a wish to call the previous question at the end of one hour, and I still have that wish strongly and I will enforce it if within my power, and if I can do so without rudeness to my friend from New York [Mr. HEWITT].

Mr. BLOUNT. As there seems to be a misunderstanding about this, I think the gentleman had better withdraw the bill for the present and take it up to-morrow.

Mr. REED, of Maine. Very well. Every proposition is at a disadvantage in this House, and deservedly so, which looks like crowding anybody. The gentleman from New York states he is not in physical condition to go on with the debate, and for my part I do not want to press him to do it. If unanimous consent can be given that we shall go on with this bill and finish it to-morrow, I shall consent to that arrangement with great pleasure.

Mr. BRECKINRIDGE, of Arkansas. I consent to that.

Mr. COBB. I feel compelled to object to that arrangement.

Mr. REED, of Maine. Then say next Saturday.

Mr. HAMMOND. In the absence of the chairman of the Select Committee on American Ship-building and Ship-owning Interests I beg to state that Saturday is specially assigned for the consideration of the bill as to free ships.

The SPEAKER. The Chair will state the request which has been made. The gentleman from Maine [Mr. REED] asks unanimous consent that this bill be considered to-morrow immediately after the reading of the Journal. Is that objected to?

Mr. COBB. I object.

The SPEAKER. The gentleman from Maine then asks unanimous consent that the bill be considered on Saturday.

Mr. COBB. I shall object to that also.

Mr. BRECKINRIDGE, of Arkansas. Is it in order to move to postpone the consideration of the bill?

The SPEAKER. That motion is in order.

Mr. BRECKINRIDGE, of Arkansas. Then I move that the consideration of the bill be postponed till to-morrow.

The question was taken on the motion of Mr. BRECKINRIDGE, of Arkansas; and there were—ayes 106, noes 22.

Mr. BUCHANAN. Mr. Speaker, as to-morrow is private bill day, I make the point that there is no quorum.

The SPEAKER. The point being made that there is no quorum, the Chair will designate the gentleman from Arkansas, Mr. BRECKINRIDGE, and the gentleman from New Jersey, Mr. BUCHANAN, to act as tellers.

Mr. DUNHAM. Mr. Speaker, I rise to a parliamentary inquiry. Does the result of this vote, if decided in the affirmative, set aside the Private Calendar to-morrow?

The SPEAKER. It does. If this bill is called up under a special order of the House naming to-morrow specifically, the Private Calendar will not be considered.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River;

A bill (H. R. 570) for the relief of E. P. Thompson; and

A bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. BUCHANAN (before the completion of the division). Mr. Speaker, inasmuch as it is evident that a large majority of those present do not desire to have the private bills acted upon which we have reported, I withdraw the point as to no quorum.

The SPEAKER. The point that no quorum has voted is withdrawn. The ayes have it, and the motion to postpone the further consideration of the pending bill until to-morrow is agreed to.

BUSINESS OF COMMITTEE ON BUBLIC BUILDINGS AND GROUNDS.

Mr. DIBBLE, by unanimous consent, reported from the Committee on Public Buildings and Grounds a resolution dated April 26, 1886, to fix a day for the consideration of business from the said committee; which was referred to the House Calendar, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the Senate amendments to the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Post-Office appropriation bill. General debate upon the bill was concluded at 5 o'clock yesterday. The Clerk will now read the first amendment.

The Clerk read as follows:

Page 1, at the end of line 16, insert:

"And the Postmaster-General is hereby authorized to rent a suitable building on Capitol Hill for use as a branch of the Washington city post-office, at a rate not exceeding $30 per month, until further action of Congress."

Mr. BLOUNT. Mr. Chairman, the propriety of this amendment may be briefly stated. Section 98 of the Postal Laws and Regulations (which is but a part of the Revised Statutes) is as follows:

That the Postmaster-General, when the public convenience requires it, may

establish within any post-office delivery one or more branch offices for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof.

The Postmaster-General is allowed a gross fund for rent, light, fuel, &c., and but for a provision in the deficiency bill passed in 1874, which prohibited a contract for the rent of any building in the city of Washington until an appropriation had been made therefor, there would be no occasion for this provision here. No special appropriation having been made for this purpose, the Postmaster-General is unable to make a contract for a building; and the committee have therefore deemed it best to recommend concurrence in this amendment. For further justification of the amendment I ask to have printed in this connection the opinions of the Postmaster-General and of the Attorney-General in reference to the construction of the law.

The amendment was concurred in.

The following are the opinions referred to by Mr. BLOUNT:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 12, 1886.

MY DEAR MR. CHAIRMAN: I hand you herewith a copy of the opinion of the Assistant Attorney-General in regard to the East Capitol station. This supplies the vague remembrance, which I could not give specific fixity to, of some statute which prohibited the renting of a building in the city of Washington except by special direction. It is in the deficiency bill of 1874.

The residue of the opinion is too clear for any question, as it seems to me. The opinion of the Attorney-General of the United States, furnished July 1, 1885, to which reference was made, was, if I mistake not, based upon a prior decision of the Court of Claims, and in consequence of that decision there was enacted by the Congress in the act of March 3, 1885, authority to rent post-offices and buildings for post-office uses in general. That stands, of course, qualified by the clause in the deficiency bill of 1874, quoted in the inclosed opinion.

Very respectfully,

WM. F. VILAS, *Postmaster-General.*

Hon. J. H. BLOUNT,
Chairman Committee on the Post-Office and Post-Roads.

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., December 11, 1885.

SIR: I have the honor to acknowledge receipt of your communication of date 10th instant, asking my opinion relative to the law in regard to the renting of buildings and rooms for the use of the Government in the District of Columbia.

You refer to me therewith the letter of Hon. WILLIAM P. FRYE, and of Hon. W. B. ALLISON, and Hon. JAMES B. BECK, giving their views of the state of the law as affecting the renting of a station for use as a branch post-office on East Capitol Hill.

The state of the law on which I gave an oral opinion some time since was, and still is, as follows:

The deficiency bill of 1874 enacts that "hereafter no contract shall be made for the rent of any building or part of any building in Washington, not now in use by the Government, to be used for the purposes of the Government until an appropriation therefor shall have been made in terms by Congress."

The act of July 5, 1884, making appropriations for the fiscal year ending June 30, 1885, reads:

* * * * * * *

"For rent, light, and fuel, $480,000. And the Postmaster-General is hereby authorized to rent a suitable building on Capitol Hill for use as a branch of the Washington city post-office, at a rate not exceeding $30 per month."

The act of March 3, 1885, did not re-enact this provision, and makes no appropriations in terms for the rent of such branch office.

It reads: "For rent, light, and fuel, $490,000. That the Postmaster-General may, in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly for a term not exceeding five years," &c.

The opinion of the Attorney-General furnished to this Department July 1, 1885, upon the authority of the Postmaster-General to lease buildings for post-offices, advised this Department that the Postmaster-General could not, prior to the act of March 3, 1885, lease a building for a post-office anywhere for a longer term than the appropriation provided for the payment of the rent.

The act of March 3, 1885, makes no provision in terms for a renting of the branch office on East Capitol Hill.

There is nothing in the act of 1884 authorizing this particular building to be rented for a longer period than the appropriation from which it was to be paid, and, under the rule of the Attorney-General's opinion, the act of 1884 must be held as authorizing the renting of that branch office only for the year covered by that appropriation.

I find nothing in the subsequent acts which will warrant me in the view that a renewal of the lease was authorized, or that it was intended to be covered by the general appropriation for rent, light, and fuel of the act of March 3, 1885. The opinion of the Attorney-General makes it quite clear that the act of 1884 did not authorize a continuing contract. The act of 1874, above quoted, seems to my mind to preclude the Postmaster-General from incurring this expense in the absence of an appropriation in terms therefor.

The general authority to lease post-offices of the several classes therein mentioned in the act of March 3, 1885, does not affect or modify the act of 1874 prohibiting the renting of buildings in this city. That prohibition is still in full force, and it seems clear to me that the only safe rule is to keep within its terms, much as I would like to see my way clear to advise otherwise in this case.

It is with no little diffidence that I adhere to these views in view of the fact that eminent and learned gentlemen differ with them. But I am led to think that the Senators formed their conclusions without having before them the act of 1874, and without having their attention called to the legal aspects of the case presented by Attorney-General Garland's opinion.

Very respectfully,

EDWIN E. BRYANT,
Assistant Attorney-General, Post-Office Department.

Hon. A. E. STEVENSON,
First Assistant Postmaster-General.

The Clerk read the next amendment, as follows:

Page 1, line 20, after the word "cents," insert "forty thousand dollars of which may be used in the discretion of the Postmaster-General for the establishment under existing law of the free-delivery system in cities where it is not now established."

Mr. BLOUNT. Mr. Chairman, under the law the Postmaster-General may establish free-delivery offices wherever the gross receipts reach $20,000 or the population served thereby reaches 20,000. Appropriations have been provided for the service to the fullest extent allowed by law.

The Senate, however, inserted this provision, which does not extend the free-delivery system beyond the limit authorized by law at this time; and the only reason the Committee on the Post-Office and Post-Roads could see for its insertion was that it had been found in a previous bill, and out of abundance of caution has been inserted here. It amounts to nothing; it is mere surplusage; and we thought, in order to get the question out of the way of the conferees and out of the way of the House, we would recommend concurrence.

Mr. ADAMS, of Illinois. I would like to ask the gentleman whether the effect of that provision might not be that not more than $40,000 could be so used, and whether, in view of the circumstances of the cities that might take the free-delivery service under existing law, the $40,000 embraced in this proposition would not in all probability be applied to the extension of the free-delivery system to cities where it is not now in operation.

Mr. BLOUNT. This provision was in the last bill, and there was found no objection of that kind.

The question being taken on concurring in the amendment of the Senate, it was concurred in.

The next amendment of the Senate was read, as follows:

After the words in lines 46 and 47, "Inland transportation by steamboat routes, five hundred and seventy-five thousand dollars," insert the following:

"The Postmaster-General is authorized, after the due advertisement, to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than 200 miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service; said contracts to be made with and performed by American built and registered steamships."

Mr. WARNER, of Ohio. Mr. Chairman, although not able to be present continually, I have followed the debates on this question in the RECORD, and there remains perhaps little new or important to be said. The carrying of the mails in the United States, and between the United States and foreign countries, is, or ought to be, a business operation and nothing else. In the transmission of mail matter two methods are employed. In the one case, the Government advertises for bids and lets contracts to the lowest bidder for a specific service; that is, for carrying the mails to and from certain points—this and nothing more. If the contractor chooses to connect with that service the duties of a common carrier it is merely incidental; he may do so or not as he chooses. The other method is to employ the common carriers of the country to transport and distribute the mails, and by this method, to a large extent, the mails of the United States are transmitted and distributed. The first method, that of contracting for particular service, is known as the star-route service; the other is employed on all the railways of the country.

Common carriers are as much under obligation to perform service for the Government as for private parties. Lines of steamships upon the high seas are common carriers as much as railway lines. The oceans are covered with steamships and vessels of every sort plying between different countries as common carriers. The established steamship lines between Key West and Cuba are common carriers, as are those between New York and Brazil, or between San Francisco and China. The Government has the same right to employ these common carriers for the transmission of its mails that express companies or private parties have to employ them for the transmission of any matter which these common carriers are engaged in carrying.

It is upon this principle or by this method that we are carrying our mails across the ocean between the United States and foreign countries; and anything beyond fair compensation as common carriers to lines already established, for carrying the mail, is subsidy. And although gentlemen on the other side and others in favor of subsidies say this proposed increase is not intended as a subsidy but only fair compensation for carrying the mails, yet scarcely one has spoken three minutes without throwing off the disguise and conceding that the proposed appropriation is needed in order to maintain steamship lines and increase and extend our commerce with other countries, especially South American countries.

That constitutes a very different proposition from merely carrying the mails. For my part I desire to see the carrying of the mails not only throughout the United States, including coastwise steamers, but everywhere else entirely separated from the idea of maintaining commercial lines of transportation. It is true—I am bound to admit it—that in many cases, indeed generally, the Government in its contracts with coastwise and river steamers pays not for carrying the mails only but to maintain steamboat lines for travel and commercial purposes. That is what the Government really does, although it is all done under the guise of carrying the mails. This is a practice which I think should be discontinued. The Government should act upon business principles alone. The transmission of the mails should be with the Government a business operation solely. The Government should employ for this purpose all the agencies that commerce and trade provide for carrying the mails, and should employ them in precisely the same way as private parties employ them for purposes of transportation.

The Government does not ask railroad companies for bids and let the

carrying of mails to the lowest bidder. That would be impracticable even if it were desirable. But the Government employs them as common carriers and provides what is deemed reasonable compensation. The contract plan is no more applicable to steamboats or steamship lines than it is to railway lines, and I desire to say here that the Postmaster-General is entitled, I think, to no small degree of credit for having reduced and cut off excessive allowances to a number of steamboat lines engaged in the coastwise trade; but the reform will not be complete until the contract system as applied to steamboats is abandoned and they are treated as common carriers, entitled only to fair compensation, like the railways, for the services they perform for the Government in carrying its mails; for when you go beyond this there are no limits or bounds except the discretion of Congress in making appropriations. For instance, if it is proposed to pay more than sea and inland postage, which the law now provides, and which is much more than the Postal Union has agreed is fair compensation for carrying the mails on the high seas, these additional payments being made for the purpose of maintaining commercial lines, where are we to stop? Let us see. One party says the trade with South America is important. I agree to that; no doubt it is important.

[Here the hammer fell.]

Mr. DOCKERY obtained the floor and said: I yield my time to the gentleman from Ohio.

Mr. WARNER, of Ohio. I am obliged to the gentleman from Missouri. Mr. Chairman, suppose we undertake to establish and maintain lines of steamships for commercial purposes. Where will that principle lead us? We can go into the markets of South America with our products only when we can place them there as cheaply as any other country. We can go there with our manufactured products only when we can sell them as cheaply as any other country. In other words, when manufactured commodities can be bought as cheaply in this country as in England, then the buyers from South America will come here or we can go there with our goods, not otherwise.

I am obliged to admit the logic of things; and I say to my protection friends that we can not consistently with one hand by protective tariff laws make more costly, as we we do, the production of commodities in this country, and with the other hand try to cheapen them for foreign markets by offering bounties to steamship lines to carry them at reduced rates.

Why that is like pouring water into a sieve. It is wasting with one hand what we try to save with the other. There is no question about that; there is no escaping that conclusion.

Suppose, for instance, the price of commodities in Boston and New York was 20 per cent. higher than in England, and it cost 20 per cent. to transport them to the markets of South America. Suppose then we maintain lines of steamers to transport these commodities for nothing. Then we would be upon an equality when we got to Brazil. That would be in effect the same thing as taxing the whole people to pay 20 per cent. of the cost of producing these commodities, and then let them pay their own way to market. Now, it is quite apparent that the larger our trade carried on under these conditions the greater would be our loss.

But, Mr. Chairman, that would not be the case respecting things in the production of which we have a natural or acquired advantage in this country over other countries; but in that case we can go into other markets without subsidies. Trade and commerce will go there under such conditions without help.

There is, however, let me say, one condition in which perhaps it would be proper for any government to offer bounties or lend help in some form, and that would be where it was desirable to open new communications and establish commercial relations with countries promising new markets for what we can supply as cheaply as any other country, but which at the outset might be attended with loss which private interests would be loath to sustain. If in such a case there was a sufficient public interest to warrant public aid, I see no impropriety in extending such public aid for a limited time, provided also there was a reasonable certainty that when once well established such trade would be self-supporting and remunerative. On this principle the Government lent its aid to the construction of the Pacific Railroad. It might be the same in establishing or starting a steamship line, but let it be done under no disguises, but as a subsidy, intended to afford temporary aid to an enterprise that would be of national importance and in the end prove a benefit to the country generally.

But that is not this case at all. This is one where common carriers are already on the seas engaged in commercial operations. The Senate amendment would add no new common carriers and would add no new facilities for trade.

It is not claimed that any of these lines are about to be abandoned, or that there is any such necessity or importance as I have named, but merely that it would be such compensation as would enable the owners of these steamship lines to pay larger dividends or make larger profits, which otherwise perhaps they could not. But I say that to attempt to wrest trade from Great Britain and secure it to this country by subsidizing steamship lines in order to place us on an equal footing in foreign markets with our products must necessarily fail; for we can only maintain ourselves permanently in foreign markets with those things which we can produce more cheaply than other countries produce them. I am opposed, therefore, to the amendment of the Senate.

The CHAIRMAN. The time for debate has expired.

Mr. BLOUNT. I move to strike out the last word.

Now, Mr. Chairman, the object of this amendment was this: From Tampa to Key West is inland service, and can be provided for under existing laws, under what is known as the steamboat service. From Key West to Havana, Cuba, about 95 miles, is foreign service, and must be provided for under the Postal Union regulations, and can be paid only sea and inland postage.

The object was to unite the two in one contract; so the Postmaster-General, instead of making two contracts, need only make one. There was disagreement among certain gentlemen who are opposed to subsidies of any kind, some believing this was a concession. I did not so regard it. I do not think it would amount to a dollar one way or the other to the Government. I am authorized to say, in the opinion of the Postmaster-General, whether in or out, he will be amply provided to pay for such service as is desirable for the speediest and most frequent service.

The committee recommend non-concurrence in the amendment, and as I believe there is no struggle at this point I therefore ask for a vote.

The Senate amendment was disagreed to.

The fourth amendment of the Senate was read, as follows:

Strike out "$8,000" and insert "$88,000;" so it will read:
"Railway post-office car service, $1,888,000."

Mr. BLOUNT. Mr. Chairman, the smallest length of post-office car which the law allows is 40 feet. Under preceding administrations there was a rule allowing for less length of post-office car space. The present Postmaster-General and Attorney-General have held that rule is wrong, and the former has withdrawn the service below 40 feet. The service has been reduced $80,000 by reason of that opinion. The Senate passed a bill providing for less space of post-office car service and sent it to this House, which never yet has acted upon it. I suppose in the view of the possibility of the passage of such a measure the Senate inserted this increase of appropriation.

The present Postmaster-General is of the opinion that the money provided in the bill to which this is an addition is sufficient, and therefore the committee recommend non-concurrence. And I believe that is the unanimous opinion of the committee.

Mr. DIBBLE. Mr. Chairman, there is a proposition now before this House, as stated by the chairman of the Committee on the Post-Office and Post-Roads, to render more explicit the law in relation to payment for post-office car space. That law until within the last twelve months has been uniformly construed to embrace not only post-office cars, but apartments in cars, a proposition which is manifestly just, because, if a whole car 40 feet long is paid for at so much, certainly one-half of a car, say 20 feet in length, ought to be paid for at something like one-half the same sum per mile.

Such has been the construction of the Department until very recently, when all former rulings have been reversed, and a saving has been made of the paltry sum of $80,000 out of $1,888,000. Now there is a proposition before the House, which has passed the Senate, for the purpose of making the law so plain as to do justice to all classes of our roads carrying the mails, and, as stated, it involves only the expenditure of $80,000. Such a proposition, one so reasonable, it would seem is likely to commend itself to the judgment of the House and be enacted into a law. If it does not become a law, and the Postmaster-General adheres to his present position, there will be only a surplus of $80,000. If it becomes a law, and this amendment is not concurred in, there will be a deficiency of $80,000.

I therefore think, and would submit to the committee, Mr. Chairman, that instead of recommending non-concurrence, this Committee on the Post-Office and Post-Roads should recommend concurrence in the Senate amendment.

Mr. BLOUNT. Mr. Chairman, I have hoped and still hope that we shall have but little controversy at this point. I think it but fair, however, to the Post-Office Department to correct a statement of the gentleman from South Carolina, who has said that it will require only $80,000 to provide postal cars where necessary; I mean to say where the measurement is less than 40 feet.

The gentleman was misled into making this statement doubtless in this way: There are very few roads where the car service was less than 40 feet. Such cases have been exceptional. If provision was made for roads in similar condition to those which had this service, it would cost the Government more than $1,000,000; so that instead of being a deficiency of $80,000 it amounts to $1,000,000.

Mr. DIBBLE. I would ask the gentleman from Georgia if this bill as it came to the House makes a difference or commits the Government to more than $80,000? I am talking now exclusively of the bill.

Mr. BLOUNT. This bill does not commit the Government to anything at all, for if you pass the $80,000 the Postmaster-General can not use it; and that would be the answer to the gentleman's proposition.

But I would like to know if it did, upon what principle the House

could agree to have the facilities extended to a dozen roads in this country, and say to all the balance of the country you can not get similar privileges. Let us, if we are to make any change at all, do it by general legislative provisions based upon experience.

One other word. The gentleman has stated that it has been the uniform ruling of the Post-Office Department, prior to the present administration, that less than cars of 40 feet might be allowed. I wish to say in response to the suggestion that there never has been any opinion of any Postmaster-General in that respect.

Mr. DIBBLE. I would ask if that has not been the practice?

Mr. BLOUNT. Yes; and there are many practices that need correction, and this is one of them. I hope we shall continue the principle of legislation which has been inaugurated in this House, that wherever there is a violation of law, no matter by whom, we shall stay the hand of the violator. Sir, this practice has come up on an order sometimes of a Second Assistant Postmaster-General or a Superintendent of Railway Transportation without any knowledge on the part of the Postmaster-General or any Cabinet officer, so far as the policy is concerned; and I say that thorough search has been made for it without effect; and in the light of these facts it is not to be wondered at that gentlemen upon both sides of this House who have examined the statute concur in this as a proper provision of law. I say, then, it is no wonder we have not disagreed to it.

Mr. BINGHAM. Mr. Chairman, I do not suppose the chairman of the Committee on the Post-Office and Post-Roads in charge of this bill in his remarks just made either by direction or indirection meant to charge corruption on the past administration of the Post-Office Department.

Mr. BLOUNT. If the gentleman will allow me I will answer him. I was referring to the declaration on the part of the gentleman from South Carolina that the Department had sanctioned this practice.

Mr. BINGHAM. There is no question of that. The judgment of the present administration of the Post-Office Department in the construction of the law is simply the utterance of the Assistant Attorney-General of that Department. So far as the gentleman's proposition is concerned, it is a question of construction of the law. I do not think that it has been or can be charged as a corrupt practice on the part of the Department.

There is on the Calendar of this House, reported from the Senate, a bill giving the Postmaster-General authority to make contracts for cars of less than the number of feet as construed by the present administration of the Post-Office; and that will allow the usual sums to be appropriated for this purpose. I want to say with the chairman of the committee that I concur in the judgment of our committee in asking non-concurrence on the part of this House with the proposition contained in the bill as amended in the Senate.

The Committee on the Post-Office and Post Roads will have the first and second days of the coming month for the consideration of bills reported from that committee. I have no doubt that the very proposition contained in this amendment of $80,000 for these additional facilities on cars of less than 40 feet in length will be considered at that time. Should it pass, the House can then either consider the question of appropriation to carry out that law, or if this bill has not been agreed upon between the two Houses then the question can come there. I think the House will act wisely in following the recommendation of the committee in a non-concurrence of this amendment.

Mr. MILLIKEN. I understand the former ruling or practice of the Department has been simply this: that while the law provided that $25 should be paid for cars 40 feet long, in cases where cars of that dimension were not necessary they have paid for smaller cars pro rata; that if a car not more than 20 feet was necessary to carry the mails over the same roads, then the Department has paid $12.50. And it seems to me that that practice was a saving rather than an expense to the Government.

The present Postmaster-General, as has been stated by the chairman of the Committee on the Post-Office and Post-Roads, has ruled that there was no warrant in law for giving this pro rata, and has discontinued the payment. Now, as has been stated, there is a bill before this House to pay these companies up to the time they had notice of this decision by the Department; and there is also another bill which comes down from the Senate to give authority of law so that the present Postmaster-General shall see his way clear if he desires to do so to continue the old practice.

The gentleman from Georgia [Mr. BLOUNT] says that certain roads have had certain privileges in this way. I do not understand this is a privilege to railroad corporations. I understand it is a privilege to the people to have their mails carried, and it is a privilege to the Government if they can have them carried in a car 20 feet long at $12.50 to do so, rather than have them carried in a car 40 feet long at $25.

Mr. DIBBLE. I feel very much assured at what has been said in the way of promise of the early consideration of the measure proposed to make clear a section of the Revised Statutes which is not now absolutely explicit. But in the judgment of a good many who have been accustomed to construe laws this section is now considerad as being ample for furnishing the authority to contract for less than 40 feet, because the expression is, "at a rate not exceeding $25 per mile per annum for cars 40 feet in length;" thus fixing the rate. And under that hitherto it has been the practice to adopt that rate, and to give pro rata for cars under 40 feet in length.

A different construction has been adopted by the present administration. Either construction might well be adopted, and it is well to have an act to settle the matter beyond a peradventure—an act whose equity and reasonableness will commend it to this House. As that act will come before this House in a separate measure I have no desire to press my motion for concurrence.

Mr. BLOUNT. With the view of showing the opinion of the Department with reference to this matter I shall ask leave to print the opinions of the Second Assistant Postmaster-General and the Assistant Attorney-General. These gentlemen claim that there is a question of construction. I wish to say that when the bill was passed the Senate had a limitation of 40-foot cars; the House reduced it below that; the Senate rejected the amendment of the House and the bill finally passed in this form.

The opinions referred to by Mr. BLOUNT are as follows:

[Letter of Second Assistant Postmaster-General to the Postmaster-General.]

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., December 21, 1885.

SIR: In compliance with your request for information as to the amounts heretofore allowed for railway post-office cars, or apartments less than 40 feet, I beg to submit the accompanying tabular statement, prepared from records in the railway adjustment division, which exhibits in detail the amounts paid certain railroad companies for such apartment cars since the passage of the act of 1873 fixing the compensation of railroads for the transportation of the mails, and up to the date such payments were discontinued.

The preparation of this statement has been attended with considerable difficulty and many careful and tedious calculations. It was necessary, in the first place, to examine the weight returns of the various weighings on almost all of the sixteen hundred railroad routes in operation, in order to ascertain definitely on what routes allowances had at any time been made during this long period for post-office cars less than 40 feet in length. This done, and the routes upon which such allowances had been made separated from the files, it became necessary in each case to compare the several weight returns with the orders making the allowances, and by calculations apportion the proper sums for weight and for regular railway post-offices, and for apartments less than 40 feet, in the manner shown in the tabular statement.

Prior to the 1st of July, 1879, there was no separate appropriation for railway post-office cars, as at present, the cost for that branch of the service being included with the cost for transportation. The act making the appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1880, made the first separate appropriation for railway post-office cars, and required that thereafter separate estimates be made for transportation and for railway post-office cars. Orders for payments to railroad companies were, prior to the above date, at the rate of so much per annum, without specifying what part was for postal cars and what part for weight of mails. While it is believed that the amount set down in the statement as expended for the several items, before the accounts were kept separate, are correct, it is proper to state that they are the result of calculations arrived at by placing to the weight of mails and regular railway post-office cars what would be the legal allowances therefor, and counting the remainder of the expenditure as for apartments less than 40 feet. The railroad route-books were for a long time kept by the different corresponding clerks in charge of star routes, and it is probably owing to this fact that a want of uniformity is often manifest in the wording of the orders and in the manner of stating the allowances.

It is worthy of notice that the allowances for apartments were much more common some years ago than in more recent years, and that the practice began immediately after the act of 1873 went into effect. The preparation of the statement has disclosed that, in many cases, the 10 per cent. reduction authorized by the act of 1876 was applied to allowances for apartments, the practice not being uniform in this respect, while it has always been held that the reduction does not apply to allowances for regular railway post-office cars.

No uniform rate per mile for apartments seems to have been observed. In some cases the rate was $10 per mile without regard to the length of the apartments; in others, 62½ cents per foot was allowed, the rate per foot for a 40-foot car at $25 per mile. When the apartments were run on a line in connection with full regular railway post-office cars, they were known as "adjuncts," and were paid for at the rate per foot of the regular cars. For example, if the apartment was run as an "adjunct" to a 40-foot car, the rate allowed for the apartment would be 62½ cents per foot; if run in connection with a 45-foot car, 66⅔ cents per foot; and 80 cents per foot if run in connection with a 50-foot car, and so on.

From the best evidence attainable it seems to have been an understanding in the Department that allowances could be made for apartments less than 40 feet where there was a second daily line, and this interpretation seems to have commenced with the inauguration of the present method of fixing the compensation of railroads. In the great majority of cases where such allowances were made there were two daily lines of apartments, though there are some instances of such allowances where there was only a single daily line. It appears that the Department experienced, in many cases, considerable difficulty in inducing the railroad companies to provide equipment for a second daily line of apartment cars unless extra allowance was granted. No difference could be made on account of pay for weight, whether the same was carried on a single daily line or two or more daily lines. Thus, a road carrying 3,000 pounds per day, and making one trip per day, and furnishing one line of apartments would receive as much pay as a road carrying the same weight, but making two trips per day and incurring the expense of equipping and maintaining two lines of apartment cars. The practice seems to have grown up in this way, and has of late years been confined almost exclusively to the Eastern States, on lines where there is a frequent service and many post-offices requiring a greater proportion of space for distribution as compared with the weight of mails carried.

One column in the statement shows what officer signed the formal order making the allowances; but in some cases it is known that pay for apartments was agreed upon by the division superintendents of the railway mail service, who made the necessary arrangements without previous specific authority from the Department, and afterward reported their action, when a formal order in conformity therewith was passed. It was generally customary, when it was deemed advisable to establish a line of railway post-office cars for which pay was to be allowed, for the Second Assistant to authorize the General Superintendent of the Railway Mail Service by letter to take the necessary steps to that end, and no formal order was made until the line was put in operation and reported to the Department. By my direction the practice has recently been changed. Now, the first step in establishing a line of railway post-office cars is to pass a formal order authorizing such establishment, leaving the date of the commencement of the service and pay to be determined by a subsequent order.

This order states the exact length, inside measurement, of the cars authorized, and goes upon the appropriate route-book. Notification is then sent to the General Superintendent that such a line of cars has been authorized, and requesting him to take the necessary steps to put the line into operation and report the date of the commencement of the service. When this report is received, giving the date, another order is made fixing the pay, which also goes upon the route-books. Thus a clear history of the establishment of each line is placed upon the records of this Department, which will leave no doubt in the future as to what was authorized and by whose authority.

It will be seen from the statement that the aggregate amount paid for apartments from July 1, 1873, to June 30, 1885, is $979,959.67.

Payments for apartments have recently been discontinued, amounting to $80,161.73 per annum.

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

Hon. WILLIAM F. VILAS,
Postmaster-General.

[Copy of opinion of Assistant Attorney-General.]

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., November 25, 1885.

SIR: I have the honor to inform you that I have considered the question of "apartment service," so called, upon which you request my opinion, and to advise you of my views thereon.

Sections 4002, 4003, 4004, 4005 of the Revised Statutes read as follows:

"SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned.

"First. That the mails shall be conveyed with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture, in a car or apartment, properly lighted and warmed, shall be provided for route-agents to accompany and distribute the mails.

"Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200, and $25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct." (P. L. and R., sec. 629.)

"SEC. 4003. In case any railroad company now furnishing railway post-office cars shall refuse to provide such cars, such company shall not be entitled to any increase of compensation under the provisions of the next section." (P. L. and R., sec. 630.)

"SEC. 4004. Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding $25 per mile per annum for cars 40 feet in length, and $30 per mile per annum for 45-foot cars, and $40 per mile per annum for 50-foot cars, and $50 per mile per annum for 55 to 60 foot cars.

"*Provided*, That the Postmaster-General may use such portion of the postal car service appropriation as may be spared from it to supply any deficiency that may arise from insufficient appropriations in the item for railway transportation." (Act of March 3, 1879, sec. 1, 20 Stat., page 357; P. L. and R., sec. 631.)

"SEC. 4005. All cars or parts of cars used for the railway mail service shall be of such a style, length, and character, and furnished in such manner, as shall be required by the Postmaster-General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad companies." (Act of March 3, 1879, sec. 4, 20 Stat. L., p. 358; P. L. and R., sec. 632.)

The question you desired to be advised upon is this: Can a railway company, under the above quoted statutes, lawfully be allowed any compensation for furnishing an apartment in a car, instead of a railway post-office car devoted entirely to that use, in addition to the pay by weight provided for by section 4002; or is the company limited simply to the compensation by weight per mile when it furnishes not a full railway postal car, but simply an apartment in a car devoted in part to other uses?

I think the term "railway post-office car" used in the sections above quoted means a full "railway post-office car," devoted entirely to that use and 40 feet in length or upward, and that a company which furnishes merely an "apartment in a car" is entitled only to the pay by weight per mile specified in the second clause of section 4002 Revised Statutes.

Long before the act of March 3, 1879, the full railway post-office car was in use. The law recognized two kinds of post-office cars on railways, as it seems clear to me, namely, apartments in cars used in part for the carrying of the mails, such as are mentioned in section 4002, in part for express or baggage or for other uses, and the full railway post-office car.

The full railway postal car was put on as early as 1864. (See History of Railway Mail Service, page 154.)

It appears historically that the railway companies made some threats of refusing to furnish this kind of cars (see History of Railway Mail Service, page 183, also report of committee, page 50) about January, 1873, and as a result of their threats the act was passed on March 3, 1873, which is now R. S. 4004, and which provided that if any company which was then furnishing railway post-office cars should refuse to provide such cars, such company should not be entitled to any increase of compensation under the provisions of the next section (4004). This section (4004) is as follows: "Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding $25 per mile per annum for cars 40 feet in length, and $30 per mile per annum for 45-foot cars, and $40 per mile per annum for 50-foot cars, and $50 per mile per annum for 55 to 60 foot cars."

This authorizes additional payment for what? For 40, 45, 50, and 55 to 60 foot cars. The price in each case has a maximum limit. But this additional compensation is not pro rata as to cars less than 40 feet, nor to cars in which a part only of the car, and less than 40 feet, is made into an apartment for mail service.

All companies must furnish apartments properly lighted and warmed for route agents to accompany and distribute the mails, whether daily trips each way are made or not. The additional compensation is only allowable when the line comprises daily trips each way, and when railway postal cars, at least 40 feet in length, are furnished. Should cars or apartments less than 40 feet in length, or less trips than daily each way be made, no additional compensation can be made.

This view seems very clear to me in view of the fact that when this act was passed the Senate expressly refused to adopt a system of compensation that would give additional pay for apartments of parts of cars.

In the bill which passed the House in 1873, making appropriations for the Post-Office Department, was contained the following proviso:

"*Provided, further*, That additional pay may be allowed at a rate not exceeding $25 per mile per annum for every line of railway post-office cars of sufficient and suitable size, fixtures, and furniture, properly lighted and warmed, provided for railway post-office clerks to accompany and distribute the mails, and run once a day each way upon such trains as may be satisfactory to the Post-Office Department."

This proviso would have given them additional pay for a railway post-office in a car of suitable size for the service required on the line on which it was run. But this proviso was stricken out, and in lieu of it, the provisions were inserted which now constitute sections 4003, 4004, and 4005, Revised Statutes, above quoted.

Since that time the Department has, until recently, and then only in exceptional cases, as I am informed by the Superintendent of the Railway Mail Service, construed the law as allowing no additional payment for apartment service, even where the apartments were equipped for and used as a railway post-office. The railways of the country have very generally accepted such construction as being in accordance with the true intent of the law.

Thus the intent of Congress appears from the history of the legislation, as I think, from the action of Congress above referred to in rejecting the measure that would in terms have warranted the payment for "apartment service," and from contemporaneous construction, both by the Department and by the great mass of the railway companies, no less than by the subsequent action of Congress in making appropriations upon estimates that excluded from calculation the payment to railway companies for such "apartment service."

I think, in view of the terms of the act and the considerations above stated, that additional pay provided in section 4004 can not be allowed in cases where only apartments in cars less than 40 feet in length are furnished.

That subsequent legislation was framed on this construction of the statute is further evidenced by the proviso of the act of June 11, 1880, which reads: "Provided, that in case any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department, said company shall have its pay reduced 10 per cent. on the rates fixed in section 4002 of the Revised Statutes, as amended by the act of July 12, 1876," &c., * * * and as further amended by the act of June 17, 1878, &c. (21 Stat. L., 178.)

The appropriation for 1881-'82 was as follows: "For railway post-office car service, $1,426,000. And hereafter, when any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department, or shall fail or refuse to provide suitable safety heaters and safety lamps therefor, with such number of saws and axes to each car, for use in case of accident, as may be required by the Post-Office Department, said company shall have its pay reduced 10 per cent, on the rates fixed in section 4002 of the Revised Statutes, as amended," &c.

This legislation, and the fact that the appropriations for each year have been based upon estimates which exclude payment for "apartment" car service, leave no doubt that the understanding of Congress and the railway companies of the country generally is in accord with my construction of these statutes.

Very respectfully,

EDWIN E. BRYANT,
Assistant Attorney-General, Post-Office Department.

Hon. A. LEO. KNOTT,
Second Assistant Postmaster-General.

Letter of Second Assistant Postmaster-General, transmitting tabular statement, &c.

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 17, 1886.

SIR: In compliance with your request, I herewith send you the accompanying tabulated statement, showing in detail the sums of money paid to the various railroads for apartment-car service from July 1, 1873, to December 15, 1885, and which pay, as I have already informed you, was by a recent decision of the Assistant Attorney-General for the Post-Office Department held to be not warranted by law, which opinion was subsequently submitted to the Attorney-General of the United States and orally approved of by him. The table also exhibits in detail the number of routes, the termini, locality, and the amount and character of the service so performed, and the length of the cars so paid for.

I also transmit herewith a copy of my letter of the 21st of December, 1885, to the Postmaster-General, explanatory of the matter [Exhibit F], and a copy of the opinion of Hon. Edwin E. Bryant, Assistant Attorney-General, above referred to. [Exhibit G.]

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

Hon. JAMES H. BLOUNT,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

The question being taken on the amendment of the Senate, it was not concurred in.

The Clerk read the fifth amendment of the Senate, as follows:

On page 4, line 68, strike out "$251,725.82" and insert "$291,000;" so that it will read:

"Necessary and special facilities on trunk lines, $291,000."

Mr. BLOUNT. Mr. Chairman, for several years there has been an appropriation for special facilities, which has been always understood to be for the purpose of increasing the speed of mails along the Atlantic coast. It has been especially beneficial to merchants in Boston and New York in giving quicker and more frequent trips to Havana. It has also been of advantage to the Southern section of the country in two ways: Without it the mails would have to go to New York and then to Cuba; with it they would go direct to Tampa and to Cuba. In addition to that, along in that section of country the local mails were distributed more rapidly. Whether this system was wise or not it has been adopted for many years, and has been agreed to in effect by the two Houses at this session by the appropriation for special facilities herein contained. It appears that the Senate thought, and I have no doubt correctly thought, that a quicker trip could be given by means of a special fund for some point between Jacksonville and the western coast of Florida. They have estimated it at $40,000. It is evident that the estimate must be conjectural. The Department do not think that more than one-half this sum will be needed; but being unable until the effort is made to contract to determine what it may be, they said if it only took half that sum the remainder could be left in the Treasury, as it could not be appropriated to any other purpose. With that understanding the committee have unanimously recommended concurrence in this amendment.

The CHAIRMAN. The question is concurrence in the Senate amendment.

Mr. BLOUNT. I beg pardon of the Chair. The committee have instructed me to recommend this addition to the amendment: "To be expended in the discretion of the Postmaster-General."

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Georgia.

The Clerk read as follows:

After the word "dollars," in the Senate amendment, insert "to be expended in the discretion of the Postmaster-General."

Mr. BLOUNT. Mr. Chairman, I wish to say this to the House in all frankness, there is no concealment on the part of the Department about this matter; there is no purpose in the proposition except this: The debates in the Senate looked to one line of railroad. Now there are three lines from Jacksonville to the west coast of Florida, and the idea is simply to make it quite clear that the Postmaster-General may use this appropriation on any one of those three lines. That is the sole object of the amendment, and if any gentleman is apprehensive of anything about it I shall ask to withdraw the amendment.

Mr. DIBBLE. Mr. Chairman, I will ask the chairman of the committee to withdraw the amendment, for this reason: There is nothing in the section now which designates any particular line. The whole appropriation is "for necessary and special facilities on trunk lines."

The Postmaster-General has discretion now as to what line he shall employ it on. But if these words are added it will put the expenditure of the whole appropriation in the discretion of the Postmaster-General. It is equivalent to saying "for necessary and special facilities on trunk lines, provided the Postmaster-General deems them necessary and proper." That is throwing the entire responsibility upon the Postmaster-General instead of the House assuming its own proper responsibility. For these reasons I ask the chairman to withdraw the amendment.

Mr. BLOUNT. Mr. Chairman, I find some objection to the withdrawal of the amendment; and as it is unanimously reported from the committee and as what I have stated with reference to the use of the fund is by authority, I move that the amendment be concurred in.

The question was taken; and the amendment to the Senate amendment was agreed to—ayes 92, noes 5.

The Senate amendment as amended was then concurred in.

The Clerk read the next Senate amendment, as follows:

(6) For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than three years nor more than five years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points, in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth. And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

The Postmaster-General, if in his judgment it be practicable, shall contract for a semi-monthly mail service between the ports of New York and New Orleans, alternately, and the port of Rio de Janeiro, under the provisions of this act.

Mr. BLOUNT. Mr. Chairman, I suppose it would be superfluous for me to say anything in the way of argument at this time in reference to this amendment. The committee is divided upon the question, but the majority of the committee recommend non-concurrence. My object at present is to move that the committee rise to limit debate upon this section and all amendments thereto.

Mr. BURROWS. Mr. Chairman, I hope the gentleman will allow the debate to go on for a little while. I do not think it will occupy much time.

Mr. BLOUNT. I am willing to be very liberal about it.

The CHAIRMAN. The Chair will remind the gentleman from Georgia [Mr. BLOUNT] that there has been no debate on this proposition under the five-minute rule.

Mr. BLOUNT. I thought I had just made a speech, Mr. Chairman; if not, I have got to make one. [Laughter.]

Mr. BURROWS. I think we can come to an understanding about it. How long are you willing that the debate shall continue?

Mr. BLOUNT. We shall have debate on other amendments, and I think that two hours is a reasonable time.

Mr. BURROWS. Say that the debate upon this provision and amendments shall close at 3 o'clock.

Mr. BLOUNT. I agree to that, Mr. Chairman, and I ask unanimous consent that that order be made.

There was no objection, and it was so ordered.

Mr. BURROWS. I suppose it is understood that the time will be divided equally?

Mr. BLOUNT. I so understand it, unless some gentleman objects.

Mr. BURROWS. Mr. Chairman, I suggest that some one be designated to have charge of the time on the other side of the House and some one on this side.

The CHAIRMAN. Unless it is objected to, the Chair will recognize the gentleman from Georgia, Mr. BLOUNT, as having control of the time on one side and the gentleman from Michigan, Mr. BURROWS, on the other.

Several MEMBERS. "No!" "No!"

Mr. RYAN. Mr. Chairman, I supposed that this debate was to proceed under the five-minute rule.

The CHAIRMAN. It is.

Mr. RYAN. Then, Mr. Chairman, if that be so, it seems to me that the proper way is for the Chair to recognize each side alternately.

The CHAIRMAN. The Chair would have taken that course but for the request which came from that side of the House, that there should be a division of the time agreed upon and that certain gentlemen should control the time on either side.

Mr. BLOUNT. Mr. Chairman, I desire to say that it is a very difficult task which the Chair is putting upon me, and I trust I shall be relieved from it and that the Chair will control the time.

Mr. BURROWS. I withdraw the suggestion.

Mr. BURROWS. Mr. Chairman, I move to concur in the amendment of the Senate with an amendment adding the proviso which I ask the Clerk to read.

The Clerk read as follows:

Provided, That not exceeding $400,000 of the amount herein appropriated shall be expended in payment of existing American steamship lines for the transportation of foreign mails according to the schedules heretofore in force; and that so much of the balance as may be required shall be expended in increasing the frequency of the postal service of such steamship lines and in the establishment of postal service by American built and registered steamships between the United States and such ports of the foreign countries herein named, not now connected with the United States by American steamship lines, as the Postmaster-General may select, including Buenos Ayres and Montevideo.

Mr. BURROWS. Mr. Chairman, the argument upon this amendment of the Senate has proceeded upon the theory that $800,000 is to be distributed among the existing steamship lines carrying the foreign mails. The most cursory examination of this amendment will disclose that this theory is clearly and positively without foundation. The Senate amendment proposes no such thing, but simply declares that the Postmaster-General shall have $800,000 at his disposal to provide for the transportation of the foreign mails instead of paying for such transportation the sea and inland postage as now provided by law. And how shall he use this $800,000? He shall advertise for bids for carrying this foreign mail, shall let the contract to the lowest responsible bidder, and shall make no contract at a rate exceeding 50 cents a mile. This $800,000 is placed at his disposal to be used for that purpose, just as you place sixteen and a half millions at his disposal for the transportation of the mails on railroads, five and a half millions for the star-route service, and half a million for the coastwise and inland steamboat service, to be expended upon contracts let to the lowest bidder. This is all there is of the proposition; and all this talk about paying the Pacific Mail Steamship Company $350,000, and the Brazilian line so many thousand dollars, and some other line so many thousand dollars, is indulged in simply to alarm the members of this House.

[Here the hammer fell.]

Mr. CANNON obtained the floor and said: I yield my time to the gentleman from Michigan.

Mr. BURROWS. But it is said that if upon a given route there are two lines and the Postmaster-General lets the contract to the line which puts in the lowest bid the other line will be driven from the service. That is not so; for there is another provision of the amendment which authorizes the Postmaster-General to expedite the service and to contract also with the other line sailing on another day.

It is also said that where there is but one line there will be no competition, and that one line will simply put in a bid at the rate of 50 cents a mile, so that we might as well estimate the entire cost of the service at that rate.

But gentlemen forget that the Postmaster-General has the right to decline all bids; and if after advertising for carrying the foreign mails upon American steamships he finds the bids are too high, he can refuse to accept any bid whatever. The last provision of this amendment is put in for the very purpose of meeting that condition of things.

Why, sir, in advertising for the star-route service the Postmaster-General reserves the right to reject all bids, and he does so frequently. So he may decline the bids of all these lines—the Pacific Mail, the Brazilian line, the Red D line, &c. And then, what?

And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

So he may decline to receive all bids; and then he has $800,000 at his disposal to be used in providing for the foreign mail service. There is nothing else in this provision.

Mr. BROWN, of Pennsylvania. There is not much of a "steal" in it after all.

Mr. BURROWS. That is all there is of it. We appropriate $900,000 for the messenger service, and the Postmaster-General distributes it for this service. We propose to appropriate in this bill $800,000 for the foreign service, and the Postmaster-General may use it in making contracts at a rate not exceeding 50 cents a mile.

One thing further. My amendment proposes that of this $800,000,

$400,000 shall be used for existing lines, and the other $400,000 in extending the service of existing lines and putting on new ones. As I showed the other day, we have no connection with any country in South America except Venezuela and the Empire of Brazil. With all the other countries of South America we have practically no communication. Under this amendment $400,000 can be used by the Postmaster-General in extending the service and establishing new lines. Under this authority see how readily the Postmaster-General can connect the ports on the Gulf of Mexico with Rio Janeiro and other South American ports. Under this provision the Postmaster-General may expend $400,000 in contracts with lines running from Mobile, from Galveston, from New Orleans, connecting with the Brazilian and Red D lines from South America, thus giving to the Gulf States a semi-monthly service to the great countries of South America.

Mr. CANNON. I notice by this provision in the bill the Postmaster-General "is authorized to make," &c. Now, in view of the previous action of the Postmaster-General under similar authority, is not this a vain contest, even if the House and the Senate should concur in adopting the provision?

Mr. BURROWS. I say to my friend distinctly that the question will be entirely within the discretion of the Postmaster-General; but it is hoped that if this House should concur in the amendment he will feel constrained by this expression of opinion to execute the law, and undoubtedly he would if both Houses should adopt this provision.

Mr. STRUBLE. Has he not already disregarded an act of Congress?

Mr. BURROWS. Certainly; but that was for certain reasons which I do not now care to discuss. This provision simply places at the disposal of the Postmaster-General $800,000, $400,000 of which may be used to extend the service or establish new lines; and he is authorized to let this service to the lowest responsible bidder or to reject all bids if he so desires, and to contract upon the best possible terms.

How gentlemen on this floor can possibly twist this provision into a subsidy I confess I can not understand. You might as well call the star-route service, for which we make appropriatiou of five and one-half millions of dollars, a subsidy. You might as well call the $900-000 you pay for carrying the mails from depots to the post-offices, the messenger service—you might as well call it a subsidy.

It simply gives this $800,000 to be used in the foreign service for carrying the mails by American steamships; and if my amendment be adopted, it restricts the Postmaster-General to $400,000 to the present lines and leaves $400,000 to extend lines along the Western coast of South America, putting on new lines to connect the ports of the Gulf States with a line going to South America and return.

[Here the hammer fell.]

Mr. McMILLIN. Mr. Chairman, I move to strike out the last sentence. Sir, this is a proposition to subsidize certain steamship lines by giving them $800,000 under the pretense that it is for carrying the mails to foreign countries. The amount really involved is about $4,000,000.

Now, Mr. Chairman, gentlemen who advocate the Senate's amendment have spent most of their time in trying to prove it is not a subsidy. Those who have looked dispassionately at the measure will, I think, agree with me in the opinion that that effort has been futile. No man who scrutinizes this amendment of the Senate can come to any other conclusion than that it is a subsidy in the boldest, broadest, and most unmitigated form.

It might properly be denominated an effort, a strenuous effort, to appropriate $800,000 of money and ultimately four millions without obtaining an additional mile of mail service, without reaching a single new port with our mails, and without placing a single new steamer afloat. The proposition is to pay $800,000 for a service we can get done as well for $60,000. The question for this House to determine is whether it is ready to enter upon such a gratuity.

In the last Congress this same job to the extent of $400,000 was attempted and rushed through in the closing hours of the session under an impression that if it were not granted its advocates would let the bill fail and force an extra session. But I am happy to say that although it passed the House, there was a Democratic administration in power that refused to squander the money in any such way. The masses of the people have heartily indorsed this action, and we will be unworthy the trust reposed in us by a confiding constituency if we fail to hold up their hands in the fight and proclaim that the action taken was right.

Mr. Chairman, I know not what others will do, but for one I will stay here till August, till Christmas, ay, till March, before this vicious amendment shall prevail and this dangerous subsidizing policy be adopted. Let us fight it out now and here.

The gentleman from New Jersey [Mr. PHELPS] spent much of his time yesterday in deprecating the action of the American Government and lauding that of Germany. I have sometimes wondered why those statesmen who are so well pleased with Germany, so delighted with its iron chancellor, and so contented with its measures of administration, so charmed with its system of government, could not take themselves, "bag and baggage," and get under its jurisdiction. The sooner we quit trying to imitate all that is vicious in European systems, against which our ancestors rebelled, against which they fought, and against which our victories were won, the sooner we will prosper as a nation, and the better we will perpetuate our liberties. [Applause.] I want no effete monarchy, no hereditary nobility, no system of subsidy, which makes the poor poorer and the rich richer as my model for a government.

The gentleman from New Jersey says that the principles of this bill applied to a line from Havre to New York would only receive $3,000, while the same trip under the German subsidy would receive $14,000. Suppose it is true. If true, it will only prove this, that the German Government will at last outsubsidize us and our subsidy will in the end do us no good. We can not compete with them in subsidies. A government that has planned a system giving thirty millions of subsidy can not be beaten by a government which hesitates to give $800,000. One gentleman said the English Government has given in subsidies to its shipping two hundred and forty millions in forty years. I accept this as true, and hold up the frightful figures to the people as a warning against the taxing robbery they may expect if we once begin this business.

The gentleman from New York [Mr. HISCOCK] has given the secret out by admitting that only $400,000 was demanded last year because it was thought only $400,000 could be obtained. He also intimates, I believe in so many words says, the reason why more than $800,000 was not demanded in this bill was not because it was enough, but because more could not be obtained. You are to be treated with small doses at first, the amount to be increased as you will bear it, like the skillful physician gives medicine that is poisonous.

Then, sir, when reduced to its last analogy, this is the entrance to a system which would work viciousness only.

My distinguished friend from Indiana [Mr. HOLMAN] read yesterday from the investigating proceedings which resulted from our last subsidy about the year 1872. He read telegrams or letters from parties managing that subsidy, putting in the hands of their paid lobbyists hundreds of thousands of dollars to engineer and buy it through Congress.

The CHAIRMAN. The gentleman's time has expired.

Mr. RICHARDSON. I will take the floor, and yield my time to my colleague.

Mr. McMILLIN. I thank my colleague for his kindness.

Mr. BURROWS. I hope the gentleman will direct his attention to the pending provision before he closes his remarks.

Mr. McMILLIN. I am doing it now. I have shown that the other subsidy to one of these lines ended in extravagance and a disgrace to the country. In the line of what the gentleman wants I will say this subsidy will result finally as the old one did, and if the lobby is not using money now the lobbies that succeed it will use money. I do not believe, in fact I know, that money can not be successfully used now, for fortunately this House of Representatives is not for sale.

Mr. BURROWS. It is no subsidy.

Mr. ADAMS, of New York. Did the gentleman from Tennessee vote for the river and harbor bill?

Mr. McMILLIN. I can not yield hereafter. I will yield long enough, however, to say I did vote for it and I will do it again. Everything in the river and harbor bill that goes to Hell Gate is satisfactory to my friend from New York, and everything else in it is unsatisfactory to him. [Laughter.]

As a proof that this is only an entering-wedge for subsidies, I refer gentlemen to the debate on the subject in the last Congress, when the gentleman from Michigan, who had the matter in charge, admitted it.

Mr. Chairman, who is to reap the benefit of this subsidy? Does it go to any of the hundred thousand men now out of employment in our land? Does it go to the poor and needy? No, sir. But one of the chief beneficiaries is the steamship line now owned and controlled by Jay Gould, Russell Sage, C. P. Huntington, and others. Are they paupers, that they must be fed from the public crib? Are they weak financially and unable to keep their vessels afloat without Government subsidy? What obligation is this Congress, this country, under to open its coffers and pour out its treasure to them? Sir, I will never consent to pay $800,000 a year for a service that can be as well done for less than one hundred thousand—never! never!

Gentlemen have tried to draw an analogy between this provision and the star-route service, the railway mail service, forgetting the fact that under the subsidy provision contained in the Senate amendment the amount will be paid, not in proportion to the amount or weight of mail carried, but by the miles the vessel traverses. It virtually gives 50 cents a mile for every mile traveled by the mail steamer. That is not so with the railway mail service, for at stated periods the mails of the United States are weighed and on the railway the carrying is paid for in proportion to the weight of mail carried, whereas under this loosely drawn and obnoxious amendment if a vessel carried only one postal card the full amount of the subsidy would have to be paid to it, possibly amounting to 50 cents for every mile traveled.

Gentlemen have said they want to expedite the service. Mr. Chairman, that discussion was had once before, and while talking so much about the star-route service and expediting mails we may also stop and consider for a moment what has resulted from the unlimited discretion of officials in expediting service once before. Dorsey, Brady, and such a band of thieves as never infested any country before broke into the Treasury under a former administration, and, from 1878 to 1881, stole millions of dollars. This was done under pretext of giving speedier and better mail service.

Mr. BURROWS. Is that an answer to this question?

Mr. McMILLIN. That is in answer to the proposition to lodge more discretion in executive officers and to pay more for service than it is worth.

Mr. BURROWS. I ask is it an answer to the question presented here?

Mr. McMILLIN. Mr. Chairman, I have stated my position on this question, and if the gentlemen do not understand it it is futile to undertake to impress it upon them. If this bill is intended to encourage shipping between the governments named and our own I repeat it will not be effectual, because other governments will outbid us. That is inevitable.

We should not enter upon this system of subsidizing. I glory in our American institutions because of their purity; and I would keep them inviolate. There is no need for such a policy to build up our shipping interests. If it paid better to navigate the ocean than to work upon the land the people of the United States with their enterprise, their intelligence, their ingenuity, and their business capacity would turn to navigation, and when the time comes that it does pay better they will do it. But while you can make 10 per cent. on the land and only 2 per cent. on the high seas the American people will not abandon the land and take to the water.

Mr. Chairman, is it claimed by any man on this floor that the service is not as well done under the present system as under that proposed by the Senate amendment? I repeat, is that claimed? The rashest man on the other side does not, I am sure, claim that it would be more effectual.

Mr. BURROWS. The gentleman is mistaken; I do claim it, and I will show the facts.

Mr. McMILLIN. I am afraid my friend in his zeal upon this subject would claim anything that is not contained within the decalogue.

Mr. BURROWS. Oh, no; I will not. But I will show that the gentleman's statement is not correct.

Mr. Chairman, we have a country unequaled in its beauty, unrivaled in its resources. It is inhabited by a race gathered from every quarter of the globe. In assimilating the different nationalities coming here our people have striven to adopt the good and reject the evil of all. We have a Constitution the wonder of the world, in the framing of which our fathers strove to take only enough of the natural liberty of man to make it impossible for him to injure others and to give him a stable, safe government. Mr. Jefferson, the wisest of the founders of our system, laid down one of the essential principles of our Government to be: "Equal and exact justice to all men. * * * Exclusive privileges to none." Let us not depart from this sound principle today by granting to a favored few of our citizens without consideration money which belongs to all.

[Here the hammer fell.]

Mr. McMILLIN. I withdraw the *pro forma* amendment.

Mr. GOFF. Mr. Chairman, can we build as good ships as England, as France, Germany, and Italy build? We can. Can we build them as cheaply as those countries do, as the Old World can? We can not. Why? We have all the material of the best quality, and we have, without exception, the best skilled labor the world produces. But with us educated expert labor is paid at least 60 per cent. more than the expert labor of foreign lands. With us labor is protected by law; with them everything is protected by law except labor. If we paid our labor the same wages they pay theirs we could build as cheap ships as they do and better ones, for our labor is the best. Do we want to build ships as cheap as they do? Do we want to build them cheaply to the degradation of our labor? We do not; we should not; for to do so is to destroy the homes, wreck the happiness, and disband the grandest army of free, intelligent laborers, part of our educated, liberty-loving and Christian citizenship, the most exalted band of human toilers, who earn their living as by the Divine command it was ordained, by the sweat of their faces, found anywhere on God's sin-cursed, yet beautiful footstool.

I want to see good ships in our merchant marine, and I want them to carry our flag on all seas. We must have such ships, must have a strong, progressive, prosperous merchant marine. It will be an honor to us as a people; it will be a protection to us as a nation. But we must, we can have these ships without the degradation of our labor, without the injury of our industries. We can have them without that sacrifice, without the destruction of our firesides and the desecration of our household gods. How? Simply by paying American-built ships, manned by American sailors, flying the American flag, carrying American cargoes, and establishing American trade fair compensation for the labor they do for the American Government by giving them preference over foreign ships, and by aiding them in extending our commerce. This is not subsidy. If it is, then I am for subsidy.

The labor with which the ship was built was paid fair wages; the labor with which the cargo was manufactured was paid fair wages; the labor with which the ship is sailed is paid fair wages; pray tell me why should not the ship have fair compensation? Why should not the men who built it, who go out with it on the sea, taking its risks, aiding you as well as themselves by its success, have fair compensation and just remuneration? We virtually have no trade with South America, with Central America, with Mexico to-day. It should be immense. We never will have such trade unless we aid in its establishment. Once established it will take care of itself. It will furnish a market for our surplus productions, if such we have; will give employment to our labor; will open new fields for our enterprise and industry.

Give us a foothold there and I defy the world to dislodge us. Why? Because the productions of our skilled labor, if it can reach market, will always sell. If not always the cheapest, it is always the best; hence cheapest in the long run. It is the best, because made by intelligent, liberty-loving American citizens, and will always and everywhere sell in preference to the shoddy production of pauper toil. The educated expert American laborer is the grandest monarch that walks the earth. I would not reduce him to the level of the workman of the Old World, but I would sell his product over the labor of the ignorant toiler of despotic lands because it is the best, because it is made by American citizens.

It is not right to say to those who build and sail our ships—it is not just for the United States, speaking through its duly constituted agents, to say: "We can have our mails carried cheaper than you offer to do it. The ships of other nations have underbid you; unless you lower your rates we will favor your foreign competitors." May my tongue be palsied before I so speak, and may my arm wither before, the power being mine, I write such an order. It is wrong in principle, it is shameful in practice, it is a crime against free institutions, it is non-republican; still, it is thoroughly democratic as democracy is interpreted by those who speak for it to-day.

Foreign ships can well carry our mails at foreign postage rates, for the difference between that and fair compensation is more than made up by the subsidy paid them by the governments whose flags they fly, by governments that not only pay them a bounty, but guarantee to their owners fair remuneration. Our ships not only contend against such competition, such fearful odds, but here in the House that should be the House of their friends they find an enemy as unrelenting as the one they find on the seas.

Were I your Postmaster-General, and my hands were not tied by laws such as the majority of this House enacts, the flag of my country should float from every vessel carrying her mails to foreign shores——

Mr. WADSWORTH. To accomplish that you would require to have a Congress with an American spirit.

Mr. GOFF. Yes; and I would have the ships of my country sail over every sea, to every land where American enterprise has established commercial dealings or contends for supremacy; and I would so do, even if it did cost the "round dollars" of your Treasury to do it. And they would all come rolling back again, bringing many others with them by the increase of our commerce, by the commercial prosperity so brought about. Trade, individual happiness, national greatness will surely follow that flag, Mr. Chairman, that now gives dignity to you in your high position and power to this House in its deliberations, typifying as it does all that is great of human action, all that is grand of human thought.

Gentlemen of the other side of this Chamber, this is not the first time you have combined with foreign powers, if not for the purpose now, at least with the result, and certainly with that object heretofore, of destroying the merchant marine of the United States. The first serious blow our carrying trade received was from the cruisers of the so-called Confederate States of America, set afloat through your instrumentalities, with the connivance of those very governments in behalf of whose ships you oppose this amendment. Our commerce has not declined; on the contrary, it is far greater than ever. The trouble is that in our commerce we resort almost entirely to foreign vessels. The rebel cruisers captured and destroyed many of our ships, much of our merchant marine, and with the aid of foreign power drove the residue almost entirely from the sea or to registration under foreign flags.

Gentlemen, you gave us as much as we could well do to see to you on land, and those unfriendly powers, said to be neutral, with your aid, played havoc with us on the seas. And now when peace has come again those foreign powers claim the rights you helped them take which you concede, and then, wonderful to relate, you say to us that this deplorable result is brought about by burdensome taxation, by vicious legislation, and the delinquencies of Republican administrations. O shame! where is thy blush?

Mr. Chairman, it is well known, it is a historical fact, that England and France especially seized the opportunity presented by our civil war to cover the seas with their great fleets of iron ships, then just coming into use, subsidizing them, guaranteeing their prosperity and protecting them with their magnificent navies, thus securing their continuance and supremacy. Mr. Chairman, that was in the day of our country's weakness—in the hour when she drank of the dregs of the bitter cup. Now we are strong again, now our flag is supreme over all our land, and it is our duty to see that it is known and respected on all seas and is a stranger to none.

I shall vote for that policy, call it what you will—gratuity, bonus, bounty, subsidy, I care not—that will open up our dismantled shipyards, encourage our ship-builders, build up our grand old John Roaches instead of tearing them down, employ our unemployed, drive the wolf from our cabin doors, and send great iron merchant ships, planned by American genius, built by American labor from American material,

and floating the flag of our Union—the stary banner of our fathers—out over all the seas, into all ports, unto all peoples, even following the sun around the globe.

I am for the American system and American interests always as against British free-trade and foreign supremacy. [Applause.]

Mr. RIGGS. To secure for our own people the carrying of our own commerce we need something more than this amendment. I call attention to the fact that in 1885 more than 81 per cent. of all we exported went to Europe and a portion went to Africa. This amendment does not propose to secure to our own people the carriage of any portion of those exports, so that really the object can not be by this amendment to aid our own people very greatly in securing the carriage of what we export.

Nearly all our exports go somewhere else than to South America, Central America, Australia, New Zealand, Japan, and China; and the argument we have just heard is inapplicable to this amendment in the light of the facts.

I want to call attention to some figures that have been presented heretofore in the course of the argument on this amendment. Statements have been made about what was paid in 1885 to steamboat and coastwise lines in connection with the figures as to what was paid to the sea lines. The gentleman from Michigan [Mr. BURROWS] first employed the figures and some of them were employed by others afterward.

That gentleman mentioned the fact that in 1885 we paid $18,000 for carrying the mails from Baltimore to Norfolk, and he compared that with some one of the lines carrying the foreign mails which received less money. Now, in order that there may be any fairness in his comparison he must assume that the steamboat line from Baltimore to Norfolk received none too much. That assumption is necessarily involved. Why have I not the same right to assume that the steamship line he mentioned received enough and therefore the coastwise line received too much? That is the real truth so far as the coastwise line is concerned. I call attention to the fact that since 1885 the same service between Baltimore and Norfolk has been let for $6,000—one third of the amount paid in 1885.

I have the statement here, the official figures, from the Second Assistant Postmaster-General, furnished yesterday. So there is no force in that argument based on the comparison the gentleman made. The gentleman from Michigan also mentioned that in 1885 we paid the line from New Orleans to Port Eads $22,719; and he compared those figures with the amounts paid to some one of our sea lines. Since then that service has been let for $7,900—a plain evidence that too much was paid before. The comparison therefore falls to the ground.

The gentleman also mentioned the route from New Orleans to Grand Isle, on which $3,950 was paid in 1885. Since that time that service has been entirely discontinued and the points served by it are now served otherwise.

He mentioned the steamboat line from Memphis and Arkansas City, to which we paid in 1885 $24,000. Since that time the same service has been let for $14,000, and I think that is too much. The facts, when we get down to them, do not warrant the inference which the gentleman sought to draw and to have this committee draw. So you may go on through the figures from the beginning to the end, and, as a rule, you will find that they do not warrant the inference which the gentleman drew from them. If the argument proves that steamships did not receive enough, then a similar comparison will prove that one-half our steamboat lines are paid too little, because some steamboat lines, traveling equally as many miles as those named, received much less pay.

[Here the hammer fell.]

Mr. BINGHAM. Mr. Chairman, in the discussion of this question yesterday I had occasion to remark and to call the attention of this House to utterances and declarations made by boards of trade and chambers of commerce throughout the country to show that those great organizations, dealing not only with commercial questions but with every industrial question, were looking to this House to formulate some measure of wise legislation that would in some way aid American shipping in reaching the rich markets of the world. I am in receipt this morning of a communication from the chamber of commerce of my own city of Philadelphia, wherein I am requested to read to this House their opinion and their utterances upon this subject. It is unnecessary for me to speak of that organization individually. It is representative of the mercantile and commercial interests of the city; it is typical of the same character of organization that is common to the great industrial centers of the country. I read:

PHILADELPHIA, *May* 20, 1886.

The Philadelphia Board of Trade, representing the vast manufacturing interests of the city, and including in its membership every branch of mercantile and commercial activity, respectfully memorialize your honorable body to take some positive and efficient measures to extend our commerce and open new outlets for our products, especially in South American and Central American markets. To this end they have united with the National Board of Trade and other leading commercial organizations in urging the necessity of a department of commerce, charged especially with the duty of extending commercial relations with foreign countries. They have united in urging the passage of a bill giving a bounty to sailing vessels and steamers based on an equitable mileage system, and they are of the opinion that a measure of this kind would soon be followed by a rapid extension of our trade into the leading markets of the world. The board of trade have reason to feel great encouragement at the aroused public sentiment on these questions, and Congress is not called on to lead, but to follow, a general and widespread movement in favor of a prompt, liberal, national policy in this regard. The board of trade believe that the adoption of the pending amendment, appropriating $800,000 for carrying the mails to foreign ports on American vessels, will lead to the establishment of new lines, and will quickly justify the wisdom of its enactment. They, therefore, earnestly urge the passage of this measure. The building and fitting out of a mercantile marine will be felt as a stimulus to the people of every section of the country, and the American laborer and producer should look with confidence to an American Congress to adopt such a policy as will give to our own people the advantage of this increased demand upon our supplies of raw material and our manufacturing facilities.

FRED'K FRALEY, *Vice President.*
GEORGE L. BUZBY, *Secretary.*

This utterence is the expression of mercantile and industrial interests that have examined this whole question not as it is examined in the discussion of two days in this House, but in all its practical relations and bearings.

And in that connection I desire simply to emphasize this one sentiment or sentence: the civilized nations of the world pay to-day, either as subsidy or bounty or gift, or whatever you may call it, for mail transportation upward of $11,000,000, either to aid the carriage of the mails or to promote commercial relations and secure foreign trade. Our contribution is $375,000, $36,000 of which only goes to American vessels.

[Here the hammer fell.]

Mr. DOUGHERTY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The amendment was read, as follows:

After "$800,000," in line 105, add the following: "of which amount $200,000, of so much thereof as may be required, shall be expended for the establishment or a mail line from a Gulf port to a port or ports in South and Central America, and the remainder of said $800,000 shall be expended in payment of established lines as hereinafter provided."

Mr. DOUGHERTY. Mr. Chairman, as a general proposition, I am opposed to the subsidizing, to any great amount, of the ships of any corporation in this or any other country. In the expenditure of the large amounts of money which have heretofore been spent by this Government it is a fact which can not be successfully controverted that the Southern States have not had a fair proportion of that expenditure. I am not here, sir, to play statesman upon this floor, but to the best of my ability to represent in part the interests of the people of the State of Florida. Pensacola, in the western portion of that State, is one of the largest timber ports in this country and ranks among the great timber ports of the world. The greater portion of the business of that port, or a large portion of it, I should have said, is transacted with the ports of Central and South America.

On the eastern side of the State of Florida, only twenty hours distant from Pensacola or New Orleans, are large mills shipping lumber to the ports of all the world, a great deal of it being shipped to the northern ports of this country. The shipment to the northern ports of the United States would not be affected in any way by this subsidy. But as the case now stands it takes at least fifty days for us to get a letter from the ports of Central and South America with which a great deal of this lumber business is transacted.

If a line were established from some Gulf port—probably New Orleans, as being the greatest port in that portion of our country—these men engaged in the lumber trade who are intimately connected with that port by steamboat and rail communication could get their letters within a reasonable time. Sir, it can not be expected that Representatives from the section of the country in which I live will agree to a vote by this House giving for such a purpose as this any great amount of money from the expenditure of which they are to receive no benefit. I hope the amendment will be adopted.

Mr. ZACK. TAYLOR. I move to amend the amendment of the gentleman from Michigan [Mr. BURROWS] by adding the proviso which I ask the Clerk to read.

The Clerk read as follows:

Provided also, That $100,000 of said $400,000 shall be applied by the Postmaster-General to the transportation of foreign mails by existing steamers or lines running from New Orleans to ports in Central and South America and to ports in the West India Islands; and $100,000 of said $800,000 shall be applied by the Postmaster-General to the establishment of new lines from the city of New Orleans to said ports in said islands and in Central and South America for the transportation of said mails.

Mr. ZACH. TAYLOR. Mr. Chairman, one good result that has grown out of the controversy between the Postmaster-General and the steamship companies—the only good result so far as I have been able to ascertain—is that it has brought to the knowledge of the officials of the Post-Office Department the fact that New Orleans is the best point for the distribution of our mails to Central and South America; and that idea having once gotten into their heads, I think it the duty of Congress to see that it should not get out again. [Laughter.]

New Orleans is nearer by many hundreds of miles and by many days' travel to all these ports (except those in Brazil or on the River Plate) than either New York or San Francisco. Chicago and Saint Louis are nearer by one-third than is New York. Besides, sir, the Mississippi River was created as an outlet for the States in the Mississippi Valley. It affords a perpetual guarantee of competition in transportation; and nearly all the articles purchased from this country by those portions of Central and South America are produced in the Mississippi Valley.

Almost everything that they buy from this country either crosses that river or is produced in the Mississippi Valley and goes out of this country by the seaboard cities, paying tribute to them and to the transcontinental lines of railway.

We need some provision of this kind in order to enable us to dispose of the surplus agricultural products grown in the Mississippi Valley. If you will look over the list of our exports to these countries you will see that 90 per cent. of them are grown or produced in the Mississippi Valley. Petroleum, the hardware of Ohio and Indiana, lumber, furniture, and breadstuffs all come from that valley; and the proper way to promote and encourage the commerce we now have is the establishment of lines from New Orleans to these Central and South American ports.

I yield the residue of my time to the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The gentleman from Illinois has one minute.

Mr. CANNON. I would like to have two.

Mr. BURROWS. I will give my friend another minute.

Mr. CANNON. Mr. Chairman, but little can be said in a minute. I wish I had more time. I have no objection as a matter of policy to give necessary aid for a first-class mail service to our people at home and abroad. Such a service as will assist in developing our country and establishing our commerce; but I want to know that the aid will accomplish the purpose for which it is given. I do not believe the aid given by this provision even if expended by this administration would accomplish the purpose for which it is given. The administration is unfriendly, as I understand it.

The provision "authorizes" the Postmaster-General to make contracts for the ocean mail service. We all know that such language is construed by him as giving a discretion, and that he has refused under similar authority to make contracts. Much has been said during this debate about the presence of a lobby promoting the passage of this bill. I do not believe it. If a lobby corruptly seeks to promote this provision it would not only be knavish but idiotic, for if the provision passes the Postmaster-General still has a discretion. In the event it does pass then a lobby might appear, but if it did it would hover about the Post-Office Department, seeking to control the discretion of the Postmaster-General. In any way you look at it I do not see that the enactment of the provision is wise.

Mr. HEWITT. Mr. Chairman, whether the amendment offered by the gentleman from Michigan be adopted or not, I shall offer as a substitute for the entire Senate amendment the provision which I send to the Clerk's desk to be read.

The Clerk read as follows:

To secure greater frequency and regularity in dispatch and a greater speed in the carriage of mails to Brazil, the republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies, China and Japan, $400,000, or so much thereof as may be needed; and the Postmaster-General shall, as far as possible, cause the mails of the United States to be carried to and from said places respectively in American built and registered steamships, provided the same can be carried for a reasonable compensation, to be by him determined, but not exceeding the rate of 50 cents per nautical mile for the distance usually traveled in the most direct and feasible course between the terminal points hereinbefore specified.

Mr. HEWITT. Mr. Chairman, this is a plain, practical, business proposition, intended to meet an existing embarrassment in the carriage of the foreign mails.

In the last Congress we had to deal with a new state of the law. The compulsory obligation resting on American vessels to carry the American mail had been repealed. It was known that new arrangements would have to be made, and hence Congress placed at the disposal of the Postmaster-General the sum of $400,000. This money was intended to be used for such payments as might be required to keep up the foreign-mail service of the country.

The appropriation was permissive; it was not mandatory. It was intended to be left to the discretion of the Postmaster-General. All denunciations therefore against him as a violator of the law are entirely unfounded and unjust. The House intended to put this money at his disposal, as he might see fit to use it. He has not seen fit to use it. Criticism, therefore, is proper enough as to the exercise of the discretion confided to him, but it is not proper as to his execution of the law. He has done what he supposed to have been his duty in the premises.

There was in this appropriation no element of subsidy whatever. It was not intended to be a subsidy. I voted for it, and my colleagues not now members of this House, Mr. Cox, Mr. Dorsheimer, and Mr. Potter, all of us pronounced opponents of all subsidy measures, voted for this appropriation. We felt that the public necessity required the provision of a fund upon which the Postmaster-General could draw in case of necessity in order to prevent the stoppage of such postal accommodations as the people of this country had had with foreign countries.

But all doubt as to whether it was a subsidy or not is settled by the Postmaster-General himself, who thus speaks of it in his report:

Much has been said about employing the postal appropriation to aid American commerce. When Congress shall desire to invest the Post-Office Department with care for that object, it can not be doubted it will easily choose language which will plainly convey the purpose and impose the duty. Until then that Department can not rightfully employ the moneys appropriated for the postal service to secure objects not intrusted to its care, however meritorious in themselves.

I am opposed to the Senate amendment because it is advocated here as a subsidy and was advocated there as a subsidy.

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I will take the floor and yield my time to my colleague.

Mr. HEWITT. I am much obliged to my colleague; and I will say to the House that if I trespass on its time it is because I was entirely unable to get recognition during the general debate, and it does seem to me the voice of the city of New York, which receives and sends out nearly the whole of these foreign mails, at least ought to be expressed on this floor. [Applause.]

Now I say the Senate amendment, and, I will add, the amendment offered by the gentleman from Michigan [Mr. BURROWS], are open to the objection of being essentially subsidies, to which in any shape or form I am opposed.

But there still remains the difficulty created by the repeal of the compulsory law. If gentlemen had wanted to remove this difficulty they ought to have brought a bill in for the restoration of the compulsory law, and pressed it to its legitimate end, if they think that is a remedy for these difficulties. But that has not been done. The communications between this country and foreign countries are not carried on to the satisfaction of the commercial interests.

I have heard it asserted here that the present mail service is satisfactory. That is not my information. My constituents by hundreds have been writing to me and asking me to secure some action by which the mails shall be carried with regularity and dispatch. They do not ask that new steamship lines shall be created by bounties, but they ask that the mails, such as they had before the repeal of the compulsory act, shall, by some process or other, be restored.

If gentlemen are inclined to dispute the fact this service is not satisfactory I will quote to them the language of the Postmaster-General himself, who says in his annual report:

Some delays and inconveniences have arisen between New York and Colon, San Francisco and Japan and China, and to the west coast of Mexico, by the refusal of the Pacific Mail Company, and some between New York and Venezuela by the late action of the Red D company. Except these, all the foreign mails are transported either in the same manner or a better than during the past year.

Early action by Congress is very desirable to provide such means as it shall deem appropriate to relieve the inconvenience sustained on the routes indicated. The Department recognizes its obligation to the business men of the country, who have forborne complaint, with but few exceptions, rather than manifest a willingness to see the Government compelled to a course which upon careful consideration had been decided inexpedient and unwise to be pursued. They are entitled to the earliest practicable relief which can be given.

Now it is agreed on all hands as to the routes specified by the Postmaster-General it is necessary for this House to take action. And hence I have proffered the amendment in order that the Postmaster-General may be able to apply the proper remedy. At a meeting held in the city of New York, at the Importers and Exporters' Exchange, a series of resolutions was adopted. I will not take time to read them, but in substance they state that the mail service with China and Japan and the East Indies is demoralized, that letters which formerly were carried in twenty-six days now require fifty-eight days. One of the great merchants in New York engaged in that business, who has written me a letter——

The CHAIRMAN. The gentleman's time has expired.

Mr. TILLMAN. I will take the floor and yield my time to the gentleman from New York.

Mr. BRUMM. I suggest that it is not fair to others of us who desire to be heard.

Mr. HEWITT. Of course if any gentleman objects to my proceeding I do not wish to occupy the attention of the committee.

Mr. BLOUNT. I have no objection whatever to the gentleman proceeding; but the debate, by the order of the House, is to close at 3 o'clock.

Mr. BARRY. I am informed that my name is next on the list of speakers, and I will defer to the gentleman from New York.

The CHAIRMAN. Does the gentleman yield his time to the gentleman from New York?

Mr. BARRY. I do not yield my time, but simply defer to the gentleman from New York, if that will oblige him, so that he can continue his remarks consecutively.

Mr. BLOUNT. I do not object, of course, to the gentleman yielding his time, but as there are gentlemen on this side of the House who still wish to be heard, I do not want their time to be taken from them.

The CHAIRMAN. The gentleman from New York has already occupied the time that was yielded to him. Of course any gentleman who has the floor can yield his time if there be no objection.

Mr. BRECKINRIDGE, of Arkansas. If I can be recognized I will yield to the gentleman.

Mr. BARRY. I understand that some gentleman is willing to yield to the gentleman from New York.

Mr. BRECKINRIDGE, of Arkansas. Any one who can get the floor can yield his time, and if I can be recognized I will yield.

Mr. BARRY. I ask unanimous consent that the gentleman from New York be allowed to proceed for five minutes.

Mr. BLOUNT. I must object in justice to this side of the House.

Mr. SPRINGER. I hope the gentleman from Georgia will not object. The gentleman from New York ought to have been recognized on this subject in the general debate. He represents the largest interest involved in this proposition in this country, and he ought to have time given to him as a matter of justice.

Mr. BLOUNT. I have stated that I had no objections to the gentleman proceeding, provided the time was yielded from the other side.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the last word, if that is in order, and will yield to the gentleman.

The CHAIRMAN. There are two amendments now pending.

Mr. BARRY. I will yield two minutes of my time to the gentleman from New York, if that will oblige him.

Mr. HEWITT. I am very much obliged to the gentleman from Mississippi, but I can not in two minutes by any possibility say to the House what I desire to say on the question. I supposed it was understood that I should have about twenty minutes, which would be charged against the time of the other side. If that is objected to, I think it is better to take permission to print the remainder of my remarks.

Mr. BURROWS. If the Chair will recognize me I will yield five minutes of my time to the gentleman from New York. That will give him seven minutes in all, if that will be of any service to him.

Mr. HEWITT. Then I will endeavor to condense what I have to say within that space of time.

The embarrassment to which I have referred with our East India mail service still exists, as I am informed by Mr. Frazar, of the Oriental house of Frazar & Co., who was here within a week.

With South America the United States mails are now carried to all the ports (to which the Red D line delivered them formerly) in twenty-eight days. The Red D line delivered them in nine and one-quarter days. That of course is not such a mail service as the merchants of this country require for the proper transaction of their business.

Now whose fault is this? Where does the blame lie? The Postmaster-General has become involved in a controversy with the steamship companies. On both sides I think there has been more temper than judgment. I think the steamship companies have behaved very badly, with the exception of the Brazil line. They have refused to carry the mails since last September, and the public have been put to great inconvenience in consequence of this mistaken course.

If they had fulfilled their pledge to the public made on the 12th of August last, in an appeal in which they made a declaration which I shall quote, there would have been no grievance; and if they had then asked Congress to indemnify them for the work performed an appropriation would have readily been voted to the companies in payment of services thus voluntarily rendered.

In this appeal they made the following declaration:

It has become a matter of principle with them. They have refused the proffer of the Government, and yet they continue to carry the mails, as the law permits them to do, without any compensation to themselves, conveying such letters as may be delivered them by the public inclosed in properly-stamped envelopes. The Government is at no loss; it will receive the whole of the sea and inland postage; the public is at no loss. It has now the advantage of deciding whether to send its mails by the various companies or whether to take advantage of the new facilities that the Government affords by carrying the mails in foreign ships—facilities by which the mail will reach Japan from San Francisco in sixty days instead of eighteen days as heretofore.

And yet within a month of that time these very people who make this statement and publish it turn around and refuse to carry the mails of the United States! They are entitled, Mr. Chairman, to no consideration at the hands of this Congress. On the other hand, the Postmaster-General should have secured the carriage of the mails by a concession that was entirely within the discretion confided to him by the act of Congress; but he preferred to plant himself upon the ground that the act meant either the $400,000 or the 50 cents a mile or nothing. He said that the amount appropriated was not sufficient to go around at the rate per mile limited in the law, and so he decided to make no allowance. What I think should have been done was to have called these steamship people together in conference and to have endeavored to arrange some terms by which the mails should be carried until Congress could meet. The sea and inland postage is not an adequate compensation in all cases. It is not a sufficient sum to pay some of the lines conveying small mails for the conditions imposed upon them for sailing upon fixed days, for the care of the mails, and the accommodations required, and more particularly for landing the mails at many foreign ports and waiting there for the return mails.

An intelligent merchant would have dealt with the question upon its merits, and a great public officer should have allowed no feeling to enter into the controversy. It ought to have been considered upon pure business principles. All feeling ought to have been eliminated. Now, the proposition which I make is based upon a common-sense view, and is simply this—that $400,000 shall be appropriated to enable the Postmaster-General to get speedy and frequent mail service at the points and places where it was formerly done to the satisfaction of the public. But it is at his discretion. If he can get it upon a reasonable basis of compensation he is to give the business to the American lines. But he is not restricted to the American lines. If the compensation which he offers to American lines is not acceptable, or rather if the proposition which he receives from them is unreasonable, he may seek elsewhere to have the business done. But preference should be given to American lines, because, whether gentlemen like it or not, the sentiment of this country is in favor, so far as possible, of the proposition that the mail shall be carried in American bottoms and under the American flag.

But let it be observed that by the terms of this amendment the Postmaster-General is to be master of the situation, as he ought to be, and the steamship companies are to take his terms or take nothing. The reliance is placed, as it ought to be, upon his discretion, his sense of justice, and his desire to gratify the people, whose servant he is.

And now as to the money expenditure involved in this provision. I have recently felt moved to make an earnest protest against the improvident expenditures of money involved in pension, fiscal, and other bills pending in this House. I do not take back one word of what I have said on this subject. I am against waste and extravagance, now and forever, lest the burdens of taxation are thus made too heavy to be borne.

But wise expenditures of money often lighten the load of taxation. The provision of adequate mail facilities increases the ability of the citizen to meet his obligations. In other words, they pay back more than they cost.

Again, there are some disbursements which are a matter of honor. The promises made to our soldiers are of this nature, but we are not called upon to exceed our promises. Trust funds are also sacred, and must be administered according to the spirit of the trust. All the money which we derive from our foreign-mail service is a trust fund, to be used for the payment, first, of the actual outlays, and, secondly, for the extension of foreign-mail facilities.

The Postal Union is the last triumph of civilization, if it is not its greatest achievement. It is the beginning of the era when the war drums shall cease to beat in the federation of the world. Before its formation the cost of postage among the nations was prohibitory to the most of mankind. The Collins line after its subsides ceased collected in one year in sea postage alone nearly $200,000.

The progress of civilized nations toward a common and cheap rate of international postage is the work of enlightened statesmen and good Christians. They knew that it could not be accomplished without sacrifices in money, and the nations were pledged to make them.

The wish has been accomplished at a great cost. The only nation which has not to pay out more money than it receives is the United States. We alone make money out of it. How much is now not of much consequence, but it is more than the $400,000 proposed to be paid by the amendment which I have offered. I say this deliberately, notwithstanding the disingenuous effort of the Superintendent of Foreign Mails to diminish the actual amount. This money does not belong to us. It belongs to the world, for whom we hold it in trust—in trust for what? For the extension of postal facilities whenever we can find occasion to transmit mails more speedily and more frequently.

This will be made clear beyond cavil if we consider what we should have done if the Postal Union had proceeded to accomplish its beneficent work by another method. Suppose the convention when it adopted the 5-cent rate had decided to assess the loss upon each nation in proportion to the number of letters sent and received by each, would or could we have declined such a manifestly fair proposal? And if we had agreed to it, is it not evident that we should have had to pay out a large sum annually to indemnify the other governments for what they pay out in compensation for the carriage of the ocean mails?

This obligation we have not only escaped, but we actually made a profit out of the operation in more ways than one. Owing to the vast amount of correspondence on the Atlantic lines, we get a considerable profit out of the mails carried for us in foreign ships. We even get a profit out of the carriage of the closed mails across the continent.

Without stopping now to estimate the net profits of this business, it is enough to say that it is a profit never intended to be given or taken, and that the part of honor and honesty is to use it for the general good by the extension of mail facilities, none the less profitable to us because open to all the world; for it is a fact known to every merchant and every student of political economy that business follows as well as precedes the steamship and the flag which floats over it.

Where duty, honor, and profit concur there ought to be no hesitation in placing at the disposition of the Postmaster-General ample means to enable him to discharge his obligations to the people and the other nations of the world. As matters now stand we are placed in the humiliating position of sponging upon the other nations of the world. If there is any doubt on this point let the following mortifying letter, addressed by the Superintendent of our Foreign Mail Service to the Mexican minister, bear witness. Comment is unnecessary when sixty millions of Americans are thus made debtors to ten millions of Mexicans struggling for existence. O, shame! where is thy blush?

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., May 19, 1886.

SIR: Under date of March 24 last, the post-office department of Mexico transmitted to this Department a copy of the new Mexican postal guide containing a distribution scheme for correspondence from the United States for Mexico. The letter which accompanies it states as follows, namely: "No distribution scheme is given in the guide for correspondence for the states of Campeche, Yucatan, Tabasco, and Chiapas, as this correspondence can be forwarded more advantageously by sea than by land." As the steamers of the New York, Havana, and Mexican Steamship Company are subsidized by the Government of Mexico, and therefore by Article III of the Postal Union Convention of Paris, 1878, are trav-

eling post-offices of Mexico, and are not under the control of this Department, and by treaty of 1861, Articles VI and VII, this Government is privileged to send by said steamers the mails originating in this country destined for Mexican ports of call of the steamers of this line, I have the honor to request that you will indicate in what way this Department can utilize this service according to treaty stipulation. I have to suggest that if the agent of the Mexican Government would receive the mails destined for those ports at the New York post-office and accompany them to the steamer it would expedite the delivery of the mails to the agent of the Mexican Government. However, the question as to where and how this agent shall come into possession of these mails is a matter of detail to be decided by your government.

I am, very respectfully, your obedient servant,

NICHOLAS M. BELL,
Superintendent Foreign Mails.

To His Excellency Señor Don M. ROMERO,
Envoy Extraordinary and Minister Plenipotentiary,
Mexican Legation, Washington, D. C.

Mr. BARRY. Mr. Chairman, I have no ambition to air my opinions on this question, but as I was side-tracked yesterday in the general debate I deem it proper as a member of the Committee on the Post-Office and Post-Roads that I should voice on this floor my sentiment and the sentiment of the people I represent as positively and emphatically opposing any subsidy to any corporation or individual whatever. It is un-democratic. It does not respond, Mr. Chairman, to the spirit and genius of our Government and of our people.

Why, sir, we are told that thirty years ago our ocean commerce and carrying trade whitened the broad Atlantic, and that our Navy floated over its waters with invincible pride. The American then would not have "flattered Neptune for his trident." But now we turn with an averted eye from that boundless expanse of our expiring glory and look with an anxious and half despairing gaze to the small South and Central American States and Isles contiguous to our continent, whither about 7 per cent. of all our exports go. We are continually importuned to look upon Germany, upon England, upon France as our models in mail service, and whose examples in that regard we are asked to be to obsequious imitators.

When it comes to other economic questions, and especially those of revenue and tariff, in England, we are told to turn from them in derision. And so it is after listening to the speeches here, I know not whether to stroke admiringly the mane of the British lion or, as a distinguished gentleman from New York used to do, give his tail a derisive twist. [Laughter.]

Now, sir, if this bill should pass with the Senate subsidy amendment, in order to preserve its unity we should amend the title. It is entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887." Should this amendment prevail it would be proper to amend the title so as to make it read "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and to subsidize certain steamship lines."

[Here the hammer fell.]

Mr. CATCHINGS was recognized, and yielded his time to Mr. BARRY.

Mr. BARRY. A great deal of stress has been laid on the fact that we pay for our domestic service vast sums of money. That was emphasized by my able friend from Michigan [Mr. BURROWS].

It is the purpose and policy of the Post-Office Department to pay for domestic mail service *quantum meruit*, according to service rendered. This is the policy under the present administration, though in some instances under the preceding administration excessive amounts were contracted for in the steamboat service, which are being reduced as fast as the law will permit.

Why, sir, our whole foreign-mail service is only 2,705,378 pounds per annum, for which we pay $331,903.24.

Upon the Pennsylvania Railroad between New York and Philadelphia 49,786,365 pounds of mail matter is transported during the year, and at a cost of $181,771.81.

In twenty days the Pennsylvania Railroad will carry between New York and Philadelphia more mails than the whole annual foreign-mail service.

In less than three days it will carry the amount in weight that is annually sent from the United States to all the countries south of us on this continent, the adjacent islands, and across the Pacific Ocean, for the carriage of which this branch of our foreign-mail service cost during the last fiscal year $60,994.52. This railway would during three days receive for transporting the mails less than $1,500.

It is true that the element of distance should enter into this computation, but with that in view the advantage will still be with the foreign-mail service. It should be remembered also that ships sail at their convenience and reach their ports when they please, without bonds, schedule, obligations, and the attendant fines, forfeitures, and penalties upon their infraction. The reverse is true with our inland service. And besides, the steamships are engaged in the ocean carrying business, and the mails they convey are merely incidental to their enterprise and cause but slight inconvenience.

Besides, American vessels carrying our mails to foreign ports enjoy advantages denied to others. Possessing a certificate of the Postmaster-General that they carry the United States mails, they are relieved in foreign ports from light-house dues, port charges, landing charges, and tonnage tax. They are permitted to land, discharge and receive their cargoes on any day or at any time, and can not be disturbed for any purpose, a privilege they could not otherwise claim—a benefit often as valuable to a vessel as the carrying of the mails is worth. For example, a steamer not possessing such a certificate upon landing at Havana is required to pay $1.35 per ton on all freight discharged and received. A United States mail steamship is exempt from this tonnage tax up to 6 tons, and only 62½ cents per ton in excess of that.

In my opinion the true solution of the problem is, what is right, what is a fair compensation; and this rule should obtain in every phase of governmental service. Common carriers on sea or land should form no exception.

As I understand it sea and inland postage is just, even liberal, and that outside this subsidy the appropriation in this bill covers that. I prefer American vessels to have it, and when compatible with the public interests to carry our mails. The sea and inland postage is 5 cents a letter, or $1.60 per pound for the same; on papers it 8 cents per pound. The sea postage is 44 cents per pound for letters and 4½ cents per pound for papers.

Upon referring to the report of the Postmaster-General for the last fiscal year we find that the total weight of transatlantic mails carried from New York during the last fiscal year was 2,194,066 pounds, which cost at sea-postage rates $270,157.63, the average being $609.36 a trip during the year. This was at rates thirty-four times greater than charged by ships for freight and four times the cost for parcels of dispatch matter of the same quantity. Of course the value attached to mail matter should make a difference, but it should also be remembered that only about one-fifth of our sea-borne mails are letters.

Notwithstanding the liberal offer of sea and inland postage made last year by the Postmaster-General, several American lines withdrew after the 1st August, because forsooth that officer, under the high and solemn obligations of his office, declined to distribute among them the $400,000 which they claimed under act March 3, 1885. Of the eight lines departing from New York and San Francisco all refused to transport our mails except the United States and Brazil Mail Steamship Company, plying between New York and Brazil, and the Oriental and Occidental line from San Francisco to China and Japan.

The other remaining lines would convey no other mails from our shores than such as were deliverable in those countries with which such ships were under contract compelling such service, which conduct scarcely betrays that zeal for "American commerce" and vaulting love of country which they and their friends evince in demanding the $400,000 subsidy and the granting of this one amounting to $800,000.

Whatever repugnance, emanating from patriotic pride, there may exist respecting the carrying of our mails to foreign countries in foreign ships, it is obviously of a recent growth, for we find an ancient legislative recognition of that policy on the part of Congress.

As far back as 1858 an act of Congress in express terms authorized the Postmaster-General to allow sea postage to foreign vessels, and that law continues in force at present. While to every American citizen it is more desirable to have our mails for other countries carried under the American flag, yet the policy is doubtless a wise one to send them at times in foreign ships to expedite their transmission.

Such has been the settled practice of this Government for years, without reference to the political parties that have administered it.

For the last fiscal year we had for inland transportation 12,371 star routes, aggregating 232,222 miles, which cost $5,414,804; 116 steamboat routes, aggregating 11,997 miles, which cost $563,002; 1,621 railroad routes, aggregating 121,032 miles, which cost $16,627,983, including $1,869,488 for railway post-office-car service.

The point is pressed that the compensation is liberal, even excessive, compared with that paid for the foreign service. This is untrue, and in many respects there is no likeness or similitude between the two, and the comparison becomes illogical.

The inland service is or should be paid a compensatory price, and is never subsidized to build up commerce or common carriers, individuals, or corporations. It is obligated to the Government by schedules. All but the railway service (with a few exceptions in steamboat lines) enter into contract with bond, after proposals are advertised for.

As it has been strenuously asserted that in the steamboat service there is no advertisement for bids, I invite attention to this communication and statement from Second Assistant Postmaster-General Knott:

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., May 25, 1886.

SIR: In reply to your verbal inquiry, I have the honor to inform you that the law authorizing the letting of steamboat service without advertising for proposals will be found in sections 3943, 3956, and 3970 R. S. as amended by the act of May 17, 1878 (sec. 5, 20th Stat., page 61), which is embraced in the Postal Laws and Regulations of 1879, in section 607, and reads as follows:

* * * When from any cause it may become necessary to make a new contract for carrying the mails upon any water route between ports of the United States upon which mail service has previously been performed, the Postmaster-General may contract with the owner or master of any steamship, steamboat, or other vessel plying upon the waters or between ports of the United States, for carrying the mail upon said route for any length of time not exceeding four years and without advertising for proposals therefor whenever the public interest and convenience will thereby be promoted, but the price paid for such service shall in no case be greater than the average price paid under the last preceding or existing regular contract upon the same route. And the Postmaster-General may contract with the owners or masters of steamships, steamboats, or other vessels plying upon the waters or between ports of the United States

for carrying the mails upon such routes where no mail service has previously been performed without advertising for proposals therefor, but no contract for such new service shall be for a longer time than one year. No contract for carrying the mails between the United States and any foreign port shall be for a longer time than two years, unless otherwise directed by Congress.

Under the law it is competent for the Postmaster-General to contract with the owner or master of a steamboat for service on a new route for a period not exceeding one year, without advertising for proposals, and on a route that has been let under an advertisement for a period not exceeding four years at a rate of pay not exceeding that paid previously under the regular advertisement.

At the present time there are one hundred and twenty-three steamboat routes in operation in the United States, of which only fourteen were let otherwise than by formal advertisement for proposals, as shown by the accompanying statement.

From July 1, 1886, there will be several routes in operation that were let at less than the lowest bids under advertisements.

Very respectfully,

A. LEO KNOTT,
Second Assistant Postmaster-General.

Hon. F. G. BARRY,
Committee on the Post-Office and Post-Roads,
House of Representatives.

Statement of steamboat service in operation, not under a regular or miscellaneous advertisement.

State.	No. of route.	Termini.	Contract period.	Pay.	Remarks.
New York	7536	Fishers Island, Noank	Oct. 10, 1885, to June 30, 1886	*$361 00	Advertised on bulletin board in Department and post-offices for ten days.
Louisiana	30090	Troyville, Tooleys	Aug. 1, 1885, to June 30, 1886	†3,000 00	Do.
Minnesota	26095	Duluth, Two Harbors	May 15, 1886, to June 30, 1886	‡3 83	Do.
Michigan	24092	Grand Haven, Milwaukee, Wis	June 1, 1886, to Oct. 31, 1886	‡10 00	In accordance with contractor's proposition being less than the rate under previous regular advertisement.
Louisiana	30096	New Orleans, Vicksburg, Miss	Mar. 20, 1886, to June 30, 1886	†1,000 00	Do.
Do	30100	New Orleans, Port Eads	Dec. 21, 1885, to June 30, 1886	†12,000 00	Do.
Florida	16096	Chatahoochee, Apalachicola	Aug. 15, 1885, to June 30, 1888	†5,500 00	Do.
Florida	16080	Palatka, Drayton Island	Apr. 16, 1886, to June 30, 1886	†2,000 00	In accordance with contractor's proposition, being less than the rate under previous regular advertisement. (Part new.)
Maryland	10088	Baltimore, Salisbury	Dec. 16, 1885, to Dec. 15, 1886	†900 00	In accordance with proposition; new service.
Texas	31100	Houston, Lynchburg	July 1, 1882, to June 30, 1886	†600 00	In accordance with contractor's proposition, being less than the rate under previous regular advertisement.
Kentucky	20100	Paducah, Cairo, Ill	July 1, 1884, to June 30, 1888	†2,000 00	Do.
Michigan	24097	Manistee, Milwaukee, Wis	July 1, 1884, to June 30, 1888	‡10 00	Do.
Florida	16085	Jacksonville, Orange Dale	July 1, 1885, to June 30, 1888	†1,650 00	In accordance with contractor's proposition, being less than the rate under previous regular advertisement. (Part new.)
Michigan	24091	Charlevoix, East Jordan	May 17, 1886, to Nov. 13, 1886	‡2 00	New service; rate less than contractor's proposition.

*For period. †Per annum. ‡Per round trip.

As to railroads it is not deemed practicable or desirable to have express contracts with them as in former times, and the Post-Office Department adjusts their pay under proper regulations; but they are subject to fines and penalties. Indeed, the whole inland service rests under various obligations, such fines, forfeitures, and penalties incident thereto for their infraction as each case may require.

The foreign service is exempt from all this.

The star service, in a very large degree, is equipped and put into operation by the contractors for that sole purpose, and their net earnings are slight and in a great number of instances they lose. No steamer, American or otherwise, ever lost a farthing on account of carrying the foreign mails of our Government.

The appropriations for our inland service may appear large, but it should be borne in mind that the United States and Territories stretch across the continent and embrace an area of 3,000,000 square miles, not including Alaska, with fifty-four thousand offices, and the population of 60,000,000 is rapidly increasing.

Our inland service is an element of our national life, a plexus and network that intimately and sensitively affects and blends all parts of the Union and its Territories. The "head is not more native to the heart" than that system is to the commercial and social welfare of our people, and there is no department of the public service which they cherish so ardently. The system is one of the most admirable in the world, and is conducted by the most intelligent methods. I decline to look to England or Continental Europe as a paragon to emulate in our postal system. In every sense of the word our people can govern themselves without foreign examplars.

England with all her boasted liberality in expenditures for postal facilities only pays out about one-half of our annual expenditures for the same purpose. Her total postal service only costs $27,072,333.63 per annum. Her "packet" or ocean service is only $3,012,146.45 a year. Her insular position and her important and remote provinces in America, Africa, and Asia force her to maintain an enormous mail and commercial communication with them.

It is as essential to that government as our inland service is to us, the imperative demands on either government being as great, and both might with propriety be termed domestic mail service, as British soil and subjects may be found in every division of the globe. Look at her possessions—her Canadian dominion, Barbadoes, Jamaica, Trinidad, Bahama, Bermuda, Guiana, India, Burmah, Australia, New Zealand, and Ceylon; her Gold Coast and other possessions on the western shores of Africa; the Cape of Good Hope and Transvaal—with their millions of British subjects! Thus it will be seen how important is her ocean mail service.

France expends $26,000,000 for postal service. Her subsidies to steamship companies, according to the French postal report of 1884, was $5,152,388.98; but that is an avowed, outspoken subsidy or donation, a gift enterprise, which neither the interest nor inclination of the American people prompts them to make.

It may serve to silence the applausive clamor heard in behalf of the sums expended by England and France for postal service when it is remembered that our Government pays annually as much as both of them combined; and it is too great a stretch of patriotism to add the unnecessary sum of $800,000 a year to the bill for five possible consecutive years, as provided for in the sixth Senate amendment. It would scarcely please the toiling tax-payers of the land. It may sound well to talk about building up American shipping or American commerce, but we should think of building up the American tax-payer, or, by placing the least possible burden on his shoulders, let him build himself up, as every individual enterprise or industry should do, without a gift or subsidy from the treasury of the people, or the imposition of a protective tax upon them.

The Constitution says that taxation should be uniform, and it follows as a logical sequence that its benefits should flow to the people without discrimination in favor of any class or occupation.

The appropriations for internal transportation in this bill which the House passed and sent to the Senate are as follows:

Star service	$5,850,000
Steamboat service (which includes coastwise service)	575,000
Mail messengers	900,000
Railway mail service	15,595,432
Railway postal cars	1,808,000
Special facilities on trunk lines	291,000
Total	25,109,432

The receipts for postage for the last fiscal year was $40,056,226.69. From that deduct receipts from the foreign service, $2,287,169.13, and our domestic revenue from postage is $37,769,057.56.

Thus it will be seen that only 66 per cent. of our domestic postage revenue is devoted to domestic transportation, while American steamers for carrying foreign mails receive all the sea and inland postage, which, for letters, is 5 cents each of ½ ounce or under, or $1.60 per pound, and for papers 8 cents per pound, while our domestic postage is only 2 cents for a letter weighing 1 ounce or under, and 1 cent a pound for papers.

This subsidy amendment proposes to give $800,000 to American built and registered vessels for carrying the mails to Brazil, Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, at a compensation of not over 50 cents per mile, going and returning.

For the last fiscal year there were fifty-eight American vessels engaged in this service which traveled in an aggregate 1,630,176 miles. At this estimate it would require $815,000 to pay them, thus leaving a deficit in that behalf of $15,000. It is idle to say that the Postmaster-General could contract with these lines for the service at a sum less than $800,000. They would insist upon having all, and thus monopolize the business, driving off competitors, or decline to carry the mails which, in either case, would not be very reassuring to our commercial intercourse with those countries and American ship-building.

Our commercial prosperity seems to be the innocent and patriotic purpose of such legislation. Then when that sum should be so absorbed what would become of the service contemplated in the last paragraph of the amendment, which is as follows:

The Postmaster-General, if in his judgment it be practicable, shall contract for a semi-monthly mail service between the ports of New York and New Orleans, alternately, and the port of Rio de Janeiro, under the provisions of this act.

Of course nothing would be left of the amount for such service.

Only 8.37 per cent. of the entire sea-borne mail for the last fiscal year was dispatched to the countries contemplated in the amendment, and to pay $800,000 for this service, amounting to only 45,021 pounds of letters and 424,447 pounds of paper, would be an unblushing subsidy. In the mean time all the balance of foreign-mail service, which comprises almost the entire amount of that service, is relegated to the House appropriation for foreign mails, namely, $375,000.

How the extravagant bounty of $800,000 a year for the transmission of 469,468 pounds of mail to the countries south of us and across the Pacific would cause their inhabitants to buy our manufactured products, when they can buy them elsewhere cheaper than we will sell them for, is a mystery that can not be explained.

Perhaps a sense of exalted admiration for the immense sums donated to a few vessels by this Government might cause them to make the sacrifice, but that can scarcely be considered human nature.

The following table will show how exports of merchandise from the United States to Brazil have scarcely increased for twenty years, and how our imports from Brazil have rapidly advanced, in face of our protective tariff.

[From report of Central and South American Commissioners.]

The following statement shows the value of merchandise imported from and exported to Brazil during the twenty years from 1865 to 1884, inclusive:

Year ending June 30—	Exports.	Imports.	Total.
1865	$6,580,161	$9,784,312	$16,364,473
1866	5,691,659	16,816,803	22,508,462
1867	5,099,387	19,100,300	24,199,687
1868	5,695,404	23,595,740	29,291,144
1869	5,866,604	24,837,403	30,704,007
1870	5,774,323	25,161,219	30,935,542
1871	6,013,733	30,551,215	36,564,948
1872	5,912,783	30,122,384	36,035,167
1873	7,197,722	38,540,376	45,738,098
1874	7,702,156	43,888,647	51,590,803
1875	7,742,359	42,027,863	49,770,222
1876	7,346,380	45,446,381	52,792,761
1877	7,581,813	43,498,041	51,079,854
1878	8,686,704	42,968,973	51,655,677
1879	8,194,370	39,375,441	47,569,811
1880	8,605,346	51,970,090	60,575,436
1881	9,252,415	52,782,536	62,034,951
1882	9,152,562	48,801,878	57,954,440
1883	9,252,094	44,488,459	53,740,553
1884	8,646,261	50,256,189	58,902,450
Total for twenty years	145,994,246	724,014,250	870,008,496

Excess of imports, $579,020,004.

It would require an Oriental imagination and the highest order of the poetic temperament to suppose a subsidy for mail service to the vessels on that line would have reversed the figures or affected the result.

When the sea carriage was ample to import so liberally, the same means were at hand to export as much or more. They would not buy our merchandise because they could purchase elsewhere at lower rates. They preferred going further and faring better. This a democratic administration! It has not recommended such a measure as this, and I do not think it could approve of it.

The postal system was created for the transmission of mails at a fair compensation. It is a perversion of it to make it a medium of distributing bounties for any purpose. In his annual report the present Postmaster-General says, speaking of the foreign service:

No exigency exists for the establishment of any new lines to carry the mails. Those now on the sea as common carriers are sufficient for the present needs of the foreign-mail service. They appear to have maintained themselves for years without Government bounty in profitable pursuit of their business.

Mr. Chairman, the people whom it is my honor to represent here are almost wholly agricultural, and for twenty years have struggled hard against the tyranny of adverse circumstances and have felt keenly the marked advantages that aggregated and corporate wealth has enjoyed at the expense of the farming classes and the burden of a high protective tariff system. Many of them have seen wealth walk out and poverty walk in. They saw the one depart almost without a murmur, and received the other without a sigh, and have bravely maintained the struggle for existence to this good hour. They are loyal to the Government, and none would more glory in its prowess and progress than they, but they would have its blessings descend on all alike. They favor no subsidies; they want simply an equal chance with all other pursuits; they ask no bounty or protective tariff for themselves, nor do they favor the same for the sake of others. They insist on the lowest possible amount of taxation, falling lightest on the necessaries of life, and a government justly and economically administered.

The war being over, they want peace, and not a fruitless war of words and bitter recriminations. They would banish all sectional animosity, so that throughout our great Republic—

> Good-will between us like the palm may flourish,
> And peace its wheaten garland wear.

To these convictions I give my cordial approbation.

Mr. MILLS. Mr. Chairman, the proposition sent to us by the Senate is a most extraordinary one in any aspect in which it may be viewed. It is simply a proposition on the part of the Senate that we shall make a donation out of the public Treasury of $740,000 per annum to certain ship-builders in this country, the chief of whom is Mr. John Roach. During the last fiscal year we had the mail carried on the line now proposed to be subsidized at a cost of $60,000. They were glad to get it at $60,000. They made money by carrying it at $60,000. They are glad to get the same amount of freight to carry under their special-dispatch charge, which is about 9½ cents a pound, and they would have made $52,000 by carrying the mail at that rate.

They carried 548,000 pounds of American mails on those lines for $60,000, and notwithstanding they carried it last year at that rate we now propose to pay them $800,000 for the same service. They are glad to get freight to carry at 80 cents per 100 pounds, eight-tenths of a cent per pound. On all the waters of the earth ships are now carrying freight, hunting for it, glad to get it, at that rate for like distances, and the owners are making profit by it. If they were not their ships would be lying up at the docks. At that rate we would pay less than $5,000 for the carriage of this 548,000 pounds of mail matter, but the Postmaster-General is willing to pay them the sea and inland postage, which is about $98,000, double what we pay the foreign lines for carrying our mails, for we only pay them sea postage, while the Department is willing to pay these lines both sea and inland postage. Now, why is it that we are asked to pay out this vast amount of money when we can get our mails carried faster and better and in greater security by paying $60,000?

Gentlemen say it is not a subsidy. I say it is a donation outright, without any compensation to the public Treasury, without any compensation to public commerce, without any compensation to the people of the United States in any respect whatever. But it is said that this is to be done in the interest of extending our foreign commerce. When did the gentlemen who are proposing this subsidy become so much in love with the extension of our foreign commerce? This proposition comes from those who have been breaking down our foreign commerce, who have always talked about finding home markets for our home produce, and who have denounced every proposition to extend our commerce to foreign countries as an emanation of the British brain, as a reflection of British sentiment, and the advocacy of British policy here. But whenever it is proposed to unlock the doors of the public Treasury to take a large sum of money that has been wrung by hard taxation from an oppressed and plundered people and throw it into the lap of John Roach, and Cramp & Sons, and some others of these ship-builders, then all at once these gentlemen became enamored of foreign commerce.

We heard a few days ago a lecture delivered by a gentleman on this floor upon the subject of economy. He told us that the people were calling a halt and were demanding that we should reduce taxation. That exhortation to economy was delivered upon a little bill proposing to expend a few thousand dollars; but when we have before us a proposition to spend $800,000, the same gentleman who then lectured this House in favor of stopping expenditures from the public Treasury and reducing taxation comes forward and lends the benefit of his counsel and his aid to this proposition to spend $800,000 for the foreign mail service.

Mr. HEWITT. Does the gentleman refer to me?

Mr. MILLS. Yes, sir.

Mr. HEWITT. I object to a subsidy; I am against it.

Mr. MILLS. Then I did not understand the gentleman.

Mr. HEWITT. Certainly you did not.

Mr. MILLS. Is the gentleman opposed to the Senate amendment?

Mr. HEWITT. I oppose the Senate amendment, and shall vote against it.

Mr. MILLS. Is the gentleman opposed to paying any more for this service than the sea and inland postage?

Mr. HEWITT. I am opposed to paying any more than the value of the service. I propose to pay what it is worth.

[Here the hammer fell.]

Mr. LANHAM obtained the floor and said: I yield my time to my colleague [Mr. MILLS].

Mr. MILLS. Mr. Chairman, it is said that the measure now under consideration will benefit our foreign commerce. It is said that our fathers subsidized vessels from 1850 to 1860. It is said that England has subsidized steamship lines; and it is true. It is said that her commerce has been extending and strengthening ever since she began the subsidy system. But, sir, this growth of England's commerce has had no reference whatever to subsidy. The commerce of England, it is true, grew while she was giving large sums for her foreign-mail service; and so did ours while we were making similar payments. But why was it? There is a vast distinction, which must be drawn here in order to understand this question properly. The people of the United States between 1850 and 1860 were carrying out a policy looking to free commerce and trade with the world. They were breaking down the walls that had existed between themselves and the people of foreign countries. They were propagating their trade in every possible way.

England was pursuing the same policy. She was negotiating treaties with all the powers of the earth, even the petty princes of Africa, in order that she might extend her trade to all peoples, civilized, half-civilized, and savage; she sought to remove every obstruction to trade; she sent her consuls to every country to protect her trade; she nego-

tiated treaties for the abolition of the old doctrine that in time of war goods carried under an enemy's flag are to be considered as the goods of the enemy, and through her influence neutral goods were secured under an enemy's flag. She has bent all her energies to banish privateering from the ocean, and to secure in every way she could the commerce of the world against all dangers and all hinderances as it moved toward its markets.

Having removed all the hindering causes, she then began to push her commerce everywhere. Her manufaturers said to Parliament, "There are some people in South America whose trade we want. Help us procure it." Parliament responded by sending a line of steamships to South America. Her manufacturers sent out agents on these lines, and said to them, "See what goods those people want—what sort of hats and pantaloons and vests they wear; study their tastes and report to us. We will manufacture goods to send to them, and in exchange, we will take their wool and their copper, bring them to our markets, manufacture them, and send them over the world." But here you are saying, "We will not have the wool and copper of Peru and Chili; we will not have the things that they wish to exchange for our productions." At the same time you propose to pour money from the Treasury into the pockets of John Roach, while you exclude from this country the goods which these South American nations would gladly exchange for ours. That is the proposition you make, and yet you talk about extending commerce!

In order to extend commerce the first thing you must do is to remove the barriers which exclude the commodities that other nations desire to exchange for ours. When you have leveled these obstructions it will then be time enough for you to devise means to push your commerce to foreign countries by ocean lines of steamers. I do not know but that it may be wise then to do it if the demands of commerce itself do not put vessels on the line. But first you must throw open the gateways to this country and let the commerce of other countries come in. Commerce is two-sided. It takes two men to make a trade, and it takes two countries to make a trade. You must be willing to accept what other nations send you as well as desirous to force them to take what you send.

Mr. MILLIKEN. Will my friend allow me a question?

Mr. MILLS. Oh, my friend has spoken several times on this subject.

Mr. MILLIKEN. Does the gentleman maintain that in these days trade is barter, and that we can obtain trade only by giving away our markets? Do not the facts point the other way? Do we not now sell our goods to South America either directly or via Europe?

Mr. MILLS. Oh, yes; we do a little trade of all sorts with South America. But if we were willing to take the wool of South American countries, they would be more willing to take our manufactured goods. If New England would manufacture goods to suit the tastes of the people of South America—manufacture them as our consuls have told us repeatedly those people want them manufactured, and not manufacture goods for Venezuela according to the tastes of the people of Boston, and if we were willing to take what they have to give in exchange, then we should have trade, and trade without any subsidy.

[Here the hammer fell.]

Mr. PRICE. Mr. Chairman, I know how distasteful the word "subsidy" is to many of the American people. And I also know that there has not been for years a railroad constructed in America without the aid of either national or local subsidies, and often with the most beneficial results to the whole people.

Scarcely a furnace, forge, or factory of any kind or character has been erected for years in any part of the country without the aid of local subsidies.

Hundreds of thousands of dollars have been and is being paid annually by the Government for the encouragement of agriculture, and but few can be found who will deny the propriety, if not the necessity, of such Government aid to this great and important branch of national industry.

Subsidies are freely and intelligently voted in aid of educational interest by the nation, the States, counties, and cities.

Other countries, with the products of which ours come in contact and competition, have aided by subsidies their commercial appliances so far that if individual enterprise is left to cope unaided with these, they must be driven out in the unfair contest.

I can discern no reason why, as a people, we should aid by subsidies every creative or other industry down to tide water, and then become alarmed at the word subsidy, reverse our policy, and leave our mails and commerce to be driven from the seas.

The national thought has been directed to the subject of production too long to the exclusion of the equally important one of finding a market for these products.

I regret somewhat that this question should be attached to the Post-Office appropriation bill, as I should prefer to vote directly for the proposition, pure and simple, of stimulating American ship-building and American commerce by Government aid to the ends that new markets may be sought out for our surplus products and American lines of transportation to carry it there.

I hold to the opinion that our people can cope successfully with the people of any other country on earth in the battle of life when placed on an equal footing; but that they can not do so when their competitors are fostered and protected by government aid. Therefore I will give my vote for this amendment as a slight step toward the grounds that we should assume, that it is the first duty of the American Congress to take care of the interest of the American people, even though the people and interests of other nations should languish.

If I believed in the theories of free trade I would vote against this amendment, but as a protectionist of American producers and the American system I must support it.

[Here the hammer fell.]

Mr. FINDLAY. Mr. Chairman, the master of the French revolution, in reply to an opponent, once thundered from the tribune that "words were things." The discussion which this amendment has provoked is only another illustration of the profound truth contained in that reply. A simple proposition to pay an adequate sum for a service rendered is denounced as a subsidy, and men grow happy and rub their hands with glee, thanking God that they are not subsidists. I remember, after the little unpleasantness over the bill of my distinguished friend from Illinois, just two years ago, a dissatisfied constituent of mine said that he was done with me because I was a protectionist; and when a friend of mine asked him what a protectionist was he said he did not know. The word stood him instead of an idea; and if I had been denounced at the time, or stabbed with the same fatal epithet with which Daniel O'Connell drew the life-blood of the old fish-woman, as a parallelopipedon, it would have served just as well.

Now, sir, words do not appal me unless they have back of them ideas and principles at which conscience may justly take offense.

If the charge so freely bandied here that this is a subsidy means that we who advocate this amendment are about to vote away the people's money for an improper object or to waste it in a fruitless attempt to revive the languishing carrying trade of the country, then I propose to seriously examine the charge and discuss the foundation upon which it rests. If nothing more is meant by it than the vague insinuation of an ill-defined word, I shall not attempt to beat the empty air in search of an imaginary enemy.

What is this proposition?

First. That going and coming the steam carrier of the mail flying the American flag between this country and foreign ports may receive for a stated period a compensation not exceeding 50 cents per nautical mile traveled. This is to be arranged by contract.

Second. If such a contract can not be agreed upon, then the Postmaster-General may provide for an expeditious foreign ocean mail service by American steamers for such period and at such rates of compensation as may be just, not to exceed, however, the limit of 50 cents a mile. For this purpose the sum of $800,000 is appropriated by the Senate amendment, and this amendment is further restricted by the proposition of the gentleman from Michigan [Mr. BURROWS] to divide this sum by applying one-half to existing lines and reserving the other half for new companies that may come into existence. Here then is a proposition that up to the limit of 50 cents a mile the Postmaster-General may contract for this service. If he can get it done for half of the sum, there is nothing in the amendment which requires him to give the whole of it. The language of the amendment is not that these American steamship lines shall have in any event 50 cents a mile. That sum is fixed as the maximum limit beyond which the rate of compensation shall not pass.

But then it is said that it amounts to the same thing, because there are no competitions, and that the proposal therefore in each case will be to carry for not less than the maximum rate.

Well, then what follows? If the Postmaster-General is not willing to let a long contract, for three or five years, at 50 cents a mile or less, he may say to those companies. I want to pay you what is just. I recognize the fact that you are entitled to something more for this service than the mere weight of mail or number of letters or parcels would entitle you to. I think distance should be taken into consideration. I think the hazards of the sea, the magnitude of the capital required for the construction, equipment, and management of a large steamship, the item of marine insurances, and the unprofitableness of the journey, as contrasted with other routes, drawing tribute from a hundred way stations, ought all to be taken into the account. Nay, I will go a step further, and to be perfectly fair with you I will admit into this estimate another consideration, which some of our intensely practical friends, who can see no merit in anything except a pinching economy, would exclude. I will even say, in this bargain, that I would rather have an American ship carry the United States mail than a foreign bottom. I would rather pay a little more to an American vessel, if it was only for the sentiment of retaining the poor privileges of carrying the correspondence affecting our foreign commerce, which now unhappily sails the seas under other flags than our own. Taking all these things into the account, I will pay you 30, 40, or 50 cents a mile, as the case may be.

Is that an improper waste of money? Is there anything dishonorable or disgraceful in such an arrangement? Why, sir, it has been demonstrated over and over again that the outlay of some of those companies for delivering the mails is greater than the income they receive from sea and inland postage. Is it not dishonorable and disgraceful

for a great Government like this to be a pensioner upon the bounty of these steamship lines? Why do they carry your mail at all? It certainly is not for the profit they make out of it.

The United States is in the attitude of a beggar. It says to these carriers: "As long as you are going on the voyage you might as well take my mail; it will not cost you much to do it; in some cases you may even make enough from the postage to pay your actual outlay in handling and delivering the bags. Do you not think it would be churlish in you, not to say unpatriotic, to sail without discharging a small neighborly act like this? You ought to remember, too, that prior to April 1, 1884, I would not permit you to clear unless you agreed to take the mail, and now that I have released you from that obligation and have thrown myself upon your generosity entirely, is it too much to claim some little consideration in return for such a friendly service? I am not asking you to go out of your way; of course if that was the case it would make a difference, but I am simply saying that as long as you have to go to Cuba, to Japan, to Brazil, to Venezuela, Mexico, Central and South America, and you have plenty of room in your vessel, you might as well take the mail. It is not very heavy; it will not take up much space; it will not incommode you very much, and really the compensation, though small, is quite enough for the service. I give you 5 cents for every letter, this being a bargain regulated by tare. The bag is excluded as gross; besides, wrappers, under our new tariff, do not count in the valuation. A thousand letters at 5 cents apiece is $50, all of which you earn for carrying a small leather or canvas bag that may be stuffed away in some corner of the ship and not be so much as seen, let alone felt. Now you charge nothing for carrying a passenger's trunks that will take up twice as much room, will weigh five times as much, and will be correspondingly difficult to place and to handle. Instead of being stingy with you, you see I am really munificent—absolutely profuse, ridiculously extravagant."

This argument was too strong for most of the lines, but it seems from the Postmaster-General's report that there was one recalcitrant company at San Francisco which was not so responsive to either patriotism or reason, and boldly refused to carry the mail for the princely sum of 5 cents a letter. The head of the Post-Office Department, who had first invented an ingenious method of getting rid of offensive partisans, the chief merit of which consisted in the secrecy by which the operation was to be conducted, bethought him of the striking analogy between the passenger's trunk and the United States mail, and with one of those sudden and lightning-like inspirations which only occur to true genius, hit upon an expedient to rid the country of its postal matter with the same secrecy and dispatch with which he has gotten rid of the fourth-class postmasters. According to his own account, he telegraphed to the agent of the Post-Office Department at San Francisco to buy a ticket to Panama for passage on the steamer then about to sail, and then to take the United States mail on board as his personal baggage. He argued, and fairly, that each passenger was entitled to so much baggage; that the mail in this instance did not exceed the prescribed weight, or if it did the difficulty could be overcome by paying a little more for extra baggage.

This the agent would have been compelled to do at any rate, because it is to be presumed that postal clerks, while they are knocked about a good deal and may possibly in this way become somewhat indifferent to comfort and appearance, would still find difficulty in supplying their personal wants out of the United States mail, even if it were permissible to open the pouch. In other words, it is to be presumed that the agent in this case would have a trunk or valise of his own in which he would carry a few articles of personal attire, and unless this trunk or valise was big enough to hold his clothes and the mail bag too, there would be extra baggage to pay for, and it would be difficult to claim that the contents of the United States mail constituted his personal effects. It is fair to presume that the extra charge would have to be paid upon the pouch rather than upon the trunk, always assuming of course that the mail bag was not in the trunks.

As the whole scheme was one of economy and secrecy, as in fact there is little or no merit in the invention unless the company was to be outwitted by a shrewd maneuver on the part of the Postmaster-General, I strongly incline to the belief, although his report is silent upon this part of the case, that the mail was to be concealed like a stowaway in the trunks and so passed as the baggage of the agent, reducing the actual cost of transportation to the price paid for his ticket. I do not know why the system has not been generally introduced, unless it is for the reason given by the Postmaster-General that the fares earned by the companies for the carriage of passengers with United States mails attached were not equal to sea and inland postage. But it would seem that there ought to be some honor connected with this mixed transportation of the individual and the sovereignty of the nation which should carry with it an increased fare and the charge for an ordinary passenger. A man traveling with the United States mail as a part of his personal effects would naturally receive more consideration than a common traveler and ought in justice to pay for the honor.

The Forty-eighth Congress, in my opinion, by what is known as the subsidy amendment, intended that the Postmaster-General should apply the money appropriated by that amendment for the purpose of paying our American steamships some adequate sum for the service rendered. The whole debate shows that the authority conferred upon him was not directory but mandatory. He has seen fit to put a different construction upon the act, and as a result of his conclusion has been forced into resorting to an expedient to escape the consequences of his folly which I do not care to characterize.

The United States mail is not baggage, nor is it freight, and any rate of compensation for its carriage either upon sea or land based upon this naked idea misconceives the nature of the service rendered.

I think that the old colored mail messenger in Virginia had a much truer and keener appreciation of the character and dignity of this service than the Postmaster-General. When a white man kicked him as he was carrying the mail down the platform toward his house, he turned around on his assailant and said: "Look here, boss, do you know when you is a kicking me that you're kicking the whole United States?" There is a decency and propriety in this case easy to perceive but difficult to analyze, which requires that the compensation to be paid should not be determined by the ordinary rules which govern the transportation of freights or mere merchandise.

Let a man consider but a moment the immense difference between a sack of flour and a sack of mail matter. One goes to the wharf in an open dray and is pitched by the stevedore into the hold of the vessel. The other comes to the wharf in a closed wagon with the symbols of the United States painted upon its sides. It contains matter which from the moment it has left the writer's hands has become sacred in the eye of the law, and from the drop-box to the point of delivery passes through such hands only as have been consecrated for the service. But when you go a step further and analyze the contents of the bags the difference is still more striking. The mail-bag is an epitome of human life. The social and business intercourse of nations is represented there as well as the sovereignty of the country.

It is simply ridiculous to say that supposing the flour-bag and mail-bag to be equal in weight and dimensions, and both to be carried the same distance, that therefore the same rate of compensation should be paid for each. And yet the proposition is not ridiculous if weight, space occupied, and distance traveled are the only considerations which are to determine what shall be paid for the carriage of the mail.

Apart from building up our merchant marine and establishing new commercial relations with the countries south of us I believe in paying a fair compensation for our foreign ocean steamship mail service, and I know that the rate now paid is not fair, and in some cases instead of being a benefit to the companies is an actual burden. The coastwise, the river, and star-route service are all compensated upon the basis of the considerations to which I have referred, and surely if a difference is to be recognized it ought to be made in favor of the solitary carrier of the sea who beats his tempestuous way along an untraveled road toward an uncertain port. [Applause.]

When Mr. FINDLAY had spoken five minutes the gavel fell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCADOO. If the Chairman will recognize me I will yield my time to the gentleman from Maryland.

The CHAIRMAN. But five minutes remain for that side. If no gentleman claims that time the Chair will recognize the gentleman from Maryland.

Mr. BRUMM. I claim it.

Mr. FINDLAY. I tried hard to get into the general debate, but had not an opportunity. I ask leave to extend my remarks.

The CHAIRMAN. The Chair finds that the gentleman from Illinois [Mr. LAWLER] is entitled to recognition.

Mr. LAWLER. I yield my time to the gentleman from Maryland.

Mr. FINDLAY resumed and concluded the remarks printed above.

Mr. MORRISON. Mr. Chairman, the amendment of the gentleman from New York [Mr. HEWITT] is intended to reduce the proposal of the Senate amendment one-half, from eight to four hundred thousand dollars. As interpreted by the gentleman himself the expenditure of this sum is left discretionary with the Postmaster-General. The exercise of such discretion ought not to be imposed on that officer; he does not want it, and to vest it in him after the controversy which has grown out of this question is to again subject him to the accusation that the discretion has been abused.

This is a responsibility which belongs to Congress; and, as I understand the proposition of the gentleman from New York, it requires the expenditure of the money at any rate not exceeding 50 cents per mile. The limitation that "the Postmaster-General shall as far as possible cause" the mails to be carried, will, in my opinion, leave the Postmaster-General without the supposed or intended discretion and make it his duty to spend the money.

The Postmaster-General, charged with the conduct of our United States mails on land and sea, at home and abroad, estimates the cost of carrying our mails going to and coming from foreign countries at $375,000 and asks for that sum for that branch of the mail service. This is $42,000 more than was expended last year or in any one year in the last eight for the same purpose.

The bill which the House sent to the Senate appropriating the $375,000 asked for this foreign mail service comes back to us with a Senate

amendment adding $800,000 for the alleged purpose of securing more frequent and faster mails from this country to China and Japan, Australia, Mexico, Central and South America, in American ships.

This annual sum of $800,000 is to continue for five years, and at the end of five years will have cost us $4,000,000.

This part of the foreign mail service is now done for not more than $60,000 and has been done for much less than $60,000 a year in all of the last eight years, and the proposed increase will require us to pay in five years $4,000,000 for carrying mails which on the basis of existing law would be carried for $300,000.

The subsidy, bounty, or encouragement system in a modified or in some form is with us thirty-five or more years old. If calling it subsidy is objectionable to anybody I will say that this plan of giving more for carrying mails on sea than the service can be obtained for with the alleged purpose of building ships, opening up or creating foreign trade or foreign commerce, is more than thirty-five years old. And old as it is, it never built a ship, bettered trade, or made a market. It did lead to some corrupt practices which caused it to die several years ago. There was an attempt to resurrect it last Congress, and now here it is again.

The attempted revival by last Congress of this system or policy was defeated by the Postmaster-General in the judicious exercise of the discretion then left with him. This too without hinderance or detriment to the foreign mail service and with mindful regard to the preference and advantage which under the law he may give American ship-owners. To these he said, as disclosed in the correspondence: "Carry the foreign mails, and you shall receive sea and inland postage or nearly three times the amount for which foreign ship-owners are ready to render this service." This the owners of ships carrying our flag refused, and would not allow American mails to be carried on American ships except upon their own terms. These terms they failed to get, because of the official courage and integrity of Postmaster-General Vilas.

Now they are here flying the American flag and prescribing their own terms in this Senate amendment, which this time leaves the Postmaster-General without that official discretion which before enabled him to protect the public interest and the public Treasury. That duty is now ours.

[Here the hammer fell.]

Mr. SPRINGER. Mr. Chairman, I am next on the list, and I yield my time to my colleague [Mr. MORRISON].

Mr. MORRISON. Mr. Chairman, the advocates of this Senate amendment, so far as appears from the discussion, insist on its adoption more for commercial reasons than for the purposes expressed in the amendment itself. They complain of our unwillingness to pay more than the sum needed to secure the service. They insist that it is unfair and unjust in us not to pay as much or equal rates for carrying mails to alien people in foreign countries as we pay for supplying our own people in our own country with mail facilities.

Among others the gentleman from Michigan [Mr. BURROWS] made this criticism of the opposition to this measure. Without intending it the gentleman furnished the answer to his own argument when he said that we carried the mails to our distant frontiers at a cost greatly disproportionate to the few people it found there.

This he correctly said was done to establish settlement, that cities and towns might be built and farms opened and cultivated. Sir, we do not send our mails at so great cost over the sea and to the frontier of other countries where we do not own or want to own a foot of land, nor would we plant colonies or settlements or build cities or make the homes of our people there. We are asked to emulate England, copy France, follow Germany, in the carrying and distribution of mails. This is what we have been doing for a century. We carry or pay for carrying the mails to our own people. Does England, France, Germany, or any European country do more except for hire?

When Great Britain subsidizes or hires a transatlantic ship she pays to send her mails to her territory in this hemisphere, North and South America, equal to our own, more than 3,600,000 square miles and 6,000,000 of her people—British subjects. When she pays a steamer to carry mails to Hong-Kong, China, and Japan, going by way of the Suez Canal, it carries her mails past and to more than a million of square miles of her territory and to over 200,000,000 of her subjects—five times as many people as she has at home.

When she sends them to Australia, if the ship goes down one side of Africa and back on the other it carries mail to two and one-half millions of her subjects, and passes nearly half a million square miles of her territory there (in Africa), and when the ship reaches Australia and Australasia she finds an empire thirty times larger than that we call Great Britain, and nearly four million of subjects, and those too largely her own children and their descendants. Gentlemen know, but forget for the purpose of this debate, that Great Britain, her territories, colonies, and dependencies cover one-seventh of the land surface of the earth.

When France carries mails across the Atlantic it is to her colonies in the West Indies and South America, where she has 40,000 square miles of territory and three hundred and seventy-five thousand people. When she pays to send her mails to Cochin China and neighbors, she finds 60,000 square miles of her territory and nearly eleven million subjects.

When she starts out to Australasia she carries her mails past and to 200,000 square miles of her colonies and over a million of subjects in Africa, and in Oceanica has dozens of islands and nearly ninety thousand subjects. In all her colonies and protected countries, France outside of France is nearly half a million square miles of land and twenty-one and one-half millions of people.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I will give the gentleman from Illinois part of my time.

Mr. MORRISON. I will try to take but little of it.

Germany, too, Mr. Chairman, grants large subsidies, having fallen upon this policy only in the last year, and why? Because she, too, has now embarked in the policy or scheme of colonization. Her people were leaving fatherland and coming to ours—she tried protection without avail; wages refused to rise with protection. Her people would not stay in Germany; she determined to plant them in German colonies; she has territory on the west coast of Africa and on the east.

The gentleman from New Jersey [Mr. PHELPS] held up Germany as a new convert to the subsidy faith and as an example for us. She, he said, paid or was going to pay $1,000,000 a year for carrying her mails to Australia. The gentleman from New Jersey hardly forgets that Germany has acquired part of New Guinea and the Bismarck Archipelago, and now has territory alongside Australia ten times as large as his State of New Jersey and with 300,000 population. The United States pays more than $1,000,000 for carrying mails to a like area or equal extent of territory.

No, Mr. Chairman, there is nothing in the example or policy of Germany, or of any other country of Europe, which justifies us in entering upon this questionable scheme. Everything in the history and practices of our own country forbids it.

[After Mr. MORRISON had spoken five minutes the hammer fell. Before he resumed the following proceedings took place:

Mr. SPRINGER. Mr. Chairman, I am next on the list, and I yield my time to my colleague [Mr. MORRISON].

Mr. MORRISON. Mr. Chairman——

Mr. BRUMM. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRUMM. When the chairman has taken the names of members who desire to speak under the five-minute rule on the affirmative or on the negative side of the question before the House and a member places himself, we will say for instance on the affirmative side——

Mr. SPRINGER. We will give you leave to print your question in the RECORD. [Laughter.] I yield my time to my colleague.

Mr. BRUMM. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The Chair desires to hear the question of the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. My question is this: When a gentleman places himself on the affirmative side of the issue and speaks some fifteen minutes ostensibly on that side, and it then turns out that he is really on the negative side, he having, whether unintentionally or by trick or fraud, succeeded in occupying fifteen minutes of time in that way, I desire to know whether it is proper that that time should still be charged to the affirmative side, or should it be charged to the negative side of the question?

The CHAIRMAN. The Chair can not remember the whole of the gentleman's question. The time on that side of the House is exhausted. The gentleman from Illinois [Mr. MORRISON] is recognized.

Mr. BRUMM. Mr. Chairman, I insist upon a decision.

The CHAIRMAN. The gentleman can not interrupt the gentleman from Illinois who is now on the floor.

Mr. BRUMM. I insist upon a decision on my point of order.

The CHAIRMAN. The gentleman is out of order.

Mr. BRUMM. The chairman is mistaken. I wish to correct the chairman in this, that I do not——

The CHAIRMAN. The Chair has decided. The gentleman from Pennsylvania can appeal if he likes.

Mr. BRUMM. No; I will not appeal. I simply wish to correct the Chair.

The CHAIRMAN. The gentleman is out of order.

Mr. BRUMM. You will not permit me to make a correction.

The CHAIRMAN. No. [Laughter.]

Mr. MORRISON resumed and finished his remarks as above.]

Mr. RANDALL. Mr. Chairman, I rise only to direct attention to the curious spectacle presented in this House in reference to a proposition involving a possible expenditure of $4,000,000. This proposition is urged upon us without a word of administrative suggestion or approval. Is there anything in the message of the President of the United States directing attention to the necessity of expending this money? Do we find in the report of the Postmaster-General any suggestion in favor of this scheme? Not only does the Postmaster-General fail to recommend it, but every word he has uttered in relation to this subject has been a protest against such an appropriation. The proposition comes to us out of the usual course. No estimate for it has been sub-

mitted; no reference to the subject comes to us through the usual channel of communication, the Speaker of this House. This provision has emanated from the other branch of Congress—a body which for years has been contending against the right of this House to put upon a general appropriation bill any provision legislative in its character.

This expenditure, so far as justified at all, is supported only on the broad ground that it is going to revive American commerce. But, sir, our experience for thirty years and more has shown that every effort of this character to appropriate money out of the Treasury of the United States for any such purpose has been a failure. No, gentlemen, the revival of American shipping is not to be promoted by subsidy, by any appropriations of money in the manner now proposed. The gentleman from Maryland [Mr. FINDLAY] who has urged this argument as to the revival of American commerce will himself admit that this appropriation, if it does not accomplish any such result, is a waste of the public money. Judging from the past, I do not believe it will accomplish anything in that direction. Hence I think it a waste of the public money, and I believe we are utterly without justification in making any such appropriation.

Before taking my seat I wish to give expression to the hope that upon this proposition each of us may range himself on that side of the question where he expects to stay to the end. [Applause.] I remember very well when an appropriation of this kind, almost identical with the amendment offered by the gentleman from New York [Mr. HEWITT] to-day, was voted into the Post-Office appropriation bill.

Mr. HEWITT rose.

Mr. RANDALL. Well, I think they look to about the same result.

Mr. HEWITT. "The gentleman from New York" differs with the gentleman from Pennsylvania.

Mr. RANDALL. We often differ, and I am glad of it. [Laughter.]

Mr. HEWITT. That is encouraging.

Mr. RANDALL. The proposition to which I refer was put into the Post-Office appropriation bill at 3 o'clock in the morning in the closing hours of the last session, and that result was finally accomplished by no change perhaps of the votes which members had cast upon the subject, there being but few, if any, such changes. That result would not have been reached except by reason of the absenteeism of members. And in concluding I wish to invoke every man here to so record himself on this proposition that he will not find it necessary to absent himself thereafter. [Applause.]

Mr. BLOUNT. Mr. Chairman, the proposition of the gentleman from New York, as I understand his explanation of it, is substantially the same as the proposition of the bill for the current year.

Mr. HEWITT rose.

Mr. BLOUNT. I do not yield.

Mr. HEWITT. I want to correct the gentleman.

Mr. BLOUNT. But I insist the gentleman has no right to interrupt me without my consent.

Mr. HEWITT. Then do not misrepresent me.

Mr. BLOUNT. I have not misrepresented you. I am in the debate giving my own construction, and the gentleman has no right to interrupt me.

Mr. HEWITT. The gentleman has misrepresented me. [Applause.]

Mr. BLOUNT. Mr. Chairman, I am here construing this amendment as I apprehend it.

Mr. HEWITT. Ah, that is another thing.

Mr. BLOUNT. The gentleman must know that is what I am doing.

Mr. HEWITT. But you said I construed it so. [Laughter].

Mr. BLOUNT. Then I take the gentleman on that line. The proposition in the bill of this year is one of discretion, but the gentleman in referring to this amendment has claimed it is in the discretion of the Postmaster-General. How much better off is he now?

Now, Mr. Chairman, let us look at this proposition. The bill of this year is certainly one of discretion. It has been so held by the Department. It provided there should not be exceeding 50 cents a mile. This bill has that, but it does not stop there. That of the present year uses the language "is hereby authorized;" and what I am saying is my judgment and not the gentleman's as to the true construction.

And the Postmaster-General shall as far as possible—

Language directory—

cause the mails of the United States to be carried to and from said places respectively in American built and registered steamships, provided—

Here comes a little qualification—

provided the same can be carried for a reasonable compensation to be by him determined.

The Postmaster-General has already regarded sea and inland postage as reasonable compensation, but the gentleman indicates from the disposition of this House and of Congress, if his amendment be adopted, it may be as high as 50 cents a mile. Therefore all the moral power of this House which that language can convey is that it is not to compel the Postmaster-General against his avowed opinion as to reasonable compensation to use a sum of money which he declares he does not need. [Applause.]

There can be no mistake about this matter. The gentleman from New York [Mr. HEWITT] voted for the $400,000 proposition last winter. The gentleman from New York in my judgment is advocating a worse proposition to-day.

Now, Mr. Chairman, one word more. The situation is singular. Last winter at the dead hour of night, under the stress of the statement we should have an extra session, under the declaration the Senate would not consent to the passage of the Post-Office appropriation bill unless this was done, the amendment was placed on the bill. Time passed along, the Democratic administration came into power and put the ban of condemnation on it. That is all done to-day. The policy of the administration on this subject can not be mistaken; but the Senate of the United States, in violation of the principle of not putting legislation on appropriation bills, for which they have time and again arraigned this House, seek to force on that administration a Republican policy. There is an audacity, a boldness about it, that needs to be met by the courage of the men in power. [Great applause.]

Mr. MILLIKEN. Will the gentleman allow me to ask who is legislating for the country, the Postmaster-General or——

Mr. BLOUNT. I do not yield. The gentleman knows I do not wish to be disturbed.

Mr. MILLIKEN. Very well; I will not disturb you.

Mr. BLOUNT. So far as this question is concerned no gentleman who does not want to be deceived can be deceived. The issue is clean and square. For one, as a Democrat, I am ready to stand responsible for it here and all over the land in the coming elections. [Applause.]

The CHAIRMAN. Debate is exhausted, and the question recurs on the amendment to the amendment by the gentleman from Tennessee Mr. ZACH. TAYLOR].

The Clerk read as follows:

Add to Mr. BURROWS's amendment the following:

"*Provided also*, That $100,000 of said $400,000 shall be applied by the Postmaster-General to the transportation of foreign mails by existing steamers or lines running from New Orleans to ports in Central and South America, and to ports in the West India Islands, and $100,000 of said $800,000 shall be applied by the Postmaster-General to the establishment of new lines from the city of New Orleans to said ports in said islands and in Central and South America for the transportation of said mails."

Mr. BURROWS. I suggest the gentleman's amendment comes in later, and not as an amendment to mine.

The CHAIRMAN. The amendment will be voted on as read.

The amendment was disagreed to.

The question next recurred on Mr. BURROWS's amendment; which was read, as follows:

After line 113 add:

"*Provided*, That not exceeding $400,000 of the amount herein appropriated shall be expended in payment of existing American steamship lines for the transportation of foreign mails according to the schedules heretofore in force; and that so much of the balance as may be required shall be expended in increasing the frequency of the postal service of such steamship lines and in the establishment of postal service by American built and registered steamships between the United States and such ports of the foreign countries herein named, not now connected with the United States by American steamship lines, as the Postmaster-General may select, including Buenos Ayres and Montevideo."

The committee divided; and there were—ayes 86, noes 142. [Applause.]

So the amendment was rejected.

The question next recurred on the following amendment by Mr. DOUGHERTY.

After $800,000, line 105, insert:

"Of which amount $200,000, or so much thereof as may be required, shall be expended for the establishment of a mail line from a Gulf port to a port or ports in South and Central America; and the remainder of said $800,000 shall be expended in payment of established lines as hereinafter provided."

Strike out lines 120, 121, 122, and 123.

The amendment was disagreed to.

The CHAIRMAN. The question now recurs on the substitute for the Senate amendment moved by the gentleman from New York [Mr. HEWITT].

The Clerk read as follows:

To secure the greater frequency and regularity in dispatch and a greater speed in the carriage of mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies, China and Japan, $400,000, or so much thereof as may be needed; and the Postmaster-General shall, as far as possible, cause the mails of the United States to be carried to and from said places respectively in American built and registered steamships, provided the same can be carried for a reasonable compensation, to be by him determined, but not exceeding the rate of 50 cents per nautical mile for the distance usually traveled in the most direct and feasible course between the terminal points hereinbefore specified.

Mr. ADAMS, of New York. I move the following amendment to the Senate amendment:

After the word steamships, on line 107, insert the following:

"Except the Pacific Mail Steamship Company."

The CHAIRMAN. That will be first voted on.

The amendment to the amendment was disagreed to.

The question recurrred on Mr. HEWITT'S substitute.

The committee divided; and there were—ayes 82, noes 139. [Applause.]

So the substitute was not adopted.

Mr. HEWITT. Is it in order to ask for a vote by yeas and nays in the House?

Mr. RANDALL. It does not go to the House, and there will be no opportunity to vote on it.

The Senate amendment was then non-concurred in.

The committee informally rose.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of the bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas, with amendments; in which concurrence was requested.

It also announced the passage of the bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan at Alpena, Mich.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 290) for the relief of Davidson Dickson and others;

A bill (S. 1886) for the relief of soldiers of the late war honorably discharged after three months service, who are disabled and dependent upon their own labor for support, and the dependent parents of soldiers who died in the service or from disabilities contracted therein;

A bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations; and

A bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882.

The committee resumed its session.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT moved that the committee rise and report the bill and Senate amendments to the House.

The CHAIRMAN. The reason the Chair did not make longer colloquy with the gentleman from Pennsylvania [Mr. Brumm] as to time was because, the time being limited, it would be taken out of the time of gentlemen to whom it had been promised. And in point of fact the complaint made by the gentleman from Pennsylvania as to the time yielded to the gentleman from New York was unjust. He had but seventeen minutes in all. Five of that be obtained from the gentleman from New York [Mr. Hiscock]. That would leave twelve to be divided. The time consumed by the Democrats was sixty minutes, and the time by the Republicans sixty-seven minutes.

Mr. BLOUNT'S motion was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hammond reported that the Committee of the Whole House on the state of Union having had under consideration the amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, had directed him to report the same back to the House with sundry recommendations.

Mr. BLOUNT. I demand the previous question on the report of the Committee of the Whole House on the state of the Union.

The previous question was ordered.

The SPEAKER. The Clerk will report the first amendment.

Mr. BLOUNT. I ask that the recommendations of the committee be concurred in in gross except as regards the sixth amendment of the Senate.

The SPEAKER. The Chair is advised that there is more than one amendment on which there is an adverse recommendation.

Mr. BLOUNT. Then let them be acted upon separately.

On the first and second amendments the Committee of the Whole recommend concurrence.

The amendments were concurred in.

The recommendation of the Committee of the Whole that the third amendment of the Senate be non-concurred in was agreed to.

The recommendation of the Committee of the Whole that the fourth amendment be non-concurred in was agreed to.

The recommendation of the Committee of the Whole that the fifth amendment of the Senate be concurred in with an amendment adding the words, "to be expended under the direction of the Postmaster-General," was agreed to.

The sixth amendment of the Senate was read, as follows:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil: the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than three years nor more than five years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points, in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth. And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels, and for a reasonable compensation, not exceeding the rate aforementioned.

The Postmaster-General, if in his judgment it be practicable, shall contract for a semi-monthly mail service between the ports of New York and New Orleans, alternately, and the port of Rio de Janeiro, under the provisions of this act.

The SPEAKER. The recommendation of the Committee of the Whole is to non-concur.

Mr. BLOUNT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BURROWS. It has been suggested to me that the question on which we are to vote is not fully understood.

The SPEAKER. The Chair will state it. The report of the Committee of the Whole House on the state of the Union is to non-concur. Those who desire to non-concur will vote "yea;" those who desire to concur will vote "nay."

The question was taken; and there were—yeas 178, nays 80, not voting 64; as follows:

YEAS—178.

Allen, J. M.	Davidson, R. H. M.	La Follette,	Scott,
Anderson, C. M.	Dawson,	Laird,	Seymour,
Anderson, J. A.	Dibble,	Lanham,	Shaw,
Arnot,	Dockery,	Lawler,	Singleton,
Ballentine,	Dougherty,	Lehlbach,	Skinner,
Barksdale,	Dowdney,	Louttit,	Sowden,
Barnes,	Dunn,	Lowry,	Spriggs,
Barry,	Eden,	Mahoney,	Springer,
Beach,	Eldredge,	Martin,	Stahlnecker,
Belmont,	Ellsberry,	Matson,	Stewart, Charles
Bennett,	Ermentrout,	Maybury,	Stone, W. J., Ky.
Bland,	Fisher,	McAdoo,	Stone, W. J., Mo.
Bliss,	Ford,	McComas,	Storm,
Blount,	Forney,	McCreary,	Strait,
Boyle,	Fuller,	McMillin,	Struble,
Breckinridge, C. R.	Glass,	McRae,	Swope,
Breckinridge, W. C. P.	Glover,	Merriman,	Tarsney,
Browne, T. M.	Green, R. S.	Miller,	Taulbee,
Brown, W. W.	Green, W. J.	Mills,	Taylor, J. M.
Cabell,	Guenther,	Mitchell,	Thomas, O. B.
Caldwell,	Hall,	Morgan,	Throckmorton,
Campbell, Felix	Halsell,	Morrill,	Tillman,
Campbell, J. E.	Hammond,	Morrison,	Townshend,
Campbell, T. J.	Harris,	Muller,	Trigg,
Candler,	Hatch,	Murphy,	Tucker,
Cannon,	Heard,	Neal,	Turner,
Catchings,	Hemphill,	Neece,	Van Eaton,
Clements,	Henderson, D. B.	Oates,	Viele,
Cobb,	Henderson, J. S.	O'Donnell,	Wakefield,
Cole,	Henderson, T. J.	O'Ferrall,	Ward, J. H.
Collins,	Henley,	Outhwaite,	Ward, T. B.
Compton,	Hepburn,	Payson,	Warner, A. J.
Comstock,	Herbert,	Perry,	Warner, William
Conger,	Hewitt,	Pidcock,	Weaver, A. J.
Cooper,	Hill,	Pindar,	Weaver, J. B.
Cowles,	Holman,	Randall,	Wellborn,
Cox,	Howard,	Reagan,	Wheeler,
Crain,	Hudd,	Reid, J. W.	White, Milo
Crisp,	Irion,	Reese,	Willis,
Croxton,	Johnston, T. D.	Richardson,	Wilson,
Culberson,	Jones, J. H.	Riggs,	Wise,
Curtin,	Jones, J. T.	Rowell,	Wolford,
Daniel,	King,	Ryan,	Worthington.
Dargan,	Kleiner,	Sadler,	
Davidson, A. C.	Laffoon,	Sayers,	

NAYS—80.

Adams, G. E.	Felton,	Kelley,	Rice,
Adams, J. J.	Findlay,	Ketcham,	Sawyer,
Atkinson,	Fleeger,	Lindsley,	Scranton,
Baker,	Funston,	Lore,	Sessions,
Bingham,	Gallinger,	McKenna,	Smalls,
Blanchard,	Gay,	McKinley,	Spooner,
Bound,	Gilfillan,	Millard,	Stephenson,
Boutelle,	Goff,	Milliken,	Stewart, J. W.
Brumm,	Grosvenor,	Moffatt,	St. Martin,
Buck,	Grout,	Morrow,	Swinburne,
Bunnell,	Hanback,	Negley,	Symes,
Burrows,	Haynes,	O'Neill, Charles	Taylor, I. H.
Campbell, J. M.	Herman,	Osborne,	Taylor, Zach.
Davenport,	Hiestand,	Payne,	Thompson,
Dingley,	Hiscock,	Peters,	Wade,
Dorsey,	Hitt,	Pettibone,	Wadsworth,
Dunham,	Jackson,	Plumb,	Wait,
Evans,	James,	Price,	Weber,
Everhart,	Johnson, F. A.	Ranney,	Whiting,
Farquhar,	Johnston, J. T.	Reed, T. B.	Woodburn.

NOT VOTING—64.

Aiken,	Davis,	Le Fevre,	Pirce,
Allen, C. H.	Ely,	Libbey,	Robertson,
Barbour,	Foran,	Little,	Rockwell,
Bayne,	Frederick,	Long,	Rogers,
Brady,	Geddes,	Lovering,	Romeis,
Bragg,	Gibson, C. H.	Lyman,	Seney,
Brown, C. E.	Gibson, Eustace	Markham,	Snyder,
Buchanan,	Hale,	Nelson,	Steele,
Burleigh,	Harmer,	Norwood,	Stone, E. F.
Burnes,	Hayden,	O'Hara,	Taylor, E. B.
Butterworth,	Hires,	O'Neill, J. J.	Thomas, J. R.
Bynum,	Holmes,	Owen,	Van Schaick,
Carleton,	Hopkins,	Parker,	West,
Caswell,	Houk,	Peel,	White, A. C.
Clardy,	Hutton,	Perkins,	Wilkins,
Cutcheon,	Landes,	Phelps,	Winans.

So the sixth amendment of the Senate was non-concurred in.

Mr. SOWDEN. I ask the reading of the names be dispensed with.

Mr. GUENTHER. I object.

The following pairs were announced,

Until further notice:
Mr. GIBSON, of Maryland, with Mr. HAYDEN.
Mr. BURNES with Mr. CASWELL.
Mr. ROGERS with Mr. EZRA B. TAYLOR.
Mr. FORAN with Mr. LONG.
Mr. WILKINS with Mr. WEST.
Mr. GEDDES with Mr. LYMAN.
Mr. SENEY with Mr. ELY.
Mr. ROBERTSON with Mr. CUTCHEON.
Mr. HALE with Mr. PIRCE.
Mr. FREDERICK with Mr. BURLEIGH.
Mr. CARLETON with Mr. HOLMES.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. WINANS with Mr. HOUK.
Mr. NORWOOD with Mr. GILFILLAN.
Mr. PEEL with Mr. PERKINS. Mr. PEEL, if present, would vote against the Senate amendment and Mr. PERKINS would vote for it.
For this day:
Mr. AIKEN with Mr. LITTLE.
Mr. O'NEILL, of Missouri, with Mr. HARMER.
Mr. LE FEVRE with Mr. PARKER.
Mr. HUTTON with Mr. DAVIS.
Mr. CLARDY with Mr. ROCKWELL.
On the sixth Senate amendment to this bill:
Mr. SNYDER with Mr. STEELE. Mr. STEELE would vote for the amendment and Mr. SNYDER against it.
Mr. BYNUM with Mr. OWEN. Mr. BYNUM would vote against the amendment and Mr. OWEN for it.
Mr. VAN SCHAICK with Mr. BRAGG. Mr. BRAGG would vote against the amendment and Mr. VAN SCHAIK would vote for it.
Mr. BAYNE with Mr. LIBBEY. Mr. LIBBEY would vote for the amendment; Mr. BAYNE would vote against it.
Mr. BARBOUR with Mr. BRADY. Mr. BRADY would vote for the Senate amendment and Mr. BARBOUR against it.
Mr. HOPKINS with Mr. ROMEIS. If present, Mr. ROMEIS would vote for the amendment, and Mr. HOPKINS against it.
Mr. NELSON with Mr. ALLEN, of Massachusetts. If present, Mr. NELSON would vote against the amendment and Mr. ALLEN would vote for it.
The result of the vote was then announced as above stated.
Mr. BLOUNT moved to reconsider the vote on the various Senate amendments; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
Mr. BLOUNT. I move that the House do now adjourn.
The motion was agreed to—ayes 104, noes 54.
And accordingly (at 3 o'clock and 58 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of veterans of the late civil war and citizens of the United States, praying for the passage of bill to pension all honorably discharged soldiers and sailors of the late Union Army—to the Committee on Invalid Pensions.

By Mr. BEACH: Petition of the grand jury of Orange County, New York, in favor of legislation to prevent adulterations in food—to the Committee on Agriculture.

Also, petition of 35 citizens of Howells, Orange County, New York, in favor of taxing artificial butter—to the same committee.

By Mr. BLAND: Petition for pension for W. R. Bray—to the Committee on Invalid Pension.

By Mr. C. R. BRECKINRIDGE: Petition of colored citizens of Arkansas, asking Government aid to emigrate to Africa—to the Committee on Appropriations.

Also, papers relating to the claim of Eudora E. Knox, of Crawford County, Arkansas—to the Committee on War Claims.

By Mr. BUNNELL: Resolutions of the Board of Trade and Transportation of New York, for the issuing of bills of the denomination of one and two dollars—to the Committee on Banking and Currency.

By Mr. COX: Petition of the president and faculty of the University of North Carolina, in favor of agricultural experimental stations—to the Committee on Agriculture.

By Mr. ELDREDGE: Petition of the Women's Indian Association, of Ypsilanti, Mich., praying for the passage of Senate bill 53—to the Committee on Indian Affairs.

By Mr. ERMENTROUT: Petition of 36 citizens of Mountaindale; of 54 citizens of Tunnel Hill; of 40 citizens of Blandburg, Cambria County; of 64 citizens of Coalport, Clearfield County; of 72 citizens of Cross and Windom, Mineral County; and of Three Runs, Clearfield County, Pennsylvania, requesting an investigation by the Curtin committee of labor troubles in said district—to the Committee on Labor.

By Mr. FINDLAY: Memorial of J. G. Harvey, of Baltimore, and others, praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GROSVENOR: Papers in the case of heirs of Christopher Cott for relief—to the Committee on War Claims.

By Mr. GROUT: Petition of W. S. Shadduck and 112 others, citizens of Western Vermont, for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HISCOCK: Petition of Obadiah Thorne and others, for the restoration of the tariff of 1867 on importations of wool—to the Committee on Ways and Means.

By Mr. HITT: Petition of 87 citizens of Stephenson County, Illinois, for legislation and appropriations in support of the National Board of Health—to the Committee on Commerce.

By Mr. KETCHAM: Petition of Julia G. Wilkinson, Caroline B. Thompson, Caroline M. Ferris, and H. R. Jewitt, respectively president, vice-president, secretary, and treasurer of the Woman's Indian Association, and 59 others, citizens of Poughkeepsie, N. Y., asking for the passage of the Dawes bill for allotment of land in severalty to Indians; also for the passage of Senate bill No. 53, for the relief of the Mission Indians of California—to the Committee on Indian Affairs.

By Mr. LANHAM: Supplemental memorial of Juan S. Hart, administrator of the estate of Simeon Hart, deceased, praying for the payment of the claim of Simeon Hart, deceased, against the United States for flour, corn, and forage furnished under contracts with the United States previous to April 13, 1861—to the Committee on Claims.

By Mr. MCKINLEY: Joint resolution of the General Assembly of Ohio, No. 24, requesting the Senators and Members from Ohio to vote for the passage of bill (Senate 779) for pensioning prisoners of war who were confined in the confederate military prisons during the late war—to the Committee on Invalid Pensions.

By Mr. MCMILLIN: Petition of Drs. A. Y. P. Garnett, N. S. Lincoln, J. M. Toner, C. M. Hammitt, and others, for an appropriation to assist in defraying the expenses of the international medical congress to meet in Washington, D. C., in 1887—to the Committee on Appropriations.

By Mr. MAYBURY: Petition for the legal protection of young girls, &c.—to the Committee on the Judiciary.

By Mr. ROCKWELL: Petition of the Women's Indian Association of Pittsfield, Mass., for the passage of the Dawes bill allotting land in severalty to Indians (S. 54); also, for the passage of Senate bill 53, for the relief of the Mission Indians of California—to the Committee on Indian Affairs.

By Mr. STORM: Protest of the Merchants' Association of Milwaukee, of the Kansas City Board of Trade, and of the Kansas City Live Stock Exchange, against taxing oleomargarine—to the Committee on Agriculture.

By Mr. SWOPE: Petition of many citizens of York, Pa., asking for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. ZACH. TAYLOR: Papers relating to the claim of Mrs. C. A. Russell, of Shelby County, Tennessee—to the Committee on War Claims.

By Mr. VAN SCHAICK: Resolutions of the Chamber of Commerce of Milwaukee, Wis., against any legislation tending to destroy the business of manufacturing oleomargarine—to the Committee on Agriculture.

Also, protest of the Merchants' Association of Milwaukee, Wis., against pending legislation directed against oleomargarine—to the same committee.

By Mr. WEBER: Petition to pension ex-Union prisoners of war—to the Committee on Invalid Pensions.

By Mr. WELLBORN: Petition for free coinage of silver, from the Glencoe Farmers' Alliance of Texas—to the Committee on Coinage, Weights, and Measures.

By Mr. WILSON: Petition of Eliza S. Jones, widow of John C. Jones, deceased, and of Robert C. Jones and other children and heirs of said John C. Jones, for compensation for property taken and destroyed by the British forces in Charles County, Maryland, during the year 1814—to the Committee on War Claims.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. SESSIONS: Of citizens of Mayville, and of Kennedy, N. Y.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented, and severally referred to the Committee on Education:

By Mr. O'DONNELL: Of 49 citizens of the third district of Michigan.

SENATE.

FRIDAY, *May* 21, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

Mr. HOAR. I think that motion should be made when the Senate is full and a quorum is present. There is no objection to it so far as I know, but the habit of doing this just after the Journal is read, when but few Senators know what is done, I think is a bad one. I shall insist on a quorum being present when the motion is made.

The PRESIDENT *pro tempore*. Objection is made.

Mr. MILLER. A call of the yeas and nays on the motion would secure a quorum.

Mr. HALE. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. HOAR subsequently said: I make no further opposition to the motion of the Senator from Maine [Mr. HALE]. A number of Senators have since come in.

Mr. HALE. I renew the motion I made.

The PRESIDENT *pro tempore*. The Senator from Maine moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

VISITOR TO WEST POINT.

Mr. HAMPTON. During my absence the other day I was appointed as a Visitor to the West Point Military Academy. While I should take very great pleasure in discharging that honorable duty, owing to the illness of a member of my family I am most reluctantly compelled to ask to be excused and that another be appointed in my place.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks to be excused from service as a Visitor to the West Point Academy. Is there objection? The Chair hears none, and the Senator is excused. The Chair will appoint the Senator from Louisiana [Mr. GIBSON] in his place.

PETITIONS AND MEMORIALS.

Mr. MILLER presented a petition of citizens of Utica and Whitestown, in the State of New York, praying for the passage of the bill providing for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. SEWELL presented petitions of Patrons of Husbandry of Moorestown and Medford, in the State of New Jersey, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Patrons of Husbandry of Course's Landing, New Jersey, and a memorial of Patrons of Husbandry of New Jersey, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

Mr. CAMERON presented memorials of Granges No. 334, No. 734, and No. 60, Patrons of Husbandry of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented petitions of Granges No. 60 and No. 334, Patrons of Husbandry, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of dairymen and butter-makers of Lathrop and Hopbottom, in the State of Pennsylvania, praying for the passage of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue and taxing them 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of general service clerks and messengers employed at San Antonio, Tex., praying for the passage of House bill No. 7191, to provide for the enlistment and pay and to define the duties of general service clerks and messengers; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. CHACE. I am directed by the Committee on Patents to report an original bill and to accompany the bill with a report, and to ask that the report and the testimony which the committee append as a part of their report may be printed.

The bill (S. 2496) to amend title 60, chapter 3, of the Revised Statutes of the United States, was read twice by its title.

Mr. PLATT. I think the Senator from Rhode Island who reported this bill asked that the bill as reported, together with the report, might be printed in connection with the testimony which has already been taken by the committee.

The PRESIDENT *pro tempore*. The report will be printed as a matter of course.

Mr. PLATT. We desire to have it printed with the testimony (there is a little testimony, not a great deal, which has been taken by the committee), so that it may all appear in one document.

The PRESIDENT *pro tempore*. If there be no objection the testimony will be printed with the report.

Mr. CHACE, from the Committee on Patents, to whom was referred the bill (S. 1178) to amend title 60, chapter 3, of the Revised Statutes of the United States, moved its indefinite postponement; which was agreed to.

Mr. PLUMB. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, to report it with amendments. I will say to the Senate that I shall endeavor to procure action upon the bill on Monday.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BONDS OF EXECUTORS.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia, has directed me to report the same back favorably and to ask for its present consideration.

A few days since the Senate passed a Senate bill substantially, though not precisely, the same. I ask for the present consideration of this bill, and if it is passed I shall then ask that the House be requested to return the Senate bill, so as to move its indefinite postponement.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. HOAR. I should like to ask the Senator from Tennessee, who reported the bill, whether it provides sufficiently for the interests of legatees in a case where there may have been a change in the circumstances of the executor between the time of the making of the will and the death of the testator?

The bill provides, as I heard it read at the desk—I may not have comprehended fully its provisions—that there shall be, whenever a testator has so ordered, a bond only sufficient to secure the payment of the debts, unless after the appointment of the executor it appears that he is wasting or is likely to waste the estate, in which case he may be removed. Suppose a man makes such a will and dies twenty years after, and in the mean time the person whom he appoints executor has failed in business or become untrustworthy, so that the interest of legatees, or distributees if the whole estate is not left in legacies, is imperiled by intrusting such a person with the execution of the will with this small bond.

Ought there not to be a provision in this last section that whenever it shall appear to the court that the interests of the persons to whom the estate is to be distributed so require an additional bond shall be required? In many States the present regulation on this subject is that in a case where the testator has so ordered the bond is given in an amount sufficient to secure payment of debts and legacies.

Mr. HARRIS. I think the Senator will find by carefully looking at the bill that it does give the court power to demand an additional bond whenever it is made to appear to the court that either legatees or creditors or any other persons interested are liable to suffer by reason of the misconduct, or misappropriation, or want of qualifications of the executor.

Mr. HOAR. It seems to me that this does not quite cover that case. In the first place, the bill provides that the bond, when the testator so requires, shall be in such penalty as is sufficient to secure the payment of the debts. Now, there may be no debts whatever, so that of course a mere nominal bond would be all that would be required in that case.

Then it further says that whenever any creditor or distributee or legatee "shall make it appear to the court that any executor who has given such bond only as is herein provided for is wasting the assets of the estate, or that the assets in the hands of such executor"—that is, the executor who has already given the bond and, of course, got his letters testamentary—"are in danger of being lost, wasted, or misappropriated, then, and in such case, the court shall have power to remove" him or require him to give an additional bond within a time named.

It seems to me that the case is unprovided for where the character or trustworthiness of the executor has changed between the time of making the will and the time of the death, which may very often happen, especially in the case of aged persons who do not observe what is going on, so that they do not change their wills. It seems to me there should be such a proviso as this:

Provided further, That whenever it shall be made to appear to the court that the circumstances of the estate or the executor have changed since the making of the will, so that the interests of any party require a further or additional bond, the court shall have power to order it.

Mr. HARRIS. After hearing the suggestion of the Senator from Massachusetts I am inclined to ask that the bill go upon the Calendar. I think the Senate bill a little more carefully guarded the point suggested by the Senator from Massachusetts than the House bill does. I will ask that it go upon the Calendar for the present, and I shall carefully look to the question suggested by the Senator from Massachusetts, and may move the Senate bill as a substitute for the House bill.

Mr. EDMUNDS. I should like to say a word before the bill goes on the Calendar.

I wish that I may have an opportunity when this bill comes up again

(and I hope it will be agreeable to the Committee on the District of Columbia and to everybody else) to move an additional section which shall provide that any person may dispose of real estate in this District by will, which shall operate upon real estate acquired after the will is made, if the testator in his will says so. That is, if the testator says that he wishes to give to a certain person, a devisee, all the estate or any particular estate of which he may die seized in this District, the will shall operate to accomplish that purpose.

Mr. HARRIS. There is a bill on the Calendar now from the committee covering that point.

Mr. EDMUNDS. But that bill has got another and a disputable thing in it, I understand, while nobody would dispute this. One would hardly believe that by the law of this District every time a person changes his or her real estate—sells one piece and buys another—a previously existing will becomes entirely inoperative, and that a new will must be made in order to dispose of the newly acquired estate according to the wishes of the testator, although in the existing will he says in terms that he means to devise to his wife, or whoever it may be, all that he shall die seized or possessed of.

Mr. HOAR. You do not mean that the will becomes inoperative on what the testator owns at the time of making it?

Mr. EDMUNDS. No; it becomes inoperative of course on that if he sold it and changed the estate; but if property is acquired after the making of the will, it is out of his power to provide for the disposition of it by a will made in advance.

Mr. HOAR. The first statement was that when a man acquired new real estate (it was an accidental misstatement) his will became entirely inoperative. I suppose the Senator meant that it was inoperative only as to the new property.

Mr. EDMUNDS. Precisely.

Mr. HARRIS. It is operative as to previously acquired property.

Mr. EDMUNDS. But not as to property subsequently acquired, although the will declares that the testator intends to give and does give all which he possesses and owns at the time of his death. I should not have thought it possible that that could be the law in this District or anywhere else, if a judge of the Supreme Court had not told me the other day incidentally that he carried a blank will in his pocket all the time. He said he bought a piece of real estate now and then and as he wished to make a particular disposition of it, as often as he got a piece of real estate he made out a new will. Of course such a state of the law is perfectly absurd, and I want to correct it on this bill so that we shall get through with this nuisance. That is all I wish to say.

Mr. HARRIS. Let the bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3257) for the relief of S. E. Scarborough; and

A bill (H. R. 7809) for the relief of Edwin Stevens.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich., and it was thereupon signed by the President *pro tempore*.

CHANGE OF REFERENCE.

The PRESIDENT *pro tempore*. The Chair asks that the Committee on Pensions may be discharged from the further consideration of the bill (S. 2449) for the relief of Thomas C. McElroy, and that it be referred to the Committee on Claims, it having been referred to the Committee on Pensions by inadvertence. If there be no objection, that order will be regarded as made.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 2497) to increase the pension of James Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2498) for the relief of Thomas Chambers; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 2499) for the relief of Benjamin Atwood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2500) to amend section 3622 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON (by request) introduced a bill (S. 2501) granting a pension to Daniel Schock; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2502) granting a pension to Louise Paul; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 2503) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands and to reimburse and idemnify certain States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COKE introduced a joint resolution (S. R. 66) granting the use of tents at encampment to be held in the State of Texas in the year 1886; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. VOORHEES submitted three amendments intended to be proposed by him to the consular and diplomatic appropriation bill; which were referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

JOHN KOUNS.

Mr. DOLPH. On the 14th of April I reported from the Committee on Claims adversely the bill (S. 897) for the relief of John Kouns, and it was indefinitely postponed. There were some voluminous papers on file and the claimant desires to withdraw them. He can not do so without leaving copies, unless the motion to indefinitely postpone the bill be reconsidered for that purpose. I therefore ask the unanimous consent of the Senate that the motion by which the bill was indefinitely postponed may be reconsidered for the purpose of withdrawing the papers.

The PRESIDENT *pro tempore*. The Senator from Oregon asks the unanimous consent of the Senate that the motion to indefinitely postpone the bill named by him be reconsidered. If there be no objection that order will be made.

Mr. DOLPH. The order being made, I now ask for the following order:

Ordered, That the papers in the case of John Kouns be withdrawn from the files of the Senate.

The PRESIDENT *pro tempore*. There being no objection, that order will be made.

Mr. DOLPH. I now ask that the question be put on the indefinite postponement of the bill.

The PRESIDENT *pro tempore*. The bill had better remain on the Calendar. The Chair will inform the Senator that if the bill is now indefinitely postponed the claimant can not withdraw the papers under the rule, but if the bill is left on the Calendar he can do so before the matter is disposed of.

Mr. DOLPH. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

PUBLIC LAND LAWS.

Mr. DOLPH. If in order, I move that the bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes, be made a special order for Monday next, the 24th instant. The bill is Order of Business 998, and it is to take the place of Order of Business 118 on the third page of the Calendar. The bill is a substitute for the bill on that subject reported at an early day and passed over to the Calendar under the ninth rule. It is a very important bill. The matter has been before Congress for many years, and bills have passed both branches of Congress.

Mr. SAWYER. Does the Senator propose that the consideration of the bill he has named shall interfere with the morning hour?

Mr. DOLPH. No; I simply ask to make it the special order for that day.

The PRESIDENT *pro tempore*. The Senator from Oregon asks the unanimous consent of the Senate that the bill he has stated be made a special order. Is there objection?

Mr. SEWELL. I object.

The PRESIDENT *pro tempore*. Objection being made at this time, it can not be done by motion until the Calendar is in order.

FITZ-JOHN PORTER.

Mr. SEWELL. I will state that I gave notice a month ago that in a reasonable time, suiting the convenience of the Senator from Illinois [Mr. LOGAN], I should ask the Senate to take up what is known as the Fitz-John Porter bill. I shall object to any further special orders being made without taking a vote of the Senate on the question until I can have a time fixed for the consideration of that bill, and I give notice now that I shall ask the Senate to take it up immediately after the consideration of the pending special order, the bankruptcy bill.

PURCHASE OF BIERSTADT'S PAINTINGS.

Mr. HOAR and others addressed the Chair.

The PRESIDENT *pro tempore*. The Calendar is not yet in order. Are there further "concurrent or other resolutions?"

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Library be, and is hereby, instructed to inquire into the propriety and expediency of purchasing the paintings of "The Yellowstone Falls," "The Yellowstone Park," "The Giant Geyser," and "The Yosemite in Winter," by Bierstadt, now temporarily at the Executive Mansion, Washington, D. C.

HENRY C. MATTHEWS.

Mr. RIDDLEBERGER. Mr. President, I ask for the adoption of the following resolution:

Resolved, That all papers in the possession of the Committee on the District of Columbia, or of any member of that committee as such, relating to or concerning the nomination of Henry C. Matthews, of Albany, N. Y., to be recorder of deeds of the said District of Columbia, be printed.

Mr. INGALLS. That will go over.

Mr. HOAR. That is not in order.

Mr. EDMUNDS. That is not in order in open session.

Mr. MILLER. I shall object to the reception of that resolution.

Mr. RIDDLEBERGER. I believe the proposition of the chairman of the committee was that the resolution should go over until to-morrow.

Mr. EDMUNDS. It is not in order at all.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

Mr. MILLER. I object to the reception of the resolution. It can not be received in open session.

Mr. RIDDLEBERGER. It can.

Mr. EDMUNDS. It relates entirely to executive business.

The PRESIDENT *pro tempore*. Objection being made, it is clear that the resolution is not in order now.

Mr. RIDDLEBERGER. It goes over until to-morrow, I take it.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics, and of their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies, and Indian and colored schools in the Territories of the United States.

THE GENEVA AWARD.

The PRESIDENT *pro tempore*. Is there further morning business? If not, the Calendar is in order.

Mr. HOAR. I move, in pursuance of notice, to proceed to the consideration of the bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on the Judiciary reported the bill with an amendment, to strike out section 5, in the following words:

SEC. 5. That the amount which shall be paid out and distributed in payment and satisfaction of the judgments of the first and second class which are now existing as rendered by the said court against the Geneva award fund, and in payment of the expenses, salaries, and other outlays contemplated and provided for in this act, and in the act re-establishing the said court, approved June 5, 1882, shall be ascertained in the following manner: To the sum of $9,703,904.89, this being the amount of the said Geneva award fund remaining in the Treasury, as disclosed by the Treasury report of June 30, 1877, and the letter of the Secretary of the Treasury to the chairman of the Committee on the Judiciary of the House of Representatives dated April 22, 1884, shall be added the premium realized from the sale of certain bonds in which the said fund was invested, namely, the sum of $385,100.07, making $10,089,004.96, and to this sum shall further be added the estimated value of the said furniture and property, as provided for in section 4 of this act; and from the aggregate sum so ascertained shall be subtracted the estimated cost of the services and expenses provided for being estimated in section 4 of this act, and also the amount provided for in section 1 of this act, together with all the other expenses of the court; and from the amount so ascertained shall be further deducted the aggregate of the judgments of the first class which have already been paid, and the balance shall be applied as follows: First, to the payment of the judgments of the first class yet remaining unpaid, as provided in said act approved June 5, 1882, and the residue shall be paid out and distributed pro rata upon the judgments in favor of claimants of the second class, as provided in said last-named act. And the amounts so ascertained as aforesaid are, for the purpose of making the payment aforesaid, hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

And in lieu thereof to insert:

SEC. 5. That in order to ascertain the total sum paid and to be paid from the Treasury in respect of the judgments of said court, the sum of $15,500,000 shall be taken as the original basis, and there shall be added to that sum interest thereon from September 9, 1873, to January 1, 1877, at the rate of 5 per cent. per annum, with quarterly rests, and adding the accrued interest to the principal at each rest. From the aggregate sum so found shall be deducted the amount of all judgments of the Court of Commissioners of Alabama Claims created under the act of January 23, 1874, entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th day of May, A. D. 1871, between the United States of America and the Queen of Great Britain," together with all sums paid or allowed for the costs and expenses of said court and otherwise arising under said act or any extension thereof. To the balance thus remaining there shall be added interest at the rate of 5 per cent. per annum from said 1st of January, 1877, to the 31st of March, 1877; and there shall be also added thereto the sum of $123,305.89. From the total sum thus produced there shall be deducted all the costs and expenses of and in relation to the court created by the act of June 5, 1882, entitled "An act re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award," as heretofore incurred or paid out, and as allowed and provided for under this act; and there shall also be deducted from said sum the further sum of $14,000, for the further expenses of winding up the business of said court. The balance so ascertained shall be applied, so far as already paid, and paid out to the parties entitled thereto by force of the provisions of said act of June 5, 1882, and as therein provided.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the amendment reported by the Committee on the Judiciary.

Mr. HOAR. I should like to have the report read.

The PRESIDING OFFICER. The Secretary will read the report.

The Chief Clerk read the report, submitted by Mr. WILSON, of Iowa, April 16, 1886, as follows:

The Committee on the Judiciary, to which was referred House bill 6661, entitled "An act to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes," respectfully reports:

That it recommends the passage of the bill amended by striking out section 5 of said bill, and inserting in lieu thereof the words printed in Italics in the reported bill.

The act of March 3, 1873 (17 Stat. L., p. 601), passed before the payment by Great Britain of the Geneva award, provided that immediately on the payment of the money awarded the same shall be paid into the Treasury and used to redeem the public debt, and that an amount equal to the debt so redeemed should be invested in United States 5 per cent. registered bonds, to be held subject to the future disposition of Congress.

Pursuant to that act the $15,500,000 received was put into the form of a United States bond of that amount, bearing interest at the rate of 5 per cent., payable quarterly.

In the year 1874 Congress passed the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain" (18 Stat. L., p. 245), under which judgments were rendered, and in the fiscal year 1876 paid to the amount of $5,641,287.26, and in the fiscal year 1877 there were paid of judgments under said act $2,674,465.93, making a total payment of judgments under the act of 1874 of $9,315,753.19.

The expenses of the court under said act as paid were, in the fiscal year 1875, $84,374.70; in the year 1876, $112,915.03; in the year 1877, $55,435.99, and in the year 1878, $505.40; total, $253,231.12. The result was that the total payments for judgments and expenses under the act of 1874 were $9,568,984.31, leaving a balance of the principal sum of $15,500,000 of $5,931,015.69.

By the act of June 23, 1874 (18 Stat. L., p. 245), it was provided that the moneys remaining of the Geneva award, after paying judgments and expenses, should be turned into the Treasury and held subject to the future action of Congress.

By the act of June 5, 1882 (22 Stat. L., p. 98), provision was made for the payment, out of the balance of this fund, first, for direct losses sustained by the destruction of vessels, &c., by confederate cruisers, not within the judgment of the Geneva tribunal; and, second, for the persons who had paid war premiums on ships, cargoes, &c. This act provided in section 9 (22 Stat. L., p. 99)—

"That the whole amount paid out shall not exceed the amount remaining of the Geneva award and interest as it was when actually covered into the Treasury."

In the tribunal of Geneva the claims for war premiums and in respect of exculpated cruisers were not allowed, and therefore whatever may have been the legal or equitable effect of the Geneva award as made, as it respects ship-owners or insurance, there could have been no trust, legal or equitable or moral, in favor of the persons who had paid war premiums. The act of 1882 must as a consequence be considered to have been a mere act of benevolence to other sufferers than those whose cases the Geneva tribunal thought to be fit subjects for relief as against Great Britain and in respect of which the money was paid.

The committee is of opinion that all premiums obtained by the United States from the difference in value between coin and currency at the time of the Geneva award or afterward, or obtained from the sale of bonds of the United States sold to raise money to pay the former awards, belong to the Treasury and should not form any part of the sum out of which the judgments of the late court of commissioners should be paid. As the fifth section of the House bill covers all these premiums, the committee recommends that that section be stricken out and the words reported as an amendment thereto be inserted in lieu thereof.

The amendment provides for increasing the principal sum of the Geneva award by the amount of all interest received thereon by the United States, although that interest was received from bonds of the United States. This, the committee thinks, is as far as Congress ought to go, and is in accordance with the tenor and effect of the act of 1882, under which these last judgments were rendered.

Bills have been referred to the committee proposing to direct the Secretary of the Treasury to pay the amounts due in certain cases to parties other than those determined by the judgments of the Court of Commissioners of Alabama Claims. There are cases in which said court by its judgments has directed payment to assignees in bankruptcy or insolvency, or assignees under agreements for the benefit of creditors. In such cases it has been proposed to direct payment to the original claimants instead of to such assignees. The committee does not regard these propositions as within the legislative province of Congress, and therefore has not given to them its approval. Whatever questions may have been or may be raised relative to the interests here involved are judicial in character and resolvable by the courts and not by Congress.

The PRESIDING OFFICER. Does the Senator from Massachusetts call for the reading of the views of the minority also?

Mr. HOAR. I will answer the question.

Mr. WILSON, of Iowa. If the Senator from Massachusetts will give way for a moment I wish to say that there is one amendment which should be made to the amendment, and then the Senator can go on. In line 12 of the pending amendment there is an error; the word "January" should be stricken out and "June" inserted.

Mr. HALE. That is a matter of reference.

Mr. WILSON, of Iowa. It is descriptive of the act referred to.

The PRESIDING OFFICER. The amendment of the committee will be so modified, if there be no objection.

Mr. HOAR. I think I can save the time of the Senate, if it be proper, by stating in a few words the substance of the minority report without requiring the Senate to listen to its reading in full. If that be agreeable to everybody, I will do it. I think it will save considerable time, as I can do it in two or three minutes.

Mr. President, the Senator from New York [Mr. EVARTS] and myself do not concur in the report of the majority of the committee, and I have the right to say in behalf of one gentleman, a member of the majority of the Judiciary Committee when this report was agreed upon, that upon a careful reconsideration of the matter he entirely changed his mind. I think that will turn out to be the case before this debate is

over of several other members of the majority; but I have no right to say anything for anybody except myself and my associate, the Senator from New York.

But the point here is exactly this: The United States received from Great Britain the sum of $15,500,000 in gold by the Geneva award. There was a great difference of opinion as to the persons to whom that money ought to be paid by the United States. Some people thought it ought to go to the persons whose vessels were destroyed by rebel cruisers, and those alone. Others thought that insurance companies who had paid for such losses ought to be subrogated to the claims of those whom they insured. Congress finally determined that the persons upon whom the losses had actually and practically fallen should have the compensation; that the insurance companies had got their pay in premiums for all their insurances, and they, therefore, were not entitled to anything; and hence the money should be paid over first to persons whose vessels had been destroyed and who had not been paid by insurance; second, to the men who had paid the war premiums and had kept the American flag at their risk at sea and who had conducted the business of importing merchandise in competition with England and Germany, who had brought over the same kind of merchandise and sold it side by side with them in our markets without having to pay this extra insurance premium on account of the risk of importation.

Now, whether that was right or wrong, that was the decision of Congress after full debate, going through three or four Congresses, and by very large majorities in both Houses. Congress then ordered that this $15,500,000 in gold should be put in the Treasury and kept as a fund, and all through these statutes which I have cited in the minority report phrases are used showing that purpose. They say the first class of people shall be paid, and then the rest of the money shall be kept as a fund, and that "with its proceeds," or "the amount accruing therefrom," or various other similar phrases, shall be distributed to the other claimants; and the Treasury Department kept its account of it in that way.

The first class of claimants have been paid in full. They were the persons who suffered direct loss from the cruisers for whom England was held to blame. Then came the first class under the second bill, those who had lost ships or cargoes by the exculpated cruisers, and they have been paid in full, and there is enough to pay from 40 to 54 per cent. only of the third class, the war premium men. The court has got through and is ready to pay it; but now comes this proposed amendment of the Judiciary Committee and says that we shall state the account of the fund in this way: The $15,500,000 was received in gold. The claims of the first class were estimated in currency, as the decisions of the court, which I have seen, show. So then every man who if his claim had been estimated on a gold basis would have got $100 had it estimated at $115 or $120, which was the difference between gold and currency at that time. Then under the act of Congress gold enough was sold to pay this first class of claims, and we sold of our fifteen and a half millions of gold six millions-odd in gold and paid off seven millions-odd to those claimants who had their claims estimated in currency, and they were paid in full.

Now the majority of the committee come in here and say, "let us charge this fund with seven millions-odd, to wit, the amount of currency for which this gold sold, the nominal amount of these claims, and put the balance in the United States Treasury." That is the performance which the Senate is asked to ratify.

Mr. MAXEY. Allow me to ask, if that was a trust fund received by the United States Government in trust for the use and benefit of claimants, why should not the United States have paid it out in kind? Why should the Government not have paid out the gold in kind to the claimant if it was a trust fund?

Mr. HOAR. It made no difference to claimant number one. He has a claim of $100 in gold and he says "you pay me $100 in gold." The court says, "no, we will estimate it in currency and call it $115; then we will sell $100 in gold and get $115 for it and pay you." The first claimant therefore is paid by the trustee in full, everything he ought to have. But what they propose to do is to say "this $100 of gold we will not charge to the trust fund as $100, which is all we took out of our fund in gold, but we will charge it to the trust fund as $115."

Mr. MAXEY. That is the point I am reaching.

Mr. HOAR. That would make a difference of $1,300,000.

Mr. MAXEY. If a guardian takes the funds of his ward and speculates upon them and makes a profit, does not the ward get it and not the guardian?

Mr. HOAR. Certainly.

Mr. MAXEY. If the Government took this money and bought $115 for $100, does not the $15 go to the *cestui que trust?*

Mr. HOAR. Certainly, that is what I claim. It belongs to the fund, not to the United States. If any trustee undertook to do this thing he would be removed from his trust; and if he had accomplished it he would be indicted and convicted for embezzling the fund. Now the United States had a right to do with this fund what they pleased in the time of it, but they did declare that it should be a fund, and that it should belong to these people. If you want to come in now and go behind the old determination of the Alabama award case, that is one thing. Of course you can repeal that law as you can repeal the charter of any bank or railroad or any other public corporation you have created, so that you do not interfere with vested rights. But if you are going to do it, do it. Do not come in and pretend to observe the law and then pocket the $1,300,000 by a juggle in book-keeping.

Mr. WILSON, of Iowa. Mr. President, the claims involved in this controversy have been long considered in Congress, and it may be well to recall the attention of the Senate to the arrangement between Great Britain and the United States under which the Geneva award was had.

In the treaty between the two governments under which the Geneva arbitration was organized it was provided that:

> Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the "Alabama Claims;" and
>
> Whereas Her Britannic Majesty has authorized her high commissioners and plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels:
>
> Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims which are not admitted by Her Britannic Majesty's Government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama Claims," shall be referred to a tribunal of arbitration to be composed of five arbitrators," &c.

When the arbitrators met, instead of considering in detail the claims of individuals, it was thought wisest and best on their part to make an award in gross to the United States for and on account of injuries done to the United States through those inflicted on her citizens by the confederate cruisers. The terms of the treaty relate specifically to the injuries done by the cruisers directly, and in no manner whatever relate to the incidental damages that arose out of the payment of war premiums. Consequently the legislation by Congress, when it came to provide for the distribution of the award so made, placed first in order for adjustment and payment the claims that came within the definition of that treaty, and if the claims proved up by the claimants within that description had absorbed all of the $15,500,000, nobody could have made complaint. In other words, the persons whose judgments are now involved in this bill and for the payment of which this bill provides were in no sense within the principles upon which the Geneva arbitrators based their award. But after the payment of the claims of the first and second class it was found that there was still a remainder in the Treasury of the United States. Consequently the claimants who had paid the so-called war premiums presented their claims and asked for a distribution of the remainder.

Now, Mr. President, so far as the principle upon which the Geneva award was based is concerned, the persons who paid war premiums have no more claim on that than thousands of other citizens of the United States who suffered in consequence of the incidents of war. But this bill does not propose to deny that claim nor to interfere with the distribution of the remainder of this fund. There is a difference between the House bill and the amendment reported by the Judiciary Committee in this: The House bill proposed, in the section which we suggest to strike out, that the fund shall be made up of the $15,500,000 received from Great Britain, of the premiums that may have been received on the sale of the United States bonds, and of interest on the money for the time that it remained in the Treasury of the United States. The proposition on the part of the Judiciary Committee of the Senate is to take the $15,500,000 received by the United States from Great Britain as the principal of the fund, estimate interest on that with quarterly rests down to the time indicated in the amendment, deduct therefrom the payments that have been made and the expenses of the court, and distribute the balance on the judgments which have been rendered by the Court of Commissioners of Alabama Claims.

Now we are confronted by two factors in this case: First, does the Government of the United States occupy the position of an ordinary trustee, or does it merely occupy the position of a custodian of money for the use of which for a time it will pay interest? In no sense I apprehend can the Government be said to be acting as a trustee in the ordinary sense of that term. The Government has not assumed that character in any respect with regard to these cases or any others, but has always denied that, inasmuch as this was a transaction between two governments and not between citizens of one government and the authorities of the other. Therefore it seemed to the Committee on the Judiciary that if we extended the remedial agencies of this Government to the extent of allowing interest on the money for the time it has been in the possession of this Government we are going quite as far as Congress should go; for we all know that it has been the position of the Government from the beginning that, no matter what character of claim a citizen might have against the Government, it would not allow interest on the amount determined in satisfaction of the claim.

The Senator from Connecticut [Mr. PLATT] asks me why the concession of the allowance of interest does not commit us to the other proposition, the payment of the premium. Simply because the allowance of the interest is a grace of the Government, just as the payment of these claims in the first place was a matter of grace on the part of the Government, for, as I have said, in no sense and in no respect whatever are these claimants on account of war premiums paid within the principles on which the Geneva award was based. Therefore we are simply

asking, inasmuch as the Government has had the use of this money and there is a remainder left over after paying the awards within the Geneva arbitration, that it shall be paid out allowing interest for the time it has been in possession of the Government, and that goes to the benefit of the claimants also. Otherwise, you are to establish a precedent in this case that the Government can be and will be in all such instances placed in the attitude of the ordinary trustee and bound to exercise that due diligence in taking care of the funds that an individual would be required to practice. No such principle applies to governments. No such principle has been recognized by our Government. And we simply ask, therefore, to eliminate from the House bill that feature which gives the premium as well as the interest, allowing the remainder of the principal with interest to go in distribution for the payment of these judgments.

Mr. PLATT. I desire to ask a question. Waiving for the time being the original question as to whether the Government was trustee or not, has not the legislation of Congress on this subject made the Government a trustee in this particular case?

Mr. HOAR. The Government said it would be trustee.

Mr. WILSON, of Iowa. I do not think the Government is committed to that in any of the legislation. As is suggested to me by the Senator from Vermont [Mr. EDMUNDS], the war-premium men resisted that doctrine and insisted that there should be some of this money left over for them; and had it not been for that, those having claims within the principles upon which the Geneva award was based would have consumed the whole of it.

Mr. HOAR. The Senator will pardon me for a moment.

Mr. WILSON, of Iowa. Including, I mean, the insurance companies.

Mr. HOAR. Oh, that is different. The Government said when it received the money from Great Britain that it would not take it under circumstances which made it a trustee for any one class of claimants rather than another, but that Congress should determine. When Congress got it and did determine, Congress said that the claims of the war-premium men were paramount to the persons who had suffered direct losses, and it said this should be a fund, that the fund with its proceeds, with the moneys accruing therefrom—this fund received in gold should be given to these men. Then when you come to look and see what are its proceeds and what has accumulated therefrom, you find that it took gold and sold that gold and got over a million dollars premium in currency for it. The question is whether on that sum by this subsequent legislation of Congress the Government has made itself like a trustee.

Mr. WILSON, of Iowa. Why, Mr. President, if the Senator desires an answer that shall go back to the original transaction I will give him this, that the mistake made was in allowing the premiums at all to any class of the claimants.

Mr. HOAR. My friend will pardon me for saying that that is exactly the point. The gentlemen who were beaten three to one on that question now want to try it over again under the guise of this hocus-pocus in book-keeping.

Mr. WILSON, of Iowa. I do not know what these gentlemen may have been inducing the Government to do or not to do. I have no doubt that the acceptance of the $15,500,000 and the payment of that out to claimants under the Geneva award without either interest or premium would have been a fulfillment of the Government's obligation, and that when we are going beyond that it is just extending that much of grace to the claimants who are here to-day.

And, Mr. President, what is the basis of this? Oh, it is that these people who have suffered, indirectly it may be, through the payment of war premiums should be made whole, that they are not to be allowed to suffer any of the consequences of the incidents of war, notwithstanding they may have made back all of their premiums in the pursuit of the business, which is usually the course practiced by persons in trade. Are we to say that persons who received damages shall be made whole regardless of the principles upon which the Geneva award was based? If so, how much further may we have to go? Is the man who paid war premiums and may have received them back in the course of his business to be any better treated because of his efforts to maintain the flag on the sea than the men who went into the Army and maintained the flag on land? You have claims now coming to Congress, you have heard them coming up, gathering in volume, asking that the men who went into your Army at $13 a month may have the difference made up between the currency value of their pay and the gold. Is there not as great equity in that on the part of the men who carried your arms and fought your battles on land as there is on the part of the men who paid war premiums and now come here and ask you to make them whole even by the establishment of that principle which shall say that the Government of the United States must be put in the attitude of the ordinary trustee and held to due diligence in the use of a trust fund? No, sir; it is not fair toward the Government, it is not fair toward the great body of its citizens who also suffered from the incidents of war. It is a dangerous principle to inaugurate in the affairs of government in this or any other country.

We take the $15,500,000 by this amendment, allow interest on it with quarterly rests, deduct from that the payments which have been made and the expenses of the court, and then say the balance thus remaining shall be distributed in the payment of the judgments that have been rendered by the Court of Alabama Claims. That is going further, as I have already said, than it has been customary for the Government to go with reference to claims against its Treasury.

Mr. HOAR. Will the Senator inform us why he allows interest, why he allows quarterly rests, and why he does not go further?

Mr. WILSON, of Iowa. I am content to say to the Senator from Massachusetts that, so far as I am personally concerned, I am willing to strike out the allowance of interest, but I am quite content, in representing the Judiciary Committee, to let the amendment of the Senate stand against the House section, because it comes nearer right than the House section does.

Mr. HOAR. I do not like to disturb the Senator if it is disagreeable to him.

Mr. WILSON, of Iowa. Not at all.

Mr. HOAR. It seems to me that my learned friend yields the whole point. The question is not what you would pay an ordinary creditor. The question is whether the legislation of Congress when it received this fund and since has determined in the past that this should be held as a separate fund. If it has not, then there should be no interest paid on it, especially there should be no quarterly rests; but the Senator comes in and says, "Oh, yes, we will pay interest; we will allow quarterly rests." If he does that, he can only justify himself by agreeing with me in saying that this is a special fund, as the statutes which I have quoted declare, which declare that it shall be and remain a fund, and that the $15,500,000 gold and the moneys accruing therefrom shall be paid out so and so. Now, can the Senator tell me on what earthly principle he can say that the United States shall pay interest unless it is a principle which requires that if it took the gold out of this separate bag and sold it, the currency which it got for the gold should belong to the fund also, and you should not credit it to the fund as so much currency that you paid out to the first set of claimants as if you had paid it out in gold?

Mr. WILSON, of Iowa. Why, Mr. President, I suppose that if the United States had placed the $15,500,000 in gold in the Treasury and allowed it to rest there——

Mr. HOAR. It did not. It sold it.

Mr. WILSON, of Iowa. And in the discharge of judgments of the Court of Alabama Claims it had taken the $15,500,000 and paid it out in kind, it would have discharged its entire obligation. But the Government in this matter, as in many other matters, has been very liberal toward these claimants beyond any just liability resting upon the Government; and now shall it be said because it has pursued that course that it must keep on and aggravate the matter?

Mr. HOAR. But when the Government paid this first class of claims did it pay out of this fund more than six million dollars odd? It took six million dollars odd in gold and paid it out, and that is all it paid out of the fund. If that be true, why do you want to come in and keep your accounts so as to say we paid out seven million dollars odd because you turned that again into currency before you paid the claimants?

Mr. WILSON, of Iowa. I do that for the reason that these claims in the first place are not, as I say, within the principle of the award at all.

Mr. HOAR. That has been settled.

Mr. WILSON, of Iowa. Settled? I should like to know whether these claimants regard it as settled? What is this bill doing here at all if that is settled? Why were not these claimants content with asking Congress to extend the time for closing up the business of the Court of Alabama Claims? Why do they come and ask this additional legislation? Why do they come and request Congress to add to all the various amounts provided for in former legislation another sum arising from the premium on the sale of bonds, namely, the sum of $385,100.07, which they are asking in addition to the sum that was treated of in the act of 1882? They were not content with the legislation they obtained. They are asking for additional legislation. They were not content to make provision by which this whole business can be wound up by a reasonable extension of time to that end, but they say, "You must give us further provision of law and add over three hundred, nearly four hundred, thousand dollars more to the sum provided for in the act of 1882."

No, Mr. President, when we shall have paid this principal, adding thereto the interest, which, as I say, they were not under the practice of the Government entitled to—but that has been provided—when we have done that we have done all that these claimants for the war premiums paid have any right to ask of the Government, and even then they get what was not embraced within the principles of the Geneva award.

Mr. SHERMAN (Mr. HAWLEY in the chair). Mr. President, this subject is new to me, but I should like to ask the Senator from Massachusetts whether under the House bill this fund bears interest after it was covered into the Treasury?

Mr. HOAR. No, sir, it does not.

Mr. SHERMAN. Under either proposition?

Mr. HOAR. It does not.

Mr. SHERMAN. It seems to me that the rule adopted by the Senate Committee on the Judiciary is far too liberal; and even if the United

States was a trustee, under the most rigid application of the law of trusts this rule would not be applied to any private trustee under any doctrine that can be found laid down in any book on equity. It seems to me that the Senate Committee on the Judiciary have in their proposition gone far beyond what is just and right between the United States and these persons claimants under the Geneva award.

The United States received fifteen and a half millions of money which the United States won from Great Britain, which was to be distributed according to the will of the United States among such persons as it believed to be most justly entitled to the money. The United States then fortunately had the opportunity to invest the money in bonds of the United States in a particular character of loan. It was not a special deposit, not a special contract, but the money was put in bonds defined by law, the 5 per cent. bonds, which were then offered to all the world at par. It invested that fifteen and a half million dollars in those bonds. A bond for this amount was issued in the same form precisely as any other 5 per cent. bond of the United States. I have seen it because I canceled it. It is simply a bond purchased as any citizen at that time might have purchased it with gold.

The Government of the United States did more than that. It collected promptly the interest accruing on that bond, for there was but one bond. It was issued in the form of one bond to the Secretary of State, who collected the quarterly interest, 1¼ per cent., each three months, and invested that in the same kind of bond. As a matter of course the Government could not invest the interest in the same kind of bonds at par, because the bonds advanced in price, and therefore the quarterly interest could not be invested in bonds to an amount equal to the amount of interest accruing, for these bonds advanced from the date of their issue until they rose far up before they were redeemed to 15 per cent. above par.

Mr. EDMUNDS. That was equally true of the first one.

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. A private trustee would have had to pay the whole premium on gold and the premium on the bonds.

Mr. SHERMAN. The interest, taking it at 4 per cent., would have been over $150,000 every quarter. They could not buy these same bonds three months, or six months, or nine months afterward, except at a premium. The exact operation shows that the result at a certain period of time was that this fund of $15,500,000 had been increased to the extent of $2,304,000; but it must be remembered that a portion of this interest was invested in the premium on the bonds in which the interest was invested.

The rule prescribed even by the Senate Judiciary Committee is a rule so unjust that it would destroy and ruin any trustee who was charged with this trust, because the Government is charged not only with quarterly interest as it accrued but the interest on that interest compounded at the rate of 5 per cent.

Mr. HOAR. That is the committee's proposition. That is not mine.

Mr. SHERMAN. I say even the committee's proposition errs in favor of these persons.

Mr. EDMUNDS. Although it saves several millions as against the House proposition.

Mr. SHERMAN. As against the House proposition it is undoubtedly better; but it seems to me that in this particular the statements which the Senator from Vermont has been kind enough to hand me from the Secretary of the Treasury, show that the Government could not always invest this money judiciously; that is they could not invest it in bonds at the same rate at which they invested the principal, and they therefore lost. They had to pay a premium and sometimes they could not invest it at the moment the money was collected, but had to wait awhile, and therefore they lost by delay.

Suppose an individual was trustee of this fund and he quarterly received the interest. He could not invest it on the next day, or perhaps the next, or the next, or the next. He would rather wait for a favorable turn of the money market; and if he invested it judiciously two, or three, or four, or five months after it was received by him under the circumstances, if the circumstances would justify it, it would be a proper investment; but he could not in any event invest it in the bonds at par. He must pay a premium; and that diminishes the principal of the bonds so bought. It seems to me therefore that the Senate committee have gone to the utmost extent in a rule which operates injuriously to the Government, and I have no doubt that when this rule is applied to the actual fund it will increase the amount of this fund probably from fifty to one hundred thousand dollars, that depending entirely, however, on the good luck of the Government in the purchase of bonds at the time when the interest accrued.

Mr. HOAR. Will the Senator from Ohio yield to me to call his attention to what I understand to be the point in that respect?

Mr. SHERMAN. Certainly.

Mr. HOAR. I agree with the Senator that the committee's proposition does to a certain extent do injustice to the Government on their theory, but because they do an injustice of $100,000 to the Government in doing one particular thing, allowing compound interest when they would not be bound to do so, it does not follow that they ought to be permitted to do another and a larger injustice to the claimants in another respect.

The point between me and the Senator from Iowa [Mr. WILSON] is not in what the Government ought to charge itself with; it is in what it has a right to credit itself with; and I beg the Senate not to lose sight of that one point. The United States got this money in gold, and there were three classes of claims. One of them was going to get about 50 per cent., and the class number one they were ready to pay. The class number one had their judgments estimated in currency. Every man who lost $100 in gold had a judgment for $115, that being the currency value when compared with gold. Then the United States took out of this gold fund, which it had declared over and again should be a fund for these claimants, or some of them, $6,000,000 and odd in gold and sold it for $7,000,000 and odd in currency, and it paid the claimants number one seven millions and odd in currency. Now, the Senator from Iowa turns round and says, you charge to this gold fund in your bookkeeping not the six millions which you took out of it to sell to pay off these fellows, but the seven millions of their judgments in currency, and pocket the $1,500,000 yourself. That is what it is.

Now, the fact that the committee say we should make up a little of that by allowing compound interest that you are not entitled to, does not seem to me to cover it.

Mr. ALLISON. Do I understand the Senator that when claimants of class number one had their judgments paid by the court they were allowed the current premium on gold in addition to their judgments?

Mr. HOAR. They were, but not in that form. The court expressly say we make up these judgments upon currency values; that is, if a man lost a cargo how much currency to-day will pay that man for that cargo? That cargo we will say is worth $115,000; that will pay him for his loss as of to-day, paid to him in currency. The United States takes $100,000 in gold out of its bag which it is keeping for these war-premium men, sells it and gets $115,000 in currency, pays the man, who if he had had his judgment in gold would have had only $100,000, and turns around and credits itself in keeping its account of the gold with $115,000 instead of $100,000. Now, just let any man with a brain in his head and a sense of justice in his bosom think of what he would say to a trustee who would come into his office and ask him to help carry through such a performance.

Mr. GEORGE. Allow me to ask the Senator from Massachusetts a question. My understanding is that the money was not kept by the Government as a gold deposit.

Mr. HOAR. It was like that.

Mr. GEORGE. The Government borrowed the money and paid interest on it. Now, your proposition would be very clear if the Government had just laid aside the fifteen and a half million dollars in a vault by itself as a special deposit belonging to these parties, and then when this judgment was awarded in currency by which they could pay it in currency, and had taken from that fund so much money and bought the currency.

Mr. HOAR. That is what it did in substance.

Mr. GEORGE. But here is the point: My understanding now is that before that time the Government had ceased to keep these fifteen and a half millions as a special fund, but had borrowed the money and put it in the general Treasury.

Mr. HOAR. I will tell you exactly what it did. It received this $15,500,000 in gold.

Mr. GEORGE. I understand that.

Mr. HOAR. It invested it or made out a big bond for $15,500,000 to represent it. That bond was the bond which Mr. Secretary Sherman canceled; I suppose a gold bond, payable principal and interest in gold. Then in 1876, when the first class of claimants were to be paid the United States sold gold-bearing bonds of the Treasury for $6,000,000 and canceled this big bond and credited the fund with the balance, and the Secretary of the Treasury kept the account just as I say it should be kept.

This amendment undertakes to overturn all the judgments of the Treasury from that day to this. It is just the same as if it was kept in a bag. It was represented by a specific bond. The simple point, as I say again to my honorable friend from Mississippi, is this: What ought the United States to have said on their books in that transaction? If they had paid out of this $15,500,000, should they have said they paid out gold which they took from the fund and sold for the purposes specified in the act of Congress, or should they have said they had paid out the amount of the currency value which they bought and in which these judgments were paid? That is the whole point between us. The statute of 1882 is:

> That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury out of the sum of money paid to the United States pursuant to article 7 of the treaty of Washington and accruing therefrom.

Then the tenth section of the same statute says, after providing for the first claimants:

> If there shall remain any part of the said money—

Treating it as an existing thing by itself—

> the same shall be and remain a fund—

And be disposed of by Congress hereafter. Then came the next statute, and said this fund shall be paid out first to the men who suffered by the exculpated cruisers and the balance to the war premiums.

So the point is not whether the United States is to be charged with a particular amount of diligence as trustee. The point is how that particular transaction of selling $6,000,000 in gold and paying off $7,500,000 in claims should be credited upon the books. The Treasurer of the United States, the Secretary of the Treasury, and everybody reported it to Congress year after year in that way until Congress passed this last act on the basis of that report.

Mr. SHERMAN. Mr. President——

Mr. GEORGE. Will the Senator from Ohio indulge me?

Mr. SHERMAN. I would rather finish what I have to say.

Mr. GEORGE. Well, go on.

Mr. SHERMAN. Mr. President, I have complained somewhat of the proposition made by the Senate Committee on the Judiciary, upon the ground that it made the Government of the United States pay compound interest on this large sum of money at a time when it was investing the money in the best possible way for the interest of these parties; and as to the extent of any difference between the result of their investment and the result of this compound ratio, I think the proposition of the committee is unjust, but in respect to the other part of it it seems to me clearly right as against the proposition of the House bill. The House committee treats this fund as a continuing fund up to a certain date, compounding it at a certain rate, and including in that computation the sum of $385,100 which was realized to the fund from the sales of bonds.

It seems to me that this is capable of a very simple solution. The original bond was $15,500,000. That bond was surrendered in January, 1876, if I remember aright, and a balance was then stated, and another bond was issued of the same loan on the 22d of January, 1877, leaving the amount then to the credit of this fund $7,150,000 and no more. In the course of the next year or two, I think it was in the following year, perhaps the beginning of 1878, that bond was paid off in the ordinary call of the 5 per cent. bonds, all of which were extinguished by actual payment by the United States in gold, and about the same time the premium or difference between gold and paper money disappeared, and the premium on the bonds disappeared, because, being payable at call, they were payable at par and the premium on them disappeared.

Mr. EDMUNDS. It did not disappear with that bond, because it was one of the fives of 1881. They could not be called in before 1881.

Mr. SHERMAN. That only makes the date 1881 instead of 1878. When they were called in in 1881 they were paid off and all premium on those bonds disappeared, and Congress itself passed a law covering into the Treasury the balance of this fund. From that time, it seems to me, there ought to be no interest allowed. That I believe is not claimed.

Mr. HOAR. Nobody proposes it.

Mr. SHERMAN. I do not know upon what ground it is claimed that this $385,000 shall be allowed. It seems to me that even the Senate committee's proposition is entirely too liberal to this fund; and with that amendment I think the Senate proposition would be fair and reasonable. I do not understand the proposition of the Senator from Massachusetts [Mr. HOAR]. I can not get it through my head on what ground the Government of the United States is to pay back this $385,000. If I understood it better I might vote for it, but I do not now.

Mr. EDMUNDS. Mr. President, if this were a case of private trust and you had been the trustee in the year 1873 when this fifteen and a half million dollars in coin would have been paid to you and you had invested that money as a private trustee in the same way that it has been invested—if you call it an investment—by the United States, and had paid out of it what the United States has, the sum of money that you would now be accountable for to your beneficiaries would be less than the Senate's Judiciary Committee proposes. We were liberal, too liberal, hewing it down to a fine point, but we thought we would bring it as near as we could to the principles of the act of 1882, which said that the balance with accrued interest should be paid. We would not undertake to go back of the act of 1882. Now, try it at the start with the private-trust doctrine of my friend from Massachusetts. Gold at that time was at a premium, as the little red book he has shows, of about 15 per cent., being quoted at 115.

Mr. HOAR. Bonds and gold were at exactly the same premium.

Mr. EDMUNDS. Perhaps they were; but what was the premium on gold?

Mr. HOAR. At what date?

Mr. EDMUNDS. On the 1st of August, 1873, which was about the time the money came to us. The act was passed in March, 1873, and the money was received from England some time in the summer of that year, I think; I have forgotten the exact date. We passed an act in advance.

Mr. HOAR. One hundred and fifteen and some fraction was the rate of gold then. My eyes can not catch the fraction in this print.

Mr. EDMUNDS. That is near enough. I said 115. Now turn to the New York newspapers for that same month of the year 1873, and how do you find this 5 per cent. loan of 1881, which the law of the 3d of March, 1873, said this fund should be invested in? How did they stand? The President of the Senate being the trustee, you are to invest the fund in those bonds. How much have you to pay? The fives of 1881 were at a premium of 20, selling at 120. So take your fifteen and one-half million dollars in gold and see how large a bond at that price of 120 you can buy with it.

At this time in 1873 these bonds had nine years to run and they were gold-bearing bonds. They were not payable in currency; they were payable in coin, and the interest was payable in coin, and they stood at this high premium, which was 5 per cent. higher than the premium on gold. So, turning it into a new transaction, the actual premium on the bonds bought with the gold would be just 5 per cent., which would be one-twentieth of the total sum in gold. I think that must be plain to the commonest apprehension.

Mr. HOAR. The Senator has got the wrong date. It was the year before. The fifteen and one-half millions was received in gold before that time.

Mr. EDMUNDS. Was it, indeed?

Mr. HOAR. Yes, sir; that is the trouble.

Mr. EDMUNDS. I have stated what the act of Congress says; the act of Congress may have proceeded on a mistake; but the act of March 3, 1873, says:

> That immediately upon the payment of the sum of money awarded to the United States by the tribunal of arbitration at Geneva to be paid by the Government of Great Britain, the same shall be paid into the Treasury, and used to redeem, so far as it may, the public debt of the United States.

There is another observation I might make on a private trust, because in undertaking to redeem the public debt of the United States at that time when our credit was good and while currency was at a discount, in order to redeem that public debt unless you made a call of something that was then due—and whether there was anything then due or not I do not know—you would have had to pay a high premium to get it in. But I do not put any point on that now.

> And the amount equal to the debt so redeemed shall be invested in the 5 per cent. registered bonds of the United States to be held subject to the future disposition of Congress.

Now, with great respect to the Senator from Massachusetts, I think that when that act of Congress of 1873 was passed the money had not been paid to the United States. It was late in 1872 when the tribunal made its award. The treaty was not made until 1871. That provided for the tribunal of Geneva, and that sat, I think, during part of 1871 and in 1872; and then within a certain period, I think it was a year and a half—we can tell by looking at the treaty—the money was to be paid; and about the last day of the time, naturally enough as a matter of business, when it was about to be due, Great Britain paid the fifteen and a half millions in coin, and that brought it (this act of Congress having been passed in anticipation of the payment which was to come on pretty soon) to the summer of 1873. Before adjourning in 1873 Congress passed this act, that as soon as the Secretary of State received the money he should invest it in the registered 5 percents of 1881, and the gold premium on those 5 percents as against the gold purchaser was 5 per cent., as the quotations in the newspapers show, for gold was at 115 and these bonds were at 120. That makes a difference of 5 per cent. in gold, so that if a man went to a banker with his gold to buy these fifteen and a half million in bonds he would have had to pay 5 per cent. premium. So then your private trustee would have had to pay out of his fifteen and a half millions a premium of $775,000 and he would have got an amount of bonds equal only to $14,725,000.

Mr. WILSON, of Iowa. The Senator from Vermont will allow me to suggest that the letter of the Secretary of the Treasury states that the money was paid into the Treasury on September 8, 1873.

Mr. EDMUNDS. Exactly. The gold had fallen and bonds had risen meantime, I suppose. I can turn over to that very day, and I will. While we are about it let us be exact. I was merely guessing, and I got the date as in August, 1873. It seems it was the 8th of September.

Mr. ALLISON. Where does my colleague find that?

Mr. WILSON, of Iowa. In the letter of the Secretary of the Treasury on page 5 of the pamphlet before me.

Mr. EDMUNDS. Here is a New York paper of the 8th of September, 1873. Let me find the stock sales of that day. [Examining.] I do not find any quotations on that day of that precise registered gold bond, and therefore I can not tell, but it must have been somewhere along there. I will treat it as that, and as if you got only exactly what Mr. Fish did get; he got a bond of the Treasury signed by the proper officers—one single bond for $15,500,000. I have shown that in the month of August the premium on the bonds was 5 per cent. more than the premium on gold. It was a mere guess of mine as to the precise date. I do not find any quotations on the day of the actual receipt of the money. Perhaps the bonds had risen, perhaps they had fallen a little; they varied. He would only have got a bond for $14,725,000. He did get a bond, treating him as a private trustee, of so large an amount that he would have had to pay money out of his own pocket to get it if he got a bond for the full amount that had been paid into his hands, the fifteen and a half million dollars. Now I undertake to say, if I am right as to the state of the premium on gold and the premium on the bonds he was directed to invest in, there was nothing left in the hands of this private trustee which was due to his beneficiary. The benefi-

ciary had got the investment for every dollar that belonged to him, and more too.

Starting there, we have fifteen and a half million dollars that the private trustee, calling him that, is bound to account for, and no more. He is bound to account for it in the way he has invested it at 5 per cent. payable quarterly, because the interest on these bonds was payable quarterly, and the amendment of the Committee on the Judiciary does exactly that thing.

If we put it at 5 per cent., whether we did or not—if we put it at 6 we made a mistake—but putting it at 5 per cent. the amendment of the Committee on the Judiciary accounts for this fund on the principle of a private trust, running it down to the time when out of it and its accumulations thus as a private trust there was paid a certain number of millions of dollars. No matter how the trustee got that money, if he was a private trustee and held in his hands bonds of the United States that he sold, he would have been bound to account for the premium. If he had bought them he would have had to pay a premium equal to that which he got, and one hand would have washed the other; and the principal sum and the interest upon it therefore would have been exactly the sum to which the beneficiary was entitled, and no more.

Very well. The report of the committee, therefore, provides that this original sum should bear interest in favor of whomever it was to be paid to at the rate provided with quarterly rests. Then it takes out of it down to the time when Congress covered it into the Treasury in 1877 the sums that have been paid out of it on the former award and the expenses, compounded quarterly, just as if it were a private trust. The balance thus produced will be all that in any point of view any person who claims that it stands on the doctrine of a private trust could demand. And therefore, I repeat, as I believe—I have not made the figures to be exact about it—that if it had been treated, and were to be, as a private trust, of which, Mr. President, you were the trustee and you had charged your constituent with everything you had paid out and credited him with everything you got in, you would not be bound to pay him as much money as this report of the Committee on the Judiciary recommends shall be paid.

That is all I want to say now.

The PRESIDING OFFICER. The question is on the amendment of the Committee on the Judiciary as modified by changing the word "January," in line 12, to "June."

Mr. HALE. Mr. President——

Mr. ALLISON. I desire to give notice that at the conclusion of this bill I shall call up the urgent deficiency bill, and if that can not be passed to-day it will be necessary to have a session to-morrow. I do not wish to interfere with this bill.

Mr. HALE. Mr. President, if no further debate is desired by any Senator I will move to lay the amendment on the table.

Mr. HOAR. I should like to state one thing before that is done.

Mr. HALE. Very well.

Mr. HOAR. I am told by a very high authority that the bonds of 1881 were quoted on the day of the investment of the $15,500,000 at 112⅝. I have just received this communication from a person in whom I have the most absolute confidence, and that was the result of my inquiries previously. So that even this little 5 per cent. difference the Senator from Vermont is mistaken about in supposing the trustee would have had to pay out anything. The whole Treasury account shows that.

Mr. HALE. I only wish to say that this is really a relic of the old contest (which many Senators here remember), which occupied the time of the Senate and the House in a former Congress, in which every presentation that could be made of the merits of the respective claimants was brought out. The Senator from Iowa has shown the animus of this amendment. It will take away more than a million dollars from the war-premium men. After they have been invited by Congress to present their claims upon the basis of the Government holding this as a fund for them, with all accretions, at this late day, by what the Senator from Massachusetts calls a transparent juggle of book-keeping, an attempt is made to reduce that fund. I do not believe that the Senate is prepared for it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Maine will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I hope unanimous consent will be given to have the Senator from Maine proceed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the unfinished business be informally laid aside in order that the Senator from Maine may proceed with his remarks. Is there objection? The Chair hears none.

Mr. HALE. I do not wish to take up more time. I was only going to say that so confident am I that the Senate is not prepared to do that, that I move to lay the amendment on the table.

Mr. EDMUNDS. Do not do that. Let us take a square vote.

Mr. HOAR. I understand that we shall probably get a vote on the Senator's motion, and I ask that the bill be proceeded with.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be informally laid aside, and that the Senate proceed with the consideration of the bill now before it. Is there objection? The Chairs hears none. The Senator from Maine moves to lay on the table the amendment of the Committee on the Judiciary.

Mr. EDMUNDS. Why not take a straight vote?

Mr. HAWLEY. I want to say a word.

Mr. HALE. I stated that I made the motion on the ground that Senators did not desire further debate. I yield to the Senator from Connecticut.

Mr. HAWLEY. I wish to say a few words on this amendment. I will not undertake to go into the intricacies of book-keeping; but the persons to whom this money was to be paid have been selected, the classes have been determined upon by deliberate successive acts of the Congress of the United States, and the manner of treating the fund has been settled upon. The upshot of the amendment of the committee is to close the account and turn $1,300,000 of profit of some kind or other, somehow or other obtained, into the Treasury of the United States.

Mr. EDMUNDS. Oh, no; you are mistaken there.

Mr. HAWLEY. I am so informed, and by a member of the committee.

Mr. EDMUNDS. That member is greatly mistaken.

Mr. HAWLEY. Then I am in search of information. I wish to know if the account be closed to-day in accordance with this amendment how will it stand on the books of the Treasury.

Mr. EDMUNDS. It will stand on the books of the Treasury that we have paid out more money then we got.

Mr. HOAR. One million three hundred thousand dollars, which, according to the Treasurer's report made every year, year after year stands to the credit of this fund, will be transferred to the Treasury.

Mr. EDMUNDS. The Senator is mistaken.

Mr. HOAR. It was covered into the Treasury in 1877, but of that sum which was covered into the Treasury belonging to this fund $1,300,000 more goes.

Mr. EDMUNDS. The Senator is mistaken.

Mr. HOAR. I say the Senator from Vermont is mistaken.

Mr. EDMUNDS. I say you are mistaken.

Mr. HAWLEY. There is a radical disagreement as to $1,300,000 between two members of the committee that reports this amendment. I will leave that for them to settle as may seem best to them.

I wish to know whether it be true, as stated by the Senator from Massachusetts, that we took $6,000,000 of gold, sold it for $7,000,000, and then charged it to the fund as $7,000,000?

Mr. HOAR. That is what they want to do now.

Mr. HAWLEY. Charged it to the gold fund. I have no language which I desire to use on this occasion to characterize that transaction. If the Government in the administration of what it has substantially treated as a trust fund is in any way to make a million out of the depreciation of its own currency, out of the price of gold in the market, I take no part in the transaction whatever.

Mr. EDMUNDS. Neither do I. There is not any such thing.

Mr. HAWLEY. The Senator from Vermont denies that any such thing is proposed. I certainly am not ready for a vote with these differences of opinion among the committee.

The Government of the United States said that certain of its citizens had just claims against a foreign government for great losses inflicted. Those citizens of course were without any remedy unless their Government undertook to collect their claim. Their Government did undertake to collect it, did collect it, received fifteen and a half million in gold, and now proposes to close the account in such a manner as to take advantage of a million dollars received from its own depreciated currency. I can arrive at no other possible conclusion. I am satisfied with the keeping of these books, which shall show that it was administered honestly and faithfully, that the money was kept not idle but decently and fairly invested in proper securities, and that whatever the avails of them they were paid over to the people who we said were entitled to them. If the Senator from Vermont can prove that that disposition is to be made of this money, then I am satisfied with the bill. What I want is an honest keeping and a fair investment of the money and a paying of it out to the people who we said ought to have it, and I understand that if this course be taken there will not be enough to pay all of the last class.

Mr. HALE. Only about 50 per cent.

Mr. HAWLEY. Even if that course be taken there will not be enough to pay more than about 50 per cent. of the class of claimants who were last acknowledged to have just claims. Here comes that contradiction as to this plain and simple proposition of what I consider ordinary honesty in the administration of a trust. So I do not know how to vote.

Mr. EDMUNDS. Mr. President, the Senator from Connecticut and the Senator from Massachusetts have both said that the previous laws had fixed the amount in substance that was to be paid out. So they have. Here is the last word in the last law of 1882 on that subject. Section 9 of the act of June 5, 1882, volume 22, page 99, declares:

And provided further, That the whole amount paid out shall not exceed the

amount remaining of the Geneva award and interest, as it was when actually covered into the Treasury. And so much money as may be necessary to carry out the provisions of this section is hereby appropriated out of any moneys not otherwise appropriated.

That was the act under which brought in the war-premium men, who helped to defeat the insurance men on the ground that there was no trust about it at all, but only an appeal to the consideration of the Government as to the way in which it would be best for the general purposes of moral justice and reimbursement for losses that the money should be paid.

I have here two letters from the Treasury Department which will show just how much has been received, how much interest has accrued, and how much has been paid out, that I supposed, until I looked at the report this morning, had been attached to the report and printed. I should like to have them read now, first the letter of March 23.

The PRESIDING OFFICER. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *March* 23, 1886.

SIR: I am in receipt of your communication of the 22d instant, and of your telegram of to-day, requesting that the Committee on the Judiciary of the Senate be furnished with a statement of the investment of the Geneva award fund from the beginning, and of the expenditure therefrom, for consideration in connection with House bill No. 6661, "to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes."

In reply thereto I have to state that the $15,500,000 awarded by the tribunal of arbitration at Geneva were invested in 5 per cent. bonds of the funded loan of 1881, bearing interest from September 9, 1873.

Bonds of the fund were sold from time to time to meet the judgments rendered by the Court of Commissioners of Alabama Claims to the extent of $8,350,000, on which there was realized in currency the sum of $992,522.19 as premium on the sale of an equal amount of coin.

Under the provisions of section 15 of the act of June 23, 1874 (18 Stat. p. 249), the balance of the original investment, namely, $7,150,000, together with $2,403,800, accumulated interest on the whole fund, was covered into the Treasury March 31, 1877; and in the quarter ending June 30, 1877, the further sum of $123,305.89, accumulated interest, was also covered into the Treasury.

The premium received in coin from the sale of the bonds referred to amounted to $344,393.88 and $40,706.19, respectively, making a total of $385,100.07, which was covered into the Treasury as a miscellaneous receipt.

Receipts	Principal of bonds sold and canceled.	Premium in currency on coin face of bonds.	Total.
Bonds sold April 24, 1876	$5,883,000 00	$730,826 12	$6,613,826 12
Bonds sold August 12, 1876	2,160,000 00	243,445 53	2,403,445 53
Bonds sold January 22, 1877	307,000 00	18,280 54	325,280 54
Total	8,350,000 00	992,552 19	9,342,552 19
Bonds canceled March 31, 1877	7,150,000 00		
Bonds purchased with accumulated interest and canceled March 31, 1877	2,403,000 00		9,553,000 00
Accumulated interest covered into the Treasury April 20, 1877	123,305 89		123,305 89
Total	9,676,305 89		9,676,305 89

Receipts.	Coin premium on sale of bonds.	Premium in currency on sale thereof.	Total.
Covered into the Treasury:			
May 10, 1876	$222,634 78	$27,657 20	$250,291 98
August 18, 1876	109,080 00	12,294 00	121,374 00
January 26, 1877	12,679 10	754 99	13,434 09
Total	344,393 88	40,706 19	385,100 07
Total receipts			19,403,958 15

EXPENDITURES.

Payment of judgments for fiscal years—		
1876	$6,641,287 26	
1877	2,674,465 93	
1885	3,325,905 68	
Payment of judgments to March 23, 1886	25,041 83	
Total judgments		$12,666,700 70
Salaries and expenses of the court for fiscal years—		
1875	84,374 70	
1876	112,915 03	
1877	55,435 99	
1878	505 40	
1883	152,996 05	
1884	181,400 00	
1885	99,484 09	
Salaries and expenses of the court to March 23, 1886	36,394 40	
Total salaries and expenses		723,505 66
Advertising sale of bonds, fiscal year 1876		470 90
Total expenditures		13,390,677 26

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. GEORGE F. EDMUNDS,
Chairman Committee on the Judiciary, United States Senate.

Mr. EDMUNDS. Now I should like to have the additional letter of the 31st of March read in further explanation.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *March* 31, 1886.

SIR: In reply to your telegrams upon the subject of aggregate receipts and disbursements of the Geneva award fund, and particularly in the matter of interest paid by the Government upon the 5 per cent. bonds in which the $15,500,000 award was invested, I have to call your attention to the statement furnished to you in Department's letter of the 23d instant, setting forth the condition of the fund in question.

In further explanation of the receipts into the fund accrued from the investment of the award in 5 per cent. bonds the following statement is submitted:

After the award of $15,500,000 had been invested in bonds the accrued interest thereon was invested from time to time in bonds of the same character, so that in the end a sum of interest equal to $2,562,036,98½ had been for the most part so invested. See table of the changing principal of the fund and interest accruing thereon below:

Interest from—	Amount of interest.	Principal.
September 9, 1873 to November 1, 1873	$111,616 85	$15,500,000
November 1, 1873, to February 1, 1874	193,750 00	15,500,000
December 3, 1873, to February 1, 1874	920 54	112,000
February 1, 1874, to May 1, 1874	195,150 00	15,612,000
February 5, 1874, to May 1, 1874	2,266 47	194,650
May 1, 1874, to August 1, 1874	200,051 25	16,004,100
August 1, 1874, to November 1, 1874	200,051 25	16,004,100
November 1, 1874, to February 1, 1875	205,015 00	16,401,200
February 1, 1875, to May 1, 1875	207,552 50	16,604,200
May 1, 1875, to August 1, 1875	210,134 37½	16,810,750
August 1, 1875, to November 1, 1875	210,134 37½	16,810,750
November 1, 1875, to February 1, 1876	215,365 62½	17,229,250
February 1, 1876, to May 1, 1876	217,955 62½	17,436,450
Total at time of first sale of bonds	2,169,963 86	
May 1, 1876, to August 1, 1876	147,028 75	11,762,300
August 1, 1876, to November 1, 1876	121,784 37½	9,742,750
November 1, 1876, to February 1, 1877	123,260 00	9,860,800
Total interest accrued to the fund	2,562,036 98½	
Less amount covered into the Treasury	123,305 89	
Available for investment in 5 percents	2,438,731 09	

This sum was used to buy $2,403,800 of bonds shown in the statement already furnished to you.

As the bonds were bought at the best obtainable rates, the difference between the sum so bought and the interest available therefor, namely, $34,931.09, was absorbed in paying premium.

When bonds were sold to pay judgments, namely, on April 24, 1876, $5,883,000; August 12, 1876, $2,160,000; and January 22, 1877, $307,000, they were sold with interest to the buyer running from the nearest interest period; therefore, in the sales referred to the fund received the benefit of the interest—in the first sale to May 1, 1876, in the second to August 1, 1876, and in the third to February 1, 1877.

Bonds of the fund to the amount of $7,150,000 and the $2,403,800 purchased with accumulated interest were canceled on the 31st of March, 1877, and ceased to bear interest from that date.

With these explanations and a reference to the table furnished by the Department on the 23d instant, the receipts and expenditures of the fund, adding $800 error in statement of bonds purchased with accrued interest, are shown as follows:

Receipts:	
Principal	$15,500,000 00
Interest	2,562,036 98½
Premium in currency on coin face of bonds sold	992,552 19
Coin premium on sale of bonds plus currency realized on sale thereof	385,100 07
Total receipts	19,439,689 24
Less interest used in payment of premium on bonds purchased	34,931 09
Total net receipts	19,404,758 15
Total expenditures	13,390,677 26

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. GEORGE F. EDMUNDS,
Chairman Committee on the Judiciary, United States Senate.

Mr. HAWLEY. That does not quite harmonize with the statement previously read; I do not know the reason why.

Mr. EDMUNDS. You will find it does harmonize when you study it a little. There is no discrepancy.

Now, Mr. President, the upshot of this business is, as it seems to me, that the act of 1882 said exactly that beyond which we should not go, and the amendment of the committee does all of that and, as the Senator from Ohio thinks, a little more. I thought the committee were unanimous in supposing that the $385,000 mentioned there was totally inadmissible; but the House bill according to these reports from the Treasury treated this as a private trust, unless I am greatly mistaken as to what was the *quantum* of the premium on the gold fives of 1881 when this was invested, which does not come in there at all, because it does not charge anything for it. They took it themselves and got their par, whereas if the August quotation should answer for the September one that I can not find, the gold quotation on that kind of bonds, there would be $775,000 to come out against the fund. The committee amendment puts it upon the act of 1882; only it is a little better than that act alone would have done, I think.

If in that view of the case the Senate wishes to reject this amendment, our duty is done.

Mr. HOAR. I wish to say just one word. The Senator quotes one phrase of the act of 1882.

Mr. EDMUNDS. And the last one.

Mr. HOAR. And the last one, and says the amount to be paid out shall be the money received from the Geneva award as it was on a certain day. I do not think that supports the Senator's view at all, and I do not agree that his bill supports it. The same act says that if there shall remain any part of the said money it shall be and remain a fund, and it shall be the amount of the Geneva award as it was when covered into the Treasury. The Treasury book-keeping kept it just as we claim. Section 7 of the act of 1882 provides:

That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury out of the sum of money paid to the United States pursuant to article 7 of the treaty of Washington, and accruing therefrom.

The Senator from Vermont omits all those passages.

Mr. EDMUNDS. We have got everything in.

Mr. HALE. Mr. President——

Mr. VEST. Will the Senator permit me to say just one word about this matter? I was utterly opposed to the distribution of this fund as Congress finally concluded to distribute it. In other words, I was utterly opposed, and I am now, to paying one dollar of this amount to what are known as the war-premium claimants. But I was overruled in that matter and Congress came to the conclusion, as I understand, that they should be paid, and, so far as our legislation is concerned, that they should be put with the claimants of the first class.

It makes no sort of difference, if that principle is established, whether the surplus money is in the Treasury after paying the claimants of the first or even of the second class; the question is, how do you propose to pay these people of the third class and to pay these war-premium claimants? Do you propose to make a distinction between the payment to the claimants of the first class and those of the third class? Unquestionably the claimants of the first class have been paid by converting the amount of gold into currency, allowing them the interest upon it and paying off the judgments rendered in their favor. Now it is proposed, as I understand, to change that rule, and to say that they shall receive the amount of currency, a dollar in currency to a dollar in gold, with interest at 5 per cent.

Mr. EDMUNDS. Currency now being worth the same as gold.

Mr. VEST. That makes no sort of difference, it seems to me. I am not prepared to change a rule already established as to the payment of the first class. I must agree that the Senator from Massachusetts is logical, to say the least of it, in his proposition, and that the amendment proposed by the Judiciary Committee is entirely illogical. At the same time, stating it as a logical proposition, I would unquestionably vote not to give one dollar to those people who are called the war-premium claimants.

Mr. HALE. I move to lay the amendment on the table.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Maine moves that the amendment be laid on the table, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when Mr. COKE's name was called). The Senator from Texas [Mr. COKE] is paired with the Senator from New York [Mr. EVARTS]. The Senator from Texas would vote "nay."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. HALE (when Mr. FRYE's name was called). My colleague [Mr. FRYE] is paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS (after having voted in the negative). I voted inadvertently. I had forgotten my pair, and told the Senator from Maine when he went away to have his colleague remind me, if I should forget it. I withdraw my vote. I should vote "nay," and the Senator from Maine I suppose would vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MCMILLAN (when his name was called). I am paired on this question with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay" and he would vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. I do not know how he would vote, and therefore I shall withhold my vote. If he were present, I think I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN].

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY]. I do not know how he would vote, and I therefore withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN].

The roll-call was concluded.

Mr. CALL. I was requested by the Senator from Kentucky [Mr. BLACKBURN] to state that he is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. BERRY. I desire to announce that my colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

Mr. CHACE. I am paired with the Senator from Maryland [Mr. WILSON].

The result was announced—yeas 20, nays 14; as follows:

YEAS—20.

Allison,	Dawes,	Hoar,	Payne,
Blair,	George,	McPherson,	Sawyer,
Bowen,	Hale,	Mahone,	Sewell,
Cameron,	Hampton,	Maxey,	Stanford,
Conger,	Hawley,	Miller,	Walthall.

NAYS—14.

Beck,	Dolph,	Mitchell of Oreg.,	Whitthorne,
Berry,	Eustis,	Morrill,	Wilson of Iowa.
Call,	Harris,	Pugh,	
Cockrell,	Ingalls,	Sherman,	

ABSENT—42.

Aldrich,	Fair,	Logan,	Sabin,
Blackburn,	Frye,	McMillan,	Saulsbury,
Brown,	Gibson,	Manderson,	Spooner,
Butler,	Gorman,	Mitchell of Pa.,	Teller,
Camden,	Gray,	Morgan,	Vance,
Chace,	Harrison,	Palmer,	Van Wyck,
Coke,	Hearst,	Pike,	Vest,
Colquitt,	Jones of Arkansas,	Platt,	Voorhees,
Cullom,	Jones of Florida,	Plumb,	Wilson of Md.
Edmunds,	Jones of Nevada,	Ransom,	
Evarts,	Kenna,	Riddleberger,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. EDMUNDS. I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll of the Senate.

The Secretary called the roll, and 45 Senators answered to their names.

The PRESIDING OFFICER. The roll-call develops the presence of 45 Senators—more than a quorum. The question recurs on the motion of the Senator from Maine to lay on the table the amendment of the Judiciary Committee, upon which the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. MCMILLAN (when his name was called). On this question I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were here, I should vote "nay" and he would vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote, and therefore refrain from voting.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SPOONER (when his name was called). I announce again that I am paired generally with the Senator from Delaware [Mr. GRAY]. I do not know how he would vote, and therefore refrain from voting.

The roll-call was concluded.

Mr. FAIR. I am paired with the Senator from Nevada [Mr. JONES.]

Mr. GORMAN. I desire to announce my pair with the Senator from Rhode Island [Mr. ALDRICH], but I am informed that the Senator from Rhode Island would vote "yea" upon this proposition. I will ask the Senator from Maine if that is correct.

Mr. HALE. I have no doubt that he would.

Mr. EDMUNDS. Do you know anything about it?

Mr. HALE. I do not get it from him directly, but I have no doubt about it. I can say that, and the Senator from Maryland may use his discretion about it. I have no doubt whatever that he would vote "yea."

Mr. GORMAN. I withhold my vote.

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Allison,	George,	McPherson,	Sewell,
Blair	Gibson,	Maxey,	Stanford,
Bowen,	Hale,	Miller,	Vest,
Cameron,	Hampton,	Payne,	Voorhees,
Conger,	Hawley,	Plumb,	Walthall.
Dawes,	Hoar,	Sawyer,	

NAYS—18.

Beck,	Colquitt,	Ingalls,	Sherman,
Berry,	Dolph,	Mitchell of Oreg.,	Whitthorne,
Brown,	Eustis,	Morrill,	Wilson of Iowa.
Call,	Harris,	Pugh,	
Cockrell,	Hearst,	Saulsbury,	

ABSENT—35.

Aldrich,	Fair,	Logan,	Ransom,
Blackburn,	Frye,	McMillan,	Riddleberger,
Butler,	Gorman,	Mahone,	Sabin,
Camden,	Gray,	Manderson,	Spooner,
Chace,	Harrison,	Mitchell of Pa.,	Teller,
Coke,	Jones of Arkansas,	Morgan,	Vance,
Cullom,	Jones of Florida,	Palmer,	Van Wyck,
Edmunds,	Jones of Nevada,	Pike,	Wilson of Md.
Evarts,	Kenna,	Platt,	

So the amendment was laid on the table.

Mr. WILSON, of Iowa. The act of 1882, after providing for the payment of claims thereunder, has the following proviso:

That the whole amount paid out shall not exceed the amount remaining of the Geneva award and interest, as it was when actually covered into the Treasury.

The fifth section of the bill proposes to enlarge that sum by increasing it to the extent of $385,100.07. I now propose an amendment to that section, in order that the adjustment of these claims shall rest upon the act of 1882 and the amount be determined thereby. Therefore I move to amend the bill, in section 5, by striking out after the words "eighteen hundred and eighty-four," in line 16, down to and including the word "cents," in line 21, in the following words:

Shall be added the premium realized from the sale of certain bonds in which the said fund was invested, namely, the sum of $385,100.07, making $10,089,004.96.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be read.

The PRESIDING OFFCER. The amendment will be stated.

The Chief Clerk read the amendment.

Mr. WILSON, of Iowa. I wish to say that that sum never has been carried into the Treasury as part of the Geneva award.

Mr. DAWES. Do I understand that the Senator does not propose to have either the premium on the gold or the premium on the bonds a part of this sum?

Mr. WILSON, of Iowa. I simply move to strike out that item, which is not embraced in the act of 1882.

Mr. DAWES. That being stricken out and the premium on gold not being added, then the United States would have the benefit of its operation, both what it made on the gold and what it made on the bonds, would it not?

Mr. WILSON, of Iowa. Not at all.

Mr. DAWES. I do not see how else.

Mr. HALE. I move to lay the amendment on the table.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired on this question with the Senator from Maryland [Mr. WILSON].

Mr. COKE (when his name was called). I am paired on this question with the Senator from New York [Mr. EVARTS]. If he were here, I should vote "nay."

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. I am under the impression that as to this particular amendment I was not paired, because I thought that we agreed in opinion about it; but for fear that I am mistaken I shall withhold my vote.

Mr. MCMILLAN (when his name was called). On this subject I am paired with the Senator from New Hampshire [Mr. PIKE]. I should vote "nay" if he were here.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SPOONER (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. I do not know how he would vote, and therefore withhold my vote.

The roll-call having been concluded, the result was announced—yeas 20, nays 15; as follows:

YEAS—20.

Blair,	George,	Hoar,	Sewell,
Bowen,	Gibson,	Maxey,	Stanford,
Cameron,	Hale,	Miller,	Vest,
Conger,	Hampton,	Plumb,	Voorhees,
Dawes,	Hawley,	Sawyer,	Walthall.

NAYS—15.

Beck,	Colquitt,	Ingalls,	Saulsbury,
Berry,	Dolph,	Mitchell of Oreg.,	Whitthorne,
Brown,	Harris,	Morrill,	Wilson of Iowa.
Cockrell,	Hearst,	Pugh,	

ABSENT—41.

Aldrich,	Evarts,	McMillan,	Riddleberger,
Allison,	Fair,	McPherson,	Sabin,
Blackburn,	Frye,	Mahone,	Sherman,
Butler,	Gorman,	Manderson,	Spooner,
Call,	Gray,	Mitchell of Pa.,	Teller,
Camden,	Harrison,	Morgan,	Vance.
Chace,	Jones of Arkansas,	Palmer,	Van Wyck,
Coke,	Jones of Florida,	Payne,	Wilson of Md.
Cullom,	Jones of Nevada,	Pike,	
Edmunds,	Kenna,	Platt,	
Eustis,	Logan,	Ransom,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll, and 40 Senators answered to their names.

The PRESIDING OFFICER. The roll-call shows the presence of forty Senators—more than a quorum. The question recurs on the motion of the Senator from Maine [Mr. HALE] to lay the amendment of the Senator from Iowa [Mr. WILSON] on the table, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MCMILLAN (when his name was called). I am paired on this question with the Senator from New Hampshire [Mr. PIKE]. If he were here, I should vote "nay" and he would vote "yea."

Mr. SHERMAN (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON] on this question.

Mr. SPOONER (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from New York [Mr. EVARTS]. If he were here, I should vote "nay."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]; but as it seems important that there should be more votes cast I shall transfer the pair to my colleague [Mr. VAN WYCK] and vote on this question. I vote "yea."

The PRESIDING OFFICER. The Chair advises Senators, who are at liberty so to do, to vote, as there is not yet a quorum voting.

Mr. BECK. I suppose the vote ought to be announced without delay. I beg pardon, but I opposed the motion, and I should like to have the vote disposed of.

The result was announced—yeas 25, nays 14; as follows:

YEAS—25.

Allison,	George,	Manderson,	Sewell,
Blair,	Gibson,	Maxey,	Vest,
Bowen,	Hale,	Miller,	Voorhees,
Butler,	Hampton,	Payne,	Walthall.
Cameron,	Hawley,	Plumb,	
Conger,	Hoar,	Riddleberger,	
Dawes,	Mahone,	Sawyer,	

NAYS—14.

Beck,	Colquitt,	Ingalls,	Whitthorne,
Berry,	Dolph,	Mitchell of Oreg.,	Wilson of Iowa.
Brown,	Harris,	Morrill,	
Cockrell,	Hearst,	Pugh,	

ABSENT—37.

Aldrich,	Fair,	McMillan,	Sherman,
Blackburn,	Frye,	McPherson,	Spooner,
Call,	Gorman,	Mitchell of Pa.,	Stanford,
Camden,	Gray,	Morgan,	Teller,
Chace,	Harrison,	Palmer,	Vance,
Coke,	Jones of Arkansas,	Pike,	Van Wyck.
Cullom,	Jones of Florida,	Platt,	Wilson of Md.
Edmunds,	Jones of Nevada,	Ransom,	
Eustis,	Kenna,	Sabin,	
Evarts,	Logan,	Saulsbury,	

So the amendment was laid on the table.

Mr. WILSON, of Iowa. In order that the distribution of this fund may rest wholly upon the act of 1882, I move to strike out the fifth section. Inasmuch as preceding legislation has been quoted in opposition to the effort which has been made in support of the amendment of the Judiciary Committee, I think it but fair to quote it now, as against the other side, and let this whole subject rest where Congress put it by the act of 1882. I move to strike out the fifth section.

Mr. HALE. That will leave all the clerks unpaid. I move to lay the amendment on the table.

Mr. WILSON, of Iowa. It does not affect the clerks at all.

The PRESIDING OFFICER. The Secretary will report the amendment of the Senator from Iowa.

The CHIEF CLERK. It is proposed to strike out section 5, in the following words:

SEC. 5. That the amount which shall be paid out and distributed in payment and satisfaction of the judgments of the first and second class which are now existing as rendered by the said court against the Geneva award fund, and in payment of the expenses, salaries, and other outlays contemplated and provided for in this act, and in the act re-establishing the said court, approved June 5, 1882, shall be ascertained in the following manner: To the sum of $9,703,904.89, this being the amount of the said Geneva award fund remaining in the Treasury, as disclosed by the Treasury report of June 30, 1877, and the letter of the Secretary of the Treasury to the chairman of the Committee on the Judiciary of the House of Representatives dated April 22, 1884, shall be added the premium realized from the sale of certain bonds in which the said fund was invested, namely, the sum of $385,100.07, making $10,089,004.96; and to this sum shall further be added the estimated value of the said furniture and property, as provided for in section 4 of this act; and from the aggregate sum so ascertained shall be subtracted the estimated cost of the services and expenses provided for being estimated in section 4 of this act, and also the amount provided for in section 1 of this act, together with all the other expenses of the court; and from the amount so ascertained shall be further deducted the aggregate of the judgments of the first class which have already been paid, and the balance shall be applied as follows: First, to the payment of the judgments of the first class yet remaining unpaid, as provided in said act approved June 5, 1882, and the residue shall be paid out and distributed pro rata upon the judgments in favor of claimants of the second class, as provided in said last-named act. And the amounts so ascertained as aforesaid are, for the purpose of making the payment aforesaid, hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. The Senator from Maine moves to lay the amendment on the table.

Mr. WILSON, of Iowa. Before the Senator submits that motion I wish to make a remark.

The PRESIDING OFFICER. Does the Senator from Maine withdraw the motion?

Mr. HALE. I withdraw it for a moment.

Mr. WILSON, of Iowa. I wish to state that the Senator from Maine is mistaken when he says that to strike out this section will dispose of all provision for the payment of clerks as provided for in the act of 1882. It has been claimed all the time by persons representing these claimants since this matter has been pending——

Mr. HOAR. The Senator will pardon me; the Comptroller of the Treasury has held that the act of 1882 does not warrant any payment for those clerks or for the other machinery of the court, the counsel who represented the United States, and has disallowed all those claims. The court was wound up for some time, and then continued by the claimants (as it was to be paid out of the fund in the end), paying these expenses out of their own pockets. This is not to refund to those claimants, but it is to pay the clerks for the last four months.

Mr. WILSON, of Iowa. But recently we passed an act through Congress, and it is now the law, providing for winding up and extending the time.

Mr. HOAR. If my learned friend will pardon me, it shows how a little study would help him in this matter, as I have always thought. The act we passed the other day provides for extending this thing two months beyond the time fixed by law in order that the papers may be assorted and properly reported, and for paying the clerks for those two months, but the clerks for the last four months have not received one cent and will not without legislation, under the ruling of the Comptroller.

Mr. WILSON, of Iowa. I am glad to have the Senator suggest that by a little study of this question I would properly understand it, but I understand it quite enough to know that this fifth section is not necessary.

Mr. HOAR. If my learned friend studied it correctly, I am sure he would know that the section does provide for the clerks.

Mr. WILSON, of Iowa. I do not agree with the Senator.

Mr. HALE. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine that the amendment lie on the table.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. FAIR (when his name was called). I was paired with the Senator from Nevada [Mr. JONES], but that pair has been transferred to the Senator from Delaware [Mr. GRAY]. I vote "yea."

Mr. MCMILLAN (when his name was called). I am paired on this question with the Senator from New Hampshire [Mr. PIKE]. If he were here, I should vote "nay" and he would vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SPOONER (when his name was called). My pair with the Senator from Delaware [Mr. GRAY] has been transferred to the Senator from Nevada [Mr. JONES]. I am therefore at liberty to vote, and I vote "yea."

The roll-call was concluded.

Mr. MANDERSON. In order to make a quorum I transfer my pair with the Senator from Kentucky [Mr. BLACKBURN] to my colleague [Mr. VAN WYCK], and I vote "yea."

Mr. COKE. I am paired with the Senator from New York [Mr. EVARTS]. If he were here, I should vote "nay."

The result was announced—yeas 27, nays 15; as follows:

YEAS—27.

Allison,	Fair,	Hoar,	Sewell,
Blair,	George,	Mahone,	Spooner,
Bowen,	Gibson,	Manderson,	Stanford,
Butler,	Hale,	Maxey,	Vest,
Cameron,	Hampton,	Payne,	Voorhees,
Conger,	Hawley,	Plumb,	Walthall.
Dawes,	Hearst,	Sawyer,	

NAYS—15.

Beck,	Cockrell,	Ingalls,	Saulsbury,
Berry,	Colquitt,	Mitchell of Oreg.,	Whitthorne,
Brown,	Dolph,	Morrill,	Wilson of Iowa.
Call,	Harris,	Pugh,	

ABSENT—34.

Aldrich,	Frye,	McMillan,	Riddleberger,
Blackburn,	Gorman,	McPherson,	Sabin,
Camden,	Gray,	Miller,	Sherman,
Chace,	Harrison,	Mitchell of Pa.,	Teller,
Coke,	Jones of Arkansas,	Morgan,	Vance,
Cullom,	Jones of Florida,	Palmer,	Van Wyck,
Edmunds,	Jones of Nevada,	Pike,	Wilson of Md.
Eustis,	Kenna,	Platt,	
Evarts,	Logan,	Ransom,	

So the amendment was laid on the table.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is, "Shall the bill pass?"

Mr. BECK and Mr. WILSON, of Iowa, called for the yeas and nays, and they were ordered.

Mr. GEORGE. Mr. President, I understand that the bill as it now stands provides for the payment on these claims of the amount of money received by the United States from Great Britain exactly, giving up or making good to the claimants the premium which the United States made by a sale of gold for greenbacks, in which a part of the former claimants were paid. I understand it provides for that, and for the payment of all the interest which the United States agreed to pay from the time of the reception of the money in 1873 to 1877, when it was covered into the Treasury, and that since that time no interest is charged against the United States.

Understanding the bill to mean that, it receives the approbation of my judgment fully, and I shall vote for it.

Mr. HOAR. That is it exactly.

Mr. BECK. I may not have understood the Senator from Iowa in the statement that he made. I should like to know whether we are paying to these people a premium upon payments made in the legal-tender notes of the country.

Mr. WILSON, of Iowa. We are paying the premium realized by the Government on the sale of the coin and the bonds. We are paying in addition thereto interest. In other words, this bill proposes to place the United States in the attitude of an ordinary trustee, responsible for all the additions from those sources which may have been made to the fund, and on behalf of claimants who are not, as I stated before, within the principles upon which the Geneva award was made, who said they were satisfied with the legislation of 1882, who now ask and have obtained an addition of $385,000 to the provision of the act of 1882.

Mr. BECK. Which no other claimant on the United States ever did receive, so far as I am aware. In other words, it is a bonus given to a few people who by skill obtained this award and $385,000 in addition.

Mr. HOAR. The United States gains nothing and losses nothing by this transaction. It pays out the money that it got from Great Britain which it invested in certain securities and that it subsequently sold. It pays the bonus on those securities, and that is all.

Mr. BECK. And nobody else ever got it.

Mr. HOAR. It simply does not make a speculation of it.

Mr. BECK. The Government has held the money of people for twenty years without paying a dollar, and it is the first time this has ever been done. We have had claims for property of all sorts taken and held for twenty years, and when men have shown that it was held wrongfully for twenty years not one penny of interest was ever paid before.

Mr. GEORGE. I understand the interest we pay now is in pursuance of an engagement made by the Congress of the United States in an act passed before the reception of the money. Am I correct in that?

Mr. HOAR. You are.

Mr. GEORGE. Then to repudiate the interest would be repudiating the solemn engagement of the United States.

The PRESIDING OFFICER. The question is, Shall the bill pass? on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

Mr. COKE (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. If he were here, I should vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were here, I think he would vote "nay."

Mr. MCMILLAN (when his name was called). On this question I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were here, I should vote "nay" and he would vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SHERMAN (when his named was called). I am paired on this question with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "nay."

Mr. SPOONER (when his name was called). My pair with the Senator from Delaware [Mr. GRAY] has been transferred to the Senator from Nevada [Mr. JONES], and therefore I am at liberty to vote. I vote "yea."

The roll-call was concluded.

Mr. GORMAN. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I am advised by his colleague [Mr. CHACE] that he would vote "yea," and therefore I vote. I vote "yea."

Mr. HALE. My colleague [Mr. FRYE] is absent and is paired with the Senator from Vermont [Mr. EDMUNDS]. My colleague would vote "yea."

Mr. MANDERSON. My pair with the Senator from Kentucky [Mr. BLACKBURN] has been transferred to the Senator from Nebraska [Mr. VAN WYCK], and I vote "yea."

The result was announced—yeas 30, nays 13; as follows:

YEAS—30.

Allison,	Fair,	Mahone,	Sewell,
Blair,	George,	Manderson,	Spooner,
Bowen,	Gibson,	Maxey,	Stanford,
Butler,	Gorman,	Miller,	Vest,
Cameron,	Hale,	Morrill,	Voorhees,
Conger,	Hampton,	Payne,	Walthall.
Dawes,	Hawley,	Plumb,	
Dolph,	Hoar,	Sawyer,	

NAYS—13.

Beck,	Cockrell,	Mitchell of Oreg.,	Wilson of Iowa.
Berry,	Colquitt,	Pugh,	
Brown,	Harris,	Saulsbury,	
Call.	Hearst,	Whitthorne,	

ABSENT—33.

Aldrich,	Frye,	McMillan,	Sabin,
Blackburn,	Gray,	McPherson,	Sherman,
Camden,	Harrison,	Mitchell of Pa.,	Teller,
Chace,	Ingalls,	Morgan,	Vance,
Coke,	Jones of Arkansas,	Palmer,	Van Wyck,
Cullom,	Jones of Florida,	Pike,	Wilson of Md.
Edmunds,	Jones of Nevada,	Platt,	
Eustis,	Kenna,	Ransom,	
Evarts,	Logan,	Riddleberger,	

So the bill was passed.

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business, which is the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. ALLISON. I ask the Senator from Massachusetts in charge of the bill pending before the Senate to allow me to make a report from the Committee on Appropriations, and to have the bill considered this afternoon.

Mr. HOAR. It is now Friday afternoon at 3 o'clock. I do not think the Senate would like to have the bankruptcy bill taken up and read (it is a long bill) at this late hour in the week, and I should like unanimous consent that it may stand as the unfinished business for Monday, as it now stands; and the Senator from Iowa can then proceed with his appropriation bill, if that will be agreeable to the Senate.

Mr. CONGER. At what time on Monday?

Mr. HOAR. At 2 o'clock on Monday. It would be so without consent.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate that the bankruptcy bill be considered as the unfinished business of the day. Is there objection? The Chair hears none, and it is so ordered.

SPECIAL DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, to report it with amendments, and I ask unanimous consent that it may be now considered.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with amendments. The first amendment was, in line 14, after the word "State," to strike out "and;" in line 15, after the word "Department," to insert "Court of Claims and Library of Congress; and in line 19, before the word "thousand," to strike out "twenty-nine" and insert "thirty-three;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Department of State, the Treasury Department, Court of Claims, and Library of Congress, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $233,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely, &c.

The amendment was agreed to.

The next amendment was, after line 25, to insert:

For the Court of Claims, $2,500, and for the Library of Congress, $1,500.

So as to read:

For printing and binding for Congress, including the proceedings and debates, $200,000; for the State Department, $5,000; for the Treasury Department, $24,000; for the Court of Claims, $2,500; and for the Library of Congress, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "pay of the Army," to strike out from line 37 to line 43, inclusive, as follows:

That so much of the unexpended balance of the appropriation for pay of the Army for the fiscal year ending June 30, 1885, as may be required, not to exceed $200,000, is hereby reappropriated and made available to supply a deficiency in the appropriation for pay of the Army for the fiscal year ending June 30, 1886.

And in lieu thereof to insert:

For pay of the Army, being a deficiency for the fiscal year ending June 30, 1886, $200,000, or so much thereof as may be necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. CONGER. I ask consent of the Senate at this time to take up the bill reported from the Committee on Commerce, which has passed the House, to establish additional life-saving stations. I move to take it up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6975) to establish additional life-saving stations.

The bill was reported from the Committee on Commerce with amendments, in line 14, after the word "Virginia," to insert "one at Lynnhaven Inlet, Virginia;" and in line 20, after the word "Mackinaw," to insert "one at or near Duluth, Lake Superior;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to establish additional life-saving stations upon the sea and lake coasts of the United States as follows: One at or near Point Allerton, Massachusetts; one at such point between the Parmet River life-saving station and the south end of Nansett Beach, Cape Cod, Massachusetts, as the General Superintendent of the Life-Saving Service may recommend; one at or near Cape Poge, Massachusetts; one at or near Cuttyhunk, Massachusetts; one on the northwest side of Block Island, Rhode Island; one on the coast between Point Judith and Watch Hill, Rhode Island; one on Fisher's Island, Long Island Sound; one at or near Fisherman's Island, Virginia; one at Lynnhaven Inlet, Virginia; one at or near Oak Island, North Carolina; one at or near Old Topsail Inlet, North Carolina; one at or near Plum Island, Lake Michigan; one at South Manitou Island, Lake Michigan; one at South Chicago, Ill.; one at or near Bois Blanc Island, Straits of Mackinaw; one at or near Duluth, Lake Superior; one at or near Point Adams, Oregon; one at such point between Point Reyes and Point Diable, California, as the General Superintendent of the Life-Saving Service may recommend; one at such point between Point San José and Point Lobos, California, as the General Superintendent of the Life-Saving Service may recommend; one on Lake Ontario, New York, at or near the mouth of the Niagara River, as the General Superintendent of the Life-Saving Service may recommend.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CONGER. I move that the Senate insist on its amendments, and ask for a conference on the disagreeing votes between the two Houses on the amendments to this bill.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. CONGER, Mr. MCMILLAN, and Mr. GORMAN were appointed.

ORDER OF BUSINESS.

Mr. BLAIR. I move that the Senate proceed to the consideration of special pension bills favorably reported.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of pension bills.

The motion was agreed to.

Mr. DOLPH. I hope the Senator will give way to me for a local measure of importance.

Mr. BLAIR. Is it likely to lead to debate?

Mr. DOLPH. I think not.

Mr. BLAIR. I yield for a moment.

FORFEITURE OF OREGON WAGON-ROAD GRANTS.

Mr. DOLPH. I ask the Senate to proceed to the consideration of Senate bill 2437, which has received the favorable report of the Committee on Public Lands. It relates to lands entirely within the State of Oregon. The delegation from Oregon have agreed upon it.

Mr. BLAIR. That is a very important bill.

Mr. DOLPH. It is a matter that received the investigation of the Committee on Public Lands.

Mr. BLAIR. I will not object if it does not lead to debate.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2437) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

Mr. PLATT. Is there a report?

Mr. DOLPH. There is.

Mr. PLATT. Is it long?

Mr. DOLPH. It is somewhat long.

Mr. PLATT. Will the Senator make a statement?

Mr. DOLPH. I will if it is desired. The Senator from Connecticut asks me to make a statement in regard to this bill.

In 1864 an act was passed by Congress making a grant of land to the State of Oregon to aid in the construction of a wagon-road from Eugene City to the eastern boundary of the State. In 1866 a similar act was passed making a grant to aid in the construction of a wagon-road from Albany to the eastern boundary of the State. In 1867 an act was passed making a grant of lands to the State of Oregon to aid in the construction of a wagon-road from Dalles City to Fort Boisé, on the Snake River. By the terms of the acts the certificate of the governor of the State as to the completion of the road was to be the evidence on which the Interior Department was to act in the selection of the granted lands.

These certificates were duly made showing the construction of the roads within the time provided and in the manner prescribed in the acts of Congress, and thereafter the Secretary of the Interior proceeded to certify the lands to the State as they were surveyed and for considerable portions to issue patents under an act which was subsequently

passed authorizing patents in such cases, although it was not necessary as the grants were grants *in præsenti*.

It is now alleged by the State of Oregon and by numerous citizens of the State that the roads were not in fact constructed as required by the acts of Congress and that the certificates of the several governors of the State, Governors Gibbs, Woods, and Grover, were fraudulent and fraudulently obtained, and the State of Oregon has by a memorial of its Legislature requested Congress to take some action looking to the forfeiture of these grants and the restoration of the lands granted to the public domain.

The case is one in which Congress can not settle the title. It is not like the case of an act making a grant of lands upon condition where there is no claim that the condition has been performed. A suit is required to set aside the certificate of the governors, to try the question whether the roads have been completed in accordance with law, and to set aside the patents issued for portions of the lands. The committee came to the conclusion that that is all that can be done, that the questions involved are judicial questions, and they propose therefore, by this bill, to refer the whole matter to the courts, to direct the Attorney-General to bring a suit as to each one of these three wagon-road grants mentioned in the bill, which amount in the aggregate to over 2,000,000 acres, to determine the question in each case as to whether the roads were constructed within the time prescribed by the granting act and in accordance with the terms of the granting act; as to the effect of the certificate of the governor as to the timely and proper construction of the roads, and to set aside patents which have been issued, and, in short, to settle the title to all this land.

It is a matter of sound public policy that that should be done. The existence of such large tracts of land with unsettled titles must necessarily be detrimental to the prosperity of the State. The claim now made by the State is a cloud on the titles of the present holders of the grants; and nothing seems to be practical (the questions involved being judicial and not legislative) except to refer the case to the courts and to provide for a speedy determination of the title.

The bill has been carefully considered by the Committee on Public Lands. The Senators from the State are agreed as to the form of the bill. The lands all lie within the State of Oregon. The action of the committee has been taken at the request of the Legislature of the State of Oregon.

Mr. PLATT. I see this bill provides that the Attorney-General shall bring suit "against all persons, firms, and corporations claiming to own or to have an interest in the lands," and I suppose in any of them. Further along it provides for saving and preserving the rights of all *bona fide* purchasers "for a valuable consideration, if any such there be." Is it intended to bring suit against *bona fide* purchasers?

Mr. DOLPH. The question of who are *bona fide* purchasers must be determined by the courts. Congress can not determine it. The intention is to direct the Attorney-General to bring suit against persons who hold more than a section of the land. The committee thought the small holders who have acquired title from the grantees of the State and are occupying the land for homes ought not to be subjected to the trouble and expense of a suit; and, therefore, have excepted from the operation of the bill those persons who are in actual possession and are cultivating these lands. The title to the great bulk of the lands will be determined in the suit or suits to be brought under the provisions of this bill, and it will be for the court to determine whether there are or can be any *bona fide* purchasers. Congress can not do that. To undertake to forfeit the granted lands without giving the owners of the grants an opportunity to show that they are *bona fide* purchasers the committee thought would be very unjust, as well as beyond the power of Congress. The protection of their rights is provided for; but they must establish them in accordance with law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JAMES E. WALTER.

Mr. COLQUITT. With the consent of the Senator from New Hampshire, I ask to take up Order of Business 323, being the bill (S. 1064) for the relief of James E. Walter.

There being no objection, the bill (S. 1064) for the relief of James E. Walter was considered as in Committee of the Whole. It directs the Secretary of War to pay to James E. Walter, late contractor for dredging the harbor of Brunswick, Ga., 23 cents per cubic yard for 12,000 cubic yards of hard excavation in the harbor of Brunswick, less 13⅞ cents per cubic yard already paid him on account of the excavation, amounting after the deduction to $1,095; the additional payment having been recommended by the Secretary of War as a fair and just compensation for the work.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, requested the Senate to return to the House of Representatives the bill (S. 891) granting a pension to Geriah Collins.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 3257) for the relief of S. E. Scarborough; and

A bill (H. R. 7809) for the relief of Edwin Stevens.

OPIUM TRAFFIC WITH CHINA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Finance, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State, dated the 19th instant, touching the necessity of legislation to carry into effect the provisions of Article II of the treaty between the United States and China of November 17, 1880, for the repression of the opium traffic, and recommend that appropriate legislation to fulfil that treaty promise of this Government be provided without further delay.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 21, 1886.

GERIAH COLLINS.

The PRESIDENT *pro tempore* laid before the Senate the following request from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *May* 21, 1886.

Ordered, That the Clerk be directed to request the Senate to return to the House of Representatives Senate bill No. 891, granting a pension to Geriah Collins.

The PRESIDENT *pro tempore*. If there be no objection the request of the House of Representatives will be agreed to.

PORT OF ENTRY AT CAPE CHARLES CITY.

Mr. MAHONE. With the consent of the Senator from New Hampshire I ask leave to take up Order of Business 982, being the bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States. It will lead to no discussion, or I would not ask indulgence at the hands of the Senator from New Hampshire.

Mr. PLATT. Let that be read subject to objection.

The Chief Clerk read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to amend paragraph 1 of section 2552 of the Revised Statutes by striking out "Cherrystone," in the sixth line, and inserting "Cape Charles City;" so that it will read "Cape Charles City shall be the port of entry."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

On motion of Mr. PLUMB, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendment of the House to the fifth amendment of the Senate to said bill, and ask a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. MAHONE, and Mr. CALL were appointed.

CONSIDERATION OF PENSION BILLS.

The PRESIDENT *pro tempore*. The first pension bill on the Calendar will now be proceeded with.

Mr. BLAIR. The first pension bill in order is Order of Business 874.

The PRESIDENT *pro tempore*. Before proceeding, as these pension bills are acted on rapidly, being very brief, the Chair calls the attention of Senators to the titles of the bills as read, so that there may be no question.

Mr. BLAIR. There are no bills to be called up unless those that are favorably reported.

LUCY ANN DREW.

The bill (H. R. 6502) granting a pension to Lucy Ann Drew was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucy Ann Drew, widow of Samuel Drew, late a private in the First Regiment New York Engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN SHEA.

The bill (S. 924) granting a pension to Ellen Shea, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "pension-roll," in line 4, to strike out "on the evidence now on file in the office of the Commissioner of Pensions;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Ellen Shea, mother of Michael Shea, late of Company A, Thirteenth Illinois Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SAULSBURY. None of us know anything about these bills. There ought to be some explanation of the merits of the bills.

Mr. BLAIR. There are printed reports in every case which have been on the files of the Senate ever since the cases have been on the Calendar, which is more than a month.

AARON C. JOHNSON.

The bill (H. R. 4905) granting a pension to Aaron C. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Aaron C. Johnson, late lieutenant-colonel of the One hundred and seventy-eighth Ohio Volunteers, and now a resident of Linden, Dallas County, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY B. CARLL.

The bill (H. R. 1106) granting a pension to Mary B. Carll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary B. Carll, widow of Erastus B. Carll, late a lieutenant of Company F, Second Regiment of Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN SMARZO.

The bill (H. R. 4903) granting a pension to Christian Smarzo was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christian Smarzo, employé at Quartermaster's Department, United States Army.

Mr. COCKRELL. I should like to have the report read in that case of Smarzo.

The Chief Clerk read the following report, submitted by Mr. SEWELL April 27, 1886.

The Committee on Pensions, to whom was referred the bill granting a pension to Christian Smarzo, have examined the same, and report as follows:

The committee have examined the papers in this case thoroughly, and find the report of the House Committee on Invalid Pensions, though brief, yet complete in its statement of the facts. They therefore adopt said report, which is as follows:

"That Christian Smarzo was an employé in the Quartermaster's Department, United States Army, during the war of the rebellion, and that while so employed as a fireman on a locomotive engine, near Big Shanty, Ga., on the 25th of September, 1864, the train was attacked and captured by the enemy; claimant was wounded by a gunshot wound in left side, taken prisoner, held as such for three months, paroled, furloughed for three months, and then returned to same duty.

"His application for pension was rejected on the ground that 'he was not in the military service of the United States at the date of receipt of wound.' It is true claimant was not enlisted and mustered into the service, but he was performing a most perilous yet meritorious service, one that required a very high order of courage and soldierly valor. He was wounded and taken prisoner while at his post of duty, and as richly deserves reward as does he who fought with gun or sword."

This committee concur in the foregoing opinion, and unite with the House committee in recommending the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLLY HALL.

The bill (H. R. 3141) granting a pension to Polly Hall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Polly Hall, dependent mother of Amos L. Hall, late of Company G, Fourth Regiment of Michigan Infantry Volunteers.

Mr. BLAIR. That bill, if I recollect, was one where there was a probability of favorable action by the Commissioner of Pensions, which would give the claimant arrears. I ask that it be passed over.

The PRESIDENT *pro tempore*. There is a memorandum on the bill.

Mr. BLAIR. What is the memorandum?

The PRESIDENT *pro tempore*. It is indorsed "indefinitely postpone."

Mr. BLAIR. Then the application must have been allowed at the Pension Office. Let the bill be indefinitely postponed.

The bill was postponed indefinitely.

AMANDA HOUSELL.

The bill (H. R. 3546) granting a pension to Amanda Housell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda Housell (together with her minor children), widow of John M. Housell, late a private in Company K, First Regiment Maryland Infantry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SEWELL April 27, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3546) granting a pension to Amanda Housell, have examined the same, and report as follows:

The committee, upon due consideration of this case, find the facts distinctly set forth in the report of the House Committee on Invalid Pensions, as follows:

"It appears from the testimony in this case that John M. Housell, the husband of claimant, enlisted August 13, 1861, in Company C, Fourth Regiment New Jersey Volunteers, and was discharged October 29, 1862, upon a surgeon's certificate of disability because of 'chronic diarrhea, which resists all treatment; sick six months.' He re-enlisted June 20, 1864, in Company E, Eighth Regiment Maryland Volunteers, and was transferred to Company K, First Regiment Maryland Volunteers, and was mustered out August 1, 1865, at Washington, D. C., upon individual muster-out roll, as from general hospital, Alexandria, Va. The records of Lickle Hospital, Virginia, show that he was discharged from the service August 4, 1865, and was paid in full on same date at Washington, D. C., since which date his whereabouts have been unknown.

"The claimant, believing her husband to be dead, filed a claim for pension as widow April 9, 1881, and the claim was rejected on the ground 'that there is no record at the War Department of the date and cause of death of the soldier, and the claimant has declared her inability to prove the same.'"

The case was appealed to the honorable Secretary of the Interior. In transmitting the papers, the Commissioner of Pensions says:

"Whether his death was actually caused by the disease contracted in the service, or by events not due to his service, is a question that can not be determined by the facts before us.

"The Commissioner has no authority under the law to presume a result; he must decide questions on the facts presented, and in this instance it is clear that the soldier's death can not be definitely charged to the service. The case seems to be worthy of consideration by Congress with a view to special legislation to give title."

The Secretary of the Interior sustained the action of the Commissioner of Pensions in rejecting the claim, and in his opinion uses the following language:

"The presumption that the soldier is dead is very great, and the presumption that he died from chronic diarrhea and shortly after discharge is also great. The Department concurs in the opinion expressed in your report, quoted above, that you have no authority under the law to grant a pension in this case; and further, the Department concurs with you in the opinion that the case seems worthy of special legislation."

All the evidence goes to prove the good health and physical soundness of the soldier prior to enlistment, and further, bears out the expressed opinion of the Secretary of the Interior that his death occurred soon after his discharge.

This committee concur in the recommendation made by the said House committee that the bill do pass.

Mr. COCKRELL. I move to strike out the words "together with her minor children." It seems this man must have died about 1865; so that I do not think there are many minor children now.

The amendment was agreed to.

Mr. RIDDLEBERGER. I rise to inquire if the report or the bill discloses who introduces it and when it was introduced?

Mr. BLAIR. This is a House bill, and I do not know who introduced it.

Mr. RIDDLEBERGER. Does not either the bill or the report show?

The PRESIDENT *pro tempore*. It was introduced in the House of Representatives. It is a House bill, and the papers do not show who introduced it in the House. The report was made by the Senator from New Jersey [Mr. SEWELL].

Mr. RIDDLEBERGER. Reported from the Committee on Pensions by the Senator from New Jersey; but neither the bill nor the report shows by whom it was introduced in the House. Is that what I understand?

Mr. BLAIR. That is the fact.

The PRESIDENT *pro tempore*. There is nothing before the Senate to show who introduced the bill in the House.

Mr. RIDDLEBERGER. I simply want it understood that these measures are something that, as one of the younger members, I do not understand. I have no information about them, and I do not think my colleague has any. They are coming down from ancient times.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed

JOHN D. JAMES.

The bill (H. R. 3753) granting a pension to John D. James was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. James, late a private in Company H, Third Regiment Pennsylvania Artillery Volunteers.

Mr. PLATT. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SEWELL on the 27th of April, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3753) granting a pension to John D. James, have examined the same, and report as follows:

The committee find the report of the House Committee on Invalid Pensions to be full and accurate as to the evidence and facts in this case, and therefore present and adopt the same as their report. It is as follows:

"John D. James, late private Company H, Third Regiment Pennsylvania Artillery, filed his application for pension March 29, 1882, alleging disability from spinal wound received at Baltimore pike, Maryland, June 30, 1863, caused by his horse falling and by such fall the hammer of his revolver penetrated his spine and caused injury. The application was rejected May 23, 1885, on the ground that there was no record of alleged injury. The claimant proved that prior to the time of enlistment he was in good sound health and was free from injury to spine.

"The reports from Surgeon-General show that he entered Sutterlie general hospital, West Philadelphia, Pa., July 5, 1863, with rheumatism, the case-book showing debility, headache, and considerable pains in side and limbs, and after being transferred from one hospital to another was returned to duty December 7, 1863, being discharged from Convalescent Camp, Virginia, January 16, 1864, upon certificate of disability. The reports from Adjutant-General show that claimant enlisted in said company October 31, 1862, and the rolls for July and August report him absent, sick in United States general hospital at Chester, Pa., to December 31, 1863, January and February, 1864, and discharged for disability at Washington, D. C., January 16, 1864, the nature of illness not stated, and the regimental hospital records not on file.

"Dr. F. J. Bancroft, the surgeon of the regiment, testifies that claimant was a sound man prior to his enlistment; that he knew him before his enlistment into the service, and examined him at the time of his enlistment, and found no weakness of the spine existed at that time. He further says that he believes he treated him for injury to spine during term of service. Claimant expressed his inability to furnish the testimony of the officers or comrades of his company, because he has never been able to ascertain their whereabouts; that the captain, he has been informed, is dead, and his comrades so scattered about that it is impossible to find them; that one is in Germany, but though having written him repeatedly has never heard from him. It is shown that since his discharge claimant has been a constant sufferer from spinal derangement and unable to perform anything but light labor, and laid up with illness resulting from derangement of the spine a considerable part of the time, and in the enjoyment of very poor health, and incapacitated for even light labor fully one-half the time. The medical evidence filed shows frequent treatment since discharge for spinal derangement, and the examining surgeon, in reporting claimant two-thirds incapacitated for manual labor, says:

"'I find there has been an injury at about the eleventh dorsal vertebra, and quite tender for about 6 inches, and remember him being in county hospital for several months in 1878, with trouble in his back. He says he is not able to lift a pail of water without causing pain in the back.'

"Your committee believe this to be a deserving case, and though claimant has been unable to prove it, from the evidence presented and hospital records are of the opinion that the injury to spine was contracted, as alleged, in the service and line of duty, and therefore recommend the passage of the bill."

In this belief and recommendation this committee concur.

Mr. PLATT. I simply want to say that I think it is exceedingly doubtful whether this injury was received in the way claimed or not.

Mr. CAMERON. The surgeon who examined the man does not seem to think it was doubtful.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO MAYNARD.

The bill (H. R. 3478) granting an increase of pension to Alonzo Maynard, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alonzo Maynard, late a private in Company I, Eleventh Connecticut Volunteers, at the rate of $40 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET CALLANAN.

The bill (H. R. 4134) for the relief of Margaret Callanan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Callanan, of Orange, N. J., widow of Eugene Callanan, late a private in Company F, Second Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSE A. M'MANUS.

The bill (H. R. 4884) granting a pension to Rose A. McManus was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rose A. McManus, widow of Isaac McManus, who was captain of Company G, One hundred and second Regiment of Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN HILDABRANT.

The bill (H. R. 4586) for the relief of Nathan Hildabrant was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathan Hildabrant, late of Company A, Thirty-first Regiment New Jersey Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM PAUGH.

The bill (H. R. 2070) granting a pension to William Paugh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Paugh, late a private in Company A, Sixty-ninth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELLEN M. BOGGS.

The bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 8, after the word "month, to strike out:

To commence at the time of the death of her said husband, to wit, the 11th day of March, A. D. 1875, and to continue during her lifetime: *Provided*, That all payments heretofore made to the said Ellen M. Boggs by way of pension shall be deducted.

And in lieu thereof to insert:

In lieu of the amount now received by law.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen M. Boggs, widow of William Bienton Boggs, deceased, late a pay-director in the United States Navy, at the rate of $50 per month, in lieu of the amount now received by law.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SEWELL April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, having examined the same, do report as follows:

William Brenton Boggs, deceased, was a pay director in the Navy for many years, his entire period of service covering a quarter of a century. His record as an officer was without a flaw, while his gallantry was conspicuous.

The committee present, and make a part of their report, the following communication from Admiral Porter relating to this case:

OFFICE OF THE ADMIRAL, *Washington, D. C., December* 13, 1880.

MY DEAR MADAM: I regret to hear that the letter I wrote you in regard to your late husband's services has been lost, either in the Naval Committee rooms or in the Pension Office. It will, however, make little difference, as I can tell you pretty much what I embodied in my former communication.

During the period I commanded the Mississippi squadron we had a large "wharf-boat," some 600 feet long, as a store-house for the squadron. This was set on fire one night in the year 1864 by means of a torpedo, and the flames spread so rapidly that it was with the utmost difficulty those on board escaped to the shore. The different pay officers of the station had all their accounts and the public money on board this vessel.

At the time of the fire your late husband, William B. Boggs, occupied the position of fleet paymaster of the Mississippi squadron, and slept on board the vessel to guard the public papers and money. He was the only one during the conflagration who did not leave his post, but forcing his way through the flames he succeeded in securing his books and papers, and then worked his way to the roof of the wharf, whence he jumped overboard and succeeded in saving his most valuable papers.

This was not done until his clothing was burned off and he was nearly scorched to a cinder. I saw him an hour after the accident, and a more dreadful burning I never witnessed.

For many months his life was despaired of, and when he was able to move about he was so marked that his most intimate friends would scarcely know him.

No doubt his death was greatly hastened by the terrible shock his constitution underwent at that time. I am satisfied that the stern bravery shown by Paymaster Boggs on the occasion entitles his widow to a pension as much as if the action had been performed in battle.

It was not the excitement of battle that sustained him, but a heroic effort to preserve the Government accounts, the loss of which would have compelled the payment of large sums of money by the Department to persons who had no real claim for compensation. I look upon this action of Mr. Boggs as one of the most heroic which came under my observation during the war. It was a case where a man battled with the flames with almost a certainty of losing his life. With all due respect for our legislators I am of the opinion that the widow of Paymaster Boggs is as much entitled to a pension as the widow of any other officer who was disabled during the war.

I remain very respectfully and truly yours,

DAVID D. PORTER, *Admiral.*

Mrs. WILLIAM B. BOGGS,
Georgetown, D. C.

I omitted to state in the body of this communication what I said in my former one, that I think that Congress should give you an incredse of pension to the amount of $50 a month. Thirty dollars per month is what any officer's widow can obtain whose husband has performed ordinary service. That you can claim without going to Congress, and $50 per month should be given for heroic conduct. I think if Congress can be made to understand all the bearings of this matter they will not fail to do justice in the premises.

DAVID D. PORTER.

The death of Pay Director Boggs left the claimant, his widow, in very straitened circumstances, and the committee, believing her condition to be such as to warrant the proposed increase, recommended the passage of the bill as amended, to wit:

"Strike out on line 8, after the word "month," the rest of the section, with the proviso, and insert the following: 'in lieu of the amount now received by law.'"

Mr. COCKRELL. The amendment is proper; but I desire to say that I am opposed to all bills increasing pensions to these large amounts, and this is one of them, but I shall not take the time of the Senate in discussing it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE D. MUMFORD.

The bill (S. 1184) granting a pension to Jane D. Mumford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane D. Mumford, mother of Dudley C. Mumford, late captain of Company G, Nineteenth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. VERY.

The bill (S. 2105) granting a pension to Henry B. Very was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry B. Very, late a private in Company A, Twelfth Rhode Island Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL E. TRACY.

The bill (S. 1660) granting a pension to Samuel E. Tracy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel E. Tracy, late of the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN E. TEW.

The bill (S. 161) granting a pension to Ann E. Tew was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, after

the word "volunteers," to strike out "at the rate of $50 per month" and insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Ann E. Tew, widow of George W. Tew, late colonel of the Fifth Rhode Island Volunteers, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC N. HAWKINS.

The bill (H. R. 7519) to increase the pension of Isaac N. Hawkins was considered as in Committee of the Whole. It proposes that the pension now granted to Isaac N. Hawkins, late a captain in the Seventy-third Regiment Ohio Volunteer Infantry, be increased to $36 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN SAUER.

The bill (H. R. 5038) for the relief of Stephen Sauer was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, after the name "Stephen Sauer," to insert "dependent father of George Sauer;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Sauer, dependent father of George Sauer, formerly a member of the Fourth Battery, Wisconsin State Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH GREGG.

The bill (H. R. 5937) granting a pension to Sarah Gregg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah Gregg, late a nurse in the military hospitals of the war of the rebellion, with a pension at the rate of $12 per month.

Mr. COCKRELL. Let the report in that case be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER, April 27, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5937) granting a pension to Sarah Gregg, have examined the same, and adopt the House report and recommend the passage of the bill.

From well-authenticated papers filed with the committee, it appears that Sarah Gregg now resides in the city of Ottawa, State of Illinois, and has resided there for many years; that on or about the 1st of January, 1863, she volunteered and entered the hospital service of the United States, and from thenceforward until about the 20th day of June, 1865, she gave her entire time and service to the care of the sick and wounded soldiers of the Union Army; that she was located as follows: From January 1, 1863, to February 5 of the same year, at Mound City, Ill.; from the 10th of February to the 25th of May, 1863, at Camp Stebbins, near Ottawa, Ill.; from the 1st of June to the 23d of that month, on board the City of Alton, in an expedition down the Mississippi River to bring sick and wounded soldiers from Vicksburg; from the 29th of January, 1864, to the 20th of June, 1865, as matron of the general hospital at Camp Butler, near Springfield, Ill.

Your committee further state that the facts above set forth are fully corroborated by the statements of William M. Daily, hospital chaplain, United States Army, on duty in general hospital, Camp Butler, Illinois; by H. B. Buck, assistant surgeon of hospitals and also superintendent of hospitals; by A. B. Campbell, surgeon United States volunteers, in charge of general hospital; and the certificate and warm commendation of nearly one hundred sick and wounded soldiers who testify to the tender and faithful service rendered them by Mrs. Gregg.

This worthy hospital nurse and matron is now seventy-six years of age and reduced to poverty, and on this account only now asks that her patriotic and valuable service to the Union Army may be rewarded by a pension.

Your committee are of the opinion that the bill ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HILL.

The bill (H. R. 5085) for the relief of Mary Hill was considered as in Committee of the Whole. It proposes to place the name of Mary Hill, a nurse in the Army, on the pension-roll, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS CORZATT.

The bill (H. R. 3287) for the relief of Silas Corzatt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Silas Corzatt, late a private in Company K, Second Ohio Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BOONE.

The bill (H. R. 473) granting a pension to William Boone was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Boone, late a private in Company F, Eighty-eighth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANNET E. B. SMITH.

The bill (H. R. 607) granting a pension to Jannet E. B. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jannet E. B. Smith, widow of Stephen Barton, late a private in Company C, Twenty-first Regiment of Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE ROBERTS.

The bill (H. R. 3741) granting a pension to Emeline Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emeline Roberts, widow of James F. Roberts, late of Company D of the Twenty-ninth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH B. BELL.

The bill (H. R. 5655) granting a pension to Elizabeth B. Bell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth B. Bell, widow of Lieut. V. Bradford Bell, deceased, late of the Nineteenth Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO V. RICHARDS.

The bill (H. R. 601) granting a pension to Alonzo V. Richards was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alonzo V. Richards, late a second lieutenant in the Signal Corps, United States Army, at the rate allowed to second lieutenants of that service, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HONORAH MALONEY.

The bill (H. R. 599) granting a pension to Mrs. Honorah Maloney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Honorah Maloney, of Dubuque City, Iowa, widow of Daniel Maloney, late a private in Company G, One hundred and eighty-third Pennsylvania Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES N. HAIR.

The bill (H. R. 4977) granting a pension to James N. Hair was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James N. Hair, late a private in Company I, First Battalion Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL J. LEWIS.

The bill (H. R. 6381) granting a pension to Abel J. Lewis was announced as next in order.

The PRESIDENT *pro tempore*. This bill is marked to lie over.

Mr. BLAIR. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

SAMUEL C. FISHER.

The bill (H. R. 3321) for the relief of Samuel C. Fisher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel C. Fisher, formerly a member of Company H, One hundred and sixteenth Regiment Indiana State Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENIA A. SMALLEY.

The bill (H. R. 1252) granting a pension to Eugenia A. Smalley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eugenia A. Smalley, of Fillmore County, Minnesota, widow of Robert Smalley, late of Company A, Second Regiment of Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET SHERLOCK.

The bill (H. R. 556) granting a pension to Bridget Sherlock was considered as in Committee of the Whole. It proposes to place the name of Bridget Sherlock, mother of Stephen Sherlock, late of Company F, Fifteenth Indiana Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARTHA F. WOODRUM.

The bill (S. 864) to grant a pension to Mrs. Martha F. Woodrum was considered as in Committee of the Whole.

The Committee on Pensions reported amendments in line 4, after the name "Mrs. Martha F. Woodrum," to insert "widow of James Woodrum, a private in Company C, Ninth Regiment Kansas Cavalry;" in line 6, after the word "pension-roll," to strike out "and allow and pay her a pension at the rate of — dollars per month from and after the passage of this act," and insert "according to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Mrs. Martha F. Woodrum, widow of James Woodrum, a private in Company C, Ninth Regiment Kansas Cavalry, on the pension-roll according to the provisions and limitations of the pension laws.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN BAUMHAGER.

The bill (S. 2149) granting an increase of pension to Herman Baumhager was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the pension of Herman Baumhager, of East Portland, Oreg., of $30 per month (certificate 23293), be, and the same is hereby, increased to $40 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALPHEUS R. FRENCH.

The bill (S. 1582) for the relief of Alpheus R. French was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase pension numbered 193391, of Alpheus Robert French, from $17 per month to $50 per month, from and after the passage of this act; it appearing that said pensioner is now seventy-eight years of age and totally disabled for manual labor of any kind by reason thereof, and eight wounds and other disabilities incurred during a long and honorable service in the Army of the United States in the Black Hawk war of 1832, the Florida or Seminole war of 1837, the Mexican war, and the late war.

The amendment was agreed to.

Mr. RIDDLEBERGER. I ask to have the bill read.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH YOUNG.

The bill (S. 2113) granting a pension to Mrs. Sarah Young, was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $25 per month, the name of Mrs. Sarah Young, of Des Moines, Iowa, for and on account of services rendered as a nurse during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDISON A. JACKSON.

The bill (S. 1958) granting an increase of pension to Addison A. Jackson, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Addison A. Jackson, late of Company I, Twelfth Regiment of Illinois Infantry Volunteers, at the rate of $12 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. BURRELL.

The bill (S. 1826) granting a pension to Andrew J. Burrell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew J. Burrell, late captain of Company A, Fiftieth Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH FORGEY.

The bill (S. 1825) granting a pension to Elizabeth Forgey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Forgey, widow of James A. Forgey, late of Company H, Twenty-ninth Regiment of Iowa Volunteers, who was pensioned by special act of Congress approved March 3, 1875.

Mr. RIDDLEBERGER. I hear that is to pension the sister of a soldier. I ask that the bill be read again.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the bill.

Mr. BECK. Once in a while, in one case out of about ten perhaps, the report had better be read, so that the President or somebody who seeks to revise these bills may see what they are. Just to have a bill read and say "it is read the third time and passed" gives very little information, unless the committee will say they believe it is right and that they have examined it. We have had two or three vetoes and several suggestions that nobody knew anything about what was being done. Surely I do not know, and I do not think any member of the Senate does.

Mr. BLAIR. I do not like to hear such an impeachment of the faithfulness of the Senate in discharging its duty. The committee certainly, in the discharge of its duty, furnishes a careful report on each one of these cases, which is printed and on the files of each Senator. All he has to do is to attend to business and look the reports over before the bills are called up. They are like other cases, but of course I have no objection to all the reports being read. It is not my province to object to that. The reports are made on purpose to be read, and if Senators think they ought to be read in each case as we go along, there is no objection. It will only take more time; that is all.

Mr. BECK. A report ought to be read once in a while to show that some one has looked at it. This woman may have married but a week or two ago. I do not know. I think the report had better be read.

Mr. ALLISON. These are all reports of the Committee on Pensions, who have examined the cases.

Mr. BECK. But the Committee on Pensions, I understand from the President's veto, sent him some two hundred and odd bills that he had no information about, and he found several that he did not understand, and a very large number he allowed to become laws without his approval, because he did not know whether they were right or not. If the chairman of the committee or any member of the committee will condescend to advise us that there are reports, I think it would be well enough if in an occasional case one should be read.

Mr. BLAIR. There is no objection to the reading of the report.

Mr. BECK. I desire to know without the report whether this is a proper case or not?

Mr. BLAIR. I did not examine this case; it was reported by another Senator, and it is not at all likely that any member of the committee can remember all of these names in connection with the report itself unless he is referred to the report. The fact that a report is made necessarily implies an examination of the facts; otherwise they can not be detailed in the report. You have there, if it is a benefit, the benefit of the opinion of the committee.

The reference to the action of the President is contrary to the rules. If it is not contrary to the rules, it certainly ought to be contrary to the rules. It is no matter of mine what the President has done in reference to the discharge of his duty. If he sees fit to admonish the Senate with messages, that is all very well; but he has not undertaken to say that the committee of the Senate or the Senate itself has been derelict in its duty, or that it has acted favorably upon cases where the facts did not justify it. If he saw fit to administer his censure, it is quite questionable whether the Senate might not return the same in kind.

The President has vetoed two pension bills, one upon the ground that there was a mistake in the given name; the other upon a ground which was a mistake of his own in a matter of law, that Congress having passed a special act some two months after it had previously passed and the President had signed a general act which gave a widow $12 a month, the special act passed two months later would deprive her of the benefits of the increase during those two months. The fact is that this woman would take her increase under the general law up to the time when the special act was passed, and if the special act was of any consequence at that time she would commence to draw under the special act $12 a month under the general law.

Mr. RIDDLEBERGER. Allow me to ask——

Mr. BLAIR. Not now. I decline to yield until I complete my sentence.

Mr. RIDDLEBERGER. Then I shall decline to yield when you propose to take up your pension bills hereafter. I understand that this is a bill to pension a sister. I never heard of sisters being in an army.

Mr. BLAIR. I was speaking of the allusion to the action of the President in reference to these cases. I specified the two cases in which he has vetoed bills sent to him, and I have said all I care to say in regard to that. But I do submit that if it is improper in the Senate to refer to the action of the other House to influence the action of the Senate, it is equally improper to refer to the action of the President for the purpose of affecting the judgment and action of members of the committee or of the Senate itself.

These pension cases, so far as I know from long experience upon this committee, are examined with as much care as they have ever been. I think generally an examination of the reports will show that to be the case; perhaps it is universally so. It is true that the Senate, after

having neglected or having failed to take up pension cases, have frequently, as they have in former sessions, after some four or five months had elapsed, found their files overloaded with pension bills, and they have taken them up and passed a great many in a single day; and now for a long time not having acting upon pension cases, there is another very large accumulation.

That these cases are disposed of with rapidity when they are called up is almost a matter of necessity; but that in any case there is a pension bill upon the Calendar without a report is not true; and Senators have the same opportunity to examine these cases before they are called up for action in the Senate that they have in any other matters which are the subject of legislation. So I do not know any reason why, for the purpose of finding out whether the committee has done its duty or not, the reading of the reports should be called for in every tenth case. I do not think that would be a rule which would be a very good test of the work of the committee.

I have said all I wish to say upon that matter. The reading of the report is called for, I believe. I hope it will be read.

Mr. BECK. The Senator from New Hampshire must be aware that we have a regular Calendar and that a Senator is presumed to look at the reports as cases are reached on the Calendar; but when a motion is made to proceed to consider pension cases, the bill is read and a suggestion is made by the President of the Senate "the bill will be considered read the third time and passed," and another is called and another and so on, and no opportunity for explanation is given, so far as I know, unless objection is made, and no member of the committee rises and says he has examined this case and believes it to be right. I was not aware that there was any such sanctity in regard to the action of the Committee on Pensions as to their absolute carefulness, as to make it an offense to rise and ask whether a case is right or not.

Mr. BLAIR. I do not understand the Senator at all.

Mr. BECK. When I saw by the veto message of the President that in one case one man had been pensioned where another man was intended, that in the case of a widow her pension was cut down when it was not intended to be, and when two hundred and odd bills were sent to him in one day, a large majority of which did not seem to have been considered, I thought I had a right to ask the members of the committee if a bill of this character had been looked at and who had charge of it. In the particular case I happened to mention the chairman himself admits that he knows nothing about it and no member of the committee rises and says he knows anything about it.

Mr. BLAIR. Mr. President——

Mr. BECK. Will the Senator advise me who knows anything about it?

Mr. BLAIR. The Senator who has reported the bill.

Mr. BECK. By what Senator was the bill reported?

Mr. BLAIR. The Senator from Wisconsin [Mr. SAWYER].

Mr. SAWYER. I reported the bill. I think it is a just bill. I could not give details without calling for the reading of the report.

Mr. BECK. I am entirely content to take any statement the Senator from Wisconsin will make.

Mr. SAWYER. I have not reported a single case to the Senate that I do not believe is a just case.

Mr. BECK. There is no man in the Senate whose word I would sooner take.

Mr. SAWYER. I have examined personally every one I have reported.

Mr. BECK. This is the first moment I ever heard that the Senator from Wisconsin knew anything about it. The chairman of the committee knew nothing of it.

Mr. BLAIR. The Senator is quite mistaken.

Mr. BECK. I do not call for the reading of the report when the Senator from Wisconsin advises me that he has examined the case and it is all right.

Mr. BLAIR. Have I the floor? The Senator yielded the floor before I began.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. The Senator from Kentucky is quite at fault if he thinks anybody objects to the calling for the reading of these reports, and I do not undertand that there is anything unusual claimed by the Committee on Pensions. They simply submit their reports. These cases go upon the Calendar. They are liable to be taken up and considered at length, every one of them. It is the privilege of members of the Senate to not only call for the reading of the reports, but to discuss the reports and reject the cases if they see fit.

The Senator is quite mistaken in supposing that the President has vetoed a bill because one man was pensioned when another was intended. That is not so. The same bill by the personal description given shows with certainty who was intended, and nothing is the matter with that bill except that there was a mistake in a man's given name, and a very natural mistake for the eye to make, as any one will see who examines the true name and compares it with the one which appeared upon the Calendar. There is no special difficulty about any of these matters that I am aware of.

Mr. BECK. If you pensioned Robert Smith when you intended John Smith, it would be very difficult for the Pension Bureau to pay the pension.

Mr. BLAIR. If John Smith, a private in Company A, Twenty-first Kentucky Volunteers, were pensioned while the act itself said "Samuel Smith, Company A, Twenty-first Kentucky Volunteers," it would be a certain description by comparison with the roll; but of course it is proper that the bill should be reintroduced, as it has been, in the House where it originated, and it will presently reach us, if it has not already, by the true name, I have no doubt.

Mr. BECK. Does the Senator think John would have got the pension?

Mr. BLAIR. It is the same person in one case as in the other. That is certain which may be rendered certain. The result would have been in that case, without further legislation, undoubtedly that nobody would have got the pension, but the wrong man never would have got it.

Mr. HOAR. I desire to say one word on this subject, though I am very sorry to detain the Senate, because I think there is danger that the public will get an idea that the members of this body act with undue and improper haste in this matter.

We have to legislate for the national affairs of sixty million people; we have to deal with very vast public questions touching railroads, commerce, tariffs, Army, and Navy, and all the mechanism of this complicated Government, to say nothing about legislating for the capital District, with a population of 200,000 inhabitants, as their Legislature. It is maniestly impossible that this body should deal with two or three thousand pension cases every year and have the facts in each case explained to the Senate. It is not possible to do it within the twelve months, and if we did great public interests would be neglected.

We give to the Pension Office the ordinary administration of the pension laws. It is a service which is performed by one man, and, without the slightest disrespect to that officer or the slightest vanity on our own part, I suppose it is not improper to say that he is an officer who would rank in the scale of public service below a Senator of the United States as a rule, and here are seventy-six Senators. Now what do we do in regard to this pension matter? We commit these special bills to a committee who have policies and rules, which are just as well fixed and settled as the rules provided in the statutes for the government of the Commissioner of Pensions.

There are certain cases where the facts can not be proved by the ordinary rules of evidence administered in the Pension Office, yet where they are shown to be true to the absolute satisfaction of everybody by other and different classes of evidence, but they require special legislation. There are cases of peculiar hardship in the application of our general rules which can not very well be defined in statutes. Now, if that committee of nine persons had presented to it any case of doubtful policy or not coming within the principles on which the Senate acts there would be a division of opinion and a minority report, and we should debate it and understand it.

So it seems to me that when we have the report of that committee that a pension case comes within their rules, if there was anything wrong or questionable about it some one member of that committee would remonstrate, and we are justified in saving the public time, instead of leaving five times as much business which the people want to have done untouched when we adjourn, by taking on the faith of the report of nine Senators what in the ordinary administration of law is done on the faith of the report of a Commissioner of Pensions alone.

At the same time it is not at all strange that in two or three thousand cases an incident like that which the President has discovered and to which the Senator from Kentucky has alluded should have happened. I do not think it indicates any want of care on the part of the committee.

I think I ought to say that the members of this body owe a debt of gratitude, and the soldiers and people of this country owe a debt of gratitude, to the gentlemen who are willing to serve upon the Committee on Pensions, which is not understood by the public. It is a great sacrifice for a Senator like the Senator from Wisconsin [Mr. SAWYER], or the Senator from New Hampshire [Mr. BLAIR], to give half the hours of his week outside of the Senate Chamber to investigating the details of case after case where there can by no possibility be any compensation to him either in public credit, or fame, or any other way. It is, as far as the Senator does it, a mere drudgery, and a drudgery performed from the highest motive. I am sure that if my honorable friend from Kentucky were put upon the Committee on Pensions by the Senate he would not accept that service. He would consider that he was entitled to be exempted. At the same time the committee ought not to be subject to serious criticism.

Mr. RIDDLEBERGER. I wish to say to the Senator from Massachusetts that when I vote against pensions I vote against bills that I think do not mean to pension soldiers. I vote to pension soldiers; but I do think it is my right to ask even the Senator from New Hampshire who presents these pension bills whether they are to pension soldiers or not.

Mr. HOAR. I did not criticise my honorable friend from Virginia.

Mr. RIDDLEBERGER. I know that.

Mr. HOAR. I did not say what I said as an answer to any particular Senator, but because I think there is a public misapprehension on this subject.

Mr. WILSON, of Iowa. There may be now and then a pension case which would justify the delays of debate, but this does not seem to be a case of that kind. The report is as follows:

The petitioner in this case is Elizabeth Forgey, widow of James A. Forgey, late Company H, Twenty-ninth Regiment of Iowa Volunteers, to whom was granted an invalid's pension by special act of Congress, approved March 3, 1875.

So that Congress passed upon the soldier's case and granted the pension. The committee continued by saying:

There is satisfactory proof that the soldier died of the disease for which he was pensioned.

It seems to me there ought to be no difficulty about passing this bill without any further discussion.

Mr. BECK. The suggestions of the Senator from Massachusetts [Mr. HOAR] amount simply to this, that when we have bills reported from the Pension Committee without a minority report we might as well lump them all together and pass them without saying a word. That, perhaps, would be good legislation; perhaps not.

I suppose that no committee is infallible. The Committee on the Judiciary in regard to the Geneva award to-day did not seem to be infallible, and its amendments were all overruled after a very earnest presentation of the matter, in opposition to the report by the Senator from Massachusetts; and I suppose that the Committee on Pensions, who, I presume, very seldom see what is done, except what is reported by one member, might sometimes make a mistake. At last it comes down to this, that we are either without question to pass everything that nobody objects to in the committee, or we are to be told that we are objecting to the pensioning of soldiers.

Perhaps the laws had better be amended so as to give more extensive jurisdiction to the Commissioner of Pensions. Perhaps this is the best way to do it. I was a little unfortunate, I suppose, after what has been said, in asking anybody to state whether he knew that this case was right. That seems to be an offense, and the pension must go through unless there is an objection to it by other members of the committee, no one of whom perhaps ever saw the case except the member who presented it. We are told that that is legislation and that it is to relieve against hardships which a general law can not reach. That is not the way I want to have it done.

I suppose the best way to keep from being censured for impertinent interference is to let every pension case go, and let it be done as it has been done for the last two hours by reading the bill and saying, "the bill will be read the third time and passed." From this time on I think I shall adopt that course, and let it go.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Before the Senator makes that motion I wish to ask the Senator from Kentucky a question.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania withdraw his motion?

Mr. CAMERON. I do for a moment.

Mr. BLAIR. Does the Senator from Kentucky mean to intimate that any member of the Pension Committee has accused him of impertinence or of improper intermeddling with the course of legislation upon these pension bills?

Mr. BECK. I do not care to answer that question.

Mr. BLAIR. The Senator could not answer it and tell the truth if he answered it in the affirmative.

Mr. BECK. I do not propose to answer the Senator from New Hampshire upon any suggestion as to telling the truth. I think I am as truthful as he will venture to be.

Mr. BLAIR. For that very reason I said he could not answer it in the affirmative. He well knows that nobody has found any fault whatever with his interference, and it is not necessary that in the last of his remarks he should undertake to give the impression that the committee arrogates anything to itself, any claim of infallibility, or makes any complaint of any description at the fullest investigation of its work.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. HAMPTON. May I ask the Senator from Pennsylvania to withold the motion for a moment?

Mr. WILSON, of Iowa. Let us finish this bill.

Mr. CAMERON. I will give way to the Senator from South Carolina.

Mr. HAMPTON. The chairman of the Pension Committee was kind enough to say that when this case was disposed of he would give me an opportunity to ask to call up the bill (S. 98) for the relief of William M. Maynadier, a paymaster in the United States Army.

Mr. WILSON, of Iowa. Before the Senator does that, I ask that the pending pension bill may be disposed of.

Mr. HAMPTON. I am perfectly willing to allow that to be done. I have no objection to it.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania withdraw his motion?

Mr. HAMPTON. I ask him to withdraw it temporarily.

Mr. CAMERON. I will withhold the motion for a few moments.

The PRESIDENT *pro tempore*. The pending pension bill will be reported to the Senate and ordered to a third reading.

Mr. RIDDLEBERGER. I ask that the bill be read and that the report of the committee be read.

The PRESIDENT *pro tempore*. The bill will be read.

The Secretary read the bill.

The PRESIDENT *pro tempore*. The report of the committee will be read.

The Secretary read the report, submitted by Mr. SAWYER April 27, 1886, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1825) granting a pension to Elizabeth Forgey, have examined the same, and report:

The petitioner in this case is Elizabeth Forgey, widow of James A. Forgey, late of Company H, Twenty-ninth Regiment of Iowa Volunteers, to whom was granted an invalid's pension by special act of Congress, approved March 3, 1875. There is satisfactory proof that the soldier died of the disease for which he was pensioned.

The bill is therefore reported favorably, with a recommendation that it do pass.

Mr. HAWLEY. Mr. President, if it were earlier in the day I would say more. I must say a few words, though this is not precisely the proper occasion. If the vetoed pension bill were before us I should be disposed to speak somewhat at length.

The President makes the point in that veto that a large number of the cases represented by private bills have been examined and rejected by the Pension Bureau. That is true; and yet when you reflect that there are perhaps 30,000 pensions granted and many thousand others rejected by the Commisioner of Pensions every single year, and reflect that he is obliged to govern himself according to positive law, which law cannot reach all equitable circumstances, you must see that he is obliged to reject in many instances in which he and everybody about him, and every impartial person, must see that the soldier or the widow is really and honestly entitled to a pension.

It is simply the truth, taught by Blackstone, which every young man who has been admitted to the bar ought to know, that there should be somewhere a court of equity; that equity "supplies that wherein the law by reason of its universality is deficient." Now suppose that they consider fifty thousand cases a year in the bureau, is it anything unreasonable to expect a docket of a thousand or twelve hundred cases here before this reviewing court of equity?

The President suggests that if the present law be not sufficient to meet all the necessities and equities of the business, we should amend the law. Every lawyer can tell you that the more you amend, the more you extend the law, the more likely you are to have these exceptional and equitable cases that are rejected under some one or other of the elaborated requirements.

It may therefore be accepted as the ordinary natural outcome that there should be a very considerable number of equitable cases that must go to a court of equity for any measure of relief. It is impossible to reach them by law. It would not be surprising if a careful mathematical calculation should show that two thousand petitions for pensions ought to be expected by Congress every year, petitions the majority of which would be shown to be equitable.

I give as an example House bill 3546, which we have just passed. The report is before me, but I can not delay to give it in full. A soldier was wounded; he was sent to hospital; after a time he was paid and discharged, and then he disappeared forever. The Commissioner of Pensions could not give the widow a pension because the fact of the death was not established. For some reason or other he did not apply the ordinary rules which are laid down in State courts in the settlement of estates after many years of disappearance unaccounted for. The soldier had been lost for twenty years, but the death could not be proved and therefore the widow was not granted a pension, and she came to Congress for the relief which I think we have just properly granted.

I am not troubled that there were two hundred and forty cases supposed to be similarly just passed in a day or two. They were the accumulation of a winter's work. I have thought we were perhaps a little hasty. But that is a small number in comparison with the several hundred thousand claims which have been made, and it is a small number in comparison with the million or million and a quarter of soldiers who are now surviving and the hundreds of thousands who have died and left widows.

There are other points in the message which might be answered. These are sufficient, I submit, if generally stated by the press of the country, to correct some of the misapprehensions to which the veto message has given rise. Congress has made no answer to it. The bill was a House bill. The veto message has gone there. I hope and have reason to believe that something in the nature of a formal explanation will come from the House of Representatives and will also come from this body if a vetoed bill should come here, but in the mean time the newspaper press have got the impression that we are legislating in a reckless way and that all these things might be settled in the Pension Bureau if we chose to have it so.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Let us dispose of this bill.

Mr. CAMERON. Very well; if it can be done without further debate.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RIDDLEBERGER. Is that the same bill which was just read that has been ordered to a third reading?

The PRESIDENT *pro tempore*. It is the same bill.

Mr. RIDDLEBERGER. I wish simply to say before the bill is disposed of, and in reply to the Senator from New Hampshire [Mr. BLAIR], that I am not opposed to pensioning soldiers, but I am opposed to pensioning those who are not soldiers. If I speak from one standpoint and he from another the Senator will excuse me, for he would not even answer my question this evening. I will go back and antedate even his proposition by saying that when you pay a pension to one you have got to draw the money from another. Therefore it is that whenever the committee come in here and ask us to pay pensions to people I want to know whether they deserve the pension, and on being shown that they do deserve it I shall always vote for granting the pension.

I do not believe that a committee of nine constitute a Senate of seventy-six, and I do believe that a committee of nine sent out to make an inquiry are only to come back into this body to be inquired of, and unless that committee shall understand their proper functions in that respect it is the duty of this body to make another committee of nine that shall not assume to be the United States Senate.

Now, sir, if I go too far I ask pardon. I say that I am ready to vote for pensions, but I do not think that it is a proper thing to come here and say, forsooth, "I am a member of a committee, and therefore you shall vote just exactly as I report." I shall not do it. Sir, it has gotten to the point now that we must just take up so many pension bills or so many of another class of bills that are reported from certain committees and that a day must be set apart for them. Each bill appropriates money, and the Senator from New Hampshire swaps seats around the Chamber to get the attention of the presiding officer to show that he is the custodian of all the patriotism of the people of the United States, and refuses from that selected seat to give information because he belongs to that committee.

Mr. BLAIR. The President of the Senate——

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. RIDDLEBERGER. Yes, sir.

Mr. BLAIR. I wish to correct a misapprehension of the Senator from Virginia, and he can refer to the RECORD to satisfy himself whether he has misapprehended what has passed during the last half hour. I have refused to answer no question of the Senator from Virginia. I have declined to give no information that he has requested from me or from the committee.

Mr. RIDDLEBERGER. The Senator from New Hampshire has made his statement and I have made mine, and the Senate has possibly heard both. I did ask him a question as to whether he was not proposing here through a bill presented by himself to pension the sister of a soldier, and if so, to give me a reason for it, because every time you vote a dollar out of the Treasury you vote a dollar out of the pockets of the people.

Mr. BLAIR. Will the Senator from Virginia yield to me again?

Mr. RIDDLEBERGER. Why, certainly, sir; I am determined to outdo the Senator from New Hampshire in courtesy.

Mr. BLAIR. That is utterly impossible, I assure the Senator, when it comes to a matter of amiability and politeness, so far as the intent is concerned. I doubt not his courtesy so far as outward appearance is concerned is greater than mine; but I assure him that so far as the emotions of the soul go I shall not yield to him the palm without a little contest, and after taking evidence, if necessary, by a committee of the Senate.

The Senator did not ask me the question which he thinks he asked me. The Senator made a sidelong observation without rising from his seat or propounding the question interrogatively to any one, if the pension was not a pension to a sister, or some question of that kind. Whatever he said I did not understand it to be propounded to me. Besides that, the Senator will find by observing the bill upon which this discussion has arisen that it is not a bill to pension a sister. It is to pension a widow. It was reported by the Senator from Wisconsin [Mr. SAWYER]. I have no special knowledge in regard to it excepting what is in the report which I have not myself referred to, but I have all confidence in the findings of fact by the Senator from Wisconsin.

Mr. RIDDLEBERGER. The Senator might very easily have explained by answering the simple interrogatory at the outset as to whether the word "sister" was not used. In the reading of the report and of the bill I so understood it, and I do understand now that we are passing bills here *ad libitum*. Nobody stops to inquire into the merits. I mean to say more than that, that I am opposed to that mode of operations here, I care not how patriotic it may appear to gentlemen on the other side, I care not how patriotic it may appear to gentlemen on this side. You have got a generation now to take care of, and you have got everything from your mother-in-law down to your youngest sister in your pension bills. We are living for the present, and not for the past. We are living, I think, to take care of this country from 1884 to 1888, and let 1888 even take care of itself.

These are not idle words, but after a while, possibly when disappointment comes, even Senators will stop to consider as to whether there is not some widow or some sister or some child of a man who was not killed in the war struggling to-day for subsistence, pleading at his door for help. Let only soldiers ask for Government help, and we can always give it to them. Let only soldiers come here pleading for pensions, and the Government is able and willing to pension them. But when you bring everything in here that is in need of help and build a roof over this Government and call it an almshouse, for one, feeling as kindly as I do for everybody, I must enter an earnest protest and an honest one against it.

These pension bills mean that. They mean nothing else than that. They mean to take the mother, the grandmother, if you please, or the great grandmother of the soldier and coming here plead to a man who feels kindly toward them, and ask this Government to give them bread and raiment. The soldier himself does not want it; his family do not want it.

I say, therefore, that I oppose these measures and that I shall oppose them, and I am not afraid of the soldier sentiment of this country on both sides.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. HAMPTON. It was understood that the bill which I desire to call up should be considered.

Mr. BUTLER. I was not aware of that. I withdraw the motion.

WILLIAM M. MAYNADIER.

Mr. HAMPTON. I move that the Senate proceed to the consideration of the bill (S. 98) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army.

Mr. INGALLS. Let the bill be read for information.

The Chief Clerk read the bill.

Mr. PLUMB. I object to the consideration of that bill, if it is in order to do so.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

EXECUTIVE SESSION.

Mr. CAMERON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 767) for the relief of John Leathers; and

A bill (S. 2136) for the relief of Edward Fenlon.

The message also announced that the House had passed a bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season, in which it requested the concurrence of the Senate.

REPORT OF LABOR COMMISSIONER.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 30,000 additional copies of the first annual report of the Commissioner of the Bureau of Labor be printed; 8,000 for the use of the Senate, 16,000 for the use of the House of Representatives, and 6,000 for the use of the Commissioner of said bureau.

Mr. CAMERON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned to Monday, May 24, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 21st day of May, 1886.

REGISTERS OF LAND OFFICES.

John Y. Ostrander, of Dayton, Wash., to be register of the land office at Olympia, Wash., *vice* John F. Gowey, commission expired.

Hughes East, of Indiana, to be register of the land office at Yankton, Dak., *vice* Gustavus A. Wetter, who has resigned, to take effect June 30, 1886.

For promotion in the Army.

CORPS OF ENGINEERS.

First Lieut. Dan C. Kingman, to be captain, April 20, 1886, *vice* Bailey, deceased.

Second Lieut. Henry E. Waterman, to be first lieutenant, April 20, 1886, *vice* Kingman, promoted.

For appointment in the Army.

MEDICAL DEPARTMENT.

Charles F. Mason, of Virginia, to be assistant surgeon, with the rank of first lieutenant, May 5, 1886, *vice* W. J. Wilson, deceased.

POSTMASTERS.

Silas C. Bennett, to be postmaster at Georgetown, Clear Creek County, Colorado, *vice* Charles H. Jacobson, commission expired.

Anton Klaus, to be postmaster at Jamestown, Stutsman County, Territory of Dakota, *vice* A. W. Kelley, resigned.

James Moran, jr., to be postmaster at Waukegan, Lake County, Illinois, *vice* Albert C. Bower, commission expired.

William M. Green, to be postmaster at West Bay City, Bay County, Michigan, *vice* Henry H. Aplin, commission expired.

James B. Looney, to be postmaster at Hancock, Houghton County, Michigan, *vice* Morton L. Cardell, commission expired.

Thomas A. Hills, to be postmaster at Leominster, Worcester County, Massachusetts, *vice* Thomas A. Hills, commission expired.

Martin L. Harlow, to be postmaster at Whitman, Plymouth County, Massachusetts, the name of the office having been changed from "South Abington" to "Whitman." Martin L. Harlow is the present postmaster, having been confirmed February 10, 1886.

William Furlong, to be postmaster at Freeport, Armstrong County, Pennsylvania, *vice* James H. Douglass, commission expired.

Daniel McCarthy, to be postmaster at Braddock, Allegheny County, Pennsylvania, *vice* John M. Hughes, who was confirmed on the 6th of April, 1886, but has since resigned.

CONFIRMATIONS.

Executive nomination confirmed by the Senate May 17, 1886.

POSTMASTER.

Mrs. Virginia Campbell Thompson, to be postmaster at Louisville, Jefferson County, Kentucky.

Executive nomination confirmed by the Senate May 18, 1886.

POSTMASTER.

Calvin Goodman, to be postmaster at Reading, Berks County, Pennsylvania.

Executive nominations confirmed by the Senate May 21, 1886.

UNITED STATES ATTORNEY.

Thomas G. Hayes, of Maryland, to be attorney of the United States for the district of Maryland.

UNITED STATES MARSHALS.

John Carroll, of Arkansas, to be marshal of the United States for the western district of Arkansas.

George H. Cairnes, of Maryland, to be marshal of the United States for the district of Maryland.

Richard B. Reagan, of Texas, to be marshal of the United States for the eastern district of Texas.

POSTMASTERS.

In the Senate, May 21, 1886.

The injunction of secrecy having been removed from the following five reports on nominations (the notices of the confirmation of which having been heretofore published) they were ordered by the Senate to be printed in the RECORD.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, submitted the following report:

That an examination of this case shows that Frank G. Atherton was suspended from the office of postmaster at Osage, Iowa, for and on account of political considerations. The committee have found nothing in the case reflecting on his character as a man in any degree hurtful to him, nor as tending to discredit his faithfulness as an officer.

The committee find that Sumner B. Chase, the person nominated to the Senate to be postmaster at said city of Osage is a man of good character, and is competent to efficiently discharge the duties of the office to which he has been nominated, and recommend that he be confirmed.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, submitted the following report:

That on December 16, 1885, the President nominated to the Senate A. L. Downard to be postmaster at Marengo, Iowa, *vice* Hamilton R. Crenshaw, suspended; that no charges appear in the files sent to the committee, at its request, by the Postmaster-General, tending to injuriously affect the character of the suspended officer, either as a man or as an officer; the office was wanted for a Democrat; one has been nominated. The papers on file show him to be well indorsed by the members of the community in which the office is located, and that he is competent to discharge the duties involved in the administration of the position to which he is nominated.

The committee therefore report the nomination of A. L. Downard to the Senate with a recommendation that it be confirmed.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, submitted the following report:

On the —— day of December, 1885, the President nominated to the Senate Harry C. Evans to be postmaster at Bloomfield, Iowa, *vice* A. H. Fortune, suspended during the recess of the Senate. The suspension seems to have been made for political reasons, and the committee have found nothing in the case affecting the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office.

The committee, therefore, report the nomination of the said Harry C. Evans to the Senate with a recommendation that it be confirmed.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, submitted the following report:

The Committee on Post-Offices and Post-Roads, to whom was referred, the nomination of E. D. Fenn, to be postmaster at Nevada, Story County, Iowa, *vice* T. J. Ross, suspended, reports:

That there seems to have been no cause for the suspension of Mr. Ross other than that he was a consistent and active member of the Republican party; and that his suspension was desired on that account in order that a member of the Democratic party might be appointed in his stead. The committee find nothing in the case tending to reflect discredit on Mr. Ross either as a man, a citizen, or public officer. The nominee is a worthy man, was a soldier in the Union Army, and seems to be giving satisfaction to the community immediately interested as a public officer.

The committee therefore report the nomination of E. D. Fenn to the Senate with a recommendation that it be confirmed.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, submitted the following report:

That the files of the Post-Office Department in respect of both the suspended officer, George Phillips, and William T. Sharp, nominated to succeed him, were placed in the possession of the committee by the Postmaster-General, in compliance with its request; that the files disclose no charges against the suspended officer other than of a political character; that it is alleged that he was an active and efficient member of the Republican party; that nothing appears in the said files tending to question the good character or integrity of the suspended official, either as a man or as an officer; that his suspension is wholly based on political reasons, so far as the committee can determine; that he was a Republican in office, and his place was wanted for a Democrat; that the Democrat nominated appears from the papers in the case to be a man of good character, and seems to be giving satisfaction to the patrons of the office in his administration of it.

The committee therefore report the nomination of William T. Sharp to the Senate with a recommendation that it be confirmed.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 21, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DRAUGHTSMEN, BUREAU STEAM-ENGINEERING.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an additional estimate from the Secretary of the Navy for the pay of draughtsmen in the Bureau of Steam-Engineering for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS REFERRED.

The SPEAKER, under the rule, also laid before the House Senate bills of the following titles; which were severally read a first and second time, and referred as follows:

The bill (S. 1886) for the relief of the soldiers of the late war honorably discharged after three months' service who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein—to the Committee on Invalid Pensions.

The bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservation—to the Committee on Indian Affairs.

The bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882—to the Committee on the Judiciary.

The bill (S. 290) for the relief of Davidson Dickson and others—to the Committee on Claims.

The bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas, with amendments by the Senate—to the Committee on the Judiciary.

LEAVE OF ABSENCE.

Mr. HIESTAND, by unanimous consent, obtained leave of absence for four days on account of important business.

MRS. SARAH L. LARIMER.

Mr. WOLFORD. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill H. R. 6051, and that the bill be now considered by the House. It is a bill to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyo., and for loss of property taken by Sioux Indians.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mrs. Sarah L. Larimer the sum of $15,000 out of any money in the Treasury not otherwise appropriated, in full for property taken by the Indians at the time of her captivity, in the year 1864, as well as for valuable services rendered the Government in the year 1864 by giving important information to Captain Shuman, in command of the United States troops, and others, of the evil designs of hostile Indians, while she was held in captivity by them.

Mr. TOWNSHEND. Mr. Speaker, is there a report accompanying that bill?

The SPEAKER. The Chair supposes so.

Mr. LANHAM. There is a report. The bill comes from the Committee on Claims. The committee, however, recommend an amendment, reducing the amount from fifteen thousand to five thousand.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

The committee recommend that the bill be amended by striking out "fifteen" and inserting "five," in line 5.

Mr. REAGAN. What is the request in regard to the bill?

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be now considered in the House.

Mr. TOWNSHEND. I do not object, Mr. Speaker, if the gentleman in charge of the bill will make an explanation of it.

Mr. WOLFORD. Mr. Speaker, this lady, who is an estimable lady of fine character, was captured by the Indians and kept in confinement several days, when she made her escape and gave very valuable information to our officers. Another lady who was captured at the same time, Miss Fannie Kelly, received $15,000 from the Government for her information, which was not so great as that given by Mrs. Larimer, and she lost less property than Mrs. Larimer. I was in hopes that the committee would allow this lady $10,000, but the vote will be, I suppose, upon the report of the committee.

Mr. PRICE. Mr. Speaker, if there is a report I ask to have it read.

The report (by Mr. LANHAM) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6051) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in the year 1864, at Deer Creek Station, in Wyoming Territory, and for loss of property taken by the Sioux Indians, report as follows:

It appears from the evidence that in July of the year 1864 Lieutenant Larimer and his wife, the claimant, Mrs. Sarah L. Larimer, and their child, Frank E. Larimer, left their home in Kansas to cross the plains for the restoration of said Lieutenant Larimer's health, he having been a commissioned officer in the Union Army and honorably discharged because of his health having given out through hard service in the war; that they took with them horses, and wagons, and goods, and some money; and that when they were in Wyoming Territory, and in company with several other traveling persons, they were surprised by a band of Sioux Indians, who murdered three of the party, wounded two, and captured claimant, Mrs. Sarah L. Larimer, and her child, and one other lady and child.

Claimant, Mrs. Sarah L. Larimer, and her child, Frank E. Larimer, were carried far into the mountainous hills, a distance of 75 miles or more. That she finally escaped from her savage captors in the darkness of night, carrying her child in her arms, and with great hardship and much suffering, being unaided and alone, they traveled on foot over the wild and dangerous hills, arriving at the emigrant road in almost a nude condition, their clothing having been torn from their persons. At this emigrant road, and at a place called Deer Creek Station, claimant met Captain Shuman and Captain Marshall, of the Eleventh Ohio Cavalry, then moving against the Indians, and communicated to these officers much valuable information as to the designs of the Indians.

These two commanding officers, Captains Shuman and Marshall, swear that if it had not been for the information given by Mrs. Sarah L. Larimer the command with which they were about to start out at that hour would have been massacred and destroyed, but by acting under her information, dismounting and arming the teamsters, and gathering in all the available and additional forces within immediate reach, and by following the directions given by Mrs. Sarah L. Larimer they were able to avoid the great destruction to the command and to citizens that otherwise would have happened.

It further appears that claimant, as well as citizens, testify to the fact of claimant's captivity and to her loss of property by the Sioux Indians at said time and place.

It seems that by acts of Congress, in the year 1870 and in the year 1872, the lady, Miss Fannie Kelly, who was captured at the same time and place and by the very same Indians who captured Mrs. Sarah L. Larimer, has been allowed payment for valuable information and loss of property.

The affidavits of Captain Shuman and of Captain Marshall, two of the witnesses offered in support of this claim, are herewith attached and made a part thereof.

The committee recommend that the bill be amended by striking out "fifteen" and inserting "five," in line 5, and with that amendment that it do pass.

Mr. WOLFORD. Mr. Speaker, I want to ask the House, notwithstanding the finding of the committee, to allow Mrs. Larimer $10,000. As I have said, another lady who was captured at the same time was given $15,000, although she did not give as valuable information or lose as much property as Mrs. Larimer. The evidence is pretty clear that Mrs. Larimer lost in the neighborhood of $10,000 worth of property, and besides that the proof is clear that she saved our command by the information that she gave. I hope the House will allow her $10,000; and I move to amend the amendment reported by the committee so as to make the amount $10,000.

Mr. BUCHANAN. As a member of the Committee on Claims I deem it simple justice to myself to state that I was only present in the committee during a very short period of the discussion on this bill. I had the pleasure of listening for a few moments to the persuasive tones of my friend from Kentucky [Mr. WOLFORD]; but when the vote was taken I expressly reserved the right to follow my own judgment upon this case, irrespective of the finding of the committee. I do not concur in the majority report. I did not think it necessary to file a minority report; but I have said thus much in justice to myself.

The SPEAKER. The question is upon agreeing to the motion of the gentleman from Kentucky [Mr. WOLFORD] to amend the amendment of the committee by striking out "$5,000" and inserting "$10,000."

Mr. WOLFORD'S amendment to the amendment was rejected.

The question being taken on the amendment reported by the committee to strike out in the bill the words "fifteen thousand dollars" and insert "five thousand dollars," it was agreed to.

The SPEAKER. The question is now upon ordering the bill as amended to be engrossed and read the third time.

Mr. PRICE. Mr. Speaker, I do not know that any argument will do any good here; but let me ask the House to consider upon what this claim is based. First, upon the proposition that property was destroyed, whether a dollar, a thousand dollars, or a million dollars, neither you nor I have any more idea than the man in the moon.

Mr. LANHAM. The uncertainty as to the exact amount is the reason, if the gentleman will permit me to state it, why the Committee on Claims reduced the amount from $15,000 to $5,000, and blended the claim for loss of property and valuable information.

Mr. PRICE. Simply because you did not know whether the value of the property destroyed was one dollar or a million dollars?

Mr. LANHAM. Money and property were lost, as appeared from the testimony; but the evidence was not sufficiently explicit as to the amount.

Mr. PRICE. Precisely.

Mr. LANHAM. And this bill proposes to give compensation not only for the property destroyed but for valuable information furnished to the Government troops at that time, for which a precedent can be shown.

Mr. PRICE. I was coming to that point. The first proposition is to give this woman money because her property was destroyed by Indians. Now, I say that from the reading of the report there is not the slightest indication which will enable us to determine whether the value of the property destroyed was a dollar, a thousand dollars, or a million dollars.

Mr. LANHAM. If the gentleman——

Mr. PRICE. Pardon me a moment. Therefore, because the committee had not the most remote information upon which to base an opinion of the value of the property lost, the committee, as I understand the gentleman, reduced the amount from $15,000 to $5,000. Now, the same reasoning would have justified cutting down the amount to $1; indeed, the loss of one dollar's worth of property is not proven by the report.

Having disposed of that question, the next point is that this woman gave important information, by which we were able to protect ourselves from the Indians. Who would not do that under similar circumstances? She was found by the United States troops in the woods, naked, almost torn to pieces, having been abused by the Indians while their prisoner. She gave us the information she had in her possession, which was valuable to us. Must we pay her for that? Why the proposition is simply ridiculous.

The next argument in favor of making payment as proposed in this bill is that some other woman captured at the same time or some other time has been paid for giving valuable information. Sir, when this House is driven to a point where it can find no justification at all for a measure, then the records of Congress are searched to find a case in which something equally without justification has been done; and this is set up as a precedent.

Mr. LANHAM. If the gentleman will take the trouble to examine the entire report he will find, in addition to what has been read, appended to it in the nature of exhibits, two affidavits, one of Captain Marshall and another of Captain Shuman, which state the fact that property, including horses, a wagon, some money, and other property, was lost. This is all stated in the supplement to the report, though it was not read by the Clerk, these affidavits being attached as exhibits. There was a volume of testimony, though only so much as was deemed necessary and important was incorporated in the report by the committee or appended in the form of exhibits. Now, in 1870 and 1872——

Mr. PRICE. Are you making this speech or I?

Mr. LANHAM. I just wanted to explain that you had not fully examined the report, and to show what Congress had done in a similar case in the past.

Mr. PRICE. You are doing admirably—better, no doubt, than I could, but you are not on the right side; that is the only objection to your occupying the floor all the morning.

Mr. LANHAM. I only meant to explain——

Mr. PRICE. After the gentleman's explanation I have no doubt at all that he has seen something to indicate to him that $5,000 is a proper sum to be paid in this case; but having called for the reading of the report, the only source of information at our command, I undertake to say there is not a scintilla of evidence there to prove the loss of a single dollar. We have simply a vague, indefinite statement that something was lost; that is all, so far as I know. I do not say that if the subject were investigated it could not be shown that some property was lost; and if so, the next question would be as to the amount of the loss, whether $100, $1,000, or $10,000. Whatever amount may be proved by proper evidence to have been lost I am willing we shall pay for, provided you first establish the fact that the Government is responsible for the losses sustained by persons who, while traveling in the Indian country, are overtaken by the Indians and despoiled of their property, but I do not believe that doctrine. To sum up my position on this case: First, I do not believe we are responsible for acts committed by the Indians; second, I do not know that a single dollar's worth of property was destroyed; third, I am not willing to pay for information thus obtained; and fourth, I am not willing to vote one dollar because somebody else has been paid on a similar basis.

Mr. STRUBLE. I presume that this payment does not come out of any Indian fund.

Mr. LANHAM. No, sir.

Mr. STRUBLE. But it is to be paid directly from the Treasury.

Mr. LANHAM. Yes, sir.

Mr. Speaker, I demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered.

Mr. JOHNSTON, of North Carolina. This seems to be a matter of considerable importance, and I move that it be recommitted to the Committee on Claims for further information.

The SPEAKER. That motion is not now in order, the previous question having been ordered upon the engrossment and third reading of the bill. When the bill is upon its passage the motion will be in order to recommit with or without instructions.

The question being taken on ordering the bill to be engrossed and read a third time, there were—ayes 31, noes 40.

Mr. LANHAM. I demand tellers.

Tellers were not ordered.

Mr. LANHAM. Then I will move, Mr. Speaker, if I can get consent, to recommit the bill rather than have it adversely acted upon.

The SPEAKER. That can only be done by unanimous consent, the previous question having been ordered upon the engrossment and third reading of the bill.

Mr. WOLFORD. I ask unanimous consent to withdraw the bill.

Mr. ELDREDGE. I object.

The SPEAKER. Then the gentleman from Texas asks unanimous consent, as the Chair understands, to recommit the bill to the Committee on Claims.

There was no objection, and it was so ordered.

EDWIN STEVENS.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 7809) for the relief of Edwin Stevens, and put the same upon its passage.

The bill was read at length.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

Mr. O'NEILL, of Pennsylvania. The letter from the Secretary of State to the House of Representatives, which is embodied in the report, I think will explain fully the reason for this; and I ask that that portion of the report be read, which will occupy the time of the House but briefly.

There was no objection.

The letter embodied in the report was read, as follows:

DEPARTMENT OF STATE, *Washington, April* 21, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, inclosing a copy of bill (H. R. 7809) for the relief of Edwin Stevens, late consul at Ningpo, and asking my opinion as to the justice of the claim. This case has been very carefully considered by the Department of State, and the conclusion reached that the money claimed, $730, was actually expended in the interest and for the benefit of the United States, and that Congress should provide for its reimbursement. It was not thought proper to settle the account from any fund at the disposal of the Department.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. WILLIAM M. SPRINGER,
Chairman Committee on Claims, House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

S. E. SCARBOROUGH.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 3257) for the relief of S. E. Scarborough, and put it upon its passage.

The bill was read at length.

The committee recommend the adoption of the following amendments:

Strike out in the fifth line "one hundred" and insert "$91.08;" also amend the second section to conform to the amended first section, so that it will read: "That the sum of $91.08 be, and the same is hereby, appropriated from the Treasury of the United States for the purpose of enabling the Secretary of the Treasury to pay said claim."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. JOSEPH. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. JOSEPH. On last Tuesday I presented the report of the Committee on the Territories on the bill H. R. 2850, under the impression that the Committee on the Judiciary, to which committee the bill had been originally referred, had been discharged from its further consideration. Since that report was submitted I have discovered my mistake, and now ask consent to withdraw the report.

There was no objection, and the report was withdrawn.

SURVIVORS OF ARCTIC STEAMER JEANNETTE.

Mr. LINDSLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, from the reading of this bill, as heard in this part of the House, I have been unable to ascertain about how much it carries, or exactly what its provisions are. It seems, however, to embody a considerable sum, and as it is a matter which has caused a great deal of discussion, I would like to have the report of the committee read, reserving the right to object to the consideration of the bill.

The SPEAKER. That may be done by unanimous consent.

There being no objection, the report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I dislike to object to the consideration of the bill in view of the fact that many of the beneficiaries are so meritorious; but it is a bill which should have careful consideration. The amount is large, covering $8,000, granting also twelve months' pay to a number of persons, the number of whom do not seem to be given in the report——

The SPEAKER. Does the gentleman from Kentucky object?

Mr. HOLMAN. I hope there will be a statement given.

Mr. COWLES. I object.

Mr. BEACH. I demand the regular order.

NAVAL APPROPRIATION BILL.

Mr. HERBERT, from the Committee on Naval Affairs, reported a bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. MCMILLIN. I reserve all points of order on the bill.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich.

MACKEREL FISHERY.

Mr. BRECKINRIDGE, of Arkansas. Under the order of the House of yesterday I call up the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

Mr. BUCHANAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. Does the special order of yesterday supersede the morning hour?

The SPEAKER. The order of yesterday was to postpone the further consideration of this bill till this morning immediately after the reading of the Journal.

Mr. REED, of Maine. As this measure which is now before the House is one somewhat novel in its character, I feel it necessary that there should be a full, free, and frank explanation of the whole thing to the members of the House. In the first place, it concerns a very deserving class of people. It concerns between five and six thousand fishermen on the coast of Maine and Massachusetts and New England generally. In a larger sense it concerns the whole of the people of the United States, because it is a food question as well as an industrial question. The class immediately concerned are at this time especially deserving of the attention of the House not only because of what they have suffered under the unfortunate articles in the treaty of Washington, but also because to-day a difficulty exceedingly great and affecting them is springing up, causing them great damage and threatening more. The people who are engaged in the fisheries upon the Northeastern coast owing to the treaty of 1870 have been suffering severely in their person and estate in past times, and at this present time, unless there be the most careful and judicious management on the part of all concerned, there is likely to be greater suffering on their part and the beginning of trouble which will extend its effects all over the country. At this

time and in behalf of this portion of our people I present the provisions of this bill. And if I shall succeed, as I hope, in gaining the attention of the House and in satisfying the minds of the members that the request which I make is a reasonable one, the cause and objects of it will plead for me better than I can myself.

The mackerel fishery is one that has been very important to the people of this country in times past, and which can be made of equal importance in the times to come if we judiciously attend to it. But there have been of late years a great falling off in the character of the catch and a great change in the nature of the fisheries, as I will demonstrate to you by figures. I hope to be able to point out to you the cause and also the remedy. In former years the mackerel used to be caught by a hook and line, and the result was that very fine fish were caught; but within the last ten years the nature of the fishery has changed very much. Instead of a hook-and-line fishery the purse-seine fishery has been developed, and instead of going into a school of mackerel and hauling out what could be brought out by hook and line, the fishermen of to-day, in larger craft, go out and surround the school of mackerel by nets which are placed vertically in the water and are floated by cork at the top edge. When the school is entirely surrounded the bottom edges of the net are drawn together into purse-like shape, and the result is that the whole body of fish, good, bad, and indifferent, are scooped up together as if they were so much dirt.

Now, at a particular time any one can see that such a fishery may be specially disadvantageous to the increase of fish. There is a time when the fish thus caught are filled with spawn and with the future possibilities of the production of mackerel. All these fish are taken together; and while they are in the spawning condition—that is, while the spawn is forming within them—they are poor and almost unfit for food; they are very bad for food under all circumstances.

The proposition which I have to present to the House to-day is the same which has been put in operation in almost all the States with regard to the internal fisheries. That is, I propose that we shall have a close time which shall cover this period of spawning. I desire frankly to state any objections that there are, and I believe I know them all. It will strike you at first sight as if there could be nothing said against a proposition as reasonable as this is to stop the destruction of fish in their spwaning period when the reproduction of the fish is in very great peril. But there are arguments urged against it, and I am bound to say to you at the outset that our scientific men, Professor Baird and Professor Goode, express an opinion which I can best show by giving the opinion of Professor Goode, which is:

I have never been convinced that the abundance of mackerel along our eastern coast has been in past years diminished through the agency of man. I am not therefore prepared to say that I believe the prosecution of the spring mackerel fishing will lead to its own destruction.

In a report on the history of mackerel, published in 1883 by the Commissioner of Fisheries, I reviewed the evidence at that time in existence and I have not as yet seen any reason for changing the views therein expressed.

I should say to you there are other reasons besides these which I will develop, but I want to say distinctly that while Professor Goode says he does not know whether such a measure is necessary for that purpose or not, I am bound to say to you that every fisherman engaged in the business does know, and all of them are here before you with hardly a dissenting voice urging upon the ground of their personal experience that it will be the destruction of the fisheries not to have a close time, and I am prepared to show you that the lack of a close time already has been a very severe injury to the fishing industries of the United States.

All the fishermen present themselves here with their petitions for this bill. On the other hand there is a single petition against it, and I will show you from what source that comes. It is the petition of the Fishmongers' Association of the city of New York. They are opposed to this legislation. I think I may say without being accused of imputing unworthy motives to anybody, that they are opposed to it upon the salutary ground that commissions are good for people who sell. Of course they present one other ground, because people never reveal their selfishness utterly. The Fishmongers' Association say that they are struggling in the interest of cheap food for the people. Let us see precisely what this cheap-food cry means. Mr. Blackford, who is a New York fish commissioner but who is also, I think, or has been, connected with the Fishmongers' Association——

Mr. BRECKINRIDGE, of Arkansas. He is a dealer.

Mr. REED, of Maine. He is a dealer himself. Mr. Blackford gives a single instance of this cheapness of food which illustrates it all. He says:

About the 1st of April the mackerel fleet struck an immense school of fresh mackerel, and they all loaded up and came into New York, and there was at one time upward of fifteen million mackerel lying around the wharves in the vicinity of Fulton Market. Those mackerel were unloaded there just as fast as possible. Men, women, and children came from all parts of the city with baskets and the wagons of licensed venders, and there was no question about the price. They gave a basketful for 5 or 10 cents and would load a wagon for 25 cents. For the space of two or three weeks the poorer classes had the benefit of this immense catch of mackerel. They were distributed all through the city. Of course it was the means of a large class of people making money—not myself, although I am in the fish business.

What was the nature of this cheap food? Cheap things we want. It is a little hard sometimes on the men who furnish them that they should be so very cheap, but still we want cheap food, provided it is also good food—not cheap and nasty, but cheap and good. What does Mr. Blackford himself say about the character of this food? He says:

A large portion of these were salted, but at that season of the year the mackerel are inferior in fatness; the quality is not of a kind that makes them most desirable for salting.

Let me add one other fact in that connection, which is that in order to supply that week or two of cheap food to the people in and around the city of New York 100,000 barrels of mackerel filled with spawn were thrown into the ocean and could not be used—a destruction greater than the actual use that was made; for Mr. Collins tells us that only 75,000 barrels were used and 25,000 salted. Is that the kind of cheap-food production that you wish to preserve at the expense of what I am about to state? There has been a remarkable change of late in the nature of the results of mackerel fishing. Several years ago, when 300 barrels of mackerel were caught, 200 of them were No. 1, fat, valuable fish; 66⅔ per cent. of the whole were fit subjects for consumption by human beings.

What are the actual results now, as taken from the books of Lewis, Chase & Whitten, of Portland, for the year 1884? Of 14,877 barrels taken 317 barrels were No. 1; that is, less than 2.2 per cent. instead of 66⅔ per cent. Of No. 2s there were 3,121 barrels—less than 21 per cent.; and the balance, 11,439 barrels, were of poor quality—No. 3s, or perhaps worse. The result of all this is that under this system of fishing the proportion of No. 1 mackerel has been reduced from 66⅔ per cent. of the whole to less than 2.2 per cent., and the number of No. 3s has increased to 75 per cent. Now, what is the effect of that upon the production of this food for the people? Most men know nothing of these details. To most men a mackerel is a mackerel, and there's an end of it. When they go to buy a mackerel, if they get one they do not like they do not go any more. You see there is a temptation to dealers all the time to brand up their goods, because, I am sorry to say, the dealers in fish are no more honest than the members of the legal profession—things are branded up.

Mr. BROWN, of Pennsylvania. That is pretty honest.

Mr. REED, of Maine. Yes; that is a high standard. I took the highest standard I could find. [Laughter.]

Mr. LORE. If the gentleman will permit me, I wish to ask him whether this change does not grow out of the change in the manner of catching the fish, the change from the line to the purse-net.

Mr. REED, of Maine. I have no doubt of it, and the result is that the great majority of these fish are taken during the spawning season, when they are very poor. I can show from the report of Mr. Collins (whom I am going to quote as an expert against these other gentlemen) that all these fish are good after the spawning season.

To resume what I was saying, the effect of stopping the catching of the fish at the season when they are bad and really not suitable for food will be that we shall have good fish caught and good fish distributed all over the United States. There will be an increased market for them and an increased supply, because the catch of good, sound mackerel will be largely increased. So then I urge this bill, not only on behalf of my constituents, but on behalf of all the people of the United States.

Gentlemen may ask, "What people are you keeping out?" and among the cries raised in opposition to this bill is this: "You want to wait until these fish get up along the coast of Maine so that your people can catch them all. The fish proceed northward, and you want to shut us out until after the 1st of June, when they will have gone up north, so that you can catch the whole of them." Well, I trust I have been in this House long enough not to attempt a steal of that kind. [Laughter.] What is the fact? Why, the fact is that of the one hundred and eighty-four vessels that are engaged in the spring mackerel fishery, which we want closed, not a solitary vessel can be found outside of Maine and Massachusetts. So we have got the whole business now. But the truth about it is that, as Captain Collins says here in this report, when the fish get well filled with spawn in June they dive down in order to accomplish the work. Then there is another difficulty. When the fish start in the warm waters about the Gulf Stream, at the beginning they are huddled together, and this pursuing them with purse-nets breaks them up and drives them way offshore, scattering as well as destroying them.

Why, look at it. In the face of scientific authorities I will not undertake to say we can prove that the destructive agency of man will extirpate the whole mackerel tribe from the face of the earth; but I will say this, every man on the New England coast knows that the lobster has almost disappeared. You can now only catch lobsters about 10 or 12 inches long, and I can remember when the ordinary size of the lobsters caught was pretty nearly twice that size; and according to Mr. Evarts there are affidavits in existence as to lobsters weighing 25 pounds, although I believe the lobster of that weight was not producible at the time the affidavit was made. [Laughter.] We know that the supply of halibut is thinned out, and that the case is the same in regard to a great many other kinds of fish. I am aware that Professor Huxley says there is no proof that the herring has been diminished by the agency of man. But while I can not absolutely prove the necessity, I say all these

considerations put together render it exceedingly desirable that this experiment should be tried.

I hold in my hand the printed statement of a gentleman who is probably as conversant with this subject as any other man. He came to the committee with the emphatic recommendation of Professor Baird, who has employed him specially with regard to this part of the fishery question; and whatever information Professor Baird may have has been derived largely from this gentleman, who says there is no doubt that there would be a great improvement in the quality of the fish if we should adopt this measure; and then he comments upon the question of cheap food very much as I have done.

A MEMBER. Who is he?

Mr. REED, of Maine. J. W. Collins, a gentleman well known to all who are interested in this business.

One other consideration. Why is it that our people, having complete possession of this fishery, wish it to be closed as proposed in this bill? I have given you some of the reasons; and I will give you another. It is at present a fishery of so poor a character that it does not pay; yet nevertheless we are forced into it, and why? From the same peculiarity of human nature that sustains the Louisiana Lottery. Out of one hundred and eighty-four vessels engaged in this fishery three or four make large hauls and find the business profitable; the others expect that they may do the same; and if one goes into it all go into it. Now, all should be stopped.

I think I have stated reasons why this bill should be passed. Let me recapitulate them. The bill is a trial proposition for five years. It is a proposition to close this fishery during the spawning season, from March until the 1st of June. Its purpose is to increase the character and value of the fish which will be distributed to the people of the United States. If I have made these points as clear to the House as they stand in my own mind I can not doubt the result. Allow me to add that this is a matter of serious import to my people. They are deeply concerned in this question; and I know of no opposition to this measure that has not its origin in the fish-mongers' association of one place or another. We propose to stop the catching of these fish during the period named by stopping the importation and sale; and the United States being the only place where they can be sold, if we stop their sale here the fish will not be caught.

There is another class of fishermen represented by my friend from New Jersey [Mr. BUCHANAN], a class with which I confess I have sympathy; and I hope, when I perfectly understand his amendment, to be able to assent to it; if not, I shall have to submit to the vote of the House on that question. He states that the people on the New Jersey coast are interested in fishing carried on in rowboats; and that this measure, without the amendment he suggests, will cut them off from some degree of sustenance during the period to which the prohibition will apply. I sympathize with the gentleman's position; for the consideration he presents is of similar character to that I present in behalf of my people. It may be, however, that we can not arrange a close season without injuring somebody. But I trust I have shown the counterbalancing advantages to be so great that this House will not hesitate to give the fishermen of this country what they all demand.

I reserve the residue of my time.

Mr. HEWITT obtained the floor.

Mr. BUCHANAN. Will the gentleman yield a moment that I may have an amendment read for information?

Mr. HEWITT. Certainly.

The Clerk read as follows:

Add at the end of the first section the following:

"*Provided, however*, That nothing in this act shall be held to apply to mackerel caught offshore south of Sandy Hook, with hook and line, from open rowboats of less than 20 feet keel, and landed in said boats south of said point."

Mr. HEWITT. Will my friend from New Jersey [Mr. BUCHANAN] be good enough to tell me whether the mackerel caught with hook and line off the coast of New Jersey are large or small mackerel?

Mr. BUCHANAN. Both.

Mr. HEWITT. Then they catch large, fine mackerel there with hook and line?

Mr. BUCHANAN. Yes, sir.

Mr. HEWITT. Mr. Speaker, I suppose the House would like to know how it happens that a bill of this importance comes before the House with a report in its favor and no minority report, and yet a member of the Committee on Ways and Means takes the floor in opposition to the bill. The reason is that the bill was ordered to be reported in total ignorance of the facts of this particular fishery. I take it my friend from Arkansas [Mr. BRECKINRIDGE] who made the report will admit that if all the facts now known had been presented to the committee and discussed in committee, as they were not, there would have been at least a very considerable difference of opinion as to the propriety of this measure.

Mr. BRECKINRIDGE, of Arkansas. I hope the gentleman from New York will not attempt to express what other gentlemen think. I have expressed no such opinion as that, and I assent to no such opinion. If other gentlemen of the committee agree with my friend from New York I hope they will so announce, but until they have done so I trust he will not claim them as concurring with him.

Mr. HEWITT. I have claimed nobody. I only repeat what I said, that there was no discussion in the committee which could by possibility have led to the presentation of any minority report. The facts I am about to bring to the attention of the House were offered to the attention of the committee, but it was after the bill and report had been submitted to the House and were placed upon the Calendar.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from New York is aware the committee is well able to take care of itself. If the gentleman has a great deal of information he deserves credit for it, but I do not think he is the sole gatherer of information, or that other gentlemen are as ignorant as he seeks to represent them.

Mr. HEWITT. Before I am through——

Mr. BRECKINRIDGE, of Arkansas. I trust the gentleman will not impeach other people.

Mr. HEWITT. Before I am through with the matter it will be discovered when and why at the time the report was made.

Mr. Speaker, if this bill should be enacted into a law it will certainly produce three results:

First, it will deprive a very large number of the people of this country of cheap and nutritious food.

Secondly, it will deprive of employment a very large number of fishermen, more than two thousand in number, who find occupation in this business between the months of April and June, in mackerel catching, which it is now proposed to prohibit.

And, lastly, it will confine the mackerel fishing to the States of Massachusetts and Maine, because mackerel arrive on this coast about the end of March. They come chiefly off the mouth of Chesapeake Bay, and proceed thence slowly northward and reach Massachusetts and Maine in the month of June, when this bill, if enacted, would cease to operate. While fishermen along the coast below were prohibited from fishing, the whole mackerel schools, whatever they amount to, would be open for the fishermen of the States of Maine and Massachusetts.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. HEWITT. I shall decline to answer any question at this moment, because the gentleman's case has been presented by a representative of his State who is quite able to take care of the State of Maine, and I wish to get my statement before the House. After that it will give me pleasure to answer any question the gentleman may put to me.

Now as to the quantity of this food. There are about one hundred and eighty vessels which are engaged in catching mackerel from the 1st of April to the 1st of June. The quantity caught is almost fabulous.

The gentleman from Maine [Mr. REED] referred to the testimony of Mr. Blackford that on one occasion last year 15,000,000 of mackerel were brought into the city of New York, and the inability to handle them—of the market to take them—was so great they were finally given away by basketsful to the poor. This year the mackerel have been somewhat late in coming on the coast, probably due to the cold weather. I happened to see the first vessel which came into Fulton market. It contained 30,000 mackerel. Two weeks later, in a single day, 8,000,000 of mackerel were brought into the port of New York and distributed, not as the gentleman from Maine said, in the immediate vicinity of that port, but under the modern system of refrigerating cars were sent over the entire United States.

The fact is, transportation has come in to distribute this food to every point east of the Rocky Mountains, making this a question of importance to the whole country. This prolific catch of mackerel has gone on so that last night I received from Mr. Blackford, who, perhaps, is the best practical expert in matters of fish in this country, this telegram:

Since last Monday—

That is four days—

four thousand five hundred and ten barrels of fresh mackerel landed and sold in Fulton market; all large, fine fish.

I quote that now as an answer to the assertion of the gentleman from Maine this spring fishing produced only fish of an inferior grade.

There is authority for saying many of these fish are not good for salting. That is true. Spring mackerel are not so good an article for salting as those caught later in the season; but for fresh food, which in the spring of the year every man, whether he be workman, lawyer, or statesman craves, mackerel is one of the best food-fishes which is put upon the table.

Now, a proposition to destroy an industry employing over two thousand of these very fishermen for whom the gentleman from Maine seems to be so interested, and they are his people, not mine—by whose aid this fishing is done in the main—a proposition to take away from them an employment which is so advantageous to them and so useful to the whole community ought to rest on very clear authority.

That it will be a damage to the mackerel fishermen is beyond question. My friend from Arkansas [Mr. BRECKINRIDGE], when interrupted yesterday as to whether he had consulted the Fish Commission on this subject, replied, as stated in the RECORD, he had been talked with but had not been consulted by the commission.

My friend's memory must have been rather short on that occasion, for I hold in my hand a letter addressed to him from Professor Baird——

Mr. BRECKINRIDGE, of Arkansas. If the gentleman will read my

remarks in the RECORD he will find that they are entirely in harmony with the statement that I had made no specific inquiry as to the pending bill; but that I conferred fully with the Commissioner and others by letter and verbally about the proposition in the bill. I refer the gentleman to the RECORD.

Mr. HEWITT. I understand what the gentleman said; it appears in the RECORD; and if you will give me the RECORD I will quote the exact language, so that there can be no question as to the accuracy of it.

I hold in my hand a letter addressed to the gentleman from Arkansas as a member of the Committee on Ways and Means, signed by Spencer F. Baird, Commissioner, being an official answer to the inquiry addressed to him; but first I read from the RECORD the remarks of the gentleman in answer to the inquiry as to whether the Fish Commission had been consulted with reference to this bill or not:

Mr. LORE. Let me ask the gentleman from Arkansas whether the Fish Commission of the United States have favored this bill?

Mr. BRECKINRIDGE, of Arkansas. I will state in response to the gentleman from Delaware that the Fish Commission of the United States has not been asked specifically about the bill; though I have talked fully with the Commissioner and others of the service, and had some correspondence with them about the propositions involved; and I have here in my hand a very interesting letter from the specialist employed by Professor Baird to study and observe the habits, &c., of the mackerel, Captain Collins, a gentleman who I am assured by Professor Baird is the best living authority on the subject, and his statements of facts strongly sustain this bill.

In which it will be seen that the gentleman has omitted altogether every reference to the letter of Professor Baird himself. Now I will read to the House that letter, and I suppose it will not be questioned that Professor Baird is recognized throughout not only the whole of this country but the habitable globe as second only to one man, whose authority I shall also produce, Professor Huxley, in regard to the effect of fishing in any form or shape upon the catch of deep-sea fish. He says:

DEAR SIR: I have received your letter asking for an opinion as to whether the preventing of mackerel fishing—

And I take it that that is abundant proof to begin with that the gentleman had asked his opinion.

Mr. TILLMAN. What is the date of that letter?

Mr. HEWITT. February 15. I will give it in full:

UNITED STATES COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 15, 1886.

DEAR SIR: I have received your letter asking for an opinion as to whether "the preventing of mackerel fishing during the spring months is necessary for the maintenance of an abundant supply of that fish upon our shores."

I have never been convinced that the abundance of mackerel has been in any way affected through the agency of man. The catch in 1884 and 1885 was far above the average for the past fifty years. It is not impossible, however, that the continuance of the use of the great purse-seines may in time have an appreciable effect in decreasing their numbers. The statistics of the next few years will doubtless enable us to form a definite opinion upon this question.

Naturalists are obliged to admit their ignorance in regard to many portions of the life-history of the mackerel and other fishes of similar roving habits. We do not yet know definitely where they go in winter, nor by what routes they approach our shores in spring. We are equally ignorant of their habits during the breeding season. So important has the study of these matters been considered that I asked some years ago for a schooner especially adapted for their investigation. Congress at its last session acceded to this request, and the vessel has been built and is now nearly ready for service. I hope that in the near future the habits of the mackerel, the menhaden, and the bluefish will be as thoroughly understood as are now those of the trout and the cod.

The bill before you would appear to aim at the prohibition of mackerel fishing prior to and during the spawning season. In reality, however, the time of spawning, especially on the coast of New England, extends considerably beyond the 1st of June.

So that the bill would not affect the object, for the only spawning of value which takes place is in and after the months of June and July.

The probable effect of the passage of this bill upon the extensive pound and weir fisheries of Southern New England is worthy of your consideration, since the pound fishermen can not exclude mackerel when they admit the other species which are swimming in company with them.

So that if this were adopted the pound fishing would have to be stopped; and I leave that to my Massachusetts friends to determine its value.

In conclusion, I regret to say that in the present state of knowledge of the life-history of the mackerel I am unable to express a positive opinion as to whether or not the passage of the bill under consideration would have a beneficial effect.

Very respectfully,

SPENCER F. BAIRD, *Commissioner.*

Hon. C. R. BRECKINRIDGE,
Committee of Ways and Means, House of Representatives.

Now, Mr. Speaker, there is the judgment of a thoroughly disinterested man in the presence of a proposition to deprive the people of this country of an almost unlimited supply of food for a period of three months, and a great number of fishermen, who are entitled, as the gentleman from Maine has well said, to great consideration at the hands of this House in view of their difficulties with Canada. There is his opinion that this bill could not be said to have any beneficent effect whatever, that he does not know and is not able to state what the effect would be. That is the opinion expressed here.

Now he has an assistant, Professor Brown Goode, who was sent out in charge of the American exhibits to the London Fisheries' Exposition and received a medal. I presume it will scarcely be questioned that Professor Goode and Professor Baird are two among the greatest experts of the world in this line. I wrote him a letter myself later upon this subject, for I was ignorant of the effect of it, and asked his opinion. In his response he says:

UNITED STATES NATIONAL MUSEUM, *Washington, April* 12, 1886.

DEAR SIR: I have never been convinced that the abundance of mackerel along our eastern coast has been, in past years, diminished through the agency of man. I am not, therefore, prepared to say that I believe that the prosecution of the spring mackerel fishery will lead to its own destruction. In a report upon the history of the mackerel, published in 1883 by the Commissioner of Fisheries, I reviewed the evidence at that time in existence, and I have not yet seen any reason for changing the views therein expressed. I mail you herewith a copy of this report.

Believe me, yours, very respectfully,

G. BROWN GOODE.

Hon. ABRAM S. HEWITT.

In this report, which I have here on my desk, giving the facts and conclusions which are the results of careful research, discussing as it does all of the phases of the mackerel question, in this public document, which is at the disposal of any gentleman, all of these facts will be found fully set forth and sustained.

Now, the gentleman from Maine says it is necessary to have a close period for mackerel. That is what he wants. That is a very plausible idea, Mr. Speaker, and I was originally taken in by it myself. Every man who has ever approached the subject has thought that there ought to be a close period for animals to breed in. But when you examine the facts you will find that there are two classes of ocean fishes. Those which come into our rivers and seek the fresh water for spawning purposes need a close period, because if all were taken, as the salmon have been taken at the mouth of the river when running in to spawn, there could never be a return current of young fishes after the spawning season.

Hence we have wisely provided for close periods for the ocean fishes that seek the fresh water to spawn. But there is another class of ocean fishes, such as mackerel, herring, the cod, the bluefish, and the menhaden, that never spawn in fresh water, that never come to the rivers to spawn. And in regard to the mackerel there is this remarkable fact: They spawn upon the surface, upon the open ocean, upon the broad surface of the ocean. Their spawn is at the mercy of the winds and the waves; no doubt wisely so. No doubt in the order of Providence that is the method which He has taken for the production of certain kinds of fish which the energy of man has never yet been able to destroy. The herring fisheries of to-day are more productive than they have ever been in any previous period of man's history since we have had any record. The mackerel fishery of to-day is more productive than it ever has been in any previous period. When you remember the spawn of a single mackerel produces five hundred thousand eggs you will understand how small a quantity is necessary to produce the number of mackerel we take in a single season; it is safe to say less than five hundred thousand mackerel would produce the entire catch of twenty-five millions of mackerel supposed to be taken in a single season.

So you see that man can not by any contrivance whatever destroy these fish which come in large schools. Do gentlemen here know the magnitude and size of these schools which are sent upon our coasts for the express purpose of giving us cheap food? One fisherman I saw told me he had met this year a school of mackerel 7 miles long and 2 miles broad, and packed so densely that it seemed to him as if the water could find no place among them; and yet this is the kind of animal life which the gentleman from Arkansas and the gentleman from Maine say is worried by the attempts of the fishermen to catch a few of them, and is driven off the coast in consequence of it. There is no possibility of worrying them. When taken by one of these purse-net seines they are scooped in, as many as the net can hold, put on the vessel, and brought into port, and the rest go no one knows where. Even the gentleman from Maine [Mr. REED] admits that when they spawn on his coast the mackerel disappear for a time. He did not tell us whether they disappeared before or after they spawn. But the mackerel disappear. Where have they gone? Into Fulton market?

Mr. REED, of Maine. As the gentleman from New York is quoting me, I will read the exact language I quoted from some one else:

At this time in June the fish appear to sink out of sight for two or three weeks; this occuring a few seasons a little earlier or later than at other times, owing probably to the varying temperature of the water. It is said they have gone down to spawn.

That is the testimony of Captain Collins.

Mr. HEWITT. I thank the gentleman for giving that testimony. Captain Collins is a great expert, but he does not know what they go down for; nor do I, nor does the gentleman from Maine. I do not know what they go down for; but this is certain, notwithstanding the fact that this work of destruction has been going on for the last fifteen years when the purse-seine contrivance was first adopted, and for ten years and with the same energy that it is now prosecuted and with the same results, the catch of mackerel has gone on, with slight variations, steadily increasing. It is true that we do not get the same quantity of No. 1 mackerel that we formerly caught, but those statistics are the statistics when the mackerel were caught by the hook and line; and that was the point of my question to the gentleman from New Jersey, whether when his Jersey constituents go out to catch mackerel with hook and line they do not get as good fish as ever.

Mr. BUCHANAN. Come up and try them.

Mr. HEWITT. I know something about the Jersey fish. And that reminds me that all this talk about taking mackerel in the spawning season is simply ridiculous in view of the facts. In the first place it turns out as a curious fact in natural history that three-fourths of the fish caught in the spring fishing are male fish, and only one-fourth are female fish. Will some one undertake to explain by what provision of Divine Providence the female fish are preserved out of sight, not within the range of these nets, while the male fish are principally taken? And let me mention another thing as to the shad. A shad is not regarded as fit to eat except when it is in the spawning season, and what is true of the shad is true of the mackerel. The mackerel that have been brought into New York this year, as certified by Mr. Blackford, turn out to be a very large, better, and a finer class of fish than have come there for the last few years. If I, like the gentleman from Maine, were to reason *post hoc propter hoc*, I would say the seine-fishing is steadily increasing and improving the value of the fish; they get better all the time, every year a little better than they were the year before. But I confess frankly I do not know anything about it. I only know the fact that we get mackerel, that we get them in increasing quantity, and that they are a fish essential to the support not merely of my people, but of the people whom all of you represent on this floor. Now this testimony which I have cited agrees with the testimony of everybody who has carefully considered this subject.

Mr. Blackford is one of the fish commissioners of the State of New York, and is also the assistant fish commissioner of the United States in charge of the oyster-beds. He is a fish-dealer, a most remarkable fish-dealer, an honor to his State and to his country, a man who devotes the profit of his great business (and he is the greatest fish-dealer in the world) to the propagation of food-fishes and the investigation of the laws which govern their growth and their perpetuity. Mr. Blackford testified on the subject before the Senate committee, and in his testimony he said that he had begun (as all of us have begun) with the idea that the mackerel fishery and all the ocean fisheries would be injured unless provision was made for a close season. He says:

> Not being much of a writer or speaker, it was a matter of considerable labor for me, and I went to work to get together my facts from my own diaries that I keep of the daily supplies of the markets, and of the prices and notes that I take of the large catches, in order to prepare this paper to be read; but when I got my material all together I found the facts were entirely opposite to the views which I had entertained, and the more I looked into the subject the more I became impressed that there was no necessity for legislation for the protection of any of the free-swimming ocean sea-fishes.

There is the conclusion of the most intelligent practical man on this subject in this country, who went into the investigation with his mind made up that protection was necessary in order to preserve these fisheries from damage but who came out of it satisfied that his former view was wrong and testified before the Senate committee that in his judgment it was impossible for man to do any injury to the ocean fisheries.

This same question has been up time and again in Great Britain. It has been the subject of royal commissions. The last commission that sat upon it was headed by Professor Huxley. I hold in my hand a paper by that eminent scientific man in which he sums up the matter, and which is so interesting that I shall read it at a greater length than I otherwise would. It was published in the Popular Science Monthly for August, 1881. In this paper Professor Huxley is speaking of the herring; but the habits of the herring and of the mackerel are almost identical. There is, however, a slight difference in their mode of spawning. Professor Huxley says:

> Suppose that every mature female herring lays 10,000 eggs, that the fish are not interfered with by man, and that their numbers remain approximately the same year after year, it follows that 9,998 of the progeny of every female must be destroyed before they reach maturity. For, if more than two out of the 10,000 escape destruction, the number of herrings will be proportionately increased. Or, in other words, if the average strength of the shoals which visit a given locality is to remain the same year by year, many thousand times the number contained in those shoals must be annually destroyed. And how this enormous amount of destruction is effected will be obvious to any one who considers the operations of the fin-whales, the porpoises, the gannets, the gulls, the codfish, and the dogfish, which accompany the shoals and perennially feast upon them; to say nothing of the flat-fish, which prey upon the newly deposited spawn, or of the mackerel, and the innumerable smaller enemies which devour the fry in all stages of their development. It is no uncommon thing to find five or six—nay, even ten or twelve—herrings in the stomach of a codfish, and in 1863 we calculated that the whole take of the great Scotch herring fisheries is less than the number of herrings which would in all probability have been consumed by the codfish captured in the same waters if they had been left in the sea.
>
> Man, in fact, is but one of a vast co-operative society of herring-catchers, and the larger the share he takes, the less there is for the rest of the company. If man took none, the other shareholders would have a larger dividend, and would thrive and multiply in proportion; but it would come to pretty much the same thing to the herrings.

And the fact is the same in regard to the mackerel. Finally, Professor Huxley says in conclusion:

> I do not think that any one who looks carefully into the subject will arrive at any other conclusion than that reached by my colleagues and myself: namely, that the best thing for governments to do in relation to the herring-fisheries is to let them alone, except in so far as the police of the sea is concerned. With this proviso, let people fish how they like, as they like, and when they like. At present I must repeat the conviction we expressed so many years ago, that there is not a particle of evidence that anything man does has an appreciable influence on the stock of herrings. It will be time to meddle when any satisfactory evidence that mischief is being done is produced.

Now, I think I have shown that there is a "plentiful lack" of knowledge on this subject; and in the presence of this lack of knowledge we are asked to pass a bill which it is admitted, if passed now, is too late to have any effect this year, either good or bad. We are asked to pass now a measure which can not take effect until next year, though by referring the whole subject to the Fish Commission we can get their deliberate opinion in time for action in December next. That is the wise and sensible thing to do. I think the Fish Commission will probably know something more on this question than they know now, but I do not expect they will ever get any knowledge which will serve to show that the fisheries can by any possibility be affected by any quantity of fish that man, with all his contrivances, can take out of the ocean in any period of two or three months; for after all this fishing is over, these vast schools of mackerel are found passing up the coasts of Massachusetts and Maine to Canada; so all that we do not take go to Canada for her protected fishermen, because our people, as the law now stands, can not go there and take any of those fish. If then this bill passes it will have but one effect. It will entirely prevent mackerel fishing below the coast of Massachusetts; it will confine it for a brief period to Massachusetts and Maine; and these fish will then pass to Canada out of the reach of our fishermen.

In the face of these facts, which can not be controverted, the gentleman from Maine says, "If you will pass this bill we shall be able to supply you with big mackerel." That is not what my constituents or the people of this country want, for the big mackerel fetch a big price per pound. Twenty-five cents per pound is often charged for large mackerel, while little mackerel sell for 1 cent a pound. The only effect of the bill advocated by the gentleman from Maine will be to take away mackerel as the cheap food of the common people and give it as a luxury to the tables of the rich. [Applause.]

Mr. Speaker, the catch of mackerel in one year, according to the figures cited by the gentleman from Maine, was about 14,000 barrels, of which 66 per cent., he said, were large mackerel, which would be 8,000 or 9,000 barrels. Sir, in four days in the city of New York half that number—4,500 barrels—were sold and distributed as cheap food to our people. So that if you pass this bill you merely prevent a great industry from being carried on in order that you may have a few barrels of very fine fish.

The gentleman also said that all the fishermen are in favor of this measure. Well, sir, I went upon a fishing-boat, the captain being a Gloucester man, having a crew of eight fishermen. When I asked him whether he wanted this fishery stopped he said he did not; that it gave them employment at a time when they had no other. "But," said he, "we will settle this business." So he sent me down a series of petitions, which are signed by these rude fishermen.

These petitioners say:

> The undersigned, mackerel fishermen, being aggrieved at the introduction in the House of Representatives of the bill (H. R. 3538) entitled "A bill relating to the importing and landing of mackerel caught during the spawning season," and whereby the catching and landing of mackerel from March to June 1, inclusive, are prohibited, hereby protest against the same.
>
> First. It is an experimental and unnecessary bill.
>
> Second. During the months mentioned very few mackerel spawn.

Now, these fishermen know something about this matter.

> June and July are the principal spawning months.
>
> Third. Mackerel are increasing and not diminishing in quantity.
>
> Fourth. The passage of the bill would turn out of employment during the prohibited season over two thousand of our fishermen, who are dependent thereon for the support of themselves and their families.
>
> And we earnestly ask that the passage of the said bill be defeated.

Now, this petition is a genuine article—not the kind made to order. Here are the signatures of hard-working, honest, diligent fishermen, who only ask to be let alone, to be undisturbed in the pursuit of an honest livelihood. They are the gentleman's constituents, not mine, for whom I appeal to this House. They sell to my constituents what my constituents want to buy; but they want to be let alone in their honest industry. Yet, in ignorance of the facts of the case, and in the presence of the scientific testimony, so far as it goes, that no good can come from this measure, this House is asked to pass it when there is every reason why, out of regard to the food of the poor, the occupations of the industrious, and the general good of the whole country, we should not only go slowly, but if necessary vote the measure down. I have no desire to subject these gentlemen of the committee to the humiliation of having the enacting clause of this bill struck out. I prefer that it shall be recommitted. I want them to study this subject a little more thoroughly than they have studied it, although they seem to be satisfied with the knowledge they have thus far obtained. I am not satisfied with what I have been able to get within this short time; but I say, so far as the facts appear there is abundant reason to apprehend that this proposed legislation is not only unnecessary, but dangerous and destructive to interests which are entitled to the consideration of the House.

I reserve the remainder of my time.

Mr. HAMMOND. This seems to be the application of game laws to food-fishes. I wish to ask the gentleman whether such a thing has ever been done before by the United States?

Mr. HEWITT. There has never been any such measure as to open-sea fishery. There has been the application of the close season to those fishes that seek the fresh waters to spawn; and even there the Govern-

ment of the United States has had to keep its hands off, because the State jurisdiction in almost every case comes in. The Fish Commission has sought for the co-operation of the States wherever it could be obtained, and has in most cases been able to get it.

Mr. REAGAN. As the attention of the gentleman from New York has been directed to this question, I wish to inquire whether the Government of the United States has ever heretofore undertaken to regulate fishing upon the high seas outside of the marine league, and whether Congress has authority to regulate fisheries on the borders of States within the marine league?

Mr. HEWITT. I have not given my personal attention to that matter. It is a legal question; and such questions I always prefer not to discuss. But I think in this House, so largely composed of lawyers, that question can be readily answered. I know of no power on the part of the United States to control fishing within the jurisdiction suggested by the gentleman; but I do recognize the fact that in licensing fishing boats, the Government of the United States might put in the licenses a provision limiting the operations of such boats. I suppose that might be done.

Mr. MCADOO. As the gentleman from New York has given this subject some investigation, I will ask him whether it is not the fact that the menhaden fishing is doing more harm than any other class of fishing on our coast?

Mr. BUTTERWORTH. I understand the point in this case to be that the supposed danger against which this bill is directed does not exist.

Mr. HEWITT. It does not exist according to the testimony of every intelligent man who has examined the subject.

Mr. MILLIKEN. Mr. Chairman, I desire to say, if the gentleman from New York [Mr. HEWITT] has at last got through, that I do not purpose to discuss the constitutional objection which is raised against this measure, as it is raised against every measure which is called up for consideration in this House and which certain gentlemen wish to defeat. Indeed, I do not purpose to discuss the question at length in any of its aspects; but it seems to me to be a question whether we will legislate to save the source of supply of a valuable article of food, the source of a great industry, or allow people for immediate gain to kill the goose that lays the golden egg.

And in this controversy the same old question arises, and it arises between the same parties as when I first heard it discussed; that is, between the fishermen and the fishmongers. I know how it was in my own State. We had all these arguments against the protection of the menhaden. They told us menhaden could never be lessened on the coast of Maine by the hand of man. I have gone down to the shore and have seen at one time thirteen steamers fishing for menhaden, a single steamer taking 800 barrels of these fish at one haul.

Our people wanted menhaden protected by law from this wholesale slaughter in order that our fishermen might have them to use for bait in catching cod and other large fish. And by the way, sir, if this had been done sufficiently early the trouble between us and Canada would never have occurred, because we would have had an abundance of bait upon our own coast to supply all our fishermen.

When, however, it was proposed to protect the menhaden by legislation the same reasons and excuses were urged against it that we have listened to to-day. The fishmongers and the great corporations interested in the product of these fisheries defeated for a time the efforts made for the preservation of the menhaden. At last these fish left our shores, and during the last eight or nine years there has not been enough menhaden caught on the coast of Maine to supply bait for our fishermen.

The gentleman from New York [Mr. HEWITT] says that out of ten thousand eggs deposited by the female fish not more than two escape destruction before the young fish are hatched, and he by allowing the fish to be taken in spawning time would destroy these two. My colleague has referred to the effort made in Maine to protect by legislation the lobster from annihilation. These efforts finally succeeded in procuring the enactment of a law providing for a close time, and that lobsters less than a certain length should not be exposed for sale.

But this law, while it has arrested the destruction, and I hope may prevent the extermination of the lobster, came too late to save it from being so seriously diminished, both in numbers and size, that this fish once so plentiful and cheap is now comparatively rare and dear, and will average less than one-half its size of twenty years ago. Still we had the same experience in obtaining legislation to preserve the lobster that we had in trying to save the menhaden, the same we have here to-day in our efforts to prevent the extermination of the mackerel. Our opponents quoted from scientific gentlemen, produced the testimony of theoretical experts, and talked of the enormous number of eggs which the fish deposited, but what the practical fisherman said proved to be correct and what they petitioned for was shown, as I am sure it will be in this case, to be wise.

My friend from New York says we are selfish in this thing; that we want this bill to pass so these fish will be caught on the coasts of Maine and Massachusetts. He, however, recognizes the fact that they are all Maine and Massachusetts fishermen who catch these mackerel. What does it matter to him whether they catch them in one part of the ocean or another? Does he think they are any better caught off the coast of New York than when they are caught off the coasts of Maine and Massachusetts?

What has been said in favor of the bill I know to be true by experience, because I have seen mackerel caught ever since my boyhood.

If mackerel are caught before the 1st day of June and put on the market for sale, very few people who know what good wholesome mackerel are will want them. Why? Because they are then a poor article of food. Indeed this involves the question of good or poor food for the people. Mackerel, when spawning time is over and they have had an opportunity to fatten, are, as the gentleman has said, the finest fish in the world. But before that time, when caught off the coast here, I am bound to say from experience they are the meanest fish that swim—too mean to be eaten by anybody, rich or poor.

Now, Mr. Speaker, I did not intend, as I said when I rose, to make any lengthy remarks upon this subject, but I do not see why the people of this country are not as much interested in having a close time for fishing for mackerel as they are in having the fisheries protected in our several States by legal enactment. I do not see why the people of the whole country who consume fish, as well as the fishermen themselves on the coast who earn their livelihood by fishing, should not be as much interested in the protection of this great article of food and this important industry as they are in the protection of game, which in many of our States is so zealously guarded.

We are everywhere establishing fish-breeding places in order to cultivate the supply of food-fishes, and I am glad to be able to say that the salmon on the coast of Maine, which had been growing scarce, have sensibly increased since fish-breeding was established at Bucksport. And while we are taking so much pains to propagate our valuable fishes, does not a wise economy demand that we should prevent as far as possible their wanton destruction?

Mr. BUTTERWORTH. I wish to ask the gentleman from Maine, with his permission, a question in connection with one remark of the gentleman from New York. He says the testimony of gentlemen who are interested in the success of this industry points to the fact that the spawning season is early in June and July, and not largely in March and April. What are the facts and what is the testimony which the gentleman has on that particular point?

Mr. MILLIKEN. Mr. Speaker, I desire to say, in answer to my friend from Ohio, that if I should attempt to reply to the immense amount of misinformation which the gentleman from New York has this morning given to the House on the subject of fish and fisheries of different kinds I think I would require much more time than I would care to consume in this House and much more I am sure than anybody would like to occupy in listening to me. But the testimony to the contrary of the statement of the gentleman from New York is abundant and overwhelming.

The gentlemen from New York has quoted Professor Baird and others, and what does it all amount to? When he gets through it amounts to the fact that he admits that he knows nothing about the habits of these fish, and notwithstanding this he has talked to the House almost an hour, and has succeeded in giving us such lack of information as we should have a right to expect from one making such an admission.

Sir, I say in conclusion that the question is whether we shall allow men for immediate gains—men who do not regard the future of this great industry, nor the necessities of our people so largely benefited by this article of food—to impair its supply, as has been done in the case of the menhaden and lobster, or shall we by administering a timely and effective remedy preserve it?

The importance of both cheap and wholesome food for the people demands that the mackerel, which is almost universally used, should be allowed to perpetuate itself and should be taken only when in good condition, and I believe that the provisions of this bill designed to secure these objects will meet with the approval of this House and the country.

Mr. LORE. Mr. Speaker, with all due respect to my friend from Maine I may be permitted to state that since the days of wooden nutmegs and Waterbury clocks I have not seen such an ingenious piece of mechanism as the construction of this bill.

Mr. MILLIKEN. Wooden nutmegs and Waterbury clocks were not made in Maine.

Mr. LORE. Not very far from it; they were just across the line.

Mr. MILLIKEN. A good long way across the line. The gentleman himself lives as near to the wooden nutmegs and Waterbury clocks as I do.

Mr. LORE. That may be; but I am not abusing my New England friends, only suggesting a historical fact. I have always admired Yankee ingenuity and skill in devising such mechanism.

But, Mr. Speaker, let us examine this bill section by section and analyze its provisions and effect. This first section provides that no mackerel, other than Spanish mackerel, caught between the 1st day of March and the 1st of June in each year, shall be permitted to be imported or landed on our shores. The next section provides that the license to be granted by the United States shall be made to conform to that condition of facts, and shall not authorize the person holding the same to violate the first section.

The third section provides for the forfeiture of the vessel if it violates the provisions of the act if it be an American vessel, and if not, then it provides for the forfeiture of the mackerel or the fish that are landed.

You will observe that the bill as it stands is an absolute prohibition against catching mackerel from the 1st of March to the 1st of June of each year all along our coast from Cape Hatteras to New England. Let us consider it. This mackerel question is an exceedingly interesting one. The makerel is in a great degree the most mysterious fish in its habits and haunts. They first approach our shores in March off Cape Hatteras in North Carolina in immense shoals, and pass northward until they strike the coast of Maine, which they reach about the month of June. Now I am not responsible for the truth of what a very intelligent gentleman said last night, but will give it in passing. He said the ingenuity of my friends from Maine and Massachusetts is so great that they secure the kind of food the mackerel are accustomed to, watch their coming, spread it bountifully on the way, toll them all along the coast from Cape Hatteras until they get them up to Maine, and when they get them up there they feed it out in such abundance as to keep them from going farther, to the fishermen of Nova Scotia and Newfoundland. [Laughter.]

I presume this is a myth, but is illustrative of the popular opinion of the skill and forehandedness of our New England friends. But judging from the mechanism of this bill it would not strike one as an impossibility.

These fish as they pass along the coast from Hatteras up to Maine are caught by the dwellers on the coast in every direction. They are caught by men who go out in boats and bateaux, and as the bill now stands it would prevent a person in North Carolina, Virginia, Maryland, Delaware, New Jersey, or New York from going out in a canoe or a boat and catching and landing fish for his own use.

Mr. REED, of Maine. There is an amendment which will provide for that.

Mr. LORE. That I understand they propose to correct by an amendment. If the bill is so amended that objection would be removed. But there is a broader objection than that. As the bill now stands it would be open and vulnerable to that attack. But if amended it is vulnerable in other points. But first let me consider the reasons urged for this bill, and which were presented by my friend from Maine [Mr. REED] in his usually vigorous, terse, and exceedingly forcible style. The first one is that it benefits the fishermen. Now I say to the gentleman in all frankness there are other fishermen than those on the coasts of Maine and Massachusetts. The mackerel run from Hatteras up to Maine. They get up to the coasts of Massachusetts and Maine in June; so that if you prevent the catching of mackerel up to the 1st day of June all dwellers on the coast up to Massachusetts and Maine are prevented from catching mackerel, for this time covers the exact period of their passage from Hatteras to New England.

Mr. REED, of Maine. Will the gentleman allow me?

Mr. LORE. Yes, sir.

Mr. REED, of Maine. There are none that go out to catch these schools of mackerel. There are only fishermen that go out within 10 miles of the shore, and those we propose to provide for. The only ones that are interfered with by this bill after the amendment is made are people from Maine and Massachusetts.

Mr. LORE. Then this is an attempt to prevent your Maine and Massachusetts men from taking the fish at that time?

Mr. REED, of Maine. It is an attempt to stop that kind of fishery during the spawning season.

Mr. LORE. I do not know that that alters very materially the point I make as to whether or not the bill benefits the fishermen. If the amendment to the bill corrects the first defect of which I spoke and deprives the Maine and Massachusetts men of the power to catch and bring the fish into New York, it deprives them of just such profits as they may make during that season; and I do not see that it would be a material advantage even to them.

Mr. REED, of Maine. They think it would be.

Mr. LORE. I do not think the case is so clear on that ground that it is for the benefit of the fishermen. Now take the other ground, which the gentleman from Maine presented with considerable force and which strikes me as the one upon which he rests his argument mainly for the passage of this bill; that is, that fishing during these months diminishes the catch; that it diminishes the supply of mackerel.

Let us examine this position? I know my friend from Maine says that the Maine and Massachusetts fishermen, by almost unanimous consent, say as a matter of fact it does. The gentleman from New York [Mr. HEWITT] presented and read petitions of these very men largely signed maintaining the opposite view. Congress has at considerable expense established a Fish Commission. The head of that commission is Professor Spencer F. Baird, who has devoted much of his life to this work. So has Professor Goode, associated with Professor Baird as assistant fish commissioner. Captain Collins, Professor Baird, Professor Goode, Professor Huxley of England, all say that they are not satisfied that the catch of mackerel during this time of the alleged spawning from the 1st March to the 1st June does diminish the supply. They say they do not know, and in effect that it is not known.

Mr. BOUTELLE. Will the gentleman permit me to make a suggestion?

Mr. LORE. With pleasure.

Mr. BOUTELLE. Professor Baird, as I understood the reading of his opinion, states he is not satisfied the use of the purse-seine will not materially diminish the propagation of mackerel.

Mr. LORE. He says he is not satisfied the catch in this intervening time does diminish the supply.

Mr. BOUTELLE. As I understood the reading, what he said was he was not satisfied that the intervention of man would materially diminish the supply of sea-fish. But further on he said he did not feel sure that the use of the purse-seine, which is a modern contrivance, might not very materially affect it, and that it might require some years to determine that. So that we have the scientists in doubt about the matter, while the practical fishermen, who have been engaged in this business for years and whose whole avocation depends on the plenteousness of the fish, unanimously or with practical unanimity declare the catching by the seine in this close-time is materially affecting the supply.

Mr. LORE. I think my friend will agree, and I am sure the reading of Professor Baird's letter will satisfy any member of this House, that he does not believe that the catching of the mackerel during that time does interfere with the supply. Professors Goode and Huxley are quite clear on this point, and the petitions of fishermen presented by the gentleman from New York [Mr. HEWITT] show the fishermen do not agree.

Now, Mr. Chairman, in order to show that the committee itself had evidence before it tending to contradict that proposition I read from their report where they say:

> That the mackerel continued to abound, and the industry of catching them to increase, is to be accounted for rather by the fact that it is not an anadromous fish, and by reason of the primitive devices of the day, than because of the laws of the period. In 1831 the catch reached its maximum, being 449,950 barrels. It then steadily fell off each year until in 1838 it was only a little over 138,000 barrels. With varying fortune it fell in 1877 to nearly 127,000 barrels. Each period of decline in the catch, and consequently of comparative exemption from molestation of this fish, has apparently led to the hatching and maturity of sufficient numbers to fully restock our waters. Thus in 1881 the catch rose again to over 391,000 barrels.

In 1882 to 1884 the catch has been increasing, and yet during this time not only have the fishermen been catching the mackerel between the 1st of March and the 1st of June, but they have been catching them with the purse-net. We have, therefore, right here in the report of the committee evidence that instead of the amount of the supply decreasing it has actually increased.

Mr. BOUTELLE. Is it not possible that this gentleman mistakes an increased catch for an increased supply? Is an increased catch necessarily an indication of an increased supply of these fish? May not the increased catch be the result of the employment of a larger number of vessels and the use of improved appliances.

Mr. LORE. That may be so, sir; and yet I take it that the number of fish we take out of the sea is the best indication we have of the number of fish in the sea. Certainly it is a better means of gauging the supply than a mere speculation based upon no facts whatever. That the supply of these fish will not be diminished in this way it seems to me has been most clearly demonstrated by the gentleman from New York [Mr. HEWITT].

I remember that a few years ago the old method of catching oysters in Chesapeake Bay by the fishermen of Maryland and Virginia was "tonging." Then the dredge system was introduced, and the fishermen raked the oyster-beds from one end of the Chesapeake to the other wherever they could find them. There was a terrific outcry on the part of the tongers that this would destroy the supply; but the result simply was that instead of having oyster-beds scattered here and there at special points on the bottom of the bay, the dredges dragged them all over it and made the bottom of Chesapeake Bay almost one continuous oyster-bed, and the oysters were multiplied by the thousand. This grew out of the fecundity of the oyster spawn, rivaling to some extent the mackerel in this respect. I know that the analogy between the two cases is not complete at all points, but I mention this to show that the alarm which arises as to the results of new methods is frequently without foundation or any just cause.

Mr. BOUTELLE. Do I understand the gentleman to say that the supply of oysters has not been disadvantageously affected by the use of the dredge?

Mr. LORE. I do say so, unhesitatingly.

Mr. BOUTELLE. My impression was very decidedly to the contrary.

Mr. LORE. Well, I speak of what I know. I have it from the "tongers" as well as from the dredgers that the effect has simply been to spread the oyster-beds over the bottom of the bay and make it almost one continuous oyster-bed. As I have said, however, I mention this merely to show that the fears of men in such cases are not always warranted by the facts.

Mr. Chairman, when men speak of the diminution of the fish supply from cause stated it is a mere conjecture. The report of the committee itself shows that the catch, instead of diminishing, has increased;

and I say that when it is shown as a matter of fact that more fish have been taken out of the water in a given time it is a fair inference that more have been taken because the supply in the water was larger.

Mr. BOUTELLE. Suppose that the Congress of the United States should address itself to the work of decreasing or rendering extinct the mackerel on our coast (if they should deem that to be a public necessity), can the gentleman conceive of any more efficient manner of starting the experiment than by fitting out a fleet of vessels to use the purse-net to take these fish at the spawning season? Is not that exactly what Congress would do if it were going to invest Professor Baird with power to experiment as to the best means of rendering the mackerel extinct?

Mr. LORE. I will answer my friend, although I think he has been already completely answered by the gentleman from New York [Mr. HEWITT]. The answer is this: These fish are preyed upon not only by man, but by a great number of the denizens of the sea, and the share that man takes in their destruction is but as a drop in the ocean; the number that are taken and consumed by man is trifling compared with the multitudes that swarm along our coasts and are consumed in other ways. Therefore I say you may adopt any device you please, you can not destroy the supply. When you remember that a single female mackerel scatters in the spawning season from 500,000 to 1,000,000 eggs, you can see that the supply must be practically unlimited, and that it will not be seriously affected whatever devices you may employ.

Mr. BOUTELLE. But the gentleman overlooks this fact. When the spawn is thrown out upon the sea and becomes subject to the ravages of those destructive enemies to which the gentleman refers there is yet a percentage of a chance of its fecundation; but when the fishermen go out with their purse-nets and scoop in the fish containing the spawn before it is shed at all, then all possible chance of reproduction from that source is utterly lost.

Mr. LORE. I concede that; but, take all you possibly can, the catch is so insignificant in quantity that there is still left enough to people the seas with these fish in inexhaustible supply. No fact has been produced to the contrary. So far as anything is demonstrated in the case, it is that the catch has not decreased; and, as I have said, it is fair to infer from that that the supply is at least as great as it was before.

Mr. BOUTELLE. Fishermen who petition here urge that the quantity has largely decreased; and, as I understand, Professor Baird states distinctly he is not sure this fishing during the spawning season will not have the direct effect of decreasing the supply.

Mr. LORE. Well, he does not know what may occur in the future. But the past and present are our teachers. The gentleman from New York [Mr. HEWITT] has just put in my hands a statement exhibiting the catch of these fish for the last fifty years; and it shows that there has grown up quite a regular and systematic increase in quantity of catch.

Mr. BOUTELLE. I suggest that if the gentleman from New York will now collect and put alongside of that statistics showing the increase in the amount of beef consumed by the people of the United States year by year during the last seventy-five years, it will be equally interesting and equally pertinent.

Mr. REED, of Maine. In other words, it would not show that the mackerel catch has not diminished as alleged.

Mr. LORE. Let me ask my friend from Maine what evidence he has to-day that the supply of mackerel in the ocean has been diminished at all by the use of these nets—I mean the supply for all practical purposes?

Mr. BOUTELLE. We have the evidence of men engaged in the pursuit of those fish as to the relative difficulty of obtaining a certain quantity. That is the only evidence that can be had.

Mr. LORE. Certainly no evidence of that kind is before the House.

Mr. BOUTELLE. If the fishermen were unable to catch any mackerel at all on the coast it would not prove there were not mackerel somewhere in the sea, but it would be pretty good evidence to that effect. The difficulty of obtaining the fish is certainly competent evidence to show their increasing scarcity.

Mr. LORE. But, measured by that which is before our eyes, it is fair to assume that the supply is still there, for it not only meets all the demand, but the quantity is so abundant that to-day mackerel are a drug on the market.

Mr. REED, of Maine. How about the quality?

Mr. LORE. I will come to the question of the quality presently. I have been speaking of the quantity; and on that point I think I have said all I care to say. I think I have shown that the quantity is not diminished.

Now as to the quality of the food. I am free to say—and I have no other wish than that all the facts in this case should appear—that not merely from the 1st of March till the 1st of June, but from the 1st of March till the 1st of August, embracing at least the entire month of June and part of July, even while these fish on the shores of Maine and Massachusetts are spawning, the quality is not so good as later in the season, after they become fat; still they are wholesome and palatable food.

I have in my hand a very interesting work upon the fisheries of Massachusetts, published in 1833, the author being Dr. Jerome B. C. Smith. In this work the habits of these fish are largely discussed. It has always been a mystery where they came from. Indeed, we might say in biblical language that they are like the wind, which "bloweth where it listeth; thou cans't not tell whence it cometh and whither it goeth." We know that these fish appear in the northern waters about March and disappear about November. From whence they come to our shores in March and where they go when they leave the New England coast in November each year is a profound mystery and a curious study for our scientists. Some say they hibernate in the mud on cold northern shores; others, that they spend the winter under the icebergs in arctic regions, but in this book one writer states that in the month of November he found immense schools of these mackerel taking their way back apparently to the southern climes. And this writer seems to have satisfied himself and others that these fish, passing between the Gulf Stream and the coast, go to the deep water south to repursue in another season their migrations northward.

It is urged that the fish caught between the 1st of March and the 1st of August are inferior in quality. I concede that they are not so good as those caught after the spawning season is over; but they are perfectly palatable, wholesome food, though a little poor; that is all. The authorities which have been produced do not show that fish caught during the spawning season are unwholesome food. The very authority cited by the gentleman from Maine, Mr. Collins—who, by the way, was born in Maine—was appointed from Massachusetts; was a mackerel fisherman himself for twenty-five years, and who frankly says he feels an interest in the whole matter, I might say a strong bias in favor of the old calling, and is the only one of the scientists who gives countenance to the theory of the bill.

Mr. REED, of Maine. Certainly. We contend that everybody who is in this business or knows anything about it is of the same opinion.

Mr. LORE. What does he say about these mackerel caught during the spawning season? He does not say that they are unpalatable or unwholesome, but simply that they are of inferior quality. But the point of the matter appears a little later. It conclusively appears that when these fish come into the New York market, though of comparatively poor quality, men living all along the coast buy them with avidity and eat them with gusto. The catching of the fish and the packing of the fish then caught interfere to a great extent with the sale of fish caught and packed on the coast of Maine and Massachusetts. The reason, then, is clear, if you can prevent the catching of mackerel while they are on the coast of the Middle States and suffer them only to be caught while they can be found on the New England shores, you deplete the market and make a demand for the large stock of mackerel now on the hands of the Eastern fishermen and dealers which is now a drug in the market.

The catch may be a little inferior; but let me say to the gentlemen of this House that the man who labors six days in the week, who has house-rent to pay, a wife and five or six little ones to feed, can not afford to buy high-price mackerel at 25 cents a pound.

Mr. REED, of Maine. What?

Mr. LORE. He can not afford to buy high-price mackerel at 25 cents a pound.

Mr. REED, of Maine. There is where your interesting fishmongers' association comes in, because the man who sells mackerel does not get more than 3 cents a pound, and if the fishmongers put on enough to run it up to 25 cents a pound they are a nice set of people indeed.

Mr. LORE. Suppose this bill should be passed and no mackerel should be allowed to be caught in the months of March and April on the Middle States' coast, and that your fishermen in Maine and Massachusetts should only be permitted to catch them after June, what then will be the price to which they will run it up? Will my friend from Maine answer?

Mr. REED, of Maine. We are talking of a time when No. 1 mackerel are not caught.

Mr. LORE. Take away the mackerel coming into New York and Philadelphia from this summer catch cut off by this bill and let your New England fishermen and dealers only supply the mackerel to Philadelphia and New York, and what would be the price of No. 1 then? That is a problem I will leave to my friend from Maine to solve.

Mr. REED, of Maine. They will not be had at any price, because they will not be caught.

Mr. LORE. I will say, Mr. Speaker, in reference to the quality of these fish, that the fish caught and placed in the New York market during this week have been of the finest quality. I hold in my hand a message from a man who is an expert in the business, who telegraphs from Fulton market that since last Monday there came into that market 4,510 barrels of fresh mackerel; that that quantity of fresh mackerel was landed in Fulton, and that they were all large, fine fish, readily sold to and eagerly bought by the people seeking fresh fish at this opportune season of the year.

But, sir, I do not put it on that ground only; I have no doubt these fish are somewhat inferior in quality when caught early in the season. I am equally satisfied they are healthy food, cheap, and desirable.

I was amazed at what my friend from Maine presented to you. He stated the quantity of No. 1 mackerel compared to the whole catch years ago with the quantity of No. 1 mackerel compared to the whole catch at the present time, and left us to infer this grew out of this spring catch. Did he fairly and frankly give us the true reason for that difference? Did he tell us that the difference was because these large No. 1 fish were caught at that time by hook and line? But the Maine and Massachusetts men were not satisfied with the hook and line; it was too slow; and now they use the purse-net, which has already been graphically described to the House. With that net they surrounded a whole school of fish and scooped them all in, big and little. The difference in quantity was very great, because they scooped them in and put them on the market without regard to size.

Mr. MILLIKEN. We are trying to restrict that kind of fishing.

Mr. BOUTELLE. We want to try and stop Maine and Massachusetts from doing that of which you complain.

Mr. LORE. You can do that in your own State; but you do not propose to do so from June to November while they are on your own shores, but only from March to June while they are on our coast.

Mr. BOUTELLE. We can not when the mackerel are down on the coast of Delaware.

Mr. LORE. Precisely; that is what you should not do. You take good care not to ask to do so while the mackerel are on the coast of Maine and Massachusetts. When gentlemen bring in a bill to prohibit Maine and Massachusetts fishermen from using purse-nets to scoop in whole schools of mackerel, big and little, without regard to size, that will be a different proposition, and it is one for which I hope this House will vote. But there is no such proposition as that before the House.

Mr. MILLIKIN. If the gentleman will bring in a bill to do that I will vote for it. We can not do everything at once.

Mr. LORE. We are on this question now, and let us settle it before we go to any other. I could not get up a bill at once to accomplish that purpose, and I have only referred to it because it is necessary it should be stated in order to explain what was said by the gentleman from Maine [Mr. REED]. I have considered the question of the quantity and quality of mackerel which have been caught and sold for food. The alleged diminished supply I have already dealt with. The reason for it I have tried to present. Even if the questions were not embarrassed with doubt this House, it seems to me, Mr. Speaker, ought to act with great caution and hesitate to interfere with an industry as large as this is and involving such grave interests. There may be other objections to the passage of this bill, but those which have already been given, to my mind, ought to convince you it should not pass. It seems to me they are unanswerable.

What does the distinguished gentleman from Arkansas [Mr. BRECKINRIDGE] himself say as to this? At the very outstart, at the very threshold of this question you are met by the gravest questions as to the right to touch it at all. In the report of the committee they say they are not entirely certain of their jurisdiction, but as the question was referred to them by the House and the question of jurisdiction seems to be a matter of doubt, they assumed without arrogating the functions of others to report the bill.

Why, my friend from Arkansas, who has evidently looked into this with some degree of care, doubts, as it must be apparent here, the right of this House, the right of this Congress, to pass such a bill.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is mistaken in that.

Mr. LORE. Am I? In what respect?

Mr. BRECKINRIDGE, of Arkansas. I was referring to that as a parliamentary question, not as a legal question. I did not know whether or not it should have been referred to some other committee under the division of labor required by the rules of the House; and it was purely a parliamentary question. The gentleman is going a long way to get at his argument.

Mr. LORE. I beg the gentleman's pardon; I see upon a closer scrutiny of the language of the report that it bears that construction.

Mr. BRECKINRIDGE, of Arkansas. That is exactly the construction it was intended to bear.

Mr. LORE. And you did not consider the question of the right of Congress to deal with the subject?

Mr. BRECKINRIDGE, of Kentucky. We had no doubt of the right of Congress to deal with the subject.

Mr. LORE. Then let me ask the gentleman how far will Congress go beyond the line? I confess, sir, that I have some very grave doubt upon that point. I have some doubt as to whether the right of Congress exists to go beyond three marine leagues, in addition to the questions raised by the gentleman from Texas [Mr. REAGAN], who throws grave doubts upon some features of the bill.

I doubt very much the equity and justice and fairness of any bill you may bring in here the object of which is to lay an embargo upon a class of our people occupying three or four or five States, if they see proper to embark in this particular class of business, and that is practically what this bill does. And what is the argument of gentlemen? If it is so profitable, and you pass this bill, then they may not engage in the industry. The Middle States are not now engaged in mackerel fishing to any great extent; but *non constat*, if it prove profitable, as it seems to be, may they not see proper to equip themselves and go out upon the ocean and engage in the business while the fish are on their coast in the months from March to June?

Pass this bill, and you throw the entire mackerel catch into the States above the south line of Massachusetts. You lay an absolute prohibition upon all the States south of the southern line of Massachusetts. These are grave questions and ought to be considered in all of their phases. If the vessels are now exclusively owned in Maine and Massachusetts, if this business proves to be so profitable, or even if it be a lottery, men will be found willing to embark in the enterprise, and for five years you absolutely prohibit them from going upon the coast and catching the mackerel and landing them upon our shores. It will prohibit them from catching the mackerel at all, because after the 1st day of June there are no mackerel upon our eastern coast north of Cape Hatteras and south of Massachusetts. They are all north of that point, and you give the whole business to Maine and Massachusetts, a proposition so modest that it strikes one with amazement.

Mr. BOUTELLE. Does the gentleman from Delaware think that there is any reason for the expectation that large interests will embark in this business?

Mr. LORE. I see no reason why they should not, or why any people should be excluded. But the main objection to the bill, so far as the small catch is concerned, will be remedied by the amendment which has been suggested.

Mr. BOUTELLE. Can not the constituents of the gentleman from Delaware, if they choose to go into this avocation, come down to Maine and Massachusetts and catch them as our people go from Maine down along your coast to catch them?

Mr. LORE. But that does not answer the objection I make. Of course they can do so; but I see no justice or propriety in saying to the New Jersey or Delaware or New York man who desires to engage in this fishery business that you shall not catch the fish when on your shores, but you must wait until the mackerel have passed by you and gotten up to the coast of Maine before you can be permitted to catch and land them.

Mr. REED, of Maine. But will not any man in Maine or Massachusetts be prohibited as well as your constituents? Is it not a prohibition which prohibits everybody alike?

Mr. LORE. Precisely, but you prohibit our people while the fish are passing our shores and compel them to wait until they get up in front of the door of your house. We can not catch them until then. I submit, therefore, the argument I make against this bill is a perfectly legitimate one; and, as my friend from New York [Mr. BEACH] suggests, you do not want us to have them fresh while passing in schools before our eyes, but want us to wait until you catch and salt them down and then get them from you. Now, I do not believe that you can salt down this House with that kind of mackerel supply. [Laughter.]

Mr. MILLIKEN. What we desire is to give you healthy mackerel in good condition: not permitting them to be taken when, as we believe, they are not suitable for food. We want to save the mackerel alive until it has spawned, in order to furnish a supply every year, and not exhaust them and destroy the possibility of a supply, as you wish to do. Now we do not care whether they be caught on the coast of Maine or Delaware or Florida; all we ask is to protect them from destruction and to protect the mackerel during the spawning season. We do not use the mackerel until they are in a good, healthy condition.

Mr. LORE. Well, I hope the gentleman will not consume all of my time making his speech. I agree if we may take the Maine delegation as fair types of well-fed mackerel men they are excellent specimens. [Laughter.]

You are not willing we should catch and eat them from March to June when spawning on our coasts. But you catch for packing in purse-seines during June and July while they are spawning on your coasts. This is genuine generosity.

Mr. MILLIKEN. But we do not eat them while we are here.

Mr. LORE. No, you were well developed before you came here. We have men in the Middle States who are willing to take the mackerel as we find them off our coasts while they are fresh; and in that condition we believe they are just as good, if not a little better, than after you have caught, salted, and sent them to us.

Mr. MILLIKEN. You will not be so content after you get some of our good mackerel.

Mr. LORE. There is another reason why this bill should not pass, and it is a strong one in my mind. The catch of mackerel from the 1st of March to the 1st of June along our coast does supply a cheap article of food that is perfectly palatable, food that is nourishing and that is fresh.

The mackerel we thus get from the 1st of March to the 1st of June is far superior to the salt mackerel, even No. 1, that we get from Maine and Massachusetts, and is much more palatable. Then why should we be deprived of the fresh fish that are passing by our doors, and wait until they get up to Maine and Massachusetts to be caught and salted and sent back to us in a salt state? It used to give the sailors the scurvy to eat salt fish. Now in Delaware we want to have some fresh mackerel occasionally. And we do not want to be confined by a bill

like this to Spanish mackerel. You are willing, in your generosity, we should have Spanish mackerel. I suppose that is because they are not caught by your fishermen in sufficient quantities to be profitable.

Mr. BROWN, of Pennsylvania. How many does it take to provide Delaware? [Laughter.]

Mr. LORE. That depends on the kind of food. Does it not strike my friend's generous nature harshly that the large States should seek to deprive the smaller ones of good food? While Delaware is small, the appetites of her people are healthy and normal. They live bounteously and are willing others should live. They prefer fresh Delaware mackerel in the spring to the briny article sent down from our generous New England friends. I have heard that in the mountains of Pennsylvania, where my friend dwells, men live on mountain laurel. Is that so? If so, I would ask how much laurel it takes to supply food for the canny mountaineers?

Mr. BROWN, of Pennsylvania. We do not get fresh mackerel.

Mr. LORE. And you can not get them from Maine. Are you willing others should have them?

Mr. MILLIKEN. We could send some on ice.

Mr. LORE. All we want is to have the privilege of catching a few of these fish as they pass us. Seriously, this is a question of cheap food; and it is cheap food for the people who live along the Atlantic coast. There are at times 75,000, ay, 100,000, barrels of fresh mackerel caught off the coast and taken into the city of New York, into the city of Philadelphia, and other cities, which sell all the way up from five cents a bucket or basket full. The poor woman can take on her arm and carry to her home a large supply for her family at one or two or three cents a pound. By this bill you would take away that supply at this season when the people need just that kind of food, when they have come through the winter and have not got the vegetables of spring and summer. Just at that time nature has provided this bounteous inflow of food from the ocean. And yet we are told, "Do not lay your hand upon it; keep off, and let it get up to Maine and Massachusetts."

Mr. BOUTELLE. We want you to wait till the fish is born before you eat it.

Mr. LORE. It seems that in Maine and Massachusetts they do not wait till the fish is born, but scoop all into their nets, at all stages and in every shape. It is the Maine men who catch these unborn fish and sell them in New York.

Mr. MILLIKEN. Why not stop the Maine men from doing that?

Mr. LORE. You do not ask this in your bill. There are others than Maine men—men all along the line—who are anxious about this.

As a question of cheap food I hope this House will not be willing to prevent the people of the Middle States from getting these fish all along the coast by passing a bill of this kind. The whole question is clouded with doubt. The scientists who are engaged in the careful study of this question tell you there is doubt about it. They tell you there is doubt about its decreasing the supply. In fact it is not decreasing the catch. They tell you there is doubt about every point which has been raised in support of this measure. On the other hand, in opposing these unjust restrictions which are sought to be imposed upon our people we present the fact that by this industry we obtain a cheap supply of food.

I will not weary the House with a further detailed presentation of this matter, but I desire to read just for a moment on the question of cheaper food what is stated by Capt. J. W. Collins, who is assistant fish commissioner. He was questioned by the Committee on Ways and Means. Some eight or nine questions were addressed to him. In reply to one of those questions he said:

The "effect as relates to the cheapness of mackerel as measured by its real qualities as food" has been partially answered above. That the fish caught after June 1 will bring a higher price than those taken before that date goes without saying.

It goes without saying that fish are cheaper that are caught before the 1st than after the 1st day of June. He says further:

One of the largest dealers in mackerel in the United States has told me that in his opinion the demand for good mackerel could not be supplied if the "inferior trash" could be kept out of the market.

Pursue this plan, keep these fish out of the market, and this expert frankly tells you that the demand can not be supplied. Where would the price go to? Yet you talk of supplying and making abundant this article of food, which for years has been used all over the country.

Let me say, in conclusion, not only am I thoroughly satisfied that the reasons adduced for the passage of this bill are not warranted by the facts, but that the reasons against it are overwhelming. And I do most heartily and earnestly support the proposition of the gentleman from New York [Mr. HEWITT], that this whole matter should go back to the Fish Commission. They tell you that they have a vessel equipped to go out upon the ocean to investigate the habits of these fish and find out if possible whence they come and where they go, and settle all these questions of supply and modes of fishing. Therefore I say, send this subject back to the commission, and when we get their report we shall have something intelligent to act upon, and we shall be enabled to pass laws that will be wise in their inception and just and equitable in their execution.

Mr. BRECKINRIDGE, of Arkansas. I yield five minutes to the gentleman from Massachusetts [Mr. STONE].

Mr. STONE, of Massachusetts. Mr. Chairman, I wish to say a few words upon this bill before the vote is taken. As has been said by the gentleman who has just taken his seat, this is a question of cheap food, and if I did not believe that the passage of this bill would improve the quality of this character of food and eventually cause the people of the country at large to have a better supply than they have now, I should not support it.

Professor Baird has been quoted in this debate as not being in favor of the bill, and a letter from him has been read by the gentleman from New York [Mr. HEWITT] which seemed to imply that he was not in favor of the bill, and that he had serious doubts as to its effect. Within a day or two I have seen Professor Baird and talked with him personally upon this very subject. I spent considerable time with him discussing the subject, for, Mr. Chairman, I represent the most important fishing town in the United States, and have been familiar with fishermen ever since I was a boy, and have known, so far as they are known, the habits of the mackerel and the modes in which they are caught. Professor Baird has told me within two days that while he did not feel clear in respect to the effect of this legislation upon the quantity of fish that might be taken hereafter, yet that upon the whole he thought it was wise to pass this bill, because it might have a favorable effect upon the mackerel upon our coast in the future, and that, at all events, he was in favor of trying the experiment.

That was Professor Baird's statement to me within two days. It has been said here, among other things, that there is no proof that the quantity of mackerel has diminished during the last few years by reason of purse-seine fishing. I do not claim, Mr. Chairman, that there is any satisfactory proof upon that point; but I wish the members of this House to take notice of one fact which bears directly upon the question. That fact is that the business of fishing as now prosecuted is conducted very differently from what it was twenty years ago. The fishermen now have the very best and most costly boats; they are all supplied with the best equipments; they are all, or nearly all, supplied with these purse-nets. The purse-net, so called, is 1,200 feet—nearly a quarter of a mile—long and twenty-odd fathoms deep, and when it is cast around a school of mackerel, embracing as it does an area of 1,200 feet one way and 120 feet the other, gentlemen can conceive of the immense quantity of mackerel it is possible to take at one haul. Now, observe, the fact that the supply for the last ten or twelve years has not decreased does not go to prove that the mackerel may not be diminished by this method of fishing, for the new method has been adopted because it is an improvement upon the old one and enables the men to make a greater catch.

A seine is worth from a thousand to twelve hundred dollars, and the fishermen now put into a single adventure $10,000 or $12,000 where they formerly put only $3,000 or $4,000 at the outside. Therefore the business is now so conducted that the take is not diminished, but it is because these new methods are so effective, and therefore so destructive. Not only are more mackerel by a great many thousand barrels annually taken into the city of New York now than were taken there ten years ago but thousands of barrels are wasted and destroyed, because the men take so many fish at a time that they can not handle them all.

The quantity that goes into New York is really no indication of the total quantity taken, but it is clear that the amount taken now in the Southern fishing grounds is very much greater than it was ten years ago. The effect is noticed particularly in relation to the quality of the fish. The gentleman from Maine [Mr. REED] cited evidence as to the quality of the fish in one case, showing that it had very much deteriorated. However, a single instance of that kind is not entitled to much weight in determining the general question, because it may be exceptional. But I hold in my hand the annual report of the fish bureau of Boston, giving the quantity and quality of fish taken for more than fifty years, and also an annual statement of the quality of the fish from year to year. The report covers the period from 1809 to 1884. I have made an abstract of it. It appears that for the ten years ending 1885 the amount of No. 1 mackerel taken as compared with the whole catch was 225,253 barrels out of 1,880,767 barrels. For the ten years previous, from 1865 to 1875, the number of barrels of No. 1 mackerel was 103,630 out of 317,096 barrels. Thus it will be perceived that from 1865 to 1875 the amount of No. 1 mackerel was little short of 50 per cent., while from 1875 to 1885 it was from 14 to 16 per cent. This shows a very important change for the worse in the character of the fish.

Now, in respect to this very experiment, I desire to say that Professor Baird—to quote him again, because his is the best authority in this country upon the question—Professor Baird has said that he believes it is worth while to try the experiment of this legislation, and I submit, Mr. Chairman, that his testimony should receive the consideration of this House and should be regarded as almost decisive in its effect.

It is said that this movement is almost exclusively in the interest of the fishermen of Maine and Massachusetts. It can not be denied that it is in the interest of the fishermen of Maine and Massachusetts, but it is not urged here to-day because it is in their interest; it is urged because it is believed to be in the interest of the people of the whole country, and almost certain to result eventually in improving the char-

acter and the amount of the supply of this food. Gentlemen know very well that Professor Baird, who is a philanthropist as well as an accomplished man in his profession, would not encourage legislation of this kind if he did not believe that eventually it would have a good effect.

Mr. HEWITT. He does not encourage it.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I yield ten minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, the first section of this bill provides—

That for the period of five years from and after the passage of this act no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

The object of the bill is to prohibit the indiscriminate slaughter of mackerel during the spawning season by the use of purse-nets. That, as I understand from the promoters of the bill, is its sole object. But the bill as drawn will go further than that in its practical operation. We have all along our New Jersey shore hardy fishermen who in the morning put out to sea in their open boats, and anchoring from 1 to 10 miles from shore, spend the day in fishing for mackerel with hook and line. They thus obtain a livelihood for their families, and they supply among other places those numerous seaside hotels which are dotting our shores. I understand that the promoters of the bill do not desire to interfere with this fishery. The number of mackerel caught by the men I have indicated constitutes but a very small proportion of the total catch—is in fact not even a "drop in the bucket," but only one of the atoms that make up the drop. To save the rights of these men I proposed an amendment which has been read. Upon conferring with the friends of the bill I have consented to modify that amendment; and I ask that the Clerk now read it as modified.

The Clerk read as follows:

Add to the end of the first section the following:

"*Provided, however*, That nothing in this act shall be held to apply to mackerel caught off shore with hook and line from open rowboats of less than 20 feet keel and landed in said boats."

Mr. BUCHANAN. I will say that the terms of this amendment are stricter than I like; but they are such as meet the approval of the friends of the bill. I earnestly hope the amendment will be adopted. Those who favor the bill have no objection to the amendment, and those who oppose the bill will vote against it whether it be amended or not.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I wish to call attention to a few of the authorities who, as my distinguished friend from New York [Mr. HEWITT] said, have expressed themselves upon the policy indicated by this bill. They are not, however, as the gentleman believes. Mr. Goode, of whom the gentleman justly spoke in very high terms, made the following statement before the international fisheries' exhibition in London some years ago:

The importance of the distinction between the extermination of a species, even in a restricted locality, and the destruction of a fishery, should be noted. The former is somewhat unusual and seemingly impossible in the case of oceanic species; but the latter, especially for limited regions, is almost of yearly occurrence.

Now, the gentleman from New York spoke of what this bill proposes to do as a new proposition sprung upon this House and not properly considered. In this same address, delivered years ago, the same distinguished authority to whom I have just referred used the following language:

There could be no doubt that the extensive fisheries prosecuted by menhaden steamers in the gulf of Maine were prejudicial to the shore fishermen by driving the fish they formerly caught for bait out to sea and beyond the reach of their nets.

Speaking of the schools being depredated upon before they came into our shores he said:

There is also reason to believe that our great purse-seine fisheries for menhaden and mackerel, though perhaps not causing a decrease in the numbers of the fish, have kept them farther from shore. There is a decided disposition on the part of the intelligent men engaged in these fisheries to press the passage of a law which should prevent the use of the purse-seine before the 1st of June.

This is the language of Mr. Goode himself, used years ago, in his address before that international assemblage at London.

Then Professor Huxley, speaking in the highest terms of commendation of this address, used language which I will read, going to show that some measures of this character are deemed by the most eminent authorities advisable; and certainly no measure could be more moderate than the one proposed, and even this is limited in its duration to five years. This very conservative measure is the response which the House is requested to give at this time to the intelligent demands of the older fishermen. Mr. Huxley said:

The great moral of the United States contribution to this exhibition, especially of the contribution which Mr. Brown Goode has just made to the conferences, was that if this country, or any society which could be formed of sufficient extent to take up the question, was going to deal seriously with the fisheries and not let them take care of themselves, as they had been doing for the last thousand years or so, they had a very considerable job before them; and unless they put into that organization of fisheries the energy, the ingenuity, the scientific knowledge, and the practical skill which characterized his friend Professor Baird and his assistants, their efforts were not likely to come to very much good.

Now the gentleman from New York [Mr. HEWITT] was very kind, and I think also very adroit, in intimating the immaturity of those who do not agree with him and a few fishmongers of his city. I stated to the gentleman from Delaware [Mr. LORE], when interrogated by him yesterday as to whether or not this bill had been submitted to our Fish Commission, that I had not submitted this specific bill, but that I had submitted the proposition in the bill, that I had held correspondence with the distinguished Commissioners and others, and I had had also protracted personal conversation with them. And I alluded at that time to the letter which I hold in my hand, and to which I will now make more specific allusion.

When I saw Professor Baird he told me the best authority in the world on this subject was the gentleman who wrote me this letter. Not willing to trust to memory as to the results of a verbal interview, I addressed to this gentleman, Captain Collins, who is the selected expert of Professor Baird and of our Government in charge of this branch of our fisheries, a letter containing inquiries which I thought analyzed the subject, and his letter in response to mine was printed and put at the disposition of the members of the committee and of the House.

I will go over some of these points:

(3) In reply to the question of "what is the effect of unrestricted fishing upon the total weight of catch?" I have to say that this can only be conjectured. With the catch totally unrestricted the amount of mackerel taken between March and June may vary from one-eighth to about one-fourth of the season's catch.

That is the measure of a prodigious industry, which the gentleman from New York and others speak of. The very men who prosecute it thought some sort of system ought to be established by the only power that claims or possesses the power to establish such system out on the high seas. Laboring men and other consumers of the great bulk of this product are interested in there being a reasonable effort at some sort of regulation.

Captain Collins proceeds:

It is, however, known that about 75,000 barrels of fresh mackerel were landed, and it is claimed that more than that amount were thrown away for lack of a market or because they were unfit for food.

He is speaking of mackerel which are caught out of season—caught during the season when we seek to impose a wholesome restriction, although the business may still be carried on from the 1st of July to the 1st of November, at which period the fish disappear, and with the exception of the limited period of restriction, from March to June, all the ships of the country may go out upon the assembled schools of fish when every fish is in condition to be eaten by man.

Captain Collins proceeds:

Probably 25,000 barrels were salted in the same period. But it is claimed by those best qualified to know, or at least who have followed the mackerel fishery for many years, that if the spring fishery is restricted there will be a heavier catch of mackerel later in the season, when the fish are in much finer condition for food.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the bill (S. 121) authorizing the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road; in which concurrence was requested.

MACKEREL FISHING.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, that is what this distinguished authority says as to the annual quantity of the catch, that if this restriction be made there will be a heavier catch and there will not be only this increased supply, but the increased supply will be in a fit condition for food. The bill, therefore, is in the interest of cheap and more abundant food. The fish will be permitted to assemble upon their feeding ground. They will be caught at less expense per barrel, and they will be fit to eat after they are caught. The selling price of good mackerel will be less. But the catch will be so much heavier and the expense of catching so much less, if the fish are permitted to approach our shores unmolested, that the cost of production, if I may so speak, will diminish in a greater ratio than the selling price. Hence consumer and producer will both be benefited. This bill therefore is in the interest of cheap food to my people and to all the people of the country and yet good for the fisherman, whose recompense is a part of the proceeds of each catch. The advantage is the difference between system and no system.

If it were not so I should oppose the bill. If it sought to restrict anybody's occupation in order to enhance anybody's income, I would oppose it as a piece of class legislation.

It is asserted, apparently with good reason—

Says this same authority whom Professor Baird says is second in practical knowledge to no one in the world—

that the expensive operations carried on with purse-seines in the spring, when the mackerel are migrating north, has a tendency to divert them from their intended course—

The same idea which was advanced by Professor Goode in the London address—

they are driven offshore, and frequently fail to reach their natural feeding and spawning grounds in the Gulf of Maine.

They are dispersed at the very inception of their rising from the depths of the sea. They are not permitted either to fatten or to assemble upon their feeding grounds. How can you net fish or birds if

they are dispersed before they get to the trap? Captain Collins further says:

This is believed to be especially the case with the larger mackerel, which, as the season advances, grow fat and become the best qualities known to our market. Where these fish go is not clearly understood, and this is one of the problems which the Fish Commission hope to solve in the schooner now being built with the appropriation made by Congress last winter.

The practical effect of the present system is that the fish are driven away from our people, and beyond a point where they can be economically caught by our fishermen.

Then further:

The effect upon the quality of the catch, should a restriction he put upon the spring fishing—

Says this same gentleman, who is the best authority, according to Professor Baird, in the world—

the effect would be to improve it very materially. This is well known to every one who has any knowledge of the species.

The improvement in quality would be due to two causes, first, fish taken before June are poor and thin, but after that date they fatten rapidly and soon reach their maximum of fineness as an article of food; second, if the fish are undisturbed in the spring and allowed to deposit their spawn during the most critical period of their existence, it is believed that the size of the fish will improve very materially, and that No. 1 mackerel of full size and best quality may again become fairly abundant in our markets—

Our people being deprived of them now—

May again become fairly abundant in our markets and an article of food for any person of ordinary means.

That is what they are not now, and that is exactly what this bill seeks to make them to the public and to the laboring poor of this country. I should not expect that four or a half dozen fishmongers in the city of New York would see their necessities or show that they sympathized with them in that respect; but it is my belief, on the statement of the best authority, although the gentleman from New York says there is no authority in favor of such a course as this, that such would be the result.

It will be accessible for any person of ordinary means, instead of being so rare that they have become a luxury and attainable only by the wealthy, if attainable at all.

That is the present condition, just the reverse of what is stated by the gentleman from New York:

One thing is certain, whereas mackerel now taken before June 1, as above stated, are always poor and generally small or medium size, those taken after that date are mostly fat fish and very much more valuable for food, containing a far larger amount of nutritive qualities in proportion to the actual weight of the fish when taken from the water.

He goes on to answer another of my questions:

You ask—

Said he,

"Will this make mackerel no higher to consumers, but more suitable for eating, hence insuring consumption and the popularity of the fish, followed by the unlimited supply of good fish?"

That was one of the questions that I asked, and to which I sought an answer, because anything that tends to make food cheaper to our people commends itself to me, and that was the object I had in view in framing this bill.

I have already said something of the price. It should be understood that the price, in accordance with the laws of trade, will be governed largely by the supply and demand.

It is claimed by many, both dealers and fishermen, that a direct result of putting a better average quality of fish on the market would be to increase the popularity of the mackerel with our people, a popularity it once enjoyed in a pre-eminent degree, and as a consequence the consumption of this species would be much larger than now.

And I will state here that this country now, with all the improved and unlimited appliances to catch fish, with its 120,000 miles of railroads for distributing them into the interior of the country, with its sixty millions of fish-loving people, does not consume, taking the percentage as represented by the population, 30 per cent. of what it did in 1831. We do not consume as many mackerel now as we did in 1831. We consumed then over 400,000 barrels, and we ought to be able now to give at least 1,000,000 barrels of good mackerel to our people.

Mr. BUTTERWORTH. Of this kind of food.

Mr. BRECKINRIDGE, of Arkansas. And yet this food is to-day higher by nearly 100 per cent. than it was in those days.

A balance-wheel, or regulator—

Says this eminent authority—

A balance-wheel, or regulator it may be called, which would prevent the price ever reaching a too high figure under ordinary conditions is this: As soon as the demand improves, and anything like reasonably paying prices can be obtained, the immediate result will be a very material increase in the number of men and vessels employed.

Implying that there is no limitation upon that—

And considering the rapid growth of the United States, the accumulating millions to be fed, and the greatly increased facilities for transportation, there seems little reason to doubt that, notwithstanding the improved methods for the capture of mackerel, if its former popularity can be restored, the pursuit of this species may in future years, as in the past, employ a fleet of upward of eight hundred sail of vessels instead of less than four hundred, which are at present engaged. This may seem strong ground to take, but when we consider that a catch of upward of 400,000 barrels of mackerel found a market in 1831, with the population of our country infinitely smaller than it is now, the statement will not, I trust, appear to be an exaggerated one.

And this gentleman further states:

The cry of the age is "cheap food!"

Gentlemen will see that I for my part am pushing after cheap food, and I was asking my questions of this expert in order to develop the fact as to this being the way to get cheap food. This authority says further:

The average person who goes to market to buy fish for his table can not be expected to be conversant with the different grades of mackerel, at least not enough so to make a good selection. A mackerel is a mackerel to him, and if he chances to get a good one he will return for another; but if the first trial results in disappointment it can scarcely be expected that the experiment will be repeated. So, although the fish may be cheap, it falls into disuse with a large number of consumers simply because it fails to gratify the needs and expectations of the purchaser, who thereafter prefers to put his money elsewhere.

It is cheap because worthless. I want it to mature and abound, and then to be cheap because abundant.

I am informed that the dealers and fishermen along the coast of Maine—

Says this authority about men whose petitions have come in great volume to our committee-room, men about whom the gentleman from New York seems to know nothing, and whom he does not represent, yet about whom, in the face of their own protests and in the face of the protests of those here who do represent them, he seems to be so solicitous—about these men, says this authority who for twenty-five years was one of them—

I am informed that the dealers and fishermen along the coast of Maine—

And mark you, every vessel in the Union engaged in the trade that is affected by this bill is a vessel of Maine or of Massachusetts—

are unanimously in favor of restriction.

That is the information which this gentleman supplies. I do not know who got up the petition the gentleman from New York [Mr. HEWITT] has had imposed upon him. It is got up in letter-type style, very unlike what we would expect as coming from the rugged men of the sea, the genuine men of the sea whom we had before our committee, and whose petitions we have—men who are very unanimously in favor of restriction; and Capt. Jesse Freeman, formerly manager of the fishing company at Wellfleet, Mass., very positively asserts that all the people on Cape Cod are similarly inclined.

That, Mr. Speaker, is perhaps as much as it is worth my while to say to the House; and I trust the House will give due weight to these opinions I have adduced of Professor Huxley, and Professor Goode, and of this gentleman to whom I was referred by Professor Baird as the man from whom to get information; nay, he was detained in the city by Professor Baird to give me this information, and he was brought on here ahead of the time he would otherwise have come because we expected early action, and Professor Baird considered he was better qualified to give the information sought than he was himself. I trust I have read enough from these eminent authorities to show the House that many of the statements made by gentlemen are not warranted by the facts; that they are mistakes; and that the bill which is offered here is in the interest of cheap food and better food and more of it, and is a conservative and reasonable bill for us to pass.

I call for the previous question on the bill and pending amendments.

Mr. HEWITT. I reserved seventeen minutes of my time.

Mr. BRECKINRIDGE, of Arkansas. Have I a right to call the previous question?

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). Certainly.

Mr. BRECKINRIDGE, of Arkansas. The other side has consumed a great deal more time than we have.

Mr. HEWITT. I reserved seventeen minutes of my time, and have promised it to other gentlemen. I wish to carry out my promise, and the gentleman can not move the previous question when there is that reservation of time.

The SPEAKER *pro tempore*. The reservation would entitle the gentleman to that time unless the House should sooner cut off debate by ordering the previous question.

Mr. BRECKINRIDGE, of Arkansas. I was not aware the gentleman from New York had reserved any portion of his time.

Mr. HEWITT. I do not wish to occupy the time myself, and if the gentlemen to whom I promised this time are satisfied to let the matter go as it stands, I have no objection. But I think the gentleman should see the propriety of at least allowing me to fulfill my promise to other gentlemen.

Mr. BRECKINRIDGE, of Arkansas. I desire to offer an amendment.

The SPEAKER *pro tempore*. The gentleman withdraws the motion for the previous question and offers the amendment which he sends to the desk.

Mr. BRECKINRIDGE, of Arkansas. I have not yielded the floor.

The amendment was read, as follows:

In line 3, strike out the words "passage of this act" and insert "1st day of March, 1887."

The SPEAKER *pro tempore*. The question is on agreeing to this amendment.

Mr. REED, of Maine. I desire to move to strike out the fourth section, relating to treaties.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. Is that amendment to be voted on while the gentleman from Arkansas is still occupying the floor to speak?

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Arkansas for the purpose of discussing the amendment or for any motion he desired to make.

Mr. HAMMOND. As I understood from the gentleman's announcement he expected to occupy the floor for some time in debate; and I thought if that was the case we could not yet vote on the amendment.

Mr. BRECKINRIDGE, of Arkansas. I think the patience of the House has been sufficiently taxed, and I am sorry the gentleman from Georgia [Mr. HAMMOND] has not been gratified by the amount of discussion he has heard already.

Mr. HAMMOND. I am gratified and I want to hear some more. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. I move the previous question on the bill and amendments.

The previous question was ordered.

The question was first on the amendment proposed by Mr. BRECKINRIDGE, of Arkansas, as follows:

In line 3, strike out the words "passage of this act" and insert "1st day of March, 1887;" so that it will read:

"That for the period of five years from and after the 1st day of March, 1887, &c."

The amendment was agreed to.

The question was next on the amendment offered by Mr. BUCHANAN; which was read, as follows:

Add at the end of the first section the following:

"*Provided, however*, That nothing in this act shall be held to apply to mackerel caught offshore with hook and line from open rowboats of less than 20 feet keel, and landed in said boats."

The amendment was agreed to.

The question was next on the amendment offered by Mr. REED, of Maine, to strike out section 4, as follows:

That nothing in this act shall be construed to conflict with existing treaties.

The motion to strike out the section was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall this bill pass?

The question being taken, there were—ayes 97, noes 36.

Mr. HEWITT. No quorum.

The SPEAKER *pro tempore*. The Chair will order tellers; and appoints the gentleman from Arkansas, Mr. BRECKINRIDGE, and the gentleman from New York, Mr. HEWITT.

The House again divided; and the tellers reported—ayes 116, noes 47.

Mr. HEWITT called for the yeas and nays, and they were ordered.

The House again divided; and there were—yeas 119, nays 89, not voting 114; as follows:

YEAS—119.

Adams, G. E.	Dunham,	La Follette	Sadler,
Allen, C. H.	Evans,	Lehlbach,	Sawyer,
Allen, J. M.	Everhart,	Louttit,	Scranton,
Anderson, J. A.	Farquhar,	Lovering,	Sessions,
Atkinson,	Findlay,	Lyman,	Skinner,
Bingham,	Fleeger,	Maybury,	Smalls,
Blanchard,	Forney,	McComas,	Stephenson,
Boutelle,	Fuller,	McKenna,	Stewart, J. W.
Breckinridge, C. R.	Funston,	McKinley,	Stone, E. F.
Breckinridge, WCP.	Gallinger,	Milliken,	Strait,
Browne, T. M.	Gilfillan,	Morrill,	Swinburne,
Brown, C. E.	Goff,	Morrison,	Swope,
Brown, W. W.	Grosvenor,	Morrow,	Symes,
Brumm,	Grout,	Negley,	Taulbee,
Buck,	Guenther,	Nelson,	Taylor, I. H.
Burrows,	Halsell,	O'Donnell,	Taylor, Zach.
Butterworth,	Hanback,	O'Neill, Charles	Thomas, O. B.
Campbell, J. M.	Harmer,	Outhwaite,	Thompson,
Campbell, J. E.	Hatch,	Owen,	Wade,
Cannon,	Haynes,	Peel,	Wadsworth,
Collins,	Henderson, T. J.	Perkins,	Wait,
Cooper,	Hepburn,	Peters,	Warner, William
Cowles,	Herman,	Pettibone,	Weaver, A. J.
Curtin,	Hires,	Phelps,	Weaver, J. B.
Cutcheon,	Hitt,	Price,	Weber,
Davenport,	Holman,	Reed, T. B.	White, Milo
Davidson, A. C.	Jackson,	Rice.	Whiting,
Dockery,	Johnson, F. A.	Rockwell,	Wolford,
Dorsey,	Johnston, J. T.	Romeis,	Woodburn.
Dougherty,	Ketcham,	Rowell,	

NAYS—89.

Anderson, C. M.	Dargan,	Howard,	Mills,
Arnot,	Davidson, R. H. M.	James,	Mitchell,
Ballentine,	Dawson,	Johnston, T. D.	Morgan,
Barksdale,	Dowdney,	King,	Muller,
Beach,	Eldredge,	Kleiner,	Murphy,
Bennett,	Fisher,	Lanham,	Neal,
Bland,	Ford,	Lawler,	Neece,
Buchanan,	Frederick,	Le Fevre,	O'Ferrall,
Cabell,	Glass,	Lindsley,	Perry,
Caldwell,	Gore, R. S.	Lore,	Pindar,
Campbell, Felix	Green, W. J.	Lowry,	Randall,
Candler,	Hammond,	Mahoney,	Reagan,
Catchings,	Heard,	Martin,	Reid, J. W.
Clements,	Hemphill,	Matson,	Reese,
Cobb,	Herbert,	McAdoo,	Richardson,
Crain,	Hewitt,	McMillin,	Sayers,
Croxton,	Hill,	Miller,	Scott,
Seymour,	Springer,	Townshend,	Wellborn,
Singleton,	Stahlnecker,	Trigg,	Wilson,
Snyder,	Stone, W. J., Mo.	Turner,	Worthington.
Sowden,	Taylor, J. M.	Van Eaton,	
Spooner,	Throckmorton,	Viele,	
Spriggs,	Tillman,	Ward T. B.	

NOT VOTING—114.

Adams, J. J.	Daniel,	Hutton,	Riggs,
Aiken,	Davis,	Irion,	Robertson,
Baker,	Dibble,	Jones, J. H.	Rogers,
Barbour,	Dingley,	Jones, J. T.	Ryan,
Barnes,	Dunn,	Kelley,	Seney,
Barry,	Eden,	Laffoon,	Shaw,
Bayne,	Ellsberry,	Laird,	Steele,
Belmont,	Ely,	Landes,	Stewart, Charles
Bliss,	Ermentrout,	Libbey,	St. Martin,
Blount,	Felton,	Little,	Stone, W. J., Ky.
Bound,	Foran,	Long,	Storm,
Boyle,	Gay,	Markham,	Struble,
Brady,	Geddes,	McCreary,	Tarsney,
Bragg,	Gibson, C. H.	McRae,	Taylor, E. B.
Bunnell,	Gibson, Eustace	Merriman,	Thomas, J. R.
Burleigh,	Glover,	Millard,	Tucker,
Burnes,	Hale,	Moffatt,	Van Schaick,
Bynum,	Hall,	Norwood,	Wakefield,
Campbell, T. J.	Harris,	Oates,	Ward, J. H.
Carleton,	Hayden,	O'Hara,	Warner, A. J.
Caswell,	Henderson, D. B.	O'Neill, J. J.	West,
Clardy,	Henderson, J. S.	Osborne,	Wheeler,
Cole,	Henley,	Parker,	White, A. C.
Compton,	Hiestand,	Payne,	Wilkins,
Comstock,	Hiscock,	Payson,	Willis,
Conger,	Holmes,	Pidcock,	Winans,
Cox,	Hopkins,	Pirce,	Wise.
Crisp,	Houk,	Plumb,	
Culberson,	Hudd,	Ranney,	

So the bill was passed.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I ask that the reading of the names of members voting be dispensed with.

There was no objection, and it was so ordered.

The following-named members were announced as paired until further notice:

Mr. WILKINS with Mr. WEST.
Mr. GEDDES with Mr. LYMAN.
Mr. SENEY with Mr. ELY.
Mr. PIDCOCK with Mr. PIRCE.
Mr. HUTTON with Mr. HIESTAND.
Mr. DIBBLE with Mr. HOPKINS.
Mr. LANDES with Mr. LITTLE.
Mr. BARBOUR with Mr. BRADY.
Mr. GIBSON, of Maryland, with Mr. HAYDEN.
Mr. BURNES with Mr. CASWELL.
Mr. ROGERS with Mr. EZRA B. TAYLOR.
Mr. LONG with Mr. FORAN.
Mr. ROBERTSON with Mr. LIBBEY.
Mr. HALE with Mr. MILLARD.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. CARLETON with Mr. HOLMES.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. WINANS with Mr. HOUK.
Mr. NORWOOD with Mr. BAYNE.
Mr. BYNUM with Mr. MCKENNA.
Mr. STORM with Mr. KELLEY, until Monday, May 24.

The following-named members were announced as paired for this day:

Mr. MCRAE with Mr. STRUBLE.
Mr. MCCREARY with Mr. DINGLEY.
Mr. BLISS with Mr. FELTON.
Mr. JONES, of Texas, with Mr. DAVIS.
Mr. HARRIS with Mr. HENDERSON, of Iowa.
Mr. HENDERSON, of North Carolina, with Mr. MARKHAM.
Mr. COX with Mr. RYAN.
Mr. ADAMS, of New York, with Mr. WAKEFIELD.
Mr. ERMENTROUT with Mr. PAYSON.
Mr. LAFFOON with Mr. PARKER.
Mr. WISE with Mr. STEELE.

Mr. VAN SCHAICK and Mr. BRAGG were announced as paired on this bill. If Mr. VAN SCHAICK were present, he would vote "ay;" Mr. BRAGG, "no."

Mr. MCKENNA. Mr. Speaker, I am announced as paired with Mr. BYNUM. The pair is only on political questions, and, as a matter of course, I do not consider this a political question.

The SPEAKER. That is a matter which the gentleman must determine for himself.

The result of the vote was then announced as above recorded.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

Mr. CRAIN. I ask the yeas and nays on that motion, Mr. Speaker.

The yeas and nays were refused, only 5 members voting therefor.

The motion to lay the motion to reconsider on the table was then agreed to.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the

President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State, dated the 19th instant, touching the necessity of legislation for carrying into effect the provisions of article 2 of the treaty between the United States and China, of November 17, 1880, for the repression of the opium traffic, and recommend that appropriate legislation to fulfill the treaty promise of this Government be provided without further delay.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 21, 1886.

MRS. A. S. REED.

Mr. MILLER, by unanimous consent, offered a resolution for the relief of Mrs. Addie S. Reed, late an employé of the House of Representatives; which was referred to the Committee on Accounts.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved bills of the following titles:

An act (H. R. 661) granting the right of way through the Fort Selden military reservation in New Mexico to the Rio Grande, Mexico and Pacific Railroad Company; and

An act (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River.

ORDER OF BUSINESS.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the morning hour for to-day be dispensed with, and that such members as desire to make reports on private bills may be permitted to do so informally.

SEWELL COULSON AND OTHERS.

Mr. SPRINGER, from the Committee on Claims, reported back favorably the bill (S. 249) for the payment of Sewell Coulson and Porter, Harrison & Fishback, for legal services; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6883) granting a pension to Henry O'Neal;
A bill (H. R. 2121) granting a pension to Eliza McConnell;
A bill (H. R. 1999) for the relief of William Rickards;
A bill (H. R. 2183) granting a pension to Sarah Barr; and
A bill (H. R. 2056) granting a pension to Catharine Bernhart.

MARY FREEMAN.

On motion of Mr. SWOPE, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3629) granting a pension to Mary Freeman, and the same was referred to the Committee on Pensions.

PHŒNIX NATIONAL BANK OF NEW YORK.

Mr. BUCHANAN, from the Committee on Claims, reported back favorably the bill (S. 1599) for the relief of the Phœnix National Bank of the city of New York; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3685) granting a pension to Henry Weaver;
A bill (H. R. 6288) granting a pension to John Hayden;
A bill (H. R. 7268) granting a pension to Levi Hoskins;
A bill (H. R. 5276) granting a pension to Christopher H. Mathewson;
A bill (H. R. 3025) for the relief of Milton Wallace Fondray;
A bill (H. R. 7271) to restore the name of J. F. Herd to the pension-roll;
A bill (H. R. 8405) to place the name of Lemuel Main on the pension-roll;
A bill (H. R. 7277) granting a pension to Larkin Chandler:
A bill (H. R. 2317) for the relief of Margaret A. McGary, former widow of John W. Roach, deceased;
A bill (H. R. 2300) for the relief of William Simpson; and
A bill (H. R. 6064) granting a pension to Samuel McClure.

MARTHA L. RUSSELL AND OTHERS.

Mr. STONE, of Kentucky (by Mr. TAULBEE), from the Committee on War Claims, reported back favorably the bill (H. R. 4292) for the relief of Martha L. Russell, Mary A. Howse, and Lula H. Howse; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7009) granting a pension to Marion Reeves;
A bill (H. R. 511) granting a pension to Otis S. Stafford; and
A bill (H. R. 3346) for the relief of Elizabeth Woodfill.

ROBERT K. BENNETT.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7698) granting a pension to Robert K. Bennett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to printed.

JOHN W. PAYTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7750) to place the name of John W. Payton on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANTHONY M'ROBERTSON.

Mr. MORRILL, from the Committee on Invalid Pension, also reported back favorably the bill (H. R. 7327) granting a pension to Anthony McRobertson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6804) to increase the pension of Louisa A. Phillips;
A bill (H. R. 3947) granting a pension to August Schindler;
A bill (H. R. 6775) granting a pension to Dennis Shine; and
A bill (H. R. 7322) granting a pension to Mary M. Black.

G. B. KIRK.

On motion of Mr. MORRILL, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5255) to authorize the Secretary of the Interior to pay to G. B. Kirk the arrears of pension allowed his father, Alexander Kirk, in his lifetime; and the same was referred to the Committee on Claims.

ALBERT H. EMERY.

Mr. McKENNA, from the Committee on Claims, reported back favorably the bill (S. 929) for the relief of Albert H. Emery; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. TRIGG, by unanimous consent, submitted the views of a minority of the Committee on Claims upon the bill just reported; which were ordered to be printed with the report of the majority of the committee.

ADVERSE REPORTS.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed.

A bill (S. 1520) granting a pension to Henry Domeyer; and
A bill (S. 1224) granting a pension to Henry H. Stutsman.

MARY SPRAGUE.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5715) granting a pension to Mary Sprague; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY ROSCOE.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6573) granting a pension to Henry Roscoe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE E. EARLY.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3379) granting a pension to George E. Early; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY M. GILHAM.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8374) granting a pension to Mrs. Mary M. Gilham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANNIE S. WEBB.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably with amendment the bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JENNETTE DOW.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 3363) granting a pension to Jennette Dow; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAHAM POINTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8556) granting a pension to Abraham Points; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8621) increasing the pension of A. Crounse;
A bill (H. R. 8144) granting a pension to Mrs. Margaret R. Clune;
A bill (H. R. 8105) granting a pension to Aaron P. Gray;
A bill (H. R. 8550) for the relief of Mary A. Van Horn;
A bill (H. R. 8713) granting a pension to Charlotte C. Parsons; and
A bill (H. R. 8622) increasing the pension of William N. Abbott.

WARREN L. RICE.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7517) for the relief of Warren L. Rice; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLY B. BENT.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6606) granting a pension to Sally B. Bent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS S. HOPKINS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 6921) granting a pension to Maurice Reedy;
A bill (H. R. 1040) for the relief of Thomas S. Hopkins; and
A bill (H. R. 7834) to increase the pension of Warren F. Wood.

WASHINGTON CABLE RAILWAY COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, reported, as a substitute for H. R. 144, a bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 144 was ordered to be laid on the table.

MRS. AURELIA C. RICHARDSON.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL BULMAN.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 6531, a bill (H. R. 8977) to restore to the pension-roll the name of Samuel Bulman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 6531 was ordered to be laid on the table.

JACOB A. HENRY.

Mr. NEAL, from the Committee on Claims, reported back with amendments the bill (H. R. 5936) for the relief of Jacob A. Henry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAIAH W. LEES AND H. H. ELLIS.

Mr. NEAL, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 2135) to compensate Isaiah W. Lees and H. H Ellis, of San Francisco, for services rendered by them; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SATURDAY SESSIONS FOR DEBATE.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent to present for consideration a resolution.

The SPEAKER. The resolution will be read, after which objection will be asked for.

The Clerk read as follows:

Resolved, That the following order, adopted by the House February 23, 1886, be, and the same is hereby, rescinded and repealed, to wit:

"*Ordered*, That hereafter, until the further order of the House, there shall be a session of the House on each Saturday for general debate in the Committee of the Whole House on the state of the Union, no other business to be transacted."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DUNHAM. I wish to object to that, unless it can be amended to take effect after to-morrow.

The SPEAKER. It will have no effect to-morrow, since there is a special order fixed for consideration on that day.

Mr. DUNHAM. This proposes to change another special order of the House fixed for Saturdays——

The SPEAKER. But it does not affect to-morrow, because that day is not set apart for general debate, there being a later order setting aside that day for the consideration of the bill reported from the Select Committee on American Ship-building and Ship-owning Interests.

Mr. DINGLEY. Suppose that special order should not be called up to-morrow, what would be the effect; would the original order apply to that day?

The SPEAKER. The Chair thinks it would.

Mr. DUNHAM. Then I must object unless it excepts to-morrow from its operation. I will not object if it can be modified to take effect after to-morrow.

Mr. MORRISON. I will modify the resolution so as to provide that it shall not take effect until after to-morrow, the 22d instant.

The SPEAKER. Is there further objection?

There being no further objection, the resolution was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent that the House proceed now to dispose of the bills heretofore reported from the Committee of the Whole House yet undisposed of, with the exception of two bills, one with regard to the McMinnville and Manchester Railroad, and the other with regard to the Mobile and Ohio Railroad. The gentleman from Tennessee [Mr. RICHARDSON], having charge of the bill relating to the McMinnville road, wishes it to be understood that the vote shall be taken on that bill next Friday before the House goes into Committee of the Whole.

Mr. RICHARDSON. And that the previous question shall now be considered as ordered on the bill.

Mr. JOHNSTON, of Indiana. What is the arrangement proposed?

The SPEAKER. The gentleman from Illinos [Mr. SPRINGER] asks unanimous consent that the House, before going into Committee of the Whole for the consideration of private bills, take up for consideration bills already reported from that committee excepting two bills which he has indicated.

Mr. KING. I ask the gentleman from Illinois [Mr. SPRINGER] to withhold his request for a few moments that I may ask unanimous consent for the consideration of a public-building bill from my State.

The SPEAKER. This will not interfere with the request of the gentleman from Louisiana, but must be disposed of first.

Mr. SPRINGER. The gentleman from Alabama, [Mr. OATES], who has reported one of these bills, is absent. The gentleman from Tennessee [Mr. RICHARDSON] is here representing the other. As they are important measures, requiring a yea-and-nay vote, I ask that it be understood that the vote shall be taken on them next Friday before going into Committee of the Whole.

Mr. DUNHAM. Can it be understood that when next Friday comes you will commence earlier in the day and take action on those bills, instead of waiting till there is not a quorum present?

Mr. RICHARDSON. It is with a view of their being taken up earlier in the day that this request is made.

Mr. JONES, of Alabama. I object to that arrangement so far as the bill relating to the Mobile and Ohio Railroad is concerned. The absence of the gentleman from Alabama [Mr. OATES] need not interfere with the vote on that case.

The SPEAKER. The Chair has not yet stated the entire request of the gentleman from Illinois. He asks unanimous consent that the House before going into Committee of the Whole to-day take up for consideration the bills heretofore reported from the Committee of the Whole House, except the two bills indicated; the vote on those bills to be taken next Friday before going into Committee of the Whole.

Mr. JOHNSTON, of Indiana. Does that cut off debate on those two bills?

The SPEAKER. Not at all.

Mr. DUNHAM. Has not the previous question been ordered on the McMinnville bill?

The SPEAKER. The Chair thinks not.

Mr. DUNHAM. It seems to me we have spent time enough over

that bill, and we should have some understanding that next Friday it will be taken up early in the day.

The SPEAKER. That is what the gentleman from Illinois [Mr. SPRINGER] asks; that those two bills next Friday shall be taken up before the House goes into Committee of the Whole.

Mr. DUNHAM. Can there not be unanimous consent that we shall do nothing else next Friday before that business comes up? That those bills shall be taken up early and nothing else put in their place?

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SPRINGER].

Mr. DUNHAM. I would like to suggest the McMinnville bill be made the special order immediately after the reading of the Journal next Friday.

The SPEAKER. It would come after the morning hour for the call of committees.

Mr. DUNHAM. I want it disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Illinois.

Mr. COBB. I object; and I move that all private business be dispensed with for the remainder of this day. My object is to call up the Southern Pacific and California land-grant-forfeiture bill.

The SPEAKER. The Chair will state to the gentleman from Indiana [Mr. COBB] that if private business is dispensed with, under the rule of the House on that subject the next matter would be the hour for the consideration of public bills reported by committees. The rule provides that when private business is dispensed with public bills shall be considered as on other days.

Mr. COBB. Then I will move to dispense with the hour for the consideration of public bills.

Mr. SPRINGER. You have to get there first.

The SPEAKER. The gentleman from Indiana moves to dispense with private business for to-day.

The motion was not agreed to.

Mr. SPRINGER. I renew my request.

The SPEAKER. The Chair again asks is there objection to the request of the gentleman from Illinois [Mr. SPRINGER].

There was no objection.

CHRISTOPHER SCHAEFNOCKER.

The first bill undisposed of reported by the Committee of the Whole House was the bill (H. R. 2195) for the relief of Christopher Schaefnocker.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JACKSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES M. BACON.

The bill (H. R. 3384) for the relief of James M. Bacon, reported from the Committee of the Whole House with a favorable recommendation, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIE S. HOWARD.

The next business undisposed of reported from the Committee of the Whole House was the resolution to inquire into the propriety of Willie S. Howard being employed as page or folder under the control of the Doorkeeper during the residue of the present session; reported with an adverse recommendation.

The SPEAKER. Is the reading of the resolution demanded?

Mr. HOLMAN. That has been disposed of long since.

Mr. MCMILLIN. The recommendation of the committee was that it be laid upon the table.

Mr. HOLMAN. It can be disposed of in that way.

The resolution was laid on the table.

HENRY GEE.

The bill (H. R. 248) for the relief of Henry Gee was reported from the Committee of the Whole with an amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

EDWARD FENLEN.

The next bill undisposed of reported from the Committee of the Whole House was the bill (H. R. 5200) for the relief of Edward Fenlen.

Mr. MORRILL. I ask unanimous consent that the bill S. 2136 be taken up in lieu of the House bill. It has been reported by the same committee.

Mr. MCMILLIN. Let the bill be read.

The bill S. 2136 was read.

The SPEAKER. The gentleman from Kansas asks unanimous consent to lay aside the House bill, and that the Senate bill be considered.

There was no objection.

The bill (S. 2136) for the relief of Edward Fenlen was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

House bill No. 5200 was laid on the table.

JOHN S. KENDRICK.

The next bill undisposed of reported from the Committee of the Whole House was the bill (H. R. 818) for the relief of John S. Kendrick, executor of Amanda Goggin, deceased.

Mr. SPRINGER. I move that the bill be recommitted to the Committee on War Claims. That was the recommendation of the Committee of the Whole.

The motion was agreed to; and the bill was recommitted to the Committee on War Claims.

FRANCIS W. HALDEMAN.

The next business was the bill (H. R. 658) for the relief of Francis W. Haldeman.

The committee proposed to amend by striking out, in the fifth line, the words "and fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ERNEST H. WARDWELL.

The next business was the bill (H. R. 1062) for the relief of Ernest H. Wardwell.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILSON GEORGE.

The next business was the bill (H. R. 3373) to correct the military record of Wilson George, reported adversely.

Mr. SPRINGER moved to lay the bill on the table.

The motion was agreed to.

WILLIAM K. HAMMOND.

The next business was the bill (H. R. 1740) for the relief of William K. Hammond.

The committee proposed to amend in the sixth line by striking out "December 22, 1863," and inserting "March 12, 1864."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THOMAS SAMPSON.

The next business was the bill (H. R. 4139) for the relief of Thomas Sampson.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN P. T. DAVIS.

The next business was the bill (H. R. 449) for the relief of John P. T. Davis.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SIDNEY R. SMITH.

The next business was the bill (H. R. 1511) for the relief of Sidney R. Smith.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL M. GAINES.

The next business was the bill (H. R. 821) for the relief of Samuel M. Gaines.

The committee proposed to amend by inserting in line 13, after the word "eighty-five," the words "and the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patent herein described for the period herein named."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HENRY MARTIN.

The next business was a bill (H. R. 1418) for the relief of Henry Martin.

The committee proposed to amend by inserting in line 6, after the word "Nebraska," the words "subject to entry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

J. M. ENGLISH, ADMINISTRATOR.

The next business was a bill (H. R. 4244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased.

Mr. TRIGG moved to amend the bill by striking out, in lines 6 and

7, the words "appropriated for the payment of judgments of the Court of Claims" and inserting "in the Treasury not otherwise appropriated."

Mr. SPRINGER. Mr. Speaker, there is no fund appropriated for payment of judgments except in special cases. This bill was drawn on the assumption that there was a general fund out of which such judgments could be paid; but, that not being the case, the bill should be amended so as to appropriate the money directly from the Treasury.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

TWELFTH UNITED STATES LIGHT-HOUSE DISTRICT.

The next business reported favorably from the Committee of the Whole House on the Private Calendar was the bill (H. R. 190) for the relief of certain employés and others of the twelfth United States light-house district; which was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PATTERSON AND CALDWELL.

The next business reported favorably from the Committee of the Whole House on the Private Calendar was the bill (H. R. 1813) for the relief of Patterson and Caldwell; which was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

E. J. PHILLIPS.

The next business reported favorably from the Committee of the Whole House on the Private Calendar was the bill (H. R. 5553) for the relief of E. J. Phillips; which was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BEAUFORT LEE AND OTHERS.

The next business reported favorably from the Committee of the Whole House on the Private Calendar was the bill (H. R. 8596) for the relief of Beaufort Lee and others; which was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN ELLIS.

The next business reported favorably from the Committee of the Whole House on the Private Calendar was the bill (H. R. 3906) for the relief of John Ellis; which was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN E. WHITE.

The next business reported favorably from the Committee of the Whole House on the Private Calendar, was the bill (H. R. 5175) extending the provisions and benefits of the pre-emption law to John E. White.

An amendment reported from the Committee of the Whole House to strike out in the fifth line the word "of" and insert the word "at" was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. All the bills reported from the Committee of the Whole House on the Private Calendar have now been disposed of, except the two which were reserved from the operation of the order.

Mr. SPRINGER. I move to reconsider the votes by which these various bills have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. It is now nearly 4 o'clock, and I desire to propose that the remaining hour of to-day's session be devoted to calling up by unanimous consent bills on the Calendar and disposing of them.

The SPEAKER. The Chair thinks there should be some order adopted.

Mr. SPRINGER. I make the request that one hour be devoted——

Mr. MCMILLIN. We had better follow the regular order.

Mr. SPRINGER. As there is objection, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair), and proceeded to the consideration of business on the Private Calendar.

PRIVATE LAND CLAIM IN NEW MEXICO.

The first business on the Private Calendar was the bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. SPRINGER. I ask that this and the next three bills on the Calendar, which are of the same nature, be passed over informally.

The CHAIRMAN. If there be no objection these four bills will be passed over informally, as they have been heretofore.

There was no objection, and it was so ordered.

COLUMBIA BANK IN PENNSYLVANIA.

The next business on the Private Calendar was the bill (H. R. 2140) for the relief of the Columbia Bank in Pennsylvania.

Mr. JOHNSTON, of Indiana. The gentleman from Pennsylvania [Mr. HIESTAND], who is interested in this bill, is at present absent. I ask that the bill be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. If there be no objection that order will be made.

There was no objection.

CONTINENTAL FIRE INSURANCE COMPANY, ETC.

The next business on the Private Calendar was the bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company of Baltimore, Md.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Internal Revenue be, and is hereby, authorized and directed to reopen the refunding claims of the Continental Fire Insurance Company for $1,023.75, the Eagle Fire Insurance Company for $2,857.31, the City Fire Insurance Company for $4,141.07, and the Commercial Mutual Insurance Company for $9,685.93, of New York city; the Western National Bank for $5,041.27, the Merchants' National Bank for $1,217.50, and the Maryland Fire Insurance Company for $1,640.42, of Baltimore, Md.; which refunding claims are now on file in his office, and to examine them, and to allow such amounts as he may find said companies and banks have paid as a double tax upon the same profits, deducting, however, any legal unpaid taxes which the claimants should have paid and did not, under any laws of the United States, if any there shall be; and the Secretary of the Treasury is hereby authorized and required to pay such amounts as are allowed by the Commissioner of Internal Revenue out of any money in the Treasury not otherwise appropriated.

Mr. WARNER, of Missouri. The bill simply proposes to refer this matter to the Commissioner of Internal Revenue, authorizing and directing him to reopen these accounts and to pay whatever may be found to be justly due to these corporations. A similar bill was reported favorably in the last Congress by the Committee on Ways and Means. I ask that the bill be laid aside to be reported to the House with a recommendation that it pass.

Mr. MCMILLIN. Let us have the report read.

The report was read.

The question being taken on the motion of Mr. WARNER, of Missouri, that the bill be laid aside to be reported favorably to the House, the motion was agreed to.

REPRESENTATIVES OF G. ALEXANDER RAMSAY.

The next business on the Private Calendar was the bill (H. R. 5554) for the relief of the legal representatives of G. Alexander Ramsay.

The bill was read, as follows:

Be it enacted, &c., That the sum of $1,700 be, and the same is hereby, appropriated, to be paid to the legal representatives of G. Alexander Ramsay, out of any money in the Treasury not otherwise appropriated, in settlement of his claim for moiety against the United States.

SEC. 2. That this act shall take effect from and after its passage.

Mr. WARNER, of Missouri. Mr. Chairman, this measure grows out of some thirty prosecutions against a railroad company for violations of the provisions of the internal-revenue laws. Under the law as it existed when the prosecutions were commenced the informer was allowed a moiety of the fines and penalties collected by the Government. During the pendency of the suits a law was passed repealing the section of the statutes which allowed the moiety, but all rights which had accrued to any parties under the previous law were reserved.

This matter was before the last Congress, and a bill was then favorably reported proposing to pay something over $3,100—I think under a misapprehension of the law. Fifteen thousand dollars was collected upon these suits by compromise authorized by the Commissioner of Internal Revenue. In that compromise they named $5,000 as the amount of the fine and penalty, the other $10,000 being taxes and costs.

So the Committee on Claims was of the opinion the informer was only entitled to the moiety which would be allowed on the $5,000 fixed by the Department as fine and penalty, as follows: On the first $500 at 50 per cent., $250; the next $1,500 at 40 per cent., $600; the next $2,000 at 30 per cent., $600; and the next $1,000 at 25 per cent., $250; making $1,700 in all.

Mr. MCMILLIN. Why was the claimant not paid at the time?

Mr. WARNER, of Missouri. For the reason other claimants are not paid by the Government, that the accounting officer of the Treasury wanted to be on the safe side, and as the statute had been repealed, notwithstanding the saving clause, refused to pay this man the money.

Mr. MCMILLIN. Why could he not get it by going to the Court of Claims?

Mr. WARNER, of Missouri. I think he could have gone into the Court of Claims, but he could not go there now, as the statute of limitations would run against him.

Mr. MCMILLIN. When was this claim first presented to Congress?

Mr. WARNER, of Missouri. This matter was reported on by the Committee on Claims at the last Congress. How many preceding Congresses it has been before I do not know. I find life is too short for a member of the Committee on Claims to trace back the ages these claimants have been before Congress from time to time.

Mr. MCMILLIN. Some I know go back to the time when the memory of man runneth not to the contrary.

Mr. WARNER, of Missouri. I did not go back of that report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYSANDER H. CARROLL.

The next business on the Private Calendar was the bill (H. R. 1445) for the relief of Lysander H. Carroll.

The bill was read, as follows:

Be it enacted, &c., That the sum of $194.24 be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse Lysander H. Carroll, late postmaster at Concord, Merrimack County, New Hampshire, for money received for stamps stolen by burglars from the post-office at that place on the night of September 5, 1883.

Mr. WARNER, of Missouri. The gentleman from New Hampshire [Mr. GALLINGER], who reported that bill, is not in the House, and I ask for the reading of the report.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Claims, to whom House bill 1455 was referred, having considered the same, respectfully report the same back with a recommendation that it do pass.

The accompanying documents are made a part of the report:

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., January 29, 1884.

SIR: In reply to your inquiries concerning the burglary of the post-office at Concord, N. H., I have the honor to state:

(1) That this Department has absolutely no means of ascertaining the amount of "postal" funds in the possession of a postmaster at a given date.

(2) From the evidence filed in the case it appeared that the loss occurred through no fault or negligence of the postmaster; and he was therefore allowed a credit of $86.18 for money-order funds and $534.11 for postage-stamps lost by the burglary referred to.

(3) There has been no evidence filed to show that the postmaster was guilty of any violation of law or regulation touching the custody of such funds.

(4) All papers filed in the case were transmitted on the 12th instant to Hon. ELI SAULSBURY, of the Senate Committee on Post-Offices and Post-Roads, for consideration in connection with a bill similar to the one inclosed.

Very respectfully,

A. A. FREEMAN,
Assistant Attorney-General, Post-Office Department.

Hon. OSSIAN RAY,
House of Representatives.

CONCORD, N. H., *January* 25, 1886.

SIR: I wish to present, through you, to the House Committee on Claims, a statement relative to my loss by burglars, which occurred September 5, 1883. The Concord post-office is a depository office. A hundred and eighty or more fourth-class postmasters deposit at this office the balance due the Government from them quarterly. The money so received, and when received, is placed in the safe with other postal funds, and deposited in the bank as frequently as the amount is sufficiently large for a deposit. I usually kept my cash deposited up very closely. The safe in the office was purchased and put there by the Post-Office Department, and was placed in the most exposed position, being near the sidewalk, and a gas-jet kept burning during the night within 6 feet of the safe-door. This office is also a paying office of railway postal clerks, who register at this office. On the last day of August, 1883, I drew my check and took money from the bank sufficient to meet the demands of my monthly pay-roll. Previous to the burglary I had paid all who were on the pay-roll except John E. Skinner, a postal clerk running on the route from Richford, Vt., to Concord, N. H. It being his week off duty, he had not received his pay as usual. The amount, being $75.82, was placed in an envelope and put with the pay-roll, and locked in an iron vault in the safe. This amount, $75.82, was a part of the $194.24 in cash which the burglars took from the safe. Of course it is impossible for me to tell whether the money so stolen was a part of it, postal funds, or money that had been received on deposit from other offices, as my practice was to keep but one package before depositing in the safe vault. As the $75.82 had been once deposited in the bank and drawn therefrom, it could not possibly be the same money received by me as postal funds.

L. H. CARROLL.

Hon. J. H. GALLINGER, *Washington, D. C.*

STATE OF NEW HAMPSHIRE, *Merrimack, ss:*

JANUARY 25, 1886.

Personally appeared the above-named L. H. Carroll, and made oath that the above statement by him subscribed is true.

Before me,

ROBT. A. RAY, *Justice of the Peace.*

The bill was laid aside to be reported to the House with the recommendation that it do pass.

T. H. TRIPLETT.

The next business on the Private Calendar was the bill (H. R. 279) for the relief of T. H. Triplett.

The bill was read, as follows:

Be it enacted, &c., That the Sixth Auditor of the Treasury be, and he is hereby, authorized and required, in the adjustment of the accounts of T. H. Triplett, postmaster at Dalton, Ga., to allow him a credit for the sum of $120, the amount of postal funds forwarded by him for deposit and destroyed in transit by fire.

SEC. 2. That in the event that said accounts be finally adjusted prior to the passage of this act, then the Secretary of the Treasury is hereby required to draw his warrant for said amount in favor of said T. H. Triplett from any funds in the Treasury not otherwise appropriated.

Mr. NEAL. The report in that case is short, and I ask that it be read.

The report (by Mr. NEAL) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 279) for the relief of T. H. Triplett, submit the following report:

It appears that the claimant, as postmaster at Dalton, Ga., on November 3, 1884, forwarded by register $120 postal funds due by him for the month of October, 1884, addressed to the assistant treasurer of the United States, New York; that the same was destroyed, with much other mail matter, including all registered packages, by a wreck of the train near Bristol, Tenn., on the night of November 4, 1884, in which the postal car was consumed by fire. The Sixth Auditor of the Treasury, not being authorized by law to allow claimant credit for the amount lost, required him to make an additional deposit covering the same, which was done July 3, 1885. The above-stated facts are clearly shown by the records of the Post-Office Department. It further appears that the funds lost had been forwarded in strict accordance with the instructions of the Department, and that the loss was in no way due to any fault or negligence of claimant. The bill under consideration provides for the allowance of said sum to claimant.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN LEATHERS.

The next business on the Private Calendar was the bill (S. 767) for the relief of John Leathers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to refund to John Leathers the sum of $744.90, out of any money in the Treasury of the United States not otherwise appropriated, on account of said amount having been paid by said John Leathers as a fine for trespassing upon an Indian reservation, for which transgression the President of the United States granted said John Leathers a full and unconditional pardon.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRY FISK.

The next business on the Private Calendar was the bill (H. R. 3909) for the relief of Harry Fisk.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized and directed, in adjusting the accounts of Harry Fisk, postmaster at the city of Aurora, in the State of Indiana, as such postmaster, to allow him a credit of $285.50 for postal funds stolen from said Harry Fisk at said post-office on the 23d day of November, 1885, without any negligence or default on the part of the said postmaster.

The committee recommended an amendment, to strike out "85" and insert "83"; so it will read:

Two hundred and eighty-three dollars and fifty cents.

The amendment of the committee was agreed to.

Mr. HOLMAN. I suggest to the gentleman from Illinois whether it would not be better to insert the words "stolen by burglars at the said post-office on the night of the 23d of September?"

Mr. SPRINGER. I have no objection to that amendment.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. HARRINGTON.

Mr. LEHLBACH. I ask unanimous consent to take up the bill (H. R. 4594) for the relief of John R. Harrington.

The bill and the amendments of the committee were read.

The CHAIRMAN. Is there objection to the present consideration of this bill?

Mr. ANDERSON, of Kansas. Mr. Chairman, I am opposed on principle to the extension of any patent, and therefore I object.

ESTATE OF EDWIN T. PILKENTON, DECEASED.

Mr. WISE. I ask by unanimous consent to take up the bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated by law, to the estate of Edwin T. Pilkenton, deceased, the sum of $2,684.96, or so much thereof as the Secretary shall find was actually lost, in full satisfaction for his claim for that amount of internal-revenue tobacco-stamps which were destroyed by fire in the burning of his tobacco factory on the 3d of May, 1869, in Manchester, Va.

Mr. SPRINGER. Those stamps were burned up before they were put on the market.

Mr. BRUMM. I shall not object to this bill, but I give notice I will object hereafter to calling bills up out of their order on the Calendar.

Mr. ANDERSON, of Kansas. What committee is that bill from?

The CHAIRMAN. The Committee on Claims.

Mr. WISE. It was reported by the Committee on Ways and Means at the last Congress.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

J. R. MARTIN.

Mr. WARNER, of Missouri. I ask unanimous consent to take up from the Private Calendar the bill (H. R. 707) for the relief of J. R. Martin.

Mr. BRUMM. I demand the regular order.

Mr. SPRINGER. Let me say to the gentleman from Pennsylvania that it will be necessary for the committee to rise in a few minutes and report the bills back to the House.

The next bill upon the Calendar is one that will consume considerable time, and we will facilitate matters by allowing them to be taken up in this manner by consent.

Mr. BRUMM. I withdraw the demand.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General of the United States is hereby authorized and directed to credit the account of J. R. Martin, late postmaster at Perry, Kans., with the sum of $125.62, on account of moneys received from the sale of postage-stamps and the rent of boxes, and the further sum of $278.35,

on account of moneys received from the sale of money-orders; the above amounts having been stolen from the safe in the post-office at Perry, Kans., on the night of December 22, 1883.

Mr. CURTIN. Is that the next bill on the Calendar?

Mr. SPRINGER. It is not.

Mr. CURTIN. Then I object.

Mr. WARNER, of Missouri. This is simply to pay a poor man a small sum of money.

Mr. CURTIN. A poor man, you say?

Mr. WARNER, of Missouri. Yes, sir.

Mr. CURTIN. Then I withdraw the objection.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEARD having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendments the bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

Also, that the Senate had passed with amendments the bill (H. R. 8762) making appropriations to supply deficiencies for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, in which concurrence of the House was requested.

Also, that the Senate insists upon its amendments, disagreed to by the House of Representatives, to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887; and asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. PLUMB, Mr. MAHONE, and Mr. CALL as managers on the part of the Senate.

The message further announced that the Senate returned to the House, as requested, the bill (S. 891) granting a pension to Geriah Collins.

The Committee of the Whole resumed its session.

ELIAS B. MOORE.

Mr. PEEL. Mr. Chairman, I ask consent to call up the bill (H. R. 107) for the relief of Elias B. Moore, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the sum of $325 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the relief of Elias B. Moore, ex-postmaster of Fayetteville, Ark., that being the amount of postal stamps taken possession of by the United States Army in 1862, the value of which has been paid to the Government.

Mr. BEACH. I did not catch the amount that is covered by that bill.

Mr. PEEL. Three hundred and twenty-five dollars is the sum appropriated.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to take up for consideration the bill which I send to the desk.

Mr. KLEINER. I insist that the regular order shall be pursued in this respect. There are a number of bills upon the Calendar preceding those which have been called up here; and I shall object to pursuing any other than the regular course.

Mr. SPRINGER. I desire to state that the next bill upon the Calendar will require some two or three hours to dispose of; and there are some small matters which can be acted upon, and which will not lead to much, if any, controversy. As I said before, this will facilitate the consideration of business upon the Private Calendar to get these out of the way.

Mr. BROWN, of Pennsylvania. This bill does not take a dollar out of the Treasury.

Mr. SPRINGER. If objection is insisted upon, I shall be compelled to move that the committee rise and report the bills already recommended to the House.

Mr. KLEINER. I will withdraw the objection under the circumstances.

The CHAIRMAN. Is there further objection to the request of the gentleman from Pennsylvania.

Mr. ADAMS, of Illinois. I object. If the next bill will occupy some time we can go over that by consent.

Mr. SPRINGER. But objection was made to pursuing that course.

Mr. ADAMS, of Illinois. Then there is a provision made by which the committee can report that objection to the House.

Mr. ROWELL. I demand the regular order.

Mr. CUTCHEON. We have already laid aside a number of bills, and I would suggest to the Chairman——

Mr. SPRINGER. The bills to which the gentleman refers have been already acted upon.

Mr. CUTCHEON. No, we have a number laid aside now; and as it wants only about twenty minutes of 5 o'clock I think we had better not add to the number, but dispose of those already recommended.

Mr. SPRINGER. I move that the committee do now rise.

The committee divided; and there were—ayes 52, noes 19.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the Private Calendar had directed him to report to the House sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles favorably reported by the Committee of the Whole were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md.;

A bill (H. R. 5554) for the relief of the legal representatives of G. Alexander Ramsay;

A bill (H. R. 1455) for the relief of Lysander H. Carroll;

A bill (H. R. 279) for the relief of T. H. Triplett; and

A bill (H. R. 107) for the relief of Elias D. Moore.

The bill (H. R. 707) for the relief of J. R. Martin was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill, there were—ayes 52, noes 3.

So (further count not being called for) the bill was passed.

A bill (H. R. 3909) for the relief of Harry Fisk was reported with amendments.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

A bill (S. 767) for the relief of John Leathers, reported with a favorable recommendation, was ordered to a third reading; and it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. SPRINGER moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANK SHUTT.

Mr. EDEN. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 8297) and that the same be passed. It is a bill to pay a postmaster $193. I make this request because I have to leave the city.

The bill (H. R. 8297) for the relief of Frank Shutt was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Frank Shutt, postmaster at Litchfield Ill., the sum of —— out of any money in the Treasury not otherwise appropriated, to reimburse him for postal funds stolen out of his safe on the 10th day of November, 1885.

The Committee on Claims recommended the following amendment:

Fill the blank by inserting $193.40.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTIN MURPHY.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 2156); and that the same be now considered.

The bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy was read, as follows:

Be it enacted, &c., That the charge of desertion standing against the name of Martin Murphy, late a soldier in Company I, Ninety-first Regiment New York Volunteers, be, and the same is hereby, removed; and the Secretary of War is hereby authorized and directed to issue to him, the said Martin Murphy, an honorable discharge.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEACH. I do not object to the consideration of the bill, but I would like to hear the report in this case read.

The SPEAKER. If there be no objection the report will be read, the right to object being reserved.

The report (by Mr. ERMENTROUT) was read, as follows:

The Committee on Military Affairs, to whom was referred House bill 2156, beg leave to submit the following report:

That having examined the testimony in this case and duly considered the

same, they are led to the conclusion that Martin Murphy was a faithful soldier, with a good record, up to the date of leaving the hospital in 1864, which constitutes the charge of desertion. The evidence shows that said Murphy was wounded on the 8th day of May, 1864, at Spottsylvania, Va. He was first sent to Carver Hospital, and afterward to the General Hospital, Albany, N. Y., where he was on the 28th July, when he was taken to his home, 9 miles away. It appears that he left the hospital without leave and never returned; but, in mitigation of his offense, it is shown by his own testimony and that of his brother Michael, and supported by Patrick O'Neil and John Neagle, that at no time prior to the muster-out of his company was he sufficiently recovered from the effects of his wound to do duty. It also appears in evidence that prior to the date of the application to the War Department for a discharge the doctor who attended him in his sickness had died. This testimony is only rebutted by the conclusions of the Surgeon-General, whose opinion was asked "whether on the wound received the case was made out," and who replied that "the gunshot wound was not of sufficient gravity to prevent the soldier from completing his enlistment." The committee are of opinion that a charge which must affect a soldier's standing through life and his name after death should not be permitted to stand simply because a Surgeon-General gives it as his opinion that the healing of a gunshot wound should not require the time claimed by the testimony in this case. They therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWN, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KING. I ask unanimous consent that the bill (S. 175) be now considered.

Mr. SOWDEN. I object.

F. THOMPSON, ALIAS S. E. E. SEELYE.

Mr. CUTCHEON. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill H. R. 1172, and that the same be put upon its passage.

The bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye, was read, as follows:

Be it enacted, &c., That the charge of desertion borne against the name of Franklin Thompson, alias S. E. E. Seelye, late a private in Company F, Second Michigan Infantry, be, and the same is hereby, removed.

SEC. 2. That the proper accounting officers of the Government are hereby directed to liquidate and settle the amount of back pay, bounty, and allowances due to said Franklin Thompson, alias S. E. E. Seelye, at the date of his (her) alleged desertion; and thereupon the proper disbursing officers are authorized and directed to pay to said Franklin Thompson, alias S. E. E. Seelye, the amount of back pay, bounty, and allowances so ascertained to be due, the same as if no charge of desertion had ever existed against the said Franklin Thompson, alias S. E. E. Seelye.

Mr. SPRINGER. I ask the gentleman from Michigan to give some explanation of this bill.

Mr. REAGAN. Let the report be read.

The SPEAKER. If there be no objection the gentleman from Michigan will give an explanation of the bill, or the report can be read.

Mr. CUTCHEON. The Clerk has not the report. It is very lengthy, covering several pages. I can make a statement in a few minutes that I think will satisfy every gentleman. This is a case of a female soldier that served in Company F of the Second Michigan Infantry for two years. The bill has been reported unanimously by the Military Committee in this as well as in the last Congress. This woman is already on the pension-roll at the rate of $12 a month by a special bill unanimously reported by the Committee on Invalid Pensions. It is a remarkable case. There is no question about the identity of this person. I myself knew personally this Franklin Thompson when in the service.

She was postmaster of the brigade in which I had the honor to serve. [Laughter.] She was orderly of Brig. Gen. O. M. Poe, now colonel upon the Engineer Corps. She did good service both as a soldier in the ranks and as an attendant in the hospital, and after leaving the service, which she was compelled to do by sickness, she wrote the book, then somewhat famous, entitled "Nurse and Spy," and from the proceeds of that book she donated $1,000 to the use of the Sanitary Commission. All these facts are duly established by affidavits.

Mr. SPRINGER. How much will be carried by this bill, if it passes?

Mr. CUTCHEON. There may be, perhaps, two months' pay—simply whatever was due her upon the pay-roll from the time of the last payment she received to the time she left the service in 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DUPLICATE CHECK ON UNITED STATES TREASURER, NEW YORK.

Mr. SAYERS. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill H. R. 2395, and that the same be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That J. G. C. Lee, a major and quartermaster in the United States Army, be, and is hereby, authorized and directed to issue and deliver to J. L. Millspaugh a duplicate check on the assistant treasurer of the United States at New York in lieu and in the place of a certain check by the said Lee unto the said Millspaugh issued and delivered upon said assistant treasurer for the sum of $2,679 53, dated the 6th day of November, A. D. 1883, payable to the order of the said Millspaugh, and numbered 124773.

SEC. 2. That the assistant treasurer of the United States at New York be, and is hereby, authorized and directed to pay said duplicate check upon the presentation thereof: *Provided*, That the said Millspaugh, or his assigns, shall have first complied with the requirements of the Revised Statutes of the United States and with the regulations of the Treasury Department in reference to the issuance and payment of duplicate checks by the disbursing officers and agents of the United States: *And provided further*, That said original check has not been previously paid.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

The House then, on motion of Mr. SOWDEN (at 4 o'clock and 55 minutes), took a recess until half past 7 p. m.

EVENING SESSION.

The recess having expired, the House resumed its session at half past 7 p. m.

Mr. MORRILL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole under the special order for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills upon the Private Calendar under the special order of the House.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that members present may be permitted to call up such bills as they desire.

There was no objection, and it was so ordered.

ARETUS N. BUTLER.

Mr. DOCKERY. Mr. Chairman, I call up the bill (H. R. 7749) granting a pension to Aretus M. Butler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Aretus N. Butler, late a member of Company — of the Twenty-seventh Iowa Infantry.

The Committee on Invalid Pensions recommended an amendment, inserting the letter "B" after the word "Company."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN P. M'DONALD.

Mr. MORRILL. I call up the bill (H. R. 8151) granting a pension to John P. McDonald.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John P. McDonald, late of Company E, Second Regiment Colorado Volunteers, subject to the conditions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLY A. STONE.

Mr. PAYNE. I call up the bill (H. R. 5041) granting a pension to Sally A. Stone.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension-roll the name of Sally A. Stone, dependent mother of Lieut. Col. Henry M. Stone, deceased, late of the Third New York Volunteer Artillery, subject to the provisions and limitations of the pension laws.

The Commiteee on Invalid Pensions recommended an amendment, inserting after the word "laws," at the end of the bill, the words "and to pay her the pension allowed by law to the dependent relatives of deceased soldiers."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMILY B. BAKER.

Mr. WEBER. I call up the bill (H. R. 1580) for the relief of Emily B. Baker.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily B. Baker, widow of Joel B. Baker, late colonel of the Eighth Regiment New York Heavy Artillery Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. PARKS.

Mr. DOCKERY. Mr. Chairman, I call up the bill (H. R. 7736) to increase the pension of George W. Parks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the rate of pension now allowed to George W. Parks, late a private in Company I, Seventh Regiment Missouri Cavalry Volunteers, under certificate numbered 27071, from the sum of $30 per month to the sum of $50 per month.

The Committee on Invalid Pensions recommended an amendment, striking out, before the word "dollars," the word "fifty" and substituting "forty-five."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. CUTLER.

Mr. SESSIONS. Mr. Chairman, I call up the bill (H. R. 3551) granting a pension to George W. Cutler, late a private in Company B, Ninth New Hampshire Volunteers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George W. Cutler, late a private in Company B, Ninth Regiment of New Hampshire Volunteers, on the pension-roll of the United States, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA A. VORHEES.

Mr. NEECE. Mr. Chairman, I call up the bill (H. R. 8066) to pension Martha A. Vorhees.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martha A. Vorhees, widow of John Vorhees, late of Company A, Eighty-fourth Illinois Volunteers.

The Committee on Invalid Pensions recommended an amendment, adding after the word "volunteers," at the end of the bill, the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN L. BRUCE.

Mr. WEAVER, of Nebraska. I call up the bill (S. 788) granting a pension to John L. Bruce.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John L. Bruce, late of Company H, Third Kentucky Volunteer Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET O'CONNOR.

Mr. BROWN, of Pennsylvania. I call up the bill (H. R. 6278) granting a pension to Margaret O'Connor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret O'Connor, late widow of James Hackett, deceased, late of Company G, Eighth Pennsylvania Cavalry Volunteers.

Mr. BROWN, of Pennsylvania. I move to amend this bill by striking out, in the fourth and fifth lines, the words "subject to the provisions and limitations of the pension laws," and by adding at the end of the bill these words:

Subject to the provisions and limitatations of the pension laws: *Provided, however*, That the subsequent marriage of the said widow with Michael O'Connor shall not be so construed as to prevent the allowance of a pension under this act.

The effect of this amendment is simply to change the position of the words, "subject to the provisions and limitations of the pension laws," and to add a proviso allowing the granting of this pension notwithstanding the subsequent marriage of the widow.

This woman, after trying for nearly twenty years to obtain a pension, married Michael O'Connor, another soldier. I desire that she shall be permitted to draw her pension notwithstanding her remarriage. Her husband is a poor man, who is now afflicted with rheumatism to such an extent as to be confined to his house and unable to perform any manual labor.

Mr. WEAVER, of Nebraska. Does he draw a pension?

Mr. BROWN, of Pennsylvania. He does not. He has made application to the Pension Office, but has been refused a pension on the ground that he did not connect his physical disability with his military service. I think this is a most just case.

Mr. NEECE. When was this lady married the last time?

Mr. BROWN, of Pennsylvania. About two years ago.

Mr. NEECE. What committee reported the bill?

Mr. BROWN, of Pennsylvania. The Committee on Invalid Pensions.

The amendment of Mr. BROWN, of Pennsylvania, was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARIE LOUISE CRAVEN.

Mr. GREEN, of New Jersey. I call up the bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension now allowed by law to Marie Louise Craven, widow of the late Commander T. A. M. Craven, from $30 to $50 per month.

The CHAIRMAN. The Chair understands that this bill comes from the committee with an adverse report.

Mr. RANDALL and Mr. GREEN of New Jersey. That is understood.

Mr. NEECE. I call for the reading of the report.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 670, submit the following report:

This bill proposes to increase the pension of the widow of a commander in the Navy. Your committee are of opinion that the benefit asked should be confined within the grade of the general officers of the Army and Navy.

Notwithstanding the fact that the naval record of Commander Craven develops great merit, still your committee are constrained to report adversely to the bill, and do so report, with a recommendation that the bill do lie upon the table.

Mr. GREEN, of New Jersey. I ask the Clerk to read a petition from officers of the Navy in favor of the passage of this bill.

The Clerk read as follows:

The undersigned respectfully ask that the pension now allowed Mrs. Marie Louise Craven, widow of Commander T. A. M. Craven, who lost his life while gallantly leading the fleet into action, under Farragut, at Mobile, in 1864, be increased to $50 per month.

The lapse of time and remembrance of Craven's conspicuous valor at all times, and his last and crowning act of heroism, when his ship was sinking, in renouncing the only chance of saving his own life in order to save that of his pilot, must ever appeal to the hearts of all brave men, and especially to those of your petitioners, some of whom knew him through all the years of his naval career, and were witnesses of his tragic death.

DAVID D. PORTER, *Admiral.*	J. C. HOWELL, *Rear-Admiral.*
S. C. ROWAN, *Vice-Admiral.*	C. R. P. RODGERS, *Rear-Admiral.*
THOS. O. SELFRIDGE, *Rear-Admiral.*	CHAS. STEEDMAN, *Rear-Admiral.*
	JNO. H. UPSHUR, *Rear-Admiral.*
THORNTON A. JENKINS, *Rear-Admiral.*	S. P. QUACKENBUSH, *Rear-Admiral.*
WM. G. TEMPLE, *Rear-Admiral.*	JOHN J. ALMY, *Rear-Admiral.*
C. H. WELLS, *Rear-Admiral, U. S. N.*	WM. ROGERS TAYLOR, *Rear-Admiral.*
JOHN L. WORDEN, *Rear-Admiral.*	
E. SIMPSON, *Rear-Admiral.*	R. N. STEMBLE, *Rear-Admiral, U. S. N.*
DANIEL AMMEN, *Rear-Admiral.*	
S. P. CARTER, *Rear-Admiral.*	ED. T. NICHOLS, *Rear-Admiral, U. S. N.*
JNO. C. FEBIGER, *Rear-Admiral.*	

Mr. GREEN, of New Jersey. I move that this bill be laid aside to be reported to the House with a recommendation that it pass.

Mr. NEECE. I move that the bill be laid aside to be reported with a recommendation that it be laid on the table.

Mr. GREEN, of New Jersey, rose.

Mr. MORRILL. If the gentleman from New Jersey [Mr. GREEN] will allow me to make a suggestion, I think we can avoid all discussion on this question. I suggest that the Committee of the Whole report this bill to the House with the understanding that the previous question shall be ordered and that the bill be submitted to a vote of the full House. That is what our committee has insisted on in every case of this kind. Wherever we have made an adverse report we have felt it our duty to refer the question to a full House if the passage of the bill was pressed.

Mr. NEECE. That will be satisfactory to me, and with that understanding I withdraw my motion.

Mr. GREEN, of New Jersey. If the bill can be placed in the position suggested by the gentleman from Kansas [Mr. MORRILL], I have no objection to adopting that course.

The CHAIRMAN. The Chair will state the proposition of the gentleman from Kansas. The gentleman asks unanimous consent that this bill be laid aside to be reported to the House with a recommendation that the previous question be ordered upon it and that the vote be taken in the House. The Chair hears no objection and it is so ordered.

ROBERT B. KIRKPATRICK.

Mr. ANDERSON, of Kansas. I call up the bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to place the name of Robert B. Kirkpatrick, late a private in Company E, Eighty-ninth Ohio Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. I call for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick, submit the following report:

Claimant was a private in Company E, Eighty-ninth Ohio Volunteers, and was allowed a pension of $4 per month for the loss of sight of right eye. In June, 1881, he applied for an increase, alleging total blindness; a special examination was held in the case, and he was dropped from the rolls on the ground that disease of the eyes existed prior to enlistment.

Dr. S. B. Crews, the regimental surgeon, testifies that about September 26, 1862, claimant was disabled while in the line of duty by an acute attack of conjunctival opthalmia from fatigue, exposure, and sleeping on the ground in the

open air; that the inflammation was more severe in the right eye, and resulted in the thickening of the conjunctiva and loss of sight in the right eye. The sight of the left eye was uninjured. This is fully corroborated by the captain of the company and by comrades. The following evidence was submitted to prove prior unsoundness:

John C. Brown testified that it was the understanding that claimant's eyes were weak when he enlisted.

William H. Evans, that "claimant had a cross eye at enlistment; had a staring look, and was an odd-looking fellow out of his eyes."

Samuel A. McIlhaney, that "claimant was naturally of weak eyes before enlistment, had a dull, dead-appearing eye, and was near-sighted; thinks both eyes were affected."

H. N. Wallace, "that his eyes had a dull, glassy appearance at enlistment; one eye was a little drawn; one eye looked less than the other; thinks the surgeon hesitated to take him into service."

Elizabeth McIlhaney, that "claimant was squint-eyed in one eye before enlistment; children used to call him squint-eye; one eye was smaller than the other; he could not see as well out of the small eye; don't think anything ailed the other before enlistment."

Mary Johnson, that "his eyes looked weak, watery, and glassy, and sometimes he could not get around very well."

Norval Johnson, same as above, and that claimant drew his book close to his eyes in school, and that he stumbled after night.

J. F. Pickerell, that the family had sore eyes when claimant was small, and that he was kept from school on that account; saw nothing wrong in one eye after they got well.

Richard Joy and Jane K. Thompson testify that he had a defective eye before enlistment. The foregoing embraces the substance of all evidence offered to prove prior unsoundness. On the other hand, the following evidence is offered:

Dr. J. N. Salisbury, family physician, testifies that he was frequently called to see different members of claimant's father's family, and am certain that not only claimant, but all the family, had good eyes; that when claimant entered the service he had good eyes.

Dr. W. A. Dixon, that he knew claimant prior to enlistment, and knows nothing to the contrary but that his health was good.

Capt. J. H. Jolly, that the trouble with his eyes was caused by taking cold by exposure while in the service, and that had it not been for such exposure and hardship in the service his eyes would yet be good.

William A. Dixon, M. D., that claimant went to school to affiant in 1859, and that he saw him occasionally up to the time of his enlistment, and knew nothing to be the matter with his eyes.

Margaret J. Baird, that she saw nothing wrong with his eyes prior to enlistment; that they were never inflamed.

Addison Pickerell, that he knew claimant from childhood; saw him often for ten years before enlistment; did not see him the year prior; his eyes were good, so far as affiant knew, prior to the war.

Thomas J. Pickerell, that he had known claimant ever since he was a small boy; saw him often for five years before he enlisted; he never knew or heard of his eyes being sore prior to enlistment. Claimant served two years and a half after losing one eye, and was mustered out with his company. The evidence of his condition since the war proves conclusively to your committee that the right of the left eye has been lost through sympathy with the right.

The only question in the case is whether the loss of sight of the right eye was the result of his military service. Accepting all the adverse testimony without qualification it seems to your committee to prove only that claimant was near-sighted, had one cross-eye, and when a child had the disease so common in the West known as "sore eyes."

To assume that soldier's present disability is the result of any disease existing prior to enlistment seems to your committee a forced and unreasonable assumption, unwarranted by the evidence submitted, and only to be reached by utterly ignoring the strong and positive evidence of the family physician, his former teacher, the captain of his company, and the regimental surgeon. Such testimony seems never to be ignored when it is against a claimant. After a full and thorough examination of the case, carefully weighing the evidence submitted, your committee conclude that the soldier ought to receive a pension for the loss of his eyes. In addition it ought to be added that the evidence shows that claimant has always been a man of good morals and strictly temperate; that he is now totally blind, with a family dependent upon him; and that he is in part supported by the county is also shown.

Your committee recommend the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. I ask some gentleman of the committee to state what pension this bill will give the claimant.

Mr. MORRILL. If the man proves that he is totally blind he will receive a pension of $72 a month.

Mr. BRECKINRIDGE, of Arkansas. This bill simply puts him on the list of pensioners——

Mr. MORRILL. It simply puts him on the pension-roll, subject to the provisions and limitations of the pension laws; and he loses his pension for all these years, for which, it seems to me, he ought to have had it.

Mr. BRECKINRIDGE, of Arkansas. He will simply receive a pension according to the rating of the Pension Office?

Mr. MORRILL. That is all.

Mr. BRECKINRIDGE, of Arkansas. I have no objection.

Mr. ANDERSON, of Kansas. I move that the bill be laid aside to be reported to the House with a recommendation that it pass.

The motion was agreed to.

SARAH M. CARROLL.

Mr. RANDALL. I call up the bill (H. R. 8602) granting a pension to Sarah M. Carroll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah M. Carroll, a nurse in the late war, and pay her a pension at the rate of $12.50 per month from the passage of this act.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The Clerk proceeded to read the report (by Mr. PINDAR), as follows:

First, the verified petition of Sarah M. Carroll, in her own behalf, and second, letters from Maj. Gen. Daniel E. Sickles, General P. H. Sheridan, United States Army, and Surgeons Hammond and Billings, all testifying in the strongest manner to valuable services rendered by the petitioner as a nurse to the soldiers during the late war of the rebellion.

To the Senate and House of Representatives in Congress assembled:

Miss Sarah Mary Carroll, resident of New York city, prays that Congress will grant her a pension, in consideration of her past services as hospital nurse, in charge of officers and soldiers of both armies, in military and civil hospitals, during the late war.

Your memorialist respectfully represents that she devoted herself to hospital service in the city of Washington, D. C., during the years 1861, 1862, 1863, and 1864, and that during these several years she was a member of the community of the Sisters of Charity, and known as "Sister Mary Carroll."

The Providence Hospital, in Washington, was established and conducted by Sister Mary Carroll. Although a civil hospital, many officers and soldiers and sailors of the Army and Navy were admitted and taken care of by her there, as can be attested by many present residents of the capital.

Maj. Gen. D. E. Sickles, after the loss of his leg in the battle of Gettysburg, although not an inmate of the hospital, was daily visited by Sister Mary Carroll, and he will vouch for the care bestowed on many of his Third Corps officers, who were in the hospitals under Miss Carroll's ministration.

Besides the government of the Providence Hospital (civil) Miss Carroll was appointed to the charge of the corps of sisters employed in the nursing department of the Cliffburn General Hospital (military). The number of sick and wounded in that hospital at the time she took charge of the nursing in May, 1862, was over one thousand. The sufferers were from the ranks of both armies. There being no adequate quarters in 1862 for sick or wounded prisoners the stables of the Sixth Cavalry were rudely fitted up for temporary hospital use; Dr. John S. Billings, now in charge of the Anatomical Museum, Washington, asked the Sisters of Charity to take charge of the nursing, and Miss Carroll was appointed by her superiors to take charge as afore stated.

In these rude and uncomfortable quarters Miss Carroll assisted the surgeons in the care and comfort of those suffering soldiers. If desired, your memorialist will produce ample testimony to prove the impartiality of the care and attention bestowed on the Federal and confederate soldier. As this appeal is made to representatives of a reunited country the fact should be remembered.

Miss Carroll's loyalty was never questioned, and proof of the confidence reposed in her may be judged from the fact that the Secretary of War (Mr. Stanton) intrusted prisoners of war, ill with typhoid fever, who were confined in the Old Capitol Prison, to her care and custody, in the Providence Hospital in 1861, because at that early stage of the war there was not suitable accommodations for the sick in the Old Capitol Prison. Miss Carroll was also permitted to enter the Old Capitol and visit the sick there at will later on during the war, and throughout the prison she was called the "Flag of Truce." Mr. Wood was superintendent, and Dr. Greenleaf surgeon in charge of the prison; if they are living they can verify this statement.

When the Sixth Cavalry barracks (Cliffburn General Hospital) was abandoned for the more commodious quarters of the Lincoln General Hospital, Miss Carroll was assigned to the Eckington General Hospital. Dr. Storrer was the surgeon in charge; there and at Providence Hospital at the same time she did duty until ordered to New Orleans, in January, 1865, to take charge of the Hotel Dieu (civil hospital), where she labored until the end of the epidemic of 1867. Lieut. Gen. P. H. Sheridan will vouch for the value of her services during the cholera visitation in 1866 and the riots and yellow fever scourge of the year following.

At last, while nursing the worst cases, Miss Carroll was stricken by the fever and has never fully recovered from its pernicious effects. She was recalled North, in the hope of benefit to her health, but very little good resulted. Her naturally strong constitution was greatly weakened by her previous laborious hospital duties and has never since recovered its wonted vigor; gradually her health became so miserable that she was incapable of doing full duty as a Sister of Charity, and she would not consent to become a burden on the community she loved so well, for which reason principally she resigned. Up to the present time Miss Carroll has supported herself by her own exertions and the kindness of old friends, but her health is rapidly failing; hemorrhages of the lungs often prostrate her, and she has no greater dread than that of becoming a burden on relatives or friends.

As a last resort, to prevent such a contingency, she, who aided so many others in the past, now petitions for aid herself from the Government she has always honored and endeavored to serve as much as was in her humble power.

Miss Carroll does not make this appeal, based on her position as a Sister of Charity; she places her petition on the actual value of her services to the suffering soldiers in the capacity of a skilled nurse and Christian woman, as also on the consequent loss of health from her labors in hospital service. Miss Carroll is fifty years of hge now.

SARAH MARY CARROLL.

Mr. BRECKINRIDGE, of Arkansas (interrupting the reading). That is enough of the report unless other gentlemen desire to have its reading completed. It appears that she rendered the service without pay and rendered meritorious services.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN S. WILLIAMS.

Mr. PETERS. Mr. Chairman, I ask to take up the bill (S. 789) granting a pension to John S. Williams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Williams, late of Company K, Twelfth Regiment Ohio Volunteer Infantry.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The claimant, John S. Williams, was a private in Company K, Twelfth Ohio Volunteers, and of Company C, Twenty-third Ohio Volunteers. He applied to the Pension Office for a pension, but his claim was rejected by the Department on the ground "that there is no record of alleged injury of left shoulder, and that the claimant is unable to furnish the testimony of his surgeon or officers, or other satisfactory evidence of incurrence in the service and line of duty."

The existence of the injury and disability at the present time is admitted. Treatment for two months by the regimental surgeon for injury is shown as a matter of record. The claimant himself and several comrades testify to his receiving the injury, as alleged, in the line of duty, and the continuance of the disability from then until the present time is also shown by comrades and other apparently reliable testimony. The claimant shows that the doctors, surgeons, and officers who knew him are dead, and that would seem to be a satisfactory reason for his failure to procure their testimony. We are unable to see any reason for the rejection of this claim. The examining surgeon finds the existence of the disability, and certifies that in his belief from his examination it was received in the service and in line of duty. There is no suggestion of fraud or anything to justify the suggestion if it were made.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH W. RHINEHALT.

Mr. ELLSBERRY. I ask to call up the bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the amount of pension allowed Joseph W. Rhinehalt, late of Company D, Thirty-fourth Ohio Volunteer Infantry, to the sum of $20 per month, in lieu of the amount he is now receiving.

Mr. DOCKERY. At the request of one or two gentlemen I ask that the reports be read in each case.

Mr. MORRILL. Can they not be printed in the RECORD? That will save the time.

The CHAIRMAN. When the reading of the reports is called for they will be read. The gentleman from Missouri asks for the reading of the report in this case.

The report (by Mr. ELLSBERRY) was read, as follows:

That it appears from the records in this case that claimant was a private in Company D, Thirty-fourth Regiment Ohio Volunteers, and was mustered into the United States service July 31, 1861. It also appears that he was wounded in action several times, and was in every particular a good soldier. It appears that claimant now receives a pension of $5 per month for disabilities resulting from wounds received in action, and he now asks for an increase of pension because of total deafness, resulting from disabilities received in battle September 1, 1864.

Declaration for increase of pension on ground of deafness filed May 1, 1880.

Claim rejected on the ground that deafness existed prior to enlistment.

Statement of claimant that he was not deaf when he enlisted, and did not become deaf until the time given, is substantiated by the fact that he was accepted by the mustering officer; also by the affidavits of his captain, his first lieutenant, and several comrades, and by the sworn testimony of a large number of witnesses who had known him from boyhood, and knew that he was not deaf at enlistment and was deaf when he was discharged. It is further substantiated by certificate of Examining Surgeon A. V. Patterson, who found him unable to hear.

Taking into consideration the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage as amended, to wit, by striking out all the bill after the word "infantry," in the sixth line, and inserting the following: "to the sum of $20 per month, in lieu of the amount he is now receiving."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. H. BUCK.

Mr. GROUT. I call up the bill (H. R. 3118) granting an increase of pension to William H. H. Buck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of William H. H. Buck, late of Company G, First Vermont Cavalry, upon the pension-roll, subject to the limitations of the pension laws, at the rate of $12 per month, instead of $6 per month, as provided by act of Congress approved March 3, 1879.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARVEY COBURN.

Mr. SWOPE. I ask to take up the bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harvey Coburn, late of Company K, Second Pennsylvania Heavy Artillery (One hundred and twelfth Regiment Pennsylvania Volunteers).

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN RYAN.

Mr. ZACH. TAYLOR. Mr. Chairman, at the request of the gentleman from California [Mr. LOUTTIT], who is temporarily absent this evening, I ask to call up the bill (H. R. 5921) granting an increase of pension to John Ryan.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John Ryan, late first lieutenant of Company F, Sixty-ninth Regiment Pennsylvania Volunteers, and pay to him a pension of $17 per month, in lieu of the pension now paid to him, from and after the passage of this act.

Mr. DOCKERY. Let the report be read.

The report (by Mr. LOUTTIT) is as follows:

The soldier in this case, John Ryan, enlisted April 1, 1861, in Company I, Sixteenth Pennsylvania Volunteers, as a private. He was discharged July 30, 1861, and enlisted as sergeant in Company H, Forty-ninth Pennsylvania Volunteers, August 6, 1861; promoted to second lieutenant November 8, 1862, and first lieutenant May 1, 1863; received a contused wound over the liver at the battle of Fredericksburg, December, 1862; was captured at the battle of Gettysburg, July, 1863; was treated while a prisoner of war for dysentery, contracted scurvy, and was paroled, March 7, 1864. He was discharged July 9, 1864, on account of physical disabilities.

It appears from the records of the War Department that the wound affected his stomach to such a degree as to compel him to reject a greater part of his food, even while in the service.

In 1878 he presented his claim to the Pension Office, and was pensioned at the rate of $8.50 per month from result of scurvy.

It is evident from the testimony presented in this case that the soldier has been a constant sufferer ever since his discharge, both from this and several other disabilities, all of which were evidently contracted in the service.

Your committee, therefore, are clearly of the opinion that his services and sufferings while in the Army, that the degree of his disability since discharge as shown by the testimony offered, would warrant the increase of his pension. Therefore your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER FALCONER.

Mr. FULLER. I call up the bill (H. R. 6443) granting a pension to Alexander Falconer.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alexander Falconer, late a sergeant of Company E, First United States Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AUGUSTUS FIELD STEVENS.

Mr. KING. On behalf of Mr. NEECE, who was compelled to leave the House on account of pressing public business, I ask to call up the bill (S. 1726) granting a pension to Augustus Field Stevens; which he says is a good bill, and ask its passage.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Augustus Field Stevens, late a private in Company L, Second Regiment Illinois Volunteer Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES E. O'SHEA.

Mr. SYMES. I call up the bill (S. 327) granting a pension to James E. O'Shea.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James E. O'Shea, late of Company F, Twenty-third Illinois Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BETHUREN.

Mr. THOMPSON. I call up the bill (S. 1124) granting a pension to William Bethuren.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Bethuren, late of Company I, Fourteenth Regiment Kansas Cavalry.

Mr. DOCKERY. Let us have the report read in this case.

The report (by Mr. MORRILL) is as follows:

That the claimant enlisted as a private in Company I, Fourteenth Kansas Cavalry, August 1, 1863, and was discharged June 25, 1865; that he made application for pension June 6, 1878, alleging as the basis of his claim—

"That at Fort Smith, Ark., April, 1864, took measles, and having been detailed from regiment was compelled to lay outdoors. When they came to take him to the hospital he was so stiff could not walk on account of taking cold."

The claim was rejected by the Commissioner of Pensions on the ground that the "alleged disability was not incident to the service and line of duty." The claimant testifies:

"That after the attack of measles and results therefrom he had a weakness of knees and back which has continued ever since; prevents him from lifting any heavy weight or from walking fast; that if he stoops over, he falls forward; that he walks in a staggering manner; strangers often think he is drunk; that he was doing duty with his regiment at the time he was taken with measles; that by weakness of back and knees he meant what the physicians call Saint Vitus's dance."

Claimant files affidavit that the physician who attended his family prior to enlistment is dead.

Eliza Stout, W. T. Appier, Wellington Burchnell, E. F. Broughton, and Joseph Rickabaugh all testify to claimant's soundness prior to enlistment.

Lieut. Joseph Rickabaugh testifies that he was on detached duty most of the time while in the service:

"That for months after claimant's enlistment he was a sound, able-bodied man; frequently saw him; appeared well until he saw him in the hospital at Fort Smith, Ark., in the fall of 1864; is not certain of the year, but thinks it correct as above; that claimant was absent without leave, if at all, before May 26, 1864, and that he was sick with measles after that time; knows by records in his possession that he was at Fort Smith, Ark., May 26, 1864, where he saw claimant well and on duty; that frequently thereafter he saw claimant on duty up to the time he was taken sick with the measles."

W. T. Appier, comrade, testifies:

That claimant was sound before entering the service, and continued so until about April, 1864, when he took the measles while on duty at Fort Smith, Ark., and was sent to the hospital at that place. Before that he had no trouble with his limbs, but was active and stout.

Surgeon Chenowith, Fourteenth Kansas Cavalry, states that his recollection is—

"That claimant was sent to the regimental hospital at Fort Smith in spring of 1864 with measles, from which he was returned early in June, 1864, and was treated in regimental hospital for debility until late in summer or early fall, occasionally doing light duty. Does not positively remember his condition; thinks his eyes were sore and vision bad. He was weak, and remained so until regiment was mustered out."

J. B. McKinley, first sergeant, states claimant suffered in June, 1864, from an affection of spine caused by measles. William F. Curry, comrade, testifies to same condition as Sergeant McKinley. Dr. J. W. Trewathy testifies—

"That he has known claimant sixteen years (1865 to 1881); been his physician most of that time. When I was first called he had chorea (Saint Vitus's dance); said disability has continued ever since. Disabled at least one-half; never less than one-half, and has grown upon him; believes measles in service the exciting cause."

Eliza Stout testifies to continuance of claimant's disability since service from Saint Vitus's dance.

Dr. Hibben, examining surgeon, March 26, 1881, in his report to the Commissioner of Pensions, says:

"The disability is probably permanent. The disability is locomotio ataxia. His gait is precipitate—staggering—legs hither and thither vaguely, his heels coming down at each step with a stamp; eyes partially closed; hearing impaired. Has a younger brother similarly diseased; knows nothing further as to family predisposition. Rates him one-half total, or $4 per month."

The Emporia board of examining surgeons, under date of February 7, 1883, find substantially as above, and rate him total third grade, or $15 per month.

The Emporia board made an additional examination November 12, 1884. and rated for resulting disability second-grade rating.

Your committee are of the opinion the claimant was an able-bodied man when he entered the service, and that he contracted measles therein; that he was a good soldier, and rendered fair service; that he is now a pauper, unable to perform manual labor, an inmate of an almshouse, and that it is their opinion that the spirit of the law covers this class of claimants, aud they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALFRED J. HILL.

Mr. HAYNES. I call up for consideration the bill (H. R. 8651) increasing the penson of Alfred J. Hill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Alfred J. Hill, late adjutant of the Third New Hampshire Regiment, at the rate of $17 per month, in lieu of the sum now paid him.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. BUTLER.

Mr. PINDAR. I call up for consideration the bill (H. R. 8601) granting a pension to James H. Butler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James H. Butler, formerly captain of Company F, Thirty-second New York Volunteer Infantry, subject to the provisions and limitations of the pension laws.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. PINDAR) was read in part, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of James H. Butler for pension, submit the following report:

The soldier enlisted and was mustered into service May 31, 1861. He was discharged June 9, 1863. His declaration was filed October 21, 1884, and was rejected upon the ground that there is no record of the disability claimed at the War Department, and that the testimony furnished was not satisfactory, showing origin of or existence in service or at discharge.

The committee report that they deem the evidence submitted sufficient, proving that the disability originated in the service in line of duty; that it existed at time of discharge, and that claimant has ever since and still suffers therefrom, and is entitled to a pension therefor, as stated by said examining board as aforesaid. We therefore report the accompanying bill, to accompany this report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL FLEMING CELLAR.

Mr. BRADY. I call up for consideration the bill (S. 895) granting a pension to Rachel Fleming Cellar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Fleming Cellar, widow of George Cellar, late a private in Captain Norton's company of Ohio militia, war of 1812.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. BRADY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 895) granting a pension to Rachel Fleming Cellar, submit the following report:

Your committee, to whom was referred the bill (S. 895) granting a pension to Rachel Fleming Cellar, have examined the same, and adopt the Senate report, and recommend that the bill do pass.

The following is the report, by Mr. PAYNE, from the Committee on Pensions of the Senate, made April 14, 1886 (S. R. 530), namely:

"On October 24, 1881, the claimant made a declaration alleging that she was the widow of George Cellar, who had served as a private in Captain Norton's company of militia in the war of 1812 for fourteen days, and by reason of said service received a land warrant some time between the years 1850 and 1855, and refers to proof on file to procure said warrant.

"There is proof that the claimant's husband was engaged some two weeks in the erection of a block house within or near the Indian boundary, and although previous to the declaration of war, was immediately preceding and obviously preparatory to it.

"The claimant is worthy, advanced in years, and in straitened circumstances.

"The committee recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HATTIE A. BURNETT.

Mr. SPRIGGS. I call up for consideration the bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Mrs. Hattie A. Burnett, widow of Maj. Gen. Ward B. Burnett, on the pension-roll, and pay her a pension at the rate of $50 per month, in lieu of the pension she is now receiving.

Mr. BLANCHARD. I call for the reading of the report.

The report (by Mr. PINDAR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2022) granting an increase of pension to Mrs Hattie A. Burnett, submit the following report:

Your committee adopt the report of the Senate committee, which is annexed, and is as follows:

[Senate report No. 415, Forty-ninth Congress, first session.]

The claimant is the widow of Maj. Gen. Ward B. Burnett. The following statement of the military and civil record of this distinguished soldier has been furnished your committee:

General Ward B. Burnett died June 24, 1884, at Washington city, aged seventy-four.

This distinguished veteran of six wars was appointed by President Jackson a cadet at West Point in 1828, and he was graduated in 1832; brevetted second lieutenant Second Artillery, July 1, 1834; ordered to report to Colonel Mahan, professor of engineers (was furloughed); reported to chief engineer, Major Douglass, assistant upon the surveys and plans and estimates which resulted in the adoption of his plans for the Croton water-works, now indispensable to New York city, and a monument to his genius. When relieved from the academy, was ordered to report for duty to Maj. Hartman Bache, United States Topographical Engineers, at Philadelphia, Pa., on harbors and light-houses; then, as principal engineer to Col. H. Long, Topographical Engineer, upon surveys conducted by himself and Major Yarl, of the Royal Engineers, to determine the routes of railways connecting the Atlantic with the Canadas. Engaged in action of Lacha-Hatcha against the Seminole Indians. He fought in the Black Hawk war in that year on the ground near where Chicago now stands, before a single house was built in that city, and as captain of cadets in the Black Hawk war, the command, in seeking the enemies of his country, met one more formidable in the Asiatic cholera, which attacked more than one-half of General Scott's army, spreading consternation and death among them.

As the surgeon-general and his assistants were among the dead and dying, the officers were obliged to take care of the sick, and young Burnett, fearless of consequences, was among the most active in providing for their comfort and safety. Reported to Maj. Gen. Winfield Scott during the nullification difficulties at Charleston, S. C., acted quartermaster for a time, was staff officer to General Clinch, staff officer to General Bankhead at the battle of the Coves of the Withlacoochee. He organized two regiments and tendered his services to the President for the Mormon war. In 1842 and 1843 he organized a brigade and offered his services to the President when war was anticipated with England over the Oregon boundary line; he was the brigadier-general, and the brigade was kept together at his own expense. He attended the artillery school, Metz, France.

After leaving the Florida and Creek wars, was engineer, with Colonel Abert, chief of Topographical Engineers, on harbors, in 1837; became resident engineer in State of Illinois and Michigan canal upon that great and important work; was made major-general of militia; founded the Light Guard of New York State; captain of Tompkins Blues when a mere lad; was major and brigade inspector.

In 1846, two regiments of his brigade having been accepted by Governor Wright, he was ordered to report with his regiments (the first troops raised for the Mexican war) to Maj. Gen. Winfield Scott for duty in the Mexican war, where his actions were brilliant. He was engaged in that war in the siege of Vera Cruz, Molino del Rey, Buena Vista, Palo Alto, Resaca de la Palma, in the battles of Cerro Gordo, Contreras, Monterey, and Churubusco—battles unsurpassed in thrilling interest and the glory of military achievement in the annals of the world, and the bravest deeds on record.

General Burnett's regimental flag was the first one planted on the elevated causeway opposite Portalis in the battle of Churubusco, and his command captured Santa Anna and planted his flag at Cerro Gordo, the headquarters of General Santa Anna; after the troops had captured the position held by the whole Mexican line he returned the first American flag that was planted upon the castle at Chapultepec, even before the Mexican standard was hauled down from the plaza of the castle, and the brave Mexican general surrendered his troops and the key to the enemy's position to General Burnett's command, as shown of him in the great painting now hanging in the governor's room, city hall, New York, and the national flag presented to him by Maj. Gen. Winfield Scott at the national palace in the City of Mexico, and a beautiful one from the ladies of Mexico, made by their own hands, and three other ones presented by the State and city of New York for their gallant conduct through the war. General Burnett presented the flags of his country to his command at the island of Lobos, Mexico, in 1846, upon their knees repeating this oath from his lips: "No enemy shall capture these colors while our lives are spared to defend them."

Welcomed home to New York by the first division of New York regiments, under Major-General Sandford, by two hundred thousand people. Broadway was literally packed with people, who turned out to receive the returning troops, and flowers strewn in their pathway. Public receptions tendered him by the cities of New York, Brooklyn, Troy, Albany, Philadelphia, New Orleans, and others; then in the zenith of his glory, he was met everywhere by enthusiastic crowds. The young ladies from the seminaries, the school children forming processions, throwing and showering blossoms beneath the horse's feet in honor of the gallant rider.

General Burnett was a warm personal friend of President Andrew Jackson, of Henry Clay, Abraham Lincoln, and Daniel Webster. In the wars he had many wounds, and the Mexican, where he was severely wounded by a shot through his body, hip, and shoulder dislocated by the fall of his horse—twice shot under him; from his wounds his jaws were closed with lock-jaw (tetanus) for forty-five days. His coffin was made, but the gallant Major Twiggs was buried in it. He was promoted general by President Polk, September, 1847, by an act of Congress; his commission signed by Governor Seymour; he commanded a brigade.

For General Burnett's heroic services to his country he was tendered a resolution of thanks by Congress, the State of New York, and other States, and honors in private life showered upon him by his countrymen.

In 1861 he organized troops for the war of the rebellion, although a great cripple, in the assembly rooms, Broadway, New York city, at his own expense, consolidating regiments as general United States Army, under appointment by the governor and commission from the Government by President Lincoln; headquarters were at Metropolitan Hotel. He rendered valuable services to the city during the New York riots, and by his efforts saved the United States mint when he had command of the city; was wounded again and sent to the United States Ladies' Hospital. He organized several commands in New Jersey, Delaware, Maryland, and Pennsylvania for services in the field during the war. From exposure consequent upon these labors he became a martyr to inflammatory rheumatism and neuralgia.

General Burnett rendered valuable services to his country as United States topographical engineer. In 1849 President Polk offered to make him commissioner to run the boundary line between the United States and Mexico; but being upon crutches, he was made chief engineer for the construction of the navy-yard dry-dock, which he completed in 1852. Thence in 1855 he was in charge of the New York dry-dock and the construction of the workshops in the New York navy-yard.

He made the plans of the Brooklyn water-works, which were adopted and

inestimable value to the City of Churches, and a lasting honor to his name. In 1857 he was made chief engineer of Norfolk navy-yard and Portsmouth water-works, which involved his survey of Lakes Drummond; in Richmond and Maryland, made plans for tunneling the Blue Ridge Mountains in Virginia.

He was made surveyor-general of Kansas and Nebraska, which included Colorado, Montana, and two other Territories, because from ill health he was unable to accept the appointment offered him by President Buchanan as minister to Turkey.

General Burnett at the time of his death was the oldest living graduate who became general United States Army in the Mexican war. Of the fruits of his valor was a territory conquered by the United States in 1848, almost one quarter in extent of its then existing area, which is now peopled by 1,500,000 souls, and which, from its mines alone, could pay our national debt. He won by his bravery the highest honors awarded to the immortal Jackson; in brief, the highest honors accorded to Lafayette by the empire city of the Union. Relics of great value were showered upon him; many came from foreigners.

Two massive gold medals from the city and State of New York; another of great intrinsic value from the officers and soldiers of his division and command. The sword and the old hickory cane of President Jackson, newly mounted and ornamented with jewels and a massive gold eagle; another one from Mrs. Jackson, heavily mounted. A beautiful, gold-mounted sword, with diamonds, was presented to him by the Light Guard of New York for the gallant acts of his youth and saving the life of Cadet Clark from drowning, and six others at different times. A grand reception was given to him by the mayor and common council and citizens at the governor's room, city hall, New York, at the theaters, and public places. A great dinner was given to him by the citizens of Philadelphia, and also dinners and receptions in several other cities. A grand banquet was given to him and his officers at Troy, where the ladies from the seminaries showered them with flowers.

General Burnett never was in a battle that was lost, or skirmish; he had great perseverance and fortitude, and many are the incidents of his generous nature which can be related. He drew around him a multitude of friends. In the parlor he was as gentle as a lady. He was calm, cool, and brave in the field. It was often said of him he never knew what fear was, ever manly and hopeful through the many afflictions and hardships he was called to endure. His civil and military career placed him as one of the most distinguished men in American history, and was a most accomplished gentleman, possessed of more than ordinary intelligence of mind and of refined and artistic tastes. His mind had been cultivated by reading, studying, and reflection, and his memory was wonderful even up to the hour of his death, and the extent and accuracy of his information was remarkable. He was sociable, refined, and generous to a fault. He revered and loved his Redeemer, and was confirmed early in life in the Episcopal Church. A hero, a gentleman, a kind father, a devoted husband; for many years an invalid, but cheered by a faithful, brave-hearted wife, which was the one bright spot in the closing years of a once brilliant career.

General Burnett was honored as the bravest officer in the United States, and by his countrymen he was awarded the "President Jackson gold box" (and bequeathed to his widow), which bears the following inscription:

(Front side.)

February 23, 1819.

Presented by the mayor, aldermen, and commonalty of the city of New York to Major-General Andrew Jackson, with the freedom of the city, as a testimonial of respect for his high military service.

(Reverse side.)

The Hermitage, Tennessee, August 17, 1859.

Bequeathed

by Major-General Andrew Jackson "to that patriot, of New York city, who (should our happy country not be blessed with peace) should be adjudged by his countrymen to have been the most distinguished in defense of his country and our country's rights."

Awarded

under that bequest, by the general voice of his countrymen, to Brigadier-General Ward B. Burnett, commanding the New York troops in the late war with Mexico.

Major-General Burnett's achievements have made every American citizen his debtor. He declined the Democratic nomination for governor of New York—was provisional governor of New Mexico.

There should be no scant gratitude to the widow of "the bravest of the brave." His death was a source of national grief; his body lay in state in the governor's room, city hall, New York; the flags all placed at half-mast; thousands of citizens viewed the remains and followed him to his grave. Letters of condolence from the President, Congressmen, governors, military, and Navy were sent to his afflicted widow and family.

General Burnett was placed on the pension-roll by the Department at $30 per month, which amount was increased at different times to $72. Upon his death, in 1878, his widow made application to be allowed that amount, but was only given $30. The matter was taken to the Court of Claims, which sustained the decision of the Department, and upon appeal to the Supreme Court of the United States the decision of the lower court was affirmed.

Your committee call attention to the language of Mr. Justice Harlan, who delivered the opinion of the court, which is as follows:

"By an act of Congress of March 3, 1879, the Secretary of the Interior was directed to place on the pension-roll the name of Ward B. Burnett, and pay him a pension of $50 per month in lieu of the pension then received by him (20 Stat., 665, ch. 290). The subsequent act of June 16, 1880, provides that all soldiers then receiving a pension of $50 per month, under the provisions of the act of June 18, 1874, entitled "An act to increase the pension of soldiers and sailors who have been totally disabled" (18 Stat., 78, ch. 298), shall receive, in lieu of all pensions then paid to them by the United States, the sum of $72 per month; those whose pensions were thus increased from $50 to $72 per month to receive the difference between those sums monthly from June 17, 1878, to the date when that act took effect. (21 Stat., 281, ch. 236.)

"On the 17th of July, 1882, General Burnett received from the Department of the Interior a certificate showing that he was entitled to a pension "for gunshot wounds through left leg and rheumatism" at the rate of $30 per month, to commence on the 1st of August, 1848, and $31.25 per month from June 4, 1872, and $50 per month from June 4, 1874, and $72 per month from June 17, 1878.

"By an act approved July 25, 1882, it is provided that no person then receiving, or who should thereafter receive, a pension under a special act shall receive, in addition thereto, a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which such person is entitled to receive under the general law. (22 Stat., 176 ch. 349.)

"General Burnett died on June 24, 1884, from the effect of wounds received in the war with Mexico. The appellant, his widow, claims the same pension—$72 per month, that her husband was receiving at his death. The Interior Department granted her a certificate for a pension at the rate of only $30 per month, to continue from June 24, 1884, during her widowhood. Her claim for a larger pension having been denied, the matter was referred by the Department to the Court of Claims. The claimant, in her petition in that court, asked for judgment against the United States for $210, that being the difference between $30 per month and $72 per month from the date of her husband's death to the commencement of this action. A demurrer by the Government to the petition having been sustained, the case has been brought to this court.

"The only question presented by the parties for our consideration is whether, under existing statutes, the widow of General Burnett is entitled to the same pension that he was receiving at his death.

"Section 4692 of the Revised Statutes provides that "every person specified in the several classes enumerated in section 4693, who has been, since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall * * * be placed on the list of invalid pensioners of the United States, and be entitled to receive for a total disability, or a permanent specific disability, such pension as is hereafter provided in such cases, and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability, and such pension shall commence as hereinafter provided and continue during the existence of the disability." (17 Stat., 566; 18 Id., 61; 19 Id., 403.)

"Section 4693 specifies who shall be beneficiaries under the preceding section, among whom is "any officer of the Army, including regulars, volunteers, or militia, * * * disabled by reason of any wound or injury received or disease contracted while in the service of the United States and in the line of duty." (17 Stat., 566, 567; 19 Id., 403.)

"Section 4695 provides that "the pension for total disability shall be * * * for lieutenant-colonels and officers of higher rank in the military service * * * $30 per month." (17 Stat., 567; 19 Id., 264.) Other sections fix the amount of pensions in cases of disabilities known as permanent specific disability and inferior disability.

"It is then provided, by section 4702, that "if any person embraced within the provisions of sections 4692 and 4693 has died since the 4th day of March, 1861, or hereafter dies by reason of any wound, injury, or disease which, under the conditions and limitations of such sections, would have entitled him to an invalid pension had he been disabled, his widow * * * shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood," &c. (Act of March 3, 1873, 17 Stat., page 569, chapter 234, section 8.)

"It would seem to be too clear for discussion that the construction which the court placed upon these statutory provisions is correct. It is not to be doubted that the words "total disability" in the pension laws has a technical signification which can not be disregarded. And when the statute fixes $30 per month as the pension, in case of total disability, of an officer of the rank of General Burnett, and declares that his widow shall receive the same pension as her husband would have received had he been "totally disabled," there is no room left for a construction that would give her a pension in excess of that amount. If it is supposed that the law operates unjustly against the officers and soldiers who became "totally disabled" in the service, or that an unreasonable distinction is made between different kinds of disability, the remedy is with another department of the Government. The courts must give effect to the intention of Congress as manifested by the statute. They can not make, but can only declare the law.

"The judgment is affirmed."

Mrs. Burnett is therefore now in receipt of only $30 per month. Her husband died in consequence of his services, having been for a considerable time in a condition of entire helplessness, and her health was seriously impaired by the constant care necessary for his comfort. She is now dependent upon her pension.

The bill as introduced provides for a pension at the rate of $100 per month, but your committee do not feel warranted in establishing such a precedent at this time, or in making this case an exception to the cases of widows of many other distinguished officers of the Army and Navy who have been allowed $50 per month. We therefore report back the bill and recommend its passage with the following amendments:

In the title strike out the words "General Ward B." and insert "Hattie A."

In the fourth line strike out the letter "H." and insert "Hattie."

In the sixth line strike out the words "her late husband's invalid pension of one hundred" and insert "a pension at the rate of fifty."

Strike out in the seventh, eighth, and ninth lines all after the word "receiving," in the seventh line.

Your committee recommend the passage of the bill.

[When the report had been read in part,

Mr. PERKINS said: I would suggest that the committee is satisfied as to the merit of this claim from the portion of the report which has been read. I ask that the further reading be dispensed with.

Mr. BRADY. I should like to hear it all.

Mr. BLANCHARD. Let the whole report be read.

The Clerk continued, and completed the reading of the report as printed above.]

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. I want to object long enough to vote against this bill.

The question being taken, it was decided in the affirmative; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHERINE E. COFFIN.

Mr. STONE, of Massachusetts. I call up for consideration the bill (H. R. 1150) granting a pension to Catherine E. Coffin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations of the pension laws, the name of Catherine E. Coffin, widow of Charles P. Coffin, late a corporal of Company A, Nineteenth Regiment Massachusetts Volunteers.

The Committee on Invalid Pensions reported the following amendment:

In line 5, after the word "the," insert "provisions and."

Mr. BRECKINRIDGE, of Arkansas. I call for the reading of the report.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1150, submit the following report:

Catharine E. Coffin is widow of Charles P. Coffin, late private in Company A, Nineteenth Regiment Massachusetts Volunteers. He enlisted August 10, 1861, and was discharged for disability contracted in service and line of duty October 4, 1862. He died by suicide June 29, 1874.

At the date of his death he was a pensioner at the rate of $8 per month, on account of injury to back and kidneys. His widow filed her application for pension June 14, 1879, alleging that the soldier's death by suicide was attributable to the despondent condition of mind brought on by his disabilities. The claim was rejected on the ground that soldier's death was not attributable to his disabilities for which pensioned.

The evidence in the case shows that he suffered from his disabilities from his discharge to his death, and that he was frequently laid by from work, but he continued to labor off and on down until about the last year of his life, when he gave up.

There is no evidence of insanity, but the evidence discloses that he became in his last years despondent, silent, and depressed, while his natural disposition was cheerful.

George D. Whittier, Arthur M. Ordway, Jos. Newell, D. L. Ambrose, M. D., and Charles H. Emery, neighbors of the decedent, testify—

"That they were well acquainted with Charles P. Coffin for years before the late war and down to the time of his death, which they believe was caused by disabilities brought on by exposure in the war. The last six months of his life he was unable to work, consequently became very low spirited, and at times mentally as well as physically disabled. His case was, in affiant's opinions, a complicated case, which no medical skill could reach. Affiants believe that when he committed suicide he must have been laboring under mental aberration resulting from his low physical condition. His suicide was accomplished by passing out to the rear of the barn and cutting his throat with a razor."

A. M. Ordway and George D. Whitter testify:

"He complained of suffering very much with his back and kidneys, for which he doctored, but without securing any particular benefit. Eight or ten weeks before his death mentally and physically he was very feeble, and his death might have been expected at any time."

Orrin Warren, M. D., and late surgeon of the Third Massachusetts Infantry, testifies:

"I was professionally called to see the late Charles B. Coffin in 1871; found him suffering from disease of kidneys accompanied with pain in small of the back, with tenderness over the region of the kidneys. I examined his urine at the time, but kept no notes thereof and can not say what the result of the examination was. I found him very despondent at the time of my attendance, and although I did not attend him regularly after that, I saw him every week or two until May 30 (Decoration Day), 1874; at that time he with others were invited to join in the services of the day but was not able to march with the post, and rode in a carriage furnished for the invalid and wounded; he expressed himself as hardly in a condition to ride even. I do not remember to have seen him after that."

Your committee, from the evidence presented, have no doubt but the soldier's disabilities made life miserable to him, and finally weakened him so, physically and mentally, that in a fit of despondency he determined to end his sufferings for once and all.

His widow is seventy-three years of age and poor. Your committee are of opinion that she should be placed on the roll the few remaining days of her life, and therefore recommend the passage of the accompanying bill, as amended in line 5, by adding after the word "the" the words "provisions and," so it will read, "provisions and limitations of."

The amendment reported by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANCES MOSHER.

Mr. WHITE, of Minnesota. I call up for consideration the bill (H. R. 7965) for the relief of Frances Mosher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Frances Mosher, widow of Hiram A. Mosher, late a private in Company F, Tenth Minnesota Volunteers, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7965) for the relief of Frances Mosher, have had the same under consideration, and submit the following report:

The claimant is the widow of Hiram A. Mosher, sergeant of Company F, Tenth Regiment Minnesota Infantry, who was wounded in battle before Nashville December 16, 1864.

Claimant's husband at the time of his death, November 13, 1884, was receiving a pension of $18 per month for loss of left arm, amputated just below the shoulder. Widow's claim was rejected because the cause of death—disease of the heart or apoplexy—not due to loss of the arm, and not otherwise shown to be due to the service.

Dr. H. J. Young testifies as follows;

"I treated and prescribed for said Mosher as physician and surgeon many times and often during the seventeen years prior to his death, which occurred on the 13th day of November, 1884. The disease for which I treated said pensioner was neuralgia in the stump of the left arm, axilla, and heart."

On the 13th day of November, 1884, soldier while walking in the street of Waseca, dropped dead of disease, the result of disability as above.

Dr. M. V. Hunt testifies—

"That he was personally acquainted with the claimant's late husband, Hiram A. Mosher, for more than thirteen years previous to his death, and that he treated him (said Mosher) at different times for neuralgia of the stump of left arm and a neuralgic condition of the heart and pericardium. At no time since I have known him had he been free from pain in the stump and all the nerves comprising the axillary plexus. The morning of soldier's death he complained of much pain in the stump and axilla. He fell dead on the street while talking to me, on the morning of November, 13, 1884.

"At the post-mortem examination the day following we found thickening of the neurilemma, adhesion of nerves and an enlarged condition of all blood-vessels; the anterior circumflex artery thickened; calcareous deposits, inducing necessarily imperfect circulation, and, by subsequent inflammation, all nerves and blood-vessels by thickening and extensive adhesions; increased overaction of nerves and blood-vessels of pericardium and the heart, *i. e.*, the coronal arteries; the adhesions and thickening of all the structures of the heart, blood-vessels, nerves, and a partial ossification of the valves, with evidence of an inflammation heretofore existing, involving the pericardim and endocardium; the walls, valves, and substances of the heart indicated calcareous matter in all the tissues. Such a condition of all the structures could not have been induced under other circumstances than that of the loss of the arm, extensive inflammation, suppuration, and gangrene, hospital fever, pneumonia, and a lingering convalescence."

From the medical testimony in this case your committee are of the opinion that soldier's death can be attributed to the loss of left arm, the result of gunshot wound received while in battle.

We therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. HENRY.

Mr. LYMAN. I call up for consideration the bill (S. 1348) granting a pension to Sarah E. Henry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Henry, widow of George Henry, late of Company E, Second United States Cavalry, and general service, United States Army.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1348) granting a pension to Sarah E. Henry, having examined the same, concur in the Senate report hereunto attached, and recommend the passage of the bill.

The committee, having fully considered this bill and examined into the claim of Mrs. Henry, have reached the following conclusions:

George Henry, late of Company E, Second United States Cavalry, appears to have served two terms of enlistment in the Army, one of five years and one of three years. The application of the widow, Mrs. Sarah E. Henry, for a pension was rejected upon the ground that the said soldier died of pneumonia, which disease was not contracted during his service in the Army. The affidavit of the physician in attendance upon Henry is to the effect that he had been treated for rheumatism for a number of years, and that he died of that disease and pneumonia, and that, in the opinion of said physician, the former disease was contracted while in the line of duty in the Army. The committee desire, in closing this report, to append the following communications from Asst. Adj. Gen. Samuel Breck and General E. D. Townsend, late Adjutant-General United States Army, and make them a part thereof:

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebr., March 10, 1886.

SIR: At the request of Franklin J. Henry, son of George Henry, deceased, I take the liberty of addressing you this letter on behalf of the widow of George Henry (Sarah E. Henry), to whom a bill now before the Senate (S. 1348) proposes to grant a pension.

George Henry was enlisted in February, 1858, in Company E, Second Dragoons (now known as Second Cavalry), and served until December, 1862, when he was discharged by order of Major-General Burnside at Falmouth, Va. The same month, being well recommended, he was again enlisted in the general service, United States Army, for clerical duty in the Adjutant-General's Office in Washington. On the latter duty he was under me.

While he was able to do his work in the office well his health seemed delicate and very gradually grew more so until I left the Adjutant-General's Office, in 1870, he having in the mean time been discharged as a soldier (in April, 1864) to accept a civilian clerkship. I understood and believed at the time of his enlistment in the Adjutant-General's Office, in 1862, that his health was broken by his service with his regiment in the Army, and certainly during all the time I knew him no one could have been a more zealous, faithful public servant. His habits, so far as I could know and see, were unexceptionable.

I hope something can be done for his widow.

I have the honor to be, very respectfully, your obedient servant,

SAM'L BRECK,
Assistant Adjutant-General.

Hon. JOHN I. MITCHELL, *United States Senator,*
Chairman Committee on Pensions, Washington, D. C.

I know that Mr. George Henry, once a soldier in the Second Regiment of Dragoons, was a valuable clerk in the Adjutant-General's Office under the immediate orders of Bvt. Brig. Gen. Samuel Breck, Assistant Adjutant-General. I can not say anything positive concerning his ill-health, or the cause of it, as he did not often come under my observation. He was one of those faithful old soldiers who, having been disabled from doing active duty in the field, served the Government no less faithfully, zealously, and efficiently in a sphere where he would be less exposed to vicissitudes of climate, hard fare, &c. The pay of men in that class was insufficient to enable them to make any provision for their families when they were no longer here to support them.

E. D. TOWNSEND,
Brig. Gen., U. S. Army, retired (late Adjutant-General).

CITY OF WASHINGTON, *March* 15, 1886.

The committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM S. RAY.

Mr. JOHNSTON, of North Carolina. I call up for consideration the bill (H. R. 8335) granting a pension to William S. Ray.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of William S. Ray, late a private in Company G, Third Regiment North Carolina Infantry Volunteers, to date from the day his name was dropped therefrom.

Mr. BLANCHARD. I call for the reading of the report.

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4628) granting a pension to William S. Ray, have had the same under consideration, and submit the following report:

William S. Ray was duly enlisted as a private in Company G, Third North Carolina Mounted Infantry. He was placed on the pension-rolls on account of wounds received which totally disabled him, receiving at the time $18 per month. He was dropped from the rolls the 26th of May, 1877, on a report from G. H. Ragsdale, special agent from Pension Department, on a charge that he was not in the line of duty when wounded. The affidavits of comrades show that the soldier came through the lines from his regiment into Madison County, North Carolina, on the special duty of piloting recruits for the Federal service, which he often did, and was fired upon by rebel scouts while so employed, receiving his severe wound at the time. This testimony is corroborated by that of soldiers in the confederate army, who were eye-witnesses to the whole affair.

The committee think that the testimony is sufficient to restore the soldier, and we recommend the passage of a substitute for the original bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN R. SMITH.

Mr. JOHNSON, of New York. I call up for consideration the bill (S. 1466) granting an increase of pension to Stephen R. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen R. Smith, late a private in Company C, Thirty-first Regiment Iowa Infantry, at the rate of $30 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1466) granting an increase of pension to Stephen R. Smith, having examined the same, recommend the passage of the bill.

Mr. BUCHANAN. I should like to have some explanation of this case.

Mr. BRECKINRIDGE, of Arkansas. Does that adopt the Senate report? If it does, let the Senate report be read.

The Clerk read as follows:

The claimant was a private in Company C, Thirty-first Regiment Iowa Infantry Volunteers, and was discharged on surgeon's certificate of disability for gunshot wound of right lung received at the battle of Kenesaw Mountain, Georgia, June 27, 1864. He was pensioned in 1867 for gunshot wound of right lung, and has received various rates, ranging from $8 to $24 per month, since June 12, 1865, the date of his discharge, and the latter is the present rate of allowance, having been advanced to that sum under the provisions of the act of March 3, 1883.

He subsequently made application for increase, and on June 17, 1884, was examined by the board of examining surgeons at Washington, D. C., who reported adversely to his application for increase, solely because he was receiving the maximum rate allowed by the pension law, and conclude their report as follows: "His disability is equivalent to the loss of a hand or foot."

The medical examinations held in this case have uniformly found "that the disability is permanent; that the ball still remains in his body; that he suffers much from dyspepsia and pain of right lung; that he can not perform any labor requiring the active use of his arms; that the wound yet remains open and discharges pus freely; that the wound is still an open suppurating ulcer; every symptom of consumption; the right arm partially paralyzed; general debility exists."

Mr. BRECKINRIDGE, of Arkansas. How much does the bill propose to give?

Mr. MORRILL. It proposes to give $30 per month.

The CHAIRMAN. The Clerk will report the bill again.

The bill was again read.

Mr. BRECKINRIDGE, of Arkansas. I do not see for what reason an unusually large pension is given in this case. It does not appear that this claimant has any one dependent upon him or that he has to employ a nurse.

Mr. MORRILL. I do not know anything of the circumstances of this man, but I think from the facts presented he is certainly disabled from any labor, and with a running sore he can not live long. This bill simply places him on the pension-roll the same as if totally disabled from manual labor.

Mr. BLANCHARD. Is he now drawing a pension?

Mr. MORRILL. He is drawing a pension of $24. This increases it $6 on account of disability. The report says he is totally disabled for manual labor.

Mr. BRECKINRIDGE, of Arkansas. The report says his disability is equivalent to the loss of one hand or one foot. That is not total disability by a good deal. That entitles him to $24 a month and he gets that now. I have a case similar to this in my district where a very worthy man suffers from a running sore the result of a wound, and he gets $24. I have talked with the Pension Committee about his case, but they have declined to recommend any increase of pension. I have had the case fairly presented, but they think that he is getting enough now. I object to the allowance in this bill because the report states that the man's disability is equivalent only to the loss of one hand or one foot, and he is now getting the pension allowed for that disability.

The CHAIRMAN. The question is, shall this bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BRECKINRIDGE, of Arkansas. I shall ask for a quorum unless the bill is withdrawn.

Mr. MORRILL. Mr. Chairman, I do not know anything about this case except from the evidence contained in the papers that I have examined. The evidence shows that this man suffers from a running sore, the result of being shot through the body, and that one of his hands is paralyzed, and it seems to me that $30 a month is a very small allowance for such disability. I question very much, however, whether it is a favor to him to pension him at $30 in this way, because where the pension is fixed by a special act I understand that the pensioner can not get the increase which he would otherwise be entitled to for increase of disability.

A MEMBER. This man will probably get $50 within a year.

Mr. BRECKINRIDGE, of Arkansas. Very well; I shall be glad that he gets it, if he is entitled to it.

The CHAIRMAN. The gentleman from New York [Mr. JOHNSON] has charge of the bill.

Mr. JOHNSON, of New York. Mr. Chairman, I called up the bill by request, but I really do not know anything about the facts in the case.

Mr. MORRILL. I ask unanimous consent that the bill be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

W. D. HAVELY.

Mr. PERKINS. Mr. Chairman, I call up House bill 7616, for the relief of W. D. Havely.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. D. Havely, father of Robert M. Havely, late of Company C, Fifteenth Regiment of West Virginia Volunteer Infantry.

Mr. BLANCHARD. I ask for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7616) for the relief of W. D. Havely, submit the following report:

The files in this case show that W. D. Havely is the father of Robert M. Havely, a private in Company C, Fifteenth Regiment West Virginia Volunteers, who fell mortally wounded at the battle of Cloyd's Mountain, May 9, 1864, and died from the effects of said wound twelve days later. The mother of the soldier died in 1845. He left neither widow nor child. The father is now old and nearly helpless. He has a small farm, which the evidence shows is mortgaged for its full value.

J. Boiconet and S. R. Tuttle testify:

"We have been acquainted with W. D. Havely for ten years, and know that he has been afflicted with double hernia, and on account thereof has not been able to perform any manual labor, but has done some work during the time; and we further state that said W. D. Havely is not worth anything financially. He has a small farm, but it is encumbered with mortgages for all it is worth."

William H. Warner and Orios J. Lent testify that they are intimately acquainted with the claimant; that he is unable to earn a living by reason of advanced age and feebleness of body, and the further fact that he has a double hernia; that his property is not more than sufficient to pay his indebtedness; that he is in every respect a man needing and deserving of aid from the Government, having been deprived of the service of his two sons by reason of their service in the Union Army during the war of the rebellion. The Pension Department can afford him no relief because he can not furnish the required evidence that his son was contributing to his support at the time of his death and that he was then dependent upon him, though claimant states under oath that such was the fact. Congress has invariably granted relief in cases of this kind where it is shown that the claimant lost a son in the service and is now destitute and unable to support himself. Upon this point there can be no question in this case, and your committee therefore recommend the passage of the bill.

Mr. CANNON. Mr. Chairman, I am not going to object to this bill, for the case is doubtless a very worthy one, but I want to ask a question of the chairman of the Committee on Invalid Pensions.

I would be glad if the chairman would inform us whether or no it is the intention of that committee to take any step at this session of Congress to report and press to its passage a general bill taking care of a large class of cases throughout the country that stand on all fours with this case. As I understand this it is one of those cases in which it is out of the power of the party seeking relief to furnish proof that he was dependent upon the son at the time of his death, though he is in a dependent condition now.

Mr. MORRILL. In answer to the gentleman from Illinois, I would say that the gentleman from New York [Mr. WEBER] early in this session introduced a bill for that purpose, which was promptly reported favorably by the Committee on Invalid Pensions, and is now on the Calendar. I can further assure the gentleman from Illinois that if the Committee on Invalid Pensions were allowed to pass their bills they would pass a good many that are now on the Calendar, but which they have no hope of passing through this House.

Mr. CANNON. Does not the gentleman think that unanimous consent could be obtained in the House to take up a general bill for this class of cases? If the question was fairly presented I do not believe that anybody on either side of the House would object. There are a great many old people throughout the length and breadth of the land who lost sons in the service and who are dependent in their old age—cases in which the son was in fact dependent upon them at the time he went into the Army; but he went into the service and was killed, or lost his health and died, and now the parents are left without that support which other parents in their old age receive from their children. I do hope that the committee will make an effort to bring such a bill before the House, and I believe that unanimous consent can be obtained for its consideration.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. THOMAS.

Mr. SOWDEN. Mr. Chairman, I call up Senate bill (S. 1357) granting a pension to Sarah A. Thomas. The bill is accompanied by a report, which I ask to have read for the information of the House.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Thomas, widow of Samuel H. Thomas, late of Company D, Sixtieth Ohio Volunteer Infantry.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1357) granting a pension to Sarah A. Thomas, having considered the same, concur in the Senate printed report, hereunto attached, and recommend the passage of the bill.

The Committee on Pensions, to whom was referred the bill (S. 1357) granting a pension to Sarah A. Thomas, beg leave to report back the same with recommendation that it do pass.

Samuel H. Thomas enlisted and was mustered as a private soldier of Company D, Sixtieth Regiment Ohio Infantry Volunteers, on the 17th day of February, 1864, and was mustered out with his company, July 28, 1865. He died December 31, 1879, very unexpectedly, and his family physician, who reached him a short time after his death, gave it as his opinion that the cause thereof was heart disease.

On the 6th day of January, 1870, the said Thomas was married to Sarah A. Warne, by whom he had five children born in wedlock, the oldest of whom will reach the age of sixteen years next December. The widow is but little able to perform the arduous duty of earning a maintenance for these five children.

In January, 1880, the widow made application for a pension, alleging that her husband, the said Samuel H. Thomas, had contracted heart disease and chronic diarrhea in the Army, &c.; but the claim was rejected by the Pension Office on the ground "that the fatal disease which terminated in [the] soldier's death can not be accepted as a result of his Army service."

A mass of testimony contained in sworn affidavits, the notes of examinations of witnesses under oath, &c., has been sent to the committee, upon request of the chairman, from the Pension Office, from which it appears that the said Thomas was, at the time of his enlistment, a hale, hearty, healthy man, and that he came out of the service with broken health, a victim to both heart disease and chronic diarrhea; that he suffered from these complaints, more or less acutely at frequent intervals up to the time of his death.

Your committee are satisfied that the cause of his death originated during his service in the Army, and that the widow is entitled to the relief proposed by the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN S. BRIDGES.

Mr. ROWELL. Mr. Chairman, I call up Senate bill S. 1169 granting a pension to John S. Bridges.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Bridges, late of Company C, One hundred and twentieth Illinois Volunteers.

Mr. BLANCHARD. I ask to have the report read.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1169, beg leave to submit the following report:

That they have examined Senate bill No. 1169, and the evidence in relation thereto; that they hereby adopt Senate report thereon, which report is in words and figures as follows:

"Claimant enlisted as a private in Company C, One hundred and twentieth Regiment Illinois Volunteers, on the 14th day of August, 1862, and was discharged at Camp Butler, Illinois, September 15, 1865, by reason of expiration of term of service. In his original declaration he claims to have contracted heart disease in the line of his duty, namely, on a march from Memphis, Tenn., to Guntown, Miss., during which he was overheated. Officers and comrades corroborate this statement by affidavit. Medical testimony is furnished to show that he suffered from heart disease since the time of his discharge; that he is disqualified for severe manual labor, and that he was a sound man at the time of his enlistment. There is no record testimony bearing upon this case other than that which shows his presence on duty and his honorable discharge. The claimant testifies that he was treated by the original surgeon, Dr. Whitnall, who is dead, and that he is unable to procure further medical evidence.

"Dr. John R. Clark testifies that the claimant was a sound and able-bodied man at the time of his enlistment, and that he was his family physician for five years prior to that event.

"In view of the fact that the soldier was a healthy man when he went into the service, and that he came out of it broken in health and disqualified to perform manual labor, and that his disability increases with time, your committee recommend the passage of the bill."

The committee therefore recommend the passage of said bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH ROMISER.

Mr. McCOMAS. I call up House bill No. 1059, granting a pension to Joseph Romiser.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph Romiser, late of Capt. Frank Mason's company of Maryland volunteers, on the pension-roll, subject to the restrictions and limitations of the pension laws of the United States, to be paid a pension from ——.

Mr. McCOMAS. I move to amend by striking out the words "to be paid a pension from," which are unnecessary; also by striking out, in line 6, the word "restrictions" and substituting the word "provisions;" which I believe is the usual expression.

The amendments were agreed to.

Mr. BLANCHARD. I ask for the reading of the report.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1059) granting a pension to Joseph Romiser, respectfully report:

The facts of this case, which are completely substantiated, are briefly as follows:

The claimant was a member of Capt. Frank Mason's company of volunteers, of Frostburg, Alleghany County, Maryland. This company of volunteers was not mustered into either the United States or State service. On the 19th of June, 1861, claimant was with said company when they were ordered to proceed to Cumberland, Md., to repel a threatened attack of the confederate forces. Upon the arrival of the company in Cumberland the men were ordered to uncap their muskets. While doing this duty a musket in the hands of Alpheus Beall was accidentally discharged, and a minie-ball, with which it was charged, struck claimant in the left side of the neck, coming out near the left eye, entirely destroying the sight of his eye, the hearing of his left ear, and the "hinge of his jaws."

Dr. George B. Tunfenburg testifies that he was one of the surgeons who professionally attended claimant. He found that a minie-ball had entered at the back part of the neck, passed along on the outside of the skull, under the ear, breaking the jaw at its ramus, and making its exit through the molar bone below and to the outer side of the eye of the same side. The wound was a dangerous one, but after a long sickness he recovered, but has lost the hearing of the injured ear and the sight of the eye. There is considerable deformity of the face caused by exfoliation of the bone.

The claim was rejected by the Pension Bureau because "claimant was not in the military service of the United States." The Committee on Invalid Pensions have heretofore uniformly declined to recommend the granting of a pension to soldiers not enrolled in the service of the United States or acting under the immediate orders of an officer in the United States service. They are fully satisfied that this rule is the proper one and that it should be rigidly adhered to; otherwise it will be seen that the door would be opened wide to a great number of claimants of whom it would be impossible to obtain any official record.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. SPOONER. I ask that Senate bill No. 160 be taken up.

Mr. ZACH. TAYLOR. I understand there was an arrangement made between the gentleman from Ohio [Mr. THOMPSON] and the gentleman from Pennsylvania [Mr. SCOTT], who reported the bill, that it should lie over with Senate bill No. 489 until next week.

Mr. SPOONER. I withdraw the request. I did not understand that such an agreement had been made.

J. H. THORNBURY.

Mr. HENDERSON, of Illinois. I call up the bill (S. 1770) granting a pension to J. H. Thornbury.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. H. Thornbury, late of Company D, Eighth Regiment of Iowa Cavalry Volunteers.

Mr. BLANCHARD. I ask that the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1770) granting a pension to Joseph H. Thornbury, submit the following report:

The records in this case show that after the soldier enlisted in Company D, Eighth Iowa Cavalry, but before he was mustered, while on guard and in the line of duty, he received a wound in his hand by the accidental discharge of his gun, which rendered him unfit for duty, and caused the mustering officer to reject him when the company was mustered into service. He afterward enlisted in the Veteran Reserve Corps and served until the close of the war. His application for pension was rejected on the ground that he was not regularly in the United States service when the wound was received. Technically this may be true, but it is not strictly so, for the soldier had enlisted and was held to be mustered whenever the mustering officer was ready to perform that duty.

Equity demands that this soldier should be treated as if the formal act of mustering in had been performed, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY SHIVELY.

Mr. FUNSTON. I call up the bill (S. 1257) granting a pension to Henry Shively.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Shively, late first lieutenant of Company D, Twelfth Kansas Volunteer Cavalry.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1257) granting a pension to Henry A. Shively, submit the following report:

Your committee, after an examination of this case, have adopted the Senate report as follows, and recommend the passage of the bill:

The claimant, Lieut. Henry Shively, late of Company D, Twelfth Kansas Volunteers, enlisted September 25, 1862, and was discharged August 6, 1864. He made application for pension March 24, 1881, alleging in his declaration—

"That in January, 1863, while in command of a squad in pursuit of guerrillas in Missouri, he incurred enlargement of testicles and scrotum, caused by his horse throwing him forward on the horn of his saddle; also contracted pains in his shoulder and neck."

The claim was rejected by the Commissioner of Pensions on the ground of "no record of the alleged injury and the inability to prove origin in the service and line of duty." The claimant testifies—

"That soon after the organization of the regiment he was detailed as scout, with a posse of men (mounted) to watch the Missouri border, and while in the discharge of duty he was thrown on the horn of his saddle, injuring his testicles, which were much swollen for some time, and the enlargement has never entirely disappeared. It was several days before they reached camp, and, having gotten better, said nothing about it to any one. He continued to perform post duty on the border, and as a result of the injury and the fatigue and exposure, riding day and night over the prairie, his manhood gave way, and he became generally debilitated until his discharge. Never was in the hospital. Upon his arrival home (November 1, 1864), his right testicle began to grow worse, and was treated by Dr. Hower. Afterward the left one did the same, and he was treated by Dr. Merrill."

Thomas R. Wilkinson, C. L. Robbins, and Alfred Johnson testify to soundness prior to enlistment.

Captain Ashby testifies—

"That for the first six or seven months of service no officer of the regiment performed more arduous duty than the claimant; that he was often detailed and served as a scout. In the winter of 1862 and 1863 his health began to fail, and he resigned in the summer of 1864. Claimant was an able-bodied man prior to his enlistment."

W. L. Seville testifies—

"That in October, 1864, he accompanied claimant home from Fort Smith, Ark., to Fort Scott, Kans., and that claimant was sick and grew worse."

Dr. Lindsay, regimental surgeon, testifies—

"That he treated claimant at Fort Scott, Kans., in December, 1863, and at Fort Smith in July, 1864, for liver disease and general debility, and in July, 1864, recommended his discharge for said diseases. From July to October he was weak and debilitated, and had a yellow or jaundiced appearance. Did not see him again until 1881, when he finds his testicle enlarged and tender."

R. H. Kirkland, comrade, testifies—

"That in January, 1863, in Cass County, Missouri, while scouting, claimant was

disabled by being thrown on the horn of his saddle, hurting his testicles, and causing a permanent enlargement of the same."

Dr. Hewer testifies to treatment for enlargement of the testicle.

Dr. Merrill, his family physician, testifies to treatment for spinal disease and disease of testicle since 1869. Orrin R. Hoag and John N. Powell testify to continuous disability from 1865 to 1881.

Dr. J. T. Paxmere, examining surgeon at Ottawa, Kans., under date of January 10, 1883, reports:

"Claimant has hypertrophy of both testicles, the left fully as large as a goose egg, the right about the size of a hen egg. Has to wear bandages to support the weight, and enable him to get around. Rates his disability at third grade or $12 per month, and certifies that in his belief, from his examination, it was received in the service and in line of duty."

Your committee think the claim should be allowed, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

J. W. GOODING.

Mr. BRECKINRIDGE, of Arkansas. I call up the bill (H. R. 8205) granting a pension to J. W. Gooding.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. W. Gooding, late a private in John Berin's company of Arkansas Rangers in the war of the rebellion.

Mr. BLANCHARD. I hope the gentleman from Arkansas will explain this case.

Mr. BUCHANAN. We may as well have the report read.

The CHAIRMAN. The report will be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8205) granting a pension to J. W. Gooding, submit the following report:

Claimant was a member of Capt. John W. Blivens's company of Arkansas Rangers, enlisting February 23, 1864, and in May, 1867, filed a declaration for pension, alleging that in an engagement with the enemy near Kingston, Ark., March, 1864, his hand was penetrated by the ramrod of his gun, from which wound amputation of the right hand became necessary. The organization to which this claimant belonged was never regularly mustered into the United States service, but it appears from the evidence that they were under the direct orders of a United States Army officer, and were engaged in active service.

Col. Thomas J. Hunt testifies:

"I was well acquainted with Capt. J. W. Blivens, who commanded a company of Arkansas Rangers. They were organized and mustered into service as Arkansas Rangers, and not into the United States service, by order of Maj. Gen. J. M. Schofield, commanding department. Said company rendered valuable service to the United States Government by doing constant scouting duty in the counties of Madison, Carroll, Newton, Boone, Franklin, and Johnson, reporting to Col. La Rue Harrison, colonel commanding at Fayetteville."

Capt. J. W. Blivens testifies:

"On the 22d of March, 1861, I being in command of the company near Kingston, Ark., the company was engaged in a fight with rebels. The said James W. Gooding, while in the line of his duty, being engaged in the fight, while loading his gun, plunged the end of his ramrod through the palm of his right hand, from which wound his hand and arm inflamed to such an extent as to render amputation necessary to save his life; that the above facts are derived from my personal knowledge of the service and cause of the disability."

Captain Blivens further testifies that he was at the time acting under orders from Col. La Rue Harrison, commanding the First Arkansas Volunteers. Himself and company were sworn into the United States service as independent rangers, were furnished arms, ammunition, and rations by the United States Government.

Bennett K. Henderson, lieutenant of the company, testifies to the same facts as Captain Blivens.

Captain Blivens further testifies that his company were discharged from duty June 11, 1865, by order of the War Department. In 1868 the Commissioner of Pensions rejected the case on the ground that there was no record evidence. It could hardly be expected that a company of that kind would keep a careful record of all their casualties. It seems to be clearly established that the company were acting under the orders of a military officer of the United States; that the wound was received while in battle, and that he lost his right hand from the effects of it a few days after. It would seem that this soldier was entitled to a pension from the time he received his disability, and it seems to have been from no neglect on his part to make the proper application that he has not received it. To place him on the pension-roll now seems but partial justice, but your committee, believing that he is justly entitled to this recognition, recommend the passage of the bill.

Mr. SOWDEN. I ask the gentleman from Arkansas whether this man was regularly mustered into the United States service by a regular mustering officer.

Mr. BRECKINRIDGE, of Arkansas. I will state to the gentleman that I called this bill up by request. The man is not a citizen of my district, and personally I know nothing about the case. But the report is clear and conclusive on all these points; and I have faith in its veracity. It states that this man enlisted in a company of Arkansas rangers, who were organized and mustered into service by order of Maj. Gen. J. M. Schofield, commanding the department; that while serving under Federal officers, though not regularly mustered into the Federal service, this man received a wound in the hand which rendered amputation necessary, the wound being caused by the ramrod penetrating his hand while he was in the act of loading his gun. This is the statement of the report. To my mind the case is a meritorious one.

Mr. BRADY. There are a number of precedents of this kind. A bill of the same character has been passed this evening. [Cries of "Vote!" "Vote!"]

Mr. SPOONER. What does the gentleman from Arkansas mean by stating that this man was mustered in, but not regularly?

Mr. BRECKINRIDGE, of Arkansas. I have stated that I know nothing of this case except what is in the report.

Mr. SPOONER. I was unable to hear the whole of the report as read.

Mr. BRADY. A similar bill was passed only two or three minutes ago.

Mr. BRECKINRIDGE, of Arkansas. I certainly would not ask for the passage of this bill if I did not think the case meritorious. I have not a particle of personal interest in the case. The report states:

The organization to which this claimant belonged was never regularly mustered into the United States service, but it appears from the evidence that they were under the direct orders of a United States Army officer, and were engaged in active service.

Col. Thomas J. Hunt testifies:

"I was well acquainted with Capt. J. W. Blivens, who commanded a company of Arkansas rangers. They were organized and mustered into service as Arkansas rangers, and not into the United States service, by order of Maj. Gen. J. M. Schofield, commanding department."

That is the statement of the report. Gentlemen must judge for themselves whether the case presented is entitled to their support. The report goes on further to state the nature of the injury suffered by this man, which I think members understand.

Mr. SOWDEN. It seems to me the passage of this bill would be a new departure and would establish a dangerous precedent. If the party seeking to be pensioned was not regularly mustered into the service, a new field may be opened in respect to pensions. There are hundreds, nay thousands, of men who were in the service, but not regularly mustered, and who might, if we establish a precedent of this kind, come in and claim pensions.

Mr. BRECKINRIDGE, of Arkansas. This man was in service under a Federal commander and received a wound in battle. It seems to me that should be sufficient to entitle him to a pension.

Mr. SOWDEN. But it appears this wound was inflicted by himself. Was that in the line of duty.

Mr. BLANCHARD. If it be true this is a new departure, and if there be no precedent to warrant it, I do not think the bill should be allowed to pass.

Mr. MORRILL. In answer to my friend from Louisiana, I will say that up to the 4th of July, 1874, if this man had completed his case he would have been granted a pension at the Pension Office. There was a limitation which we tried the other day to repeal but without success, and the bill is now upon the Calendar. The invariable rule has been to allow cases of this character to pass.

The gentleman asked whether this man was regularly mustered into the service. He was regularly mustered in as a militiaman from the State of Arkansas, and was under the command of a United States officer, as clearly appears by the evidence on file in this case.

As I have already stated, if he had completed his case before 1874 he would have received a pension from the Pension Office. The law was passed in 1873 and was only for one year. Perhaps he did not know of the limitation expiring in 1874; at all events, he failed to complete his case in time. We have passed a great number of just such cases. It is no new departure.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRIGGS having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House had, according to order, had the Private Calendar under consideration, and had instructed him to report to the House sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8151) granting a pension to John P. McDonald;

A bill (H. R. 1580) for the relief of Emily B. Baker;

A bill (H. R. 3551) granting a pension to George W. Cutler, late private in Company B, Ninth New Hampshire Volunteers;

A bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick;

A bill (H. R. 8602) granting a pension to Sarah M. Carroll;

A bill (H. R. 3118) granting an increase of pension to William H. Buck;

A bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll;

A bill (H. R. 5921) granting an increase of pension to John Ryan;

A bill (H. R. 6443) granting a pension to Alexander Falconer;

A bill (H. R. 8651) increasing the pension of Alfred J. Hill;

A bill (H. R. 8601) granting a pension to James H. Butler;

A bill (H. R. 7965) for the relief of Frances Mosher;

A bill (H. R. 8335) to restore William S. Ray to the pension-roll;

A bill (H. R. 7616) for the relief of W. D. Havely; and

A bill (H. R. 8205) granting a pension to J. W. Gooding.

Amendments to bills of the following titles were severally agreed to; and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1059) to grant a pension to Joseph Romiser;

A bill (H. R. 1150) granting a pension to Catherine E. Coffin;

A bill (H. R. 6278) granting a pension to Margaret O'Connor;
A bill (H. R. 8066) to pension Martha A. Voorhees;
A bill (H. R. 7736) to increase the pension of George W. Parks;
A bill (H. R. 5041) granting a pension to Sally A. Stone; and
A bill (H. R. 7749) granting a pension to Aretus N. Butler.

Senate bills of the following titles were ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1257) granting a pension to Henry Shively;
A bill (S. 1770) granting a pension to J. H. Thornbury;
A bill (S. 1169) granting a pension to John S. Bridges;
A bill (S. 1357) granting a pension to Sarah A. Thomas;
A bill (S. 1348) granting a pension to Sarah E. Henry;
A bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett;
A bill (S. 895) granting a pension to Rachel Fleming Cellar;
A bill (S. 1124) granting a pension to William Bethuren;
A bill (S. 327) granting a pension to James E. O'Shea.
A bill (S. 1726) granting a pension to Augustus Field Stevens;
A bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;
A bill (S. 789) granting a pension to John S. Williams; and
A bill (S. 788) granting a pension to John L. Bruce.

Mr. MORRILL moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIE LOUISE CRAVEN.

The SPEAKER *pro tempore*. Senate bill 670, to increase the pension of the widow of the late Commander T. A. M. Craven, is an adverse report, and is reported from the Committee of the Whole House on the state of the Union with the understanding the vote on it shall be taken in a full House.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. GREEN, of New Jersey. In accordance with the understanding, I now move the previous question on the passage of the bill, as I understand that will carry the bill over to be voted on to-morrow morning in a full House.

The previous question was ordered.

And then, on motion of Mr. MORRILL (at 9 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. R. BRECKINRIDGE: Petition of Reese Pritchard, of Little Rock, Ark, for relief—to the Committee on Claims.

By Mr. W. W. BROWN: Petition of citizens of McKean County, urging legislation prohibiting Mongolian immigration—to the Committee on Foreign Affairs.

By Mr. BUTTERWORTH: Petition of the Women's Indian Association, of Cincinnati, Ohio, praying for the passage of Senate bills Nos. 53 and 54—to the Committee on Indian Affairs.

By Mr. CATCHINGS: Papers relating to the claim of William J. Poitercut, of Hancock County, Mississippi—to the Committee on War Claims.

By Mr. CRAIN: Petition of citizens of Galveston, Tex., against taxing oleomargarine—to the Committee on Agriculture.

By Mr. CURTIN: Petitions of citizens of Pennsylvania, praying Congress to pass a bill providing for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. DAVENPORT: Petition of citizens of Bath, N. Y., for redemption of the trade-dollar—to the same committee.

By Mr. EVANS: Memorial of the Women's Indian Association, of Bryn Mawr, Pa., for citizenship and allotment of lands in severalty for the Indians—to the Committee on Indian Affairs.

By Mr. GILFILLAN: Memorial of the Women's Indian Association of Saint Paul, Minn.—to the same committee.

By Mr. GROUT: Petition of H. C. Wells and 56 others, citizens of Calais, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HIRES: Petition of citizens of New Jersey, praying for the passage of a bill for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, memorial from Grange Patrons of Husbandry of New Jersey, praying for laws regulating the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of Grange No. 38, of New Jersey, protesting against any reduction of tariff on all agricultural raw material—to the Committee on Ways and Means.

By Mr. HISCOCK: Petition of Lucius Gleason and others, for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. KETCHAM: Petition of Albert Wooden and 38 others, citizens of Pawling, N. Y., for the imposition of an internal-revenue tax of 10 cents per pound on oleomargarine—to the Committee on Agriculture.

By Mr. LA FOLLETTE: Petition of D. H. Vernon, R. C. Vernon, and 25 others, praying the enactment of a law placing all imitations of butter under the control of the Internal-Revenue Department, with a sufficient tax to defray the expense of enforcing the law—to the same committee.

By Mr. LORE: Petition of the Women's Indian Association of Delaware, for the passage of the Dawes bill (S. 54) for the allotment of lands in severalty to Indians—to the Committee on Indian Affairs.

By Mr. MAYBURY: Petition of the Women's Indian Association, of Detroit, Mich., for the passage of Senate bill No. 54—to the same committee.

By Mr. OUTHWAITE: Petition in the case of Charles K. Jeuree, for the removal of charges of desertion—to the Committee on Military Affairs.

Also, petition of the Women's National Indian Association, of Columbus, Ohio, in favor of the passage of Senate bill No. 52—to the Committee on Indian Affairs.

By Mr. PETTIBONE: Petition of Oscar Talbott and others, heirs of Ross Talbott; of Leroy Cox; of William G. Davis, administrator of Coleman Martin, deceased; and of William G. Davis, of Jefferson County, Tennessee; and of W. A. Howell, of Hamilton County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. RIGGS: Petition of the Board of Trade of Elgin, Ill., for the passage of the bill to tax and control oleomargarine—to the Committee on Agriculture.

Also, protest of the Trade and Labor Assembly of Chicago, against the proposed amendment of section 5258, Revised Statutes, in the interests of railroads—to the Committee on the Judiciary.

Also, petition of G. Rosenberger and others, of Loraine, Ill., and of J. C. Gregory and others, of Hull, Ill., asking for taxation and control of oleomargarine—to the Committee on Agriculture.

By Mr. J. W. STEWART: Petition of A. B. Ashley and others, for a revenue tax on adulterated butter—to the same committee.

By Mr. W. J. STONE, of Kentucky: Petition of John R. Martin, asking compensation for property destroyed by the United States Army—to the Committee on War Claims.

By Mr. SYMES: Resolution of Knights of Labor, in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. TOWNSHEND: Petition of citizens of Lusk, Ill., praying for the passage of the arrearage-of-pension act—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Petition (22 feet long) of 600 citizens of Minnesota, in favor of taxing oleomargarine and regulating the manufacture and sale thereof—to the Committee on Agriculture.

By Mr. WHITING: Petition of citizens of Conway, and of Hampden County Massachusetts, in favor of taxing imitation butter—to the same committee.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented, and severally referred to the Committee on Education:

By Mr. MILLIKEN: Of citizens of Kennebec County, Maine.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 22, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

Mr. BUCHANAN. I desire to correct the Journal, Mr. Speaker. Upon the bill reported yesterday from the Committee on Ways and Means, in relation to the mackerel fisheries, I voted in the negative upon the second call. I am recorded as not having voted upon that question.

The SPEAKER. The correction will be made.

The Journal was then approved.

FEES OF WITNESSES AND JURORS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the First Comptroller of the Treasury relative to the resolution for an appropriation to pay the fees of witnesses and jurors for 1883 and prior years, reported on May 20 adversely by the Committee on Appropriations; which was referred to the Committee on Appropriations, and ordered to be printed.

CONSOLIDATION OF CUSTOMS DISTRICTS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, referring to his letter of the 12th instant in reply to a resolution in regard to customs districts, and recommending

the discontinuance of additional districts; which was referred to the Committee on Ways and Means, and ordered to be printed.

POSTMASTERS' ACCOUNTS FOR STATIONERY.

The SPEAKLR also laid before the House a letter from the Postmaster-General, transmitting a statement of amounts disallowed postmasters for stationery for the fiscal year ending June 30, 1883, on account of inadequate appropriations, and recommending legislation authorizing their allowance; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, with amendments of the Senate, disagreed to by the House of Representatives, with the request on the part of the Senate for a conference committee on the disagreeing votes of the two Houses thereon.

The SPEAKER. Without objection the request for a committee of conference will be agreed to, and the Chair will during the day appoint the managers of the conference on the part of the House.

There was no objection, and it was so ordered.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, with amendments of the Senate; which (on motion of Mr. HOLMAN) was referred to the Committee on Appropriations, and, with the Senate amendments, ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House, under the rule, the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road; which was read a first and second time, and referred to the Committee on Commerce.

GERIAH COLLINS.

The SPEAKER also laid before the House the bill (S. 891) granting a pension to Geriah Collins; returned from the Senate by request of the House.

Mr. DOCKERY. I ask that the bill be allowed to lie over informally for the present.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ARNOT, for ten days, on account of important business.

To Mr. WAIT, for one week, on account of important business.

To Mr. HEWITT, until Tuesday next, in consequence of sickness.

To Mr. CONGER, until Tuesday next.

To Mr. DIBBLE, for ten days, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. RIGGS to print further remarks on the Senate amendments to the Post-Office appropriation bill.

RIGHT OF WAY THROUGH CHOCTAW AND CHICKASAW NATIONS.

Mr. WELLBORN. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes."

Perhaps it is proper for me to state, in making this request, that the same or a similar request was submitted to the House a day or two ago, but the consideration was then objected to. I am now authorized, however, to state that the objection is not insisted upon.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That so much of section 5 of the act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes," approved August 2, 1882, which requires that "within one year from the date of the acceptance of this act by said company, as herein provided, the said company shall file with the Secretary of the Interior a map showing the definite location of its line of road and telegraph as designated in the first section of this act, and shall complete the said road and telegraph through the lands of said nations within the further period of one year," shall be, and the same is hereby, so amended that the time within which said road and telegraph line is required to be completed shall be extended two years from the date of the passage of this act.

Mr. BEACH. I do not think that this bill will accomplish the objects which its promoters have in view. The act of 1882 provided that this Saint Louis and San Francisco Railroad Company should have the right to cross this Indian reservation, provided that a map of definite location of the road should be filed within one year, and provided further that the road itself should be built within one year. By section 10 of that act there was a provision that in case this particular road should not build its line within the year, then the privileges of the act should inure to the Chicaco, Texas and some other railroad corporation, and they had under that tenth section a year within which to build the road, and if they did not build it within that time, then the privileges of the act should devolve upon such corporation as the President of the United States might approve.

The report from the committee is silent upon this question. I would like to know from the gentleman from Texas whether the privileges of this act have not devolved by operation of the tenth section upon some other corporation?

Mr. WELLBORN. The whole thing has practically expired. This bill simply extends the time within which the road is required to be completed two years from the passage of the act.

Mr. BEACH. I think the gentleman from Texas does not seize the point I was endeavoring to make. Under the tenth section of the act of 1882 these privileges, unless this railroad should construct its line within a year, are vested in another corporation.

Mr. WELLBORN. Yes, sir; and the time that other corporation had for completing the road has also expired.

Mr. BEACH. If that other corporation did not avail itself of the privileges of the act the tenth section says the provisions shall apply to any other company that shall have first obtained the approval of the President of the United States.

Mr. WELLBORN. That section will be made virtually inoperative by the passage of this amendment.

Mr. BEACH. I do not think it will have that effect unless that tenth section is repealed.

Mr. PERKINS. The President of the United States did not make the designation.

Mr. WELLBORN. That is true; no designation has ever been made by the President, and hence the passage of this bill will extend the privileges of the original act to the Saint Louis and San Francisco Railroad two years.

Mr. BEACH. I do not think the gentleman from Texas will gain what he wants unless he repeals that tenth section.

Mr. WELLBORN. This bill is a Senate bill; and those who are promoting this enterprise and interested in it are satisfied with the amendment. We are simply wanting the operation of the original act extended two years.

Mr. BEACH. The reason I made the objection was because it did not seem right to cut some other company out of the rights to which it was entitled under the tenth section of that act.

Mr. BLAND. This is a road that is being extended in the South and Southwest, and is a very important road.

Mr. BEACH. I have no objection to the merits of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WELLBORN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I beg leave to state that the Committee on Appropriations will ask the House next Monday to take up for consideration the legislative, executive, and judicial appropriation bill. I believe this day is set apart by special order for the consideration of the free-ship bill.

The SPEAKER. Does the gentleman from Indiana demand the special order?

Mr. HOLMAN. The chairman of the committee, the gentleman from Arkansas [Mr. DUNN], does not seem to be present, and I will not insist upon the regular order at this moment.

Mr. COX. It was my desire to call up this morning the privileged report on the Warder case; but I have been informed the special order will prevent that. I desire the ruling of the Chair.

The SPEAKER. The Chair will state that by an order of the House made on the 23d of February each Saturday thereafter during the session, until further order, was set apart for general debate in Committee of the Whole House on the state of the Union, no other business to be transacted. Subsequently the House has made several special orders for Saturdays, which, so far as they go, are exceptions to this general order. Among them is the order made for to-day for the consideration of what is known as the free-ship bill. If that bill is not taken up the general order made on the 23d of February, setting aside Saturdays for general debate, will be in force, and no other business can be transacted except by unanimous consent.

Mr. COX. I desire to give notice that I will call this matter up at the earliest opportunity.

Mr. DUNN. I supposed the committees would be called for reports and also that the hour for the consideration of bills was excepted in the order for the consideration of the free-ship bill. That is the reason I was not in my place earlier. I shall ask to take up the special order.

Mr. GREEN, of New Jersey. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREEN, of New Jersey. Last evening a bill to increase the pension of the widow of the late Commander Craven was ordered to a third

reading, and the previous question was ordered on its passage. I understand under the previous ruling of the Chair that can not come up to-day.

The SPEAKER. The Chair thinks not under the order of the House for Saturdays, but it will come up on Monday morning. It can not come up now because this day is specially dedicated to other matters.

REGULATION OF COMMERCE.

Mr. REAGAN, from the Committee on Commerce, by unanimous consent, reported back the bill (S. 1532) to regulate commerce, with an amendment in the nature of a substitute.

The SPEAKER. Does the bill make an appropriation or require an appropriation to be made? If so, it must go to the Committee of the Whole House on the state of the Union.

Mr. REAGAN. I think not. The bill does not require an appropriation.

The SPEAKER. Does not the bill create a commission?

Mr. REAGAN. The amendment does not.

The SPEAKER. But the bill?

Mr. REAGAN. The bill does.

The SPEAKER. Then it must go to the Committee of the Whole House on the state of the Union.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the amendment, ordered to be printed.

LAFAYETTE FOWLER.

Mr. CABELL. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8676) for the relief of Lafayette Fowler, and that the same be now considered.

The SPEAKER. The Chair understood the gentleman from Arkansas [Mr. DUNN] to demand the special order.

Mr. DUNN. I yield to the gentleman from Virginia on the understanding that the bill he calls up will not lead to debate.

The bill (H. R. 8676) for the relief of Lafayette Fowler was read, as follows:

Be it enacted, &c., That the sum of $130.50, being the amount of revenue tax imposed by law upon Lafayette Fowler, of Carroll County, Virginia, for the manufacture, &c., of 145 gallons of distilled spirits which were destroyed by fire in the store-house of said Fowler, in said county, on the 22d day of February, 1886, without fault or negligence on his part, and the interest and penalties imposed for the non-payment of said tax be, and the same are hereby, released and remitted to him; and if, prior to the passage of this act, the whole or any part of said tax, interest, or penalties shall have been paid by him, then the Secretary of the Treasury is hereby authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to refund and repay to the said Lafayette Fowler the sum or sums of money so paid by him by reason of the liabilities hereinbefore mentioned.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CABELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAVID W. LOW.

Mr. STONE, of Massachusetts. Mr. Speaker, I ask unanimous consent to call up from the Private Calendar and consider at this time the bill (H. R. 5651) for the relief of David W. Low.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to David W. Low, out of any money in the Treasury not otherwise appropriated, the sum of $303.90, to indemnify him for loss of postal funds sustained by him and caused by robbery of the post-office in October, 1883.

Mr. SPEAKER. Is there objection to the present consideration of this bill?

Mr. BROWNE, of Indiana. Mr. Speaker, I do not object to the consideration of the bill, but I would like to know why this claim could not have been filed in the Post-Office Department and allowed under the general law upon this subject passed a year or two ago.

Mr. STONE, of Massachusetts. In reply to that, Mr. Speaker, I have to say that this is a claim for loss of postal funds, and under the law passed two years ago postal funds are not payable by the Postmaster-General. The law limits the payment to stamps and envelopes and postal property of that kind. Moneys have to be passed upon and allowed by Congress.

Mr. BROWNE, of Indiana. That is correct, I believe. I remember that in the general discussion upon the question in this House it was thought that it would be very dangerous indeed to incorporate into the general law the privilege or right on the part of the Post-Office authorities to adjudicate claims for losses covering postal funds; and if it was a dangerous thing to be injected into a general statute I do not see why it is not equally dangerous to put it in a special act.

Mr. STONE, of Massachusetts. Mr. Speaker, I have to say, simply, that if losses of this kind which occur through burglary, or from other causes for which the postmaster is not at all responsible, can not be considered or allowed by Congress, then the postmaster in such a case is in a bad predicament. I have to say, further, that a bill is now pending before this House to qualify the law, and I submit that the law ought to be amended, and that its amendment may be well justified by considerations of public policy. This, however, is a case of loss by burglary, as will appear clearly from the report, if the gentleman desires to have it read, and the Postmaster-General says he knows no reason why the claim should not be allowed, except that he can not allow it under the law.

Mr. BEACH. Let me ask my friend from Massachusetts [Mr. STONE] whether we had not better lay aside these special bills and amend the general law. When we passed the general law in the Forty-seventh Congress we thought we had avoided the necessity for this special legislation, and I think it would be a good thing now to stop considering these bills, of which we have passed a good many within the last few days, and amend the general law so as to take in all these cases.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FISHWAYS AT THE GREAT FALLS OF THE POTOMAC.

Mr. WILSON. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on Appropriations to report back the resolution which I send to the Clerk's desk, and ask that it be put upon its passage.

The SPEAKER. That can be done to-day only by unanimous consent.

Mr. WILSON. Then I ask unanimous consent.

The SPEAKER. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 17, 1886.

Resolved, That the Secretary of War be directed to inform the House what progress, if any, has been made in the erection of the fishways directed to be placed at the Great Falls of the Potomac under the act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," and the act amendatory of said act, approved February 26, 1885; also what amount of the sum appropriated for said fishways has been expended and how much is reported available for their erection, and whether the sum heretofore appropriated is sufficient for such erection.

The SPEAKER. Is there objection to the consideration of the report?

There was no objection.

The resolution was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DUNN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order.

The SPEAKER. The Chair will cause the Clerk to read the order made on the 7th day of April, from which the gentleman from Arkansas [Mr. DUNN] will see that the bill is made a special order for the whole of this day, not excepting the morning hour, but that on the 25th and 26th of this month the morning hour and the hour for the consideration of bills are excepted.

The Clerk read as follows:

Resolved, That Saturday, the 22d day of May next, be set apart for general debate on House bill 7219, commonly known as the "free-ship bill," and that the following Tuesday and Wednesday, the 25th and 26th days of May, after the morning hours for the call of committees for reports and for the consideration of bills, be set apart for the further consideration and disposal of said bill, the previous question on which, and all amendments thereto then pending, shall be considered as ordered at 4 o'clock on said last-named day.

CAPT. HOLLISTER E. GOODWIN.

Mr. HISCOCK. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That David S. Biggs and the heirs, next of kin, and personal representatives of Joseph Biggs be, and the same hereby are, released and discharged from any and all liability or payment of money upon a bond executed in the year 1863 by Hollister E. Goodwin as principal and David S. Biggs and Joseph Biggs as sureties, conditioned as required by law for the performance by the said Hollister E. Goodwin of the duties of assistant quartermaster of the United States Army.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

An amendment recommended by the Committee on War Claims, inserting the word "three" after the word "sixty," in the seventh line of the bill, so as to make the clause read, "A bond executed in the year 1863," &c., was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT STRACHAN.

Mr. GALLINGER. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 574) for the relief of Robert Strachan, and that the House now proceed to consider the same.

The bill was read, as follows:

Be it enacted, &c., That jurisdiction be, and the same is hereby, conferred upon the United States Court of Claims to hear, try, and determine, according to the rules and practice now in force in said court, any claim for damage which Robert Strachan may have against the District of Columbia by reason of the said District of Columbia, or its agents, servants, or employés having changed the grade of New Hampshire avenue between Sixteenth and Seventeenth streets, and having turned the water upon the premises of the said Strachan and into his dwelling-house, and by means of an embankment having been erected and continued thereon for a long time, in said District of Columbia.

SEC. 2. That the judgment rendered in said action, if any shall be rendered for the claimant, shall be paid in the same manner as judgments are paid in said court as now provided by law; and one-half of the amount of said judgment shall be charged against the revenues of the District of Columbia.

SEC. 3. That the Government hereby waives all rights under the statute of limitations as to this claim.

The SPEAKER. Is there objection to discharging the Committee of the Whole House from the consideration of this bill and proceeding to consider it in the House at this time?

Mr. HEMPHILL. I wish to inquire whether the bill has been referred to any committee of the House?

Mr. GALLINGER. The Committee on Claims has made a unanimous report in favor of this bill. It has already passed the Senate. It simply allows a poor man to go to the Court of Claims and establish his claim if he can.

Mr. HEMPHILL. Let us hear the report.

The SPEAKER. If there be no objection the report will be read, subject to the right to object afterward to the consideration of the bill.

The Clerk read as follows:

A bill for the relief of Robert Strachan and others was pending before the Senate in the Forty-eighth Congress. A report was made by the Committee on the District of Columbia, a copy of which may be found in the appendix to this report, recommending the passage of said bill for the relief of Robert Strachan only, but the bill was not reached by the Senate, and in view of the fact that it could not be so reached, it was sent to the Court of Claims under the first clause of section 1059 of the Revised Statutes. This clause gives the Court of Claims jurisdiction over "all claims which may be referred to it by either House of Congress." The Court of Claims, however, upon the motion of the Attorney-General to dismiss, held that they could not take jurisdiction of the claim, for the reason that, in the opinion of the court, that clause does not give to the separate Houses of Congress the power to confer jurisdiction upon the Court of Claims against the District of Columbia, but only upon claims against the United States.

In the present Congress bills for the relief of Robert Strachan were presented in both Houses, giving the Court of Claims jurisdiction and waiving any right under the statute of limitations. The Senate bill has passed that body, and is now before this committee.

Your committee therefore recommend that the House bill lie upon the table, and they report back the Senate bill with a recommendation that it do pass, with the following amendments: At the beginning of line 8, section 1, strike out the word "and" and insert the words "or by reason of their;" in line 9, strike out the word "and," between the words "dwelling-house" and "by," and in line 10 insert the words "by them" between the words "continued" and "thereon."

The SPEAKER. Is there objection to the present consideration of this bill in the House?

Mr. HEMPHILL. I wish to inquire whether this bill was properly sent to the Committee on Claims—whether it ought not to have gone to the Committee on the District of Columbia?

The SPEAKER. It might have gone to either committee, because it involves a claim against the District of Columbia, and also a claim against the United States. Of course a claim against the District of Columbia alone would go properly to the Committee on the District of Columbia, and a claim against the United States would go properly to the Committee on Claims. The claims embraced in this bill belong to both classes. Is there objection to the present consideration of the bill in the House? [A pause.] The Chair hears no objection. The Committee of the Whole House is discharged from the further consideration of the bill. The first question is on agreeing to the amendments reported by the Committee on Claims, and just read as a part of the same.

The amendments were agreed to.

The SPEAKER. The question is now on ordering the bill as amended to a third reading.

Mr. HEMPHILL. Mr. Speaker, I did not like to object to the consideration of this bill——

Mr. DUNN. Mr. Speaker——

The SPEAKER. No objection has been made to the consideration of the bill.

Mr. DUNN. If there is to be debate I shall have to make objection.

The SPEAKER. But the Chair asked for objection, and none was made. The House has entered upon the consideration of the bill and adopted the amendments.

Mr. DUNN. But the Chair will remember that I only agreed to yield the floor for the consideration of such measures as might be passed without debate.

The SPEAKER. But the Chair could not tell in advance what measures would give rise to debate; and after the House has given consent to the consideration of a bill it is before the House, subject to debate under the rules.

Mr. GALLINGER. I feel sure that this bill will not give rise to much debate.

Mr. HEMPHILL. I desired only to say that after a unanimous report by the Committee on Claims I did not like to object to the consideration of this measure; but I wish to call the attention of the House to the fact that the passage of this bill will probably establish a precedent which may involve the Government and the District of Columbia in the payment of a very large sum of money. One of the provisions of this bill, and the main provision, is that this claimant shall have the right to sue in the Court of Claims for any damage which he may have suffered by reason of a change in the grade of the streets of this city. There are some other provisions in the bill, but I believe that is the principal one. Now, it has been decided by the Supreme Court of the United States that a municipal corporation such as the city of Washington has the right to change the grade of the streets whenever it sees proper to do so.

Mr. BROWNE, of Indiana. I think it is the rule in every court in the United States that the common council of a city or town has plenary power to change the grade of any street, and that such change does not work any damage.

Mr. HEMPHILL. That is exactly what I am contending for. Therefore I say that if this man be permitted to go into the Court of Claims and recover damages for the supposed wrong which has been done him in this matter, every other citizen in this community who may suppose himself to have suffered damage on account of a change of grade will under this precedent have the same right to go into court and sue the District of Columbia or the United States Government for the damage he may believe himself to have suffered.

Mr. BLOUNT. I wish to inquire of the gentleman whether there are not a great many cases of this sort.

Mr. HEMPHILL. Oh, yes, sir; a great many.

Mr. BLOUNT. So that the amount of the liability in which the Government may be involved is very large.

Mr. HEMPHILL. There is no doubt about that.

I will say, without meaning to reflect in any way upon the Committee on Claims—because I know that any committee is liable to make mistakes—that this same committee has reported to this House another bill providing payment to a claimant who, as I believe, has no earthly claim for damages, and whose claim, whatever may be its merit, is now pending in the Supreme Court of the United States on a case carried up from the Court of Claims. And before the court has decided whether he has any right to any money at all we are called upon by a report from this same committee to vote him $50,000 or $60,000. As I have said, I disclaim any desire to reflect upon the Committee on Claims, because it is impossible for them, as it is for all of us in many cases, to get at all the facts connected with these matters.

Mr. BUCHANAN. Will the gentleman from South Carolina yield to me for a question?

Mr. HEMPHILL. Yes, in one moment.

Mr. BUCHANAN. What case do you refer to?

Mr. HEMPHILL. There is a large number of people in this District who feel it to be their duty to take every dollar they can out of the Treasury by right or by wrong. Therefore I say it is of the utmost consequence to this District and to the United States Government the House should consider well before they lay down a precedent, by the passage of this bill, even if the man is a poor man, which is liable to do us great damage in the future.

Now I submit to the gentleman's question.

Mr. BUCHANAN. What case do you refer to?

Mr. HEMPHILL. I refer to the claim of the Ballard Pavement Company.

Mr. BUCHANAN. As a member of that committee I desire to say I have no knowledge of that case whatever.

Mr. HEMPHILL. I disclaim reflection on anybody whatever. It is likely to have been reported by any committee under the same circumstances.

Mr. FINDLAY. Will the gentleman permit me to ask him a question?

Mr. HEMPHILL. Yes; I will yield to a question from the gentleman from Maryland.

Mr. FINDLAY. Will the gentleman from South Carolina state the case decided by the Supreme Court of the United States to which he referred?

Mr. HEMPHILL. I do not remember the case; but it was a case which grew out of change of grade in this city.

Mr. FINDLAY. The tendency of modern decisions is to relax the strictness with which the old doctrine of *damnum absque injuria* was enforced. While, therefore, the gentleman from South Carolina is correct as to the general current of the decisions upon this subject, the gentleman from Indiana is wrong when he states that the non-liability of municipal corporations for damages incident to a change of grade is the universal rule in all the courts. The Supreme Court has so held in the

old case of Gozler *vs.* The City of Georgetown (6 Wheaton, 593), but has modified the doctrine in Pumpelly *vs.* The Green Bay Company (13 Wallace, 166). The courts in Ohio hold outright that injury to an individual by cutting down a street or otherwise for the good of all should in justice and good morals be shared by all (McCombs *vs.* Akron, 15 Ohio, 474). So Kentucky has made a long stride in the same direction (Louisville *vs.* Rolling Mill Company, 3 Bush, 416). And I defy any one to give a reason why an injury against the individual worked by the State or under its authority should not be compensated in the same way, in the same right, and to the same extent as injuries by the individual against the individual are compensated. I have been compelled to hold otherwise as a practitioner, but have never done so without a feeling that I was engaged in an act of robbery and spoliation.

Mr. HEMPHILL. I can not let my friend decide this question of law. I only yielded to him for a question. I agree it is the general, if not the universal, rule. If there is any exception I do not know of it. The opinion I referred to was delivered by Chief-Justice Marshall. It has been the rule established since that time down. It was in a case where the grade was changed after express agreement by ordinance of the city of Georgetown or Washington it should not be changed at all. The court decided, notwithstanding that had been done, the city council had the right to change it.

Mr. FINDLAY. That is true in that case. All I have to say is that it has been my fortune to try a great many of these cases of condemnation as the representative of the city of Baltimore, where I was compelled to take the same ground my friend from South Carolina has taken this morning, that this was an injury without damage, as the books say, and yet I felt in every one of them I was robbing some honest man out of his rights. I should like to know why when damage is done it should not be paid for. There is no reason when it has been done by the Government it should not be paid for. The question is, has damage been done? And if it has been done it should be compensated for.

Mr. HEMPHILL There is this about that: Every man who buys property in the city buys it with the expectation it shall be governed by the rules and regulations of the city council. He has no right to put up a wooden building in certain portions of the city, because he knows when he buys the property that is one of the provisions of law. Therefore when he buys a lot which may have a street in front of it he knows it at the time he buys it and makes his bargain accordingly.

Mr. FINDLAY. He buys his property according to grade.

Mr. HEMPHILL. I now yield to the gentleman from Georgia.

The SPEAKER. For what purpose; for debate?

Mr. HEMPHILL. For debate or a motion if he wishes.

Mr. BLOUNT. Mr. Speaker, it is very evident instead of this being a claim for a poor individual it involves a proposition of law, a general proposition of right as to the conduct of the board of public works many years ago. It has been before Congress time and again for revision. It is too large a question for us to dispose of in this manner, when, under the color of justice to an individual, we are setting perhaps a precedent which will involve this Government in millions of dollars, and when we are doing it unwittingly without examination. If it had been known this was the character of this claim I imagine consent would not have been given to take it up. I therefore, with the view of giving the House a better opportunty to consider it under other circumstances, move to recommit the bill.

Mr. GALLINGER. A single remark before that motion is made.

The SPEAKER. The motion is debatable.

Mr. BLOUNT. But I only yield the floor for a moment.

The SPEAKER. The gentleman makes a motion and that terminates the debate as far as the bill itself is concerned. The motion to recommit is debatable, however.

Mr. GALLINGER. The gentleman from South Carolina as well as the gentleman from Georgia seems to be laboring under a misapprehension as to the facts involved in this case. It is not a question merely as to damages for the change of grade of a street. The facts are, and they have been abundantly established, that the District of Columbia, ostensibly for the purpose of grading a street, built up an embankment of sand almost as high as a man's house and allowed it to remain I think two or three years, whereby the premises of the applicant in this case were absolutely destroyed. It is no question, therefore, of a change of grade, but a question of criminal neglect on the part of the authorities of the District of Columbia, whereby a poor man's residence was wiped out of existence practically.

This was before the Senate at the last session of Congress, and the Senate sent it to the Court of Claims, believing it should adjudicate the question involved. That court decided, however, that one House of Congress could not submit a question to the court involving a claim against the District of Columbia, which required the action of both Houses.

The Senate has again passed the bill, and the Committee on Claims of this House have examined it thoroughly. They believe the applicant has rights which the court should act upon; and if true, as the gentleman from South Carolina says, that the law is all against him, the court will so find and settle the matter for all time to come, so that we will have no further trouble with reference to such cases.

I wish to state upon my honor as a man, and after as diligent an investigation of the case as I was capable of, that I believe there never was a fairer case offered for the adjudication of this House, and I trust that no technical objections will be interposed here to induce the House to vote against submitting the question to this court for adjudication.

Mr. BLOUNT. I demand the previous question upon the motion.

Mr. HEMPHILL. Let me ask, first, whether there is any report from the commissioners of the District of Columbia upon the bill?

Mr. DUNN. I demand the regular order.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from Georgia to recommit the bill.

The question was taken; and on a division there were—ayes 70, noes 0.

So the previous question was ordered.

The question being taken on the motion to recommit to the Committee on Claims, the House divided; and there were—ayes 66, noes 63.

Mr. GALLINGER. I demand tellers.

Mr. REAGAN. I ask the yeas and nays at once.

Mr. DUNN. I hope the gentleman will not call for the yeas and nays on this motion, but, if necessary, take it on the passage of the bill if this motion shall fail. I want to save this day, if possible, for the Committee on Shipping.

Mr. REAGAN. I withdraw the demand.

Mr. DUNHAM. In order to save time I make the point that no quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. GALLINGER and Mr. BLOUNT were appointed tellers.

The House again divided; and the tellers reported—ayes 82, noes 83.

So the motion to recommit was not agreed to.

The question recurring upon the third reading of the bill, the House divided; and there were—ayes 58, noes 51.

So the bill was ordered to be read a third time.

Mr. PERKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it

Mr. PERKINS. Is a motion to amend in order at this time?

The SPEAKER. It would have been before the bill was ordered to be engrossed and read the third time; but it can only be done now by either a reconsideration of the vote just taken, or unanimous consent.

Mr. PERKINS. I ask unanimous consent that a motion be allowed to strike out after the word "employés" down to and including the word "or," in line 10.

Mr. GALLINGER. I object to a motion to amend.

Mr. PERKINS. Then I move to recommit with instructions.

Mr. GALLINGER. I ask the previous question upon the passage of the bill.

The SPEAKER. But the gentleman from Kansas moves to recommit with instructions. The instructions will be read.

The Clerk read as follows:

Strike out all after the word "employés," in line 8, down to and including the word "or," in line 10, as follows: "By reason of the said District of Columbia, or its agents, servants, or employés having changed the grade of New Hampshire avenue between Sixteenth and Seventeenth streets, or."

Mr. PERKINS. This will take from the Court of Claims jurisdiction over the question of damages resulting from the change of grade.

Mr. GALLINGER. The Court of Claims is already competent to settle that question.

Mr. PERKINS. But this will take from them the question involved in the change of grade.

Mr. BLOUNT. Is it in order to move to lay the bill upon the table?

The SPEAKER. This is a Senate bill and the House never lays a Senate bill upon the table, but always acts upon it in such a way as to send the bill back to the Senate after such action as the House may have taken upon it.

Mr. PERKINS. I understand now that the gentleman from New Hampshire is willing to accept the amendment; and, if so, I will not insist upon the motion to recommit.

The SPEAKER. Is there objection to the consideration of the amendment at this time proposed by the gentleman from Kansas as an instruction to the Committee on Claims?

Mr. BLOUNT. I object.

The SPEAKER. Then the question recurs on the motion to recommit with instructions.

The question was taken; and there were—ayes 71, noes 54.

So the motion to recommit was agreed to.

Mr. GALLINGER. I regret having taken so much time of the House, and will make no further opposition.

ORDER OF BUSINESS.

Mr. DUNN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of taking up the special order fixed for to-day.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

FREE SHIPS.

The CHAIRMAN. The House is in Committee of the Whole for the

purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7219) to amend sections 4132 and 2513 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States and to permit the same to be registered as vessels of the United States, and to admit certain materials to be used in the construction of vessels free of duty.

Mr. DUNN. Mr. Chairman, this I believe is the first time in the history of our legislation when a bill has been brought before this House directly proposing to repeal, amend, and change our shipping laws in regard to the registration of American vessels since the passage of the original shipping act in 1792. I fully realize and appreciate the importance and character of the change proposed to be made. I realize and understand fully the urgent, earnest, and determined opposition that has always been and always will be made to such a change of our shipping laws.

The bill reported by the committee was matured after deliberate consideration and discussion by a majority of the committee. Under the existing laws regulating our shipping interests no vessel can be registered as a vessel of the United States unless it was built within the United States or was captured in war by citizens of the United States and lawfully condemned as prize, or which may have been adjudged to have been forfeited for breach of the laws of the United States, and which in each case shall belong wholly to citizens of the United States or to a company incorporated by the United States or a State or Territory thereof.

The bill reported by the committee amends section 4132 of the Revised Statutes so that it shall read as follows:

SEC. 4132. All vessels owned wholly by citizens of the United States, or by a company incorporated by the laws of the United States, or of any State or Territory thereof, may be registered as directed in this title; and it shall hereafter be lawful for all citizens of the United States to buy vessels built in whole or in part in any foreign country, import them free of duty or other charges, and have them registered as vessels of the United States; and when so registered such vessels so bought shall be entitled to all the rights and subjected only to the same regulations as are now provided by law for the government and management of vessels built wholly within the United States and owned and controlled by citizens thereof.

Under existing laws imposing import duties taxes ranging from 18 to 69 per cent. *ad valorem* are imposed on the chief articles of imported materials used in the construction of vessels engaged in the foreign and coastwise trades, subject to the modifications contained in section 2513 of the Revised Statutes of the United States, providing for certain rebates on imported materials used in the construction of vessels for the foreign trade. The bill reported by the committee amends that section so as to make it read as follows:

SEC. 2513. All or any part of the materials, whether wood, steel, or iron, copper, yellow-metal, bolts, spikes, sheathing, trenails, canvas for sails, whether flax or cotton, rigging and cordage, whether hemp, manila-hemp, or iron wire, anchors and cables, iron plates, castings and forgings, angle-irons, beams, masts, yards, rivets, bolts, nuts, screws, boiler plates and tubes, and all other materials which may be necessary for the construction and equipment in whole or in part of vessels to be built and furnished in the United States after the 1st day of January, 1887, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose no duties shall be collected or paid thereon.

This radical and positive change in the shipping laws, Mr. Chairman, proposes to bring this Government directly abreast with the leading commercial and maritime powers in the world, and to advance its policy to that position and to that basis which was assumed more than a quarter of a century ago by all the maritime powers of the world, and which alone has been conceived necessary to make possible not only a revival, but a maintenance, of our equal and fair participation in the foreign and carrying trade of the world. We are now practically excluded. The following tables, taken from the report of the majority of the committee, exhibit fairly our present condition. We have come to this condition under a protective policy.

The following table and statement show how fatal was this blight, and how completely we have lost our carrying trade. It is taken from the minority report of the joint select committee of the Senate and House to the Forty-seventh Congress:

OUR MARINE DEGRADATION.

In conclusion, it is certain that the prominent feature of this country is, or was before bad counsels ruled, our marine. The breezes are still ours. The waters are ours. The coast is still ours. Lumber and timber we have. Iron we have in abundance. Steel, by the refinement of science and the Bessemer process, has been cheapened, and would be still cheaper were not protection its fatality. Our shipping and our commerce in our earlier days were our profit at home, our pride abroad. Now what are they? The percentages of exports and imports carried in the vessels of the United States from 1855 to 1882 demonstrate. They are as follows:

Year.	Per cent.	Year.	Per cent.
1856	75.2	1870	35.6
1857	70.5	1872	28.5
1859	66.9	1874	26.7
1861	65.2	1878	25.9
1863	41.4	1879	22.6
1865	37.7	1880	17.6
1867	33.9	1881	16.2

American vessels transported during the fiscal year 1881 16.2 per cent.; foreign vessels 83.8 per cent. These figures show more than useless rhetoric the degradation of this once proud and profitable employment.

The following table, from the report of the majority of that committee, is more complete and yet stronger:

The following figures for each semi-decennial year since 1840 will present at a glance the facts relating to the past and present condition of American shipping:

Years.	Tonnage in foreign trade.	Tonnage in coastwise trade.	Value of exports and imports.	Per cent. carried in American vessels.	Per cent. carried in foreign vessels.
1840	762,838	2,176,694	$231,227,465	82.9	17.1
1845	904,476	1,223,218	231,901,170	81.7	18.3
1850	1,439,694	1,797,825	330,037,038	72.5	17.5
1855	2,348,358	2,543,255	536,625,366	75.6	14.4
1860	2,379,396	2,644,867	762,288,550	66.5	33.5
1865	1,518,350	3,381,522	604,412,996	27.7	62.3
1870	1,448,846	2,638,247	991,896,889	35.6	64.4
1875	1,515,598	3,219,698	1,219,434,544	25.8	74.2
1880	1,314,402	2,637,686	1,613,770,633	17.4	82.6
1881	1,297,035	2,646,011	1,675,024,318	16.0	84.0
1882	1,259,492	2,873,638	1,567,071,700	15.5	84.5

It is a remarkable thing that this great Government, which has accomplished so much in so short a time in human progress and development, in the accumulation of wealth, and the establishment of power, should be the only civilized government remaining on the face of the earth which has seen proper to adhere to the old restrictive policy of a century ago. It may be well to advert to that policy to show the existing conditions at that time, their changes since, and the modifications of the policies and legislation of the civilized and maritime powers of the earth. When our shipping act of 1792 became a law all the governments of the world were yet under the influence of the old restrictive, prohibitive policy of the seventeenth century, a policy which grew up and sprang out of a perpetual and almost never-ending system of European wars. This continent had not developed power. It had no considerable population. The existing conditions then involved nothing except the European system of politics with this system of never-ending and successive wars, and the struggle for power, and the establishment of a balance of power on the European continent.

The shipping act of England of 1650 and subsequent acts during the eigtheenth century were the product of a war policy rather than of a commercial policy. That government led then in restrictive and prohibitive measures, and England, unlike our prohibitionists and protectionists in this country, went direct to the vitals of the subject and did not mince matters. They met the question fairly and boldly, and absolutely prohibited competition by prohibitory and restrictive measures. Her shipping laws prohibited, in the first place, all commerce whatever by other countries with her colonies.

Mr. MCMILLIN. I rise to a question of order. I ask that order may be preserved in the House so that we may have an opportunity of listening to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. My remarks will be printed, and the conversations of the gentlemen who are making this interruption will not; so I will be content. I would be glad, of course, to have the attention of the House, and I will appeal to the chairman to do what he may to give me that attention. If I do not say anything interesting, I may read something interesting before I quit.

Mr. PETTIBONE. On the question of order I desire to say that while the gentleman from Arkansas is content to speak we have a right to hear, and upon that right I insist.

The CHAIRMAN. The committee will come to order. Gentlemen who desire to converse will retire to the cloak-room.

Mr. DUNN. That old shipping act of England prohibited all intercourse with her colonies and plantations absolutely; and that was one of the great factors which produced the discontent that led to the war by the colonies on this continent for independence. Those laws also imposed numerous other restrictions, burdens, and charges upon the shipping of foreign countries. Goods were not permitted to be imported unless brought in British vessels or the vessels of the country where produced, &c. All other maritime countries in the world retaliated upon England by enacting similar legislation. The *lex talionis* became the rule of that era. That period of protection and of prohibitory war measures resembled very much the struggle we have had for the last half century in this Government for the maintenance of a protective tariff system—that being bold, undisguised, and certain to every intent, while this is sinister, insidious, and under the false pretense of taxation for fiscal needs of the Government.

It was contended that it was necessary in order to maintain the naval and military power of England. It was contended that it was necessary to preserve and perpetuate the English commerce and the English carrying trade, and they adhered to it for nearly two hundred and fifty years. That resulted, as I have said, in retaliatory measures by all the other governments. They enacted similar laws, prohibiting the

importation of anything unless it was brought in their own vessels or the vessels of the countries from which the imported goods might come. The logical consequence of that long-continued contest was, of course, general obstruction of commerce throughout the civilized world.

Mr. BROWN, of Pennsylvania. Are you speaking of the effect of the act of 1751?

Mr. DUNN. I am speaking of the act of 1650 and subsequent similar acts—that whole policy—the old shipping laws of England.

The example of England was followed by the other nations, and the necessary result was general obstruction of intercourse and commerce throughout the world, so much so, that somebody had to quit it, and England wisely took the lead in abandoning that policy of restriction and obstruction. Mr. Huskisson, the president of the English board of trade under Lord Liverpool's administration, between 1819 and 1825, brought the existing condition of obstruction to the attention of Parliament, and said in substance: "We are assailed and confronted on all sides by these retaliatory and countervailing measures." The Prussian minister has said: "Prussia has not exceeded the restrictions imposed by England, but she will equal them and go further." In this condition of things Mr. Huskisson asked, What is left for England to do but to take the lead in a more liberal policy, in the abandonment of the restrictive policy which has led to this condition of obstruction throughout the world? And the reciprocity laws of 1822, 1823, 1825, and 1826 were the result.

The English protectionists rushed frantically to Parliament with their private and individual grievances. Mr. Huskisson and the English ministry were presenting a great national policy, which was necessary for the general good of England and of the commerce of the whole world. The protectionists came forward with pleas of private interests in opposition to the general interest and the general good. The ship-owners said: "Our business of freighting will fall off if you admit the vessels of the balance of the world to compete with us." The ship-builders said: "Our business of building ships will go down if you allow ships to be bought elsewhere in the world and admit them to registration." But to these pleas of individual and private business interests that ministry of statesmen wisely opposed the argument of the general good, and laws were passed by which reciprocity was established and commerce was unfettered everywhere. The colonies had previously revolted against the policy which denied them commercial intercourse with the balance of the world. American liberty had been established. A new and now powerful nation had been born and had taken its place in the family of nations. England learned a lesson from the obstructions and revolts which her previous policy had created and provoked. Then succeeded the era of protective tariffs, prohibition upon the use by their citizens of any ships except those built in their own ship-yards, prohibition of participation in the coastwise and internal carrying trade of the several countries, especially the coastwise trade. England adhered to that much of the restrictive policy for a while, but twenty-five years more of tariff protection and of modified restriction taught her the lesson which begot the total abolition of the shipping and tariff laws by the enactments of 1848, 1850, and 1855, when she opened her ship-yards and all her ports, her coastwise trade included, to the full participation of the whole world. Ship-building, ship-owning, freighting, commerce, everything was declared free, in open competition with all other countries. No other nation went so far.

But let me go back now and bring up another fact of history. When England enacted her shipping laws of 1651 and subsequently, the Dutch held the supremacy in the carrying trade of the world. How had Holland obtained that supremacy? And here is a valuable historical lesson. The only two instances in which any nation has ever gained a complete supremacy in the commerce and carrying trade of the world over all others are that of Holland, under a free trade and free commercial system at that early day, and England to-day, under her laws enacted from 1846 to 1855. No nation ever went to the front in the world's commerce and carrying trade except under conditions of unrestricted trade, free commerce, free ships, free ship-building, and without subsidies, absolutely without subsidies; and history shows no evidence of anything to the contrary. England's law of 1651 was the offspring of her jealousy of Holland, and was enacted to strike down the supremacy of Holland, as you gentlemen on that side of the House now ask us to tighten the bands of restriction and protection in order to strike down England's supremacy. What has our present deplorable condition in that behalf been born of? In 1792, and from that day all the way down to the present time, we have adhered to a policy of restriction, of prohibition. We have denied to our people the privilege to purchase cheap ships. We competed successfully with England and the leading commercial nations of the earth only when we could build ships cheaper than they could.

Up to that time and under that policy we had gone to the rank of the second nation in the world's carrying trade; and England abolished her shipping laws because under the laws prohibiting her people from purchasing foreign-built ships and giving them British registration the United States was outstripping her. Why? Because we could build and had been selling ships cheaper than England could. That was all. England did not ask for more protection, for more prohibition; she did not enact new tariff laws, but abolished existing prohibitions. She set her commerce and her ship-yards free. She told her people to rely upon their courage, their pluck, their national pride. She unfettered her merchants. She put upon them the law of necessity. Necessity is not alone "the mother of invention;" it is the mother of the world's success, the world's advancement in progress, in civilization, in wealth, in development, in all that constitutes national greatness. This brought the nations down to competition conducted upon that principle.

Who has ever met England with free ships and free trade? We are told that England can not be competed with because wages are lower in England than in the United States. We are not the only competitors England has in the world. All Europe competes with England. Wages are lower on the continent by 40 per cent., if statistics are to be believed, than they are in England; yet England holds her supremacy.

Now, I may be told that England, with the old shipping act of 1651, struck down Dutch supremacy; that thereby she took the lead of Holland. That is not true. The historian of German commerce says that Holland's commerce and supremacy in the carrying trade were not overcome by the English shipping laws, but by the funding acts and the excessive and oppressive taxation imposed after the treaties of Ryswick and Utrecht and Aix la Chapelle, which settled the peace of Europe and left a great debt upon those nations. It was the outrageous funding laws and the excessive taxation imposed in consequence of those war debts which struck down Dutch supremacy in the commerce and carrying trade of the world. Her people were so taxed, all the necessaries of life were made so expensive, all her industries were so loaded with taxes, that she was not able longer to fight the battle of competition with the more liberal policy of other nations which followed. Germany has risen from the ashes of that disaster imposed upon her by war and the war taxes which followed, and she has taken her stand to-day as one of the most powerful rivals of England, and she has attained this position under a system freer than that of any other nation except Great Britain herself.

Now, I have seen it stated in protectionist publications that Adam Smith—and our protectionist friends never roll any morsel under their tongues with such unction as any little morsel they may get from Adam Smith—I have seen it stated and repeated that Adam Smith said that the old restrictive navigation laws of England were beneficial to her commerce and resulted in great good to England. Now let us see what Adam Smith did say. I read from page 912 of McCulloch's Dictionary of Commerce and Commercial Navigation a quotation from Adam Smith:

> National animosity at that time aimed at the very same object which the most deliberate wisdom might have recommended, the diminution of the naval power of Holland, the only naval power which could endanger the security of England.

He said it was as a war measure a wise blow at the naval power, not at the commercial power, of Holland. We are in no war; we have not been for a long time; God forbid we ever should be again. We are not trying to strike down the armies and navies of other nations. What did he say about commerce?

> The act of navigation is not favorable to foreign commerce or to the growth of that opulence which can arise from it.

It was a war measure, damaging to English commerce and to Holland's naval power.

> The interest of a nation in its commercial relations to foreign nations is like that of a merchant with regard to the different people with whom he deals, buying where he can buy cheapest and selling where he can sell dearest.

Adam Smith is not the only contemporaneous historian of that period who recorded the same fact. Sir Roger Coke, in his treatise on trade, published in 1671, said that "the act, by lessening the resort of strangers to our ports, had a most injurious effect upon our commerce." Sir Josiah Child, whose treatise was published in 1691, corroborated Coke's statement; and Mr. Richardson, a merchant of extensive business, and extremely well informed, "condemned the whole principle of the navigation act and contended that instead of increasing our shipping and our seamen it had diminished both."

So that the conditions existing at that time had more of military significance as promoting the passage of such laws than of commercial significance—infinitely more. This historian says further:

> To have continued that policy, it may be easily shown, in the present state of the world, to enforce the provisions of the act (the navigation law) would have been amongst the most efficient means that could have been devised for the destruction of our commerce. The wealth and power to which Britain has attained have now inspired other nations with the same feeling of envy and jealousy that the wealth of Holland formerly generated in our minds. Instead of ascribing our commercial and manufacturing superiority to its true causes, that is, the comparative freedom of our constitution, the absence of oppressive feudal privileges, the security of property, the fairness of our system of taxation, our foreign rivals contended that it had been entirely owing to our exclusive system; and they appealed to our example to stimulate their respective governments to adopt retaliatory measures, of which I have already spoken.

Mr. BROWN, of Pennsylvania. What you are now reading shows that the point was controverted.

Mr. DUNN. Oh, there have always existed persons who presented for legislative protection their private interests against the policy of all the statesmen of the world who insisted on adhering to the public interest. The great difficulty has always been to push aside and keep out of national legislation and administration private interests and private enterprises alleged to be for the public good—to separate private

from public interests. That is the great, the sublime struggle that our present most excellent Chief Executive is so bravely maintaining—to serve the public as contradistinguished from private interests. He is trying to bring back this Government from a system of private jobbery to the service of the public interest.

Mr. BROWN, of Pennsylvania. The authority from which you read attributes another cause. That is all there is of it.

Mr. DUNN. Oh, certainly. It says other nations mistakenly and wrongfully assumed that British prosperity had come of prohibition, when in fact it had not come at all, and they had to abolish their restrictive laws to get to it and make it possible.

Now I will print tables to show that under those old restrictive measures no government ever attained what it expected, not one.

Account of the ships, their tonnage, and their crews, belonging to the British Empire in 1825, 1848, *and* 1867.

Year.	United Kingdom and possessions in Europe.		Colonies.		Total.		Crews.
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	
1825	20,701	2,528,807	3,579	214,875	24,280	2,553,682	166,183
1848	25,638	3,400,809	8,034	651,351	33,672	4,052,160	236,069
Excess in 1848	4,937	1,072,002	4,455	436,476	9,392	1,498,478	69,886
1867	28,773	5,753,973	12,152	1,478,698	40,905	7,232,671	344,231
Excess in 1867	8,072	3,425,166	8,553	1,263,823	16,625	4,678,989	178,048

It is plain from this statement that the number of our ships, the amount of their tonnage, and the number of our sailors, have all been vastly increased since 1825.

The strides made by shipping during recent years have placed this industry in advance of the iron trade and the mines, and only subordinate to agriculture and railways in the capital invested. Up to within the last two or three years fabulous fortunes were made by ship-builders and ship-owners, and dividends were paid to shareholders in shipping ranging from 10 to 30 per cent. But 1884-'85 have been years of great depression—a depression which will probably continue until toward the close of the current year.

The subjoined tables will show the marvelous growth of British shipping. In 1830 the merchant navy under the British flag included 23,721 vessels, of 2,533,000 tons; in 1850 it had increased to 34,288 vessels, representing 4,233,000 tons; in 1860 the number of vessels was 29,469, representing 5,713,000 tons. By 1870 it had increased to 32,920 vessels, measuring 7,150,000 tons; in 1880 the vessels numbered 38,939, measuring 8,447,171 tons, and at the beginning of 1885 the total number of vessels under the British flag was 39,235 vessels, measuring 9,314,496 tons, and this tonnage is divided as follows: Sailing vessels under 50 tons, 14,463, measuring 420,927 tons; of 50 tons and upward, 16,034 vessels, measuring 4,644,127 tons; steam-vessels under 50 tons, 2,821, measuring 59,364 tons, and 5,917 vessels upward of 50 tons, measuring 4,190,078 tons; aggregating a tonnage of upward of 9,000,000 tons, as already stated.

These are extracts from the reports of our consuls.

It has been in vain that the governments of Europe have fought the battle with free England with protection. They have not had the courage to open their markets, to open their commerce, to open the carrying trade free and fight the battle with the world. But they have, with a half-protective policy—more liberal than ours, however—they have fought the battle with England until recently France was the first to strike her colors and resort to subsidies.

In 1881 the French ship-builders and the French ship-owners concluded they were not able to compete with England and other countries, and they adopted a system of subsidies which has imposed upon the French exchequer an annual tax of many millions of dollars, exceeding to-day annually by 20 per cent. the estimates upon which the acts themselves were passed—as all such measures always do.

Now, France had increased in her tonnage and in her commerce and in her carrying trade prior to the enactment of that law of 1881 more rapidly than she has since that time. That is shown by the reports of the consuls, extracts from which I will print.

Mr. Ford, Chief of the Bureau of Statistics, Department of State, makes this statement in Executive Document 172.

The first nation to adopt a bounty policy, pure and simple, was France, whose sailing marine was in fact decreasing rapidly. In 1873 it could count a sailing tonnage of 882,866, and in 1880 only 641,539, a decrease of 241,327 tons, or more than 27.3 per cent. As compared with its immediate neighbors and rivals this was an unfavorable showing, as the sailing marine of the United Kingdom had decreased in the same time about 5 per cent., that of Italy about 7 per cent., and that of Germany about 10 per cent. At the same time there was no cause for alarm, as the steam tonnage was increasing, and the more rapid was this substitution of steam for sail the more efficient was the French marine becoming, and the more speedily was it being placed in a condition to compete with greater effect against its rivals not only in its own commerce, but in the carrying trade of the world.

To recur to the period 1873-'80, the steam tonnage of France increased 50 per cent.; that of the United Kingdom, 58 per cent.; that of Germany less than 29 per cent., and that of Italy about 58 per cent.; and while France was relatively behind Italy, the two countries could hardly be placed in one category, where alone such a comparison would be just; for while France added 92,594 tons to her steam marine, Italy added only 28,477 and Germany 48,125 tons. Of course Great Britain far surpassed them, the addition being no less than 1,009,685 tons. As compared then with its neighbors, France was on no worse footing than they were, and, unless the rapid substitution of steam for sail must be counted as a disadvantage, was more prosperous and more advanced than either Germany or Italy.

The French carrying trade increased more rapidly before 1880 than after 1880, even allowing for the longer interval; and the German, while falling away in the previous years, more than regained what it had lost, and increased at a higher rate than did the French.

Though the bounty system was intended to favor French ship-yards, it has had a greater effect upon foreign ship-building, and while before the passage of the law the greater portion of the tonnage added each year was constructed in France, the relation was reversed after 1880, in which year there was great activity in expectation of the adoption of the law. The tonnage of vessels built in France, bought abroad and sold to foreigners, is shown in the following table:

Year.	Built.	Bought abroad.	Sold.
	Tons.	*Tons.*	*Tons.*
1873	39,430	17,646	19,848
1874	34,917	17,404	27,092
1875	37,520	20,001	14,722
1876	32,707	15,581	16,148
1877	26,884	12,864	14,751
1878	21,367	19,677	12,851
1879	24,733	16,809	8,323
1880	12,629	34,201	12,939
1881	20,735	34,909	11,441
1882	56,594	78,612	17,407
1883	35,223	*49,387	14,681

*The figures of Consul Dufais give a much higher tonnage.

The bounties have succeeded in infusing life into neither ship-building nor ship navigation. France finds it cheaper to have her iron vessels built in Great Britain and a large share of her wooden ships in other countries. The lines of ships that were called into being through the liberal offers of the government are represented as being in a state of bankruptcy, and existing lines that participate in the bounties are either paying no dividends or very small amounts. The exports of France, reflecting as they did the slight reaction which ensued in 1879, have since declined and are still declining in value, and the decrease can not be explained by a fall in the prices of commodities, but rather by an absolute decrease in the foreign commerce of the nation. In fact, it may be asserted that the bounty policy of France, intended to bridge over a temporary depression, has aggravated the situation, and has proved itself to be a source of mischief and not of cure.

Respectfully,

WORTHINGTON C. FORD,
Chief of Bureau.

BUREAU OF STATISTICS,
Department of State, April 7, 1886.

Says one of the consuls in response to the circular of the State Department:

With the decrease of the original bounty growing greater every year, and the yards already idle, it is not likely, if the results elsewhere are similar, that the law will be re-enacted, unless the sums are largely augmented and are made to extend to vessels doing the cabotage or coasting trade. The complaint now is that the bounty is insufficient.

Have we not heard that cry of insufficient protection or bounty continuously in this country also?

Another consul says:

The general opinion on the bounty question is that it has failed to produce the effect of serving the shipping trade, and has only resulted in creating a few large steamship companies, who have monopolized the whole of the carrying trade to the exclusion of sailing vessels.

These reports show, Mr. Chairman, the subsidies in substance have done this. The intention was to increase French commerce, to extend the markets for her productions and manufactures, to increase her carrying trade. They have resulted in the formation of a few monopolies. But these French subsidies were also for ship-building. They give subsidy not only to ships built in French yards, but to those built abroad and sailing under the French flag—half as much for the foreign-built ship as the ship built in the French yards. Her experience has shown that her commerce has dwindled. There was a spasmodic impulse given to ship-building, and for a time to the carrying trade, but the reports of her consuls show that has all disappeared.

Mr. MILLIKEN. If I understand your statement, then the French have free ships the same as before.

Mr. DUNN. No, sir.

Mr. MILLIKEN. I understand from what you state they give subsidies to ships built abroad under their flag.

Mr. DUNN. Before the law of 1881 they allowed free ships and free material. When they enacted the subsidy law of 1881 they repealed the free-material act and gave subsidy in lieu of free-ship building.

Mr. MILLIKEN. I understood you to say they gave a subsidy not only to ships built at home but to ships built abroad.

Mr. DUNN. Built abroad and registered as French vessels—so they do.

Mr. MILLIKEN. Yes, built abroad and registered.

Mr. DUNN. Double as much to the home-built ship as to the foreign-built ship. Still they register the foreign-built ship all the same.

Mr. MILLIKEN. That is a free ship?

Mr. DUNN. Oh, yes; but they do not admit free ship-building material. They allow them to be purchased abroad, but they repealed the law for free ship-building material.

Mr. MILLIKEN. They allow foreign-built ships to come in free.

Mr. DUNN. Yes. The original free-ship law gave more prosperity to French commerce and the French carrying trade than the law of 1881 has done. That is true.

Mr. MILLIKEN. I do not wish to interrupt the gentleman from

Arkansas, but I do wish to get this point clear. I understand the French admit free ships as before, and that the only difference now is they give a subsidy and admit free raw material.

Mr. DUNN. No, they do not admit free raw material; they repealed that law.

Mr. MILLIKEN. The only change is they now pay a subsidy.

Mr. DUNN. They pay a subsidy in lieu of the free-material clause of the law, which was repealed. I sincerely hope the gentleman now understands it.

Mr. DINGLEY. Let me ask the gentleman from Arkansas whether the French do not also give a double navigation bounty. Do they not only give a subsidy but a double navigation bounty?

Mr. DUNN. They do, and that doubles the force of my argument that, notwithstanding that double bounty, French commerce and navigation are to-day prostrate.

Mr. DINGLEY. Is that not true of all commerce?

Mr. DUNN. No; it is not true of the commerce of England. There is dullness in trade, reduction of freights and rates, but no bankruptcy, as in France and Italy. They are not as prosperous in England as they were heretofore.

Mr. MILLIKEN. Do not English ship-owners complain that they are making no money?

Mr. DUNN. Yes; but the French ship-owners are bankrupt, the Italians are bankrupt; bankruptcy stalks abroad everywhere throughout Europe. The truth of the matter is that the subsidy policies of Europe and this country have produced their legitimate results.

Excess of protection has overstimulated and brought into existence more tonnage than the commerce of the world can employ. The industries of the world are suffering from dullness of trade, as a general rule. They have brought stagnation; they have enervated the energies of their people and brought the consequent result—stagnation; and to-day there is not a seaport on the face of this earth that has not its fleet of vessels, both sail and steam, anchored out to wait for the returning tide of prosperity; waiting for employment, waiting for business; and to-day freights are lower in the world than they have ever been in the world's history at any preceding time. This country is the gainer just now from this condition of things. Under the bounty system other governments are taxing their people to enable them to give us the benefit of the lowest possible rates of freight for what we buy and sell.

Mr. MILLIKEN. What subsidies does the gentleman refer to upon ships built in this country?

Mr. DUNN. That incidental bounty which comes from prohibiting our people from purchasing cheap ships elsewhere; the monopoly that covers the coasting trade. No man can enter the coasting trade of this country unless he buys an American-built ship and at the price demanded by the builder. It is that or nothing. And so also of the foreign trade.

Mr. MILLIKEN. But the coasting trade is prosperous, very prosperous, under the present conditions of trade.

Mr. DUNN. Yes; it is a monopoly. It is prospering at the expense of every private interest engaged outside of it and at the expense of the general prosperity of the country.

Mr. MILLIKEN. But the gentleman's argument would imply that that also should be depressed, whereas it is prosperous all the time.

Mr. DUNN. Mr. Chairman, the gentleman from Maine, like many others in this country, is in favor of seizing upon the results of unjust restrictive laws as long as they will promote the ship-builder on the coast of Maine, although everybody else should suffer. I have no doubt that his interest is prospering.

Mr. BUCHANAN. May I ask the gentleman a question?

Mr. DUNN. I can not yield for further interruptions.

Mr. MILLIKEN. I desire to say in reply to the gentleman, since he has referred to me, that I am ready to protect an industry in Arkansas or anywhere else if it is for the benefit of the people of this country.

Mr. DUNN. I must decline to yield to a colloquy. It is of course easy to arrange a log-rolling system to plunder the tax-paying people.

These gentlemen would have done well to have studied the lessons of Daniel Webster a long time ago. I want the distinguished gentlemen here present to remember that every demand for protection, under the operation of the taxing laws of this country, is made for the purpose of promoting private and not public interests.

Daniel Webster animadverted upon this a long time ago. He said:

It is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united inseparably; that agriculture and commerce and manufactures will prosper together or languish together, and that all legislation is dangerous which proposes to benefit one of these without looking to the consequences which may fall on the others. Gentlemen tell us they are in favor of domestic industry. So am I. They would give it protection. So would I; but then domestic industry is not confined to manufactures.

And I will add that it is not confined to shipping or ship-building.

The employments of agriculture, commerce, and navigation are all branches of domestic industry. They all furnish employment to American capital and American labor, and when the question is whether new duties shall be laid for the purpose of giving further encouragement to particular manufactures, every reasonable man must ask himself both whether the proposed new encouragement be necessary and whether it can be given without injury to other branches of industry. Sir, the general sense of this age with one current is in favor of promoting commercial intercourse and unrestrained individual action. Men yield up their opinions of monopoly and restriction as they yield up their prejudices, slowly and reluctantly, but they can not withstand the general tide of opinion.

And I add they can not withstand the general tide of necessity, of the necessities of the public in all of the industries of this country.

Italy followed the example of France, and navigation and commerce are bankrupt and on crutches in Italy as well as in France. Germany alone has sought to fight the battle. But Germany became a convert to the colonial doctrine of new acquisitions over the world. Germany has also resorted to subsidies. With Germany it is an untried experiment, and its results as yet unseen.

Now, I said before that this wholesale policy, this trepidation which has seized upon Europe and which has always possessed this country as to the supremacy of England, has begotten and brought to pass the old struggle which started in 1651, modified or somewhat assimilated to the existing conditions of to-day. That was a period of almost perpetual, flagrant war in the struggle for the balance of power in Europe. This is an era when the civilized sentiment of the world will not permit wars to be made recklessly. It is a game that princes are not permitted to play at for mere sport or greater glory. The peace of the world is a subject of consideration with the world to-day, and the great powers will no longer permit wars to be recklessly declared. We saw the other day the little power of Greece arming herself, hot and reckless, and the king driven, by a public and apparently patriotic frenzy, against his better judgment to declare war. But the powers of Europe said to Greece, "You can not disturb the peace of Europe and possibly of the world," and her armed forces and her ships of war were not permitted to depart from her shores.

You can not make navigation laws to-day for war purposes. The necessities of mankind forbid it; the peace of the world forbids it; the interests of the nation forbid it. Therefore the reverse policy is resorted to, and nations are invited not so much to prohibit and restrict as to tax their people, to take out the money from the vaults of their treasuries and put it into these private enterprises. National powers are invited to lay their hand, in the exercise of that most dangerous of all powers granted to government, the taxing power—they are invited to lay their hand upon the property of the great mass of their people who pay the taxes, while with the other hand they bestow this money and this wealth taken from the tax-payer upon private corporations and associations of wealth to build up their private enterprises and to increase their private fortunes.

That policy adopted by one nation has stricken terror in other nations, and legislative assemblies and cabinet ministries and rulers are driven by the clamor of private interests crying out, "Help me, or I sink!" All are driven before that cry and that clamor, except that grandest and sturdiest of all the powers of this earth—save our own, I hope—England. Confident in a knowledge of her ability to pursue a policy that is for the best interests of the nation, she turns a deaf ear to private interests. All other nations of consequence, or the most of them, have succumbed to that cry. France first; her effort has failed. Italy next; hers is a state of failure. Germany; an untried problem. One single argument advanced in the German Reichstag is worthy of consideration and determined that government to adopt this policy. That was the fact that China was now entering upon a great system of railroad construction which would pour out upon the seacoast of China the vast product of her hundreds of millions of population and give it to the commerce of the world. Germany therefore has said: "We are willing to give these millions for a chance at that trade." England stands sturdy and confident and says: "We will fight the battle where we have always fought it since we learned wisdom, in a free, fair fight on free seas, free commerce, and free navigation."

Mr. JONES, of Texas. And free ships.

Mr. DUNN. Yes, free ships. Therefore that contest becomes what the original restrictive contest was, one of rivalry among the powers. Then the question was who could prohibit the most, who could inflict the most damage upon his neighbor, who could strike down more of his neighbor's commerce than his neighbor could of his.

The *lex talionis* was the law of that day; now the question is who can give the most of the people's money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN was recognized, and said: I yield to the gentleman from Arkansas as much of my time as he desires to use.

Mr. DUNN. I thank my colleague on the committee for the time he has given me, for, though I did not expect to use so much time as I have, I am not so far advanced in the argument as I had hoped to be at this stage of the discussion.

The contest to-day is, who can give the most bounty. It is a game of national poker. France bids some millions; Germany sees that, and goes better; Italy, out of money, had to go out of the game; and we are asked to see Germany and France, and go better. There will be no end; that contest will be fought as the original contest was fought to universal obstruction of commerce. This contest, if entered upon by all the nations, will be fought to universal bankruptcy of the tax-payers of the nations. We shall have a bounty-gatherer strapped upon the

back of every tax-payer upon this continent and the other continents of the world to be carried through life. That policy must fail. The Secretary of State recognized the importance of the inauguration of this policy on the part of the continental governments of Europe, and called the attention of our consuls to it. Here is the report, showing that it has produced, as I have before stated, an abnormal stimulus of production of ships and navigation until the world is overstocked, and we are becoming the chief beneficiaries of this competition carried on at the expense of the tax-payers of those governments.

Let me tell you another thing. There has been another change going on during the last thirty years. Thirty years ago the world found out that ships could be run across the seas with steam and could be built of iron. America, unfortunately being in the throes of a great internecine struggle, was not able to enter that contest at the beginning with the other powers of the earth and they have distanced us. When we came out of that struggle if we had come out with freedom then to enter the contest we should have been far advanced in the race to-day, because American enterprise, American ingenuity, and American skill have never been outstripped in the world in any contest that they deliberately entered upon. All we lacked has been the courage to enter upon it. We have stood upon the shores of the stream, shivering, hesitating, doubting, with our protectionist friends standing in the way shaking their old well-worn scarecrow of foreign "pauper labor" in our face and telling us death stands before us if we go there. Their touch has been death in everything thus far to the interests of this nation. They clamor for alms at the door of the house they have robbed of its just share of the world's wealth.

The change from sail to steam has, because of one consideration which has not been taken into general account, overstocked the world with tonnage. One ton of steam-power in navigation is equal to three under sail. When Italy became alarmed at the decay and decline of her tonnage under sail her alarm was unnecessary. I will print an extract to show that although her tonnage under sail had diminished her tonnage under steam had increased, and hence was multiplied threefold. It shows at the end of that decade which alarmed her a general gain of more than 40,000 tons in effective capacity. Italy supposed that her navigation and carrying trade were gone, when in truth she had 40,000 tons more than she had at the beginning of that supposed period of decadence.

All the nations of the world have gained in steamships more than the United States. They have multiplied their tonnage converted from sail to steam by three. We have not. Why? Because we were not permitted to buy ships and because we could not build them on terms that anybody would or could accept. Everybody ought to know that railways, steamships, telegraphs, modern inventions and developments which have annihilated time and distance, which have belted the whole earth with lines of communication and transportation, have brought the peoples of the world face to face with each other. We have had the ghost of the "pauper labor" of the balance of the world shaken before us like the ghost of Banquo to frighten and stampede us. We have been told that we must protect American labor against the "pauper labor" of the rest of the world by restrictive legislation, prohibitive and protective tariffs.

If my voice can reach my countrymen, let me say to them that the days of protection have passed. You can not protect any longer. You are face to face, American laborer, with the laborers of the whole world. Your home market is insufficient. Destroy our commerce with other nations, strike down our exports by high taxation, making exports impossible, and perhaps one-fifth, at least more than 10 per cent., probably 20 per cent., of the present employment for American labor ceases to exist. The surplus production falls like a blight upon that which is needed, reducing and destroying its value, striking down enterprise, striking down industry, striking down commerce and all remunerative employment, and turning loose upon our country a mass of unemployed, dissatisfied, starving, and desperate labor, which will bear in one hand a torch and in the other a sword. That theory, that commercial policy, hangs over this country and over the labor of this country like a Damoclean sword. The wheat producer of the Northwest is standing face to face with the wheat producer of India. England and the Indian Government have built already more than 10,000 miles of railway in India. They are building 500 miles and more every year.

A few years ago India shipped 40,000 bushels of wheat; last year she put into the markets of consumption more than 40,000,000 bushels. Can you protect the Northwestern wheat-grower against that labor? I said, in a little debate which sprang up here unexpectedly the other day on the patent and tariff laws, that India could put wheat down in the markets of consumption in Europe cheaper than we can transport it from the fields of production to the markets of consumption.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. DUNN. Oh, I will read you an authority on that point.

Mr. MILLIKEN. May I ask the gentleman what remedy he suggests for that?

Mr. DUNN. Cheaper necessaries of life, making cheaper production. Remove taxation from the producer and cheapen production. Reduce taxation, that canker-worm that is boring with fatal effect at the root of the tree of our national prosperity.

But to return to my mutton—wheat in India.

Mr. Chairman, I read an extract from a consular report of June, 1885:

The area of wheat lands in India is 26,000,000 acres under production. The cost of production in India is from 8 to 9 cents per bushel.

In Dakota the cost is 18 to 19 cents a bushel; and that is the minimum on this continent.

The cost of transportation by the Suez Canal from Bombay to Europe is 4½ cents per bushel.

Mr. MILLIKEN. Will the gentleman be good enough now to give us the price of labor in India and the price of labor in Dakota?

Mr. DUNN. Oh, yes; the price of labor in India is away down; and that is why wheat does not cost more than 8 or 9 cents a bushel. But that is the fact which you have got to confront; you are face to face with it. You can not fence the products of India out of Europe. They are there; and you can not keep them from getting there. You can keep them away from here; but our own product here is more than we can consume, and the "paupers" of India are taking away the market for our surplus.

Mr. MILLIKEN. Does the gentleman desire to reduce the price of labor in Dakota to what it is in India? That is the only question.

Mr. DUNN. Oh, no. But whatever the price may be in India, we have got to face it. The gentleman did not attend to what I said. I said you could no longer protect against competition. You are face to face with it. The nations of the world stand commercially face to face with each other. The commerce of the world is brought together and intermingled. Statesmen must recognize that fact. We can not longer delude ourselves with the idea that we can fence these things out. The manufacturers of Europe are in our market and all the markets of the world. Our market is glutted with manufactures, glutted with agricultural productions and every other class of productions. The demand of the hour is for a market—a place in which to sell. Our capacity for production is indefinite. The only question with us is, where are we going to sell? How much can we sell, and how shall we secure a market for our productions? By increasing the cost of production? Is that logical? Shall we go on increasing the cost of production and of transportation, and at the same time expect to enter the race and fight the battle in the world's trade and commerce and business? We can not do it. We are beaten in the race before we start.

Mr. DUNHAM. Will the gentleman allow me a question?

Mr. DUNN. Yes, sir; I yield for a question.

Mr. DUNHAM. The statement the gentleman just read shows, I believe, that the cost of raising wheat in India is about 8 cents a bushel.

Mr. DUNN. Eight to 9 cents, and transportation from Bombay to Europe 4½ cents.

Mr. DUNHAM. And the gentleman says the cost of raising a bushel of wheat in Dakota is about 18 cents?

Mr. DUNN. Eighteen to 19 cents; and that is the minimum on this continent.

Mr. DUNHAM. The difference being about 10 cents.

Mr. DUNN. The cost of the production and transportation of India wheat is from 6 to 8 cents below the cost of production here, and about as far below the cost of transporting it across the sea to Europe.

Mr. DUNHAM. The question I want to ask is this: Supposing that in India the cost of raising a bushel of wheat is 8 cents and in Dakota 18 cents, what has that to do with the question of free ships?

Mr. DUNN. Why, does not my friend understand——

Mr. DUNHAM. I am not taking into account the transportation question.

Mr. DUNN. I suppose I shall have to treat the gentleman's question seriously out of respect for him, because I have the highest respect for him. Does not the gentleman and the whole world understand that what we want is to reduce the cost of production and the cost of transportation to the markets of consumption from the fields of production? We must do that or we can not sell.

Mr. DUNHAM. That I concede.

Mr. DUNN. We must produce at a minimum; we must transport at a minimum. To do this, we must have the cheapest ships the world can give us. We have been driven from the commerce of the seas, from the carrying of our own commerce, by a policy which denied to our people ships as cheap as their competitors in all other countries of the world have. We are not only driven from the carrying trade, but, as shown by figures which I shall publish, we are driven from the markets of the world by this same policy and in the same way.

Mr. DUNHAM. Now, with the rates of freight on wheat from New York to Liverpool as they have been for two or three years past, wheat being transported sometimes as ballast and from that up to 3 cents a bushel, do you expect that free ships can make the rates lower?

Mr. DUNN. And from your city of Chicago to New York 12 to 14 cents a bushel. Take that into account, please.

Mr. DUNHAM. When was 12 to 14 cents a bushel paid?

Mr. DUNN. The last quotations I saw were 11½ cents for all-water transportation; 12¾ cents for water and rail; and 13½ cents for all-rail.

Mr. DUNHAM. Let me say to the gentleman that last year all summer long wheat was carried from Chicago to New York by water for 5 cents a bushel.

Mr. DUNN. What has been the history of the preceding summers?

Mr. DUNHAM. When vessels were scarce rates were higher, of course. That is all.

Mr. DUNN. Mr. Chairman, these are specious arguments based upon accidental and temporary conditions, which do not affect the general results as presented through the commercial statistics of the world. Gentlemen make a mistake in basing their statesmanship upon these accidental conditions which are not general, and upon the specious arguments of private interest which have little to do with the general public interests of the country and the world.

Mr. MILLIKEN. I should like to ask how free ships are going to make a difference in freights between Chicago and Boston?

Mr. DUNN. There are some lakes between Chicago and Boston upon which freights might be reduced. And, sir, I have already answered the question so thoroughly and completely it ought to satisfy all. The gentleman's argument stands in fact by these specious matters.

Mr. DUNHAM. Let me say that the present rate of freights from Chicago to New York is about 9 cents a bushel. Thirty days from now it will be 6 cents.

The SPEAKER *pro tempore*. The gentleman can only be interrupted by his consent.

Mr. DUNN. My statement made a few days ago will stand unanswered, and an accidental condition of things will amount to nothing.

Mr. DUNHAM. If you were to build ships and actually give them away you could not get freights lower.

Mr. DUNN. That is not based upon a general comprehensive knowledge of the subject, and has nothing to do with it.

Mr. DUNHAM. My opinion is based upon practical knowledge.

Mr. DUNN. The gentleman is exceedingly courteous, but he does not seem to know much. I will be obliged if he will not interrupt me unless he can inform me.

Mr. DUNHAM. I do not think that can be done.

Mr. DUNN. Now, Mr. Chairman, I will read a comprehensive statement of the great field of enterprise which lies before American industry and American capital. As I said before, all these Eastern empires and countries, where the great mass of the world's population is to be found, have by modern improvements and developments been brought into intercourse with the civilized nations of the earth, with the progressive and maritime nations of the earth. That field of commerce is as rich to-day as it was when Solomon sent one voyage there which returned him gold valued at $14,500,000. Augustus Cæsar obtained from that same India and the East values in excess of values exchanged $40,000,000.

I read from the printed argument of Mr. Elmer L. Corthell, chief engineer of the Tehuantepec Ship Railway, before the Committee of Commerce of this House the following admirable and instructive grouping of the populations and commercial importance of the countries adjacent to the Pacific Ocean, and to which, in my opinion, we must look chiefly for a market for our vast and rapidly increasing surplus products:

Oceanica	36,000,000	Hindostan	240,000,000
United States	55,000,000	Mexico	12,000,000
Japan	35,000,000		
China	435,000,000	Total population	813,000,000

Not including the populations of Europeans and South American countries, many of whom are also largely interested in the isthmian question.

The over-sea commerce of the world is now increasing at the rate of 75 per cent. every ten years; cheaper transportation on shorter lines has developed it and the industries on which it depends. It now amounts in value to about $14,000,000,000 per annum. The commerce of the far Pacific countries is $2,000,000,000, and is increasing at the rate of 150 per cent. in five years.

The internal commerce of the United States by railroads alone amounts to $12,000,000,000 per annum, and a tonnage of 400,000,000, which, if loaded into one train, would encircle the earth seven times. We carry half as much more by river and lake. The commerce of the Mississippi Valley alone is $4,000,000,000. The manufactured products of the United States amount to $5,000,000,000, of which we export but 3 per cent. Of the vast trade of the Pacific we enjoy but 4 per cent., and yet these countries would be the best markets for our manufactures if we could reach them economically.

The diversified trade which we have with these eastern countries is very small in extent, but would be important if they could be reached by a short maritime route. Australia exports to this country gums, tin, and wool, and imports from us locomotives, machinery, iron manufactures, household furniture, agricultural implements, mineral oil, barley, carriages, drugs, sewing-machines, linen and cotton goods, bags, &c. The importance of Australasia as a market for us is seen from the following facts:

There are in Australia alone 76,000,000 sheep, the value of whose products is $75,000,000 per annum; and in Australasia, including Australia and New Zealand, its value is $100,000,000. Australasia exported in the year 1883-'84 4,400,785,449 pounds of wool; 14,863 bales were shipped to the United States from the port of Melbourne alone, of which 8,979 bales were shipped direct to Boston in sailing vessels going around Cape Horn; 3,315 bales went by steamer via the Suez Canal and London, and the remainder via San Francisco and the transcontinental railroads. This fact shows how circuitous and expensive are the routes by which these products reach us.

Australasia has 8,615 miles of railroad open and in construction, built at an expense of $467,000,000, with 57,174 miles of telegraph. The population in 1850 was 480,251; in 1880, 2,518,712. Its imports and exports in 1850 amounted to $45,139,520; in 1880, to $495,552,055.

From China we import tea, silk, rice, palm-leaf, jute, hemp, and export to that country cotton cloth, mineral oil, &c. The trade with Hong-Kong and Japan is similar to that with China; some of these products reach us via the Suez Canal, some via San Francisco, some via Panama, and some via Cape Horn.

In 1884 we imported from Japan goods valued at $14,200,000, and from China, in the same year, $20,460,000. From the Sandwich Islands we import brown sugar, rice, limes, and send them the same class of goods as to Australia. From Peru we import soda and guano, and export cereals, woods, machinery, mineral oil; and the trade with Chili is the same; and nearly all the traffic which goes to and comes from the western coast of South America goes around Cape Horn to Liverpool or France on its way to us.

The Suez Canal, which was opened in 1870, revolutionized not only the world's commerce, but many of its industries, and remarkably developed India, and promoted the commerce and industries of Siam, Australia, and China. The immense advantage which this route has given to Europe has injured our commerce and industries by practically excluding us from these important markets. It has become absolutely necessary, in order to hold our rank among the nations, that we should reach the Eastern markets of the world quickly and economically.

It is important to sketch briefly the history of the Suez Canal and its effect upon commerce.

Its length is 100 miles; its cost was $93,000,000. It saves about 4,500 miles over the route around the Cape of Good Hope. The charge per ton for freight is $2.80, though recently reduced at the urgent request of the British ship-owners to $1.90. The tonnage has increased from 436,609 tons in 1870, to 5,878,323 in 1883, or a gross tonnage of 8,051,307. The receipts in 1883 were 68,523,340 francs, or $13,704,670.

The cost of maintenance of the canal and working expenses during that year were $2,784,869, or about 20 per cent. of the gross receipts. From 1870 to 1874 the average receipts per annum was $2,037,376; in 1883, $13,707,670. The British bondholders confidently expect in 1888 a tonnage of ten millions. The dividend in 1883 was 17.3 per cent. The expected dividend in 1890 is 30 per cent.

The effect of the Suez Canal upon the cereal products and exports of India may be seen by the following facts:

In 1878-'79 India exported to Europe 4,098,360 bushels of wheat. In 1880-'81, 13,896,166 bushels; and in 1881-'82, 37,078,570 bushels. The area of wheat lands is 26,000,000 acres. The cost of production in India is from 8 to 9 cents per bushel, whereas in Dakota it is from 18 to 19 cents. The cost of transportation by the Suez Canal from Bombay to Europe is 4½ cents per bushel. (See consular report, June, 1885.) It has been the policy of the British Government to develop India by all possible means. In 1883 there were in operation in India 10,317 miles of railroad, with 2,333 miles under construction, at a total cost of $686,176,500. The Indian Government builds each year about 500 miles of railway.

The following is from the consular report of February, 1885:

"The Indian wheat trade has developed rapidly during the past ten or twelve years, and this surprising increase has been the result of the direct advantages which the Suez Canal provided in the way of quick and cheap freights from India." Previous to the opening of the Suez Canal a voyage of four months around the Cape of Good Hope in sailing vessels, or by steamers, was necessary to reach the Liverpool markets, and the wheat was often damaged by the heat. From 1873 to 1882 the wheat trade with Europe increased from about 15,000 tons to 3,000,000 tons. "This enormous increase in nine years has arisen from the increased price which new railroads and cheap freights to England have secured for the wheat-growers of India."

The Pacific coast.—Its cereal product increased from 3,617,659 bushels in 1874, to 97,750,157 bushels in 1884. There were exported in the latter year 33,178,577 bushels. While the gold and silver product of California was formerly its most important product and article of export, it is so no longer, for in 1884 the value of the cereal product was $44,270,861; whereas the gold and silver product was only $16,660,000. The wool product was $7,500,000, and the product in fruit, wine, and canned goods and butter equaled the gold and silver product in value. In 1870 the acreage of improved land in farms in California was 6,213,133; in 1880, 10,669,698. These facts are sufficient to show that it is of vital importance for the Pacific States to hold, for their cereal products, any and all advantages which they have hitherto possessed in the markets of the world. Oregon and Washington Territory will be as importantly benefited as California by an interoceanic transit way. Since the Suez Canal brought India 4,500 miles nearer to Liverpool our Pacific coast can no longer compete successfully in that market with India. It requires from four to five months to transport the wheat from San Francisco to Liverpool, at an average cost of $15 per ton. The 1,000,000 tons transported by the Cape Horn route in about 446 sailing vessels constitute the most important commercial business of the Pacific coast.

This vast and rich field of commerce is spread out before us, but hedged in, hampered, bound hand and foot, the American merchant stands helpless and powerless, manacled and fettered by restrictive, prohibitive, and protective laws, which increase the price of our commodities so high we can not send them there; make the cost of transportation so high as to forbid us. Standing in the midst of vast and rich fields of the world's commerce, we are, like Tantalus, "doomed to parch with thirst in the midst of waves, and viewing banquets to starve to death."

Denied participation by our laws, let us do what Adam Smith enjoins upon us and what other publicists have said. He says:

That the interests of the nation in its commercial relations with foreign nations is like that of a merchant with regard to the different people with whom he deals, to buy as cheap and to sell as dear as possible.

And transport as cheaply as possible, I will add. Let us unfetter our people, our industries, our commerce, and our navigation; put them upon an equal footing in the great race for a fair share of the world's commerce; give them a showing equal at least to that which is given by other countries.

There has never been in the history of our country as favorable a time to unfetter our shipping interests and to permit our merchants to buy ships as at the present time. I will read an extract from one of our consular reports. Consul Mason says.

From this distance even the present collapse of maritime interests is thought to bring to our country a fortuitous opportunity.

I have said before that the stimulant of subsidies and the change from sail to steam navigation has brought an overplus of ships into existence, and that every port of the world to-day has a fleet of idle ships anchored in its harbor waiting for business and profitable employment.

Consul Mason, after saying that this is a fortuitous opportunity to our country, goes on as follows:

"Ah!" said a marine broker of Marseilles, recently, "you Americans hold all the winning cards. While we in Europe are overburdened with costly armies, you have only a single army corps to guard your fortifications and watch the Indians; while we have been squandering millions upon iron-clad fleets, which are obsolete without ever having fought a battle, you can now build a navy that will include and surpass all that we have impoverished ourselves to learn; and as for a merchant marine, you have only to change a paragraph in your shipping laws and your merchants can buy everything they want, the best steam fleets that can be built, at any price from half their cost down to their value as old iron."

Let us, Mr. Chairman, take the manly and courageous course of un-

fettering our merchants, our capital, our enterprise, our labor, our producers, and bid them God speed in the great race. Give them a fleet at half price, and let them fight the battle as men worthy to share in the great heritage of man in the nineteenth century. [Applause.]

I maintain without fear of contradiction that the very essence of manufacturing industry and commercial industry is freedom from legislative interference and legislative protection. Attempt to resist its course by protective enactments, you arrest its progress, you destroy its vigor. Unbind the shackles in which your unwise tenderness has confined it; permit it to take unrestrained its own course; expose it to the wholesome breezes of competition; you give it new life, you restore its vigor.

Sir, industry has been well likened to the hardy Alpine plant; self-sown on the mountain side, exposed to the inclemency of the season, it gathers strength in its struggle for existence, it shoots forth in vigor and in beauty. Transplant it to the parterre, tended by the gardener, nursed in the artificial atmosphere of the forcing glass, it grows sickly and enervated, its shoots are vigorless, its flowers are inodorous. In one single word lies the soul of industry—competition. The answer of the statesman and the economist to his sovereign inquiring what he should do to assist the industry of his kingdom was, "Let it take its own course."

Sir, I can not better conclude this argument than by adopting the following eloquent language of a distinguished statesman of England, quoted in Leone Levi's History of British Commerce. Advocating the repeal of the restrictive shipping laws of England and the adoption of a more liberal policy, he said:

> Such, sir, is my prayer. Relieve us from the chains in which your indiscreet tenderness has shackled us; remove your oppressive protection; give us the fair field we ask, and we demand no more. The talent, the genius, the enterprise, the capital, and the industry of this great people will do the rest. And England, our country, will take a yet more forward place in the race for competition, for wealth, and improvement, which, by the nature of things, she is destined to run among the nations of the world.

There, and there alone, we will find security for our enterprise and reward for our labor. [Great applause.]

Mr. Chairman, I reserve the remainder of my time, asking leave to print in this connection such extracts as I have generally referred to to complete my argument.

There was no objection.

Mr. DINGLEY. Mr. Chairman, this bill proposes to allow the importation and registry of foreign-built vessels free of duty. Inasmuch as the policy of the United States, adopted originally on recommendation of Washington and with the approval of Adams, Madison, and Jefferson, has always been to restrict the right of registry under our laws to vessels built in our own ship-yards, this bill contemplates so radical a change in our navigation laws that it should receive the most careful consideration. The fact that the policy which this bill proposes to overthrow was adopted by the founders of our Government, and has continued nearly a century without a suggestion of change until within a comparatively recent period, not only justifies great caution, but also demands the most conclusive reasons for taking the important step proposed.

It must be conceded that a bill which allows the importation of registry of foreign-built vessels free of duty discriminates most seriously and unjustly against the ship-building industry of the United States. If this bill and the revised tariff reported by my friend from Illinois [Mr. MORRISON] should become laws the only completed manufactured product placed on the free-list would be a fully equipped sailing vessel or steamship—the most marvelous device of human skill.

When Great Britain, whose legislation we are exhorted to follow by my friend from Arkansas [Mr. DUNN] who has just addressed the committee, adopted the free-ship policy, she had already inaugurated a free-trade policy as to every other industry, and hence there was no discrimination against her ship-builders. Indeed, so vital to her security did she regard the maintenance of her ship-yards, that it was not until after she had applied the policy of free trade to every other business, not, indeed, until after the revolution in marine architecture from wood to iron and sails to steam had progressed far enough to make it clear that she had reached a point where she could defy the competition of the ship-builders of the world, that England's statesmen ventured to apply the policy of free trade to her ship-building industry.

But it is proposed by this bill to have the United States reverse the steps by which Great Britain applied free trade to all her industries and to commence here where England ended, namely with the ship-building industry.

It is said that the second section of this bill proposes to allow the ship-builders to import materials free of duty—in other words, to have part of the work done abroad—and that this privilege will compensate in part for the admission of the completed vessel free of duty. Tables of the duties imposed on imported iron plates, angles, beams, and other materials are presented to show how much can be saved by placing these on the free-list. These tables ignore the fact that the difference in cost between such forms of iron in this country and in England is the difference in the cost of the labor in them, and much less than the duty. They also lose sight of the fact that it would be impracticable to import a large proportion of the materials because of the necessity of having them forged or shaped where the vessel is built. In constructing an iron vessel from plates, angles, and bars more labor is required than was employed in making these materials from the iron ore. Thus if every pound of iron could be laid down in the shape of angles, bars, and plates in a ship-yard on our coast as cheaply as in a ship-yard on the Clyde, the higher wages of the labor required to construct the vessel from such materials would make the vessel now cost the builders about 10 per cent. more than if buit on the Tyne.

If this bill and the tariff bill reported by the gentleman from Illinois [Mr. MORRISON] should become laws, there would be presented in our legislation the anomaly of a duty of from 30 to 40 per cent. on imported iron, while a completed ship, requiring more labor to construct from plates, angles, and beams than is required to make these forms of iron from the ore in the bed, would be placed on the free-list.

There would also be presented the anomaly of a completed steamship on the free-list, while cotton goods made from free materials would bear duties of from 20 to 40 per cent. when imported; the bituminous coal and iron ore, competing with that of Maryland, West Virginia, and Ohio, would bear a duty of 30 per cent.; sugar competing with the similar product of Louisiana, 65 per cent.; and rice, competing with that of South Carolina, 50 per cent.

I ask gentlemen from these and other States if they are prepared to vote for a bill which makes such unjust discrimination against the ship-building industry?

Mr. Chairman, the facts which I have presented conclusively show that if this bill shall pass, if fully equipped British-built iron sailing vessels and steamships shall be admitted to registry under our laws free of duty, then from that hour the ship-building industry in this country is doomed, and the owners of our ship-yards who carry on this business and the many thousand skilled workmen who support themselves and their families by means of it will be ultimately driven into other already crowded industries. It is the appreciation of this fact which has led the Knights of Labor, an organization representing 500,000 wage-workers of the United States, to protest against the adoption of the free-ship policy.

If it were proposed to place cotton goods, or imported iron, or imported machinery, or imported manufactured goods of any kind on the free-list, every member of the House and every business man would have no difficulty in seeing that such action would destroy the home industry brought into competition with the products of the cheaper labor of Europe. Yet more labor, and labor of a higher degree of skill, is required to construct a ship than is required to make cloth from cotton or wool, or iron bars from ore, or to produce sugar or rice.

Advocates of the admission of foreign-built ships free of duty cite the example of Germany, which, as they assert, developed ship-building at home by such a policy. But it should be remembered that Germany had as cheap labor as England, and that she bought ships abroad at first only because she had no ship-yards of her own; but as soon as these could be established she relied on her own yards. This country already has eleven iron-ship yards, and others will be established whenever there is encouragement. The tonnage of iron vessels built in this country last year was nearly as great as that built in Germany. To admit foreign-built ships free of duty at this juncture, just as we are beginning to build up iron-ship building, would inevitably not only prevent any extension of the ship-building industry, but would also eventually close the yards we now possess. For no one would think of investing a dollar in the necessary plant for ship-building in this country with the certainty that foreign-built vessels would be admitted to American registry free of duty. It would be useless for new iron-ship yards in this country to attempt to compete with the old and firmly established ship-yards of Great Britain. In time they would probably be able to do so, but they can not now.

Heretofore the advocates of free ships have proposed to extend this policy only to vessels for the foreign trade, although they have conceded that few persons would care to purchase and register a foreign-built vessel unless they were free to use it in both coastwise and foreign voyages. It has been so obvious that the purpose of those who proposed this limitation was only to use it as an entering-wedge, that all must concede that the proposition as made in this bill to authorize the purchase and registry of foreign-built vessels for any trade is the only practicable and frank form in which the question can be presented. This is, of course, the end which the free-ship advocates seek, and it is fairer and better to meet the issue without evasion or deception. Presented in this form there is no chance for deception. If it were proposed to limit the free-ship policy to vessels for the foreign trade, some persons might fail to see the impossibility of long excluding any American vessel from the coastwise trade, and might fail to recognize the certainty that the granting of free ships for the foreign trade would assuredly soon result in free ships for the coastwise trade.

But with the whole plan frankly presented no one will be deceived by the plea that the exclusion of foreign-built ships from the coastwise trade will make a demand for ships built in American yards, and thus preserve the art of ship-building in this country. The adoption of the free-ship policy is practically a confession not only that we must not attempt to build vessels now, because we can buy them more cheaply abroad, but also a confession that we must not expect to do so in the future. For if we are to discourage investments in the plants necessary to build up great iron-ship yards in this country by allowing the

free registry of foreign-built vessels, it can not be expected that we shall be in a better condition to compete with long-established British ship-yards ten years hence than we are now.

Stripped of all disguises, the bill should be entitled "A bill to close American ship-yards and provide for the construction hereafter in British ship-yards of whatever vessels may be wanted for the American merchant marine."

The justification offered for such a policy as this is the alleged necessity which exists for purchasing our vessels where we can buy them the cheapest, in order to enable the capitalists of this country to invest their money in the business of transporting our exports and imports, and reap our proper share of the $150,000,000 annually paid for such transportation.

Gentlemen who present this as the argument for free ships forget that there are no laws now standing in the way of an investment of American capital in foreign-built ships and participation in the profits of the foreign carrying trade. American capitalists can now own all but seven shares of a British-built and British-registered steamship and reap almost every dollar of its profits. Indeed, Americans may simply charter a British-built vessel, which can be done at a less annual cost than to own one, and obtain all the profits of the carrying trade. If it be said that this necessitates the sailing of the vessel under a British register, I reply that it is cheaper to sail a vessel under a British than under an American register; and as the whole argument rests on the correctness of the policy of buying where we can buy cheapest, there is the same reason for sailing vessels under a British register as for buying British-built vessels. Indeed, the reason is stronger, because far more money can be saved by sailing a vessel under a British register and flag than in the purchase of a British-built vessel.

In other words, if the end sought is to secure our share of the profits of the foreign carrying trade, then the opportunity for this is best opened by an investment in ships sailing under a British register—an investment already permitted by the laws of the two countries. A prominent ship-owner of New York remarked in my hearing a few months ago, "When I divest myself of my patriotic instincts sufficiently to go to a British ship-yard to buy a ship in order to save a little money, I shall be likely to sail that ship under a British register in order to save much more money; for the difficulty in competing with British vessels is not in the difference in the first cost—which is but trifling—but in the increased expense of running them under our flag after they are built."

A gentleman having large interests in an American steamship line informs me that his company not long ago submitted plans for a new first-class steamship to American and English builders, and found that the ship could be built on the Clyde for from 10 to 12 per cent. less than in this country, which, distributed over the thirty or forty years' life of an iron vessel, is a small consideration. But he found that the difference in the cost of running a steamship under American and British auspices, growing out of higher wages of permanent employés and better food, &c., demanded on an American vessel, presented the really serious obstacle. Indeed within the past year the only American transatlantic steamship line has sold its American-built vessels, and they are now being sailed under a foreign flag because they can be run more cheaply.

To-day we can build first-class sailing vessels as cheaply as any of our competitors—vessels that are finer and better than any that sail the ocean notwithstanding they are built of wood; and yet while nearly two-fifths in bulk of our exports and imports are carried in sailing vessels, scarcely one-third of those two-fifths is carried in our vessels, and this proportion is diminishing.

Surely if the difference in the first cost of our vessels is the chief element in the problem of restoring our merchant marine to the position which they held on the ocean up to 1855, as the free-ship advocates assume, we should not find ourselves distanced so completely in the competition for the transportation of merchandise which is still carried by sailing vessels. In the face of such facts as these why do gentlemen continue to contend that if we had the privilege of importing foreign-built vessels and having them registered as vessels of the United States, free of duty, then we should be able to sail them in competition with foreign vessels? Nothing is clearer than that if we can devise a policy to enable our people to successfully sail vessels after they are built in competition with foreigners we shall have no difficulty in eventually building them as successfully and even as cheaply as the ship-yards of Great Britain.

The adoption of the free-ship policy would be practically an invitation not simply to buy foreign-built vessels but also to sail them under British registers after they are built. Such a policy would serve to extinguish the commendable and I may also say the indispensable patriotic instinct nurtured so sedulously by the founders of our Government, which leads an American to look upon an American-built and American-registered ship as "representing the power, the ambition, the wealth, the prestige, the prosperity, and the civilization" of the United States, as was so well said in another body a few days ago by the Senator from Louisiana [Mr. EUSTIS].

This brings me, Mr. Chairman, to the consideration of a most serious objection to the free-ship policy, and that is that it not only would not increase the foreign carrying trade done under our flag, but also that there is reason to fear that it would have the reverse effect. When the people of this country are educated to look upon a ship as nothing but a wagon, to be bought abroad where it can be bought cheapest, they will also be educated to sail such a ship under the British register and the British flag, which will give an opportunity for the largest profits.

It should be borne in mind that ship-building and ship-using rise and fall together. In every maritime nation it is the ship-builders that inaugurate and participate in the establishment of maritime enterprises. Destroy ship-building in the United States by admitting foreign-built ships to our registry free of duty, and you will at the same time cripple the men upon whom our maritime enterprises must mainly rely. Gentlemen who inveigh against American ship-builders and charge them with standing in the way of a larger use of ships under a free-ship policy can not have investigated the facts, for it is to the indomitable energy and courage of these men that we mainly owe the maintenance of the large tonnage which we still possess.

Gentlemen must not forget that in spite of the disadvantages under which we labor in respect to shipping since the great revolution from wood to iron and sails to steam, yet to-day the tonnage of the United States is second only to that of Great Britain. Our tonnage is nearly four times as large as that of either Germany or France, and our tonnage in the foreign trade alone is considerably larger than that of either of these nations. Our steam tonnage alone is nearly double that of France and three times that of Germany. In the past five years the ship-builders of the United States have built more tons of shipping than France, Germany, and Italy put together have constructed. In 1884 Germany built only 54,727 tons of shipping, while there were built in the United States 225,514 tons, valued at over $12,000,000. Even in the past year, notwithstanding the unexampled depression in shipping all over the world, we built 159,050 tons, valued at $9,000,000, and over 30,000 tons were built for the foreign trade. And yet some gentlemen seem to have the impression that ship-building is already a lost art with us, and therefore that no ship-building industry remains to be destroyed by free ships.

History shows that no nation has ever been able to gain and maintain a maritime supremacy unless it built its own vessels. The Egyptians, the Phœnicians, the Greeks, the Italians, the Carthagenians, the Spaniards, and the Dutch held in turn the empire of the sea, but only so long as they could build their own vessels.

My friend from Arkansas [Mr. DUNN] alleges that when England found that she could not build wooden vessels as cheaply as the Americans, at a time when wooden sailing vessels controlled the ocean carrying trade of the world, she repealed her navigation laws, gave her merchants free ships, and from that hour went on conquering and to conquer in the great contest for maritime supremacy.

That assertion has been often made, but never sustained by official facts. In the first place, Great Britain did not adopt the free-trade policy as to ships until after she had adopted that policy as to all other industries; and not until she believed it had been demonstrated that the iron steamship was to become the ocean carrier of the future, and that in the construction of such vessels, on account of the juxtaposition of abundant iron and coal mines near her sea-shore and the possession of cheap labor to work them, she could defy the competition of the world.

Indeed, the maritime history of Great Britain shows most conclusively that had it not been for the revolution in marine architecture from wood to iron and sails to steam, which enabled England to build her own vessels, the free-ship policy would have been disastrous to her merchant marine. The free-ship policy took effect at the beginning of 1850. Unexpected delay in the success of iron steamships put England for four or five years in the position of relying to some extent on Americans to build her vessels. Now, if the free-ship policy was wise, if it has built up British shipping, this result must have been manifest between 1850 and 1855, when it was doing its work on British shipping under far more favorable conditions than would now be afforded in this country.

Yet the official statistics show that it was during this period that American shipping made its greatest growth and British shipping had its slowest progress. In these five years the merchant marine of the United States increased 1,977,985 tons, while that of the United Kingdom increased only 894,828 tons, notwithstanding the largely increased demand for ships during this period. Mr. W. S. Lindsey, the most prominent promoter of the British legislation of 1849, concedes that if it had not been for the revolution in marine architecture, which made it practicable for England to build her own vessels under a free-ship policy, she would have been beaten in the contest for marine supremacy. In his History of Merchant Shipping, speaking of the first year's results of that policy, he says:

> Our [the British] ship-owners naturally viewed with great alarm the rapid strides made by American shipping. Nor were their fears allayed by a reference to the board of trade returns, wherein it appeared that while the increase of British shipping had in the year previous to repeal been 393,955 tons, there had been a decrease in the year after repeal of 180,576 tons. Our position appeared, therefore, critical; and had it not been for the resources we held within ourselves [referring to iron, coal, and cheap labor] and the indomitable energy of our people, foreign shipping might then and there have gained an ascendency which might not afterward have been easily overcome. * * * We had one advantage which our great American competitor did not possess. We had

iron in abundance, and about this period we were specially directing our attention to the construction of iron ships to be propelled by the screw.

Speaking subsequently of the contest for supremacy of the seas between 1853 and 1854, the same distinguished English ship-builder says:

A very large amount of capital had been invested by Americans in the famous ships employed in the California trade; but even these before the close of 1854 were becoming unremunerative, owing to the competition of British iron and screw steamers, which were the main weapon whereby we bade defiance to the competition of all other nations in the general ocean race then just commenced.—*Lindsey's Merchant Shipping*, page 358.

The whole subject was carefully investigated by the Italian Government in 1883, which, notwithstanding Italy had enjoyed all the alleged benefits of a free-ship policy for twenty years, found that the Italian merchant marine had steadily declined for eight years, and that of 2,904,969 tons of merchandise landed at or shipped from Italian ports in the year 1882 only 293,883 tons were carried in Italian steamers. Referring to the views of Italian statesmen on the unsatisfactory results of the free-ship policy, United States Consul Crain, at Milan, in a report to the State Department under date of November 5, 1883, said:

Italians have been at liberty for more than twenty years to buy steamships on the Clyde or elsewhere, but this privilege has done nothing for the expansion of the steam marine. The policy of free ships has had a long trial in France, Germany, Austria, and other countries with no better result. History affords no example of a sea-going people who were not also a ship-building people. The industries of ship-building and navigation are so wedded by a community of interests that they can not be divorced without mutual destruction. Flourishing ship-yards levy a tribute upon the skill, labor, and resources of a country, and direct its attention and energies to sea-going enterprises as nothing else can. Even if this were not so, the difficulties of negotiating the purchase on favorable terms of costly steamships in distant countries, or of arranging credits, of securing the faithful construction of types required for particular services, and other apparent disadvantages, would be sure to bring disappointment to a people trusting to foreign ship-yards for its marine. This is the view universally taken in Italy, and the aim will be to infuse life and vigor into ship-building establishments.

Alarmed at the unsatisfactory results of the free-ship policy, by a decree dated December 6, 1885, the Italian Government practically superseded that policy by offering a bounty of $2.89 per ton for all new wooden sailing vessels and $11.58 per ton for all new iron vessels constructed in Italy, and 65 cents per net ton navigation bounty for every 1,000 miles sailed.

France also found her free-ship policy so unsatisfactory that in 1881 she practicalty set it aside by offering a special construction bounty of 60 francs per ton gross for all iron or steel vessels and 20 francs per ton for wooden vessels constructed in French ship-yards, and by tendering a bounty of 30 cents per ton (double that allowed to a vessel built abroad) for every thousand miles sailed by French-built vessels. The comparative results of the free-ship and of the new policy on the French steam marine are shown by the official statistics to have been as follows: Increase of French steam marine in the five years previous to 1881, 27 per cent.; increase in the five years since, 78 per cent. Considering that the last two years of the latter period were years of unexampled depression of shipping, the excellent results of the change from a free-ship policy to a policy of encouraging the home construction of vessels in France are certainly noteworthy.

The steam tonnage of Germany at the close of 1885 was 413,943 tons, but little more than half that of France, while the steam tonnage of the United States was 1,494,917 tons. Evidently the astute statesman who guides the destinies of Germany is not satisfied with the free-ship policy, notwithstanding the cheapness of German labor and abundance and cheapness of German iron would seem to make such a policy safe in that country; for, by a decree of the government, dated April 6, 1885, a subsidy of $1,125,000 per annum, to commence July 1, 1886, has been voted for the establishment of lines of German steamships to China, Japan, and Australia, with the condition that the new vessels of these lines shall be German built and the repairs done in German yards.

The statement, therefore, that all maritime nations except the United States have adopted the free-ship policy is incorrect so far as it conveys the impression that the other maritime nations with which we are in competition treat foreign-built vessels the same as vessels constructed in their own yards—England alone excepted. France pays a construction bounty to vessels built in her own yards and a double navigation bounty to such vessels. Italy pays a construction bounty for vessels built in her own yards. Germany in her latest subventions to German steamship lines insists that the vessels shall be constructed in her own yards. England alone maintains the free-ship policy in practice, and simply for the reason that her insular position, the fortunate juxtaposition of coal and iron mines near her sea-shore and her cheap labor to work them enable her to build her steam-vessels in competition with the world. But even England sees to it that British steamship lines receive the benefit of her large postal subsidies. Several years ago a contract for carrying British mails was given to a German line, but as soon as the fact became generally known a protest was made in the House of Commons and was responded to with loud cheers, and since that time the British authorities have not ventured to make a practical application of the free-ship policy in the distribution of postal subsidies.

The fact remains that every maritime nation has gained its position on the ocean by adopting such a policy as would enable them to build their own vessels; and that no nation has gained a commanding position on the ocean which has relied upon foreign ship-yards for the construction of her ships.

Therefore, Mr. Chairman, I protest against the pending bill as not only the confessed abandonment of the ship-building industry in this country, but also as the adoption of a policy which will lead to the gradual extinguishment of that maritime spirit which leads to the navigation of the ocean. We may rest assured that if we can not devise a policy which will enable us to build our own vessels we shall utterly fail to maintain maritime enterprises. Ship-building and ship-using are not antagonistic, as some free-ship advocates would have us believe, but in every nation rise and fall together.

My friend from Arkansas seems to look forward to the admission of foreign-built vessels into our coastwise trade as affording a compensation in breaking down what he calls a "monopoly" and reducing rates of freight to our people. He overlooks the fact that the protection which has been given our vessels in the coastwise and internal trade has given the American people the lowest freight rates by water afforded by the home fleet of any nation, and at the same time has so promoted the interests of that branch of our shipping that to-day it exhibits a tonnage three times as large as the home fleet of Great Britain.

Mr. Chairman, the most serious objection to the policy of relying upon Great Britain to build our vessels for us because she is able now to construct them more cheaply than we can, is that such a policy would tend to subvert our commercial and national independence, and place both our foreign trade and our means of naval defense in time of war at her mercy.

The nation which is dependent upon any foreign nation for the construction of its vessels must find its foreign trade jeopardized whenever the country upon which it thus relies becomes a belligerent. If the country to which we look for our supply of vessels should become involved in war with the United States, gentlemen who tell us that a ship is nothing but a wagon to be bought anywhere in the cheapest market would begin to see that no nation can be assured of the means of transportation of its exports and imports unless it builds its own vessels. The people of the West and of the South, whose products are exported so largely, would then clearly recognize the fact that no nation can be commercially independent unless it can build its own vessels.

More vital still is the fact that the possession of a merchant marine built in our own ship-yards—yards which can be made available at a day's notice for the construction of cruisers and transports in case of war—is essential to national defense and national independence.

In the discussion in the House of Representatives May 4, 1789, on a bill to promote our navigation interests and insure the construction of vessels in our own ship-yards, Mr. Madison enforced the views which I have endeavored to present at this time, and said:

We have maritime dangers to guard against, and we can be secured in no other way. * * * We must pay for the national security.

I commend to gentlemen who insist that a ship is only a wagon to be bought anywhere—on the Clyde or the Tyne, or wherever it can be bought cheapest—the statesmanship of Madison who insisted that we must build our own vessels in order to protect the nation even if it cost us more to build them than they could be purchased for in Europe.

I see before me gentlemen who claim to be Jeffersonian Democrats, and who profess to be admirers of Jeffersonian principles. To such gentlemen I desire to commend the views which Mr. Jefferson expressed in his celebrated report on commerce when Secretary of State, as follows:

Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defense it is essential. The position and circumstances of the United States leave them nothing to fear from their landboard, and nothing to desire beyond their present rights. But on the seaboard they are open to injury; and they have then, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and artists, *and establishments in readiness for ship-building*.

It seemed clear to such patriots and statesmen as Washington, Madison, and Jefferson that an American merchant marine could be maintained only by building our vessels in home ship-yards, and that such ship-yards were essential for national safety and defense. It is impossible for any nation to maintain navy-yards of sufficient extent to do more than repair public vessels and to slowly construct a few naval vessels in time of peace.

Admiral Porter, in his testimony before the Senate Naval Committee in the Forty-eighth Congress, referring to the dependence of every nation on its private ship-yards, said:

As a matter of policy Great Britain encourages private ship-building yards. The salvation of the country in case of war would depend on these; and we should follow the example of Great Britain. * * * When war comes we should have these great ship-building places, with their plant accumulated during peace.

What would have been the result of the appearance of the confederate iron-clad Merrimac in Northern waters if the Government of the United States had been obliged to send to England to have an iron-clad built to cope with her? In all probability if there had not been private ship-yards in this country capable of building a monitor in a hundred days the Merrimac would have appeared in our unprotected harbors as a messenger of destruction, would have broken the blockade of Southern ports, and probably have secured the recognition of the confederacy by France

and Great Britain. It is a fact recognized by history that the rebellion was dealt its most deadly blow by the blockading fleet, which cut off its supplies, and this fleet could not have been constructed if we had not possessed extensive private ship-yards. Nearly three hundred vessels, of over 160,000 tons burden, were built for our Navy in our private ship-yards during the civil war, and five hundred vessels were drawn in addition from our merchant marine.

The eyes of the country are turned to the defenseless condition of our coasts in consequence of the weakness of our Navy. But a powerful navy is the offspring of a great merchant marine built in a nation's own ship-yards. Look over the nations of the world and it will be found that navies rise and fall with their merchant marine, and that the merchant marines increase or decline with the growth or decay of the art of ship-building. Great navies are never built in navy-yards. The United States has eight navy-yards, but almost no navy. England has only three navy-yards and the strongest navy in the world. Four-fifths of her naval vessels and marine engines were built in private ship-yards. It has been her policy to give every possible assistance to the establishment and maintenance of great ship-yards, because she has recognized the fact that no nation could maintain its maritime prestige or successfully defend itself in time of war unless it built its own vessels and had in readiness the means of rapidly enlarging its fleet in time of need. Great Britain has taken care not to break down the wall of protection for her shipping until she was satisfied that she had secured a position which would enable her to build her own vessels in competition with the world. It would be well-nigh national suicide for the United States at the present juncture to abandon all efforts to establish and extend great iron-ship yards, and to adopt the policy of having our ships built in British establishments on the Clyde and Tyne.

Important as are many other questions before this Congress not one of them is of greater importance and of more far-reaching consequences than this. We are already a republic of nearly 58,000,000 people. In 1890 our population will exceed 65,000,000, and in twenty-five years it will reach 100,000,000. It can not be possible that such a nation as this intends to deliberately announce to the world that it proposes to give up all efforts to devise a policy whereby we may be able to build our own ships and to depend hereafter on Great Britain for whatever vessels we may need. Before we commit ourselves to this policy it will be wise for us to consider that all history teaches that no people can permanently maintain their prestige unless they strengthen their position on the ocean as well as on the land, and that no nation can gain and maintain maritime supremacy unless it builds its own vessels. [Great applause.]

Mr. ROMEIS. Mr. Chairman, it was not my intention to take part in this debate. I had intended to leave any time that would be allotted to me to others more able than myself. But being the only member on the committee from the northern lakes, I believed it to be my duty to call the attention of the House to the great injury, in my opinion, that would result to ship-building on the chain of lakes should this bill become a law.

Mr. Chairman, there were upon the northern lakes on June 30, 1885, the following shipping: Sailing vessels, 1,322; steam vessels, 1,175; boats, 771; barges, 111; a total tonnage of 749,948.49. All of this, except about fifty vessels, were of wood. They were all built in the United States. There were built last year 30 sailing vessels, 64 steamers, 18 boats, and 5 barges, or a total tonnage of 22,294.24, showing that we are constantly building vessels of both steam and sail. It follows that the building of these one hundred and seventeen bottoms necessarily gives employment to many skilled mechanics and laborers of all kinds, not only in building the vessels, but also in fitting and furnishing the same.

The bill now before the House allows a citizen of the United States to go to a foreign country and buy or cause to be built steam or sailing vessels, all furnished and complete, and bring them to this country and have them registered as American vessels, to the great injury of American capital invested in ship-building, and depriving American labor of the benefit of the capital that should be employed in our own country.

Our people advocating free ships have heretofore confined their demands to the ocean-carrying trade, or in other words would have our people allowed to buy their ships for foreign commerce wherever they pleased. But this bill goes much farther. This bill proposes to sweep away all the protection we have had in the coastwise and inland trade as well.

I never learned the object of including the coastwise and inland shipping in this bill. We are constantly building vessels for that trade, without asking the Government for material assistance. Of course it will not discourage the building of steamboats on the rivers of the interior, remote from foreign countries, like the Ohio, the Mississippi, and all the Southern rivers.

Owing to the proximity of the Dominion of Canada, and the fact that our vessels are largely built of wood (and if of iron they no doubt would be sent from England in sections) ship-owners would naturally go to the Dominion of Canada for their vessels which they may want in the lake trade. Why? Because Canada can build them cheaper than we can build them here. I see by the Toledo papers that a company has been incorporated with a capital of $1,000,000 for the purpose of building a number of fast lake steamers to be run between Toledo and Buffalo. If this bill passes these steamers in all probability will be built and furnished in some port in Canada, and one million of American capital would go into Canadian coffers, to be lost to us with interest forever. Not only this, but the Dominion of Canada is full of old hulks, both steam and sail, which were built and used in the lake trade through Canada before the Erie Canal was free from toll, many of which are now out of service for want of employment.

Mr. Chairman, if we pass this bill many of these old hulks will be bought and put in the trade of our side to become coffins for American sailors. You may say, Mr. Chairman, that the United States has inspectors whose duty it is to "inspect" such vessels. Yes, that is true; we have some old politicians, but as when they are appointed they are not examined as to color blindness they often overlook great defects.

I am told, Mr. Chairman, that there are now lying in the river Saint Clair some of these hulks waiting for this bill to pass to be put under the American flag. What a pitiable spectacle would it be for Americans to see our capital go from Buffalo, Detroit, Port Huron, and other lake cities which have plants for ship-building and furnishing, while our mechanics stand idle on the docks and looking on. It is believed by our people on the northern lakes that this bill will destroy ship-building on the lakes and turn it into Canada, and that without increasing our shipping, because men will not buy ships for the reason that they get them cheaper, unless they are reasonably sure of employment for their vessels, for ships will not improve like "wine, with age."

What applies to the lakes will apply to the ocean. England, it is said, has a thousand ships idle, although she has free ships. Every old ship we would buy of her will put two new ones on the stocks and give employment to her mechanics. I take it that we were not sent here to legislate for English interest. England is the only nation that would be benefited by this bill.

Mr. Chairman, we must look to another source to build up our ship-building. We furnish the money for national banks to do business with, we have given millions of acres of land and secured the bonds of some railroads to aid them in building lines through new and sparsely settled portions of our country for the purpose of developing it. We are deepening rivers and harbors. Why should we not give aid in the same manner to encourage our shipping interests, and thus keep our capital at home and give employment to our mechanics and laborers?

The Government of the United States refuses to sustain its steamship lines even to the extent which third-class nations sustain theirs, and while expending millions of dollars on mail-routes on land which do not pay expenses refuses to apply the same principle to commerce on the sea.

Private citizens have patriotically endeavored to restore the American flag to the proud position it once occupied on the ocean, but have gone down before the competition of foreigners who were backed by their governments. I hold in my hand a pamphlet of the Maritime Association of the United States. It treats this question so fully and yet concisely that I will ask leave to print it with my remarks.

In speaking of the fine steamers a French company is building to run between Havre and New York, I will cite from the statistics, for example, one of the French steamers of 8,000 tons. France pays to the steamer for the round trip between Havre and New York $14,500.

The American steamers would receive from our Government nothing, besides being sailed at greater expense.

Neither free ships nor free material can surmount this disability.

Mr. Chairman, what condition would we be in in case of war? It has often been said that a merchant marine is the militia of the ocean, and it is no doubt true. We could get men to sail our ships in a short time, but it takes time to build the vessels.

Let us suppose that war should be declared between England and the United States, what condition would we be in on the northern lakes, cut off from the ocean, no water way on which we could bring gunboats or war ships; our plant for ship-building destroyed, our skilled mechanics scattered, perhaps gone to Oklahoma to raise wheat which England would not buy because she can buy it cheaper in India? Shall we say to England: "Hold on, we are not ready yet; we have no ships to fight you with; we have abandoned our ship-building to you; our plants have been destroyed, and our mechanics have turned farmers? We want you to build us ships first, to protect the shipping which you built for us and to protect our lake cities." Would England wait until we were ready? Or would she proceed to destroy our shipping and lake cities, where torpedoes could not be located in numbers sufficient to keep her ships from doing our ports great damage?

Mr. Chairman, are we to stand sponsors to England, or any other nation who may be involved in war, by allowing selfish men to put our flag on foreign vessels sailed by foreign crews and only the American flag on the masthead? The passage of this bill would render us liable to be put in that position and thereby, sooner or later, be involved in foreign complication.

Mr. Chairman, I have been a wage-worker for thirty-five years or more as a sailor and railroad man. I laid aside the lantern to take a seat in the Halls of Congress, and when I leave I expect to take up one of these vocations again. But while I have a voice and a vote in this

House I shall not give it for a proposition that will in my opinion destroy capital invested in American industries, thereby throwing out of employment thousands of workingmen who are directly dependent upon that capital. For that reason I shall vote against this bill. [Applause.]

I reserve the remainder of my time.

The article to which I have referred, from the Maritime Association of New York, is as follows:

The propriety of the Government assisting American shipping is urged, because its preservation is of vital importance to the nation. In presenting its claims for support, questions of free trade and tariff have unavoidably arisen, for while it is generally conceded that some measure of relief should be given, diversity of opinion exists as to method. Some advocate granting to the foreign-built ship, when purchased by an American, a United States registry; others, the admission free of duty of foreign materials needed for constructing the ship, so giving to American labor some share in its production; a few claim that free trade in all commodities is the sure way, and in proof cite our great progress in tonnage from 1848 to 1860. The more numerous class recommend the French mileage system as the most direct and certain remedy, as it preserves to us the art of building and sailing ships, furnishes employment to our laborers in producing the materials of construction and fashioning them into shapes of utility and beauty, assuring to the ship-owner reasonable return for the increased cost of his vessel and the greater expense he is at for its victualing and manning as compared with his competitors.

If the question is regarded as national, it may be considered independently of any relation to the tariff. We consider it as national, because this nation, with its 5,700 miles of seacoast bordering upon the Atlantic and Pacific Oceans, has peculiar need of a navy. We maintain but a small army—absurdly small but for the fact that our militia system enables us to create an army as if by magic. The Navy should be in similar condition.

Our Navy is almost insignificant, and it is highly important that the country should have a merchant marine out of which it may, on occasion, quickly augment its naval force.

In the past it has contributed greatly to our success upon sea and land, notably in 1812-'15, in the war with Mexico, and in 1861-'65. England in the Crimean war used for transport and store-ships much of her merchant tonnage and some of ours; and again quite recently, when hostility threatened, she seized upon the best, largest, and fastest of these vessels to forward her troops, ammunition, and stores, notwithstanding her immense naval strength.

She has to-day in her merchant service over two hundred thousand men out of which to strengthen the navy. This country, if attacked at all, must be attacked from over-sea, just at the point of weakness in which it is daily growing more vulnerable. Why so much concern for coast defenses, so little interest in naval preparation? The coast defenses are to resist naval attack. Would it not be wise to meet naval attack with naval resistance?

In our own country we have demonstrated the weakness of modern coast defense, even against the hull of wood when that hull was fought by hearts of steel.

For peaceful purposes the foreign tonnage is also important for the country. We need more and enlarged markets for its various products and manufactures. Can we secure and supply them when we allow our rivals to monopolize all channels of communication with foreign lands, and the route to us is indirect and tortuous?

The great and prosperous shops in great cities do not thrive by locating in the by-ways and lanes, but on the great thoroughfares where access is easy, continuous, and rapid. It is the law of trade to move in such ways, and it is as true upon the sea as upon the land. England has recognized this, and paid liberally to open such means of communication. France sees its importance, and to reach such result has adopted a method similar to this for which we ask, and to-day under its stimulus there are being built for one French steamship company five of the most magnificent steamers ever constructed, to ply between Havre and New York, while this great country, four centuries after its discovery by Columbus, has not a single steamship line between here and Europe, and competition with the foreign lines already established under present conditions is simply impossible.

Take, for example, one of these French steamers of 8,000 tons. France pays to the steamer for the round trip between Havre and New York about $14,500. The American steamer would receive from our Government nothing, besides being sailed at a greater expense. Neither free ship nor free materials can surmount this disability.

A further gain to the nation by increasing our foreign tonnage would be that it would tend to increase the balance of trade in our favor. If the entire import and export trade were carried on in our own vessels, it is apparent that we should realize nearly the entire sale price of our exports at the foreign market, not, as now, the price at the shipping point; and for our imports we should pay out in the foreign market only the sale price there, because the most of the freight charges upon the articles would be returned to or retained among our own people.

In this way we should follow another sound law of trade, of selling at the highest price and buying at the lowest. To whatever extent, then, that we can control this trade shall we add to our receipts and diminish our outlay; and this item of freight must amount to many million dollars annually. We might appeal to the national pride, but that in some quarters is deemed sentiment and not business; that the nationality of the vessel on which one takes passage is a matter of utter indifference; still we confess to a feeling of sadness at the thought of our flag disappearing from three-fourths of the surface of the globe, and it seems to us that the ingulfing sea would seem less cruel if as our ship went down our eyes should behold the flag of our country still floating above us.

We will briefly state, not the theoretical, but the real and known causes of our rapid gain in the ocean tonnage from 1848 to about 1860, and its rapid and almost continuous decline since.

The causes for increase were: In 1846 the Mexican war, calling for a considerable transport fleet; 1846-'47, famine in Ireland, large demand for our cereals and enormous increase of emigration from Europe, causing high freight rates; 1848 discovery of gold in California, and 1851 discovery of gold in Australia—both points remote from England and our Atlantic coast—large numbers emigrating to the mines, requiring shelter, food, raiment, and all necessities of life having to be carried thousands of miles by sea; 1854 Crimean war, requiring an immense fleet of transports.

These were the stimulating causes, and the wooden ship then being the best, we, having the wood in greater abundance and cheaper than other maritime nations, built most tonnage, selling some to our rivals.

About 1860, the ship constructed of iron was gaining in favor, and rates of freight had so greatly declined, that the cost of sailing and victualing ships was beginning to excite much attention. Then followed the insecurity of cargo in American vessels, compelling them to accept lower freight rates than others, and the sale of much of our tonnage ensued, so that in 1865, when our flag was again secure upon the sea, we had lost about one-third (861,000 tons) of our foreign tonnage, while the tonnage of England had greatly increased.

The iron ship was preferred; we were without the plant for its construction, although we had the material, skill, and labor needed, but at too great cost to hope to compete with the English builders. The decline has continued until now, when the foreign trade tonnage of the country on the Atlantic coast is less than in 1810, and should present conditions continue it must soon disappear entirely.

We are aware that many of our countrymen of pronounced loyalty advocate the doctrine of "free ships" as the remedy. We can not concur in that view, believing it would be opening the way for the destruction of our coastwise tonnage. It certainly would be destructive of the art of ship-building among us, and we have our doubts increased as to the efficacy of this plan, by finding that the nation which has been most successful in driving us from the sea is especially desirous for us to adopt it.

Does it not occur to you that this nation, which expects perchance to sell us ships, is of the same tongue and kindred as ourselves, and that in case of her engaging in war, it would be most convenient and profitable to have us act as sponsors for her tonnage until the war should terminate?

The "free ship" presents for solution this economic problem:

One of the chief profits of money is its interest-earning capacity. Suppose we can purchase abroad for $800,000 a ship which will cost $1,000,000 if produced here. The question is, whether it is better that the purchaser should gain $200,000 and the nation lose the $800,000 and the interest thereon forever (the money going out of the country to employ foreign labor), or that the $1,000,000 should be retained at home and circulated among our own trades-people, giving work to many unemployed, gladdening many hearts—the nation assuring for a limited time to the merchant a fair return for the capital so invested? That is the problem. If it is not well to adopt the free-ship plan, that of "free materials" is unworthy of consideration.

The protection necessary to maintain this industry is of the same nature as affects any other. It is the product of the mine, the farm, the manufactory that is protected, not the plant. It is the freight or product of the ship which we can not produce or earn as cheaply as our rivals that needs protection, and this the mileage system accomplishes.

Our claim then is justified if you believe the nation requires foreign commerce; for naval defense in case of war, for extension of our intercourse and trade with other nations in time of peace, increasing the amount realized from our exports, and lessening the sum paid out for imports.

Objection to the free ship is, that it encourages foreign and discourages American ship-building, places us at great disadvantage in case of war, may burden us with protecting the commercial marine of a rival nation, and will be destructive of our coastwise tonnage. It is un-American, diverting the capital of the country by employing foreign labor, while our laborers stand idle in the market-place.

May it not be as wise to devote some portion of the surplus revenue of the country to building up this important industry as to deepen harbors and channels for the accommodation of the vessels of other nations?

AMBROSE SNOW,	I. L. FISHER,
JAMES E. WARD,	F. W. VOSBURG,
TIMOTHY DAGGETT,	J. S. NEGLEY,
JAMES H. WINCHESTER,	E. H. COFFIN,
JOHN E. CHASE,	A. C. CHENEY,
L. MCKAY,	D. M. MUNGER,
Committee of the Maritime Association of the Port of New York,	*Committee of the National Board of Steam Navigation, Acting as a joint committee.*

NEW YORK, *February*, 1886.

Mr. BUCHANAN. Mr. Chairman, this bill comes from the special committee appointed by the Speaker to take into consideration the subject of ship-building and ship-owning interests in the United States. The committee was appointed in January last, and on March 25 thereafter reported this bill.

What are the merits and demerits of the measure which they have reported after so long a time spent in consideration? The objects of the bill, as I understand them, are—first, to admit to an American registry free of duty ships built in any and every country; and, second, to admit likewise into this country free of duty all materials entering into the composition of ships. These materials as named in the bill are—

All or any part of the materials, whether wood, steel or iron, copper, yellow metal, bolts, spikes, sheathing, trenails, canvas for sails, whether flax or cotton, rigging and cordage, whether hemp, manila-hemp, or iron wire, anchors and cables, iron plates, castings and forgings, angle-irons, beams, masts, yards, rivets, bolts, nuts, screws, boiler plates and tubes, and all other materials which may be necessary for the construction and equipment in whole or in part of vessels.

This is a measure which vitally affects the interests of our whole seaboard and our lake front. Let us examine from whence the bill emanates. The members of this special committee as originally appointed were Messrs. DUNN of Arkansas, HOLMAN of Indiana, MILLS of Texas, KING of Louisiana, BLISS of New York, Rankin of Wisconsin, MCMILLIN of Tennessee, COMSTOCK of Michigan, DINGLEY of Maine, WADSWORTH of Kentucky, OSBORNE of Pennsylvania, FELTON of California, and ROMEIS of Ohio. Mr. MILLS afterward withdrew and Mr. CULBERSON, from the same State, took his place. Subsequently, upon the death of Mr. Rankin, Mr. HAMMOND, of Georgia, was appointed to fill the vacancy.

There have been presented in connection with the majority report the views of the minority, strongly opposing the passage of this bill and signed by six of the thirteen members of that committee, namely: Messrs. DINGLEY, WADSWORTH, OSBORNE, BLISS, FELTON, and ROMEIS. Of these six five are put down in the Congressional Directory as having been elected as Republicans, and one, Mr. BLISS, of New York, as a Democrat. This leaves as the members of the Committee voting in favor of reporting this bill Messrs. DUNN, HOLMAN, HAMMOND, KING, MCMILLIN, COMSTOCK, and CULBERSON—a bare majority of the committee. Each one of these gentlemen must have so voted, because united they form but a bare majority, and the vote of each one was necessary to order the report. I am reliably informed that, in fact, one was not present when the vote was taken, and his vote must have been cast by proxy. These seven are all entered in the Directory as having been elected upon the Democratic ticket.

Let us see—and I do it in no captious spirit; I do it with no desire except to inform the country as to the facts—let us see from what localities these gentlemen reporting in favor of this measure, which so vitally affects the interests of our whole Atlantic and Pacific seacoast and our lake front, come. I find that one is from Forest City, Ark.; another is from Aurora, Ind.; another from Atlanta, Ga.; another from Vidalia, La.; another from Jefferson, Tex.; another from Grand Rapids, Mich., and the seventh is from Carthage, Tenn. These places may be all large and growing seaport towns, but unfortunately they are not so laid down on any atlas which I have consulted. I understand that one or two, perhaps three, of these cities—I will not speak of them as villages; Atlanta is certainly a growing city—are situated by the sides of streams which afford fair navigation for young ducks at seasons of unusually high water.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. BUCHANAN. Yes, sir.

Mr. McMILLIN. Does not that policy concerning our foreign carrying trade which benefits one American citizen benefit every American citizen?

Mr. BUCHANAN. It ought to, and generally I believe it does.

Mr. McMILLIN. Then should we not seek to adopt that policy which will benefit every American citizen irrespective of where we live?

Mr. BUCHANAN. We ought, and therefore I am surprised at the majority report. The bill benefits nobody, but on your principle strikes a disastrous blow at the whole people. It is not to the discredit of these gentlemen that they come from these inland towns. No doubt they are honored in their respective localities. The fact that they are here gracing and honoring this House by their presence shows they are honored and respected where they are best known. But it does seem to me that this fact of their location is not necessarily a qualification for the wise performance of their duty as members of this committee. They certainly do not compose a "jury of the vicinage." I have given you the location of every one, and so far as I can find there is not a seacoast or lake-front town or port represented in that majority report. That may be a coincidence; I am bound to presume it is. But I find one or two further coincidences. The State of New York, whose principal port had last year a commerce of $724,592,509 of exports and imports, and paid 68.98 per cent. of all the duties collected in the United States, has but one member of the committee, while Texas, whose principal port, Galveston, had during the same period a commerce in exports and imports of $13,836,524, has equal representation. The port of Boston, Mass., which last year imported $53,445,929 and exported $62,000,103, has no representation. Neither has Baltimore, with her $11,849,696 of imports and $45,052,904 of exports.

Now what is it that these gentlemen have reported, and what great interest of this country is it that they would destroy? I use the words advisedly, "that they would destroy." For the year ending June 30, 1885, the total tonnage of the United States was 4,265,934 tons. Of this there was engaged in the foreign trade 1,262,814 tons; in the coasting trade 2,895,371 tons; in the whale fisheries, 25,184; and in the cod fisheries, 82,565 tons; making, as I have said before, an aggregate of 4,265,934 tons. This is slightly larger than at any time since 1876, except that in the year 1884 it was exceeded by 5,295 tons.

The changes are being constantly rung upon our "decaying commerce," yet we have the second largest tonnage in the world. As has just been remarked by the gentleman from Maine [Mr. DINGLEY]:

> To-day the tonnage of the United States is second only to that of Great Britain. Our tonnage is nearly four times as large as that of either Germany or France, and our tonnage in the foreign trade alone is considerably larger than that of either of those nations.

If any one will study the tables contained in the last report on commerce and navigation he will be convinced that our tonnage is not decaying, but that it is simply stationary, or upon the whole slightly increasing in amount. We built for the year ending June 30, 1885, 920 vessels with a tonnage of 159,056 tons. This tonnage was composed of 5 ships, 3 barks, 3 barkentines, 379 schooners, and 143 sloops; this includes only sailing vessels. The previous year we built 225,514 tons of a value exceeding $12,000,000. Our commerce, at least for the past decade, has not been decaying, and yet I frankly admit that our ocean carrying trade is not in that condition in which any American with his heart in the right place would desire to have it. In the palmy days of the clippper ship we sent our sails to every known port. That ship has practically disappeared. There are reasons for it. The costly steamship, the "greyhound of the seas," has taken her place. England had the costly plant to produce it, and the ever-ready subsidy to run it. With the constant menace to enterprise of bills like the one under consideration capital here hesitates to erect such expensive plant, and with the discrimination against our vessels in carrying the mails, the Government hinders instead of helps.

Beside we have been developing this great country of ours. I never realized so fully until recently, as I spent day after day speeding across our Western prairies and through the far-reaching expanses of Texas, what a vast country we have and what an enormous amount of work remains to be done to subject it to the hand of man. We have been busily engaged in carving out homes for ourselves here upon this virgin soil and have been content that this ocean carrying trade should be done by other nations. The ocean freights have been so low that brain and enterprise and capital have sought employment and remuneration elsewhere, and particularly in constructing the thousands of miles of new railways and developing our enormous internal trade and domestic commerce.

There is another reason. Twenty-five years ago our ocean carrying trade was struck a blow from which it has not yet recovered. In looking over the figures I find that during the late war, because of reasons known to all, a large proportion of our vessels was put under other flags; thus in 1861 there were American vessels sold to foreigners aggregating 26,649 tons; in 1862, 117,756 tons; in 1863, 222,199 tons; in 1864, 300,865 tons; in 1865, 133,832 tons, or a total from the firing on Sumter to the surrender of Lee of 801,301 tons. I make no comment upon these figures. I leave them with the country. They tell their own tale. You can trace the history of those statistics in the light of burning vessels left by the Alabama and other rebel cruisers.

Many other vessels, chartered or seized or bought by the Government, yielded to the exigencies of war and were forever lost to commerce.

Can we increase our tonnage by the means proposed by this bill? We may buy ships, but they will not be American ships. They may fly the American flag, but they will still be a foreign production. No plank, or sail, or timber will tell of American enterprise or American labor; no swelling line or saucy rake of mast will tell of American brain and American skill. As well let a Caucasian father count among his sons the imported Asiatic who toils over his linen. As well send to the Clyde for a yacht to outsail the Genesta instead of depending upon our own Puritan.

Why should these gentlemen from the interior press this bill upon us? We do not want it. The Maritime Association of the Port of New York and the national board of steam navigation protest against it. These boards make the pertinent observation, "We have our doubts increased as to the efficacy of this plan by finding that the nation which has been most successful in driving us from the sea is especially desirous for us to adopt it."

What interest can this committee have in pressing this bill? It will not benefit the interior. It can not make freights lower. They are below, far below, a paying point now. The tonnage of the world is now open—freely so—to the carriage of your cotton, your corn, your wheat. What more can you ask? The bill will simply transfer the ownership of some of that tonnage. It will enable a few capitalists in our great seaboard cities to buy steamships, but it will not enable them to run those steamships at rates lower, in any degree, than those at which they are now run.

But this bill will destroy our ship-building. It will bring ruin to many an American home. It will transfer to the Clyde the work now done on the Delaware. It will transfer to English workshops and Norwegian ship-yards the work now done upon American shores. It will beggar the American shipwright for the benefit of the foreign artisan. It will fill our northern lakes with Canadian craft, while our own rot at our wharves. At best it may possibly advantage a few merchant princes, but the people at large will receive no benefit whatever.

But I rose, Mr. Chairman, to more particularly call attention to the effect that in my judgment this measure will have upon our coasting trade. As has been seen by the figures which I have submitted, more than two-thirds of our tonnage is engaged in the coastwise and lake trades; in exact figures 2,895,371 tons. Of the large number of schooners and sloops built each year the greater number are intended for that trade.

The bill proposes to admit foreign vessels to an American registry and then allow them after they are thus admitted to ply wherever the owners may desire. I asked the question of the chairman of the committee—at least I endeavored to get his attention during his remarks but he did not yield and I have since asked him in private—whether that is the purpose of the bill, and he informs me it is; and certainly the bill can bear no other construction.

At the present time this coasting trade is entirely in our own hands. In it we have no foreign competition. As long as the laws of the land remain as they are it must remain in our hands. As the law now stands, no vessel built in a foreign country, unless captured in war or forfeited by law, can be admitted to an American registry. The law further provides that no vessel that is not of American registry can engage in the coasting trade. The result of those two provisions is that to-day, with the exceptions noted, no vessel can engage in the coasting trade unless she has been built in the United States, in our own ship-yards, by our own labor. No foreigner, no foreign vessel can enter into that trade. The honorable chairman of the committee [Mr. DUNN] says that he desires to break down that restriction, and I, for one, thank him for taking such bold and aggressive ground upon this question. I thank him for coming out fearlessly and telling us precisely what he wishes to do. We now know where to find him. He desires to break that down and to have the coastwise trade carried not merely in American-built bottoms, but in bottoms built in any portion of the world.

He proposes to surrender the American vessel to the English, the German, the Canadian, and the Norwegian. He gives as his reason that freights are too high; that the American vessels are levying a tax upon commerce, and that these American vessels have an odious monopoly of this trade.

I want to say to the gentleman that he can not produce figures to substantiate any statement that these coastwise vessels are levying an unduly large tax upon commerce. The fact is that to-day the freights earned by the coasting vessels are lower in proportion to other things than they have ever been before in the history of this country. The fact is that all along the coast we have lines of railway that compete for that trade, and the vessels engaged in the coastwise and lake trade are carrying freights much cheaper than were ever known before, and at rates not remunerative to the capital employed. There is an old adage, a homely one, but one that it is sometimes well enough to observe and live up to. It is this: Leave well enough alone. These freights are being carried exclusively by American vessels, commanded by American masters and manned by American sailors; the freight-money goes exclusively to Americans, and the freighter gets his wares transported at almost nominal cost. What more, in the name of all that is fair and just, can be asked?

This coast trade is no monopoly. Too many thousands of vessels are engaged in it to allow that to be possible. They are largely owned, in whole or in part, by the men who sail them, and competition is sharp and keen between them. My own State, small in area as she is, has a large water-front, stretching from nearly opposite Hastings-on-the-Hudson down the Hudson River, through the Kills, past Sandy Hook, down the Atlantic coast to the Delaware Capes, and up Delaware Bay and River to the head of tide water at Trenton. Quite two-thirds of her boundary is tide water. She owns one thousand and seventy-eight vessels—the greater proportion of them engaged in the coastwise trade. Many of these vessels are sailed to-day without a profit, some of them at an actual loss, and others lie idly at their wharves. Turn loose upon them the English "tramp" steamer and the Nova Scotian and Norwegian sailing vessels and they will rot in our streams. But if it were different, how could it affect you, gentlemen from the interior, who are forcing this bill upon us? These coastwise vessels do not carry the products of your sections. You ship your corn and wheat and cattle and cotton by rail to the most accessible seaport, and there lie now your loved English steamers ready to receive them. These coasters carry the trade from port to port on the coast and lakes. We are the freighters; we are the carriers; we alone are the parties in interest. It is alone our concern; and we say to you that we have not asked your help, and in all courtesy we must protest against your interference.

I want to thank the honorable chairman [Mr. DUNN] for another very frank expression of his. He did not hesitate in his speech to affirm that this is a free-trade measure, and I sat and listened to him with interest as he rehearsed the beauties and advantages of free trade and free ships. I want to thank him for being so honest—for having the courage of his convictions—for telling us without circumlocution just what the passage of this bill will mean. It will mean to the labor of this country, it will mean to the capital of this country, it will mean to the manufacturer of this country, that the Forty-ninth Congress is in its lower House a free-trade Congress, and ready to surrender to England's wishes as to free trade and free ships.

The whole country will so interpret it. The people will know that every vote cast for this bill is a vote cast in the direction of free trade and in the direction of breaking down our system of protection. The gentleman has made the issue fairly and squarely, and I thank him for it and for one accept the issue. He informs us that no nation ever went to the front in the world's carrying trade except under the policy of free trade and free ships. It was my fortune very recently to travel entirely through the State which is in part represented, and ably represented, on this floor by the distinguished chairman of the committee, and as I looked at the grand possibilities of that State, as I saw what magnificent things the God of Nature has done for its inhabitants, I observed that there was yet one thing lacking. Fertile as is their soil, broad as are their acres, gigantic as are their forests, marvelous as are all the gifts of nature to them, they yet are dependent upon those of us who live farther East for the fabrication of everything that they use and of everything that they wear, and I thought, Oh! that these broad acres were filled up, not only with an agricultural people wresting a hard-earned subsistence from the soil, but that here and there along these magnificent water courses were erected great factories in which could be made those articles which the people require and must use! What an advantage it would be! What a valuable addition to the resources of that State; and I, sir, am a better friend to him and to his section than he wots of when I stand in my place in this House and protest against the passage of any measure which will militate in any way against the maintenance of the protective system which makes such factories possible.

The gentleman tells us that the days of protection are past. Sir, as long as Americans shall preserve their patriotism, as long as the American laborer shall be intelligent enough to demand a proper recompense for his toil, as long as labor shall be crushed to the earth in other lands whether those lands be Europe, Africa, or Asia, just so long the protective system will endure in these United States of America, and instead of being past I say to that gentleman that much as I wish him long life, health, and prosperity, much as I wish that his days may be extended far beyond the limit allotted by the Psalmist, yet the grass will be growing green over his grave for many a year before America abandons her protective system.

A word in conclusion. I am an American, born on American soil, and reared in American ideas. By the grace of a portion of the American people I occupy for the time being a seat in the American Congress. I am sent here to legislate for the best interests of the American people, native and naturalized. I could not be faithful to that trust and not oppose this bill. No American interest will be subserved, no spirit of patriotism will be awakened, by seeing the American flag flying over an English, Canadian, or Norwegian built ship. That spectacle may satisfy those who advocate this bill, but as for me, give me an American-built ship, with an American master, manned by American seamen, and flying the American flag at her fore. [Applause.]

Mr. DUNN. Mr. Chairman, if there is no other gentleman desiring to speak to-day, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7219) to amend sections 4132 and 2513 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States and to permit the same to be registered as vessels of the United States and to admit certain materials to be used in the construction of vessels free of duty, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the House of Representatives of the following titles:

A bill (H. R. 473) granting a pension to William Boone;
A bill (H. R. 556) granting a pension to Bridget Sherlock;
A bill (H. R. 599) granting a pension to Mrs. Honorah Maloney.
A bill (H. R. 601) granting a pension to Alonzo V. Richards;
A bill (H. R. 607) granting a pension to Jannet E. B. Smith;
A bill (H. R. 1106) granting a pension to Mary B. Carll;
A bill (H. R. 1252) granting a pension to Eugenia A. Smalley;
A bill (H. R. 2070) granting a pension to William Paugh;
A bill (H. R. 3287) for the relief of Silas Corzatt;
A bill (H. R. 3321) for the relief of Samuel C. Fisher;
A bill (H. R. 3478) granting an increase of pension to Alonzo Maynard;
A bill (H. R. 3741) granting a pension to Emeline Roberts;
A bill (H. R. 3753) granting a pension to John D. James;
A bill (H. R. 4134) for the relief of Margaret Callanan;
A bill (H. R. 4586) for the relief of Nathan Hildabrant;
A bill (H. R. 4884) granting a pension to Rose A. McManus;
A bill (H. R. 4903) granting a pension to Christian Smarzo;
A bill (H. R. 4905) granting a pension to Aaron C. Johnson;
A bill (H. R. 4977) granting a pension to James N. Hair;
A bill (H. R. 5085) for the relief of Mary Hill;
A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;
A bill (H. R. 5937) granting a pension to Sarah Gregg;
A bill (H. R. 6502) granting a pension to Lucy Ann Drew;
A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins; and
A bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States.

The message further announced that the Senate had passed House bills of the following titles, with amendments, in which the concurrence of the House was requested:

A bill (H. R. 3546) granting a pension to Amanda Housell;
A bill (H. R. 5038) for the relief of Stephen Sauer; and
A bill (H. R. 6975) to establish additional life-saving stations.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 864) to grant a pension to Mrs. Martha F. Woodrum;
A bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs;
A bill (S. 161) granting a pension to Ann E. Tew;
A bill (S. 924) granting a pension to Ellen Shea;
A bill (S. 1184) granting a pension to Jane D. Mumford;
A bill (S. 1582) for the relief of Alpheus R. French;
A bill (S. 1660) granting a pension to Samuel E. Tracy;
A bill (S. 1825) granting a pension to Elizabeth Forgey;
A bill (S. 1826) granting a pension to Andrew J. Burrell;
A bill (S. 1958) granting an increase of pension to Addison A. Jackson;
A bill (S. 2105) granting a pension to Henry V. Very;
A bill (S. 2113) granting a pension to Mrs. Sarah Young;
A bill (S. 2149) granting an increase of pension to Herman Baumhager;

A bill (S. 1064) for the relief of James E. Waters; and

A bill (S. 2437) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

URGENT DEFICIENCY BILL.

Mr. RANDALL. The Committee on Appropriations, to whom was referred with the amendments of the Senate the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, have directed me to report back the same, and to move non-concurrence in the Senate amendments.

The SPEAKER. Is the reading of the amendments demanded? [A pause.] If not, the question is on the motion of the gentleman from Pennsylvania that the amendments be non-concurred in.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McMILLIN. I move that the House adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition of Mary E. Morse, president, Eunis E. Van Husen, vice-president, Womans' Indian Association of Rochester, N. Y., in favor of Senate bills Nos. 53 and 54—to the Committee on Indian Affairs.

By Mr. FINDLAY: Memorial of the Womans' Indian Association of Maryland, praying for the passage of the Dawes bill—to the same committee.

By Mr. FISHER: Memorial of the Knights of Labor, Local Assembly No. 3268, of Salzsburg, Mich., asking for shorter hours of labor—to the Committee on Labor.

By Mr. GROUT: Testimony of Paul Sgobel, in support of House bill granting a pension to R. L. Munson—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Evidence to support House bill No. 8496—to the Committee on War Claims.

By Mr. HERMAN: Petition from ex-Union soldiers of Oregon, favoring the passage of the Weaver bill for extra compensation—to the same committee.

Also, petition from members of the Grand Army of the Republic in Oregon, favoring the passage of the pension laws recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of citizens of the counties of Eastland and Erath, Texas, relating to the removal of the Federal court-house from Graham to Cisco, Tex.—to the Committee on the Judiciary.

By Mr. McCOMAS: Petition of George Philips, of the District of Columbia, for use of horse and wagon used in the public service—to the Committee on War Claims.

Also, petition of Charles W. Shreve and of Stephen A. Thomas, of Frederick County, Maryland, for relief—to the same committee.

By Mr. McKINLEY: Petition of citizens of Ohio, favoring the passage of the scientific temperance instruction bill—to the Committee on Education.

By Mr. OSBORNE: Memorial of the Board of Trade of Philadelphia, urging the necessity of a department of commerce—to the Committee on Commerce.

By Mr. PAYNE: Petition in favor of granting a pension to Electa Ann McColly, widow of William McColly, a soldier of the war of 1812—to the Committee on Pensions.

Also, petition of Carlton Dunn and others, of Sodus, N. Y., in favor of a tax on oleomargarine—to the Committee on Agriculture.

By Mr. RANDALL: Memorial of the Philadelphia Board of Trade, asking appropriations for the National Board of Health—to the Committee on Appropriations.

By Mr. RIGGS: Petition of N. D. McEvers and A. W. Beneis, of Montezuma; of J. M. Baucum and others, of New Canton; of J. F. McCoy and W. H. Foster, of Martinsburg; and of J. M. A. Drake of La Prairie, Ill., for taxing oleomargarine—to the Committee on Agriculture.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. GROUT: Of C. D. Hazen and 28 others, citizens of Hartford, Vt., praying for a tax on oleomargarine.

SENATE.

MONDAY, *May* 24, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season was read twice by its title, and referred to the Committee on Fisheries.

SESSION LAWS OF WASHINGTON TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate two copies of the session laws passed by the Legislative Assembly of the Territory of Washington at the session of 1885–'86; which were referred to the Committee on Territories.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the common council of Norfolk, Va., calling the attention of Congress to the great advantages afforded at the port of Norfolk for the establishment of a yard for the construction of iron ships; which were referred to the Committee on Naval Affairs.

Mr. MITCHELL, of Oregon, presented a petition of members of Ellsworth Post No. 19, Grand Army of the Republic, Corvallis, Oreg., praying that justice be done to the soldiers and sailors who fought in the late war of the rebellion by the passage of what is known as the Weaver bill; which was referred to the Committee on Military Affairs.

Mr. McPHERSON. I present a memorial signed by the president and secretary of Grange No. 40, Patrons of Husbandry, State of New Jersey, remonstrating against the admission free of duty of all agricultural raw materials, such as wool, hides, jute, tobacco, raw sugar, &c., while these manufactured products are enjoying the benefit of protection. I also present a memorial from Grange No. 38, Patrons of Husbandry, of Camden, N. J., of like import. I move the reference of the memorials to the Committee on Finance.

The motion was agreed to.

Mr. HOAR. I present two petitions, each having the names of a large number of ship-owners and owners of cargoes and other prominent merchants, praying for the early and favorable attention of Congress to the bill (S. 4) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States, which has been reported favorably by the Committee on the Judiciary. I move that the petitions lie on the table.

The motion was agreed to.

Mr. WHITTHORNE presented the petition of James W. Bowman, late a private in Company C, Seventh Tennessee Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MILLER presented a petition of citizens of Fulton County, New York, praying that liberal appropriations be made for the maintenance of the National Board of Health; which was referred to the Committee on Appropriations.

Mr. HARRIS presented a petition signed by H. J. Forsdick, president of the Memphis (Tenn.) Travelers' Club, praying for the passage of the bill prohibiting the several States from taxing non-resident traveling salesmen; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the common council of Norfolk, Va., favoring the establishment of a yard for the construction of iron steam-vessels at that place; which were referred to the Committee on Naval Affairs.

Mr. CAMERON presented a petition of the Philadelphia Board of Trade, favoring legislation enlarging the powers of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

Mr. VEST presented resolutions adopted by the Board of Trade of Saint Joseph, Mo., remonstrating against the passage of the bill taxing oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. CONGER presented the petition of Matilda Heritage, of Monroe, Mich., praying that she be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 1905) for the relief of Theodore W. Tallmadge, reported it with an amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (S. 2401) to classify and fix the salaries of registers and receivers of United States land offices, reported it with amendments, and submitted a report thereon.

Mr. TELLER, from the Committee on Public Lands, to whom the subject was referred, reported a bill (S. 2504) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State; which was read twice by its title.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (H. R. 2060) granting a pension to Margaret D. Marchand, reported it without amendment.

BILLS INTRODUCED.

Mr. WHITTHORNE introduced a bill (S. 2505) for the relief of Mary A. Lord; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2506) granting a pension to Sally Rehfeldt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2507) granting an increase of pension to William E. Towner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2508) to authorize the Shoshone and Bannock Indians to sell to the Utah and Northern and Oregon Short Line Railway Companies certain lands situated upon the reservation of said Indians in Idaho, necessary to said railway companies for railway purposes, and for the relief of said railway companies; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2509) for the relief of the legal representatives of William T. Matlock, late receiver of public moneys at Oregon City, Oreg.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 2510) to correct the military record of D. Floyd Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2511) to authorize the construction of dry-docks at certain navy-yards to be hereafter selected by contract, and appropriating money for the same; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. HARRISON introduced a bill (S. 2512) granting a pension to Henry Hayes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN (by request) introduced a bill (S. 2513) for the relief of the estate of John C. Thompson, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2514) for the relief of James F. Hagan; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 2515) to authorize the construction of a bridge across the Mississippi River at or near Memphis, in the State of Tennessee; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. MITCHELL, of Oregon, Mr. MCPHERSON, and Mr. SHERMAN submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

POTOMAC RIVER BRIDGE.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to examine and report upon the expediency of constructing a Government bridge, with a suitable draw and approaches, from a point at or near the foot of New York or New Hampshire avenue, on the public grounds, across the Potomac River and Analostan Island, to a point on the United States National Cemetery grounds at Arlington, so as to connect in the best manner the public grounds on the two sides of the Potomac, with estimates of the cost of the kind of bridge deemed by the Department most expedient, as well as the cost of alternative plans considered practicable, and which will not materially affect the navigation of the river.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 107) for the relief of Elias B. Moore;

A bill (H. R. 190) for the relief of certain employés and others of the twelfth United States light-house district;

A bill (H. R. 279) for the relief of T. H. Triplett;

A bill (H. R. 248) for the relief of Henry Gee;

A bill (H. R. 449) for the relief of John P. T. Davis;

A bill (H. R. 658) for the relief of Francis W. Haldeman;

A bill (H. R. 707) for the relief of J. R. Martin;

A bill (H. R. 821) for the relief of Samuel M. Gaines;

A bill (H. R. 1062) for the relief of Ernest H. Wardwell;

A bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye;

A bill (H. R. 1418) for the relief of Henry Martin;

A bill (H. R. 1455) for the relief of Lysander H. Carroll;

A bill (H. R. 1511) for the relief of Sidney R. Smith;

A bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md.;

A bill (H. R. 1740) for the relief of William K. Hammond;

A bill (H. R. 1813) for the relief of Pattison & Caldwell;

A bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy;

A bill (H. R. 2195) for the relief of Christopher Schaefnocker;

A bill (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased;

A bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check and the assistant treasurer of the United States at New York to pay the same;

A bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased;

A bill (H. R. 3384) for the relief of James M. Bacon;

A bill (H. R. 3908) for the relief of John Ellis;

A bill (H. R. 3909) for the relief of Harry Fisk;

A bill (H. R. 4139) for the relief of Thomas Sampson;

A bill (H. R. 5175) extending the provisions and benefits of the preemption law to John E. White;

A bill (H. R. 5553) for the relief of E. J. Phillips;

A bill (H. R. 5554) for the relief of the legal representatives of G. Alexander Ramsay;

A bill (H. R. 5651) for the relief of David W. Low;

A bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties;

A bill (H. R. 8297) for the relief of Frank Shutt;

A bill (H. R. 8596) for the relief of Beaufort Lee and others; and

A bill (H. R. 8676) for the relief of Lafayette Fowler.

The message also announced that the House had insisted upon its disagreement to the third, fourth, and sixth amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887; that it insisted upon its amendment to the fifth amendment of the Senate to the said bill; that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM managers of the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886.

The message also announced that the House had passed the following bills:

A bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;"

A bill (S. 327) granting a pension to James E. O'Shea;

A bill (S. 788) granting a pension to John L. Bruce;

A bill (S. 789) granting a pension to John S. Williams;

A bill (S. 895) granting a pension to Rachel Fleming Cellar;

A bill (S. 1124) granting a pension to William Bethuren;

A bill (S. 1169) granting a pension to John S. Bridges;

A bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;

A bill (S. 1257) granting a pension to Henry Shively;

A bill (S. 1348) granting a pension to Sarah E. Henry;

A bill (S. 1357) granting a pension to Sarah A. Thomas;

A bill (S. 1726) granting a pension to Augustus Field Stevens;

A bill (S. 1770) granting a pension to J. H. Thornbury; and

A bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett.

CONFEREES ON POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. In connection with the message from the House of Representatives announcing the appointment of a conference committee on the Post-Office appropriation bill, I desire to say that an error was committed in the appointment of the conferees on the part of the Senate upon that bill on Friday last, for which I was responsible. A moment before I made the motion that the Senate insist on its amendments I was in consultation with a member of the subcommittee on the agricultural appropriation bill, and without any thought about the matter at all, when the presiding officer called on me to name the conferees on the part of the Senate upon the Post-Office appropriation bill I named the subcommittee on the agricultural appropriation bill, the membership being the same except as to one member, and the name of Mr. CALL was announced as a member of the conference committee in place of Mr. BECK. I ask that the name of Mr. BECK be substituted for that of Mr. CALL.

The PRESIDENT *pro tempore*. If there be no objection, the error being an inadvertence on the part of the Senator, it will be corrected in the Journal of Friday last, and Mr. BECK will take the place of Mr. CALL on the conference committee.

SPECIAL DEFICIENCY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8762) making appropriations to supply deficiencies

in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

CONSIDERATION OF PENSION BILLS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is now in order.

Mr. SAWYER. I move that the Senate proceed to the consideration of the individual pension bills on the Calendar in their order.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate now proceed to the consideration of pension bills on the Calendar reported favorably by the Committee on Pensions.

Mr. DOLPH. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Wisconsin has submitted a motion which is not debatable.

Mr. DOLPH. The Senator from Wisconsin yields to me for a moment, however.

Mr. SAWYER. If I can do so without losing the floor. I will yield if the matter will not lead to any debate.

The PRESIDENT *pro tempore*. The Chair will first inquire if unanimous consent is given to the request of the Senator from Wisconsin.

Mr. CONGER. Does that interfere with the regular order, the Calendar?

The PRESIDENT *pro tempore*. It makes a new order. It takes up the individual pension bills on the Calendar.

Mr. INGALLS. What does the Senator from Wisconsin ask?

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent of the Senate to proceed to the consideration of pension bills reported favorably from the Committee on Pensions. Is there objection? The Chair hears none, and the first case will be reported.

Mr. CONGER. That means that we are to go through with the unobjected cases.

The PRESIDENT *pro tempore*. The unobjected cases.

Mr. DOLPH. Will the Senator from Wisconsin yield to me a moment?

Mr. SAWYER. I will, if it does not lead to debate.

PUBLIC LAND LAWS.

Mr. DOLPH. I move that Order of Business 999, being the bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes, be made a special order for May 31, at 2 o'clock p. m.

Mr. SEWELL. I object.

The PRESIDENT *pro tempore*. Objection being made, the order can not be entered.

Mr. DOLPH. I make the motion that the order be made.

The PRESIDENT *pro tempore*. It is not in order to submit a motion pending the unanimous consent to proceed to an order except by unanimous consent. It is not in order to change that except by unanimous consent.

Mr. SAWYER. Of course I do not object to the request of the Senator from Oregon.

Mr. DOLPH. The Senator from Wisconsin yielded the floor to me for the purpose of making the motion. I made the motion the other day under the head of "concurrent or other resolutions," and the Chair ruled that the motion could not then be entertained.

The PRESIDENT *pro tempore*. If there is objection it can not be taken up against the unanimous consent of the Senate. The Chair will again submit it. Is there objection to the request made by the Senator from Oregon?

Mr. SEWELL. I object.

The PRESIDENT *pro tempore*. Objection being made, it can not now be considered.

Mr. DOLPH. Is it in order to object to the bills moved by the Senator from Wisconsin?

The PRESIDENT *pro tempore*. The order having been adopted by unanimous consent, it is too late for an objection to be interposed.

Mr. DOLPH. I think there are other bills as important as pension bills in this body. The bill I desire to have taken up is a general bill——

Mr. SAWYER. It does not seem to me that the Senator from Oregon would wish to antagonize the pension bills. I have given him all the chance I could. If he does so, of course he must take the responsibility.

The PRESIDENT *pro tempore*. The first pension bill on the Calendar will be reported.

WILLIAM F. HARMON.

The bill (S. 1642) granting a pension to William F. Harmon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William F. Harmon, late of Company C, One hundred and forty-eighth Regiment of Ohio Volunteer Infantry.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SAWYER April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1642) granting a pension to William F. Harmon, have examined the same, and report:

The claimant in this case was a private in Company C, One hundred and forty-eighth Ohio National Guards, enlisted for one hundred days. He alleges that he had measles while in the service; that while sick he took cold, which resulted in pains and weakness in the chest; that it became permanent, and disabled him from performing manual labor.

His application for pension is rejected "on the ground that the evidence fails to connect alleged disease of chest with measles, or that it is otherwise due to the service."

Reputable witnesses testify that he was a sound man before he entered the service, and that he has not been well since his discharge. The Surgeon-General's report shows that he was sick at the Home of the Sanitary Commission, Washington, D. C., but the Surgeon-General furnishes no evidence on the subject.

The soldier has filed ample testimony from his physicians and acquaintances, but he is unable to produce evidence of the character required by the Pension Office.

There is sufficient ground for the conclusion that he was accepted as a sound man, and that he was otherwise when he was discharged, and that he continues to be in a condition that prevents him from engaging in labor for his support.

The committee are of the opinion that the claimant may properly be relieved to the extent he claims, and report the bill favorably with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. FINCHER.

The bill (S. 1768) granting a pension to John D. Fincher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. Fincher, late of Company H, One hundred and thirty-second Regiment of Pennsylvania Volunteers.

Mr. COCKRELL. I should like to have the report read in that case.

The Chief Clerk read the following report, submitted by Mr. SAWYER April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1768) granting a pension to John D. Fincher, have examined the same, and report:

The claimant was a private in Company H, One hundred and thirty-second Regiment, Pennsylvania Volunteers.

He was discharged on the 24th day of February, 1863. Prior to his discharge he was in the United States general hospital at Philadelphia sixty days, and in his certificate the surgeon says: "The disease was contracted by exposure and fatigue while performing the duties of a soldier." The surgeon adds that he was discharged for "general debility, which will disable him from performing the duties of a soldier for a great length of time."

The report of the Surgeon-General says: "He entered Saint Aloysius hospital, Washington, D. C., November 16, 1862, with diarrhea;" that he entered general hospital, Race street, Philadelphia, December 18, 1862, with bronchitis, and was discharged from service February 25, 1863.

The Adjutant-General reports him in hospital at Warrenton, Va.; that he was left sick at Warrenton; that muster-roll of company, dated May 24, 1863 reports him discharged for disability at Race Street hospital, as above.

Comrade Francis M. Thomas testifies:

"That he knew said John D. Fincher since early boyhood; that for at least five years prior to his enlistment he had opportunities of seeing him daily, and that he had no reason to doubt his soundness of health; that he was a comrade of his in Company H, One hundred and twenty-third Pennsylvania Volunteers, and that he was taken sick at or near Warrenton, Va., in the fall of 1862, and from there sent to Washington to hospital; that he believes said John D. Fincher still suffers from the effect of his sickness and exposure."

This testimony was given on the 10th of March, 1884.

The claimant alleges that at Warrenton, Va., November 15, 1862, he contracted bilious fever, followed by chronic diarrhea and lung trouble.

The examining surgeon identifies chronic diarrhea, but not lung disease; but he says there may be some pleuritic adhesions. The examining board find nothing the matter with him; a circumstance so inconsistent with the whole record of the case as to be inexplicable to the committee. The proof of his former soundness, of his contracting disease, and of its present existence is so satisfactory as to justify the committee in reporting the bill favorably, with a recommendation that it do pass.

Mr. COCKRELL. Something ought to be done with that examining board. Here is a board specifically appointed for the purpose of examining applicants for pensions. It is presumed to be composed of competent men, skilled in their profession, experienced in the detection of diseases and disabilities for the performance of manual labor; and that board find nothing the matter with this applicant. The committee say that it is "a circumstance so inconsistent with the whole record of the case as to be inexplicable" to them. May it not be that this alleged disability is the inexplicable matter, in view of the finding of this board that this man has no physical disability for manual labor, the only ground upon which a pension can be granted.

I desire to call the attention of the committee to this important fact as set forth in their report. According to the report of the examining board this claimant is not entitled to a pension. If he is entitled to it he ought to have it, and if he is not he ought not to have it.

Mr. SAWYER. The whole record of the man shows that he was in hospital at Philadelphia and at various other points. I suppose that he came before the board and they could not see anything the matter with him, and simply said so. I put that in the report which I made, because I believe in telling both sides fully.

Mr. COCKRELL. The report is right; I have no doubt about that.

Mr. SAWYER. I have no question that the man deserves a pension.

Mr. COCKRELL. I think we had better let the case go over for to-day, and let the Senator from Wisconsin make a little further examination.

Mr. SAWYER. I have no objection to the case going over.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

JOSEPH MAYS.

The bill (S. 1654) granting a pension to Joseph Mays was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Mays, late of Company M, Ninth Regiment Kansas Cavalry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the report, submitted by Mr. SAWYER April 27, 1886, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1654) granting a pension to Joseph Mays, have examined the same, and report:

That the records in this case show that claimant enlisted July 1, 1863, as a private in Company M, Ninth Kansas Cavalry, and was discharged July 17, 1865.

Declaration for pension filed June 22, 1880, alleging gunshot wound in left arm, shattering both bones.

Claim rejected April 23, 1885, on the ground that "records fail to show the circumstances under which alleged wound was received, and claimant has declared his inability to furnish satisfactory evidence showing its receipt while in line of duty." The committee is unable to determine why this pension was not granted through the Pension Office, or what that office considers "satisfactory evidence."

In this case there is,

(1) Claimant's statement, which is corroborated by the records sent to the Pension Office from the War Department, in which occurs this statement:

"Regimental hospital register shows Joseph Mays admitted July 26, 1864, with gunshot wound, forearm."

(2) The affidavit of W. Wakefield, M. D., the regimental surgeon who dressed claimant's wound, and who describes minutely the circumstances attending it.

(3) The affidavit of Capt. John L. Price, Company M, Ninth Kansas Cavalry, that claimant was out on a foraging expedition, and was attacked by bushwhackers and wounded.

(4) The letter of John L. Price, late Captain Ninth Kansas Cavalry, corroborating claimant's statement, and that wound was received in the line of duty.

(5) The affidavits of comrades James Lansing and George R. Bowser, who were with claimant and near him when he was shot in a skirmish with bushwhackers.

(6) A letter written to John H. Osborn, and signed O. P. G. Clarke, of the Pension Office, asking about the circumstances of the wounding, and on the back of that letter Mr. John H. Osborn states that he knew Joseph Mays, and knew he was wounded in the left arm, and thinks he was foraging at the time.

(7) Testimony of John H. Osborn, corroborating above.

In addition to the above there is the certificate of Examining Surgeon E. I. Prothrow, as to the wounds and the effect.

It would appear that the evidence is abundant as to when, where, and how the wound was received, and that its consequences still incapacitate the claimant from performing full manual labor. Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

Mr. COCKRELL. I confess that this is a case which surprises me. Here is the Pension Office rejecting this claim on the 23d of April, 1885, on the ground that the records failed "to show the circumstances under which the alleged wound was received, and claimant has declared his inability to furnish satisfactory evidence showing its receipt"—that is, the receipt of the wound—"while in the line of duty." There is the solemn affidavit of the claimant himself that he can not furnish satisfactory evidence that the wound was received in the service and in the line of duty; and yet we find here in this bundle of pension papers as set out in the report the affidavit of W. Wakefield, M. D., the regimental surgeon who dressed the claimant's wound and who described minutely the circumstances attending it. Then we find the affidavit of Capt. John L. Price, Company M, Ninth Kansas Cavalry, that the claimant was out on a foraging expedition and was attacked by bushwhackers and wounded; then the letter of John L. Price, late captain Ninth Kansas Cavalry, corroborating claimant's statement, and that the wound was received in the line of duty; and then the affidavit of two of his comrades, James Lansing and George R. Bowser, "who were with claimant and near him when he was shot in a skirmish with bushwhackers." Yet with that evidence the claimant says that he is unable to furnish satisfactory evidence that the wound was received while in the service and in the line of duty, and the Pension Office reject the claim because they have not any evidence that the wound was received in the service and in the line of duty.

I say this report is remarkable as well as is the action of the Pension Office. The evidence seems to have been discredited *in toto* in the Pension Office; that is, if this evidence was there at all. It seems impossible that the Pension Office should have received this evidence and rejected the claim upon it, and this is certainly a claim which ought to have been considered in the Pension Office.

Mr. SAWYER. That is what I thought. I have no doubt about it at all, but I thought it was a sort of oversight in some manner, I could not say why.

Mr. COCKRELL. I do not think that the Pension Office with its employés has any right to treat cases in that way and send them here to Congress for relief. The Pension Office has ample power and it has ample machinery to make this investigation and to ascertain the truth. Here is a letter from the captain of the company. Whether that letter was written to the Pension Office or written to some other party, or whether it was considered as evidence or not, we do not know. The Pension Office has the power to send and have an examination made to ascertain the facts.

The chief of the division who permitted the case to be rejected upon such evidence as is set forth in the report ought to be discharged from that office and some competent man put in his place.

I think the case ought to be referred back to the Pension Office. I do not think Congress ought to take up and consider a case of that kind without calling the attention of the Pension Office to it.

Mr. SAWYER. I have no objection to that course.

Mr. HOAR. Is not that rather hard on the petitioner?

Mr. SAWYER. It is a little hard on the petitioner.

Mr. COCKRELL. It is not hard on the petitioner, because if the facts are as set forth, when the attention of the superior officer is called to it he will grant the application and he will get the pension then from the date of the application instead of the date of the passage of the bill, which is a very material circumstance.

Mr. HOAR. I think the observation of the Senator from Missouri will have the effect on the Pension Office that the sending of the case to them would have. His words undoubtedly will meet the eye of the Commissioner of Pensions.

Mr. PLATT. I presume by an examination of the report that the question at the Pension Office was whether the foraging expedition which the soldier was out in was an authorized or an unauthorized one. I presume that is the difficulty in the matter. It seems to have been a question as to whether he was in the line of duty, not whether he was actually wounded, and he admits that he has furnished all the evidence he can on that score. If the committee have examined the question as to whether he was in the line of duty or whether the foraging expedition was authorized, I should think we had better pass the bill.

Mr. SAWYER. I think we had better not send the case back. It would be pretty hard on him.

Mr. COCKRELL. Then let the bill go over.

Mr. INGALLS. The reference of this bill or this claim to the Pension Office would be rather an extraordinary proceeding. I know of nothing to which it could be assimilated. The Pension Office is a branch of an Executive Department, and I am unable to see how, jurisdiction being vested in the Pension Office and they having acted adversely, rejecting the claim, we can say here that the measure shall be again referred to the Pension Commissioner or the Pension Bureau with directions, I suppose, to reverse the decision. Otherwise it would be idle to send it back.

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws his suggestion, the Chair understands.

Mr. COCKRELL. I shall not make any motion to refer the bill to the Pension Bureau. I think it is a case that the office ought to have acted upon, and I think their attention ought to be called to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BARTOLO THEBANT.

The bill (S. 2151) to pension Bartola Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JANE R. M'QUAIDE.

The bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Jane R. McQuaide, mother of F. G. McQuaide, deceased, late a private in Company C, Ninth Regiment of Pennsylvania Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISABELLA JESSUP.

The bill (S. 1853) granting a pension to Isabella Jessup was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isabella Jessup, widow of Mahlon Jessup, deceased, late a private in Company D, Fourteenth Regiment of Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'KERNAN.

The bill (S. 1817) for the relief of John McKernan was considered as in Committee of the Whole. It proposes to place the name of John McKernan, of the Soldiers' Home, Washington, on the pension-roll, on account of disability contracted while in the service of the United States as a second-class private of ordnance in the Ordnance Department of the Army, at Benicia arsenal, California.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report submitted by Mr. SAWYER April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1817) granting a pension to John McKernon, have examined the same, and report:

The soldier who sues for a pension in this case is sixty-four years of age, and has been in the military service continuously twenty years. He claims that he is a sufferer from a disease of the feet, the medical name of which he does not know. The Adjutant-General's report gives a history of his long service, and that of the Surgeon-General thus identifies his disability:

"Entered post hospital, Benicia Barracks (arsenal), California, December 9, 1884, from quarters, with eczema of both feet, originating in line of duty (report for April, 1885, shows chronic eczema of both feet), and was discharged from serv-

fice May 27, 1885, on expiration of term of service; disease originating in line of duty; cure incomplete."

Thus it appears that he contracted the trouble from which he suffers in the line of his duty, and that the Army surgeons were unable to cure him.

At the bottom of the Surgeon-General's report there is this note:

"Attention is invited to indorsement of Maj. C. C. Bayne, surgeon United States Army."

This is what Surgeon Bayne says:

"The within-named man was admitted to the Soldiers' Home June 19, 1885, he having served over twenty years as a soldier. He underwent no physical examination on admission. He reported at sick call July 1, 1885, with chronic eczema of leg. He is now a patient in this hospital, suffering from the effects of habitual intemperance."

The committee are unable to determine whether intemperance has aggravated the disease or the disease has aggravated intemperance. Accepting the proof as it is furnished, both exist, and one is pensionable. The bill is therefore reported favorably, with the recommendation that it do pass.

Mr. COCKRELL. That is a remarkable case. The committee are unable to determine whether the intemperance has increased the disease or the disease has increased the intemperance. I think, as he is in the Soldiers' Home, the case had better be passed over.

Mr. SAWYER. I have no objection to that course.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over.

JOHN RASLER.

The bill (S. 1635) granting a pension to John Rasler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Rasler, late a member of Company C, One hundredth Regiment Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. WEAVER.

The bill (S. 1421) granting a pension to William H. Weaver was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Weaver, late a private in Company I, One hundred and forty-third Regiment of Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. TAYLOR.

The bill (S. 1779) for the relief of John P. Taylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John P. Taylor, late a private in Company I, Eighth Tennessee Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN REED, SR.

The bill (S. 1626) granting a pension to John Reed, sr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Reed, sr., of North Branch, Mich., dependent father of John Reed, jr, late a private in the Seventh Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE BLISS.

The bill (S. 1783) granting an increase of pension to George Bliss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Bliss, late a private in Company I, Thirty-fourth Regiment Massachusetts Volunteer Infantry, at the rate of $8 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. M. C. MILES.

The bill (S. 1627) granting a pension to Mrs. M. C. Miles was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. M. C. Miles, of Lansing, Mich., widow of Marcus H. Miles, late a first lieutenant in the Eleventh Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES G. PARIS.

The bill (S. 1673) granting a pension to Charles G. Paris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles G. Paris, late of Company H, Seventy-ninth Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. HAGERMAN.

The bill (S. 2160) granting a pension to Mary J. Hagerman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Hagerman, widow of Hiram P. Hagerman, late of Company G, Fifteenth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE FAULK.

The bill (S. 2147) granting a pension to George Faulk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Faulk, late of Company F, Tenth Ohio Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID A. IRELAND.

The bill (S. 2009) granting a pension to David A. Ireland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David A. Ireland, of South Bend, Ind., late captain of Company C, Fiftieth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. M'CROSKEY.

The bill (S. 1960) granting a pension to James W. McCroskey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James W. McCroskey, late a member of Company B, Fifth Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. S. BISHOP.

The bill (S. 2028) granting a pension to E. S. Bishop was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of E. S. Bishop, late a private in Company A, Eleventh Missouri Regiment Volunteer Infantry.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2028) granting a pension to E. S. Bishop, have examined the same, and report:

The petitioner was a private in Company A, Eleventh Missouri Volunteers. He enlisted July 6, 1861, and was discharged January 29, 1863. He applied for pension February 20, 1882, claiming disability from chronic diarrhea resulting from typhoid fever. The Commissioner of Pensions denied the claim on the ground that no pensionable disability has existed since discharge. It is in evidence that he was sick with typhoid fever and diarrhea while in the service, and that he is still so disabled that he can not labor. From a careful examination the committee are of the opinion that the soldier has established his claim by reliable evidence. The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH SIRWELL.

The bill (S. 2253) granting a pension to Elizabeth Sirwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Sirwell, widow of William Sirwell, late colonel of the Seventy-eighth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY VON KUSSEROW.

The bill (S. 2254) granting an increase of pension to Mary von Kusserow was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary von Kusserow, widow of the late Lieutenant Colonel Charles von Kuesserow, Second United States Veteran Volunteers, and to pay her a pension corresponding with the rank of a lieutenant-colonel, in lieu of the pension she now receives.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SAWYER April 27, 1886:

The Committee on Pensions, to whom was referred the petition of Mary von Kusserow, have examined the same, and report:

The petitioner is the widow of Charles von Kusserow, who was appointed first lieutenant Third Independent Battery, New York Light Artillery, in January, 1862, and in December of the same year was appointed captain. On the 4th of June, 1865, he was commissioned lieutenant-colonel of United States Veteran Volunteers, and was mustered out March 30, 1866. The officer died of disabilities the incurrence of which was by competent proof connected with his service, and the widow was allowed $20 a month, the pension rating with the rank of captain. She has since applied for an increase of pension corresponding with her husband's rank as lieutenant-colonel, which was his rank at the time of his death, but it was denied by the Pension Office on the ground that the diseases of which the officer died originated while in the line of duty as captain.

During the protracted pendency of her case in the Pension Office, Major-General Hancock, to whose command Lieutenant-Colonel Kusserow belonged, repeatedly wrote to the Commissioner of Pensions, and in his letters referred to the worthiness of the officer, and urged action on the case. In November, 1880, the Commissioner wrote to the petitioner detailing the difficulties in the way of granting her request, but concluded by informing her that in view of the fact that "he received a sun-stroke in 1865, he failed thereafter to enjoy his usual health, I have deemed it proper to cause a reissue to be made in your case, and to allow you a pension as the widow of a lieutenant-colonel.

In consideration of these facts, the committee report a bill for the relief of the petitioner, giving her the pay corresponding with the rank of lieutenant-colonel, which was her husband's rank when he died, and recommend that it do pass.

Mr. COCKRELL. If she is now receiving, as is stated in the letter of the Commissioner of Pensions, written in 1880, a pension according to the rank of her husband, that of a lieutenant-colonel, why pass this bill?

Mr. SAWYER. I do not understand that.

Mr. COCKRELL. What does the report say?

In November, 1880, the Commissioner wrote to the petitioner detailing the

difficulties in the way of granting her request, but concluded by informing her that in view of the fact that "he received a sunstroke in 1865, he failed thereafter to enjoy his usual health, I have deemed it proper to cause a reissue to be made in your case, and to allow you a pension as the widow of a lieutenant-colonel.

Mr. SAWYER. He wrote that, but the papers do not show that he did it. This bill is to carry that out.

Mr. COCKRELL. Who is it in the Pension Office that refuses to carry out the orders of the Commissioner?

Mr. SAWYER. I do not know.

Mr. COCKRELL. Has there been any application to the Commissioner of Pensions to carry out that order and to pay a pension to this woman according to the rank of her husband, a lieutenant-colonel?

Mr. SAWYER. I can only tell you from the report. I can not carry all the details in my head. I remember something about it.

Mr. COCKRELL. I ask that the case go over that it may be looked into.

Mr. SAWYER. We only give her the same thing. I do not see why you should not let this bill go through.

Mr. COCKRELL. I do not think Congress ought to be called upon to perform departmental work. I do not believe that our time should be consumed in attending to pension details that the Pension Office have the right and the power to attend to.

Mr. SAWYER. I have no objection. I have no objection to sending it back to the committee if you desire.

Mr. COCKRELL. I want the Departments to do their duty.

The PRESIDENT *pro tempore*. Does the Senator move to recommit the bill?

Mr. SAWYER. No; I do not move it.

Mr. COCKRELL. I simply ask that it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. COCKRELL. The Senator can look into it and ascertain why the Pension Office has not attended to it.

PATRICK FINAGAN.

The bill (S. 2255) granting a pension to Patrick Finagan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Finagan, late a private in Company A, First Battalion, Sixteenth United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JESSE H. STRICKLAND.

The bill (S. 1493) for the relief of Col. Jesse H. Strickland was considered as in Committee of the Whole. The Committee on Pensions proposed to amend the bill in line 6, before the word "colonel" to insert "acting;" and in line 8, after the word "and," to strike out "that he be allowed," and insert "pay him;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Strickland, formerly acting colonel of the Eighth Regiment of Tennessee Cavalry, United States Volunteers, and pay him a pension at the rate of $30 per month.

Mr. COCKRELL. Let the report be read in that case to know why an acting colonel is allowed a colonel's pension.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1493) for the relief of Jesse H. Strickland, have examined the same, and report:

Your committee have carefully examined the facts set forth in the annexed petition and affidavits, showing that the claimant raised a regiment for service in the Army of the United States, but succumbed to disease before he was actually mustered in. His claim can not, therefore, be technically considered under the general law, but is a just and equitable one for relief by Congress.

We therefore report back the bill with a recommendation that it do pass, with the following amendments: Strike out the word "colonel," in the title; also, the words "that he be allowed," in the eighth line, and insert in lieu thereof the words "pay him."

Brief of claim for invalid pension of Jesse H. Strickland:

This bill is to authorize the name of Col. Jesse H. Strickland to be placed on the pension-rolls of the Government.

The reason for asking a special act instead of proceeding by claim in the Pension Bureau is this:

During the civil war Mr. Strickland was a resident of the State of Tennessee, and was authorized by President Lincoln, through the War Office, to enlist a regiment of Tennessee troops for the United States service. Under this authority he did so proceed, and enlisted citizens and refugees of his State in numbers finally aggregating seven or eight hundred men. Many months of time and much money was spent in this work. It was performed under promise of being commissioned as colonel, and the regiment was first designated as the Fifth but afterward as the Eighth Tennessee Cavalry. As men were mustered in, companies were formed and officers appointed, captains, majors, and finally a lieutenant-colonel. During all this time Mr. Strickland was regarded as a colonel, so designated in official orders, so obeyed when he was in command. As colonel he was in command of Convalescent Camp, at Camp Nelson, Ky., and as such his name was signed and respected in the Quartermaster's and Medical Departments. But, unfortunately for him, before the work was complete and he mustered into service, he was taken sick, and for months was under medical treatment, and from the diseases thus contracted in the line of his duty in the service of the United States he has never recovered.

While thus sick and under medical care, in the fall and winter of 1863, the presence of troops at the front was urgent, so that Andrew Johnson, then military governor of Tennessee, feeling that the public interests must override private rights, consolidated with the Eighth Tennessee Cavalry some two hundred recruits obtained by S. V. K. Patten, appointed Patten to be colonel, thus completing the regiment, sending it to the field, and depriving the claimant of his right to be mustered as colonel.

Under these circumstances the Pension Office can not have jurisdiction of his pension claim, and he therefore asks pension by a special act of Congress. He herewith submits testimony to show his sickness in the service and continuously ever since. He is also asking of Congress a legal recognition of his right as colonel, and evidence of his service as such has been filed with the proper committee of the House of Representatives.

All of which is respectfully submitted.

DISTRICT OF COLUMBIA,
County of Washington, ss:

In the matter of pension by special act, Jesse H. Strickland, late colonel Eighth Tennessee Cavalry, United States Volunteers.

On the 30th day of January, 1863, authority was granted me by President Lincoln to recruit and organize a regiment of cavalry of loyal Tennesseeans for service in the Federal Army, and while recruiting and command of the said organization, and in the line of his duty at Camp Nelson, Ky., on or about the 1st of September, 1863, he contracted intermittent fever, and while convalescent went to Murfreesborough, Tenn., and thence to Nashville, Tenn., where he had a relapse of his disease, which terminated in typhoid fever and rheumatism, the former having resulted in lung complaint, hemorrhages, and general debility, and which, with rheumatism, have continually existed from time to time since leaving the service. The applicant has resided in Tennessee, and is now a resident of Brooklyn, Kings County, New York, where he has resided for the past twenty years. That prior to his entry into the United States service he was a man of good sound physical health, his weight at that time being 175 pounds, and his present weight being 141 pounds. That he is now disabled from obtaining his subsistence by manual labor, by reason of his injuries above described, received in the service of the United States, and he therefore makes this declaration for the purpose of being placed on the pension-rolls of the United States.

JESSE H. STRICKLAND,
Late Colonel Eighth Regiment Tennessee Cavalry, U. S. Vols.

LEXINGTON, *September* 17, 1863.

DOCTOR: This will be handed to you by Colonel Strickland, Eighth Tennessee Cavalry. You will please obtain for him one of the most comfortable rooms in the hotel, and consider him an out patient, and extend to him your best attention.

Respectfully yours,

ALEX. T. WATSON,
Surgeon U. S. V., Superintendent Hospitals, Central Kentucky.

A. A. Surgeon R. M. LACKY, U. S. A.,
In charge of Post Hospital, Crab Orchard, Ky.

MEDICAL DIRECTOR'S OFFICE, *Louisville, Ky., September* 4, 1863.

I certify that I have carefully examined J. H. Strickland, colonel of Eighth East Tennessee Cavalry, and find him suffering from intermittent fever, and he will not be able to rejoin his regiment for duty for some days.

WILLIAM W. GOLDSMITH,
A. A. Surgeon U. S. A., member of Board of Examiners.

[Indorsements.]

MED. DIRECTOR'S OFFICE, 9TH A. C., *Lexington, Sept.* 9, 1863.

Col. Strickland should rest and take medicine for five or six weeks.

J. E. MACDONAL,
Surg. U. S. V. & Act. Med. Director 9th A. C.

H'DQ'R 9TH A. C., MED. DIR. OFFICE, *Lexington, Ky., Sept.* 17, '63.

Col. Strickland is not yet able, in my opinion, to join his command.

JOHN E. MACDONAL,
Surg. U. S. V. & Act. Med. Dir. 9th A. C.

HICKMAN BRIDGE HOSPITAL, *Camp Nelson, Ky., Sept.* 19, 1868.

I have carefully examined Col. Strickland, of 8th E. Tenn. Cav., and find him unfit to perform field duties, because of debility following an attack of fever; and in my opinion it will be several weeks before he will be able for the duties of his corps.

A. C. SWARTZWELDER,
Surg. U. S. V. in charge.

DISTRICT OF COLUMBIA, *ss:*

In the matter of the pension claim of Jesse H. Strickland, late colonel of the Eighth Tennessee Cavalry (Tennessee Volunteers).

Personally came before me, a clerk of the supreme court in and for aforesaid district, R. J. Meigs, jr., aged fifty-five years, citizen of the city of Washington, D. C., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: That I am well acquainted with the said Jesse H. Strickland, and was intimately acquainted with him for many years prior to the late civil war; that I knew of my own personal acquaintance that he was prior to his services in the United States Army a man of good sound health and constitution, and competent to render good military service in the Army of the United States.

I further declare that I have no interest in said case, and am not concerned in its prosecution.

[SEAL.] R. J. MEIGS, JR.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

In the matter of pension claim of Col. Jesse H. Strickland, Eighth Tennessee Cavalry, United States Volunteers.

Personally came before me Francis W. Strickland, a citizen of the town of Brooklyn, county of Kings, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I, Francis W. Strickland, late first lieutenant and commissary of subsistence Eight Tennessee Cavalry, United States Volunteers, was with the said command at Camp Nelson, Kentucky, on or about May 12, 1863.

On or about November, 1863, on my return through Lexington, Ky., to Cincinnati, on furlough, I met the claimant, and he was suffering from the effects of an attack of typhoid fever and rheumatism and an injury sustained by his horse falling.

Previous to his entering the service he was a robust and healthy man, and ever since his discharge he has been in feeble health, and more or less disabled from the effects of the above diseases.

I have seen the claimant from time to time since his discharge from the military service, and the disability of rheumatism and the results of fever have continued from that time until the present, and he has been unable to perform manual labor.

FRANCIS W. STRICKLAND,
Late First Lieutenant and Commissary Subsistence, Eighth Tennessee Cavalry, United States Volunteers.

DISTRICT OF COLUMBIA, *City of Washington, ss:*

In the matter of claim of Jesse H. Strickland, late colonel of Eighth Regiment, Cavalry, Tennessee, United States Volunteers.

Personally came before me, a —— —— in and for aforesaid county and State, Marcus A. O'Brien, citizen of the town of Washington, D. C., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That I have known claimant almost continuously for twenty-one years, from 1865 to the present time, 1885; I knew him to be by both report and official military documents that I have seen in his possession colonel of the Eighth Regiment Tennessee Cavalry, United States Volunteers; I have seen him many times during the above period, in Nashville and Murfreesborough, Tenn., New York city and Brooklyn, N. Y., and I have never known him to be a well or sound, healthy man; I know of his having typhoid fever, rheumatism, and lung trouble when I first became acquainted with him.

It has always been my conviction and belief that his broken-down health was caused by exposure and hardships incurred during his military service to the United States.

And I further declare that I have no interest in said case, and am not concerned in its prosecution.

MARCUS A. O'BRIEN.

STATE OF NEW YORK, *County of Kings, ss:*

In the pension claim No. ——, of Jesse H. Strickland, late colonel of Eighth Tennessee Cavalry Volunteers.

Personally came before me, James Watt, M. D., a citizen of Brooklyn, in the county of Kings and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about fourteen years, and that he has known him intimately, being his family physician for ten years.

(1) I did not know the applicant prior to 1872.

(2) Did not treat him at any time previous to the above date.

(3) First saw him during the year 1872, when I was called to treat him for chronic pneumonia and pulmonary hemorrhages; saw him several times during that year and the following five years for the same cause.

(4) The claimant has been unable for the past ten years to perform any manual labor.

He further declares that he has been a practitioner of medicine for twenty years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

JAMES WATT, *M. D.*

STATE OF NEW YORK, *County of New York, ss:*

In the pension claim No. ——, of Jesse H. Strickland, late colonel Eighth Tennessee Calvary, United States Volunteers.

Personally came before me Walter R. Gillette, a citizen of New York, in the county of New York and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, delares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquanted with said soldier for about eighteen years, and that he has known him intimately, having been his family physician for five years. I first became acquainted with Colonel Strickland December 1, 1868, he at that time being an employé of the New York post-office, I being at that time physician and medical examiner of the same. I first called on him December 1, 1868, and found him in a precarious state of health, suffering with lung trouble and rheumatism. Again, in March, 1869, I treated him for typhoid pneumonia; again, in December, 1869, for rheumatism; in spring of 1870, hemorrhages and nervous prostration; again, in spring of 1871, pleuro-pneumonia. I advised his resigning his position to prolong life, as I considered him totally unable to perform manual labor.

He further declares that he has been a practitioner of medicine for twenty-two years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

WALTER R. GILLETTE,
149 *West Twenty-third street, New York.*

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Jesse H. Strickland."

PHŒBE H. MEECH.

The bill (S. 1112) granting a pension to Phœbe H. Meech was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phœbe H. Meech, widow of Horace J. Meech, late a second lieutenant in the Second Regiment New York Volunteers, in the Mexican war, at the rate of $15 per month, in lieu of the pension she is now receiving.

Mr. COCKRELL. I should like to have the report read to see why the pension in this case is increased, for she seems to be already drawing a pension.

The Chief Clerk read the following report, submitted by Mr. BLAIR April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1112) granting a pension to Phœbe H. Meech, have examined the same, and report:

The facts in this case are set forth in the favorable report of the Committee on Invalid Pensions of the House of Representatives, hereto appended (House Report No. 314, Forty-sixth Congress, second session). Her present bill is to give her the pension of the widow of a second lieutenant, and a favorable report was made to that effect by this committee in 1880 (Senate Report No. 601, Forty-sixth Congress, second session), and passed the Senate May 25, 1880. We adopt the conclusions stated in said report and recommend the passage of the bill.

We find upon examination of papers originally filed in the case in the Pension Office that Horace J. Meech, whose widow the petitioner is, was a soldier in the Mexican war, serving faithfully therein, and was promoted second lieutenant in Second Regiment New York Volunteers, his commission from the governor of New York bearing date 19th February, 1848; that he was honorably discharged the service June 28, 1848; that his application for pension was filed July 9, 1851, on account of wounds received in the service, and that pending the adjustment of his claim he died, December 30, 1855. The petitioner prosecuted the claim to a successful issue in 1875, and has been paid pension only from that time. Her application to be paid arrears of pension due from the date of the soldier's application to the date of the commencement of her pension, 9th April, 1875, was rejected, as was also her claim to be pensioned as the widow of a lieutenant, she being only admitted to the rate of pension allowed to the widow of a soldier.

It seems clear to your committee that this petitioner is equitably entitled to relief asked for, which has not been accorded her, as under the laws the Pension Office was precluded from doing. We believe this to be a case in which Congress may properly interfere, inasmuch as it is shown by the evidence that the soldier died from disease engendered by his army life in the war with Mexico.

We therefore report favorably upon her petition, and recommend the passage of the bill (H. R. 172) for the relief of Phœbe Meech.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ALMIRA AMBLER.

The bill (S. 2159) granting a pension to Mrs. Almira Ambler, was considered as in Committee of the Whole. It proposes to place the name of Mrs. Almira Ambler, a volunteer nurse in the late war, on the pension-roll at $25 per month.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLAIR, April 27, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2159) granting a pension to Mrs. Almira Ambler, having had the same under consideration, beg leave to submit the following report:

Almira Ambler is the wife of Rev. Edward C. Ambler, who was chaplain of the Sixty-seventh Pennsylvania Volunteers. Both husband and wife are now old, in feeble health, and poor.

Mrs. Ambler, visiting her husband at the camp of the Sixty-seventh Pennsylvania Regiment, in the city of Philadelphia, in the year 1861, found thirteen very sick soldiers; her sympathies being enlisted, she, at the solicitation of the surgeon, undertook to care for them. Quarters were assigned to her, and during that whole fall and winter she spent her whole time in caring for the sick of the regiment, sometimes numbering as many as thirty. In the spring the regiment was ordered to Annapolis, whither she went with it, and there, for the space of nearly three years, spent her whole time in the hospital, nursing the sick and caring for them in every way.

She received no compensation. She expended in her work of love and mercy as much as $500 of her own money. She visited Washington six times and obtained comforts for the sick and wounded, and in every way in which her sympathetic nature could suggest became the benefactor of sick and wounded soldiers.

Her labors were performed under the direction of Dr. Vanderleift, in charge of the hospitals at Annapolis.

Probably no more touching instance of self-denial and sacrifice is to be found among the whole list of noble women, who did so much to alleviate the sufferings and preserve the lives of soldiers in hospitals. All this is shown by the unsolicited letters written her by officers and privates to whom she administered.

In view of the precedents which have been established, paying pensions to volunteer nurses, the committee recommend the passage of the bill.

Mr. COCKRELL. Is the husband of this lady now a pensioner?

Mr. PLATT. I know all about this case. The husband is not a pensioner. He is a clergyman, but he is old and very poor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE O'NEAL.

The bill (S. 859) granting a pension to Charlotte O'Neal was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charlotte O'Neal, widow of Col. Richard O'Neal, deceased, late colonel of the Twenty-sixth Regiment Indiana Volunteers, at the same rate the widows of colonels of volunteers are now paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS SIMPSON.

The bill (H. R. 3326) granting a pension to Thomas Simpson, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Simpson, late a private in the Seventh Indiana Battery in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON J. FOUGHT.

The bill (H. R. 1902) granting an increase of pension to Simon J. Fought was considered as in Committee of the Whole. It proposes to increase the pension of Simon J. Fought, formerly a corporal of Company D of the Forty-sixth Regiment of Ohio Volunteers, to $30 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR April 28, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1902) granting an increase of pension to Simon Fought, have examined the same, and report:

Your committee, after a careful examination of the condition of this claimant, adopt the report of the House Committee on Invalid Pensions (House Report No. 1057), and report back the bill with a recommendation that it do pass.

The records and papers on file in the Pension Office show that Simon J. Fought, late corporal of Company D, Forty-sixth Ohio Volunteers, is now on the pension-rolls at $24 per month for disability resulting from gunshot wound received in action at Big Black River, Mississippi, July 5, 1863, described as follows by the medical examiners:

Gunshot wound above right groin, passing through bowels, its exit below umbilicus; cicatrix adherent to intestines (large on right side), which are contracted and require mechanical assistance in passing feces beyond the wound.

The rate allowed is that provided by law for a disability equal in degree to that resulting from the loss of a hand or foot.

The petitioner can not obtain a higher rate of pension under the general laws than $24 per month.

It is also made to appear to the committee that Fought's present condition is

that of great weakness, precluding manual labor, owing to this fact and to a constant danger of rupture at the wounded part.

You committee consider the petitioner's prayer as entitled to consideration, and respectfully recommend the passage of the bill with the following amendment:

Strike out all after the word "volunteers," in line 6, and insert the words "to $30 per month," so that the bill will provide for a pension of $30 per month to the petitioner.

Mr. COCKRELL. I should like to know if there is anything in this case that may not exist in nine out of every ten cases where the law now allows $24. Is there anything exceptional here?

Mr. SAWYER. I have no objection to the bill going over as the Senator from New Hampshire [Mr. BLAIR] who reported it is not here just now.

Mr. COCKRELL. I object to it.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

NANCY L. RIBBLE.

The bill (H. R. 16) granting a pension to Nancy L. Ribble was considered as in Committee of the Whole. It proposes to put the name of Nancy L. Ribble on the pension-roll as dependent mother of George W. Ribble, late a private in Company K, Nineteenth Regiment Indiana Volunteers, who died in the service and in line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BAILEY HASCALL.

The bill (H. R. 7118) for the relief of Bailey Hascall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bailey Hascall, late an acting assistant paymaster in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. GUYSE.

The bill (H. R. 3205) granting a pension to George W. Guyse was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Guyse, late of Company L, First Regiment Alabama Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN TAYLOR.

The bill (H. R. 1330) granting a pension to Martin Taylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martin Taylor, late of Company D, Twenty-third Regiment of Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARIA HUNTER.

The bill (H. R. 7167) for the relief of Mrs. Maria Hunter was considered as in Committee of the Whole.

The Committee on Pensions propose to amend the bill, in line 8, after the words "rate of," to strike out "$600 per annum" and insert "$50 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Hunter, widow of David Hunter, late colonel of the Sixth Regiment United States Cavalry and major-general of United States Volunteers, at the rate of $50 per month.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. BLAIR April 28, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 7167) granting a pension to Mrs. Maria Hunter, have examined the same, and report:

The facts upon which the relief is asked are stated in the following report of the House Committee (House Report No. 1522), which your committee adopt, and recommend the passage of the bill with the following amendment: Strike out in the eighth and ninth lines the words "six hundred dollars per annum" and insert in lieu thereof "fifty dollars per month."

The claimant is the widow of the late Maj. Gen. David Hunter, who died on the 2d day of February, 1886. General David Hunter was one of the most distinguished soldiers of the late war, as his military record, herewith attached and made part of this report, shows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., March 20, 1886.

Statement of the military service of David Hunter, late of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from September 14, 1818, to July 1, 1822, when he was graduated and appointed second lieutenant Fifth Infantry; promoted first lieutenant June 30, 1828; appointed captain First Dragoons March 4, 1833, resigned July 4, 1836; appointed additional paymaster November 13, 1841; vacated appointment as such March 14, 1842, having been appointed major and paymaster United States Army from that date; appointed colonel Sixth United States Cavalry, May 14, 1861; brigadier-general United States Volunteers, May 17, 1861, and major-general United States Volunteers, August 13, 1861; honorably mustered out of the volunteer service January 15, 1866; retired from active service with the rank of colonel July 31, 1866.

He was breveted brigadier-general United States Army March 13, 1865, "for gallant and meritorious services in the battle of Piedmont and during the campaign in the valley of Virginia," and major-general United States Army, March 13, 1865, "for gallant and meritorious services during the war."

He joined his regiment in January, 1823, and served therewith in Minnesota to April, 1825; on leave to November, 1825; with regiment in Minnesota and Wisconsin to October 23, 1827; on leave to April 15, 1828; with regiment in Minnesota to June 1828; at Jefferson Barracks, Missouri, to October, 1828; at Fort Dearborn, Illinois, to May, 1831, and at Fort Howard, Wisconsin, to June 28, 1831; on leave to June, 1832; with regiment at Forts Winnebago and Howard, Wisconsin, to April 18, 1833, when, having been appointed captain First Dragoons, he left to join that regiment and served therewith at Jefferson Barracks, Missouri, to November 20, 1833, and in the Indian Territory and Kansas to January 20, 1836; on leave to July 4, 1836, when he resigned.

He served in Florida from date of reappointment in the Army as additional paymaster until April, 1842; at Washington, D. C., to June, 1842; in Arkansas to July, 1846; in the war with Mexico to July, 1848; at New Orleans, La., to March, 1849; at Washington, D. C., Detroit, Mich., and New York city to May, 1856; in Kansas and Saint Louis, Mo., to February, 1861, and at Washington, D. C., to date of appointment as colonel Sixth United States Cavalry.

He served as a brigade and division commander in the Department of Northeastern Virginia (General McDowell's army) from May 28, 1861, to July 21, 1861, when wounded in action at Bull Run, Va.; commanded first division of the Western Department from September 22, 1861, to November 3, 1861, the Western Department to November 19, 1861, the Department of Kansas to March 11, 1862, and the Department of the South from March 15 to August 22, 1862; on leave to September 23, 1862; member of a military commission at Washington, D. C., to January 20, 1863; commanding Department of the South to June 12, 1863; on special duty at Washington, D. C., to March 29, 1864; awaiting orders to May 19, 1864; awaiting orders to January 31, 1865; on special duty and awaiting orders to muster-out of volunteer service January 15, 1866; on leave of absence to July 31, 1866, when he was retired at his own request, being over sixty-two years of age (act July 17, 1862).

He served as a member of the special claims commission from August 9, 1866, and also of a board for the examination of cavalry officers to June 16, 1868, from which date he was unemployed until he died, February 2, 1886.

R. C. DRUM, *Adjutant-General.*

In view of this record, and the present condition of his widow, your committee recommend the passage of the bill.

Mr. COCKRELL. I should like to ask some Senator if that is not a much larger amount than has been allowed even by special law to the widows of colonels?

Mr. SAWYER. I can not say.

Mr. SEWELL. It has been customary to allow $50 a month to the widows of brigadier and major generals.

Mr. COCKRELL. The bill says "widow of David Hunter, late colonel." He was a colonel in the regular Army.

Mr. SEWELL. But a major-general of volunteers.

Mr. COCKRELL. It does not appear from the report that the death was from anything incident to the service. He was retired in 1866 at sixty-three years of age, and died in 1886, twenty years afterward, quite old at the time—eighty-three years old.

Mr. SEWELL. The officer had served forty years in the Army before he was put on the retired-list.

Mr. COCKRELL. How much would the law allow in this case in the Pension Office?

Mr. SEWELL. Thirty dollars a month.

Mr. PLATT. I remember one instance at the present Congress which I think is a case in point. The widow of Colonel Benham, who was a brevet brigadier-general and during the war was a major-general of volunteers, was allowed $50 a month. The bill has passed both Houses of Congress.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. ELLEN M. BOGGS.

Mr. SEWELL. While I was absent on Friday the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs passed the Senate. There was a mistake in the name, and I ask unanimous consent to correct it. The initial R should be used in place of M in the printed bill.

The PRESIDENT *pro tempore*. The bill having gone to the House of Representatives, a message will have to be sent to recall the bill for correction.

Mr. SEWELL. I ask that that action be taken.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

AMENDMENT TO A BILL.

Mr. HAMPTON presented an amendment intended to be proposed by him to the bill (S. 2457) for the relief of the State of Georgia; which was referred to the Committee on the Judiciary, and ordered to be printed.

MRS. EDNA ROBERTS.

The bill (H. R. 3193) granting a pension to Mrs. Edna Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Edna Roberts, widow of Wright Roberts, late a private in Company F, Third Ohio Cavalry, who was killed during the war of 1861–1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN GARDNER.

The bill (H. R. 1184) granting a pension to Stephen Gardner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen Gardner, late of Company D, Tenth Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. RIPLEY.

The bill (H. R. 5127) granting a pension to Mary A. Ripley was considered as in Committee of the Whole. It proposes to place the name of Mary A. Ripley, a nurse in the war of the rebellion, on the pension-roll of the United States, at twelve per month during the remainder of her life.

Mr. COCKRELL. I should like to call attention to the rate. Is twelve dollars in the bill?

The SECRETARY. "Twelve dollars per month during the remainder of her life."

Mr. COCKRELL. The bill I have says "pay her a pension of twelve per month."

The PRESIDENT *pro tempore*. It is "twelve per month."

Mr. COCKRELL. I do not see how the Secretary could read it "twelve dollars." It is to pay her "twelve per month." I do not know what it is. I do not know that the legal inference is that it means dollars. I move to amend by inserting "dollars" after the word "twelve."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CONGER. On that bill I ask for a committee of conference on the disagreeing votes of the two Houses. I am very anxious the bill should become a law.

Mr. COCKRELL. It is absolutely necessary to have the amendment.

Mr. SAWYER. If we send it back, the House will concur at once, I have no doubt.

Mr. CONGER. Will they reach this bill?

Mr. SAWYER. Yes; they take up such cases right along. I simply want the House to concur in the amendment to correct an omission in the bill.

Mr. CONGER. I know the case very well, and it is one that appeals very strongly to my sympathies. I withdraw my motion.

The PRESIDENT *pro tempore*. The Chair is now informed that an examination of the House engrossed bill shows that the words "dollars" is there. The bill will therefore be considered as passed without amendment.

GEORGE ANNA LIPPE.

The bill (H. R. 6331) granting a pension to George Anna Lippe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Anna Lippe, widow of Capt. Constantine Lippe, late of Company A, One hundred and eighty-eighth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN SADLER.

The bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Sadler, sister of John Sadler, formerly of Company E, Sixty-eighth Regiment of Pennsylvania Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR April 28, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1492) granting a pension to Ellen Sadler, have examined the same, and report:

The claimant, Ellen Sadler, is a sister of John Sadler, formerly of Company E, Sixty-eighth Regiment Pennsylvania Volunteers. No claim was ever made before the Pension Department, because this case does not come within the provisions of any general law.

The following letter from the Adjutant-General's Office gives the service of the soldier:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington April 9, 1886.

SIR: I have the honor to return herewith a letter from the Senate Committee on Pensions, requesting the military record of John Sadler, as of Company E, Sixty-eighth Pennsylvania Volunteers, and in compliance with instructions thereon to report that the records of this office show that John J. Sadler was enrolled August 13, 1862, at Philadelphia, Pa., and mustered into service September 1, 1862, to serve three years as a private in Company E, Sixty-eighth Pennsylvania Volunteers; that he served therein to January 13, 1863, when he was discharged on surgeon's certificate of disability at Camp Pitcher, Virginia, because of "inguinal hernia of right side, contracted about five days ago while on duty." In said certificate the company commander also certifies that "John J. Sadler has been a good and attentive soldier, and has had good health since his enlistment until the 30th December, 1862, when he was first attacked with this disease, supposed to have been brought on by wearing a cartridge box."

I have the honor to be, sir, very respectfully, your obedient servant,

J. C. KELTON,
Acting Adjutant-General.

The SECRETARY OF WAR.

It appears from the evidence before your committee that the soldier was discharged for disability contracted in the service, which disability continued until his death. The certificates of physicians are on file with the papers. The testimony of comrades and others corroborates the evidence as to the incurrence of the disability in the service and its continuance since. The evidence is that the soldier, after his discharge, was unable to do any work whatever, and that his mother and sister were compelled to support him: that after his mother's death the burden of such support fell on his sister, Ellen Sadler, and that she did her duty until disabled by partial paralysis. This paralysis still continues, and it further appears that this sister is left in the most destitute circumstances. The soldier died at the Pennsylvania Hospital.

Your committee are of the opinion that the soldier died from the result of disease contracted in the service, and that his sister who, it appears, is his only surviving relative and now utterly destitute, should receive from the Government some assistance which will in some measure take the place of that which the soldier would no doubt have contributed were he now alive and in good health. We therefore report back the bill, with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL HANSON.

The bill (S. 356) granting a pension to Samuel Hanson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Hanson, late a private in Company D, Thirty-fourth Regiment of Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH MARSHALL.

The bill (S. 2046) granting a pension to Elizabeth Marshall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Marshall, widow of Dustin Marshall, late a private in Company C, Third New Hampshire Volunteers, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET E. PIERCE.

The bill (S. 1181) granting an increase of pension to Margaret E. Pierce was considered as in Committee of the Whole. It proposes that the pension of Margaret E. Pierce, widow of Capt. Henry Hubbard Pierce, late of the Twenty-first United States Infantry, who held the rank of major during the war of the rebellion, be increased to the amount now allowed by law to the widow of a major.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR April 29, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1181) granting a pension to Margaret E. Pierce, have examined the same, and report:

The claimant, Margaret E. Pierce, is the widow of Henry H. Pierce, late of the Twenty-first Regiment United States Infantry. She was pensioned, on account of the death of her husband, at the rate of $17 per month, beginning October 3, 1883, with an additional sum of $2 per month for each of three minor children. She now asks that this be increased to the rate allowed the widows of officers of the rank of major, on the ground that such was the real rank of said soldier.

The accompanying petition is presented in support of this claim; and after a review of all the evidence in the case, your committee report back the bill, and recommend that it do pass:

Petition of Mrs. Margaret E. Pierce for increase of pension.

My husband, Henry Hubbard Pierce, was, during the entire war, a member of the First Connecticut Artillery. He entered a stripling of a boy as private soldier, and rose to the full rank of major of one of the best regiments in the service.

During continuous service of four years and five months he was three times breveted. The first time was for "gallant and meritorious service in action at Petersburg mine," where he commanded a battery of ten 10-inch mortars, and where he was without intermission engaged from 4.45 a. m. till 10.30 p. m., and used for the first time the expedient of putting thirty 12-pound canister shot under the bursting charge of the 10-inch shells, which proved of great utility, keeping quiet the most dreaded flanking batteries of the enemy's line. (Page 49, Adjutant-General's Report.)

Another brevet was for "conspicuous gallantry," a very distinguished and distinguishing compliment, given to only ten officers during the entire war.

This was conferred for "service in action at Graveyard Bend, Va.," where, with his own battery of three 30-pounder Parrotts, and another of four 20-pounder Parrotts under his command, unaided by our Navy, he repulsed the rebel fleet in its efforts to pass the obstructions in the James River on the night of January 23. This fleet consisted of three rams, the wooden gunboat Drury, and a small torpedo-boat. The second shot from the battery struck the Drury, and the third exploded her magazine, completely destroying her.

In this engagement he was wounded, with eighteen of his men. Of this affair General Henry L. Abbott, colonel of First Connecticut Artillery, says: "Too much praise can not be given Captain Pierce, commanding the battery, for his excellent conduct."

After this, a vacancy occurring, Captain Pierce was promoted to be major of his regiment. During that year his nervous system was entirely broken down by the use of quinine, which was issued as a ration, and from the effects of the exposure, which made so heroic a remedy necessary, he never recovered.

Although my husband did not die upon the battlefield he is none the less a martyr to the cause, for it was to the labors and exposure undergone in the service that he owed his death.

As will be seen by accompanying "orders," he was engaged in an exploration which has opened up a hitherto unknown country. He laid down his life that others might find homes in the beautiful and fertile valleys of the Okanakin and Methow. The work imposed upon him, so peculiarly fitted for it in every other way than by physical strength, was more than his broken-down body could endure, and six days' march away from civilization he obeyed the last "order."

I have three children to rear and educate. The eldest will be sixteen in May, and will then forfeit her $2 per month, at a time when every cent is so important in her acquisition of an education.

My pension is, including that of my three children, $69 per quarter. I do most earnestly pray for an increase in this being granted, that I may be saved the struggle which confronts any woman left alone, without technical knowledge of any sort that might be applied to earning her own living.

MARGARET E. PIERCE.

MORGANTOWN, W. VA., *February* 26, 1886.

STATE OF WEST VIRGINIA, *County of Monongalia, ss:*

The foregoing was subscribed and sworn to before me in my said county and I hereby certify that the affiant is personally well known to me to be of undoubted credibility.

Given under my hand and official seal this 27th day of February, 1886.

[SEAL.] E. SHISLER, *Notary Public.*

[General Orders, No. 22.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Washington Territory, July 25, 1883.

The Department commander announces with regret the death of First Lieut. and Bvt. Capt. Henry H. Pierce, Twenty-first Infantry, while on special duty in the field, engaged in important topographical explorations, under special instructions from these headquarters.

The record of this officer is one of marked character and distinction, and his decease suggests special mention.

Entering the service for the preservation of the Government as a sergeant in the Fourth Connecticut Volunteers in May, 1861, he was promoted to the rank of major, rendering valuable and distinguished services, for which he was three times brevetted, on one occasion for "conspicuous gallantry."

At the close of the war he was commissioned a second lieutenant in the First United States Infantry, and subsequently, being transferred to the Twenty-first Infantry, was promoted to first lieutenant in May, 1874.

He possessed not only those qualities which grace an officer of the Government, but as a scholar he had few equals, and as an author he held high rank. His literary attainments were of the first order. The excellence of his translations of the Latin classics and his own compositions have already received marked testimonials and strong commendations from some of the most eminent scholars of the age.

During the past eight years he has served a good portion of the time at remote frontier posts, and has also been engaged against hostile Indians in the Northwest. In the autumn of last year he was engaged in the military reconnaissance in an unexplored district of Washington Territory, and at the hour of his death was occupied in completing the work then begun.

The exposure and hardships of military life in the great civil war and on the frontier had undermined his physical strength, and disease fixed its fatal hand upon him. He died at his post, in the field, in the line of duty, and his remains now rest, buried near the Upper Columbia River, mid the wild scenes of nature, far from friends and kindred.

In the death of Lieutenant Pierce the service has lost a most earnest and valuable officer, and the sympathy of the department commander is extended to his bereaved family.

By order of Brigadier-General Miles.

O. D. GREENE,
Assistant Adjutant-General.

[Regimental Order No. 49.]

HEADQUARTERS TWENTY-FIRST INFANTRY,
Vancouver Barracks, Washington Territory, August 9, 1883.

The colonel announces to the regiment the death at Foster Creek, Washington Territory, on the 17th day of July, 1883, of First Lieut. Henry H. Pierce, brevet captain United States Army, and brevet major of volunteers.

Captain Pierce entered the military service in May, 1861, as a sergeant of Company A, Fourth Connecticut Infantry, afterward the First Connecticut Artillery, and rose through the several grades until he reached the rank of major in May, 1865. He was three times brevetted for gallantry on the field of battle, once for "conspicuous gallantry," while in command of a water battery on James River, Virginia, in 1865. His service in the field was continuous from May, 1861, to the surrender of the confederate army at Appomattox, Va., April, 1865. He served at various times as judge-advocate and inspector-general of brigades. His brevets, one of them the most distinguished that can be conferred upon a soldier, and the testimonials of his superior officers bear witness to his fidelity and courage; and frequent service in staff positions, requiring knowledge and tact, is evidence of his intellect and culture.

In October, 1867, Captain Pierce was appointed a second lieutenant in the United States Army, and assigned to the First Infantry, and while on duty in the State of Louisiana was appointed by Maj. Gen. O. O. Howard superintendent of education in that State. The duties of this important office he administered with integrity and intelligence. By direction of the President of the United States, he was detailed in the summer of 1869 on duty in the University of West Virginia, as professor of mathematics and military tactics, and remained in this position for a period of five years. On his promotion to the rank of first lieutenant in 1874, he joined his regiment and served with it at various frontier stations. He was in command of a company in the campaign of 1877, against the Nez Percé Indians, in the famous pursuit of Chief Joseph from the Lapwai to the Missouri River, and shares with his regiment the credit of having participated in one of the most remarkable marches recorded in modern warfare. In 1878–'79 he was professor of military science in the military school at Orchard Lake, Mich. October 1, 1880, Captain Pierce was appointed adjutant of the Twenty-first Infantry, and served in this capacity until October 14, 1882, when he resigned to accept the detail of professor of military science and tactics in Pacific University, Oregon, for which position he was recommended by the department commander.

While adjutant he was detailed by Brig. Gen. Nelson A. Miles, commanding Department of the Columbia, to command a scientific exploring expedition from old Fort Colville to Puget Sound. This duty was discharged in a manner so satisfactory that his report of the exploration was published by order of the honorable Secretary of War, on the recommendation of the General of the Army. Family afflictions compelled Captain Pierce to resign his professorship and to return to his regiment in February last. At the time of his death he was in command of a second exploring expedition, having for its object the reconnaissance of the unexplored country between the Columbia River and Puget Sound, along a line south of the forty-ninth parallel. The estimation in which he was held by the department commander has been published to the world in the department order announcing his decease. Captain Pierce, though he was never actively engaged in that profession, was educated for law. He was an original writer of distinction, and made translations of the Æneid of Virgil and the Odes of Horace, productions of the highest literary merit. His life was one of honor and usefulness. The spirit which led him, amid the cares and annoyances of army routine life, to undertake literary labor was commendable in the highest degree, and is worthy of imitation.

As a mark of respect to the memory of Captain Pierce, the officers of the Twenty-first Infantry will wear the usual badge of mourning for thirty days.

By order of Col. H. A. Morrow.

DANIEL CORNMAN,
First Lieutenant and Adjutant Twenty-first Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. PENFIELD.

The bill (S. 898) granting a pension to William A. Penfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William A. Penfield, late of Company F, Ninth Regiment Vermont Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROSELLA E. HIBBERT.

The bill (S. 2098) for the relief of Rosella E. Hibbert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rosella E. Hibbert, daughter of Franklin M. Hibbert, late of Company F, Twenty-seventh Regiment Massachusetts Volunteers, at the rate of $20 a month.

Mr. COCKRELL. I want the report read in that case.

The PRESIDENT *pro tempore.* The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR April 29, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2098) granting a pension to Rosella E. Hibbert, have examined the same and report:

The claimant, Rosella E. Hibbert, is the daughter of Franklin M. Hibbert, late of Company F, Twenty-seventh Regiment Massachusetts Volunteers. It appears from the evidence that the soldier died on the 16th day of May, 1864. He was married, but his wife died February 2, 1863. Only one child survives, the present claimant, who was pensioned at the rate of $8 per month, commencing May 16, 1864, the date of the soldier's death, which pension was continued until she arrived at the age of sixteen years, to wit, February 1, 1879, since which time she has received no pension.

The present application proposes to put her on the pension-roll at the rate of $20 a month, and the reasons for such action are well set forth in the following affidavit of W. M. Pease, M. D., dated at Otis Center, Mass., March 26, 1886:

"This certifies that I. W. M. Pease, of Otis, have known Rosella E. Hibbert for about three years. She is a person between 3 and 3½ feet in height. She is twenty-three years of age, with the mental capacity of a child five or six years of age. There is no hope of any improvement. She is unable to help to support herself in the smallest degree."

From all the evidence in this case, your committee are of the opinion that this claimant still remains, to all intents and purposes, a helpless child. It appears that she is the only survivor of the family of the soldier, and we think that the pension asked for in this bill should be granted. We therefore report the bill back with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYRUS VIGUS.

The bill (H. R. 5961) granting an increase of pension to Cyrus Vigus was considered as in Committee of the Whole. It proposes to place on the pension-roll, and to increase the pension to $50 per month, Cyrus Vigus, late a private in Captain Todd's company of Kentucky Mounted Infantry in the war of 1812.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore.* The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 4, 1886.

The Committee on Pensions, to whom was referred the bill (H. R. 5961) granting an increase of pension to Cyrus Vigus, have examined the same, and report:

The facts in this case are fully stated in the annexed report of the Committee on Invalid Pensions of the House of Representatives.

In view thereof we recommend the passage of the bill.

Cyrus Vigus served in Captain Todd's company, First Regiment Kentucky Mounted Volunteers, in the war of 1812. He received an honorable discharge from said service on the 2d day of November, 1813. He served on the expedition to Upper Canada under the command of Governor Shelby.

The claimant is now receiving a pension at the rate of $8 per month, this being a service pension paid the veterans of said war of 1812. He has been an industrious business man, of good habits and economical expenses; but after the business age of his life was passed the competency so carefully husbanded had, with some misfortunes added to his unusual length of years, been consumed, and he now stands, at nearly ninety-three years of age, at that strait where charity must care for him, or the poor-house become his home, or his Government, in generous consideration, save him from such calamity by granting him a pension equal to the needs of his remaining years.

He was born on the 4th day of September, 1793, and the coming 4th of September will be his ninety-third year.

The petition filed with the bill for his relief is signed by the representative citizens of his home, Logansport, Ind.

This veteran, beginning his life in the wars for his country, has kept his patriotism, and has furnished four sons to the war with Mexico, one of whom, Captain Vigus, was the first man of Government troops to enter the conquered city of Mexico; and for the late war for the Union he furnished six sons, his entire family.

These sons are now all dead, save two, one of whom is a misfortune to his father, and the other, riddled with bullets, is a helpless cripple in the Soldiers' Home at Dayton, Ohio.

His family at home consists of his aged wife and the widow and daughter of one of his dead soldier sons.

In view of the foregoing facts, it is believed a pension of $50 per month should be granted the claimant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY G. BALLINGER.

The bill (H. R. 6126) granting a pension to Henry G. Ballinger was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry G. Ballinger, late captain of Camden County (Missouri) militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BISHOP.

The bill (H. R. 6688) for the relief of William Bishop was considered as in Committee of the Whole. It proposes to place the name of

William Bishop, late a private in Company E, Seventy-ninth Regiment Illinois Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES SCHULER.

The bill (H. R. 7298) for the relief of Charles Schuler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Schuler, late a private in Company K, Fourth Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANDOLPH SEAMAN.

The bill (H. R. 7300) for the relief of Randolph Seaman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Randolph Seaman, late a private in Company H, Sixth Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. FARRIS.

The bill (H. R. 6136) granting an increase of pension to John W. Farris was considered as in Committee of the Whole.

Mr. PLATT. I should like to inquire of the Senator having this bill in charge what pension Farris will take under it? The bill is:

That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John W. Farris, late first lieutenant and adjutant of the Forty-eighth Illinois Volunteers, for disease of eyes, subject to the provisions and limitations of the pension laws.

It seems on its face to be a bill the purpose of which is to give him some increase of pension, but I apprehend the effect of it will be not to give him any.

Mr. SAWYER. I can not say. It is a bill brought here from the House, and there might be some question about it.

Mr. PLATT. I think it had better lie over. If he is going to be pensioned "subject to the provisions and limitations of the pension laws" he will get no increase, I think, under this bill.

Mr. SAWYER. Let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

CATHARINE THENN.

The bill (H. R. 6776) granting a pension to Catharine Thenn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Thenn, widow of George M. Thenn, late of Company D, Second Regiment Missouri Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM GASTON.

The bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Adam Gaston, late of Company D, One hundred and fortieth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOBIAS M. COON.

The bill (H. R. 4976) for the relief of Tobias M. Coon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Tobias M. Coon, late a private in Company A, One hundred and eighteenth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MERRILL.

The bill (H. R. 4631) granting a pension to Mary Merrill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Merrill, widow of Alexander Merrill, late a private in Company L, Twelfth Tennessee Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN MILLER.

The bill (H. R. 1816) granting a pension to Mary Ann Miller was considered as in Committee of the Whole. It proposes to put the name of Mary Ann Miller, widow of Hamilton Miller, late a private in Company F, Third Ohio Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY B. HAVENS.

The bill (H. R. 6780) granting a pension to Henry B. Havens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry B. Havens, late of Company I, Twenty-third Regiment Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILES C. HAWLEY.

The bill (H. R. 424) to pension Giles C. Hawley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Giles C. Hawley, late of Company L, Second Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STOKELEY D. DAGLEY.

The bill (H. R. 6655) granting a pension to Stokeley D. Dagley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stokeley D. Dagley, late a member of the Clay County (Missouri) enrolled militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE JOHNSON.

The bill (H. R. 3906) for the relief of Catharine Johnson, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Johnson, widow of Zachariah Johnson, deceased, late a private in Company C, Sixtieth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. LITTLE.

The bill (H. R. 567) granting a pension to Mary A. Little, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Little, widow of William H. Little, who served as a private in Company G, Forty-third Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ALLCOCK.

The bill (H. R. 1576) granting an increase of pension to Thomas Allcock, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Allcock, late a private in Company F, Third United States Artillery, during the Florida war, at the rate of $50 per month, in lieu of the pension which he now receives.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1576) granting a pension to Thomas Allcock, have examined the same, and report that after examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

It appears that the petitioner is an invalid soldier of the Seminole war, having served as private, Company F, Third United States Artillery, and honorably discharged after three years' service. He applied for pension in 1852, and was informed that claim was not admissible on the proof under general law. On the 21st of June, 1872, there appears to have been an application filed by him, alleging "that he served in said Florida war three years; that he received a sunstroke while in said service, and while on duty as sentry on the 6th day of July, 1839; and that Thomas Haley, mentioned in the annexed affidavit, was present at the time; that in consequence of such sunstroke he was totally blind for six days, and has lost the sight of one eye entirely; that a written discharge was granted him by Maj. Thomas Childs, at Fort Pierce, Florida, which is in the Department at Washington, filed on application for bounty land."

The Adjutant-General's Office reports him sick in hospital at the time alleged by him; and there is ample proof in the case to show that it is a just and meritorious one, well worthy of consideration.

The Committee on Invalid Pensions, House of Representatives, reported favorably in the case as far back as February 4, 1858, and say then:

"For this permanent injury to his eyes, rendering them perfectly useless for the remainder of his life, received in the service of his country, the committee think he is justly entitled, in some degree, to the consideration of the Government."

It appears that an act was passed by the Forty-seventh Congress granting a pension to this soldier at the rate of $8 per month, dating from March 2, 1883, the date of the approval of the act therefor.

It appears that the man is now seventy-two years old, has a wife, and that they are in utterly dependent circumstances in consequence of his blindness, which is now total. He requires the attendance of some person at all times in going about, and has no means. It appears conclusively that the soldier contracted his disability in the Army and in the line of duty.

Your committee beg leave to refer to the petition of the said soldier hereto annexed, and to the affidavits of the claimant, and of Robert Y. McConnell, a reputable citizen of Rochester, annexed.

In conclusion, your committee recommend the passage of the bill.

To the honorable the Senate and House of Representatives of the United States:

Your petitioner, Thomas Allcock, of Rochester, in the State of New York, respectfully shows to your honorable body that he was a soldier of the United States Army in the Seminole war, having enlisted in December, 1836, and was discharged in December, 1839. That his honorable discharge from that service is now on file in the Pension Office at Washington. Your petitioner further shows that while in the service, and shortly before his discharge, he was prostrated by a sunstroke, from which he has never recovered. That in consequence of that sunstroke he was made blind, and has remained so up to the present time. That by reason of his blindness he has been unable to do anything for the support of himself and family, and much of the time has been supported at public expense. That he repeatedly applied for a pension, and none was ever granted him until, in the last session of the Forty-seventh Congress, an act was passed, which became a law, giving him a small pittance of $8 per month, from the date of the passage of that act. This sum is insufficient for his support, and considering the long period of time during which he should have been paid a pension he submits to this honorable Congress that he should either have an arrears of pension allowed him, or, if that can not be done, that the amount of his pension should be increased. His disability is total, and he is compelled to have the attendance of some person to feed him and take care of him. Under the rule of rating pensions in such cases, he is informed and believes that he could not have less than $24 per month at the lowest rate allowed

for pensions to private soldiers. He has never had any gratuity from the Government except a bounty land-warrant for 160 acres of land, for which he got $110.

He therefore prays that Congress of the United States will increase his pension to at least $50 per month. He is now seventy-two years of age, and the time during which the Government will have the privilege of paying him a pension will in all human probability not be very great.

And your petitioner will ever pray.

THOMAS ALLCOCK.

JANUARY 4, 1886.

[In the matter of the application of Thomas Allcock.]

MONROE COUNTY, *City of Rochester, ss:*

Thomas Allcock, being duly sworn, says he is now seventy-two years of age; that he is and has been totally blind for the last forty-six years in the right eye, and that for the last two years the left eye has become so bad that deponent is now unable to see scarcely anything at all; that he has to be led around as if he were totally blind, and especially so when the sun is not shining brightly; that deponent is a married man, and his wife is still living; that she is in feeble health and unable to work and support herself and deponent; that deponent has no means whatsoever of earning his living, and is in the most destitute circumstance imaginable.

his
THOMAS + ALLCOCK.
mark.

Witness:
GEORGE R. LOSEY.

Sworn to before me this 15th day of February, 1886.

GEO. R. LOSEY,
Commissioner of Deeds, Rochester, N. Y.

STATE OF NEW YORK,
Monroe County, Clerk's Office, Rochester, N. Y:

I, Maurice Leyden, clerk of the county of Monroe, of the county court of said county, and of the supreme court, both being courts of record, having a common seal, do certify that George R. Losey, esq., the person before whom the foregoing affidavit was taken, was, on the 15th day of February, 1886, therein mentioned, a commissioner of deeds in and for said city, duly authorized to take the same; that I am well acquainted with the handwriting of the said George R. Losey, and verily believe that the name of the said officer subscribed to the said certificate is his genuine signature.

In testimony whereof I have hereunto set my hand and affixed the seal of said county and courts this 15th day of February, A. D. 1886.

MAURICE LEYDEN, *Clerk.*

In the matter of the application of Thomas Allcock.

MONROE COUNTY, *City of Rochester, ss:*

Robert Y. McConnell, sworn, says he has known said Thomas Allcock for over thirty years, and is well acquainted with his circumstances at present; that said Allcock is so blind that he can not get around only as he is led; that he is in destitute circumstances and without any means of support; that he has a wife who has to work all she is able to to support herself and said applicant; that said Allcock is a most worthy man, and needs all the help that he can get to support him in these, his last days.

ROBT. Y. McCONNELL.

Sworn to before me this 15th day of February, 1886.

GEO. R. LOSEY,
Commissioner of Deeds, Rochester, N. Y.

Mr. COCKRELL. I should like to inquire what is the pension allowed for total blindness?

Mr. BLAIR. Fifty dollars now in new cases.

Mr. COCKRELL. Why is this allowed in this case? This was originally granted by act of Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALTHEA A. FRASNER.

The bill (H. R. 515) granting a pension to Althea A. Frasner, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Althea A. Frasner, widow of Milton Frasner, late a private in Company H, Fortieth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. W. M'DONALD.

The bill (H. R. 4490) granting a pension to H. W. McDonald was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of H. W. McDonald, late of Company A, Fifth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. M'CLELLAND.

The bill (H. R. 6003) for the relief of John H. McClelland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. McClelland, late a soldier in Company B of the Twenty-ninth Regiment Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN PENNINGTON.

The bill (H. R. 3982) granting a pension to John Pennington was considered as in Committee of the Whole. It proposes to plaee on the pension-roll the name of John Pennington, late captain of Company A, Forty-seventh Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID T. ELDERKIN.

The bill (H. R. 5995) granting a pension to David T. Elderkin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David T. Elderkin, late of Company K, One hundredth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET COLBATH.

The bill (H. R. 1585) for the relief of Mrs. Margaret Colbath was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Colbath, widow of John D. Colbath, late a private in Company B, Eighth Regiment New York Heavy Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SCHAEFER.

The bill (H. R. 413) granting a pension to George Schaefer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Schaefer, late of Company K, Ninety-ninth Illinois Volunteers, now residing in Bushnell, Ill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA DOWNS.

The bill (H. R. 4462) granting a pension to Martha Downs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha Downs, of Peoria, Ill., widow of Albert Downs, late a private in Company H, Fourteenth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL ROBBINS.

The bill (H. R. 6650) granting a pension to Samuel Robbins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Robbins, late of Company A, Twelfth Regiment Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON J. GRISSOM.

The bill (H. R. 7617) granting a pension to Solomon J. Grissom was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Solomon J. Grissom, late of Company E, Twentieth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. VAUGHN.

The bill (H. R. 1592) for the relief of Sarah A. Vaughn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah A. Vaughn, dependent mother of Delos A. Graves, late of the Seventeenth Independent Battery Light Artillery, New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY NORMAN.

The bill (H. R. 6192) granting a pension to Mary Norman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Norman, widow of Corporal Turner Norman, late of Company G, Thirty-fifth United States Colored Troops.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6192) granting a pension to Mary Norman, have examined the same, and report that after examination they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

The claimant, Mary Norman, is the widow of Turner Norman, late corporal Company G, Thirty-fifth United States Colored Troops, enrolled May 22, 1863, and who was wounded in battle at Olustee, Fla., February 20, 1864.

War Department records show soldier in hospital from said wound from February 22, 1864, to August, 1864; left with detachment at Jacksonville, Fla., sick since November 26, 1864; present for duty from February 28, 1865, to April 30, 1866.

Soldier was mustered out of service with his company at Charleston, S. C., June 1, 1866. Company was in action at battle at Olustee, Fla., February 20, 1864. Company or regimental records do not give the location of wound.

Surgeon-General's report shows that soldier was treated in general hospital at Jacksonville, Fla., for gunshot wound of head received in battle; also in general hospital at Beaufort, S. C., for gunshot wound of left side of head.

Soldier died December 22, 1869.

Soldier made application for a pension, but died before the same was granted.

Widow filed application for pension February 4, 1880. Rejected on the ground that the death cause, "drowning," was not due to the soldier's military service.

A number of soldier's comrades testify under oath that, although his right jaw-bone was broken, resulting in a running sore, producing great suffering and partial deafness, soldier, after his return from hospital, refused to leave his regiment, but remained, doing light duty, until his regiment was mustered out at the close of the war.

After his discharge he was a great sufferer, and to a great extent unable to perform manual labor.

Soldier was drowned in an accident while crossing the Roanoke River in North Carolina, the indirect result of the wound received while in the service of

the United States and in the line of duty. In crossing said river the boat sprung a leak; the ferryman called to him to save himself; a man who was also in the boat with soldier made his escape, but soldier, suffering from his wound and disabilities received in the service, was unable properly to care for himself, and was drowned as the boat sank. Soldier's widow is quite poor.

Your committee are of the opinion that soldier's death can be easily traced to the disability received in the service and in the line of duty, and believing this poor widow justly entitled to the pension asked, recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BRENTANO.

The bill (S. 1766) granting a pension to William Brentano was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Brentano, late of Company B, Thirteenth Regiment Kansas Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. SHIMONECH.

The bill (S. 2229) for the relief of William C. Shimonech was considered as in Committee of the Whole. It proposes that William C. Shimonech, late a principal musician in the Third Regiment United States Infantry, whose name is now borne on the pension-roll at $14 per month, shall hereafter be paid in lieu thereof the sum of $24 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM R. ELLIS.

The bill (S. 2183) granting a pension to Hiram R. Ellis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hiram R. Ellis, formerly first lieutenant and adjutant of the Twenty-eighth Michigan Infantry Volunteers, as of the rank of first lieutenant and adjutant, in lieu of the pension allowed him, under the general pension law, as of the rank of sergeant of Company I, Fifth Regiment Michigan Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB SMITH.

The bill (S. 2111) granting a pension to Jacob Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Smith, late of Company E, Second West Virginia Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IRA MILLER.

The bill (S. 2039) granting an increase of pension to Ira Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ira Miller, late of the Fifteenth Indiana Volunteer Infantry, at the rate of $72 per month, in lieu of the $50 per month heretofore allowed him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORRIN P. COOLEY.

The bill (S. 1844) granting a pension to Orrin P. Cooley was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Orrin P. Cooley, late of Company C, Forty-second Illinois Volunteers, at $25 per month, from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POWHATTAN B. SHORT.

The bill (S. 2163) granting a pension to Powhattan B. Short was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Powhattan B. Short, late a private in Company K, Sixty-eighth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BYRON R. M'INTYRE.

The bill (S. 2333) granting a pension to Byron R. McIntyre was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Byron R. McIntyre, late a private in Company A, Forty-seventh Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC RANSOM.

The bill (S. 2334) granting a pension to Isaac Ransom was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Ransom, late a private in Company C, Forty-ninth Regiment Indiana Volunteer Infantry, for such diseases as now exist.

Mr. PLATT. Why should that language be used "for such diseases as now exist?"

The PRESIDENT *pro tempore*. Does the Senator move to strike out those words?"

Mr. PLATT. I should like some explanation of them. I do not know but that they are all right. I should like to have the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 4, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2182) restoring a pension to Isaac Ransom, have examined the same, and report:

That the records in this case show that claimant was a private in Company C, Forty-ninth Regiment Indiana Volunteers, and enlisted October 15, 1861, and was discharged September 13, 1865. It also appears that claimant was pensioned for rheumatism from September 14, 1865, to December 31, 1880, when the pension was discontinued on the ground that claimant had recovered from the disease. It was claimed originally that soldier was sunstruck four times while in the service, but the claim was not allowed, and he was pensioned for rheumatism.

The records show that claimant was a sound man prior to enlistment; that he was a good soldier. The fact of his having been sunstruck is testified to by his captain, John Nafius, by the assistant surgeon of the regiment, and also by Capt. John M. Williams; also by the regimental surgeon, who treated him for other diseases besides rheumatism contracted in the line of his duty.

There is also abundant testimony from claimant's neighbors, who knew him before enlistment and after his discharge, showing that he was a sound man when he enlisted; and since his return from the Army he has been unfitted by his disabilities from performing manual labor.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report a substitute for this bill, and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MALITTY ROSE.

The bill (S. 2335) for the relief of the heirs of Malitty Rose was considered as in Committee of the Whole. It proposes to pay to James E. Rose, Jane Godfrey, and Francis Patton, the only surviving children of Malitty Rose, deceased, the money due upon reissue certificate numbered 3269, issued to Malitty Rose three weeks prior to her death, as the widow of Elias Rose, late a private in Captain McCoy's company, United States infantry, of the Florida war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. MILES.

The bill (S. 2130) granting an increase of pension to John C. Miles was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John C. Miles, late of Company C, Forty-eighth Regiment Indiana Volunteer Infantry, at the rate of $20 per month, in lieu of the $4 per month heretofore allowed him.

Mr. COCKRELL. There ought to be some amendment there, so that it will not carry arrears of pension. That language is a little too broad. I move to amend after the word "month," where it reads "at the rate of $20 per month," by inserting "from and after the passage of this act."

Mr. SAWYER. I have no objection to that.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. WILLS.

The bill (S. 2129) granting an increase of pension to John W. Wills was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John W. Wills, late of Company B, One hundred and forty-eighth Regiment Indiana Volunteers, at the rate of $12 per month, in lieu of the $2 per month heretofore allowed him.

Mr. PLATT. There ought to be the same amendment in that bill.

Mr. SAWYER. I have no objection.

Mr. PLATT. I move to add "from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md.;

A bill (H. R. 1813) for the relief of Pattison & Caldwell;

A bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issued a duplicate check, and the

assistant treasurer of the United States at New York to pay the same;

A bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased;

A bill (H. R. 5554) for the relief of the legal representatives of G. Alexander Ramsay;

A bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties; and

A bill (H. R. 8676) for the relief of Lafayette Fowler.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 449) for the relief of John P. T. Davis;

A bill (H. R. 1062) for the relief of Ernest N. Wardwell;

A bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye;

A bill (H. R. 1511) for the relief of Sidney R. Smith;

A bill (H. R. 1740) for the relief of William K. Hammond;

A bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy;

A bill (H. R. 2195) for the relief of Christopher Schaefnocker; and

A bill (H. R. 3384) for the relief of James M. Bacon.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 190) for the relief of certain employés and others of the twelfth United States light-house district;

A bill (H. R. 658) for the relief of Francis W. Haldeman;

A bill (H. R. 2244) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased;

A bill (H. R. 3908) for the relief of John Ellis; and

A bill (H. R. 8596) for the relief of Beaufort Lee and others.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 248) for the relief of Henry Gee;

A bill (H. R. 1418) for the relief of Henry Martin; and

A bill (H. R. 5175) extending the provisions and benefits of the preemption law to John E. White.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 107) for the relief of Elias B. Moore;

A bill (H. R. 279) for the relief of T. H. Triplett;

A bill (H. R. 707) for the relief of J. R. Martin;

A bill (H. R. 1455) for the relief of Lysander H. Carroll;

A bill (H. R. 3909) for the relief of Harry Fisk;

A bill (H. R. 5553) for the relief of E. J. Phillips;

A bill (H. R. 5651) for the relief of David W. Low; and

A bill (H. R. 8297) for the relief of Frank Shutt.

The bill (H. R. 821) for the relief of Samuel M. Gaines was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 4139) for the relief of Thomas Sampson was read twice by its title, and referred to the Committee on Commerce.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1059) to grant a pension to Joseph Romiser;

A bill (H. R. 1150) granting a pension to Catherine E. Coffin;

A bill (H. R. 1580) for the relief of Emily B. Baker;

A bill (H. R. 3118) granting an increase of pension to William H. H. Buck;

A bill (H. R. 3551) granting a pension to George W. Cutler, late private in Company B, Ninth New Hampshire Volunteers;

A bill (H. R. 5041) granting a pension to Sally A. Stone;

A bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll;

A bill (H. R. 5921) granting an increase of pension to John Ryan;

A bill (H. R. 6278) granting a pension to Margaret O'Connor;

A bill (H. R. 6443) granting a pension to Alexander Falconer;

A bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick;

A bill (H. R. 7616) for the relief of W. D. Havely;

A bill (H. R. 7736) to increase the pension of George W. Parks;

A bill (H. R. 7749) granting a pension to Aretus N. Butler;

A bill (H. R. 7965) for the relief of Frances Mosher;

A bill (H. R. 8066) to pension Martha A. Voorhees;

A bill (H. R. 8151) granting a pension to John P. McDonald;

A bill (H. R. 8205) granting a pension to J. W. Gooding;

A bill (H. R. 8335) to restore William S. Ray to the pension-roll;

A bill (H. R. 8601) granting a pension to James H. Butler;

A bill (H. R. 8602) granting a pension to Sarah M. Carroll; and

A bill (H. R. 8651) increasing the pension of Alfred J. Hill.

The above twenty-two pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. If it would be convenient for the Senate to adopt the usual rule in cases of bills of that length, I ask unanimous consent that the bill be read by sections for amendment.

Mr. INGALLS. What is the effect of that suppose it should be agreed to?

Mr. HOAR. The effect of it is that the amendments to each section are offered as the section is read.

Mr. INGALLS. But when the reading is concluded if there are sections that any Senator desires to offer amendments to, the opportunity has passed until the bill is reported to the Senate.

Mr. HOAR. Unquestionably.

Mr. INGALLS. I shall object to that, because the bill is of such length that it would be obviously unfair to those who desire to consider it in detail to cut off the opportunity to amend before the whole bill is reported to the Senate.

Mr. HOAR. Nobody would think—I should not certainly—of objecting to going back if any Senator desired at any time to propose anything. The convenience is that this course saves a reading, and it attracts the attention of the Senate and of gentlemen who have amendments to offer to each section as it is being read and discussed, so that we shall not be flying backward and forward. There can be no snap judgment taken, because you have the power of reconsideration and the power of moving amendments in the Senate if I attempted such a thing, which I would not.

Mr. INGALLS. I do not wish to be deprived of the opportunity of offering amendments in Committee of the Whole. With the understanding that after the bill has been thus read as suggested by the Senator from Massachusetts amendments shall be in order to the bill as in Committee of the Whole in all parts thereof, I have no objection.

Mr. HOAR. I will agree to that. I will make my request with that understanding.

The PRESIDENT *pro tempore*. If there be no objection the bill will be read through at length.

Mr. PLUMB. I move to take up——

Mr. TELLER. As a question of order I want to find out what was the understanding come to as to amendments to the bankruptcy bill. We could not hear back here.

The PRESIDENT *pro tempore*. The bill will be open to amendments moved by any Senator in Committee of the Whole.

Mr. HOAR. Will the Chair allow me to make a request for unanimous consent?

The PRESIDENT *pro tempore*. The Chair understands that has already been given. The Chair put the question.

Mr. HOAR. There seems to be some misunderstanding. I desire now to ask unanimous consent that the bill may be read and amendments called for to each section as the reading proceeds, any Senator, however, to be at liberty to return to a section that has been passed to make an amendment if he desires.

Mr. INGALLS. After the reading of the bills shall have been concluded, as in Committee of the Whole?

Mr. HOAR. At any time.

Mr. TELLER. Why should any special rule be made about it? Why not let this bill take the regular parliamentary course?

The PRESIDENT *pro tempore*. It can only be done by unanimous consent. Is there objection?

Mr. TELLER. I will not object, but I do not see any propriety in it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent of the Senate that this bill shall be considered by sections and open to amendment, and when the reading is gone through with any section shall be still open to amendment. The Chair hears no objection to this arrangement.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the District appropriation bill.

Mr. HOAR. Will the Senator from Kansas object to having that done by unanimous consent, laying the bankruptcy bill aside informally?

Mr. PLUMB. I have no objection to that. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Kansas asks the unanimous consent of the Senate that the Senate proceed to the consideration of the appropriation bill indicated by him.

Mr. HOAR. The bankruptcy bill being laid aside informally.

The PRESIDENT *pro tempore*. The pending order being laid aside informally. The Chair hears no objection, and that order will be made.

Mr. GIBSON. Mr. President——

Mr. PLUMB. Before the Senator from Louisiana is recognized, I desire to have unanimous consent that the formal reading of the bill at length be dispensed with, and that it be read by paragraphs for amendment.

The PRESIDENT *pro tempore*. If there be no objection that order will be taken.

Mr. PLUMB. The Senator from Louisiana desires to make a few remarks, and has asked me to yield to him for that purpose, and I do so.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANDALL, Mr. LE FEVRE, and Mr. MCCOMAS managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 320) for the relief of Hiram W. Hubbard; and

A bill (H. R. 6337) for the relief of James D. Wood.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. GIBSON. I have requested the Senator from Kansas to yield to me that I might ask the Senate to take up the resolution of the Senator from Connecticut [Mr. PLATT] regarding executive sessions, in order to make a few remarks upon it.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks the unanimous consent of the Senate to proceed informally to the consideration of the resolution submitted by the Senator from Connecticut, which will be read.

The Chief Clerk read the resolution, submitted by Mr. PLATT January 29, 1886, as follows:

Resolved, That executive nominations shall hereafter be considered and acted upon in open session, except when otherwise ordered by vote of the Senate, and so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflicts with or is inconsistent with the above is to the extent of such inconsistency rescinded.

The PRESIDENT *pro tempore*. There is no objection, and the resolution is before the Senate.

Mr. GIBSON. Mr. President, when we reflect upon the origin and growth of the institutions of representative or popular government, how they were created, not in the cabinets of kings, nor in the speculations of political philosophers, but by the sturdy efforts of freemen assembled to demand redress of actual grievances or to protect themselves against arbitrary power, and how entirely they draw their nourishment and support from the people, in fact constitute governments of the people and for the people, we can not fail to be astonished at the reluctance they who conduct them have ever exhibited to draw aside the curtain of concealment and to expose all their proceedings to the scrutiny and knowledge of the public; for however popular the origin of parliamentary or congressional government, all legislative assemblies are in theory and within a comparatively recent period were in fact closed against the public.

In both branches of the British Parliament the proceedings were conducted with closed doors from the earliest times down to less than one hundred years ago.

Judge Cooley, in his work on constitutional limitations, says:

Many matters the publication of which now seems important to the just, discreet, and harmonious workings of free institutions and the proper observation of public officers by those interested in the discharge of their duties were treated by the public authorities as offenses against good order and contempts of authority.

No official publication of the debates in Parliament was provided for and no other was allowed. The brief sketches which found their way into print were usually disguised under the garb of a fictitious parliament held in a foreign country. For such publication in 1747 the editor of the Gentleman's Magazine was brought to the bar of the house of commons for reprimand and only discharged on expressing his contrition. And in 1641 Sir Edward Deering was expelled and imprisoned for publishing a collection of his own speeches, and the book was ordered to be burned by the public hangman. Until about the period of the American Revolution, and even subsequent to that event, publication of proceedings was considered a breach of privilege. Freedom to report proceedings and debates was at last due to Wilkes, who became, notwithstanding his infamous private character, a public benefactor by his obstinate defense of the liberty of the press and security from arbitrary search and arrest.

The freedom of the press itself is of comparatively recent origin. No mention was made of it in the English petition of rights nor in the bill of rights. Even in America the magistrates of Massachusetts suffered the publication of the general laws under protest as a hazardous experiment, and for such publication in Virginia the printer was arrested and put under bonds until the king's pleasure was declared that no printing should be allowed in the colony. Books were adjudged to be given to the flames that advocated the general principles of popular freedom, and even as late as toward the close of the seventeenth century the governor of New York was expressly instructed to suffer no printing, and the governor of Virginia thanked God there were no free schools nor printing presses in that colony, and he trusted that these breeders of disobedience and heresy and sect would long be unknown.

Slow indeed were the approaches toward that freedom of the press and publicity in the proceedings of legislative bodies which prevail today. It was a steady growth, however, from generation to generation as these institutions caught the spirit of modern progress and embraced more and more the cause of the people.

While as a matter of right strangers may be excluded, yet in point of fact accommodations are now provided for reporters of newspapers and secrecy is unknown to the house of commons and lords. Their proceedings are as open as the day. Secret sessions in respect to any matter are not tolerated, and if an attempt were now made to exclude the public from the house of commons it would produce revolution.

If the commons, says Macaulay, were to suffer the lords even to originate money bills we doubt whether such a surrender of their constitutional rights would excite half so much dissatisfaction as the exclusion of strangers from a single important discussion.

The gallery in which the reporters sit has become a fourth estate of the realm.

The publication of the debates, a practice which seemed to the most liberal statesmen of the old school full of danger to the great safeguards of public liberty, is now regarded by many persons as a safeguard tantamount and more than tantamount to all the rest together.

Bagehot, in his admirable work on the English constitution, advises that treaties be made by Parliament. He says:

If we require that in some form the assent of Parliament shall be given to such treaties we should have a real discussion prior to the making of such treaties, we should have the reason for the treaty plainly stated and also the reasons against it. At present, as we have seen, the discussion is unreal. The thing is done and can not be altered, and what is said often ought not to be said because it is captious, and what is not said ought as often to be said because it is material. We should have a manlier and plainer way of dealing with foreign policy, for ministers should be obliged to explain their foreign contracts before they are valid, just as they are compelled to explain their domestic proposals before they can become laws.

I am disposed to deny entirely that there can be any treaty for which adequate reasons can not be given to the English people which the English people ought to make. A great deal of the reticency of diplomacy had, I think, better be spoken out. The worst families are those in which the members never speak their minds to each other.

It is the same with nations. The parties concerned would almost always be better for hearing the substantial reasons which induce the negotiators to make the treaty and the negotiators would do their work much better, for half the ambiguities in treaties are caused by the negotiators not taking the pains to put their own meaning distinctly before their own minds and they would have to make it plain if they had to argue on it before a great assembly.

Our American institutions follow closely the historical antecedents and characteristics which they inherited from those of the mother country. It must not be imagined that they sprang suddenly into existence, for not only in their organic structure but in their modes of procedure they retain the cast and lineaments of the institutions of the country whose loyal subjects their framers once had been.

All the provincial Legislatures sat with closed doors. But it may be said with truth that the first Legislature to make its proceedings public was the Legislature of Massachusetts. Hon. Robert C. Winthrop, in an address before the Maine Historical Society, says:

The earliest instance of authorized publicity being given to the deliberation of a legislative body in modern days was in the same house of representatives of Massachusetts, on the 3d day of June, 1766, when upon motion of James Otis a resolution was carried to open a gallery for such as wished to hear the debate.

But the proceedings of the old Confederation Congress were always in secret. The constitutional convention of 1787 sat with closed doors, and although imperfect reports of the debates have since been published, the injunction of secrecy upon its members was never removed.

Luther Martin, who was a member from Maryland, in a letter addressed to the house of delegates of Maryland in 1788 on the Federal convention of 1787, says:

By order the doors were to be shut and the whole proceedings were to be kept secret, and so far did this rule extend, that we were thereby prevented from corresponding with gentlemen in the different States upon the subject under our discussion, a circumstance which I confess I greatly regret. I had no idea that all the wisdom, integrity, and virtue of this State or of the others were centered in the convention. I wished to have corresponded freely and confidentially with the eminent political characters in my own and other States, not to be implicitly dictated to by them, but to give their sentiments due weight and consideration. So extremely solicitous were they that their proceedings should not transpire that the members were prohibited even from taking copies of resolutions on which the convention were deliberating or extracts of any kind from the journal without formally moving for and obtaining permission by vote of the convention for that purpose.

It is not, therefore, surprising that the Constitution contained no provision requiring that the debates or proceedings of Congress should be conducted in open session and none at all upon the subject except the following in Article I, section 5:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

The only purpose and effect of these clauses is to compel Congress to publish from time to time what has been actually done, to give to the world the *acta diurna* merely, such parts of its proceedings as the members themselves may deem proper. We shall be prepared, there-

fore, to find that the Senate of the United States sat with closed doors from April 21, 1789, until February 11, 1794. William Maclay, a Senator from Pennsylvania from 1789 to 1791, kept a journal, published a few years ago, in which may be found sketches of the debates. Maclay says, speaking of what occurred April 27, 1790:

No business was done in the Senate but consenting to nominations sent down on Saturday, and the Senator from Virginia laid a resolution on the table for opening the doors of the Senate on the discussion of legislative matters.

Again, on the 24th April, 1791:

This day nothing of moment engaged the attention of the Senate in the way of debate until the Virginia Senators moved that the doors of the Senate Chamber should be opened on the first day of the next session. I was happy that I had given my voice on a former occasion for it. The reasons I gave then operated with full force on my mind. The first was, that I knew of no reason for keeping the door of any legislative assembly open that did not apply with equal force to us. The second was, that I thought it a compliment due to the smallest States in the Union to indulge them in such a request.

According to him the objections to it were, namely:

That the members would make speeches for the galleries and for the public papers would be the fault of the members. If they waged war in words and oral combats, if they pitted themselves like cocks, or played the gladiator for the amusement of the idle and the curious the fault was theirs. That let who would fill the chair of the Senate I hoped discretion would mark their deportment. That they would rise to impart knowledge and listen to obtain information. That while this line of conduct marked their debates it was totally immaterial whether thousands attended or whether there were not a a single spectator.

The objections prevailed, and the resolutions were lost. It was not until 1794 that the doors of the Senate were opened and continued open during the discussion upon the contested election of Albert Gallatin, which was not concluded until April 28, with the decision that the election of Mr. Gallatin was void in consequence of his not having been a citizen of the United States for the constitutional period. The case being settled the doors of the Senate were closed against the public to the end of that session, when the legislative sessions were made public and have remained so, in conformity to the resolution of February 19, 1794—

That after the present session of Congress, and so soon as suitable galleries shall be provided for, the Senate Chamber and said galleries shall be permitted to be opened every morning so long as the Senate shall be engaged in their legislative capacity, unless in such cases as may in the opinion of the Senate require secrecy, after which the galleries shall be closed.

The fact is secrecy was until within a very recent time regarded as an indispensable element in the affairs of state, and reasons of state and state secrets were charmed and potent words, while in the hearts of the most enlightened and philosophical statesmen there dwelt a profound conviction that while the people should have a voice in their government, yet its administration should be removed from their direct control and immediate supervision as far as possible. They felt that concerns of such vast importance as the national honor and safety and fidelity to national obligations and the legislation essential to the general welfare should not be committed to the determination of influences springing from the popular judgment and popular conscience, but that the processes by which public opinion was passed over into the public will expressing itself in legislation should be intricate, remote, and secretive.

Even as late as 1840 John Quincy Adams regarded the political excitements and mass-meetings and the assembling of popular nominating conventions as full of peril to our institutions. He says:

From the organization of the Government under the present Constitution of the United States, the nominations of candidates for the office of President were made in caucuses by members of Congress and by members of the State Legislatures.

He declares that the Congressional caucuses signally failed, and that the State legislative nominations produced only cross-purposes and have been superseded by popular conventions. This has been followed by numerous assemblages in all the States where the opposition is of any strength, and not a week has passed within four months without a convocation of thousands of people to hear inflammatory harangues. "Here," says this accomplished statesman, who entered the public service of our country at an earlier age and continued in it longer than any other and always with matchless ability—

Here—

He says—

is a revolution in the habits and manners of the people. Where will it end? These are party movements and must in the natural progress of things become antagonistical. These meetings can not be multiplied in number and frequency without resulting in yet deeper tragedies. Their manifest tendency is to civil war.

There is not a school-boy to-day in the land that would not laugh at these apprehensions of one of the most learned and gifted statesmen of whom our country can boast.

But at length it has become an axiom in this and all other countries where constitutional freedom prevails that political matters are not private matters but public matters, and that the surest remedy for all evils that afflict society is to be found in the widest publicity and in the resources which the wisdom and the conscience of the many may bring to bear upon the sufferings and wrongs of any one or of any portion of the people.

Dr. Francis Lieber, in his work on civil liberty and self-government, edited by Dr. Theodore D. Woolsey, in speaking of those guarantees of liberty which relate more especially to the government of a free country and the character of its policy, says:

The first of all we have to mention under this head is publicity of public business. This implies the publicity of Legislatures and judicial courts as well as of all minor transactions that can in their nature be transacted publicly, and also the publication of all important documents, and reports, and treaties, and whatever else can interest the people at large. It further implies perfect freedom with which reporters may publish the transactions of public bodies. Without the latter, the admission of the public would hardly amount to publicity at all. We do not assemble in the market as the people of antiquity did. The millions depending upon information in our national States could not meet in the assembly as it was possible in the ancient city states, even if we had not a representative government. The public journals are in some respects to modern freemen what the agora was to the Athenians and the forum to the Romans.

An ancient free city can be imagined without a public press; a modern free country can not. Publicity in connection with civil liberty means publicity in the transactions of the business of the public in all branches. In free countries political matters relate to the people, and therefore ought to be public. Publicity informs of public matters; it teaches and educates and it binds together. There is no patriotism without publicity, and though publicity can not always prevent mischief, it is at all events an alarm-bell which calls the public attention to the spot of danger."

There is not a man in America to-day who would not condemn any secret political society or organization as dangerous to political liberty and violative of the spirit of our institutions. There may possibly arise extraordinary circumstances during war or civil commotions when a resort to secret sessions might be justifiable; but why, I ask, as a general rule, should any part of the people's business be shrouded in mystery and concealed from them? It will be admitted that the opening of the doors of the legislative sessions of the Senate has wrought no harm to the Republic, but on the contrary has advanced every interest which under the Constitution has been committed to its charge, and enriched modern literature with specimens of oratory not surpassed in any age or country.

But it is insisted when the Senate comes to give its consent and advice respecting treaties its proceedings should be conducted with closed doors. This was important, perhaps necessary, in the early days of the Republic when European nations treated our country and its representatives with contumely and haughty disdain, and when, owing to our weakness we sought alliances and made concessions to obtain a genuine independence on land and sea and our territorial rights. No American can read the history of our early treaties and of the efforts of our diplomatists to secure respectful treatment and the unquestioned recognition of the rights of our countrymen without a sense of resentment. But that day is past forever. In the plenitude of our power we can afford to discuss all questions in open sessions and with entire frankness and moderation, and the very consciousness of national greatness will inspire Senators with kindness and generosity toward all weak nations and dignity and forbearance even toward the most powerful.

The very discussion of international questions in open session will stimulate the people to take more interest in the welfare of the country as a whole, inspire national sentiments and greater pride in our country's honor and standing among the nations of the earth. It will tend to lift the minds of our statesmen and of our people as well out of the jealousies and narrowness of this section or that into the contemplation and consideration of the vast imperial destinies which are before them. The principles of international law, the interpretation of treaties and their history, the sentiments and views of foreign governments, and the considerations of honor or of interest or policy which should determine our attitude, are all matters which should be brought more and more under popular observation and familiar discussion.

I have always insisted that no dangers are likely to result to our institutions or injuries to any interest by the cultivation of a healthy national spirit. The danger is in the perversion of the national attributes and faculties to advance special privileges or sectional power or interests, to compel unjust concessions from weak nations to false and fraudulent claims of individuals, or to engage the country in complications leading to war to satisfy personal ambitions or the greed and selfishness of particular local interests. The surest guarantees against such misdirection and misapplication is to be found in the widest publicity and appeals to the good sense and patriotism of the people.

But if there be any class of treaties that should be discussed in open session it is that involving the exertion of the revenue power, which under the Constitution was committed to the House of Representatives. By the recognized practice of the Government no longer questioned, such treaties, before they may be proclaimed and made operative and binding, must derive their legal force and validity from the necessary legislation adopted by the House of Representatives. How illogical and inconsistent with all our notions of propriety and good sense is it for the Senate to shroud its discussions of the treaty with the Hawaiian Islands or Mexico in secrecy, while at the same time the House of Representatives may be considering both in the most open manner, and inviting the people whose interests may be sacrificed to a full and respectful hearing and the leading magazines of the country are full of elaborate dissertations upon them. I commend to the careful attention of Senators the interesting and instructive articles of Hon. David A. Wells in the latest numbers of the Popular Science Monthly of New York on the unilateral treaty with Mexico, entitled "An economic study of Mexico."

Let in the light upon these treaties. Let us know whether they are

intended to advance the national welfare or those of individuals merely. Let us be informed when it is shown that about $23,000,000 of the hard earnings of the people of this country have been paid to syndicates in the Sandwich Islands without any compensating benefit under the guise of this so-called treaty which repealed the old treaty of 1850, projected by Daniel Webster and completed by John M. Clayton, under which every possible provision, right, and privilege were secured for our whaling fleets, our ships of commerce and of war, our trade and commerce, and for our citizens as fully and completely as if the islands had become a part of our territory. Under that treaty American influence and supremacy soon became undisputed, and the advancement of American interests and of the people of the islands in civilization was remarkable. I ask Senators to contrast articles 6 and 7 of the treaty of 1850 and its effects with the articles of the present subsidized convention or any proposed modification of it as the equivalent of the subsidy! Let us be informed not in secret but in the light of day why the treaty should be continued for one instant, a treaty that has condemned those islands to the baneful influences of coolie slavery and blasted their development as a rising commonwealth in the Pacific sea and an outpost for American institutions and civilization.

Let us if we intend to embark on the doctrine of manifest destiny, the *urbi et orbi* policy—let us proclaim it openly and boldly and buy the islands outright, but I protest against the continuance of a vulgar subsidy so large to aliens who can well afford to spend hundreds of thousands of dollars to perpetuate a bounty so extravagant while so many of our own people are plunged in distress. No questions could be more safely discussed by and before the people than these, and every consideration of national welfare should induce us to open wide the doors when treaties that tax the people and take from their hard earnings are to become the laws of the land. It was but yesterday that a debate in open session was held upon a question that more than any other has perplexed our diplomacy. I mean, of course, the fisheries; and it will be admitted that the very publicity of the debate was productive of good results. Such discussions would expose to the country the principles and considerations that control Senators on all questions concerning not only the relations of our Government to all foreign governments, but also the intercourse and transactions between citizens of our own and of foreign nations, the nature and character of all disputes and the manner and method of their settlement.

The Senate would be spared those unseemly criticisms inspired by unworthy motives, or by ignorance, that secrecy invites and renders it impossible to answer, doing injustice to patriotic Senators and bringing odium upon our institutions and country in the eyes of the world.

But it is held that when the Senate comes to consider whether it will advise and consent to nominations and appointments the doors should be closed and the most rigid secrecy observed. Now, Mr. President, there are two methods for filling offices created by the Constitution and the laws, one by election and the other by appointment, and I submit that the reasons which compel and justify the utmost publicity in the discussion of the merits and qualifications in one case should prevail in the other.

The offices belong to the people, were created for their benefit, and not for the benefit of the office-holders, nor as personal or political perquisities, nor as official patronage, nor for the Senate, but wholly to do the necessary work of the nation; and the people pay their officers for such work out of their own pockets, and they have a right to know all about their qualifications when they come to be appointed or elected. If it were once understood that entire publicity were the rule respecting all appointments the chief difficulty in the way of the thorough reformation of the public service would be removed.

In the first place, unworthy men, knowing their own unfitness or misconduct, would not desire that their names should be exposed to a running fire from the press and their fellow-citizens when presented publicly for the consideration of the Senate. How many such men now insist upon being appointed and secure recommendations who would not venture to go before the people for election, counting upon the shield of secrecy to protect themselves against the condemnation of the public.

In the second place, it would impose greater circumspection and responsibility and better methods upon the appointing power. It is utterly impossible from the nature of things that the President should know the real character of the applicants for office, and he would realize that as the recommendations and considerations that control his selection were to be laid before the Senate, not in secret but in open session, which is tantamount to laying them before the country, it would behoove him to require testimonials from the highest sources, so that a complete record should be made up for the country constituting the credentials of the appointees; and Senators and Representatives and gentlemen in private life who now carelessly give their recommendations right and left without scrutiny would be more careful when it was well understood that the measure of their responsibility was likewise to be declared to the country and not hid away in the archives of the committee-rooms.

In the third place, it would relieve the Senate from the constant discussion of attacks upon private character which secrecy holds out as a temptation to those who would gratify personal malice or revenge by striking under cover or in the dark. The "lion's mouth" at Venice when the council of ten, the famous oligarchy, ruled the city by the sea was not a more appropriate device to invite the secret denunciation of particular persons than the immunity which secret sessions of the Senate affords.

> To him had Venice ceased to be
> Her ancient civic boast, "the free,"
> And in the palace of St. Mark
> Unnamed accusers, in the dark,
> Within the "lion's mouth" had placed
> A charge against him uneffaced.

With the disappearance of secrecy would also disappear those baseless charges that cause good men hesitate to have their names brought before the Senate. Just, fair, honorable criticism which publicity would beget no American would or could complain of. Indeed, he has a right to such trial and consideration if charges be made; but a secret inquisition conducted in behalf of men whose names are withheld from the accused is repulsive to every honorable mind. The duty to investigate in secret and by secret methods the character of the person assailed and the assailants is the most humiliating and disgusting work ever committed to gentlemen. Let us open the doors of the Senate, and we shall be no longer required to pass on charges springing from such motives.

Publicity is a process of purification, while secrecy breeds suspicions of intrigues and excites odium and discontent. No doubt the effects of this change would be to deprive the Senate of the opportunity of seeking party advantage in the matter of appointments by concealing what might be to the disadvantage of the party of the majority of the Senate and adroitly expose for public censure only what in their judgment might bring reproach upon the party of the minority.

It would also undoubtedly tend to relax the grasp which the Senate itself has taken upon the public patronage as one of its prerogatives and transfer the responsibility to the appointing power, where it properly belongs.

Since the form and structure and jurisdiction of these Federal institutions have been finally settled (so far as anything can be said to be settled in government) by nearly a hundred years of experience and precedents, by the decisions of the Supreme Court of the United States and the arbitrament of civil war, the leading question before the people about which they will concern themselves will be how to promote the honesty, economy, fidelity, and efficiency of the practical administration of the Government, and the party that shall identify itself with these beneficent ends will receive and deserve to receive power at their hands. Faithful to its principles and creed I believe this to be the aspiration of the President and the true mission of the Democratic party.

It may be said, perhaps, that I exaggerate the efficacy of publicity and the civic virtues and spirit of the people; that indifference to public affairs is the characteristic of the more intelligent and well-to-do of our fellow-citizens, and that on this account the more active and ignorant will control and determine the issues of the day and the fate of our Government.

A very brilliant writer, Sir Henry S. Maine, has observed that democracy is monarchy inverted; that the modes of addressing the multitudes are the same as the modes of addressing kings; that it is a form of government under which panegyrics to the multitudes may be easily understood.

This I confess, Mr. President, though intended somewhat as a reproach, is in a great measure a just criticism. This is the people's government. And they after all are the true king, not associated wealth or corporate power, nor combination, or special organizations of any kind, but the many, embracing all classes, greater and stronger than any one, spread all over the country, governing themselves by their industrious sobriety, their intelligent comprehension, their patriotic devotion, their determination to resist and suppress all attempts at violence and lawlessness or at injustice and oppression; they constitute the source of all power, and must and will assert their intelligent supremacy, their capacity for wise administration, for genuine and faithful kingship in respect to the conduct of their government in all its departments according to its appointed constitution and forms, or else the whole scheme must prove in the end to have been a mistake, and add another to the long list of the failures of mankind at self-government.

No public interests require that any of the proceedings of the Senate should be kept secret from them. Secret sessions are as much now out of place and date as the sword John Adams wore when presiding over this body would be upon the person of our President *pro tempore*.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The resolution will retain its place on the Calendar under Rule VIII.

Mr. HOAR. I should like to ask my honorable friend from Louisiana with reference to one expression in his speech, if he understands that there is on the part of this body or of any member of it on either side of the Chamber a claim to treat the public offices of this country or any of them as the patronage of the body.

Mr. GIBSON. I do not know that I can specify any individual member of the Senate who claims that as a part of the prerogative of the body.

Mr. HOAR. That is not my question, but whether there is any such a thing existing.

Mr. GIBSON. I think the history of the Senate will show that a great

many of the leading Senators of this body have in times past regarded their wishes to the Executive as omnipotent to such an extent that when they were not complied with they felt so humiliated that some of them, not at a very remote period, have resigned their places on this floor as Senators.

Mr. HOAR. I wish to say if the Senator will permit me——

Mr. GIBSON. Certainly.

Mr. HOAR. While his statement with the qualification he makes of it in times past may have some truth in it, I do not believe that for the last ten years, since the close of the second administration of President Grant, there has been any such claim made on the part of the Senate as a body collectively or on the part of any considerable number of individual Senators; and the whole notion in my belief, so far as my experience goes, is a pure myth, a figment of the imagination, such as prevails in some parts of the country. I think every member of this body on both sides of the Chamber would concur most emphatically in rejecting any such claim for himself or for the Senate, as I am sure my friend does.

Mr. GIBSON. I trust the Senator from Massachusetts did not infer that I intended to make any attack upon him or upon any Senator as abusing his position in the Senate with respect to patronage, but I had in my mind the history of the Senate in regard to the matter of appointments. I think every Senator is aware of the fact that in times past certainly the public patronage has been considered in a large measure as the political right of the Senators from the State in which the appointments were to be made, that they were not only entitled to be consulted, but that they were entitled to control the appointments in their respective States.

Mr. HOAR. I did not ask the question of my honorable friend from Louisiana, for whom I have the greatest respect, as understanding that he had made any attack on the Senate or still less that he had made any on me, for I suppose that nobody ever imputed to me any such claim at any time in my public life.

Mr. GIBSON. Certainly not.

Mr. HOAR. But I asked the question because I thought one sentence in the Senator's remarks might be misunderstood, and might make the foundation of such a claim elsewhere.

Mr. GIBSON. Such was not my intention.

Mr. HOAR. I desire to be permitted to say as a person who is a thorough believer in what is called civil-service reform, in divorcing the appointment to executive offices, except those which are political in their nature, from politics; and, having observed this thing pretty closely for the last ten or eleven years, that I do not believe there is a vestige of that claim or practice, if it ever existed, left in the Senate to-day, or has been for years.

Mr. GIBSON. I will say, if the Senator will permit me, that in the last year there has been a rapid change in that respect.

Mr. HOAR. I do not think the change has taken place in the last year.

Mr. PLATT. I do not wish to continue this discussion at present; but I do not want to let this opportunity pass without affirming my belief that patronage has been the ruin of more men in the Senate politically than anything else.

Mr. HOAR. Of men now in the Senate, or men formerly in the Senate?

Mr. PLATT. With my limited knowledge of the history of the Senate I can cast my eye backward and see men strong in other respects who have been relegated to private life simply on account of their use of the patronage of the Government.

I wish to say one thing more, that since I have been in the Senate I have found it the general, if not the universal, custom of Senators to solicit nominations at the hands of the President, and then come here and act upon those nominations in secret session. If there be a more monstrous impropriety than that I do not know what it is.

Mr. HOAR. It is undoubtedly true that during the administration of Andrew Johnson, on account of the strife which grew up between him and the Senate and House of Representatives, in which the dominant majority in Congress supposed the very existence of the Republic itself was at stake, the Republican Senators, having a two-thirds majority, undertook to deal with the functions of government to some extent as if they had been a Continental Congress without any executive head of the Government whatever; and that in the early part of President Grant's administration there was a contest between the President and the Senate in regard to the limit of these so-called Senatorial prerogatives, in which contest President Grant to some extent yielded the position which he affirmed at the beginning of his administration. The nomination and election of President Hayes was, and was meant to be, by the Republican party a tramping out of that practice. It was effectually and thoroughly trampled out, and has not shown its head as far as I have been able to see for many years past in this body. I do not think my friend from Connecticut will affirm that any of the political ruins to which he has referred are now left in the Senate.

Mr. MORRILL. I merely desire to inquire of the Senator from Connecticut when this subject is likely to be before the Senate again. Several speeches have been made upon it, and all in favor of the proposition. I desire at the earliest opportunity to say something, when it is in order, against the proposition, very briefly, but something on the subject.

Mr. PLATT. I shall move to take up the resolution for consideration immediately after the disposition of the bankruptcy bill.

Mr. TELLER. Mr. President, I must say that I am a little surprised at the charge made by the Senator from Louisiana. I can only understand it from the fact that he has been acting until very recently with a party out of power, and undoubtedly he has supposed that the Republican members of this body were making claims of the character he mentions. I am very confident that for the last ten years, as stated by the Senator from Massachusetts, no such claim has been made by any considerable portion of this body in theory, nor has there been any such practice.

I had some little opportunity to know what the claims have been by Senators during the last administration, and I say unhesitatingly that I never heard it suggested during that time by any Republican Senator that he was entitled to control the patronage of his State. I can say beyond any fear of controversy as to the correctness of it that that was not the practice of the administration. At least I will speak for the Department over which I presided. When a vacancy occurred it was more frequently the Member from the district where the vacancy occurred who was apt to be consulted than the Senator, and if anybody controlled the patronage of the Department it was the Member and not the Senator.

Mr. HOAR. Did anybody control it?

Mr. TELLER. I would say that nobody controlled it. Suppose a land office should become vacant in the State of Kansas. It was necessary to appoint a successor. The Secretary of the Interior, whose duty it would be to present this matter to the President for his action, would have no idea who was a proper person. The practice was in such a case to go to the Member of Congress in whose district the land office was, and inquire as to the various candidates who had presented themselves for appointment. Always the files of the Department had a large number of applications of that kind. If there was any controversy about it, perhaps the Senators might have been also consulted. Nobody claimed and nobody was allowed to dictate the patronage of his State or of his district.

Of course I do not say that Senators did not come and recommend appointments, and Senators on that side of the Chamber will bear witness that in very many instances they came and were also heard, and in not a few instances their wishes were complied with, as they must remember. The Department simply endeavored to find who were competent.

There are two things to be considered when you are making appointments: First, is the man competent? Secondly, is he acceptable to the people? Recognizing the right of the people to have men not only competent, but men who were not objectionable, other qualities have been looked for beside the mere question of competency. A man might be very competent, and yet he might be very objectionable to the people of the country where he was holding office. Men have been recommended, I know, sometimes and have not been appointed, not because their qualifications were questioned, but because it was believed that for some reason there was personal or political hostility of such a character that it was not wise to make the appointment.

I wish to repeat that so far as I know neither the members of the House nor the members of the Senate during the time of which I speak made any claim to control the patronage in any branch of the public service; and if that is not the case now I do not think the change has occurred within the last year, as the Senator from Louisiana suggests, for certainly for the last five years that has been the rule. I can speak as a member of the Senate for nearly ten years, and certainly I never supposed as a member of the Senate that I was entitled to make applications and insist upon having appointments made.

In very many cases while I was a member of this body the appointments in the State which I in part represent were made contrary to my wishes. I never went to the President to complain. I never fought an appointment in my State, although some of the appointees were personally and politically obnoxious to me. If I was satisfied that they were competent, they passed through. I can say that I never made a controversy in the Senate, although many times they were not the men I should have selected. They were selected through other influences perhaps beside my own, and I had nothing to do with the matter.

I wish to repeat that that claim has been made in the public press until the people have come to believe it, and yet for many years at least it has not been true.

The PRESIDING OFFICER. The resolution will be returned to the Calendar and hold its place under the eighth rule.

OREGON LAND DISTRICT.

Mr. PLUMB. I now call for the reading of the District appropriation bill.

Mr. MITCHELL, of Oregon. I appeal to the Senator from Kansas to allow his appropriation bill to be laid aside temporarily for a moment to permit me to call up a local bill to which there will be no objection.

Mr. PLUMB. What is the bill?

Mr. MITCHELL, of Oregon. It is a bill reported from the committee of which the Senator is chairman, and it provides for the establishment of an additional land district in Oregon.

Mr. PLUMB. I shall not object, if it will lead to no debate.

Mr. MITCHELL, of Oregon. I shall not insist on proceeding with the bill if it leads to any debate whatever.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. HOAR. Having charge of the bankruptcy bill, which was laid aside informally, while I shall not object to this request, I wish to say that I have been notified by pretty high authority in the body that a general yielding to bills as they come up would be a violation of the understanding which has been had on both sides of the Chamber, and after my friend from Oregon has gotten through with his bill I shall object to any further yielding, except of course for the appropriation bills.

Mr. MITCHELL, of Oregon. I am much obliged to the Senator from Massachusetts. I ask the Senate to proceed to the consideration of the bill (S. 1999) to establish an additional land district in the State of Oregon.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 22d instant approved and signed the following acts:

An act (S. 2187) for the relief of Rebecca E. Haskin;

An act (S. 612) granting a pension to William Weightman;

An act (S. 843) granting a pension to Elisha Burki;

An act (S. 977) granting a pension to Elizabeth Barker;

An act (S. 1065) granting a pension to Emeline J. Babson;

An act (S. 1152) granting a pension to Sarah E. Bassett;

An act (S. 1438) granting a pension to Isom Wilkerson;

An act (S. 2134) granting a pension to Patrick A. Callanan; and

An act (S. 2188) granting a pension to Ann Smith.

The message also announced that the President had this day approved and signed the act (S. 2185) for the relief of George Titus.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I now ask that the District appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The Chair understands it to be the order of the Senate that the bill shall be read by paragraphs as in Committee of the Whole for amendment. The reading of the bill will be proceeded with.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the clause making appropriations "for salaries and contingent expenses for executive office," in line 16, after the word "clerk," to strike out "and assistant secretary;" so as to read:

One clerk, $1,500.

The amendment was agreed to.

The next amendment was, in the same clause, line 18, after the word "dollars," to strike out "one clerk, $1,200," and insert "two clerks, at $1,200 each; one stenographer, $1,200."

The amendment was agreed to.

The next amendment was, in the same clause, line 24, after the word "stationery," to strike out "livery;" so as to read:

For contingent expenses, including printing, books, stationery, horseshoeing, and other necessary items, $2,500.

The amendment was agreed to.

The next amendment was, in the same clause, line 25, to increase the total amount of the appropriation "for salaries and contingent expenses for executive office" from $21,244 to $23,644.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for salaries and contingent expenses for assessor's office," in line 31, before the word "clerks," to strike out "two" and insert "three;" and in line 37, after the words "in all," to strike out "fourteen" and insert "fifteen;" so as to make the clause read:

For assessor's office: For one assessor, $3,000; two assistant assessors, at $1,600 each; one clerk, $1,200; three clerks, at $1,000 each; one license clerk, $1,200; one inspector of licenses, $1,200; one assistant or clerk, $900; one clerk and messenger, $900; for contingent expenses, including printing, books, stationery, detection of frauds on the revenue, and other necessary items, $1,000; in all, $15,600.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for salaries and contingent expenses for collector's office," in line 40, after the word "cashier," to insert:

Who shall in the absence or inability from any cause of the collector perform his duties without additional compensation.

So as to read:

For collector's office: For one collector, $4,000; one cashier, who shall in the absence or inability from any cause of the collector perform his duties without additional compensation, $1,800.

The amendment was agreed to.

The next amendment was, in the same clause, line 50, after the word "arrears," to strike out "eight hundred" and insert "two thousand;" so as to read:

For services necessary for preparing an exhibit of all outstanding taxes in arrears, $2,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 51, to increase the total amount of the appropriation "for salaries and contingent expenses for collector's office" from $18,000 to $19,200.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for salaries and contingent expenses for auditor's office," in line 54, before the word "absence," to strike out "necessary;" so as to read:

For auditor's office: For one auditor, $3,000; one chief clerk, who shall, in the absence or inability from any cause of the auditor, perform his duties, without additional compensation, $1,800, &c.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for salaries and contingent expenses for attorney's office," in line 67, to increase the appropriation for salary of "one special assistant attorney" from $960 to $1,200.

The amendment was agreed to.

The next amendment was, in the same clause, in line 68, to increase the appropriation for salary of "one law clerk" from $960 to $1,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 70, to increase the appropriation for salary of "one messenger" from $192 to $240.

The amendment was agreed to.

The next amendment was, in the same clause, line 73, to increase from $300 to $500 the appropriation "for contingent expenses, including books, stationery, printing, and other necessary items."

The amendment was agreed to.

The next amendment was, in the same clause, line 73, to increase the total amount of the appropriation for "salaries and contingent expenses for attorney's office" from $8,512 to $9,040.

The amendment was agreed to.

The next amendment was, in line 80, after the word "miscellaneous," to insert "items;" in the same line, before the word "hundred," to strike out "five" and insert "three;" and in line 81, after the word "thousand," to strike out "nine" and insert "seven;" so as to make the clause read:

For sinking-fund office, under control of the Treasurer of the United States: For one clerk at $1,500; one clerk at $900; for contingent expenses, including books, stationery, printing, and miscellaneous items, $300; in all, $2,700.

The amendment was agreed to.

The next amendment was, in line 85, after the word "inquests," to strike out "five" and insert "seven;" and in line 86, after the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

For coroner's office: For one coroner, $1,800; for contingent expenses, including jurors' fees, stationery, books, blanks, removal of deceased persons, making autopsies, and holding inquests, $700; in all, $2,500.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for salaries and contingent expenses for engineer's office," in line 112, before the words "market-masters," to strike out "three" and insert "two;" so as to read:

Two market-masters, at $1,200 each.

Mr. MILLER. I trust the amendment will not be agreed to. I see that all the old officers and inspectors of the District government have been retained, and certainly there is no greater necessity for any of the others than there is for the retention of the market-masters.

Mr. INGALLS. There are three principal markets in the city; the one on B street, what is known as the Northern Liberties, and the Center or Washington Market, between Seventh and Ninth, on the south side of the Avenue. Of course I am not aware of the information that was in the possession of the Committee on Appropriations, and should hesitate to make any suggestion in opposition to their recommendation; but if the Senator having charge of the bill would be willing to permit the number of market-masters to correspond with the number of markets which are maintained, until such time as legislation may be had, perhaps changing or consolidating them, I am inclined to think that the interests of justice might be promoted. I make that suggestion not in the nature of a motion to disagree, but rather in the hope that my colleague may see his way clear to waive the amendment for the present and allow the bill to pass without it.

Mr. PLUMB. The committee was advised somewhat late in its sittings that this office probably was not necessary, but in view of the sug-

gestion which my colleague makes in regard to it, and on account of his familiarity with the affairs of the District, I have no objection to allowing the clause to remain as it came from the other House and to have the amendment disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 115, to add to the provision for "one harbor-master at $1,200" the following proviso:

Provided, That the fees collected by said harbor-master shall be paid to the collector, for payment into the Treasury, to the credit of the United States and the District of Columbia in equal parts.

The amendment was agreed to.

The next amendment was, in the same clause, line 119, before the word "rodmen," to strike out "three" and insert "four;" so as to read:

Four rodmen, at $780 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 120, before the word "axmen," to strike out "three" and insert "four;" so as to read:

Four axmen, at $650 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 134, to increase the total amount of the appropriation "for salaries and contingent expenses for engineer's office" from $65,690 to $65,920.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Kansas to the necessity of a change in the total.

Mr. PLUMB. I will ask that that amendment stand over, because the total will have to be readjusted to correspond with the enactment of the Senate a moment ago.

The PRESIDING OFFICER. It will have to be increased $1,200, the Chair will observe.

Mr. PLUMB. It may be added just as well now. Sixty-seven thousand one hundred and twenty dollars would be the amount.

The PRESIDING OFFICER. The amendment as modified will be agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 144, after the word "insurance," to insert "rebinding and repairing record-books;" so as to make the clause read:

For fuel, ice, gas, repairs, insurance, rebinding and repairing record-books, and general necessary expenses of District offices and markets, $5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "improvements and repairs," in line 149 to increase the item "for repairs to concrete pavements, with the same or other not inferior material," from $55,000 to $75,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 151, to increase the appropriation "for materials for permit work" from $50,000 to $70,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 151, after the word "and," to strike out "hereafter;" and in line 152, after the word "authorized," to insert "in their discretion;" so as to read:

And the commissioners of the District are authorized, in their discretion, to apply such material to, and pay from this appropriation, the cost of labor for the improvement and repair of alleys and sidewalks when, in their opinion, such course is necessary for the public health, safety, or comfort.

The amendment was agreed to.

The next amendment, was in the same clause, line 157, before the word "labor," to insert "such;" and in line 160, after the word "taxes," to insert "and shall, when so collected, be credited to said appropriation; so as to read:"

Provided, That the costs of such labor shall be charged against and become a lien on the abutting property, and its collection shall be enforced in the same manner as the collection of general taxes, and shall, when so collected, be credited to said appropriation.

The amendment was agreed to.

The next amendment was, in the same clause, line 168, to increase from $256,000 to $276,000 the appropriation "for work on sundry avenues and streets and replacement of pavements in localities named in Appendix Ff, annexed to the estimates of the commissioners of the District for 1887."

The amendment was agreed to.

The next amendment was, in the same clause, line 169, to increase the total amount of the appropriation "for improvements and repairs" from $410,000 to $470,000.

The amendment was agreed to.

The next amendment was, in the same clause, after "$47,000," in line 169, to insert:

And the money appropriated for new sewers and for work on sundry avenues and streets shall become available on the approval of this act.

The amendment was agreed to.

The next amendment was, in the same clause, line 172, after the word "that," to insert "under this appropriation;" so as to make the proviso read:

Provided, also, That under this appropriation no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2 per square yard for a quality equal to the best heretofore laid in the District.

The amendment was agreed to.

The next amendment was, in the appropriations for "constructing, repairing, and maintaining bridges, in line 177, after the word "care," to insert "under the supervision and control of the commissioners of the District;" in line 182, after the words "control of," to strike out "the" and insert "said;" in line 183, after the word "commissioners," to strike out "of the District of Columbia" and insert "including Benning's and Anacostia bridges;" in line 184, before the word "thousand," to strike out "five" and insert "ten;" and in line 185, after the words "in all," to strike out "seven" and insert "twelve;" so as to make the clause read:

CONSTRUCTING, REPAIRING, AND MAINTAINING BRIDGES.

For ordinary care, under the supervision and control of the commissioners of the District, of Benning's, Anacostia, and Chain bridges, including fuel, oil, lamps, and matches, $2,000; for one bridge-keeper at Chain Bridge, $660; and for repairing and maintaining bridges under the control of said commissioners, including Benning's and Anacostia bridges, $10,000; in all $12,660.

The amendment was agreed to.

The next amendment was, in the appropriations "for reformatories and prisons," in line 199, before the word "watchmen," to strike out "five" and insert "six;" so as to read:

Six watchmen, at $365 each.

The amendment was agreed to.

The next amendment was, in the same clause, in line 204, to increase the appropriation for salary of "one female keeper at work-house" from $180 to $240.

The amendment was agreed to.

The next amendment was, in the same clause, line 208, to reduce the appropriation for salary of "one teacher" from $300 to $240.

The amendment was agreed to.

The next amendment was, in the same clause, line 213, to increase from $39,000 to $40,000 the appropriation "for contingent expenses, including improvements and repairs, provisions, fuel, forage, lumber, shoes, clothing, dry-goods, hardware, medicines, repairs to tools and machinery, and other necessary articles.

The amendment was agreed to.

The next amendment was, in the same clause, line 215, after the word "dollars," to insert:

Purchase of dummy engine for tramway, $2,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 216, to increase the total amount of the appropriation "for reformatories and prisons" from $55,385 to $58,747.

The amendment was agreed to.

The next amendment was, in the appropriations "for Reform School," in line 226, to increase the item "for salary of engineer" from $336 to $396.

The amendment was agreed to.

The next amendment was, in line 233, to increase the total amount of the appropriation "for salaries of superintendent and employés of Reform School" from $11,556 to $11,616.

The amendment was agreed to.

The next amendment was, in line 241, after the word "exceeding," to strike out "six" and insert "nine;" in line 242, after the word "services," to insert "all in the discretion of the commissioners," and in line 243, after the word "thousand," to insert "three hundred;" so as to make the clause read:

For support of inmates, including groceries, flour, meats, dry-goods, leather and shoes, gas, fuel, hardware, table-ware, furniture, farm implements and seeds, harness and repairs to same, fertilizers, books, stationery, plumbing, painting and glazing, medicines, medical attendance, stock, fencing, and other necessary items, including compensation, not exceeding $900, for additional labor or services, all in the discretion of the commissioners, $25,300.

The amendment was agreed to.

The next amendment was, in the appropriations "for the Industrial Home School," in line 249, before the word "Home," to strike out "School" and to insert the word "School" after "Home;" and in line 252, after the word "expenses," to insert "all in the discretion of the commissioners;" so as to make the clause read:

For the Industrial Home School: For maintenance of inmates and salaries of superintendent and employés, the promotion of industries, and general repairs, and other necessary expenses, all in the discretion of the commissioners, $10,000.

The amendment was agreed to.

The next amendment was, after line 253, to insert:

For the erection of a new building for the Industrial Home School, $3,500.

The amendment was agreed to.

The next amendment was, after the line 255, to insert:

For steam-heating apparatus, $1,000.

The amendment was agreed to.

The next amendment was, in line 262, to reduce from $75,132 to

$70,000 the appropriation for support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided in sections 4844 and 4850 of the Revised Statutes."

The amendment was agreed to.

The next amendment was, in the appropriations "for charities," in line 273, after the word "building," to insert "and improving grounds;" in line 274, after the word "thousand," to insert "five hundred;" and after the words "in all," at the end of line 274, to strike out "eight thousand five hundred" and insert "nine thousand;" so as to make the clause read:

For the National Association for Destitute Colored Women and Children, $6,500; for furniture and heating apparatus for building and improving grounds, $2,500; in all, $9,000.

The amendment was agreed to.

The next amendment was, in line 277, to reduce the appropriation "for Saint Ann's Infant Asylum" from $7,000 to $5,000.

The amendment was agreed to.

The next amendment was, after line 280, to insert:

To enable the trustees of the Washington Hospital for Foundlings to complete the building being erected for the use of said institution, $3,500.

The amendment was agreed to.

The next amendment was, after line 284, to insert:

To aid in the erection of additional accommodations for the use of the Saint Rose Industrial School, $5,000.

The amendment was agreed to.

The next amendment was, after line 287, to insert:

To aid in the erection of additional accommodations for the use of the House of the Good Shepherd, $5,000.

The amendment was agreed to.

The next amendment was, after line 290, to insert:

To enable the board of managers of the Association for Works of Mercy to discharge so much of the indebtedness of said association incurred in the purchase of a building, $5,000.

The amendment was agreed to.

The next amendment was, after line 294, to insert:

For the repair and completion of the building for the National Homeopathic Hospital Association of Washington, D. C., $5,000.

The amendment was agreed to.

The next amendment was, in line 303, to increase the appropriation for "current work on county roads and suburban streets" from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was, in line 303, after the word "dollars," to insert:

For opening and extending suburban streets in connection with existing streets within municipal limits, $40,000.

Mr. LOGAN. That seems to be put in the bill as an amendment. I should like to know of the Senator having charge of the bill what the intention of it is.

Mr. PLUMB. The object I think is to be fairly implied from the language, that it is designed to extend the streets within the city limits to the country beyond and open up suburban streets as they are extended.

Mr. LOGAN. I supposed that was the intention of it.

Mr. PLUMB. It is work which has been going on more or less for some time in the neighborhood of the place where I think the Senator now resides for the purpose of indicating where the streets are to be extended and improved as they shall be surveyed, and so on.

Mr. LOGAN. There have been several surveys made, and there is one certainly that I think the Senator would not desire to carry out at the expense of the people and the destruction of property that is considered very valuable. They have surveyed right through people's yards for the benefit of the city, with the result of destroying quite a number of people's property, as has been done in this city once before. I object to this amendment, for I think the intention of it is, as the Senator has said, to widen some of the streets. A bill of that kind has been introduced. Now, the subject seems to have got into the appropriation bill. Take the street where I live, Thirteenth street; if you widen that street as desired it will utterly ruin it.

Mr. PLUMB. This gives no authority to go on anybody's property. This can only be done in the event that the property-owners themselves agree to it.

Mr. LOGAN. I have seen that thing done heretofore without their agreeing to it. I desire to amend this, after the words "municipal limits," in line 305, by inserting:

But this shall not be understood to authorize the widening of any street now laid out and opened.

If the intention is to do no property any harm that amendment will not hurt it.

Mr. PLUMB. What is that?

Mr. LOGAN. It is to insert:

Provided, That this shall not be construed to authorize the widening of any street that is now opened.

Mr. PLUMB. I do not object to that. As the committee think, and as the commissioners themselves think, wherever the property-owners are willing to give the property for the purpose of having the streets which then or will in time connect with the streets in the municipal limits laid out, that property may be donated and the District then may make such improvements as will either establish the grade or at least indicate the grade and also the boundaries, in order that two things may be accomplished: first, that persons who desire to improve may know where to build, and, next, that the District itself may be in the position of obtaining this property for the purpose of the extension of the streets without having them clogged, broken up, and obstructed by buildings directly on the extension of the streets.

Mr. LOGAN. I have no objection to that part of it, but what will be the effect of this provision? I may as well state it now because it will come up again. I reside on the property that I purchased last fall, but unfortunately have not paid for yet; and there the engineers have made out now a survey that would take the whole frontage of my property and come within eight or ten feet of the house where I live and utterly destroy it, and open another street in the rear of it, taking off part of the rear. That is the plat, for I have examined it. It would be utterly destructive not only of what property I have, but of other people's property. This amendment will make it so that there will be no danger of anything of that kind. Then the clause would read:

For opening and extending suburban streets in connection with existing streets within municipal limits, $40,000; but this shall not be construed to authorize the widening of any street now laid out and opened.

If that amendment is put in I have no objection to the amendment of the committee.

Mr. PLUMB. I have no objection to that. I quite agree with the Senator about the plat, if he refers to the one I do. The plan of laying out the whole District into rectangles is not one that I would approve if I lived in the District. There is no authority for that. The only design of this is that the work of opening streets the property for which shall be given by the property-holders may be going on in order that the present extension of the city may not be interrupted.

Mr. LOGAN. I have no doubt that is the intention of the committee, but the precaution I want to make is on account of what might be done.

Mr. PLUMB. I make no objection to the modification.

Mr. INGALLS. Would not the object of the Senator from Illinois be better subserved by striking out the words "in connection with existing streets" from the committee's amendment so as to leave it simply "for opening and extending suburban streets within municipal limits $40,000," leaving the question of the continuation of the existing street plan a matter for further consideration?

Mr. PLUMB. Would not those two words "suburban" and "municipal" be inconsistent?

Mr. INGALLS. "Municipal" refers to the District. That includes the limits of the District of Columbia.

As a matter of fact the population of this District has increased so rapidly that it has begun to overflow the corporate limits of the city of Washington; it has reached the Boundary, and is locating itself in various suburban additions to the city on the heights beyond; and the owners of that property, instead of accommodating and adjusting their additions to the existing plan of the city of Washington, have laid out their streets without any reference whatever to that, and the result is a bewildering network of streets of irregular width and uncertain direction; and if the population continues to increase at its present percentage, within a very short time outside the corporate limits a condition of affairs will exist that will be exceedingly embarrassing and will be entirely incompatible with the development of this District upon any symmetrical plan.

Mr. HAWLEY. Let me ask if, when the Senator speaks of "the boundary" he means the boundary of the city?

Mr. INGALLS. What we call Boundary road, that runs up Rock Creek in the west and then continues to the foot of the ridge running eastward, passing the head of Fourteenth street, the car stables, and down by Le Droit Park, and so on toward the Eastern Branch.

Mr. HAWLEY. That is not the boundary of the District.

Mr. INGALLS. No; that is the boundary of the city of Washington, Boundary street.

Mr. HAWLEY. Then the land to which the Senator refers, the additions, will be within the control of Congress.

Mr. INGALLS. Entirely within the jurisdiction of Congress, because it is within the limits of the District of Columbia.

Mr. HAWLEY. Has the committee taken into consideration directing the continuance of surveys and laying out symmetrical plans?

Mr. INGALLS. It is only within a very few years that has been a matter of the slightest practical consequence, because there has been abundant room within the corporate limits of the city for all the population that desired residence property. But now, if the Senator is familiar with the extension of population which has been rapidly toward the northwest and northward, it first began to ascend the heights beyond the Boundary road, and we have the Mount Pleasant addition and others whose names I do not know, and those suburban additions to the city of Washington have been laid out with entire disregard of the street plans of the city.

Mr. HAWLEY. My object in inquiring was that I might make an-

other suggestion. I say to the Senator as representing the Committee on the District of Columbia that I think he would be supported in any immediate measure for preventing that sort of irregular and disagreeable extension.

Mr. INGALLS. The Committee on the District of Columbia have reported, and there is already on the Calendar, a bill providing for an official map of the District that shall provide for the extension of the present avenue and street system to the territorial limits of the District, and that no subdivisions on suburban plots shall hereafter be filed and entitled to the advantages of registration unless they adapt themselves to that map. There is also another plan that has been submitted by property-holders very largely, providing that the Government and the District of Columbia shall provide for an immediate extension of these streets and avenues through the suburban property out to the District boundary by condemnation, the expenses to be paid for out of the Treasury and out of the District funds. My impression is that that would hardly be advisable, and that the amount which would be required would be so great as to be beyond the capacity of the people to pay and perhaps beyond the advantages that would result from it.

I have an idea that the development of the street system of the District ought to be controlled very largely by the topography of the land over which the roads run, and that the attempt to lay out this whole District beyond the boundary of Washington in a rectangular plan would perhaps be unadvisable; but that there should be some method provided by which additions to the city should be laid out to correspond with the existing streets and avenues of the city I am quite clear. I suppose, however, that the intention of the Committee on Appropriations was not to legislate on that subject in this amendment. I therefore suggest that the amendment be amended by omitting the words I have named, leaving this money to be appropriated in the improvement and development of suburban streets.

Mr. LOGAN. I do not object to the amendment of the Senator from Kansas [Mr. INGALLS], provided the amendment I propose shall be added also.

Mr. INGALLS. Let us hear that read.

Mr. LOGAN. My amendment is—

Provided, That this section shall not be construed to authorize the widening of any street now laid out and opened.

Mr. INGALLS. I have no objection to that. I do not suppose there is any existing power, without legislation, for the commissioners to proceed to condemn property for streets and avenues and widening existing streets. It requires legislation. I think the apprehensions of the Senator from Illinois are unfounded, but of course I see no objection to the amendment he proposes.

Mr. LOGAN. My apprehensions may be unfounded; but when I see bills introduced in the Senate and in the House by Senators and Representatives who certainly have interests in property here, that utterly destroy the property of others and benefit their own, I have apprehensions.

Mr. INGALLS. The Senator will see that if he has apprehensions based on actions such as he suggests this amendment will not interfere with that.

Mr. LOGAN. I know it will not, but that has not come up yet.

Mr. INGALLS. So I would suggest to the Senator that rather than load this bill with an amendment that does not concern it, it would be better to leave that until the subject to which he refers comes up, because I am very sure that under existing law there is no power in the commissioners to condemn property for widening streets or opening additional streets in the suburbs in accordance with the existing street plan or otherwise.

Mr. LOGAN. I understand that there is no law now, but this will not hurt the bill. It does not encumber it; it does not appropriate any money; it just prohibits them from destroying people's property. That is all, and that is what I desire to have in it.

Mr. PLUMB. I have no objection to it.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois [Mr. LOGAN] to the amendment of the Committee on Appropriations. The amendment to the amendment will be read.

The CHIEF CLERK. In line 305, after the word "dollars," it is proposed to insert:

Provided, That this paragraph shall not be construed to authorize the widening of any street now laid out and opened.

The amendment to the amendment was agreed to.

Mr. INGALLS. Now I suggest that the words "in connection with existing streets" ought to be stricken out; otherwise it would be an unfair inference that no portion of this money could be spent on any street that did not connect with existing streets in the city. I suppose the design is to allow the money to be expended generally, at the discretion of the commissioners, on suburban streets, whether they connect with existing streets or not.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the committee. The amendment to the amendment will be read.

The CHIEF CLERK. In line 304, after the words "suburban streets," it is proposed to strike out "in connection with existing streets."

Mr. PLUMB. Strike out the words "within municipal limits" also.

Mr. INGALLS. The words "municipal limits" apply to the limits of the District of Columbia and not to the limits of the city of Washington; but it will make no difference if they go out.

Mr. PLUMB. Let those words go out, for they seem to imply a contradiction to the word "suburban." Of course there is no authority beyond the limits of the District anyhow.

The PRESIDING OFFICER. The proposed amendment will be stated as now modified.

The CHIEF CLERK. In line 304, after the words "suburban streets," it is proposed to strike out "in connection with existing streets within municipal limits;" so as to read:

For opening and extending suburban streets, $40,000: *Provided*, That this paragraph shall not be construed to authorize the widening of any street now laid out and opened.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 307, to increase the total appropriation for streets, &c., from $151,000 to $201,000.

The amendment was agreed to.

The next amendment was, in line 317, to reduce the appropriation for illuminating material and lighting, extinguishing, repairing, and cleaning lamps on avenues, streets, and alleys, and for purchasing and erecting new lamp-posts, and to replace such as are old, damaged, and unfit for use, from $107,000 to $100,000.

The amendment was agreed to.

The next amendment was, in line 318, before the word "dollars," to strike out "twenty-two" and insert "twenty;" so as to read:

Provided, That no more than $20 per annum for each street-lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning under any expenditure provided for in this act.

The amendment was agreed to.

The next amendment was, in line 326, before the word "thousand," to strike out "five" and insert "not exceeding ten;" so as to read:

But not exceeding $10,000 of the above amount may be used in providing electric lights on one or more of the principal thoroughfares of the city without regard to this limitation.

The amendment was agreed to.

The next amendment was, in line 348, in the appropriations "for Metropolitan police," before the word "privates," to strike out "five" and insert "ten;" so as to read:

One hundred and ten privates, class 1, at $900 each.

The amendment was agreed to.

The next amendment was, in line 361, to increase the appropriation for the pay of "two drivers of patrol-wagons" from $300 each to $360 each.

The amendment was agreed to.

The next amendment was, in line 372, to increase the appropriation for "miscellaneous and contingent expenses for Metropolitan police" from $10,000 to $11,000.

The amendment was agreed to.

The next amendment was, in line 373, after the word "yards," to insert "concreting and;" in line 375, after the word "stations," to insert "and completing ventilators for dormitories and for fencing at seventh precinct station;" and in line 376, before the word "thousand," to strike out "five" and insert "six;" so as to make the clause read:

Erection of brick stables, concreting the yards, concreting and paving cellars, setting stone steps at sixth and seventh precinct stations, and completing ventilators for dormitories and for fencing at seventh precinct station, $6,000.

The amendment was agreed to.

The next amendment was, in line 377, to strike out "singal" and insert "signal," and in line 380 to increase the total appropriations, under the head of "Metropolitan police," from $344,160 to $350,780.

The amendment was agreed to.

The next amendment was, in line 385, after the word "one," to strike out "secretary" and insert "clerk;" and in line 386, after the word "assistant," to insert the word "chief;" so as to read:

For the fire department: For one chief engineer, $1,800; one fire-marshal, $1,000; one clerk, $900; two foremen, acting as assistant chief engineers, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 389, to increase the pay of seven firemen from $800 each to $870 each.

The amendment was agreed to.

The next amendment was, in line 390, to increase the pay of two tillermen from $800 each to $870 each.

The amendment was agreed to.

The next amendment was, in line 391, to increase the pay of nine hostlers from $800 each to $870 each.

The amendment was agreed to.

The next amendment was, in line 394, to increase the pay of "one veterinary surgeon for fire and other departments of the District government" from $300 to $400.

The amendment was agreed to.

The next amendment was, in line 395, to increase the appropriation for "repairs to engine-houses" from $2,000 to $3,500.

The amendment was agreed to.

The next amendment was, in line 404, after the word "dollars," to insert:

One pumping-engine, $1,200.

The amendment was agreed to.

The next amendment was, in line 406, to increase the total appropriations for the fire department from $114,600 to $118,660.

The amendment was agreed to.

Mr. PLUMB. Before passing from this item in regard to the fire department, I wish to say that the committee were pressed very strongly to provide for a very large increase in the salaries paid to the force. On investigation the committee came to the conclusion that the fire department here is very well served and in every respect what it ought to be, but it was found impossible to give all the increases asked for. So the committee took up merely the pay of petty officers. On two occasions heretofore within the last two years the pay of the privates has been increased. While it is not yet as large as in some of the larger cities, it is the same as in Philadelphia and in Baltimore. It was thought advisable, in view of the fact that the pay of privates has been increased on two occasions heretofore, so as to make the salary the same as that of the petty officers, that the salary of these petty officers should be increased. That was the only feature of increase the committee entered upon for the reason which I have stated.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for "telegraph and telephone service," in line 412, before the word "repair-men," to strike out "two" and insert "three;" in line 413, after the word "each," to strike out "two laborers, at $400 each," and insert "one laborer, at $400;" so as to read:

Telegraph and telephone service: For one general superintendent, $1,600; one electrician, at $1,200; two telegraph operators, at $1,000 each; three telephone operators, at $600 each; three repair-men, at $720 each; one laborer, at $400.

The amendment was agreed to.

The next amendment was, in the same clause, line 421, after the words "extra labor," to insert "new boxes;" and in line 422, after the word "items," to strike out "$6,500" and insert "7,000;" so as to read:

General supplies, repairs, new batteries and battery supplies, telephone rental, wire, extension of the telegraph and telephone service, repair of lines, purchase of poles, insulators, brackets, pins, hardware, cross-arms, gas, fuel, ice, record-books, stationery, printing, office-rent, purchase of horse and harness, washing, blacksmithing, forage, extra labor, new boxes, and other necessary items, $7,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 423, to increase the total amount of the appropriations for "salaries and contingent expenses for telegraph and telephone service" from $15,340 to $16,160.

The amendment was agreed to.

The next amendment was, after line 424, to insert:

For the purpose of laying under ground the wires of the telegraph and telephone service, $7,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "courts," in line 433, after the word "dollars," to insert:

United States marshal's fees, $1,400.

The amendment was agreed to.

The next amendment was, in the same clause, line 440, to increase the total amount of the appropriations for courts from $14,818 to $16,218.

The amendment was agreed to.

The next amendment was, in the appropriations for "public schools," in line 447, to increase from $561,650 to $595,750 the appropriation for salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and other necessary items.

The amendment was agreed to.

The next amendment was, in line 457, after the word "teachers," to strike out "not to exceed six hundred and twenty in number;" and in line 461, before the word "thousand," to strike out "fifteen" and insert "eighteen;" so as to make the clause read:

For teachers, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed $670, $418,400.

The amendment was agreed to.

The next amendment was, in line 463, before the word "teachers," to strike out "ten;" in the same line, after the word schools, to strike out "at not exceeding $50 per month for four months;" and in line 464, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For teachers of night schools, $2,500.

The amendment was agreed to.

The next amendment was, in line 469, after the word "Franklin," to strike out the word "building" and insert "and Stevens buildings, at;" in line 470, after the word "dollars," to insert "each;" in line 472, after the word "Analostan," to insert "Curtis;" in line 473, after "Lincoln," to insert "and;" in the same line, after "Miner," to strike out "and Stevens;" in line 476, after the word "each," to strike out "of the Curtis building, $600;" in line 479, before the word "messenger," to insert "janitor and;" in line 481, before the word "messenger," to insert "janitor and;" and in line 486, before the word "hundred," to strike out "three" and insert "nine;" so as to make the clause read:

For janitors and care of the several school buildings: For care of the high-school building, $1,600; of the Jefferson building, $1,400; of the Franklin and Stevens buildings, at $1,100 each; of the Force, Seaton, Henry, Webster, Gales, Peabody, Wallach, Garnett, Sumner, Analostan, Curtis, and Dennison buildings, at $900 each; of the Lincoln and Miner buildings, at $800 each; of the Twining, Abbot, John F. Cook, and Randall buildings, at $700 each; of the Cranch, Amidon, Morse, Brent, Bannaker, Blair, Wormley, Addison, and two new buildings, $500 each; for janitor and messenger to the superintendent of the first six divisions, $300; for janitor and messenger to the superintendent of the seventh and eighth divisions, $200; for care of smaller buildings and rented rooms, at a rate not to exceed $48 per annum for the care of each school-room, $6,000; in all, $31,900.

The amendment was agreed to.

The next amendment was, in line 489, after the word "grounds," to strike out "twenty" and insert "twenty-five;" in line 491, after the word "insurance," to insert "tools and materials for industrial instruction;" and in line 493, after the words "in all," to strike out "sixty-six" and insert "seventy-one;" so as to make the clause read:

For rent of school buildings, $6,000; for fuel, $20,000; repairs and improvements to school buildings and grounds, $25,000; and for contingent expenses, including furniture, books, stationery, printing, insurance, tools, and materials for industrial instruction, and other necessary items, $20,000; in all, $71,000.

The amendment was agreed to.

The next amendment was, in line 497, after the word "buildings," to strike out "forty" and insert "sixty-five;" so as to read:

For buildings for schools: For the purchase of sites, and the erection and completion of new buildings, and for furniture for new school buildings, $65,000.

Mr. HAWLEY. I intended to propose an amendment to increase that appropriation still further. I am not sure that I can do it under the circumstances, but I wish to put on record here, not alone for the benefit of the Senate but as in some measure an appeal to the commissioners of this District themselves, that they shall pay more serious attention to this particular subject.

I see in the preceding paragraph that $6,000 is appropriated for the rent of school buildings, the principal of which you may call $125,000 or $150,000. I submit that that money ought to be expended for an extension of the schools of the District rather than to continue to pay rent. I perceive that the appropriation for the improvement of streets and avenues is $470,000. I make no objection; I presume that is necessary; but I do not believe that all of it is quite as necessary as money for schools for the children of the District.

It must be remembered that we have on the statute-book an act of Congress passed as long ago as June 25, 1864, making school attendance in the District compulsory. That act fines each parent or guardian who fails to send his child to school twelve weeks in the year $20 for each offense; yet there are now, I am assured by a responsible citizen of the District, thirteen thousand more children of school age in this District of Columbia than there are school seats in the District; and the District, it must be remembered, can not build a school-house except by permission of Congress; it can do nothing whatever.

I could make a very disagreeable record here if I were to read the facts concerning one section of the city alone. In the third school division one school is kept in an old stable with five or six other stables immediately adjoining, low and narrow, ill-ventilated, and ill-lighted rooms, with stairways up which two children can not go side by side. Another is kept over a tin and paint shop. The teachers complain of the noise made by the tin shop, and the parents complain of the smell caused by the paint below. Another of the schools is kept in an old engine-house.

These three are in absolutely unfit places. There are twenty-seven schools in this division called half-day schools. Children that go in the forenoon must gather up all their books, strap them, and carry them home for other children, strangers, to come and occupy the desks in the afternoon, or they will not be at all sure that they will see their books again. There are twenty-seven schools of that description.

I do not say whose fault it is, but it ought not to be allowed to continue.

The appropriations for school purposes in the District have not kept pace with the acknowledged and obvious rapid increase of population. I have a table of the appropriations: in 1881, $100,000; in 1882, $174,630; in 1883, $100,068; in 1884, 90,000; in 1885, $69,000—continually decreasing; in 1886, $60,000; and by this bill as it passed the House $40,000 only for 1887 against $470,000 for new streets for the benefit of property purchasers in the suburbs! It is a very bad record, Mr. President.

I am sorry that an effort was not made earlier in this matter, so that the appropriation for this coming year might be something reasonable. I thank the committee for making it $65,000, but it might be not only $65,000 but $165,000 or $200,000, for $200,000 expended for additional houses would not accommodate the number of children that will desire to go to school eighteen months from this time in this District.

I have conversed with the member of the Committee on Appropriations who conducts this bill. The committee, I am glad to say, strike

out "forty" and insert "sixty-five," so that the total appropriation may be $65,000. This eastern division which is so badly off, having so many half-day schools and three in stables and engine-houses, says it ought to have two twelve-room buildings. They have a way of calculating here that I am not familiar with, but a school here is called sixty-five children. The people of the third division or East Washington want two buildings with eight school-rooms each and two with twelve. They are very modest. That would not put all the children in schools; that would not dispense with the half-day schools; that would not dispense with the stables and engine-houses; but they modestly say they would be content with that. I supposed that the bill gave them only one addition of an eight-room school building. But I understand from the member of the committee in charge of the bill—and I say this for the satisfaction of the people of that section—that the commissioners propose to use about $50,000 of the $65,000 in the third division; and a commissioner told me that they also desire liberty to sell certain play-grounds which are in excess of the quantity needed, and they will then do something at hiring better buildings and making a change in the buildings hired; but I beg the gentlemen who have these matters more especially under their charge to bring us a more liberal bill next year.

Mr. PLUMB. Mr. President, the amount provided in this bill is $20,000 in excess of the estimate and $25,000 in excess of the amount proposed to be appropriated by the other House for school buildings. The total amount appropriated for school purposes by this bill is $40,000 greater than last year and some $60,000 greater than the estimates for the present year.

So far as any action by the Committee on Appropriations is concerned either in the present year or in the years heretofore in which I have had to do with the bill, I can say that they have never failed to do all that was asked of them, and at the same time I think they have pretty generally done about what they thought ought to be done, not in the line, perhaps, of overrunning the estimates very largely, but fairly keeping pace with what the demands of the District seemed to require.

I do not take so much offense at the schooling in a stable as my friend from Connecticut does, because in the time when I went to school such a stable as these children are schooled in would have been a first-class school-house; and I remember about a somewhat celebrated personage having been born in a stable. So the word stable does not have any terror for me.

It has been a part of the policy of the District, and I think on the whole wisely, not to enlarge the school facilities in advance of the actual increase of school children; at the same time by degrees in such a way as to be able always to insure having the best possible buildings, that is to say, to avail themselves of all modern ideas in regard to school buildings.

In 1884 the amount appropriated was $90,000 for school buildings; in 1883 the amount was $100,000; in 1885 it was $69,500; and for the current year it was $60,000. This year it is proposed to make it $65,000. The committee heard with pleasure a very prominent citizen of the District who spoke of the needs of the sections of the city of which the Senator from Connecticut has especially spoken, and a certain amount which, by the concurrent testimony of that gentleman, who acted in a representative capacity, and the commissioners themselves agree was ample for the purpose which was in view, and we think that the appropriation in the bill will put things in a pretty fair shape in that district, and in another year at the outside there will be no possible occasion for any schools over tin-shops or schools in stables.

I have no doubt there are a large number of school children here who could not be accommodated if they would all go to the schools at once, but that is true of all communities, and I think that when we take into consideration the exceptional condition of things in this District the number here is no larger than elsewhere.

It must be borne in mind that many persons come into these schools in an unauthorized way, who are not proper to be admitted at all. When I speak of those I do not speak of the children of persons who are employed in the Departments, nor of the children of Senators and members of the other House; but the railroad facilities connecting this city with the adjoining country, and the general disposition to get away from the country schools of the contiguous portions of Maryland and Virginia have developed a tendency to bring children from those States into the District schools. I think on the whole that if the schools were pretty carefully weeded out of those children there will be room for a great many more District children than there are now.

My belief is that the building accommodations for the schools of the District of Columbia are not bad, all things considered; but whether bad or good they are constantly being made better. It seemed to the committee as though the amount named would fairly meet the requirements of the situation this year. At the same time there has been no disposition whatever to resist an application for even a larger sum if there had been such representations as would seem to make it perfectly certain that it was needed. No disposition exists, so far as I am aware of, not to provide an adequate appropriation for the schools.

The Senator will notice that on page 20 of the bill we have appropriated $2,500 for the purpose of aiding night schools, which will take in a large number of the children of whom he speaks, who are engaged in callings which prevent them from being instructed in the schools in daytime, and it is possible that that may become quite a feature of the school system of the District hereafter.

Mr. HAWLEY. Of course I did not censure the Committee on Appropriations, the Senator will remember, and there is force in some of his explanation. I admit—it had not occurred to me—that children who live out of the limits of the District come in easily upon the railroads and help to fill these schools, but after all he has said the fact remains that there are twenty-seven schools in this District where children are allowed to go but half a day.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

Mr. HOAR. I ask the Senator from Kansas, in line 491, after the word "tools," to put in the word "apparatus" so as to include the proper apparatus in the industrial instruction.

Mr. PLUMB. The language used in that clause was furnished by a member of the board of District commissioners who has this matter specially in charge.

That gives me the opportunity, if the Senator will permit me, to state just exactly what the plan is. Some months ago this member of the board of commissioners got the idea of using some of the vacant space in the basement of one of these school buildings for the purpose of enabling some of the children to have industrial education in a minor way; that is to say, to learn the use of tools in connection with work in wood, &c. That has been carried on in a modest way out of the contingent fund for schools. It is not designed yet, at all events no person suggests, to make it a special feature of teaching in the District, but to enlarge it by degrees as circumstances may seem to warrant, leaving it to take such a place in the school system of the District as may be necessary or as may prove to be valuable by the result of experiment.

It is only intended now to make use of a limited sum, comparatively speaking, for furnishing tools and materials, in order that the boys who attend other portions of the school may have the opportunity to accustom themselves to the ordinary handling of tools. The word "apparatus," while not objectionable in any special degree, would not at all events be necessary to the accomplishment of any purpose now in view.

Mr. HOAR. I have had a good deal of experience, possibly as much as the commissioner of the District referred to, in this particular matter in my time. There are many things which are used, even in very elementary instruction in industrial education, which the words "tools and materials" would not be sure to cover. I do not suggest an enlargement of the appropriation. Of course it would all be within the power of the board. I think it will be found necessary to include more than the words used do.

Mr. PLUMB. I have no objection at all. I only wanted to explain that there was to be no elaborate system of instruction of this kind.

Mr. HOAR. I move to insert the word "apparatus" in line 491.

Mr. HAWLEY. I did intend to make a little reply to the suggestion of the Senator from Kansas concerning the stable that I referred to.

Mr. HOAR. There is no objection to my amendment.

Mr. HAWLEY. No; there is no objection to it.

Mr. HOAR. Let it be adopted.

The PRESIDING OFFICER. If there be no objection the word "apparatus" will be inserted after the word "tools," in line 491.

Mr. HAWLEY. It is of course possible that a building which may have been once a stable may be so refitted as to make a good schoolhouse, but I will read a statement signed by the teachers who use that building at present concerning the condition of that stable:

We, the undersigned, teachers employed in the old stable now used as a school building, and known as Peabody Annex—

Which is a misuse of a very good name—

Peabody Annex, call your attention to the condition of the aforesaid building.

The ceilings are too low to admit of proper ventilation, those on the second floor being less than 9 feet, and no means of ventilation except by windows and doors, subjecting children and teachers to a constant draught. Even this is not fully under the control of the teachers owing to the defective window-pulleys and doors that will not shut.

The light is insufficient; owing to the low ceilings the windows are brought on a level with the pupils' eyes. No shades or single shutters permit any softening of the light. This is a four-room building, into which are crowded eight full schools.

Over five hundred children, if they are all there.

As there are neither play-rooms nor cloak-rooms, and only very narrow halls, afternoon pupils arriving before the morning schools are dismissed, either have to be exposed to the inclemency of the weather or crowd into the morning schools and disturb their closing exercises.

The stairway that leads to the upper floor is too narrow to admit of two pupils passing comfortably, and it is dangerously steep.

There is no water in the building.

The outhouses are not in a sanitary condition.

The building is out of repair generally, the ceiling leaks, plastering falling, blackboards peeling, window panes out, and door-locks broken, one outside door being kept closed by means of a spade, and furniture inadequate to size and number of pupils.

The state of the surroundings and proximity to a row of stables render it an undesirable location.

We invite an immediate investigation of these facts now presented.

Yours, very respectfully,

[Signed by teachers of the Annex.]

Mr. PLUMB. I should like to ask the Senator to whom that was addressed.

Mr. HAWLEY. It is addressed to Mr. Appleton P. Clark, trustee public schools, division 3.

Mr. PLUMB. It seems to have been successfully concealed until the present moment, because it was not before the committee.

Mr. HAWLEY. It was presented to the trustee of the public schools. How far he carried it I do not know. I do not say whose blame it was. These facts are asserted by all the teachers of that district.

Mr. PLUMB. I will state that the subcommittee listened to everybody who in any way wished to bring their desire to our attention in regard to this bill. We sat for days in its consideration, heard everybody with a great deal of patience, and never heard of that. I do not say the statements are not correct; but certainly it must have failed to impress those to whom it was addressed, or there is some other reason why in all the hearings on this very interesting subject those representations were not made to the committee. I do not question it at all. As I said, I know nothing about it; but the committee did not have a chance to act upon it at all events.

Mr. HAWLEY. I supposed that the responsible citizen who handed it to me had presented it to the subcommittee. He certainly should have done so.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "miscellaneous expenses," in line 507, to increase the item "for rent of District offices" from $3,600 to $6,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 510, after the word "damages," to insert "forage, care of horses, horseshoeing;" so as to read:

For books for register of wills, printing, checks, damages, forage, care of horses, horseshoeing, and other necessary items, $2,500.

The amendment was agreed to.

The next amendment was, in the same clause, line 512, to increase the total amount of the appropriation for "miscellaneous expenses" from $9,600 to $12,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the appropriations for "health department," in line 521, before the word "clerks," to strike out "three" and insert "two;" so as to read

Two clerks, at $1,200 each.

The amendment was agreed to.

The next amendment was, in the same clause, line 522, after the word "each," to insert:

One clerk, at $1,000; temporary clerk-hire, $400.

The amendment was agreed to.

The next amendment was, in the same clause, line 530, after the word "items," to strike out "two thousand five hundred" and insert "four thousand;" so as to read:

And for contingent expenses, including books, stationery, fuel, rent, repairs to pound and vehicles, forage, meat for dogs, horseshoeing, maintenance of ambulance service, and other necessary items, $4,000.

Mr. PLUMB. I move to amend by making that sum $4,500. That is done on the very urgent representation of all the commissioners and of the health officer, that a careful computation of what is absolutely necessary in view of present contingencies, that is to say nothing that is unforeseen, will require that amount of money. It is only $150 more than the amount appropriated last year. I move to amend the amendment by making the amount $4,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in the same clause, line 531, after the word "garbage," to strike out "and ashes twenty" and insert "fifteen;" so as to read:

Removal of garbage, $15,000.

The amendment was agreed to.

The next amendment was, in the same clause, line 533, to reduce the total amount of the appropriation for "health department" from $46,480 to $43,180.

Mr. PLUMB. The sum should be $43,680 in place of $43,180.

The PRESIDING OFFICER. The amendment as modified will be agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "water department," in line 557, after the word "dollars," to strike out "one inspector, at $3 per day, $939" and to insert "four inspectors, at $3 per day each, $3,756."

The amendment was agreed to.

The next amendment was, in the same clause, line 563, to increase the total amount of the appropriation for "water department" from $11,939 to $14,756.

The amendment was agreed to.

The next amendment was, in line 569, before the word "thousand," to strike out "sixty-five" and insert "eighty;" so as to make the clause read:

For engineers and firemen, coal, material, and for high service in Washington and Georgetown, pipe-distribution to high and low service, including public hydrants, fire-plugs, material and labor, repairing and laying new mains, and lowering mains, $80,000.

The amendment was agreed to.

The next amendment was, in section 2, line 5, after the word "revenues," to insert "including drawback certificates;" so as to read:

That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year 1887 than they make on the appropriations arising from the revenues, including drawback certificates, of said District.

The amendment was agreed to.

The next amendment was, in section 2, line 11, before the word "settlement," to insert the words "keeping and;" and in line 13, after the word "act," to insert "and credited to said District as such, together with all other revenues, as received upon the books of the Treasury;" so as to read:

And all the drawback certificates heretofore or hereafter received for general taxes under the acts of June 27, 1879, and July 5, 1884, and paid or deposited in the Treasury, shall be considered and treated as money in the keeping and settlement of accounts between the United States and the District of Columbia under this or any other act, and credited to said District as such, together with all other revenues, as received upon the books of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PLUMB. I suggest the insertion of a comma after the word "received," in line 14 of section 2. Probably that will be understood, but it would be best to insert it.

The PRESIDING OFFICER. A comma will be inserted at the point indicated if there be no objection.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I ask to have inserted in the RECORD some tables containing the summing up of the different items of appropriations in the bill by comparison with those of preceding years.

The PRESIDING OFFICER. The tables will be inserted in the RECORD unless objection be made.

The tabular statements are as follows:

District of Columbia, 1887.

Amount of estimates, exclusive of water department	$3,656,385 97
Amount of House bill, exclusive of water department	3,432,874 97
Increase made by Senate committee, exclusive of water department	192,048 00
Amount as reported to the Senate	3,624,922 97
Amount to be paid by the United States, as reported to the Senate	1,812,461 48
Estimated District revenues for 1887, exclusive of water department	1,637,000 00
Amount of District act for 1886, exclusive of water department	3,433,286 93
The bill as reported less than estimates	31,463 00
The bill as reported exceeds act for 1886	191,636 04

The increase made by the Senate Committee to House bill is as follows:

Office of District commissioners	$2,400
Assessor's office	1,000
Collector's office	1,200
Attorney's office	528
Coroner's office	200
Engineer's office	230
Repairs to concrete pavements	20,000
Work on sundry streets and avenues	20,000
Materials for permit work	20,000
Repairing bridges	5,000
Washington Asylum	3,362
Reform School	360
Industrial Home School	4,500
National Association Colored Women and Children	500
Washington Hospital for Foundlings	3,500
St. Rose Industrial School	5,000
House of the Good Shepherd	5,000
Association for Works of Mercy	5,000
National Homeopathic Hospital Association	5,000
Cement work on county roads and suburban streets	10,000
Opening and extending suburban streets	40,000
Metropolitan police	6,620
Fire department	4,060
Telegraph and telephone service	8,320
Police court, United States marshal's fees	1,400
Public schools, including new school buildings	34,100
Rent of District buildings	2,400
Total increase	209,680

Reduction made from House bill is as follows:

Sinking-fund office	$200	
Support of indigent insane of the District in Government Hospital	5,132	
Saint Ann's Infant Asylum	2,000	
Street lamps, gas, lighting, &c	7,000	
Health department	3,300	
Total reduction		17,632
Net increase		192,048

Comparative statement showing the appropriations for the District of Columbia for 1886, *the estimates for* 1887, *the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1887.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate committee, 1887.
SALARIES AND CONTINGENT EXPENSES.				
Executive office	$21,244 00	$21,844 00	$21,244 00	$23,644 00
Assessor's office	13,600 00	15,600 00	14,600 00	15,600 00
Collector's office	17,300 00	18,500 00	18,000 00	19,200 00
Auditor's office	16,500 00	16,500 00	16,500 00	16,500 00
Attorney's office	8,712 00	9,000 00	8,512 00	9,040 00
Sinking-fund office	2,700 00	3,100 00	2,900 00	2,700 00
Coroner's office	2,500 00	2,500 00	2,300 00	2,500 00
Engineer's office	65,690 00	68,740 00	65,690 00	65,920 00
Miscellaneous expenses, District offices	5,000 00	5,000 00	5,000 00	5,000 00
Total salaries and contingent expenses	153,246 00	160,784 00	154,746 00	160,104 00
IMPROVEMENTS AND REPAIRS.				
Repairs to concrete pavements	50,000 00	75,000 00	55,000 00	75,000 00
Materials for permit work	50,000 00	50,000 00	50,000 00	70,000 00
Continuing surveys of the District	5,000 00	5,000 00	4,000 00	4,000 00
For sewers	25,000 00	75,000 00	45,000 00	45,000 00
Work on sundry streets and avenues	265,000 00	256,057 00	256,000 00	276,000 00
Total improvements and repairs	395,000 00	461,057 00	410,000 00	470,000 00
Repairing and maintaining bridges	9,380 00	9,100 00	7,660 00	12,660 00
Expenses of Washington Aqueduct	20,000 00	20,000 00	20,000 00	20,000 00
REFORMATORIES AND PRISONS.				
Washington Asylum	69,680 00	56,690 00	55,385 00	58,747 00
Reform School	36,616 00	36,676 00	36,556 00	36,916 00
Georgetown almshouse	1,800 00	1,800 00	1,800 00	1,800 00
Transportation of paupers	4,000 00	4,000 00	4,000 00	4,000 00
Industrial Home School	12,000 00	12,000 00	10,000 00	14,500 00
Total, reformatories and prisons	124,096 00	111,166 00	107,741 00	115,963 00
Support of indigent insane	53,462 00	130,725 00	75,132 00	70,000 00
FOR CHARITIES.				
Relief of the poor	15,000 00	15,000 00	15,000 00	15,000 00
Columbia Hospital for Women, &c	15,000 00	15,000 00	15,000 00	15,000 00
Women's Christian Association	5,000 00	.....	4,000 00	4,000 00
National Association for Destitute Colored Women and Children	6,500 00	.....	6,500 00	6,500 00
Do. for building	18,000 00	.....	2,000 00	2,500 00
Children's Hospital	5,000 00	.....	5,000 00	5,000 00
St. Ann's Infant Asylum	5,000 00	.....	7,000 00	5,000 00
Church Orphanage of the District of Columbia	$1,500 00	.....	$1,500 00	$1,500 00
National Homeopathic Hospital Association, District of Columbia, building for	15,000 00	.....	.....	5,000 00
Washington Hospital for Foundlings	.....	.....	.....	3,500 00
St. Rose Industrial School	.....	.....	.....	5,000 00
House of the Good Shepherd	.....	.....	.....	5,000 00
Association for Works of Mercy	.....	.....	.....	5,000 00
Total for charities	86,000 00	$30,000 00	56,000 00	78,000 00
FOR STREETS.				
Sweeping, cleaning, &c., streets, avenues, and alleys	55,000 00	60,000 00	58,000 00	58,000 00
Current repairs of streets, avenues, and alleys	25,000 00	30,000 00	25,000 00	25,000 00
Current repairs of county roads and suburban streets	40,000 00	45,000 00	40,000 00	50,000 00
Extending suburban streets	.....	.....	.....	40,000 00
Cleaning sewers and basins	25,000 00	30,000 00	25,000 00	25,000 00
Repairs to pumps	3,000 00	3,000 00	3,000 00	3,000 00
	148,000 00	168,000 00	151,000 00	201,000 00
Parking commission	18,000 00	20,000 00	18,000 00	18,000 00
Lighting streets, avenues, and alleys	100,000 00	105,000 00	107,000 00	100,000 00
Total, streets	266,000 00	293,000 00	276,000 00	319,000 00
Metropolitan police	342,320 00	357,500 00	344,160 00	350,780 00
Fire department	108,150 00	115,950 00	114,600 00	118,660 00
Telegraph and telephone service	15,440 00	15,840 00	15,340 00	23,660 00
Police court	16,218 00	16,218 00	14,818 00	16,218 00
PUBLIC SCHOOLS.				
For officers	7,250 00	7,250 00	6,950 00	6,950 00
For teachers	390,000 00	400,000 00	415,400 00	418,400 00
For teachers of night schools	.....	.....	2,000 00	2,500 00
For janitors and care of school buildings	30,680 00	31,848 00	31,300 00	31,900 00
Rent of school buildings	7,000 00	6,000 00	6,000 00	6,000 00
Fuel	20,000 00	20,000 00	20,000 00	20,000 00
Repairs and improvements, school buildings and grounds	20,000 00	25,000 00	20,000 00	25,000 00
Contingent expenses, furniture, &c	20,000 00	25,000 00	20,000 00	20,000 00
Purchase of sites, new school buildings, and furniture for same	60,000 00	20,000 00	40,000 00	65,000 00
Total public schools	554,930 00	535,098 00	561,650 00	595,750 00
MISCELLANEOUS EXPENSES.				
Repairs, &c., public hay-scales	500 00	500 00	500 00	500 00
Rent of District offices	3,600 00	3,600 00	3,600 00	6,000 00
General advertising	4,000 00	3,000 00	3,000 00	3,000 00
Books for register of wills, printing, &c	2,500 00	2,500 00	2,500 00	2,500 00
Total miscellaneous	10,600 00	9,600 00	9,600 00	12,000 00
Health department	44,130 00	46,400 00	46,480 00	43,180 00
Interest and sinking fund	1,213,947 97	1,213,947 97	1,213,947 97	1,213,947 97
General contingent expenses for emergencies	5,000 00	5,000 00	5,000 00	5,000 00
Erection of building for District offices	.....	125,000 00	.....	.....
To redeem four certificates of indebtedness	366 96	.....	.....	.....
To defray the expenses of assessment of real property of the District	15,000 00	.....	.....	.....
WATER DEPARTMENT.				
[Payable from its revenues.]				
For salaries and contingent expenses	11,739 00	16,634 00	11,939 00	14,756 00
For engineers, firemen, coal, &c., pipe distribution, new mains, repairs, &c	78,000 00	65,000 00	65,000 00	80,000 00
Interest and sinking fund on water-stock bonds	44,610 00	44,610 00	44,610 00	44,610 00
Interest and sinking fund on account of increasing the water supply	55,047 27	57,239 02	57,239 02	57,239 02
Total, water department	189,396 27	183,483 02	178,788 02	196,605 02
Total for the District of Columbia	3,622,683 20	3,839,868 99	3,611,662 99	3,821,527 99
Total, exclusive of water department, which is payable out of its revenues	3,433,286 93	3,656,385 97	3,432,874 97	3,624,922 97
Amounts payable from the Treasury of the United States	1,716,643 46	1,828,192 98	1,716,437 48	1,812,461 48

HOUSE BILLS REFERRED.

The bill (H. R. 6337) for the relief of James D. Wood was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 320) for the relief of Hiram W. Hubbard was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

LOUIS MELCHER—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed:

To the Senate of the United States:

I herewith return without approval Senate bill No. 2186, entitled "An act granting a pension to Louis Melcher."

This claimant enlisted on the 25th day of May, 1861, and was discharged for disability on the 16th day of August, 1861, having been in the service less than three months.

The certificate of the surgeon of his regiment, made at the time of his discharge, stated his disability to be "lameness, caused by previous repeated and extensive ulcerations of his legs, extending deeply among the muscles and impairing their powers and action by cicatrices, all existing before enlistment, and not mentioned to the mustering officers at the time."

Upon this certificate, given at the time of the claimant's discharge and while

he was actually under the surgeon's observation, an application for a pension was rejected by the Pension Bureau.

In the absence of anything impeaching the ability and integrity of the surgeon of the regiment, his certificate should, in my opinion, be regarded as a true statement of the condition of the claimant at the time of his discharge, though the committee's report suggests that the surgeon's skill may have been at fault when he declared that the ulcers existed before enlistment. The cicatrices, showing beyond a doubt the previous existence of this difficulty, would be plainly apparent upon an examination by a surgeon, and their origin could hardly be mistaken. The term of the claimant's service was not sufficiently long to have developed and healed even imperfectly, in a location previously healthy, ulcers of the kind mentioned in the claimant's application.

My approval of this bill is therefore withheld upon the ground that I find nothing in my examination of the facts connected with the case which impeaches the value of the surgeon's certificate upon which the adverse action of the Pension Bureau was predicated.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 24, 1886.

EDWARD AYRES—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed:

To the Senate of the United States:

A bill which originated in the Senate, entitled "An act granting a pension to Edward Ayres," and No. 363, is herewith returned without approval.

The person named in this bill enlisted October 3, 1861, in an Indiana regiment, and was mustered out of the service December 13, 1865. He represents that he was injured in the hip at the battle of Day's Gap, April 30, 1863, and for this a pension is provided for him by the bill under consideration. His application for pension has been rejected by the Pension Bureau on the ground that it was proved on a special examination of the case that the claimant was injured by a fall when a boy, and that the injury complained of existed prior to his enlistment.

There is not a particle of proof or a fact stated either in the committee's report or the records in the Pension Bureau, so far as they are brought to my notice, tending to show that the claimant was in hospital or under medical care a single day during the whole term of his enlistment.

The report of the committee contains the following statement:

"The record evidence proves that he was in this engagement, but there is no proof from this source that he was wounded. By numerous comrades who were present it is proven that he was hurt by the explosion of a shell as claimed. It is also shown that he has been disabled ever since; and the examining surgeon specifically describes the wound, and twice verifies that he is permanently disabled. From the fact that a man was exceedingly liable to injury under the circumstances in which he was placed, and from the evidence of eye-witnesses, the committee are of opinion that he was wounded as alleged."

A wound from a shell causing the person injured to be "disabled ever since" usually results in hospital or medical treatment. Not only is there no such claim made in this case, but on the contrary it appears that the claimant served in his regiment two years and nearly eight months after the alleged injury, and until he was mustered out.

It is represented to me by a report from the Pension Bureau that after his alleged wound, and in May or June, 1863, the claimant deserted, and in July of that year was arrested in the State of Indiana and returned to duty without trial. If this report is correct, the party now seeking a pension at the hands of the Government, for disability incurred in the service, seems to have been capable of considerable physical exertion, though not very creditable, within a few weeks after he claims to have received the injury upon which his application is based.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 24, 1886.

DUDLEY B. BRANCH—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed:

To the Senate of the United States:

I hereby return without approval Senate bill No. 857, entitled "An act granting a pension to Dudley B. Branch."

This claim is based upon the allegation, as appears by the committee's report, that the person named in the bill has a hernia, and that on the 9th day of June, 1862, while in the military service and in the line of duty "in getting over a fence he fell heavily, striking a stone or hard substance, and received the hernia in his left side."

In December, 1875, thirteen and a half years thereafter, he filed an application for a pension, which was rejected by the Pension Bureau on the ground that there was no record of the alleged hernia and the claimant was unable to furnish satisfactory evidence of its origin in the service.

The fact is stated in the committee's report that late in the year 1863 this soldier was transferred to the Invalid Corps; and the records show that he was thus transferred for a disability entirely different from that upon which he now bases his claim. He was mustered out in September, 1864, at the end of his term of service.

I am convinced that the rejection of this claim by the Pension Bureau was correct and think its action should not be reversed.

I suppose an injury of the description claimed, if caused by violence directly applied, is quite palpable, its effect usually immediate, and its existence easily proved. The long time which elapsed between the injury and the claimant's application for a pension may be fairly considered as bearing upon the merits of such application, while the fact that the claimant was transferred to the Invalid Corps more than a year after he alleges the injury occurred, for an entirely different disability, can not be overlooked. In the committee's report the statement is found that the beneficiary named in the bill was in two different hospitals during the year 1863, and yet it is not claimed that the history of his hospital treatment furnishes any proof of the injury upon which his claim is now based.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 24, 1886.

JAMES C. CHANDLER—VETO MESSAGE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table, and be printed.

To the Senate of the United States:

I return without approval Senate bill No. 1630, entitled "An act granting a pension to James C. Chandler."

It appears from the report of the committee to whom this bill was referred and from an examination of the official records, that the proposed beneficiary first enlisted on the 27th day of August, 1861, and about nine months thereafter, on the 1st day of June, 1862, was discharged on account of disability arising from chronic bronchitis.

Notwithstanding the chronic character of his alleged disability, he enlisted again on the 3d day of January, 1864, seventeen months after such discharge.

No statement is presented of the bounty received by him upon either enlistment.

He was finally mustered out on the 19th day of September, 1865.

He first applied for a pension under the general law in May, 1869, alleging that in April, 1862, he was run over by a wagon and injured in his ankle. This accident occurred during his first enlistment; but instead of the injury having been then regarded a disability, he was discharged from such enlistment less than two months thereafter on account of chronic bronchitis.

It appears from the committee's report that his application was rejected, and that another was afterward made, alleging that the claimant had been afflicted with typhoid fever contracted in May, 1862, resulting in "rheumatism and disease of the back in region of kidneys."

This application was also rejected on the ground that any disability that might have arisen from the cause alleged "had not existed in a pensionable degree since the date of filing the claim therefor," which was February 10, 1885.

There still remained an appeal to Congress; and probably there were not wanting those who found their interests in advising such an appeal and who had at hand Congressional precedents which promised a favorable result. That the parties interested did not miscalculate the chances of success is demonstrated by the bill now before me, which, in direct opposition to the action of the Pension Bureau, grants a pension to a man who, though discharged from enlistment for a certain alleged disability, made two applications for a pension based upon two distinct causes, both claimed to exist within two months prior to such discharge, and both different from the one upon which he accepted the same; and notwithstanding the fact that the proposed beneficiary, after all these disabilities had occurred, passed an examination as to his physical fitness for re-enlistment, actually did re-enlist, and served till finally mustered out at the close of the war.

If any money is to be given this man from the public Treasury it should not be done under the guise of a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 24, 1886.

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

The PRESIDING OFFICER. The Chair understands that it was the order of the Senate that the bill should be read by sections for amendment.

Mr. HOAR. With the understanding that any Senator might return to any section.

Mr. EDMUNDS. The understanding is, although it goes through that way, that any motion to go back is in order.

The PRESIDING OFFICER. The Chair so understands it. The bill will be read in the manner indicated.

The Secretary read from section 1 to section 7, inclusive.

Mr. TELLER. I wish to call the attention of the Senator who has charge of the bill to section 7, which reads, beginning in line 16:

In districts which are not within any organized circuit of the United States the powers and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

I should like to inquire what portion of the country that refers to.

Mr. HOAR. It refers to the District of Columbia and, I suppose, the Territories, although the Territories are provided for expressly.

Mr. TELLER. I was under the impression that it might be intended to include the Territories, but it does not include the Territories, because the judge of a Territory is not a district judge within the meaning of the law, and if it was meant to refer to the District of Columbia it would be easy to say so.

Mr. HOAR. I was mistaken; it does not include the Territories.

Mr. TELLER. It does not refer to the Territories at all?

Mr. HOAR. That is true. The Senator is right. That was a hasty remark. I said it might include the Territories, although they were provided for in their own way.

Mr. TELLER. If this means the District of Columbia, why not make it definite?

Mr. HOAR. If the Senator will let it pass, we can come back to it.

Mr. TELLER. I have no objection to letting it pass, but I should like to know exactly to what it refers.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

Mr. PLATT. Before we go on, let me call the attention of the Senator in charge of the bill to the word "district," in section 7. It ought to be better defined as to what territory or what division is meant than by the word "district." If it refers to the district court of the United States there is no difficulty about it; but if it refers to anything else the language ought to be changed.

Mr. TELLER. There are no districts which are not in circuits, unless it applies to the District of Columbia or the Territories. It can not apply to the Territories, because it speaks of the "district judge." It means a district judge in a United States district court. The Territories are not districts in the use of the term when so used.

Mr. HOAR. I think the clause beginning in line 16 should be stricken out. I think it is a remnant of a bill which did not contain the provision which was put afterward into this bill in section 2:

That the several district courts of the United States and of the Territories, and the supreme court of the District of Columbia, are constituted courts of bankruptcy within their several territorial limits.

When that was inserted, which was not in the original draught of Judge Lowell, these three lines in section 7 I think should have been stricken out. They may be stricken out, and if before the bill gets into the Senate I find any reason for retaining them I shall call the attention of the Senator from Colorado to the language again.

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The SECRETARY. In section 7, line 16, it is proposed to strike out down to and including the word "judge," at the end of the section, as follows:

In districts which are not within any organized circuit of the United States the powers and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

The amendment was agreed to.

The Secretary read section 8 of the bill, as follows:

SEC. 8. That the final judgment, decree, or order of the circuit court having jurisdiction in all matters, questions, and controversies properly arising in the courts of bankruptcy as such, in whatever mode they may be tried, shall not be reviewed by the Supreme Court excepting upon a certificate of division of opinion between two of the judges of said circuit court.

Mr. TELLER. I desire to call the attention of the Senator in charge of the bill to the fact that this section allows the Supreme Court to review the action of the circuit court, but not the action of the Territorial supreme court. It seems to me the Territorial supreme court of each Territory should be put in the same position with the circuit court, and if appeals lie or reviews are had in any shape upon certificate or otherwise to the Supreme Court from the circuit court, there is probably greater reason why the review should be had from the Territorial rather than from the circuit courts. It seems to me that the section should be amended so as to include the supreme court of each Territory as well as the circuit court.

Mr. HOAR. This only refers to a review, I suppose.

The PRESIDING OFFICER. Does the Chair understand the Senator from Colorado to move an amendment to the bill?

Mr. TELLER. No; this is not my bill, and I have not any sympathy with it at all. I wish to see the bill, however, if it ever becomes a law, put upon the statute-book in such a way that it will mean something. Section 7 provides:

That the circuit court of each district and the supreme court of each Territory shall have a general superintendence and jurisdiction of all controversies and questions arising in the district court of such district or Territory, sitting in bankruptcy.

Then section 8 provides:

That the final judgment, decree, or order of the circuit court having jurisdiction in all matters, questions, and controversies properly arising in the courts of bankruptcy as such, in whatever mode they may be tried, shall not be reviewed by the Supreme Court excepting upon a certificate of division of opinion between two of the judges of said circuit court.

That provides for a review of the circuit court proceedings, but there is no provision at all for a review of the Territorial supreme court, which could not come up on a division of the judges, because there are three of them.

Mr. HOAR. It was not intended to apply to a full court as in a Territory, at least three or four, or I suppose in some five judges before long, on account of the great pressure for an increase. I understand it to apply to the review which comes up in a district from the circuit court on a division of opinion where the court is held by two judges.

It seems to me that on the whole, considering the infrequency of such cases and the crowded state of the docket of the Supreme Court it would not be well to enlarge their jurisdiction by carrying up from the Territorial supreme court, consisting of several judges, any question whatever of the final decree in a court of bankruptcy.

Mr. PLATT. Does the bill allow an appeal from the circuit court in questions where the amount involved is $5,000?

Mr. HOAR. I do not understand that it does. On the question of the distribution of the estate, the decision of the court is final except where the two judges dissent. That is the policy of the bill.

Mr. HARRISON. It seems to me that whatever the rule would be, independent of section 8, as to the power of the Supreme Court to review any proceeding had in the supreme court of any Territory, it remains unaffected by section 8 of the bill. Section 8 is a limitation upon the power of the Supreme Court to review an order or decree of the circuit court, but it is not a limitation upon their power to review any decree or judgment of the supreme court of a Territory reviewing the proceeding of the associate judge of the Territory. So, if it was intended that there should be no appeal or no review in the Supreme Court of anything done by the supreme court of a Territory there should be some limitation in the bill, because it seems to me that in any case where an appeal lies generally from the decision of the supreme court of a Territory to the Supreme Court of the United States it would lie under this bill in bankruptcy, the limitation in the eighth section relating only to circuit courts and not limiting at all an appeal from the supreme court of a Territory. I do not know what the rule is now.

The PRESIDING OFFICER. If no amendment is offered to section 8, the Secretary will under the rule adopted by the Senate read the next section.

The Secretary read section 9 of the bill, as follows:

SEC. 9. That any debt, demand, or property claimed by the trustee shall be sued for in such court, either State or Federal, as the bankrupt would have been entitled to resort to in enforcing the same claim: *Provided*, That the court of bankruptcy may in any case, where the jurisdiction of the State and Federal courts is concurrent, direct that the suit shall be brought in the State court.

Mr. PLUMB. In line 5, I move to strike out the word "may" and insert the word "shall;" so as to read:

Provided, That the court of bankruptcy shall in any case, &c.

Mr. HOAR. Will the Senator state that again?

Mr. PLUMB. I move to strike out the word "may," in line 5, and to insert the word "shall," so that wherever the jurisdiction of the State and Federal courts is concurrent the suit shall be brought in the State court.

Mr. HOAR. That was a subject of great consideration in the committee and in the subcommittee. It seemed to us that the law ought not to provide that the State court should in all cases have jurisdiction; in other words, that we should not take away in the case of bankruptcy all the powers of the United States court, all the right of a citizen of another State. For instance, where a citizen of another State happens to be traveling we did not think it right that he should be sued by an assignee in bankruptcy without his power to transfer the suit to the United States court. I doubt whether that would be constitutional, and it seems to me that it would not be reasonable or expedient; but the person having property or title which is in suit ought to have, if it be for the interest of the estate, the right to have the United States courts open to him, and if the court of bankruptcy shall direct it, may go either to the United States court or the State court.

Mr. PLUMB. How would the direction of the court in bankruptcy obviate the constitutional provision in the case the Senator has cited?

Mr. HOAR. I was speaking rather to the whole policy of this thing, not that particular case.

Mr. PLUMB. It seems to me that if there is to be any discretion, there ought to be an entire discretion; or else it ought to be limited in such a way as to bring the discretion entirely within the constitutional provision.

Mr. HOAR. That matter was very fully discussed in the Senate. If I recollect aright, the proposition which the Senator now makes was made by the Senator from Mississippi [Mr. GEORGE], and after discussion the arrangement proposed here was inserted in the bill by the Senate in the last Congress.

Mr. PLUMB. I do not know that it makes any special difference, for if we are to pass any bankrupt law, to use a common expression, the tail may as well go with the hide; for whatever is now left of the jurisdiction of the State courts will be wholly and entirely sucked up and taken away by this bill. So I do not know that I care to contend about the little remnant of jurisdiction which would be left to the State courts under the amendment which I have proposed.

I may as well say here and now as at any other time that I regard this bill as the most vicious that could possibly receive the sanction of Congress. It is not only to take away all the jurisdiction that is left to the State courts and put it into that great *omnium gatherum*, the Federal courts of the United States, but it is the compulsory adaptation to the system of business now prevailing in the seaboard cities of that of the small dealers and traders in the United States situated at interior and country points.

Under this bill there is not a local merchant in the State of Kansas who may not be adjudged a bankrupt every day of his life, however solvent he may be. It is an attempt to put into leading-strings under the absolute control of the great financial powers of Boston and New York all the great and all the minor affairs of the business of the interior portion of this country, to prescribe to them rules and regulations under penalty of the violation of which they can only do business—rules and regulations which are entirely foreign to the character of the business which they do, to the necessities of their situation, and to all that by which they are surrounded and which goes to make up what they call their business, minor, of course, in comparison with the princely merchants that the Senator from Massachusetts represents, and yet major in the sense that it affords them their livelihood, and not only that, but constitutes in addition the link which binds all the affairs of their neighborhood to the greater affairs of the community at large.

These people carrying on business ranging from a thousand to five and ten thousand dollars a year, modest, unpretending, solvent to the last degree, honest, making up the great middle class of this country in a trade way, are to have their business broken in upon, caught up, brought into this rude and jostling relation to the business of New York city and Boston for the purpose of enabling the men who sell goods in those places to reach out from their counting-houses and catch hold upon the unwary and at the penalty of involuntary bankruptcy compel them to submit to extortion.

This bill may be as perfect as human language can make it, and yet no one can tell until it is tried that it will not be the miracle of extortion and oppression which the bankrupt law was that was repealed in 1877. The repeal of that law was the beginning of prosperity for the people of the United States. In my humble judgment, it contributed as much as almost any other single thing to the revival of prosperity which immediately succeeded it.

Mr. HOAR. What is the present condition?

Mr. PLUMB. The Senator from Massachusetts asks as to the present condition. If his question means anything, it means that the bankrupt law which preceded 1877 was the means of the lack of prosperity of that time. I have no doubt that as bad as things are to-day they can be aggravated by the passage of unwise laws, of which this is one.

There is no demand from any section of the country, except from the large cities, for this law. There is no man who is a minor trader, who is a small merchant, who lives in any town of 5,000, or from that to 50,000, inhabitants, who has ever asked for the passage of a bankrupt law. As I said before, there is not one of all those people who do not commit a multitude of acts of bankruptcy every year measured by the requirements of this act, and yet who are solvent far beyond the average of the merchants in the large cities.

This is an endeavor to experiment upon the great business body of this country for what purpose? For no good purpose; for, as I say, nobody has asked for this bill except the great merchants. There is not a petition, there is not a letter, there is not a report of any kind in favor of this bill from any one of that great constituency that makes up the trading public who buy goods to be sold at retail—not one. None of them want it, and it will be nothing but a sign of disaster to all of them.

Why the necessity to bring in a bill of this kind at this time? Is anybody particularly unable to pay his debts as compared with previous times? Are there any classes of men who are failing who want the advantages of going into bankruptcy for the purpose of discharging their obligations? I can say, after having had experience under the old bankrupt law, and many years' experience at the bar in my own State, that the men who compromised and settled with their creditors before the bankrupt law was adopted always got better settlements than they got under the bankrupt act, and more than that their creditors got more than they ever got under the bankrupt law. There never was but one case, I believe, under the bankrupt law as administered in Kansas, in which the creditors got anything. That I think was case number one. That was recognized at once as an example which should not be followed, and thereafter there was always a deficit.

However wise this form of words may be as compared with that, there are certain evils necessarily to result from the arbitrary practice that will be adopted and necessarily adopted under any bankrupt law which are bound to ensue. I remember very well a case where a merchant possessing a stock of goods valued at about $2,000, being in debt about $1,800 failed to pay at maturity and for thirty days afterward a note of $600, which he owed to one of his creditors. He was, upon the petition of that creditor, put into bankruptcy. His stock of goods of course was seized.

For the purpose of invoicing, the goods comprising his stock were thrown together, mixed up, so to speak, and while in that condition, being perishable property, boots and shoes, dry goods, groceries, &c., all the stock of a country store, the court was petitioned and ordered a sale of the property in gross, an order that was proper enough on its face, and an order of a kind that in nine cases out of ten would be granted as of course. The property was put up and sold at $800, and bought in by the creditor who had put the debtor into bankruptcy, and sold again by him for $1,800 at private sale the very day after he got it straightened out. So he made $1,200 by that transaction beyond the amount of his claim, and yet the result of the sale only sufficed to pay the costs of the suit, leaving the bankrupt with nothing except the beggarly account of debts he had left behind him.

Cases of that kind can not be prevented; they inhere in every possible system of bankruptcy that can be devised, as I think; and such cases as this are not infrequent, and their injustice is so gross that they are not to be justified on the ground that the act may in some other particular do justice. I never yet have known a case where a person had failed in business, if he could show to his creditors that he had failed honestly, that he had surrendered up or was prepared to surrender all the property which he had, that he could not get a favorable settlement in such a way as to be able to resume business fairly and honorably; and I never have known a case settled under the bankrupt law where the creditors themselves got as much as they got by these voluntary settlements.

The great city merchants doing business upon a plan that is totally inapplicable to the merchants of the country desire to reach out and subject to them and their violent processes and desires all the business of this great country and to hold *in terrorem* over every person with whom they deal the perils of bankruptcy if he does not yield to whatever they demand. This is the device of Wall street, of the active capital of the country, against its property and its prosperity.

In moving this amendment that some of these suits may be tried in the State courts, it is simply with a desire to save if possible some little jurisdiction to those honorable but fast becoming useless institutions, the courts of the States, whether they be district courts or circuit courts or supreme courts. Under the various statutes of the United States, from time to time enacted, nearly all their jurisdiction has been taken away. If this bill should be enacted, practically they will have nothing left except the settlement of the local disputes and troubles that may arise. All that which concerns the major transactions of life, all that which is material to their jurisdiction as affecting the transactions of those by whom they are surrounded, the merchants, the bankers, the dealers of different kinds, will be taken away. We might as well add another section and provide for the total abolition of the State courts and for the transfer of all causes pending and the bringing of all such causes hereafter in the Federal courts, and be done with it.

Mr. HOAR. Mr. President, as to the particular amendment which is before the Senate, it is enough to say that the section as it now stands limits and does not extend anywhere the discretion or privilege that the bankrupt whom the assignee succeeds would have. If he had a choice between jurisdictions, the bill says that in such case, if the jurisdiction of the State and Federal courts is concurrent, the court of bankruptcy may direct that the suit shall be brought in the State court. So it is wholly a step in the direction of preserving State jurisdiction where possible. It does not seem to the committee expedient to go further, and it did not seem to the Senate expedient to go further on full discussion during the last Congress.

Now, in regard to the general remarks of my honorable friend from Kansas——

Mr. PLATT. Before the Senator goes to that point, will he state what reason there is for not giving the trustee or assignee all the rights to collect the debts of the assignor or bankrupt that the assignor had before his bankruptcy?

Mr. HOAR. Because of the desire of the Senate to concede to a feeling such as that represented by the Senator from Kansas and the belief that in the substantial interests of the estate it must be safe with the bankruptcy court, the United States officer. So it was deemed well to go to that extent.

I hardly think that I ought to ask the Senate at 5 o'clock in the afternoon to listen to a speech from me which should go over the general argument in favor of a bankruptcy bill.

The desire for a bankruptcy law, the opinion of its necessity is one which is almost a measure of the progress of civilization and of business, and of wealth and of prosperity. Mr. Webster argued with great force that the constitutional mandate was intended to be imperative, peremptory upon Congress, in conferring the power to provide for a uniform system of bankruptcy. I do not agree with my friend from Kansas that there is no desire for this legislation except from the wealthy merchant and creditor classes. There have been since the last bankrupt act was repealed more than sixty-one thousand failures in the United States reported to Bradstreet, and unquestionably in addition to those there have been enough to make the number in the United States much larger, beyond the amount of one hundred thousand in all.

Remember the constant increase of the dealing of our States with each other, so that the manufacturer in Rhode Island has his competitor in Ohio or Michigan or Missouri or Kentucky, and his customer in Mississippi or Arkansas or South Carolina. Remember that almost every one of our great commercial cities is within an hour or two or three of journey to the border of the State where it is situated. Take Boston, take Portland, take Providence, take Worcester, take Springfield, New York, Jersey City, the great manufacturing cities of New Jersey, Philadelphia, Baltimore, Cincinnati, Chicago, Milwaukee, Saint Louis, Atlanta, and a great many others that I might name, the men who do business in these cities go in and out, day by day, to their daily occupations, large numbers of them from residences in adjacent States. Under the Constitution of the United States there is not one of this vast army of debtors who, if he happened to be so unfortunate as to become insolvent, is not, unless there be a bankrupt law, put at the mercy of a single creditor, and these men must pass through life paupers, unable to enter upon the ordinary business of American citizens, dragging "at each remove a lengthening chain," without right to lay up for their old age, for their wives, for their children, for those dependent upon them, what it is the pride and the ambition of every American citizen to be able to lay up, a provision after he has gone, unless the humane power conferred upon Congress by the Constitution be exercised; and it is mainly and chiefly in the interest of this class of persons who are driven to the alternative of a life of poverty or a life of fraud——

Mr. TELLER. I wish to ask a question. Will the Senator yield?

Mr. HOAR. Certainly.

Mr. TELLER. Has the Senator any evidence before his committee that he can produce to the Senate of any considerable desire among that class of people for the passage of this bill?

Mr. HOAR. The evidence has been pouring in upon the Senate and upon the committee in correspondence and in articles in the press and in various ways for the last four or five years.

Mr. TELLER. Not from that class of men.

Mr. HOAR. Yes, sir.

Mr. TELLER. Not from those centers where the industrial interests of the country are agricultural; but from the great commercial centers.

Mr. HOAR. I differ from the Senator in that respect.

Mr. PLUMB. Let me ask a question. If that is the chief purpose of this bill why will the Senator from Massachusetts not consent that all in regard to involuntary bankruptcy be stricken out, so as to make it especially a beneficent measure in favor of the debtors?

Mr. HOAR. When I have finished my speech the Senator will understand what I propose. He puts in the form of a question in substance a gibe rather than a question.

Mr. President, I was coming to another view of this matter. I believe that this bankruptcy legislation is in the interest of the new frontier agricultural communities and the old sparsely-settled planting communities of this country even more than it is in the interest of the commercial cities. Why, Mr. President, we had from some of the representatives of these same communities to which the Senator from Kansas and the Senator from Colorado have alluded, a remonstrance against the policy which preserved the credit of the Union.

They said that the desire to have the bonds paid in gold, the desire to have a banking system which would give a uniform and sound currency to the people of the whole country, was the desire of the bloated wealthy classes of the bondholders, the gold dealers of the commercial cities. They were mistaken, and the people of those communities see their mistake to-day. They see that the one thing which is essential to the prosperity, and the hope, and the growth of youth, whether a human being or a State, is the preservation of credit. The old community where capital is piled up, where laws are well established, where business is running in its accustomed channels, can get along on a cash basis; but to the new State, the new community, the youth starting, leaving behind the old home for the new, the one thing which determines his success in life is the preservation of an unsullied credit, that his promise is as good everywhere as any other man's performance, that his promise is the sure presage and prophecy of his performance.

Mr. President, here is an existing system, without a bankrupt law, under which the credit of those communities largely suffers. The man who is asked to make a loan to the planter in Mississippi or Arkansas or to the young farmer in Dakota or Colorado, or the capitalist who is asked to furnish the capital for any great measure to develop those communities, finds that at present his debt is deferred to that of the next-door neighbor, or perhaps to some fraudulent claims, and he makes the borrowing community pay for that risk, and what is the result? That while in two minutes you can communicate by telegraph (and very soon will be able to do it by telephone) from one end of the country to the other, here are millions upon millions, hundreds upon hundreds of millions of money locked up in Wall street or in State street seeking investments, seeking loans upon call in those communities at 2, 2½, 3, or 4 per cent., when the United States can sell its bonds at a rate which amounts to but a fraction over 2 per cent. per annum, the ruling rate of interest in these communities is 8, 10, 12, 15, or 20 per cent., 8, or 10, or 12 per cent. being the ordinary rate on what is called first-class securities in some parts of this country. Why is it that these millions hoarded of the capitalist in New York or in Boston waiting to be loaned do not pour out their fertilizing streams to the most distant borders of the country? It is because of the doubt on this matter of credit. It is because of the doubt whether the creditor will have his fair share, if the debtor happens to be unfortunate, of the estate.

I believe that the passage and maintenance of a just, rational, and humane bankrupt law would reduce the rate of interest in Mississippi or Arkansas from 10 or 12 per cent. down to 4 within four or five years, and that these communities pay the most fearful and unnecessary and exaggerated price for their resistance to this legislation.

However, I do not propose to go into this general discussion at this time in the afternoon. I hope the amendment will be rejected.

Mr. MORRILL. I move that the Senate do now adjourn.

Mr. HOAR. Let us take a vote on this amendment.

Mr. TELLER and Mr. MORRILL. Not to-night.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 25, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 24, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. EDEN, until June 15.

To Mr. LORE, for four days, on account of important business.

To Mr. GUENTHER, for ten days.

To Mr. HAYDEN, indefinitely, on account of sickness.

SHIPPING FEES, ETC.

Mr. DINGLEY. I am instructed by the Select Committee on American Ship-building and Ship-owning Interests to present a privileged report, which I ask may be read.

The Clerk read as follows:

The Select Committee on American Ship-building and Ship-owning Interests, to whom was referred an act (H. R. 4838) "to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," returned from the Senate with amendments and a request for a conference on said amendments, report the same back with recommendations as follows:

That the House concur in amendments numbered 1, 2, 10, 13, 15, 17, 18, and 19.

That the House non-concur in amendments numbered 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 16, 20, 21, 22, 23, 24, 25, and 26.

And that the House agree to the conference asked by the Senate on the same.

The amendments in which the committee recommended concurrence were severally read and concurred in.

The SPEAKER. Does the gentleman from Maine desire to have read separately the amendments as to which the committee recommend non-concurrence?

Mr. DINGLEY. Unless other members desire a separate vote on other amendments, amendment 5 is the only one upon which the committee desire separate action.

The SPEAKER. The Chair suggests that business will be facilitated by first taking the question as a whole upon all those amendments on which separate action is not requested.

The question being taken on the several amendments (excepting No. 5) in which the committee recommended non-concurrence, they were non-concurred in.

Amendment No. 5 was read, as follows:

On page 3, line 11, strike out "but shall not apply to any canal-boat, barge, or lighter," and insert "including canal-boats, barges, and lighters."

The amendment was non-concurred in.

The SPEAKER. If there be no objection the request of the Senate for a conference with the House on the amendments to this bill will be agreed to. The Chair hears no objection. The Chair will appoint the managers on the part of the House some time during the day.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM as conferees on the part of the House upon the disagreeing votes of the two Houses on the Post-Office appropriation bill.

JAMES D. WOOD.

Mr. WAKEFIELD. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 6337) for the relief of James D. Wood, and that the House now proceed to consider the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay James D. Wood, late captain and assistant adjutant-general of volunteers in the war of the rebellion, out of any money in the Treasury not otherwise appropriated, the sum of $133.50, being the value of a horse and equipments lost in action at the battle of Chancellorsville, as found by the Court of Claims.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BEACH. I would like to inquire why this claim was not paid under the general law. We have a general law on this subject.

Mr. WAKEFIELD. I am unable to inform the gentleman. I only know this is a little matter in which I am trying to do a favor for a Democratic friend of mine who has been endeavoring for the last twenty years to obtain this allowance.

Mr. BEACH. Has the bill been reported by a committee of the House?

Mr. WAKEFIELD. Yes, sir; two or three times.

Mr. BEACH. I would like to hear the report.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1265) for the relief of James D. Wood, beg leave to report:

That the Committee on Military Affairs of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims with the following findings of fact, filed December 14, 1885, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

"The claimant, James D. Wood, while captain and assistant adjutant-general of the Fourth Brigade, First Division, First Corps, Army of the Potomac, lost a horse and equipments purchased by himself, which he had lawfully in the service of the United States, under the following circumstances: During the battle of Chancellorsville, Va., May 3, 1863, the claimant, after crossing the Rappahannock River at or near that place, received a verbal order from the general commanding the corps ordering the extra horses of all officers back across the river. In compliance therewith claimant sent his extra horse back to the other side of the river in charge of his colored servant. The servant was forcibly dispossessed of the horse by a bearer of dispatches from the general in command, and the claimant has never been able to recover the same. The loss was without any fault or negligence on the part of either the claimant or his servant. The horse was worth $115, and the equipments, $18.50; total, $133.50."

Your committee therefore recommend the payment of the amount found by said court, and recommend that the accompanying bill do pass.

The bill was passed.

Mr. WAKEFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HIRAM W. HUBBARD.

On motion of Mr. TOWNSHEND, by unanimous consent the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. 320) for the relief of Hiram W. Hubbard; and the House proceeded to consider the same.

The bill was read, as follows:

Be it enacted, &c., That the proper officers of the Post-Office Department are hereby authorized and directed to credit in the account of Hiram W. Hubbard, postmaster at Centralia, Ill., the sum of $640, being the value of postage-stamps, and $140 in money, all belonging to the United States, stolen from the safe in said post-office on the 23d day of October, 1884, without fault or negligence of said postmaster.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIE LOUISE CRAVEN.

Mr. HATCH. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the consideration of a bill coming over from the session of Friday evening last, upon which the previous question has been ordered.

Mr. GREEN, of New Jersey. I ask unanimous consent that the consideration of that bill be postponed until after the call of States and Territories is concluded to-day.

Mr. SPRINGER. I ask unanimous consent that it be postponed until Friday next, when private legislation is in order.

Mr. DUNHAM. I shall object to that.

Mr. SPRINGER. I think it better for private business coming over from Friday to go over until the next Friday, as a rule.

The SPEAKER. The Chair will submit the request of the gentleman from New Jersey. Is there objection?

Mr. SPRINGER. I object, and ask unanimous consent that it be postponed until Friday next, to be taken up immediately after the reading of the Journal.

Mr. ZACH. TAYLOR. I object to that.

Mr. DUNHAM. I demand the regular order.

Mr. SPRINGER. Is it in order to move that the further consideration of this bill be postponed to Friday next?

The SPEAKER. It is not. The previous question has been ordered upon the passage of the bill, and under the rules and practice of the House it must be acted upon unless by unanimous consent it be postponed.

Mr. SPRINGER. Then I withdraw my objection to the request of the gentleman from New Jersey.

Mr. DUNHAM. I renew the objection.

The SPEAKER. The Clerk will report the bill.

The bill (S. 670) to increase the pension of Marie Louise Craven, widow of the late Commander T. A. M. Craven, was read at length. The question being upon the passage of the bill,

Mr. REAGAN. I ask that the report be read.

The SPEAKER. That can only be done by unanimous consent, the previous question having been ordered upon the passage of the bill. Is there objection to the reading of the report?

Mr. GREEN, of New Jersey. There was no debate on Friday last, and I understand under the rules we are entitled to a half hour after the previous question has been ordered.

The SPEAKER. The report was read, as is shown by the RECORD, which is in the nature of debate and has been so held constantly in the House.

Mr. GREEN, of New Jersey. I think it was read by unanimous consent, and was not understood to be in the nature of debate.

The SPEAKER. It has been uniformly held that the reading of the report is in the nature of debate.

Mr. HAMMOND. In order that we may be informed before we vote on this bill, I ask unanimous consent that five minutes on each side be allowed for explanation.

Mr. SPRINGER. Would it be in order to move to recommit the bill?

The SPEAKER. It would.

Mr. SPRINGRR. Then the bill had better be recommitted. We do not understand the bill, and debate is closed upon it. It should go over, at all events, until next Friday.

Mr. HAMMOND. Will the Chair submit the request for unanimous consent for debate for five minutes on each side?

Mr. SCOTT. Is it in order to move that the motion to recommit be laid on the table?

The SPEAKER. The Chair does not understand the gentleman from Illinois as having submitted the motion to recommit.

Mr. SPRINGER. I will withdraw that until debate is had.

Mr. HAMMOND. Then I ask unanimous consent for five minutes' debate.

The SPEAKER. The gentleman from Georgia asks unanimous consent that five minutes be allowed on each side upon the passage of the bill.

Mr. GREEN, of New Jersey. I think we should have more than that. The understanding was, when the bill was laid over on Friday, that there would be fifteen minutes on each side. I move, therefore, to amend by making it fifteen minutes on a side.

The SPEAKER. It can not be done by a motion, but only by unanimous consent.

Mr. GREEN, of New Jersey. Then I ask unanimous consent that fifteen minutes on a side be allowed.

Mr. WELLBORN. There has been no debate upon it.

The SPEAKER. The report has been read, which has always been held to be in the nature of debate.

Mr. BRADY. While it is true that the report was read on last Friday evening, yet I understand that fifteen minutes is allowed on each side, and the report did not consume more than two or three minutes to read.

The SPEAKER. The Chair can not take cognizance of the length of time that was occupied in the reading of the report, whether it occupied five minutes, or fifteen minutes, or an hour. If there has been debate, the rule provides that there can be no further debate after the previous question has been ordered, no matter how long or how short the time previously consumed in debate may have been.

Is there objection to the request of the gentleman from New Jersey that fifteen minutes be allowed on each side?

Mr. HAMMOND. I ask the gentleman to modify his request for fifteen minutes and say ten minutes.

Mr. GREEN, of New Jersey. Very well; I will say ten minutes.

There being no objection, it was ordered that debate be had for ten minutes on each side.

Mr. GREEN, of New Jersey rose.

Mr. MATSON. Mr. Speaker——

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. GREEN, of New Jersey. I will reserve my time if the gentleman from Indiana wishes to proceed now.

Mr. MATSON. I only wish to say Mr. Speaker, by way of introducing this discussion, that this bill was reported adversely from the Committee on Invalid Pensions; and if anything can be said in behalf of the bill, I think that side ought to be heard first.

Mr. GREEN, of New Jersey. Mr. Speaker, the Committee on Invalid Pensions, while recognizing the fact that the naval record of Commander Craven developed great merit, reported this bill adversely on the ground that in their opinion the benefit asked, which is to increase the pension to $50 a month, should be confined within the grade of the general officers of the Army and Navy. I think I have stated the report fairly and fully when I say that they put it solely on the ground that the benefit should be confined within the grade of thegeneral officers of the Army and Navy.

With great respect for the opinions of that committee, and in no spirit of criticism, I submit that the rule thus laid down by the committee is not in harmony with the spirit or policy of the pension laws and not in accord with the former action of Congress.

The pension law makes no distinguishing recognition of general officers by themselves. It neither graduates the amount of pension according to the distinctive rank, nor pensions the general officers at a higher rate than some others in lower grades. On the contrary, it groups together certain officers of different rank, classing the general officers with others of lower grade. The provisions of the law are that for total disability of the following officers and for their widows after their death there shall be a pension—to a lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps of $30 a month; and for a captain and all officers of a higher rank and all officers of a lower rank down to and including the master commanding in the Navy of $30 a month. That is the first group. There is another group composed of officers of the inferior grades. So that the pension law makes no recognition of the distinctive rank of the general officers discriminating against other officers in the same group.

The lieutenant-colonel and the general, and all officers of intermediate rank, and the master commanding, and the admiral and all officers of intermediate and corresponding rank, are placed upon the same plane, each receiving the same amount, each entitled to the same consideration, each subject to the same provisions; and their widows to be the recipients of the same bounty, and to be governed by the same rules.

Therefore I say, Mr. Speaker, according to the spirit and policy of the pension law, there is no room for the rule which grants benefits to the general officer which does not grant them to other officers within that same group. There is no reason why an exception should be made in favor of a general officer under certain circumstances, which should not under the same circumstances be made to an officer in the same group; no reason why an increase of pension as an exceptional case should be granted to the widow of a commodore and with the same exceptional circumstances existing be denied to the widow of a commander.

Neither has Congress regarded the $30 as fixed by an inflexible and

iron rule. It has been the custom, and it is a praiseworthy one, to recognize exceptional cases which present instances of heroism and bravery challenging admiration and commanding distinctive recognition.

In the Forty-eighth Congress I find an increase of pension to $50 a month to the widows of the following officers: Commander S. Dana Green, Capt. Kidder R. Breese, United States Navy; Maj. Thomas D. Thornburgh, Capt. Thomas L. Bent, United States Army; Surgeon-General Palmer, Commander Jeffries, General Arnold, Commissary-General Eaton, General Rodman, General Ripley, Admiral Scott, Commander Bissell, Paymaster-General Alvord, Admiral Creighton.

In the Forty-seventh Congress a like increase to the widows of Col. William Dulany, Col. James D. Mulligan, Maj. Levi Twiggs, Admiral Goldsborough, Surgeon-General Finley, Admiral Hoff, Admiral Reynolds, Surgeon-General Wood, General Mitchell, Admiral Lardner, General Casey, General Custer, Admiral Spotts, Admiral John Rogers, General French, General Ramsey.

It will be noted that the increase is not confined to the widows of general officers, but includes those of Commander S. Dana Green, on whom the command of the Monitor devolved when Worden was disabled; Capt. Kidder R. Breese, distinguished at Fort Fisher; Major Thornburgh, murdered by the Indians; Capt. Thomas L. Bent; Col. William Dulany; Col. James A. Mulligan, and Maj. Levi Twiggs.

Therefore, I say, I find no warrant either in the spirit of the pension law or in the former action of Congress that justifies the laying down or the enforcement of a rule that the increase of a pension is to be confined within the grade of the general officers of the Army and Navy. The rule has been to grant it in exceptional cases, and I think it can be demonstrated that this is a case so exceptional in its character that if there had been a contrary precedent Congress should depart from the rule.

Mrs. Marie L. Craven is the widow of the late Tunis A. M. Craven, at the time of his death, August 5, 1864, a commander in the Navy. He entered the Navy in the year 1829, and was continually on duty up to the time of his death, having performed twenty-four years and six months' service at sea. He was third in the rank of commander, and had he lived he would undoubtedly have been promoted to the highest grade. He lost his life while in the command of the monitor Tecumseh, leading the attack on the fortifications in Mobile Bay. That position had, it was supposed, been rendered impregnable by fortifications and its approaches impassable by obstructions and torpedoes, and its defense was supplemented by the iron-clad ram Tennessee and numerous gunboats for aggressive attack. So secure was it supposed to be that Farragut says it was claimed they would all be blown up if they attempted to enter. The position assigned to Craven was the post of honor and of danger. His it was to lead the fleet into the fire of these defenses and over these submerged instruments of destruction. His disaster would mark the path to be avoided. So important did Farragut consider the services of Craven and his ship the Tecumseh that he awaited her arrival from New York before he attempted to enter Mobile Bay. He says in his report:

> The Tecumseh, Commander Craven, arrived on the evening of August 4; and everything being propitious I proceeded to the attack on the following morning, the Tecumseh having been given the leading position.
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> * * * * * * * *
>
> The attacking fleet steamed steadily up the main ship-channel, the Tecumseh firing the first shot at forty-seven minutes past 6 o'clock a. m.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. GREEN, of New Jersey. I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. MATSON was recognized, and yielded two minutes to Mr. GREEN.

Mr. GREEN, of New Jersey. In his report of the action Lieut. Commander Jouett says:

> At fifty minutes after 6 the Tecumseh hoisted her colors and fired a gun. Fort Morgan replied. In a short time the action became general between the fort, the ironclads, the Brooklyn, Hartford, and Richmond. At this time the rebel fleet took their stations across the channel, delivering a raking fire upon our line. Thirty-five minutes past 7, amidst the hottest of the fire, the Tecumseh was blown up.

Captain Drayton says:

> About thirty-five minutes past 7 I heard the cry that a monitor was sinking, and looking on the starboard bow saw the turret of the Tecumseh just disappearing under the water, where an instant before I had seen this noble vessel pushing on gallantly in a straight line to attack the enemy's ram Tennessee, which had apparently moved out to give him an opportunity.

Craven, in steering to attack the Tennessee, crossed the torpedo line, and striking one, it exploded under the turret of the Tecumseh, which went down stem first almost in an instant, carrying him down with her. But his death was characterized by an incident which should never be forgotten as long as the English language contains the words chivalry and heroism. It is related by the pilot, Mr. Collins, whose life was saved.

At the moment of the explosion Craven and the pilot were in the iron tower or pilot-house, directly over the turret. There was no way of escape from their prison except through a narrow scuttle or opening just sufficient for one to pass through. Seeing the inevitable fate of the vessel they both instinctively made for this narrow opening. As it is told, when they reached the place together Craven drew back, in a characteristic way saying, "After you, pilot." Collins, who fortunately escaped to tell the act of heroism, says: "There was nothing after me; as I got out the vessel seemed to drop from under me."

It is related of Sir Philip Sidney, three hundred years ago, that when being carried wounded and bleeding from the battlefield of Zutphen he complained grievously of thirst. A bottle of water was procured for him. As he put it to his mouth his eye caught the wistful gaze of a mortally wounded soldier eagerly watching his every movement. Taking it untasted from his lips he sent it to the dying man with the words, "Thy necessity is yet greater than mine." He was buried in Old St. Paul's among the noble and the great of England. Although centuries have rolled away, his country forgets him not, and history, still repeating "Thy necessity is yet greater than mine" with the incident, ever keeps the name of Sidney the synonym of true nobility of character and of heroic self-denial.

Noble and chivalric as it was, his was but a temporary relinquishment of relief from suffering. Craven's "After you, pilot," cost him his life, the American Navy one of its bravest and most accomplished officers, mankind a hero. No grand old cathedral treasures his remains; no sculptured marble records his heroism; he rests in his iron turreted tomb off Fort Morgan, with naught but the buoy which swings to and fro with the ebb and flood of the tide in Mobile Bay to mark the scene of his bravery and his death.

The Secretary of the Navy, in writing to Admiral Farragut after that terrible conflict, said:

> Great results in war are seldom attained without great risks, and it was not expected that the harbor of Mobile would be secured without disaster. The loss of the gallant Craven and his brave companions, with the "Tecumseh," by a concealed torpedo, was a casualty which no human foresight could guard: While the nation awards cheerful honors to the living, she will ever hold in grateful remembrance the memory of the gallant dead who periled their lives for their country and died in her cause.

The country has honored the living; let not Congress forget the Sidney of the American Navy!

The widow of this gallant man in her old age and her necessity appeals for this increase. I hope it will be accorded to her.

Mr. MATSON. It is true, Mr. Speaker, as stated by the gentleman from New Jersey [Mr. GREEN], that the general law fixes no distinctive rate of pension for the widows of general officers, and that the rate of $30 per month applies to the widows of all officers of the Army, including the rank of lieutenant-colonel and above that, and to the widows of all officers of the Navy, including the rank of captain and above that. That is true; but some years ago Congress, seeing, I suppose, that there was no distinctive rate in the law for the widows of general officers, entered upon the increase of the pensions of the widows of general officers of the Army and Navy from $30 to $50 per month, and in every case where the widow of a general officer has asked such increase it has been granted, but as to the widows of officers below the rank of general officers, the increase has generally been refused.

There have been, however, some few exceptions to the rule. In a few cases bills have passed the House increasing the pensions of widows of officers below the rank of general officers from $30 to $50 a month, and in some instances from $30 to $40. In this case the applicant is the widow of a commander in the Navy. His was not a general office; it corresponded perhaps to the rank of a lieutenant-colonel in the Army. This widow now asks that her pension be increased from $30 to $50 per month. The cases cited by my friend from New Jersey [Mr. GREEN] are doubtless correctly cited, and the additional ones that he proposes to print will no doubt be taken from the record; but they are the exceptions, and the question for this House to decide is whether it can afford to enter upon the indiscriminate increase of these pensions. I have always believed that the House had gone too far in undertaking to increase the pensions of the widows of any officers from $30 to $50 a month. I have always believed that $30 a month was a large enough pension for any widow, and therefore I have opposed these increases, even for the widows of general officers.

The rule, not of the committee but of the House, has been to refuse the increase to those who were not the widows of general officers, and in the last Congress this very bill, after it had passed the Senate, was voted down in this House on a yea-and-nay vote by a full House. Now, the question for us to determine is, whether there is anything in this case that should make it exceptional or that would justify the House in abrogating its well-established rule to refuse the increase in cases like this. I yield the balance of my time to the gentleman from Wisconsin [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I do not presume that any gentleman will vote for this bill as a payment in money for patriotic duty well performed. I understand that the theory of the pension laws is to take care of the widows, the children, the helpless ones, left by those who sacrificed life or fortune in defense of our common country. If that be the true theory, then, Mr. Speaker, I ask you what excuse can any one render for voting, in a case like this, to make the pension $50 a month when this widow has already a pension of $30, and when all over our country there are cases equally meritorious of people who are suffering for want of a single dollar, or $8 a month, or any other given sum.

I believe it to be the duty of this Government, Mr. Speaker, to take care of all those who are dependent upon their own exertions, and are disabled and needy because of suffering or loss sustained in defense of the country. But I deny the correctness of the theory that we consistently may, or that we should, give a pension of more than $30 a month to one while hundreds of others equally deserving get nothing. I would take care of them all, and to do that, not having revenue enough to take care of everybody on this grand scale, I would divide what we do appropriate fairly. Gentlemen may talk about the gallantry of this commander, and I concede it all; gentlemen may speak of the amiable characteristics and personal merits of his widow, and I concede it all; but is that a reason why we should heap these extravagant pensions and increases of pensions upon those who are already provided for, leaving others equally meritorious to languish in suffering and want? Gentlemen say this does not decrease their chances. I say it does. The last national convention of Grand Army men was made up so largely of those already provided with pensions that they voted down a proposition to pension those who were yet suffering and in want, and every case of this kind where you grant an increase of pension to the widow of some distinguished character diminishes your ability to do justice to others who have an equal claim.

As to the merits of this particular case, it is proper to remember that when Commander Craven blew up his ship he was acting in direct conflict with express orders. He had been told to keep to the right of certain buoys; he took to the left; he blew up his ship by striking one of those hidden torpedoes; the next vessel to his backed and filled, and his mismanagement threw the whole fleet into disorder.

The SPEAKER. The question is, Shall this bill pass?

The House divided; and there were—ayes 66, noes 67.

Mr. GREEN, of New Jersey. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 104, nays 99, not voting 119; as follows:

YEAS—104.

Adams, G. E.	Evans,	Lehlbach,	Scranton,
Allen, C. H.	Everhart,	Lindsley,	Sessions,
Bayne,	Findlay,	McAdoo,	Shaw,
Bingham,	Fleeger,	McComas,	Smalls,
Bliss,	Frederick,	McKenna,	Snyder,
Bound,	Funston,	McKinley,	Sowden,
Boutelle,	Gallinger,	Millard,	Spooner,
Boyle,	Gilfillan,	Milliken,	Spriggs,
Bragg,	Goff,	Moffatt,	Stahlnecker,
Breckinridge, WCP.	Green, R. S.	Morrow,	Stephenson,
Browne, T. M.	Hall,	O'Neill, Charles	Stewart, J. W.
Brown, C. E.	Hanback,	O'Neill, J. J.	Strait,
Brown, W. W.	Harmer,	Osborne,	Struble,
Buchanan,	Henderson, D. B.	Parker,	Symes,
Bunnell,	Hepburn,	Payne,	Taylor, I. H.
Burrows,	Herbert,	Perkins,	Townshend,
Butterworth,	Herman,	Peters,	Van Eaton,
Cannon,	Hiestand,	Pettibone,	Viele,
Catchings,	Hires,	Plumb,	Wade,
Cobb,	Hitt,	Randall,	Wadsworth,
Cooper,	Howard,	Rice,	Ward, J. H.
Daniel,	Jackson,	Rockwell,	Weaver, J. B.
Dingley,	James,	Rowell,	Weber,
Dorsey,	Ketcham,	Ryan,	White, A. C.
Dunham,	Laird,	Sawyer,	Whiting,
Eldredge,	Le Fevre,	Scott,	Wolford.

NAYS—99.

Allen, J. M.	Dougherty,	Lowry,	Skinner,
Anderson, C. M.	Dunn,	Matson,	Springer,
Ballentine,	Forney,	McMillin,	Stewart, Charles
Barksdale,	Glass,	McRae,	St. Martin,
Barnes,	Green, W. J.	Miller,	Stone, E. F.
Beach,	Grout,	Mills,	Stone, W. J., Ky.
Bennett,	Hale,	Morgan,	Stone, W. J., Mo.
Blanchard,	Halsell,	Morrill,	Swope,
Bland,	Hammond,	Morrison,	Taylor, J. M.
Blount,	Harris,	Neal,	Taylor, Zach.
Breckinridge, C. R.	Hatch,	Neece,	Thomas, O. B.
Cabell,	Haynes,	Oates,	Throckmorton,
Caldwell,	Heard,	O'Donnell,	Tillman,
Candler,	Hemphill,	Peel,	Turner,
Comstock,	Henderson, J. S.	Perry,	Wakefield,
Cowles,	Hill,	Price,	Ward, T. B.
Cox,	Holman,	Reagan,	Weaver, A. J.
Crain,	Hudd,	Reid, J. W.	Wellborn,
Crisp,	Johnston, J. T.	Reese,	Wheeler,
Croxton,	Johnston, T. D.	Richardson,	White, Milo
Culberson,	Jones, J. H.	Riggs,	Willis,
Dargan,	Laffoon,	Sadler,	Wilson,
Davidson, R. H. M.	Lanham,	Sayers,	Wise,
Dawson,	Lawler,	Seymour,	Worthington.
Dockery,	Martin,	Singleton,	

NOT VOTING—119.

Adams, J. J.	Bynum,	Cutcheon,	Ford,
Aiken,	Campbell, Felix	Davenport,	Fuller,
Anderson, J. A.	Campbell, J. E.	Davidson, A. C.	Gay,
Arnot,	Campbell, J. M.	Davis,	Geddes,
Atkinson,	Campbell, T. J.	Dibble,	Gibson, C. H.
Baker,	Carleton,	Dowdney,	Gibson, Eustace
Barbour,	Caswell,	Eden,	Glover,
Barry,	Clardy,	Ellsberry,	Grosvenor,
Belmont,	Clements,	Ely,	Guenther,
Brady,	Cole,	Ermentrout,	Hayden,
Brumm,	Collins,	Farquhar,	Henderson, T. J.
Buck,	Compton,	Felton,	Henley,
Burleigh,	Conger,	Fisher,	Hewitt,
Burnes,	Curtin,	Foran,	Hiscock,
Holmes,	Louttit,	Outhwaite,	Tarsney,
Hopkins,	Lovering,	Owen,	Taulbee,
Houk,	Lyman,	Payson,	Taylor, E. B.
Hutton,	Mahoney,	Phelps,	Thomas, J. R.
Irion,	Markham,	Pidcock,	Thompson,
Johnson, F. A.	Maybury,	Pindar,	Trigg,
Jones, J. T.	McCreary,	Pirce,	Tucker,
Kelley,	Merriman,	Ranney,	Van Schaick,
King,	Mitchell,	Reed, T. B.	Wait,
Kleiner,	Muller,	Robertson,	Warner, A. J.
La Follette,	Murphy,	Rogers,	Warner, William
Landes,	Negley,	Romeis,	West,
Libbey,	Nelson,	Seney,	Wilkins,
Little,	Norwood,	Steele,	Winans,
Long,	O'Ferrall,	Storm,	Woodburn.
Lore,	O'Hara,	Swinburne,	

So the bill was passed.

The following-named members were announced as paired until further notice:

Mr. WILKINS with Mr. WEST.
Mr. SENEY with Mr. ELY.
Mr. GEDDES with Mr. LYMAN.
Mr. ARNOT with Mr. DAVIS.
Mr. HEWITT with Mr. CONGER.
Mr. DOWDNEY with Mr. WAIT.
Mr. ERMENTROUT with Mr. ATKINSON.
Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.
Mr. PIDCOCK with Mr. PIRCE.
Mr. HUTTON with Mr. HIESTAND.
Mr. DIBBLE with Mr. HOPKINS.
Mr. LANDES with Mr. LITTLE.
Mr. BARBOUR with Mr. BRADY.
Mr. GIBSON, of Maryland, with Mr. HAYDEN.
Mr. BURNES with Mr. CASWELL.
Mr. ROGERS with Mr. EZRA B. TAYLOR.
Mr. FORAN with Mr. LONG.
Mr. ROBERTSON with Mr. LIBBEY.
Mr. CARLETON with Mr. HOLMES.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. WINANS with Mr. HOUK.
Mr. NORWOOD with Mr. GUENTHER.
Mr. BYNUM with Mr. MCKENNA, on all political questions.

The following were announced as paired for this day:

Mr. EDEN with Mr. GROSVENOR.
Mr. STORM with Mr. KELLEY.
Mr. CLEMENTS with Mr. REED, of Maine.
Mr. WARNER, of Ohio, with Mr. PAYSON.
Mr. ADAMS, of New York, with Mr. MARKHAM.
Mr. KLEINER with Mr. FARQUHAR.
Mr. O'FERRALL with Mr. VAN SCHAICK.
Mr. MULLER with Mr. DAVENPORT.
Mr. TRIGG with Mr. BRUMM.
Mr. MCCREARY with Mr. BUCK.

Mr. HIESTAND. I am paired on political questions with the gentleman from Missouri [Mr. HUTTON]; but as I do not consider this a political question, I have voted.

The result of the vote was announced as above stated.

Mr. GREEN, of New Jersey, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and resolutions, on which call resolutions and memorials of State and Territorial Legislatures may be presented, and also resolutions of inquiry directed to the heads of Executive Departments.

BRIDGE OVER TENNESSEE RIVER.

Mr. WHEELER introduced a bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAAC S. SIMPSON.

Mr. WHEELER also introduced a bill (H. R. 8979) for the relief of Isaac S. Simpson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALARIES OF COLLECTORS OF CUSTOMS, ETC.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 8980) to fix the salaries of collectors and other officers of customs, and to consolidate customs districts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CITIZENS OF SAN FRANCISCO, CAL.

Mr. MORROW introduced a bill (H. R. 8981) for the relief of certain citizens of San Francisco, Cal.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT TO SECTION 856 REVISED STATUTES UNITED STATES.

Mr. MORROW also introduced a bill (H. R. 8982) to amend section 856 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

JAMES T. HUGHES.

Mr. CANDLER introduced a bill (H. R. 8983) to perfect the military record of James T. Hughes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUGUSTUS KOVATS.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 8984) to increase the pension of Augustus Kovats, late captain of Company F, Twenty-fourth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT SCHOTTE.

Mr. ADAMS, of Illinois, also introduced a bill (H. R. 8985) to increase the pension of Robert Schotte; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'CAULEY.

Mr. ADAMS, of Illinois, also introduced a bill (H. R. 8986) for the relief of James McCauley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM CARROLL.

Mr. TOWNSHEND introduced a bill (H. R. 8987) for the relief of William Carroll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. WARREN.

Mr. TOWNSHEND also introduced a bill (H. R. 8988) for the relief of Andrew J. Warren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CLEAVELIN.

Mr. TOWNSHEND also introduced a bill (H. R. 8989) for the relief of William Cleavelin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FRANKLIN GARDNER.

Mr. TOWNSHEND (by request) also introduced a bill (H. R. 8990) for the relief of William Franklin Gardner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PHILLIP CURRAN.

Mr. LAWLER introduced a bill (H. R. 8991) granting a pension to Phillip Curran, late a private Company K, Tenth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. KINYON.

Mr. MORRISON introduced a bill (H. R. 8992) for the relief of James W. Kinyon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRED. W. BESHORE.

Mr. MORRISON also introduced a bill (H. R. 8993) granting a pension to Fred. W. Beshore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY MAVES.

Mr. MORRISON also introduced a bill (H. R. 8994) granting a pension to Henry Maves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HAYS.

Mr. SPRINGER introduced a bill (H. R. 8995) granting a pension to Samuel Hays; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. WINEGER.

Mr. RIGGS introduced a bill (H. R. 8996) granting a pension to William W. Wineger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT PATTERSON.

Mr. RIGGS also introduced a bill (H. R. 8997) to grant a pension to Robert Patterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS P. MULCAHY.

Mr. WARD, of Illinois, introduced a bill (H. R. 8998) to authorize the appointment of Thomas P. Mulcahy to the rank of second lieutenant; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIZZIE KOENIGSBERG.

Mr. WARD, of Illinois, also introduced a bill (H. R. 8999) granting a pension to Lizzie Koenigsberg, widow of Maxwell Koenigsberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALINDA LEMON.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 9000) granting a pension to Malinda Lemon, widow of Samuel Lemon; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSIAH M. DAVISSON.

Mr. CONGER (by Mr. FULLER) introduced a bill (H. R. 9001) for the relief of Josiah M. Davisson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIGGS ALDEN.

Mr. CONGER (by Mr. FULLER) also introduced a bill (H. R. 9002) increasing the pension of Briggs Alden, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SARAH E. MYERS.

Mr. LYMAN introduced a bill (H. R. 9003) for the relief of Sarah E. Myers, widow of Abraham Myers, late of Company E, Twenty-second Iowa Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE P. BOLTON.

Mr. LYMAN also introduced a bill (H. R. 9004) for the relief of Caroline P. Bolton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA BOYD.

Mr. LYMAN also introduced a bill (H. R. 9005) for the relief of Eliza Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY HARDIN.

Mr. HEPBURN introduced a bill (H. R. 9006) granting a pension to Nancy Hardin, of Moravia, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI SHERER.

Mr. RYAN introduced a bill (H. R. 9007) granting a pension to Eli Sherer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS A. OSBORN.

Mr. MORRILL introduced a bill (H. R. 9008) for the relief of Thomas A. Osborn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. SUSAN E. BARRY.

Mr. HANBACK introduced a bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYLVANUS SANDFORD.

Mr. HANBACK (by request) also introduced a bill (H. R. 9010) for the relief of Sylvanus Sandford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KITTERMAN.

Mr. HANBACK also introduced a bill (H. R. 9011) granting a pension to John Kitterman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOLMES M'CLEARY.

Mr. HANBACK also introduced a bill (H. R. 9012) granting a pension to Holmes McCleary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SMITH.

Mr. PERKINS introduced a bill (H. R. 9013) granting a pension to James Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. F. PEARSON.

Mr. PERKINS also introduced a bill (H. R. 9014) granting a pension to E. F. Pearson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVY-YARD, NEW ORLEANS.

Mr. ST. MARTIN submitted a resolution of the General Assembly of the State of Louisiana, relative to the establishment of a navy-yard in the fifth municipal district of the city of New Orleans; which was read, and referred to the Committee on Naval Affairs.

WILLIAM O. M'DONALD.

Mr. MILLIKEN introduced a bill (H. R. 9015) granting a pension to William O. McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS BRADBURY.

Mr. MILLIKEN also introduced a bill (H. R. 9016) granting a pension to Augustus Bradbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. J. B. WALBACH.

Mr. FINDLAY introduced a bill (H. R. 9017) to remove the disabilities of J. J. B. Walbach, of Maryland; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM HIGH.

Mr. SHAW introduced a bill (H. R. 9018) granting a pension to William High; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL J. M'LAUGHLIN.

Mr. COLLINS introduced a bill (H. R. 9019) to remove the charge of desertion from the name of Michael J. McLaughlin, formerly a private Company A, Second Regiment Massachusetts Volunteers, in the service of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL D. CASEY.

Mr. COLLINS also introduced a bill (H. R. 9020) to remove the charge of desertion from the record of Michael D. Casey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEOPOLD KARPELES.

Mr. ROCKWELL introduced a bill (H. R. 9021) granting a pension to Leopold Karpeles; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GERTRUDE M. STARKWEATHER.

Mr. WHITING introduced a bill (H. R. 9022) granting a pension to Gertrude M. Starkweather; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCISCO V. DE COSTER.

Mr. STRAIT introduced a bill (H. R. 9023) for the relief of Francisco V. De Coster; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THEO. B. BEAULIEU.

Mr. STRAIT also introduced a bill (H. R. 9024) for the relief of Theo. B. Beaulieu; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. SOPHIA SPRAIN.

Mr. STRAIT also introduced a bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis T. Sprain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NIRIUS CISSELL.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 9026) granting a pension to Nirius Cissell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY A. KIDD.

Mr. BARKSDALE introduced a bill (H. R. 9027) for the relief of Lucy A. Kidd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INCOME TAX.

Mr. BLAND introduced a bill (H. R. 9028) to revive the income tax, the proceeds thereof to be applied to the payment of all pensions heretofore granted, or that may hereafter be authorized by Congress; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EVALINE P. BROWN.

Mr. HALE introduced a bill (H. R. 9029) granting a pension to Evaline P. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. ANDERSON.

Mr. HALE also introduced a bill (H. R. 9030) granting a pension to William H. Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW BYERS.

Mr. HALE also introduced a bill (H. R. 9031) granting a pension to Andrew Byers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. PLEAS.

Mr. HALE also introduced a bill (H. R. 9032) for the relief of William M. Pleas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. B. BAILEY.

Mr. DOCKERY introduced a bill (H. R. 9033) for the relief of E. B. Bailey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIFE AND PROPERTY IN THE DISTRICT.

Mr. HEARD (by request) introduced a bill (H. R. 9034) for the further protection of property from fire and safety of lives in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HEAZLETT P. COCKRELL.

Mr. STONE, of Missouri, introduced a bill (H. R. 9035) to increase the pension of Heazlitt P. Cockrell, of Saint Clair County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS DUVALL.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 9036) to remove the charge of desertion from Thomas Duvall, late of Company I, One hundred and eighteenth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

D. FRANK MEISSNER.

Mr. BEACH introduced a bill (H. R. 9037) increasing the pension of D. Frank Meissner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES UPON LEATHER GLOVES.

Mr. BLISS (by request) introduced a bill (H. R. 9038) providing for the levying of specific duties upon leather gloves; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NORMAN S. KENYON.

Mr. FELIX CAMPBELL (by Mr. BLISS) introduced a bill (H. R. 9039) granting a pension to Norman S. Kenyon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY JANE WATTS.

Mr. FELIX CAMPBELL (by Mr. BLISS) also introduced a bill (H. R. 9040) for the relief of Mrs. Mary Jane Watts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA SCHIER.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 9041) for the relief of Anna Schier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CHARLOTTE E. ROWLEY.

Mr. WEBER introduced a bill (H. R. 9042) for the relief of Mrs. Charlotte E. Rowley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH C. M'CAMLY.

Mr. BURLEIGH (by Mr. WEBER) also introduced a bill (H. R. 9043) granting a pension to Sarah C. McCamly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDUCATION.

Mr. BENNETT introduced a bill (H. R. 9044) to divide the surplus moneys in the Treasury of the United States on the 1st day of June, 1886, among the several States and Territories, to be used for purposes of common-school education; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

JOSIAH C. DODDS.

Mr. THOMPSON (by request) introduced a billl (H. R. 9045) granting a pension to Josiah C. Dodds, late Company E, One hundred and seventy-ninth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK COLLINS.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 9046) granting a pension to Patrick Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL MURPHY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9047) granting a pension to Michael Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY M'NALLY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9048) granting a pension to Anthony McNally; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN RAFFERTY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9049) to restore the name of John Rafferty to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDRICK RONIKE.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 9050) granting a pension to Fredrick Ronike; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY VON KUSSEROW.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 9051) granting an increase of pension to Mrs. Mary von Kusserow, widow of Brig. Gen. Charles von Kusserow, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. JOHN F. MORRIS.

Mr. FLEEGER introduced a bill (H. R. 9052) granting an increase of pension to Capt. John F. Morris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY FEUSTERMAKER.

Mr. EVANS introduced a bill (H. R. 9053) granting a pension to Henry Feustermaker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARBARA A. SMITH.

Mr. ERMENTROUT (by Mr. RANDALL) introduced a bill (H. R. 9054) granting a pension to Barbara A. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUKE REILLY.

Mr. RANDALL introduced a bill (H. R. 9055) for the relief of Luke Reilly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EXPLOSION AT FRANKFORD ARSENAL.

Mr. RANDALL also introduced a bill (H. R. 9056) for the relief of the sufferers by the explosion of the United States arsenal at Frankford, Philadelphia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EMILY G. MILLS.

Mr. BUNNELL introduced a bill (H. R. 9057) for the relief of Emily G. Mills, widow of Oscar B. Mills, late second assistant engineer, United States Navy, retired; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARTIN WILES.

Mr. BUNNELL also introduced a bill (H. R. 9058) to remove the charge of desertion from the record of Martin Wiles, Company A, Fifty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANN E. LEWIS.

Mr. HARMER introduced a bill (H. R. 9059) granting a pension to Ann E. Lewis, widow of Thomas H. Lewis, late of Company B, One hundred and twenty-ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. YOUNG.

Mr. HARMER (by request) also introduced a bill (H. R. 9060) for the relief of William H. Young; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT DOUGHERTY.

Mr. SWOPE introduced a resolution requesting the Committee on Appropriations to make provision for the payment of $365 to Robert Dougherty; which was referred to the Committee on Claims.

GEORGE W. CAMPBELL.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 9061) granting a pension to George W. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES VARNER.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 9062) granting a pension to James Varner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. HOWARD SLAYMAKER.

Mr. EVERHART (by request) introduced a bill (H. R. 9063) granting a pension to J. Howard Slaymaker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX-SALES OF PROPERTY IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL (by request) introduced a bill (H. R. 9064) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REV. NATHANIEL B. FULLER.

Mr. SMALLS introduced a bill (H. R. 9065) for the relief of Rev. Nathaniel B. Fuller, of Spartanburg, S. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN G. AND CARRIE SIMS, CLEVELAND AND R. P. WEBSTER.

Mr. RICHARDSON introduced a bill (H. R. 9066) for the relief of John G. and Carrie Sims, and Cleveland and R. P. Webster, citizens of Bedford County, in the State of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SCHOOL LANDS IN WYOMING TERRITORY.

Mr. LAFFOON introduced a bill (H. R. 9067) to compensate for deficiencies in the sixteenth and thirty-sixth sections within the Territory of Wyoming reserved for school purposes, and to secure the proceeds arising from the sale thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARY A. LORD.

Mr. ZACH. TAYLOR (by request) introduced a bill (H. R. 9068) for the relief of Mary A. Lord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER AT MEMPHIS, TENN.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 9069) to authorize the construction of a bridge across the Mississippi River at Memphis, in the State of Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SECTION 5258 REVISED STATUTES.

Mr. THROCKMORTON introduced a bill (H. R. 9070) to amend section 5258 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES C. DOGGETT.

Mr. GROUT introduced a bill (H. R. 9071) granting an increase of pension to James C. Doggett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA TREFREN.

Mr. STEWART, of Vermont, introduced a bill (H. R. 9072) granting a pension to Eliza Trefren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON SAFE DEPOSIT COMPANY.

Mr. BARBOUR (by request) introduced a bill (H. R. 9073) enlarging the powers of the Washington Safe Deposit Company, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DAVID C. GARMAN.

Mr. GOFF introduced a bill (H. R. 9074) granting a pension to David C. Garman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY JANE BLAIR.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 9075) to grant a pension to Mary Jane Blair, widow of W. H. Blair, deceased, late a private of Company H, Forty-fourth Regiment of Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRUS PECK.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 9076) to grant a pension to Cyrus Peck, late first lieutenant Company H, Thirty-sixth Regiment Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI D. HORTON.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 9077) to increase the pension of Eli D. Horton, late private of Company I, First Regiment of Wisconsin Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN A. WATERMAN.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 9078) to grant a pension to Stephen A. Waterman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM TAYLOR.

Mr. PRICE introduced a bill (H. R. 9079) granting an increase of pension to William Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET JACKSON.

Mr. PRICE also introduced a bill (H. R. 9080) granting a pension to Margaret Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES C. M. ALLEN.

Mr. PRICE also introduced a bill (H. R. 9081) granting a pension to James C. M. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER MAYER.

Mr. HUDD introduced a bill (H. R. 9082) granting a pension to Peter Mayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP HENKEL.

Mr. GUENTHER introduced a bill (H. R. 9083) to pay Philip Henkel for property unlawfully confiscated and destroyed; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE M. HARE.

Mr. GUENTHER also introduced a bill (H. R. 9084) to pay George M. Hare for services while on detail as master-mechanic and shipbuilder; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT FOND DU LAC, WIS.

Mr. BRAGG introduced a bill (H. R. 9085) for the erection of a public building at Fond du Lac, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEVEES ON RIO GRANDE.

Mr. JOSEPH introduced a bill (H. R. 9086) to provide for building levees on the banks of the Rio Grande River, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON TERRITORY.

Mr. VOORHEES introduced a bill (H. R. 9087) to validate certain acts of the Legislative Assembly of Washington Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

HENRY WEBBER.

Mr. VOORHEES also introduced a bill (H. R. 9088) for the relief of Henry Webber; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

The SPEAKER. This completes the call of States and Territories. If there be no objection the Chair will recognize such other gentlemen as have bills to introduce.

REPORT NATIONAL BOARD OF HEALTH.

Mr. BARKSDALE introduced a joint resolution (H. Res. 174) authorizing the printing of 25,000 copies of the report of the National Board of Health; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JOHN F. HOPKINS.

Mr. STONE, of Kentucky, introduced a bill (H. R. 9089) granting a pension to John F. Hopkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LABOR COMMITTEE BUSINESS.

Mr. DANIEL submitted the following resolution; which was referred to the Committee on Labor:

Resolved, That Thursday, June 10 next, be set aside for consideration of bills now on the Calendar reported from the Committee on Labor then undisposed of, said order to continue from day to day until all of said bills shall have been disposed of.

EDUCATIONAL BILL.

Mr. DANIEL also submitted the following resolution; which was referred to the Committee on Labor:

Resolved, That Thursday, the 10th day of June, 1886, be set apart for the consideration of House bill No. 7266, entitled "A bill to aid in the establishment and temporary support of common schools," which was referred to the Committee on Labor and reported with amendments; and that its consideration be continued from day to day until finally disposed of, and that said bill be considered in the House as in the Committee of the Whole.

If the consideration of said bill be displaced, then the next day not previously set apart shall be devoted to its consideration, and so on until the same shall be disposed of.

FOURTH-CLASS MAIL MATTER.

Mr. BLOUNT introduced a bill (H. R. 9090) to prevent improper mailing of matter at fourth-class post-offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PENALTY ENVELOPES.

Mr. BLOUNT introduced a bill (H. R. 9091) to allow pension agents to use penalty envelopes for official business, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NAVAL ESTABLISHMENT.

Mr. HERBERT submitted a resolution fixing a day for the consideration of the bill (H. R. 6664) to increase the naval establishment; which was referred to the Committee on Naval Affairs.

JOHN K. LE BARON.

Mr. HOPKINS introduced a bill (H. R. 9092) for the relief of John K. Le Baron; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN FAIRCHILD.

Mr. SESSIONS introduced a bill (H. R. 9093) to increase the pension of Benjamin Fairchild; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FRIEDLIN.

Mr. LAIRD introduced a bill (H. R. 9094) for the relief of John Friedlin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

O. M. DOTY.

Mr. LAIRD also introduced a bill (H. R. 9095) granting a pension to O. M. Doty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERFERENCE WITH RAILROAD TRAFFIC.

Mr. LAIRD also introduced a bill (H. R. 9096) to amend section 5258 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRAZZILLA F. FARRELL.

Mr. LAIRD also introduced a bill (H. R. 9097) granting a pension to Brazzilla F. Farrell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. HAZEN.

Mr. LAIRD also introduced a bill (H. R. 9098) granting a pension to Mary C. Hazen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE D. PAUL.

Mr. LAIRD also introduced a bill (H. R. 9099) for the relief of George D. Paul; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. B. TINGLEY.

Mr. LAIRD also introduced a bill (H. R. 9100) granting a pension to J. B. Tingley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC REED.

Mr. LAIRD also introduced a bill (H. R. 9101) granting a pension to Isaac Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL MOORE.

Mr. LAIRD also introduced a bill (H. R. 9102) granting a pension to Samuel Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. HUFFMAN.

Mr. SENEY introduced a bill (H. R. 9103) for the relief of Mary A Huffman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUSINESS FROM THE COMMITTEE ON THE JUDICIARY.

Mr. TUCKER submitted the following resolution; which was read, and referred to the Committee on the Judiciary:

Resolved, That Saturday, June 5, and Saturday, June 19, after the reading of the Journal, be set apart for the consideration of such business as may be presented by the Committee on the Judiciary; this order not to interfere with the consideration of revenue or general appropriation bills, and if so interfered with, shall be in full force and effect for Saturday, June 26, after the reading of the Journal.

CAPT. JOHN GRANT.

Mr. BLANCHARD introduced a bill (H. R. 9104) for the relief of Capt. John Grant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FUNERAL EXPENSES OF CHARLES TREUTLEN.

Mr. BRECKINRIDGE, of Arkansas, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to the family of Charles Treutlen, late an employé of this House, the expenses attending his last sickness and funeral, not to exceed $250.

JOSEPH NIMMO, JR.

Mr. REAGAN submitted the following resolution; which was read, and referred to the Committee on Claims:

Resolved, That the Committee on Appropriations be requested to provide in the sundry civil appropriation bill for the payment of the sum of $2,000 to Joseph Nimmo, jr., to enable him to revise and extend the report on "the range and cattle business of the United States," prepared by him as Chief of the Bureau of Statistics of the Treasury Department in reply to the resolution of the House of Representatives dated February 17, 1885, such revision and extension of said report to include also information in regard to the raising of horses and sheep on ranges and ranches.

Mr. REAGAN. Mr. Speaker, I ask that the resolution be referred to the Committee on Appropriations.

The SPEAKER. Is it an expenditure for a public work already authorized by law?

Mr. REAGAN. No, sir.

The SPEAKER. Then the Appropriations Committee can not introduce new legislation. The Committee on Claims is the proper reference.

SITE OF WASHINGTON CITY POST-OFFICE.

Mr. BURROWS. Mr. Speaker, I now ask unanimous consent to have printed in the RECORD the heading of a petition, which is very short, with reference to the new city post-office. I do not ask to include the names.

There was no objection.

The petition was read, and referred to the Committee on Public Buildings and Grounds.

It is as follows:

To the Senate and House of Representatives in Congress assembled:

We, the undersigned, business men and property-holders of the District of Columbia, believing that square No. 406, west of the General Post-Office Department, to be the most suitable site for the post-office for the city of Washington, do respectfully petition your honorable bodies to acquire said square, believing it to be the most central location for business purposes and a central point between the great Department buildings of the Government.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the committees for reports.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. CRISP (on behalf of Mr. BYNUM), from the Committee on Commerce, reported back with a favorable recommendation the Senate amendments to the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MISSION INDIANS, CALIFORNIA.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (S. 53) for the relief of the mission Indians in the State of California; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SECTION 1858 OF THE REVISED STATUTES.

Mr. PERRY, from the Committee on the Territories, reported, as a substitute for H. R. 8287, a bill (H. R. 9105) to repeal section 1858 of the Revised Statutes of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 8287 was ordered to be laid on the table.

PUBLIC BUILDING AT NEWPORT, KY.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 538) to provide for the erection of a public building in the city of Newport, Ky.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT FORTRESS MONROE, VA.

Mr. SNYDER, from the Committee on Public Buildings and Grounds also reported back with a favorable recommendation the bill (S. 479) to provide for the erection of a post-office building at Fortress Monroe, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INVALID PENSIONS.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3238) to amend section 4700 of the Revised Statutes, relating to invalid pensions; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

VIRGINIA TAYLOR RANDALL.

Mr. WOLFORD, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 7712) granting a pension to Virginia Taylor Randall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 8657) referring certain claims to the Court of Claims; and the same was referred to the Committee on War Claims.

On motion of Mr. SPRINGER, the Committee on Claims was also discharged from the further consideration of the bill (H. R. 8464) for the relief of L. M. Pearlman; and the same was referred to the Committee on War Claims.

MRS. SARAH HOLROYD.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 94) for the relief of Mrs. Sarah Holroyd, widow and administratrix of the estate of John Holroyd, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4018) for the relief the North German Lloyd Steamship Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ZEB WARD.

Mr. MCKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 86) for the relief of Zeb Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CROXTON, from the Committee on Private Land Claims, reported back with an adverse recommendation the joint resolution (H. Res. 161) for the relief of Mary C. Crosby; which was laid on the table, and the accompanying report ordered to be printed.

MONUMENT AT STONY POINT, N. Y.

Mr. STAHLNECKER, from the Committee on the Library, reported back with a favorable recommendation the joint resolution (H. Res. 156) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted upon its amendments to the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, disagreed to by the House of Representatives, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL to be the conferees on the part of the Senate.

The message further announced that the President *pro tempore* had appointed Mr. BECK a manager at the conference on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate and the amendments of the House of Representatives to the fifth amendment of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, in the place of Mr. CALL, excused.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection the Chair will recognize gentlemen to make reports who were not in their seats when their committees were called.

There was no objection.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. BLISS, from the Committee on Pacific Railroads, reported a joint resolution (H. Res. 175) directing the Secretary of the Interior to demand information from the Northern Pacific Railroad Company in regard to certain alleged violations of law by that company; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

POLYGAMY, ETC.

Mr. TUCKER, from the Committee on the Judiciary, reported back joint resolutions of the following titles; which were laid on the table:

Joint resolution (H. Res 16) proposing an amendment to the Constitution of the United States in relation to polygamy, &c.;

Joint resolution (H. Res. 50) proposing an amendment to the Constitution of the United States so as to establish uniform laws on the subject of marriage and divorce;

Joint resolution (H. Res. 140) proposing an amendment to the Constitution of the United States prohibiting polygamy; and

Joint resolution (H. Res. 143) proposing an amendment to the Constitution of the United States prohibiting polygamy.

Mr. TUCKER, from the Committee on the Judiciary, also reported a joint resolution (H. Res. 176) for the amendment of the Constitution of the United States in regard to polygamy and polygamous association or cohabitation between the sexes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. TUCKER. I ask on behalf of my colleague on the committee, the gentleman from North Carolina [Mr. BENNETT], that he have leave to present the views of the minority, and that they be printed with the report of the majority.

There was no objection, and it was so ordered.

MARY B. HOOK.

Mr. STRUBLE, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 2095) granting an increase of pension to Mary B. Hook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH P. M'KEAN.

Mr. STRUBLE, from the Committee on Pensions, also reported back with a favorable recommendation the bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Lynn County, Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH S. DE KRAFFT.

Mr. STRUBLE, from the Committee on Pensions, also reported back with a favorable recommendation the bill (S. 2223) granting a pension to Elizabeth S. De Krafft; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHAEL BARNES.

Mr. STRUBLE, from the Committee on Pensions, also reported, as a substitute for H. R. 7690, a bill (H. R. 9106) granting a pension to Rachael Barnes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 7690) was laid on the table.

BUREAU OF ANIMAL INDUSTRY.

Mr. SWINBURNE (by Mr. PRICE) presented the views of the minority of the Committee on Agriculture upon the bill (H. R. 3350) to aid the Bureau of Animal Industry; and, by unanimous consent, they were ordered to be printed with the report of the committee.

ORDER OF BUSINESS.

Mr. COBB. Mr. Speaker, I move to go to the Speaker's table and take up the bill forfeiting lands granted to the Southern Pacific and California Railroad Company.

Mr. HATCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general revenue bills.

The SPEAKER. The gentleman from Indiana moves to proceed to the consideration of business on the Speaker's table for the purpose of taking up bills forfeiting land grants made to certain railroad companies; pending that motion the gentleman from Missouri [Mr. HATCH] moves that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering revenue bills, a motion which has priority.

Mr. HATCH. Mr. Speaker, I wish to say that my purpose is to reach bill H. R. 8328, known as the oleomargarine bill.

Mr. TUCKER. Mr. Speaker, is that a bill reported from the Committee on Ways and Means?

The SPEAKER. It is a bill reported from the Committee on Agriculture.

Mr. COX. Mr. Speaker, I call up the privileged report of the Select Committee on Reform in the Civil Service in relation to the Warder case.

Mr. HATCH. On that, Mr. Speaker, I raise the question of consideration.

Mr. MILLER. Mr. Speaker, before that is reached I desire to raise the question of consideration in favor of the special order made on April 26, House bill 5788, a bill to provide for the issue of small bills for circulation.

The SPEAKER. There can be but one question of consideration pending at a time. The first question is, Will the House now consider the report made from the Select Committee on Reform in the Civil Service in relation to certain employés of the House?

Mr. HATCH. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I am not advised of the character of the report to which the gentleman from North Carolina [Mr. COX] refers, but I desire to ask the Chair if it is a privileged report.

The SPEAKER. It is. It relates to the conduct of certain employés of the House.

Mr. HATCH. Then I insist upon my motion, raising the question of consideration.

Mr. BRAGG. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. I desire to know where the Committee on Agriculture got the function of reporting a revenue bill?

The SPEAKER. The House by a vote referred the bill to that committee.

Mr. BRAGG. I shall raise the question of consideration.

The SPEAKER. There is no question of consideration in that case. The only way to accomplish the object the gentleman has in view is to defeat the motion to go into the Committee of the Whole on the state of the Union for the purpose of considering revenue bills.

Mr. BRAGG. My committee desire to retain the hour that belongs to them to-morrow.

Mr. BLAND. Mr. Speaker, I understood the gentleman from Texas [Mr. MILLER] to call up a special order. What is that special order?

The SPEAKER. The gentleman can not call up a special order while a matter of privilege is pending before the House. When that is disposed of the Chair will hear what the gentleman from Texas proposes. The first question is, Will the House now proceed to the consideration of the report made by the Select Committee on Reform in the Civil Service in relation to certain employés of the House?

The question was taken; and there were—ayes 46, noes 92.

Mr. COX. I call for the yeas and nays.

The question was taken; and 25 members voted in the affirmative.

Mr. TUCKER. No quorum.

A MEMBER. This does not require a quorum.

The SPEAKER. A quorum is required to determine the question of consideration.

Mr. HISCOCK. The point is made too late.

The SPEAKER. It is not too late. The Chair had announced the vote, but not the result of the vote. The Chair will appoint as tellers the gentleman from North Carolina [Mr. COX] and the gentleman from Missouri [Mr. HATCH].

The House again divided; and the tellers reported—ayes 45, noes 122.

So the House refused to proceed to the consideration of the report of the Select Committee on Reform in the Civil Service.

Mr. MILLER. I now move that the House proceed to the consideration of House bill No. 5788, which was made a special order on the 26th of April.

The SPEAKER. If the Chair understands what the bill is to which the gentleman from Texas [Mr. MILLER] alludes, he thinks it is made a special order subject to the consideration of general appropriation and revenue bills; and if so, the question must be first taken, as heretofore stated by the Chair, on the motion made by the gentleman from Missouri [Mr. HATCH].

Mr. BLAND. I would like to understand what the bill is which the gentleman from Texas desires to bring up.

The SPEAKER. The Chair would be glad if the gentleman from Texas would state what the bill is.

Mr. MILLER. It is the bill reported from the Committee on Banking and Currency, providing for the issue of one and two dollar silver certificates.

Mr. BLAND. It seems to me the silver-certificate bill ought to have consideration——

The SPEAKER. These questions are not debatable. The special order to which the gentleman from Texas refers was "to be considered in the House as in the Committee of the Whole House, not to interfere with general appropriation bills, bills raising revenue, nor prior orders." Consequently, the question is first upon the motion made by the gentleman from Missouri, that the House now resolve itself into Committee of the Whole House on the state of the Union to consider revenue bills.

Mr. HERBERT. I desire to ask whether the order just read by the Chair excepts the morning hour for the consideration of bills called up by committees?

The SPEAKER. The Chair did not read the entire order, but only enough to show that in the present situation of affairs the question must first be taken upon the motion of the gentleman from Missouri.

Mr. HERBERT. In order that we may intelligently vote upon these questions, I desire to ask whether that order would have the effect of dispensing with the morning hour for the consideration of bills?

The SPEAKER. It would if called up before the business of that hour had been entered upon. The only exceptions made in the order are those read by the Chair.

Mr. COBB. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COBB. I made a motion to proceed to the consideration of bills forfeiting land grants. The gentleman from Missouri [Mr. HATCH] moved to amend that motion so as to go into the Committee of the Whole House on the state of the Union for the consideration of his bill. Then a privileged motion was made by the gentleman from North Carolina [Mr. COX] to take up the report of his committee. Now, what has become of my motion?

The SPEAKER. The gentleman from Missouri moved to go into the Committee of the Whole, not to consider a report made by his committee, but to consider bills raising revenue; and that motion has priority over the motion of the gentleman from Indiana [Mr. COBB] to proceed to the consideration of bills on the House Calendar forfeiting land

grants to railroad companies, as the gentleman from Indiana will see by referring to the order made with reference to that class of business.

Mr. COBB. If this motion of the gentleman from Missouri should be voted down——

The SPEAKER. Then the motion of the gentleman from Indiana comes next.

Mr. COBB. I trust the House will vote down the motion of the gentleman from Missouri.

Mr. HATCH. And I trust the House will adopt it.

The question being taken on the motion of Mr. HATCH, that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering bills raising revenue, there were—ayes 87, noes 64.

Mr. MCMILLIN. Desiring to reach bills forfeiting land grants, I demand the yeas and nays on this question.

The yeas and nays were ordered, 50 voting in favor thereof.

The question was taken; and there were—yeas 142, nays 83, not voting 97; as follows:

YEAS—142.

Adams, G. E.	Fuller,	Lindsley,	Sadler,
Allen, C. H.	Funston,	Louttit,	Sawyer,
Barbour,	Gallinger,	Lovering,	Scott,
Barksdale,	Gay,	Lowry,	Scranton,
Bayne,	Gilfillan,	Lyman,	Sessions,
Beach,	Glass,	Matson,	Seymour,
Bingham,	Goff,	McComas,	Singleton,
Bliss,	Green, W. J.	McCreary,	Smalls,
Bound,	Grout,	McKenna,	Snyder,
Boutelle,	Halsell,	McKinley,	Sowden,
Brady,	Hanback,	Millard,	Spriggs,
Browne, T. M.	Harmer,	Moffatt,	Springer,
Brown, C. E.	Hatch,	Morgan,	Stahlnecker,
Brown, W. W.	Haynes,	Morrill,	Stephenson,
Buchanan,	Heard,	Morrow,	Stewart, J. W.
Buck,	Henderson, D. B.	Murphy,	Strait,
Bunnell,	Henderson, J. S.	Neece,	Struble,
Burrows,	Henderson, T. J.	Nelson,	Swope,
Caldwell,	Hepburn,	O'Donnell,	Symes,
Campbell, J. M.	Herman,	O'Ferrall,	Taylor, I. H.
Cannon,	Hiestand,	O'Neill, Charles	Taylor, Zach.
Cooper,	Hill,	Osborne,	Thomas, O. B.
Cox,	Hires,	Parker,	Thompson,
Croxton,	Hiscock,	Payne,	Townshend,
Curtin,	Hitt,	Perkins,	Wade,
Daniel,	Hopkins,	Peters,	Wadsworth,
Davidson, R. H. M.	Howard,	Pettibone,	Wakefield,
Dawson,	Hudd,	Plumb,	Ward, T. B.
Dingley,	Jackson,	Price,	Weaver, J. B.
Dockery,	Johnson, F. A.	Randall,	Weber,
Dorsey,	Johnston, J. T.	Rice,	White, A. C.
Dougherty,	Ketcham,	Riggs,	White, Milo
Eldredge,	King,	Rockwell,	Whiting,
Everhart,	La Follette,	Romeis,	Worthington.
Felton,	Laird,	Rowell,	
Frederick,	Lehlbach,	Ryan,	

NAYS—83.

Anderson, C. M.	Farquhar,	McMillin,	Stone, W. J., Ky.
Belmont,	Findlay,	McRae,	Stone, W. J., Mo.
Bennett,	Fisher,	Miller,	Tarsney,
Blanchard,	Ford,	Mills,	Taulbee,
Bland,	Forney,	Morrison,	Taylor, J. M.
Blount,	Green, R. S.	Neal,	Throckmorton,
Bragg,	Hammond,	O'Neill, J. J.	Tillman,
Breckinridge, C. R.	Harris,	Outhwaite,	Tucker,
Breckinridge, W. C. P.	Hemphill,	Payson,	Turner,
Cabell,	Herbert,	Peel,	Van Eaton,
Campbell, J. E.	Holman,	Perry,	Van Schaick,
Campbell, T. J.	Irion,	Reagan,	Viele,
Candler,	James,	Reid, J. W.	Ward, J. H.
Cobb,	Johnston, T. D.	Richardson,	Warner, William
Cowles,	Jones, J. H.	Sayers,	Wellborn,
Crain,	Laffoon,	Shaw,	Wheeler,
Crisp,	Lanham,	Skinner,	Willis,
Culberson,	Lawler,	Spooner,	Wilson,
Dargan,	Martin,	St. Martin,	Wise,
Dunham,	Maybury,	Stewart, Charles	Wolford.
Dunn,	McAdoo,	Stone, E. F.	

NOT VOTING—97.

Adams, J. J.	Comstock,	Hewitt,	Pidcock,
Aiken,	Conger,	Holmes,	Pindar,
Allen, J. M.	Cutcheon,	Houk,	Pirce,
Anderson, J. A.	Davenport,	Hutton,	Ranney,
Arnot,	Davidson, A. C.	Jones, J. T.	Reed, T. B.
Atkinson,	Davis,	Kelley,	Reese,
Baker,	Dibble,	Kleiner,	Robertson,
Ballentine,	Dowdney,	Landes,	Rogers,
Barnes,	Eden,	Le Fevre,	Seney,
Barry,	Ellsberry,	Libbey,	Steele,
Boyle,	Ely,	Little,	Storm,
Burleigh,	Ermentrout,	Long,	Swinburne,
Burnes,	Evans,	Lore,	Taylor, E. B.
Butterworth,	Fleeger,	Mahoney,	Thomas, J. R.
Bynum,	Foran,	Markham,	Trigg,
Brumm,	Geddes,	Merriman,	Walt,
Campbell, Felix	Gibson, C. H.	Milliken,	Warner, A. J.
Carleton,	Gibson, Eustace	Mitchell,	Weaver, A. J.
Caswell,	Glover,	Muller,	West,
Catchings,	Grosvenor,	Negley,	Wilkins,
Clardy,	Guenther,	Norwood,	Winans,
Clements,	Hale,	Oates,	Woodburn,
Cole,	Hall,	O'Hara,	
Collins,	Hayden,	Owen,	
Compton,	Henley,	Phelps,	

So the motion was agreed to.

During the roll-call the following additional pairs were announced from the Clerk's desk:

For the rest of the day:

Mr. REESE with Mr. WOODBURN.

Mr. PINDAR with Mr. EVANS.

Mr. BALLENTINE with Mr. BAKER.

Mr. MITCHELL with Mr. ANDERSON, of Kansas.

URGENCY DEFICIENCY BILL.

The SPEAKER. Before announcing the result the Chair will appoint conferees on the part of the House.

Mr. RANDALL. I move that the House further insist on its disagreement to the amendments of the Senate to the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, and agree to the conference requested by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House, Mr. RANDALL, Mr. LE FEVRE, and Mr. MCCOMAS.

The vote was then announced as above recorded.

TARIFF.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 7652) to reduce tariff taxes and to modify the laws in relation to the collection of the revenue.

Mr. MORRISON. I ask that that bill be passed over.

Mr. DUNHAM. I object.

Mr. HISCOCK. I hope the gentleman will not object. There is no use to take up the time of the House.

Mr. HATCH. It is only taking up the time of the House for nothing.

The CHAIRMAN. Under the rules the committee will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having reached the bill (H. R. 7652) to reduce tariff taxes and to modify the laws in relation to the collection of the revenue, objection was made to its consideration, and the committee accordingly rose and reported the objection to the House.

The SPEAKER. The question is, Shall the committee be directed to pass over the bill which has been indicated?

The motion was agreed to.

INTERNAL REVENUE.

The House again resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the Chair.

The CHAIRMAN. By order of the House the tariff bill has been passed over, and the next bill on the Calendar is the bill (H. R. 8327) to reduce the number of internal-revenue officers, provide a better and more economical administration of the internal-revenue laws, and for other purposes.

Mr. HATCH. I move that bill be laid aside.

Mr. CABELL. I object.

Mr. HISCOCK. I rise to a parliamentary inquiry, whether it is in order to move to lay aside all tariff and revenue bills which precede the oleomargarine bill?

Mr. HATCH. This is the only one.

The CHAIRMAN. The Chair can not entertain objection to any bill except the one pending.

Mr. CABELL. This is a revenue bill, and has come up regularly, and I hope the House will consider it.

The CHAIRMAN. Is there objection to passing the bill over?

Mr. CABELL. I object.

The committee rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having reached the bill (H. R. 8327) to reduce the number of internal-revenue officers, provide a better and more economical administration of the internal-revenue laws, and for other purposes, objection was made to its consideration, and, under the rules, the committee rose and reported the fact to the House.

The SPEAKER. The question is, Shall the committee be directed to pass over the bill indicated?

The House divided; and there were—ayes 91, noes 43.

Mr. REID, of North Carolina, demanded the yeas and nays.

The House divided; and there were ayes 39.

Mr. SPRINGER. Count the other side.

The other side was counted; and there were noes 102.

So (more than one-fifth having voted in the affirmative) the yeas and nays were ordered.

The SPEAKER. The question is, Shall the Committee of the Whole be directed to pass over the bill indicated?

Mr. REID, of North Carolina. Is it in order to have the bill read?

The SPEAKER. Not in the House; it might have been read in committee.

The question was taken; and it was decided in the affirmative—yeas 139, nays 86, not voting 97; as follows:

YEAS—139.

Adams, G. E.	Funston,	Lyman,	Scranton,
Allen, C. H.	Gallinger,	McComas,	Sessions,
Allen, J. M.	Gilfillan,	McCreary,	Seymour,
Anderson, C. M.	Glass,	McKenna,	Singleton,
Anderson, J. A.	Glover,	McKinley,	Smalls,
Barksdale,	Grout,	Millard,	Sowden,
Bayne,	Halsell,	Milliken,	Spooner,
Beach,	Hanback,	Moffatt,	Spriggs,
Bland,	Harmer,	Morgan,	Springer,
Bliss,	Hatch,	Murphy,	Stahlnecker,
Bound,	Haynes,	Neece,	Stephenson,
Boutelle,	Heard,	Nelson,	Stewart, J. W.
Browne, T. M.	Henderson, D. B.	O'Donnell,	Stone, W. J., Mo.
Brown, C. E.	Henderson, T. J.	O'Neill, Charles	Strait,
Brown, W. W.	Henley,	O'Neill, J. J.	Struble,
Buchanan,	Hepburn,	Osborne,	Swope,
Buck,	Herman,	Outhwaite,	Symes,
Bunnell,	Hiestand,	Parker,	Tarsney,
Burrows,	Hires,	Payne,	Taylor, I. H.
Campbell, J. E.	Hiscock,	Payson,	Taylor, Zach.
Cannon,	Hitt,	Perkins,	Thomas, O. B.
Cooper,	Holman,	Peters,	Thompson,
Cutcheon,	Hopkins,	Pettibone,	Townshend,
Dawson,	Howard,	Plumb,	Wade,
Dingley,	Hudd,	Price,	Wadsworth,
Dockery,	Jackson,	Ranney,	Wakefield,
Dorsey,	Johnson, F. A.	Rice,	Ward, T. B.
Eldredge,	Johnston, J. T.	Riggs,	Weaver, A. J.
Everhart,	Ketcham,	Rockwell,	Weaver, J. B.
Felton,	La Follette,	Romeis,	Weber,
Fisher,	Laird,	Rowell,	White, A. C.
Fleeger,	Le Fevre,	Ryan,	White, Milo
Ford,	Lindsley,	Sadler,	Whiting,
Frederick,	Louttit,	Sawyer,	Worthington.
Fuller,	Lowry,	Scott,	

NAYS—86.

Barbour,	Daniel,	Lanham,	Snyder,
Barnes,	Dargan,	Lawler,	Stewart, Charles
Belmont,	Davidson, R. H. M.	Lovering,	St. Martin,
Bennett,	Dougherty,	Martin,	Stone, W. J., Ky.
Blanchard,	Dunham,	Matson,	Taulbee,
Boyle,	Dunn,	Maybury,	Taylor, J. M.
Brady,	Ellsberry,	McMillin,	Throckmorton,
Bragg,	Farquhar,	McRae,	Tillman,
Breckinridge, C. R.	Forney,	Miller,	Tucker,
Breckinridge, WCP.	Gay,	Mills,	Turner,
Cabell,	Green, R. S.	Morrison,	Van Eaton,
Caldwell,	Green, W. J.	Neal,	Van Schaick,
Campbell, T. J.	Hammond,	Oates,	Viele,
Candler,	Harris,	O'Ferrall,	Ward, J. H.
Catchings,	Hemphill,	Peel,	Warner, William
Cobb,	Henderson, J. S.	Perry,	Wellborn,
Collins,	Herbert,	Reagan,	Wheeler,
Cowles,	James,	Reid, J. W.	Willis,
Cox,	Johnston, T. D.	Richardson,	Wilson,
Crisp,	Jones, J. H.	Sayers,	Wolford.
Croxton,	King,	Shaw,	
Culberson,	Laffoon,	Skinner,	

NOT VOTING—97.

Adams, J. J.	Curtin,	Hutton,	Pindar,
Aiken,	Davenport,	Irion,	Pirce,
Arnot,	Davidson, A. C.	Jones, J. T.	Randall,
Atkinson,	Davis,	Kelley,	Reed, T. B.
Baker,	Dibble,	Kleiner,	Reese,
Ballentine,	Dowdney,	Landes,	Robertson,
Barry,	Eden,	Lehlbach,	Rogers,
Bingham,	Ely,	Libbey,	Seney,
Blount,	Ermentrout,	Little,	Steele,
Brumm,	Evans,	Long,	Stone, E. F.
Burleigh,	Findlay,	Lore,	Storm,
Burnes,	Foran,	Mahoney,	Swinburne,
Butterworth,	Geddes,	Markham,	Taylor, E. B.
Bynum,	Gibson, C. H.	McAdoo,	Thomas, J. R.
Campbell, Felix	Gibson, Eustace	Merriman,	Trigg,
Campbell, J. M.	Goff,	Mitchell,	Wait,
Carleton,	Grosvenor,	Morrill,	Warner, A. J.
Caswell,	Guenther,	Morrow,	West,
Clardy,	Hale,	Muller,	Wilkins,
Clements,	Hall,	Negley,	Winans,
Cole,	Hayden,	Norwood,	Wise,
Compton,	Hewitt,	O'Hara,	Woodburn.
Comstock,	Hill,	Owen,	
Conger,	Holmes,	Phelps,	
Crain,	Houk,	Pidcock,	

So the House directed the committee to pass over the bill.

Mr. HOPKINS. I wish to state, Mr. Speaker, that I am paired on political questions; but not regarding this as a question of that character I have voted.

Mr. HATCH. I ask unanimous consent that the reading of the names be dispensed with.

Mr. VAN EATON. I object.

The Clerk then recapitulated the names of those voting.

The following additional pair was announced:

Mr. PIDCOCK with Mr. BINGHAM, on this vote.

The result of the vote was then announced as above recorded.

Mr. VAN EATON. I move that the House do now adjourn.

The motion was not agreed to.

The Committee of the Whole resumed its session.

IMITATION DAIRY PRODUCTS.

The CHAIRMAN (Mr. SPRINGER). The House has directed the committee to pass over the bill the title of which has been read. The Clerk will now report the next business upon the Calendar.

The Clerk read as follows:

A bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The bill was read at length.

Mr. HATCH. Mr. Chairman, it is not my purpose at this time to occupy the floor in an explanation of this bill, as I have already expressed my own views and those of the Committee on Agriculture in the report accompanying the bill. I shall, however, avail myself of the privileges accorded to me under the rules of the House to occupy my hour in closing the general debate.

I recognize, Mr. Chairman, that this is an important bill, and desire that it shall have a full and fair discussion in the committee. I shall not attempt to-day to fix any limit to the debate, and shall be governed to some extent at least by the disposition and wishes of the House in that regard.

I now yield the floor to the gentleman from Pennsylvania [Mr. SCOTT] such time as he may desire to occupy.

Mr. SCOTT. Mr. Chairman, it was my privilege a short time ago to introduce in the House a bill designed in its provisions to regulate the manufacture and sale of what is known as oleomargarine. The bill was referred to the Committee on Agriculture, as were other bills subsequently presented bearing upon the same subject. Hearings were allowed by the committee to those desiring to be heard, whether in favor of or opposed to legislation upon the question; and after weeks of patient labor a bill has been reported which in all respects meets my unreserved approval. The honorable chairman of the committee having courteously tendered me an hour of the time allotted for the discussion, I will undertake to briefly state some reasons why in my judgment such a measure is at this period not only opportune but absolutely necessary if one of the chief industries of the country is to be spared from the doom which now threatens it.

It is needless for me to speak of the importance to a nation of throwing every possible safeguard about its agricultural interests. They who devote their entire lives to the production of those articles which are relied upon for the sustenance of the people have a primal right to make known their grievances and to persist in their appeals until at least a measure of relief is afforded. The farmer is never aggressive, but always patient. His hours of toil are not limited to the period between the rising and the setting of the sun; he suffers hardships in his battles with nature, but his struggles are the struggles of peace; he is always law-abiding, and never fractious. True to the independent characteristics of his calling, he is slow to invite others to his assistance; and when that appeal is made it should be answered with a promptness that attests the nation's confidence in his statements and appreciation of his worth.

Within a period of less than ten years a gigantic traffic has grown up which has already displaced one-fifth of the purest product of the dairy and substituted therefor an article the ingredients of which are acknowledged to be not only offensive in their original character to human taste but positively injurious to the public health. So rapidly has this traffic developed, and so vast have its proportions become, that State Legislatures have been powerless to arrest its growth, and the National Congress is finally appealed to to pass laws that shall at least check its further disastrous advance.

With this object in view a convention of men representing the dairying interests of twenty-six States of the Union was held in the city of New York early in the present year. It was composed of delegates appointed by governors of States, as well as delegates from State agricultural societies and boards of agriculture, State and local dairy associations and granges, and from the produce and mercantile exchanges of New York and other cities. This convention was not the mere outgrowth of meaningless agitation, but it was the culmination of an honest sentiment, based upon a sense of injustice, and carrying with it a determination to organize upon the principle of self-protection. They temperately discussed the evils from which they were suffering. In view of the wrong that has been inflicted upon them and the nature of the commodity which has made such inroads upon their individual welfare, it would not have been surprising if they had asked for its complete extermination; but, recognizing the personal as well as the commercial rights of others, they sought in a spirit of moderation and through the adoption of laws to be placed upon at least an equal footing with their dangerous competitors.

In the first place, it is nowhere denied that oleomargarine is sold in immense quantities, honestly as oleomargarine but fraudulently as the purest article of dairy butter. In fact the highest indorsement afforded it by the manufacturers of the compound is to the effect that so thoroughly have they mastered the secret of deception that the most skillful expert is unable to distinguish the pure from the imitation article. It is at this point that the wrong begins; and this is a wrong no less to the dairyman than to the consumer. The genius which has

succeeded by the application of chemical fluids and compounds in transforming a mass of loathsome and unwholesome ingredients into an article of food at a trifling cost, does not hesitate to impose the product upon the public, and receive in the way of excessive profit the difference between the cost of the imitation or counterfeit article and that of pure butter. It was to the regulation of this feature of the traffic that the convention applied itself.

All will recognize the indisputable fact that a natural and constant demand exists for genuine butter. It is to furnish the supply to meet this demand that the dairyman has invested his money in land, and crops, and stock, and machinery, and applies his labor. If, after all his toil and expense to produce an article of unadulterated purity, which the public demand, he finds, on reaching the market, that his real product has been forestalled by a spurious article unsuspectingly purchased by the consumer, surely he is entitled to some redress. The manufacture and sale of oleomargarine, therefore, unrestricted by legislation, is a present and increasing injury to that class of the agricultural community especially engaged in the dairying interest. The provision of the proposed bill in no wise inflicts hardship upon the manufacturer of oleomargarine, but simply raises the farmer to the plane of fair and honest competition.

As in the past there have been so there will in the future continue to be various grades of butter, and side by side with these the differing grades of oleomargarine may still be offered and accepted by those who prefer the one to the other. The cost of from 7 to 9 cents a pound, at which it is claimed the best grades of oleomargarine can be produced, renders it possible, notwithstanding the proposed tax, for the imitation to openly compete with the genuine. The question will then be solved by the preference of the individual, and the penalty will only follow the imposter and wrongdoer.

An interesting and, in my judgment, a very important question is involved in the consideration of a measure of this character. This country is distinctively adapted to agricultural pursuits, and the rapid development of State after State since the birth of the Republic has been largely due to the peculiar attractiveness of our territory for labor in connection with the cultivation of the soil. They who represent this class of labor are usually self-reliant and industrious men. They realize the privations associated with the calling, and measure by the true standard the chances of success. They are early taught practical lessons in economy and thrift, and how best to apply these first principles is the problem to the solution of which the best years of their lives are devoted. That such magnificent results, in the aggregate, have been so speedily achieved, is the most flattering certificate of their ability, as a class, that could be formulated.

I do not need, in my present surroundings, to cumber my remarks with statistics, so thoroughly recognized and impressive is the record of their accomplishments. But what has it cost to produce these results? In the first place, toil of the most unremitting and exacting character; in the second place, that peculiar order of genius or tact which is constantly seeking to apply means to ends. Unless a farmer is possessed of both of these qualities his lands will go to waste and his cattle will starve. Nor is the one useful without the assistance of the other. He may toil without ceasing, but if he does not possess tact to direct his labor he will reap a poor reward; and however liberally he may be endowed with tact, unless he supports it with his toil, only disappointment and desolation will result.

A kindred principle applies to the intelligent conduct of his work, namely, the dependence of one branch of his industry upon another. It is only the operation of a natural law of compensation which compels a return to the soil of a portion of that which it has yielded as a reward to the husbandman for his toil. It is a mistake to argue that the world owes every man a living; on the contrary, every man owes to the world a due measure of toil through which his living is acquired. And it is through the perfection of this idea that the condition of mankind is advanced, and the world is rendered better according to the measure of individual contribution to the general sum. The farmer who should rely upon the first-mentioned theory, to which expression is often idly and thoughtlessly given, and should psssess himself of his farm with the idea that he, being its owner, is entitled to a sustenance therefrom without properly caring for his stock or intelligently providing for the development of his crops, would speedily run abreast of bankruptcy and starvation.

Moving together hand in hand, the cereal and the dairy branches have attained for agriculture that perfection which has rendered the system an object of national pride. Having done this much for itself without the fostering aid of class legislation, the great farming interest may rightfully insist upon a hearing when it appeals for protection against an insidious foe whose further advancement must inevitably destroy its chief support. If the farmer is stripped of his direct profit derived from the products of his dairy he must part with his cattle, and thus lose the incidental advantage that accrues from their natural contributions to the soil.

The sundering of this link can not fail of being disastrous in its effects, not only to the individual, but in time to the country at large. If the traffic in oleomargarine shall continue with the same energy which has marked its growth during the brief period that has intervened since the earliest productions of the compound, it will in a few years almost wholly supplant the trade in genuine butter. The farms, deprived of their herds, will inevitably degenerate in the character of their soil, and instead of being, as at present, the abodes of comfort, thrift, and happiness, they will become impoverished tenantries, yielding no revenue to the State and barely an existence to the unfortunate dwellers upon them.

In the rapid march of American progress agriculture has promptly followed in the track of the railway. Before the age of steam it was the pioneer of civilization, but as the railroad penetrated farther and farther into the great West agriculture yielded its leadership, but only to become the chief auxiliary to the more vigorous representative of the spirit of the times. Less than half a century ago the northernmost limit of the great wheat belt of the continent was to be found in the famous valleys of the Mohawk and the Genesee; and upon the banks of the Genesee and at the falls of that river, in the city of Rochester, the great milling industries of the country were centered, while at the falls of the James River the Haxhall flour, produced from the wheat grown in the rich valleys of Virginia, was of a quality second to none in the world, and commanded the markets of South America, into which we are now unsuccessfully endeavoring to introduce the surplus products of our mills and factories.

To-day the great stone mills on the borders of the Genesee are devoted to other uses. The wheat belt rapidly extended into the new States of Ohio and Indiana, thence into Illinois, Michigan, and Wisconsin, and later into the vast Territories of the great Northwest. With it the milling interest departed from Eastern centers, and now, around the Falls of Saint Anthony, in Minnesota, a locality which only a generation ago was the tenting-place of the savage, are clustered a series of majestic flouring mills, which, in their capacity and appointments, are not only the pride of the nation, but the wonder of the world. As the population in the East became more dense, the farming lands increased in value.

The tendency of continued cropping to cereals being toward the exhaustion of the soil, the herd supporting the dairy became more and more necessary for the successful maintenance of the farm. Convenience to ready markets and facilities for transportation rendered this branch of the industry one to be preferred; hence the cereals, which could no longer be profitably grown in the East, were gradually shifted to the cheaper lands of the West which nature for centuries had been nursing into fertility for the approach and reward of the pioneer.

But nature is always exacting. Having given to man the virgin soil of the prairies from which, through industry, to reap his bountiful harvest, she has compelled the maintenance of the same degree of fertility which she originally bestowed; hence the herd of the dairyman again became a necessity, and has continued to be a necessity wherever the cereals have advanced to extract the original vigor of the soil. While the two have never wholly parted company, the dairy in its work of repairing the exhaustion has largely extended its area, and in so doing has encroached so far upon the territory of its companion industry that to-day the great fields of the cereals are found far out upon the Western and Northwestern frontiers, while the butter-making and cheese interests have grown to immense proportions in the States of Michigan, Wisconsin, Minnesota, Nebraska, and Iowa, as well as in Kansas and Missouri, reaching eastward through Tennessee, Kentucky, Virginia, and the Middle States to the famous dairying communities of Pennsylvania and New York.

As the country with the lapse of time and increasing age is gradually taking upon itself the conditions of permanence in the location of its industries, it is fair to assume that within the region outlined the dairying interest is destined to become for all time established. The importance to the nation of its proper maintenance can not be questioned. So wisely have the geographical limits of our country been defined that there is little in the way of products of the soil necessary to the existence of its people that can not be grown within our own borders; and so thoroughly balanced and nicely distributed are our gifts, that the system of dependence of the various sections one upon the other is perfect, while our national independence, which is our chief glory and pride, is at the same time assured.

The particular region in which the dairying industries of the country have established themselves is especially adapted by nature for their perpetuation, not for climatic reasons alone, but because they are indispensable for the preservation in a productive state of the soil of the vast territory upon which they flourish. It is always an omen of approaching disaster whenever any legitimate industry shows signs of decay, for it is upon the well-being and contentment and prosperity of all that a nation thrives. A blow to the dairying interests of this country is a blow to the vitals of the nation. The effect of its decadence would not be confined to those directly engaged in the pursuit, but would be felt in every nerve of our national system. It would mean the lapsing of lands to a condition of unproductiveness and waste and a surplusage of labor in another branch of industry.

The effect would speedily be felt in our revenues as well as in every avenue of trade. So completely do the laws of nature intertwine themselves with every system of human government for the betterment of the condition of mankind, that when the farms of a great country be-

come tenantless, and the soil is allowed to remain uncultivated, no theory of political economy can be devised which will point to national prosperity and success. In our Northern clime cultivation of the soil means compensation to the soil, and this the herd of the dairyman is designed especially to provide. The great South finds a substitute for this element of Northern husbandry in her tropical sun, which warms and nurses into life the seed sown in her soil, and transforms it into her vast stretches of cotton, rice, and sugar-cane.

But there is another view of this question, which, it seems to me, should preponderate in the mind of every man who is not content with looking only to the present, but who desires to contribute something to the well-being of the generation that shall follow. As a people, we have advanced within a century of time from the limited importance of a mere colony to the position of a leading nation of the earth.

A few years ago we regarded Europe as the permanent market for our cereal products. But the ingenuity and enterprise of man are constantly changing the problems that statesmanship is called upon to solve. From the first era of civilization with which commerce is in any way identified, a short route to the Indies from the continent of Europe has been one of the chief objects sought to be attained, and the most enterprising nations of the earth have been engaged in the solution of the problem. It was the pursuance of this idea more than any other which gave to the world a new continent, and rendered it possible for the Anglo-Saxon race to become the dominant race of the world.

It was reserved to the nineteenth century to witness the solution of the problem, which has been accomplished through the construction of the Suez Canal, supplemented by the invention of steam-power. The early navigators, leaving the shores of the Mediterranean and doubling the Cape of Good Hope in their search for the shortest route that would command the trade of the Indies, little suspected that their ships need never have passed the Straits of Gibraltar in their efforts to reach their goal. The construction of that canal has revolutionized the maritime trade of the world.

According to the estimates of competent authorities, it has in ten years alone saved in transportation an amount in excess of that required for its construction. It has brought the wheat fields and the cheap labor of the Indies into serious competition with the enterprise of our own country, and it may yet prove a serious factor in the competition of the cotton markets of the world. He must be a wise man indeed who will hazard a prediction as to what the ultimate result to us will be. Already one marked effect is apparent in the reduced demand for our cereals. Should this condition of affairs continue, the fields upon which has been grown the surplus of cereals, and which surplus we have been able to sell in European markets, must be devoted to other uses, and to nothing can they be so readily applied as to the production of articles connected with the dairy.

For these the demand at home and abroad is practically unlimited. Properly fostered and cared for, the dairy industry is more profitable than wheat-growing; it does not rob the soil of its vigor to the same extent as the cereals, while it is constantly repairing the exhaustion that occurs in its operation. We need have no fear of competion with other countries in this particular branch if we only remain true to ourselves. In fostering this industry we not only protect the five millions of farmers at present identified with it, but we offer to every farmer now engaged in growing grain, if found unprofitable, the opportunity to devote a portion of his farm and energies to the development of his dairy.

In view, therefore, of the possibilities of a largely increasing demand for our dairy products in the future, and the competition we have already encountered in connection with our cereals, this proposed legislation is especially seasonable; for if we permit the products of the dairy to be driven from our home and foreign markets through unfair competition, the milk of the cow can not be utilized for other purposes. Nor will the passage of such a law as that proposed react injuriously upon other branches of the agricultural industry, inasmuch as the healthy and pure product of the hog, which it is claimed enters largely into the manufacture of butterine, has at present a ready and profitable market when rendered into lard and lard oil, and the former is now a formidable competitor with butter for many of the purposes for which butter can be used.

The same theory is also applicable when considered in connection with the suet and fat of the beef-producing animal. How soon the great necessity will be upon us of turning almost wholly from the cereals to productions of the dairy with which to supply our export demand we may not now be able to accurately determine; but that we are rapidly approaching such a possible condition of affairs no one who studies the signs of the times in this connection will deny. For the past few years we have seen the price of wheat steadily decline, until to-day No. 2 wheat is selling for about 76 cents per bushel on the Chicago Grain Exchange. From this price must be deducted elevator charges at point of shipment, railroad transportation rates, and commissions to middlemen. These may be fairly estimated at 26 cents per bushel, leaving as the average amount realized by the producer on his farm 50 cents per bushel.

It is unnecessary to say that this means bankruptcy to the farmer if wheat is his main reliance. But that is the condition at this time, and within two months the reaper will resume its work with every indication of an abundant harvest. Yet, even at these low figures, our exportations of wheat are gradually decreasing in volume. Over one-half of our population are engaged in the cultivation of the soil; and if any measures can be devised which will afford relief to or strengthen the farmer in his struggle with the adverse conditions which prevail, from whatever cause they may arise, we would, in my judgment, be rendering a most acceptable service to the country by thoughtfully applying ourselves to their prompt consideration and adoption.

In conclusion, I will only briefly refer to the objections to the passage of this bill which have been advanced upon constitutional grounds. As I understand the Constitution, one of its fundamental principles is to promote the general welfare of those who seek protection under its shield. In my judgment, the manufacture and sale of oleomargarine, and all other articles represented and sold as the products of the dairy, but lacking their purity, while being sold as articles of genuine quality, is a system of piracy which not only deprives the farmer of his honest and well-earned dues, but while advancing under false colors inflicts a positive injury upon the public health.

The Congress of the United States unquestionably possesses the right to tax any industry or any commodity, however innocent in its effects. The harmless article of salt, which enters so largely into the manufacture of butter, carries with it the enormous tax of 236½ per cent., while whisky is taxed 90 cents per gallon, with the avowed object of restricting its sale because of the baneful influence which springs therefrom. There are those who favor the taxation of oleomargarine to the point of extermination, but with these I can not agree. If there are those who prefer oleomargarine to the genuine butter, the manufacturer should be allowed to supply that demand; but, in my judgment, he should be required to pay a tax sufficient at least to equalize the difference in the cost of producing the counterfeit and the cost of producing the genuine article which he seeks to imitate and displace.

This theory I maintain upon the principle that one who devotes his time, his capital, and his labor to the production of a pure and wholesome commodity, and who is thereby contributing to the general welfare of the people, is entitled to as much consideration as one who is devoting his time, his capital, and his labor to the production of an impure and unwholesome commodity, which has an impairing influence upon the population and does not contribute to the permanent welfare of the people.

In view of the report made by the Committee of Agriculture, after a thorough investigation of the subject, I believe that we, as the representatives of the people, are competent judges of the effect of counterfeit dairy production upon the general welfare. The bill before us seeks to promote that welfare, and is hence, beyond all suggestion, thoroughly in harmony with the spirit of the Constitution.

The line of our duty in this respect, therefore, it seems to me, is made so clear to all, that upon the simplest and most rudimentary basis of reasoning the passage of a law such as that now being considered and seeking to correct the evils pointed out is of paramount importance to the country at large, to the end that not only a great national industry shall be protected from the assaults of an illegitimate competitor, but that the general welfare may be promoted thereby.

Mr. HATCH. Mr. Chairman, I now yield the remainder of my hour to the gentleman from Illinois [Mr. HOPKINS] on my left.

Mr. HOPKINS. Mr. Chairman, no more important bill has been before this House during the present session than the one we are now considering. Representing as I do one of the richest and best dairy districts in the United States, I feel an especial interest in the question now under discussion. The enactment of this bill into a law by the Forty-ninth Congress will be but tardy justice to a most deserving class of citizens. Our farming interests, in my judgment, have not received heretofore the care and consideration from Congress they deserve. In time of peace or war we look to the tillers of the soil for the source of all our national prosperity.

Let us now give them this national legislation to insure their prosperity. During the time I shall occupy the attention of the House in the discussion of the bill I shall only note its leading features, and limit myself to a statement of some of the reasons why it should be enacted into a law, and answer so well as I can the arguments urged against it by those who profess a preference for a shadow to the substance of a thing—a fraud to the genuine article. The bill, Mr. Chairman, defines butter, and states "that for the purposes of this act the word 'butter' shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter."

All substitutes or imitations of butter, commonly known as oleomargarine and butterine; "oleolardine, suine, neutral and oleomargarine oil; and all mixtures and compounds of these substances; and all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto and other coloring matter; intestinal fat and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter," are defined oleomargarine for the purposes of this act.

Manufacturers of oleomargarine and wholesale and retail dealers in

this product are all required to be licensed, and the product is required to be put up in various-sized packages by the manufacturer to suit the conveniences of his business, properly stamped, so that the dealer, with the manufacturer, can not be imposed upon, but will know that he is buying oleomargarine and not butter. Such requirements are also placed upon the wholesale and retail dealers that no imposition can well be practiced on the consumer or public. A tax of 10 cents per pound is fixed on the manufacture of oleomargarine, and proper penalties attached to all infractions or violations of the law. To secure an effective enforcement of the proposed law it is made a part of our internal-revenue system.

I think, sir, it is so framed that it can easily be enforced, and yet is so comprehensive in character that it will serve as a sure protection against the sale of any imitations or fraudulent substitutes for pure butter as defined in the first section of the act. I am well aware that grave objections can be urged against some of its provisions. It, however, has received the most careful scrutiny of some of the best legislators in the country and been approved by them. The Committee on Agriculture have given the whole subject embraced in the bill the most careful and patient examination, and they report this bill without a dissenting vote or voice.

If left to my individual vote I would pass the bill without any amendment or change, and yet I would not imperil its passage in the House by obstinately adhering to the tax of 10 cents per pound on every pound of oleomargarine manufactured where some other member, actuated by honest motives, as I presume him to be, shall feel that 2 or 5 cents per pound is as much as should be imposed. What I want is that a stop shall be put upon the sale of an article for butter which has not an element of that product in its composition. Do away with all deception and fraud. Let all products be placed upon the market on their merits. That there should be legislation of the character proposed in the bill I think must be apparent to all men; that it is a crying need is seen and felt by those who have the interests of farmers and dairymen at heart.

Those of you whose thoughts are engrossed in other subjects are little aware of the great interests involved and invested in the dairy business in America. There are produced annually in this country 1,600,000,000 pounds of butter and 400,000,000 pounds of cheese. Nineteen hundred million dollars is a moderate estimate of the value of the property invested in producing that amount of butter and cheese per annum. The dairy interest ranks among the first of our great American industries. How has it fared in the busy hum and whirl of life? To build up great manufacturing interests in our cities, on the shores of our vast lakes and along the banks of the great rivers that flow to the sea, laws have been enacted, and justly, too, I think, to foster and protect them. High duties have been placed upon all like articles manufactured in foreign countries.

As a result of such laws foreign competition has been driven out of our market. Men have been encouraged to invest their capital in manufactories. The furnace has been lighted, the wheels of machinery set in motion, the loom and the spindle made to give forth their homely music, and as a result we have become the greatest manufacturing nation in the world. During the time these manufacturing interests have been developing from small beginnings to such gigantic proportions the farmers of America have bravely borne their part. They have quietly submitted to the imposition of a tax or duty upon the tools and machines they used, the clothes they wore, and the beds upon which they slept, on the assurance that these manufactories would build up a home market for the products of their farms and dairies. They have gone on month by month and from year to year cultivating their farms, increasing the number of their cows for the dairy, and improving the breed of their stock. The good housewife has cheerily gone about the work of converting the milk and cream in her dairy into pure butter and rich cheese that delight the eye and satisfy the taste of the most critical.

Within a score or more years creameries have been established and butter and cheese factories built to relieve the laborious work of butter and cheese making upon the farm, and to encourage the farmer to still further invest in dairy interests until property to the amount of the estimate I have given has become invested in this business, and the annual production of butter and cheese so great as to almost amaze us. These results have been reached not by the aid of legislation, but by the honest industry and economy of the farmers. With many the earnings of a life are found in their cows and the butter they make. This great interest has become imperiled by one of the most gigantic frauds of modern times.

During the Franco-Prussian war an inventive genius by the name of M. Mége discovered that the fats of such animals as cattle, horses, and dogs could be made into a substitute for butter. The war measure of the inventive Frenchman was seized and improved upon by the ever restless Yankee. Our Patent Office has been besieged with applicants for patents. Without inquiring into the merit of the article proposed to be manufactured, or testing the questions whether, when manufactured, it would work a fraud on the honest producer of butter or be injurious to the health of the consumer, the Government has granted patent after patent, until now there are fifty-eight distinct and different ways patented for ruining the honest producer of butter and for undermining the health of the consumer.

The following is a list comprising sixty different articles named by seventeen patentees in their patents, and claimed by them to be used in the manufacture of oleomargarine oil, neutral lard, oleomargarine butter, butterine, &c.:

Sugar of lead, bisulphate of lime, saltpeter, borax, boracic acid.

Salicylic acid, benzoic acid, orris root, cotton-seed oil, vegetable oils.

Butyric acid, bicarbonate of soda, nitrate of potassa, glycerine, capsylic acid.

Cuparic acid, alum, capsic acid, sulphite of soda, cow's udder.

Commercial sulphuric acid, pepsin, sal-soda, tallow, lard.

Sea-salt, farinaceous flour, butyric ether, caustic potash, carbolic acid.

Sulphuric acid, castor oil, chalk, slippery-elm bark, caul.

Oil of sesame, oil of sunflower seeds, olive oil, curcumine, turnip-seed oil.

Bromo chloralum, chlorate of potash, niter, oil of sweet almonds, oil of peanuts.

Peroxide of magnesia, stomach of pigs, of sheep, of calves, nitrate of soda, bennie oil, gastric juice.

Mustard-seed oil, nitric acid, dry-blood albumen, sugar, butyric acid.

Bicarbonate of potash, chloride of sodium, caustic soda, corn starch, coloring matter.

Factories for the manufacture of such fraudulent, and I might almost say criminal, substitutes for butter have been established in different cities in the country. In Chicago alone, I am told on good authority, 200,000 pounds are made daily, and I have it from reliable sources that at least 200,000,000 pounds of these fraudulent imitations of butter are made annually. If these imitations of and substitutes for pure butter were marked or labeled what they really are, and the dealers and consumers advised of what they are purchasing and eating, no complaints would be made by the dairymen. The great wrong is the fraud and deception practiced in selling such loathsome compounds for genuine butter.

By this deception not only are the farmers and dairymen cheated, and that most dishonestly too, out of the sale of 200,000,000 pounds of the butter they manufacture, but the knowledge of these frauds being practiced upon the people has lessened the consumption of butter an almost equal amount annually. The evil of oleomargarine and butterine is not confined to the domestic trade in butter. Prior to these fraudulent substitutes we had established a market for our American butter in Scotland, England, France, Germany, Austria, Italy, and other countries of Europe. Our export trade to these countries is being ruined by the shipment of the products defined in this bill as oleomargarine and sold there as pure dairy butter.

The baleful results of these frauds are seen everywhere among the farmers and dairymen. Mortgages are being placed upon the farms. The once fine herd of cows, the pride of the farmer, is lessening in numbers, and those that remain yield but a small, if any, profit to their owners. The proprietors and managers of the creameries and butter and cheese factories are failing and making assignments for the benefit of their creditors. An almost complete prostration and stagnation of the dairy interests of the country is inevitable unless Congress comes to their relief. This legislation is asked not for the purpose claimed by the opponents of the bill, to discriminate against one legitimate industry for another. It is asked for, in addition to the aid for revenue, that all products may be manufactured and sold to the consumer for what they are and that no deception may be practiced.

The farmers and dairymen have no fear of competition if the product is sold for what it is. The manufacture of all these articles enumerated in the bills and defined "oleomargarine" are denounced because they are made to imitate genuine butter.

Mr. WARNER, of Missouri. Is that the purpose of this bill—to secure the proper printing and marking of oleomargarine and other imitations of butter?

Mr. HOPKINS. That is one of the purposes of the bill.

Mr. WARNER, of Missouri. That is the important purpose?

Mr. HOPKINS. That is one of the important purposes.

You may protect yourself from an open enemy, but it is the assassin who attacks you in the dark or cowardly strikes you in the back from behind who is to be feared. The manufacture and sale of oleomargarine have played the part of the midnight assassin to the production of honest butter. The claim of its being a legitimate and honest industry as compared with dairy butter is about the same as that of the assassin, that his hellish work should meet with the approval of law-abiding citizens and God-fearing men.

The Government provides by the most stringent laws against counterfeiting money. The manufacture and sale of bogus butter is equally as destructive of public morals and as injurious to those upon whom the deception is practiced. That such a law as this proposed is constitutional is no longer a debatable question. No lawyer on this floor will imperil his reputation by taking the position that it is unconstitutional. The Supreme Court of the United States has forever settled the constitutionality of such legislation. The only reasons that can be urged against the bill relate to the policy of the Government embarking in this kind of legislation.

It is always policy to do right. It is wise legislation to protect honest industry from fraud and deception. The public interests demand it. The present practice of oleomargarine manufacturers and dealers is to deceive the people of the United States to their harm by leading them to purchase these counterfeits for the real article. It is asserted by the friends of these bogus substitutes for butter that they are healthy. They can not be. All kinds of filthy fats are used in their manufacture. Animals dying from all kinds of disease are utilized, and after going through their bleaching and deodorizing processes are manufactured into oleomargarine and sold for pure butter.

Gentlemen of rare scholarship and scientific attainments have given this whole subject years of careful thought and study, and are unqualified in their statements of its unwholesome and loathsome character. Its consumption in their judgment leads to insanity, Bright's disease, and many of the ailments that undermine the strongest and most robust constitutions. I appeal to the members of this House to now and here lay a heavy hand on this greatest of all modern frauds. Make this bill a law, and compel all who are engaged in the manufacture and sale of this article carry on their business under honest colors.

As has been wisely and well said in a recent editorial in the New York Daily Tribune:

> Such a production as that of bogus butter can have no legitimate standing-place in the field of American industry. It has no more right to recognition of Congress than the sawdust game or the policy business. Its place is in the catalogue of "crooked" occupations, and nowhere else is it entitled to representation.

The latest argument I have heard against this bill is that it is legislation against the laboring man; that oleomargarine is the poor man's butter; and to tax it is to take the amount of the tax out of his hard earnings. Shakspeare has given us an answer to that:

> Mark you this, Bassanio,
> The devil can cite scripture for his purpose.
> An evil soul, producing holy witness,
> Is like a villain with a smiling cheek;
> A goodly apple rotten at the heart;
> O, what a goodly outside falsehood hath!

Who are the men who make this argument for the poor man? They are the fat and well-favored—the Mark Antony kind of men. They are the men who have grown rich in the manufacture or trade of oleomargarine at the expense of the farmer and the public.

Within a day or two I have received a series of resolutions condemning this proposed legislation from a body of gentlemen in Chicago.

They are eminently respectable as the world goes. They style themselves "Representatives of the stock exchange." They are most emphatic in their statement that such legislation is injurious to the poor man. God help the poor man if all the rights he enjoys are obtained and preserved through such sources! Why this sudden awakening by these men on the question of the poor man's rights? Does anybody believe this argument would be heard from such a source, at least if the rich oleomargarine manufacturers and dealers were not to be affected by this bill if it becomes a law? I say to the poor man, "Beware of these gift-giving Greeks!" Do not permit such men to use you to strike down the great butter industry of this country. This argument is really an insult to the laboring men.

Has it come to this in America that the laboring man must live upon adulterated food? Must his wife and family use for the pure butter of our dairies an artificial butter, the compounds of diseased hogs and dead dogs? Let the rich and prosperous men, these new converts to the poor man's rights, pay the laboring man better wages, so he can live upon wholesome food. Let their sympathy be expressed in that way. Let them prove to the world by their acts, not their words, that they are in truth the poor man's friend.

But I deny, Mr. Chairman, the charge that this legislation will increase the price paid by the laboring men for the butter they consume. Oleomargarine is now sold at butter prices by the deception practiced.

This bill will make the dealer in that article sell it for what it is. If the poor man wants it, he can buy it for less per pound than it is now sold. The manufacturer and dealer may not make as great profits, but the consumer will certainly not be required to pay more for it per pound. This talk about the poor man or laboring man is false and dishonest. It is the last resort of a class of men who have been preying upon the public and one of our greatest industries for years.

Let the mask be torn from them and let them appear before the public in their true colors! If this bill becomes a law oleomargarine can no longer be sold for dairy butter. If it is a wholesome article of food, as claimed by its friends, under this bill it can be manufactured and sold at a profit. If it is not wholesome it is criminal to manufacture and sell it.

I hope, Mr. Chairman, before the sun goes down to-morrow night the glad news will be sent to the farmers in all parts of our great country that this bill has been passed by the House. [Applause.]

[Here the hammer fell.]

Mr. DUNHAM. Mr. Chairman, I yield ten minutes of my time to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Chairman, the farmers of this country are much more interested in preserving our American system of government in its purity than in suppressing the manufacture and sale of oleomargarine.

This report gives two reasons for the passage of this bill: one, that Congress has the power to do it, and the other that it ought to do it, because oleomargarine produces dyspepsia. Neither of these is a good reason for this Congress doing anything. Congress has the power to do many things which it ought not to do. Congress is nobody's doctor. [Laughter.] When the gentleman from Pennsylvania [Mr. SCOTT] was asked to put it upon any constitutional basis, he sought to rest it upon the "general-welfare" clause of the Constitution. There is no such clause in the Constitution as allows Congress to do whatever it may think for the general welfare. He called selling oleomargarine piracy. Did he rest it upon the piracy clause?

There is such a clause, but the making of oleomargarine is not piracy "on the high seas." The gentleman from Illinois who just took his seat [Mr. HOPKINS] says that oleomargarine produces Bright's kidney disease, and he wishes Congress to become a doctor. Let us look at the matter seriously. Just what the Congress can do it ought to do to take care of the farmers and everybody else, provided it does it honestly and in accordance with the Constitution of the country.

This report cites the case of the Veazie Bank, in which it was decided the Government might tax out of existence, if it saw proper, rival State banks, in order to give circulation for its own currency. That was no new doctrine. All parties had agreed upon that power. It was recommended by Mr. Cobb as Secretary of the Treasury in 1857. But what is the declaration in the Veazie Bank case as to the reason of the thing? I read from that decision at page 451, 8 Wallace:

> There are indeed certain virtual limitations arising from the principles of the Constitution which would undoubtedly be an abuse of power if so exercised as to impair the separate existence and independent self-government of the States—

Everybody will admit that. But further it says:

> or if exercised for ends inconsistent with the limited grants of powers in the Constitution.

Now I tell every man in this House that can conscientiously say that his vote for this bill is only to raise a tax that he may honestly vote for it under the taxing power of the Constitution. But if his reason is to help one Yankee to fight another Yankee in his industry, and he votes for this bill, he will have abused the powers of the Constitution which he swore to support. The gentleman from Pennsylvania [Mr. SCOTT] said that the States are powerless, and therefore the General Government should act. In 1883, with a very large establishment in my own city making oleomargarine, Georgia passed an act declaring that every particle of butterine should be so marked, and that every man who carried it into his boarding-house, restaurant, or hotel for eating should put up a placard that "his house uses oleomargarine"—that he should put it on his bills of fare and publish it in every room, or be guilty of a crime. And the manufacture died in Georgia. According to the protectionists' logic, *post hoc propter hoc*, the law killed the factory. It can be done everywhere where the people desire to kill it. And then you keep the constitutional system intact.

I have before me, but will not stop to read from it in my limited time, "Cooley's Constitutional Limitations." It declares that the States, and the States only, may make laws to protect the health and morals of the people or make laws to keep people from drinking liquors in the States. The Government of the United States can not do it. The Government of the United States can tax liquors. But the honorable gentleman from Pennsylvania [Mr. SCOTT] was mistaken when he said that those taxes were levied on tobacco and liquor because they were supposed to be injurious. They were levied because those things are classed as the non-necessaries and by some as luxuries. No government ever yet taxed either for the purpose of excluding bad things from the stomachs of its people.

Any State now may so far interfere with the taxing power of the Federal Government as to declare that no gallon of liquor shall be made or sold within that State. The Supreme Court has so held from "the License cases" in 5 Howard's Reports down; because the State under State police power has the authority and the exclusive authority. Cooley also declares that the Government of the United States has a police power, but that that police power is only to enable it to carry out the powers delegated in the Constitution, those surrendered by the people to that Government and not to the States. Now, if what I have said is true, this bill as a bill to suppress the manufacture of oleomargarine is unconstitutional.

Again, it is protection run mad when we say, "Protect my industry against that other fellow's here at home." This bill is not framed to prevent cheating people. The very first section protects colored butter. It says "butter" shall include "butter made with or without coloring matter. You may swindle me as much as you please by making white butter look yellow. It is only the thing which comes in competition with that colored butter that must be excluded, because it is not genuine butter.

I have other objections to this bill, which I will state in the few minutes I have. It is a bill to popularize, and therefore perpetuate and extend, the internal-revenue system. Who else will come here next week and say, "Add a few officers in the Internal Revenue Depart-

ment to protect me, who am selling my Pennsylvania tobacco, against that man who sells Sumatra covered up and calls it Pennsylvania; I want you to add on to your law that that shall be a crime—cheating in cigars." Another man will say he is selling pure woolen goods, but that others put cotton in their goods and tell lies about them, and ask for another set of men to watch him. And the whole time of the Congress will be taken up in trying to catch up with American rascality—a thing that is impossible. [Laughter.]

There is a demand for the cheap and the nasty, and as long as people ask for cheap things there will be adulteration. This bill is wrong for another reason. It is admitted now that butterine is made so pure in appearance, so pure in taste, and in many other particulars, that nobody can distinguish it from genuine butter.

A MEMBER. You have been eating it at your hotel in Washington.

Mr. HAMMOND. I have no doubt I have been eating it for years, and I have enjoyed it. [Laughter.] If I had known it was butterine I would not have enjoyed it. Just as your 90 cents on whisky has taken away all that was good and given you all that was mean, so this tax will not keep butterine out of the market, but will make dearer butter, and meaner this substitute for those who want cheap food.

There is a demand for butter under 50 cents a pound. These great dairymen in Pennsylvania and in the West, who make their millions of pounds of butter and cheese for shipment all over the world, say they can not get as much as they ought to get for their products if others can sell their manufactures. The reply is: Under the Constitution we have given protection by customs duties as against foreigners, but never have we undertaken to give protection to one individual of our own people as against another individual of our own people. It is said that this is a very important matter. Of course it is very important. Nothing that affects so large a body of respectable and good men or the powers of our Government can be unimportant.

The truth is our country is so big that the smallest thing in it, when you come to aggregate it and consider it, becomes a problem large enough to burst a common man's head. The true theory, though, the theory that we have stood upon heretofore and upon which we should continue to stand, is to let all the people in this country buy and sell what they please to each other, except when the States where the article is made or where it is sold believe it injurious to the public health or morals. And there I propose to stand. My State has no special interest in this business that I know. There is not a pound of oleomargarine made in my State of which I am aware. There can not be while our present law exists on the statute-book, and we intend to enforce it.

Our people do not make butter for sale, but we are purchasers of butter and of cheese. Of course our farmers do make butter to sell to us in small quantities. And the very fact that there is a spurious article makes the honest man's character count, and makes his butter bring a better price, because when I buy it I can say, "I know that I am not cheated when I am trading with you." The very fact that this imitation butter is shipped into Georgia makes every Georgia farmer that much better off when he goes to market, because he can say to his customers, "Here is something that did not come from abroad; it has on it the stamp of my integrity, and the character of my wife and daughter is a guarantee of its purity."

[Here the hammer fell.]

Mr. DUNHAM was recognized, and yielded fifteen minutes to Mr. REAGAN.

Mr. REAGAN. Mr. Chairman, our first inquiry is, what is the object sought to be attained by the passage of this bill? Judging from the arguments that have been made in support of it and from the provisions of the bill itself, I take it that the purpose is to drive oleomargarine out of use, in order to protect the people against fraud and to preserve the public health. The provisions of the bill which induce me to think that the object is to drive oleomargarine out of use are those which require the manufacturer to pay a tax of $600 and the wholesale dealer a tax of $480, and also the provision which levies an additional tax of 10 cents a pound upon the article in the hands of the retail dealer.

Mr. HENDERSON, of Iowa. I beg the gentleman's pardon. The manufacturer has to pay the 10-cent tax, not the retail dealer.

Mr. REAGAN. Well, the point is that in addition to the license tax there is another tax of 10 cents a pound, whether it is to be paid by the manufacturer or by the retail dealer. Then, any person who purchases or receives for sale any oleomargarine that has not been properly branded according to law is liable to a penalty of $50, and higher penalties are imposed for other violations of the law. If the object was to tax oleomargarine for revenue, it would be within the power of Congress to levy such a tax, but the object manifestly being to drive it out of existence, to destroy it as a product, there is, in my judgment, no power under the Constitution authorizing the passage of such a bill. We nowhere in the Constitution find any power authorizing Congress to destroy any product or to outlaw any article. There is no such power. The States may, if they see proper to do so, but we have not been informed that any State has attempted to do it, and if the community suffers the injury which it is alleged grows out of the manufacture and use of oleomargarine, it is singular indeed that the people in the several States have not discovered that fact and applied the remedy which they clearly have the power to apply in such cases.

Mr. Chairman, it is said and will be said again that there are many improper and unhealthy ingredients in these articles, and that the use of them ought to be prohibited and prevented. I have just stated that under the Constitution we have no power to do that. There are a great many things that are wrong and injurious to the individual and to the public that Congress can not prevent or prohibit. Assault and battery is wrong, murder is wrong, larceny is wrong, arson is wrong, bribery is wrong, many things are wrong and do great injury which Congress can not punish, because the power was not delegated to it by the people who made it. No more can you undertake to punish the manufacturers of oleomargarine by destroying their property, because no such power is delegated to you under the Constitution. Mr. Chairman, if Congress should undertake to do all the things that are necessary to the perfect peace, security, and happiness of the people, it would be compelled to have sessions of twenty-four months in each year, and then it would not get through.

Now, sir, I agree with gentlemen who think that some legislation is necessary in reference to the manufacture and sale of oleomargarine. I would, wherever Congress has the power, require the makers of this article to place upon it the evidence of what it is.

Mr. BROWN, of Pennsylvania. Can that be done without taxing it?

Mr. REAGAN. In the District of Columbia and in the Territories it can be done. If the people of the various States are not interested enough in the subject to want it done, Congress had better not interfere. If the States see proper to regulate this matter they have the power to do so.

Mr. PETERS. May I ask the gentleman a question?

Mr. REAGAN. I have only a few moments.

Mr. PETERS. I would simply like to call the gentleman's attention to this point: Suppose one State does regulate this matter by law and an adjoining State does not, what good does the regulation do in the State that undertakes to regulate?

Mr. REAGAN. Each State can protect its own citizens by proper regulation and proper inspection, whether another State does so or not, just as it can protect its own citizens against any other violation of the law without the concurrence of any other State. There is no trouble about that.

Mr. Chairman, I would by State law adopt some provision requiring oleomargarine when offered for sale to be sold for precisely what it is, just as I would within the States if I had the power compel the makers of brown paper shoe-soles to stamp upon them the evidence that they are brown paper and not leather; just as I would require wines and liquors when sold in bottles or other packages to be stamped or labeled with the actual quantity instead of permitting them to be sold for one-third or one-fourth more. All these matters are proper subjects for regulation by State authority; but I would not, because evils of this kind require to be regulated, strike down our system of Government and overturn the Constitution; for these matters can be more properly regulated by State authority.

Mr. Chairman, if things continue to go on as they have gone on at this session, we shall, after another Congress or two, find people coming here with petitions declaring that in their neighborhood a tree has been blown by a storm across their fences and asking Congress to give them relief. There is no telling what we shall come to in view of the way we are proceeding this session.

A MEMBER. And all done under Democratic administration! [Laughter.]

Mr. REAGAN. Yes; I am ashamed to say these things are done in a Democratic House. I do not pretend to excuse Democrats who vote for these measures. Republicans may be excused because they do not believe there is any Constitution. [Laughter.]

Mr. HENDERSON, of Iowa. You ought to know better than that, Brother REAGAN.

Mr. REAGAN. Anything introduced in this House which would clearly violate the Constitution could, I think, get a solid vote on the other side because it violated the Constitution. But we have on this side a few who still have some little compunction about disregarding the Constitution.

Mr. MILLIKEN. I desire to ask the gentleman whether the case he put, of a tree having been blown down and the Government being asked to pay for the damage, does not illustrate some of the provisions in the river and harbor bill, which I believe the gentleman sustained.

Mr. REAGAN. I do not see the pertinency of the gentleman's question; if I did I would try to answer it.

Mr. MILLIKEN. I am afraid the gentleman does not look very sharp to discover it.

Mr. REAGAN. I suppose the gentleman means to imply that the river and harbor bill was unconstitutional.

Mr. MILLIKEN. No; I merely mean to imply that it contained some provisions for the protection and benefit of private property by appropriations out of the public Treasury.

Mr. REAGAN. There was never any such provision inserted in the bill with my consent.

Mr. STRUBLE. If the bill now under consideration is in fact unconstitutional, may we not expect that the Supreme Court of the United States will so declare, and thus preserve the Constitution?

Mr. REAGAN. No, sir. By this I do not mean to say that the Supreme Court would not in a case coming within its judicial control enforce the Constitution; but as to a certain class of questions, political in their nature, the Supreme Court of the United States will not revise the action of Congress. Although it may be clear that the act was passed in disregard of the Constitution, that the men who voted for it violated that instrument either through ignorance or from some other motive, yet it is not all matters of legislation in respect to which the Supreme Court can correct the unconstitutional action of Congress.

Mr. STRUBLE. Do not the court act upon the principle that the question being of a political nature they will leave it to the people to say what shall be done in the premises?

Mr. REAGAN. I suppose the gentleman means that the people can do anything, Constitution or no Constitution.

Mr. HISCOCK. Do I understand the gentleman from Texas to say that this bill in its terms as written is unconstitutional?

Mr. REAGAN. I say that taking the provisions of the bill in connection with the arguments employed in support of it, it is clearly shown that the purpose of the measure is not revenue but the exclusion of a particular article from use. The object is clearly to legislate in favor of one class of people and against another class; to legislate in favor of people who make butter, and against people who make oleomargarine.

Mr. HISCOCK. Then I understand the gentleman to concede that the bill as written is in its terms constitutional.

Mr. REAGAN. I can not make any other answer than I have made. The bill shows upon its face that it is not meant for revenue, but to exclude from use oleomargarine. The arguments in support of it are all in the same line.

Mr. HISCOCK. Then do you not pronounce it constitutional? I understand you do.

Mr. REAGAN. I do not wish to be misunderstood. I do not desire to have it supposed that I have any sympathy with the improper practices of those engaged in the making of oleomargarine. I would require by the proper authorities, by the States within States, and if necessary by Congress where it has jurisdiction, that those engaged in this business should clearly show what it is.

I would make it highly penal to put any unhealthy ingredients in it. I would make it an offense to sell it without proper evidence of its character. This being shown, it would then take its proper place as oleomargarine, and not be palmed off as real butter.

I have no sympathy with a fraud which represents oleomargarine as genuine butter. And when you put these restrictions upon its sale it will then be known as oleomargarine. Then if this cheap substitute for butter is desired by poor people who are not able to buy genuine butter which is costly, if the cheap substitute be healthy and pure, who here will say poor people shall not supply themselves with it? And this is one of the reasons why I oppose the bill. I would allow its manufacture, I would prevent putting improper ingredients in it, I would provide for showing what it is, so that those wishing to purchase genuine butter may do so, and those wishing to purchase a cheaper and healthful food, may also have the opportunity to do so.

[Here the hammer fell.]

Mr. DUNHAM obtained the floor.

Mr. SCOTT. Before the gentleman from Texas takes his seat I would like to ask him one question.

Mr. REAGAN. My time has expired, or I would be glad to yield to the gentleman from Pennsylvania.

Mr. DUNHAM. I will yield long enough for the gentleman from Pennsylvania to ask his question.

Mr. SCOTT. The gentleman from Texas says he wants to protect the poor people. The object of this bill is to protect the poor people by enabling them to get the genuine article of butter. It can be proved a spurious article, not what it is represented to be, can be purchased at 7 cents a pound, and is purchased at the factory at 7 cents a pound, and then palmed off upon poor people as genuine butter at from 18 to 25 cents a pound.

Mr. REAGAN. So far as the fraud is concerned of representing oleomargarine as butter, I would prevent that; but I think the gentleman is mistaken as to the object of the bill. It is to protect dairymen who own cows and make butter which is sold at a high price and against furnishing poor people with a cheap substitute therefor at a low price.

Mr. SCOTT. No; it is to protect poor people and secure to them genuine butter at a low price, and not oleomargarine, a spurious article, at a high price.

Mr. DUNHAM. I will reserve the remainder of my time, as I understand the other side desire to be heard.

Mr. HISCOCK Mr. Chairman, as I understand the gentlman from Texas [Mr. REAGAN] who has just preceded me, and as I understood the gentleman from Georgia [Mr. HAMMOND], there is not a provision in this bill to tax oleomargarine and imitations of butter which is un constitutional. As I understand the arguments of both of these gentlemen, they assume to put reasons in my mouth and to assign reasons to gentlemen generally upon this floor why they may or will vote for the bill, asserting, if you please, the reasons thus assigned are unconstitutional, or have no warrant in the Constitution, and therefore the bill itself is unconstitutional, they argue.

They propose to look back of the bill itself and to say that I am animated to vote for it because I wish to protect the butter industry, and that as Congress has no power under the Constitution to do that, therefore the bill is unconstitutional. I apprehend every member of this committee who examines the provisions of the bill in detail, or considers it as a whole, will agree it nowhere is in conflict with the Constitution.

The gentleman from Georgia [Mr. HAMMOND] suggests it is not in the interest of the farmer—if he knew, poor man, what his interest was—that this bill should become a law.

Well, sir, as I am informed, two-thirds of the States of the Union, and more than two-thirds of the people of the United States, have by affirmative legislation upon the statute-books of their States respectively declared they do want just such a law as the pending bill enacted. And, so far as the first question is concerned, whether it is in the interest of the agricultural people of the United States that we should have this legislation, I propose to leave it to them, to that class, and I am not compelled to confine myself to memorials which are often cheap, very cheap, which have come to us, but I can point to their declarations in emphatic terms, through their chosen representatives, in the form of State law, and I need not go any further than the statute of the State of Georgia, to which the distinguished Representative from that State has referred. It voices the sentiment of the people of the other States and characterizes their legislation.

Now here is a product so vile in its ingredients and so unhealthy in its use the people of the State of Georgia have said of it that an innkeeper using it shall place a sign over the entrance to his inn announcing that oleomargarine is used there as food; and, further, that upon the register where a man writes his name as a guest notice shall be given that they feed their guests on the nasty and unwholesome food, outterine.

That is the character of the product; and gentlemen may bring here the report of chemists as much as they please, for what can speak more plainly or more emphatically of the bad character of this compound or more intelligently than this solemn act of the Legislature of the intelligent people of a great State compelling inn-keepers to advertise this compound as the poison which is given to guests if it uses butterine or oleomargarine or any of the base imitations of butter, by whatever name called?

What next? And now, Mr. Chairman, I am coming, and shall speak very briefly, to the constitutional question involved here. I ask gentlemen upon the other side of the House, who always have or profess to have special charge of the Constitution, when has there ever been a time in the history of our country when, for the purpose of taxation, we have not discriminated in favor of one industry and against that of another? It is conceded on all hands that under the taxing power we can tax the manufacture of any product out of existence, and where then is the ground for opposition to this bill? It has always been conceded by every statesman, or less, who has ever discussed a tax law, that it was proper to discriminate in favor of, protect, if you please, one industry if it needed it as against another. This can not be disputed, and who challenges the assertion?

How long has it been since the Democratic party in its national convention declared in positive terms in favor of the doctrine which I have just cited? Taxation with incidental protection was once a plank in its platform, unless my recollection fails me, and we need invoke nothing further here. This side of the House has ever been ready to go that length, and does not that doctrine cover the suggestions of the gentleman from Georgia and the objections of the gentleman from Texas, and justify all parties in supporting the pending bill? Constitutional warrant for taxation with incidental protection is all that is required or asked for. The principle underlying that plank of the platform in the national convention carries with it the power to enact this bill.

Gentlemen have been appealed to and put upon their consciences and oaths in delivering their votes upon this bill. Well, by our votes one industry is to be stricken down; that great industry in favor of which three-fourths of all the States have legislated—agriculture, an industry from which this country derives practically all of the wealth it has—or we are to foster and support it. What is asked? That in levying taxes we will give it incidental protection as against a compound which has been declared by those who have examined it to be vile in its component parts and carrying with it the germs of insidious disease, a fraudulent, spurious article, which is palmed off upon the poor as an honest product of the dairy. And, Mr. Chairman, I have heard the poor man alluded to in this discussion more than once. There are those here who seem to have him always with them in their professions. This compound is palmed off upon him, freighted with disease, as a wholesome product, and for it he pays the full price of the genuine product of the dairy.

What, then, do we propose by this bill? We propose, under the Constitution, if you please, to give incidental protection to the agri-

cultural industries of the country by forcing this vile, dirty, diseased product to pay an internal tax. By all parties who have ever formulated a tariff bill this principle has underlain the whole subject. It has been the foundation-stone upon which such bills have been constructed always, and it is fair to say that the internal-revenue taxes upon our statute-books can only be sustained upon that theory, and that theory alone. Alcohol and its products, believed by the people to carry with their manufacture and sale vice and crime, is still taxed upon the theory that it is a tax upon vice and crime, and in some degree may restrain them; and there is not a feature of the internal-revenue taxes now collected but that the argument has been made over and over again in favor of it that it should be supported and sustained because the industry taxed can well afford to pay it.

Suppose a provision should come in here to repeal the bank tax? Would not the argument be urged against it that the tax is upon capital, upon wealth; that the banks can afford to pay taxes? Would this argument be presented in favor of the repeal, that it was unconstitutional? And that that tax is imposed for no other reason in the world than that the banking capital can afford to pay, and is discriminated against, and for the benefit of other property?

And I repeat, and challenge contradiction, the whole system of internal-revenue taxation rests upon the principle of protection: that it is within the province of the legislators to discriminate in the levying of taxes, to levy them upon the industries which can well afford to pay them and upon those which are believed to foster crime and disease. Can we not carry that same principle a little further, and levy a tax upon this industry which carries with it and disseminates disease; levy a tax upon an industry that is prosperous because frauds are practiced by it?

Who is there who believes for a moment that oleomargarine would be sold in the markets of the United States if the purchaser knew the vile compound he was buying? It has its place in the markets here because people are ignorant of what it is. They buy it without knowing that they are being deceived; and can we not as against this diseased product, this fraud, in levying taxes exercise the powers which have been exercised by the Government heretofore against whisky, tobacco, and banks, and impose a tax upon it and brand it? Because it is unhealthful, vended by deceptive and fraudulent practices, does that give it immunity? Because it is only bought, because the consumer does not know of the fraud that is being practiced upon him and is ignorant of what he purchases, do gentlemen tell us, then, that in enacting this taxing law we are violating the Constitution?

Well, Mr. Chairman, if we are, and I deny it, I will take my part, and I hope you will take your part, in all the violation of the Constitution there is involved in voting for the passage of this bill!

It has been suggested in this discussion that State legislation is the proper method of dealing with this matter. Sir, there is no way to regulate the trade in this article unless you regulate, control, supervise the manufacture of it. The manufacture can only be regulated in that way. The Government must take possession of the factory where it is made, and it must be made under Government inspection and under Government license. Its manufacture must be surrounded by all the regulations, by all the laws, by all the penal provisions of the statute, if you please, that are made to surround the manufacture of alcohol and its products. With that precedent upon the statute-book, with all the precedents that we have had in the past upon this question, are we to be frightened from the support of this bill because possibly it can be construed, claimed, imagined, guessed, dreamed that some gentlemen may have supported it for unconstitutional reasons?

It is not my intention in this discussion to enter at any length into the methods of the making of this what should be a contraband article. I concede what will be asserted upon this floor that oleomargarine can be made as pure, as healthy for use as food as butter is itself. I grant it; and when evidence is brought forward here in support of that proposition I concede it all. I have no doubt the evidence points to the fact that it can be manufactured so that it is butter; in all its constituent parts, and, in the proportion which one part bears to another, as pure as butter.

But, sir, that is not all. You can, and they do in the main, manufacture it so that it is little less than poison—I amend my remark and strike out "little less than." It is manufactured so that it is poison; and yet the ordinary consumer can not tell it from the pure article—from butter—and pays the price of butter for it. I go further than that, and say that no man except the scientist by an anylysis or by the microscope can tell it from the pure article or from butter; and this vile compound it is that is put upon the market and sold to the poorer class who consume it. Having collected in it the germs of all the diseases which infect animals, and never having been subjected to that degree of heat which would destroy the germs, it is absolutely a poison to the human stomach, freighted with disease, freighted with death. It can be made in that way, and, as I said a moment ago, it is not within the power of any man unless he has scientific attainments and brings analysis or the microscope to bear upon it to distinguish the poor article, the poison, from the good.

I refer to it again and urge it as a power that we have, as a duty that is imposed upon us here, to so legislate, so tax, that industries of this kind—industries which ought not to prosper, industries that if we had the power, the constitutional power, we ought to strike down and out of existence—should pay their proportion of the taxes for the support of this Government.

I grant, sir, that this bill carries with it all the machinery which is necessary for the purpose of forcing this article, if marketed at all, of forcing it to be advertised so that its true character and its true nature may be known to the consumer. I grant, sir, this measure may possibly have the effect of stamping this industry out of existence. I do not know whether it will or whether it will not. If it is so unwholesome that when advertised no man will buy it, I shall have no sorrowing over my share in the alleged violation of the Constitution of my country by the vote I shall give in favor of this bill, and that should not afford a reason why it should not be taxed. Must we, are we forbidden to tax by the Constitution those products, that the mere process of taxation, and because the process of their taxation, will advertise their quality and character and stop their production and sale?

And right here, Mr. Chairman, for I am advised that I ought to consume about all the time until five o'clock, as no one else wishes to take the balance of the time till then—there is one suggestion in this connection I will make, and I hope that I will hear from the friends of oleomargarine upon that point before this discussion is over. Why is it that you so struggle against this bill? Why is it that day after day for weeks our desks have been covered with literature upon this bill? Is it because of the tax which is imposed upon it? Is that the reason? I believe and doubt not it will be demonstrated in this discussion that oleomargarine can be manufactured to-day, the pure article, healthy as food, pay all the tax that this bill imposes, and compete in the markets with butter.

Mr. CANNON. And not be raised in price?

Mr. HISCOCK. And not be raised in price to the purchaser at retail.

Mr. JOHNSTON, of Indiana. What advantage then do you gain by this bill?

A MEMBER. The Government gets the tax.

Mr. HISCOCK. It can be manufactured, as I have said, can pay the tax which this bill imposes, and be sold if pure and healthy side by side with butter—I mean at the price that butter commands in the market. But now for the reason why this bill is opposed. The imposition of this tax is not the reason why it is opposed. The opposition is due to the fact that an impure article is known to be poison, to be unhealthy, destructive to the human race, carrying with it disease to whoever eats it; and that fact may have the effect to stop the sale of all imitations of butter, for who can tell whether he is buying a pure or an impure article?

Again, sir, imitation butter is now sold as butter and at a butter price to the unsuspecting consumer. He it is that is poisoned and cheated. The effect of the bill will be to brand the goods, give them their true character, obviate, prevent fraud, and all this opposition is not against the tax, but because it will prevent fraud and deception. And shall we forbear to tax the vile stuff, a poison, because thereby the true character may be known?

I trust gentlemen will cease to invoke the Constitution as an argument against the bill.

Mr. HATCH. Will the gentleman from New York yield to me?

Mr. HISCOCK. I yield to the gentleman.

Mr. HATCH. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, had come to no resolution thereon.

Mr. HATCH. Mr. Speaker, I ask unanimous consent that the House take a recess until half past 7 o'clock; the evening session to be devoted to general debate upon this bill, no other business to be transacted.

Mr. DUNHAM. To that proposition, Mr. Speaker, I shall have to object. I move that the House do now adjourn.

Mr. HATCH. Pending that I move that the House take a recess.

The SPEAKER. The motion to adjourn has priority.

Mr. HATCH. I trust the gentleman will withdraw it.

The House divided on the motion to adjourn; and there were—ayes 49, noes 54.

Mr. DUNHAM. I demand tellers.

Mr. HATCH. Mr. Speaker, I am satisfied that the gentleman from Illinois [Mr. DUNHAM] is determined that this order shall not be made, and it is not worth while to try to have tellers in the minute and a half or two minutes that remain between now and 5 o'clock.

Mr. DUNHAM. Mr. Speaker, I am satisfied that the gentleman from Missouri [Mr. HATCH] is perfectly correct in his statement. [Laughter].

The SPEAKER. The noes have it, and the House refuses to adjourn.

Mr. HAMMOND. Mr. Speaker, I move the House take a recess until half past 7 o'clock for debate only on this bill.

Mr. DUNHAM. On that motion I demand the yeas and nays.

While the House was dividing on the question of ordering the yeas and nays, the hour of 5 o'clock having arrived, the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition of the Trade and Labor Assembly of Chicago, Ill.—to the Committee on the Judiciary.

By Mr. BOUTELLE: Petition of the Women's Indian Association, of Bangor, Me., in favor of the passage of Senate bill 54 for the allotment of lands in severalty—to the Committee on Indian Affairs.

By Mr. T. M. BROWNE: Petition of William H. Sigemore, late of Company G, Seventeenth Kentucky Infantry, and of Jeremiah Hutchison, of Sullivan County, Indiana, for invalid pensions—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition of about 1,000 citizens of the District of Columbia, asking that square No. 406, west of the General Post-Office Department building, be secured as a site for the city post-office—to the Committee on Public Buildings and Grounds.

By Mr. BUTTERWORTH: Petition of Eliza Rodde, of Cincinnati, Ohio, for relief—to the Committee on Invalid Pensions.

By Mr. COLLINS: Petition of J. McLaughlin, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, memorial of A. L. St. Clare, of Charlestown, Mass., asking that all foreign laborers be excluded for a certain time—to the Committee on Labor.

By Mr. CUTCHEON: Resolutions of the board of trade of the city of Detroit, Mich.—to the Committee on Agriculture.

By Mr. DANIEL: Petition of citizens of Lynchburg, Va., in favor of the National Board of Health—to the Committee on Commerce.

Also, petition of Francis Sorrel, of Roanoke County, Virginia, for removal of disabilities imposed by the fourteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. DOCKERY: Petition of Arlanta T. Taylor, widow, for a pension—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of the Board of Trade of Elgin, Ill., regarding butterine—to the Committee on Agriculture.

Also, petition of 89 citizens of Clay Centre, of 74 citizens of Geneva, of 123 citizens of Orleans, of 25 citizens of Wisner, and of 73 citizens of Omaha, Nebr., asking passage of an act authorizing the Union Pacific Railway Company to build branch lines—to the Committee on Pacific Railroads.

By Mr. ELDREDGE: Petition of C. N. How and 23 others, of Washtenaw County, Michigan, praying for an act upon the subject of pensions in accordance with the recommendations of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition of J. Howard Slaymaker, for an invalid pension—to the same committee.

By Mr. FINDLAY: Memorial of Duglas H. Thomas and others, and of John D. Earley and others, of Baltimore, Md., in favor of the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. FLEEGER: Petition of Capt. John F. Morris, late of the Eighty-third Regiment Pennsylvania Volunteers, for an increase of pension; also medical testimony in support of same—to the Committee on Invalid Pensions.

Also, petition of members of the Grand Army of the Republic of Meadville, Pa., asking an increase of pension to Capt. John F. Morris, late of the Eighty-third Regiment Pennsylvania Volunteers—to the same committee.

By Mr. GOFF: Petition of David C. Gorman, Company C, Seventh Regiment West Virginia Infantry Volunteers, for a special-act pension—to the same committee.

By Mr. GROUT: Petition of George T. Oflin and 20 others, citizens of Putney, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HAILEY: Petition of Thomas E. Bassett and 728 others, citizens of Bingham County, Idaho, against the passage of House bill No. 6153—to the Committee on the Territories.

By Mr. HANBACK: Petition of members of the late Union Army at Tivoli, Kans., for pensions to all soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of Margaret Stewart, for a pension—to the same committee.

By Mr. HAYNES: Memorial of A. H. Cragin and others, asking damages by reason of change of grade around East Capitol Park—to the Committee on the District of Columbia.

By Mr. T. J. HENDERSON: Petition of ex-soldiers of Ashtabula County, Ohio, to equalize bounties of soldiers, sailors, and marines of the late war—to the Committee on Military Affairs.

By Mr. HEPBURN: Memorial of B. F. Allen, of Iowa, asking for relief from certain costs assessed by the Supreme Court of the United States—to the Committee on the Judiciary.

By Mr. HISCOCK: Petition of Mrs. A. J. Northrup and others, for the passage of Senate bill 53, for the relief of the Mission Indians of of California—to the Committee on Indian Affairs.

By Mr. HOPKINS: Petition of citizens of Libertyville, of Maple Park, of Ringwood, of Hebron, of Pingree Grove, of Sulphur Glen, of Wanconda, of Dundee, of Marengo, of Sycamore, of Plato Centre, of Poplar Grove, of Spring Grove, and of McHenry, Ill., in favor of taxing oleomargarine—to the Committee on Agriculture.

By Mr. JACKSON: Petition of soldiers of Beaver, Pa., in favor of the passage of additional pension laws—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: Petition of Malinda Lemon, widow of Samuel Lemon, asking for the passage of a bill granting her a pension—to the Committee on Pensions.

By Mr. LYMAN: Petition of Progressive Association of Hamburg, Iowa, for varions reforms—to the Select Committee on Reform in the Civil Service.

Also, papers to accompany House bill for the relief of Sarah E. Myers, widow of Abraham Myers, Company E, Twenty-second Iowa Infantry—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of S. Prigg Belt, administrator of Charles R. Belt, deceased, late of the District of Columbia—to the Committee on War Claims.

By Mr. MILLARD: Petition of citizens of New York, asking for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Legislature of New York, in behalf of Col. J. D. Stevenson—to the Committee on Military Affairs.

By Mr. MILLIKEN: Petition of William Conner and others, for a pension to Augustus Bradbury—to the Committee on Invalid Pensions.

By Mr. MITCHELL: Petition of Women's Indian Association, of New Haven and of Guilford, Conn., for the passage of Senate bills 53 and 54—to the Committee on Indian Affairs.

By Mr. MORROW: Memorial of the Ladies' Silk-Culture Society of California, requesting an appropriation of $30,000 to continue the work of the Pacific Coast Silk Culture Station for the next two years—to the Committee on Agriculture.

By Mr. OSBORNE: Petition of 54 miners and laborers, citizens of Clearfield County, Pennsylvania, requesting that the Curtin committee shall investigate the causes of trouble now at issue in that district—to the Committee on Labor.

By Mr. OUTHWAITE: Petition of the Womans' Indian Association of Columbus, Ohio, in favor of the passage of Senate bills 53 and 54—to the Committee on Indian Affairs.

By Mr. PARKER: Petition of citizens of Independence, N. Y., in favor of the bill of the Committee on Agriculture to tax fraudulent butter—to the Committee on Agriculture.

By Mr. PEEL: Papers relating to the claim of J. M. Hobbs—to the Committee on Claims.

By Mr. REAGAN: Petition of Joseph Nimmo, jr., for relief—to the Committee on Appropriations.

By Mr. RICHARDSON: Petition of W. A. Bowers, legal representative, and heirs of Joseph C. Bowers, deceased; of Jane M. Massengill, of Jefferson County, and of William Quearles, administrator of Mary Quearles, deceased, asking that the case be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROCKWELL: Petition and papers for the relief of Leo Karpeles—to the Committee on Military Affairs.

By Mr. SENEY: Protest of the Chamber of Commerce of Milwaukee, of the Board of Trade of Kansas City, of Commercial Exchange of Chicago, of the Merchants' Association of Milwaukee, of the Live-Stock Exchange of Kansas City, of the Chamber of Commerce of Cincinnati, of the Produce Exchange of Toledo, and of Armour & Co. of Chicago, against taxing oleomargarine—to the Committee on Agriculture.

By Mr. SNYDER: Petition of Malinda Rodgers, of Greenbriar County, West Virginia, for relief—to the Committee on War Claims.

By Mr. SOWDEN: Petition of the Women's Indian Association of Bethlehem, Pa., favoring the passage of Senate bills 53 and 54—to the Committee on Indian Affairs.

By Mr. STAHLNECKER: Petition of the Board of Trade of Saint Joseph, Mo., against taxing oleomargarine—to the Committee on Agriculture.

Also, petition of Charles Schiff, vice-president of the Alabama Great Southern Railroad, and many others, for an appropriation to carry out the plans recently adopted for the organization of the section of steam transportation in the United States National Museum—to the Committee on Appropriations.

Also, resolutions of the common council of Norfolk, Va., urging the establishment of a ship-yard at that city—to the Committee on Naval Affairs.

Also, petition of the Board of Trade of Elgin, Ill., in favor of the bill now pending on the subject of oleomargarine—to the Committee on Agriculture.

By Mr. J. W. STEWART: Petition of Eliza Trefren for widow's pension—to the Committee on Invalid Pensions.

By Mr. W. J. STONE, of Kentucky: Petition of John F. Hopkins,

asking that his name be placed on the pension-roll—to the same committee.

By Mr. ZACH. TAYLOR: Petition of J. A. Morris and wife; M. A. Moore, J. W. Wilkes and others, heirs of Joseph Mitchell, deceased, of Hardeman County, Tennesee, asking that their claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition of Charles Sehiff, vice-president of the Alabama Great Southern Railroad, and others, for carrying out the plans for the organization of the section of steam transportation in the United States National Museum—to the Committee on Appropriations.

By Mr. WISE: Petition of the Common Council of Norfolk, Va., relating to the establishment by the Government of a yard on the Atlantic coast for the construction of iron ships—to the Committee on Naval Affairs.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control ot the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. FELTON: Of citizens of Saint Helena, Napa County, California.

SENATE.

TUESDAY, *May* 25, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in reply to a resolution of March 5, 1886, information in regard to changes made from the original plans of construction of the cruisers Chicago, Boston, Atlanta, and Dolphin; which was read.

The PRESIDENT *pro tempore*. This communication is accompanied by a large mass of documents, which, if there be no objection, will be referred to the Committee on Printing, to ascertain and report whether it is necessary that they should be printed.

Mr. CAMERON. Let the communication itself from the Secretary of the Navy be referred to the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. The communication from the Secretary of the Navy will be printed and referred to the Committee on Naval Affairs, and the accompanying documents will be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the governor of Ohio, transmitting resolutions of the senate of Ohio in regard to the election of Hon. HENRY B. PAYNE as a United States Senator from that State; which, with the accompanying papers, was referred to the Committee on Privileges and Elections.

He also presented a petition of the board of county commissioners of Bernalillo County, New Mexico, praying for prompt and favorable action on the bill to settle private land claims in Colorado, New Mexico, and Arizona; which was referred to the Committee on Private Land Claims.

Mr. SEWELL presented a memorial of Welcome Circle, No. 3, Brotherhood of the Union, of Camden, N. J., remonstrating against the acquisition of land in this country by aliens; which was referred to the Committee on Public Lands.

Mr. ALLISON presented a petition of Knights of Labor of Dubuque, Iowa, praying that liberal appropriations be made for works of internal improvement and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CONGER presented a petition of Peter Nelson and 54 other citizens of Barkville, Delta County, Michigan, and a petition of J. C. Bishop and 21 other citizens of Ottawa County, Michigan, praying for the enactment of a law authorizing the Postmaster-General to pay the expenses of rent, light, and fuel, and granting other relief to all postmasters of the third and fourth classes; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present a petition of E. C. Flagg and other citizens of Upton, Mass., highly respectable farmers there, praying for the enactment of the provisions contained in the bill concerning oleomargarine, reported by the House Committee on Agriculture. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. EUSTIS presented resolutions adopted by the Legislature of Louisiana, favoring the passage of a law to establish a navy-yard at New Orleans; which were referred to the Committee on Naval Affairs.

Mr. PALMER presented resolutions adopted by the Detroit Board of Trade remonstrating against the proposed tax on butterine or oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa. I present the petition of Richard B. Rians, praying for the passage of an act to increase his pension.

The petitioner states that his father served in the American Army in the Revolutionary war; that he himself served in the Army in the war of 1812, and also served as a member of the Thirty-seventh Regiment, Iowa Volunteers, known as the Gray Beard Regiment, in the war of the rebellion; that he had four sons, two sons-in-law, and thirteen step-sons who served in the Union during the war of the rebellion, making twenty members of the Army from that family; and that he is now drawing a pension from the United States of $12 per month. He is nearly eighty-eight years of age, is almost blind and nearly helpless, and in consequence of his age and infirmities is entirely unable to do anything toward his support.

I think the petition presents, in connection with the papers accompanying it, a case that the Committee on Pensions may early and favorably consider.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Pensions.

Mr. LOGAN presented a memorial of the board of directors of the Chicago Board of Trade, remonstrating against the passage of the bill proposing to tax oleomargarine and butterine; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial adopted by a joint session of Local Assemblies No. 4080, No. 1597, No. 405, No. 4327, No. 4449, No. 5959, and No. 1912, Knights of Labor, of Englewood, Ill., remonstrating against the proposed tax on imitations of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Board of Trade of Chicago, Ill., favoring the construction of a railroad bridge across the Ohio River at or near Cairo, Ill.; which was referred to the Committee on Commerce.

Mr. MILLER presented a petition of citizens of Ellicottville, N. Y., praying for the passage of the bill taxing all imitations of butter at 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1505) granting a pension to William Dermody;
A bill (H. R. 5333) granting a pension to Edward L. Hill;
A bill (H. R. 5306) granting a pension to Roxana V. Rowley;
A bill (H. R. 6257) for the relief of Julia Connelly;
A bill (H. R. 1943) granting a pension to James L. McClarran;
A bill (H. R. 5307) granting a pension to Lieut. Joseph Prost; and
A bill (H. R. 5334) granting a pension to Henry Annin.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 998) referring to the Court of Claims the claim of the owner of the bark General Berry, destroyed while in the service of the United States, to ask to be discharged from its further consideration and that the same be referred to the Committee on the Judiciary. I desire to say one word upon that motion.

This claim came in by way of petition, the petition of one James Hooper, and was very fully and thoroughly considered by the Committee on the Judiciary. An adverse report was unanimously agreed to. Then the petitioner, feeling aggrieved, urged a rehearing, which was granted him, and he iterated and reiterated his desire, and the matter was very thoroughly and patiently heard and disposed of.

Now the same claim comes in again in the guise of a bill which does not allude to the petitioner's name, but says, "A bill referring to the Court of Claims the claim of the owner of the bark General Berry." Instead of giving the name of the person, it describes him in that way, and the bill is sent to another committee.

I think under the circumstances, whichever committee should originally have had jurisdiction of such a claim, the same committee that dealt with it before should deal with it again.

The PRESIDENT *pro tempore*. If there be no objection the Committee on Claims will be discharged from the further consideration of the bill and it will be referred to the Committee on the Judiciary.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2419) granting a pension to Jackson Steward, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7979) granting a pension to Jackson Steward;
A bill (H. R. 6430) granting a pension to Lucy G. Dutcher;
A bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby;
A bill (S. 2479) granting a pension to Mrs. Adaline P. Loy;
A bill (S. 2459) granting a pension to Eliza Wilkins;
A bill (S. 2420) granting a pension to Sidney Denton;
A bill (S. 2391) granting a pension to John G. Warren;

A bill (S. 2388) granting a pension to Alonzo Raymond;
A bill (S. 2366) granting a pension to Elizabeth Garaghty;
A bill (S. 2363) granting a pension to Marcel Gagnon; and
A bill (S. 1614) granting a pension to Sarah C. Wright.

Mr. HARRISON, from the Committee on Military Affairs, to whom the subject was referred, reported a bill (S. 2517) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;" which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1160) authorizing the retirement of Lieut. Adolphus W. Greely with the rank and pay of colonel, moved its indefinite postponement; which was agreed to.

Mr. HARRISON. I am also directed by the Committee on Military Affairs, to whom was referred the bill (S. 2339) to provide for one additional assistant adjutant-general, with the rank of major of cavalry, to report it favorably without amendment, and to submit a report thereon.

As I have obtained the indefinite postponement of the other bill in which the name of Lieutenant Greely is mentioned, it is proper that I should say the bill I now report favorably authorizing the appointment of one additional assistant adjutant-general with the rank of major of cavalry is intended to put it in the power of the President to recognize Lieutenant Greely's services. His name is not mentioned in the bill, but the object and purpose of it is expressed in the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON. I am instructed by the Committee on Military Affairs, to whom were referred resolutions of the Legislature of Kansas in relation to the enlargement of the Soldiers' Home located at Leavenworth, Kans., to report them back. As the matter has been reported on by bill I ask that the resolutions lie on the table.

The PRESIDENT *pro tempore*. The resolutions will lie on the table.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1964) to repeal a certain portion of section 1094 of the Revised Statutes of the United States, reported it with amendments.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1043) to amend sections 1097 and 1098 of the Revised Statutes, relating to aids to general officers of the Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 1148) providing for the construction of an iron pier at Fortress Monroe, Va., reported it with amendments, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHITTHORNE, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; and the bills were postponed indefinitely:

A bill (S. 2361) granting a pension to Louis Heidel; and
A bill (S. 2384) granting a pension to William Peavler.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1863) for the relief of W. T. H. Foreman, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VAN WYCK. I am instructed by the Committee on the Improvement of the Mississippi River, to whom was referred the bill (S. 546) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ills., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees, to report it with amendments; and I ask permission that I may submit a report upon the subject hereafter.

The PRESIDENT *pro tempore*. Leave will be granted, there being no objection.

Mr. COCKRELL. I wish to say that, as a member of the committee, I was not present at the time when the bill was ordered to be reported, and I do not assent to its provisions. I simply desire to place myself upon record as not approving it.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1059) granting a pension to Charles F. Hildreth, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 4124) granting a pension to Charles F. Hildreth, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7156) to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney, reported it with amendments, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1773) for the relief of Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army, reported it with an amendment, and submitted a report thereon.

REPORT OF LABOR COMMISSIONER.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the following concurrent resolution, reported it without amendment; and it was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That 30,000 additional copies of the first annual report of the Commissioner of the Bureau of Labor be printed; 8,000 for the use of the Senate, 16,000 for the use of the House of Representatives, and 6,000 for the use of the Commissioner of said bureau.

REPORT ON COAST DEFENSES.

Mr. HAWLEY. From the Committee on Printing I report a substitute for a resolution referred to that committee.

The PRESIDENT *pro tempore*. The substitute will be read.

The substitute was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That 7,500 additional copies of the report of the board of fortifications or other coast defenses be printed; 2,000 for the use of the Senate, 4,000 for the use of the House of Representatives, 500 for the War Department, and 1,000 for the Navy Department.

NELSON'S REPORT ON ALASKA.

Mr. HAWLEY. From the Committee on Printing I report also favorably the following concurrent resolution referred to that committee:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska, by E. W. Nelson, be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. ALLISON. I see that the resolution includes an appropriation for the necessary illustrations. I should be glad to be informed on that point.

Mr. HAWLEY. I was about to state (the inquiry is perfectly proper) that this is one of the two reports sanctioned by the Smithsonian Institution, reports made by officers of the Signal Service under scientific instruction from the Smithsonian. Professor Baird places a very high estimate upon them. One of them has been ordered to be printed by the Senate. This one costs but $1,500 for the whole number, the regular number and the additional copies. There are some illustrations, but not expensive ones.

Mr. PLUMB. I should like to ask the Senator from Connecticut if anybody in connection with the Smithsonian Institution writes anything which is not printed at public expense?

Mr. HAWLEY. That is an indefinite question. I am unable to answer. I suppose whatever they write that is valuable gets printed, either by their own funds or by the vote of Congress.

Mr. PLUMB. The question as to whether it is valuable, I think, if submitted to the ordinary test applied to the emanations of other people, would probably be decided against the value of the work that is published. I do not know myself of any person in Government employ except Senators and Members of Congress who have a right to write anything they please and have it printed at the Government Printing Office. I should like to hear of anybody else. If any person knows of any one who is authorized thus to inflict upon the taxing power of the people what he has to say, I should like to hear of it.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 2518) granting a pension to Louisa R. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2519) granting an increase of pension to Richard B. Rians; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2520) granting a pension to Stephen Singleton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MAXEY introduced a bill (S. 2521) for the relief of John Mellifont and Ellen Riordon; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MILLER introduced a bill (S. 2522) for the relief of Damie Fuller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2523) granting a pension to Mrs. Catharine W. Collins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 2524) granting a pension to Peter Goad; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER. I introduce a bill for the purpose of creating the office of assistant commissioner of Indian affairs for reference to the Committee on Indian Affairs.

I wish to call the attention of the committee to the fact that in that bureau of the Department of the Interior there is no assistant. Whenever the Commissioner of Indian Affairs is away the duties of the Commissioner are discharged by the chief clerk, without, apparently, any authority of law so to do, but from the necessity of the case. The bill disposes of the chief clerk and transfers all the duties now discharged by him to an assistant commissioner, giving him the authority that the chief clerk now exercises. As a matter of justice to the Department this bill ought to become a law, and I ask the committee to take it up and dispose of it promptly.

The bill (S. 2525) to create the office of assistant commissioner of Indian affairs was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WHITTHORNE introduced a bill (S. 2526) for the relief of Walter Akin, administrator of James Akin, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 2527) granting a pension to Esther G. Nally; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2528) for the relief of Edwin Stevens; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

PRINTING OF GENERAL PENSION BILL.

On motion of Mr. BLAIR, it was

Ordered, That the bill (S. 1886) for the relief of soldiers of the late war, honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein, be printed as passed by the Senate.

CONSTRUCTION OF SHIPS AT PENSACOLA.

Mr. CALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be, and they are, instructed to inquire and report, by bill or otherwise, whether the interests of the country do not require the equipment of the navy-yard at Warrington, near Pensacola, Fla., for the construction there of steel ships of war, and whether an appropriation of not less than $500,000 should not be made for the immediate commencement of the work of constructing such vessels.

CHESTER A. ARTHUR AND WILLIAM H. ROBERTSON.

The PRESIDENT *pro tempore*. Are there further concurrent or other resolutions? If not, the morning business is closed.

Mr. MILLER. I ask unanimous consent to take up the bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York. The bill has been reported favorably from the Finance Committee, and there are reasons why immediate action should be had, which will be obvious to all the members of the Senate. I think there can be no objection to it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers to allow Chester A. Arthur, collector of the district of New York, in settlement of his accounts, a credit for $8,436.88, the same being for the sum of $5,000 in gold coin, now charged to him, which was stolen or disappeared from the office of the then cashier of the custom-house at New York, January 21, 1876, without the default or negligence of the collector or of the late William D. Robinson, cashier; and for $3,436.88, the amount of an apparent discrepancy in account of proceeds of sales of unclaimed goods, which is unexplained by reason of the death of Samuel G. Ogden, late auditor of the custom-house, who had charge of such account and personally received and disbursed all moneys thereon during his whole term of service of thirty-six years. It further directs the proper accounting officers to allow William H. Robertson, collector of the district of New York, in settlement of his account, a credit for $13,094, the same being a sum now charged to him, which was stolen or disappeared from the office of the cashier of the custom-house at New York, without the default or negligence of the collector or of the late James Hoffman, cashier.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; agreed to the conference asked by the Senate on the said bill and the amendments thereto; and had appointed Mr. DINGLEY, Mr. DUNN, and Mr. MCMILLIN managers at the conference on the part of the House.

PUBLIC LAND LAWS.

Mr. DOLPH. I move that the bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes, be made a special order for Tuesday, the 1st of June, at 2 o'clock.

I will state, if I am permitted to do so, that I make this motion by direction of the Committee on Public Lands, and that this is a very important measure. It proposes the repeal of the pre-emption law, the repeal of the timber-culture act, the repeal of the commutation provision of the homestead law, makes material modifications of the desert-land act, and contains many general provisions of importance and utility in the disposition of the public lands.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the bill indicated by him be made a special order for Tuesday, the 1st of June, at 2 o'clock. The question is on agreeing to the motion. [Putting the question.] The motion is agreed to, and the bill is made a special order for the time named, two-thirds concurring.

Mr. PLUMB. Mr. President——

Mr. SEWELL. I rise to a question of privilege as to the vote necessary to make a special order, whether it requires a majority or a two-thirds vote?

The PRESIDENT *pro tempore*. It requires a two-thirds vote. There being no negative, the Chair assumed that the special order was made by the requisite vote.

Mr. INGALLS. The Senator from New Jersey voted in the negative.

Mr. SEWELL. I objected.

The PRESIDENT *pro tempore*. The Chair will then assume that the vote has not been taken and will again submit the question.

Mr. ALLISON. What is the question?

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the public land bill to which he has referred be made the special order for Tuesday, June 1, at 2 o'clock.

Mr. SEWELL. I have stated to the Senate on more than one occasion that I am desirous of getting up a certain bill and that I should object to any special order being made without taking a vote on that bill. I shall ask the friends of that bill to vote down any special order being made until the bill to which I refer, the bill for the relief of Fitz-John Porter, has a chance to come before the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon to make the bill indicated by him a special order for the date named.

Mr. HARRIS. Let the title of the bill be read.

The PRESIDENT *pro tempore*. The bill will be read by its title.

The CHIEF CLERK. A bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes.

Mr. SEWELL. I ask for the yeas and nays on agreeing to the motion.

The yeas and nays were ordered.

Mr. PLUMB. Is this subject debatable?

The PRESIDENT *pro tempore*. It is not subject to debate. The Secretary will call the roll on the question of agreeing to the motion of the Senator from Oregon.

The Secretary proceeded to call the roll.

Mr. SAWYER (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON] on all questions connected with this bill.

The roll-call was concluded.

Mr. SPOONER. I wish to say that I am paired generally with the Senator from Delaware [Mr. GRAY]. I do not know how he would vote on this motion, and I withhold my vote.

Mr. MANDERSON (after having voted in the affirmative). When the roll was called I did not notice the absence of the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired. I withdraw my vote.

Mr. PLATT (after having voted in the negative). I am paired generally with the Senator from West Virginia [Mr. CAMDEN]. As I do not know how he would vote on this question, I withdraw my vote.

Mr. BROWN. I desire to announce that my colleague [Mr. COLQUITT] is paired with the Senator from Illinois [Mr CULLOM].

Mr. PLUMB. I am paired generally with the Senator from Alabama [Mr. MORGAN]; but if he were here I know he would vote for the motion, and so I have voted.

The result was announced—yeas 38, nays 9; as follows:

YEAS—38.

Allison,	Dolph,	Maxey,	Stanford,
Berry,	Edmunds,	Miller,	Teller,
Blair,	Evarts,	Mitchell of Oreg.,	Van Wyck,
Bowen,	Harris,	Morrill,	Vest,
Brown,	Harrison,	Palmer,	Walthall,
Call,	Hawley,	Plumb,	Whitthorne,
Chace,	Hoar,	Pugh,	Wilson of Iowa,
Cockrell,	Ingalls,	Ransom,	Wilson of Md.
Coke,	Jones of Arkansas,	Sabin,	
Conger,	Logan,	Sherman,	

NAYS—9.

Beck,	Hampton,	Payne,	Sewell,
Cameron,	Kenna,	Saulsbury,	Voorhees,
Eustis,			

ABSENT—29.

Aldrich,	Frye,	Jones of Nevada,	Platt,
Blackburn,	George,	McMillan,	Riddleberger,
Butler,	Gibson,	McPherson,	Sawyer,
Camden,	Gorman,	Mahone,	Spooner,
Colquitt,	Gray,	Manderson,	Vance.
Cullom	Hale,	Mitchell of Pa.,	
Dawes,	Hearst,	Morgan,	
Fair,	Jones of Florida,	Pike,	

The PRESIDENT *pro tempore*. The motion is carried, two-thirds of the Senators present having voted in the affirmative.

SAMUEL HANSON.

Mr. BLAIR. I move that a message be sent to the House of Representatives requesting the recall of the bill (S. 356) granting a pension to Samuel Hanson, which passed the Senate yesterday. A House bill for the same purpose has arrived in the Senate and been passed by the Senate.

The PRESIDENT *pro tempore*. If there be no objection the Senate bill referred to will be recalled from the House of Representatives.

FORFEITURE OF ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. PLUMB. I move that the Senate proceed now to the consideration of House bill 453, Calendar No. 877.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, after the words "right of way," in line 3, to insert:

And the right, power, and authority given to said corporation to take from the public lands adjacent to the line of said road material of earth, stone, timber, &c., for the construction thereof, including all necessary grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations.

So as to read:

That all the lands, excepting the right of way, and the right, power, and authority given to said corporation to take from the public lands adjacent to the line of said road material of earth, stone, timber, &c., for the construction thereof, including all necessary grounds for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water stations heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress, which are adjacent to and coterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited and restored to the public domain.

The amendment was agreed to.

The next amendment was, after the words "restore to the public domain," in line 23, to strike out the following words:

And made subject to disposal to entry and settlement under the provisions of the homestead laws, by actual settlers only as though said grant had never been made: *Provided*, That nothing in this act shall be held to impair any right the United States may have in or to the lands embraced in said grant not declared forfeited by this act.

Mr. INGALLS. It seems to me that in accordance with the policy already announced by the Committee on Public Lands for the repeal of the pre-emption and timber-culture laws, the first part of that paragraph ought to be retained:

And made subject to disposal to entry and settlement under the provisions of the homestead laws, by actual settlers only.

I do not understand why, if the committee intend to adhere to the policy announced in the bill that has been a special order this morning, that amendment should be made to this bill.

Mr. PLUMB. The committee have not announced a principle quite so broad as that, I think. The bill which is before the Senate from the committee provides for the repeal of the pre-emption law and of the timber-culture law and for the modification of the desert-land act. Many of these lands, according to the information the committee had, are of a character that would be entered under the desert-land act as proposed to be modified by the committee, and it is thought best to leave these lands to be entered as they will be entered under the provisions of the bill which will probably become a law before Congress adjourns. There are many of the lands that can only be made use of under the desert-land provision.

The amendment was agreed to.

Mr. PLUMB. The Senator from Alabama [Mr. MORGAN], who is necessarily absent from the Senate and will probably be absent indefinitely, proposed an amendment to this bill. I ask unanimous consent that it may be considered as offered by him for the purpose of testing the sense of the Senate upon it.

The PRESIDENT *pro tempore*. An amendment was proposed by the Senator from Alabama [Mr. MORGAN], as representing the views of the minority of the Committee on Public Lands, which will be read.

The CHIEF CLERK. It is proposed to add as new sections to the bill the following:

SEC. —. That jurisdiction is hereby conferred on the circuit court of the United States for the western district of Missouri to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. —. That it shall be the duty of the district attorney of the United States for the western district of Missouri, under the direction of the Department of Justice, to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. —. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim is necessary to do complete justice in said cause, the court shall direct that such further proceeding be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. —. That the court, if it shall see fit, may tax all the costs of the suit under this act against the United States, or may apportion the costs of any proceeding under this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree therein to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

Mr. PLUMB. It is proper I should say that the committee did not agree to that amendment, and do not believe it is necessary. I do not believe myself that it is of a character to render any service to the public or to the railroad company or to the persons who may be interested in the lands or in the company itself. I therefore hope the amendment will not be adopted.

Mr. VEST. If I understand the case, there is nothing in the bill as reported by the committee which will prevent any person or corporation testing the matter hereafter and having an adjudication of his or its rights.

Mr. PLUMB. Nothing at all.

The amendment was rejected.

Mr. CALL. I should like to have the Senator in charge of the bill explain the meaning of this language which I will read. The bill provides that the grants made by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress, which are adjacent to and conterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited and restored to the public domain.

Is that intended to forfeit the lands for that portion of the road which was not completed within the time specified in the granting act?

Mr. PLUMB. It is only intended to forfeit the lands opposite that portion of the road which is now uncompleted.

Mr. CALL. Then I wish to say for one that this is a bill to confirm the title of the railroad company to the grant instead of a bill to forfeit it, and it raises a question of great public interest which attaches to a great many of the railroad companies and which is perhaps the most important question before the people. It is impossible to tell what quantity of land will be confirmed to the railroad company under this act if it shall become a law.

The people of the United States, and I believe the right and justice of the case, demand the forfeiture of all the land where the grant was not complied with and the road completed within the time specified in the granting act. If there be exceptions to that, they should be made known and a new grant be made, for it is in effect a new grant and not the forfeiture of an old grant.

Mr. PLUMB. If the Senator will permit me, I will call his attention to the statute amendatory of the original granting act, which I think will qualify his opinion on this particular point as to this road. By chapter 33 of the acts of 1871 it is provided—

That the Atlantic and Pacific Railroad Company, organized under act of Congress of July 27, 1866, is hereby authorized to make and issue its bonds in such form and manner, for such sums, payable at such times, and bearing such rate of interest, and to dispose of them on such terms as its directors may deem advisable; and to secure said bonds, the said company may mortgage its road, equipment, lands, franchises, privileges, and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe. As

proof and notice of the legal execution and effectual delivery of any mortgage hereafter made by said company, it shall be filed and recorded in the office of the Secretary of the Interior: *Provided*, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage.

I think, whatever the merit may be of the general proposition which the Senator from Florida is proceeding to argue, that this railroad is taken out of the category of roads to which he has referred.

Mr. CALL. What is the date of that statute?

Mr. PLUMB. April 20, 1871.

Mr. CALL. That seems to qualify the matter.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ARMLESS OR LEGLESS PENSIONERS.

Mr. SAWYER. I move that the Senate now proceed to the consideration of the individual pension bills upon the Calendar reported favorably, and I suggest that we begin where we left off yesterday.

Mr. SEWELL. I ask the Senator from Wisconsin to let me call up a general pension bill, limited in its character, which I do not think will take more than a few minutes. It is Order of Business 517, Senate bill 2056—quite as important as private pension bills.

Mr. SAWYER. I do not like to give way, but I think I shall have to do so for that.

Mr. SEWELL. I move to take up Senate bill 2056.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

It proposes that all persons on the pension-rolls, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, shall receive a pension of $30 a month; that all persons now on the pension-rolls, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow or a leg at or above the knee, or been totally or permanently disabled in the same, shall receive a pension of $36 per month; and that all persons now on the pension-rolls, and all persons hereafter granted a pension who in like manner shall have lost either an arm at the shoulder-joint or a leg at the hip-joint, shall receive a pension at the rate of $45 per month. But nothing herein contained shall be construed to repeal section 4699 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4695 makes no provision.

Mr. SEWELL. This bill, while general in its character, is limited to the men who have lost limbs in the service. The classification under the existing law is:

(1) For all amputations below the knee or elbow	$24 00
(2) For all amputations above the knee or elbow	30 00
(3) For all amputations at the hip or shoulder joint	37 50

The committee had a great many bills under consideration, from which they reported this original bill, preserving the present classification as I have stated it for these injuries, but increasing the twenty-four-dollar class to $30, the thirty-dollar class to $36, and the class receiving $37.50 to $45.

That increase has been based on a great mass of testimony coming from the pensioners themselves and medical certificates in connection with their claims as to the increase of suffering by reason of these amputations. As they grow older they become less able to work and more feeble, and as a consequence ought to be more of a burden on the generosity of the Government.

The number of pensioners and the amount of money involved in this bill is as follows:

The class now receiving $24 per month numbers 15,024; the amount of money expended, $4,326,912, and the increase proposed is $1,081,728. The class receiving $30 per month consists of 7,927 pensioners, and the present annual value of their pensions is $2,853,720, and the proposed increase is $570,744. Of the class now receiving $37.50, there are 470 pensioners, and the annual value of their pensions now is $211,500, and the increase proposed by the bill is $42,300; making the total increase by this bill $1,694,772.

Mr. HARRIS. Is that an annual increase?

Mr. SEWELL. An annual increase of $1,694,772.

I submit, Mr. President, that this is a well-defined class that is not capable of increase, that the number is diminishing every day, and that we know what we are doing when we propose to vote for a bill of this kind. The increase is one that ought to be made. These are the suffering heroes, I may say, of the war, who carry about with them apparent to the eye of everybody their disabilities; and if there is any class of pensioners to whom we ought to be liberal, these are the ones.

Mr. MILLER. There is an amendment to this bill which I offered some time ago which has been printed and I trust it will be accepted by the Senator who has the bill in charge, as I think it very just. In line 16, after the word "hip-joint," I move to insert:

Or so near the joint as to prevent the use of an artificial limb.

So as to read:

And that all persons now on the pension-rolls, and all persons hereafter granted a pension who in like manner shall have lost either an arm at the shoulder-joint or a leg at the hip-joint, or so near the joint as to prevent the use of an artificial limb, shall receive a pension at the rate of $45 per month.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York [Mr. MILLER].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRIDOLINE GLASTETTER.

Mr. SAWYER. I ask consent of the Senate to proceed to the consideration of the individual pension bills reported favorably in their order.

The PRESIDENT *pro tempore*. There being no objection, it will be so ordered. The call will commence where the Senate left off yesterday.

The bill (S. 2132) granting a pension to Fridoline Glastetter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Fridoline Glastetter, late a private in Company F, Second Illinois Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WALLIS PATTEE.

The bill (S. 2026) granting a pension to Wallis Pattee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Wallis Pattee, late a member of Company K, Seventh Regiment of Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. M'ELROY.

The bill (S. 2233) granting a pension to John P. McElroy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John P. McElroy, formerly of Company D, Forty-ninth Regiment Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL F. ROWE.

The bill (S. 2228) granting a pension to Samuel F. Rowe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel F. Rowe, late of Company G, Fifth Wisconsin Regiment Volunteer Infantry.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 4, 1886:

The Committee on Pensions, to whom was referred a bill (S. 2228) granting a pension to Samuel F. Rowe, have examined the same, and report:

The claimant enlisted as a private in Company G, Fifth Wisconsin Infantry, in May, 1861, and was discharged June 14, 1862. He asks for a pension for chronic rheumatism, contracted at Cape Griffin, Va., while in the line of his military duty.

His application was rejected by the Commissioner of Pensions solely on the testimony of the official surgeons, who allege that he is perfectly sound, and without any appearance of disability. The report of the Adjutant-General identifies the service of the soldier, and mentions his discharge for disability. The Surgeon-General's report says he was admitted to Eckington Hospital, Washington, D. C., May 16, 1862, with chronic bronchitis, and discharged from the service June 14, 1862.

Dr. Walbridge, of Wisconsin, testifies that after a careful examination in October, 1884, he finds chronic bronchitis affecting the lungs, which corresponds with the report of the Surgeon-General. He also has pains in the chest and arms, due to chronic rheumatism, and he pronounces him partly disabled.

Ceylon C. Lincoln, a neighbor, testifies to his long acquaintance with claimant, and to his personal knowledge of him from year to year, and since his return from the Army to the present time he has been partially disabled from performing manual labor.

R. H. Soper says his acquaintance commenced with the claimant when they enlisted; that he was a sound man; that he has personal knowledge of his being sick and sent to the hospital, and of his continued disability.

Other witnesses testify to their knowledge of him before enlistment, when he was an active healthy man.

The surgeon's certificate of discharge says he finds him incapable of discharging the duties of a soldier; that he is discharged on account of chronic rheumatism, and adds "of six years' standing."

The very contradictory statements of the doctors so weaken their value as to suggest that they can not count for much for or against the claimant. The testimony of his neighbors and long-time acquaintances seems to be reliable, and it is in evidence that he entered the Army a healthy man, and came out of it, and continues to be, broken in health, and to a degree disabled by a complication of diseases.

The Senator by whom this report is submitted has personal knowledge of this claimant, and can certify that he is a disabled man, in destitute circumstances, and in every sense worthy of relief.

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCY A. WASHBURN.

The bill (S. 2218) for the relief of Lucy A. Washburn was considered as in Committee of the Whole. It proposes that the name of Lucy A. Washburn, widow of First Lieut. Lon Washburn, late of Battery I, Sixteenth Regiment New York Artillery, shall be placed on the pension-roll at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. MATHES.

The bill (S. 2220) granting a pension to James G. Mathes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James G. Mathes, late a corporal of Company L, Eighth Regiment Missouri Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY DANER.

The bill (S. 2197) granting a pension to Henry Daner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Daner, late a private in Company I, Second Regiment of United States Artillery, who served twenty years in the United States Army and was honorably discharged for disability incurred in the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACKSON CHAPMAN.

The bill (S. 2075) granting a pension to Jackson Chapman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jackson Chapman, late a private in Company E, Forty-fifth Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANN E. LAMBURG.

The bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ann E. Lamburg, widow of George W. Lamburg, late of Company I, Seventy-eighth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES BRUNDRIDGE.

The bill (S. 2198) granting a pension to Charles Brundridge was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Brundridge, late of Company D, First Ohio Volunteer Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrosed for a third reading, read the third time, and passed.

WILLIAM WALLACE YOUNG.

The bill (S. 2180) granting an increase of pension to William Wallace Young was considered as in Committee of the Whole. It proposes to increase the pension of William Wallace Young, late a private in Company B, One hundred and twenty-first New York Volunteers, to the rate of $30 per month.

Mr. COCKRELL. Let the report be read in that case, that we may know the reasons of the increase.

The Secretary read the following report, submitted by Mr. SAWYER May 4, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2180) granting an increase of pension to William Wallace Young, have examined the same, and report:

The petitioner was a private in Company B, One hundred and twenty-first New York Volunteers. He was pensioned at $4 and increased to $6 a month for disabilities resulting from confinement in rebel prisons. He alleges that while in Florence prison, South Carolina, in February, 1865, he contracted diarrhea, disease of liver and kidneys, and lung disease and scurvy, while a prisoner of war, by exposure and starvation, resulting in general debility.

His capture and imprisonment are shown by the war records, and in the same report his disability is thus described by the surgeon: "Debility induced by improper and insufficient food while a prisoner in the hands of the rebels."

From the testimony of his neighbors, who are ascertained to be credible, it is proven that he was sound when he enlisted, entirely free from any of the diseases incurred while in service.

Sergt. Nathaniel Post testifies that while in Florence prison, about the 20th of February, 1865, he contracted diarrhea, liver, kidney, and lung disease and scurvy, which were caused by exposure and starvation, and resulted in general debility; that these facts are known to affiant, who saw claimant in the engagement at the Wilderness, Virginia, when he was in good health and capable of extraordinary endurance; that after his release from prison, on his way home on furlough, affiant again saw him when he was emaciated, broken down, and so weak that he feared he would not live to get home.

Drs. Brown and Wilcox testify to having treated him for the disabilities claimed and to his low condition. Recent medical examinations show that he is not able to perform manual labor; that his condition is not only nearly helpless, but pitiable.

There is a mass of convincing testimony in substantiation of his claim for increase, a careful examination of which convinces the committee that his pension is too low.

The bill is reported favorably, with a recommendation that it do pass.

Mr. COCKRELL. I should like to ask the Senator reporting the bill to what extent the Pension Office can now increase this man's pension. He was pensioned at $4, I see, and then it was increased to $6. Now what is the greatest allowance the Pension Office can allow to a private soldier for total disability?

Mr. INGALLS. Seventy-two dollars.

Mr. LOGAN. That is from wounds.

Mr. INGALLS. When his condition is so helpless from wounds or disease that he requires the continual care and attendance of another person, not specific disability, but general disability, resulting from any cause.

Mr. SAWYER. That is only $50 now. When that law was passed all then on the roll were raised to $72. Now $50 is the highest.

Mr. INGALLS. Seventy-two dollars is the highest rate allowed for general disability by the general law.

Mr. SAWYER. But that general law only covered those who were on the list at $50 then.

Mr. INGALLS. The Senator is mistaken; we have a general statute providing that in case of total disability and personal helplessness requiring the continual care and assistance of another person the rate of pension shall be $72 a month.

Mr. COCKRELL. Can it not be graded between $8 and $72?

Several SENATORS. No.

Mr. SAWYER. I know the committee thought this was one of the cases where the man ought to have $30. His health was broken down. He was ruined almost in rebel prisons. We thought $30 was little enough.

Mr. HARRISON. I am quite sure the Pension Office is not allowed to rate up to $72. That is for a specific case described by law, a case of such absolute disability as to require the assistance of an attendant. Eight dollars is what is called the total disability for a private soldier. Of course there are some specific cases of wounds that go higher. The $72 is a specific class; but $72 is not a total from which the Department can rate at all.

Mr. COCKRELL. This is put at $30, and the Pension Office has refused to increase it even from $6 to $8.

Mr. INGALLS. Does the Senator advance that as an argument why the Senate should not increase it?

Mr. COCKRELL. Not at all. I am simply saying that it does seem that the Pension Office, in charge of a disabled soldier, and which has continuously been in charge of soldiers, with nearly the entire machinery of the office largely in the hands of soldiers, certainly ought, where it is a question of fact as to the degree of disability, to be willing to do justice to the soldiers, to the applicants for pensions, and not compel them to come to Congress with so many cases for relief.

Mr. INGALLS. When was this application rejected at the Pension Office?

Mr. COCKRELL. It was allowed a long time ago.

Mr. INGALLS. When was it rejected?

Mr. COCKRELL. It has not been rejected.

Mr. INGALLS. I understood the Senator to say that an application for an increase had been rejected at the Pension Office.

Mr. COCKRELL. No; I suppose as a matter of course the man applied for it. I take it for granted, though the report does not say anything of the kind. He was pensioned at $4 and increased to $6 a month for disability. It does not say that he applied for an increase beyond that, but it is presumable that he did and that the office would certainly have given him a rating up to $8 per month. There is nothing here to show that he ever applied for it, but I presume he did.

Now, the point I make is that the Pension Office ought to do equal and exact justice to all worthy applicants for pension, and they should not resort to Congress unless in exceptional cases where under the law the Pension Office does not have the right to adjudicate equitably but must follow the letter of the law and construe it against them.

Mr. INGALLS. The Pension Office, so far as my observation goes, at this present time is apparently administered upon the theory that every disabled soldier who claims that he has a right to an increase of pension is felonious. I have a case in my mind now where a soldier totally blind, whose claim had been admitted under a previous administration of that office and his arrears adjudicated under the most abundant and explicit proof, had his claim suspended by the present Commissioner among the earliest of his official acts; and upon an appeal taken after the case had been argued before the Assistant Secretary of the Interior and again taken to the Secretary of the Interior against the continued interposition of objections on the part of the Commissioner of Pensions, so obvious was the justice of the claim that the Secretary finally declared that the original decision should stand, and the man received his pension, making I believe the largest aggregate amount of arrears that has been paid since 1879.

I agree with the Senator from Missouri that there is some defect in the present administration of pensions. It is not appropriate that hundreds of cases should be required to come to Congress, especially when the evidence is as clear and abundant and copious as it is in nine-tenths of the cases that come before the Senate for pensions after having been carefully examined by the members of the committee. But what are you going to do about it? Here is the Commissioner of Pensions, to-

day himself a standing monument of the gratitude and liberality of a Republican Senate. The claim of John C. Black was before the Senate Committee on Pensions when I was its chairman, and we reported a bill putting him on the pension-list at the highest rate that is paid I believe to any soldier of the Republic, upon the ground that he was totally disabled, that his ability to earn a livelihood in his profession had been absolutely destroyed. His friend and advocate and sponsor here was Hon. David Davis, then a Senator from Illinois, and he assured the committee that John Charles Black was an absolute physical wreck, unable to obtain a subsistence for himself or his family in the practice of his profession, and we gave him $100 a month; and that man to-day in the enjoyment of $100 a month as a totally disabled pensioner gets $5,000 a year as Commissioner of Pensions and is able enough to interpose objections, frivolous, unjustifiable, contrary to the letter and spirit of the law, against thousands of men who are vastly more entitled to the sum that he receives than he is entitled to it himself. His actions to-day and his position to-day in this Government are a refutation of the facts upon which he received that pension; and if he were a man of honor, if he were entitled to the confidence of the people and the emoluments and dignities of the position he enjoys, he would decline to receive that pension. And I protest, sir, in the name of all the disabled soldiers of this Republic against the infamous obstacles that are interposed by that man against the allowance of pensions to which they are vastly better entitled than he is to the pension that he receives.

Mr. COCKRELL. Mr. President, the Senator from Kansas has gone out of his way and out of the record in this case to make a personal onslaught upon General Black, the Commissioner of Pensions, and he has undertaken to leave the false impression upon the public mind of this country that these complainants who are compelled to resort to Congress for relief are the claimants whose claims have been rejected by the present Commissioner of Pensions, which is not true.

Mr. INGALLS. Many of them have been.

Mr. COCKRELL. Most of them have not been and the record shows it, and the Senator knows it. I hold in my hand the record, and I say that the Commissioner of Pensions, General Black, has allowed more pensions during the first year of his administration than any Commissioner of Pensions ever has allowed. That is the record; and with that record staring the Senator in the face he makes that unjustifiable and I think unjust assault upon General Black.

Now let us look at the record.

Mr. INGALLS. What do you say about his enjoying a pension at $100 a month for total disability as a physical wreck?

Mr. COCKRELL. The Senator presented it to him, and he is estopped from criticising his own act.

Mr. INGALLS. Who is estopped?

Mr. COCKRELL. The distinguished Senator before me, the honorable Senator from Kansas, then chairman of the Committee on Pensions.

Mr. INGALLS. The pension was allowed upon what was supposed to be reliable and satisfactory evidence, and the present condition of the Commissioner of Pensions is a satisfactory proof that he obtained the pension he enjoys under false allegations. It ought to be repealed.

Mr. COCKRELL. Then the Senator, in discharge of the obvious duty he owes to this country, should introduce a bill for the repeal of that law.

Mr. INGALLS. It ought to be repealed. It is a shame that he is enjoying it.

Mr. COCKRELL. The Senator ought to have the manliness to do it. But I have in my hand the report of the Commissioner of Pensions; it is official. Let us see how many pensions were allowed in different years of the administration of that office, and see whether General Black is subject to the charge which has so unjustly been made against him. I will begin with the year 1880. Nine thousand seven hundred and eighteen pension claims were allowed in that year; in 1881, 20,912 were allowed; in 1882, 22,615 were allowed; in 1883, 21,758 were allowed; in 1884, 27,117 were allowed; in 1885, 27,225 were allowed.

Where are the facts that justify the discrimination which the Senator from Kansas has charged upon General Black? It is not in the record.

Mr. INGALLS. I was talking about cases that had been rejected, not those allowed. Those which have been allowed by the present Commissioner of Pensions had all been prepared for adjudication by his predecessor.

Mr. COCKRELL. Not by any means; and the Senator knows the contrary. That will not do. It is a mere subterfuge. If the pensions allowed by the present Commissioner were prepared by his predecessor, the pension claims rejected were also prepared by his predecessor. That is a fact the Senator must stare in the face. If the pensions allowed by the present Commissioner of Pensions were prepared by his predecessor, then the pensions rejected in that office were also prepared for rejection by his predecessor, and the responsibility rests there.

Now, I challenge the Senator to hunt up these cases that have been coming here to Congress for individual relief, and I say the record will show that nine out of ten of them originated under the administration of the predecessors of General Black in office.

No Commissioner of Pensions can give individual attention to each case; it is a physical impossibility; and if so many cases of injustice have been done as charged by the Senator from Kansas since the administration of General Black they have been done by the subordinates in the office, for it is impossible for him or any other Commissioner to give attention to all the cases. And who are the subordinates? They are gentlemen who were put in there under the preceding administration, and they are still there. Look at the board of appeals. There has been but one change made in it. Look at the paraphernalia in that office, and they are the same men who were in there under General Dudley; and it does not, with these facts before him, lie in the mouth of the Senator from Kansas to make this assault upon an individual who is not in a position to respond to him personally.

I believe—and I am sure the record will show it—that the Pension Office to-day under General Black will do as complete, as exact, and as full justice and equity and right and fair dealing to every worthy applicant for pension as has ever been done by that office since its creation, so far as General Black is concerned and so far as the responsible heads in that bureau who have been put there under the present administration of affairs are concerned.

It is not worthy of the Senator from Kansas to undertake to make the false impression upon the country that the hundreds and even thousands of individual pension claims have come here because of the action of the present Commissioner of Pensions. They have not come here because of any action of his; and even if the cases had been rejected under his administration, the responsible parties for their rejection would have been the men who were put in there before he went into office and who have been continued in place. It is the old régime, the old incumbents who pass upon these claims. As a matter of course General Black can not examine ten, fifteen, or twenty thousand individual pension cases during the year. It is a physical impossibility for anybody to do it. He must rely upon the examinations made in each division, which are reported to the different boards through which each case has to go; and then the final board of review remains unchanged. I believe only one change has been made in that large board.

Now, Mr. President, here is a case where, so far as the report shows, no application was made for an increase and where the increase could only have been made to $8 a month, as I understand from the Senator reporting the bill. If the Pension Office has no jurisdiction under the law to increase this claimant's pension beyond $8 a month, and he is justly entitled to more, then it is a fit case for Congress. If the Pension Office has a right to increase under existing law this man's pension to an amount equivalent to what he is entitled to, then it is not a fit case for Congress.

In the large number of pension claims, in the thousands and hundreds of thousands of claims presented to the Pension Office, there will necessarily be some that for technical reasons can not be allowed. There will be some where probably the rating under the general law can not be what it should be. In such cases, as a matter of course, there is but one relief and one mode of relief, and that is either by a general law of Congress providing relief in certain specified cases so as to cover it, or an individual relief bill. My experience is that the very poorest way of securing justice is by individual relief bills, and that every class of worthy, just, and meritorious cases should be provided for by a general law.

Take the case of desertions in the Army. The record shows probably over two hundred thousand soldiers marked deserters. They have repeatedly come to Congress asking that individual relief bills be passed in their favor. We passed, in 1882 I believe it was, a general bill relieving all that the Committee on Military Affairs, of which the distinguished Senator from Illinois [Mr. LOGAN] is chairman, believed were properly entitled to relief. That law was not construed as was anticipated by the War Department, and immediately another law was passed to remove the charge of desertion in certain cases. Under that law hundreds and possibly even thousands of soldiers who were unjustly charged with the offense of desertion have applied to have the record changed and corrected.

A large number of their bills have been presented since that time not coming within the terms and provisions of that law. At the present session of this Congress I had the honor of presenting a bill and the Committee on Military Affairs ordered it to be favorably reported, making provision for the removal of the charge of desertion standing against the records of many others who were deemed to be worthy of relief. That bill has passed both the Senate and the House and is now a law.

I think the better way would be in these pension cases to pass laws increasing the power and authority of the Commissioner of Pensions to pass upon classes of cases which do not now come within the terms and provisions of the general law. I think it is the worst possible mode of relief to pass individual bills.

Mr. President, I did not anticipate in asking some very interesting questions that I should draw on such a discussion as has been carried on upon this bill. I have no objection to the passage of the bill.

Mr. LOGAN. Mr. President, I am in favor of the passage of this bill, and I do not intend to enter into the field of debate that has been very thoroughly plowed by the two gentlemen who have preceded me,

the one from Kansas and the other from Missouri, except to call the attention of the Senator from Missouri to one fact. I am not doing that for the purpose of criticising the Commissioner of Pensions, but for the purpose of showing how unjust have been the criticisms which have been heretofore made.

Speaking in a political sense, Commissioner Black charged his predecessor with favoritism because he had allowed a great many pensions in 1880, and yet I find from the statement of the Senator that Commissioner Black in one year allowed nearly three times as many as his predecessor, Commissioner Dudley, did, although he was charged with favoritism on account of the great number of pensions that were allowed.

I only call the attention of the Senate to that fact to show how unfair these things are that are sent broadcast before the world to improperly influence the minds of people in regard to the action of officials.

So far as General Black's pension is concerned, I have nothing to say about it, whether he is entitled to it or not. If he is entitled to it I hope he will retain it. I think he is a badly wounded man, and if he is entitled to a pension, no matter how large, I certainly would not reduce it one cent, so far as I am concerned; nor would I so act in reference to the pension of any man who had performed his duty honorably and well. As to how he obtained that pension, I have naught to say; but I do think where pensions are obtained through Congress, and persons think they are obtained on some improper evidence, about which I have nothing to say, it does not always come with the best grace to attack others who obtain pensions in the same way.

This man shows from the evidence, as I understand the report, that he was confined in prison for a long time, and we all know who have any experience—without reflecting upon anybody—that prison life is not calculated in the slightest degree to produce a healthy physique or healthfulness in the person, but is on the other hand calculated to destroy the health and constitution of men. We all know that no matter whether it is an army prison or state prison, or what it may be, confinement in prison is not conducive to good health, but is always calculated to destroy the system, constitution, and health of the individual. I have not the slightest doubt that this man's health was destroyed in prison, as he says, and the fact that the Commissioner of Pensions has not at any time concluded that he was in a condition that entitled him to receive a larger pension is no evidence whatever to my mind that the applicant ought not to receive it, for I do know, and I say it without criticising officials, that there are men who apply for pensions who ought to have them who do not receive them. Perhaps it is also true that men who ought not to have them do receive them. The great majority of the men who apply for pensions are men who are disabled not from wounds, but on account of disease they contracted in the service which has developed itself in after years.

I hope this pension bill will pass, for I believe that every man who was in a prison during the war—I do not care whether he was there two weeks or three weeks or two years—every man who was imprisoned and punished and suffered as prisoners did during the war, is entitled to a pension, and I would vote to give every one of them a pension to-day, and $30 is not too much for a man disabled in the manner in which this man's disability is described in the report; and for that reason I hope the bill will pass.

Mr. VOORHEES. Mr. President, it is impossible for me to allow the remarks made by the Senator from Kansas to go without notice on my part.

I was a member of the Committee on Pensions when the pension now so severely criticised was granted to General Black. The Senator from Kansas stated that Senator Davis, of Illinois, was the champion of that measure. To a certain extent that is true, for Judge Davis thought as I thought. I remember well the proceedings in the committee when we agreed to report that bill. I had intimate personal knowledge of General Black; I had known him many years; and I took a deeper interest in the case than anybody else here. I have known General Black since as a boy, at perhaps nineteen years of age, he broke away from college and went into the Army. His military services were especially brilliant.

His wounds were repeated and of the severest character. I saw General Black frequently during his most dreadful sufferings before this pension was granted, and I say to the Senate and in the hearing of the country that I did not conceive it possible for a human being to suffer as he did and live. He was wasted to a skeleton, blood-poison ravaged his entire system, and the bones of his arms were sawed out by the surgeon. I often left him never expecting again to see him alive; and when his pension bill came up here I had all the feeling that it was possible for me to have in behalf of a gallant, brilliant, promising, brave, suffering man, stricken down in defense of his country.

I hold myself responsible and am ready to answer for the justice and propriety of that pension anywhere and everywhere. It was not obtained under false pretenses. So far from it, no pretense made here could have equaled the dreadful reality of his sufferings; and although he has survived, as I did not expect him to do, nor did his most intimate friends, yet to-day he discharges his duties with open, running wounds. His shattered and splintered bones leave him not one moment's freedom from pain; he can sleep but in one position in his bed at night; and had he not been upheld by a spirit possessed by few men on this earth he would have sunk and died long ago from excessive and constant suffering. He is made of the material that constitutes heroes. If any gentleman here thinks $100 a month will pay for his present condition and what he has undergone, let him say so. I differ from him.

General Black at the time this pension was granted, and in fact for years afterward, had no more ability to earn a livelihood by his own exertions that a child. And even though his constitution has survived the terrible shock, yet his hair has whitened, and, for a young man of forty-five, he is prematurely aged. He has never since the reopening of his wounds been able to pursue his profession with that industry and endurance so absolutely necessary in that most laborious profession known among men, the practice of the law.

Sir, I worked earnestly, with my heart in "the effort," for General Black's pension. It has my approbation now. I remember that at the same session, I believe, the same committee reported a similar bill for General Shields. We put him at $100 a month. He had been wounded in two wars, but he was mixing in the affairs of the world, and he afterward served with us here in the Senate. The Senator from Kansas, who was chairman of the committee at that time, will remember these facts that I now recall to his recollection.

Whether General Black is a man of honor or not I will not discuss. Those who know him best will hear what the Senator from Kansas has said with pain, not because it will affect their opinion of the gallant soldier, the brave, true man, the upright officer, but they will hear with pain that a Senator uses his position to thus speak of a man who can not strike back in his own person.

As to General Black's discharge of his duties as Commissioner of Pensions, not one word need be said by me. The speech of the Senator from Missouri [Mr. COCKRELL] settles that question.

Sir, I do not wish to drag the question of pensions into party politics. Neither the granting nor withholding of a pension is ever governed in my mind by such considerations. But when an attack is made more or less for political effect—I know not what other cause the Senator from Kansas had—I rejoice that such an answer has been made as came with such force and conclusiveness from the Senator from Missouri.

This much, Mr. President, I felt I ought to say.

Mr. INGALLS. Mr. President——

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. INGALLS. I should like to make an observation in response to the remarks make by the Senator from Indiana [Mr. VOORHEES].

Mr. HOAR. The Senator from Wisconsin [Mr. SAWYER] appealed to me just now, and said it was his desire that the Senate should continue this bill for fifteen or twenty minutes longer.

Mr. SAWYER. I should like to continue it half an hour to give the Senator from Kansas a chance to be heard.

Mr. HOAR. If there is no objection on the part of the Senate I am disposed to yield to that request.

The PRESIDENT *pro tempore*. If there be no objection the Chair will not call the regular order until it is demanded by the Senator from Massachusetts.

Mr. HOAR. I shall demand the regular order at half past 2 or sooner if this bill is out of the way.

Mr. INGALLS. Mr. President, the present Commissioner of Pensions, Mr. John Charles Black, was placed upon the pension-roll by special act that was reported during my chairmanship of the Committee on Pensions upon the direct and positive allegation on his part and in his behalf by those who supported and promoted the bill that he was totally disabled, and that he was an absolute physical wreck.

The highest rate of pension paid to any soldier at that time, I think in 1876, for total disability was $50 a month, and Mr. Black was placed upon the roll at $100 a month because it was affirmed that he was so totally disabled by disease, and by gunshot wounds, and by other disabilities received in the service, that his capacity, intellectually and physically, was absolutely annihilated.

I remember the circumstances to which the Senator from Indiana has called attention. I do not stand here to disparage in any manner whatever the valor or the courage of Mr. John Charles Black, but I say that he received that pension and he enjoys that pension to-day because allegations were made which did not exist and which do not exist.

Long before Mr. John Charles Black was pensioned—I did not know it at the time—shortly after he came out of the war, after there had been resection and this surgical treatment had been gone through with, he was active in political and professional life. I am told that he was a candidate for Congress in 1866 or 1868, some time after the war closed. I am told that since that pension was allowed in 1876 he has been thrice a candidate for Congress in the district where he resides, that he has made the canvass in opposition to his antagonist, and he has been a candidate for governor active upon the stump, that he has conducted his

professional avocation, that he has contended for the Senate of the United States against the Senator from Illinois who now sits before me [Mr. LOGAN], and I know of my own personal knowledge that during a considerable portion of that time he has been a manager upon the Board of Soldiers' Homes, and I am told from many quarters, from testimony which can not be questioned, that he is not and that he never has been totally disabled intellectually and physically.

Mr. VOORHEES. Nobody ever said that he was disabled intellectually.

Mr. INGALLS. It was on that specific allegation——

Mr. VOORHEES. I say it was not.

Mr. INGALLS. It was on that specific allegation, presented time and again——

Mr. VOORHEES. It never was.

Mr. INGALLS. That he received that pension of $100 a month.

Mr. VOORHEES. Never.

Mr. INGALLS. Why does the Senator say "never?"

Mr. VOORHEES. Never on any ground of intellectual disability.

Mr. INGALLS. When the highest rate that ever had been allowed before was $50 a month for total disability, the Senator now says that in 1876, without any specification of peculiar disability, we passed a bill to give him $100 a month.

Mr. VOORHEES. I said nothing of the kind. I said there was no charge of any intellectual breakdown.

Mr. INGALLS. Why, Mr. President, the Senator said on the floor within ten minutes of the time I now speak, that he was lying prostrate upon a bed of suffering and illness and pain, incapable of exertion, from which neither the Senator from Indiana nor any of his friends supposed he would ever arise.

Mr. VOORHEES. Now I repeat that; but does it follow that he was intellectually a wreck? That is the statement of the Senator.

Mr. INGALLS. The allegation was that he could not obtain a livelihood by the practice of his profession.

Mr. VOORHEES. Could he on his back, torn with wounds, even if his mind was as bright as Blackstone's? Could he?

Mr. INGALLS. I am not here to answer a catechism of the Senator from Indiana about whether a man can practice law on his back or not. That does not concern the controversy.

I repeat, the allegation was at the time when that pension was granted that he was so physically and intellectually disabled that he could not acquire a livelihood by the practice of his profession. Nobody knows it better than the Senator from Indiana, because he stood here on the floor and in committee-room—and I honor him for it—and declared that this man's capacity for usefulness was so impaired that it was necessary that he should be pensioned to save him and his family from mendicancy and from being cast upon the charity of the world.

Well, Mr. President, that alone would not have sufficed to have induced me to protest against this man's pension. No pension, however large, can be compensation for such injuries as John Charles Black received. No man would go through the havoc of war and the battle's confusion, no man would be torn and rent by shot and shell as he was for $100 a month. But what I protest against is that he, enjoying this pension obtained upon those pretexts, signalizes his advent into the place he now holds by protesting against the payment of smaller pensions to men who were as greatly disabled as he was, and that he today stands advising and co-operating with the President of the United States in vetoing little measures of relief at $8 a month to private pensioners who could not secure sufficient evidence to establish their claims before the Pension Office. I protest against his enjoying that pension of $100 a month when he has been lawyer, politician, Commissioner of Pensions, for years and years since it was granted to him, no more physically disabled, no more intellectually disabled than the Senator from Indiana is, enjoying that pension upon pretensions that do not exist and at the same time using the powers of his great office to prevent the payment of pensions which had been lawfully and properly granted.

Here was a citizen of my own State, Robinson, a man who for nineteen years never had seen the light of the sun nor the face of wife or child, whose claim had been examined and re-examined and fought and contested for years, and was finally allowed by the predecessor of General John Charles Black, a thousand times worse disabled than he is because he was doomed to perpetual blindness and isolation, and one of the first acts that Mr. John Charles Black did after he came into that office was to direct the payment of that pension to be suspended. All that this poor wreck, incarcerated in perpetual darkness, could receive was $72 a month, $28 less than Mr. Black receives; and he can write his name with that disabled hand. And yet although it had been allowed after protracted adjudication he ordered it suspended by telegraph; and since March, 1885, that poor disabled wreck has been endeavoring to secure justice before the Pension Office, and so firmly established was his claim upon right and justice that, although he has interposed his objections at every stage before the Assistant Secretary of the Interior, and the Secretary of the Interior, at last Secretary Lamar directed it to be paid in spite of the protest of Mr. John Charles Black.

I protest, sir, in the name of all the disabled soldiers of this Republic against that impostor—that impostor; I repeat it with full knowledge of what the phrase means—that impostor, who is receiving a pension to which he is not entitled by virtue of law or by virtue of any disabilities that he is subjected to, and who has used his official position ever since he has been in it to slander and revile his predecessor, who with active speech has hurled out broadcast upon the administration of his predecessor the declaration that the pension system had been used as a political engine; that the department as it had existed for years under Republican administration was a partisan machine; and that in order to obtain the allowance of pensions it was necessary to give in adhesion to a particular political organization.

Sir, in the name of the thousands of men yet unpensioned I protest against the aspersions which have been cast by this man upon his predecessor, upon men of an opposing political faith, who were willing to do him justice, as the Senator from Indiana well knows. For no man was more active or enthusiastic in the effort that led to the pensioning of Mr. John Charles Black than I was. I hailed the opportunity with joy of doing justice to a disabled veteran of the Republic, little thinking that in the years to come, enjoying that pension to which he was not entitled, he would use the power of that great office for the purpose of overthrowing the system of which he is himself one of the most conspicuous beneficiaries.

Mr. VOORHEES. Mr. President, it is well known that the Senator from Kansas is only at his best when he is extravagant and confined by no close or accurate lines. He felt compelled to insist that in order for a man to be disabled from the practice of law his intellectual faculties must be impaired. There never was a statement of such impairment made in regard to General Black by me or anybody else, and the papers on file in the Senate will show that fact.

The Senator continuously said that the pension was granted in 1876. It is not a matter of great importance, except to show the general inaccuracy of his statements. It was granted in 1878.

I was not a member of the Senate in 1876. I came here in 1877; and the report of the committee which I hold in my hand, and which the Senator concurred in, was made by Mr. Bailey, then a Senator from Tennessee, on the 20th of May, 1878.

All the statements contained in this report were established by the proof, and the Senator himself concurred in them. He says now that those statements were false, or at least that the pension was obtained by false pretenses. If those statements were true, however, then the pension was not obtained by pretenses that were false.

Sir, if the Senator from Kansas, suddenly spurred to this outburst of animosity and the use of epithets toward General Black, desires to test the sense of the Senate and the country, let him introduce a bill to repeal General Black's pension.

I am going to read at least a portion of the report in my hand, and we will see what we acted on in 1878, and also ascertain what General Black asked for, and how much he is responsible for what we did. He never asked for a pension of a hundred dollars a month, as this report will disclose. The report says:

That at the outbreak of the late civil war Mr. Black, just entering upon manhood, and having recently completed a collegiate course, was engaged in the study of the law; but upon the call of the President he enlisted as a private in Company I, Eleventh Indiana Zouaves, a regiment mustered into service for three months. Upon the expiration of this service he enlisted in the Thirty-seventh Illinois Infantry for three years, and was elected and commissioned major of the regiment. In 1862 he was promoted to the rank of lieutenant-colonel, and afterward to the rank of colonel. In 1864 Colonel Black and his men re-enlisted for the veteran service. From November, 1864, until February, 1865, he commanded the Fourth Brigade, Reserve Corps, Military Division of the Mississippi; and in March, 1865, while in active service, was made brigadier-general by brevet for gallant and meritorious services in the field, and was mustered out of the service in August, 1865.

He did not quit as long as there was a flag flying in the field.

In March, 1862, at the battle of Pea Ridge—

Which involved the safety of Kansas—

In March, 1862, at the battle of Pea Ridge, Lieut. Col. Black was shot in the right forearm, the bullet passing between the bones about 3 inches below the ulna, and injuring the elbow joint.

In December, 1862, at the battle of Prairie Grove, he was shot in the left upper arm. The bone being shattered, resection became necessary, and from that time the arm has been permanently disabled. The wound inflicted at Pea Ridge apparently healed, but in December following reopened, and caused great suffering.

After he left the military service General Black resumed his professional studies, was soon admitted to the bar, and almost immediately upon his admission entered upon a large and lucrative practice, which he continued to enjoy until the year 1874—

Mark this. He did practice law successfully up to 1874—

when, in consequence of the great suffering caused by the wound in his right arm, his health became much impaired, his person emaciated, and he was constrained to abandon his profession—

An old wound breaking out afresh, blood-poisoning his whole system, the bones decaying and splintering and falling out!

From the year 1874—

Continues the report—

until this day he has been an invalid.

That I say is true upon the personal knowledge which I had at that time. The distance is but 50 miles between General Black's home and mine. He lives at Danville, Ill., and I live at Terre Haute, Ind. I have practiced law at his courts from my earliest manhood, and I know him and all his people. Consequently during his dreadful illness, when

these old wounds broke out again upon him, I saw him repeatedly, and when I say that he was the merest physical wreck I ever saw to live I state only the truth. I repeat what I said awhile ago, that I witnessed suffering on his part that I did not believe the human frame could endure without dissolution, and he was a physical wreck when the bill passed Congress and became a law.

The wound in his arm—

Continues the report—

has caused the most intense suffering, and in 1876, in order to save life, the elbow-joint was resected—

Which means taken out; the elbow-joint was taken out—

He is now a physical wreck, maimed and diseased, incapable of any effort, and much of the time confined to his bed.

That was true at that time, and in some respects it is true now. He knows not one moment's freedom from physical pain. His open, running wounds have to be dressed now every day by an attending physician. That is General Black's condition, and if the Senator from Kansas feels any pride in assaulting, with terms such as he has used, a man who bared his breast, and was shattered as he was, and who suffered as he has done, let him enjoy it. I would not for any consideration have those words upon my tongue toward any man who had the honorable life and record of General Black. The report continues:

From August, 1865, until 1877, General Black was paid a pension of $30 per month, based upon the injury to his left arm. In 1877 this was increased to $50 per month because of the loss of the use of the other arm. He now asks that the right to $50 per month be recognized from August, 1865.

It was a question of arrears and not increase. He did not ask for the increase. I remember well a consultation with Judge Davis, and honored be his name ever by me whenever I utter it, and I hope the blessings of health and happiness will be his for long years to come! He had known General Black from his boyhood. I consulted with him as to what was best for the general. I did not write or ask General Black on the subject, nor did Judge Davis. We agreed that if we could get a pension for him at $100 a month without arrears it would be better in the long run than $50 with arrears, and it was upon our agreement and determination, and not upon General Black's request, that he was placed on the rolls at the rate he draws. The report continues:

The committee is convinced that the claim is well founded.

A strong, healthy man, possessing fine talents and great abilities, who would have gathered fame and wealth, has been stricken in his country's service. He asks the country he served so well to give bread to himself and opportunity to educate his children.

The committee, however, respectfully submit that instead of granting arrears of pension, Congress should recognize the distinguished claims of General Black and to grant him a pension of $100 per month, and therefore they recommend the passage of the accompanying bill.

Mr. President, this is neither the time nor the place to deal with a personal assault on General Black made in the terms used by the Senator from Kansas. I regret them. I have a high admiration for the brilliant gifts of the Senator. He has been a faithful friend of the pensioned soldiers. I would do him entire justice and no injustice, and in that respect I will differ from him in his treatment of General Black. He has been totally and absolutely unjust; he has taken advice from his resentment at what he conceived to be a wrong to his blind soldier in Kansas. I sympathize with his earnest advocacy of such a claim; but it too brings its compensation.

When General Black came into office and found a claim which carried with it over $10,000 of arrearages, the largest arrearages ever paid, he simply had the care and prudence to suspend it for an examination. He a soldier of the Republic, maimed himself, marred by shot and shell, suspended that claim to have it examined into; and that resulted in a confederate soldier now at the head of the Interior Department allowing the claim. The Senator from Kansas, while denouncing the Commissioner of Pensions, forgot to express his grateful appreciation of the patriotic and liberal action of the late Senator from Mississippi now Secretary of the Interior. I do not think such a spectacle as that is valueless. I do not think such an instance in our history will do any harm to the fraternal relations which ought to exist between the sections of this country.

I have here General Black's original memorial, and I am almost tempted to have it read. I do not know that I should do so at this time. Upon the suggestion, however, of my friend the Senator from Missouri [Mr. COCKRELL] I will send it to the clerks' desk and have it read.

Before reading, I desire to call the attention of the Senate and the country to the facts elicited in the closing remarks of the Senator from Kansas. It is true that General Black stated in his report that the Pension Bureau had been used for political purposes. It is true there is now an investigation on that subject. I do not believe it fair to either side of that question for the Senator from Kansas to thrust it into this debate. "Sufficient unto the day is the evil thereof." I shall express no opinion upon that subject now. The time will come when I shall do so. It will be when I have read the evidence, when I have examined what has been proved, and then I shall stand by the proof as I see it.

This prejudgment of the Senator from Kansas will not affect his object. It will not prejudice the Commissioner of Pensions in the public mind. He is mistaken in supposing that he can take judgment against this meritorious officer by default before the evidence is closed, before it has been printed, and before people have seen or read it. I repeat, when the time comes we shall all look at it, and we shall all take our part in such discussion as it may elicit, and we shall take each of us the proper responsibility for our conduct. I ask for the reading of the paper which I send to the desk.

The PRESIDING OFFICER (Mr. PLATT in the chair). The paper will be read.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States of America, Washington City, D. C.:

The application of John Charles Black, of Champaign city, State of Illinois, respectfully shows unto your honorable bodies:

That on April 19, 1861, he enlisted as a private soldier in Montgomery Guards of Crawfordsville, Ind., afterward known as Company I, Eleventh Indiana Zouaves.

That he was appointed sergeant-major of said regiment upon its formation, and served as such until its muster-out at the expiration of what was known as the three months' service.

That immediately thereafter he engaged in raising a company of volunteers for the three years' service, which company was afterward mustered into service as Company K, Thirty-seventh Illinois Volunteer Infantry.

That he was elected and commissioned major of said regiment upon its organization, and served as such until 1862, when he was commissioned lieutenant-colonel of said regiment, holding the latter position until he was commissioned colonel of said regiment.

That in January, 1864, said regiment re-enlisted for the veteran service, your memorialist continuing in service.

That from November, 1864, to February, 1865, your memorialist commanded the Fourth Brigade, Reserve Corps, Military Division of Mississippi.

That while in active service he was commissioned brigadier-general by brevet, March 13, 1865, for gallant and meritorious services in the assault on Blakeley Batteries.

Your memorialist was honorably discharged, upon resignation tendered August 15, 1865.

That on December 7, 1862, at the battle of Prairie Grove, Ark., while lieutenant-colonel commanding his regiment, your memorialist was wounded by a bullet wound in the left upper arm by which about 2½ inches of the bone was shattered and carried away, necessitating resection of the bone. As the result of this wound and the operation the left arm was shortened and shrunken so as to be permanently disabled for manual or other labor of any kind.

That on March 7, 1862, at the battle of Pea Ridge, Arkansas, your memorialist was wounded by a bullet wound in the right forearm 3 inches below the elbow, the ball passing between the bones, striking and injuring the ulna and injuring the elbow. This wound healed, but reopened in December, 1862, and then healed over again. That during all the time from the reception of said wound until the operations hereinafter mentioned said arm commenced to discharge near the old wound and continued so to do until December 6, 1876, when it was opened by Dr. Edmund Andrews, a noted surgeon, at Chicago, Ill.

It was then found that the discharge was from the elbow-joint, the bones of which were found diseased, and were "pared" or "scraped" in the hope that this would afford relief. But a high degree of inflammation supervened, and on February 26, 1877, the same eminent surgeon, Dr. Andrews, performed a second operation, opening the arm and removing the elbow-joint. That as a result of this wound and these operations there is now permanent total disability of the right, as there was before and still is of the left arm. That these results are attributable to said wounds received in the service, and to no other causes, your memorialist being otherwise of robust and vigorous health, though his general health is now greatly and perhaps permanently impaired by reason of the matters above detailed.

Prior to June, 1874, your memorialist was engaged in the practice of the law at Champaign, Ill., and had a large and lucrative business, consisting largely of railroad and insurance cases, but in June, 1874, your memorialist was taken sick, such sickness being the result, as he is advised by his physicians and is assured by his own feelings and judgment, of his wounds alone.

From that date to the present he has been almost constantly an invalid, being much of the time confined to his bed, and by reason of this prolonged sickness his business has been entirely broken up and utterly destroyed and lost to him.

It will of necessity be a long time before he can possibly resume business, and even if his health should ever be so far restored (which he now hopes for) as to enable him to engage again in the practice of his profession his ability to pursue his life avocation is permanently impaired by reason of the disabilty of both arms, particularly of his right hand and arm, incapacitating him from writing and rendering the employment permanently of an amanuensis absolutely necessary.

Your memorialist further says that since about August, 1865, he has received a pension of $30 per month, based upon the injury to his left arm; that this amount proving entirely inadequate he applied for an increase, basing his claim upon the second wound, which disabled his right arm; and that upon said application his pension was increased to $50 per month, commencing July 17, 1877.

That he applied for and is justly entitled to receive said increase from the date of his original pension, August, 1865, and that he was only prevented obtaining the same by reason of a slight informality in his original application, namely, of his failure to mention the disability of his right arm. That had such injury been referred to in his original application for pension the increase would have dated back to August, 1865, as he is informed and believes.

Your memorialist therefore prays the passage of a special act directing that he be allowed and paid a pension at the rate of $50 per month from the date of his original pension, August, 1865, to the date of the commencement of said increase, less what has already been paid him.

All of which your memorialist respectfully submits, and prays the relief sought.

Mr. INGALLS. What is the date of the paper?

The PRESIDING OFFICER. It has no date.

Mr. INGALLS. What is the date of its filing in the Senate?

The PRESIDING OFFICER. It has no signature.

Mr. INGALLS. It has no signature?

The PRESIDING OFFICER. It has no signature. It was referred to the Committee on Pensions on the 15th of February, 1878.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SPECIAL DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8762) making appropriations to

supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 5, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the amendment insert the following: "and the Court of Claims;" and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "Two hundred and thirty-one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "For the Court of Claims, two thousand five hundred dollars;" and the Senate agree to the same.

W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
SAM. J. RANDALL,
BEN. LE FEVRE,
LOUIS E. McCOMAS,
Managers on the part of the House.

Mr. ALLISON. I will state that the effect of this report is to agree to all the Senate amendments except the one relating to the binding for the Congressional Library.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, yesterday, approved and signed the following acts:

An act (S. 483) to restore Sidney B. Tullar to the pension-roll;

An act (S. 963) granting a pension to Harriet M. Rider; and

An act (S. 1387) for the completion of a public building at Wichita, Kans.

AMENDMENT TO APPROPRIATION BILL.

Mr. LOGAN submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States, the pending question being on the amendment proposed by Mr. PLUMB, in section 9, line 5, to strike out "may" and insert "shall;" so as to read:

Provided, That the court of bankruptcy shall in any case where the jurisdiction of the State and Federal courts is concurrent direct that the suit shall be brought in the State court.

Mr. HOAR. I understand that the Senator from Colorado [Mr. TELLER] is going to address the Senate. Before he proceeds with his general remarks I should like to go back and suggest to him an amendment.

Mr. TELLER. I do not object to that.

Mr. HOAR. The Senator from Colorado yesterday made a suggestion in regard to section 8, which I take some blame to myself for not having seen before he made it. I ask the unanimous consent of the Senate to go back to that section for a moment.

The bill as originally drawn by Judge Lowell did not contain a provision for the supreme courts of the District of Columbia and the Territories, and the bill was changed so as to include and extend the bankruptcy jurisdiction to them. Section 8 should have been modified to conform to that change. That was not done, and I now propose an amendment to which I called the attention of the Senator from Colorado in private. I propose to strike out of the second line of section 8 the word "circuit," and then to strike out in the sixth line "two of," and also the word "circuit" in the same line; so as to read:

That the final judgment, decree, or order of the court having jurisdiction, &c., shall not be reviewed by the Supreme Court excepting upon a certificate of division of opinion between the judges of said court.

And then to make it clear, to cover the point of the Senator from Colorado, I propose to add:

The provisions of this section shall apply to the supreme courts of the District of Columbia and of the Territories.

Mr. TELLER. That will do it.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to return to the consideration of section 8, and proposes an amendment, which will be read.

The CHIEF CLERK. In section 8, line 2, it is proposed to strike out the word "circuit," and in line 6 of the same section to strike out the words "*two of*" and the word "circuit;" so as to read:

That the final judgment, decree, or order of the court having jurisdiction in all matters, questions, and controversies properly arising in the courts of bankruptcy as such, in whatever mode they may be tried, shall not be reviewed by the supreme court excepting upon a certificate of division of opinion between the judges of said court.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOAR. Now I propose to add to the section the language which I read.

The PRESIDING OFFICER. The additional amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 8:

The provisions of this section shall apply to the supreme courts of the District of Columbia and of the Territories.

The amendment was agreed to.

Mr. HOAR. In the ninth section I propose with the leave of the Senate to assent to the amendment moved by the Senator from Kansas, substituting "shall" for "may," and I propose hereafter when that Senator is present (I shall not undertake to make the motion now, as I see he is not in his seat) to add to the section some language like this:

Unless in the judgment of said court the interests of the estate will be materially injured thereby.

Or some equivalent phrase. There may be cases where a State court will not be held for a year or two years, where the United States court would be held the next week, and great delay would be occasioned in bringing suit. I propose, however, to agree to make it mandatory upon the bankruptcy court to resort to the State jurisdiction unless in the extreme nature of the case it should go to the United States court; but I shall, as I said, reserve that matter until the Senator who moved the amendment is in his seat.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire to have the amendment of the Senator from Kansas acted upon at this time?

Mr. HOAR. I think it had better be reserved.

Mr. TELLER. I did not exactly understand what the Senator proposed.

Mr. HOAR. The Senator from Kansas yesterday——

Mr. TELLER. What was the last proposition of the Senator from Massachusetts?

Mr. HOAR. I propose to assent to the amendment of the Senator from Kansas in the fifth line of the ninth section, striking out "may" and inserting "shall," but to add to the section at the end "except in cases where in the judgment of said court the interests of the estate would be materially injured thereby," or some equivalent phrase, making it the general rule to prefer the State courts except in extreme cases, where, as I said just now, a State court would not be held for two or three years and the United States court would be held in the next month, and in that case the United States court would be preferred.

Mr. TELLER. I had intended to suggest something in reference to the pending amendment, which of course I shall omit now.

The bill is, as was said by the Senator from Kansas [Mr. PLUMB] yesterday, a very important bill, and one which I do not think ought to be passed through the Senate as a mere matter of form, because it came from a responsible committee or because it is supposed that it was draughted by a very able and intelligent judge.

The bill is very broad and comprehensive. It brings within its terms nearly all classes of people except the agriculturist, and perhaps the lawyer and the doctor. Every man who is connected with trade or commerce in any shape or manner is brought within the provisions of the bill and is entitled to all the benefits of the bill, if any there are in it, and is subject to all the pains and penalties, which in my judgment very much outweigh the so-called benefits.

I wish to call the attention of the Senate to the fact that the pending bill is more comprehensive than any other measure which has been passed on the subject of bankruptcy. It provides that—

The word "trader" shall include all merchants, all who make it their business or a part of their business to buy or sell lands, goods, chattels, bills, bonds, notes, stocks, or shares, manufacturers, warehousemen, bankers, brokers, builders, contractors, shipwrights, publishers, innkeepers, livery-stable keepers, and all artisans who buy the materials for their business on credit.

That is broad enough to take in nearly everybody in the community, as I said, except agriculturists. They are excepted, and they are practically all who are excepted. Why are they excepted? If the bill is of such a valuable character, a man who incurs debts in working a farm ought to be protected and ought to have the opportunity given to him to get rid of his incumbrance just as much as the man who is in trade.

The bill was not framed and is not intended for the people who are mentioned in that first section of the bill. I have not any doubt but what the Senator from Massachusetts has all the sympathies he expressed yesterday for the class of people who are unfortunate enough to get into debt, who he says go dragging the ever-lengthening chain but are never able to get rid of the incumbrance, and are always prevented from making a living for wives and children, always prevented from laying up something for old age. I have no doubt the honorable Senator has the sympathy that he expressed for that class of people, but I wish to repeat that from that class of people there has come no demand, no request for this kind of legislation. I have not had access to the com-

mittee, but I venture the assertion that the committee have not a petition from any man in trade of the character that is included by the word "trader" in the first section. Of course there are men in trade who are interested in this bill. There are those in the great cities of New York, Chicago, Saint Louis, Boston, and other moneyed and great commercial centers who are interested in its passage. They are not the men who are afraid that they will be dragging the lengthening chain. It is not that class of men who have made the chambers of commerce ring with their denunciations of Congress for failure to pass this bill last year or the year before, or who thundered denunciations against Congress a few years ago because it repealed the act of 1867.

The men who are included in the first section from which I have read, who are expected to be reached by the bill, are not to be reached with a kind and soft hand. They are not to be reached for the purpose of putting them upon their feet, lifting them out of their misfortune, and enabling them to begin life again. That is not the purpose of the bill; but men come from the great commercial centers of the country, and it is a cry that the National Government shall stand up for them and enable them to collect their debts. It is just as well to meet these questions promptly and frankly and fully, and to recognize the fact that the demand of which the Senator spoke yesterday is a demand made for that class of people through the public press, through the chambers of commerce, through the boards of trade, and possibly in a few instances through legislative bodies.

I venture to say that if the Senate will strike out the involuntary clause, there will be no further interest expressed in the measure by those who have sent their agents here to impress upon Congress the necessity for the passage of this bill. The boards of trade and the chambers of commerce will have no further interest in the proceedings as to this bill the moment it is confined to those merciful provisions of which the Senator spoke yesterday.

A bankruptcy bill intended for that purpose might address itself to the humane and sympathetic interest of every man. A strong appeal can be made, I know, in behalf of men who have been unfortunate. I remember that years ago, before the bankruptcy act of 1867 was enacted, Mr. Horace Greeley, a noted and distinguished philanthropic gentleman, kept his paper full of appeals to Congress to intervene in the interest of the class of men mentioned by the Senator yesterday. Finally Congress did intervene, and the result was the act of 1867, which went into effect immediately thereafter, and all through the country every branch of industry and commerce felt its blighting hand. Finally, when it was repealed, I do not know how it was in the other House, but in this body I venture to say there were not over half a dozen negative votes when the act was passed in this Chamber repealing the law of 1867.

Is this proposed act any better? The honorable Senators who favor the bill say that it is better. It may be better in detail, but there is no difference in principle between this bill and the act of 1867. Every wrong that that act perpetrated or enabled any man to perpetrate can be perpetrated under this bill; nay, more wrong will be perpetrated under it. It is intended that it should be so by the men who are clamoring for its passage.

The voluntary clause of the act of 1867 was seized upon by the dishonest men of the country to get rid of the payment of their just and honest debts, keeping as we all know thousands of dollars' worth of their property either in their own hands or in the hands of others so that they could turn up, after they were discharged, with a competency. The involuntary branch of the act was seized upon by the creditor to force the debtor into bankruptcy and so compel him to pay.

The honorable Senator, asserting first that this bill was in the interest of the poor people, in the interest of the small trader, turned around and told us before he got through, practically, that it is in the interest of State street and Wall street. He illustrated that by saying that in State street and Wall street money can be had for 2, 2½, and 3 per cent., and out West it can not be had for less than 12 per cent., and even more. He says that those people are not willing to trust the people in the West for fear they would lose their money, and therefore they come here and ask to have the strong hand of the General Government to compel payment when they have loaned their money, that they may use Federal interference to compel their debtors to keep their engagements to the very letter. They have the State courts; they have all the machinery that is given to the citizens of the State where they make their loans or where they sell their goods, but that is not sufficient; they want to be beyond State power and beyond State local influence.

Mr. HOAR. May I ask my honorable friend, at some convenient time to him, to explain to me a little more in detail the point he is making or has made?

Mr. TELLER. I shall make my speech, and if the Senator does not understand it it will be probably my fault; but I shall not attempt to explain it and bring it exactly to his comprehension, I think. I am objecting to the bill; I am objecting to it upon the principle that it is for the express purpose of enabling the creditor class to seize upon the debtor class unfairly and improperly.

Mr. HOAR. I should like very much to understand how, if the Senator is willing to state it at some time in the course of his speech. I have undertaken to study the bill, and I had supposed that there was nothing which could be done to a debtor under the bill which could not be done now. The purpose of the bill is, as I understand it, to secure to the debtor all the State exemptions. You can not touch or take with this bill any right of property that you can not take from the debtor under the law of the State.

The involuntary part of the bill does two things. First, it does what the State law can not do under the Constitution; it discharges the debtor for the future of every claim of every creditor under the sun unless he has committed a fraud. Second, it says that the property which the law now authorizes him to be stripped of by his creditors, only that and nothing more, leaving it for the State to decide what that exemption shall be, instead of all going to one creditor shall be divided equally among the whole. Is there anything else in the bill which the Senator has found which puts the debtor in the power of the creditor; and if there is, will the Senator point it out?

Mr. TELLER. Mr. President, I shall proceed in my own way to discuss the bill. Nobody but the Senator from Massachusetts would expect that a Senator would allow him to interject his views into that Senator's remarks in this way. I do not object to it. It simply shows that the Senator does not know what is in the bill that he has presented.

This bill has not been originated in this body, or by any of its committees; the bill was originated in the city of Boston. It was originated by the men who want to put their grip upon the debtors of the West and the South, the men who complain that they can not get the last pound of flesh and every particle which belongs to them. The bill came here, but it has not been studied by the Senate, it has not been studied by the committee, it has not been studied by the Senator himself, for he has shown already in the six pages of the bill which we have passed over his ignorance of the bill and of its provisions. I have studied the bill; I think I know as much about it as he does, and it is not a question new to me any more than it is to him. I have dealt with these subjects myself. I was here when the debate took place on the repeal of the last infamous act which was denominated a bankruptcy act, and this is no better.

I shall be able to show to my satisfaction, at least I can satisfy my mind, that the bill is not in the interest of any class except the class who demand the most and give the least. It will not do in this body or before the country for the Senator and his friends and the friends of the bill to assume that it is in the interest of the unfortunate and distressed, for that is not true. The bill never originated with men whose hearts are in sympathy with the down-trodden and unfortunate. It originated with the men who get what they can, and keep what they get, and who are perfectly oblivious as to how they get it so that they only get it.

I was speaking of the involuntary part of this bill. The honorable Senator tells me that it reserves to the debtor everything that the State reserves by way of the exceptions to execution. Of course it does. Even these avaricious and grasping creditors would hardly think of overriding State laws to that extent. They would concede, whatever might be the power of the General Government, a proper respect for the State with reference to those beneficent and benevolent laws which give to a man who is unfortunate wherewith he may educate his children and keep his wife from the pauper's home. It does that; but that is no merit, that is no mercy; that is justice and nothing more.

But the bill puts in the hand of every man who owns $500 of credit the right to ruin every man who falls within its provisions. Does the Senator undertake to tell me that it contains nothing but what is in the State laws? Then why are you not satisfied with the State laws and State remedies? It is because the State is merciful, and because the State does not allow its citizens thus to be handled, that these men have appealed to Congress for the passage of this bill.

It ought to be denominated a bill to confiscate the property of the unfortunate. A man may be worth $1,000,000, and if misfortune overtakes him so that he can not meet his note of $500 in thirty days any one holding it can put him in bankruptcy. Any man having a claim against him, disputed and doubted (for this does not apply to commercial paper as the old law did, but applies to book accounts as well), can put him into bankruptcy, can go before the court and allege that he has failed to make his payment within the provisions of the bill and seize upon his estate and destroy his credit.

There never was a bill instituted and brought before a legislative body more potent for evil, more potent for injustice, in my judgment, than this bill; and yet the Senator from Massachusetts says he hopes I shall be able to show somewhere some objection to the bill that is worthy of the attention of the Senate and of the Senator from Massachusetts.

Mr. HOAR. When did I say that?

Mr. TELLER. Practically that is what you said.

Mr. HOAR. Oh, "practically!"

Mr. TELLER. It is possible under this bill to do evil. The honorable Senator can not escape by saying that it will not be done. It has been done. The country is full of the history of men driven into bankruptcy whose estates were solvent at the day the bankruptcy proceedings were begun. I can take the most prosperous merchant in this country and proceed against him in bankruptcy and ruin his credit

under the bill. He may be solvent and able to pay; but if he owes debts and I go and proceed against him on a $500 claim all his creditors will be alarmed and all his creditors will come in and make claims against him, and the men who would otherwise have extended to him time to make payment, who would have continued to sell him goods with which to fill up his store, will decline so to do. Thus the bill puts it in the hands of a grasping, avaricious creditor with a small bill to destroy the commerce of the country.

It is the business of the honorable Senator to come here and show omething in favor of the bill. Where is the crying necessity for the bill? Who has been heard demanding the passage of the bill outside the great centers I have mentioned? What have the people of the great central portion of the country, what have the people of the South and of the West said with reference to this bill? Have they demanded it? Have they suggested it? Not at all. Every demand has come from the section and the places I have mentioned, and those people have come here for the purpose of enabling them to get a stronger grip upon the men who are practically now in many portions of the country reduced to a condition of almost absolute serfdom.

The honorable Senator said yesterday that the people of the West could not borrow the money they would like to loan, and therefore the bill was in their interest in the new sections where society is not stable and where property has not accumulated. Then let him wait until those people, who are quite as intelligent, who understand perfectly their interests and their wants as do the people in his State or any other—let him wait until they, either through their Representatives or in some other manner, signify a wish for this kind of legislation.

Let us come down to the practical application of the bill. I said we knew what occurred under the old law. I venture to say that there is not a man who was engaged in the practice of law in the United States who did not have some such case as I notice, men solvent, able to pay their debts and willing to pay their debts, who were made paupers by the old law; and so odious did it become that there was a clamor from every portion of the country for its repeal. Legislative body after legislative body addressed the Senate and the House of Representatives in the interest of its repeal. Nobody that I know of has yet demanded its re-enactment except the persons of whom I have already spoken. If it were so beneficent and benevolent and had such a good influence why is it that the people tired of it and why is it that they demanded its repeal?

The honorable Senator from Kansas said yesterday that if there was anything which added to the disaster of the country, which brought the people low financially, it was the bankruptcy law. Let me say here as a matter of history known to every man here who has given the slightest attention to the subject, that the panic of 1873 was precipitated and brought about by the bankruptcy act of 1867. I am not without authority. It is not an assertion which I have made simply upon an inference that I draw. It can be proved by the records in the city of Philadelphia that the great house of Jay Cooke & Co., perfectly solvent the day that bankruptcy proceedings were brought against them, more than solvent, rich, rich to a degree that we in the West regard as remarkably rich, was brought down to utter ruin by the application of a single creditor to put them in bankruptcy, who thus destroyed their credit and prevented them from carrying on the enterprises in which they were engaged. With it came a lack of confidence in the community at large everywhere, and disasters that it took us five years at least to recover from, if we shall ever recover therefrom.

The other measure was demanded in the same interest that this is demanded, and was passed under the cry that it would benefit the poor, as it is now proposed that this bill shall be passed.

The great mass of business in the United States is done upon credit. Credit depends upon the confidence of the people. Impair that confidence and the credit is gone. Nobody supposes that you can do the business of this country upon the money that is in existence. Even if none of it were locked up in the banks and in the Treasury, if it were all out among the people, you could not do the business of the country with it. It must be done, and is done, and will be done upon credit. This is a bill to destroy the credit of the merchant everywhere.

In times of financial depression there are very few men who are solvent who do not find themselves embarrassed with debts. There are very few men but find themselves compelled to go to bank and renew their notes. There are very few men but who find themselves in a condition in which they do not occasionally want to put upon their real estate a mortgage. When you have destroyed public confidence in his ability to pay, you have destroyed the man. Take, for instance, a man who is selling goods in a Western town. He is worth perhaps $100,000. His property consists of the goods upon his shelves and in the credits that he has given to his neighbors. Distress of some kind prevails financially. He is unable to collect the debts as fast as his Eastern creditors would like. He finds his neighbor's wheat crop has failed, or his corn crop has failed, or the low price of corn and cattle, or it may be of cotton, has made it impossible for the neighbor to whom he has sold goods upon credit to respond. So he says to his Eastern creditors, "I am solvent; wait until my people can pay, and I will pay you." Ninety-nine men out of the hundred who have given him credit respond and say, "Certainly; you shall have time to pay." The hundredth man, a Shylock, says, "No; I have got your note for $500; pay it." The debtor says, "I can not pay you to-day; wait a little." The creditor prefers his petition for bankruptcy, and what becomes of the debtor? He may be able to pay off the note to-morrow, but the ninety-nine men who had agreed to extend his time say, "We can not wait; this man is in a worse condition than we supposed; we may lose our debts;" and they enter upon the proceeding. Thus it goes, and thus by this bill you put it in the power of one man out of a hundred to ruin a thrifty, prosperous merchant.

Yet the honorable Senator wants me to spend time in detailing some of the objections which are really objections to the bill. He had better spend some time in showing its advantages. He had better spend some time in showing the advantage to commerce and the advantage to trade that there is in arming any man in the community with that power against the interests and the commerce of the nation.

In my judgment the bill is defective in details, as well as defective in principle. It is defective in the great principle that it puts in the power, as I said before, of one man, or two men, or three men out of hundreds and thousands, to compel the debtor to come to their terms; and if he fails so to do to put him in bankruptcy without regard to his condition. It is not to put men in bankruptcy who are bankrupt; it is to put every man in bankruptcy who does not pay his note within thirty days after it is due. It is to put in bankruptcy every man who borrows of his neighbor and gives a mortgage upon his property, if somebody will go and assert that it was put there for the purpose of giving that neighbor a fraudulent preference over other creditors.

I know enough of human nature, and so does every man on this floor, to know that it is practically impossible for a person to put a mortgage of a large amount upon his real estate that some man will not attack it, truthfully or not, however it may result in the end, although it may be shown that this was but a tithe of what he was worth, although it may be shown that it was for the purpose of carrying on the business in which he was engaged, and that it was not a fraudulent incumbrance, but a praiseworthy and honest one. The very fact that the petition has been filed is his ruin, and he will never be able to right himself in public estimation, his credit is gone and his ability to pay destroyed.

What I have said against the bill I have said against its general principles. I am opposed, and I believe the people of the United States are opposed, to any bankruptcy bill that puts it in the hands of a few grasping, hard-hearted creditors to ruin the great mass of men who are engaged in business in this country. With what industry have all classes been brought within the provisions of this bill, including the mechanic who may buy the boards that he is going to fashion into furniture, or the material out of which he is going to make articles for sale! Everything is brought within the provisions of the bill. In other words, every man who incurs a debt is to be brought within the reach of his creditor, save and except the classes I have mentioned—the farmers, the doctors, and the lawyers.

Mr. SPOONER. You construe the word "artisans" to mean mechanics?

Mr. TELLER. I construe the word "artisans" to mean mechanics. That is the way the word is usually used, and that is the purpose for which it was put in the bill.

I wish to call the attention of the Senate to section 33 of the bill. Of course I do not expect the Senator from Massachusetts, who seems to have studied the bill so well, to receive any light from anything I say. I do not know that anybody will receive light from it. I regard it myself as a matter of duty, charged as I am here with a part of all legislation, to protest against the enactment of such a measure.

Let me call the attention of the Senate to the character of the thirty-third section. I have examined all the bankruptcy acts which we have had in this country; I have examined the bankruptcy act of Great Britain; and I have endeavored to read something upon this subject. I think the man who drew that section was the most industrious and the most determined to render to those who employed him full and proper service for the purpose for which he was engaged of any man I ever knew, for if there is anything he has omitted in favor of the creditor and to the injury of the debtor, I think it has been by oversight and mistake. He must have been industrious from what he achieved. Section 33 provides—

> That any person being a trader residing and owing debts exceeding in amount $1,000, who, after the passage of this act, departs from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors—

I called the attention of the Senate a moment ago to the fact that it does not depend upon the truth of the petition that is filed; that a petition as false as Lucifer may be the means of destroying a man perfectly solvent, perfectly honest, if an allegation is once made against him and his financial condition is of such a character as to bear that result; and that is the condition of nine men out of ten engaged in trade. If a man depart from the State "with intent to defraud his creditors" he commits an act of bankruptcy. A man living in the State that I in part represent might want to go to see his dying father or mother in Massachusetts. He might not have time to notify all his neighbors and all his creditors that he was going. Before he reaches the old homestead, before he reaches the home where he expected to find his aged parent alive, or perhaps to attend his funeral obsequies

in discharging his filial duty, some fellow—and the country is full of them—with a claim would set up, "Why, this man has departed from the State as I verily believe for the purpose of defrauding his creditors; he left on a night train; he went out suddenly and unexpectedly," and he swears to it. The bankrupt proceeding commences, and that man's credit is ruined, although he may come back and he may try the case in court and it may be adjudicated in his favor that he had not thus departed from the State for the purpose alleged. They do not first determine whether he has fled from the State. The goods are seized and the judgment rendered afterward.

Or, being absent, remains so with like intent.

If he is kept away, somebody can allege that he has kept away for the purpose of avoiding the service of a writ, and then his property is seized and put into the court of bankruptcy. What benefit is it to him when his credit is destroyed if he does finally establish by a jury of his countrymen that he was not away with intent to defraud? He has been posted in all the publications of the country as a bankrupt; he has been put upon the posters of the great commercial centers as a man whose property has been seized, and his credit is gone.

Or conceals himself to avoid arrest or the service of legal process; or makes a fraudulent transfer of his property.

If you go back you will find in one of the preceding sections what a "transfer" means. A transfer of property is declared to mean a mortgage, a conveyance of any kind. Although it may be to secure a pre-existing debt, it is nevertheless a transfer of his property. Of course they have it here:

Or with intent to defraud his creditors—

As I have said, that is a charge so easily made and it is so immaterial whether proved or not in its effect upon the debtor, that it ought not to be there—

Or with intent to defraud his creditors, suffers judgment against him; or gives a warrant to confess judgment, or judgment-note, with like intent—

"Or suffers judgment against him!" A man is not allowed to contest a doubtful claim. He must take the chances that if a judgment is rendered against him he will then be put in bankruptcy—

or who, being actually insolvent, suffers his property to be seized on execution, and fails within twenty days thereafter to redeem the same from such seizure; or has suspended and not resumed payment of his commercial paper or open accounts, made, passed, or contracted in the course of his business for a period of thirty days after the same were payable; or who, being insolvent, makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences—

"With or without preferences." A man who finds himself in failing circumstances who desires to turn over everything he has in the world for the payment of his debts can not select the tribunal that shall pass upon the value of his property and pay it off pro rata among his creditors; but if he does that, if he says to the most honest and upright man in the community, "Be my trustee, sell these goods, dispose of this property, pay it out, as it belongs to my creditors, so far as it will go," that is an act of bankruptcy under this bill, and for that act he can be called into court and compelled to undergo all the provisions of this bill. Any one who does any of these things "shall be deemed to have committed an act of bankruptcy, and may be adjudged bankrupt by any court of bankruptcy in a district in which he may have been a resident at any time within six months next preceding the application, upon a petition filed in such court by three or more of his creditors whose debts, which would be probable at the first meeting under this act, amount, in all, to not less than $500."

Three men having claims of $500 jointly between them can thus destroy any man in business if he attempts to select his own trustee, to select his own agent, who is responsible to the State courts, who is responsible if he violates his trust to the creditors as much as any official that can be appointed. Is it to be presumed that a man who turns over all his property to pay his debts without preferences does not turn it over to a man who will honestly apply it to the purpose for which his trusteeship has been created?

Then this follows; at the bottom of the page I find:

When such act consists of a transfer of or attachment or lien upon property of the bankrupt, such period shall not be deemed to expire until six months from and after the recording, registering, or docketing of the deed, writing, transfer, judgment, or attachment relating thereto, whenever by law such recording, registering, or docketing is required or permitted, or from the notorious, exclusive, and continuous possession by the creditor, or other person dealing with the bankrupt, of the personal property which is the subject-matter of such alleged act of bankruptcy.

A man who has more real estate in value than the debts he owes can not with safety turn it over to any man who holds his note, because somebody may allege at any time within six months that he has done it for an improper purpose; and that is a "transfer" that brings him within the provisions of this bill. Who would dare to take from his debtor a mortgage upon his property? You thus deprive the struggling debtor of an opportunity to make available that which he has in the honest discharge of his debts. What benevolent purpose is served by that provision? Who is to be benefited by saying to the debtor, "You have got property; you must not put it in the hands of your creditors to pay your debts because at any time within six months it may be alleged that that act was an act of bankruptcy?" Not one creditor would dare to take it; and thus, I repeat, you prevent the man from using that which he has and that which he has a right to use, in the ordinary commercial way, for the purpose simply of giving those people who have credited him an opportunity to compel him to deliver the full pound of flesh.

It is possible that this bill will reduce the rate of interest in the West; but I beg the honorable Senator from Massachusetts not to worry himself about our interest in that respect. We do not want to borrow any money at 2 or 3 per cent. at the cost of so expensive a proceeding as this. While the people in the West are ready to pay their debts—and they are as apt to pay their debts and expect to pay them as any other people—they do not care about having the power given to any man or any set of men to compel them to sacrifice their property or allow some other man to sacrifice it and eat it up in costs and expenses.

I have found a very generous provision in this bill, the only provision in it that is generous, and I have no doubt that if I fail to call attention to it the Senator from Massachusetts when he addresses the Senate on the beauties and virtues of this bill will hardly omit it. Let us see what is left to the debtor under its provisions. The debtor is solvent, but some man has alleged that he has done something that will bring him within the provisions of this bill. His property is seized, and thereupon, while the property is in the hands of the law, while he is prevented by the provisions of the law from putting his hands on his property, or disposing of it, he may come in, says the bill, and allege that he is not insolvent, and then if within ninety days, with his property all encumbered, with his credit destroyed, he is able to resume payment his property shall be returned to him. Why, Mr. President, how will the poor debtor resume payment when his money, his goods, and his credits are in the hands of his creditors, when everything that he has got that could be valuable to him except his life has been turned over under a false and fictitious charge made against him, although the court may wait ninety days, and if he will resume at the end of ninety days then his property shall be returned to him?

Mr. President, I did not intend when I commenced my remarks to speak except as to one single phase of the bill. I presume it is likely there are some other features of the bill that I shall attempt to be heard on before we close. I do not regard this as a matter to go through the Senate in a hurry. I do not regard it as a matter of slight concern. I think now when all the industries of the country are paralyzed, when the business of the country is in a state that needs assistance, it is no time to pass bills of this character that will enable a few creditors out of many thousands, if they are so disposed, to destroy practically the credit system of the country, and bring all of the middle-class people, who are those most to be affected by this bill, to ruin. When I speak of "middle class," I mean financially the men who are neither very rich nor very poor, the men who are able, if let alone, to pay their debts and yet can not under an attack in the court of bankruptcy on their credit. That is the class of people who, in my judgment, will be most affected, and I repeat that when the industries of the country are paralyzed as it were, when every man in trade to-day (and it has been so for the last three years) is suffering from the depression, from the lack of money, and the lack of business in the country, it is no time to put these men in jeopardy by enabling one person out of a hundred, or two or three out of a thousand, to interfere and destroy their credits and take their property out of their hands and put it beyond their reach either under the pretense that they will have no lengthening chain for them in the future or under the pretense that the State laws are not efficient and are not sufficient for the collection of all honest debts, as I know, and as the Senator knows they are.

Mr. HOAR. Mr. President, I do not know how fully the Senate may think it worth while to enter upon any discussion of this measure at the present time. I have been unfortunately called out during a part of the speech of my honorable friend from Colorado, if a person who has associated with the persons he has described may be allowed to so style himself. I wish, however, to say that my honorable friend is utterly mistaken in his conception either of the character or the purpose of the class of men to whom he has referred. The leading merchants and manufacturers of this country are not a set of sharks, Shylocks, dealing with their debtors as men who desire to wring the life-blood or the pound of flesh from a victim.

They are men who will compare favorably with any class of men on the face of the earth. No nobility has inherited traits, there is in the present or in past ages no chivalry that has shown more generosity than the class of men who have been successful, East and West, North and South, in the business and trade of the American Republic. They built our railroads, they covered the sea with our commerce, they made our flag favored the world over, created the wealth and prosperity of America. They built up this vast internal commerce, the creation of the past twenty-five or thirty years, the most remarkable creation of the human brain and of human knowledge which history shows. And to make an attack of the kind the Senator makes upon them is to make an attack upon the American character itself.

These men are permeated through and through with the American spirit, with the American character, with the American traits, and one great part and characteristic of that character is generosity, kindness, and fellow-feeling for the poor. You can not put your hand upon a

name among that class of the leading promoters of this legislation to which the Senator from Colorado has referred which is not a name associated wherever it is known with kindness, with generosity, with fellow-feeling. They are men who have grown up from poverty, from want, from straitened circumstances. Such men are never deserving of such a character as the Senator has undertaken to apply to them.

Now, what does this bill undertake to do in the involuntary part of it, which is the part the Senator has undertaken to criticise? It says exactly this, that when a debtor has become insolvent, is unable to pay his debts, there shall in the first place be reserved to him every particle of property, every interest, every right which the law of his own State protects against attachment or seizure on execution. Colorado may, if she sees fit, exempt the homestead to the amount of a million dollars of her debtors, and the United States bankrupt law can not lay its hand on it. It may exempt the furniture of the household; it may exempt the tools of the mechanic; it may exempt a capital to continue business. All that is left to the State.

Then the second proposition is that the debtor, being honest and undertaking to perpetrate no fraud upon anybody, shall be discharged from every obligation he owes upon the face of the earth which, under the Constitution of the United States prohibiting any State from passing a law impairing the obligation of contracts, can be done by no other authority but the authority of the National Government. That is the second feature of this ferocious and savage bill!

The third and the last thing is that it says that this property with which you are unable to go and pay your debts in full shall be equally divided among your creditors, instead of being seized by one under a State attachment, or being given to one by voluntary preference of the debtor; and that is all. That is the whole scope, purpose, substance, and intent of this bill. And is not that right? The Senator says he has taken up one clause—in my hearing since I have come in he takes up the clause wherein it says that if a debtor, being insolvent, unable to pay his debts in full, makes an assignment with or without preferences, the creditors may come in, if they see fit, and put him into bankruptcy.

In other words, the law simply says to a debtor, all of whose property, all of whose estate belongs to his creditors and not to himself, he being bankrupt and the property not being within the exemptions of the State law, "You shall not have the right in a matter which solely concerns your creditors and not in the least concerns you—because all this property that the assignment relates to is to be divided among the creditors—to substitute a man of your own who may be dishonest, or who may be fraudulent, who may be incapable, who may be irresponsible, and let him go on without any oversight, without any power controlling him in his place, without any right to make him account, except in the end, to the creditors whose property he is distributing among them—you shall not substitute him for an officer of the law whose responsibility is secured, in whose choice the creditors are consulted, and who is constantly acting under the supervision of the court." That is the main bloody feature of this bill which has excited the imagination of my honorable friend from Colorado!

Why, Mr. President, if there be anything in this bill anywhere which can be construed into an oppression, or can be made in one case out of a hundred an instrument of oppression upon an honest debtor, let it be stricken out and amended, and no man will be more thankful than I to have that pointed out; and of course in so complicated a system as a bankrupt law new views and particular passages in such a bill will be disclosed and be suggested, as my honorable friend from Colorado has already pointed out one.

But that is all there is of a bankrupt law. The old bankrupt law wiped out after the war the debts of more than one hundred thousand American citizens. My mail has been full while these measures have been proceeding with applications of debtors from all over the country, poor men wanting to know what I think of the hope of the prospect of the passage of this relief, saying that they are waiting, "we failed so and so, or had this, that, or the other misfortune," and they are waiting for the opportunity. Every one of these debtors whom the Senator from Colorado has described, and whom he professes to represent, is to be condemned everywhere without this bankruptcy bill to the inability to go on with his business unless every single man to whom he owes a debt consents to discharge it. His life and the life of his family and household are at the alternative of poverty on the one side or fraud upon the other.

Was it not becoming the wisdom and foresight of our fathers to insert in the Constitution of the United States a power in the American Congress to remedy that state of things?

Is it not becoming our statesmanship and our humanity and our intelligence and our industry to attempt to devise a scheme, if we can, under which this class of our fellow-citizens shall find itself? When a man is insolvent and can not pay his debts, is there a State on the face of the continent under whose laws his property does not belong to his creditors now and can not be wrested from him, with all the cost and expense of lawsuits, at the option of any single man? If there be such a State, this bill respects the choice of that State and allows that exception still to stand; it does not interfere with it; but if there be no such State, what hardship is there or can there be in saying simply that if you are unable to pay your debts, your property, which the law is to take from you and to seize, is to be divided equally among all your creditors rather than be given to the person whom you may prefer?

Mr. President, this particular attack that the Senator has made upon the bill is so unfounded that by the common law as it now exists such an assignment as he has referred to is void and may be set aside by any single creditor. It certainly is so in my State, and I presume wherever the common law prevails that an attempt by a debtor, unless there is a State law authorizing it, to convey to a trustee to defraud a creditor his property to be sold and disposed of by the trustee and so removed from seizure or attachment or execution is void as in fraud of creditors.

Mr. GEORGE. Does the Senator mean to say that by the common law an insolvent debtor can not convey his property or any article to be sold by his trustee within a reasonable time for cash, to be applied to the payment of his debts? Does he mean to say that is a principle of the common law?

Mr. HOAR. I mean to say that exact proposition.

Mr. GEORGE. I understand the law very differently.

Mr. HOAR. I had the honor myself of arguing that very question before Professor Simon Greenleaf, one of the greatest lawyers of this country, when I was a law student at Harvard. I speak of it, of course, without the assent of the creditors.

Mr. GEORGE. Of course.

Mr. HOAR. My proposition is that at common law as administered in most of the States of this Union, and certainly in my own, a man being indebted whom I might sue, whose property I might seize on attachment, on mesne process or execution, can not deprive me of my right to take his property and apply it to my use in the mode pointed out by the law by substituting a method of his own, to wit, a trustee, who is to take it, sell it, and apply it to me, or apply it to me in common with other creditors, without my assent. That is my proposition.

Mr. GEORGE. That is not the common law of England.

Mr. HOAR. I think it is.

Mr. GRAY. I should like to say to the Senator from Massachusetts that the point he has just made has been decided in my own State in the direction which he has stated.

Mr. HOAR. I had occasion as a part of my very early studies to investigate that particular proposition to ascertain the state of the law upon that subject, and the law as I state it is the law of England and it is the law of nearly all the American States, I will not say without an exception. There are some jurisdictions where, there being nothing to do but to pay over the property equally to certain creditors mentioned in the assignment, the law presumes, what otherwise would be necessary, the assent of the creditors, and of course where the assent is given in fact the thing will stand.

So, Mr. President, I repeat that the Senator's assault upon this bill on the point which he has made against it relates to a transaction which would be void at the common law. But I do not propose to take this time in the afternoon, with these vacant seats, to go into a general discussion of the bill.

Mr. TELLER. Mr. President, the trouble with the Senator from Massachusetts is that he assumes that the people he represents, especially in reference to this bill, are the people of the United States. There never was a greater mistake than that. I have made no attack upon the merchants of this country. I assert here to-day that 3 per cent. of the men whom he has so highly indorsed—and every word of it I agree to—are not demanding this legislation. Some of them may have been cajoled into signing petitions; they may have submitted in boards of trade and chambers of commerce, when some astute and pressing attorney, perhaps anxious for opportunities to distinguish himself in collection matters, has pressed upon them this measure, to resolutions; they may possibly, some of them, have put their names to papers; but 3 per cent. of them have not indorsed this suggestion in any way whatever. It is the class of men to whom I referred, the men who are grasping, avaricious—who, as I said before, get as they may and keep as they can—that is the class of men who are making this effort.

The honorable Senator says when a man becomes insolvent his property belongs to his creditors. Admit it. That is not what I am complaining of. I am complaining that this bill enables them to make men insolvent who are not insolvent. It is not a question of insolvency. The bill provides what shall be conclusive of the insolvency. A man may be worth ten dollars where he owes one, and if he does certain acts provided for in this bill he is insolvent within the provisions of this law and his property will be seized, and rightfully seized under the law, and destroyed.

Mr. President, I know something of the commercial world. I have had some opportunities to see the men from the Atlantic to the Pacific who are engaged in commerce. I know that the great mass of them would take no advantage of provisions of this kind; but I know that in every community, in every State, there will be some who will take advantage of them; and I know that there is no merchant who deals with New York to any considerable extent, or with Boston, or any other great city, that will not find on the list of men of whom he has purchased goods and to whom he has become indebted some one who will

not have all the characteristics of mercy and sympathy spoken of by the Senator from Massachusetts when he described the merchants of the country. It is against those men that I want to protect the debtors.

Mr. President, I do not represent the debtor class. I have not made any assertion of that kind. I do not represent a community of debtors, I want the Senator to understand, and I have no more interest in the debtors than he has. I have an interest in seeing fair play, and justice, and right, and prosperity in this country, which I do not believe can be had under this bill.

It is a kind and fatherly bill, it is taking care of everybody, the Senator says. Why, Mr. President, the courts of the State and the nation are too slow, and this bill provides that the court of bankruptcy may sit at any time, and at all times, and anywhere that the judge pleases on giving reasonable notice. It is for the expeditious collection of debts; and if the Senator will so label his bill, and if the men who are demanding it will come here in their true colors, there will not be very much complaint, because there will be very little danger of its ever becoming a law.

The honorable Senator's mail may be full of letters from men who want to get rid of their debts. If it is, I will venture to say that the majority of them who are appealing for the passage of this bill are men who committed frauds on their creditors, for to the great credit of the class that he has mentioned in my long experience as a lawyer I have never found a single case of oppression in the honorable class that he has mentioned. I have found such cases, but they were not practiced by those who belonged to that class. Honorable men are always ready and always willing, when the debtor has surrendered his all, to give him an acquittance; and if these men are honest unfortunate debtors they will get their acquittance. The bill is not in their interest; it is in the interest of a speedy and hasty collection of debts. I admit every man ought to pay his debts; no man believes in that more than I do; but I understand the way business has been transacted in this country men are expected to grant relief, and the merchants whom the Senator describes are ready and willing to do so with a few exceptions.

I complain of this bill because it puts it in the power, not of the men he eulogizes, not of the men that he thinks are so benevolent, but of the men that I described, a little small force it may be, but powerful for evil under this bill. Under the color of Federal law they can seize the property of every man in this country and nine out of every ten can be put into bankruptcy under the bill. Public credit will be destroyed in this country and disaster will follow, as it followed the bill of 1867.

The honorable Senator does not pretend that there is anything new in this bill save the simple matter of detail, the simple question of applying the law, the simple matter of fees. All the evils of the act, all the frauds of the act, all the injustice of the act of 1867 are here, and we are asked to repeat that which we declared by the almost unanimous vote of the national Legislature a few years ago ought not to remain upon the statute-book.

Mr. HOAR. Mr. President, the bulk of what the Senator says is based on his apprehension of what might be done under this bill by a harsh or dishonest creditor, which I utterly deny, because the bill carefully provides against any such possibility. He tries now to have the law remain without a bankruptcy bill. What then? A manufacturer, for instance, fails. What is the process? He may have three thousand workingmen. Every one of them has got to bring a suit to claim his debt by law, making a separate bill of costs and separate suits. The only way to prevent that is to have a voluntary payment and a voluntary composition with the creditors. Now, the voluntary composition with the creditors can not take place without the creditors' assent. It is certainly in the power of a shark to put a man into bankruptcy, to compel the division of his property equally and cheaply among all his creditors. It is much more in the power of the shark who gets the benefit of the seizure under execution of the property to get the first grip on the whole. The debtor can not get rid of the debt without the shark's consent; but when he is under a bankruptcy bill, in spite of the objection of the creditor he can get a discharge from all his debts.

Mr. TELLER. I would suggest to the Senator that in all the States that I know of we have insolvent laws. We have a method by which the unfortunate man can take his goods and apply them to the payment of his debts.

Mr. HOAR. He can not be discharged.

Mr. TELLER. He gets discharged in that State.

Mr. HOAR. Not from the debts in other States.

Mr. TELLER. It is perfectly good in the State where his creditors live. As between him and the creditors in that State, it is all right. Further than that, when a man owes one of these sharks he can go to the other creditors and say, "I will pay this man off; I have got three of these fellows; I can pay this one to-day, and that one to-morrow, and the next one next week." Under this bill the payment of any one will allow the other two to come upon him and destroy his credit and his existence as a merchant.

Mr. HOAR. That can be done without this bill, because the other two can sue him, make their costs, and take execution on his property.

Mr. TELLER. They can not seize his property.

Mr. HOAR. Yes, they can on their execution. The Senator says although we have insolvent laws now in our States, the New York and Massachusetts sharks who want to get the last pound of flesh out of the Western gentleman can put their Colorado debtor into insolvency under the Colorado system or whatever the State may be where they have insolvent laws and can wipe out all the debts of the creditors in his own State. What then is the result? Under the present system, under the Colorado law if you have an insolvent law in Colorado, you have taken all the man's property away from him, you have discharged him of the debts he owed to his neighbors and friends and acquaintances, and you have left him at the mercy of the Eastern sharks whose claims the Colorado authorities can not discharge.

Mr. TELLER. They do not put him into bankruptcy. That is the difference.

Mr. HOAR. I thought the Senator said in answer to my last proposition that they have insolvent laws. Then I said you can not give a discharge. Oh, yes, we discharge him from debt in his own State. That was the resort of the Senator. Now, my proposition is that if that be true, where do you leave the unfortunate debtor persecuted by his creditor? You leave him with his property taken from him, for when he goes into insolvency I suppose he gives up his property if the proceeding is honest; and you leave him with his own neighbors and friends, whether they get much or little of their debts, with their debts gone, and he all his natural life at the mercy of creditors in other States.

Mr. President, there is not a particular in which this bill is not better for the debtor, as it is better for the creditor, than any State law under the Constitution of the United States can possibly be unless in the single case where the debtor desires to secure a fraudulent keeping of his property for himself or a fraudulent preference of one creditor over another.

Mr. TELLER. So far as I know there are no provisions in any insolvent laws of the States of the character of this bill. The insolvent laws do not allow the creditor to destroy the credit and seize upon the property of debtors upon such pretenses as are set forth in this bill. There is a wide distinction between the insolvent laws of every State and this bill. And as to fraudulent assignments, in all the history of the country there were never so many fraudulent transactions as occurred under the bankrupt act of 1867. A bankrupt law opens the door for a fraudulent debtor and closes it against the honest and deserving debtor.

Mr. HOAR. That I do not say is mere railing, for that is not a proper word, but mere rhetoric. There is nothing in the bill to warrant that assertion.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. ALLISON. Let it be reported.

The SECRETARY. In line 5 of section 9 it is proposed to strike out "may" and insert "shall;" so as to read:

SEC. 9. That any debt, demand, or property claimed by the trustee shall be sued for in such court, either State or Federal, as the bankrupt would have been entitled to resort to in enforcing the same claim: *Provided*, That the court of bankruptcy shall in any case, where the jurisdiction of the State and Federal courts is concurrent, direct that the suit shall be brought in the State court.

Mr. HOAR. That amendment I gave notice that I would assent to, but that I wanted to add at the end of the section a particular exception; and I desire it to stand over until the Senator who offered it shall see it.

The PRESIDENT *pro tempore*. It will be passed over for the present without action. The reading of the bill will proceed.

The Secretary read section 10 of the bill.

Mr. PLATT. I do not know that I understand this section, but it seems to me that the same difficulty which occurred in section 8 runs through section 10, and I do not know but that it runs through the whole bill.

That appeals may be taken from the district to the circuit courts in all cases in equity.

Does that provide for appeals in the Territories from the Territorial courts?

Mr. HOAR. That leaves that to the general law in regard to Territorial courts and the courts of the District of Columbia. I do not think the tenth section requires any change, because that only provides for certain equity appeals from the district, which is the bankruptcy court, to the circuit court; but the supreme court is the bankrupt court in each Territory and in the District of Columbia. I do not understand that the section requires any change.

Mr. PLATT. Then there will be no appeal in the District of Columbia or in the Territories?

Mr. HOAR. No.

The Secretary read sections 11 and 12 of the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the enrolled bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE SESSION.

Mr. INGALLS. If it would not be disagreeable to the Senator from Massachusetts, I move that the Senate now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 26, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 25th day of May, 1886.

CONSUL OF THE UNITED STATES.

Henry Gillman, of Detroit, Mich., to be consul of the United States at Jerusalem, *vice* Selah Merrill, suspended. The nomination of Nageeb J. Arbeely, heretofore nominated to the Senate for the above position, is this day withdrawn.

COLLECTORS OF CUSTOMS.

Weston Howland, of Massachusetts, to be collector of customs for the district of New Bedford, Mass., *vice* John A. P. Allen, commission expired.

John J. Finch, of Ohio, to be collector of customs for the district of Sandusky, Ohio, *vice* Clark Rude, commission expired.

RECEIVERS OF PUBLIC MONEYS.

Alexander H. Baker, of Grand Island, Nebr., to be receiver of public moneys at Grand Island, Nebr., *vice* William Anyan, resigned.

Amos J. Harris, of Osborne, Kans., to be receiver of public moneys at Kirwin, Kans., *vice* Robert R. Hayes, resigned.

Ezra W. Miller, of Elk Point, Dak., to be receiver of public moneys at Huron, Dak., *vice* Robert Lowry, commission expired; in lieu of previous nomination of Miller, *vice* Lowry, suspended.

For promotion in the Army.

SECOND REGIMENT OF CAVALRY.

First Lieut. Colon Augur, to be captain, January 9, 1886, *vice* Spaulding, promoted to the Fourth Cavalry.

Second Lieut. Alonzo L. O'Brien, to be first lieutenant, January 9, 1886, *vice* Augur, promoted.

FOURTH REGIMENT OF CAVALRY.

Capt. Edward J. Spaulding, of the Second Cavalry, to be major, January 9, 1886, *vice* Mizner, promoted to the Eighth Cavalry.

EIGHTH REGIMENT OF CAVALRY.

Maj. John K. Mizner, of the Fourth Cavalry, to be lieutenant-colonel, January 9, 1886, *vice* Sweitzer, promoted to the Second Cavalry.

FIFTH REGIMENT OF INFANTRY.

First Lieut. Charles E. Hargous, to be captain, May 12, 1886, *vice* McDonald, retired from active service.

Second Lieut. Charles A. Churchill, to be first lieutenant, May 12, 1886, *vice* Hargous, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1886.

UNITED STATES CONSULS.

H. M. Jewett, of Massachusetts, to be consul of the United States at Sivas.

Francis H. Wigfall, of Baltimore, Md., to be consul of the United States at Leeds.

Charles H. Wills, of Glymont, Md., to be consul of the United States at Managua.

SPECIAL EXAMINER OF DRUGS, ETC.

William G. Austin, of Louisiana, to be special examiner of drugs, medicines, and chemicals in the district of New Orleans, in the State of Louisiana.

COLLECTORS OF CUSTOMS.

William A. Mahoney, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida.

John J. Maguire, of Florida, to be collector of customs for the district of Pensacola, in the State of Florida.

John F. McDonnell, of Florida, to be collector of customs for the district of Saint Mark's, in the State of Florida.

RECEIVER OF PUBLIC MONEYS.

Lawrence L. Aune, of Fergus Falls, Minn., to be receiver of public moneys at Fergus Falls, Minn.

REGISTERS OF LAND OFFICES.

Thomas F. Cowing, of Fergus Falls, Minn., to be register of the land office at Fergus Falls, Minn.

William P. Christensen, of Olivia, Minn., to be register of the land office at Redwood Falls, Minn.

INDIAN AGENT.

Charles Hill, of Santee, Nebr., to be agent for the Indians of the Santee agency, in Nebraska.

POSTMASTERS.

J. Holmes Patton, to be postmaster at Brownsville, Fayette County, Pennsylvania.

J. A. C. McCune, to be postmaster at Shippensburg, Cumberland County, Pennsylvania.

Josephene Hopkins, to be postmaster at Glen Allen, Henrico County, Virginia.

William R. Dodge, to be postmaster at Gouverneur, Saint Lawrence County, New York.

James Halligan, to be postmaster at Canajoharie, Montgomery County, New York.

James F. Robertson, to be postmaster at Culpeper, Va.

Frank B. Patchen, to be postmaster at Silver Creek, N. Y.

John A. Thomas, to be postmaster at Moravia, Cayuga County, New York.

J. Bennett Weyant, to be postmaster at Haverstraw, Rockland County, New York.

Benjamin F. Vail, to be postmaster at Warwick, Orange County, New York.

Charles F. Young, to be postmaster at Columbia, Lancaster County, Pennsylvania.

Andrew Flanagan, to be postmaster at Astoria, in the county of Queens and State of New York.

Lathrop S. Taylor, to be postmaster at Clyde, Wayne County, New York.

James P. Owen, to be postmaster at Camden, N. Y.

Robert Simpson, to be postmaster at Wheeling, in the county of Ohio and State of West Virginia.

Richard J. Ashby, to be postmaster at Charleston, in the county of Kanawha and State of West Virginia.

Patrick J. Rogers, to be postmaster at Piedmont, in the county of Mineral and State of West Virginia.

Winfield S. Hammaker, to be postmaster at Findlay, in the county of Hancock and State of Ohio.

Martin V. Gibson, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio.

Robert J. McNally, to be postmaster at Keeseville, in the county of Essex and State of New York.

James M. Hubbell, to be postmaster at Potsdam, in the county of Saint Lawrence and State of New York.

Executive nominations confirmed by the Senate May 25, 1886.

DISTRICT JUDGE.

Henry F. Severens, of Michigan, to be United States district judge for the western district of Michigan.

UNITED STATES MARSHAL.

W. Lee Dinkins, of Mississippi, to be marshal of the United States for the southern district of Mississippi.

POSTMASTERS.

Thomas J. Watt, to be postmaster at Columbus, in the county of Muscogee and State of Georgia.

Robert W. Speer, to be postmaster at Denver, in the county of Arapahoe and State of Colorado.

Miles J. Finlen, to be postmaster at Streator, in the county of La Salle and State of Illinois.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 25, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. CRISP, the reading of so much of the Journal of the proceedings of yesterday as related to the introduction of bills and resolutions was dispensed with. The remainder of the Journal of yesterday was read and approved.

BILLS REFERRED.

The SPEAKER, under the rule, laid before the House the following Senate bills; which were severally read a first and second time, and referred as follows:

The bill (S. 924) granting a pension to Ellen Shea—to the Committee on Invalid Pensions.

The bill (S. 864) to grant a pension to Mrs. Martha F. Woodrum—to the Committee on Invalid Pensions.

The bill (S. 722) for increase of pension of Mrs. Ellen M. Boggs—to the Committee on Invalid Pensions.

The bill (S. 161) granting a pension to Ann E. Tew—to the Committee on Invalid Pensions.

The bill (S. 1064) for the relief of James E. Walter—to the Committee on Claims.

The bill (S. 1184) granting a pension to Jane D. Mumford—to the Committee on Invalid Pensions.

The bill (S. 1582) for the relief of Alpheus R. French—to the Committee on Pensions.

The bill (S. 2149) granting an increase of pension to Herman Baumhager—to the Committee on Invalid Pensions.

The bill (S. 2113) granting a pension to Mrs. Sarah Young—to the Committee on Invalid Pensions.

The bill (S. 2105) granting a pension to Henry B. Very—to the Committee on Invalid Pensions.

The bill (S. 1958) granting an increase of pension to Addison A. Jackson—to the Committee on Invalid Pensions.

The bill (S. 1826) granting a pension to Andrew J. Burrell—to the Committee on Invalid Pensions.

The bill (S. 1825) granting a pension to Elizabeth Forgey—to the Committee on Invalid Pensions.

The bill (S. 1660) granting a pension to Samuel E. Tracy—to the Committee on Invalid Pensions.

The bill (S. 2437) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon—to the Committee on the Public Lands.

The SPEAKER also laid before the House the following House bills with Senate amendments; which were severally referred as follows:

The bill (H. R. 5038) for the relief of Stephen Sauer—to the Committee on Invalid Pensions.

The bill (H. R. 3546) granting a pension to Amanda Housell—to the Committee on Invalid Pensions.

The bill (H. R. 6975) to establish additional life-saving stations—to the Committee on Commerce.

PERKINS VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of Thomas T. Perkins, administrator, against the United States; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. CLEMENTS, for ten days.

To Mr. WARNER, of Ohio, during the present week, on account of illness.

To Mr. CRAIN, for one week, on account of sickness in his family.

CONFERENCE COMMITTEE.

The SPEAKER. The Chair will appoint as managers on the part of the House of Representatives in the conference on the disagreeing votes of the two Houses on the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes, the gentleman from Maine, Mr. DINGLEY, the gentleman from Arkansas, Mr. DUNN, and the gentleman from Tennessee, Mr. MCMILLIN.

ORDER OF BUSINESS.

Mr. GREEN, of North Carolina. Regular order!

The SPEAKER. The regular order is called for. The regular order is the call of committees for reports.

ARTHUR KILL BRIDGE.

Mr. CRISP, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ARMS FOR THE STATES.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

OFFICIAL LETTER-BOOKS OF NORTH CAROLINA.

Mr. BRAGG, from the Committee on Military Affairs, reported back favorably the joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PUBLIC PARK AT NEWPORT, R. I.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with amendment the bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Geeene as a public park; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. WELLBORN, by unanimous consent, the Committee on Indian Affairs was discharged from the further consideration of the bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations; and the same was referred to the Committee on Military Affairs.

ADMISSION OF DAKOTA.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (H. R. 8120) to enable the people of the State of Dakota to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. BAKER. On behalf of a minority of the Committee on the Territories, I ask unanimous consent to present in writing their views upon the bill just reported.

The SPEAKER. If there be no objection, leave will be granted to file the views of a minority of the committee, to be printed with the report of the majority.

There was no objection.

ADVERSE REPORT.

Mr. SPRINGER, from the Committee on the Territories, also reported back adversely the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln; which was referred to the Committee of the Whole House on the State of the Union, and the accompanying report ordered to be printed.

Mr. BAKER. In this case also I ask leave to present the views of a minority of the committee.

The SPEAKER. If there be no objection, leave will be granted, and the views of the minority of the committee will be printed with the report of the majority.

There was no objection.

DIVISION OF DAKOTA TERRITORY.

Mr. SPRINGER, from the Committee on the Territories, also reported back adversely the bill (H. R. 7377) to divide the Territory of Dakota and to establish the Territory of North Dakota; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPRINGER, from the Committee on the Territories, also reported back adversely the bill (H. R. 8472) dividing Dakota Territory, establishing the Territory of North Dakota, and providing a temporary government therefor; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. SPRINGER. I ask unanimous consent that dissenting members of the Committee on Territories may have leave to file their views in regard to each of the bills reported from that committee this morning.

The SPEAKER. In the absence of objection that leave will be granted, and the views of the minority in each case will be printed with the report of the majority.

FEDERAL OFFICIALS IN THE TERRITORIES.

Mr. BOYLE, from the Committee on the Territories, reported back adversely the bill (H. R. 2883) concerning the appointment of Federal officials in the Territories; which was laid on the table, and the accompanying report ordered to be printed.

ARKANSAS, NEW MEXICO AND PACIFIC RAILROAD.

Mr. DUNN, from the Committee on the Territories, reported, as a substitute for H. R. 8758, a bill (H. R. 9107) to incorporate the Arkansas, New Mexico and Pacific Railroad Company, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

House bill No. 8758 was, by unanimous consent, laid on the table.

JAMES SAVERCOOL.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6824) granting a pension to James Savercool; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET S. FAIN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 260) for the relief of Margaret S. Fain; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB CASE.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also re-

ported back favorably the bill (H. R. 8835) granting a pension to Jacob Case; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ABRAHAM P. GRIGGS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8834) granting a pension to Abraham P. Griggs; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN MILLER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 8836) granting a pension to John Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BUCHANAN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 8827) granting a pension to John Buchanan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AARON GARRIS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 8830) granting a pension to Aaron Garris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

B. FRANK PATTERSON.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1390) for the relief of B. Frank Patterson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ZEBULON S. TOMPKINS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 2067) for the increase of pension of Zebulon S. Tompkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET D. MARCHAND.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 226) granting a pension to Margaret D. Marchand; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSHUA ARMSTRONG.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 2027) granting a pension to Joshua Armstrong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed, namely:

A bill (H. R. 5756) granting a pension to Anson G. Carpenter;
A bill (H. R. 5450) granting a pension to Elizabeth C. Wilson;
A bill (H. R. 3637) granting a pension to John Vincent;
A bill (H. R. 3655) granting a pension to Mary M. Carr;
A bill (H. R. 6559) granting a pension to Phebe Campbell;
A bill (H. R. 4225) granting an increase of pension to Sidney Kempton;
A bill (H. R. 1064) granting a pension to William H. Krautz;
A bill (H. R. 3639) granting a pension to Isaac Pratt;
A bill (H. R. 5842) granting a pension to Letitia Carr; and
A bill (H. R. 1070) granting a pension to Sophia Chambers.

JONAS SCHOONOVER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8663) granting an increase of pension to Jonas Schoonover; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIBBIE C. MONTIS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1836) for the relief of Libbie C. Montis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. GOUGH EDELIN.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 8698) for the relief of P. Gough Edelin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS P. MORGAN, JR.

Mr. SHAW, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 972) for the relief of Thomas P. Morgan, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM THOMPSON.

Mr. LYMAN, from the Committee on War Claims, reported back with amendments the bill (H. R. 6754) for the relief of William Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM ANDERSON.

Mr. LYMAN, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 8376) for the relief of William Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS FOSTER AND LEONIDAS SMITH.

Mr. LYMAN, from the Committee on War Claims, also reported, as a substitute for the bill H. R. 6431, a bill (H. R. 9108) for the relief of the owners and occupants of Camp Tyler, Cook County, Illinois; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 6431 was ordered to be laid on the table.

ADVERSE REPORTS.

Mr. LYMAN, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 4729) for the relief of George Hill, jr.; which was ordered to be laid on the table, and the accompanying report printed.

AMERICAN BOARD OF FOREIGN MISSIONS.

Mr. LYMAN, from the Committee on War Claims, also reported back with an adverse recommendation the bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey and Esther Smith; which, on his motion, was referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, ordered to be printed.

GEORGE W. GRAHAM.

Mr. RICHARDSON, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2378) for the relief of George W. Graham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees is completed. If there be no objection the Chair will recognize gentlemen to make reports who were not in their seats when their committees were called.

There was no objection.

PAYMENT TO CHEROKEE INDIANS.

Mr. PEEL, from the Committee on Indian Affairs, reported a bill (H. R. 9109) to equalize the per capita payment made to Cherokee Indians out of the $300,000 appropriated to them March 3, 1885, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TREATY WITH MEXICO.

Mr. MAYBURY, from the Committee on Ways and Means, reported back with an adverse recommendation the bill (H. R. 1513) to carry into effect a convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883.

The SPEAKER. Is it desired that this bill shall go on the Calendar?

Mr. MAYBURY. Yes, sir.

The SPEAKER. As this is a matter affecting the revenue, the bill will be referred to the Union Calendar.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. HEWITT obtained unanimous consent to present the views of the minority, to be printed with the report of the majority.

Mr. MAYBURY. I am instructed by the committee to ask that 500 extra copies of the majority and minority reports be printed.

The SPEAKER. That can not be ordered at this time.

RESERVE AGENTS.

Mr. MILLER, from the Committee on Banking and Currency, reported back bills of the following titles; which were laid on the table:

A bill (H. R. 6791) to amend section 5192 of the Revised Statutes of the United States, relating to reserve agents; and

A bill (H. R. 2320) to add Nashville, Tenn., to the list of "reserve"

cities mentioned in sections 5191 and 5192 of the Revised Statutes of the United States.

Mr. MILLER, from the Committee on Banking and Currency, also reported, as a substitute for the bill H. R. 2320 and 5791, a bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States; which was referred to the House Calender, and the accompanying report ordered to be printed.

UNITED BRETHREN, OF TYRONE, PA.

Mr. KLEINER, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 2044) for the relief of the estate of the United Brethren in Christ, of Tyrone, Pa.; which was laid on the table, and the accompanying report ordered to be printed.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. I rise to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the amendment insert the following: "and the Court of Claims;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$231,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following: "For the Court of Claims, $2,500."

And the Senate agree to the same.

SAM. J. RANDALL,
BEN. LE FEVRE,
LOUIS E. McCOMAS,
Managers on the part of the House.
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement by the conferees on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year 1886, submit the following statement in explanation of the accompanying report.

The effect of the action recommended is as follows:

On amendments 1, 2, 3, and 4: $231,500 will be given to meet a deficiency in the appropriation for public printing, the sum being allotted as follows: For Congress, $200,000; State Department, $5,000; Treasury Department, $24,000, and for the Court of Claims, $2,500.

The sum of $1,500 proposed for printing and binding for the Library of Congress will be stricken from the bill.

On amendment 5: Will make a direct appropriation of $200,000 from the Treasury to meet a deficiency on account of pay of the Army for 1886.

The total amount of the bill as agreed upon is $6,431,500.

SAM. J. RANDALL,
BEN. LE FEVRE,
LOUIS E. McCOMAS,
Managers on the part of the House.

Mr. RANDALL. I desire to make only a brief statement. The amendment of the Senate in relation to the printing and binding for the Library was found not to have come through the channels prescribed by law and was rejected by the conferees.

The amount awarded in the conference report of $2,500 for the printing of the Court of Claims grows out of a large increase of business in that court, the result of the enactment of what is known as the Bowman act.

The controversy as to the amount necessary for the Army for the year 1886 was of this nature: The Department recommended a transfer from the appropriations of 1885, so as to be used in the year 1886. That the Senate with unanimity objected to stating that each appropriation should show on its face the amount chargeable to each particular year, and there is force in that position. The figures would show that the amount of appropriations for the pay of the officers and enlisted men for that year was about $12,205,000. The addition of $200,000 would make it for 1886 $12,405,000, which is less than the amount that has passed the House for the approaching fiscal year, the exact figures for the same being $12,542,689.46.

The increase for the pay of the Army over the amount appropriated for the fiscal year 1886 arises from the fact that the discharges from the Army of enlisted men during the current year have been and will be unusually large, compelling an increase in pay to enlisted men for 1886 over 1885 of $112,000; for retained pay, $24,000; travel pay and subsistence, $30,000, and clothing, $40,000.

With this statement, I ask that the report be agreed to.

The report of the committee of conference was agreed to.

Mr. RANDALL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HATCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of considering bills raising revenue, and pending that motion I ask unanimous consent that at 5 o'clock this afternoon the House take a recess until half past 7 o'clock this evening; the evening session to be devoted to general debate upon the pending bill, no other business to be transacted.

Mr. HAMMOND. Mr. Speaker, I have no objection to that motion, but——

Mr. HOLMAN. I suggest to the gentleman in charge of this bill that a vote may be reached in time to make an evening session unnecessary.

Mr. HATCH. Of course, if it is possible to reach a vote on the bill to-day before 5 o'clock, or by that time, I shall not ask for the evening session.

The SPEAKER. In that case the House can adjourn.

Mr. HAMMOND. Mr. Speaker, I have no desire to obstruct the consideration of this bill, and I do not object to the request of the gentleman from Missouri [Mr. HATCH], but to-day and to-morrow were set apart for the discussion of the bill known as the free-ship bill, and because the gentleman from Indiana [Mr. HOLMAN] who is in charge of the legislative appropriation bill told the chairman of the committee and myself and others on Friday last that he would not interfere with the free-ship bill to-day, we gave way for some portion of the time on Saturday, and I and others who desired to speak on the free-ship bill waited until to-day.

The committee are perfectly willing to give way to-day, provided they can have to-morrow; or, I venture to state as the sentiment of the committee, that they will give way on both days if they can have unanimous consent for any other day this week.

Mr. RANDALL. I think the latter is preferable. I do not suppose that the gentleman from Indiana [Mr. HOLMAN] desires for a moment to obstruct legislation in connection with any subject by pressing the appropriation bill; but it is desirable that that bill should be considered promptly, and if I were at liberty to make a suggestion it would be that the gentleman from Georgia [Mr. HAMMOND] submit first the proposition to set apart another day for the discussion of the free-ship bill, and let us go on with the appropriation bill to-morrow. If, however, the House does not consent to that, I, as one of the members of the Committee on Appropriations, would not feel warranted in voting to press the legislative bill as against any other legislation that seems to have the right of way and is in progress of consideration.

Mr. HAMMOND. We not only have the right of way, but we have an express understanding.

Mr. Chairman, with the view of trying to arrive at some adjustment that will avoid any conflict before the question is taken on the motion of the gentleman from Missouri [Mr. HATCH] to go into Committee of the Whole, I ask unanimous consent that on next Saturday, after the reading of the Journal, the free-ship bill may have the right of way for the whole of that day, and that the hour for calling the previous question upon it be fixed at 4 o'clock p. m. on that day.

Mr. WELLBORN. Mr. Speaker, Saturday has been set apart for the consideration of business reported from the Committee on Indian Affairs.

Mr. REAGAN. Mr. Speaker, while time is being distributed in this way I want to call attention to the fact that the 13th of April was set apart for the interstate-commerce bill. It has been in order ever since to call up that bill, and I do not want any understanding reached here that will preclude me from calling that bill up to antagonize any other measure that may be urged upon the House.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] objects to the request of the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, that being objected to, I desire to see whether we can not have to-morrow assigned for the discussion of the free-ship bill.

Mr. REAGAN. If the gentleman will agree to get through with the bill on Saturday I shall not object.

Mr. RANDALL. I give notice that the Committee on Appropriations will ask for Friday.

Mr. HAMMOND. We will help you to get that. I desire, Mr. Chairman, to see whether we can not get to-day or to-morrow assigned for the further consideration of the free-ship bill.

Mr. HOLMAN. In view of the understanding that was reached on Saturday last in regard to the action to be taken with regard to these two measures, the bill now pending and the free-ship bill, it seems to me that the Committee on Appropriations ought not to insist upon occupying either to-day or to-morrow; but I shall have to insist that as early as possible after to-morrow the legislative bill shall be taken up, for it is known to be a very tedious bill, and it ought to be disposed of and sent to the Senate as soon as possible.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] asks unanimous consent that on to-morrow after the reading of the Journal the House proceed to the consideration of the bill known as the free-ship bill, and that the previous question be considered as ordered upon it at 4 o'clock.

A MEMBER. That has been already agreed to.

Mr. HATCH. I object to that, Mr. Speaker. I can not make that

agreement now. As I have already said, if it is possible to close the discussion on the pending bill to-day I shall be very glad to do so.

Mr. HAMMOND. I thought I had that agreement with the gentleman.

Mr. HATCH. No. I have said that as soon as I can confer with the members of my committee, under whose instructions I am acting in the conduct of this bill, I shall be very glad to make any agreement that will be satisfactory and fair.

Mr. HAMMOND. I understood the gentleman to be satisfied that we should have to-morrow if we would yield him to-day without a contest.

Mr. HATCH. I have not so stated either to the gentleman or to the committee.

Mr. HAMMOND. I misunderstood the gentleman.

Mr. RANDALL. Then, Mr. Speaker, the only way to settle this matter is to come to an understanding that after the pending bill is disposed of the right of way shall be given to the free-ship bill, as it is called, for one day.

Mr. WELLBORN. I shall object to that.

Mr. HENDERSON, of Iowa. That we will fight for, all of us.

Several MEMBERS. "Regular order!"

The SPEAKER. The regular order is demanded. The regular order is the motion of the gentleman from Missouri [Mr. HATCH], that the House now resolve itself into Committee of the Whole for the purpose of considering bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

IMITATION BUTTER PRODUCT.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills for raising revenue. The business under consideration is the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. DUNHAM. Mr. Chairman——

Mr. HISCOCK. Mr. Chairman, what has become of the remainder of my time?

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is entitled to the floor for the remainder of his hour.

Mr. HISCOCK. How much is that?

The CHAIRMAN. Thirty-five minutes.

Mr. HISCOCK. I yield twenty minutes to my colleague [Mr. MILLARD].

Mr. MILLARD. Mr. Chairman, in the earlier days of this session I had the honor to submit to this House a memorial signed by seven thousand constituents of mine asking for this legislation, which, together with the bill I introduced, was referred to the Agricultural Committee. In behalf of those constituents, whom I am proud to represent upon this floor, I desire to thank the Committee on Agriculture for reporting with promptness the bill which is before us for our consideration.

It is claimed by the opponents of the pending bill that it is unconstitutional; that Congress has no power to levy a tax upon oleomargarine except for the purpose of raising a revenue. This in substance is the burden of the objection which is interposed.

While I have great respect for the opinions of the learned gentlemen I am not prepared to acquiesce in any such construction of the powers of the Constitution. I believe this bill is entirely within its provisions.

Section 8 of Article I of the Constitution provides that Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States, but all duties, imposts, and excises shall be uniform throughout the United States.

It will be observed that this section provides not only for the laying and collection of taxes for the payment of debts, but for the common defense and general welfare of the United States.

Now, Mr. Chairman, if this provision of the Constitution means anything, it means that every community has a right not only to protect itself against fraud and deception but its people against the manufacture and sale of an unhealthy and unwholesome article of food, and if it can not do it directly it may do it indirectly. Self-protection is the first law of nature, and is as applicable to nations as individuals.

The object of this legislation is not only the protection of the American dairyman against a dishonest and fraudulent business, but for the protection of the public.

But, sir, if it be true that such a tax can not be imposed except for the purpose of raising revenue, put this measure squarely upon that ground. Place oleomargarine and all kinds of bogus butter upon the same footing as whisky and tobacco. It is an open question which of the two is the most injurious to health. We need the revenue for the erection of fortifications, coast defenses, and the rebuilding of our Navy. Scarcely one-half of the great war debt has been paid. In 1866 our national debt was $2,773,236,173. On the first day of last November it was $1,303,034,056. Our annual expenditures are more than $300,000,000. The estimated expenditures for the next fiscal year are $323,911,394, and should Congress pass the Blair educational bill this sum would be increased fully $80,000,000.

The substitute for butter known as oleomargarine, if made according to the formula of Mege, the original inventor, may be wholesome, and it may not be; I am not prepared to say. But this I do know, that the oleomargarine that is being manufactured and sold to-day in all of our great cities is not made in accordance with Mége's patent. If you will take the trouble to visit the Patent Office you will find that nearly two hundred patents for the manufacture of imitation butter have been issued since 1872, the date of the granting of the original patent. That in the place of margarine oil more than fifty kinds of acids and chemical ingredients are used. Nitric acid, sugar of lead, castor oil, sulphate of lime, mustard-seed oil, cotton-seed oil, and the Lord only knows what—vegetable oils mixed with grease, lard, and the fat of animals.

Nitric acid is used for the purpose of removing the peculiar odor of grease and lard, and it is a startling fact that there is no power under the heavens by which you can tell whether the lard was taken from a healthy or diseased animal. Sir, it is impossible to imagine a more colossal fraud; and yet it is said that we have no power under the Constitution to protect the public against it. If this be true, I have lost my respect for the Constitution of our fathers, and the sooner the fact is understood the better.

The right to manufacture and sell an unwholesome or fraudulent article of food should be prohibited, not taxed. This oleomargarine business is a bad business. It is conceived in fraud and brought forth in iniquity, and the sooner it is exterminated the better it will be for us. I would make the manufacture and sale of all kinds of bogus butter a criminal offense and the offender punishable as the counterfeiter of your currency. Legally or morally I can see no difference between one who deliberately manufactures and puts upon the market a spurious and unwholsome article of food and the man who counterfeits your United States greenbacks.

Mr. Chairman, we have had during this session no question before us of greater importance. The dairy interest of the United States is one of the largest and most important of all our industries, and I will exclude none. It is absolutely the most important. More than five millions of our people are engaged in and devoted to it. The dairy product of the United States last year was worth more than $500,000,000. There is invested in the dairy business of the State of New York to-day more than $300,000,000. I doubt whether there ever was a more stupendous swindle than this bogus butter business. It not only robs the farmer and dairyman of the fruits of their skill and labor, but it swindles the public generally. They are its victims. More than 200,000,000 pounds of this stuff is manufactured and sold annually, and sold not for what it is, but for what it is not.

There is not a dealer of oleomargarine in the country that could successfully prosecute his business if he were to sell his product for what it is; and I know of no one who prefers oleomargarine to butter. I defy any one but the most skillful expert or learned chemist to tell you which is the spurious and which is the genuine article.

Yet, sir, we are repeatedly told that Congress can not interfere in this matter; that it has no power under the Constitution to protect either the dairyman or the public. We can enact laws to protect American labor against the pauper labor of the Old World; we can protect the cotton and woolen manufactures of New England and the sugar industry of Louisiana, but we can not protect the American farmer. Mr. Chairman, this is the logic of the distinguished gentlemen who oppose this bill.

Sir, such declarations are simply preposterous, and it is not the first time the Constitution of the United States has been invoked to defeat important legislation. Let us not anticipate the decision of the United States Supreme Court. Let us enact the law, and if Mr. Armour and his oleomargarine friends believe the measure to be unconstitutional he has his remedy. The court is always open for the adjudication of just such questions as this. So far as I am concerned I have no doubt as to the power of Congress in a matter of this kind. Whether the consumer be a poor or rich man he has a right to demand that he shall not be deceived by those who sell him food, and that a spurious and injurious article shall not be palmed off upon him as a genuine article. This right is guaranteed to him by the higher law and existed prior to the Constitution of the United States.

Mr. Chairman, if a law could be enacted that would compel the manufacturer of bogus butter to sell it for what it is there would be no necessity for this legislation, but it can not be done. Of the thirty-eight States all but ten have passed laws governing the manufacture and sale of imitation butter. For the last fifteen years the Legislature of the great State of New York has been trying to accomplish this result, but its efforts have been in vain. Sir, we have reached a point in the history of this traffic when forbearance has ceased to be a virtue. The farmer can not successfully compete with the manufacturers of oleomargarine that can be made for 7 cents a pound. Either oleomargarine must go or the great dairy industry of the country must be wiped out, utterly destroyed. That the statement which I make is not an exaggeration you have but to consult the facts and figures of your trade with foreign countries for the past five years.

The American dairyman should supply the butter and cheese markets of the world. The finest dairy districts of England and France produce no better butter than is made by the farmers of New York, Vermont, Pennsylvania, Michigan, Indiana, and Illinois. But the manufacture

of oleomargarine is not only destroying our domestic market, but is ruining our foreign trade. In 1880 we exported 39,236,658 pounds of butter; last year the United States exported 21,683,148 pounds; a falling off within a period of five years of almost 50 per cent. In 1880 the United States exported 19,844,256 pounds of oleomargarine or imitation butter, worth $2,582,640; last year we exported upward of 37,000,000—an increase of 17,000,000 pounds of imitation butter, and within a period of five years. These are very significant figures, and demand the most careful consideration. England no longer comes to America for her butter and cheese.

She imports annually more than $50,000,000 worth of butter, but less than 10 per cent. is made in the United States. She imports annually more than $25,000,000 worth of cheese, 75 per cent. of which comes from countries other than the United States. England alone last year imported from the United States more than 25,000,000 pounds of oleomargarine, every pound of which not only took the place of so much butter, but in most instances was palmed off upon the English people as the genuine product of the American dairy. Sir, it is no wonder that Hungary and Germany have closed their ports against the American farmer. The good name of our Government is involved, and we owe it to ourselves, to the honor and integrity of our Government, to put a stop to this business. Mr. Chairman, I am heartily in favor of the pending bill. I believe it to be not only constitutional, but the only legislation that will be able to preserve the great dairy industry of the country.

Mr. Chairman, I return to the gentleman from New York [Mr. HISCOCK] so much of the time yielded to me as I have not occupied.

Mr. CANNON. The gentleman from New York [Mr. HISCOCK] agreed to yield to the gentleman from Indiana [Mr. HEPBURN] and myself what time he had left.

Mr. MILLARD. I yield the time, then, to those two gentlemen.

Mr. CANNON. How much time is there left?

The CHAIRMAN. There are seven minutes of the time which was yielded to the gentleman from New York [Mr. MILLARD] and fifteen minutes besides.

Mr. CANNON. The gentleman from New York [Mr. HISCOCK] who is not now in his seat told me he would yield the remainder of his time to the gentleman from Iowa and myself; and I understood the division would be one-half to each of us.

The CHAIRMAN. The Chair will then divide the remainder of the hour of the gentleman from New York between the gentleman from Illinois [Mr. CANNON] and the gentleman from Iowa [Mr. HEPBURN].

Mr. CANNON. Mr. Chairman, this bill levies a tax of 10 cents a pound upon compounds sold as imitations and counterfeits of butter. It provides the machinery by which the tax shall be collected through the internal-revenue office, the effect of which is to give notice to all the world that such compounds are not butter, but purport to be what they are in fact, namely, oleomargarine or butterine. The report accompanying this bill from the Committee on Agriculture is a valuable one, short, terse, and full of information as to the articles used in the manufacture of these imitations of butter. I read from the report as follows:

That among the articles and ingredients used in the manufacture of such imitations there are the following: Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, broma chloralum, oil of peanuts, sugar, caustic soda.

The report also states that this bogus butter is not only disastrous to the dairy interest and to all branches of agriculture indirectly, but detrimental to public health. It also states the amount of these spurious compounds manufactured annually in the United States to be about 200,000,000 pounds; and the cost of the product to the manufacturer to be from 7 to 8 cents a pound, and the cost to the consumer to be about equal with the price of genuine butter. Putting the average price of butter at 18 cents a pound and the price of the bogus butter at 15 cents, we have a profit divided between the manufacturer and retail dealer of 8 cents a pound, making a profit in the aggregate to those persons who manufacture and sell these counterfeit compounds to the people as genuine butter of $16,000,000 per annum. The report also states that there are in the United States over fifteen million cows, producing annually over 1,000,000,000 pounds of butter and 300,000,000 pounds of cheese. Add to this the value of milk consumed as milk, and you have a product of the annual value of $500,000,000.

It is claimed on the part of the dairy interests that it is not to their interest nor to the interest of the consumer that they should be compelled to compete with the counterfeit butter which passes into the market as genuine.

The opponents of this bill claim, first, that we have no power under the Constitution to levy a tax upon oleomargarine. I need not reply at length to that claim. The same power under which banks, incomes, whisky, and tobacco are or have been taxed is sufficient to authorize this tax.

It is further claimed that the effect of this tax will be to unjustly discriminate against the oleomargarine interest in favor of the dairy interest. Mr. Chairman, in reply I have to say that you can not levy a tax without benefiting some one and injuring somebody; and, so far as building up and protecting interests is concerned, it has been the policy of the Government from the commencement to so levy taxes as to promote a diversity of industries; and gentlemen know that practically we never consider a tax bill but we try to adjust it so as to effect the greatest good to the greatest number, either directly or in the end. Our whole system of taxation is constructed upon that basis. The agriculturists, who constitute the great foundation of industry—nearly one-half of our whole population—have for nearly a century submitted to taxation which tended to give a diversity of industries, and have rarely asked for taxation that would tend to benefit them directly. They now ask that such a tax shall be levied upon this spurious, counterfeit product as will place a brand upon it so that it shall be known by all persons and in all markets for what it is, instead of being known for what it is not. It is objected that the proposed tax is too high and that we do not need the revenue.

Mr. Chairman, in reply I call attention that the proposed tax is not so great as that upon the product of corn when it is made into whisky, or upon tobacco, or upon many articles imported to this country. Under the law now in force each peck of corn, of the value of 8 cents, when made into whisky pays 90 cents—a tax eleven times the cost of the product. Leaf-tobacco, of the value of from 2 to 10 cents a pound, pays a tax of 8 cents a pound when manufactured. If gentlemen think we are getting too much revenue it is perfectly competent to reduce internal taxation upon other articles or to remove taxes in whole or part upon some of the articles we import.

Mr. Chairman, the cry is raised that this tax upon bogus butter will oppress the poor man. I have had a great many letters and petitions from the masses of the people asking for this legislation, and not one from the laboring people against it. This bogus butter is made very largely in Chicago and other great cities by wealthy manufacturers, who, with the dealers in the same, make a profit of many millions annually, a profit that is founded upon passing to the consumer as true and genuine that which is bogus and counterfeit. These are the men who have protested and are protesting against the passage of this bill. These are the men who out of this traffic are gathering their millions annually, and who suddenly become the friends of the laboring men and in their name make protest. The laboring men can speak for themselves; they are speaking, and in speaking ask this legislation.

Mr. Chairman, gentlemen who suppose that the laboring man desires to buy this bogus article, believing it to be genuine, for the same or a little less price than he would have to pay for butter are mistaken. Laboring men want a fair wage for their labor, and then want a genuine article for their money and are willing to pay a fair price for it.

[Here the hammer fell.]

Mr. CANNON. I want a moment longer to say that if the agriculturist is to prosper permanently he realizes that he must change his methods in farming; he must diversify his pursuit or wear out the soil. In my own State of Illinois I believe is to be found the best soil in the world, but even there the farmers are aware that thirty or forty years successive cropping to corn and small grains is wearing out the soil. We are compelled to rotate crops, and depend less upon corn for a profit and more upon the product of the dairy. From every standpoint and from every interest, except that of the few manufacturers who make oleomargarine and the few dealers who sell it, this legislation is desirable.

Mr. HEPBURN. I have ten minutes' time which I would be glad to reserve until my colleague [Mr. FREDERICK] takes the floor in his own right, after the gentleman from Georgia, at which time he has promised to yield me twenty minutes, and then I can take the half hour and submit my remarks on the pending bill.

The CHAIRMAN. The gentleman can reserve his time, there being no objection.

Mr. HAMMOND. I will take the floor in my own right now.

The CHAIRMAN. The gentleman from Georgia is entitled to the floor and will proceed.

Mr. HAMMOND. Mr. Chairman, on yesterday, supposing the sense of the House to be largely in favor of this bill, I presumed I would have no chance to make a speech on it to-day. I thought the previous question would be called and the bill closed out at once. I may submit now in deference to those in charge of the bill that considering the pressure of public business it seems to me they are giving much too great time to this discussion. Having an hour, I intend to consume but ten minutes of my time, because I believe this discussion should be stopped.

I mean, of course, not that I shall not yield the time to any gentleman who may wish it, but that I shall not occupy much time myself.

I desire simply to present in direct form the issue between me and the gentlemen upon the other side. I did not say that this bill was unconstitutional. I said that the man who voted for it because he desired to raise taxes, if that was his purpose, could cast an honest vote for it without violating the Constitution; but that the man who voted for it, not to raise a tax, but only to suppress one industry in the

country in favor of a better, was prostituting the taxing power of the Constitution to a base purpose. I have no argument to make with gentlemen who say they care naught for the Constitution. They are beyond redemption.

I do not know whether the gentleman from New York [Mr. HISCOCK] would like to have himself so classed; but I will read his language and let others place him where they think the language properly makes him take position. He said, speaking of this subject:

Because it is only bought because the consumer does not know of the fraud that is being practiced upon him and is ignorant of what he purchases, do gentlemen tell us, then, that in enacting this tax law we are violating the Constitution? Well, Mr. Chairman, if we are, I will take my part, and I hope you will take your part in violating the Constitution in voting for the passage of this bill.

That might have been considered a slip; but later on he said:

If it (oleomargarine) is so unwholesome that when advertised no man will buy it, I shall have no sorrowing over my share in the violation of the Constitution of my country by the vote I shall give in favor of this bill, and that should not afford a reason why it should not be taxed.

It gives me pain, Mr. Chairman, to hear distinguished gentlemen talk in that way about the Constitution of the country. As I understand it, when one has a doubt about the Constitution authorizing a particular vote, he should give the benefit of that doubt in favor of the constitutional limitations upon which the American system is founded.

If he can say, when his constituents wish a thing done, he will take it to be constitutional, and if it be a violation of the Constitution will take his part in the violation, he with his great learning and ability may keep himself from harm, but his influence will teach the people to despise the Constitution.

Mr. Chairman, the gentleman from New York [Mr. HISCOCK] further said, the fact that two-thirds of the States of the Union had passed bills to prevent the sale and manufacture of oleomargarine was an argument in favor of this bill. I reply that it is, on the contrary, an argument in favor of my position, that this is proper legislation if coming from a State, but at least doubtful legislation when coming from Congress.

I overheard the other gentleman from New York [Mr. MILLARD] speaking this morning saying something about the "higher law." I could not catch the sentence, but I know of none higher than the Constitution. In it alone is the ark of safety for the weak against the powerful, for the poor against the rich, for private rights against monopoly and the greed of corporations. And that man who would deprive me of that weapon in the fight for my rights, either by breaking it from my hand or blunting its edge, is a public enemy.

The gentleman from New York [Mr. HISCOCK] further said:

It has always been conceded by every statesman, or less, who has ever discussed a tax law, that it was proper to discriminate in favor of, protect, if you please, one industry if it needed it as against another.

It has never been conceded by anybody, whether "statesman, or less," that such things were proper. But that the gentleman may not be misunderstood, I again emphasize his position by reading another sentence of his speech:

I refer to it again and urge it as a power that we have, as a duty that is imposed upon us here, to so legislate, so tax, that industries of this kind—industries which ought not to prosper, industries that if we had the power, the constitutional power, we ought to strike down and out of existence—should pay their proportion of the taxes for the support of this Government.

As I understand him, he has quit the system of levying customs duties to protect our industries from foreign competition, and comes now within our own realm, and declares that whenever Congress thinks one industry bad it may make it extinct by a vote on this floor and the Senate of the United States. Such a doctrine to me is monstrous.

The first speech which I ever had the honor of delivering in this House was in part against the report of the Committee on Patents, which received no favor here, in which they used this language:

It is the paramount interest of the Government to protect innocent purchasers of manufactured goods from deceptions, frauds, and countless impositions.

I replied:

That is not true. This Government has naught to do with the protection of purchasers of manufactured goods. It ought not to have; that work properly belongs to the several States.

And so the House voted. But I will not rest entirely upon my own opinion, nor do I care to go back to the Supreme Court reports, which are full of authority upon this subject, but I wll ask the Clerk to read an extract from a speech delivered on the 2d October, 1820, at Faneuil Hall by "the Great Expounder." The Clerk will read the passage marked.

The Clerk read as follows:

He certainly thought it might be doubted whether Congress would not be acting somewhat against the spirit and intention of the Constitution in exercising a power to control essentially the pursuits and occupations of individuals in their private concerns, a power to force great and sudden changes both of occupation and property upon individuals, not as incidental to the exercise of any other power, but as a substantive and direct power. If such changes were wrought incidentally only, and were the necessary consequence of such impost as Congress, for the leading purpose of revenue, should enact, then they could not be complained of. But he doubted whether Congress fairly possessed the powers of turning the incident into the principal, and instead of leaving manufactures to the protection of such laws as should be passed with a primary regard to revenue, of enacting laws with the avowed object of giving a preference to particular manufactures with an entire disregard to all considerations of revenue; and instead of laying such imposts as would best answer the purpose of raising revenue with the least burden on the public, carrying the impost on certain articles to a burdensome excess with a full knowledge that the increase of duty will diminish the amount of revenue raised.

Mr. Chairman, that is the declaration of Webster, that when one comes to vote for a tax bill the question is put to his conscience, "Is the tax needed—shall I vote for this bill to raise the tax?" If it is a bill honestly intended to raise the tax, all right; but if it is a bill to strike down one industry in favor of another, it is all wrong. 'Choose ye this day whom ye will follow, God or Baal"—Webster or Hiscock.

I yield five or ten minutes, as he may desire, to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. The first time I had the honor to address this House in the first Congress to which I was elected I denounced the whole system of internal revenue, its means of collection, its enlargement of power of the courts of the Government, and the system of espionage by which it was conducted and collected. This bill is a bill for internal revenue, and my colleague from Pennsylvania [Mr. SCOTT] says that a convention of men engaged in the production of butter have intimated to this House that the butter produced called oleomargarine is impure and its sale should not be permitted. And if all the gentleman from New York [Mr. HISCOCK] says is true, it is poison to all the people who use it.

Mr. Chairman, I am in favor of this bill, and will advocate it to the extent of a fair and just examination as to any article of food used by the people of this country; but I am opposed to excluding that article of food from the people of the country by means of taxation. Taxation is a burden upon the people. Legislation should not be made to tax an article out of existence if it contributes to the general welfare of the people or the enjoyment of life, liberty, or the pursuit of happiness. The question should be dealt with in a fair, open, and manly manner. If this is an evil, correct it in the proper manner. Do not meet it by the imposition or indirection of an onerous tax, but let this Government go straight to the mark; and if there is in this country produced an article of food which the poor will buy that is injurious to health or spreads contagion, as the gentleman from New York has said, let us legislate it out of existence by an examination such as the bill provides for and by adopting measures that will prevent its being given to the people.

It is true the dairymen did hold a convention. They wished to advance their side of the question. That is to their profit and their business. It will be to their profit if they can exclude this article from competition with their industry. Mr. Chairman, we are all mortal; and in the struggle for wealth, and power, and consequence it is not strange that the men who produce butter should combine in their convention and indicate to this House what they should do to exclude from the use of the people an article which gives cheap butter to those who can not buy their dear, expensive production.

I know full well how much the farmer has done for this country. I know equally well how much he has developed the resources of the new country dedicated to the people from the overflow of the Eastern States by the States of Virginia, North Carolina, and Connecticut, and the almost prophetic wisdom of the purchase by Mr. Jefferson of the vast territories from France which make up the homes of so many American citizens. All that may be true; but, Mr. Chairman, there are not cows enough in America to supply all the people with butter, unless you put it at a price the poor man in his necessities can not reach from the means of the payment of his labor. The best butter in Pennsylvania sells for a dollar a pound. It is purchased by the wealthy. In the butter produced all over this country there is an admixture of potatoes and carrots and beets, which give it weight and color. Why not inquire into that? By a process now patented people can take stale, rancid butter and convert it into what seems like a good article of food. Why not go for that? If you go down to the market and find a man who sells the butter made in this way, if he is an honest man he will tell you, "I will sell you butter with 60 per cent. of milk and 40 per cent. of lard, and I defy the most refined and exquisite palate—the palate of a member of Congress—to detect the difference between that butter selling at 15 cents and the butter selling at 25 cents."

Lard is not unwholesome. You all use lard; if you do not now you used it in your early life. It is used in cooking every day. And where a man is not able to buy butter at an extravagant price he will use the lard. Lard is wholesome, except to the Hebrew. [Laughter.] All of you in your boyhood used lard. You fried your potatoes, &c., in the lard. And the poor man to-day uses the lard because in its cooking properties it is equal to butter. When you get the lard mixed with the milk you get butter, and not the unwholesome compound productive of the contagious diseases which the distinguished gentleman from New York represents.

Mr. Chairman, a convention of dairymen has been heard upon this subject; let us now have a convention on the other side of the question. As to the dairymen, of course they have consulted their own interests. That is inevitable. It is an infirmity of humanity. We are all selfish, and the dairymen, notwithstanding the simplicity of their pastoral life, are not exempt from the common weakness. They meet together and propose that this article of cheap food shall be excluded from the market. In that they consult their own interest. But turn

now to the other class who are chiefly interested in this question, the laboring men of the country. They want butter as much as you gentlemen do; they buy this butter and subject it to the severest examination, and they find it acceptable food. Now, I say if this food is impure, if it is unwholesome, if it breeds disease, let us so declare, and legislate accordingly. But let not this great Government attempt to tax this food out of existence.

Mr. Chairman, I believe the whole system of internal taxation is wrong, unjust, and not needed by this Government, and I do most decidedly object to making any addition to it. And as to the quality of this food, after all, Mr. Chairman, it is the American man who must judge of what he shall eat and give to his family. The average American man is quite capable of judging whether butter made in this manner is good or bad for him—whether it is a wholesome article of food or whether it is a source of contagious disease. With my experience of life I am willing to submit that to every American citizen as what is best for himself and family, and the Congress of the United States can neither regulate his independence of action nor appetite. I admit, however, that it is the right and duty of the Government to inquire into the wholesomeness of this food, and to make the inquiry as strict as may be, but even if investigation shows that it is not fit food for the people, let us not attempt to destroy it by taxing it out of existence. The more you tax the American man the less he likes it. [Laughter.] As to food, there is a great variety of taste. When I was abroad I saw a man on the Neva, from the frozen regions of the North, eat a tallow candle, and he looked as happy and cheerful and complacent and smiled as pleasantly as my friend the gentleman from New York [Mr. HISCOCK] and my colleague from Pennsylvania would after an elaborate dinner at Delmonico's. [Laughter.]

Let us not attempt to regulate this matter by taxation. I admonish my friends on this floor that there is in this country an organization numbering a million of members which meets in convention to-day in the city of Cleveland. Thank God the proceedings of that great organization—republican in form, within the Constitution and the law, conservative in all its operations—will be controlled by my friend Powderly, and its action will be in the interest of labor in this country without interfering with the rights of capital. Now, that organization desires that this legislation shall not pass. The gentleman from New York [Mr. HISCOCK] has told us that the seats of members have been piled high with literature recommending the passage of this bill. Sir, I have piles of literature opposing its passage, and I allege that if you enact the taxation which this bill proposes it will do much to deprive the members of the great organization to which I have referred of a necessary article of food; and I warn you if you pass this law that you do not provoke the hostility of the men who labor and require cheap food for themselves and families. [Applause.]

MESSAGE FROM THE SENATE.

The committee rose informally, when a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes; and

A bill (H. R. 7167) for the relief of Mrs. Maria Hunter.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 16) granting a pension to Nancy Ribble;

A bill (H. R. 413) granting a pension to George Schaefer;

A bill (H. R. 424) to pension Giles C. Hawley;

A bill (H. R. 515) granting a pension to Althea A. Frasner;

A bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston;

A bill (H. R. 567) granting a pension to Mary A. Little;

A bill (H. R. 1184) granting a pension to Stephen Gardner;

A bill (H. R. 1330) granting a pension to Martin Taylor;

A bill (H. R. 1576) granting an increase of pension to Thomas Allcock;

A bill (H. R. 1585) for the relief of Mrs. Margaret Colbath;

A bill (H. R. 1592) for the relief of Sarah A. Vaughn;

A bill (H. R. 1816) granting a pension to Mary Ann Miller;

A bill (H. R. 3193) granting a pension to Mrs. Edna Roberts;

A bill (H. R. 3205) granting a pension to George W. Guyse;

A bill (H. R. 3326) granting a pension to Thomas Simpson;

A bill (H. R. 3906) for the relief of Catharine Johnson;

A bill (H. R. 3982) granting a pension to John Pennington;

A bill (H. R. 4462) granting a pension to Martha Downs;

A bill (H. R. 4490) granting a pension to H. W. McDonald;

A bill (H. R. 4631) granting a pension to Mary Merrill;

A bill (H. R. 4976) for the relief of Tobias M. Coon;

A bill (H. R. 5127) granting a pension to Mary A. Ripley;

A bill (H. R. 5961) granting an increase of pension to Cyrus Vigus;

A bill (H. R. 5995) granting a pension to David T. Elderkin;

A bill (H. R. 6003) for the relief of John H. McClelland;

A bill (H. R. 6126) granting a pension to Henry G. Ballinger;

A bill (H. R. 6192) granting a pension to Mary Norman;

A bill (H. R. 6331) granting a pension to George Anna Lippe;

A bill (H. R. 6650) granting a pension to Samuel Robbins;

A bill (H. R. 6655) granting a pension to Stokeley D. Dagley;

A bill (H. R. 6688) for the relief of William Bishop;

A bill (H. R. 6776) granting a pension to Catharine Thenn;

A bill (H. R. 6780) granting a pension to Henry B. Havens;

A bill (H. R. 7118) for the relief of Bailey Hascall;

A bill (H. R. 7298) for the relief of Charles Schuler;

A bill (H. R. 7300) for the relief of Randolph Seaman; and

A bill (H. R. 7617) granting a pension to Solomon J. Grissom.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 356) granting a pension to Samuel Hanson;

A bill (S. 859) granting a pension to Charlotte O'Neal;

A bill (S. 898) granting a pension to William A. Penfield;

A bill (S. 1112) granting a pension to Phœbe H. Meech;

A bill (S. 1181) granting a pension to Margaret E. Pierce;

A bill (S. 1421) granting a pension to William H. Weaver;

A bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler;

A bill (S. 1493) for the relief of Jesse H. Strickland;

A bill (S. 1626) granting a pension to John Reed, sr.;

A bill (S. 1627) granting a pension to Mrs. M. C. Miles;

A bill (S. 1635) granting a pension to John Rasler;

A bill (S. 1642) granting a pension to William F. Harmon;

A bill (S. 1654) granting a pension to Joseph Mays;

A bill (S. 1673) granting a pension to Charles G. Paris;

A bill (S. 1766) granting a pension to William Brentano;

A bill (S. 1779) for the relief of John P. Taylor;

A bill (S. 1783) granting an increase of pension to George Bliss;

A bill (S. 1844) granting a pension to Orrin P. Cooley;

A bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide;

A bill (S. 1853) granting a pension to Isabella Jessup;

A bill (S. 1960) granting a pension to James W. McCroskey;

A bill (S. 1999) to establish an additional land district in the State of Oregon;

A bill (S. 2009) granting a pension to David A. Ireland;

A bill (S. 2028) granting a pension to E. S. Bishop;

A bill (S. 2039) granting a pension to Ira Miller;

A bill (S. 2046) granting a pension to Elizabeth Marshall;

A bill (S. 2098) for the relief of Rosella E. Hibbert;

A bill (S. 2111) granting a pension to Jacob Smith;

A bill (S. 2129) granting an increase of pension to John W. Wills;

A bill (S. 2130) granting an increase of pension to John C. Miles;

A bill (S. 2147) granting a pension to George Faulk;

A bill (S. 2151) to pension Bartola Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850;

A bill (S. 2159) granting a pension to Mrs. Almira Ambler;

A bill (S. 2160) granting a pension to Mary J. Hagerman;

A bill (S. 2163) granting a pension to Powhattan B. Short;

A bill (S. 2183) granting a pension to Hiram R. Ellis;

A bill (S. 2229) for the relief of William C. Shimonech;

A bill (S. 2253) granting a pension to Elizabeth Sirwell;

A bill (S. 2255) granting a pension to Patrick Finagan;

A bill (S. 2333) granting a pension to Byron R. McIntyre;

A bill (S. 2334) granting a pension to Isaac Ransom; and

A bill (S. 2335) for the relief of the heirs of Malitty Rose.

The message further announced that the Senate requested the House of Representatives to return to the Senate the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs.

IMITATION-BUTTER PRODUCTS.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. HAMMOND. Mr. Chairman, I now yield ten minutes to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Chairman, when I had the honor of presiding over the deliberations of the Committee on Ways and Means of the Forty-seventh Congress two deputations appeared each several times before that committee to protest against the cheapening of certain food products. One of them was headed by a distinguished representative from New York, Mr. Jacobs, who claimed to represent the greatest dairy district of the country. He and the deputation he led appeared for the purpose of protesting against the manufacture of oleomargarine, and I have never forgotten one of his vigorous statements in support of a rate of taxation that would be prohibitory. It was that the manufacture of this objectionable article had reached such perfection that no test that could be applied by science or the human senses could distinguish it from the best gilt-edged butter ever produced from a churn.

It was not possible for me to abstain from asking him whether, if his statement were true, it did not establish the fact that oleomargarine was pure butter. I can not with propriety repeat the precise language of his reply admitting the truth of the suggestion, because it involved an unparliamentary expletive. [Laughter.]

The protest of the other deputation was against permitting the manufacture of sugar or sirup from corn or sorghum.

The allegation by which the demand for prohibitory taxation in this case was sustained was that sugar sirup from corn or sorghum was promotive of Bright's disease, and that we should avail ourselves of the taxing-power to prevent the production of these articles from anything but tropical cane. In each case the application was for an internal tax involving the use of a stamp on the cheaper commodity. I was then, as I am now, opposed to adding to the resources of a Treasury that so overflows with revenue as to require us to erect United States court-houses where no courts are held and custom-houses where no customs are collected, and the appointment of commissions to inquire whether the beds of certain supposed streams had better be deepened and broadened into navigable proportions or be so smoothed down to make the bed of a railroad. [Laughter.]

We do not want any additional revenue, and I agree with Thomas Jefferson, who earnestly and continuously protested that internal taxes were an infernal system and incompatible with a republican policy. Thus believing, I have from the day the war closed steadily demanded the repeal of internal taxes, and I will not now vote to establish one. Were I a member of a State Legislature whose treasury was empty I would vote for any law to ascertain the purity and regulate the sale of any of these new grades of butter. The subject belongs to State Legislatures and not to Congress. If, as the friends of this legislation insist, dairy butter and that article can not be distinguished by science or the human sense the people should have access to the cheaper article, and the State should see to it that adulteration be prevented; but it is not for the General Government to do it.

If we enter this field of regulation where will the end come? Can Congress prohibit men of science from making new discoveries? Can it prohibit ingenuity from making new inventions? Can it deliberately assume as a duty resistance to mental and material progress?

I am opposed to all such schemes, sir. My legislative life draws to its close. Its best and ripest years have been devoted to the promotion and development of a system the tendency and effect of which is to utilize all the material resources of my country and in developing them and bringing them into useful forms, to provide employment for the idle, to give remunerative industry and independence of character to every man and woman, to quicken every faculty which may be made useful to its possessor and available in a country of highly diversified industries and therefore of manifold employments for the people. And having devoted my mature life and the energy of my concluding years to this labor, I will not vote to add to the corrupting overflow in our Treasury in order to say that our material resources shall not be further developed, that our people shall not have cheap food and that employment may not be created for intelligent girlhood, vigorous manhood, and old age—employment adapted to the necessities of each period of life.

In conclusion, I thank the gentleman from Georgia [Mr. HAMMOND] for his courtesy in giving me this time, and I desire so far as I heard his remarks this morning to say "ditto" to the gentleman from Georgia. [Applause.]

Mr. HAMMOND. I recognize the compliment of the gentleman from Pennsylvania with pleasure. I now yield five minutes of my time to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Chairman, Chief-Justice Marshall well said, the power to tax is a power to destroy. It is that attribute of the taxing power which is invoked by the friends of this bill. It is not their desire to carry out the objects of the framers of the Constitution, to impose taxes to raise revenue to carry on the administration of government. Our fathers supposed when they were creating this Federal Government and prescribing the limitations to its powers that they were creating a government to take care of our people in all controversies with foreign peoples, and a government that would determine all differences between the several States and the citizens of the several States. They believed they were able to establish a government that would guard the rights of all, protect the lives, liberty, and property of all, and protect all in the pursuit of happiness.

The corner-stone upon which they erected the edifice was the virtue which they supposed would reside in the hearts of their children. They knew well if the limitations which they prescribed against the encroachments of power were not to be preserved the Constitution would prove but a rope of sand. When the power of taxation is invoked not to raise revenue but as an engine of destruction to crush out a legitimate industry, and when Congress responds to that invocation and abuses the power of taxation and blots out of existence a branch of industry that for the time may be unpopular or less popular than its rival, that virtue which was supposed would keep the covenants of the Constitution is gone. When we have so far retrograded that we refuse to observe these landmarks of right, there is nothing left but the code of the highwayman that might makes right.

The Supreme Court told us a few years ago that the power to tax is the power to raise revenue for public purposes; and when it is used for any other purpose it is legalized robbery. They said to take from one man and give to another by taxation was not legislation but a decree of confiscation.

Sir, if I were in the Legislature of my State, and this subject should be brought before it, I would do as my friend from Georgia [Mr. HAMMOND] said that his State had done: I should favor compelling the manufacturers of this product to brand it with a stamp showing its real character, to expose it, so that all fraud would be eliminated from it, and if the people with the facts before them want to buy and eat the oleomargarine they will do it with a full knowledge of what it is, or they can let it alone.

But, Mr. Chairman, that is not what this measure proposes. You are not protecting the people against a fraud, but you are proposing to use the power of the Government to do what under the Constitution you have no right to do—that is, to destroy one industry of the country in the interest of another.

It is that feature of the bill to which I object, and my friend from Pennsylvania [Mr. KELLEY] is unnecessarily alarmed about the revenue to flow into the Treasury under the operation of this bill. Not a farthing is to come from it. It is not designed to produce a dollar of revenue. Not one cent can be extorted for purposes of revenue from this industry; but this will follow when the bill becomes a law. When it shall have passed both Houses of Congress and is signed by the President, its purposes will then have been accomplished and the industry of the manufacture of oleomargarine will be a dead corpse in this country. It is not intended by its friends to produce revenue. They are frank enough to acknowledge it.

They do not deny that it will not produce a cent of revenue; but they seek to abuse the power intrusted to them for the preservation of the Government, and by its abuse to destroy one of the legitimate industries of the country. If you can destroy this industry, you can destroy any other by abusing the power of taxation.

Mr. HAMMOND. I now yield to the gentleman from Pennsylvania [Mr. NEGLEY] long enough to have a dispatch read.

Mr. NEGLEY. I desire to have read the telegram which I send to the desk.

The Clerk read as follows:

PITTSBURGH, PA., *May* 24, 1886.

J. S. NEGLEY, *Washington, D. C.:*

At a meeting of the board of directors of the Grain and Flour Exchange of the City of Pittsburgh, Pa., held May 24, 1886, the following resolutions were adopted:

"*Resolved by the board of directors of the Grain and Flour Exchange of the City of Pittsburgh, Pa.*, That the manufacture and sale of oleomargarine specially branded as such is legitimate and lawful business, and an industry which by providing cheap and wholesome food is in the line of American enterprise and American progress, and we hereby earnestly protest against any action by Congress tending in any way to depress or discourage this important industry.

"*Resolved*, That copies of these resolutions be transmitted to our Senators and Representatives in Congress."

B. MCCRACKEN, *President.*
JAS. A. HENDERSON, *Secretary.*

Mr. HAMMOND. I now yield fifteen minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I am constrained by my deep convictions of the impolicy and impropriety of the passage of this bill to enter my protest against it. It presents itself to the House in an extraordinary attitude—a revenue bill coming from the Committee on Agriculture.

Mr. BROWNE, of Indiana (from his seat). And for revenue only.

Mr. TUCKER. No, not for revenue at all, but for damnation to an industry in this country. [Laughter.]

Now, Mr. Chairman, is this a revenue bill or is it something else? I put the question to every man's own conscience here, as I put it to my own: Do I vote for this bill, if I vote for it at all, for the purpose of raising revenue to support the Government; and if I do not for the purpose of raising revenue, but for the purpose of raising none, and in order to destroy an industry of the country, then I ask the question, if I use the taxing power to destroy an industry which I may not do directly, what right have I, by an evasion of constitutional obligations, to attempt to do through the taxing power what I admit I can not do by any direct action of the Government?

Do we need the revenue? Why, sir, during the last six months of the year the imports of this country have been forty millions more than for the corresponding six months in the last year, and that would be eighty millions increase in one year. At 40 per cent. it would raise an increased revenue in this country amounting to $32,000,000. There are two hundred millions of oleomargarine made in this country, by the report of my friend from Missouri [Mr. HATCH]; 10 cents on that is $20,000,000 more. With an overwhelming Treasury, why put twenty millions more into it?

Ah, the gentleman from New York [Mr. MILLARD] said this morning, the tax will not add to the revenue of the Government, but will destroy the production of an article; furthermore, we do not need the revenue. Very well, sir; then if you do not want the revenue for building fortifications, as the gentleman said, what do you want it for?

Mr. ROWELL (from his seat). For a navy.

Mr. TUCKER. You want it for the purpose of destroying the production.

Now I put it again to gentlemen, could you by law pass an act preventing the production of oleomargarine in any State of this Union? A man in the city of Boston makes oleomargarine and sells it to a citizen of Boston who consumes it in Boston; and I want to know if there

is any power in the Congress of the United States to prevent that from being done in Massachusetts.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. TUCKER. Yes, sir, if you will take it out of somebody's fifteen minutes other than mine. Go on, sir.

Mr. CANNON. I want to know what impropriety there is in taxing this article; and if already we have too much revenue, and this should yield more than is desirable, what impropriety is there in reducing the internal taxation upon other articles, and reduce the taxes also upon imported articles?

Mr. TUCKER. Very well, sir; if the gentleman will go with me in a motion I shall make at the proper time to commit this bill to the Committee on Ways and Means, we can then bring in a bill to reduce the duties on foreign imports and take off the tax on tobacco and put it on oleomargarine.

Mr. REED, of Maine. Would not that still further increase the revenue?

Mr. TUCKER. If you take the tax off tobacco you take off $26,000,000.

Mr. REED, of Maine. That is true as regards the tax on tobacco, but not as to the other matter.

Mr. TUCKER. That taking off the duty will not increase the revenue? You get the increase by the tax on oleomargarine.

Mr. KELLEY. But we do not want an increase.

Mr. TUCKER. My friend from Pennsylvania [Mr. KELLEY] will not expect me to go now into the old argument with him on that question, for we agree so delightfully upon it.

Mr. KELLEY. It would refresh our younger brethren to hear it.

Mr. TUCKER. I am very willing they should. There is such a reduction of duty when the point of maximum revenue is passed as will increase the revenue. When you get the duties below the maximum revenue point, the reduction of duties will decrease the revenue.

Mr. KELLEY. And will bring bankruptcy to the manufacturer and idleness to the laborer.

Mr. TUCKER. As some of your friends are proposing to do with reference to the manufacture of oleomargarine, by turning out of employment those who are now engaged in that manufacture.

But returning back from that old controversy into which I was about being betrayed, I will say there is the germ in this bill of a power claimed for Congress of interfering in all the industries of all the States. It is in fact exercising such a power if you lay a tax merely for the purpose of destroying the production of the article. My friend from Pennsylvania [Governor CURTIN] said this morning he would rather be in favor of a direct law to prevent its production. Now if you have that direct law to prevent the production of the article, why could you not pass a law to prevent the production of any other article that may be produced in any other State? I say, therefore, this bill in its purpose and object is directed to the creation of a power in Congress which shall regulate all the industries of the country in all the States, and put down any one that comes under its ban.

Now, sir, my view of this whole question is this: We live under a Government the wisest that was ever constructed by the wit of man. I believe in this Constitution of ours as the grandest monument of human wisdom. But it is grand in this, that all the interests that belong in common to the whole country are to be regulated here, while the local interests and the local industries are to be regulated by the States in the localities where they exist. The instant you bring the local interests which are in the States within the power of the General Government then you destroy not only State autonomy, but you destroy individual interests all over the country. I am opposed to it. I am opposed to this bill not on any technical constitutional ground, but on the broadest constitutional ground, that it breaks down the line of demarkation between Federal and State power completely, and gives all the power over these industries and employments in the States to this Government.

You say this is a tax. Gentlemen have asked me and they asked my friend from Georgia [Mr. HAMMOND] the other day, Do you not believe this tax is constitutional? Yes; I believe that Congress has the power to lay the tax on oleomargarine. For what purpose? To raise revenue. Can you use a power—I put it to any gentleman here who has ever been a trustee—can you use a power delegated to you as a trustee for a certain purpose for some other purpose that is denied to you in the trust? Can you use that as a weapon to destroy some industry that is not within your power merely because you have that weapon to use for the purpose of raising revenue? The question to me is too plain. I do not mean to judge for any other man's conscience, but I mean to say that honestly I could not vote for such a use of the power, because to use a power given to me for one purpose in order to accomplish another purpose that I have no power to subserve is really dishonest. It is evading my constitutional obligation to excercise a power which was never given me for the purpose at all for the purpose of accomplishing an object not confided to me by the Constitution.

Mr. BURROWS. Would it annoy the gentleman if I should interrupt him to refer him to a decision of the Supreme Court?

Mr. TUCKER. A decision of the Supreme Court is rather long to come into my fifteen minutes.

Mr. BURROWS. I desire only to call his attention to one point.

Mr. TUCKER. I will take the gentleman's reference and give my decision afterward. [Laughter.]

Now, Mr. Chairman, I am opposed, with my friend from Pennsylvania [Mr. KELLEY], to the continuance of this internal-revenue system. I am opposed to it because in its very nature it is inquisitorial. It claims to look at any particular article or any particular interest in a State and say "we will select that as the object of our taxing power." It arranges an enormous machinery, by which the whole of that industry, the tobacco industry, the whisky industry, for instance, is put under the surveillance—by the bye, that word is in this bill—under the surveillance of the internal-revenue system. I am opposed to that system as a system, and I say the tendency to its increase is an alarming feature of the times in which we live. Here is an industry which you say is dangerous, deleterious, injurious to the health. Is tobacco injurious to health? You tax that, but you tax it for revenue. Is whisky injurious to health? Yes; you tax that, but you tax it for revenue. For when you laid the tax at $2 and it prevented production, you lowered it to 90 cents to go partners with the whisky distiller and make more money out of it than he did.

You do not lay the tax on whisky or on tobacco to prevent the production. But you do on oleomargarine. Why should you not lay it on butter? Why not say if a man makes pale butter out of poor milk it should be marked and a tax laid on it?

A MEMBER. The color would show that.

Mr. TUCKER. But they put the coloring matter in it and then you can not tell the difference; and this bill says if the butter is made from milk whatever coloring is put in it is all right. Now in order to prevent fraud by the seller on the purchaser I would be in favor of marking and branding the thing you sell. But the power to do that is full and complete in the States of the Union and in the municipalities of the Union.

Why, the city of Cincinnati, or the city of Baltimore, or the city of Philadelphia, or any other city can pass a law that if a man brings butter or oleomargarine into the market he shall brand it so that every one who buys it shall know what he is buying? Now, suppose he does know what he is buying. They say it costs 7 or 8 cents a pound to make oleomargarine, and that when it is well made you can not tell it from butter. The dealer who sells it, properly branded, to the poor man who says, "I can not afford to buy that beautiful print butter, because it costs 35 cents or 40 cents a pound, but I will buy this other article at 15 or 20 cents a pound." "No," says the Government, "the poor man shall not buy that kind of butter unless he pays an additional tax of 10 cents a pound." But what about the rich man who buys the butter? Oh, he goes scot-free. Therefore I say your tax is laid upon the poor man, not upon the rich.

[Here the hammer fell.]

Mr. HAMMOND yielded his remaining time, two minutes, to Mr. TUCKER.

Mr. TUCKER. Mr. Chairman, I merely desire to say further that some time ago a number of bills of this character were referred to the Committee on the Judiciary. I thought it was a strange place to send those bills.

Mr. HENDERSON, of Iowa. It seems so now. [Laughter.]

Mr. TUCKER. But it was not at all more strange to send those bills there than it was to send a revenue bill to the Committee on Agriculture.

Mr. HENDERSON, of Iowa. We will see about that.

Mr. TUCKER. Yes, you will see about that. Why did gentlemen vote to send this bill to the Committee on Agriculture? Why, sir, it was a declaration by the friends of the bill that it was not a revenue measure at all, but a bill to break down a particular industry in this country.

Mr. HENDERSON, of Iowa. I made the motion to send the bill to the Committee on Agriculture, and I will answer the gentleman's question, if he desires.

Mr. TUCKER. The gentleman may answer it in his own time.

Mr. HENDERSON, of Iowa. If you do not want it answered, all right.

Mr. TUCKER. Oh, I do want it answered, but not in my time. You have plenty of time of your own.

Now, Mr. Chairman, I do not mean to claim that there is anything in the report that is worth anybody's reading, but when those bills were referred to the Committee on the Judiciary the committee said they should lie upon the table because the subject was not a proper one for them to act upon, and the opinion of the committee was given in a report which I have before me and which I ask leave to print with my remarks.

Mr. PARKER. The gentleman will perhaps correct his statement by saying the opinion of some of the committee.

Mr. TUCKER. The honorable gentleman from New York is the only member of the committee whom I understood to dissent from the opinion.

Mr. PARKER. Then, Mr. Chairman, it is due to other gentlemen of the committee to say that they have regretted that they did not join in that dissent.

Mr. HEPBURN. When that matter was considered it was not in a full committee.

Mr. TUCKER. Oh, I will say to my friend from Iowa [Mr. HEPBURN] that no matter has been considered there in a full committee for a long time, because he has been absent quite often. [Laughter.] However, Mr. Chairman, I desire to print the report with my remarks as my views upon this subject.

Mr. HENDERSON, of Iowa. It does not appear that it was so very unanimous after all.

Mr. TUCKER. I never said that it was unanimous. I said it was the action of the committee, and nobody denies that.

The CHAIRMAN. Is there objection to the gentleman from Virginia [Mr. TUCKER] printing a report as part of his remarks?

There was no objection.

The report is as follows:

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report, to accompany bills H. R. 4809, 4171, 4172, and 1054:

The Committee on the Judiciary, to whom have been referred House bills 4809, 4171, 4172, and 1054, ask leave to report:

The questions submitted by these bills to this committee are of great importance, and involve the fundamental principles of the Constitution.

For our purpose the evil consequences to the regular producer of butter or any other article by the permission of a product by the spurious competitor, and even the results to health of the people, may be conceded. The contention is not as to the existence of the disease, but what is the remedy, and by what authority is it to be applied?

Your committee do not think that the evil complained of can find its remedy from what Congress can do, except as hereafter stated. The legislation, if proper, must be sought from the States.

No grant of power to Congress in express terms or by fair inference from express grant can be found which would authorize any law by Congress to prevent the production of anything by a person in a State of the Union. Congress may have some power over production in the District of Columbia, or where its power of exclusive legislation extends, or in the Territories. But the power to forbid the production of butter, or wheat, or tobacco in a State will scarcely be asserted by any one.

Questions which concern the production of the soil or otherwise, the health and well-being of the people of the State, belong to that large class which, for want of a better name, has been termed the police power.

The powers of Congress refer to the foreign relations of the State, to their relations *inter se*, and do not pass within the confines of that interior life which constitutes the being and the civilization of a commonwealth. These are subjects for State legislation. A stranger to these local interests and internal concerns, under our system, must not intermeddle with them.

The evil to result from the exercise of the power as to oleomargarine is not seen by one who looks only to the extermination of the unwholesome product, but dairymen would readily perceive it if the power were directed against the production of butter. The question, then, of power is the primary one.

The concession will be made by most constitutional lawyers that Congress can not directly forbid the production of this or any other article in a State. But there are two modes in which it is supposed that Congress may operate on such a product; these methods are indirect.

First it is said that Congress may act upon it through the power to regulate commerce; and second, that as it may tax any article, it may tax oleomargarine, and so heavily as to put a stop to its production. Let us examine these in their order:

First, The power to regulate commerce is one of the most valuable and important of all those granted to Congress. It had two prominent objects; affirmatively, to give to the Federal Legislature the control of foreign and interstate commerce; and negatively, to take it from the States. The use of it by the States, under the confederation, put restrictions on trade and intercourse, and created inequalities between the States, which it was believed the Federal Government would not do if the power were vested in Congress.

It is an interesting phase of this discussion, whether the purpose to deny to the States this important power was coupled with a purpose to give to Congress the power to do all that is intended to be denied to the States. For example, it is clear that a State may not prohibit the transit or admission of the ordinary products of another State through or into its territory. But does it follow that Congress may do so? May not the absence of right in the State to do so rest upon another clause of the Constitution which gives equivalent privileges and immunities in every State to citizens of every other with its own citizens?

Your committee are not aware that it has ever been asserted for the power to regulate commerce that it involved a power to prohibit the free transportation of the products of each State through and into every other; and it could hardly have been within the minds of the framers of the Constitution to give to Congress the power to do so, when history shows that the purpose of giving the power to Congress and taking it from the States was to prevent the very result which this construction of the clause would involve and bring about. Be this as it may, no such power under this clause has been heretofore claimed, and has in regard to the interstate slave trade, been denied by the *dicta* of eminent judges. (Groves *vs.* Slaughter, 15 Peters, 449.)

It may be within the meaning of this clause to require such needful regulations as to articles transported from State to State as will conserve the safety and well-being of the transportation, but the right to say what articles shall and what shall not be the subject of commerce is not included in the regulation of the commerce in such articles. The transportation of the article is the commerce in that article; the regulation of that transportation does not touch the right to transport the article under the regulation. Freedom as to the articles to be transported is reserved to the citizen; its transportation, as to mode, &c., is subject to the regulation of Congress.

And this is the more clear because the judicial decisions have never impinged upon the power of each State to control the right of its citizens as to food clothing, &c., under what is called its police powers, and the right of Congress to enact anything like sumptuary laws for the States is nowhere granted, was expressly refused by the convention (3 Mad. Papers, 1369, 1370) and has never been seriously claimed in this first century of our constitutional history.

Your committee therefore do not think that Congress can, as a regulation of commerce, forbid or restrain the free transportation of any article from one State into another. It can regulate its transportation for its safety and for the safety of other articles or persons transported in the same or annexed vehicles provided for their carriage.

The question remains whether, under a regulation of commerce, a duty or tax may be laid upon it. Clearly not, when carried from place to place within a State, for that is not interstate commerce in the article. But how when carried from one State to another?

Regulations of commerce and revenue are wholly distinct in constitutional language. The first clause of Article I, section 8, gives the revenue power to Congress. The third clause of the same gives the regulation of commerce to Congress. In Article I, section 9, clause 6, the phrase "regulation of commerce or revenue" is used, thus emphasizing the distinction. In the convention, at one time, the revenue power was left to be exercised by a majority vote of Congress, the regulation of commerce by a two-thirds vote.

These facts, and the preconstitutional and revolutionary assertion of this distinction, leave no reason to doubt that it was never intended that Congress should lay any tax or duty on the transport of an article from one State to another. Nothing in the debates of the Federal convention, nor in those of the States ratifying the Constitution, nor in the Federalist, gives any shadow of claim to this power, and such a construction of the clause has never been asserted in any act of Congress or in any serious proposition to that effect.

Your committee therefore conclude that under the power to regulate commerce no power to forbid, restrain, or tax any product of industry is conferred on Congress.

Second. It remains to inquire whether oleomargarine or any other product may be subjected to an internal-revenue tax.

If the power to lay taxes (Const. U. S., Art. I, secs. 8 and 9) involves the power in Congress to select any article for excise or other tax, as seems to be now settled by the practice of the Government (and no doubt properly so settled), then the right to tax oleomargarine is undoubted.

But your committee are constrained to add that this is a revenue power. The right "to lay" is conjoined with that "to collect taxes," and the right to lay and collect is conjoined with the purpose "to pay the debts and provide for the common defense and general welfare." The power is conferred in order to the duty imposed on Congress. It is a trust power, and becomes a right only when used for the purpose in view. The tax is the means to the end, and is only legitimate and rightful when needful for the end.

To use the tax when needless for revenue merely to strike down a product or an industry is to abuse a constitutional trust; and while the power may be conferred, the right to use it in such case can not be asserted. All power under our system is trust power; to use it for the trust makes it a rightful power; to use it *diverso intuitu* is wrongful perversion and abuse of power, and is contrary to the Constitution. In other words, as Congress can not forbid the production of an article in a State by direct legislation, it can not use a power conferred for another purpose to destroy and prevent such production. To do by indirect means what it could not do by direct legislation would be an unworthy evasion of constitutional limitations, which can not be sanctioned by an enlightened construction of the Constitution.

It is true that in such case the judicial power may not be able to declare such taxation void, because the judge dare not look into the intents of the legislator's breast, but the legislator who so abuses his trust and wrongfully misuses power can not avoid responsibility to his own conscience, bound as it is to support the Constitution; for by personal introspection he will find his motive not to be a tax for revenue to the Government, but a tax as a means of destruction to the product subjected to it; that is, tax used as an instrument of destruction and not as a means of revenue.

Your committee therefore think that Congress may lay the tax, if it be needed for revenue, but does it against right if only to restrain and destroy the use and sale of the article in question.

Your committee will now proceed to consider these various bills in detail.

Bill H. R. 4809 is broad in its terms and makes it unlawful and a misdemeanor for any person or corporation to make or sell any adulterations or imitations of food anywhere, and punishes it by fine and imprisonment. If this were passed all the industries engaged in food production in every State would be subject to the absolute power of Congress. This claims the direct power for Congress to permit or prevent production, to allow or to destroy it, and to regulate all sales and transfers of any such product in a State. Unless your committee have greatly erred in the views presented this bill is clearly unconstitutional.

Bill H. R. 4172 limits the power to the District of Columbia, forts, &c., and to the Territories, and while not forbidding production or sale, requires notice of the nature of the article to be labeled upon it. This bill does not conflict with the Constitution, as exclusive legislative power is vested in Congress over these places, except the Territories, and the power to govern these last is fully recognized as in Congress. Your committee, however, do not recommend its passage. The policy of this legislation is more proper for other committees, and is hardly within the jurisdiction of this committee except upon the inquiry as to power to pass it.

The same general remarks apply to H. R. 4171. The question of power is settled as to places by the considerations applied to H. R. 4172. But the bill is indefinite in the description of the offenses, and dangerous in the powers conferred on the so-called sanitary board, and the effect given to their reports. The bill should be carefully restrained in its operations, the offenses accurately defined, and the reports of the said board be allowed no such effect against the property, liberty, or other rights of the citizen. The policy of this bill is not proper for the consideration of this committee, and should be referred to some other.

Bill H. R. 1054 is liable to the objection that it, under the apparent purposes to regulate interstate commerce, forbids the commerce between the States in certain articles. It strikes at the articles, and does not regulate commerce in them. It is not a regulation of commerce, but a destruction of all commerce in certain condemned articles.

Its other provisions for enforcing the law and defining the offenses are not satisfactory, but these are more proper for the consideration of some other committee of the House.

Your committee therefore report back bills H. R. 4809, 4171, 4172, and 1054 with a recommendation that they do lie upon the table.

Mr. FREDERICK. Mr. Chairman, the rich prairies of the West can not be maintained in their fertility if grain-raising is the only industry, and if they could be commerce has extended by water and rail to the ends of the earth, bringing the grain-raising of the West into competition with the cheaper transportation and labor of India and other countries, thus necessitating the pursuit of other productive industries.

If the fertility of the Western prairies is to be maintained cattle-breeding, grazing, and feeding, together with the dairy, must be a leading industry. And, sir, the State of Iowa, being the second State in the number of head of cattle and second in valuation, the dairy business is of vital importance to the people whom I represent. The butter and cheese manufactured by them is a large source of revenue, and any interference with this industry is a very serious matter to them. Many are poor and on small farms, and rely almost entirely on the golden issue of the churn for the common necessities and comforts of life. Iowa has 2,613,063 head of cattle, of which 992,313 are cows, which have decreased in valuation in the last two years $10 per head, amounting to $9,923,130, on account of the manufacture of oleomargarine and butterine. A gentleman from Fort Dodge, Iowa, told me a few days ago that one year ago he bought cows for a dairy at an average price of $36 per head; this year he again bought for the same purpose at an average price of $26 per head, showing an actual decrease of $10 per head.

These are startling facts, and all on account of the fraud perpetrated by the manufacturers and dealers in the imitation of the dairy product. The dairy industry in the State, amounting to $13,797,327, has depreciated at least 20 per cent., amounting to $2,759,465; this, together with the depreciation in price of cows, amounts to the fabulous sum of $12,682,595. This fraudulent manufacture of oleomargarine and butterine is carried on by such men as Armour & Co., of Chicago, who have already grown rich at the expense of the farmers and stock-growers of the West, and are able to live in luxury, and only wish to add to their already fabulous wealth by robbing the farmer and honest laborer of their deserved reward. Little do they care for the distress and want they cause all over the land, and the many little children on the farm and in the agricultural districts that may suffer for the commonest comforts of life, so long as their own are raised in the lap of luxury. It is the manipulation of the wealth of the earth by the few to the detriment of the many. They say oleomargarine and butterine are the poor man's food.

This is an insult to the poor and laboring classes. Where is the man, be he ever so poor, who will buy a compound of villainous mixtures knowingly for food for his family? Not one exists. At least so far the manufacturers of oleomargarine and butterine have failed to show that any one ever bought and used it knowingly and claimed that it was a good and wholesome article of food. Even they themselves do not say that they use it on their tables; and Mr. Stearne, the advocate of this fraud before the Agricultural Committee, on being asked why they did not brand it so that the purchaser might know what it was, answered: "It would prejudice the sale of it." This reply shows that it would not sell to any one who knew what it was. The fact is, as shown by all testimony, that it will not sell when known. It has been tried on the markets in the city of New York, also in this city, and no one buys it knowing what it is, and only by deception and fraud can they carry out their nefarious schemes. By this gigantic fraud millions of farmers are defrauded of an honest business and grow poor; and millions of people are caused to eat the abominable compound. Had it been placed on the market for just what it is, there would never have been an objection to it.

Is it any wonder that the people all over the United States are petitioning this body and asking it for protection against the fraudulent imitation of their honest industry? The farmer and laborer, as a rule, are unsuspecting of fraud, and thinking men are honest many have been defrauded out of their business and homes. The speculator robs them of the small deposits they may have, and many are driven from their farms and their homes for debts which in all probability they could have paid were it not for these gigantic frauds and being robbed of the fair valuation of their labor. Many are in debt for half or more they are assessed for. How can this debt and these taxes be paid if they are robbed of their most productive industry? Give them the protection that is due to one of our greatest industries, that pays the taxes of the country, that keeps our Government in motion. This class of men should be treated like men and honestly and fairly dealt with. It is time this Government stopped fostering monopolies, frauds, and millions of capital that pays no tax, and imposing the whole burden upon labor and the producing classes. Capital pays very little tax; labor and realty pay almost all of it. Can we hold America as America if we do not protect her honest industries? There is no one objecting to this bill except the manufacturers of oleomargarine and butterine, and all circulars favoring the manufacturers of this substitute apparently come but from one source. There should be a law compelling all manufacturers of adulterated food of whatever kind to brand and to stamp it plainly, giving the name of the ingredients used and the relative proportions of each. Patents are issued for almost every description of adulterated food, and the law in regard to this matter should be revised.

The profits of farming are always a little less than the profits of other industries, and a larger proportion of the laboring classes are engaged in agricultural pursuits than any other industry, and therefore are entitled to that recognition and protection that they deserve as the producers of much of the wealth of this continent in the growing of the grain, raising the cattle that fill the markets of the world.

The manufacturer of adulterated food, or one who buys imitations of food of any kind and sells it to consumers without telling them what it is, endangers life by so doing. The introduction of poisons and compounds that are taken into the stomach under the name of various kinds of food is getting to be enormous; coffee, sugar, flour, sirups, butter, cheese, all kinds of jellies, and various other articles, are eaten daily by people who buy and pay a price for a genuine article, and the man who sells such truck is allowed to do so to the detriment of honest people who manufacture the genuine article.

Such offense should be punished by fine and imprisonment the same as any other crime. The honest farmer who makes a pure article of butter to sell has to go into the market and compete with imitations and adulterations manufactured out of lard and poisonous compounds that are dangerous to life, and the purchaser does not know what he is eating. For the protection of the farmer, who sells a pure article as well as the people who buy the imitation, there should be such laws as would compel manufacturers of all kinds of imitations or adulterations of food to brand every package, giving each ingredient contained therein; then let the purchaser take his choice, and no one will be to blame if he eats that which he knows not to be pure. Every one can not tell the inferior article from the genuine, and any person selling such food is as guilty of wrong as one who administers poison in a slow form to take the life of another. Each and every article of food should stand on its own merits, and every one knowingly selling them under guise or misleading the purchaser by misrepresentations should be punished the same as a horse thief.

What protection is there to an honest man who by the sweat of his brow is trying to make an honest living? Can he manufacture good butter and take it to market and compete with butter made out of cheap grease? Is there no protection for honesty? Who is there that would not pay more for a genuine article of butter than for what he knew was an inferior and adulterated article? Yet how will you tell which is the pure article unless it be branded and stamped, plainly telling what it is? There are men who would not willingly deceive the public, but there are many, I am sorry to say, who for the immense profit there is in it will use deception. And they must use deception to sell it. The agricultural people are the largest class of producers in this country, and their dairy interests are one of their most profitable industries, and by the imposition of this fraudulent imitation of butter that only adds to the wealth of monopolies and those already rich the dairy interests of the country are already depressed, and the loss to the industry is at least 25 per cent.; this is a fearful rate of reduction, and it will continue if not put under control. The growth of our population and the increase of our commerce are bringing to the front many questions affecting our laboring classes—questions of capital and labor that can not be thrust aside. This bill is of more importance to the industrial classes than anything else before this body, and I therefore hope that it will pass this House and become a law.

I yield twenty minutes to my colleague from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I have in addition twelve minutes, which have been yielded to me by the gentleman from New York.

Mr. Chairman, this is an important question. In the production of the dairies of this country two and a half billions of dollars are invested. The butter produced in the United States amounts to something in excess of $250,000,000 in a year. In my own State it amounts to about $14,000,000 a year. The butter product in the United States exceeds in value the product of cotton; it exceeds in value the tobacco and sugar united. It is an important industry, and one which is entitled to the careful attention of this House; and when gentlemen sneeringly say that the use of two days for the discussion of a matter of such transcendent importance as this is a waste of the public time it seems to me that they do not properly estimate the interest that is involved here. We are told that this bill ought not to pass because (among other reasons) it has emanated from the wrong committee, the Committee on Agriculture.

Why, Mr. Chairman, we have had one revenue bill from the Committee on Ways and Means, and I submit, at least to this side of the House, that the revenue bill that has come from the Committee on Agriculture is infinitely the superior of the two, and if we take the merits of the work performed by the two committees as the criterion of what they can do, I insist that hereafter the Committee on Agriculture should be intrusted with all the revenue measures of this House. [Laughter.]

We had yesterday a constitutional argument from the constitutional lawyer from Texas [Mr. REAGAN], who always has a copy of the Constitution under his seat to whack over the head anybody's measure that he does not happen to like. The gentleman says that this bill upon its face—the bill as it is written—does not contravene any provision of the Constitution; but that when you take the terms of the bill, and add to them the arguments of its friends, it at once becomes unconstitutional. He says you must unite the argument that is made in support of the measure with the letter of the bill, and that when thus united they make an unconstitutional measure, and therefore he is opposed to it.

The gentleman says if it is a revenue measure, that is, if it produces revenue, it is constitutional; if it is prohibitory of the manufacture of oleomargarine then it ceases to be constitutional. Now, Mr. Chairman, suppose that the chairman of the Committee on Agriculture, on reporting his bill, had at once moved the previous question and the bill under the operation of the previous question had been passed without a solitary word of comment *pro* or *con;* then according to the gentleman from Texas it would have been a constitutional measure—entirely so. Again, supposing it to have been passed in that manner in this year, 1886, it would have been constitutional; but suppose that next year under the the operation of the tax and the very low price of butter, the manufacturers of the spurious article could not compete, but were obliged to go out of the business entirely, so that the production of oleomargarine would be absolutely destroyed, then in the year 1887, according to the gentleman from Texas, it is an unconstitutional measure.

Mr. REAGAN. I do not suppose the gentleman wishes to misstate my position. What I said was that taking the face of the bill itself and the arguments used in support of it, it was unconstitutional.

Mr. HEPBURN. Yes, sir; that is just the way I stated the gentleman's position.

In the year 1887, when the effect of the bill, we will suppose, is to

prohibit the manufacture of oleomargarine, the bill becomes unconstitutional. But suppose the next year, on account of the withdrawal of 200,000,000 pounds of this spurious butter that is sold and used as butter, leaving in the market 1,000,000 pounds of good butter, the price of butter is enhanced, going up to 25 or 30 cents a pound. The manufacturer of the bogus article can then compete; he can make the article and pay the tax, so that there will be a revenue of $20,000,000 to the Government. Then the law becomes a constitutional measure!

So that according to the gentleman's argument the bill may be constitutional in 1886, unconstitutional in 1887, and again become constitutional in 1888. The bill is not constitutional or unconstitutional because of the nature of the enactments that it contains, but because of the price of butter! [Laughter.] When butter is high this law is constitutional; when butter is low and the manufacturer of oleomargarine can not compete and pay the tax, so that this manufacture is practically prohibited and destroyed, then the bill becomes unconstitutional again. So that it is butter and the price of butter that determines, according to the argument of the gentleman from Texas, the question whether this bill is constitutional or unconstitutional.

Mr. BROWNE, of Indiana. I would like to ask the gentleman a question on the constitutional view of the case. If it is in fact the purpose of the bill to tax this industry out of existence or make its prosecution impossible, I want to know whether the bill in that case is constitutional?

Mr. HEPBURN. Well, I am unable to answer the gentleman. I find here certain printed lines in the bill. I do not find in any of those lines any provision that contravenes the Constitution of the United States. Possibly there may be from this enactment a result different from that which I expect or that which the gentleman expects; but I do not know that any question as to the constitutionality of the bill ought to be determined because of a possible contingency which in the future may arise, and which now can not be with certainty foreseen or foretold.

But these gentlemen who are such extremists with regard to the Constitution have been accustomed to fluctuations of this kind all their lives. I would like to know what provision of the Constitution there is that the average Jeffersonian Democrat has not been willing to violate and has not violated when it suited his interests. You (addressing the Democratic side of the House) always do it. Why, within my recollection in this House there came here a gentleman from the State of Alabama with a proposition to take of the people's money $300,000 for the purpose of supporting the poor of Alabama, and some of the Jeffersonian Democrats on the other side of the House had no hesitation at all in voting for it.

Then, again, there is another proposition to appropriate $7,000,000 or $17,000,000 or $37,000,000, as the case may be, of the public money to build a railway far beyond our jurisdiction, in Tehuantepec; and many of the Jeffersonian Democrats of this House are able to vote for that proposition. You have no difficulty about that. I think the gentleman from Texas [Mr. REAGAN], with all his constitutional scruples, reported it. Here is another proposition: Your levees in the South need rebuilding, and under the pretense of improving a water way you are able to spend $1,800,000 of the people's money in building levees to protect your lands. You have always been able without apparent constitutional scruples to pass measures of this kind. Mr. Jefferson purchased Louisiana, himself admitting that he had no power under the Constitution to make the purchase, and insisting for a time that there should be a constitutional amendment to justify him in that act. But the Jeffersonian Democrats made progress in a little while. Sixteen years after that you violated—according to your view of it—the Constitution again in the purchase of Florida without any qualms of conscience and without any offer at all to improve and perfect the Constitution to justify your action, and in that trade gave Spain Texas and absolutely transferred the allegiance of native-born citizens of the United States to Spain, then the most tyrannical government on the face of the globe. We had then owned Texas for sixteen years. There were then native-born citizens of the United States fifteen years of age whose allegiance was sold to the Spanish Government—their allegiance transferred without any volition on their part. But there was no question of constitutional power in that case. You wanted to do it, and therefore you did it.

Mr. OATES. Will the gentleman tell me——

Mr. HEPBURN. I have not time to answer questions.

Mr. OATES. Will the gentleman tell us how the Constitution of the United States operates upon foreign nations?

Mr. HEPBURN. I am not talking about its operations upon foreign nations, but of its operation upon the Jeffersonian Democracy of the United States, who at that time had charge of the Government. [Laughter.]

Mr. BROWNE, of Indiana. They just now are a foreign nation.

Mr. HEPBURN. A little later, in 1844, you had no difficulty in purchasing Texas.

Mr. OATES. I deny your doctrine and your history altogether.

Mr. HEPBURN. Well, perhaps you have not sufficiently read the history of the country. Read, and you will know more about it. [Laughter.] If you will only take the time to read you will know as much about it as I or any one.

Mr. OATES. I have no doubt but I have read as much about the history of the country as the gentleman from Iowa.

Mr. HEPBURN. You had no difficulty at all about the purchase of Texas. You had no difficulty at all about the appropriation of $10,000,000 of the people's money in order to pay the debts of Texas.

Mr. OATES. This is the first time I ever heard that the United States purchased Texas. I thought it was an independent republic.

Mr. HEPBURN. Well, you have read illy. We purchased Texas, or rather you Jeffersonian Democrats did, at a cost of fifteen thousand lives, at a cost of $150,000,000, at a cost of $10,000,000 paid directly to Texas, at a cost of $10,000,000 indemnity paid to Mexico directly for the territory we forced her to cede to us. You ought to have known something of this.

Mr. REAGAN. But the gentleman should not forget we acquired thereby Arizona, New Mexico, and other valuable and important territory.

Mr. HEPBURN. Who were benefited by it? Those who lived in Texas were permitted to come in as owners of the soil. It was not contributed to the general fund.

We have Arizona, have we? Well, we spend more money in the government of Arizona and New Mexico—in all those Territories—to survey the land than we ever have received from the sale of lands there.

Mr. TOWNSHEND. How about California?

Mr. HEPBURN. How about what? [Laughter.]

Mr. TOWNSHEND. How much have we got from California in the way of investment?

Mr. HEPBURN. It is a matter of doubt, and the gentleman should know it, whether the people of the United States have been benefited one single dollar by the acquisition of California. For, sir, every dollar of gold of the $800,000,000 taken from the sand and mountains of California we have spent a dollar in the procurement of it. It has cost in actual labor and other expenditure everything that has been realized from the mines of California.

But I do not propose to digress in this way. I was simply illustrating by these references to the history of the country why the Jeffersonian Democrat could do whatever he pleased under the Constitution that inured to his benefit or to the benefit of his section.

Mr. OATES. Allow me to request that the gentleman before closing his speech will cite, or attach to his speech so it may be printed in the RECORD, where Thomas Jefferson ever said or wrote that he had no constitutional power to acquire the territory of Louisiana.

Mr. HEPBURN. There is no question about that fact.

Mr. OATES. Then attach it to your speech when it comes to be printed, so that we may see what authority you rely upon.

Mr. HEPBURN. Why, he sent a message to Congress asking for the passage of an amendment to the Constitution giving him that power and validating his act. Why, sir, that is the history of the country, and the gentleman should be familiar with it.

Now, Mr. Chairman, I am fully satisfied these gentlemen do not see the serious constitutional objection in the way of this bill that some of them would have us believe.

Mr. REAGAN. Does it satisfy the gentleman's conscience because others have violated the Constitution he also can do so?

Mr. HEPBURN. I do not propose to violate the Constitution. I am not one of those, I will say to the gentleman from Texas, who can in the morning take an oath to support the Constitution and before night begin to plot against its integrity and seek to overthrow it. [Applause on the Republican side.] I have read the Constitution, and it has so impressed itself upon me that I do not think I can ever raise my hand against it. [Applause.]

Mr. REAGAN. It is always the last resort of the gentleman from Iowa, when he is cornered in argument, to talk about the rebellion.

Mr. HEPBURN. I do not know and I do not care whether it is the first or last resort, but it is something men have the right to talk about. For, sir, it was the grand transcending theme of this century. It was the great crime of the century. It was the most useless and wicked expenditure of noble lives, of blood, and of treasure which men have ever indulged in in this century or in any other. [Applause.]

Mr. REAGAN. Of course I am not going to enter into any discussion of the reasons which induced millions of honest men to peril their lives and all they had——

Mr. HEPBURN. I do not hear what the gentleman from Texas is saying, and I hope he will speak louder.

Mr. REAGAN. I state that I do not propose to enter into a discussion of the reasons which caused that rebellion and which induced millions of honest men to peril their lives and everything they had, and devoted women to pray for their success. But it seems they should be entitled to some consideration even at the hands of the gentleman from Iowa.

Mr. HEPBURN. I never questioned the devotion and sacrifice of the people—of the masses—in that rebellion. I never tried to array the condemnation of public opinion against them; but, sir, whatever I have said has been against the men who led them into that causeless rebellion, the men who took oaths to support the Constitution of the United States and then plotted against it, who led other men into the rebellion; they are the men, sir, who are deserving of the deepest execration.

Mr. REAGAN. I do not believe history will write it down that there were any such men as that.

Mr. HEPBURN. I do not catch the gentleman's remark.

Mr. REAGAN. I say I do not believe that such will be the verdict of history, that there was such a conspiracy. It was a movement, not of individual men, not by a conspiracy, but was the growth and outcome of a quarrel of thirty years of differences of opinion between the masses of the people, which culminated at that time as by a common impulse, and not as a conspiracy, in which the masses of the people were led by a few.

Mr. HEPBURN. Is it not true that during all of the months of 1860 and 1861, while the Congress of the United States was in session, there were men here, high in authority, who had taken the oath as officials of this Government, who were nightly plotting and devising, consulting with each other and with individuals in the States as to how they were going to destroy the Union? Is not that a part of the history of the country, I ask the gentleman from Texas?

Mr. REAGAN. It is, as everybody will understand, a fact, that on the eve of a great event like that, men on both sides were consulting as to how they were to be governed in their future movements; but that there was a conspiracy on the part of the leaders of the people I do not believe history will warrant the gentleman in saying.

Mr. HEPBURN. Ah! but they were here consulting as to how to destroy the Constitution, these very men, high in authority, who had within sixty days before taken an oath to support it. I ask the gentleman were there not men of that kind?

Mr. REAGAN. My attention was drawn off while the gentleman was asking his question.

Mr. HEPBURN. But, Mr. Chairman, aside from this digression, it is said that this bill is against the interests of the poor man. I submit that that can scarcely be true, and I would ask any gentleman in this House if he has ever known of an instance where oleomargarine was sold as such. I ask if he has ever known of an instance where the purchaser did not pay the full price of a genuine article of butter whenever he has bought this counterfeit article?

Mr. LAWLER. Will the gentleman allow me to interrupt him?

Mr. HEPBURN. Yes, sir.

Mr. LAWLER. I would answer the gentleman's question by saying that at this very time in the city of Chicago it is sold as such.

Mr. HEPBURN. At retail?

Mr. LAWLER. At retail.

Mr. HEPBURN. I know there is testimony to establish the fact that there is one citizen there who sells 9,000,000 pounds every year; and that may account for the zeal with which this measure is being opposed by certain gentlemen in the city of Chicago.

Mr. LAWLER. The health department in every large city in the country can regulate the sale of this commodity just as it is done in Chicago.

Mr. FREDERICK. And there never was a pound sold in Chicago for what it really was, not one. [Laughter.]

Mr. LAWLER. The gentleman is altogether mistaken, for we have passed ordinances regulating the sale of it in Chicago.

Mr. FREDERICK. There is none of it sold for what it is, for we have the testimony before us, which is conclusive.

Mr. BRUMM. Let me ask the gentleman from Iowa if he does not know the fact that in Pottsville, Pa., they are selling it by retail in open market under the name of "butterine?"

Mr. HEPBURN. I have never known an instance of any of it being sold except as butter.

Mr. MORGAN. Let me say to the gentleman, if he will permit me, as he was not present when the proof was taken in the committee, that it was fully established to our satisfaction that there is not 1 per cent. of the entire amount sold in the United States that is sold as oleomargarine, sold for what it really is.

Mr. HENDERSON, or Iowa. That is correct.

Mr. MORGAN. It was so admitted before the committee.

Mr. FREDERICK. The people of Chicago have got so used to fraud that they want to palm this stuff off upon the whole country. They have grown rich by just such means.

Mr. DUNHAM. Will the gentleman from Iowa yield to me a moment?

Mr. HEPBURN. I think I have yielded all the time I can spare.

Mr. LAWLER. Let me say to the gentleman from Iowa, that Chicago to-day is one of the most healthy cities in the United States. The death rate is lower there than in any other city in the United States.

Mr. REED, of Maine. It went up a little the other day. [Laughter.]

Mr. LAWLER. Not a bit of it.

Mr. STRUBLE. With the certainty before them of going to hell, they don't want to die on that account. [Renewed laughter.]

Mr. LAWLER. There are men getting fat making butterine right here in this city, within sight of the Capitol. You do not get pure butter here at all.

Mr. WEAVER, of Iowa. I would like to know what this has got to do with the war?

Mr. HEPBURN. I believe I have the floor.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] is entitled to the floor and will be permitted to proceed without interruption.

Mr. HEPBURN. I was about to say, Mr. Chairman, that a gentleman occupying a seat on this floor has received from an association of cotton-seed oil manufacturers in the city of Memphis a very earnest appeal urging him to oppose, as best he can, and to the utmost of his ability, the passage of this act, for if it should happen that this bill becomes a law, that their industry, the manufacture of cotton seed oil, will receive a serious harm, and, as friends, they urge him to oppose the present legislation. Now, why is that? Simply because cotton-seed oil that costs 3 cents a pound can be converted into oleomargarine or any of these fraudulent butter products. It has been said here that the cost of making the article is from 7 to 8 cents a pound.

I insist, Mr. Chairman, that the very best article that is made, the best article of oleomargarine at the present price of tallow, 5 cents a pound, can be manufactured for between 6 and 7 cents a pound—the very best and purest that is made. If that is true then it can well afford to sustain the tax of 10 cents a pound. That will make its cost amount only to 16 or 17 cents in the market; still leaving a handsome margin to the manufacturer, for it almost invariably sells at the price of good butter. Men have been astonished by the sudden activity that has been inspired in opposition to this bill. Every member of this House has had his desk fairly weighted down by the resolutions of this cattle association, the cotton-seed oil manufacturing establishment, this board of trade. I am glad to say that the whole of this opposition emanates from a single house in the city of Chicago which manufactures 9,000,000 pounds of this bogus butter; and yet I am free to say that in my humble judgment it is the best and the purest that is made. Where it comes into competition with butter at 25 cents a pound, the manufacturer and retailer are enabled to have a joint profit of not less than 18 cents a pound, giving this Chicago manufacturer as the result of his production a revenue of a million each year.

Mr. Chairman, if this proposition that I have made as to the cost of this article is true, then it will be in the power of the manufacturer after the payment of his tax to come in fair competition with the butter that costs 16, or 17, or more cents a pound. If that be true then a revenue can be raised from this article.

But gentlemen say that the purpose of this act is to drive the article out of use, and they are unwilling to do that they tell us, but that they are entirely willing to indulge in such legislation as will mark, brand, define it. Why, Mr. Chairman, it is claimed by some that is as certain to drive it out of the market. I insist there is none of it, or comparatively none of it, that is sold under its own appropriate name. It is when it steals the name of the genuine article that it has a marketable value.

Mr. DOUGHERTY. Will the gentleman allow me to interrupt him?

Mr. HEPBURN. Yes, sir.

Mr. DOUGHERTY. The gentleman states that none of this oleomargarine is sold as such. I will inform the gentleman that a law of the State of Florida requires that this oleomargarine shall be so branded, and it is sold in my State both wholesale and retail as oleomargarine,

Mr. HEPBURN. For axle grease or for butter?

Mr. DOUGHERTY. As oleomargarine; and every State has the power to do what the State of Florida has already done.

Mr. BEACH. And the only people who buy it are the boarding-house keepers.

Mr. HEPBURN. The experience of the gentleman from Florida is different from mine. I have never seen an ounce of it knowing it to be such. I may have eaten my weight of it several times over, but not with my knowledge. I do not know but there are some varieties of these articles that are wholesome. I think I may say I have no doubt the pure article of oleomargarine may be entirely without deleterious qualities. But, Mr. Chairman, that is the exception. The proofs that have been taken in this investigation show there are more than a dozen articles that enter into the composition of this bogus butter. It has been shown in some instances it is made of articles that are known to be most deleterious to health; that they now have a process by which the most disgusting specimens of grease, filthy beyond description, are to a certain extent purified and made into the various forms of imitations of butter.

[Here the hammer fell.]

Mr. FREDERICK. I yield twenty minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. The gentleman from Minnesota [Mr. WHITE] has promised to yield me thirty minutes of his time when he takes the floor as a member of the committee. I would be glad if I could use both the twenty minutes and the thirty minutes now.

The CHAIRMAN. The Chair will have next to recognize in regular order some one in opposition to the bill.

Mr. HENDERSON, of Iowa. Then I will go ahead with my twenty minutes, trusting to the good temper of the House to extend to me the courtesy I have asked.

The CHAIRMAN. The gentleman from Iowa will proceed.

Mr. HENDERSON, of Iowa. Mr. Chairman, the bill before us, I am very glad to say, is one that involves no political issue, but purely

an economic question. In this debate, I recognize no Democratic or Republican side of the Chamber. A great industrial interest is knocking at the Chamber of the national Capitol, and the law-makers should forget the interest of a political party and advance the standard in behalf of the industrial interests of the country. This is no bill upon which to try to make political capital for man or party, unless laboring honestly and bravely for the very best interests of the people may give that result.

While touching this thought, I want to say that I am heart and soul with the distinguished gentleman from Pennsylvania [Mr. KELLEY], whom I regret not to see in his place. He says that it has been the effort of the best part of his life to develop the resources and industries of his country. No man respects the gentleman more than I do and have done for years, but I regret that the trembling hand of age is now being laid upon the very foundation industry that gives life and vitality to the Republic. He would defend a few glutted moneyed corporations and capitalists and strike down the purest industry that gives safety and business prosperity to the nation—the great farming industry. I comprehend the gentleman from Pennsylvania and the others from Pennsylvania who have shown and will yet show their hands in this debate against the appeal of the dairy interests in this land. The reason is obvious. We will get some revenue from this industry, and possibly the tariff laws will weaken some in consequence. Now, I am not an iron-clad, iron-bound protectionist.

I believe in protecting all of the interests of this country that need protection; but I serve notice on Pennsylvania here and now that if there is to be no interest protected in this Chamber but iron, and if the farmers of this land and the great, glorious West are to be sacrificed to protect your iron industry, you will get your "eye-teeth" cut before many Congresses come and go. [Applause.] We have got to have fair play in this Chamber, and the powers are in the land that will take it if you do not come up like men and give it. I think I understand perfectly well why the gifted old legislator turns his face against us now, but I think there is strength enough on both sides of this Chamber to protect the interest that is now clamoring for justice without depending upon men who seem to care nothing about it and who never raise their voices except to defend the protective tariff, and especially when the iron industry of Pennsylvania is at stake.

Mr. BAYNE. Will the gentleman permit me to say a word?

Mr. HENDERSON, of Iowa. I will permit the gentleman if I have the time; but I have a good deal to say, and if I begin with one I shall have to yield to others. However, I will hear you.

Mr. BAYNE. I wish merely to say that my colleague from Philadelphia [Mr. KELLEY] and my colleague who spoke to-day [Mr. CURTIN] do not speak for Pennsylvania upon this bill. One of my colleagues spoke yesterday in favor of this bill, and I myself am for the bill, and I believe the people of Pennsylvania are for it.

Mr. HENDERSON, of Iowa. My friend from Pennsylvania [Mr. BAYNE] is always a bright and shining light, and on this occasion he marks an oasis in what I supposed to be an unbroken Pennsylvania desert. [Laughter.] Now,

WHAT IS THIS BILL?

What is it for? Mr. Chairman, it is a true, clean-cut revenue bill. Its provisions are simply these: It levies a tax of $600 per annum upon every manufacturer of oleomargarine, a tax of $480 per annum upon every wholesale dealer, a tax of $48 on retail dealers, and a tax of 10 cents a pound to be paid by the manufacturer, to be evidenced by a stamp upon the box containing the article. The manufacturer is also required to give bonds for his faithful compliance with the law.

In addition there are, and most wisely, strong fines and penalties imposed for violating the law, and these are none too severe. My distinguished and always beautiful friend (in debate), the chairman of the Committee on the Judiciary, says that this bill is "inquisitorial." I reply that it contains no element that has not been for nearly a quarter of a century in successful operation in this country. So far as it can, it embodies the provisions of the law relating to snuff and cigars and makes them applicable to oleomargarine or bogus butter. There is no novelty in this bill. It is patterned after one of the plain, simple internal-revenue laws of the land, and there is nothing startling in it.

Now, Mr. Chairman, the first question that naturally arises is this:

DO WE NEED THE MONEY?

We have heard some talk about an overflowing Treasury. I say to gentlemen that we do need the money, and in evidence of that I will quote the official head of this Government. I refer to pages 8 and 9 of the last report of the Secretary of the Treasury, which contain the following:

Fiscal year 1887.

The revenues of the fiscal year ending June 30, 1887, are thus estimated upon the basis of existing laws:

From customs	$175,000,000 00
From internal revenue	116,000,000 00
From sales of public lands	5,000,000 00
From tax on national banks	3,000,000 00
From repayment of interest and sinking fund, Pacific railroad companies	1,500,000 00
From customs fees, fines, penalties, &c	900,000 00
From fees—consular, letters patent, and lands	3,000,000 00
From proceeds of sale of Government property	300,000 00
From profits on coinage, assays, &c	4,000,000 00
From deposits for surveying public lands	400,000 00
From revenues of the District of Columbia	1,900,000 00
From miscellaneous sources	4,000,000 00
Total estimated ordinary receipts	315,000,000 00

The estimates of expenditures for the same period, received from the several Executive Departments, are as follows:

Legislative		$3,275,828 92
Executive		18,491,311 70
Judicial		408,300 00
Foreign intercourse		1,604,961 60
Military establishment		25,680,495 51
Naval establishment		30,836,357 74
Indian affairs		6,051,259 84
Pensions		75,830,200 00
Public works:		
Legislative	$6,000 00	
Treasury Department	4,823,869 17	
War Department	16,572,630 18	
Navy Department	4,968,337 41	
Interior Department	411,880 00	
Department of Justice	77,300 00	
		26,860,016 76
Postal service		7,443,914 25
Miscellaneous		20,356,082 03
District of Columbia		3,839,868 99
Permanent annual appropriations:		
Interest on the public debt	48,500,000 00	
Sinking fund	46,659,000 00	
Refunding—customs, internal revenue, lands, &c	13,152,400 00	
Collecting revenue from customs	5,500,000 00	
Miscellaneous	5,099,555 00	
		118,910,955 00
Total estimated expenditures, including sinking fund		339,589,552 34
Or an estimated deficit of		24,589,552 34

As will be seen the Secretary of the Treasury estimates that there will be a deficit of $24,589,000 on the 30th day of June, 1887, and he states in detail the basis for his conclusion. Now, this is not any rambling statement. It is a careful official estimate submitted by the official financial head of the Republic. In addition to that this Congress, with a patriotism that I commend, has added to the pensions of the widows and orphans of the Union soldier $6,000,000 per annum, not taken into account by the Secretary of the Treasury, but which will be added to the expenses of the Government, thus raising the amount of the deficit to $30,000,000. Then, if the Mexican pension bill goes through the Senate, as it has gone through the House, we shall have from forty to fifty millions more to pay. I need not call the attention of the House to the fact that we have a vast debt still unpaid, that we have appealing rivers and harbors, that public buildings are needed—nearly every State demanding them—until we are afraid we have not money enough to give all that is needed. I need not remind this Chamber that the Army of the United States has been reduced to a platoon, and the Navy to a naked flag-staff. I do not need to remind this Chamber that we have no merchant marine, and let it not be forgotten that the idol of one great party in this nation, "the Old Sage of Gramercy," has counseled and appealed for the expenditure of millions for our coast defenses. We stand to-day a stingy and cramped nation in regard to many needed expenditures; and I say, with Secretary Manning, that we do need this money. Now, Mr. Chairman, I pass from that.

The next question that naturally arises after the question, Do we need the money? is this:

IS THE PROPOSED LAW CONSTITUTIONAL?

Upon this point I am compelled to be brief, but I want the gentleman from Georgia [Mr. HAMMOND] or the chairman of the Judiciary [Mr. TUCKER] or any other lawyer in this Chamber to lay his finger on a line or a sentence or a proposition in the bill that the Supreme Court can set aside. The gentleman from Texas [Mr. REAGAN] said—and I thank him for his candor—that he had to couple the remarks of friends of the measure with the language of the bill itself in order to hold it to be unconstitutional. Mr. Chairman, that will not do. This debate is no part of this bill, and never can be considered by any court that may pass upon its constitutionality. I am very glad that the chairman of the Committee on the Judiciary is going to print his report against one of these bills, as I had intended to print it myself in connection with my remarks.

In that report the majority of the Judiciary Committee are forced to admit the constitutionality of this measure, because it is based on Article I, section 8 of the Constitution of the United States, giving absolute power to Congress to lay and collect taxes; and the chairman of the committee in that report admits that the judicial power dare not enter the chamber of the lawmaker's mind to find motives for the passage of a law, but is bound to accept the law itself for that guide. We have a right under the Constitution to levy and collect taxes. Here we are deciding whether it is necessary or not to do that. We exercise the power; and the mode of its exercise can not be questioned by the highest judicial tribunal in the Republic. I say, then, it is a waste of time to discuss this bill from a constitutional standpoint.

If we need the money, if we have the right to pass this bill—a bill to raise money—the next question that ought to arise in the mind of a thoughtful legislator is,

UPON WHAT SHALL WE LEVY A TAX

in order to do the least harm and the most good? Now, I appeal to gentlemen in this chamber, if you look over the list of articles to decide upon which you will levy a tax, upon what other article could you levy it to do so little harm and so much good to the masses of the people? No man who wishes to withstand criticism will dare to say that the lawmaker should not take such considerations into account.

During the late war and for some time after its close we levied internal duties upon hundreds and hundreds of articles. We imposed an income tax; we imposed a stamp-tax on checks. The farmer could not slaughter a cow, or a sheep, or a pig, without rendering account and paying a tax. He could not open his door and take in half a dozen men to stay over night and accept a trifling compensation without being compelled to pay $10 tax as a hotel keeper. The hand of the law was everywhere upon the industries of this country. By Congress after Congress, as the war receded, the hand of the law was removed from various articles and various lines of business. Upon what was it left? Distilled spirits, fermented liquors, snuff, and tobacco. Why were these left? Because it accorded with the judgment of almost the entire nation that internal taxation should be restricted chiefly to these articles. Some were in favor of this form of taxation because they thought it would be a restraint upon the manufacture of the articles; others were in favor of their taxation because they were luxuries. Whether the tax was paid by the big-hearted German with his overflowing glass of lager before him, or by the millionaire sitting at Delmonico's with his sparkling champagne in his hand, or by the sturdy old Kentuckian with his "old reliable bourbon," we all felt and admitted the propriety of laying the hand of the law upon those particular industries. So too the State banks were deliberately taxed out of life and the destruction of those banks was the sole aim of the law taxing them.

Now, we have presented here the question, is oleomargarine something to be picked out and designated as a thing to be thus handled and taxed?

WHAT IS OLEOMARGARINE?

And I will say to gentlemen who criticise my pronunciation that it is natural to give the soft sound in speaking of so soft an article. [Laughter.] Now, I do not find oleomargarine referred to in the Bible, but I do find it in the works of Shakespeare.

Mr. DUNHAM. Do you find butter in the Bible?

Mr. HENDERSON, of Iowa. Yes; you will find butter in the Bible from Genesis to Revelations. You will hardly find a book in the Bible that does not speak of butter. The article came into use before profane history was written. Milk and butter have been the food of man from time immemorial, and you do not need medical certificates or the resolutions of boards of trade to tell you that butter is a wholesome article of food. The experience of generations testifies to it. In all times it has been on the table of the king in his palace, and the poor man's in his cabin. "Milk and honey!" Why, it was promised to the children of Israel in the desert. Herodotus speaks of butter four hundred and sixty years before the Christian era. The cow has taken the motherless babe through infancy and equipped with strength the gladiator struggling for life in the bloody amphitheaters of Rome. Such articles of food, of all things, are entitled to kind consideration and the fullest protection from the lawmaker.

Now, let me give you the first record I find of oleomargarine. In the fourth act of the play of Macbeth, where there was a little cotillion of witches, I find oleomargarine completely described.

These witches had a great caldron in their midst, something like what our good friend Armour has in Chicago, to work up this product, or like the one which was testified about by a gentleman before the Committee on Agriculture. A witness appeared before that committee when I was present, and testified as to the manufacture of oleo oil in Washington city. I heard him state that dead horses, dead cows, and even dead dogs, when they had been shot for hydrophobia, the rotten carcasses of the city, were gathered up and taken to a rendering establishment here where the great bulk of these things were made into "pure" oleo oil (these boards of trade always pick out strong adjectives) and shipped away to be sold for the making of butter, while the rest was made into soap.

Now, it is a caldron like that the witches are about, and here is the process of making oleomargarine. It has improved little, if any, since the days of the bloody Macbeth. Here is the process:

FIRST WITCH. Round about the cauldron go;
In the poison'd entrails throw——
Toad, that under coldest stone,
Days and nights hast thirty-one
Swelter'd venom sleeping got,
Boil thou first i' the charmed pot!

[Laughter.]

SECOND WITCH. Fillet of a fenny snake,
In the cauldron boil and bake:
Eye of newt, and toe of frog,
Wool of bat, and tongue of dog,
Adder's fork, and blind-worm's sting,
Lizard's leg, and owlet's wing,
For a charm of powerful trouble,
Like a hell-broth, boil and bubble.

[Great laughter.]

THIRD WITCH. Scale of dragon, tooth of wolf;
Witches' mummy; maw, and gulf,
Of the ravin'd salt-sea shark;
Root of hemlock, digg'd i' the dark;
Liver of blaspheming Jew;
Gall of goat, and slips of yew,
Sliver'd in the moon's eclipse;
Nose of Turk, and Tartar's lips;
Finger of birth-strangled babe,
Ditch-deliver'd by a drab,
Make the gruel thick and slab;
Add thereto a tiger's chaudron,
For the ingredients of our cauldron.

Here Hecate comes in.

HECATE. O, well done! I commend your pains;
And every one shall share i' the gains.
And now about the cauldron sing,
Like elves and fairies in a ring,
Enchanting all that you put in.

FIRST WITCH. Pour in sow's blood, that hath eaten
Her nine farrow; grease, that's sweaten
From the murderer's gibbet, throw
Into the flame.

[Great laughter and applause.]

So much for oleomargarine, as Mr. Shakspeare has described it. It could not be more fitly done; but I will call up other witnesses who know what they are talking about to tell us the character of bogus butter. I will introduce seventeen patents for the manufacture of bogus butter granted by the Patent Office of the United States. These patents name forty-nine distinct ingredients that are used in the manufacture of bogus butter. They are capsic acid, nitric acid, sugar of lead, benzoic acid, butyric acid, commercial sulphuric acid, boracic acid, salicylic acid, chlorate of potash, caparic acid, caustic potash, carbolic acid.

The twelve ingredients are each and every one poisons.

Then there are sulphate of lime (used to poison rats), tallow, butyric ether, caul, bene, turnip-seed oil, oil of sweet almonds, stomach of pigs, stomach of sheep, stomach of calves, mustard-seed oil, bicarbonate of potash, alum, cows' udders, sal soda, nitrate of soda, dry blood albumen, borax, orris root, bicarbonate of soda, sulphate of soda, chalk, slippery-elm bark, bromo chloralum, oil of peanuts, caustic soda.

The foregoing twenty-six ingredients are more or less dangerous to health, depending upon the proportions employed.

Then there are glycerine, castor oil, gastric juice, curcumine, cotton-seed oil, peroxide of magnesia, pepsin, lard, farinaceous flour, olive oil, and sugar—eleven ingredients that are comparatively harmless and may be used if one is willing to have his stomach turned into an apothecary-shop or a pork-packing establishment.

It must not be forgotten in this connection the character of the lard and tallow used in the manufacture of this product. It should be borne in mind that the system described before the Committee on Agriculture as obtaining in the city of Washington obtains in every large city of the country in a greater or less degree. The dead animals in the city, the animals that die in transportation from the far West and are brought dead into the great packing center of Chicago, are taken and worked up into oleo oil, lard, and tallow, possessing unwholesome ingredients that are dangerous as food. But there is another article largely used in this production. I refer to cotton-seed oil; and this may throw some light upon the opposition that we are encountering from our brethren in the South in connection with the discussion of this bill. I will read in this connection an article just clipped from the Daily Register of my own State, and which comes from the pen of one of the most enlightened agricultural writers in the United States, well known as Father Clarkson, of Iowa. Here it is:

A BAD CONFESSION.

The manufacturers of fraudulent butter and their friends have all along been contending that oleomargarine and suine butter were made entirely of pure, healthy, and palatable animal fats; and that they were as pure as cow butter. The patents obtained from the Patent Office showed differently. This, the manufacturers contend, was not general or successful ingredients used by the real fraudulent butter makers. But last week, fearing that the bill for the protection of butter would pass, the following telegram was sent from Memphis to a few Southern Congressmen, who they thought could be controlled by their devotion to the cotton interests, by which they effectually give themselves away in acknowledging that cotton-seed oil enters largely into the composition of butter. The telegram was as follows:

"The undersigned, at the request and on behalf of the Cotton-Seed Crushers' Association, now in convention assembled at Memphis, earnestly request your influence and co-operation in defeating a bill reported from the Committee on Agriculture by Mr. Hatch, of Missouri, to impose a tax upon manufactured butter. If passed this bill would strike directly at Southern cotton planters, whose seed is crushed by about one hundred and thirty mills, and the oil from which enters largely into the manufacture of butter. Furthermore, it would deprive poor classes of a cheap butter, pronounced by eminent chemists to be wholesome."

The dispatch is signed by J. W. Allison, president; E. Urquhart, vice-president, and J. H. Duggan, secretary.

It will thus appear that, in addition to the deadly poisons, unwholesome articles, and those of a quasi-unwholesome character, we have to encounter cotton-seed oil in the manufacture of this bogus article. We may as well be plain on this subject. It has reached the point in the history of our country where

THE CITY SCAVENGER BUTTERS YOUR BREAD,

and his reeking hand decks your table with one of the most necessary articles of food. The production of this article has reached the point where 200,000,000 pounds are annually produced in this country.

From the Department of Agriculture I gather a few facts which may be worthy notice.

Kansas City turns out 6,000 pounds of oleomargarine daily. Saint Louis manufactures weekly 6,000 pounds of lardine—a composition of hog fat and decayed vegetable matter; but she manufactures, as I understand, no oleomargarine.

The same information states that 100,000 pounds of this combination is made daily in Chicago; but Colonel Littler, secretary of the National Dairyman's Association, I believe, living in Chicago, making close investigation into this question, stated before the Committee on Agriculture that there were sixteen houses in Chicago making bogus butter and turning out 200,000 pounds daily. Although the bogus butter men were represented at that meeting none rose to contradict the statement of Colonel Littler. Then there is oleo oil—pure beef fat. Of this 250 tierces are made weekly in Saint Louis for shipment to Rotterdam and Holland; of the same material Kansas City produces 200 tierces, and Chicago from 1,200 to 1,500 tierces of the same weekly. Saint Louis, during the three winter months, made from 1,000 to 1,500 pounds of butterine daily, and at least 100,000 pounds for the three months. Kansas City during the same time was grinding out 6,500 pounds of this "colored grease" daily. The same authority states that East Saint Louis used cotton-seed oil occasionally in the manufacture of "pure dairy butter."

From information received, also from the Agricultural Department, I learn that the Standard Butter Company of Boston made, during 1885, of oleo oil 148,814 pounds; of artificial butter, 180,000 pounds; the Providence Dairy Company, of Rhode Island, made of butterine, in 1885, 1,750,000 pounds. During the same year there was manufactured in Cincinnati, of butterine 766,956 pounds. N. I. Nathan & Co., of New York, made of butterine 2,000,000 pounds in 1885; John Reardon & Sons, of Boston, of oleomargarine 2,740,687 pounds; of oleo butter 1,158,706 pounds. The Woodlawn Dairy Company, of Pawtucket, R. I., made of oleomargarine 931,200 pounds; in Pittsburgh, Pa., one factory makes in one week of oelo oil 50,000 pounds, mostly shipped to Holland. Louisville in 1885 manufactured of butterine 500,000 pounds. It is estimated that in Chicago there is made of butterine annually not less than 20,000,000 pounds.

These are some data that I have been able to gather from the Department of Agriculture, and is doubtless far short of giving us the amount of business now being done in the manufacture of this counterfeit article. Not less than $12,000,000 are now invested in its production, and if the wealth of the men and companies engaged in its production were taken into account it would exceed $100,000,000; and these gentlemen engaged in producing this article are compelled, in order to reap a rich harvest in the way of profits, to so conduct their business as to enable the retailer to sell it in disguise. But they are open and above board in their advertising of this abomination. I will read from the New York Produce Exchange Bulletin of May 15, 1886, one advertisement as a sample:

Quality C. H. ROBISON & CO., Chicago, Guaranteed.
MAKERS OF BEST BUTTERINE IN THE WORLD.

H. F. ORVIS, JNO. LORENTZEN.
COOK COUNTY DAIRY CO.,
Manufacturers of fine imitation
CREAMERY AND DAIRY BUTTER
(Butterine).
OFFICE AND SALES-ROOM,
131 South Water street, - - - - - - - - - - Chicago, Ill.
Goods packed in any style or size of package desired.
SEND FOR PRICE-LIST.

ARTIFICIAL BUTTER-MAKERS.
J. J. Murray invented Leaf-lard Butter in 1867.
J. J. MURRAY & CO.
(Successors to RICHARDS & MURRAY),
MANUFACTURERS OF
PURE ARTIFICIAL BUTTER.

In order further to throw light upon this mode of getting this before the public I now submit for the consideration of the committee a verbatim copy of a letter sent from N. I. Nathan & Co., of New York, to a firm in Washington city, which speaks for itself:

[N. I. Nathan & Co., manufacturers of butterine, under patent granted to N. I. Nathan, 21½ Grove street.]

NEW YORK, *March* 30, 1886.

SIRS: We have taken the liberty of forwarding you per Pennsylvania Railroad one 10-pound tub of our creamery brand of butterine, which we claim is the finest in the market, for which we do not charge you anything. We guarantee uniformity in quality at all times, and our present price for the same is 10 cents per pound net f. o. b. New York in the following packages, namely: Half firkins, 10, 20, 30, 40, and 56 pound Welsh tubs; 1-pound rolls, thirty, forty, and fifty in a tub; 60-pound tubs, catch-weight rolls; 1-pound round prints, forty in a case; 1-pound square prints, 52 pounds in a case. If the quality and price are satisfactory we would be pleased to receive your valuable orders.

Yours, very respectfully,

N. I. NATHAN & CO.

So much for the production of the article. A word further as to

ITS GENERAL CHARACTER.

The advocates of this article claim that it is wholesome. It may be admitted that it is possible to make something approaching the appearance and taste of butter that is comparatively wholesome; but it is true that the great body of it is not wholesome, and that with the temptation to gather in everything capable of being manufactured into butter, getting it cheap and throwing it upon the market, but few of the manufacturers will confine themselves to a wholesome article. In this connection I submit, for the information of the House, an article clipped from the Dairyman of April 8, 1886, which speaks for itself:

SOME PROOF OF GUILT.

[Reproduced by special request.]

Professor Nachrieb, of the Minnesota University, has been analyzing some butterine. The best samples, he says, had many living organisms and spores in them, with masses of dead mold, bits of cellulous wood, various colored particles, shreds of hair, bristles, &c., while other samples teemed with life. Doubtful portions of worms were also noticed. The great number and variety of organisms found in the samples indicate the use of foul water and a criminally filthy process in making. He states that there can not be the slightest doubt that the person who eats so promiscuous and so lively a mixture as the butterine examined is running great risk morally as well as physically. This is the evidence of filth in making butterine that is coming to the surface even now, when butterine manufacturers should be on their good behavior while active war is being waged against them. What may be expected should the war abate and these people be left to their own sweet will in making this counterfeit compound? Any one who has had doubts about the propriety of interfering with the manufacture and sale of oleomargarine should carefully reflect upon the results of these scientific tests, and then reason in his mind what will probably be done by these manufacturers if the attention of the public is withdrawn from their work.

Think of the temptation they will be subjected to! For instance, A renders the bodies of dead animals from a large city, including cats, dogs, horses, &c., a perfectly legitimate industry, for he sells the grease to a wholesale dealer who may make it, or a part of it, into lubricating oil or axle grease; but B comes along, and, examining some of the barrels, says he will try it in his oleomargarine factory, not knowing or caring where the oil came from. He finds it a success in deceiving the public and soon he buys directly from the horse-rendering establishment. It is not necessary to prove that this is now being done, but the practical mind can see how quickly it will be done if there is no supervision of the matter by the State or General Government. Then, again, the class of men occupied with this industry are proven beyond all peradventure to belong to an order of loose speculators with weak and nimble consciences. They know the stuff is sold in a deceitful manner, and hence put themselves outside of that principle of the law that proclaims all men innocent until they are proven guilty. We know that all men are not innocent, and in proof of this we lock our doors and take precautions to guard our lives and property long before we attempt to prove that the villains are guilty. Have we not the same moral right with our food, and should we not make laws to take all the legitimate precautions we can procure and maintain a high standard of unadulterated food?

The gentleman from Pennsylvania, my honored friend [Mr. KELLEY], contents himself because bogus butter can be made so that it can not be detected. This he does on the statement of some gentleman whom he tripped up before his committee when he was the chairman of it. My honored friend has not been keeping pace with the investigation of this question. If he had he would learn that

IT CAN BE EASILY DETECTED

by the use of the microscope. In this connection I submit herewith a letter from Thomas Taylor, M. D., microscopist of the United States Department of Agriculture, which shows that the bogus butter is absolutely certain of detection:

BUTTER FAT AND OLEOMARGARINE.

The following letter to Dr. Sturtevant, of the New York experiment station, explains Dr. Taylor's method of discriminating between genuine butter and the counterfeits sold as oleomargarine butter, &c., at the close of which he pays his respects to Professor Weber and Bulletin 13:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 21, 1886.

MY DEAR SIR: I regret that when you were in Washington, on the 24th ultimo, you were not able to devote a portion of your time to my division work relating to butter and fats.

In answer to the note you left on my desk, requesting a statement of my claims and methods of testing suspected butter substitutes, I submit herewith, by the courtesy of the honorable Commissioner of Agriculture, Norman J. Coleman, a brief outline of the tests I employ.

I have deemed it unnecessary thus far to publish anything special regarding the originality of my discoveries, having considered it of much greater importance to make my investigations regardless of the experiments or views of any one else. My object has been, primarily, to demonstrate the possibility of distinguishing, by means of the microscope, pure butter from the butter substitutes of commerce—an achievement hitherto considered impossible by the leading chemists of Europe and the United States. Hassal says, in his edition of 1876: "It is erreonous to suppose that butter and fats can be distinguished from each other, even by means of polarized light." The late Professor Voelcher, chemist of the Royal Agricultural Society of England, stated before a Parliamentary committee that he was unable to discriminate between butter and the other animal fats.

When I commenced my microscopic observations of butter and fats several years ago it was with a firm conviction that I should be able to discriminate between pure dairy butter and oleomargarine by means of polarized light, basing my convictions on the fact that pure dairy butter is a non-polarizing substance, while the solid and semi-fluid fats contained in such substances as lard and beef-fat oil are polarizing bodies.

When a specimen of butter-like material is presented for testing, I mount about a grain of it upon a microscope slide (a piece of glass 3 by 1 inches), over which I place a circular glass cover, and compress the substance into a thin film, or until it appears semi-transparent. If it presents a white, even, cloud-like appearance, and has the odor and taste of butter, I conclude that it is probably butter. If, when boiled over the flame of a spirit lamp, it gives off the odor of butter, I consider this another indication in its favor.

If, when triturated with a few drops of strong sulphuric acid, it slowly becomes of a pale salmon color within five to twenty minutes, or a light brick red, changing after the lapse of about twenty-four hours to a tallow color, this is another indication of its genuineness. Lard and beef-fat in the same length of time and under similar conditions each assumes a walnut color. (For a fuller explanation of my acid test, see my first paper on the acid treatment of butter and fats.)

If the sample is submitted to the action of polarized light and selenite plate, and appears of a uniform green, red, blue, or yellow color, according to the selenite used, we have another indication that the substance is pure butter; normal butter under these conditions never exhibits prismatic colors.

Sometimes large crystals of salt cause the appearance of prismatic colors in pure butter by refraction. These should be removed. Butter that has been exposed to light until it is bleached, or butter that has been in immediate contact for a long time with a substance that absorbs its oil, as when placed in wooden tubs, has undergone a chemical change, and should not be considered as normal butter. A superior butter when boiled with or without oil will yield large crystals of fat by attending to the following directions: Place from half an ounce to an ounce of butter in a test-tube of sufficient capacity, holding the tube by means of a twisted wire over a spirit-lamp until the butter is thoroughly boiled for about one minute; then in order to crystallize, let it cool in an atmosphere of from 59° to 60° Fahrenheit during a space of from twelve to twenty-four hours, so that it will crystallize slowly; this will give the best results. Take a portion of this when cooled on the point of a pen-knife, place it on a glass slide, add to it one drop of sweet oil, and with a pin separate the crystals, which are large enough to be seen with the naked eye. Your microscopist should now make a "varnish ring," within which the butter and oil are to be secured under a glass cover, care being taken not to crush the crystals. The "ring" should be about one-tenth of an inch in thickness, and may be made in advance. Subject the specimen to polarized light, turn the polarizer until a dark ground is produced, and the butter crystal will appear bright, exhibiting upon its surface a black cross, in outline the same as that known as the cross of St. Andrew.

When old butter or butter which has been kept in a warm atmosphere is boiled and cooled, a secondary crystallization quickly takes place, of a rosette-like form, which generally proceeds from the center of the cross. A very superior freshly made butter rich in fats, which has been kept cool previous to boiling, may be preserved a long time at a temperature of 60° without exhibiting the rosette crystal. I send you a slide of butter crystals, some of which may be observed in the act of "budding," the interspaces filled with the rosettes which have floated off from the original globose forms which show the black cross. These appearances are among the conditions which distinguish pure butter from the fats of beef, mutton, and lard. Use a magnifying power of about 100 diameters for the globose of crystals and a power of about 250 diameters for the small rosette-like bodies, which vary greatly in size and might be mistaken by an inexperienced observer for the crystals of the fat of beef in their early stage of development.

A SECOND METHOD.

To an ounce of good butter add half an ounce of pure cotton-seed oil. The amount of oil used will depe nd upon the quality of the butter. If the butter is naturally of an oily character, less oil may be used. If the proportions are properly adjusted, the composition, when cold, will be semi-fluid, such as the sample I send you. The second method has this advantage over the first, namely, that in specimens so prepared the crystals retain their form for a longer period.

BEEF-FAT.

Take any portion of beef-fat, render it slowly in an iron pot without water, strain it, and set it away to cool. To an ounce of solid fat thus obtained add cotton-seed oil, heat in a test-tube nearly to the point of decomposition, and let it cool for about twenty-four hours at a temperature of about 60° Fahrenheit. Its consistency should then be semi-fluid. Mount with a "varnish ring." The crystals of the fat of beef are very small on first boiling, and should be reboiled and cooled several times. In this way the crystals enlarge and become better defined and appear quite different from the secondary crystals of butter. High powers are required for this fat, say from 450 to 1,000 diameters. The crystals of beef-fat treated as above and viewed under high powers present a foliated appearance.

In my ordinary methods of mounting, for temporary use, I dispense with the "ring," taking care to press the covers very gently, especially when mounting large crystals of butter. Beef, mutton, and lard may be pressed without damage.

LARD.

No reliance can be placed upon the lards of commerce as to their purity. Leaf-lard is now rendered by some firms with a small quantity of soda for the purpose of dissolving the tissues; by this means an impure lard is produced which contains a small amount of soap in which the crystals are not so well defined as in lards rendered without the aid of chemicals.

Lard composed of stearine and cotton-seed oil is also on the market; it may contain beef fat, for one of the forms of stearine is a roughly made biproduct of the oil of beef fat. A lard thus made will show strongly marked stellar crystals. To avoid mistakes in regard to the crystallography of the fats or plants and animals I always render the fats I used in my experiments, noting the stages of crystallization through which they pass in oil solutions.

Having noted some of the peculiarities of normal butter, the crystalline character of boiled butter, of lard and of tallow, one is in a position to discriminate between pure normal butter and the butter substitutes containing free fats. That pure normal butter viewed under polarized light and selenite plate shows no prismatic colors, the following experiments demonstrate: Place a green selenite between the polarizer and the analyzer and a plain green color will be observed. Then place a mounted slide of normal butter, under the selenite, view again, and the same even green color is observed. Now place a small portion of lard or beef-fat oil on the same slide, and with the polarized light and the same green selenite the fat will exhibit prismatic colors, showing the contrast between a polarizing body, such as the semi-solid fats, and a non-polarizing body, like pure butter.

BUTTERINE AND OLEOMARGARINE.

The preceding experiments explain why butterine, which contains solid or semi-fluid, translucent fats, such as lard and tallow, in combination with unboiled butter, is so easily detected when submitted to the action of polarized light and selenite plate. The crystals of lard or of tallow generally observed in great numbers are easily distinguished from the mass of amorphous fats with which they are combined. This is one of the most important of my tests of oleomargarine and butterine.

Professor H. A. Weber, chemist of the Ohio Experiment Station at Columbus, Ohio, who says he has been testing my methods of detecting the butter substitutes of commerce, reports in bulletin 13 of that station, under date March 1, 1886, that by the use of my butter tests on a variety of butters procured from those on exhibition at the stock show of Chicago, he observed invariably the form of the Saint Andrew's cross as I have described it; and further, that on submitting lard to polarizing light "nothing but the small irregular stellated bodies could be seen, in which the cross was entirely wanting. A large number of slides were mounted and examined, but not a single 'butter crystal' could be found." Professor Weber further states that oleo oil (beef-fat oil) treated in like manner gave similar results, "only small stellate crystals were present. Thus far the results and statements of Dr. Taylor were fully corroborated." He thus acknowledges the correctness of three of my original experiments, but he fails to apply them in practice. According to his report he made fifteen experiments in all; of these only the first three have any relation to my methods. The remaining twelve are based on his uniform plan of boiling all of his combinations of butterine at a high temperature.

Let us review experiment No. 4. He says: "A mixture consisting of 90 per cent. butter and 10 per cent. "oleo oil" (beef-fat oil) was boiled and cooled as before. The mounted slides could not be distinguished from the pure butter slides." (He means that they showed only the butter cross.) Why should he boil this oleomargarine, when by simply mounting a portion and viewing it with polarized light and selenite plate the prismatic colors, which show the presence of foreign fats—the object to be attained—are at once observed? I have just examined a composition of butter and "oleo oil" (beef-fat oil) in the proportions given above. The butter was melted at a temperature of 104 degrees Fahrenheit, and combined with the beef-fat oil. The mounted slide shows no butter crystals, while it did exhibit those of beef fat (oleo oil). In this case I imitated the methods of those engaged in the production of butterine and oleomargarine by only melting the butter and fats at a very low temperature. Professor Weber erred in boiling his oleomargarine, and this holds good with all his experiments from No. 4 to No. 15 inclusive. His last twelve experiments must be eliminated from the consideration of this subject, because they have no relation to my methods of discriminating between butter and oleomargarine; nor do the characteristics of the butter crystal of necessity have direct relation to the detection of oleomargarine. It is only when the differentiation of the respective crystals of the fats of the various plants and animals is considered that the cross of butter becomes an important factor.

Professor Weber's experiments, wherein by triturating lard and oleo oil with a little salt and water he forms globular fatty bodies which exhibit a cross like that of butter, afford an interesting confirmation of my statement to the Commissioner of Agriculture. (See the annual report for 1885, wherein I say that any body which is globular, translucent, smooth, and polarizing will show a cross. See, also, the annual report of the American Society of Microscopists for the same year.)

That which Professor Weber terms a "fat globule" is such a body as I described—"globular, translucent, smooth, and polarizing"—polarizing, because it contains semi-solid, translucent fats. Had Professor Weber examined such globules by plain transmitted light, he would have discovered that they have no resemblance to the globose butter crystal, viewed under the same conditions, which has a uniform structure peculiar to itself. (See figure 2 of the abstract of my paper on butter and fats, read before the American Association for the Advancement of Science, last September.)

In an experiment made as late as the 20th of this month, in the presence of Professor Wiley, chief chemist of the Department of Agriculture, and two of his assistants, Mr. Richardson and Mr. Richards, I demonstrated that a butterine, made at my request in the laboratory, which contained but 1 per cent. of lard to 99 per cent. of pure butter, exhibited, when examined by polarized light and green selenite, well-defined crystals of lard, of a rich golden color on a green ground, the green representing the butter. In this way the adulteration was at once detected.

The experiments of Professor Weber are calculated to introduce confusion and difficulty into a matter in itself comparatively clear and easy. In short, the object on which his efforts have been concentrated, like that so sedulously kept in view by the British Circumlocution Office, as portrayed by Dickens, appears to have been "how not to do it."

It must be borne in mind that the manufacturers of counterfeit butter are obliged to limit their treatment of the substances they use to such manipulations as are consistent with the salability of the product.

I am, sir, yours very truly,

THOMAS TAYLOR, M. D.,
Microscopist United States Department of Agriculture.

Professor E. LEWIS STURTEVANT,
Director New York Agricultural Experiment Station, Geneva, N. Y.

WHO ARE INTERESTED IN THE PASSAGE OF THIS BILL?

My answer is that sixty millions of consumers are interested in its passage; that every farmer and dairyman in the land is interested in its passage. In this country there are from five millions to six millions of men engaged in raising dairy products. Over 1,000,000,000 of pounds of butter are produced annually. According to a table of information prepared carefully by Mr. Edward Atkinson, $912,000,000 of dairy products are annually produced and consumed in the United States. These products, as I have before said, need no certificate as to their character, and stand to-day threatened with destruction by an article which can only come under the same rank and title as forgers, thieves, highway robbers, plunderers, and counterfeiters. With 200,000,000 pounds of bogus butter secretly crawling on to the tables of the people, under a false name, coming into competition with the dairy products of the country, is it to be wondered at that a voice is rising from every part of the land against the evil which this bill, in its results, may, in a sense, prevent? We have reached the point, Mr. Chairman, where we must determine this simple question.

SHALL THE DAIRY BUTTER GO?

Must it cease to be an article of food among the people? In this connection let me read a few extracts from a letter recently received by me from the firm of Thompson & Hanod, of Waterloo, Iowa, in my own district:

It has now become a question of life or death to the interests of the dairyman if this bogus butter is allowed to be sold in future as it has been allowed in the past. It is going to ruin our dairy interests in the whole country. It is not a local issue by any means.

Again:

In your own State (Iowa) it has been sold during the last winter to a large amount, and in this city of Waterloo there has been quite a large amount of this butter sold, and in every instance it was sold as genuine butter. If this bogus butter is sold to such an extent in a dairy State like Iowa, to what an extent must it be sold in the Eastern States? We claim this bogus butter has been a damage to Iowa dairymen to the amount of over $1,000,000 during the last year.

And again:

On the line of the Illinois Central Railroad there have now nearly one-third of the creameries quit running, as this bogus butter can be made so much cheaper than the genuine butter can.

And still again:

We made 315,000 pounds of butter in our factory last year, and, owing to this bogus butter, we made it at a loss of over $3,000; and we paid the farmers over $93,000; and if there is not something done soon we will be obliged to quit making butter and turn our attention to something else.

On receipt of the letter I telegraphed to a leading citizen and public officer in the city of Waterloo, asking as to the character and standing of the firm. The wires brought a quick response that the parties were "honest but embarrassed;" and so is every dairyman in this country embarrassed by this product, and they form the smallest part

of the people that should appeal to us in this connection, because the dairyman furnishes a market at the farmer's very door for the sale of the products of the cow, and when you strike down the dairyman you strike the cheap, near, ever-convenient market of the farmer.

Mr. Atkinson states, as I gather from the Agricultural Department, that there were produced and consumed in this country in 1884 of dairy products, $912,000,000; of bread, $450,000,000; vegetables, $360,500,000; of sugar and sirup, $352,000,000; tea and coffee, $185,000,000; fruit, green and dry, $113,000,000; eggs, $91,250,000; cotton, $300,000,000; pig-iron, $85,000,000; wool, $64,000,000; silver product, $40,000,000. It will thus be seen that dairy products exceed three times the cotton produced in the country, and were more than the combined consumption of tea, coffee, wool, cotton, pig-iron, and the silver produced, all taken together, by $34,000,000. Here is an industry that invites guarding and protecting, if wisdom should be the rule, when internal-revenue laws are enacted by this body.

I submit herewith a statement of the exports of butter and cheese from 1821 to 1886:

Exports of butter and cheese—Quantities and values of butter and cheese of domestic production exported from the United States from 1821 *to* 1886, *inclusive.*

Year ended—	Exports of—				
	Butter.		Cheese.		Total butter and cheese.
	Quantities.	Values.*	Quantities.	Values.*	Values.*
September 30—	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Dollars.*
1821	1,069,024		766,431		190,287
1822	1,149,783		722,548		221,041
1823	1,171,701		591,689		192,778
1824	1,386,232		993,158		204,205
1825	1,442,197		1,230,104		247,787
1826	1,176,579		735,399		207,765
1827	1,148,480		641,385		184,049
1828	1,184,329		688,548		176,354
1829	969,137		916,695		176,205
1830	899,396		688,241		142,370
1831	1,728,212		1,131,817		364,796
1832	1,501,686		1,391,853		290,820
1833	1,346,364		1,213,092		258,452
1834	1,084,960		819,567		190,099
1835	684,624		887,000		164,809
1836	361,395		486,234		114,033
1837	281,939		411,338		96,176
1838	495,108		664,660		148,191
1839	424,609		519,017		127,550
1840	1,177,639		723,217		210,749
1841	3,785,993		1,748,471		504,815
1842	2,055,133		2,456,607		388,185
June 30—					
1843†	3,408,247		3,440,144		808,968
1844	3,251,952		7,343,145		758,829
1845	3,587,489		7,941,187		878,865
1846	3,426,660		8,675,390		1,063,087
1847	4,214,433		15,637,600		1,741,700
1848	2,751,086		12,913,305		1,361,368
1849	3,406,242		17,433,682		1,654,157
1850	3,876,175		13,020,817		1,215,463
1851	3,994,542		10,361,139		1,124,652
1852	2,222,264		6,650,420		779,301
1853	2,658,911		3,763,932		862,343
1854	3,774,634		7,003,974		1,258,393
1855	2,315,249	418,723	4,846,568	514,034	
1856	2,936,491	580,286	8,737,029	887,705	
1857	3,141,592	593,084	6,453,072	647,423	
1858	3,082,117	541,863	8,098,527	731,910	
1859	4,572,065	750,911	7,103,323	649,302	
1860	7,640,914	1,144,321	15,515,799	1,565,630	
1861	15,531,381	2,355,985	32,361,428	3,321,631	
1862	26,691,247	4,164,344	34,052,678	2,715,892	
1863	35,172,415	6,733,743	42,045,054	4,216,804	
1864	20,895,435	6,140,031	47,751,329	5,638,007	
1865	21,559,892	7,292,715	53,154,318	11,697,746	
1866	3,806,835	1,267,851	36,411,985	6,036,828	

* Value of butter and cheese not separately stated from 1821 to 1854.
† Nine months.

Exports of butter and cheese—Quantities and values, &c.—Continued.

Year ended—	Exports of—				
	Butter.		Cheese.		Total butter and cheese.
	Quantities.	Values.	Quantities.	Values.	Values.
June 30—	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*	*Dollars.*
1867	4,912,355	1,184,367	52,382,127	7,893,535	
1868	2,071,873	582,745	51,097,203	7,010,424	
1869	1,324,332	484,094	39,960,367	6,437,866	
1870	2,019,288	592,229	57,296,327	8,881,934	
1871	3,965,043	853,096	63,698,867	8,752,990	
1872	7,746,261	1,498,812	66,204,025	7,752,918	
1873	4,518,844	952,919	80,366,540	10,498,010	
1874	4,367,983	1,092,381	90,611,077	11,898,995	
1875	6,360,827	1,506,906	101,010,853	13,659,603	
1876	4,644,894	1,109,496	97,676,264	12,270,083	
1877	21,527,242	4,424,616	107,364,666	12,700,627	
1878	21,837,117	3,931,822	123,783,736	14,103,529	
1879	38,248,016	5,421,205	141,654,474	12,579,968	
1880	39,236,658	6,690,687	127,553,907	12,171,720	
1881	31,560,500	6,256,024	147,995,614	16,380,248	
1882	14,794,305	2,864,570	127,989,782	14,058,975	
1883	12,348,641	2,290,665	99,220,467	11,134,526	
1884	20,627,374	3,750,771	112,869,575	11,663,713	
1885	21,683,148	3,643,646	111,992,990	10,444,409	
1886*	15,765,348	2,492,255	71,344,255	6,030,100	

* Nine months ending March 31, 1886.

It will be seen that the value of butter per pound in 1881 was 19 cents—very nearly 20 cents; in 1882, 19 cents; in 1883, 18 cents; in 1884, 18 cents; in 1885, 17 cents; in 1886, 15 cents per pound. It is evident, therefore, that under the influence of the competition from a product which it has been proved again and again can be manufactured at from 6 to 7 cents per pound the price of butter must come down until it will be compelled to retire from the field of industry. It not only is affecting the price of butter, but it is affecting the value of milch cows. I submit herewith a statement showing the number and value of milch cows from 1880 to 1885:

Number and value of milch cows in the United States for each year from 1880 *to* 1885, *inclusive.*

[From the annual reports of the Department of Agriculture.]

Year.	Milch cows.	
	Number.	Value.
1880	12,368,653	$296,277,060
1881	12,611,632	326,480,310
1882	13,125,685	396,575,405
1883	13,501,206	423,486,649
1884	13,904,722	412,003,093
1885	14,235,388	389,985,523

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *May* 20, 1886.

Put your pencil to the figures above given and you will see that cows were worth $31 per head (nearly $32) in 1883; $29 per head (nearly $30) in 1884, and $27 per head in 1885; so that cows are worth $4.50 less in 1885 than in 1883. The loss to the farmers in this country in two years was $64,059,246. It is claimed by those representing the agricultural interests and who have made a careful study of the condition of things this year that the value of cows has fallen off more rapidly than in 1885, until the total loss per head is now $10. Apply this to the total number of cows now in the United States, which must be nearly 15,000,000 and you have a total loss to the farming interest of the country of $150,000,000. In order that there may be a more complete appreciation of the growth of bogus butter I submit herewith a statement made to me by the Chief of the Bureau of Statistics showing the amount of imitation butter and the oil exported from the United States since 1876. A study of these figures will be interesting as showing the growth of this dangerous business:

Quantities and values of domestic oleomargarine exported from the United States during the ten years ending June 30, 1885, *and the nine months ending March* 31, 1886.

Periods.	Oleomargarine.					
	Imitation butter.		The oil.		Total.	
	Pounds.	*Dollars.*	*Pounds.*	*Dollars.*	*Pounds.*	*Dollars.*
Year ending June 30, 1876	(a)	(a)	(a)	(a)	(b)	70,483
Year ending June 30, 1877	(a)	(a)	(a)	(a)	(b)	c595,335
Year ending June 30, 1878	(a)	(a)	(a)	(a)	1,698,401	203,280
Year ending June 30, 1879	(a)	(a)	(a)	(a)	12,687,318	1,394,068
Year ending June 30, 1880	(a)	(a)	(a)	(a)	19,960,063	2,599,025
Year ending June 30, 1881	(a)	(a)	(a)	(a)	26,427,676	3,815,560
Year ending June 30, 1882	2,157,446	312,854	19,714,338	2,703,308	21,871,784	3,016,162
Year ending June 30, 1883	1,950,301	271,699	29,031,064	4,273,220	30,981,365	4,544,919
Year ending June 30, 1884	1,537,682	171,119	37,785,159	4,671,243	39,322,841	4,842,362
Year ending June 30, 1885	761,938	92,779	37,120,217	4,358,853	37,882,155	4,451,632
Nine months ending March 31, 1886	362,545	39,435	19,615,286	2,181,964	19,977,831	2,221,399

a Not separately stated. b Not stated. c Butterine.

WM. F. SWITZLER, *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *May* 20, 1886.

To sum up in this connection it may be safely set down that unless something be speedily done:

First. The value of the milch cows will fall so low that they will cease to be considered as milch cows and only be raised for the butcher.

Second. Butter made from milch cows will be compelled to retire wholly from the field of competition and bogus butter must become the sole reliance of the people.

Third. Since many States, like my own State of Iowa, have practically abandoned the raising of wheat and have turned their attention to raising cows, &c., their lands being less valuable than years ago for wheat raising, and now rendered valueless as a milk and cheese producing field, must continue to be less valuable, until millions of dollars will thus be lost to the farmers of the great West.

Fourth. The food that has been on the table of man from the earliest period of history, sacred and profane, must surrender to a villainous compound and fraud.

WHO OPPOSE

the passage of this bill? I hold in my hand an immense bundle of resolutions, passed by boards of trade and boards of produce exchange in different large cities of the United States, and which are now flooding Washington, to try and prevent the passage of this bill. From no other quarter does the opposition come, unless I include the great cattle-kings of the far West, who think they see in a manufacture which will use every part of their animals shipped, whether dead or alive, a prospect of increased valuation to their productions. What have these boards of trade to do with this matter? They are simply middlemen. They transact business for the people around them and charge a commission for handling.

What is this question to them unless forsooth they want another article upon the boards for stock-gambling purposes? We know that these corner-makers and speculators are the ones who are fighting us in this contest. I clip from the Saint Paul Despatch of May 19, 1886, an article which shows that the board of trade in that city, a bright and glorious exception, voted down a resolution asking Congress to defeat this bill. But in the Despatch occurred the following which is significant. Speaking of the board of trade and the discussion of the resolution—

Mr. Oliver Armour's agent spoke in favor of butterine, saying that their factory was always open to inspection and that nothing but the pure leaf-lard and tallow were mixed with the best creamery butter. Mr. Marvin was willing to except Mr. Armour's establishment, but wanted to know about the other ninety-one establishments. After considerable more discussion, and finally upon being put to a vote, the resolution requesting a tax of 10 cents was adopted by a vote of 13 to 11.

The Despatch lets the cat out of the bag. It seems that Mr. Armour, the largest bogus-butter manufacturer in the United States, a man of great brain power and tremendous intellectual activity, a man who has amassed his millions through his energy and skill, and who already holds in his grasp, practically, two of the immense boards of trade of this country, has his agents going about the country, from board of trade to board of trade and from produce exchange to produce exchange, to get through these resolutions, to try to affect the action of the American Congress. It remains to be seen whether this power shall obtain with Congress instead of that great, silent, industrial force that lies back and beyond, waiting, quietly waiting, for our verdict upon this question.

But we are told that the States have ample power in this connection. True it is that they have great power. True it is that the State is only limited by the language of the Constitution, while the United States has only such powers as are granted by the Constitution and those incident to the grant. But it is also true that so peculiar is our form of government that it is impossible to reach this question by State action alone. This needs no argument. Every thoughtful man knows the reason, and since twenty-one States through their Legislatures have acted upon it, and are still pressing Congress for national legislation, it is evident that State legislation does not reach the root of this great evil. Yes, the States are at work. The civilized world is at work to put

THE BRAND OF CAIN

upon this infamous counterfeit. In this connection I submit a statement prepared by the Commissioner of Agriculture which is full of interest in connection with this discussion:

IMITATIONS OF BUTTER—THE DEPARTMENT OF AGRICULTURE REPORTS ON THE SUBJECT.

Laws for the regulation of the manufacture and sale of bogus butter have been enacted in many States—These laws are regulative and prohibitory—The law enacted in New York declared unconstitutional—Most European countries have adopted regulative laws.

[Special.]

WASHINGTON, D. C., *May* 18.

The Department of Agriculture has been gathering some facts with reference to butter imitations. They are of special interest just now in view of the legislation asked of Congress by the dairymen. The report says:

"The laws for the protection of consumers against the purchase as butter or cheese of spurious or adulterated articles called by these names may be divided into two general classes, namely:

"First. Regulative laws or those which require that such spurious or adulterated articles shall be sold only for what they really are, and to secure this end provide regulations as to marking, labeling, or otherwise giving public notice of the true character of the article sold.

"Second. Prohibitory laws or those which forbid the manufacture of such spurious or adulterated articles or the offer of such articles for sale.

"The earliest laws were of the former class, but a number of the more recent ones are of the latter. Regulative laws are in force in the District of Columbia and the following States: New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Georgia, West Virginia, Indiana, Iowa, Nebraska, Nevada, and California. Prohibitory laws are in force in Maine, New York, Pennsylvania, Michigan, Wisconsin, and Minnesota, while Ohio has a law of the same class, but with an important limitation.

"It appears that a fair proportion of this local legislation has been within a recent period, Connecticut, New Jersey, and Iowa having passed 'regulative anti-butterine' laws within the last two months. The main features of these laws are substantially the same, the difference being in the details for carrying them into practical operation. Some of the States have legislated only with an eye to imitation dairy products, while others have covered the whole subject of food adulteration. The tendency to advance from regulative to prohibitory laws makes the States in which the latter have been enacted of more importance, as it is claimed by the butterine people that the proposed tax of 10 cents per pound would amount to practical prohibition.

"The New York law is the most elaborate and it is quoted in full. The legal status of this enactment is thus stated. Section 6 of the law is as follows:

"'No person shall manufacture out of any oleoaginous substance or substances, or any compound of the same other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese produced from pure, unadulterated milk or cream of the same, or shall sell or offer for sale the same as an article of food. This provision shall not apply to pure skim-milk cheese made from pure skim milk. Whoever violates the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than $100 nor more than $500, or not less than six months' or more than one year's imprisonment, or both such fine and imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.'

"A person accused of violating the provisions of section 6 having been convicted of that offense in the court of general sessions of the city and county of New York, and the conviction having, on appeal to the general term of the supreme court in the first department, been affirmed by that tribunal, the case was carried to the court of appeals. The case was one in which it was not charged that the defendant had sold oleomargarine as butter. His offense consisted in selling an article designed to take the place of butter and not made from pure milk or cream. The court (Judge Rappalo giving the opinion) held that the prohibitory clause of the act was so broad as to cover a case in which there was no simulation of butter or cheese, no attempt at fraud, and no complaint that the articles manufactured or sold were unwholesome. This was held to be an infraction of the constitutional right of every citizen to the free use of his faculties in any pursuit not prejudicial to the public welfare. In conclusion, it was declared that the judgment of the general term and of the court of sessions should be reversed.

"This decision would leave in full force the regulative laws of 1882, requiring spurious butter and cheese to be sold under their true names, and prescribing certain marks, brands, &c., to apprise the purchaser of their character. The Legislature, however, has since re-enacted the prohibitory provisions, the vote to that effect being unanimous in one House and with only one dissenting voice in the other.

"In Ohio the prohibition does not apply to the manufacture and sale of oleomargarine when manufactured from beef-suet and milk. It appears that the subject is causing agitation in other countries than the United States. The decrease in the profits of British and Irish dairying and the large amounts of butterine, oleomargarine, &c., imported from Holland and elsewhere, and sold as dairy butter, have paved the way, in accordance with the laws of a large number of the American States, for the introduction into the House of Commons of a bill to 'regulate the importation, manufacture, and sale of butter substitutes.' It defines butter as 'such article produced from unadulterated milk or cream, unmixed with any other fatty or oleaginous substance whatever,' and margarine or oleomargarine as 'any imitation of butter whatsoever, or any compound of butter and animal or vegetable oil.' Any tub or firkin containing imitation butter shall have 'Margarine' or 'Oleomargarine' stamped or branded upon it in letters at least an inch in length.

The penalty for the first offense against this section is a fine not exceeding £20; for a second a month's imprisonment or £50, and any subsequent offense six months' imprisonment. Retail dealers are required to inform every purchaser that the article sold is margarine, under penalty of £10. For the better carrying of the bill into successful operation it is proposed to give one-half the amount of any fine to the informer by whose evidence conviction is obtained. Other countries are summarized as follows:

"Austria. There is no law to prevent the importation of spurious butter, but its sale is regulated by the sanitary officers of the different municipalities. If any butters containing a deleterious mixture are sold they must be given their true name and quality and not be sold as butter, otherwise the goods may be confiscated and the venders punished with fine and imprisonment.

"Belgium. There is no general law in relation to the matter. It is the subject of municipal regulation. An ordinance of the communal council of Brussels provides that a person selling artificial butter the color and shape of which resemble those of real butter shall occupy a place assigned to him by the communal administration, and his stall shall bear in distinct characters the sign 'artificial butter.'

"Denmark. The only law bearing directly upon the subject is one providing that artificial butter shall be packed in vessels differently fashioned from those known as butter barrels or kegs, under specific rules prescribed by the minister of the interior, and shall be marked with the word 'Margarine.' Violations of this law are punishable by a fine of 200 to 2,000 kroner ($53.60 to $536), and by the confiscation of the articles, of which one-half the value goes to the reporter of the offense in case he demands it. Still another check on the sale of counterfeit butter is supplied by the control over all food products vested in the health commissioners of the different towns, which, in concert with the police, exercise their authority under regulations sanctioned for each town by the ministry of the interior. A medical man is usually attached to these commissions, and they are authorized to call in experts in case of need to assist them in their investigations.

"France. A bill for the suppression of frauds in the sale of butter was introduced in the French Chamber of Deputies August 14, 1884, by M. Jules Meline, minister of agriculture; but it does not appear from information at hand that the measure has become a law. It requires the vender of artificial butter, or of butter mixed with margarine or other fats, to make known the true character of the article by means of a label placed on the article itself or on the barrel or other package containing it. It must also be correctly described in the invoice and way-bill or bill of lading accompanying consignments of it. The neglect of these requirements is made punishable by a fine of 11 to 16 francs and by imprisonment not exceeding five days. Article 2 punishes with imprisonment from six days to a month, and with a fine of 100 to 2,000 francs, any one who by false declarations on the invoice, freight-office ticket, or bill of lading shall have deceived or attempted to deceive the purchaser.

"Article 3 imposes the maximum penalty on any one convicted within a year after a former conviction. Article 4 provides for the confiscation of the counterfeit or adulterated article when found in the possession of the person offering it for sale. It also empowers the judge to order the publication and posting up of the judgment of confiscation, and makes the same obligatory in case of a second offense.

"Germany. The Mark Lane Express of November 9, 1885, contains the following: 'The question of butter manufacture has lately been very much dis-

cussed in Germany, especially in the province of Schleswig-Holstein, where a law has just been passed prohibiting the use of oil or any oily substance, except milk or cream, in making butter and cheese. Nor may either be sold cheaply or offered in the market at an unusually low rate. These conditions do not apply to green or skimmed-milk cheese.'

"Switzerland. The same paper has the following in regard to Switzerland: 'Efforts are being made in Switzerland for the suppression of oleomargarine. The council has decided that inquiries should be made into the subject, and should it be found that oleomargarine has become a regular article of commerce a tariff of duties to check its sale will be issued.'

"Italy. There has not been any restriction placed upon the importation of artificial butter, and no special laws or regulations have been made concerning its manufacture or sale. There are very rigorous general laws concerning the sale of adulterated or unwholesome food.

"Netherlands. The importation, manufacture, or sale of artificial butter is not prohibited or regulated in any manner by law.

"Portugal. There are no legal restrictions upon the production or sale of artificial butters. 'De Mourier's oleomargarine' is subject, on importation, to the same rate of duty as natural butter, namely, 16.2 cents per kilogram. A question arising as to another substance presented at the custom-house and found to be pure margarine, intended for use in the manufacture of artificial butter, it was subjected, by a decree dated February 14, 1884, to a duty of 5.4 cents per kilogram.

"Russia. There are no restrictions upon the importation, but, in fact, none is imported. Artificial butter is manufactured quite extensively, and there is no law to protect or regulate its sale. It may be sold as genuine butter without penalty, provided it does not contain any ingredients which are detrimental to the public health."

The foregoing will show the extent to which the world has become aroused to this great evil. Let the nation that leads in all else not be behind in this great movement. Let no false sentimentality stop us from the vigorous exercise of a power complete and far-reaching for a good much desired. Let not the boards of trade, boards of produce exchange, and the artifice of all the speculative centers of the country intimidate us from our duty. I do not believe that money can be piled up high enough about this great building to draw us from our duty to the nation, to consumers and producers, to the tables and homes of the land, and to that great agriculture-producing class which, like a pure fountain, constantly adds fresh brain power and purity to the wealthier and professional elements of the nation.

THE FARMER

does not often come into our presence demanding protection, but he is here now and in earnest. In whatever way we strengthen him we add prosperity to every business pursuit in the land. Each owner of the soil is a stockholder in the Republic. As you strengthen, enrich, and protect that element you do add blessings to all the people. Let Congress here and now do its whole duty by those honest, generous, modest tillers of the soil, whose sinewy arms, rugged hands, and honest hearts are impregnable fortresses of safety to the nation. If what has been said does not remove the scruples of those entertaining constitutional objection or fears as to its constitutionality, let me remind you of the language of an honorable Representative from Connecticut on this floor in the last Congress. When the great floods that swept Ohio shocked the nation by the disasters that followed, Congress was appealed to for aid in that great calamity. We did not fail to respond.

The old gray-headed representative from Connecticut rose to his feet. He far exceeded the gentleman from Texas and the gentleman from Georgia in his careful guarding of the Constitution. His words in substance were these: "While I do not see the right in the Constitution to pass this law granting this aid to the flood sufferers, still I interpose no objection to the bill, and bow to its passage in the presence of suffering humanity."

Let the same generous spirit be quickened in the heart of every lawmaker here to-day, and in the presence of what seems to be the certain downfall of one of the greatest industries of the country, entailing poverty, misery, and sorrow as it must, let no delicate scruples prevent you from a vigorous and manly action touching this great measure.

Mr. BEACH. Mr. Chairman, there are, in my opinion, but two grounds upon which legislation on the subject-matter of this bill can be justified. First, that oleomargarine or butterine, or artificial butter, as I prefer to call it, is deleterious to the public health. Second, that in its sale the people are deceived and defrauded.

I wish to consider these two propositions in the order in which I have named them.

Is artificial butter deleterious to the public health? If we are to believe the testimony of the expert chemists who have investigated the subject it is not. The matter has been made the subject of Congressional, State, and municipal investigation. A hearing was had a few years since before the Ways and Means Committee of this House, at which were read the certificates of many of the ablest chemists in the country. Among them were Professor Ch. F. Chandler, of New York; Professor George F. Baker, of the University of Pennsylvania; Professor S. W. Johnson, of the Sheffield Scientific School of Yale College, and Professor C. C. Caldwell, of the Cornell University. They all testified unequivocally that the artificial butter submitted to them respectively for analysis was "a wholesome article of food."

It must be remembered, however, that these opinions were given several years since and were based upon selected specimens submitted at that time for analysis.

It must also be remembered that a compound of which the separate ingredients are chemically harmless will often, when taken into the human system, prove very dangerous not only to health but life itself. The chemist tells us that the oil of orange and the oil of savin are chemically precisely alike, but are widely different in their effects on the human frame—the one being an innocent and agreeable flavoring substance, while the other is a most dangerous poison. We should not, therefore, put too much confidence in the opinion of the chemists.

When the invention of Mege was new the manufacture was confined to suet taken from fresh-killed beeves. As the possibilities of the industry increased it was found that the inventive genius of man kept pace with his cupidity, so that to-day the fat of hogs and other animals is utilized in the manufacture of artificial butter. And here is where the danger is said to begin. The lard of the hog, under the name of "neutral," is freely used, and when we consider the extent to which that animal is subject to parasites, and the ease with which they are communicated to the human system by partaking of its flesh, and the further fact that these parasites require for their destruction a boiling temperature of twice that given them in the oleomargarine factories, we can readily speculate as to how the use of artifical butter may be the means of injuring health and destroying life.

But speculation is one thing and fact another. In the absence of any well-authenticated case of injury to health or loss of life from the use of artificial butter, although millions of pounds have been consumed, it would, in my opinion, be unsafe to legislate on the subject upon the ground that we were going to protect the public health. I think the sooner we abandon that position the better. It is not tenable. The weight of fact and opinion is against it.

But admitting that artificial butter is deleterious to health, it would furnish no reason for taxing it or regulating its sale. Our duty then would be to suppress it wholly by proper legislation.

If we are going to legislate upon the subject, let us take a position upon which we can stand and from which we can not be driven. Such a position will be found in the proposition that the people are deceived and defrauded in the sale of the spurious article.

How are they deceived? In order to make myself plain upon thir point let me call attention to the composition of the two articles. Buttes is an article which has been known from the very earliest period of which history furnishes an account. In Genesis we read of Abraham entertaining his visitors under a tree on the plains of Mamre with a fresh-killed calf and with butter and milk. In Judges we are told how Jael, the murderer of Sisera, "brought forth the butter in a lordly dish;" and Solomon tells us how it was made, for he says:

Surely the churning of milk bringeth forth butter.

From the time of Abraham down to about the year 1870 butter was known as an article of food produced from the milk of the cow. The substance thus produced has therefore a good title by prescription to the name of "butter."

In 1869, a Frenchman by the name of Mége patented an invention for making an artificial butter, which became known as "oleomargarine." His process was to take fresh beef suet, brought directly from the slaughter-house. It was thoroughly washed, rendered very carefully, strained to remove a portion of the hard stearine, and then churned with milk to convert into artificial butter. The product was salted, and colored with annotto.

In making the oleomargarine and butterine of to-day a very wide departure has been taken from the simple method pursued by the inventor. It is now manufactured largely out of hog-lard and cotton-seed oil, and compounded with a score or more of articles to cheapen its production and assimilate it in appearance and taste to natural butter.

As the finished product is turned out of the factory it resembles natural butter in color, texture, and flavor. So close is the resemblance it is impossible to tell which is the genuine article and which the counterfeit. The four senses which God has given us for the purpose are completely balked. Touch fails us. Smell fails us. Taste fails us. Sight fails us. Fingers, nose, tongue, and eyes are useless. Nothing short of a microscopical investigation or a chemical analysis can differentiate the two articles.

Now, let us look for a moment at the two articles when they come in competition in the open market. I have before me a circular just issued by a manufacturer of artificial butter in my own State of New York, in which he advertises his "New Spring Butterine" at 13 cents per pound. The other day I received a letter from a New York retail grocer in which he said he was paying 30 cents a pound for Western creamery butter and was selling it over the counter for 35 cents. On the same block with him there was another grocer who dealt in butterine. He bought it for 13 cents a pound and sold it as butter for 25 cents. Now mark the consequences. My correspondent, who is too honest to deal in the spurious article, makes but 5 cents a pound on genuine butter, while his neighbor makes 12 cents a pound on the counterfeit article. And not only this, but the dishonest dealer, by reason of selling 5 cents a pound cheaper, has robbed the honest dealer of nearly all his trade. The honest trader makes only 16 per cent. profit, while the dishonest one makes 100 per cent.

Now, in this kind of trading some one is cheated. The man who is getting a profit of 100 per cent. is getting more than he is entitled to under the fair and usual profits of business; and those who pay the

excessive profits—the people, the great masses—are being cheated. Why are they cheated? Because they think they are buying natural butter, the market price of which is well known; whereas, in fact, they are getting a counterfeit article. If butterine was sold for its actual value—say 15 cents a pound—the suspicion of the buyer would at once be aroused. Hence, the price is raised to assist in the deception.

The most unfortunate part of the whole business is, the poor man is the one who is robbed out of his hard-earned wages. The rich buy the superior grades of butter and are seldom deceived.

I think I have said enough to show that the sale of artificial butter is subject to great fraud and deception. The deception is of a character which can not be detected by any of the ordinary means furnished man to distinguish a genuine from a counterfeit article.

The question then arises, can legislation be invoked to protect the people from the frauds practiced upon them? When I say legislation, I refer to legislation by the States. At this stage of my argument I do not want to complicate the matter by speaking of Federal legislation. Can the States legislate upon the subject, and, if so, in what manner and to what extent?

Many of the States have already claimed the right and exercised it. In some, laws to suppress, in others, laws to regulate the manufacture and sale of artificial butter, have been passed.

In the State of New York, which I have the honor to represent in part on this floor, after several years of ineffectual efforts to regulate the sale by a system of labeling and branding, a law was passed prohibiting both the manufacture and sale. This law was declared by the highest court in the State, the court of appeals, to be unconstitutional. I have a very high respect for the opinion of that court, and I believe its judgment sound on this question. I do not think we can annihilate the manufacture or sale; but I do think we can and should regulate it.

We have laws to regulate weights and measures, and no one ever questioned the right to make such laws. The underlying principle is that the people should not be cheated by false weights or false measures. If you go into a store and buy a yard of cloth, the merchant in measuring it off must use a stick of the standard length; if you buy 14 pounds of sugar, the weights by which it is weighed must be in accordance with the standard. The law prescribes a certain standard, and proper officers are elected to test all weights and measures from time to time to see that they are up to the standard. The ground upon which the law proceeds is that it is impossible for the buyer to detect at sight a false weight or a false measure. Hence it steps in to prevent fraud and deception. If it is within the province of legislation to guard against false weights and false measures, why is it not also to guard against false butter?

Again, it has always been considered a legislative function, both in this country and in foreign nations, to regulate by proper laws the sale of adulterated food and drugs. The object of such laws is not solely the protection of the public health, but the prevention of fraud. If the adulterated articles were injurious to health they would be wholly suppressed. But the laws are made to insure honesty between seller and buyer. Take, for instance, the adulteration of coffee with chicory. Chicory is harmless and thought by some to improve the flavor of coffee. But chicory being a cheaper article than coffee it is a fraud upon the buyer to mix the two articles and sell the compound for the higher-priced article. And so with milk. No one would claim that the addition of water would make it dangerous to health. And yet the law assumes to regulate milk by prohibiting the watering of it. In buying a gallon of milk you should not be cheated by paying for 3 quarts of milk worth 30 cents and 1 quart of water worth nothing.

I might go on and cite an almost endless number of similar illustrations, but it is not necessary. They all tend to show that the law can lay its hands on any article which is susceptible of adulteration and regulate its sale, to the end that the people shall not be deceived and defrauded.

The debasement of a superior article by mixing with it an inferior and cheaper article is a great moral wrong, conceived in greed and executed in fraud; and it is idle to say that the matter can not be controlled by legislation.

It will be conceded by this time that the States have the right to regulate the manufacture and sale of artificial butter. This much is admitted by the manufacturers themselves. I hold in my hand a circular issued under date of May 19, 1886, signed by Armour & Co. and our other large manufacturers, in which I find the following language:

> We are very willing that these products shall stand on their own merits, and we do not oppose measures honestly intended to bring about that result, but we do protest against legislation by Congress prohibitory in its character and intended to crush out one industry in favor of another.

To like effect are all the numerous protests with which our mails have been flooded during the last month. These protests purport to come from different boards of trade, commercial exchanges, and industrial associations throughout the country. The paper upon which they are printed and the identity of language betray their common origin, which is, no doubt, the organized oleomargarine and butterine manufacturers. These protests, while denying the right of prohibitory legislation, expressly admit the right to regulate.

The next question is, how are the States to regulate the matter? They have already tried to do it, but with indifferent success. I can not speak with certainty as to any State except my own. In New York we passed a law at a very early period requiring the manufacturer and the seller to stamp, brand, or mark the tubs, firkins, or packages with the word "oleomargarine."

In 1880 the law was made more stringent, and in 1882 the evil had become so great that in the session of that year the Legislature passed no less than four bills upon the subject. One of them prohibited the coloring of oleomargarine with annotto or any other substance in imitation of butter; while another forbade the keepers of hotels, restaurants, and boarding-houses from serving it as food or using it in cooking. And still in the face of all this legislation the evil grew and became almost unbearable. In the summer of 1884 a legislative committee was appointed which made a thorough and exhaustive examination of the whole subject and reported back that all measures to regulate it were utterly impotent, and thereupon the Legislature passed a bill absolutely forbidding the manufacture or sale of the article. As I have already said, the court of appeals subsequently declared this law to be unconstitutional.

Mr. Chairman, the great difficulty in regulating the sale of "artificial butter" arises from the large area over which it is distributed. We can control it in the hands of the manufacturer and the middleman, but when it gets to the store of the retailer it is impossible by any system of branding or labeling to prevent its fraudulent sale. Such has been the experience in all the States. The gentleman from Georgia [Mr. HAMMOND] stated last evening that a law in his State requiring the article to be branded had put an end to all trade in it. But I fear he is uninformed upon the true condition of matters in his State. Besides, no amount of branding will protect the actual consumer. The keepers of hotels, restaurants, and boarding houses will continue to buy it and serve it up to their guests. If it was not for this demand the trade would diminish very materially.

Another serious drawback to all State legislation is the facility with which oleomargarine can be manufactured in one State and introduced into another. To prevent this requires Federal legislation.

All attempts to regulate the sale of artificial butter by State laws having proved a failure, the people have turned their eyes to Congress.

During the last Congress several bills were introduced upon the subject, but nothing came of them. In this Congress some of the bills introduced went to the Committee on the Judiciary, some to Commerce, and some to Agriculture. On the 8th of March last Mr. SCOTT, of Pennsylvania, introduced a bill (H. R. 6570) entitled "A bill to prevent the illegal sale of all imitations of dairy products, and for other purposes." This bill had received the indorsement of the American Agricultural and Dairy Association. By special order of the House it was sent to the Committee on Agriculture. That committee reported back, through Mr. HATCH, its chairman, a substitute (H. R. 8328), which is the bill now under consideration. Like most of the bills introduced in this House, it is loaded down with unnecessary words. To get a summary of its provisions I propose to strip it of its verbiage.

Section 1 defines what is commonly known as "butter."

Section 2 defines all substances made in imitation of butter as "oleomargarine."

Section 3 imposes a special tax upon all dealers in oleomargarine as follows: Manufacturers, $600; wholesale merchants, $480; retailers, $48. It also subjects oleomargarine to certain sections of the Revised Statutes, the object of which is to bring it under the control of the internal-revenue laws.

Section 4. For non-payment of special tax fines are imposed as follows: Manufacturers, from $1,000 to $5,000; wholesalers, from $500 to $2,000; retailers, from $50 to $500.

Section 5 requires manufacturers to file bonds, keep books, put up signs, and conduct their business under the surveillance of the officers and agents of the Commissioner of Internal Revenue.

Section 6. Manufacturers must pack oleomargarine in new firkins, tubs, or other wooden packages to contain at least 10 pounds, and to be branded as the Commissioner of Internal Revenue shall prescribe. All sales to be made in original stamped packages. Retail dealers must sell from original packages, and must put what they sell in suitable wooden packages, which shall be marked as the Commissioner of Internal Revenue may direct. A violation of these provisions subjects the offender to fine and imprisonment.

Section 7 requires manufacturer to label the packages with a printed notice that he has complied with the law, and cautioning all persons against a reuse of the package or removal of the stamp without canceling it. Neglect to affix the label or its removal without canceling punishable by a fine of $50.

Section 8 taxes all oleomargarine 10 cents a pound, and applies the laws regulating the stamps on tobacco and snuff.

Section 9. Where a manufacturer removes goods without paying the tax the Commissioner of Internal Revenue shall have power to estimate and assess the tax.

Section 10. Imported oleomargarine shall pay an internal-revenue tax of 15 cents per pound; and all persons selling imported oleomargarine not put up in packages or stamped as required, are subject to fine and imprisonment.

Section 11. Every person who purchases or receives for sale any oleomargarine not branded or stamped, shall be liable to a penalty of $50.

Section 12. Every person who purchases of a manufacturer who has not paid the special tax, to be fined $100 and forfeit his purchases.

Section 13 requires stamps on empty packages to be destroyed under penalty of fine and imprisonment.

Section 14 provides for the maintenance of an analytical chemist and a microscopist at a salary of $3,000 each, and empowers the Commissioner of Internal Revenue to employ such other experts as he may deem necessary. The Commissioner may decide as to whether any oleomargarine contains ingredients deleterious to public health; but his decision to be subject to appeal to a board composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture, and their decision to be final.

Section 15. All unstamped packages and all unhealthy oleomargarine shall be forfeited to the United States. Removal or defacement of stamps declared to be a misdemeanor.

Section 16. Oleomargarine may be exported without payment of tax or affixing stamps; but the tubs or firkins must be branded with the word "oleomargarine."

Section 17. Any manufacturer who defrauds or attempts to defraud the Government out of the tax shall forfeit the factory and contents, and in addition shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than three years.

Section 18 punishes every manufacturer or dealer who neglects to do something he ought to do with a fine of $1,000 and forfeits all the oleomargarine he may own to the Government.

Section 19 gives one-half the fine and forfeiture to the informer.

Section 20. Commissioner of Internal Revenue may make all necessary rules and regulations to carry the act into effect.

Section 21 provides that the act shall go into effect on the ninetieth day after its passage.

It will be seen that this bill is not only prolix but complicated. It continues and extends all the odious features of the internal-revenue system at a time when the people are crying for their extinction. It lays a license tax upon manufacturers and dealers, and a specific tax upon their product, ostensibly for revenue, but in reality for purposes other than revenue. It singles out a particular industry, which for all that appears is a legitimate industry, and imposes upon it a burden under the secret plea that such action is necessary in order to protect another industry. It is besides harsh in its exactions and severe in its penalties. It is crude in many of its provisions and calculated to work great injustice in its execution. If the bill should become a law it would necessitate an increase in the number of office-holders and a continuance of the "spy" system, which is so distasteful to the people. Its constitutionality is seriously disputed by some of our best lawyers and judges.

For these reasons, Mr. Chairman, I have been induced to prepare a bill, which at the proper time I shall offer as a substitute for the one reported by the committee. I shall do it with much regret. It is extremely unpleasant for me to put myself in a position of apparent antagonism to any measure which has for its object matters so dear to the people I have the honor to represent. I represent, sir, a county which is known all over the world for the excellence of its butter. I have been told by those who have traveled abroad that they have seen displayed on signs in the streets of London and Paris the words: "Best Orange County butter for sale here!" That is one of the counties I represent.

The farmers of my district are deeply interested in this matter. They demand protection from the unfair competition into which their butter has been brought by the manufacture and sale of the artificial substitute. They claim that the counterfeit article is destroying the genuine, just the same as it was argued in the recent silver debate that bad money would drive out good. The justice of their claim must be admitted. The question which confronts us is, can we do anything by national legislation to help the farmers in their unequal struggle with this stupendous fraud; and, if so, what? We have seen that the States can regulate the matter within their respective domains, but what can Congress do? That is the question. Unless we can frame a law which will stand the test of the courts and accomplish something practical we had better leave the whole matter alone. I do not believe in passing laws out of deference to popular cry, however well-founded it may be, unless practical results can be attained. We had a sample of this kind of legislation the other day in the labor arbitration bill. We passed it in great haste, but what good has come or what good can come from its enactment? The laborer is no better off, and there is nothing in the bill that will help to make him better off. The farmers are before us now just as the Knights of Labor were then. They are asking us for bread; let us see to it that we do not give them a stone.

In looking at the question it must be borne in mind that the powers of Congress are limited by the Constitution. Under Article X the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people. Congress has the power, under section 8 of Article I, to lay and collect taxes, but that power is coupled with the condition that such taxes are necessary "to pay the debts and provide for the common defense and general welfare of the United States." By virtue of this power taxes were levied and collected during the war and for a long time thereafter on matches, patent medicines, perfumery, &c. From this fact the advocates of the pending bill argue that we have now the right to tax oleomargarine. But are the conditions the same? At that time we were in sore distress for means to carry on the war and pay our debts; while now we have a redundant Treasury and bills before us to reduce the surplus revenues. The proposition to tax oleomargarine is not, therefore, intended as a revenue measure. No one, as matter of fact, will claim that it is. It has a latent object, which all of us feel but which none of us care publicly to avow.

Mr. Chairman, I will now send to the desk the bill which I have prepared as a substitute, and which I feel assured is free from all constitutional objection.

The Clerk read as follows:

A bill to regulate the manufacture and sale of artificial butter in the District of Columbia and in the Territories and Government reservations, and to regulate commerce in such butter with foreign nations and among the several States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this act "natural butter" is defined to be the substance produced from the milk of the cow by churning, as commonly made and known by the name of "butter" prior to the year 1870; and all other substances made in imitation of "natural butter," or intended as a substitute therefor, are defined to be "artificial butter."

SEC. 2. That all artificial butter, when manufactured in the District of Columbia, or in any of the Territories, or in any place over which the jurisdiction of the United States is exclusive, shall be colored by the manufacturer with alkanet or other harmless pigment, so as to give it throughout a well-defined pink color.

SEC. 3. That the importation and exportation of artificial butter, unless colored as aforesaid, is prohibited.

SEC. 4. That artificial butter shall not be brought from any of the States into the District of Columbia, nor into any of the Territories, nor into any place over which the jurisdiction of the United States is exclusive, unless it is colored as aforesaid; nor shall artificial butter be carried from one State into another, unless the laws of the State into which it is carried, both as to its manufacture and sale in such State, are strictly complied with.

SEC. 5. That the sale of artificial butter, unless colored as hereinbefore required, is prohibited in the District of Columbia, in the Territories, and in all places over which the jurisdiction of the United States is exclusive.

SEC. 6. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than $100 and not more than $1,000, or imprisoned for a term of not less than one month and not more than one year.

Mr. Chairman, I would now like to review the provisions of the substitute in detail with a few running remarks. The first section divides butter into two kinds—one natural and the other artificial. "Natural butter" is defined to be that which is produced from the milk of the cow by churning, and, for further and fuller identification, a period antedating the invention of oleomargarine is fixed, so as to allow of the salting and coloring practiced by the older butter-makers.

All other is declared to be "artificial butter." It makes no difference how the compound is made, what the process, nor what the ingredients—be they lard, beef-fat, cotton-seed oil, or what not—it is all "artificial butter."

The second section requires that all "artificial butter" manufactured in the District of Columbia, in the Territories, or in the Government reservations must be colored pink.

This section is clearly constitutional, for Congress has power under clause 17 of section 8 of article 1 of the Constitution "to exercise exclusive legislation in all cases whatsoever over" the District of Columbia and "over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and under clause 2 of section 3 of article 4 Congress has also power to make all needful rules and regulations respecting the territory or other property belonging to the United States.

When "artificial butter" is manufactured in any of the places specified, it must be colored, by the manufacturer, pink. We go straight to the fountain-head, to the manufacturer. Before it leaves his establishment, the coloring must be done. Once done, I think it will be pretty difficult for any one, into whose hands the article may subsequently come, to undo it. When the fat is in the fluid state, the pigment can be applied, and a little lump will leaven the whole mass. I have suggested "alkanet," which is the root of a harmless plant and commonly used by druggists to color ointments. Many of you have no doubt seen a lip-salve of a delicate pink. It is colored with alkanet. Alkanet is soluble in fats and volatile oils, and being quite inexpensive, is just what is wanted to color oleomargarine.

Mr. Chairman, I believe there is no way of effectually regulating the sale of artificial butter except by coloring it in the hands of the manufacturer. No system of branding or labeling will amount to anything. The labels in the store of the retailers will be concealed or destroyed. The signs required to be displayed by boarding-house keepers and restaurants will be neglected or placed in obscure corners where they can not be seen. Let the article be colored pink, and all trouble is removed at once. A child two years of age sent to the grocer for a pound of butter would know if offered the pink substitute that it was not getting what was wanted.

This is the only way to get rid of the deception and it is a way which will prove acceptable to the manufacturers themselves, if there is any

sincerity or consistency in their professions. In their circulars they claim that their oleomargarine is a sweet, wholesome article, and that the poorer classes are crying for it. They complain that their sales are interfered with by the inferior grades of dairy butter. They think it unfair for this poor butter, as they call it, to come in competition with their superior oleomargarine.

Then let them color their goods pink and the farmers will not be able to cheat them any longer. Every one will know just what he is buying.

But it has been asked, has Congress the right to compel a manufacturer to color his goods with any particular color? I answer, yes; if the manufacturer is under the jurisdiction of the United States, and Congress thinks that coloring is the best method to regulate the sale so as to guard against deception. The sole object of all legislation is to put an ear-mark on the counterfeit stuff, so that it will be sold for what it actually is. We have just as much right to order it colored as we have to direct that it should be put up in a particular kind of box or branded in a certain way.

Mr. Chairman, there is a sort of retributive justice in the bill I have proposed. We hoist these oleomargarine fellows with their own petard. In order to sell their stuff they have been coloring it yellow in imitation of real butter. All that we propose to do now is to compel them to give up the stolen color and adopt some other. The one I suggest—pink—is a beautiful and attractive one. It is a great favorite with cooks in garnishing their dishes. Just think how our appetites will be whetted when we sit down to the table with a plate of oleomargarine before us delicately tinted like a mound of strawberry ice cream.

It is argued, however, that if my substitute should become a law, and the various States should follow it up with similar legislation, it would put a complete stop to the manufacture of oleomargarine and butterine. It is claimed that if colored pink none could be sold—not because of the color, but because people would know what it is, and knowing what is, they would not buy it. I am inclined to think there is but little in this objection. I am disposed to agree with the oleomargarine manufacturers that the opposition to their goods is owing to prejudice, and I think when they come to color them pink and the people get habituated to their use (if they ever do) the prejudice will wear away.

Mr. Chairman, the third section of my bill prohibits the importation and exportation of "artificial butter" except it is colored pink. Can any one find fault with this section? Congress has the right to regulate commerce between the United States and foreign nations. It will be noticed that I put a ban upon the exportation as well as on the importation. The pending bill does not. It increases the tax to 15 cents a pound on imported oleomargarine, but allows it to be exported free of tax. Why this discrimination? It seems to me that commercial honesty as well as self-interest requires that the tax should be the same for exportation as for importation. The great cry of the dairymen has been that our exports of butter, which amounted in value to $6,690,687 in 1880, had dwindled in 1883 to $2,290,665, and the reason assigned is that oleomargarine and the distrust which its exportation excites have driven our genuine butter out of the foreign market. If this is so, we should not, by remitting the tax, put a premium upon the exportation of oleomargarine.

The first clause of the fourth section forbids the bringing of "artificial butter" into the District of Columbia or the Territories unless it is colored pink. If Congress has the right to regulate the manufacture in the District of Columbia and in the Territories, it also has the right to regulate the sale by prescribing the conditions upon which it shall be brought in.

The second clause of the fourth section forbids the carrying of "artificial butter" from one State into another unless the laws of the State into which it is carried are complied with. Nothing unconstitutional about this! Congress has the power to regulate commerce between the several States. This provision is a far-reaching one. It leaves the subject with the States, where it properly belongs. All that a State has to do is to pass a law requiring oleomargarine to be colored pink. Then the national law steps in and prevents the introduction from another State.

I have now given the features of the bill I shall offer as a substitute.

It has one very material advantage over the bill under discussion, and that is its unquestioned constitutionality. It will control the matter in the District of Columbia, in the Territories, and Government reservations, and between the States and with foreign nations. It points out the way in which the States can also control the matter for themselves if they are disposed to do so.

An objection has been raised to my bill, that it does not provide the machinery for its execution. It does not need any. The police powers of the District are adequate for the purpose. By stopping the fraud at the fountain head, we circumscribe the points to be watched. There are probably about fifty oleomargarine factories in this country, and we have five million farmers to watch them.

Mr. Chairman, I approached the consideration of this subject with the most violent prejudices. I have always looked upon oleomargarine as a villainous compound unfit for human food. So great has been my dread of the stuff that for years I have refrained from eating butter except in places of undisputed honesty. I am not like my friend from Georgia who confessed to indifference on the subject so long as he did not know what he was eating. His philosophy is like that offered to Othello:

> He that is robb'd, not wanting what is stolen,
> Let him not know it, and he's not robb'd at all.

I insist, sir, upon knowing what I am eating, and if I have any suspicions I prefer to go hungry.

Notwithstanding all that I have read about the cleanliness, purity and healthfulness of oleomargarine, I can not divest myself of my prejudices against it. But, sir, I do not propose to let my prejudices sway my judgment when I come to legislate on the subject. I must recognize the fact that the manufacture and sale of oleomargarine is a legitimate industry, and I am forced, upon all the testimony, to believe that its use is not deleterious to public health. Hence, it can not be suppressed, restricted, or discriminated against. I am of opinion, however, that the sale of the stuff as butter and for butter prices is a gross swindle, which should be guarded against by proper laws; and for the same reasons as those which lead us to shut up Peter Funk shops or prevent the sale of pinchbeck jewelry.

Much has been said in this debate about protecting the farmers. I do not believe the farmers are asking for any protection. All that they want is to have "artificial butter" sold for what it actually is. Do this for them and they can take care of themselves. It is the unfair competition of which they complain. They do not want their genuine butter to compete in the market with a counterfeit article. In this respect they are like the honest merchant who fears competition with the smuggler. The smuggler who pays no duty can undersell the merchant who does. Laws are made for the prevention of smuggling. The enforcement of such laws gives incidental protection to the honest merchant. This is the kind of protection the farmer demands, and he is entitled to it.

In proof of this fact, let me read a letter I received a few moments since from one of the most intelligent and successful farmers in my district:

MIDDLE HOPE, *May* 24, 1886.

DEAR SIR: I am much interested in your bill (H. R. 8840) "to regulate the manufacture and sale of artificial butter," &c. Should it become a law, without great inconsistency on their part, manufacturers of the article could not oppose it.

2. There is no question of its constitutionality.

3. Its enforcement would require but little expenditure of time or money.

4. Every State in the Union would undoubtedly adopt its provisions, and the business would then stand on its merits, as every legitimate business should.

I am too busy to write at length on this subject, as I wish, but will heartily thank you for taking hold of the only feasible plan that has been agitated for the relief of the dairy interest, and hope it will be adopted.

Probably some officers should be designated to enforce its provisions.

Yours, truly,

WILLIAM D. BARNS.

Hon. LEWIS BEACH.

And now, Mr. Chairman, in conclusion, let me say one other word in regard to the pending bill. I do not like it for the reasons I have given. Some say it is not constitutional; others claim that it is. I have a doubt upon this point. I do not claim that my opinion is superior to that of all others. I may be mistaken. For that reason I shall give the farmer the benefit of the doubt and vote for the bill. But I hope that the committee will adopt the substitute I shall offer at the proper time.

Mr. DUNHAM. The gentleman from Wisconsin [Mr. VAN SCHAICK] has promised me forty-five minutes of his time.

The CHAIRMAN. The Chair can not recognize the gentleman to yield that time now.

Mr. DUNHAM. I simply stated that that it might be understood.

Now, Mr. Chairman, the object of this bill, no matter what may be said about it or what may be claimed, is nothing more or less than for the purpose of effecting an advance in the price of butter. It may be claimed it is for the purpose of driving out something some persons may think is injurious to health, and, thinking so, may charge so without any particular evidence to substantiate his proposition.

The bill proposes to make the tax upon the manufacturer of oleomargarine higher than upon any other manufactured product in this country. In other words, it proposes to make the tax larger than upon anything within the whole range of the internal-revenue system of taxation. For instance, in the following list, to which I shall call attention, it will be seen that there is no tax placed on a distiller; and I do not believe that any defender of this bill will make the claim here that the product of this manufacture is worse than the product of the distillery.

Mr. WEAVER, of Nebraska. What is the tax on a gallon of whisky?

Mr. DUNHAM. The rectifier of less than 500 barrels pays a tax of $100 per annum; the rectifiers of 500 barrels or over pays $200 per annum. For some unknown reason it is proposed in this bill that the manufacturer of oleomargarine shall pay a tax of $600. In that respect, Mr. Chairman, I consider the bill or proposition as an unfair one, to say the least of it, and at the proper time I shall ask the committee to reduce the tax assessed on the manufacturer of this article to the amount that is now required to be paid by the manufacturer of whisky. I could go through this whole list and show the several taxes upon arti-

cles under the internal-revenue system, and it would be seen that in none of them is there anything that approaches the tax which is proposed to be levied by this bill.

Mr. FREDERICK. Let me ask the gentleman if he can tell the relative cost of oleomargarine and whisky?

Mr. DUNHAM. I do not know what it costs to manufacture oleomargarine.

Mr. FREDERICK. Then I can tell the gentleman; it costs about 9 cents a pound, while whisky costs about 7 cents a gallon. Now, whisky is taxed 90 cents a gallon, and it is proposed to tax oleomargarine 10 cents a pound.

Mr. DUNHAM. I do not think, Mr. Chairman, that the cost of manufacturing an article has anything to do with the subject of taxation as proposed in this part of the bill. The general proposition on which the internal-revenue laws are based, as I understand it, is this: That it would tax the manufacture of the article a certain amount, not particularly for the purpose of deriving revenue, for that was expected to be derived from the tax on the manufactured article, but the assessment was levied upon the manufacturer so as to compel him to take out his license. Why then should the license charged the manufacturer of oleomargarine be more than is required of a manufacturer to take out a license under the internal-revenue laws to make whisky?

Mr. FREDERICK. It is not so much.

Mr. DUNHAM. You take the wholesale dealer in malt liquors. The Government taxes him $50 per annum. The wholesale dealer in leaf-tobacco is taxed $12. You propose to tax the wholesale dealer in oleomargarine under the provisions of this bill $480.

It seems to me to be unreasonable in any light that you look at it. Retail dealers in leaf-tobacco pay a tax of $250, and on monthly sales above the rate of $500 per annum they pay 30 cents for every dollar in excess of such rate. Manufacturers of cigars pay $6. Peddlers of tobacco of the first class (more than two horses or other animals) pay a tax of $30, the peddlers of the second class $15, and of the third class $7.20. Brewers of less than 500 barrels pay $50 per annum; 500 barrels or over, $100 per annum. I cite these instances to show the tax upon other manufactured products, and I can see no reason why the tax upon this product, so far as the manufacturer's tax is concerned, should be anything in excess of the other internal-revenue taxes of the country.

Now, I said in the beginning of my remarks that I believed the object of this bill to be to raise the price of butter. It is not so much that it is injurious to the health of the people (for the bill allows the manufacture and consumption of oleomargarine provided you pay the tax) as it is to enhance the price of butter. It is very bad and very injurious to health we are told, but if it pays the tax upon it the Congress of the United States, notwithstanding the injury it does, proposes to allow the people to eat it and enjoy the consequences. The entire object of the taxation is for the purpose of preventing if possible its manufacture altogether.

Now, gentlemen here think it proper to prevent the manufacture of the article. I do not agree with them in that view, nor do I agree that the measure will result in accomplishing that purpose. We have reached in this stage of the bill what might be called a farmers' panic. A great number of members here apparently have reason to believe that there is danger in this sort of legislation, but they do not see their way clear to vote against the proposition on account of the probability of its affecting votes perhaps in the coming elections. It does seem to me, sir, that gentlemen ought to rise above a consideration of that character, and vote upon any great question coming before Congress in the way they really believe it ought to be carried and not with any view of protecting their interests in coming elections.

Mr. WEAVER, of Nebraska. How many towns do you represent?

Mr. DUNHAM. Thirteen towns, besides part of the city of Chicago.

Mr. WEAVER, of Nebraska. You have many oleomargarine constituents, have you not?

Mr. DUNHAM. I will say to the gentleman that I am part owner of four farms myself, and have some interest in dairy products.

Mr. WEAVER, of Nebraska. I understand that you are a butter-maker then.

Mr. DUNHAM. Now, Mr. Chairman, it is not my intention to take up a great deal of time in this discussion; but I have a few protests against this legislation; and for the benefit of the gentleman from Iowa (who I see is not in his seat), I will say that one thing is overlooked, and that is that in making this attempt to advance the price of butter he overlooks the fact that butter is no lower to-day than anything else in comparison with what the farmer has for sale. My business for the past twenty-five years has given me opportunity to know something of the desire of farmers to receive fair compensation for their labor. No one more than myself regrets the low prices that the cereals, pork product, and cattle are now bringing, and I firmly believe that the permanent prosperity of our country depends very largely on good liberal compensation for farm labor.

It is certainly a very short time since it was considered impossible for wheat to sell below a dollar per bushel; and it was the practice of men who dealt in the article whenever it touched the dollar mark to buy it for all there was in it, and they were usually successful, as my friend from Iowa [Mr. FREDERICK] perhaps can state. But in the natural course of events it seems that wheat has declined to 75 cents.

Mr. FREDERICK. That is because the means of communication by land and water have extended to the ends of the earth, bringing us into contact with cheaper labor and other fields of production.

Mr. DUNHAM. There may be more in it than that. Why should not the price of butter decline at the same time? Butter selling to-day at the price it does brings as much in proportion as anything else the farmer can raise. He does as well on his butter at 20 or 25 cents as on his wheat at 75 cents, and considering what he has to buy perhaps as well as when prices were much higher.

Mr. FREDERICK. But we do not like to take 12 or 15 cents for butter when we have to do so on account of the adulterated article that enters into competition.

Mr. DUNHAM. If you do not like to take 12 or 15 cents, make good butter, and do not buy oleomargarine to mix with it and then ship it to city people for pure butter.

Mr. FREDERICK. Take the statistics of all the expositions——

Mr. DUNHAM. I should be glad to have the gentleman from Iowa make a speech, but not in my time.

Mr. FREDERICK. The gentleman should not have referred to me then.

Mr. DUNHAM. You may take the price of anything that is raised upon the farm, I care not what it is, whether it is wheat or oats or corn or vegetables, and you will find they have declined like everything else.

Mr. WEAVER, of Nebraska. Since the Democratic party came in.

Mr. DUNHAM. Just as the clothing you buy and the hats and caps you purchase, they have gone down in price. Farmers' beef has gone with them, and the butter has gone with the rest. And if we, by legislation or by taxing a product in order to force up the price of butter, can succeed in this case, in the next Congress another large interest or large class in the country will apply to us to tax something else, so that they can keep up the price of their product.

I understand, Mr. Chairman, that the originators of this bill are not particularly anxious as to this 10 cents. I understand that if the principle of the bill can be accepted, they are willing to allow this proposed tax to be reduced. I shall test that proposition at the proper time by offering an amendment to reduce the figure to a nominal sum.

I will now send to the Clerk's desk and ask to have read a dispatch which expresses the opinion of the Board of Trade of Chicago on this matter.

The Clerk read as follows:

CHICAGO, *May* 11, 1886.

Hon. R. W. DUNHAM,
House of Representatives, Washington, D. C.:

The following preamble and the resolution were presented by the provision inspection committee to the directors of the board of trade and adopted by them this p. m. unanimously:

REPORT OF COMMITTEE.

Whereas certain parties have petitioned Congress to place a tax of 10 cents per pound on oleomargarine or butterine; and

Whereas such a tax is as unreasonable and unjust as it would be to tax butter or any article of home food; and

Whereas the adoption of such a measure would completely destroy a large and growing industry, and furthermore deprive the public of an article of food wholsome and economical, and furthermore cause a loss of millions of dollars to the stock-raising interests of this country:

Be it resolved, That the Chicago Board of Trade enters its protest against the adoption of such a bill, and prays Congress to defeat it, recognizing, as it does, that this proposed tax is asked simply to further the dairy interests, to the injury and complete destruction of the manufacture of oleomargarine or butterine, an industry which has produced an article of food at once pure, wholesome, and economical and acceptable, and, by reason of the growing demand for oleomargarine, has added to the value of every bullock at least $4 per head, thereby enhancing and promoting the farm and stock-raising interests, and placing within the reach of all an acceptable, economical, and wholesome article of food.

And be it further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress.

N. M. NEELD, *Chairman.*
S. A. KENT.
HENRY BOTSFORD.
C. J. SINGER.
JOHN BEASLEY.

Mr. DUNHAM. Now, Mr. Chairman, I desire to call the attention of the House to the statement made by the gentleman from Illinois [Mr. HOPKINS] yesterday that 200,000 pounds of this product are made per day in the city of Chicago. I hold in my hand a dispatch signed by the parties that probably make more of it than anybody else and perhaps as much as is made in the country outside of Chicago.

And I wish to say that any statement that has been made that 200,000,000 pounds per annum are made of this product I have every reason in the world to believe to be untrue. There is probably no place in the United States where more of this article is made than in the city of Chicago; and this dispatch tells me that the total manufacture in Chicago and vicinity during the past year is about 20,000,000 pounds. The proposition of the gentleman from Illinois would carry 60,000,000 pounds per annum, whereas the total product in Chicago and vicinity is about twenty millions.

As I have intimated, one of the largest manufacturers of this product is in Chicago. The firm is a very large packing company, probably

known all over the world. I doubt if there is a place of any prominence whatever in the United States or in Europe but where they have their correspondents, and they ship their products from the hog and cattle to all parts of the world. This firm employ in the city of Chicago about one hundred and fifty men in their office attending to their correspondence and their orders in the enormous business which they do.

In the city of Chicago in the year 1885 there were packed 4,928,730 hogs, of which the firm of Armour & Co. killed and packed 1,126,157. There were slaughtered of cattle in Chicago in 1885 1,334,775, of which Armour & Co. slaughtered 325,151, Fairbank & Co. 217,419, and Swift & Co. 429,483.

I have given these figures because one or two gentlemen have referred to this firm of Armour & Co., and I happen to know them and know them well, and I know them to be as high-toned and honorable merchants as these gentlemen or any others ever knew. In connection with this matter I may state that I have a circular upon the subject which I will publish in connection with a sworn statement I will soon present.

This affidavit bears upon the product itself and states distinctly and under oath how and from what the product is made. No matter how much gentlemen may stand up here and assert and no matter how many men may go before the Committee on Agriculture and talk about putting dead dogs and dead cats into this product, I say to you, gentlemen, this is false. In the very nature of things, if they put such articles into the product it would be spoiled and would never bring anything. You may frighten people into such a belief, but do not take good business men for fools. Men who have the brains to build up great industries, the ability to carry on enterprises that help and encourage the life of the nation, give employment to hundreds of men, are not going to injure or ruin their own interests. It is not within the bounds of reason to suppose that such a thing is done. I send to the Clerk's desk the affidavit I have referred to, which speaks for itself, and in connection with the affidavit I will print the circular to which I have referred.

The Clerk read as follows:

STATE OF ILLINOIS, *Cook County, ss:*

Philip D. Armour, being first duly sworn, deposes and says that he is a resident of the city of Chicago, in the State of Illinois, and that he is a member of the firm of Armour & Co.

Deponent further says that said firm of Armour & Co., in the course of their business, makes and sells oleomargarine and butterine, and that this deponent knows of his own knowledge the materials and the methods used by said firm in the making of said products. They are as follows:

METHODS OF MANUFACTURE.

The fat is taken from the cattle in the process of slaughtering, and after thorough washing is placed in a bath of clean, cold water and surrounded with ice, where it is allowed to remain until all animal heat has been removed. It is then cut into small pieces by machinery and cooked at a temperature of about 150 degrees until the fat in liquid form has separated from the fibrine or tissue; then settled until it is perfectly clear. Then it is drawn into graining vats and allowed to stand a day, when it is ready for the presses. The pressing extracts the stearine, leaving the remaining product, which is commercially known as oleo oil, which, when churned with cream or milk, or both, and with usually a proportion of creamery butter, the whole being properly salted, gives the new food product, oleomargarine.

In making butterine we use neutral lard, which is made from selected leaf lard in a very similar manner to oleo oil, excepting that no stearine is extracted. This neutral lard is cured in salt brine for forty-eight to seventy hours at an ice-water temperature. It is then taken and, with the desired proportion of oleo oil and fine butter, is churned with cream and milk, producing an article which, when properly salted and packed, is ready for market.

In both cases coloring matter is used, which is the same as that used by dairymen to color their butter. At certain seasons of the year, namely, in cold weather, a small quantity of salad oil made from cotton seed is used to soften the texture of the product, but this is not generally used by us.

Deponent further says that no other material or substance except as above stated is used by Armour & Co. in making oleomargarine or butterine.

Deponent further says that he has read the statement made in a report of the Committee on Agriculture to the House of Representatives purporting to give the materials used in making oleomargarine and butterine, and he says that none of the materials or substances therein enumerated are used by Armour & Co. in making said products, or either of them, except as herein stated.

Deponent further says that he has read a letter dated May 19, 1886, signed Armour & Co., Swift & Co., George H. Hammond & Co., N. K. Fairbank & Co., and Samuel W. Allerton, a copy of which is hereto attached, and he says that the same is the letter of the parties whose names are attached thereto, and that the statements therein made so far as the same relate to Armour & Co. are true, and so far as they relate to the other parties signing said letters, he upon information believes them to be true.

And this deponent further deposes and says that no ingredient is or ever has been used by said firm of Armour & Co. in the manufacture of said oleomargarine and butterine which is in any way injurious to health.

PHILIP D. ARMOUR.

Subscribed and sworn to before me this 22d day of May, 1886.
[SEAL.] EVERETT WILSON, *Notary Public.*

CHICAGO, *May* 19, 1886.

DEAR SIR: So much misapprehension seems to exist in the public mind regarding the component parts and process of manufacture of oleomargarine and butterine that, in view of the false and exaggerated statements and "reports" engendered and promulgated by the so-called "dairy interest," the undersigned, being among the largest manufacturers in the country of these new "food products," consider the present an opportune time for laying the matter frankly before the people and before Congress—where prohibitory legislation is now being sought—in the hope that a full statement of the actual facts concerning these much-abused articles may insure a fair hearing and tend to remove the false impressions which may have been created by the misstatements of interested persons.

Physicians, chemists, and health officers in various parts of the country have pronounced them wholesome articles of food, in no way deleterious to health; and the daily increasing demand for them shows their hold upon popular favor—not as imitations of butter, but as new food products and most desirable substitutes for the medium grades of butter.

The report of the Committee on Agriculture to the House of Representatives accompanying the bill reported by it, is so manifestly unfair that we are sure that its effect will be destroyed by its own absurdity. Of the fifty alleged ingredients mentioned in the report only three are ever used, and those so changed and improved in character from what the report would lead the public to believe that they practically make the whole list a falsehood. The component parts of oleomargarine and butterine are oleo oil, neutral lard, fresh cream and milk—some makers use buttermilk—choice creamery butter, fine dairy salt, and clear cold water. The coloring matter used is precisely the same as that universally used by all dairymen and butter-makers. At certain seasons of the year a very small quantity of fine salad oil, which is produced from selected cotton-seed oil, is occasionally, but not generally, used to soften the texture of the product. The oleo oil above mentioned is made from the choicest fats of beef cattle, rendered at an approximate temperature of 150°. The neutral is made from selected leaf-lard only and rendered in a similar way and at about the same temperature, producing a clear and odorless product, which is put into a bath of clean, cold brine, containing nothing but salt and water, for forty-eight hours; after which, with the proper proportions of oleo oil and the finest creamery butter, the product is churned with cream and milk, salted and colored, and packed for market. We use nothing else.

This is all there is concerning the manufacture of these products, and about which political dairymen have published so many falsehoods. We unhesitatingly affirm that these products are not made by any secret process, nor under any "patent" whatever. While it is true that several patents for making butterine were obtained a few years ago, in order to secure government protection against the French Mége patent prior to its expiration, we do not, nor do we know of any manufacturer who does, make make use of any of the processes covered by those patents. Our factories are always open for public inspection, as hundreds of people can testify, and we consider such visitations as marks of special favor. We are ready and willing to furnish to members of Congress, or to any committee they may appoint, all detailed information which they may desire, both as to the materials used and the whole process of making these products. The manufacture of these articles is practically an open industry in Europe, and it is a positive fact that in this country it increases the value of beef-cattle nearly $3 per head by the utilization of the oleo oil above described; and in addition to all these points in favor of the articles themselves, their manufacture is a legitimate industry, which benefits both the consumer and the farmer, and deserving of positive protection rather than attempted destruction. We are very willing that these products shall stand on their own merits, and we do not oppose measures honestly intended to bring about that result, but we do protest against legislation by Congress prohibitory in its character and intended to crush out one industry in favor of another.

In corroboration of our statements we append copies of letters written by competent authorities who have recently examined these products and the method of working them, and hope that they may assist in carrying conviction to all minds, aside from the assurances that we have herewith respectfully submitted.

ARMOUR & Co.
SWIFT & Co.
GEO. H. HAMMOND & Co.
N. K. FAIRBANK & Co.
SAM'L W. ALLERTON.

CHICAGO, *May* 15, 1886.

GENTLEMEN: It gives us pleasure to say to you that we have recently visited your factory at the Union Stock-Yards in this city, and thoroughly examined the whole process of the manipulation and manufacture of butterine and oleomargarine. We cheerfully testify that we consider the products cleanly, palatable, and wholesome food products, containing nothing injurious or detrimental to health, but on the contrary, cheap and desirable substitutes for the medium grades of dairy butter.

Yours, respectfully,

CYRUS EDSON, M. D.
OSCAR C. DE WOLF, M. D.

Messrs. ARMOUR & Co., *Chicago.*

ILLINOIS STATE BOARD OF HEALTH, OFFICE OF THE SECRETARY,
Springfield, Ill., May 17, 1886.

GENTLEMEN: While engaged in an official investigation with regard to the slaughtering of beef at the Union Stock-Yards, accompanied by Dr. Cyrus Edson, food inspector of the New York board of health, and Dr. O. C. De Wolf, health commissioner of Chicago, recently, I witnessed your process for the manufacture of oleomargarine and butterine. By what I saw I am convinced that it is conducted with the most scrupulous cleanliness; that nothing in the manufacture or the material used is detrimental to health, and that the products are wholesome.

Very respectfully,

JOHN H. RAUCH, M. D.

To ARMOUR & Co.

Mr. DUNHAM. Mr. Chairman, I have also two other affidavits of manufacturers of this product in Chicago, which I will not take time to read, as they are of precisely similar import. One of them is made by Mr. Gustavus F. Swift, of the firm of Swift & Co., and the other by Mr. Guy F. Gosman, of the firm of N. K. Fairbank & Co.

I have also a certificate of Dr. De Wolf, the health officer of the city of Chicago, and as it is quite short, I will read it. Dr. De Wolf says:

I am personally familiar with the manufacture and use of oleomargarine. It is absolutely a clean and wholesome food product, and I consider any legislation against it unjust and unnecessary.

OSCAR C. DE WOLF,
Commissioner of Health, City of Chicago.

I have also the following dispatch from Mr. A. M. Wright, president of the Chicago Board of Trade:

UNION STOCK-YARDS, ILLINOIS, *May* 25, 1886.

Hon. R. W. DUNHAM:

I witnessed, with some forty others, member of board trade, on Friday last, at Armour factory, the whole process of manufacture oleomargarine and butterine. All were united in expressing their gratification, and thoroughly convinced that the products are clean, wholesome, and desirable.

A. M. WRIGHT, *President.*

Now, Mr. Chairman, I do not know that these statements will make any difference in the vote of this House; but when it is charged that these products are made of such vile stuff as the gentleman from New York [Mr. HISCOCK] and the gentleman from Iowa [Mr. HEPBURN]

have charged, it seems to me proper that the real facts should be made known.

I am authorized to say that the manufacturers of this product invite the closest scrutiny possible; that any Congressional or legislative committee, or any private individuals, are at any and all times at liberty to go to the city of Chicago and visit these manufacturing establishments and see how these products are made.

Mr. PETTIBONE. Are the manufacturers willing and desirous to have it known to all the people of America that their product is oleomargarine and not butter?

Mr. DUNHAM. They are perfectly willing. The manufacturers in Chicago make this oleomargarine as such; they brand it exactly what it is; they sell it for exactly what it is; its name is marked on the packages and boxes; their bills are made out for what it is. They have always done that, and they propose to continue to do it.

Mr. PETTIBONE. Do the people of the United States who consume this product, one in a hundred of them, know that it is oleomargarine and not butter?

Mr. DUNHAM. I can not answer that question. They can know it. You can go down to the market on Seventh street in this city, and you will find a sign inscribed in large, flaming red letters: "National Butterine Association." I was there myself this morning. I stood from fifteen to twenty minutes. I saw people come up and sample the article, and I did not see a single person go away without making a purchase. They were told distinctly what it was. They knew what it was. It has been sold there for several months, and the sales of it have averaged $300 per week.

Mr. BUCHANAN. The gentleman says the people who purchased this article knew what it was; but did they take the information home to their boarders? [Laughter.]

Mr. DUNHAM. I do not know anything about that. You can go there, though, and the dealers will sell it to you for just what it is and not for anything else. I can say further to this House that the manufacturers of this product do not ask that it shall be sold for anything different from what it is.

Mr. PETTIBONE. You speak of the manufacturers, but I have asked you about the retail sellers who sell it to the people.

Mr. DUNHAM. If the retail dealer takes it out of the package, puts it into his ice-box, and sells it to you for butter, he, and not the manufacturer, is the man that deceives you.

Mr. PETTIBONE. I was not talking about the manufacturer particularly. I was asking about those who sell it to the people.

[Here the hammer fell.]

Mr. DUNHAM. Mr. Chairman, as I have so much extra time I presume the House will have no objection to my taking five minutes to answer all these questions. [Laughter.]

Mr. PETTIBONE. Now, if it be true that "the children cry" for this product, if it be true that the manufacturers do not desire to sell this article for anything else than what it really is, has the gentleman from Illinois any objection to a bill requiring the manufacturers to stamp or mark the article, so that every customer may know what it is?

Mr. DUNHAM. I have no objection to stamping it. I have said that the manufacturers do stamp it. They are willing to be required by law to stamp it. But in the name of the poor people who want to buy this article at a reasonable price we do object to a tax of 10 cents a pound.

[Here the hammer fell.]

Mr. GLASS obtained the floor.

Mr. WARNER, of Missouri. If I can be recognized, I will yield to the gentleman from Illinois [Mr. DUNHAM].

The CHAIRMAN. Will the gentleman from Tennessee [Mr. GLASS] give way for five minutes?

Mr. GLASS. I will do so, if it does not come out of my time.

The CHAIRMAN. It will come out of the time of the gentleman from Missouri [Mr. WARNER]. The gentleman from Illinois will proceed.

Mr. DUNHAM. I now yield to the gentleman from New York [Mr. BEACH], who desires to ask me a question.

Mr. BEACH. If it should be found that the deception practiced in the sale of this article can not be controlled by a system of branding or labeling, would the manufacturers consent to color the article—pink, for instance? [Laughter.]

Mr. DUNHAM. I will say that the manufacturers in Chicago now use in coloring this product precisely the same article——

Mr. BEACH. As the butter-makers do. But there is the difficulty. Would these manufacturers consent that their product be colored pink so as to distinguish it from butter?

Mr. DUNHAM. Allow me to finish my answer. I say that the manufacturers of oleomargarine in Chicago use to-day precisely the same coloring that is used by the creameries in the district of my colleague [Mr. HOPKINS], and I do not believe they would have the slightest objection to adopting any color that you might designate.

Mr. BEACH. What we complain of is that they color this article the same as butter.

Mr. DUNHAM. We have no objection to any kind of coloring that may be required. You may adopt a law requiring the color to be pink or sky-blue or red or whatever you please.

Mr. BEACH. I would like to have a bill of that kind passed.

Mr. PETTIBONE. Make it sky-blue. [Laughter.]

Mr. DUNHAM. Now, Mr. Chairman, if any other gentleman desires to ask me a question in reference to this matter I am willing to answer it. I only say that the manufacturers are willing to do what I know they now do——

Mr. ROWELL. I wish to ask my colleague whether the "poor people" he spoke of a while ago are Armour & Co. and Swift & Co. and N. K. Fairbank & Co.

Mr. DUNHAM. About twelve thousand of the poor people of whom I speak are employed by Armour & Co.; and if there is any other private establishment in the United States that employs twelve thousand men I would like some gentleman to name it.

Mr. SCOTT. I desire to ask the gentleman a question. Has there been presented here in the way of petition a single protest from the people of the United States against the passage of this bill? And is it not a fact that there are now on file in this Capitol petitions signed by over seventy thousand farmers asking that the bill be passed?

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman from Pennsylvania whether there are petitions from consumers——

Mr. SCOTT. Allow me to say further that all the protests which have come to this House——

Mr. DUNHAM. Wait a moment. Let me ask the gentleman whether he signed any of the petitions of which he speaks?

Mr. SCOTT. No, sir.

Mr. DUNHAM. All right. Now, Mr. Chairman, I admit that there are in the room of the Committee on Agriculture petitions in favor of this bill; but, so far as I know, there is no petition here from any consumer in favor of this kind of legislation.

Mr. PETTIBONE. Have there been petitions from any consumer who wanted the spurious article?

Mr. DUNHAM. I have placed petitions in the box—and a large number of them—against this bill.

Mr. PETTIBONE. But they were from the manufacturers.

Mr. DUNHAM. No, sir, they were not. They were from Knights of Labor who buy this article and object to any attempt to force an advance of food products on them by legislation.

Mr. GREEN, of North Carolina. Did they buy it knowingly?

Mr. PETTIBONE. Yes, that is the question.

Mr. DUNHAM. I do not dispute that the farmers ask for this bill. I stated that fact in advance, but I insist they come here and ask the passage of the bill for no other reason under heaven than that it tends to advance the price of butter. I do not blame them for wanting better prices. My sympathies are with them, but at the same time I claim the principle upon which we are proceeding is wrong. Honest farmers when they carefully consider this matter will in my judgment concede the correctness of this.

The CHAIRMAN. The time yielded to the gentleman from Illinois [Mr. DUNHAM] by the gentleman from Missouri [Mr. WARNER] has expired.

Mr. WARNER, of Missouri. In order to accommodate the friends of the farmers I will yield five minutes more to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Tennessee [Mr. GLASS] is entitled to the floor.

Mr. PETTIBONE. I hope my colleague [Mr. GLASS] will give me five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. GLASS] is entitled to the floor.

Mr. PETTIBONE. I believe he yields to me.

Mr. GLASS dissented.

The CHAIRMAN. The committee will be in order. The Chair requests gentlemen to resume their seats.

Mr. DUNHAM. I ask the gentleman from Tennessee [Mr. GLASS], who is entitled to the floor, to yield for five minutes.

Mr. GLASS. I can not; my time has all been promised.

Mr. DUNHAM. It will not come out of your time, but out of the time of the gentleman from Missouri [Mr. WARNER].

Mr. GLASS. My time has all been promised, and I can not yield.

The CHAIRMAN. The gentleman from Tennessee [Mr. GLASS] will proceed.

Mr. GLASS. Mr. Chairman, at the proper time, when we shall have reached the appropriate section of this bill, it is my purpose to offer an amendment fixing the tax at 1 cent per pound instead of 10. I have not deemed it my duty to present a minority report, although I have found it impossible to concur with the views of the majority of the committee. I agree with the majority fully as to the necessity of some legislation, either State or national, that will compel the manufacturers of all butter imitations to stamp and identify their products, so that every purchaser and consumer may know precisely what he is buying. It is alleged that some of the States have tried and have failed to accomplish this.

I consider the powers and jurisdiction of the States ample to provide for every condition and emergency where the imitation butter is produced, sold, and consumed in the same State and where it is confined to the limits of the State within which it is manufactured. Congress

has only the power over it of taxing it for revenue by subjecting it to the internal-revenue laws, and may have jurisdiction over it in two other contingencies, that is, as an article of interstate commerce and as an article of export. Save in these three instances Congress has no power to legislate in regard to it, the States not having conferred any such power on the United States. Now is it good policy to extend the internal-revenue laws so as to include additional articles not already subject to its provisions?

I doubt such a policy, and have hesitated to commit myself to it. Such a system of taxation is not in strict accord with our republican institutions, and has only been resorted to three times in the history of our Government, and each time to provide revenues to carry on war, and continued to pay war debts. It is hardly proper in a time of profound peace to extend the system seemingly with a view of perpetuating it. It is an unpopular system for raising revenue, and the execution of it is attended with difficulty, not infrequently provoking resistance and bloodshed; and I look to the time, not in the distant future, when we will have approached so near the extinguishment of our war debt that the entire system will be abandoned and no revenues collected in this way.

But with the view of compelling the manufacturers to more fully identify their products, I have consented to a tax of 1 cent on the pound. There is now turned out by the forty or fifty establishments manufacturing it about 200,000,000 pounds annually. A tax of 10 cents on the pound would bring in $20,000,000. This amount of revenue is not needed for any proper purposes of the Government, and, moreover, the tax would be excessive and unjust. One cent a pound would bring in $2,000,000, which would be ample to pay all the expenses of executing the law, and leave a handsome balance in the Treasury. I have no doubt but that much of this butter imitation is uncleanly, and not only unwholesome, but really deleterious to health, and some of it absolutely poisonous because of the acids used in its manufacture. I have been informed that more than one hundred patents have been taken out to be used in the manufacture of these compounds, some of which compounds are but little better than infamous; and while so much of it may be, and doubtless is, uncleanly and unfit for human food, I do not doubt that the industry may be made a legitimate one, and the products wholesome and nutritious food for man.

I admit that the power to tax it exists under the Constitution, and that the power is only limited by the necessities of the Government, but that the needs of the Government do not justify such excessive taxation as the bill proposes. The Government of the United States has no right to tax an industry out of existence, or to tax one industry oppressively for the benefit of another. While I sympathize with the dairymen and would gladly do them full justice, I can not go with them in their efforts to inflict great wrong and injustice upon a competing industry. I do them no injustice, for I know that they are a high-toned, honorable class, but I must say that the purpose of many of them is to destroy the oleomargarine industry, and for that purpose they have appealed to Congress.

This Government has once exercised its taxing power to the destruction of all the State and stock banks of issue, to the great injury of the people of nearly half the States, but there exists no such necessity for such legislation at this time. Invention, enterprise, and discovery must not be legislated against, but rather encouraged and rewarded. It is not the province of government to legislate an industry out of existence that promises good to mankind. And the authorities in support of the oleomargarine products being capable of becoming wholesome and nutritious articles of diet are too numerous and too high to be gainsaid. S. W. Johnson, Sheffield Scientific School of Yale College, said it, "A product that is entirely attractive and wholesome as food, and one that is for all ordinary culinary and nutritive purposes the full equivalent of good butter made from cream." S. W. Caldwell, of Cornell University, says, "Possessing no qualities whatever that can make it in the least degree unwholesome." And I could cite many other authorities of equally as high character for scientific attainments.

You can not stay the march of progress and invention; they have revolutionized industries and systems, and will do so again. When Galileo accepted the Copernican system and gave it to the world he was subjected to the tortures of the inquisition, yet it was established nevertheless as the true planetary system; and when Arkwright invented the spinning-jenny and the power-loom they caused riots and mobs, and so will other inventions. Thousands of good women all over the country once found what was then profitable employment at the old-time spinning-wheel and hand-loom. These have been entirely dispensed with in consequence of the improvement in machinery. And those who followed the old-time wheel and loom for a livelihood were driven to abandon them without any fault of theirs; and yet they did not appeal to government to put a tax on the improved appliances to protect them against the competition that was ruining them.

I remember that the census returns of 1860 showed that Tennessee was the largest producer of home-made manufactures of cotton and woolen fabrics in the Union. Her cotton and woolen fabrics were of the most superior character and finish, but cheaper products drove them out of existence. How is it now? Improved machinery and labor-saving inventions have literally annihilated this once prosperous industry. Notwithstanding this caused much distress and partial ruin of many, there was no remedy for it. And so it may be with the industry of the dairymen, but I scarcely think it will be so.

The live-stock exchanges of Chicago, Milwaukee, Kansas City, and other cities protest against the proposed legislation, and declare that the proposed tax, if carried into effect, will reduce the price of beef-cattle from one to two dollars per head, because the demand for the beef-tallow used in the manufacture is worth that much more than if sold to the soap-makers.

Whatever tends to diminish the cost of living or lessens the burden of the toiler should be favored and encouraged by government. This will sometimes work injury to individuals and classes, but the good of the individual must not stand in the way of the good of the many. But I apprehend no such dire calamities as have been pictured to us on this floor will befall the dairymen. Whether we tax these products or not, the dairy business will go on, and every family may have their pure dairy butter if they choose, and the dairymen will not be ruined and the comforts of mankind will be increased.

The States may and should pass stringent laws on the subject and punish severely all who shall sell these imitations as genuine butter; but we have no power here to enact such laws, except as a penalty of the violation of our revenue laws.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FREDERICK having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the conference committee on the disagreeing votes of the two Houses on the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886.

IMITATION OF BUTTER.

The committee resumed its session, Mr. SPRINGER in the chair.

Mr. GLASS. I yield fifteen minutes to the gentleman from Illinois [Mr. TOWNSHEND], twenty minutes to the gentleman from Arkansas [Mr. DUNN], and the remainder of my time to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. TOWNSHEND. I reserve my time.

Mr. HATCH. You had better take your time now, or you may not get it.

Mr. MORGAN. I ask the gentleman from Illinois to yield me his time now and I will return it to him after a while.

Mr. TOWNSHEND. I will see you presently about it.

Mr. DUNN. Mr. Chairman, I am unwilling to vote upon a measure of the importance and character of the one before the House without placing upon record some of the reasons which influence my vote and my action as a Representative.

In the course of my public services, which has extended over a period of seven or eight years as a member of Congress, I have of course seen many strange and remarkable things occur when measured and considered by the rules and principles which are supposed to govern parties and the principles of parties.

In fact I have come to doubt, Mr. Chairman, very seriously whether there is any party in the United States or not—any political party with fixed, definite, and well-ascertained principles—whose members adhere to those principles.

I have seen many strange bed-fellows in politics in the various changes and shiftings of parties and the pressure of measures and changing conditions, but I confess that I have never seen any measure brought before Congress which has brought together so many heretofore supposed inconsistent, antagonistic, and hostile elements.

When the debate on this bill shall have been finished we will find the free-trader standing side by side with the pig-iron protectionist, the advocate of the greatest amount of liberty, of the greatest measure of personal freedom to the individual, heretofore supposed the irreconcilable enemy of sumptuary legislation, standing side by side, hugged breast to breast, lying cheek by jowl, with the advocates of the blue laws and sumptuary legislation.

I have received during the pendency of this measure some of the most remarkable dispatches and messages and advices and petitions. They have come from the most unexpected quarters of the country and the most unexpected sources. The overtaxed and heavily-burdened cotton-planter, who has pleaded for free trade during all the days of his life and fought for it part of the time——

Mr. MILLIKEN. Will the gentleman let me ask him a question?

Mr. DUNN. No, I will not be interrupted at all.

I have seen the stalwart advocate of free trade petitioning here for the passage of the most outrageous measure of protection, the most unjustifiable measure of protection I have ever seen brought into Congress. And, on the other hand, I have heard and read and received petitions from that same class of confederate cotton-planters, Western greenback free-traders, and all that element, asking me to vote against the measure for the protection of the cotton-planting interest of the South and some of the interests of the West. Those who are for it are for it for protection, and those who are against it are against it for protection. If a bomb of dynamite had been placed underneath the old citadels and

council chambers of parties, and they had all been blown up and scattered to the uttermost ends of the earth, and had fallen intermingled, and each one had been raised up from the place where he fell, speaking the new tongue and new language and new doctrine given by this measure, confusion could not have been more completely confounded. [Laughter.]

I am curious to know when my friend here, this stalwart free-trader [Mr. HATCH], the enemy of sumptuary laws, who has been the most unyielding champion of the rights of man, of freedom of action, of the privilege of individuals to eat, drink, and wear what they wish without legal hinderance—I am curious to know how and when he became converted to the doctrine of sumptuary legislation and protection. It will be something the whole country will be curious to find out, and will wonder over it when they do find it out. My friend from South Carolina says here is another, pointing to the gentleman from Mississippi. [Laughter.] Certainly. They are all around here. I begin to feel lonesome—like one who is in a strange land and among strangers. [Laughter.]

A MEMBER. Here is another.

Mr. DUNN. I know there is. The woods are full of them. Congress is full of them. The country is full of them. [Laughter.] I am only trying to express my amazement and astonishment it should be so.

Mr. MORGAN. Will the gentleman yield to me a moment?

Mr. DUNN. The gentleman will pardon me; I can not.

Mr. MORGAN. I will give you five minutes of my own time if you will.

Mr. DUNN. Well, I have got this time; it is mine; but I do not know whether I will ever get that or not. [Laughter.] There is an old adage which says, "A bird in the hand is worth two in the bush." The present is mine; the future I can not control.

Mr. MORGAN. You can not answer the question, maybe.

Mr. DUNN. Why, Mr. Chairman, it is an amusing thing, one of the most remarkable things I have ever known or seen. Why, before it came up here for consideration, I did not suppose that the committee that brought it into the House were really in earnest about it. I had no idea that it would receive any serious or strong support in the House. But when it came steaming in with its head-light burning pure butter [laughter] and the track fairly greased with oleomargarine, with a full train crew from the Committee on Agriculture, the gentleman from Missouri [Mr. HATCH] as conductor, I was astounded. It came as a revenue train on the revenue track, but going a contrary direction. There were two other heavily loaded trains standing on that track—the tariff bill and the bill to reform the internal-revenue service. These were headed the other way, slowly getting up steam and in search of a crew to run them. They had not enough help to move them, but they were headed in the right direction. This train was going the wrong way. It seemed to be a stray or runaway concern, a sort of wild-flyer.

We went into Committee of the Whole and we came to all sorts of measures for the reduction of taxation. My distinguished friend from Illinois [Mr. MORRISON] asked the House the other day, turning to the Democratic side, "How came you here; what brought you here; who sent you here, and what did you come for? Was it to increase or to reduce the burdens of taxation? To reform the maladministration of public affairs, to reduce the number and the wages of public office, to reduce and lighten the burdens of taxation, to roll that log off the people; that is what you came for." But he obeyed his commission. We were all of us, as I thought, ready to support him. I was ready to support him. I was and am yet ready to support him in redeeming our oft-repeated promises to the people to reduce taxation. He brought in a measure here to reduce taxation. His colleague on the committee, the distinguished gentleman from Kentucky [Mr. BRECKINRIDGE], brought in another to reform and modify and in great measure remove the bad features of that most odious of our methods of taxation—the internal-revenue system.

The whole country has demanded both of these measures, to reduce tariff taxation and internal revenue. We promised it; our party promised it. The people commissioned us to do it; and yet when this butter-train was run up against those two measures which stood on the track, although they had posted up their Josh Billings regulations for running a railroad, "two trains are forbidden to pass each other on this track going in contrary directions," yet the conductor of that butter-train never put on a break, never even blew his whistle or reversed his engine, but steamed squarely up and telescoped, literally telescoped the other two, knocked them off the track, and went on without a jostle, and the track seemed to be greased for the occasion—fairly greased for him. [Laughter.]

Then I found that a good many other things could be killed by being choked to death with butter except the old fabled dog that was said to have been once choked in that manner. Beware that you do not choke the Democratic party to death with butter [laughter], I say to my friend from Missouri.

Why, Mr. Chairman, I am amazed, I lack words to express my astonishment, that the American Congress could be absolutely converted, deliberately converted, into a great wrestling-ground, a gymnasium where all the business athletes of the country come to wrestle for supremacy, a prize-ring where jobbers come to blows and where the big jobs knock the little jobs out. I thought the policy that ought to guide parties and men commissioned to administer the affairs of this Government was the policy that would adhere to the public interests, pushing aside the private interests, private jobbery, and private enterprises, although they are alleged to be for the public good. The Committee on Agriculture seems to have resolved itself into a sort of deputy Ways and Means Committee, and have brought in to us here this nondescript revenue bill headed the wrong way.

This bill in the first place proposes to reverse the engine and turn back up the hill, steam away back up the old road of internal-revenue taxation and rehabilitate in all its odiousness that old offensive system as it was in the era of espoinage, inquisition, search, and seizure, from which no private interest, no private citizen was exempt, his household was not exempt, his private accounts and affairs were not exempt, nothing was exempt. We have turned square back, going up that old track again. If there is any system of taxation, if there has ever been any one system more odious than another in this country it has been that internal-revenue system. It has brought from the groaning hearts of the people the bitterest and deepest imprecations and curses upon this Government that ever were uttered against any other policy or any other measure of taxation.

The people have been almost imbittered to the point of disloyalty. If anything can make men disloyal to their government it is a system of taxation that invades them in that odious, outrageous, and offensive manner. It tempts and strains the loyalty of the people. A government can never have in power that security which it has in the affections of its own people, in a willing, cheerful, free acceptance of its laws, its policy, its administration. That is the best sheet-anchor of a government. No measure of power, however strong it may be, can give that security to a government which the free and generous consent of the people to its laws can give. We turn back at a time too when we had reached the very confines of that blessed day of emancipation, when the flickering star of hope was beginning to give its gleams of promise to us, and the whole country was ready to exclaim, "Hail, holy light!"

Suddenly we are turned back to that dark era of odious, offensive legislation. For what? Not for revenue. The Government does not need that. The whole country demands emancipation from taxation. Every consideration of public duty compels us to give the people that relief.

Gentlemen say this is not a revenue bill. Then it comes here under false pretenses, and unjustly, and under false pretense avails itself of the privileges of a revenue bill upon this floor. If it is not a revenue bill it is worse—it is a job—one industry against another. And along in the line of protection the richest and the strongest industry wins the battle in the scramble in this arena where they all come to wrestle for a blessing with more resolution and persistence than that with which Jacob wrestled with the angel of the Lord. He was wrestling for a genuine blessing; this is for a curse.

A MEMBER. That was Jacob.

Mr. DUNN. Yes; Jacob was the fellow who did that wrestling. But here they wrestle for a curse. They come for gain. It is the result of the system of protection in all its forms, phases, and ramifications that it fosters monopoly. The greater combinations crush and destroy the lesser and win the favor of the Government, under which they rob and plunder the people.

Now, if this is not for revenue, then it is for taxation, to prevent the manufacture and increase the price of a cheap food commodity. Gentlemen in their overzeal have gathered—I will not say as scavengers, for that would be an odious expression—but they have gleaned with wonderful industry all the unreasonable, improbable, outrageous, and filthy stories with which these people have filled the newspapers for years past, and have unloaded it all in this House. I have read as bad stories as the worst told here about almost every article of food we commonly use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNN. I should like to have a few minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. GLASS] has twelve minutes of his time remaining.

Mr. GLASS. I promised the gentleman from Louisiana [Mr. BLANCHARD] ten minutes, and I yield what other time I have to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. The only effect of this taxation is to increase the price of cheap food for the poor of the country. Like all other systems of protective taxation, you load up the burdens upon the poor, upon their necessaries of life. I have never heard of this compound called oleomargarine killing anybody. They say there are manufactured and sold some 200,000,000 pounds of it per annum. It is marvelous that it should have gone on to this extent without killing everybody in the country if it is the horrid compound it is said to be. We shall go on, I trust, inventing methods of producing cheap food and increasing our food supply.

It is the office, as the distinguished gentleman from Virginia [Mr. TUCKER] said to-day, it is the office of the States and they are clothed with full power to protect the people against unwholesome and poison-

ous foods that are deleterious to health. But who has the right to say what we shall eat? That is sumptuary legislation. If we may tax this article so as to prevent its use we may tax all other articles of food and limit quantity as well as quality. Why, sir, it is unhealthy to eat too much of anything. So Congress must lay a tax upon the additional ounces of our daily meals above that which may be adjudged to be healthy so as to prevent us from eating too much. They used to be stoned to death for gluttony in the old times.

Mr. Chairman, this is a dangerous, an alarming, and an ominous tendency in legislation. It is discouraging to the patriot who loves his country, who understands that that Constitution was ordained by the fathers to be the great palladium of liberty for man, the greatest that human ingenuity has ever invented, that it should be trampled under foot and disregarded, and the administration of the Government drawn away from that basis and from the limitations contained in the instrument and converted into a huge system of jobbery.

Here we have those who churn butter against those who manufacture butter struggling for Congress to intervene and license one and prohibit the other. It is the saddest position I have ever seen this House placed in. I have read no history of anything like this heretofore and it will be the most marvelous scene when we come to pass between the tellers or march up and answer to our names when the ayes and noes are called. After we get through with that little formality here I am afraid that we shall be in the condition of a distinguished gentleman whom I once heard of in this city. After dinner, late in the evening, perhaps early in the morning, it is said that with some assisting friends he reached the front of his residence—there were a number of them, quite a number—he rang the bell.

When his summons was answered, it is said a lady put her head out of the window and asked what was wanted. He asked if Mr. —— lived there—this was the name of the gentleman himself, and whose wife this was. She answered, he did. "Then," said he, "will you be kind enough to come down here and pick your husband out of this crowd and take him in?" [Laughter.] When we are through passing between the tellers and registering our names let us all send the request to our constituents to please come down here and pick out their representatives and take them home. They ought to go. [Laughter and applause.]

Mr. GLASS. I rise to a question of privilege.

The CHAIRMAN. The gentleman will state it.

Mr. GLASS. I have been informed by the chairman of the Committee on Agriculture that the committee were censuring me for the position I am occupying on this question to-day.

Mr. HATCH. I beg the gentleman's pardon, he is mistaken.

Mr. GLASS. I understood you so.

Mr. HATCH. The committee were somewhat disappointed that the gentleman having taken up the hour in favor of the bill should yield it to those who have opposed it.

Mr. GLASS. I appeal to the chairman to correct that statement. I never stated which side I would occupy, and the chairman put me down by mistake as in favor of the bill, and then insisted I should have had the place assigned to the gentleman from Illinois [Mr. DUNHAM] in opposition to it.

The CHAIRMAN. The Chair was informed this was the unanimous report of the committee, and therefore supposed all the members of the committee were in favor of the bill. The gentleman came to the Chair and stated he was opposed to the bill in its present shape.

Mr. GLASS. If I have any time remaining, I give it to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. DUNHAM. I take it that a member of the committee has as much right to be converted to the honest side of this question as anybody else. [Laughter.]

Mr. BLANCHARD. Mr. Chairman, how much time have I, including that yielded to me by the gentleman from Tennessee [Mr. GLASS]?

The CHAIRMAN. The gentleman from Tennessee has two minutes of his time remaining.

Mr. BLANCHARD. I reserve that and beg some more from some other gentleman.

Mr. DUNHAM. The gentleman is to have ten minutes of my time whenever the chairman will let him have it.

Mr. FUNSTON was recognized and yielded fifteen minutes to Mr. MORGAN.

Mr. MORGAN. Mr. Chairman, I desire to make my special acknowledgments to my friend from Kansas [Mr. FUNSTON], because by the concession he has made me I am enabled to follow immediately after my distinguished Democratic friends on this side of the House. I wish to notice some of the remarks they have made and some of the politics they have presented here. When gentlemen come forward, as the gentleman from Georgia [Mr. HAMMOND] did yesterday, and say that this is a bill to popularize, perpetuate, and extend the internal-revenue system, and that therefore he opposes it; when the gentleman from Pennsylvania [Mr. KELLEY] rises in his place and says that for once in his life he will walk over and shake hands with his distinguished friend upon the other side; when the gentleman from Arkansas [Mr. DUNN] rises and enters upon a humorous discourse, in the course of which he develops the fact that his opposition to this bill is based upon the internal-revenue feature of it, and then talks about the reduction of taxation and says that this bill proposes to increase taxation—when gentlemen talk in that way about this bill, I feel that I am under special obligation to my friend from Kansas for giving me the opportunity of speaking at this time.

Mr. Chairman, I desire to say here and now that as a member of the Committee on Agriculture I give my unqualified approval to this bill, and that I am the mover in that committee of the 10-cent tax. When gentlemen talk of the internal-revenue feature of the bill and oppose it upon that ground I desire to say to those gentlemen that that feature of the bill more than any other commended it to my mind. When I investigated the testimony in this case, looking at it carefully with a view to ascertaining the truth and doing justice to the public, having no interest whatever on the part of any of my constituents conflicting with that purpose, I took the view that here was an inviting opportunity to find another field of revenue without imposing any additional taxes upon the people, and I thought that if we could raise ten or twenty million dollars in this way it would help my friend from Illinois [Mr. MORRISON], who is to bring forward presently a bill reducing taxation.

The gentleman from Arkansas [Mr. DUNN] facetiously asks the gentleman from Missouri how it happens that he, a free-trader, is found upon this side of the question. I do not know whether my friend from Missouri is a free-trader or not, nor do I care. This bill is not based upon any idea of that kind. This is a revenue bill, framed for the purpose of raising revenue, and when we come to deal with a measure of that kind it is the duty of this House to search for places where revenue can be raised, bearing as lightly as possible upon the people, and then to turn around and look for other quarters in which corresponding relief can be given to the people. When gentlemen talk about the constitutionality of this bill it is well to look and see whether they are not uttering the sentiments of the oleomargarine men and nobody else. Gentlemen say that we come here with this bill and seek to raise revenue when there is no need of revenue. This is indeed a happy goal we have reached! Able to run this great Government without money!!

The gentleman from Arkansas [Mr. DUNN] says that this is simply a contest between the regular butter producer and the butter manufacturer, that there is no necessity whatever for this bill, and that it is brought forward in the interest of one set of producers for the purpose of suppressing another set of competing producers. I desire to enter here and now my solemn protest against that assertion, and, as a member of the committee, to declare that it is unfounded and not based upon fact. As a committee, our whole purpose was to arrive at a just and proper conclusion in this matter. We brought the dairymen before us and asked what they desired and what they complained of. We brought the oleomargarine men before us and asked what their desire was and what their complaint was. We brought the produce men before us and asked them what was their desire in the matter.

We consulted all the interests concerned, the dairymen, the oleomargarine makers, and the consumers; and having considered the whole question to the best of our ability, we brought forward this bill. When any man states here that it is not a revenue bill, but a measure framed for the purpose of suppressing one industry in the interest of another industry, I say that he speaks without knowledge of the facts. I deny that the bill was framed for any such purpose; and, speaking for the dairy interest and for the agricultural interest of the country, I deny that any representative of those interests ever appeared before the committee to ask for the suppression of this oleomargarine trade simply as a competitor of theirs. On the other hand, I assert that when gentlemen come here and make their arguments and produce their literature in opposition to this bill, they simply reproduce the arguments and the literature that were laid before the committee by the representatives of the oleomargarine interest.

You gentlemen come here and repeat the arguments made by Mr. Stern, the representative of Armour & Co., and of the oleomargarine interest. That gentleman, who is one of the brightest and keenest and most intellectual men I ever saw, came before the committee and delivered his address and was thoroughly cross-examined, and from that time to this the country has been flooded with literature on that side of the question, and it nearly all comes from his pen or is inspired by his genius. I have it here before me coming up from various portions of the country, purporting to represent the stock-exchange interest, the produce-exchange interest, and the labor interest, and I say that these various productions are in large measure identical in language with the argument of that gentleman which I hold in my hand. Furthermore, the protest and the explanation of the manufacturers of oleomargarine which have been presented here to-day by the gentleman from Illinois [Mr. DUNHAM] and read at the Clerk's desk are substantially and largely verbatim the same as the argument of the gentleman I have named. We asked these people what it was in this bill that they complained of, and I desire to call attention to what they have to say.

Mr. VAN EATON. Will my colleague allow me to ask him a question?

Mr. MORGAN. With pleasure.

Mr. VAN EATON. Does my colleague mean to say that the country or the Treasury is in need of more reve ue than is now coming in?

Mr. MORGAN. I mean to say that the country needs money. I mean to say that we owe $1,500,000,000 to-day. Two hundred millions of dollars of it is now due. I mean to say that we have a Government which is expending $360,000,000 every year; that $80,000,000 will be required annually for the purpose of paying pensions; and in raising money to pay the indebtedness of the Government and for its current expenditures we need to raise it from the right source and to take off taxation where we have been raising it from wrong sources.

Mr. VAN EATON. One more question. How much more revenue ought we to raise than is now being raised from ordinary sources?

Mr. MORGAN. I do not know. The Secretary of the Treasury says that next year, if the revenus do not increase, we shall be $24,000,000 short. Surely we need as much more as will be raised from this bill.

Mr. VAN EATON. Then I understand my colleague to say, as a member of the committee, that the bill proposing to levy this taxation was adopted solely for the purpose of raising revenue—needed revenue?

Mr. MORGAN. So far as I am concerned—I speak for myself alone—I voted for it simply because it opened up a new field especially commending itself to my mind for taxation and put this article side by side with whisky and tobacco. [Applause.] On that ground I stand. I ask the House to put taxation there, and take it off the blankets and the shoes and the clothing of the widows and orphans throughout the length and breadth of the land. [Applause.] If we are to have reduction, let us have it at the right place. The whole outcry here about internal-revenue taxation is raised by gentlemen who want to take the tax off whisky and tobacco and keep it on the blankets with which the poor widows and orphans of the country wrap themselves in winter.

Mr. THROCKMORTON. How many of the gentlemen who are ready to vote to impose this tax will vote to reduce or remove the taxation on blankets?

Mr. MORGAN. I do not know. I hope enough will vote with me to do it. But I will say to my distinguished friend from Texas that when we can get $20,000,000 of taxation from this source—the quantity produced being as we understand 200,000,000 pounds—I think the taxation should be taken off something somewhere.

Mr. THROCKMORTON. How much revenue will you get if you pass this bill?

Mr. MORGAN. If what the oleomargarine people say is true, that oleomargarine sells as it does because it is better than butter and is not a fraud, we shall get $20,000,000. If those statements are not true, then this article will have to sink to an ignoble grave and die the death of a fraud. [Laughter.]

Mr. THROCKMORTON. Do you think if we pass this bill we shall get $20,000,000 of revenue, or $10,000,000, or $5,000,000, or $1,000,000 from this article?

Mr. MORGAN. Now the gentleman comes to the "milk in the cocoanut." I say if we pass this bill we shall unmask this business. If oleomargarine is the pure and virtuous thing it is represented to be—if there is truth in the representation of the great head center of the oleomargarine people who has testified that "heretofore the people have had bad butter on their tables, but now they have a sweet, delightful, and palatable article"—if this be true, oleomargarine will stand the test; but if it is a fraud it may not be able to stand the treatment.

Mr. THROCKMORTON. But shall we get any revenue from it?

Mr. MORGAN. If this article is what it is claimed to be, an honest article of trade, which people buy knowingly and because they like it, we shall get $20,000,000; and the revenue we thus get will be obtained from a proper source.

Mr. HAMMOND. If a man thinks we ought not to raise $20,000,000 additional revenue, ought he not to vote against this bill?

Mr. MORGAN. He ought, provided he thinks taxation should be continued on woolens and shoes and things of that kind, from which we wish to remove it. [Applause.] The simple question is, Where are you going to get money? That we must raise money to run the Government no man can deny. We must pay $80,000,000 annually as pensions to ex-soldiers, their widows and orphans; and no man can deny the duty of the Government in that respect. But when you come to talk about raising money, why should you speak about "suppressing an industry?" When gentlemen who oppose this bill get up here and say that we are adopting this form of taxation for the "suppression of an industry" they are simply repeating the slanders of the oleomargarine manufacturers. We must have revenue; there is no use talking about it. [Laughter.]

Mr. TILLMAN. Will the gentleman allow me to ask him a question?

Mr. MORGAN. I desire to say to the gentleman that I am proud to have him ask me a question, and I shall be glad to have any other Democrat on this floor ask me a question.

A MEMBER. How about Republicans?

Mr. MORGAN. I am talking to Democrats. I am a Democrat myself—one of the old "blue hen's chickens." [Laughter.]

Mr. TILLMAN. Well, it is a very queer shade of color to-day. [Great laughter.] I understand the gentleman and others who have preceded him on his side of the question to maintain that 200,000,000 pounds of this oleomargarine are manufactured and sold every year and consumed by the people.

Mr. MORGAN. I do not desire to make any correction unless the gentleman's figures are better than mine. I am speaking from the record, and I have examined the question as a lawyer. I have sat a good deal of my life as a judge, and I have tried to train my mind to calm and careful investigation.

Now [turning to Mr. TILLMAN] give us your question. [Great laughter and clapping of hands.]

Mr. TILLMAN. Very well. How do you get your twenty millions of revenue unless——

The CHAIRMAN. The gentleman's time has expired. [Laughter and applause.]

Mr. TILLMAN. As the House laughed away the time, all I ask is it will give me an opportunity by unanimous consent to finish my question.

Mr. MORGAN. Certainly; I hope so.

The CHAIRMAN. The Chair hears no objection.

Mr. FUNSTON. I will give the gentleman from Mississippi five minutes more.

Mr. MORGAN. He wants to know how I am to get twenty millions revenue.

Mr. TILLMAN. Yes; who fixed it at 200,000,000 pounds? At 10 cents a pound it would be $20,000,000.

Mr. MORGAN. You have there a source for raising revenue. Fifteen million dollars taken off the salt, and trace-chains, and clothes of the farmers would be no small relief, and in the right direction.

Mr. TILLMAN. If this bill is advocated as a revenue measure, and solely as a revenue measure, and if it is right to tax oleomargarine 10 cents a pound, is it not honest to tax butter 10 cents a pound?

Mr. MORGAN. We have the power to do it.

Mr. TILLMAN. Then why not do it?

Mr. MORGAN. Bring in your bill and let us see about it. I trust we may find something to which we may transfer the tax from "Widows' Weeds." [Laughter and applause.] Mr. Chairman, I desire to say—as I am allowed ten minutes more of time—that I hold proof here to show that when you impose this tax of 10 cents a pound on this imitation of butter you do not take it out of the manufacture or increase the price of oleomargarine. I hold here the testimony of a man whose official duty required him to study all about this question, and who did so as a high official of the State of New York, and he states it as a fact the average price of oleomargarine sold as butter is 26 cents a pound, although it is made for only 7½ to 8 cents a pound and wholesaled at 11 cents a pound, and that if you tax it 10 cents it will leave a margin of 5 cents for profit, whereas it now leaves a margin of 15 cents as a temptation to swindle; and it is that swindle that will be driven out of existence if anything should be, not the product itself.

Mr. DUNHAM. The gentleman can buy oleomargarine in the city for 15 cents a pound.

Mr. MORGAN. It was for the reasons which I have stated that this bill was brought in. The gentleman from Illnois says oleomargarine can be purchased here for 15 cents a pound. Oh, yes, Mr. Sterne came and told us all about that. [Laughter.] Stalls 349, 350, and 351 in the market-house of this city—is not that your thing? [Great laughter and applause.]

Mr. DUNHAM. They sell it exactly for what it is.

Mr. MORGAN. Oh, yes, so they do; but that is "after taking." [Great laughter.]

Mr. TILLMAN. It seems strange after what we have heard that when some two hundred millions of oleomargarine is manufactured it can be distributed among the people without enlarging the graveyards. [Great laughter.]

Mr. MORGAN. Possibly it does.

Mr. TILLMAN. I do not know it.

Mr. MORGAN. It will deceive anybody, for it is very difficult to distinguish the difference between oleomargarine and real butter. It can only be done with a microscope and in the hand of an expert.

Mr. TILLMAN. If two hundred millions of pounds are manufactured and sold it is a matter of great importance to a great many people.

Mr. MORGAN. As I will have an opportunity to speak hereafter and as the time given me has expired, I now give notice I will bring forward proof that out of the many places in the State of New York where it is sold it is never sold as oleomargarine, but always sold as genuine butter. Mr. Van Valkenberg, assistant dairy commissioner of the State of New York, states that at five hundred places where it was sold it was found through the medium of his detectives that four hundred and ninety-five sold it as true butter, and when other detectives were sent out disguised as coal-heavers and sent to these five who had sold it as oleomargarine, all of the five sold it to the new men as true butter. [Great laughter and applause.] They suspicioned the first to be detectives.

Mr. TILLMAN. Did any one die from eating it? [Laughter.]

Mr. MORGAN. It was administered to them in disguise and no one could tell of what they died. [Laughter.] My friend from Illinois [Mr. DUNHAM] asked how much of this was sold as genuine butter and how much as oleomargarine. I want to tell him that we had the great chief of this institution before us, and I put the question to him in one direction and my friend from Iowa [Mr. FREDERICK] in another,

and asked him what objection he had to its being sold to the people and put upon the table as oleomargarine. He said his objection was that it would not "go off" if that was done.

Mr. FREDERICK. That it would prejudice the sale.

Mr. MORGAN. Yes, sir; and that was the reason that he assigned for it.

Mr. DUNHAM. Who is this great expert that you are quoting?

Mr. MORGAN. Mr. Sterne, and he knows more about it than all the balance put together. [Laughter.]

I thank my friend from Kansas [Mr. FUNSTON] for yielding me his, time, which I will give back to him hereafter, with interest.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of resolutions and bills of the following titles, in which the concurrence of the House was requested, namely:

A resolution to print 30,000 additional copies of the first annual report of the Commissioner of the Bureau of Labor;

A resolution to print the report on Alaska by E. W. Nelson;

A resolution to print 7,500 additional copies of the report of the board of fortifications;

A bill (S. 2026) granting a pension to Wallis Pattee;

A bill (S. 2075) granting a pension to Jackson Chapman;

A bill (S. 2132) granting a pension to Fridoline Glastetter;

A bill (S. 2180) granting an increase of pension to William Wallace Young;

A bill (S. 2197) granting a pension to Henry Daner;

A bill (S. 2198) granting a pension to Charles Brunbridge;

A bill (S. 2118) for the relief of Lucy A. Washburn;

A bill (S. 2220) granting a pension to James A. Mathes;

A bill (S. 2228) granting a pension to Samuel F. Rowe;

A bill (S. 2233) granting a pension to John P. McElroy;

A bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg;

A bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of customs of the district of the city of New York; and

A bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes.

The message also announced that the Senate returned to the House, in compliance with its request, the bill (H. R. 356) granting a pension to Samuel Hanson.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair will lay before the House a request received from the Senate.

The Clerk read as follows:

IN THE SENATE, *May* 25, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs.

The SPEAKER. If there be no objection, the Clerk of the House will be directed to return the bill as requested.

There was no objection, and it was so ordered.

IMITATION DAIRY PRODUCTS.

The Committee of the Whole resumed its session.

Mr. FUNSTON. I now yield ten minutes to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. Mr. Chairman, I thank the gentleman from Kansas [Mr. FUNSTON] for yielding a few minutes of his time to me.

It is a fact well known to all familiar with my views that I am opposed to the entire internal-revenue system. I have never seen the day or the hour during my service here when I would not have voted for the total repeal of this system.

It was born of the war; intended as a war measure, to raise money for the support of the Government during that trying period and for the prosecution of the war.

Peace has long since come to our distracted country, and yet this law still stands upon the statute-books.

It is undemocratic and unrepublican.

It is wrong in principle, oppressive in its operation, and tyrannical in its enforcement.

In certain sections of the country God has given the people a soil adapted to the cultivation of tobacco, and that almost alone. The land belongs to them by inheritance from their fathers, who cultivated it for many decades without restriction under Democratic administrations. Yet under this iniquitous system these people, freemen, breathing the inspired sentiments of a free land, from the time they sow their seed in the seed-bed until they have marketed the last plant have some little revenue official hanging around them watching with suspicious eye for fear they may dispose of a leaf of the products of their own land, raised by their own sweat and toil, to some one not a licensed dealer.

In other sections, in the mountains, distant from railroads and markets, nature has prepared their recesses for the growth of the grape and apple; and here, too, this same little official is ever present with the scent of a bloodhound to track down the lowly denizen in his mountain region who may dare dispose of a gill of distilled spirits without paying a tax to the Government of this boasted land of the free, though it may be that the very sale is to procure food for his children.

I repeat, sir, that I would vote with the most supreme pleasure for the abolition of this entire system and for a return to the old-time Democratic method of raising revenue.

But so long as we have the system I propose that these products of the soil and these tillers of the ground shall not bear all the burdens of the system and receive no benefits from it. If these particular industries and products are to be taxed and this espionage upon them kept up I intend by my vote to relieve other agricultural pursuits from depression and restore them to their wonted prosperity by taxing a stuff which has prostrated them and which under the guise of a food is spreading disease and death throughout the land.

I am, therefore, in favor of this bill and shall support it earnestly. [Applause.] I live in a section, sir, and represent a district grand in its agricultural advantages, and literally "flowing with milk and honey"—the historic Shenandoah Valley and part of the classic Piedmont section. Its population is composed of a sturdy race, who despise shams and frauds in whatsoever forms they may present themselves. One of its great industries has been that of the dairy. Every farmer, large or small, has made butter-making one of the sources from which he derived his support, and the good housewives vied with each other in quality and quantity. All that the section could produce after supplying home demand found a ready market and fair price in the cities until this sham and fraud known as oleomargarine made its appearance. Then the demand dropped off, sales stopped, the dairy interest languished, and valuable dairy cows were fattened and slaughtered for beef.

For some time the farmers, honest and straightforward in their dealings, could not understand why the demand had ceased. It never occurred to them that butter, which had been used as a healthful food from the earliest recorded time, had been supplanted by a mixture of tallow and nitric acid, castor oil and butyric acid, mustard seed oil and benzoic acid, cotton-seed oil and capsic acid, turnip-seed oil and commercial sulphuric acid, oil of sesame and sugar of lead, stomachs of sheep and pigs and calves and nitrate of soda, and the many other articles and ingredients which enter into this stuff, which no stock-raiser would feed to his swine.

They never dreamed that a substitute such as this had been introduced for human consumption, thereby forcing out of the market their honest product made from that which God himself had ordained should be the early sustenance of mankind and the great sustainer of human life in disease.

Mr. Chairman, it seems to me that the discussion of this question and the exposure of this traffic ought to arouse such a spirit of indignation as to bring down the most severe condemnation upon the heads of those who have been engaged in the manufacture of this nauseous compound. No man, unless his sensibilities are deadened, can reflect that possibly at some time he has eaten of it at his table without unpleasant sensations.

But they say, "it is the food of the poor man." Yes, they admit they do not expect the rich man to buy it, but they want to palm it off on the poor man and hold up before his vision the tempting bait of cheapness and induce him thereby to take it to his humble home and feed its lurking disease to his children. I would rather see a viper pressed to the bosom of my child, for I might find an antidote for the poison of its fangs, than to have put day by day before it an insidious poison in its food to sap its young life by degrees. [Applause.]

Yes, "cheap food!" The stomachs of pigs, sheep, and calves reduced by acids, and then bromo-chloralum used to destroy the smell and prevent detection of the putrid mass. Bromo-chloralum! So strong is the smell that this powerful disinfectant used in a charnel-house must be brought into requisition to destroy the odor which would otherwise stench in the nostrils of the poor man while they sell him the "poor man's food." [Laughter.]

Yes, "cheap food!" When one of the ingredients is pepsin, in the use of which is an admission that the compound is indigestible and aid must be given to digestion, and with every meal this powerful medicine must be eaten, and the digestive organs must be constantly stimulated, and consequently day by day weakened, resulting necessarily in final death. Yes, "cheap food" in the shape of putrefaction rendered odorless by a powerful disinfectant. Yes, "cheap food" in the form of an apothecary's shop in the poor man's stomach! [Applause and laughter.]

Mr. BRECKINRIDGE, of Arkansas. Did you ever hear of anybody being made sick by eating oleomargarine?

Mr. O'FERRALL. I have never, thank Heaven, been brought in contact with it.

Mr. TILLMAN. You have no doubt ate a good deal of it in this city.

Mr. O'FERRALL. If I thought I had done so, I should feel squeamish about it at this moment.

Mr. BRECKINRIDGE, of Arkansas. Is there any record confirming the gentleman's statement?

Mr. O'FERRALL. The charges have been made, and though we have much literature from oleomargarine manufacturers they have never been denied.

Now, sir, in the name of all that is right, in the name of humanity, I ask, should this miserable, death-dealing fraud be allowed to remain in competition with the honest production of honest industry? Should it by its cheapness be longer permitted to lure men into its purchase and poison the well-springs of public health?

I find sir, from the report of the Committee on Agriculture, who gave much thought and consideration to this question, that about 200,000,000 pounds of this mixture are now being manufactured annually, which, as they say, not only takes the place of so much butter, but stops the consumption of much more by the demoralization of the trade; that "before its introduction cows were worth on an average $40 per head: and now only $30 each; that during the last year 300,000 milch cows were slaughtered in Chicago alone, or an average of 1,000 daily; that there have been from four to five million American citizens engaged in the dairy business; that they have over 15,000,000 cows, and have produced annually over 1,000,000,000 pounds of butter and 300,000,000 pounds of cheese, and that the products have been worth $250,000,000, and that about an equal amount has been realized from the sale of milk, making in all $500,000,000 annually."

Now, leaving everything else out of consideration, ought not some thought be given to the agricultural interests of this country? Is not the farmer entitled to some protection? Is he to be made to pay all the taxes, bear all the burdens? Is his legitimate sphere to be invaded and circumscribed by a fraud?

Every industry except that of agriculture is clamorous for and receives at the hands of this Government protection. The farmer stands out with his bronzed face and hardened hands as the payer of tithes to the manufacturing and railroad monopolies of the land. "As the hart panteth for the water-brooks," the tiller of the soil panteth for relief from the exactions of heavy taxation and a high protective tariff.

While differing upon the question of the tariff and upon political issues generally with the distinguished gentleman from New York [Mr. HISCOCK] who addressed the House on yesterday, I say with him pass this bill, and while raising revenue give "incidental protection" to the farming interests.

Of course, Mr. Chairman, I have not had time to discuss this bill in a manner which its importance demands. I have not had time to refer to the constitutional question raised by the gentleman from Georgia [Mr. HAMMOND]. I will only say that if it is constitutional to tax tobacco and distilled spirits it is constitutional to tax oleomargarine. I would like to refer to the position of some gentlemen on this floor who have been most violent opponents of the repeal of the internal-revenue system so long as it only affected the interests of other States or sections, but as soon as it was proposed to extend the system so that it might indirectly affect the interests of their sections they cry aloud against the extension. It seems even here to make a difference "whose ox is gored." I again thank the gentleman from Kansas for his courtesy and the House for extending my time and its kind and attentive hearing. [Applause.]

[Before Mr. O'FERRALL had concluded his remarks the hammer fell, and the chairman stated that his time had expired.

Mr. O'FERRALL. I should like to be permitted to occupy five minutes longer.

The CHAIRMAN. This hour belongs to the gentleman from Kansas [Mr. FUNSTON].

Mr. FUNSTON. I will yield to the gentleman to go on for five minutes by unanimous consent, provided the time is not taken out of my hour.

The CHAIRMAN. Is there objection to the gentleman from Virginia being allowed to proceed by unanimous consent for five minutes?

There was no objection.

Mr. O'FERRALL resumed and concluded the remarks above printed.]

Mr. FUNSTON. I yield ten minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. The discussion of this question is necessarily confined within narrow boundaries, and I am well aware that after all that has been said it is next to impossible to say anything in favor of this bill or against it that has not already been said in some way. But as I intend to vote for this bill, I am not willing to let the occasion pass without protesting against some of the reasons which opponents of the bill have attempted to offer as the reasons why we are going to vote for it.

I do not believe in the doctrine of protection as applied to the people in the same country. But I do believe in the doctrine of a nation protecting its own people against unfair competition with people of other nations. And I do not intend to vote for the bill under discussion upon the principle of attempting to protect one legitimate industry in this country against competition from another legitimate industry. It is not upon any such principle I base my advocacy of this bill. It is to protect one legitimate industry against the unfair competition of a fraudulent industry. All that I desire is that this butterine business, this oleomargarine business, shall stand upon its own merits; that the article shall go into the market upon its own merits. The very nature of the business enables its projectors to commit frauds upon the people, and they of all men ought not to object. If the people of this country insist upon laws which shall protect them against frauds, they ought not to object if they be compelled to pay the expense of that protection.

I object again to the assumption that we are impliedly violating our oaths to support the Constitution when we vote for this bill. We believe that while the bill itself is constitutional, the object to be obtained is a constitutional object.

Now, I will neither support nor advocate a bill which seeks fraudulently to attain an end that can not be obtained honestly and fairly. I believe it to be within the power of the National Government to accomplish by means of taxation something more and higher than simply getting money to spend again. If I understand anything about logic the power to do a thing implies the power to accomplish everything that is implied in doing it. The power to levy a tax is the power to get whatever good may be obtained through the levying of that tax, and it is not an unconstitutional intention to get some other good than simply the good of getting money.

It is admitted that we have a right to select the objects of taxation. But if the theory is a correct one as advanced by the constitutional lawyers here, we may only levy an ad valorem tax; we must tax every article according to its value and leave none untaxed, because if we select one and leave another we do accomplish another purpose than the purpose to simply get money. Conceding the right to select the objects of taxation, you concede the constitutional right to get some other good out of the tax than getting money; and if the constitutional right, then you concede the perfect right of every man under his oath to support the Constitution to get that other good, the duty of every man to select such objects of taxation as will get a declared good to the American people.

Now in levying a tax on oleomargarine, surrounding it with machinery which shall extend all over the nation, you supplement the powers of State Legislatures by constitutional methods, and you simply succeed in surpressing an acknowledged fraud.

Mr. DUNHAM. Oh, no.

Mr. ROWELL. You succeed in suppressing an acknowledged fraud. My colleague says "Oh, no." His constituents, the three great firms of Chicago boldly proclaim that they manufacture oleomargarine. They say that they mark it, stamp it; but they will not be so foolish as to come here and claim that one pound out of a hundred, when it reaches the people who consume it, goes there honestly with the understanding that it is oleomargarine. Why do you make it in the image of butter, why do you color it the color of butter, why in your manipulating process do you do everything to destroy the distinction between it and butter if you do not do it for the purpose of deceiving the consumer? It is an acknowledged fraud—an acknowledged fraud between the manufacturer and the consumer. Being an acknowledged fraud, it is not honest competition between the dairymen, the butter-makers, and the few great manufacturers that make oleomargarine. Concede that it is wholesome, yet if you sit down to a table and are told that the "butter" comes out of Armour's establishment you turn away from it.

Go into a boarding-house and let them give you notice that they use only oleomargarine and you seek another boarding-house. Go into any town or city in this country and go through the grocery stores that sell butter, and you can not find one in fifty which will acknowledge that it sells oleomargarine. I know that your Chicago firms have established in this city a place where oleomargarine is publicly sold as such. I know also that Congress is in session, and that this legislation is before Congress, and that they are seeking to meet this legislation by setting a good example here. But go to the hotel where you board and ask them if they use oleomargarine and they will tell you no; yet I would bet my bottom dollar that on every table in that hotel they do set oleomargarine, and you eat it every day and do not know it. [Laughter.]

Mr. HATCH. Tell him also that there is a Federal law upon the statute-book applying to this District that will fine and imprison any man who sells oleomargarine for anything else than whatit is.

Mr. ROWELL. Yes. Now, if the tax proposed by the bill is too large, let us amend the bill and make it less. The real purpose is a constitutional purpose, to be effected through the taxing power, to supplement the action of the States and make this business go before the world as an honest business, leaving the butter-makers as they are, honest men.

We propose to make the men who engage in a business which can be fraudulently carried on pay the expense of guarding the public against deception, and if in paying that expense and without increasing the cost to the consumer we can get some added revenue to make up for losses, let us get it.

Mr. DUNHAM. Will the gentleman permit me to ask him a question?

Mr. ROWELL. Yes, sir.

Mr. DUNHAM. You concede that the manufacturers make this article and brand it as what it is, but you say that when it reaches the consumer he does not know whether it is butter or something else?

Mr. ROWELL. Yes, sir.

Mr. DUNHAM. Then would you be in favor of an amendment to this bill which would reach the retailer?

Mr. ROWELL. I concede that the Chicago manufacturers stamp the article, but I say they could not get along without doing it. They would be caught violating the laws of the State of Illinois if they did not. But they can not cover, while the retail dealer with his ice-box can. You can afford to be honest when you can not help it. [Laughter.] I would not trust Armour nor any of the balance of them if they could cover up their manufacture and send it out to the world as pure dairy butter. But they can not do that. You can not hide an elephant. [Laughter.]

Mr. DUNHAM. Then you would be in favor of an amendment to reach the retailer.

Mr. ROWELL. If the tax provided in this bill is too high, I say make it lower; but if we can get some money out of this thing and at the same time keep these people from deceiving the public, so much the better. We need the money. Not a day passes here that somebody does not get up and protest against some needed expenditure as a raid upon the Treasury, and declare that the Treasury can not stand such a raid. Fill up your Treasury; then it can sustain more of the "raids" that do good in this country. [Laughter and applause.]

Mr. HATCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation and exportation of oleomargarine, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I simply desire to announce to the House that the session this evening will close the general debate upon this bill. I propose to-morrow morning, before we go into Committee of the Whole, to limit general debate.

Mr. DUNHAM. And I simply desire to say, Mr. Speaker, that I expect that the House itself will have the right to say whether the debate shall close or not.

ADDITIONAL RIGHTS TO CERTAIN HOMESTEAD SETTLERS.

Mr. McRAE introduced a bill (H. R. 9011) to grant additional rights to certain homestead settlers on the public lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MANAGERS OF SOLDIERS' HOMES.

Mr. BRAGG introduced a joint resolution (H. Res. 177) appointing managers of the national homes for disabled soldiers to fill vacancies in the board which occurred April 21, 1886; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THE FISHERIES.

Mr. REED, of Maine, presented resolutions of the Fishing Exchange of Portland, Me.; which were referred to the Committee on Foreign Affairs, and, on motion of Mr. REED, were ordered to be printed in the RECORD.

The resolutions are as follows:

PORTLAND FISHING EXCHANGE, *Portland, Me., May* 21, 1886.

At a meeting of this exchange the following resolutions were passed:

Attest: O. B. WHITTEN, *Secretary.*

Whereas the Canadian Government have seized American fishing vessels and, as we believe, unlawfully, whereby the flag of our country has been insulted: Therefore,

Resolved, That it is the sense of the Portland Fishing Exchange that the President of these United States should immediately by proclamation declare non-intercourse with the Dominion of Canada in all matters pertaining to the fisheries.

Resolved, That whereas the Canadian Government have fitted out armed vessels to pursue ours, therefore we ask our Government to send armed cruisers into Canadian waters to protect American vessels.

Resolved, That we oppose and protest against the appointment of any commission to treat with Great Britain in regard to the fisheries.

Resolved, That we call upon Congress to take such action as will protect us in our rights as American citizens from seizure of our property while in the act of trade with the colonial government, and demand immediate release of the vessels now under seizure.

Resolved, That whereas our Government has issued papers granting our vessels permission to touch and trade in foreign ports; and whereas vessels holding such permits have been seized, we ask our Government to protect all American vessels in colonial ports against illegal seizure.

Resolved, If our Government refuse to send immediately armed vessels to protect our fishermen in their rights, we deem it expedient to arm and equip our American fishing vessels for their own protection.

Resolved, That copies of these resolutions be sent to our Representative, Hon. THOMAS B. REED, and Senator WILLIAM P. FRYE.

EQUESTRIAN STATUE OF PRESIDENT TAYLOR.

Mr. KING introduced a bill (H. R. 9012) for the erection of an equestrian statue of ex-President Zachary Taylor; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

TITLES TO REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. KING also introduced a bill (H. R. 9013) to quiet title to real estate in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

The hour of 5 o'clock having arrived, the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m.), and was called to order by Mr. TOWLES, Chief Clerk.

The following was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *May* 25, 1886.

SIR: Hon. JOHN T. HEARD is designated to preside at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk, House of Representatives.

IMITATION DAIRY PRODUCTS.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union under the special order to consider the House bill 8328.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. FARQUHAR. Mr. Chairman, a few weeks ago this House after a thorough debate passed a bill for the arbitration of disputes and troubles between employers and employés. The bill then passed was intended to be a peace-maker in troubles of that sort; and it was expected, as one of its merits, that it would at least give employés an equal opportunity with the employer, it being recognized by public opinion that the hired class were not in all respects equal, without the aid of the law, in the maintenance of their rights. This Congress thought it best to throw round that settlement by arbitration both sentiment and power; and all of us felt well satisfied that, however imperfect the measure was, the aims of Congress in that respect were carried out.

Now to-day we have brought to our view another troublesome question, in connection with which we find a great class in this country, backed up by very strongly-manufactured sentiment, endeavoring, so far as it can, to invoke Congress to so legislate that another great and competing industry in this country shall be subject to a "lock-out." This, to my view, after reading this bill, is its ultimate result, or at least the object sought. The intention is substantially to legislate out of existence a commercial commodity, a food product, together with an industry that employs thousands of people and is certainly to be regarded as a legitimate branch of business. The aid of Congress is invoked to tax out of existence this industry, in order that the other industry may gain the entire benefit and become ultimately a monopoly created by law.

Mr. Chairman, I am not a lawyer nor the son of a lawyer, but am simply a manufacturer and business man. I am free to say that on constitutional and great legal questions I accept my opinions from those who have made the law their study. I was aware that bills of this character, having the same aim as that now under consideration, had been submitted to the Judiciary Committee; and I find in a report of that committee an opinion which I understand is the accepted opinion of at least a majority of the committee; and to my mind this opinion, divested of legal verbiage and the traditions and decisions of the law, meets very broadly the whole case submitted to us. Allow me to read it:

It remains to inquire whether oleomargarine or any other product may be subjected to an internal-revenue tax.

If the power to lay taxes (Const. U. S., Art. I, secs. 8 and 9) involves the power in Congress to select any article for excise or other tax, as seems to be now settled by the practice of the Government (and no doubt properly so settled), then the right to tax oleomargarine is undoubted.

But your committee are constrained to add that this is a revenue power. The right "to lay" is conjoined with that "to collect taxes," and the right to lay and collect is conjoined with the purpose "to pay the debts and provide for the common defense and general welfare." The power is conferred in order to the duty imposed on Congress. It is a trust power, and becomes a right only when used for the purpose in view. The tax is the means to the end, and is only legitimate and rightful when needful for the end.

To use the tax when needless for revenue, merely to strike down a product or an industry, is to abuse a constitutional trust; and while the power may be conferred, the right to use it in such case can not be asserted. All power under our system is trust power; to use it for the trust makes it a rightful power; to use it *diverso intuitu* is wrongful perversion and abuse of power, and is contrary to the Constitution. In other words, as Congress can not forbid the production of an article in a State by direct legislation, it can not use a power conferred for

another purpose to destroy and prevent such production. To do by indirect means what it could not do by direct legislation would be an unworthy evasion of constitutional limitations, which can not be sanctioned by an enlightened construction of the Constitution.

It is true that in such case the judicial power may not be able to declare such taxation void, because the judge dare not look into the intents of the legislator's breast, but the legislator who so abuses his trust and wrongfully misuses power can not avoid responsibility to his own conscience, bound as it is to support the Constitution; for by personal introspection he will find his motive not to be a tax for revenue to the Government, but a tax as a means of destruction to the product subjected to it; that is, tax used as an instrument of destruction and not as a means of revenue.

Your committee therefore think that Congress may lay the tax, if it be needed for revenue, but does it against right if only to restrain and destroy the use and sale of the article in question.

Now, Mr. Chairman, what is "the article in question?" I wish to claim, and claim very broadly, that oleomargarine as manufactured by the great producers of America is a wholesome, nutritious food. I care not by what schemes middle-men may bring it into market, I make the broad assertion that it is equal to any medium grade of butter; and I make the still broader assertion that during the whole of this debate not one single friend of the bill has brought forward from competent testimony of any kind whatever, with the possible exception of a Dr. Tefft, one word tending to establish its unwholesomeness. I understand by hints thrown out by a few speakers that this committee had testimony of some kind from those who appeared before it, in which it was intimated that the product of other animals than cows and oxen had been used in the manufacture of this product. But I consider these intimations as upon a par with other statements made here without foundation, and evidently for the purpose of padding out a weak argument. I state broadly that not one word has been uttered by an advocate of this bill as to the positive unwholesomeness of oleomargarine as a food product.

Possibly I should not have said one word in this discussion but for one paragraph in the report of the Committee on Agriculture, a paragraph which may well be designated as the "death's head and crossbones" paragraph, in which by some dexterity, some sophistical way of reaching conclusions without data, we are furnished with something like the chemical schedule of a tariff bill or a compendium of the United States dispensatory, in which we are treated to acids and alkalies and various other matters, reminding one very much of the scene from Macbeth read to-day by my good friend from Iowa [Mr. HENDERSON].

I find in this paragraph—

Nitric acid, sugar of lead, sulphate of lime, benzoic acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, bromo chloralum, oil of peanuts, sugar, caustic soda.

My impression after reading is that in all likelihood the writer of it consulted a few of the patents in the Patent Office, in which, I grant you, he may find more acids and sodas than he quotes here in the process of making oleomargarine.

It so happens, Mr. Chairman, that a part of my life has been spent in business in which these acids have become somewhat familiar to me. Properly used in the treatment of fatty matter, in the manufacture of oleos, nearly all of these acids I have quoted from the report are used, and are as necessary for the purposes of that manufacture as fire is in an oven to the making of bread. The very way you reach a pure food is reached very often in the treatment he suggests here by these acids. The only way you are able to detect fraud in food is by these very acids.

Now take one of those placed blindly here without any intention to deceive, but no doubt to make the list as long as possible—take butyric acid. Butyra in butter itself is the sweet, pure taste that adds the exquisite flavor which is needed in it, and butyric acid is simply the rancidity of bad butter. That is all. That is its official name. Butyric acid—rancidity of butter.

It is not pretended surely by this committee that any manufacturer of oleomargarine intends to inject butyric acid into it when that is the very quality he wishes to get rid of. That which he wishes to eliminate certainly is not the one which he will put into it. That is the reason, I say, the paragraph is unfair, and that it gives a character to that report which makes it false. Without the treatment through which all of these oleos pass I defy any man or manufacturer of this country producing these commodities to make a pure and wholesome food. More than that, you can not find any chemical expert in this country who will declare that after oleomargarine comes to be put upon the market it retains the trace of any one of these acids. They have been used as "washers" to purify it. It only astonishes me where the stomach trouble comes in or Bright's disease or other kidney trouble. The very reason these acids are used in the manufacture is to make it pure when the article comes to be put upon the market and sold as food. There are unhealthful elements even in butter itself which ought to be eliminated.

Mr. GALLINGER. Does the gentleman state real butter would be better by the treatment he has referred to?

Mr. FARQUHAR. I said butter could be treated also so as to make it better. Because when rancidity comes into butter there is no way of remedying it, except through the treatment which I have indicated, as that rancidity is the first state of putrefaction.

Mr. GALLINGER. That is true as to butyric acid; but is it true also of nitric acid and of sulphuric acid?

Mr. FARQUHAR. There are four or five of these acids which possess nearly the same properties and which are used in the treatment of the mess. These acids are used in cleaning or in separating these fatty substances from the tissue.

The most rapid one in the whole list which can reach the result is probably caustic soda, and that is the last one noticed in the list which I have read from the report. The knowledge of how much is to be put into the mess belongs only to the man who superintends its manufacture. But where you wish a pure matter you reach it only by the use of these acids.

Mr. GALLINGER. That is true; it requires an expert in order to get the acid out of the product, does it not?

Mr. FARQUHAR. That is true. But I wish to say one thing more. My own idea of the matter is when Mége's patent came into this country I think it very likely he went more into the chemistry of the manufacture of this product than was necessary. I know in the manufactory of lubricants in which I own an interest we have, possibly, in handling some of our own patents, been hampered by them. I know now, or should judge it to be so from the explanation that has been furnished by manufacturers and others who have sent letters and circulars around here, that they have a much more rapid way of treating these fats now than by the old Mége process.

Mr. GALLINGER. If the gentleman will permit another question I shall not interrupt him again, as I have no desire to break the continuity of his argument. My question would be based on the fact that while we require no acids in making the ordinary butter, and the fact that the acids and chlorine and other materials are needed in preparing oleomargarine, does it not prove that the materials from which the oleomargarine is made are impure and unfitted for food, but must require some chemical process to purify and make it suitable for food? In other words, are not the acids used as a purifier?

Mr. FARQUHAR. Certainly, I agree with the gentleman that it must be so. I am not a manufacturer of oleomargarine myself, and I can not say what the facts are in reference to the matter, only to this extent, that when you want to reach a rapid process that you have to use what I would say is a rapid acid to accomplish it.

Mr. GALLINGER. I would like to ask another question if not interfering with the gentleman's argument. Is it not true that you can take any kind of fat, however rancid or impure or unhealthful it may be, and treat it with chemical substances and produce by such treatment in a short time an article that is not only not unpleasant to the taste or smell, but one that becomes a fair article for food?

Mr. FARQUHAR. I will answer that very plainly. My own experience in treating these fats reaches the fact that I never could use any tainted fat whatever when I brought heat in contact with it.

You may place in a rendering kettle, in any process to which you subject the the substance you are going to use, a hundred pounds of fat, tallow, or lard in good condition, and add to it, it may be but 1 or 2 pounds of tainted fat, and when you reach a temperature of from seventy-five to eighty degrees your whole mass goes.

The small amount of tainted fat affects all the rest of the bulk. It spoils it all. That I know by my own personal experience; and I wish to say in answer to the question called out by the gentleman just one thing that ought to be brought out here. It is this: I am no advocate of this manufacture at all. I am looking to a fair business-like question of producing palatable food, and when you produce palatable, nutritious, wholesome food, as some of the oleomargarines are that I have eaten myself, I say it is for the benefit of the manufacturer to use the very best tallow that is possible to be obtained. And why? Because you will reach the very best results in oleo oil when it is expressed from the best fat, and I can not see, considering the competition there is in the making of oleo, how it can be to the benefit of any manufacturer of this article to use anything but the best tallow.

Mr. GALLINGER. In which shape the poison would not be required.

Mr. FARQUHAR. I wish to say that when you endeavor to sweeten tainted fats, or make them what is called deodorized, you can not retain the original life and properties of the fat, but you will destroy it, or transform it from original conditions, exactly as good, cleanly people destroy other offensive things at times. In other words, you do it by using chlorides of lime, and chlorides of lime are destructive. So I can not see, under any process known to me as discovered, how they can make tainted fats sweet; that is, by any process involving the use of heat.

Mr. GALLINGER. The gentleman claims that he has eaten good oleomargarine. Now, let me ask, do you know the good from the bad? Is there any mode of determining, except by the microscope, what is good or what is bad? Do you know that you have eaten good oleomargarine?

Mr. FARQUHAR. Well, I will say that I have eaten of that called the best for the New York market.

Mr. GALLINGER. Undoubtedly.

Mr. STRUBLE. They call all of it the best.

Mr. FARQUHAR. And it was eaten, I think, without any coloring matter, which at the time of using was expressed from the carrot, I think.

Mr. GALLINGER. In this country the microscopists tell us that there is no means of determining the good from the bad, or determining the article at all except by the microscope. That is what the scientists say.

Mr. FARQUHAR. I question very much in my own mind whether even the microscopists can tell.

Mr. GALLINGER. That is the information they give us.

Mr. FARQUHAR. In the reports of the State boards of health, especially the Massachusetts State board of health, of which my friend Mr. DAVIS is a member, that question has been considered, I believe, and I do not think from their reports that the microscope furnishes as intelligent an analysis of it as heat does. That is the impression that generally prevailed, I think, when the cases were brought up in the State of New York, where they had for years this discussion in respect to oleomargarine. The best chemists were brought in from every State, and it is singular that out of all that were called as experts in these investigations I do not now recollect of one who ever gave an official or scientific opinion, after an inspection of all the miscellaneous samples that had been provided, that any of it was an unwholesome food; not one.

Mr. WHEELER. Will the gentleman allow a question?

Mr. FARQUHAR. Certainly.

Mr. WHEELER. I want to ask the gentleman if it is not true that where the oleomargarine is made from cotton-seed oil it is a perfectly clean and healthful food, and not at all deleterious?

Mr. FARQUHAR. I will answer the gentleman by telling him that oleomargarine is not made with cotton-seed oil at all; and then in the next place that cotton-seed oil as now manufactured forms one of the finest table salad oils that we have, healthy in every way. And when an oil as I understand is used in oleomargarine it is simply to reach a quality in temperature. It is placed in the winter production I understand of oleomargarine.

Mr. WHEELER. I have learned or have been told that cotton-seed oil is used extensively in making this article. I ask the gentleman if that is not so?

Mr. FARQUHAR. I will answer the gentleman.

Mr. HENDERSON, of Iowa. It is used largely in East Saint Louis, I am told, in this manufacture.

Mr. FARQUHAR. If the gentleman will permit me I will take the authority of the greatest manufacturer of this article, Mr. Armour. He says:

The component parts of oleomargarine and butterine are oleo oil, neutral lard, fresh cream, and milk—some makers use buttermilk—choice creamery butter, fine dairy salt, and clear, cold water. The coloring matter used is precisely the same as that universally used by all dairymen and butter-makers.

Mr. WHEELER. The gentleman will admit that cotton-seed oil and the cake can be used to make this material?

Mr. FARQUHAR. The cake! Not much of that. There is no necessity for that at all.

Mr. ROWELL. I would like to be permitted to say that Mr. Armour in a personal letter says they use cotton-seed oil.

Mr. FARQUHAR. Let me read his further statement:

At certain seasons of the year a very small quantity of fine salid oil, which is produced from selected cotton-seed, is occasionally but not generally used to soften the texture of the product.

Mr. WHEELER. Because it is very expensive would the gentleman not think it a good amendment to exempt all butterine from taxation that is made of cotton-seed oil and cotton-seed cake on account of its purity?

Mr. FARQUHAR. I suppose the gentleman who asks the question is as well acquainted as I am with the manufacture of cotton-seed oil and cotton-seed cake. But we are talking about oleomargarine, and not about cotton-seed. If there is any particularly valuable filling property in oleomargarine, it comes from a very fine neutral in leaf lard. No one could intend, as a manufacturer, to bring in cotton-seed cake or any other dry-as-dust commodity in that line.

Mr. MILLIKEN. I would like to ask the gentleman if he feels certain considering the effect which cotton-seed oil is said to produce if it is to be put in oleomargarine and universally used—if he feels certain we should not have to import the next generation?

Mr. PETTIBONE. That is correct.

Mr. FARQUHAR. As I understand from this circular, it is not the cotton-seed oil and the salad oil that is used, but that is a very small question.

Mr. PETTIBONE. It involves the destiny of humanity. [Laughter.]

Mr. HATCH. Will the gentleman allow me to ask a question for information?

Mr. FARQUHAR. Certainly.

Mr. HATCH. I am asking the question in good faith for information.

Mr. FARQUHAR. I know the gentleman would ask it in no other mood.

Mr. HATCH. For the first time in the investigation of this subject I have been made acquainted with the medical and medicinal qualities of sesame or sesame oil, and if the gentleman will give me any information within his own knowledge of the medical properties of that oil I will be obliged to him. I will state to the gentleman that I find in the investigation before the senate committee of New York, in which one of the largest manufacturers of oleomargarine in the State of New York, Mr. Mendel, a member of the firm of N. I. Nathan & Co., stated that 5 or 10 per cent., perhaps more—I am not stating the proportion exactly—of that material was used by all the manufacturers of oleomargarine as far as his knowledge extended.

Mr. FARQUHAR. While his knowledge may go beyond the Armours and Dold and the heavy manufacturers in this country, I was not aware that sesame oil was used at all in the manufacture in that proportion or less. I know it is quoted in that line. But let me answer the question by giving the gentleman a positive, scientific answer, so that we may save a good deal of catechising that is not of much use. Dr. Henry A. Mott, of New York, one of our most eminent chemists, makes the following scientific analysis, showing that the constituents of both products under discussion are nearly the same, with the advantage in favor of artificial butter in those ingredients which tend to resist decay:

Constituents.	Natural butter.	Artificial butter.
Water	11.968	11.203
Butter solids	88.032	88.797
Total	100.000	100.000
Insoluble fats	75.256	81.183
Soluble fats	7.432	1.823
Casein	.192	.621
Salt	5.162	5.161
Coloring matter	trace.	trace.
Total	88.033	88.797

Mr. HENDERSON, of Iowa. Does that state where the sample of butter was obtained from?

Mr. FARQUHAR. I think this is part of the expert testimony that Dr. Mott gave and which was used in the contested case in New York which was carried to the court of appeals.

Mr. HENDERSON, of Iowa. In Johnson's Encyclopædia, which gives the latest information, the percentage of water is stated as over 80 per cent., while what the gentleman from New York read gave it as 11 per cent.

Mr. CUTCHEON. That is impossible.

Mr. FARQUHAR. It is utterly impossible; but still——

Mr. HENDERSON, of Iowa. Well, the point I want to make with the gentleman is this, that in order to make Dr. Mott's testimony of more value we would like to know the sources from which the samples were obtained, both of the butter and of the oleomargarine, because it would be very easy for the manufacturer to prepare the samples for the test.

Mr. PETTIBONE. Will the gentleman from New York allow me a question?

Mr. FARQUHAR. Very willingly.

Mr. PETTIBONE. Does the gentleman state that the oleomargarine that was tested by the professor whom he quotes was like all other oleomargarine, and does he also think that the butter was the butter of the country, or does he admit that butter has a fixed quality, and that this sample was a particular kind of oleomargarine?

Mr. FARQUHAR. If the gentleman will take a commercial answer to his question, which is a little wider than my own personal knowledge, I will tell him, and just exactly, how they grade oleomargarine, how the commercial men all over the country who buy it grade it, and I will tell him what the grades consist of. That ought to be satisfactory.

Mr. PETTIBONE. Yes, that is what we want.

Mr. FARQUHAR. I will give him the rules of the New York Mercantile Exchange on this subject, which are just as Draconian as their rules for butter or cheese. They have four grades, extras, extra firsts, firsts, and seconds. The extras, they say—

Must draw clear on the trier, be of perfect texture for the time of year, be high in flavor, taste, and smell, be of good, natural color, be evenly and perfectly salted, and be put up in new and uniform style of package.

That same exchange makes also its classifications for the whole Eastern market of the oleo oils, of which they have three grades—choice, prime, and No. 1. The oleomargarine sold in New York city and the oleo oil sold there are tested and inspected as legitimately as any Western product of butter or cheese, and they are branded perfectly. No man buys them with his eyes shut.

Mr. PETTIBONE. Are they branded when put on the retail market?

Mr. FARQUHAR. On the wholesale market.

Mr. PETTIBONE. That is the point; wholesale, but not retail. I want the House to take notice of that. [Laughter.]

Mr. FARQUHAR. And I desire the gentleman to take notice of another thing, that when he frames a bill to make police regulations by the United States Congress that can keep a compound like oleomargarine off the table where he eats, he will be smarter than the men who generally make the laws.

Mr. PETTIBONE. I do not eat the thing at all.

Mr. FARQUHAR. If this Congress passes a law such as this is intended to be, providing for a police inspection of this product at every stage from the place where it is manufactured until it appears on the dining-table, it will take an army of internal-revenue officers to carry the law into effect.

Mr. MILLIKEN. Do I understand the gentleman to mean that we should not tax oleomargarine because the men who make it and the men who deal in it are so dishonest and so sharp that they will evade the law?

Mr. FARQUHAR. In answering the gentleman's question I wish to eliminate one word from it, that is the word "dishonest." I claim that Mr. Armour and Mr. Dold and the other manufacturers are just as honest as any man holding a seat on this floor, and that the goods they put into the market are fairly branded and properly inspected and graded, and you can ask nothing more.

Mr. MILLIKEN. But if they pursue the course which the gentleman gives this House to understand they will pursue, it does not make any difference whether their names be Armour or something else, the cause is a dishonest one.

Mr. FARQUHAR. I wish to remind the gentleman that I have not said what course they will pursue. I have not said that the manufacturers will pursue any course. I say this, that when the article is properly branded, and goes out of the manufactory, it goes to a great public exchange to be sold; there it passes into the hands of middle-men, the retailers spoken of here, and, let it be branded in any way you please, when it passes into the hands of the men that sell it over the counter, who knows what they are going to do with it, or how they are going to sell it, or who knows what he is going to eat when it comes upon the table?

Mr. PETTIBONE. It is all right, then, if the consumer is swindled?

Mr. FARQUHAR. I say that you can put checks on oleomargarine clear down to the time when the consumer buys it, but when it gets beyond that point no one knows what is to follow.

Mr. HENDERSON, of Iowa. Will the gentleman permit me a question?

Mr. FARQUHAR. Certainly.

Mr. HENDERSON, of Iowa. If Mr. Armour puts into the market a bogus or imitation butter which he sells, the purchaser knowing that it is bogus butter, but Mr. Armour knowing that he will go to the consumer and sell it to him without informing him that it is bogus, do you say that that is an honest business on the part of Armour? Let me illustrate my question. The "banker" of counterfeit money (as we learn in prosecuting counterfeit cases) sells the conterfeit bills to the "shover" at 5, 10, or 15 per cent, and when he sells them to the "shover" at that small percentage the "shover" knows that he is buying counterfeit money and the "banker" (who in my illustration takes the place of Armour) does not deceive the "shover" who buys of him at that rate; but the "banker" knows that the "shover" is going into the country to pass that counterfeit money at its face value, 100 per cent., upon innocent and unsuspecting men, is that banker, is that "Armour" an honest man in the judgment of the honest man that stands before me?

Mr. FARQUHAR. Well, Mr. Chairman, I did not understand that we should go into ethics or casuistry or metaphysics on this question. [Laughter.] I supposed that this was a kind of business proposition with probably a little chemistry thrown in; but when the gentleman comes to take the part of prosecuting attorney, I do not know whether he places me in the position of judge or jury. I know one thing: I certainly am not here to defend Mr. Armour; but if a hypothetical case of that kind is to be brought before me I want to say this much about it: I said in the opening of my remarks that oleomargarine as it comes from the manufacturer is not fraudulent, and I stay by that assertion. I also said (and I want the gentleman to take a part of that answer with him) that when some gentlemen on this floor can prove substantially the unwholesomeness of Mr. Phil. Armour's product called butterine or oleomargarine the gentleman's question will come in place, and I will answer it. I do not seek either to beg the question or to make a new problem for him. I started with the proposition that so far as I know this is a wholesome food product. I stay by that position; and if my assertion is not satisfactory, I will call in a little evidence on that question.

Mr. HENDERSON, of Iowa. I would like to put another question, if it does not annoy the gentleman.

Mr. FARQUHAR. It does not annoy me in the least; but please do not make your questions so long. [Laughter.]

Mr. STRUBLE. And do not make them so hard. [Laughter.]

Mr. FARQUHAR. I will accept that qualification, too.

Mr. HENDERSON, of Iowa. Since the gentleman defends Mr. Armour's honesty (and I am willing the gentleman should defend his own position, I am not making the attack), I merely wish to say this: Suppose, for the sake of argument, that the article which Mr. Armour manufactures is perfectly wholesome, being made of lard or tallow or what you please, but that he manufactures it to be sold by other parties as dairy butter, the product of the cow; is that, in the opinion of the gentleman who hails from the land of honest men——

Mr. FARQUHAR. And bonnie lassies.

Mr. HENDERSON, of Iowa. An honest business for him to pursue, waiving any supposition that the article is poisonous, but assuming that it is made of lard or other such things, and is to be sold as the product of the cow?

Mr. FARQUHAR. I will give my friend a fair answer. The great trouble that surrounds this question is the fact that middle-men and others, independently of the manufacturer himself, palm off this article on the public as butter itself.

Mr. PETTIBONE. And will always do it.

Mr. FARQUHAR. Though a wholesome product, though a cheap food product, though entirely legitimate in its manufacture (because it is simply utilizing the fat of the animal in every way), yet there are men who, trading on the fact that it tastes like butter, smells like butter, and looks like butter, sell it for butter.

Mr. PETTIBONE. And are not those men ninety-nine in a hundred of those who deal in it?

Mr. FARQUHAR. Well, I do not intend to go into the arithmetic of that, because you or I would not know anything about it if we tried. [Laughter.] In this matter I do not pretend to be a defender of Mr. Armour or any other manufacturer. I wish to state why I take interest in this matter. My position in reference to it (and I ask no one to follow me) has been taken without consultation with any one in the committee or outside of it. Some time ago, before coming to Washington, I received a letter from Professor Baird in respect to carp and their production. I knew very little about fish-culture; but treating the question in the same way in which I have been disposed to treat this question, I decided to go to some scientific man and find out what use carp would be in my district. Casting about for a suitable person to whom to apply I decided to go to Professor Linden, of the Buffalo Academy of Sciences.

I showed him the letter I had received, and asked him whether he thought it worth while to introduce carp into that district at all. He looked at the letter and said, "Yes, order all you can; I will go round myself and find ponds to put them in; and I will write an article for the newspapers describing their culture. It is," said he, "one of the best things you can do for your district; and I will tell you why; it diversifies food, bringing into the market at almost a nominal cost cheap food for poor people." Now, in analogy with that matter, I have followed out this question. I am satisfied in my own mind that this butterine is nutritious food. I am satisfied that, however much you may legislate, some time in our lifetime this class of product will be produced from the fats of animals; and possibly another Congress will intelligently conclude that it is a food equal to second or third class butter. I claim no more for it.

I have nothing to say against the butter interest; I have nothing to say against the farmer's industry in any way, because I was born and raised on a farm, and, by the bye, it was one that possibly had the best herd of Ayrshires that Scotland ever produced, there being hardly a stall without a "first prize" displayed in it. I am the friend of the American farmer as much as is the chairman of the Committee on Agriculture or any other man on this floor; but I am at the same time just as much the friend of any cheap wholesome food that is the product of this country, let it be fish, oleomargarine, butterine, or whatever it may be. Put this product upon the market, properly branded, under suitable safeguards, and let those who wish it buy it at a cheap price; and if dear butter must go, let it go.

That is my fair position, without equivocation, too.

Now let me trace another analogy, and it comes nearest my own old handicraft. Right in the city of Baltimore to-day is being manufactured a printing-machine which will probably come in the market inside of twelve months, and that machine will do the work, with one man to handle it, of five of the most expert printers who can be found. Now, I stand just in this relationship to that invention, that no legislation on the part of all the printers' unions of America can stop it.

Mr. PARKER. Being the nearest to the gentleman speaking of any one, I insist upon the right to hear him.

The CHAIRMAN. The committee will come to order.

Mr. FARQUHAR. While this matter stands facing all the journeymen printers of America, and all the type-founders, too, because it abolishes nearly the whole line of "body" type, yet these unions, with all their power, are helpless to stop that invention, and they do not come to Congress to ask any legislation to prohibit it out of existence. They can not do it.

I tell you, Mr. Chairman, we have got to accept the inevitable in such cases. Place around this manufacture all the safeguards which can be put there, so that whether imitated or made artificially to hoodwink the purchaser, in every way put the safeguard so strong it will be impossible to cheat the person who buys last. I am glad of the law so far as that will go.

But when an intelligent Congress puts a 10-cent tax upon a food-

product, it is a kind of protection that were my party in that line I would leave it. I do not and can not believe in building up one industry, though it be the greatest in America, if it be at the expense of another legitimate one. My protection principles, when they touch the coast line of this land, obliterate every State line and make the poor man's smithy, with a capital or plant of a thousand dollars, as well protected and cared for as the South Chicago Rolling Mills, with millions of capital. [Applause.]

And I claim, sir, that this industry, this product, ought to be proved to be illegitimate in this House before you pass any bill to tax it out of existence.

Mr. GALLINGER. Do I understand the gentleman to take the position that the case of a new type-setting machine sold for just what it is is analogous to bogus butter made and sold for what it is not? Is that the gentleman's argument?

Mr. FARQUHAR. No, sir; I used it for the purpose of illustrating that all of the printers' unions of the United States petitioning Congress for the prohibition of that machine can not stop it.

Mr. GALLINGER. Undoubtedly that is true, but there is no analogy between the two cases.

Mr. FARQUHAR. I think there is. Now, I desire to know from the gentleman whether he regards oleomargarine made in accordance with these formulas and under the treatment I have stated, superintended by scientific experts, unwholesome as an article of food?

Mr. GALLINGER. I am not prepared to say it is not.

Mr. FARQUHAR. I am prepared to say there has been very unwholesome oleomargarine made.

A MEMBER. Yes; and there has been very unwholesome butter.

Mr. FARQUHAR. There is butter in the market which is not good and wholesome, and frequently very bad butter is placed upon the table.

Mr. GALLINGER. Everybody knows exactly what it is, and can avoid using it.

Mr. MILLIKEN. It can be detected at once.

Mr. GALLINGER. You need not take it if you do not want it.

Mr. FARQUHAR. There is one property in oleomargarine which has not been referred to, and that is its continual sweetness. It is shipped to Australia, and in fact it is carried all over the world in the holds of vessels, and yet never loses its sweetness of taste or purity of flavor. It is used by the British army.

Mr. GALLINGER. Is not that true of Fowler's solution of arsenic also?

Mr. FARQUHAR. Oh, yes; and many other things of the same kind might be named.

Now, Mr. Chairman, I wish to state in conclusion that if there is a question of conscience and of moral courage in voting on a measure like this it is apt to reach this House through all its present surroundings.

Every member has been deluged by reports, opinions of experts, and others, who know nothing whatever about it. Our committee has sat patiently for a long time listening to all these other parties, possibly all in one line, as I should judge, and yet it brings us here face to face with just two phases of this whole question.

Laying aside the constitutional idea and taking it simply as we find this bill, are we, as Representatives, with the light that we have here, able to bring our minds to that frame in which we will strike down an industry that utilizes for the farmer as well as for the butcher a part of the product of bovines, simply because middle-men, who are dishonest and tricky, impose upon the general public this oleomargarine under assumed names? Or shall we take the other line, and say that we will take in our hands corrective measures as far as lie in our power to save the public from these men who are extorting big prices, possibly, for the goods that can be sold for less, goods without brand, without conditions, but playing on the ignorance of our people, selling them that which would under other conditions be regarded as a fraud? That, I take it, is where we stand.

As a Representative I think that I have the moral courage to stand up and say: Frame and make all of the safeguards to save the public from harm, but do not unwisely begin by American legislation to wipe out of existence any legitimate industry, however simple, however great. [Applause.]

Mr. BUTTERWORTH. May I ask the gentleman a question before he takes his seat?

Mr. FARQUHAR. Certainly.

Mr. BUTTERWORTH. I understand that you are quite willing to levy such a tax upon oleomargarine as will give the General Government jurisdiction and control of its manufacture and sale?

Mr. FARQUHAR. Most certainly I am.

Mr. BUTTERWORTH. Whether that tax be 1 or 2 cents a pound, or whatever it may be?

Mr. FARQUHAR. And I hope every member of Congress feels as I do.

Mr. BRADY. Will the gentleman permit me to ask him a question?

Mr. FARQUHAR. Most certainly.

Mr. BRADY. I have been exceedingly interested in this discussion and particularly in the very able argument of the gentleman from New York, but I had hoped to hear an expression of opinion upon one point upon which I have not been able to obtain the information. I would like to know what expense will the execution of this law entail upon the Government. What officers are necessary to be created in order that this law may be executed? I undertake to say from my own experience and observation in the internal-revenue service, and after having been a collector for a long number of years, that it is impossible with the present force of revenue officers to execute this law, and it will be necessary in my judgment, therefore, to have a very large new force created in order to execute it properly.

It is proper that I should say in this connection that I favor the bill under consideration; but it is important that we should ascertain, and ascertain distinctly, what number of officers will be needed and what expense it will entail upon the Government for its proper enforcement before we do pass it.

Mr. GROUT. Does not the gentleman think that the tax of 10 cents is high enough to pay that? [Laughter.]

Mr. BRADY. I have no doubt that the tax is high enough; but how are you going to collect it without the officers? That is the question; and I was in hopes that that question would have been considered by some gentleman in this debate.

Mr. FARQUHAR. I will state to the gentleman from Virginia that that is a proposition which has occurred to me within the last two or three days, and I must confess that I feel very much in the dark as to the answer. There will certainly be an inspector required both by day and night and a chemist in every factory wherever one is established throughout the country.

Mr. BRADY. And in addition will not a number of deputy collectors be required to go around and make these investigations and collect the taxes?

Mr. FARQUHAR. I should think so, certainly.

Mr. BRADY. Because it must be apparent that there will be more persons engaged in the sale of butter than are now engaged in the sale or manufacture of tobacco. Notwithstanding the vigilance of the force of inspectors and collectors at the present time there is no doubt that many frauds are constantly being perpetrated in the manufacture of cigars, &c.

Mr. HENDERSON, of Iowa. But they will have to buy their stamps.

Mr. BRADY. Yes; but that is not all; there must be inspection, just as in distilleries and tobacco-manufacturing establishments.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PRICE was recognized.

Mr. WARNER, of Missouri. If I can be recognized I will yield ten minutes more to the gentleman from Virginia, if he desires it.

Mr. PRICE. You can not be recognized at this time. [Laughter.]

Mr. WARNER, of Missouri. I hope the gentleman will pardon me; I thought I was addressing the chairman of the committee, but I find I am mistaken.

Mr. PRICE. You certainly are mistaken if you suppose you can get the floor now. [Laughter.]

The CHAIRMAN. The gentleman from Wisconsin is entitled to the floor.

Mr. BUTTERWORTH. Before the gentleman from Wisconsin proceeds I wish to make a single remark. It has been suggested that it would take a large force to enforce the law collecting a tax from oleomargarine, larger than to regulate the sale of whisky and tobacco. I want to call attention to this fact. Every consumer is interested in the enforcement of the law as against oleomargarine, while they are all in exactly the opposite position in reference to the enforcement of the law as to whisky and tobacco.

Mr. PRICE. Mr. Chairman, the purpose of this bill is to produce revenue, to preserve the dairy interests of the country from annihilation, to take care of the public health, and discourage dishonest practices among the people. If I could have the kind of legislation that I want it would not be a source of revenue, as I would make the tax so high that the operation of the law would utterly destroy the manufacture of all counterfeit butter and cheese as I would destroy the manufacture of counterfeit coin or currency.

But we have no constitutional authority to do this, and therefore the primary object of this bill must be to raise revenue, and the three other purposes can only be attained so far as they are collateral to the first.

The cost of producing a pound of these villainous imitations is about 8 cents; the tax, as provided by this bill, is 10 cents per pound; the license of a wholesale dealer is $40 per month; and the license of a retail dealer $4 per month.

If a wholesale dealer should sell 4,000 pounds per month the license would cost him 1 cent per pound. If he sold 1,000 pounds the license would cost 4 cents per pound.

If he sold 10 tons per month, it would cost him about one-fourth of one cent per pound. The retailer who sold 400 pounds per month would have to pay 1 cent per pound; if he sold 800 pounds, it would cost him one-half of 1 cent per pound; if he sold 1,600 pounds per month, it would cost him one-fourth of 1 cent per pound.

Thus, 8 cents cost of making, 10 cents tax, 1 cent license to wholesale dealer, and 1 cent license to retail dealer, and the whole cost would

be 20 cents per pound, 12 cents of which would go to the Government; and this, on 150,000,000 pounds, which is the estimated amount annually made, would produce a revenue of $18,000,000 annually.

Of course these figures can not be relied on as mathematically correct, but they may be regarded as near to a correct approximation to the actual conditions as it is possible to make on a subject of this character.

But independent of the revenue thus to be derived directly by the passage of this bill, a powerful argument in its favor is found in the fact that three-fourths of the people are interested in farming; they pay 75 per cent. of the taxes, and owe one-half of what they are assessed on.

As a class, they are poor and need protection from bogus-makers and bunko-men. They are being driven from their farms, and lands are rapidly falling into fewer hands.

The unequal distribution of wealth in other countries has destroyed all possibility of an equality of political rights, and is fast approaching that condition in America. The founders or fathers of our system builded as wisely as they could have done with the light they had; but it was a terrible omission that there was not set a bound to the acquirement of unnecessary and extraordinary wealth generally, and particularly to the possession of land. The only reason that ever existed for exclusive legal right over any part of the earth grew out of man's necessities.

The forests and streams once furnished the necessary food for the human family, and if that condition of things had remained there never would have been heard of one man owning a part of the earth to the exclusion of the balance of mankind. But the human family increased and the supply diminished, and the cultivation of the soil became a necessity to prevent suffering and starvation.

Man then, in the aggregate, which means society, declared that he who would cultivate a portion of the soil should be protected in the exclusive possession of so much as was thus cultivated during the lifetime of the occupant, and at his death it became the property of whoever first succeeded in gaining possession of it. This "life lease" of it was for a time sufficient inducement for the human family.

But in time this became insufficient, and still more perfect and enduring titles were guaranteed, because they were necessary for the support of the human family. No one holds or possesses exclusive rights of ownership over an inch of soil in the universe by any Divine right. The exclusive title was only vested in the individual, and society excluded therefrom, as a necessity growing out of the circumstance that the cultivation of the soil was necessary that man might live.

The recognition of this fundamental principle would lead irresistibly to the conclusion that the individual should only be permitted to exercise exclusive ownership over so much of the earth as he can and will cultivate. This principle has been lost sight of until to-day tracts of land large enough for an empire are held and owned by individual citizens, from which, of course, all others are excluded, in violation of good policy and sound economic principles.

This is in conflict with and destructive of the only principle that justifies vesting the exclusive ownership in land.

I know not how we may remedy the wrong so far as it exists without doing a greater wrong; but we may and should prevent the further adoption of this disastrous practice, and if we can not get back to the right place, we can at least avoid traveling further from it.

We have more land tenants to-day than has France, and while farmers are making a heroic fight for an existence, there approaches one of their principle means of support—the dairy interest—the scalpers of the cities, the men who have cornered pork, cornered lard, cornered wheat, oats and corn, cornered butter, who are now trying to get a corner on legislation, and who, if they succeed here, will next try to get a corner on the plan of salvation.

Every man who has sufficient intelligence to find his way to Washington after his election, knows that the dairy interest employs from six to eight millions of American citizens; that this dairy interest is a necessity to all other branches of agriculture, as the keeping of stock is necessary to create or continue the conditions of soil necessary to the production of other crops.

This fraud is young in years and yet it is so old that it has decreased the value of the milch cows of the country millions of dollars and decreased the number by many thousands, when they were increasing before its introduction in three years in Iowa alone from 300,000 to 1,250,000.

It has also so seriously affected our export trade that soon the nations of the world will treat American butter as Germany has already treated the American hog.

Already this cheat, this fraud, this counterfeit, has destroyed 20 or 25 per cent. of the dairy interests of the United States, and 300,000 milch cows were slaughtered last year in Chicago alone, and yet when we attempt to pass a bill to protect the people from a spurious and unhealthy substitute for butter; when we make an effort to protect the dairy interests of the country, we are gravely met with the statement of its doubtful constitutionality.

Mr. Chairman, if a hostile band of Indians was on its way to the capital and a measure was before the House to provide for the common defense, and you would appeal to the gentleman from Texas [Mr. REAGAN] for a plan of safety, he would study the Constitution to learn his duty, until our several scalps would be found gracefully dangling from their savage belts.

If a hostile fleet were to sail up the Potomac and open its batteries upon this capital, and we were to appeal for advice to the gentleman from Georgia [Mr. HAMMOND], he, too, would suddenly be seized with an unusual reverence for the Constitution, and this temple would tumble about our ears before he would adopt any defensive measures of doubtful constitutionality.

The Constitution was never intended and should never be invoked to shield a fraud. The Constitution was framed and adopted to define rights and secure them; to protect all legitimate industries; to punish all attempts to cheat and defraud; to stimulate and encourage honest commerce, honest living, and honest gains; and yet when we find that offal from the butcher shops, the decayed and decaying carcasses of the stock-yards, and dogs killed because suspected of being affected with rabies are being worked up into the oils and fats that go to make up the infernal compounds, or at least some of them, that are palmed off on the public as food, as butter; when we are confronted with the fact that a few men in our cities are amassing princely fortunes by this system of counterfeiting, while the legitimate manufacturers of butter are being starved and strangled; when there comes up to this Congress a united voice from the agriculturists of the entire country for legal protection from this system of piracy we find ourselves confronted with opposition because the opponents doubt its constitutionality.

I am not a constitutional lawyer, and I am rather glad that I am not, if its study should lead me only where it has led so many members of this House, to only invoke its aid by construing it to justify what I wanted indorsed and to prohibit only that which I wish condemned.

It is enough for me to know that these imitations of food are destructive of good health, that the traffic in them is destructive of good morals, and that their continuance will wipe out one of the most universal and most necessary industries of a class of our people who are sorely distressed financially already, and without whose prosperity the nation can not be prosperous.

It may be said, nay, is said, that some of these counterfeits are not unhealthy. For the sake of argument, let us concede this; but is there a man on this floor bold enough to assert that all of them are healthy, and that either of them may be taken into the human stomach without danger? And if some are safe and others dangerous; if some are healthy and others poisonous, will some one who is friendly to the continued manufacture of and traffic in these several compounds tell me, tell this House how the citizen can know which he can safely use, or which of them he must reject as possessing the seeds of disease and death? To do so with certainty he must be deeply learned as a chemist, and take with him to the table of the hotel, the restaurant, and the lunch-counter his microscope and other scientific appliances, with which to analyze before partaking of anything set before him in the semblance of butter.

But they who oppose this bill say that it is a "cheap substitute," the "poor man's butter," and that if its manufacture and sale are stricken down legitimate butter would demand so high a price as to be beyond the reach of men and families of small means.

The testimony before the committee was that one grocer in this city and one grocer in New York had fairly tried the experiment of selling it as an imitation, and had utterly failed to sell it as such; that no man in either city could be induced to buy it at all when he knew its true character, or rather its uncertain character; that no man could be found poor enough to buy this "poor man's butter."

It is a well-established fact that to sell it at all to the consumer the consumer must be deceived, must be cheated. True there may be, and is, a commerce kept up in it to a certain point without deception.

The maker and wholesale and retail dealer may deal in it in its true character, but when it is sold by the firkin, tub, or jar to the keeper of the hotel or eating-house, where is the security that they will not place it before their guests as butter? The fact that they purchased it is *prima facie* evidence that they meant to place it on their tables, and where will you find the type of man or woman who, being the guest, would touch the unclean thing knowing it to be other than butter?

It might be an imitation both palatable and healthy, but the possibility that it might be otherwise would cause it to be treated as a stranger of unsavory reputation.

Again, you are afraid that, this competition destroyed, the price of pure butter would become so high as to place it beyond the reach of the mass of our people.

I have before me a pamphlet sent me by the most extensive manufacturers of imitation butter in the country, sent to convert me to the support of their product, in which I find the statement:

As it is dishonestly claimed that butterine and other butter substitutes have unfavorably affected the value of dairy products, the official record of prices in New York, given below, sufficiently [explode] uphold that assertion.

Actual prices realized show that since butterine has been regularly sold natural butter has obtained better prices than before butterine became a competitor.

Read the comparative figures compiled from official records showing the New York wholesale prices for best butter in January and July for five years prior

to the war, and for the five years beginning with 1877, when oleomargarine first came prominently before the public.

	1857.	1858.	1859.	1860.	1861.
January	25	21	25	20	21
July	22	19	18	18	15
Average	23½	20	21½	19	18

Average for five years, 20⅞ cents.

	1877.	1878.	1879.	1880.	1881.
January	31	30	20	30	28
July	20	17	14	22	24
Average	25½	23½	17	26	26

Average for five years, 23⅜ cents, or about 16 per cent. higher during the five years in which oleomargarine was first known.

Follow the same line of investigation we find the prices for the last four years to have been as follows:

WHOLESALE PRICES FOR BEST BUTTER IN NEW YORK.

	1882.	1883.	1884.	1885.
January	40	40	38	33
July	24	20	20	18*
Average	32	30	29	25½

*To June 24.

Average for four years past 29½, or about 45 per cent. higher than before oleomargarine was known, and as compared with 1877 to 1881, inclusive, 6 cents per pound higher during 1882, 1883, 1884, and 1885, in which injury to dairy interests has been most loudly claimed.

Mr. WISE. Will the gentleman permit me to ask him a question?

Mr. PRICE. Yes, sir.

Mr. WISE. You started out in this discussion by telling us this legislation is necessary for the protection of the farmer. Now, if it be true that since the introduction of oleomargarine butter the farmer gets a better price for his butter, will you please tell me where is the necessity of interposing for the protection of the farmer?

Mr. PRICE. The gentleman misstates me when he makes me say that the primary object is to protect the farmer. I have told you the primary object is to secure revenue.

Mr. WISE. I stated that you started out in this discussion by saying that this legislation is necessary for the protection of the farmer.

Mr. PRICE. I beg your pardon.

Mr. WISE. I certainly understood you to say so.

Mr. PRICE. Then you did not understand what I said, and that is not my fault.

Mr. WISE. The gentleman from Pennsylvania said the primary object was for revenue but the incidental protection was for the farmer. Now, is the farmer incidentally protected?

Mr. PRICE. If the gentleman will not halloo too loud, so as to disturb my nervous system, I will answer him. [Laughter]. I will repeat what I said at the outset of my remarks, and I ask the gentleman to listen this time so he will not have to ask me the question again. I said:

The purpose of this bill is to produce revenue—

That was my first sentence—

to preserve the dairy interests of the country from annihilation, to take care of the public health, and discourage dishonest practices among the people.

Mr. WISE. How do you save the dairy interests of the country from annihilation?

Mr. PRICE. I will tell you if you will wait a while. The first step to secure it from annihilation is to place it out of the power of any miserable, soulless wretch who will take the offals of our stock-yards and make them into the semblance of butter to cheat the poor man whom the gentleman loves so dearly.

So that out of their own mouths are they condemned, so far as the pretense has been made or will be made that they are furnishing a cheaper article of food than straight butter.

But suppose, for the sake of the argument, that it is cheaper, is there a man reckless enough to assert the probability that it would remain cheaper, after it had destroyed utterly, as it has now materially, the legitimate dairy interests of the country?

After our cows had been killed, and thus the supply of meat destroyed, and after the whole industry had been throttled and our creameries and cheese factories should stand as silent monuments of our folly, and these men "should be masters of the situation," are they so immaculate, so unselfish, as not to take advantage of their power, unchecked by competition, as to furnish to the world their wares at the lowest possible price? Or would they not act like the rest of mankind, and charge all they could get? And where would be the bounds to that possibility with their competitors driven from the field?

Mr. BUTTERWORTH. I should like to ask the gentleman a question.

Mr. PRICE. I have not much time left, and there is a better speaker than I am awaiting his opportunity to be heard.

Mr. BUTTERWORTH. I question if he is a better speaker than you are. I understand my friend to say the number of cattle has decreased.

Mr. PRICE. Yes, sir.

Mr. BUTTERWORTH. Does the gentleman speak of certain States? And does he speak of butter-making cattle or of the entire stock of cattle?

Mr. PRICE. Men who have made the subject a study tell us the number of milch cows throughout the States of the Union has decreased 25 to 40 per cent.

Mr. BUTTERWORTH. You mean milch cattle?

Mr. PRICE. Yes, sir.

Mr. BUTTERWORTH. I understand there has been a decrease of dairy cattle in certain States. I would ask the gentleman whether the reduction is not due, in a measure, to the fact that a much larger number of cattle have been produced farther west at a much less cost?

Mr. PRICE. The number of grazing cattle was increasing with gratifying rapidity. But since this thing struck that industry it has been decreasing in an alarming ratio. I have in a speech made by the honorable Commissioner of Agriculture a short time ago in Chicago this startling fact, that to-day within the limits of the United States there are fewer cattle per capita for the people of the United States than there were in 1870.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman a question?

Mr. PRICE. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. When did the competition of this article become especially noticeable in this country?

Mr. PRICE. Oh, you would have me to go away back to the time of the Franco-German war, when this article originated as a military necessity.

Mr. BRECKINRIDGE, of Arkansas. But that was not my question. I did not ask when the process was invented, but I asked you when the competition of this article was materially felt in this country.

Mr. PRICE. It has been chiefly within the past three or four years.

Mr. BUTTERWORTH. As I understand, the reduction in the number of dairy cattle has gone on *pari passu* with the growth of this article.

Mr. PRICE. That is the view taken by every gentleman skilled in the subject who appeared before the committee, and I presume it is true. I have not personally examined the question.

I want to emphasize another fact which the Commissioner of Agriculture states to us; that while the number of cattle in the United States is such that if you were to put them into a herd beginning at Faneuil Hall, in Boston, they would make a line twelve abreast extending to San Francisco and back to New York, yet we have less beef in the United States per capita now than in 1870. So that, notwithstanding the increase of cattle in the West, the decrease of cattle production in the States east of the Mississippi and the increase of population has changed the relation of the meat supply to the demand in such a manner as to more than counterbalance the increase of cattle in the West. Therefore I say we can not afford to let this dairy industry be broken down, even if we regard it alone with reference to the future meat supply of the country.

Mr. BUTTERWORTH. Will my friend indulge me in one more question? I understand him to say that we are availing ourselves of a constitutional power to collect revenue and at the same time to do away with a great evil, the perpetration of a fraud upon the dairy interests of this country?

Mr. PRICE. To lessen it; I do not think we shall entirely do away with it.

Mr. BUTTERWORTH. Does my friend desire to have the ultimate object in this case—and I agree with him about the necessity of correcting this evil—does he desire to have the ultimate object the collection of revenue, or is his object to wipe out this trade?

Mr. PRICE. The gentleman was not in when I began my remarks. I then stated that the primary object was the revenue, but that incidentally there were these other objects. If I could do as I would we should get no revenue, because I would interdict the whole business, just as I would the manufacture and the traffic in counterfeit money.

But, as I can not do that constitutionally, I propose to take advantage of the constitutional power that I have to make this trade contribute to the revenues of the Government and at the same time to restrict it and lessen the evil.

Mr. BUTTERWORTH. I am not raising the constitutional question at all. I am only seeking to get at the best way of doing away with this evil.

Mr. PRICE. I do not suppose it will ever be blotted out entirely. The gentleman from New York [Mr. FARQUHAR] tells us that it never can be, and I presume it never will be.

We have been for eighteen hundred years making laws against counterfeiting and all the other crimes known to the calendar, and none of them are yet completely wiped out; yet that is no reason for failing to do what we can to stop a nefarious business—nefarious because it is deceptive in its character, nefarious because it is injurious to the human system, nefarious because it is destructive to the revenues and to the general prosperity of our country. I do not presume that we shall ever get it wiped out entirely, but in the name of common sense what are we here for but for the purpose of restricting and crippling all such evils to the extent that we have the power to do it under the Constitution?

Mr. BUTTERWORTH. I am in favor of making it sail under its own flag.

Mr. PRICE. I would be content with that if it could be done, but no man in this House has ingenuity enough to cipher out a plan by which you can do that except under the police power of this nation.

Mr. BAYNE. If the gentleman from Wisconsin will allow me to suggest, I think the gentleman from Ohio [Mr. BUTTERWORTH] means to indicate that he would prefer a lower tax than 10 cents a pound.

Mr. PRICE. Undoubtedly. I do not doubt that many excellent gentlemen entertain that opinion, but in the opinion of the committee—their unanimous opinion with one exception—the taxes named in this bill are not too high, because we believe the manufacturers of this article can pay all the taxes enumerated in the bill and then put it on the market at 20 cents a pound, which is 10 cents less than good butter can be bought for. Gentlemen say to us, "Compromise! compromise! This is too severe." There can not be anything too severe in this business. Why should we throw away nine millions of revenue by taking a 5-per cent. tax instead of 10? Why should we favor this business? Take the half-dozen boards of trade that appear as its advocates. Are you going to put the views and interests of those few fat, sleek, kid-glove millionaires against the interests of the fifty thousand people who petition against this thing?

A dispatch has been read here from the Board of Trade of Pittsburgh, in which they state that this article is cheap. I have exploded that theory, I think, pretty effectually, but if it is going to be cheap, if these men who deal in it can still hoodwink the people and still put an indigestible and unpalatable article upon the market under the guise of butter or something else, selling it to the people under false pretenses, I would simply increase the tax up to the required point. But it is not cheap, if Plankinton and Armour's pamphlet tells the truth, and if the testimony before our committee is to be trusted. The fact is that the few men who deal in the article get all the benefit of it in money, and the consumers have simply the disadvantage of eating an impure article at a high price.

The gentleman from Pennsylvania [Judge KELLEY], opposes the bill because of the revenue it would produce, and this increased revenue might by some possibility lessen the reasons for protecting Pennsylvania iron.

I have always admired the gentleman as one of the nation's ablest defenders of our protective system. I have always honored him for his fidelity to the interests of his State; but the horizon of his vision is bounded by the iron and steel interest, to the utter neglect of the more important and equally honorable interests of agriculture.

To keep up a protective tariff he would release liquors and tobacco from their just contribution to our revenues, and having proceeded this far, it is not strange that he should antagonize this measure.

I have sat at his feet and taken lessons in political economy for a third of a century, but I must leave him here. When I say that protection to American industry is the only sound theory of government, I mean protection to all interests, and all our people—I mean not only protection against the cheaper productions of a cheaper people than Americans should be, but protection from counterfeit money, counterfeit food, and counterfeit pretensions. In short, protection against anything and everything that approaches our people the tendency of which is to make our whole people less self-supporting and self-respecting; and these considerations lead me irresistibly to the support of this bill, the effect of which would be to protect the toilers on the millions of farms of our land against the fat, sleek, kid-gloved gentry who manipulate boards of trade in the interest of the pig-sty dairymen of the cities.

Mr. KLEINER. Will the gentleman allow me a word?

Mr. PRICE. Certainly.

Mr. KLEINER. It is assumed, of course, that the interdiction of this product manufactured from lard or whatever it may be is for the benefit of the farmer. Now, on the other hand, it is claimed that by this manufacture the value of cattle is enhanced about $3 a head.

Mr. PRICE. Is there a man on earth who says that except the Chicago Board of Trade?

Mr. KLEINER. Now, I would like to suggest to the gentleman from Wisconsin——

Mr. PRICE. Permit me to answer your last remark. There are fifteen millions of milch cattle in the United States that have depreciated in value $10 apiece since this product came into use; and thirty thousand are being killed annually in Chicago.

Mr. DUNHAM. Let me say to the gentleman that nobody has better information in regard to this question than the Chicago Board of Trade——

Mr. PRICE. But what do they care about the interests of the farmer? I would as soon trust a Winnebago Indian with a jug of whisky as trust to the Chicago Board of Trade any question relating to the interests of the farmer. [Laughter.]

Mr. DUNHAM. I will say to the gentleman that they have a pretty good idea of all business questions.

Mr. PRICE. Oh, I have no doubt of that; but it is their purposes and motives I object to. They would throttle all the interests of the farmer that they might live in luxury.

Mr. DUNHAM. The gentleman talks about their "purposes." I would remind him that we had a riot in Chicago a few days ago, and our board of trade raised $15,000 for the benefit of the families of the policemen who were killed in the streets by the socialists.

Mr. PRICE. They could well afford to raise that sum to mitigate, in some degree, the injuries resulting from a bloody riot superinduced by the wide distinction made between the laboring classes on the one hand and those who would stand upon the necks of better men than themselves and grind them into powder. If those men had conducted themselves decently in the years of the past, recognizing their fellow-men as belonging to the great brotherhood of man, there would have been no riot there. There has been none in my own town, and none anywhere where men have been treated decently.

Mr. Chairman, I would protect the agricultural interest of the country generally, and the dairy interest in particular, against these pirates on the sea of commerce who find their principal supporters among gentlemen who represent sections of the country which are more distinguished for the amount of Cain and Democratic majorities that they raise than for their agricultural products.

Of the seven million farmers in the United States there comes to this Congress no protest against this bill.

But, on the contrary, we have been overwhelmed with petitions humbly but earnestly asking us to save them from the knife that is placed at their necks, who would poison our people, teach the rising generation to thrive by fraud and deception, decrease the meat supply, and destroy the dairy interests of the country. And opposing these comes only the boards of trade of some of our cities—to which the cities of Saint Paul and Saint Louis form honorable exceptions—and a half dozen manufacturers of bogus butter.

On which side will gentlemen array themselves? Their vote on this bill will show more plainly and emphatically than any professions made in their canvass for the right to vote on the subject.

I have before me the list of private petitions sent to us to pass this or a similar bill:

New York	21,923
Pennsylvania	15,487
Iowa	11,601
Minnesota	8,282
Michigan	4,240
Ohio	10,081
Wisconsin	6,482
Illinois	7,533
Indiana	2,265
Missouri	2,118
Massachusetts	1,540
New Jersey	1,352
Vermont	2,421
Kentucky	1,603
Nebraska	1,676
Kansas	1,350
Maine	806
Delaware	465
Georgia	798
Maryland	1,325
Virginia	1,242
Total	104,644

One hundred and sixty-two granges of Pennsylvania, containing a membership of twenty-four or twenty-five thousand.

Two granges of Michigan.

Five granges of New Jersey.

One grange of New Hampshire.

I take the liberty of appending to my remarks the report of the committee on this subject:

The Committee on Agriculture, to whom was referred the bill (H. R. 6570) entitled "A bill to prevent the illegal sale of all imitations of dairy products, and for other purposes," beg leave to submit the following report to accompany the substitute therefor:

The subject-matter embraced in this bill is one of great magnitude and grave importance. The jurisdiction over it by this committee was conferred by a direct vote of the House, and imposes a responsibility fully appreciated, but which the committee have endeavored to discharge fully and conscientiously.

The power of the Federal Government to impose an internal-revenue tax upon the manufactured compounds sold as imitations and counterfeits of butter, as enumerated in the second section of the substitute bill reported by the committee, is too well established by a long line of precedents to require any argument; indeed, as far as your committee are advised, this power is unquestioned and universally conceded by those who deny the necessity or expediency of such a tax. This power to tax is not limited alone to the necessities of the Government for the amount of revenue derived. It has been invoked in more than one instance to provide for the general welfare and sustained by the highest judicial tribunal of the land. It is contended by some that the tax on oleomargarine, as defined in the bill, is excessive, and is advocated for the purpose of destroying or impairing its manufacture and sale, and is, therefore, beyond the constitutional power of Congress. It is a sufficient answer to this to say that, the power to tax being conceded, there is no limitation to its exercise except the discretion and wisdom of Congress.

"The power to tax may be exercised oppressively upon persons, but the responsibility of the Legislature is not to the courts, but to the people by whom its members are elected." (Veazie Bank *vs.* Fenno, 8 Wallace, 533.)

The only remaining question is as to the propriety of this legislation at this time.

The Committee on Agriculture have given the subject a patient and, so far as practicable, an exhaustive examination, and in the course of that investigation have listened to arguments by representatives of the National Butter, Cheese, and Egg Association; the Iowa Butter and Cheese Association; the Baltimore Produce Exchange; American Agricultural Association; the New York Retail Grocers' Union; the American Agricultural and Dairy Association; Hon. Norman J. Colman, Commissioner of Agriculture, and Dr. Loring, ex-Commissioner of Agriculture, of the United States, as well as representatives of the manufacturers and dealers in oleomargarine.

They find that there are in the United States over 15,000,000 cows, producing annually over 1,000,000,000 pounds of butter and 300,000,000 pounds of cheese, and that the product is worth $250,000,000; that about an equal amount of milk is consumed as milk, so that the product of the dairy interest of the United States is worth $500,000,000 annually; that cows were worth on an average $40 per head until the introduction of counterfeit butter, and are now worth but $30 each, making a total loss of $150,000,000 in milch cattle alone; that during last year there were slaughtered in Chicago alone about 300,000 milch cows, or an average of about 1,000 per day; that there are from four to five million American citizens engaged in the dairy business, and that they must all abandon it and be driven into some other already overworked branch of industry unless they can be relieved from the present ruinous competition with cheap imitations of butter and cheese; that the dairy interest is a necessity to all other branches of agriculture, as it is the cheapest and most reliable means of producing or continuing the conditions of soil necessary to the production of crops of grain and grass; that the cost of producing the usual imitations of butter is from 7 to 8 cents a pound, and the cost to the consumer has been and is about equal with the price of genuine butter; that such imitations are not only disastrous to the dairy interest directly and to all branches of agriculture indirectly, but that they are detrimental to public health, being the fruitful cause of dyspepsia and other diseases; that among the articles and ingredients used in the manufacture of such imitations there are the following: Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpetre, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, bromochloralum, oil of peanuts, sugar, caustic soda.

From the best and most reliable information obtainable your committee believe that about 200,000,000 pounds of spurious and imitation compounds and mixtures are now being manufactured annually, which not only takes the place of so much butter, but stops the consumption of much more by the demoralization of the trade.

Your committee further believe that the unrestricted traffic in counterfeit butter is demoralizing in its effect upon the people; that the existence of such base counterfeits has already seriously impaired our export trade and will result in still greater damage if not checked.

It further appears, from all the information before your committee, that at least nine-tenths of the people of the United States demand this legislation.

In view of all these facts your committee respectfully report the accompanying bill as a substitute for House bill No. 6570, and recommend its passage; and also in lieu of all the bills and memorials relating to this subject which have been referred to the committee, and which are herewith reported back with the recommendation that they do lie upon the table.

Mr. Chairman, I yield the remainder of my time to the gentleman from Vermont [Mr. GROUT].

The CHAIRMAN. The gentleman from Vermont [Mr. GROUT] has seventeen minutes.

Mr. GROUT. Mr. Chairman, in what I have to say upon the proposition contained in this bill to tax the manufacture and sale of oleomargarine I shall attempt to answer two questions. First, is such tax lawful; second, is it necessary?

The answers to these questions will run somewhat together. But, first—

IS IT LAWFUL?

The right of taxation is one of the essential powers of government. Section 8, Article I of the Constitution, designates how, under our system, this power shall be exercised. It reads:

Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts, provide for the common defense and general welfare of the United States.

Under this explicit grant of authority Congress has dealt with the subject of taxation in all its branches as the public necessities and general welfare have demanded.

In the leading case of Hylon, plaintiff in error, *vs.* The United States (3 Dallas, 171), Mr. Justice Patterson quotes approvingly from Smith's Wealth of Nations (volume 3, page 341), as follows:

Consumable commodities, whether necessaries or luxuries, may be taxed in two different ways; the consumer may either pay an annual sum on account of his using or consuming goods of a certain kind, or the goods may be taxed while they remain in the hands of the dealer and before they are delivered to the consumer.

The tax here spoken of was an excise tax the same as that proposed by this bill. Note the language: "Consumable commodities, whether necessaries or luxuries, are taxable." Hence the fact that oleomargarine is an alleged article of food and may be classed with necessaries can in no way affect the power of Congress to tax it. It can only be a fact addressed to the discretion of Congress in the exercise of the power. But if Congress exercise the discretion and impose the tax it has only done that which a plain grant of the Constitution empowers it to do. Though the tax be unwisely imposed, it is, nevertheless, lawful. If the tax should prove a mistake, it would be a mistake of fact and not of law; and the remedy would be not with the courts but with the people. The courts would have no power to make correction; a subsequent Congress would.

The right to tax consumable commodities should not be confounded with the right to prohibit the production and sale of them. But the distinction between the two, which is a broad one, has evidently been lost sight of by those who deny or doubt the power of Congress to lay this tax on oleomargarine. This is to be inferred from the fact that they cite the case of The People *vs.* Marx, decided in June last in the New York court of appeals (54 Sickles, page 377), as an authority against the constitutionality of this bill. This case is upon the lips of every defender of bogus butter. It is confidently referred to as an authority against any rightful legislative control of the subject. Now, the only applicability of the Marx case to the bill before us is that both relate to oleomargarine.

The bill proposes to tax it. The Marx case says not one word about taxation. It contains no hint even upon the subject. It simply holds a statute in New York which prohibited the manufacture and sale of oleomargarine unconstitutional, in a case where it was not shown that it was unwholesome, and in which it was admitted that it was not sold for butter, but was sold for just what it was.

The head-note of the Marx case shows just what was decided. It is as follows:

A legislative enactment which absolutely prohibits an important branch of industry not shown to be injurious to the community and not fraudulently conducted, solely for the reason that it competes with another industry and may reduce the price of an article of food, is unconstitutional.

Now every good lawyer will agree that as the Marx case was made up the decision was a sound one. The difficulty in that case lay, in the first place, in the statute, which was one of absolute prohibition; and in the second place in the grounds upon which the prosecuting officer rested his case.

It will appear also from a careful examination of the full text of this case that had it been shown that oleomargarine is unwholesome, or that it is made in imitation of butter, and as a fraud upon butter, the court would have held even the prohibitory statute valid. Now, if upon these grounds a prohibitory statute would be valid, certainly there can be no objection to the bill before us, which only proposes, by a tax upon the article, to so identify it that this fraudulent product shall be sold for just what it is.

There can be no doubt but this tax, if imposed, will be "lawful." The only real question is, is it "expedient?"

IS IT NECESSARY?

In answering this question we must look just a little into the character of oleomargarine and of the fraudulent trade in it.

An ancient writer of high repute said: "God hath made man upright; but they have sought out many inventions." Oleomargarine is one of them. It must have been the very one that crowded in ahead of all others upon Solomon's sorrowing vision as he bewailed the departure of man from the "upright." In all the crookedness of man, in both ancient and modern times, the manufacture and sale of oleomargarine must stand first among his false and deceptive works. It is in the first place a counterfeit. It is studiously made to resemble in all respects butter. And the resemblance is so close that only the microscope or a chemical analysis will detect the difference; and some assert that neither the microscope nor chemistry can tell the one from the other.

But this last is one of the falsehoods of this false business, to which is always added, "If science can not tell the difference, then what is the difference? Why is it not as good as butter?" But I repeat, this should be branded as a falsehood. Certainly Professor Taylor's microscope reveals even to the unpracticed eye an unmistakable difference, much like the difference between the green leaf of spring and the dead leaf of autumn. To this many gentlemen upon this floor can testify. But it is a counterfeit, a confesssd counterfeit, better calculated to deceive than the most skillful counterfeit of the current coin or paper money of the United States. Like the pirate, who displays a friendly flag, it sails under false colors; and like the pirate and the counterfeiter it takes from others without giving an equivalent in return. It is manufactured for 8 or 9 cents per pound and sold to the consumer for 20 or 30 cents per pound; not for what it is, but for pure butter; just as the counterfeit dollar is passed not for what it is, but for what it appears to be. But it is said that the manufacturer sells to the dealer for just what it is. In most instances very likely. So does the maker of counterfeit money supply the one who puts it into circulation for just what it is; but never at a fair profit only on what it cost him to make it. He would want at least about one-half the whole fruit of the fraud; just as he who steals a horse would be willing to pass it to the receiver at perhaps half its value, who in turn would have a margin left for his share. So it is with this oleomargarine trade. Between the first cost and the price paid by the consumer enormous profits cluster along the way. If these profits were legitimate no fault could be found; but they are won by fraud. They are made by selling oleomargarine for butter. Not one pound in a million of this counterfeit stuff is bought and eaten by the consumer for what it is. Like the counterfeiter's victim, who "took it for a dollar," one always buys butter, but in blissful ignorance he too often eats oleomargarine. The only way one can be certain is to establish a chemist's laboratory in his kitchen and plant a microscope by his plate.

The oleomargarine trade is by no means a small affair. It is simply

immense. It is estimated that at least 150,000,000 pounds of oleomargarine were made in the United States during the last year—7,500 tons. At 8 cents per pound it cost $12,000,000; sold as butter at 25 cents per pound the people paid for it $37,500,000—a downright swindle upon them of at least $25,000,000, allowing $500,000 for legitimate profit, if indeed there can be any such thing as legitimate profit in a fraudulent business like this. Can it be that a free people will let a fraud upon themselves of this magnitude go unwhipped of justice? Can it be that they will sit quietly by and let this counterfeit butter business fatten off their gullibility at the rate of $25,000,000 annually, in fact in a much larger sum in the future, for the business is rapidly increasing?

If oleomargarine be the poor man's blessing, as is claimed, it should be secured to him at the poor man's price. But this will never be till compelled, as proposed by this bill, to go upon the market in no guise but its own and under no name but its own. As oleomargarine it will pay the tax proposed by this bill, and then reach the poor man's table at much less cost than it now does; if indeed it be fit to eat, of which a word in a moment. But it now sells for the price of butter, from 20 to 30 cents per pound, and leaves the poor man without the blessing which it falsely promises him. It thus gathers in $25,000,000 ill-gotten gains annually, the very harvest of fraud itself, and at the same time strikes a staggering blow upon an honest industry in which millions of the working men and women of this country now gain only a hard-earned livelihood. Now this is oleomargarine, an acknowledged counterfeit, but deceitfully passed for the true; intrenched behind the millions it has filched from the people in the name of butter; false to its promises to the poor; the disturber of our industries; the very embodiment of falsehood and fraud. And yet this false-faced monster sits with us familiarly at table in the dress of an old friend, and makes his oily way into the very citadel of *man's* affections. Then, if in the silent watches of the night the stomach becomes suspicious that it may be "entertaining an angel unawares," and yearns—for information as to the character of this nocturnal visitor, which the friends of oleomargarine tell us comes as an angel laden with blessings for the race, it is respectfully referred to the Patent Office reports. [Laughter.]

Volume 5 is taken down and opened to page 329, and the poor benighted stomach asks if the angel was made under patent No. 148767, which is as follows: "This substitute for butter" "consists of a base of yolk of eggs, butter, and milk, agitated in a zinc vessel that has been coated with a solution of niter." But hearing no response, it takes down volume 22 and opens to page 1489, and reads in patent No. 266777 this formula for making a "substitute for butter" "consisting of cotton-seed oil or other vegetable oils treated with a solution of caustic soda in combination with farinaceous flour, which had previously been thoroughly cooked in salt water as described; incorporating and agitating the mass, working in the oil, milk, coloring, and flavoring as per process described." But still there is no response. There can be no certainty of the parentage of the child in this patent; and lest the wondering stomach may find some worse formula for the manufacture of angels, it takes down volume 28 and looks hopefully for the pedigree of its particular guest in patent No. 301782, found on page 173:

"The process consists in first forming a soap emulsion of the fats or fatty oils with caustic soda; then precipitate the lyes; then applying chlorinated alkaline lye, or chlorinated gas, to the soap emulsion, as described."

But this formula is found to be so full of lyes (lies) and sounds so much like a receipt for making soap that the bewildered stomach abandons the inquiry, declaring in tones of astonishment that oleomargarine is, indeed, the mystery of mysteries—a far profounder mystery than hash or sausage. [Laughter.]

Let not this sad tale of a child without a father divert attention from the fact—let it the rather fix the mind upon it—that so long as bastard butter is sold for the genuine no purchaser can be sure but that he is eating it, nor can he be sure either of what ingredients it may be composed. It presents the well-known condition of every illegitimate birth, namely, an uncertain paternity; and as a doubtful place in the pedigree may let in bad blood, so uncertainty as to the ingredients of counterfeit butter admits the possibility that they may be unclean and unwholesome. Who can look with entire composure upon this possibility? Who will say that the things we eat ought not like Cæsar's wife to be above suspicion?

It will not be pretended but that a substitute for butter made according to the formula of M. Mége, the French inventor, is a wholesome food product. But this can not be said of all the American devices in which lard and vegetable oils and tallow take the place of margarine oil and in which various acids and alkalies are used, some of which, as every one knows, are not only unwholesome but absolutely dangerous. The following are a few of the many articles named in the many patents granted for the manufacture of substitute butter: Bisulphate of lime, borax, salicylic acid, benzoic acid, orris root, cotton-seed oil, bicarbonate of soda, glycerine, capsylic acid, alum, capsic acid, sulphite of soda, cows' udders, sulphuric acid, pepsin, tallow, lard, salt, corn starch, butyric ether, caustic potash, castor oil, chalk, slippery-elm bark, caul, oil of sesame, oil of sunflower seed, olive oil, turnip-seed oil, bromo-chloralum, chlorate of potash, oil of sweet almonds, oil of peanuts, peroxide of magnesia, stomach of pigs, sheep, or calf, nitrate of soda, mustard-seed oil, nitric acid, dry-blood albumen, sugar, butyric acid, bicarbonate of potash, and caustic soda.

Of course it does not necessarily follow that all or any of these articles enter into the manufacture of the oleomargarine product of this country; but there is a strong probability that many of them do. The following extract from a letter to the newspaper press of this city by Mr. J. H. Crane, a reputable provision dealer here, contains facts worthy of consideration, and he stated the same in substance before the Committee on Agriculture:

It is notorious that what is called butterine is now generally made in soap factories. It is only a few days since that the undersigned had sent to him from a large soap factory at the West, a sample of soap and a sample of butterine. The two go hand in hand together. Why is butterine made in soap factories? The reason is evident. It is because it can be made cheaper there. If "the ham-fat man" brings in more grease than is wanted for soap the surplus can be made into butterine. If he brings in more than is wanted for butterine the surplus can be turned into soap. In this way the two play into each other's hands. The process of bleaching and deodorizing is said to be about the same in each, the same poisonous alkalies being used in each. If wrong in this I stand ready to be corrected. It is a mistaken idea that some have that butterine is never made of anything but the purest leaf lard add best creamery butter. It may be that soap manufacturers buy pure leaf lard to use in their business. If so I have never heard of it. Butterine can be made of soap-grease, and I believe it is made of soap-grease, and sometimes of the most disgusting kind. The bleaching and deodorizing process it is put through makes it impervious to taste or smell.

The price it is sold at, it being sold just as low when pure butter is at 40 cents per pound as when it is 20, proves that but little, if any, butter enters into its composition. It having no smell or taste of its own, all that is needed is that the little smell and flavor it has shall be that of butter, which is obtained by churning it in buttermilk or milk. It is then salted and colored to suit the eye and taste, christened by some fancy name, and put upon the market as butter. When the butterine men were buying up all the Elgin butter they could get at 40 cents per pound a drummer from a neighboring city tried to induce men to buy what he called his fancy brand of butterine at 12 cents per pound, agreeing to mark it "Snow Flake Creamery, Morning Star Creamery, Rising Sun Creamery," or by any other high sounding name I might select, telling me he was selling it all over Washington to dealers, who in turn sold it for butter, he marking it "Fresh Creamery Butter," or by any other name they chose to have put on it.

But the worst remains to be told of this disreputable business. Formerly dead animals were collected and buried at a heavy expense. Now they command a premium, even to the rabid dogs. What becomes of them? Let the boiling establishments and the butterine factories answer. Horses dying with glanders or pneumonia, and dogs dying with rabies are all gathered up and carted to the boiling establishment, where the fat is extracted, put up in barrels and shipped away. This diseased fat, after being put in shipping order, is said to look as clean and nice as any other. What becomes of it? Where does it go, and for what purpose is it used? Is it marked to distinguish it from any other fat? I am told not by one who has been in the business. What assurance have we that it does not find its way to the butterine factories? None.

But, says some one, it is by no means certain that any of these unclean and unwholesome articles go into the manufacture of bogus butter. No, it is not certain that they do; but is it certain that they do not? Perchance they do. "Perchance" soap-grease. "Ay, there's the rub;" and when upon the authority of a respectable gentleman like Mr. Crane, we find soap and butterine coming from the same factory it would seem to "rub" pretty close.

As bearing upon this point I will also give a brief extract from a recent letter of Mr. O. M. Tinkham, secretary of the Vermont Dairymen's Association, to the Woodstock (Vt.) Standard, in which among other things he says:

I have a friend living near Boston who keeps from six to eight hundred hogs. To feed them he has the wastes and swill from some of the large hotels in the city. All the meats, fish, flesh and fowl, sauces, gravies, and all grease are dumped into one tub and carried out to the farm. This was formerly fed to the hogs, but was thought to be unhealthy by reason of too much grease, so he had large tanks made into which the stuff was dumped on arrival from the city, and water added, the whole thoroughly steamed and left to cool, which left a good cake of the grease on top of the mass when cold. This was taken off and sold to the "venderer" in the city. The "venderer" is the person to whom all the dead hogs that come in on the trains, the dead cattle and horses from the street, are sent to be disposed of. Once when my friend was in there he saw I think it was fifty tubs, of 30 pounds each, new Vermont spruce tubs, and lifting the covers saw they were filled with this "neutral grease," and said he had no doubt some of the grease he sold was in those tubs, of which I have no doubt, and that it was far better than some of the rest which made up the shipment. These tubs were marked for shipment to a man in New England who was running a creamery.

Now, both Mr. Tinkham and Mr. Crane state facts which tend very strongly to show that the "neutral grease" of the "venderer" does find its way into counterfeit butter.

The man running a creamery in New England to whom those fifty tubs of "venderer's grease" were directed was doubtless running the same kind of creamery that the man was who offered to Mr. Crane his fancy brand of butterine at 12 cents per pound to be marked "Snow Flake Creamery," &c. This New England creamery man, however, may have made some pure butter.

The fact is, bogus butter can be more cheaply produced in connection with the manufacture of creamery butter than elsewhere, because of the plentiful supply of buttermilk in which to churn the compound, and thus give it the flavor of butter; just as the bouquet is given to wines by the use of some aromatic substance. Every variety of imitation butter product, and their name is legion, is churned either in milk or buttermilk else it would be without the butter flavor and would deceive no one. At the creamery the buttermilk is at hand for this purpose; whereas if the margarine factory be remote a supply must be brought from a distance.

One of the great packing establishments in Chicago have of the El-

gin creameries the buttermilk in which to baptise, in the name of butter, probably a thousand tons a year of this counterfeit product; and pay for it, if the statement of their agent now in charge of their goods in the Central Market in this city can be relied upon, for he made the statement to me, $100 per day. Now, this is almost equal to the wag's formula for making a first-class article of chicken soup for boarding-house consumption, namely, drive a hen through a dish of hot water. *O tempora! O mores!* [Laughter.]

But enough about the character of counterfeit butter. It may be that the cheap grease known in the market as "neutral grease" when subjected to treatment by the alkalies and acids named in the various imitation-butter formulas is not absolutely unwholesome; for chemistry works wonders in the transformation of physical substances. I say this may be, but suppose it is, who wants to eat it? That this "neutral grease" is to a great extent used in the manufacture of these imitation products no reasonable person will doubt. The different formulas themselves prove it by the chemical agents which they contain for the manifest purpose of deodorizing and correcting it. Besides, as every one knows, it is a counterfeit and a fraud; and who is verdant enough to suppose that the counterfeiter would be at all scrupulous as to the materials he used in his business? The object is to make the counterfeit article at the least possible expense for the sake of the greatest possible profit. And if "neutral grease" can be obtained at one-fourth or one-third the expense of tallow or lard, who for a moment doubts which the counterfeiter would use?

But this stuff, even if not absolutely unwholesome, is not fit for a self-respecting American citizen to eat. It might answer for a digger Indian, who lives on snakes, or for the Mexican peon, who in his poverty consumes with avidity every organic part of the animal, excepting only the horns, hoofs, hair, and bones. It might answer for these, but it does not comport with our American civilization. It is no credit to it. It has no proper place in it, and it could not exist for a moment except through fraud and imposition. The American people can be in better business. With "cattle upon a thousand hills," and many, many thousand hills scattered all over our vast domain, where now grows wild grass or stands "the forest primeval," but where hardy husbandmen might graze and milk their herds of kine, and thrifty housewives might emulate the virtue and valor of Jael, the wife of Heber the Kenite, who "brought forth butter in a lordly dish," does it not seem like small business, like the disreputable business it is, for an able-bodied American citizen to be trying to find out how chemistry can extract from "cow's udders" the oil that shall give to tallow and lard and the intestinal and offal fats and "neutral grease" and the vegetable oils the taste of butter, thereby enabling the unscrupulous to sell them, after they are washed in buttermilk, for butter, and thus put these cheap and nasty fats into competition with the golden issues of the housewife's churn?

And this brings me to the chief reason for the passage of this bill, namely, the ruinous effect of this dishonest competition upon the great, in fact the greatest, industry of this country—an industry which while it gives employment to millions of capital and millions of men and women is yet made up from an aggregation of humble interests which, when treated fairly, only afford very small profits in return for much hard work.

Dairying is the largest single branch of American agriculture. The butter, milk, and cheese produced for the last year, as estimated by reliable experts, amounted to the enormous sum of $564,959,500. This is more than four times the value of the entire oat crop of the country; more than five times the value of the pig-iron product; more than twice the value of the iron and steel product; about four and one-half times the value of the cotton crop, and about $150,000,000 more than the entire wheat crop of the country. The amount invested in milch cows is about $700,000,000—more than the entire capital stock of all the national banks of the country.

Not only is dairying the great leading branch of our agriculture but it is so related to every other branch of that great industry that when it suffers the whole feels the depressing effect. Especially is this true in our older States where the soil, well-nigh exhausted by long-continued cropping, is arrested from further deterioration and brought back to a high degree of fertility by dairy farming, and thus worn-out lands are restored and more of every kind of agricultural product is produced, more forage for animals and more food for man. It is estimated that in dairying at least four millions of our population are employed, while agriculture in all its branches gives employment to almost one-half of our entire population who therefrom feed and clothe themselves and feed and clothe the other half.

Without agriculture we should go both hungry and cold. We should relapse into barbarism, should go back to the skins of beasts for clothing and hunt again the wild boar for food. A thrifty agriculture makes every other work of civilization possible. Without it the earth, the source of all wealth, would fail to yield her fruits and every other enterprise and industry would languish. We have already seen that the dairy interest is the very soul itself of our agriculture. Now, shall this interest be preserved, or shall it be sacrificed, not to a fair competition—if the competition were fair no fault would be found—but to a downright fraud, to a filthy counterfeit, masquerading in the stolen livery of the very industry it is seeking to overthrow? [Applause.]

Even if the competition were fair it would still present a serious question of public policy; one not only involving public health but the public intelligence and morals also, namely, whether we should kill out the dairy industry and cease to be a butter-eating people and feed upon the coarser and more cloying animal fats, thus taking a step back toward the raw tallow and lard which were the delight of our Saxon ancestors in the forests of Germany. It involves also another question which takes strong hold upon the labor problem, which has long vexed the governments of Europe, and now threatens the peace and prosperity of this Republic. It is this: Whether a few capitalists giving employment to a few thousand men shall be allowed to overwhelm with a fraudulent business an honest industry which gives employment to millions, and which is the very cream of that grand pursuit which, through the common mother of the race, provides for us all.

You have just passed a labor-arbitration bill and sent out a special committee to collect data for the adjustment of the delicate relations between capital and labor. But right here, in the disposition of this bill, is an opportunity to deal with the labor question from the very foundation, and in a way to dispense with arbitration bills and special committees, or make them a standing necessity. It has been said that "an ounce of prevention is better than a pound of cure." Enactments preventive of threatening evils are always wiser than the wisest provisions for the correction of those evils after they are developed. It is always the highest achievement of legislation to formulate laws which in their practical operation shall reconcile antagonisms and bring all interests into harmony. This can only be done by giving all men and all honest enterprises a fair chance.

Now, pass this bill and you take an important step in both remedial and preventive legislation. You at once relieve the dairy industry of the killing fraud which now completely paralyzes it. And as one of the immediate results the milch-cows, which as shown by the last report of the Commissioner of Agriculture were depreciated during the last year to the amount of $32,751,392, will be restored and doubtless somewhat advanced. This vast sum will thus be added to the exchangeable value of property not belonging to capitalists but to the millions of hard-working men who own those cows and are struggling to pay with the income from them the mortgages which capital holds upon their farms. Not only this, but the number of cows will be greatly increased. There will not be slaughtered 30,000 of them for beef in the city of Chicago for the year to come, as your committee reported there was in the year that is past. They will be wanted for the dairy. To this extent certainly there will be an increased demand upon those who breed cattle for beef; and that branch of agriculture, now sadly discouraged, will take a fresh start. More hay and grain must be provided for the support of this increased number of animals, both for beef and the dairy, and more men found to feed and care for them. A corresponding demand for labor on the farm will surely follow and will draw off from the employ of the great corporations, to which all surplus labor tends, the discontented ones who are now the leaders in labor disturbances, but who would find in the great, open field of agriculture, every department of which would feel the impulse of a restored dairy industry, an opportunity to gain for themselves and their families a subsistence, nay, more, a competence; and this is how the passage of this bill would begin to solve the labor problem. It would begin at the right end of it. [Applause.]

It would be far more to the point than arbitration bills and investigating committees. A restored dairy industry would surely occupy, with valuable improvements, new areas of land, and as surely restore to fertility the old, much of which now lies fallow, thus adding millions to the productive and taxable wealth of the country. Nor is this all. A return to the production of honest butter would restore our export trade. For the last five years, since false butter has usurped the place of the true, there has been a steady decline in the annual export of American butter. That which was bought and shipped for genuine too often turned out to be spurious. As the result no dealer would risk the sale of American dairy products in foreign markets, and the trade fell off. The extent of this decline is shown by the fact that in 1881 the total amount of American dairy exports was $22,636,272. In 1885 it was but $14,086,055, a decrease in four years of $8,548,220. Instead of this there should have been an equal or greater increase. There is still another humiliating fact in this connection. It is this: much of the butter which we exported in 1885 was not handled by American merchants, but by Canadian merchants, who first bought in our markets and shipped to Canada. Then, when reshipped from Canadian ports, it would go upon the European markets as Canadian butter, which is not yet under suspicion like our own. But let this same butter, perhaps perfectly pure, be shipped from an American port or by an American merchant, and it could be sold only at a reduced price.

Thus, because of these fraudulent imitations is the commerce of this the foremost people in all the earth driven like a culprit to the use of an *alias* in order to make its way into foreign markets; thus also are American merchants deprived of the profits of handling this merchandise in those markets; thus is an annual outlet for nearly $9,000,000

worth of dairy products closed and the business to that extent depressed; and thus as a people are we that amount poorer than we should be if that trade were not interrupted. We have that amount less annually of circulating medium, that amount less of gold and silver; for remember that our foreign exchange is always in gold and silver. Now pass this bill and give to American dairy products a reputable entrance into foreign markets and you will bring into the United States within the next ten years of foreign gold and silver $85,000,000 at least, and probably more. But this is a larger sum than proposed by the Blair bill for education at which so many upon this floor stand aghast. Pass this bill and you correct all the evils arising from counterfeit butter and put not only the dairy industry but the whole vast industry of agriculture upon a career of prosperity; and in its train shall follow all the other industries and the arts and the best culture of a progressive civilization. Refuse it, and you perpetuate all the evils above enumerated and engender others which in turn shall "become the hatch and brood of time." You deliberately protect a fraud which is sapping the very foundations of the farmer's success and crippling his every effort to get on in the world. You help capital, which holds the mortgage on his farm and owns also the oleomargarine factory, to destroy the butter market and thus deprive him of his last opportunity to keep down the interest on that mortgage, and then take from him the farm itself and turn him into the street a vagabond and a tramp; and when next you hear from him he is in the front rank of some labor agitation. Then to tide over the troubles produced by your unwise legislation a Congressional investigating committee will be in order.

By refusing this bill you continue a policy calculated to destroy the hope of the husbandman and drive not a few only but thousands from agriculture into other departments of labor already overcrowded. Can you afford to do this? Can you afford to break down and disperse into other pursuits the hardy tillers of the soil, thus lessening the number of producers and increasing the number of consumers? A sound public policy lies in just the opposite direction—in developing and fostering every department of our agriculture, whereby enough may be gathered of the products of the earth to feed and clothe and preserve from distress and agitation all other departments of industry, and at the same time contribute in the most effectual manner possible to the national wealth. But enough. The general wisdom of this bill will not be disputed. Its justice to the farmer must be admitted. The salutary effect it will have upon our industries is apparent. The general demand of the American people for wholesome articles of food calls for it.

But, say certain eminent lawyers upon this floor, it is unconstitutional. Of course, if it contravene the Constitution, however desirable it may be from every point of view, it should not receive the sanction of this body. But let us see.

We have already seen that the power of Congress to tax whatever article it will is limited only by its discretion.

But, says the objector, while Congress may tax, it can tax only for the purpose of revenue; and since the professed purpose of this bill is not to raise revenue but to regulate the sale of an article of commerce, it follows, says the objector, that there is no constitutional authority for it. But the bill proposes to raise, and if it becomes a law it will raise, revenue. Now, is not this fact alone a full answer to the objection? But, says the objector, though it may raise revenue that is not the motive in passing the bill. To this it is sufficient reply to say, that if Congress has power to levy the tax, and does levy it in legal form, the particular motive from which this is done is of no legal consequence whatever. It would fall within the rule laid down by Jacob Collamer, who died the distinguished chairman of the Judiciary Committee of the United States Senate, while a representative in that body from the little State of Vermont, and whose statue the State has since put in Memorial Hall as a fair type of the Vermonter and of Senatorial dignity and learning.

Now, when upon the bench of the supreme court of Vermont he said:

> Improper motives can never alter the character of a legal act. Whatever a man has a legal right to do he may do with impunity. (11 Vt., 22.)

So a legislative act which is in itself constitutional will not be made unconstitutional because it was passed from an improper motive.

The motive can not be reviewed judicially. It may be reviewed by the constituencies represented in this body but not by the courts.

Again, a legislative act such as the Constitution allows, which serves a constitutional purpose, does not become unconstitutional because it at the same time serves another purpose, which of itself would not bring the act within the purview of the Constitution.

Here the familiar principle governing the jurisdiction of cases before courts in chancery would apply. If the bill in equity present a single point where relief can not be had under the strict rules of law, and several points where the law would afford relief and thus defeat equity jurisdiction, yet a court of equity will always take jurisdiction upon the single point, and will then do equity upon all the matters presented by the bill, even though the principal points decided be those which the court could not have taken jurisdiction of alone.

In like manner if Congress have constitutional authority to tax imitation butter and pass a law to that effect the law is not unconstitutional because at the same time it may incidentally prevent the sale of it for genuine butter. This bill contains no provisions except such as lay the tax and provide for its collection. If those provisions are such as to prevent at the same time the fraudulent sale of oleomargarine, that can create no constitutional or other objection to the law. It should the rather be accepted as high proof of its wisdom. A law which will cut two ways and cut all the time for the right will not be held in disfavor by either the courts or the people.

Another objection by these left-handed defenders of the Constitution is, that this bill takes from the States the police power which the Constitution leaves to them.

They also say, even if Congress have the power it is too small business for the National Legislature, and as matter of policy should be left to the States.

But taxation can not be effective without complete police power over the article taxed; and as to the policy of Congress in dealing with this subject a precedent may be found in section 3328 of the Revised Statutes, which has been on the statute-book eighteen years, and which is for the protection of the wine industry of this country against imitation wines, and if some gentleman will tell us the difference between this section and the bill before us I will yield to him now.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman if he is referring now to the Federal statutes?

Mr. GROUT. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. And do I understand him to say that provision is made for levying this tax upon imitation wine?

Mr. GROUT. Yes, sir; in section 3328, which I would read had I the time and will do so if the gentleman will see that my time is extended.

Mr. BRECKINRIDGE, of Arkansas. No. I am not disputing the statement; but it has escaped my observation, and I only asked for information. It is a subject that I shall look into with interest.

Mr. CUTCHEON. What machinery is provided for collecting the tax?

Mr. GROUT. It is quite meager; but it is provided. How operative it is I do not know. But the statute is there, and the National Congress is committed to the policy. The statute puts the collection of this wine tax under the control of the Commissioner of Internal Revenue the same as this bill proposes to put this bogus-butter tax.

Now, who will say that a tax of 10 cents per pound on imitation butter is not as defensible on every ground as a tax of 10 cents per pint on imitation wines? And who will say it is any smaller or less worthy business to protect the dairy interest, which employs 4,000,000 laborers, with an annual product of $564,959,500, than the wine industry, whose exact annual product I am unable to ascertain; for, strange as it may seem, the Tenth Census gives no information upon the subject, nor can any be obtained at any of the Government Departments. But that product is probably only of a few hundred thousand dollars' value, and in the production of it probably only a few thousand laborers are employed.

Mr. MILLIKEN. If it be insisted that it was not competent to tax an industry out of existence, let me ask if it is not nevertheless true that we have taxed out of existence the State banks?

Mr. GROUT. Yes, sir.

Mr. MILLIKEN. And further, I would ask if the decisions of the Supreme Court that States can not tax the Government bonds were not founded upon the principle that if that power was granted to them they might tax the bonds to their full amount, their full par value, and therefore tax them out of existence?

Mr. GROUT. Certainly, and you will see before I close that the States have not the power to give adequate relief from these fraudulent butter imitations. That Congress alone has the power to do it. Moreover, if you will look at section 3272, Revised Statutes, you will find Congress has imposed heavy penalties against the introduction into distilled spirits of any ingredient or substance calculated to give fictitious proof. Now, shall it be said that the members of this House have made laws to preserve the proof of the whisky they drink and keep from adulteration the wine they drink, but think it too small business to provide against the adulteration of the butter which their wives and children eat?

But in closing, while it is apparent that Congress has full power over this fraudulent butter question as an incident of taxation, and while we also find Congress has already committed itself to that control in precisely the manner proposed by this bill, yet if other authority were wanting it may be found in that distinct grant of power by the Constitution to regulate commerce among the States. The clause is as follows:

> The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It is true that the only exercise of this power by Congress thus far over interstate commerce has been confined to the navigable waters of the United States. But the day is not far distant when Congress will pass a law—as it ought long before this to have done—regulating transportation between the States by land. Nor is this power limited to the subject of transportation merely. It also extends to the status of merchandise taken from one State into the markets of another. In no provision of the Constitution was there a display of higher wisdom than

in this grant to the National Legislature of full control over commerce between the States, nor is any constitutional grant plainer. Though Congress has not yet entered upon the full exercise of this power, yet every attempted exercise of it by the States, no matter in what form, whether by an attempted control of navigable waters or by a tax upon freight carried from one State into another, or upon freight carried across a State, or by the imposition of a tax upon articles manufactured in one State and sold in another, the Supreme Court has invariably held that it was the attempted exercise of a power which the States do not possess, but that the power is lodged by the Constitution in Congress alone. (See Gibbons *vs.* Ogden, 9 Wheat, 1; R. R. Co. *vs.* Fuller, 17 Wall., 560; Delaware R. R. tax, 18 Wall., 206; R. R. Co. *vs.* Richmond, 19 Wall., 584; R. R. Co. *vs.* Maryland, 21 Wall., 456; Downhall *vs.* City of Alexandria, 7 Howard, 283.)

In commerce with the Indian tribes it was held in United States *vs.* Forty-three gallons of whisky (93 U. S., 188), that Congress may prohibit the transportation or sale in the Indian country of intoxicating liquors. And remember that Congress has no greater power over commerce with the Indian tribes than it has over that between the States, but precisely the same.

Thus do we see that control of this whole subject of commerce among the States, and every phase of it, not only relating to the transportation of merchandise but the sale of it also, belongs not to the States but to Congress. Now to apply this principle to the bill before us.

Take for illustration two States. Massachusetts, with about five and one-half times the population of Vermont, makes about one-third as much butter. As the result Vermont butter finds its way into Massachusetts markets, and there encounters these imitation products, which the laws of Massachusetts fail to prevent being sold as butter, thus putting Vermont butter at a very serious disadvantage.

We have seen that if Massachusetts were to pass a law putting Vermont products under some disadvantage, whether in transportation or sale in her market, it would be an invasion of the power of Congress over this subject, and would be set aside by the Supreme Court. Now, if instead of this positive act, Massachusetts were to neglect to give Vermont products suitable protection against these fraudulent imitations, and thus do Vermont a negative injustice, would it be any less an injustice? And where but in Congress is the power of correction? And what would a law like that proposed by this bill, which would relieve Vermont butter in Massachusetts from these fraudulent imitations, be but a regulation of commerce among the States? Where but to Congress can the Vermont farmer go for relief? Certainly not to the Massachusetts Legislature, for he is not represented there, and perhaps for the sake of cheap butter Massachusetts may wink at the fraud.

But, inasmuch as the Massachusetts delegation is believed to be a unit for this bill, let us suppose what is far more probable, that Massachusetts really wants to be rid of these imitation products; and accordingly resolves that as inasmuch as no oleomargarine is manufactured in Massachusetts—which I hope is true, but have my fears—that none shall be brought into the State from other States. But we have already seen, upon the authority of the Supreme Court, that Massachusetts has no power to do this. She can not prevent oleomargarine being shipped into her jurisdiction from New York and Chicago, were she to try ever so hard, which would leave Massachusetts powerless to do justice to Vermont if she would; and Vermont would be powerless, whatever course Massachusetts might take. This illustration will apply not to Vermont and Massachusetts alone, nor to butter alone, but to all the States of the Union and to every other article of merchandise that may be produced in one State and consumed in another. Now, who fails to see that the only power to relieve in this matter is vested in Congress?

Who fails to see how utterly chaotic is the doctrine declared by the learned Judiciary Committee of this House, that there is no power in Congress over this subject and that "legislation, if proper, must be sought from the States," thus placing the authority of the States in this matter above that of Congress, when the States have no power whatever and Congress has full power? What a bedlam of conflicting interests between the States would this doctrine of the Judiciary Committee foster? It is withal an anti-national doctrine, a dangerous doctrine, and leads to anarchy. It is born of that now exploded philosophy which a quarter of a century ago so bewildered a certain well-meaning but weak "public functionary" that he was not able to find any power in the Constitution to coerce a State. But the American people found a way to coerce a State; and they will find a way to relieve themselves from fraudulent butter products which are at once a scandal to the country and a glaring wrong to an honest industry. They will find a way, because the Constitution, by a plain provision, gives Congress power over this subject; and the people are here in Congress in the persons of their representatives.

This absolute power over commerce between the States given by the Constitution to the National Government is one of the principal badges of the national sovereignty. It is an important, far-reaching power, and should be duly magnified. The future will bring it into exercise more than the past has done. The rapidly increasing commerce between the States will require from Congress constant supervision, and new rules will be required as new emergencies arise. In interstate commerce, which will increase with our increasing numbers and better facilities for intercommunication, shall be found the strongest future bond of union between these States. A free and fair interchange of commodities between the remote sections of the country will to our political and social relations add the ties of trade, than which between peoples and States none are stronger; and thus, in a vast domestic commerce, so regulated by Congress as to be mutually beneficial to all sections and all industries, shall be heard—

In the rushing wheels
Of trade's tumultuous jar—

the richest music of the Union.

Down the future, as our population becomes denser and our commercial rivalries sharper and our accumulated wealth greater, who can tell how this paternal authority of the National Government may be used to allay those rivalries, to check the greed of monopolies, to protect one State against the fraudulent products of another, and bring all departments of our domestic commerce, which is but the sum of our domestic industries, into such relations with each other as that each part shall contribute to the vigor of every other part, and thus create a harmonious system in which labor shall find employment, capital shall have its own, and every honest industry a fair chance? Now this will be the problem for the future statesmen of this country to solve. This problem is, in fact, crowding upon us to-day. We have seen how this measure before us reaches out into all these questions. We have also seen that Congress has a double power over the subject. Let us then rise to the occasion and pass this bill. [Applause.]

[During the delivery of Mr. GROUT'S remarks, when seventeen minutes had expired—

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. GROUT. The Chair will remember that thirty minutes were granted to me by the gentleman from New Jersey [Mr. HIRES], a member of the committee.

The CHAIRMAN. But in the mean time the Chair will be compelled to recognize some member on the other side.

Mr. HATCH. I ask the gentleman who has control of the next hour on the other side to let the gentleman from Vermont occupy now the whole time which has been allotted to him.

The CHAIRMAN. The gentleman from Missouri [Mr. WARNER], whom the Chair does not now see in his seat, is entitled to the next hour.

Mr. HATCH. As he is not here to be recognized, I suggest that the gentleman from Vermont be permitted to proceed.

The CHAIRMAN. In the absence of objection the gentleman will proceed.

Mr. GROUT resumed and concluded his remarks.]

Mr. DUNHAM. Mr. Chairman, there were forty-five minutes of time yielded to me, and I yield ten minutes of it to the gentleman from West Virginia [Mr. WILSON].

Mr. WILSON. Mr. Chairman, representing a part of that magnificent valley of the Shenandoah for which my friend from Virginia [Mr. O'FERRALL] claimed to speak this evening, I entertain views on the pending bill very different from those which he has so earnestly advocated, but views which I strongly believe to be far more promotive of the true interests of the farmers of that valley and of the other rich agricultural sections with whose representation I am intrusted in this House.

The advocates of this measure, when asked for the ground on which they claim Congressional legislation, are compelled to assume the attitude of the oarsman, who looks in one direction while he moves in the other. They introduce this bill and urge its passage as a revenue measure; yet the slightest examination of the provisions of the bill and of the arguments by which it has been supported in the two days' debate in this House discloses that it is not intended and is not expected to produce revenue, but to destroy and suppress a particular industry which has recently sprung up in this country. That industry, Mr. Chairman, is one which by common consent, sustained, as I am informed, by highest scientific authority, may be carried on in an honest and proper manner; but, possessing unusual facilities for fraud, like all other industries having such facilities, it is often carried on in a dishonest and improper manner.

Able to produce and supply for the public consumption an article of food that is cheap, palatable, and not unwholesome, it is contended—and so far as my argument goes I am not called upon to dispute this contention—that it frequently palms upon the public, under false names and false brands, an article which is neither palatable, wholesome, nor cheap. Hence Congress is called upon in this bill reported from the Committee on Agriculture to interpose the power of the Federal Government and lay upon the manufacture and sale of this article a tax which is designed to be prohibitory and to bring this product under the operation of our inquisitorial internal-revenue system.

Mr. MILLIKEN. Will the gentleman permit me to interrupt him for a question?

Mr. WILSON. I have but ten minutes, but of course will yield to the gentleman for a question.

Mr. MILLIKEN. The question is this: If the article is produced,

as stated here—and it has not been disputed—at 8 cents a pound, and sells for at least 25 cents a pound, how is a tax of 10 cents a pound going to be prohibitory or preventive of its manufacture?

Mr. WILSON. There is not only a tax of 10 cents a pound, but there is a license-tax as well. There is a tax upon the manufacturer, a tax upon the wholesale dealer, and a tax upon the retail dealer, also.

Mr. MILLIKEN. And all combined would not amount to 12 cents a pound.

Mr. WILSON. Nevertheless scarcely an argument has been made upon this floor in advocacy of this bill that has not maintained it as a measure whose true design is to prohibit and suppress this manufacture. But as it comes in, Mr. Chairman, under the guise of a revenue bill, I shall consider it first and very briefly in that light. I admit that if there is any need for revenue, this would be a constitutional method of gathering taxes, but I deny that there is a constitutional right to levy taxes of any kind unless they are absolutely necessary for the demands of the public Treasury.

There are very many other legitimate sources of revenue than those to which the Government to-day resorts, sources which no man would challenge as unconstitutional, but it would be an unwarrantable exercise of the powers with which we are clothed, not justified by the Constitution and totally destructive of the very idea of free government, to resort to any of them for a single dollar that is not needed for the actual expenses of government. When you have levied on the people all the taxes which the public service requires your constitutional authority to levy taxes ceases, although many lawful sources of income may still be unexplored. Has any gentleman in this debate ventured to contend that we need additional revenue? Could any gentleman so contend in the face of the appeals that have been coming down to Congress year after year from the Executive urging some action by which a surplus revenue may be kept out of the Treasury? Has not the Democratic policy been uniformly declared as in favor of decreasing the burdens of taxation until they are cut down to the needs of an economical government instead of exploring and searching for new sources of taxation by which to take money from the people?

Mr. PRICE. Will the gentleman permit me to answer that question in three words?

Mr. WILSON. Yes; in three words.

Mr. PRICE. We have not 25 cents on the dollar of our floating debt that we owe outside of the bonded indebtedness.

Mr. WILSON. The reports of the fiscal officers of the Treasury convey to us the information that the revenue of the Government exceeds its necessary expenditures; that there is a surplus revenue; so I shall not stop to argue that question.

Therefore, Mr. Chairman, I can not support this bill as one to raise taxes and to increase the revenue. Hence I turn to consider the real reasons which, after introducing it in the thin and deceptive guise of a revenue bill, its advocates allege for its passage by this House.

They bring it forward, sir, also as a measure of protection to the dairy farmer, with whose genuine butter it is claimed that oleomargarine and butterine come into competition in the food markets of the country. This is a specious argument, but as dangerous as it is fallacious. Every intelligent legislator who has examined into the working of our system of taxation must see that its burdens rest very unequally and very unjustly upon the farmers of this country. So many trades and occupations have been fastened as parasites upon the public Treasury and have their profits increased out of taxes imposed upon other trades and occupations, and particularly upon the occupation of agriculture, that it seems both plausible and just, at first view, that the farmer also should be allowed a dividend from the Treasury.

But, Mr. Chairman, aside from his rights and his interests as the citizen of a free government and a government of equal laws, no man by virtue of his occupation is so deeply interested in resistance under all circumstances to class legislation as is the American farmer. This resistance is his only safety as a citizen, his only safety as a farmer. Once establish the principle that the sovereign power of taxation with which the people intrust their servants can be perverted from its only honest purpose of raising taxes, and be used to oppress, to suppress, or to destroy the industry of any class of our citizens in order to increase the profits of the industry of any other class of our citizens, and this ceases to be a government of equal laws and becomes at once a government of privileged classes and occupations.

That class which for the moment may be able to influence and control the legislative power will be able to enrich itself by the spoliation of other classes; and all the experience of the past and all the probabilities of the future assure us that the occupation which will suffer most will be that of the tillers of the soil, because they are without efficient organization and without the power of concentrating their influence or of keeping their watchful attention upon those that make the laws. If the farmer ever concedes the principle of class legislation, especially if he is so blind as to concede it by accepting some petty and inconsiderable advantage under it, he has lost his shield, he has stripped himself of the power of resistance to a wrong that will bear with grievous and constant burden upon him. Let him but voluntarily enter into such a partnership as is held out to him in this bill and he will find that he has but reproduced the old fable of the ass who went hunting with the lion and was destroyed when he claimed his share of the feast which their mutual efforts had secured. If his false friends persuade him to call on the Government to destroy or to cripple any industry that comes into competition with a branch of his pursuit, he must prepare himself to expect that other occupations will be calling upon the Government to suppress or to cripple some of his industries in order that they may flourish the more.

Mr. Chairman, I lift up my voice most earnestly against this whole theory and practice of class legislation. It is a form of tyranny as unjust as any that can be devised. I plant myself upon the absolute equality of every citizen before the law. I protest against any system which invites and encourages any class of citizens, in any calling, to demand dividends out of the public Treasury, out of the proceeds of taxation upon their fellow-citizens, as a favor or privilege to their class or calling to be granted by those in control of the Government. It has been said that the Roman citizen grew to prize his franchise as a partnership that entitled him to share in the spoils of the world. Shall the American citizen be trained to regard his particular occupation or calling as one that entitles him to share in the spoils of taxation imposed upon his fellow-citizens? The Roman despoiled the foreigner. Are we to see different classes and different occupations in this Republic engaged in a contest for mutual plunder and mutual spoliation?

But, Mr. Chairman, this pretended advantage to the farmer, even if it were a substantial one, would apply only to the small class, small as compared with the millions engaged in the pursuits of agriculture, that are specially interested in the dairy business. The immense majority of farmers are not dairymen. The bill could not in any view inure to their benefit, and even the small temporary benefit which the dairy farmers are expected to receive is to some extent neutralized by the decline in the value of cattle which the suppression of the manufacture of these substitutes for butter is calculated to produce. But, Mr. Chairman, I must hasten to glance at the other reason upon which we are urged to legislate on this subject, and that is in the interest of public health. It is argued, and by no one more fully than the gentleman from Vermont [Mr. GROUT] who has just spoken, that oleomargarine and butterine and like products are frequently vile and spurious compounds, sold in the market as genuine butter and therefore calculated to spread disease and sickness among the people.

This does not affect the argument I am making. I do not understand it to be true to the extent claimed in this debate. On the contrary, it seems to be pretty well established here that much of these articles is made of healthy and proper materials, and stamped and sold for exactly what it is; but be that as it may, concede the whole indictment against oleomargarine, and I still answer you have not made a case for legislation by Congress. To protect the health of the people by saving them from frauds and impositions in the purchase of food is peculiarly and exclusively within the province of legislation conceded to the States. They can and they do deal with this matter constantly and efficiently. Grant all that the gentleman from Vermont has said, and I ask him, can not the State of Vermont regulate and control both the manufacture and sale of this so-called bogus compound within her limits? It is a matter of police regulation, and that, by the solemn decision of our highest court and by the cheerful concession of this law-making body, has hitherto been committed to the States.

The gentleman from Georgia [Mr. HAMMOND] has read to us the law of that State with respect to substitutes for butter, and assured us that it has proved thoroughly effective in that State. Congress can enact that law or a similar one for the District of Columbia and the Territories. The States can enact similar laws each for itself, and thus the manufacture and sale of oleomargarine or of any other article easily counterfeited or supposed to be deleterious can be regulated, controlled, and even, if necessary, suppressed. Why, Mr. Chairman, our municipal corporations deal daily and deal effectively with just such matters. They regulate the sale of meat and fruits and vegetables in their markets, the sale and keeping of inflammable and explosive substances in their limits. They have a police system which comes into immediate contact with such transactions, police courts where penalties and forfeitures are readily enforced. In the municipal corporation or in the State the machinery needed to correct all the abuses and to repress all the evils connected with the making and selling of food products is at hand, accessible, easily and cheaply set in motion. In every neighborhood are the needed officers—in every county are the courts, the constabulary, and a grand jury.

In a word, Mr. Chairman, there is no excuse or justification for this appeal to Congress to exercise disputed and forbidden power; to do that which in all our past history has been done and well done by the States. To bring this manufacture under the internal-revenue system is to take a step backward. That system never has been a popular one. We have now reduced it to such limits as to strip it of many of the opportunies for abuse heretofore belonging to it. Will you now enlarge its sphere, add greatly to its expenses, greatly increase its officials, set up an additional system of espionage, a new line of petty persecutions in the Federal courts, bring back upon us all this brood of evils in an attempt to do that which can be done, and done better, by the States in their undoubted field of legislation?

No, Mr. Chairman, I can not consent to support any such legislation.

I believe my own State can and ought to protect her citizens from fraud and imposition in the sale of butter or any substitute or counterfeit of butter, just as she protects them from imposition in the sale of fertilizers, and just as she deals promptly and effectively with other crimes and wrongs within her limits. In her name, and in the name of her farming interest, I protest against this new departure in legislation, which begins a policy of Federal interference that will not be long in extending itself in many other directions than that now proposed. I am, Mr. Chairman, as much opposed to the manufacture and sale of counterfeit and bogus butter as the gentleman from Vermont, or any other member of this House, but I am not willing to use the power of the Federal Government in what will prove a bungling and vexatious method of dealing with a question so entirely and so exclusively in the domain of State legislation.

[Here the hammer fell.]

Mr. GREEN, of North Carolina. I desire permission to ask the gentleman from West Virginia [Mr. WILSON] a question.

The CHAIRMAN. But the time of the gentleman has expired.

Mr. DUNHAM. I yield five minutes to the gentleman from Virginia [Mr. WISE].

Mr. WISE. If the gentleman from Illinois can not give me more than five minutes I will rather take time to-morrow.

Mr. DUNHAM. Well, I will yield the gentleman ten minutes.

Mr. WISE. Mr. Chairman, so far as I am aware none of the people whom I have the honor to represent upon this floor are engaged in the manufacture of oleomargarine, and a very limited number of them are interested in it as an article of commerce. Therefore I do not care much about and will say but little concerning it. I am unable to state whether or not it is unwholesome as an article of food. There is abundant testimony from respectable sources on both sides of that question. Some have characterized it as a villainous compound, unfit to be taken into the human stomach, and as certain to produce diseases and death. On the other hand, gentlemen of learning and repute, after a thorough examination of the whole process of manipulation and manufacture of butterine and oleomargarine, testify that they find them to be cleanly, palatable, and wholesome food products, containing nothing injurious or detrimental to health, but, on the contrary, to be cheap and desirable substitutes for the medium grades of dairy butter.

There are various grades of oleomargarine, and I suspect the truth to be that some may be used with impunity, while others are impure and deleterious.

I certainly am not in favor of permitting cheats and frauds to be put upon the markets of the country, and will go as far as any gentleman here to protect consumers against these and to throw safeguards around the health and morals of the people. I do not object that the dealers in this and kindred substances shall be required to disclose the nature and character of the articles they may offer for sale. I am not here to oppose the proposition that oleomargarine shall be marked, stamped, and branded as such. I agree that the dealers in it should not be permitted to palm it upon the public as pure and genuine butter.

The power to accomplish these objects resides with the States, and it is plenary for the purpose. But I deny the right of Congress to use the taxing power for the purpose of destroying any industry in the country, and equally the right to use it for the purpose of protecting one against the fair competition of another.

It is manifest that the originators of this measure had no other object in view, and in the course of this discussion some have been frank enough to avow it. The honorable gentleman from Pennsylvania [Mr. SCOTT], speaking of the necessity of legislation of this character, said:

> If we permit the products of the dairy to be driven from our home and foreign markets through unfair competition, the milk of the cow can not be utilized for other purposes.

In this and similar expressions by other gentlemen who have engaged in this debate, the object sought to be accomplished by this bill and the motives by which its advocates are inspired are plainly disclosed.

This measure was framed for the protection of dairymen and not for revenue. There is no danger that the products of the dairy will be driven by competition from our home or foreign markets, but even if that stared us in the face I should not deem it to be a justification for the abuse of a constitutional power. I can never consent to the principle of protection embodied in this bill.

The power to lay and collect taxes, duties, imposts, and excises is given by the Constitution to enable Congress to procure the means with which to pay the debts and provide for the common defense and general welfare of the United States. In the clause of the Constitution in which that power is given the objects for which it is to be exercised are clearly and distinctly specified. If this were *bona fide* a bill for revenue, then no question could be raised as to the power to place a tax upon this substance, and there would be little or no opposition to so doing.

But I feel sure if revenue had been the object sought by this bill it would never have been referred to the Committee on Agriculture. It happens that we have before us now, and soon will be called upon to consider, a measure reported from the Committee on Ways and Means to reduce taxes, and it is estimated that if this shall become a law the revenues of the Government will be diminished to the extent of at least twenty millions.

The truth is, that the necessity does not exist for new sources of revenue. We have enough for all the purposes of the Government. During the last Presidential election the cry was that the Treasury was too full, and that the country must be relieved from the burden of taxation.

Mr. MILLIKEN. Will my friend allow me one question? When the matter was investigated by the Secretary of the Treasury was it not found that instead of $475,000,000 lying idle in the Treasury, as our Democratic friends had stated there was only $22,000,000?

Mr. WISE. I do not propose to be carried off from the purpose I have in view. I say that the cry in this country has been that we have been taxed too much, and yet, while there comes from the Committee of Ways and Means a bill to reduce taxes, there comes from another committee a bill to increase them. The truth is that the bill under consideration bears upon its face a false pretense. It is a sham and a fraud.

As has been said by the gentleman from West Virginia [Mr. WILSON], we have enough for the support of the Government economically administered. The purpose here is, in the interest of one industry, to strike down another. The gentleman from Virginia to-day (I allude to my friend and colleague, Mr. O'FERRALL) speaking, as he said, for the valley of Virginia, declared in favor of this bill.

I do not believe that the people of Virginia will sanction the use of the power to tax to prevent the production of oleomargarine or of any other substance. I know that they are almost unanimous in favor of the repeal of the whole internal-revenue system, and I do not believe that they will approve of any vote in favor of its extension or perpetuation.

Eminent physicians have given it as their opinion, based upon large and extensive experience, that tobacco is deleterious, and that the use of it will greatly impair the vital energies. A large and respectable number of the people of the country entertain the opinion that the sale of intoxicating liquors should be suppressed and prohibited, except for medicinal purposes, believing that they have produced more misery and crime than all other agents combined. If the taxing power may be used to destroy any industry the time may come when it will be employed for the suppression of these as destructive of health and good morals.

Mr. CANNON. Is there not a heavier tax now upon tobacco than is proposed to be laid upon oleomargarine? Whisky is taxed now ten times its cost.

Mr. WISE. But you tax them for revenue. They are in the markets without rivals, and therefore able to bear heavier burdens.

My friend and colleague [Mr. TUCKER] stated this morning in reference to whisky that when you laid the tax on it at $2 you reached the point where production was prevented.

Certainly you may place the tax so high as to force small farmers to abandon distillation from fruits, and men with limited capital from engaging in the business of manufacturing tobacco. You have not succeeded in destroying the whisky and tobacco interests, but you can do so if the power to tax for revenue may be employed for the extinction of any industry. We have been told by the distinguished gentleman from Pennsylvania [Mr. KELLEY] that urgent appeals have been made to induce Congress to do that very thing. He has told us that a deputation appeared before the Committee on Ways and Means during a previous Congress, when he was its chairman, to protest against permitting the manufacture of sugar from corn or sorghum.

Mr. Chairman, I am opposed to this bill on another ground. It looks in the direction of the perpetuation and extension of the odious internal-revenue system, by which certain employments and avocations are placed under the surveillance of officers and agents of the Government. As before said, instead of applying it to new objects, I am in favor of its repeal so soon as that can be done without detriment to the public service. The people of my State, with singular unanimity, are and have been loud in their demands for its extinction, and I shall avail myself of every opportunity to protest against its continuance.

Blackstone in his Commentaries says "that the rigor and arbitrary proceeding of excise laws seem hardly compatible with the temper of a free people. It is necessary to give the officer power of entering and searching the houses of such as deal in excisable commodities at any hour of the day, and (in many cases) of the night also." In a word the whole business of the citizen must be placed under the supervision of the officers of the Government.

In this connection I will quote the language which I used on a former occasion:

> This method of raising revenue was resorted to, prior to our civil war, only on one or two occasions, when the exigencies of the public service seemed to require it, and was continued no longer than the necessity existed. Mr. Madison, in a speech delivered in the beginning of the First Congress, when addressing himself to the subject of a national revenue, said that "the system must be such a one that, while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power; for I apprehend that both these objects may be obtained from an impost on articles imported into the United States." Presidents Jefferson and Monroe, in messages to Congress upon the same subject, made recommendations in harmony with this suggestion of Mr. Madison, declaring that sound principles do not justify the imposition of taxes upon the industries of our people. I might multiply quotations to the same effect from other distinguished writers and statesmen, who expended much thought upon the methods of taxation, but time will not permit and it is unnecessary. Thus it appears that this system is in opposition

to our past policy and to the teachings of the fathers of the Republic. It was made necessary by the exigencies of our civil war, and was submitted to as a necessity and because the public safety seemed to require it.

Mr. DUNHAM. Mr. Chairman, I would be very glad to give the gentleman additional time if I had it to spare, but I have promised to yield five minutes to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Chairman, I would be glad if I occupied such a position with reference to this bill that I could consistently vote for it without uttering a syllable, because I have no disposition to discuss it. Without an explanation my vote might be regarded as inconsistent. I am decidedly opposed to all frauds, but I prefer to get rid of frauds, if I can, in an honest way. I hate oleomargarine, and my principal reason for hating it is because it is an imitation, a counterfeit. I dislike this bill in its present shape because it is a fraud. It is just as much of a fraud as oleomargarine. It professes to be one thing and is another. It is simply fighting fraud with a fraud.

Very few of the men who have defended it on this floor have had the assurance to stand in this presence and claim that it is a bill for revenue. That is not its purpose. No matter what those few may say, every man knows it has another purpose and another end. That end I am in favor of, provided it intends to do no more than to expose whatever there is of fraud in oleomargarine. I am in favor of having oleomargarine so marked and designated, if possible, that every one from the wholesale dealer down to the consumer may know it when he sees it.

But when the attempt is made to tax this product so that he who would buy it, knowing what it is, must pay a tax of 10 cents, it becomes a question whether we do not injure B more than we benefit A. When we tax one commodity to help another we make a power which becomes thereby revolting to every instinct of fair play. Why, sir, in Pennsylvania we can produce better iron than can be produced anywhere else on the globe, because we have gas as a fuel, and it is the best fuel yet discovered for smelting or reducing iron to any and all of its uses.

If it were proposed to levy a tax upon the iron produced by coal in Tennessee, you would have an exact parallel to the present case, because the iron produced by gas as a fuel is better than the iron produced by coal. If Tennessee or Alabama or English iron cannot compete with Pennsylvania iron in quality, shall it therefore be burdened with a tax?

I am in favor, therefore, of taxing this commodity only so far as may be necessary to get jurisdiction and control of it, so we can brand it for what it is; and for that purpose a penny of tax is as good as 10 cents. Everything beyond that is in the end a burden upon the consumer.

But it is proposed by this bill to tax oleomargarine so as to raise the price of butter. Now, there are two sides to this question—there is the side of the consumer and there is the side of the producer. The consumer, if he desires to buy cheap food, whether oleomargarine or butter, should have that privilege, provided he knows what he is buying, and this right should not be taken from him by Congress. Therefore I say the true method is to fix your taxation as low as you can and at the same time reach the end desired, so that he who prefers oleomargarine, knowing it to be such and because it is cheap, may have that privilege without paying a duty of 10 cents a pound to the Government of the United States.

Nevertheless, Mr. Chairman, so desirous am I of having this fraud, this imitation, stamped by the United States Government so that it may be known and read of all men, I may yet feel constrained to vote for the bill, encumbered as it is with the manifestly unjust burden, and much as I dislike the method proposed for getting at this difficulty.

I shall, however, before the final vote is taken, do all that lays in my power to so amend the bill as to eliminate the objections to which I have referred. I want to support a measure that shall unmask the deception that oleomargarine inflicts upon society, without laying a burden upon those whose necessities force them to buy the cheapest wholesome food they can find in the market.

When butter goes to 40 or 50 cents a pound, it is necessarily beyond the reach (and I know whereof I speak) of a vast number of the men who work for daily wages; and they have rights that should be respected. In consideration of their rights no oppressive taxation should be imposed on this product, for nothing is more certain than that whatever tax may be imposed is borne in the end by the consumer.

[Here the hammer fell.]

Mr. WILSON. I would like to ask the gentleman from Pennsylvania whether the bill is not liable to this further objection, that it taxes upon the same footing all grades of oleomargarine, whether wholesome or unwholesome, so that the effect will be to put the bad article on the market and suppress the good?

Mr. MILLIKEN. And I would like to ask whether the same principle does not apply to the taxation of whisky and tobacco?

Mr. WHITE, of Minnesota. Mr. Chairman, I am not in the habit of making speeches; and so much time has already been occupied by debate on this question that I am very reluctant to detain the committee; but as I represent a district in which there are twenty creameries, and as my people therefore have some considerable interest in this matter, I wish to say a word or two about it.

The bill under consideration is a bill defining butter, and seeks to regulate the manufacture, sale, importation, and exportation of oleomargarine. Now, oleomargarine, as first made in this country under the French formula, was, perhaps, as wholesome as lard or beef-fat, and had it continued to be so made, and had it always worn its own name, and always been sold for what it was, there could have been no war upon it; but it has been mixed with butter, it has been colored and made to imitate butter; and if the manufacturer has sold it honestly, his "wicked partner," the retail dealer, has sold it for butter invariably; and if it was a wholesome article of food, as its friends claim, it was a counterfeit, a fraud on the consumer, and a fraud on the dairy, in that it has been sold for butter.

Now as to the assertion of its friends that it is wholesome, let us see whether that is true.

There are recorded in the Patent Office of the United States more than one hundred and fifty patents for the manufacture of imitation butter or oleomargarine, and the ingredients used will give a good idea of the wholesomeness of the product.

I ask to have read what I send to the Clerk's desk, on pages 10, 11, and 12 of the pamphlet, which I have marked.

The Clerk read as follows:

INGREDIENTS USED IN OLEOMARGARINE.

The following is a list, taken from the patents recorded in the Patent Office at Washington, of the ingredients claimed to be used in the manufacture of this article. Manufacturers deny that they use all the ingredients named in these patents, but it is certainly not unfair to assume that when they mention a certain ingredient in their application for a patent, as necessary for its making, they actually use it. This list was obtained officially from the Patent Office by Assistant State Dairy Commissioner Van Valkenburgh, of New York:

Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, bromo-chloralum, oil of peanuts, sugar, caustic soda.

It is not sought to show that all these ingredients are used in a single process, but the fact is established that nitric acid is used in all, and it is probable that the other acids named are employed when the most powerful agents are necessary for deodorizing putrid or diseased fats.

* * * * * * *

Professor Clark, of Albany, made a specialty of the physiological features of his subject, making experiments in digestion and microscopical investigations, and in other ways showing the importance to public health of a thorough knowledge of what enters into any food product. As a result of his researches, he arrived at the conclusion that oleomargarine is unwholsome and dangerous to health for four reasons: First, because it is indigestible; second, because it is insoluble when made from animal fats; third, that it is liable to carry the germs of disease into the human system; and fourth, that in the cagerness of manufacturers to produce their spurious compounds cheaply, they are tempted to use ingredients which are detrimental to the health of the consumer.

* * * * * * *

When Dr. H. A. Pooler, president of the board of health in Goshen, Orange County, was examined he was asked what nitric acid was, and how it affected the human system. This question was suggested by previous testimony as to the use of nitric acid in the manufacture of oleomargarine. Dr. Pooler replied:

"Nitric acid is produced by the action of sulphuric acid upon nitrate of potassa, about equal parts; it is a powerful caustic; it destroys animal tissue rapidly and almost irreparably when it comes in contact with it; upon animal fat it destroys the tissue, and deodorizes it by destroying its smell. It is also a preservative, in a measure. Undoubtedly substances submitted to the action of nitric acid would not be decomposed so rapidly as those which had not been submitted to it; but the acid would affect the digestive organs very seriously. Upon the human stomach it is a deadly poison when taken in overdoses. When taken in a diluted form not sufficient to cause death, and, taken for any length of time, it produces similar effects to that of mercury. The teeth at first become whiter, afterward decay, and then become loose; it stimulates the excessive flow of secretion and poisons the system generally. Its caustic properties are so great that it destroys the tissue and impairs the circulation. Where a person loses a nail from it it is generally because of the accumulation of the acid around the root of the nail; it cuts off the circulation which supplies the nail, consequently the nail will slough off for want of proper nourishment. The acid has to be diluted in order to be safe in any degree as a remedy. In its pure form it is deadly."

This testimony was given subsequent to that of Charles Moses, a laborer employed in a Grove street butterine factory, whose duty it was to pack the finished product in the tubs. He swore that in the performance of that duty one of his finger nails was eaten off, and that the stuff eat through his clothing and into his boots.

"Would it be wholesome or unwholesome to treat any dairy product with nitric acid?" Dr. Pooler was asked.

He replied: "I think it would be injurious, especially so if applied by a person who was not acquainted with the acid; in fact, I think it would be very dangerous. No matter how minute the quantity is, continued for any length of time it produces an irritation of the mucous membrane of the stomach, which is only alleviated by stopping the use of it, and then sometimes the recovery is very slow. I do not think this man Moses will ever entirely recover from the effects of it. It will be years, in any event, before he gets it out of his system."

Dr. Elias H. Bailley, inspector and chemist of the Brooklyn board of health, being asked whether manufacturers were liable to get impure fat or lard, replied:

"Yes, especially as it seems to me one great danger of this whole manufacture lies in the fact that I have known farmers having the hog-cholera in a flock of hogs, and the moment a hog is attacked with the cholera the farmer kills it, or if it dies he tries out the fat and sends the lard to market. I have seen that done myself. Of course, to all appearance, the lard is just as good as fresh lard, and if deodorized could be used without detection. The pro cess of deodorizing would not kill the disease.

"The principal reason why nitric acid is used by the manufacturers," this witness said, "was to remove the peculiar odor of the lard, which distinguishes one fat from another, that is decomposed by the nitric acid, which also bleaches the article to a certain extent. I hold that nitric acid is a powerful poison. Used in the most minute quanties, I believe it will produce serious irritation."

Inasmuch as prominent manufacturers of oleomargarine admitted before the

committee that they used nitric acid in the processes employed by them, and as nitric acid appears in most of the formulas for manufacture filed in the Patent Office at Washington, it is fair to assume that this deadly poison enters, at least in some instances, into the composition of counterfeit butter.

Mr. WHITE, of Minnesota. Now, Mr. Chairman, this counterfeit is not to-day what it used to be, and the new article of commerce called neutral is produced in all the large cities, and is the basis of oleomargarine, or largely so of much of it. This neutral is the fat of any animal which has fat in it, and is rendered at rendering-works from hogs which die on the way to market in cars, as many do die; and it may be the fat of a mule, horse, or dog, and if tainted, is treated with acids and rendered both tasteless and odorless, and is to-day worth about 5 cents per pound, and by churning it with milk or cream makes oleomargarine or butterine.

To show how cheap oleomargarine pans out and to what depths of infamy man will go to make money, I ask that what I send to the Clerk's desk be read. It is a report of what Professor Nachtrieb, of the State University of Minnesota, found by an analysis of what was sold for butter in Minneapolis at retail this year.

The Clerk read as follows:

PROFESSOR NACHTRIEB'S REPORT.

The following is an extract from the illustrated report of Professor Nachtrieb, of the State University, to the dairy commission, of the samples of butterine given him for microscopical examination:

"The examination of these samples was by no means exhaustive, and they would probably yield much more than the accompanying figures indicate. The best and cleanest looking sample had a butter odor and taste, and would readily pass for butter. It had a very small variety of living organisms, but a great many spores, which, under favorable conditions, I have no doubt would have germinated. It also contained masses of dead mold, bits of cellulous wood, various colored particles, shreds of hair, bristles, &c. The other two samples teemed with life, and yielded microscopic preparations of the molds and bacteria that would have gladdened the heart of the student of biology. The microscope revealed the fact that the greatest variety of life existed in the inner portion of these samples, and that the outer portions contained the greatest quantity of active bacteria. The animals found in the butterine belong to the type of protozoa. Doubtful portions of worms were also noticed. Many of the protozoa, under favorable conditions, pass into an encysted stage or develop spores within protected capsules, and in these conditions lie dormant till the environment is again favorable; and it can hardly be doubted that some of the many spores found in these butterines were merely in a dormant state. The great number and variety of organisms found in the samples indicate the use of foul water and a criminal filthy process in making it. There can not be the slightest doubt that the person who eats so promiscuous and so lively a mixture as the butterine examined is running great risk, morally as well as physically. The peace and happiness of future generations is greatly involved in the life of the present generation. By indulging in our homes articles of food filled with spores and seeds of the various classes of the lower organisms we are increasing the dangers of parasitism. Spores that now are harmless may, by gradual adaption, through more or less circuitous routes, become inimical to the health and happiness of countless millions."

Mr. WHITE, of Minnesota. Mr. Chairman, if such vile compounds as described by Professor Nachtrieb are sold for human food, is it not time for us to act? And as commerce is world-wide and State laws fail to cure such evils, I do think that for the sake of the general health some regulation should be made at once concerning this greatest of all frauds.

By fraud alone it flourishes, and by fraud alone it is sustained.

Again, we have a dairy plant including fifteen millions of cows, the land on which to keep them, the buildings and machinery used in the industry worth $2,000,000,000, and an oleo plant worth perhaps $2,000,000,000, the former employing one-tenth of the people of this whole country, the latter a few thousand.

The dairy and stock-growing industry together is worth more than any other interest in the United States, unless it be real estate, and produces more income than any other industry, not excepting mining with its $400,000,000 per annum, and the dairy interest must die if this fraud goes on as it has in the past. The bill seeks to place the manufacture of oleomargarine under the Internal Revenue Department, and I see no other way to do justice to both that and the dairy interest. You must remember that the farmer or dairyman can buy neutral, and churn with his milk or cream, and in self-protection will do so (and it was stated before our committee is doing so now), and if no restraint is placed upon the sale of the product, pure butter will be unknown if we go on as we have been doing for the past two years, in which time this infamous fraud has more than doubled, and from all sides comes the demand for this legislation—not less than three-fourths of all the people ask for it.

Our State was forced into stock-raising and dairying by the failure of wheat, and in my section of the State, with our pure water and excellent grasses, we began to prosper, and we make as fine butter as is made anywhere. We took the highest prize at New Orleans, but last year with the finest of creamery butter at 17 cents in New York we found our business unprofitable. And it is from 12 to 16 cents now in New York.

We do not deny the fact that the farmers expect better prices if this bill passes, and we see no reason why the agricultural class, which comprises 51 per cent. of the whole population, may not come to us for protection as other classes have come in the past and secured it. Did we not tax the circulation of State banks 10 per cent. when 5 per cent. would have retired every dollar of it? Was not this taxing one business out of existence, and a business which did not seek to furnish unwholesome food to the people?

The average dairyman can not come here to represent his interests. If he could we should have two millions here to-day urging the adoption of measures for relief, for from one end of the country to the other they are aroused as no class of farmers were ever stirred up before. They see their lands and homes going to ruin, and if their prayer for relief is not granted their industry is doomed.

They would come here in person and voice their sentiments, but a trip to Washington would cost more than the profits that a majority realized last year. They must remain at home and toil and struggle to keep from bankruptcy.

They have kept away from Congress for ten years, trying all other means, only to find the evil growing daily and the dairy business declining, until now we must have relief or the nation loses an important industry.

Our creameries in the West can take the cream from the farm, make the butter, using a plant worth $5,000 and a capital of $5,000 more, employ one skilled man and other help, and place the butter pure and unadulterated in Eastern markets for 6 to 7 cents above the price of the cream; but with butter at 15 cents, as to-day, cream is worth 8 cents in the Northwest, and that price makes cows worth $20 or less, and the farmer's fifteen hours' hard work worth 50 cents. We do not expect high prices, nor ask it; we can live with butter at 20 to 25 cents in New York.

Now as to a war on low-priced food, the fraud has not been retailed at lower prices than ordinary butter, and has not been sold to any extent to the consumer only as butter.

And right here let me say that this bill does not prevent the manufacture and sale of oleomargarine, nor does it lay a tax upon that article if made with its natural color, but simply taxes the article when colored and made in semblance of butter or mixed with butter; leaving the market open for the sale of the uncolored grease, and the cheap food can be sold untaxed, the poor man and the rich can buy it and use it and mix it in his own way, with his own butter, for his own use, but not for sale.

This bill strips the article of its fraudulent character, prevents counterfeiting, and leaves the article to stand on its own merits, and lets it invade all markets under its own name—"deodorized" or "refined grease." It is not the product of our dairy, and shall not wear our name.

We have in the bill even left the name butterine, which is so dear to those Chicago gentlemen and which covers a great majority of their goods and a multitude of sins; but while they can use that name for their goods, they are prohibited from mixing butter or coloring matter with it without paying a tax. Now, is this an unjust act? I believe we have no more right to allow this fraud than we have to allow counterfeiting of money. In both cases the innocent suffer. If it is unjust to prevent counterfeiting, then this may be unjust.

This is no local question; the cow is cosmopolitan; pure butter ought to be so; and while I think that the uncolored neutral, which may still be sold under the name of butterine or other names which may be invented, ought to be inspected by competent chemists and microscopists before being sold, yet we are now dealing with this one question, and it is a step in the right direction, and I hope the bill will pass. [Applause.]

Mr. HATCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. WISE having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration House bill No. 8328, had come to no resolution thereon.

And then, on motion of Mr. HATCH (at 11 o'clock p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of C. C. Haggard for a pension—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: Papers relating to the claim of William Watts, of Boone County, Kentucky—to the Committee on Claims.

By Mr. COMSTOCK: Petition of officers, ex-officers, and leading citizens, of Grand Rapids, Mich., asking for the adoption of a resolution by Congress to amend the Constitution so as to prohibit communistic emigrants from coming within the limits of the United States; and other amendments—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Memorial of Board of Trade of Elgin, Ill., and of Armour & Co. and others, against the proposed oleomargarine legislation—to the Committee on Agriculture.

Also, memorial of A. C. Beals, hospital steward United States Army, in favor of raising salaries of hospital stewards—to the Committee on Military Affairs.

Also, memorial of the municipal authorities of Norfolk, Va., praying

for the establishment of a ship-yard at that point—to the Committee on Naval Affairs.

By Mr. EVERHART: Petition of 1,124 citizens interested in railroads, praying for an appropriation to carry out the plans for the organization of section of steam transportation in the United States National Museum to perpetuate the history of steam transportation—to the Committee on Appropriations.

By Mr. GROUT: Petition of Allen Morse and 36 others, citizens of Calais, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HEWITT: Petition in the matter of William C. Phelan—to the Committee on the Judiciary.

By Mr. KELLEY: Petition of citizens of Wellsborough, Pa., praying for an increase of duties on wool, worsted, and woolen goods and yarns—to the Committee on Ways and Means.

By Mr. MARTIN: Petition of S. D. J. Moon, of Jefferson County, Alabama, on the subject of taxation—to the same committee.

By Mr. RANDALL: Petitions on behalf of the American Agricultural and Dairy Association and 1,760 dairy farmers in the States of Illinois, Missouri, Vermont, Indiana, Maine, Wisconsin, Minnesota, Pennsylvania, Delaware, Iowa, New York, Nebraska, Colorado, California, Kansas, Maryland, Ohio, and Michigan, praying for the passage of House bill 8328, placing the manufacture and sale of imitations of butter under the control of the United States Department of Internal Revenue and taxing them 10 cents a pound—to the Committee on Agriculture.

By Mr. RIGGS: Petition of C. B. Wells, of Adams, Ill., for taxation of oleomargarine—to the same committee.

By Mr. ROMEIS: Petition of Ellen Scranton and Hannah Scranton Stoner, heirs of Elizabeth Whitaker, for relief—to the Committee on War Claims.

By Mr. SENEY: Petition of Albert Buskirk and 161 others, citizens of Seneca County, Ohio, for taxing oleomargarine—to the Committee on Agriculture.

Also, affidavit in support of House bill 9103, for the relief of Mary A. Huffman—to the Committee on Invalid Pensions.

By Mr. WEBER: Petition for the establishment of postal-savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Joel R. Love; of Mollie Beaver, administratrix of William Beaver, deceased; and of John Smith, asking that claims, with accompanying papers, be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. J. S. HENDERSON: Of citizens of Randolph County, North Carolina.

By Mr. SENEY: Of citizens of Wood County, Ohio.

By Mr. VOORHEES: Of citizens of Tacoma and Whatcom, Wash.

SENATE.

WEDNESDAY, *May* 26, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN D. HAM—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate of the United States:

I return without approval Senate bill No. 1998, entitled "An act for the relief of John D. Ham," which grants a pension to the party named.

The claiment alleges that he enrolled in the Army in January, 1862, and was "sworn in at his own home;" that the next day he started on horseback to go to the regiment he was to join, and that on the way his horse fell upon his left ankle, whereby he sustained an injury which entitles him to a pension.

His name is not borne upon any of the rolls of the regiment he alleges he was on his way to join.

He filed his application for pension in the Pension Bureau October 17, 1879 (seventeen years after his alleged injury), which was rejected apparently on the ground that he was not in the military service when the disability claimed was incurred. He was drafted in 1863 and served until he was mustered out in 1865.

It is entirely clear that this claimant was not in the military service at the time he claims to have been injured; and his conduct in remaining at home until he was drafted, nearly two years afterward, furnishes proof that he did not regard himself as in the mean time owing any military duty.

These considerations and the further facts that upon being drafted he was accepted as physically qualified for service, that he actually thereafter served a year and eight months, and that he waited seventeen years before claiming pension for his injury, in my mind present a case upon which the claimant is entitled to no relief even if charity, instead of just liberality, is invoked.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 25, 1886.

DAVID W. HAMILTON—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate of the United States:

I herewith return without approval Senate bill No. 1290, entitled "An act granting a pension to David W. Hamilton."

A claim for pension filed by him in November, 1879, was rejected by the Pension Bureau on the ground that his alleged disability existed prior to his enlistment.

An examination of the records in the Adjutant-General's Office and a statement from the Pension Bureau derived from the claimant's application there for pension, with a reference to the report of the committee to whom this bill was referred, disclose the following facts:

The claimant was mustered in the service as first lieutenant in September, 1861, and as captain June 12, 1862. He is reported as present with his company until the 30th of that month. For the six months immediately following the latter date he is reported as "absent sick," and for the ten months next succeeding and until October 27, 1863, as "absent on detached service." On the day last mentioned he tendered his resignation at Camp Morton, in the State of Indiana, to enable him to accept an appointment as captain in the Invalid Corps. He was thereupon so appointed upon account of "chronic enlargement of the spermatic cord, of several years' standing, consequent upon hydrocele." He remained in the Invalid Corps until July 12, 1864, when upon the tender of his resignation he was discharged.

Less than four months afterward, and on the 6th day of November, 1864, he was mustered in the service as a captain in another regiment of volunteers, and on the 17th day of November, 1865, again tendered his resignation, and was finally discharged.

Upon his application for pension under the general law, fourteen years thereafter, he admitted that he suffered from hydrocele as early as 1856, but claimed that an operation then performed for the same had given him permanent relief.

It will be seen that the claimant's term of service was liberally interspersed with sick leave, detached service, resignations, and membership in the Invalid Corps. He admits having the trouble which would naturally result in his alleged disability long before he entered the service; the surgeon upon whose certificate he was appointed to the Invalid Corps must have stated to him the character of his difficulty and that it was chronic; no application for pension was made until fourteen years after his discharge and just prior to the expiration of the time within which large arrearages might have been claimed. There is no hint of any medical testimony at all contradicting the certificate of the Army surgeon made in 1863; but it is stated in the report of the committee that he can not procure medical testimony as to his soundness before entering the service because his family physician is dead. If he had filed his application earlier it would have appeared in better faith, and it may be that he could have secured the evidence of his family physician if it was of the character he desired.

After the Pension Bureau has been in operation for a score of years since the late civil war, equipped with thousands of employés charged with no other duty except the ascertainment and adjustment of the claims of our discharged soldiers and their surviving relatives, it seems to me that a stronger case than this should be presented to justify the passage of a special act, twenty-three years after an alleged disability, granting a pension which has been refused by the bureau especially organized for the purpose of allowing the same under just and liberal laws.

I am by no means insensible to that influence which leads the judgment toward the allowance of every claim alleged to be founded upon patriotic service in the nation's cause. And yet I neither believe it to be a duty nor a kindness to the worthy citizens for whose benefit our scheme of pensions was provided to permit the diversion of the nation's bounty to objects not within its scope and purpose.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 25, 1886.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 8, 1886, reports of engineer officers, with maps, &c., as to providing the water supply of the capital with filters and other appliances for cleansing and purifying the water; which was read.

The PRESIDENT *pro tempore*. The communication from the Secretary of War will be printed, and the question of printing the maps, &c., will be referred to the Committee on Printing.

Mr. BUTLER. The communication should be referred to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. It will be referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. VEST presented resolutions adopted by the Fruit and Produce Exchange of Kansas City, Mo., in favor of the passage of the bill placing a tax of 10 cents per pound upon oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

Mr. HALE. I present a petition of the East Maine Annual Conference of the Methodist Episcopal Church, composed of eighty-six ministers and representing eight thousand eight hundred and one church members, praying for legislation by Congress providing measures of protection which shall enable the officers of the law to suppress efforts to drive out Chinese residents and to secure to such residents life, liberty, and the pursuit of happiness. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. COCKRELL. I present a petition signed by a number of attorneys of Saint Louis, Mo., petitioning Congress to provide a Federal code of procedure, and to invite each State and Territory to aid in its preparation, &c. I move the reference of the petition to the Committee on the Judiciary, before which the bill for that purpose is pending.

The motion was agreed to.

Mr. CALL presented a petition of citizens of Marion County, Florida, praying for an extension of the railroad grant to the State of Florida; which was referred to the Committee on Public Lands.

Mr. MILLER. I present a petition of Local Assembly No. 6157, Knights of Labor, of Schaghticoke, and District Association No. 68, Knights of Labor, of Troy, in the State of New York, praying for the de-

feat of the so-called Morrison tariff bill, and that the tariff be increased to protect the agricultural, mechanical, mining, and manufacturing industries of the United States. The petition is properly certified by the officers of the two assemblies. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. INGALLS presented the petition of William J. Uhler, of Lebanon, Pa., praying for additional legislation in his favor upon his pension certificate; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented the petition of M. L. Childs and 25 other citizens of Bakersfield, Vt., praying for legislation taxing oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS. I present two petitions, one from William H. Bliss, United States attorney, eastern district of Missouri, and E. Smith, assistant, and another from Mr. John F. Phillips, presiding judge of the court of appeals of Kansas City, Mo., praying Congress to provide a Federal code of procedure. I move the reference of the petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. EVARTS presented a petition of 17 physicians of Albany, N. Y., praying for the passage of a bill re-establishing the National Board of Health; which was referred to the Committee on Epidemic Diseases.

Mr. EVARTS. I present the petition of Margaret Madden, widow of Christopher Madden, late a private in Company B, Eighty-fourth Regiment New York Volunteers, praying for the passage of a special act of Congress granting her a pension. As the bill has been reported favorably, I move that the petition lie on the table.

The motion was agreed to.

Mr. GRAY presented the petition of L. P. Bush, M. D., and other citizens of New Castle County, Delaware, praying for the re-establishment of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2478) granting a pension to John Wines;

A bill (H. R. 7162) granting a pension to Martha McIlwain;

A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;

A bill (H. R. 8111) granting a pension to Rebecca Roberts;

A bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings;

A bill (H. R. 1142) granting a pension to Lydia Hadlock;

A bill (H. R. 7703) granting a pension to Anna A. Probert;

A bill (H. R. 7931) increasing the pension of Clark Boon; and

A bill (H. R. 7914) to increase the pension of David M. Rennoc.

Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations, to which was referred the bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868," respecting the Benjamin Weil business, to report it favorably with an amendment, and I ask leave on behalf of the committee and for the Senator from Alabama [Mr. MORGAN], who is on account of illness in his family necessarily absent, and who prepared the report on this bill, to submit that report as and for Mr. MORGAN from the committee at a later day, when it shall have been put in shape.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and leave will be granted as requested to file the report hereafter, there being no objection.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (S. 559) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers and others, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1865) to pay J. C. Hamner, as administrator of George M. Hamner, deceased, the proceeds of certain cotton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 749) for the relief of R. G. Huston & Co., moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2529) for the relief of R. G. Huston & Co.; which was read twice by its title.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2155) for the relief of John Wightman, moved its indefinite postponement, which was agreed to; and he submitted a report accompanied by a bill (S. 2530) for the relief of the legal representatives of John Wightman, deceased; which was read twice by its title.

Mr. VAN WYCK, from the Committee on the Improvement of the Mississippi River, submitted a report to accompany the bill (S. 546) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees, heretofore reported by him.

BILLS INTRODUCED.

Mr. MILLER introduced a bill (S. 2531) granting a pension to Sarah C. Camly; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2532) for the relief of Mrs. M. R. Casler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2533) for the relief of E. Remington & Sons; which was read twice by its title, and referred to the Committee on Finance.

Mr. VAN WYCK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2534) granting a pension to John H. Austin;

A bill (S. 2535) granting a pension to K. T. Hammond;

A bill (S. 2536) granting a pension to Thomas Brooks;

A bill (S. 2537) granting a pension to Shelton Flannigan;

A bill (S. 2538) granting an increase of pension to W. H. Morton; and

A bill (S. 2539) granting a pension to R. B. Powell.

Mr. GRAY introduced a bill (S. 2540) for the relief of D. E. Downing; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STANFORD introduced a bill (S. 2541) to authorize the establishment of export tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco; which was read twice by its title, and referred to the Committee on Finance.

Mr. SPOONER (by request) introduced a bill (S. 2542) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workingmen of the District of Columbia for fifteen years last past; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 2543) granting a pension to Jacob Mix and repealing the existing law; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2544) to increase the pension of Adrian C. Dodge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EDMUNDS. I introduce a bill to provide for the confinement of inebriates in the Government Hospital for the Insane, which I ask to have referred to the Committee on the District of Columbia, and I hope the committee will give it early attention.

It appears on examination, strangely enough, that under the laws in force in this District there is no power even to appoint a guardian of an inebriate and no power to restrain him against his will. Such power is limited to insane persons. I therefore hope the committee will give the bill early attention.

The bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHERMAN introduced a bill (S. 2546) granting a pension to Elijah E. Smedley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RENT OF BUILDINGS IN WASHINGTON.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what buildings are rented in the city of Washington for the use of the United States, and the annual rent of each.

RESTORATION OF NAVAL CADETS.

Mr. SAWYER. I move that the Senate now proceed to the consideration of the Calendar of private unobjected pension cases.

Mr. BUTLER. Before that is done I should be very glad to give notice of my intention to call up the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes." The bill was reached on the Calendar and passed over on account of the absence of the Senator from Maine [Mr. HALE]. He is in his seat now, and I shall ask the Senate after the routine morning business on Friday morning to take the bill up and dispose of it.

Mr. PLATT. What is the bill?

Mr. BUTLER. It is the bill restoring those cadets to the Navy who were legislated out of the Navy.

Mr. SAWYER. Is the bill likely to require much discussion?

Mr. BUTLER. I do not intend to call it up this morning. I give notice that on Friday morning I shall ask the Senate to consider the bill.

RECONSIDERATION OF PENSION BILLS.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of unobjected pension bills on the Calendar.

Mr. BECK. Before that is done, I ask the unanimous consent of the Senate for an order regarding three pension bills—the bill (H. R. 6039) for the relief of Greenville R. Hale, the bill (H. R. 6045) granting a pension to Adam Feltner, and the bill (H. R. 6457) granting a pension to Alfred Pickelsimer. These bills were reported adversely and indefinitely postponed. I ask that the order of indefinite postponement may be set aside and that the bills be recommitted to the Committee on Pensions. The Senator from Tennessee [Mr. WHITTHORNE] made the reports; and one of my colleagues in the other House who reported the bills there thinks he has some additional proof. I believe there will be no objection to the bills going back to the committee. I ask that that order be made.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to reconsider the action of the Senate by which the pension bills named by him were indefinitely postponed, and that they be recommitted to the Committee on Pensions. If there be no objection the several orders will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 356) granting a pension to Samuel Hanson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;"

A bill (S. 2136) for the relief of Edward Fenlon;

A bill (S. 767) for the relief of John Leathers;

A bill (S. 327) granting a pension to James E. O'Shea;

A bill (S. 788) granting a pension to John L. Bruce;

A bill (S. 789) granting a pension to John S. Williams;

A bill (S. 895) granting a pension to Rachel Fleming Cellar;

A bill (S. 1124) granting a pension to William Bethuren;

A bill (S. 1169) granting a pension to John S. Bridges;

A bill (S. 1235) granting an increase of pension to Joseph W. Rinehalt;

A bill (S. 1257) granting a pension to Henry Shively;

A bill (S. 1348) granting a pension to Sarah E. Henry;

A bill (S. 1726) granting a pension to Augustus Field Stevens;

A bill (S. 1770) granting a pension to J. H. Thornbury;

A bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett; and

A bill (S. 1357) granting a pension to Sarah A. Thomas.

JOHN W. FARRIS.

Mr. SAWYER. I now move that the Senate proceed to the consideration of private pension bills unobjected to.

The motion was agreed to.

The PRESIDENT *pro tempore*. The first case on the Calendar of this class will be announced.

The CHIEF CLERK. Order of Business 1053, Senate bill 2045——

Mr. COCKRELL. The case just before that, the bill (H. R. 6136) granting an increase of pension to John W. Farris, was laid over the other day at the instance of the Senator from Connecticut [Mr. PLATT]. I ask that that bill be now taken up. I wish to make an explanation in regard to it.

The PRESIDENT *pro tempore*. If there be no objection the bill indicated by the Senator from Missouri will be first considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of John W. Farris, late first lieutenant and adjutant of the Forty-eighth Illinois Volunteers, for disease of eyes, subject to the provisions and limitations of the pension laws.

Mr. COCKRELL. The question was, and I thought the Senator from Connecticut was right at the time, that there ought to be some amount specified as to the increase; but I have examined the matter and conferred with the Pension Office, and I find that the bill is right. If the bill is passed, the Pension Office will rate the pension for sore eyes according to the degree of the disability resulting from the sore eyes, and they can increase or decrease it, just as the evidence may show the disability to exist.

Therefore the bill is right, and it will simply give the Pension Office the power to grant the claimant a rating for sore eyes, the Pension Office having declined to grant a pension on that score, but granted it for another matter.

Mr. PLATT. I had no objection whatever to the bill.

Mr. COCKRELL. I understand that.

Mr. PLATT. But I feared that it would not accomplish the object which was intended. However, if the Senator, having examined it, thinks it will, I withdraw my objection.

Mr. COCKRELL. I agreed fully with the Senator at the time and thought he was right, but on ascertaining the rule in the Pension Office I find that he was not.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SARAH HAMILTON.

The bill (S. 2045) granting a pension to Mrs. Sarah Hamilton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah Hamilton, widow of Thomas Hamilton, deceased, late a private in Company G, Thirty-seventh Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ABBIE B. HEATH.

The bill (S. 1997) granting a pension to Mrs. Abbie B. Heath was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abbie B. Heath, widow of John T. Heath, late of Company B, Twenty-fourth Regiment of Indiana Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 4, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1997) granting a pension to Abbie B. Heath, have examined the same, and report:

That the records in this case show that claimant is the widow of John T. Heath, late a corporal in Company B, Twenty-fourth Regiment Indiana Volunteers, and who was wounded in battle May 16, 1863, for which the soldier was pensioned July 30, 1864.

The records show also that from the date of the wound until the date of the soldier's death (October 20, 1880) the disabilities of the soldier steadily increased, which is testified to by the attending physician, and that the soldier's death was "caused by the wound and exhaustion of his system resulting from the military service."

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of the bill, and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM DICKENS.

The bill (S. 2269) granting a pension to William Dickens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Dickens, late of Company A, Twenty-fourth Regiment Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA J. TODD.

The bill (S. 2215) granting a pension to Mary G. Todd, widow of Dr. R. N. Todd, late of Indianapolis, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, to change the name "Mary G. Todd" to "Martha J. Todd;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Todd, widow of Dr. R. N. Todd, late a surgeon in the United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Martha J. Todd, widow of Dr. R. N. Todd, late of Indianapolis, Ind."

LAURINDA G. CUMMINGS.

The bill (S. 2267) granting an increase of pension to Laurinda G. Cummings was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laurinda G. Cummings, widow of Bvt. Brig. Gen. Gilbert W. Cummings, at $50 per month, instead of the pension she now receives; but nothing in the act is to entitle her to arrears of pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH CROWLEY.

The bill (H. R. 5332) granting a pension to Elizabeth Crowley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Crowley, widow of Thomas Crowley, late of Company G, Ninth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HUNTER.

The bill (H. R. 1990) granting a pension to John Hunter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Hunter, late of Company H, Second Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA M. SHINER.

The bill (H. R. 5331) granting a pension to Emma M. Shiner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma M. Shiner, widow of Robert T. Shiner, late a private in Company B, Third Regiment New Jersey Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH E. VAN HORN.

The bill (H. R. 4723) granting a pension to Joseph E. Van Horn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph E. Van Horn, late veterinary surgeon of Company B, Fourth Pennsylvania Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN S. WOLVERTON.

The bill (H. R. 5336) granting a pension to Benjamin S. Wolverton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin S. Wolverton, late a private in Company A, Fifteenth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP DEREMER.

The bill (H. R. 5335) granting a pension to Philip Deremer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philip Deremer, late a private in Company B, Thirty-first Regiment New Jersey Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SEWELL May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5335) granting a pension to Philip Deremer, have examined the same, and report as follows:

The committee find from the papers in this case that this soldier was a private in Company B, Thirty-first Regiment New Jersey Volunteers.

He claims pension upon disabilities resulting from sun-stroke while on duty at Falmouth, Va., in 1863.

The claim was rejected on the ground that there was no record of such disabilities.

Dr. P. G. Creveling, his family physician, makes affidavit that at the time of enlistment he was a sound, healthy man, and was in no way subject to nervous or chronic disease. There are nine affidavits made by as many of his neighbors, intimate with him before his enlistment, who, from personal knowledge, testify that he had never been troubled with sun-stroke or epileptic convulsions therefrom previous to entering the service, and they had known him as a strong and robust man.

Three comrades of the soldier swear that they saw him when attacked by sunstroke on dress parade, and that of their own knowledge he suffered from epileptic fits and convulsions while he remained in the service, and was treated therefor by Dr. Jennings, one of the regimental surgeons, and another comrade heard the surgeon say it was sun-stroke, as the claimant was being carried away. These comrades were all present at the time, as is shown by the Adjutant-General's reports, and from the pension inquiries are shown to be men of truth and veracity.

The testimony since the soldier's discharge is abundant as showing him to be continuously subject to epileptic convulsions, nine of his neighbors and employers making affidavits to that effect; and further, that they are so frequent as to render him unfit for any but the lightest labor and that at infrequent periods. Dr. S. A. McCash treated him for these convulsions, and states in his evidence that he was disabled from continuous work, and upon examination could find nothing to show hereditary troubles of this nature. The testimony of other physicians verifies these statements.

The committee therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JENET L. JOHNSON.

The bill (H. R. 5702) granting a pension to Jenet L. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jenet L. Johnson, widow of John Johnson, late a private in Company K, Fifteenth Regiment of New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DARIUS M. SEAMAN.

The bill (H. R. 1279) granting a pension to Darius M. Seaman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Darius M. Seaman, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS TYUS.

The bill (H. R. 247) granting a pension to Lewis Tyus was considered as in Committee of the Whole. It proposes to place the name of Lewis Tyus, late a private in Company D, Santa Fé Battalion (mounted), Mexican war, on the pension-roll at the rate of $40 per month.

Mr. COCKRELL. Let the report be read in that case. The bill gives a very large amount.

The Chief Clerk read the following report, submitted by Mr. COLQUITT May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 247) granting a pension to Lewis Tyus, have carefully examined the same, and recommend the passage of the bill.

The subjoined House report, which the committee adopt, is a correct statement of the facts:

Lewis Tyus enlisted as a private in Company A, Captain Augney's Battalion of Missouri Volunteers, on the 15th day of June, 1846, at Fort Leavenworth, to serve in the Mexican war. He was honorably discharged at Santa Fé, June 14, 1847. He re-enlisted for the war at Santa Fé, July 13, 1847, and was honorably discharged at Independence, Mo., on the 27th of October, 1848, as a private in Company D, Santa Fé Battalion Missouri Volunteers.

Mr. Tyus while in the service contracted scurvy, and from the effects of the disease lost his teeth and lost almost the sight of both his eyes. He is nearly totally blind. He has not been able to find any surviving comrade or commissioned officer or surgeon by whom he could prove the foregoing facts. No record can be found showing his treatment for this disease; but none can be found contradicting in any particular his sworn statement. He is supported in all other respects by the records in the Adjutant-General's Office. His present condition of blindness, now nearly complete, is fully established. A large number of reputable citizens, his neighbors, who have known him for periods ranging from ten to twenty-five years, certify to his good character and trustworthiness, and state they have always found him honorable, upright, and truthful. Mr. Turner, a member of the House, knows him and believes his statements. Mr. Tyus was also a soldier in the Seminole war of 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MARTIN.

The bill (S. 2232) granting a pension to Mary Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Martin, widow of Thomas Martin, late a private in Company C, Second Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMOS C. WEEDEN.

The bill (H. R. 8085) granting a pension to Amos C. Weeden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amos C. Weeden, on account of disabilities contracted while serving under a commission as a captain in the Sixth Regiment of Rhode Island Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. ALDRICH May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 8085) granting a pension to Amos C. Weeden, have examined the same, and adopt the report of the House of Representatives, No. 1785, of the present Congress:

[House Report No. 1785, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions have received from the Commissioner of Pensions a letter dated February 3, 1886, of which the following is a copy:

"Under the joint resolution approved May 29, 1830, which provides that meritorious cases for which there is no provision of the general law be transmitted to Congress, I have the honor to transmit herewith the papers in the case of Amos C. Weeden, late second lieutenant and captain and acting assistant quartermaster, artillery brigade and First Division, Fifth Army Corps, application No. 209047, to consider the propriety of placing his name on the pension-roll. It appears from the evidence in the case that he rendered service in good faith from April 22, 1862, and November 15, 1862, respectively, under commissions from the governor of Rhode Island, and was recognized as of those grades at the time by the duly constituted authorities of the United States. It also appears that while he was thus engaged he became disabled, and was discharged March 3, 1863, upon surgeon's certificate of disability because of subacute inflammation of the neck of the bladder, and has been troubled with his urinary organs continuously since his discharge. The claimant filed an application for pension October 12, 1875, alleging injury to back, resulting in spasmodic rheumatism, and in a subsequent declaration filed October 15, 1885, he alleges that the aforesaid injury also resulted in inflammation of the bladder and kidneys, and the claim was rejected January 29, 1886, upon the ground that claimant is not recognized as having been an officer of the United States Army, as shown by the report of the Adjutant-General, United States Army, in this case, under date of January 14, 1886.

"In view of the fact that the soldier did perform good and valuable services, and became disabled while in the said service, and is still suffering from disabilities, the result of his said military service, it seems to be a case worthy of the consideration of Congress with a view to special legislation to give title."

Accompanying the letter above quoted came the original papers filed in this case in the Pension Office, including the commissions issued by the governor of Rhode Island and other original papers relating to claimant since. The Adjutant-General reports that—

"Amos C. Weeden enlisted as a private in Company A, First Rhode Island Artillery, June 6, 1861, and discharged April 22, 1862, to accept promotion to second lieutenant in Sixth Rhode Island Volunteers. Can not be recognized as a commissioned officer of Sixth Rhode Island Volunteers, said regiment having failed of organization. He appears to have entered on duty without muster, and is first borne on muster-roll of Company D, Fifth United States Artillery, for March and April, 1862, as second lieutenant Sixth Rhode Island Volunteers, by order of governor of Rhode Island, April 22, 1863. Assistant quartermaster division of artillery by special order No. 147, Porter's division, April 25, 1862. Drew pay as second lieutenant Sixth Rhode Island Volunteers on muster and pay roll of Company D, United States Artillery, to September 30, 1862. Was relieved from duty with the division artillery and assigned to duty as acting assistant quartermaster, Griffin's brigade, July 27, 1862. He first appears as captain in orders from division headquarters, announcing him as assistant quartermaster of First Division Fifth Army Corps, November 15, 1862. There is no record of his having been paid as captain. The following order also appears of record:

"[Special Orders No. 46.—Extract.]

"HEADQUARTERS FIFTH ARMY CORPS,
"*Camp near Falmouth, Va., March* 3, 1863.

"The following-named officers, having tendered their resignations, are honorably discharged from the military service of the United States on surgeon's certificate of disability:

"Capt. Amos C. Weeden, Sixth Rhode Island Volunteers.

* * * * * * *

"By command of Maj. Gen. G. G. Meade.

"——— ———."

Notwithstanding all this evidence of service in his possession, the Adjutant-General, under date of January 14, 1886, positively refuses to recognize Weeden as an officer in the service for the reason that the Sixth Rhode Island Volunteers failed to complete its organization, and that he declined his appointment as captain and assistant quartermaster of volunteers.

The declination of this appointment was due, however, to disability contracted prior thereto.

Medical examinations show claimant greatly disabled by reason of disease of kidneys and rheumatism, disabilities shown to have been contracted in the service and line of duty.

Your committee concur in the opinion of the Commissioner of Pensions that the case is worthy of the consideration of Congress, and that, inasmuch as the technical ruling of the Adjutant-General would defeat a meritorious claim, relief should be afforded to the claimant, and therefore beg leave to submit the accompanying bill and ask that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRACE F. EDES.

The bill (S. 2144) granting an increase of pension to Grace F. Edes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Grace F. Edes, widow of Benjamin Long Edes, late a lieutenant-commander in the United States Navy, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT BEARD.

The bill (H. R. 5899) to place the name ot Robert Beard on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of Robert Beard, late of Company B, One hundred and first Regiment United States Colored Troops, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN CRYMBLE.

The bill (H. R. 1548) for the relief of Ellen Crymble was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Crymble, widow of Stephen Crymble, formerly a member of Company E, Seventy-ninth Regiment New York State Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL D. MONROE.

The bill (H. R. 4058) for the relief of Joel D. Monroe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joel D. Monroe, late a private in Company C, One hundred and eleventh New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY HIPPLE, JR.

The bill (H. R. 6897) granting a pension to Henry Hipple, jr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Hipple, jr., late a musician in Company H, One hundred and twenty-seventh Regiment Pennsylvania Volunteers.

Mr. COCKRELL. Let the report be read, that we may see why the musician should draw a pension.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6897) granting a pension to Henry Hipple, jr., have examined the same, and report:

Your committee have carefully considered the facts of this case, and adopt the statement of them as set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1501) hereto annexed, and recommend the passage of the bill.

Henry Hipple enlisted in Company H, One hundred and twenty-seventh Pennsylvania Volunteers, as a musician, August 6, 1862, and was discharged May 29, 1863.

He claims a pension on account of rheumatism, alleged to have been contracted at or near Port Tobacco, Md., about November 29, 1862.

The Pension Office rejected the claim on the ground that there is no record of treatment, in service or since, or other satisfactory evidence of incurrence.

The records of the Adjutant-General's office furnish no evidence of alleged disability.

The board of examining surgeons at Harrisburg, Pa., certify, in their report dated August 21, 1881, as follows:

"In our opinion the said Henry Hipple is three-fourths totally incapacitated for obtaining his subsistence by manual labor from rheumatism. Judging from his present condition and from the evidence before us, it is our belief that the said disability did originate in the service aforesaid, in the line of duty. The disability is permanent. Applicant has aortic valvular disease of the heart, due, probably, to rheumatic endocarditis; blowing sound well marked. He states that he suffers pain in limbs, and especially in lumbar region, during damp weather."

Before service.—Dr. George F. Mish testifies, August 13, 1882, that he was family physician of claimant's father prior and up to 1857, and that claimant was sound; that from 1857 to 1860 the family was attended by Dr. James Lowe, who is now dead; that claimant was a sound man at enlistment, and that if he had been otherwise he would have known it.

David Hyde and Samuel F. Treley, in affidavit filed August 13, 1882, testify that they knew claimant from boyhood, and that he was a stout, hearty young man, and free from rheumatism at enlistment.

In service.—Claimant states that he was not treated while in service.

Lieut. Isaiah Willis testifies that claimant contracted rheumatism at or near Port Tobacco, Md., about November 29, 1862, while in line of duty. Knowledge from having been first lieutenant of the company, and being present in command at the time.

Since service.—Claimant testifies that he has not had medical treatment since discharge.

Lieut. Isaiah Willis, August 13, 1882, testifies that at different periods of the year since discharge claimant has had attacks of rheumatism so bad as to disable him from following his occupation.

David Hyde and Samuel F. Treley testify substantially the same as Lieutenant Willis.

It thus appears that this claimant was well when he entered the service; that he contracted rheumatism while in it, which disease still continues, and resulted in valvular disease of the heart. The board of examining surgeons find that the "apex of the heart is below the seventh rib and that the left heart is hypertrophied, and rate his disability as three-fourths total."

There remains no doubt in the minds of your committee that this soldier is now suffering from disability, the result of disease contracted in the Army. They therefore report favorably and recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES SEBRING.

The bill (H. R. 3135) granting an increase of pension to Charles Sebring was considered as in Committee of the Whole. It proposes to increase the pension of Charles Sebring, late a private in Company F of the Forty-eighth Regiment Indiana Volunteers, to $40 per month, in lieu of the pension now received.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3135) granting a pension to Charles Sebring, have examined the same, and report:

The facts upon which the increase asked by the above bill are detailed in the full report of the Committee on Invalid Pensions of the House of Representatives, hereto appended (House report No. 1205), which your committee adopt, and recommend that the bill do pass:

That Mr. Sebring is now receiving a pension of $30 per month on account of loss of his left arm above the elbow by a gunshot wound received in battle while he was a private in Company F, Forty-eighth Regiment Indiana Volunteers.

He filed an application for increase of pension on account of additional disability produced by two other wounds, one of the right forearm and the other the left thigh, received in battle at the same time and place as the wound for which he is now pensioned.

This claim for increase was rejected on the ground that his injuries had not resulted in permanent total helplessness, and that he is now receiving the highest rate authorized by law for a disability not requiring the regular aid and attendance of another person.

The board of surgeons at Kalamazoo, Mich., in their certificates dated September 28, 1883, state that the examination of the applicant reveals the following conditions:

"(1) His physical condition is poor; his left arm is off at junction of the upper and middle third; the cicatrix is adherent to a large neuroma, which is very sensitive and painful.

"(2) A ball entered over the head of the right ulna, fracturing it and making its exit on the inner side of the forearm over the ulna, at the junction of the middle with the lower third, injuring the ulna nerve. The index finger of the right hand can be straightened and the thumb is useful; the other fingers are flexed on the palm of the hand, but can be opened a little. He can carry a pail and can feed himself. Supination and pronation of the forearm fair. The forearm is a little shrunken and numb.

"(3) Gunshot wound of left thigh; the ball entered the upper portion of the middle third on its outer aspect, fractured or splintered the thigh bone and passed downward and inward, and came out on the inner aspect of the lower third. The upper portion of the left thigh is three-fourths of an inch smaller than the right. He complains of weakness of the thigh and pain in walking."

The wound of the left thigh has caused a disability which is rated by the board of surgeons at one-half.

The condition of the right forearm and hand contributes very largely to his disability; and while he is not in a condition of total helplessness entitling him to $50 a month, your committee think he is fairly entitled to some increase, and therefore recommend the bill be amended giving him $40 per month in lieu of the pension now received, and that the bill so amended do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH H. MITCHELL.

The bill (H. R. 3144) granting a pension to Isaiah H. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaiah H. Mitchell, late a private in Company C, Twenty-ninth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISS MARGARET STAFFORD WORTH.

The bill (S. 2030) granting a pension to Miss Margaret Stafford Worth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miss Margaret Stafford Worth, dependent daughter of Maj. Gen. William J. Worth, at the rate of $50 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2030) granting a pension to Miss Margaret Stafford Worth, have examined the same and report:

The claimant, Miss Margaret Stafford Worth, is the only surviving unmarried daughter of the distinguished Maj. Gen. William J. Worth. She is now living in the city of Washington, with seven of her father's grandchildren to support, in great poverty and without adequate means of subsistence. She has until now managed to support herself and these children, with some assistance, but is now confined to her bed and dangerously ill, so that she will henceforth be dependent on charity. It is a shame that the daughter of one of the most distinguished generals who ever served this Government, and who gave his life to her support, should be reduced to such an extremity in her old age. Congress has granted such relief in many cases of far less merit than this, and your committee think that it would be a fitting tribute to the memory of one of our bravest soldiers.

The following papers show the principal facts of this case, and your committee report back the bill and recommend that it do pass:

Petition of Margaret S. Worth to the United States Senate and House of Representatives for a pension.

William Worth, great-grandfather of Maj. Gen. W. J. Worth, United States Army, left Devonshire, England, on account of religious persecution, landed on the New England coast in 1640. Having protected and sheltered a Quaker, he, with two others, took refuge in a small boat, put to sea without chart or compass, and drifted to the island of Nantucket. There they soon became land owners, and resorted to the sea as a profession. Thomas Worth, his grandson, in time became an owner of ships, and moved to Hudson, N. Y., where he married, and there William J. Worth was born.

At an early age William J. Worth placed himself in the large mercantile house of Starr & Sheldon, in Albany, N. Y., where he served as clerk until, the war of 1812 breaking out, he was offered and accepted the position of private secretary to General Morgan Lewis.

Desiring more active service, he sought and received a commission as lieutenant in the United States Army, serving in every grade and always receiving the commendation of his superior officers and of his countrymen.

At the battle of Lundy's Lane he received a wound from which he never entirely recovered, and twice within your petitioner's memory the opened wound, after exposure in the field, produced inflammation and danger to life.

At the close of the war of 1812, with the brevet rank of major, he was ordered to West Point, where, for nine years, he bent all his energies to raising the standard of the institution to a point never before attained. While at West Point Major Worth married the daughter of Mr. John Stafford, whose ancestors came to America in 1605, a descendant of the family of Stafford, of Warwick, England.

Col. Joab Stafford, Mrs. Worth's grandfather, was severely wounded in the Revolutionary war, and his son was in the battles of Crown Point and Bennington.

Major Worth's next post was Fortress Monroe, where he was instructor in artillery. While there he was sent with the Black Hawk expedition to quell the Indian troubles in the Northwest.

From Fortress Monroe he was transferred to the Ordnance Corps, and made inspector, which duty gave him an annual ride over the Alleghanies, at a period when such a journey was attended with peril. He was then ordered to arrange for the transfer of the Cherokee Nation to its new home on the Arkansas River.

In 1837 he was made colonel of the new regiment, the Eighth Infantry.

The patriot war breaking out on the Canada border, he was instrumental in effecting an amicable settlement of the disturbance.

He was then ordered to Florida, placed in command, conducted the campaigns against the hostile Seminoles, and after many perils, from the climate as well as the military operations, in which he had five engagements with the Indians, he effected a peace, which had until that time been fruitlessly sought by his predecessors, and removed the Indians from the territory to their new home west of the Arkansas.

While on this duty the little fortune which he had hoped to leave for the support of his family had, by the dishonesty of his attorney, been swept away. After the peace he desired to return to the North and endeavor to reclaim something out of the wreck, but being ordered to Mexico, he was prevented from executing his intention, and his family never recovered a cent.

In Mexico he led his division in the battles of Monterey, Vera Cruz, Cerro Gordo, the advance on Puebla, Molino del Rey, Chapultepec, Churubusco, the Garita of San Cosme, and was the only general officer who slept within the city gate on that memorable night.

He was the first to land at Vera Cruz and the last to leave Mexican soil.

After the close of the war he was ordered to Texas, where the cholera was raging; and there he died, at the post of duty.

I, Margaret Stafford Worth, the only unmarried daughter, having seven of my father's grandchildren almost entirely dependent upon me for support, petition the gentlemen of the United States Senate and House of Representatives to grant me a pension of $50 a month.

BATTLES IN WHICH GENERAL WORTH WAS ENGAGED.

Chippewa, Niagara, Fort Erie, Lundy's Lane; five battles in Florida—Monterey, Vera Cruz, Cerro Gordo, Puebla, Churubusco, Chapultepec, Molino del Rey, battle of the City of Mexico, San Antonio, Garita of San Cosme.

Received the thanks of Congress, State of New York, State of Louisiana, State of Texas, State of Florida.

He received a sword from Congress, from the State of New York, the State of Louisiana, city of Hudson.

A monument worthy of the city of New York was erected to his memory by its citizens.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 15, 1886.

[Statement of the military service of William J. Worth, late of the United States Army, compiled from the records of this office.]

He was appointed first-lieutenant Twenty-third Infantry, March 19, 1813; promoted captain, August 19, 1814; retained as captain, Second Infantry, May 17, 1815, in the reorganization under the act of March 3, 1815, and as captain of the First Artillery, June 1, 1821, in the reorganization under the act of March 2, 1821; appointed major of ordnance, May 30, 1832, and colonel Eighth Infantry, July 7, 1838.

He was brevetted captain, July 5, 1814, "for his gallant and distinguished conduct on the said 5th of July, in the battle of Chippewa;" major, July 25, 1814, "being the day of the battle of Niagara, in which Captain Worth was distinguished by his gallantry and good conduct;" lieutenant-colonel, July 25, 1824, "for ten years' faithful service in the grade of brevet major;" brigadier-general, March 1, 1842, for gallantry and highly distinguished services as commander of the forces in the war against the Florida Indians," and major-general, September 23, 1846, "for gallant and meritorious conduct in the several conflicts at Monterey, Mexico."

On May 2, 1847, he was presented by Congress with a sword of honor, "in testimony of the high sense entertained by Congress of his gallantry and good conduct in storming Monterey."

He served in the war of 1812-'15 with Great Britain as aid-de-camp to Major-General Lewis from some time in 1813 to April 6, 1814, and as aid-de-camp to Brig. Gen. Winfield Scott, also acting brigade major in the campaign on the northern frontier until severely wounded in the battle of Niagara July 25, 1814; absent wounded to December, 1814; aid-de-camp to Maj. Gen. Winfield Scott, commanding the tenth military district to April 6, 1815; on leave to August, 1815; with regiment in garrison at Sacket's Harbor, Greenbush, Plattsburg, N. Y., to August, 1819; on recruiting service to March 16, 1820; commandant of cadets and instructor of infantry tactics at the United States Military Academy to December 2, 1828; with regiment at Fort Monroe, Va., and on detached duty at that post, as director of the Artillery School of Practice, to May, 1832; commanding Fort Monroe arsenal, Virginia, Frankford arsenal, Pennsylvania, and Watervliet arsenal, New York, to June, 1838; commanding his regiment at Madison barracks, Albany and Ogdensburg, N. Y. (also from January to December, 1889, the Northern Department), to May, 1840; in Wisconsin Territory to July, 1840; *en route* and in the Florida war against the Seminole Indians (being also in command of the district of Tampa from January to May, 1841; of the army of Florida from May, 1841, to July 25, 1842, and of the Ninth Military Department embracing Florida, to August 22, 1842, and from October 31, 1842, to September 14, 1845; was absent with leave from August 22 to October 30, 1842), to September 26, 1845; commanding the first brigade of the army of occupation in the war with Mexico, to April 8, 1846; on leave to May 27, 1846; commanding the first brigade of the army of occupation, to July 27, 1846, the second division of that army to February 23, 1847, the first brigade, first division of regulars in the army of invasion, to April 1, 1847, the first division to June 21, 1848, being engaged in the battle of Monterey, September 21-23, 1846; siege of Vera Cruz, March 9-29, 1847; battle of Cerro Gordo, April 17, 18, 1847; capture of San Antonio, August 19, 20, 1847; battle of Churubusco, August 20, 1847; of Molino del Rey, September 8, 1847; of Tacubaya, September 12, 1847, and of Chapultepec and San Cosme, September 13, 1847, also in the assault and capture of the City of Mexico, September 13, 14, 1847.

He commanded the army in Mexico from June 21 to July 15, 1848, and the Eighth and Ninth Military Departments, comprising Texas and New Mexico, from November, 1848, to May 7, 1849, upon which date he died at San Antonio, Tex.

J. C. KELTON, *Acting Adjutant-General.*

WASHINGTON, D. C., *April 22, 1886.*

The petitioner, Miss Margaret S. Worth, the daughter of Major-General Worth, who for many years was one of the senior officers of our Army, is now advancing in years, is in failing health, and is no longer able to earn sufficient for her support.

Being now thrown upon her own resources she is at present in almost destitute circumstances.

If Congress, in view of the distinguished services of General Worth, should deem it proper to extend the charity for which Miss Worth petitions they could not find a more worthy object.

P. H. SHERIDAN, *Lieutenant-General.*

SAINT LOUIS, *April 24, 1886.*

I commend the foregoing petition to all generous men who love their country and its heroes.

General Worth was one of the most brilliant and conspicuous officers in the war of 1812, Mexican war, and Florida war. He died in the military service on the frontier. I know the petitioner to be his daughter, the only one, I believe, who never married, who has been toiling for years to support herself and help her sister's children. She is now old and feeble, and it will be a graceful act for Congress to recognize her as the orphan of the nation.

W. T. SHERMAN.

[Office of the attending surgeon, United States Army, No. 1733 G street northwest.]

WASHINGTON, D. C., *April 20, 1886.*

GENTLEMEN: I have learned with pleasure that a bill has been introduced into the Senate conferring a pension on Miss Margaret S. Worth.

The services of her distinguished father are a part of the history of the country. Miss Worth has been my friend and patient for a long time. I know that her means are narrow, and that her health is much impaired. She is suffering under profound nervous exhaustion, from which there is little or no probability of her recovery. Therefore she is not likely to ever be able to carry on the clerical work on which she has depended for a livelihood.

Trusting that Miss Worth's case may receive your favorable action,

I remain, your obedient servant,

R. M. O'REILLY, *M. D., U. S. A., Attending Surgeon.*

The COMMITTEE ON PENSIONS, *United States Senate.*

WASHINGTON, D. C., *April 20, 1886.*

GENTLEMEN: I desire to say that I have known Miss Margaret Worth, daughter of the late General Worth, United States Army, for some years, and have, upon several occasions, been called upon to prescribe for her, and know that her present state of health is very precarious; in my opinion, she is physically unfitted to discharge the duties of her office, and that a due regard for her health demands, for some time or permanently, absolution from those duties.

She is of a delicate, nervous organization, and confinement to business has been and must be injurious to her.

In view of the distinguished services of her father, and her present enfeebled condition preventing her from earning a proper livelihood, I think the granting of a pension would be most meritorious and deserved.

I am, very respectfully,

D. L. HUNTINGTON,
Surgeon, United States Army.

To the COMMITTEE ON PENSIONS,
United States Senate.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, April 22, 1886.

To the Committee on Pensions, United States Senate:

I take the liberty of addressing you in advocacy of the application for pension made for Miss Margaret Worth, eldest daughter of the late Maj. Gen. W. S. Worth, United States Army.

I have known Miss Worth over thirty years, and know that her life has been devoted to the care and support of dependent descendants of General Worth, her sisters, nieces, and nephews. For some years she has labored as a clerk in a public office. Her health is now very much impaired, and she is almost incapacitated for further work.

I would most respectfully urge that a pension may be granted her.

I have the honor to be, very truly and respectfully,

R. MURRAY,
Surgeon-General, United States Army.

It seems like presumption in me to bear testimony to the services of Major-General Worth, to whom the Congress of the United States and the Legislatures of four States have voted their thanks and presented swords of honor, and to whose memory the great city of New York has erected a stately monument inscribed with the principal events in his distinguished career—his wounds, his battles, his commands—from the war of 1812, as a mere lad, to his death nearly forty years after from cholera, at his post, as much a martyr to duty as if he had been shot on the field of battle.

His successful termination of the Florida war as a general-in-chief, his brilliant services as a general of division in Mexico, are matters of history; but there were incidents with which history does not deal and which are known to

me. He was habitually at the point of danger. This characteristic enabled him to snatch victory from three times his force at Molino del Rey, when a disastrous defeat seemed imminent from mere force of numbers. He was the first general and one of the first persons in the City of Mexico when the gates of that town were carried by assault, and he was not only the last general but the last person in the Army to leave it at the end of the war. There were signs of serious disturbance and riot among the "leperos," the lowest order of the inhabitants, and he saw every soldier, woman, and child safely out of the gates before he himself left the city.

If it is possible for any man to establish such a claim on the gratitude of his country as to entitle a daughter to aid in her distress, then General Worth has established such a claim.

HENRY I. HUNT,
Brevet Major-General, U. S. Army.

WASHINGTON, D. C., *April* 7, 1886.

It was not my privilege to know General Worth personally, as he died in the year in which I entered the Army. He died at his post of duty from a disease to the fatal effects of which the requirements of the public service compelled him to expose himself. Every officer who entered the Army about my own time can testify to the marks of high tone and elevated soldierly ideas which were impressed upon our small Army by his instruction, and his bearing as commandant of cadets, and by his distinguished conduct on many fields of battle in the interest of our country. He was a type of a soldier on which the heroes of the Mexican war and those of our later struggle on either side tried to model themselves. If we were asked to grant a pension to the daughter of Andrew Jackson, I do not think there would be a dissenting voice in the nation, and I do not think there ought to be one to granting to the daughter of General Worth, who is in need of a slight tribute in recognition of the distinguished services of her father.

A. BAIRD,
Brevet Major-General.

WASHINGTON, D. C., *March* 31, 1886.

The honorable Committee on Pensions, United States Senate:

I do not know well enough the pension laws to know whether Miss Worth is under them entitled to any pension arising out of her father's (General Worth) very distinguished and well-known services. I presume that it can be granted only by a special law.

When I went to West Point, fifty years ago, as a cadet, no name, except General Scott's, was more often spoken of by officers of the Army. I grew up in admiration of his eminent qualities and high deeds as a soldier in the war of 1812 on the Niagara frontier, when he excited the admiration of his comrades, many of whom I learned to know.

He served with equal distinction through the war with Mexico, and died full of honors, and left little, I think, to his family except name and reputation. I shall be glad to learn that if Miss Worth, his daughter, needs it, she succeeds in obtaining a pension from the country he served so well in its and in his youth and manhood.

I am, respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General retired, Brevet Major-General, United States Army.

The late General William Worth was a very distinguished officer in the Army of the United States, as his record will show. His eldest daughter, Miss Margaret Worth, now of this city, who is in feeble health, is applying for a pension, which I sincerely hope may be granted her.

D. H. RUCKER,
Brigadier-General, United States Army, retired.

WASHINGTON, D. C., *April* 22, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSIE H. BABB.

The bill (H. R. 7330) granting a pension to Josie H. Babb was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Josie H. Babb, widow of John W. Babb, late a musician in Company I, Fifteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE DA COSTA THOMAS.

The bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 5, before the word "dollars," to strike out "thirty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $40 a month, the name of Josephine Da Costa Thomas, widow of Evan Thomas, late of the Fourth Regiment of Artillery, United States Army.

Mr. COCKRELL. Let us know the reason for striking out "thirty" and inserting "forty" by having the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas, have examined the same, and report:

That this case was considered by your committee and reported upon favorably (see Senate Report No. 729) at the present session. Since said report was made additional evidence has been laid before us which has induced us to ask that the bill be recommitted to us for further action.

It appears that the claimant is an educated lady, a native of a foreign country, but left in this city poor and without means of earning money to support either herself or her small children. She has two children, both girls, under the age of sixteen, and of course helpless and dependent upon their mother for their maintenance and education. One of these children is also in delicate health, while the mother, by reason of her want of American associations, is in a comparatively helpless and friendless situation. General Grant, General Sherman, and other officers of the Army acquainted with the circumstances of the death of this brave officer, have manifested a deep interest in her case as one of unusual merit.

Your committee, after a careful consideration of all the facts of this case, report back this bill with a recommendation that it do pass, with the following amendment: Strike out the word "thirty," in the fifth line, and insert the word "forty" in lieu thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MANHATTAN PICKETT.

The bill (H. R. 7165) to increase the pension of Manhattan Pickett was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word "dollars," to strike out "thirty-six" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Manhattan Pickett, late a sergeant of Company B, One hundred and twelfth Regiment New York Volunteers, to $50 per month, in lieu of the pension now received by him.

Mr. COCKRELL. I desire to say simply for myself that I think the bill which has just been passed for Josephine Da Costa Thomas, increasing the allowance as made by the House from $30 to $40, and this proposal in the case of Manhattan Pickett to increase the pension from $36 to $50, are both extravagant. I think they are both unjust—unjust in the fact that they do injustice to many other equally worthy and deserving soldiers who can not get relief. I think the amount allowed in the House bills is large and liberal. I am opposed to the increase in these cases.

The amendment was agreed to.

Mr. BLAIR. I wish the reports in both cases to be printed. I care to make no other reply.

The PRESIDENT *pro tempore*. The report in this case will be printed in the RECORD. In the Thomas case the report was read.

The report submitted by Mr. BLAIR from the Committee on Pensions May 4, 1886, is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7165) to increase the pension of Manhattan Pickett, have examined the same, and report:

Your committee have carefully examined the facts in this case, the main points of which are briefly set forth in the following report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 1797):

"The soldier is now in receipt of a pension for gunshot wound, described as follows by J. L. Stewart, president board of examining surgeons:

"'Gunshot wound of posterior surface of left leg, leaving an ulcerated discharging wound 3½ inches long over the lower part of the gastrocnemius muscle, the lower third of which muscle has been removed by inflammatory action and discharges, producing pain and weakness of the leg and ankle, and impairing his ability for manual labor, causing a disability equal to the loss of a hand or foot.'

"Dr. Pickett has appeared personally before your committee, and having examined him carefully, they find the leg atrophied, with a large ulceration, which is evidently incurable.

"The leg requires bandaging to be constantly renewed, and is offensive to the smell. This has impaired his general health and reduced it to so low an ebb that an amputation of the leg, though very much to be desired, would now be exceedingly dangerous and probably fatal.

"Taking all things into consideration, your committee think that this pensioner would be better off had his leg been amputated."

In addition to the above, the following affidavit has been filed in support of the claim for increase, as follows:

CITY OF WASHINGTON, *District of Columbia, ss:*

Alexander M. Lowry, after being duly sworn, deposes and says that he was late adjutant of the One hundred and twelfth Regiment New York State Volunteers: that he was attached to said regiment from August, 1862, until about September, 1864; that he was well acquainted with Manhattan Pickett, late a sergeant of Company B, of said regiment, who is now an applicant for a pension by special act of Congress by bill H. R. No. 7165; that he has known him since August, 1862.

Affiant further states that said Pickett was wounded at Cold Harbor in the line of duty; that he was immediately afterward taken to the hospital, where he remained until discharged and sent home. Said Pickett has never recovered from the effects of said wound, but is now entirely disabled and rendered utterly helpless and unable to do anything to support himself or family in consequence thereof. This wound has never healed, but on the contrary has continually grown worse until at the present time it is in such an offensive condition that it is necessary to dress the same at least twice every day. The soldier is himself an eminent physician and surgeon, one of the best in Western Pennsylvania, and has therefore been able thus far to prescribe for his own case; were he required to employ medical assistance it would take a much larger amount of money to pay for the same than his present pension.

He now requires constant care, attendance, and treatment on account of the offensive and dangerous character of this wound and its discharges. Under its influence his health is rapidly declining, owing to the constant and severe drain upon his physical system; this is greatly enhanced by the continuous pain which he suffers on account of this wound, which has shattered his nervous system, and requires large quantities of opiates to be persistently administered in order to relieve the same, the effect of which has necessarily been very injurious. The said wound is several inches in length, from the knee down, and the flesh is gradually sloughing off, the result of which is of the most disagreeable character. He long ago would have submitted to amputation of the leg above the knee were it not for the fact that he has been assured by the best medical authorities in that section that such amputation would probably result in death. The claimant has therefore continued to drag out a miserable existence, which it is the belief of your affiant can not probably be continued but a short time, and which it is very probable may even be numbered by months.

Affiant further states that the claimant has a wife and one young child depending upon him for support; that he is entirely without property or means; that he is an eminent physician and would be capable, if physically able to attend to his profession, of securing a large and lucrative practice; that he has been surgeon of the Philadelphia and Erie Railway Company, but, not being able to attend to the duties of that position, must resign the same.

Affiant further states that the wife of said claimant has been his constant attendant and has given and is now giving a large portion of her time, strength, and energy to his care, and that but for her assistance he would be compelled to procure the constant aid and attendance of another person, which he is now unable to do by reason of poverty.

Affiant further states that he has no interest in the prosecution of the above claim.

ALEX. M. LOWRY.

Sworn and subscribed before me this 4th day of May, 1886.
[SEAL.] R. B. NIXON, *Notary Public.*

Your committee think that the evidence shows a condition of this soldier which will fully warrant the pension of $50 per month, as it would seem that he requires the aid and attendance of another, besides constant medical attendance. The bill is therefore reported back with a recommendation that it do pass, with the following amendment: Strike out the word "thirty-six" in the sixth line, and insert the word "fifty."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ANN E. COONEY.

The bill (H. R. 4544) granting a pension to Ann E. Cooney was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Cooney, who served as a hospital nurse during the late rebellion, at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

H. P. M'FARLIN.

The bill (H. R. 3848) for the relief of H. P. McFarlin was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 4, after the words "directed to," to strike out "restore to" and insert "reinstate upon;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to reinstate upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. P. McFarlin, late of Company I, Seventh Regiment Michigan Infantry.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore.* The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 4, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3848) for the relief of H. P. McFarlin, have examined the same, and report:

Your committee have carefully examined the facts in this case, and concur in the findings of the Committee on Invalid Pensions of the House of Representatives, which we append hereto (House Report No. 748), and report back the bill with a favorable recommendation, with the following amendment: Strike out the words "restore to," in the fourth line, and insert the words "reinstate upon."

The claimant in this case, Hewlitt P. McFarlin, was a sergeant in Company I, Seventh Regiment Michigan Infantry, and was pensioned on the 11th day of May, 1871, at the rate of $6 per month, commencing January 5, 1863, for injury to leg received in the service and in line of duty. Some charge having been made against the claimant's right to a pension, stating that he had varicose veins before entering the service, and that his present disability comes from that cause and not from any injury received in the service, a special examination was ordered, which resulted in his being dropped from the rolls in May, 1878. Thereupon he made application to be restored, and the case underwent a thorough examination by a special agent, with a view of determining whether the present disability was attributable to varicose veins or the result of an injury received in the service. The special examiner examined twenty witnesses upon these points, and continued the investigation for more than two weeks, which resulted in a recommendation on the part of the special examiner that the claimant be restored to the rolls. The Pension Office rejected the claim for restoration.

The report of the special examiner covers all the points in controversy, and closes as follows:

"I deemed it necessary that the claimant be examined by a board of examining surgeons to determine definitely whether he is suffering or has suffered from any injury of left leg other than varicose veins. I accordingly took him before the examining surgeons of this city (Kalamazoo). That the claimant did have varicose veins upon his left leg at the time and prior to his enlistment there can be not a particle of doubt; but I do not believe from the testimony adduced that he was disabled by reason of them. I am of the opinion that an injustice has been done the claimant in dropping him from the rolls—not that he is entitled to a pension by reason of varicose veins, but by reason of the injury of the knee and bone of his left leg. I also believe that that injury greatly aggravated the varicose veins. I therefore recommend that he be restored to the rolls by reason of injury of left leg."

The board of surgeons, after describing the condition of the injured leg, say:

"The whole length of the left tibia is thickened, and a portion of the bone was removed while in hospital. The leg is badly injured, independent of the varicose veins, and the injury has caused and greatly aggravated the varicose veins, in our opinion. From the condition which we now find, it is our judgment that he is disabled by the same causes for which he was originally pensioned, and that his disability has not been aggravated or prolonged by vicious habits. He is, in our opinion, entitled to restoration, and we recommend a three-fourths rating for injury of leg, independent of varicose veins."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BLAIR. In connection with the case just passed, I call the attention of the Senator from Missouri to the fact that on that evidence the Pension Office refused to restore that man to the roll, and it is necessary to come to Congress to get relief.

Mr. COCKRELL. The Senator from New Hampshire refers to the case of McFarlin. That pensioner, it is true, was ordered to be dropped in 1878. Very soon afterward he was ordered before an examining board, and the special examiners made recommendations in regard to him, and he was then examined before a board of examining surgeons in Kalamazoo. He was dropped because it was not believed that he was entitled to a pension for varicose veins, and the examining surgeons and the special examiner found that he was not entitled to it upon that ground, but that he was entitled to a pension upon a different ground.

Mr. BLAIR. The report shows——

Mr. COCKRELL. And accordingly they reported as they did.

Mr. BLAIR. I merely call attention to the report. The facts are stated there somewhat more fully than the Senator has stated them.

WILLIAM C. WAIT.

The bill (S. 1078) granting a pension to William C. Wirt, was considered as in Committee of the Whole.

The Committee on Pensions reported to amend the bill, in line 5, to change the name "Wirt" to "Wait;" after the word "Company," at the end of the same line, to insert "C;" and in line 6, before "Vermont," to insert "Fifth;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of William C. Wait, late a private in Company C of the Fifth Vermont Volunteers, at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William C. Wait."

THOMAS BENSON.

The bill (S. 2336) granting an increase of pension to Thomas Benson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Benson, late a private in Company A, Thirty-second Regiment Maine Volunteers, at the rate of $35 per month, in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. GALLEYAN.

The bill (H. R. 3941) granting a pension to Mary M. Galleyan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary M. Galleyan, widow of Joseph S. Galleyan, late of Company G, Fifty-ninth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED J. LEESE.

The bill (H. R. 3624) granting a pension to Fred J. Leese was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Fred J. Leese, late of Company M, One hundred and ninety-eighth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COL. JAMES H. BLOOD.

The bill (S. 2263) granting a pension to Col. James H. Blood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Col. James H. Blood, late colonel of the Sixth Regiment Missouri Infantry, at $70 per month, in lieu of the pension now received.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE LANIGAN.

The bill (S. 2349) granting a pension to Catharine Lanigan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Lanigan, mother of John Lanigan, late of Company K, Twenty-third Illinois Volunteers, in the late war, at the rate of $50 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN JACOBY.

The bill (H. R. 4699) granting a pension to Martin Jacoby was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martin Jacoby, of Lancaster County, Penn-

sylvania, for the loss of his two sons, David Jacoby, of Company C, Seventeenth Regiment Pennsylvania Cavalry, and Martin Jacoby, jr., of the Seventy-ninth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVALINE A. WHITE.

The bill (H. R. 1560) for the relief of Evaline A. White was considered as in Committee of the Whole. It proposes to place the name of Evaline A. White, widow of George C. White, deceased, late a second-class fireman in the United States Navy, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH P. HENSLEY.

The bill (H. R. 1707) granting a pension to Elijah P. Hensley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elijah P. Hensley, late of Company K, Third Regiment North Carolina Mounted Infantry.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 5, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1707) granting a pension to Elijah P. Hensley, have examined the same, and report:

Your committee have carefully considered the facts in this case, and adopt the report hereto annexed of the Committee on Invalid Pensions of the House of Representatives (House Report No. 890), and recommend the passage of the bill.

The claimant was admitted to a pension of $4 per month on the rolls of the Raleigh, N. C., agency, December 17, 1868, commencing August 8, 1865, and paid to include March 3, 1877; was dropped from the roll August 3, 1877, on the ground that the pensioner was not in the service and line of duty when wounded, as shown by the report of Special Agent Ragsdale, dated May 31, 1877.

Claimant was a member of Company K, Third North Carolina Mounted Volunteers, having enlisted in said company in February, 1865, and was wounded at Indian Creek, Yancey County, North Carolina, March, 1865, having been cut off from his command in Tennessee, on House Creek, near Greeneville, Tenn. At the time claimant was wounded he was detailed by Colonel Kirk to join T. O. and J. W. Guthrie and others to get rations for themselves; that they returned within one hour and a half, but found that the command had left. The claimant with others then started for a point of safety in North Carolina, and to join their command, when overtaken and shot by the enemy, and wounded as alleged.

It appears that some time in 1877, owing to causes not material to this report, information was furnished the Pension Office that said claimant was not wounded in the line of duty. On this point there is a conflict of testimony on the time of claimant reaching his command, but none as to his being shot by rebels while in search of provisions for his command as he was detailed to do.

Your committee are of the opinion that claimant is entitled to a pension, and therefore recommend the passage of the bill.

Mr. COCKRELL. I call the attention of the Senate to this case. Here was a pensioner who was dropped from the rolls in 1877, nine years ago. There is nothing in the record here to show that he ever applied to the Pension Office for restoration to the roll. As I understand, the Pension Office when they drop a pensioner from the roll will at any time consider proper and legitimate testimony which shows that the office was in error in dropping him from the roll, and will restore him to the roll. I notice in the report of the Commissioner of Pensions a number of cases that are dropped, restored, and reconsidered and all that. Ought not this claimant to have applied to the Pension Office during the last nine years for restoration? Or is this one of a class of cases where if he had applied, under the technical rules of the office the office could not have restored him?

Mr. BLAIR. There is no evidence that he has not applied, nor is there any reason to say that he should have applied unless he might be in the possession of new evidence calculated to establish his pension. He once had established his pension and had drawn it from the office for a considerable time. It seems that upon some information the nature of which is not developed, perhaps from some personal enemy or some busybody—and there are a great many such—who from general principles of malevolence may have given information anonymously, he was dropped from the roll, as was then the custom of the office very largely, without evidence, without reason, and in the perpetuation of the rankest injustice without investigation. He was dropped. This man, if I recollect aright, is a colored man, and Mr. O'HARA, of the House, is familiar with the circumstances of the case. I am confident that is the case he spoke to me about. Upon the evidence as it was upon the files as brought to us, and from other sources, it appeared proper that he should be restored to the roll.

I am not able to answer the Senator's question as to whether he made application and filed evidence to prove that he ought to have been restored by a tribunal that had once dropped him without proper investigation. There seems to be no reason why he should not be restored to the roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH HOFFMAN.

The bill (H. R. 5328) granting a pension to Noah Hoffman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Noah Hoffman, late a corporal of Company C, Ninetieth Regiment New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVY OR MARINE CORPS PENSIONS.

Mr. COCKRELL. My attention has been called to Senate bill 1526, Order of Business 588. I am not sure but that it may have been passed over. Let it be read and the Senate will understand what it is.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. COCKRELL. I am not sure, but I think that when that was called I asked some explanation of it, and it was passed over at the time. I have looked at the report in that case, and I simply ask that the bill be now considered, if there be no objection.

Mr. SAWYER. There is no objection; it is a just bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4756 and section 4757 of the Revised Statutes of the United States by inserting the words "or as an appointed petty officer, or both," after the words "as an enlisted person" in the former section, and after the words "as an enlisted man" in the latter section.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. Let the report be read. It is very short and it gives the reasons for the bill.

The Secretary read the following report, submitted by Mr. SAWYER April 13, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps, have examined the same, and report:

Section 4756 provides for the payment of a pension out of the naval pension fund to persons who "served as an enlisted person in the Navy or Marine Corps," &c., and section 4757 provides for aid from that fund to "every disabled person who has served in the Navy or Marine Corps as an enlisted man," &c. This bill is designed to cover the cases of those who actually rendered the same service as appointed petty officers, although not actually enlisted.

Your committee are in receipt of the following letter from the Navy Department in regard to this bill, recommending it to the favorable consideration of Congress:

NAVY DEPARTMENT, *Washington, April 6*, 1886.

SIR: I have the honor to invite your attention to Senate bill No. 1526, and to recommend it to the favorable consideration of the Committee on Pensions of the United States Senate.

Under existing laws enlisted persons performing certain duties are entitled to service pensions when they become disabled, while persons performing the same duties under appointments are deprived the benefits of such service.

This bill has my heartiest commendation, as it will not only afford justice to a large class of very deserving persons, but will have the tendency to induce men of experience to remain in the service, which will be of great advantage, particularly in view of the contemplated increase in the number and efficiency of vessels of war.

I would earnestly invite the early consideration of the bill.

Very respectfully, your obedient servant,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. I. MITCHELL,
Chairman of Committee on Pensions, United States Senate.

The following letter also shows the necessity for this action, and the inequalities of the present law:

UNITED STATES NAVAL HOSPITAL, *Norfolk, Va., April* 1, 1886.

SIR: Senate bill 1526, referred to the Committee on Pensions, is one in which I with other unfortunates take a very keen interest. Should its provisions become law a long-delayed justice would be done the "appointed petty officers" in the Navy apothecaries and pay yeomen, who, owing to the vacillating policy of the Navy Department in changing their status at frequent intervals, are entirely debarred from all benefits for long service.

I have served as an apothecary in the Navy a great many years, before, during, and since the late war, and yet have no claim now that I have grown old. There are many others similarly situated and to whom the passage of the above bill, 1526, would afford relief.

For myself and others, I most respectfully ask your favorable consideration and support when the bill is before you for action.

I have the honor to be, most respectfully, your obedient servant,

R. S. BARRY,
Apothecary, United States Navy.

The amendment proposed in this bill will cover but a comparatively small number of cases, but it will save your committee the trouble of considering special bills in their behalf, and as it seems to be in the line of previous legislation, as well as but an act of simple justice to old servants of the Government, we report back the bill with a recommendation that it do pass.

The bill was ordered to be engrossed for a third reading.

Mr. COCKRELL. As additional information I ask that a letter from the Bureau of Equipment and Recruiting in the Navy Department, which I send to the desk may be read. It gives the exact number, and this bill has to go to the House.

The Secretary read as follows:

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, April 28, 1886.

SIR: In reply to your letter of the 27th instant, requesting information as to the number of men that would be benefited by House bill No. 4702, the Bureau respectfully states that at present there are one hundred and twenty-seven appointed men in the service out of eight thousand two hundred and fifty, the authorized quota. This percentage will not materially increase or decrease, unless the number of men allowed the Navy is changed by act of Congress.

Very respectfully,

W. S. SCHLEY,
Chief of Bureau.

Mr. DAVID S. BARRY, *Washington, D. C.*

Mr. CONGER. Objections were made to this bill because it was not known how many it would affect, and the letter from the chief of the bureau shows the number.

The bill was read the third time, and passed.

Mr. BLAIR. The letter gives the whole number of appointed men. Of course those who will be beneficiaries under the act will never be anything like that number.

LOUISE ARMBRECHT.

The bill (S. 1201) granting a pension to Louise Armbrecht was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in lines 6 and 7, to strike out the name "Ambrecht" and insert "Armbrecht;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louise Armbrecht, the widow of Augustus L. Armbrecht, late a sergeant in the Army of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Louise Armbrecht."

CAROLINE SEES.

The bill (S. 1207) granting a pension to Caroline Sees was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, after the word "Sees," in line 6, to strike out the words:

Who was chief of transportation and telegraphy on the staff of Major-General D. N. Couch, commanding the Department of the Susquehanna during the invasion of Pennsylvania by the confederate army, in the month of June, A. D. 1863.

And after the word "volunteers," in line 11, strike out:

To date from the 30th of September, 1863, the day of his death.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Caroline Sees, of Harrisburg, Pa., widow of Maj. Oliver W. Sees, at the rate allowed to a widow of a major of volunteers.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SALLIE ANCRUM.

The bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sallie Ancrum, widow of Aaron Ancrum, late of Company G, Thirty-fourth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL ADAMS.

The bill (H. R. 7468) granting a pension to Lemuel Adams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lemuel Adams, a private in Captain John Tremble's company, Major Russell's battalion, war of 1812.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 7468) granting a pension to Lemuel Adams, have examined the same, and report that after examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

Lemuel Adams was born in the year 1797, and in the year 1814 was a resident of the State of Tennessee. On or about the 1st of January, 1815, said Lemuel Adams entered the military service of the United States as a substitute for Alexander Hanner, in Capt. John Tremble's company, Major Russell's battalion, and served in said company until some time in March, 1815. His name, it seems, does not appear on the rolls of said company, for the reason that he served only a portion of the time of Alexander Hanner, Hanner's name only being carried on the list and receiving the discharge. As the applicant is aged, infirm, poor, and helpless, and rendered military service for his country, although in the form of a substitute, yet he should receive a pension for the few remaining years he may survive.

They therefore recommend the passage of the bill herewith submitted in lieu of 4752, offered with his memorial to the Forty-seventh Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN TAYLOR.

The bill (H. R. 3826) for the relief of John Taylor was considered as in Committee of the Whole. It proposes to increase the pension of John Taylor, formerly a member of Battery M, Third Regiment New York Light Artillery Volunteers, from $12 to $16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. SWARTZ.

The bill (H. R. 6725) granting a pension to William M. Swartz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William M. Swartz, late of Company F, Forty-sixth Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANFORD C. WILLHOITE.

The bill (H. R. 3972) granting a pension to Sanford C. Willhoite was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sanford C. Willhoite, late a private in Company E, Thirtieth Regiment of Kentucky Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3972) granting a pension to Sanford C. Willhoite, have examined the same, and report that after examination they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

Sanford C. Willhoite enlisted as sergeant in Company E, Thirtieth Regiment Kentucky Mounted Volunteers, on the 12th day of December, 1863; discharged therefrom April 18, 1865.

Filed claim for pension December 4, 1874, based on rheumatism and injury to right eye contracted in service in line of duty. Claim was rejected August 25, 1882, on the ground of no disability from rheumatism and no record, and claimant unable to furnish competent testimony showing existence of disease of eye in service or at discharge.

It is fully shown by testimony that claimant was sound and free from disease at enlistment. The proof is strong and amply sufficient that claimant contracted rheumatism while in the service in line of duty at Frankfort, Ky., in March 1864. The case was submitted by Special Examiner Bond, July 31, 1882, for admission for disability for rheumatism, and on this point the claim was rejected on certificate of examining surgeon, who certified that disability for rheumatism did not exist in a pensionable degree. On the question of injury to eye it is shown by several of claimant's comrades, certified by examiner to be of good moral character, and whose presence at time of alleged incurrence of injury to right eye is verified by report of the Adjutant-General, that they were present with claimant in battle at Saltville, Va., October 3, 1864, and that they each saw claimant receive a severe injury to his right eye from the discharge of a gun in the hands of one of his comrades, who was standing immediately in his rear and shooting over his shoulder at the enemy.

That the regimental surgeon who treated him for said injury is now dead; that the assistant regimental surgeon was not present at the time and did not treat him; that his captain was not present, having a short time previous received a severe wound, on account of which he had been carried to the rear; that the second lieutenant of his company was at the time absent on detached duty; that the first lieutenant, who was present and in command, is now dead; that he was not treated in hospital because of the fact that his regiment was forced to retreat, and that claimant was forced to retreat with his command or fall into the hands of the enemy. The injury to his eye continued till his discharge, but not in a sufficient degree to entirely disable him after his first partial recovery; subsequent to his discharge it is shown by abundant reliable medical and lay testimony to have increased and now exists in a pensionable degree, both eyes being affected as a result of the said injury in battle. Claimant's habits are shown to be good. Dr. C. A. Cox, the assistant surgeon of his regiment, under date November 23, 1864, issued medical certificate of disability to claimant on account of rheumatism.

Your committee are of the opinion that claimant's right to pension is as clearly established as it is possible to establish a claim by lay testimony. They therefore recommend the passage of the bill.

Mr. COCKRELL. This claimant filed his application in 1874, and it was rejected on the 25th of August, 1882, four years ago nearly. It does not seem that there has been any effort made to have the case reopened and reconsidered in the Pension Office.

As I understand the rules of the Department, any applicant can file an application for a reconsideration of his case and can present additional testimony, and if the testimony which is here recited in this report is competent under the law to establish the disability, it does seem to me that this is a case which the Pension Office would now favorably consider. It may be, however—the report does not specify particularly—that the technical evidence of the surgeon of the regiment and the commissioned officers of the company may not be obtainable, as the report says some of them are dead. As a matter of course, when a regiment is on retreat it very often happens that a wounded soldier will not lag back and be captured by the enemy, and as this man was retreating with his command there would be no hospital treatment and the officers who could show that may be dead; but it seems to me this is a case that the Pension Office would allow if the testimony here referred to is not only competent under the law but establishes the facts required.

Mr. BLAIR. There is a general misapprehension as to what evidence is competent to be considered by the Commissioner of Pensions. There are absolutely no limitations, excepting such as grow up under the acute, metaphysical, and technical constructions of the various Commissioners in their administration from time to time in connection with the rulings of the Secretary of the Interior, which during these years have come to constitute as intricate and complicated chancery practice as exists on the face of the earth, without any reason in the world why it should be so, except that it has grown up. There is no evidence that would be admissible in a common law court that might not well be entertained there. But these rigid rules have from time to time been relaxed by successive Commissioners; and I think the tendency is to greater liberality as years pass on.

I think the present Commissioner has made several rulings that are

very favorable to the prosecution of claims; and yet it is the fact that still it very often comes to be the case that evidence which the Senator himself or anybody would say bears on the case and has weight, tends to convince men in their own important affairs, is excluded, and oftentimes claims are therefore rejected when in courts of law even, as I think from an investigation of a great many of them, the verdicts of juries and the judgments of the courts would have been favorable to the applicant.

In this case the man prosecuted his claim from 1874 to 1882 and it was rejected. He has gone through all the forms that are necessary or that are held in any case to be proper in order to give him a standing in an application for special relief to Congress.

I do not know whether this additional testimony—for I was not observing—is such as would have been considered under their rules in the Pension Office or not; but certainly there was no reason why the man should have gone there after his eight years' effort in that office for relief. He had not very good success there.

Mr. COCKRELL. Unless he obtains additional evidence.

Mr. BLAIR. Even with additional evidence. If he had done so and should have been able to maintain his claim he would have been entitled to arrears, because the application was made in 1874. But he did not do it, and a great many cases come to us where I have no doubt if they were tried by juries the claimants would maintain their cause and get their arrears; but they have given it up. Six or eight or ten years' experience in such a place satisfies a man to go somewhere else if possible. The facts are sufficient to convince the Senate.

Mr. COCKRELL. As I understand, the requirements are that there shall be the evidence of the surgeon of the regiment or of two commissioned officers or of two of the comrades of the company or regiment in the service. Those requirements are only regulations of the Department, and not statutory enactments.

Mr. BLAIR. There are only regulations; there are no statutory rules of evidence. Of course that, in the nature of things, it is proper to require in the first instance.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET E. COCHRAN.

The bill (H. R. 908) granting a pension to Margaret E. Cochran was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret E. Cochran, widow of Thomas B. Cochran, late lieutenant-colonel of the Second Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WARNER.

The bill (H. R. 5729) granting a pension to Elizabeth Warner was considered as in Committee of the Whole. It proposes to place the name of Elizabeth Warner, widow of Harrison Warner, late a corporal of Company G, One hundred and eighty-second Regiment Ohio Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

CARTER W. TILLER.

The bill (H. R. 4002) granting a pension to Carter W. Tiller was considered as in Committee of the Whole. It proposes to place the name of Carter W. Tiller, dependent father of G. W. Tiller, late a private in Company A, Twenty-eighth Kentucky Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. BRIDGET SMITH.

The bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Bridget Smith, mother of Patrick J. Smith, deceased, late of Company H, Tenth Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARMELIA SMITH.

The bill (H. R. 6092) granting a pension to Parmelia Smith was considered as in Committee of the Whole. It proposes to place the name of Parmelia Smith, the invalid daughter of the late Joseph R. Smith, a brevet brigadier-general in the United States Army, on the pension-roll, at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT C. M'KEE.

The bill (H. R. 525) to restore Robert C. McKee to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Robert C. McKee, late a private in Com. G, Twentieth Regiment of Indiana Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 525) granting a pension to Robert C. McKee, have examined the same, and report that they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

This committee of the Forty-eighth Congress having reported a bill favorably for the relief of this claimant, the same passed the House, but failed of consideration in the Senate. Therefore your committee adopt the printed report of this committee of the Forty-eighth Congress, as follows:

"That Robert C. McKee enlisted in the military service of the United States as a private in Company C, Twentieth Regiment Indiana Volunteers, July 6, 1861, and was discharged on surgeon's certificate of disability January 14, 1864, for total loss of vision of left eye and partial loss of the right; also disability of left arm from a fracture producing partial anchylosis of the elbow-joint, existing before enlistment.

"December 1, 1866, he was pensioned at the rate of $6 per month for loss of sight of left eye and partial loss of right, which was increased to $8 per month July 23, 1870.

"June, 1880, claimant was dropped from the pension-roll, by order of the Secretary of the Interior, on the charge that the disability for which the soldier was pensioned existed prior to and at the time of his enlistment in the military service of the United States.

"The evidence taken by a special examiner of the Pension Office in support of this charge was *ex parte*, the claimant having no notice of the taking of such testimony, as is shown by the examiner's report to the honorable Commissioner of Pensions.

"November 20, 1880, the claimant was indicted by a grand jury of the United States court at Indianapolis, under section 5438, Revised Statutes, for presenting false vouchers, &c., and on May 21, 1881, was tried by a jury of said court, and a verdict of 'not guilty' rendered.

"Hon. Charles L. Halstein, United States attorney at Indianapolis, in a letter to Attorney-General MacVeagh, says of the trial in this case: 'The evidence was very conflicting, and on the evidence the verdict can not be complained of.'

"General J. J. Reynolds, a distinguished citizen of Indiana and a resident of La Fayette, Ind., during and since the war, in a statement before this committee, May 26, 1884, in support of the restoration of this soldier to the pension-roll, says that he mustered the Twentieth Regiment Indiana Volunteers into the United States service, and that from seeing the condition of this soldier at the time of his trial in the district court at Indianapolis, he is satisfied he would not have mustered a man in such a condition into the military service, and expressed the emphatic opinion that the disability of this soldier could not have existed at the time of his enlistment and muster into the service.

"From an examination of all the evidence in this case, and the statement of General Reynolds to your committee, we are of opinion that a clear preponderance of the evidence is in favor of the restoration of this soldier to the pension-roll, and therefore report the accompanying bill to the House and recommend its passage."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON DAY.

The bill (H. R. 448) granting a pension to Newton Day was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newton Day, late a private in Company B of the One hundred and fortieth Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. STOUT.

The bill (H. R. 1841) granting a pension to George W. Stout was considered as in Committee of the Whole. It proposes to place the name of George W. Stout, late a private in Company K, Seventieth Ohio Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH LUCE.

The bill (H. R. 5997) granting a pension to Elizabeth Luce was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Luce, widow of John W. Luce, late a private in Company E of the First Ohio Light Artillery.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5997) granting a pension to Elizabeth Luce, have examined the same, and report that they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

That Elizabeth Luce is the widow of John W. Luce, deceased, late a private of Company E, First Ohio Light Artillery, who died at Grand Junction, Iowa, November 17, 1883. Cause of death as reported by Dr. J. D. Kirby, the attending physician, "gastritis, chronic; relapse, complications; general debility, kidney difficulty."

At the time of his death said John W. Luce had on file an undetermined application for pension for an alleged stricture of the urethra, caused by being thrown upon the pommel of his saddle about August 16, 1863, while in the service. The widow continued to prosecute the claim, which was finally rejected January 7, 1885, on the ground that "alleged stricture of the urethra was not due to soldier's military service." The papers in this case from the Pension Office, which are very voluminous, have been very carefully examined, and the only ground for the conclusion arrived at by the Pension Office is to be found in the following statement made by the surgeon in soldier's certificate of discharge, namely:

"Organic stricture of the urethra, which, from his statement, existed at the time of enrollment."

Luce explains in a letter that he made this statement at the time to prevent his transfer to the invalid corps. They had administered chloroform, and he was still upon the operating table. That he was free from the disability before and at time of his enlistment is proven by many affidavits of neighbors and friends, among which James Brown, of Berea, Ohio, testifies that he became acquainted with claimant in 1857, who then worked for his brother, John Brown,

manufacturing grindstones, and he worked with him nearly all the time for three years prior to his enlistment, and knew him to be a sound, able-bodied man, commanding the best wages for his labor.

Dr. A. S. Allen, of Berea, Ohio, testifies that he attended claimant's family, and met him often while he was engaged in work about the quarries prior to his enlistment, and he has no knowledge of his ever being sick or in any way disabled during that time; he believes he should have known if he had been unsound. After his discharge, in 1864, he (Luce) applied to him for aid for some urinary trouble, he thinks inability to pass urine, and he was troubled thereby until he moved away in 1866.

Andrew Berwick, lieutenant of Company E, First Ohio Light Artillery, testifies that when claimant entered the service he was a sound, healthy man, and so continued until August 15, 1863, when at Battle Creek, Tenn., he was injured in his urinary organs by the ring on the pommel of his saddle while he was driving one of the teams attached to a gun of his battery. This is further proven by affidavits of comrades; and the continuance of disability to date of death is proven by abundant and credible testimony.

Dr. G. Low testified April 22, 1867, that he examined claimant and found him suffering from enlarged prostate gland and stricture, irremediable, except through surgical operation, which would endanger his life, and would not be advisable except as a last resort.

While the diagnosis of death-cause by the physician who attended him in his last illness does not name stricture of urethra as the cause of death, yet it is a reasonable presumption that it contributed largely to produce the general debility, kidney, and other troubles which did culminate in death.

Your committee are of the opinion that the soldier's death is clearly traceable to the disability received in the service, and believe his widow should be pensioned; therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ANTES.

The bill (H. R. 5329) granting a pension to William Antes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Antes, late of Company C, First Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE ALGIER.

The bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Charlotte Algier, widow of Samuel Algier, late a private in Company G, Thirty-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY HASTINGS.

The bill (H. R. 3198) granting a pension to Mrs. Mary Hastings was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary Hastings, widow of Robert Hastings, late a private in Mike Galbreath's company of scouts and guides, who was wounded in 1863, and died from the wound in 1866.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. SNYDER.

The bill (H. R. 2803) granting a pension to John H. Snyder was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Snyder, late a private in Company C, One hundred and sixth New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE W. DEVEREUX.

The bill (H. R. 1100) granting a pension to Jane W. Devereux was considered as in Committee of the Whole. It proposes to place the name of Jane W. Devereux, mother of George W. Devereux, late of the Tenth Massachusetts Battery, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. MOORE.

The bill (H. R. 6389) granting a pension to Francis M. Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis M. Moore, late a private in Company F, Nineteenth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN LITTLE.

The bill (H. R. 4539) granting a pension to Ann Little was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Little, widow of John Little, late a private in Company A, Eleventh Regiment Massachusetts Volunteers.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 4539) granting a pension to Ann Little, have examined the same, and report:

The facts in this case have been fully stated in the accompanying report of the House Committee on Invalid Pensions (House Report No. 774), which we adopt, and recommend the bill do pass.

Ann Little is the widow of John Little, who was a private in Company A, Eleventh Regiment Massachusetts Infantry, who was pensioned by certificate No. 12210 for gunshot wound received in action. His death occurred March 16, 1874—cause given, softening of brain, epilepsy. She filed a claim for widow's pension July 13, 1874, which was rejected January 9, 1877, "on the ground that disease of which soldier died was not the result of his military service."

The evidence shows that he entered the service a sound and healthy man, that he received a severe wound of thigh at the battle of Fair Oaks, Va., for which he was discharged and pensioned.

George Alexander and Anna Alexander, neighbors, testify that they knew soldier for twelve years or more during his lifetime; knew him when he returned from the Army, and were familiar with his physical condition from his arrival home to the date of his death; knew he was disabled by disease contracted in the service; that he never was a well man from the time of his discharge up to the time of his death. He was unable to perform any manual labor either for the support of himself or of his wife and family. His wife was the main support of the family, excepting what was received from his pension; that their means of knowledge was derived from an intimate acquaintance as neighbors and while occupying the same house with the Littles.

Moses W. Wild, M. D., testifies he is a member of Massachusetts Medical Society and the Suffolk District Society for thirty years; that John Little died from the effect of injuries received in the war; soldier had been known by him for thirteen years, he in this time making him friendly visits, looking after his family, seeing that they and he did not suffer. That soldier went to the war a strong, healthy man, where he received a severe gunshot wound of right thigh about 1 inch from the middle of his groin, near the femoral artery and nerve, the ball passing directly through the thigh. From this time up to the day of his death his right leg caused him much trouble, making it impossible to do hard work, such as a laboring man is required to do to support a family. The last three years of his life he suffered from paralysis of his right side, and the last year softening of the brain made its appearance; from time to time he would fall down insensible, and in one of these fits he died before a doctor could be called in.

Your committee are of opinion from the evidence that the gunshot wound of the right groin was the cause of the paralysis of right side which eventually developed into and culminated in softening of the brain and final insensible fits which ended in death of soldier. The widow is old and poor, has had a hard struggle to keep her family together, is now nearly blind, and has at best but a few more years to live. They therefore recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSINA HEINEMAN.

The bill (H. R. 1651) for the relief of Rosina Heineman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rosina Heineman, dependent mother of William Heineman, formerly a member of Company E, Second Regiment New York State Mounted Rifle Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC CARLETON.

The bill (H. R. 1889) granting a pension to Isaac Carleton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Carleton, late of Company E, Fifteenth Regiment Ohio National Guards.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 6, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1889) granting a pension to Isaac Carleton, have examined the same, and report:

Your committee have carefully examined all the facts in this case, and concur in the findings of the report of the House committee, made during the present session (House Report No. 1098), and report back the bill with a recommendation that it do pass.

The claimant enlisted in Company E, Fifteenth Regiment Ohio National Guards, May 2, 1863, and was discharged September 3, 1863. Claimant, while a member of Company E, Fifteenth Ohio National Guards, and while in line of duty near Pomeroy, Ohio, in July, 1863, while pursuing General Morgan, was wounded by a buckshot under the left shoulder, and was taken prisoner, and from said wound claimant has never recovered. The proof shows prior to his entry into the service he was a man of good, sound physical health, being, when enlisted, a farmer.

Claimant filed his application for pension December 20, 1879, and the same was rejected June 15, 1883, because claimant was not in the United States service when said wound was received, but in the State militia, and not entitled to pension unless claim had been prosecuted to completion prior to July 4, 1874.

W. H. Mills testifies that he was a private in Company E, Fifteenth Ohio National Guards, and about the 18th of July, 1863, near Pomeroy, Ohio, the claimant, while pursuing General Morgan's command, was wounded by a buckshot under the left shoulder, he being a prisoner at the time. Affiant says he was also a prisoner in the hands of Morgan's men.

James H. Hyseel, examining surgeon, certifies that he has carefully examined Isaac Carleton, claimant, as late as March 1, 1882, for alleged disability resulting from a buckshot wound under left shoulder, and in his opinion claimant was one-half incapacitated for obtaining his subsistence by manual labor from causes above stated.

This claimant has received a gunshot wound of the chest. Missile entered on lateral aspect of the chest, about 3 inches below lower margin of the scapula, passing forward through the chest, and having its exit about 1 inch to the left and a little above left nipple, fracturing the fourth rib in its passage. There is an exostosis at point of fracture of rib about one-half as large as an English walnut. There is dullness on percussion over lateral and superior portions of left lung. The evidence clearly shows that claimant was in the line of duty, and did well and faithfully discharge his duty as a soldier for his country and his country's flag, as much so as if he had been regularly mustered into the United States service, and in so doing he incurred a disability for life.

While the general pension laws debar the Pension Office from favorable consideration of the claim, yet your committee are fully of the opinion that Congress should grant relief to the claimant, who is now disabled from his wounds, as above stated.

As Congress has invariably afforded relief in cases of this character, your committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW T. M'REYNOLDS.

The bill (S. 2217) for the relief of Andrew T. McReynolds was considered as in Committee of the Whole. The preamble recites that Andrew T. McReynolds served as captain of Company K, Third Dragoons,

United States Army, in Mexico, during the war with that republic, and while acting in squadron with Captain (the late General) Phil. Kearny, the usual escort to the general-in-chief, was, on the 20th of August, 1847, disabled by a grapeshot wound, in a charge at the gates of Mexico, by reason whereof he was placed on the pension-roll at the rate of $25 per month, which pension he continued to receive until the 15th of June, 1861, when he was mustered into the volunteer service as colonel of the First New York (Lincoln) Cavalry (the first volunteer cavalry regiment organized for the late civil war), and served as such until the 22d of August, 1864, when he received an honorable discharge, during all of which time his pension was withheld from him, amounting in all to $950, no part of which sum has since been received by him.

The bill directs the Commissioner of Pensions to pay to McReynolds $950, taking his receipt therefor in full discharge of the claim.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 6, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2217) for the relief of Andrew T. McReynolds, have examined the same, and report:

The principal facts upon which the present claim are based are stated briefly in the preamble of the bill, as follows:

"Andrew T. McReynolds served as captain of Company K, Third Dragoons, United States Army, in Mexico, during the war with that republic, and while acting in squadron with Capt. (the late General) Phil. Kearny, the usual escort to the general-in-chief, was, on the 20th day of August, A. D. 1847, disabled by a grapeshot wound, in a charge at the gates of Mexico, by reason whereof he was placed on the pension-roll at the rate of $25 per month, which pension he continued to receive until the 15th day of June, A. D. 1861, when he was mustered into the volunteer service as colonel of the First New York (Lincoln) Cavalry (the first volunteer cavalry regiment organized for the late civil war), and served as such until the 22d of August, A. D. 1864, when he received an honorable discharge, during all of which time his said pension was withheld from him, amounting in all to the sum of $950, no part of which sum has since been received by him.

The fact appears from the evidence that notwithstanding his disability, for for which he was pensioned, this brave soldier nevertheless volunteered in the next great war in which his country became involved, and rendered good and efficient service, although disabled. This would appear to be an additional reason why during the time he was again in the service he should have drawn his pension, instead of being deprived of it during such active service.

Your committee, therefore, report back the bill and recommend that it do pass.

Mr. COCKRELL. That seems to be a very peculiar case. I do not think it properly belonged to the Committee on Pensions. It is purely and essentially a claim, and I do not see how that committee could justly and properly take jurisdiction of it.

If this officer or soldier is entitled to be paid the amount of his pension withheld while he was in the service, every other person so situated ought to be entitled to it. If the Committee on Pensions had proper jurisdiction of this case it seems to me they should have reported general legislation; and if they considered it an individual claim, it ought to have gone to the Committee on Claims.

I think the Committee on Claims is the proper committee for the consideration of cases of this kind, and I hope the Senator from New Hampshire will consent to have the bill referred to the Committee on Claims. I move that the bill be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill be referred to the Committee on Claims.

Mr. BLAIR. Colonel McReynolds was the associate and companion of General Kearny in some of the most gallant actions of the Mexican war.

Mr. COCKRELL. There is no question about that.

Mr. BLAIR. He was always considered as quite the equal of General Kearny in military capacity, in gallantry, and in service, and their names were associated in the Mexican war. As the evidence shows, he was disabled by a grapeshot wound in that war, suffered severely, and drew a pension down to the war of 1861, but then, notwithstanding his disability, on account of his great military qualities, upon volunteering he was accepted in the service, and rendered most valuable and efficient service with almost as distinguished honor as in the Mexican war itself. During this period of time, notwithstanding he entered the service under disability, and for that reason his service would seem to merit increased consideration of a pecuniary character, his pension was suspended. He received his pay as an Army officer. He discharged his duty as efficiently as any Army officer whatever, and he did it under the disability contracted in the Mexican war.

It seemed to the committee that it was certainly proper that he should have received compensation for the disability which he was suffering during the time he was discharging these duties. I think the Senator himself will admit that there can be no good reason why the bill should not be passed and why this man should not receive the amount of pension withheld during the time he was in service in the last war.

If that be just, upon a mere question of a technical nature as to what committee should consider the question, it would seem to be a little hard upon him now at this late period of the session, no question of this kind ever having occurred to any one certainly on the committee, to send his case to another committee and thus delay the remedy to which he is entitled.

As the Senator sees, this is a Senate bill. It has not been considered by the other House as yet, and if it goes to the Committee on Claims there will be just so much more delay. I never heard of another case like this, and I do not believe there is the slightest danger of embarrassment to the service from passing this bill.

Mr. COCKRELL. This claimant has waited twenty-two years. He was discharged from the volunteer army in 1864. That was twenty-two years ago, and I do not think that much harm could be done by the delay which would be caused by a reference to the Committee on Claims.

There is force in what the Senator says, but notwithstanding we have different committees for the purpose of considering claims and cases and bills of different characters and shades and affecting different classes.

The Senator says that he does not know of any other similar case; I could not say that there was any other case, but——

Mr. BLAIR. Has the Senator ever considered such a case in the Committee on Claims?

Mr. COCKRELL. I do not remember considering any such case, but the Committee on Claims might have this case and they would make an investigation of it, and would probably ascertain whether there were any other claims of this class or not. There must have been, in the very nature of things, a number of citizens who had been in the service of the United States, either as citizens or soldiers, prior to 1861 and who after that time enlisted in the Union Army. It must have been so. They all come in the same category; they all come under the same law. The law, as I understand it, at that time prohibited any one who was entitled to a pension and held an appointment under the Government from receiving both the pension and the salary of the office. The salary of the office was received in full for the services while they were rendered.

I think it would be far better that the bill should go to the Committee on Claims. Some question might arise that we could not see until that committee would have an opportunity of investigating it.

Mr. BLAIR. I did not intend by what I said by any means to concede that this was a bill which should go to the Committee on Claims in any event. It relates purely and solely to the matter of pensions, a pension which this man had been receiving and which for the time being was suspended. It seems to me there is no more reason why a bill like this should go to that committee than a bill for the restoration of one who has been dropped from the rolls to the rolls again. It all relates to a matter of suspended pensions.

The question is whether, under the pension laws or under those general considerations which affect the granting of pensions, gallantry of service, and the desert of the applicant, this pension should be restored. It is a pension matter pure and simple, and went properly, I think, to the Committee on Pensions orginally.

In regard to this man there is a great deal of evidence with which the report might have been encumbered—record evidence of his very distinguished service. I am not aware, nor is the Senator, for he states no instance, of a single other case where a man suffering from disability entered the service during the late war. There may have been other cases, but they must have been exceedingly rare or they would have come to our attention. I think the Senator's assumption that there may have been many cases of this kind is without probable proof.

Mr. COCKRELL. There is the case of General Shields, a somewhat notorious case, drawing a pension, and who was also in the Union Army after drawing it.

Mr. BLAIR. This man's service was as deserving as that of General Shields.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 473) granting a pension to William Boone;
A bill (H. R. 556) granting a pension to Bridget Sherlock;
A bill (H. R. 599) granting a pension to Mrs. Honorah Maloney;
A bill (H. R. 601) granting a pension to Alonzo V. Richards;
A bill (H. R. 607) granting a pension to Janet E. B. Smith;
A bill (H. R. 1106) granting a pension to Mary B. Carll;
A bill (H. R. 1252) granting a pension to Eugenia A. Smalley;
A bill (H. R. 2070) granting a pension to William Paugh;
A bill (H. R. 3287) for the relief of Silas Corzatt;
A bill (H. R. 3321) for the relief of Samuel C. Fisher;
A bill (H. R. 3478) granting an increase of pension to Alonzo Maynard;
A bill (H. R. 3741) granting a pension to Emeline Roberts;
A bill (H. R. 3753) granting a pension to John D. James;
A bill (H. R. 4134) for the relief of Margaret Callanan;
A bill (H. R. 4586) for the relief of Nathan Hildabrant;
A bill (H. R. 4884) granting a pension to Rose A. McManus;
A bill (H. R. 4903) granting a pension to Christian Smarzo;
A bill (H. R. 4905) granting a pension to Aaron C. Johnson;
A bill (H. R. 4977) granting a pension to James N. Hair;

A bill (H. R. 5085) for the relief of Mary Hill;
A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;
A bill (H. R. 5937) granting a pension to Sarah Gregg;
A bill (H. R. 6502) granting a pension to Lucy Ann Drew;
A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins;
A bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States; and
A bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

MRS. ELLEN M. BOGGS.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The Chair lays before the Senate the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, which has been returned from the House of Representatives at the request of the Senate for correction. The Chair asks the unanimous consent of the Senate to have the mistake corrected in the bill.

Mr. HARRIS. What is the mistake?

The PRESIDING OFFICER. The mistake is in one letter in the bill in the name "Brenton." The correction is to strike out "Bienton" and insert "Brenton;" so as to read "widow of William Brenton Boggs." By unanimous consent the correction will be made.

Mr. EDMUNDS. Is that a House bill?

The PRESIDING OFFICER. It is a Senate bill recalled from the House for the purpose of making a correction. The bill stands passed.

Mr. EDMUNDS. So I understand.

SAMUEL HANSON.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (S. 356) granting a pension to Samuel Hanson, returned from the House of Representatives at the request of the Senate. The question is on the motion to reconsider the vote by which the bill was passed—another bill, a House bill, having been passed in place of it. If there be no objection, the Senate bill will be postponed indefinitely. The Chair hears none, and that order is made.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 714) to establish a uniform system of bankruptcy thoughout the United States.

Mr. HOAR. I desire to make a suggestion, which I make at the instance of the President of the Senate. An order was made that the bill should be read section by section for amendments, every member of the Senate however to have the right to go back at any time to a passed section; but the President of the Senate suggests that it would be probably much more convenient to the Senate to have the bill read straight through and then have the amendments moved in the ordinary way. Therefore I ask leave to have the former order rescinded.

The PRESIDING OFFICER. If there be no objection, the order will be rescinded and the bill will be read through. The reading of the bill will be proceeded with.

Mr. TELLER. I understand that it will not be in order to offer amendments as the reading proceeds?

The PRESIDING OFFICER. The bill will be first read through.

Mr. HOAR. And then amendments may be offered.

The Chief Clerk resumed the reading of the bill at section 13 and read to the end of section 30.

Mr. GEORGE. Is the reading now going on for the purpose of amendments to the various sections as they are read?

The PRESIDING OFFICER. It is understood that the bill will first be read through, and it will then be open for amendment.

Mr. HOAR. The President of the Senate desired that course to be pursued.

Mr. GEORGE. I wanted to know what the order was. The bill is to be read through first before any amendments are offered?

The PRESIDING OFFICER. It is. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the bill.

Mr. HOAR. I wish to make two merely formal amendments.

I move to add as section 109 these words:

SEC. 109. This act shall be known as the bankruptcy act of 1886.

The amendment was agreed to.

Mr. HOAR. In section 106 there is a blank left in the print in lines 4 and 5. I wish to amend so as to insert after the word "on," in line 4, the words "the 1st day of April," and after "eighteen hundred and eighty" to insert "seven," as the time when the act shall go into full operation. The section will then read:

SEC. 106. That this act shall take effect as to the appointment of commissioners and supervisors and the promulgation of rules upon its passage, and shall go into full operation on the 1st day of April, 1887, and no officer shall be deemed to have earned any salary excepting from and after said last-mentioned day.

The amendment was agreed to.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. With the consent of the Senator from Massachusetts in charge of this bill I ask that the bill be laid aside temporarily so that the Senate may resume the consideration of Senate bill 1812, Calendar number 313.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. ALLISON. What is the bill now?

Mr. VAN WYCK. Simply to tax railroad-grant lands.

The PRESIDING OFFICER. There is an amendment pending, proposed by the Senator from Vermont [Mr. EDMUNDS], which will be read.

The CHIEF CLERK. In line 12 of section 1, after the word "provide" and before the colon, the amendment is to insert the words:

And to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect to such lands.

So as to read:

That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner as the Secretary of the Interior may by rule provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands.

The amendment was agreed to.

Mr. BLAIR. I understand that the bill relating to the taxation of land-grant railroads has been called up.

The PRESIDING OFFICER. That is the bill under consideration.

Mr. BLAIR. It is a bill that I opposed the other day, and I gave my reasons for opposition to it. I do not care to consume the time of the Senate any further, but I should like the Senator from Nebraska to accept an amendment which I suggested the other day. I have not the papers here now, as the bill has come up unexpectedly. I ask the Senator to accept the amendment offered by me the other day providing that upon any sale of these lands for non-payment of taxes the United States may become a purchaser, and that in case of the purchase by the United States, on the United States paying the tax the lands shall revert to the public domain, to be disposed of under the laws appertaining thereto. I apprehend—though my apprehensions may be unfounded—that otherwise these lands will in vast quantities fall into the hands of unscrupulous speculators. That fear, in my belief, is largely the source of the repulsion to the bill.

By virtue of this amendment the country itself may purchase these lands upon the payment of the taxes, and having purchased them they shall revert to the common mass of public lands, to be disposed of under the homestead and other laws that now prevail to prevent their aggregation in immense individual ownership, which I look upon as one of the crying evils already in our country, and which ought to be checked even in the older and longer-settled portions of the Union, and certainly in the Territories and in States which are comparatively of recent establishment something should be done to prevent the accumulation of these lands in the hands of individuals.

In my own State I know that there is not such a great deal of land. Nevertheless the acquisition by tax titles of the unoccupied lands of the States has been a very serious evil. In these Territories where so much of this land is available for cultivation it seems to me that the bill itself under the circumstances is injudicious; but at all events, unless we do guard the provisions of the bill in such a way that the land shall come from the railroads to the general mass or fund of public lands in the possession of the United States, we shall increase an evil already almost too grievous to be borne.

I hope the Senator will accept my amendment.

Mr. VAN WYCK. The Senator will have his amendment reduced to writing.

Mr. BLAIR. I have not the papers here.

Mr. VAN WYCK. I think there will be no objection to the Senator proposing his amendment.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to add the following proviso:

Provided, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser——

Mr. HARRISON. What does the Senator mean by that?

Mr. BLAIR. I mean at the same price that is offered by others the United States shall take the land.

The PRESIDING OFFICER. The Secretary will resume the reading of the amendment.

The CHIEF CLERK. The proposed amendment is to add the following:

Provided, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

Mr. BLAIR. Does the Senator accept the amendment?

Mr. VAN WYCK. I have no objection to the amendment.

The amendment was agreed to.

Mr. BLAIR. There was another amendment I suggested, to insert as additional sections the following:

SEC. —. That no natural person or persons or partnership shall hereafter acquire, hold, or own, either by virtue of the laws relating to the disposition of the public lands, or by grant, assignment, purchase, descent, or by any other method by which title to land may be acquired, more than 320 acres of agricultural lands nor more than 640 acres of any description of lands which shall belong to the public domain, on or after the passage of this act; and hereafter all patents and

evidences of title to any portion of the public domain to which this act shall apply shall recite the provisions hereof.

SEC. —. That all lands acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by due process of law.

That amendment perhaps would not be as necessary as the other, because it would become, as I conceive, the duty of the United States to purchase these lands in every instance and return them to the public domain; and if that be so, and in consequence these lands be disposed of under the homestead and pre-emption act—probably under the homestead act, as the pre-emption act is likely to be repealed, a bill being pending in the Senate at the present time for that purpose—then of course the land will go for homesteads, and I do not think it would be worth while to fix a limitation to govern for all time on these particular lands unless there be a general provision applying to all public lands hereafter disposed of, which I believe would be a good thing to do, so that the public lands forever hereafter should be disposed of in small quantities, and that they should be forever hereafter held in small quantities, no larger than the original ones, in 160 acres, or some subdivision thereof. Of course I refer to agricultural lands.

There are considerations I am aware that attach to some of these lands in the West by reason of their lack of value until irrigation is provided on a large scale, that may make it proper to consider a proposition of this kind somewhat further; but in some way, I think, irrigation having been provided at the general public charge, the amount of land that is occupied by any one individual, the substantial control and income of which is made available by any one individual, should be limited to a small quantity. I had some data——

Mr. HOAR. If the Senator wants time to get his amendments in shape——

Mr. BLAIR. If the Senator will excuse me a moment I have a list of the amendments; but my documents and my facts, my references and my magnificent argument, that the Senator from Nebraska has had notice of, are not at hand, because the bill has come up unexpectedly.

Mr. HOAR. Perhaps the Senator will allow me to offer a slight amendment, and he can resume his afterward. I do not care to do it unless it is convenient to the Senator.

Mr. BLAIR. I would ask the Senator from Nebraska—for I wish to offer no captious opposition to his bill—is not the evil which he aims at located in the States of Kansas and Nebraska almost wholly?

Mr. VAN WYCK. If the Secretary will send for a petition presented by the Senator from Michigan [Mr. PALMER] a few days ago, which was ordered to lie on the table, as this bill was under consideration, it will be seen where the evil prevails.

Mr. BLAIR. Does the Senator object to the amendment?

Mr. VAN WYCK. Will the Secretary please send for that petition? The Senator from New Hampshire has asked whether this does not apply exclusively to the States of Kansas and Nebraska. I desire to say to the Senator that that is not so. There are other States, and nearly every Territory is affected by this proposition.

Mr. BLAIR. I do not wish to press the amendment if the Senator assures me that the evil is in those other localities. Therefore I shall not offer it.

Mr. VAN WYCK. I supposed that the Senator desired to inquire what the evils were.

Mr. BLAIR. I am aware that they exist beyond those States.

Mr. VAN WYCK. All the Territories, I think every one, and at least half a dozen States have suffered to a very great extent by reason of these corporations being allowed to shirk their honest responsibility of taxation upon real estate over which their title is absolute, which for years they have mortgaged and which for years they have held in the market and partly disposed of.

Mr. BLAIR. I am aware that there is a reply made to that. I do not know which position is correct—that of the Senator or those who oppose it.

Mr. VAN WYCK. If the Senator asks the question, I hope he will be patient enough to hear the full answer——

Mr. BLAIR. I have got the full answer. If there is more, I am willing to listen. Does the Senator wish to say anything more on that point? I am always edified by his elucidations.

Mr. VAN WYCK. No, sir; I do not understand the Senator's point.

Mr. BLAIR. I am always edified by the Senator's elucidation.

Mr. VAN WYCK. I trust so. I am trying to do that and instruct as far as I am able to do so.

Mr. BLAIR. The gentleman has great capacity in that respect.

Mr. President, I move one other amendment to be added to the last:

And provided further, That the valuation of said lands upon which the same shall be subjected to taxation shall be subject to revision by the Secretary of the Interior.

I do not care to trouble the Senate with any further amendments if this is adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

Mr. TELLER. There can be no reason in the world that I can imagine why it should be adopted. A citizen of New York who owns land in the Territory of Dakota is subject when it comes to a question of taxation to the authorities of Dakota. If anybody can give me any reason why a railroad company should have any further or greater rights than the citizens of the States I should be glad to hear it.

Mr. BLAIR. These lands are mainly in the Territories.

Mr. TELLER. I know they are largely in the Territories. It can not be supposed by anybody that there could be any interference by the Secretary of the Interior with assessments in a State. But why not apply to a railroad company the same rule you apply to a citizen? This is the railroad company's land. It has got all that it is necessary to get to enable it to receive the value of its land. It sells the land. For thousands and tens of thousands of acres the companies have received the benefit of the title given them by the United States, and yet they decline to pay the few cents an acre that are required to be paid to complete and perfect the title; that is, they decline to pay for the surveys for the express purpose of keeping them out of the tax-lists of the Territories.

The man who goes upon the alternate section of Government land and makes his title pays taxes upon the soil. The man who buys of the railroad company by the side of him holds it for an indefinite length of time and does not pay any tax at all. It is giving to the railroad companies a value to their land that they are not entitled to have by exempting it from taxation or by allowing a different rule in this case from what is applied to the citizen who owns land by the side of it, whether he happens to be a non-resident or a resident.

Why should the Secretary of the Interior interfere any more to protect a great, strong railroad corporation that is being unjustly and unduly assessed by a Territory than he should to protect the hardy settler who is on the public land? It does not appear to me that we ought to put in a provision of this kind in the bill. There is not any reason to suppose that the Territories will unduly tax these lands. The railroad companies have got their title to many acres of them. They are paying taxes on all which they have a patent for, and nobody that I have heard of complains of an undue assessment either by State or by Territory upon these railroad companies. Let the railroad companies alone to take care of themselves. They are as able to battle with the authorities of the Territories as the settler is; and if the Secretary of the Interior is not to interfere to protect the man who has a lowly cabin on 160 acres, I do not think he ought to interfere to protect a great big corporation that has millions of acres of the public lands that for years it has withheld from the tax-lists, in many instances having derived the full benefit of the grant by sale and payment—by sale to the settler and payment from the settler.

Mr. BLAIR. The Senator's remarks apply to but a very small portion of the lands that are to be affected by the passage of this bill, and, as I understood and still believe, the evil that is sought to be remedied is confined almost wholly to the States of Nebraska and Kansas. It may exist to a very slight degree in the State of Colorado. But the scope and purpose of this bill, or one thing that as I understand can be done by it and almost certainly will be done, will be the forced sale of the vast mass of the as yet unimproved land grants which are in the possession in law of the railroads to be sure, but which are nevertheless now and likely to be in many instances for years to come in precisely the same condition as the adjoining public land, unimproved and unimprovable, but yet the basis of the credit upon which these railroads were built, and a source of no income, and for years hence not likely to be the source of any income whatever.

So the imposition upon these lands (many of which will not sell for 25 cents an acre to-day) of a very slight tax to be paid year after year, with no income existing out of which to pay the tax, must result in practically the forfeiture of these lands and vesting the title in somebody else; and all through Montana, and Dakota, and Washington Territories, and in New Mexico and Arizona, and in the Territory of Utah, and in some of the Pacific States, perhaps in every one of them, these lands are likely to be, to use a homely expression, gobbled up by speculators and held indefinitely for higher prices in the future. They will obtain them for a song, as we know that the great Pacific railroads, every one of them, or nearly every one of them, is embarrassed by debt, finding it impossible to pay any income whatever upon the cost that built them originally, hardly able to meet their fixed charges on their bonds and mortgages, and probably some of them will ultimately fall into the hands of the United States, unless the United States may consider it cheaper to forfeit its claim rather than be embarrassed with the property.

Under these circumstances it is not exactly the thing, as it strikes me, to pass a law which gives an unlimited power of taxation in these comparatively unpopulated communities when a county is organized having all the powers of taxation which belong to an older and well-ordered community—it is hardly the thing to give such bodies the power to fix high valuations on these lands, and so a resulting tax that is likely to result in forcing the title from the companies whose basis of credit these same lands now are, and into somebody else.

As I said before, the adoption of the amendment which I first moved will, in my own mind, remove the great part of this apprehended evil, because I should consider it the duty of the Government officers to reach all these lands by the payment of the taxes and thus to return them to the public domain. A part of the evil will thus be obviated, but if that be done it seems to me—and it seems to me in any event—in all

these communities which are as yet very sparsely populated and where the evil of which I speak is very likely to exist there should be some provision made to guard against an excessive valuation, so that if it be thought desirable for the corporations to retain their land they can do so.

I am not very particular about this amendment. It struck me as a good amendment and I think it can do no harm to the bill and is likely to do it much benefit. I simply ask the sense of Senators, and leave the matter.

Mr. TELLER. When the honorable Senator says that this bill is only to affect Kansas and Nebraska, to be mild he displays a great lack of acquaintance with the facts. I venture to assert that it affects more land to-day in the State of Colorado than it does in Kansas, or in Nebraska either, as the Senator from Nebraska suggests. It affects lands in Kansas, in Colorado, in Nebraska, in Montana, in Washington, in Oregon, in California, in Nevada, in Wyoming, in New Mexico, and in Arizona.

Mr. BLAIR. Then the Senator understands that it covers every acre of land grants which have been made over by the United States to various corporations.

Mr. TELLER. I understand that it covers all the land grants that the companies are entitled to and have acquired by virtue of a compliance with the statutes of the United States with respect thereto; and I do not know any rule of ethics or law or morals that justifies a railroad company in escape from taxation and puts it upon the settler. I do not care if it is in failing circumstances; I do not care if it is a brankrupt railroad; that has nothing to do with it.

The first duty of every citizen is to pay taxes to the State in which he lives. That duty is exacted of the poorest man in the community who has a cow or an ox or a piece of land. Why it should not be exacted of a railroad company I am yet to learn.

These railroad companies have for years, as I say, declined to discharge an express duty imposed upon them by law as a condition to taking these lands; and the Supreme Court says that because they have so declined, the State and the Territory shall not have the benefit of taxing the lands. They will not build school-houses with their taxes; they will not carry on municipal affairs of the State or Territory because they decline to pay; and the Senator says that in these unsettled communities things are not as determinate and as settled as in some other sections and they are liable to be imposed upon. It is not true.

It is not true of the people who have settled these Western Territories that they have taken any advantage of the non-resident who owns land in their midst. Those States as they came into the Union made a contract not to do that, but if they had not made such a contract it would not have been done. If anybody can tell me why they should not bear their part of the burden I should like to have him do it.

Mr. BLAIR. I wish to ask the Senator a question.

Mr. TELLER. I will yield for a question.

Mr. BLAIR. Does the Senator believe that there would have been one dollar of the capital that has gone into the construction of these roads and has made the communities of which he speaks possible, invested on the faith of these railroad grants, if it had been the understanding or the belief that even in the remotest future, until those incumbrances were paid, one dollar would be collected from the lands.

Mr. TELLER. In the first place these railroad companies are not entitled to the credit of having settled up a great portion of the West. We got out there hundreds and in some cases thousands of miles beyond railroads and established flourishing communities. I have seen in the mountain regions 600 miles from a railroad a community that would do credit to New England. I have secn 400 miles beyond that a settlement vigorous, enterprising, intelligent, full of everything that went to make a country desirable. The railroads are not entitled to the credit of having settled this country. The people in many instances went there and established themselves before the railroads came. We had a flourishing community in Colorado when there was not a railroad within 600 miles of us.

We carted everything across the plains and we maintained a government there that would be a credit to any people in the world. When these railroad companies came there they brought us some advantages, and they took from us corresponding and compensatory advantages to them. We maintained and we supported them; we have enabled them to pay dividends, and we have kept them running. We have been willing and glad to do it. We have borne our part of the burden of building up a State, and we insist that they shall do their part, and that they shall not be permitted under this system to say to one man "live on that section of land without paying taxes," while his neighbor who lives on the adjoining section pays taxes.

The Senator asks, do you believe anybody could have built the roads——

Mr. BLAIR. No, that people would have invested their money.

Mr. TELLER. Would anybody have invested money and built the roads, asks the Senator, if it was understood that these lands were to be taxed. Everybody understood that they were to be taxed. Everybody understood that these lands were to be taxed. Ownership means taxation. Does the Senator pretend to say that when these grants were made it was contemplated by any living person that they were to escape taxation? Not at all. It was understood that they should be taxed and it was provided that they should pay for the surveys, and it was never anticipated by anybody that they would make a refusal to pay the excuse for escaping taxation.

When the Senator says that these people would not have put their money in if they had supposed they were to pay taxes, let me ask did they not know that they were to pay taxes on the railroad? Did they not know that they were to pay taxes on their locomotives? Why then not pay taxes on their lands? I know some of the companies have paid the costs of survey, and some of the companies have taken their titles in accordance with the law; but others have not so done. It is to reach the cases where they studiously avoid paying their taxes that this bill is introduced.

Mr. MITCHELL, of Oregon. I should like to ask the Senator from Colorado a question. Ought there to be any difference made in the legislation in regard to these companies who have paid for surveying the lands and those companies that have not?

Mr. TELLER. If they have paid the money or made a tender they are taxable now. In other words, the railroad companies that have been honest, *bona fide* observers of the law are now taxed. The railroad companies that have escaped the law and have declined to discharge an obligation imposed on them by the statute are the ones who are escaping.

Mr. MITCHELL, of Oregon. The Senator does not understand me. This bill is designed mainly to relieve the governments in the Territories from the effect of a decision of the Supreme Court of the United States.

Mr. TELLER. A recent decision. Unsurveyed lands can not be taxed and are not taxed in any of the communities.

Mr. MITCHELL, of Oregon. I ask the Senator at what particular point it is proper to commence taxation of the lands by the States and Territories, and at what point the transfer of lands from the Government takes effect?

Mr. TELLER. I do not think I quite understand the question.

Mr. MITCHELL, of Oregon. A grant is made *in præsenti*, for instance, to a railroad company. By the failure of the company to perform a condition subsequent the grant is forfeited, or if the company fulfills the condition the grant becomes effective. Now, at what time properly should these lands be taxed by the States and Territories; from the date of the grant, or from the date of the compliance with the condition, or from the date of the issuance of the patent? Is there any particular point where it would be proper to commence taxation, or more proper than it would at any other particular point?

Mr. TELLER. If the railroad company takes a patent that ends the subject and there is no necessity for legislation.

Mr. MITCHELL, of Oregon. I understand that.

Mr. TELLER. I will come to your question. If they have paid for the surveys, then there is no question; that is the end of that point. Now, when are they to pay taxes? They will not be taxed until after this bill passes. They will not be taxed except in cases where the company has not become the owner in the strict sense of the term. Now the companies are not the owners because they have not paid the paltry sum of 2 or 3 cents an acre for the cost of survey.

Mr. MITCHELL, of Oregon. The Senator will understand that I am not opposing the taxation of the land. I am in favor of some proper bill for that purpose. I am only making certain suggestions that occurred to me as proper.

Mr. TELLER. This bill in substance provides that where they have earned the land and nothing remains for them to do but to pay this sum that they are bound to pay, the land shall be taxable, and that it may be taxable notwithstanding they decline to pay.

Mr. EDMUNDS. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. EDMUNDS. I ask whether he is quite sure that the first clauses of this bill will operate precisely in the way that he has just now so properly stated?

Mr. TELLER. I think they will.

Mr. EDMUNDS. And when a railroad has earned the land and is entitled to it so that it can dispose of it, and fails to do what is necessary in the payment of the cost of taking out its patent it should be taxed, to which I entirely agree. I ask whether the bill does not go further in cases put as I shall state. I am told that in one instance—I do not know whether it is true, but I believe it to be true—one land-grant railroad company in this country has always paid the costs, paid its money in advance for the costs, wanted to get its land and could not get its patent for the reason that the Department says it is so far behind; that years and years have gone by in a great number of cases and the company can not get its patent and it will not undertake to put a settler on until it can sell him the land fair and square.

Mr. TELLER. I do not suppose, and it is not intended by this bill and it is not the theory of the people who demand this, that they shall wait for a patent. Whenever it has been put in the power of a railroad company by discharging the obligation imposed upon it by law, which is to pay for the survey—and it is provided that this money that they pay in is to be used for making the surveys—to get title, that land becomes taxable.

Mr. EDMUNDS. But on what principle if the company can not get a title?

Mr. TELLER. It can get the land. The law presumes the companies can get the land and they can sell it from that hour.

Mr. EDMUNDS. But have they a title?

Mr. TELLER. They have a title; certainly they have a title. The Supreme Court has declared again and again that it is a grant *in præsenti*. They are the owners, and if there is an exception to it I do not know of the railroad. There may be an exception; I am told there is one in California; but it is the only exception, I will venture to say, where they do not treat that land as absolutely theirs as if they had the patent. I can point to the honorable Senator land worth $100 an acre that has not paid a cent of taxes, and it has been worth that for years. I can show the Senator land that is very valuable, owned by a railroad company which they could take their patent for to-morrow, but they do not choose to take it. Why? Because they wish to reserve it for higher prices for speculation.

There is not the slightest danger under this bill that any railroad company will be improperly interfered with. There seems to me to be on the floor of the Senate an undue anxiety to take care of the railroad companies just now. Let them alone to take care of themselves. There is not a railroad company in this country, however bankrupt it may be, that can not bring to its aid the best legal talent in America. I have noticed that they always have money enough to get the best lawyers in the land for any purpose; and if there is any attempt to unduly and improperly and illegally tax them they will find it out and the courts will give them proper redress. It is a question that concerns a great many communities. It may seem to some Senators who have been brought up in communities where they found everything made to their hand, it may seem to Senators who have lived where the country has been settled for a hundred years, that it is a matter of very little concern who pays the tax. They ought to remember that the people who go out and settle in the West are poor people, and when they are called upon to build school-houses and court-houses and maintain order and society they are entitled to call for assistance upon everybody who has got an acre of land that can be made available; and if the settler pays upon his little quarter-section and his cabin and his few cattle, I do not see any reason why the great railroad companies should not pay, and I do not think you need call upon the Secretary of the Interior to protect them. They will take care of themselves.

Mr. DOLPH. Mr. President, listening to the remarks made by the Senator from New Hampshire, I ascertained that some amendments have been adopted to the bill, and I ascertained at the desk that one offered by himself had been adopted, which is as follows:

Provided further, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

I should like to inquire if that amendment is now subject to amendment?

The PRESIDING OFFICER. The amendment will be the subject of amendment in the Senate.

Mr. DOLPH. It seems to me that there should be an amendment that if the lands are not redeemed they should be restored, so that it would not look like an attempt to restore to the public domain any lands that happen to be sold for taxes. It is well known and is the case in all the Western States that whenever any land is sold for taxes it is subject to redemption within a given time, and a deed for the property is not given by the tax-collector to the tax-sale purchaser until after the time for redemption has expired. To make this amendment in harmony with the laws of the States and Territories where these lands are situated such a modification ought to be made.

Mr. BLAIR. I would be glad if by unanimous consent these words could be considered incorporated in the amendment.

Mr. EDMUNDS. Let us see about that.

The PRESIDING OFFICER. The Senator from Oregon will send his proposition to the desk.

Mr. DOLPH. Mr. President——

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HOAR. Before my friend proceeds I wish to ask for a unanimous consent. I desire to make a request of the Senate in regard to the order of business.

It is understood that to-morrow is set apart for the funeral eulogies of our deceased colleague, Mr. MILLER, of California. Monday is Decoration Day. I am myself very desirous of going home to Massachusetts, and the only obstacle is the necessity for taking care of the bankruptcy bill, which will come up on Friday, if the Senate shall sit on that day, which is yet undetermined. I desire, therefore, to ask unanimous consent that the bankruptcy bill, which is now the unfinished business, may be the unfinished business on Tuesday next at 2 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HOAR. The bill being postponed until that time.

The PRESIDING OFFICER. It is proposed that the bankruptcy bill be postponed until Tuesday next at 2 o'clock, and be the unfinished business at that time. Is there objection? The Chair hears none, and it is so ordered.

TAXATION OF RAILROAD-GRANT LANDS.

The PRESIDING OFFICER. The bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes, is before the Senate.

Mr. DOLPH. I was about to say that as a member of the Committee on Public Lands I joined in the report of this bill. I am in favor of removing, so far as the rights of the United States are concerned, every obstacle to the taxation of railroad lands whenever they ought in justice to be taxed. I recognize the fact that the present condition of affairs works a great injustice to the people of the Western States and Territories which ought to be remedied. Whenever railroad lands are improved and cultivated, whenever they have been sold and are occupied and are situated in organized counties they ought to be taxed as well as the even sections to which title has been acquired under the pre-emption and homestead laws. But I have heard so much said upon this question of taxation in regard to the conduct of the railroad companies in the matter of the payment of costs of the survey of their lands, and have heard the statement so often repeated that they refuse to accept title to their lands in order that they may avoid taxation, that knowing something of the facts in regard to at least one company, I desire to correct some statements which I think are mistakes.

I introduced a resolution in this body, which was adopted, calling for information from the Secretary of the Interior, and hold in my hand his reply, which I will refer to presently.

This question of taxation stands as follows: In 1862 a grant of land was made to the Union Pacific Railroad Company, or what was afterward known as the Kansas Pacific, of alternate sections on each side of the located line of their road within given limits. The act did not provide for the payment of the cost of surveying, selecting, and patenting the lands by the company.

In 1864 an amendatory act was passed increasing the grant and conferring some valuable additional concessions upon the company, and providing that before patents for the granted lands should issue the company should pay the cost of selecting, surveying, and patenting the lands.

In the case of the Railroad Company *vs.* Prescott, 16 Wallace, 603, in the Supreme Court of the United States it was held that the lien of the United States for the cost of surveying the lands was such an interest in the lands that they could not be sold for taxes. That decision was followed subsequently by the Supreme Court in another case.

The case of the Northern Pacific Railroad Company was entirely different. There was no provision in the charter of the company requiring the payment by the company of the cost of selecting, surveying, and patenting its lands, but this provision was contained in the charter:

That the President of the United States shall cause the lands to be surveyed for 40 miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad.

The United States has always surveyed the public domain at its own cost. When the bill incorporating the Northern Pacific Railroad Company was pending in the Senate Senator Harlan offered an amendment, which was adopted, which required the railroad company to pay the cost of surveying, selecting, and conveying its land, but the House refused to concur in the amendment, and the committee of conference argued that the Senate should recede, which was done.

In 1870, in the sundry civil appropriation bill, I think, for the year ending July 1, 1871, a provision was inserted requiring all railroad companies to pay the cost of surveying, selecting, and conveying their lands before patents should issue. The Northern Pacific Railroad Company did not believe that that was a constitutional enactment. They believed it was in violation of the vested rights conferred upon them by their charter, and it was so held in the case of Cass County *vs.* Donlus Momson, a purchaser of lands from the railroad company, in 28 Minnesota Reports, 257. In this case the act requiring the Northern Pacific Railroad Company to pay the cost of surveying its land was held to be unconstitutional.

Thus the law stood when the Interior Department made an order that the company should pay the costs of surveying lands which had already been patented to the company. After some little controversy the Northern Pacific Railroad Company determined to pay such costs under protest, notwithstanding they believed that the act requiring them to do so was unconstitutional.

I hold in my hand a letter from the Secretary of the Interior in response to the resolution referred to, accompanied by a communication from the Commissioner of the General Land Office, answering the several matters contained in the resolution, in which it is stated that the Northern Pacific Railroad Company has selected 7,903,026.25 acres of land within its granted limits, that is the lands in place, and has selected 3,343,395.07 acres of indemnity land, making a total of 11,246,421.32 acres, and that there has been surveyed to this date within the limits of the grant only 21,732,542 acres. He further states:

The cost of surveying, amounting to $42,686.50, has been paid by said company on 1,131,224.19 acres, of which 746,589.52 acres have been patented to the company and 384,634.67 acres have not been patented.

He says:

The regulations of this office make the payment of the cost of selecting a condition precedent to the approval of the lists of selections by the local officers; hence the number of acres selected (11,246,421.32 acres) is the number of acres for which the cost of selecting and listing has been paid.

The cost of patenting is assessed at the rate of 30 cents per 100 words (15 for writing and 15 for recording), and $1 for the seal of the office, and is payable when patent is ready for delivery. The cost of patenting, amounting to $168.85, has been paid on all the patented lands, viz, 746,589.52 acres.

It appears therefore from the report of the Secretary of the Interior that the company has paid the cost of patenting all the lands that have been patented to it. He says:

No patents are ready for delivery—

Let it be understood that while there had been less than three-quarters of a million of acres patented and over 11,000,000 selected, no patents are ready for delivery.

No patents are ready for delivery, as the issue of patents to said company is, and has been for several years, suspended on account of the failure of the company to locate and construct the road within the time required by the granting act.

In other words, the Department has for several years declined to issue patents to the company because it was understood by the Department they have failed to construct the road as required in the granting act.

The Commissioner further says:

Said company has not at any time after being advised of the readiness of this office to issue patents directly refused to pay the cost of survey and patent, but it did fail to make its selections, and thereby to put this office in a position of readiness to issue patents.

Now he specifies the general charge:

It could at any time between 1873 and 1880 have received patents for its lands in Minnesota, and, as fast as surveyed, east of the Missouri River in Dakota, had it made its selections and paid the fees.

And this notwithstanding there are lists of selections aggregating ten millions of acres in the General Land Office unapproved.

He furnishes also a list of the lands which have been patented to the company, from which it will appear that no patents have been issued to the company since October 13, 1873, nearly thirteen years, except for three thousand and sixteen and a fraction acres situated in Washington Territory.

This communication also contains the correspondence, and all the correspondence, between the Northern Pacific Railroad Company and the Interior Department in regard to this subject.

Mr. TELLER. What document is that?

Mr. DOLPH. It is Executive Document No. 126 of this session.

On page 13 of this document is found a letter written by the general counsel of the company to the Commissioner of the General Land Office, dated April 3, 1882, concerning this matter of the payment of the costs for the survey of the lands. This controversy was concerning the payment of costs for lands which had already been patented by the Interior Department to the company without the costs having been paid and without their having been demanded. Mr. Gray, the company's counsel, says:

Your letter above mentioned—

That is, a letter dated on the 29th of March, this having been written April 3 of the same year—

Your letter above mentioned is the first demand or request received directly or indirectly from any one for such payment, and is the first intimation given that it would be required or expected to be made. Since receipt of your letter on Saturday last the subject has had due and respectful consideration.

That was written, as I have said, on the 3d of April, 1882. Contained in the same document, and on page 21, I find copies of resolutions passed by the company, which appear to be on file in the General Land Office. They were passed on the 16th day of November, 1882, the following November after this correspondence in April, and are as follows:

Whereas the board of directors, at its meeting on the 16th day of November, 1882, adopted resolutions, of which the following is a copy, namely:

Resolved, That the company shall proceed with due diligence to obtain patents from the United States, confirming the title of the company to the lands granted to it by Congress to aid in the construction of the road, as provided in section 4 of the charter, and the president is hereby requested and instructed to cause the necessary steps to be taken to obtain patents by reason of constructed road heretofore approved by the President of the United States, and from time to time hereafter as constructed road shall be so approved. And it is further

Resolved, That the president be, and he is hereby, authorized and instructed to cause to be paid into the Treasury of the United States the cost of surveying, selecting, and conveying said lands from time to time as such patents are issued or applied for, and that he make such payment either under or without protest, as he may deem best for the interests of the company.

In calling attention to this correspondence between the Interior Department and this company I do not do it for the purpose of reflecting upon the office. I will not say that if I had held an executive office like that held by the Secretary of the Interior I myself would not have suspended action in regard to the patenting of these lands. I am finding no fault with any Secretary of the Interior or any Commissioner of the General Land Office. I am merely stating the fact as it exists. I must infer from this letter (I must take this letter as conclusive upon this matter, which contains all this correspondence) that while one branch of the Government has been unwilling to proceed to patent these lands to the company, or to approve lists of selected lands, and to pass upon the question of the title of the company to their lands, the States and the Territories have been demanding that when the lands have been earned they should be approved and patented to the companies and be made taxable. They are right in regard to that, and they justly complain that while Congress has taken no action looking to the forfeiture of the grants, there has been inaction which has delayed the segregation of railroad lands from the public domain upon the part of another department of the Government, and that the communities in such States and Territories have suffered in consequence of such inaction.

I make these statements merely that justice may be done. I think they ought to be made public in connection with what has been said during the discussion of this bill, and especially in regard to the disposition of these companies not to obtain title to their lands so that they may become subject to taxation.

As I said, these lands ought to be taxed whenever they have been earned, and whenever the title has passed from the Government, but when is that? What is the condition of this grant? The Senator from Colorado said, and said rightly, that the courts have decided that these railroad grants are grants *in præsenti*. I think the grant to the Northern Pacific Railroad Company and to the Union and Central Pacific Railroad Companies are grants *in præsenti*. They transferred to the companies a present title but a defeasible title, a title upon condition, and until the condition is performed the lands are liable to be forfeited by the act of the legislative department of the Government for nonperformance of the condition and to be restored to the public domain.

But that is not all, sir. These grants are grants of land in place and of indemnity lands. The lands in place are grants of alternate sections, odd sections within certain limits on each side of the line of the located road, in the case of the Northern Pacific Railroad Company in the Territories 40 miles in width, and in the States 20 miles in width. But there are certain exceptions to this grant; for instance, there are the Indian reservations. Lands within the Indian reservations do not pass by the grant. Lands within military reservations do not pass. Mineral lands do not pass by the grant unless they are coal or iron, I believe. In the case of the Northern Pacific, and probably all the transcontinental roads, the grant embraces coal and iron lands, but other mineral lands are excepted. If lands were settled upon at the time the act took effect such lands are also reserved from the operation of the grant.

In such a case it becomes necessary to determine in some authoritative manner what are the lands which are covered by the grant? It is necessary to segregate the lands which come within the operation of the granting act from the lands which are reserved from the operation of the act? How is that to be done? That can not be done until after the lands have been surveyed. Until they have been surveyed the grant is a floating grant, it is not, fixed it can not be defined; but when the lands are surveyed the grant acquires a definite location.

The next step is to segregate from the balance of the land within the limits of the grant lands which are excepted from its operation. That is what is called selecting the lands. How is that done? An agent of the company, of the party owing the grant, goes to the local land office and makes up a list of lands which are supposed to come within the operations of the grant by legal subdivisions, whole sections, half-sections, quarter-sections, or subdivisions less in amount, as the case may be, with the aid of register and receiver and the office plats and records.

The lands which are excepted from the operation of the grant are not included or intended to be included in the lists. The register and receiver approve the selected lists. Then they are sent up to the Secretary of the Interior for his examination and approval, and until the Secretary of the Interior approves such lists, the lands are not segregated from the public domain. No man can tell what the cost of surveying the railroad lands in a section is until they have been segregated from the other lands in the township, because the company is not required to pay the cost of surveying the lands which it does not get. No computation as to the costs can be made until the lists of selections have been finally approved by the Secretary of the Interior.

Still it is complained that this railroad company—and I speak concerning the Northern Pacific Company, because the only information I have concerning this matter relates to that company, and it is in this latter—it is complained that the Northern Pacific Railroad Company is in default in not paying the cost of surveying its lands when out of over 11,000,000 acres which have been selected by the company there have been approved, segregated, set apart, determined by the action of the Secretary of the Interior to belong to the company only seven hundred and forty-odd thousand acres of land, while 10,000,000 acres of land have been selected and the lists of selections have been sent up and now lie in the office of the Secretary of the Interior awaiting his approval. Nobody can say as a matter of law or as a matter of fact that such lands all belong to the company, or that the company should pay for the survey of them all; and no request for such payment appears to have been made of the company.

What ought to be done? If these lands do not belong to the companies claiming them the Government should say so at once. If there is no question about the company ownership they should be approved at once. If there is a question about any section or half-section or quarter-section it should be struck off the list and left for subsequent

action; but the great mass of the land should be approved at once, and the railroad companies given an opportunity to pay for the cost of survey, and the patents be issued. That would settle all this question of the taxation of the lands. If the companies do not proceed with proper diligence to select the lands, some law could be passed requiring them to select them within a certain time after they were surveyed.

I myself think that these lands can not and probably will not be taxed until the Secretary of the Interior has officially said that they belong to the railroad company. What do we propose to do? We propose to substitute for the Secretary of the Interior the local assessors, and to say that every school clerk, that every county assessor, that every city assessor who makes an assessment shall determine the question for himself whether the lands belong to the company, which involves the question as to whether they are mineral lands, and as to whether they are excepted from the operation of this act.

Mr. SHERMAN. Would it be convenient for the Senator from Oregon to pause at this moment, retaining the floor when the bill is taken up again, leaving it the unfinished business, that I may ask the Senate to pass the Chinese treaty bill?

Mr. DOLPH. I shall be very glad to yield the floor for that purpose.

The PRESIDING OFFICER. If there be no objection the pending order will be laid aside temporarily and the bill indicated by the Senator from Ohio will be taken up. The Chair hears no objection.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. HARRISON submitted an amendment intended to be proposed to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. SHERMAN. With the consent of the Senator from Oregon, I ask the Senate to proceed to the consideration of Senate bill 1991. I hope it will be passed without much debate. I have seen no other opportunity to bring it before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act approved July 5, 1884.

Mr. INGALLS. What is the Calendar number?

Mr. SHERMAN. It is on the Calendar at the head of the special orders.

The PRESIDING OFFICER. The bill will be read.

Mr. SHERMAN. Perhaps I had better say to the Senate just a few words at this time.

The bill was intended to carry into execution the existing laws in regard to Chinese immigration. It does not in the judgment of the Committee on Foreign Relations, who are, I believe, unanimous on the subject, change in any material or essential particular the treaty or the laws which have heretofore been enacted; but in the administration of the law several questions of difficulty, legal questions, have arisen, which have been brought before the United States courts.

This bill is mainly the work, as I am advised by the Senator who introduced it [Mr. FAIR], of the three United States judges on the Pacific coast whose duty it has been to administer the law. The provisions are mainly declaratory, or rather defining the meaning of the provisions of existing law, not with a view to change the principle of the law.

The bill has been very carefully examined in the Committee on Foreign Relations, and, so far as I know, every provision was assented to with entire unanimity.

The first amendment of the committee, that in the first section, which probably is the most important amendment to the bill as framed by the judges, simply undertakes to define the meaning of certain phrases named in the law, because Judge Field had given a certain meaning to those phrases and a judge of a United States court, I believe, in Massachusetts, or one of the Eastern States, had given a different meaning. The purpose of the first section of the bill as amended is to define the legal meaning of phrases, as to what is included in the term "Chinese laborer," &c.

I believe I have made all the explanation I need give in regard to the bill. I hope it will not lead to discussion, but if there is any amendment which is not understood, I shall try to explain it as best I can.

Mr. PLUMB. Which construction was adopted in the preparation of the bill, the construction of Judge Field or of the judge in Massachusetts?

Mr. SHERMAN. The construction of Judge Field was adopted without objection.

The PRESIDING OFFICER. The Chair will state that the bill has not yet been read at length. The bill will first be read before action upon the amendments.

Mr. SHERMAN. All right.

The Secretary read the bill.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was to strike out section 1, as follows:

That on and after ninety days after this act takes effect, every Chinese laborer who, having been in the United States, has departed therefrom and remained absent from the United States for a period of two years, shall be deemed, taken, and held to have elected to remain permanently out of the United States, and to have waived and abandoned his right to return thereto under the provisions of any treaty existing between the United States and the Empire of China; and it shall not be lawful for any such Chinese laborer to return to the United States during the period prescribed for the suspension of the coming of Chinese laborers into the United States; and all the provisions of this act, and of the acts to which this act is amendatory and supplementary, relating to the exclusion of Chinese laborers, shall be applicable to the Chinese laborers so excluded by this section.

And in lieu thereof to insert:

That the words "Chinese laborer" and "Chinese laborers," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean any laborer of the Chinese race, without regard to the Government to which such laborer may owe allegiance, and without regard to the port, place, or country from which such laborer may come to the United States; and the words "Chinese passenger," wherever used in this act, or in the acts to which this act is supplementary or amendatory, shall be held to include and mean all persons of the Chinese race, without regard to the Government to which they may owe allegiance, or the port, place, or country from which they may come to the United States.

Mr. HOAR. I understand the Senator from Ohio who reported this bill does not propose to address the Senate further. I think I ought not to let the occasion pass without at least expressing my own protest with regard to this entire proceeding.

This proposed act, and the statute of which it is an amendment, and the treaty which those two statutes profess to carry into effect, will in my judgment be regarded, if civilization be preserved on this continent, in future ages as among the great blots on the history of the human race. Here is legislation aimed at men, not on account of any individual crime or inferiority or fault, but simply because they are laborers and because they belong to a certain race; and that in defiance of the two great foundation principles of this Republic: that labor is honorable, and that there ought to be no distinction between human beings in their privileges on account of race.

The motive for this legislation is not, as will be confessed in private by every intelligent man who seeks it, any fault, wrongdoing, or inferiority of the classes sought to be affected, but because American skill, American industry, and American intelligence fears that it shall be beaten in the race for wealth, and for employment, and for power.

When the bill of which this is an amendment passed, the first proposition was to exclude Chinese laborers from this country for twenty years. That proposition was vetoed by President Arthur as an infringement of the good faith of this country pledged to China by treaty. That veto was supported by Congress in the constitutional way. Now, it is sought really to evade this pledged faith of the Government by making these exclusions by successive steps: First, for ten years from the date of the passage of the original act. Now, four or five years having passed by, ten years from the passage of the present act, so that we have now got fourteen or fifteen years of absolute exclusion.

The history of this clause in the treaty, which I should like to read, is a little remarkable. In the negotiations between Mr. Swift and Mr. Angell and Mr. Trescott and the Chinese Government, which took place at the request of our Government in China, after the Chinese Government had indicated to Mr. Seward their readiness to accede to a proposition made by him which would have absolutely relieved the Pacific coast from all the hardship which they had alleged, the United States commissioners submitted a draft in which it was provided:

That the United States might "regulate, limit, suspend, or prohibit" it. The Chinese refused to accept this. The Americans replied that they were "willing to consult the wishes of the Chinese Government in preserving the principle of free intercourse between the people of the two countries, as established by existing treaties, provided that the right of the United States Government to use its discretion in guarding against any possible evils of immigration of Chinese laborers is distinctly recognized. Therefore, if such concession removes all difficulty on the part of the Chinese commissioners (but only in that case), the United States commissioners will agree to remove the word "prohibit" from their article, and to use the words "regulate, limit, or suspend."

I now proceed with a quotation from President Arthur's veto message:

The Chinese reply to this can only be inferred from the fact that in the place of an agreement, as proposed by our commissioners, that we might prohibit the coming or residence of Chinese laborers, there was inserted in the treaty an agreement that we might not do it.

The remaining words, "regulate, limit, or suspend," first appear in the American draught. When it was submitted to the Chinese they said, "We infer that of the phrases regulate, limit, suspend, or prohibit, the first is a general expression referring to the others. We are entirely ready to negotiate with your excellencies to the end that a limitation either in point of time or of numbers may be fixed upon the emigration of Chinese laborers to the United States." At a subsequent interview they said that "by limitation in number they meant, for example, that the United States having, as they supposed, a record of the number of immigrants in each year, as well as the total number of Chinese now there, that no more should be allowed to go in any one year in future than either the greatest number which had gone in any year in the past, or that the total number should never be allowed to exceed the number now there. As to limitation of time they meant, for example, that Chinese should be allowed to go in alternate years, or every third year, or, for example, that they should not be allowed to go for two, three, or five years." At a subsequent conference the Americans said, "The Chinese commissioners have in their project explicitly recognized the right of the United States to use some discretion, and have proposed a limitation as to time and number. This *is* the right to regulate, limit, or suspend."

In one of the conferences the Chinese asked the Americans whether they could give them any idea of the laws which would be passed to carry the powers into execution. The Americans answered that this could hardly be done, "that the United States Government might never deem it necessary to exercise this power. It would depend upon circumstances. If Chinese immigration concentrated in cities where it threatened public order, or if it confined itself to localities where

it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulations of Chinese. If, on the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States, under this power, would be adapted to such circumstances. For example, there might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate in accordance with these facts. In general, the legislation would be in view of and depend upon the circumstances of the situation at the moment such legislation became necessary. The Chinese commissioners said this explanation was satisfactory; that they had not intended to ask for a draught of any special act, but for some general idea how the power would be exercised.

Our commissioners said at one point also—I have not got it before me, but I have the quotation here.—"You may trust in the justice and good faith of the Government of the United States."

Mr. President, it is notorious, it will not be denied, that the legislation of four or five years ago was intended to go to the extreme of the legislative power which this Government could exercise without a breach of faith, and that twenty years was regarded by the then Executive as a clear breach of the public faith, and the bill was vetoed on that ground. Now this legislation attempts, as I have said, by indirection, extending this period from time to time, to do what Congress would not have attempted and would not be permitted by the Executive at that time to do directly, to make this prohibition in substance perpetual.

This matter comes up quite unexpectedly, and I do not propose to renew the discussion which took place, in which I took such part as seemed to me to be my duty four or five years ago.

If there were not a rivalry between the two political parties of this country for the political vote of the Pacific coast this legislation would be received, in my opinion, with universal execration from all intelligent and humane men. I do not propose to be led by any real or fancied political necessity into a departure from those principles of human freedom and human rights in which I have been educated, which have been the ornament and glory of my own State and my own country, and in departing from which every nation sooner or later is sure to encounter its just and ordained punishment.

I do not propose for one to repeat for myself or to see others repeat without a protest the miserable history of the years which preceded the war, preceded the year 1850, when the two great parties of the country undertook to vie with each other in bidding for the votes of the supporters of slavery. I deem this Chinese legislation in principle a repetition of that disgrace. I do not mean to have on my own record or to leave to my children any share in the blame.

Mr. SHERMAN. Mr. President, it does seem to me that my friend from Massachusetts has enough on his hands of public duty to perform without reviving the discussion of four years ago on the policy of Chinese exclusion. When I reported this bill I did not expect to be called upon to debate the question over again as to whether the Chinese should be excluded or not.

The bill contains a few provisions which in my judgment are improvements upon the existing law, to enable the courts of the United States to enforce the laws as they are.

I did not vote for either of the laws excluding the Chinese nor for the treaty; but that question is now settled and no man dreams in our generation at least of reviving that controversy. At any rate if my friend from Massachusetts wants to play the knight-errant in opening up that controversy, I will not join him in the operation. More than that, I am inclined to think that any one who will look over the subject carefully and fairly, especially in the light of the experience in California, must on the whole become convinced that the admission of a foreign race, so entirely inconsistent with ours, so different from ours in modes and habits of thought, a people that are entirely of a distinct race kind, quality, and religion so different in everything from us not to be allowed to the extent of our trying to absorb that population with the other elements we have got already, some of which are bad enough. We certainly can not expect to absorb that population and make it a part of the great American people. Whatever may be our theory, and I shared in the belief that it was not wise for us to depart from the old policy of opening up our doors and making this the place where men of all nations might come and enjoy freedom and liberty and the rights of conscience, yet I am not sure but that the time has come when exclusions must be made for the sake of American nationality. But I do not intend to discuss that, and I do not intend to be led into it now.

There is nothing in this bill inconsistent with our treaty obligations unless previous laws are inconsistent with them. There is no provision of the bill but what is in harmony with the existing law. Take the amendment that is now before us and what is it? It defines who is meant by existing laws by the term "Chinese laborer."

Mr. HOAR. It extends the exclusion for ten years.

Mr. SHERMAN. This act operates for ten years. I do not know that I shall be here ten years hence, and perhaps my friend may not. He had better not borrow trouble ten years ahead.

Mr. EDMUNDS. You may both go up higher.

Mr. SHERMAN. Higher, or lower perhaps.

This defines what is meant by the phrase "Chinese laborer." At once the question arose whether "Chinese laborers" when described in a statute of the United States meant persons who had been citizens of China, who had been living in China, belonging to the Chinese race, or whether it meant persons belonging to the Chinese race. The question at once came up when the law was put in force, what construction should be given to this phrase.

On the one hand Judge Field decided in a very careful and elaborate opinion, which I now hold in my hand and which I could not answer if I would and which my friend from Massachusetts could not answer I think if he were to try—in a very plain, simple argument, that the phrase "Chinese laborer" included not only a person born in China proper, but a person born in Hong-Kong of the Chinese race, of the Chinese religion, although born under the dominion of Queen Victoria. I will only read the syllabus of this decision:

A Chinese laborer, born on the island of Hong-Kong after its cession to Great Britain, is within the provisions of the act of Congress of May 6, 1882, restricting the immigration of Chinese laborers to the United States. The purpose of the act was to exclude laborers coming from China, subject to certain stipulations of the treaty of 1880 with that country, and also laborers of the Chinese race coming from any other part of the world.

And then he goes on in quite an elaborate opinion and I think very clearly shows that. He quotes the language of the second section, which I will read:

The second section makes it a misdemeanor, punishable by fine or imprisonment, or both, for the master of a vessel knowingly to bring into the United States on his vessel and land, or permit to be landed, any Chinese laborer from any foreign port or place. The language of these sections is sufficiently broad and comprehensive to embrace all Chinese laborers without regard to the country of which they may be subjects. And the twelfth section declares that any Chinese person found unlawfully within the United States shall be removed therefrom by direction of the President to the country from whence he came—not necessarily to China.

A court in Massachusetts—it turns out that it was in Massachusetts—where the decision was made by Judge Lowell and Judge Nelson, held on the other hand that the words "Chinese laborer" should be restricted to persons born in China of the Chinese race subject to the Emperor of China. The ordinary course of business by which a vast horde of those people come here is for them to go to Hong-Kong, which is a little island controlled by Great Britain, and there they take ship for California. By just crossing the boundaries of the Empire of China to the island of Hong-Kong, according to the decision of the judges in Massachusetts, they would entirely evade the policy of the Government of the United States, evade the law and the treaty with China.

This matter was brought to the attention of the Chinese authorities. I have all the State papers on the subject. They said that was an abuse, but they could not prevent it. They could not prevent their people from going to Hong-Kong. That was the ordinary course of trade. They themselves admitted that that was an evasion, a wrong done to the treaty, an evasion of the law. They did not complain of the law and they do not complain of it now, and they never have complained of the operation of the law.

It seems to me under the circumstances that the decision of Judge Field was right, and the Committee on Foreign Relations therefore thought it better to adopt it in the forefront of this bill as a definition of the phrase "Chinese laborer." That is all there is in the first amendment.

The first section of the bill as it came to us from the judges, introduced by the Senator from Nevada, had a provision that a person who was entitled to come back who had left here and had gone away must come back within two years in order to have the privilege of coming back. The Committee on Foreign Relations thought that would be a change of the law, and therefore struck out the first section and inserted instead this definition of what is intended by the phrase "Chinese laborer." That is all there is in the first section as amended.

I do not propose to argue the question at length, but whenever Senators think that the three sections as redrawn are materially different from the old law I will try to point out the exact difference if I can.

While I am up I will say that the second section, to which attention has been called as being something very outrageous, is an exact copy of the second section of the old law except that it transposes the words "foreign port or place," to another part of the section in order to remove a patent ambiguity.

The same phrase is used "from any foreign port or place" in the second section of the old law, and we also insert it in the second line as well as in the eighth line of the same section in the present bill. That is the only change made in the second section. So with the different sections, I shall be able to show a good reason why the various amendments should be made to the existing law in order to simplify it and enable the judges of the courts of the United States to carry it into operation.

Mr. INGALLS. Concerning the first amendment I should like the opinion of the Senator from Ohio upon this proposition. I understand that this bill is based upon and supposed to be in pursuance of the treaty stipulations between the United States and China.

Mr. SHERMAN. The Burlingame treaty was the only treaty that excluded us from such legislation.

Mr. INGALLS. Then this bill is based upon the treaty of 1880 between the United States and China by which we were permitted to suspend or regulate or control the migration of Chinese to this country.

Mr. SHERMAN. So far as the treaty would affect persons who were subject to some other government besides China, the treaty with China would have nothing to do.

Mr. INGALLS. What I wish to inquire of the Senator from Ohio is how under any treaty with China we can exclude by legislation a person of Chinese birth who owes allegiance to some other government besides China.

Mr. SHERMAN. The answer is obvious. We can exclude anybody from any country in the world under our treaties and laws, if we choose by our policy so to do, and we did two or three years ago exclude paupers, &c. The power of the United States to exclude people who are offensive is undeniable; but we had so restrained ourselves by our treaty of 1868 with China that we could not exclude Chinese from coming to this country because of the express provisions of that treaty, and therefore we abrogated that treaty to the extent of allowing us to prohibit laborers from coming here; but our power to exclude any population of any country in the world that is obnoxious to us or our institutions, I believe has never been denied.

Mr. INGALLS. But this section does not presuppose that idea. It expressly declares here that in carrying out this treaty with China, upon which alone this legislation is based, we may go outside our relations with China and exclude Chinese persons, whether they are subjects of that government or not. If we have the right to exclude persons who may owe allegiance to any government whatever upon the face of the earth, why do you apply the qualifying phrase in the first section of the bill to the Chinese and say you shall have the right to exclude Chinese laborers, or persons of Chinese descent, no matter to what government they may owe allegiance? I can not understand it. The declaration seems to be illogical, it seems to be inconsistent, it seems to be based on the supposition that we have not the right to exclude anybody else but Chinese.

Mr. SHERMAN. The difficulty that gave rise to this legislation was the feeling on the part of the people of the United States that this Chinese laborer, the cooly, the degraded laborer—not the Chinese people, not the mass of the Chinese people, not probably one in fifty of them, but the Chinese cooly who is regarded as a degraded laborer—ought not to be brought to this country, that his presence is offensive to us, injurious to our public policy, degrading to our labor, injurious to our people, offensive to our morals. That was the idea. We had so tied ourselves up that we could not do as we chose to do, exclude persons of a particular class and description as we did under the general law a few years ago when we passed a law excluding paupers and lunatics and various grades from all countries. We had tied ourselves up by the Burlingame treaty so that we could not do it, and so the subsequent treaty was only a modification of the Burlingame treaty.

Mr. INGALLS. The Senator seems to be wandering away from the topic. I find these words in the first section of this bill: "Without regard to the government to which they" (Chinese laborers) "may owe allegiance." Now, the Senator states that we have the right to exclude any person that we may see fit, let him come from any government on the face of the earth. Why, then, do you reiterate what is acknowledged to be a principle of political power or action in this country by applying this phrase to Chinese laborers? If we have the right to exclude them, of course we have the right to exclude them no matter what government they may owe allegiance to.

I do not understand that there ever has been any decision by any court or tribunal of this country that under the operation of the statute of 1882 we had not the right to exclude persons that we had a right to exclude whether they might be Chinese or not; but here in this bill, from some motive or purpose that I can not comprehend, this language is used, perhaps from an idea that there will be some interpretation of the law that in case a Chinese laborer has expatriated himself and become a citizen or a subject of another dominion we shall not have the power to exclude him. But the Senator himself says that power is not denied; it is a part of the general law of nations; it is a part of our political power already existing; and yet so great is the animosity, so great is the dread, so great is the fear and apprehension with regard to these few thousands of Chinese that it seems to be necessary to apply to them a distinction, a discrimination, and a qualification that the Senator himself admits without this, and as seems to me by implication to be a declaration, that we would not have the right to apply to people of other nations.

Mr. SHERMAN. I think the Senator was present when I read a reference to the decision of Judges Lowell and Nelson in which they hold——

Mr. INGALLS. They went over to Hong-Kong I understand.

Mr. SHERMAN. In which they hold that any person of the Chinese race born in China or born out of China might by shipping from a foreign port——

Mr. INGALLS. That can not be possible.

Mr. HOAR. My friend will pardon me; I can state what the decision was.

Mr. SHERMAN. Give me the decision and I will read it.

Mr. HOAR. I can state Judge Lowell's decision.

Mr. SHERMAN. I have Judge Field's comment upon it.

Mr. INGALLS. In a matter of this kind, if we are to determine a great constitutional or national question we ought to have the opinion on which we are called upon to act.

Mr. SHERMAN. I have not myself read the decision of the judges in Massachusetts in full because I could not get it, but Judge Field quotes from the decision, and as a matter of course he assumes and knows that they did make their decision. My friend from Massachusetts says they did.

Mr. HOAR. I said they did not.

Mr. SHERMAN. They made a decision that persons might come from Hong-Kong. I would rather take what Judge Field said about the decision made by his coequal judge than take the hap-hazard remark even of my friend from Massachusetts.

Mr. HOAR. He was not a coequal in the first place. I read the opinion very carefully.

Mr. SHERMAN. Judge Field, who is one of the judges of the Supreme Court of the United States, says:

> Our attention has been called to a recent decision of Judges Lowell and Nelson of the circuit court of the United States for the district of Massachusetts, in which they reach a different conclusion. Those judges considered that the act of Congress was simply intended to exclude laborers from China within the stipulations of the supplementary treaty. Undoubtedly, as already said, that was one of its objects; but it is very evident, both from the circumstances under which it was passed and from its language, that it had a still further object. The construction which we give renders all its provisions consistent with each other. The whole purpose of the law, which was to exclude from the country laborers of the Chinese race, would be defeated by any other construction.
>
> The release of the petitioner must be denied.

It is manifest from this state of the law that here were two decisions widely apart from each other, just the opposite, as to the meaning of the words of an act of Congress. It is necessary therefore that Congress should step in and define its meaning. If it meant only that Chinese must go through Hong-Kong and be shipped under British colors in order to evade our law, we ought to say that was the meaning, and that would be the end of this Chinese restriction; but on the other hand if we adopt the opinion of Judge Field that the object of Congress and the language of Congress fairly construed meant something more, we ought to adopt that construction. That is what is done by the bill of the Committee on Foreign Relations.

Mr. DOLPH. Will the Senator allow me to make a suggestion?

Mr. HOAR. I want to state on this point before it passes from the mind of the Senate, in justice to Judge Lowell and Judge Nelson, who are my friends and constituents, the exact thing which they decided. It will take but half a minute.

The question which arose in the court in Boston was whether the act of 1882 applied to the Chinese as a race without regard to their nationality, or whether it applied to the Chinese as subjects of the Emperor of China or persons belonging to a particular nation. Nobody ever claimed what the Senator from Ohio has imputed to these two distinguished judges. Judge Field, in the sentence from his opinion which has been read, negatives the idea that the Senator from Ohio has put upon this decision. Nobody claimed that a man belonging to the Chinese nation could cross to Hong-Kong and ship there and come into this country in violation of our law; but the claim was simply that an Englishman by birth, though of Chinese descent and origin, was not included in this act, and the argument of these two judges, which I have read very carefully, seemed to me to be irresistible.

In the first place, it is an act to execute certain treaty stipulations relating to Chinese. Now, how is it possible that an act to execute treaty stipulations with the Emperor of China can be supposed to have been intended to apply to a Chinaman born in England and who comes from England.

In the next place, the exceptions in the treaty to which this applied were exceptions put in to carry out a bargain with the Emperor of China under the conditions and circumstances upon which his subjects already here might stay; and that section, the third, related wholly of course to a promise to the Emperor of China, and did not affect our right to deal with the subjects of Queen Victoria.

Then, in the next place, the treaty, which this act says in its title it is carrying out, provides certain methods according to which the rights of Chinese in this country, or who shall come in here, not being laborers, should be secured, and goes on to say that on the application of the Chinese minister our Government will take into consideration any statement which he may make in regard to wrongs or in regard to exceeding the rights conferred and reserved by this treaty.

That was the argument which led these two learned judges to declare that the word "Chinese" means of the Chinese nation and not the Chinese race belonging to other nations. Whether it was a good argument or not I will not detain the Senate now to consider. I think it was.

I do not repeat this argument simply to antagonize what my friend has said, but simply to point out to him that he is altogether mistaken in the belief that these two judges, whose opinion of this treaty I dare say may have coincided with his—I do not know anything about that—had sanctioned a subterfuge by which a man belongiug to the Chinese nation could go over to another nation and take shipping to our ports. They did nothing of the kind.

Mr. DOLPH. I rose merely to make a suggestion in regard to the remarks of the Senator from Kansas [Mr. INGALLS].

The power to exclude Chinese laborers is one thing; the exercise of the power is another. Before Congress can exercise the power the power must be possessed. Admitting for the sake of argument that

the term "Chinese laborers" includes all persons of the Chinese race without regard to the government to which they may owe allegiance, that it includes those who have become subjects of other powers, still it requires legislation to exercise the power which exists in the Government to exclude such persons under the act of 1882. Undoubtedly that is so after the decision of the judges in Massachusetts as to whether the terms used in the bill, among others the term "Chinese laborer," included citizens of Great Britain who were Chinese by birth. Certainly even if it is true that the words "Chinese laborer" include such persons it will be better to put it beyond controversy in this bill. The provision here that such term shall include "all persons of the Chinese race without regard to the government to which they may owe allegiance," would be surplusage but for the doubt raised by the decision referred to.

I do not see how the question of power arises, because, as I say, the power is one thing and must precede the exercise of it by legislation. It is necessary to have the power in order that the legislation shall come, which is the exercise of it.

Mr. RIDDLEBERGER. I ask that the bill lie over, and that the Senate now proceed to the consideration of executive business.

Mr. SHERMAN. We can get through with the bill very soon.

Mr. RIDDLEBERGER. On the statement that we can get through this evening, I withdraw my motion.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Foreign Relations to the first section.

Mr. MCMILLAN. What is it? Let it be read again.

Mr. SHERMAN. I have explained it.

The amendment was agreed to.

The next amendment of the Committee on Foreign Relations was, in section 3, line 109, after the words "return thereto," to strike out "at any time within two years from the date of the issuance of the certificate, but not afterwards;" so as to read:

At the time the said collector or his deputy issues the preliminary certificate as aforesaid, or as soon thereafter as convenient, he shall make out or cause to be made out the return certificate, which shall be numbered to correspond with the entry of registration and the preliminary certificate, and shall also contain a statement of all the particulars required and entered in the book of registration, and shall certify that the person to whom it is issued is a Chinese laborer; that he was in the United States on the 17th day of November, 1880, or came into the United States prior to the 5th day of August, 1882; that he is about to depart from the United States, and is entitled to return thereto on the presentation and surrender of the said certificate to the collector of customs at the port where he shall again re-enter the United States, subject to the restrictions and limitations hereinafter provided as to the number of Chinese passengers who may come into the United States on any one vessel from any foreign port or place.

The amendment was agreed to.

The next amendment was, after the word "issued," in line 130 of section 3, to strike out the following clause:

That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge any such certificate, or knowingly transfer, utter, or have in possession, with intent to use the same, any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $1,000, and imprisoned in a penitentiary for a term of not more than five years.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to by unanimous consent.

Mr. HOAR. Oh, no; there is no unanimous consent.

Mr. INGALLS. I did not know until this moment that the first amendment on page 2 had been agreed to. I understood the Senator from Minnesota [Mr. MCMILLAN] to ask that the amendment might be again reported.

Mr. HARRISON. He withdrew that request.

The PRESIDING OFFICER. The Senator from Minnesota withdrew that request.

Mr. INGALLS. It seems extraordinary to me that at this hour of the day a bill of this magnitude should be brought in here by an arrangement with a Senator who already had another bill pending and slipped into a crevice of time——

Mr. HOAR. What Senator?

Mr. INGALLS. I am talking about the Senator from Nebraska [Mr. VAN WYCK]. I say slipped into a crevice of time and railroaded through this body, containing provisions as extraordinary and multifarious as these are here. The Senator from Ohio states that he does not desire to renew the discussion of four years ago and accuses the Senator from Massachusetts of knight-errantry, intimating that he is a Don Quixote fighting windmills, and perhaps that I am his Sancho Panza [laughter], because we venture to ask that a great measure of this kind, which I affirm is a disgrace to American civilization, shall not be passed through here without discussion, and the Senator from New Jersey [Mr. SEWELL] who now occupies that chair *sotto voce* suggests, "if there is no objection, this amendment is unanimously agreed to," and nobody knows anything about it. The Senator from Massachusetts, after three or four amendments had been thus agreed to, arises and expresses his surprise that this arrangement is being completed. And I say, sir, that I did not know until this moment of time that that first amendment had been agreed to. The Senator from Nevada [Mr. JONES] says it is my own fault and the Senator from Colorado [Mr. TELLER] echoes him.

Mr. TELLER. Certainly I do.

Mr. INGALLS. It may be my own fault or it may be not. But so far as this bill is concerned it will never pass this body without discussion and without examination and without such protest as those of us who do not believe in its principles see fit to utter; and if there is any disposition to take advantage of the situation, I should like to be heard on that as on the rest of the situation here. I protest, sir, against this method of passing this bill and these amendments.

Mr. EDMUNDS. Mr. President, I will just mention to my friend from Massachusetts and to my friend from Kansas as to this particular amendment on page 8 to strike out the penalty words, that if any Senator will take the trouble to turn to page 13 he will see that in this bill as originally drawn and presented those two clauses were duplicated, and therefore we thought that one clause would certainly be enough. Whether it is a good one or not will come up when we get to it. This amendment of the committee on page 8 is simply to strike out the same provision that appears on page 13, as we thought one would be enough.

Mr. TELLER. Mr. President, I did assent by perhaps my looks to the suggestion that if the Senator from Nebraska [Kansas] did not know that the amendment to the first section had been adopted by the Senate it was his own fault. The Senate were allowed to hear it read from the Secretary's desk in the usual and ordinary method, and everybody heard it that was giving attention and listening. There was no advantage taken of the circumstances of the occasion. The opportunity was as good for the Senators who oppose the bill as for those who are in favor of it to have objected.

I do not intend to detain the Senate at this time of the evening by discussing the bill. If the Senator from Nebraska thinks that the friends of this bill are afraid to discuss it, I will——

Several SENATORS. Kansas, you mean.

Mr. TELLER. Yes, the Senator from Kansas.

Mr. INGALLS. If the Senator refers to me I wish he would ascertain my location. I represent the State of Kansas. It lies south of Nebraska, and I protest against being dislocated in this way. [Laughter.] This is the second time the Senator has referred to me as "the Senator from Nebraska," and of course I can not reply to arguments addressed to the Senator from Nebraska.

Mr. TELLER. I will give the Senator an opportunity; I will try to locate the Senator; but he has a method according to what they call out West "sloshing around," so that sometimes we can hardly locate the Senator. [Laughter.]

If the Senator from Kansas, the senior Senator from Kansas, thinks the friends of this bill are afraid to discuss it in the presence of this Senate, in the presence of the people of the United States, in the presence of the people of the world, he does not understand their temper.

He says the bill is a disgrace to American civilization. Why, Mr. President, there is not a nation in the world, there is not a nation in the history of the earth, that has not asserted this very principle which we are asserting here to-day—the right to exclude from its borders everybody that its people believed was inimical or injurious to the welfare of its public.

The Senator from Massachusetts says that he does not intend that this bill shall pass without a prote... He goes back and says it is in principle the same as the great controversy before the war, and then he says that if it was not for the purpose of getting votes nobody here would be in favor of this bill. Mr. President, four years ago this matter was fully and freely discussed in the Senate, and public sentiment everywhere in the United States was almost unanimously with the friends of this bill; and I say to the Senator from Massachusetts that there is not a State in the Union, Massachusetts not excepted, that can be carried on the platform which he lays down by any political party or by them all. He who denies to his Government the right to say who shall land upon its shores denies the prerogative that is necessary to the existence, to the supremacy, to the welfare of a nation, and the nation is not worth preserving that does not exercise that right whenever the interest of its people demands its exercise.

Mr. President, it is not a question of sentiment; it is a practical question; it is a question whether the American laborer is to be put in competition with the four hundred and fifty millions of people on the Asiatic coast that can be landed on our shores for $10 per head.

The honorable Senator from Kansas and the honorable Senator from Massachusetts are in favor, they tell us, of protecting American labor by means of revenue laws against the pauperized labor of Europe; but they deny our right to protect the American citizen and the American laborer against what is the more than pauperized labor of Asia. They deny the right to protect our laborers against a people who can come here and subsist on starvation wages. By many hundreds of years of training and of discipline, "the survival of the fittest" being applied to them, they are a people who, starved for centuries, can live upon that which every American citizen would go to the grave upon; they can live upon less food and with less clothing; they have neither houses nor homes, nor families. They come here in numbers to be brought into competition with our people; and when the men who are laboring in this country and looking for labor in vain complain that they are brought in competition with this class of servile labor, the

Senator from Kansas and the Senator from Massachusetts declare it is a disgrace to American civilization that we should by law do what they have asked us to do in the interest of the great manufacturing communities of the East. Protect labor they say, protect it against the intelligent Englishman, but do not protect it against the debased, the uneducated, and the servile Chinese!

Mr. President, nobody in this country has a greater admiration than I for the principle enunciated early that this should be the home of every man who desired to better his condition; but do these men come here for that purpose? Do they come here to make a home? Do they bring their wives? Do they raise their children? Do they participate in society? Do they do anything that goes to build up the nation? No; they are tramps coming here to take the bread from our own laborers, to destroy prosperity on the Pacific coast and all over the land, and the people who are to-day in want and in distress because of the stagnation in business appeal to us, and yet we are met with the cry that the great cause of humanity demands that they should starve and come in competition with men who can live upon what our people can not, that men who have neither houses nor homes nor families nor children in this country shall be preferred to those who are furnishing to this nation the bone and the sinew, the glory and the strength of the land, the men who labor.

Mr. President, I do not intend to sit here and listen quietly to either the Senator from Kansas or the Senator from Massachusetts hurling at me any imputations that I am less loyal to the principles of freedom than they. I believe I am as loyal to those principles as anybody. To all who come here to share the glories and advantages of this country, to become a part and parcel of it, I shall open broad the doors and welcome them, but for those who come here only that they may take of our wealth and return with it to another land, there to bestow it upon another people and upon a different civilization, I have no sympathy. No principle of humanity, no principle of freedom, no principle of generosity requires me to say that they are entitled to come either in great numbers or small numbers to our shores except as they come for the purpose I first mentioned.

Mr. SHERMAN. Mr. President——

Mr. RIDDLEBERGER. I ask the Senator from Ohio, inasmuch as I was mistaken, or led into a mistake, to yield to me that I may make my motion.

Mr. SHERMAN. Let me say a few words, and then I shall yield the floor.

Mr. RIDDLEBERGER. The time will go beyond the hour when we can have an executive session.

Mr. SHERMAN. I shall say but a few words.

I called up the bill to-day because of the advancing stage of the session. The bankruptcy bill was put over until next Tuesday, and it is likely that it will occupy a considerable part of the time. We know that we have all the appropriation bills to follow, with many other important measures which we must pass upon. I believe that this bill will be voted for by nine-tenths of the Senators present, and perhaps by all; I hope by all. It is a bill which has been carefully analyzed and examined by the Committee on Foreign Relations, who are familiar with the whole subject-matter. It was reported from that committee unanimously. The subject has been favorably treated in the other House in harmony with the present existing law.

I called the bill up by an arrangement, as the Senator from Kansas [Mr. INGALLS] termed it; that is, I requested the Senator from Nebraska [Mr. VAN WYCK] who had charge of the railroad-tax bill to allow me to take up the bill, and I also requested the Senator from Oregon [Mr. DOLPH] to yield the floor, stating that I hoped to pass the bill to-night. I do think it ought to pass to-night; but if any Senator wishes to discuss it further I shall not press it at this time; and the Senator from Kansas has already said that he desires to look into it. I do not desire to press it under those circumstances. I therefore ask that the bill may retain its place as a special order and I shall take some future opportunity to call it up, and then these gentlemen may make their speeches upon it. Probably next week I shall ask unanimous consent to consider it. I ask that an agreement be made that the bill shall retain its place as a special order.

The PRESIDING OFFICER. That will be the order if there be no objection. The Chair will remind the Senator from Ohio that a special order has been made for next Tuesday, the public land bill.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. I ask that the bill which was under consideration before the Chinese bill was taken up may be laid before the Senate.

Mr. SHERMAN. Yes; the unfinished business is the bill with respect to taxing railroad lands.

Mr. HARRIS. It was informally laid aside.

Mr. RIDDLEBERGER. I made a suggestion a while ago in good faith, believing that the suggestion would be carried out. The Senator from Kansas has given notice that he will discuss the Chinese bill further. I therefore renew my motion that the Senate proceed to the consideration of executive business.

Mr. HOAR. Will the Senator from Virginia allow me to offer an amendment to the pending bill to be printed?

Mr. EDMUNDS. Pending the motion to proceed to the consideration of executive business, I move that the Senate do now adjourn.

Mr. RIDDLEBERGER. Will the Senator from Vermont yield for an instant before his motion is put? I wish to suggest that I shall ask the Senate to-morrow evening at a reasonable hour to proceed to the consideration of executive business.

Mr. HOAR. To-morrow has been set apart for another purpose.

Mr. RIDDLEBERGER. Then I shall ask that it be done at the next sitting of the Senate after to-morrow.

Mr. HOAR. The Senator from Vermont yields to me that I may submit an amendment to Senate bill 1812, which I move as an additional section to the bill. I ask that it may be received and considered as the pending amendment, and that it be printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. EDMUNDS. Whether it will be the pending amendment depends upon whether another amendment is now up.

The PRESIDING OFFICER. The Chair hears no objection, and the amendment of the Senator from Massachusetts will be received as pending, and printed.

Mr. EDMUNDS. What is the pending bill now, may I ask?

The PRESIDING OFFICER. The pending bill will be read by its title.

The CHIEF CLERK. "A bill (S. 1812) to provide for the taxation of railroad-grant lands, and for other purposes."

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 27, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 26, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

TRANSPORTATION OF MINOR COIN.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, recommending an appropriation of $5,000 for the transportation of minor coin; which was referred to the Committee on Appropriations, and ordered to be printed.

S. H. BRODNAX VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of order and findings of fact in that court in the case of S. H. Brodnax against the United States; which was referred to the Committee on War Claims.

MRS. MARIA HUNTER.

The SPEAKER also laid before the House the bill (H. R. 7167) for the relief of Mrs. Maria Hunter, with an amendment by the Senate.

Mr. SMALLS. I move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *May* 24, 1886.

Resolved, That the bill (H. R. 7167) do pass with the following amendment: In lines 5 and 6, strike out "$600 per annum" and insert "$50 per month."

The amendment was agreed to.

BILLS REFERRED.

The SPEAKER also laid before the House the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, with amendments by the Senate; which was referred to the Committee on Public Lands, and, with the amendment of the Senate, ordered to be printed.

The SPEAKER also laid before the House the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, with amendments by the Senate; which was referred to the Committee on Appropriations, and, with the Senate amendments, ordered to be printed.

The SPEAKER also laid before the House the following Senate bills; which were severally read twice, and referred as follows:

The bill (S. 859) granting a pension to Charlotte O'Neal—to the Committee on Invalid Pensions.

The bill (S. 2026) granting a pension to Wallis Pattee—to the Committee on Invalid Pensions.

The bill (S. 2075) granting a pension to Jackson Chapman—to the Committee on Invalid Pensions.

The bill (S. 2132) granting a pension to Fridoline Glastetter—to the Committee on Invalid Pensions.

The bill (S. 2180) granting an increase of pension to William Wallace Young—to the Committee on Invalid Pensions.

The bill (S. 2197) granting a pension to Henry Daner—to the Committee on Invalid Pensions.

The bill (S. 2198) granting a pension to Charles Brunbridge—to the Committee on Invalid Pensions.

The bill (S. 2118) for the relief of Lucy A. Washburn—to the Committee on Invalid Pensions.

The bill (S. 2220) granting a pension to James A. Mathes—to the Committee on Invalid Pensions.

The bill (S. 2228) granting a pension to Samuel F. Rowe—to the Committee on Invalid Pensions.

The bill (S. 2233) granting a pension to John P. McElroy—to the Committee on Invalid Pensions.

The bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg—to the Committee on Invalid Pensions.

The bill (S. 2053) for the Relief of Chester A. Arthur and William H. Robertson, late collectors of customs of the district of the city of New York—to the Committee on Claims.

The bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service—to the Committee on Invalid Pensions.

The bill (S. 898) granting a pension to William A. Penfield—to the Committee on Invalid Pensions.

The bill (S. 1112) granting a pension to Phœbe H. Meech—to the Committee on Invalid Pensions.

The bill (S. 1181) granting a pension to Margaret E. Pierce—to the Committee on Invalid Pensions.

The bill (S. 1421) granting a pension to William H. Weaver—to the Committee on Invalid Pensions.

The bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler—to the Committee on Invalid Pensions.

The bill (S. 1493) for the relief of Jesse H. Strickland—to the Committee on Invalid Pensions.

The bill (S. 1626) granting a pension to John Reed, sr.—to the Committee on Invalid Pensions.

The bill (S. 1627) granting a pension to Mrs. M. C. Miles—to the Committee on Invalid Pensions.

The bill (S. 1635) granting a pension to John Rasler—to the Committee on Invalid Pensions.

The bill (S. 1642) granting a pension to William F. Harmon—to the Committee on Invalid Pensions.

The bill (S. 1654) granting a pension to Joseph Mays—to the Committee on Invalid Pensions.

The bill (S. 1673) granting a pension to Charles G. Paris—to the Committee on Invalid Pensions.

The bill (S. 1766) granting a pension to William Brentano—to the Committee on Invalid Pensions.

The bill (S. 1779) for the relief of John P. Taylor—to the Committee on Invalid Pensions.

The bill (S. 1783) granting an increase of pension to George Bliss—to the Committee on Invalid Pensions.

The bill (S. 1844) granting a pension to Orrin P. Cooley—to the Committee on Invalid Pensions.

The bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide—to the Committee on Invalid Pensions.

The bill (S. 1853) granting a pension to Isabella Jessup—to the Committee on Invalid Pensions.

The bill (S. 1960) granting a pension to James W. McCroskey—to the Committee on Invalid Pensions.

The bill (S. 1999) to establish an additional land district in the State of Oregon—to the Committee on the Public Lands.

The bill (S. 2009) granting a pension to David A. Ireland—to the Committee on Invalid Pensions.

The bill (S. 2028) granting a pension to E. S. Bishop—to the Committee on Invalid Pensions.

The bill (S. 2039) granting a pension to Ira Miller—to the Committee on Invalid Pensions.

The bill (S. 2046) granting a pension to Elizabeth Marshall—to the Committee on Invalid Pensions.

The bill (S. 2098) for the relief of Rosella E. Hibbert—to the Committee on Invalid Pensions.

The bill (S. 2111) granting a pension to Jacob Smith—to the Committee on Invalid Pensions.

The bill (S. 2129) granting an increase of pension to John W. Wills—to the Committee on Invalid Pensions.

The bill (S. 2130) granting an increase of pension to John C. Miles—to the Committee on Invalid Pensions.

The bill (S. 2147) granting a pension to George Faulk—to the Committee on Invalid Pensions.

The bill (S. 2151) to pension Bartola Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850—to the Committee on Pensions.

The bill (S. 2159) granting a pension to Mrs. Almira Ambler—to the Committee on Invalid Pensions.

The bill (S. 2160) granting a pension to Mary J. Hagerman—to the Committee on Invalid Pensions.

The bill (S. 2163) granting a pension to Powhattan B. Short—to the Committee on Invalid Pensions.

The bill (S. 2183) granting a pension to Hiram R. Ellis—to the Committee on Invalid Pensions.

The bill (S. 2229) for the relief of William C. Shimonech—to the Committee on Invalid Pensions.

The bill (S. 2253) granting a pension to Elizabeth Sirwell—to the Committee on Invalid Pensions.

The bill (S. 2255) granting a pension to Patrick Finagan—to the Committee on Invalid Pensions.

The bill (S. 2333) granting a pension to Byron R. McIntyre—to the Committee on Invalid Pensions.

The bill (S. 2334) granting a pension to Isaac Ransom—to the Committee on Invalid Pensions.

The bill (S. 2335) for the relief of the heirs of Malitty Rose—to the Committee on Claims.

REPORT ON ALASKA.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska by E. W. Nelson be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

REPORT OF COMMISSIONER OF LABOR.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That 30,000 additional copies of the first annual report of the Commissioner of the Bureau of Labor be printed; 8,000 for the use of the Senate, 16,000 for the use of the House of Representatives, and 6,000 for the use of the Commissioner of said bureau.

FORTIFICATIONS AND COAST DEFENSES.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That 7,500 additional copies of the report of the board of fortifications or other coast defenses be printed; 2,000 for the use of the Senate, 4,000 for the use of the House of Representatives, 500 for the War Department, and 1,000 for the Navy Department.

BILL RETURNED TO SENATE.

The SPEAKER also laid before the House the following request:

IN THE SENATE OF THE UNITED STATES, *May* 25, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 356) granting a pension to Samuel Hanson.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. RICE, for one week, on account of important business.

To Mr. REID, of North Carolina, indefinitely, on account of important business.

To Mr. GLOVER, for ten days, on account of important business.

To Mr. BINGHAM, for the remainder of this week, on account of important business.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled Senate bills of the following titles; when the Speaker signed the same:

A bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;"

A bill (S. 327) granting a pension to James O'Shea;

A bill (S. 767) for the relief of John Leathers;

A bill (S. 788) granting a pension to John L. Bruce;

A bill (S. 789) granting a pension to John S. Williams;

A bill (S. 895) granting a pension to Rachel Flemming Cellar;

A bill (S. 1124) granting a pension to William Bethuren;

A bill (S. 1169) granting a pension to John S. Bridges;

A bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;

A bill (S. 1257) granting a pension to Henry Shively;

A bill (S. 1348) granting a pension to Sarah E. Henry;

A bill (S. 1357) granting a pension to Sarah A. Thomas;

A bill (S. 1726) granting a pension to Augustus Fields Stevens;

A bill (S. 1770) granting a pension to J. H. Thornburg;

A bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett; and

A bill (S. 2136) for the relief of Edward Fenlon.

Mr. NEECE, from the Committee on Enrolled Bills, also reported that they had examined and found duly enrolled House bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3753) granting a pension to John D. James;

A bill (H. R. 3778) granting an increase of pension to Alonzo Maynard;
A bill (H. R. 6502) granting a pension to Lucy Ann Drew;
A bill (H. R. 4884) granting a pension to Rose A. McManus;
A bill (H. R. 3321) for the relief of Samuel C. Fisher;
A bill (H. R. 3741) granting a pension to Emeline Roberts;
A bill (H. R. 4905) granting a pension to Aaron C. Johnson;
A bill (H. R. 4903) granting a pension to Christian Smarzo;
A bill (H. R. 4134) for the relief of Margaret Callanan;
A bill (H. R. 4977) granting a pension to James N. Hair;
A bill (H. R. 2070) granting a pension to William Paugh;
A bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States;
A bill (H. R. 1252) granting a pension to Eugenia A. Smalley;
A bill (H. R. 1106) granting a pension to Mary B. Carll;
A bill (H. R. 601) granting a pension to Alonzo V. Richards;
A bill (H. R. 556) granting a pension to Bridget Sherlock;
A bill (H. R. 699) granting a pension to Mrs. Honorah Maloney;
A bill (H. R. 4586) for the relief of Nathan Hildabrant;
A bill (H. R. 607) granting a pension to Jannet E. B. Smith;
A bill (H. R. 3287) for the relief of Silas Corzatt;
A bill (H. R. 473) granting a pension to William Boone;
A bill (H. R. 5085) for the relief of Mary Hill;
A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;
A bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes;
A bill (H. R. 5937) granting a pension to Sarah Gregg; and
A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins.

FREE SHIP BILL.

Mr. HAMMOND. Mr. Speaker, by an order of the House adopted some weeks ago, the previous question was to be considered as ordered at 4 o'clock to-day on the free-ship bill, which was partly argued on each side on Saturday last, and for the consideration of which yesterday and to-day were set apart. After consultation with the chairman of the committee [Mr. DUNN], the gentleman from Maine [Mr. DINGLEY], and the gentleman from Missouri [Mr. HATCH], who has charge of the business now pending, I ask to submit for present consideration the resolution which I send to the desk.

The SPEAKER. The gentleman from Georgia asks unanimous consent to submit for immediate consideration a resolution which will be read.

The Clerk read as follows:

Whereas the House has devoted yesterday, and wishes to devote this day, to business other than House bill 7219, commonly known as "the free-ship bill," which was set for those days by a previous order:

Resolved, That said order be a continuous order, but for one day only, to begin immediately after the reading of the Journal, and that the previous question be considered as ordered at 4 o'clock p. m. of that day.

Mr. O'NEILL, of Pennsylvania, and others. What day?

Mr. HAMMOND. There is no day fixed. We will accommodate ourselves to other matters.

Mr. HATCH. I think the proposition of the gentleman from Georgia is eminently fair and proper.

The SPEAKER. Is there objection?

Mr. BRAGG. I object. I will state to the gentleman from Georgia the ground of my objection. The previous order in reference to this bill operated only after the call of committees for the consideration of bills, and the Committee on Military Affairs will be next called during that consideration hour.

Mr. HAMMOND. But we give up one day to which we were entitled under the previous order. We will not interfere with the business of the gentleman's committee.

Mr. BRAGG. With that understanding I am willing to withdraw the objection.

Mr. HAMMOND. Mr. Speaker, the objection is withdrawn.

Mr. COBB. I object.

Mr. DUNHAM. I wish to say that I agree with the gentleman from Missouri that this is an eminently fair proposition.

Subsequently the following proceedings took place:

Mr. HAMMOND. The gentleman from Indiana [Mr. COBB] now desires to withdraw his objection.

Mr. COBB. I do so, with the understanding between the gentleman and myself that he will not interfere with the land-grant forfeiture bills.

The SPEAKER. Is there further objection?

Mr. TOWNSHEND. Let the resolution be read.

The SPEAKER. It has been read, but if there be no objection the Clerk will report it again.

The resolution was again read.

Mr. TOWNSHEND. Does that interfere with the consideration of appropriation bills?

Mr. HAMMOND. No; it will not.

The SPEAKER. The resolution reads "immediately after the reading of the Journal."

Mr. DUNHAM. By the terms of the order it might interfere with appropriation bills.

The SPEAKER. Is there objection to the consideration of the resolution?

There being no objection, the House proceeded to consider the resolution; and it was agreed to.

Mr. HAMMOND moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I rise to make a privileged report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 5887, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, having met, after full and free conference have been unable to agree.

JAMES H. BLOUNT,
J. M. RIGGS,
HENRY H. BINGHAM,
Managers on the part of the House.
P. B. PLUMB,
JAMES B. BECK,
WILLIAM MAHONE,
Managers on the part of the Senate.

Mr. BLOUNT. I move that this report be accepted.

The SPEAKER. If there be no objection the report will be accepted.

There was no objection.

Mr. BLOUNT. I move that the House insist on its disagreement to the amendments of the Senate, and request a further conference.

The SPEAKER. If there is no objection that order will be made. The Chair hears none.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. COX, from the Committee on Foreign Relations, reported a joint resolution (H. R. 178) to print Wharton's Digest of International Law; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably a resolution fixing a day for the consideration of the bill (H. R. 6664) to increase the naval establishment; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CLARA L. PREUSS.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 921) granting a pension to Clara L. Preuss; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed

CHARLES RIDDLE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6952) granting a pension to Charles Riddle; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES F. SALYERS.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3948) granting a pension to James F. Salyers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS S. DUVALL.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 887) granting a pension to Thomas S. Duvall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSIAH MAHONEY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4265) granting a pension to Josiah Mahoney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY RENFRO.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2358) granting a pension to Mary Renfro; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB S. BIDDLE.

Mr. CAMPBELL, of Pennsylvania, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABEL MISHLER, OF PENNSYLVANIA.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD COLEMAN.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8351) for the relief of Edward Coleman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE WATERS.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 325) granting a pension to Catharine Waters; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7460) for the relief of Barnet S. Van Buren; and

A bill (H. R. 5944) for the relief Daniel Lannon.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue; and pending that motion, I move that all general debate on the pending bill be limited to one minute.

Mr. DUNHAM. I move to strike out "one minute" and insert "two hours."

Mr. BRECKINRIDGE, of Arkansas. And I move an amendment to the amendment, to insert "four hours" instead of "two hours."

The amendment to the amendment was disagreed to.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. My parliamentary inquiry is this: Have gentlemen who have exhausted themselves on this subject already the right to vote on this question? [Laughter.]

The SPEAKER. The Chair thinks they have.

Mr. BROWNE, of Indiana. Are they not interested under the rules? [Renewed laughter.]

The question recurred on Mr. DUNHAM'S amendment.

The House divided; and there were—ayes 47, noes 83.

Mr. DUNHAM. As this is an important question I think we should have a quorum.

The SPEAKER. The gentleman from Illinois makes the point of no quorum; and the Chair will appoint Mr. DUNHAM and Mr. HATCH as tellers.

The House again divided; and the tellers reported—ayes 48, noes 117.

So the amendment was disagreed to.

Mr. HATCH. I demand the previous question on my motion to close the general debate in one minute.

Mr. BROWNE, of Indiana. I demand a division.

The House divided; and there were—ayes 98, noes 20.

Mr. BROWNE, of Indiana. I make the point of no quorum unless the gentleman will allow me to move an amendment limiting debate to one hour.

Mr. HATCH. Regular order.

The SPEAKER appointed as tellers Mr. BROWNE, of Indiana, and Mr. HATCH.

The House again divided; and the tellers reported—ayes 117——

Mr. DUNHAM. It is announced that no quorum is voting, and I would ask whether it is in order for me to move there be a call of the House?

The SPEAKER. The House is dividing and the announcement has not yet been made.

Mr. DUNHAM. I understood the announcement to be made that no quorum had voted.

The SPEAKER. There has been no formal announcement of the vote. The tellers report—ayes 149, noes 7; no quorum.

Mr. DUNHAM. I move there be a call of the House.

Mr. HATCH. At the same time I demand the yeas and nays on my motion.

The SPEAKER. Does the gentleman from Illinois insist on his motion that there be a call of the House?

Mr. DUNHAM. I do.

The motion was disagreed to.

Mr. HATCH. I insist on my demand for the yeas and nays on my motion to close debate in one minute.

The question was taken; and it was decided in the affirmative—yeas 181, nays 54, not voting 87; as follows:

YEAS—181.

Adams, J. J.	Eldredge,	Laffoon,	Rowell,
Allen, C. H.	Ermentrout,	Landes,	Ryan,
Allen, J. M.	Everhart,	Libbey,	Sadler,
Anderson, C. M.	Farquhar,	Lindsley,	Sawyer,
Anderson, J. A.	Findlay,	Louttit,	Scott,
Atkinson,	Fleeger,	Lovering,	Scranton,
Ballentine,	Ford,	Lowry,	Seney,
Barbour,	Forney,	Lyman,	Sessions,
Barksdale,	Frederick,	Martin,	Seymour,
Barry,	Fuller,	McAdoo,	Shaw,
Bayne,	Gallinger,	McCreary,	Singleton,
Beach,	Gibson, Eustace	McKenna,	Skinner,
Bennett,	Glass,	McKinley,	Smalls,
Bland,	Goff,	Merriman,	Sowden,
Bound,	Green, W. J.	Millard,	Springer,
Boutelle,	Grosvenor,	Milliken,	Stahlnecker,
Boyle,	Grout,	Moffatt,	Stephenson,
Brady,	Hale,	Morgan,	Stewart, Charles
Bragg,	Hall,	Morrill,	Stewart, J. W.
Breckinridge, WCP.	Halsell,	Morrow,	Stone, E. F.
Buchanan,	Hammond,	Neal,	Stone, W. J., Ky.
Bunnell,	Harris,	Neece,	Storm,
Burrows,	Hatch,	Negley,	Strait,
Butterworth,	Heard,	Nelson,	Struble,
Caldwell,	Henderson, D. B.	Norwood,	Swope,
Campbell, Felix	Henderson, J. S.	O'Ferrall,	Symes,
Campbell, J. M.	Henderson, T. J.	Osborne,	Tarsney,
Candler,	Hepburn,	Owen,	Taylor, I. H.
Cannon,	Herman,	Parker,	Taylor, J. M.
Carleton,	Hewitt,	Payne,	Taylor, Zach.
Cobb,	Hiestand,	Payson,	Thomas, O. B.
Comstock,	Hill,	Peel,	Wade,
Conger,	Hires,	Perkins,	Wakefield,
Cooper,	Hiscock,	Peters,	Ward, T. B.
Cowles,	Hitt,	Pettibone,	Weaver, A. J.
Cox,	Holman,	Phelps,	Weaver, J. B.
Crisp,	Hopkins,	Pidcock,	Weber,
Croxton,	Howard,	Plumb,	Wheeler,
Curtin,	Hudd,	Price,	White, A. C.
Cutcheon,	Jackson,	Randall,	White, Milo
Dawson,	James,	Reagan,	Whiting,
Dockery,	Johnston, J. T.	Reese,	Wilkins,
Dorsey,	Johnston, T. D.	Richardson,	Wolford,
Dougherty,	Ketcham,	Riggs,	Worthington.
Dowdney,	King,	Rockwell,	
Dunn,	Kleiner,	Romeis,	

NAYS—54.

Adams, G. E.	Dargan,	Lehlbach,	Throckmorton,
Barnes,	Davidson, R. H. M.	Mahoney,	Tillman,
Blanchard,	Dunham,	McMillin,	Townshend,
Bliss,	Gay,	McRae,	Tucker,
Blount,	Geddes,	Miller,	Turner,
Breckinridge, C. R.	Hemphill,	Morrison,	Van Eaton,
Browne, T. M.	Herbert,	Oates,	Wadsworth,
Brown, C. E.	Irion,	O'Neill, Charles	Warner, William
Brown, W. W.	Johnson, F. A.	Outhwaite,	Wellborn,
Brumm,	Jones, J. H.	Perry,	Wilson,
Cabell,	Kelley,	Sayers,	Wise,
Catchings,	La Follette,	Spooner,	Woodburn.
Culberson,	Lanham,	St. Martin,	
Daniel,	Lawler,	Taulbee,	

NOT VOTING—87.

Aiken,	Dingley,	Jones, J. T.	Rice,
Arnot,	Eden,	Laird,	Robertson,
Baker,	Ellsberry,	Le Fevre,	Rogers,
Belmont,	Ely,	Little,	Snyder,
Bingham,	Evans,	Long,	Spriggs,
Buck,	Felton,	Lore,	Steele,
Burleigh,	Fisher,	Markham,	Stone, W. J., Mo.
Burnes,	Foran,	Matson,	Swinburne,
Bynum,	Funston,	Maybury,	Taylor, E. B.
Campbell, J. E.	Gibson, C. H.	McComas,	Thomas, J. R.
Campbell, T. J.	Gilfillan,	Mills,	Thompson,
Caswell,	Glover,	Mitchell,	Trigg,
Clardy,	Green, R. S.	Muller,	Van Schaick,
Clements,	Guenther,	Murphy,	Viele,
Cole,	Hanback,	O'Donnell,	Wait,
Collins,	Harmer,	O'Hara,	Ward, J. H.
Compton,	Hayden,	O'Neill, J. J.	Warner, A. J.
Crain,	Haynes,	Pindar,	West,
Davenport,	Henley,	Pirce,	Willis,
Davidson, A. C.	Holmes,	Ranney,	Winans.
Davis,	Houk,	Reed, T. B.	
Dibble,	Hutton,	Reid, J. W.	

So the previous question was ordered.

On motion of Mr. RICHARDSON, by unanimous consent the reading of the names was dispensed with.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. CAMPBELL, of Ohio, with Mr. GUENTHER.

Mr. REID, of North Carolina, with Mr. RICE.

Mr. CLEMENTS with Mr. HOLMES.

Mr. BURNES with Mr. CASWELL.

Mr. GIBSON, of Maryland, with Mr. HAYDEN.

Mr. HUTTON with Mr. PIRCE.

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.

Mr. WAIT with Mr. EDEN.

Mr. BYNUM with Mr. MCKENNA.

On the oleomargarine bill:

Mr. WINANS with Mr. HOUK.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. JONES with Mr. BURLEIGH.

Mr. ROBERTSON with Mr. ELY.

Mr. FORAN with Mr. LONG.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. CALDWELL with Mr. BAKER.

Mr. DIBBLE with Mr. LITTLE, until further notice; also upon this bill. If present, Mr. DIBBLE would vote "no" on the bill.

Mr. ARNOT with Mr. DAVIS, until further notice. If present, Mr. ARNOT would vote for, and Mr. DAVIS against, the pending bill.

Mr. TRIGG with Mr. BINGHAM, for this day.

Mr. GREEN, of New Jersey, with Mr. BUCK.

Mr. MULLER with Mr. DAVENPORT.

Mr. CRAIN with Mr. MARKHAM.

Mr. WARNER, of Ohio, with Mr. KETCHAM.

Mr. PINDAR with Mr. MITCHELL, on this bill. If present, Mr. PINDAR would vote "ay," Mr. MITCHELL "no."

Mr. ELY. I wish to state, Mr. Speaker, that if not paired I should have voted "ay" on this question.

The result of the vote was then announced as above recorded.

The question recurring on the motion to limit general debate to one minute, the motion was agreed to

Mr. HATCH. Before the motion is put that the House go into Committee of the Whole I desire to ask unanimous consent that gentlemen who desire to do so may have leave to print in the RECORD upon this bill.

There was no objection, and it was so ordered.

IMITATION DAIRY PRODUCTS.

The motion that the House resolve itself into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills for raising revenue. The business under consideration is the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. By order of the House, all general debate upon the bill is limited to one minute.

Mr. HATCH. I present a telegram which I send to the desk, and ask to have read as a reply to the telegram forwarded to the Clerk's desk by the gentleman from Illinois [Mr. DUNHAM] yesterday.

The Clerk read as follows:

CHICAGO, *May* 26, 1886.

Col. W. W. HATCH,
House of Representatives:

Protest of several hundred members Chicago Board of Trade against action of directory favoring bogus butter mailed you last night. More to come.

R. M. LITTLE.

The CHAIRMAN. The Clerk will report the bill by sections.

The Clerk read as follows:

Be it enacted, &c., That for the purposes of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

Mr. BAYNE addressed the Chair.

Mr. BROWN, of Pennsylvania. Are amendments now in order?

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania on the left [Mr. BAYNE].

Mr. BAYNE. I move to strike out the last word.

Mr. Chairman, I do not want the attitude of Pennsylvania misunderstood with reference to this bill. In my own district there are large manufacturing establishments of butterine, and very worthy people are engaged in that branch of manufacture. But while that is true, I believe the voice of my district and my State is in favor of protecting the dairy interests of this country against competition with this pretended substitute for one of their chief products.

Pennsylvania is the second largest butter-producing State in the Union. New York comes first with 111,000,000 pounds annual production; Pennsylvania comes next, with over 79,000,000 pounds; the State of Ohio comes next, with, I believe, about 67,000,000 pounds, and Iowa next, with about 55,000,000 pounds. It will be seen, therefore, that the great State of Pennsylvania has a larger interest in protecting her dairy products than any other State in the Union, except alone the State of New York.

Now, sir, I believe it to be a high duty to protect the agricultural industries from unfair rivals from within or from without; and I believe it to be our duty to protect the consumers of the country from impositions subject to constitutional jurisdiction. If this bill is to be effective the duty or tax of 10 cents per pound upon this product should be maintained. If it be reduced to 1 cent or to 2 cents per pound, or any much less rate than that named in the bill, I believe the result will be that this butterine or oleomargarine will go upon the tables of the people in spite of law, and that the consumer will not be protected, although the dairy interests may measurably be. I want to have both the dairy interests and the consumers of the country protected from this imposition.

We have heard much of the constitutional aspects of the question presented by this bill from the gentleman from Georgia [Mr. HAMMOND], the gentleman from Texas [Mr. REAGAN], the gentleman from Arkansas [Mr. DUNN], and the gentleman from Virginia [Mr. TUCKER], each of whom has invoked the inhibitions of the Constitution of the United States against the passage of the bill, and each one of whom has lectured the House, this side of the House especially, because they almost unanimously support this measure.

Why, sir, should a lecture come from those gentlemen? It is but a short time ago when each one of those gentlemen regarded this very Constitution as a rope of sand that might be broken at the will of a sovereign State, while we on this side of the Chamber regarded it as a band of steel uniting all sections of the country in indissoluble union, that could not be broken by any means whatever.

I claim that section 8 of Article I of the Constitution empowers us to levy this tax, not only for the purpose of raising revenue, but for the purpose of fostering the dairy interests of the country, or for the purpose of protecting the consumers of the country against imposition or fraud. In other words, I claim that under the Constitution you may levy a tax to protect and to encourage and to foster the industries of this country, and to promote the general welfare; and whatever sticklers for the Constitution may say, that principle has been asserted from the beginning by the friends of the Constitution, and was decided most emphatically by the arbitrament of arms; because that was the question involved in our great civil contest.

And I am glad to observe the accessions to the ranks of the protectionists which the promotion of this bill is evolving. The purpose of this bill is to protect the dairymen and the consumers, and I, as a protectionist of all the industries of the country, gladly welcome our new friends.

I do not anticipate any troublesome amount of revenue from this measure. We do not want revenue. Nor do I wish to extinguish the business of the manufacturers of oleomargarine. I desire, however, that they may succeed in building up a large export trade. It is claimed by a good many people that we need foreign markets for our surplus products. I should like to have oleomargarine find a foreign market. It will suit the South American States. It is less liable, I am told, to become rancid than genuine butter. If that be so, the South American States, having a warm climate and people with not overrefined tastes, are the natural markets for this product.

But we have been told that the workingmen and working women will be the sufferers from this tax. That is a mistake. It has been shown by one of the gentlemen [Mr. PRICE] of the Committee on Agriculture that the price of butter has gone up; but the number of dairies has run down since the production in large quantities of oleomargarine. The simple truth is, that the oleomargarine business is driving the dairy business out of existence. It is a slow operation, but a sure one; and it is analogous to the financial axiom that bad money will drive out good money. After the large manufacturers of this product would get control of the market they could and would fix prices to suit themselves. The man, therefore, who says that this bill is inimical to the working people misapprehends the situation. Besides, are not the dairymen, the farmers, working people? They compose upward of 60 per cent. of our working people, and no people work harder. Shall they be deprived of the opportunity of producing the 800,000,000 pounds of butter that now yearly comes from their hands?

I say no, and the workingmen and working women in all the trades and branches of industry will say no.

But why should this argument be used at all by the opponents of this bill? Is it supposed that the working people will prefer oleomargarine to genuine butter? Are not their palates just as sensitive as that of the man of large means?

The workingmen of Pennsylvania, whether in the field or in the mill or in the mine, will not thank their self-constituted advocates for maintaining such position.

Let us have genuine butter, genuine dollars, and genuine dealings in all things.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. Mr. Chairman, this is the first time, within my experience at least, where protection has been invoked in favor of one domestic industry against another.

Mr. MORRISON. Oh, Lord! that is what it is all for.

Mr. BROWNE, of Indiana. I am a protectionist, but I have been, so far as my votes are concerned, in favor of protecting American industries against the invasion of the foreign products of cheap labor. Now, if this bill be intended simply to raise revenue, no man, I presume, will question its constitutionality. Is that its purpose? Will any gentleman who favors it assert it to be such? Why, sir, if that is its object, why impose a tax of 10 cents a pound on oleomargarine? Is it necessary? Has it been demanded? Has anybody petitioned for it with that view? Do the gentlemen who advocate the measure believe it to be a revenue measure? Are they not proceeding, so far as that is concerned, upon false pretenses? Certainly; nobody doubts it. How then is it? Is it for the purpose of protecting the consumer from a

spurious article? Certainly not; because it does not discriminate between that which is clean and pure and healthy and a lawful food product and that which is deleterious to the public health.

Does any gentleman upon this floor controvert the proposition so abundantly established that oleomargarine may be made pure, and clean, and healthful, and that it is a food product which people may lawfully make and buy; that when used is not injurious to individual health? Does anybody doubt it? If that be true, why is it, if gentlemen are simply concerned about the protection of the public health and the protection of the consumer from buying a spurious or deleterious article—why is it that the tax is not imposed upon that which is uncleanly or unhealthful?

Why is it that you propose to tax out of existence an article that may be legally made and that is lawful, an industry that is legal, an industry in which the people or some portion of them are legally engaged, an industry in which the people or a portion of them have invested their capital? Why is it you propose to tax it in the interest of other industries which are simply healthful and lawful and produce an article which is a legitimate article of commerce? Why is it, gentlemen, that you do not make this discrimination? For the reason, I apprehend, that you desire to destroy an industry. Oh, but it is said you desire to give the people an opportunity of knowing what they buy! You do not want them deluded into the belief that they are buying butter when they are buying butterine or oleomargarine.

Now, if that be the purpose of this bill I am willing to assist in its passage. But if that be your purpose how does it become necessary that you should impose a tax of 10 cents a pound on every pound that may be manufactured? How does it happen that it becomes necessary to impose the enormous license of $600 on every manufacturer and $480 on those who engage in the wholesale business and $48 on those who engage in the retail business?

Oh, you say it is in the line of other taxation. Do we not tax whisky, that costs but 20 cents a gallon in its production, 90 cents? But let me ask you, gentlemen, what American industry is in competition with the whisky industry? What production do you tax out of existence when you impose the tax of 90 cents a gallon on whisky? Is there something else which rises up in competition with it? Name it. Why do we find it necessary to raise revenue by the imposition of this whisky tax? It is, so far as I am concerned, because the revenue is needed, and on the other hand because the article is not a food product but a luxury, the use of which may be dispensed with without injury, whereas if the people desire to buy oleomargarine and butterine, a pure and honest article, in the name of God, personal liberty, and the Constitution have they not the right to buy it?

[Here the hammer fell.]

Mr. GREEN, of North Carolina. Mr. Chairman, as one of the subcommittee of three to which was delegated the duty of draughting the bill under consideration, and which may therefore be regarded as its sponsor, I deem it duty to myself and to the bill to say a word in its behalf.

Starting out with the broad assumption that if a thing is not what it purports to be it is a counterfeit and a fraud, my line of argument will be mainly directed against oleomargarine as filling the bill as such, trusting that the propriety of its suppression, or limitation at least within reasonable bounds, will naturally suggest itself to every honest mind. What is butter? The bill defines it. Will any assert that it can be made out of other substance than cream or milk or both combined? If not, then the resulting product of other substance or combination purporting to be such is a fraud, and should be within the reach of the law no less than a piece of base metal with the Government's impress upon it which claims to be one of Brother Bland's 412½-grain silver dollars.

Let it remove its cap of claim, and my objection to the vile stuff is withdrawn. For I recognize every one's right to eat what he pleases as fully as I claim for myself the correlative right not to eat what I do not please, not to have forced upon me as a genuine article that which my stomach loathes and abominates. But, sir, in this and kindred cases that claim will never be abated except under legal compulsion. Do you ask the reason why? My reply is that the temptation to hold on is more than mercenary greed will willingly surrender. Is it clean, is it pure, is it healthy? Of course public repute and general belief is the basis of verdict. So far, however, from eating it myself, Mr. Chairman, after an insight into the mystery of its manufacture by evidence satisfactory to me I would scruple to give it to my dog. Still I in no wise doubt that I have eaten it time and again under the fond delusion that it was the genuine lacteal derivative, for by trick of chemist detection is almost impossible by taste. Does that militate against objection urged? No; a thousand times no!

I care not how perfect the deception, it is none the less an imposition on dairyman and consumer. Nay, the more perfect the one the greater the other. For, sir, as perfection attains in its manufacture, the easier it is by deodorizing trickery and discoloring process to convert the most repulsive and disgusting ingredients into milk-white lard or kindred substance, and this in turn into most approved oleomargarine, butterine, stearine, or bullerine.

If it is not so, why did not these gentry appear before the Agricultural Committee and make refutal that such things were either possible or at all events practiced? The committee doors were thrown wide open to both sides, and they knew full well that such allegations would be brought. Instead, however, of making their fight there, for reasons best known to themselves they preferred to come before the Committee of the Whole, and under the plea of injured innocence to inundate us with taunts of invidious taxation and protests of boards of trade reflecting upon the committee.

In this connection permit me to say that no measure ever left a committee of this House after a more patient hearing, a more thorough endeavor to arrive at the bottom facts, and a more unanimous indorsement of every clause and provision contained.

True, it was only the Agricultural Committee, unhonored by membership of any great constitutional lawyer, but actuated by laudable purpose and with an eye single to the interests of the great farming class of the land, whose interests it was supposed to have in hand. Representatives of that honorable class from almost every quarter of our great country appeared before us either in person or by proxy or petition, and never was there more unanimity of sentiment in demand of salutary legislation. But no sooner is the bill brought on the floor than it meets the hue and cry of class legislation. Unfortunately, Mr. Chairman, class legislation is no new thing to our statute-book; but alas, it has almost ever been legislation against the class which I represent, and the one my committee represents.

Such, not to speak of our infamous tariff laws of recent years, was the tax on cotton, the tax on tobacco, the tax on the fruits of the earth, and the grain thereof when converted into liquid commodities. Class legislation forsooth! Point me to the tax law this quarter of a century bygone that has not been class legislation, deliberately planned and systematically framed, it would seem, to inure to the detriment of the great controlling but much-enduring class—the class to which I belong—the farming class of the land. I crave pardon, Mr. Chairman; there was a short-lived tax on lordly incomes, but it worked hardship on the commercial millionaire class and so it was set aside.

How long are we to be regaled with this nauseating plea when measures of relief for counter-class comes up? Sir, there is not a more uncompromising stickler for "strict construction" on or off this floor than I claim to be; but I am tired of having my guild construed into drudges and their hard earnings into the national coffers, or worse still, a thousand times worse, into the pockets of moneyed upstarts who spin cotton and roll steel and iron, and reveling in ill-begotten superabundance, sneer upon the farmer class and flaunt their poverty in their face.

And now, when he asks for this poor modicum of relief, when he craves with modest mien that this great, ay, taken in the aggregate this greatest, branch of agricultural industry may not be "swallowed up and lost

> In the wide womb of uncreated night,
> Devoid of sense and being,

he is met with the hackneyed and stereotyped cry of class legislation and constitutional infraction. Down with such sophistry; to the dogs with such quibbling.

The opponents of the measure, driven to the wall to find a peg on which to hang their constitutional objection, undertake to sift the motives of its friends. I humbly submit is it fair or ingenuous warfare? Does it not confer corresponding right on us to do the same with theirs? Taxation not the motive of the measure, but annihilation, they say.

On yesterday we were regaled with the millennium spectacle of the pig-iron lion of Pennsylvania and the free-trade lamb of Virginia (perhaps I should say free-wool lamb) lying down together in blissful accord, scratching each other's back and making love speeches, "*quam familiariter.*" Politics, it is said, make strange bed-fellows, and here we see it. Ye gods and litle fishes, but it was a delicious sight!

But, sir, might we not with equal right intimate that the gentleman from Pennsylvania and his protection following object to seeing taxes levied on legitimately taxable articles, frauds, or luxuries, as he may prefer to class bogus butters, for fear that additional revenue from this source may justify or require a let-up on plowshares, tin pans, domestics, and blankets, not to mention some thousand or two other articles of every day use and prime necessity?

Might we not in like manner be pardoned for harboring the doubt that the other wing of the opposition might possibly be slightly influenced by the laudable ambition to wipe out the entire internal-revenue fabric, and so oppose the addition of an article to the list which most of them concede is as proper subject for tax as those now on it, always presupposing the motive to be revenue and the needs of the Government demanding it. But, sir, I scorn the use of such doubtful weapons.

I do not fancy our internal-revenue system as framed and maintained these many years last past and in the last Congress gave evidence of the fact, but the indications are that it is to be a permanency. If so, inasmuch as tillage has been its victim hitherto, I demand in the name of common justice that the system be made subordinate to its protection to the extent of relief contemplated in this bill. For one I do not even insist upon the retention of the full amount of the tax called for if gentlemen are so fearful of "taxing this new legitimate and thriving industry," or as some prefer to call it rascally swindle, out of ex-

istence. Reduce it if you will, but compel it to sail under its own colors—the black flag of taint and suspicion. Require it to wear its label as a sheep-killing cur does his muzzle, and the mischief being wrought by unjust, unequal, dishonest competition will soon have an end.

Butter can look with sovereign contempt upon its diminutive namesake if you will only brand on his forehead the name he should wear. To do it some tax is essential. Is the demand or the amount extravagant? It does not so appear to me. Those who higgle at its enormity, to be consistent, should assail the tyranny of the Government for suppressing the ancient brotherhood of counterfeiters of coin, note-lifters, and kindred "chevaliers of industry."

The claim set up by its advocates that it is the poor man's butter is, I hold, ridiculously fallacious, whether it be based upon the assumption that it is good enough for such or that it is so adapted on the score of economy. Of course, as it can be made at about one-third of the cost of genuine butter, it might be sold at something like one-half and leave a liberal margin for profit. Presumably when sold at first hand it is so sold. But, sir, by the time it reaches the great army of consumers, with its earmarks left behind and then claiming to be what it is not, the price approximates that of honest butter

Has any one on this floor ever called for it, in laying in his family groceries? Does any flatter himself that he does not get it more or less mixed in with butter, unless he knows his dealer or can trace it to its source? Does he lay the oleaginous unction to his confiding soul that he usually gets true butter at public tables? Mr. Chairman, if the commodity were actually made out of clean and honest fats, as the makers claim it is, it would still be a fraud if sold for what it is not. But when the offal and refuse of the slaughter-house and cattle-yard enter into its fabric, as is generally believed and stoutly maintained, it should be accounted a felony and treated as such whether sold as genuine or imitation butter.

Mr. Chairman, my limited knowledge of natural history recalls but few animals, notably the jackal and turkey-buzzard, that revel in carrion. For one I do not propose to enter the field of dietetic competition against these foul creatures, nor do I intend that my constituents shall, without being forewarned if possible.

If any prefer that sort of diet, none can gainsay them, for there is no accounting for taste. But others, more fastidious, should be permitted to decline the savory meal. Hence, I repeat, this thing should be required to sail under its own name. Why does the plethoric manufacturer object to it? I will tell you why. He knows full well that its name would be its knell; and that his occupation would be gone, or would degenerate to its proper level, that of soap-boiler, if it did. And let me tell you, sir, that he will then have entered upon a more honorable vocation.

Of course it would be a source of regret to a sympathizing world if great constitutional sticklers and lawmakers, impecunious city editors with a bare circulation of 100,000, and boards of trade, actuated purely by considerations of public good in their opposition to this measure, should be deprived of their coveted oleo. In consideration of real service rendered by these in behalf of bogus butter, common gratitude should prompt the new-fledged soap-maker to reserve a corner of his establishment for their old line of trade, in order to supply the insatiate cravings for their wares entertained by such abnormal gastronomic notables. I opine, however, that the overfastidious hod-carrier, street sweep, and boot-black will thenceforth give the place and its products a wide berth, or hold the nose while passing.

The question has been asked time and again during the course of this discussion, "Can any say that it is unhealthy?" Sir, the query is puerile or it is a blind and a pretext. It is rash to say *ex cathedra* what is or is not healthy. But medical science tells us that many of the admitted ingredients are noxious and deleterious to health. Whether death is the consequence of their use would, I apprehend, require a *post mortem* examination in each individual case. To the "doubting Thomases" of the other side I venture to suggest, with a view to a solution of the vexed question, that they authorize the necessary medical and surgical investigation into their individual cause of exit. If the coroner's verdict in all such cases should be, "Died of bogus butter," it might help to resolve the doubts of some future House of skeptics as to the sanitary effects of putrid fats upon the human system.

In conclusion, Mr. Chairman, I earnestly trust that the bill will pass. I ask it in the name of justice to the greatest of agricultural industries. I ask it in the cause of justice in dealing with a bare-faced fraud. I ask it in behalf of the butter-eater as well as the butter-maker. I ask it with an eye to the speedy revision of our tax laws, so that the burden of taxation may fall on articles most suitable and able to bear them, and so be lightened on the overburdened necessaries of life. I ask it in behalf of the meat supply, which is rapidly diminishing under the baleful effects of this new-fledged and nefarious trade. And finally, sir, I demand it as right no less than a boon in the name of the sovereign people whose servants we are. [Applause.]

Mr. KELLEY. Mr. Chairman, I renew the amendment. I claim the floor for the purpose of reaffirming, after twenty-four hours' reflection, what I said upon this bill yesterday, and I do it the more eagerly lest some member might think I had been influenced by the threat of the gentleman from Iowa [Mr. HENDERSON] made last evening, that if Pennsylvania protectionists do not sustain the bill the iron industries of the State may be destroyed. Sir, I have great respect for the iron and steel manufacturers of Pennsylvania and their tens of thousands of employés, but there is one man upon whose good opinion I place a higher value, and that is the one with whom I lie down at night and rise in the morning for the performance of duty, and if the iron interests of the country can be saved only by my playing the demagogue, by my abandoning my well-considered convictions, by adhering to which, let me say, I sustained the farmers of Iowa and Wisconsin when the entire sugar interest, planting, importing, and refining, was here to ask Congress to prohibit by taxation the manufacture of sirup or sugar from corn or sorghum—all the arguments made against oleomargarine to-day were made against permitting the production of glucose or sugar from corn or sorghum—and I say if the iron interests of the country can be sustained only by my abandoning the convictions upon which I acted on that occasion, they will not be sustained by me. At that time, sir, I stood the barrier in defense of corn and sorghum growers against the appeals of many of my own constituents, and I do not believe that either the gentleman from Wisconsin [Mr. PRICE], who so sharply criticised me in my absence, or the gentleman from Iowa [Mr. HENDERSON] would have supported the bill which proposed to require every pound of corn or sorghum sugar and every pint of glucose sirup to go out in a stamped package, showing that it had paid a tax, which would have been destructive of the capital engaged in its production. No, sir; the price proposed for the maintenance of the iron interests of the country is so high that I can not undertake to pay it.

As for the gentleman from Wisconsin [Mr. PRICE] who, like the gentleman from Iowa, in his humility assumed the prerogative of the Almighty and dealt with my motives, and said that he had sat at my feet and recognized me as a teacher for thirty years, but that he has now discovered that the horizon of my vision is bounded by the iron and steel interest, to the utter neglect of the more important and equally honorable interest of agriculture, I can only say that I think he must be mistaken when he says that he had so long accepted me as Gamaliel.

He is a man of extraordinary intelligence, and anybody above the range of idiocy who had read or heard me for thirty years past would know that from the day the war closed I have striven to relieve the farmers of the country from the invidious taxes upon their productions which the necessities of the war had imposed. Sir, it is in their interest that I am to-day fighting this effort to add another internal burden to those they already bear. In these days of peace and an overflowing Treasury why should tobacco pay taxes that you do not impose on cabbage, corn, oats, or rye, unless it be attempted to distil the cereals into an article which makes the farmers' product capable of bearing the cost of transportation?

[Here the hammer fell].

Mr. OSBORNE and Mr. WARNER, of Missouri, addressed the Chair and proposed to yield their time to Mr. KELLEY.

Mr. KELLEY. I thank both gentlemen.

Why, I ask, tax tobacco as you do not tax cabbage or other agricultural products? It is a great growth of Wisconsin and Iowa, and is a merchantable product of more than thirty States. Again, sir, one bushel of corn will not carry another and itself from the States which those gentlemen who criticised me represent to an Eastern market; but advance it by one stage of manufacture—put it into alcohol, which our arts demand, our arts which consume more than one-half the spirits produced in the country—put it, I say, into that article which they require to cheapen products consumed by all, make that change, and one bushel will carry five to an Eastern or a foreign market.

You grow tobacco and sell it at less than 2 cents a pound, and the tax on it is 8 cents. I want to relieve the farmer of that tax of 400 per cent. On corn the tax is 90 cents a peck. The law requires the production of, or the payment of duty on, a gallon of proof spirits to the peck of corn, four gallons to the bushel, and I am seeking to relieve the corn-growing constituents of those gentlemen of the infamous tax, for an overflowing Treasury, of $3.60 for converting a bushel of corn into a transportable commodity.

Now, sir, iron and steel, however contracted the vision and base the motives the gentlemen from Iowa and Wisconsin may ascribe to me, do not bound my vision. I wish to carry non-farming populations into the midst of agricultural communities to relieve the pressure on agriculture and to give the small farmer or his wife or daughters a chance to supply markets with chickens and eggs and vegetables and pure butter made from the milk of neighboring dairies.

I was taught by Henry C. Carey that the tariff which would promote the development of the mineral resources of the interior of our country and carry manufacturing industries there was not the iron man's question, was not the manufacturer's question, but was the farmer's question; and so I believe it to be. If these gentlemen see fit to assail that system advocated by my great teacher to the end of his life, and to which I have devoted myself since 1857, with the view of promoting the agricultural interests, let them go over to the other side and vote for free trade and plenty of business in the near future for the sheriff of every agricultural county in the Union. [Applause.]

[Here the hammer fell.]

Mr. HENDERSON, of Iowa, obtained the floor.

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

Mr. HENDERSON, of Iowa. I renew it. Mr. Chairman, I rise to reaffirm every word that I uttered in debate yesterday. As I said in my opening remarks, I regretted exceedingly that the distinguished gentleman from Pennsylvania was not present; but I could not withhold the discussion until he should be here, for there was no assurance that the tariff question would again come up during this session for discussion. I saw what I thought was a criticism which I had a right to make; and when I feel that I have such a right, no length of experience gives a man a patent to gag my lips.

Mr. KELLEY. Will the gentleman permit a brief question? By what parliamentary law may a gentleman speaking on this floor deal with the motives of another member? His arguments are subject to criticism; his motives belong to the relation between himself and the Almighty.

Mr. HENDERSON, of Iowa. Mr. Chairman, if the distinguished gentleman from Pennsylvania should say "Henderson, I love you," while with his hand he slapped me in the face, I could judge his motives by his acts better than by his speech. When a distinguished lawmaker on every occasion fights every kind of taxation on banks, on whisky, on beer, on matches, on every form of manufactured articles, but is ever ready with all his power and eloquence to speak for another kind of taxation which, like the dropping dew, may touch every part of the country and every home, I may have the right to judge his motives.

The gentleman assumes here to speak for the people whom I represent and who have placed me here as the guardian of their interests. I thank him for his kind co-operation; but the farmers of Iowa reject the proffered aid. Recognizing his ability in this special field, they come here claiming, almost demanding, this legislation which modestly but firmly and fearlessly I am advocating on this floor.

Mr. Chairman, no man would regret more than myself one unkind remark to my superior in age and vastly my superior in intellectual power. If aught that I have said of a personal nature wounds the gentleman, no one could be prompter than myself to withdraw it; but so far as I have made the utterance that the Western country demands and will have protection—by argument if need be, but by war if necessary—I retract not a word. On that ground I stand, and will stand. I insist that tariff legislation is not the only medium by which the rights of the people can be protected; and the East must recognize the fact that the great center, West and South, must be heard on this floor and justly dealt with. That is what I said yesterday; it is what I say now; and a thousand times I emphasize it since I have the attentive ear of my distinguished friend from Pennsylvania.

[Here the hammer fell.]

Mr. PRICE obtained the floor.

Mr. HENDERSON, of Iowa. Mr. Chairman, I am surprised that some gentlemen should ask me whether, when I spoke of "war," I meant a conflict of arms. No, sir; I meant the intellectual conflict by the weapons planted in brave and manly minds—that and that only.

Mr. PRICE. Mr. Chairman, no gentleman on this floor could regret more than I do——

Mr. PAYSON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. Sitting within two feet of the gentleman from Wisconsin, on account of the confusion in the Hall he can not be heard.

Mr. PRICE. The gentleman from Nebraska [Mr. LAIRD] says it is well. Now, ordinarily to reach his ear you would have to have a voice that would reach to the race-course. [Laughter and applause.]

Mr. HAMMOND. I suggest, Mr. Chairman, that members standing in the aisles and the area be requested to take their seats.

The CHAIRMAN. Members will resume their seats.

Mr. PRICE. Mr. Chairman, I was about to remark no gentleman on the floor possibly could more regret any allusion which by any possibility could wound the feelings of my venerable and distinguished friend from Pennsylvania [Mr. KELLEY] than I would. But I desire to submit to the House the remarks I made, and then a statement of just exactly what those remarks were based upon, and to appeal to their intelligent judgment as to whether in anything I said I was unfair or even discourteous.

Yesterday in the remarks submitted by me I used the following language:

I have always admired the gentleman as one of the nation's ablest defenders of our protective system. I have always honored him for his fidelity to the interests of his State; but the horizon of his vision is bounded by the iron and steel interest to the utter neglect of the more important and equally honorable interests of agriculture.

To keep up a protective tariff he would release liquors and tobacco from their just contribution to our revenues, and having proceeded this far it is not strange that he should antagonize this measure.

Now, am I justified in making that statement? I find in a speech made by the gentleman from Pennsylvania on yesterday the following:

I was then, as I am now, opposed to adding to the resources of a Treasury that so overflows with revenues as to require us to erect United States court-houses where no courts are held and custom-houses where no customs are collected, and the appointment of commissioners to inquire whether the beds of certain supposed streams had better be deepened and broadened into navigable proportions, or be so smoothed down to make the bed of a railroad. [Laughter.]

I desire to state to the gentleman from Pennsylvania while he has been studying the subject of protection that he has forgotten entirely the subject of finance. I wish, therefore, to recall to his attention this fact, that to-day men are crowding these halls and these corridors to whom this Government owes money for labor well performed, requiring Congressional action for their payment. The gentleman with all the years of his experience has sat as a member of the only body which could furnish honest remuneration for honest toil to liquidate honest debts against the Government and has failed utterly to do so.

The average Congressman, as a rule, is too profoundly great to stoop to the plebeian duty of paying the nation's debts. [Great laughter and applause.] If they paid those debts it would exhaust our present surplus as well as our revenues for the next decade. [Continued laughter and applause.]

So much for that. Now, I wish to call the attention of the committee to another thing. The gentleman from Pennsylvania [Mr. KELLEY] said a few years ago—and I quote from his speech as published——

A MEMBER. What are you reading from?

Mr. PRICE. I am reading from a speech of the gentleman from Pennsylvania made one year ago in this Hall and published in the RECORD:

I do not believe that a cheapening of goods which involves a reduction of wages can relieve any stagnant American industry.

Is the gentleman in favor of cheapening goods which will lessen the products of the dairies of our country? Has the gentleman changed his ground in one year? Is he now proposing to advocate the doctrine of protection to an article which in his characteristic language a year ago he styled as "cheap and nasty?"

It is not cheap; there is nothing before this House, no testimony before the committee to show that it is cheap, while the concurrent testimony of all of them is that it certainly is nasty. It is nasty and it is not cheap. And yet the gentleman says he makes objection to me for regretting that his views are bounded by the iron hills of Pennsylvania, when he will do this thing. What other excuse could I offer?

Mr. KELLEY. You can not offer any. [Laughter and applause.]

Mr. PRICE. I would like to apologize for you, sir, on the ground of your former usefulness. [Renewed laughter and applause.]

Now, sir, I will read again from the same speech made by the gentleman from Pennsylvania:

Are our Democratic associates in their mad pursuit of cheap goods willing to add pernicious anæmia to the list of diseases with which our working people are already familiar?

[Laughter.]

Again, from the same speech I quote the distinguished authority of the gentleman from Pennsylvania in support of the bill we are advocating:

Under their leadership we are to enter the race with the world for cheapness. They should remember that when Cobden and his co-workers began the agitation for free trade Carlyle admonished them that they were entering into a race with barbarous nations for the production of the "cheap and nasty." It was he, too, that gave the political economy taught by Malthus and Ricardo the appellation of the "dismal science," because it suggested war, pestilence, and famine as beneficent agents appointed by an all-wise and loving Providence as the only agents whereby He could relieve the earth of an inevitable surplus of population. That dismal science still prevails in British schools, and consequently no animal that can be utilized is of so little value in England as an unemployed working man or woman with a reasonably good appetite for bean-cake or oatmeal porridge.

"Yes," I think I hear some of you rejoin. "You studied the poverty of London, which is, we are ready to admit, unparalleled." No; I spent ten days, unknown to everybody but my daughter, who was my companion, in Birmingham and in visiting the manufacturing towns around that rich and beautiful city. We visited so much of the overcrowded precincts of the city itself as a lady might ride into, and in charge of a policeman I went beyond these limits. Our visits embraced Holesowen, Leye, Leye-waste, and Cradley, where we found women making nails, trace-chains, heavy fire-bricks, and galvanizing hollow-ware.

This brief extract will convince you I do not speak of things I merely heard of. Yet, sir, from this same old country comes this fraud, comes this invention, comes this cheat on the industries of our country, and we merely propose, following the line of policy of the gentleman from Pennsylvania, and in view of the facts which I have quoted from his speech to you, following him up in his line of protection to iron and other industries of his State, to protect the country from this unhealthy food, this cheap product, which sweeps out the industries of our farmers. But the gentleman from Pennsylvania comes in with a proposition to injure them still further by proposing to legalize the distillation of corn into a vile stuff which debauches and degrades and damns everything it touches throughout our land. [Laughter and applause.]

[Here the hammer fell.]

Mr. BLANCHARD was recognized.

Mr. HATCH. I rise to make a privileged motion.

The CHAIRMAN. The Chair has recognized the gentleman from Louisiana.

Mr. HATCH. I move that the committee rise for the purpose of

limiting debate upon this section, and I will give the floor afterward to the gentleman from Louisiana.

Mr. BLANCHARD. With that understanding I will yield the floor.

Mr. COWLES. Will this cut off amendments?

Mr. HATCH. It will not cut off amendments.

Mr. DUNHAM. But there can be no debate upon amendments if the motion prevails.

Mr. BROWN, of Pennsylvania. I wish to offer an amendment to this section.

The CHAIRMAN. The gentleman from Missouri makes a privileged motion, which is that the committee now rise for the purpose of limiting debate.

The question being taken, on a division there were—ayes 104, noes 39.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The CHAIRMAN. It does not require a quorum.

Mr. VAN EATON. I demand tellers on the motion.

Tellers were not ordered.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration House bill 8328, had come to no resolution thereon.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue, and pending that motion I move that all debate upon the first section of the bill and amendments be limited to five minutes.

Mr. BRECKINRIDGE, of Arkansas. I move to amend, that there be no limit upon the debate.

The SPEAKER. That would be equivalent to a negative vote on the pending motion. If the motion of the gentleman from Missouri is rejected there will be no limit to debate.

Mr. BRECKINRIDGE, of Arkansas. Then I move to amend by making it thirty minutes.

The committee divided; and there were—ayes 53, noes 91.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BRECKINRIDGE, of Arkansas, and Mr. HATCH were appointed tellers.

Mr. HATCH (one of the tellers). I am informed by the gentleman from Arkansas that he desires to offer a substantial amendment to the first section of the bill. I have no desire to cut off debate upon substantive amendments.

The SPEAKER. But the motion of the gentleman is to limit all debate to five minutes.

Mr. HATCH. I desire to amend that and say fifteen minutes.

Mr. BRECKINRIDGE, of Arkansas. Say twenty.

Mr. HATCH. Very well; I will so modify the motion and make it twenty minutes.

The question being taken on the motion of Mr. HATCH as modified, it was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill the title of which has been read. By order of the House all debate upon the first section of the bill and amendments thereto is limited to twenty minutes. The gentleman from Louisiana [Mr. BLANCHARD] is entitled to the floor.

Mr. BLANCHARD. Mr. Chairman, I move to strike out the last word.

This bill I regard as a most remarkable measure. It stands unique among the measures pending before this House. Of all the propositions to be found in all of the five or six thousand bills and resolutions which have been introduced at this session of Congress the one embodied in this bill is the most preposterous, the most unjustly, unfairly, invidiously discriminative.

What is this proposition? It is one made by the dairy interests of the country that, in order to have their products increase in price, a legitimate industry of the country shall be stricken down. The bill, sir, is a fraud on its face. It comes here as a bill "defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine." And yet, Mr. Chairman, to be truthful it should have been labeled "A bill to increase the price of dairy products," because that is its real object and its only object. A bill to raise revenue, forsooth! I feel tempted, sir, to paraphrase a well-known quotation and cry out "Oh, revenue, what crimes are committed in thy name!"

The dairy industry of the country finding itself confronted by a cheaper article, which is in the nature of butter and yet not butter, but which is a wholesome food, finding itself about to be outdone in the markets of the country, seeks a transfer of its quarrels and its troubles to the Halls of Congress, and asks the National Legislature to strike down a rival industry which is in its way. Is that fair? Is that in accordance with the principle so dear to Americans—"an open field and fair race to all?" Sir, a true and proper spirit animating American industry would prompt it to ask nothing at the hands of Government except the policy of no intermeddling, that principle of non-interference which was embodied in the modest request of Diogenes to Alexander—"Stand out of my light, out of my sunshine.

This bill, sir, is the very antipode of that principle. The dairy interests of the country have no more right to ask the national aid in their behalf, no more right to ask that their productions be increased in value or price by legislation than have the cotton interests, the wheat interests, or the thousand and one other interests of the country to come here and through their Representatives introduce and pass bills increasing the price of their several products.

Mr. STRUBLE. Will the gentleman permit me to ask him a question?

Mr. BLANCHARD. I have but a moment and can not yield.

I deny, sir, that the farming interests of the country are asking the passage of this bill. That portion of the farming interest of the country engaged in the dairy industry is; but the thousands upon thousands of farmers of the South and consumers all over the country are not asking at the hands of Congress the enactment of this unfair, unjust, ungenerous, illiberal, and intolerant legislation. It is class legislation of the most objectionable character. It is false in principle and false in the pretenses under which it comes before the House, and I trust will never be enacted into law by the American Congress.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 1, line 6, strike out the words "with or," where they last occur; so that it will read "with or without common salt, and without additional coloring matter."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, the bill in proposing to prevent a fraud upon butter permits what may be termed a mild fraud in the production of butter itself, for it finds no fault with the products of milk and cream being artificially colored so as to deceive the purchaser as to the richness of the food products that have been used in the production of the butter.

We know that coloring matter is not always pure and wholesome. Perhaps there is no gentleman on this floor who has not been told by his family physician that the most injurious ingredient in the candies that are sold is the coloring matter they contain. Now, if the committee wishes to be thoroughgoing in their reform and prevention of fraud, I trust they will not permit coloring matter which for aught we know may be poisonous to be used in the production of butter.

But, like most of the gentlemen on the floor, I have some observations to offer on the bill in addition to what may be germane to a pending amendment. I shall make part of them now, and I may be able to introduce the other parts before we finish discussing the bill under the five-minute rule.

It was said last night by some gentleman, whose name I do not recall, that we have a precedent for discriminating in internal taxes as this bill proposes. I was surprised at the statement, and did not believe then that the gentleman was correct; and I have found out since that he was incorrect. He stated that we tax artificial wines 10 cents a pint, which is partly correct; but his conclusion is wrong. It is interesting, Mr. Chairman, to see what is and has been done in this. If gentlemen will look at section 3328 of the Revised Statutes—and a good deal has been said about this item quietly around on the floor—they will find this:

On all wines, liquors, and compounds known or denominated as wine, and made in imitation of sparkling wine, or champagne, but not made from grapes grown in the United States, &c.—

There is a tax of 10 cents a pint.

Mr. STRUBLE. Read the rest of that.

Mr. BRECKINRIDGE, of Arkansas. I have read enough to enforce my point. The rest the gentleman can read when he has the floor. It does not contradict what I state.

Now, I want to call attention to the origin of that law. Its origin will be found in an act passed in 1866—a revenue act. It had been found that imitations of imported champagne were being made in this country and depriving the Government of revenue. Therefore, in that act, on page 158, section 36, it is provided that—

On all wines, liquors, or compounds known or denominated as wine, made in imitation of sparkling wine or champagne, and put up in bottles in imitation of any imported wine, &c.

This tax shall be levied. The act was not to stimulate the production of wine in this country, but it was to prevent frauds upon the revenue; and if gentlemen will trace it back from its very inception they will see where the internal tax has kept pace with the import tax; and when this fraud upon the revenue was found to exist you find the specification inserted as I have just read, although you see how it started and the purpose, and it is still limited to sparkling wine or champagne. The amount is somewhat reduced, and I think it clear that the purpose and principle of this bill finds no precedent here.

I was all the more surprised at the statement or opinion expressed last night because I had read this in the case cited by the committee

in their report, which I propose to treat of more fully before we get through, because I had read this in the dissenting opinion of the two judges of the Supreme Court in which they criticise the decision made in the case cited by the committee but they do not criticise the ground upon which the court says it made its decision.

[Here the hammer fell.]

The CHAIRMAN. The Chair will entertain the debate on this section during the time assigned to it by order of the House before putting the question on the amendment offered by the gentleman from Arkansas. It will be considered as pending.

Mr. BROWN, of Pennsylvania. The amendment offered by the gentleman from Arkansas is practically the same as one which I was proposing to offer, and I rise simply to support his amendment. The object of the amendment to my mind is to prevent deception. The practice of coloring butter has grown to be an evil, not perhaps as great as that of the manufacture of oleomargarine, but a deception so great as in the aggregate to be an immense imposition upon the people of this country. It comes about mainly through the packers and shippers perhaps. A grocer buys the butter of a neighborhood manufactured by A, B, C, and D; of cleanly and uncleanly housewives; of people who make good butter and people who make filthy butter. That butter is bought by the grocer and packed every night or at the end of every week, as the case may be, and by the packer is colored. The parcels of ring-streaked and speckled butter brought in during the day or the week are worked over and colored in packing. The mass goes into a firkin and is shipped as the butter of a single family or of a single producer, and presumably all originally of the same color. There could be no other purpose in applying the color chemicals except to deceive.

If that is not a deception, then the manufacture of oleomargarine and palming it off as butter is not deception. Why? The man who tests the firkin or other package of butter, if there is no coloring matter in it, is able to judge somewhat of the quality, and whether it is made at one place or at a dozen places, whether it is of one quality or of a dozen qualities; but when the packer colors the butter and mixes up the butter manufactured by the cleanly housewife with that made by the slovenly one, he has extinguished all means of detection. Both kinds of butter, the good and the bad, go into the same package and are made of the same color, and the imposition on the public is complete. But for use of the coloring chemicals the several qualities could never be mixed.

Mr. FUNSTON. Does the coloring change the quality of the butter?

Mr. BROWN, of Pennsylvania. The coloring may not have anything to do with the quality, but no man can say but that the purchaser of the butter is deceived. If the coloring matter were not in that butter, the purchaser would be enabled to know by examination whether the butter was made at one home or all over a neighborhood. There is another reason why butter coloring should be abandoned. It not only deceives the purchaser, but it exposes butter to the cunning of the counterfeiter. The coloring that goes into butter has made it easy for the butterine manufacture to duplicate the farmers' product.

If we are going to strike at counterfeits let us hit the first one we find in the bill.

Mr. LAWLER. Mr. Chairman, I ask to have read the resolutions recently adopted by the Knights of Labor which I send to the Clerk's desk.

The Clerk read as follows:

Whereas certain measures are now pending in Congress for the regulation of the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon, amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legitimate business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price; and that the effect of this legislation will be to increase the price of a cheap and wholesome food product and destroy the labor its manufacture employs; and

Whereas the only reason given for this legislation is that it comes into competition with butter; it is

Resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes, and as opposed to the principles of sound public policy; it is

Further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolutions were unanimously adopted at a joint session of assemblies 4080, 1597, 4052, 4327, 5499, 5959, and 1912 of the Knights of Labor for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

[SEAL.]

G. S. CHAMPLIN, *M. W.* 4080.
D. A. WHITE,
Financial Secretary L. A. 4080.

Mr. LAWLER. Mr. Chairman, I have also communications on this subject from the Chicago Live-Stock Exchange and from the Union Stock-Yard and Transit Company, which are as follows:

CHICAGO LIVE-STOCK EXCHANGE, UNION STOCK-YARDS,
Chicago, May 10, 1886.

At a full meeting of this association, held in their rooms this day, the following resolutions were reported from the undersigned committee, and were adopted by a unanimous vote:

Whereas bills are now pending in both Houses of Congress proposing special taxes on all manufacturers and venders of oleomargarine and butterine, and also proposing an internal-revenue tax of 10 cents on each pound of those articles made in this country, and placing the production and sale of them under charge of the Internal Revenue Bureau; and

Whereas the proposed laws, while purporting to be revenue bills, are in reality intended to stop the manufacture of oleomargarine and butterine in this country: Therefore,

Be it resolved by the Chicago Live-Stock Exchange, That we are firmly opposed to the passage of any law prohibiting or taxing the manufacture or sale of oleomargarine or butterine for the following reasons:

1. The leading chemists of this country have repeatedly examined and pronounced oleomargarine and butterine healthful articles of food. This being the case, Congress has no right to prohibit their manufacture or sale; and to subject them to taxation when revenue is not needed is equally a violation of constitutional rights.

2. In this market prime fat cattle are worth at least $2 per head more than they would bring if the manufacture of these desirable articles of food was prohibited or burdened with unjust taxation, and the materials now used in their manufacture were thus compelled to be used in other channels.

3. The price of choice grades of butter is frequently so high as to place them beyond the reach of people of moderate means, who can now get a wholesome and palatable substitute at a low price, but who would, if the proposed laws should be enacted, be compelled to eat poor butter or do without.

Resolved, That the secretary of this exchange be instructed to forward copies of these resolutions to our Senators and Members in Congress and to furnish a copy to the press.

IRUS COY,
L. B. DOUD,
J. C. BOHART,
SAMUEL WAUGH,
B. F. HARRISON,
Committee.
C. W. BAKER, *Secretary.*

CHICAGO, *May* 18, 1886.

DEAR SIR: By reports from Washington we learn that a strong effort is being made in the House to enact a law taxing oleomargarine and butterine, ostensibly as a revenue measure, but really intending to prohibit by excessive taxation the manufacture of those articles in this country. We believe the American people can not afford to have this done.

It is a well-known fact that these articles are made from beef fat, leaf lard, and vegetable oils, mixed with milk, cream, the best butter and salt, and the best qualities of these articles are necessarily used in order to make the oleomargarine and butterine stand the test of examination and use. All these ingredients are daily used as choice and wholesome food at the tables of all educated and refined people in this land.

The leading chemists of this country have repeatly examined and pronounced oleomargarine and butterine healthful and palatable articles of food.

In this market prime fat cattle are worth at least $2 per head more than they would bring if the manufacture of these desirable articles of food was prohibited.

Thousands of poor people are to-day enabled to have butterine and oleomargarine on their tables who would have to eat dry bread, being unable to pay the price of genuine butter, no more palatable nor wholesome than these, if this law is passed.

The manufacture of oleomargarine and butterine does not depreciate the price of good butter, for the reason that good, first-class butter is required in its manufacture, and it creates a new demand for the best article. The only persons it can injure are those engaged in the making of poor, unwholesome butter, while it is of great benefit to the laboring masses and a source of pecuniary advantage to the great stock-growing interest of this whole country. We are opposed to any measure that has a tendency to increase the price of the food supply used by the laboring masses. We believe the people should enjoy the privilege of buying cheaply oleomargarine and butterine if they prefer it to poor, or even common, butter, and that any law tending to increase the price of these articles, or to prohibit their manufacture, would be very detrimental to the interests of the whole country.

Yours, respectfully,

JOHN B. SHERMAN.

Hon. FRANK LAWLER,
House of Representatives, Washington, D. C.

Now, Mr. Chairman, I want to say to the members of this House that I regard the step which they contemplate taking in the passage of this bill as one that will do great injustice to more than a million of men who have petitioned against the passage of the bill. This is an effort to protect the farmer. The farmer ought to be protected, it is true, but in the large cities in certain years there have been times when the farmer's product known as dairy butter has brought from 50 to 65 cents a pound. Only a year ago in this city it brought 60 cents a pound, and in the city of Chicago we have known times when butter brought 65 or 66 cents a pound.

I appeal to you gentlemen to go with me into the households of the poor working people of Chicago, who are receiving only 80 or 90 cents or a dollar a day, and tell me how people receiving such small compensation and having large families dependent upon them can afford out of their wages to buy butter at 50 or 60 cents a pound. I tell you that the great underlying cause of the trouble to-day in the United States is the fact that in twelve years but one bill has been passed by Congress in the interest of the toiling masses of the United States. I know it is unpleasant and unpopular for men to get up here and face public opinion and the press of the country, and as a consequence the toilers of the United States are aroused now for the first time in twenty-five years.

If you do not believe it, if you think it is idle threat on my part, take the vote cast on this bill to-day, should it pass, keep that vote in your vest pocket until after the next fall elections, and then compare it with the list of the men who are defeated. Why do the workingmen so regard this bill? Because it is an attempt to tax a food product in the interest of a class. The toilers of this country, the people who pay the taxes to carry on this Government, have not asked for the passage of this bill. On the contrary, they say to this Congress: "We protest against the passage of the bill. We object to your raising revenue by assessing a cheap food product like this oleomargarine and butterine that are now used so largely by us."

[Here the hammer fell.]

The CHAIRMAN. By order of the House, all debate upon the first section of the bill is now closed. The Clerk will report the first amend-

ment pending to this section, after which the Chair will entertain any amendments that may be offered.

The Clerk read as follows:

Section 1, line 6, strike out the words "with, or," where they last occur, so that it will read "with or without common salt and without additional coloring matter."

The amendment was agreed to.

The CHAIRMAN. If there be no other amendments offered to this section the Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine. suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, vegetable-oil annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

Mr. BRUMM. Mr. Chairman, I move *pro forma* to amend the section by striking out the last word. Sir, I was very sorry yesterday that the gentleman from Iowa [Mr. HENDERSON] saw proper, for purposes best known to himself, to attack not the distinguished "father of the House" individually, but Pennsylvania generally, because forsooth some members from Pennsylvania see fit to differ with the gentleman from Iowa on the question of oleomargarine. Starting out in his remarks, he said, "I am not an iron-clad tariff man, and I hereby give notice to Pennsylvania that if her Representatives do not stand by the farmers of the West we will not stand by Pennsylvania."

Mr. Chairman, so far as I am individully concerned I have no favor to ask either on the tariff question or any other question from any individual member or from any section of this country. So far as Pennsylvania is concerned, she has no favor to ask on the subject of tariff for protection. I believe that the question of protection is a national question. It is a question in which all the people of this country are concerned. It is a question in which gentlemen from South Carolina, from Oregon, from Iowa, from every State in this Union should have an interest. It is no local question. I am sick and tired of having gentlemen thrust into the ears of Pennsylvanians the intimation that they are cringing and begging for protection for Pennsylvania alone. Pennsylvania can stand free trade just as well as Iowa can stand it; and we are asking no favors. If gentlemen would only represent the sentiment of the whole country on this question, and not merely localities, there would be no reason for making invidious remarks based upon the geographical relations of gentlemen favoring or opposing this particular bill.

Now, let me call attention to this fact: If there is one industry in the United States that requires less protection than any other it is the dairy interest, for I have noticed during my lifetime that milk, cheese, butter, calves, cows, and dairy products generally have been constantly rising in price, while iron, cotton, and woolen goods and other manufactured articles have been falling. Statistics will show that if there is one set of people who have no right to ask for special protection at the expense of other farm products it is the dairymen of this country.

Besides, sir, I have understood protection to be a union of the American people against foreign pauper labor—a union of the people of all the States against the foreign monopolist—not that one State should array itself against another because of any local interest; not that the cotton interests should array themselves against the woolen interests because of difference of locality; not that the North should array itself against the South because of any peculiar institution of either; not that any section or any business in the country should array itself against any other section or any other business, but that we should all, man by man, throughout this country stand up against foreign pauper labor, against the foreign monopolist, against that wretched "dump" from foreign countries which has been the bane of American industry and the worst enemy of the American farmer.

Mr. STRUBLE addressed the committee. [See Appendix.]

Mr. MORRISON. Mr. Chairman, I can not but think this bill is here under false pretenses, and therefore I shall vote against it. It can only be here as a revenue bill; and as such it comes here. In the discussion its advocates claim it is not here for the purpose of putting revenue into the Treasury for the support of the Government, but to brand and mark a counterfeit product, that it may not be imposed on the public as genuine.

They tell us it is here to prevent fraud. When we get further on and an amendment is proposed to reduce this tax of 10 cents a pound to 2 cents, which will give all the needed remedy and security against fraud and which will leave the bill with the means provided for showing what this substitute for butter is when it is put on the market or on the public table, then we will see whether its friends have declared or disclosed its real purpose. When such a proposition is offered we shall learn, Mr. Chairman, whether these gentlemen are telling us the truth when they say all they want is that this thing shall be sold for what it is.

But it was not for the purpose of stating objections to this bill, Mr. Chairman, that I took the floor. I sought the floor some time ago, when the senior gentleman from Pennsylvania [Mr. KELLEY] took his seat, to make some short reply to him. I want to prevent the next war now threatened between Pennsylvania and Iowa. [Laughter.]

I want also to put the mind of the gentleman from Pennsylvania at ease, because he seems to be disturbed lest the gentleman from Iowa [Mr. HENDERSON] will vote at some time against protection. [Laughter.]

Why, sir, he need not feel alarmed. [Laughter and applause.] No, sir. Two weeks from now he will find the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Wisconsin [Mr. PRICE], both of whom have to-day caused him apprehension, dancing between the tellers after the gentleman from Pennsylvania [Mr. KELLEY] to protect all his Pennsylvania iron and whatever else he demands protection upon by the continuance of the existing tariff. [Laughter and applause.]

Why, a dozen years ago the Republican members of Iowa, and I believe of Wisconsin, were found walking through the tellers upon this floor voting against the gentleman from Pennsylvania and in favor of taking the tax off of salt to put in this good butter—Iowa and Wisconsin butter. When two weeks from now that question is again presented to gentlemen from Iowa and Wisconsin they will dance through the tellers after the gentleman from Pennsylvania to keep the tax on salt which a few years ago their predecessors voted off. [Laughter.] In these last ten or fifteen years gentlemen from the Northwest, Republican gentlemen, have been disciplined. They know now and do what the gentleman from Pennsylvania and other protectionists require of them. Oh, no, there will be no war; Iowa will protect and continue the tax on iron and salt. When we propose, and we do propose, to take the tax off of planks and wood and boards to afford shelter to the cows, without which butter will all be butterine, you will see them, the gentlemen from Iowa, voting with the gentleman from Pennsylvania to keep up a high rate of tariff tax on plank boards and wood all the same as Pennsylvanians do on iron, and all with the votes of Iowa, Kansas, and Nebraska together. In these States and largely in my own shelter for cows and other domestic animals, as well as for the people less favored financially, are built of the same material—wood; but the Representatives from these States will not vote to cheapen that shelter. They will vote right along with the gentleman from Pennsylvania and other protectionists who they are now trying to scold into voting a tax on something to eat which is poor food untaxed.

Mr. MILLIKEN. Will the gentleman from Illinois permit me to ask him whether the duty imposed by the tariff on the lumber which affords the shelter he has referred to amounts to a protective duty?

Mr. MORRISON. Yes; if that tax be taken off five houses can be built with the money which now builds four. Up in Maine you produce nothing but some good men, pine trees, and fish; we will take care of the fish afterward. [Laughter.] That is to say, if the Pennsylvania and Iowa war would go on or begin so we could have the help of Iowa, Nebraska, and Kansas to remove unnecessary taxes, but I can hardly expect so much.

Mr. MILLIKEN. The duty on it is not enough to produce revenue.

Mr. MORRISON. With the permission of the committee I wish to say a word in reply to Judge KELLEY as to internal taxes so much discussed in this debate. If additional revenue is wanted, this is a very proper subject for taxation according to my view of taxation. Taxing a thing is equivalent to taking a part of it, and I have always insisted that we should tax and take part of what can best be spared. So if we must have a revenue from butter or its substitutes, then it would be rightly imposed, not on natural and pure butter, but on the artificial and not so pure, because it is better to tax and to some extent deprive people of the use of what is not so good than of that admitted to be better.

Mr. Chairman, this thing of paying taxes is not a pleasant pastime. I would not, and suppose no one would, for the mere love of the thing, impose or keep up taxes even on whisky or on tobacco. But I do think it is a little wiser to put taxes on whisky and tobacco than on some other things which are more necessary to the health and comfort of our fellow-men, at least I think it is best to so divide the burdens of taxation that spirits and tobacco shall bear a considerable part.

Is our venerable friend from Pennsylvania [Judge KELLEY], or anybody else to stand here and talk of taking off the internal-revenue tax and expect to be believed? Do they mean what they say? Are they in earnest? Can it be done? How and where are we to get the money to carry on the Government and discharge all its moneyed obligations?

[Here the hammer fell.]

Mr. HISCOCK was recognized, and yielded his time to Mr. MORRISON.

Mr. MORRISON. I very much dislike taking the time of a protectionist while criticising the doctrine. [Laughter.] Yet I am very thankful to the gentleman from New York. I once threw a stone—or a lot of taxed salt, which is heavier—his way, for I would not have him treated worse than we were trying to treat other protectionists. [Renewed laughter.]

I have asked, Mr. Chairman, do gentlemen mean to take off the internal-revenue taxes when they tell us they do? Our customs, or revenue from tariff taxes, is now about $175,000,000. This is and always

has been with our people the method of tax-paying, if not the most preferred, the least objected to; and I have said over and over again that this system of customs taxes a hundred years old will continue; certainly in my time it will not be dispensed with. No reasonable man expects that it will be or desires it should be.

It will be exacting its demands and in operation when I am neither on this floor nor elsewhere above ground. The time will come when a choice can be made between the two systems. Those here to make the choice will determine whether they will put the taxes for the support of the Government all upon their food, clothing, and means of comfortable living, or only a part of it on these and some of it on these and some of it on whisky and tobacco. I think it would be better and wiser to put less upon the clothing, food, and shelter and more on the whisky and tobacco; but, I repeat, the choice will not be made in my time.

Taxes on imported goods are so high now that to make them higher gives us less revenue. What do you get now? One hundred and seventy-five or one hundred and eighty millions of dollars. Your expenses for administering the Government, that you will be required to vote this session, will be nearly $150,000,000, and it will never be much less, notwithstanding all our Democratic economy. [Laughter and applause.] It will grow with the growth of our people and may be estimated at one hundred and fifty millions.

The talk of reducing the annual expense of administration to $100,000,000 will never be realized. Then your cost of ordinary administration, without anything for the public debt or pensions, will require all your revenue from customs or tariff taxes except $25,000,000, which is but half your annual interest. You then require from sources other than customs $25,000,000 for interest and $75,000,000 for pensions. Where is this $100,000,000 to come from? And are we to pay nothing on the principal of the debt? The contract requires another $40,000,000 for this purpose. Have you not gone on here session after session increasing the pension-roll until it is now $75,000,000 a year? And do you not intend to pay it? Does not the gentleman from Pennsylvania [Mr. KELLEY] intend to pay what he votes for pensions?

Mr. OATES (from his seat). Eighty-one millions of dollars.

Mr. MORRISON. Where, without internal taxes, is the money to come from to pay that?

Mr. BRUMM. Issue greenbacks and pay it. [Laughter.]

Mr. MORRISON. Yes, and who will pay the "greenbacks?" That is like all sham pretenses. It will not pay anything. We have gone over that road once.

I insist, Mr. Chairman, that any man who has any intelligence about the condition of the country, its resources, the sources from which it derives its income, must admit that we can not dispense with the internal-revenue tax.

We might dispense with the tax on tobacco. We might spare that much. If gentlemen prefer to dispense with that and lighten the burden of indulgence that the load may rest upon those things essential to comfortable existence, then we can free tobacco and still pay the $24,000,000 into the Treasury on our houses and farms, or means of maintaining them, our tools of trade, food and clothing, and provided we do not increase or grant any more pensions. But I still insist that the gentleman from Pennsylvania [Judge KELLEY], or any one else who talks of abolishing the internal-revenue system of taxation now can not mean what he says. He does not mean what he says unless he means to wipe out the pension-roll and refuse to pay the interest. [Applause.]

Mr. WEAVER, of Iowa. Mr. Chairman, I am very glad to inform the gentleman from Illinois [Mr. MORRISON] that there is one Representative at least from the State of Iowa who is sound on both the lumber and butter questions. But I regard this tariff discussion as an intruder here. The pending question seems to be so oily that it is hard to confine it in its proper sphere.

Now, there are two inquiries which arise in my mind concerning this bill. First, is it constitutional? The second, is it expedient? I answer both in the affirmative. It will not be denied that this is a constitutional bill, and I believe that the effect of the bill will be healthful and beneficial in every respect.

Next to the revenue which will result from it will follow the stripping of this industry from the disguise under which it sails, and it will be remitted to honest competition with the butter-maker. It now competes as butter when it is not butter. I can not see how any class of our people can complain if they are allowed to buy it, knowing what it is. But it is now sailing under the dairy flag when it ought to be sailing under the oleomargarine flag.

I can not see that any effect of this bill will be bad or deleterious. It does not destroy competition. Competition remains, but butter goes into the market in competition with oleomargarine instead of in competition with a false and spurious and fraudulent imitation of butter.

Mr. BROWNE, of Indiana. Will the gentleman yield to me for a question?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. BROWNE, of Indiana. Does not this compel oleomargarine to go into the market as a competitor with butter with a tax of 10 cents a pound upon its back?

Mr. WEAVER, of Iowa. No, sir; it compels it to go into the market as oleomargarine, subject to a tax which holds it to honest competition. The tax has the effect of doing away with the fraud. What objection can there be to that?

A MEMBER. Would not a less tax serve that purpose?

Mr. WEAVER, of Iowa. Whether a less tax might not reach the same result I am not prepared to say.

It is insisted by the distinguished gentleman from Pennsylvania [Mr. KELLEY] that we have no right to question motives. Let us apply that to the whole discussion.

The gentlemen who advocate oleomargarine here say oleomargarine looks like butter, smells like butter, and operates like butter; and so this bill looks like a revenue bill, reads like a revenue bill, and will operate as a revenue bill. Let it pass.

Mr. BRUMM. And therefore the greater its deception.

Mr. WEAVER, of Iowa. There is no deception about it.

[Here the hammer fell].

Mr. GROSVENOR. I rise to assure the gentleman from Arkansas [Mr. DUNN] that I thoroughly sympathize with him in the regret he expressed about the condition of the Democratic party on the subject of the tariff. The distinguished gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means, says this bill is a fraud. If it be a fraud, it is in its proper place here provoking a discussion upon the tariff question. Is there a greater fraud before the American people to-day than the pretense of tariff reformers that they propose to pass and can pass a tariff bill in this House? What is it here for? The gentleman from Arkansas very eloquently said not very long ago: "How did you come here? What are you staying here for?" I ask the gentleman from Illinois to answer these questions if he deems it worth while. Why do you hold over the industries of this country a pall, a club, a threat of destruction, when you know that the utmost that can come of your attempted legislation upon the tariff at this session of Congress will be to end the whole thing in a threat, and nothing more?

How does it happen you have stricken off from a single product in my State by the presence in this Congress of the Morrison tariff bill during the last thirty days $3,000,000? For that is the exact net reduction upon the product of wool alone in Ohio. How does it happen that you have stricken down the industry peculiar to my Congressional district, so far as Ohio is concerned—the manufacture of salt—when you understand, as I believe, that the utmost you can do will be to menace its destruction, while the Democratic party of Ohio poses before the people of the country as in favor not only of the present protection of those commodities but the restoration of the tariff of the past?

Mr. MORRISON. The gentleman from Ohio has asked me several questions. Does he want answers to them?

Mr. GROSVENOR. I will not ask the gentleman to speak now.

Mr. MORRISON. I do not want to answer unless you desire me to do so.

Mr. GROSVENOR. I am speaking to the gentleman in a sort of generic way as the representative of the free-traders on this floor, and their fairest and ablest champion.

Mr. MORRISON. All right.

Mr. GROSVENOR. Now, another word. The side to which I have the honor to belong, the men who believe in protection, do not wonder there is some uneasiness on that side when we reflect that the contingent on which we rely to defeat every species of legislation like the Morrison bill lies in the Democratic party; when we reflect it is the Democrats upon the other side, the men who come here year after year, who join in Presidential nominations side by side with the distinguished free-traders of the country, who then come here and filibuster against the efforts of the free-traders of this House to bring forward their measures to destroy the interests of the country.

Mr. WEAVER, of Iowa. Will the gentleman permit me?

Mr. GROSVENOR. Yes, sir.

Mr. WEAVER, of Iowa. The present tariff law, enacted when the Republican party had the control of both Houses and the Executive, taxes rough boards $2 per thousand feet and allows railroad ties to come in free. Does the gentleman justify that?

Mr. GROSVENOR. I will talk to the gentleman from Iowa about that when that question comes up. I am sympathizing now with the Democratic party for their own misfortune, and if the gentleman comes inside the Democratic party and defends it, well and good; if he desires to stand outside the party and defend it, all right; and if he hangs in mid air, all right. But he must wait for his time, and not inject it into my five-minute speech.

Mr. WEAVER, of Iowa. It would improve your speech.

Mr. GROSVENOR. The gentleman speaks of railroad ties. I am talking of the disintegration of the Democratic party that was bewailed so eloquently by the gentleman from Arkansas yesterday.

Mr. HEPBUBN. I would suggest that my colleague [Mr. WEAVER, of Iowa] himself might answer that question as well as the gentleman from Ohio, because he supported the same tariff bill for a good many years. [Laughter.]

Mr. WEAVER, of Iowa. Mr. Chairman, there is one thing I never

did, which my colleague from Iowa [Mr. HEPBURN] did. I never denounced the Republican party as being "so rotten that the Goddess of Liberty had to hold her nose when she passed over the Capitol," and then returned to that party when it was more rotten than ever. [Laughter.]

Mr. HEPBURN. Mr. Chairman, I never did anything of that kind, but if I had done it and wanted an excuse I should say that it was because the gentleman from Iowa [Mr. WEAVER] was at that time a member of the party in good standing. [Great laughter.]

Mr. WEAVER, of Iowa. Mr. Chairman, I want to say that the gentleman returned to the Republican party while I was still a member of it. "Like the sow that was washed, he returned to his wallowing in the mire." [Renewed laughter.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I desire to offer an amendment.

Mr. GROSVENOR. Mr. Chairman, I should like to understand the process by which a gentleman who obtains the recognition of the Chair, after waiting several hours for it, finds himself taken off the floor without his own consent.

The CHAIRMAN. The gentleman's time had expired when he was interrupted by the gentleman from Iowa [Mr. WEAVER], but the Chair indulged gentlemen while they were interchanging the pleasant remarks that the House has just heard. [Laughter.]

The formal amendment was withdrawn, and the Clerk read the amendment offered by Mr. BRECKINRIDGE, of Arkansas, as follows:

Section 2, line 13, after the word "butter," insert:
"And all butter containing any coloring matter or any other substance except products of cows' milk or cream: *Provided*, That nothing in this bill shall prevent the use of salt."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this amendment is only to give effect to the amendment which was made to a previous paragraph. It is in accordance with that amendment and should logically be adopted as the other was.

I will consume the balance of my five minutes in continuing the few observations that I desire to make on this bill. I have remarked to the House that the opinion of some gentlemen in debate last evening to the contrary notwithstanding, there is no case in the history of our internal taxation where a tax has been laid with the view of encouraging one industry and putting down another. I had thought that there could not be such a case from my general knowledge of the internal-revenue laws, and my opinion was further strengthened by reading the opinion of the court in the case cited by the committee in their report on this bill.

I am about to read, however, a portion of the opinion which the committee did not cite. The dissenting judges in the case of the Veazie Bank *vs.* Fenno attributed to the court a basis for the opinion delivered on that occasion, which the court did not acknowledge. The ground that they took for sustaining the 10 per cent. tax upon the State bank circulation was that it was giving effect to the power to provide a currency. They did not sustain it as a discrimination between industries. They said that it was a necessary incident to the power of providing a circulating medium, but the dissenting judges did not rest their dissenting opinion upon that ground, but upon the ground of discrimination between one industry and another in laying an internal tax; and upon that proposition of trying to discriminate between industries to which the States are willing to give citizenship, as it were, Judges Davis and Nelson spoke as follows:

It is true that the present decision strikes only at the power to create banks, but no person can fail to see that the principle involved affects the power to create any other description of corporation, such as railroads, turnpikes, manufacturing companies, and others. This taxation of the powers and faculties of the State governments which are essential to their sovereignty and to the efficient and independent management and administration of their internal affairs is for the first time advanced as an attribute of Federal authority.

Now, sir, this bill is unique. Indeed, sir, I think it is the only proposition of the kind that was ever brought before the American Congress; but of that I can not speak with certainty. These eminent judges said none such had been advanced at that time, December, 1869.

It is a remarkable departure from the whole system of legislation that has characterized us in the past, and it is quite a striking fact that the committee in quoting this report for their authority failed to see that the court had been careful to take exactly the position which they do not attribute to it. The court says this:

The general intent of the Constitution, however, seems plain. The General Government administered by the Congress of the confederation had been reduced to the verge of impotency by the necessity of relying for revenue upon requisitions on the States, and it was a leading object of the adoption of the Constitution to relieve the Government to be organized under it from this necessity and to confer upon it ample power to provide revenue by the taxation of persons and property.

The committee cite the general welfare clause of the Constitution, as if any man in America imagined that it is a grant of power except as to the disposition of the money in the Treasury. No; this is not a Government merely of discretion, though there are some great trusts we may pervert.

But to go back to the case they cite. The court says, page 549:

Having thus in the exercise of undisputed constitutional powers undertaken to provide a currency for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress may restrain by suitable enactments the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

The court then sustained a Federal tax upon a corporation, or upon the emissions of a corporation—a bank—created by a State, laid not for revenue, it is true; but most guardedly not sustained upon the ground, or pretended as being for the sake, or for the purpose, or upon any assumed or imagined power to depress or burden the business of one class of our citizens in order to give a corresponding profit and advantage to the business of another class. The court says you can tax to two purposes: first, persons and property for revenue; second, State-bank notes in order to sustain or make possible the Federal currency; and here the court stops. It does not say that you can police the industries of the country, which is one thing this bill attempts to do, and which is the least objectionable feature; and it distinctly says that you can not tax to set up one class and to put down and oppress another, which is the main thing this bill proposes to do. Hence when we turn to the case the committee cites we find that it leaves them not only no ground to stand upon, but it positively denies what they claim.

It is quite striking, then, to observe that the very report which the committee cites denies to it every particle of the ground that is claimed. In addition to this, and as further bearing upon the constitutional power claimed, we must all know, as has been frequently stated on this floor, that there are some twenty States which by legislative act have regulated the production and sale of this article. Gentlemen know perfectly well that with us power never reposes in two places at the same time. The States can not have this power to give or deny citizenship and equality or inequality to pursuits and Congress also have the power. It is strange that gentlemen who claim this power for their respective States will yet come upon this floor and ask us also to exercise it, while not denying that their local authorities possess it. It is idle to say that we punish counterfeiting of money. Of what money? Why, of coin or of currency, the only money we issue or authorize. Do we punish the counterfeiting of State scrip? No; the States do that. Neither should we seek to invade any other feature of State jurisdiction. Mr. Chairman, this bill seems to mark a new departure. It contains the germs of immense disorder, and the support it receives must convey grave alarm to every reflecting mind.

[Here the hammer fell.]

Mr. SCOTT. I would like to ask the gentleman from Arkansas a question.

Mr. BRECKINRIDGE, of Arkansas. I will give the gentleman an opportunity when I next obtain the floor.

Mr. BROWNE, of Indiana. I have said, Mr. Chairman, that if this bill is for the purpose of raising revenue it is constitutional. I have assumed that, while such may be its result, it is not its purpose. It is said, however, on the other hand, that the purpose of the bill is to prevent the sale in our markets of a filthy and unhealthful article as food. If that be the purpose there is not a lawyer professing to know anything about the Constitution who does not know that to declare an act of this kind criminal and impose upon it penalties is beyond the legislative power of the Congress of the United States.

The bill is not intended for that purpose. Even if we had the right to enact legislation of that character, this bill is not designed for that purpose, as I have stated, because it is admitted by every man—I assume it is admitted because I have heard no man contradict it—that oleomargarine may be made and is made a cleanly, healthful food product. This bill proposes to take the cleanly, healthful product and impose upon this legitimate article of food the same penalties—I speak of them as penalties—which it imposes upon the impure and unhealthful commodity. Therefore it is not the purpose of the bill to protect the people from the unhealthful and the impure. I think nobody has pretended that such is its purpose.

It is said, then, that the object of this bill is to prevent oleomargarine—and I use that term to cover all these commodities—from being sold as butter. I submit that such legislation is within the jurisdiction of every State. I assume what I think no man will question, that it is within the power of every municipal corporation in every one of the thirty-eight States of this Union. Does any man question it?

But, it is said, there comes up a cry all over the land from the farming interests of this country for this kind of legislation. What kind of legislation? Legislation to compel these food products to sail under their true colors. Is that the case? Gentlemen, let me appeal to you earnestly, for you are in earnest. Is it your simple, your sole purpose to have the people protected from buying as butter that which is not butter? If it is, let me ask you, are you in earnest in assuming that it is necessary to impose upon the manufacturer of a healthy food product a special license tax of $600? Is it necessary in the second place to impose upon the wholesale dealer in this healthful food product a special license tax of $480? It is necessary to impose upon the retail dealer a special tax of $48? And then to put on the product, which is stated to amount to 200,000,000 pounds annually, a special internal-revenue tax of 10 cents a pound?

[Here the hammer fell.]

Mr. HATCH. I move that the committee rise.

Mr. BROWNE, of Indiana. I hope the gentleman will allow me to conclude my remarks before he makes that motion.

Mr. HATCH. I thought the gentleman had finished. I withdraw the motion for the present and yield to the gentleman.

Mr. BROWNE, of Indiana. I thank the gentleman.

Now, if such taxation as I have just recited is not necessary, how much is necessary? Just so much as will put this commodity within the jurisdiction of the proper revenue machinery of the United States and secure some revenue—a quantity sufficient to pay the expenses of the machinery which is intended to protect the people. Is $20,000,000 of taxation added to these special license taxes required for that purpose? Why, sir, a taxation of 1 cent on the pound would, if your statistics are stated correctly, yield $2,000,000 annually. When you add to that these special taxes how much would you obtain? I do not know; but if you impose a tax of 2 cents a pound it will bring into the Treasury of the United States $4,000,000 annually. Is that enough to put oleomargarine under its true colors? If it is, I will vote with you.

But when you propose to impose all these additional taxes, what object do you intend to accomplish? You intend to destroy an industry—to destroy an industry that demands the healthy product of the farmer's animals—the healthy product of his ox and his hog. You propose to destroy an industry that adds to the value of the farmer's ox and the farmer's swine. And you attempt to do this in his interest! In this way you impair the value of the farmer's cattle and swine, and rob one class of agriculturists for the benefit of another class.

Why, Mr. Chairman, I saw in a paper the other day a statement that may astonish you when you think of the representative of the people to whom that statement applies. I represent a district that has a smaller percentage of illiteracy than any Congressional district in the United States. This, when you remember who represents it, may be considered a paradox; I can not help that. But I wish to say that this constituency of mine is very largely made up of farmers engaged in raising milk and cream and selling butter; and this intelligent constituency has not sent me a petition in reference to this bill, and, with one exception, I have not received a letter upon this subject. Yet gentlemen are asserting loudly that this measure is being demanded by all the intelligent and industrious farmers of the country. I deny it. The demand comes from a single branch of the farming industry. Have the raisers of beef-cattle and fatted hogs called for it? My farming constituents largely interested in these industries have asked no protection.

I can account for their silence on the supposition they have implicit confidence in the wisdom of their Representatives. [Laughter.]

Now, Mr. Chairman, allow me to say, if, gentlemen, you are honest, if you intend simply to allow this thing to be sold forwhat it is, if you mean that, and if you will so amend the bill it will accomplish that purpose, and that only, I will vote for it. But if you intend to use me or my vote as an instrumentality to destroy any honest and legitimate industry of this country, however small or however feeble, and in favor of another, however strong and powerful, or however numerous its supporters may be—if you expect to use me as an instrument in that direction you have mistaken the man. [Great applause.] I will go home to my constituents and defend my action, and if they do not like my vote in defense of liberty, justice, and fair play they can send some one else in my place. [Renewed applause.] I will vote for this bill if it be made to protect the consumer of oleomargarine from imposition, but I can not vote to destroy—destroy wantonly—an industry that is capable of supplying a cheap and healthy food to the toiling poor.

Mr. HATCH. Unless I can get the consent of the committee to take a vote on the pending amendment I will move that the committee rise to close debate. [Cries of "Vote!" "Vote!"] I hope the committee will give its consent to close debate and thereby save time.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. I ask for a division.

Mr. HATCH. I hope the committee will vote the amendment down.

The committee divided; and there were—ayes 50, noes 96.

Mr. BRECKINRIDGE, of Arkansas. No quorum has voted.

The Chairman appointed as tellers Mr. BRECKINRIDGE, of Arkansas, and Mr. HATCH.

The committee again divided; and the tellers reported—ayes 52, noes 113.

So the amendment was disagreed to.

Mr. HAMMOND. I offer the following amendment.

The Clerk read as follows:

Add as follows:

"That hereafter it shall not be lawful for any manufacturer, merchant, shopkeeper, or other person to sell or expose for sale within the District of Columbia, or any of the Territories of the United States, the produce known as oleomargarine without first branding, marking, or labeling the same in a legible manner and conspicuous place with the word 'oleomargarine,' so as to be easily observed by persons offering to purchase, and also without first informing the person offering to purchase that the article is oleomargarine.

"It shall not be lawful for any proprietor, keeper, or manager of any hotel, inn, restaurant, or house of public entertainment to furnish, offer, or set before, or permit to be offered, furnished, or set before his guests, in the District of Columbia, or in any of the Territories of the United States, the article known as oleomargarine without first putting his guests upon notice by posting in conspicuous places in the dining-room and in all other rooms where the guests of such house are accustomed to take meals, and also in private rooms of the guests, so that it can be easily observed and read by the guests, in the following words: 'This house uses oleomargarine;' and also have said notice on their bills of fare when such bills of fare are used by any such house."

Mr. HATCH. I desire to make a point of order on that amendment, that it is not germane to the section. I will tell the gentleman if he will carefully examine the succeeding sections of the bill he will agree with me if he desires to offer this amendment in good faith it had better be offered to a subsequent section of the bill.

Mr. HAMMOND. I have carefully examined the other sections of the bill and I do not agree with the gentleman it ought to be offered at that place. If I have my choice, that place never will be reached in this bill. [Laughter and applause.]

Mr. HATCH. That is what I supposed.

Mr. HAMMOND. I suppose that was obvious from my conduct on two or three occasions on this floor. [Laughter.]

Now, Mr. Chairman, the amendment, in short, is simply a copy of the Georgia statute. That which Georgia had the right to do within her limits the United States has a right to do within the District of Columbia and within the Territories of the Union.

That marks oleomargarine wherever it is used. It suppressed its use in my State. If gentlemen are honest enough to suppress its use in the United States then let them vote for that amendment.

Mr. HATCH. I want a vote.

The CHAIRMAN. The gentleman withdraws the point of order. The question recurred on Mr. HAMMOND'S amendment.

Mr. HENDERSON, of Iowa. Is this offered as an amendment or as a substitute?

Mr. HAMMOND. As an amendment to the second section of the bill.

The committee divided; and there were—ayes 92, noes 85.

So the amendment was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I desire to offer an amendment to the bill. I move in the second section to strike out the words "or calculated;" so it will read:

In imitation or semblance of butter, or intended to be used as butter or for butter.

Mr. HATCH. I will move that the committee rise for the purpose of closing debate.

Mr. BRECKINRIDGE, of Arkansas. I have the floor.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE], having moved an amendment, is entitled to the floor.

Mr. HATCH. I will give the gentleman his five minutes.

Mr. BRECKINRIDGE, of Arkansas. I am very much obliged to the gentleman for giving what belongs to me.

Mr. HATCH. I proposed to give the gentleman time after the House had agreed to limit the debate.

Mr. BRECKINRIDGE, of Arkansas. I prefer to occupy my own time.

That amendment, Mr. Chairman, it will be perceived, proposes to strike out of line 12 the words "or calculated;" and I make the motion for the reason that I think the words as used there are entirely too vague and indefinite. Crime consists, generally, in the intention; but under the language of this bill if any one should make a commodity that may be judged to resemble this article, even without any intention to pass it as butter, if it were merely "calculated" to be used as butter, they would be guilty of a crime and subject to the punishment imposed. Hence I think the words should be stricken out and only retain in the section the words "or intended;" and I believe the committee, if they will examine the lines indicated, will not doubt the propriety of the amendment.

Mr. BUTTERWORTH. I rise to a question of order. We would like to hear the gentleman.

Mr. BRECKINRIDGE, of Arkansas. I must beg not to be interrupted now.

Mr. BUTTERWORTH. Well, the gentleman desires that we should know what he is talking about, I presume.

Mr. BRECKINRIDGE, of Arkansas. I thank the gentleman for attributing to me a characteristic which I know is not very common; but it is my time, and I ask not to be interrupted.

The CHAIRMAN. The Chair understood the gentleman from Ohio to raise a question of order.

Mr. BUTTERWORTH. I simply desired to call the attention of the gentleman from Arkansas to the fact that we have not been able to hear the amendment read, and consequently can not understand the burden of his remarks. I hope he will allow us to go along with him in the discussion.

Mr. BRECKINRIDGE, of Arkansas. If my friend will honor me with his attention now I will tell him exactly what I propose. I call his attention to line 12 of the second section of the bill, and the proposition is to strike out the words "or calculated." That is the pending amendment.

Now, Mr. Chairman, I have said that this is the first effort ever made in Congress to subsidize selected industries of the country by internal taxation—the very first, indeed, that is not strictly for revenue; and, further, it does not lessen the force of my point to cite the one single

case where the circulation of State-bank notes was stopped under the form of taxation in order to secure the circulation of Federal notes.

The Federal Congress is now undertaking for the first time to determine by internal taxes what the people shall eat and what they shall drink. And this comes at a time when Congress is singularly derelict in exercising its lawful and proper functions. What we need is to remove taxes, not to increase them. But you must obtrude into the police or social questions of the people. How long do you think you will be able to keep the temperance question out of Congress? How long do you think you will be able to deny the constitutional power of Congress to regulate the question of temperance if you pass this bill? How long can you refuse to consider those who mix cotton with wool and silk, and flax with jute, and all such local questions if you pass this bill?

What aspiration is there of creed or greed or course of action, or of fanatical faction, if you please, that will not come with hungry wits, dashing like fierce waves against the base of the Capitol, or rushing fiercely through its corridors, demanding that we take note of their grievances, their pet arguments or schemes of speculation, and take them out of the domain of local agitation of personal discussion, and redeem them from the restrictions of municipal control or State control? And all these things, as to what shall survive, what industry shall have citizenship, what belief itself even, shall have reputation or existence in communities, will come here for determination.

Sir, it opens Pandora's box to every question of business and morals and fanaticism, and to every demand of speculation and avarice that is conceivable; and when you have, under the form of taxation, gone beyond the question of revenue and taxed those things that are called the vices of the country, but which the States permit, until you have destroyed them, you will have nothing but the virtues of the country to feed upon for revenue.

When you have stricken down tobacco and whisky and oleomargarine and mixed goods, with none of which we have lawfully anything on earth to do, except to tax them for revenue and upon accepted principles of revenue, if we find them in existence by permission of the States, you have got to proceed on bread and meat and upon the other necessaries of life, and upon the very seed-corn of the country. I draw the line here at revenue, where I am sustained by the Supreme Court of our country, by every statesman in our history, by an unbroken line of legislative precedents, by my conception of what should be left to my State, and by my sense of obligation of my solemn oath to support and defend the Constitution of my country until it is changed by the forms and requirements of law.

See, gentlemen, to what illogical and wretched extremes this hitherto unknown and unattempted policy of taxation reduces us. See what local, petty, fireside, social, police, and gainful if not wretched questions this policy brings into Congress. It converts our whole system of taxation into a miserable log-rolling scheme. To-day it is butter that seeks advantage over butterine; to-morrow perhaps the South with its cotton-seed oil for cooking will want an advantage over lard. The next day beef is to have an advantage over pork or some other product, and so on through every one of the pursuits and products of the people. We shall turn ourselves into a maelstrom of confederated businesses in order that a combined majority may oppress a minority and drive them out of business or reduce them to poverty and servitude.

Now, sir, I want to look for a moment at some of the extraordinary proofs and evidences that have been brought by the committee in support of their bill.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HATCH. I move that the committee rise for the purpose of limiting debate.

The committee divided; and there were—ayes 105, noes 29.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8328, had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven.

OLEOMARGARINE.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of revenue bills; and pending that motion I move that all debate on section 2 of the pending bill and amendments thereto shall be limited to ten minutes, and upon that I demand the previous question.

Mr. BRECKINRIDGE, of Arkansas. I desire to amend the motion of the gentleman from Missouri so that the debate shall be limited to one hour.

The SPEAKER. But the gentleman from Missouri has demanded the previous question.

Mr. WILLIS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If the demand for the previous question is voted down would the motion of the gentleman from Arkansas then be in order?

The SPEAKER. It would.

The question being taken on ordering the previous question, there were—ayes 94, noes 7.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

Mr. HATCH. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 30, not voting 109; as follows:

YEAS—183.

Adams, G. E.	Ely,	Kleiner,	Sawyer,
Adams, J. J.	Ermentrout,	La Follette,	Scott,
Allen, C. H.	Evans,	Le Fevre,	Scranton,
Allen, J. M.	Everhart,	Lehlbach,	Seney,
Anderson, C. M.	Farquhar,	Libbey,	Sessions,
Anderson, J. A.	Felton,	Lindsley,	Seymour,
Atkinson,	Findlay,	Lovering,	Shaw,
Ballentine,	Fisher,	Lowry,	Singleton,
Barbour,	Fleeger,	McComas,	Skinner,
Barksdale,	Forney,	McCreary,	Smalls,
Barry,	Frederick,	McKenna,	Sowden,
Bayne,	Fuller,	McKinley,	Spooner,
Beach,	Funston,	McMillin,	Spriggs,
Bennett,	Gallinger,	Millard,	Springer,
Bland,	Geddes,	Milliken,	Stahlnecker,
Bound,	Gilfillan,	Moffatt,	Stephenson.
Boutelle,	Glass,	Morgan,	Stewart, J. W.
Boyle,	Green, W. J.	Morrill,	Stone, E. F.
Brady,	Grosvenor,	Morrow,	Stone, W. J., Ky.
Bragg,	Grout,	Neal,	Storm,
Browne, T. M.	Hale,	Neece,	Strait,
Brown, W. W.	Halsell,	Negley,	Struble,
Buchanan,	Harmer,	Nelson,	Swope,
Buck,	Hatch,	O'Donnell,	Symes,
Bunnell,	Haynes,	O'Ferrall,	Taulbee,
Burrows,	Heard,	O'Neill, Charles	Taylor, E. B.
Butterworth,	Henderson, D. B.	Osborne,	Taylor, J. M.
Campbell, J. M.	Henderson, J. S.	Owen,	Taylor, Zach.
Campbell, T. J.	Henderson, T. J.	Parker,	Thomas, O. B.
Candler,	Henley,	Payne,	Thompson,
Cannon,	Hepburn,	Payson,	Townshend,
Carleton,	Herman,	Peel,	Van Schaick,
Caswell,	Hiestand,	Perkins,	Wakefield,
Comstock,	Hires,	Peters,	Ward, J. H.
Conger,	Hiscock,	Pidcock,	Weaver, A. J.
Cooper,	Hitt,	Plumb,	Weaver, J. B.
Cowles,	Holman,	Price,	Weber,
Cox,	Hopkins,	Randall,	West,
Culberson,	Howard,	Ranney,	Wheeler,
Cutcheon,	Hudd,	Reed, T. B.	White, A. C.
Davenport,	Jackson,	Richardson,	White, Milo
Dawson,	James,	Rockwell,	Whiting,
Dockery,	Johnson, F. A.	Romeis,	Wilkins,
Dorsey,	Johnston, J. T.	Rowell,	Wolford,
Eldredge,	Johnston, T. D.	Ryan,	Worthington.
Ellsberry,	Kelley,	Sadler,	

NAYS—30.

Barnes,	Gibson, Eustace	Martin,	Tucker,
Catchings,	Harris,	McRae,	Turner,
Daniel,	Herbert,	Morrison,	Van Eaton,
Dargan,	Irion,	Perry,	Wadsworth,
Davidson, A. C.	Jones, J. H.	Snyder,	Wilson,
Davidson, R. H. M.	Laffoon,	Stewart, Charles	Wise.
Dunn,	Lanham,	St. Martin,	
Gay,	Lawler,	Tillman,	

NOT VOTING—109.

Aiken,	Curtin,	Laird,	Reid, J. W.
Arnot,	Davis,	Landes,	Reese,
Baker,	Dibble,	Little,	Rice,
Belmont,	Dingley,	Long,	Riggs,
Bingham,	Dougherty,	Lore,	Robertson,
Blanchard,	Dowdney,	Loutit,	Rogers,
Bliss,	Dunham,	Lyman,	Sayers,
Blount,	Eden,	Mahoney,	Steele,
Breckinridge, C. R.	Foran,	Markham,	Stone, W. J., Mo.
Breckinridge, WCP.	Ford,	Matson,	Swinburne,
Brown, C. E.	Gibson, C. H.	Maybury,	Tarsney,
Brumm,	Glover,	McAdoo,	Taylor, I. H.
Burleigh,	Goff,	Merriman,	Thomas, J. R.
Burnes,	Green, R. S.	Miller,	Throckmorton,
Bynum,	Guenther,	Mills,	Trigg,
Cabell,	Hall,	Mitchell,	Viele,
Caldwell,	Hammond,	Muller,	Wade,
Campbell, Felix	Hanback,	Murphy,	Wait,
Campbell, J. E.	Hayden,	Norwood,	Ward, T. B.
Clardy,	Hemphill,	Oates,	Warner, A. J.
Clements,	Hewitt,	O'Hara,	Warner, William
Cobb,	Hill,	O'Neill, J. J.	Wellborn,
Cole,	Holmes,	Outhwaite,	Willis,
Collins,	Houk,	Pettibone,	Winans,
Compton,	Hutton,	Phelps,	Woodburn.
Crain,	Jones, J. T.	Pindar,	
Crisp,	Ketcham,	Pirce,	
Croxton,	King,	Reagan,	

So the previous question was ordered.

Mr. SOWDEN. I ask unanimous consent to dispense with the reading of the names.

Mr. BRECKINRIDGE, of Arkansas, and Mr. VAN EATON objected.

The following additional pairs were announced:

Mr. LOUTITT with Mr. WOODBURN, on the pending bill.

Mr. OATES with Mr. GOFF, for the rest of the day. Mr. OATES, if present, would vote against the pending bill.

Mr. COLLINS with Mr. GLOVER, on this bill. Mr. GLOVER would vote for the bill and Mr. COLLINS against it.

The result of the vote was then announced as above stated.

The SPEAKER. The question is now on the motion of the gentleman from Missouri [Mr. HATCH] to limit debate on the second section of the pending bill and all amendments thereto to one minute.

The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri, that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The CHAIRMAN. By order of the House, all debate on the pending section of the bill and amendments thereto is limited to one minute.

Mr. HAMMOND. I desire to offer an amendment.

The CHAIRMAN. There is an amendment pending which the Clerk will report.

The Clerk read the following amendment, proposed by Mr. BRECKINRIDGE, of Arkansas:

In the twelfth line of section 2, strike out the words "or calculated," so it will read "made in imitation or semblance of butter, or intended to be used as butter or for butter."

The question being taken, the chairman stated that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division. Those words ought to be stricken out.

The committee divided; and there were—ayes 71, noes 99.

So the amendment was disagreed to.

The CHAIRMAN. The Clerk will now report the amendment submitted by the gentleman from Georgia [Mr. HAMMOND].

The Clerk read as follows:

Add to section 2 as amended, the following:

"If any person shall knowingly and willfully violate the foregoing provisions of this act he shall, upon conviction in any court having jurisdiction thereof, be punished by a fine not exceeding $2,000, or be imprisoned for any period not exceeding one year."

Mr. HAMMOND rose.

The CHAIRMAN. Only one minute is allowed for debate.

Mr. HAMMOND. And that minute is altogether ample for my purpose. This is simply to make the proper penalty for the violation of the law embraced in the amendment which we have just adopted.

The committee divided; and there were—ayes 75, noes 96.

Mr. HAMMOND. I call for tellers.

Tellers were ordered—44 members voting therefor.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Georgia, Mr. HAMMOND, and the gentleman from Missouri, Mr. HATCH.

The committee again divided; and the tellers reported—ayes 58, noes 109.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next section of the bill.

The Clerk read as follows:

SEC. 3. That special taxes are imposed as follows:

Manufacturers of oleomargarine shall pay $600. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

Mr. HAMMOND. Mr. Chairman, I rise to a question of order. This section of the bill is divided into paragraphs. The paragraph just read defines who shall be regarded as manufacturers. The next paragraph prescribes the tax. I submit that, this being a separate paragraph dealing with a distinct matter, it ought to be subject to amendment by itself.

Mr. HISCOCK. This whole section applies to one subject.

The CHAIRMAN. The Clerk will read the whole of the section, but in order to facilitate the business of the committee the Chair will entertain amendments to the separate paragraphs.

The Clerk completed the reading of section 3, as follows:

Wholesale dealers in oleomargarine shall pay $480. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production at the place of manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales.

Retail dealers in oleomargarine shall pay $48. Every person who sells oleomargarine in less quantities than 10 pounds at one time shall be regarded as a retail dealer in oleomargarine. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year the special tax shall be reckoned from the 1st day of July in that year, and shall be $500.

Mr. DUNHAM. I move to amend section 3 by striking out, in line 2, the words "six hundred" and inserting "one hundred."

Mr. Chairman, I stated to the House yesterday that I should offer to-day an amendment proposing to reduce the tax upon the manufacturer of this article from $600 to $100. I offer this amendment because the taxes generally imposed upon manufacturers under existing internal-revenue laws do not in any case reach the sum of $600. The rectifier of whisky to an amount less than 100 barrels pays a tax of only $100; the rectifier of whisky to an amount over 500 barrels is taxed only $200. Further along in this bill there is provision made for a tax upon the product itself, and the object of this assessment upon the manufacturer is simply to require him to take out a license and be identified with and come under the internal-revenue system.

The tax proposed on the product itself is certainly all that is wanted. Where a man makes, perhaps, a million pounds of this product and pays a tax upon that, it should be sufficient, without requiring him to pay an extra $600 simply for the privilege of keeping his works running. The proposition seems fair to reduce this tax from six hundred dollars to one hundred, and I hope the House will accept it.

Mr. MILLIKEN. Mr. Chairman, I hope the amendment of the gentleman from Indiana [Mr. BROWNE] will not prevail. It is stated here, and not denied by the friends of the manufacturers of oleomargarine, that it can be made at 8 cents a pound. It is not denied that it sells for at least 25 cents a pound. Now, if a tax of 10 cents a pound is levied upon it, and the $600 provided in the bill instead of $200 to which this amendment reduces it be demanded, still the entire tax will not amount to more than 12 cents a pound, and the manufacturer of oleomargarine will be making a very handsome profit.

Gentlemen tell us that this is a pure article of food. If that is the case why does it not go forth under its own name? Do you ever see an honest man registering himself under a false name? Are the fellows who go around under aliases honest men? If this is an honest article of food, as good as butter, why do not the manufacturers and dealers brand it and sell it as oleomargarine? One word more in reply to my friend from Illinois [Mr. LAWLER]. He says that the poor men, the workingmen, want this food. I say that the workingmen of this country want the best food they can get; they do not want cheap and nasty food; and if this imitation butter is taxed out of existence I have no doubt there is, or soon will be, sufficient capacity in the dairies of this country to give the workingmen butter that will be at the same time both good and cheap.

Why, sir, if you allowed counterfeit money to be circulated all through the community do you suppose that you would have a sufficient amount of good money to supply the people with currency? Certainly not. The counterfeit would crowd out the good money. Just so this oleomargarine is crowding out good butter. It is diminishing our dairy products, diminishing the number of our dairies, causing the slaughter of the cows, and if its unlimited manufacture is to go on the result will be that you will have a supply of this counterfeit butter and nothing else.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I move *pro forma* to amend by striking out the last word. Sir, I assume that every gentleman who favors this bill, as well as every gentleman who opposes it, is in earnest. The gentleman from New York [Mr. HISCOCK], in discussing this question, started out by admitting that oleomargarine in itself may be pure and wholesome, not injurious to public health. The gentleman from Illinois said that the farmers are not afraid of competition with this article if it be so marked that the man who buys it may know what he is buying. Now, I assume, of course, that these gentlemen are honest in stating these propositions. That being so, all we need to do is to put such a tax upon oleomargarine that the manufacturer and the retail dealer shall be required to sell it for what it really is.

When we have accomplished this, we shall have accomplished all that should be sought by a bill of this kind. But the man who wants to buy oleomargarine should be allowed to do so without paying an excessive price for it. While imposing such a tax that the manufacturer and retail dealer shall be obliged to sell this commodity for what it actually is, we should not compel the man who buys it to pay, on account of this taxation, 12 or 15 cents a pound more than he would otherwise be compelled to pay.

Sir, I am in favor of a bill of this kind, but I am not in favor of taxing this commodity out of existence. If, as has been said here, this article can be so made as not to be distinguishable from butter, so as to be as healthful as butter, then I believe the man who works for 80 cents or $1 a day should not be compelled to pay 40 or 50 cents a pound for butter. The gentlemen who drew this bill have gone too far.

The gentleman from Iowa [Mr. STRUBLE] has said that we export more oleomargarine than butter, and in this way our foreign trade is cut down. But, sir, this very bill proposes to say to the men who manufacture oleomargarine, "You may export this article and practice a fraud upon those who reside out of the country, and you need pay no tax upon this exportation."

Mr. STRUBLE. I stated that I was opposed to that section of the bill. I am in favor of taxing that portion of the product which is exported as well as that portion which is sold in this country.

Mr. JOHNSTON, of Indiana. Now, the friends of this measure who say they wish to pass a bill which shall protect the men who buy oleomargarine ought not to impose such taxation as to tax this commodity out of existence, thereby using the taxing power of the Government as a means of legislating against one class of people and in the interest of another. You might just as well say, "We will buy the use of the taxing power, protect one class of manufacturers while we oppress another." Let us be honest about this matter and impose simply such taxation as will secure the proper marking of this commodity wherever sold. But let us not tax it out of existence. If a man wants to buy this article and does so knowing exactly what it is let him buy it at a reasonable price.

[Here the hammer fell.]

Mr. JOHNSTON, of Indiana. I withdraw my *pro forma* amendment.

Mr. HISCOCK. Mr. Chairman, the opponents of this bill have put into the mouths of those who favor it every conceivable argument. In addition to the charge that we are supporting an unconstitutional measure, it is urged by one gentleman who has addressed the committee that we are attempting to "tax out of existence" a "healthful product." Sir, I have no hesitation in standing upon the ground that we are attempting to protect a healthful product against the unfair competition of a fraudulent and poisonous product.

It is true, I have said, as the gentleman from Indiana states, that oleomargarine can be made pure; yet I have here a characteristic description of the manner in which it is in fact made; and I will read some portions of this description as a reply to gentlemen who say we are attempting to "tax out of existence" a "healthful product," which the laboring men desires to purchase as food.

Mr. DUNHAM. And after the gentleman has read that let him read a description of the manner in which some butter is made.

Mr. HISCOCK. I read the testimony of Mr. Michels, of New York, a well-known microscopist and the editor of a scientific journal. He says that—

> Oleomargarine is simply uncooked, raw fat, never subjected to sufficient heat to kill parasites which are liable to be in it; that those who eat it run the risk of trichinæ from the stomachs of animals which are chopped up with the fat in making it.

That is your "healthful product!" I have also here the testimony of Dr. R. U. Piper, of Chicago, who says that—

> His attention was first called to the subject by an article published by Mr. Michels, in the American Journal of Microscopy. Since then he has examined a large number of specimens. He testifies that, while no true butter can carry trichinæ, eggs of the tape-worm, &c., he has found in oleomargarine not only organic substances in the form of muscular and connective tissue, and various fungi, but also living organisms which have resisted boiling acetic acid, and eggs resembling those of the tape-worm. These he has preserved to be shown to any one who may desire to see them, and he has also microscopic photographs of them.

Rev. E. Huber, microscopist, of Richmond, Va., writes in the Southern Clinic of May, 1880:

> Oleomargarine differs in its microscopical appearance as well as in its nutritive and dietetic qualities from true butter; that the fats in it are not subjected to a heat sufficient to destroy the germs of septic and putrefactive organisms, and that there may also be introduced into the system by its means the eggs which develop in tape-worm. And he also states that he has frequently found in oleomargarine eggs resembling those of the tape-worm.

Dr. George B. Harriman, a most respectable microscopist of Boston, "examined some twenty specimens of oleomargarine obtained from different dealers, and had found in every specimen more or less foreign substances, a variety of animal and vegetable life. Among those were corpuscles from a cockroach and small bits of claws, the blood corpuscles of sheep, the egg of a tape-worm. Yeast was found sprouting in considerable quantities and spores of fungi were very prevalent. A portion of a worm, a dead *hydra viridis*, portions of muscular fibers, fatty cells, and eggs from some small parasite were among the discoveries."

This is your "healthful product" that you would not have "taxed out of existence." Neither would I; but I desire gentlemen should understand the ground upon which we plant ourselves. We desire to give protection to an honest industry against this fraudulent one which I have described.

Mr. JOHNSTON, of Indiana. Will the gentleman yield a moment?

Mr. HISCOCK. I can not unless the gentleman will yield me further time.

Mr. JOHNSTON, of Indiana. I will yield you all the time I have. [Laughter.]

Mr. MORRISON (to Mr. HISCOCK). Say over again what you said about "protection," so that the chairman of the committee [Mr. HATCH] may hear it.

Mr. HISCOCK. My friend from Illinois asks me to repeat the utterance I made in reference to "protection." Since I am invited to do so I take pleasure in reading some remarks of Daniel Webster upon that subject:

> Mr. President, this power of discrimination, thus admitted, avowed, and practiced upon in the first revenue act, has never been denied or doubted until within a few years past. It was not at all doubted in 1816, when it became necessary to adjust the revenue to a state of peace. On the contrary, the power was then exercised, not without opposition as to its expediency, but, as far as I remember or have understood, without the slightest opposition founded on any supposed want of constitutional authority. Certainly South Carolina did not doubt it. The tariff of 1816 was introduced, carried through, and established under the lead of South Carolina. Even the minimum policy is of South Carolina origin.
>
> The honorable gentleman himself (Mr. John C. Calhoun) supported, and ably supported, the tariff of 1816. He has informed us, sir, that his speech on that occasion was sudden and off-hand, he being called up by the request of a friend. I am sure the gentleman so remembers it, and that it was so; but there is, nevertheless, much method, arrangement, and clear exposition in that extempore speech. It is very able, very much to the point, and very decisive. And in another speech, delivered two months earlier, on the proposition to repeal the internal taxes, the honorable gentleman had touched the same subject, and had declared "that a certain encouragement ought to be extended at least to our woolen and cotton manufactures."
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> "Sir, it is no answer to say that the tariff of 1816 was a revenue bill. So are they all revenue bills. The point is, and the truth is, that the tariff of 1816, like the rest, did discriminate; it did distinguish one article from another; it did lay duties for protection."

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last word.

Mr. FINDLAY. Allow me to present an amendment. I do not propose to say anything about it.

Mr. HAMMOND. Do not yield.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last word.

Mr. Chairman, the question that is of the most importance to my mind in the consideration of this measure is not the relative value and purity of the article known as oleomargarine or of butter; and I do not desire to submit any observation on these subjects nor upon anything which has been said about these two products.

But the question is as to whether the American Congress shall deliberately proceed, in the line of a new departure, to use the internal-revenue taxing power for any purpose other than that of raising revenue.

This measure, however demanded, for whatever purpose introduced, supported by whatever argument, is, when you reduce it to its ultimate analysis, the use of the sovereign power of taxation for the purpose of aiding a competitor in trade in the race for profit. [Applause.]

Now, what I desire to say is only to emphasize that issue so that we may understand and the country will understand what it is we are doing to-day.

We do not need the revenue, for the figures show that by the present internal-revenue taxation for this year we will receive from tobacco and spirits, and from the duties imposed on imported tobacco and spirits, about $109,000,000. With the sugar duties added to this, making about $160,000,000, all the war expenditures can be met by these three articles.

The pensions are about $80,000,000, the sinking fund, $46,659,000, the interest on the public debt about $44,622,589. So that these three articles—sugar, tobacco, and spirits—will pay all the war expenditures which the Government must liquidate.

The customs will leave us perhaps thirty millions or over more than the sums which by the estimates of the Departments are necessary for the year 1887.

On page 254 of the Book of Estimates the aggregate estimated expenditures for the year 1887 are $339,589,552.34. Of this sum $75,830,200 are for pensions, $46,659,000 for the sinking fund, $44,622,587.28 for interest on the public debt; so that these three items, all being war expenditures, aggregating $167,111,789.28, are to be met by war taxes, by the internal revenue on spirits and tobacco, and the remainder over the sum collected on these two articles can be well paid by the duties on sugars. These taxes are literally taxes, absolutely so as to spirits and tobacco, almost so as to sugar, 85 per cent. of the imports on sugars going into the Treasury.

So that we have ample revenues for all the purposes of the Government and a surplus of at least thirty millions. This of necessity brings us face to face, whether we desire to face it or not, with the problem, how shall we sort out these taxes, how shall we eliminate from the objects of taxation so as to reduce these excessive revenues somewhat to meet the mere necessities of the Government? From what shall we take off the burden of taxation, what shall be relieved from the taxing power, not what shall we hunt to subject to new burdens.

There are $30,000,000 over and above our necessary revenues. Where shall we lift the burden of taxation? This is the real problem which meets us.

This bill proposes not to relieve taxation. And lest I forget it in the limited time allotted to me I here remark that the power of taxation is a trust power. All powers granted to governments, whether they be despotic or republican governments, are trust powers. They are powers delegated by the people to the organism known as society, acting through prescribed agencies called a government, merely for the purpose for which governments are organized. Now this trust power——

The CHAIRMAN. The gentleman's time has expired.

Mr. THROCKMORTON. I will take the floor and yield my time to the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. I thank the gentleman from Texas.

Now, this trust power, this power of taxation, given to us solely as trustee, to be exercised only by necessity and solely for the purpose of raising revenues, which revenues can only be justified by necessary expenses—this taxing power is now under this bill sought to be used for the first time in the history of the Government in a competitive race between rival industries.

For, sir, the exercise of the power heretofore by which 10 per cent. was laid on the circulation of State banks was not a contest between citizens, but it was a contest between the General Government, acting through its bank agencies, the national banks, and the State banks; and it was justified simply because those national banks in that day of peril to the credit of the nation were necessary to be sustained and encouraged as its financial agents in operations of stupendous amounts and absorbing interest, in times of great urgency demanding extraordinary measures.

They were all for the benefit of the Government; not for the special benefit of citizens or any particular industry. But here the power of taxation is used for the purpose of destruction. Now for the first time we enter into private controversy between internal industries. However wide our differences have been or are as to the use to which the power of levying imposts could or ought to be put, however earnest the contention about the protection to be given through customs, all agreed that the Government ought not to enter into partnership with one home industry to injure another home industry; no one seriously urged that the common Government, instituted for the common good, supported by all the citizens, should deliberately, under any excuse, exercise its power of taxation as a means of destruction to one industry, or as a bounty or aid to a rival industry.

I agree in full with what fell from the lips of the gentleman from Illinois [Mr. MORRISON], the chairman of the Committee on Ways and Means, this morning, that as between customs duties and internal revenue, when we can come to the point of election, I am in favor of customs duties wisely and justly levied as relieving the country from the machinery which necessitates espionage, that must be offensive, that can not possibly, no matter how well administered, be administered so as not to be a burden.

It may be hereafter, Mr. Chairman, in those happy days when our public debt is paid—God speed the day—and when the pension-roll is a memory, and when only the ordinary civil administration of the Government causes expenditures, that our children may see economic questions in a different light, and may prefer to raise their revenues by excises and internal taxation. To-day spirits, tobacco, and sugar would pay without increased duties or taxes all the civil expenditures of the Government.

If from the $339,589,552.34 of estimated expenses is taken the sums before set out as estimated for pensions, the sinking fund, and the interest on the public debt, $167,111,789.28; the $3,877,410 for interest on the Pacific Railway stock, which is really a legacy of the war and which is temporary in its nature; the $26,860,016.76 estimated for public works, a sum unnecessarily large, and dependent on annual and always doubtful legislation; the $4,000,000 estimated as necessary for repayment to importers in excess of deposits, and the $8,500,000 as drawbacks or customs allowances, the amount annually expended in the ordinary administration of our Government would be, on the estimate for 1887, $130,000,000; while the taxes on spirits, tobacco, and sugar would realize $160,000,000. And with these or such relative figures before them our children might conclude that a race so thrifty and brainy, possessing a country so blessed with all material wealth, could outstrip the world in a free, equal, untrammeled industrial competition, and thus prefer to support their Government by these duties rather than by customs dues. But for to-day, with an unpaid public debt and an increasing pension-list, we must submit to both tariff and internal taxation.

But I am not now willing to increase these offices, enlarge this machinery, add to its powers, and change its nature by making it in the mind of the country a machinery that can be employed to help one industry in the race with another. That is the simple problem presented here to-day by the pending bill. It is covered with the abuse of oleomargarine; it is clothed with praises of the dairymen; it is enwrapped in rhetorical figures about the farmers; it is made plausible with appeals to prejudice and passion; but stripped of all these, it is simply that we shall go in this road, that we shall undertake this new departure, to use the process and powers of taxation to build up one industry at the expense of another.

It seems to me, Mr. Chairman, that this is the most important question that has been presented to this Congress during the few months that I have had the honor to occupy a seat here, far more important than the dairy industry, far more important than the oleomargarine industry, for it goes to the very foundation of our authority and calls in play the whole question of the taxing power of the Government. It brings us necessarily—whether we attempt to disguise it to ourselves or not, when we come face to face with our own consciences, to the consideration of the question of all questions which the representatives of a free people can discuss or legislate upon—it brings us to a decision as to our right and the ground upon which it rests to wring from any man his money, earned by his sweat, under the taxing powers of the Government. Disguise it in any manner you please, when it has at last reached its bottom, taxation means the involuntary enforced payment by somebody of a dollar of his own money for the benefit of the Government or by the exaction of the Government for some one else. With my views the constant limitation that ought to be put upon this dangerous but necessary power is that it shall be used solely for the benefit of the Government.

Never by my consent shall the sovereign power of the nation be used to tax one man for the direct benefit of another [applause], confiscating out of one man's pocket, under the name of taxation, a dollar of sweat for another man, I care not whether he be a dairyman in the beautiful blue-grass region I love and represent or whether he be any other man engaged in any other industry in this country. A freeman's dollar in his own pocket is a sacred dollar from the hands of the Government. [Loud applause.]

I withdraw the *pro forma* amendment.

Mr. CABELL. Mr. Chairman, I represent a district the people of which are mainly devoted to agricultural pursuits, and I deny that this bill imposing a tax upon oleomargarine is in the interest of the agricultural masses of this country. While I respect the opinions of those gentlemen who hold views in opposition to my own, I must be allowed to say they make a mistake when they endeavor to palm this bill off upon the farmers of the country as one for their benefit and in their interest.

The farmers of this country are a quiet, unobtrusive, and patriotic class, and while they do not interfere in politics to the same extent as others, yet they are generally as well informed and as intelligent as any other portion of the community; are quick to see when their rights are invaded, and will not be duped into the advocacy or toleration of a measure pretendedly for their benefit but really for their injury and the injury of all those who abhor monopolies and deprecate unnecessary taxation.

For what purpose is this bill offered? Some of its advocates say to obtain revenue—money. From whom is this money to be drawn? From the people, of course. For what purpose do you want more revenue, more money from the people? It is understood that the Treasury is full; that it has in it now a surplus gathered in from taxation. What interest, then, what right, have we to tax the people, or any of them, farther? If the object was to find some other subject of taxation and by taxing that give relief to subjects already taxed by lessening the burdens attaching to them there might be some excuse for this bill. But that is not the object. None of the gentlemen contending so stoutly for this, in my opinion, bad proposition propose to reduce taxes upon anything or at all.

While some then are looking for revenue, others as earnestly protest that they would tax oleomargarine because it is a deleterious compound, offensive to the tastes and injurious to the health of the people. Let us see. Gentlemen have cited here the testimony of some of the best chemists and physicians of the country to the effect that oleomargarine is neither offensive to the taste or smell, nor yet injurious to health. It is shown that its manufacture is a large and growing industry; that a great deal of the product is exported to foreign countries, and much of it sold to poor people and laborers, who choose to buy it because of its cheapness and because they like it. Are you going to take away the "poor man's butter" without his consent?

Injurious to health! Who says so? The great dairymen of the North and West, who are interested to build up monopolies in the butter and cream business; who are interested in enhancing the price of their own commodities at the expense of others; who desire to crush out a rival industry to the end that theirs may thrive; who desire to bring the whole butter interests of the country in subjection to them; who, in short, desire that the Government shall "hold while they skin" the forced consumers of what they are pleased to term "honest butter." Of course nobody ever has good butter except these saintly dairymen!

You can not hoodwink the people in any such way. The people of this country can well comprehend when a product is presented to them whether it is offensive or whether it is injurious to them or not. Do gentlemen upon this floor really believe that the farmers and laboring men of this country have not the intelligence to know their own minds and their interests when a bad commodity is offered to them either for food or as an article of merchandise? Are you going to say to those people that they are so wanting in prudence and intelligence that Congress must interpose to save them from bad purchases, to protect them against themselves? Shall Congress step in as a kind of guardian *ad litem* to every "case of bad butter?" Mind you, gentlemen, or you will vex the patience of these same people a little too far.

"Protection" no doubt is meant by this bill, but it is that protection which extremists desire who would build themselves up upon the downfall of their neighbors. Protection may sometimes be right, but it is of that character which incidentally results from the proper and legitimate taxation of a subject; but protection is never right when exercised in behalf of one interest for the purpose of destroying another.

Mr. Chairman, I fear that some of our friends are "slightly mixed"

upon this question, while others evade the true issue. My friend from Mississippi [Mr. MORGAN] favored this bill yesterday because it would bring in revenue. He no doubt was honest in what he said; but what, I repeat, do we want with more revenue? If that gentleman or any other had coupled with the demand for a tax on oleomargarine a proposition to abolish or even reduce the tax on tobacco or distilled spirits, I might have understood it; but no such proposition was made.

The proposition is to tax oleomargarine 10 cents per pound. It sells, it is said, at from 11 to 12 cents per pound. Will not the tax, then, drive the product and the industry out of existence? And is not that, gentlemen, the precise end in view? If it is, what right has Congress to use the taxing powers of the Government in any such way? If oleomargarine will bring only 12 cents in the market and we tax it 10, of course it goes, and one of the great industries of the country is wiped out.

I do not like oleomargarine. My people neither make it nor use it; they are too intelligent to be fooled with it, if it is as some gentlemen say. They make good butter and sell it for good prices, and always find a ready market for it; for a good article will always command a good price, and needs no other protection than its own good qualities.

I appeal at least to my brother Democrats to be careful in what is being attempted here. It is a great wrong to tax any industry when the revenue from it is not needed, and a much greater wrong to tax it out of existence to foster some other enterprise perhaps no more worthy. If it is permissible to tax oleomargarine out of existence today, by the same rule some other great industry may be destroyed tomorrow. If one section of the country should wish to make a "corner" on beef to-day they might so instruct their representatives and drive out pork to-morrow and *vice versa*. So might these same Northern and Western monopolists raise a cry against Southern butter and cheese and even tobacco interests and compass their destruction through the taxing powers of the Government. In fact if you inaugurate the system and establish the principle that the Government through its taxing powers can and will destroy any industry whether good or bad, whenever monopoly rests its baleful eyes upon it and so demands, the rights of the people are gone. "Might makes right," and tyranny takes the place of liberty and justice.

Again, Mr. Chairman, if oleomargarine is such a hurtful product as that its manufacture and use should be restricted or destroyed, I contend that that is a matter which belongs to the States. When did it become the business of Congress to pass "sumptuary laws?" When before was it ever deemed the duty of Congress to say to the people of the several States "what they shall eat, or what they shall drink, or wherewithal they shall be clothed?" For, mark you, this is not a proposition merely to levy a reasonable tax, but a proposition to tax a subject out of existence. Some of the States have dealt with this question. Some have directed that when oleomargarine is sold it shall be so marked, and other States will pass laws of the same character when necessary.

But I repeat, Mr. Chairman, that this bill has a deeper significance than the mere taxing of oleomargarine. With all courtesy I say it, this bill is intended to build up and foster the great butter and butterine monopolies in the North and West. Not only this, but it contains that which may be wrought into a cunningly devised scheme to augment, to build up, and to perpetuate that wretched internal-revenue system which for years has afflicted this country. For this, if for nothing else, would I oppose this measure. This bill if passed will become part and parcel of the internal-revenue system; under its provisions we will have a new army of officials. Inspectors, collectors, microscropists, &c., are contemplated by this bill, and then there will be that unsavory horde of spies and informers who will haunt the domain of the housewife and dog the footsteps of the citizen as he pursues his daily business. The law itself being prohibitory in its character, the 10 cents per pound having crushed out the industry, this crowd of officials and their parasites must be paid by the Government from taxes wrung from some other subject.

This is no fancy sketch. It is perfectly plain that if oleomargarine is taxed 10 cents no margin for profit will be left, consequently the business will go to nothing or be quite small; yet the corps of officials provided by this law, and which will be provided for by some other law or regulation, will stand forth and "bedevil" the people like "little men," and draw their pay all the same, like "little patriots." Is our country so happily off that we can afford to increase taxes to raise money to pay a new set of officials, or to build up and enlarge a system which for years has been a burden and a scourge to the land?

If, Mr. Chairman, this House has determined, as I believe it has, notwithstanding its many objectionable features, to pass this bill, then allow me to commend to its consideration the propriety of abolishing the tax upon tobacco and that upon spirits distilled from fruits. It can be done upon this bill, and if anything could make this bill tolerable that would do it. My colleague [Mr. DANIEL] has indicated his purpose to offer such amendments as I have suggested, and will do so at the proper time. Why should not the taxes upon tobacco and spirits distilled from fruits be abolished? Both subjects yield only some $27,000,000. Considering the condition of the Treasury, we can readily spare that amount. You know that you do not mean to remit any tariff taxes this year, and here perhaps is the only chance you will have to do something for the people. As long as a surplus remains in the Treasury, so long will Congress run into extravagance, and jobbers and monopolists try to control it. Here is the place now to get rid of part of the "surplus" and free Congress from a wasteful policy. Would we not be doing better to decrease rather than increase taxes? No taxes are more onerous or distasteful to the people than internal-revenue taxes.

The tax upon tobacco is unjust because it is a discriminating tax. It taxes the products of one or two sections of this country only, while the products of other sections go untaxed. Some say it should be taxed as a luxury; others, because it is a noxious plant and hurtful to those who use it. As to the latter objection, I shall say nothing; the wise men, the doctors, and the fanatics may settle that. In one sense tobacco is a "luxury," but it is a "necessity" to those who by climate, soil, and country are obliged to raise and manufacture it. If it is a luxury it is still an agricultural product and the poor man's luxury. Why not let him use it without tax? Do you tax the luxuries of the rich in any such way? Not at all.

Silks, satins, diamonds, watches, broadcloth, "purple and fine linen," are not taxed in any such proportion as tobacco. Besides such commodities are generally taxed because they are of foreign make and imported from foreign countries. Does Congress mean to tax American citizens and domestic products to a greater extent than foreigners and foreign goods? Is that the way to protect your own people against the "pauper labor of Europe," and to encourage home industry? Tax foreigners and foreign goods from 20 to 75 per cent., but your own people forsooth from 100 to 200 per cent. This is "protection" with a vengeance. But what surprises me most is that a good many of our so-called "free-traders" seem to have forgotten the doctrines of their fathers and have fallen in love with the excise system, which in "warp, woof, and filling" was abhorrent to the founders of this Republic.

But to return to tobacco. It is said by some that the "consumer" pays the tax, the producer is not hurt. There is a difference in the nature of things between the "consumers" of foreign goods and the "consumers" of domestic products; anybody can see that. But let us see. Who are the consumers of tobacco? True, we export a good deal, but who consumes the greater part? Our own people. Thousands and thousands of the growers and workers in tobacco use "the weed," and unlike any other people are heavily taxed upon the results of their own labor. Again, how much greater would be the area of trade, how much greater the consumption, and consequently how much greater the price to the producer and the stimulus to production, but for this tax? Moreover the tax upon tobacco is in the interests of monopoly and monopolists. Men of large means can engage in the manufacture of tobacco. Men of small means by reason of the tax can not do so. What the producer wants is a free, large, competitive market. He can not get it while the tax keeps men of moderate and small means out of the trade.

It is absurdly claimed by some that tobacco was higher soon after the late war with a high tax upon it than it has ever been since. Nominally that is true. In fact, it is not true. Then everything was higher—pork, beef, sugar, coffee, salt, iron, &c. The currency was not settled—there was a vast difference between gold and greenbacks. Then you never saw gold. Everything was bought and sold in a depreciated currency. As to tobacco, by reason of the war there was but a small amount of it on hand. The supply was nothing like equal to the demand. In spite of the tax, therefore, it bore a high price. But when specie resumption came, what was the result? Everything came down to "hard pan." Everything shrank in value and extent save the tax. Tobacco, consequently, fell in price to almost nothing; the greater part of it sold far below the cost of production; the trade languished, and the planters of the tobacco regions were almost in despair.

It was then that a few men in Congress—I am glad your humble speaker was one of them—commenced efforts to have the tax reduced, and after many defeats and much labor procured a reduction, on the 26th day of February, 1879, from 24 to 16 cents. As soon as the reduced rate took effect leaf-tobacco rose in the market from $2.50 to $3 per hundred pounds, and the trade in all kinds and grades of tobacco greatly revived. The tax being still oppressive we again, in March, 1883, procured a further reduction from 16 to 8 cents, and, as before, the price of tobacco increased to the farmer from $2.75 to $3 per hundred pounds.

To verify these statements I refer to the trade statistics from the city of Danville, Va., the center of the finest tobacco-growing section of this country; other markets I may say showed a similar state of things. In 1878, when the tax was 24 cents per pound on tobacco, there were sold upon the Danville market 27,698,828 pounds of tobacco for the sum of $2,439,959.22, or an average of $8.80 per hundred pounds. In 1879, with tax at 16 cents, there were sold 26,827,922 pounds for $3,223,-689.51, or an average of $12.01 per hundred. Thus you see that sales of 1879, less in pounds 870,906 than those of 1878, brought to the farmers $783,730.29 more money, with a greater average by $3.21 under the reduced tax. In 1882 tobacco again reduced in price. In 1883 the tax,

as I have said, was reduced from 16 to 8 cents. Take again the sales in the Danville market:

Year.	Tax.	Pounds.	Value.	Average.
1882	$0 16	25,572,536	$2,509,338 89	$9 81
1883	8	35,503,112	4,776,456 45	13 45

Here we have a greater average by $3.64 per hundred under the operations of the reduced tax. Prices kept up in about this proportion for the years 1884-'85—the average price for 1885 being $13.54, but this year, by reason of financial and other troubles, the prices have ruled much lower. I should have said that in March, 1875, when the tobacco tax was increased from 20 to 24 cents, tobacco declined $4 per hundred. And I here assert that the history of this tax will show that whenever the tax was increased the price of tobacco declined, and whenever the tax was lowered the price to the farmer was increased. It is true that in one sense the consumer pays this tax, but for reasons which I have given he is not by any means the chief sufferer.

The producer has in the main to bear the burdens of this taxation upon tobacco, for, as I have often said, when the Government taxes the manufacturer he throws it back by way of a reduced price for his product upon the farmer—the farmer from necessity, if he has employés under him, throws it back upon them so far as he can by way of reduced price for their labor, and the laborers, having nobody nor anything behind them except old mother Earth upon whom they can throw off, of necessity bear the chief burdens. And so it is that the poorer and more helpless the producers the more of this abominable tax do they pay.

I have said that the tobacco trade has been greatly depressed this year and prices have ruled low. Exactly what caused this is a hard question to answer. Some of our "Republican brethren" have charged the present depression and "hard times" to the incoming of a Democratic administration and the consequent change of policy. Sensible men, however, will hardly accept this as a reason. The change of policy has not, I am sorry to say, been as rapid or as marked, in my opinion, as it should have been; but we might well reply that the "hard times" prove but the sequel or culmination of the bad Republican policy which has been marching us on to ruin for several years.

In so far as the farmers are concerned they might well take some comfort in the recollection of the two or three fearful droughts which fell upon the country in the last years of Republican rule, the effects of which unfortunately extended over into the days of Democracy. In fact, some shrewd and knowing persons have already suggested that if the Republicans had been kept in power a few years longer we would all have been starved out. The observation looks reasonable, for sure it is under Republican rule we Democrats had a very "drouthy time."

Many reasons are given for the "hard times" now upon the country, chief among them the "labor strikes" and consequent agitation and troubles in the North and Northwest. Whether these things are true, or if true were justifiable or not, I will not discuss. The fact is they were long ago inaugurated and have continued for months. Hundreds of thousands of men have been, and are now, out of employment, earning no wages and contributing nothing to the business, trade, or commerce of the country. From active, worthy, industrious, energetic producers they and their dependents, running into the millions, have been for months consumers. Their means as also their desire to purchase has been greatly curtailed, and not only the tobacco but every other interest has felt the fearful effects of the stoppage of labor, travel, traffic, and commerce, in the great iron mines, machine-shops, manufactories, and over the great railways of the country. If these troubles can be happily settled prosperity will no doubt speedily return, and men will wonder why such things ever occur in a country where justice and conciliation ought to control in every department.

But the great trouble with the tobacco trade is the enormity of the tax. Take that off, free our people from the oppressiveness of that burden, give to the farmers who live in the tobacco regions an "equal chance in the race of life" with other agriculturists of the country, and you will have done, gentlemen of Congress, a deed worthy of all commendation.

Mr. Chairman, I wish now to call attention to another amendment, which it is understood will be offered to this bill by my colleague [Mr. DANIEL], an amendment to abolish the tax upon spirits distilled from fruits. We do not now ask to abolish the whisky tax; we know that we can not accomplish that—monopoly is too strong for that—but we believe that the time has come to abolish the tax upon fruit spirits, and we ask that it be done. The Government gets only about $1,250,000 annually from the brandy tax.

This is the most onerous, offensive, unnecessary, and cruel tax embraced in this bad excise system. It is the tax upon the home product, and almost the only product of thousands of the mountain people of the South. Living remote from railways, these people can not profitably transport their fruit to market; consequently thousands of bushels of the finest apples, peaches, pears, &c., go to waste yearly before the eyes of its owners because they have not the means to pay the tax, or fear to endeavor a compliance with the onerous, complex, and rigid exactions of the internal-revenue system. The collection of this small brandy tax costs the Government more, is the fruitful cause of more annoyance and trouble, and results in more wrong and outrage to these "dwellers among the mountains" than all the laws upon our statute-books combined.

No one, I suppose, will oppose the abolition of this particular tax except some one who believes that the whisky interest will be affected thereby; in other words, that the abolition of the brandy tax will promote fraud in regard to the collection of the tax on whisky. We have thought of all that. The amendment to be offered, while it provides for the abolition of the brandy tax also provides that spirits shall not be made partly from grain and partly from fruits without payment of the full tax required upon spirits distilled from grain, and that all offending persons shall be properly punished. This provision will amply guard against any violation of the law or frauds in this respect upon the whisky tax. There is no reason why this amendment should not be adopted, and the brandy tax abolished. Our proposition is fraught with good to the people, and an act of long-delayed justice which the Government can well afford to extend.

We ask these things in good faith. Grant us relief, at least, from the taxes upon tobacco and brandy. In fact, this Congress should abolish the whole internal-revenue system, should cut it up root and branch. It was placed upon the country in time of war by the Republican party; it has been kept up, fostered, and maintained by that party for all these years, aided latterly, I am sorry to say, by a few Democrats. Let the good work be done this very session of Congress. Take away from among us the revenue agent, the gauger, the gouger, the spy, and the informer. Let the people feel as freemen once more. Do these things, as suggested, and to crown it all give to the country an educational bill with sufficient appropriations to help onward and fit for the higher duties of citizenship all the youth of this favored land.

Mr. GROUT. I understood the gentleman from Arkansas [Mr. BRECKINRIDGE], when first upon the floor this morning, to have questioned the correctness of my statement on yesterday that Congress was already committed to the principle of protecting the industrial products of the country from fraudulent imitations. I made that statement in substance, and cited in support of it section 3328 of the Revised Statutes of the United States, which I did not then have time to read. The gentleman from Arkansas incorporated into his remarks so much of that section as suited the purpose of his argument this morning. I desire now to read the whole of it. It is as follows:

SEC. 3328. On all wines, liquors, or compounds known or denominated as wine, and made in imitation of sparkling wine or champagne, but not made from grapes grown in the United States, and on all liquors, not made from grapes, currants, rhubarb, or berries grown in the United States, but produced by being rectified or mixed with distilled spirits or by the infusion of any matter in spirits, to be sold as wine, or as a substitute for wine, there shall be levied and collected a tax of 10 cents per bottle or package containing not more than 1 pint, or of 20 cents per bottle or package containing more than 1 pint and not more than 1 quart, and at the same rate for any larger quantity of such merchandise, however the same may be put up, or whatever may be the package. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps denoting the tax herein imposed, to be affixed to each bottle or package containing such merchandise, by the person manufacturing, compounding, or putting up the same, before removal from the place of manufacture, compounding, or putting up; and said stamps shall be affixed and canceled in such manner as the Commissioner may prescribe; and the absence of such stamp from any bottle or package containing such merchandise shall be *prima facie* evidence that the tax thereon has not been paid, and such merchandise shall be forfeited to the United States. Any person counterfeiting, altering, or reusing said stamps shall be subject to the same penalties as are imposed for the same offenses in relation to proprietary stamps.

Now, sir, if a tax of 10 cents per pint on imitation wines is not for the purpose of protecting and encouraging the production of genuine wines, for one I am unable to understand what it is for. The inventive gentleman from Arkansas says that this tax is for the protection of the revenue which the Government derives from the import duty on foreign wines. That duty is, I believe, 50 cents per quart on champagne or sparkling wine and 25 cents per quart on all still wines. Every one knows that this duty is for the protection of the wine industry of this country, that upon the American wine product there is no internal-revenue tax as upon whisky, but that the Government encourages this industry by a high protective tariff.

Now, suppose that the assertion of the gentleman from Arkansas be true—which let it be understood is only supposed—namely, that this tax of 10 cents per pint on imitation wines is really for the purpose of more certainly collecting the duty on foreign wines, would it not still operate for the protection of genuine American wines, inasmuch as that import duty is for the protection of those wines?

It seems like a solecism in argument to claim otherwise. The fact remains, however, upon the very face of the statute itself that this tax is for the protection of American wine products against fraudulent American imitations; and no amount of sophistry can break the force of the argument for what it may be worth that section 3328 is a precedent for the bill before us.

But there is upon foreign butter as well as upon foreign wines an import duty, and if an excise tax of 10 cents per pint upon imitation wines helps the Government collect the tariff duty on imported wines,

we will let the gentleman have his argument and give him this 10-cent tax on imitation butter to help in the collection of the duty on imported butter.

[Here the hammer fell.]

Mr. DORSEY. Mr. Chairman, I do not expect to be able to advance a new idea or to suggest to the committee any reason not heretofore urged in favor of the measure now under consideration, but I feel that in the passage of this bill we of the West are greatly interested.

For the past few years our farmers have devoted themselves to the task of building up the dairy interests, and to-day find that by the unlawful competition of the manufacturers of oleomargarine the industry is prostrated, and unless relief is given will be entirely destroyed. During the past three years the product of our dairies and creameries has fallen off fully one-third. Yearly thousands of cows are sent to the butcher's block, the farmers finding it unprofitable to keep them, those cows being worth until the introduction of oleomargarine an average of $40 per head; to-day they will not sell for $30 per head. Any one can estimate the loss the farmers have sustained from this depreciation alone.

Now, Mr. Chairman, who do we find opposing this bill? Every man who is interested in selling to the manufacturers of oleomargarine cotton-seed oil, the offal from pork-packing establishments, and those interested in handling and manufacturing the unlawful product. We have before us petitions, instigated by the parties interested, asking that this measure be defeated. On the other hand, five millions of farmers in this country favor this legislation. And to whom shall we give hearing—to the men who admit that they are engaged in the manufacture and sale of an article that is known to be deleterious, composed of ingredients that are poisonous and unfit to be used for food, or to the farmers of this country who are engaged in making and selling an article whose worth is now and has been recognized from time immemorial?

The issue is a very simple one. Shall the manufacturer of oleomargarine and butterine be encouraged and the farming interests further injured, if not entirely destroyed, or shall we encourage and protect those who are engaged in a legitimate business and are making an article that is pure and wholesome and that can be used without the fear that we are consuming that which is detrimental to health and fruitful of disease.

Mr. Chairman, twenty-two States of this Union have passed laws either restricting or prohibiting the manufacture and sale of oleomargarine, and the people of this country rightfully claim that such laws are being evaded and can not be enforced. They ask this Congress to give them relief. They know their demands are fair and just. This measure is constitutional; it is practicable, and this House should pass this bill.

Mr. BROWNE, of Indiana. I desire to offer a substantial amendment.

Mr. BRECKINRIDGE, of Arkansas, and Mr. REAGAN addressed the Chair.

The CHAIRMAN. The gentleman from Indiana [Mr. BROWNE] has been recognized.

Mr. BROWNE, of Indiana. I desire to propose an amendment to the amendment, to strike out "$100" and insert "$200."

Mr. VAN EATON. I desire to offer an amendment.

Mr. FINDLAY. I rise to offer an amendment.

The CHAIRMAN. The Chair will regard the formal amendment as withdrawn, and the Clerk will report the amendment of the gentleman from Indiana.

The Clerk read the amendment to the amendment proposed by Mr. BROWNE, of Indiana.

Mr. FINDLAY. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLAY. I would like to know whether a substantial amendment is not now in order?

The CHAIRMAN. There are two substantial amendments now pending.

Mr. FINDLAY. Can another be offered?

The CHAIRMAN. That would not be in order at this stage. The gentleman from Indiana is recognized to speak to his amendment.

Mr. BROWNE, of Indiana. I do not desire to weary the committee by much talking; but I make a suggestion or two in this connection that seem to be demanded by the course of this debate. The gentleman from Vermont [Mr. GROUT] quotes a statute by which a tax is imposed upon adulterated wines for the benefit of the public revenue, and attempts to show the identity of the principle involved there and the principle embodied in this bill. I submit there is no such identity. Here you do not propose to impose a tax simply upon an imitaion, or on an adulterated or upon an impure article. You propose to impose a tax upon what is admittedly pure and healthy.

Mr. GROUT. Who admits that?

Mr. BROWNE, of Indiana. I have heard the distinguished gentleman from New York [Mr. HISCOCK] read to-day an extract from the opinion of a chemist in which he says he had discovered by the microscope a great many ugly things in oleomargarine. I undertake to say that I could read page after page from the testimony of the most accomplished chemists in the land to the effect that they have submitted oleomargarine to chemical analysis and microscopic tests, and have found it pure and healthful, and they recommend its use.

Now, if it be true that this product is filthy and unhealthy and 200,000,000 of pounds are sold every year, I would like to know where oleomargarine has buried its dead? I would like that gentlemen would bring me an exhibit of some tombstone on which it is solemnly inscribed, "Died from oleomargarine." [Laughter.]

I wish gentlemen would give an authentic case. I am talking what I mean. I wish some gentleman would give us an authentic case of a man being even made sick by the use of oleomargarine. History, to my knowledge, has recorded no such case. I do not say that there are not impure specimens of this article on the market, but when gentlemen stand here and attempt to shock the country by these frightful stories, when they draw upon their imagination for facts, and draw in Shakspeare and witches and ghosts and everybody else for the purpose of getting up something to frighten the timid, I appeal to the testimony on the other side, and I say that it is abundantly shown and not denied that oleomargarine may be pure, clean, and healthful, and I am now only controverting the propriety of taxing this pure and healthful product out of existence.

Another point. The strangest logic that I have ever heard—and it commends itself to my admiration because of its novelty—is that we ought to impose this high tax upon this commodity because it can stand it. Gentlemen say that oleomargarine sells for 20, 25, or 40 cents a pound that costs but 7 or 8 cents, and therefore it can bear this tax of 10 cents a pound and the extra license tax also and still be sold at a profit. But, gentlemen, you forget one thing. You have asserted all the time that this article has been sold at these high prices because it has been imposed upon the people as genuine butter. Strip it of that disguise, but do so by taxing it only so much as is necessary to effect that object. Then when it is put upon the market for what it is it will sell not at butter prices but at oleomargarine prices. Then the poor men who want to buy it—and thousands do—can obtain it at the cost of production with a reasonable profit added. Let me put a question to you, though I know it will have no effect.

It was once said by a distinguished commoner that he had heard many arguments in the Parliament that had convinced his judgment, but none that had ever influenced his vote. [Laughter.] But let me put this question to you: If any part of this product is being honestly manufactured and honestly put into the market, if any part of it is sold to men who are not being deceived by it, has not the American citizen the right to produce that article, the right to sell it, and the right to buy it? I want you to answer that question. Now, if you are in earnest about this matter—and I do not question your honesty—if you are in earnest, then you will simply fix the tax at such a rate as will compel the sale of oleomargarine for what it is.

[Here the hammer fell.]

Mr. FINDLAY. I would like to offer a substitute for the pending amendment, which I ask the Clerk to read.

The Clerk read as follows:

At the end of line 32 insert the following:

"*Provided*, That no manufacturer of, or wholesale dealer in, oleomargarine shall sell, ship, or export the same to any point included in Her Majesty's East Indian possessions inhabited by the Parsees or fire-worshipers, or other part of the world where this sect may reside: *And provided further*, That the provisions of this section shall extend to the manufacture and sale of sausage, as far as practicable, under such regulations as the Secretary of the Interior may prescribe."

[Laughter.]

Mr. HATCH. I move that the committee rise.

Mr. FINDLAY. I will claim my time when the Committee of the Whole resumes its session.

The CHAIRMAN. In the opinion of the Chair, the amendment of the gentleman from Maryland [Mr. FINDLAY] is not in order.

The question being taken on the motion of Mr. HATCH that the committee rise, it was agreed to; there being—ayes 101, noes 4.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 3848) for the relief of H. P. McFarlin;

A bill (H. R. 4544) granting a pension to Ann E. Cooney;

A bill (H. R. 4688) granting a pension to Josephine De Costa Thomas; and

A bill (H. R. 7165) to increase the pension of Manhattan Pickett.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 247) granting a pension to Lewis Tyus;

A bill (H. R. 448) granting a pension to Newton Day;

A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;

A bill (H. R. 908) granting a pension to Margaret E. Cochran;
A bill (H. R. 1100) granting a pension to Jane W. Devereux;
A bill (H. R. 1279) granting a pension to Darius M. Seaman;
A bill (H. R. 1548) for the relief of Ellen Crymble;
A bill (H. R. 1560) for the relief of Evaline A. White;
A bill (H. R. 1651) for the relief of Rosina Heineman;
A bill (H. R. 1707) granting a pension to Elijah P. Hensley;
A bill (H. R. 1841) granting a pension to George W. Stout;
A bill (H. R. 1889) granting a pension to Isaac Carleton;
A bill (H. R. 1990) granting a pension to John Hunter;
A bill (H. R. 2803) granting a pension to John H. Snyder;
A bill (H. R. 3135) granting an increase of pension to Charles Sebring;
A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;
A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings;
A bill (H. R. 3624) granting a pension to Fred. J. Leese;
A bill (H. R. 3826) for the relief of John Taylor;
A bill (H. R. 3941) granting a pension to Mary M. Galleyan;
A bill (H. R. 3972) granting a pension to Sanford C. Willhoite;
A bill (H. R. 4002) granting a pension to Carter W. Tiller;
A bill (H. R. 4058) for the relief of Joel D. Monroe;
A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith;
A bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;
A bill (H. R. 4539) granting a pension to Ann Little;
A bill (H. R. 4699) granting a pension to Martin Jacoby;
A bill (H. R. 4723) granting a pension to Joseph E. Van Horn;
A bill (H. R. 5328) granting a pension to Noah Hoffman;
A bill (H. R. 5329) granting a pension to William Antes;
A bill (H. R. 5331) granting a pension to Emma M. Shiner;
A bill (H. R. 5332) granting a pension to Elizabeth Crowley;
A bill (H. R. 5335) granting a pension to Philip Deremer;
A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;
A bill (H. R. 5702) granting a pension to Jenet L. Johnson;
A bill (H. R. 5729) granting a pension to Elizabeth Warner;
A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;
A bill (H. R. 5997) granting a pension to Elizabeth Luce;
A bill (H. R. 6092) granting a pension to Parmelia Smith;
A bill (H. R. 6136) granting an increase of pension to John W. Farris;
A bill (H. R. 6389) granting a pension to Francis M. Moore;
A bill (H. R. 6725) granting a pension to William M. Swartz;
A bill (H. R. 6897) granting a pension to Henry Hipple, jr.;
A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;
A bill (H. R. 7330) granting a pension to Josie H. Babb;
A bill (H. R. 7468) granting a pension to Lemuel Adams; and
A bill (H. R. 8085) granting a pension to Amos C. Weeden.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps;
A bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs;
A bill (S. 1078) granting a pension to William C. Wait;
A bill (S. 1201) granting a pension to Louise Armbrecht;
A bill (S. 1207) granting a pension to Caroline Sees;
A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath;
A bill (S. 2030) granting a pension to Miss Margaret Stafford North;
A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;
A bill (S. 2144) granting an increase of pension to Grace F. Edes;
A bill (S. 2215) granting a pension to Martha J. Todd, widow of Dr. R. N. Todd, late of Indianapolis, Ind.;
A bill (S. 2232) granting a pension to Mary Martin;
A bill (S. 2263) granting a pension to Col. James H. Blood;
A bill (S. 2267) granting an increase of pension to Laurinda G. Cummings;
A bill (S. 2269) granting a pension to William Dickens;
A bill (S. 2336) granting an increase of pension to Thomas Benson; and
A bill (S. 2349) granting a pension to Catharine Lanigan.

The SPEAKER. The hour of 5 o'clock having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Memorial of John Grant, of Louisiana, praying for the Government to purchase Grand Pass—to the Committee on Rivers and Harbors.

By Mr. BUCK: Petition of Birch & Co. and other business men, of Hartford, Conn., in favor of changing the port of entry from Middletown to Hartford—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of cordage manufacturers of the United States, asking for the striking out of section 20 of House bill 7219—to the Committee on Ways and Means.

Also, memorial of the New Orleans Produce Exchange, protesting against the action of Congress in discouraging the manufacture of oleomargarine—to the Committee on Agriculture.

By Mr. FUNSTON: Petition to remove the charge of desertion against John Boatwright, of Company C, United States Colored Infantry—to the Committee on Military Affairs.

By Mr. HEWITT: Petition of Sutton & Co., in favor of tariff reform—to the Committee on Ways and Means.

By Mr. HIRES: Resolutions of Welcome Circle No. 3, Camden, N. J., praying Congress to pass the bill now pending prohibiting aliens from becoming owners of land in this country—to the Committee on Public Lands.

By Mr. JAMES: Petition of 55 merchants, hotel-keepers and others of Yazoo City, Miss., asking for the enactment of the bill (H. R. 1621) providing against the exaction of license fees from commercial travelers—to the Committee on Commerce.

By Mr. LIBBEY: Petition of Daniel O'Hanlon for a pension.

Also, petition of the common council of Norfolk, Va., praying for the establishment at Norfolk of a yard for the construction of iron ships—to the Committee on Naval Affairs.

Also, petition of parties prominent in railroad circles, asking an appropriation for the organization of the section of steam transportation in the United States National Museum—to the Committee on Appropriations.

By Mr. LONG: Petition of Davis Copeland and 20 others, for a law taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the New England conference of the Methodist Episcopal Church for protection of the Chinese—to the Committee on Foreign Affairs.

Also, petition of R. B. Forbes and 102 merchants and others, of Massachusetts, for a lightship on Stelwagen's Bank, off Cape Cod—to the Committee on Commerce.

By Mr. MATSON: Petition of Isaac A. Chandler and 63 others, ex-soldiers of Brown County, Indiana, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Preamble and resolution of the Produce Exchange of Philadelphia against the passage of House bill 8328, imposing a tax upon the sale of oleomargarine—to the Committee on Agriculture.

By Mr. OSBORNE: Petition of manufacturers of cordage, suggesting amendments to House bill 7219, and pointing out hardships therein proposed—to the Committee on Ways and Means.

By Mr. PARKER: Petition of citizens of Norfolk, N. Y., in favor of taxing imitation butter—to the Committee on Agriculture.

By Mr. PEEL: Papers relating to the claim of Charles G. Scott, of Pulaski County, Arkansas—to the Committee on War Claims.

By Mr. RANDALL: Protest of the Produce Exchange of Philadelphia, against imposing a tax of 10 cents per pound on oleomargarine and butterine—to the Committee on Agriculture.

By Mr. SENEY: Papers of John Newell, favoring the amendment to section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. STAHLNECKER: Petition of manufacturers of cordage, against the second section of House bill 7219—to the Committee on Ways and Means.

By Mr. STORM: Petition of the Produce Exchange of New Orleans, of the Board of Trade of Saint Joseph, Mo., of the Produce Exchange of Philadelphia, of the Board of Trade of Atchison, Kans., against taxing oleomargarine and butterine—to the Committee on Agriculture.

Also, petition of the Board of Trade of Philadelphia, in favor of the amendment to the Post-Office bill appropriating $800,000 for carrying foreign mails—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Papers relating to the claims of Edward J. Tucker, of Andrew J. Ballard, and of B. W. Williamson, administrator of B. W. Williamson, deceased, of Fayette County; of Joseph H. Harris, jr., and of Richard S. Barrett, administrator of John W. Harris, deceased, of Tipton County; of Juliet Campbell, administratrix of estate of R. H. Campbell, of Lee County; of Benjamin Colman, of Memphis, Tenn.; of James M. Swearengin, executor, of Tunica County, Mississippi; of Thomas H. Williams, administrator of H. S. Williams, and of Meshock Franklin, administrator of John K. Wilburne, of Shelby County; of John S. Peets, of Tipton County; of Malon Courts, administrator of Jane M. Courts, of Shelby County; of Joseph Tagg, of Memphis, and of John H. Wooley, of La Grange, Tenn.

By Mr. WHEELER: Petition of J. C. Allen, administrator of Lindsay Allen, deceased, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIS: Petition of John W. Dickens, for relief—to the Committee on Invalid Pensions.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. GROUT: Of W. D. Gilman and 46 others, of Caledonia; of

H. W. Rice and 19 others, of Westford; of Henry Blake and 80 others, of Hardwick; of Hon. J. C. Oliver and 41 others, of Charleston; of N. B. Davis and 34 others, of Glover; of T. L. Dottoff and 59 others, of Morgan; of John W. Stearns and 243 others, of Hinesburg; of J. E. White and 36 others, of Danby; of W. E. Clark and 38 others, of Poultney; of C. M. Winslow and 38 others, of Brandon; of H. D. Chamberlain and 38 others, of Jay; of Walter Burke and 69 others, of Craftsbury; of W. G. Marsh and 77 others, of Clarendon; of N. D. W. Doty and 26 others, of Hyde Park; of H. S. Gilbert and 24 others, of Fairfield; of M. Brown and 22 others, of Pawlet; of E. V. Reynolds and 173 others, of Fairfax; of Charles B. Warren and 30 others, of Williston; of William Otis and 32 others of Danby; of Capt. F. F. Gleason and 23 others, of Richmond; of Hon. Smith Wright and 12 others, of Williston; of J. B. Finnegan and 24 others, of Fairfield; of H. S. Conant and 44 others, of Richmond; of B. F. Rugg and 24 others, of Saint Albans; of J. G. Griggs of Centre Rutland; of C. D. Whitmore and 19 others, of Brattleborough; of Lindsay Johnson and 62 others, of Newbury; of C. R. Rogers and 24 others, of Orange County; of James Dickey and others, of Orange County; of L. Smith and 44 others, of Topsham; of B. McElroy and 36 others, of Middlesex; and of H. R. Chamberlain and 40 others, of Wells River, Vt.

By Mr. HAYNES: Of citizens of Wilmington, Vt.

By Mr. SHAW: Of citizens of Harford County, Maryland.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. CARLETON: Of citizens of Saint Clair County, Michigan.

By Mr. LONG: Of citizens of North Attleborough, Mass.

SENATE.

THURSDAY, *May* 27, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of property-owners and residents along the line of Thirteenth street, Northwest, Washington, D. C., remonstrating against the chartering by Congress of any company to lay tracks and run cars along that street; which was referred to the Committee on the District of Columbia.

He also presented a letter from A. H. Babcock, adjutant of Loraine (Ohio) Post No. 448, Grand Army of the Republic, transmitting petitions of numerous citizens and soldiers of Ohio, praying for the enactment of a law embodying the recommendations of the national pension committee of the Grand Army of the Republic; which, with the accompanying petitions, was referred to the Committee on Pensions.

Mr. VEST. I present the petition of a committee of citizens of New Mexico, and I ask that it be read. It is not long, and it relates to a matter of very great importance to them.

The PRESIDENT *pro tempore*. The petition will be read, if there be no objection.

The petition was read, and referred to the Committee on Private Land Claims, as follows:

To the Senate of the United States:

Your memorialists, citizens of the County of Bernalillo and Territory of New Mexico, acting in pursuance of resolutions unanimously adopted at a public meeting of the people of said county held in the city of Albuquerque on May 17, 1886, respectfully but earnestly pray your honorable body to adopt and pass during the present session the bill which has passed the House of Representatives, and commonly called the Joseph bill, for the adjustment of private land claims in Colorado, New Mexico, and Arizona.

Nearly forty years have elapsed since our Government assumed by the treaty of cession of the territory in question the high duty of ascertaining and confirming to private owners of lands all *bona fide* titles acquired under the Spanish or Mexican Governments, and with very few exceptions that duty has been neglected to this day. Not only is this neglect of treaty obligation a reproach to national honor, but it is most disastrous to the material interests of our people. A cloud of uncertainty and doubt resting upon vast bodies of lands which are withdrawn from the operation of the public-land laws deters investments and prevents all advancement. Every consideration therefore demands prompt action at the hands of Congress.

The Senate bill upon this subject, commonly called the Edmunds bill, provides for the adjudication of those claims in the courts, while the House bill creates a special commission of three persons and is similar to the measure under which the land titles of California were settled.

In this Territory and in Arizona there are but three district courts which would have original jurisdiction under the Senate bill. The dockets of these courts are already overcrowded with litigation of ordinary character, such as is the natural outgrowth of our development and situation, and their business is constantly increasing, so that without an increase in the number of judges it is and will be impossible for them to dispose of the business before them.

If to this accumulation of ordinary business there be added the determination of private land claims, we beg earnestly to call to your attention the inevitable consequences. Delays and expenses which will be equivalent to a practical denial of justice must and will result not only to land claimants but to ordinary litigants. And, in addition, the organization of the courts is not such as to best enable them to sit upon the questions involved, while a commission of men specially selected for the purpose can hold their sessions at such places as will be nearest and most convenient to the lands and to the muniments of title involved.

Failure to enact the House bill will, we fear, cause still greater delays upon this subject, which to us is of vital importance, and we urgently request of you to give your sanction to that bill at your present session, so that this Territory may be relieved from the greatest obstacle to its prosperity and advancement.

GEO. LAIL,
Mayor of the City of Albuquerque, N. Mex.,
H. N. JAPBA,
Pres. Board of Trade,
J. J. SHARICK,
City Councilman,
A. J. BARR,
L. S. TRIMBLE,
H. L. WARREN,
G. PITMAN SMITH,
E. T. STOVER,
WM. A. WHITEMAN,
E. D. LUXTON,
J. FRANCISCO CHAVEZ,
Committee.

Mr. CAMERON presented a memorial of the Philadelphia Produce Exchange and a memorial of the board of directors of the Grain and Flour Exchange of Pittsburgh, Pa., remonstrating against the passage of the bill proposing to tax oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

Mr. INGALLS presented a petition of citizens of Russell County, Kansas, praying that early action may be had upon the pension claim of Burris Harper, late a private in Company G, Fifth Missouri Cavalry; which was referred to the Committee on Pensions.

He also presented a petition of certain Pottawatomie Indians, praying for legislation regarding traderships; which was referred to the Committee on Indian Affairs.

He also presented the petition of S. M. Whitten, of Randolph County, Indiana, praying for a revision of certain Senate rules; which was referred to the Committee on Rules.

Mr. DAWES presented the petition of William Talmadge and other citizens of Palmer and Wilbraham, Mass., and a petition of Franklin Bonney and others, of Hadley, Mass., praying for such legislation as will protect the dairy interests against imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. EVARTS presented the petition of C. H. Torrey, of New York city, praying certain legislation in relation to the case of William Campbell Phelan, alleged to have been improperly convicted of crime and sentenced to the Fitchburg (Mass.) jail; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. I present the petition of J. N. Tinsley, of Buffalo, Dallas County, Missouri, praying to be allowed compensation for supplies furnished the United States Army during the late war. I move that the petition, with the accompanying papers, affidavits, and evidence, be referred to the Committee on Claims.

The motion was agreed to.

Mr. LOGAN presented resolutions adopted by the Board of Trade of Elgin, Ill., favoring the passage of the bill taxing the manufacture and sale of oleomargarine and butterine; which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the board of directors of the Board of Trade of Chicago, Ill., favoring the passage of the bill known as the "immediate transportation act;" which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2460) granting a pension to Stephen D. Mead;
A bill (H. R. 7965) for the relief of Francis Mosher;
A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor;
A bill (H. R. 5324) granting a pension to John H. Hunter;
A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;
A bill (H. R. 8078) for the relief of Lydia S. Johnson;
A bill (H. R. 5261) granting a pension to Isaac Fossett;
A bill (H. R. 2144) granting a pension to C. K. Hughes;
A bill (H. R. 1815) granting a pension to Ellen Corcoran; and
A bill (H. R. 308) granting a pension to Mary Sullivan.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (S. 396) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased, and to provide for the payment of the loss of the steamboat A. W. Quarrier, reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on the Library, to whom the subject was referred, submitted a report, accompanied by a joint resolution (S. R. 67) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument; which was read twice by its title.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2547) granting a pension to John M. Rutherford; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2548) granting a pension to Mrs. Mary B. Paxton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 2549) to authorize the construction of a bridge over the Altamaha River, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CONGER introduced a bill (S. 2550) to amend section 4444 of the Revised Statutes, relative to vessels engaged wholly or in part in the coastwise service; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2551) granting an increase of pension to Thomas B. Shaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2552) granting an increase of pension to George Y. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2553) for the relief of Thomas A. Osborn; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) introduced a bill (S. 2554) to amend section 2133 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 2555) granting a pension to William Sackman, sr.; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

He also introduced a bill (S. 2556) granting a pension to Mrs. Elmira J. Merritt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 2557) granting a pension to Benjamin Crenshaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR. I introduce two bills to reimburse Mrs. Charlotte Smith for money expended in nursing soldiers during the war.

The bill (S. 2558) for the relief of Mrs. Charlotte Smith was read twice by its title, and referred to the Committee on Military Affairs; and

The bill (S. 2559) for the relief of Mrs. Charlotte Smith was read twice by its title, and referred to the Committee on Military Affairs.

OTOE AND MISSOURIA INDIANS.

Mr. DAWES. I offer an amendment intended to be proposed to the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, which is now on the table, that it may be printed, and I ask that the bill may be taken up and referred to the Committee on Indian Affairs. I desire to have the amendment printed, so that it may go before the committee with the bill.

Mr. HARRIS. It is simply an amendment to be printed, as I understand.

Mr. DAWES. That is all; but the House bill is on the table, and I want the bill taken up and referred, with the amendment, to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The order will be made as requested, if there be no objection.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers in respect to the claim of H. B. Wilson, administrator of William Finder, deceased, be taken from the files of the Senate and referred to the Committee on Claims, there having been no adverse report thereon.

INDIAN TRADERSHIPS.

Mr. WILSON, of Iowa, submitted the following resolutions; which were read:

Whereas it is stated in the matter of the administration of the powers and duties of the Commissioner of Indian Affairs in respect of the appointment of Indian traders acts have been done, or permitted to be done, in disregard of law and the rights and proper interests of citizens: Therefore,

Be it resolved, That the Committee on Indian Affairs be, and hereby is, directed to investigate the subject of the appointment of such traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, and the methods which have been practiced in that regard since the month of April, 1885, and the reasons and influences affecting the several instances of such granting or refusing of such licenses, to whom licenses have been granted since said date and to whom refused, why granted and why refused, and whether or not any person to whom a license has been so granted has been guilty of conduct or practices prejudicial to the good repute of the public service; and, if so, in what respect, and whether or not the same have come to the knowledge of the Commissioner of Indian Affairs.

Resolved, That in pursuing the said investigation the said committee shall have power to send for persons and papers, administer the necessary oaths, and employ a stenographer should it deem it necessary so to do; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate.

Resolved, That the committee is further instructed to report a bill or bills for such legislation as the investigation may disclose to be necessary and proper in the premises.

Mr. WILSON, of Iowa. I ask that the resolutions be adopted at this time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolutions?

Mr. COCKRELL. Let the resolutions be printed and lie over.

The PRESIDENT *pro tempore*. Objection being made, the resolutions will go over under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3848) for the relief of H. P. McFarlin.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6975) to establish additional life-saving stations, agreed to the conference asked by the Senate thereon, and had appointed Mr. IRION, Mr. CRISP, and Mr. DUNHAM managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven;

A bill (H. R. 16) granting a pension to Nancy Ribble;

A bill (H. R. 413) granting a pension to George Schaefer;

A bill (H. R. 424) to pension Giles C. Hawley;

A bill (H. R. 515) gronting a pension to Althea A. Frasner;

A bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston;

A bill (H. R. 567) granting a pension to Mary A. Little;

A bill (H. R. 1184) granting a pension to Stephen Gardner;

A bill (H. R. 1330) granting a pension to Martin Taylor;

A bill (H. R. 1576) granting an increase of pension to Thomas Allcock;

A bill (H. R. 1585) for the relief of Mrs. Margaret Colbath;

A bill (H. R. 1592) for the relief of Sarah A. Vaughn;

A bill (H. R. 1816) granting a pension to Mary Ann Miller;

A bill (H. R. 3193) granting a pension to Mrs. Edna Roberts;

A bill (H. R. 3205) granting a pension to George W. Guyse;

A bill (H. R. 3326) granting a pension to Thomas Simpson;

A bill (H. R. 3906) for the relief of Catharine Johnson;

A bill (H. R. 3982) granting a pension to John Pennington;

A bill (H. R. 4462) granting a pension to Martha Downs;

A bill (H. R. 4490) granting a pension to H. W. McDonald;

A bill (H. R. 4631) granting a pension to Mary Merrill;

A bill (H. R. 4976) for the relief of Tobias M. Coon;

A bill (H. R. 5127) granting a pension to Mary A. Ripley;

A bill (H. R. 5961) granting an increase of pension to Cyrus Vigus;

A bill (H. R. 5995) granting a pension to David T. Elderkin;

A bill (H. R. 6003) for the relief of John H. McClelland;

A bill (H. R. 6126) granting a pension to Henry G. Ballinger;

A bill (H. R. 6192) granting a pension to Mary Norman;

A bill (H. R. 6331) granting a pension to George Anna Lippe;

A bill (H. R. 6650) granting a pension to Samuel Robbins;

A bill (H. R. 6655) granting a pension to Stokeley D. Dagley;

A bill (H. R. 6688) for the relief of William Bishop;

A bill (H. R. 6776) granting a pension to Catharine Thenn;

A bill (H. R. 6780) granting a pension to Henry B. Havens;

A bill (H. R. 7118) for the relief of Bailey Hascall;

A bill (H. R. 7298 for the relief of Charles Schuler,

A bill (H. R. 7300) for the relief of Randolph Seaman; and

A bill (H. R. 7617) granting a pension to Solomon J. Grissom.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the morning business is closed.

Mr. COCKRELL. Calendar.

Mr. DOLPH. I move to take up Senate bill 2172 for present consideration.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. SAWYER. I ask the Senator from Oregon if he will not give way and let us have the morning hour for the consideration of pension bills so as to get through with those remaining on the Calendar.

Mr. DOLPH. I can not do it this morning in view of the fact that pension bills have the right of way at any time and this is a bill which can not always be taken up for consideration.

Mr. SAWYER. I should like to go on with the pension bills, but I do not want to be too persistent.

Mr. CALL. I hope the Senator——

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. SAWYER. I give notice that I shall ask for the consideration of the pension bills to-morrow morning.

Mr. DOLPH. I will assist the Senator any other morning in getting up the pension bills.

Mr. CALL. I ask unanimous consent to be allowed to make a statement.

The PRESIDENT *pro tempore*. The Senator from Florida asks the unanimous consent of the Senate to make a statement in regard to the motion, which is not debatable. Is there objection?

Mr. CONGER. Let us have one thing at a time. I wish to get the pension bills off the docket as soon as possible, but if there is a motion pending to proceed to another bill it had best be disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Michigan object to the request of the Senator from Florida?

Mr. CONGER. There is a motion pending to take up another bill, and I await the result of that.

The PRESIDENT *pro tempore*. The Senator from Florida desires to debate that motion. Is there objection?

Mr. ALLISON and others. Oh, yes; we can not debate it.

The PRESIDENT *pro tempore*. Objection being made, the question is on agreeing to the motion of the Senator from Oregon to take up the bill the title of which has been read.

The motion was agreed to—ayes 26, noes not counted; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. VAN WYCK. I desire to offer an amendment to the bill by striking out all after the enacting clause and inserting the substitute which I send to the Chair.

The bill which has just been read proposes to forfeit from Wallula Junction, Washington Territory, to Portland, Oreg., a portion of the original grant over which the Northern Pacific Railroad Company does not now and probably never will contemplate constructing any portion of the road provided for by the act.

My only objection, I will say in a word, with the leave of the Senator from Oregon, is that there are other portions of the road not finished which at least should be included, and there are portions of the line also where the road has been finished which should be included. The difficulty is that the passage of the bill in this condition of affairs will be a legislative declaration to the whole country that this matter has been passed upon and decided, and that there shall be no more forfeitures, so far as the Senate is concerned, than this land, which the company have never for years expected to earn by the construction of the road. If this be done, the Northern Pacific Railroad Company at the next session of Congress will come with some show of insistency and say that the Senate and, if the House adopt it, that Congress have passed upon this matter of forfeiture and have concluded that they will ask no other or further forfeiture than that contained in this bill.

Therefore I feel it to be my duty at this time (as it was understood, I believe, that the members of the Committee on Public Lands should have the right to vote on this question as they pleased when it came here) to propose an amendment to strike out all after the enacting clause of the bill and to insert what I send to the Chair.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That except as to all lands granted for that portion of the road of the Northern Pacific Railroad which was completed before July 4, A. D. 1879, and also excepting the right of way, with necessary lands used in operating said railroad, and also except all lands included within the limits of any village, town, or city site, the grant of public lands made in aid of the construction of the said Northern Pacific Railroad by act of Congress approved July 2, A. D. 1866 (13 Statutes at Large, page 365), be, and it is hereby, declared forfeited and determined; and the said act making the grant is, so far as said grant is concerned, hereby repealed, and said lands are hereby restored to the public domain for sale and settlement under existing laws of the United States; and all of said lands shall be held and treated as though said grant and the withdrawals under it had never been made: *Provided*, That in case of any of the lands embraced within the terms of this act, to which said railroad company would have been entitled had the said road been constructed as provided in the act making the grant, have been sold by said company prior to January 1, A. D. 1884, the party or person so purchasing any of said lands, his heirs and assigns, shall have the right to the lands so purchased to the extent of 320 acres, upon making proof of the fact of such purchase before the register at the local land office of the district where said land may be located; and upon proof as above within twelve months of the passage of this act patents shall issue to the parties entitled thereto for the land; and in any case of purchase or settlement, as contemplated in this act, of more than 320 acres by each settler, the 320 acres to each settler may be selected by him within one year from the passage of this act, he filing the description of such selection at the proper land office or with the Commissioner of the General Land Office.

SEC. 2. That all persons who have made actual settlement or have made valuable improvements upon the odd-numbered sections adjacent to the said road or branch thereof, with or without contract of purchase therefor, with a *bona fide* intent to secure title thereto by purchase from said Northern Pacific Railroad Company when the said company had earned the same by compliance with the conditions and requirements of said act, or to acquire title to the same under the public-land laws of the United States, and being a citizen of the United States, or having declared his intention to become one in compliance with the naturalization laws of the United States, shall be entitled to enter one quarter-section, of 160 acres each, of the lands so settled upon or improved by such person, under the pre-emption or homestead laws of the United States; and in case such person has exhausted his or her right under said laws, then and in that case such person may enter one quarter-section, of 160 acres, of the land so settled upon or improved, by paying therefor $1.25 per acre.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

Mr. CALL. Mr. President, I scarcely think a matter of this great importance should be passed upon in a short period of time and without full and deliberate discussion, as will be the case if the bill should be passed in the morning hour.

This is a proposition to confirm instead of forfeiting a railroad grant, the larger part of upward of 48,000,000 acres of the public land. The amendment proposed by the Senator from Nebraska forfeits a very large proportion, I am not prepared to say how much, but all the grant which was not earned within the time specified in the granting act. The question then is clearly presented between the rights and interests of all the people of the United States on one side sought to be protected by the amendment of the Senator from Nebraska and the interests of the few persons who own and control the Northern Pacific Railroad Company on the other side.

The question therefore before the Senate is whether it will adopt the principle of the House bill or whether it will adopt the principle of a forfeiture of the lands beyond the present point of completion, and, as I said, it involves a great many millions of acres of the public land and the right of hundreds of thousands of the people of the United States to homes and subsistence for themselves and their wives and children.

The whole question is before the Senate whether the demand of the people, and their rightful and just demand, that where a railroad company has failed to comply with the provisions of the law the Congress of the United States shall declare that the law which created the grant and which provided that at a certain period of time the grant should expire, and the land should belong to the public domain and be open to settlement and occupation by the people under the homestead laws shall be observed, or whether Congress will make a new grant of perhaps a hundred million dollars or more of the public money in the form of a land grant to a few individuals.

I read from a report made by the Committee on Public Lands of the House of Representatives in regard to the amendment which the Senator from Nebraska has offered:

Your committee hereby adopt as their report the report of the Public Lands Committee made to the House of Representatives in the Forty-eighth Congress. The legal status remains the same, and your committee therefore have concluded to present that report, as it stands, as their report to this Congress.

* * * * * * *

Your committee have given the subject-matter of this grant—

The grant to the Northern Pacific Railroad Company—

patient, careful, and thorough consideration. They are satisfied that the grant was one *in præsenti* upon condition subsequent; that by breach of such condition the grant, along the entire line so far as it was uncompleted on the 4th day of July, 1879, is, and has been since said date, subject to forfeiture, and that justice to the United States and her citizens now require that a forfeiture and restoration of the lands to the public domain should be declared by act of Congress. To accomplish that result and at the same time protect purchasers of the company's title prior to January 1, 1881, and actual settlers and owners of valuable improvements on the odd sections adjacent to the uncompleted portions of said road who settled or made said improvements with *bona fide* intent to secure title through the company, your committee have prepared a substitute for said bills, and herewith report the same to the House and recommend its passage.

The bill now proposed to be passed by the Senate and called up on the motion of the Senator from Oregon is an entirely different bill, and gives to the railroad company millions of acres of the public land beyond that contemplated in this report and recommended by it.

In view of the fact that the conclusion to which your committee have arrived was earnestly combated by learned counsel in elaborate argument and briefs, we deem it proper to refer somewhat minutely and in detail to what we consider the most material points of the case, especially as it was urged that the grant to this company was in certain features an exception from the otherwise unbroken line of forfeitable grants, an isolated example of unparalleled generosity on the part of the United States in giving away millions of acres of the public domain without any provision for resuming its title even upon absolute failure of the company to fulfill its part of the contract. That such a construction in effect of the granting act was not only seriously but earnestly and forcibly urged by learned and distinguished counsel for the company is the apology of your committee for what might otherwise be deemed an unnecessary elaboration of the subject under consideration.

The act of Congress containing the grant to this company was approved July 2, 1864 (13 Statutes, 365), and the grant itself was in extent the most munificent of all the princely donations made in the era of liberality to aid in the construction of railroads, being for 20 miles along the entire line in all the States and 40 miles in all the Territories through which the line might be located, with the right of indemnity selection within 10 additional miles, afterward by subsequent act (16 Statutes, 278) enlarged to 20 miles, for all lands lost in the grant in place.

The land affected by the grant and subject to its operation was in fact all odd-numbered sections in a belt of the public domain extending over 2,000 miles from Lake Superior to Puget Sound, 40 miles in width in all the States and 80 miles in width in all the Territories through which the line should be located.

This was a grant of an empire, capable of sustaining millions of the people of the United States, the most munificent grant that was ever made, and equal to any conquest by any conquering army at any period of the history of the world. Its value is hardly to be estimated in money at this time. It is the gift of two or three hundred millions of dollars of present and future values to a few individuals.

The consideration of this munificent grant, as specifically declared by the act itself, was "to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores" over said railway (section 3), "to promote the public interest and welfare by the construction of said railroad and telegraph line," to keep "the same in working order," and "to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes." (Section 20.)

Section 3 of the act, embracing the grant of lands, was in the following words:

"SEC. 3. *And be it further enacted*, That there be, and is hereby, granted to the Northern Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State, and whenever on the line thereof the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights at the time the line of said road is definitely fixed and the plat thereof filed in the office of the Commissioner of

the General Land Office; and whenever prior to said term any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or pre-empted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections and designated by odd numbers, not more than 10 miles beyond the limits of said alternate sections."

* * * * * * *

"SEC. 8. * * * That the said company shall commence the work on said road within two years from the approval of this act by the President and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876."

Section 9 of the act was in the following words:

"SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein and that the said Northern Pacific Railroad Company accept the same upon the further condition that if the company make any breach of the conditions hereof and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road."

The period fixed by the eighth section of the granting act above quoted within which the road was required to be completed was subsequently extended to the 4th day of July, 1879, as appears from the following facts: The joint resolution of May 7, 1866 (14 Statutes, 355), extended the time two years, and the joint resolution of July 1, 1868 (15 Statutes, 255), amended section 8, the original granting act, so as to read July 4, 1877. On June 11, 1879 (General Land Office Report, 1879, pages 109–111), the Secretary of the Interior held that the effect of these two joint resolutions was to extend the time to July 4, 1879. In this view your committee concurs, and we adopt that date as the expiration of the period of limitation.

The total length of the line as located and proposed, including the Washington Territory branch, was 2,270 miles. Prior to July 4, 1879, there has been completed 531 miles of road, leaving 1,739 miles uncompleted at the expiration of the time limited. (See report of Secretary of the Interior to Forty-seventh Congress, Executive Document No. 144, page 41.) In round numbers and estimated 10,675,200 acres are by the bill reported conceded to the company and 27,539,840 acres subjected to forfeiture.

The question therefore before the Senate sought to be determined in this hasty manner by the bill is, whether 27,539,840 acres of the public domain shall now be given by the Senate bill to a few individuals constituting this corporation, in value equal to $100,000,000 at this time, and a part of the public domain required by the people of this country for homesteads for its citizens, for its families, for its men out of employment.

No graver question can be presented to the Senate. There is none in the whole range of public questions of greater importance to the people to be settled than the question whether the Congress of the United States is to appropriate the public money and the public property to enrich a few individuals, for that is what it means, neither more nor less. I here in my place protest against such a use of the powers of Government, of the public functions, as to confer vast wealth upon a few individuals while a million of men with their familes are out of employment, without homes, and without the means of comfortable subsistence.

Instead of complying with the just demand of the associated laboring men and women of the country to enact some measures by which the burden of their toil and poverty shall be lightened this bill proposes to lay still heavier burdens on them, and to place beyond their reach 27,000,000 acres of the public domain which partly belongs to them.

There is no question or doubt that the franchise of this road, with the 10,000,000 acres of land granted by the House bill, is more than sufficient to build this road.

There is no question of the construction of the railroad presented by this bill. There is no question that this great highway failed to be constructed within the time limited by the act, and that by emigration and the increase of the population of the country these lands have become immensely valuable. All the circumstances which require and justify the original policy, if there was justification for such a vast donation of an empire of land for any purpose whatever to a few individuals, have changed and no longer exist.

The report of the committee of the other House proceeds:

The consideration of the case involves two general and leading questions: First, the power of Congress to declare a grant of public lands forfeited for breach of condition-subsequent; second, whether, this power being established, there are any features in this particular case excepting the grant from the general rule.

The power of Congress to declare forfeited a grant of the public lands, made to either a corporation or a State, by an act containing a clause providing that the lands should revert upon failure to build the road within a specified time, is established beyond all controversy by repeated decisions of the Supreme Court.

I undertake to say that this is a proposition which can not be reasonably assailed. It is self-evident, and had the Supreme Court decided that Congress under the Constitution had no sovereign powers of legislation it would not have affected or changed the sovereign powers of Congress. But they have not so decided, and there is in my opinion no justification or reason in the argument that there is any warrant in the decision of the Supreme Court that a present interest vested under these grants denies or limits the powers of Congress, or the proposition that there is any limitation placed by them upon the power of Congress to declare a forfeiture, the absolute and discretionary power of Congress whenever there was a failure to complete the road within the time specified in the act.

It is specifically so held in United States *vs.* Repentigny (5 Wall., 211) and Schulenberg *vs.* Harriman (21 Wall., 44).

Following these cases is another which even more unequivocally defines the power of Congress in this regard. In Farnsworth *vs.* Minnesota and Pacific Railroad Company (92 U. S., 66), the court, considering the question, said:

"A forfeiture by the State of an interest in lands and connected franchises, granted for the construction of a public work, may be declared for non-compliance with the conditions annexed to their grant or their possession, when forfeiture is provided by statute, without judicial proceedings to ascertain and determine the failure of the grantee to perform the conditions."

Following these authoritative expositions of the law, as well as the reasons and sense of the principle involved, your committee have uniformly held that jurisdiction existed in Congress to declare these grants forfeited and have reported several bills to accomplish that purpose, some of which have already passed the House. We adhere to this position in the case under consideration.

Your committee are also clearly of the opinion that there is nothing in the provisions of the Northern Pacific act which takes it out of the category of grants upon condition-subsequent, liable to forfeiture for breach of condition.

What pretense can be set up in the light of the decision of the Supreme Court in this language:

A forfeiture by the State of an interest in lands and connected franchises, granted for the construction of a public work, may be declared for non-compliance with the conditions annexed to their grant or their possession, when forfeiture is provided by statute, without judicial proceedings to ascertain and determine the failure of the grantee to perform the conditions.

That settles the question as to the opinion of the Supreme Court; but for one I protest against any proposition that a tribunal composed of nine men holding office for life can in this republic of the people deprive the people's representatives, the Congress of the United States, of its constitutional functions. It is the court's function to consider and apply the law as Congress makes it, and not to repeal or modify or qualify or change in any form or degree the exercise of the sovereign legislative power of the people of this country. But the court has not undertaken to do so. It has, on the contrary, expressly declared that when forfeiture is provided by statute, as in this case, a condition not being performed, the grant shall lapse, as in all these cases, whenever Congress shall so declare, as the Supreme Court declare that Congress may by statute declare a forfeiture without the intervention of any legal or judicial proceeding:

The question turns upon a consideration of sections 3, 5, 8, and 9, hereinbefore quoted. The company claim that they constitute an absolute dedication of the lands to the purpose of constructing the road; that there is no condition-subsequent whatever, and that the only power in the United States is the power through Congress to adopt such measures as may be necessary to insure the completion of the road in case the company does not build it.

On the other hand, your committee regard this construction as utterly untenable, and are clearly of the opinion—

1. That section 8 of the act declares a condition-subsequent, namely, that the road shall be completed within a certain time, upon breach of which the grantor may declare a forfeiture.

This was a most unwise and imprudent grant. Far better would it have been for Congress to have granted the bonds for the reasonable cost of the road than to have given the power to demand of the settlers in 48,000,000 of acres of the public domain, twice the cost of building the road.

The road is 2,000 miles long. The grant is 40 miles in width in the States and 80 miles in width in the Territories, a territory greater than many great kingdoms. In round numbers it is estimated in this report that 10,675,200 acres are by the bill reported to the House conceded to the company and 138,539,840 acres subjected to forfeiture.

Mr. President, when you consider the fact that has been developed before the Senate in the reports of its Committees on Interstate Commerce, that a taxing power upon the people of this country greater than that exercised by Congress, upon every man, woman, and child, has imposed a debt of $3,000,000,000 upon this people in the shape of fraudulent and fictitious securities, and that while we are here pretending to exercise the powers of legislation in this most important of all subjects, the power of taxation, the power to oppress the labor of the country and take from it its hire for public purposes, has been exercised without our knowledge or consent, and a debt greater than the war debt has been imposed and now rests upon the people by virtue of the issue of fraudulent securities issued by transportation companies with the power to tax for all locomotion and transportation to pay the interest on their securities—when we reflect that this 138,000,000 acres of public land is now proposed to be appropriated to the same purpose, to float additional securities with the power of taxation upon the people of this country, the magnitude of the question involved in this bill may be somewhat appreciated. The passage of this bill in its present shape will be a menace to all the property interests of the country. It will be a defiance by the Senate of the people and their just demands. It will be a declaration that the Senate will use the powers of legislation in the interests of corporate power and against the people.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

Mr. VEST. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I am sorry that the Senator from Nebraska has thought it to be his duty to offer this amendment on this occasion to this bill.

The bill as it stands, if I correctly understand it, and I believe I do, provides for forfeiting and resuming to the United States all the lands that lie between what is called the Wallula Junction, up the Columbia River, and Portland—a line which is within the original charter, but which the company has never undertaken to build, but it has supplied that gap by leasing or coming into some arrangement with another railroad company that did not have any grant. There is a clear case where whatever lands are embarrassed by this old grant can

be resumed and put into the public land system of the United States with the universal consent probably of both Houses of Congress. It is sure to become a law. There is so much good done about which we can all agree.

That being the state of this bill, a thing we certainly can accomplish, the Senator from Nebraska thinks it desirable to raise the disputed and mooted question as to whether these other grants of land to the Northern Pacific Company, which are affected by the fact whether that company built its road or did not build its road within the time fixed by Congress can be forfeited by the United States under the decisions of the Supreme Court already made. That is a mooted, a disputed, and a difficult question which requires great consideration, and about which gentlemen would largely differ not only in respect of the absolute vested rights of this corporation, which Congress can not take away from it if it wishes to do so, but also in respect to the justice and morality of Congress from the mere lapse of time (the executive department and Congress together having allowed the corporation to go on and build its road and have it inspected and get its land certified), now going back upon them in respect of the circumstance that they did not come to the time within which they were to build. I do not mean to express my opinion about that now.

Some years ago the committee of which I am a member, the Committee on the Judiciary, had the subject of the forfeiture of all these grants under consideration; and that committee at that time came to the conclusion that such a course would not be just, and that it was for the interest of the United States to waive mere questions of time, that those companies which were now—that is at the time we made the report four or five years ago—actually engaged in going on to build the lines that the people wanted and that it was for the public interest to build, should not be interfered with, but to cut off all dead grants and all grants where the conduct of the companies had not been excusable in respect of not keeping within the time.

In that state of things I do not wish to vote yes or no on this distinct proposition, because on consideration and time to consider it, and as a measure which should receive careful attention, I might in the end think it right as it stands. But now why should we embarrass a thing we can all agree about by undertaking to hitch on to it a measure about which there is fair room for an honest difference of opinion as to the law as it is, and for an honest difference of opinion as to what justice and public policy require?

So it seems to me that my friend from Nebraska ought not to press this amendment now, and that he ought to withdraw it and let us get what we can all agree about and are clear about, and not embarrass a measure that is clearly good by one that is open to so many considerations of difficulty. I hope my friend from Nebraska will withdraw the amendment.

Mr. VAN WYCK. The Senator from Vermont appeals to the Senator from Nebraska. I did not intend to say a word on this matter. I know that the Senators from Oregon and some others are anxious to pass the bill in this shape; and of course, if it is all we can get, I shall have to take that; but I can take no other position than I do, believing as I do that we should not merely take the forfeiture of the lands from Wallula Junction to Portland, a portion of the line that the company never contemplated to build, and that it is willing and desirous, or, I may say, is willing, should be forfeited.

There is an honest difference of opinion, I admit. I should be content, and so the people would be, with the vote of the Senate and the vote of Congress on that point, because that would be the end of it. I and many others have believed when the question of forfeiture has arisen that there should be lands forfeited even where roads were built after the expiration of the term; that if a road was not completed when the time fixed by law expired the railroad company should come to Congress and ask them to extend the time; but I do not desire now to discuss the question. I want a speedy vote on the matter.

The Senator appealed to me, but I can not see the force of the appeal. This is an amendment which a large portion of Congress concedes that it is right to pass and a great portion of the American people believe it is right. I can see no objection to the proposition of this amendment and to taking a vote on it.

Mr. DOLPH. Will the Senator from Nebraska allow me to ask him a question?

Mr. VAN WYCK. Certainly.

Mr. DOLPH. The amendment offered by the Senator from Nebraska embraces the grant for all the completed road west of Bismarck, in Dakota, does it not?

Mr. VAN WYCK. What was not completed at the time fixed, July 4, 1879.

Mr. DOLPH. It is the land on the completed road west of Bismarck, is it not?

Mr. VAN WYCK. The Senator knows the point where the road was completed. He can state the fact.

Mr. DOLPH. At the Missouri River in Dakota.

Mr. EDMUNDS. I was about to move to lay the amendment on the table so as not to make any prejudice in favor of the company by the rejection of the amendment—to lay it on the table without expressing any opinion on it at all; but I do not make the motion if anybody wishes to say anything about it.

Mr. COCKRELL. I do not think it is proper or fair that the amendment of the Senator from Nebraska shall be precipitated upon the bill reported by the Committee on Public Lands. As I understood, the purpose of the committee was to accomplish something. It was considered that by this bill the forfeiture of the lands and their resumption by the United States from Wallula to the terminus could be effected and the bill become a law, and all other questions would be untouched.

Now, I think I will go about as far as the Senator from Nebraska in declaring forfeitures where they ought to be declared; but there is a "zeal according to knowledge" and there is a zeal not according to knowledge. There is one way of accomplishing a thing, and there is a way of defeating it which appears to be in its favor. We can pass—the Senate will agree to it and the House will agree to it—a bill declaring this forfeiture from Wallula to the terminus, and then we can consider the other question unaffected by that. That will be accomplished. It is something. We have had these bills of forfeiture in Congress for years, and by some means or other they never become laws. The bill that I introduced for the forfeiture of the lands of the Iron Mountain Railroad, a short piece of road, is I think the only one that has become a law.

Mr. PLUMB. The Senator forgets the Texas and Pacific grant.

Mr. COCKRELL. Oh, yes; the Texas and Pacific forfeiture bill was passed last session; but that was a very easy matter.

Here some want to go to an extreme length; others want to take a medium position, and others want to go a very short distance, and none of them will compromise. I believe that we ought to agree upon something and accomplish something; and it was for that reason that I was in favor of this bill, which could become a law and become operative; and then I was in favor at the same time of considering the other question. I think that is the only way to succeed. I think it is the only way to accomplish anything. I think the Senator from Nebraska is throwing a stumbling-block in his own pathway. I think he is doing more to prevent any forfeiture than could possibly be done by passing this bill. The Committee on Public Lands——

Mr. BECK. I desire to ask the Senator from Missouri if the Committee on Public Lands have considered the question now presented in the amendment of the Senator from Nebraska at all?

Mr. COCKRELL. As I understand it, they have not. I was just going to remark that the Committee on Public Lands have not come to a conclusion in regard to the bill which has been offered here as an amendment.

Mr. BECK. One other suggestion. Would the laying of this amendment on the table now be any committal in any way against the forfeiture declared by it, provided the Committee on Public Lands should consider it proper?

Mr. COCKRELL. I do not see that it would.

Mr. BECK. Why not let the whole subject go to the committee now and be considered at once?

Mr. COCKRELL. I propose to move to recommit the whole matter to the Committee on Public Lands for further consideration.

Mr. DOLPH. If the Senator from Missouri will yield a moment, I hope the Senator will not propose to recommit the whole bill. The bill has had the consideration of the Committee on Public Lands day after day.

Mr. COCKRELL. If we can not get the Committee on Public Lands to agree in its action then let the matter come into the Senate and be indiscriminately discussed; but let the Committee on Public Lands consider the question and make its report, and then the Senate will know the views of the committee upon the whole question. It seems that we can not accomplish a part without taking all, and the effort to take all will defeat anything.

Mr. EDMUNDS. Let me suggest to the Senator from Missouri that the bill which is under consideration, to say nothing about the amendment, has been considered and reported by the committee as a case of clear and unquestionable propriety of forfeiture and restoration.

Mr. COCKRELL. That is true.

Mr. EDMUNDS. That is all done. The committee has come to that conclusion because the pathway was clear. Now comes the Senator from Nebraska with an amendment which opens an entirely different and separate question, as we all agree, which may be decided one way or may be decided another way upon consideration. Now why should this measure, as the Senator from Missouri has concurred I suppose, as he is a member of that committee I believe, in reporting, and which is a good measure, be hung up by being sent back to the committee to see whether it can not be married to some other doubtful and disputable proposition, which, as the Senator from Missouri says, never seems to get through? As he has stated, let us do the good that we can and then consider the other.

Mr. COCKRELL. I think the bill ought to be recommitted, and I feel sure that the Committee on Public Lands will come to a conclusion and make a report. It is not fair to the committee that we shall come in here divided unless we are divided upon written views submitted to the Senate. Therefore I move——

Mr. BERRY. Will the Senator from Missouri allow me a word?

Mr. COCKRELL. Certainly.

Mr. BERRY. I wish to state that this bill does not include all the

unearned lands that were granted to the Northern Pacific Railroad. A portion of the committee tried to put on an amendment including the lands that were granted to the Northern Pacific Railroad on the line of what is known as the Cascade branch, which is not yet finished—it is not finished to-day—but the Senator from Oregon refused every effort to include all the lands which are unearned. Therefore the Senator from Nebraska had a perfect right to offer this amendment, because the bill seeks to forfeit a portion, which would have the effect of confirming the title to the other unearned lands on the Cascade branch.

Mr. COCKRELL. I am not discussing what may have occurred between the Senator from Nebraska and the Senator from Oregon or any one else in committee. I am stating the conclusion. The committee never acted on anything but that one question, and now it is not fair that these other questions shall be precipitated into a measure in the morning hour and the Senate be called upon to decide them. I believe it is right and proper that the whole matter shall go back to the committee and let the contention be there settled. Therefore I move that the pending bill and the amendment be recommitted to the Committee on Public Lands.

Mr. VAN WYCK. How far this proposition may be "according to knowledge" would rest especially on what is knowledge. I know it is very easy to hurl epithets at and denounce a man because the victim is not quite long enough or short enough for the iron bed prescribed for it. I offered the bill reported by the House committee as an amendment, and whether that was above or beneath knowledge I shall not say. It is a bill that probably will be passed by the House, and I was anxious to do just what the Senator from Vermont wanted and just what the other Senator wanted, to get some measure which could become a law; and this will be nearer becoming a law if we shall adopt the House proposition than if we send a measure to the House which we know they will not adopt. That has been the case from time to time.

I have heard the suggestions of Senators; and I would desire to yield to the wish of my friend from Vermont, whom I esteem so highly, and, therefore, I have thought that under the circumstances I would withdraw this proposition if the Senate consent and propose another which is a medium ground.

Mr. EDMUNDS. Do not do that.

Mr. VAN WYCK. I shall have to do it. It seems to me that here is a question of the forfeiture of the lands of the Northern Pacific Railway, and we are proposing to deal with it by piecemeal. We take a little here, and then we protest that it is only for a little, and that we will attack another little by and by, and this railroad goes on and comes up and says, "You gentlemen do not act according to knowledge," and the world would say we did not act according to knowledge in taking up one question and dealing with it by piecemeal.

Mr. EDMUNDS. I wish to ask my distinguished friend—and I am sure he will answer yes—whether he does not see clearly a distinction in dealing for the interest of the United States between undertaking to get what we clearly have a right to, and what nobody can dispute by itself, and the matter of trying to get that by tying on something that is disputed both in point of law and in point of justice? Is it taking here a little and there a little when these two classes of lands stand, as we all agree, upon entirely different questions?

Mr. VAN WYCK. I would say to the Senator that if it was a matter of dispute between the people and the Northern Pacific Railroad as to this portion of the lands from Wallula to Portland there might be some force in his distinction; but here is a piece of land which the railroad company is desirous or rather willing we should take. There is no question about that. That we never can lose. There is no question in dispute about it.

Mr. EDMUNDS. It is hung up.

Mr. VAN WYCK. The railroad company when they desire a thing come and besiege the Senate Chamber and besiege the Senate of the United States, but there is no one from the Northern Pacific Railroad Company who asks us to keep our hands off this piece of ground from Wallula to Portland. They want Congress to do it and to do it in this way, so that it shall be a concession on the part of Congress that it ends the question. That will be their argument hereafter; and when you undertake to touch the other part they will come here and say, "You have passed on the question."

I will withdraw this and offer another amendment which I think we can readily agree upon.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri to recommit.

Mr. BECK. I wish to offer——

The PRESIDING OFFICER. The Chair suggests to Senators that no amendment is in order until the question of recommittal is disposed of.

Mr. EDMUNDS. Can not the Senator from Nebraska withdraw his first amendment?

Mr. BECK. I wish to introduce an amendment—

That nothing in this act shall be construed to waive or release or in any way affect any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure of said company to comply with the conditions of the grant.

That is to exclude a conclusion.

Mr. VAN WYCK. That meets the point.

The PRESIDING OFFICER. Is there objection to the Senator from Nebraska [Mr. VAN WYCK] withdrawing his amendment? The Chair hears none, and the amendment is withdrawn.

Mr. VAN WYCK. Then I propose this amendment to which I trust there will be no objection——

Mr. BECK. Is not my amendment now in order?

The PRESIDING OFFICER. Pending the motion to recommit the bill no amendment is in order.

Mr. COCKRELL. I withdraw that motion for the present.

The PRESIDING OFFICER. The motion to recommit is withdrawn.

Mr. BECK. Then I offer my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky will be read.

The CHIEF CLERK. It is proposed to add to the bill as a new section:

SEC. 3. That nothing in this act shall be construed to waive or release or in any way affect any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure of said company to comply with the conditions of the grant.

Mr. DOLPH. I hope that will be adopted by unanimous consent.

Mr. ALLISON. I think that is right. It saves all possible questions.

Mr. BECK. It does.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kentucky [Mr. BECK].

The amendment was agreed to.

Mr. VAN WYCK. Having withdrawn the amendment I first offered, I now propose, after the word "main," in line 10 of section 1, to strike out down to and including the word "mountains," in line 14, and to insert:

And branch lines where the railroad required by said act has not been constructed and completely finished at the date of the passage of this act.

That is, that the lands for other portions of this road where the railroad has not been completed shall be included in this act and shall be forfeited. I presume nobody will object to that proposition.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be read.

The CHIEF CLERK. After the word "main," in line 10 of section 1, it is proposed to strike out all down to and including the word "mountains," in line 14, as follows:

Line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as appertain to and are conterminous with the branch line across the Cascade Mountains.

And in lieu thereof to insert:

And branch lines where the railroad required by said act has not been constructed and completely finished at the date of the passage of this act.

So as to make the section read:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said act has not been constructed and completely finished at the date of the passage of this act be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands.

Mr. EDMUNDS. If I were forced to vote at this moment on that amendment on its merits, I, for one, should vote no, because knowing nothing about the Northern Pacific Railroad Company as a corporation and having nothing to do with it, I do know as a person connected with public affairs and studying the history of his country that that company or somebody under that company is at this moment engaged in building the extension of its line to reach Puget Sound across the Cascade Mountains through a very high and mountainous piece of country, in order to get a complete through and independent line to the Pacific Ocean at Puget Sound. I say if I were to vote at this moment, in order to get that thing accomplished, and if it were entirely a new question, I would vote about all the land that they would ask for in those mountains in order to get it done. And inasmuch as that was in their original grant and they are now engaged in building that most difficult and necessary connection of this road to get straight to Puget Sound, I should vote against the amendment on the merits. But I do not want to foreclose its merits. The Senator from Kentucky has got in a saving clause as to all the land grants of this company, so that the company can gain nothing by inference or otherwise from the act as it now stands. Therefore, when everybody has said what he wishes to say, I shall move to lay this amendment on the table.

Mr. DOLPH. I have so far refrained from saying anything on this bill, although I reported it, because I was anxious to get a vote this morning; and I am not going to discuss it at length now.

The situation is just this: For 214 miles, from Wallula to Portland, the Northern Pacific Railroad Company never has done anything toward constructing its road, except to secure some strategic points and do some grading at such points on the north side of the river. They are not now proposing the immediate construction of the road. Eventually they will be compelled to build it. They would like to retain the grant until they get ready to construct the road; but I think they ought not to have it. The region is being rapidly settled; the grant is in the way

of the development of the country, and it ought to be forfeited, and it ought to have been forfeited long ago. The only other portion of the road that has not been completed is a gap of 75 miles through the Cascade Mountains. If Senators will examine the map of Oregon and Washington they will see that the Cascade Mountains extend from the northern boundary of Washington Territory down to the southern boundary of Oregon and separate both Oregon and Washington into two parts, eastern and western. Over the Cascade Mountains, in Washington Territory, there is not a wagon-road.

The people of Washington Territory in passing from one side to the other have to go by the Columbia River and by Portland, in Oregon; and every bushel of produce that is raised in Eastern Washington has to be taken down through the gorge of the Columbia. It is usually shipped to Portland, and from thence to foreign market. There in Western Washington is the great Puget Sound extending 100 miles inland, 150 miles north and south, affording with the rivers which discharge into it a great system of water navigation. The Northern Pacific Railroad Company are struggling to complete its Cascade branch to connect by a direct line Lake Superior and Puget Sound. Just north of their line now completed is the Canadian Pacific Railroad. That railroad company received from the Canadian Government $25,000,000 in money and 25,000,000 acres of land and a loan of $35,000,000, and the government took back from the company 6,666,666 acres of land at $1.50 an acre, making $10,000,000. It received a donation of completed road of 707 miles—from Lake Superior westward to Winnipeg, 400 and odd miles; from Winnipeg to the boundary line of the United States, 65 miles; and on the western slope, 200 and odd miles. So there was $25,000,000, 25,000,000 acres of land, a loan of $35,000,000, and 707 miles of completed road—completed in the best manner—donated to them.

The Government of Great Britain has granted a subsidy to that company of $500,000 a year for the purpose of aiding in establishing a line of steamers from the terminus of their road on Puget Sound to Australia, China, and Japan, and the company is now having constructed five large steamships which will be ready in 1888 for service, and in the mean time are proposing to put on a line of three steamships which are to be hired or purchased for the purpose. England, with its commercial ports and commercial agencies established all over the world, is attempting to seize and take out of our grasp the commerce of the old East, of the Pacific coast, and Puget Sound; and what are we doing? Here is this Northern Pacific Railroad, which has been completed under the provisions of the charter of the company and in compliance with the conditions of its grant from Lake Superior to the Columbia River, and from Portland down the Columbia to Kalama and thence to Puget Sound, and the Cascade branch of which has been completed up into the foothills of the mountains on both sides, to Ellensburg on the east side of the mountains and into the Green River Mountains on the west side, until there are only 75 miles of mountain road to complete it and secure a direct line to tide water on the sound, and it is now seriously proposed in the United States Senate in the face of all that has been done by the British Government for the Canadian Pacific Railroad that the United States shall step in and stop the completion of that through line, that we shall prevent a company incorporated by Congress and in which our citizens of every State and Territory are interested, from completing a great national enterprise and securing a portion of the commerce of the Pacific. There is no land now on the uncompleted portion of that branch, or at most a small amount, that is fit for agricultural purposes.

Mr. COCKRELL. I should like to ask the Senator one question. How far is it from Wallula where this Cascade branch starts out until you get down to Portland?

Mr. DOLPH. The Cascade branch starts from a place 11 miles above Wallula, but its main line is constructed down to Wallula. It is 214 miles, the line we propose to forfeit, to Portland.

Mr. COCKRELL. I want to know the length of the Cascade branch, not the branch from Wallula down to Portland, but the Cascade branch to the mountains.

Mr. DOLPH. I can not state precisely now from recollection. My impression is that it is 175 miles, of which there are 100 miles completed.

Mr. COCKRELL. There are 100 miles already completed?

Mr. DOLPH. Already built.

Mr. COCKRELL. Leaving a link of 75 miles.

Mr. DOLPH. I can state that generally from recollection. It is all of that any way. In that 75 miles there is a tunnel 1.9 miles long; and I saw a statement in the papers recently that already 550 feet of this tunnel have been cut and they are boring the tunnel from both ends. The contract has been let for the construction of this road for this entire gap; and it is stated in the Oregon and Washington papers that by next spring cars will be running over the mountains, the company making what they call a switch-back over the tunnel if the tunnel can not be completed in time. There are no agricultural lands, I am informed, within the grant conterminous with this gap.

I have been asked by some of the Senators on the floor, "Then why not forfeit it; they lose nothing?" Because the credit of the company depends largely upon the land; and they can only construct their road in sections of 20 miles. When 20 miles have been constructed and approved, upon the strength of the title to lands thus acquired and the security of the constructed road they are able to sell the bonds for that section and apply the money received to the construction of the next section.

Mr. COCKRELL. As I understand the Senator, on the 75 miles of uncompleted road the lands are of no value practically.

Mr. DOLPH. They are of no value unless there should be some mineral found.

Mr. COCKRELL. Then why does the Senator object to the amendment proposed by the Senator from Nebraska, which confirms all the land on the completed portion of that road, and only declares a forfeiture of 75 miles?

Mr. DOLPH. Because the bonds issued for constructed road are sold in sections, and if this amendment should pass, forfeiting that 75 miles, then there would be no further construction, because the contract under which bonds are sold would not be carried out; its provisions would be violated; the bonds could not be sold. So construction would be stopped.

Mr. GEORGE. Allow me to ask a question for information. How much of this road has been completed?

Mr. DOLPH. Nearly 2,000 miles, I believe.

Mr. GEORGE. Does the Senator say that it is necessary for a company that has 2,000 miles of completed road to have a land grant in order to build 75 miles more.

Mr. DOLPH. It is necessary. Every mile of the road has two mortgages upon it, one for $25,000 a mile, and a second mortgage for $15,000, making $40,000; and certain fixed charges have to be met. The construction can only be carried on by the earnings of the road and by the proceeds of the bonds as the sections are completed.

One thing more and I shall be done. During this administration 25 miles on each side have been received, and commissioners have just been appointed to receive 50 miles more.

Mr. COCKRELL. Mr. President, I am not in favor of the amendment of my good friend from Nebraska, because it goes further than I can go in the confirmation of this grant. He proposes, in line 10, after the word "main," to make the word "line" plural and make it read "lines," and then to insert:

And branch lines where the railroad required by said acts has not been constructed and completely finished at the date of the passage of this act.

Then it will read:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished at the date of the passage of this act, which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon.

There can be but one construction to that amendment, and that is that it confirms all the land conterminous with the present completed portion of the Cascade branch, which will be over 100 miles. Now the bill without the amendment would leave that whole question open. Therefore I can not vote to confirm a grant 100 miles long to that branch road.

Mr. VAN WYCK. I assured the Senate that I at least would take no time in debate on this question; and I have suffered suggestions to be made which I thought ought to be replied to; but my good friend from Missouri seems unable to agree with me at all. First, it is obstruction to do what he thinks now ought to be done; and now this does not do enough and the other did too much. One was "according to knowledge," and this is beyond knowledge, I suppose, as it appears in the mind of the Senator from Missouri.

The answer to the Senator from Oregon is simply here. This company beyond 1874, when their time expired under the former act, have been living by grace for twelve years; from 1874 to 1886 have been outside the terms of the grant; and now it seems that for 75 miles this huge corporation are still clinging to a portion of this grant which they say is entirely worthless. That is all I need say in answer to the Senator from Oregon.

Mr. EDMUNDS. I move to lay this amendment on the table.

Mr. EUSTIS. I ask the Senator from Vermont to withdraw the motion.

Mr. EDMUNDS. I withdraw it for the moment.

Mr. EUSTIS. I should like to ask the Senator from Oregon what is the meaning of the second section, which requires settlers to pay $2.50 per acre for lands covered by the grant which is to be forfeited under this bill?

Mr. DOLPH. It is only settlers who are in possession of the land under contracts with the company, and who must be protected. It does not interfere with the action of the general land laws at all. It provides for cases where parties have gone in under contracts with the company. The committee carefully examined all these points and heard parties upon them.

Mr. EUSTIS. I would call attention to the similarity of the condition of these settlers with settlers who took under railroads in Louisiana.

I shall vote against any such provision of law. Here is a grant which has been made by the Government of the United States which was simply a gratuitous donation, a mere act of beneficence by which the Government of the United States translated from itself to a railroad corporation a property of very great, if not immense, prospective value. Up to the time that that grant was made by the Government of the United States to this railroad corporation that land belonged to the people of the United States, and any citizen of the United States under the laws of the United States had a right to enter upon that land and to acquire it under the pre-emption or homestead act, to take possession of that land, to establish his homestead, to build his house, to have a roof to cover his family, and to till that ground for the support of his family. That was the right which existed in behalf, I say, of every citizen of the United States. It was a curtailment of that right and a divestiture of that right for the Government of the United States to transfer that property to a railroad corporation.

I am not going to discuss the question of the policy of land grants to railroads; but how was that grant made? It was made upon express and explicit conditions, and it was a grant that was defeasible by the non-fulfillment of those conditions which the grantor and the owner of that land had a right to impose and did impose. If the corporation has not fulfilled the conditions which it accepted at the time that it accepted the grant, if the corporation for any reason whatsoever did not place itself in such a position as to make that conditional title an absolute and a complete title, if by reason of the inaction of the grantee, the railroad corporation, the conditions under which this grant was made remained in suspense and were never and have never yet been fulfilled, it is a clear proposition of law, as well as it would be clear in equity, that that land to-day is in the same condition as though that grant had never been made.

That grant has never been in operation; that grant has never translated any property to that railroad company; there has never been any title acquired by that railroad company under that grant; and if that be so, the purport of the question which I addressed to the Senator from Oregon was why, if that grant has never been in operation, do you impose conditions upon the settlers who have gone there, not in violation of law, but exercising a right under the law? Why is it that you impose upon those settlers conditions as harsh as this is if the grant had been acquired by the fulfillment of the conditions contained in the grant?

Mr. MITCHELL, of Oregon. The conditions are for the benefit of the settlers.

Mr. EUSTIS. That is a difference of opinion. I believe the condition is in the interest of the railroad company, and that it is the interest of the railroad company to allow it to be known by a declaration of Congress that these lands can not be acquired at a less price than the railroad company sells lands at; and it is in order to maintain the value of its lands, in the interest of the railroad company at the sacrifice of the rights of the settlers, in my humble judgment, that that provision is put in this bill.

Mr. MITCHELL, of Oregon. I suggest to the Senator from Louisiana that in the absence of that provision the settler could only take under any of the land laws 160 acres, while under this provision he takes 320 acres. The provision is in the interest of the settler.

Mr. EUSTIS. I am speaking of the question of price. That same proposition is made with reference to the Vicksburg and Shreveport Railroad, in the State of Louisiana. There the condition was not complied with because the ten years had expired before the railroad was completed, and yet that railroad company insists that the settlers shall pay $2 an acre for land which in my humble judgment they have never earned and do not own, except by the sufferance and permission of Congress.

What sort of a title is that which I hear so repeatedly declared to be valid under the decisions of the Supreme Court of the United States and under the rulings of the Executive Department of the Government, that it is a legal title, a title that is vested, a title that concludes the world? I ask what sort of a title is that when the power of Congress to forfeit that title is recognized by the Supreme Court itself? So long as Congress has the jurisdiction and the power, which I understand to be conceded by the strongest personal or judicial advocates of railroad corporations in this land, that the power to forfeit does reside in Congress, that if Congress made a grant of land upon condition that a railroad should be built within ten years, if that condition was not complied with Congress can exercise the power of forfeiting and destroying that inchoate and conditional title and restoring it to the Government of the United States, thereby protecting the rights of the settlers, the poor people who have settled upon these lands. It is, Mr. President, in their interest and in their behalf that I participate in this discussion to-day.

I had occasion at a previous session to declare most emphatically my opinion on this question. I believe it is one of the most infamous outrages that has ever been perpetrated by a civilized government, that Congress having power to protect these poor settlers who are doing nothing except comply with or offering to comply with the laws of the United States, whose little homes are worth to them as much as millions are worth to the millionaire, who have spent years and years in improving their poor estates, making their crops and providing shelter for their families, that this great Government legislates in the interest of these rich railroad corporations at the sacrifice of these poor and honest citizens in our land.

Sir, I never will vote for any bill to affirm or to ratify a railroad grant that ought to be forfeited unless it contains a provision and a clause to protect these settlers and to allow them to enjoy the same rights that they would have enjoyed if the grant had never been made.

I desire to call the attention of the Senate and of the Committee on Public Lands to a very singular phase of this important question. I do it in order to direct their attention to the importance of action upon this question by Congress.

Here is a power which resides in Congress to forfeit. That, I say, is a conceded power. It is not disputed even by the judges of the Supreme Court of the United States. No one, if the power exists, has a right to dictate to Congress when that power shall be exercised. If that power exists and if that jurisdiction exists, it does not become impaired or debilitated or exhausted by any lapse of time, as I understand; and yet the Executive Department of the Government—and I do not state this with any spirit of criticism—can defeat that power, can nullify that jurisdiction, by issuing patents to the railroad companies although they may not have earned these grants. That is to say, it will be seen by the very able report of the Secretary of the Interior, Mr. Teller, in 1882 and 1883, and the report of Mr. Lamar, that the attention of Congress has been directed to this question, and they have not only asked but implored Congress to act definitively upon the question of these grants and of protecting the rights of the settlers, but they intimate that unless Congress does act the Executive Department of the Government will be called upon to act, and the Executive Department of the Government may issue patents to a railroad corporation which possibly in the opinion of Congress has never earned the grant.

Who are the class of people interested in this important question? They are a poor class of people, people who do not perhaps have as strong a voice as they ought to have in the halls of legislation; but they are a class of people who are to-day living in a condition of anxiety and trepidation that is perfectly appalling and distressing. I have received many letters upon this question from the settlers, and from the condition of the question I have not been able to give them a satisfactory answer. Therefore, I hope the Committee on Public Lands at an early day will bring in a bill to determine the rights of corporations under these grants and to protect the settlers on the public lands.

TAXATION OF RAILROAD-GRANT LANDS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the unfinished business of yesterday will be laid before the Senate.

The CHIEF CLERK. A bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7167) for the relief of Mrs. Maria Hunter; and it was thereupon signed by the President *pro tempore*.

THE SHIPPING LAWS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House agreeing to the conference report on House bill 4838.

Mr. MILLER. On the part of the conferees of the Senate I present the report of the committee of conference and ask that it may be now considered.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4838) "to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 24, and 26, and agree to the same.

Amendment numbered 3: That the Senate recede from its amendment striking out section numbered 3, and agree in lieu thereof to insert the following:

"SEC. 3. That section 10 of the act entitled 'An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes,' approved June 26, 1884, be amended by striking out the words 'That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his wife, mother, or other relative, but to no other person or corporation,' and inserting in lieu thereof the following: 'That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of all or any portion of the wages which he may earn to his wife, mother, or other relative, or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding $10 per month for each month of the time usually required for the voyage for which the seaman has shipped under such regulations as the Secretary of the Treasury may prescribe, but no allotment to any other person or corporation shall be lawful.'

And said section 10 is further amended by striking out all of the last paragraph after the words 'vessels of the United States,' and inserting in lieu of such words stricken out the following: 'And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.'"

And the House agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the following new section in lieu thereof:

"SEC. 14. That section 4418 of the Revised Statutes is hereby amended by striking out from the nineteenth and following lines thereof the words "and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit, and the highest point attained;" and inserting in lieu thereof the following: "and suitable steam-gauges to indicate the pressure of steam."

And the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: Strike out the words "the edition of 1875 and," and insert in lieu thereof the following: "As the sections of title 33 are numbered in 'An act to reduce internal-revenue taxation and for other purposes,' approved March 3, 1883," and the provisions; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: "Strike out the word 'the,' after the word 'suspending,' and before the word 'concessions,' and insert in lieu thereof the word 'such;'" and the Senate agree to the same.

Amendment numbered —: That the Senate recede from its several amendments changing the numbering of sections and agree to the numbers proposed by the House; and that the Senate further recede from its votes numbering the last five sections and substitute the numbers in order; and the House agree to the same.

WARNER MILLER,
J. N. DOLPH,
G. G. VEST,
Managers on the part of the Senate.

NELSON DINGLEY, Jr.,
P. DUNN,
BENTON McMILLIN,
Managers on the part of the House.

Mr. MILLER. The managers on the part of the Senate have prepared a statement in writing as to the result of the conference. I do not think it necessary to have it read, but I ask that it go in the RECORD. The bill is substantially as it passed the Senate, and therefore I move that the Senate concur in the report of the committee of conference.

The PRESIDENT *pro tempore*. The paper referred to will be printed in the RECORD.

The paper is as follows:

The managers on the part of the Senate of the conference on the disagreeing votes of the two Houses upon the Senate amendments to the bill of the House (H. R. 4838) "to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," submit the following written statement in explanation of the effect of the action herein recommended on each amendment in the accompanying conference report:

Amendment numbered 3 modifies the tenth section of the shipping act of 1884, which prohibited the payment of advance wages to seamen so as to allow a seaman to allot, in his shipping agreement, wages not earned to an amount not exceeding $10 for each month of the time usually occupied in the voyage for which the seaman has shipped, to an original creditor in payment of any just debt for board and clothing previously incurred—this allotment to be in addition to that which the seaman is now permitted to make to his wife or other relative.

Amendment numbered 5 extends the limited-liability rule to canal-boats, barges, and lighters, thus making the rule apply to all vessels on inland waters as well as on the ocean and lakes.

Amendment 8 adopts section 7 of the bill as passed by the House, by which a vessel of the United States without the usual papers is subjected to a fine instead of forfeiture.

Amendment 22 repeals so much of section 4418 of the Revised Statutes as requires steam-vessels to be provided with patent automatic steam registers that will record the pressure of steam, and substitutes therefor a provision requiring only the ordinary steam register.

Amendment 23 gives to whaling and fishing vessels of the United States the benefits of the provisions of sections 2510 and 2511 of the Revised Statutes, as numbered in the tariff act of 1883, and of the provisions of section 16 of the shipping act of 1884.

Amendment 24 provides that rule 12 of section 4233 of the Revised Statutes shall not be construed to require row-boats and skiffs on the River St. Lawrence to carry lights.

Amendment 25 authorizes the President to withdraw commercial privileges in our ports from the vessels of any foreign country to the extent that such privileges are denied to the vessels of the United States in the ports of such foreign country. This section simply extends the authority given the President by the act of 1823, which covers only discriminating charges and duties, so as to cover cases where vessels of the United States are discriminated against as to commercial privileges.

Amendment 26 provides that the United States shall allow steamships the regular steerage-passenger rate, not to exceed 2 cents per mile, for the transportation home of shipwrecked American seamen in cases where such steamships are required by law to transport such seamen at the expense of the Government; and also exempts steamships from the obligation to receive and transport seamen having a contagious disease.

WARNER MILLER,
G. G. VEST,
J. N. DOLPH,
Managers on the part of the Senate.

The PRESIDENT *pro tempore*. The question is on adopting the report.

The report was concurred in.

DEATH OF SENATOR JOHN F. MILLER.

Mr. STANFORD. Mr. President, in accordance with the notice given some time ago that on this day I would move certain resolutions in reference to my late colleague, JOHN F. MILLER, I beg to offer resolutions.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with profound sorrow of the death of JOHN F. MILLER, late a Senator from the State of California.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

The resolutions were agreed to unanimously.

Mr. STANFORD. Mr. President, the Senate is asked this afternoon to suspend its regular business in order that the last tributes to the memory of Senator JOHN F. MILLER can be paid by his former associates of this body.

The character and public services of the distinguished deceased are deserving of public and official recognition. The people of California have already performed this office. The expressions voiced by them have been that the nation has lost a worthy, faithful, and devoted servant, an exemplary citizen, and an honored Senator.

On the afternoon of the 8th of March, Senator MILLER passed from mortal life after a long and painful illness. We had been led to believe and had hoped that he would be able to attend this session of the Senate. When he came to this city, in December last, from his distant home in California, he had strong hopes of resuming his official duties, but it was ordered otherwise. During his illness I frequently saw him and found him always hopeful for the best and extremely desirous of resuming his Senatorial labors. As the winter closed he thought that with the incoming of spring he would gain strength enough to resist the ravages of his disease for a short time, even if he did not permanently regain his full health. At one time it seemed as if his will power and strength would be sufficient, but his strength failed him.

He passed into the other world surrounded by those most dear to him on this earth.

General MILLER was descended from two of the most respected families of Virginia, and was of Swiss-Scotch extraction, his progenitor on his father's side having left Switzerland to find in America what was denied him in the land of his birth—the freedom to worship God in accordance with the dictates of his own conscience; while his paternal grandmother's family were from Scotland. In the first decade of the present century his grandfather and father, who were then located in Franklin County, Virginia, decided on leaving that State, and before doing so manumitted their slaves. It may be easily supposed that the strong appreciation of liberty and the rights of man possessed by JOHN F. MILLER came to him as a natural heritage from a father and grandfather whose sense of justice and liberty was so great as to impel them to make a voluntary sacrifice at a time when slavery was by many held to be lawful and right.

Having started out from Virginia, the first halting place of the Miller family was at a point in Kentucky on the Ohio River, near Maysville, where, after a short stay, they built flatboats upon which they floated down the Ohio to the present site of Cincinnati. Subsequently the family home was chosen in Union County, Indiana, near Indian Creek, in the great Miami Valley.

By a coincidence, the maternal branch of JOHN F. MILLER'S family was of the same name as the paternal. His mother's father, John Miller, was a colonel commanding volunteer forces in Indiana and Ohio during the war of 1812, and won an extensive reputation for his successful warfare against the British and their Indian allies. His father was a man of great force of character, a natural leader, and exercised a wide and powerful influence in the State of his adoption. Here, in Union County, Indiana, a few miles from Cincinnati, JOHN F. MILLER was born. A short time after his birth the family removed to South Bend, where his early days were passed. He received an academical education at South Bend, and at Chicago was fitted for college; but preferring to embark as soon as possible upon his life career he chose to enter at once upon the study of the law, in which he graduated at the New York State Law School at the age of twenty-one. He began the practice of the law at South Bend in the same year, achieving early success. In the year 1853 he first came to California, and, locating at Napa, resumed the practice of his profession with marked success. In the winter of 1855–'56 he was summoned back to Indiana by the news that his mother was dangerously ill. Happily this was a mistake, and Mrs. Miller lived to see her son prosperous, happy, and highly honored. She passed away last fall at the mature age of seventy-four.

Mr. MILLER, however, remained in Indiana re-engaging in the practice of law, and 1861 found him a member of the senate of that State. In 1857 he had married Miss Mary Chess, of Pennsylvania. Of their marriage two children were born; the daughter survives her brother, who passed away in San Francisco in 1878 at the age of seven years.

Mr. MILLER was one of the first to respond in behalf of the Union at the breaking out of the rebellion. Governor Morton, the great war governor of Indiana, appointed him colonel of the Twenty-ninth Indiana Infantry, and he resigned his seat in the Legislature of the State. Few men are better fitted for a soldier's career than was JOHN F. MILLER. He had a cool head, great personal bravery, and indomitable energy, as well as the other traits that go to make up a successful soldier. As the conflict progressed, deserved promotion for "conspicu-

ous bravery" was given him, and the close of the war found him brigadier and brevet major-general. On his return to Indiana, Governor Morton presented him a sword which he had promised the soldier of the State who distinguished himself the most and reflected the greatest credit on his State and country. The details of his honorable military career may well be left to his comrades in arms, several of whom are members of this body.

When the sound of the conflict had passed away, General MILLER was offered a commission as colonel in the regular Army, but he declined it. He was a soldier only because there was a war, and preferred to return to the more active, and to him more desirable, competition of professional and political life. He returned a second time to California, and President Johnson offered him the position of collector of the port of San Francisco. He accepted and performed the duties of that important office for four years with great credit. He surrendered the office at the end of his term, declining a reappointment. After that he took an active interest in the management of the Alaska Commercial Company; was a candidate for Presidential elector in 1872, 1876, and 1880, and his election to the United States Senate followed in 1881. He took his seat in this body March 4 of that year. The responsible duties of this position he discharged in such a manner as to satisfy his constituents and secure the respect and esteem of his brother Senators.

At noon on Saturday, March 13, there were held in this Chamber impressive funeral ceremonies in his honor, in the presence of the President, the members of the Senate and House of Representatives, the Supreme Court of the United States, the diplomatic representatives of foreign countries, members of the Loyal League and other organizations. Every available place in both Chamber and galleries was filled. At the conclusion of the ceremonies the remains were escorted by members of this body, accompanied by a committee from the House of Representatives, to the depot, whence later in the evening the committee appointed by this body and the House of Representatives accompanied them to San Francisco, where, on March 21, funeral ceremonies again took place in the presence of an immense concourse of his sorrowing fellow-citizens.

On the occasion of the funeral there, Rev. Dr. Beers, of the Episcopal church, said of the deceased:

> This is one of those rare occasions when truth is eulogy and the language of panegyric does not outmeasure the just meed of appreciation due to high personal character, large and well-applied endowments, and great public service. This is proved, in the present case, by the widespread shock caused by the death of Senator MILLER and the universal sorrow experienced at a loss not soon or easily repaired. If human sympathy can ever avail to alleviate the pangs of irreparable bereavement, these mourning ones may remember that they are encircled with the heartfelt and loving sympathy of a whole people, and that the tears of a community, a State, and a nation mingle with those they shed. Though called away in the meridian of life, our friend lived long enough to outstep the bounds of local and State recognition, and to become a conspicuous figure on the stage of national activities. * * * His achievements as a soldier preceded his career in civil life. His coolness, judgment, and daring in battle brought him warm commendation from his comrades and superiors.
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> But Senator MILLER manifested in various ways, official and personal, his fidelity and consistency in another sphere of life and duty. He "adorned the doctrine of God our Saviour in all things," and was a good soldier of Christ, and when words were no more possible signified by gesture that his faith did not fail or falter. And so, full of honors, but not of years, with all earthly ministries that could make life desirable—a home the abode of peace and love, and troops of friends, great gifts, abundance of wealth, and wide influence—our friend has passed away, leaving those who survive the priceless heritage of an example as perfect and pure as is possible to the frailty of man. Senator MILLER died a martyr to duty. What the bullets of Stone River and Liberty Gap failed to do, unmeasured application to the most difficult and delicate work assigned him accomplished, and so the stateliness of earth—soldier, Senator, citizen, Christian—a modern Bayard, passed away without fear and without reproach. "Blessed are the dead who die in the Lord, for they rest from their labors, and their works do follow them."

These sentiments, so beautifully expressed, find a cordial indorsement from all who knew him as a private citizen, a legislator in Indiana, a soldier of the nation, and a Senator from California.

General MILLER'S life was a success. The work he undertook he did well, whether in camp, in commerce, or in Congress. He gained commendation on every side and in every path of duty in] which he walked. His persuasive eloquence, earnest, able, and logical reasoning, were recognized in this Chamber. He took an active interest in everything that looked to the welfare of his State, his party, and his country. He was a progressive man and a warm friend. In politics he was a Republican and a partisan, and never sought to conceal it.

He believed that "he who serves his country best serves his party best." He is gone. Impartial history will delight to place his name, as a private and public citizen, high among those who are worthy examples for their countrymen to admire and imitate.

Mr. EDMUNDS. Mr. President, I must beg permission to pay my heartfelt tribute to the memory of our late associate and our always friend.

I did not have the pleasure of knowing him during his most honorable and conspicuous career in the Army of the United States in the darkest hour of its destiny, but all that history tells of it, all that his surviving comrades tell of it, all that his then foes but now friends tell of it, unite in showing how brave and wise and prudent a soldier he was. I have to say rather what I have known of him here in this Chamber, and what I have known of him as a friend and neighbor in our associations during our stay in this city.

It was my pleasure and privilege to be for a long time his associate as a member of the Committee on Foreign Relations, of which he was the chairman—a committee, as you know, Mr. President, and as all the Senators know, that often has to do with questions not only of great practical importance but of extreme delicacy. Senator MILLER brought to that duty, coming as he did from the field of business, of politics, and of war, and not from a career of previous diplomatic experience or instruction, a tact, and a quality of suiting things to each other, and of harmonizing difficulties so far as consistent with truth and justice and national honor which would have done credit to any man who had spent his whole life in the training of diplomatic and international intercourse.

Never excited, never astray, patient, persistent in that as he was in his previous career in the Army, he contributed as much certainly if not more than any other member of that committee or any other member of the Senate to the satisfactory progress and adjustment of the affairs that were intrusted to that committee, which as you know is so often and so necessarily in conference with the Executive and his Secretary of State respecting a great many affairs that are never even brought to the attention of the whole body of the Senate.

So I can say of him with a truth and a eulogy that is not exaggerated, that in that most delicate and conspicuous and responsible position he was a man equal to the responsibilities of the place.

His career here we all know, in the public legislation and operations of this body—never a frequent speaker, never a long speaker when he had occasion to address the Senate, but always the man of thought, the man of attention, the man of industry, the man of practical sagacity, who brought to the solution of every question, whether legislative or executive, the patient and persistent energy and intelligence that should produce for his country and for his State the best results.

I think such an American citizen is a model for us all, is an inspiration to all who are to follow us here, or who are to perform the equally important duties of American citizens in their respective spheres.

But, Mr. President, outside of this Chamber and in the intercourse of social and friendly life—that intercourse which gives nearly all the sweetness and happiness and hope that there is in the somewhat weary ways we travel—I think Mr. MILLER was peculiar in the circumstance that with this positiveness of character, this persistence of energy, this solidity of opinion, which did not yield except for good reason, the social and the private side of his character was as sweet and gentle as that of a woman. I knew him well, and with a sincere sensibility I pay this tribute to that part of his life that was not seen in this Chamber.

I saw him often during the distressing hours of his last days. In all the pain and misery that his mortal disease gave to him there was the same steadfast calmness of persistent patience that had exhibited itself on the active side of his life. With no murmuring, no grief, no sorrow except that natural one of leaving behind him those he loved, he faced the door that opens to that mysterious land we all hope to see, and greeted with a happy hope, I am sure, when the door at last opened, that spacious sunshine far from pain to which he felt and knew he was so soon to go.

I lay upon his grave the tribute of my most affectionate remembrance.

Mr. VOORHEES. Mr. President, the distinguished soldier and civilian whose death we mourn and whose memory we cherish won and wore in his lifetime, and in full and abundant measure, the honors of two great States, far distant from each other. Fifty-five years ago in the beautiful valley of the Whitewater, in Eastern Indiana, JOHN F. MILLER was born. He grew to manhood's bright estate and equipped himself for his brilliant career under the favorable and progressive influences of his native State. He first appeared in connection with public affairs as a member of the Indiana State senate from Saint Joseph County in 1860. He was then twenty-nine years of age, handsome in face and person and attractive in manner. Those who saw him then could best appreciate when they met him in after years the changes wrought by wounds, suffering, and time. He remained but a short time in the civil service of Indiana. The ill-omened roar of artillery at Sumter in April, 1861, startled men from the repose of peace and inflamed their blood for battle as no other opening act of war ever did in the history of nations.

The people of the North and of the South instinctively knew the desperate and fatal meaning of those dread echoes, and they simultaneously sprang to arms for that irrepressible conflict which in the high councils of Almighty God was decreed to be settled by the sword. In that first rush to the field General MILLER was among the foremost. He resigned his seat as a member of the senate in the Indiana Legislature and took command as colonel of the Twenty-ninth Regiment of Indiana Volunteers. From that day until the war closed he appeared at all times and under all circumstances as the highest and best type of an American soldier. Two hundred thousand of the youth and flower of Indiana took their part in the harvest of death from the Potomac to the Gulf and to the ensanguined plains beyond the Mississippi.

Their record is brilliant and conspicuous for courage and endurance wherever the flag was planted.

But in all the bright array of Indiana soldiers no name has a prouder place or does more honor to the history of his native State than that of JOHN F. MILLER. I need not detail his military services. They are preserved in the annals of his country and cherished in the hearts of his countrymen. He was brevetted a major-general for conspicuous courage in battle, and merited, and should have received, a major-general's commission and full rank. The future impartial historian will notice and record the fact that the military officers of Indiana during the great conflict between the sections did not, as a rule, receive such promotion and advancement to high rank and command as their abilities and services demanded. With material in the field equal to any from Ohio, Illinois, or any other State, yet the just claims of hard-fighting colonels and brigadiers from Indiana were but sparingly recognized by promotion. This, however, is not the time nor the occasion to assign the reason for the fact I have stated.

With the return of peace General MILLER sought the Pacific coast, and made his home in that wonderful State, whose discovery, development, and wealth have flashed upon the world more like a bewildering romance than a stupenduous reality in human history. In the midst of the strong and pushing people of that remarkable Commonwealth, where "the survival of the fittest" is a practical daily law and not a mere speculative theory, General MILLER went to the front and there maintained himself. Indiana may be pardoned for her interest and pride in her sons in distant States. It is a somewhat singular circumstance that when he entered this body he succeeded the accomplished and eloquent Booth, also a native of Indiana.

As a Senator, moving here in the midst of his associates, General MILLER was admired, respected, and beloved. His abilities were of a high order, and he brought to the discharge of his duties the habits and methods of a trained and cultivated mind. His demeanor was full of quiet, dignified courtesy toward all. He was always a gentleman. General MILLER had been for many years an intense sufferer, and there is no doubt that his life was shortened by the shock and severity of his wounds. In the ordinary course of nature, and by reason of a strong physical constitution, death should long have spared him to his family, his friends, and his country. But though prematurely called he met the great inevitable change with the firmness and the faith of a soldier and a Christian. Sir, how thick and fast come the warnings to us all that this earth is not our abiding home; that our lives are as fleeting shadows—a moment here on the shore of time, then launched forever on the illimitable ocean of eternity. On every hand, and keeping time with the days and almost with the hours, our friends and comrades depart, recede from our longing embrace, and disappear from our tearful gaze. How empty and vain appear all the honors of this world at such a time, and how pitiful the conflicts and asperities of human ambition!

Sir, it seems but yesterday when General MILLER walked and thought and toiled in our midst, but we shall see him no more amongst living men. On the far-off Pacific coast all of him that was mortal will repose forever. Indiana joins California as a mourner for the honored dead, and lays an evergreen garland of gratitude for his services, and affection for his memory on his grave.

Mr. LOGAN. Mr. President, in the death of JOHN F. MILLER, of California, a loss to the country has been sustained the full extent of which can now only be realized by those whose good fortune it was to know him intimately. He had arrived at that position in life when, having conquered the difficulties which confront youth at the beginning of its career, he was ready to enter upon a field of broad usefulness, in which he would have earned a brilliant and lasting place in the national annals of his period. But he was fated to be like a gallant general who, after having carried the ramparts of an enemy's works, is stricken down upon the very threshold of well-earned victory. In this Chamber, where he was known and honored, the sentiment that his death was untimely is general and deeply rooted.

The parents of the late Senator MILLER were, originally, citizens of the State of Virginia, whence they emigrated to Indiana at a time when the latter was considered fairly entitled to be designated as the Far West. In this new State, which, in reference to its then recent admission to the Union, may be said to have been still in its teens, JOHN F. MILLER was born, in the year 1831. His youth was passed amid those frontier scenes which have developed some of the strongest characters of American history. At an early age he evinced an unequivocal aptitude for books; and his parents, resolving to give him all of the limited advantages of an education then accessible to the Western boy, sent him to an academy in South Bend, where he obtained such preliminary education as it was possible to furnish. At the age of eighteen he began the study of law, and in the year 1852 graduated with much credit from the New York State Law School, to which he had gone to avail himself of its course. Returning to his home in Indiana he began the practice of law, but soon being seized with the California fever, then fully developed, he joined the immense concourse of people who were flocking to the new El Dorado.

Pursuing the practice of law for a few years on the Pacific coast, he returned again to the home of his youth, resolving to spend the remainder of his days among the friends who loved him so well. In the year 1860 he was elected to membership in the Indiana State senate, but upon the inauguration of the rebellion, being then only thirty years of age, he entered the Union Army, and was at once made colonel of the Twenty-ninth Regiment of Indiana Volunteers. Evincing military ability of a high grade, he was soon placed in command of a brigade, and served at different periods under Generals Sherman, Rosecrans, and Thomas.

At the battle of Stone River General MILLER exhibited this ability in a very conspicuous manner. Two days before this engagement he had been painfully wounded and was still suffering acutely from the effects of the wound. Having been ordered to the support of General Crittenden's corps at Stone River, he took position with his brigade upon the left of the railroad in an open field, and near the bank of the stream. About 4 o'clock in the afternoon a furious attack was made by the enemy upon General Beatty's or Van Cleve's division, which was then across the river. The latter was compelled to retreat to the other side again through General MILLER'S lines. The enemy had followed the retiring Unionist, and were now upon the opposite bank directly facing General MILLER'S brigade.

A spirited action at once took place between the two bodies of troops across the stream. Under the dreadful fire of General MILLER'S force the enemy began to waver and then to fall back. General MILLER, perceiving his advantage, determined to follow it, and gave orders for an immediate advance. At this moment an order came to him from a general officer, not his immediate commander, to desist from the attempt to cross the river. With the self-reliance marking independent natures General MILLER dashed across the river with his troops, the enemy flying before him in order to gain the cover of the batteries in his rear. On went the Unionist under the lead of the gallant MILLER. Nothing could withstand their intrepidity. A charge was made upon a battery of four guns, with the fire of the pieces fairly blazing in the faces of the attacking party. A hand-to-hand conflict took place; the battery was captured, and with it the colors of the regiment serving it.

The movement of General MILLER was perilous in the extreme; but the importance of the result obtained fully justified the daring attempt. The check received by the enemy through General MILLER'S audacious bravery undoubtedly contributed as much if not more than any other thing in turning the tide in favor of our troops at this battle and prevented the enemy from occupying the heights overlooking Stone River.

He was severely wounded at Liberty Creek, and afterward commanded a large force at the battle of Nashville, where he gained great distinction.

These incidents are selected from the military career of General MILLER in order to illustrate the strong character and ardent patriotism of the man whose loss we have so recently been called upon to mourn.

With no previous military education he entered the Union Army at the beginning of the war, and simply through force of his marked personal characteristics, backed by the fitness for arms which the life of a free-born American citizen is so well calculated to create, he left the Army at the termination of the conflict with the rank of a brevet major-general.

The military career of the lamented MILLER furnishes another interesting example of the resources of the United States when forced to the dread alternative of war. Fortunately the country has not often been called to accept this alternative during the course of its peaceful history; but old England, the most warlike of nations, and old Mexico, the most powerful of the Hispano-American republics, have alike had cause to marvel at the military strength of our country, almost without an army or a military establishment and traditionally devoted to a career of peace.

The concealed military power of the United States, if I may so express it, has been remarkable and an unpleasant development to all of the nations of the world whose sovereigns have been accustomed for so long a period to regard a standing army as the only true measure of the power of the people. Such a spectacle as the American volunteer soldier has never been seen in the history of governments.

Behold a man, quietly following his peaceful avocation, surrounded by family and friends, and with no thoughts save those connected with the routine of an unostentatious life and the faithful fulfillment of the obligations of citizenship. Sixty million people every day, in this broad and happy land, respond to the call of such peaceful duties and the round of such an uneventful life. Not a banner, nor a military trapping, nor the beat of a drum can be seen or heard to break the even tenor of industrial and domestic pursuit. But hark! The shrill note of the bugle has broken the stillness of the air. Look again, and behold a marvelous transformation! The quiet man, who mayhap was clad in homespun vestments and engaged in following the slow course of a plow over a forbidding field, has vanished; and there now stands in his place a grim soldier, attired in the uniform of his regiment and examining the deadly qualities of his rifle. The air is filled with martial music, and the roads and streets resound to the tramp of the American volunteers as they go forth to certain triumph. The ringing of the steel; the even tread of moving regiments; the clatter of horses' feet; the rolling of artillery wheels; the swelling strains of the bands; the waving banners; the shouting of the masses—all indicate the irresistible moving of an army

that has sprung into martial completeness with the suddenness of the birth of Minerva from the brain of Jove.

This is no strained figure of a patriotic imagination. An actual fact is represented, which has demonstrated upon more than one occasion the utter disparity between a merely hired soldiery and an army of freemen, moving with all the elements of successful war to the defense of their principles, their homes, and their cherished institutions.

It is safe to say that no foreign power can subdue a nation thus defended; and so long as the free spirit of American institutions is preserved untainted and untrammeled, so long as the people continue to feel that they are the sovereigns and the directors of the Government of the United States, so long will that Government continue invincible to the attacks of enemies, whether they be foreign or domestic.

At the termination of the late war General MILLER found himself still suffering from the effects of wounds received during the course of his honorable service. One of these was of such a nature as to induce the diseased action which ultimately put a premature end to his useful life.

In the year 1866 General MILLER was appointed collector for the port of San Francisco, and this appointment led to his permanent removal to the Pacific coast. Of energetic character, he believed that his field of activity would be enlarged in a section of country still needing strong arms, broad minds, and courageous hearts for its permanent development. From the date of his arrival General MILLER became a prominent man upon our Western coast, both in its industrial and political progress. His official administration won for him the good-will of all parties and classes, guided as he ever was by the strict principles of honor and justice.

His efforts, however, were not limited to the mere perfunctory discharge of the duties of his Federal office. At all times and at all seasons he was ready to aid with his influence and his means every feasible plan for the unfolding of the industrial and social interests of the Pacific slope. Firmly believing with the quaint writer, Swift, that "whoever could make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before would deserve better of mankind and do more essential service to his country than the whole race of politicians put together," he sought to call into development previously unknown elements of wealth; and when finally freed from the cares and restraints of office he became the leading spirit of a business enterprise that has largely added to the wealth and commercial interests of our whole country.

But a man of such activity and of such large capability could not remain unsought to aid in the political interests of his party. In 1872, in 1876, and in 1880 he occupied a place upon the California Republican electoral ticket. In 1879 he was elected by a handsome vote to be a member of the convention to form a State constitution. In 1881 he was selected by the California Legislature to represent that State in this body, and his service in the capacity of Senator dates from the 4th of March of that year, when he took the oath of office. From that time to the date of his death his colleagues here became familiar with the man whose career, though previously bristling with usefulness, was now about to yield its fullest fruition. An active worker, a far-seeing counselor, a genial friend, a magnanimous opponent—one and all came to respect and love him for his strong mind, his manly worth, and his gentle qualities of heart.

During the five years that he held membership in this body Senator MILLER was a silent sufferer from the wound he had received in the defense of his country; and it was this suffering alone that prevented him from filling the sphere of activity offered by his national character as fully as he certainly otherwise would have done.

The progress of his malady at length began to demonstrate that the career of our colleague was doomed to suffer untimely abridgment, like—

> The bud bit with an envious worm,
> Ere he can spread his sweet leaves to the air,
> Or dedicate his beauty to the sun.

Suddenly, upon an inhospitable day, when the very elements seemed hung with weeds of sorrow, the frost came and with ruthless touch withered a life that held within its clasp probabilities extending far beyond the limits of any ordinary career.

Senator MILLER was a true type of the American freeman, of manly form, strong of mind, with quick perception, and rapidity of decision; with iron courage, and a gentle nature, that melted enmity into friendship and opposition into compliance, he was a marked man among his fellows. He was at home among the humble, and always a peer of the best.

His life was full of promise, and his sudden death was rounded by melancholy disappointment. The life was instructive, and the death suggestive to his friends.

We are here to-day to render a tribute of appreciation and of sorrow in presence of a calamity which extends beyond the limits of the family threshold and invades the circle of the national interest. We are here to drop the tear of sympathy, and to pronounce the encomium, "Well done, thou good and faithful servant." In bewailing our colleague's loss we can not be unmindful of the circumstance that death is the common lot of all. To play our parts well upon life's great stage is worthy of the loftiest ambition. But the time comes when, standing in presence of such a catastrophe as we are now contemplating, we are profoundly impressed by the reminder of the immortal dramatist:

> Our revels now are ended. These our actors,
> As I foretold you, were all spirits, and
> Are melted into air, into thin air;
> And, like the baseless fabric of this vision,
> The cloud-capped towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Yea, all which it inherit, shall dissolve,
> And, like this insubstantial pageant faded,
> Leave not a rack behind. We are such stuff
> As dreams are made of, and our little life
> Is rounded with a sleep.

Departed colleague, sleep on! thou hast earned thy rest, and thy country is better that thou has lived. The nation mourns thee and thy friends bewail thee; but having passed the portals of the mysterious realm, they would not call thee back. Thy work belongs to thy country and thy rest to thee. To thy colleagues is left the remembrance of thy gentle spirit; but to them also is given the exquisite pain of pronouncing the most terrible of all words:

> Farewell!
> For in that word—that fatal word—howe'er
> We promise, hope, believe—there breathes despair.

Mr. FAIR. Mr. President, in the brief time that I shall occupy the attention of the Senate I will be unable to give a fitting tribute to the life and services of Senator MILLER. I can not, however, allow this occasion to pass without giving expression to the feelings of respect and admiration I have for his memory.

It was my good fortune for a number of years to know Senator MILLER well, and we became warm friends. His death, therefore, to me was not simply the passing away of a distinguished citizen, but was a personal bereavement.

JOHN F. MILLER has passed away at the age of fifty-five years. How much of effort, achievement, yea, of suffering, have been crowded into that short period of time.

Mr. President, the career of this man may well be pointed to as an example and incentive for the rising generation of the Republic. Few men of our time have filled as he has, with heaping measure, the requirements of every public and private station. With the true ambition for success and fame, he early fitted himself for the great intellectual struggle of life.

Entering upon the practice of law in his native State of Indiana, he soon conceived the idea of establishing himself in California, whither he went and remained for a period of three years. He then decided to return to Indiana, where he was soon chosen to the honorable position of State senator. He occupied this position at the time that the opening of our great civil war startled the country. Resigning his duties as a legislator he entered with patriotic enthusiasm into the great struggle for the Union and led to the field a regiment of infantry.

I will not descant at length upon his military career; but it is well known that in this field of endeavor he displayed those noble traits of character—coolness, courage, and resources—which in time of war make heroes of men.

At the great three days' battle of Stone River it fell to his lot to occupy the key of the position. With the true military instinct he took in the situation, and without orders he made an assault which opened the way to victory, and in this terrible struggle he received the wound from which he suffered so much and which no doubt finally contributed to his death. This, however, did not end his military career. At Nashville he was intrusted with a larger command, and with conspicuous gallantry aided in the overthrow of Hood's army.

Successful in war, it was left to him to be equally successful in peace. Again becoming a citizen of California, he was chosen to conspicuous and responsible positions under the national and State governments, and was finally chosen to represent that great State in this Chamber. Here his ability received a fitting recognition when he was placed at the head of one of the leading committees of the Senate.

As a man of business and of affairs he was always recognized as possessing large ability. In the private walks of life and in the social circle he made hosts of friends. In fact it may be said that here was a conspicuous and distinguished man without an enemy. It would seem that the life of Senator MILLER was a series of unbroken successes; this statement necessarily includes the idea that his combination of good qualities entitled him to succeed.

He was a man of fine intellectual endowments; he possessed an admirably balanced mind, and a heart full of consideration for his fellowman. He was a man of patriotism, of honor, and honesty, and I join with his warmest friends in deploring his untimely death.

Mr. HARRISON. Mr. President, there seemed to be an appropriateness in the suggestion made to me some days ago by the senior Senator from California that the representatives of the State of Indiana in this Chamber should take part in these memorial exercises. JOHN F. MILLER was born in Union County, Indiana; received his education and spent his early manhood in that State. It was there that he entered public life as a senator from the County of Saint Joseph, and from that State, bearing the commission of its great war governor, he went into the Army

of the Union in August, 1861, as colonel of the Twenty-ninth Regiment of Indiana Volunteer Infantry. He did much to make the name of the State illustrious in that great and protracted struggle. Indiana will always cherish his memory, and will write his name high upon that tardy monument which she is yet to build to the memory of her dead soldiers. The highest achievements of his conspicuous and useful life are associated with the history of his native State. His removal very soon after the close of the war to California gave to that State the high privilege of crowning his service and sacrifice for the Union with the highest civil honors in the gift of a State. He was worthy of this high preferment, and had already in the senate given evidence that he was a leader in the field of thought and statesmanship as well as in the field of arms.

When the war broke out General MILLER was a member of the State senate of Indiana, and when that body was assembled in special session to devise such measures as were necessary to collect and equip the war quota of the State, he at once, though a very young man, attracted the attention of his colleagues and won the confidence of Governor Morton. A defensive campaign was not compatible with his bold and aggressive spirit. He was impatient with timidity and half-heartedness. He defended the cause of the Union in debate as he afterward defended Nashville, by going out of his intrenchments and whipping the enemy that was gathering to besiege him. The debates at this session of the Indiana senate were sometimes characterized by great excitement and acrimony, and the part taken by Senator MILLER quickly gave him a reputation for ability and courage. He was, while still in the Senate, appointed aid to Governor Morton with the rank of colonel, and gave most efficient help in organizing the first troops that were sent into the field.

But his high spirit was not long content with a home service. He organized the Twenty-ninth Regiment of Indiana Infantry, and in August, 1861, was mustered in as its colonel. It is not my purpose to follow the military history of General MILLER. A few incidents will suffice to show how rapidly, almost intuitively, this young lawyer, untrained in military schools, became a skillful and successful commander. I do not doubt that if the severe wound received at Liberty Gap, resulting in the loss of an eye, had not forced his retirement for a time from severe military duty, he would have risen to the command of an army. His personal courage was of the highest order, yet no man was more free from brag or bluster. He was reserved in speech, but spirited and resolute in action. In the battle of Stone River he received a severe and almost fatal wound in the neck, but refused to leave the field. Tying a handkerchief about the wound, he was seen the next instant riding in the thick of the fight encouraging his men to hold the desperate situation confided to him. At Liberty Gap, while leading his brigade, he received a bullet wound in the eye, which was at first thought to be fatal. The sight of the eye was destroyed, and it was not until many years after the war that the bullet was found to be lodged in the eye-socket and extracted.

From a military sketch of General MILLER, in the second volume of Indiana's Roll of Honor, I take two or three extracts relating to the part taken by him in the battle of Stone River.

Speaking of the desperate assault made upon his line during the first day's fight the author says:

> During this entire engagement and under all these terribly appalling circumstances Colonel MILLER displayed the most admirable coolness and bravery, setting an example of heroic daring and cool courage that has seldom been equaled, never surpassed, and could not but find a response in the hearts of his gallant men. Though severely wounded, he persisted in remaining on the field despite the remonstrances of the surgeon; and had his resistance to the enemy been less obstinate, and had they succeeded in forcing a passage through his lines, the whole right wing of the army, which had been driven back, would thus have been cut off from all support and either captured or dispersed; but they were enabled by the fierce, protracted, and gallant struggle of Colonel MILLER to gain the rear of the army and there reform their shattered lines.

Of the gallant and timely countercharge afterward made by Colonel MILLER'S brigade, when assaulted by an overwhelming force, the same author says:

> It is now generally conceded by most military men that this bold and dashing bayonet charge into the very heart of the enemy's lines, which was conceived, ordered, and led by Colonel MILLER, and carried into execution solely upon his own responsibility, was the great event of the battle, and tended, perhaps, more than any other, to dishearten the enemy and to crown our standards with another glorious victory.
>
> Too much can not be said of the skill and ability, nor the distinguished bravery, of the colonel in this bloody battle, nor of the gallantry of his veteran troops.
>
> These qualities were recognized and appreciated by the commander-in-chief, General Rosecrans, who awarded the post of honor to the Seventh Brigade in being the first to enter Murfreesborough, and telegraphed to the President from the field of battle, recommending Colonel MILLER'S promotion for "gallantry on the field."
>
> * * * * * * *
>
> But few officers have been so fortunate in securing the love, respect, and confidence of their troops as General MILLER, and history, which sooner or later awards justice to all men, will wreathe around his gallant deeds in this great struggle for freedom and nationality an immortal halo of renown.

But the skill and dash of General MILLER had perhaps its best display in the defense of Nashville, Tenn., where he had an independent command. His sudden and successful dashes upon the enemy at Gallatin, La Vergne, Neeley's Bend, and other points, in all of which he was successful, tended to maintain the spirit and efficiency of the garrison and at the same time to impress the enemy with a wholesome respect for this isolated but plucky command. At times food and forage became very scarce, so much so that the inhabitants were suffering and the troops upon half rations. The only source of supply was the surrounding country, which was occupied by the enemy. General MILLER was compelled many times to go out with half his command as an escort to a foraging train, but his movements were so skillfully concealed and so quickly and boldly executed that they were always successful.

The last active service rendered by him was in the great battle of Nashville in December, 1864. He was given by General Thomas, who thoroughly trusted him, a prominent command, and throughout that severe engagement bore himself with the same gallantry that characterized his early service.

After the close of the war he went again to California, and after exercising for some years high official trusts under the Government with fidelity and credit, he was in 1880 elected a Senator from that State.

Immediately upon his entrance into the Senate General MILLER took a position of influence not often awarded to new members of that body. Every one who was brought into contact with him observed his quick and fine perception and his clear and logical judgment. He had evidently studied with great care and research many public questions, especially those affecting the commerce of the Pacific coast in its relations to the nations of South America and the East. He was bold enough to give hospitable entertainment to the most progressive ideas, and believed that the time had come when the kindly but powerful influence of the United States should be exerted in bringing about closer commercial and political relations with the governments of Central and South America.

To him a diplomatic tradition of our younger and weaker days was not a necessary rule of action for a nation of fifty millions. That European influence should be dominant in the near-lying American republics fretted him. That European merchants should fill with their wares the markets so much needed for our own surplus, and by neighborhood so clearly our own, stimulated him to seek for the cause and a remedy. He was not sparing of himself, and the hours of early morning often found him at his desk. He had always risen in effort and achievement with every promotion in life, and the demands which his onerous and dignified position as chairman of the Committee on Foreign Affairs of the Senate made upon him were responded to with spirit and fidelity. He was not a frequent or a fluent speaker, but always spoke with the most careful and ample preparation and with remarkable force and clearness.

In his private relations General MILLER was loved by all who knew him. His heart was full of sympathy and all kind impulses, and his hand was its willing and generous servant. His affection for wife and child was not effusive, but it was very tender, watchful, and enduring. His sense of honor was high and imperative. As an adversary he was open and brave; as a friend he was true and steadfast. His love of country was a passion; its unity, its honor, and its prosperity were dearer than life to him. He had twice shed his blood in its defense. He did this because he loved his country; and we can not doubt that his love for the flag, the Constitution, and the Union were deepened and intensified by the sacrifices he had made in their defense. Another of the great soldiers of the war has departed. Wrapped in the flag he loved, and covered with laurel wreath and flowers, his scarred body has been laid to rest by loving hands. Indiana mourns her son, the nation one of its most gallant defenders, and we a friend.

Mr. DOLPH. Mr. President, it is not my purpose to attempt anything like a biographical sketch of our deceased brother. I shall leave that to others who were more intimately associated with him in social life and in the labors of this body and are better qualified for the task; but I can not forbear on this occasion to give expression to the deep sense of the loss I feel at the death of him we mourn to-day and to add to the eloquent eulogies already pronounced my feeble tribute to his memory.

When the last session of Congress, during which our lamented brother had been one of the most active and useful members of this body, closed, how bright his future seemed. Fortune smiled upon him, and everything which could minister to his comfort and pleasure and gratify a cultivated and refined taste were his. Honored and trusted by the people of his State, beloved and respected by his fellow Senators, in the prime of life, his star in the ascendant, his career as a Senator apparently just begun, how little we then thought that he would never again occupy the seat in this Chamber he had so honorably filled and would never more enter this Senate Hall alive. But death is no respecter of persons. The strong and the brave are stricken down side by side with the feeble and the timid; rich and poor, noble and base, peasant and king, are subject alike to his fatal shafts and meet upon the level of the tomb. Indeed, often the poetic sentiment appears to be justified that,

> Like other tyrants, death delights to smite
> What, smitten, most proclaims the pride of pow'r,
> And arbitrary nod. His joy supreme,
> To bid the wretch survive the fortunate;
> The feeble wrap the athletic in his shroud;
> And weeping fathers build their children's tomb.

As was said by one of the greatest of American statesmen:

> One may live as a conqueror and king or a magistrate, but he must die as a

man. The bed of death brings every human being to his pure individuality, to the intense contemplation of that deepest and most solemn of all relations, the relation between the creature and his Creator. Here it is that fame and renown can not assist us, that even friends' affection and human love and devotedness can not succor us.

For, as was said by an eminent writer:

Nature intends that at fixed periods men should succeed each other by the instrumentality of death. They are allowed to keep it at bay up to a certain point, but when that is passed it will be of no use to make new discoveries in anatomy or to penetrate more and more into the secrets of the structure of the human body; we shall never outwit nature; we shall die as usual.

My personal acquaintance with Senator MILLER commenced in 1879, in Oregon, upon the occasion of the visit of General Grant and party to that State, of which General MILLER and family were members, and although casual from that time until I became associated with him in the Senate, it was of the most pleasant character. During the Forty-eighth Congress he always manifested a warm interest in my personal welfare; and in the measures presented by me to advance the interests of the State I in part represented I had his hearty co-operation and valuable assistance.

When I reached this city in February, 1883, he was one of the first to welcome me and to extend to me the hospitalities of his home. It was my good fortune to meet him during the recess of Congress, early in July last, at Port Townsend, Wash., where, while waiting for the sailing of the Alaska steamer, he and his family were sojourning in the hope of recruiting his already failing health. We were fellow-passengers upon that July trip to Alaska. During the long and pleasant days spent together upon that more than delightful voyage we had several conversations, embracing a wide range of subjects, but more particularly relating to national questions and matters appertaining to the Pacific coast. He was enthusiastic concerning the future of the coast, well informed as to its resources and wants, and thoroughly interested in every practical scheme for its development. I left him, when our routes separated upon our return, invigorated by the trip and hopeful for the future.

The improvement in his health proved to be only temporary. He believed his presence was required at the capital of the nation, and, as the time for the opening of Congress approached, he made the journey from his distant home with the expectation of occupying his place in the Senate, an expectation never to be realized. The last enemy of the human race, the insatiate archer, had already sent the fatal shaft, with unerring aim, which was to pierce the citadel of his life. Neither his indomitable will, the skill of physicians, nor the kind offices of loving friends could do more than to postpone for a time the final catastrophe. He desired to live to serve his State and to enjoy the society of his loved ones, and manfully clung to hope from the first, and heroically endured the pain and confinement of his illness. With great fortitude he strove against the progress of the disease, and with thoughtful solicitude encouraged his wife and daughter to hope for his recovery. But as he neared the end, evidently conscious of that fact, he is reported to have said, "It is not worth the fight," and with perfect resignation yielded to the last of human foes; no doubt realizing, as he reviewed the incidents of his life ere his spirit winged its flight, that "every man has lived long enough who has gone through all the duties of life with unblemished character," and that "that life is long which answers life's great end."

Death is sad to contemplate at best. Even under the most favorable circumstances "we start and fear to die." But death is relieved of half its terrors when the dying, as was our departed brother, are surrounded by friends and receive those kindly offices which only affection can suggest and pass from their presence across the boundary that separates the living from the unknown beyond.

Senator MILLER achieved great distinction as a soldier. When the angry clouds, which had been gathering in our political sky for three quarters of a century, burst in the storm of civil war and the fate of the Union hung upon the fearful arbitrament of battle, and when, animated with one purpose, the preservation of the Union, from farm and shop and factory and office and store, the patriotic sons of the North hurried to its defense, Senator MILLER, then a lawyer and State senator in Indiana, was commissioned colonel of the Twenty-ninth Indiana Volunteer Infantry, by Governor Morton of that State, and took the field.

His personal bravery, firmness, and skill soon won for him the confidence of his superior officers and the affection of his men. He participated in the battles of Stone River, Liberty Gap, and Nashville, and greatly distinguished himself on those fields. He was wounded in the neck at the battle of Stone River and severely wounded at Liberty Gap. Retiring from the Army and removing to California, by enterprise and energy he acquired a competence and became one of the foremost men of the coast, and his election to the Senate of the United States was a just recognition of his ability and merit. It is supposed that his life was shortened by the wound he received in the war. He was a man who preferred to wear out rather than to rust out, and it is possible that his days were cut short by overwork. There is so much indolence and so many aimless and purposeless lives in the world that I can hardly consider an excess of energy a fault.

Our lives are measured by deeds, not years, and how more than true is it that "fame is not won on downy plumes nor under canopies; the man who consumes his days without obtaining it leaves such mark of himself on earth as smoke in air or foam on water."

Rather than one who is content to drift with the current down the stream of life—

Give me a spirit that on life's rough sea
Loves to have his sails filled with a lusty wind
Even till his sailyards tremble, his masts creak,
And his rapt ship runs on her side so low
That she drinks water and her keel plows air.

The leading characteristics of Senator MILLER were great energy, a strong will, and a high sense of honor, but with all an extreme modesty, which upon a casual acquaintance created an impression of stiffness of manner, but which disappeared upon better acquaintance. He was well informed and possessed decided opinions upon public questions, and expressed himself with fluency, freedom, and force. I have been told that when he canvassed the State previous to his election as United States Senator, although he made numerous public addresses no two of them were alike.

He did not often occupy the time of this body, and when he did address the Senate there was little attempt at rhetoric. His speeches were the earnest expressions of well-matured opinions and strong convictions, and, without circumlocution, were directed to the points involved, and if they did not always carry conviction, they never failed to convince all who listened to them of the earnestness and sincerity of the speaker. He was honest, just, faithful, direct, unostentatious, modest, considerate, kind, and courteous; true to country, his constituents, and himself. Such characters always have and always will command respect and homage. His was an example worthy of imitation by the youth of the land. His life illustrated the possibilities which, under our form of government, lie within the reach of the humblest. The history of his life and of his gradual rise to fame, fortune, and position would be but a repetition of the history of the lives of many of the illustrious men of this country. Such experiences as his are more valuable to make men suited for great emergencies, qualified to control great enterprises, and to fill responsible public positions than all the aids of birth, fortune, schools, and influential friends.

These oft-recurring occasions in this body naturally awaken serious reflections. We are reminded that death is the inexorable law of our being, and that as it is with our brother, whose loss we to-day deplore, so will it shortly be with us. The bow is already drawn and the arrow let loose which is to pierce the citadel of our mortal lives. Would we escape from the fatal archer, we can not. "Death is everywhere, and procured by every instrument." In such an hour, when our thoughts are withdrawn from the labor and conflict which so absorb us, and directed to the end of all human labor, successes, and conflicts, and we are brought face to face with the "unsparing grisly King of Terrors, sole universal monarch, whose powers no prowess can resist, whose peremptory call no artifice can evade," how insignificant seem the greatest human achievements, how unsatisfactory the rewards of business and political endeavor; how the prayer of the psalmist comes unbidden to mind and is breathed in silent accents from the lips:

Lord, so teach us to number our days, that we may apply our hearts unto wisdom.

Brave soldier, honored statesman, true friend, farewell! Peace to thy ashes! Over their last resting-place in the beautiful "city of the dead" at the great metropolis of the Pacific, fanned by the breath of the tropics, may flowers bloom earliest in spring and linger latest in autumn, and by the people of a grateful country may thy memory, as a sweet fragrance, long be cherished. Neither the din of the great city nor the roar of the ocean waves that break on the shores of the Golden Gate can disturb thy repose. Though the body is mortal, we know the soul is immortal, and that, safe in the abode of the blessed, beyond the reach of praise and censure, of the mutations of time and the ills of life, thou shalt enjoy a state of eternal felicity. From that bright abode, if it is permitted to the spirits of the departed to behold the affairs of earth, look down upon our sorrow, "exalt our minds from fond regret and unavailing grief to the contemplation of thy virtues. Those we must not lament; it were impiety to sully them with a tear. To cherish their memory, to embalm them with our praises, and, if our frail condition will permit, to emulate thy bright example will be the truest mark of our respect, the best tribute we can offer."

Mr. HEARST. Mr. President, the Senators who have preceded me have spoken of Senator MILLER as a soldier and a statesman. It now becomes my privilege to speak of him as a citizen, in which capacity also he served his country.

He and his associates were the recipients of one of the most important franchises in the gift of the Government. Out of this grew an enterprise which has been carried on to the best interests of all parties therein concerned, in proof of which the books have ever been open for the investigation of any authorized agent; in fact, to my knowledge, such investigation has always been invited.

The management not only protected the Government, but a system was created which enabled the helpless and ignorant Indians engaged in the work to save such a proportion of their earnings that there is to-day to their credit in the banks of San Francisco $100,000, which

amount might have gone into the coffers of the company for the simple consideration of five barrels of bad whisky.

This instance alone is sufficient to show the purity and integrity of the man's life. Such an example should be written on the mile-posts of the highway, chiseled in the cliffs along the trails of the Rocky Mountains, graven on the granite of the Sierras, hewn on the tall pines of the Pacific slope, and commemorated in the flowers in the valleys of the dead Senator's adopted State.

Now, Mr. President, as an additional mark of respect to the memory of the deceased, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 37 minutes p. m.) the Senate adjourned to to-morrow, Friday, May 28, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 27, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

H. P. M'FARLIN.

The SPEAKER laid before the House the bill (H. R. 3848) for the relief of H. P. McFarlin with Senate amendments.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent that instead of referring that bill to the committee, the House now concur in the amendments of the Senate, which are but mere verbal changes.

The SPEAKER. The amendments of the Senate will be read, after which the Chair will ask for objection.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *May* 26, 1886.

Resolved, That the bill (H. R. 3848) for the relief of H. P. McFarlin do pass with the following amendment:

"In line 2, strike out the words 'restored to' and insert 'reinstated upon.'"

There being no objection, the amendment of the Senate was concurred in.

BILLS REFERRED.

The SPEAKER also laid before the House bills of the following titles, with Senate amendments; which were severally referred to the Committee on Invalid Pensions, namely:

A bill (H. R. 4544) granting a pension to Ann E. Cooney;

A bill (H. R. 4688) granting a pension to Josephine De Costa Thomas; and

A bill (H. R. 7165) to increase the pension of Manhattan Pickett.

The SPEAKER also laid before the House the following Senate bills; which were read a first and second time, and referred to the Committee on Invalid Pensions, namely:

A bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs;

A bill (S. 1078) granting a pension to William C. Wait;

A bill (S. 1201) granting a pension to Louise Armbrecht;

A bill (S. 1207) granting a pension to Caroline Sees;

A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath;

A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;

A bill (S. 2144) granting an increase of pension to Grace F. Edes;

A bill (S. 2215) granting a pension to Martha J. Todd, widow of Dr. R. N. Todd, late of Indianapolis, Ind.;

A bill (S. 2232) granting a pension to Mary Martin;

A bill (S. 2263) granting a pension to Col. James H. Blood;

A bill (S. 2267) granting an increase of pension to Laurinda G. Cummings;

A bill (S. 2269) granting a pension to William Dickens;

A bill (S. 2336) granting an increase of pension to Thomas Benson;

A bill (S. 2349) granting a pension to Catharine Lanigan; and

A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions of certain disabled persons who have served in the Navy or Marine Corps.

The bill (S. 2030) granting a pension to Miss Margaret Stafford North was read a first and second time, and referred to the Committee on Pensions.

ADDITIONAL LIFE-SAVING STATIONS.

The SPEAKER also laid before the House the bill (H. R. 6975) to establish additional life-saving stations, with amendments of the Senate disagreed to by the House of Representatives, and a conference asked for on the part of the Senate on the disagreeing votes of the two Houses on said bill.

On motion of Mr. IRION, the Senate amendments were non-concurred in, and the request for a conference was agreed to.

The SPEAKER announced the appointment of Mr. IRION, Mr. CRISP, and Mr. DUNHAM as managers at said conference on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. STONE, of Missouri, indefinitely.

To Mr. CABELL, for two days.

To Mr. OUTHWAITE, for three days, on account of important business.

To Mr. HOUK, for five days, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. WELLBORN, by request of the Indian Office, asked and obtained unanimous consent that all papers relating to Indian-depredation claims submitted to the House of Representatives at this session of Congress by the Indian Office and now in the custody of the Committee on Indian Affairs be returned temporarily to the said Indian Office, to be hereafter returned to the House.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I desire to call the regular order.

The SPEAKER. The Chair is proceeding with the regular order.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 16) granting a pension to Nancy L. Ribble;

A bill (H. R. 413) granting a pension to George Schaefer;

A bill (H. R. 424) to amend the record of Giles C. Hawley, and to place his name on the pension-roll;

A bill (H. R. 515) granting a pension to Althea A. Frasner;

A bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston;

A bill (H. R. 567) granting a pension to Mary A. Little;

A bill (H. R. 1184) granting a pension to Stephen Gardner;

A bill (H. R. 1330) granting a pension to Martin Taylor;

A bill (H. R. 1576) granting a pension to Thomas Allcock;

A bill (H. R. 1585) for the relief of Mrs. Margaret Colbath;

A bill (H. R. 1592) for the relief of Sarah A. Vaughn;

A bill (H. R. 1816) granting a pension to Mary Ann Miller;

A bill (H. R. 3193) granting a pension to Mrs. Edna Roberts;

A bill (H. R. 3205) granting a pension to George W. Guyse;

A bill (H. R. 3376) granting a pension to Thomas Sampson;

A bill (H. R. 3906) for the relief of Catharine Johnson;

A bill (H. R. 3982) granting a pension to John Pennington;

A bill (H. R. 4462) granting a pension to Martha Downs;

A bill (H. R. 4490) granting a pension to H. W. McDonald;

A bill (H. R. 4631) granting a pension to Mary Merrill;

A bill (H. R. 4976) for the relief of Tobias M. Coon;

A bill (H. R. 5127) granting a pension to Mary A. Repley;

A bill (H. R. 5961) granting an increase of pension to Cyrus Vigus;

A bill (H. R. 5995) granting a pension to David T. Elderkin;

A bill (H. R. 6003) for the relief of John H. McClelland;

A bill (H. R. 6192) granting a pension to Mary Norman;

A bill (H. R. 6331) granting a pension to George Anna Lippe;

A bill (H. R. 6650) granting a pension to Samuel Robbins;

A bill (H. R. 6655) granting a pension to Stakely D. Dagley;

A bill (H. R. 6126) granting a pension to Henry G. Ballinger;

A bill (H. R. 6688) for the relief of William Bishop;

A bill (H. R. 6776) granting a pension to Catharine Thenn;

A bill (H. R. 6780) granting a pension to Henry B. Havens;

A bill (H. R. 7118) for the relief of Bailey Hascall;

A bill (H. R. 7298) for the relief of Charles Schuber;

A bill (H. R. 7300) for the relief of Randolph Seaman; and

A bill (H. R. 7617) granting a pension to Solomon J. Grisson.

SHIPPING LAWS.

Mr. DINGLEY. I desire to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4838) "to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 24, and 26, and agree to the same.

That the House recede from its amendment striking out section numbered 3, and agree in lieu thereof to insert the following:

"SEC. 3. That section 10 of the act entitled 'An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes,' approved June 26, 1884, be amended by striking out the words, 'That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his wife, mother, or other relation, but to no other person or corporation;' and inserting in lieu thereof the following: 'That it shall be lawful for any seamen to stipulate in his shipping agreement for an allotment of all or any portion of the wages which he may earn to his wife, mother, or other relation, or to an original creditor in liquidation of any just debt, or board, or clothing which he may have contracted prior to engagement, not exceeding $10 per month for each month of the time usually required for the voyage for which the seaman has shipped, under such regulations as the Secretary of the Treasury may prescribe, but no allotment to any other person or corporation shall be lawful.' And said section 10 is further amended by striking out all of the last paragraph after the words 'vessels of the United States' and inserting in lieu of such words stricken out the following: 'And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.'"

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the following new section in lieu thereof:

"SEC. 14. That section 4418 of the Revised Statutes is hereby amended by striking out from the nineteenth and following lines thereof the words 'and to indicate the pressure of steam suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit, and the highest point attained,' and inserting in lieu thereof the following: 'And suitable steam-gauges to indicate the pressure of steam.'"

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out the words "the edition of eighteen hundred and seventy-five" and insert in lieu thereof the following: "As the sections of title 33 are numbered in an act to reduce internal revenue-taxation, and for other purposes, approved March 3, 1883, and the provisions;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Strike out the word "the," after the word "suspending" and before the word "concessions," and insert in lieu thereof the word "such;" and the Senate agree to the same.

That the Senate recede from its several amendments changing the numbering of sections, and agree to the numbers proposed by the House; and that the Senate further recede from its votes numbering the last five sections and substitute the numbers in order; and the House agree to the same.

NELSON DINGLEY, JR.,
P. DUNN,
BENTON McMILLIN,
Managers on the part of the House.
WARNER MILLER,
J. N. DOLPH,
Managers on the part of the Senate.

Mr. DINGLEY. I ask that the statement of the House conferees may be read.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses upon the Senate amendments to the bill of the House (H. R. 4838) "to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes," submit the following written statement in explanation of the effect of the action herein recommended on each amendment in the accompanying conference report:

Amendment numbered 3 modifies the tenth section of the shipping act of 1884, which prohibited the payment of advance wages to seamen, so as to allow a seaman to allot, in his shipping agreement, wages not earned to an amount not exceeding $10 for each month of the time usually occupied in the voyage for which the seaman has shipped, to an original creditor in payment of any just debt for board and clothing previously incurred—this allotment to be in addition to that which the seaman is now permitted to make to his wife or other relative.

Amendment numbered 5 extends the limited-liability rule to canal-boats, barges, and lighters, thus making the rule apply to all vessels on inland waters, as well as on the ocean and lakes.

Amendment 8 adopts section 7 of the bill as passed by the House, by which a vessel of the United States without the usual papers is subjected to a fine instead of forfeiture.

Amendment 22 repeals so much of section 4418 of the Revised Statutes as requires steam-vessels to be provided with patent automatic steam-registers that will record the pressure of steam, and substitutes therefor a provision requiring only the ordinary steam-register.

Amendment 23 gives to whaling and fishing vessels of the United States the benefits of the provisions of sections 2510 and 2511 of the Revised Statutes, as numbered in the tariff act of 1883, and of the provisions of section 16 of the shipping act of 1884.

Amendment 24 provides that rule 12 of section 4233 of the Revised Statutes shall not be construed to require row-boats and skiffs on the River St. Lawrence to carry lights.

Amendment 25 authorizes the President to withdraw commercial privileges in our ports from the vessels of any foreign country to the extent that such privileges are denied to the vessels of the United States in the ports of such foreign country. This section simply extends the authority given the President by the act of 1883, which covers only discriminating charges and duties, so as to cover cases where vessels of the United States are discriminated against as to commercial privileges.

Amendment 26 provides that the United States shall allow steamships the regular steerage-passenger rate, not to exceed 2 cents per mile, for the transportation home of shipwrecked American seamen in cases where such steamships are required by law to transport such seamen at the expense of the Government; and also exempts steamships from the obligation to receive and transport seamen having a contagious disease.

NELSON DINGLEY, JR.,
P. DUNN,
BENTON McMILLIN,
Managers on the part of the House.

Mr. DINGLEY. If there is no further explanation asked for and no gentleman desires to discuss the report I will move the previous question on its adoption.

The SPEAKER. The gentleman from Maine demands the previous question on the adoption of the report.

Mr. BRECKINRIDGE, of Kentucky. It seems to me there ought to be some explanation.

The SPEAKER. If the previous question is ordered there will be thirty minutes for debate, fifteen minutes on each side.

Mr. BRECKINRIDGE, of Kentucky. But this seems a matter far too important to be carried in haste through the House. The question that is really at issue is not merely to confer on the President of the United States the right, but to impose the duty——

Mr. DINGLEY. I withdraw the motion for the previous question and yield five minutes to the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, personally I do not desire the time, but I would like, if in order, to move that this report be printed, and that its consideration be fixed for some other day at such hour as may be ordered, that we may have an opportunity of looking into it. It is not my desire to submit any observations upon the report myself at this time.

Mr. DUNN. If my colleague on the committee will allow me I wish to suggest to the gentleman from Kentucky that the amendments of the Senate to this bill have been printed for two weeks and there has been ample opportunity for the members of the House to read them; so that if any debate is desired I hope my colleague on the committee will give the opportunity for it now. And I hope the gentleman from Kentucky will not insist on the postponement of a disposition of the report of the conference committee.

Mr. DINGLEY. If there is to be any debate on this report I prefer it should be now. If the gentleman from Kentucky desires to make any remarks I will yield to him for that purpose.

Mr. BRECKINRIDGE, of Kentucky. Is it in order to move to postpone the consideration of this report to a day certain?

The SPEAKER. That motion would be in order when the gentleman has the floor for the purpose of making it. The Chair understood the gentleman from Maine to yield the gentleman from Kentucky five minutes——

Mr. DINGLEY. Merely for debate.

The SPEAKER. The gentleman from Maine still retaining the floor.

Mr. BRECKINRIDGE, of Kentucky. I am in this attitude: I do not understand the proposition that is made in the conference report, although I have read the bill offered by the Senator from Maine in the Senate and offered now under this conference report. It is much broader I think than the House may at first blush think.

It is not merely conferring a privilege, it is imposing a duty upon the President of the United States to withdraw from the vessels of a foreign country whatever privileges he may think have been withdrawn from vessels of the United States by that foreign country. It arises out of the recent troubles on our Canadian frontier about our fishing vessels, but there is not a word in this bill about the fishing vessels or the fisheries. Those vessels may not have any commercial privileges at all under our treaties, yet this bill relates wholly to the commercial privileges of commercial vessels. Nor am I sufficiently advised, sir, though I have looked with some care at this bill, as to the meaning of the phrase contained in it "of like vessels." I do not know whether that means vessels of like build, as, for instance, steam-vessels, so classified as distinct from sailing vessels, or whether it means vessels in like trade. I do not know whether the classification is as to similarity of construction or similarity of trade. What is the precise meaning that may be affixed to these terms is, I confess, to me a matter of doubtful construction.

I desire to submit but a single observation upon this bill, for I suppose there is no part of America that, in a narrow and selfish sense, has less interest in this question than the part that I represent; but we are interested in the broad sense that we all constitute one country, one people, and that therefore the prosperity of our commerce concerns us all.

The only observation I desire to make at this time is that a matter so important as this ought to be submitted with fuller explanation, with ampler time for discussion, so that the House may fully understand the entire question before it is called upon to act. There is no hurry for this legislation, Mr. Speaker. There is no reason why it can not be acted upon next week or the week after just as well as to-day, while there are some reasons which should make us hesitate about acting in a hurry.

The matter on our Canadian frontier is under examination; the executive department has it under consideration. There is no danger of a war. Our rights are to be regarded——

Mr. DUNN. If the gentleman will permit me, I will say to him that this provision in the bill does not involve or affect that question at all. It does not pretend to deal with that question.

Mr. BRECKINRIDGE, of Kentucky. Then, Mr. Speaker, if it does not affect that question there can be no occasion for hurry, because we have no other question pending about commerce with any foreign country. The sole question now at issue that threatens to give us any trouble is this fishery question, and, if this bill does not apply to that question, certainly there can be no need for haste. But I will ask the distinguished chairman of the committee if this does not apply to the fishery question, in the name of God what question does it apply to?

Mr. DUNN. As the gentleman has asked that question, I will answer it. It simply supplies an omission in the reciprocity arrangement and laws of 1823, as my colleague on the committee [Mr. DINGLEY] will explain more fully when he comes to address the House.

Mr. BRECKINRIDGE, of Kentucky. Now, Mr. Speaker, the law of 1823 has been in existence for sixty-three years, and as we have managed to get along very fairly all this time under the *casus omissus* of that law, I do not see why we are not capable of getting along in the same way a few days longer.

But does this provision apply to that? It requires the President of the United States to put an embargo on Canadian vessels in return for what is supposed to be an outrage committed on the fishing vessels of America. I have no objection, sir, to proper action on that question. Not only have I no objection, but I will go as far as the gentleman from Maine [Mr. DINGLEY] or any other gentleman in this House to protect the fishing interests of Maine or of Massachusetts as I would go to protect the interests of Kentucky or any other portion of the country. All I desire is that before acting the House shall know just what this proposition is, and shall have that knowledge in such a way that

we can fully understand it, and not merely in the form of the report of a conference committee.

[Here the hammer fell.]

Mr. DINGLEY. Does the gentleman from Kentucky desire further time?

Mr. BRECKINRIDGE, of Kentucky. If it is agreeable to the gentleman, I would like to have five minutes after he has made his explanation.

Mr. DINGLEY. I yield the gentleman two minutes more.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I do not wish to be regarded as opposed to this bill, except certain features of it. If it were in order, there are two amendments that I would like to offer. I dislike to put upon the President of the United States the duty, I dislike to give the President of the United States the power, to shut the ports of America to the vessels of any foreign country merely upon his judgment that certain privileges have been withdrawn from American vessels.

Mr. ADAMS, of New York. He is willing to accept the responsibility.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly he is. With the President now in power, I might and would be entirely willing to trust this discretion; but, Mr. Speaker, we are not legislating for to-day, we are not legislating for one quadrennial, we are legislating for all the contingent Presidents that may be elected under our form of Government; and I confess that I feel great reluctance to vote not only to clothe President of the United States with the privilege but to impose upon him the duty of closing the harbors of America to the vessels of foreign nations merely upon his own judgment that certain privileges have been witdrawn from American vessels.

I should prefer to leave that power where the Constitution leaves the war-making power, in the hands of Congress; and if it can not be always exercised at all times because Congress is not always in session, then I should prefer to have this provision of the bill take effect only during the vacations and recesses of Congress. I look with reluctance upon any increase of executive power, and Mr. Speaker, I look with reluctance upon every form of legislation that is revengeful and retaliatory. I believe more and more in the power of diplomatic intercourse, of friendly interchange of opinion, of patient, honest, candid correspondence and negotiation, with the view of reaching a common settlement, than in legislative or executive interference by retaliatory measures. The day of exclusive legislation is growing smaller and smaller, and the day of this frank intercourse and diplomatic negotiation is coming nearer and nearer to its full dawn. Therefore I look with regret and reluctance upon any legislation of this character that is not absolutely necessary. And now, when we are in profound peace, when there is no question that gives us any trouble except this fishing question, I do not see the need for hurried legislation of this character.

As to the question of the fisheries, it is not going to give us anything but a momentary irritation. I have no doubt in the world that it is to be settled satisfactorily. Two great Anglo-Saxon, English-speaking peoples like Great Britain and America are not going to fall out and have war and bloodshed over a matter of fishing that can be better settled by peaceful negotiation. Therefore, as I have said, in the midst of profound peace I do not feel willing, if it can be avoided, to pass an act like this in such haste that it can not be properly understood by the House; and if it be in order I shall move at the proper time to postpone this bill.

Mr. HOLMAN. Why not now?

Mr. BRECKINRIDGE, of Kentucky. I am on the floor by the courtesy of the gentleman from Maine [Mr. DINGLEY], and I have not the power to do it now.

Mr. HAMMOND. Will the gentleman from Maine [Mr. DINGLEY], before he proceeds, allow me to ask him a question?

Mr. DINGLEY. Certainly.

Mr. HAMMOND. Under which section of the Revised Statutes is it that the President now has a right to issue his proclamation where there is a discriminating duty or charge made against American vessels?

Mr. DINGLEY. The act of 1823.

Mr. HAMMOND. Does the gentleman remember the section?

Mr. DINGLEY. I can not state it just now; I will refer to it in a moment.

I think the gentleman from Kentucky [Mr. BRECKINRIDGE] misapprehends the whole scope of this amendment. It is true that the necessity for it is suggested by recent denials of commercial privileges in Canadian ports to American fishing vessels; but the section itself ought to be on the statute-book without regard to the present fishery trouble. Prior to 1823 the principle of exclusive maritime privileges with respect to the vessels of each nation prevailed throughout the world. About the year 1823 the United States inaugurated and tendered to the world the principle of maritime reciprocity, offering to place the vessels of any foreign nation upon the same basis in our ports as our own national vessels if the foreign nation in question would place American vessels on the same basis in its ports. The principle of maritime reciprocity looked to giving to the vessels of foreign countries in our ports commercial privileges to the extent and only so long as the same privileges were given to American vessels in foreign ports. In order to insure reciprocity in 1823 we accompanied the tender with an act giving authority to the President of the United States to issue his proclamation reimposing discriminations against vessels of certain countries in our ports whenever such country should make discriminations against the vessels of the United States. That is the law to-day. The President of the United States, whenever he shall be satisfied that discriminations are made against vessels of the United States by certain foreign countries, has authority to issue his proclamation imposing upon the vessels of such country in our ports parallel discriminating charges.

Mr. BRECKINRIDGE, of Kentucky. The gentleman will allow me to say that the power given to the President under the law of 1823 is not a power of exclusion, but simply a power to increase the duties.

Mr. DINGLEY. A power to reimpose the former discriminations.

Mr. BRECKINRIDGE, of Kentucky. That is all. He can not prevent commerce, but simply impose additional burdens upon it.

Mr. DINGLEY. At that time the discriminations against American vessels were usually in the form of charges and duties; and the imposition of those discriminating duties and charges was equivalent to a discrimination in commercial privileges; and the act of 1823 was intended to reach forms of discriminations then existing. A new form of discrimination has been disclosed by the action of the Canadian authorities, and this section simply extends the principle of the act of 1823 so as to cover this new mode. It does not require the President to issue his proclamation, as the gentleman from Kentucky alleges, but simply authorizes him to do so when he has received satisfactory information that our vessels are discriminated against by any country.

Now, it appears that the fishing vessels of the United States are being denied commercial privileges in the ports of another country—the privilege of buying supplies, the privilege of buying ice, the privilege of buying bait, and all commercial privileges except those of shelter, repair, the purchase of wood, and the obtaining of water.

In view of the fact that Canada is attempting to discriminate against American fishing vessels by depriving them of certain commercial privileges which we freely allow Canadian vessels in our ports, it is proposed by this section simply to extend the authority already given by the act of 1823 so that the President may issue his proclamation withholding from the vessels of any country which discriminates in respect to commercial privileges against our vessels precisely the same commercial privileges that the foreign country withholds from our vessels and to the same extent; no further. In other words, if Canada persists in excluding American fishing vessels from her ports except for the four purposes named, then the President will be authorized by this section to grant Canadian fishing vessels in our ports precisely the same privileges, and no more, that she grants us.

Mr. BRECKINRIDGE, of Kentucky. The gentleman will allow me to ask, for information, whether there is any country that now attempts to exclude any vessels of the United States from any privilege such as the gentleman indicates except the Dominion of Canada with reference to our fishing vessels?

Mr. DINGLEY. No; none at present; so that at present this would apply to such a state of things as that. But the section is general, and will apply to any country which hereafter discriminates against our vessels as to commercial privileges.

Mr. BRECKINRIDGE, of Kentucky. Let me ask another question. I understood the distinguished chairman of the committee [Mr. DINGLEY] to say that this bill had nothing to do with, did not refer to, or apply to, the pending fishery question.

Mr. DINGLEY. It does not refer to the fishery question.

Mr. BRECKINRIDGE, of Kentucky. But I understand it does apply to it.

Mr. DINGLEY. It is a general provision, applicable to any country at any time that discriminates against any class of our vessels as to commercial privileges, and it ought to be on the statute-book without reference to the present fishery difficulty. I want to ask the gentleman from Kentucky whether he thinks this country ought to allow Canadian fishing vessels to come into our ports for certain commercial purposes when our American fishing vessels are denied corresponding privileges in the ports of Canada?

Mr. BRECKINRIDGE, of Kentucky. I am perfectly frank to say that I am in favor of having, as far as possible, the most free and unrestricted commercial relations with our brethren abroad—of letting Canadian vessels come into our ports as freely as they let us go into their ports, to buy or to sell.

Mr. DINGLEY. As freely as they let us go into their ports. That is just what this section proposes; that, and nothing more.

Mr. BURROWS. The selling question is not up at present.

Mr. BRECKINRIDGE, of Kentucky. I want to put selling and buying together, for they are indivisible.

Mr. DINGLEY. The principle of maritime reciprocity demands that we give concessions and privileges to foreign vessels in our ports to the same extent as, and no longer than, such concessions or privileges are given to our vessels in the ports of the foreign country. If Canada or any other country should come to understand that her vessels can obtain full privileges in our ports without any corresponding return on her part, then we shall have her vessels coming into our ports and claiming these privileges, while our vessels in her ports are denied

similar privileges, and she will simply laugh at us. But when she comes to understand that this Government proposes to apply to her vessels the principles of maritime reciprocity as understood by the founders of the Government, as practiced all these years, and to give concessions and privileges to her fishing vessels only to the extent that such concessions and privileges are allowed to our vessels in her ports, then she will have a pressure put upon her to recede from the unwarrantable course she is pursuing toward American fishing vessels. To-day Canadian fishing vessels are in the port of Portland and other ports of the United States freely exercising every commercial privilege. We ask that Canada give the same privileges to American fishing vessels. If Great Britain, in whose hands the decision is, says "no" to our appeal to her sense of justice, a decent self-respect, as well as a regard for the essential principle of maritime reciprocity, demands that we place the fishing vessels of Canada in our ports on the same basis as Canada places our fishing vessels in her ports.

Mr. BRECKINRIDGE, of Kentucky. I am perfectly willing to go with the gentleman and make all the concessions to Canada that Canada will make to us; but let us do it by the diplomatic branch of the Government, and not in this manner.

Mr. DINGLEY. I believe I have the floor, Mr. Speaker.

The SPEAKER. The gentleman from Maine is entitled to the floor.

Mr. DINGLEY. If there is no further debate desired I demand the previous question.

Mr. DUNN. I want a few minutes.

Mr. BRECKINRIDGE, of Kentucky. I hope the House will not sustain the demand. We should have an opportunity of discussing this matter more fully.

Mr. DINGLEY. I will withdraw the demand for the present, and yield ten minutes to the chairman of the committee, the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. Mr. Speaker, I stated to the distinguished gentleman from Kentucky [Mr. BRECKINRIDGE] correctly that this amendment does not pretend or undertake to settle the pending controversy in regard to the fisheries between the United States and Canada. That trouble has sprung out of the termination of the treaty of 1870, under and by operation of which this Government paid to Canada a large annual subsidy for the privilege of fishing in her waters, and remitted our country, as they claim, to the provisions of the treaty of 1818 and the reciprocity law of 1823, by which our vessels, as they claim—our fishing vessels—had only the privilege of landing for shelter, wood, water, or repairs. They claim that our fishing vessels have none of the commercial rights and privileges secured by the treaties and by the reciprocity laws. An examination of the statutes of 1823 and of the reciprocity laws shows that the power conferred upon the President was to withdraw simply the exemption granted to vessels of foreign governments entering our ports of such fees, dues, charges, and burdens as foreign governments removed from our vessels, or relieved them from, and to reimpose as much as they might reimpose upon us.

The question of commercial privileges which might be withdrawn by foreign governments was not provided for; and as to the question now pending—the fishery question—all that it has to do with this subject is that it furnishes merely an instance which develops the fact that Canada is in an attitude as well as all foreign governments to withdraw from our vessels commercial privileges, while under our law there is no authority conferred upon the Executive to retaliate by withdrawing similar commercial privileges from them.

I am asked if we are willing to confer such a dangerous power upon the Executive. I answer we have conferred upon him similar powers in regard to other matters; for instance, in regard to the imposition of fees, burdens, and duties, and to reimpose countervailing tariff duties on the imports of foreign countries who have imposed discriminating duties upon our commerce. Can the power proposed to be conferred here be justly deemed more dangerous than that? I, Mr. Speaker, am as far as any one in this House can be from entertaining any desire to confer upon the Executive any power to enable the Executive to tamper with the commerce, the trade, and the finances of this country. I think it is a most dangerous power in any man's hands.

But here we are face to face with a very different question. Are we to tie and fetter our Executive, and allow ourselves no relief? Shall we fetter the Executive, tie him hand and foot by our reciprocity laws and treaties, leaving the foreign shipper and the foreign merchant and foreign governments free to flay, literally flay, our commercial interests, and the Executive standing idly by with his hands tied, unable to relieve against it until Congress sees proper in its wisdom, which is usually dilatory, if present, to remedy the mischief? There is the whole situation.

I am not in the habit on this floor of making the American eagle scream. It has not been my custom; but, Mr. Speaker, I am for my country and for my country's interests. I am for maintaining and placing our Government, through its Executive, always on a basis to protect against the injustice and unfair discriminations of foreign governments. I am for the freest commercial intercourse. No one in this country has been left to doubt my attitude on that question. I am for the freest, most unrestricted commercial intercourse; but I am not unmindful of the law of self-preservation. I would preserve all the interests of the country under the law, and be sure to have law to do it.

Mr. BELMONT. May I ask the gentleman a question?

Mr. DUNN. Certainly.

Mr. BELMONT. I only wish to ask whether the gentleman from Arkansas does not agree to the statement of the gentleman from Maine [Mr. DINGLEY] that this amendment has nothing directly to do with the pending fishery question?

Mr. DUNN. I state that most positively; and the only link that can connect it with it is that that incident has developed the possibility or probability—the fact indeed—that a foreign power can, under the reciprocity laws, unjustly by a violation of them deprive our vessels of commercial privileges, while our Executive is powerless to retaliate by withdrawing similar privileges from them.

Now, this country has never suffered by the indiscretion or recklessness of the Executive in exercising such power as that; and I do not think Congress could feel any hesitancy or alarm on that score. Our laws in regard to our shipping, God knows, have been unfriendly enough. If we take the whole system of laws applied to our shipping interests, the vast catalogue of unnumbered burdens that have been imposed upon it, the avenues that have been opened to inventors and every other class of people to leech it and skin it and absolutely consume the shipping interest with taxes and burdens and injustice that we have imposed upon it in every direction and in every form, it is enough to indicate that our Government has heretofore regarded that interest always in the light of a public enemy.

It has been the office of the committee of which I have the honor to be chairman in this Congress to do what might be done to relieve these burdens, to take off these taxes, to remove these fetters, and to give greater freedom and a fairer chance to the shipping interests, to give it a show in the contest with the maritime powers of the world for some share in the maritime—over-sea—transportation of the world.

We have worked in that direction, and I am gratified to know that we will have accomplished much if this bill passes. We will have removed a large mass of burdens and taxation exceeding $2,000,000 per annum; it may exceed three millions per annum if foreign governments respond to another provision in the bill which does away with all tonnage tax so fast as foreign governments remove similar tonnage charges on our shipping in their ports.

That was a war tax, imposed for revenue, unknown to our laws till the act of 1862. I regret that my distinguished colleague on the committee and those on his side have not seen proper to go with the majority for that last great crowning act which shall emancipate American shipping—free ships and free material. I trust this measure will not be postponed.

Mr. HEWITT. I should like to ask the chairman of the committee to point to the authority under which the President now can impose countervailing charges. The gentleman from Maine referred to the act of 1823. I do not find such authority in that act and I have not been able to find it in any other act.

Mr. DUNN. The act of March 1, 1823, does confer that power on the President.

Mr. DINGLEY. That act was read in another body by Senator EDMUNDS and I have sent for it.

Mr. HAMMOND. Will the gentleman from Maine allow me to read that act?

Mr. DINGLEY. That was the act authorizing the President to remove discriminating charges.

Mr. HAMMOND. And there is no other act on the subject; no act authorizing the President of the United States to proclaim a duty on anybody. There are acts allowing him to take it off. There is the act of 1824, now found in section 4228 of the Revised Statutes, amended in 1828, which is now the law. The fourth section of the act of 1824 I hold in my hand.

Mr. DUNN. That does not affect the question. The question is, shall the President be empowered to withhold from foreign governments such privileges as they withhold from us?

Mr. HAMMOND. But the argument for giving him the power to do that is an argument that he has already the power to do certain other things; which assumption is not true, if I have read the statute correctly.

Mr. DINGLEY. I yield two minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. I only desire to say a word in this discussion. It seems to me that the discussion here has taken almost too much of a diplomatic turn. We know that certain privileges have been denied to American vessels in the ports of Canada; and this couples itself with not very pleasant memories. There is no one who has examined the treaties between the United States and Great Britain, especially on the subject of the Canadian fisheries, but must feel humiliated by the fact that we have been always cheated. I do not object to the action which this committee has taken, and trust the House will sustain them in it—for this reason: The Canadian Government, or the British Government if you please, now puts the pressure upon us in engaging in diplomacy of putting our fishermen's vessels at a disadvantage and of holding that

pressure on them to get the advantage in any future diplomatic arrangement that may be made for a full settlement of this question.

I trust Congress will show to the executive department of the Government and to the British Government that we mean to insist on equal privileges and equal fairness between Canadian and American vessels. If we become so diplomatic as to help to unnerve the executive department and strengthen the aggressiveness of the British cabinet on this subject we may expect another treaty, in which we will be again cheated. And while I am as anxious as any person can be to preserve the most friendly commercial relations with Great Britain and all other countries, I suppose the best thing to do is to show we mean to preserve the rights of the American Government and the American people. [Applause.] If we are always to be diplomatic, to place our own people and our own Government at a disadvantages by the action both of Congress and the executive department, we may always hereafter expect the results which have heretofore occurred in our diplomatic arrangements on this subject with Great Britain.

I only desired to say this much, in the hope that the House will sustain the action of the committee. [Applause.]

Mr. DINGLEY. I yield to the gentleman from Georgia two minutes.

Mr. HAMMOND. Mr. Speaker, I have no desire to fight the report of the committee, except that I think they have gone too far in one thing. It is not true that the President of the United States has ever had the power to declare a discriminating duty upon any nation. The act of 1824, which was an act to repeal certain discriminating duties which we had theretofore had against foreign nations, in its fourth and concluding section gave the President the power, whenever he was informed by any foreign nations that they had repealed their discriminating duties, to proclaim that ours should stand in abeyance so long as theirs did. That is its extent, and no more. That fourth section is as follows:

SEC. 4. *And be it further enacted*, That upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise as aforesaid, thereupon laden, shall be continued, and no longer.

Now, this not only declares that the President may, but it declares that it shall be the duty of the President immediately, whenever there shall be any discriminating conduct against this Government, to issue a proclamation at once making a like discrimination on like vessels. We may be forced into war unwittingly by the President obeying this peremptory statute if it should become a law.

The word "duty" ought to be struck out. The discretion given to the President is certainly large enough. The statute ought not to require him peremptorily to issue his proclamation.

Mr. DINGLEY. I desire to say to the gentleman from Georgia [Mr. HAMMOND] that he is mistaken in saying that this section requires the President to issue his proclamation. The language is that "he is hereby authorized."

Mr. HAMMOND. "It shall be the duty," is the language.

Mr. DINGLEY. "Is hereby authorized," is the language.

Mr. HAMMOND. Then I have been misinformed as to the language of the bill.

Mr. BRECKINRIDGE, of Kentucky. The bill as read says that "it shall be the duty."

Mr. DINGLEY. The gentleman is mistaken. He is reading from the original bill. It was changed in the committee from "it shall be the duty" to "is hereby authorized." Let me read the section as it stands, and the gentleman from Kentucky will see that he is in error:

That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted) shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, the President, on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States, is hereby authorized to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending the concessions previously granted to the vessels of such country.

I now have here the act of March 1, 1823, to which I referred. The section of this act to which I referred as already giving the President authority to withdraw by proclamation from vessels of certain foreign countries certain privileges denied by them to our vessels reads as follows:

That this act (act removing certain discriminations against British colonial vessels) shall be and continue in force so long as the above enumerated British colonial ports shall be open to the admission of vessels of the United States conformably to the provisions of the act of Parliament of the 24th of June last. But if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports authorized by the said act of Parliament should be prohibited by a British order in council or by act of Parliament, then from the day of the date of such order in council or act of Parliament, or from the time that the same shall commence to be in force, proclamation having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British colonial ports, in British vessels, shall cease to operate in their favor.

I yield five minutes to my colleague, the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. Mr. Speaker, inasmuch as this matter may come up hereafter, I do not think that I shall waste the time of the House if I state the case as it appears to me. Under the treaty of 1870, the fishermen of the United States were put at a disadvantage and the people of Canada at an advantage. When that was made fully manifest, the Congress of the United States gave notice of the abrogation of that treaty. The treaty was abrogated in July. The people of Canada are very desirous that they shall obtain the same advantage which they had under the treaty, and are now struggling to put us at some disadvantage, so that we may be forced and obliged to yield to their wishes.

In order to do it they go back to the old treaty of 1818, which limited our rights on their shores and within their waters. In doing that they undertake to ignore a great change which has come over the commercial relations of the world. At that time the rights of foreign nations in the home port all over the world were exceedingly limited.

To-day throughout the Christian world the rights are the same for foreign ships that they are for ships in the home port. The Canadians are attempting to ignore this advance in civilization, are endeavoring to send us back to the year 1818. Now, these fisheries are conducted all along the waters in front of the coasts of the United States and Canada. Those fisheries are participated in by American fishermen in waters opposite the Canadian shores and by Canadian fishermen in waters opposite the American shores. The bait which is used to catch fish is in its nature perishable. It therefore becomes a great advantage for the fisherman to be able to go into the port which is opposite his fishing ground in order to get bait and supplies. That right along our coast is to-day freely conceded to Canadian fishermen. They come in and out of our ports and purchase their supplies and their bait. But that right or privilege, so freely granted to them and so advantageous to them, they are refusing to our fishermen in like case, and the proposition here is simply to arm the President of the United States, after he has exhausted all diplomatic power and opinion—to arm him, I say, with the right to deprive the Canadian of the privileges of which they deprive us. That is the whole case. I ask you gentlemen, as members of Congress of this United States, are you prepared, any one of you, to refuse to treat the people of foreign nations as they treat us when their object is to force us into a disadvantageous position and gain of us rights which belong to us?

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit me to ask him a question?

Mr. REED. Surely.

Mr. BRECKINRIDGE, of Kentucky. The bill on its face does not apply to the matters of which the gentleman from Maine has spoken, and if the contention of the Canadian authorities be correct, that these fishing vessels have no commercial privileges, then this bill can not apply to that question. Now, is it not proper, is it not best, that we shall in good faith introduce a bill that will meet the precise point stated by the gentleman from Maine—and I will gladly unite with him in passing it, gladly help him to do anything that is required to put our fishermen in the most advantageous position—is it not better, I ask, to introduce a bill for that express purpose, instead of acting hastily here upon a bill of this general character?

Mr. REED, of Maine. The gentleman from Kentucky, instead of asking me a question, has expressed his opinion. Mine is to the contrary.

Mr. DINGLEY. I now move the previous question on the adoption of the report of the committee of conference.

The previous question was ordered.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, is it in order to move to recommit this report?

The SPEAKER. It is not. The failure of the House to agree to the report would have precisely the same effect as the adoption of a motion to recommit.

The report was agreed to.

Mr. DINGLEY moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRUST FUNDS, ETC., IN CUSTODY OF DEPARTMENTS.

Mr. HEWITT, from the Committee on Ways and Means, reported back favorably the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of State, the Secretary of War, the Secretary of the Treasury, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior be required respectively to furnish this House with a full and complete schedule of all trust funds in their custody, from whom and when received, to whom due, where held, and amounts of same; the amount of the unexpended balance of the Geneva award available for the payment of the judgments of the court of Alabama Claims, and all other unexpended balances in the custody of the above-named officers of the Government; the estimated amount required for repayment to importers of ex

cess of custom dues, and any and all claims, of whatever nature, estimated and ascertained, which may within the fiscal year become a liability against the Treasury of the United States.

Mr. HEWITT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HATCH. I call for the regular order.

The SPEAKER. The regular order is for the call of committees for reports.

WINE FOR EXPORT.

Mr. HARRIS, from the Committee on Ways and Means, reported, in lieu of several bills referred to the committee, a bill (H. R. 9114) to provide for the fortification, for exportation, of wine free from internal-revenue tax, and to prevent frauds in connection therewith; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INSPECTION OF TOBACCO, CIGARS, ETC.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Ways and Means, reported back with amendment the bill (H. R. 8585) to provide for the inspection of cigars, tobacco, and snuff, and to repeal section 3151 of the Revised Statutes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

FRANCIS SORRELL.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8950) to remove the political disabilities of Francis Sorrell, of Roanoke County, Virginia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EUGENE E. M'LEAN.

Mr. TUCKER, from the Committee on the Judiciary, also reported a bill (H. R. 9115) for the relief of Eugene E. McLean, of New York; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably a resolution fixing days for the consideration of business of the Judiciary Committee; which was referred to the House Calendar, and the accompanying report ordered to be printed.

UNITED STATES COURTS IN ARKANSAS.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for H. R. 5911, a bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5911 was, by unanimous consent, laid on the table.

TRANSPORTATION OF LIVE-STOCK.

Mr. REAGAN, from the Committee on Commerce, reported back favorably a resolution directing the Committee on Commerce to make inquiry concerning the evils connected with the transportation of live stock; which was referred to the House Calendar, and the accompanying report ordered to be printed.

NATIONAL SOLDIERS' HOMES.

Mr. BRAGG, from the Committee on Military Affairs, reported back favorably the joint resolution (H. Res. 177) appointing managers for the National Homes for Disabled Soldiers, to fill vacancies in the board which occurred by expiration of terms on the 21st day of April, 1886; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MOBILE AND GIRARD RAILROAD COMPANY.

Mr. VAN EATON, from the Committee on the Public Lands, reported, as a substitute for H. R. 5202, the bill (H. R. 9117) to forfeit certain lands of the Mobile and Girard Railroad Company, to confirm the title to the purchasers, and to absolve said company from its obligation as a land-grant railroad company; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5202 was, by unanimous consent, laid on the table.

SPECIAL SESSION UTAH LEGISLATURE.

Mr. HILL. I would like to report for consideration at this time a bill from the Committee on the Territories.

The SPEAKER. It is not in order to ask for the consideration of a bill during the morning hour.

Mr. HILL. Very well; then I will report the bill and at some subsequent time ask for unanimous consent for its consideration and passage.

The SPEAKER. The gentleman will send his bill up to the Clerk's desk.

Mr. HILL, from the Committee on the Territories, reported a bill (H. R. 9118) to authorize a special session of the Legislature of Utah; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, STAUNTON, VA.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 6318) for the erection of a public building at the city of Staunton, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REBECCA HOLLINGSWORTH HUMPHREYS.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back favorably the bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. ZACH. TAYLOR, by unanimous consent, also presented the views of the minority on the foregoing bill; which were ordered to be printed with the majority report.

THOMAS J. OWEN.

Mr. ZACH. TAYLOR, from the Committee on Pensions, also reported back favorably the bill (S. 1289) granting a pension to Thomas J. Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BONDS OF EXECUTORS IN THE DISTRICT.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (S. 1422) to amend the law relative to the bonds of executors in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS DENMEAD.

Mr. HEMPHILL, from the Committee on the District of Columbia, also reported back favorably the bill (H. R. 7903) for the relief of Francis Denmead; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHEYENNE AND NORTHERN RAILWAY COMPANY.

Mr. CAREY, from the Committee on Military Affairs, reported back favorably the bill (S. 222) to authorize the Cheyenne and Northern Railway Company to build its road across Fort Russell and Fort Laramie military reservations; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPORT OF NATIONAL BOARD OF HEALTH.

Mr. BARKSDALE, from the Committee on Printing, reported back with an amendment a joint resolution (H. Res. 174) authorizing the printing of 25,000 copies of the report of the National Board of Health.

The resolution authorizes the printing and binding, under the direction of the National Board of Health, of 25,000 copies of the said report; 16,650 for the use of the members of the House and 8,350 for the use of the Senate.

The amendment was read, as follows:

Insert after the word "report" the words "for the year 1885;" also amend the title to conform to the joint resolution.

The amendments were agreed to.

Mr. EVANS moved the following amendment:

Add: 2,000 for the use of the National Board of Health.

Mr. BARKSDALE. That is a proper amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform to the joint resolution.

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7167) for the relief of Mrs. Maria Hunter; when the Speaker signed the same.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 5681) for the relief of F. M. Fitzhugh, and the same was referred to the Committee on War Claims.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably the following resolution; which was referred to the House Calendar, and ordered to be printed:

Resolved, That the bill of the House No. 6664, entitled "A bill to increase the

naval establishment," be made the special order for Wednesday, June 9, after the call of committees for the consideration of business, and its consideration be resumed at the same time on Thursday, June 10, and at the same time on Saturday, June 12, on which last day it shall be considered in the House as in Committee of the Whole under the five-minute rule until half past 3 o'clock p. m., when the previous question shall be considered as ordered on all pending amendments, the engrossment, and the third reading of the bill. If for any reason the consideration of said bill shall not be had and completed as above, then this shall be a continuing order, and the said bill shall be considered as above on the first three days which can be devoted thereto.

SEAL ROCKS, SAN FRANCISCO.

Mr. HENLEY, from the Committee on the Public Lands, reported back favorably the bill (H. R. 8107) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

VISITORS TO NAVAL ACADEMY.

The SPEAKER. Under authority of the act of February 15, 1879, the Chair announces the appointment of Mr. NORWOOD, Mr. LORE, and Mr. HARMER as Visitors on the part of the House to attend the next annual examination at the Naval Academy at Annapolis, Md.

OLEOMARGARINE.

Mr. HATCH. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue; and pending that motion I move that all debate on the pending section and all amendments thereto be closed in ten minutes.

Mr. REAGAN, Mr. HOLMAN, and others addressed the Chair.

Mr. REAGAN. This is too important a paragraph to limit the debate to ten minutes.

The SPEAKER. The Chair will first state the question to the House. The gentleman from Missouri moves that the House resolve itself into the Committee of the Whole on the state of the Union, and pending that motion moves that all debate on the pending section and all amendments thereto be closed in ten minutes.

Mr. HATCH. And on that motion I demand the previous question.

Mr. REAGAN. The section is too important a one to be closed in that way.

Mr. HOLMAN. I wish to make a statement.

Mr. HATCH. One at a time.

The SPEAKER. The Chair will recognize the gentleman from Indiana.

Mr. HOLMAN. I wish to give notice, Mr. Speaker, that to-morrow morning the Committee on Appropriations will ask to take up for consideration the legislative, &c., appropriation bill.

Mr. HATCH. I will say to the gentleman from Indiana if it is possible to complete this bill to-day we will be glad to assist him in getting it up.

Mr. HOLMAN. I trust my friend will have it completed in time.

Mr. REAGAN. The third section is the important section of the bill, and so far debate upon it has been upon a single amendment. I ask the gentleman from Missouri to allow thirty minutes for the purpose of discussing other amendments which are ready to be offered.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. This section contains three paragraphs. It is a revenue bill. Under Rule XXIII can a limitation be put upon debate on all paragraphs when the third paragraph has not yet been reached?

The SPEAKER. No point of order has been made against the motion of the gentleman from Missouri.

Mr. HAMMOND. I am making that now.

The SPEAKER. The Chair understood the gentleman to rise to a parliamentary inquiry.

Mr. HAMMOND. Perhaps I stated it as a parliamentary inquiry. My point of order is that the debate can not be limited on the whole section, containing as it does three distinct paragraphs.

Mr. WELLBORN. Will the gentleman from Missouri yield to me for a moment?

Mr. HATCH. Certainly.

Mr. WELLBORN. On the 19th day of April the House, under a suspension of the rules, agreed to this resolution:

Resolved, That Thursday, the 27th day of May, and Saturday, the 29th day of May, after the morning hour for the consideration of bills reported from committees, be set apart for such business as may be presented or indicated by the Committee on Indian Affairs, &c.

From the temper of the House, as manifested on yesterday and the day before, it is quite obvious that it would be utterly useless for me to attempt to get to-day for any Indian business, and I shall not ask to do it; but I do ask unanimous consent of the House that so much of this resolution as relates to this day be continued over, and apply to Saturday, June 12.

Mr. HENDERSON, of Iowa. That is fair.

Mr. HATCH. I hope that will be done.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Georgia makes the point of order that this bill is being considered by paragraphs under the rule, and that the motion to limit debate can apply only to the first paragraph of the section under consideration, and not to the entire section.

Mr. HATCH. Mr. Speaker, I should like to be heard for a moment on that point.

To meet the views of the gentleman from Texas, and other members who desire further debate on this section, it will be well for the House to understand that we have already had a long debate (fifty minutes) on this section alone, in addition to the three days and one night consumed in the general debate.

Now, if the House by unanimous consent will agree that all debate shall be considered as terminated at 4 o'clock to-day, and that we may then go into the House with the bill, I am willing that no further limitation to the debate shall be fixed upon any section of the bill; but if it is the purpose of gentlemen simply to waste a large portion of the valuable time of the House, as was done on yesterday, by dilatory motions, I shall insist upon the consideration of the bill in the House under the rules.

Mr. HAMMOND. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. My point of order is that pending the consideration of the question of order the gentleman has no right to talk of getting the consent of the House.

The SPEAKER. The Chair understood the gentleman from Missouri to be asking unanimous consent.

Mr. HAMMOND. Then I will stop that at once by interposing an objection.

Mr. HATCH. The gentleman from Georgia generally does that except when on the floor himself.

Mr. HAMMOND. Now as to the point of order: This section when reached on yesterday, containing as it does three paragraphs, I raised the point of order at once that each of the three paragraphs was subject to the action of the committee and to limitation of debate by itself. The chairman of the Committee of the Whole said that he would have the three paragraphs read, but that this third section should be considered only by the paragraphs into which it was divided. To apply the limitation of debate on the whole section therefore would have the effect to cut off debate except upon the paragraph immediately under consideration, and such motion would therefore be out of order.

There has been a number of decisions upon this particular point. A long discussion took place heretofore upon a similar proposition. There was a notable effort made here in February, 1882, to cut off debate upon a tariff bill, but it was not persisted in. There were many arguments made against it, one of the strongest being by Governor Robinson, of Massachusetts, and it was determined that the committee could not pass beyond the paragraph, nor limit debate beyond the paragraph immediately under consideration. My point of order, therefore, is that this section, being divided into three paragraphs, is entitled to have a separate consideration for each paragraph.

Mr. HATCH. Will the gentleman point out what he claims to be the three paragraphs or divisions relating to independent subjects?

Mr. HAMMOND. This section contains three paragraphs, the first being a tax on the manufacturers of oleomargarine, the second a tax and certain regulations as to dealers——

Mr. HATCH. Wholesale dealers.

Mr. HAMMOND. Yes, sir; and the third has reference to retail dealers. Now, we have under consideration the first paragraph relating to the tax on manufacturers. The other two paragraphs were read with the statement by the chairman of the committee that the reading would not prevent the consideration by paragraphs under Rule XXIII, and that reading was consented to because of that statement.

Now the gentleman from Missouri proposes by his motion to limit debate on all the paragraphs in that section when only one has been under discussion. Such a motion to limit debate is not in order.

Mr. HATCH. Mr. Speaker, I only desire to say in reply to the gentleman from Georgia that the entire section has been read in committee and has been under discussion, and without any objection or point of order, except that made by the gentleman from Georgia, which was overruled by the chairman of the Committee of the Whole.

Mr. HAMMOND. I submit it was not. The Chair expressly held that it might be read, but would be considered under the rule by paragraphs. I stepped to the desk and asked if the Chair meant to rule adversely to me, and he said he did not.

Mr. HATCH. I certainly so understood him. That point of order was overruled.

Mr. HAMMOND. It was not.

The SPEAKER. Clause 6 of Rule XXIII provides:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph—

That is, upon the section or paragraph upon which the five-minute debate has begun. The gentleman from Georgia makes the point that no debate has taken place on any part of the section except the first paragraph.

Mr. HATCH. Let me call the attention of the Chair to the fact that the RECORD shows that an amendment is pending to the second paragraph reducing the tax on the manufacturers of oleomargarine from $600 to $200, and that that has been debated by several gentleman.

The SPEAKER. That is the first paragraph of the section. The Chair finds on examination of the RECORD that when the reading of the first paragraph of the third section had been concluded in Committee of the Whole House on the state of the Union the gentleman from Georgia [Mr. HAMMOND] arose for the purpose of arresting the further reading; but the chairman of the Committee of the Whole House on the state of the Union thereupon announced that the entire section would be read, but amendments would be received to the paragraph. The Chair thinks, inasmuch as every bill must consist of one or more sections—appropriation bills, for instance, containing in a single section one hundred or more paragraphs—the House can not close debate on a paragraph till debate has begun upon it.

Mr. HATCH. I withdraw the call for the previous question for the purpose of amending my motion so that all debate upon the pending paragraph and amendments thereto shall be limited to one minute, and upon that I demand the previous question.

But before the question is taken I again ask, as I believe the request was not submitted to the House, unanimous consent that the previous question may be considered as ordered upon this bill and all amendments at 4 o'clock this day.

Mr. BLANCHARD. I object.

The SPEAKER. The question is upon ordering the previous question on the motion of the gentleman from Missouri [Mr. HATCH].

The question being taken, there were—ayes 111, nays 12.

Mr. GIBSON, of West Virginia, and Mr. BLANCHARD. No quorum.

Mr. HATCH. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 55, not voting 86; as follows.

YEAS—181.

Adams, G. E.	Ford,	Louttit,	Seney,
Adams, J. J.	Forney,	Lowry,	Sessions,
Allen, C. H.	Frederick,	Lyman,	Seymour,
Allen, J. M.	Fuller,	Matson,	Shaw,
Anderson, C. M.	Funston,	McAdoo,	Singleton,
Anderson, J. A.	Gallinger,	McComas,	Smalls,
Atkinson,	Geddes,	McCreary,	Snyder,
Baker,	Gilfillan,	McKenna,	Sowden,
Ballentine,	Glass,	McKinley,	Spriggs,
Barksdale,	Green, R. S.	Millard,	Springer,
Barry,	Green, W. J.	Milliken,	Stahlnecker,
Bayne,	Grosvenor,	Moffatt,	Stephenson,
Beach,	Grout,	Morgan,	Stewart, J. W.
Bland,	Halsell,	Morrill,	Stone, W. J., of Ky.
Bound,	Hammer,	Morrow,	Strait,
Boutelle,	Hatch,	Murphy,	Struble,
Brady,	Haynes,	Neal,	Swinburne,
Browne, T. M.	Henderson, D. B.	Neece,	Swope,
Brown, W. W.	Henderson, J. S.	Negley,	Taulbee,
Buchanan,	Henley,	O'Ferrall,	Taylor, E. B.
Buck,	Hepburn,	Osborne,	Taylor, I. H.
Bunnell,	Herbert,	Owen,	Taylor, Zach.
Burrows,	Herman,	Parker,	Thomas, O. B.
Caldwell,	Hiestand,	Payne,	Townshend,
Campbell, J. M.	Hill,	Payson,	Van Schaick,
Campbell, T. J.	Hiscock,	Peel,	Viele,
Cannon,	Hitt,	Perkins,	Wade,
Carleton,	Holman,	Peters,	Wadsworth,
Conger,	Hopkins,	Pettibone,	Wakefield.
Cooper,	Howard,	Pidcock,	Ward, T. B.
Cowles,	Hudd,	Pindar,	Warner, William
Cox,	Jackson,	Plumb,	Weaver, A. J.
Culberson,	James,	Price,	Weaver, J. B.
Cutcheon,	Johnson, F. A.	Randall,	Weber,
Davenport,	Johnston, J. T.	Reed, T. B.	West,
Davidson, A. C.	Johnston, T. D.	Reese,	Wheeler,
Dawson,	Ketcham,	Richardson,	White, A. C.
Dingley,	King,	Riggs,	White, Milo
Dorsey,	Kleiner,	Rockwell,	Whiting,
Eldredge,	Laffoon,	Romeis,	Wilkins,
Ermentrout,	La Follette,	Rowell,	Wolford,
Evans,	Laird,	Ryan,	Woodburn,
Everhart,	Le Fevre,	Sadler,	Worthington.
Felton,	Lehlbach,	Sawyer,	
Fisher,	Libbey,	Scott,	
Fleeger,	Lindsley,	Scranton,	

NAYS—55.

Barnes,	Davidson, R. H. M.	Mahoney,	St. Martin,
Bennett,	Dowdney,	Martin,	Tarsney,
Blanchard,	Dunham,	Maybury,	Taylor, J. M.
Bliss,	Gay,	Miller,	Throckmorton,
Bragg,	Gibson, Eustace	Morrison,	Tillman,
Breckinridge, C. R.	Hammond,	Norwood,	Tucker,
Campbell, Felix	Harris,	Oates,	Turner,
Candler,	Hemphill,	O'Neill, Charles	Van Eaton,
Catchings,	Hewitt,	Perry,	Ward, J. H.
Cobb,	Irion,	Reagan,	Wellborn,
Crisp,	Jones, J. H.	Sayers,	Willis,
Croxton,	Kelley,	Skinner,	Wilson,
Daniel,	Lanham,	Spooner,	Wise.
Dargan,	Lawler,	Stewart, Charles	

NOT VOTING—86.

Aiken,	Bingham,	Brown, C. E.	Butterworth,
Arnot,	Blount,	Brumm,	Bynum,
Barbour,	Boyle,	Burleigh,	Cabell,
Belmont,	Breckinridge, W C P.	Burnes,	Campbell, J. E.
Caswell,	Findlay,	Little,	Ranney,
Clardy,	Foran,	Long,	Reid, J. W.
Clements,	Gibson, C. H.	Lore,	Rice,
Cole,	Glover,	Lovering,	Robertson,
Collins,	Goff,	Markham,	Rogers,
Compton,	Guenther,	McMillin,	Steele,
Comstock,	Hale,	McRae,	Stone, E. F.
Crain,	Hall,	Merriman,	Stone, W. J., of Mo.
Curtin,	Hanback,	Mills,	Storm,
Davis,	Hayden,	Mitchell,	Symes,
Dibble,	Heard,	Muller,	Thomas, J. R.
Dockery,	Henderson, T. J.	Nelson,	Thompson,
Dougherty,	Hires,	O'Donnell,	Trigg,
Dunn,	Holmes,	O'Hara,	Waite,
Eden,	Houk,	O'Neill, J. J.	Warner, A. J.
Ellsberry,	Hutton,	Outhwaite,	Winans,
Ely,	Jones, J. T.	Phelps,	
Farquhar,	Landes,	Pirce,	

So the motion was agreed to.

Mr. JACKSON. I ask that the reading of the names may be dispensed with.

Mr. BLANCHARD. I object.

The following pairs were announced:

Until further notice:

Mr. CAMPBELL, of Ohio, with Mr. GUENTHER.

Mr. REID, of North Carolina, with Mr. RICE.

Mr. CLEMENTS with Mr. HOLMES.

Mr. BURNES with Mr. CASWELL.

Mr. GIBSON, of Maryland, with Mr. HAYDEN.

Mr. HUTTON with Mr. PIRCE.

Mr. WAIT with Mr. EDEN.

Mr. BYNUM with Mr. MCKENNA.

Mr. WINANS with Mr. HOUK.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. ROBERTSON with Mr. ELY.

Mr. FORAN with Mr. LONG.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. DIBBLE with Mr. LITTLE. If present, Mr. DIBBLE would vote against the pending bill.

Mr. ARNOT with Mr. DAVIS. Mr. ARNOT would vote for this bill and Mr. DAVIS against it.

On this vote:

Mr. MCRAE with Mr. SYMES.

Mr. CRAIN with Mr. HENDERSON, of Illinois.

For to-day:

Mr. MITCHELL with Mr. GOFF.

Mr. GLOVER with Mr. O'DONNELL.

Mr. COLLINS with Mr. KETCHAM.

Mr. OUTHWAITE with Mr. HANBACK.

Mr. MULLER with Mr. BINGHAM.

Mr. WARNER, of Ohio, with Mr. THOMPSON.

Mr. CABELL with Mr. BUTTERWORTH, for two days—to-day and to-morrow.

The result of the vote was then announced as above stated.

The SPEAKER. The question now is on the motion of the gentleman from Missouri [Mr. HATCH] to limit debate on the paragraph under consideration and on all amendments thereto to one minute.

The motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Missouri [Mr. HATCH] that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of further considering the bill the title of which the Clerk will report.

The Clerk read as follows:

House bill No. 8328, defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Amend section 3 by striking out, in line 2, the words "six hundred" and inserting "one hundred." To which the gentleman from Indiana [Mr. BROWNE] proposes an amendment, striking out "one hundred" and inserting "two hundred."

The CHAIRMAN. By order of the House all debate upon this paragraph and amendments thereto is limited to one minute.

Mr. HATCH. I yield to the gentleman from California [Mr. MORROW] to have a dispatch read.

Mr. DUNHAM. Mr. Chairman, what gentleman from Indiana offered the amendment to the amendment?

The CHAIRMAN. The Chair understands that it was offered by Mr. BROWNE, of Indiana.

Mr. DUNHAM. He withdrew the amendment.

The CHAIRMAN. The Clerk did not hear the gentleman from Indiana withdraw the amendment.

Mr. MORROW. Mr. Chairman, I ask that the telegram which I send to the Clerk's desk be now read.

The Clerk read as follows.

SAN FRANCISCO, CAL.

Hon. W. W. MORROW, CHARLES N. FELTON, BARCLAY HENLEY, JOSEPH MCKENNA, J. A. LOUTTIT, or H. H. MARKHAM, *Washington, D. C.:*

The dairy interest of this State, in which is invested upwards of $25,000,000, is deeply interested in the passage of the bill levying a heavy tax on all imitations of dairy products. The undersigned, representing the dairymen of the State, respectfully urge your best efforts in the passage of this measure.

(Signed by:) Wheaton & Luhrs; Dodge, Sweeney & Co.; C. E. Whitney & Co.; Getz Bros. & Co.; Brigham, Hoppe & Co.; Gage, Shattuck & Co.; J. B. Wooster & Co.; Robert Haight & Co.; S. McHenry & Co.; Von Ronn & Heucke Bros.; Hegler, Johnson & Co.; Martin, Feusier & Co.; H. N. Tilden & Co.; F. Martens & Co.; O. B. Smith & Co.; E. W. Forsaith & Co.; Witzel & Baker, Herman Joost, Norton, Risdon & Co.; C. F. Bassett & Co.; Russ, Sanders & Co.; M. T. Freitas & Co.; Grangers' Business Association, E. Van Every, manager; Coffer, Hill & Co.; Henry & Osgood, Ross & Hewlett, L. Feiling & Co.; W. X. Price & Co.; W. H. Rouse.

The SPEAKER. The Chair is informed that the gentleman from Indiana [Mr. BROWNE] withdrew the amendment offered by him yesterday to the pending amendment. The question therefore is on the amendment of the gentleman from Illinois [Mr. DUNHAM] which the Clerk has read.

Mr. DUNHAM. I certainly understood that the gentleman from Indiana [Mr. BROWNE] had withdrawn his amendment.

The CHAIRMAN. The amendment will be considered as withdrawn unless some other member renews it.

Mr. BUTTERWORTH. I renew the amendment. I did not understand that it was withdrawn.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] renews the amendment. The question, then, is on that amendment.

The Clerk read as follows:

The amendment to the amendment is to strike out "one hundred dollars" and insert "two hundred dollars."

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment submitted by the gentleman from Illinois [Mr. DUNHAM] to amend the bill by striking out in line 2, section 3, the words "six hundred" and inserting "one hundred."

The House divided; and there were—ayes 46, noes 100.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from Illinois [Mr. DUNHAM] and the gentleman from Missouri [Mr. HATCH].

The House again divided; and the tellers reported—ayes 44, noes 119.

So the amendment was rejected.

Mr. WARNER, of Missouri. Mr. Chairman, I move to amend, in line 2, by striking out "six hundred" and inserting in lieu thereof the words "two hundred and fifty."

The question was taken; and there were—ayes 51, noes 86.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Missouri, Mr. WARNER, and the gentleman from Missouri, Mr. HATCH.

The House again divided; and the tellers reported—ayes 29, noes 90.

So the amendment was rejected.

Mr. BLANCHARD. Mr. Chairman, I move to amend, in section 3, line 2, after the word "oleomargarine," by inserting the words "or uses the same or any part of the ingredients which enter into the composition of the same in the manufacture of butter."

Mr. BROWNE, of Indiana. Mr. Chairman, I want to offer an amendment which will precede that. I propose to amend, in line 2, by striking out "six hundred" and inserting "three hundred."

The CHAIRMAN. All amendments to this paragraph will be entertained by the Chair.

The question was taken on the amendment offered by Mr. BLANCHARD, and there were—ayes 36, noes 84.

Mr. BLANCHARD. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Louisiana, Mr. BLANCHARD, and the gentleman from Missouri, Mr. HATCH.

The House again divided; and the tellers reported—ayes 30, noes 119.

Mr. BLANCHARD. Is that a quorum?

The CHAIRMAN. It is not.

Mr. BLANCHARD. Then I ask for the vote of a quorum.

Mr. HATCH. I demand that the roll be called.

The CHAIRMAN. No quorum having voted on this question, the Clerk will call the roll for the purpose of ascertaining the absentees.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Aiken,	Clements,	Gay,	Landes,
Anderson, C. M.	Cole,	Gibson, C. H.	Le Fevre,
Arnot,	Collins,	Gilfillan,	Little,
Barbour,	Compton,	Glover,	Louttit,
Belmont,	Comstock,	Goff,	Markham,
Bingham,	Crain,	Grosvenor,	McRae,
Brumm,	Davis,	Guenther,	Milliken,
Burleigh,	Dibble,	Hayden,	Mills,
Bynum,	Dougherty,	Holmes,	Muller,
Cabell,	Eden,	Houk,	Norwood,
Campbell, J. E.	Felton,	Hutton,	Oates,
Clardy,	Frederick,	Kelley,	O'Hara,
Outhwaite,	Robertson,	Thomas, J. R.	Wait,
Pirce,	Rogers,	Thompson,	Warner, A. J.
Reid, J. W.	Skinner,	Trigg,	Winans,
Rice,	Steele,	Van Schaick,	Woodburn.

The Committee of the Whole rose in accordance with the rule; and Mr. WELLBORN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, had found itself without a quorum; whereupon the chairman had ordered the roll to be called, as required by the rules, and now reported to the House the names of the absentees to be entered on the Journal.

The SPEAKER *pro tempore*. As the report made by the chairman of the Committee of the Whole shows the presence of a quorum, the Committee of the Whole without further order will resume its sitting.

The House accordingly resolved itself into Committee of the Whole and resumed the consideration of House bill 8328.

The CHAIRMAN. The pending question is upon the amendment of the gentleman from Louisiana [Mr. BLANCHARD], on which no quorum voted. The vote will be again taken.

Mr. PRICE. I rise to a parliamentary inquiry—whether those who voted on this question before the committee rose should now vote again.

The CHAIRMAN. The Chair is of opinion that, in order to avoid any misunderstanding, the vote should be taken *de novo*. The Chair appoints as a teller, in the place of the gentleman from Louisiana, Mr. BLANCHARD, the gentleman from West Virginia, Mr. GIBSON.

The committee again divided; and the tellers reported—ayes 32, noes 140.

So the amendment was rejected.

Mr. BROWNE, of Indiana. I move to amend the pending paragraph by striking out "six hundred" and inserting "three hundred," so as to read, "manufacturers of oleomargarine shall pay $300."

The CHAIRMAN (having put the question). In the opinion of the Chair the amendment is not agreed to.

Mr. BROWNE, of Indiana. Simply to ascertain the feeling of the House, and without any desire for delay, I ask for a division.

The question being again taken, there were—ayes 51, noes 105.

So the amendment was rejected.

Mr. DUNHAM. I move to amend by striking out "six hundred" and inserting "three hundred and fifty;" so as to make the tax to be paid by manufacturers of oleomargarine $350.

The amendment was not agreed to, there being—ayes 26, noes 125.

Mr. DUNHAM. I move to amend by striking out "six hundred" and inserting "four hundred."

The amendment was not agreed to, there being—ayes 18, noes 130.

Mr. BRECKINRIDGE, of Arkansas. I move to amend by inserting after the word "oleomargarine," at the end of line 4, section 3, these words:

Provided, That for the purposes of this act no one who makes out of pure articles an imitation of butter, and who properly stamps the same as herein required, and who makes not more than 10,000 pounds a year, shall be deemed a manufacturer.

The CHAIRMAN (after putting the question). In the opinion of the Chair the amendment is not agreed to.

Mr. BRECKINRIDGE, of Arkansas (in his seat). I call for a division.

Mr. HATCH. I make the point of order that no gentleman has risen in his seat in accordance with the rules of the House to ask for a division.

Mr. BRECKINRIDGE, of Arkansas (rising). I will comply with the rules and rise in my place. I call for a division.

Mr. HATCH. All that I ask is that the rules may be complied with.

The CHAIRMAN. The Chair always recognizes any gentleman demanding a division whether he rises from his seat or not.

The question being again taken, there were—ayes 32, noes 130.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

Mr. HATCH and Mr. BRECKINRIDGE, of Arkansas, were appointed as tellers.

The committee divided; and the tellers reported—ayes 20, noes 145.

So the amendment was disagreed to.

Mr. BRECKINRIDGE, of Arkansas. I have another amendment to offer.

Mr. BLANCHARD. Most fruitful man! [Laughter.]

The Clerk read as follows:

In section 3, line 2, strike out "six hundred" and insert "fifty."

Mr. NELSON. I make the point of order that we have already passed that.

The CHAIRMAN. We have not passed it.

Mr. HATCH. I did not hear the amendment. Let the Clerk report it again.

The CHAIRMAN. It is to strike out "six hundred" and insert "fifty."

Mr. HATCH. Has not that been already voted on?

Mr. BRECKINRIDGE, of Arkansas. That is the amount fixed for brewers. I wish to equalize this.

Mr. NELSON. We have voted on $100, and can not go below that now.

The CHAIRMAN. It has not been passed, and the amendment is in order.

The committee divided; and there were—ayes 33, noes 118.

Mr. DUNHAM. No quorum has voted.

Mr. BRECKINRIDGE, of Arkansas, and Mr. HATCH were appointed as tellers.

The committee again divided; and the tellers reported—ayes 19, noes 145.

So the amendment was not agreed to.

Mr. DUNHAM. I offer another amendment.

The Clerk read as follows:

Amend section 3 by striking out "six hundred" and inserting "four hundred and seventy-five."

Mr. DUNHAM. I demand a division.

The committee divided; and there were—ayes 14, noes 124.

So the amendment was disagreed to.

The CHAIRMAN. The Clerk will now read the amendment submitted by the gentleman from Texas [Mr. REAGAN].

The Clerk read as follows:

Add after the word "oleomargarine," in line 14 of section 3, the words "and that the provisions of this section shall apply to watered milk, adulterated butter, ancient eggs, sanded sugar, glucose sirup, artificial honey, candles and soaps of less weight than they are sold for, bottles of wines and liquors of less quantity than they are represented to contain, adulterated wines, brandy, or whisky, shoddy cloths of all kinds, shoes with brown-paper soles, or any other article for food, drink, or wear which is or may be represented as pure, unadulterated, or genuine, or of full weight or measure, if it is, in fact, impure, adulterated, or of different quantity or quality than it may be represented to be by the seller.

[Great laughter.]

Mr. HATCH. I make the point of order that the amendment is not germane to the paragraph under consideration.

Mr. REAGAN. If the Chair desires, I wish to be heard on the point of order.

Mr. HATCH. I do not desire to take up any time in discussion.

The CHAIRMAN. The Chair is of the opinion this amendment is not germane to the section under consideration. [Cries of "Vote!" "Vote!"]

Mr. REAGAN. I desire to know what the decision of the Chair is. [Cries of "Vote!" "Vote!"] Has the Chair made a decision on the point of order?

The CHAIRMAN. The Chair is of the opinion—— [Cries of "Regular order!"]

Mr. REAGAN. Will the Chair hear me on the point of order? [Cries of "Vote!" "Vote!" "Regular order!"] I desire to be heard. ["Regular order!"] This is a revenue bill.

Mr. HENLEY. Wait a minute.

The CHAIRMAN. The Chair has already decided the question of order.

Mr. REAGAN. I suppose I have a right to be heard.

The CHAIRMAN. The Chair will hear the gentleman. [Cries of "Regular order!"]

Mr. REAGAN. I wish to place on record the reasons why the amendment has been submitted to the committee. [Cries of "Regular order!"] I appeal, then, from the decision of the Chair.

The CHAIRMAN. The Chair requests members to be in order.

Mr. REAGAN. I wish to be heard on the point of order. Can I get recognized by the Chair to know whether I can be heard on the point of order?

Mr. HENLEY. Regular order!

Mr. REAGAN. Before he made his decision I asked the Chair to be heard on the point of order. I think that courtesy should be extended to me. [Cries of "Regular order!"]

A MEMBER. Read the riot act.

Mr. REAGAN. I think the ruling of the Chair was arbitrary and unjust and a disrespect to me when I was asking to be heard.

The CHAIRMAN. The Chair desires to state to the gentleman if he will permit him—— [Cries of "Regular order!"] Will the committee be in order?

Mr. REAGAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas will suspend for one minute. The Chair did not understand that the gentleman desired to discuss this question.

Mr. REAGAN. As soon as the point of order was made by the gentleman from Missouri I stated that if the Chair desired to hear anything I asked to be heard on the point of order.

The CHAIRMAN. The Chair did not hear that remark; but will now hear the gentleman.

Mr. HENLEY. Does it require unanimous consent? The Chair has ruled once already on this subject. How is this, then?

Mr. REAGAN. Mr. Chairman, the bill before the House purports to be a revenue bill.

Mr. HENLEY. By what means does the gentleman get the floor to discuss the bill?

The CHAIRMAN. The gentleman is speaking to the point of order.

Mr. REAGAN. I have the floor in my own right now.

Mr. HENLEY. Some of the balance of us have rights here too.

The CHAIRMAN. The Chair will repeat that the gentleman from Texas stated, before the Chair decided the point of order, that he would like to be heard upon the point of order. The Chair did not hear the statement of the gentleman, and therefore proceeded to rule against the amendment.

Mr. REAGAN. I was on my feet when the amendment was read and asked to be heard.

Mr. STRUBLE. But it was coupled with the proposition "if the Chair desired to hear an argument upon the question of order."

Mr. CANNON. I rise to a question of order.

The CHAIRMAN. The Chair will take the word of the gentleman from Texas for it.

Mr. REAGAN. I hope now that I may be permitted to proceed for a few minutes without interruption, and that gentlemen will be able to hold themselves in check.

Mr. HEPBURN. I rise to a parliamentary inquiry. I desire to know whether the right of the gentleman from Texas to address the Chair now depended upon his demand to be heard or upon his recognition by the Chair before the announcement of the decision was made.

The CHAIRMAN. The Chair had recognized the gentleman to move an amendment, and he was on his feet for the purpose of submitting the amendment. The point of order was immediately made by the gentleman from Missouri, and the Chair, without hearing the gentleman from Texas express a desire to discuss the point of order, ruled against him, or rather sustained the point of order. The gentleman from Texas now states that he did desire to be heard.

Mr. HEPBURN. But the gentleman was not recognized by the Chair, and the Chair has already decided the question.

The CHAIRMAN. But the gentleman was on the floor and states he was desirous of being heard.

Mr. STRUBLE. I wish to make the further point that he said if the Chair desired to hear anything on the point of order. The Chair expressed no such desire, but ruled immediately on the point of order.

The CHAIRMAN. The Chair will take the statement of the gentleman that he desired to be heard on the point of order.

Mr. REAGAN. Mr. Chairman——

Mr. SOWDEN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOWDEN. I wish to ask whether the gentleman from Texas can proceed now to argue the question when the point of order has been already decided by the Chair and that decision announced to the committee.

The CHAIRMAN. But if the decision was made in ignorance of the fact that the gentleman desired to be heard the Chair is ready to correct what might be an injustice to the gentleman from Texas. It has been customary to allow an explanation of the amendment on which the point of order is made. Debate upon points of order is always in the discretion of the Chair, and the Chair will therefore hear the gentleman from Texas.

Mr. REAGAN. Mr. Chairman, the bill before the House is a revenue bill or it is a fraud. The pretense is that it is a revenue bill.

Mr. SCOTT. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. The point of order is that the gentleman can not discuss the merits of the bill when taking the floor upon the point of order.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that the gentleman must confine himself to a discussion of the question of order; and the Chair sustains it.

Mr. REAGAN. Perhaps the gentleman from Pennsylvania would like to make my speech for me; if so, I will desist.

Mr. SCOTT. I did not hear the remark of the gentleman from Texas.

Mr. REAGAN. I said if the gentleman from Pennsylvania proposes to make my speech for me I will give him the floor.

Mr. SCOTT. No, sir; I would not like to adopt anything you say. [Laughter.]

Mr. REAGAN. I hope, Mr. Chairman, that I may now proceed without interruption. I have never committed such a discourtesy to any gentleman upon this floor since I have been here.

I have stated that this bill is reported as a revenue bill. If it is a revenue bill, if its purpose be honest, then the amendment which I propose is in the line of legislation proposed by the bill, for it seeks to collect the revenue from other things of a similar character. It is to collect the revenue from a large number of articles mentioned in the amendment. Is it not as legitimate under a revenue bill to collect revenue from watered milk or diluted butter as it is from oleomargarine? I put that question to the Chair.

The whole amendment goes to the point, if the object is revenue, of increasing the revenue to be derived from the bill, for my amendment will give much more revenue than the bill of the committee. If the object is to protect the people against frauds and impositions, then my amendment goes further than the committee's bill in the line of protecting the people against such frauds and impositions, and protects them against many frauds of the same kind and general character instead of but one. If the object is to prevent injury to the public health—for I shall meet the opposition to this amendment on all

points—by the use of adulterated foods and drink, the amendment I have offered proposes to protect the people more extensively and generally against diluted, adulterated, and injurious foods or drinks than does the bill of the committee. If the object is to accommodate the wishes of the people—and of course nobody here has any selfish motive in this thing—then my amendment accommodates the wishes and the interests of an infinitely greater number of people than the committee's bill. If the object is to secure the advantages of impartial legislation and avoid class legislation and unjust discriminations, then my amendment goes to the point of being impartial and just, for it is applicable to all the frauds that belong to that vast class of diluted and adulterated foods and drinks, as well as to the sale of shoddy goods.

So that, take it in any view in which the committee has presented it to the House or can present it, the amendment is in the same line as the committee's bill, and in my judgment is germane.

But the first proposition I made is a full answer to the point of order made against the amendment. This is a revenue bill, if it is not a fraud. It is a revenue bill, if it is not here by false pretenses. And as a revenue bill I propose to give it more power, more virtue, and secure more revenue by taxing the various sorts of frauds and impositions of the class that it is said this bill intends to prevent.

The CHAIRMAN. The Chair is of opinion that the amendment of the gentleman from Texas is not germane to this part of the bill.

Mr. REAGAN. I appeal from the decision of the Chair and ask that the amendment be again read.

The amendment was again read.

The CHAIRMAN. The Chair has decided that the amendment offered by the gentleman from Texas was not germane to this part of the bill. From that decision the gentleman from Texas appeals. The question is: Shall the decision of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 123, noes 28.

Mr. REAGAN. No quorum.

The Chair appointed as tellers Mr. HATCH and Mr. REAGAN.

The committee again divided; and the tellers reported—ayes 131, noes 32.

So the decision of the Chair stood as the judgment of the committee.

Mr. REAGAN. I should like to have the yeas and nays on this question.

The CHAIRMAN. The gentleman can not have the yeas and nays in committee, and the question does not go to the House.

Mr. DANIEL. I desire to offer an amendment, to strike out, in line 15, section 3, "$48" and insert "$25."

The CHAIRMAN. That paragraph is not yet reached.

Mr. DANIEL. Then I offer an amendment to the pending paragraph, which I send to the desk.

The Clerk read as follows:

In lines 5 and 6 of section 3 strike out "$480" and insert "$100."

Mr. DANIEL. Mr. Chairman, I offer this amendment in good faith, and beg leave to give notice now that as the reading of this bill is proceeded with I shall offer an amendment at the proper stage to repeal all revenue taxation on fruit brandy, and also to repeal all internal-revenue taxation upon tobacco.

In the first place, it is my desire, in no spirit of faction, however much I may be opposed to the bill in its present shape, to make it such a bill as it pretends and as it legitimately might be designed to be. And let me say, sir, that if this bill, in its present shape, with a tax of 10 cents upon oleomargarine in any form, is passed, I conceive the gentlemen who are seeking to protect the people against adulterated foods are themselves committing the very evil which they seek to aim at, by adulterating legislation; and that by their adulterated legislation they will not succeed by so heavy a tax in preventing adulterated food from being sold, but will themselves encourage the thing which they design to suppress.

It is conceded, Mr. Chairman, that there are many species of oleomargarine. It is conceded, and it is demonstrated, that there is a compound called oleomargarine concocted of entirely wholesome and palatable substances. It is conceded also, and therein comes the great evil, beyond the evil of a counterfeit, that there are very noxious compounds likewise styled oleomargarine.

Now, sir, it is also a fact that the wholesome article of oleomargarine may be manufactured at some 7 or 8 cents a pound. If you tax all species of oleomargarine, that which is wholesome and that which is poisonous and noxious alike, the result will be that those who continue to manufacture this compound will palm off the noxious upon the market, and that the people will suffer the evil of deleterious food more after this bill is passed than before.

Mr. MILLIKEN. Will the gentleman permit me a question?

Mr. DANIEL. Yes, sir.

Mr. MILLIKEN. Can the gentleman state what per cent. of the oleomargarine manufactured is pure and what per cent. is noxious?

Mr. DANIEL. I have never seen any oleomargarine in my life to my knowledge. It presents a field which is yet unexplored by science except in a very partial degree.

Mr. MILLIKEN. Then how does the gentleman know that any of it is pure?

Mr. DANIEL. I know it to be pure, just as I know some of it to be impure, by the statement made upon this floor by gentlemen who pretend to be familiar with the subject and who ought to have been familiar with the subject before they introduced this bill.

Mr. MILLIKEN. Let me further ask the gentleman——

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HITT. This is a revenue bill. The amendment of the gentleman from Virginia [Mr. DANIEL] proposes to modify the amount of revenue by reducing the license fee of the manufacturer provided in this section, and treats the bill as a revenue bill, which it really is, though he may, with others, oppose it on the pretext that it is not for revenue, but to destroy what they call an innocent and proper industry in making their excellent oleomargarine. The gentleman's argument, like that of many others here, and his amendment contradict the position of our opponents on both sides of the House, who have resisted the bill as being not a revenue bill, but a bill for the destruction of a particular industry. This is a bill to draw money into the Treasury. Whether it is to be more or less than the committee estimate I can not tell, but money will be collected by it, and it therefore comes clearly within our constitutional power to pass revenue bills. I am willing to accept the judgment of the committee as to the amount of tax to be laid on this spurious butter. That Committee on Agriculture is composed of fifteen able, earnest men from both sides of the House, Democrats and Republicans, who, after many weeks of careful examination, after having heard the representatives of all those interested in the manufacture and sale of this new, strange counterfeit, and having heard those who represent the myriads of the people who are the consumers and that great army seven millions strong of the farming interest, that are so deeply interested as producers, have fixed the taxes at these figures.

Why can not we accept them rather than the hap-hazard suggestions and amendments of gentlemen who oppose the whole bill and whose aim is to defeat the measure which the committee have so carefully framed in response to the demand of the country? The whole land is searching for some legislation that will check the blighting influence of this deceitful traffic. Twenty States have tried, but ineffectually, to reach it by State laws. There are the names of one hundred and four thousand people on petitions now before Congress asking for it. The creameries, half-dozen to a county, all through our Western country are languishing under the destroying influence of cheap and nasty bogus butter. The sheriff is knocking at their doors. The wagons that collect milk for 5 miles around, affording a home market to farmers, and daily paying out money at every door, have stopped. The production of wholesome butter is falling off. The great export trade in butter is diminishing by tens of millions of dollars, and a vast source of national wealth is drying up. The cows on the farms, no longer profitable for milk, are being killed for beef. The committee state that one thousand cows a day are now slaughtered in one city alone; and it is increasing. The suspicion attached to honest butter by the fear of the vile counterfeit makes even it less salable. It seems to be the hour of the complete triumph of fraudulent traffic. And there is no hope that it will ever be corrected by the mere operation of the laws of trade without the intervention of the strong arm of law, for there is no means within the reach of the ordinary consumer to detect the false from the genuine. The dealers will not willing give up the immense advantage they have in perfect impunity from detection. No one wants to buy and eat oleomargarine himself. But how is he to be sure that he is buying butter and not oleo? He knows there is real butter still made and sold although there is also butterine by the hundred million pounds. But he must supply his table; he can not take with him an apparatus for chemical tests; he has not the scientific knowledge for such experiments; so he buys hoping it is butter, but utterly unable to know. He takes the chances; it is all he can do.

This is the position to-day of the whole people. It is time that we should act, and I rejoice to believe that this revenue bill will prove also a bill to secure fair dealing. It will compel open trade under true names. The system of inspection follows this oleomargarine from the beginning of its manufacture to the moment it is sold to the customer from the store, marking at every step by its name oleomargarine, and punishing any one who sells it as butter.

We already have similar legislation, if gentlemen are doubtful of our constitutional power, to tax imitations. There is a law, as the gentleman from Pennsylvania [Mr. GROUT] stated, imposing an internal-revenue tax of 10 cents a pint on imitation wine—not adulterated wine—but imitation, just as this bill taxes imitation butter or bogus butter.

I confess there is some truth in what has been said by gentlemen as to taxation upon the table if it is a general proposition. I am averse to all such taxation, and I will suggest to gentlemen who oppose this bill in that view and accord with me in this, would it not be better, since we tax the table so much now, that we should relieve it on that side which is honest, and put the load on the part that is fraud? Take $20,000,000 of the tax off sugar and impose it on bogus butter. [Applause.]

This sugar tax, too, comes out of the consumer; the tax on oleo will come out of the maker and seller, for they sell it at the price of butter now, and they will not sell it for more when it is marked and taxed.

We collect forty millions or more that comes from the sugar on the table. I believe we will collect a very considerable sum from oleomargarine if this bill becomes a law, though then the article must be sold under its own name. I will not assume that all these gentlemen who have talked here so earnestly on behalf of wholesomeness and healthfulness of olemargarine have told us what is wholly untrue. I suppose there is some truth in what they have said, and it may be that, as one gentleman has said, this bogus butter has "come to stay." If it is so innocent and excellent there is no injustice to any one in compelling it to go under its true name. Then let people buy the enticing compound.

Whether good or bad, brand it, and let it pay a tax, just as you now impose an internal-revenue tax upon bogus wine; not, I repeat, as adulterated wine, but as imitation, false, bogus wine, just as this is to be taxed as bogus butter.

Mr. BROWNE, of Indiana. Will the gentleman permit me a question?

Mr. HITT. Mr. Chairman, I should be glad to yield if I had the time, but only a few moments are left to me and I beg that he will excuse me if I decline to yield the floor. The gentleman from Indiana [Mr. BROWNE] has indulged in interrogation here for two days. [Laughter.]

Mr. BROWNE, of Indiana. I simply wanted to know whether oleomargarine, if sold as such, would be imitation anything?

Mr. HITT. No oleomargarine is ever sold as such, and in the simple state of pure oleomargarine, without doctoring, for the reason that pure oleomargarine is repulsive as tallow and can be distinguished from butter by a child, by anybody. Even if offered for sale under the name, it will be treated so as to color and flavor that it may look like sweet butter and tempt by its appearance and cheapness. It never was and it never will be offered for sale in its pure state. It is colored. I do not say that the coloring is necessarily of unhealthful elements or a noxious addition to it, but it is always added. Anybody and everybody can distinguish pure oleomargarine, wholly free from all doctoring or change in appearance, from butter, and it is by disguising the article with flavor and with color that people are deceived; just as the fineness of the engraving on a counterfeit note makes it such that the ordinary purchaser or the ordinary dealer may be cheated by it. This is a bill that I trust will secure honest dealing, secure fairness and openness between men, stop wholesale roguery. If this oleomargarine is sold under its own name and is not disguised as butter it will find its proper level in the market.

[Here the hammer fell.]

Mr. HATCH. Mr. Chairman, I move that the committee do now rise.

The question was taken; and there were—ayes 135, noes 10.

So the motion was agreed to.

The committee accordingly rose; and, Mr. WELLBORN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, and had come to no resolution thereon.

Mr. HATCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the further consideration of bills raising revenue. Pending that, I move that all debate upon the pending paragraph and amendments thereto be limited to ten minutes, and upon that I demand the previous question.

The House divided; and there were—ayes 125, noes 8.

Mr. BLANCHARD. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair appoints the gentleman from Louisiana [Mr. BLANCHARD] and the gentleman from Missouri [Mr. HATCH] to act as tellers.

The House again divided; and the tellers reported—ayes 141, noes 24.

So the motion was agreed to and the previous question was ordered.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Missouri [Mr. HATCH] to limit debate upon the pending paragraph and the amendments thereto to ten minutes.

The motion was agreed to.

The question was then taken on the motion of Mr. HATCH that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 8328) defining butter, &c., and the Speaker announced that the motion was agreed to.

Mr. BLANCHARD and Mr. DUNHAM both rose.

Mr. DUNHAM. Mr. Speaker, I demand the other side of the vote.

The SPEAKER *pro tempore*. The Chair will put the question again.

The House again divided; and there were—ayes 137, noes 23.

Mr. BLANCHARD. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Louisiana, Mr. BLANCHARD, and the gentleman from Missouri, Mr. HATCH.

The House again divided; and the tellers reported—ayes 145, noes 20.

Mr. DUNHAM. I call for the yeas and nays.

The yeas and nays were not ordered, only 28 voting therefor.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of House bill No. 8328.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

In lines 5 and 6 of section 3, strike out "four hundred and eighty" and insert "one hundred."

The CHAIRMAN. All debate on this paragraph and amendments thereto has been limited to ten minutes.

Mr. TILLMAN. Mr. Chairman, the introduction of this bill and the probable action of a majority of the House upon it constitute one of the best illustrations I ever saw of the old adage that extremes meet, both in the physical and the moral world. Here we have extreme protectionists and ultra free-traders uniting in support of an unprecedented measure. This bill is simply protection gone mad. Not tired of protecting our industries and people against foreign competition, the public judgment, the judgment of Congress, has been perverted and debauched by the protection which has so long been given to the whisky and tobacco manufacturing monopolies, and now it is sought to protect another industry by discrimination, by concentration, by monopoly, by consolidation of the manufacture and sale of both butter and oleomargarine in the hands of a few rich men, without regard to the interests of the poor and small producers and consumers.

This bill is proposed for one of three purposes: either to protect the public health, or to protect cream butter against oleomargarine, or it is a revenue bill. I am sorry that in the brief time I shall be permitted to talk I can not enter upon the proper consideration of this question. Not dreaming that a majority of this House, especially the Democratic side of it, would ever favor this monstrous legislation, I did not until the last two or three days put myself to the trouble of either reading upon this subject or conversing with those who have specially studied it or reflecting carefully upon it; but, sir, if I had time I have faith in my brother Representatives here to believe that I could present some aspects of this question which would at least make them pause until the next session of Congress so as to allow us to gather the facts and the philosophy applicable to this proposition.

I have hardly time even to allude to the idea of this being a revenue bill. The public health needs no protection against oleomargarine, which is a discovery of science for which the world ought to be grateful and proud. [Laughter.] Ah! you laugh, but you laugh from ignorance. [Renewed laughter.] Half of you do not know even how to pronounce the word. [Laughter.] Why, when we were boys we were taught that "g" before "e," "i," and "y" has the soft sound like "j," but before "a," "o," and "u" has the hard sound. Margarine is spelt m-a-r-g-a, like Margaret; yet half of you pronounce it "oleomarjareen," as with a double "e" for "a." [Laughter.] You know about as much in regard to the materials and the method and processes of its manufacture and the science of chemistry involved in it as you know about the pronunciation.

Mr. MILLIKEN. Does the gentleman think that anybody knows what ingredients enter into the composition of the article?

Mr. TILLMAN. I do not want to be interrupted, unless you give me time. If you will give me one hour, you may all cross-question me, and I will answer your questions and confute you.

Mr. CUTCHEON. We would be glad to see the gentleman direct his attention to the chairman [Mr. HATCH] and the majority of the committee who reported this bill.

Mr. TILLMAN. Ay! The "true-blue" Democrats, as they call themselves, like the gentleman from Mississippi [Mr. MORGAN] and the gentleman from Missouri [Mr. HATCH]. But this is too great a question for me in the brief time allotted to indulge in personalities. [Laughter.]

Mr. Chairman, twelve or fifteen years ago a chemist in France discovered the process of making oleomargarine. A German chemist about the same time discovered how to make glucose sugar and glucose sirup. That German chemist by discovering the process of boiling Indian corn in sulphuric acid has reduced the price of sugar and sirup until the poorest man and woman in the world can get as much as they want, and will be able to do so to the end of time. So with oleomargarine. It is a healthful food, made out of tallow, hog's lard, cotton-seed oil, and peanut oil, churned in unskimmed milk. It is first frozen before fire is applied to it. Then, according to the sworn statement of Mr. Armour, the largest manufacturer of it in the world, it is subjected to a heat of 150 degrees Fahrenheit, and after it has been pressed it is subjected to a second freezing operation. If there were any animalculæ or parasites in it two freezes and 150 degrees of heat would destroy them. [Laughter.] This treatment and churning it in sweet milk produces a chemical change in the mixed materials—in fact, a new substance—resembling and tasting like butter, making a cheap, nourishing, and palatable food for the poor. I wish I could go into the details of how it is done, but I can not. I am sorry on account of the members here, and on account of the country, that I can not do it.

The CHAIRMAN. The gentleman's time has expired.

Mr. TILLMAN. I shall get another chance at this question, I hope.

Mr. BUTTERWORTH. Mr. Chairman, I heartily sympathize with the purpose of this bill. There is a question of method involved, and to that I desire to address myself for the five minutes allotted to me.

There are three classes of persons directly interested in this controversy. First, there are the manufacturers. They are not numerous, but their just rights ought to be sacred. Secondly, there are those who deal in the articles mentioned in this bill. How many are dealing in oleomargarine as wholesale and retail dealers I doubt whether they themselves know, owing to the impossibility of determining when they are dealing in that substance and when they are dealing only in butter. The third class of persons interested in this manufacture consists of the vast army of consumers. My colleague, General BROWN, and myself represent a number of manufacturers and a great many dealers, besides nearly a million of consumers. We desire impartially to represent each class—to do as nearly as may be justice to all and injustice to none.

This, in my judgment, and in the judgment of this House, is a revenue bill, and therefore this House has, under the Constitution, jurisdiction of the subject-matter with which it deals. I take it, it does not make against its constitutionality that while with one hand it brings to the national Treasury an increase of revenue, it brings in the other hand a larger and more conspicuous blessing by protecting the consumers of this land against what is alleged to be a spurious and deleterious article of food, and which is being offered in every market in the land for what it palpably is not——

The incidental purpose of this bill, the incidental blessing that it brings with the revenue it creates, is that it will effectually disentangle and separate two industries which have become blended together and intermixed through the fraud and deceit practiced by one of those industries upon the other. The result of such separation will be that each industry must stand or fall, flourish or languish according to its intrinsic merits.

This bill would be utterly indefensible if its object was to strangle one legitimate industry merely to build up or maintain another and a rival industry. If oleomargarine was not posing in every grocery and on every breakfast table as "prime dairy butter," but was, as it ought to be, made and sold to the consumer for what it really is, oleomargarine, and the distinct proposition was submitted to this House to tax that industry out of existence because it was a competitor of the dairyman, it would not receive 25 votes.

A MEMBER. Not one, sir.

Mr. BUTTERWORTH. Not one, says my friend. And probably he is right.

Why, Mr. Chairman, the palpable purpose of this bill, incidental to the revenue, is not to destroy the oleomargarine industry as an honest competitor of the butter industry, but to prevent the former from destroying the latter industry by a competition which is not only dishonest and a fraud upon its competitor, but is an outrage upon the consumers who purchase in the open market.

When gentlemen say the bill is unconstitutional by reason of this most desirable result, incidental to the raising of the revenue, I answer that if in addition to the revenue this greater and even more desirable benefit to the country results I am gratified that it is so, since it so seldom occurs that taxation carries with it such manifest blessings.

If what a large number of the friends of this bill assert is true with reference to the character and quality of this competitor of butter, the tax proposed by the terms of the bill is inexcusably high. My honored friend from Illinois [Mr. HITT] has said that oleomargarine is a noxious compound, unclean and unhealthy. I do not know that it is noxious and unclean, but he says this noxious compound would be rejected by every man, by every consumer, if he knew it was oleomargarine and not butter. Judging from my own experience and observation, what the gentleman says in regard to consumers is largely true, that most persons who purchase oleomargarine for consumption at home buy it in the firm belief that they are purchasing butter. The plain and obvious corollary to this is, that the dairyman, the butter industry, needs no other or further protection than is afforded by compelling the manufacturers and dealers in oleomargarine to make it and sell it to consumers only for what it really is. Butter will then have a clear field. Butter will from choice remain in its own domain, while oleomargarine will be kept on its reservation by the provisions of this bill. [Applause.] Then, since for no purpose that ought to find favor with this House is the enormous tax proposed required, why is it proposed, the requirements of the revenue being met by a small tax? The fraud being rendered impossible by a small tax, the high rates named in this bill can not be defended. What is the end sought and which finds such general favor in this House? Simply that this compound shall not steal the livery of butter and in that well-known garb defraud the dairyman and deceive and impose upon the unsuspecting purchasers who are consumers. We simply insist it shall strip off its borrowed garment and stand before the world for what it is, oleomargarine.

You tax the manufacturer of whisky only a hundred or a hundred and fifty dollars, and retail dealers of whisky only $25.

Then why make this tax four or five hundred per cent. higher? Now, sir, if, as some of my constituents who are good and worthy men allege, oleomargarine is clean, is nourishing and healthful food, wholesome and cheap, we have no right to impose needless burdens upon its production. Those who want it have a right to purchase it, and it is fortunate if it can be produced so cheap as to be within the reach of all. This burden is placed upon it, in other words the revenue is laid upon it, because it has placed itself under the ban. For some reason it is ashamed to appear under its own name. This bill, modified as proposed, and as will be proposed, tears off the mask, and it becomes impossible for oleomargarine to be made or sold as butter or to enter the lists again as a fraudulent competitor of the products of the dairy. To go further and impose a tax to destroy the industry merely because oleomargarine can be used in place of butter is utterly indefensible, and ought not to find a moment's favor in this House. Tax oleomargarine, not because it is a competitor of butter, but because it is a fraudulent and pretentious counterfeit of butter, and because we can while raising revenue punish and in fact prohibit such counterfeiting. But if the counterfeit unmasked proves to be the equal in point of merit of the butter, why let it circulate and be of "sufficient volume to meet the wants of trade?"

Mr. MILLIKEN. What is the tax on whisky per gallon?

Mr. BUTTERWORTH. Ninety cents; but the cases are not parallel.

Mr. HENDERSON, of Iowa. I hope by unanimous consent a few minutes longer will be allowed to the gentleman from Ohio.

The CHAIRMAN. The Chair can not entertain a motion for unanimous consent. By order of the House all general debate had been limited to ten minutes.

The question recurred on Mr. DANIEL'S amendment, and it was rejected.

Mr. DANIEL. I move to strike out the last word of the pending paragraph.

The CHAIRMAN. Debate is not in order on this paragraph.

Mr. DANIEL. The vote has not been taken on the second amendment.

The CHAIRMAN. That is not in order, as the committee has not reached that part of the bill.

Mr. DANIEL. I move to strike out "$480" and insert "$200."

The amendment was disagreed to.

Mr. DANIEL. I rise to speak to the paragraph when I can be allowed to do so.

The CHAIRMAN. Debate is not in order on this paragraph.

Mr. DANIEL. Is it in order to move an amendment to the next paragraph?

The CHAIRMAN. Not now.

Mr. ADAMS, of Illinois. I move an amendment to section 3, line 7, to strike out the words "in original manufacturers' packages," and insert in lieu thereof the words "in larger quantities than 10 pounds at any one time." I wish I could have two minutes.

The CHAIRMAN. Debate is not in order.

Mr. DOUGHERTY. I offer an amendment to the amendment.

The Clerk read as follows:

And no California or foreign oranges shall be offered for sale in any market or store in this country until the dealer in said oranges shall have paid the license tax prescribed in this section, and each box or package of California or foreign oranges shall have tax-paid stamps affixed thereto at the rate of 1 cent for each orange contained therein.

[Laughter.]

Mr. HATCH. I make the point of order——

Mr. FINDLAY. I offer this as a substitute.

The CHAIRMAN. The amendment is not germane to the amendment of the gentleman from Illinois, which is the pending amendment.

Mr. FINDLAY. I submit this as a substitute and ask to have it read.

Mr. DOUGHERTY. I would like to hear the ruling of the Chair again.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order as an amendment to the amendment of the gentleman from Illinois [Mr. ADAMS].

Mr. DOUGHERTY. I would like to be heard upon that.

The CHAIRMAN. Debate is not in order.

Mr. DOUGHERTY. Then I withdraw the amendment to offer it at another time.

The CHAIRMAN. It is withdrawn. [Laughter.]

Mr. FINDLAY. I now ask that the substitute which I send up be read.

The Clerk proceeded to read as follows:

Manufacturers of glass eggs shall pay $1,000, and every person who manufactures or procures to be manufactured glass eggs shall be deemed a manufacturer of glass eggs. [Laughter.] Wholesale dealers in glass eggs shall pay $1,500 a week. Every person who sells——

The CHAIRMAN (interrupting the reading). This amendment is not in order. [Laughter.]

Mr. FINDLAY. Let the amendment be read; how does the Chair know?

The CHAIRMAN. The Chair requests members to remember that we are now in the transaction of the legislative business of the country; and the Chair will entertain all motions relating to the legitimate business pending before the House. The Chair recognized the gentleman

from Illinois [Mr. ADAMS], who has submitted a proper amendment, which will be again read.

Mr. FINDLAY. But I certainly have the right to have my amendment read; because there may be a point of order raised against it, and we can not discuss the point of order understandingly upon the amendment until we know what it contains. [Laughter.]

The CHAIRMAN. The Chair has heard sufficient to decide that it is not an amendment to the amendment of the gentleman from Illinois [Mr. ADAMS], which opinion the Chair would submit to the gentleman from Maryland for his own judgment and approval.

Mr. FINDLAY. But I submit to the Chair that this is a substitute which I propose for the amendment.

The CHAIRMAN. The Chair holds that the amendment is not in order.

Mr. FINDLAY. Upon that I wish to be heard.

The CHAIRMAN. Debate is not in order; and the Clerk will again report the pending amendment proposed by the gentleman from Illinois.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The CHAIRMAN. After the Clerk has reported the pending amendment the Chair will hear the gentleman's parliamentary inquiry.

The Clerk read as follows:

Strike out in the seventh line the words "in the original manufacturers' packages" and insert in lieu thereof the words:
"In larger quantities than 10 pounds at any one time."

Mr. ADAMS, of Illinois. Read the paragraph as it will stand if amended.

The Clerk read as follows:

So that it will read:
"Every person who sells or offers for sale oleomargarine in larger quantities than 10 pounds at any one time shall be deemed a wholesale dealer in oleomargarine."

The CHAIRMAN. The gentleman from Georgia rises to a parliamentary inquiry and will now submit it.

Mr. HAMMOND. I desire to ask whether the Chair could of its own motion rule an amendment out as not being in order, or whether the Chair should wait for the point of order to be made against such amendment before the ruling can be made?

The CHAIRMAN. The Chair will always endeavor to protect the integrity of the business of the House. [Applause.]

Mr. HAMMOND. I rise to another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. Under what rule of procedure is the Chair made the judge of the integrity of the business of the House?

The CHAIRMAN. The Chair is required to see that the rules of the House in the committee are enforced.

Mr. HAMMOND. The question I put is, What is the authority for the ruling of the Chair?

Mr. BROWNE, of Indiana. The general-welfare clause of the Constitution. [Laughter.]

Mr. TOWNSHEND. The general principles of parliamentary law would justify the Chair.

The CHAIRMAN. The Chair will refer the gentleman to the rule.

Mr. HAMMOND. I would be glad to have it read, or any rule that authorizes the Chair to judge of the integrity of the proceedings of the House.

Mr. FINDLAY. I make the point that we can not discuss any question of order until the amendment is read.

Mr. GIBSON, of West Virginia. The House has a right to vote upon the decision of the Chair; and how can that be done until we know what the Chair decides upon?

The CHAIRMAN. The Chair will call the attention of the gentleman from Georgia to the second clause of the first rule of the House, which the Clerk will read.

The Clerk proceeded to read, as follows:

He shall preserve order——

Mr. VAN EATON. I rise to a question of order. You can not hear anything that is being read; and I would like to be informed as to what is going on.

The CHAIRMAN. The committee will be in order, and the Clerk will read the rule.

The Clerk read as follows:

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Mr. VAN EATON. Mr. Chairman, we are not in the gallery. [Laughter.] We are on the floor of the House; nor are we in the lobby. [Renewed laughter.]

The CHAIRMAN. The Chair will endeavor to preserve order on the floor of the House also.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia rises to another parliamentary inquiry and will state it.

Mr. HAMMOND. Is that the only rule the Chair can find for his recent decision?

The CHAIRMAN. The Chair will state in response to the gentleman from Georgia that he has indulged gentlemen in their levity in regard to this bill and in the discussion; but now desires to enforce the rules of the House, which require that each amendment offered shall be germane to the subject-matter under consideration and that the committee shall proceed in order with the transaction of the public business. [Loud applause.]

Mr. VAN EATON. Then I move that the galleries be cleared, that we may proceed in order, and that the lobby also be cleared. [Laughter.]

Mr. GIBSON, of West Virginia. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON, of West Virginia. I desire to know if the members of the House have not a right to pass upon an appeal from a decision of the Chair?

Several MEMBERS. "Of course."

Mr. GIBSON, of West Virginia. Then I want to know further how any member of this House can pass upon the judgment of the Chair when the Chair refuses to allow the question he decides upon to be submitted to the committee?

Mr. HENLEY. I demand the regular order.

Mr. GIBSON, of West Virginia. I therefore demand the reading of that amendment which was excluded by the Chair.

The CHAIRMAN. The Chair is willing to entertain all appeals that are made from his decisions.

Mr. RANDALL. No appeal is made from the decision of the Chair.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. ADAMS].

The amendment was disagreed to.

Mr. ADAMS, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to line 14, section 3, the following:
"All manufacturers of incubators shall pay a tax or license of $10,000; and on every chicken hatched by artificial means there shall be imposed a tax of $2 for roosters and $1 for pullets, in order that the great American hen may be properly protected."

[Laughter.]

Mr. HAMMOND. I make the point of order upon that.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] is recognized to offer an amendment.

Mr. STRUBLE. Was the point of order made on the amendment of the gentleman from New York?

The CHAIRMAN. The Chair did not entertain that amendment.

Mr. VAN EATON. I desire to debate the point of order.

The CHAIRMAN. The Chair has recognized the gentleman from Alabama [Mr. WHEELER] to move an amendment.

Mr. VAN EATON. I appeal from the decision of the Chair. I am in favor of protecting the great American hen and want to debate the question. [Laughter.]

The CHAIRMAN. The gentleman will be recognized for debate when debate is in order. Debate is not now in order.

Mr. VAN EATON. Did not the Chair rule the amendment out?

The CHAIRMAN. The Chair presumed that it was not before the committee, but that the gentleman from New York had it read as a part of his remarks. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. WHEELER].

The Clerk read as follows:

Add to the paragraph the following:
"*Provided*, That the tax imposed by or the limitations of manufacture or sale contemplated by this act shall not be imposed upon or apply to any of the product or manufactures obtained from cotton-seed or articles the principal ingredient of which is the product of cotton-seed."

The committee divided; and there were—ayes 45, noes 125.

So the amendment was rejected.

Mr. HATCH. I move that the committee do now rise.

The question being taken, there were—ayes 136, noes 25.

Mr. BRECKINRIDGE, of Arkansas, and Mr. TILLMAN called for tellers.

Tellers were ordered, 35 members voting therefor; and Mr. HATCH, and Mr. BRECKINRIDGE, of Arkansas, were appointed.

The committee again divided; and the tellers reported—ayes 147, noes 25.

So the motion was agreed to.

The committee accordingly rose; and Mr. WELLBORN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, had come to no resolution thereon.

Mr. HATCH. I move that the House take a recess until half past 7 o'clock, and on that I ask for the yeas and nays and demand the previous question.

Mr. HAMMOND. I move that the House do now adjourn.

Mr. MILLS. And pending that motion, I move that when the House does adjourn it be to meet on Saturday.

The SPEAKER *pro tempore*. The question is first on the motion of the gentleman from Texas [Mr. MILLS].

The question being taken, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. MILLS. I call for a division.

The House divided; and there were—ayes 35, noes 127.

Mr. MILLS. I call for tellers.

Tellers were ordered, 44 members voting therefor; and Mr. MILLS and Mr. HATCH were appointed.

Before the count was completed the hour of 5 o'clock arrived, and the Speaker *pro tempore* declared the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition of Maj. John P. Cleary, formerly of the Thirteenth New York Volunteers, and of several hundred veterans of Rochester, N. Y., in favor of the arrears-of-pensions bill and the bill to award the bounties due to veterans but withheld because of promotion—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: Petition of citizens of Grant Parish, Louisiana, asking material aid to education—to the Committee on Education.

Also, petition of steamboatmen of the Mississippi River protesting against the erection of a low bridge over the Mississippi River at Cairo—to the Committee on Commerce.

By Mr. BOYLE: Resolutions of the Pittsburgh Grain and Flour Exchange, and of the Philadelphia Produce Exchange, against the oleomargarine bill—to the Committee on Agriculture.

Also, resolutions of William T. Campbell Post, Grand Army of the Republic, No. 375, Department of Pennsylvania, of Springfield, Fayette County, Pennsylvania, in favor of granting pensions to all soldiers of the late war—to the Committee on Invalid Pensions.

Also, petition of the Womans' Indian Association of Allegheny, Pa., for the passage of Senate bill 54, providing for the allotment of lands in severalty to the Indians—to the Committee on Indian Affairs.

By Mr. BUNNELL: Petition of business firms of Philadelphia, Baltimore, New York, Boston, New Bedford, Hingham, Mass., Xenia, Ohio, San Francisco, Easton, Pa., Cincinnati, and others, manufacturers of cordage, protesting against House bill 7219, and suggesting certain remedies—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Charles Schiff and others, for an appropriation to carry out the plans for the organization of the section of steam transportation in the United States National Museum—to the Committee on Appropriations.

By Mr. BURNES: Petition of citizens of Andrew County, Missouri, asking for the passage of the oleomargarine bill—to the Committee on Agriculture.

By Mr. CATCHINGS: Petition of George W. Hutchison, E. C. Carroll, C. C. Florence, and others, against bill authorizing a draw-bridge across the Mississippi River near Saint Louis—to the Committee on Commerce.

By Mr. COMSTOCK. Memorial of Local Assembly, Knights of Labor, No. 3719, of Holland, Mich., requesting the enactment of such laws as will make it a misdemeanor to employ persons under twenty-one years of age more than eight hours per day in any manufacturing, mining, or mercantile business—to the Committee on Labor.

By Mr. CUTCHEON: Resolutions of the N. H. Ferry Post, No. 3, Department of Michigan, Grand Army of the Republic, in favor of pension legislation—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: Petition of citizens of Lindley, Steuben County, New York, for tax on spurious or adulterated butter—to the Committee on Agriculture.

By Mr. FLEEGER: Resolutions of Peiffer Post, Grand Army of the Republic, of Meadville, Pa., asking the adoption of pension bill passed by the Senate—to the Committee on Invalid Pensions.

Also, petition of members of James Wesley Birch Post, No. 493, Department of Pennsylvania, Grand Army of the Republic, of Evansburgh, Crawford County, Pennsylvania, favoring additional pension legislation in behalf of disabled soldiers and their dependent relatives—to the same committee.

By Mr. GROSVENOR: Additional evidence in case of heirs of Christopher Cott—to the Committee on War Claims.

By Mr. GROUT: Testimony in support of House bill granting increase of pension to James P. Doggett—to the Committee on Invalid Pensions.

By Mr. HEWITT: Petition of C. W. Teney, for justice to W. C. Phelan—to the Committee on the Judiciary.

By Mr. F. A. JOHNSON: Petition of J. M. Humphrey and 150 others, citizens of Churubusco, N. Y., for imposition of a revenue tax on all forms of adulterated butter—to the Committee on Agriculture.

By Mr. NEECE: Petition of citizens of Seaton, Ill., for taxing oleomargarine—to the same committee.

By Mr. LONG: Petition of R. B. Forbes and 8 others, for light-ship on Stellwagen Bank, off Cape Cod—to the Committee on Commerce.

Also, petition of F. C. Sanford and 59 others, of Nantucket, Mass., for the same—to the same committee.

By Mr. McCOMAS: Petition of John H. Garrett, of Montgomery County, Maryland—to the Committee on War Claims.

By Mr. RANDALL: Petition of manufacturers of cordage, against House bill 7219, for the importation of rope and rigging free of duty for all vessels built in this country—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. T. B. REED: Memorial of the Maine Annual Conference of the Methodist Episcopal Church, asking for stringent laws to carry out the Chinese treaty, and to protect the lives of the Chinese rightfully in this country in their liberty and estates—to the Committee on Foreign Affairs.

By Mr. SENEY: Petition of the Produce Exchange, protesting against taxing oleomargarine—to the Committee on Agriculture.

Also, protest of William Wall & Sons and others, against section 2 of House bill 7219—to the Committee on Ways and Means.

By Mr. SESSIONS: Petition of citizens of Ellicottsville, N. Y., against oleomargarine—to the Committee on Agriculture.

By Mr. SPOONER: Memorial of Luke Tully and 48 others, citizens of Rhode Island, for amendment of the Constitution—to the Committee on the Judiciary.

By Mr. STORM: Petition of citizens of Milford, Pike County, Pennsylvania, favoring a tax on adulterated butter—to the Committee on Agriculture.

Also, memorial of the Grain and Flour Exchange of Pittsburgh, Pa., against taxing oleomargarine, butterine, &c.—to the same committee.

Also, petition of cordage manufacturing companies of the United States, against section 2 of House bill 7219—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. TUCKER: Petition of Duff J. Reed, for removal of disabilities—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Valentine Bahmer and 60 citizens of Bakersville, Ohio, praying for the passage of an act to pay soldiers the difference between gold and greenback currency—to the Committee on War Claims.

The following petition, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, was presented, and referred to the Committee on Agriculture:

By Mr. BUNNELL: Of citizens of Aldenville and Waymart, Wayne County, Pennsylvania.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BAYNE: Of citizens of Bellevue, Pa.

By Mr. GOFF: Of citizens of Ohio County, West Virginia.

SENATE.

FRIDAY, *May* 28, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. GIBSON. I present a memorial in the form of a concurrent resolution of the General Assembly of the State of Louisiana, relative to the establishment of a navy-yard on the Mississippi River near the city of New Orleans, just below Algiers.

I wish to say that about eight years ago I introduced a bill while a member of the House of Representatives for the establishment of such a navy-yard, and I have continued at every session of Congress since to offer such a bill, for the reason that about the year 1856 the Government of the United States purchased land within the limits of the city of New Orleans near Algiers for the establishment of a navy-yard. It is highly important that some such establishment should be made there, because when most of the navy-yards in this country were established iron rifled cannon, long-range guns, had not been invented, and now a hostile fleet would be able to anchor near several of our navy-yards and destroy them. Iron and steel hulls were not then invented, which rapidly deteriorate in salt water, while in fresh water they can be preserved with but little expense and no hazard.

New Orleans is the gateway of the valley of the Mississippi River, at which stores of all kinds, wood and coal and iron, all materials for the construction of vessels, could be furnished from the West, together with skilled labor and perfect security from any sort of disturbance from any foreign foe. That place is not only the best for supplies of every kind in material and men, but in a strategic point of view necessary not only to the defense of the Mississippi Valley—the heart of the country—but also to command the Gulf of Mexico.

Mr. BUTLER presented the petition of John P. Kinard, a citizen of Newberry, S. C., praying Congress to reimburse him for losses sustained and damages inflicted by United States soldiers since the war; which was referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Naval Affairs.

Mr. BUTLER. I ask leave to present a telegram which I have received from the Merchants' Exchange of the city of Charleston, and, as it expresses so well my views upon the subject of which it treats, I shall read it. The telegram is as follows:

CHARLESTON, S. C., *May* 27, 1886.

The committee appointed by the Merchants' Exchange to investigate the important subject of the proposed dairy legislation in Congress would respectfully report: Your committee have as carefully as they were able examined this question in all its bearings and recommend the following action by the exchange:

Whereas efforts are now being made to secure enactment by Congress under bills pending providing for imposing a special tax of 10 cents per pound upon the manufacture of oleomargarine and butterine, with additional restrictions in the form of heavy license assessments against dealers in these articles and the placing of their production and sale under charge of the Internal Revenue Department; and

Whereas it has been well and clearly shown that these products are proper ones for food purposes, and their manufacture has proven to be a great public convenience, as well as furnishing an important acquisition to the volume of commercial operations, thus promotive of the business interests of a large number of merchants throughout the country, as well as conferring incalculable benefits upon consumers: Therefore,

Be it resolved by the Merchants' Exchange of Charleston, S. C., That it would be against sound public policy to carry out the proposed legislation, calculated to operate against the oleomargarine and butterine industries; and that as these articles are manifestly proper ones to be manufactured and sold for food purposes, any special tax would be an unjustifiable discrimination against legitimate domestic industry and should not be imposed.

Resolved, That all imitation butter products should be sold on their merits, and that measures providing against their being offered for sale as ordinary butter should be enacted and enforced by State or local authority.

Respectfully submitted.

GEORGE W. BELL, *Secretary*.

I move the reference of the telegram to the Committee on Agriculture and Forestry, where the question to which it relates is being considered.

The motion was agreed to.

Mr. CULLOM presented resolutions adopted by the Elgin (Ill.) Board of Trade, representing the creamery and farming interests of Illinois and Wisconsin, in favor of the passage of the bill to regulate the manufacture and sale of imitations of butter; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Hiram H. Kingsbury, late a private in Company D, Eighth Illinois Infantry Volunteers, praying that his name be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. WILSON, of Maryland, presented the petition of William L. Amoss and other citizens of Fallston, Md., praying for the passage of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, and taxing them 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR presented a petition of Knights of Labor of Washington, D. C., praying for the passage of the bill to provide for leaves of absence to naval employés, and other purposes; which was referred to the Committee on Education and Labor.

He also presented a petition of farmers, mechanics, and dealers of Greenville and Mason, in the State of New Hampshire, praying for the passage of the bill concerning oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. VANCE presented a petition of colored citizens of North Carolina, praying for aid to emigrate to Liberia; which was referred to the Committee on Foreign Relations.

Mr. DAWES presented a resolution adopted by the New England Shoe and Leather Association, favoring the issue of small bills; which was referred to the Committee on Finance.

He also presented the petition of Herman L. Allen and other farmers of Windsor, Mass., praying for legislation to protect the dairy interest against imitations of butter; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Territories, to whom was referred a petition of citizens of Whatcom County, Washington Territory, praying for the annulment of an act of the Legislative Assembly of that Territory providing for the permanent location and construction of a territorial penitentiary at Walla Walla, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the Committee on Patents, to whom was referred the bill (S. 600) for the relief of the assignees of Addison C. Fletcher, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2560) for the relief of Hyland C. Kirk, and others, assignees of Addison C. Fletcher; which was read twice by its title.

Mr. CONGER, from the Committee on Commerce, submitted a report to accompany the bill (S. 584) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes, heretofore reported by that committee.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1580) for the relief of Maj. James Belger, reported it with an amendment, and submitted a report thereon.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane, reported it with amendments.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 2122) for the relief of John P. Walworth, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the petition of Jacob Fritz, of Oregon, claiming certain lands now included in the Fort Dalles military reservation, Oregon, reported adversely thereon; and the committee were discharged from the further consideration of the petition.

COURT-HOUSE IN WASHINGTON TERRITORY.

Mr. PLATT. The Committee on Territories, to whom was referred the bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house, instruct me to report it favorably, and I submit a written report.

There are reasons why this bill should be passed at once, and I ask for its immediate consideration. I ask for the reading of the bill and the report, which are brief, for information. I think there will be no objection to the bill after they are read.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks the unanimous consent of the Senate to proceed to the consideration of the bill reported by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the county of Columbia, in Washington Territory, to issue its bonds, payable in not less than five nor more than fifteen years, at 8 per cent. per annum, to the amount of $40,000, for the purpose of building a county court-house, in accordance with the vote of the people of the county at the general election held in November, 1884.

Mr. PLATT. I ask for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Chief Clerk read the following report, submitted this day by Mr. PLATT:

The Committee on Territories, to whom was referred the bill H. R. 6965, being an act to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house, having considered the same make the following report:

Section 1924 of the Revised Statutes has the following provison, namely:

"In addition to the restrictions upon the legislative power of the Territories contained in the preceding chapter, section 1851, the Legislative Assembly of Washington shall have no power to incorporate a bank or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. Nor shall the Legislative Assembly authorize the issue of any obligation, scrip, or evidence of debt, by the Territory, in any mode or manner whatever, except certificates for service to the Territory."

Such being the law the Legislative Assembly of Washington Territory holds that it has no right or power to authorize a county, nor the Territory, to borrow money and issue bonds for any purpose whatever. And your committee, without passing upon the question of whether the Territorial Legislature is precluded by the statute from authorizing a county to borrow money and issue its obligation for necessary county expenditures, is clearly of the opinion that it would be unwise for it to attempt to confer any such authority upon a county.

Columbia County was duly organized in the year 1875 and now is, and for some years has been, paying rent for its court-house and public offices in a sum equal to 8 per cent. per annum on $40,000. At the general election in the year 1884 a vote was taken in said county upon the proposition to build a court-house at a cost not to exceed $40,000, the result of which was as follows:

For the building of such court-house, 986 votes.

Against building of such court-house, 588 votes.

Said county desires to issue bonds and build a court-house rather than to burden the people with an increased tax sufficient to raise the sum required.

The total assessed value of the property of the county in the year 1885 was $2,569,380; made up of real estate, $1,514,900; personal property, $1,054,480.

The county memorialized the Territorial Legislature for authority to issue such bonds, and the Legislature, declining to act thereon, has memorialized Congress to pass the legislation necessary to carry the wish of the county into effect.

The population and assessable property of the district is rapidly increasing.

The Territorial Delegate strongly indorses the passage of the act, and your committee recommend the same.

All of which is respectfully submitted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUE OF A DUPLICATE CHECK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same, to report it favorably without amendment.

The bill is very brief, and we have the assurance of the Secretary of the Treasury that it is all right. The reason for the passage of the bill is that under the existing law only a check of $2,500 can be duplicated upon its loss. This happens to be over $2,500, being $2,679.53. I ask for the present consideration of the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INSURANCE COMPANIES IN DAKOTA.

Mr. HARRISON. I am directed by the Committee on Territories to report favorably with an amendment the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws.

I ask leave to state that the situation of that Territory is one very urgently requiring such legislation. The Legislative Assembly some years ago, assuming that they had power to charter insurance companies, passed a general law, and several insurance companies having a large capital were formed—one of them having as much as three millions of insurance—and have been in operation in that Territory. It is now believed that the legislation is inoperative for want of authority from Congress. This is a bill simply to legalize the acts organizing those companies. As amended it consists of a single section, and unless there is objection I ask that the bill be put on its passage.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Territories was to strike out section 2, as follows:

SEC. 2. That the Legislative Assemblies of the several Territories shall have power to provide by general laws for the incorporation of companies for insuring against loss by fire, lightning, hail, and tornadoes, and also of life-insurance companies.

Mr. HARRISON. I will state that this provision, giving the other Territories authority, is incorporated in another bill, and therefore we have stricken it out here.

The amendment was agreed to.

Mr. COCKRELL. Let the bill be read now as amended. It is a short bill.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That all general laws heretofore enacted by the Legislative Assembly of the Territory of Dakota providing for the incorporation of insurance companies are hereby legalized and made valid, and are declared to have the same force and effect as if the said Legislative Assembly had had full power and authority to enact the same; and all insurance companies incorporated under said laws and in accordance therewith are hereby declared to have been legally incorporated.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes."

Mr. HARRISON. I desire in that connection to move for a committee of conference on the bill.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRISON, Mr. PLATT, and Mr. GRAY were appointed.

BILLS INTRODUCED.

Mr. CALL (by request) introduced a bill (S. 2561) for the relief of Mrs. Catharine Odlum; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 2562) granting a pension to Henry F. Kaiser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2563) granting a pension to Lyman H. Walker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2564) granting a pension to Eleanor S. Lawson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER (by request) introduced a bill (S. 2565) for the relief of the legal representatives of William Johonnot, Joseph Torrey, and Thomas Blackwill, respectively; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. DAWES introduced a bill (S. 2566) for the relief of George F. Rider; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2567) granting a pension to Michael Lane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 2568) for the relief of James C. Rudd; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 2569) granting a pension to Helen H. Harrell; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. STANFORD submitted an amendment intended to be proposed by him to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits; which was referred to the Committee on Finance, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VANCE, it was

Ordered, That the papers relating to the bill (S. 2072, Forty-seventh Congress) for the further protection of public property from fire, &c., in various public buildings in the District of Columbia be withdrawn from the files of the Senate, and referred to the Committee on the District of Columbia.

REPORT ON EDUCATION IN ALASKA.

Mr. MANDERSON (by request) submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That of the Senate Executive Document No. 85, "A report on education in Alaska," 6,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 3,000 copies for distribution under the direction of the Commissioner of Education.

INDIAN TRADERSHIPS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Chair lays before the Senate a series of resolutions which come over under objection.

The Chief Clerk read the resolutions submitted yesterday by Mr. WILSON, of Iowa, as follows:

Whereas it is stated in the matter of the administration of the powers and duties of the Commissioner of Indian Affairs in respect of the appointment of Indian traders acts have been done, or permitted to be done, in disregard of law and the rights and proper interests of citizens: Therefore,

Be it resolved, That the Committee on Indian Affairs be, and hereby is, directed to investigate the subject of the appointment of such traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, and the methods which have been practiced in that regard since the month of April, 1885, and the reasons and influences affecting the several instances of such granting or refusing of such licenses, to whom licenses have been granted since said date and to whom refused, why granted and why refused, and whether or not any person to whom a license has been so granted has been guilty of conduct or practices prejudicial to the good repute of the public service; and, if so, in what respect, and whether or not the same have come to the knowledge of the Commissioner of Indian Affairs.

Resolved, That in pursuing the said investigation the said committee shall have power to send for persons and papers, administer the necessary oaths, and employ a stenographer should it deem it necessary so to do; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate.

Resolved, That the committee is further instructed to report a bill or bills for such legislation as the investigation may disclose to be necessary and proper in the premises.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

Mr. DAWES. Mr. President, I do not know that I desire to interfere, but the resolutions would impose upon the Committee on Indian Affairs a very serious duty, and a duty which I should like very much in behalf of the committee to be relieved from.

I wish to say a few words in reference to the necessity of it and to inquire of the mover of the resolutions if he contemplates an investigation here in Washington during the session. If it does, it is altogether impracticable, and must be attended with very great expense, for the transactions alluded to, if they exist at all, have existed in the Indian Territory at a very great distance, and witnesses called from the Territory will be brought here at very great expense. It must be a considerable time before they can reach here, and they will come in the midst of the hurry and whirl of the last days of the session. If there is a need (on which I do not speak) of an investigation of such a kind as this, it should be taken at the leisure of a committee on the spot, where it can be done at much less expense and with much greater prospect of a thorough investigation. Whether the Committee on Indian Affairs are going to be so situated as to make that possible in the vacation or not, I have no knowledge.

The whole subject of Indian traders needs revision. The idea that no man can trade with an Indian except by a license from the Government is fast passing away, if it has not already disappeared. It is a reproach to the statute-book of the United States that there stands on it to-day an enactment which relieves any white man from the slightest obligation of keeping any contract he makes with an Indian. There stands on the statute-book to-day an enactment that no white man is under the slightest obligation to keep his contract with an Indian.

Mr. COCKRELL. I should like to see that statute.

Mr. DAWES. You have only to look in the statutes to see that contracts made——

Mr. COCKRELL. I should like to have the chairman of the Committee on Indian Affairs point it out and read it in the Senate.

Mr. DAWES. Contracts made by Indians with white men are not valid unless they are approved by the Secretary of the Interior. That is the enactment upon the statute-book, and that means this—the En-

glish of it is what I state—it relieves every white man from keeping his contract with an Indian, unless the Interior Department says he shall do it.

Mr. BUTLER. Does it not relieve the Indian also?

Mr. DAWES. Certainly, it relieves everybody, but it relieves the white man who knows what his contract is from performing a contract with an Indian. When it was enacted it was supposed that the Indian was incapable of making a contract. It was made in the interest of the Indian, it was supposed, because he was what was called the ward of the nation, and therefore all contracts with him unless approved by the Interior Department are void. He is put at the mercy of the white man; and now, without any reference to this allegation, he is confined in all his dealings with white men on his reservation for the necessaries of life to trade with some particular man who is licensed by the Interior Department. That condition of things, that stage in the Indian's life has passed away, and I trust that it is to disappear entirely.

I have nothing to say about whether, while the system is existing law, anything wrong has been done under it. I only say that the whole system ought to go by the board; and when a man makes a contract with an Indian, whether it has the approval of the Interior Department or not, he should at least be held by the law of the land to perform his contract. In every State of the Union, where a man makes a contract with a minor, it is the minor and not the adult who shall say whether the contract shall be kept or not.

Mr. BUTLER. I ask the Senator how he would enforce that contract under existing law, in what court, in what tribunal, as the law now stands, unless the entire law relating to the Indians is repealed?

Mr. DAWES. Repeal the law and the contract between a white man and an Indian will stand as any other contract.

Mr. BUTLER. I do not understand before what tribunal a contract of that kind could be enforced.

Mr. DAWES. I trust that if the Senator will wait until the day after to-morrow he will find that a bill will have passed another branch, which has passed this without opposition, that will put every Indian in this land who transacts business with white men as white men transact business, giving him a position in the courts of the country, State and United States, to enforce every contract made with him; and it is quite time that was done.

Mr. BUTLER. I am delighted to hear that.

Mr. DAWES. I think we shall be gratified. To-day and to-morrow are assigned for that kind of business in another branch, and a bill is pending there which has gone through this body without any opposition, upon full discussion, which has that effect.

The Indian is to be treated now at least as competent to say whether a contract made by a white man with him shall be enforced or not. It is, I repeat, a reproach to the statute-books of the United States that it is left for the white man himself to say whether he will keep his own contract with an Indian.

It is also a reproach that all the Indians are obliged to trade with some particular man licensed by the Interior Department, and further that that man shall not have any Indian blood in him. We undertook to enact a few years ago that a half-breed might open a store on a reservation, and that was defeated; so that the white man must not only be licensed by the Interior Department, but he has got to prove that he has not any Indian blood in him or he can not enjoy the exclusive monopoly of opening a store for the ordinary necessaries of life upon an Indian reservation. It naturally leads to suggestions of evil practices such as are contained in the pending resolutions.

I embrace this opportunity to make these statements in advance and without reference to the suggestions which are made in the resolutions. I renew now the suggestion to the Senator from Iowa that he had better consider how the investigation is to be carried on, if he feels that existing facts justify or require such an investigation.

Mr. BUTLER. Let the resolutions be read again.

The PRESIDENT *pro tempore*. The resolutions will be read.

The CHIEF CLERK read the resolutions.

Mr. BUTLER. I have not the slightest objection to the fullest investigation into the matters stated in the resolutions, but it occurs to me, from the casual reading of them, that they embrace questions which should be investigated by the committee before the adoption of the resolutions. I therefore move the reference of the resolutions to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from South Carolina to refer the resolutions to the Committee on Indian Affairs.

Mr. VEST. I wish to understand the position of the Senator from Massachusetts? These resolutions are simply intended to investigate the present condition of the Indian Bureau as to the appointments of Indian traders. They do not begin to reach the great overwhelming evil which has existed for years. I want to make one remark in regard to the appointment of Indian traders, and I say it without reference to the appointments under the present administration. I have no sort of partisan feeling in regard to it; the same abuses existed under a Republican administration of the Government as exist now, and they are inherent.

My colleague asked the Senator from Massachusetts to point to a statute which put the Indian absolutely at the mercy of the white man who goes in and proposes to trade.

Mr. DAWES. I should like to read the statute.

Mr. VEST. I have it before me, but the Senator can read it.

Mr. DAWES. This is it:

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows.

There are six conditions, and one of them is:

Second. It shall be executed before a judge of a court of record and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Mr. VEST. That is the spirit of the whole system of intercourse laws to be found on the statute-book of the United States. There is another section which more fully illustrates the truth of what the Senator from Massachusetts said.

We are pretending—and I use the term with a knowledge of its full significance—we are pretending from year to year to elevate the Indian, to bring him nearer to civilization, to teach him our methods, our laws, our language, and our religion, and yet we have a system on the statute-book which in every word and line breathes the idea that the Indian belongs to an inferior and a degraded civilization, if you may term it civilization at all; that he has no legal existence except by permission of the Government; that he can not trade, can not barter, can not avail himself of the protection of the law, and he is circumscribed and cut off from the civilization of the white man as by a Chinese wall utterly inaccessible. Now let the Senate listen to section 2135 of the Revised Statutes:

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of $50.

In other words he can not own property in any way. The ordinary privileges of a human being are taken away from him; practically he ought to be killed, as is the average opinion of the West on that subject. Our legislation absolutely prohibits him from making one single step toward the sunlight of civilization.

But I have something else to say on this subject which I think is exactly pertinent to the resolutions offered by the Senator from Iowa. The whole system of Indian traderships is based upon the idea of making money for the trader without regard to the interest of the Indian at all. If these laws amount to anything they should amount to this, that traderships should be established in the vicinity of Indians or upon their reservations, which should give them the largest opportunity to obtain useful and cheap merchandise at the lowest price.

Instead of that, the whole object seems to be to put just as many traders there as can live on the Indians to the fullest extent and make all the money they can. I say this without any personal allusion to the present incumbent of the Indian Commissionership, who is a perfectly honest and reputable gentleman as I know, and as pure a man (and I have known him for twenty-five years) as lives in the United States, but I speak now of the system; and I say it has degenerated into a system of favoritism and a scramble from one session of Congress to another among Senators and Representatives as to who shall procure for his constituents the opportunity to make money out of the Indians. Applications are made from one day to another by Senators and members to have traderships discontinued for the purpose of making a monopoly in the Indian tribes to put money into the pockets of the favorites of public men in both Houses of Congress. It is a great outrage; it is a shame; and the only wonder to me is that the Indians advance at all. The great wonder to me, after being in the Indian country, visiting it and seeing this system in operation as I have seen it for the last three years in Montana and Idaho, is that the Indians do not become desperate and go upon the war-path and seek extermination rather than exist under the present system. They are systematically robbed.

We give an agent $900 to $1,200 a year, and we expect a man of ability, respectability, and business talents to turn his back upon civilization and go out and live with these savages, and if he is humane enough to take his family with him they are to subsist among them at $900 a year. I believe we expect to get the average Christian virtues in a soldier at $13 a month; and we expect to get in an Indian agent business capacity, integrity, and good executive ability for a pittance such as we do not give to the lowest clerk in any of our Departments.

I am heartily in favor of this or any other resolution in the direction of inquiry and reform. I believe, however, my friend from Iowa, if he will permit the suggestion, ought to ask for a special committee. The inquiry ought not to be sent to the Committee on Indian Affairs. Let it be a special committee, appointed with power to visit these tribes, examine into this system, send for persons and papers, and make a com-

plete report to Congress, and that report may point in the direction which I hope Congress will soon take.

Mr. WILSON, of Iowa. Mr. President, I have no personal knowledge——

Mr. TELLER. If the Senator will give me a chance before he makes his remarks I should like to call attention to the statute.

Mr. WILSON, of Iowa. I will only occupy a minute.

Mr. TELLER. Very well.

Mr. WILSON, of Iowa. I will yield to the Senator.

Mr. TELLER. I do not intend to make a speech or take much of the time of the Senate this morning on the question suggested by the Senator from Missouri [Mr. VEST]. I propose to do that before this session adjourns, but not to-day. I propose to take time to present to the Senate some of the facts in connection with the intercourse of the whites and the Indians within the last few years, to show what I think are the defects in the statutes and the system of Indian administration as it has existed for many years and now exists.

The statute under which the traders are provided for is:

SEC. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States.

And that nobody shall trade except such parties as are mentioned in the statute, those who have given bond and received their commission from the Commissioner of Indian Affairs. For a number of years it was the policy to license one trader in an Indian reservation and only one. Then the Department fixed the prices at which he should sell his goods, but it did not make any difference about that; nobody supposed he ever sold goods at the schedule prices fixed, which were to be posted up somewhere in the store for the benefit of the Indians. The posted schedule was just about as valuable to the Indian as the notice is in the parks here to the dogs, that dogs must keep off the grass. The Indians knew just as much about the schedule; it was a dead letter and amounted to nothing.

Recently, within the last few years, the policy has grown up of giving at least two traders to every considerable tribe, and perhaps in some of them even more than that number. It was supposed that might bring about a little competition. Whether it has had that result or not I do not know. It may have brought about combination. All these people are away off beyond the reach of the Commissioner. I do not care how able the Commissioner may be or how honest he may be, under our present system of Indian intercourse it is impossible that there should not be the greatest abuses. I know of no more abuses under the existing administration than heretofore. I have heard of no complaint that I recollect now. It is the system that is complained of.

We have also a provision in the statutes, which I will not stop to read, that no Indian shall be allowed to sell a yoke of cattle or a horse or anything else to a white man. Some of the Indians raise cattle. The price must be fixed by their agent, who alone is authorized to allow them to sell.

I believe the system is an absolutely bad one; and yet just so long as we continue the system of isolating these people just so long, as was suggested by the Senator from Missouri, this bad system will exist. It is utterly impossible to send any man out there and expect him to go there and not be tempted to charge extortionate prices and sell inferior goods. I do not care what administration you have, there will be just cause of complaint on the part of the Indians. Whether it is any greater now than at any other time I do not know and do not mean to say. I only mean to say that until we have adopted a system allowing the Indian to act for himself, and recognizing the fact that the Indian is a man, these evils will continue; and you may have the best man that God ever made as Commissioner of Indian Affairs, and you may have the best man that ever was made agent, and the same trouble will exist. The trouble is in the system, and not in the man who administers the law. It is the law itself, and not the administration of the law, of which complaint ought to be made.

Mr. WILSON, of Iowa. Mr. President, I have no personal knowledge of the facts the alleged existence of which induced me to submit these resolutions to the Senate, but I have had placed in my hands a statement in writing concerning various transactions in connection with this branch of the Indian service. It was my purpose, if the resolution should be adopted by the Senate, to hand this statement over to the chairman of the committee and let the committee consider it.

I have not the slightest objection to the reference of these resolutions and the entire subject to the Committee on Indian Affairs for consideration, that they may consider it in connection with the statement in writing which has been submitted to me; but I am satisfied that if the statements made have any foundation whatever to support them the subject ought to be investigated. Whether it shall be done by the Committee on Indian Affairs during the present session of Congress, or whether it shall be authorized to conduct the investigation during the recess, I have no concern whatever. I am entirely willing that the resolutions and the entire subject shall go to the committee for its consideration and for such report as it may deem proper to make to the Senate. I want the subject considered somewhere, and action taken if it is deemed proper.

Mr. DAWES. I hope the resolutions will not be referred to the committee, because the committee can have no ground upon which to base a report beyond the ground which the Senator himself states to the Senate he has, unless they go themselves in advance into a sort of grand-jury investigation to ascertain whether there is any ground for it.

I want, before I go further, to indorse what the Senator from Missouri [Mr. VEST] has said in regard to the Commissioner of Indian Affairs. I think I have known him longer than the Senator has, and I take great pleasure on all occasions in indorsing everything that has been said in reference to his personal integrity and personal desire to do the best possible for the Indians, as has been stated by the Senator from Missouri. Therefore what I say in this matter can possibly have no reference to him personally.

If this matter is referred to the committee to consider whether an investigation ought to be had or not, they must do one of two things, take the statement which the Senator from Iowa holds in his hand justifying him in presenting the resolutions, or go into an investigation in advance. They can not go into the investigation in advance; and therefore if the Senate think that the statement of the Senator from Iowa justifies an investigation, it is only for the Senate to say how it shall be conducted. That they can say this minute just as well as after a report from the Committee on Indian Affairs. I trust the Senate will not refer the resolutions to that committee merely to bring them back here for them to restate what the Senator from Iowa states, that if there be any foundation for the statements he has made there ought to be this investigation.

Mr. HARRIS. I hope the resolutions will be referred to the Committee on Indian Affairs. To say the least, they imply the possibility if not the probability of some error in the administration of the Bureau of Indian Affairs. I desire to say for the Commissioner of Indian Affairs that if there be a doubt upon that question of the propriety of the administration of that office, so far from shrinking he would invite and insist upon the most rigid scrutiny, the broadest and most thorough investigation of every question pertaining to the administration of that office.

I therefore desire that the resolutions shall be referred to the Committee on Indian Affairs in order that that committee may put it in such shape as will clothe the committee of investigation with the amplest powers not only to investigate the administration of this office for the last twelve or fifteen months, but as far back as in its opinion the investigation may be necessary to enable the committee to understand what has been the practice of the Indian Bureau under the statutes as they now exist, and necessary to the perfection of a system to be reported by the committee so far as the committee may think legislation necessary to regulate and cure certain evils that seem to be inherent in the system itself as now regulated by law.

For these reasons I desire that the resolutions shall go to the committee and that that committee shall inquire and report the necessity for investigation, the scope of the investigation, the full extent to which the investigation shall be carried in the past as well as up to the present time.

Mr. DAWES. The reason as stated by the Senator from Tennessee renders it altogether unnecessary that the resolutions should go to the committee. I assumed in the outset that the position of the Commissioner of Indian Affairs touching this matter would be precisely what the Senator suggests; and being that, when the Senator from Iowa states that he has that which justifies him in bringing before the Senate these statements, it becomes necessary to meet what the honor of the Commissioner of Indian Affairs would require, that the investigation should proceed; and it is not necessary to have the committee pass on that question. It is due to the Commissioner of Indian Affairs that it should not go to the Committee on Indian Affairs to report whether there is ground for an investigation or not—a report which they can not make justly and fairly to him until they have gone to the bottom of it.

A Senator comes up here and makes a statement upon what he deems to be sufficient ground; the Commissioner of Indian Affairs as an honorable man courts the inquiry, and then you refer it to the Committee on Indian Affairs to inquire whether there is ground for it or not before going into the investigation. It is unjust to him as well as to the Senate that it should go there for any such preliminary examination as is suggested. It should go to that or some other committee clothed with power when they come before the Senate to come before the Senate with the whole case or they should not come before the Senate at all.

Mr. HARRIS. If the Senator from Massachusetts will allow me I desire to suggest that the chief reason which controls me in desiring the resolutions to go to the Committee on Indian Affairs is to have the committee put the resolutions in such shape as will clothe the investigating committee with the fullest and amplest power not simply to investigate the administration of the office for a few months, but to investigate the administration as far back as may be deemed necessary, and the extent to which legislation may be necessary to correct any evils which may be found to exist in the laws regulating the same.

Mr. DAWES. The Senator from Tennessee in the minute he has been talking could put the proposition in that shape. While he has been talking the known facility of the Senator with the pen could put it in just that shape now, without sending it to the committee to come forward and say, "We have reason to believe there are serious grounds of accusation against the Commissioner of Indian Affairs."

Mr. HARRIS. The information of the Senator from Tennessee in respect to Indian affairs does not induce him to believe that he could put a resolution in shape giving the scope and the precise powers necessary to investigate the Indian question in all the ramifications that investigation may possibly be necessary from the remarks of members of the Committee on Indian Affairs, not in respect to the administration of this particular Commissioner, but in respect to the general Indian policy of the Government as now regulated by statute, and if investigation is to proceed at all, I think it should extend to those subjects that would lead to the development of whatever evils there may be inherent in the Indian policy and in the system as it exists in the statutes of to-day.

Mr. BUTLER. I moved the reference of the resolutions to the Committee on Indian Affairs because they seemed to be so far-reaching in their scope as to be worthy of some preliminary investigation by a committee of this body.

It is not simply a question of inquiry. The resolutions, as I understand, are a positive mandate to the Committee on Indian Affairs to make an investigation upon a supposed condition of affairs of which I have no knowledge, I am very frank to say, and I do not suppose there are a dozen Senators on this floor who have sufficient information to enable them to vote intelligently on the resolutions. Hence it was I moved their reference to the Committee on Indian Affairs, which is supposed to be familiar with the whole subject, and if any investigation is deemed to be necessary they can order it. If on the other hand it be held unnecessary they can so report.

I have not the slightest desire to circumscribe the scope of this proposed investigation in the slightest degree. On the contrary, I agree with the Senator from Massachusetts that it is due to the Commissioner of Indian Affairs that an investigation should be had fully and completely. If we were simply asked to adopt a resolution of inquiry directed to the Secretary of the Interior or to the Commissioner of Indian Affairs, I should have no hesitation about voting for its passage; but these resolutions in terms direct the committee to make an investigation upon a supposed condition, true or untrue; and I am not prepared to say that it is true. The Senator who submits the resolutions says he is not prepared to say that it is true. It seems to me the resolutions should not be passed in an inconsiderate kind of way. They ought to go to the Committee on Indian Affairs, who can report in forty-eight hours whether they ought to pass or not in their present shape, and if not in their present shape, in what shape should they pass if at all.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolutions to the Committee on Indian Affairs.

The motion was agreed to.

RESTORATION OF NAVAL CADETS.

Mr. DOLPH. If the morning business is over, I move to take up for present consideration Senate bill 2172, Order of Business 706.

Mr. BUTLER. A few days ago I gave notice that I should ask the Senate to consider this morning the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes." After conference with the Senator from Oregon [Mr. DOLPH] I have concluded not to do so; but I give notice now that on Tuesday next after the routine morning business I shall ask the Senate to consider that bill. Meantime several Senators who desire more information about it can have an opportunity of reading the report.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I renew the motion to take up for present consideration Senate bill No. 2172.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the pending question being on the amendment proposed by Mr. VAN WYCK.

Mr. EDMUNDS. I do not wish to vote either way on that amendment, and I move to lay it on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS].

Mr. BUTLER called for the yeas and nays; and they were ordered.

Several SENATORS. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In the first section, line 10, after the word "main," it is proposed to strike out all down to and including the word "mountains," in line 14, as follows:

Line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as appertain to and are conterminous with the branch line across the Cascade Mountains.

And in lieu thereof to insert:

And branch lines where the railroad required by said act has not been constructed and completely finished at the date of the passage of this act.

So as to make the section read:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said act has not been constructed and completely finished at the date of the passage of this act be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands.

Mr. VEST. It is contended on the part of some respectable lawyers that the property which was granted to the railroad company has already been forfeited, and that a forfeiture took place at the time the company failed to comply with the terms of the grant, which was some years ago. Now, if this amendment prevails it does away with that contention, because the forfeiture only takes place as from the time of the passage of the act. In other words, it yields up the ground taken by many good lawyers to the effect that this forfeiture took effect at the termination of the time limited in the original grant for the completion of the road. The company was to finish the road by a certain time, the 4th of July, 1879. They did not comply with the terms of the grant, did not finish the road.

Mr. EDMUNDS. Is the motion to lay on the table debatable?

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Missouri that the motion to lay on the table is not debatable. The yeas and nays have been ordered on that motion.

Mr. VEST. I have said all I wish to say—that this amendment extends the time of forfeiture.

The Secretary proceeded to call the roll.

Mr. BUTLER (when Mr. BROWN'S name was called). I was requested by the Senator from Georgia [Mr. BROWN] to state that on account of illness he had been compelled to leave the Senate Chamber, and to announce his pair with the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. The Senator from Georgia spoke to me and said he did not care to be paired on this bill. I asked him particularly about this bill, and he said he did not care about my being paired with him on this bill.

Mr. BUTLER. I only complied with the request of the Senator from Georgia in announcing the pair.

Mr. DOLPH. He may have made other arrangements after he spoke to me about it.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN], who has been called home. I may as well announce my pair now for all the votes that may be taken on this bill. I should vote "yea" on this motion if he were here.

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were here, I should vote "nay."

Mr. DAWES. My colleague [Mr. HOAR] is necessarily absent from the city. He left a request that I should obtain a pair for him; but I am not able to determine how he would vote upon this measure, and, therefore, as I can not get any other pair for him, I will withhold my vote and consider myself paired with him.

Mr. PLUMB. I am paired with the Senator from Alabama [Mr. MORGAN], and therefore withhold my vote.

Mr. DAWES. The Senator from Missouri [Mr. COCKRELL] will pair with my colleague [Mr. HOAR], and I vote "yea."

Mr. COCKRELL. I conferred with the colleague of the Senator from Massachusetts before he left, and he requested me to pair with him. I have not announced the pair, and have not voted. I considered myself paired with him, although he did not make any special request about this particular bill.

Mr. HALE. My colleague [Mr. FRYE] is absent and paired with the Senator from Maryland [Mr. GORMAN].

Mr. GEORGE. I desire to call the attention of the Senator from Illinois [Mr. CULLOM]. I understood the Senator from Illinois to say that he was paired with the Senator from Georgia [Mr. COLQUITT], and that if he were here the Senator from Illinois would vote "nay." I feel authorized to say under the circumstances that the Senator is at liberty to vote "nay" if he desires to do so.

Mr. CULLOM. Then I cast my vote; I vote "nay."

The result was announced—yeas 23, nays 28; as follows:

YEAS—23.

Aldrich,	Dolph,	Logan,	Sawyer,
Allison,	Edmunds,	Miller,	Sherman,
Blair,	Evarts,	Mitchell of Oreg.,	Spooner,
Cameron,	Hale,	Morrill,	Stanford,
Chace,	Harrison,	Palmer,	Wilson of Iowa.
Dawes,	Hawley,	Sabin,	

NAYS—28.

Beck,	Eustis,	Kenna,	Vance,
Berry,	George,	Manderson,	Van Wyck,
Blackburn,	Gibson,	Maxey,	Vest,
Butler,	Gray,	Payne,	Voorhees,
Call,	Hampton,	Pugh,	Walthall,
Coke,	Harris,	Saulsbury,	Whitthorne,
Cullom,	Jones of Arkansas,	Teller,	Wilson of Md.

ABSENT—25.

Bowen,	Frye,	McMillan,	Plumb,
Brown,	Gorman,	McPherson,	Ransom,
Camden,	Hearst,	Mahone,	Riddleberger,
Cockrell,	Hoar,	Mitchell of Pa.,	Sewell.
Colquitt,	Ingalls,	Morgan,	
Conger,	Jones of Florida,	Pike,	
Fair,	Jones of Nevada,	Platt,	

So the Senate refused to lay the amendment on the table.

Mr. EUSTIS. I move to strike out all after the enacting clause of the bill and substitute the following amendment——

Mr. INGALLS. Is not an amendment pending?

The PRESIDENT *pro tempore*. There is an amendment already pending. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. EUSTIS. I offer it as an amendment to the amendment of the Senator from Nebraska.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska being a motion to amend the text proposed to be stricken out by the Senator from Louisiana, the question must be first put on the amendment of the Senator from Nebraska. His motion is to amend the text and the Senator from Louisiana proposes to strike out the whole bill. The question is on the amendment proposed by the Senator from Nebraska.

Mr. DOLPH. The effect of this amendment if adopted, as I tried to show yesterday, would be to prevent the completion in the near future of the direct line of the Northern Pacific Railroad from Lake Superior to Puget Sound. In the very brief time I occupied yesterday I endeavored to show the importance of this direct line; that there is not now in the Territory of Washington any means whatever of communication between what is known as Eastern and Western Washington; that all the commerce and all the travel between the two parts of the Territory is compelled to go around by the Columbia River in order to reach one portion of the Territory from the other.

I then stated that the Northern Pacific Railroad Company was struggling to complete the branch known as the Cascade branch, which will give them a direct line across the Cascade Mountains, will bring the two sections of the Territory into direct communication with each other, and complete a direct line from Lake Superior to Puget Sound.

I then called attention to the fact that just north of the Northern Pacific Railroad the Canadian Pacific by large subsidies from the Canadian Government had been constructed and is now completed through to Puget Sound, and that Great Britain with her usual foresight and energy was about to seize and take out of our very grasp the commerce of the old East and of the Pacific coast. To my mind that is a controlling reason why the Senate of the United States facing these facts should decline to do anything that would place an obstacle in the way of the completion of this through line, and I gave this as the main reasons why the forfeiture of these 75 miles of the land grant through the Cascade Mountains, lands that are of very little value for any purpose whatever, but which are a basis of credit for the company upon which in connection with their constructed road as they proceed to construct section after section they are enabled to sell bonds to obtain the money to construct the next section and to push their road over and through the mountains, should not be declared.

But, sir, there are other reasons, not so important, not so national in their character, not so weighty with me. One of those is that the object for which the grant of lands to this company was made was to secure a through line of road from Lake Superior to Puget Sound. That was a great national undertaking, a great commercial undertaking, an undertaking that was worthy of the attention of Congress and deserving of the Government aid that was conferred upon the company.

I do not at this time propose to undertake to detail the struggles which this company has made to construct the road. I will not dwell upon the obstacles which the Government has placed in their way by inaction. I showed, when another bill was under discussion the other day, that while complaint is being made of the Northern Pacific Railroad Company that they have not taken patents to their lands so that they become taxable, there had been certified to the company and segregated from the public domain but a little over 700,000 acres of land, but that the company had selected over 11,000,000 acres, lists of which lie to-day in the Interior Department awaiting the approval of the Secretary of the Interior. The Government agreed that the Indian title should be extinguished, but this company has had to go on under the direction of the Secretary of the Interior to negotiate treaties with the Indians, pay for their lands for right of way, and to come to Congress for a confirmation of their purchases, before they could get even permission to survey their lands within the boundaries of Indian reservations.

While the Canadian Government has been subsidizing the Canadian Pacific, there have been constant obstacles thrown in the way of the completion of the Northern Pacific Railroad and constant threats of the forfeiture of their grant affecting their credit. Notwithstanding all that they completed their road from Lake Superior to the Columbia River and have constructed the Cascade branch for 100 miles westward and they are now tunneling the mountain, and have contracted for the construction of the road over the mountain, a piece of road that is entirely separate from the grant for which it is proposed by this bill as it came from the committee to forfeit, lying many miles north of it upon another branch of the road; and I for one, because I think it is right and in the interest of the commerce of this country and the whole people of the United States, sound public policy and true statesmanship, desire to record my vote against now interfering with the construction of that part of the road.

The land proposed by the amendment to be forfeited is of no value to the Government. In the main at least, it is not fit for homestead and pre-emption claims. It is of some value to the company; it will secure the early completion of this part of its road. On the other hand there are 214 miles of the line running through a much better country the grant for which ought to be forfeited. Another road has been built there without a land grant or Government aid, and running arrangements have been made between the company owning it and the Northern Pacific Railroad Company. It forms a link in the longer route down the Columbia River and across the country to Puget Sound.

Then it appears to me that we owe something to the stockholders of this company, the people who put their money into this enterprise. It seems to me unjust now as an equitable proposition when hundreds of thousands of dollars are being expended upon this very link, this 75 miles in the Cascade Mountains, when it is partly graded, when surveying parties have been seeking to find a practicable route through the mountains ever since the company was incorporated, when a great tunnel is being constructed—it seems to me, I repeat, that it is unjust now to declare that they shall be deprived of that land if the road is not completed when this act shall take effect. If they were not now prosecuting the work with energy, if it could be shown that they were not being diligent in the construction of the Cascade branch, if they were delaying the construction and seeking to hold on to the grant, I would not say a word; but with the diligence that is now being used it appears to me that we ought not to throw an obstacle in the way of the construction.

Something has been said here in regard to the conditions of this grant and the character of it. I do not believe that there is a lawyer in this body and there are very few out of it but what know that this grant is a grant *in præsenti*, that it transferred the title upon conditions, that when the conditions are performed, no matter whether within the time limited in the act or afterward, the title becomes perfect and beyond the power of Congress to interfere with it; that as this road was to be constructed in sections of 25 miles and it was provided that whenever a section was completed the President of the United States should appoint commissioners to examine it and accept it and then patents should issue to it; whenever a 25-mile section was constructed and commissioners were appointed to examine it and it was approved by the President of the United States, no matter whether the patents were issued or not, the title of the company became perfect to the lands so far as the road had been accepted. The grant is in its nature divisible, and under the provisions of the act every section stands upon precisely the same basis as if there had been a separate act for each 25-mile section; and no lawyer under a grant with such conditions, in my judgment, after a thorough examination of the question, would contend that the provision as to the completion of the entire road at all affects the condition as to the sections of the road which had been completed, examined, and accepted in accordance with the terms of the act. Of course should this amendment be adopted and should the Senate pass the bill in a shape that would forfeit all unearned lands, then the amendment offered by the Senator from Kentucky [Mr. BECK] would not be either a just or proper one; for when Congress had exercised its entire power in the matter it would be foolish and unjust to hold a threat over the company affecting their credit as to other lands.

Mr. VAN WYCK. Will the Senator allow me a moment? If the amendment of the Senator from Kentucky is proper as to the land lying between Wallula and Portland, why is it not proper as to the land lying on the 75 miles, the farthest point of the Cascade branch? Why is it not as proper for one as for the other?

Mr. DOLPH. The Senator evidently does not understand the situation. If the bill should be passed in the form in which it came from the committee, forfeiting the lands from Wallula Junction to Portland, and not forfeiting the lands for the 75 miles in the Cascade Mountains, and the company should not complete that branch within a reasonable time, Congress might want to forfeit the 75 miles, or what was left of it. That is to say, if the company should now stop operations and should not complete that road within a year or within a reasonable time, Congress might want to act upon the 75 miles; and therefore the saving clause of the Senator from Kentucky, that this act shall not prejudice the right of the United States to forfeit any other portion of the grant, would be proper. But if the amendment of the Senator from Nebraska is adopted, by which the Cascade branch is included in the forfeiture, then there would be, according to my judgment, nothing left for Congress to act upon hereafter, and the provision of the amendment of the Senator from Kentucky would be only a threat, something to be held *in terrorem* over this company, affecting their credit.

I do not propose to discuss this question at length; but after the vote upon the motion to lay this amendment on the table, I do not feel satisfied to allow the vote on the amendment to be taken in silence. I know what I am talking about in this matter. I know what is for the interest of the people of Washington Territory. I know what is for the commercial interest of the people of the United States. I have studied this question, and I desire to record my vote and raise my voice against the proposition of the Senator from Nebraska and to do what I am able to prevent the placing of another obstacle in the way of the construction of this direct line across the Cascade Mountains.

Mr. HARRISON. Mr. President, when the original amendment of-

fered by the Senator from Nebraska [Mr. VAN WYCK] was under consideration yesterday my attention was somewhat distracted, and I was for a time absent from the Senate in preparation for the discharge of a duty which was to follow later in the day.

I have only one suggestion to make to the Senator from Nebraska about this amendment that is pending. It seems to me that it is broader than he intends. For one, I am ready to vote for the forfeiture of any land grant appurtenant to any part of a railroad that is now unfinished; but this amendment as it is pending reads as follows:

The branch lines where the railroad, required by said acts, has not been constructed and completely finished at the date of the passage of this act.

I understand that a considerable portion of this Cascade branch, as it is called, perhaps seventy-five or a hundred miles, has been constructed, and I do not understand that it is the purpose of even the Senator from Nebraska by this amendment to forfeit the land appurtenant to that part of the branch which has been constructed, but only such lands as would be appurtenant to the unconstructed part of the road, that which is not built and in operation. But it seems to me the amendment upon which we have just voted, and which is pending, relates to the entire branch, and would forfeit all lands upon that branch even though the road was actually constructed and in operation, and had been so constructed and so in operation for a number of years. I do not understand that to be the purpose of the Senator from Nebraska; but that in modifying the amendment from the one first proposed he intended to limit the forfeiture so far as it should be made in this bill; and I do not understand that this is an expression, on the part of any of us who are opposing it, of the limit to which we are ready to go. But the amendment is broader than it has been represented and than has been his design. I ask the Senator from Nebraska whether it was the intention by this amendment to forfeit the lands that lie along that part of the Cascade branch which has been finished and is in operation?

Mr. VAN WYCK. It was not my intention by the amendment to do that thing.

Mr. HARRISON. Very good. Then I suggest to the Senator to remove what seems to be an objection in the minds of some of us by so modifying the amendment as to make it apply to those miles of the road that are unfinished instead of to the branch line as it seems to be now. It appears to me as the amendment is pending now we are voting directly upon the question of forfeiting lands that have been earned, if they can be earned by the construction of the road after the time limited in the original act.

Mr. EDMUNDS. As the Supreme Court has decided that they can be.

Mr. HARRISON. Yes.

Mr. VEST. Mr. President, it is a little premature at this time to discuss the whole question as to the forfeiture of the land granted to the Northern Pacific Railroad. The Senator from Oregon seems to be absolutely certain that no lawyer would risk his reputation by stating publicly or privately that the failure of this company to complete the road by the 4th of July, 1879, worked a foreiture of the grant of those lands. He says that it was a grant *in præsenti*, and that the failure of a condition subsequent did not affect the grant. My own reputation as a lawyer may be hardly worth discussion (I leave that to others), but I undertake to say as a lawyer that the failure to complete that road, and the whole road, by the 4th of July, 1879, did work a forfeiture of the grant.

Without going into anything like an elaborate discussion, I will read the eighth section of the act of 1864, which granted these lands, and I will leave the discussion there. After reciting the character of the grant, so many miles in the States and so many in the Territories, alternate sections, &c., section 8 of the act of 1864 is in these words:

And be it further enacted, That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

That is the eighth section of the act of Congress making the original grant. The time was subsequently extended to 1879.

Mr. BUTLER. And they accepted it upon those conditions?

Mr. VEST. They accepted it upon those conditions, and they failed to complete that road, and I say as a lawyer that no respectable court would hold anything else except that there was a forfeiture of that grant. It is now a question for Congress within its own grace and clemency to extend the grant, or, in other words, to do away with that forfeiture.

But I do not propose to go further in this discussion at present. When the question does arise here I shall undertake to show, as I think I can, by absolute legal authority that that would be the construction put upon this grant, whether it be a private or a public one.

As to the amendment pending before the Senate, I voted against laying it on the table because, under the rules of the Senate, while that motion was pending without unanimous consent I could not say what I intended to say upon that subject. I am in favor of the passage of the House bill as a substitute for the bill reported by the Senate committee. I am for it because I believe it is in exact harmony with the legal opinion I have just expressed. I am for it, in the second place, because I consider the argument made yesterday afternoon by the Senator from Louisiana [Mr. EUSTIS] as conclusive in regard to the price of these lands, the tenure by which the actual settlers should hold them, persons who have gone upon them in good faith. Under the bill as offered by the Senate Committee on Public Lands, the actual *bona fide* settlers who went upon the lands embraced within the grant to the Northern Pacific Railroad, although that forfeiture is declared by the bill now pending here to be absolute, are compelled to pay $2.50 an acre by reason of the fact that that grant was put upon paper to the North Pacific Railroad, although the company did not comply with the terms of it. If that grant is absolutely worthless, as the bill makes it so far as it extends, then the *bona fide* settler should be permitted to go upon it as if the grant had never been put upon paper.

Mr. BUTLER. How much is to be paid to the Government?

Mr. VEST. He has to pay to the Government $2.50 an acre.

Mr. EUSTIS. Although he may have made a payment already.

Mr. VEST. Although he may have made a payment to the North Pacific Company already, still if we pass the Senate bill declaring that this forfeiture is absolute as to certain portions of these lands, if a *bona fide* settler is found upon them he is made to pay $1.25 more upon the acre by reason of the fact that the Congress of the United States made a grant the terms of which were not complied with by the grantee.

Mr. MITCHELL, of Oregon. Will the Senator yield to me for a suggestion?

Mr. VEST. Certainly.

Mr. MITCHELL, of Oregon. Is it not a fact that within the limits of this grant, in that portion of the grant which the bill proposes to forfeit, between Wallula and Portland, as reported from the committee, any settlers on those lands may take up 160 acres at $1.25 an acre; and is not this provision requiring payment of $2.50 an acre only to apply to those to whom the greater privilege is given by virtue of the provisions of the bill allowing the taking of 320 acres?

Mr. VEST. That may be so, and yet——

Mr. MITCHELL, of Oregon. That is as I understand the bill.

Mr. EDMUNDS. That is it exactly.

Mr. DOLPH. Will the Senator from Missouri allow me to interrupt him?

Mr. VEST. Certainly.

Mr. DOLPH. I did not think a careful reading of the bill would lead any one to suppose that there was any such provision as that in it. These provisions are in favor of the settlers. They do not affect the land laws at all. Anybody in possession of any of these lands who may wish to take under the homestead or pre-emption laws may do so. He will be in possession and he will have the first right to purchase. But the trouble is that all these companies I think, the Northern Pacific company at least, issued a circular and advertised that if people would go on the lands and settle on them and improve them, when they had been earned by the company by construction of its road they would be graded and settlers should have the first right to purchase at an appraised value or in some cases at $2.60 an acre. Some people went onto these lands under those provisions, and have fenced, cultivated, and improved them, and there are great fields of wheat growing on them to-day. Many of the settlers have exhausted their homestead and pre-emption rights, and if Congress should not make any provision for such persons they would be liable to lose their lands and we should have them coming here at another session of Congress for relief; others would jump their claims under the land laws, and we should have a great deal of trouble growing out of the matter. So the committee undertook to provide for that class of settlers by providing that they shall be given the same amount that one man can take under the homestead and pre-emption laws, namely, 320 acres, at $2.50, the price which was fixed for the land when the grant was made.

That is the first provision of the section, and that is all that it is. It does not interfere in the least with the rights of the settler under the land laws. I would go as far as any one to protect the settlers. I would be as far from interfering with the rights of the settlers in the State of Oregon as any Senator on this floor. Under this bill they will have all their rights under the land laws, and they have the additional privilege of purchasing the lands held by them under the railroad company at $2.50 an acre if they find they are not qualified to purchase the same under the land laws when these lands revert to the public domain.

Mr. MITCHELL, of Oregon. I wish to say one other word, if the Senator from Missouri will allow me.

Mr. VEST. Certainly.

Mr. MITCHELL, of Oregon. I desire to state right in this connection that so far as I am concerned I shall vote for no forfeiture bill of any lands that belong to any railroad company that has not a provision in it which, as I understand it, will give to settlers on those lands all the rights that any settler has on any other public lands of the United States. I understand that this bill does that thing.

As I intimated a moment ago, any settler on any of these lands proposed to be forfeited by the bill has a right to take up 160 acres of land under any of the land laws of the United States now in existence and under the provisions of those different acts. The simple fact is that a privilege is extended to them by virtue of this measure allowing them

to take up 320 acres by paying $2.50 an acre. I understand that under this bill a man located on those lands could take up 160 acres under the pre-emption law, for instance, or under the homestead law, or under the timber-culture act. He could take all that any other citizen could take on any public land, and in addition to that, by virtue of the provisions of this bill, he could take up 160 acres more by paying $2.50 an acre for it. That is as I understand the bill, and if I am wrong about that I shall vote for any amendment that will give settlers on the lands all the privileges that settlers have on any other lands in the United States.

Mr. EDMUNDS. But you are not wrong, and our friends on the other side want to squeeze the settlers apparently.

Mr. VEST. My construction of the bill is not that put upon it by the Senator from Oregon who last addressed the Senate. Section 2 reads as follows:

SEC. 2. That in all cases where persons are in possession of any of the lands affected by said grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from the said Northern Pacific Railroad Company executed prior to January 1, 1886, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of $2.50 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor.

That is to say, the actual *bona fide* settler can purchase from the Government any of these forfeited lands in any quantity up to 320 acres by paying $2.50 an acre, which amounts simply to this, that by reason of the fact that this grant, which is now declared to be no grant at all, was made by the United States Congress to the North Pacific Railroad and the company has not complied with the terms of that grant, by reason of that single fact, enough vitality is given to this dead grant to make it cost the actual settler a dollar and a quarter more an acre even if he takes 160 acres. If that is not the construction of it, I am utterly at sea, without compass or rudder, in regard to the measure.

I prefer the House bill, which says that these lands shall be sold to the actual settler by the Government as other public lands, and that this grant shall be what we absolutely declare it to be, worthless, null, and void. That is logical and consistent, and I can only be consistent with my legal opinion by voting against the amendment of the Senator from Nebraska, because although I may be an extremist as to these forfeitures and go far beyond what my associates on this side of the Chamber are willing to go, I believe that all these lands are forfeited, if that road was not completed, under the terms of the eighth section of the act of 1864 which I have read. But the Senator from Nebraska is utterly inconsistent with the House bill which he offered yesterday as a substitute, because under his amendment he abnegates and abandons the position that this forfeiture was made on the 4th of July, 1879, by the terms of the act of 1864, and he says now that the forfeiture shall only work from the time of the passage of this bill, giving up and relinquishing what I believe to be the construction of the act of 1864 and taking the illogical and inconsistent position that that forfeiture is not worked but that it is something *in futuro*, to take effect from the passage of the bill.

Therefore I think that Senators who hold with me in regard to the construction of the act of 1864 can not support the amendment, and I say from my standpoint that I believe the forfeiture was worked on the 4th of July, 1879, as to all these lands, upon the branches and the main road too.

Mr. COCKRELL. I stated briefly yesterday that I could not vote for the amendment of the Senator from Nebraska because it went too far. I do not think the Senate understands that amendment exactly, or the effect of it. I will read the clause only using the effective words as the section will be when amended, if the amendment is agreed to:

"That all the lands heretofore granted to the Northern Pacific Railroad Company," &c., "which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished at the date of the passage of this act, be, and the same are, hereby resumed." Then all the lands conterminous with the completed portions of that road at the date of the passage of this bill are hereby confirmed. That is the amendment; nothing more and nothing less. The effect of it, then, is to confirm every acre of land granted to the Northern Pacific Railroad Company save only between Wallula and Portland and 75 miles of the Cascade branch. That is the amendment pure, simple, and unadulterated. Therefore I am not in favor of it.

Mr. VAN WYCK. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. VAN WYCK. I urged the same position in regard to the bill as it was reported by the Senator from Oregon [Mr. DOLPH], that the forfeiture from Wallula to Portland would be a concession to the railroad company, an admission on our part that there was no more of this grant to be forfeited. I took that position and I understood the Senator then to say that that would not be the construction.

Mr. COCKRELL. Unquestionably the bill only deals with the road from Wallula to Portland and declares the lands on that line forfeited and leaves the other lands entirely untouched. Your amendment confirms every acre of land granted to the Northern Pacific Railroad except between Wallula and Portland and for 75 miles of the Cascade branch, and it goes further than I can go.

Mr. VAN WYCK. If the forfeiture from Wallula to Portland is not an admission that we propose to do no more, by adding to the forfeiture 75 miles more of the railroad to the line between Wallula and Portland, how does that make any different conclusion in the estimation of the Senator from Missouri?

Mr. COCKRELL. It makes this difference, that you confirm all the rest of the grant.

Mr. VAN WYCK. Does it confirm any more than did the forfeiture from Wallula to Portland?

Mr. COCKRELL. It does absolutely confirm it. There can be but one interpretation to it. Let me read it again. Let the Senator just listen, and I do not know the English language if it does not mean that.

The PRESIDENT *pro tempore*. The Senator from Missouri will pause. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. EDMUNDS. I hope the Senator from Missouri will be permitted to conclude the remarks he wished to make before we go on with the other bill.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Missouri will proceed.

Mr. COCKRELL. I simply wanted to read the provision. There can be no misunderstanding of this amendment, and I will read it again so that the Senator from Arkansas [Mr. BERRY] may see exactly what it does mean. There can be no misinterpretation of it. It is too plain:

That all the lands heretofore granted to the Northern Pacific Railroad Company * * * which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished at the date of the passage of this act be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to public lands.

Mr. BERRY. Will the Senator from Missouri yield to me?

Mr. COCKRELL. I will yield.

Mr. MANDERSON. I should like to ask the Senator from Missouri a question.

Mr. COCKRELL. I have yielded to the Senator from Arkansas, and I will then hear the Senator from Nebraska.

The PRESIDENT *pro tempore*. The subject-matter has passed away from the consideration of the Senate, the hour of 2 o'clock having arrived.

Mr. COCKRELL. I simply wanted to read the amendment so that it might go in the RECORD, and any one who understands the English language can interpret it.

Mr. BERRY. Does the President of the Senate rule that I can not ask the Senator from Missouri a question?

The PRESIDENT *pro tempore*. The debate is upon the pending bill (S. 1812) relative to taxing railroad land grants, and it is not for the Chair to determine. The bill before the Senate will be again stated by its title.

The CHIEF CLERK. A bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Arkansas has the floor.

Mr. BERRY. This is not the same bill that was under consideration before 2 o'clock?

The PRESIDENT *pro tempore*. No; that has passed from the consideration of the Senate.

Mr. BERRY. I understood that upon the application of the Senator from Vermont [Mr. EDMUNDS] the Senator from Missouri [Mr. COCKRELL] was allowed to complete his remarks, and I proposed to ask him a question during those remarks, which I supposed would be in order.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Arkansas as a matter of courtesy.

Mr. BERRY. I simply desire to ask the Senator from Missouri if he is correct in his statement that in case the bill should pass with the amendment offered by the Senator from Nebraska it would have the effect to confirm to the railroad company all other lands. If the bill passes as reported by the Senator from Oregon without the amendment, will it not have the effect to confirm to the company all other lands than those from Wallula to Portland and the Cascade branch in addition?

Mr. COCKRELL. Not at all.

Mr. BERRY. The bill is to forfeit from Wallula down to Portland. The Senator from Nebraska proposes to forfeit 75 miles of the Cascade branch in addition to those lands. I think myself that if the bill were passed as it came from the committee without the amendment of the Senator from Kentucky [Mr. BECK] it would have the effect to confirm all those lands that have heretofore been earned, and to that I was opposed. I say that if the bill passes without the amendment it not only confirms them, but confirms 75 miles in addition of unearned lands on the Cascade branch upon which the road is not finished to-day. If the Senator from Missouri proposes to support the bill as it was reported by the Senator from Oregon [Mr. DOLPH] without that amendment,

he not only confirms the lands down to Wallula but he confirms 75 miles in addition of unearned land where the road is being built to-day.

Mr. MANDERSON. Before passing from the proposition that was suggested by the Senator from Missouri I should like to call his attention to section 3 of the bill adopted by the action of the Senate yesterday on the motion of the Senator from Kentucky [Mr. BECK] and to call his attention to the fact that that section certainly obviates the difficulty which he suggests. It says:

SEC. 3. That nothing in this act shall be construed to waive or release or in any way affect any right of the United States to have any other lands granted by them to the said railroad company forfeited for any failure of said company to comply with the conditions of the grant.

It seems to me that with that as an additional section to the bill the difficulty suggested by the Senator is certainly obviated.

The PRESIDENT *pro tempore*. Senate bill 1812 being before the Senate, the pending question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. COCKRELL. I should like to have Senate bill 2172 printed with the amendment adopted on motion of the Senator from Kentucky [Mr. BECK] and the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The PRESIDENT *pro tempore*. If there be no objection the bill as amended and the pending amendment will be printed.

Mr. EDMUNDS. It is not to be taken out of the Senate so that it can not be taken up if we wish.

Mr. COCKRELL. No, not as a matter of course, but it can be printed before the next meeting of the Senate.

Mr. EDMUNDS. But I do not wish the order to print to be made in such a way that the bill which has now been passed over by the expiration of the morning hour can not be disposed of to-day if there is time. I do not say that I shall want to do that, but I do not wish to have the Senate lose possession of it by the order to print.

Mr. COCKRELL. Nor do I; but I think that it can be printed before we shall have an opportunity to resume its consideration.

Mr. EDMUNDS. It may be.

Mr. SAULSBURY. I wish to submit an amendment to the bill to be printed.

Mr. MITCHELL, of Oregon. Before the bill passes from the consideration of the Senate I desire to offer an amendment, that it may be printed along with the bill as it stands now.

The PRESIDENT *pro tempore*. If there be no objection the order to print will include the amendment proposed by the Senator from Oregon.

Mr. COCKRELL. And also the amendment of the Senator from Louisiana [Mr. EUSTIS].

Mr. SAULSBURY. I desire to offer an amendment to the bill.

Mr. MITCHELL, of Oregon. I have not yet yielded the floor. I ask that my amendment be read.

The PRESIDENT *pro tempore*. The bill is not before the Senate, but the amendment will be read if there be no objection. The Senator from Oregon proposes an amendment to the bill which was under consideration at 2 o'clock, which will be read.

The CHIEF CLERK. In section 2, line 13, after the word "line," strike out all down to and including the words "eighteen hundred and eighty," in line 18, as follows:

Designated as the terminal limits of the earned portion of said grant easterly from said Wallula Junction by letter of the Commissioner of the General Land Office to the officers of the local land office at Walla Walla, Wash., dated November 17, 1880.

And insert in lieu thereof:

Known as the Harrison line, being a line drawn from Walla Walla, Wash., easterly to the southwest corner of the southeast quarter of the southeast quarter of section 5, in township 7 north, of range 38 east of Willamette meridian.

So as to read:

Provided, That if it shall be found that any lands so resumed by the United States and restored to the public domain lie north of the line known as the Harrison line, being a line drawn from Walla Walla, Wash., easterly to the southwest corner of the southeast quarter of the southeast quarter of section 5, in township 7 north, of range 38 east of Willamette meridian, all persons, or their heirs or assigns, as the case may be, who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to January 1, 1886, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with or license from said company, executed in good faith, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, &c.

Mr. MITCHELL, of Oregon. The only object of the amendment is to make plain a description; that is all.

Mr. SAULSBURY. Before the bill passes from the consideration of the Senate I have an amendment which I desire to offer, that it may be printed. I ask that it be read and printed.

The PRESIDENT *pro tempore*. The amendment will be read if there be no objection. The bill having passed from the consideration of the Senate at 2 o'clock, it is not before the Senate. However, the amendment will be read.

Mr. SAULSBURY. The amendment I propose is to be added to the last section which was adopted yesterday.

The CHIEF CLERK. It is proposed to add to section 3 the following proviso:

Provided, That no patent shall hereafter be issued for any land included in any grant of lands to aid in the construction of any railroad which at any time has been liable to forfeiture for failure to comply in the time specified with the terms of the grant until Congress shall authorize the issuing of such patent.

The PRESIDENT *pro tempore*. The order to print will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had appointed Mr. T. M. NORWOOD of Georgia, Mr. C. B. LORE of Delaware, and Mr. A. C. HARMER of Pennsylvania Visitors on the part of the House to the Naval Academy at Annapolis, Md., under the provisions of the act of February 15, 1879.

The message also announced that the House had passed a joint resolution (H. Res. 174) authorizing the printing of 25,000 copies of the report of the National Board of Health for the year 1885; in which it requested the concurrence of the Senate.

TAXATION OF RAILROAD-GRANT LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes, the pending question being on the amendment proposed by Mr. HOAR to add:

That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired or owned or held in trust for any one person; and any title or interest acquired in violation hereof shall be forfeited to the United States, without any act of entry or other process whatever.

Mr. EDMUNDS rose.

Mr. DOLPH. I should be very glad to yield to the Senator from Vermont, but when the bill was last under consideration I yielded the floor to allow the Chinese treaty bill to be brought before the Senate.

The PRESIDENT *pro tempore*. The Senator from Oregon is correct. The Senator from Oregon is entitled to the floor.

Mr. DOLPH. I am very glad to yield the floor to the Senator from Vermont.

Mr. EDMUNDS. I beg to thank the Senator from Oregon. I wish to speak to the pending bill as illustrating the bill that has just passed away from the consideration of the Senate. I wish to call the attention of my brother Senators to the circumstance that a bill considered by a committee and reported by that committee, by a majority (I do not know whether it was unanimous or not, probably not), which proposes to forfeit 200 miles or more of a land grant in the rich valley of the Columbia, in respect to which probably all Senators would agree that it ought to be forfeited, has been by a yea-and-nay vote (if I may use such a phrase now) bedeviled, as if we were all employed by a railroad company to bedevil it and do nothing at all by the propositions of amendments and insisting upon considering them, that raise open and difficult and disturbing questions, which our former experience has shown are not likely to be decided in the six weeks that are probably yet left for the action of Congress at this session.

I wish to have the people of Washington Territory and the people of Oregon and the people of New York and the rest of the United States take notice of the proceedings this day, and to see whether they would not fairly suppose that the railroad corporation which does not wish to forfeit this Columbia grant had somehow or other been enabled to bias and hoodwink and mislead the minds of Senators so as to add things which are debatable in order to prevent action upon that on which we are all agreed. That is the way the case stands, and I want the people of this country to understand it.

Then I wish to say to my friend from Nebraska [Mr. VAN WYCK], with all his zeal for the public interest, which has misled us into the state we now are, where probably no bill will pass at all to forfeit any lands of the Northern Pacific after this yea-and-nay vote of the Senate, that it is only a little while ago since he himself proposed to the Senate to give out of the funds of the United States (for that is what it amounts to) a subsidy to the Union Pacific Railroad Company to build branches all over Nebraska and around there and to guarantee their bonds—not guarantee by the United States but guarantee by the corporation, on every dollar of whose funds and on every acre of whose lands we have by existing law a mortgage and a lien which is far beyond their value—to take really out of the funds of the United States the means for building railroads in that region, while he is so very sensitive, and justly so, about appropriating any more public lands in general for the building of railroads.

Doubtless my friend from Nebraska can explain his consistency, and with that I have really nothing to do; but I submit it to his consideration as a reason why we ought not to go very fast in denying to the people of Washington Territory this opening to the East out of some sort of public treasure, be it land or money, which it seems to be in his mind so necessary should be given out of the funds and property of the United States for improving the facilities of the Union Pacific Railroad Company in Nebraska.

I am not addressing this to my friend from Nebraska in the personal sense, but in the public sense, that if it be a good thing and a necessary thing for the public interest in Nebraska that what are really the funds of the United States shall be expended by the Union Pacific to build branches, &c., might it not be proper to extend facilities to the

people of Washington Territory in the way of giving to this company power to finish building their road across to Puget Sound by the use of the mountain lands in a region where the people of Washington Territory and where the people on the whole line of the continent from Puget Sound to New York harbor are interested in building up and finishing this line of intercommunication?

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] has the floor.

Mr. VAN WYCK. Will the Senator from Oregon yield to me?

Mr. DOLPH. If the Senator proposes to make a speech I prefer to finish mine, but if he wishes simply to make an incidental suggestion I shall be glad to yield.

Mr. VAN WYCK. I desire to make a statement in reply to the Senator from Vermont.

Mr. EDMUNDS (to Mr. DOLPH). Oh, yes; let him proceed.

Mr. DOLPH. Very well; I yield.

Mr. VAN WYCK. The Senator from Vermont appears somewhat solicitous lest the public at large shall suppose that we are all in the employ of the railroad corporations, as I understand the Senator.

Mr. EDMUNDS. Oh, no.

Mr. VAN WYCK. He is solicitous enough on that point to make the suggestion that we had so bedeviled the bill that the people would think we were all in the employ of the railroads. That, I think, was the language.

Mr. EDMUNDS. No.

Mr. VAN WYCK. We will appeal to the RECORD in the morning and see how near I am to the Senator's language. I do not think the people will make any mistake about that.

Mr. EDMUNDS. They do not generally make mistakes, at least not more than six years at a time.

Mr. VAN WYCK. No. They probably can draw the line of distinction between who are and who are not in the employ of railroad companies. They will be able to do that doubtless.

I do not know how the Senate has bedeviled the bill which the Senator so eloquently alludes to. The Senate in its independence of action has seen fit to make suggestions and amendments of which the Senator from Vermont did not approve; that is true; but it does not necessarily follow that it is a bedevilment of the bill because the Senator from Vermont did not vote for the amendments. I do not know that the Senate should be characterized as bedeviling the thing because in their judgment they thought it better to extend the provisions of the bill and widen them.

It is perfectly evident from the history of this bill from the time it went into the committee to the time it came out that it was intended to give an advantage to the Northern Pacific Railroad, that it proposed only to forfeit what the Northern Pacific Railroad Company were willing should be forfeited. When the bill went into committee there was given by it a certain number of years for the Northern Pacific to finish their road. When it came out it had not that provision, but the author of the bill, the Senator from Oregon [Mr. DOLPH], refused to vote for the amendment which the Senate did approve, and gave as his reason that it would embarrass the Northern Pacific Railroad if the grant for this 75 miles of unfinished road was taken from it. That was the position of the Senator from Oregon, and he antagonized that amendment. He antagonized it on the ground that it would embarrass the Northern Pacific Railroad, did he not?

Mr. EDMUNDS. No; he says he did not.

Mr. VAN WYCK. Who says he did not?

Mr. EDMUNDS. I understood him to say he did not.

Mr. VAN WYCK. I refer to the senior Senator from Oregon [Mr. DOLPH].

Mr. EDMUNDS. I thought you were speaking of the junior Senator from Oregon [Mr. MITCHELL].

Mr. VAN WYCK. I was speaking of the Senator from Oregon [Mr. DOLPH], the author of the bill. He refused to vote for this amendment relating to the 75 miles because he said it would interfere with the Northern Pacific in constructing its road.

Mr. DOLPH. Who did?

Mr. VAN WYCK. The Senator from Oregon.

Mr. DOLPH. You mean I voted to lay it on the table?

Mr. VAN WYCK. That is the same thing. You opposed the amendment, if you please, and opposed it on that ground. The Senator from Oregon refused his assent to the amendment which the Senate approved on the ground that it would interfere with the completion of the Northern Pacific Railroad in constructing its line.

Mr. DAWES. Where?

Mr. VAN WYCK. On the floor of the Senate. He put it on that ground. Therefore I am justified in saying that the bill as introduced and as conducted here on the floor has been engineered in the interest of the Northern Pacific Railroad.

Mr. DOLPH. If the Senator will yield to me for a moment——

Mr. VAN WYCK. Certainly.

Mr. DOLPH. I will say that the Senator is neither justified in saying that, nor is it the fact; and the Senator ought to know that it is not the fact.

Mr. VAN WYCK. When the Senator from Oregon based his opposition to the amendment on the ground that it would interfere with the Northern Pacific Railroad what other conclusion can be drawn? It is not in the interest of the people, he says.

Mr. DOLPH. The RECORD will show what I said.

Mr. VAN WYCK. You do not deny it?

Mr. DOLPH. I do deny it.

Mr. VAN WYCK. He does not deny what I said.

Mr. DOLPH. The day before yesterday I went on to show how the Canadian Pacific Railroad was contending for the trade of the Pacific, and I thought I suggested a great national reason why the Cascade branch should be constructed. To-day I went on to show that I thought our commercial interests as a nation required it, and I say that the Senator has no authority to draw any such conclusion as he has stated. The bill was not introduced in the interest of the Northern Pacific Railroad Company. If the Senator knows that the Northern Pacific Railroad Company desire a forfeiture of this grant, he knows something that I do not. On the contrary, so far as I have had any communication with any one interested in that road, I know that they want it retained and would like to retain it until they can build that road and earn it. If the Senator will be kind enough to give us the information when they have asked for legislation to forfeit any part of the grant, I should be glad to have him do it.

Mr. VAN WYCK. I will do it cheerfully. The Senator, in addition to what I stated, also said, and that I think he will not controvert, that he did not desire to interfere with the construction of the road by the Northern Pacific.

Mr. DOLPH. Because that is the company constructing the road, of course.

Mr. VAN WYCK. Precisely.

Mr. DOLPH. I did not wish to interfere with the construction.

Mr. VAN WYCK. The Northern Pacific do not want the land on that 75 miles forfeited, and the Senator substantially said so, because it will embarrass them. He said distinctly that the land was worthless to the Government, but yet valuable to the railroad company as a basis of credit—worthless lands valuable to the company as the basis of credit, from which they can obtain money from the issue of bonds and by that means build the road. That is the position of the Senator, because that is what he said. Now he says that the Northern Pacific do not want this forfeiture from Wallula to Portland.

Mr. DOLPH. I did not say any such thing. The Senator may go on and conclude his remarks; but I remind him of the fact that he wanted to reply to the Senator from Vermont when I gave way before I had finished my speech.

Mr. VAN WYCK. I am showing that we are not all attorneys for railroad companies, as the Senator from Vermont would intimate.

Mr. EDMUNDS. No; I did not intimate anything of the kind.

Mr. VAN WYCK. I am sorry I misunderstood the language, then. So he did not intimate that all of us—only a part——

Mr. EDMUNDS. I did not intimate it of a part.

Mr. VAN WYCK. Then of some of us.

Mr. EDMUNDS. Not some.

Mr. VAN WYCK. If the Senator will excuse me, the language will show in the RECORD in the morning.

Mr. EDMUNDS. So it will.

Mr. VAN WYCK. The Senator from Oregon says the Northern Pacific Railroad Company do not desire, or rather, I understand him, it is not agreeable to their wishes that the land from Wallula to Portland shall be forfeited.

Mr. DOLPH. I do not undertake to speak for the Northern Pacific. I say as far as I know anything about it they desire to retain this grant.

Mr. VAN WYCK. They desire to retain the grant. I ask if it is not one of the most remarkable things ever heard of that the Senator from Oregon should introduce a bill to forfeit a portion of their grant that they did not want forfeited, that they should not remonstrate with him about it, that they should not appeal to the committee of this body as they always do, importunately and persistently, when anything is done that they do not want done?

They never fail for attorneys outside of this body to besiege the committee-rooms to make known their wishes; and the fact that the Northern Pacific has not even intimated to the Senators from Oregon that they do not want this forfeiture, that they have not come with eloquent and able attorneys before the committee to proclaim and argue that this thing should not be done, is certainly as good evidence as we need that the Northern Pacific Railroad is assenting to this forfeiture.

Mr. EDMUNDS. If they were willing to forfeit the land, could they not surrender at any time without any legislation at all?

Mr. VAN WYCK. I suppose so, and I look upon this as a surrender of that branch on their part, because they know what is proposed here, and they do not protest against it.

Mr. EDMUNDS. But if they wanted to do it, if I may interrupt my friend—

Mr. VAN WYCK. Certainly.

Mr. EDMUNDS. Could they not just file in the Department of the Interior a surrender and renunciation of any claim to that land? It does not require any legislation to make them do that.

Mr. VAN WYCK. No, not necessarily. Corporations do not always do things as individuals do. They could do that; but is not this really effective here? They make no protest. They concede this. Therefore I say it is in accordance with their wishes that this thing should be done, because the fact that they do not protest, the fact that they give up 200 miles of what the Senator from Oregon says is the best land in Oregon, is good evidence that they do not want it any longer.

Mr. MCMILLAN. Are you unwilling to forfeit it because they are willing it should be done?

Mr. VAN WYCK. I want to do it.

Mr. EDMUNDS. I think from their silence they know in point of justice and right it is so clear a case that it must be forfeited. That they do not renounce it, as they could, in the Interior Department to-day is a fact, and they hope the bill will be so mixed up to do that thing, if it is passed at all, that by and by, when some more hopeful Senators come in, when my friend and I have retired to better and more congenial pursuits, they can probably get the thing fixed so that they will get the land after all.

Mr. MITCHELL, of Oregon. May I ask the Senator from Nebraska a question?

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. Suppose the fact is as stated by the Senator from Nebraska, and I do not know whether it is or not. The Senator will permit me to say, when he speaks about communications with the Northern Pacific Railroad Company, that the Senator from Oregon has no communication with them, so far as I am concerned, and I do not know that my colleague has. But suppose it is a fact that that company is willing to surrender this portion of the grant from Wallula to Portland. I do not know whether it is true or not. My impression is that the company would like to hold on to it if they could. If they had anything to base a claim to it on, I think they would hold on to it until the last day. But suppose it is a fact that they are willing to give it up, whether because they feel they have no ground to stand on or for any other reason—I wish to know of the Senator from Nebraska what objection there is with him, what proper objection can be urged by Congress, to going on and declaring those lands forfeited in reference to which there is no contest, with some such provision as that submitted yesterday by the Senator from Kentucky, that that action shall not be construed as an affirmation of the remainder of the grant, and then after we have done that thing in reference to which there is no controversy, proceed to contest the rest of the company's grant by another bill? What is the objection to that proposition?

Mr. VAN WYCK. The Senator has conceded very properly what I said, that the Northern Pacific Railroad Company had no objection to the forfeiture of this land.

Mr. MITCHELL, of Oregon. I have conceded no such thing.

Mr. EDMUNDS. He said exactly the reverse.

Mr. MITCHELL, of Oregon. I have stated most distinctly, in the first place, that I know nothing about it, as I was not in communication with the Northern Pacific Railroad Company or any of its officers, but that my impression was and my belief now is that it would like to hold on to the grant between Wallula and Portland until the very last day.

Mr. EDMUNDS. And they are likely to do that by this proceeding.

Mr. MITCHELL, of Oregon. As is suggested by the Senator from Vermont, if my friend from Nebraska continues to persist in the position he has taken here and the course he is advocating I think the very great probability is that they will hold on to what they have; for, whatever may be the motives of the Senator from Nebraska, I undertake to say that the effect of his amendment and his position here and of his advocacy to-day is to retain in the hands of the Northern Pacific Railroad Company and under its control some three or four million acres of land in reference to which there is no controversy and which the Senator from Nebraska himself says the company is willing to surrender.

Mr. VAN WYCK. The Senator then, I will say, by inference, taking the whole of his remarks together, concedes that the Northern Pacific do not at this time antagonize the proposition to forfeit the grant from Wallula to Portland.

Mr. MITCHELL, of Oregon. I have conceded no such thing, and I repeat it now for the fourth time that, while I know nothing personally on the subject, my belief is, from my knowledge of the past, that the company are not desirous of relinquishing the lands between Wallula and Portland, but that if they had any ground at all upon which they could stand they would continue to make the claim here and elsewhere and hold on to the land; but that the effect of the course taken by my friend from Nebraska, whatever may be his motives, is to play directly and emphatically into the hands of the Northern Pacific Railroad and against the settlers in Oregon and elsewhere.

Mr. VAN WYCK. That confirms for the fifth time the truth of what I said, because the Senator from Oregon says, if the Northern Pacific believed they had any ground to stand upon they would oppose this legislation. That is all I desire to know in regard to the matter.

Mr. MITCHELL, of Oregon. I understand now, and I have always understood, that the position of the Northern Pacific Railroad Company in reference to this grant as a matter of clean, naked law was this: By virtue of certain provisions in the charter of the Northern Pacific Railroad Company, in the twentieth section, which was not referred to to-day by the Senator from Missouri [Mr. VEST], they claim that there is no power in the Congress of the United States to declare forfeited any portion of this grant. That I understand has always been their position. I do not agree to it. I do not think it is a position which can be maintained. I have never believed it; I do not believe it now. I think the power of Congress to declare forfeited any portion of the lands adjacent to the line of the road that is not completed is full, ample, and complete; and that we have the right to declare any portion of those lands forfeited for a failure to complete the road.

I say that I have understood heretofore, and I understand now, that the proposition of the company is that whatever Congress might do in the matter of a declaration of forfeiture, even in reference to those lands lying between Wallula and Portland, it would be a mere declaration that amounts to nothing, and that the courts in the end would hold that the action amounted to nothing. I do not believe that, but that is the position of the company. That is all that I desire to say on that point.

Mr. VAN WYCK. Then the Senator knows what the company's views are on one branch of the case.

Mr. MITCHELL, of Oregon. I certainly do.

Mr. VAN WYCK. I am much obliged for that.

Mr. MITCHELL, of Oregon. I have the amplest reasons for knowing. I acted as the attorney of that company for over six years when I had a right to act as its attorney. I know what its views were then, and I have no reason to believe that its managers have ever changed their views upon that question; and I state now to the Senator and I state to the Senate and the country that I do not believe their position in reference to that matter is good law. I think we have a right to declare these lands forfeited in so far as they are adjacent to any line of road along which the railroad has not been completed.

Mr. VAN WYCK. Of course we would expect the Northern Pacific Railroad to entertain the opinion, which railroads entertain generally, that Congress has no such power. That they always maintain, and that we understand.

Mr. MITCHELL, of Oregon. As a general rule.

Mr. VAN WYCK. The Senator is correct about that; but yet it comes back again to the fact, which I think the discussion has elicited, that an attempt to oppose this legislation on the part of the Northern Pacific was baseless and they are not making the attempt to do it. The fact that they are not making the attempt to do it will be conceded everywhere, because both the Senators from Oregon say their attention has not been called by the Northern Pacific Railroad to the injustice, the wrong that is proposed to be done them in forfeiting this land. The Northern Pacific find it baseless, as the Senator says, so baseless that the railroad company have not even called on the Senators from their State, on whom they have a right to call, to interpose against it. They have not sent an attorney before the committee, as the Senator knows.

Mr. DOLPH. I will answer the Senator when he gets through. I yielded to the Senator to reply to the Senator from Vermont, but he can go on and when he gets through I shall answer him.

Mr. VAN WYCK. I am obliged to the Senator from Oregon.

Mr. DOLPH. The Senator has his own ideas of Senatorial courtesy and a good many other things. I want him to go on and conclude, and when he gets through I shall ask to be heard.

Mr. VAN WYCK. I do not know what the Senator means——

Mr. DOLPH. I shall wait until the Senator gets through.

Mr. VAN WYCK. I do not know what the Senator means as to any discourtesy. Does the Senator mean to intimate that I have protracted my remarks too long for the Senator's convenience? If so, I will give way.

Mr. DOLPH. No; go on and finish your speech.

Mr. VAN WYCK. Then I will state, liable and subject to contradiction if I misstate it, that the Northern Pacific Company have sent no attorney to argue their case before the Committee on Public Lands of this body. Every railroad corporation that thinks it has a right which is interfered with or likely to be interfered with by legislation generally overwhelms the committee with attorneys. That my friend knows, and so does every other member of the committee know. They overwhelm them in the committee, and members of the Senate who are not on the committee are importuned in the corridors and other places. The fact that the Northern Pacific Railroad Company have not had sufficient interest to attempt to save three or four million acres of land is evidence that they are assenting, acquiescing; and therefore when we merely forfeit from Wallula to Portland we are doing what they are willing we shall do.

Mr. MITCHELL, of Oregon. Admitting everything the Senator has said, just for the sake of the argument, in order to go further on that point, I wish the Senator to answer the question put to him a few moments ago, what is the objection to going on and declaring forfeited this land in reference to which there is no controversy, the reservation being all the while that the action shall not be construed as affirming the remainder of the grant, and then have a bill introduced and go on and contest the remainder?

Mr. VAN WYCK. That is a very proper inquiry.

Mr. MITCHELL, of Oregon. And I wish an answer to it.

Mr. VAN WYCK. I desire to finish the other branch first.

Mr. MITCHELL, of Oregon. Will the Senator answer now?

Mr. VAN WYCK. I will address myself to the suggestion of the Senator, which is a very proper one, as to what objection there is to forfeiting this land. There is no objection to forfeiting it from Wallula down to Portland. That we insist upon. We claim that it is right; but here is a bill forfeiting certain lands of the Northern Pacific Railroad Company, and some of us think that other lands should be forfeited as much as the lands from Wallula to Portland. We are considering now the question of the forfeiture of the lands of the Northern Pacific. This has been an agitation in Congress for a long time. I think the Senator from Vermont said yesterday that it had been before his committee some three or four years. The question must be met, and let it be met now, as to the forfeiture of the lands of the Northern Pacific. Does the Senator from Oregon think it would be proper at this session to forfeit the lands from Wallula to Portland?

Mr. MITCHELL, of Oregon. I most certainly do.

Mr. VAN WYCK. Then at the next session would come a proposition to forfeit to the point 75 miles on the Cascade branch. Does the Senator think that would be just the thing?

Mr. MITCHELL, of Oregon. I am in favor of doing that at this session if it should be done.

Mr. VAN WYCK. But it should be done, evidently. That is what I insist upon, and I trust you do also. Then the third session we shall come and take the position which my friend from Missouri and I agree about, that the lands should all be forfeited from the 4th day of July, 1879. Would that be a good time to find out about this matter? If we would not be fishing behind the net it is very strange to me. You forfeit from Wallula to Portland now, 200 miles. The next session you forfeit 75 miles on the Cascade branch, and then the third session you come and raise the question of the forfeiture that ought to be made as we think from the 4th day of July, 1879. My friend does not think that could ever be done. Does he not know that it could never be done? What we forfeit at this session of Congress of the Northern Pacific Railroad is all that the American people will ever see forfeited, and no more.

We divide upon that question, and so I stated. The House bill is correct. I offered that as an amendment, but my friends upon this side and some upon the other side, notably the Senator from Missouri [Mr. COCKRELL], insisted that was wrong. He thought there was a great deal of zeal without knowledge. I will say to the Senator from Missouri who spoke to-day that yesterday his colleague thought there was a great deal of zeal in asking that the House bill should be offered here as an amendment, and he said that it was zeal without knowledge. I took the rebuke kindly and acted upon it, as I did the advice of my friend from Vermont, for whom I always entertain the highest respect; and, yielding to the suggestions, I said, "Very well, as it is the desire, I will withdraw the amendment," which I did with the consent of the Senate, and I offered another proposition, to which I supposed Senators on this side would cheerfully assent; and that is what has been read and is now under consideration, that at least we shall forfeit the lands that are not earned up to date.

Mr. MITCHELL, of Oregon. Will the Senator from Nebraska allow me to interrupt him just there?

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. There are evidently three opinions in reference to this grant in Congress. One is that we should go on at once and declare a forfeiture of the lands between Wallula and Portland. Another opinion is that we should go on at once and forfeit all the lands adjacent to that portion of the line of the road that has not been completed. Still a third opinion is that we should pass an act declaring a forfeiture of all the lands adjacent to that portion of the line of road that was not completed in 1879. Those are the three opinions held by different members of the two branches of Congress. What I wish to know of my friend is this: Suppose there are not a majority of either House in favor of the extreme view of forfeiting all lands adjacent to that portion of the road which was not completed in 1879, is that any reason why we should not forfeit all in reference to which there is no controversy?

Mr. VAN WYCK. Not at all.

Mr. MITCHELL, of Oregon. Suppose a majority is not even willing to go so far as to forfeit the lands across the Cascade Mountains, would that be a reason why we should not go on and forfeit those lands about which there is no controversy?

Mr. VAN WYCK. Not at all.

Mr. MITCHELL, of Oregon. Then I fail to see the consistency of the course suggested by the Senator that we must go on and determine the whole business now, when we can throw some three or four million acres of land open to settlers along the line of the road without delay and contest the remainder of the controversy not at the next session or the next year but at the present session.

Mr. VAN WYCK. I will in a few words try to explain my position to the Senator from Oregon. He stated the position correctly. I am one of those who believe with the Senator from Missouri [Mr. VEST] and many others that the forfeiture should date at the expiration of the time fixed in the charter for the completion of the road, and that the forfeiture should commence on the 4th day of July, 1879. My vote will always be to accomplish that end; but it is perfectly evident that a majority of the Senate do not agree in that opinion. The other House probably does. Now, what are we to do? I am satisfied from the vote this morning that a majority of the Senate concur in forfeiting the land adjoining the uncompleted road. That is the second proposition, to forfeit the land adjoining the uncompleted road, and the third is to forfeit only from Wallula to Portland.

I agree with the Senators from Missouri and Louisiana that the land should be forfeited from the 4th of July, 1879, for I have always believed it; but if we can not sustain that position I want the next best thing in that direction, and that is to forfeit everything adjoining the uncompleted road. That is what I next desire, and if we can not get that, then we will take all that is left, the land they do not want us to keep for them, from Wallula to Portland. I trust the Senator understands my position on that matter. Is it not consistent?

The only time we shall ever deal with the Northern Pacific Railroad on the question of forfeiture will be at this Congress, if we do anything at all. If we forfeit the land from Wallula to Portland that ends it. In the mean time they will go on and finish the 75 miles. They will only want a year or two to do that. What then? You propose by the passage of this bill to give time for the Northern Pacific to finish those 75 miles of road and get their hands on that land too. That will be the result of it.

I say to my friend from Missouri, while I am with him, that if we delay action here on forfeiting the uncompleted portion, that ends it. We shall never get the lands on the 75 miles if we delay the matter to another Congress. Three years ago when its was found that the differences in the two Houses were irreconcilable, would it not have been better to have forfeited the lands adjoining the uncompleted portion? The longer we delay the solution of this question the more land the corporation will get, until finally it will get it all except from Wallula to Portland. I trust the Senate understands the position.

Mr. VEST. If the Senator from Nebraska will pardon me, the only criticism I make on his amendment is this: He holds, as I understand, like myself, that the forfeiture was perfect on the 4th of July, 1879, as to the whole grant.

Mr. VAN WYCK. I do.

Mr. VEST. Now, his amendment does away with that assumption and that construction of the act of 1864, and says that this forfeiture on these branches shall become effective from the time the bill passes. That gives up our position as to the construction of the act of 1864, and is inconsistent with his support of the House bill.

Mr. VAN WYCK. Except as to the third section proposed as an amendment by the Senator from Kentucky, which provides that the action on this bill shall not interfere with the consideration of questions of forfeiture hereafter.

Mr. VEST. Still the Senator's amendment is not logical or consistent with his other position. If he holds, as he does unquestionably, with myself, that the eighth section of the act of 1864 worked a forfeiture of the whole grant on the 4th day of July, 1879, then it is simply impossible, if you proceed logically, to say that the forfeiture of the grant on the branches, which come under the same original grant, does not become perfect until the time when this bill is passed; it may be next August or it may not be at all.

Mr. VAN WYCK. Let me ask my friend, because we agree in principle on this matter and we desire to get something, suppose it is perfectly evident that this Congress will not pass a forfeiture bill dating from the 4th day of July, 1879; suppose we are satisfied of that fact; what then? Are we to sit down and wait until another year and then come and find the same result? In the mean time the railroad will be building right along and acquiring the land from week to week and month to month. Are we to protract this matter when we find such is inevitably to be the result, and let these gentlemen get the whole of the Cascade lands?

Mr. VEST. In answer to the Senator from Nebraska I will say that I want to do exactly what he wants to do. I want to carry out what I believe to be the irresistible conclusion, the legal conclusion that flows from the eighth section of the act of 1864, and which I understood the Senator from Oregon who last spoke to concur in; but at the same time when that main question comes up *I do not* want to be confronted with a vote which tells me, "You abandoned that position and you voted for the amendment of the Senator from Nebraska, which said that there was no forfeiture until August, 1886," if the bill passes then.

Mr. VAN WYCK. If my friend will excuse me just a moment right there, the amendment under consideration if adopted secures two things. The forfeiture from Wallula to Portland is right; I shall vote for that. Then the amendment to forfeit the 75 miles on the other end of the Cascade branch is right, and I shall vote for that. That gives us so much more. Then the amendment of the Senator from Louisiana adopting the House proposition, I shall vote for that, each time, going an advance as far as I can. It would not be in any one's mouth I think when we vote for the House bill to say, "You offered an amendment for 75 miles." So I did. I vote upon each proposition to get all I can in this matter. First, I take the land from Wallula to Portland; then I take the 75 miles; and then I shall vote for the third proposi-

tion; and if there be enough in the Senate to carry the third proposition then the Senator from Missouri and myself will feel that the right has prevailed as we understand it.

Mr. MITCHELL, of Oregon. Will the Senator from Nebraska yield to me for a moment?

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. I do not wish the Senator from Missouri to have any misapprehension in regard to my views as to the power of Congress under this grant or in reference to the effect of the failure to complete the road in the time limited. In what I said a moment ago in combating the position as I understand it to be maintained by the company, that there is no power in Congress to declare forfeited any portion of this grant, I did not mean to convey the impression that I believed for a moment that the mere failure upon the part of the company to complete its road within the time was of itself a forfeiture or would of itself justify Congress in declaring a forfeiture of all those lands adjacent to the line of road not completed within the time limited. My own opinion is that the law as stated by the Senator from Missouri a little while before 2 o'clock, when this matter was directly under discussion, can not be maintained. I understand that the position stated by the Senator from Missouri is in direct conflict with what the Supreme Court of the United States has decided in more than one case, and notably decided in the case of Knevels vs. Van Wyck, and in other cases, to the effect that a declaration of forfeiture can only take effect upon lands adjacent to the road that is not completed at the time of the declaration.

Mr. VAN WYCK. I trust now I have made myself understood that there is not the inconsistency in my position in this matter which gentlemen would seem to think they have found therein.

This question of the forfeiture of unearned lands ought to find a settlement at some time in the American Congress. For years each political party has placed itself on platforms declaring in favor of the forfeiture of unearned lands, and I would say to my friends from Oregon that I think the people of the State they represent—that portion of them, at least, with whom they are more intimately connected politically—have resolved in favor of the principle of this amendment. The people of Oregon have asked that this much shall be done, that the unearned grant shall be forfeited. The objection the Senators from Oregon both make to my proposition is that I am asking to have forfeited the lands which have not been earned on the line of the Northern Pacific Railroad, and in 1884, two years ago, at the Oregon State convention in Portland——

Mr. MITCHELL, of Oregon. I wish to state that as far as I am concerned—I speak for myself—I am quite indifferent personally whether the lands included in the Senator's amendment are forfeited or not. My principal objection is that I believe the proposition is an embarrassment to the passage of the bill, which I think every Senator ought to vote for.

Mr. VAN WYCK. When we are merely annexing an amendment which the people of Oregon want, how will that embarrass the passage of the bill? Will it embarrass it in the other House? The House insists that this even is not enough; the House insists that the forfeiture should date on the 4th of July, 1879, and you send the bill to the House merely forfeiting from Wallula to Portland, and it is an invitation to that body to dissent from your bill. Then why not throw in a little more and make it more in accord with the sentiment of the House, which must unite with us in whatever legislation we have on the subject? Every Senator knows that if the bill is sent to the other House confined to the land from Wallula to Portland it will never be assented to. Then why go through that sort of peformance? Who is to be deceived by that? Who is to be cajoled by that sort of thing? If we know it can not be accomplished in that way, and if we want to make some forfeiture, let us make it better, put on all the unearned lands.

Mr. MITCHELL, of Oregon. If we may properly refer to the other House at all, I hope that House will agree to what we do on the same principle.

Mr. VAN WYCK. Mr. President——

The PRESIDING OFFICER (Mr. HAWLEY in the chair). So little in order has been said since the present occupant of the chair has occupied it that he has felt a delicacy in interfering at all. The bill before the Senate has not been alluded to in the discussion before the Senate the last hour.

Mr. VAN WYCK. What is the bill?

The PRESIDING OFFICER. If the present occupant of the chair received the proper instructions from his predecessor, the bill pending is the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. VAN WYCK. The debate has very close connection with it. I am speaking by unanimous consent and in relation to the same subject-matter. It has so much application to the other bill that it will not be lost, this part of it particularly.

The Oregon State Republican convention, at Portland, in May, 1884——

Mr. MITCHELL, of Oregon. There was a later one than that.

Mr. VAN WYCK. Yes; but I thought I would rather go back to 1884. They have done it every year since, but have never got any nearer a solution of it. They have been importuning Congress and their representatives year by year; so have the national Republican conventions; so have the Democratic national conventions. They are all asking for it.

The Republican State convention in Oregon in May, 1884, declared:

Seventh. That all unearned grants to railroads and wagon-roads in this State should be forfeited and opened to settlement by those entitled to the benefit of the land laws of the United States.

There is where I am standing.

Mr. MITCHELL, of Oregon. That is just where I am standing. I am voting to forfeit every foot of land in Oregon.

Mr. VAN WYCK. I am reading from the platform of the Oregon Republican State convention at Portland in May, 1884. Everything seemed harmonious. They say in the seventh resolution, which I will read again:

That all unearned grants to railroads and wagon-roads in this State should be forfeited and opened to settlement by those entitled to the benefit of the land laws of the United States.

If I may be allowed to say so, I am representing in these few remarks and in my amendment that sentiment of the Republican party of Oregon. I am representing that branch of it which wants the railroad grants forfeited. The Senator says the year after they passed the same resolution. They have importuned, are reimportuning, the Senators from Oregon to forfeit all unearned land grants.

Mr. MITCHELL, of Oregon. I call the attention of the Senator to the fact that the Republican convention of the State of Oregon have not said in the resolution just read that they are in favor of forfeiting the lands on the top of the Cascade Mountains in this gap of the Northern Pacific in Washington Territory.

Mr. VAN WYCK. They have said that they want all unearned lands forfeited.

Mr. MITCHELL, of Oregon. In the State.

Mr. VAN WYCK. In the State, of course.

Mr. MITCHELL, of Oregon. These lands are not in the State.

Mr. VAN WYCK. I do not believe the notions of public policy of the Republicans of Oregon on great questions like this are controlled by State lines.

Mr. MITCHELL, of Oregon. Their notions of public policy are all right; but as the Senator from Nebraska quotes a resolution I wish him to put the proper construction on that resolution.

Mr. VAN WYCK. I will. The Republicans of Washington Territory have done the same thing, they have resolved just as their brethren in Oregon resolved, that all unearned land grants should be forfeited. That is not all. When in the fall following they went to the ballot-box, the Republican party of the Territory of Washington, as an expression of their opinion, elected a Republican Delegate to represent them at the other end of the Capitol.

Mr. MITCHELL, of Oregon. A Democrat.

Mr. VAN WYCK. Yes, sir; a Democrat.

Mr. DOLPH. Because the convention had adopted the resolution, I suppose.

Mr. VAN WYCK. They adopted the resolution, and the people were just a trifle afraid that when he got here their Delegate would not act in accordance with the resolution. That sometimes happens. Even my brother Senators here do not stand on the resolution of the Republican party of Oregon. If it is good for Oregon it is good for Washington Territory, and the Republicans of that Territory resolved the same thing, and then in their natural disgust they saw their Oregon Republican friends had been beseeching for this for some time without the success which they desired, and so they thought they would try the other party, and they even selected a Democrat who they knew was in sympathy with them upon this question.

I trust my friend will now concede my consistency in this matter. We want all that we can get and that we think we are entitled to; but if we can not get that I do not propose that we shall linger upon this matter. I do not propose that we shall send a bill to the other House which we know in advance they will not accept, and which will make a difference of opinion which will prevent any legislation and allow the railroads to accomplish all they want by reason of the non-action of Congress.

I desire that this great question shall be settled, and settled now. I do not believe in each party amusing the people by resolutions about what they will do, and then take pains not to do it by shaping bills in such way that it can not be done.

One word more by the courtesy of the Senator from Oregon [Mr. DOLPH] and I will yield the floor. The Senator from Vermont [Mr. EDMUNDS], because this bill had not been fixed as he wanted, was being amended in opposition to his judgment, said it had been bedeviled, and he took occasion to say that the Senator from Nebraska was inconsistent in the bill which he introduced in regard to the Union Pacific Railroad. That makes it necessary for me to say a few words by way of explanation.

We know a great deal about the Union Pacific Railroad; we have heard of it here. For grasping greed of course it has in the past ex-

celled anything on earth. That question may arise when the funding bill comes up, which I suppose the Senator from Vermont thinks to be right. It will be necessary then probably to state more at large the violations of law and the infamous robberies perpetrated by that company under its previous management, which I have heretofore characterized as the greatest criminal of the age.

Mr. DAWES. In what respect?

Mr. VAN WYCK. In 1873 you voted for a law which your colleague draughted, which provided that if any officer of that corporation issued any new stock or bonds or impaired the credit of that company he should be consigned to the penitentiary for not more than two years and pay a penalty of not over $5,000. Their officers did these acts, and there was not power enough in the Government to grapple with the criminals and consign them to the punishment which the law inflicted.

In violation of this law they enlarged the indebtedness of the Union Pacific. They impoverished the people by extortionate charges, and after they had boomed the stock up to 120 they unloaded on the innocent widows and orphans of Massachusetts. And now we are appealed to in sympathy for the widows and orphans of Massachusetts, and we shall hear a good deal about that matter when we come to consider the funding bill.

But the company's control passed into other hands. The odium was so great that the men who had wrecked it desired some one at the head who had a reputation for honesty, and they selected Mr. Adams. I had believed that from Mr. Adams's known views and from his exposition of these men in his Notes on Erie he would conduct, as far as in him lay, an honest management of that concern. The people had a right to believe in his professions; besides, they knew there was nothing left for any man to steal. The company was a wreck. Nothing remained but the shell.

My objection to the funding bill is that you leave a mountain of debt upon the road from which it can never be extricated, and while you leave that mountain of debt, and propose to continue it nearly a hundred years, you keep the people of the territory traversed by the road in a thraldom and servitude for one hundred years as merciless and grinding as Ireland is subjected to now by the dominion of England.

Mr. PLATT. Mr. President, perhaps in justice to Mr. Adams I ought to put his statement on record here. Mr. Adams testified before the Committee on Interstate Commerce, and, upon a suggestion that there had not been very much reduction of rates west of Chicago, he said:

> I think there has. The reductions in rates on the Union Pacific since I have had to do with it have alarmed me, they have been at once so incessant and so heavy.
>
> Senator PLATT. Do you mean rates for through business or for local business?
>
> Mr. ADAMS. For all business. Mr. Kimball can answer better than I. But I am under the impression that within the last year and a half all our rates have undergone a reduction of something like 33 per cent.
>
> Mr. KIMBALL. From 25 to 33 per cent., taking the average.

I do not know anything about that; but I think when the Senator made the statement that there had been no reductions I ought to put Mr. Adams's statement on record at the same time.

Mr. VAN WYCK. I will say to my friend in that connection that there may have been some little reduction to competitive points. The Senator from Connecticut discovered that west of the Missouri River about fourfold rates were charged for telegraph and railroad service as east of the Missouri River.

Mr. PLATT. Has not the Legislature of Nebraska reduced passenger rates down to 3 cents a mile where formerly they were as much as 8?

Mr. VAN WYCK. A number of years ago they were 8. I remember when the thing was started, when my friend from Massachusetts [Mr. DAWES] and myself were in the other House, to reduce the passenger rates on the Union Pacific Railroad, and strange as it may appear the proposition carried in the House. They had not the same confidence in the Senate which I suppose my friend from Vermont would intimate they have to-day, and therefore they did not wait for the action of the Senate; they reduced the rates themselves, and they kept reducing down until two or three years ago they were 4 cents a mile. I will say to my friend from Connecticut that the Legislature had been working at them trying to reach their conscience, but they could not until the Legislature finally passed a law reducing the fare to 3 cents. Then they ran an imaginary line through the State of Nebraska, and west of that line allowed the roads to charge 4 cents a mile.

It is not necessary now to discuss this question. It will be more pertinent hereafter. The people living to-day west of the Missouri River are subjected to rates fourfold those east of the Missouri River. With the mountains of debt that you propose to continue for nearly one hundred years there never can be any hope of relief to the people west of the Missouri River. What Mr. Adams has done or can do I do not know. I should like to put the strong hand of the law in this branch and on the Legislature of Nebraska and other Legislatures to see that the rates are properly reduced. But at all events they were in that attitude; they were begging of Congress, they were complaining that under the terms of the act money was properly placed in the Treasury, but it was drawing so small interest that they said to the people of Kansas and Nebraska and of the Territories, "If we can use this money in the Treasury, if we can make it as secure in the construction of branch railroads, let us do it."

The people of Nebraska desired it; the people of the Territories desired it; and I did draw a bill in which I provided not that the Union Pacific Railroad should build the branches; oh, no, nothing of the kind; I proposed that the Secretary of the Treasury and the Secretary of the Interior and the president of the railroad should form a board; they should construct the roads, and that they should construct them upon the basis of cash, not a dollar of stock nor a dollar of bonds to be issued except upon the basis of the cash cost of the road. And then I provided certain other things in that bill, and that the rate of charges on the Union Pacific system in the State of Nebraska should not exceed the rates east of the Missouri River. I should very much like to see the Government build roads on that basis.

Mr. PLUMB. Why not allow some other company to build a railroad? Why limit the investment of the Government money to something which is in favor of the Union Pacific Railroad Company? Why not extend it to the Atchison, Topeka and Santa Fé, and to the Burlington and Missouri River, and so on?

Mr. VAN WYCK. If the Burlington and Missouri River Company, or the Atchison, Topeka and Santa Fé Company have any of their money in the Treasury of the United States, put there for the purpose of paying a debt due the United States in the future and it is only drawing 2 per cent. interest, and we may use it to build a branch railroad which will be honestly administered, certainly let it be done.

Mr. PLUMB. Does the money in the Treasury belong to the Union Pacific?

Mr. VAN WYCK. It is there to pay the debt of the Union Pacific.

Mr. PLUMB. What debt?

Mr. VAN WYCK. Its debt to the United States.

Mr. PLUMB. Then it is money of the Government.

Mr. VAN WYCK. Money of the Government for the sinking fund, kept there to respond to the debt to the United States when it becomes due. The money is not placed there to be appropriated at once upon the debt due by the railroad company, but it is placed there to take up the debt when it becomes due as far as it will go. If that money can be invested honestly to benefit the people of Kansas and Nebraska and Colorado and the Territories and produce a larger return in revenue than is derived from the interest on the bonds, then certainly there should be no objection from any source to using it as I have proposed.

Mr. PLUMB. All I wanted, inasmuch as the Senator was giving a direction to this discussion, was that he should state why it is that he is not willing to take money out of the Treasury to construct other railroads as well as railroads that benefit the Union Pacific. There are other railroads in the State of Nebraska, and the Union Pacific only forms a small part of the system in Kansas. I want to see if we can not get all the people in the condition of being benefited out of the public Treasury.

Mr. VAN WYCK. I stated to the Senator from Kansas the reason of that. The Union Pacific Railroad is a debtor to the Government for a large amount.

Mr. PLUMB. Why allow the Union Pacific to build railroads out of Government money and not allow other people who pay their taxes to do it as well?

Mr. VAN WYCK. For the reason that under legislation of Congress you have placed a condition from which it never can be extricated. You now propose to extend this mountain of debt one hundred years.

Mr. PLUMB. Does the Senator favor that?

Mr. VAN WYCK. I do not, by any means.

Mr. EDMUNDS. You ought to have them spend all the money they have now.

Mr. VAN WYCK. No, not all of it. Your system will probably be to wind them up in the end, but this money is placed in the Treasury, properly placed there, to respond to the debt when it becomes due; the money is paid by this company for this purpose. Now you want to save this road; that is, you talk, the Judiciary Committee have talked, that they want to save the Government debt; they say they want to save the road from bankruptcy. That is their plea. Therefore it is that they propose to extend the debt seventy-five or one hundred years, from which there can be no escape. That they say is good policy; that is statesmanship, they say, to save the Government debt. Well they have said, and very properly, that a certain per cent. should be placed in the Treasury as a sinking fund to pay the debt when it becomes due. It will not be paid to the Government until the debt becomes due. It lies there to the credit of the Union Pacific Railroad for this purpose. It draws 2 or 3 per cent.

Now, if the Government can be made as secure by the construction of branch roads which are not to be built by the Union Pacific Railroad, but by the Secretary of the Treasury, the Secretary of the Interior, and the president of the road, why not? The proposition is that they shall construct them upon certain principles based on honest construction. We have been denouncing the system of stock-watering, which is the one cause of our financial troubles to-day, and that bill proposes as a basis that no stock or bonds shall be issued except upon the

actual cost of building. Now you seek, you say, to save the Union Pacific from bankruptcy. They are circumvented on the north and on the south by rival lines, and their territory is invaded and cut off, and unless they have the power to protect themselves by the construction of branches then other railroads must of necessity despoil them by taking away business from the territory which is naturally tributary to them, and what then? That is the attitude, and the people of all that section of country desire it, and in accordance with their wishes I introduced the bill to protect the Government and protect the people by providing that hereafter on the Union Pacific system they should charge no more than the roads between the Missouri River and Chicago.

Mr. EDMUNDS. How does it protect the Government—if I may interrupt the Senator—that we take out of the Treasury (for that is what it comes to) a couple of millions of dollars to build railroads for the Union Pacific Railroad Company? We guaranteed bonds which are precedent to all the liens of the United States. How does my friend call that a protection of interests of the United States?

Mr. VAN WYCK. What precedence have they of the lien of the United States?

Mr. EDMUNDS. The bonds have been issued and are guaranteed.

Mr. VAN WYCK. No; I beg the Senator's pardon. These bonds are no lien except on the branches they build. That is all.

Mr. EDMUNDS. But for those branches as far as the money goes it is taken from the Treasury, for that is what it is. These bonds are then lapped on as a mortgage, which overwhelms that much and gives to a mortgage bondholder the right to take those lines as against the United States who put in the bottom money.

Mr. VAN WYCK. I beg my friend's pardon. It is not proposed to first build the branch roads with the money in the Treasury and then put stock and bonds on them, as they have been in the habit of doing, to an equal amount. Oh, no; my friend misunderstands entirely.

Mr. EDMUNDS. As little as I know, I think I can read.

Mr. VAN WYCK. I trust my friend will. I trust he will not only read, but see exactly that it is not proposed to build these roads by the Government money and then put stock and bonds on them. Oh, no.

Mr. DOLPH. Will the Senator from Nebraska yield a moment, as he is speaking in my time?

Mr. VAN WYCK. Certainly.

Mr. DOLPH. I suppose the Union Pacific Company desires the legislation proposed by the bill of which he is speaking?

Mr. VAN WYCK. They do.

Mr. DOLPH. In so far the Senator from Nebraska represents the wishes of the Union Pacific Company?

Mr. VAN WYCK. I do.

Mr. DOLPH. I think that would be the certain inference.

Mr. VAN WYCK. Oh, yes; I answer, without any circumlocution, the Union Pacific Railroad Company do desire it, the people of Nebraska desire it, the people of Wyoming desire it, and a portion of the people of Kansas desire it. I am sure now the Senator is answered. It happens at this time that the Union Pacific Railroad Company, driven to the wall as they are, have taken the people a little into their confidence. They are for the first time counseling and advising with the people of Nebraska as to whether they can not——

Mr. MITCHELL, of Oregon. They seem to have taken the Senators from that State into their confidence.

Mr. VAN WYCK. Yes, the Senators of that State listen very heartily to the wishes of their constituents, the people, and if the railroad company happens to be in accord with the people they do not resist on that account. Men who have believed with me have been charged with antagonizing railroads.

Mr. EDMUNDS. I have not heard of that.

Mr. VAN WYCK. Then my friend does not read. I think the proposition is very plain. My friend misunderstands it entirely. If these branch roads are to be built with the money in the Treasury, there will be no stock and bonds.

Mr. EDMUNDS. I should like to have in Vermont several railroads built out of the Treasury at not to exceed the cash cost.

Mr. VAN WYCK. I think the citizens of Vermont have been building too many railroads in Western States.

Mr. EDMUNDS. You want still more.

Mr. VAN WYCK. Yes; I do. But I would like to get them where the hand of Vermont is not on them. I would like to get them where the capitalists of the East will not seek to wring out from the hardy laborers of the West the last dollar besides actual subsistence, as England does on the ryots in India. If the General Government would build a few roads and not have them stocked and bonded for three times the cost, and then have New England and New York demand that the people who are required to transport over them should pay interest and dividends on three times the money actually invested, it would be well.

Mr. EDMUNDS. And yet my distinguished friend, so eager for the interests of Nebraska and its people, while he is willing to take the money of Vermont—Vermont has not any money in any of these roads, for we are a poor people and have no money at all—to take the money of New England (for there is money there that has been earned by labor and is labor in form of accumulated labor) to build roads in Nebraska, will not let the people in Washington Territory have a road built to Puget Sound to connect them with New York city at an expense of a little public land of the United States. If he can only get the money of New England to build his road, that is very well; but to take the mountain land on the Cascade range is quite another thing.

Mr. VAN WYCK. My friend is mistaken there again. It is New England, and I think Vermont especially, that is very heavily embarked in the Northern Pacific Railroad. I think a Vermont man was president of the company.

Mr. EDMUNDS. A man born in Vermont, as many other good people have been.

Mr. VAN WYCK. The president of the Northern Pacific Railroad was from Vermont, and of course, being a man of large capital, obtained from great labor, as the Senator says, Vermont gathered around him other Vermont capitalists. There is a large Vermont interest in the Northern Pacific Railroad, and "that is what is the matter."

Mr. EDMUNDS. How does that touch the Cascade question?

Mr. VAN WYCK. I will tell you. We gave this munificent donation of land to the Northern Pacific, and Vermont capital was furnished to build the road at a certain time. They did not put a dollar in until they could borrow it. They sold their bonds, and then instead of building railroads they came to Congress and asked an additional law three or four years after their act of incorporation, and they had not thrown a shovelful of dirt; the Vermont capitalists came and asked Congress to allow them to mortgage the road. They got what they asked, as railroads did at that time. In a year or two they came back and said they could not borrow any money on that, that they wanted the law changed, and the law then passed was that they might mortgage not only their road but all their property, even their franchise.

Mr. EDMUNDS. I do not wish to interrupt the beauty of my friend's discourse, but if it does not disturb him I should like to ask whether he is informed that what he has just said is true, that any Vermont man ever had the slightest interest in the Northern Pacific Railroad Company until Pennsylvania and a good many other people, having been presidents and directors, had failed to build it? It was five or six or eight or ten years, so far as I know, without any Vermont man ever being interested in it at all, and then the Vermont man is a New Yorker, who went from Vermont to California, a most eminent and honorable man, who has devoted his energies to building a highway for the benefit of all the people of the United States from Minnesota to Puget Sound, and which the Senator from Nebraska is now trying to prevent his accomplishing by undertaking to cut off in the heart of these mountains, when everything else is done, a proposed right to some mountain land. That is what the truth is.

Mr. VAN WYCK. Just when the friend of the Senator from Vermont took control of this road I do not know. I knew there was a Vermont man in the presidency of the road for some time.

Mr. EDMUNDS. I think there is now.

Mr. VAN WYCK. I understood him to say before that Vermont men did not own railroads.

Mr. EDMUNDS. But he got his money in California and New York.

Mr. VAN WYCK. What I was stating was that in 1864 they had the charter with all this immense donation of land for a road to be constructed in a certain time. In 1869 the company came to Congress and asked that it might be allowed to place a mortgage on its railroad and its telegraph lines. Up to 1869 I think there had not been any work done upon the road—five years. Then in 1870 they came and asked to put a mortgage on all property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise as a corporation. That was in 1870. The company was organized in 1864. In 1870 they had done nothing. They got all the authority they wanted from Congress and then they proceeded. They were able when they got that power to borrow some money by mortgage and then they borrowed the money. Then they passed the time for the completion of the road. They passed years and years beyond.

This land was given to the Northern Pacific on the ground that their road would benefit the remaining land and that the benefit to the Government from this donation would be the enhancement of its other property by building the road; but they delayed building the road for reasons best known to themselves, so that it was not completed until the land had become valuable. I think there would be no injustice even now in saying to this railroad company, "Half the grant at the completion of your road is worth more than the whole would have been had you completed the road within the lifetime of the grant."

Mr. EDMUNDS. How much would it have been worth if the road had not been built at all?

Mr. VAN WYCK. If the Northern Pacific Company had not hedged themselves and surrounded themselves by this immense grant, if we had held it back seven or eight years later, this Government would not have been required to give a donation equal in amount to the one we did give. We gave it because the country was a wilderness.

Mr. EDMUNDS. It would not be required to give any at all, probably.

Mr. VAN WYCK. The American citizen went in advance of the road.

Mr. EDMUNDS. And would not that be true in the great and grow-

ing State of Nebraska, which through her Senator is now asking Congress to help build railroads there? Would not that be equally true there?

Mr. VAN WYCK. I will come to that in a moment.

Mr. PLUMB. I should like to call attention to what is the very deliberate expression of the Senator's opinion about how railroads should be built as embraced in Senate bill 2395, introduced by him on the 10th of May, 1886; and for the purpose of giving an additional text for him to speak from I will read this bill to the Senate, that we may have the benefit of his mature judgment:

Mr. VAN WYCK introduced the following bill; which was read twice, and referred to the Committee on the Judiciary:

A bill to authorize and empower the Union Pacific Railroad to construct branch roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Pacific Railway Company is hereby authorized and empowered, for the purpose of constructing branch lines, feeders, and extensions to enable it to secure and hold the traffic and business naturally tributary thereto—

Nothing is said here about the benefit to the people to be derived from it!—

to organize or cause to be organized railway companies under the laws of the several States and Territories into and through which it may desire to build and operate such branch lines and to extend such feeders and extensions, and to aid such companies so organized, and companies heretofore organized for that purpose, and their successors, by subscription to the capital stock, and to gurantee the first-mortgage bonds of said companies—

At this point comes in what the Senator has said about watered stock and overissue of bonds. I desire to have the Senate observe just what he thinks is a protection against evils of that kind:

Provided, however, That such subscription and guarantee of first-mortgage bonds—

That is to say, what the Union Pacific shall issue of their mortgage bonds—

shall in no case or under any circumstances exceed the actual cash cost of the roads of said companies—

But it will be observed they may sell all the balance of the stock and all the balance of the bonds to anybody else—

And provided further—

And there is no limit as to the rate of interest the bonds shall bear. They may bear 12, 15, 20, or 50 per cent. if they choose; but the point is that there is no limitation on the amount of bonds, and no limitation on the amount which the Union Pacific may guarantee.

And provided further, That this act shall not authorize the guarantee of any first-mortgage bonds issued prior to the approval thereof. And said Union Pacific Railway Company is hereby authorized and empowered to operate and control the roads of said companies so aided or built as aforesaid, and their successors, either by purchase or lease thereof; but in no case and under no circumstances shall such roads be purchased or leased by said Union Pacific Railway Company except upon the basis of the actual cash cost thereof.

That is a very fine expression, "basis," but whatever that may mean there is no limitation as to the amount to be paid. You may call "basis" $10,000, $12,000, $15,000 a mile; you may make it 50 per cent. of the stock and bonds guaranteed.

And provided further, That such aid by guarantee and subscription shall not be furnished and such lease or purchase shall not be valid until the same shall have been ratified by two-thirds of the stockholders of the said railway companies.

There is some other milk in this very fruitful cocoanut. Section 2 is as follows:

SEC. 2. That Congress reserves to itself the right to alter, amend, or repeal this act when the public interest shall require it; but such repeal shall not affect the validity of any action taken under the power of this act prior to such repeal.

In other words, those companies may be stocked and bonded to just as much as the cupidity of the Union Pacific Railroad may induce them to go; and when they have done that, what is the power of Congress to repeal worth? You can shut the door after everything is stolen, but you can not touch or in any wise impinge upon a single proceeding that has taken place prior to that time. I do not speak of this to complain of it, but I want to have my friend from Nebraska, while he is roaming all over this great field of railroad stock—watering and excessive mortgaging, and so on—take into consideration this little measure that he has offered to the Senate, and while he is scarifying everybody else and denouncing railroads and railroad people and the things they have done to take up a few of the things that have been going on since he came into public life and give the Senate the benefit of his opinion about them.

Mr. VAN WYCK. I am obliged to my friend for calling attention to this bill. I am very happy for it, because I want attention to the matter and I trust the Judiciary Committee will see to it. I took especial pains to refer the bill to the Judiciary Committee. I knew the distinguished Senator from Vermont was chairman, and I wanted it referred to that committee so as to be sure when it came out that it would come out all right.

Mr. PLUMB. The Senator was not concerned about how it went in.

Mr. VAN WYCK. No matter so it comes out right. Could I pay a greater compliment to the ability and integrity of my distinguished friend from Vermont? I desired the severe action of his ability on this matter, and so I put the bill in his charge, which would be a guarantee to the people that it would be in all things correct.

Referring to a suggestion from the Senator from Vermont,

Mr. VAN WYCK said: I think there is a ponderosity enough in the Senator mentally and physically to check the momentum.

Mr. EDMUNDS. Not at all.

For years upon years there has been a black belt in Oregon and Washington Territory, 120 miles wide, from which the settlers had no protection until the people of Oregon, our Republican brethren in Oregon, the resolution from whose platform I read, and our Republican brethren in Washington have been stretching forth their hands to us and beseeching us that we would forfeit these unearned lands. We have not done it, but we are trying to do it.

Mr. EDMUNDS. Trying not to do it, I think.

Mr. VAN WYCK. The Senate will excuse me from going into the argument, because it is just what we are trying to do.

Now as to the Union Pacific, my friend referred to it as a bill to take money out of the Treasury. He says the bill is to allow them to take the money from the sinking fund. The Government is to construct these branch roads; the Government owns them and holds them, giving only to the Union Pacific Company the right to the use of them, and from that right of use to raise a revenue to help extinguish their debt.

We have been told here, and it will be told to you when the funding bill is under discussion by the Senator from Vermont probably and by the Judiciary Committee, that we must adopt the funding bill. Why? Because the Government does not own the branches already built, and it will be in the power of the company to strip the stem of the Union Pacific of the great branches now completed, and therefore we ought to do this in order that the Government may have some claim on the branches. By my bill the branches to be built will be under the control of the Government.

The Union Pacific Company and the people found that they would be benefited by the construction of additional branch roads; but latterly, when appealed to, the company said: "No; our credit can not be used under the act of 1873; our money is tied up in the Treasury." But the people of Nebraska thought it best, and I introduced a bill such as the Senator from Kansas has read, and I had it referred to a committee; and that bill authorizes not the taking of money out of the Treasury, but that they may be allowed to use their credit. The act of 1873, to which I have before referred, said that the railroad company should not use its credit in any way except by permission of Congress. They merely come in under the act of 1873 and ask Congress to allow them to use their credit. The bill was introduced with the view of allowing the corporation to use its credit and, as any other railroad corporation can, to borrow money; but the bill expressly protects the Government and protects the people by providing that under no circumstances shall the road be stocked or bonded or leased or purchased except on the basis of the actual cash cost of the road.

Mr. PLUMB. Read the bill.

Mr. VAN WYCK. The Senator from Kansas has read it more eloquently than I could have done, and I am content with his reading. It shall not be leased or purchased except upon the basis of the actual cash cost of the road. It will be worth something to get a Congressional declaration that hereafter railroads shall be built upon that basis.

I have now answered all that need be said. I have explained my position, and I certainly have seen no excuse for the attack except that the Senator from Vermont thought it was glaringly inconsistent that a Senator should insist on the forfeiture of all that was due and that at the same time he should be willing to aid a great section of country, not, however, by loaning money or donating lands.

Mr. GEORGE. To whom would the branches belong?

Mr. VAN WYCK. If the branches are built with money in the Treasury they would belong to the Government. If built by the credit of the company they would belong to the company.

I now ask pardon of the Senator from Oregon for occupying so much of his time.

Mr. DOLPH. Mr. President——

Mr. CAMERON. I ask the Senator from Oregon to give way for a motion that the Senate proceed to the consideration of executive business.

Mr. DOLPH. I yield for that purpose, retaining the right to the floor.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. DOLPH. I will not yield to another suggestion from the Senator from Nebraska for fear he might make a speech.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After fifty-two minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L.

PRUDEN, one of his secretaries, announced that the President had, on the 27th instant, approved and signed the following acts:

An act (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property;

An act (S. 823) granting a pension to Capt. Elihu Jones;

An act (S. 685) granting a pension to Mary Marsh;

An act (S. 983) granting a pension to Michael Daly;

An act (S. 1420) granting a pension to William Powell;

An act (S. 1431) granting a pension to Jane Carr;

An act (S. 1509) granting a pension to William H. Moore; and

An act (S. 1539) granting a pension to Eveline Hunt.

J. D. HAWORTH—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed:

To the Senate:

I hereby return without approval Senate bill 1253, entitled "An act granting a pension to J. D. Haworth."

It is proposed by this bill to grant a pension to the claimant for the alleged loss of sight in one eye and the impairment of the vision of the other.

From the information furnished me, I am convinced that the difficulty alleged by this applicant had its origin in causes existing prior to his enlistment, and that his present condition of disability is not the result of his service in the Army.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

MRS. ANNIE C. OWEN—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table and be printed:

To the Senate:

I hereby return without approval Senate bill No. 1850, entitled "An act granting a pension to Mrs. Annie C. Owen."

The husband of the claimant was mustered into the service as second lieutenant December 14, 1861, and discharged October 16, 1862. It appears that he died in 1876 from neuralgia of the heart. In 1883, the present claimant filed her application for pension, alleging that her husband received two shell wounds, one in the calf of his left leg and one in his left side, on the 1st day of July, 1862, and claiming that they were in some way connected with the cause of his death.

On the records of his command there is no mention made of either wound; but it does appear that on the 8th day of July, seven days after the date of the alleged wounds, he was granted a leave of absence for thirty days on account, as stated in a medical certificate, of "remittent fever and diarrhea." A medical certificate, dated August 5, 1862, while absent on leave, represents him to be at that time suffering from "chronic bronchitis and acute dysentery."

The application made for pension by the widow was rejected by the Pension Bureau February 1, 1886.

There is nothing before me showing that the husband of the claimant ever filed an application for pension, though he lived nearly fourteen years after his discharge; and his widow's claim was not made until twenty-one years after the alleged wounds, and seven years after the husband's death.

If the information furnished concerning this soldier's service is correct this claim for pension must be based upon a mistake. It is hardly possible that wounds such as are alleged should be received in battle by a second lieutenant and no record made of them; that he should seven days thereafter receive a leave of absence for other sickness with no mention of these wounds, and that a medical certificate should be made (probably with a view of prolonging his leave) stating still other ailments, but silent as to wounds. The further facts that he made no claim for pension and that the claim of his widow was long delayed are worthy of consideration. And if the wounds were received as described there is certainly no necessary connection between them and death fourteen years afterward from neuralgia of the heart.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 21, 1886.

REFERENCE OF VETO MESSAGES.

On motion of Mr. BLAIR, it was

Ordered, That the veto messages of the President of the United States, received by the Senate on the 24th instant on the following bills, be taken from the table and referred to the Committee on Pensions:

A bill (S. 2186) granting a pension to Louis Melcher;
A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 1857) granting a pension to Dudley B. Branch; and
A bill (S. 1630) granting a pension to James C. Chandler.

ADJOURNMENT TO TUESDAY.

Mr. MILLER. I move that when the Senate adjourn to-day it adjourn to meet on Tuesday, June 1.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 31, nays 16; as follows:

YEAS—31.

Berry,	Fair,	Kenna,	Saulsbury,
Blackburn,	George,	Logan,	Stanford,
Butler,	Gibson,	Manderson,	Vance,
Call,	Gray,	Miller,	Vest,
Cameron,	Harris,	Pugh,	Voorhees,
Cockrell,	Hawley,	Ransom,	Walthall,
Eustis,	Ingalls,	Riddleberger,	Whitthorne.
Evarts,	Jones of Arkansas,	Sabin,	

NAYS—16.

Allison,	Dawes,	Mitchell of Oreg.,	Sherman,
Blair,	Edmunds,	Morrill,	Teller,
Bowen,	Hale,	Payne,	Van Wyck,
Conger,	Maxey,	Sawyer,	Wilson of Iowa.

ABSENT—29.

Aldrich,	Dolph,	Jones of Nevada,	Platt,
Beck,	Frye,	Mahone,	Plumb,
Brown,	Gorman,	McMillan,	Sewell,
Camden,	Hampton,	McPherson,	Spooner,
Chace,	Harrison,	Mitchell of Pa.,	Wilson of Md.
Coke,	Hearst,	Morgan,	
Colquitt,	Hoar,	Palmer,	
Cullom,	Jones of Florida,	Pike,	

So the motion was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 174) authorizing the printing of 25,000 copies of the report of the National Board of Health for the year 1885 was read twice by its title, and referred to the Committee on Printing.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until Tuesday, June 1, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 28th day of May, 1886.

PROMOTIONS IN THE ARMY.

Second Regiment of Cavalry.

Second Lieut. Lloyd M. Brett, to be first lieutenant, May 4, 1886, *vice* Huntington, deceased.

Fourth Regiment of Cavalry.

First Lieut. Stanton A. Mason, to be captain, April 24, 1886, *vice* Sweeney, retired from active service.

Second Lieut. James B. Erwin, to be first lieutenant, April 24, 1886, *vice* Mason, promoted.

Second Lieut. Hugh J. McGrath, to be first lieutenant, May 26, 1886, *vice* Bellas, retired from active service.

Sixth Regiment of Cavalry.

First Lieut. William Stanton, to be captain, May 21, 1886, *vice* Madden, promoted to the Seventh Cavalry.

Second Lieut. Elon F. Willcox, to be first lieutenant, May 21, 1886, *vice* Stanton, promoted.

Seventh Regiment of Cavalry.

Capt. Daniel Madden, of the Sixth Cavalry, to be major, May 21, 1886, *vice* Merrill, retired from active service.

Twelfth Regiment of Infantry.

First Lieut. George S. Wilson, to be captain, February 12, 1886, *vice* Stacey, deceased.

Second Lieut. Wallis O. Clark, to be first lieutenant, February 12, 1886, *vice* Wilson, promoted.

Second Lieut. Francis J. A. Darr, to be first lieutenant, May 26, 1886, *vice* Kingsbury, retired from active service.

APPRAISER OF MERCHANDISE.

William H. Cleveland, of Michigan, to be appraiser of merchandise in the district of Detroit, in the State of Michigan, in place of F. A. Blades, to be removed.

COMMISSIONER FOR ALASKA.

Adolph Lippman, of Sitka, Alaska, to be a commissioner in and for the district of Alaska, to reside at Juneau City, *vice* Henry States, to be removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 21, 1886.

ATTORNEYS OF THE UNITED STATES.

John E. Carland, of Dakota, to be attorney of the United States for the Territory of Dakota.

George E. Bird, of Maine, to be attorney of the United States for the district of Maine.

RECEIVER OF PUBLIC MONEYS.

J. Massie Martin, of Opelousas, La., to be receiver of public moneys at New Orleans, La.

POSTMASTERS.

John B. Frasher, to be postmaster at Telluride, San Miguel County, Colorado.

William O. Garvin, to be postmaster at Trenton, Grundy County, Missouri.

Frank T. Lynch, to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas.

Charles H. Brown, to be postmaster at Sterling, Rice County, Kansas.

Egbert R. Watson, to be postmaster at Kearney, Buffalo County, Nebraska.

John C. Pennewill, to be postmaster at Dover, Kent County, Delaware, *vice* Andrew Smithers, whose commission expires May 16, 1886.

Frank L. Thayer, to be postmaster at Waterville, Kennebec County, Maine.

Timothy Shaw, jr., to be postmaster at Biddeford, York County, Maine.

Nathaniel A. Swett, to be postmaster at Saccarappa, in the county of Cumberland and State of Maine.

William H. Torry, to be postmaster at Foxborough, Norfolk County, Massachusetts.

Charles N. Perley, to be postmaster at Danvers, Mass.

Hiram Foote, to be postmaster at Amesbury, Mass.

Lemuel L. Keith, to be postmaster at Bridgewater, Plymouth County, Massachusetts.

Theodore H. Fenn, to be postmaster at Lee, Berkshire County, Massachusetts.

William Buttrick, to be postmaster at Concord, Middlesex County, Massachusetts.

George W. Wales, to be postmaster at Randolph, Norfolk County, Massachusetts.

Jeremiah C. Byrnes, to be postmaster at Ware, Hampshire County, Massachusetts.

James J. Oakes, to be postmaster at Southbridge, in the county of Worcester and State of Massachusetts.

Bushnell Danforth, to be postmaster at Williamstown, in the county of Berkshire and State of Massachusetts.

C. W. Howe, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire.

John J. Dudley, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire.

Albert N. Flynn, to be postmaster at Nashua, in the county of Hillsborough and State of New Hampshire.

George W. Crockett, to be postmaster at Concord, in the county of Merrimack and State of New Hampshire.

W. Scott Gillespie, to be postmaster at Kingston, Ulster County, New York.

James F. Elder, to be postmaster at Richmond, Wayne County, Indiana.

Herbert Williams, to be postmaster at North Bend, Dodge County, Nebraska.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

On the 22d of March, 1886, the President nominated to the Senate Herbert Williams to be postmaster at North Bend, Nebr., *vice* Chauncy W. Hyatt, whose removal is proposed.

The official files containing the papers and documents in the case submitted to the committee by the Postmaster-General disclose the fact that Mr. Hyatt's removal was urged on the ground of "offensive partisanship," and the action taken seems to rest wholly on the political and partisan features of the case.

It appears from the papers and documents in the case that Mr. Hyatt is the editor and proprietor of a newspaper published at North Bend. Several copies of his newspaper were filed in support of the application for his removal. Editorial articles tending to illustrate the offensive partisanship of the editor, whose removal from office was requested, and is now proposed, were indicated by pen and pencil lines drawn around them. In the issue of the newspaper of June 17, 1885, the committee found an article indicated as stated, and here copy it at length, namely:

"Democrats are not offensive partisans, as the following incident will prove: A little boy and girl playing in the yard. The girl finds an apple under the tree, and with an exclamation of delight begins to bite it. 'Hold on,' said the boy; 'throw it away; the cholry is comin', and if you eat that apple you will be took sick, an' you can't talk, an' the doctor will come an' give you some bad medicine, an' then you'll die.' The girl throws the apple down, and the boy, snatching it up, begins to eat it. 'Don't,' the girl cries; 'won't it kill you, too?' 'No,' said the boy, munching the fruit; 'it won't kill boys. It's only after little girls. Boys don't have cholry.'"

It is not difficult to see the point of this offensive article. "Offensive partisanship" does not apply to Democrats. "It's only after" Republicans. Democrats do not have it. It is evident that Mr. Hyatt can not be a very bad man or an inefficient officer when resort is had to such a course to effect his removal. The fact that he has such a keen appreciation of the true character of the oft-paraded reform doctrines of the present times doubtless had no inconsiderable influence in inducing the importunities of the persons who urged his removal.

It appears that the nominee is a person of good character and competent to discharge the duties of the office to which he is nominated. The committee, therefore, recommend that he be confirmed.

Samuel B. Evans, to be postmaster at Ottumwa, in the county of Wapello and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

Samuel B. Evans was nominated December 16, 1885, to be postmaster at Ottumwa, Iowa, *vice* Augustus H. Hamilton, who was suspended during the recess of the Senate.

The committee requested the Postmaster-General to communicate to it the papers on file in his Department relating to the case. This request was complied with, and on examination of the said papers shows that the suspension of Mr. Hamilton was asked for on the grounds of "offensive partisanship." No other charges appear in the files in possession of the committee, nor does it in any other manner appear that anything has been alleged against him tending in any degree to injuriously affect his character or reputation as a man or his efficiency as an officer.

The nominee appears from the files in the case to be a man competent to discharge the duties of the office. The committee therefore report the nomination of Samuel B. Evans to the Senate with a recommendation that it be confirmed.

Executive nominations confirmed by the Senate, May 28, 1886.

CONSUL-GENERAL.

Clarence Ridgley Greathouse, of California, to be consul-general of the United States at Kanagawa.

UNITED STATES MARSHAL.

David C. Fulton, of Wisconsin, to be marshal of the United States for the western district of Wisconsin.

SURVEYOR OF CUSTOMS.

Richard D. Lancaster, of Missouri, to be surveyor of customs for the port of Saint Louis, in the State of Missouri.

REGISTER OF LAND OFFICE.

Hughes East, of Indiana, to be register of the land office at Yankton, Dak.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 28, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATION FOR SIGNAL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of War, with accompanying papers, relative to the omission from the Army appropriation bill of the appropriation for the Signal Service for the next fiscal year; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BURLEIGH, for one week, on account of important business.

To Mr. DINGLEY, until Tuesday next, on account of illness.

To Mr. GROSVENOR, indefinitely, on account of important business.

To Mr. MCRAE, for three days, on account of important business.

To Mr. DUNN, for two days, on account of sickness in his family.

DECORATION DAY.

Mr. MORRISON. Mr. Speaker, next Monday will be Decoration Day. In accordance with custom and the proprieties of the occasion I move that when the House adjourns to-morrow it stand adjourned until Tuesday next.

The motion was agreed to.

The SPEAKER proceeded, as the regular order, to call the committees for reports of a private nature.

ADVERSE REPORT.

Mr. MORGAN, from the Committee on Patents, reported back with an adverse recommendation the bill (H. R. 4402) to provide for the extension of letters-patent for an improvement in insulating submarine cables; which was referred to the Private Calendar, and the accompanying report ordered to be printed.

Mr. LEHLBACH, by unanimous consent, obtained leave to file the views of the minority of the committee within ten days.

WALLIS PATTEE.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. 2026) granting a pension to Wallis Pattee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE R. M'QUAIDE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1852) granting a pension to Jane R. McQuaide; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISABELLA JESSUP.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1853) granting a pension to Isabella Jessup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. WEAVER.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1421) granting a pension to William H. Weaver; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8787) granting a pension to William Thurston; and

A bill (H. R. 8764, for the relief of Capt. H. Alfrey.

EMMA J. HALLOWAY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 578) for the relief of Emma J. Hallo-

way; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 474) granting a pension to William B. Baker; which was laid on the table, and the accompanying report ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2046) granting a pension to Henry M. Bossert; and

A bill (H. R. 6582) granting a pension to Daniel Batdorff.

JAMES LONG.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7796) granting a pension to James Long; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY J. HAGERMAN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2160) granting a pension to Mary J. Hagerman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JESSE CAMPBELL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8150) granting a pension to Jesse Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN P. M'ELROY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2233) granting a pension to John P. McElroy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

POWHATTAN B. SHORT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2163) granting a pension to Powhattan B. Short; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM BRENTANO.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1766) granting a pension to William Brentano; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRIDOLINE GLASTETTER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2132) granting a pension to Fridoline Glastetter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES M'GLYNN.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8474) granting a pension to James McGlynn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STEPHEN SAUER.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with an amendment of the Senate, and a recommendation that the amendment be concurred in, the bill (H. R. 5038) for the relief of Stephen Sauer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT POTTS.

Mr. PINDAR, from the Committee on Invalid Pensions, reported a bill (H. R. 9119) granting a pension to Robert Potts; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYRA L. WESTON.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8310) granting a pension to Cyra L. Weston; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7945) granting a pension to Charles A. Chase; and

A bill (H. R. 8706) granting a pension to George Henderson.

BENJAMIN F. JONES.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 1294) for the relief of Benjamin F. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES MILLENGER.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back favorably the bill (H. R. 2036) for the relief of James Millenger; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DEATH OF SENATOR JOHN F. MILLER.

The call of committees for reports having been concluded, the Speaker laid before the House the following resolutions of the Senate:

Resolved, That the Senate has heard with profound sorrow of the death of JOHN F. MILLER, late a Senator from the State of California.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

Mr. MORROW. Mr. Speaker, I desire to give notice that at some subsequent time I will offer resolutions pertinent to the matter suggested by the resolutions of the Senate just communicated to the House; and now ask unanimous consent that Saturday, the 19th day of June, be set apart for the consideration of such resolutions.

Mr. BEACH. I will ask my friend from California if he will not consent to take an evening session for the consideration of these resolutions?

Mr. MORROW. I could not consent to that, as I do not think it would be a proper observance of such an occasion.

Mr. BEACH. We have now pending very much public business, and I think it is hardly proper to devote a day to the consideration of these resolutions; however, I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I desire to give notice that as soon as the legislative appropriation bill is disposed of I shall ask the House to take up and consider the naval appropriation bill.

Mr. HATCH. I move to dispense with private business for to-day.

Mr. RICHARDSON. Mr. Speaker, I rise to a parliamentary inquiry. On last Friday the House ordered that the vote on House bill No. 5194, to provide for the settlement of the indebtedness of the McMinnville and Manchester Railroad Company, should be taken to-day immediately after the reading of the Journal. What I desire to ask is, if the motion of the gentleman from Missouri shall prevail if that order will be continued, and if the vote can be taken on this bill immediately after the reading of the Journal on next Friday?

The SPEAKER. That part of the order would necessarily fall with the private business for to-day, because it relates to a particular day; and the bill to which the gentleman refers would come up in its regular order on the next Friday, when business reported from the Committee of the Whole is under consideration by the House.

Mr. RANDALL. It will be properly in order on the next day when private bills come up for consideration on reports from the Committee of the Whole.

The SPEAKER. That would be the effect of the adoption of the motion of the gentleman from Missouri.

Mr. RICHARDSON. I ask unanimous consent, then, that the consideration of that bill, or that portion of the special order with reference to it, be continued until next Friday, on which day the vote shall be taken immediately after the reading of the Journal, or before going into Committee of the Whole for the consideration of private business.

Mr. HATCH. Not for consideration, but for its passage.

The SPEAKER. That is consideration; voting upon the bill is consideration.

Mr. DUNHAM. Reserving the right to object, I desire to ask this question: Has the previous question been ordered upon the passage of the bill?

The SPEAKER. The Chair thinks not.

Mr. RICHARDSON. It has not been ordered.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. JOHNSTON, of Indiana. I object.

Mr. HATCH. I insist now on my motion to dispense with private business for to-day.

Mr. O'NEILL, of Pennsylvania. Does that apply to the night session for the consideration of pension bills?

The SPEAKER. It does not.

Mr. O'NEILL, of Pennsylvania. I hope the House will adhere to the private business.

The question was taken; and there were—ayes 90, noes 67.

So the motion was agreed to.

Mr. HATCH. I now move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue.

Mr. HOLMAN. Yesterday I gave notice that the Committee on Appropriations would ask the House this morning to take up for consideration the legislative, executive, and judicial appropriation bill. Since then that committee has considered the subject, and determined that as a general proposition the consideration of general appropriation bills should not be pressed while a public measure is being considered by the House, and will not ask the House to take up the legislative, &c., bill until the bill now being considered is disposed of, but will then press the appropriation bill for immediate consideration. I will not therefore press the motion to-day, but I will ask the House to take it up as soon as the present bill is disposed of.

The question being taken on the motion of Mr. HATCH, there were on a division—ayes 99, noes 30.

So the motion was agreed to.

OLEOMARGARINE.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill H. R. 8328.

If there be no further amendment to the second paragraph of the third section the Clerk will read the third paragraph.

The Clerk read as follows:

Retail dealers in oleomargarine shall pay $48. Every person who sells oleomargarine in less quantities than 10 pounds at one time shall be regarded as a retail dealer in oleomargarine. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year and shall be $500.

Mr. HAMMOND. Mr. Chairman, I desire to offer an amendment to this paragraph of the section. I move to strike out the proviso to the paragraph.

The CHAIRMAN. The Chair is informed that there is an amendment to the fifteenth line by the gentleman from Virginia to strike out "forty-eight" and insert "twenty-five."

The gentleman from Georgia is recognized to offer an amendment.

Mr. HAMMOND. I submit the amendment I have suggested.

Mr. Chairman, this paragraph of the section adopts various sections of the code which regulate the sales of intoxicating liquors, malt liquors, tobacco, and cigars. Section 3237 of the Revised Statutes declares that the fiscal year in these matters shall commence on the 1st day of May; and that every such business beginning after the 1st day of May shall pay its tax in proportion to the fractional part of the year during which the business shall be in operation.

Now, in the first paragraph we place a tax of $600 on manufacturers, which means a tax for one year. This proviso declares that if the business be begun after the 30th day of June the manufacturer shall pay $500 for protection during the year. If it were only one day, he would have to pay $500. For one week, for one month, for two months, it is all the same—$500. Now, if this be really a bill to collect revenue, if it be really a bill to put this article under the same regulations as are applied to the other internal-revenue taxes, this proviso as to the $500 is wrong and the general law that allows the pro rata of the annual tax according to the number of days or months used by the manufacturer is right; and the proviso should be stricken out.

Mr. VAN SCHAICK. I desire to have a telegram read from the Knights of Labor of Milwaukee.

The Clerk read as follows:

MILWAUKEE, WIS., *May* 27, 1886.

Hon. J. W. VAN SCHAICK, M. C., *Washington:*

At a meeting to-day of the executive board of Assembly No. 3567, Knights of Labor of Milwaukee, the following resolution was adopted:

"Whereas a bill is pending in Congress to place a tax of 10 cents per pound on oleomargarine or butterine; and

"Whereas the adoption of such a measure would destroy the manufacture of a cheap and wholesome article of food, thus increasing the cost of living:

"*Be it hereby resolved*, That the executive board of Assembly 3567, Knights of Labor, do most earnestly protest against the adoption of such a bill, and pray Congress to defeat it, believing that this proposed tax is asked simply to further the dairy interests, to the injury of the people at large.

"*Resolved*, That copies of resolution be sent to our Representatives in Congress."

JAMES J. McNALLY,
Chairman Executive Board.

Mr. GIBSON, of West Virginia. I rise to oppose the amendment. I propose not only to oppose this amendment, but any other amendment to any part of this bill. I regard the whole bill as a fraud, and all amendments as simply aiding to carry out that fraud. It professes to be a bill in the interest of the farmers, while in fact it is a bill in the interest of a few rascally dairymen around the big cities who notoriously water their milk and make mean and nasty butter for the people. It in no sense helps the butter interest, because it is a known fact butter has been increasing in price for a number of years.

Mr. WHITE, of Minnesota. It is now 16 cents a pound.

Mr. GIBSON, of West Virginia. I can not understand how a Democrat can advocate this bill. I remember having heard the gentleman from Missouri [Mr. HATCH], who seems to be the wet-nurse for this measure, the child of the gentleman from Pennsylvania, on more than one occasion denouncing the protection theory as a system of plunder and demagogery, and yet now we find him the standard-bearer of these plunderers and demagogues whom he has denounced for years. What has become of his Democracy? What has become of the principles he has professed here for years? Is it because some of this plunder is going to his people that all his principles of Democracy have fled from him, and he is willing to become the leader in the advocacy of a measure the most infamous ever introduced into the American Congress?

The gentleman from Missouri has been here session after session denouncing the internal-revenue system as a system of spies and oppression on the people; and now forsooth he wants to perpetuate this system and put the spies around the home of every old woman in the country. [Laughter and applause.] He has talked here of the oppression of the Federal courts, and yet he drags the people from their domestic hearths miles away that he may carry through this monstrous fraud on the American people, and that at the very time when the high price of living is disturbing and destroying all American interests; when the laborers of the country are demanding increased wages that they may live. At such a time these people are legislating to add 10 cents a pound to this article that the overgrown monopolists may fatten upon the oppression of the people. And that comes from a Democrat—a man who has proclaimed himself a free-trader. He comes forward as the advocate of the protection of one industry against another.

That these gentlemen are not honest in their effort to pass this bill is apparent. It is not to promote the health of the people that this measure is urged. We offered amendments here to apply this test to all food and all commodities, but these gentlemen do not want that. They are willing to let a man sell rot-gut whisky under a retail license of $25 a year. But those who want to sell a healthy food to the poor man to eat must pay $48. A man may manufacture mean whisky by paying a tax of $100. But the man who manufactures food for the laborer must pay $600 a year. The tax in this bill is $600 for the manufacturer, $480 for the wholesale dealer, and $48 for the retail dealer.

You propose to brand this food and make the tax on traffic in it ten times as much as the tax on the traffic in whisky. And yet this is called a Democratic measure, and it is offered here by a Democratic committee and advocated persistently by Democrats.

Why, Mr. Chairman, if I were allowed to tell the names of members of Congress who have told me openly on this floor that they knew this bill was infamous and monstrous, and they ought not to vote for it but they were afraid to vote against it, I would make a revelation that would startle the country and show the people how hollow this mockery is.

Mr. PETTIBONE. Oh, give us the names.

Mr. GIBSON, of West Virginia. I do not propose to do it. [Cries of "Names!" "Names!"]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. HATCH. Mr. Chairman, I move that the committee do now rise.

The question was taken; and the chairman declared that the ayes seemed to have it.

Mr. GIBSON, of West Virginia. Division.

The House divided; and there were—ayes 113, noes 29.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. A quorum is not required. The committee determines to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the State of the Union had had under consideration the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, and had come to no resolution thereon.

Mr. HATCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills raising revenue; and pending that motion I move that all debate upon the paragraphs and amendments thereto be limited to one minute.

Mr. HAMMOND. Mr. Speaker, I move to amend by making the time twenty minutes.

Mr. BUTTERWORTH. I move to make it half an hour. I trust the gentleman from Missouri will allow me to make a suggestion. The amendment offered by the gentleman from Georgia and several others offered here are practical, serious amendments, and I think they ought to be considered by this House. I am in favor of the object and purpose of this bill; but I think these amendments ought to be considered with some little deliberation.

Mr. HATCH. Mr. Speaker, I withdraw my motion, and now move that all debate on the pending paragraphs and amendments thereto be limited to ten minutes; and on that I demand the previous question.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] moves that the House now resolve itself into Committee of the Whole on the state of the Union. Pending that, the gentleman moves that all debate upon the paragraph under consideration and amendments thereto be limited to ten minutes, and upon that he demands the previous question.

Mr. HAMMOND. Will the gentleman from Missouri [Mr. HATCH] allow me a suggestion. An attempt was made yesterday to advance this bill by limiting debate from time to time, and the result was that we had only about twenty minutes' debate during the day and made only about six lines progress in the bill. I would like to state to the gentleman——

Mr. HATCH. I demand the regular order.

The SPEAKER. The regular order is called for. The question is on the motion of the gentleman from Missouri.

The House divided on the motion of Mr. HATCH; and there were—ayes 99, noes 30.

Mr. BLANCHARD. No quorum.

Mr. HATCH. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 46, not voting 96; as follows:

YEAS—180.

Adams, J. J.	Ermentrout,	Landes,	Sawyer,
Allen, C. H.	Evans,	Le Fevre,	Scott,
Allen, J. M.	Everhart,	Lehlbach,	Scranton,
Anderson, J. A.	Farquhar,	Lindsley,	Seney,
Baker,	Felton,	Lore,	Sessions,
Ballentine,	Fisher,	Louttit,	Seymour,
Barksdale,	Fleeger,	Lovering,	Shaw,
Barry,	Ford,	Lowry,	Singleton,
Bayne,	Forney,	Lyman,	Smalls,
Beach,	Frederick,	Matson,	Snyder,
Bland,	Fuller,	McAdoo,	Sowden,
Boutelle,	Gallinger,	McComas,	Springer,
Boyle,	Geddes,	McCreary,	Stahlnecker,
Brady,	Glass,	McKenna,	Stephenson,
Breckinridge, WCP.	Green, R. S.	McKinley,	Stewart, J. W.
Browne, T. M.	Green, W. J.	McMillin,	Stone, E. F.
Brown, W. W.	Grout,	Millard,	Stone, W. J., Ky
Buchanan,	Hale,	Milliken,	Storm,
Buck,	Hall,	Moffatt,	Strait,
Bunnell,	Halsell,	Morgan,	Struble,
Burnes,	Harmer,	Morrill,	Swinburne,
Burrows,	Hatch,	Murphy,	Swope,
Caldwell,	Haynes,	Neal,	Tarsney,
Campbell, J. M.	Heard,	Neece,	Taulbee,
Campbell, T. J.	Henderson, D. B.	O'Donnell,	Taylor, E. B.
Cannon,	Henderson, T. J.	O'Ferrall,	Taylor, I. H.
Carleton,	Henley,	Parker,	Taylor, J. M.
Caswell,	Hepburn,	Payne,	Taylor, Zach.
Cobb,	Hiestand,	Peel,	Thomas, O. B.
Collins,	Hill,	Peters,	Thompson,
Comstock,	Hires,	Pettibone,	Townshend,
Conger,	Hiscock,	Pidcock,	Wade,
Cooper,	Hitt,	Pindar,	Wait,
Cowles,	Holman,	Plumb,	Wakefield,
Cox,	Hopkins,	Price,	Weaver, A. J.
Crisp,	Howard,	Reed, T. B.	Weaver, J. B.
Croxton,	Hudd,	Reid, J. W.	Weber,
Culberson,	Jackson,	Reese,	West,
Cutcheon,	Janes,	Richardson,	Wheeler,
Daniel,	Johnson, F. A.	Riggs,	White, A. C.
Davenport,	Johnston, J. T.	Rockwell,	White, Milo
Dorsey,	Johnston, T. D.	Romeis,	Whiting,
Eldredge,	King,	Rowell,	Wilkins,
Ellsberry,	Kleiner,	Ryan,	Woodburn,
Ely,	La Follette,	Sadler,	Worthington.

NAYS—46.

Barnes,	Harris,	Mills,	St. Martin,
Bennett,	Hemphill,	Morrison,	Throckmorton,
Bliss,	Herbert,	Negley,	Tillman,
Campbell, Felix	Hewitt,	Oates,	Turner,
Candler,	Jones, J. H.	O'Neill, J. J.	Van Eaton,
Curtin,	Kelley,	Owen,	Van Schaick,
Davidson, R. H. M.	Lanham,	Perry,	Wadsworth,
Dougherty,	Lawler,	Reagan,	Warner, William
Dowdney,	Mahoney,	Sayers,	Willis,
Dunham,	Martin,	Skinner,	Wilson.
Findlay,	Merriman,	Spooner,	
Hammond,	Miller,	Stewart, Charles	

NOT VOTING—96.

Adams, G. E.	Cabell,	Funston,	Ketcham
Aiken,	Campbell, J. E.	Gay,	Laffoon,
Anderson, C. M.	Catchings,	Gibson, C. H.	Laird,
Arnot,	Clardy,	Gibson, Eustace	Libbey,
Atkinson,	Clements,	Gilfillan,	Little,
Barbour,	Cole,	Glover,	Long,
Belmont,	Compton,	Goff,	Markham,
Bingham,	Crain,	Grosvenor,	Maybury,
Blanchard,	Dargan,	Guenther,	McRae,
Blount,	Davidson, A. C.	Hanback,	Mitchell,
Bound,	Davis,	Hayden,	Morrow,
Bragg,	Dawson,	Henderson, J. S.	Muller,
Breckinridge, C. R.	Dibble,	Herman,	Nelson,
Brown, C. E.	Dingley,	Holmes,	Norwood,
Brumm,	Dockery,	Houk,	O'Hara,
Burleigh,	Dunn,	Hutton,	O'Neill, Charles
Butterworth,	Eden,	Irion,	Osborne,
Bynum,	Foran,	Jones, J. T.	Outhwaite,
Payson,	Rice,	Symes,	Ward, T. B.
Perkins,	Robertson,	Thomas, J. R.	Warner, A. J.
Phelps,	Rogers,	Trigg,	Wellborn,
Pirce,	Spriggs,	Tucker,	Winans,
Randall,	Steele,	Viele,	Wise,
Ranney,	Stone, W. J., Mo.	Ward, J. H.	Wolford.

Mr. WHEELER. Mr. Speaker, I move to dispense with the reading of the names of members voting.

Mr. GIBSON, of West Virginia. I object.

The following-named members were announced as paired until further notice:

Mr. EDEN with Mr. WAIT.

Mr. HUTTON with Mr. PIRCE.

Mr. GIBSON, of Maryland, with Mr. HAYDEN.

Mr. CLEMENTS with Mr. HOLMES.

Mr. REID, of North Carolina, with Mr. RICE.

Mr. CAMPBELL, of Ohio, with Mr. GUENTHER.

Mr. BYNUM with Mr. MCKENNA.

On political questions:

Mr. FORAN with Mr. LONG.

Mr. ROBERTSON with Mr. ELY.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. WINANS with Mr. HOUK.

Mr. MITCHELL with Mr. GOFF.

Mr. ARNOT with Mr. DAVIS.

Mr. DIBBLE with Mr. LITTLE.

Mr. WARNER, of Ohio, with Mr. GROSVENOR.

The following-named members were announced as paired for this day:

Mr. CABELL with Mr. BUTTERWORTH.

Mr. VIELE with Mr. HANBACK.

Mr. MULLER with Mr. MARKHAM.

Mr. CRAIN with Mr. LIBBEY.

Mr. GROSVENOR with Mr. WARNER, of Ohio.

Mr. LAFFOON with Mr. STONE, of Missouri.

Mr. OUTHWAITE with Mr. FUNSTON.

Mr. ROGERS with Mr. OSBORNE.

Mr. MCRAE and Mr. PERKINS were announced as paired until Tuesday next. If present, Mr. PERKINS would vote for the pending bill; Mr. MCRAE against it.

Mr. DINGLEY and Mr. DUNN were announced as paired until Tuesday next. If present, Mr. DINGLEY would vote for the bill; Mr. DUNN against it.

The following-named members were announced as paired on this vote:

Mr. MORROW with Mr. WISE.

Mr. GLOVER with Mr. HERMAN.

The result of the vote was then announced as above recorded.

Mr. HATCH. Before the question is put, allow me to say I have been notified by the gentleman from Georgia and the gentleman from Ohio that there are one or two sections of the Revised Statutes—probably more—enumerated in this paragraph on which they desire to speak. I therefore ask unanimous consent of the House to amend my proposition so as to limit debate to thirty minutes instead of ten.

Mr. HAMMOND. I desire to say I have made no such request.

Mr. HATCH. I referred to the gentleman's colleague.

Mr. HAMMOND. Allow me to state that I moved to amend this motion so as to allow twenty minutes; a gentleman on the other side moved thirty. I was willing to accept anything in the shape of a modification before the roll was called.

The SPEAKER. The gentleman from Missouri asks unanimous consent to modify his motion by striking out "ten minutes" and inserting "thirty minutes." If there be no objection the motion will be regarded as agreed to in that form.

There was no objection.

The question recurring on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union, the motion was agreed to.

OLEOMARGARINE.

The House accordingly resolved itself into Committee of the Whole (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The pending amendment was to strike out the following proviso at the end of section 3:

Provided, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be $500.

The CHAIRMAN. By order of the House, all debate upon this paragraph and amendments thereto is limited to thirty minutes.

Mr. BUTTERWORTH. Mr. Chairman, in discussing this amendment I desire to resume the line of argument I was pursuing when my five minutes expired, a similar amendment being then before the committee. I then stated that if the object of this bill is to regulate a traffic so as to expose a fraud and enable the consumers of this country

to know what they are buying and what they are eating, unjust and extravagant taxation is not needed. Let us bear constantly in mind that if oleomargarine is the thing which it has been described to be by gentlemen who affect to know—if it is of such a character as suggests the presence of trichinæ and tape-worms—if it is of such character when known that the gorge rises at the sight of it, then every sensible man on this floor knows perfectly well that it is only necessary for the protection of the producers and consumers of butter that this counterfeit should be offered in the market for what it really is—oleomargarine.

The opposition to this industry grows out of the fact that from its inception this article has been a corsair, a pirate upon the high sea of commerce; that it has not for an hour sailed under its own flag; that you could not trace oleomargarine a hundred yards from the factory, while you could trace butter from the dairy or the cottage or the cabin where it was made to the table of the consumer. By the fraud practiced by those who make and sell it as butter oleomargarine has placed itself under the ban, has been outlawed, and for that reason the incidental benefit which this bill brings and to which I have referred is of great importance.

Is it the proposition of this House to tax oleomargarine simply and only because it can be used as a substitute for butter? There is not a man on this floor who would propose such a thing. There is not a man on this floor who does not know it would be unconstitutional to do so. The country simply asks that oleomargarine shall be retired to its own reservation and that butter may be permitted by force of its excellent qualities to remain upon its own domain.

Now, if on the other hand it is true that oleomargarine is what it is represented to be by manufacturers and dealers, and honorable men tell me that it is a healthful article of food, though I am not clear that the most of it can possibly be such, else it would not parade itself in a disguise—but if it is so, the fact that it will be used as a substitute for butter and become in its own right a competitor with butter in the market is no reason and no excuse for taxing it out of existence. You might as well tax cream gravy and sauces out of existence, because, forsooth, their use limits the use of butter, and therefore necessarily reduces the price.

What, then, is the object, and aside from the revenue the only proper object, of this bill? Simply to see to it that this corsair upon the high sea of commerce shall either be driven from the sea or else shall sail under its own flag, and with that object I am, I repeat, heartily in sympathy. We have no right to demand anything more. If the purpose is to tax this industry only with a view to its destruction, that purpose ought to find no favor upon either side of the House. We are assured upon all sides, however, that there is no other purpose than to see that we as consumers are not daily defrauded and the dairy industry cheated by this counterfeit butter.

I have no sympathy with the suggestion which asserts that we shall not regulate the manufacture and sale of oleomargarine under the revenue power, because forsooth it is the poor man's food. I am poor enough myself; I have many relatives who are poor, many friends who are poor, many constituents who are poor. But none of us are so poor that we have not the humble right to know what we are eating at our tables and what food we are giving our children. None of us are so poor that we are willing to be fed with the offal from the slaughter-houses of this country, as some gentlemen have asserted oleomargarine to be. None of us are so poor in privilege that we dare not demand and insist upon the right to know what we buy in the markets of our country. And we have the right to insist that we shall receive the precise article of food that we buy and pay for. None of us are so poor that we will not insist on our right as free men to tear the mask of hypocrisy from oleomargarine and make it stand for what it is. And we have the equal right to purchase it for what it is, and eat it knowing what it is, if we are satisfied that it is clean and wholesome for food.

The intimation that in order to heartily support the avowed object of this bill—which is to unmask fraud and forbid by penal laws the commission of the wrong that has been for years practiced by the dealers in counterfeit butter—one must advocate the enormous tax fixed in the bill is stupid, if not worse. The thing to be done is one thing, the manner of doing it quite another.

Mr. FINDLAY obtained the floor.

Mr. BUTTERWORTH. I wanted to say just a word about this amendment. [Laughter.]

Mr. FINDLAY. I am sorry I can not yield my friend a part of my time; but I have very little.

Mr. BUTTERWORTH. The gentleman is generally so good-natured——

Mr. FINDLAY. Generally I am; but just at this time I can not exercise my good nature. I am sorry for it.

Mr. Chairman, a day or two since I offered in comparative good faith, I will not say absolute good faith, an amendment to this bill, the object of which was to broaden the remedial effect of the bill.

On examining the bill I found there was no restriction on the exportation of oleomargarine, and I put an amendment in for the purpose of providing that none of this stuff should be shipped to any port included within Her Majesty's East Indian possessions where reside the sect known as Parsees. It will be seen at once why this should be done. That sect has a very peculiar form of burial, the particulars of which I will not recite; but before the dead body of the Parsee is taken out to his last home to be deposited on the top of the Tower of Silence the priest is called in, and he takes some clarified butter, or *ghee*, as it is called, and he greases the dead man's face all over; and then he calls the dog of the house in, and if the dog licks that man's face it is a sign he has gone to heaven. [Great laughter.] But if he does not lick him, it is a sign equally infallible he has gone to the other place. [Renewed laughter.]

A MEMBER. What other place?

Mr. FINDLAY. I will imagine this condition of affairs. Suppose by a mistake this man should happen to be greased with oleomargarine, there is not a dog in creation that would lick him. [Great laughter.] And therefore I offered an amendment for the purpose of restricting the exportation of this article.

But, sir, in all seriousness, I am opposed to this bill. I am opposed to it mainly and chiefly because I believe the most iniquitous systems of taxation ever devised, or within the inventive power of man to devise, is the internal-revenue system. [Applause.]

I am in favor to-day of repealing the tax on tobacco and on cigars, a thing which is entirely feasible, for I have the authority of the honorable chairman of the Committee on Ways and Means that while it is not feasible to get rid of the whole system of internal-revenue tax, yet it is entirely feasible to get rid of the tax on tobacco and cigars. As I understand him that tax on tobacco and cigars is about equal to the surplus revenue we wish to reduce.

Yet in the face of that fact we are confronted with a bill which not only proposes to extend this system, but make it applicable to a particular class, that is to bring all the farmers of the land within its range, and also to raise a revenue in the very teeth of the assertion of the Committee on Ways and Means and its chairman that no revenue is needed, but on the contrary we ought to reduce the revenue.

Here is an iniquitous bill, which proposes to subject the agricultural class of this country to informers, spies, and detectives. Do not make the mistake, gentlemen, that informers, spies, and detectives are simply to roam through Mr. Armour's factory in Chicago or other places where this article is made, but they will go into the country; and why will they go there? Will any man say that this article, which is called neutral, is not now used to a certain extent by persons who are engaged in the production of butter? And if information is lodged anywhere of suspicion as to that, then your farmer becomes immediately subject to the surveillance of the horde of informers, spies, and detectives.

The CHAIRMAN. The gentleman's time has expired.

Mr. FINDLAY. Can not I get three minutes more?

Mr. HISCOCK. Mr. Chairman, a word in reference to the situation of this bill. It is at the head of the Calendar. An appropriation bill, a revenue bill, the bill reported by the distinguished gentleman from Illinois [Mr. MORRISON], and the bill of my colleague [Mr. HEWITT] are all upon the Calendar, but the pending bill is ahead of them all, and you can not put it aside without a yea-and-nay vote on record in this House. [Applause.]

And more than that, you can not make an amendment to this bill but it will have to be done by a yea-and-nay vote in the House. And the Committee on Appropriations has kindly extended a helping hand to the bill here to-day. [Applause.]

Now, in view of all these facts I desire to say the wit, the invective, the filibustering of the bull-butter man, of the hog-fat-butter man, of the soap-grease-butter man can not drive the farmer out of court. [Laughter and applause.] The agriculturists and dairymen are here, and I hope and trust they are here to stay until they have had due action and consideration of this bill. [Applause.]

One thing more, and I am done. The Committee on Agriculture, after full consultation with the representatives of the dairy interest and with members of the House favorable to the protection of that interest, unanimously reported this bill, and the friends of this legislation are in honor obliged to aid in its passage. Whenever the Committee on Agriculture wish to change any of the provisions of this bill I shall for one vote with them, and I propose in voting to stand by this bill letter by letter, line by line, section by section until I receive a sign from the chairman of that committee, until it is passed. [Applause.] I say to the friends of this measure, let us concentrate our force on the bill as it is and back up the chairman of the Committee on Agriculture, for in that way only can we hope for favorable action from the House.

One word more to gentlemen on the other side of the House. If I desired you to make a mistake in reference to this matter I would pray you to defeat this bill by filibustering tactics. Seven and one-half millions of the people of the United States are interested in it. The curtain is rung up and we are performing before them; they will examine our record; the people are noting our votes here, as they have the right to, and our action, and commenting upon it. [Applause.]

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to offer two amendments which I send to the desk, and will ask presently to have them read.

I have no doubt in the world that what the gentleman from New York [Mr. HISCOCK] says is precisely true. He and those who are with him in favor of this bill are, no doubt, now performing in view of the seven and one-half millions of people of whom he speaks for the purpose of catching as many of their votes as he can.

But, Mr. Chairman, whether that performance shall receive the applause which the gentleman hopes it will receive hereafter is a question which I will remit to the future.

The amendments which I offer are mainly for the purpose of obtaining more information with reference to the bill and are offered in good faith. Eleven sections of the Revised Statutes are enumerated in this paragraph of the bill. One of these enumerations makes two other sections of the statutes part of them, so that there are in reality thirteen sections made a part of the bill.

These sections provide among other things the duty imposed upon the Internal Revenue Commissioner to furnish stamps. I desire to ask the chairman of the Committee on Agriculture or somebody who has the information what is the estimated expense that will be required to put this law into operation?

What amount of money will have to be paid out of the public Treasury before anything comes in; I mean expenditure for engraving purposes in the preparation of the stamps? There has been no estimate made, no amount has been submitted, no statement made of the probable expense. Has the committee any information? I pause for an answer—for information.

Mr. HATCH. Mr. Chairman, it has not been my purpose to occupy a single moment of the time of the committee in any reply to the many criticisms which have been made upon this bill or any portion of it.

Mr. BRECKINRIDGE, of Kentucky. I am making no criticism, but ask a single question: What is the information the gentleman has upon the subject, if any? Does the gentleman know how much money is involved in the matter of putting this law into operation?

Mr. HATCH. If the gentleman from Kentucky will allow me, as he has made an inquiry, I will undertake to answer it. If he prefers that I shall not answer it I will take my seat.

Mr. BRECKINRIDGE, of Kentucky. Certainly I want the gentleman to answer the question if he has the information, but not to make a speech.

Mr. HATCH. I can only answer the gentleman in my own way, and if that is not satisfactory to the gentleman from Kentucky he can occupy his own time, and I will take other occasion to answer.

Mr. BRECKINRIDGE, of Kentucky. Has the gentleman from Missouri the information as to the amount of money involved? If so, how much is it?

Mr. HATCH. I have information from the Commissioner of Internal Revenue, upon the preparation of this bill, that not one single dollar of appropriation is necessary to carry it into execution and to execute it should it become a law. But two single officers are asked for in this bill, and it makes provision for them; that is to say, a microscopist and a chemist of the Department, the salaries of which are fixed by the bill, and which will be paid out of the revenue derived from the bill—from the execution of the law—as well as the tax and all other matters pertaining to it.

Mr. BUTTERWORTH. And let me interrupt the gentleman from Missouri to say that an estimate has been made by a gentleman on this floor, Mr. PRICE, of Wisconsin, that the net revenue derived from the bill will range from eighteen to thirty millions of dollars.

Mr. BRECKINRIDGE, of Kentucky. The answer of the gentleman from Missouri is precisely like the bill. It fails to give any definite information, and is a mere matter of vagueness, for it is absolutely certain that these stamps must be prepared, and it will require money, as we know from experience, to provide them.

Mr. FINDLAY. The Bureau of Engraving and Printing is expected to do it out of the appropriations made for that purpose. It will cost that much certain.

Mr. BRECKINRIDGE, of Kentucky. I now yield the remainder of my time, if any, to the gentleman from Georgia [Mr. HAMMOND].

The CHAIRMAN. The gentleman has one minute remaining, in which time the Chair will cause the amendment sent up by the gentleman from Kentucky to be read, after which the Chair will recognize the gentleman from Georgia in his own right.

Mr. BRECKINRIDGE, of Kentucky. Is it in order; and, if so, I will ask to have read the sections of the Revised Statutes to which reference is made in this section?

The CHAIRMAN. It would not be in order at this time; and the Chair will direct the Clerk first to read the amendments proposed by the gentleman from Kentucky:

The Clerk read as follows:

First amendment: Strike out in lines 22 and 23 the words "thirty-two hundred and thirty-eight."

Second amendment: Strike out in lines 24 and 25 the words "thirty-two hundred and forty-three."

Mr. HAMMOND. Mr. Chairman, I have proposed two amendments to this bill; one was carried by a majority of this committee, the other was defeated by a very small vote against it. This amendment is proposed because I think it right. The tax for one year is $600. All of our internal-revenue taxes are by the year, or by proportionate parts of the year. For instance, if a man manufactures for half a year in the tobacco business, he pays one-half of the annual tax; if for a quarter of a year, one-quarter of the tax, and so on month by month or day by day.

Now, this proviso is that for any fraction of the year, however small, the manufacturer shall pay $500—$600 for a year; $500 for a day. If gentlemen desire to pass the bill that way, why let them pass it.

I do not know what it means when a gentleman on the other side rises and says if the chairman of the committee gives him a wink, he will vote like a slave. I will not.

Now, if the gentleman from Ohio [Mr. BUTTERWORTH] needs further time he may have the balance of my five minutes.

Mr. BUTTERWORTH. I only desire to say that under the internal-revenue law a manufacturer who commences business during the year is only charged with the fractional part of the year. That is just; and the amendment of the gentleman from Georgia seeks to place this industry, if it shall survive the exposures contemplated in this bill, upon the same footing. In other words, if a man engages in this industry in April there is no reason why he should pay for three months $500, when, under the law which imposes a tax upon the manufacture and sale of whisky, the distiller is allowed to pay for a fractional part of the year. There is no excuse for this distinction, and no man here can persuade even himself it is a just provision, unless he says the only object and purpose of this bill is to destroy this industry whether it is good or bad.

The only object and purpose of the amendment of the gentleman from Georgia [Mr. HAMMOND] is to place this industry on precisely the same footing, giving it no advantage over that enjoyed by the distiller of whisky and of other spirituous liquors and compounds.

Mr. LYMAN. May I ask the gentleman from Ohio a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. LYMAN. Among these sections of the Revised Statutes that are here made applicable is there a section that provides for the fractional part of a license for the fractional part of a year.

Mr. BUTTERWORTH. Yes, sir; and that is the reason why this proviso is added.

Mr. HAMMOND. Section 3237 makes the payment fractional for all other things.

Mr. BUTTERWORTH. That is the reason why this proviso is added. It is in order to establish a different rule in regard to this industry from that which prevails in regard to all other industries prosecuted under the internal-revenue law. That seems to be unjust; and if there is a feline in this meal that proviso discloses the size and character of the animal.

[Here the hammer fell.]

Mr. WHITE, of Minnesota. I want to say to the gentleman from Georgia that when butter is as low in price as it is now it is not likely there will be any oleomargarine made in the summer. And we thought if a man makes a million dollars a year out of this business he should not be licensed for less than $500. He is not likely to run the factory a whole year.

Mr. HAMMOND. This proviso provides for the case of a man starting the business in July,

Mr. WHITE, of Minnesota. And in that case he only pays $500 for the balance of the year. He does not pay $600 and then $500.

Mr. HAMMOND. Everybody knows that.

Mr. WHITE, of Minnesota. He pays $500 if he engages in the business for three months.

Mr. HAMMOND. Yes, sir, or for three hours.

Mr. WHITE, of Minnesota. He can take out a license and he can get out as much of this article in one month at the end of the year as he might otherwise do in a whole year.

Mr. HAMMOND. It is a strange business in which a man can make as much in one month as he can in twelve months.

Mr. FINDLAY. Suppose a person goes into the business on the 1st of July and continues in business for the remainder of the year, he only pays $500; whereas the man who went in on the 1st of January pays $600.

Mr. WHITE, of Minnesota. If a man runs the business for a year the year begins on the 1st of May.

Mr. FINDLAY. Is that fixed in the bill?

Mr. WHITE, of Minnesota. The year under the internal-revenue law commences on the 1st of May.

Mr. FINDLAY. The license year begins on the 1st day of May. But where does that appear in this bill?

Mr. WHITE, of Minnesota. That is fixed in the sections of the Revised Statutes enumerated in this section of the bill.

Mr. FINDLAY. I would like to hear the section which is referred to read. If the law does not appear on the face of this bill but is in the Revised Statutes, and is put in here by reference merely to those Revised Statutes, I think we ought to know what those sections are.

Mr. WHITE, of Minnesota. So far as this point is concerned the year commences on the 1st day of May. A man engaged in this business would pay $600 for a whole year, but for any period less than a year he would pay $500.

Mr. FINDLAY. I understand that; but there is nothing on the

face of the bill to show that you had fixed the annual period for the manufacturer's license.

Mr. WHITE, of Minnesota. We have put the whole thing under the internal-revenue law.

Mr. FINDLAY. That is by a statute which does not appear here.

Mr. HENDERSON, of Iowa. I wish to ask the gentleman from Georgia whether his amendment strikes out from this enumeration section 3237 of the Revised Statutes.

Mr. HAMMOND. Not at all.

Mr. HENDERSON, of Iowa. You simply propose to strike out the proviso at the end of section 3?

Mr. HAMMOND. That is all.

Mr. LYMAN. Is there not an amendment striking out some of the other sections?

The CHAIRMAN. The Chair will cause the Clerk to read the amendment for information.

The Clerk read as follows:

In lines 24 and 25 of section 3 strike out the words "thirty-two hundred and forty-three;" also, in line 22, strike out the words "thirty-two hundred and thirty-eight."

Mr. LORE. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman from Delaware for the remainder of the time, one minute and a half.

Mr. LORE. I thank the Chair, but I will wait for another time.

The CHAIRMAN. If no gentleman desires to occupy the remaining time the Chair will cause the Clerk to read the amendment submitted by the gentleman from Georgia [Mr. HAMMOND.]

The Clerk read as follows:

Strike out the following proviso:

"That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be $500."

The amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The Clerk read as follows:

Strike out in line 22 the words "thirty-two hundred and thirty-eight."

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, is it in order now to demand the reading of the sections of the Revised Statutes which are referred to in that paragraph?

Mr. HATCH. Regular order.

Mr. BRECKINRIDGE, of Kentucky. I have risen to a parliamentary inquiry. I ask the Chair if it is not in order and if I have not the right to demand that the sections of the Revised Statutes which we are acting upon in connection with this paragraph shall be read. This section of the bill includes eleven sections of the Revised Statutes; one of those includes, by reference, two more. Now, is it not in order to ask to have those sections read, so that the House may know just what it is acting upon?

The CHAIRMAN. The Chair is of opinion that as the section covered by the amendment of the gentleman from Kentucky is mentioned specifically in the bill the gentleman is entitled to have it read. The gentleman will please send the section to the Clerk's desk.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out all these sections, and ask that they be read.

Mr. WARNER, of Missouri. Mr. Chairman, I rise to a parliamentary inquiry. Will it be in order after the amendments now pending are voted upon to offer an amendment to line 17, which precedes this part of the bill?

The CHAIRMAN. It will.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I will withdraw my amendment for the purpose of permitting the gentleman from Missouri [Mr. WARNER] to offer his.

Mr. WARNER, of Missouri, offered the following amendment:

In line 17, section 3, strike out "10" and insert "50;" so that the provision will read:

"Every person who sells oleomargarine in less quantities than 50 pounds at one time shall be regarded as a retail dealer in oleomargarine."

The amendment was rejected.

The CHAIRMAN. The Chair will now entertain the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I did not ask to have these sections read merely for delay, and I withdraw the motion.

Mr. MCMILLIN. I renew the motion, in order that the House may know what it is voting on. These sections of the Revised Statutes are referred to by number, but they have not been read in connection with this bill.

The CHAIRMAN. The amendment of the gentleman from Kentucky referred to one section.

Mr. MCMILLIN. The gentleman from Kentucky changed his amendment so as to include the several sections referred to in the bill. I think those sections of the Revised Statutes ought to be read, so that we may know what penalties we are fixing by this bill to be enforced in the Federal courts.

The CHAIRMAN. The Chair directed the section of the Revised Statutes referred to in the amendment of the gentleman from Kentucky to be read, as that section was specially brought before the committee, but if it is the purpose to insist upon all these sections being read, the Chair thinks that does not come within the privilege of the amendment.

Mr. HATCH. I submit, Mr. Chairman, that it is in the nature of debate, and debate has been closed.

Mr. MCMILLIN. Before the Chair rules I would like to make this suggestion. If it is in order, upon moving to strike out one section, to have that section read, it certainly must be in order, under the same rule, when a motion is made to strike out other sections, to have those sections read. I am unable to see how you can have one section read as a matter of privilege, and can not have the others read. Now, I do not urge this for the purpose of delay. Here we have a bill which imposes heavy penalties; those penalties can be enforced only in the Federal courts, which are generally at a considerable distance from the homes of the litigants, and I think it is of great importance, if we undertake to fix penalties, that the full purport of the bill in this respect and the extent and degree of those penalties shall be known.

The CHAIRMAN. The previous decision of the Chair was simply to the effect that, in order to get a better understanding of the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE], the section to which this amendment referred might be read, but upon a more careful examination of the provisions of this section and of the rules the Chair is of opinion that a reference to the Revised Statutes in a pending measure does not entitle the committee, as a matter of right, to have that portion of the Revised Statutes read before the vote is taken; because it is to be presumed that members know what the law is; and the Chair thinks that to have anything read in such a case is in the nature of debate.

Mr. FINDLAY. That presumption, the Chair will allow me to say, is never applied to the statute law. This has been recognized ever since the time of Lord Coke, who said that a lawyer who would give an opinion upon a question as to the statute law without first examining it was a fool, as a lawyer who could not give an opinion about the common law without first examining it was equally a fool.

The CHAIRMAN. The Chair was perhaps inclined to go too far in presuming that all the members of this House understand what the law is; but with respect to this question, which has been debated at some length, he thought himself at liberty to presume that the provisions of the law were understood.

Mr. SCOTT. I rise to a question of order. I submit whether the rules of the House do not require that all amendments presented should be in writing. Therefore, if the gentleman from Kentucky desires to insert the Constitution of the United States or all the provisions of the Revised Statutes in his amendment, I submit whether the rules of the House do not require him to reduce such provisions to writing and submit them with his proposition.

Mr. BRECKINRIDGE, of Kentucky. Whether or not this House is presumed to know the Constitution, I wish to say I have not moved to amend by inserting the Constitution, nor have I offered a single section of the Revised Statutes. My motion was to strike out a part of the pending section; so that the point which the gentleman makes is one which he ought to make against the chairman of the Committee on Agriculture [Mr. HATCH], and not against me.

Mr. SCOTT. I desire as a parliamentary inquiry to ask whether, if the gentleman from Kentucky desires to make a motion to strike out, the rules of the House do not require him to submit in writing what he desires to have struck out.

Mr. FINDLAY. He has done that.

Mr. SCOTT. Let him put in his amendment the provisions of the statute which he proposes to strike out.

The CHAIRMAN. The gentleman from Kentucky has withdrawn his amendment.

Mr. BRECKINRIDGE, of Kentucky. I did put my amendment in writing, so that I am not obnoxious to the criticism of the gentleman from Pennsylvania. The shoe is on the other foot. I commend to the chairman of the Committee on Agriculture the lecture which the gentleman from Pennsylvania has just read, and I hope it will be profitable.

Mr. WILSON. I make the point of order that if the gentleman from Kentucky has offered the Constitution as an amendment to this bill it is not germane. [Laughter.]

Several MEMBERS. "That is so."

Mr. PRICE. I rise to a point of order. I understood that by order of the House all debate upon this paragraph was limited to thirty minutes.

The CHAIRMAN. The debate is already exhausted.

Mr. PRICE. Then I call for the regular order.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN], however, rose to a question of order, which the Chair will dispose of. Does the gentleman from Tennessee desire to renew the amendment of the gentleman from Kentucky?

Mr. MCMILLIN. Yes, sir; that was my motion.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 22 strike out "thirty-two hundred and thirty-eight," and in lines 24 and 25 strike out "and thirty-two hundred and forty-three."

Mr. McMILLIN. I offer this amendment——

The CHAIRMAN. Debate is exhausted.

Mr. McMILLIN. I was addressing myself to the point of order. I desire to have the sections read.

Mr. HISCOCK. What is the point of order pending?

The CHAIRMAN. The gentleman from Tennessee asks as a matter of right that the sections referred to in his amendment be read.

Mr. HISCOCK. I object. That is in the nature of debate.

The CHAIRMAN. The Chair is of opinion that the gentleman from Tennessee is not entitled as a matter of right to have the sections of the Revised Statutes read before the vote is taken.

Mr. McMILLIN. I will do myself the justice to say in the presence of those who have this bill in charge that it was not my purpose to delay the proceedings. I really thought it proper to have the sections read. If that can not be done, I insist on my motion to amend by striking out.

Mr. LORE. I rise to a point of order. I understand that the Chair has decided this question, and no gentleman can contest that decision unless he takes an appeal.

The CHAIRMAN. The point of order has been decided. The question is on the amendment of the gentleman from Tennessee to strike out the language which has been read.

The question being taken, there were—ayes 18, noes 84.

Mr. McMILLIN. I make the point of order that no quorum has voted.

Tellers were ordered; and Mr. McMILLIN and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 22, noes 136.

Mr. McMILLIN. I have no desire to force a call of the roll, and will not insist further on the point that no quorum voted.

The CHAIRMAN. The point being withdrawn, the amendment is rejected. There being no other amendment to this section, the Clerk will report the next section.

The Clerk read as follows:

SEC. 4. That every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than five hundred nor more than two thousand dollars; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each and every offense.

Mr. TOWNSHEND. Mr. Chairman, I move *pro forma* to amend by striking out the last word. I have thus far sustained, and will continue to sustain, the efforts of the chairman of the Committee on Agriculture to secure final action on this bill. I find myself, however, differing from the extreme views of some who are opposing and some who are favoring this bill. I am opposed to legislation which will suppress any legitimate industry in this country. At the same time I am unwilling to see any legitimate industry struck down and destroyed by fraudulent imitations of its products sold without restriction in the markets.

I am not opposed to the manufacture and sale of oleomargarine in good faith as such, but I believe it to be wrong to permit that article to be manufactured as a counterfeit of pure dairy butter and fraudulently sold under the pretense that it is butter. I wish to see preserved all the provisions of this bill which will compel a disclosure of the nature of the substitute for butter in its manufacture and sale and thereby protect the producer and consumer from imposition. This is a free country and any citizen should enjoy the privilege of knowingly purchasing and eating oleomargarine if he desires to do so, but it is a country of law and justice, therefore deception and fraud in our food product should be prevented.

In other words, I am in favor of legislation which will compel the manufacturers of oleomargarine to place it on the market under its true name and real character; but I am opposed to legislation which will prohibit its manufacture. While by the employment of deleterious and uncleanly ingredients in its manufacture it is often unwholesome, yet I believe the article is sometimes made honestly and wholesomely and that when so made it is a proper article for commerce. It is wrong, however, to permit the manufacturers of oleomargarine to perpetrate a fraud upon the producers of pure butter and those who may desire the pure article. This can be most effectually prevented by bringing its manufacture and sale under the provisions of the internal-revenue laws and the vigilance and power of the officers of the Internal Revenue Bureau. In this way its true name and character may be exposed and understood, and the counterfeit article may be stripped of its fraudulent pretenses.

At present the manufacturers of oleomargarine by such false representations are securing extortionate profits from the consumer, because it can be manufactured at one-half the cost of the pure article, and they are also undermining and destroying the business of producing genuine butter. Under these circumstances I feel it the duty of the law-maker to intervene.

I find a number of gentlemen on both sides of this House who desire legislation of this character but who are opposed to such a high rate of taxation as the bill provides. I understand some at least who have been stoutly opposing the enactment of this bill are in favor of compelling the manufacturers of oleomargarine to expose its true character, so that the public may not be deluded into its purchase under the supposition it is pure butter.

INJUSTICE TO AGRICULTURAL INTERESTS.

But before I proceed further in this discussion I wish to say in reply to my friend from New York [Mr. HISCOCK], we have not heretofore had politics injected into this debate, and I hope this will not be done now. But, sir, the warning which that gentleman has given to this side of the House may well be repeated to his own side. If he will ascertain the number of those who resist the passage of this bill under the leadership of the gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Indiana [Mr. BROWNE] he will find the proportion in numbers is as large on his own side as it is on the Democratic side.

Notwithstanding the flings thrown at those who watch and defend the interest of agriculture on this floor, I have no hesitation in standing here to demand its protection from wrong and injustice. I believe the agricultural interest is largely involved in this bill, and therefore I insist it shall have the most careful consideration. Republican Congresses by legislation have protected every interest in the country except agriculture. This is one of the very few measures which have been presented with any reasonable hope of its passage during twenty years past which directly protects or promotes the interest of agriculture.

With the prosperity or distress of the farming classes comes or goes the prosperity of the country. Agriculture is the basis of all wealth, private or public. Wise statesmanship therefore dictates that legislation should not oppress, but, as far as legitimately within its power, should foster and encourage agriculture. Legislation can not control or protect the farmer from misfortunes which come from natural causes. He must look to a higher power for relief from these. But there are evils greater than those inflicted on him by nature. They are evils produced by bad legislation in the interest of monopolies, and which oppress him with onerous and unjust taxation. Now, sir, while agriculture is more deserving than any other interest of any good that may flow from legislation, yet it has suffered more from that source than any other.

I trust the time has arrived when the welfare of the farmer may have consideration in Congress. The Democratic party has ever in the past been the friend of agriculture, and its members have ever professed a desire for its promotion and protection. Indeed, I am gratified to know that as a class they have been faithful to their professions. Since we came into power in this House more careful attention and consideration have been given to the interest of agriculture than it had previously received for twenty years. Indeed, it seemed that railroads, banks, and other corporations held a complete monopoly on the attention of Congress, and that the farmer had been forgotten except when some new way was devised to increase his burdens for the benefit of some form of monopoly. This happy change in Congress has been noticed by others who are deeply interested in the welfare of agriculturists. In the address of Mr. Joseph H. Reall, president of the American Agricultural and Dairy Association before the Committee on Agriculture of this House during this session, he says:

I am much gratified to find so much honest, intelligent interest manifested by members of Congress in agriculture and the interests of the farmer as obtains here. I can see that great progress has been made in this direction, and that the dignity of agriculture and its importance to the country are recognized by the members of both Houses. The farmers have been either unrepresented or misrepresented heretofore.

I have no desire to provoke a political discussion on this question, but I desire to recall to their duty those Democrats who may fail to remember their professions of fidelity to the farming interest and the policy of the party.

THREATENED DANGER TO SMALL FARMING.

Nor do I desire to urge legislation in the interest of one class to the detriment of any other; but, sir, it is our duty to recognize the dangerous tendencies of the times, which, while lessening the prosperity of small farming, are concentrating the ownership of lands and the operation of farms into the hands of the extremely wealthy.

The distribution of our landed estate among the many is the surest means for preserving our free institutions and the promotion of the prosperity of the masses. Whenever the ownership of land in this country comes under the control of corporated capital or of the millionaires the masses of our farming classes will descend to the impoverished and pitiable condition of those of Europe. Then will this country become a land of barons and vassals—of millionaires and paupers. In order to prevent a landed monopoly and an impoverished condition of the farming classes it is necessary that small farms shall yield a profit to those who till them, for when they cease to become profitable or to yield a comfortable living the owners will dispose of them and seek some other occupation for maintenance of themselves and families.

Can it be doubted that the prosperity of small farmers is dangerously threatened by the encroachments of corporated capital? Vast areas of

the most fertile soils have been accumulated by a few and converted into enormous farms where the labor is performed by machinery; thereby the cost of production of wheat and other farm products has become so cheapened and the price so reduced that the small farmers can not successfully compete or realize fair profit. It is becoming more painfully apparent every year that the net returns on the capital and labor invested in small farming are growing less and less every year. I shall not now discuss all the causes which in my opinion contribute to this result, but I will assert that among them will be found the effect of the encroachment of corporated capital upon the occupation of the farmer. It is seizing upon and monopolizing various branches of farming. Cattle raising for the market has passed to a large extent from the hands of the farmers into that of the owners of the immense ranches in certain Western and Southwestern States and Territories. The manufacturers of oleomargarine now threaten to take away from them the dairy.

If we can not altogether guard against the evil tendencies of the times by Congressional action, or check the power of corporated capital in its invasion upon the occupation of the farmer, we can at least in the bill before us furnish him with some relief by protecting him from the fraud perpetrated by the counterfeiting of his dairy products.

THE FRAUDULENT PRETENSE OF OLEOMARGARINE.

One of the most serious complaints raised against the traffic in oleomargarine is that it is sold for pure butter, and that it is made in such imitation, in color, smell, and taste, that ordinarily the purchaser can not detect the difference.

QUANTITY OF OLEOMARGARINE MANUFACTURED.

The production of butter is not confined to the large dairies, but is more or less engaged in for the home and market by farmers all over the country. If the counterfeiters of butter are permitted to continue their deceptive practices the result will be heavy loss in the value of cows and in the ruin of the butter trade, for it is clear the farmer and dairyman can not successfully compete with such a perfect counterfeit which is produced at one half the cost of the genuine article. No one questions the fact that this spurious article is sold in immense quantities as genuine butter. Indeed its manufacturers insist in most emphatic terms that they have succeeded in so perfecting the deception that no expert is able without the most thorough chemical analysis to distinguish the difference between the pure and the counterfeit article. The production of oleomargarine has rapidly increased during the last few years. I have before me a report made to this House by the Committee on Epidemic Diseases in the Forty-sixth Congress, which estimated that in 1880 the production was about 100,000,000 pounds. It is now estimated that the production last year reached 200,000,000 pounds. It is supposed that 200,000 pounds are made daily in Chicago.

A little pamphlet just laid on our desks by the opponents of this legislation asserts:

THE TRUTH; READ IT.

A large proportion of the citizens of New York and vicinity have been eating for years past oleomargarine and butterine as butter. At a safe calculation there has been consumed in this vicinity at least

SEVENTY-FIVE MILLION POUNDS,

or a fifty-pound tub to every man, woman, and child. This is a startling figure.

IT IS TRUE

your press have said that about all your retail dealers have been selling it, and all of

THE PRESS DON'T LIE

(only a good many about oleomargarine). Some of you have been eating it.

READER, WHY NOT YOU?

A SOLID FACT.

NEW YORK, *April* 2, 1886.

This market is about cleaned out of eatable butter. About 7,500 tubs per day of the substitutes have been and are now being put on the market. Throw these out and what would be the price of butter to-day?

SIXTY TO SEVENTY-FIVE CENTS PER POUND.

A BUTTER DEALER.

Coming as this does from the friends of oleomargarine, the accuracy of these statements will not perhaps be denied by them.

Statistics show that last year nearly 38,000,000 of pounds of the oil and imitation of butter manufactured from oleomargarine was exported from this country. With these figures before us, who will say that the prosperity of a very important branch of our agricultural industry is not threatened?

IMPORTANCE AND VALUE OF THE DAIRY INTEREST.

It has been asserted by those who have made the investigation that fifteen million milch cows worth $400,000,000 were employed last year in the production of butter and cheese, and that 1,600,000,000 pounds of butter and 400,000,000 pounds of cheese were produced. The product of the dairy in this country has become enormous.

The eminent statistician, Mr. Atkinson, of Boston, states:

There were produced and consumed in this country in 1884 of dairy products, $912,000,000; of bread, $450,000,000; vegetables, $360,500,000; of sugar and sirup, $352,000,000; tea and coffee, $185,000,000; fruit, green and dry, $113,000,000; eggs, $91,250,000; cotton, $300,000,000; pig-iron, $85,000,000; wool, $64,000,000; silver product, $40,000,000. It will thus be seen that dairy products exceed three times the cotton produced in the country, and were more than the combined consumption of tea, coffee, wool, cotton, pig-iron, and the silver produced, all taken together, by $34,000,000.

This shows that our dairy product exceeds three times in value the cotton crop, and is greater than all the tea, coffee, wool, cotton, pig-iron, and silver combined that is produced and consumed in this country. Is it right that this vast industry should be fraudulently supplanted by the manufacture of a bogus article?

The honest producers of butter have no fear of competition with the manufacturers of oleomargarine, provided the manufacture and sale is conducted in such a manner as to expose its true character and name; but it is asserted that not 1 per cent. of the entire product of the counterfeit article is sold to the consumer for what it really is. He buys it under the supposition that it is the genuine article, and he usually pays for it the price of pure butter. This is a fraud on the producer and the consumer.

TERMS OF THE BILL.

It is believed that the bill before us will correct this evil. It is understood that it was prepared by the secretary and solicitor of the American Agricultural and Dairy Association of America. The principal features of the bill require that manufacturers of oleomargarine shall pay a special license tax of $600, the wholesale dealer $480, and the retail dealer $48 per annum for the privilege of dealing in oleomargarine made in imitation of butter, and that a tax of 10 cents per pound shall be assessed and collected from the manufacturer. That it shall be sold in packages marked, stamped, and branded in such a way as to disclose its true character. Severe penalties by fine and imprisonment are provided against violations and evasions of the law, and its execution is placed under the control of the Commissioner of Internal Revenue. And the ordinary machinery and force of the law governing the production and sale of spirits and tobacco are applied to the production and sale of oleomargarine. The provisions of the bill are not extended to the article except when made and sold in imitation of butter.

I do not favor all the provisions of the bill. I believe some of them to be harsh and oppressive, and therefore I trust the bill will be amended before its final passage. I think the special license tax and the tax of 10 cents per pound are far too high. I therefore favor a reduction in each.

If its production is as great during the ensuing year as it was in the last a revenue of twenty millions would be derived from this article at this rate of taxation.

With our present overflowing Treasury this amount of revenue is unnecessary. All unnecessary taxation is unjust taxation. The burden of taxation is already onerous and far too heavy and should be reduced. But in order to bring the regulation of this article under the stringent rules of the internal-revenue law I am willing that a small tax shall be placed on the article, and when the eighth section of the bill is reached I shall offer an amendment reducing the rate of taxation to 2 cents per pound.

It is admitted on all sides that the only power which Congress has to legislate upon this subject is that which is derived from the power of taxation, and therefore it is necessary that some tax shall be laid on the article in order that Congressional action may constitutionally reach it. Two cents per pound will raise ample revenue to defray all the expenses attending the enforcement of the law. With the enormous profits derived from this business it can easily bear this tax if with its exposure the people wish to buy and use it. The object which I desire to see accomplished by this bill is to compel a disclosure of the nature of the article in order that a fraud against the producers and consumers of pure butter may be prevented.

If this article is as wholesome and desirable as is claimed by its producers, it can fairly compete with genuine butter under its true name and color. This is a land of freedom where any one should be permitted to manufacture, sell, or purchase any article of food which is wholesome; but it is a land of law, and therefore the public should be protected from fraudulent impositions. As I have already stated the honest producer of genuine butter has no fear of competition with the manufacturer of oleomargarine if it is sold under its true name. The farmer and dairyman does not or should not ask protection from fair competition, but they have a right to demand that legislation shall protect them from fraud.

I would prefer to leave this question to the legislation of the States; but, like the regulation of interstate commerce, owing to the diversity of the laws of the different States on the subject, it can not be effectually and properly dealt with by State laws, and therefore it becomes necessary to resort to the legislation of the General Government.

THE NATURE AND PROCESS OF THE MANUFACTURE OF OLEOMARGARINE.

Before finishing my remarks I wish to briefly call attention to the nature and process of the manufacture of oleomargarine. It was invented during the Franco-Prussian war by Hippolite Mége, a Frenchman. An eminent authority in Massachusetts friendly to its production describes the process of its manufacture as follows:

It was, according to Hippolite Mége, a demand such as this which led him to investigate the manufacture of a palatable substitute for butter from the fat of animals slaughtered for food. By his investigations he was led to believe that the only difference between butter and beef fat was that the latter contained an excess of stearine. He also came to the conclusion that the taste and smell of

ordinary tallow are largely due to the want of care in its manipulation. He therefore prescribed the following method of procedure:

The caul fat was to be taken as fresh as possible and to be thoroughly washed, then chopped fine and rendered with a dilute solution of acid phosphate of lime and the stomach of a pig or sheep at a temperature not exceeding animal heat. (This heat has been gradually raised in reissues of his patent until, at the present time, it reads "at a heat not exceeding 125° F." It is not possible to do good work at a temperature below 116° F.) After the fat is completely liberated by this process it is allowed to stand until the membrane settles; it is then drawn off into coolers and allowed to granulate and to cool to a temperature of about 80° F. The fat is then placed in cotton-cloth press-bags and submitted to a powerful press, the press-room being maintained at an even temperature of 80° F. The oleomargarine thus produced is free from any disagreeable taste or odor. It is in fact a pure tallow oil, suitable for use as an article of food. In this state it makes an excellent substitute for lard.

Such was the process as originally proposed by M. Mége. The process as now followed is much more simple, and omits some of the objectionable features of the Mégé process.

In the first place, the fat, which is received warm from the slaughter-house, is sorted over, and all bloody pieces thrown out; it is then at once placed in cold fresh water, where it is thoroughly washed. From this water, which not only washes it but serves to cool it, it is at once taken to hashing-machines similar to the ordinary sausage-cutters, where it is cut into fine pieces. From these machines it falls at once into the rendering tanks, where it is rendered at a heat varying from 160° to 200° F., the object being to separate as quickly as possible the fat from the membrane. No "gastric juice" or phosphate of lime is used. After the fat is well cooked a quantity of salt is added; this serves to separate the membrane more completely. After standing a few minutes the fat is then run off into barrels or other vessels, where it is allowed to settle and is crystallized. When it has cooled to about 95° to 100° F. it is pressed in the usual manner.

After pressing, the oil is churned with milk or buttermilk, some genuine butter being frequently added; it is colored properly, and then run into ice-water or pounded ice, so as to prevent its crystallization. After this operation it is worked as ordinary butter.

When well made it is a very fair imitation of genuine butter, being inferior to the best butter, but much superior to the low grades of butter too commonly found in the market.

IS OLEOMARGARINE WHOLESOME?

It is claimed by many that when properly made it is a wholesome and cheap substitute for butter, and that its production should be encouraged.

On the other hand it is asserted by those opposed to its manufacture as an article of commerce that in the manufacture of the article almost any kind of animal fats are used, such as horses and dogs as well as of beef and hogs.

I shall not hazard an opinion as to whether it is always wholesome and a proper food or not. I presume that if made from pure and wholesome materials it is wholesome.

I am inclined to believe that when it is manufactured by a reputable firm like that of Armour & Co., and some others, of Chicago and elsewhere, it may not only be harmless, but a nutritious article of food. I will, however, present the views of some of those who insist that it is otherwise. The committee which reported this bill, in the report accompanying it, declares, in regard to the counterfeit article—

That such imitations are not only disastrous to the dairy interest directly, and to all branches of agricuiture indirectly, but that they are detrimental to public health, being the fruitful cause of dyspepsia and other diseases.

That among the articles and ingredients used in the manufacture of such imitations there are the following: Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, cureumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, broma chloralum, oil of peanuts, sugar, caustic soda.

Several of the gentlemen who have engaged in this debate have asserted that the consumption of oleomargarine has produced Bright's disease of the kidneys and it is otherwise detrimental to health.

ADULTERATED FOOD AND OTHER PRODUCTS.

In truth, Mr. Chairman, there is need for judicious legislation which will guard the public health from the injurious effect which results from the consumption of any food substances in the preparation of which poisonous and deleterious compounds have been used, and also of the manufacture of clothing and other articles; many such unwholesome articles are now in use.

Accompanying the report of the House Committee on Epidemic Diseases in 1881 is much valuable information on the adulteration of food, &c., which was collected by Mr. George T. Angell, of Boston. I ask the attention of the House to a portion of that information, which was furnished by gentlemen of high scientific attainments and reliability. There is much valuable scientific information accompanying that report, relating to a number of articles of adulterated food-products; but not wishing to occupy much time and attention I will only ask leave to present the following extracts:

POISONOUSLY ADULTERATED FOODS AND OTHER POISONOUSLY ADULTERATED ARTICLES IN AMERICAN MARKETS.

[Some of the evidence in paper read by George T. Angell, esq., of Boston, before the Boston Board of Trade, November 11, 1880.]

To give all the evidence I have collected on this subject would require a volume. One paper which I have read upon it filled eleven and a half newspaper columns.

The German Government had in 1878 231,478 samples of different articles analyzed for adulterations, and obtained 3,352 convictions in the courts.

In Great Britain during 1879 about 80 public analysists, appointed under act of Parliament, analyzed 16,772 samples, and detected and exposed 2,978 adulterations.

In other European countries stringent laws are enforced for the protection of public health against the poisonous and dangerous articles which would otherwise be sold in their markets.

The object of this paper is to show that protection is quite as much needed in this country as on the other side of the ocean.

[From Professor George A. Mariner.]

No. 81 CLARK STREET, CHICAGO, *October* 18, 1879.

DEAR SIR: In answer to your questions, I would say that I have been an analytical chemist to this city twenty-three years; am a graduate of the Lawrence Scientific School, chemical department of Harvard University, and was during two years assistant of Professor Horsford in the laboratory. I have devoted myself entirely to chemical analysis and teaching chemical students ever since. I think I have had much the largest chemical practice of any man in the West. At the request of a highly respectable citizen of Chicago, I have examined fourteen brands of sugar, bought, as I understood, in this city; some granulated, some white, some colored, some coarse, and some fine. I tested them thoroughly for impurities. In twelve of the samples I found tin in the form of a chloride, an active poison. The other constituents I can furnish if you desire. I have examined several sirups made essentially and entirely of glucose, and found in them chlorides of tin, calcium, iron, and magnesia, and in quantities which made them very poisonous. In one case a whole neighborhood was poisoned, and I was told of one death. I have in several cases found sugar of lead in vinegar. I use no vinegar myself. I look with suspicion upon our vinegar. I use fruit acid in place of it—lemon-juice, &c. I never eat pickles. I have found in various cases they were poisoned with lead and copper.

I have tested to some extent the cheap tinware sold in our markets, and have no hesitation in saying that there is great danger in using fruits, vegetables, meats, or fish put up in tin cans of any kind. They are liable to contain lead and tin, both active poisons. Terra alba is largely used in cream of tartar, confectionery, and pretty universally for adulteration. I have found in many baking powders alum instead of cream of tartar—a thing dangerous and injurious in all cases. I should say that I have come to expect adulteration, and to fear dangerous adulteration, in almost every article of the grocery kind. I have had large experience in the analysis of colored poisonous articles of clothing, being employed by one of the largest dry-goods firms of this city. I examined, I think, sixteen samples, and nearly all of them were poisonous. I have also analyzed for other parties. In one case a child nearly died from wearing colored stockings. I would like to add that I have analyzed numerous samples of cosmetics and powders used on the face and hair. Almost all the hair cosmetics, including most of those in common use, I have found to be very poisonous, and many of the face powders and preparations I have found to contain arsenic or lead. I should not be surprised if twenty thousand people in Chicago to-day were injuring their health and endangering their lives by the use of these cosmetics and powders. You can hardly overestimate the present danger to public health from the large and growing sale of poisonous and dangerously adulterated articles in our markets, and you have my thanks and earnest wishes for your success in your efforts to call public attention to this subject. I would say that I have personally known Dr. R. U. Piper, of this city, for more than twenty years. He has no equal in the West as a microscopist, and has had wide experience as a chemist and physician. I should say most decidedly that there is no scientific man in Chicago whose evidence would be entitled to receive higher credit in our courts.

Yours, respectfully,

G. A. MARINER, *Analytical Chemist.*

GEORGE T. ANGELL, Esq.

[From Dr. R. U. Piper.]

CHICAGO, *October* 16, 1879.

DEAR SIR: I have no hesitation in saying to you—

First. That I have entirely abandoned the use of vinegar generally sold in our markets, believing it to be unfit for use and dangerous. I know that sulphuric acid is largely used in its manufacture.

Second. I never use the pickles generally sold in our markets. I think the yellow pickles are quite as dangerous as the green. I know that lead is largely used in their manufacture. Verdigris is used in making the green.

Third. I have examined a large number of specimens of oleomargarine, and have found in them organic substances in the form of muscular and connective tissue, various fungi, and living organisms which have resisted the action of boiling acetic acid; also eggs resembling those of the tapeworm. I have them preserved, to be shown to any one who desires to see them. The French patent under which oleomargarine is made requires the use of the stomachs of pigs or sheep. This is probably the way the eggs get in. I have specimens of lean meat taken from oleomargarine. There can be no question that immense amounts of oleomargarine are sold and used as pure butter. I regard it as a dangerous article, and would on no account permit its use in my family.

Fourth. Enormous amounts of the meats of diseased animals are sold in Chicago. I have made a large number of examinations.

Fifth. I have been informed of several cases of poisoning in this city from the use of canned meats.

Sixth. I know that Professor G. A. Mariner, of this city, a chemist of twenty years' standing, of as high reputation as any man in the West, and a personal friend of mine, has found chloride of tin—an active poison—in numerous samples of sugar he has examined; also in some of them chloride of calcium—another poison.

I do not dare to use the sirups commonly sold in our markets, and I use but little sugar, as I believe them nearly all adulterated.

In regard to glucose, I am informed and believe that seven-eighths of all the sugar sold in Chicago is made of or adulterated with glucose.

As now manufactured and used, I know that many of our eminent physicians believe it dangerous and productive of disease of the kidneys. The manufacture of glucose in this country is now enormous, and large factories are being built to increase its manufacture.

I could fill a volume with the adulterations which I have found within a few years past in articles of food and drink in common use, by microscopical and chemical analysis. I have made more than a thousand microscopical examinations of milk in this city. I think that not over 10 per cent. of the milk sold here by dealers is wholesome and unadulterated.

At your request, I would say that I am a physician of over twenty years' practice, and the past ten years I have given almost entirely to chemical and microscopical analysis. I have written several volumes on scientific subjects—surgical, medical, &c.—and am well known to Drs. Storer, Holmes, Henry J. Bigelow, Cutter, J. B. Treadwell, Harriman, and others of your city.

Yours, truly,

R. U. PIPER.

GEORGE T. ANGELL, Esq.

[From J. M. Chapman, sugar dealer.]

CHICAGO, *October* 17, 1879.

DEAR SIR: I have been in the sugar business about twenty years. Fifteen years ago our markets were filled with excellent sugars. Among the brands then sold, as I remember them, were Stewart's, Miller's, Bradish, Johnson & Son's, and Ockershausen's, of New York; Lovering, of Philadelphia; Woods, Weeks & Co., of Baltimore; East Boston, Union, Salem T. Lamb, and Adams

refineries of Boston; J. B. Brown & Sons, of Portland, and many others, all of which were excellent sugars. Every one of these sugars have been driven out of our markets. For the past two years, with three or four exceptions, there have been, I believe, no pure sugars sold in Chicago. The average sale of sugars now in this market is more than a thousand barrels a day. In my opinion not more than one barrel in a hundred is pure sugar, the rest being what we call doctored goods.

J. M. CHAPMAN.

GEORGE T. ANGELL, Esq.

Who are these men?

[Dr. Smart.]

Dr. Charles Smart, United States Army, has recently analyzed a wide variety of articles, and says adulteration is now practiced in this country to as great, if not greater, extent than it was in England when the great agitation commenced there a few years ago.

[Prize essays.]

A $1,000 prize was offered last year, through the United States Board of Trade, for best essays on adulteration, and four have been published.

The writer of the first, G. W. Wigner, an Englishman, says, under British laws adulteration has been reduced from about 65 per cent. in 1860 to about 16 per cent. in 1878, and in Canada under similar laws, from about 52 per cent. in 1876 to about 26 per cent. in 1879, though he says, they still have in English markets tinned fish heavily contaminated with lead; sweetmeats colored with chromate of lead; hams externally coated with chromate of lead; bread containing large quantities of alum; and children's powders and sleeping draughts containing poisonous doses of narcotics. Teas, which used to be almost universally adulterated, are now good. This results from stringent laws enacted by Parliament, about four years ago, for the inspection and analysis of teas landed at any port of Great Britain. In the Sanitary Engineer of June 1, 1880, I find that seven thousand chests of adulterated tea had been recently burned, under British laws, in British India.

The second essay, written by V. M. Davis, of New York city, gives many adulterations, and says, referring to this country: "We believe it no exaggeration to say that adulteration is practiced wherever opportunity offers and pecuniary profit or commercial advantage is made thereby."

The third, by Dr. William H. Newell, of Jersey City, N. J., gives among other poisons liable to be found in food and drink, "chromotes of lead, Brunswick greens, red oxide of lead, arsenite of copper, sulphate of copper, acetate of copper, carbonate of copper or verditer, carbonate of lead or white lead, bisulphuret of mercury, sulphate of iron, gamboge, sulphate of lime, carbonate of lime, red ferruginous earths, and other injurious substances; that potted meats, fish, and anchovies, cayenne, &c., are liable to contain red lead, or even bisulphuret of mercury; and pickles, bottled fruits, and vegetables to contain copper;" and that "the ramifications of adulteration extend over this whole country."

The fourth and last is by Dr. O. W. Wight, commissioner of public health of Milwaukee. He names, under the head of usual adulterations of food and drink in this country, lead in canned vegetables and meats, corrosive sublimate in rind of cheese, poisonous colors in confectionery, caustic lime in lard, aniline colors in fruit jellies, preserves, sausage, and wine, salts of tin in sugar, cocculus indicus and tobacco in beer and ale, salts of copper in pickles, sulphuric acid in vinegar, and about twenty-five other deleterious adulterations. He says it is useless to attempt to estimate the number of deaths and the amount of sickness caused by adulterated foods and drinks, "but the articles used are known, and the effects of such articles when taken into the human body."

[Professor Johnson.]

In an essay read before the "American Social Science" at Saratoga, on the 8th of last September, by Professor S. W. Johnson, professor of chemistry in the Sheffield Scientific School, Yale College, I find, among other adulterations named, the following as liable to be found:

Bread, with alum and sulphate of copper.
Yeast, with alum.
Baking-powders, with alum, terra alba, plaster of Paris, whiting, and kaolin.
Milk, with a variety of articles.
Cheese, with potatoes, beans, oleomargarine, vermilion, red chalk, sulphate of copper, arsenic, and corrosive sublimate.
Lard, with boiled starch, alum, and quicklime.
Confectionery, with chromate of lead, red lead, vermilion, Prussian blue, copper, and arsenic.
Pickles, with sulphuric acid and verdigris.
Mustard, with yellow ochre and chromate of lead.
Vinegar, with sulphuric acid, arsenic, and corrosive sublimate.
Coffee, with roasted acorns, spent tan-bark, spent logwood, mahogany, sawdust, and burnt liver of horses.
Teas, with a great variety of articles.

OLEOMARGARINE.

I have spoken of glucose as a giant which has grown in a few years to colossal proportions. I will now speak of what I may properly call its twin-brother—oleomargarine.

Few persons have any correct idea of the extent to which this article is now made in this country. A single firm in New York city has recently contracted with parties in Vermont for 300,000 firkins, to be delivered this year, for packing oleomargarine butter.

It is estimated that there was made in this country last year about a hundred millions of pounds.

It is sold, as I am informed, in almost every butter stall in our great Faneuil Hall market, and large quantities of it, I am informed, are shipped to Vermont to come back as Vermont butter. It is put up in beautiful forms as well as in tubs and firkins, and can not ordinarily be distinguished from the products of the milk of the cow.

It is not only filling our markets in the shape of butter, but also as cheese. Many creameries and many large dairies, as I am informed, are now mixing 25 per cent. or more of oleomargarine oil with their cheese.

Are these commodities unwholesome? Manufacturers will tell you they are even better than the products of the milk of the cow; and they will show you a long list of certificates from their paid chemists to the same effect.

I have microscopic photographs which tell a different story, and the testimony of scientific men whom I believe.

It is a great pity that chemical analyses are so expensive. A great glucose or oleomargarine ring, making millions of dollars, can easily afford to furnish all the chemists in the country carefully prepared samples of their commodities, and pay the highest prices for analyses and certificates. But who is there in this country to cautiously collect from the highways and by-ways in our various cities and towns, a great variety of the articles actually sold, and pay honest chemists to analyze them?

Professor Henry Leffman, one of the most respectable chemists of Philadelphia, states that he knows large establishments which employ scientific men simply for the purpose of adulterating and to invent new processes of adulteration.

The French Academy of Medicine have, as I am informed, recently reported that French oleomargarine is unfit for use in French hospitals, and the French minister of the interior has refused to permit its use in French hospitals. The ground taken was, as I am informed, that while it might be possible to make, in a chemist's laboratory, a pure article which would not be unwholesome, in point of fact it was found by the academy experts in Paris that only an inferior article was actually sold in commerce, and which appeared to injure the digestive organs of sick and debilitated persons.

Mr. Michels, of New York city, a well-known microscopist and editor of a scientific journal, testifies that oleomargarine is simply uncooked, raw fat, never subjected to sufficient heat to kill parasites which are liable to be in it; that those who eat it run the risk of trichinæ from the stomachs of animals which are chopped up with the fat in making it. He states that he has found in it tissue, and muscle, and cells of suspicious nature, and that Mr. Saylor has also found in it positively identified germs of disease.

Mr. Michels further states that all the caul fat of oxen brought to New York city in a week would not supply one factory four days, yet there were then seven factories in New York city, and he asserts that there can be no doubt that fats and grease of various descriptions are used in making oleomargarine.

The eminent English chemist, Professor Church, states that he has found in it horse fat, fat from bones, and fats such as are ordinarily used for making candles.

But the gentleman who, probably more than any one else, has written upon this subject is Dr. R. U. Piper, of Chicago, concerning whom the chief-justice of the superior court of that city, and three other judges, certify "that the testimony of no other scientific gentleman of that city would, in their judgment, be entitled to higher respect."

Dr. Piper says his attention was first called to the subject by an article published by Mr. Michels, before referred to, in the American Journal of Microscopy. Since then he has examined a large number of specimens. He testifies that, while no true butter can carry trichnæ, eggs of the tape-worm, &c., he has found in oleomargarine not only organic substances in the form of muscular and connective tissue, and various fungi, but also living organisms which have resisted boiling acetic acid, and eggs resembling those of the tape-worm; these he has preserved to be shown to any who may desire to see them, and he has also microscopic photographs of them. He thinks these may get in through the stomachs of pigs and sheep used in making the article, though he has found in it specimens of uncooked meat. His conclusion is that it is a dangerous article, and that he would on no account permit its use in his family.

The Rev. E. Huber, microscopist, of Richmond, Va., writes in the Southern Clinic of May, 1880, that oleomargarine differs in its microscopical appearance as well as in its nutritive and dietetic qualities from true butter; that the fats in it are not subjected to a heat sufficient to destroy the germs of septic and putrefactive organisms, and that there may also be introduced into the system by its means the eggs which develop in tape-worm. And he also states that he has frequently found in oleomargarine eggs resembling those of the tape-worm.

Mr. Michels says I have reason to believe that the refuse fat of at least one pork-packing establishment is used for oleomargarine; and as the trade increases, fat of every description will probably be offered for sale; even that from the carcasses of diseased animals may be purchased without guilty knowledge of the managers.

Professor Piper says it is not unreasonable to suppose that one of these populated stomachs chopped up with the fat, even if washed and cleaned, may contain thousands of living organisms.

From an article in Boston Herald of January 8, 1881, I find that Dr. George B. Harriman, a most respectable microscopist of Boston, well known to me, has recently examined some twenty specimens of oleomargarine obtained from different dealers, and has found in every specimen more or less foreign substances, a variety of animal and vegetable life. Among these were corpuscles from a cockroach, and small bits of claws; the blood corpuscles of sheep; the egg of a tape-worm. Yeast was found sprouting in considerable quantities, and spores of fungi were very prevalent; a portion of a worm, a dead hydra viridis, portions of muscular fibers, fatty cells, and eggs from some small parasite were among the discoveries.

I find also in the American Journal of Microscopy of October, 1878, a letter from the celebrated English microscopist, W. H. Dallinger, said to be the greatest living authority on this subject, in which he shows that oleomargarine is not subjected to a heat sufficient to kill the living organisms which refuse fats are liable to contain.

In view of the great and increasing magnitude of this business; and the report of the French Academy of Medicine; and the discoveries of the scientific gentlemen before named; and the danger of using the raw fats and stomachs of diseased animals, and of those that die on the cars, which number hundreds of thousands annually; or of pleuro-pneumonia; or of cattle fever; or of hog cholera; I think we have no reason to rejoice over the erection of these enormous factories which are now supplying the tables of our hotels, restaurants, boarding-houses, and private families with oleomargarine butter and cheese.

Whatever else may be said by the great capitalists engaged in their manufacture, one thing they can not honestly deny, namely, that not three men or women in a hundred would eat an ounce of these articles if they could know by color or otherwise what they were eating.

No man would knowingly give his wife or children for butter the raw uncooked fats of animals that may have died of cattle plague, hog cholera, or other diseases. But how manufacturers are to guard either themselves or the public against the fats of such animals is a problem which no manufacturer or chemist employed by him has, thus far, to my knowledge, attempted to explain.

If any one shall ever assert that such fats can not be used, I am prepared with evidence to prove the contrary.

A new article of butter and cheese has recently made its appearance in Western markets containing from 50 to 75 per cent. of hog's lard. The Chicago Tribune, of November 17, 1880, states that fifteen factories in that city are now engaged in its manufacture, and that one article used in making the cheese will eat through the oak barrels in which it is kept. Concerning its effects on the human stomach I have, thus far, no evidence.

Mr. WARNER, of Missouri, addressed the committee. [See Appendix.]

Mr. MCMILLIN addressed the committtee. [See Appendix.]

Mr. ADAMS, of Illinois. I do not believe that if this bill becomes law butterine will cease to be manufactured and sold. It will no longer be sold as butter. It will be sold for what it really is. If butterine can be sold to the consumer under its own name as a substitute for butter, dairymen will have no right to complain. They would have no more right to complain than if olive oil, or even purified cotton-seed oil, were to be generally used in this country as an article of food, as olive oil is in some of the countries of Southern Europe.

But dairymen have a right to say that their product shall not be counterfeited. This right of the dairyman is identical with the right of the consumer. In ordinary cases the consumer may be left to his own intelligence to protect himself against impositions. By the exercise of a reasonable degree of caution he can protect himself from frauds in under-weight and in under-measure. If he can not detect a paper-soled shoe on inspection he detects it in the wearing of it, and in one way or another he can impose a penalty upon the fraudulent

vender. As a general rule the doctrine of *laissez faire* can be applied. Not so with many of the adulterations of food. Scientific inspection is needed to detect the fraud, and scientific inspection is beyond the reach of the ordinary consumer. In such cases the Government should intervene. This is generally admitted to be a reasonable doctrine. Many of the nations of Europe and many of the States of this Union have recognized their obligations to their citizens to protect them against frauds which can not be detected by ordinary inspection, and have passed statutes imposing penalties against adulterations of food, whether injurious to health or not.

But it is said that legislation by the States of this Union is sufficient. Congress, it is said, ought not to interfere. True it is that Congress as a general thing may well leave to the jurisdiction of the several States laws relating to the public health and laws imposing a penalty upon frauds of venders. But there are exceptions to the rule, and the subject covered by this bill is one of them. When I hear gentlemen insist that the fraudulent sale of butterine as butter may be safely left to the jurisdiction of the several States and ought not to be handled by Congress, I am reminded of an episode in my legislative experience.

Some years ago I was a member of the State senate of Illinois. There came before that body a measure somewhat like this; whether it related solely to oleomargarine or included other adulterations of food I have forgotten. Oleomargarine was certainly included, and I think had a prominent place in the bill and in the discussion upon the bill. The bill was supported by about the same arguments that we have heard on the floor of this House in support of this bill. It was strenuously opposed. What do you suppose, Mr. Chairman, was the main argument used against it? It was nothing less than this: That the subject could not be effectively handled by a State Legislature, and therefore must be left to the action of Congress. The reasoning was this, and it struck me as having considerable force: Oleomargarine-makers in Illinois manufacture not merely for consumption in Illinois, but also for consumption in Missouri and other States.

Oleomargarine-makers in Missouri manufacture partly for consumption in Illinois. It is practically impossible to detect and arrest the product as it passes to and fro across State lines. However strict the law against it might be in Illinois, we could not be sure that other States would pass similar laws and enforce them strictly against the sale of oleomargarine for consumption in Illinois. We might suppress the manufacture in Illinois and thereby benefit the manufacturers in other States. The consumer in Illinois would not be protected. He would simply eat butterine not made in Illinois but made in some other State. Nothing will be effective except a national law, enforced everywhere with equal strictness throughout the United States. This was the argument which I heard against the enactment of an anti-butterine law by a State Legislature.

Now I find myself in Congress, and the butterine bill is in Congress, too. And when I listen for the substantial objections to such a bill, lo, and behold! I find that it is claimed that it is not a fit subject for national legislation, because it belongs properly in the State Legislature.

That is to say, when I was in the State senate and the butterine bill was there I was told that it ought not to be there because it ought to be here, while now that I am here and the butterine bill is here I am told that it ought not to be here because it ought to be there.

Perhaps the wisest course would be to assume that it might properly be in both places at the same time. We ought to supplement with Congressional action the supervision of the subjects by the States. We impose an internal-revenue tax on beer and whisky, and it claims to be enforced uniformly in all the States of the Union. But the sale of beer and whisky is also subject to regulation by the States. One State permits it under a low license, another State permits it under a high license, while still another does not permit it at all. Even counties and cities within the same State may adopt varying regulations on the subject and may vary them from time to time.

So with butterine. We may lay an internal-revenue tax upon it everywhere within the United States. We may supervise its manufacture and sale by Federal officials. At the same time we leave to the several States to say what further regulations they shall impose within their respective limits.

The advantages to be gained by national supervision are twofold. We prevent a fraud upon the consumer. We afford a safeguard to the public health. There is no doubt in my mind that some butterine is wholesome food. There is just as little doubt that, as it is sometimes made, it is injurious to health, to say the least of it. And as the ordinary consumer can not detect the difference between that which is properly made and that which is not, it is a legitimate function of government to give the citizen the means of ascertaining whether it is wholesome or unwholesome. It is a great step in the right direction to compel the retail dealer, if he sells it at all, to sell it for what it is.

When I buy butter I am tolerably secure against serious harm. If the butter is badly made, it is not usually dangerous to health unless it is bad enough to betray itself to the senses. I need no warning against adulterations injurious to health when I buy butter. And, therefore, when I buy butterine as butter I am liable to injury without warning. But when I buy butterine as butterine I am put on my guard, and I shall be likely to investigate the quality of the butterine that I buy; that is, I know I am buying something which, if carefully made, contains nothing injurious to health, but which, if carelessly or improperly made, carries, it is said, the germs of disease.

Mr. Chairman, I think that when we have gone as far as this we have gone far enough. If we can see to it that butterine is sold only under its own name to the consumer, we can safely leave to the consumer the task of distinguishing between good butterine and bad. He will be aided first by the natural rivalry between butterine and butter, and secondly by the rivalry between different makers of butterine. The rivalry between different makers of butterine will be a very effective agency in extirpating the unwholesome product. It does not operate effectively now, because a very large part of the butterine now manufactured is intended to be sold to the consumer as butter. It is not seriously pretended that it is sold as butter by the manufacturer to the wholesale dealer or by the wholesale dealer to the retailer. The fraud intervenes between the retailer and the consumer.

If this bill becomes a law the manufacturer, in order to find a market, will be obliged to take upon himself the trouble and expense of persuading the consumer to buy it for what it is. He can do this only by making a pure and wholesome article. He must persuade the consumer that it is wholesome and pure.

Therefore, Mr. Chairman, if any butterine-maker is willing to put his product into sealed and stamped packages, which can pass from the manufacturer to the wholesale dealer, and from the wholesale dealer to the retail dealer, and from the retail dealer, with the stamps still unbroken, to the consumer he ought to be allowed to do so. If this course were adopted by any one or a few prominent manufacturers all oleomargarine that can not stand the test of the microscope will soon vanish from the market.

To give the manufacturer this right is to treat him as we treat the manufacturer of tobacco. When the consumer of smoking-tobacco wants to buy 4 or 8 ounces of a particular brand he does not have to depend on the integrity of the retail dealer to give him what he wants. The retailer gives him a 4 or 8 ounce package, which has been put up, sealed, and stamped in the factory. He knows just what he gets. If he finds any defect in it he can place the responsibility upon the manufacturer, and the fact that the identity of the thing sold can be traced back from the consumer to the manufacturer will compel the manufacturer either to make a wholesome article or to retire from business. An article so packed and stamped by the manufacturer can not be sold as butter. It can not be used as an instrument of fraud. It can not injure the public health. To forbid the use of such packages is to encourage the practice of fraud on the consumer by the retail dealer.

As the bill now stands the manufacturer must pack the product in packages of not less than 10 pounds, while the retail dealer is required to sell from the original package. The retailer whose customer wants 1 or 2 pounds must dish the requisite amount out of the 10-pound package. I desire to amend the bill at the proper time, so that the retailer may sell to the consumer a 1 or 2 pound package just as it comes, with the seals and the internal-revenue stamps unbroken, from the factory. To effect this change will require certain amendments to section 6 of the bill. I trust that the committee will recognize that these amendments will practically improve the measure.

Mr. CURTIN. Mr. Chairman, if this is a bill to raise revenue the pains and penalties proposed to be placed upon the manufacturer or the seller are too high to bear the burdens proposed by the act under consideration. The tax proposed to be imposed upon this article can not produce revenue. If revenue is the object, make the pains and penalties less, and the tax less onerous, and you produce revenue. If the object of the bill is to legislate an industry of this country out of existence, the tax is not high enough, and the pains and penalties are not in proportion to produce such a result.

If it is true, as claimed, that the article now under consideration produces disease and contagion and death, where is the evidence? I do not say that we should depend upon chemical analysis. Let us go to the facts. If humanity is disturbed or diseased by the use of this article, we are without any evidence before this House to that effect. If such is the fact, we should consider directly the question of abolishing the production of this article altogether as deleterious and injurious to the public health.

If the object of the bill is revenue, make your tax low and your pains and penalties lower; then you will get revenue, as you have done upon whisky. Let us not, standing within the mere letter of the Constitution, undertake by indirection through heavy taxation and severe pains and penalties to exclude an article of food from the market. As we all know, the farmer is the great producer. His industry, which raises from the earth that which supplies to man his food—an industry which makes this country great and powerful—should not be tampered with, but should be fostered and protected for its benefits and blessings, and not by the destruction of other industries. I am not quite sure that the farmers of the country claim such exclusive and personal benefits which manifestly injure the business and means of living of others, who are equally entitled to fair and just government.

But whatever we do, let us not fight any branch of industry by indirection, as this bill clearly does in all its essential discrimination.

Mr. Chairman, I am opposed to the centralization of all power here in Washington, and especially those reserved to the States, where the real power is large for the protection of persons and property of the citizen. But assuming that the gentleman from Georgia is correct in his statement of the law passed by that State, suppose the adjoining State should not pass such a law, then the maker of oleomargarine would go to that State, just as under the system of allowing the several counties in a State their "local option" as to the use or sale of ardent spirits, if one county adopts the prohibition and the adjoining county permits the sale and use of intoxicating liquors, the business is destroyed in one county, while the adjoining county makes profit from that destruction. If, in the manufacture of oleomargarine, there is anything so pernicious as represented, let us put it down by direction, not by indirection.

But, Mr. Chairman, suppose we carry out the principle of this legislation. Suppose we raise a tax upon spurious coffee, so much complained of and so deleterious. Suppose we tax molasses, so much of which is made of rags until people are afraid to use the article. Suppose this principle were applied to the manufacture of whisky. In Pennsylvania we produce rye whisky. Suppose the Pennsylvania producers of whisky from rye should come to this august assemblage of the nation's wisdom, representing that whisky made of corn produces, as the papers say, Bright's disease, and asking that corn whisky be legislated out of existence by taxation. Every member on this floor from Kentucky would protest earnestly against such legislation [laughter], and in that protest they would be joined most emphatically by members from the State of Ohio.

Again, Mr. Chairman, the enterprise of the South is introducing on the slopes of the mountains there the culture of the olive, which is likely to be a great success. Suppose, when that industry shall be successful, the producers of olive oil should determine that the production of the oil expressed from the cotton seed should be legislated out of existence. You will have parties interested in the manufacture of olive oil knocking at the doors of this House and asking such legislation.

Mr. TILLMAN. California already produces large quantities of olive oil.

Mr. CURTIN. I know that fact; but if the producers of olive oil should succeed in convincing Congress that the production of the oil from cotton seed should be legislated out of existence that production would go to the wall, and one of the great staples of a part of this country would suffer destruction.

Sir, I would like to find where are the graveyards in which are buried those persons whose lives have been shortened by the use of the article we are now asked to legislate against. There is not before the House any evidence of the fearful diseases or contagions which it is alleged to produce. Mr. Chairman, the average American ought to know, if he does not, what he buys. He ought to be the judge of what is useful food for himself and family, and he has a right to get for his family what he and they eat where he can buy it on the most reasonable terms; that is a personal right of every American citizen of which he should not be deprived. Mr. Chairman, there is not a country in Europe which does not cause all food to undergo a rigid examination, and of the liquids used as well, and it must be fresh in the memory of the members of this House since our beef and pork were excluded from the markets of Germany. To such legislation I would give my hearty approbation.

[Here the hammer fell.]

Mr. MILLIKEN. Mr. Chairman, I desire to say to my friend from Pennsylvania [Mr. CURTIN] if it is shown that any kind of whisky produces Bright's disease I would not oppose voting it out of existence simply because it might benefit some other person who made something else. It is sufficient to know it is producing disease, and that it is unfit for use.

Mr. CURTIN. Is that to be taken out of my time, Mr. Chairman? [Great laughter and applause.]

Mr. MILLIKEN. I have the floor.

The CHAIRMAN. The committee will come to order, as it is impossible to understand what is going on unless members will resume their seats.

Mr. CURTIN. Why, sir, there is not a nation on the face of the globe which does not have provision of law for the inspection of food sold to the people. How is it about your pork and about your beef sent to Germany; are they not inspected?

Mr. MILLIKEN. I insist upon being allowed to proceed.

Mr. CURTIN. Do not take up too much of my time. [Great laughter.]

The CHAIRMAN. The Chair requests gentlemen to resume their seats.

Mr. CURTIN. If you wish to make sanitary regulations, then make them like men and let us understand that they are sanitary regulations, and for that purpose only.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired, and the Chair recognized the gentleman from Maine [Mr. MILLIKEN], who is entitled to the floor.

Mr. CURTIN. Oh, I beg the gentleman's pardon; I thought he was taking up my time.

The CHAIRMAN. No; the gentleman's has expired.

Mr. MILLIKEN. I have the floor, I believe.

The CHAIRMAN. The gentleman is recognized.

Mr. HATCH. I move that the committee rise.

Mr. MILLIKEN. I am on the floor and the gentleman can not take me off without my consent.

The CHAIRMAN. Debate on the pending amendment is exhausted. The formal amendment was submitted by the gentleman from Illinois to strike out the last word.

Mr. MILLIKEN. I move to strike out the last two words.

The CHAIRMAN. The gentleman will proceed.

Mr. MILLIKEN. Mr. Chairman, it would give me great gratification to have the gentleman from Pennsylvania [Mr. CURTIN] make my speech if he was on the right side, for I have no doubt he would make a much better speech than I could.

I was proceeding to say when interrupted that this bill seems to be fought by a few gentlemen here with a persistency equal to the profits in this fraudulent business, and in a way as unwarranted as the product itself is dishonest. It is fought by every manner of filibustering, and by introducing amendments frivolous in the last degree. And it has been fought in a legitimate way, too, with a great deal of skill.

It gives me pleasure always to listen to the very eloquent remarks of the gentleman from Kentucky [Mr. BRECKINRIDGE], and I never listen to him with more delight than when he gets upon his favorite proposition that one man or one industry should not be taxed for the benefit of another. There is a little trick of oratory in this—and I do not say it in an offensive way, for it has been used by great orators in the past as well as in the present—and that is to urge upon the House, or upon the audience, as the case may be, a proposition which they entirely agree with, and get them thoroughly warmed up and enthusiastic in their embrace of that proposition, and then by a skill which only the accomplished orator understands transfer that enthusiasm to the subject which is before them. So my friend made his remarks and argued upon this proposition that one industry should not be taxed out of existence for the benefit of another. Who disputes the correctness of that proposition? No one in this House. No one disputes it at all. But, sir, that is not the question before the House. The question is whether we should raise a revenue on a manufactured article which is stated to be a fraud. The evidence of its fraudulent character is that it stalks forth not under its own name, but under that of another. It has gone out, ever since its invention, to the country as butter and not as oleomargarine. And I say that the fact that it assumes a disguise, fearing that its name would discover its bad character, is evidence that it is a fraud. He who counterfeits food is worse and more wicked than he who counterfeits money, and deserves to suffer a severer penalty.

Now in favor of what industry do our friends on the other side say this legislation is to operate? Is that legislating for one industry against another when you legislate this fraud out of existence in favor of the honest farming element of the country? Why, Mr. Chairman, it is the very father and mother of all industries. The farmer produces the prime necessities of life. You all know that every man here, whether he be a farmer, or a doctor, or a lawyer, or anything else, is as closely identified and interested in the avocation of the farmer, that avocation which produces all we eat and drink and the material of all we wear, as the man himself who pursues that avocation.

Not only that, sir, but it is that which gives to the great cities its manhood. There is not a city on earth that could live for three hundred years if the country did not furnish it with its manhood as well as with food. The strong man comes from the country, where, bred in the pure air, he acquires strength and vigor. He comes to the city, but in its turmoils and cares and interests he exhausts his manhood and his strength. He can not reproduce himself. The country that sent him must send another in his place.

The farmers are the conservative force of the country, to be relied upon in times of excitement which threaten the good order and safety of society.

Who ever heard of a riot of farmers? They are not those who pull down the column Vendôme, who destroy the Tuileries, with all those records so valuable to mankind. They are rather the conservators of the genius and labor of the past. They are neither communists, socialists, nor anarchists. They above all others are sober-minded and deliberate. Their patriotism is proverbial. Their possessions are a part of the country itself. They can not pocket these and depart for other lands. If we have bad government they can not escape it. They must live under and suffer it or improve it.

Hence they have been of all people the most to be relied upon to stand steadily by real and needed movements of reform, while they have been the first and strongest to defend good government and wholesome laws.

Amid the mutterings and threatenings and bloody collisions in our great cities who does not see the wisdom of strengthening this great conservative element of our nation, the thinking, reflecting, intelligent, patriotic farmers? How soon we shall need their conservative power no one can say. Let us see that they are not driven from their useful

fields of labor by any great and powerful interests that stand behind a counterfeit.

Mr. HATCH. I move that the committee do now rise.

Mr. MORGAN. I hope the chairman of the committee will yield me five minutes. I want to say a word for these farmers.

Mr. HATCH. Very well; I will withdraw the motion.

Mr. MORGAN. Mr. Chairman, the farmers of this country have been so persistently misunderstood, not to say misrepresented, in the course of this debate that I shall ask the House to give me only the brief space of five minutes to enable me to set them right, if they need to be set right, before this committee. I ask that time only to set at rest some of the misrepresentations that have been made with reference to the pending question.

It has been stated on this floor, and reiterated time and again, that the farmers are here demanding financial protection for their industries, and I reply that such is not the truth. They do not ask any such protection. They ask protection not for the purpose of advancing the value of the products of the farms and dairies, but they simply ask the protection of the law of the land; that protection which is thrown around all of our citizens in their property, and just as every other citizen in the land is entitled to protection under the Constitution and the law to life, liberty, and property. They ask that and nothing more, and to say that they make any other demand is to say that which can not be sustained. They are not asking here protection in the sense that their products may be advanced in value, but they ask the protection, I repeat, of the law of the land; that and nothing else.

This is a subject with which we had to deal in the committee, and we investigated it, and I have the testimony before me. That question was asked Mr. Reall, the president of the American Agricultural and Dairy Association, and nobody will dispute his capacity to answer it. He was asked what protection do you want; and are you endeavoring to break down this industry in order to build up that of the dairy?

What is his answer? He says:

We only want fair competition, and care not how great it is if it be with a genuine article.

That is all they demand. They do not want to come into competition with their own stolen name. Are you not willing to accept the statement of the head of the agricultural organization of the United States? Are you not willing to accept the truth of his statement? What does Mr. Littler say, who is secretary of the Iowa Dairy Association, secretary of the Chicago Produce Exchange, and the head of the great Western organization? When asked the question, What do you desire the protection for—is it one industry against another? His answer was:

No, sir; we ask nothing of the sort; honest competition can be no cause of complaint upon our part.

What do you say to that, gentlemen? Is that in harmony with the statement you are making here that this is an effort to build up the butter interests of the country at the expense of a legitimate industry?

What does Mr. Hughes say, the president of the Baltimore Produce Exchange? He said that they do not want legislation for the purpose of destroying an industry.

Mr. BUTTERWORTH. Then a nominal tax is all that is required.

Mr. MORGAN. Mr. Hughes says in response to similar questions asked him:

Put oleomargarine or butterine in competition with butter as it is turned out from the beef fat or lard and it will not affect butter in the least.

Mr. Chairman, that is the uniform tenor of all the testimony taken. All they ask is fair competition. Then what do you gentlemen complain of? They say that the fraudulent character of this compound and its sale under the name of "butter" is an evil, an injury, and an injustice, and it is that of which they complain. Mr. Hughes says all we ask is to have this compound placed before the country in its proper light. Mr. Littler says all we ask is that the country may have information of the sale of this product under its proper colors to protect them. He wants the people to be informed of what it is, and not that it shall sail under false colors. What then becomes of your charge that this is an endeavor on the part of the farmers to break down one great industry to build up or help their own?

Again, Mr. Chairman, as to the constitutional power to levy the tax. I presume it will not be questioned that we have the power to levy such taxes as are necessary for the support of the Government, and these taxes must be levied upon property and objects to be selected by Congress. If then you are to select an article on which revenue is to be raised, by what principle are you to be governed? Can you select one better adapted to it than the one in question? for this will be a tax not only that produces revenue, but one which at the same time protects the property the farmers have in the good name and in the good will which that good name has given to one of their principal products.

Are you in favor of honesty or dishonesty? Are you willing to protect butter against the theft of its own good name? If you are against dishonesty, gentlemen, and want to raise money, the question is how much is necessary to be raised, and how can you best select the property to which to apply it—not how much is necessary to break down the industry or run it out. We took testimony also upon this point of dishonesty in the sale of this product with a view to profits and raising revenue, and the testimony shows that not more than 1 per cent. of the whole of this stuff that is sold in the country has been sold for what it really is. It is never sold for anything else than butter.

Mr. TILLMAN (from his seat). How about bad whisky.

Mr. MORGAN. There is no fraudulent whisky. My friend thinks all whisky is good. [Laughter.] But here is a substance made at a cost of 7½ cents a pound which is sold for butter for not less than 26 cents a pound, and often retails at from 30 cents to 36 cents a pound. If 200,000,000 pounds of this stuff is sold at a dishonest profit of 200 per cent., is not here a splendid and legitimate field to turn at least 100 per cent. of that profit from the pocket of the fraudulent vender to the coffers of the Government? If this is not a suitable place to impose a tax, where is one?

Good butter can not be made for less than 20 cents per pound; the best oleomargarine or butterine can be made for 7½ cents per pound. Here is, then, under the inexorable law of production, a protective tariff of about 175 per cent. per pound in favor of this product. It will always sell at retail at the price of butter, or just enough under to command the trade. No person can tell it from the smell, from the taste, or by the eye from creamery butter. It is given the favor, the savor, and the flavor of butter, and its steals its good name and its good will with consumers. Neither whisky nor tobacco, both of which should be taxed as long as money is required to be raised to support the Government, affords so just a field for taxation. Without burden to the people, or even affecting the price of the article, a splendid revenue can be raised from it.

[Here the hammer fell.]

Mr. WARNER, of Missouri. I submit the amendment which I send to the desk.

The Clerk read as follows:

Add to section 4 the following:

"*Provided*, That the provisions of this, and the preceding sections, shall not apply to any manufacturer, wholesale or retail dealer in oleomargarine who, under such rules and regulations as shall be established by the Commissioner of Internal Revenue, shall show to the satisfaction of said Commissioner that the oleomargarine manufactured, sold, or offered for sale by them or either of them is as wholesome in every respect as butter."

Mr. BRECKINRIDGE, of Kentucky. I offer the amendment which I send to the desk.

The CHAIRMAN. The amendment will be read for information.

The Clerk read the amendment, as follows:

Strike out of line 4 of section 4 the words "one thousand" and insert "fifty;" and strike out of line 9 the words "five hundred" and insert "fifty."

Mr. HATCH. I am advised by the gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Missouri [Mr. WARNER] that they do not desire to speak to this amendment. The debate on this section has already run forty or fifty minutes. I ask unanimous consent that debate on this section and amendments thereto be closed.

Mr. DUNHAM. Oh, no.

Mr. HATCH. Then I move that the committee rise.

Mr. BAYNE. I think unanimous consent may be had.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on the pending section and amendments thereto be closed.

Mr. DUNHAM. I guess we had better do it in the regular way.

Mr. HATCH. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8328) had come to no resolution thereon.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue. And pending that motion I move that all debate upon the pending section of the bill (H. R. 8328) and amendments thereto be limited to one second.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill H. R. 8328.

The CHAIRMAN. By order of the House all debate on the pending section and amendments thereto is limited to one second. The Clerk will read the amendment submitted by the gentleman from Kentucky [Mr. BRECKINRIDGE], which is an amendment to the text of the section.

Mr. WARNER, of Missouri. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER, of Missouri. With the liberality with which this discussion has been conducted heretofore I presume the gentleman from Missouri [Mr. HATCH] will divide the time. [Laughter.]

Mr. HATCH. I will be more generous than that. I will yield it all to my colleague.

The amendment proposed by Mr. BRECKINRIDGE, of Kentucky, was again read.

The CHAIRMAN. All debate on the section and amendments thereto is limited to one second.

Mr. WARNER, of Missouri. I have that second.

The CHAIRMAN. The gentleman from Missouri will proceed.

Mr. WARNER, of Missouri. I wish to say that in all——

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

The amendment was disagreed to.

The CHAIRMAN. The question is next on the amendment submitted by the gentleman from Missouri [Mr. WARNER].

The amendment was again read.

The committee divided; and there were—ayes 32, noes 95.

Mr. WARNER, of Missouri. I wish to reserve the point of no quorum for the purpose of making an inquiry. I do not wish to delay the vote on this bill. Is the gentleman who has charge of it willing that a vote should be taken on this amendment in the House? I look upon it as being material, and have offered it in good faith.

Mr. HATCH. So far as I am personally concerned I would have no objection. But I have acted in this matter for the committee that have this bill in charge; and I do not regard the amendment offered by the gentleman in the light he does. I think it would be utterly impossible and impracticable to carry it out. There is no such thing as oleomargarine that is as wholesome in every respect as butter.

Mr. WARNER, of Missouri. I do not make the point as to a quorum.

So (further count not being called for) the amendment was disagreed to.

The Clerk read section 6, as follows:

SEC. 6. That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding 10 pounds, and shall pack the oleomargarine sold by them in suitable wooden packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not less than $100 nor more than $1,000, and be imprisoned not less than six months nor more than two years.

Mr. SPOONER. I regret to find so many of my friends, for whose opinions I usually have much respect, differing from me concerning the propriety of this proposed legislation. That difference, I apprehend, arises largely from a mistaken or distorted view upon their part of the facts involved and of the actual evils requiring correction; for I am sure I am as much opposed as any of them can be to fraud in any manufacture, and particularly in any article of food, and I as strongly insist that each should be sold for what it actually is, and that no imposition should be practiced upon the purchaser. Our difference, I believe, is as to the necessities and methods of legislation.

With the progress of civilization come inventions, improvements, and scientific discoveries; and, while all that is new is not necessarily good, nor necessarily better than the old which it attempts to compete with, supplement, or supplant, intelligent legislators, mindful of the history of the past, teeming with prudential lessons, should hesitate to interpose any barriers to legitimate industry and business enterprise, save such as experience and necessity dictate. New methods and processes for the utilization of various products have marked our progress in the past, and will unquestionably accompany our progress in the future, among which canned meats, fruits, and preserves, condensed milk, prepared soups and meat extracts, oleomargarine, and other products of inventive skill have grown to be important, if not indispensable, articles of food consumption.

This bill proposes to impose special taxes, as follows: Upon manufacturers of oleomargarine, $600; upon wholesale dealers in the same, $480; upon retail dealers, $48; and an additional tax of 10 cents is also imposed upon every pound of the article produced, which taxation, if it does not destroy the entire industry and utterly prevent the manufacture and sale of oleomargarine (as the advocates of this bill seemingly intend), must necessarily largely increase its cost to consumers. Are the advocates of this bill seeking either of these results?

Now, if I am correctly informed, many of the advocates of this bill have indulged in gross exaggeration of statement, entirely unjustified by any acts which have come to my knowledge. They overstate their case; for if oleomargarine is the unwholesome product they describe, and yet has acquired an annual sale of one hundred and fifty or two hundred million pounds, who can reconcile its continued purchase and great consumption with the continued health of our people and the survival of its consumers?

All reasonable purity in food is extremely desirable; but hypercritical analysis is scarcely to be commended, and if invoked might discredit many healthful articles of food in general use.

He is a bold and I think an imprudent man who would attempt to trace every attractive and palatable dish upon his table back to its original constituents and through its various manipulations. If he should insist upon absence of any cause for suspicion, I fear he would eat little and drink less.

Even the water we drink, if persistently traced from its sources through its devious and questionable channels, would excite our suspicion and perhaps our disgust.

The same people who are loudest in their protests against Germany's exclusion of American hog products (upon the pretense of their unhealthfulness) are among those who are the most bitter in their warfare against "oleomargarine," as defined by this bill—a product of this identical American hog! What is lard—rendered from what fats and how? Yet it is one of the articles most commonly and generally used in the cooking of our people. And how is its purity and healthfulness vouched for more fully than is oleomargarine, manufactured by responsible parties from the best of it? What are sausages? From what kinds and qualities of meats made?

Mr. PRICE. I give it up. [Laughter.]

Mr. SPOONER. And in what packed?

Mr. MILLIKEN. I suggest if the gentleman from Rhode Island can explain what sausages are he can tell what oleomargarine is. [Laughter].

Mr. SPOONER. Yet there is no proposition to tax any of these products, save oleomargarine, out of existence.

Are not the advocates of this bill pressing their inquiries too far, and in a direction calculated to injure the very interests they claim to support? "For people will talk, you know!" And I am surely justified in assuming that "choice beef fats" are at least equally unobjectionable with lard.

Why then this war on these products? If unwholesome, or if sold for what they are not, I heartily assent to such legislation from proper sources—by Congress if necessary—to prevent the sale of the unhealthful and compel the sale of the others for only what they really are; but I can not, under any such pretense as this bill makes, lend my voice or my vote to the destruction of one legitimate domestic industry for the advantage of another, however great or important that other may be. Such an attempt seems to me inconsistent with any theory of the correct and honorable exercise of my duty as a legislator.

I have heard some of these gentlemen, who I fear are afflicted with peculiarly vigorous imaginations, stigmatize oleomargarine in terms unjustified by any facts which have come to my knowledge.

They have called it "bogus," "counterfeit," "dirty," "filthy," "poisonous!" Adjectives have failed them with which to express their disgust and abhorrence; and the gentleman from Iowa [Mr. HENDERSON] apparently attempted to persuade the House that the recipe from which it is usually manufactured is identical with that by which the "witches' broth" in Macbeth was compounded! Yet I have heard no authentic statement in support of such extraordinary charges; nothing save wild and extravagant assertions, based upon little else than vague speculations and suspicions; for it certainly is not "bogus" or "counterfeit" if it is sold for what it is.

Now, I am neither a manufacturer, a physician, nor a chemist; but perhaps I should not be accounted singular in possessing the disposition, not uncommon certainly in the locality which I represent, to be guided by reliable testimony, rather than by intemperate abuse and unsupported assertions. I will therefore let manufacturers, chemists, scientists, and physicians speak and give to you the facts upon which I necessarily base my judgment.

Mr. Philip D. Armour, of the celebrated firm of Armour & Co., of Chicago, in his sworn affidavit, presented by the gentleman from Illinois [Mr. DUNHAM], gives a clear and definite statement of the ingredients used in the manufacture of oleomargarine and butterine and describes the entire process of manufacture. That affidavit is as follows:

STATE OF ILLINOIS, *Cook County, ss:*

Philip D. Armour, being first duly sworn, deposes and says that he is a resident of the city of Chicago, in the State of Illinois, and that he is a member of the firm of Armour & Co.

Deponent further says that said firm of Armour & Co., in the course of their business, makes and sells oleomargarine and butterine, and that this deponent knows of his own knowledge the materials and the methods used by said firm in the making of said products. They are as follows:

METHODS OF MANUFACTURE.

The fat is taken from the cattle in the process of slaughtering, and after thoroughly washing is placed in a bath of clean, cold water and surrounded with ice, where it is allowed to remain until all animal heat has been removed. It is then cut into small pieces by machinery and cooked at a temperature of about 150 degrees until the fat in liquid form has separated from the fibrine or tissue; then settled until it is perfectly clear. Then it is drawn into graining vats and allowed to stand a day, when it is ready for the presses. The pressing extracts the stearine, leaving the remaining product, which is commercially known as oleo oil, which, when churned with cream or milk, or both, and with usually a proportion of creamery butter, the whole being properly salted, gives the new food product, oleomargarine.

In making butterine we use neutral lard, which is made from selected leaf lard in a very similar manner to oleo oil, excepting that no stearine is extracted. This neutral lard is cured in salt brine for forty-eight to seventy hours at an ice-water temperature. It is then taken and, with the desired proportion of oleo oil and fine butter, is churned with cream and milk, producing an article which, when properly salted and packed, is ready for market.

In both cases coloring matter is used which is the same as that used by dairymen to color their butter. At certain seasons of the year, namely, in cold weather, a small quantity of salad oil made from cotton seed is used to soften the texture of the product, but this is not generally used by us.

Deponent further says that no other material or substance except as above stated is used by Armour & Co. in making oleomargarine or butterine.

Deponent further says that he has read the statement made in a report of the Committee on Agriculture to the House of Representatives purporting to give the materials used in making oleomargarine and butterine, and he says that none of the materials or substances therein enumerated are used by Armour & Co. in making said products or either of them except as herein stated.

Deponent further says that he has read a letter dated May 19, 1886, signed Armour & Co., Swift & Co., George H. Hammond & Co., N. K. Fairbank & Co., and Samuel W. Allerton, a copy of which is hereto attached, and he says that the same is the letter of the parties whose names are attached thereto, and that the statements therein made so far as the same relate to Armour & Co. are true, and so far as they relate to the other parties signing said letters, he upon information believes them to be true.

And this deponent further deposes and says that no ingredient is or ever has been used by said firm of Armour & Co. in the manufacture of said oleomargarine and butterine which is in any way injurious to health.

PHILIP D. ARMOUR.

Subscribed and sworn to before me this 22d day of May, 1886.

[SEAL.] EVERETT WILSON, *Notary Public.*

In the "Marx case," in New York, the following sworn testimony was given:

By Professor Henry Morton:

I am professor of the science of technology at the Stevens Institute, Hoboken, and have been for fourteen years. I have seen oleomargarine made repeatedly, and analyzed it frequently, and have obtained knowledge about it from reading in reference to its history from the time it was first devised and introduced up to the present time.

I am familiar with the article known as dairy butter, and have analyzed and examined it.

Oleomargarine is a word used for two things. It is often used for the product obtained by the treatment of fats, by which there is gotten out from the fat a pure fatty substance having almost the identical elements of fats existing in butter. And the word is also used to indicate the marketable article produced when that pure fatty substance is churned up with milk or cream, and perhaps mixed with butter, so as to be in a condition of solidification for use on the table.

Q. Professor, will you state the general character of this oleomargarine butter as far as wholesomeness is concerned?

A. In my opinion it is precisely as wholesome as dairy butter.

By Professor Charles F. Chandler:

My profession is that of a chemist, and has been for thirty years. Besides my college professorship at Columbia College and my connection with the College of Physicians and Surgeons and the College of Pharmacy, I have been chemist of the board of health for many years, and for twelve years its president. I was chairman of the sanitary committee for three years. In connection with my profession and business, I have examined the substance known as oleomargarine, and compared it with the product known as dairy butter.

Q. What is the difference between the two articles, so far as wholesomeness is concerned?

A. There is no difference,

Q. How does the one compare with the other, so far as cleanliness is concerned?

A. Oleomargarine is manufactured in a very cleanly manner.

No attempt was made to contradict this testimony.

The following opinions have been given by scientific men:

George F. Barker, University of Pennsylvania, says "it is perfectly whole some and is desirable as an article of food."

S. W. Johnson, Sheffield Scientific School of Yale College, says of it: "A product that is entirely attractive and wholesome as food, and one that is for all ordinary culinary and nutritive purposes the full equivalent of good butter made from cream."

S. C. Caldwell, chemical laboratory, Cornell University, said of it: "Possessing no qualities whatever that can make it the least degree unwholesome."

C. A. Goessman, Amherst, Mass., who said it "furnishes thus a wholesome article of food."

Charles P. Williams, analytical chemist, Philadelphia, gives as his opinion: "It is a pure and wholesome article of food, and in this respect, as well as in respect to its chemical composition, fully the equivalent of the best dairy butter."

Henry A. Mott, analytical chemist, New York, says: "Essentially identical with butter made from cream—a perfectly pure and wholesome article of food."

J. S. W. Arnold, medical department, University of New York, said of it: "A blessing for the poor, and in every way a perfectly pure, wholesome, and palatable article of food."

W. O. Atwater, Wesleyan University, Connecticut, said it "is perfectly wholesome and healthy, and has a high nutritive value."

Charles F. Chandler, health department, New York city, says: "The product is palatable and wholesome, and I regard it as a most valuable article of food."

A. S. Heath, M. D., Robert J. Dodge, and Willet Seaman, judges, American Institute, New York, who reported: "This process utilizes valuable products and makes useful in the kitchen and upon the dining table much that was formerly used for less important purposes."

Scientific American: "Oleomargarine is as much a farm product as beef or butter and is as wholesome as either."

Professor H. A. Mott, jr., Ph. D., E. M., in reply to John Michael, who claimed to have discovered parasites in a sample of oleomargarine butter, said: "The best answer to these remarks is probably a confession which Mr. Michael made to me personally when he stated that in all his examinations, and in all his reading, he had never seen or heard of germs of disease or embryos of parasites in caul fat."

Professor William Brewer, of Yale College, said: "The idea that oleomargarine is more dangerous than butter, because heated to only 120° Fahrenheit, is simply nonsense."

The committee on health of the State board of Massachusetts, of which my friend and neighbor the gentleman now representing the first district of that State upon this floor [Mr. DAVIS] was then a member, in 1883 made the following report on oleomargarine:

When well made it is a very fair imitation of genuine butter; being inferior to the best butter, but much superior to the low grades of butter too commonly found in the market.

So far as its influence on health is concerned we can see no objection to its use.

Its sale as genuine butter is a commercial fraud, and as such very properly condemned by law.

As to its prohibition by law, the same law which prohibited it should also prohibit the sale of lard and tallow, and, more especially, all low-grade butters, which are far more injurious to health than a good sweet article of oleomargarine.

A great deal has been said in regard to the poor grade of fats from which the oleomargarine is made. Any one making such assertions in regard to the fats is simply ignorant of the whole subject. When a fat has become in the least tainted it can no longer be used for this purpose, as it is impossible to remove the odor from the fat after it has once acquired it.

The use of substitutes for butter seems to be steadily on the increase in this country. When good butter is at from 40 to 50 cents per pound, it has passed beyond the means of persons in moderate circumstances, and they have the choice of three things—to do without, to use poor butter, or to use some substitute.

The following letters of recent date give the opinions of competent authorities, who personally witnessed the manufacture, as to the character of the process employed and the resulting products:

CHICAGO, *May* 15, 1886.

GENTLEMEN: It gives us pleasure to say to you that we have recently visited your factory at the Union Stock-Yards, in this city, and thoroughly examined the whole process of the manipulation and manufacture of butterine and oleomargarine. We cheerfully testify that we consider the products cleanly, palatable, and wholesome food products, containing nothing injurious or detrimental to health, but, on the contrary, cheap and desirable substitutes for the medium grades of dairy butter.

Yours, respectfully,

CYRUS EDSON, *M. D.*
OSCAR C. DE WOLF, *M. D.*

Messrs. ARMOUR & Co., *Chicago.*

ILLINOIS STATE BOARD OF HEALTH,
OFFICE OF THE SECRETARY,
Springfield, Ill., May 17, 1886.

GENTLEMEN: While engaged in an official investigation with regard to the slaughtering of beef at the Union Stock-Yards, accompanied by Dr. Cyrus Edson, food inspector of the New York board of health, and Dr. O. C. De Wolf, health commissioner of Chicago, recently, I witnessed your process for the manufacture of oleomargarine and butterine. By what I saw I am convinced that it is conducted with the most scrupulous cleanliness; that nothing in the manufacture or the materials used is detrimental to health, and that the products are wholesome.

Very respectfully,

JOHN H. RAUCH, *M. D.*

To ARMOUR & Co.

Such is the testimony.

Now, I see but two possible evils connected with the manufacture and sale of these products which can require correction. If an unwholesome article is manufactured and sold by unscrupulous persons, or if the product is sold for something it is not, in fraud of the purchaser and consumer, proper legislation to regulate its legitimate manufacture and sale may be fairly demanded. In my opinion such legislation is within the proper sphere of State and municipal control, and can be safely left to the intelligent care of the people acting through their local governments as they do in protecting themselves against the sale of unwholesome meats and vegetables, impure milk, and other food products, and against frauds and impositions generally. I believe that all necessary regulation and control can thus be secured, and the actual evils complained of, wherever existing, effectually remedied.

It seems to me that even those evils have been considerably magnified in this debate; for I think purchasers as a rule can protect themselves in the purchase of butter, as in the purchase of other goods, by the exercise of ordinary prudence, and purchasing of known, reputable dealers. How do we protect ourselves from imposition in making other purchases? Competent dealers know, and are bound to know, what their goods are, and where they come from; of what manufactured, and of what quality. If I want to buy West of England broadcloth, or Lonsdale cambric, or Haxall flour, or any other particular kind or quality of goods, is there any difficulty about it? Certainly not in my part of the country.

If a person, satisfied of the purity and wholesomeness of Armour & Co.'s oleomargarine, wishes to purchase it, is there any difficulty in obtaining it? and having obtained it, will any one doubt that he has procured an article manufactured of the materials and in the manner specified by Mr. Armour in his affidavit, which I have read? And can not the same result be safely predicted concerning the product of many other honorable manufacturers? And if he wants to buy genuine butter, is it not quite as easy a matter to procure it?

In either case he has only to seek honest, honorable dealers—who are plentiful among my own constituents and, I have faith to believe, numerous in the various localities which all you gentlemen represent—and the purchaser may be confident he obtains exactly what he buys.

But if, as claimed here, Congressional legislation is necessary for the protection of purchasers and consumers, it is entirely unreasonable to demand other laws than such as are required to secure the legitimate ends sought—to insure a proper manufacture and wholesome product and its sale under its own name; and if the plan proposed by this bill is decided to be the desirable one, I earnestly insist that the taxation should be limited to raising the amount of revenue required to defray the necessary expenses of governmental inspection, regulation, and control; and that we should refuse, under the pretense of attaining those ends, to lend ourselves to the imposition of the immense taxes proposed by this bill, wringing from the people annually perhaps twenty millions or more of dollars in taxes unrequired by any needs of the Government. Let us be honest as well as just.

Mr. SPRIGGS. Mr. Chairman, I am in favor of this bill in all its parts and provisions, from beginning to end. I am in favor of levying a tax of 10 cents per pound upon every pound and fraction of a pound

of oleomargarine and butterine manufactured throughout the whole length and breadth of the land, and in favor of passing this bill, because I believe it will accomplish that object.

The opponents of this measure declare themselves in favor of doing anything and everything to prevent the unwholesome, filthy stuff from being thrown upon the market and sold under false pretenses. The gentleman from Illinois [Mr. DUNHAM], the champion of the opposition, says he is willing to have a provision in the bill that this imitation butter should be painted red or green, so that purchasers could not be deceived.

The gentleman from Georgia [Mr. HAMMOND] declares himself in favor of having it so marked or stamped that no fraud can be practiced. Ay, willing that innkeepers, boarding-house keepers, or others who use it for sale to the public should be compelled to put up a sign over their front doors and in their dining-rooms and on their registers that "We use oleomargarine here!" to protect the public against its use, and all concur in the opinion that everything should be done to warn the public and the poor against its use, but they are violently opposed to the one feature of this bill which alone gives us jurisdiction over it, namely, the 10-cent-tax clause.

The constitutional opposers, the gentleman from Texas [Mr. REAGAN] and the gentleman from Georgia [Mr. HAMMOND], contend that we have no power under the Constitution to tax this filthy stuff. I think, however, they have surrendered that position since the distinguished gentleman from Virginia, the chairman of the Judiciary Committee, propounded the law as he did on the floor of this House on Tuesday last. For the sake of accuracy I quote his words. He said:

> Gentlemen have asked me, and they asked my friend from Georgia [Mr. HAMMOND], the other day, "Do you not believe this tax is constitutional?" Yes; I believe that Congress has the power to levy the tax on oleomargarine. For what purpose? To raise revenue.

Since this exposition of the law from the distinguished chairman of the Judiciary Committee, a gentleman from whom we are all willing to take the law, and from whom the distinguished gentlemen from Texas and Georgia are compelled to take it, we have heard no more about the law or the provisions of this bill being unconstitutional.

Mr. Chairman, I go further than the gentleman from Virginia. I believe Congress has the power to tax oleomargarine for the purpose of revenue, and I believe it is equitable and right to exercise the power. Why, sir, it is conceded by every gentleman who has spoken against this bill that oleomargarine is a filthy and deleterious compound, that it was a disease-spreading compound, and that it was proper and they favored any police regulation that would protect the public from its sale and use. If, sir, this is true, will not the continuance of its manufacture increase the police and the other legitimate expenses of the Government; and if this industry or fraud increases the legitimate expenses of the Government, is it not just and equitable that the product should be taxed to meet this increased expense?

The manufacture of an imitation or counterfeit article in large quantities is *prima facie* evidence of intention to sell it as genuine. In this case we have proof positive that it is so sold. Of the 200,000,000 pounds manufactured in this country last year no one pretends that 1 per cent. of it was sold for what it was—oleomargarine. All the evidence shows that these spurious butters are filthy and unwholesome and are fraudulently sold. The consuming public, be they never so poor, will neither buy nor eat them knowingly. It is not an honest or legitimate article, it wears a false guise, it is sold for butter, and is made from the gut-fat of hogs, dogs, sheep, horses, or cattle, which in many instances have died from disease, and has not a single ingredient of which butter is composed. Can this be said to be a legitimate industry, and that by passing this bill we are discriminating in favor of one legitimate industry and against another legitimate industry to prevent honest competition? Sir, I deny it. I concede, however, that by the passage of this bill we do discriminate. We discriminate in favor of honesty and against fraud and forgery. We discriminate in favor of public health and against disease. We discriminate in favor of life and against death. I, sir, am in favor of this discrimination, and if there is any gentleman on the floor of this House who is opposed to this kind of discrimination when the final vote is taken on this bill his name will be found in the list of those who are recorded as opposed to this measure.

Mr. Chairman, I have the honor to represent a portion of the richest dairying country in the United States, the counties of Oneida, Lewis, Jefferson, Herkimer, Montgomery, Madison, and Oswego having long been celebrated for the production of the best butter and cheese in the world. It was here that the first cheese factory was erected. It was here that the first creamery was put in operation. The milk factory and creamery have added very largely to the material interests of the dairyman. With their aid, and protected from fraud and forgery, there can be no limit to the power of production of pure butter, and the increase of this production does not depreciate the value of the soil, but greatly enriches and increases it. This brings me, Mr. Chairman, to another class of objections to this bill.

There is a class of gentlemen who are opposed to this bill—gentlemen for whom I entertain the most profound respect, but whom I have not always, consistent with the proper discharge of the duty I owe to an intelligent constituency, been able to follow—who object to this bill because they say it is protection pure and unadulterated. That is, by levying this tax they say we raise the price of butter 10 cents per pound, and that we put 10 cents per pound upon all butter manufactured by this great industry into the pockets of the producer and take it from the pockets of the consumer. I shall not stop now to discuss this question, but will content myself with saying that upon the tariff issue theory and practical experience do not travel lovingly hand in hand, as we have often discovered by listening to the arguments pro and con upon this great and interesting subject. The price of butter will continue to be regulated by supply and demand, without reference to the tax laid upon this fraudulent imitation.

This fraudulent competition, which was able last year to put upon the market 200,000,000 pounds of forged butter and displace 200,000,000 pounds of genuine butter, was to the men engaged in this industry a grievous wrong. The farmers have for the first time almost in the history of the country petitioned Congress to protect them from a fraudulent assault upon their business—not to protect them for the purpose of getting high prices, but to protect them from unfair and illegitimate competition. Call it what you please; call it protection pure and unadulterated. I, sir, am in favor of protecting American industries and American labor from foreign competition; and, Mr. Chairman, I am in favor of protecting the dairying interests of America from competition with this fraudulent industry—the manufacture of oleomargarine.

I am in favor of it because the men who are engaged in the dairying interests are, as a class, men who have ever been the friends of our Government, men who in the early days of our being made it possible for us to become a free and independent people, and who at all times since, in prosperity and adversity, in peace and war, have contributed freely of their money and their brawn to protect the Constitution and Government of our country.

Mr. HAMMOND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

> In lines 2 and 3, strike out the words "wooden packages not before used for that purpose" and insert the word "packages."

Mr. HAMMOND. Mr. Chairman, on one occasion since I have been in Congress I was greatly puzzled to know why the vote on a certain sugar bill was in a particular way until the solution came out that if the bill passed it would prevent certain sugar refiners in New York from doing the work, and therefore Michigan was opposed to it because Michigan made the barrels to put the refined sugars in. [Laughter.] I do not know whether the "wooden" here has such a job in it as that or not; but certainly, whether oleomargarine is good or bad, I do not see why Congress should legislate that it shall be put up only in new wooden packages. It looks to me as if there was a job for some barrel-maker in this bill.

It looks to me as if there was not only an effort to protect butter, but an effort to protect barrels. There may be some good sensible reason for this that I do not understand, and I shall be pleased to be enlightened on the subject by anybody who can enlighten me. Tin may be stamped and marked and branded as well as wood. Tin is more convenient than wood in a great many particulars. Why tin may not be used I ask the gentleman in charge of this bill.

The question was taken on the amendment offered by Mr. HAMMOND; and there were—ayes 52, noes 102.

Mr. HAMMOND. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from Georgia, Mr. HAMMOND, and the gentleman from Pennsylvania, Mr. SCOTT, to act as tellers.

Mr. HAMMOND (during the count). Mr. Chairman, I submit whether I am properly paired here. The gentleman from Pennsylvania [Mr. SCOTT] has told me to count him on my side.

The CHAIRMAN. As no objection is made, the count will proceed.

Mr. HAMMOND withdrew the point of no quorum, and the tellers reported—ayes 35, noes 88.

So the amendment was rejected.

Mr. DUNHAM. Mr. Chairman, I move to amend by inserting after the word "wooden," in line 2 of this section, the words "or tin."

The question was taken; and there were—ayes 29, noes 78.

Mr. VAN EATON. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint the gentleman from Mississippi, Mr. VAN EATON, and the gentleman from Iowa [Mr. HENDERSON] to act as tellers.

The House again divided; and the tellers reported—ayes 42, noes 126.

So the amendment was rejected.

Mr. ADAMS, of Illinois. Mr. Chairman, I move to amend in lines 3 and 4 by striking out the words "each containing not less than ten pounds." The purpose of this amendment I have already tried to show. It is to enable any manufacturer of pure oleomargarine, if there is any such, to prove the fact to the consumer by putting up the product in packages of such size that the consumer can buy them from the retailer without breaking the stamps.

Mr. LORE. Mr. Chairman, I am opposed to the amendment, and I desire to say that I am in favor of this bill as a means of giving some relief to the agricultural interests of our country which it concerns. No bill this session has been opposed with more vehemence than the one now pend-

ing. It has been attacked by my very able and distinguished friend from Texas [Mr. REAGAN], who wields the sledge-hammer of the Constitution as Samson did the new jaw-bone of the ass, with which he slew a thousand Philistiens, and we have had the Constitution and the law explained, iterated, and exhausted in an effort to defeat the bill. Next, the opponents of the bill resorted to amendments in every conceivable form, many of them frivolous, ridiculous, and unseemly. Then, the facile gentleman from Maryland, my friend Mr. FINDLAY, who is the embodiment of wit and sarcasm, and who evidently, like Tam o' Shanter's wife, who sat—

> Gathering her brows like gathering storm,
> Nursing her wrath to keep it warm—

like her he had been nursing his wit and his sarcasm to keep it warm to insured defeat, aided by several other gentlemen around him, gave his sarcasm vent upon this bill thus far without avail, as its friends have manfully stood by the interests of the people, and I trust will do so.

Mr. Chairman, this fact stands clearly out, that there has been no bill presented to this House the objects and purposes of which have been desired and asked for with such unanimity by the people of this country.

Mr. BLANCHARD. By what portion of the people of this country?

Mr. LORE. By the people all over the country. There is not a farmer in this country who makes one pound of butter beyond his family needs that does not desire the passage of this bill, and they number about eight millions.

Mr. BLANCHARD. The gentleman is certainly mistaken about that.

Mr. LORE. Now, Mr. Chairman, the point I desire to make is this: Oleomargarine is a fraudulent compound which is represented and sold as butter, and it imposes upon the people only because it is a fraud and is skillfully disguised under artful manipulations. Therefore, in the interest of fair and honest dealing, we desire to suppress this fraud, and, if necessary, even to tax it out of existence. But aside from that, if there were any doubt in my mind as to the propriety of the measure, that doubt would be dispelled by the way the matter is presented here on the one side and on the other. The forces arrayed in the contest show most clearly the true nature of the subject.

I will ask who are opposing this bill? First, the "cattle kings," who have their "flocks upon a thousand hills," claim that we must eat oleomargarine in order that their tallow and lard so used, the products of their herds may bring a higher price. Next, the manufacturers of the spurious articles who, at small expense and on small capital, preying upon popular needs with spurious compounds, are coining millions by deception and fraud. Then there is another class of men who oppose it—those who go about our cities gathering up the "fat of the land;" and sometimes they are not careful what kind of fat it is, so that it is animal fat. It is often foul, rancid, and malodorous. They gather it up, turn it into their factories, and convert it into an imitation of butter. One corporation last year is said to have made thereby over a million dollars. While your farming interests are paying about 2 per cent. on their lands and industry, you will find that these men are making two, three, four, even five hundred per cent.

On the other hand, the passage of this bill is desired by all that class of people, as I have before said, making even a pound of butter beyond that which they use in their families. The remedy applies to every section of the country. Of the eight million people engaged in agriculture, I think I may safely say at least one million have a direct personal interest in the passage of some measure that will give relief against these imitation butter frauds. Put up in the form of butter and intended to be bought by the community as such, this article is fraudulently foisted upon the public. Let it be branded; let it go out for just what it is; let people know what they are buying; and my word for it, no man is so poor, and I trust no man will be so mean, that he will feed his children upon such stuff as is put into this article, I care not how it may be purified.

Why, sir, we have evidence that in this very city men go about gathering up from the butcher-shops, market-houses offal and other matter which is absolutely so rancid and offensive as to sicken one as he walks past the cart; yet out of this disgusting garbage are manufactured oleomargarine, butterine, and other compounds of this character which are sought to be palmed off upon the people as pure and wholesome food. The materials out of which this spurious article is made may be steeped, as it is said they are, for forty-eight hours in salt, but the salt will have "lost its savor" before ever it can purify and make palatable such material. Yet in its favor we hear gentlemen presenting constitutional arguments and elaborate legal platitudes.

Sir, this bill is not subject to constitutional objections; it has been, and I presume will be, exposed to the shafts of ridicule from the subtle intellects that gather about us here; but ridicule is the last resort of desperation. Let me say to gentlemen who have so vigorously attacked the measure, "then bring in a better bill. It is easy to criticise and destroy; you admit the evil; give us an adequate remedy." The Committee on Agriculture has been considering this bill during this entire session; they are gentlemen of marked intelligence and capacity, and have given the subject mature thought and thorough consideration. I prefer their bill to crude suggestions made by members on the spur of the moment, however able such members may be. If any man in this House or any committee of the House can frame a bill which when brought up for discussion will not be objected to by some one of the three hundred and twenty-five members who are gathered here, representing all sections of our country, then indeed we shall have reached a period when the angels have gathered together and wise men may sit down and worship them. Verily the millennium would be upon us when three hundred and twenty-five Congressmen agree.

I desire to insert as a part of my remarks the following circular, issued by G. P. Lord, of Elgin, Ill., which delineates in the clearest manner the history, composition, and objectionable features of these fatty compounds which originated in the fertile brain of a Frenchman named Mége, in the dire distress and famine of the city of Paris in the Franco-Prussian war. I ask careful consideration of the facts as the best vindication of the wisdom of the bill:

MORE ARTIFICIAL BUTTER.

It is reported that boards of trade, cattle associations, and other commercial associations, Knights of Labor, and other organs of workmen have petitioned Congress against the passage of a law restraining and taxing the manufacture of oleomargarine.

It is claimed by these petitioners that "the manufacture of oleomargarine is now in such a state of perfection that the product is quite as healthful and palatable as that made from cream; that oleomargarine is much to be preferred as an article of food to rancid butter, and that there are not cows enough in the country to supply sufficient butter for the people."

To this it is replied that there is no such thing made as "rancid butter;" that if there ever is any rancid butter in the market it is because the demand for butter is not equal to the supply, and the butter has been kept until it has spoiled or became rancid; that whenever the demand shall be equal to the supply there will be no rancid butter in the market. Until such a state of things exist it is folly for any man to assert that there are not cows enough in the country to supply all the people with good, sweet, fresh dairy butter.

Then as to oleomargarine, if it be true that those engaged in that business have carried the manufacture of that article to such a state of perfection as to challenge the confidence of the public, it must be so by reason of improved methods or materials used by them.

As the manufacture of all kinds of substitutes for butter is carried on under patented formulas, we can know what materials are used, and the public can judge whether the article is equal to butter made from pure cream.

Patent No. 146012, dated December 30, 1873, is the famous Mége patent, and has been reissued three times, to wit: No. 5868, May 12, 1874; No. 8424, September 24, 1878; No. 10137, June 13, 1882.

Under this formula the following ingredients are used in making oleomargarine, to wit: Animal fats rendered at a very low temperature, salt, sulphite of soda, biphosphate of lime, bicarbonate of soda, 10 per cent. of milk, cream, or water, stomach of a calf, pig, or sheep, udder of a cow, and perhaps some butter.

Patent 110626, dated January 3, 1871. This patentee uses the following ingredients: "In twelve parts: beef or mutton, suet, tallow, three parts; vegetable or fixed oils seven parts; hog's lard, stearine two parts."

Patent 120026, dated October 17, 1871. This patentee uses "cotton-seed oil, chlorate of potash, niter, carbonic acid." And he kindly informed the officials in the Patent Office that his preparation is "found to be a pepastic and alterative" article of diet.

Patent 145840 was issued December 23, 1873. This patentee uses "tallow, lard, or other fatty matters, strongsulphuric acid, alum, chloride of sodium vapor."

Patent 153350, dated July 21, 1874. Ingredients used under this formula are "fat, sugar of lead, alum, bicarbonate of potash, nitrate of soda, and sulphuric acid."

Patent 169008, issued October 19, 1875. Ingredients used under this formula, "animal fats, salt, soda ash, bicarbonate of potasa, sweet cream."

Patent 173591, issued February 16, 1876. This patentee says that his "invention relates to the manufacture of butter for table use from oleine and margarine, as obtained from animal fats, fruits, and nuts," and under his formula he uses "animal fats, any one of the oil of peanuts, or oil of sweet almonds, or oil olives, lactic acid, cane sugar, caseine, chalk, and loppered cream or milk."

Patent 187327 was issued February 13, 1877. Under this formula the following ingredients are used: "Animal fats, salt, saltpeter, borax, boracic acid, salicylic acid, benzoic acid."

Patent 236483, issued January 11, 1881. This patentee "separates his oleine and margarine from the stearine by any known methods," then places the oleomargarine with an alkaline solution, and agitates them until the alkaline solution and oil globules of the oleomargarine are partly saponified, and then flavors this half-made soap with butyric acid, and he has the audacity to assure the officials in the Patent Office that his soap grease so flavored will have so "fine a flavor that even an expert can scarcely distinguish it from excellent dairy butter."

Patent 262207, dated August 8, 1882. Ingredients used in this formula: Animal fats, cotton-seed oil, slippery elm bark, to wit, "sixty-eight parts cotton-seed oil, twenty-eight parts prepared suine fat, and about five parts beef stearine."

Patent 263042, issued August 22, 1882. Under this formula the patentee uses oleomargarine obtained by the Mégé, or analagous processes, vegetable stearine obtained from cotton-seed oil, benne oil, or mustard-seed oil, emulsionizing the mixture with milk, cream, or other watery substances.

Patent 263199, dated August 22, 1882. N. I. Nathan, the patentee, claims to purify leaf lard that is usually put up in kegs, and he uses borax, nitric aid, more nitric acid, commercial oleomargarine, milk, or cream and sugar.

I have before me a copy of a letter addressed to N. S. Anderson, 921 D street, Washington, in which this patentee offers his "creamery brand of butterine, attractively put up, at 10 cents per pound."

Patent 264545 was issued September 19, 1882. Under this formula the patentee uses animal fats or vegetable oils and orris root.

Patent 266568, October 24, 1882. Under this formula the ingredients used are clarified lard, buttermilk, pepsin, and tallow.

Patent 266580, October 24, 1882. This patentee claims to use 50 to 60 per cent. of lard, 30 to 35 per cent. of butter, 5 to 10 per cent. of beef suet, 1 to 2 per cent. of glycerine, 5 to 10 per cent. of water. He kindly informs the Patent Office Department that prior to his invention inferior products have been made in which hog's fat has been used wholly in place of beef suet in the manufacture of oleomargarine.

Patent 265833, dated October 10, 1882. This patentee treats his oleomargarine oil with sal soda, and the milk he uses he also treats with sal soda, then churns them together.

Patent 266417, issued October 24, 1882. Under this formula the following ingredients are used: Oleomargarine oil, butter, milk or cream, sweet or sour, sugar, glycerine, oil ben.

Patent 266568, October 24, 1882. This patentee claims to use lard, warm buttermilk, pepsin, tallow, and dairy butter.

Patent 266777, October 31, 1882. Under this formula the ingredients used are cotton-seed or other vegetable oils, caustic soda, corn starch, or other farinaceous flour that has been cooked.

Patent 267637, November 14, 1882. This patent uses sweet cream, oleomargarine, or oil derived from tallow, an oil derived from lard or hog fat, an oil derived from butter, oil derived from sesane, benne, sunflower seed, or cotton-seed.

Patent 327626, October 6, 1885. This patentee uses milk, white wine rennet, bicarbonate of soda, bicarbonate of potassium, alum, butter.

Patent 335084, January 26, 1886. This patentee uses milk, rennet, nitrate of potash, granulated sugar, and butter.

There are other patents for making oleomargarine, butterine, or substitutes for butter, but as these are among the latest discoveries or inventions they show whether or not "the manufacture of oleomargarine is now in such a state of perfection" as to be able to produce an article that is fit for food, saying nothing about its value as compared with pure butter.

It will be noticed that the patentee of No. 267637, issued November 14, 1882, has introduced into his compound an "oil derived from butter." If we inquire how this is obtained we will find that the "rancid butter" in the market is "deodorized," and the oil is afterward expressed and is being used in various ways in the manufacture of food.

But we say again that there is no such thing as "rancid butter" made; that butter becomes rancid because the supply is greater than the demand.

As those engaged in making spurious butter are continually harping about "rancid butter," we would emphasize the fact that rancid butter is butter that has spoiled because there is not a sufficient demand to meet the supply in the market, that nineteen-twentieths, if not ninety-nine hundredths of the butter made in this country—when fresh—would be of a flavor and quality fit for a king.

The manufacture of poor butter is a thing of the past, not because, as it is claimed, the manufacture of bogus butter has compelled farmers to improve the quality of their product, but because the demand for fine butter and the enhanced value of such butter has stimulated the dairy farmers throughout the country to improve the quality of their butter and thereby secure to themselves the enhanced value.

And here we may say that pure, sweet, fresh dairy butter is the finest and cheapest flavoring extract for flavoring and making food palatable that can be found in the market, nor as such a flavoring extract is the price of butter beyond the reach of the poor.

The poor or laboring class can not afford to spoil their food by using an imitation or spurious flavoring extract in the preparation of their food.

That oleomargarine is unfit for use in the culinary department is evidenced by the fact that the French Academy of Medicine reported that it was unfit for use in the French hospitals, and the French minister refused to allow its use in hospitals under charge of that government.

This fact was brought before the Committee on Epidemic Diseases as per their report No. 199 of February 4, 1881, ordered printed to accompany bill H. R. 7005.

It is fair to say that if the French oleomargarine is unfit for French paupers, this American oleomargarine (as shown by the patents) is entirely unfit for American freemen to use.

Nor is the point well taken that "the manufacture of imitation butter has quite as much right to seek protection as those engaged in dairying."

Manufacturing imitation or spurious butter is a fraud that is injurious to a legitimate and long-established industry. It is also a fraud upon the public. No one inquires in the market for spurious or imitation butter.

All such stuff is palmed off on an unsuspecting public as butter.

To ask Government protection for such a fraud is as senseless as it would be to require the Government to protect "lotteries," counterfeiters, or any other fraudulent schemers.

True, the dairymen ask protection, and why? Because the Government has given to parties chartered or patented rights, enabling such parties to manufacture and sell—either as genuine or otherwise, as they please—an imitation of their product. We say to sell either as genuine or otherwise for the reason that there is no limitation of their rights in the patents which they have obtained. There are no patents on dairy butter.

That business has been carried on for hundreds of years, and it is open to all, and the farmer has no protection against the frauds perpetrated by those who have obtained chartered or patented rights from the Government to defraud the dairymen of their legitimate industry.

It is strange that our Government should have ever granted to any man or set of men charters or patents that would, in the very nature of things, defraud and destroy any legitimate agricultural industry of this country. Stranger still that Congress should hesitate or delay in enacting such laws as will repair the injury already done by those who are carrying on a business that has been inaugurated under and by virtue of charters which they have obtained from the Government.

It is true that the dairy industry does ask protection; and they claim that the Government has no more right to grant charters or patents for the manufacture of an imitation of butter than it has to give permits for the manufacture of bank bills or coin, or for establishing lotteries, or to any or all of the numerous frauds that are practiced on the public.

The dairymen further claim that the Government having granted to parties patented rights for the manufacture of imitation butter, and allowed the business to extend so as to largely supply the demand for butter so that the farmer's product is allowed to accumulate and spoil, or grow "rancid" in the hands of commission merchants in our large cities, therefore it is the duty of Congress to pass such laws as will restrain the further progress of this evil, and thus restore to the dairymen their legitimate and well-earned rights.

Nor is this all, for the public need protection as well as the dairymen, for under all of the patented formulas the animal fat is rendered at a very low temperature, a temperature so low as not to destroy any parasites that may have been in the living animal.

It is true that all of the patentees seek to separate the animal fat from the tissue, but no one will claim that such a separation is perfect, and therefore any living parasite that may be in the animal tissue is liable to and is frequently transferred to and is found in samples of oleomargarine.

Professor Piper testifies that while no true butter can carry trichina, eggs of the tape-worm, &c., he has found in oleomargarine not only organic substances in the form of muscular and connective tissue and various fungi, but also living organisms and eggs resembling those of tape-worms.

Mr. Michaels, of New York city, a microscopist, and once (if not now) editor of a scientific journal, testifies that oleomargarine is simply uncooked raw fat, never subjected to sufficient heat to kill parasites that are liable to be in it. He states that he has found in it tissue and muscle and cells of a suspicious nature, and that Mr. Sayler has also found in it positively identified germs of disease.

The Rev. E. Huber, microscopist, of Richmond, Va., writes in the Southern Clinic of May, 1880, that oleomargarine differs in its microscopical appearance as well as in its nutrititive and dietetic qualities, from true butter; that the fats in it are not subjected to a heat sufficient to destroy the germs of septic and putrefactive organisms, and that there may also be introduced into the system by its means the eggs which develop into tape-worms. And he states that he has frequently found in oleomargarine eggs resembling tape-worms.

Dr. George B. Harrison, a microscopist of Boston, Mass., in the Boston Herald of January 8, 1881, says he has recently examined some twenty specimens of oleomargarine, obtained from different dealers, and has found in every specimen more or less of foreign substances, a variety of animal and vegetable life, the blood corpuscles of sheep, the egg of a tape-worm; yeast was found sprouting in considerable quantities, and spores of fungi were very prevalent. He found a portion of a worm, dead hydra varidis, portions of muscular fibers, fatty cells, and eggs from some small parasites.

The English microscopist, W. H. Dallinger, said to be the greatest living authority on this subject, in a letter to the American Journal of Microscopy of October, 1878, shows that oleomargarine is not subjected to a heat sufficient to kill the living organisms which refuse fats are liable to contain.

And Geoge T. Angell, of Boston says:

"No man would knowingly give his wife or children for butter the raw, uncooked fats of animals that may have died of cattle plague, hog cholera, or other diseases.

"But how manufacturers are to guard either themselves or the public against the fats of such animals is a problem which no manufacturer or chemist employed by him has thus far, to my knowledge, attempted to explain. * * * If any one shall ever assert that such fats can not be used, I am prepared with evidence to prove to the contrary."

These facts were presented to the Committee on Epidemic Diseases, and are incorporated in their report, No. 199, to accompany H. R. bill 7005, on adulteration of food, February 4, 1881, and that committee says that they have investigated so far as they could the injurious and poisonous compounds used in the preparation of food substances, and find from the evidence submitted to them that the adulteration of articles used in the every-day diet of vast numbers of people has grown to and is now practiced to such an extent as to seriously endanger the public health, and to call loudly for some sort of legislative correction.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and, Mr. MCCREARY having taken the chair as Speaker *pro tempore*, several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a joint resolution and bills of the following titles:

Joint resolution (H. Res. No. 79) for the relief of William L. Dunlop, trustee;

An act (H. R. 1361) giving a pension to Nira D. Gwynne;

An act (H. R. 3921) granting an increase of pension to Richard Gear;

An act (H. R. 6429) granting a pension to Eunice E. Clark;

An act (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River;

An act (H. R. 1398) to grant a pension to Silas S. White; and

An act (H. R. 5254) to increase the pension of George W. Smith.

OLEOMARGARINE.

The Committee of the Whole on the state of the Union resumed its session.

Mr. MCADOO. I move *pro forma* to amend the amendment by striking out the last two words.

Mr. Chairman, recognizing the fact that the product under consideration so closely resembles butter that there should be some distinction made, so that the purchaser may know that he is buying oleomargarine instead of butter, I have very reluctantly come to the conclusion that it is my duty as a member of this House, looking to my obligation under the Constitution of the United States, to vote against this bill. Sir, if the Constitution of the country is to be entirely left out of sight in our legislation, there is no evil in the land against which we may not direct our enactments. There is a great deal of agitation throughout the country in favor of what is called a "uniform divorce law," and this Congress could readily be flooded with appeals from clergymen, philanthropists, humanitarians, and social reformers in behalf of the enactment by Congress of a law which would make our marriage laws uniform throughout the whole country. How many touching appeals to our hearts and our judgments could be made on such a question we can all readily imagine. And yet every member of this House knows full well that the Constitution of the United States does not permit the Federal Government to interfere with the marriage relation in the several States. Yet, Mr. Chairman, with as much propriety and as much constitutionality might Congress interfere with the marriage laws because some people consider it a great evil that they are not uniform and are considered unjust in many States as to lose sight of this instrument and pass a law to interfere and regulate the police and internal arrangements of the several States, under the confessedly untrue plea that we want to increase internal taxes. Admitting the whole case against oleomargarine, in my opinion the remedy is worse than the disease. Opposed to internal taxes, how can I vote for this admittedly unnecessary one? Opposed to interference with legislation that properly belongs to the States, how can I give my vote for this bill? I deeply respect the farmers and am jealous of the rights of the consumers, but to serve either I can not set this vicious precedent in Federal legislation. It is doubtful, in my humble judgment, if legalizing oleomargarine by a tax will not make it stronger. Taxing whisky helps the whisky-making interests.

Now, Mr. Chairman, I do not think it is at all germane to this discussion we should go into the question of the healthfulness or unhealthfulness of this article. Much eloquence has been lost, or at least expended, here as to the purity or impurity of oleomargarine. Gentlemen have given loose rein to their imagination. They have seen horrid shapes and things of darkness creeping through it. Mr. Chairman, let me say, and as no defense of oleomargarine, that if you sub-

ject to the microscope almost any article of food you will find these horrid shapes and things are in it. [Laughter.]

But, sir, it has been, in my opinion, left an open question, after all this storm of words, and even of contending scientists here, whether oleomargarine, if made according to the established formula, is unhealthy. Why, the distinguished gentleman from Delaware [Mr. LORE] who has just sat down is, in his severe and classical proportions, a physical example of the effect of dairy butter, while my urbane, rotund, and oleaginous friend from Massachusetts [Mr. LOVERING] represents the effect of eating oleomargarine. [Great laughter and applause.]

The same argument will apply almost to any article of food. If we are going to protect the stomachs of the people by depleting their pockets let us take up the subject of sausages. [Laughter and applause.] Let us take up the weird and mysterious subject of hash. [Renewed laughter.] Millions of free Americans to-day in millions of boarding-houses throughout the land are being supplied with, and place implicit confidence in, a compound under the denomination of hash, which science dares not engage and which no man knows the contents of. [Laughter and applause.] Let us have a heavy tax, say of 75 cents, on every dish of hash, and let us compel boarding-house keepers to file in the city hall of every town or city an inventory of the component parts of this most remarkable American dish. [Laughter and applause.]

The chairman held that amendments offered to the bill were facetious and ridiculous. Now, Mr. Chairman, without questioning the ability and foreknowledge of the Chair, let me suggest that if a ridiculous measure comes before Congress all amendments to it of necessity must be ridiculous. Such amendments are germane for the very reason that they are in harmony with the subject, and it was this my friend from Texas [Mr. REAGAN] clearly pointed out by his amendment offered yesterday. It appeared ridiculous *ad infinitum* if carried out to its logical consequences.

I do sincerely hope this bill, which has the single merit of trying to prevent the fraud of trying to impose upon an innocent purchaser a spurious article for that which he intends to buy, but which in its proposed remedy violates the Constitution and which lays a long train of evils in its path the end of which no member of this House can foresee, which is so vicious in its propensities and inclinations as a legislative measure from the crown of its head to the sole of its feet that I sincerely hope it will be defeated.

I have considered it fairly and honestly and sincerely wanted to vote for it, but can not with my convictions. I have the remonstrance and petition of every man in New Jersey who owns a muley or horned or other Jersey cow in behalf of this bill. [Laughter.]

Mr. LORE. Will the gentleman yield to me to ask him a question?

Mr. MCADOO. I have not time. With me it is simply a question, shall I violate my oath to support the fundamental law of the country? Will I, in order to abate one evil, lay the train for a thousand others? Will I help by my vote to start Congress on the track of vicious legislation in order to allay the temporary excitement of the country on behalf of these interests said to be imperiled?

When the sober second thought of this House comes back to it, when this bill is carefully analyzed, when its consequences are seen members will surely hesitate on this bill. When men instead of discussing the real question at issue dilate on the horrid character of oleomargarine as they depict it and as contrasted with dairy butter, the real issue is obscured and we fail in our duty. It is not a question of expediency, but one of duty.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. Mr. Chairman, I desire to submit some reasons why this bill should not be passed unless it is substantially amended.

If this measure fails its projectors will be responsible for its fate. A conservative bill, dealing fairly and justly with all the interests involved, might, in my opinion, have passed without provoking serious or protracted opposition. It is not surprising that when it is proposed to tax a butter substitute, honestly made and honestly sold, to the point of prohibition, that the attempt is resisted with earnestness. Why, the license taxes imposed on this industry exceed by 400 per cent. those put on the manufacturers and dealers in tobacco and spirituous and malt liquors. Is this necessary to protect the consumer? Is it necessary to insure an honest commerce? In addition to the special-license taxes the bill levies a tax on the product equal to not less than $20,000,000 per annum. Besides this the bill provides for extravagant and inhuman punishments for trivial offenses.

It is to these provisions I object. Against these I enter my earnest and solemn protest. It is these extraordinary and unnecessary exactions and punishments which inspire my opposition. Reduce these taxes, diminish these penalties, and my support is assured. I do not seek to impair the measure, but by making it fair and reasonable insure its efficiency. Take off three-fourths of your special-license fees and put a tax on the product of 2 cents per pound and your bill is safe. The tax I suggest will raise $4,000,000 a year. Then this will indeed be a revenue measure. Tax it 10 cents a pound and the industry will be destroyed and the Treasury will not receive a dollar. The bill as it is will not, in my judgment, pay the expenses of its execution. But the interest behind this legislation does not want taxes, but wants prohibition. At the hazard of repeating myself I submit—

First. The manufacture of oleomargarine is a lawful and an entirely legitimate industry; that the pure product is a nutritious food, clean, palatable, and healthy; that it is made and sold in large quantities in our domestic trade and is exported for what it really is. It has been subjected to the most rigid scientific tests and found to be a harmless and healthy food.

Second. There enters into the honest product no ingredient that is not healthy and in common use on the tables of the best people; that it is made of pure and sound beef fat, leaf lard, vegetable oils mixed with milk, cream, and pure butter; that while it is as healthy and palatable as butter, it may be produced cheaper, and is therefore more easily obtained by consumers of limited means.

Third. This new industry has not only furnished the people a cheaper food, but has increased the demand for, and as a result the value of, the beef cattle and fatted swine of the farmer. If the manufacture tends to diminish the profits of the dairy, its destruction will rob the farmer who deals in fat cattle and swine of a portion of his just and rightful profits.

Fourth. All legitimate industries have a right to live. If an industry is lawful, healthy, and pursued by honest methods, it ought not to be subjected to taxes, penalties, or conditions not imposed on other lawful pursuits. It is the true American policy to encourage home production, increase the market for what we raise, and create larger fields for the employment of labor. That oleomargarine may be substituted for butter, or that it is cheaper than butter, is no excuse for legislation that will destroy it or injure it.

Now, Mr. Chairman, these propositions have not been seriously questioned in this debate. The conclusion to which they inevitably lead is easily understood. But, sir, again I say these evils growing out of this traffic ought to be remedied, and so far as the remedy provided by this bill is just and reasonable it is worthy of support. It is certain—no one denies it—that a filthy and unhealthy food product in imitation of butter, a bogus oleomargarine, is often put on the market as butter by unscrupulous men. This I condemn without reservation, and this I would prevent by the exercise of any legitimate legislative power. But, sir, because filthy butter is sometimes sold as pure butter affords no excuse for taxing all butter out of existence. Because a New York dairyman waters his milk and then chalks it is no reason why honest milk should be taxed. All the legislation needed in these instances is such as will secure honest butter and pure milk.

Now, sir, this evil, this grievous evil of selling impure and unhealthy food products is a crime against society, and is so declared by the penal code of every State and every incorporated city in the Union. It seems that these laws, if faithfully enforced, would protect the people from "a fungi, tape-worm, and trichina" imitation butter wherever made or by whomsoever offered for sale. I am pleased to see that this bill gives the people some additional protection by subjecting this unhealthy and filthy stuff to seizure and confiscation. As this power to seize and confiscate is exercised by the Government to duly enforce a collection of its revenues it is subject to no constitutional objection. If, however, this legislation was intended solely to protect the public health it would be a palpable invasion of the authority of the States.

I hope this provision will remain in the bill. While it is an incident only of the taxing power, it will aid in securing the people a pure food, and will be a protection in some measure to every honest food product intended for table use as butter or as a substitute for it. Honest men who make honest butter substitutes and put them fairly upon our markets will benefit by it, as will the producers of the pure butter of the dairy. This legislation only discriminates against the dishonest and impure product.

Sir, I go further: I admit an imitation butter is sometimes imposed on the people as genuine butter. This is a fraud, and while the State only can declare the act criminal and impose a punishment on it, I freely admit the Government may, in the discretion of Congress, impose a tax on the product, whether it is pure or otherwise. I have all the time admitted the power. It is only a question of expediency. I think all thinking men will admit, when they reflect coolly and dispassionately, that the taxing power should never be invoked except when revenue is needed for public purposes. But I pass this point. I freely concede that if we may impose a tax on butterine, or oleomargarine, or other substitutes for butter, we have the right to provide for ascertaining where these substances are, who manufacture them, who sell them, and to equip all the necessary machinery to prevent them from escaping the tax-gatherer.

To accomplish these ends we may compel them to be sold and offered for sale for what they really are. I am not prepared to question the fairness or prudence of this part of the bill. To me it seems a legitimate use of the taxing power. What I have been attempting to impress upon the minds of the committee is that when we have compelled the dealers in a pure and healthy imitation butter to offer it for sale and to sell it for just what it is—to put it on the market in its real name and to sail it under its true colors—we have given the makers and dealers in butter all they can rightfully ask. All that one citizen can ask of another is honest competition. The rights of one citizen are

as sacred as those of another. My honestly acquired property is as much entitled to protection as yours. Shall the lawful occupation of one citizen of the Republic be stricken down that that of another may thrive and grow fat? It has been tauntingly said to me, "You are the friend of bogus butter." I answer, "No; I know nothing about it, and I do not care if not an ounce of it is ever made." But, sir, I am honestly contending for a principle worth more to the people a thousand times than all the butter, pure or spurious, that has ever been made—the perfect liberty of every citizen of the Republic to an equal right with every other citizen to engage in a lawful enterprise, and the right of all to pursue an honest industry without being subjected to unnecessary taxation. The vindication of this liberty, of this equality, of this right to enjoy the fruits of honest toil is of inestimable value to the poor and the rich alike. In the presence of this great principle the other questions presented by this bill are scarcely worthy a moment's thought.

But, sir, I say again I am willing to so legislate that no manufacturer of a product that may be used as butter can practice a fraud on the consumer. I am anxious to protect an honest article from having to compete with a fraud. Who asks more asks me in the sacred name of the law to oppress some one, to injure some industry, to destroy some interest. This I dare not do.

I repeat with emphasis that I regret that protection to any industry must be given in a questionable way; but as this bill on its face is for revenue, and this assumed protection a proper incident, I will waive my objections, serious objections, to its methods, and give it my best support whenever its projectors will consent that it be shorn of its power and its purpose to destroy honest and perfectly legitimate industries.

Is not my proposition a fair one? No gentleman in this debate has shown, or attempted to show, that the amendments I suggest will in the least impair the protection the friends of the measure seek, if they seek only what they publicly claim.

You may force me, gentlemen, to vote against this bill. If I do, it will not be, as you know, because I indorse impure foods or sympathize with dishonest methods; but because I am not willing to indorse measures or a principle that will unnecessarily destroy an industry, a measure that will tax a fair and honest business wholly out of existence. I must demand as a condition of my support a modification of the penalties and a reduction of the onerous and inequitable special taxes imposed by this bill. I hope I am understood. It has been my purpose to define my position clearly.

Every gentleman knows that this extraordinary tax, these extreme penalties, are not required to protect the consumers of food. It is an open secret that this use of the taxing power is intended to secure the end I have imputed to it, and I submit it is a monstrous outrage to use this power to destroy even the weakest or the humblest honorable industry. No manufacture ought to demand more than to be secured a fair, open, and honest opportunity to compete with a rival industry.

It is said this measure is not a departure from the long-established policy of the country; that we have always exercised the power to tax one product to protect another. I deliberately deny that this has been the case as between home products. We tax tobacco, but what home product competes with tobacco? We tax whisky, but not in the interest of a rival industry. We tax imitation wines as wines to prevent frauds on the revenue. All these measures are for revenue solely. Customs duties are imposed on a rival product when of foreign manufacture to protect American home labor. The prime object of a tariff is to prevent the destruction of a home industry by foreign cheap labor. Tariffs favor home production. They encourage home competition and the development of new industries. This bill protects nothing from foreign labor, it encourages no home competition, nor does it build up any new industry. On the contrary, it destroys competition and robs one citizen to put the money in the pocket of another. Have it understood that "protection to American industry" means this and you give it a blow from which it will not easily recover. This bill seeks a class legislation in its present shape of the most pronounced type. A great danger lurks under its thin diguises; it makes a precedent which may be at any time employed to destroy the weak in the interest of the strong. The theory upon which this bill proceeds may be used to justify any legislative monopoly however monstrous or exacting. A morning paper somewhat ironically but truthfully says:

> If Congress is to put a prohibitory tax on butterine at the command of the dairy interest, why should it not put a prohibitory tax on gas at the command of the whale-oil and petroleum interests, and on blue jeans at the command of the woolen interests, and on pork and sausages at the command of the hucksters of mutton-chops, and on plain straw hats for the "protection" of the Panama-hat importers, and on two-dollar shoes for the protection of Burt's shoes at $6 a pair, and on cider and lager beer for the benefit of champagne?

And I may add, why not tax the common milk of the farm for the benefit of the golden dairy product of the Alderney or the Devon, and white butter in the interest of the yellow, and all inferior farm products in favor of those that may be assumed to be their superiors? A principle in legislation that could even be tortured to justify these things is frightful. Never was a measure supported by more extravagant declamation or stranger or more inconsistent logic.

On one hand it is said if these imitations are put on the market for what they are, under their true name, nobody will buy them. When we ask if they are not healthy food products, and may they not be lawfully sold, and bought, and used, we are answered, "Yes; and if we tax them at the enormous rate of 200 per cent., cover the business of production and sale all over with frightful penalties, and compel them to go into the market as imitations, they will still be sold, bought, and consumed." On the one hand it is said that these products can pay these taxes and live and thrive; on the other it is declared that they ought to be crucified by taxation. Tell me, gentlemen, please tell me who is right? If these compounds are inevitably filthy, impure, or unhealthy, in the name of humanity let them be exterminated root and branch. For such stuff I have no defense. I will, in all proper ways, assist in protecting mankind from such. But, Mr. Chairman, the framers of this bill admit these imitations to be harmless, or the bill itself is a shameless fraud, for it encourages their production for exportation by exempting from taxation all that may be sent abroad. Do you propose to sell the Germans, French, and English commodities that are unclean and dangerous to health? Are you in earnest in encouraging this exportation? Oh, the foreigner will rush into the market to get American oleomargarine when he reads this debate!

It is said that the trade in these goods is secured by improper and fraudulent means. If so, let the wrong and the fraud be prevented. No one objects; but do not seek to correct the abuse by legislation as improper and fraudulent as is the wrong itself. Do not destroy all respect for the name and fame of our great country by sending a sham and a fraud into the markets of the world. But I do not impute this purpose to any gentleman. This exportation clause is a confession that these compounds may be and are made pure and healthful. That they are such I offer here a little of the proofs, volumes of which are in my possession.

The supreme court of New York says in The People vs. Marx, June, 1885:

> On the part of the defendant it is proved by distinguished chemists that oleomargarine was composed of the same elements as dairy butter. The only difference between them was that it contained a smaller proportion of fatty substance known as butterine; that this butterine exists in dairy butter only in a small proportion—from 3 to 6 per cent.; that it exists in no other substance than butter made from milk, and is introduced into oleomargarine butter by adding to the oleomargarine stock some milk, cream, or butter, and churning; and when this is done it has all the elements of natural butter, but there must always be a smaller per cent. of butterine in the manufactured product than in butter made from milk. The only effect of the butterine is to give flavor to the butter, having nothing to do with its wholesomeness; that the oleaginous substances in the oleomargarine are substantially identical with those produced from butter and cream. Professor Chandler testified that the only difference between the two articles was that dairy butter had more butterine; that oleomargarine contained not over 1 per cent. of that substance, while dairy butter might contain 4 or 5 per cent; and that if 4 or 5 per cent. were added to oleomargarine there would be no difference; it would be butter; irrespective of sources, they would be the same substances. According to the testimony of Professor Morton, whose statement was not questioned or controverted, oleomargarine, so far from being an article devised for the purposes of deception in trade, was devised by a French scientist, who was employed by the French Government to devise a substitute for butter.

This is the substance of the uncontradicted testimony of sixteen distinguished chemists whose names are before me. I will not tire the patience of the committee by giving them; they may be found in the record of this case.

In deciding the above case the supreme court makes some observations which I commend to the serious consideration of all. I quote:

> Measures of this kind are dangerous even to their promoters. If the argument of the respondent in support of the absolute power of the Legislature to prohibit one branch of industry for the purpose of protecting another with which it competes can be sustained, why could not the oleomargarine manufacturers, should they obtain sufficient power to influence or control the legislative councils, prohibit the manufacture or sale of dairy products? Would arguments then be found wanting to demonstrate the invalidity under the Constitution of such an act? The principle is the same in both cases. The numbers engaged upon each side of the controversy can not influence the question here. Equal rights to all are what are intended to be secured by the establishment of constitutional limits to legislative power and impartial tribunals to enforce them.

I could multiply judicial authorities asserting this doctrine, but I need not. Nobody controverts it. It is a corner-stone of republican government. It would be well for all to consider the danger of asserting that one of two industries, securing control of Congress by force of its numbers, may lawfully tax the other out of existence. That this bill proposes to do, and that every court holds may not be done without violating the letter and the spirit of the Constitution.

But, says some one whose hands are wholly innocent of the touch of the plow-handle, and whose zeal is in proportion to his want of knowledge of agriculture, its wants or its interests, "I am for the farmer, and you are his enemy." I might retort, but I will not, "Who annointed these lawyer-Congressmen" the guardians of the toiling farmer? I am not a farmer, but nearly every dollar of my little means is invested in the farm and its products. My family, friends, and supporters are largely engaged in agriculture, and he who intimates that I do not respect the farmer, his industry and his interest, is wholly ignorant of the facts. Farmers are the bed-rock of our industrial systems; they are fair and intelligent; they despise the demagogues who traffic in their good name; they ask nothing but justice and equality in legislation for legal methods and honest goods; they are capable of judging both motives and measures.

I am told by many of its friends that all of the objectionable features of the measure will be eliminated before it can become a law. Well, sir, when this is done it will stand well in my favor and get my vote.

To get clear of unwise and dangerous provisions is just what I have been seeking to do. Oh, it is said, we can not do this here; we must stand by the bill of the committee and let its defects be cured elsewhere. Why, sir, this House did not delegate the authority to this committee to commit it to this or any other bill, and it is as much the duty of the House to pass a good and fair bill as it is of the Senate. To skulk responsibility is an act of cowardice, as I look at it, and I respectfully decline to do it. But again, and for the last time, I say that when a just bill is presented I will vote for it, and my convictions of duty compel me to vote against the present bill. I hope one will come from the Senate that will challenge the support of all.

I have not attempted to delay this measure nor to defeat any just end it is capable of attaining. The majority has the right to pass it and I will not seek its defeat by resorting to parliamentary obstructions, but will help its friends to reach a vote at as early a day as is practicable. I have endeavored and will continue to labor to perfect it and make it fit to become a law. From the beginning my whole desire has been to give protection to all and save all from injury. There is little hope that any amendment will be allowed by this House. All about me gentlemen say it must go through just as it is. I do not like this method of legislation, but each must act and judge for himself. I will do my duty as I understand it. From time to time I will offer such amendments as may appear to me to be fair and just, and such as will not impair the efficiency of the measure in the attainment of any honest purpose, and if all substantial amendments are rejected, I will be compelled, in obedience to my judgment and my best convictions of duty, to vote against it. My people never ask me to do what in my conscience I believe to be an unjust and dangerous thing. This is a sudden frenzy—so sudden as to justify suspicion of its purpose. It has never been discussed in any canvass nor been debated by the people. My constituency—a thinking, reading people, engaged in all the varied industries, in trade, manufacture, agriculture—have given me no instructions, but left me to follow my judgment. This I have done with an honest purpose and with a full sense of my responsibility to them as their representative.

Mr. BUCHANAN. Mr. Chairman, I profess to have just as high a regard for the Constitution as my colleague who has just spoken [Mr. McADOO], and having that high regard, I can with a clean conscience vote for this bill.

I rose simply to say a word about the pending amendment. During all of these weary days I have voted consistently with the friends of this bill. The character of the opposition has been such as to almost imbitter me against any proposed amendment; but I say to the House that in my judgment this amendment ought to be adopted. It is offered by a friend to the bill and is offered for a worthy purpose, to allow the manufacturer who puts care and prudence into his goods to demonstrate that fact to the consumer of those goods. It seems to me that no valid reason can be urged against the amendment to the bill, and the bill itself would be stronger with the House and before the country with that amendment if adopted.

Mr. GIBSON, of West Virginia. Mr. Chairman, I desire to offer an amendment to the amendment so as to make it read:

In tubs or other wooden or paper packages not before used for that purpose, each containing, &c.

Then following the amendment as now pending.

The CHAIRMAN. The gentleman will send his amendment to the desk.

Mr. GIBSON, of West Virginia. It is simply to insert in line 2 of this section, after the word "wooden," the words "or paper;" and upon that amendment I desire to express a few further opinions upon this bill, which should be styled a bill for the betrayal of the party, and for an outrage of the rights of the people.

This bill, professing to be in the interest of honest table food, professing to be in the interest of the farmer class of the country, not only fixes pains and penalties upon a legitimate industry, but requires that that industry shall be so conducted that there will be no packages of less than 10 pounds, making it impossible for a poor man out of his weekly wages to buy a complete package of this product however unhealthful it may be, or however much he may desire it. It is not only, therefore, a bill to rob the poor man, but it is a bill to muzzle and to chain him. It is not only a bill in favor of fraudulent dairy interests, but it is a bill for the oppression of those who can least take care of themselves.

Mr. MORGAN. Let me ask the gentleman a question.

Mr. GIBSON, of West Virginia. No; I can not yield.

Mr. MORGAN. Then let me state that a man can sell a spoonful if he wants to, if he pays the tax.

Mr. GIBSON, of West Virginia. And, Mr. Chairman, it not only does that, but it offers a reward to every man's neighbor to become a spy upon his neighbor. This act would undertake to create again the informer system in this country and to divide the fees among the informers. First, the State wiped out the iniquitous system as barbarous and infamous; then the General Government wiped it out, and it has been ever since, in the Halls of this Capitol in every Congress that has ever sat here, denounced as unjust and oppressive.

You remember how corruptions and frauds arose under it in New York, where this spy and informer system was in force; how complaint was made all over the country where it prevailed, and yet we return to this stinking, nasty, fraudulent system for the purpose of carrying out this miserable bill. Why, the bill makes every man's neighbor a spy. It gives him a reward for informing upon his neighbor; and under the bill, if it should ever pass, no man or woman can feel safe while his or her neighbor is paying a visit.

Mr. STRUBLE. Especially if violating the law.

Mr. GIBSON, of West Virginia. Ah, if they are violating the law! Sir, if you had that regard for the law you are undertaking now to preach up you would not be here advocating this bill. [Laughter.] This is not the first time we have heard people cry out and advocate things in this Hall that we know they are not in favor of. I stood here not five minutes ago and heard a man say he was voting for the bill because he was an arrant coward.

Mr. STRUBLE. You did not hear me say that.

Mr. MILLIKEN. Who was it? Why does not the gentleman call the name?

Mr. GIBSON, of West Virginia. If I undertook to call the names of those who are acting in that manner it would take me the whole of my five minutes, and I would have to commence on that side of the House. [Laughter.]

Mr. MILLIKEN. Give one name.

Mr. GIBSON, of West Virginia. If gentlemen on that side want the names I will point them out.

Mr. MILLIKEN. The gentleman ought not to use the expression or make such a statement if he does not intend to give the names; and if the gentleman refers to me, his statement is not true. When the gentleman makes such a statement and does not call names, he reflects upon every man here.

Mr. GIBSON, of West Virginia. Let those gentlemen who think that I reflect upon them call upon me and I will not be found wanting.

Mr. CANNON. However, it creates a sort of a suspicion. [Laughter.]

Mr. GIBSON, of West Virginia. Oh! I understand that. Gentlemen know as well as I do the object of this bill. Some people are very suspicious on all subjects because they have very evil natures. [Laughter.]

Mr. CANNON. That does not apply to this side. [Laughter.]

Mr. GIBSON, of West Virginia. Now, sir, this bill, full to overflowing with iniquities, can be styled nothing whatever but a betrayal on the part of the Democrats of their party, and a betrayal of the people on the part of the Republicans, who have always claimed to be the friends of the laboring man.

[Here the hammer fell.]

Mr. CANNON. It occurs to me there has probably been scolding enough about this bill. I have sat here for four days and heard it. I have heard everybody's motives impugned; everybody accused of cowardice or foolishness in connection with this bill. I never thought as a matter of taste that was a very manly way in which to present one's views touching matters before the House. It is to be supposed that each man here performs his duties, and represents his constituents as he believes is right, according to his judgment and under his oath; and for one I have yet to arise in my place in this House and make insinuations against my fellow-members, collectively or individually, unless I was ready when challenged to give the name or names.

I want to say for myself, for fear that my mere silence here for days might give assent by implication to these statements that are made, the principle involved in this bill meets my full and hearty approval. I believe in it. I am for it, because I believe it is just and proper, and if enacted into law will inure to the benefit of the great majority of the people of this country [applause], not only the farmer but the people that depend upon the farmer as well.

I could take the speeches of the gentleman from Pennsylvania, whose seat is before me [Mr. KELLEY], and the speeches of gentlemen all along the line from the foundation of the Government to the present time, where they show the propriety of a promotion of a diversity of industries, and I will strike out iron, strike out steel, strike out woolen goods, strike out anything, and insert butter in its place, and you have the argument as strongly in this case as you have in the cases that they put so ably and so strongly.

Once more I want to say I am for this bill, not only because I believe I am representing my constituency, but I am for the principle involved in it, because I believe it is justified and demanded from a broad and just public policy.

Mr. BUTTERWORTH. I want to ask my friend a question before he sits down, as his time is not yet exhausted. Are you in favor of taxing any industry in this country for the very purpose of destroying it? Let the gentleman answer categorically.

Mr. CANNON. I will say to the gentleman in reply that I am not only in favor of raising revenue, but I am in favor of protecting every great industry in this country that needs protection.

Mr. BUTTERWORTH. Yes, undoubtedly; but that does not answer my question. Is my friend in favor of taxing any industry to destroy it simply because it is the competitor of another industry? Yes or no.

Mr. CANNON. I will answer the gentleman.

Mr. BUTTERWORTH. I agree with the principle the gentleman enunciates.

Mr. CANNON. If the gentleman will be still I will see if, in my own time, I can make a proper answer to his question.

[Here the hammer fell.]

Mr. CANNON. I am in favor of so taxing bogus butter as to prevent its being passed upon the consumer as genuine butter at a price not only equal to its real value, but an added price for the falsehood that is told to the consumer who takes it for butter, when in fact it is a counterfeit.

The CHAIRMAN. The time of the gentleman has expired. [Laughter.] The hour for debate on this amendment and the amendment thereto is exhausted. The question is on the amendment to the amendment submitted by the gentleman from West Virginia.

Mr. HATCH. I move that the committee rise. Pending that motion I ask unanimous consent that all debate on the section under discussion and the amendments thereto be limited to ten minutes.

Mr. VAN EATON. Will the gentleman give me five of them?

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. DUNHAM. I object.

Mr. HATCH. Then I move that the committee rise.

Mr. BUTTERWORTH. Upon what amendment does the gentleman propose to limit debate?

Mr. HATCH. On all amendments to the pending section.

The CHAIRMAN. Debate is exhausted on the amendments as they now stand, and the Chair thinks those may be disposed of before the question is put on the motion of the gentleman from Missouri.

Mr. HATCH. Very well.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from West Virginia [Mr. GIBSON] to the amendment of the gentleman from Illinois [Mr. ADAMS].

The amendment proposed by Mr. GIBSON, of West Virginia, was read, as follows:

In line 2, section 6, after the word "wooden," insert "or paper;" so that it will read "in firkins, tubs, or other wooden or paper packages."

Mr. ADAMS, of Illinois. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS, of Illinois. I ask if that is a proper amendment to my amendment, since mine has reference to one line, and the amendment of the gentleman from West Virginia has reference to another?

Mr. GIBSON, of West Virginia. This is a proper amendment to the amendment of the gentleman from Illinois, because his amendment relates to the quantity of certain packages, and mine designates the character of packages in which his quantity is put.

Mr. HATCH. I suggest to the gentleman from West Virginia if he will offer his amendment to the sixteenth line, where the packages are mentioned in connection with their sale, I will accept the amendment as far as I am concerned. But in the second line there is a reference merely to the manufacturer.

Mr. GIBSON, of West Virginia. As the gentleman from Missouri says he will accept it at the sixteenth line, I withdraw my amendment.

Mr. ADAMS, of Illinois. I wish to ask the chairman of the committee whether he will not accept my amendment with the view of perfecting the bill.

Mr. HATCH. I will hear it read.

The Clerk read as follows:

In lines 3 and 4, section 6, strike out the words "each containing not less than 10 pounds."

Mr. HATCH. I will state frankly I can not accept that amendment, simply because it is an effort to allow the manufacturer to imitate butter in rolls of half a pound or a pound.

Mr. ADAMS, of Illinois. Will the gentleman allow my second amendment to be read, and then he will understand my purpose is not what he now states?

The CHAIRMAN. The Clerk will report the remainder of the amendment.

The Clerk read as follows:

In line 9, section 6, strike out the word "only" and insert in lieu thereof "the same only when put up in stamped packages or."

Mr. BRECKINRIDGE, of Kentucky. I desire to offer an amendment to that amendment.

Mr. ADAMS, of Illinois. I ask to have my amendment read in order that the chairman of the committee may see that I had no such purpose as he intimated of letting the oleomargarine be put up in packages to counterfeit butter. My object is to allow the manufacturer to make up packages so small that they can go with their seals unbroken and the internal-revenue stamp upon them from the manufacturer to the wholesaler, from the wholesaler to the retailer, and from the retailer to the consumer, so that nobody can be deceived. I will say to the chairman of the committee that one gentleman here, a strong friend of this measure, has characterized this as an amendment tending to perfect the bill.

Mr. HATCH. I have no doubt gentlemen have so stated, and that may be their view of it, but we have considered that question very carefully in the committee—it was under consideration for hours—and we know what would be the effect of the amendment suggested by the gentleman. Not that he has any such purpose in offering the amendment, or any purpose except, as he states, to perfect the bill, but the effect of it, if adopted, would be to enable dealers to put this article up in packages like those in which butter is sold.

Mr. BRAGG. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRAGG. I understood the Chair to state a while ago that debate upon this paragraph or amendment had been closed by order of the House.

The CHAIRMAN. The Chair did not so state. The Chair stated that in the condition of the amendment at that time debate was exhausted.

Mr. BRAGG. Has there been any change in the condition since?

The CHAIRMAN. Yes; the amendment to the amendment has been withdrawn, leaving only the single amendment pending.

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. RICHARDSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house; and

A bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same.

The message further announced that the Senate had passed with amendments the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, asked a conference with the House on the amendments of the Senate, and had appointed as conferees on the part of the Senate Mr. HARRISON, Mr. PLATT, and Mr. GRAY.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. FINDLAY. Mr. Chairman, I have here an amendment which I think is absolutely necessary to perfect this portion of the bill. I propose to strike out the word "wooden," in line 12.

Mr. HATCH. I have already stated to the gentleman from West Virginia that I will accept that amendment in line 16 where it applies to the retail dealer.

Mr. FINDLAY. I think it ought to come in here. This provides that retail dealers must sell only from original stamped packages. Now the retailers are required to sell from the same packages that come from the manufacturers in quantities not exceeding 10 pounds, and to pack it in suitable wooden packages. My amendment will permit the retail dealer to sell any small quantity of the article and roll it up in a cloth or any other convenient material.

Mr. HATCH. I am willing to insert after "wooden" the words "or paper."

Mr. FINDLAY. The bill as it stands now will require every retail dealer when he sells a pound or a half pound of this article to put it up in wooden packages. Is there any sense in that?

Mr. HATCH. They can use these little wooden trays, which are cheaper to-day than paper. Every grocer in the country uses them.

Mr. FINDLAY. Do you mean to say that wood is cheaper than paper?

Mr. HATCH. I have been told so by grocers.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will permit me, there is no such thing as a retail dealer under this bill, because this very portion of the bill says that this article shall be sold in quantities not exceeding 10 pounds.

Mr. HATCH. And that makes the man a retail dealer.

Mr. FINDLAY. Mr. Chairman, I recognize the fact that there are wholesale dealers and retail dealers by virtue of this section of the bill, but I say it is very unwise to require a retail dealer if he sells a pound or half a pound of this article to put it up in a wooden package.

Mr. HATCH. I have already said that I am willing to accept the amendment of the gentleman from West Virginia [Mr. GIBSON] to come in on line 16.

Mr. FINDLAY. If the chairman of the committee will not accept my amendment, I will withdraw it.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. One more suggestion, Mr. Chairman. The form and material of these packages will be regulated by the Commissioner of Internal Revenue, and he will see to it that manufacturers do not use such 1-pound packages as will enable oleomargarine to be confounded with butter.

Mr. HATCH. Mr. Chairman, it is only necessary for me to say in reply to the gentleman from Illinois that I have already, upon conference and consultation with the Commissioner of Internal Revenue and the officers of his bureau, obtained fully the views of those gentlemen upon this question, and that therefore the bill has been reported in this shape by the committee.

The question was taken on the amendment offered by Mr. ADAMS, and it was rejected—ayes 64, noes 92.

Mr. HATCH. Now, Mr. Chairman, for the purpose of carrying out the statement I have made here, I move to insert, in line 12, after the word "wooden," the words "or paper;" so that it will read "in suitable wooden or paper packages," &c.

Mr. FINDLAY. Why not say "or linen?"

Mr. HATCH. Simply because, as the gentleman very well knows, nothing of this kind, when sold by grocers, is ever wrapped in linen.

Mr. FINDLAY. Then why not say simply "suitable packages?"

Mr. HATCH. Again, in line 16, after the word "wooden," I move to insert the words "or paper."

Mr. GIBSON, of West Virginia. And the same amendment wherever it is necessary throughout the bill to carry out that idea.

Mr. HATCH. I do not think it is necessary anywhere else.

The amendment was agreed to.

Mr. ADAMS, of Illinois. I sent to the desk some time ago an amendment which I ask the Clerk to read.

The Clerk read as follows:

In line 9 of section 6 strike out the word "only" and insert in lieu thereof the words "the same only when put up in stamped packages;" so as to read:

"Retail dealers in oleomargarine must sell the same only when put up in stamped packages," &c.

The amendment was rejected.

Mr. WHEELER. I move the amendment which I send to the desk.

The Clerk read as follows:

After line 23, section 6, insert:

"No person who was reported by the tenth census as unable to read or write shall be fined or imprisoned for violating the provisions of sections 6, 11, 12, or 13 of this act until one year after the passage of the bill now pending in Congress to aid in the support of common schools; and all money collected under this act shall be used for the purpose of aiding in the support of common schools; the money to be distributed among the States in proportion to the illiteracy in said States as shown by the tenth census."

Mr. HATCH. I raise a point of order on that amendment.

The CHAIRMAN. The committee has passed section 6, and it is not now amendable.

Mr. WHEELER. Then I will move the amendment to section 7.

The CHAIRMAN. The Clerk will report the next section.

The Clerk read as follows:

SEC. 7. That every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of oleomargarine who neglects to affix such label to any package containing oleomargarine made by him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense is committed.

Mr. WHEELER. I now offer my amendment to this section.

Mr. HATCH. I have submitted a point of order upon the gentleman's amendment.

The CHAIRMAN. What is the amendment of the gentleman from Alabama?

Mr. WHEELER. It provides, in substance, that no person shall be fined or imprisoned for violating certain sections of this act, provided he was one of those persons reported by the tenth census as unable to read or write, until a year after the passage of the bill now pending giving him an opportunity for education.

The CHAIRMAN. The Chair did not ask the gentleman to state the substance of his amendment, but simply what his motion was.

Mr. WHEELER. My motion was to insert this amendment at the end of section 7.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. HATCH. I make the point of order that this amendment is not germane to the pending section.

The CHAIRMAN. The Chair thinks the amendment is not germane to this part of the bill.

Mr. WHEELER. Then I will reserve it until we reach section 11.

Mr. VAN EATON. I move to amend the pending section by striking out, in line 16, the word "fifty" and inserting "twenty-five." In support of this amendment I wish to say that unless I can succeed in my effort to protect "the great American hen" it will be impossible for me to support this bill. I hold in my hand a dispatch I have just received from the Merchants' Exchange at Oshkosh, in the district once so ably represented on this floor by Hon. Mulberry Sellers. I send up this dispatch to be read in my time.

The Clerk read as follows:

Once upon a time Mr. and Mrs. Cow went out for a little promenade, as was their custom in pleasant weather. They took with them their favorite child, Butter, a bright, yellow-haired cherub, greatly admired by the friends of Mrs. Cow. As they strolled along, the cherub wandered into a grocery store near by and presently came running out, accompanied by another cherub, who was its very twin. Mr. Cow looked inquiringly at Mrs. Cow.

"Oh, mamma!" cried dear little Butter, "See! see! I have found my twin."

"Quite true, my child," responded Mrs. Cow, and, turning to the twin, she asked, "What is your name, my dear?"

"Oleomargarine," lisped the twin.

"What a pretty name," said Mrs. Cow; "and who is your mamma and papa?"

"I do not know," said the twin. "I guess I must be a poor little orphan."

"So you are; so you are," said the kind Mrs. Cow; and after some consultation with her husband and continued appeals from her own cherub, she asked the twin to come home with her and be a playmate for Butter.

This the twin readily agreed to do, and that night Oly and Butty slept together in the sweetest harmonies of childhood. In the morning Mrs. Cow went in to call the little ones, and they both sat up in their trundle-bed.

"Which is Butty and which is Oly?" laughed Mrs. Cow in playful mood.

"I am Butty," lisped Oly, sweetly.

"No, I am," screamed Butter, pulling out several handfuls of Oly's golden hair.

"No, I am," persisted Oly; and then Mrs. Cow, looking first at one and then at the other, burst into tears.

"How is this?" inquired Mr. Cow, coming into the nursery.

"Oh, oh! I do not know which is Butter and which is Oleo Margarine," cried Mrs. Cow, pointing at the two little similarities.

"Eh?" gasped Mr. Cow, turning to the bed.

"See!" exclaimed Mrs. Cow, "there isn't any difference. Which is which?"

"Both of them," growled Mr. Cow. "But, wife, if there isn't any difference, what is the difference?" And he went back to his morning newspaper, leaving Mrs. Cow still in tears.

Moral: If there is any moral to this fable, you are welcome to it.

[Laughter.]

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. VAN EATON] has expired.

Mr. WORTHINGTON. Mr. Chairman, I do not expect to add anything to the fund of information which has been contributed by other gentlemen on this subject, yet I am unwililng to vote on all the phases of this question without expressing my views upon it. There is no more doubt that Congress has the right to tax every pound of oleomargarine than that it has the right to tax every gallon of whisky and every pound of tobacco. It is equally certain that if this taxing power is abused for the purpose of crushing and destroying the manufacture of oleomargarine, such action on the part of Congress is indefensible. The real questions then presented to us on this subject are, in my judgment, first, is oleomargarine a proper subject of taxation; and, next, are the rates provided in this bill fair and reasonable?

I assume that oleomargarine is a proper subject of taxation. Why not? The elements of which it is composed, we are told, are cheap; and if we have any trustworthy information on this subject, the article is sold at a large profit. In addition to that, the tax which will be collected under this bill, if it should pass, will be paid ultimately by the consumers, because those who manufacture and sell oleomargarine will be simply the agents of the Government to collect and receive the tax from those who purchase and consume the article; and any one who has ever given any attention to this subject of taxation knows that taxes which are paid in this way by the consumers are the least onerous and burdensome of all taxes.

But there is another reason why this is a proper subject of taxation, a reason which has been adverted to so frequently that I shall simply mention it. It is certainly no objection that some desirable result follows the taxation of this article. At present the article goes into the market, not as a fair competitor with the farmers' butter, but it goes there masquerading under false colors. Now, if we can succeed in getting revenues from this article under a proper law duly authorized by the Constitution, and at the same time can expose a fraud and compel oleomargarine, which it is said so nearly resembles butter as to require an expert to tell the difference between them, to hoist its own colors and fight under its own flag, that is certainly a desirable object, and we ought to be willing to pass a law for the purpose of securing that end, if for nothing else.

Now, there is one other object which seems to me desirable, though it may not suit the views of a great many members of this House. I do not believe in the doctrine of protection. I am here to say, as I will say upon every proper occasion, that I believe the system of protection to be wrong in principle and unjust in practice. It is impossible for one end of the seesaw board to go up without the other going down. It is impossible by any system of taxation to put money into the pockets of one class in the community without at the same time taking it out of the pockets of another class. If it were in my power I would wipe from the statute-book every tariff law except those that bring in necessary revenue. But it seems that we are not able to do this. The combination against us is too strong. The iron-men, the glass-men, the coal-men, the men interested in pine forests, and those who have salt-wells have so banded together—being held together not by bands of steel, but by bands of interest, which are infinitely stronger—that up to this time we have been unable to reduce materially the war taxation, although twenty years have elapsed since the declaration of peace.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. TOWNSHEND. I move to strike out "one hundred" and insert "fifty," and yield my time to my colleague.

Mr. WORTHINGTON. I am much obliged.

I do not know, Mr. Chairman, how much longer we shall be compelled to suffer under this system of taxation. So far it has fallen with peculiar severity on those who live in the Great West. The farmers have been the hewers of wood and the drawers of water for every protected industry in this country. By reason of it they have paid higher prices for everything they have had to buy, and have received no higher prices on account of it for what they have had to sell. It has created a

prejudice in European markets against American agricultural products. France and Germany refuse to take American pork, while our exports of cotton and wheat to England are every year growing less. Western farmers have protested against this unjust tariff system. I am here as the Representative of a district with 2,500 Republican majority, according to the last Presidential vote, because I have denounced in every town and at every cross-roads this infamous system of taxation.

We can not break it down. The combined forces of protection are so far too strong for us. Some of my Democratic brethren, too, I am sorry to say, are imbued with the same views entertained by gentlemen on the Republican side of the House.

What then is the next best thing to do? I have heard that one of the ways of forcing the repeal of an odious law is to enforce it. If we can not defeat this system of tariff legislation in any other way, I am in favor of protecting every possible industry you can find in this country. [Laughter and applause.] We will protect the iron-man of Pennsylvania against the iron-man in Georgia, and the iron-man of Georgia against the iron-man of Pennsylvania; and the woolen manufacturer in Massachusetts against the woolen manufacturer in Rhode Island, and the woolen manufacturer in Rhode Island against the woolen manufacturer in Massachusetts. We will interlace these protective measures until we protect every industry in the country. In this way it will amount to no protection at all, because all will fare alike, and the people will begin to see the enormities of a system which they have been taught to believe was a great blessing. [Laughter and applause.]

Now it may be said we do not want any revenue; that we have enough. Let us take off the tariff tax from salt, take it off lumber, reduce it on sugar, reduce it on woolen goods, and in their stead put a little on oleomargarine, make it travel in its own clothes, and give to the farmers of Illinois and Iowa and Wisconsin and Kansas and Nebraska a little taste of this protection tax which they have been for so many years helping to pay into the coffers of the manufacturers of the East.

If we do this, and extend this system to the protection of the farmers' products, we will find a great many gentlemen—we will find perhaps the venerable gentleman from Pennsylvania [Mr. KELLEY], for whom I have so much respect and who is such a strong advocate of high duty—we will find him and his friends learning the lesson that we have long since learned by sad experience, that protection is a sharp-edged tool, cutting the many while helping the few; and may possibly find Eastern tax-payers uniting with Western men without respect to party, Republicans and Democrats alike joining hands to reduce the taxes in the shape of duties which consumers pay solely for the benefit of manufacturers and producers.

Mr. BUTTERWORTH. Are you in favor of taxing one legitimate domestic industry out of existence merely because it is the successful competitor of another domestic industry? Is not that absolutely indefensible?

Mr. WORTHINGTON. I think it is. I said in the outset that if the rates of tax were so high as to crush and destroy the oleomargarine interest that this bill was absolutely indefensible. I believe there is no propriety in putting a license tax on manufacturers of $600, on wholesale dealers of $480, and still less a license tax of $48 a year on little retail dealers who may not have $500 worth of stock in their stores.

A MEMBER. Is 10 cents a pound too much?

Mr. WORTHINGTON. I think that 10 cents a pound is too high.

Mr. STRUBLE. Will the gentleman yield to me for a question?

Mr. WORTHINGTON. I have only five minutes, and much of that time has already been taken up by interruptions. There are other matters in this bill that are objectionable. Section 6, that we have just been considering, contains penal legislation and you can drive a four-horse team through it. [Laughter and applause.]

Mr. MCADOO. Will the gentleman yield to me for a question?

Mr. WORTHINGTON. The gentleman must excuse me. It makes it penal for a retailer to deliver oleomargarine in anything but a new wooden package. How are you going to determine whether a package is new or old? When you pour water into a bucket does it make that bucket an old one as soon as you pour it in? You put a new pair of shoes on for the first time and take them off again; are they new shoes or old shoes? What is a new package and what is an old package?

Mr. HATCH. Will the gentleman yield to me for a question?

Mr. WORTHINGTON. I do not expect to get the floor again and I only have a few minutes.

Mr. HATCH. I will agree to yield five minutes to the gentleman if he will allow me to ask a question.

Mr. WORTHINGTON. Very well; go ahead.

Mr. HATCH. Does not the gentleman know that under the present revenue laws you enforce the very provisions enacted here and which he criticises, by providing that cigar-boxes and tobacco packages shall not be used a second time to put cigars in or to put tobacco in?

Mr. WORTHINGTON. Certainly; and I have no objection to such a provision; but while you are saying that I want you to put it in language that is not susceptible of misconstruction.

Mr. HATCH. It is exactly in the language of the statute-book on this subject.

Mr. WORTHINGTON. I fear the gentleman from Missouri is mistaken in that, for he will find that the reference is made to the description immediately preceding it, and that description is not new or original packages. The revenue law in almost every instance uses the word original instead of new packages.

But again, while on this subject, Mr. Chairman, in section 12 I find—

That every person who purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of $100, &c.

It does not say who "knowingly" purchases, and yet, sir, you may send your child, fourteen or fifteen years of age, to a retail store——

Mr. HATCH. I will save the time of the gentleman's argument, if he will permit me to interrupt him, by saying that that was an inadvertence in the original draught of the bill. It is the intention of the committee to insert the word "knowingly" when we reach that point.

Mr. WORTHINGTON. I am very glad to hear it, and I hope upon a careful review of the bill that the chairman of the committee at the proper time will correct many other inadvertences which are to be found upon examination.

For myself I wish to say that if this tax can be reasonably reduced and if the license tax is put at fair figures I am in favor of the bill. I agree with the gentleman from Illinois [Mr. CANNON] that the bill is right in principle, and with these modifications I hope to see it pass; and I would be glad to see gentlemen who occupy the same position that I do with reference to the bill in its present form aid in correcting its serious and manifest defects and thereby secure its speedy enactment into law. [Applause.]

[Here the hammer fell.]

Mr. EVERHART. Mr. Chairman, it seems to me that the right to tax is coeval with sovereignty. It is essential to its existence; it needs neither grant nor reservation——

Mr. STRUBLE. I rise to a question of order; it is utterly impossible to hear.

The CHAIRMAN. The committee will come to order.

Mr. STRUBLE. Just as in the circuses it will be observed that the bald-headed men are standing up in front. [Laughter.]

Mr. HENDERSON, of Iowa. How about the red-headed ones? [Renewed laughter].

The CHAIRMAN. Gentlemen will resume their seats. The gentleman from Pennsylvania is entitled to the floor.

Mr. EVERHART. Mr. Chairman, the right to tax is coeval with sovereignty; is essential to its existence; needs neither grant nor reservation, and is limited mainly by the uniformity of its operation and the wisdom of the Government. It is a legislative right, and no court will inquire as to the degree of its exercise. It may impose prohibitory burdens upon foreign and domestic products. It may discriminate for or against industries or classes. It may throw greater restrictions around distilleries than breweries; favor cider more than wine, and cigars more than cigarettes. And Congress under other clauses may bestow charities, endow schools, grant pensions, punish counterfeiters, and by the establishment of a national board of health provide against the invasion of disease. The constitutionality of the question under consideration seems therefore beyond dispute, whether it be for revenue only, or mediately for the public welfare. The policy is justified by the facts.

Mr. Chairman, the time-honored business of butter-making is threatened with signal mischief. Another article has been put in circulation not as original, or auxiliary, or even as a substitute, but skillfully disguised so as to pass for the honest product. And this is oleomargarine. [Laughter.] Composed, as said, in some instances at least, of miscellaneous offal, the slag of the butcher-shop, the kitchen, and the alley; dissolved, neutralized, combined, and prepared by drugs and temperatures so that it may resemble the taste, form, and color, and bear the name of butter. Then its fabrication and excellence are lauded as if its origin were associated with springs and pastures, with cows and churns, and all the charm and flavor of the dairy. [Applause.]

The more perfect the imitation the more saleable and dangerous the commodity. And this mixture its friends expect the poor man to roll under his tongue as if it were a morsel sweet as sin, and which indeed it may be. [Applause and laughter.] Against this substance, whose claim now to be deemed a rival industry savors of a false pretension, the bill would protect the people, as other measures protect them against bogus coin and the importation of infected rags. It is designed——

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Chairman, if I can be recognized I will yield every one of my minutes to the gentleman from Pennsylvania.

Mr. EVERHART. I am much obliged to the gentleman. Such a deception seems even more reprehensible than that which exaggerates or disparages, or that which surreptitiously abstracts property, or that violence which boldly seizes it. It not only deceives the customer, but assails the credit of the real article, confounds its identity, impairs its prestige. And though, if the oleomargarine ingredients be neither filthy nor deleterious, nay, though it be pure as the "icicle on Dian's temple" and wholesome as the "bread of angels" or, like "the sovereignest thing on earth," yet still it is but a counterfeit claiming to be genuine. And being of cheaper materials and of more extensive production, its tendency, like that of poor money to expel the

better, would, unhindered, usurp the market and corrupt the trade. And this to the serious and aggravated damage of that great majority who cultivate the soil, whose sweat and labor mingle with its furrows, and augment the public wealth; who supply us sustenance from the harvest and the orchard; who are the conservators of law and order; and whose brawny patriotism is the last unfailing reliance in the hour of trouble, in riot, and in war. [Loud applause.]

The CHAIRMAN. The Clerk will report the pending amendment and the amendment to the amendment.

The amendment proposed by Mr. VAN EATON was read, as follows:

In line 16, strike out the word "fifty" and insert "twenty-five."

The amendment to the amendment proposed by Mr. TOWNSHEND was read, as follows:

Strike out "twenty-five" and insert "one hundred."

The amendment to the amendment was disagreed to.

The amendment was disagreed to.

The Clerk read section 8, as follows:

SEC. 8. That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

Mr. TOWNSHEND. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 3, strike out "10" and insert "2," so that it will read:
"There shall be assessed and collected a tax of 2 cents per pound.

Mr. TOWNSHEND. I have no desire to detain the House with any elaborate remarks on the amendment. I simply wish to call attention to the nature of it. The bill provides a tax of 10 cents a pound on oleomargarine. The amendment I offer proposes to reduce that to 2 cents. If the same quantity of oleomargarine is manufactured next year that it is said was manufactured last year a tax of 2 cents a pound will raise a revenue of $2,000,000.

Several MEMBERS. Four million dollars.

Mr. TOWNSHEND. Be that as it may, a tax of 2 cents a pound will raise an ample fund to defray all the expenses that may be necessary to enforce the revenue law in this case.

I shall not occupy the attention of the committee longer at this time. I think it would be wise if the friends of this bill should adopt the amendment. If it is adopted I am confident we will have a speedy conclusion of the discussion over this bill.

Mr. BAYNE. I rise to oppose the amendment. I believe if this amendment is adopted—and I know a great effort is being made to reduce the tax from 10 cents to 2 cents per pound, or some other figure—it will eviscerate from this bill its efficacy and its force. This bill is intended to protect the dairy interests of this country. If the tax be made so low that this stuff may be manufactured, and put in competition with butter on the market, although all the safeguards that are provided for by this bill shall remain in it, it nevertheless will persist as a rival for honest butter in the market and sooner or later will drive honest butter out of the market.

Now, if you put a tax of 2 cents a pound on this article, and the cost of manufacturing it is but 8 cents a pound, you have a material which can be put upon the market at 10 cents a pound; and if you undertake to put upon the market a commodity that will cost but 10 cents a pound against a commodity that can not be produced at a profit at less than 20 or 25 cents a pound, the effect is going to be, as certain as anything can be, that the lower-priced article will drive out of the market the higher priced.

You can talk as much as you please about the safeguards thrown around this; about the manufacturer having to put the article in a marked package; about the retail dealer having to sell from a marked package, but who is to protect the consumer, and what provision in this bill is to advise the consumer when the commodity is put on the table that that is oleomargarine and not butter? All these things may be done, and yet when this thing reaches a boarding-house table, the table of the hotel-keeper, or the table of any citizen there is no mark by which you can distinguish it from honest butter. It is there, and all the safeguards taken would amount to nothing at all. To reduce this tax to 2 cents a pound would be to take out of this bill the very feature of it which makes it a protection of the dairy interest. And I say to the friends of the dairy interest that if they vote in this amendment they might as well decline to pass the bill at all, because, although all that has been provided for may be done, the butterine will be sold and it will be a rival to honest butter in the market and will reach the consumer and the consumer will have no means of determining what it is.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. TOWNSHEND. Does the gentleman believe honest butter will not successfully compete with oleomargarine when the purchaser knows it?

Mr. BAYNE. It can not compete with oleomargarine.

Mr. TOWNSHEND. When the purchaser knows it?

Mr. BAYNE. He does not know it.

Mr. TOWNSHEND. He will if this bill is passed.

Mr. BAYNE. I do not care whether the retail grocer knows it, whether the wholesale dealer and the manufacturer know it, they may know it; but the consumers are the persons who ought to be advised. If you will incorporate into this bill some provision like what they have in the State of Vermont, requiring that oleomargarine shall be colored so that when it is put upon the table the consumer will be able to distinguish its color from that of natural butter, then you will have a protection; and for my part you can then make the tax as low as you please—1 mill a pound, if you want to do it in that way. But unless that is done the passage of this bill will be a keeping of the promise to the ear and breaking it to the hope of the farmers of this country if you reduce the tax from 10 cents a pound to 2 cents.

A tax of 10 cents a pound will cause the exportation of this material. I understand that it is being largely exported now. Let us keep this tax on it and encourage its exportation. Let us "build up" our foreign commerce in this way by subsidizing steamship lines, if necessary, and get rid of this "surplus product" to the other countries of the world. [Laughter.] But do not take from this bill its vital force, its efficacy, its protective feature.

Mr. WARNER, of Missouri. Does not the gentleman know that under the provisions of this bill the manufacturer may export oleomargarine without paying the 10-cent tax.

Mr. BAYNE. I know it, and I want it that way. I do not want one cent of tax put upon that which is exported.

[Here the hammer fell.]

Mr. MCCREARY. I move to strike out "two" and insert "five."

Mr. SCOTT. Mr. Chairman, this debate has developed one remarkable fact: The legislative records of gentlemen who have opposed this bill are noticeable for their opposition to monopoly, centralization, and consolidation. Now I wish to call the attention of the House to the fact that the principal protests against this measure have originated not only with boards of trade, but with gentlemen who are controlling and monopolizing many of the great industries of this country. I call attention to the fact that ten or fifteen years ago the article of lard was produced all over the United States by every farmer, and the sale of it was not centralized in any one locality, while to-day if a man desires to engage in any considerable transaction in lard he is obliged to go to the city of Chicago, and there have it dealt out to him by two or three firms who control the lard industry of the country, and at such prices as they may choose to part with it.

The same men who are at present controlling the wheat and corn markets and the lard and the hog products of the United States now propose to control the industry which seeks to displace the legitimate dairy interest of the country. They can not control it until they destroy the farmer. But when they do destroy the dairyman and his industry, when his cows are sold by the sheriff and his farm is sold by the sheriff and the seven millions of men who comprise this industrial class have been driven into bankruptcy and ruin by fraud and the article of pure butter can only be found on the tables of the rich, the wage-worker can have the privilege of buying from these gentlemen who are now appealing to this House a filthy, unwholesome counterfeit or imitation of butter at double the price at which the pure article can be procured if the dairy industry is preserved. I hear gentlemen on this floor saying that the opposition to this bill is in the interest of the wage-worker. If it is, sir, I fail to see it.

I say that this bill is for the purpose of keeping disseminated throughout this country an interest which concerns the health and the comfort and welfare of all the people of the country and giving every man who chooses an opportunity to engage in it.

The distinguished gentleman from Pennsylvania, my colleague, Governor CURTIN, speaks for the Knights of Labor. Other gentlemen on this floor speak in behalf of other classes, but the gentlemen who are opposing this bill have not yet expressed one particle of sympathy with the farmer. I can say to the House that the failure of this bill will put butter or its imitation representative into the hands of the biggest monopoly that exists in this country to-day.

Mr. GLASS. Mr. Chairman, I move to strike out "ten" and insert "one," and I offer that as a substitute for the pending amendment. I offer this amendment in good faith, and pledge myself if it be adopted to vote for the bill; but, sir, I can not vote for any bill that embodies the doctrine of protecting one domestic industry against another. In my interviews with the dairymen I have never heard one of them state that the object of levying this tax on oleomargarine was to bring revenue to the Treasury. On the other hand, all of them have stated that the object was to protect the dairy interest of the country against the injurious competition of these products. Mr. Chairman, I can not commit myself to such a policy. I believe that the internal-revenue system is odious to the people of this country and inconsistent with the genius and the spirit of republican government, and so soon as we approach the payment of our war debt I hold that that system should be swept entirely away from our statute-books. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The amendment offered by the gentleman from Tennessee [Mr. GLASS] is not now in order.

Mr. GLASS. I offer it as a substitute.

The CHAIRMAN. It is not a substitute. It is an amendment in the third degree, and is not in order. The question will first be taken on the amendment offered by the gentleman from Kentucky [Mr. MCCREARY] to the amendment of the gentleman from Illinois. The amendment is to strike out "two" and insert "five."

Mr. LEHLBACH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That is not in order.

Mr. LEHLBACH. Is not debate in order.

The CHAIRMAN. No debate is in order at this time. Debate has been exhausted and the question must now be put upon the amendment to the amendment.

The question being taken, the amendment of Mr. MCCREARY was rejected; there being—ayes 33, noes 90.

Mr. GLASS. May I now offer my amendment as an amendment to the original amendment?

The CHAIRMAN. The amendment of the gentleman is now in order and will be read.

The Clerk read as follows:

Amend the amendment by striking out the word "two" and inserting "one," making the tax 1 cent per pound.

The amendment was rejected; there being—ayes 47, noes 118.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Illinois [Mr. TOWNSHEND], which will be read.

The Clerk read as follows:

In line 3, strike out "ten" and insert "two," so as to make the tax 2 cents per pound.

Mr. BUTTERWORTH. Mr. Chairman, is debate exhausted?

The CHAIRMAN. The gentleman can move to amend the amendment.

Mr. BUTTERWORTH. I move then to amend the amendment by striking out the last word.

Mr. Chairman, it has been proclaimed to this House time and again by the representatives of the great butter industry, by those who speak for the agricultural interests of this country—and I represent that interest with others here—that all that is desired in this matter is such a law as will place the manufacture of oleomargarine separate and apart from the manufacture of butter, compelling the men who manufacture eleomargarine to label or stamp it for what it is, so that it may go to the consumer as oleomargarine and not as butter. Now, there is not a man on this floor who does not know that a tax of 2 cents a pound is ample and more than ample to pay the expense of bringing about that result. Now, Mr. Chairman, I desire to say to this side of the House—we are for protecting American industries against every kind of *foreign* competition—in that we differ from our friends on the other other side——

Mr. BRECKINRIDGE, of Arkansas. The chairman of the committee [Mr. HATCH] has said that no expense would be incurred, and therefore we do not even need a 2-cent tax.

Mr. BUTTERWORTH. I accept the suggestion, even the 2-cent taxation is not required; but supposing a tax of this amount is necessary and is sufficient, I wish to say to my friends on this side of the House, if the time has come when you are willing to wipe out one legitimate domestic industry which but for your antagonistic legislation might survive and flourish, to wipe it out simply because it is the competitor of another domestic industry, you may expect that the specter of free trade will stalk to every town and village of this country within five years, and it ought to, as the inevitable result of the blow you deal at the protective system. [Applause on the Democratic side.]

Now, let me say another thing. If oleomargarine is what gentlemen say it is, the bare exposure of the character of the article, the bare requirement that it shall appear before the country for what it is, is enough to destroy it. If it can not stand on its own merits, it ought to die. If it can survive and flourish on its own merits, there is no right on the part of Congress to strike it down, without other reason than that it has entered the field to compete for favor with another domestic product of the country, no matter whether that other product is of the field, shop, factory, mill, or dairy.

Mr. BAYNE. Will the gentleman vote for a proposition to require this product to be colored pink or blue or some other color which will distinguish it from butter?

Mr. BUTTERWORTH. It is not necessary to color it pink or blue or to stamp on it a fac-simila of the American flag. It is simply necessary that it should pose in its own domain as oleomargarine; and if the people of this country desire to buy it, knowing what it is, upon its merits for what it is, if citizens of the country desire to manufacture it for what it is, selling it in its true character, I deny the right of Congress to wipe it out simply because some other industry finds it in the field as a competitor. [Applause.]

Mr. HATCH. The Speaker informs me that there are several executive communications upon his table which should be presented to the House this evening, and I therefore move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, and had come to no resolution thereon.

REBECCA ELDRIDGE.

The SPEAKER. The Chair lays before the House a communication from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I return without approval a bill originating in the House of Representatives numbered 2145, and entitled "An act for the relief of Rebecca Eldridge."

This bill provides for the payment of a pension to the claimant as the widow of Wilber H. Eldridge, who was mustered into the service on the 24th day of July, 1862, and discharged June 21, 1865. He was pensioned at the rate of $2 per month for a slight wound in the calf of the left leg, received on the 25th day of March, 1865. There is no pretense that this wound was at all serious, and a surgeon who examined it in 1880 reported that in his opinion the wounded man "was not incapacitated from obtaining his subsistence by manual labor;" that the ball passed "rather superficially through the muscles," and that the party examined said there was no lameness "unless after long standing or walking a good deal."

On the 28th of January, 1881, while working about a building he fell backward from a ladder and fractured his skull, from which he died the same day.

Without a particle of proof and with no fact established which connects the fatal accident in the remotest degree with the wound referred to it is proposed to grant a pension to the widow of $12 per month.

It is not a pleasant thing to interfere in such a case. But we are dealing with pensions and not with gratuities.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

Mr. MATSON. I move that the bill and accompanying message be referred to the Committee on Invalid Pensions, and ordered to be printed.

The motion was agreed to.

ELEANOR C. BANGHAM.

The SPEAKER. The Chair also lays before the House the following communication from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I hereby return without approval a bill which originated in the House of Representatives numbered 1582, and entitled "An act for the relief of Eleanor C. Bangham."

The claimant in this case is the widow of John S. Bangham, who was mustered into the service of the United States as a private on the 26th day of March, 1864, and was discharged by General Order June 23, 1865.

It appears that during his fifteen months of service he was sick a considerable part of the time; and the records in two of the hospitals to which he was admitted show that his sickness was epilepsy. There are no records showing the character of his illness in other hospitals.

His widow, the present claimant, filed an application for pension March 12, 1878, alleging that her husband committed suicide September 10, 1873, from the effects of chronic diarrhea and general debility contracted in the service. Upon the evidence then produced her claim was allowed at the rate of $8 a month. She remained upon the rolls until July, 1885, when a special examination of the case was made, upon which it was developed and admitted by the pensioner that the deceased soldier had suffered from epilepsy from early childhood, and that during a despondent mood following an epileptic fit he committed suicide.

Upon these facts it was determined by the Pension Bureau that the pension should not have been granted, and it was withdrawn. It was so satisfactorily proven that the disease which indirectly caused the death of the claimant's husband was not contracted in the service that, in my opinion, the conclusion arrived at on such examination should stand.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

Mr. MATSON. I move that the bill and accompanying message be referred to the Committee on Invalid Pensions and ordered to be printed.

The motion was agreed to.

SIMMONS W. HARDEN.

The SPEAKER. The Chair also lays before the House a communication from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the Senate and House of Representatives:

I hereby return without approval bill numbered 1406, which originated in the House of Representatives, and is entitled "An act granting a pension to Simmons W. Harden."

The claimant mentioned in this bill enlisted as a private December 30, 1863, and was discharged May 17, 1865.

He filed an application for pension in 1866, in which he alleged that he was injured in the left side by a fall from a wagon while in the service.

In 1880 he filed another application, in which he claimed that he was afflicted with an enlargement of the lungs and heart from overexertion at a review. His record in the Army makes no mention of either of these troubles, but does show that he had at some time during his service dyspepsia and intermittent fever.

The fact that fourteen years elapsed after he claimed to have been injured by a fall from a wagon before he discovered that enlargement of the lungs and heart was his real difficulty is calculated to at least raise a doubt as to the validity of his claim.

The evidence as to his condition at the time of enlistment, as well as since, seems quite contradictory and unsatisfactory. The committee to which the bill was referred report that "the only question in the case is as to his condition at time of enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question."

Notwithstanding this declaration it is proposed to allow him a pension of $16 a month, though he has survived all his ailments long enough to reach the age of seventy-two years.

I think upon the case presented the action of the Pension Bureau overruling his claim should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

Mr. MATSON. I move that the bill and accompanying message be referred to the Committee on Invalid Pensions and ordered to be printed.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; when the Speaker signed the same.

Mr. SCOTT. I move that the House take a recess until half past 7 o'clock this evening.

Mr. HAMMOND. If we take a recess until half past 7, will the evening session be for the consideration of pension bills only?

The SPEAKER. The session this evening will be held under the special order of the House.

Mr. MCMILLIN. I ask by unanimous consent that the session this evening be postponed till 8 o'clock. It is difficult for members to get back at half past 7, and few are present at that hour.

There was no objection, and it was ordered accordingly.

The House accordingly (at 4 o'clock and 55 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by the Chief Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 28, 1886.

SIR: Hon. JAMES B. MCCREARY is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Mr. MCCREARY accordingly took the chair as Speaker *pro tempore.*

ORDER OF BUSINESS.

Mr. MATSON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. MCMILLIN in the chair.

Mr. ERMENTROUT. Mr. Chairman, I ask unanimous consent that the privilege be accorded to each member present to call up a bill for consideration before proceeding with the general order.

There was no objection.

ABEL MISHLER.

Mr. ERMENTROUT called up the bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized to restore to the pension-list the name of Abel Mishler, late first lieutenant of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteers, and quartermaster of said regiment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JENNETTE DOW.

Mr. LYMAN called up the bill (H. R. 3363) granting a pension to Jennette Dow; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to enter upon the pension-roll of the United States, at the rate of $8 per month, the name of Jennette Dow, widow of Charles E. Dow, late first sergeant of Company K, Eighty-ninth Regiment of Illinois Infantry Volunteers.

The committee recommend the adoption of the following amendment:

Strike out, in line 5, the words "at the rate of eight dollars per month" and insert "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY RENFRO.

Mr. NEAL called up the bill (H. R. 2358) granting a pension to Mary Renfro, which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Mary Renfro, mother of Mark C. Renfro, deceased, late a private in Company D, Second Regiment Tennessee Volunteers, on the pension-roll of the United States at the rate of $8 per month, according to the rules and regulations governing such cases, said pension to continue during the lifetime of said Mary Renfro.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. TAULBEE) was read, as follows:

The soldier and son of claimant, Mark C. Renfro, enlisted as private in Company D, Second Tennessee Volunteers, September 1, 1861, and was killed in battle July 20, 1864.

Claimant filed application for pension as dependent mother on August 13, 1879, which was "rejected by Pension Office December 2, 1882, on the ground that the soldier at the date of his death left a child surviving him. The soldier was killed July 20, 1864, and it is shown by the testimony of witnesses that his child died July 22, 1864.

The facts are fully shown by the brief as prepared in the Pension Office as follows, to wit:

"Bazzel Hedgcoth and F. M. Narramore testify that they have been acquainted with the claimant and her family for fifty years; was acquainted with the soldier at and before his enlistment, at which time he and his young wife were living with and supporting his parents, and that soldier's wife died about March 8, 1864, leaving a child, Mary F. Renfro, who within a few weeks after died, and that said child was the only child of said soldier; that said soldier was the youngest son of the claimant, and was her only support, and that he did provide for and contribute to her support before and after his enlistment; that claimant's husband, William Renfro, has been totally unable to perform manual labor since the death of the soldier.

"Clerk of court certifies that assessed value of real estate assessed to claimant's husband from 1865 to 1881 varies from $500 to $1,600.

"F. M. Narramore and J. F. Greer testify that the lands assessed to claimant's husband were poor and unproductive, and the title is in dispute, and that income would not be worth $250; that claimant, or husband, has had no income since 1864."

Your committee recommend the passage of the bill with the following amendment: Strike out, in line 7, the words "at the rate of eight dollars per month."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I would like to know who has charge of this bill?

Mr. NEAL. I did not make the report on the bill, but I am ready to answer any questions the gentleman may wish to ask.

Mr. BRECKINRIDGE, of Arkansas. Are you familiar with the facts in this case?

Mr. NEAL. I am not only familiar with the facts in the case, but I know the parties personally as well as the witnesses who have testified to it.

Mr. BRECKINRIDGE, of Arkansas. Has this claimant any other sons, or had she any other besides this one?

Mr. NEAL. Yes, sir; she has several other sons who have families of their own and live in that county.

Mr. BRECKINRIDGE, of Arkansas. What are their circumstances?

Mr. NEAL. They are all in very moderate circumstances. This land spoken of where this man lived is the table-land of the Cumberland Mountains and is very unproductive, as everybody knows who is acquainted with that part of the country and its agricultural character.

If you will notice the report shows that there was a child of this soldier at the time of his death. The soldier was killed in battle and the child died two days after the soldier.

Mr. BRECKINRIDGE, of Arkansas. It is stated that this claim was once rejected by the Department here upon the ground that the soldier left a child. It does not seem that the child was living at the time the application was filed.

Mr. NEAL. No, sir, but at the time that the soldier was killed the child was living, and would have been entitled to the pension which belonged to the father, but the child died two days after. Technically the Pension Office could not grant the claim for a pension to the dependent mother under the law.

Mr. BRECKINRIDGE, of Arkansas. Be kind enough to explain to me the reason of the rejection.

Mr. NEAL. I am not familiar with the pension laws.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask a question in reference to this case, and if the gentleman can not answer it, perhaps some member of the committee will be kind enough to do so. I wish to know why the fact that this child was living upon the date of the soldier's death would militate against the claim of the dependent mother?

Mr. ROWELL. Because that is the law.

Mr. BRECKINRIDGE, of Arkansas. If there was any child living at all at the time of his death?

Mr. ROWELL. Yes; if any child was living at the date of the death of the soldier, that cuts out the dependent father or mother.

Mr. BRECKINRIDGE, of Arkansas. Suppose the child had died prior to the death of the soldier?

Mr. ROWELL. Then the mother would have been entitled to the pension.

Mr. NEAL. I suppose it is true that on technical grounds only the case was rejected. Had the child survived, of course it would have been entitled to the pension; but under the circumstances the committee think that it should go to the dependent mother.

Mr. BRECKINRIDGE, of Arkansas. Now, Mr. Chairman, there are a number of us present here who are familiar with the productiveness of the Tennessee farms and of that country where this land is located. I suppose the gentleman occupying the chair, as well as myself, has traveled over that portion of the country and knows its character. It seems that this claimant's husband has a farm which is assessed at $500 to $1,600. That, it must be apparent, would be the assessed value of a very good farm in that part of the country—of course not a very large farm; but it is also said that this lady has vigorous sons. In addition now to the fact there is this farm, I do not think that this is a just claim upon public charity or shows a dependent condition. They have not lost that farm, but have occupied it since the war, as shown by the testimony cited.

Mr. WEAVER, of Iowa. But the report shows that there is no income.

Mr. BRECKINRIDGE, of Arkansas. Well, there is no income but the crops on farms generally. There is not one farm in a thousand that has an income outside of the crops. In view of the fact that this lady has a number of vigorous children living, who at most would be called upon for a very sparse expression of love and responsibility to care for her, I think under such circumstances it would have a tendency to dry up the well-springs of natural love for the Federal Government to enter upon such charities.

We have never found that gifts of that character help society. I object to the pension upon those grounds. I do not think there is any state of dependency shown. The bill had better be passed over, because I shall require a quorum.

Mr. NEAL. As to the merits of this case and the proof on file, it is unnecessary for me to refer to them at any great length. The gentleman from Arkansas is certainly not familiar with the farming lands, especially on the table-lands, of the Cumberland Mountains where this woman lives. Although this woman has other children, as I have stated, who may be vigorous, still it is well known to every one who is acquainted with the productive character of the farms on those table-lands that it is very difficult for the people there to subsist by farming. There may be 500 acres of land in this tract, and yet as farming land it may not be worth $500. The proof shows all the other children of this woman have left her and have families of their own to provide for. The proof shows that this old lady was dependent upon her soldier son for her livelihood, and only upon the technical ground that this soldier had a child living at the time of his death, which died two days afterward, the claim was rejected at the Department. I think, knowing the facts as I do, this is a meritorious case.

Mr. BRECKINRIDGE, of Arkansas. Has any gentleman possession of the facts as to the expression of the Department in regard to that technical objection? Does the Department state that but for that technical objection they would have granted the pension?

Mr. NEAL. They objected on that ground. That is what is stated in the report.

Mr. BRECKINRIDGE, of Arkansas. The Department does not seem to have intimated that but for that objection the application would have been granted.

Mr. BROWN, of Pennsylvania. The Department never state it in that way. They state the grounds of rejection. They do not state what they might have done had the facts been otherwise.

Mr. BRECKINRIDGE, of Arkansas. Then it is entirely inferential that the Department would have granted a pension otherwise.

Mr. ROWELL. I would like to ask the gentleman from Arkansas a question. Suppose you had a farm worth $500, and suppose you had to hire the labor upon it, how much would be the income? What per cent. of the value of the farm would be the income? Would it be over 10 per cent.?

Mr. BRECKINRIDGE, of Arkansas. A farm assessed at $500 is worth a good deal more.

Mr. ROWELL. That depends on the State you are in.

Mr. BRECKINRIDGE, of Arkansas. We know as a general rule that property is not assessed at more than one-third of its value.

Mr. ROWELL. In Massachusetts they assess it at 100 per cent. of its value.

Mr. BRECKINRIDGE, of Arkansas. We have no evidence in this case that the property is assessed at 100 per cent. of its value. The general rule is to assess it at one-third of its value.

Mr. ROWELL. The value of the land is generally measured by the amount of income it would bring.

Mr. BRECKINRIDGE, of Arkansas. And the income of a farm is always the income over and above the living.

Mr. ROWELL. The income of a farm is what it will bring after hiring the labor. If a man works his farm and puts his own labor upon it the amount of what would be his wages is taken into account in estimating the value of the farm. Measured by the income it will bring, a farm worth $1,000 may bring an income of $50 net; and that would not be a large support for this woman.

Mr. BRECKINRIDGE, of Arkansas. I would call that a very small income. But we know this, that when labor is hired on a farm like that they raise what they consume; they raise their hogs; they have their cows, their orchard, &c.

Mr. ROWELL. Suppose you were to rent it, would not that be a way of estimating the income of such a farm?

Mr. BRECKINRIDGE, of Arkansas. I ask the gentleman to wait a moment. I am demonstrating this from the standpoint from which the gentleman from Illinois [Mr. ROWELL] was looking at it. They have their garden; they have their living from the farm in nearly every particular; and whatever income they have is something over and above the cost of living; it is surplus wealth. That is the way in which farmers estimate their income. They do not estimate the cost of living in the income. I think the gentleman from Illinois is enough of a granger to know that as well as I do.

Mr. ROWELL. I do not estimate it in that way. If a man works his farm, what he earns upon it by his labor is deducted from the account as wages. The income above that is its rental value, and any farm that will pay 5 per cent. net is a good farm.

Mr. BRECKINRIDGE, of Arkansas. My disposition is in every pension case to give the benefit of the doubt to a claimant. I understand the gentleman from Tennessee [Mr. NEAL] to say he knows the claimant.

Mr. NEAL. It has been twenty years since I saw her. I saw her there while attending to a lawsuit. Her husband was then a magistrate. He is still living and both are over eighty years of age And I know the land.

Mr. BRECKINRIDGE, of Arkansas. Is the land poor?

Mr. NEAL. It is poor, as all the land on the table-lands of the Cumberland Mountains is.

Mr. BRECKINRIDGE, of Arkansas. I am familiar with that country myself, and I will ask the gentleman this: Do you believe this is a worthy case?

Mr. NEAL. I believe it is, otherwise I would not have presented it.

Mr. BRECKINRIDGE, of Arkansas. Do you think she is in a condition of dependency?

Mr. NEAL. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the objection.

Mr. BRADY. I should like to ask the gentleman from Arkansas a question. The gentleman spoke in a low tone of voice, but I understood him to say in discussing the question that he regarded a pension as public charity.

Mr. BRECKINRIDGE, of Arkansas. I expressed no such opinion as that. I look upon a proper pension as a public duty.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABRAHAM POINTS.

Mr. HEPBURN. I call up the bill (H. R. 8556) granting a pension to Abraham Points.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Abraham Points, late a private in Company C, Forty-second Regiment Missouri Infantry, and now a resident of Allerton, Iowa, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I should like to hear the report in that case.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8556) granting a pension to Abraham Points, have considered the same, and beg to report:

This soldier was a private in Company C, Forty-second Missouri Volunteers. He filed his declaration for pension December 2, 1878, alleging that at Tullahoma, Tenn., in February, 1865, some comrades caught hold of him in a playful way and threw him down, injuring his left arm so badly that the elbow-joint became anchylosed, and has so remained to this date. He also alleges that at Shelbyville, Tenn., in the fall of 1864, his eyes became sore, and so continued until the left eye is nearly blind and the right very much affected. His claim was rejected by the Pension Office "on the ground that the disabilities for which pension is claimed existed before enlistment."

The rejection seems to have been based upon the result of a special examination, in which it was elicited that claimant, when a child, had his arm dislocated, and at one time had sore eyes; but it is also very clearly proven that this early injury to arm never disabled him from the performance of all kinds of hard manual labor, and that the elbow was not stiff when he enlisted, nor during his service, until the accident alleged, his officers swearing that he always drilled and could handle his musket as well as any one up to the time of the injury to his arm.

The soundness of his eyes at enlistment is proven by affidavits of his officers and of the physician who examined him at enlistment.

Capt. Peter Thompson and Lieut. N. H. Wykoff, both of soldier's company, testify to the fact of the playful scuffle in which claimant was injured; that the soldiers were not excited, nor angry, nor under the influence of liquor. They also both testify to incurrence of sore eyes and their continuance until discharge.

The continuance to the present date of both disabilities is well authenticated by neighbors and by physicians. The latest medical examination gives the following:

"Granular conjunctivitis lids of both eyes, and considerable opacity of both corneæ. At times vision so obscured that can not see to perform manual labor; disability one-half. Has anchylosis of left elbow-joint; limb semi-flexed; pronation and supination lost; no pain in part; one-fourth.

"A. H. WRAY, *Examining Surgeon*."

Your committee find that this soldier was disabled in the service, and from no fault of his; his disabilities have been continuous and still exist. They believe he should be pensioned, and therefore recommend the passage of the bill.

Mr. GIBSON, of West Virginia. Mr. Chairman, I think we have arrived at a stage in the action of Congress upon these pension matters when this House ought to stop for a moment to consider how far in the discharge of their public duties they can go in voting away the money of the people in the form, not of pensions, but of gratuities. The report just read shows a case presenting this state of facts, that the injuries received by the applicant for a pension did not in any way or degree arise from the discharge of any military duty. They were such injuries as are incident to any condition of civil life and such as might occur whether the party was in the Army or out of it. Without assigning any reason why military duty brought upon him sore eyes, this man claims a pension because his eyes got sore, and also because, in skylarking or playing a game, he received other injuries. Now, Mr. Chairman, I submit that the claim here made far exceeds any claim that any soldier has a right to make upon his country, and in calling the attention of the House to the facts of this case, I want to call attention also to the character of our legislation generally upon this sub-

ject. I do not mean to deal unkindly with the Committee on Invalid Pensions; I do not mean to deal unkindly with anybody in this House, nor with any side of it. I do not desire to wound or shock the feelings, the sympathies, or the sentiments of anybody, but I do desire, in a calm unimpassioned manner to put in as condensed form as possible some statements that may go to the country showing how we legislate here upon the subject of pensions.

I start out with the proposition that the granting of pensions by this House is done usually by less than twenty men.

Mr. ZACH. TAYLOR. Then why does not the gentleman attend these pension sessions and make the number twenty-one?

Mr. GIBSON, of West Virginia. I will tell you directly. I say the granting of pensions is usually done by less than twenty men, and of those twenty men it is safe to say that not more than two have ever read the bills or the reports that are presented here to be acted upon.

In this statement I include the members of the Committee on Invalid Pensions, and I say that as a rule not more than two out of the twenty could make any statement of any given case if called upon.

Mr. GALLINGER. How does the gentleman know that?

Mr. GIBSON, of West Virginia. More than two-thirds of these pension cases are passed without even the report made by the subcommittee being read to the House.

As illustrations of this what have we seen? I stood here at the last session of this House and witnessed action on the case of a soldier who forty-four years ago enlisted in the regular Army, and in "the piping times of peace," in the State of New York, was granted leave of absence for twenty-four hours, went off, got on a spree, lay out at night, had his fingers frost-bitten and had them amputated by the surgeon. Forty years after that amputation that man came here and asked for a pension. It was granted to him as a man who had been disabled in the service of his country, and the Committee on Invalid Pensions recommended and pushed that case through this House under the operation of the previous question.

Mr. ROWELL. Will the gentleman please state how the Committee on Invalid Pensions got jurisdiction of that case?

Mr. GIBSON, of West Virginia. I do not know, sir.

Mr. STRUBLE. Was the gentleman present when the case was acted upon?

Mr. GIBSON, of West Virginia. I was, sir.

Mr. HAYNES. I wish the gentleman would state where he gets his facts.

Mr. GIBSON, of West Virginia. I got my facts from the report made by the committee to this House.

Mr. HAYNES. Mr. Chairman, I would like to ask the gentleman from West Virginia whether he means to say that in any report made by the Committee on Invalid Pensions the statement has been made that any applicant or any proposed beneficiary of any pension bill introduced here went off and got on a spree and had his fingers frozen off. I have heard every report read in that committee and I do not know of any such case, and I will say, in defense of the Committee on Invalid Pensions, that every report that is made upon a case is read to the full committee and passed upon by the full committee.

Mr. GIBSON, of West Virginia. I do not yield for a speech. Gentlemen, if you want to speak you will have your own time. If you want to ask questions, I will answer them.

Mr. GROUT. Will the gentleman give the name of the case to which he has referred?

Mr. GIBSON, of West Virginia. I do not remember the name, but I will tell the facts, and the chairman of this committee knows of the facts.

Mr. PERKINS. I would like to ask the gentleman if it is not probable that he is mistaken in regard to the committee. Is it not the fact that the Committee on Invalid Pensions has no jurisdiction of such cases?

Mr. MATSON. Mr. Chairman, I wish to ask the gentleman from West Virginia whether he referred to me when he said just now that the chairman of the committee knew the facts of the case as he has stated them?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. MATSON. Do you say that I know those facts?

Mr. GIBSON, of West Virginia. Were you not present when the case was acted upon?

Mr. MATSON. I was not, and I never heard of any such case until you mentioned it here. [Laughter.]

Mr. STRUBLE. Was not that a case in the last Congress?

Mr. GIBSON, of West Virginia. I said it was in the last Congress.

Mr. HAYNES. Was it not something you dreamed of?

Mr. GIBSON, of West Virginia. I am willing to answer questions, but I do not want impertinence.

Mr. MATSON. I understood the gentleman from West Virginia to say that it was at the last pension session of this House.

Mr. GIBSON, of West Virginia. No; I said at the last session of Congress.

Mr. MATSON. If the gentleman refers to anything that transpired in the last Congress it is impossible for me to remember with accuracy, but I understood him to refer to the last meeting of this House.

Mr. GIBSON, of West Virginia. Well, I will call your attention to the case.

Now, Mr. Chairman, that report was made; the bill came before this House at night. I objected to it, and spoke against it, but said I did not desire to take the responsibility of defeating a pension bill; that all I wanted was a vote of the House. The promise was made, as the RECORD shows, that there should be a discussion of the question in the House next morning; and I left the House that night with that understanding. But when the bill came up in the House next morning the previous question was called, and though I desired to speak on the question and oppose the bill I was refused that opportunity, and the case was passed.

Now, I follow up that case with another. A soldier professed to have been hurt in the State of Florida forty years before by having a barrel roll over him while he was unloading a boat. He came to this House, and this committee at this session of Congress reported not only in favor of granting him a pension, but the report granted him arrearages for forty years; and but for my calling attention to that fact, and protesting against it, the bill would have passed granting him arrearages for forty years. When I called the attention of the committee to it the gentleman from Virginia [Mr. BRADY] frankly stated that it was an error, that the committee had not intended to make such a report.

Mr. BAYNE. Will the gentleman allow me a moment?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. BAYNE. As I understand, cases of the class about which the gentleman is talking belong not to the Committee on Invalid Pensions but to the Committee on Pensions; and the session of the House to-night is not for the consideration of cases reported from the Committee on Pensions.

Several MEMBERS. Oh, yes, it is.

Mr. BAYNE. Well, I thought it was not.

Mr. GIBSON, of West Virginia. I do not remember whether these reports to which I have referred came from the Committee on Invalid Pensions or the Committee on Pensions; but I am talking about the action of the House upon the subject. Now, here are two cases in which forty years ago——

Mr. BRADY. Will the gentleman pardon me a moment? I am sure he does not want to misrepresent that case which I reported.

Mr. GIBSON, of West Virginia. Certainly not.

Mr. BRADY. I think the gentleman is mistaken in his statement. The committee had agreed not to grant arrears of pension, because it has been the invariable rule of the Committee on Pensions, as well as the Committee on Invalid Pensions, in the present Congress not to grant arrears of pension.

This bill in that form was submitted through inadvertence and mistake, and I was about to take the floor to call attention to the fact when the gentleman from West Virginia mentioned it, and as soon as he did so I stated to him frankly at the time as I have since that there was an error in making the report.

Mr. GIBSON, of West Virginia. Why, Mr. Chairman, that is just what I said. I stated that when I called the attention of the House to the matter the gentleman from Virginia very promptly and frankly stated that the report was made through inadvertence, and that the committee had not intended to make such a report. But that does not do away with the fact that such a report was made, nor does it do away with the fact that the attention of the committee——

Mr. BRADY. Will the gentleman permit me one further remark? The report itself did not report in favor of allowing arrears, but the portion of the bill providing for that, through some inadvertence of the printer or some one else, was not stricken out.

Mr. GIBSON, of West Virginia. Still, Mr. Chairman, the fact is not altered that these pension matters do not receive proper consideration in this House; that they are passed with undue haste and without proper regard to the rights of the people in the matter.

What is the state of affairs which we find existing to-day? Over 20 per cent. of all the revenues of this great Government is now being paid in the shape of pensions. There is pending in the other House, with a probability of passage, a bill providing for an additional class of pensions which will increase that amount $25,000,000 annually.

Mr. ROWELL. That bill has already passed the other House.

Mr. GIBSON, of West Virginia. Then a bill has already been passed there increasing the amount of these pensions $25,000,000 annually, making over one-third of the revenues of this Government annually diverted from the business of the country to be paid in the shape of pensions. Add to this further legislation in the other House, which will probably pass, entailing upon the public Treasury an expenditure of $244,000,000 to be paid in the shape of arrearages; and we shall have granted in one single year by acts of Congress a greater sum than is raised by all sources of revenue from the sixty million people of this country.

Mr. PERKINS. We will be in debt.

Mr. GIBSON, of West Virginia. Yes, sir; we will be in debt.

Mr. PERKINS. That is why we want a tax on oleomargarine. [Laughter.]

Mr. WARNER, of Missouri. Does the gentleman by his argument mean to imply we should stop paying any pensions?

Mr. GIBSON, of West Virginia. If you gentlemen will not continue to interrupt me I will answer all these points before I get through.

Mr. WARNER, of Missouri. I thought you yielded to me for a question.

Mr. GIBSON, of West Virginia. There is no use asking me questions on a subject upon which I must express myself necessarily in the line of my argument before I get through.

Mr. WARNER, of Missouri. I do not wish to interrupt the gentleman without his consent.

Mr. GIBSON, of West Virginia. Here is the remarkable spectacle of more than the revenue of this Government in one single year proposed to be paid out for pensions.

Now, the theory of pensions is not one of gratuity, or bounty, or compensation. It is not intended by pensioning a man to compensate him for his services. No government under the sun so construes it. This Government does not so construe it. But, on the contrary, the theory of pensions is that when a man has become disabled in the performance of his duty then the Government will not let him suffer but will take care of him. And the taking care of him simply means provision for him in the future and not paying him for any service in the past.

We have need, sir, of money for other purposes. This Government has great need of money for a great many other purposes. We have great need of money for military purposes. We are to-day without any sufficient navy to defend any portion of our seacoast or any portion of our country or any portion of our commerce from the inroads of an enemy. We are to-day in that position we do not dare resent the insult any nation may put upon us or injury it may do our commerce. And yet in this condition, when we are without money for those necessary purposes, we are asked to continue to pay out the money needed for the protection of our seacoasts which are now defenseless. We have no ordnance, nor have we any of those things which are necessary for our defense because large sums of money——

Mr. JOHNSTON, of Indiana. Will the gentleman yield to me for a question?

Mr. GIBSON, of West Virginia. I do not like to be so discourteous as to refuse to yield for a question, and I hope gentlemen will show the same courtesy to me on the other side and not expect me to yield.

Mr. JOHNSTON, of Indiana. What has become of the surplus in the Treasury a year ago?

Mr. GIBSON, of West Virginia. I am not undertaking here to make a partisan speech.

Mr. GALLINGER. The country will judge of that.

Mr. GIBSON, of West Virginia. Nor will I be dragged into a speech of that sort. There are many things I might say about the Republican rule if I chose to go into that subject.

Mr. WEAVER, of Iowa. Do not do that. [Laughter.]

Mr. GIBSON, of West Virginia. No; I will not. But, Mr. Chairman, I simply desire to call the attention of the House to this character of legislation and to urge better attention be paid to it.

What did we see at the other end of the Capitol quite recently? We saw two or three hundred pension bills passed in a bunch without being read. We are pursuing the same policy here now. Gentlemen on the other side want to know if I think this Government ought to stop paying pensions. I tell them no. There is no man who has worked harder to secure legitimate pensions to his constituents during the last six years than I have done for my constituents, and the records of the Pension Office will show it. I think every man entitled to a pension ought to have one. I think every man disabled in war should have a pension. I think every man disabled by reason of his service should have a pension.

Mr. WEAVER, of Iowa. The gentleman from West Virginia says, as I understand him, that every man entitled to a pension ought to have it. I ask him to yield to me to call up the case of a man who ought to have one. [Laughter.]

Mr. GIBSON, of West Virginia. I want to know whether the case here reported comes within the provisions of the rule. The injury was not caused in the military service. He was not on the march. He was not complying with any order. He was not carrying any musket. He was not, in fact, rendering service that would entitle him to a pension. If every man who received an injury while in the Army from one cause or another entirely disconnected with the military service is to be pensioned where are we to stop? Is it not right we should draw the limit somewhere? Is it not right we should confine that limit to injuries received while actually in the performance of military duty?

If the House would do that I am certain that there is nobody, on this side at least, who would raise his voice against it. If the House would do that, so far from raising a voice against it I would gladly help the system. But I do think it right, in view of the vetoes of the President and the attention he has called to the cases which have passed the House, that some more consideration should be given to these matters, for it shows that we are passing this bill without due consideration. Now, I think if the committee——

Mr. BROWN, of Pennsylvania. We are certainly giving this bill reasonable consideration. Does not the gentleman think so?

Mr. GIBSON, of West Virginia. That is exactly what I want to do. I think if the Committee on Invalid Pensions would give a little more attention to these matters, if the House here, when they come to act upon them, would give a little more attention, the result would be to remove a great and crying objection to this pension system, and so far from hurting the interests of the soldiers, those who have a real interest in the pension laws, it would help them in gaining their pensions. That is all I have to say. It is, as I said before, only with a view to the public interests, and no desire of calling in question any man's intentions or wounding any sentiment, nor is it for the purpose of making any partisan speech, but simply to protest against this unlimited and apparently indiscriminate granting of pensions without due and proper consideration.

Mr. MATSON. Mr. Chairman, the criticisms and strictures which have been made by the gentleman from West Virginia upon the Committee on Invalid Pensions are unjust, as I propose to show the House. When he says that the Committee on Invalid Pensions bring in bills here and that no man on the committee but one or two know anything about the facts of the cases so reported, he is simply mistaken. No bill, not one that has ever been reported from the Committee on Invalid Pensions to the House while I have been the chairman of it at least, has had ever less than eight members of the committee—a quorum—present, who have heard the whole report read, and made a careful investigation and passed upon the bill. Not a single bill has passed otherwise. If anything else than that had been done a rule of the House, and a parliamentary rule, would have been violated by the committee. I do not think the gentleman from West Virginia meant to charge that.

The fact is, and I repeat it, that there never was a single bill reported to the House that has not had the careful consideration of at least eight members of the committee; and in addition let me say that committee has had a session on every Tuesday and every Friday during the whole session of this Congress up to this time, and usually, I may say, at nearly every session more than eight members are present and frequently the whole committee. That committee has been at work. It has reported a large number of bills to the House. Do gentlemen complain because the Committee on Invalid Pensions reported bills that have been referred to them? The Committee on Invalid Pensions was organized for that purpose. We are organized to consider these bills, and give the relief asked for, where the facts warranted it, in such cases as could not be passed under the general law by the office because of some technicality. We are trying to discharge that duty conscientiously and faithfully, and that committee-room is the workshop of the House. There is more work done there I think, and I do not say it boastfully—for very possibly I do not do my share of it—than is done by any other committee.

Mr. GIBSON, of West Virginia. Will the gentleman permit me to ask him a question?

Mr. MATSON. Certainly.

Mr. GIBSON, of West Virginia. I will ask the gentleman if all the pensions of certain States are not referred to subcommittees of two or three?

Mr. MATSON. They are referred to committees of one; each member of the committee having charge of the pensions from a State.

Mr. GIBSON, of West Virginia. Then I ask if that subcommittee is not in the habit of examining the papers and reporting the facts to the whole committee?

Mr. MATSON. It is.

Mr. GIBSON, of West Virginia. I want to ask then if it is not true that this subcommittee makes the reports, takes the papers and acts upon them and the report is made to the committee and the evidence of the case is considered only by the subcommittee, and then the committee acts upon that report whether it be correct or not?

Mr. MATSON. Wherever a question is raised ——

Mr. GIBSON, of West Virginia. The gentleman does not answer my question.

Mr. MATSON. You do not allow me to answer it.

Mr. GIBSON, of West Virginia. I am not asking the gentleman where a question is raised; but I am asking him as to the mode of passing the bills through the committee?

Mr. MATSON. You do not give me the opportunity of answering.

Mr. GIBSON, of West Virginia. Very well. Then I will yield to the gentleman.

Mr. MATSON. I say wherever there is a question at all about the case, where any one member of the committee raises any objection at all, the papers are all handed in and examined by the member, and it is frequently done in the committee. One member wishes to know some fact in reference to a case, and the papers are handed him and he is asked to look at it and investigate it. The matters are not considered loosely by the committee or loosely, either, by the House. If they are, it is the fault of the members themselves who do not attend the sessions of the House to consider them. Certainly it is not the fault of the committee if they do not come here at these evening sessions. It is not certainly to be expected of the members of the committee who come here and attend these evening sessions that they will call for the reading of the report in each case, but if any gentleman desires that, we are always glad to have it done and to have a discussion upon these questions. But we do not want to be criticised when we are not fairly open to criticism.

Mr. PERKINS. Will the gentleman permit me to ask him a question? Is it not a fact that this House has passed with a quorum present bills reported adversely by the Committee on Invalid Pensions?

Mr. MATSON. That has been done in several instances. Where we have reported adversely bills for the increase of pension they have been passed by the House with a quorum present. And I will say to the gentleman from West Virginia that we have reported more bills adversely than we have favorably. There have been now already referred to that committee about four thousand bills by this House; and of those that we have considered more have been acted upon adversely than have been acted upon favorably. I will not say the reports have been made in that proportion, but there has been adverse action more frequently than otherwise. Members say to the members of the committee, "Let the report lie; do not make an adverse report."

Mr. GIBSON, of West Virginia. I desire still to repeat my question to the gentleman from Indiana, and to ask him if it is not the rule in his committee—I am not talking about the exception, where some man raises a question—if it is not the rule in his committee where one single member examines the case and makes a report, then that report is taken as the report of the whole committee?

Mr. MATSON. If they vote for it, it is; but if there be any objection, it is not.

Mr. GIBSON, of West Virginia. But is it not the rule that objections are not made on the report of a subcommittee?

Mr. MATSON. It is impossible for me to say in what per cent. of the cases reported objections are raised. But that is the rule in all committees, just as in the committee over which the gentleman from West Virginia himself presides; if no objection was raised when the matter was brought before the committee he would not, I am sure, say it was improper if no objection was made that the report should be agreed to. And so it is here. There is this about it, Mr. Chairman, if there is a dishonest man on that committee, and he is willing to state facts in his report that do not exist, he might practice a fraud upon the committee and upon the House. But I think I know, and I believe the gentleman from West Virginia will say, that there is not a member of that committee, nor do I believe there is a member of this House, that would upon his solemn oath as a member of the House state in his report a fact that did not exist. That is all there is of it.

Mr. GIBSON, of West Virginia. There was no intention on my part to make any personal reflection upon any member of the committee.

Mr. MATSON. I understand that.

Mr. GIBSON, of West Virginia. I simply called the gentleman's attention to what I have understood and have reason to understand was the rule of action upon this subject; and I desired to call the attention of the House to the fact that I did not consider that they are giving due consideration to cases involving so much of the public money.

Mr. MATSON. I want to say to the gentleman from West Virginia that that rule is the same rule which obtains in all other committees so far as I know. I have never heard of any other. It is impossible, as every member of this House knows, where so many bills are placed before a committee, or even a much less number—it is impossible for the whole committee, for every one of its members, to go into the details of every case. The gentleman himself must see how entirely impossible that would be. But any criticism that comes from the gentleman from West Virginia or from any other source, I care not where, upon this committee as having not fairly and fully considered the bills that are sent to it to be considered by the House is unfair and unjust, because I know what has been the work of that committee—of all of them more perhaps than myself; but I shall not remain silent and hear it said that committee has been derelict in its duty when it has already reported to this House some seven hundred bills. I imagine the complaint is not that we have not done work enough, but rather that we have done too much work.

Mr. WHEELER. I regret very much to see the attitude taken by the gentleman from West Virginia. I agree with him fully that this House ought to do all that can be done to protect the honor of our country and to improve our Army and our Navy; but it is also important in that same line that we should take scrupulous care, and I believe the Committee on Invalid Pensions has taken scrupulous care, to show to the country that any man who risks his life in battle shall have a proper pension given to him in case he is injured, or in case he is killed that his family shall be provided for. While I express those sentiments, I think every gentleman in this House will admit that I have done, while I have had the honor of being a member of Congress, as much as was possible by my feeble efforts to sustain the honor of our country and protect the honor of every officer of our Government and to see that all soldiers receive their just compensation. While people may not think that I take that view on account of certain circumstances that have transpired in this House, I wish to say a word in regard to what has transpired while considering the Army bill.

The Clerk read as follows:

For the Subsistence Department and for one Commissary-General, two colonels three lieutenant-colonels, eight majors, twelve captains (mounted), and additional pay for one hundred and forty acting commissaries, $79,500.

Mr. HEPBURN. I move to amend by striking out the paragraph just read; and I give notice that at the proper time I shall move to strike out the paragraphs beginning respectively on lines 100, 113, 116, 120, and 124.

Mr. BAYNE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. It is very evident that the gentleman from Alabama proposes to discuss a subject that is not properly before the committee. The Committee of the Whole at these Friday evening sessions has a special jurisdiction confered by the order of the House. That jurisdiction is to consider cases reported from the Committee on Pensions, from the Committee on Invalid Pensions, and from the Judiciary Committee with reference to relieving persons from political disabilities. Any other subject than subjects which are reported from one of those committees is not properly before us at these Friday evening sessions, and the situation of the Committee of the Whole here is entirely different from what it is when the House resolves itself into Committee of the Whole——

Mr. WHEELER. Has the gentleman read my speech?

Mr. BAYNE. Wait a moment.

Mr. WHEELER. Will you answer that question, please?

Mr. BAYNE. Wait a moment. I say, Mr. Chairman, that our situation at these Friday evening sessions is entirely different from what it is when the House resolves itself into Committee of the Whole for the consideration of bills generally, and when almost any subject may be discussed. It is quite evident from what the gentleman from Alabama has already said, that he proposes to discuss the Army bill, or some controversy that arose while the Army bill was under consideration in the House, and I submit that the discussion of a question of that sort on this occasion is out of order.

The CHAIRMAN. The Chair will state in reference to the point of order made by the gentleman from Pennsylvania [Mr. BAYNE] that the business of this evening session is the consideration of pension cases. The Chair, however, is not able to anticipate what will be said by any speaker. The gentleman from Alabama [Mr. WHEELER] knows the order under which this session is held, and will proceed in order, confining himself within the limits prescribed by the order of the House.

Mr. WHEELER. Mr. Chairman, I shall endeavor to do so, but I think some explanation is necessary to sustain what is said in the opening of my remarks. As I was about to say, the gentleman from Iowa [Mr. HEPBURN] in carrying out this intention made four additional motions to strike out the other paragraphs as they were successively reached. The chairman of the Committee on Military Affairs, General BRAGG, explained to him and to the House that all these appropriations were for the pay of officers who held their positions under existing laws, and that our failure to appropriate would not lessen the liability of the Government to the officers referred to.

The gentleman from Iowa had been very prominent in attacks upon the bill to provide for improving our rivers and harbors. He had used his best efforts to destroy many of the essential features of that measure——

Mr. BAYNE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. My point is that the gentleman from Alabama is not discussing any subject before this committee.

The CHAIRMAN. The gentleman from Alabama states that his purpose is to illustrate his views of the question under consideration. There is necessarily a good deal of latitude allowed in debate, but the gentleman from Alabama will confine himself to the question before the committee.

Mr. BAYNE. Mr. Chairman, I have heard with pleasure the remarks of the gentleman from Alabama, especially his opening remarks, and I have no doubt that he means what he then said, but I hope he will not precipitate a discussion of this sort upon this occasion. There is no knowing where it will end, and the consideration of pension business may as well be given up if this sort of discussion is to be brought into these Friday evening sessions.

Mr. WHEELER. I will state to gentlemen that I am willing to sit here until 11 o'clock to-morrow to vote on every bill that comes up.

Mr. GALLINGER. But some of us will get pretty weary in the mean time.

Mr. ZACH. TAYLOR. To-night has been set apart for the special purpose of considering pension bills; and as a member of the Pension Committee, who always attends these Friday night meetings, I protest against a long debate on a question not before the House.

The CHAIRMAN. Some latitude is of course allowed to a member in debating any question; but the gentleman from Alabama will please confine himself to the business before the committee under the order of the House.

Mr. WHEELER. The RECORD shows that he made twenty different speeches in his continued and repeated assaults upon the bill; and when this amendment to the Army bill——

Mr. STRUBLE. Now I rise to a point of order. My point is the same as that which has already been made by the gentleman from Pennsylvania. It is evident that the gentleman from Alabama is not speaking in order. I understand very well that my colleague [Mr. HEPBURN] does not want any better fun than to have a discussion with the gentleman from Alabama, but I also know he does not desire that the time of this Committee of the Whole on this occasion or any other Friday night shall be taken up with such discussion. I hope, therefore, that the gentleman from Alabama will realize the importance of going on with the business set for this evening.

The CHAIRMAN. The gentleman from Alabama will proceed in order.

Mr. WHEELER (resuming). And when this amendment to the Army bill was coupled with the assertion that the next five paragraphs would be attacked by him, were we not justified in our belief that the gentleman intended an assault upon every feature of the bill then being considered, the only effect of which, if successful, would have been to embarrass and block the machinery of the Government?

Mr. DOCKERY. Now I ask the Chair to interpose. The point of order has already been made by the gentleman from Pennsylvania and the gentleman from Iowa. I make the same point and insist that the Chair should require the gentleman from Alabama to confine himself to the question under consideration.

The CHAIRMAN. The Chair has already stated, and he supposed the gentleman from Missouri [Mr. DOCKERY], as well as others, has observed the fact, that the order of business of to-night is the consideration of reports made from the Committee on Pensions and the Committee on Invalid Pensions and bills for removing political disabilities. Objection has been made to the gentleman from Alabama proceeding with anything outside of that order. The Chair admonishes the gentleman from Alabama to proceed in order under the special order made for the transaction of business to-night.

Mr. WHEELER. I do not wish to occupy any time of this House which would be used in passing pension bills——

Mr. BAYNE. I desire to submit to the gentleman from Alabama a question.

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. WHEELER. I yield for a question.

Mr. BAYNE. Does the gentleman from Alabama propose to discuss the bill now before the House?

Mr. WHEELER. I propose, after this explanation, to discuss the bill before the House and advocate it. After the remark of the gentleman from Pennsylvania, however, I will say that if agreeable to gentlemen of the committee, I will postpone my speech until after we have acted on these bills, if then I can proceed——

Several MEMBERS. Very well.

Mr. WHEELER. If gentlemen will wait here and hear me.

Several MEMBERS. Certainly.

Mr. ZACH. TAYLOR. I will agree to wait with pleasure.

Mr. HEPBURN. The report in this case shows that early in 1865 the soldier named in the bill, while at Tullahoma, Tenn., was standing in camp, when some of his comrades playfully seized him, and he engaged in a scuffle trying to get loose from them. There was no drunkenness, no anger on the part of any of them; but in the scuffle, in his effort to get loose, he received a hurt to his elbow, which resulted in a permanent injury. The joint is anchylosed, and he has no use of it. It also appears that he contracted sore eyes while in the service, and they have continued from that time to this. These facts are proved by the evidence of his captain and lieutenant. There is no controversy about them. But he had sore eyes before he went into the service; and when a small child he fell and injured his elbow. Although it was proved that he had perfect use of his elbow up to the time of this last injury, though he could go through the manual of arms without difficulty, could perform all the duties of a soldier, and although he had no sore eyes for years previous to his service nor until near its close, yet because of these antecedent difficulties the Department elected to say that the injuries were not incurred in the service, and upon that ground solely refused to grant him a pension, assuming the fact that the injuries were pensionable, provided they had not existed antecedently to his enlistment.

The CHAIRMAN. The question is on the motion to lay the bill aside to be reported favorably to the House.

The motion was agreed to.

CORNELIA R. SCHENCK.

Mr. MAYBERRY. I call up the bill (S. 1584) for the relief of Cornelia R. Schenck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Conelia R. Schenck, widow of Daniel F. Schenck, late captain of the Fiftieth New York Engineer Corps.

Mr. GLASS. Mr. Chairman, I know it is a very ungracious task to raise the point of no quorum. Yet I doubt whether this House ought to pass a solitary pension bill where the case has been rejected by the Commissioner of Pensions. We have been traveling in this direction at a very rapid and very reckless pace, and I do not think it proper for two or three dozen members to assemble here and pass forty or fifty pension bills during one evening.

Mr. ZACH. TAYLOR. Will my colleague allow me a question?

Mr. GLASS. Yes, sir.

Mr. ZACH. TAYLOR. As my colleague has spoken of the small attendance at these night sessions, I will ask whether this is not the first Friday night session that he has ever attended?

Mr. GLASS. I think this is the first night session I have attended, because my constituents are satisfied if I come here and work industriously and honestly in the daytime without returning at night.

Mr. NEECE. Will the gentleman permit me to interrupt him to make a statement?

Mr. GLASS. I will hear the gentleman from Illinois.

Mr. NEECE. Many of these cases we are passing have been recommended by the Commissioner.

Mr. HAYNES. Exceptional cases.

Mr. NEECE. Yes, exceptional cases, and which would have been allowed by the Commissioner, but within the limitations of the law it was impossible for the claimant to secure his proof in time.

Mr. GLASS. The Commissioner of Pensions has particular facilities for ascertaining the proof in these cases. He has much better opportunity, therefore, to act upon them than a few members here in this House.

Mr. HAYNES. What additional facility has the Commissioner of Pensions than are possessed by the members of this House?

Mr. GLASS. Under the law he has agents who go in the region of country where the claimant resides and they report the proof in each case to the Pension Office.

Mr. HAYNES. I want to ask the gentleman from Tennessee whether the Committee on Invalid Pensions has not precisely the same testimony which is before the Commissioner of Pensions?

Mr. GLASS. In the matter of passing these pension bills it is done here, in my judgment, without due consideration.

A MEMBER. Perhaps that is true.

Mr. GLASS. Few members know what is transpiring when the House is considering these cases.

Mr. FARQUHAR. Does the gentleman speak from actual knowledge or is that merely his inference?

Mr. GLASS. I have been here in daytime when the House has been passing upon these pension cases, and I do not think when these bills were being passed there were a dozen votes on either side and possibly there were not two dozen members in the House who knew what was going on.

Mr. SOWDEN. Will the gentleman permit me to interrupt him?

Mr. GLASS. Yes, sir.

Mr. SOWDEN. Does the gentleman know——

Mr. GLASS. I am a new member.

Mr. SOWDEN. So am I. [Roars of laughter.]

Mr. GLASS. I have hesitated to make this new point.

Mr. SOWDEN. Let me interrogate the gentleman.

Mr. GLASS. Let me get through first with what I wish to say.

Mr. SOWDEN. Certainly.

Mr. GLASS. We have arrived at that point in this character of legislation when I believe it to be the duty of some member to bring the question before the House, and if no member of experience and greater ability than I possess will get up and say it is not right to go on and make these appropriations I feel it to be my duty to do it. I owe the responsibility to my constituents, and I owe as well responsibility and duty to myself, and I can not acquit my conscience to stay away or stay at home when I know these bills are being passed in this manner.

Mr. SOWDEN. Will the gentleman now permit me to ask him a question?

Mr. GLASS. Yes, sir.

Mr. SOWDEN. My question is this: Does not the gentleman know this House has intrusted a certain number of members with the charge of this business—the Committee on Invalid Pensions—in whom it has perfect confidence?

Mr. GLASS. I have confidence in the committee, and I do not intend to cast any reflection upon that committee. I make no charges against the committee or any individual member of it, but I do make the assertion it is a wrong and improper class of legislation.

Mr. DOCKERY. The gentleman certainly does not wish to be understood as meaning it is wrong and improper to pay pensions.

Mr. GLASS. No; but I do say that it is an improper way for this House to conduct its business by passing such bills without a sufficient number of members present.

Mr. SOWDEN. Does not the gentleman know this is the proper tribunal for just such cases as have been considered on these occasions?

The CHAIRMAN. The committee will be in order, and gentlemen will resume their seats.

Mr. SOWDEN. The gentleman from Tennessee has yielded to me to ask him a question.

The CHAIRMAN. The gentleman will proceed.

Mr. SOWDEN. Does not the gentleman from Tennessee know this is the only tribunal to which a claimant whose case has been rejected at the Pension Office for want of technical evidence can come for relief?

Mr. GLASS. This House has the intelligence to pass a law which will meet every emergency, and it is their duty to do it; and when that law is passed the officer upon whom has been imposed the burden of deciding these cases should be allowed to do so.

Mr. SOWDEN. Is not the Committee on Invalid Pensions the proper body to pass on these cases?

Mr. HAYNES. Just as much as a clerk in the Pension Office.

Mr. GLASS. This House has jurisdiction, and ought to exercise it by passing a law to cover all possible emergencies; and where the duty has been confided to the proper official and he has rendered his decision that ought to be a finality.

Mr. SOWDEN. Then if for want of technical evidence the claim is rejected, the parties are to be denied the right to come to Congress and ask relief; is that it?

Mr. GLASS. No, sir——

Mr. NEECE. Let me suggest to the gentleman, if he will allow me a moment——

Mr. GLASS. Certainly.

Mr. NEECE. The gentleman is laboring under a mistake, I am satisfied, as to the facts in reference to the reporting of these cases. He is conscientious in his position, I am satisfied, and does not want to occupy a position that is not a proper one. The Committee on Invalid Pensions does not pass upon any claim until it has been first rejected in the Pension Office.

Mr. GLASS. I understand that.

Mr. NEECE. When a case comes to us which has been rejected at the office we examine it, and we only allow such claims as have been rejected through some technicality, just and equitable claims, and we rely strongly upon the equity of the cases. I can recite an instance in my own experience, a case which came under my own observation and was reported by me. There was a soldier, whose company I have forgotten, who was sent from the Seventh Kansas Regiment to visit the Seventh Illinois. He had to cross a stream of water which was full to overflowing, and was never seen or heard of again. His entire effects were left in camp.

He was a truthful soldier and bore a good reputation. His mother, who was dependent upon him for her living, could not prove his death, and technically she was barred from the pension. It is such claims as that that we consider. She could not prove him to be dead.

Mr. DANIEL. If he was absent for ten years the law would have deemed him dead.

Mr. MAYBURY. Will the gentleman permit a question? Is his objection on account of the demerits of this particular case?

Mr. GLASS. No; it is that there is too small a number of members present to-night to transact this character of business.

Mr. MAYBURY. For if the objection was to this particular case, I would withdraw it, so as not to prevent the consideration of other business.

Mr. GLASS. I am not speaking to the merits or demerits of any case.

Mr. HEPBURN. I rise to a question of order.

Mr. GLASS. But I do not think the House should legislate upon important matters with so small a number of members present.

The CHAIRMAN. The gentleman from Iowa rises to a question of order.

Mr. HEPBURN. I make the point of order that the gentleman from Tennessee says he is not speaking to the merits or demerits of the case, consequently he is not in order.

The CHAIRMAN. The gentleman from Tennessee will confine himself to the question before the committee.

Mr. HERMAN. I would like to ask the gentleman from Tennessee if his objection is to the merits of the pending bill or to the general subject of pensions?

Mr. GLASS. I am not criticising the merits of this bill; I am only objecting to legislating with so few members present.

Mr. BOUTELLE. I rise to sustain the point of order made by the gentleman from Iowa. I desire to say, Mr. Chairman, that it is well known by all members present to-night that the House of Representatives, when they made the special order for Friday sessions for pension cases, understood that there would be the liability of a small attendance. They understood that it lay within the power of any member of the House to raise the point of order of no quorum at any time if any one saw fit to do so; and this was well understood by gentlemen now present. I wish to suggest, therefore, to the gentleman who has just occupied the floor, and also to the gentleman from West Virginia, who preceded him, and to other gentlemen on that side of the House, that if it be true, as it seems to be, that they came here to-night for the purpose of preventing us from going on with pension legislation they should in good faith say so and let us go to our homes. [Cries of "Regular order!"

The CHAIRMAN. The gentleman will confine himself to the question of order.

Mr. BOUTELLE. I am confining myself to it; but desire to criticise the fact that the discussions this evening have not been to the merits of bills presented, but have been entirely directed to a denial of the propriety of any of this legislation at all. And I repeat, if it is the purpose of gentlemen on that side of the House to raise the issue that we shall have no more pension legislation this session let them make it now and let the country understand it.

Mr. CANNON. I desire to say a single word upon the point of order.

Mr. HEPBURN. I withdraw the point of order.

Mr. GLASS. I have nothing else to say, but I wish to make a word of reply to the gentleman on my right, whom I do not know——

Mr. CANNON. Will the gentleman from Tennessee allow me a moment?

Mr. GLASS. I will in a moment. I will say to the gentleman on my right, whom I do not know——

Mr. BOUTELLE. That is your misfortune. [Laughter.]

Mr. GLASS. I will say to the gentleman that I did not know the gentleman from West Virginia was to be here to-night, nor have he and I had a conversation about these night sessions to-night or at any other time. The fact that we are here together to-night is purely accidental. I will state to the gentleman that I did come here with the view of seeing how small a number of members were passing these bills, and if it were totally out of proportion to a quorum I was disposed to make an objection.

Mr. SOWDEN. I wish to ask the gentleman a question.

Mr. GLASS. I will say I did that without consultation with any other gentleman.

Mr. BOUTELLE. Let me say to the gentleman from Tennessee I had not the slightest intention of attributing to him any conspiracy. I wished merely to ask him whether it is the purpose to raise the question here of the propriety of any pension legislation?

Mr. SOWDEN. The gentleman from Tennessee yields to me for a question.

Mr. WILLIS. I am satisfied the gentleman from Tennessee is through if gentlemen will only let him alone.

Mr. GLASS. I will hear the question of the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. I wish to ask the gentleman whether this is not the the first evening he has been here during the session?

Mr. GLASS. This is the first Friday night session I have attended.

Mr. SOWDEN. That is all I want to know.

Mr. GLASS. I am willing to have that go on record. My constituents did not send me here to work at night. They expected if I did an honest day's work they would be satisfied. I think if we meet here in the daytime and pass appropriation bills and revenue bills and then go home, the country will be better off.

Mr. CANNON. I would like to say a word about the bill under consideration. Many of us have bills that are meritorious. This bill, I think, is meritorious, as shown by a report of the committee, a majority of which are Democrats and a minority Republicans; all of them painstaking, honorable men. They have made their report. It comes on their honor after investigation.

Now, Friday night sessions, almost ever since I have been a member of this House, have been about like this Friday night session, except that there are more members here to-night than ordinarily are; and I submit to my friend from Tennessee that the proper way to proceed in the line of precedent would be to take the cases, case by case, and if the report does not show it is a meritorious case after discussion, then let him make the point of order there is no quorum here, and no doubt the gentleman in charge of the bill would withdraw it if the point of order was made under such circumstances, and then let the next one come up. A number of bills are here that I know are meritorious. I know of one especially where the claimant is old, suffering, and unfortunate.

Mr. ZACH. TAYLOR. I make the point of order that the gentleman from Illinois is not discussing the bill before the committee.

Mr. CANNON. Then I yield the floor. I have no desire to speak further.

The bill was laid aside to be reported to the House with a favorable recommendation.

THOMAS S. HOPKINS.

Mr. REED, of Maine. I call up the bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers.

The bill was read, as follows:

Be it enacted, &c., That Thomas S. Hopkins, late a private in Company C, Sixteenth Maine Volunteers, now on the pension-roll, be, and he is hereby, exempted, by reason of mental incapacity, from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," and he shall be entitled to and there shall be paid to him the same rate of pension, and the same arrears thereof, as if his application for a pension had been filed with and allowed by the Commissioner of Pensions prior to June 16, 1880.

Mr. REED, of Maine. I ask for the reading of the report.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, submit the following report:

The facts upon which this claim is based are set forth clearly in the report of the Senate Committee on Pensions, which this committee adopt, with a recommendation that the bill do pass.

Thomas S. Hopkins, late a private in Company C, Sixteenth Regiment Maine Volunteers, seeks relief from the limitations of the arrears-of-pensions act of March 3, 1879, on the ground that from a time some months prior to the passage of said act down to a period subsequent to the 30th of June, 1880, he was prevented, by reason of the extreme severity of his illness and by mental and physical disabilities, from making an application for arrears in accordance with the provisions of said act. It appears that upon the first return of mental strength,

and as soon as he could dictate a letter, viz, on November 20, 1880, that he made an application for a pension, which was granted him.

This claim received consideration in the first session of the Forty-seventh Congress, and a bill granting the relief sought for passed the House of Representatives. The Senate Committee on Pensions, however, reported adversely upon it, on the ground that the evidence was not sufficient to substantiate the claimant's disability. Subsequent to this report additional testimony upon this point was procured, including the following statement from Drs. W. W. Johnston and H. D. Fry, his attending physicians, which statement seems to your committee as conclusive evidence of the fact that during the time within which applications could be made for arrears of pension under the act above referred to the claimant was mentally and physically disabled from taking advantage of its provisions, and for these reasons the committee believe that the petitioner is entitled to the relief sought for, and they recommend the passage of the accompanying bill as a substitute for Senate bill No. 183.

Mr. BRECKINRIDGE, of Arkansas. I should like to ask the gentleman from Maine one or two questions. What is this claimant receiving now?

Mr. REED, of Maine. I believe it is $50 a month.

Mr. BRECKINRIDGE, of Arkansas. His sufferings are very severe, I presume?

Mr. REED, of Maine. He is a very great sufferer.

Mr. BRECKINRIDGE, of Arkansas. What amount of money will this bill carry?

Mr. REED, of Maine. I can not say. It simply puts him in the same position as he would have been in if he had not been mentally incapacitated from making his application in proper time.

Mr. BRECKINRIDGE, of Arkansas. He would receive arrearages upon the basis of the pension that he first received, I presume?

Mr. REED, of Maine. I so understand it.

Mr. BRECKINRIDGE, of Arkansas. Not upon the basis of subsequent increases of pension?

Mr. REED, of Maine. I suppose not.

Mr. BRECKINRIDGE, of Arkansas. I would like some member of the committee to make a statement about that.

A MEMBER. Is he in a dependent condition?

Mr. REED, of Maine. I am informed by a gentleman at my side he is dependent for support on his family.

Mr. HAYNES. I will state to the gentleman from Arkansas that this bill proposes to give the claimant arrearages back to the time this disability came upon him. It came upon him very suddenly. It did not date back to the time of the war. My impression is that this covers arrears for a period of about three years. He was not pensioned at that time, as I understand, and the arrearages are not to date beyond the time when he was completely prostrated.

Mr. PRICE. The bill carries about $1,800.

Mr. BRECKINRIDGE, of Arkansas. The statements which have been made I think are satisfactory. They are so to me.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN J. WELCH.

Mr. LOVERING. Mr. Chairman, I call up the bill (H. R. 7721) granting a pension to Ellen J. Welch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen J. Welch, widow of John H. Welch, late of the Third Massachusetts Light Battery Artillery.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. PAYTON.

Mr. WARNER, of Missouri. Mr. Chairman, I call up the bill (H. R. 7750) to place the name of John W. Payton on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of John W. Payton, late a private in Company I, Eighteenth Illinois Volunteer Infantry, on the pension-roll, subject to the limitations and provisions of the pension laws of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNIE S. WEBB.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I call up the bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Annie S. Webb, a volunteer nurse in the late war, at the rate of $25 per month.

An amendment reported from the Committee on Invalid Pensions striking out "twenty-five" before the word "dollars" and substituting "twelve" was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LETITIA J. GARRARD.

Mr. MATSON. Mr. Chairman, I call up the bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Letitia J. Garrard, dependent mother of Daniel Garrard, late captain of Company F, Twenty-second Kentucky Volunteers.

A MEMBER. Mr. Chairman, I call for the reading of the report in that case.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4816) granting a pension to Letitia J. Garrard, submit the following report:

Claimant is the widowed mother of Daniel Garrard, deceased, who was captain of Company F, Twenty-second Regiment Kentucky Volunteers, and who was killed in battle near Vicksburg, December 29, 1862.

Her claim for pension was rejected on the ground that she was not dependent on the soldier for support at the time of his death.

Claimant's husband was, at the time of the soldier's death, living and in receipt of $1,700 per annum as a salary, as treasurer of Kentucky; his health was at the time of enlistment of soldier very feeble, so feeble that he could not perform the duties of his said office and kept the soldier in the office, where he (soldier) performed the duties thereof, and to that extent contributed to the support of claimant and her invalid husband.

The claimant's husband owned at the time of soldier's enlistment an interest in salt-works property in Kentucky, which was afterward destroyed by order of General Buell to prevent their falling into the hands of the confederates. The destruction of the property rendered it almost worthless, and it was afterward sold by the husband for a nominal sum. He also owned a small farm in Franklin County, Kentucky, but owed the purchase price therefor, and for which it was afterward sold. He also owned a house in the city of Frankfort, Ky., in which the claimant now lives; this being all that is left of the property of the husband. Soldier frequently during his service in the Army contributed to the support of his mother; the father died soon after the soldier was killed.

The claimant is now old and in needy circumstances, with no means of support, except what little money she earns by her own labor in keeping boarders.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD COLEMAN.

Mr. CANNON. Mr. Chairman, I call up the bill (H. R. 8351) for the relief of Edward Coleman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is, authorized and directed to place the name of Edward Coleman, late a private in Company H, Fourth Regiment Illinois Cavalry Volunteers, and of Company C, One hundred and sixth Regiment Illinois Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Let the report in the case be read.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8351) for the relief of Edward Coleman, report:

That this claimant served through the Mexican war, and when discharged from that service was suffering from chronic diarrhea.

He made application for pension in 1850, but before the claim had been adjudicated the papers in the case were lost while in the hands of claimant's attorney at Stryker, Ohio, and were never found.

In August, 1861, he enlisted in Company H, Fourth Illinois Cavalry, and served until March, 1862, when he was discharged by reason of chronic diarrhea.

On December 24, 1863, he re-enlisted as a private in Company C, One hundred and sixth Illinois Volunteers, and was honorably discharged in 1865.

Claimant in recent years has endeavored to establish his claim for pension for disabilities incurred in the Mexican war, but was unable to prosecute it to a successful issue, owing to the impossibility of securing evidence of comrades, &c.

In 1881 he filed application for a pension, alleging asthma, diarrhea, and dyspepsia as a result of his military service in the war of the rebellion. This claim was rejected on the ground that alleged disabilities existed prior to enlistment.

A special examiner of the Pension Office, who invested the case at the home of claimant, says that—

"This man is a total wreck; his mind is feeble, and he can not live long. He is a man of fair reputation, and I believe his statements could be relied upon if his memory was not so defective. After a careful examination of the case I am inclined to believe that as it now stands it ought to be rejected, although I believe the claim meritorious as to chronic diarrhea contracted while in the Mexican war."

Claimant was examined by the Terre Haute board of surgeons in 1885, who reported as follows:

"He is thin, spare, stoop-shouldered, and broken down. Bowels receding, slightly tympanitic. Increased dullness of hepatic area. Tongue red at tip and edges, and coated. Mucous membrane of anus pale and relaxed. Heart's action feeble and sounds indistinct. He is very poorly nourished, and totally disabled for the performance of manual labor.

The committee believe that claimant incurred chronic diarrhea while in the Mexican war, and that his service in the war of the rebellion aggravated his malady, resulting in his present incapacitated condition, and report the bill favorably, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SILAS K. HAINES.

Mr. WILSON, of West Virginia. Mr. Chairman, I call up the bill (H. R. 2626) granting a pension to Silas K. Haines.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Silas K. Haines, late of Company H, Third Regiment Potomac Home Brigade Maryland Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read, Mr. Chairman.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 2626, submit the following report:

Claimant enlisted as a private soldier in Company H, Third Maryland Potomac Home Brigade, on March 8, 1862, and remained in the service until honorably mustered out at the close of the war. It is fully proved that he was a man of vigorous health when he entered the Army. In September, 1862, he was sur-

rendered with his command at Harper's Ferry, Va., by Colonel Miles, and on his release on parole was sent to Camp Parole at Annapolis. While there, to wit, in November, 1862, a member of his company, who was his nephew, died with typhoid fever, and claimant and another comrade were granted leave to accompany the corpse home to Preston County, West Virginia. But on the day after they started, and when they had reached Pittsburgh, claimant was himself stricken down with the same disease, and with great difficulty reached his home, where he was prostrated with it for many weeks. This disease has permanently impaired his lungs, and left him a victim of increasing infirmity, suffering with swelling of joints of his lower limbs and with pains in his left hip to such a degeree that he has become helpless and destitute.

Dr. M. S. Bryte confirms these facts, which are testified to by several comrades, and says:

"That he has known claimant all his life, and has treated him professionally since the death of former physicians, and that there is no doubt claimant's present physical wreck is due to the same attack of fever above alluded to, and that it has never been aggravated by use of intoxicating liquors, from which claimant is an abstainer."

There can be no doubt that this fever was contracted in the parole camp, although its first attack was felt the day after leaving camp, and your committee have no doubt, under the circumstances proved, that claimant is well entitled to be put on the pension-rolls, and report accordingly.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. AURELIA C. RICHARDSON.

Mr. WEBER. Mr. Chairman, I call up the bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Aurelia C. Richardson, dependent mother of Albert H. Fillmore, late of Company F, Eleventh New York Cavalry Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read, Mr. Chairman.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 1584, beg leave to submit the following report:

The claimant is the dependent mother of Albert H. Fillmore, late of Company F, Eleventh New York Cavalry Volunteers.

The soldier enlisted in August, 1862, for three years, and died in hospital at Memphis, May 20, 1865, from confluent small-pox.

The claim was rejected on account of non-dependence upon the soldier at the time of his death.

The claimant is seventy-six years old, and the evidence shows that she is now poor and suffering from the infirmities of old age. Her husband, the stepfather of the soldier, is seventy-eight years old, a blacksmith by trade, broken down by physical infirmities, and unable to support himself and wife by labor. The income of all the property they now own is insufficient to furnish the commonest kind of a living.

At the time of the son's enlistment the property of the claimant was entirely insufficient for her support, and even with the earnings of her husband at that time was not enough to render them a comfortable living.

The evidence tends to show that at and before enlistment the son recognized his filial obligations by contributing to some extent to the mother's support.

We think this is a claim falling fairly within the rule adopted by the committee governing such cases, and finding it to be meritorious and just, recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CLARA L. PREUSS.

Mr. WILLIS. Mr. Chairman, I call up the bill (H. R. 921) granting a pension to Clara L. Preuss.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll the name of Clara L. Preuss, at the same rate received by her deceased husband, Leopold B. Preuss, late captain of Company C, Fourth Regiment Kentucky Cavalry Volunteers.

The report (by Mr. TAULBEE, supplied later) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 921) granting a pension to Clara L. Preuss, submit the following report:

Claimant's husband was at the time of his death drawing a pension for paralysis and varicose veins and varicocele, resulting from injuries received in line of duty. His widow's claim for pension was rejected on the ground that the disease which was the immediate cause of the death of soldier did not result from the injuries received in the service and line of duty.

The facts as shown by the record are as follows:

Soldier was captain of Company C, Fourth Regiment Kentucky Cavalry, and while in the line of duty was thrown from his horse and dragged a considerable distance by the foot, resulting in varicose veins in left leg and varicocele of left testicle, on account of which disabilities he resigned, as shown by surgeon's certificate of disability.

A board of medical examiners issued certificate of soldier's condition of date October 4, 1875, viz:

"(1) Varicocele of left cord of left scrotum of marked development; disability, one-half, $2.

"(2) Whole left calf, especially external and posterior surfaces, covered by enlarged or varicose veins, which collect and empty into the internal saphena, itself likewise enlarged to saphenous opening; disability one-half, $4. (The rating for No. 1 too low; should have been at least one-half, $4.)

"Present condition.—General paralysis, nearly complete; there is no voluntary movement of the arm, or hand, or finger; insignificant power over lower extremities, amounting to merely and barely movement; articulation indistinct. Pensioner is as helpless as a babe, and requires constant personal attendance and aid day and night; complains of intense pain over the whole body, but more especially in the back, result of chronic myelitis, consequent upon fall of horse.

"The disabilities Nos. 1 and 2, for which he is now pensioned, continue less marked because of the constant recumbency; pensioner had to be visited and examined at his residence. We find his disability, as described above, to be equal to and entitling him to special rating, $50. Should be exempted from biennial examination."

The decision of medical referee of Pension-Office is as follows:

"Immediate cause of death, paralysis of muscles of respiration. Remote cause not known; did not originate in the United States service."

Your committee think that the pathological sequence is very plain, and that the cause of death, "paralysis of muscles of respiration," is the outgrowth and extension of the general paralysis resulting from the injury received in the service, and from which claimant suffered for a number of years prior to his death.

Your committee recommend the passage of the bill with the following amendments:

Strike out in lines 4 and 5 the words "at the same rate received by her deceased husband" and add to the bill the words "subject to the provisions and limitations of the pension laws."

The amendments recommended by the Committee on Invalid Pensions—striking out the words "at the same rate received by her deceased husband," inserting the words "widow of" after the name "Clara L. Preuss," and adding at the end of the bill the words "subject to the provisions and limitations of the pension laws"—were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The CHAIRMAN. The Chair is informed that the bill at the Clerk's desk is not accompanied with any report, the report not having been received from the Printer.

Mr. BRECKINRIDGE, of Arkansas. Then let some gentleman who is familiar with the case make a statement.

Mr. WILLIS. My colleague [Mr. TAULBEE] made the report. I am cognizant of the facts. This lady, the widow of Captain Preuss, resides in my city. The claim was rejected at the Department on a technicality. There is a report, which was made, as I have remarked, by my colleague [Mr. TAULBEE].

Mr. BRECKINRIDGE, of Arkansas. Let the gentleman make a brief statement of the exact facts.

Mr. TAULBEE. The gentleman from Arkansas requests a brief statement of the facts. I did not remember the particulars in this case until my colleague [Mr. WILLIS] made a suggestion with reference to it. I now remember the facts. This soldier, while a captain in the Army, fell from his horse and was dragged a considerable distance by the foot, suffering severe injuries, for which he was granted a pension at the rate of $15 a month. He made application for an increase of pension, and the medical examining board rated him at $50 a month for the injuries which he had received to the left leg, consisting of varicose veins and, I believe, varicocele. So far, however, as appeared from any evidence which we could gather the pension recommended at the rate of $50 a month was not granted. The bill as originally drawn proposed to put the widow on the pension-roll at the same rate which had been received by her husband, the understanding doubtless being that he had been on the roll at the rate of $50 a month, which, however, did not appear from the records to have been the fact. The soldier died from paralysis, which, according to the report of the examining board, was the result of the injuries received when he fell from his horse. The report of the examining board stated that the soldier's left arm and left leg, in fact both legs, were paralyzed to a very considerable extent.

Mr. BRECKINRIDGE, of Arkansas. This bill proposes to give a pension to the widow?

Mr. TAULBEE. The bill proposes to give a pension to the widow at the rate provided for under existing law.

Mr. WILLIS. Not at $50 a month.

Mr. BRECKINRIDGE, of Arkansas. I see no objection.

Mr. WILLIS. I know these parties in Louisville. They are a worthy German family—upright, honest people.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY SPRAGUE.

Mr. JAMES. I call up the bill (H. R. 5715) granting a pension to Mary Sprague.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Sprague, a volunteer nurse in the late war, on the pension-roll, subject to the provisions and limitations of the pension laws, and pay her the sum of $25 per month from and after the passage of this act.

The report (by Mr. PINDAR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5715) granting a pension to Mary Sprague, submit the following report:

The claimant, Mrs. Mary Sprague, volunteered as a nurse and was accepted as such May 22, 1861, and was in continuous service until December, 1863. That while serving at the Mansion House Hospital, attending to her duties, her health became greatly impaired through a contagious fever there contracted, which disabled her for duty and from the effects of which she is still suffering. That she is now unable to perform any kind of labor or household duty, never having recovered her health. She now asks that, being unable longer to labor, she be granted a pension of $25 a month; in support of such claim she presents the affidavit of Dr. D. W. Bliss, her own verified petition, and letters from J. B. Porter, surgeon U. S. A., and others, which are hereto attached and made part of this report.

The committee believe that the claimant is entitled to a pension, and they recommend that the bill be amended by striking out the words "twenty-five," in line 7, and inserting in lieu thereof "twelve," and as amended that the same do pass.

The amendment reported by the committee to strike out, in line 7, the words "twenty-five" and insert in lieu thereof the word "twelve," was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

ELIZABETH SLENBAKER.

Mr. SHAW. I call up the bill (H. R. 4727) granting a pension to Elizabeth Slenbaker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Slenbaker, mother of Joseph Slenbaker, late of Company E, First Regiment Potomac Home Brigade Maryland Cavalry.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4527) granting a pension to Elizabeth Slenbaker, respectfully report:

Joseph Slenbaker enlisted in Company E, First Regiment Potomac Home Brigade Maryland Cavalry, February 17, 1864, and was discharged June 28, 1865. He died September 18, 1870.

The soldier's mother applied to the Pension Office for relief, and her claim was rejected on the ground that it can not be established that the fatal disease of soldier was due to service.

In diverse statements before your committee among the papers on file claimant testifies as to her husband's inability to support her since soldier's death on account of his diseased condition. She was at different times in receipt of voluntary contributions from friends and relatives. Claimant has tried hard to procure the evidence called for by the Department, but usually has been unsuccessful in procuring same on account of so long a time having passed since the happening of the different incidents. She received no replies to many of her letters sent to the officers and comrades of her son.

As to the soldier's prior soundness, Dr. J. A. Taylor testifies that he always regarded the soldier as a healthy man. John Duerr and Peter K. Baker testify that they knew soldier for twenty-five years, and have every reason to believe that he was a hale, hearty, robust man prior to enlistment.

The evidence as to soldier's condition during service is very unsatisfactory. The captain of the company does not remember much about the soldier, and a letter addressed to John McIlwain, late assistant surgeon, was returned unclaimed.

Since service the soldier's condition is given by R. Zingling as follows:

"I saw soldier nearly every day before he went into the Army, and never knew him to complain in any way. He came home from the Army with a cough and hoarseness, which continued getting worse until his death, and about one year before he died he lost his speech entirely."

The attending physician in soldier's last days testifies that he was only called in professionally in the last stages of his (soldier's) illness, and can not say how long he had been suffering from disease of lungs; but phthisis was the immediate cause of his death.

There is quite a good deal of testimony in reference to soldier's condition since service, and it all tends to show that soldier went into the service a robust, healthy man, as far as the witnesses could tell, and returned to his home with hoaseness and a cough, which lasted until and was the cause of his death, as shown by competent medical evidence. It is also clearly shown that the claimant's husband was an invalid, and did not support her; also that the soldier did aid very materially in the maintenance of his parents.

Thomas H. Joy and Peter I. Wilkehn testify that they contributed flour and money to claimant and her husband in payment for labor of soldier; that soldier aided materially in the support of his parents; that soldier's aid was necessary for their support, as the income from their property was insufficient.

To recapitulate: The soldier was well and hearty when he enlisted; he returned home with a cough, which continued and resulted in phthisis, which ended in death. While well he contributed to the support of his parents, who are now poor and in want.

For these considerations your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLY B. BENT.

Mr. GROUT. I call up the bill (H. R. 6606) granting a pension to Sally B. Bent.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions is hereby directed to place on the pension-roll, subject to the limitations of the pension laws, the name of Sally B. Bent, dependent mother of David P. Bent, a soldier of the Union Army in the war of the rebellion, as shown by her application for a pension, numbered 268462.

Mr. GROUT. Let the report be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6606) granting a pension to Sally B. Bent, submit the following report:

Sally B. Bent filed a claim as dependent mother of David P. Bent, a private in Company G, Fourth Vermont Regiment, who died of disease in the service. Her claim was rejected "on the ground that claimant was not dependent on the soldier for support at the time of his death, her son, C. C. Bent, having before that time agreed to support her, and having performed said contract."

It appears from the evidence filed in the Pension Office, and with this committee, that in the spring of 1861 the Bent family consisted of the claimant and her husband, two sons, and two daughters. The husband was at that time, by reason of poor health, able to perform but little manual labor, nor was he at any time before his death, which occurred in 1880. Both daughters were deformed in person and deficient in intellect and intelligence, being thereby unable to take care of themselves.

The family resided upon a farm in the town of Marshfield, Vt., which was situated nearly half a mile from the public road, and comprised 61 acres of wet, stony land. The buildings were poor, and the entire property, real and personal, was worth from $1,000 to $1,200.

July 9, 1861, Mr. and Mrs. Bent deeded their property to their eldest son, Charles C. Bent, in consideration of a life support for themselves and their two idiot daughters. The youngest son, David P., was a party to this arrangement, but, being a minor, could not appear of record. It was understood, however, that he should enter the service, turn over his pay for the support of the family, and on his return was to share in the title to the property. He enlisted September 21, 1861, and his State pay of $7 a month was drawn by the father, besides which he forwarded about $10 per month from his Government pay. He died in hospital at Washington, May 19, 1862.

The bar to the allowance of the mother's claim is in the contract for support made with the son Charles C. Technically, it destroyed her claim of dependence upon the soldier. In fact, we think, that dependence existed to a considerable extent. All the evidence tends to show that of the three male members of the family circle the soldier was the most competent.

The father was an invalid for twenty-five years, and the son, Charles C., has had several severe fits of sickness. The miserable little property involved was manifestly insufficient for the maintenance of two old people and two idiotic children. The father is now dead, also one of the daughters. But the mother, in her old age, is obliged to work hard for the support which is guaranteed to her on paper, but which the guarantor has been unable to furnish in fact. She gave her son to the country, and we think the country can well afford to waive for the few remaining years of her life the technical objection to granting her a pension.

The committee recommend that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following: "That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally B. Bent, dependent mother of David P. Bent, late a private in Company G, Fourth Regiment Vermont Volunteers," and that as so amended the bill do pass.

The amendment reported by the committee, to strike out all after the enacting clause and insert the language stated at the conclusion of the report, was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

The motion was not agreed to.

CHARLES RIDDLE.

Mr. McCREARY. I call up the bill (H. R. 6952) granting a pension to Charles Riddle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Riddle, father of Milton Riddle, deceased, late of Company G, Eighteenth Kentucky Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6952) granting a pension to Charles Riddle, submit the following report:

Milton Riddle enlisted as a private in Company G, Eighteenth Regiment Kentucky Volunteers, November 18, 1861, and was killed in action August 30, 1862; he was never married; he left his father, Charles Riddle, surviving him; his mother died before his enlistment.

Charles Riddle filed claim for pension as dependent father May 24, 1880, which was rejected on the ground that the father was not dependent on his son for support at time of enlistment.

The proof is abundant and plain.

Milton Riddle was sixteen years old when he enlisted. He had, up to the time of enlistment, lived with and labored for his father, he being the eldest son.

Charles Riddle was, at the time of his son's enlistment, afflicted with piles, from which he has been a continual sufferer.

His family consisted of two daughters, aged eighteen and eight years, respectively, and three sons, namely, soldier, aged sixteen years, and two others, aged twelve and ten years, respectively. One of his daughters lost one of her eyes soon after the war; one of his sons was paralyzed; and one of his sons lost an arm.

The father owned a farm of about 50 acres, worth about $600, and from which his income was about $40 or $50 per annum, and he owned a very small amount of personal property, and depended on his labor for the support of himself and family.

He has married three times since the death of his son, concerning which fact the special examiner in his report makes the following observation:

"My candid opinion is, that the only thing in which he ever manifested any energy was in marrying."

The proof shows that prior to his second marriage he was compelled to procure homes for his children, he being unable to provide for them, and that after his second marriage his children returned home and his wife aided in their support.

The marriages of claimant were all honorable, and your committee believe were proper and expedient, and we regard the attempted reflection of the special examiner as in very bad taste, and an evidence of bad faith.

He acquired no property of any consequence by any of his marriages, and is now, and has been ever since his son's enlistment, in poor health and very poor.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

MARGARET D. MARCHAND.

Mr. EVANS. I call up a bill (S. 226) granting a pension to Margaret D. Marchand.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, and pay her a pension at the rate of $50 per month from the date of the passage of this act.

Mr. BRECKINRIDGE, of Arkansas. I have run through the report, and the case seems to be meritorious, but I would rather the gentleman should make an explanation.

Mr. EVANS. Mr. Chairman, this claim was reported favorably and was passed by the House several weeks ago. The bill provided that Mrs. Marchand be pensioned subject to the provisions and limitations of the pension laws.

About the same time a separate bill was reported favorably and was passed by the Senate allowing the claimant $50 per month. Now, as I understand it, the House Pensions Committee report favorably the Senate bill.

It seems to me from the gallant, distinguished, and long services of Commodore Marchand that it is nothing more than an act of justice, but tardy at that, that this poor widow, who is now far in the decline of old age, being seventy-eight years old and in destitute circumstances, should receive this pension, which will, in a measure, add to her comfort the few remaining years of her life. I hope there will be no objection to the passage of this bill.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, as I understand

the gentleman the widow of Commodore Marchand is poor and venerable.

Mr. EVANS. Yes, sir; and has nothing to live on.

Mr. BRECKINRIDGE, of Arkansas. I think that is enough.

Mr. EVANS. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

A MEMBER. Is this a favorable report?

The CHAIRMAN. The Chair is informed it is a favorable report.

Mr. EVANS'S motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

GEORGE G. EARLY.

Mr. WEAVER, of Iowa. I call up a bill (H. R. 3379) granting a pension to George G. Early.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George G. Early, of Newton, Iowa, late of Company I, Third Ohio Infantry Volunteers.

Mr. WEAVER, of Iowa. I call for the reading of the report.

Mr. NEECE. Unless the reading of the report is called for I hope it will be omitted.

The CHAIRMAN. It has been the habit to call for the reading of the reports.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I will not object to dispensing with the reading of the report if I am permitted to ask a question.

Mr. WEAVER, of Iowa. Certainly.

Mr. BRECKINRIDGE, of Arkansas. Was this case rejected by the Pension Office?

Mr. WEAVER, of Iowa. Yes; upon the ground the claimant could not furnish testimony. He was in prison at the time.

Mr. BRECKINRIDGE, of Arkansas. Why has he not made a subsequent application?

Mr. WEAVER, of Iowa. He was in prison.

Mr. BRECKINRIDGE, of Arkansas. Why did he not make application when he got out of prison?

Mr. WEAVER, of Iowa. He could not get it when he was in prison.

Mr. BRECKINRIDGE, of Arkansas. But what prevented him from getting it when he got out of prison?

Mr. PERKINS. From inability at that late period to show the occurrence.

Mr. WEAVER, of Iowa. Let the report be read, and that will show the facts in the case.

Mr. BRECKINRIDGE, of Arkansas. I thought we might get at it quicker by explanation on the gentleman's part.

Mr. WEAVER, of Iowa. It is better to read the report.

Mr. BRECKINRIDGE, of Arkansas. Very well; let it be read.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3397) granting a pension to George G. Early, submit the following report:

This soldier enlisted June 15, 1861, as a sergeant, Company I, Third Ohio Volunteers, was taken prisoner at Murfreesborough, Tenn., December 31, 1862, and was paroled January 27, 1863, and discharged June 21, 1864. He re-enlisted as a private in Company G, One hundred and eighty-seventh Ohio Volunteers, February 14, 1865, and was mustered out January 20, 1866, having served more than four years. He filed application for pension June 21, 1882, alleging disease of the heart, stomach, liver, and kidneys, or general debility.

His application was rejected for the want of proof showing the existence of his disability while in the service.

He has proven his four years or more of arduous service, which certainly ought to be conclusive proof of prior soundness; and he has furnished medical testimony of his general debilitated condition in 1866, immediately after his discharge, and from that time to present date. The following affidavit of Dr. J. R. Gorrell, of Newton, Iowa, gives a full history of the case, and is fully corroborated by other testimony:

"I have known George G. Early intimately, socially and professionally, since the spring of 1869. I have seen him, I believe, every week, and often every day, for months together, during the whole of that time. I began the treatment of his case in the spring of 1869, and he has been constantly under my care ever since. My diagnosis of his case then was obscure liver and kidney disease. During the fall of 1869 there occurred irregularity of the heart's action, which was then believed to be functional and to depend upon the liver and kidneys. As before stated, he has been constantly under my care professionally since 1869 for disease of the liver, kidney, and heart, which defied treatment, for he has slowly but steadily grown worse up to the present time.

"In view of the character of the disease at my first examination in 1869, and its persistence up to this time, and also as he had at one time (1862) in the Army an acute attack of kidney disease, attended with delirium for several days, I have no hesitancy in saying that the cause of his present disability was his army life. He was a brave soldier for four years and a half; was never off duty except a few days following acute attack referred to, from which he supposed he had recovered, but subsequent developments clearly point to the fact that the disease then contracted from exposure to cold, he being barefooted and with one ragged blanket on a forced march in January, only remained in abeyance and silently invaded other organs until his present physical wreck is the result. He has done no work for several years, he not being able to because of disease of his liver, kidneys, and heart, and there is no probability of a recovery. He is poor and has a large family. He was a true soldier, and is now an honorable man."

Garrett Post, Grand Army of the Republic, of Newton, Iowa, in a memorial to Congress also set forth the same facts, and pray that he be pensioned.

That this man has no hospital record ought rather to be placed to his credit than set down against him. The fact of his four and a half years of faithful and honorable service, his capture, his imprisonment, his continued disability since, and his present disabled condition and consequent poverty, in the judgment of your committee, demand recognition and recompense by the Government. The passage of the bill is therefore recommended.

Mr. BRECKINRIDGE, of Arkansas. The report does not seem to develop why he did not make application for a pension, or why it was rejected if he did.

Mr. WEAVER, of Iowa. It does show his claim was rejected on account of the failure of the claimant to furnish proof showing that the disability was incurred while in the service.

Mr. BRECKINRIDGE, of Arkansas. That is enough. Do you know this physician to be a responsible and competent man?

Mr. WEAVER, of Iowa. Yes; Dr. Gorrell is a member of the board at Newton, Iowa.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH P. M'KEAN.

Mr. STRUBLE. I call up a bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa.

The bill was read, as follows:

Be it enacted, &c., That the pension of Mrs. Sarah P. McKean be, and the same is hereby, increased to $50 per month; and the Commissioner of Pensions is hereby authorized and directed to place the name of Mrs. Sarah P. McKean on the pension-roll as a pensioner of the United States for the sum of $50 per month, said $50 per month being in lieu of all other pensions heretofore granted.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, have examined the same, and report:

This bill, reported by the Senate Committee on Pensions with the recommendation that it do pass, provides for increasing the pension of Mrs. Sarah P. McKean from $30 to $50 per month.

She is the widow of General Thomas J. McKean, who was a graduate of West Point, was promoted to brevet second lieutenant in the Fourth Infantry July 1, 1831, where he served until his resignation March 31, 1834.

Subsequently he served as a private soldier in the war with Mexico; was appointed paymaster United States Volunteers June 1, 1861, and brigadier-general of volunteers November 21, 1861, in which capacity he served through the war of the rebellion, leaving the service a physical wreck and dying in 1870 from the effects of his service.

The present pension ($30) of Mrs. McKean is the rate for the rank of lieutenant-colonel, being the highest grade allowed under the general pension laws. The petitioner is now over sixty years of age and wholly dependent (for her support) upon her pension, which is inadequate to afford her a comfortable living.

In view of the long and distinguished services of petitioner's husband, her own needs, and the numerous precedents established by Congress in cases of this kind, your committee report the bill favorably and recommend that it do pass.

Mr. PRICE. I do not want to delay the proceedings, but this is one of the kind of things I do not want to vote for, nor do I think any man here would like to vote for it. I understand another similar case was laid aside to be reported to the House with the recommendation that it do pass, the purpose of which is to raise the pension of an officer's widow. I wish now to call attention to the fact this is based on the rank of her husband, and not because of extraordinary gallantry.

Mr. STRUBLE. It is based on his long and valuable service.

Mr. PRICE. That is the case with all of them.

A MEMBER. What was the rank of this officer?

Mr. STRUBLE. A brigadier-general in the late war. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. STRUBLE'S motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK ROBERTSON.

Mr. ANDERSON, of Ohio. I call up the bill (H. R. 1860) granting a pension to Frederick Robertson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Robertson, late an assistant surgeon in the United States Army, at the rate of $30 per month.

The committee recommend in the seventh line to strike out "at the rate of $30 per month."

Mr. BRECKINRIDGE, of Arkansas. The amendment strikes out "$30 a month," and leaves it under the operation of the pension laws.

Mr. ANDERSON, of Ohio. Certainly.

Mr. BRECKINRIDGE, of Arkansas. What does the law allow to widows of surgeons?

Mr. BRADY. That depends upon the rank held by the claimant.

Mr. BRECKINRIDGE, of Arkansas. Do the surgeons have military rank? It is so long since the war that I believe I have forgotten.

Mr. BRADY. Yes, sir.

The CHAIRMAN. The Chair is informed he rank in this case was that of an assistant surgeon.

Mr. ANDERSON, of Ohio. An assistant surgeon ranks as a captain.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH S. DE KRAFFT.

Mr. ZACH. TAYLOR. I ask consent to call up the bill (S. 2223) granting a pension to Elizabeth S. De Krafft and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized anddirected to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Elizabeth S. De Krafft, widow of John Charles Philip De Krafft, late commodore and rear-admiral in the United States Navy.

The report (by Mr. STRUBLE) was read, as follows:

As a review of the eminent and faithful service of the petitioner's husband, we quote from a letter recently written by Admiral Porter, and which is sustained by the records:

OFFICE OF THE ADMIRAL, 1710 H STREET, N. W.,
Washington, D. C., April 15, 1886.

The late Rear-Admiral J. C. P. De Krafft had a varied service, having seen as much sea duty as any of the officers of his grade, and a great deal more than some others, his duty, while in the Navy, having (on sea and ashore) been almost continuous.

He bears a record of having been a most excellent officer, always gave satisfaction to his commanding officers, and never had any official difficulties so far as known. The record of his services is as follows:

He entered the Navy from Illinois, October 9, 1841, and was ordered to the frigate Congress, of the Mediterranean squadron, in which he served till 1843. In 1844 he was sent to the frigate Raritan, on the Brazil station, where he remained till 1846, being then ordered to the home squadron. He served throughout the Mexican war, being present at the first attack upon Alvarado. He was sent to the ship-of-the-line Ohio, on the Pacific station, in 1847, and afterward was sent to the Naval School, being promoted to passed midshipman August 10, 1847.

After passing his examination he served on board the frigate Raritan on the Home Station, and in 1851 was ordered to the Coast Survey. He was next ordered to the steamer Vixen, in which he served till 1852, on the home station, returning to the Coast Survey in 1853. He was attached to the United States steamship Michigan on the lakes in 1855, and was promoted to master in that year. On September 14, 1855, he received his commission as a lieutenant, and served in the sloop John Adams, in the Pacific squadron, from 1856 to 1858, returning to the Michigan in 1859. In 1861 he was on board the Niagara, employed in special service. In that year he participated in the attack on Fort McRae, in the harbor of Pensacola. He was constantly employed during the war, especially in the West Gulf blockading squadron. In 1862-'63 he was on duty at the Washington navy-yard, and commanded the steamer Conemaugh from 1864 to 1866, participating in the attack on Fort Powell, Mobile Bay, when he commanded a division of five gunboats on August 5, 1864.

He was made a commander July 25, 1866; was on special duty in Philadelphia in 1867, 1868, and 1869; was fleet captain of the North Atlantic squadron. In 1870 he was again employed on special duty at Philadelphia, from which point he was ordered to duty at the navy-yard at Portsmouth, N. H., where he remained till 1872. He was commissioned as captain November 20, 1872, and was ordered to the command of the Richmond, flag-ship of the Pacific station, and as fleet captain of that station.

From this station he was transferred to similar duties in the Asiatic fleet, where he remained till 1875. His next service was at the Washington navy-yard, as captain of the yard, from 1877 to 1880.

On the 12th of July, 1880, he was ordered to duty as hydrographer of the Navy Department, and on October 1, 1881, was promoted to be a commodore.

On August 22, 1883, he was made president of the naval board of inspection and survey, on which he served under my command till the day of his death, having been in the mean time made a rear-admiral. He performed all his duties in the most intelligent and satisfactory manner.

Very respectfully,

DAVID D. PORTER,
Admiral, U. S. Navy.

The widow, Elizabeth S. De Krafft, was granted a pension of $30 per month.

In view of the long, varied, and distinguished service of petitioner's husband, extending from October 19, 1841, to his death, October 29, 1885, a period of forty-four years, and in view of the needs of the widow, and the precedents heretofore established by Congress, your committee think that petitioner's pension should be increased from $30 to $50, as is provided for in this bill.

We therefore recommend that said bill do pass.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask some questions in connection with this bill of the chairman of the Committee on Invalid Pensions.

Mr. MATSON. This bill comes from the Committee on Pensions.

Mr. PRICE. I move that the bill be laid aside to be reported to the House with the recommendation that it do lie on the table.

The CHAIRMAN. Does the gentleman from Arkansas yield the floor for that motion?

Mr. BRECKINRIDGE, of Arkansas. I will continue my questions before I yield. Who speaks for this bill?

Mr. ZACH. TAYLOR. I do.

Mr. BRECKINRIDGE, of Arkansas. This is the widow of an admiral.

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. She is without property, as I understand.

Mr. ZACH. TAYLOR. Yes, sir; she has very little.

Mr. BRECKINRIDGE, of Arkansas. Where does she live?

Mr. ZACH. TAYLOR. Here in Washington.

Mr. BRECKINRIDGE, of Arkansas. She has not married since the war?

Mr. ZACH. TAYLOR. No, sir; and I will say to the gentleman that this is following the line of precedent established by the House for many years.

Mr. BRECKINRIDGE, of Arkansas. We understand that. I would like to ask the gentleman further, is she aged?

Mr. ZACH. TAYLOR. Yes, sir; she is sixty or seventy years old.

Mr. BRECKINRIDGE, of Arkansas. This report speaks of her being in reduced circumstances.

Mr. ZACH. TAYLOR. Yes, sir; she has very little property.

Mr. BRECKINRIDGE, of Arkansas. She is in need of the money, then?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. This gives her $50 a month?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. STRUBLE. I would like to say to the gentleman from Arkansas——

Mr. BRECKINRIDGE, of Arkansas. I am satisfied; I have no objection to the bill.

Mr. ZACH. TAYLOR. Mr. Chairman, I would like to say as to the motion of the gentleman from Wisconsin that I am satisfied a brief explanation will convince him it ought not to be made. These naval pensions are not like the pensions voted for Army purposes, which come out of the general Treasury. These naval pensions come out of the pension fund, which is raised by the sale of prizes captured by the Navy, and it is not a burden upon the Government like the appropriations for Army pensions.

Mr. BRADY. Fifteen millions of that pension fund I will say to the gentleman from Arkansas are now out at interest.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask another question in reference to this fund. As I understand it, it is a fund created by law for a specific purpose.

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. Does the law also specify certain classes of pensioners who shall draw against it?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. Now, is there any danger when you make additions to that list that you may do an act of injustice to worthy pensioners who have been heretofore placed upon that list?

Mr. ZACH. TAYLOR. There is no danger of that; it is a very large fund.

Mr. BRECKINRIDGE, of Arkansas. Is there a surplus now?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. BRADY. It has accumulated to a very large extent, and this addition could not possibly deprive anybody. There are already fifteen millions of it at interest. It has been expressly set apart for naval pensions.

Mr. BRECKINRIDGE, of Arkansas. I have no objection whatever to the passage of the bill. I am entirely willing to put additional meritorious pensioners upon it provided it does no injury to other good pensioners now there. In that case I would desire payment from another source.

Mr. STRUBLE. Let me say to the gentleman from Wisconsin that as to the rank of this officer it is the same relative rank as that of the officer whose bill was passed a short time ago in the presence of the gentleman. I hope, therefore, that my friend will not do more than indicate his opposition to it by voting against it, and will not insist upon the presence of a quorum.

Mr. PRICE. Mr. Chairman, I have no desire to detain the committee longer than is absolutely necessary, but it is not the amount of money involved in this or any of these cases that is going to destroy the Government. It has gone abroad all over the country that we are doing this thing night after night and day after day in the way of granting these large pensions; now these people believe all this to be wrong when they see bills of this kind passed. I sympathize in that conviction myself in view of the fact that we have hundreds and thousands of people that have no pension at all. It has been our fault that there has been an absolute failure to grant pensions in many cases that are pending, and cases are sent away from the Pension Office and rejected there on testimony that would convict a good man of murder in any court in the country. Following that they send out special examiners, and if a man can find one out of eighteen witnesses who will swear to any fact in opposition to the claim of the soldier they will take it and delay the whole question of granting the pension.

These people should be attached to this Government because they believe it is a square one; and yet when they read in the papers of these cases of pensions at $30 being called up and increased to $50 in both the Army and Navy, they have a right to say we are not doing this justly and fairly.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman to what class does he refer?

Mr. PRICE. I refer to raising the pension of anybody who has a reasonable support, raising it to an extraordinary amount, or a greater amount, whether extraordinary or not, purely on the ground that there is a precedent for it.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is referring to what we are doing just now.

Mr. PRICE. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. To what class does the gentleman refer when he speaks of what we are not doing?

Mr. PRICE. I was referring to thousands and thousands of widows of gallant soldiers who died in the ranks, and to soldiers who are physical wrecks to-day, who have fallen into abject poverty or are eking out a miserable existence in a poor-house, who, because of some infernal law that should never have been passed, are starving for want of support. And at the same time we are taking these distinguished people, because of their rank, and increasing their pensions. You can write up the history of any of these men—it is well written no doubt; you can get it in one of James's novels. And we allow this gush, this sentiment, to make us do this unfair thing. Independent of the amount of money which is involved we create the impression among the people

who should be attached to the Government that we are unjust to them, and go on day after day moved by a sickly sentiment. And when no other argument can be put forward there is the argument that we have a precedent for it. In the name of common sense, is this Congress to be tied down by what some other Congress has done? Let us adopt a course that will be more creditable, more just, and that will commend itself to the judgment of the people.

The CHAIRMAN. Does the gentleman from Wisconsin make a motion to lay the bill aside with the recommendation that it do lie on the table?

Mr. PRICE. Yes, sir; I make that motion.

The motion was disagreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. MATSON. I move that the committee do now rise.

The question being taken, the Chair stated that the "ayes" seemed to have it.

Mr. BRADY. I call for a division.

The committee divided; and there were—ayes 27, noes 18.

So the motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having resumed the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House, having had under consideration the Private Calendar under the special order, had directed him to report sundry bills with divers recommendations.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will first report the bills of the House which have been reported from the Committee of the Whole without amendment.

Mr. JOHNSTON, of Indiana. Before that is done I ask that the bills which increase the pensions from $30 to $50, three in number, be referred to a full House for a vote.

The SPEAKER *pro tempore*. If there be no objection, the Clerk will lay the bills indicated aside for the present and report the bills to which there is no objection.

Mr. BRADY. What is the motion of the gentleman from Indiana?

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. JOHNSTON] objected to three bills being acted on with the others collectively, and desired there should be separate action on those bills.

Mr. BRADY. To-night?

The SPEAKER *pro tempore*. Yes.

The bills indicated, S. 226, S. 973, and S. 223, were laid aside until action should be taken on the other bills reported.

BILLS PASSED.

Bills of the House of the following titles, reported from the Committee of the Whole, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania;

A bill (H. R. 8556) granting a pension to Abraham Points;

A bill (H. R. 7721) granting a pension to Ellen J. Welch;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;

A bill (H. R. 8351) for the relief of Edward Coleman;

A bill (H. R. 2626) granting a pension to Silas K. Haines;

A bill (H. R. 1584) for the relief of Aurelia C. Richardson;

A bill (H. R. 4527) granting a pension to Elizabeth Slenbaker;

A bill (H. R. 6952) granting a pension to Charles Riddle; and

A bill (H. R. 3379) granting a pension to George G. Early.

House bills of the following titles were reported from the Committee of the Whole House with amendments. The amendments were severally adopted, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3363) granting a pension to Jennette Dow;

A bill (H. R. 2358) granting a pension to Mary Renfro;

A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;

A bill (H. R. 921) granting a pension to Clara R. Preuss;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6606) granting a pension to Sallie B. Bent; and

A bill (H. R. 1860) granting a pension to Frederick Robertson.

The bill (S. 1584) for the relief of Cornelia R. Schenck was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS S. HOPKINS.

The bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, was reported from the Committee of the Whole House with the recommendation that it do pass.

Mr. TAULBEE. I wish to inquire of the gentleman having this bill in charge whether this is the case in which arrears of pensions are carried?

Mr. HAYNES. It is that bill.

Mr. TAULBEE. I ask to have it laid over till the other bills are disposed of.

The SPEAKER *pro tempore*. There are now only remaining this bill and the three Senate bills which were laid aside at the request of the gentleman from Indiana [Mr. JOHNSTON]. The Clerk will report the bill referred to by the gentleman from Kentucky [Mr. TAULBEE].

The bill was read.

The SPEAKER *pro tempore*. The question is, Shall this bill pass?

Mr. TAULBEE. Mr. Speaker, I shall have to object to the passage of this bill. Is it in order to have the bill read again at this time?

The SPEAKER *pro tempore*. It is.

The bill was again read.

Mr. TAULBEE. Now, Mr. Speaker, in my judgment there are two very grave reasons why this bill should not pass. The first is that under this bill the claimant has the benefit of the act increasing the rate of pension to certain persons on the pension-roll at the time of the passage of the act increasing pensions from $50 to $72 per month.

This case is singled out, for reasons which I have been unable to discover, from many other cases equally meritorious. Another feature of this bill is that it proposes to give the claimant arrears of pensions, although he failed to file his claim in time to avail himself of the benefit of the act granting arrears. I object to that. In the first place, Mr. Speaker, I am opposed wholly to the theory of arrears of pensions. I do not think it is tenable from any standpoint; I do not think it is good practice.

I have always taken the position that every person who was disabled in the service of the United States should receive a pension from the date of his application, and that the widow, the dependent father, or other relations of such a person recognized by the law should, in case of the death of the soldier in consequence of his service, be entitled to pension from and after the date of the filing of their applications. I believe that is the correct theory of pensions; I believe that is the proper ground on which we can afford to put these cases, and I shall certainly oppose the passage of this bill, because this claimant, who appears from the report to have been a practicing attorney in the city of Washington and doubtless had full knowledge of his rights, failed to file his claim in time for reasons best known to himself, and which, perhaps, the friends of this bill may be able to explain.

Mr. REED, of Maine. Mr. Speaker, I think I shall be able to demonstrate to the House that it is entirely consistent with the principles which the gentleman from Kentucky [Mr. TAULBEE] has announced that this bill should pass. The law relating to arrears of pensions contained a limitation, but from that limitation were excepted all cases of insanity, meaning, as I suppose, such mental disability as disqualified the man from making the necessary application. In other words, the same provision was made in that law that is made in all sensible statutes of limitation, exempting persons who were under such disability, either of coverture or nonage or mental disqualification, as would prevent them from doing the thing which their fellow-citizens not so circumstanced could do.

This man was not technically "insane" in the opinion of the Pension Office, yet he was suffering under a disability which rendered it impossible for him to make the application. Of that there is ample proof. It is true that he had been a practicing lawyer, but at the time in question he was prostrated by nervous exhaustion, which rendered him incapable of making the necessary application. The proof of that is contained in the report, and it comes from Drs. Johnston and Fry of this city. Dr. Fry I do not know. Dr. Johnston I do know. He is a physician of the highest standing and celebrity here in Washington, a man incapable of stating anything but the truth. He says that he was one of the regular medical attendants of Thomas S. Hopkins during his long illness; that his disease "has been the severest case of nervous exhaustion which has ever come under my observation;" that "from March, 1879, to November, 1880, he was absolutely disqualified, both mentally and physically, from attending to the business of applying for a pension, or any other business, by reason of the intensity of his symptoms, and that there were no intervals, however short, during that period when he could have safely undertaken the work;" and that "the effort he made in applying at so early a date as he did apply seriously retarded his recovery."

Now, what does this bill propose to do? It is very simple. It proposes to put this man in the same position as if he had been technically "insane." Is that right or wrong? Under the principle announced by the gentlemen from Kentucky [Mr. TAULBEE] he would not deprive this man, thus circumstanced, of the right which the laws of the country have given to other citizens similarly circumstanced.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. REED, of Maine. Certainly.

Mr. TAULBEE. At what rate of pension will this man go on the pension-roll in case we pass this bill?

Mr. REED, of Maine. He will receive the same rate of pension that he would have received had he made his application in time.

Mr. TAULBEE. In time for what?

Mr. REED, of Maine. In time to avoid the statute of limitation.

Mr. TAULBEE. As to the pension or as to the arrears?

Mr. REED, of Maine. As to the arrears. He is now on the pension-

roll. Every fact necessary to entitle him to a pension has been proved to the satisfaction of the Commissioner of Pensions. I have listened to this bill carefully, and in my judgment it can do nothing except put him in the same position that he would have been in had his mental condition been such as to permit him to make the application in time. He will receive the pension allowed by law—only that.

Mr. PERKINS. If this bill should pass, the testimony showing the condition of the beneficiary from the time he incurred the disability up to the time when he was put on the pension-roll will be considered by the Commissioner for the purpose of determining what pension he shall draw.

Mr. REED, of Maine. I do not pretend to be an expert in pension law, but cases have come under my observation where a man has been graded for a number of years at $4 a month, for another series of years at $8 a month, and for another term of years at even a higher rate. So that under the terms of this bill the man's pension will be graded by the actual disability which existed (and which will have to be shown at the Pension Office) from the time when the disability was incurred up to the time when he received the pension already granted him under the testimony on file in the Pension Office.

Mr. PRICE. Can the gentleman state how long that time was?

Mr. REED, of Maine. I can not.

Mr. TAULBEE. If I understand the reading of this bill, it attempts to accomplish two things——

Mr. REED, of Maine. Only one thing.

Mr. TAULBEE. One is to extend to this claimant the arrears which he would have received had he filed his application at the Pension Office prior to July 1, 1880.

Mr. REED, of Maine. Will the Clerk have the kindness to read the bill again? I desire that the gentleman from Kentucky shall see what its language is.

The Clerk again read the bill.

Mr. REED, of Maine. The gentleman will see that the bill is exactly as I stated. It merely puts this man on the pension-roll at the same rate he would have received had the application been made in time.

Mr. TAULBEE. My understanding of the pension law is that all persons who on the 16th of June, 1880, were on the pension-roll at the rate of $50 per month were to receive thereafter $72 per month. The date of June 16, 1880, has nothing whatever to do with the limitation for arrears of pension. That limitation cut off all claims for arrears of pension filed subsequently to June 30, 1880. This rerating of pensions extended up to June 16, 1880, the law providing that persons who were on the pension-roll prior to that time at the rate of $50 a month for disabilities equivalent to those for which this claimant is now on the pension-roll at that rate should have their pensions increased to $72 a month. Otherwise, why the propriety of providing in this bill that the claimant shall not only have the benefit of the arrears of pension, but shall be exempted as to rating from the limitation which ran out June 16, 1880?

Mr. REED, of Maine. Do I understand the gentleman from Kentucky to make the suggestion that under this bill this man would receive any more than if he had made application at the proper time?

Mr. TAULBEE. I do not claim that under this bill the claimant will have any more rights than he would have had if he had filed his claim in time to avail himself of the benefit of this increase of rate; but I do say that the clause in the bill to which I have referred can mean nothing else than to increase this rate of pension from $50 to $72 a month.

Mr. REED, of Maine. What can be the objection to putting this man in the same position in which he would have been had his mental condition been such that he could have made application in proper time? That is all the bill does.

Mr. TAULBEE. I do not claim that an argument such as the gentleman seems to have understood me to offer can be maintained on any grounds of fairness or right. Granting that this claimant, subsequently to the development of his disease to a pensionable degree, was not in a condition to make his application—grant that his disease was so sudden in its development as to deprive him of all power to make his application—in that state of facts the law, as has been stated by the gentleman from Maine, would have made provision for him. But he refrained from making his application during the progress of the development of the disease from which he claims to have suffered on the 30th of June, 1880, and immediately prior thereto.

But with reference to that point of rerating, I say that if this claimant, with his present disabilities, is entitled to that increase of rate, if this act should be retrospective in regard to him, I can see no reason why there should not be a general law extending these benefits to all persons now laboring under disabilities equivalent to those under which this claimant is laboring. I maintain that this bill, if passed——

Mr. MATSON. Will the gentleman allow me a moment? I think he is laboring under a misapprehension in reference to this case. The point and strength of the case, as I remember, consisted in the fact that this man was stricken with this disease before the enactment of the arrears law at all; that the disease continued to render him utterly helpless until after the expiration of the limitation, which was on the 1st of July, 1880; that he having been stricken with the disease in 1878, there was no moment of time from the enactment of the arrearage acts in January and March, 1879 (for there were two acts), until after the expiration of the limitation, or, indeed, until the present time, when he has been able to make application.

Mr. REED, of Maine. That is what the report states.

Mr. MATSON. This claim was regarded as being *sui generis*, there is no other like it, so far as we have ever heard, and hence we consider it one which can not constitute a precedent.

Mr. TAULBEE. If my colleague on the committee [Mr. MATSON] desired to ask me a question I have failed to catch its purport.

Mr. MATSON. I desired to ask the gentleman whether he understood the fact I have stated.

Mr. TAULBEE. I did not; but in order that I may understand the exact state of the case let me ask the gentleman whether or not the disease with which this claimant is now affected developed gradually or whether the attack was so sudden and severe as to render him incapable of making application from the time the disease appeared?

Mr. MATSON. The history of the disease, as I understand it, and of this sudden attack, is substantiated by some of the most eminent physicians of this city and country I was talking to the gentleman from Pennsylvania [Mr. RANDALL] a while ago, and he told me that Dr. Weir Mitchell, of Philadelphia, one of the most eminent physicians in the country, attended this man, and that the history of the disease is thoroughly shown. There is no doubt he had this disease, and all the physicians agree, including an eminent physician of this city, Dr. W. W. Johnston, that this attack of paralysis, or whatever they may choose to call it, was incurred in the service. This insidious disease caused the sudden attack to which the report refers.

Mr. REED, of Maine. Nervous prostration.

Mr. MATSON. There is no doubt about the disease, whatever it may be called, causing this sudden attack. I yielded a reluctant consent and only after I had thoroughly examined the case. I think we ought not to make any precedent to open the question of arrears in any way by special legislation, but I regarded this case, as I said before, as a case exceptional in its character.

Mr. TAULBEE. If I understand the statement of the gentleman correctly, this bill is not intended to give this man any rating other than that he would have been entitled to if he had made his application in time for arrears. With that view of the case, Mr. Speaker, I will move to strike out all that part of the bill which relates to "June 16, 1880," and insert in lieu of it the words "June 30, 1880."

The SPEAKER *pro tempore*. The motion to strike out is not in order, but will be entertained, if there be no objection.

Mr. REED, of Maine. Wait a moment. Of course I am not familiar with the details of the bill, and I do not know why June 16 was put in. We may be making a mistake about this thing.

Mr. TAULBEE. If the words "June 16" be stricken out and the words "June 30" inserted it will give this claimant the benefit of arrears just as the law in reference to total disability provided it.

Mr. REED, of Maine. Why shall he not have the rerating if he were in the position he would have been under the old law?

Mr. TAULBEE. I am opposed to the present provisions of the bill.

Mr. REED, of Maine. Let me read to the gentleman from Kentucky the language of this report made by the committee. It says that—

Thomas S. Hopkins, late a private in Company C, Sixteenth Regiment Maine Volunteers, seeks relief from the limitations of the arrears of pensions act of March 3, 1879, on the ground that from a time some months prior to the passage of said act down to a period subsequent to the 30th of June, 1880, he was prevented, by reason of the extreme severity of his illness and by mental and physical disabilities, from making an application for arrears in accordance with the provisions of said act.

If he were in that condition why should he not have the benefits of the act of March 3, 1879?

Mr. WEAVER, of Iowa. And when he was unable to make application to be rerated?

Mr. REED, of Maine. Why should he not have that benefit?

Mr. MCMILLIN. The condition of the proposition is just this: If you pass this act in its present form you give him a rate of pension you do not give to others with similar disability merely by the action of this committee.

Mr. REED, of Maine. I do not understand that.

Mr. TAULBEE. But that is true.

Mr. MCMILLIN. Yes; that is true.

Mr. TAULBEE. The chairman of the committee will corroborate it.

Mr. MATSON. A man who is placed upon the pension-roll now because of total helplessness and in a condition to require the attention of another person gets $50 a month. Those in that condition on the 30th of June, 1880, within the rule, are allowed $72 a month.

Mr. MCMILLIN. That is the point I was making.

Mr. TAULBEE. By the terms of this bill he will be given a rate as if his claim had been filed and allowed on June 16, 1880; or, in other words, he will get the rate of $72 a month.

Mr. MCMILLIN. Whereas if he were placed on the roll at the time, however meritorious the case might have been, he would be allowed only $50 a month.

Mr. WEAVER, of Iowa. If he had been mentally sound at the time he would have received the higher rating.

Mr. TAULBEE. His application is the question.

Mr. MCMILLIN. It is not a question of the degree of disability.

Mr. MATSON. If the claim were filed and the disability existed on the 16th of June that is the rate to which he would have been entitled under the law.

Mr. REED, of Maine. I want to say, Mr. Speaker, that this particular point of law is as new to me as it is to anybody else in this House, or else I certainly should have stated it, since I always try to state the law of my case as well as I can. But under the peculiar circumstances of this case I shall, I think, still urge the House to allow the bill to stand.

Mr. TAULBEE. Mr. Chairman, my first understanding of the position taken by the gentleman from Maine was that he did not insist on giving this claimant the benefit of the increased rate of pension, and that it was not the purpose of the bill to increase the rate from $50 to $72 a month. Since then I understand that the gentleman proposes to insist that it shall be passed in its present condition, which, perhaps, would give him a rating of $72, instead of $50, as he now has.

Mr. BAYNE. May I ask the gentleman from Kentucky a question?

Mr. TAULBEE. Yes, sir.

Mr. BAYNE. Suppose this man had had the sense to file his application, or somebody had filed it for him, within the time fixed by the law, would he not, with the disability from which he was suffering, have received $50 a month?

Mr. TAULBEE. If this claim had been adjudicated prior to the 16th day of June, 1880, with the present disabilities of the claimant, if they entitle him now to $50 a month it would have given him $72 a month. The existing law would give such disability as I understand him to be laboring under that rating a month.

Mr. BAYNE. But would he not have got $50 a month if the case had been filed for him and adjudicated upon the evidence before the committee as to his disabilities?

Mr. TAULBEE. As to that I am not able to say, because it is generally understood that the Committee on Invalid Pensions, and even the House itself, takes more latitude with reference to existing law, giving pensions and the adjudication of claims, than the Pension Office can take, which is held to a strict enforcement of the law. We may go outside of the legal question in the consideration of the case and take an equitable view of it, while the letter of the law does not confer such authority on the office.

Mr. BAYNE. But if this man with his present disabilities had been granted his pension prior to the 16th day of June, 1880, then he would have been entitled to the increase which was subsequently made by the change in the law to $72 a month?

Mr. TAULBEE. But the evidence before the Committee on Invalid Pensions, and the persistence of the attorney he had prior to June 16, 1880—the persistence manifested by them in reference to his case—certainly would raise the suspicion that this claim would have been filed within the time had it been considered meritorious or sufficiently so to warrant its filing. If the physical and mental condition of the claimant had been such as to enable him even to have given his consent, or make his mark to his declaration for pension, it undoubtedly would have been filed within the time.

Mr. MATSON. The trouble is that he could not do even that.

Mr. TAULBEE. Do I understand the chairman of the Committee on Invalid Pensions to say that from the time of the development of this disease to a pensionable degree he was never thereafter able to sign his declaration for a pension? Do I understand that to be the fact?

Mr. MATSON. I do not say that.

Mr. TAULBEE. For on any other state of the case I shall certainly oppose it.

Mr. MATSON. I can not say that exactly. The disease had been developed prior to the passage of the arrears law and continued until after the expiration of the law. But whether there was absolutely total disability prior to June 16, 1880, or not is another question. There is no doubt of the existence of the disease at the time specified. The man was so helpless that he could not look at an object for a moment without excruciating pain. He was an absolute physical wreck.

Mr. RANDALL. If I understand this case aright this soldier was under disabilities on the 16th day of June of the year mentioned and for some time prior such as would give him $72 a month. Now by reason of mental disabilities he was not able to make his application, and in consequence, if the law does not now relieve him, he would be entitled to but $50 per month. What we are asked to do here is to take advantage of a technicality and deprive that soldier of what he would have been entitled to if he had been in the same condition on the said 16th day of June. I do not think the House or the gentleman from Kentucky would wish to do that.

Mr. MCMILLIN. Let me make a suggestion to the gentleman from Pennsylvania.

Mr. RANDALL. Certainly.

Mr. MCMILLIN. The state of facts would exist that he designates if the application had not only been filed but acted upon; whereas if it had been filed and not acted upon in the Department he would not get $50.

Mr. REED, of Maine. But this, gentlemen, allow me to state, was a lawyer of standing, a lawyer of good reputation and influence in his profession, and was present here in Washington——

Mr. RANDALL. Besides that, we ought not to take the pension of a soldier away because of any neglect on the part of his lawyer.

Mr. REED, of Maine. I speak of the man himself as being a lawyer. He was present here and knew the law——

Mr. RANDALL. At any rate I do not think that he was a very good lawyer at this time.

Mr. REED, of Maine. But prior to the incurrence of this disability, which happened before the arrears act was passed, it is presumable that he would have taken advantage of the act if his mental condition was such as to enable him to do so. Is it unfair then in undertaking to do justice to him to presume that the claim would have been prosecuted to a successful conclusion by a man who knew the law if his mental capacity had not been impaired? The presumption must be that it would.

Mr. MCMILLIN. He could not have known the limits of the law, because the $72 rate was given by a law that was in a sense retroactive, that is, it was a law passed after a certain number were on the pension-rolls, and it did not apply to any except those on the rolls. It did not apply to applicants at all.

Mr. BRECKINRIDGE, of Arkansas. By the courtesy of the gentleman from Kentucky [Mr. TAULBEE], I would like to ask the gentleman from Tennessee if it is not a fact that there were many meritorious cases awaiting action that were carried over?

Mr. MCMILLIN. That is true.

Mr. BRECKINRIDGE, of Arkansas. Exactly the same weight attaches to those cases that attaches to this case.

Mr. RANDALL. Whenever they come up we can act upon them.

Mr. BRECKINRIDGE, of Arkansas. What we are called upon to do is to guarantee the efficiency of the Pension Bureau against the effects of a limitation law. We are to guarantee they shall pass upon every case coming within the law. Now Congress fixed a limit. I do not know why it fixed a limit. It had its own reasons at that time. And I would like to see that matter very clearly opened up before I go beyond that limit.

I think it would be unfair to this applicant to deprive him of anything he would have been, beyond all question, entitled to if he had made his application prior to June 16, 1880. But there was no guarantee that he any more than any of the others that had applied prior to that date and did not get $72 a month—there is no guarantee that had he been of sound mind he would have got the $72 a month. We have heard no argument in favor of the proposition that we should take up that entire line of applicants who had their cases in the Pension Bureau and failed to receive the benefit of early and prompt action on the part of the bureau.

Mr. REED, of Maine, addressed the Chair.

Mr. TAULBEE. I believe I have the floor.

Mr. REED, of Maine. I think not. I think the Speaker was mistaken in saying so. I had the floor and yielded to the gentleman from Kentucky.

Mr. TAULBEE. I desire to make a statement when the gentleman from Maine gets through.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Maine.

Mr. MATSON addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Indiana rise?

Mr. MATSON. I was going to demand the regular order; or I was going to suggest to these gentlemen, as I am satisfied no agreement can be arrived at by this discussion, that this bill go over with the previous question ordered on it until next Friday.

Mr. REED, of Maine. I think we can settle it to-night.

Mr. MATSON. I am afraid not.

Mr. REED, of Maine. I want to say just a word and will then ask the House to vote. I do not think there is any disposition to embarrass the matter or to prevent having a fair vote. I want to treat the question fairly.

The argument on the other side is this, and I address myself to it just as I find it. As I said to the House before, this peculiarity of the pension law was unknown to me when we commenced the discussion, and consequently I have answered incorrectly at least one of the questions of the gentleman from Kentucky; but of course I answered it as I understood it.

The objection made to this is the following: It is said that this bill gives to this man the same right that he would have had had his case been adjudicated in his favor on June 16, 1880, but that it does not follow that if he had made an application and been sane—it does not follow that he would have had his pension case completed by June 16. That is true. But here is a case peculiar in its character. It is a case unlike any other one that has occurred, and I think it is fair to say unlike anything that is likely to occur.

Here is a man, a lawyer by profession, who knew his rights or would have known his rights had he been in proper condition, who would have presented his claim under the arrears act, and who would undoubtedly,

as every member of the committee knows, by his persistence, by the care with which he has attended to this case since he has got partially into a condition to attend to it, although very much disabled, who would doubtless have prosecuted his case with care and alacrity, being here in Washington; and the probabilities are enormous that he would have been on the pension-rolls within thirteen months after the time the application was made. Now this House is asked to put this man in the condition in which he would have been had he been a sound man when the arrears-of-pension act passed.

Those are all the facts in the case. There are no arguments that can ever be made on any such case beyond the fair statement of the facts. Now is it not a fair thing to put this man on the pension-roll as he was on June 16? To me it does seem to be the fair thing.

Mr. McMILLIN. Will the gentleman permit me to ask him one question?

Mr. REED, of Maine. Certainly.

Mr. McMILLIN. Will the gentleman permit me to inquire how long this man was a practicing attorney after he was discharged from the Army before he was stricken with this disability?

Mr. REED, of Maine. Up to 1878.

Mr. McMILLIN. Thirteen years.

Mr. REED, of Maine. Yes. It is as I have said and as has been said by the chairman of the Committee on Pensions a very remarkable case of an injury going along for years and finally culminating after this long lapse of time in this very disastrous result.

In the mean time I suppose that neither Mr. Hopkins nor his people had any suspicion that any such thing was coming upon him. It is a peculiar case of the effect of a wound upon the nervous system, but there have been a good many such cases. I have personal knowledge of a case, a young man, a school-mate of mine, who for years filled certain public offices, yet to-day, if I can judge from his letters, he is in very much the same condition as this man, the effect in his case resulting from the severing of the sciatic nerve by a ball.

These things do happen, and we may as well recognize them and deal with such cases fairly and squarely. Here is a man who was capable of earning $5,000 a year, and actually earning it; yet thirteen years after receiving this injury he is stricken by a disability which renders his talents, his mind, his body entirely useless, so that he requires the constant care of an attendant; and the question before the House now is upon treating his case fairly. It seems to me that we ought not to hesitate in such a case to be even a little generous. The presumptions ought to be in his favor; they certainly ought not to be against him. After all, that is just what the case is, a question of presumptions, which Congress has a right to pass upon. It seems to me from all the facts of the case that the presumptions are in favor of the applicant, and I ask the House to pass this bill.

Mr. JOHNSTON, of Indiana. Mr. Speaker——

Mr. REED, of Maine. I have the floor, I believe. I was about to ask for the previous question.

Mr. TAULBEE. I trust the gentleman from Maine will not call for the previous question. I wish to make some further observations with reference to this bill, and after so much has been said with regard to the position I have taken, I think it is due to me that I should be permitted to say an additional word.

Mr. REED, of Maine. You shall have an opportunity. I am only desirous of consulting the wishes of the House.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I just want to get at the law of this matter. I understand that if the application was filed before the 16th of June but not acted on until the 30th, the man would draw a pension of $50 a month; but that if it was acted on prior to the 16th of June he would draw a pension of $72 a month.

Mr. BAYNE. That is right.

Mr. REED, of Maine. That is the law as it has been developed here.

Mr. JOHNSTON, of Indiana. Now, you propose to grant this man his pension at the rate of $72 a month because he was not in a condition to make his application in time. I merely want to suggest this proposition: If he ought to have this pension because he was not in condition to file his application in time, would it not be proper for us to go back and raise the pensions of men who did file their applications but never had them acted upon? Would not that be an act of justice to those men?

Mr. REED, of Maine. There might be some cases where that ought to be done, and there might be cases where it ought not to be done. Each case would depend on its own merits. I yield now to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Mr. Speaker, before I proceed to answer what has been said by the gentleman from Maine [Mr. REED], I wish to place myself right before the gentleman from Pennsylvania [Mr. RANDALL]. He seems to have understood me to take the position that this applicant would not be entitled to the benefit of the arrears of pension act by reason of insanity. Now, I have made no such statement as that; I have taken no such position; nor have I said anything that could be reasonably construed as meaning that. The truth is that the law itself which provided for the payment of arrears of pension also provided that in any case where mental disability existed, such as to render the claimant incapable of making his application and filing it in the Pension Office prior to June 30, 1880, he should not, in consequence of his mental disability, be deprived of the benefit of that law.

Mr. MATSON. The gentleman states that matter a little inaccurately. The language of the statute is "insane persons." It does not apply to mental incapacity.

Mr. TAULBEE. I accept the gentleman's correction. But the word "insane" is the word used by the gentleman from Pennsylvania.

Mr. Speaker, the purpose of that law—and such, I understand, is the construction placed upon it by the Department—was that where any mental disability existed rendering the party incapable of filing his application, the benefit of arrears should extend to him. This is not a case of that kind. If it were, there would be no necessity of this special bill, because the law as it now stands upon the statute-book would extend the benefit of arrears to this claimant, even though his application had not been filed until to-day. I am contending for no such principle. I am not, upon any such argument, asking that this bill shall not pass. I do not stand upon that ground, and need not stand upon it.

In reference to the rerating proposed in this bill, each member of the Committee on Invalid Pensions who is now present will bear witness—and I know I do not betray any confidence of the committee by this statement—that when the attorney for this claimant appeared before the committee I put to him the question whether or not this bill was intended to rerate this pension, and his statement was that it was not so intended. The bill passed the committee with the understanding in my mind that it was not to increase the rate of this pension from $50 to $72 per month. I do not attribute any bad faith to this claimant. I know nothing about him except as I have learned his history in the progress of this case.

Mr. MATSON. My friend from Kentucky will permit me to say that the gentlemen who appeared before the committee in this case were not the "attorneys" of this man.

Mr. TAULBEE. I understand that; I withdraw the remark.

Mr. MATSON. They were ex-confederate soldiers, both of them.

Mr. TAULBEE. They were attorneys and citizens of Washington, friends of this pension bill, and they appeared before our committee to advocate its passage. But that matter does not affect the state of the case.

In the first place, I take the ground that there is nothing in the record of this case—and I accord to the testimony the very highest credit—that should lead a fair mind to conclude that this claimant could not have made his application after the development of his disability to a pensionable degree in time to avail himself of the benefit not only of the arrears but of the increase of rate from $50 to $72 per month. And I can see no good reason why this case should be placed on a different footing from many hundreds of cases where claimants were not acquainted with the law—lived in rural parts of the country, away from county towns, did not know their rights—and by reason of this ignorance were deprived of the benefit of the law. Upon this ground I say the bill ought not to pass; and in any event the amendment which I have presented ought to be adopted.

Mr. RANDALL. Mr. Speaker, I do not know whether in my brief statement of what I believed to be the point at issue in this case I misstated the argument of the gentleman from Kentucky or not. I now understand him to say he did not argue in that direction; yet his amendment would have the effect of reducing the amount intended to be given this pensioner from $72 to $50 per month.

I care not whether the terms of the law refer to "insane persons" or "persons mentally disabled." The result is the same. I desire by the enactment of this bill to so modify the existing law that this claimant shall not suffer by reason of any failure to make application between the 16th and the 30th of June of the year stated. The effect of the amendment of the gentleman from Kentucky would be to make him suffer; and that I desire to avoid. I had no intention of misstating in the least degree the position of the gentleman from Kentucky. I do not care whether his argument was in that direction or whether he rests upon the language of the existing law.

Mr. BRECKINRIDGE, of Arkansas. Can the gentleman from Pennsylvania state how many cases were on file in the Pension Bureau prior to June 16 which were not acted upon?

Mr. RANDALL. Of course I can not state the number with any accuracy. I might guess at it. But I want every case of this character to stand upon its own merits.

Mr. BRECKINRIDGE, of Arkansas. Exactly.

Mr. RANDALL. As each case comes up let us decide it.

Mr. BRECKINRIDGE, of Arkansas. What are the merits of this case? In this instance we propose to give effect to the assumption that the application, if made in season, would have been favorably acted upon. I believe in putting this applicant exactly where he could have put himself if he had been of sound mind.

Mr. RANDALL. We propose still to leave to the Commissioner the discretion to determine the extent of the disability.

Mr. BRECKINRIDGE, of Arkansas. That is another question. Now, we assume that a man of intelligence here upon the ground would have been able to obtain favorable action at the Pension Bureau. If we as-

sume this for the most favorably situated and the most efficient we should have very poor ground, as a matter of justice, for not assuming it in behalf of those not so able and who were more remote from the point of action than this applicant was. Now, to what extent this opens up legislation we are not told. The gentleman from Tennessee, who is quite conversant with this business, states that he thinks a large number of cases which were on file were not acted on. In that view I think it would be dangerous to give effect to an assumption that this case would have been acted on.

Mr. BAYNE. There could not have been many of those cases.

Mr. REED, of Maine. I call the previous question.

Mr. TAULBEE. I desire to inquire whether my amendment will be voted upon.

Mr. REED, of Maine. I so understand; I have admitted it.

The SPEAKER *pro tempore*. If the previous question be ordered, the first question will be upon the amendment of the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. I wish the amendment to be understood before it is voted on. My motion proposes to strike out that part of the bill relating to rerating, and the date, June 16, 1880. If the Clerk will read the bill I will indicate the amendment.

The Clerk again read the bill.

Mr. TAULBEE. I move to strike out that part of the bill which relates to June 16, 1880, and in lieu thereof to insert "June 30, 1880."

The previous question was ordered.

The House divided; and there were—ayes 8, noes 25.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. TAULBEE. I demand a division.

The House divided; and there were ayes 26.

Mr. TAULBEE. No further count is asked for.

So the bill was passed.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET D. MARCHAND.

The next business reported from the Committee of the Whole House was the bill (S. 226) granting a pension to Margaret D. Marchand.

Mr. JOHNSTON, of Indiana. I understand every one of these bills has been passed, with three exceptions.

The SPEAKER *pro tempore*. Only three more bills remain to be acted on.

Mr. JOHNSTON, of Indiana. I merely wish to say this, Mr. Speaker: I made objection here because I believe the principle involved is wrong. I am not going to make a speech, but I believe it to be injustice to the persons who are now needing pensions and not able to get them. I believe it to be an injustice to thousands in this country asking to be pensioned and who can not get pensions, because we are told it is piling up the aggregate of pensions. When these men knock at our door and ask for pensions that aggregate is flung in their faces. That aggregate is brought up, and it is said we have such an aggregate of pensions, amounting to millions of dollars, we can not afford to grant any more. I have been asked to withdraw my objections, and as I do not wish to stand in the way as an obstruction, I am willing to do so. I wish to say, however, this much before doing so, that every man who votes for this class of pensions is doing injustice to the poor men and women who are unable to get their pensions. I withdraw my objection at the request of gentlemen here.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BILLS PASSED.

Bills of the following titles, reported favorably from the Committee of the Whole House on the Private Calendar, were severally taken up and ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa; and

A bill (S. 2223) granting a pension to Elizabeth S. De Krafft.

Mr. MATSON moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHEELER. Gentlemen kindly consented to allow me to submit some remarks this evening, but as the hour is late I am unwilling to detain gentlemen, and therefore ask the same permission be extended to me for next Friday evening.

Mr. MORRILL. After the regular pension business has been disposed of.

Mr. TAULBEE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BENNETT: Petition of colored citizens of Mecklenburgh County, North Carolina, in reference to migration to Africa—to the Committee on Appropriations.

By Mr. BUNNELL: Petition of citizens of Franklin, Bradford County, Pennsylvania, praying for a law to prevent adulteration and counterfeiting of food products, especially butter—to the Committee on Agriculture.

By Mr. J. M. CAMPBELL: Petition of Grange No. 619, of Pennsylvania, asking such legislation as will suppress the manufacture and sale of all imitation dairy products—to the same committee.

By Mr. CANDLER: Petition of Susan Davis, of Lumpkin County; and of Jane A. Head, daughter of Elizabeth Baugh, deceased, of Gwinnett County, Georgia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Elizabeth Baugh, of Gwinnett County, and of Susan Davis, of Lumpkin County, Georgia—to the same committee.

By Mr. CUTCHEON: Petition of physicians of Saulte Ste. Marie, Mich., asking increased compensation for hospital stewards, United States Army—to the Committee on Military Affairs.

Also, petition of hospital stewards, United States Army, for same—to the same committee.

Also, petition of James J. Ayers, and others, citizens of Austin, Mich., asking for pension legislation recommended by Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. DIBBLE: Papers relating to the claim of Rudolph Labriger—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the Board of Trade and Transportation of New York, urging the issuance of one and two dollar notes—to the Committee on Banking and Currency.

Also, memorial of the Produce Exchange of Denver, Colo., against taxing oleomargarine—to the Committee on Agriculture.

By Mr. GROUT: Petition of John E. Carr and 18 others, citizens of New Hampshire, and of Newton Bell and 12 others, citizens of Saint Albans, Vt., for a tax on oleomargarine—to the same committee.

By Mr. T. D. JOHNSTON: Petition of colored citizens of Buncombe County, North Carolina, asking to be sent to Liberia—to the Committee on Appropriations.

By Mr. LORE: Petition of E. Y. Richardson and 40 others, citizens of Laurel, Del., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. LYMAN: Papers and proofs to accompany House bill 9004, for the relief of Caroline P. Bolton—to the Committtte on Invalid Pensions.

By Mr. MATSON: Petition of Thomas A. Prewitt and 40 others, citizens of Hendricks County, Indiana, asking that a special act be passed granting a pension to Anna Grave—to the same committee.

By Mr. McMILLIN: Papers relating to the claim of Greenberry Williams, of Sumner County, Tennessee—to the Committee on War Claims.

By Mr. O'FERRALL: Papers relating to the claims of Morgan Layton, of Emanuel M. Hoover, of Curtis Yates, of Joseph Click, of Solomon Beery, of Samuel H. Wampler, and of William K. Abbott, of Rockingham County; of Sarah Ambrose, of Samuel Fetzer, of Harrison Fauber, of Samuel Roller, and of John T. Hottel, of Shenandoah County; of Harriet Walter, of Thomas W. Russell, and of John Sams, of Virginia—to the same committee.

By Mr. CHARLES O'NEILL: Petition of the Board of Trade of Philadelphia favoring the enlargement of the powers of the National Board of Health—to the Committee on Appropriations.

By Mr. PERRY: Petition of James L. Roane, of Richland County, South Carolina, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of James L. Roane, of Richland County, South Carolina—to the same committee.

By Mr. SENEY: Protest of Pittsburgh Grain and Flour Exchange, of Denver Produce Exchange, and of Atchison Board of Trade, against taxing oleomargarine—to the Committee on Agriculture.

Also papers of John H. Beall, for taxing oleomargarine—to the same committee.

Also, paper of J. Twing Brooks, favoring the amendment of section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. STAHLNECKER: Petition of the New England Shoe and Leather Association for the issuance of one and two dollar bills—to the Committee on Banking and Currency.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of Saint Paul, Minn., protesting against the building of low bridges across the Mississippi River below the mouth of the Missouri River—to the Committee on Commerce.

By Mr. WAKEFIELD: Petition of 105 citizens of Martin County, of 17 citizens of Watonwan County, and of 88 citizens of Blue Earth County, Minnesota, asking for action of Congress to determine the true condition of certain lands in that State alleged to have been im-

properly certified by the Interior Department to the Saint Paul and Sioux City and the Southern Minnesota Railroad Companies—to the Committee on the Public Lands.

Also, resolution of the Saint Paul Chamber of Commerce condemning low bridges across the Mississippi River below the mouth of the Missouri River—to the Committee on Commerce.

By Mr. WILLIS: Petition of citizens of Alabama for the passage of the educational bill—to the Committee on Education.

The following petition, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, was presented, and referred to the Committee on Agriculture:

By Mr. BARBOUR: Petition of certain citizens of Alexandria and Fairfax Counties, Virginia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 29, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CONSULAR REPORTS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, accompanying the report of consuls of the United States, on the trade and commerce of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

The SPEAKER. Unless ordered by the House the Chair will not direct the reports themselves to be printed at present.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, an estimate from the Secretary of State of the expense of inaugurating the statue of "Liberty Enlightening the World;" which was referred to the Committee on Foreign Affairs, and ordered to be printed.

JOSEPH D. RIDDLE.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing the account of Joseph D. Riddle, with accompanying papers, for legal services for defending persons under appointment by the United States circuit judge of the district of California; which was referred to the Committee on Claims.

LAWS OF DAKOTA TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws; returned from the Senate with amendments.

Mr. SPRINGER. In the absence of the chairman of the Committee on the Territories, I move that the House non-concur in the Senate amendments and agree to the request for a committee of conference.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will appoint the managers on the part of the House during the day.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BROWN, of Pennsylvania, indefinitely, on account of important business.

To Mr. MATSON, for five days, on account of important business.

To Mr. MORRILL, for one week, on account of important business.

To Mr. JAMES, for three days.

INTERSTATE COMMERCE.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent that Senate bill No. 1532, to regulate interstate commerce, now on the Calendar of the Committee of the Whole House on the state of the Union, having been reported back from the Committee on Commerce, be considered also under the special order when the House bill to regulate interstate commerce shall be called up.

Mr. SPRINGER. The request of the gentleman is that the Senate bill be also included in that order?

Mr. REAGAN. Yes, sir.

Mr. DUNHAM. What is that bill?

The SPEAKER. It is the bill (S. 1532) to regulate commerce.

Mr. DUNHAM. But it is not upon the same Calendar.

The SPEAKER. No; because the Senate bill proposes a commission, and is on the Calendar of the Committee of the Whole on the state of the Union; but the fact that they are on different Calendars makes no difference.

Mr. DUNHAM. We have not both of those bills here, as I understand it.

The SPEAKER. They are here.

Mr. DUNHAM. I shall have to object for the present at least.

Some time subsequently,

Mr. REAGAN. Mr. Speaker, the gentleman from Illinois supposed the Senate bill was not on the Calendar. I have explained to him the situation, and that the object was to consider it with the House bill, to which I understand he is willing to withdraw his objection.

Mr. DUNHAM. I shall withdraw the objection.

The SPEAKER. Without further objection the order requested by the gentleman from Texas will be made.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HATCH. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

MAILING OF OBSCENE MATTER.

Mr. MERRIMAN, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 7544) to amend section 3893 of the Revised Statutes of the United States relative to the transmission of obscene matter through the mails; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (S. 290) for the relief of Davidson Dickson and others; and the same was referred to the Committee on War Claims.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue.

Mr. WELLBORN. Mr. Speaker, to-day was set apart for the consideration of bills reported from the Committee on Indian Affairs, but of course it is impossible to get to-day for that purpose. I ask unanimous consent therefore that so much of the order setting apart to-day for the consideration of such business be continued over and apply to June 15.

Mr. GIBSON, of West Virginia. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GIBSON, of West Virginia. If objection is made to continuing that order until the date fixed, is not the Committee on Indian Affairs entitled to a date hereafter anyhow?

The SPEAKER. The Chair thinks not. This day was specifically set apart, and no other day, for the business reported from that committee.

Mr. BLOUNT. I would like to know what business is to be called up and what restrictions are made as to other orders?

Mr. HOLMAN. The reservation of other business should certainly be made before the order is made.

Mr. WELLBORN. Of course the same order will prevail which excepts appropriation and revenue bills, reports from the Committee on Public Lands, and prior orders.

The SPEAKER. Without objection the order requested by the gentleman from Texas will be made.

There was no objection.

The motion of Mr. HATCH was then agreed to.

OLEOMARGARINE.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair, and resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The CHAIRMAN. The committee when it rose yesterday had reached the eighth section. The Clerk will report the pending amendment, offered by the gentleman from Illinois [Mr. TOWNSHEND].

The Clerk read as follows:

In line 3, strike out the word "ten" and insert the word "two;" so that it will read:

"That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 2 cents per pound."

Mr. HATCH. I move to strike out the last word for the purpose of making a statement in reply to the statement made by the gentleman from Pennsylvania [Mr. CURTIN], who I regret is not in his seat, and one or two telegrams, that have been read from the Clerk's desk, from certain Knights of Labor in Chicago and Milwaukee. I ask that the telegram which I send to the desk may be read.

The Clerk read as follows:

CLEVELAND, OHIO, *May* 28, 1886.

Acting under instructions from the General Assembly of the Knights of Labor,

I desire to state that no person whatever is authorized to speak for this organization, either in the affirmative or negative, upon the question of the regulation of the sale of oleomargarine now pending before Congress. Please bring this to the attention of the proper committees.

T. V. POWDERLY,
G. M. W., K. of L.

HON. JOHN G. CARLISLE,
Speaker of House Reps., W.

[Applause.]

Mr. HATCH. Mr. Chairman, I have been requested by several gentlemen to state authoritatively the construction placed by the Committee on Agriculture on the effect of the second section of this bill, which I will read.

Mr. PARKER. I desire to call the attention of the House to the importance of the statement now being made by the chairman of the Committee on Agriculture.

The CHAIRMAN. The Chair requests the committee to be in order.

Mr. HATCH. The second section reads as follows:

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral: all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto, and other coloring matter, intestinal fat, and offal fat *made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.*

I want to state that the two lines I have emphasized in reading, the last two lines of this section, apply to and interpret each and every single word in the section that I have read. I did not suppose there was a misapprehension existing on the part of any gentleman in this House as to the proper interpretation of this section. If gentlemen had been present at the evening session when members of the committee fully explained this bill there would have been no question about it. According to the interpretation of that section, as interpreted not only by the Committee on Agriculture but by the Commissioner of Internal Revenue, who submitted it to the law officer of that Department, who has revised every single word and comma in it, it means this, and nothing but this, that the mixture of any two or more of these compounds into a substance to be colored and flavored and packed and sold as butter is to be taxed under this bill 10 cents a pound; but if lard and cotton-seed oil are mixed together, if lard and tallow and cotton-seed oil are mixed together, if any other two or more of these substances are mixed, placed on the market, and sold for what they are, in good faith and in fact, and not colored and flavored as an imitation and fraud upon butter, they are not liable to the tax under this section, and no reasonable construction of that kind can be placed on that section or the bill as an entirety.

Mr. BLOUNT. May I ask the gentleman from Missouri a question?

Mr. HATCH. Yes, sir.

Mr. BLOUNT. Why not insert a proviso to make it clear that that is the construction? The House has a right to criticise the language of the bill as well as the law officers of the Department. The gentleman would avoid all trouble by inserting a proviso giving the construction which he indicates.

Mr. HATCH. I will say to the gentleman from Georgia there is no proviso that can be added to that section that will make it any plainer to the law officers of the Government who will have to execute the law than as it stands in the bill.

Mr. BLOUNT. Will the gentleman allow me to say this: Suppose his opinion is correct, but the House should differ with him, is it not better to make it clearer to other gentlemen who do not see it so plainly as he does?

Mr. HATCH. I appreciate the suggestion of the gentleman from Georgia, but I will say to him that such products are sold upon the market now every day, and it is known to every commercial man in the United States and to every produce exchange in the United States which handles lard at all, that more than 75 per cent. of the hog's lard now put upon the market and sold as lard is adulterated with cotton-seed oil and cheaper fats.

Mr. DUNN. Cotton-seed oil is the best lard.

Mr. HATCH. That is the opinion of the gentleman from Arkansas, and I will take no issue with him as to his taste. If he prefers cotton-seed oil he can have it and mix it in any quantities he chooses to suit himself.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. What is the pending motion?

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] has moved to strike out the last word.

Mr. HAMMOND. I was not in the Hall when that motion was made.

Mr. HATCH. I moved to strike out the last word merely to give me an opportunity to make this statement.

Mr. LONG. Will the gentleman from Missouri yield to me for a question?

Mr. HATCH. Yes, sir.

Mr. LONG. I notice that the language of the section is, "or intended to be used as butter or for butter." My question is whether it is not desirable to strike out the words "or for butter." To be used "for butter" would imply to be used instead of butter, which I do not think is the meaning of the gentleman.

Mr. HATCH. The gentleman from Massachusetts will note the fact that the expression is used in connection with the language "made in imitation or semblance of butter." The language is:

Made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

Let me say further to the gentleman that in the construction of that sentence the language of the laws of more than a dozen States and the decisions of the higher courts of the State of New York, as far as they have interpreted the New York State law on this subject, have all been thoroughly discussed and considered by the Committee on Agriculture, and the language here used is language that has already been passed upon by the highest State tribunals in the land.

Mr. LONG. But when you say that this is to be taxed if used "for" butter, that means when it is used instead of butter.

Mr. HATCH. I will say further to the gentleman that the testimony before our committee establishes beyond any sort of controversy the fact that if these gentlemen are honest, if they simply mean to manufacture a wholesome food product, all they have to do is to strip it of the fraudulent disguise which it now wears and under which they attempt to palm it off on people for butter.

Mr. LONG. The bill makes this article oleomargarine subject to a tax in two cases: first, if it is used "as" butter; second, if it is used "for" butter.

Mr. MILLS. In other words, the gentleman proposes to make the raw material free, but to tax the finished product. It is simply carrying out in this case the general theory of my friend from New York [Mr. HEWITT].

Mr. REAGAN. Mr. Chairman, I desire to ask the chairman of the Committee on Agriculture whether, in order to remove all doubt upon the subject, he will not consent to an amendment to the second section of the bill?

The CHAIRMAN. The time of the gentleman from Missouri [Mr. HATCH] has expired. The Chair will recognize the gentleman from Texas [Mr. REAGAN] to renew the formal amendment.

Mr. REAGAN. I renew the amendment.

Now, Mr. Chairman, I propose to go back, by unanimous consent, to the second section, and add a proviso to the effect that it is not designed by this bill to tax oleomargarine or any of these other products enumerated in the bill when they are marked as such. Will the chairman of the committee consent to that?

Mr. HATCH. If the gentleman will frame his proviso in writing and submit it to me I will take it into consideration and lay it before the committee. The gentleman knows that having passed the second section we can not return to it unless by unanimous consent.

Mr. REAGAN. I know that; but if the committee mean to be fair, and mean the House to understand what they do by this bill, all they have to do is to agree to such an amendment.

Mr. HATCH. If the gentleman will reduce his proviso to writing we will take it into consideration. Of course I can not gather its effect with any accuracy from a mere statement here in this colloquy.

Mr. REAGAN. I do not undertake to give the language of the proviso. I simply suggest that a proviso be added to the second section to the effect that it is not intended by this bill to tax oleomargarine when it is sold as what it is not—that is, as "butter."

Mr. HATCH. "Tax oleomargarine"—"oleomargarine" is now manufactured and sold in imitation of butter, and one of the objects of this bill is to define what that article is and to tax it.

Mr. REAGAN. But if the gentleman desires to make the meaning of the bill plain he sees very well that he can make it plain in the way I have suggested.

Mr. BLOUNT. Mr. Chairman, if I understand the gentleman from Missouri [Mr. HATCH] correctly, he is not willing that any change shall be made in the bill.

Several members addressed the Chair.

Mr. HENDERSON, of Iowa. Mr. Chairman, I rise to a point of order. The confusion is so great that it is impossible for us to make progress. No one seems to understand who is entitled to the floor.

The CHAIRMAN. The House will be in order.

Mr. REAGAN. The time that was allowed to me I turn over to the chairman of the Committee on Agriculture.

Mr. McCREARY. Mr. Chairman, I desire to ask the gentleman from Missouri [Mr. HATCH] a question.

Mr. BRECKINRIDGE, of Arkansas. I demand the regular order.

Mr. WARNER, of Missouri. I move to strike out the last word. I, for one, thank the Committee on Agriculture for the new light which they have imparted to the House this morning in regard to this bill, for it certainly is in direct conflict with and contradiction of the arguments that have heretofore been made by the advocates of the bill. I assume, Mr. Chairman, that the advocates of this bill are pressing its passage in good faith, and I trust that the gentlemen who favor it will concede the same good faith to those who oppose this measure upon what they believe to be grounds of public policy and constitutional inhibition.

Assuming, sir, that this bill is not intended to blot out any whole-

some article of food, assuming the fact, which can not be successfully contraverted, that the article known as oleomargarine when made properly is a wholesome, cheap article of food which should not be taxed out of existence, I am not here to advocate or excuse the perpetration of a fraud by the manufacturers of oleomargarine or by the manufacturers of any other product in this country, and I had prepared, before the chairman of the Committee on Agriculture took the floor, an amendment which I think will meet the view expressed by him. The amendment protects the honest manufacturer and dealer in oleomargarine, which the chairman does not intend to reach under this bill. It is in the line of the admission that the gentleman has just made, only that it goes further against the manufacturers of oleomargarine than he claims that he contends for.

I will now read the proviso for the information of the committee, and give notice that at the proper time I shall offer it, either at the conclusion of the eighth section or at the conclusion of the bill. I read:

Provided, That nothing in this act shall be construed to apply to the manufacture, sale, or offer for sale of any substance known as oleomargarine, which shall be shown, before the same is sold or offered for sale, to the satisfaction of the Commissioner of Internal Revenue, under such rules and regulations as he may adopt, to be wholesome as an article of food and what it purports to be, as shown by the marks and brands thereon.

And further, that the constituent elements thereof, separately and combined, are in no way deleterious to health: *And provided further*, That said substance known as oleomargarine shall be put in packages marked and branded as provided in this act. Any manufacturer, wholesale or retail dealer, or other person who shall knowingly manufacture, sell, or offer for sale any such substance as oleomargarine for butter, or as butter, or without the same being put in packages plainly marked and branded as in this act provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment.

Now, gentlemen, if it is the purpose to protect a wholesome article of food which is branded and marked—if it is the purpose not to crush out an industry which is proper and honest (and I shall not accuse any gentleman of bad faith in this matter), then it seems to me that this provision affords full protection. It protects the manufacturer, the wholesale and the retail dealer, who sells the marked article for just what it purports to be; it requires that the article shall thus be sold; and further, the burden of proof is thrown upon the manufacturer or dealer to show that the article as a compound, as well as every constituent element entering into its composition, is healthful; that there is nothing contained in the article which can be injurious to the health of the consumer. It is an absolute protection against fraud either in the manufacture or sale of oleomargarine.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, upon hearing the explanation of the gentleman from Missouri [Mr. HATCH], but before I had re-examined the bill, I was tempted to withdraw my amendment; but on examination of the eighth section I find that the construction of the gentleman from Missouri is not correct. The second section declares—

That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine."

The eighth section declares—

That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof.

Now the eighth section does not declare that only the imitation article shall be taxed 10 cents, but it declares expressly that all oleomargarine shall be so taxed.

Mr. CANNON. My colleague will allow me to say that the second section is the dictionary section, defining what shall be considered oleomargarine under this act; and when throughout the bill oleomargarine is mentioned, the reference is to oleomargarine as defined in the second section.

Mr. TOWNSHEND. I am afraid that the construction placed on this bill by my colleague [Mr. CANNON] is not correct. Oleomargarine is a well-known article; its definition is understood. It is an article composed of certain ingredients. The name is common and well understood. Now, I have an apprehension that under the eighth section of this bill the courts will hold that no oleomargarine can be manufactured and sold without paying a tax of 10 cents, although it may be sold under its true name and with full knowledge by the purchaser of its true character. For this reason I think the section should be amended by the addition of some such proviso as has been indicated by the gentleman from Texas.

Mr. HENLEY. To obviate the gentleman's objection the eighth section could be amended by inserting the words "oleomargarine as defined by the second section of this act."

Mr. TOWNSHEND. Perhaps some such amendment as that might reach the difficulty.

Mr. HENLEY. Three or four words would do it.

Mr. TOWNSHEND. I only make the point that unless there be some amendment of this character confusion may result, and perhaps all oleomargarine will be taxed.

But, Mr. Chairman, even if this amendment be adopted, I still maintain there is no need for so large a tax as 10 cents per pound; we should content ourselves with imposing a tax of 2 cents per pound; and therefore I shall insist on my amendment.

The CHAIRMAN. If there be no objection the Chair will consider the formal amendment as withdrawn.

Mr. PRICE. I move to amend by striking out the last word.

Mr. ALLEN, of Mississippi. I desire the Chair to take notice that when the gentleman from Wisconsin [Mr. PRICE] gets through I wish to be heard in opposition to striking out the last word. [Laughter.]

The CHAIRMAN. The Chair will take notice of the gentleman's announcement.

Mr. PRICE. Mr. Chairman, I desired last evening to take the floor to answer the gentleman from Ohio [Mr. BUTTERWORTH]. That gentleman said:

It has been proclaimed by those who speak for the agricultural interests of the country—and I represent this with other interests—that all that is desired in this matter is such a law as will place the manufacture of oleomargarine separate and apart from the manufacture of butter, &c.

Now, there is not a man on this floor who does not know that a tax of 2 cents is ample and more than ample to bring about that result, &c.

Now, we on this side are for protecting American industries against every kind of foreign competition.

And yet the gentleman pleads the cause of less than five hundred men who must be convicted of counterfeiting a staple article of production, of commerce, and of consumption before this bill can touch them, and pleads against the interests of four or five million of the farmers of our country.

He pleads against the collection of sixteen or eighteen millions of revenue to be derived from a business that can well afford to pay it, and still enter the lists and maintain itself as the producer of regular butter.

The "specter of free trade may stalk in every town and village in this country within five years," but it will haunt the bedside of those who would justify "free trade" in counterfeit money or butter rather than the slumbers of those who would place under the ban of the law a sham, a cheat, and a false pretense.

When the specter comes, if it does come, we, who would shield the consumer and producer of a healthy article of food, can say:

Thou canst not say I did it: never shake
Thy gory locks at me.

Mr. MCCREARY. Mr. Chairman, I desire to offer an amendment to the eighth section, now under consideration.

The CHAIRMAN. The Chair understands the gentleman from Wisconsin to withdraw the *pro forma* amendment.

Mr. ALLEN, of Mississippi. Mr. Chairman, there have been a half dozen speeches made here in favor of striking out the last word, and I have never yet heard one in opposition to that motion; now, I want to be heard on that. [Laughter.]

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky, and the Clerk will report the amendment.

The Clerk read as follows:

Amend lines 1 and 2 of section 8 so as to read:

"That upon oleomargarine which shall be manufactured or sold as butter there shall be assessed and collected a tax."

Mr. MCCREARY. Mr. Chairman, I desire to support this bill if it be amended in proper way. As I understand the chairman of the Committee on Agriculture, he does not desire to impose this tax except upon oleomargarine when sold as butter; and the purport and meaning of my amendment is to impose the tax of 10 cents per pound, as provided in the bill, upon oleomargarine which shall be manufactured and sold as butter.

Now, sir, all legislative power, as I understand it, under the Constitution is vested in Congress; and it is fair and just to the Committee on Agriculture to assume that when they report a bill they desire to benefit this country in some shape or manner. This bill proposes, first, to raise revenue. Its object seems to me, in its present form at least, to tax an industry out of existence. As I understand it, 200,000,000 pounds of oleomargarine were manufactured last year. If you impose a tax of 10 cents per pound upon oleomargarine it does make a big revenue, amounting, say, to some $20,000,000. Now, it has been shown here, and I will not go into the figures, that at present there is no necessity for increasing the revenue tax; that, in fact, we had last year nearly $50,000,000 of surplus.

If there be no necessity for increasing the revenue tax why pass a bill for that purpose?

I call attention to the next point in the brief time that I have; that is, whether we can afford to tax an industry out of existence. The manufacture of oleomargarine has become a great industry in this country. It has been shown here, and it can be proven, that the ingredients of oleomargarine, where it is an honest product, are healthful, and that, in fact, nearly all of them are used upon the tables of many of our best people. It can also be shown that oleomargarine has been to a certain extent a benefit to the people, for it has reduced the price of that kind of food. It is also a benefit to those who raise cattle and hogs, for cattle and hogs are used in the manufacture of oleomargarine; and furthermore, Mr. Chairman, it is the duty of this Congress to encourage, as far as possible, all healthful and honest industries; and I protest against anything that seeks to strike down any leading industry in this country. The chairman of the Committee on Agriculture says he does not desire to impose a tax except upon oleomargarine when manufactured and sold as butter.

If that is his meaning it ought to be made clear in the bill, and the eighth section, now under consideration, is the proper section in which to incorporate such an amendment. I offer the amendment, that we may put it in the bill so as not to permit a construction to be given to the bill which will not be warranted hereafter. At a future time it may be that the courts of this country will not construe the bill as the gentleman who is now the chairman of the Committee on Agriculture does; and in order that its purpose and effect may be clearly understood we ought to perfect it now.

[Here the hammer fell.]

Mr. HATCH. I desire to say to the gentleman from Kentucky that my statement was plain and frank and intended in good faith to the House, and that I do not desire him to put any construction upon what I said as favoring this amendment to the eighth section if it is not covered by the language of my own.

Now, sir, to place the Committee on Agriculture properly before the Committee of the Whole I ask unanimous consent that in line 12 of the second section of the bill there may be added after the word "or," where it occurs before the word "calculated," the words "so made;" and in line 13 strike out the word "used" and insert the word "sold;" so as to read:

Made in imitation or semblance of butter, or, when so made, calculated or intended to be sold as butter or for butter.

Mr. McCREARY. I do not see any material difference between that amendment and my own.

Mr. BRECKINRIDGE, of Arkansas. Do I understand the chairman of the committee to state then that if it is made as oleomargarine and sold as oleomargarine, not as butter, it will not come within the operation of this restriction?

Mr. HATCH. I think the language I have used is perfectly plain and intelligible.

Mr. BRECKINRIDGE, of Arkansas. Perhaps the gentleman had better restate it.

Mr. HATCH. I stated plainly and distinctly that the mere branding it as "oleomargarine" or "butterine" would not take it out of the operation of the law; but if manufactured out of tallow and lard or tallow and cotton-seed oil, or all three, making a mixture of tallow, lard, and cotton-seed oil, it is not within the provisions of the bill. But whenever they use the fraudulent stamp of "oleomargarine" upon the package that is made in imitation of butter, and intended to be sold as butter, it does come within the provisions of the bill.

Mr. BLOUNT. Will the gentleman from Missouri allow me a question right there?

Mr. HATCH. With pleasure.

Mr. BLOUNT. Suppose the product is made up of these various elements, lard, tallow, &c., as the gentleman has described, and it is so branded, but has coloring matter making it similar to butter, is it then taxable?

Mr. HATCH. With coloring matter similar to butter?

Mr. BLOUNT. Yes, sir.

Mr. HATCH. Unquestionably.

Mr. BLOUNT. Although there is a brand disclosing the component parts of it?

Mr. HATCH. Unquestionably; because it is simply a new name of a counterfeit.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. Has the Chair submitted any proposition to the committee for objection?

The CHAIRMAN. The Chair has not?

Mr. HATCH. I ask unanimous consent to make the amendment to section 2 which I have indicated.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to section 2 of the bill for the purpose of enabling him to offer the amendment which the Clerk will read.

Mr. BEACH. I will object.

The CHAIRMAN. The proposition must be stated before the gentleman's objection can be entertained.

Mr. BEACH. It has been stated.

Mr. HAMMOND. Let the RECORD show it.

The CHAIRMAN. The proposition will be read.

The Clerk read as follows:

In section 2, line 12, after the word "or," where it occurs the second time, insert "when so made;" and in line 13 strike out the word "used" and insert "sold;" so that it will read:

"Made in imitation or semblance of butter, or when so made calculated or intended to be sold as butter or for butter."

Mr. HATCH. I ask unanimous consent that that amendment may be adopted.

Mr. BEACH. Unless there is an opportunity of further amendment of the section, I object.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that section 2 be amended as indicated.

Mr. GIBSON, of West Virginia. Regarding this proposed amendment as only adding further deception to the original fraud of this bill, I object to it.

Several members called for the regular order.

The CHAIRMAN. The Chair will state that the amendment suggested by the gentleman from Kentucky [Mr. McCREARY] is not properly an amendment to the amendment of the gentleman from Illinois [Mr. TOWNSHEND]. That the matter may be better understood, the Clerk will again report the pending amendment.

The Clerk read the amendment proposed by Mr. TOWNSHEND, as follows:

In section 8, line 3, strike out "ten" and insert "two;" so that it will read:

"That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 2 cents per pound."

The CHAIRMAN. The Chair will entertain the amendment of the gentleman from Kentucky when this amendment is disposed of.

Mr. HISCOCK. I make the point of order against the amendment of the gentleman from Kentucky.

The CHAIRMAN. The gentleman from New York can reserve the point of order to be made when the amendment is offered.

Mr. HISCOCK. I wish to inquire whether the amendment just read has not been once voted upon.

The CHAIRMAN. It has not. Several amendments to the amendment have been voted upon. The gentleman from New Jersey [Mr. LEHLBACH] is recognized.

Mr. MILLS. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLS. It is understood that the time for debate should be about equally divided between those opposing and those favoring a measure. It seems to me all the speaking this morning has been in favor of the bill. One gentleman has spoken against it and all the rest for it.

The CHAIRMAN. It is impossible for the Chair, while these amendments are pending, to know whether gentlemen rising to speak favor the bill or not.

Mr. MILLS. I oppose it and would like to be heard.

The CHAIRMAN. The Chair thinks he can not be accused of partiality in this matter. He now recognizes the gentleman from New Jersey [Mr. LEHLBACH], who has not been heretofore recognized in the general or the five-minute debate.

Mr. TOWNSHEND. I hope order will be preserved that the gentleman from New Jersey may be heard.

The CHAIRMAN. The committee will come to order.

Mr. LEHLBACH. I have thus far voted with the Committee on Agriculture. I am in favor of the passage of this bill provided it does not make the taxation excessive. I consider the license tax already imposed too high, but even with that provision in it I am in favor of the bill. But, Mr. Chairman, if the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND] is not adopted I shall be compelled to vote against the passage of this bill, and I hope the majority of this House will vote against it; for no matter what gentlemen in favor of the passage of the bill may say, it will have the tendency of driving out of existence a legitimate industry, and it will have the tendency of raising by legislation the price of butter. While butter is now being sold and brought into the New York market at 16½ cents a pound, we consumers have to pay at this present time from 30 to 40 cents a pound. If this bill passes in its present shape it imposes a tax of 10 cents on oleomargarine. The result must be that the price of butter will go up. This result must, I think, be conceded by all.

Now, Mr. Chairman, I give notice to the gentlemen who are in favor of the passage of this bill—and I am in favor of it so far as its object is to cause oleomargarine to be sold for what it is—that if they reject the amendment proposed by the gentleman from Illinois I shall be compelled, although a friend of the bill, to vote against it.

Mr. MILLS. I hope the few gentlemen who have been opposing this bill will not be misled by a mistake as to the character of the explanation which has been made by the gentleman from Missouri [Mr. HATCH]. Gentlemen must understand that this bill came into the House for a purpose and that purpose has not been abandoned. That purpose is to broaden the doctrine of protection and to adopt it in the United States as between different classes of industry. It has so been proclaimed this morning on the other side of this House. When the original doctrine of protection was proclaimed in this country it was proclaimed as a national necessity.

It was said that we must have protection to certain industries to foster and build them up in order that we might have power to defend ourselves against foreign nations; that we might become involved in war, and therefore it was necessary that we should build up some great institutions that could make cannon, that could make shot and shell, that could manufacture clothing and implements of war, so that we might be self-sustaining in case of a conflict with a foreign power. In those days the whole doctrine of protection lay close to the national safety. It was based upon Americanism, and on that ground it was deemed necessary to discriminate in favor of American industries against foreign industries. But, sir, that is not the doctrine that is proclaimed here to-day—the doctrine of discriminating as between two American industries. That simply means spoliation of one to build up another. The doctrine of our fathers was that this is a Government under which every man is equal.

Each one of our constituents is a sovereign, and a sovereign who has

no subjects. We, as their representatives, come here to make equal laws, laws that shall fall, like the rains of heaven, equally upon all, and our Constitution has been formed in that spirit. "Equal rights to all men, exclusive privileges to none," is the cardinal truth that underlies the whole of our American institutions. And yet, upon this floor it is proclaimed this morning that this bill is designed to protect the dairy interest. Against what? "Protection" when used in its economic sense means to protect one industry against the competition of another industry. The word is not used there as it is used in the criminal or the civil laws in other respects, meaning to protect one against the wrong of another; in business it means to give one an exclusive privilege against the competition of another.

Gentlemen, if you intend to go into that business in this country you have got to uproot all the institutions created by your Constitution, and announce to the people of the United States that this Congress is ready, at the bidding of any powerful class in the land, to break down another class that is less powerful. That is the doctrine, and it is a new departure in American politics. If you adopt it, every constitutional guarantee is worthless to you, whether it be of life, of liberty, or of property. Whenever a powerful interest comes here and asks that it shall be "protected" against the competition of another interest, the one that is stronger will devour the one that is weaker.

Mr. PARKER. Mr. Chairman, although I have the honor of representing a district as largely interested in the results of this bill as any other in the country, I have heretofore abstained from occupying any time by talking upon the floor. I have felt it a privilege and a duty to follow the admirable example of the chairman of the committee that has presented this bill, in acting in such a manner as to avoid delay and hasten a vote. It seems to me that this bill should have passed before this time. The views of those thinking as I do have not needed expression by me, as our position has been fully, concisely, and felicitously stated by our spokesman, my friend and colleague from New York [Mr. HISCOCK].

As the discussion is to go on I will take a part in it.

As to the suggestion made a while ago, that some new light has been given this morning in regard to this measure by the explanation of the force of the second section made by the gentleman from Missouri [Mr. HATCH], that is an error on the part of gentlemen who have not studied this bill or the other bills that have been introduced on the same subject. Upon the 15th of February last a bill was introduced involving, in principle, precisely the idea involved in this second section, the idea of taxing the fraud, taxing the imitation, taxing the counterfeit, and leaving the honest commodity free, and of so guiding the language of the section that it should not run counter to the judgment of the court in the case of The People *vs.* Marx, decided in the State of New York, or in any other of the decided cases.

Now, as to the question of the amendment which has been presented here by the gentleman from Illinois [Mr. TOWNSHEND] taken in connection with that offered by Mr. MCCREARY to limit the meaning and scope of the "oleomargarine" as named and taxed 10 cents per pound by section 8. One gentleman has indicated this morning that he is unwilling to support the bill unless the amendment is adopted. It will be noticed that the second section of this bill says that "for the purposes of this act" certain manufactures shall be called oleomargarine. For what purposes of this act? For all the purposes of this act; for every section and every clause of this act "oleomargarine" is what is described in section 2. Therefore, when you come to section 8, and say that "upon oleomargarine which shall be manufactured and sold or removed" there shall be assessed and collected a tax of 10 cents per pound, what oleomargarine is meant? Not something that may happen to be in the market, not something that is spoken of in the books, but the "oleomargarine" defined in section 2 of the bill as "oleomargarine" "for the purposes of this act." It is that and nothing else. Therefore it is the oleomargarine taxed as an imitation, taxed as a fraud, taxed as a thing intended to be palmed off as butter, to which this tax of 10 cents a pound applies; and I challenge any lawyer who will look at the matter closely and give it the benefit of his thought to find any other reasonable construction of the provisions of the bill. Hence the amendment is unnecessary and might prove injurious.

Now it seems to me, Mr. Chairman, that we have reached the crisis of this bill. If the bill can be passed with this tax of 10 cents per pound upon the imitation, the fraud, we shall have done what we intended to do and what no man—I am not criticising any gentleman personally—but I say we shall have reached a result which no man who aims at an honest result can object to. First, we ask for revenue; second, we ask for protection to the dairymen; third, we ask for protection to the consumer; fourth, we ask for power to mark and label a fraud. The money is needed for use. It is needed to pay pensions. It is needed to rebuild our Navy. As Mr. Tilden lately suggested, it is needed to fortify our coasts. In short, it is needed for all the purposes of government.

But gentlemen deny the right to tax. Naturally we are sent back to original principles, and hence again quote section 8 of Article I of the Constitution:

> The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States.

It is not necessary to discuss the relation, construction, or bearing of the "general-welfare" clause. Ample powers are granted us outside of that clause.

In Dobbins *vs.* Erie County (16 Peters, 447), the court, by Mr. Justice Wayne, says:

> Taxation is a sacred right, essential to the existence of government—an incident of sovereignty.

Acting under the Constitution and in pursuance of this sacred right we propose, in an orderly procedure and by legal methods in accordance with time-honored and successful precedents, to lay and collect upon this commodity named in this bill and described as oleomargarine the tax provided; and upon similar grounds and in a similar manner to tax the manufacturers thereof and those who sell the same.

It being granted that some revenue is necessary for the purposes of the Government under the language of the Constitution, Congress has the sole power of deciding what property shall be taxed to raise this revenue, subject only to the rule that the tax shall operate with the same effect upon the subject of taxation wherever found in the United States. Suppose we need all of the revenue we now have and something more, how shall we derive it? We may select our subjects of taxation—and we tax for revenue, not for revenue only, but under the Constitution for revenue—we select oleomargarine as the subject, and no man can complain.

It has been held legal to tax playing-cards, proprietary medicines, perfumery, distilled spirits, tobacco and cigars, and other classes of property. Why is oleomargarine sacred?

Why may we tax manufactured whisky and not tax manufactured imitation butter? The right to tax involves the right of selection. We have the right to select whisky, or tobacco, or oleomargarine, or other commodity. The right to select involves the right to discriminate, and that not only among articles now free of tax, but also as to articles now subject to a tax, customs, or other duty. For instance, we have the right to take the tax off railroad iron and put an equal amount on oleomargarine. We have the right to take it off Bessemer steel and put it on patent medicines.

Do these gentlemen claim that a tax once placed must remain unchanged?

Again, we have the right to take the tax off from sugar and put it on oleomargarine. I repeat, the right to tax includes the right to select the subject; the right to select includes the right to discriminate; the right to discriminate includes the right to choose from the several kinds of property subject to customs duty or to internal-revenue tax, as well as that which has been untaxed.

Hence it follows, and I challenge any man to question it, that we have the right to add to our revenue by a tax on oleomargarine this session $20,000,000. And we have the right to take off $20,000,000 from sugar this or the next session, leaving the net income the same as now, and he would be a very vicious or a very silly man who denies our power or our right so to do.

Therefore, suppose we need annually no more revenue than we are now receiving. We have the right to change the subjects of taxation, to drop one, to add another, according to our judgment, and only impertinence could presume to question our motives. We may, at will, according to our judgment, change or substitute the subjects of taxation.

Again, suppose we decide to reduce our annual gross revenues $20,000,000 and to tax oleomargarine $20,000,000. We have the absolute right and the absolute power to do it by taking off $40,000,000 of the taxes we now pay on imported sugars.

It is not necessary that this adjustment should be in one bill or in one session to be legal. We may take the several steps at our will.

Gentlemen have complained that there is no plan in this movement of the friends of honest butter to adjust taxation to the amount of revenue needed.

I will propose one, and I am prepared to work up to it now and hereafter. It is this: place ten millions or fifteen millions, more or less, of revenue upon imitation butter and take off forty millions of taxation upon sugar. Place the tax on oleomargarine now; take the tax off sugar at the first opportunity.

These manufacturers claim that they have discovered a new combination and a new method of making much wealth at little cost.

The gains have not gone to the consumer, but have been divided between the manufacturer and the retailer. The immense profits seem to come to them almost as an accidental bounty. Let us apply a tax to this sudden, unearned gain as we once applied the succession tax. Another ground is because these manufacturers and dealers can well afford to pay it, and are subject to the tax upon the theory of the income tax. Upon moral grounds, it is merely taxing into the public fund part of an enormous and unfair profit.

In the bill before us and the action upon it we see a remarkable growth of public opinion.

In the Forty-seventh Congress, the first time I ever ventured to address the House of Representatives of the United States (1882), I spoke in the interest of honest dairy products as against the oleomargarine counterfeits. I believe that I made the only speech on that subject in that Congress.

In this debate in this Forty-ninth Congress I have seen twelve members at a time seeking recognition to address the House on this subject.

Why is this? It is because the public will is known. The public press has honestly and fully reflected this public will, and public men have promptly responded. And in this country the voice of the people in public affairs is in reality as the voice of God.

I do not claim that this bill is fully sufficient or final, but it is all that can now be obtained; and this bill enacted, it will be comparatively easy to supplement with all legislation that experience shall show necessary.

The CHAIRMAN. The Chair, if there be no objection, will consider the formal amendment as withdrawn.

Mr. ALLEN, of Mississippi. Mr. Chairman, if I can not be heard in opposition to the motion to strike out the last word, then, sir, I move to amend by adding the word "notwithstanding." [Laughter.]

Mr. Chairman, it has occurred to me this morning, and I believe this impression is shared by other members of the House, that there is a disposition on the part of somebody (of course I will not make any imputation against the Chair), to suppress my impassioned oratory. [Great laughter.] But, sir, I wish to assure you and the House that it is not my purpose and that I have no desire by my fervid and persuasive eloquence to overpersuade this House into the adoption of any unconstitutional or hurtful measure. [Laughter.] Sir, I would scorn to take any such advantage of the weakness of this House. [Great laughter.]

Sir, I have modestly kept my seat, when not marching between the tellers, now for a whole week, and listened to the discussion and dilatory motions that have been made on this oleomargarine bill. The House seems, sir, to be unwilling to vote on it until it has had further light. It is waiting for something, and, sir, I am impressed with the belief that it is unwilling to act on so important a measure until I have been heard from. [Laughter.] And modest as I always am, yet resolute and willing to contribute my great weight to help along the legislation of this great country, I have determined to come to the front. [Laughter.]

Just here it might not be inappropriate to suggest an idea that has occurred to me. My name, you see, is one of the first on the list. I am one of the first on the Democratic side to vote and one of the most reliable voters. I remember that in the early part of the session the gentleman from New York [Mr. HISCOCK] said leaders would spring up from the new members in this House. Now, would it not be well for our Democratic friends to select me as a leader? [Great laughter.] Acting on this idea, and with a just sense of the fitness of things, I say to the gentlemen on this side of the House, "Behold your leader! Follow me." [Great laughter.]

Mr. Chairman, for the purpose of expediting business I am willing to forego this cherished amendment of mine, the addition of the word "notwithstanding," and to say seriously a few words in reference to the amendment proposed by the gentleman from Illinois [Mr. TOWNSHEND], the proposition to strike out the 10-cent tax and insert a 2-cent tax instead.

Mr. Chairman, I represent on this floor a purely agricultural constituency. Our people have in the past confined their efforts almost exclusively to the production of our great staple, cotton, as a source of revenue, and we have worked hard and grown poor raising cotton, on which there can in the very nature of things be no protection, while they have all the while been heavily taxed to protect other industries. Sir, of late years our people are trying to diversify their industries, and they are going largely into dairying and stock-raising.

Creameries and dairies are springing up in our section and giving new hope to our people. I, sir, am engaged in dairying myself. I am a strong believer in the cow and a staunch friend of the cow. In my judgment if protection could be defended at all it could be defended for the cow against all comers, and if I would vote for protection to any industry it would be the dairy or butter-making industry; but, sir, being as I am opposed to the whole system of protection for protection's sake, I can not give this bill in its present shape my support.

I think of all the mean frauds the fraud on the cow is one of the meanest, and if the committee will accept of the amendment of 2 cents tax instead of 10 I will vote for the bill, so as to put bogus butter under the supervision of the Internal Revenue Department, and require it to be stamped so as to prevent fraud and imposition. Gentlemen in opposing this bill have had much to say against the internal-revenue system, but, sir, we have the system and it is in full operation in every county and hamlet in this great country. This bill will add other duties to its officers, but no new offices, and as we are not likely to get rid of the system, and as I am not yet ready to vote to get rid of it, I see no impropriety in adding oleomargarine to the list of articles now under the supervision of that department.

If I were to vote for this 10-cent tax I could not fool myself into the belief that I was voting for it simply for the revenue it would raise. I would know that the motive prompting me would be a desire to tax oleomargarine out of existence to benefit the butter interest; and, having always opposed such legislation, I can not change my principles nor vote against them because it might benefit my people and myself. It is a sort of legislation the effects of which have already borne oppressively on us, and which would curse us again in a thousand ways. Let the bogus butter be stamped; then let those buy it who wish. As for me, I am sure when it is stamped I will buy none of it.

[Here the hammer fell.]

Mr. LONG obtained the floor and said, Mr. Chairman, I tender to the Democratic "leader" half my time, if he will take it.

Mr. ALLEN, of Mississippi. Mr. Chairman, I am certainly much obliged to the gentleman from Massachusetts; but I suppose the House only wanted to know where I stood; it understands that now, and is probably ready to proceed with business. [Laughter.]

Mr. LONG. Mr. Chairman, I rise to oppose the amendment of the gentleman from Mississippi. Instead of the word "notwithstanding," which he proposes to place at the end of the section, I desire at the proper time to amend by adding to the section a proviso practically embodying the amendment which the chairman of the Committee on Agriculture [Mr. HATCH] asked but did not obtain unanimous consent to have considered. The words which I propose to add are these:

Provided, That no tax shall be imposed on oleomargarine except when made in imitation or semblance of butter, and, when so made, calculated or intended to be sold as butter or for butter.

Mr. Chairman, my favorable consideration was asked for this bill by some of our leading produce dealers in Massachusetts. They very frankly stated to me that while they were very heartily in favor of the bill, they did not claim that butterine or oleomargarine as made by the best manufacturers is deleterious to health. They did not claim that the manufacture or sale of butterine or oleomargarine as such is objectionable or should be prevented. They frankly acknowledge, as I think the good sense of the House and the country must acknowledge, that the manufacture or sale of butterine or oleomargarine as such, aside from any fraud or imposition of it as pure butter, is proper and warrantable. All they demand, and all that I believe can be demanded, in behalf of the dairy interest, of the consumer, or of the dealer in dairy products, is that imitation butter shall not be sold as genuine butter.

We are invoking the taxing power of the country for the purpose of preventing this fraud, and not for the purpose of preventing the manufacture or sale of oleomargarine or butterine as such. And that distinction should be preserved. In order that we may prevent that fraud we invoke the internal-revenue system. It seems to me, therefore, when we have applied that internal-revenue system to prevent fraud, when we have the supervision, inspection, and control of the Internal-Revenue Department, we have accomplished all that can be asked of us. The next question is, having invoked that supervision, what tax is necessary? Shall we tax up to the extreme figure? Shall it be a tax that accomplishes a purpose that even the dairy interest does not claim, to wit, the prohibition of the manufacture and sale? In other words, a tax only is desired to prevent the sale of butterine as butter and to secure the supervision, inspection, and control of the Internal-Revenue Department. Certainly a tax of 10 cents a pound is not necessary for that purpose; a tax of 2 cents is sufficient.

The only thing desirable, the only thing which can be claimed by the advocates of this bill is the inspection and control of the Internal-Revenue Department. Let us do that with the smallest possible tax.

Mr. HAMMOND. Will the gentleman from Massachusetts let me ask him a question?

Mr. LONG. Certainly.

Mr. HAMMOND. I desire to understand your position. Do you think it is a proper use of the constitutional power to levy tax simply to protect one industry against another's fraud?

Mr. LONG. I do not say that, but I will say if you pass a law imposing tax the presumption is—and will go out and can not be escaped—that that tax is imposed for the purpose of revenue. I have nothing to do with the motives of men. The law will stand on its own footing; the law will be interpreted as a revenue tax.

Mr. HAMMOND. Does the gentleman from Massachusetts think we need a revenue tax? Do we need revenue?

Mr. LONG. I do not think we do at present.

The CHAIRMAN. The gentleman's time has expired.

Mr. LONG. I wish before taking my seat to offer an amendment which I have prepared.

The CHAIRMAN. Amendment is not now in order.

Mr. HENLEY was recognized.

The CHAIRMAN. The Chair will regard the formal amendment as withdrawn, and will recognize the gentleman from California to submit an amendment to the amendment.

Mr. HENLEY. I have an amendment similar in purport to the one proposed by the gentleman from Massachusetts [Mr. LONG], and therefore it becomes unnecessary to submit it.

Now, Mr. Chairman, what I wish to say to the committee is this: While I have been voting all the time for and favoring this measure, I do not intend, in the language of the gentleman from Georgia [Mr. HAMMOND], to vote as a slave, regardless of right or wrong, or at the dictation of any one. Now, I beg the House to give me its most earnest attention. Those who have hitherto opposed this measure have done so upon the ground, and it was a proper one if properly laid, that it was taxing one industry out of existence for the benefit of another.

Now, Mr. Chairman, the chairman of the Committee on Agriculture [Mr. HATCH] comes in here this morning and absolutely leaves those

who contend that way without any ground whatever to stand upon, because the bill, as he has proposed himself to amend it, is intended to provide, and will provide, if his amendment shall prevail, that nothing but fraud, nothing but foulness, nothing but impurity should be taxed by this measure. Who will declare himself as opposed to such a purpose?

Mr. DANIEL. No; it does not.

Mr. HENLEY. Yes, it does, as I construe it, and it admits of none other.

A MEMBER. That is a matter of construction.

Mr. HENLEY. The gentleman from Texas [Mr. MILLS] resorted to a favorite expedient of gentlemen who are a little lame in their logic in his reading of this bill. He gives it an interpretation that suits his own purposes—he defines it himself; in other words, he sets up a man of straw, and he encounters of course no serious difficulty in overcoming such an adversary. He says this is a bill to protect one industry at the expense of another. Is the gentleman warranted in elevating arson, or murder, or any other crime interdicted by the decalogue to the dignity of an *industry?* Are foulness, unwholesomeness, and all sorts of impure things which may be the means of infecting humanity with disease—are those industries?

Mr. DANIEL. Whoever heard of putting a tax on arson or murder?

Mr. HENLEY. In various ways those who violate its provisions must suffer the penalty.

A MEMBER. A tax is a license.

Mr. HENLEY. A tax is a license, and penalties may also be inflicted.

Mr. DANIEL. Well, what about license?

Mr. HENLEY. Let us practice the virtue of candor in respect to this matter. Our opponents declare that this bill taxes out of existence an honest industry. Let us test their sincerity. Any amendment they are disposed to offer curing this supposed objection, I am satisfied, will be cheerfully accepted by the other side. The controversy makes it clear nothing is going to be taxed save that which is imitation or semblance of butter. The bill is squarely in the interest of honesty.

Who is opposed to this? Why, I admonish you, gentlemen, that the time has come when the farmers of this country are to be heeded in their prayers and wishes. A gentleman on the other side of the House, the gentleman from Indiana, said the other day that the farmers of the country did not desire this legislation. It is impossible for me, Mr. Chairman, to express the profundity of my commiseration for the ignorance of a gentleman as to popular sentiment who does not know that the farmers of the country demand this or some similar measure of justice. The gentleman can look nowhere, he can not pick up a newspaper from his desk, if he happens to have one there, which will not afford abundant evidence of the wishes of the agricultural community upon this question.

This is a representative government, as I understand it. If we can not consent to submit ourselves to the wishes of our people, upon the theory that this is a representative government, we should resign. The terminology of the Constitution is that we are representatives of the people, and if we do not obey their behests we are not representatives, and should quit the business.

Mr. BUCHANAN. Mr. Chairman, it has been stated and repeated upon this floor that the declaration this morning of the chairman of the Committee on Agriculture throws a new light upon this whole subject. I desire to call attention to the fact that on last Tuesday evening the honorable Mr. WHITE, of Minnesota, a member of this committee, in speaking of this bill used these words:

> And right here let me say that this bill does not prevent the manufacture and sale of oleomargarine, nor does it lay a tax upon that article if made with its natural color, but simply taxes the article when colored and made in semblance of butter or mixed with butter; leaving the market open for the sale of the uncolored grease, and the cheap food can be sold untaxed, the poor man and the rich can buy it and use it and mix it in his own way, with his own butter, for his own use, but not for sale.

If the House did not heed these words it is not the fault of the committee, but of the House.

Mr. TOWNSHEND. Let me say to the gentleman——

Mr. BUCHANAN. I can not be interrupted.

Mr. TOWNSHEND. I only wanted to correct the gentleman by calling his attention to the eighth section——

Mr. BUCHANAN. I can not yield. The gentleman from Minnesota [Mr. WHITE] went on and used this language:

> And while I think that the uncolored neutral, which may still be sold under the name of butterine or other names which may be invented, ought to be inspected by competent chemists and microscopists before being sold, yet we are now dealing with this one question, and it is a step in the right direction.

It is no new light, therefore, but simply a reiteration by the chairman of what the propositions which have been embodied in the bill from the very beginning mean when properly construed.

One word more before I conclude. We have heard many threats here with reference to the action of gentlemen upon this floor. I utter no threat, but simply a prediction, that if this bill is not passed the farmers of the country will be heard from.

Mr. REAGAN. Mr. Chairman, I desire to offer an amendment as a substitute for the amendment of the gentleman from Massachusetts [Mr. LONG].

The Clerk read as follows:

> Amend by adding the following proviso at the end of section 8:
> "*Provided*, That this act shall not be understood or construed to impose any of the taxes mentioned in it on oleomargarine, or any of the products or compounds mentioned in it, where the same is plainly marked with the name of the particular product, and sold or offered to be sold as such."

Mr. HISCOCK. I make the point of order upon that.

The CHAIRMAN. If the gentleman will reserve the point of order the Chair will entertain it hereafter.

Mr. REAGAN. Mr. Chairman, the chairman of the Committee on Agriculture made the impression on the mind of several members, myself among the number, as did certainly the gentleman from California with the suggestion which he made, that the construction he gave of the second section shows that it was not intended to tax oleomargarine as such where made of pure materials; and the gentleman from California assumes that it is a great piece of ignorance not to understand it in the same way. Let us read that section and see what it is:

> That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

Now that section simply defines what oleomargarine is, and the other substances that are intended to be taxed. No other construction can be placed upon it; and the suggestion made does not in any way change the simple definition of what is intended to be taxed as plainly set forth in that section.

The third section goes on to impose the tax on manufacturers and on wholesale or retail dealers in oleomargarine. The section imposes a special tax, the first being the tax of $600 on manufacturers of oleomargarine; the second, of $480 on wholesale dealers, and $48 on retail dealers; and section 8 prescribes the tax of 10 cents per pound. Now, if the chairman of the committee did not mean to mislead the House, and if the gentleman from California did not intend by his argument to deceive the House, the amendment I have presented would enable them, if they will agree to it, to undeceive everybody. That provides that all of these articles when labeled as they really are, or sold or offered to be sold for what they really are, instead of for butter, shall not be taxed. If they say that, and will agree that that is the object of this legislation, we can vote for the bill. If it is not a bill to tax one industry out of the way of another, or to give more profit to dairymen, but to prevent fraud—if that be the object, or if they mean to prevent fraud, the amendment I have offered says that clearly and unmistakably; but if they do not mean that, of course they will defeat all such amendments and ask the House to believe that this section is merely intended to qualify the tax; and every man knows, who can read the English language, that it has no such meaning.

That is all I have to say. I desire to present an amendment which will determine the question when we come to act upon it whether we mean to tax one product out of existence to give an increased profit to another, or whether we mean to prevent frauds by the imitation of one product by another.

Mr. HATCH. In reply to the gentleman from Texas [Mr. REAGAN] I can only reiterate what I said before this morning. My language has been taken down and will be in the RECORD, and I propose to stand by it. If the gentleman from Texas did not understand me and if the House did not understand me I do not know it is possible for me to speak more plainly. I stated in as plain English as I know how to use that any substances mentioned in the second section that were mixed or compounded and simply sold for what they were and branded as what they were would not be subject to this tax. I did not state, I did not intend to convey the impression, and certainly no gentleman could have understood me to say, that I meant that these materials could all be mixed or any number of them could be mixed, branded oleomargarine, and sold without the tax, because that is the word used in the second section to designate the compounds. But I stated that when so mixed and branded in imitation of and to be sold as and for butter the tax attached.

I now move that the committee rise.

Mr. HAMMOND. Will the gentleman yield me the balance of his five minutes before he makes that motion?

Mr. HATCH. I withhold the motion for the present, and yield to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. I desire to make a brief explanation. I was not in the House this morning when a dispatch was read from Mr. Powderly. I understand the chairman of the Committee on Agriculture intimated that this dispatch was in reply to something I had said on the floor in reference to this bill. I know full well that the convention now in session in Cleveland would not interfere as a body with the legislation proposed in this House. I did not say, I did not intend to say, that I spoke for the convention, and I did not propose to represent the Knights

of Labor as now in convention. I did say that I believed, as I believe now, that the Knights of Labor, being consumers and interested in that respect, were opposed to this legislation. And I have reason for that assertion and now repeat it. I presume the dispatch sent to Mr. Powderly was answered properly, although the dispatch to him was not read, for I know him to be a prudent man, and I know quite well he would not desire an organization which is to produce great benefits to his class and the peace of the country should exert its influence in an interference with legislation such as is now under consideration.

Mr. HATCH. It has been suggested to me that probably the committee without going into the House will consent that all debate upon the section under consideration and all amendments thereto may be closed in twenty minutes.

Mr. GIBSON, of West Virginia. I object.

Mr. HATCH. Then I insist on my motion that the committee rise.

Mr. DANIEL. I hope the gentleman will allow me a moment. I have an important substantial amendment to offer to this section.

Mr. HATCH. I withdraw the motion for the present, and yield to the gentleman from Virginia [Mr. DANIEL].

The CHAIRMAN. The Chair will recognize the gentleman from Virginia to have his amendment read and to speak to it, and will entertain it when the time arrives for doing so.

Mr. DANIEL. I desire to offer an amendment to abolish the internal-revenue tax upon tobacco, which I am informed by the chairman, comes in properly at this stage. I shall then offer an amendment after that has been voted upon to abolish the internal-revenue tax upon fruit brandy—not together, but separately; and if it is the pleasure of the House I will make a few remarks upon that subject now.

The CHAIRMAN. The gentleman can have these amendments read in his time, or having given notice of them he can now proceed to speak to them.

Mr. DANIEL. I desire to have them read now.

The Clerk read the first amendment proposed by Mr. DANIEL, as follows:

Add to the pending section the following:

"*Provided*, That on and after the 1st day of July, 1886, the taxes herein specified imposed by the internal-revenue laws of the United States now in force, be, and the same are hereby, repealed, namely: The taxes on manufactured tobacco, snuff, cigars, cheroots, and cigarettes, and the special taxes required by law to be paid by dealers in leaf-tobacco, retail dealers in leaf-tobacco, dealers in manufactured tobacco, peddlers of tobacco, snuff, and cigars, and manufacturers of snuff and of cigars: *Provided, also*, That on all original and unbroken factory packages of smoking and manufactured tobacco, and snuff, cigars, cheroots, and cigarettes, held by manufacturers, factors, jobbers, or dealers at the time such repeal shall go into effect, upon which the tax has been paid, there shall be a drawback or rebate in favor of said manufacturer, factor, jobber, dealer, or other owner of said tobacco, snuff, cigars, cheroots, and cigarettes to the full amount and extent of the tax so paid thereon, but the same shall not apply in any case where the claim has not been presented within ninety days following the date when such repeal shall take effect; and no claim shall be allowed for a less amount than $10; and any special-tax stamp covering taxes repealed by this act may be redeemed for the portion of the special-tax year unexpired at the time of the repeal, when the amount claimed for such stamp shall not be less than $10; and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury not otherwise appropriated; and it shall be the duty of the Secretary of the Treasury to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect: *Provided, also*, That all internal-revenue laws limiting, restricting, or regulating the manufacture, sale, or exportation of tobacco, snuff, cigars, cheroots, and cigarettes are hereby repealed on and after the 1st day of October, 1886, and that there shall be no drawback allowed upon any such articles which shall be entered for export on or after that date: *Provided*, That all laws now in force shall remain and have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when the repeal of the taxes specified in this act shall take effect."

Mr. HATCH. I reserve the point of order on this amendment. I understand it is offered at this time for information.

Mr. DANIEL. Yes, sir.

The CHAIRMAN. The Chair stated the amendment was not now in order as an amendment to the amendment of the gentleman from Illinois [Mr. TOWNSHEND], but that the Chair would recognise the gentleman from Virginia to move it when the other amendments are disposed of.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. I understand the pending amendment is to change the tax of 10 cents to a tax of 2 cents?

The CHAIRMAN. It is.

Mr. HAMMOND. Then it would become very important for us to know whether we were to give up the tobacco tax before we vote on this, because, according to some gentlemen, this is an effort to raise some money, and I should like to know how much we shall have to raise.

Mr. DANIEL. I ask that the other amendment may be read.

The Clerk read as follows:

Provided, That on and after the 1st day of July, 1886, all laws and parts of laws heretofore passed by Congress and now in existence imposing an internal-revenue tax upon liquors distilled from apples, peaches, and other fruits, shall be repealed: *Provided*, That no person or persons shall be allowed to manufacture distilled spirits partly from fruits and partly from grain without the payment of the full tax required by law upon the making or manufacture of spirits distilled from grain, and any person violating the provisions of this section shall be fined not less than $100 nor more than $500, and imprisoned not less than one month nor more than one year, or both, at the discretion of the court.

Mr. HATCH. Mr. Chairman, I reserve all points of order on the amendment just read.

Mr. DANIEL. Mr. Chairman, I shall at this stage, so few are the moments allowed me, confine myself to a few brief statements on this subject without any effort to make a speech. The President of the United States, Mr. Arthur, in his annual message in 1882, recommended to Congress the abolition of the internal-revenue system with the exception of the tax on distilled spirits. In his message of 1884 he renewed that recommendation in this language:

In case those taxes shall be abolished, that which still remains to the Government will, in my opinion, not only suffice to meet its reasonable expenditures, but it will afford a surplus large enough to permit such tariff reduction as may seem to be advisable when the results of recent revenue laws and commercial treaties shall have shown in what quarter those reductions can be most judiciously effected.

In the platform of the Democratic party which assembled at Chicago and nominated the present President of the United States for that position there was a distinct declaration and pledge of that party to abolish war taxes. The internal-revenue system was distinctly a war-tax measure, and to that tax this language was no doubt candidly and honesty directed.

Now, sir, this seems to be agricultural day in the House, and while we are attending to the interests of one class of our farmers, am I not justified in asking this House to hear the long and patient cry which has ascended to this Government for twenty-five years from that class of farmers who during that period have borne this burden of war upon their shoulders? Mr. Chairman, the tobacco tax and the brandy tax are in no wise essential to the support of this Government. The tax upon apple brandy amounts to a mere song—$1,300,000. It is not 1 per cent. of your internal revenue. It is a mere drop in the bucket. And yet, to sustain that tax, the country of which I am in part the representative is hounded over by a vast brood of officers of this Government, domiciliary visitations are made upon the homes of small farmers, and the pursuit of happiness is made impossible by the spies and informers who infest that country.

Neither, sir, is the cause of temperance in the least degree subserved. Drunkenness in its worst form—in its poisonous and most noxious form—is made by this tax; for instead of drinking a pure article the people are merely compelled to drink an adulterated and more noxious article; and neither is the Government nor society nor temperance nor morals nor anything that is good subserved by the perpetuation of this tax.

Now, Mr. Chairman, I desire to call attention to what is to me a fundamental error in the theory of the present bill. The Republican party, if it can vote for this bill in its present shape to destroy one industry for the sake of another, utterly abnegates and entirely abandons that theory of American protection which has captivated thousands of votes in this country. I understood the gentleman from Wisconsin [Mr. PRICE] the other day to say that the gentleman from Pennsylvania [Mr. KELLEY] was entitled to a vote of thanks for past services. The past services of the gentleman have in nothing more definitely and clearly consisted than in advocating this distinct doctrine.

In America all for each and each for all, but America against the world. Now, sir, protection utterly divests itself of its garments, utterly hauls down and tramples in the dust its standard, utterly turns its back upon everything that it has paraded before the American people for the last twenty years; and, raising the hand of one American laborer against another American laborer, raising the hand of one American manufacturer against another American manufacturer, raising the hand of one American farmer against another American farmer, raising the hand of Americans in every town and village and county and State of this country against other Americans, adopts the very worst phases of the policy of the old and effete monarchies of Europe, against which all Americans raised their hands in 1776. [Applause.]

Mr. LONG. I desire to say that I will not offer the amendment which I indicated a few minutes ago, the chairman of the Committee on Agriculture [Mr. HATCH] having stated to me that when he shall have control of the bill in the House he will then offer the amendment which he proposed this morning, to come in at the end of the second section, which he considers a more appropriate place than at the end of section 8.

Mr. COWLES. Mr. Chairman, I desire to offer as a substitute for the pending amendment the proposition which I send to the desk.

The Clerk read as follows:

At the end of section 8 add the following:

"That all laws and sections and clauses of laws imposing a tax or taxes on brandy distilled from fruit, and all laws and sections and clauses of laws providing for the collection of a tax or taxes on brandy distilled from fruit and prohibiting without the compliance with certain statutory requisitions the manufacture or distillation of brandy be, and the same are hereby, repealed.

Mr. HATCH. I reserve a point of order on this amendment.

Mr. COWLES. Sir, I am opposed on principle to all internal-revenue taxation. The whole system is a festering sore on our body-politic, inseparably connected with the most distressful period in our history, and while it is continued it keeps in force a system of espionage upon the citizen in the transaction of his private business that is totally at variance with the principles of our free institutions and the motives

that actuated our patriotic ancestry in their establishment. Spies and paid informers, detectives, and the destruction of private property, even under the guise of law, have never yet made or tended to make a people more honest; but, on the other hand, such a system rather excites resistance to and evasion of the law, and breeds, as in a hot-bed, all manner of frauds, perjuries, and crimes, until it stinks in the nostrils of all law-abiding, God-fearing, liberty-loving people, and can only be excused on the plea of dire necessity, and such necessity no longer exists.

But, sir, if it is constitutional to tax other branches of our industries—whisky, brandy, and tobacco—why is it not constitutional to tax any? And who shall say where the line is to be drawn? Surely, sir, it is not well to exercise the taxing-power for the purpose of driving out of existence or prohibiting any branch of industry, nor is it wise to tax one industry for the benefit of another. But, sir, if it is necessary in order to raise revenue to keep up this internal-revenue taxation, why not have a more equal distribution of the burden. And while we impose upon other sections heretofore exempt, why not in the same bill relieve some of those that have long borne the burden alone? The whole system is wrong in principle, and capable of being exercised in the most oppressive manner, and if this measure has no other effect, I trust it may open the eyes of those who have not heretofore been brought face to face with the uses that may be made of it.

Now, sir, the total amount received from the tax on brandy distilled from fruit for the last fiscal year is, in round numbers, $1,300,000, and the amount estimated that will be received under this act will be $20,000,000. If we are to receive this sum under this bill, why not relieve the people in the fruit-growing regions of this country of the oppressive tax of 90 cents per gallon on brandy distilled from fruit? We surely can afford to give to the people $1,300,000 worth of relief if we in the same bill impose upon them $20,000,000 worth of burden in addition to that which they have heretofore borne and now bear; and I ask the gentleman who has charge of this measure to accept this amendment.

Sir, the fruit-growing regions of this country are for the most part situated in sections remote from easy, quick, and cheap transportation. It is impossible to market the fruit in kind, and every year when Providence blesses them with full crops in their orchards millions of bushels of apples and peaches rot on the ground because they can not be profitably utilized and marketed. The owners of these orchards are farmers, the profits of their orchards are in many instances the only little surplus they can make, and I submit to this House if it is right and just to oppress this industry with this onerous tax long after all pressing necessity for it has passed away and "fair delightful peace" has for more than twenty years blessed our nation. The distillation of fruit does not affect the supply of breadstuffs by the consumption of grain, as is sometimes argued by those who favor the tax on whisky, but on the other hand it does increase materially the purchasing power of the people, by converting into money that which would be otherwise wasted. And I earnestly appeal to Representatives here to adopt this amendment, and it will be hailed as a harbinger of better times, and thousands who are now vexed by the continual presence of the tax-gatherer will rise up and "call you blessed."

Sir, I honestly believe that by a proper adjustment of the tariff all the revenue that is necessary for the proper expenses of government can be had, and the whole internal-revenue system and tax abolished. But they say we can not do this all at once. Then let us commence now and here, by abolishing the tax on brandy, which is the least profitable to the Government of any branch of the internal-revenue tax, and which is the product of the fruit that is gathered from the trees, requiring but little extra labor or care, and the people well think that it is extremely hard that the laws of man in a free country should prevent them from making it profitable in supplying the means of obtaining the necessaries of life for themselves and families. It is the experience of the best and most observing men that live in the country where distilling is carried on, so far as my acquaintance goes, that the laws imposing taxes and special requirements do not tend to lessen the evil connected with it or to lessen the evil growing out of the abuses of the use of liquor itself, but rather to increase them. The frauds connected with the evasion of the law are among the greatest abuses of public morals. One of the temptations of these frauds is the higher price which the article attains by reason of the tax levied by the Government. Thus we have this picture. A rich and powerful Government tempting by the means which it adopts in obtaining its revenues its own poor, weak, and humble citizens to the commission of crime. Now, who that is just, who that is honest, who that is true, and who that loves his country does not wish to see such a system abolished. Let us take the tax-gatherer from the doors of our people. Let them once more feel and realize that they live in the free country of our fathers, and let us lay such a reasonable tribute upon foreign nations for the profit they enjoy in coming here and trading with our rich and growing country as will defray all the necessary expenses of our Government. Let us do this, instead of by extravagant legislation making necessary the present oppressive system of taxation. Now I appeal to the Democratic party to shake off the shackles of all selfish interest, and let us rise up and be more worthy of the enduring principles of the party to which we belong. Let us remove these vexatious burdens, and, returning to the people who sent us here, meet with the approval of a thankful constituency.

[Here the hammer fell.]

Mr. CASWELL. Mr. Chairman, I rise to oppose somebody's amendment—any amendment that is calculated to impair the usefulness of this bill. Up to this time I have remained silent in this debate; but when I hear on this floor the repeated charge that this is an effort to tax one industry out of existence for the benefit of another I want to repel the charge. The friends of this bill have again and again proposed to strip it of any such misconstruction, and make it so plain that no man can misunderstand that if oleomargarine can be manufactured in its pure and simple form, retaining its natural color and sold as such, we are willing to let it stand upon its merits without taxation. But they have declined to allow us to make such a change in the bill.

Sir, as the manufacture of this article is now practiced and carried on I refuse to recognize it as an "industry." Here is a great mistake made by some members. The manufacture of this article as now conducted is a fraud and not an "industry;" and while I am for protecting the dairy interests of this country, I am also interested in protecting the people from that fraud which is being perpetrated so universally upon those who consume the article. But it is claimed here that oleomargarine is the poor man's food, and that the Knights of Labor are protesting against the passage of this bill. Sir, in the name of the poor man and the laboring man of my State I protest against it. There is not one of them but would repudiate this article as soon as any man upon this floor. Who is there here that would place it upon his own table for consumption? Not a man. If there be one, let me know who he is. But, sir, if we are taxing this so-called industry for the benefit of another, it would not be murder in the first degree. We have the highest precedent for such legislation. In 1863, when the national-bank act was passed, a tax of 10 per cent. was imposed upon State currency for the avowed purpose of driving it out of circulation. Here was a business tenfold greater than the manufacture of oleomargarine, and yet it was taxed out of existence. Would my friend from South Carolina [Mr. TILLMAN] whom I see standing before me pronounce that legislation "protection gone mad?" Why, I venture to say that if he had been here then he would have so pronounced it.

Mr. TILLMAN. It was a war measure.

Mr. CASWELL. The gentleman says it was a war measure, yet it stands as a monument of the wisdom of the Congress that enacted it to the present day, as useful now as it was then. The people had suffered all over the country by a depreciated currency, and the object in imposing that tax was twofold—to protect the people from the losses they had constantly sustained from a depreciated State currency, and to tax that currency out of existence so that the national-bank system might be inaugurated.

But, sir, we are not driven to that extreme. Who can say that the national Treasury does not need every dollar that is to be collected under this bill?

Mr. OATES. I will ask the gentleman from Wisconsin whether Congress has not the constitutional right to control the currency at any rate?

Mr. CASWELL. If Congress has the right to control the currency, we might still question, from the standpoint of my friend from Alabama, its right to tax State-bank currency out of existence.

But I desire not to be diverted at this point from the line of my argument. We are not driven to that extent in defending this measure. Who shall say the Treasury does not need the money which will be derived from the taxation imposed in this bill? While there is a debt of seventeen hundred millions hanging over us; while we are maintaining a pension-roll of $60,000,000 or $70,000,000 a year; while we have a navy which would do dishonor to any fourth-class power, and while the people of this country are waiting for a Congress that has the courage to raise sufficient revenues and build up a respectable navy; while there is a party in power that threatens to inaugurate free trade and deprive the Treasury of more than $100,000,000 annually—shall we say we may not need the slight increased revenue which will arise from the enactment of this law?

The estimated expenses of the Government for the next year, as submitted by the administration to this Congress, exceeds by fifteen millions the estimated revenues, and every dollar likely to arise from this taxation will be needed.

Mr. HUDD. Mr. Chairman, as the youngest child of the House, dating from my admission to this floor, I can hardly ask to be voted a "leader;" but I am perfectly willing to follow even a Moses from Mississippi, if he will vote with me on this measure.

Mr. Chairman, it has occurred to me that I shall have to oppose any amendment to reduce the 10 cents per pound tax as originally proposed by the Committee on Agriculture, though I shall vote for the bill even if the tax be reduced. I should regret the reduction in fear that it might not accomplish the object that I am free to say inclines me to the support of the measure under consideration, for I fly the flag of an intent to destroy the manufacture of the noxious compound by taxing it out of existence. For this we have the warrant of the Constitution as well as the precedents of former Congresses, for when it was thought best in

the interest of a sound and enduring currency to tax the State banks out of existence all the people said then, as they will say now if this act shall have the same effect, amen.

I favor the principle of this bill in the interest of the preservation of an honest industry as against a dishonest, counterfeit, and destructive process that may not be dignified as an industry, save as we are willing to affirm that the adulterers of a food are to be classed among the honest artisans of the land—that the frightful-looking bird of freedom, supposed to represent an eagle, engraved on the base coin will make it the equal of the genuine. Just as it may and does deceive the unwary in coin, so does this compound called oleomargarine deceive the very elect in honest butter.

The lawyers of this body have, I understand, admitted the constitutionality of the proposed law as coming under the general gift to Congress of taxation. With a long line of decisions in that direction no one would be hardy enough to deny our right of taxing this so-called commodity. If that right were not found in the taxing power simply and plainly, then the entire oft-quoted section 8 of Article I of the Constitution of the United States furnishes the authority for our action, the further provision therein, "to provide for the common defense and general welfare of the United States," going hand in hand with taxation.

Representing as I do on this floor a large constituency engaged in the dairying business, I, sir, could not go home and look an honest cow in the face failing to vote for and work for the passage of such a measure as we now have under consideration, and the hand of every honest man in my district would rise up against me, and justly, too, if I were derelict in this regard.

Why, sir, one alone of the five great agricultural counties of my district, all of them being largely interested and engaged in the product of honest butter and wholesome cheese—Sheboygan County, of the State of Wisconsin—exported last year, over and above what was consumed at home and in various parts of the Union, a million dollars' worth of her dairy products to Europe. It is a proud fact for Wisconsin to know that Sheboygan County butter, good butter, bald-headed butter, with no suspicion of a hair in the same, together with its cheese, in the world's great mart for dairy products, Liverpool, stands and is ranked A No. 1. Can I, can any wise or otherwise legislator here, fail to provide, if possible, against any spurious article taking the place of this food that came in with God (first Genesis), and is almost coeval with Eden, if we are to believe the record called Holy Writ; for it tells us that the Promised Land that was to gladden the weary waiting feet of old Israel was flowing with milk and honey. No mention of cotton-seed oil, the fat of dogs, or any biting acids that burn like—well, like sheol, which, I believe is a new name for an oleomargarine factory, if all the revelations and assertions of the hot compounds that go into the product are verities.

Sir, they who would argue and charge this to be a measure in the line of protection, as we understand the line is politically defined between Republican protection and Democratic revenue reform and ultimate free trade, if you please, are much out of the way. This, as I claim to understand it, is an act to prevent in the only way the Federal Congress can legislate in that direction a crime against the health and morals of the nation—for it is a crime against health to palm off a manufactured stuff as genuine butter, as is the ultimate result of the putting this compound on the market so far as the consumer is concerned, and it is the consumer we wish to protect, for the article is acknowledged here to be no more butter than that the truth is a lie, a vice a virtue—it is a crime to adulterate a food or a drink or in the semblance of an article of food made so as to correspond to the genuine for the purpose or that it may allow of a deception being practiced in its sale or use.

It is a moral wrong to allow, if we can prevent, the manufacture and use of this compound, as it lessens the standard of general honesty, as does smuggling a gathering in of immense profits without that honest toil or effort that we are told is the heritage of all, that in the sweat of his face man shall eat bread.

I am here called to notice the singular fact that on yesterday my colleague from Wisconsin [Mr. VAN SCHAICK] had sent to the Clerk's desk and read a dispatch purporting to come from an assembly of the Knights of Labor in the metropolitan city of my State, Milwaukee, against the passage of this bill. It might seem strange at a first view that an organization presumably in the interest of honest labor should seek to even lend a hand in aid of a fraudulent industry, and that seen to be wholly in the interest of capital ill directed. But, sir, when we come to also remember that it is now an open secret that in many of the so-called labor organizations of the land unscrupulous capital and some of the great corporations have managed to smuggle in or place their emissaries within the organizations, as we hear, if we do not now know, was the case in the late great strikes and labor troubles of the East and West, we may not be surprised to find that the skilled manipulator is even there, in the interest of oleomargarine, to guide and direct men, honest in their non-directed view, well-meaning in their purpose, but counseled to wrong conclusion for a sinister purpose. While I have a high respect for the Knights of Labor of Milwaukee, many of them personally known to me to be honest and law-abiding citizens, still I think I see the hand behind the curtain. It may be the hand of Esau, but the voice is that of a Jacob; that same old Jacob who was in fact the original stock-broker of history—the first man to attempt to water it or deal in margins, as witness his fraud on his anticipated father-in-law, who practiced oleomargarine tricks with the animal kingdom and colored rods of trade for the multiplication of his own profits without regard to the *morale* of the transaction. Knights of Labor! Why this bill is in the interest of and demanded by more than seven million of the veritable and original knights of labor. Yea, the very kings and princes of the toilers, the farmers of this great and broad land of ours—by the hands that scatter the seed, that guide the plow, the hands that feed the world.

Shall we give no heed to their cry for relief in this strait? I am for this bill as it came from the committee because it is demanded in the interest of general and national honesty, and because it is for the discomfiture of the sham, the fraudulent, the unhealthy compound that has been described by the master of the poets, he who wrote, as no other man has, the minutes of nature—Shakespeare. As we are under obligation to the distinguished gentleman from Iowa [Mr. HENDERSON] in calling our attention to the "hell-broth" made by the witches in Macbeth, and as it was said in that connection, in that self-same play, by the same disgusting hags of evil, in contemplation of the regicide they saluted—so say we, or should say, all of us: Oleomargarine! hail and farewell!

[During the delivery of the foregoing remarks, when Mr. HUDD'S five minutes had expired, Mr. PRICE obtained the floor and yielded his time to Mr. HUDD, who then concluded his speech.]

Mr. GROUT. Mr. Chairman, I rise to a question of privilege—the privilege of not being classed with any set of men whose convictions are at all "mixed" upon the question now under consideration—the privilege, to be more specific, of not going into the RECORD in this debate as from the State of Pennsylvania, as yesterday's issue, on page 5008, in giving remarks of the gentleman from Illinois [Mr. HITT], puts me. Ordinarily, sir, I might not object to being credited to the grand old State of Pennsylvania—the State of "brotherly love," the nobility and hospitality of whose people are proverbial; but I can not permit it in this connection, for the reason that her Representatives on this floor are somewhat "mixed" on this question of oleomargarine, some of them showing a strange disposition to pay their devotions at the shrine of this myriad monster, this mixed mystery of the modern magician. Hence, I ask that the RECORD at the point I have indicated may be corrected and that I may be credited where I belong.

Mr. KELLEY. Pennsylvania makes no objection. [Laughter.]

Mr. GROUT. I thank you, sir. Mr. Chairman, only for the kind consent of the distinguished gentleman it might have been difficult.

Mr. BAYNE. My friend will allow me to suggest that when the vote shall be taken on this bill it will be found that the Representatives of Pennsylvania are not very much "mixed."

Mr. GROUT. Very likely; but I want to be credited where I belong, since Judge KELLEY is willing I should be; and that is to the little but constant State of Vermont, whose people neither make nor eat oleomargarine, but do make 25,000,000 pounds of butter annually, with which you may butter your bread and not feel under the knife-blade as you do it the wiggling kick of a million animalcules. [Laughter.]

But, since the gentleman from Pennsylvania, my friend Colonel BAYNE, speaks hopefully of the Pennsylvania delegation, let me ask that this correction be made without prejudice to him and without prejudice also to all others of that delegation who prefer butter to oleomargarine. [Applause.]

The CHAIRMAN. The Chair will consider all formal amendments as withdrawn.

Mr. BLAND. I move to amend by striking out the last two words. Mr. Chairman, I believe I represent an agricultural constituency; and I may have some direct personal interest in the subject before the committee. Certainly, Mr. Chairman, we should consider the effect this bill will have, or, in other words, whether it will accomplish the end intended. If the manufacturers of oleomargarine can pay the license of 10 cents a pound and still survive, what have we accomplished? We have simply licensed and taxed and authorized the manufacturer to come into competition with the manufacturer of pure butter; and therefore instead of having accomplished the purpose designed we have simply authorized monopolies to extend that competition. So in my mind it may become a question whether the bill should not increase the tax on oleomargarine to such extent as will crush it out if it be found that 10 cents has not accomplished that purpose.

Then, Mr. Chairman, the question arises whether it is proper to be done, and if it is not a proper matter to be here, whether it is not a proper matter for the States to regulate and not for Congress.

So it does seem to me in so much as it is admitted on all sides, so far as the mere question of revenue is concerned, that it is not a public necessity at this time, and the revenue feature in the bill, if there at all, must be for the purpose of suppressing the manufacture of oleomargarine, I will suggest it is not high enough for that purpose. If you do not suppress it and it survives you say to these parties, we allow this manufacture to exist by exacting a tax from it, and therefore you

can go on with your competition with the manufacture of pure butter, as we have nothing to do with that. In that view of the bill it has not accomplished its purpose.

It seems to me that we should deal fairly and squarely with this subject. If it is simply intended to require those interested in the manufacture of it, oleomargarine or butterine—and I believe that is all the farmers of the country do require—shall place it upon the market branded for what it is, and nothing else. Now, the amendment of my colleague [Mr. WARNER] provides, where it is manufactured as such, where it is marked as such and for what it is worth, after it has been examined and found not to be deleterious, it shall be allowed to be sold, and that is all we should do. If we are proceeding upon the theory we are only to protect the farmer, that will protect him against fraud; but if we propose to suppress the thing altogether, 10 cents a pound will not do it. I am in favor of rooting out this fraudulent composition, yet I may have to vote for the bill, although I do not want to be considered as in favor of it unless it can be amended. I believe the true theory and the true doctrine to be incorporated in this bill is simply that this article shall go upon the market and be sold for precisely what it is, so as to let the purchaser have the choice between oleomargarine and pure butter. Then there is not an honest farmer in the land that will ask for anything else.

I am quite satisfied the amendment of my colleague will have this effect and make this bill what it ought to be, a true and honest bill in favor of honest competition and against fraud. And that is all we ought to ask.

[Here the hammer fell.]

Mr. STONE, of Massachusetts. Mr. Chairman, it is always distasteful to an honorable man to adopt the method of a jockey, although he sometimes may be forced to do it by stress of circumstance. I object to this bill as it stands because it is equivocal, because it looks one way and goes the other, because it pretends to be in the interest of revenue, and yet upon the declaration of its friends is in the interest of an existing industry. I suggest any legislation of that sort which is twofold in its character, which is deceptive in its character, ought not to be adopted unless there is a feeling on the part of this House there is a public exigency which makes it necessary.

It is said this bill resembles the law passed some years ago imposing a tax of 10 per cent. on State banks. In some respects it does. That law was proper to pass, because it was believed to be absolutely necessary in the interest of the public service to preserve the purity of the national currency and give effect to the doctrine of the country in respect to our national banks. And although the law itself, as an abstract proposition, might be open to objection, it was sustained and defended because of the great reasons of public policy underlying it. But we propose now in this bill to pass a law nominally in the interest of revenue, but in reality, in fact, to protect the dairy industry of the country against another industry of the country. And to show precisely the object of the bill I wish to refer to a statement made only a day or two ago by the gentleman from Pennsylvania [Mr. BAYNE], who, in the earnestness of the moment, stated precisely the purposes and objects of the bill when he said that if you reduce this tax from 10 cents to 2 cents a pound you will fail in your object; then oleomargarine can be so manufactured that it will drive butter out of the market.

Now, sir, that confession, to wit, that oleomargarine, if only subjected to a tax of 2 cents, will drive honest butter out of the market, is a distinct admission to the effect that in order to protect the dairy interests of the country in the manner proposed it becomes necessary to destroy entirely that important branch of industry known as the manufacture of oleomargarine; and it is because I believe that to be the necessary effect, as the bill now stands, without the several amendments to which reference has been made, that I am opposed to it in its present shape. If it can be so framed, as suggested by the Representative from Missouri, that it shall be limited in its operation and effect to oleomargarine simply when intended to be put upon the market as butter, and apply only to that part of the industry which is a fraud, then I am quite willing to support it, and I trust the Representative from Missouri will so frame his amendment as to put that matter beyond all possible doubt, because as the bill now stands, if he will allow me a moment or two, it is subject to a very serious criticism. I submit that a fair construction of the bill will apply to every manufacturer of oleomargarine, whether it be intended as a fraud upon butter or as an honest product, because the second section of the bill, if he will listen for a moment, declares that certain manufactured compounds shall be designated as oleomargarine.

This section provides as follows:

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral—

Which are to be recognized as oleomargarine. Then comes the second classification, "all lard extracts and tallow extracts," &c., and then a semicolon, showing a distinct division; and following that:

And all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto, and other coloring matter, intestinal fat, and offal fat—

To which are also added the words:

made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

Now it seems to me the construction would be that these last words qualifying the paragraph would refer only to that class which is specified in the third subdivision following the last semicolon.

[Here the hammer fell.]

Mr. BARKSDALE. Mr. Chairman, I have listened with profound interest to the discussion of this subject and have been surprised by the invective and passionate declamation which have been indulged by honorable members. The question whether oleomargarine or imitation butter made in the form, flavor, and likeness of the genuine article, which is the product of the dairy, but does not possess its ingredients, should be subject to taxation, is purely economic and ought to be considered as any other economic question, from the high plane of reason and of public policy.

Every lawmaker in deciding what his course should be with reference to questions requiring his action should first apply to it the test of the Constitution. The present measure which has been reported favorably by the Committee on Agriculture will stand this test. Its constitutionality can not be doubted. The language of the Constitution is as plain as the letters of the alphabet. Section 8, Article I of the Constitution says that "Congress shall have power to lay and collect taxes," &c. The power being conceded, then, its exercise in the particular case under consideration becomes simply a question of public policy and expediency. I am supporting the bill for the reason that it is sound public policy and therefore expedient.

I do not agree with those who support it simply as a measure of protection to any other article with which imitation butter comes into competition. The primary object of the grant of power to impose taxation is not for protection to favored classes, but to raise revenue for the support of the Government. A revenue tax upon any article, whether direct or upon imported goods, affords incidental protection. It is an inevitable consequence, and is not in conflict with the Constitution. The proposed tax upon imitation butter will incidentally protect a very large and growing branch of the agricultural industry which affords sustenance and support to every other avocation. Agriculture is the fundamental source of the country's wealth. Whatever benefits agriculture contributes to the country's prosperity and greatness. While the bill will afford incidental protection to the stock-raising and dairy-producing class of farmers, it will not tax imitation butter out of existence. The cost of producing this article is trifling in consequence of the cheapness of the materials from which it is manufactured. The cost of manufacturing it is estimated at 7 cents a pound. Add a tax of 10 cents and it will be put on the market at 17 cents a pound. I have before me a circular of an imitation-butter manufacturer proposing to furnish it at 10 cents a pound. It is known that genuine butter—the product of the dairy—can not be made for less than 25 cents a pound with fair profit to the producer. This will leave a margin of reasonable profit to the manufacturer and handler of the imitation article. It will secure life to the former industry, and will not destroy the latter.

I base my support of the bill upon the ground that it is a tax for revenue, and not for protection or prohibition. In round numbers the annual expenditures of the Government are $300,000,000 a year. The party of which I am a member is pledged to reduce this expenditure to the lowest figure compatible with the efficient administration of the Government. But, nevertheless, the money must be raised for its support. It can be done only by taxation, and the burden should be so imposed as to bear as lightly and as equitably as possible upon the people. A tax upon pretended butter would fall principally upon its wealthy manufacturers, who under existing laws are untaxed. A single firm is said to realize a profit of a million dollars annually. This princely revenue is derived from the toiling people of the country, who, in consuming the article, are doing so in the belief that it is genuine butter. I would prefer that the tax should be fixed at 6 cents a pound. That would yield an annual revenue of $12,000,000. A tax of 10 cents a pound would yield $20,000,000. In imposing this tax sound policy would dictate a corresponding reduction upon the absolute and indispensable necessaries of life, such articles of food as sugar and salt, and of the implements of labor, machinery, farming and mechanical tools, and wearing apparel. The imposition of the tax, while thus incidentally benefiting a great and growing industry, and reducing the cost of articles of absolute necessity, would involve but small cost in its collection. The internal-revenue law, which will remain in force as long as it is expedient to tax distilled spirits and tobacco, provides the necessary machinery for collecting the tax.

It seems to have been overlooked that the proposed tax applies only to imitation or fraudulent butter, not to an article which sails under its own colors.

I have not based my support of the bill upon the ground assumed by some of its advocates that oleomargarine is a fraud; that the materials of which it is composed render it deleterious to public health, and that it should be taxed out of existence for that reason upon the same principle on which laws are passed to establish a national board of health, and to prevent the introduction and spread of diseases destructive to human life. That is a domain upon which I do not choose to go. Its

qualities, whether wholesome or pernicious, do not enter into the consideration of the subject as far as I am concerned. The testimony and the arguments upon this point are widely divergent. Mr. Armour, of Chicago, the leading member of the largest oleomargarine firm in the country, makes the following statement, under oath, of the materials and methods employed by his company in its manufacture:

STATE OF ILLINOIS, *Cook County, ss:*

Philip D. Armour, being first duly sworn, deposes and says that he is a resident of the city of Chicago, in the State of Illinois, and that he is a member of the firm of Armour & Co.

Deponent further says that said firm of Armour & Co., in the course of their business, makes and sells oleomargarine and butterine, and that this deponent knows of his own knowledge the materials and the methods used by said firm in the making of said products. They are as follows:

METHODS OF MANUFACTURE.

The fat is taken from the cattle in the process of slaughtering, and after thorough washing is placed in a bath of clean, cold water and surrounded with ice, where it is allowed to remain until all animal heat has been removed. It is then cut into small pieces by machinery and cooked at a temperature of about 150° until the fat in liquid form has separated from the fibrine or tissue; then settled until it is perfectly clear. Then it is drawn into graining vats and allowed to stand a day, when it is ready for the presses. The pressing extracts the stearine leaving the remaining product, which is commercially known as oleo oil, which, when churned with cream or milk, or both, and with usually a proportion of creamery butter, the whole being properly salted, gives the new food product, oleomargarine.

In making butterine we use neutral lard, which is made from selected leaf lard in a very similar manner to oleo oil, excepting that no stearine is extracted. This neutral lard is cured in salt brine for forty-eight to seventy hours at an ice-water temperature. It is then taken and, with the desired proportion of oleo oil and fine butter, is churned with cream and milk, producing an article which, when properly salted and packed, is ready for market.

In both cases coloring matter is used which is the same as that used by dairymen to color their butter. At certain seasons of the year, namely, in cold weather, a small quantity of salad oil made from cotton seed is used to soften the texture of the product, but this is not generally used by us.

Deponent further says that no other material or substance except as above stated is used by Armour & Co. in making oleomargarine or butterine.

If this compound is not sold as butter the bill does not tax it. It taxes only the article which purports to be butter and bears its semblance but is not what it is represented to be.

On the other hand, the following testimony as to the deleterious qualities of the imitation article as food are submitted by the distinguished gentleman from Minnesota [Mr. WHITE] in his argument in support of the bill:

The following is a list, taken from the patents recorded in the Patent Office a Washington, of the ingredients claimed to be used in the manufacture of this article. Manufacturers deny that they use all the ingredients named in these patents, but it is certainly not unfair to assume that when they mention a certain ingredient in their application for a patent, as necessary for its making, they actually use it. This list was obtained officially from the Patent Office by Assistant State Dairy Commissioner Van Valkenburgh, of New York:

Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal soda, farinaceous flour, carbolic acid, slippery elm bark, olive oil, broma chloralum, oil of peanuts, sugar, caustic soda.

It is not sought to show that all these ingredients are used in a single process, but the fact is established that nitric acid is used in all, and it is probable that the other acids named are employed when the most powerful agents are necessary for deodorizing putrid or diseased fats.

* * * * * * *

Professor Clark, of Albany, made a specialty of the physiological features of his subject, making experiments in digestion and microscopical investigations, and in other ways showing the importance to public health of a thorough knowledge of what enters into any food product. As a result of his researches he arrived at the conclusion that oleomargarine is unwholesome and dangerous to health for four reasons: First, because it is indigestible; second, because it is insoluble when made from animal fats; third, that it is liable to carry the germs of disease into the human system; and fourth, that in the eagerness of manufacturers to produce their spurious compounds cheaply, they are tempted to use ingredients which are detrimental to the health of the consumer.

* * * * * * *

When Dr. H. A. Pooler, president of the board of health in Goshen, Orange County, was examined he was asked what nitric acid was and how it affected the human system. This question was suggested by previous testimony as to the use of nitric acid in the manufacture of oleomargarine. Dr. Pooler replied:

"Nitric acid is produced by the action of sulphuric acid upon nitrate of potassa, about equal parts; it is a powerful caustic; it destroys animal tissue rapidly and almost irreparably when it comes in contact with it; upon animal fat it destroys the tissue, and deodorizes it by destroying its smell. It is also a preservative, in a measure. Undoubtedly substances submitted to the action of nitric acid would not be decomposed so rapidly as those which had not been submitted to it; but the acid would affect the digestive organs very seriously. Upon the human stomach it is a deadly poison when taken in overdoses. When taken in a diluted form not sufficient to cause death, and taken for any length of time, it produces similar effects to that of mercury. The teeth at first become whiter, afterward decay, and then become loose; it stimulates the excessive flow of secretion and poisons the system generally. Its caustic properties are so great that it destroys the tissue and impairs the circulation. Where a person loses a nail from it it is generally because of the accumulation of the acid around the root of the nail; it cuts off the circulation which supplies the nail, consequently the nail will slough off for want of proper nourishment. The acid has to be diluted in order to be safe in any degree as a remedy. In its pure form it is deadly."

The following is given by the same gentleman as the testimony of Professor Nachtrieb, of the State University of Minnesota, found by an analysis of what was sold for butter in Minneapolis at retail this year.

The Clerk read as follows:

PROFESSOR NACHTRIEB'S REPORT.

The following is an extract from the illustrated report of Professor Nachtrieb, of the State University, to the dairy commission, of the samples of butterine given him for microscopical examination:

"The examination of these samples was by no means exhaustive, and they would probably yield much more than the accompanying figures indicate. The best and cleanest looking sample had a butter odor and taste, and would readily pass for butter. It had a very small variety of living organisms, but a great many spores, which, under favorable conditions, I have no doubt would have germinated. It also contained masses of dead mold, bits of cellulous wood, various colored particles, shreds of hair, bristles, &c. The other two samples teemed with life and yielded microscopic preparations of the molds and bacteria that would have gladdened the heart of the student of biology. The microscope revealed the fact that the greatest variety of life existed in the inner portion of these samples, and that the outer portions contained the greatest quantity of active bacteria. The animals found in the butterine belong to the type of protozoa. Doubtful portions of worms were also noticed. Many of the protozoa, under favorable conditions, pass into an encysted stage or develop spores within protected capsules, and in these conditions lie dormant till the environment is again favorable; and it can hardly be doubted that some of the many spores found in these butterines were merely in a dormant state. The great number and variety of organisms found in the samples indicate the use of foul water and a criminal filthy process in making it. There can not be the slightest doubt that the person who eats so promiscuous and so lively a mixture as the butterine examined is running great risk, morally as well as physically. The peace and happiness of future generations is greatly involved in the life of the present generation. By indulging in our home articles of food filed with spores and seeds of the various classes of the lower organisms we are increasing the dangers of parasitism. Spores that now are harmless, may, by gradual adaptation, through more or less circuitous routes, become inimical to the health and happiness of countless millions."

I present the foregoing affidavit of the leading oleomargarine manufacturer on the one hand, and of scientists and specialists on the other in regard to the materials that enter into the production of imitation butter without expressing an opinion of my own, or without entering upon the question whether a prohibitory tax should be imposed upon it for the suppression of fraud and the preservation of the public health. I have based my advocacy of the measure upon stronger and unquestionably constitutional grounds. If, by imposing the tax in the exercise of its sovereign power, without invading the rights of any class, the Government should lighten and equalize the burdens of taxation, and at the same time afford incidental benefit to the great agricultural industry for the relief of which so little has been done, and from which it chiefly derives its revenues, the true economist and patriot will have cause to rejoice.

Mr. MILLIKEN. Mr. Chairman, the gentleman from Pennsylvania evidently does not understand what the Knights of Labor want in regard to this question. The Knights of Labor in my own State are like all other people. They have the same needs as other people; and simply because they are laboring men they none the less want good food; and it seems to me it is an insult to them and to every class of workingmen in this country to assume that they want the cheap and the nasty.

Indeed, it is not certain that they will get even cheap food by the free sale of oleomargarine, to say nothing of its being bad. Upon this point gentlemen on the other side do not agree among themselves. While some of them assert that since the invention of oleomargarine the price of butter has been cheapened, others say that it has been all the time growing dearer.

I was glad to hear my friend from Virginia [Mr. DANIEL] so eloquently and truthfully state the position of the Republican party upon the tariff question in his speech this morning: "In America, each for all, all for each, but America against the world." That, gentlemen, is the doctrine of the Republican party.

It is a grand and patriotic doctrine, grand and patriotic as the record of this great party which saved the Union, a record which I stand here to say makes the proudest pages in American history. And, Mr. Chairman, we do not abate one jot or one tittle of that doctrine or cast any stain upon that record in supporting this bill. I hope the gentleman from Virginia himself, when the tariff question shall come before this House to be discussed, will stand by the proposition: "In America, each for all, all for each, but America against the world."

We shall be glad to welcome the powerful aid of the gentleman in favor of this good Republican doctrine, which is the fundamental principle upon which the American revenue system rests. If he will heartily embrace and earnestly practice, wherever it applies, this doctrine so well stated in his own words for all that those words signify, he may be as valiant and useful a Republican as the best of us, and become the chief corner-stone of the edifice of protection. I repeat, we depart not at all from this doctrine in supporting this bill, neither in raising revenue upon oleomargarine, a compound whose reputation is as unsavory as some of its ingredients, nor in protecting against it the honest, healthful product of the farmer.

Over and over again it has been assumed here that this is a bill to destroy one industry in the interest of another. Indeed, this comprises the entire argument upon the other side, except what is said against internal-revenue taxes. If it were true I would not support the bill, but while gentlemen assume that oleomargarine is pure, we shun it because it is put forth under a false name, and that fact makes a *prima facie* case against it. Hence the burden of proof is upon its friends to show that it is pure.

How do they undertake to do this? They say that some samples of

the best manufacturers have been tested and shown to be pure. But what of all the rest? Have we any assurance that it will be found to be like the samples? Indeed, have we not a right to assume that in this respect, as well as in stealing a name which never belonged to it, fraud has been practiced?

My friend from Indiana [Mr. BROWNE] says that the manufacturers themselves say it is pure, and they ought to know. I agree they ought to know. I have no doubt they do know; nor have I any doubt that the thief arraigned at the bar of justice for larceny, and who says he is innocent, ought to know and does know what the fact is, but who takes his word for it?

Mr. Chairman, I favor this bill for the purpose of raising revenue. I would like to have any gentleman tell me why an internal revenue is an infernal revenue, as it has been called by gentlemen in this House, unless it is so styled because it is in part laid upon an infernal business.

It is certainly within the jurisdiction of Congress to levy taxes where they will bear most lightly upon the people. It is patriotic and sound policy so to levy them. Can any taxes be less burdensome to the people than those which are imposed upon such harmful luxuries as whisky and tobacco and an article of food which is an unwholesome counterfeit?

Is an excise tax more unequal and unfair than a tax by duties upon imports unless the latter be so laid as to protect our home industries and the wages of our workingmen? It is objected to on the ground that it necessarily creates a system of espionage repulsive to our people. So does every form of taxation. The income tax did it, the tariff does it. If the marshal and his deputies invade the premises of the distiller, the manufacturer, and the dealer, so do collectors of customs and their subordinates board our vessels, examine their cargoes, pry into and ransack our trunks, and even go through the apparel of people suspected of having smuggled goods concealed about their persons.

I am an uncompromising protectionist. I believe that every American industry which is honest and useful should be protected against foreign competition until it shall have attained such strength as to be able to stand alone and unaided against its rivals beyond our own country; and that he who opposes this doctrine is, though it be unwittingly, an enemy to the people and, as a consequence, to the welfare of his country.

But I am not a protectionist run mad. I am not so pregnant with fear that every ill wind will blow our protective system over that I desire to brace it up with fictitious props. I have so much faith in its intrinsic strength that I am sure it can stand upon its own feet. I have so much faith in the wisdom and patriotism of the people that I believe they will stand by the laws which protect their industries and give fair wages and dignity to labor. Protection does not lean upon crutches; it does not require that we should allow whisky, tobacco, and a vicious mixture of unknown ingredients to go untaxed and have free course and be glorified that it may not fall to the ground.

It is said upon the other side that we do not need the revenue which this bill will give us. I have not the time to go fully into the discussion of that subject now. It is sufficient for the present to say that so long as we owe $1,400,000,000 and are paying $50,000,000 as annual interest upon that debt we have an ample opportunity to make a good use of all our revenues, and a government, like an individual, can never be burdened with a surplus income so long as all that comes into its coffers is not sufficient to both meet its necessary expenditures and pay its debts.

[Here the hammer fell.]

Mr. HATCH. There are several amendments pending to this section which have been discussed and rediscussed, and there are gentlemen who desire to offer other amendments, which can not be done until votes are taken on the pending amendments. I ask unanimous consent that all debate upon the pending amendments to this section may be considered as closed, and that we proceed to take the vote on those amendments.

The CHAIRMAN. That will not prevent other amendments being offered and debated.

Mr. GIBSON, of West Virginia. I object.

Mr. HATCH. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8328, had come to no resolution thereon.

Mr. HATCH. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue. And pending that motion I move that all debate upon the pending amendments to section 8 be closed in one minute.

The question being taken, the Speaker stated that the "ayes" seemed to have it.

Mr. GIBSON, of West Virginia. I call for a division.

The House divided; and there were—ayes 97, noes 8.

Mr. GIBSON, of West Virginia. No quorum.

Mr. HATCH. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 11, not voting 121; as follows:

YEAS—190.

Adams, G. E.	Ely,	Laffoon,	Ryan,
Allen, C. H.	Ermentrout,	La Follette,	Sadler,
Allen, J. M.	Evans,	Laird,	Sayers,
Anderson, C. M.	Everhart,	Landes,	Scott,
Anderson, J. A.	Farquhar,	Lanham,	Scranton,
Atkinson,	Felton,	Lehlbach,	Sessions,
Baker,	Fisher,	Lindsley,	Seymour,
Barbour,	Fleeger,	Lovering,	Shaw,
Barksdale,	Ford,	Lowry,	Singleton,
Barry,	Forney,	Lyman,	Skinner,
Bayne,	Frederick,	Martin,	Smalls,
Beach,	Fuller,	Maybury,	Snyder,
Bennett,	Funston,	McAdoo,	Sowden,
Bland,	Gallinger,	McCreary,	Spooner,
Bound,	Gay,	McKenna,	Spriggs,
Boutelle,	Geddes,	McKinley,	Springer,
Boyle,	Glass,	McMillin,	Stahlnecker,
Brady,	Green, R. S.	Millard,	Stephenson,
Bragg,	Green, W. J.	Milliken,	Stewart, Charles
Breckinridge, C. R.	Grout,	Mills,	Stone, E. F.
Breckinridge, WCP.	Hale,	Moffatt,	Stone, W. J., Ky.
Browne, T. M.	Hall,	Morgan,	Storm,
Brown, C. E.	Hammond,	Morrill,	Strait,
Buchanan,	Harris,	Morrison,	Swope,
Buck,	Hatch,	Morrow,	Symes,
Bunnell,	Haynes,	Murphy,	Taylor, E. B.
Cabell,	Heard,	Neal,	Taylor, I. H.
Campbell, J. M.	Henderson, D. B.	Neece,	Taylor, J. M.
Candler,	Henderson, J. S.	Oates,	Taylor, Zach.
Cannon,	Henley,	O'Donnell,	Throckmorton,
Carleton,	Hepburn,	O'Ferrall,	Townshend,
Caswell,	Herman,	Parker,	Van Schaick,
Catchings,	Hiestand,	Payne,	Wade,
Cobb,	Hill,	Payson,	Wait,
Collins,	Hires,	Peel,	Ward, T. B.
Compton,	Hiscock,	Perkins,	Warner, William
Conger,	Hitt,	Pettibone,	Weaver, A. J.
Cooper,	Holman,	Phelps,	Weber,
Cox,	Hopkins,	Pidcock,	Wellborn,
Crisp,	Howard,	Pindar,	Wheeler,
Culberson,	Hudd,	Plumb,	White, A. C.
Daniel,	Irion,	Price,	White, Milo
Davenport,	Johnson, F. A.	Randall,	Whiting,
Davidson, A. C.	Johnston, J. T.	Reagan,	Wilkins,
Dawson,	Johnston, T. D.	Richardson,	Willis,
Dorsey,	Jones, J. H.	Rockwell,	Wolford.
Eldredge,	Kelley,	Romeis,	
Elisberry,	Ketcham,	Rowell,	

NAYS—11.

Barnes,	Davidson, R. H. M.	Mahoney,	Tillman,
Campbell, Felix	Dunham,	Miller,	Turner.
Dargan,	Hemphill,	Perry,	

NOT VOTING—121.

Adams, J. J.	Dockery,	Libbey,	Sawyer,
Aiken,	Dougherty,	Little,	Seney,
Arnot,	Dowdney,	Long,	Steele,
Ballentine,	Dunn,	Lore,	Stewart, J. W.
Belmont,	Eden,	Louttit,	St. Martin,
Bingham,	Findlay,	Markham,	Stone, W. J., Mo.
Blanchard,	Foran,	Matson,	Struble,
Bliss,	Gibson, C. H.	McComas,	Swinburne,
Blount,	Gibson, Eustace	McRae,	Tarsney,
Brown, W. W.	Gilfillan,	Merriman,	Taulbee,
Brumm,	Glover,	Mitchell,	Thomas, J. R.
Burleigh,	Goff,	Muller,	Thomas, O. B.
Burnes,	Grosvenor,	Negley,	Thompson,
Burrows,	Guenther,	Nelson,	Trigg,
Butterworth,	Halsell,	Norwood,	Tucker,
Bynum,	Hanback,	O'Hara,	Van Eaton,
Caldwell,	Harmer,	O'Neill, Charles	Viele,
Campbell, J. E.	Hayden,	O'Neill, J. J.	Wadsworth,
Campbell, T. J.	Henderson, T. J.	Osborne,	Wakefield,
Clardy,	Herbert,	Outhwaite,	Ward, J. H.
Clements,	Hewitt,	Owen,	Warner, A. J.
Cole,	Holmes,	Peters,	Weaver, J. B.
Comstock,	Houk,	Pirce,	West,
Cowles,	Hutton,	Ranney,	Wilson,
Crain,	Jackson,	Reed, T. B.	Winans,
Croxton,	James,	Reid, J. W.	Wise,
Curtin,	Jones, J. T.	Reese,	Woodburn,
Cutcheon,	King,	Rice,	Worthington.
Davis,	Kleiner,	Riggs,	
Dibble,	Lawler,	Robertson,	
Dingley,	Le Fevre,	Rogers,	

So the motion to limit debate was agreed to.

Mr. ERMENTROUT. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

Mr. BUCK. I am paired, but not to break a quorum, and have voted "ay."

The following pairs were announced until further notice:

Mr. CAMPBELL, of Ohio, with Mr. GUENTHER.

Mr. REID, of North Carolina, with Mr. RICE.

Mr. CLEMENTS with Mr. HOLMES.

Mr. GIBSON, of Maryland, with Mr. HAYDEN.

Mr. HUTTON with Mr. PIRCE.

Mr. EDEN with Mr. WAIT.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. WINANS with Mr. HOUK.

Mr. WARNER, of Ohio, with Mr. GROSVENOR.

Mr. MITCHELL with Mr. GOFF.

Mr. ARNOT with Mr. DAVIS. If present, Mr. ARNOT would vote for the pending bill, Mr. DAVIS against it.

Mr. DIBBLE with Mr. LITTLE. If present, Mr. DIBBLE would vote against this bill.

Mr. FORAN with Mr. LONG.

Mr. LE FEVRE with Mr. O'NEILL, of Pennsylvania. Mr. LE FEVRE would vote for the bill and Mr. O'NEILL against it.

Mr. DOUGHERTY with Mr. MCCOMAS. Mr. MCCOMAS would vote for the bill and Mr. DOUGHERTY against it.

Mr. VIELE with Mr. LAIRD. If present, Mr. LAIRD would vote for the passage of this bill.

The following pairs were also announced:

Mr. BLOUNT with Mr. BURROWS, for the remainder of this week, on all questions touching the pending bill. Mr. BLOUNT would vote against the bill and Mr. BURROWS for it.

Mr. TARSNEY with Mr. CUTCHEON, on this bill.

Mr. KETCHAM with Mr. FINDLAY, on this bill for to-day. Mr. KETCHAM would vote for, and Mr. FINDLAY against the bill.

Mr. WEAVER, of Iowa, with Mr. WADSWORTH, for this day. Mr. WEAVER would vote for the pending bill.

Mr. WILSON with Mr. STRUBLE. Mr. STRUBLE would vote for the bill and Mr. WILSON against it.

Mr. TUCKER with Mr. STEWART, of Vermont, for this day.

Mr. BROWN, of Pennsylvania, with Mr. HEWITT, until Tuesday next on this bill. If present, Mr. BROWN would vote for the proposition to amend the bill by reducing the tax to a point as low as 2 cents a pound, and, on the final passage, would vote for the bill.

Mr. DOCKERY with Mr. MORRILL, from May 29 till June 2.

Mr. MATSON with Mr. BROWNE, of Indiana, from Saturday, May 29, until Wednesday, June 2, inclusive.

Mr. BYNUM with Mr. OWEN, on this bill.

Mr. WOODBURN with Mr. LOUTTIT, on this bill. Mr. WOODBURN would vote for and Mr. LOUTTIT against it.

Mr. PETERS with Mr. TURNER, on this bill. Mr. PETERS would vote "ay" and Mr. TURNER "no."

Mr. GLOVER with Mr. ADAMS, of New York, on this bill. If present, Mr. GLOVER would vote for the bill and Mr. ADAMS against it.

Mr. HALSELL with Mr. THOMPSON, for this day.

Mr. MCRAE with Mr. WAKEFIELD, for this day.

Mr. HERBERT with Mr. BUCK, for this day.

Mr. DAWSON with Mr. WADE, for the remainder of this day.

Mr. WARD, of Illinois, with Mr. WISE, on this vote.

Mr. CROXTON with Mr. THOMAS, of Wisconsin, on this vote.

Mr. MULLER with Mr. WEST, for this day.

Mr. VAN EATON with Mr. HANBACK, on this vote.

Mr. DOWDNEY with Mr. MARKHAM, for this day.

Mr. BLISS with Mr. HENDERSON, of Illinois, for this day. If present, Mr. HENDERSON would vote for this bill.

Mr. GAY with Mr. BINGHAM, for this day.

Mr. FORAN. Mr. Speaker, I am paired with the gentleman from Massachusetts [Mr. LONG], but as I was given to understand that he was present I voted. I find now that he is not present, so I withdraw my vote.

Mr. STEWART, of Vermont. Mr. Speaker, if I am not necessary to make a quorum I desire to withdraw my vote.

The SPEAKER. There is a quorum without the gentleman.

Mr. BROWNE, of Indiana. Mr. Speaker, I am paired with my colleague [Mr. MATSON] on the final vote on this bill, but not on preliminary votes. For that reason I have voted, and for the additional reason that if Mr. MATSON were present he would give the same vote that I have given.

Mr. TURNER, by unanimous consent, obtained leave of absence for the rest of the day, on account of indisposition.

The result of the vote was then announced as above recorded.

The SPEAKER. The motion is agreed to, and debate on the amendments pending to section 8 of the bill is limited to one minute. The question now is on the motion that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union for the further consideration of revenue bills, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the further consideration of the pending bill (H. R. 8328), defining butter, &c. The Clerk will report the pending amendment.

The Clerk read as follows:

In line 3, section 8, strike out "ten" and insert "two."

The CHAIRMAN. By order of the House all debate on the pending section and amendments has been closed. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND], which the Clerk has just read.

The question was taken, and the chairman declared that the noes seemed to have it.

Mr. TOWNSHEND. I call for a division.

The House divided; and there were—ayes 63, noes 82.

Mr. TOWNSHEND. I demand tellers.

Mr. HAMMOND. I suggest that there is no quorum voting.

The CHAIRMAN. Does the gentleman from Georgia make that point?

Mr. HAMMOND. I do not care to make the point.

Mr. TOWNSHEND. I make the point.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Missouri [Mr. HATCH] to act as tellers.

The House again divided; and the tellers reported—ayes 66, noes 97.

So the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Missouri [Mr. WARNER].

The Clerk read as follows;

Insert at the end of the section the following:

"*Provided*, That nothing in this act shall be construed to apply to the manufacture, sale, or offer for sale of any substance known as oleomargarine which shall be shown, before the same is sold or offered for sale, to the satisfaction of the Commissioner of Internal Revenue, under such rules and regulations as he may adopt, to be wholesome as an article of food and what it purports to be as shown by the marks or brands thereon, and further, that the constituent elements thereof are in no way deleterious to health: *And provided further*, That said substance known as oleomargarine shall be put up in packages marked and branded as provided in this act. Any manufacturer, wholesale or retail dealer, or other person who shall knowingly manufacture, sell, or offer for sale any such substance known as oleomargarine for butter or as butter, or without the same being put up in packages plainly marked and branded as provided in this act, shall be deemed guilty of a misdemeanor and, upon being convicted, shall be punished by a fine of not less than $100 and not more than $5,000, or by imprisonment for not more than five years."

The question was taken on the amendment; and there were—ayes 44, noes 96.

Mr. WARNER, of Missouri. Mr. Chairman, reserving the point that there is no quorum voting, I would ask the chairman of the committee having charge of this bill to permit us to have upon this amendment, which is certainly a material amendment, a yea-and-nay vote in the House.

Several MEMBERS. "Regular order!"

Mr. HATCH. Mr. Chairman, I stated to the gentlemen yesterday that I could not make any such agreement upon this or any other amendment.

The CHAIRMAN. The noes have it, and the amendment is rejected.

Mr. WARNER, of Missouri. Mr. Chairman, I reserve the right——

Several MEMBERS. Too late.

Mr. WARNER, of Missouri. Mr. Chairman, I never have called a quorum in this House, but I shall be compelled to call a quorum upon this, because I think this amendment is harder upon the manufacturer than the bill itself is according to the interpretation given to it by its friends.

The CHAIRMAN. Does the gentleman from Missouri [Mr. WARNER] make the point that no quorum has voted?

Mr. WARNER, of Missouri. Yes, sir; if the chairman of the committee will not consent to a vote upon this amendment in the House I must make the point that no quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint the gentleman from Missouri, Mr. WARNER, and the gentleman from Missouri, Mr. HATCH, to act as tellers.

The committee again divided; and the tellers reported—ayes 48, noes 115.

So the amendment was rejected.

The CHAIRMAN. The question will next be taken on the amendment offered by the gentleman from Texas [Mr. REAGAN], which the Clerk will read.

The Clerk read as follows:

Amend by adding the following proviso at the end of section 8:

"*Provided*, That this act shall not be understood or construed to impose any of the taxes mentioned in it on oleomargarine or any of the products or compounds mentioned in it when the same is plainly marked with the name of the particular product and sold or offered to be sold as such."

The amendment was rejected.

The CHAIRMAN. The Clerk will now read the amendment sent to the desk by the gentleman from Virginia [Mr. DANIEL].

The Clerk read as follows:

Add to the pending section the following:

"*Provided*, That on and after the 1st day of July, 1886, the taxes herein specified imposed by the internal-revenue laws of the United States now in force be, and the same are hereby, repealed, namely: The taxes on manufactured tobacco, snuff, cigars, cheroots, and cigarettes, and the special taxes required by law to be paid by dealers in leaf-tobacco, retail dealers in leaf-tobacco, dealers in manufactured tobacco, peddlers of tobacco, snuff, and cigars, and manufacturers of snuff and of cigars: *Provided also*, That on all original and unbroken factory packages of smoking and manufactured tobacco, and snuff, cigars, cheroots, and cigarettes held by manufacturers, factors, jobbers, or dealers at the time such repeal shall go into effect, upon which the tax has been paid, there shall be a drawback or rebate in favor of said manufacturer, factor, jobber, dealer, or other owner of said tobacco, snuff, cigars, cheroots, and cigarettes to the full amount and extent of the tax so paid thereon, but the same shall not apply in any case where the claim has not been presented within ninety days following the date when such repeal shall take effect; and no claim shall be allowed for a less amount than $10; and any special-tax stamp covering taxes repealed by this act may be redeemed for the portion of the special-tax year unexpired at the time of the repeal, when the amount claimed for such stamp

shall not be less than $10; and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury not otherwise appropriated, and it shall be the duty of the Secretary of the Treasury to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect: *Provided also*, That all internal-revenue laws limiting, restricting, or regulating the manufacture, sale, or exportation of tobacco, snuff, cigars, cheroots, and cigarettes are hereby repealed on and after the 1st day of October, 1886, and that there shall be no drawback allowed upon any such articles which shall be entered for export on or after that date: *Provided*, That all laws now in force shall remain and have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when the repeal of the taxes specified in this act shall take effect."

Mr. HATCH. I make a point of order on this amendment, the decision of which I am willing shall be reserved by the Chair pending the remarks of the gentleman from New Jersey [Mr. MCADOO] or any other gentleman who desires to speak on the amendment before the point of order is discussed.

Mr. MCADOO. Mr. Chairman, no species of taxation is so odious, especially to a free people, as the system of internal revenue, with its espionage and arbitrary restrictions on domestic trade. Not alone have we examples in the history of our own country, such as the Pennsylvania rebellion and the troubles in Rhode Island with regard to the whisky tax, but there was never in Great Britain any species of taxation that so excited the animosity and opposition of the British people as the internal system of taxation.

When you read English history you find that nothing so stirred up the English people as the old and odious form of taxation known as hearth-money, the chimney and window tax, and even in modern times the tobacco and spirit tax—excise duties. Our ancestors from the British islands knew the horrors of internal taxation and so naturally rebelled against it here. William Rufus, all the Henrys, the Richards, John, Edward, William III, the Jameses and Georges down to Victoria, imposed piratical levies in the shape of internal taxes. Internal taxation in those days was both grotesque and barbarous. Internal-revenue duties were and are unpopular in England. Says Mr. Noble, in The Queen's Taxes, "Excise duties were first levied in the year 1643 by a parliamentary ordinance, which imposed duties on ale, beer, cider, and sherry, and on the maker thereof. The royalists soon after followed the example of the Parliament, but the unpopularity of these imposts was so great that both parties pledged themselves to their abolition at the close of the war."

In fact, a great British orator, addressing the house of commons, said once when this was the prevailing form of taxation, instead of duties upon imports, that the instruments of government in Great Britain had been "simplified to the tax-gatherer and the hangman."

And more especially in a country like ours will this system always be odious. Speaking for myself on this question of taxation, if ever the issue is put to the American people squarely whether the revenues of this Government shall be raised by duties upon imports or by a system of internal taxation I have no fear as to the result of that contest. I am firmly convinced that there will be such an overwhelming majority of our people in favor of duties on imports as against internal taxation that an election on that issue would decisively settle the question for many years.

Reverting again to Great Britain and the tobacco tax, let me say that Sir Henry Parnell in 1833 estimated that about one-half of the tobacco consumed in England and Ireland was smuggled. Smuggling tobacco still continues there, except in so far as our heavy internal tax has made tobacco dear here. See The Queen's Taxes, page 15. Tobacco may almost be said to be a necessity to a large number of people. A parliamentary committee in England in 1844 stated that, notwithstanding the heavy duty, nine-tenths of all importations were consumed by the working people. The tobacco tax is levied directly, almost entirely, from operatives, mechanics, and laborers. It is the luxury of the workingmen.

Gentlemen on this floor, especially on this side of the House, who are in favor of the internal system, and who represent States in which the manufacture of whisky is a large business, assume to themselves, it seems to me, with all due respect to them, a self-abnegation and virtue on behalf of that industry to which it is not entitled. I have the honor to represent on this floor a district where the tobacco manufactories are very large concerns, and the great manufacturers of tobacco, so far as I have ever heard their views cited here, are strongly in favor of the tobacco tax. They are able and enterprising, and not to be blamed, as things go. The tax does not injure, but rather benefits them, and as business men they favor those laws which we make for them. I might join my whisky friends and claim for our kindred industries that from patriotic motives, and out of true goodness, they just delight in being taxed. If the tax affected them as it does the consumer they would, I feel sure, join me in asking its repeal. The consumers, who are in the majority, and the small makers are opposed to the internal revenue.

In the last Congress a distinguished member of the House, speaking on the question of bonded whisky, drew a picture of the whisky manufacturers being taken up into the mountain of temptation, and when these pure spirits—for, of course, being whisky men, they were pure spirits [laughter]—when these pure spirits got up into the mountain of temptation they were approached by the devil of tariff, who said to them: "If you will fall down and worship me I will free you from the cruel bonds of the internal revenue." [Laughter.]

If you will kneel down and acknowledge the virtue of omnipotent tariff, whisky will be allowed to be manufactured and sold without any tax being imposed upon it whatsoever. The goddess of reform only turned away her virtuous gaze and shed a tear. And this was held out to the House as an exhibition of heroic virtue, of tremendous self-abnegation, and of unparalleled unselfishness, when in truth they refused to have the tax taken off their industry because they know that taxing it legalizes it and gives them a monopoly of the business. They do not want every man making his own whisky. These virtuous gentlemen know too much for that. Why, sir, if that was unselfish, then it is unselfish to go in when it rains.

And, sir, let members of this House understand the question that there is nothing that makes so strong the manufacturers of whisky or that strengthens the hands of the great manufacturers of tobacco as against smaller ones as the internal-revenue system. There is no moral question involved in it, because the taxing of whisky is the strongest argument against the prohibition movement, as the temperance people will claim.

[Here the hammer fell.]

Mr. BUCHANAN addressed the committee. [See Appendix.]

Mr. ERMENTROUT. Mr. Chairman, the amendment proposed by the gentleman from Virginia, now before the committee, involves the entire abolition of the taxes now imposed upon tobacco and its various manufactures. My unbroken record publicly and privately has been in favor of the abolition of the entire system of internal-revenue taxation. Everything that has been uttered on this floor looking to that end meets my hearty approval.

But while this amendment may be germane to the bill it is plain to all that it is the opponents, not the friends, of the measure who are proposing it. It is also plain to every thoughtful man that there is no prospect of securing any such legislation at this time. Therefore I shall oppose this amendment.

I have refrained, Mr. Chairman, from participation in this discussion because, being friendly to the passage of the bill, I thought it was a useless waste of time and that further discussion simply retarded final action. Besides, everything that can be said for or against the measure has been said.

But the subject of internal revenue has been frequently introduced in the debate by gentlemen on both sides of the Chamber. My colleague from Pennsylvania [Mr. KELLEY] makes his opposition to that system the ground of his opposition to this bill. I hope it may not be considered disrespectful in me to refer again to the ill success he had with his own party friends in his efforts to repeal these laws in a previous Congress. My colleague from North Carolina [Mr. COWLES] took the same ground. I beg to refer him to the labors of that little band of patriots who, under the leadership mainly of the Senators of his own State, met during the session of the Forty-eighth Congress in the upper chambers of this building for the purpose of finding a way to reduce internal-revenue taxation on tobacco and brandies distilled from fruits.

The gentleman from Virginia [Mr. CABELL] participated in that conclave. The gentleman from Georgia [Mr. CANDLER] was there, and the now governor of his own State, then a member, Mr. Scales, and the other members of that delegation. But what was the result? When that measure was called before the House by the gentleman from New York [Mr. HISCOCK] the supporters of the measure did not command a corporal's guard. I need hardly say that I was found among the number. As a matter of history and proof of how delusive are all hopes in this direction, it is proper for me to say in this connection that the Ways and Means Committee of the last Congress had before it over seventy-five propositions relating to internal revenue for its modification, abolition, or otherwise. They sleep the sleep that knows no waking.

At the Democratic national convention of 1884 it was declared that so long as the internal-revenue system was continued "the money derived therefrom should be sacredly devoted to the relief of the people from the remaining burdens of the war and be made a fund to defray the expense of the care and comfort of worthy soldiers disabled in line of duty in the wars of the Republic and for the payment of such pensions as Congress may, from time to time, grant to such soldiers." The limit, therefore, of the continuance of the system, according to this declaration, will have arrived when the burdens of the war shall have ceased and pensions are no longer granted.

For economic reasons, my esteemed friend who touches no subject that he does not illumine with his intellect or adorn with his eloquence [Mr. TILLMAN, of South Carolina] raises his voice in favor of the abolition of internal-revenue taxes and against this bill. Yet he stands in this controversy side by side with the honorable gentlemen who clapped their hands in glee a day or two ago when my colleague from Ohio [Mr. BUTTERWORTH], in a flight of imaginative oratory, exorcised from its grave the ghost of free trade and predicted that it would stalk through every village in the land in five years if the principle of this bill prevailed. Thus we find the strength of the opposition to this bill

is composed of gentlemen whose views on economic questions are as divergent as the poles.

In the light of these facts it is folly to expect the abolition of the internal-revenue system in the near future. There are some who ask for the perpetuation of the tax on tobacco and spirits on moral grounds and for moral purposes; others to perpetuate whisky and tobacco monopoly; others, again, gild it with patriotism and stand on patriotic ground. Thus with different motives and different purposes we find a strong combination to maintain the system. For myself I declare that I am ready at any time to support any bill for its total abolition, reported to this House, coming from the authorized and regular channels of legislation, the Committee of Ways and Means. But every one must see that in the present temper of the House, as now organized, and in the position in which we find ourselves with respect to economic questions, it is idle to expect any such action.

It has been intimated that the pending measure is inconsistent with any defined policy.

Let me remind the committee that the House will shortly be called upon to discuss a measure that I regard of the greatest consequence to the future welfare of the country. I mean the bill to prevent aliens from acquiring real estate in the Territories of the United States. That bill is based upon the principle that American soil, wherever Congress has the right, shall be owned by Americans; that it shall be the national policy in administering our land system that the agricultural lands shall be the property of actual settlers for purposes of cultivation.

Among the most grievous complaints of the nation for years against those who have had control of the Government was the prodigality with which the public lands were wasted and given over to large corporations. Among the most important legislation proposed by Congress is that involving the forfeiture of these lands, so that they may be restored to the public for settlement.

But what good end is this action to subserve? Can we expect that the millions of acres that are thus to be secured to American citizens can all be covered by factories and cities and towns? No, sir; the object of that policy is to give homesteads to be occupied, to be cultivated, that a living may be derived from them to the occupants. Agriculture will always constitute the business of the largest number of citizens in this country engaged in any one pursuit. It was Carlyle, I think, said "that the secret of free institutions in America was much land and few people." In whatever light the matter is presented, ownership in land, living on the soil, the homestead principle, are directly interwoven with our future success and prosperity, with the life, liberty, and happiness of the millions now living and yet destined to live on this continent. It is therefore a solemn duty so to guard the interests of the agriculturists and foster their industries to the end that this policy be maintained. This bill accords with that purpose.

Now, sir, the framers of this bill, contemplating the serious results that have resulted to the agricultural interests of this country by the manufacture of oleomargarine and other compounds of a like nature, and their sale as and for butter, through their representatives have asked for relief.

In searching the arsenal of legislation for a weapon of protection to a genuine and wholesome food product and a weapon of defense against a spurious and unwholesome product they have found it ready to hand in the internal-revenue system. So long as that system continues, so long as gentlemen, from the various motives of patriotism, morality, political economy, and monopoly, will persist in maintaining it, so long, so far as my voice and vote go, do I propose to use them for the moral purpose, the useful purpose, the constitutional purpose of preventing the imposition of fraud on the American people by the manufacture and sale as butter of an article which is not butter. When the time comes that a fair opportunity is afforded this House to abolish the system I shall be found ready to support it. When that time comes I do not doubt that statesmanship will find some other means of protecting the agriculturist.

Mr. CABELL. Mr. Chairman, I am in favor of the amendment of my colleague from Virginia [Mr. DANIEL]. I think it is a good, a wise amendment, and ought to be adopted. I think also that it is germane to the bill under consideration and is not subject to the threatened point of order.

This is a revenue measure. Anyhow it is said by some of its advocates that it has the raising of revenue for one of its main objects. Now, if this oleomargarine bill is passed it will become part and parcel of the internal-revenue system. If it is competent for Congress to add to that species of taxation in the manner proposed, why may it not appropriately and without incongruity reduce taxes of kindred character upon other subjects upon the same bill? I see no difficulty, and I can not think there can be any.

If gentlemen are correct in what they say, that it is desired to raise revenue from a tax on oleomargarine, then I say it is a most proper thing for them to do to also grant relaxation from some of the burdens upon other subjects which have been largely taxed heretofore.

Now, sir, this system of internal taxation was inaugurated during the war, is a relic of the war, and should be gotten rid of as one of the bad legacies of that unhappy time. It is a system wholly opposed to the agricultural and industrial interests of the country. Its burdens bear most heavily upon people least able to bear them. The section of the country which I have the honor in part to represent in this House has felt for years the blighting effects of this mode of taxation, and all our people would hail with pleasure its abolition, or even its modification, and I ask this committee to vote my colleague's amendment into this bill, for if any confidence can be placed in the assurance made to us by some gentlemen here that the tax on oleomargarine will bring in a revenue of nearly $20,000,000, there can be but little loss to the Government in abolishing the tax on tobacco. In fact the result of the transaction would be but little else than the transfer of the tax from one subject to another. Several gentlemen have told us that they are willing to help us get the tax off tobacco, but are not willing to so vote upon this bill. Why not? If it is just to take the tax away, why not do it here? It certainly will not injure your bill. This is the first chance we have had to make any movement of this character—it may be the last; and we ask the committee, if it is determined to pass this bill and to put an internal tax upon oleomargarine or anything else, thus augmenting and enlarging a bad system, to give us some compensation, to do one grateful act at least to the country, by removing a wretched burden from the shoulders of every tobacco worker and producer in the land. My colleague's amendment is well drawn, and properly guards the interests of the Government as well as the interests of all those engaged in the production, manufacture, and trade in tobacco. I hope it will be the pleasure of the committee to adopt it.

Mr. FARQUHAR. I was in hopes at the beginning of this day's session that the explanation of the chairman of the Committee on Agriculture would be of such a satisfactory character and so fully explanatory of the whole purpose of this bill that by this hour we might have reached some broad conclusions and got on the direct line of either passing or modifying its provisions. But I find that even in this committee there are two lines of explanation, and on those two lines we are led divergently from what we had sought. I find the gentleman who presented the bill, the gentleman from Minnesota [Mr. WHITE], using exactly the language that has passed through my mind in all the discussions, and which was fair and honest. First of all, that this should be a matter of regulation and not of prohibition; that oleomargarine should stand on its own merits, and the imitation should go by the board and be taxed out of existence.

Now, sir, from the first of this discussion until now that has been in every respect my position on this floor. If there is anything that I can hate it is a sham either in commerce or in politics. And I am willing with other friends here to go to any length with the chairman of this committee and the friends of this bill to stamp out every single imitation that is placed in the market. But I am unwilling under any condition, political or otherwise, to stand here and protect one industry and stamp the life out of another when both are legitimate.

My friend from New Jersey [Mr. BUCHANAN] has depicted almost with tears in his eyes the woes of the American farmer. Now, I want to say the party to which I belong has been the American farmers' friend all through, and for the purpose of showing to the House how well the American Congress, controlled by the Republican party, has taken care of the farmers of America, I want to read from the official list of the trariff—not to mention sugar, tobacco, hemp, jute, flax, wool, or lumber that grows on his lands—the specific articles under the provision schedule. These taxes, every one of them, support and hold that industry under closer bonds of protection than any industry that can be named in the whole tariff line.

I am speaking upon the line indicated by the gentleman from Virginia to-day as to where the Republican party can stand, and I call his attention to where it has stood.

I said a few nights ago that there was one entering-wedge in this bill which I look upon with horror, and I do so now. As a protectionist, born in the school of Clay and bound to die a protectionist, I am sure after thirty years of life in the Whig party and the Republican party I can not forsake the great cardinal principles that have made this country great, grand, and glorious, by taking the industries of this land and fostering them under the Hamiltonian line of policy, which has made it possible to conquer in a great war and stand the first of the nations.

[Here the hammer fell.]

Mr. HATCH. Mr. Chairman, while I do not agree with my friend from New York on the tariff question (I expect we shall never get together upon that), yet he has been so fair in his discussion of this bill that I very cheerfully yield my time to him.

Mr. FARQUHAR. I thank the gentleman from Missouri.

Now, Mr. Chairman, without occupying further time in addressing the House, I wish to read the list of the articles that are protected for the benefit of the farmer. Here is the list:

PROVISIONS.

Animals (live), 20 per cent. ad valorem.
Beef and pork, 1 cent per pound.
Hams and bacon, 2 cents per pound.
Meat (extract of), 20 per cent. ad valorem.
Cheese, 4 cents per pound.
Butter and substitutes therefor, 4 cents per pound.

Lard, 2 cents per pound.
Wheat, 20 cents per bushel.
Rye and barley, 10 cents per bushel.
Barley (pearled, patent, or hulled), ¼ cent per pound.
Barley malt, per bushel of 34 pounds, 20 cents.
Indian corn or maize, 10 cents per bushel.
Oats, 10 cents per bushel.
Cornmeal, 10 cents per bushel of 48 pounds.
Oatmeal, ¼ cent per pound.
Rye flour, ¼ cent per pound.
Wheat flour, 20 per cent. ad valorem.
Potato or corn starch, 2 cents per pound.
Rice starch, 2½ cents per pound; other starch, 2½ cents per pound.
Rice (cleaned), 2½ cents per pound; uncleaned, 1½ cents.
Paddy, 1½ cents per bushel.
Rice flour and ricemeal, 20 per cent. advalorem.
Hay, $2 per ton.
Honey, 20 cents per gallon.
Hops, 8 cents per pound.
Milk (preserved or condensed), 20 per cent. ad valorem.
Potatoes, 15 cents per bushel of 60 pounds.
Vegetables (in their natural state), 10 per cent. ad valorem.
Vegetables (prepared or preserved), 30 per cent. ad valorem.
Fruits (preserved in their own juices) and fruit juice, 20 per cent. ad valorem.

I want to ask my protectionist friends what further protection they want for any legitimate industry than is found in this list? The question that presents itself to my mind in connection with this bill is whether we must have protection involved in our protection. Now, sir, whether this is meant for a revenue measure, as some gentlemen claim, or not, there is one thing sure, and that is, that if we have to go back to internal-revenue taxes no man who has stood up for protection to American industries can hereafter go before the people to advocate that policy without having this proposition stare him in the face, that if we put on internal taxes the tariff taxes must come off.

I am free to say, and I do say now to the chairman of this committee, put on every police regulation that the law of this country can invoke to guard against base imitations, butterine, lardine, and all the other "ines" that you can find in a chemical dictionary, but when you are dealing with a legitimate product which utilizes the fat of an animal and is sold for legitimate commercial purposes, keep your hands off! [Applause.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Virginia, which I will read:

Provided, That the revenue collected under this act is hereby dedicated to the payment of pensions.

I shall detain the committee but a moment. I agree that the internal-revenue system is a system which grew out of the war for the purpose of paying the expenses of the war. I furthermore agree that this system ought to be abolished whenever the expenditures of the war are paid. Those expenditures now consist, since the passage of the widows and orphans' bill, of an annual pension-roll of eighty-one millions, a sinking fund of forty-six and odd millions, and a public interest of forty-four and odd millions; aggregating somewhere about $160,000,000. This internal-revenue system, which was instituted for the purpose of paying these very expenditures, does not now raise a sufficient annual sum to pay the $160,000,000. There is a deficit of nearly $50,000,000 annually, which it is estimated can be paid by the sugar tax.

Now, sir; I think it is good policy to dedicate these internal taxes to these war expenditures, to let it be understood in the minds of the people that the internal-revenue taxes and the war costs are bracketed together, and that the expenditures that grow out of the war are to be met by these revenues as far as these revenues will go. This bill, so its advocates say, is a revenue bill—a bill for internal revenue. This, therefore, is the first time since the war that we have had an opportunity to bracket any new object of taxation with the war expenditure, because the other objects of internal taxation—tobacco and whisky—were selected during the war. This, I say, is the first time since the war that a new object of taxation has been sought for and an attempt made to bring it within the purview of the internal-revenue system. It is the first time, therefore, that the American Congress has had such an occasion to declare that this internal-revenue system is a temporary system, to be used solely for the purpose of liquidating the expenses of the war, and to dedicate whatever may be hereafter collected from these objects of internal taxation to that sacred purpose.

Mr. JOHNSTON, of Indiana. Will the gentleman permit a question?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. JOHNSTON, of Indiana. If, as a matter of fact, the principle of internal taxation is wrong, why do you want to continue it for the payment of the war debt, or to keep it up until the war debt is paid? Why not collect from some other source the taxes to pay the debt that you forced upon the country?

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, as to what was no doubt meant to be an offensive sneer at the end of the gentleman's pretended question, which question was doubtless asked with scant courtesy merely for the purpose of interruption and to introduce the sneer, I have nothing whatever to say, except that within the last twenty years it has not been a very infrequent thing for the praises of the "old flag" to be found in close company with a not overscrupulous grabbing of "an appropriation." I pass by the gentleman's "question" with that remark. I am offering this amendment in accordance with my own view of what is proper in reference to this system of taxation.

Mr. DANIEL. Will the gentleman permit me a question?

Mr. BRECKINRIDGE, of Kentucky. Yes, sir.

Mr. DANIEL. Do I understand the gentleman to announce the doctrine that he wants to continue the internal-revenue system until we have got rid of paying everything about the war?

Mr. BRECKINRIDGE, of Kentucky. I do not mean to announce that, because it may take many years, and we may be able to do better. We may grow to be more prosperous. There are other economic questions that may some time—God speed the day—be rightly and wisely decided, and when that day comes we may possibly find some way to get rid of these internal taxes.

Mr. Chairman, I have no concealment about this matter. While I do not like this internal-revenue system, while there are many things about it which I would like to see ended, I do prefer to tax whisky and tobacco, rather than the clothing, the shelter, and the food of the workingmen or the masses of the people. I do believe that it is better to put taxation on tobacco and on whisky than to put it on the wool, the leather, the food, the clothing, or the shelter of American citizens, and if that be not Democracy I must be pardoned for my heresy.

I did not mean, Mr. Chairman, to occupy a moment of the time of the committee, and now ask leave to append hereto this paragraph from the Democratic platform:

The system of direct taxation known as the "internal revenue" is a war tax, and so long as the law continues the money derived therefrom should be sacredly devoted to the relief of the people from the remaining burdens of the war, and be made a fund to defray the expense of the care and comfort of worthy soldiers disabled in the line of duty in the wars of the Republic, and for the payment of such pensions as Congress may from time to time grant to such soldiers, a like fund for sailors having been already provided, and any surplus should be paid into the Treasury.

And I also ask leave to append a letter received by me from the Commissioner of Internal Revenue. The resolution of the gentleman from Maryland [Mr. FINDLAY] referred to is for the purpose of repealing the taxes and duties on tobacco:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 12, 1886.

SIR: I am in receipt of your letter of the 8th instant, inclosing House resolution 164, introduced by Mr. FINDLAY, and asking me to do you the favor to give you such information as I may be able relating to the subject-matter of your letter and the resolution. You ask:

First. For a statement showing the actual and estimate receipts from the internal taxes on the manufacture and sale of tobacco, snuff, and cigars for the fiscal year ending June 30, 1886, and the estimated receipts for the fiscal year ending June 30, 1887.

Second. For any information as to whether the manufacture of tobacco, snuff, and cigars has increased or decreased.

Third. The amount of capital invested in such manufactures.

Fourth. The quantity and value of such manufacture for the past few years.

Fifth. Whether the quantity and value of the tobacco crop, as given in the reports of the Bureau of Statistics, are accurate.

Sixth. You ask me to make any suggestion which may aid you in the consideration of the resolution you inclosed.

In reply to your first inquiry you are informed that the receipts from tobacco for the fiscal year 1885 were:

Cigars and cigarettes	$10,606,823 38
Tobacco and snuff	14,462,353 83
Special taxes of manufacturers and dealers	1,337,911 27
Total	26,407,088 48

Estimated receipts for fiscal year 1886:

Cigars and cigarettes	$11,104,000 00
Tobacco and snuff	15,672,000 00
Special taxes manufacturers and dealers	1,378,000 00
Total	28,154,000 00
Estimated receipts for fiscal year 1887	30,000,000 00

In reply to your second inquiry I have to suggest that the production of tobacco, snuff, and cigars is governed almost entirely by the demand for consumption and exportation from year to year.

Manufacturers are almost entirely governed by this demand, for the reason that tobacco and cigars do not, like whisky and wines, improve by age. An overproduction for any year is very likely to result in losses to the manufacturer.

Going back for sixteen years to the time when the mode of collecting taxes was changed from assessments to the stamp system, the reports of this office show that the production of manufactured tobacco for the fiscal year ended June 30, 1870, was 90,288,082 pounds, and of cigars 1,153,352,191; and for the fiscal year 1876 manufactured tobacco 110,380,602 pounds, and of cigars 1,906,227,982; and for the fiscal year 1885 manufactured tobacco 180,777,413 pounds, and cigars 4,417,721,871. These figures do not include the tobacco, snuff, and cigars exported.

The quantity of tobacco, snuff, and cigars exported has increased during these years, but not in the same ratio as the quantity consumed at home, although every possible facility has been afforded manufacturers to export these goods.

These figures show that the total increase in manufactured tobacco in ten years was 70,396,811 pounds, and in sixteen years 90,489,331 pounds; and that the increase in cigars in ten years was 2,511,493,889, and in sixteen years 3,264,369,680.

The percentage of increase on manufactured tobacco in ten years was over 63 per cent., and in sixteen years 100 per cent.; and the percentage of increase on cigars in ten years was 132 per cent., and in sixteen years was 283 per cent.

In this connection you are respectfully referred to the tabular statements published on pages 123, 125, and 126 in my annual report for the fiscal year ending June 30, 1885, a copy of which has been sent to you by mail.

To your third inquiry I have to say that this office has no means for ascertaining either the exact or approximate amount of capital invested in the manufacture of tobacco, snuff, and cigars. But the amount is unquestionably large, as the reports received at this office show that there are nearly twenty thousand persons, firms, and corporations engaged in this business.

To your fourth inquiry in regard to the value of these products I reply, that

no definite information can be given. Assuming that the average value of the tobacco manufactured during the last fiscal year, exclusive of the tax, was 35 cents a pound, the total value would be $63,272,094.55; and assuming that the total value of the cigars, including cigarettes, exclusive of the tax, was $25 per thousand, the total value would be $110,443,046.77.

In estimating the value of tobacco, snuff, and cigars, I have placed the average value, as will be seen, largely below the present tariff duties imposed on these articles.

The difference in the aggregate value placed upon cigars and cigarettes over the aggregate value of the tobacco manufactured is due, mainly, to the fact that tobacco is almost entirely manufactured by machinery, while labor enters as a very large element in the cost and the value of cigars and cigarettes. I presume that there are to-day twice as many persons employed in the manufacture of cigars and cigarettes as there were fifteen years ago.

That cigar manufacturers should locate in cities and large towns is no more to be wondered at than that manufacturers of other articles should locate their mills and factories on rivers and flowing streams which afford ample water-power for the running of machinery.

The laborers scattered over the country, in the rural districts, find more profitable employment in the cultivation of the soil, in mining, lumbering, and the production of the raw materials to be used in manufactures.

Laborers that can be utilized in the manufacture of tobacco and cigars are principally to be found in the cities, and hence tobacco and cigar manufacturers locate there.

In regard to your fifth inquiry I reply that I am not able to form an opinion as to the accuracy of the statistics furnished by the bureau in charge of these matters. Undoubtedly they depend largely upon bills of lading and somewhat on estimated quantities and values. This, I presume, is unavoidable. The reports rendered to this office for the calendar year 1884 show the use of 242,215,634 pounds of leaf-tobacco in the manufacture of tobacco, snuff, and cigars during that year. Probably as large a quantity of leaf was exported. And I judge that there might have been 20,000,000 pounds which were never reported to the Government. If these figures are correct they would show an annual product of 500,000,000 pounds of leaf-tobacco. The average value of this tobacco to the farmer, I presume, does not fall below 8 or exceed 10 cents a pound. I observe that, in the quotations given in the Louisville market for the first of this month the price varies according to quality from 3 to 18 cents per pound. The quotations given in other markets are about the same.

In view of the facts and statements contained in this communication I am unable to see that anything would be gained either by the Government or by the manufacturers by the passage of the joint resolution that you inclosed. On the other hand I think they clearly demonstrate that many of the statements made in the preamble are not warranted by the facts and figures herein presented.

I remain, sir, yours, very respectfully,

JOS. S. MILLER,
Commissioner.

Hon. WILLIAM C. P. BRECKINRIDGE,
Of Committee of Ways and Means, House of Representatives,
Washington, D. C.

Mr. HATCH and Mr. DANIEL addressed the Chair.

Mr. HATCH. Does the gentleman from Virginia desire to oppose the amendment of the gentleman from Kentucky?

Mr. DANIEL. I want to speak in advocacy of my own amendment.

Mr. HATCH. I yield to the gentleman.

Mr. DANIEL. Mr. Chairman, I think I have shown, and the gentleman from New York [Mr. FARQUHAR] has made more clear what I have shown, that the support of this bill, as it stands, is an utter and absolute abandonment by the Republican party of their American principles; because it is a bill to tax one industry out of existence, an industry acknowledged in the bill to be a wholesome one and demonstrated to be so.

Mr. MILLIKEN. Will the gentleman allow me a word?

Mr. DANIEL. No, sir; not now. I will see you later. [Laughter.]

The Republican party has jumped the wall of all its previous enunciations upon economic questions. But, sir, astonished as I am at the nimbleness with which our Republican friends jump everything which they have hitherto pronounced to be walls of American defense, still more am I astounded when I see Democrats on this floor, who have pledged themselves to abolish war taxes and who have put upon their banner the motto of Thomas Jefferson: "Equal and exact justice for all men," take a wild leap over the walls of the Constitution and through the roof, turn a double somersault in the air, land far away from every landmark of their creed, and run ten leagues farther than ever the wildest radicalism of Republicanism gone to seed has ever gone. [Laughter.] Sir, there is a new song in the mouth of my Democratic friend from Pennsylvania [Mr. ERMENTROUT] to-day that does not sound much like the resolutions which the Legislature of Pennsylvania adopted in 1791 when, uttering the free spirit of that State which had not yet died out after the Revolution, they protested against the ingrafting into America of the excise system. It will ever remain one of the proudest features of the first administration of Thomas Jefferson that in conjunction with Albert Gallatin he led the way to get rid of that system.

And sir, it seems to be indicated upon this floor that, under the first administration of Grover Cleveland, predestined, as was hoped by a great many of the American people, to resume the mantle which had so long been laid aside, the champions and leaders of the Democracy have come to stand here and preach a doctrine which will raise every powerful hand against every weak one. Disguise it as you will, salt it with rhetoric as you will, paint it with the extract of colored butter as you will, perfume it with clover blossoms as you will, and sing the song of the milkmaid about it as you will, the substantial fact remains that in this bill is the doctrine that Congress may create monopoly, and may help monopoly to crush out and destroy every wholesome industry that "comes between the wind and its nobility."

Murder has its rights; arson has its rights; every crime in the decalogue has its rights, when represented in the criminal, to have its fair hearing in a court of justice before it is condemned. But, sir, according to the doctrines that have been enunciated upon this floor and embodied in this bill—not to protect the citizen against fraud, not to ear-mark that which may be noxious or counterfeit—we are called on to authorize one industry to use the vast powers of sixty millions of people absolutely to destroy and crush out another industry which has no jury to try it, no charge to defend against, but must be condemned without a hearing in the House which should be the house of its friends. The gentleman from New York expressed my sentiments when he said that you had a right of regulation under the police powers of this Government given to you by the Constitution for its legitimate purposes, to regulate commerce. The States can not prevent the introduction into their borders from other States of vile, noxious, or counterfeit things, but the Federal Government is intrusted by all the States with the power to regulate the commerce between these thirty-eight free States of America, so that the counterfeit and the vile may be spotted and marked, and so that the criminal may be tried and condemned. But, overlooking those clauses of our Constitution which were made for the protection of dairymen, of farmers, and of everybody else against fraud and crime; overlooking the methods of rightful, just, and constitutional action against wrong, you are here simply raising the mighty foot of the Federal Government and bringing it down with crushing and destroying effect upon an industry which supplies food to millions, and which millions say is a wholesome and legitimate industry.

Mr. Chairman, I am no filibuster. I have not attempted to retard this bill one moment; but when I see Democracy betrayed in the house of its friends by those who should be its captains, when I see the Republican party here owning allegiance to a committee which the people did not elect and abandoning the representative character which it ought to hold from the Constitution and from the people who are sovereign, then I say that I, for one, will stand here until our term of Congress expires and will use every ability which God has given me to stand athwart this measure and for the people against tyranny and oppression. [Loud applause.]

Mr. HATCH. I move to close debate on the pending paragraph and all amendments thereto.

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. HATCH. I move that the committee rise.

Mr. BRECKINRIDGE, of Kentucky. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Is it in my power to withdraw temporarily the amendment I offered?

The CHAIRMAN. It is.

Mr. BRECKINRIDGE, of Kentucky. I do not desire to embarrass the amendment of the gentleman from Virginia [Mr. DANIEL], and I therefore withdraw my amendment, intending to offer it again.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUNHAM. Was there not a point of order raised on the amendment of the gentleman from Virginia?

The CHAIRMAN. There was.

Mr. DUNHAM. Has it been decided?

The CHAIRMAN. It has not been decided.

Mr. DUNHAM. What has become of it?

The CHAIRMAN. It has been reserved.

Mr. HATCH'S motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill H. R. 8328, and had come to no resolution thereon.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of revenue bills; and pending that motion I move that all debate on the eighth section and all amendments thereto shall be limited to one minute, and upon that I demand the previous question.

Mr. O'NEILL, of Missouri. I move to make it ten minutes.

Mr. HATCH. I have moved the previous question on my motion.

The House divided; and there were—ayes 127, noes 2.

Mr. O'NEILL, of Missouri. No quorum.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. CABELL. I move the House adjourn.

Mr. SCOTT. I make the point that motion is not in order after the roll-call has been begun.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The question was taken; and it was decided in the affirmative—yeas 179, nays 17, not voting 126; as follows:

YEAS—179.

Adams, G. E.	Barry,	Breckinridge, C. R.	Catchings,
Allen, J. M.	Bayne,	Buchanan,	Cobb,
Anderson, J. A.	Beach,	Bunnell,	Compton,
Atkinson,	Bland,	Burnes,	Comstock,
Baker,	Bound,	Campbell, J. M.	Conger,
Ballentine,	Boutelle,	Cannon,	Cooper,
Barbour,	Boyle,	Carleton,	Cowles,
Barksdale,	Brady,	Caswell,	Cox,

Crisp,	Hiscock,	Murphy,	Skinner,
Croxton,	Hitt,	Neal,	Smalls,
Culberson,	Holman,	Neece,	Snyder,
Davenport,	Hopkins,	Negley,	Sowden,
Davidson, A. C.	Howard,	Nelson,	Spooner,
Davidson, R. H. M.	Hudd,	Oates,	Spriggs,
Dorsey,	Irion,	O'Donnell,	Springer,
Dunham,	Jackson,	O'Ferrall,	Stahlnecker,
Dunn,	Johnson, F. A.	Parker,	Stephenson,
Eldredge,	Johnston, J. T.	Payne,	Stone, E. F.
Ely,	Johnston, T. D.	Payson,	Stone, W. J., Ky.
Ermentrout,	Jones, J. H.	Peel,	Storm,
Evans,	Kelley,	Perkins,	Strait,
Everhart,	King,	Pettibone,	Swinburne,
Farquhar,	Kleiner,	Phelps,	Swope,
Felton,	La Follette,	Pidcock,	Symes,
Fisher,	Landes,	Pindar,	Taylor, E. B.
Fleeger,	Lanham,	Plumb,	Taylor, I. H.
Forney,	Lehlbach,	Price,	Taylor, J. M.
Frederick,	Lindsley,	Randall,	Taylor, Zach.
Fuller,	Lovering,	Reagan,	Thomas, O. B.
Funston,	Lowry,	Reed, T. B.	Townshend,
Gallinger,	Lyman,	Richardson,	Van Schaick,
Geddes,	Martin,	Rockwell,	Wade,
Green, W. J.	Maybury,	Romeis,	Wait,
Grout,	McCreary,	Rowell,	Wakefield,
Harris,	McKenna,	Ryan,	Ward, T. B.
Hatch,	McKinley,	Sadler,	Warner, William
Haynes,	McMillin,	Sawyer,	Weaver, A. J.
Henderson, D. B.	Millard,	Sayers,	Wellborn,
Henderson, J. S.	Milliken,	Scott,	Wheeler,
Henley,	Mills,	Scranton,	White, A. C.
Hepburn,	Moffatt,	Seney,	White, Milo
Herman,	Morgan,	Sessions,	Whiting,
Hiestand,	Morrill,	Seymour,	Willis,
Hill,	Morrison,	Shaw,	Wolford.
Hires,	Morrow,	Singleton.	

NAYS—17.

Allen, C. H.	Campbell, Felix	Mahoney,	Van Eaton,
Bennett,	Candler,	O'Neill, J. J.	Wise.
Blanchard,	Curtin,	Perry,	
Breckinridge, WCP.	Daniel,	St. Martin,	
Cabell,	Dargan,	Tillman,	

NOT VOTING—126.

Adams, J. J.	Dockery,	Hutton,	Reese,
Aiken,	Dougherty,	James,	Rice,
Anderson, C. M.	Dowdney,	Jones, J. T.	Riggs,
Arnot,	Eden,	Ketcham,	Robertson,
Barnes,	Ellsberry,	Laffoon,	Rogers,
Belmont,	Findlay,	Laird,	Steele,
Bingham,	Foran,	Lawler,	Stewart, Charles
Bliss,	Ford,	Le Fevre,	Stewart, J. W.
Blount,	Gay,	Libbey,	Stone, W. J., Mo.
Bragg,	Gibson, C. H.	Little,	Struble,
Brown, C. E.	Gibson, Eustace	Long,	Tarsney,
Brown, W. W.	Gilfillan,	Lore,	Taulbee,
Browne, T. M.	Glass,	Louttit,	Thomas, J. R.
Brumm,	Glover,	Markham,	Thompson,
Buck,	Goff,	Matson,	Throckmorton,
Burleigh,	Green, R. S.	McAdoo,	Trigg,
Burrows,	Grosvenor,	McComas,	Tucker,
Butterworth,	Guenther,	McRae,	Turner,
Bynum,	Hale,	Merriman,	Viele,
Caldwell,	Hall,	Miller,	Wadsworth,
Campbell, J. E.	Halsell,	Mitchell,	Ward, J. H.
Campbell, T. J.	Hammond,	Muller,	Warner, A. J.
Clardy,	Hanback,	Norwood,	Weaver, J. B.
Clements,	Harmer,	O'Hara,	Weber,
Cole,	Hayden,	O'Neill, Charles	West,
Collins,	Heard,	Osborne,	Wilkins,
Crain,	Hemphill,	Outhwaite,	Wilson,
Cutcheon,	Henderson, T. J.	Owen,	Winans,
Davis,	Herbert,	Peters,	Woodburn,
Dawson,	Hewitt,	Pirce,	Worthington.
Dibble,	Holmes,	Ranney,	
Dingley,	Houk,	Reid, J. W.	

So the previous question was ordered.

On motion of Mr. TAULBEE, the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Until further notice:

Mr. STONE, of Missouri, with Mr. BUTTERWORTH.

Mr. CRAIN with Mr. STEELE.

Mr. FORD with Mr. GILFILLAN.

For the remainder of the day:

Mr. HEMPHILL with Mr. HEARD.

Mr. STEWART, of Texas, with Mr. HARMER.

Mr. WILKINS with Mr. OATES.

Mr. OUTHWAITE with Mr. TRIGG.

Mr. DAVIDSON, of Florida, with Mr. LIBBEY.

Mr. GREEN, of North Carolina, with Mr. BALLENTINE.

Mr. GLASS with Mr. BRUMM.

Mr. PETERS. I am paired with Mr. TURNER, of Georgia. If he were present, I would vote "ay."

The vote was then announced as above recorded.

The question recurring upon the motion of Mr. HATCH to limit debate upon the pending section and all amendments thereto to one minute, the motion was agreed to.

Mr. HATCH. I move that the House do now adjourn.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote on the motion to adjourn,

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 247) granting a pension to Louis Tyus;

A bill (H. R. 448) granting a pension to Newton Day;

A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;

A bill (H. R. 908) granting a pension to Margaret E. Cochran;

A bill (H. R. 1100) granting a pension to Jane W. Devereux;

A bill (H. R. 1279) granting a pension to Darius M. Seaman;

A bill (H. R. 1548) for the relief of Ellen Crymble;

A bill (H. R. 1560) for the relief of Evaline A. White;

A bill (H. R. 1651) for the relief of Rosina Heineman;

A bill (H. R. 1707) granting a pension to Elijah P. Hensley;

A bill (H. R. 1871) granting a pension to George W. Stout;

A bill (H. R. 1880) granting a pension to Isaac Carleton;

A bill (H. R. 1990) granting a pension to John Hunter;

A bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same.

A bill (H. R. 2803) granting a pension to John H. Snyder:

A bill (H. R. 3135) granting an increase of pension to Charles Sebring;

A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;

A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings;

A bill (H. R. 3624) granting a pension to Fred. J. Leese;

A bill (H. R. 3826) for the relief of John Taylor;

A bill (H. R. 3848) for the relief of H. P. McFarlin;

A bill (H. R. 3941) granting a pension to Mary M. Galleyan;

A bill (H. R. 3972) granting a pension to Sanford C. Willhoitc;

A bill (H. R. 4002) granting a pension to Canton W. Tillen;

A bill (H. R. 4058) for the relief of Joel D. Monroe;

A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick S. Smith;

A bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;

A bill (H. R. 4539) granting a pension to Ann Little;

A bill (H. R. 4699) granting a pension to Martin Jacoby;

A bill (H. R. 4723) granting a pension to Joseph E. Van Horn;

A bill (H. R. 5328) granting a pension to Noah Hoffman;

A bill (H. R. 5329) granting a pension to William Antes;

A bill (H. R. 5331) granting a pension to Emma M. Shiner;

A bill (H. R. 5332) granting a pension to Elizabeth Crowley;

A bill (H. R. 5335) granting a pension to Philip Devemer;

A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;

A bill (H. R. 5702) granting a pension to Jenet L. Johnson;

A bill (H. R. 5729) granting a pension to Elizabeth Warner;

A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;

A bill (H. R. 5997) granting a pension to Elizabeth Luce;

A bill (H. R. 6092) granting a pension to Parmelia Smith;

A bill (H. R. 6135) granting an increase of pension to John W. Farris;

A bill (H. R. 6389) granting a pension to Francis M. Moore;

A bill (H. R. 6725) granting a pension to William M. Swartz;

A bill (H. R. 6897) granting a pension to Henry Hipple, jr.;

A bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house;

A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;

A bill (H. R. 7330) granting a pension to Josie H. Babb;

A bill (H. R. 7468) granting a pension to Lemuel Adams; and

A bill (H. R. 8085) granting a pension to Amos C. Weeden.

ORDER OF BUSINESS.

Mr. BOUTELLE. I ask consent to submit a report by direction of the committee——

The SPEAKER *pro tempore*. The only business now in order is the announcement of the vote on the motion to adjourn. [Cries of "Regular order!"]

The result of the vote was then announced; and accordingly (at 4 o'clock and 22 minutes p. m.) the House adjourned until 11 o'clock a. m. on Tuesday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Petition of M. G. McKinne, heir of John McKinne; of Mrs. A. A. Skrine, daughter of Mrs. Martha Prince, of Burk County; and of Larkin Witcher, of Gibson, Ga., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CASWELL: Petition of Robert More and 20 others, citizens of Emerald Grove, Wis., praying for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. DUNHAM: Protest of E. Rothschild & Bro. and 112 others, employers and employés; and of Charles P. Kellogg & Co. and 105 others, employers and employés, engaged in the manufacture of clothing and cloaks in the city of Chicago, against the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of New England Shoe and Leather Association, for issuing small bills—to the Committee on Banking and Currency.

Also, memorial of hospital stewards, for the passage of bill increasing their pay—to the Committee on Military Affairs.

By Mr. FORAN: Petition of the Board of Trade of Cleveland, Ohio, asking an amendment to section 5258 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. EUSTACE GIBSON: Petition of Moses Baylor, and of George P. Zanbro, of Middleway, W. Va., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HAYNES: Memorial of the New Hampshire Conference of the Methodist Episcopal Church in New Hampshire, for the protection of Chinese residents in this country—to the Committee on Foreign Affairs.

By Mr. LAIRD: Memorial of C. E. Denison and 111 others, homesteaders, pre-emptors, actual settlers along the east line of Colorado, remonstrating against the passage of Senate bill 721 to establish a national live-stock highway along the eastern line of Colorado—to the Committee on Commerce.

By Mr. LYMAN: Petition of Mills County, Iowa, asking the passage of what is known as the Reagan interstate commerce bill—to the same committee.

By Mr. O'FERRALL: Resolutions of the Farmers' Club, of Clarke County, Virginia, in favor of the reduction of tariff duties, &c.—to the Committee on Ways and Means.

By Mr. T. B. REED: Resolutions of the city council of Portland, Me., asking for a speedy determination of questions relating to the fisheries—to the Committee on Foreign Affairs.

By Mr. RIGGS: Petition of McAdams Bros., of Marcelline, Ill., in favor of taxation of oleomargarine—to the Committee on Agriculture.

By Mr. SNYDER: Petitions of George W. Spotts, of G. W. Bane, and of Phillip Gordon, of Charlestown, W. Va., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STORM: Memorial of the Produce Exchange of Denver, Colo., against taxing oleomargarine—to the Committee on Agriculture.

By Mr. WADE: Petition of citizens of Neosho, Mo., asking for the enactment of pension laws—to the Committee on Invalid Pensions.

By Mr. T. B. WARD: Petition praying that a pension be granted James Lampkins, late a private in the Union Army—to the same committee.

By Mr. WHEELER: Petitions of G. W. Hinshaw, Catherine Anderson, and of William Allen, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

TUESDAY, *June* 1, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department recommending an appropriation of $39,500 for repairs, painting, and ventilating the court-house building at Philadelphia, Pa.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by Mitchell-Post, No. 45, Grand Army of the Republic, Springfield, Ohio, favoring legislation by Congress in accordance with the recommendations of the national pensions committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented a petition of leading business concerns and banks of Youngstown, Ohio, praying for the passage of a law providing for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. PLATT. I present the petition of Mrs. Georgiana M. Amidon, of New York city, praying for the speedy settlement of her claim against the Chinese Imperial Government, known as the Ward estate claim. The diplomatic consideration of this claim forms one of the most interesting chapters in the history of our foreign affairs, and I ask that the petition may be printed as a miscellaneous document and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. CAMERON. I present the petition of E. Ford, president of the Pittsburgh Plate Glass Company and 25 other leading business firms of Creighton, Pa., representing $1,155,000 paid-up capital. As the petition is short I will read it:

Your petitioners, residents of Western Pennsylvania, respectfully represent that, in 1880, 1881, and 1882, Col. William E. Merrill, one of the most reliable and intelligent engineers in the United States service, recommended an appropriation of $153,000 to commence a dam near Herr's Island, Allegheny River, in the port of Pittsburgh, Pa. In 1884 he says in his report: "I have so often recommended this appropriation and nothing has come from it, I do not now repeat it." Hence it has been dropped, but the reasons for it are stronger now than when first made, six years ago. Since then the Davis Island dam has been finished and natural gas has been more generally introduced as fuel, and large steel and other works have been started along the bank of the river, all requiring the cheapest freight possible. We therefore pray your honorable bodies to insert in the pending river and harbor bill the clause repeatedly recommended by Colonel Merrill, of $153,000, to commence a dam near Herr's Island, in the Allegheny River, Pennsylvania, and your petitioners will ever pray, &c.

I ask the careful attention of the Committee on Commerce to this important improvement, to which committee I move its reference.

The motion was agreed to.

Mr. CAMERON. I present resolutions passed by the Trades Assembly and lodges composing the same, of Pittsburgh, Pa., earnestly protesting against the imposition of a tax on oleomargarine and butterine and giving their reasons therefor. As this important subject is likely to be before the Senate at an early day, I ask that these resolutions be printed in the RECORD, and move their reference to the Committee on Agriculture and Forestry.

The resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA., *May*, 31, 1886.

Hon. J. D. CAMERON,
Senate, Washington, D. C.:

Below find resolutions passed by trades assembly and lodges composing the same. Official copies by mail.

PITTSBURGH, PA., *May* 29, 1886.

Whereas certain measures are now pending in Congress for the regulation of the manufacturing and sale of butterine and oleomargarine and the imposition of tax thereon amounting to a prohibition; and

Whereas the manufacturing and sale of this article is a legal business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of this legislation will be to increase the price of a cheap and wholesome food product and destroy the labor its manufacturing employs; and

Whereas the only reason given for this legislation is that it comes in competition with butter:

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy.

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolutions were adopted at a session of the trades assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacturing and sale of butterine or oleomargarine."

RICHARD ENNISS,
President of Trades Assembly of Western Pennsylvania.
THOMAS J. DICUS,
Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations: Superior Lodge, No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metal Workers' Assembly, Knights of Labor; America Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 21, Knights of Labor; Good Intent Lodge, No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 142; Builders, Carpenters, and Joiners' Union; International Cigar-makers' Union, Knights of Labor; German Journeymen Tailors' Union, Knights of Labor; International Furniture-makers' Union, No. 21, Knights of Labor; Bridge Workers' Assembly, No. 1632, Knights of Labor; Labor Assembly No. 5269, Knights of Labor; Calkers' Assembly, No. 862, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street-car Drivers' Assembly, No. 6003, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Banksville Miners' Association; Typographical Association, No. 1630, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge, Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly, No. 80, Knights of Labor; Pressmen's Union, No. 8; Labor Assembly No. 791, Knights of Labor; Labor Assembly No. 1631, Knights of Labor; Labor Assembly No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 28, American Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union, No. 14; Iron-molders' Assembly, No. 1030, Knights of Labor; Bottle-blowers' Union of North America; Horse-shoers' Union; Typographical Union, No. 7; Job Printers' Association, No. 1392, Knights of Labor; Independent Lodge of Millvale, No. 700, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Association, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works Lodge, No. 8, Amalgamated Association of Iron and Steel Workers; American Flint-glass Workers' Association, No. 6; Labor Assembly, No. 1719, Knights of Labor; Labor Assembly No. 2300, Knights of Labor; International Cigar-makers' Union, No. 171; Iron-molders' Union of North America, No. 243; Labor Assembly No. 5478, Knights of Labor; Lodge No. 86, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union, No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Association No. 2121, Knights of Labor—representing about seventy-eight thousand members.

Mr. PALMER presented a petition of Mrs. N. K. Hill and other ladies of Hillsdale, Mich., praying for legal protection for young girls in the District of Columbia and other places under the jurisdiction of the United States; which was referred to the Committee on the District of Columbia.

Mr. VEST presented the memorial of C. M. Shuster and other citizens of Saint Joseph, Mo., and the memorial of James T. Thornton and other citizens of Kansas City, Mo., remonstrating against the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. VEST. I present the petition of certain Indian chiefs in the

Territory of Montana—Under Bull, chief of the Gros Ventres; Medicine Bear, chief of the Assinaboines; Crow Chief, Sits High, White Bird, Bushy Head, Enemy-Killer, Whitan, Sleeping Bear, Blackbird, Black Crow, and Tere Running-Fisher, head chief of the Gros Ventres and Assinaboines, asking that they may be removed to the country known as the "Little Rocky Mountains," and that they may have farmers to educate them in husbandry, and that their children may be educated to speak English and how to live like the white man.

This petition comes to me addressed to "The President and his great council;" I suppose it means the Congress of the United States. It is prepared by Father Frederick Eberschweiler, a Jesuit missionary of the Assinaboines and Gros Ventres.

Three years ago as a member of the Committee on Indian Affairs I had a council with these Indians at Fort Assinaboine. I introduced a bill at the beginning of this session to carry out what I believe to be the best measure for their interests on the part of the Government, and that is to let them dispose of a large portion of their reservation and remove what is left of these two tribes to what is called the Little Rocky Mountains, which is a much more favorable reservation than their present one, and is one to which they are very anxious to go.

These are the Indians a large number of whom in the winter of 1883–'84 starved to death; and the story they tell of their suffering is the most pitiful one that I have ever read in the English language. They were compelled to bring in their children, their daughters, and sell them at the fort. They sold them at 25 cents apiece in order to get food, and then a large number of them died from starvation.

These Indians inhabit what is known as the buffalo country, but there are no buffalo left. They are unused entirely to husbandry, and they are dependent upon the rations issued by the General Government.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. DAWES. Before it passes from the consideration of the Senate I think it well that the Senator from Missouri should assure those Indians that a law has been passed at this session authorizing the President to appoint a commission of three, clothed with authority to visit those Indians and that reservation and agree with them upon the terms and upon the place of their removal from their present inhospitable region of country to some more propitious and desirable locality.

Just what they desire the Congress of the United States has met by a bill which has already become a law. I hope it will prove successful, because I agree with the Senator and I am in sympathy with all that idea.

Establishing upon the border of the British possessions a reservation 31,000 square miles, in which it is reported there are but 10 acres of land under tillage, and keeping those Indians there after all their game has disappeared in the frosts and snows of three-quarters of the year, is cruelty past all consideration.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. DOLPH presented the petition of John Beeson, praying that a commission composed of women and men be nominated by the Universal Peace Union and appointed by the President to visit the Apache Indians and investigate their grievances and negotiate terms; which was referred to the Committee on Indian Affairs.

Mr. HALE. I present a petition in the form of resolutions of the city council, of Portland, Me., praying that prompt action be taken for the protection of American citizens engaged in the fisheries, and for indemnification to such citizens as have already suffered injuries at the hands of Canadian authorities. I ask that the petition be printed in the RECORD and referred to the Committee on Foreign Relations.

The petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Resolutions of city council of Portland, Me.

Whereas, by order of the government at Ottawa, the schooner Ella M. Doughty, from this port, has been seized while in the prosecution of her legitimate business, and thereby an issue is compelled to be joined in relation to commercial law and comity, since the said government is disposed to execute the provisions of the treaty of 1818 in a harsh and unreasonable manner: Therefore,

Be it resolved, That the city council of the city of Portland in joint convention assembled, in behalf of the citizens of a port largely interested in the fishing industry, hereby protest against the illegal seizure of our vessels as an insult to the flag they carry, and an outrage against the rights which we have in common with all other nations to carry on a peaceful commerce with a friendly nation.

Resolved, That immediate reparation should be demanded by the Government at Washington for the injuries inflicted upon the owners of said vessels, and if this demand is not at once complied with, that Canadian vessels be denied all rights and privileges which are refused to our vessels in Canadian ports.

Resolved, That a copy of these resolutions be sent to United States Senators FRYE and HALE and Representative REED, and that they be requested to urge upon the Government prompt action in the matter.

CITY COUNCIL OF THE CITY OF PORTLAND,
In joint convention, May 22, 1886.

Unanimously passed.
Attest:

GEO. C. BURGESS, *City Clerk.*

Mr. SPOONER presented resolutions adopted by the Chamber of Commerce of Milwaukee, Wis., remonstrating against any action by Congress tending in any way to depress or discourage the manufacture and sale of butterine and oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Sheboygan County (Wisconsin) Dairy Board of Trade, in favor of the bill now before Congress for the taxation of imitations of butter; which were referred to the Committee on Agriculture and Forestry.

POTOMAC RIVER BRIDGE.

Mr. RIDDLEBERGER. I desire to present a conference report on the disagreeing votes of the two Houses on the amendments to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, District of Columbia, commonly known as the free-bridge bill.

I will save time by stating that all the amendments named in the report relate to one change, and that is that the District of Columbia shall bear one-half of the cost of the construction of the bridge instead of one-fourth, and the Senate amendment adding the word "piers" after the word "bridge;" so as to make it read: "Purchase the bridge and the piers thereof." Then there is one additional amendment providing that in regard to the abutment on the north side of the Potomac River, about which there is some doubt as to the ownership, it is proposed to give the power of condemnation.

Those are the only amendments. They do not alter the text of the bill in any respect except that the District of Columbia shall pay one-half instead of one-fourth, as the Senate bill originally provided.

The PRESIDENT *pro tempore*. The Senator from Virginia submits a report from a committee of conference, which will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to Senate bill No. 200 recommend as follows:

That the House agree to the amendment of the Senate, as follows: Page 1, line 4, after the word "bridge," insert the words "including the piers thereof."

That the Senate agree to the amendment of the House, as follows: Page 1, line 12, strike out after the word "same" all down to and including the word "bridge," in line 15.

That the Senate agree to the amendment of the House, as follows: Page 1, line 20, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 1, lines 22 and 23, strike out the word "three-fourths" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 25, strike out all after the word "survey" down to and including the word "bridge," in line 26.

That the Senate agree to the amendment of the House, as follows: Page 2, line 27, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 29, strike out the word "three-fourths" and insert the word one-half."

That the Senate agree to the amendment of the House, as follows: Page 3, lines 3 and 4, strike out the words "and the length of draw."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, strike out the word "and" after the word "Illinois."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, after the word "Virginia," insert the words "Saint Louis, Missouri."

SEC. 3. That if in the purchase of the Aqueduct Bridge under the first section, at any time, it shall be deemed necessary to obtain from the Chesapeake and Ohio Canal Company, or its grantees, any release or conveyance of any portion of the ground upon which the northern abutment of the Aqueduct Bridge rests, or right to cross the Chesapeake and Ohio Canal from the abutment to Bridge street, or if a good title can not be procured by contract to any property required in the construction of a bridge under the second section, the same shall be acquired by the Secretary of War by condemnation in the manner provided by the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expense of the Government for the year ending June 30, 1873, and for other purposes:" *Provided* That the condemnation proceedings, if any such proceedings are necessary, shall not prevent the taking possession, on payment of the purchase-money, of the Aqueduct Bridge by the United States, and opening the same to the public as a free bridge, if the same shall be acquired under the first section: *Provided further*, That the sum of $10,000 of the sum hereby appropriated shall be available to meet the payments under condemnation proceedings, if any shall be had.

SEC. 4. The act approved February 23, 1881, entitled "An act to authorize the construction of a bridge across the Potomac River, at or near Georgetown, in the District of Columbia, and for other purposes," is hereby repealed.

H. H. RIDDLEBERGER,
Z. B. VANCE,
JOHN C. SPOONER,
Conferees on the part of the Senate.

JOHN S. BARBOUR,
J. H. ROWELL,
WM. L. WILSON,
Conferees on the part of the House.

Mr. RIDDLEBERGER. I should have stated that the report provides also for the advertising for proposals in Saint Louis, Mo. That is the only other change that I omitted to mention.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 248) for the relief of Henry Gee; and

A bill (H. R. 5175) extending the provisions and benefits of the preemption law to John E. White.

He also, from the same committee, to whom was referred the bill (H. R. 1418) for the relief of Henry Martin, reported it with amendments.

Mr. PLUMB. I wish to say that all of these bills are for the relief of private parties in regard to entries of public lands. Two of them contain some unfortunate phraseology, but the committee did not deem it advisable to correct it and so require the bills to go back to the other House.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1903) granting a pension to Mrs. A. M. Smith, submitted an adverse report thereon; which was agreed to; and the bill was postponed indefinitely.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 2533) for the relief of E. Remington & Sons, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties, reported it without amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions;

A bill (H. R. 6170) granting a pension to Mary A. Van Etten;

A bill (H. R. 4552) for the relief of Susan Smith;

A bill (S. 2463) granting a pension to H. D. Hobbs; and

A bill (S. 2502) granting a pension to Louise Paul.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2301) granting a pension to Lucy E. Anderson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Horace W. Brownell praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2570) granting a pension to Horace W. Brownell; which was read twice by its title.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 1073) to establish a public park at Pagosa Springs, in the State of Colorado, reported it with amendments.

H. H. FAULKNER AND MARY WOODLEE.

Mr. HARRIS. The Committee on Finance, to which was referred the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee, have instructed me to report it favorably without amendment.

I will ask the consent of the Senate to consider the bill at this time, as I am sure it will not take a minute to dispose of it.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time.

Mr. CAMERON and others. What is the bill?

The PRESIDENT *pro tempore*. The bill will be read at length for information.

Mr. HARRIS. If it consumes any time I shall not insist upon its consideration now. I think it will not consume a moment.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to pay to H. H. Faulkner, of McMinnville, Tenn., $120.60, the amount paid by him for three internal-revenue stamps in January, 1882, with interest thereon, the stamps having been purchased to be placed upon three barrels of apple brandy purchased by H. H. Faulkner from Mary Woodlee, and the brandy being seized by a revenue officer before the stamps were attached to the packages.

Section 2 proposes to pay to Mary Woodlee, of Grundy County, Tennessee, $81.38, the net proceeds of the three barrels of brandy she had sold to H. H. Faulkner, but which were seized, condemned, and sold unlawfully by a United States revenue officer, and before delivery to Faulkner.

The bill was reported to the Senate without amendment.

Mr. PLATT. The bill provides for the payment of interest.

Mr. HARRIS. It provides for the payment of interest upon the $120 paid for these stamps. The stamps are in the files. The goods were seized the very day that the stamps were procured to be put upon the brandy and the stamps are sent here for redemption. It is a House bill, and I did not choose to amend it at all in that respect.

Mr. PLATT. It was reported by the Finance Committee?

Mr. HARRIS. Yes, sir.

Mr. PLATT. I do not like the idea of paying interest, but I make no objection to the passage of this particular bill.

The bill was ordered to a third reading, read the third time, and passed.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 921) granting a pension to Clara L. Preuss;

A bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson;

A bill (H. R. 1860) granting a pension to Frederick Robertson;

A bill (H. R. 2358) granting a pension to Mary Renfro;

A bill (H. R. 2626) granting a pension to Silas K. Haines;

A bill (H. R. 2964) to restore to the pension-list the name of Abel Mishler, of Pennsylvania;

A bill (H. R. 3363) granting a pension to Jennette Dow;

A bill (H. R. 3379) granting a pension to George G. Early;

A bill (H. R. 4527) granting a pension to Elizabeth Slenbaker;

A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard;

A bill (H. R. 5715) granting a pension to Mary Sprague;

A bill (H. R. 6606) granting a pension to Sallie B. Bent;

A bill (H. R. 6952) granting a pension to Charles Riddle;

A bill (H. R. 7721) granting a pension to Ellen J. Welch;

A bill (H. R. 7750) to place the name of John W. Payton on the pension-roll;

A bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb;

A bill (H. R. 8351) for the relief of Edward Coleman; and

A bill (H. R. 8556) granting a pension to Abraham Points.

The above eighteen pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2571) granting a pension to Lewis Haas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2572) for the relief of Michael Sutton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2573) for the relief of William S. Warrington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2574) for the relief of Mrs. Eliza A. Brownlow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 2575) authorizing the Postmaster-General to issue double or return postal cards, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2576) for the relief of William J. Martin, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2577) for the relief of J. R. Frierson, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States; which was read the first time by its title.

Mr. COKE. I ask for the reading of the bill in full.

The bill was read the second time at length, as follows:

Be it enacted, &c., That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law or payment for services of any kind from any railroad company, or any officer or agent thereof, which obtained its charter or any grant of lands or pecuniary aid from the United States, and any person who violates this provision shall be guilty of a misdemeanor, and on conviction be fined in any sum not exceeding $5,000 and imprisoned not more than one year, in the discretion of the court.

Mr. BECK. There has been a good deal of crimination and recrimination and suggestion backward and forward about members of both Houses being employed by railroad companies to obtain their charters. While it may have been lawful heretofore I think it ought to be stopped, and I have introduced the bill, and ask that it be laid on the table. I do not think any committee can give any information about it, and I shall endeavor to call it up at an early day and see if we can not pass it.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. STANFORD introduced a bill (S. 2579) for the relief of Jonathan D. Stevenson; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2580) to prevent the issue of passes to official persons, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. PLUMB. I desire to call the attention of the committee to the bill, and to say that I hope they will report it either favorably or adversely at a very early day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6975) to establish additional life-saving stations.

The message further announced that the House had passed the following bills:

A bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers;

A bill (S. 226) granting a pension to Margaret D. Marchand;

A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa;

A bill (S. 1584) for the relief of Cornelia R. Schenck; and

A bill (S. 2223) granting a pension to Elizabeth S. De Krafft.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 247) granting a pension to Louis Tyus;
A bill (H. R. 448) granting a pension to Newton Day;
A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;
A bill (H. R. 908) granting a pension to Margaret E. Cochran;
A bill (H. R. 1100) granting a pension to Jane W. Devereux;
A bill (H. R. 1279) granting a pension to Darius M. Seaman;
A bill (H. R. 1548) for the relief of Ellen Crymble;
A bill (H. R. 1560) for the relief of Evaline A. White;
A bill (H. R. 1651) for the relief of Rosina Heineman;
A bill (H. R. 1707) granting a pension to Elijah P. Hensley;
A bill (H. R. 1871) granting a pension to George W. Stout;
A bill (H. R. 1881) granting a pension to Isaac Carleton;
A bill (H. R. 1990) granting a pension to John Hunter;
A bill (H. R. 2395) to authorize J. G. C. Lee, a major and quartermaster in the United States Army, to issue a duplicate check, and the assistant treasurer of the United States at New York to pay the same;
A bill (H. R. 2803) granting a pension to John H. Snyder;
A bill (H. R. 3135) granting an increase of pension to Charles Sebring;
A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;
A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings;
A bill (H. R. 3624) granting a pension to Fred. J. Leese;
A bill (H. R. 3826) for the relief of John Taylor;
A bill (H. R. 3848) for the relief of H. P. McFarlin;
A bill (H. R. 3941) granting a pension to Mary M. Galleyon;
A bill (H. R. 3972) granting a pension to Sanford C. Willhoite;
A bill (H. R. 4002) granting a pension to Canton W. Tillen;
A bill (H. R. 4058) for the relief of Joel D. Monroe;
A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick S. Smith;
A bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;
A bill (H. R. 4539) granting a pension to Ann Little;
A bill (H. R. 4699) granting a pension to Martin Jacoby;
A bill (H. R. 4723) granting a pension to Joseph E. Van Horn;
A bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes;
A bill (H. R. 5328) granting a pension to Noah Hoffman;
A bill (H. R. 5329) granting a pension to William Antes;
A bill (H. R. 5331) granting a pension to Emma M. Shiner;
A bill (H. R. 5332) granting a pension to Elizabeth Crowley;
A bill (H. R. 5335) granting a pension to Philip Devemer;
A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;
A bill (H. R. 5702) granting a pension to Jenet L. Johnson;
A bill (H. R. 5729) granting a pension to Elizabeth Warner;
A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;
A bill (H. R. 5997) granting a pension to Elizabeth Luce;
A bill (H. R. 6092) granting a pension to Parmelia Smith;
A bill (H. R. 6136) granting an increase of pension to John W. Farris;
A bill (H. R. 6389) granting a pension to Francis M. Moore;
A bill (H. R. 6725) granting a pension to William M. Swartz;
A bill (H. R. 6897) granting a pension to Henry Hipple, jr.;
A bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house;
A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;
A bill (H. R. 7330) granting a pension to Josie H. Babb;
A bill (H. R. 7468) granting a pension to Lemuel Adams; and
A bill (H. R. 8085) granting a pension to Amos C. Weeden.

LABOR OF LETTER-CARRIERS.

Mr. MILLER. I desire to take up Senate bill 2076.

Mr. DOLPH. Let the bill be read for information.

Mr. MILLER. It will only take a moment.

Mr. BUTLER. Before that is done I should like to appeal to the Senator from New York to allow me to take up Senate bill 371, of which I have given notice two or three times, which is a bill for the purpose of restoring certain naval cadets to their proper places in the Navy. There are two reports, one made by the Senator from Maine [Mr. HALE] and one by myself. I dislike to be so importunate about it, but this is the third time I have asked it, and I hope the Senate will take the bill up and dispose of it in the morning hour, if my friend will yield for that purpose.

Mr. MILLER. I should have no objection to yielding if it would not lead to any debate; but I am informed that it will. The bill which I wish to call up I think will take only the reading of the bill, and then the Senator's bill may come in just after that. If his bill would lead to no debate I should have no objection to yielding.

Mr. BUTLER. It will take some debate, I am very frank to say.

Mr. MILLER. Then I hope the Senator will allow me to pass this bill.

The PRESIDENT *pro tempore.* Debate is not now in order.

Mr. DOLPH. I should like to say a word.

The PRESIDENT *pro tempore.* It is not in order to say anything.

Mr. DOLPH. I understand, but there has been a little debate between the Senator from New York and the Senator from South Carolina.

The PRESIDENT *pro tempore.* The Chair has been endeavoring to restrain it. If there be no objection the Senator from Oregon will be recognized to debate the question.

Mr. DOLPH. Merely to say a word, not to debate the question. I wish to say that I desire this morning to take up the bill which was under consideration Thursday and Friday mornings with a view to try to conclude it. I was not fortunate enough to get the floor when the morning business was concluded, but I will say to the Senators that I hope they will not press the consideration of the bills they have mentioned but will let us take up the one to which I referred, which has been partly considered.

The PRESIDENT *pro tempore.* The Senator from New York moves to proceed to the consideration of a bill which will be read by its title.

The CHIEF CLERK. A bill (S. 2076) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes, relating to hours of labor.

Mr. ALLISON. Is that an eight-hour bill?

Mr. MILLER. It is the eight-hour bill for letter-carriers.

The PRESIDENT *pro tempore.* The question is on proceeding to the consideration of the bill. [Putting the question.] The noes appear to have it.

Mr. MILLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. Will the Senator from New York explain what the bill is?

Mr. MILLER. The bill simply puts the letter-carriers of this country in the same condition as all other employés of the United States Government, to labor eight hours a day. The Department heretofore has ruled that under the peculiar wording of the language letter-carriers were not entitled to come under the law. This bill simply does this, nothing more and nothing less. It is certainly just that they should be put on an equality with all other employés of the Federal Government. That is all there is of it.

Mr. BUTLER. I have no objection whatever to that, but if there is no arrangement made for the additional time within which letter-carriers now discharge duties it might put certain localities to a very great inconvenience to have them work only eight hours a day.

Mr. MILLER. There is nothing in the bill that prevents the Postmaster-General or the postmasters of the various cities from regulating the time of beginning work or ending it on the part of any letter-carrier. It is entirely within their discretion.

The PRESIDENT *pro tempore.* The Secretary will call the roll. Debate is not in order.

Mr. CONGER. What is the question?

The PRESIDENT *pro tempore.* The question is on proceeding to the consideration of the bill moved by the Senator from New York, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN] who is absent.

Mr. PLUMB (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll-call was concluded.

Mr. MAXEY. I am paired with the Senator from Connecticut [Mr. HAWLEY] who is absent.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who is absent in the discharge of duties imposed upon him by the Senate.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], who was called away from the Senate on business, and as I do not know how he would vote, I withhold my vote.

The result was announced—yeas 32, nays 13; as follows:

YEAS—32.

Beck,	Conger,	Ingalls,	Stanford,
Berry,	Dawes,	Jones of Nevada,	Vance,
Blair,	Eustis,	Kenna,	Van Wyck,
Brown,	George,	McMillan,	Vest,
Butler,	Gray,	Miller,	Voorhees,
Call,	Hampton,	Palmer,	Walthall,
Cameron,	Harris,	Pugh,	Whitthorne.
Coke,	Hearst,	Sherman,	Wilson of Md.

NAYS—13.

Aldrich,	Dolph,	Mitchell of Oreg.,	Wilson of Iowa.
Allison,	Edmunds,	Morrill,	
Chace,	Hale,	Riddleberger,	
Cullom,	Hoar,	Teller,	

ABSENT—31.

Blackburn,	Gibson,	Mahone,	Plumb,
Bowen,	Gorman,	Manderson,	Ransom,
Camden,	Harrison,	Maxey,	Sabin,
Cockrell,	Hawley,	Mitchell of Pa.,	Saulsbury,
Colquitt,	Jones of Arkansas,	Morgan,	Sawyer,
Evarts,	Jones of Florida,	Payne,	Sewell,
Fair,	Logan,	Pike,	Spooner.
Frye,	McPherson,	Platt,	

So the motion was agreed to; and the Senate, as in Committee of the

Whole, proceeded to consider the bill. It provides that eight hours shall constitute a day's work for letter-carriers who are now or who may hereafter be employed by or on behalf of the Government of the United States; and there shall be no reduction in compensation paid for services rendered by reason of this limitation of the hours of labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I now move to take up for consideration the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the bill having been under consideration heretofore in the morning hour.

Mr. BUTLER. Before action is taken upon that motion I move that the Senate proceed to the consideration of Senate bill 371.

The PRESIDENT *pro tempore*. That motion is not in order. One proposition can not be substituted for another in that way under the rules. The Senator from Oregon [Mr. DOLPH] moves that the Senate proceed to the consideration of the bill he has indicated.

Mr. BUTLER. Upon that motion I ask for the yeas and nays, and give notice that if the proposition is voted down I shall ask the Senate to proceed to the consideration of Senate bill 371.

The PRESIDENT *pro tempore*. On the question of taking up the bill the Senator from South Carolina asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. Not knowing how he would vote, I decline to vote.

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired for the day with the Senator from West Virginia [Mr. CAMDEN], who has been called home, and my colleague [Mr. HAWLEY] is paired for the day with the Senator from Texas [Mr. MAXEY], as has already been announced.

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote on this question, I withhold my vote.

Mr. TELLER (when his name was called). I am paired on all political subjects with the Senator from Louisiana [Mr. GIBSON], but I do not consider this as a political question, and therefore I shall vote. I vote "yea."

The roll-call was concluded.

Mr. HALE. My colleague [Mr. FRYE] is absent from the city, and is paired with the Senator from Maryland [Mr. GORMAN]. If my colleague were here, he would vote "yea."

Mr. BLACKBURN. I announce again my pair with the Senator from Nebraska [Mr. MANDERSON], who is absent on official business.

The result was announced—yeas 35, nays 9; as follows:

YEAS—35.

Aldrich,	Coke,	Harris,	Spooner,
Allison,	Conger,	Hoar,	Teller,
Beck,	Cullom,	Ingalls,	Vance,
Berry,	Dawes,	Kenna,	Van Wyck,
Blair,	Dolph,	McMillan,	Voorhees,
Bowen,	Edmunds,	Mitchell of Oreg.,	Walthall,
Cameron,	George,	Morrill,	Wilson of Iowa,
Chace,	Gray,	Palmer,	Wilson of Md.
Cockrell,	Hale,	Sherman,	

NAYS—9.

Brown,	Eustis,	Hearst,	Vest,
Butler,	Hampton,	Pugh,	Whitthorne.
Call,			

ABSENT—32.

Blackburn,	Harrison,	Manderson,	Plumb,
Camden,	Hawley,	Maxey,	Ransom,
Colquitt,	Jones of Arkansas,	Miller,	Riddleberger,
Evarts,	Jones of Florida,	Mitchell of Pa.	Sabin,
Fair,	Jones of Nevada,	Morgan,	Saulsbury,
Frye,	Logan,	Payne,	Sawyer,
Gibson,	McPherson,	Pike,	Sewell,
Gorman,	Mahone,	Platt,	Stanford.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the pending question being on the amendment proposed by Mr. VAN WYCK, in line 10 of section 1, after the word "main," to strike out—

Line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as appertain to and are coterminous with the branch line across the Cascade Mountains.

And to insert in lieu thereof:

And branch lines where the railroad required by said acts has not been constructed and completely finished on the date of the passage of this act.

So as to make the section read:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are coterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished on the date of the passage of this act, be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands.

Mr. DOLPH. Mr. President, when this bill was taken up on Friday last on my motion I did not intend to discuss its provisions unless it should become necessary to make explanations in regard to some of its features, and what I did say on Thursday and on Friday last was the briefest possible statement of what I considered it my duty to lay before the Senate. I had the floor on the bill which was taken up at 2 o'clock on Friday, the bill to provide for the taxation of railroad lands, and was about to proceed and conclude my remarks commenced on the previous day when I was induced to give way to the Senator from Nebraska [Mr. VAN WYCK] from an incidental observation, stating to him distinctly that if he intended to make a speech I would not give way as I wanted to finish my own.

I do not know that I ought to complain, however, as for nearly two hours I was delighted with the music of his voice, with his rhetoric, his logic, his continuity, and the skill with which he discussed four bills in one speech. That was some compensation for what I should otherwise have regarded as a tedious infliction waiting for him to conclude in order that I might resume the floor. The Senator took occasion during the progress of his speech to say—and I see that some of the newspapers have taken up and reiterated and enlarged his statements—that the history of this bill for the forfeiture of the North Pacific grant would show that it was in the interest of the railroad company.

Mr. President, if the gentleman intended to insinuate what I see has been substantially claimed by some of the newspapers, that I am in any manner connected with the Northern Pacific Railroad Company or any other railroad company incorporated by an act of Congress, or to which any Congressional grant was ever made or which has any interest whatever before or likely to come before Congress, what he stated was wrong and very unjust. I never had a dollar's worth of interest in the Northern Pacific Railroad Company in either its stock or bonds. I never had any official connection with that railroad company. I have not since I have been a member of this body been of counsel for or in any way or in any manner connected with that railroad company or any other company interested in any measure before this body, and I would consider such a thing highly improper.

I will say further that I am ready to support the bill introduced this morning by the Senator from Kentucky [Mr. BECK], as it is a proper measure. The fact that by the bill reported by me from the Committee on Public Lands it is proposed, as was asserted here on Friday last, to forfeit something like 3,000,000 acres of land claimed by the Northern Pacific Railroad Company is sufficient to show that the allegation that the bill is in their interest or desired by them is an absurdity. Compared with the lands which it is proposed to forfeit by this bill, the amount of the lands which appertain to the uncompleted portion of the Cascade branch is small. Compared to their value the value of the lands which appertain to the Cascade branch is insignificant.

As I stated on a former occasion, the gap now uncompleted of the Cascade branch is only 75½ miles; that extends through the Cascade Mountains, where all the lands are of very little value, so that the question is one of sentiment only as to whether those lands should be forfeited.

Mr. GEORGE. Will the Senator from Oregon allow me to ask him a question for information?

Mr. DOLPH. Certainly.

Mr. GEORGE. What is the distance from Wallula to Portland?

Mr. DOLPH. I will state the distance—214 miles.

Mr. GEORGE. Is there not a railroad already built from Portland to Wallula?

Mr. DOLPH. There is one already built, as I have stated in my remarks heretofore.

Mr. GEORGE. Built by a company who had no subsidy?

Mr. DOLPH. There is a railroad built by such a company.

Mr. GEORGE. That had no subsidy from the Government?

Mr. DOLPH. That had no subsidy from the Government or anybody else.

Mr. GEORGE. Does the Northern Pacific Railroad Company now propose to build another road on that line?

Mr. DOLPH. I will come to that in a moment. It will be necessary for them to build it in the near future. Anybody who is acquainted with the geography of the country knows that the Northern Pacific for its own protection and to meet the increasing demands for transportation will be compelled to build that road in the near future.

The Senator from Missouri [Mr. COCKRELL] asked me on Thursday what the distance of the completed road was on the Cascade branch. I told him probably 100 miles. I can now inform him that there have

been on the east side of the mountains 137½ miles constructed and on the west side of the mountains 50 miles, making 187 miles built of the Cascade branch, and only 75½ to build, and on that 75½ miles a tunnel is being constructed and the contract is let, and the road is being graded as I understand. I mention this to correct my former statement in regard to the length of the road which has been constructed; the distance, the Senator will see, is very much greater than I stated on Thursday. The tunnel is $1\frac{9}{10}$ miles in length.

I will say further that I am informed that on Friday last the President of the United States accepted 50 miles of that road constructed on the east side of the mountains extending to Ellensburg.

I say, therefore, that the proposition that this bill as it came from the committee, which proposes to forfeit the land grant for 214 miles, lands which are claimed by the company and which they contend are not forfeitable, is in the interest of the company is so absurd on its facce as to need no answer.

As this bill came from the committee it did not touch the Cascade branch, because the majority of the committee did not believe that it would be wise to include that branch and stop construction upon it, inasmuch as the lands for the uncompleted portion were comparatively valueless and the line of road an important one. The interest of the Government does not require that it shall be forfeited. The interest of the settlers does not require that it shall be forfeited. I repeat, the majority of the committee believed it would be unwise to interfere with the completion of that branch, and they thought it was better to attempt a practical thing, to forfeit the lands for the 214 miles from Wallula to Portland on which no work has been done and where the lands are valuable and where the grant is in the way of settlers. The committee believed it was better to do that than to load down the bill with the amendment proposed by the Senator from Nebraska.

While I do not believe that the ipterests of the Government require the forfeiture of the lands on the line of the Cascade branch, or that the interests of the settlers do, there are interests that demand the forfeiture of the grant on that branch. There are corporations that are necessarily interested in forfeiting that grant, and among them is the Canadian Pacific Railroad Company, whose road is already completed to Puget Sound, and they are not the only corporation. The Senator from Nebraska acknowledged on Friday that the bill introduced by him to enable the Union Pacific Company to construct branches was proposed legislation desired by the Union Pacific Railroad Company, and that insofar as they desired the passage of that bill he represented their interests here.

Now I will tell the Senate another thing that perhaps is not understood here. One object of the bill introduced by the Senator is to give the Union Pacific control of a direct line to Portland. They already control the Oregon Short Line, commencing at Granger, on the Union Pacific, and extending up to the boundary line of Oregon at Snake River, where they connect with the Oregon Railway and Navigation Company, one branch of it, and have a through line down to Umatilla to the junction with the branch that extends to Wallula Junction and then on to Portland. The Union Pacific Railroad Company is reaching out to get control of this Oregon Railway and Navigation Company's road, which is built from Portland to Wallula. It is reaching out for the trade of that region in competition with the Northern Pacific Railroad Company, and the Union Pacific Railroad is the most powerful interest that would naturally be opposed to the completion of the Cascade branch.

The amendment of the Senator from Nebraska is directly in the interest of the Union Pacific Railroad Company; it is directly in the interest of the Oregon Short Line Company; it is directly in the interest of the Oregon Railway and Navigation Company, because if the Union Pacific Company can secure that route directly to Portland, then they would like to cut off the Northern Pacific Railroad Company from connection with Puget Sound.

The Senator read to my colleague and myself a resolution of the Republican convention of Oregon passed two years ago, and intimated that we are not carrying out the wishes of the Republicans of Oregon as expressed in convention. As was well said by my colleague, that resolution only declares in favor of the forfeiture of unearned land grants in the State of Oregon.

The people of Oregon want something practical done; and this bill, as it was introduced by me and as it was reported from the Committee on Public Lands, is to carry out the wishes of the people as expressed in that convention and is in accordance with the resolution; and I will tell the Senator from Nebraska that if by the effect of this amendment, should it be adopted, or of any other amendment put upon this bill, the forfeiture of the grant from Wallula to Portland is delayed and this bill is defeated, he will not be able to make the people of Oregon believe—and I will not say that that is the intention of it—that the amendment is not intended to defeat the forfeiture of the grant from Wallula to Portland where there is no question but that the grant ought to be forfeited.

Since this bill was reported I have received numerous communications from all parts of my State interested in the forfeiture of this grant, expressing satisfaction with the provisions of the bill, and especially with the provisions which are made for settlers. The bill is in accordance with the wishes not only of the Republicans of my State but in the interest of the people of Oregon. They desire that we shall go directly at this matter and forfeit this land grant for 214 miles of road where no work has been done.

Then the Senator stated that the Republican convention in Washington Territory had resolved in favor of the forfeiture of this grant. Well, it is true that in the Republican convention held at Seattle last year such a resolution was adopted. But I have presented here and had referred to the committee resolutions of the boards of trade of the cities of Walla Walla and Tacoma, and petitions and papers repressing the will of the people in regard to that matter protesting against the forfeiture of the grant for this branch. The Senator should remember also that the resolutions he referred to were adopted before sufficient work had been done on this branch to indicate a present intention on the part of the company to complete it, when the people of Washington Territory believed that this branch was not to be completed over the Cascade Mountains, and that they were to be indefinitely tied up to Oregon, and that all transportation between the two portions of the Territory must be by the Columbia River. The sentiment of the people of the Territory has changed, so that to-day there is not one man in five of either party in the whole Territory but would protest against the forfeiture of this grant for the uncompleted gap in the Cascade Mountains. They are looking forward to the early completion of that branch and to direct communication with the East.

The Senator also said it was evident this bill was in the interest of the Northern Pacific Railroad Company because no attorney of the company had been before the committee. The Senator knows I introduced the very same bill at the present session that I introduced two years ago. He knows that the bill I introduced last Congress was pending for a considerable time before the Committee on Public Lands. He knows that Colonel Gray, the general counsel for the Northern Pacific Railroad Company, appeared before that committee and others, I think, and wearied the committee with their arguments against the forfeiture of this grant, alleging that it was not forfeitable. And it was my understanding at the commencement of this session that the Committee on Public Lands did not desire to hear long arguments from lawyers representing these corporations in regard to the forfeiture question, and felt themselves able to consider it without the aid of counsel.

Mr. VAN WYCK. Did they attend?

Mr. DOLPH. I will not yield for any suggestion.

Mr. VAN WYCK. Did they ask to be heard before the committee?

Mr. DOLPH. I will not yield to a "single suggestion," because I recollect my experience on Friday last.

Then the Senator says that this bill as introduced provided for an extension of time for the construction of the Cascade branch. To be sure it did, and it provided something further that the experience of the future will demonstrate was a proper provision. It provided that the Northern Pacific Railroad Company in order to obtain this extension of time should assent to the conditions of this bill, in other words should give up this grant from Wallula to Portland.

The Senator from Missouri [Mr. VEST] read from section 8 of the granting act to show that this whole grant if the road was not completed within the time prescribed was forfeitable. He read as follows:

And be it further enacted, That each and every grant, right, and privilege herein are so made and given to and accepted by said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than 50 miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the 4th day of July, A. D. 1876.

In sixty grants which had been made by Congress prior to the passage of this act it was provided in substance that if the road was not so completed at a certain time the lands should revert to the United States and become a part of the public domain; but this grant is an exception. Now I will read the ninth section to ascertain what Congress agreed with the company should be done if the railroad was not constructed within the time limited in the eighth section. The ninth section is as follows:

SEC. 9. *And be it further enacted*, That the United States make the several conditioned grants herein and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the company make any breach of the conditions hereof and allow the same to continue for upward of one year, then in such case, at any time hereafter, the United States, by its Congress, may do any and all acts and things, which may be needful and necessary to insure a speedy completion of said road.

That is what Congress agreed with the company should be done if they were in default for a year, if they failed for a year to construct the road within the time limited in section 8, Congress might do whatever was necessary to secure the speedy completion of the road; and the same idea is contained in section 20, the last section of the act, which reads as follows:

SEC. 20. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times, but particularly in time of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

This act is *sui generis*. There is no such provision contained in any

of the previous sixty acts which had been passed by Congress. Congress agreed, it is claimed, that in case of default the only penalty should be that Congress might interfere and apply this railroad grant to the construction of the road. That is not simply my unsupported suggestion——

Mr. GEORGE. I should like to ask the Senator a question.

Mr. DOLPH. I will yield to the Senator from Mississippi.

Mr. GEORGE. I desire to know whether as a lawyer the Senator thinks that the ninth section of the granting act prevents the operation of the law of forfeiture in case of a grant on condition-subsequent; and if he believes that it does prevent the operation of the law of forfeiture as he understands it and as it has been expounded by the Supreme Court in a case of a failure to comply with the condition, then upon what grounds can we pass this bill?

Mr. DOLPH. I am coming to that directly. I am now answering a suggestion made by the Senator from Nebraska [Mr. VAN WYCK].

Mr. GEORGE. I want an answer to my question.

Mr. DOLPH. I am coming to that.

The Senator from Nebraska said the original bill introduced by me contained a provision that the railroad company might have a certain number of years, three years, to complete the Cascade branch. I said that was true; but it was connected with a provision that in order to obtain the time the Northern Pacific Railroad Company should assent to the provisions of the bill, and we would be able in that way to get the railroad company out of the way of the forfeiture of this grant, so that there might be no uncertainty left concerning the matter after the act has been passed.

As I said, I am not unsupported in this view of the grant, and I pass up to the Secretary a paper which is an extract from a speech made by me nearly two years ago, on the 3d of July, 1884, on the bill for the forfeiture of the Atlantic and Pacific grant, and I ask him to read a quotation from a decision rendered by Judge Deady in the United States circuit court for the district of Oregon, in 1883, in the case of Hughes *vs.* The Northern Pacific Railroad Company.

The Secretary read as follows:

But the condition imposed upon the defendant by section 8 of the act is even modified by the provisions of section 9, from which it plainly appears that so far from Congress intending that the powers of a corporation should cease or become forfeit in any particular by reason of its failure or inability to keep any of the conditions imposed by said section 8, it expressly reserved to itself the right, in case of such failure for the period of one year, to "do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

In this way Congress undertook to secure the completion of this great national work in any event, and so plainly declare in advance what otherwise might have been left to inference and argument from analogous cases, that it reserved to itself the right to deal with the defendant for any failure to comply with the conditions of the grant, and to excuse or enforce the same as it might under all circumstances deem just to the defendant and best for the public good. Indeed, in view of the magnitude and hazard of the undertaking it was expressly provided that even Congress should not take advantage of a failure to perform any of the conditions for any period less than a year. And even the land set apart by Congress to aid in the construction of the road was not left liable to revert to the public domain or be otherwise disposed of by Congress for the failure of the company to construct or complete the work as required by the act, but, as was said in United States *vs.* Childers (8 Sawyer, 174), it was devoted to the construction of the road in any event, and it is the duty of Congress to see that it is so applied. (See, also, on this point Southern Pacific Railroad Company *vs.* Orton, 6 Saw., 178.)

And this position is fortified by the fact that when Congress intended that the corporate existence of the defendant should be forfeited or affected by its failure to keep a condition imposed upon it, it has expressly said so, as in section 19, where it is provided that unless two millions of the stock is subscribed and 10 per cent. paid thereon within two years from the passage of the act, "it shall be null and void." (18 Federal Reporter, 106, 108.)

Mr. DOLPH. I will also submit an extract from an opinion of Hon. J. S. Black which is contained in the same speech:

Hon. ROBERT M. MCLANE,
Chairman of the Committee on Pacific Railroads,
House of Representatives:

* * * * * * *

Now, let us look and see if there is anything in this act of incorporation which declares that the land grant may be forfeited, or declared void, or resumed in any event.

In the first place it will be observed that the grant is *in verba de præsenti*—the title is vested in the company at the moment when the charter is accepted. Unlike some other grants, it does not provide that the title is to be vested as the work goes on.

It gives it all at once; and when the road is made patents may issue, not to create the title, but to confirm it. If, therefore, the right of the company is now to be taken away, the thing must be done by forfeiting a title already vested, not by refusing to make a title where none existed.

The eighth section declares that the grant shall be held upon conditions, &c., one condition being the completion of the road within a certain time, afterward extended. This I admit would, if there were nothing more, make the estate conditional, and the grantor might exact a forfeiture for condition broken.

But there is something more.

The ninth section prescribes what the penalty shall be for a breach of the condition, and that penalty is not forfeiture. In case of such breach the right is reserved to do what may be necessary to insure the speedy completion of the road. By the terms of the contract this is the only thing that the United States can do.

It excludes the conclusion which might have been drawn from the naked statement of the conditions of the eighth section.

It has been argued (I do not know by whom) that the right to "do any and all acts and things which may be needful to insure a speedy completion of the said road" includes the power to resume the land grant by legislative act. I hope this has never been asserted by any respectable lawyer, for I must say that it is absurd. I am not afraid that any gentleman on this committee will believe it.

The power to deprive a man of his property without process of law is a very different thing from the power to hurry him up in his work. This privilege to speed the making of the road, in case it did not go fast enough, was put in on purpose to negative the right of resumption and furnish another—a specific and exclusive—remedy for the public injury which might be caused by delay or negligence. Besides, the resumption of the land grant is very far from being needful as a means of hastening the work. It is just exactly the contrary. Here is a company moving rapidly along toward the completion of the greatest railroad in the world, and you propose to disable it utterly by taking away its means of going on. Call you that insuring the speedy completion of the work? You might as well cut the hamstrings of a race-horse to insure his fleetness.

* * * * * * *

J. S. BLACK.

YORK, PA., *April* 19, 1881.

My object, therefore, in providing affirmatively in the bill as I introduced it, that the Northern Pacific Railroad Company might have three years in which to complete the Cascade branch was to induce them to give their assent to the bill. Having the action of Congress and the assent of the railroad company which I proposed to get in that manner to the forfeiture of the grant from Wallula to Portland, I thought to avoid the question as to whether the lands were forfeitable. I did not intend to say in my remarks, as the Senator seems to have understood me, that I am satisfied that this is the correct legal interpretation of the grant; but it is an interpretation which has been placed upon it and raises a question which I desired to avoid and which I attempted to avoid in the bill introduced by me.

I did not want when the act had been passed and the grant forfeited so far as an act of Congress could do it and the land restored to the public domain that there should still be hanging over these lands and over all settlers upon them a question as to whether the grant was forfeitable or not if I could avoid it; and I believe still, though the committee differed with me, and the provision extending the time was stricken out in committee and the bill reported by me in accordance with the views of a majority of the committee—I believe time will demonstrate the wisdom of what I attempted in the bill as it was introduced of obtaining the assent of the company to the forfeiture. So much in explanation of that provision.

Mr. GEORGE. I should like to ask the Senator how he can avoid the construction which he thinks might be put upon the act by virtue of the ninth section except by getting the consent of the railroad company to a waiver of its right?

Mr. DOLPH. If the construction put upon the grant by the railroad company is correct, I do not think we could do it. I will not say that I think it is correct, but it requires serious consideration; and looking only to the interest of settlers on the lands we propose to forfeit, working in the interest of the people of my State, and being familiar with the decision of Judge Deady as to the forfeitability of this grant, I had considered that question and undertaken to provide against it so far as was possible.

In other words, I proposed to treat with the Northern Pacific Railroad. I proposed two years ago last winter when I introduced the bill, before any considerable portion of this Cascade branch had been constructed, to say then to the company, "we will give you time to construct the Cascade branch if you will waive any claim to the land from Wallula to Portland;" and I believe still that that was a wise position, a wise forethought on my part looking to the protection of the interests of settlers, at least calculated to prevent litigation which may extend through years and be a cloud on their titles.

I ought to say also that a bill was reported from the Committee on Public Lands more than two years ago which included the Cascade branch. It was reported by my then colleague in the Senate. It would not have been courteous for me to have moved its consideration in this body, and the zeal of the Senator from Nebraska was not sufficient to induce him to move its consideration. It slept on the Clerk's desk, and the result has been that nearly 200 miles of the road on that branch have been constructed, until there is nothing valuable left to forfeit of the entire grant on that branch.

The very first day of this session I introduced a bill to forfeit this land grant, and I urged it upon the attention of the committee to receive consideration before other important measures were considered that were demanding the attention of the committee. I reported the bill under consideration. For the third time, on my motion it has been taken up for consideration. I stand by the record.

I said I desired to aim at something practical. I would rather not antagonize more than is necessary any interest which opposes the forfeiture of this grant from Wallula to Portland. These are the most valuable lands. That is a line upon which another road has been built by which the public are now accommodated, but nevertheless I do not attempt to conceal my position on this matter. I am not in favor myself, as I said on Friday, at this last hour when so great a portion of the Cascade branch has been completed, and looking upon the construction of this branch as I do as a very important commercial enterprise, of putting any obstacle in the way of its completion. It is not in the interest of either settlers or the United States to forfeit the grant, but is in the interest of rival railroad corporations and of rival towns to those that are springing up on Puget Sound. But at the same time I believe we shall be more likely to accomplish what ought to be done, that concerning the propriety of which there is no question, the forfeiture of the grant from Wallula to Portland, by not loading this bill down with amendments.

Mr. President, I do not believe that anything should be done by Congress for the interests of the railroad company alone. We ought to do right, we ought to be just, we ought to be just to a railroad company as well as to individuals. But that is not the controlling question with me in this matter of land-grant forfeitures. Nearly two years ago in this speech, already referred to, I stated my views of the considerations which should control our action in such cases, and I ask the Secretary to read a quotation from my speech. That position I stand by to-day.

The Secretary read as follows:

So far as questions of vested rights are concerned, the railroad companies stand before the courts and before Congress upon an equality with the Government, protected by law. The grant to a railroad company or other corporation is a contract between the Government and the company, and the right to modify, alter, or repeal it so as to affect property and rights of property does not exist unless reserved in the charter. These grants were not intended as gifts to the companies, and ought not to be continued for their benefit alone. The grants were made for the benefit of the public, in consideration of public benefits to be derived therefrom; and if proper to be made at the time, and the public interests demand their continuance, they should be continued. So far as rights of property have become vested by compliance with the conditions of the grants such rights are beyond the power of Congress. So far as equities have arisen by reason of circumstances that may have caused or may excuse the delay, such equities are proper matters for consideration.

As between the Government and the corporations, unless the public interest requires the continuance of the grants, I am prepared to vote for the forfeiture of every unearned land grant, and for the forfeiture of the unearned portion of every grant. But, until I am ready to condemn the policy inaugurated under the administration of Washington, and which received the sanction of nearly every subsequent administration until the Republican party came into power and the ardent support of the leading statesmen of every administration, I am not ready to admit that all unearned land grants should be forfeited upon the principle that grants of land in aid of internal improvements are wrong *per se*. The interest of the railroad company ought not to be a controlling question in determining the question of forfeiture. The test in my opinion ought to be, will the public interest be better subserved by the forfeiture of an unearned grant and the restoration of the land to the public domain than by permitting the grantee to comply with the conditions of the grant by the construction of the road and earn the grant? And as in the first instance the grant was made for the benefit of the public, the question whether it ought to be forfeited should be determined with a view of protecting the public interest.

Mr. DOLPH. Mr. President, there are some people so constituted that you can not mention the word "corporation" or "monopoly" in their presence but it has the same effect as shaking a red rag before a bull. They come at you with horns down and and tail up, pawing the ground and bellowing. I am not one of that sort. As I said before, I would treat in matters of legislation every corporation justly, every corporation fairly, and undertake to protect equally the rights of all.

The Republican party is not, as has sometimes been asserted here, alone responsible for land grants to railroads. Between March 4, 1850, and March 4, 1861, a period of sixteen years, there were forty-seven grants made to railroad companies. Since that time there have been only forty-four grants, three less grants to railroad companies made under Republican administration than under Democratic administration. It is not a party question. The policy of granting lands to railroad companies may have been a mistake; but even now, after all that has been said upon it, in the light of experience I do not so believe.

I do not believe the grant to this company was a mistake. Look at the transformation which has been wrought in the country which this road traverses. When this grant was made it was a wilderness inhabited by hostile bands of Indians. The United States Government was constantly called upon for protection to the citizens. Now there is no longer a frontier on the line of the road. Thriving cities and towns and cultivated fields and mines which are being worked have taken the place of what was then a wilderness. The United States has received the benefit which it was to receive for this grant in the opening of the country and in the development of it. Passing over the line of this road the hardy pioneers have occupied the best lands in every quarter made accessible by it.

I hold in my hand another extract from the speech before referred to in which I discussed the question of the propriety of forfeiting that portion of this grant from Wallula to Portland and the propriety of extending the time for the construction of the Cascade branch. As it was made after more deliberation and more preparation than I am able to command in the presentation of the facts to-day, I ask that the Secretary read what I send to the desk in order that it may be incorporated in my remarks.

The Secretary read, as follows:

Mr. DOLPH. I need not to this body detail the history of this company. Nor need I state with what energy, since the company recovered from its financial embarrassments caused by the financial crisis of 1873, the construction of its road has been pushed across the continent. The rapidity with which this road was constructed attracted the attention of the whole country, but the interest in the progress of the work in other portions of the Union was slight compared with the interest with which the people of the Pacific Northwest watched its progress. All eyes were turned with expectation toward it. We waited and hoped and at last rejoiced greatly when the last spike was driven and the main line from Lake Superior to Wallula was completed, and Oregon was connected by rail with her sister States.

Wallula is about 214 miles from Portland. The Northern Pacific there connects with the Oregon Railway and Navigation Company's road, which forms a part of the through line from Lake Superior to Portland. From Portland along the south side of the Columbia to a point just below Kalama, which is upon the north or Washington side of the River, and thence to New Tacoma, on Puget Sound, the road is completed. There is also railroad connection between New Tacoma and Seattle, partly by the constructed portion of the Cascade branch of the Northern Pacific Railroad and partly by a railroad constructed by another company. There is also completed and in operation over 25 miles of the Cascade branch from New Tacoma eastward, and the construction of that branch is being carried on from the Columbia River westward. It will cost a large amount of money and require considerable time to construct the Cascade branch. If the land grant of the company should now be forfeited I have no doubt that the effect of the forfeiture will be the necessary suspension of the work of construction upon this branch as well as upon the main line.

As to that portion of the grant between Wallula and Portland, applying the rule by which, as I have before stated, I think the question should be determined whether a grant should be forfeited, I think the time has come when the people will be benefited more by an immediate restoration of the granted lands to the public domain and to the operation of the land laws of the United States than by longer holding them from market in order to secure the construction of the road. I am informed that the company during last year did some work along the north side of the Columbia River upon this line, but the work has not been pushed with an energy which indicates an intention and ability of speedily completing that section of the road.

Another company has constructed a road from Portland to Wallula, which gives the public the benefit of a through line, and to that extent lessens the public benefits to be derived from the construction of the Northern Pacific road, and by causing the rapid settlement of the country along the line of the road, has increased the inconvenience and injury to the community which will be caused by the further withholding of the lands from market. Many persons have settled upon these railroad lands and are anxious to secure title. As I have before said, if it appeared certain that the road would be built at once, the most satisfactory way to secure the rights of these persons, in my judgment, would be to permit the lands to be earned and the settlers to secure their title from the company.

In considering what should be done for the relief of these persons there is a question worthy of consideration as to the power of Congress to divert the lands granted to the Northern Pacific Railroad Company from the object of the grant, namely, the construction of the road, which I have already discussed. The bill offered by myself for the forfeiture of this portion of the grant avoids this question, and if it should become a law would at once, no doubt, settle the question of title to all the forfeited lands. It requires the company to assent to the provisions of the bill. The company agreeing for itself, its stockholders, and bondholders, and the United States agreeing for the public, to the forfeiture, the title to the lands and the power of Congress to dispose of them would be finally settled, whatever may be the power of Congress without such assent to declare a forfeiture of the grant.

As a condition upon which an extension of time is granted for the completion of the Cascade branch, I have no doubt that the company would assent to the provisions of a bill for that purpose by which the grant for a portion of its main line from Portland to Wallula would be forfeited. Should the bill reported from the Committee on Public Lands become a law the courts would be called upon to determine whether Congress had the power to divert the grant from the objects to which it was made. But in the mean time, and until some final adjudication of the question could be had, the title of the settlers to the lands would be under a cloud, and their value would be greatly impaired.

Looking at this question from my standpoint, unless the act to forfeit this grant should be passed in such a shape as to secure the assent of the company, I should be in favor of providing for the institution of a suit at once by the United States against the company, and all parties claiming under it whose rights are not provided for in the act, to settle finally and within the shortest practicable time the question of title at the expense of the United States, instead of leaving it to be settled at the expense of settlers under the land laws, and providing for an early final decision of the case by giving it preference on the calendars of all courts, requiring the courts to hear it, and shortening the time for appeal.

The circumstances are quite different in regard to that portion of the grant for the Cascade branch. That part of Washington Territory lying west of the Cascade Mountains is entirely cut off and separated from Eastern Washington by the Cascade Mountains. Without the construction of the Cascade branch, which is in fact the direct line, the only communication between the two portions of the Territory is by way of the Columbia River Valley. The lines of transportation and travel pass through or connect at Portland. Western Washington contains about 30,000 square miles, and is about three and a half times as large as the State of New Hampshire. It contains the great Puget Sound, with its fertile islands, capacious harbors, and its 2,000 miles of shore indented by bays and inlets. It probably now contains the most extensive and valuable forests of timber in the United States.

Underlying these vast forests of fir, pine, and cedar are inexhaustible mines of iron and coal. It has considerable tracts of the finest agricultural land. Its waters teem with fish. In short, it is a valuable portion of the great Northwest, destined to be the future home of millions of people. It was, until the establishment of the civil government for Alaska, the extreme northwestern portion of the organized territory of the United States. The citizens of Washington Territory were among the earliest and most intelligent friends of the Northern Pacific Railroad. They believed that they are entitled to direct railroad communication with the eastern portion of the Territory and with the main line of the Northern Pacific Railroad by way of the Cascade branch.

I believe they are so entitled. I am frank to say that in my opinion the construction of the Cascade branch would not be immediately advantageous to Oregon, or to Portland, its chief city, and I even doubt whether its present construction would be profitable for the company itself. I base my action in this matter upon broader grounds than the interest alone of the people of my State. I believe I should be false to my duty if I permitted myself to be governed by such a consideration, and by my silence, my voice, or my vote helped to place an obstacle in the way of the completion of this branch. I shall be governed in this matter by what I conceive to be the interest of the whole Northwest and of the whole country, and will not without a protest see so large and promising a section of the country cut off from direct communication with the railroad system of the Union at a time when the long-deferred hopes of its people seem about to be realized.

Illinois, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Iowa, Michigan, Wisconsin, Minnesota, and Kansas have all received from the Federal Government valuable lands for the purpose of aiding the construction of railroads, and many other States and Territories have received the benefits of valuable grants made to corporations to aid the construction of railroads within their limits. By the liberality of the Government they have been given the facilities of railroads and telegraphs, daily mails and schools; their resources have been developed, their unoccupied lands settled and cultivated, and they have grown strong and independent of further national aid. Are the representatives in this body of these States which have been heretofore so highly favored by the General Government, and whose Senators and Representatives were once suppliants for aid from the Federal Government for railroads for their States, willing to deprive far-off Washington Territory of the aid heretofore granted to secure to her a single direct railroad connection with the railroad system of the country?

It is said that the time is past when it is necessary for the Government to aid in the construction of railroads. That may be true in most of the States and Territories, but it is not true as to Washington Territory. The condition of that Territory to-day is practically the same as was the condition of the Territories of the West when they received liberal Government aid for the construction of their railroads, and which now, by reason of the settlement of their territory and the development of their resources, no longer require assistance. The sparse population of the great Northwest, the difficulties of constructing railroads, the

great cost of the transportation of railroad material, the high prices of labor, render the cost of railroad construction very great.

To the Government itself the question as to whether the land grant of the Northern Pacific shall be forfeited and restored to the operation of the land laws, or earned by the railroad company and sold to settlers, is of no great importance. I am not concerned about the sum that would find its way into the public Treasury if the lands were restored to the operation of the land laws. My concern is to know what is for the best interest of the people of Oregon and Washington Territory and of the whole country. If any people deserve liberal treatment at the hands of Congress it is the people who braved the dangers and endured the tolls and hardships incident to pioneer life in that country, and who have waited so long for the tide of immigration just now setting toward it.

I am asking of Congress in behalf of Oregon, in view of our great extent of territory, our great and rapidly increasing internal, interstate, and foreign commerce, our great rivers, our extended seacoast, our rapidly increasing population and development, liberal appropriations for the improvement of our rivers and harbors. I should feel in a measure estopped from asking such liberal treatment in this regard as our people deserve if the reasons for doing so were not strong enough to prevent me from assisting in depriving the people of Washington Territory of the aid heretofore granted by Congress for the construction of the great highway across the continent which for the last quarter of a century has been the object of their hopes by day and the subject of their dreams by night.

I briefly call attention to another matter which I deem worthy of careful consideration in connection with the proposition to forfeit the land grant for the Cascade branch of the Northern Pacific Railroad Company. The Canadian Government has expended large sums of money in the improvement of the St. Lawrence River, and is making a great effort to secure the trade of the Northwest. The Canadian Government has also already expended and is expending fabulous sums in pushing the construction of the Canadian Pacific Railroad. It seems certain that in a comparatively brief period we may look for the completion of that road, and when that time arrives there is scarcely a doubt but that Great Britain will subsidize a line of steamships between the city of Victoria and Hong-Kong and other ports of China and Japan, and Victoria will become a competitor for the trade of the East, not only with Portland and the cities of Puget Sound, but with San Francisco, which has hitherto enjoyed a monopoly of that trade on the Pacific coast. In view of this fact it is not alone Western Washington or the people of the Northwest or the stockholders and bondholders of the Northern Pacific that are interested in securing a through line of railroad for the Northern Pacific from Lake Superior to Puget Sound, but such a through line is a national necessity to enable us to fairly compete with Great Britain for the commerce of China and Japan.

Mr. DOLPH. Mr. President, I have felt it incumbent on me, in view of the character of the discussion on Friday last, to say this much in regard to my position on this bill, to state this much of its history and the history of the legislation which has been proposed on this subject. I have quoted from my speech of 1884 to show that my position to-day is my position of two years ago. This speech from which I have quoted was circulated among my constituents all over the State. So that the Senator from Nebraska need not concern himself about the people of my State or ask whether I am carrying out their wishes or not. I am representing their wishes, and if I were not it would not affect my action. I respect the people of the State who have honored me with a position in this body, the highest within their gift.

Every suggestion made by a representative body or by an individual of that State receives careful consideration. I recognize that I am, in a measure, a servant of theirs, their agent here, and I think no member of this body will accuse me of not having served them with zeal and diligence since I have been a member of this body, whatever may be said in regard to the ability and the discretion with which it has been done. But I have other duties to perform here; there are other duties which require the attention of a United States Senator, and when the time comes that upon a great national question, a great commercial question, I can not speak and vote for what I think is right and just and for the advancement and prosperity and glory of this great nation, I will no longer act at all. A man may be a successful politician for a time who is willing to trim his sails to every wind of popular opinion, but in my judgment he will not serve at all times the interests of his country.

Having said this much, I submit, so far as I am concerned, the amendment to the Senate.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi desire to proceed now, as there are but ten minutes of the morning hour left?

Mr. GEORGE. I will go on. I have some facts to present.

Mr. HOAR. If the gentleman having this bill in charge prefers and the Senator from Mississippi prefers, I will ask that the Senate proceed with the bankruptcy bill now, and let his remarks be made consecutively to-morrow. But I will not force such a suggestion on anybody.

Mr. GEORGE. I prefer to go on at this time until the morning hour expires. I have some facts that I desire to present to the country and the Senate in relation to this railroad forfeiture, and they may as well be gotten in now as at any time hereafter.

I desire to say in the outset of the remarks I propose to make that I would not have voted as I did this morning to take up this bill if I had regarded the action of the Senate on railroad-land forfeitures was to be confined simply to the passage of this bill. I regard this bill as really insignificant. I regard it as really doing nothing in the discharge of the great duty which the American Congress owe to the American people in reference to railroad land forfeitures. I understand that this line of railroad, on that part of it which lies between Wallula and Portland, Oreg., and along the line of which this forfeiture is to take place, and only along that line, has already been preoccupied by another railroad whose charter was granted by the State of Oregon.

It also appears that this Northern Pacific Railroad, with its magnificent grant of land equal in area to the States of Indiana and Massachusetts combined, with all this backing on the part of the Government, and with obligation, as was supposed by the law making the grant, to build a railroad from Wallula to Portland as a part of the whole line required to be built, was unable or unwilling to build it within the time fixed by the law, and that another railroad company, without a dollar of subsidy from anybody, without an acre of land or a bond or anything of that sort, as a mere commercial speculation because it was a good investment for the money, built the road before the Northern Pacific Company reached Wallula; so that its road, when it reached the point in the long and dilatory years in which it neglected to build it, found this part of its line already preoccupied by another railroad company. And of course, finding the territory already occupied, it did not undertake to build its road, and so far as I know now, so far as any evidence has been produced to the Senate, the Northern Pacific Railroad Company does not propose to build the road by which it could earn the the lands attempted by this bill to be forfeited. So all of our legislation as now presented in this bill in favor of enforcing the rights of the United States and the rights of the people of the United States in reference to railroad forfeitures amounts simply to this, that we propose to declare that forfeited to which the railroad company does not even pretend to have any right.

Then I was justified in saying that if that was all that was proposed to be done when we act upon this bill, I should not have voted to take it up. I think it is wholly immaterial to the rights of the United States whether this bill in the shape in which it was reported by the committee is passed or not. Amendments have been offered, and I am in hopes that other amendments will be offered, as we have the question up, by which the sense of the Senate will be tested on the general question of the forfeiture not only of the grant for this railroad company, but of all grants to railroad companies that have been made in the last twenty years.

And right here before I go further I will allude to a remark made by the Senator from Oregon just before he took his seat in reference to the policy of the two parties on the subject of railroad grants. He said the policy of making grants to railroad companies did not originate with the Republican party. True it did not; it originated with the Democratic party, but the difference between the two parties as I understand it and as the history of the country shows is that under Democratic rule a very small, a very moderate, and a very just donation was made by the General Government in aid of the building of railroads. In no instance so far as I remember were more than six sections per mile, amounting, I believe, to three thousand eight hundred and some odd acres to the mile, ever granted by the Democratic party. The people of this country were satisfied with that. It was but a fair and just encouragement to the building of railroads in sparsely settled localities and in which the United States was a great landed proprietor.

But in this case there was a departure from that. The grants here are enormous. They extend in the States to ten sections per mile, 6,400 acres per mile; in the Territories to twenty sections per mile, 12,800 acres per mile. And this very railroad company whose case is now before the Senate received a grant of 42,000,000 acres of land. Think of that, an area larger than the States of Indiana and Massachusetts combined. The company received it on a condition. The act was passed the 2d day of July, 1864. The condition was that they should commence the work within two years and finish it within twelve. They made no effort so far as appears; not a spade was put in the ground, not a bush or tree was cut away from the right of way by the railroad company; the whole time elapsed; and in July, 1868, they came in here and got another privilege, and that was that they should have two years more in which even to make a commencement. The original grant was made during the war, when it was regarded as a means of national defense, in 1864. After the war and the time had expired they had done nothing up to July, 1868.

The PRESIDENT *pro tempore*. The Chair must call the attention of the Senator to the fact that the hour of 2 o'clock has arrived, and it is the duty of the Chair to lay before the Senate the unfinished business, which is the bankruptcy bill.

UNIFORM SYSTEM OF BANKRUPTCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. HOAR. I desire to move certain amendments, to which I think there will be no objection, and I will simply say that nearly all of them are in the line of striking out what seem to be regarded as the harsher features of the bill.

Mr. MITCHELL, of Oregon. Will the Senator from Massachusetts yield a moment to me? I should like to inquire if the Senator from Mississippi has any wish to go on and finish his remarks at this time?

Mr. GEORGE. I should like to go a little further.

Mr. HOAR. I consider myself rather bound to go on, having yielded to these land bills three or four times, and I am as anxious as anybody that they should maintain their precedence. I suggested in private to my honorable friend from Mississippi that I thought we ought to go

on with the bankruptcy bill, and I want to try and finish the bankruptcy bill in a very short time, I hope to-day; so that, perhaps, the Senator may have an uninterrupted time to-morrow.

Mr. GEORGE. The Senator may go on with the bankruptcy bill.

Mr. HOAR. In line 23 of section 15 I move to strike out "six" and insert "twelve."

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 15, line 23, it is proposed to strike out "six" and insert "twelve;" so as to read:

The supervisor shall visit and inspect the office of every clerk and commissioner within his circuit as often as once in every twelve months.

The amendment was agreed to.

Mr. HOAR. Now I move to strike out the first paragraph of section 26, down to line 12.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Massachusetts moves to strike out part of section 26, which will be read.

The Chief Clerk read the words proposed to be stricken out, as follows:

That at any time before or within three months after the adjudication, upon proof being made by affidavit, to the satisfaction of the judge, that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair, or delay the proceedings therein, the judge may issue his warrant to the marshal directing him to arrest said bankrupt, or supposed bankrupt, and him safely keep until he shall give bail or recognizance, in a sum to be specified in said warrant, for his appearance, from time to time, as required by the court, and for his obedience to all lawful orders of the court in said proceedings.

The amendment was agreed to.

Mr. HOAR. I now move, in section 30, line 10, after the words "the Fourth of July," stating what days shall not be counted in enumerating time, to insert the words "or other day made a legal holiday by act of Congress."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 30, line 10, after the word "July," it is proposed to insert "or other day made a legal holiday by act of Congress;" so as to read:

Or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, or other day made a legal holiday by act of Congress, in which case the time shall be reckoned exclusive of that day also.

The amendment was agreed to.

Mr. HOAR. In section 33, line 15, I move to strike out the words "or open accounts made, passed, or contracted in the course of his business;" and in line 17 to insert the word "was" instead of "were," which is required to make the sentence grammatical if the first amendment be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, which will be stated.

The CHIEF CLERK. In section 33, lines 15 and 16, it is proposed to strike out the words "or open accounts made, passed, or contracted in the course of his business;" and in line 17 to strike out "were" and insert "was;" so as to read:

Or has suspended and not resumed payment of his commercial paper for a period of thirty days after the same was payable.

The amendment was agreed to.

Mr. HOAR. In section 34, line 8, I move to strike out the words "by the next mail" and insert "forthwith."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 34, line 8, it is proposed to strike out the words "by the next mail" and insert in lieu thereof the word "forthwith;" so as to read:

In all cases, voluntary or involuntary, the petition for adjudication may be filed with a commissioner, who shall send the same forthwith to the clerk of the court.

The amendment was agreed to.

Mr. HOAR. In section 35, line 36, I move to insert, before the word "the," where it occurs the first time, the word "all;" and in the same line to strike out the words "consenting are the only parties;" and in line 37, after the word "interested," to insert the words "have had opportunity to appear and prosecute the petition;" so as to read:

All parties interested have had opportunity to appear and prosecute the petition.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 35, line 36, after the words "satisfied that," it is proposed to insert "all;" and after the word "parties," where it first occurs in the same line, to strike out the words "consenting are the only parties;" and after the word "interested," in the next line, to insert "have had opportunity to appear and prosecute the petition;" so as to read:

If the issue is found against the petitioners, the petition shall be dismissed, but it shall not be dismissed for want of prosecution, or by consent of parties, unless the judge is satisfied that all parties interested have had opportunity to appear and prosecute the petition, or that the acts of bankruptcy have not been committed, &c.

The amendment was agreed to.

Mr. HOAR. In section 42, line 21, I move to strike out the words "levy, seizure;" so as to read:

And every attachment, garnishment, charge, or lien existing upon the property of the bankrupt," &c.

The amendment was agreed to.

Mr. HOAR. I should go back and strike out, in lines 16 and 17 of the same section, the words "and this whether judgments have been obtained or not." I move that amendment.

The amendment was agreed to.

Mr. HOAR. Now, in line 23 of the same section I move to strike out the word "judgment."

The amendment was agreed to.

Mr. HOAR. In line 25, of the same section I move to strike out the word "levied."

The amendment was agreed to.

Mr. HOAR. Then I move to strike out, in line 29, all after the word "appointment," down to and including the word "trustee," in line 30. In the print of the bill that I have line 29 follows line 27 in number, but not in the text. The amendment begins, "And the money or property in the hands of any officer," &c.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The CHIEF CLERK. In line 28 of the same section it is moved, after the word "appointment," to strike out all down to and including the word "trustee," in line 30; as follows:

And the money or property in the hands of any officer arising from such levy or seizure, before payment to the creditor, shall be the property of the trustee.

The amendment was agreed to.

Mr. HOAR. I move, in line 32 of that section, to strike out "levy."

The amendment was agreed to.

Mr. HOAR. I move to strike out the words "judgment or seizure," in line 33, and insert the word "or" after "lien;" so as to read:

Any such lien or attachment.

The amendment was agreed to.

Mr. HOAR. I move to strike out, in line 34, the words "was levied or," at the beginning of the line.

The amendment was agreed to.

Mr. SPOONER. Let section 42 as amended be read.

The PRESIDING OFFICER. The section as amended will be read.

Mr. HOAR. Let the reading begin at line 13, where the amendments begin.

The Chief Clerk read as follows:

And the trustees shall have the right to avoid any transfer which the judgment creditors or other creditors of the bankrupt, or any of them, might, by any way or means, have avoided; and the estate in his hands shall not be subject to any liens, charges, or incumbrances which, for want of record or otherwise, would not then have been valid as against the creditors of the bankrupt, or any of them; and every attachment, garnishment, charge, or lien, existing upon the property of the bankrupt, by virtue of any process, or proceeding against him by any creditor or creditors, at law or in equity, entered, or laid within three months before the bankruptcy, such period to be reckoned as herein provided in relation to acts of bankruptcy, shall be dissolved by such adjudication and appointment: *Provided*, That all the lawful and taxable costs and charges of the creditor and officer in respect to any such lien, or attachment, or of the suit in which it was laid, incurred in good faith, shall be a first lien upon the property affected thereby.

Mr. HOAR. Now, in section 45, line 8, I move to strike out the words "the wife of the bankrupt or" and all the rest of the section after the word "manner," in line 12.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 45, line 8, it is proposed to strike out the words "the wife of the bankrupt or;" and in line 12, after the word "manner," to strike out all down to and including the word "attendance," in line 15, as follows:

If the bankrupt's wife fail to attend after due notice, the bankrupt shall not be entitled to a discharge, unless he proves to the satisfaction of the court that he was unable to procure her attendance.

The amendment was agreed to.

Mr. HOAR. Now in section 67 at the end of the section I move to add these words:

And may admit any claim which may be duly established by competent evidence in cases where the proof required by section 66 can not be had.

I will state that section 66 requires an oath to be administered to the creditor or some duly authorized agent or attorney of his as preliminary to the proof. Now, suppose a man were absent in the East, or were where he could not be reached, his then place of abode not being known, and a promissory note against the debtor were left in the hands of some one, unless he made him an agent to prove his claim there might be doubt whether that claim could be proven at all without the form of oath prescribed in section 66, a searching oath to the conscience of the creditor. So it seems proper to provide that the court may admit a claim which is proved by competent evidence.

The amendment was agreed to.

Mr. HOAR. In section 78 I move to strike out all the section after line 30.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

The fact that a transfer was not made in the ordinary course of the debtor's business shall be *prima facie* evidence of fraud on his part and of a reasonable cause of belief thereof by the other party.

The period of six months shall be reckoned in the same manner as herein provided in respect to acts of bankruptcy.

The amendment was agreed to.

Mr. HOAR. Now, in section 82, line 10, I move to strike out after the word "or" the words down to "he," in line 12.

The PRESIDING OFFICER. The proposed amendment will be reported.

The CHIEF CLERK. In section 82, line 10, after the word "or," it is proposed to strike out all down to and including the word "he," in line 12, as follows:

Being a trader whose annual transactions exceed $5,000, he has failed to keep proper books of accounts, or that he.

So as to read:

Or has without valid excuse failed to obey any order of the court.

The amendment was agreed to.

Mr. HOAR. In the same section I desire to amend a mistake in the printing simply. In line 17 there should be a period after the word "credit," and the next word "the" should begin with a capital letter.

The PRESIDING OFFICER. That correction will be made unless there is objection.

Mr. HOAR. In section 102, line 4, after the word "shall," I move to insert the words "knowingly and fraudulently." I think that is the intent of the section now.

The PRESIDING OFFICER. The proposed amendment will be reported.

The CHIEF CLERK. In line 4 of section 102, after the word "shall," it is proposed to insert the words "knowingly and fraudulently;" so as to read:

That any person who shall knowingly and fraudulently present any false or fictitious or substantially exaggerated debt or claim for proof against the estate of a bankrupt, or who shall knowingly and fraudulently use any false, fictitious, or exaggerated claim in composition, &c.

The amendment was agreed to.

Mr. HOAR. In section 108, I move to strike out after the word "person," in line 7, all down to the word "chancery," in line 12.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

And no judge shall appoint any person to office under this act who holds any other office of profit or emolument under the laws of any State or under the laws of the United States, excepting justices of the peace, notaries public, commissioners of deeds, and masters in chancery.

The amendment was agreed to.

Mr. GEORGE. Mr. President, I move to strike out sections 33, 34, 35, and 36, being all that part of the bill which provides for involuntary bankruptcy.

I am ready to vote for a bill which allows the unfortunate debtor to start again in life by a surrender of all his estate and getting a release from his debts; but I am not prepared to vote for an involuntary scheme of bankruptcy, especially if it be characterized as this is by very harsh proceedings. I call the attention of the Senate to some of them, so that we may know exactly what we are doing.

I will premise what I have to say, however, by stating that I have no very strong faith I shall succeed in the motion which I have made; but I believe it to be my duty to make it and present my reasons to the Senate for the adoption of the amendment as being just and proper.

In the first place, Mr. President, the whole theory of these sections is based upon a fallacy which I believe to be a great wrong to the people of this country. That fallacy, as claimed by the Senator from Massachusetts, is this, that when a man becomes insolvent he ceases to be the owner of his property; that it then becomes the right and the proprietorship of those whom he owes. That is not true by our law as it now is, and it is such a wrong that it ought not to be enacted into a law. It is peculiarly wrong in America, it is peculiarly contrary to the genius of our institutions and to the habits, the history, and the aspirations of our people. The common law is sound and good enough for us. I do not desire to change it. That law is that when a man becomes indebted and is insolvent he still remains the owner, the absolute proprietor of his property.

It is true that that proprietorship is clothed with an equitable trust which he is obliged to preserve, but the ownership of his property, the management of the property, the disposition of the property within legal rules belongs to him and not to his creditors, so that a man being in insolvent circumstances has no right to be generous at the expense of the creditor. He can not give away that which belongs to him so as to affect their rights; but he has the right in nearly every State in the American Union to so manage and control that property, without depriving any of his creditors of the benefit of it, without secreting it for the benefit of himself and family; with these exceptions he has the right to manage it as a trust for the benefit of his creditors.

This bill steps right in and says that when a man becomes insolvent he is either a knave or a fool; that he is not after that time to be allowed his ordinary rights secured to him by the law of the land to manage his property. It is to be taken out of his hand and put where? Put in the management of a court, which of all places, of all tribunals, of all agencies known to the human race, is the least fit to manage it with success. It is proposed to put it in the hands of a judge, and to put it in the hands of men who feel no interest in the preservation of his honor or in the increase of his assets, whose sole interest is official. Complying with the law, they think they have discharged all that is incumbent on them.

Now, I say that idea is the foundation of this bill; that when a man becomes insolvent he is to be treated either as a knave who will rob his creditors, who will not make a fair and just disposition of his property for the benefit of those to whom he is indebted, or that he is a fool and incapable of so doing.

I am not willing to vote for a bill which is founded upon any such principle. I am not willing to say to the people of America that when misfortune overtakes them, when they are unable by reason of some calamity over which they have no control and for which they are not responsible, some calamity produced it may be by the Government itself perhaps, sometimes produced by the agents of the Government, the banks—I say I am not willing to say to the people of America when thus circumstanced, when they find themselves unable to meet at the day or within thirty days thereafter their obligations, that they shall no longer be trusted, that the management of their affairs shall be taken from them and given to a court.

A man who has the slightest knowledge of the habits, of the private history of the American people knows that it is a part of the history of every successful man, every energetic, pushing man, that some time in his life, for causes for which he is not responsible and over which he has no control, he may be unable to meet his obligations according to their letter, and yet that same man being left to manage his own property, to devote his own talents, his own energy, his own management to it, may be enabled afterward to pay every debt he owes and save the estate for himself. That is true; and it is a part of the glory of our institutions, of the blessings by which we are surrounded, that men thus circumstanced have the power, the ability to wrestle with adverse fortune and finally save themselves. This bill prohibits this. It says to the trader, "Whenever you remain thirty days in default on your commercial paper or on open accounts"——

Mr. HOAR. That is stricken out.

Mr. GEORGE. When?

Mr. HOAR. Just now.

Mr. GEORGE. Struck out this morning? How is it now?

Mr. HOAR. "Open accounts" are stricken out altogether.

Mr. GEORGE. Then on his commercial paper; and I can not see any justice in striking the one out and leaving the other to stand. If it is a debt, it is a debt. If he has agreed to pay it orally and it rests on an open account, he is as much bound in law, in honor, and in decency to pay it as if he had given his note. It is only a difference in evidence, as my friend from Louisiana [Mr. EUSTIS] suggests.

Mr. HOAR. Will the Senator pardon me for saying a word at that point? I do not wish to interrupt his speech or engage in a debate.

The difference is precisely this: that when the commercial paper is given both the creditor and the debtor know that they are putting the debt into a form which is privileged within the operation of the bankruptcy law. If they have an open account they know that it is not.

Mr. GEORGE. If an open account is by this bill brought within the operation of the bankrupt law, each party would know it just as much as he would in the case of commercial paper. It is only a question of knowing the law, and under our system every man is presumed to know the law.

A man then having given his note, if he is thirty days in default he is put into bankruptcy. It is understood and was decided by the Supreme Court of the United States under the old bankruptcy law that a default on commercial paper for the time specified in the act constitutes legal insolvency, and if a man were worth $100,000 and went to protest and remained under protest for thirty days for but $10,000, he would be no longer entitled to manage his estate—he became legally insolvent.

That does not suit the people of this country. It does not suit the agricultural people of this country, of any part of it. Especially it does not suit the agricultural people of the South and West. I will state to the Senate how those traders carry on business in the Southern States so that they may know how unjust the provision of this bill is. I will take my own State, which I suppose illustrates all of them. A large portion of the agricultural laborers there are colored people. They rent lands; they do not hire themselves to work. There are very few laborers in Mississippi working on the farms as laborers for wages. They rent lands, and a great many of them rent mules and agricultural implements; and then they get their supplies from the country merchant, commencing in the beginning of the year. He supplies them from time to time until the crop is gathered, when his debt is paid.

The country merchant buys goods from the North. A bad season comes; the price of cotton falls, as it did this year, from 10 to 7 cents a pound. His country customers are unable to meet their debts this year, though perfectly good, and he is unable to keep his engagements in New York and Boston. Yet he is perfectly solvent. There are no banks there to loan him money. There is no extra money in the country to borrow; what is to be done? He defaults on his note, and he is a bankrupt, when he is worth three or four or five times the amount of the debt for which he is put into bankruptcy. He has started with these colored people to supply them through the year. He fails in June.

He has advanced them half enough to make the crop. His store is closed. He has mortgages on these crops. The result is that failing to be able to furnish supplies until the end of the season he fails to collect one dollar from his customers. They must resort to some one else or they must abandon the fields they have undertaken to cultivate. Either one thing or the other must be done; either these laborers, these tenants who have rented these lands must, when the merchant who has undertaken to supply them for the year fails and is unable to supply them further, abandon the crop which they have planted or they must get somebody else to supply them. Nobody else will supply them as long as this prior lien exists on the crops.

Then again other calamities occur. An overflow comes, a storm, a long drought comes, and the country merchant who has his credit out among the agricultural people fails on that account to be able to get the means to keep his engagements, and yet with another crop, with another season, the debts are made good and very nearly all made good. But under this bill, whenever an occasion of that sort occurs, there is trouble. The merchant's credits are taken and sold by the trustee in bankruptcy; he pays, perhaps, 50 cents in the dollar and is ruined himself.

Then I object to this bill because it makes it an act of bankruptcy for a man to exercise his right accorded to him by the law of his State to prefer one creditor to another. It is not necessary for me to remark to the Senate how essential it is sometimes for a man in failing circumstances, how his honor requires, that he should pay one man in preference to another. At all events it is a right accorded to him by the law of nearly every State in this Union, and yet if he does anything of that sort he is made subject to these involuntary proceedings.

But then again, upon a point on which the Senator from Massachusetts and myself disagree materially, there is a provision in this bill of this very extraordinary character:

Or who, being insolvent, makes a preference to any creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preferences, shall be deemed to have committed an act of bankruptcy.

When the question was up a few days ago the Senator from Colorado [Mr. TELLER] animadverted with some severity upon this provision of the bill. The Senator from Massachusetts [Mr. HOAR] in response to that said that an assignment of that sort was void by the common law. I took issue with him upon that point, and I propose now to show that I was right and that the Senator from Massachusetts was wrong. I first read a well-recognized authority upon this subject; I read from Bump:

The creditors may reject the beneficiary interest given to them by the assignment, and if they do it falls to the ground and becomes a resulting trust for the debtor. But if the trust is for their benefit, the law presumes their assent to it until the contrary is shown.

That is where all the creditors reject it, upon the plain principle that you can not convey anything to anybody without his consent. You can not create a debt without the consent of the creditor; you can not make a conveyance of land without the consent of the grantee; you can not even pay a debt already created, to pay which you are under a legal obligation, without the creditor's consent. You may tender it to him and he may reject it. The debt is not paid by the tender. The only legal consequence resulting from a tender is simply a suspension of the interest until such time as the creditor accepts it. But says this same author:

The refusal of one or more creditors to accept does not render the deed invalid as to other creditors who desire to claim a benefit under it.

So, Mr. President, an assignment for the benefit of creditors, which is condemned by this bill even when made without any preference, is not void at common law as asserted by the Senator from Massachusetts. It is good at common law, and has so been pronounced by every jurist of any prominence in this country who has spoken on the subject. I read next from a decision made by Chief-Justice Marshall:

The first inquiry is into the validity of the general assignment to Mifflin and others, trustees for the creditors of West.

This instrument conveys to Samuel Mifflin, John Lapsley, and Henry Nixon all his estate, real, personal, and mixed, in trust, to sell the same as soon as conveniently may be, and to collect all debts due to the said West, and to pay and discharge the debts due from him, first to certain preferred creditors, and afterward to creditors generally.

Here is what Chief-Justice Marshall says upon that:

That a general assignment of all a man's property is *per se* fraudulent has never been alleged in this country.

Much less decided.

The right to make it results from that absolute ownership which every man claims over that which is his own.

Recognized everywhere except in this bankruptcy bill, which says that when a man becomes insolvent he does not own his property.

Mr. MAXEY. Allow me to suggest that at common law a debtor has a right to make preference to creditors, if he does so in good faith. The question is of good faith and not of right.

Mr. GEORGE. That is very true. The Senator from Massachusetts, however, charged that an assignment for the benefit of creditors with or without preference was void at common law. Chief-Justice Marshall says:

The right to make it results from that absolute ownership which every man claims over that which is his own. That it is a circumstance entitled to consideration, and in many cases to weighty consideration, is not to be controverted.

Here is another decision, the case of Mayer *et al. vs.* Hellman, decided in 1875, and under the operation of the old bankrupt law, in the Supreme Court of the United States:

The validity of the claim of the assignee in bankruptcy depends, as a matter of course, upon the legality of the assignment made under the laws of Ohio. Independently of the bankrupt act there could be no serious question raised as to its legality. The power which every one possesses over his own property would justify any such disposition as did not interfere with the existing rights of others; and an equal distribution by a debtor of his property among his creditors, when unable to meet the demands of all in full, would be deemed not only a legal proceeding, but one entitled to commendation.

Condemnation, however, by the bill now under consideration—"commendation" in the opinion of the Supreme Court of the United States, but condemnation in the opinion of the Senator from Massachusetts and the bill which he is now pressing before the Senate. Then says the court:

Creditors have a right to call for the application of the property of their debtor to the satisfaction of their just demands; but, unless there are special circumstances giving priority of right to the demands of one creditor over another, the rule of equity would require the equal and ratable distribution of the debtor's property for the benefit of all of them. And so—

Here is the very point of it:

Whenever such a disposition has been voluntarily made by the debtor, the courts in this country have uniformly expressed their approbation of the proceeding. The hinderance and delay to particular creditors in their efforts to reach before others the property of the debtor, that may follow such a conveyance, are regarded as unavoidable incidents to a just and lawful act, which in no respect impair the validity of the transaction.

And so on. I will read some more:

It would be—

Says the Supreme Court in the case from which I am reading—

It would be in the highest degree injurious to the community to have the validity of business transactions with debtors, in which it is interested, subject to the contingency of being assailed by subsequent proceedings in bankruptcy. Unless, therefore, a transaction is void against creditors independently of the provisions of the bankrupt act, its validity is not open to contestation by the assignee, where it took place at the period prescribed by the statute anterior to the proceedings in bankruptcy. The assignment in this case was not a proceeding, as already said, in hostility to the creditors, but for their benefit.

There an assignment for the benefit of the creditors generally and equally, which the Senator from Massachusetts says the common law condemned and which the Supreme Court says the law does not condemn, was actually commended as a just and righteous and proper proceeding. That is a case in 91 United States Reports. Now I will read another, because the Senator from Massachusetts is a distinguished lawyer and generally very accurate in his statements and he gave a very positive opinion against what I regard as the law, and I desire to show where the truth is. In the case of Reed *vs.* McIntyre, 98 United States Reports, 509, an assignment made by one William H. Shuey was there attacked. The court say:

The right of a debtor at common law to devote his whole estate to the satisfaction of the claims of creditors results, as Mr. Chief-Justice Marshall declares, "from that absolute owership which every man claims over that which is his own."

Citing the very case to which I have already called attention.

Assignments of property for such purposes, not made with the intent to hinder, delay, or defraud creditors, were upheld at common law, even where certain creditors were preferred in the distribution of the debtor's effects. Nor, according to the doctrines of the common law, could the validity of the assignment to Combs he assailed, simply because its effect was to prevent the appellant from obtaining by judgment and execution a priority and preference over other creditors.

And a great deal more to the same effect. So that this provision of the common law, that it is just and right when a man is in failing circumstances to allow him to make an assignment for the benefit of his creditors equally is, as the Supreme Court say, a just, right, and commendable action; but it is by this bill made a ground of putting a man into bankruptcy, fixing as a rule for the free citizens of this country that when they become insolvent they shall not have the right to do of their own will and by their own action that which the bankrupt law says shall be done for them. In other words, by the common law of this land a debtor in failing circumstances may divide his property out among his creditors equally—it is his duty to do it—and yet this bankrupt bill, which has the reason for its being that there shall be an equal distribution of the debtor's assets among the creditors, says if he does it it is an act of bankruptcy, for which he may be proceeded against and his property taken from him and wasted in bankrupt proceedings. That is not right. It is unjust. It is substituting, as I have intimated already, the worst of all possible agencies for the agency of the man himself. This bankruptcy bill does not allow a man after he becomes insolvent to remain honest. It presumes him to be dishonest, and if he undertakes to discharge the obligations which he owes to his creditors in the very identical mode which this bankruptcy bill provides he shall, that is, by making an equal distribution of his assets among his creditors, this bill says, "You have done an unlawful thing, and we will capture your estate and turn you out and give the administration of your estate to somebody else."

Mr. President, I have named the fundamental objection which I have to these clauses authorizing proceedings in involuntary bankruptcy.

Mr. HOAR. Before the Senator sits down I wish to ask him if he

understands that the debtor can make an assignment to his creditors which reserves any of the property to himself before any of the creditors are paid—that is, in trust, to pay a part of it to himself?

Mr. GEORGE. It is a fundamental principle in the law of all assignments by insolvents that nothing shall be reserved in the assignment for the benefit of the debtor; but that does not mean this, and I also wish the Senator to understand it that it does not prevent a debtor in making an assignment from leaving altogether out of the assignment a portion of his property. That is a very different principle. The debtor may make an assignment, in exact accordance with the decisions which I have read, for the benefit of all his creditors equally, or for the benefit of a part in preference and to the balance equally, transferring only that portion of his estate which is not by law exempt from execution.

Mr. HOAR. Mr. President, I do not wish in conducting this bill, when so many important measures are pressing upon the attention of the Senate, to take up any considerable time in debate myself. I submitted the bill without any discussion in the beginning, it had been discussed so fully heretofore. But I wish to say in a few sentences, if I can have the attention of the gentlemen who are present, that I am willing, without arrogating much capacity to myself—I possess very little compared with other Senators—to undertake to prove against all contradiction and all comers that this bill, looked at simply as a matter for the interest of the debtor, treating the creditor as having no rights that a white man is bound to respect, does the debtor more good than the absence of this bill can in any possibility do.

In the first place it gives the debtor a discharge from all debts due to persons outside of his own State, which he can not get in any manner known to the Constitution of the United States otherwise. In the next place it gives him as exempt from the claim of creditors everything that his State either now or hereafter may choose to exempt. In the next place it makes an exemption liberal and humane, whether the States make the exemption or not, and in addition to their exemption ordinarily, of $500 to himself and a certain amount for the support of his family. In the next place it provides that the court may permit his business to be carried on for a year, and it is proposed to extend it for a year more before we get through, which any one man under the attachment or execution law of the State may stop in the absence of a bankrupt law. In the next place it provides for a composition by order of a majority of his creditors, which can not be done without a bankrupt law unless every single creditor agrees. In the next place it enables him to make a hundred times settlements on paying a percentage on a bargain with his creditors, which any one man who can jump on under the State attachment law and get the preference may stop without it. In other words, if I am an insolvent, an unfortunate debtor in failing circumstances, and my next-door neighbor knows that he can jump on to me first and secure all my property for himself to the extent of his debt, leaving out other creditors, he will not consent to let me pay 50 cents on the dollar, although that is all I can pay; and so with the next man, and the next. But if he knows that his attachment will not do him any good, and that if he has got it other creditors will come in and say, "You must divide this equally with us or you may have a composition under the direction of a court, or your debtor will be allowed to go on and manage his business for one year and again another year and your debtor will get a good deal more exemption under the bankrupt law than he will under the State law," the Shylock will consent.

Then here is another thing in this bankruptcy bill which does not belong to and which can not be had under any other system: The laborer gets his wages as a preferred debt. If a great manufacturer or a great planter fails, every dollar of his estate goes to his laborers before his business creditors get anything, and that is another humane proposition.

Mr. GEORGE. Will the Senator from Massachusetts allow me to interrupt him?

Mr. HOAR. Certainly; with a question, not a speech.

Mr. GEORGE. No speech. I desire to call the attention of the Senator from Massachusetts to that point about preference to laborers.

Mr. HOAR. I would rather you would do that after I get through.

Mr. GEORGE. Very well. Allow me to say that although the bankruptcy law gives them a preference out of the estate of the debtor, to be paid by the assignee or the trustee, it does not allow the debtor himself to pay them.

Mr. HOAR. No.

Mr. GEORGE. And the laborers have to employ a lawyer and go to court.

Mr. HOAR. The debtor very likely does not want to pay them; who knows? This bill gives to these workmen the absolute legal right to that property against all mankind, and the Senator from Mississippi says, "You can have it if your debtor chooses, and if your debtor does not you can not." That is the difference.

Then, Mr. President, the Senator says that I was wrong in the statement I made the other day, that a substitution for the remedy given by law by the debtor of an assignment of his own was void at common law. But whether that be true or not, that is not the point that determines this bill. The debtor can not make his voluntary assignment, as the Senator just admitted in answer to my question, and keep under it anything for himself. I do not mean that he can not leave out a part of his property from the assignment, but he can not say that the trustee shall pay over to him any portion of the estate; and therefore, if he makes such an assignment and puts in a provision for himself it is void, as the Senator admits. If he does not put in it that part of his estate which this bill secures to him, every creditor may hop on to him by an attachment or a seizure or an execution and take it away. I say, if he does put in as a reservation what the bill gives to him his assignment is void, as the Senator just admitted; and if he does put it in, it is there exposed to the first creditor who comes along. This bill absolutely secures it to him.

Mr. GEORGE. But suppose he leaves out of the assignment the property exempt by law?

Mr. HOAR. But this bill gives him more than the property exempt by law. It gives him all that; it gives him $500 for himself besides; it gives him a provision for the reasonable maintenance of his family for a certain time; and in addition to that it secures the opportunity, if it is thought best, for his business to go on for one year or two years, so that his laborers will not be turned out of employment and so that he may recover himself.

There is but one interest that this involuntary part of the bill attacks, which is the interest of the man who says, "I am going to get the whole of this property for myself. It is better for the debtor, it is better for the laborer, it is better for the debtor's family, it is better for his chance to go on and pay his debts and recover himself; but there is one man that it is not good for, and that is the fellow who stands by and says "I will attach or seize on execution the whole of this man's property and put it in my own pocket, and the rest of his creditors may whistle, and he shall whistle for his discharge."

Why, Mr. President, what is this thing that my friend from Mississippi makes so much talk about in relation to taking away from a man the right to make an assignment himself? Suppose I am in debt and a bankrupt, and can not pay over 50 cents on the dollar, who are the people who ought to have the right to say who shall be the agent who shall manage that 50 cents' worth and make the division of the part that the creditors are to have? Should the creditors who own it or the debtor who does not own it and has got through with it? He has no interest in it under any system of law, whether this bankruptcy bill passes or not. I think if it is a thousand dollars I owe which is to be divided between my friend from Mississippi and my friend from Ohio, it is a little more reasonable for those two gentlemen to say whom they will employ to divide it than it is to leave it to me, although it is the payment of a debt which I owe to these two gentlemen; and that is all there is in this argument.

If there is anything in this bill that is inhumane or oppressive on the debtor, I say that in one, two, three, ten important particulars this involuntary part of the bankrupt law, as well as the voluntary part, confers on the debtor rights which he can not get under our Constitution in any other way. It gives him in the first place his freedom and the right to stand up and be a man again, and not have the chain of a perpetual indebtedness about his limbs ever after. It gives him $500 to put in his pocket; it gives him the maintenance of his family for six months; it gives him a chance to go on in business; it saves him from having his estate gobbled up by one attaching creditor after another, making the costs swell up his burden in addition to the debt; and the only thing that it does not do, and which it will not do, and which it should not do, is that it says the men who live next door shall not stand by and attach this man's property and swell the burden of costs, leaving the creditors at a distance to go without.

Mr. GEORGE. Mr. President, I am very glad to hear that this bill is in the interest of the debtor. I have been unable to find out myself that it was so. The Senator from Massachusetts says that this is more liberal to the debtor than the State insolvent laws and the State exemption laws, and the Senator claims great credit because of this clause:

> And the court may allow the bankrupt a sum of money not exceeding $500 for his support pending the proceedings, if his circumstances require it.

The court may do it. The law does not give it to the debtor. The law allows the judge to give a man who owns property $500 of it if he sees proper, and that is the great benevolence and the great bounty of this bankruptcy law!

Then again the Senator from Massachusetts said it was a great thing for the laborers of the country, that it gives them an absolute lien and preference upon bankrupt estates. I do not know what the law of Massachusetts is upon that subject, but I can tell the Senator what the law of Mississippi is upon that point. Every mechanic in Mississippi has a lien upon the work, the house, the building, or the structure of any sort upon which he labors. Further, every agricultural laborer in the State of Mississippi has a lien upon the crop until his wages are paid.

Mr. HOAR. The Senator will pardon me. This bill preserves all that expressly, and says that every lien that exists shall be preserved. And it says in addition to the laborer, if the crops burn, or the man gets it out of the place, or the house burns, you shall have the first lien on all the rest of his property.

Mr. GEORGE. Let me answer the Senator. The difference between the Senator and myself is this: When this bill was up two years ago I offered an amendment which was opposed by the Senator from Massachusetts and voted down, which allowed the insolvent owing his laborers to pay them their debts out of his estate without its being an act of bankruptcy. It was voted down. You compel the laborer to whom a debt of ten, fifteen, twenty, thirty, forty, or fifty dollars may be due to employ a lawyer, to await the dilatory proceedings of bankruptcy, to go 100 or 150 miles to the court, and then await the good easy time of the bankruptcy proceedings in order to get his money.

I venture to say that a laborer having money due him by a bankrupt will not, under this bill, in one case out of a hundred, be ever able to get one dollar in the way of dividend from the bankrupt trustee under the period of twelve months, and then only after the payment of a lawyer. That is a great boon to the laborer, is it not? Here is a bankrupt who owes him. Here is a bankrupt who knows he ought to have the money. Here is a laborer who depends on his daily or weekly wages for his living. The bankrupt becomes insolvent without his knowledge. The bankrupt is willing to give him his wages; he wants to give him his wages; he knows the laborer would like to have it; and yet by this bill if he pays one dollar to a laborer it is an act of bankruptcy, and if the laborer knows he is insolvent and accepts the money he will be compelled by the bankrupt court to surrender it. That is a great boon to the laborers of this country, is it not? Turning them over to the dilatory proceedings of the bankrupt court, to a lawsuit to recover wages which they ought to have at the end of every week in order to live.

Mr. HOAR. The bill provides for all that in section 73, which declares:

That the court may, at any time after the adjudication, order payment, in whole or in part, of privileged debts, according to their rank, without formal declaration of a dividend.

Mr. GEORGE. Yes, "the court may" do it, but will the court do it?

Mr. HOAR. Always.

Mr. GEORGE. Who knows what the courts will do? They have got to convert the assets of the bankrupt into money; they have got to pay what fees are due, and then these laborers have to employ a lawyer, prove their claim, send it up to the court, and then if there is any money in hand, and the court sees proper to do it, the court may give them their money.

Mr. HOAR. There is a list of the creditors handed in at the time the bankrupt proceeding begins, showing who they are. If he does not do it he would not be discharged. The court then orders the debts to be paid.

Mr. GEORGE. The court can not order a single debt to be paid until it is proved.

Mr. HOAR. The Senator will permit me, because I have had a good deal of personal experience in administering a law like this.

Mr. GEORGE. So have I, and I never knew a bankrupt estate conducted in my life without ruining everybody, creditor and debtor.

Mr. HOAR. That has not been the experience in our State. Our people have been entirely satisfied, and the laboring classes more than anybody else. If the Senator means to say that there is no knowing what the court will do, that is applicable to all laws. We must not have any laws if we can not trust our courts. But under the provision, as I have seen it administered all my life, there was a list of the workmen, their wages, to whom to be paid, &c. This is the first bill that ever gave them all their wages in full. The old law gave them their wages for three months in full, not exceeding $100.

Mr. GEORGE. Does the Senator know how the provision comes in this bill about giving them their wages? It was done on my motion.

Mr. HOAR. If the Senator is making his excellent speech to show how high an opinion we ought to have of him I will agree to it, as everybody will who hears him. It is a most excellent provision; I am very glad the Senator put it in; but I was talking about a provision the Senator has not put in his own good one, and I thought he was attacking it as insufficient.

Mr. GEORGE. I am attacking it; I am attacking the bill because it does not contain another provision which I undertook to put in, and that was that the bankrupt himself might discharge these debts to his laborers.

The Senator from Massachusetts says all these debts are returned in a schedule by the debtor, and the court has nothing to do but to look at the schedule and order the debts to be paid. I say that is not the provision of the bill. I say that no man—and I call the Senator's attention to it—that no creditor can be paid until he has proved his debt according to the forms laid down in this bill. We all know how these small debts due to laborers are postponed. The court is held 100 or 150 miles in Southern and Western States from the place of the laborers' residence. They never see the assignee and never see the court, and some little speculator goes around and offers for a certain percentage, one-half or two-thirds, to collect their debt. So this bill instead of being in favor of the laborer is directly against his interest.

I do not care to say anything more on that point.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. HOAR. I move to lay the amendment of the Senator from Mississippi on the table, the debate being over.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] moves to lay on the table the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Several SENATORS. Let the amendment be read.

Mr. GEORGE. The amendment is to strike out all the sections of the bill which provide for involuntary proceedings in bankruptcy. It is simply to test the sense of the Senate on that question.

Mr. HOAR. It is not necessary to read those sections.

Mr. GEORGE. Oh, no.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts [Mr. HOAR] to lay on the table the amendment of the Senator from Mississippi.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were here, he would vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. I do not know how he would vote on this question, but I withhold my vote.

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. SPOONER (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea" on this motion.

The roll-call was concluded.

Mr. ALLISON. On this question I am paired with the Senator from Indiana [Mr. VOORHEES]. I do not know how he would vote. Therefore I refrain from voting. If he were present, I should vote "yea."

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. CHACE (after having voted in the affirmative). I am paired with the Senator from Delaware [Mr. GRAY], and withdraw my vote.

Mr. KENNA (after having voted in the negative). I am paired with the Senator from Minnesota [Mr. SABIN]. I withdraw my vote and announce the pair.

Mr. BERRY. I was requested by the Senator from Kentucky [Mr. BECK] to announce that he was paired with the Senator from Maine [Mr. HALE]. If he were present, the Senator from Kentucky would vote "nay."

Mr. WALTHALL. I was requested by the Senator from Kentucky [Mr. BLACKBURN] to announce his pair with the Senator from Nebraska [Mr. MANDERSON]. The Senator from Kentucky, if present, would vote "nay."

Mr. HALE. My colleague [Mr. FRYE] is paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 11, nays 21; as follows:

YEAS—11.

Aldrich,	Dawes,	Hoar,	Palmer,
Blair,	Dolph,	McMillan,	Wilson of Iowa.
Bowen,	Edmunds,	Morrill,	

NAYS—21.

Berry,	Conger,	Ingalls,	Van Wyck,
Brown,	Eustis,	Mitchell of Oreg.,	Walthall,
Butler,	George,	Plumb,	Whitthorne.
Call,	Hampton,	Pugh,	
Cockrell,	Harris,	Teller,	
Coke,	Hearst,	Vance,	

ABSENT—44.

Allison,	Gibson,	Mahone,	Riddleberger,
Beck,	Gorman,	Manderson,	Sabin,
Blackburn,	Gray,	Maxey,	Saulsbury,
Camden,	Hale,	McPherson,	Sawyer,
Cameron,	Harrison,	Miller,	Sewell,
Chace,	Hawley,	Mitchell of Pa.,	Sherman,
Colquitt,	Jones of Arkansas,	Morgan,	Spooner,
Cullom,	Jones of Florida,	Payne,	Stanford,
Evarts,	Jones of Nevada,	Pike,	Vest,
Fair,	Kenna,	Platt,	Voorhees,
Frye,	Logan,	Ransom,	Wilson of Md.

The PRESIDING OFFICER. There is not a quorum voting. The roll of Senators will be called.

The Secretary proceeded to call the roll, and 49 Senators responded to their names. During the call,

Mr. PLATT. I desire to say that my colleague [Mr. HAWLEY] was

called home at the last of the week and that he will not be present in the Senate until to-morrow.

The PRESIDENT *pro tempore*. Forty-nine Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from Massachusetts [Mr. HOAR] to lay on the table the amendment proposed by the Senator from Mississippi [Mr. GEORGE]. The yeas and nays will be again called on this motion.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VOORHEES]. I may have to vote to make a quorum, but I withhold my vote for the present.

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY] on all questions.

Mr. COKE (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. On this question, if he were here, I should vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. I should vote "nay," if not paired.

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL].

Mr. MAXEY (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]; otherwise I should vote "nay."

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN], but I presume, on good authority, that he would vote on this bill and all amendments to it as I would. Therefore, I vote "nay" on this motion.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. SPOONER (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If I were at liberty to vote, I should vote "yea."

The roll-call was concluded.

The PRESIDENT *pro tempore*. There is a quorum present, but not a quorum voting.

Mr. HOAR. The vote has not been announced yet.

The PRESIDENT *pro tempore*. The Chair is so advised.

Mr. HOAR. I do not rise to make a criticism on the Chair, but to state that there has been no formal or official discovery that we had not a quorum voting, and there is manifestly a quorum in the Chamber. I wish to inquire, therefore, of the Chair if it be in order for me to ask a unanimous consent at this time? If it be, I ask unanimous consent the bill may stand over until to-morrow morning. It seems to me probable that this vote discloses the opinion of a majority of the Senate against the fundamental measure of the bill, and if I should remain of that opinion to-morrow morning at this time, I should ask to postpone the bill until December or make some other provision which will be satisfactory to the Senate. Senators will see that that is a grave responsibility for me to take without having the opportunity to consult with my associates in the Chamber. I therefore ask unanimous consent that the bill stand over until to-morrow at 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent of the Senate that the bill stand over until to-morrow at 2 o'clock. There is a quorum present. The Chair has ascertained that fact by an absolute count.

Mr. GIBSON. I wish to vote "nay."

The PRESIDENT *pro tempore*. Many Senators on both sides are paired with Senators who are absent. There is much more than a quorum present. Is there objection to the request of the Senator from Massachusetts?

Mr. ALLISON. I was about to say that with the consent of gentlemen I will vote on this motion so as to make a quorum. I vote "yea."

Mr. HOAR. I suggest, also, that we proceed with the land bill, if Senators see fit.

Mr. KENNA. Is there a quorum voting?

The PRESIDENT *pro tempore*. There is now a quorum voting.

Mr. COKE. I object to consent being given to the proposition of the Senator from Massachusetts. Let the vote be announced.

The vote was announced—yeas 14, nays 25; as follows:

YEAS—14.

Aldrich,	Dawes,	Hoar,	Sherman,
Allison,	Dolph,	McMillan,	Wilson of Iowa.
Blair,	Edmunds,	Morrill,	
Bowen,	Hale,	Palmer,	

NAYS—25.

Beck,	Eustis,	Mitchell of Oreg.,	Vance,
Berry,	George,	Payne,	Van Wyck,
Brown,	Gibson,	Plumb,	Walthall,
Butler,	Hampton,	Pugh,	Whitthorne.
Call,	Harris,	Riddleberger,	
Cockrell,	Hearst,	Stanford,	
Conger,	Ingalls,	Teller,	

ABSENT—37.

Blackburn,	Gorman,	Mahone,	Saulsbury,
Camden,	Gray,	Manderson,	Sawyer,
Cameron,	Harrison,	Maxey,	Sewell,
Chace,	Hawley,	Miller,	Spooner,
Coke,	Jones of Arkansas,	Mitchell of Pa.,	Vest,
Colquitt,	Jones of Florida,	Morgan,	Voorhees,
Cullom,	Jones of Nevada,	Pike,	Wilson of Md.
Evarts,	Kenna,	Platt,	
Fair,	Logan,	Ransom,	
Frye,	McPherson,	Sabin,	

The PRESIDENT *pro tempore*. On this question the yeas are 14 and the nays 25. So the motion to lay the amendment on the table is lost.

Mr. HOAR. Does the Senator from Texas now, after the declaration of the vote, further object to my suggestion? It is merely for the convenience of the Senate.

Mr. PLUMB. I think a motion I will make will probably answer the Senator's purpose just as well. He will have no trouble in getting up the bill at any time a majority favors it. I move that the Senate proceed to the consideration of Senate bill 188, to prevent the acquisition of real property by aliens.

Mr. HOAR. That will answer my purpose just as well.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of Senate bill No. 188.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th of May approved and signed the act (S. 767) for the relief of John Leathers.

The message also announced that the President had on the 29th of May approved and signed the act (S. 2136) for the relief of Edward Fenlon.

The message further announced that the President had on this day approved and signed the following acts:

An act (S. 1098) granting a pension to H. R. Duke;

An act (S. 1830) granting a pension to C. A. Bailey; and

An act (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

M. ROMAHN—VETO MESSAGE.

The PRESIDNT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I return herewith Senate bill No. 1441, entitled "An act granting [illegible]nsion to M. Romahn."

The beneficiary named in this bill enlisted September 13, 1862, and was discharged May 24, 1865.

He filed his claim in the Pension Bureau December 5, 1882, alleging that in the winter of 1862, from being put on duty—standing guard excessively—he became afflicted with varicose veins. His army record shows no disability of any kind, though he served more than two years after the date at which he alleges his injury was incurred. His application was rejected on the ground that no record of his disability appeared, and that the evidence of the same filed upon such application was insufficient.

The claim now made to Congress for relief is the same as that made to the Pension Bureau with the allegation added that in May, 1865, his breast and shoulder were injured by a railroad accident while he was on detail duty.

If the latter-described injury really existed it is exceeding strange that it found no place in his claim before the Pension Bureau; while the account given of the cause of his alleged varicose veins must surprise those who are at all familiar with the character of that difficulty and the routine of army service. His continued performance of military duty after he incurred this infirmity, the fact that he made no claim for pension on that account until twenty years had passed, and the unsatisfactory evidence now produced to support his allegation tend to induce the suspicion that the decision of the Pension Bureau was entirely just and that this bill is not based upon substantial merits.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 1, 1886.

UNION PACIFIC RAILROAD.

Mr. PLUMB. I ask leave at this time to present a resolution and that it be read, and then, as I understand the Senator from Vermont [Mr. EDMUNDS], to whom I have shown it, would prefer to have it go to the Committee on the Judiciary, I shall ask for that reference.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be received at this time and read.

The resolution was read, as follows:

Whereas there is now pending before the Judiciary Committee of the Senate Senate bill No. 1609, authorizing the use of public moneys in building branch lines of railroad for the benefit of the Union Pacific Railroad Company, and there is also pending before the same committee Senate bill No. 2395 authorizing said company to construct branch lines by means of stock and bonds issued on the same, and there is also pending before the Senate Senate bill No. 1200, providing for extending the payment of the debt owing by said company to the Government for a long period of time; and

Whereas it was charged on the floor of the Senate on Friday, May 28, that said Union Pacific Railroad Company had issued a large amount of fraudulent stock which is still outstanding, adding to the burden of the people who do business over said road: Therefore,

Resolved, That it is the sense of the Senate that no legislation affecting said railroad company should be considered until said charge concerning the fraudulent issue of stock be thoroughly investigated, and the Committee on the Judiciary of the Senate be, and is hereby, directed to cause said charge to be investigated and to make full report thereon to the Senate, and for that purpose is empowered to send for persons and papers, administer oaths, and the expenses of said investigation shall be paid out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the resolution be referred to the Committee on the Judiciary.

Mr. PLUMB. I was going to say that I exhibited the resolution to the chairman of the Committee on the Judiciary before offering it, and he said he wished it to go to the committee. I have no objection to its taking that course.

Mr. EDMUNDS. That was the motion I intended to make without any comment or criticism upon what the mover of the resolution desires to say as to whether it is well-founded or mistaken, that the subject before the adoption of the resolution should go to a committee for consideration. Therefore I move to refer the resolution, for much or for little, to the Committee on the Judiciary.

Mr. VAN WYCK. I suggest to the Senator from Kansas to insert, after the words "fraudulent issue of stock," the words "and issue of bonds," and let the whole matter go before the committee.

Mr. PLUMB. I accept that amendment, making it read "fraudulent stock and bonds."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

ACQUISITION OF REALTY BY ALIENS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 10, after the word "acquired," to insert the words "by devise or inheritance, or;" and in line 12, after the word "debts," to insert the words "hereafter created;" so as to read:

That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by devise or inheritance or in good faith in the ordinary course of justice in the collection of debts hereafter created.

The amendment was agreed to.

The next amendment was, to add, at the end of section 1, the following proviso:

Provided, That the prohibition of this section shall not apply in such cases as the right to hold lands in the United States is secured by existing treaties to the citizens or subjects of foreign countries, which rights shall continue to exist so long as such treaties are in force.

The amendment was agreed to.

The next amendment was, in section 2, line 1, before the word "per centum," to strike out "ten" and insert "twenty;" and in line 5, after the word "acquire," to insert "or shall;" so as to make the section read:

SEC. 2. That no corporation or association more than 20 per cent. of the stock of which is or may be owned by any person or persons, corporation or corporations, association or associations, not citizens of the United States, shall hereafter acquire or shall hold or own any real estate so hereafter acquired in any of the Territories of the United States or of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "Congress," to strike out the remainder of the section in the following words:

And all lands of any such railroad, canal, or turnpike corporation, whether acquired before or after the passage of this act, which shall not be necessary for railroad, canal, or turnpike purposes as aforesaid, shall be disposed of by the corporation holding or owning the same within ten years next after the passage of this act; and if any such lands shall not be so disposed of, the same shall be forfeited to and become the property of the United States.

The amendment was agreed to.

Mr. CALL. I should like to hear from the chairman of the committee reporting the bill some explanation of it as to the public policy which requires it.

Mr. PLUMB. That can be stated in a very few words. The committee believed that persons who are not citizens of the United States or who have not declared their intention to become such should not be permitted to hold real estate within the jurisdiction of the United States.

Mr. GEORGE. In the Territorries?

Mr. PLUMB. The measure of course is limited, and the committee think that at least a safe limitation, to the Territories and the District of Columbia. Within that domain at all events, Congress has undoubted jurisdiction.

Mr. GEORGE. Does it apply to those who already own land?

Mr. PLUMB. We do not touch them. The bill operates *in futuro*.

Mr. GEORGE. It relates to subsequent acquisitions entirely?

Mr. PLUMB. To subsequent acquisitions entirely, and also is limited. It excepts cases where there are treaty stipulations permitting ownership of real estate by aliens.

Mr. CALL. The section of the bill to which I referred was the third, which reads:

That no corporation other than those organized for the construction or operation of railways, canals, or turnpikes shall acquire, hold, or own over 5,000 acres of land so hereafter acquired in any of the Territories of the United States.

Mr. PLUMB. I do not understand the comment of the Senator.

Mr. CALL. It is the section prohibiting corporations from owning land, the third section of the bill, to which I refer.

Mr. PLUMB. In regard to that, the committee believed that the safest ownership of land was that of natural persons, and that corporations should not have unlimited power to hold or own real estate beyond their corporate necessities, such as the right-of-way for railroads, canals, &c. That the committee believed to be a very wholesome limitation. In fact, I think if it had not been a new subject, and the committee therefore desired to be upon conservative and safe ground, the limitation would have been made much smaller than it is. Personally, so far as I am concerned, I wish it were an absolute prohibition against any holding except such as shall be absolutely necessary for the corporate purposes, to a very limited extent always; but the committee thought that in beginning legislation of this kind perhaps the amount of 5,000 acres would be safe.

Mr. GEORGE. Would it not be better to limit it as to value instead of the number of acres?

Mr. PLUMB. The trouble about that would be that the value is a subject of fluctuation; it is a subject of estimation, being different in the minds of different persons. A corporation might estimate its real estate at a much less value than it might be appraised for some other purpose or by other persons. So the committee sought to limit it to a certain area.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. GEORGE. I offer the following resolution, and I ask to have it printed and lie over:

Resolved, That Senate bill No. 714 be recommitted to the Committee on the Judiciary with instructions to report it so amended as to provide for voluntary proceedings in bankruptcy only.

Mr. MCMILLAN. Let that lie over.

The PRESIDING OFFICER (Mr. HALE in the chair). The resolution will lie over.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the third, fourth, and sixth amendments of the Senate to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and further insisted upon its amendment to the fifth amendment of the Senate to the bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM managers at the further conference on its part.

Mr. PLUMB. I ask the Chair to lay before the Senate the message from the House relating to the Post-Office appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the third, fourth, and sixth amendments of the Senate to the Post-Office appropriation bill, further insisting upon its amendment to the fifth amendment of the Senate to the bill, and asking a further conference with the Senate on the disagreeing votes.

Mr. PLUMB, from the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the Post-Office appropriation bill, reported that, having met, after full and free conference the committee were unable to agree.

On motion of Mr. PLUMB, it was

Resolved, That the Senate further insist upon its amendments to the said bill numbered 3, 4, and 6, disagreed to by the House of Representatives, further insist upon its disagreement to the amendment of the House to the amendment of the Senate numbered 5, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the presiding officer.

The PRESIDING OFFICER appointed Mr. PLUMB, Mr. MAHONE, and Mr. BECK as the conferees on the part of the Senate.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SHERMAN. I ask the Senator who has charge of the bill to allow me to call up the Chinese restriction bill without displacing the present order.

Mr. PLUMB. The pending bill will then come up as the special order to-morrow?

Mr. SHERMAN. It will be the unfinished business.

Mr. PLUMB. All right.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (S. 1991) supplemental to and amendatory of an act to

execute certain treaty stipulations relating to Chinese, approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

I make this motion without displacing the unfinished business, which will come up to-morrow.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of the bill indicated by him.

Mr. DOLPH. I have the floor, I believe, on the pending bill, having yielded to the Senator from Ohio several days since to take up the Chinese restriction bill, and having again yielded to the Senator from Nebraska on Friday last, who occupied the afternoon. I am glad to give way to the Senator from Ohio again, but I should like to have the fact recognized that I still retain the floor and have not concluded my remarks.

Mr. SHERMAN. That is true; the Senator from Oregon is entitled to the floor whenever the bill comes up again.

CHINESE IMMIGRATION.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of Senate bill 1991.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1991) supplemental to and amendatory of an act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

Mr. SHERMAN. I ask for the reading of the amendments. I have no remarks to make about the bill. The first question I think is on the amendment reported from the committee to section 3. All the amendments of the committee have not yet been acted upon.

Mr. ALLISON. What is the bill now before the Senate?

The PRESIDING OFFICER. Senate bill 1991, supplemental to and amendatory of an act to execute certain treaty stipulations relating to Chinese.

Mr. McMILLAN. The indemnity bill I thought was taken up.

Mr. SHERMAN. There are two bills reported from the Committee on Foreign Relations. I hope both will be passed. One relates to a modification of the laws which were intended to execute certain treaty stipulations; the other is to pay an indemnity for damages and injuries done by a mob. The bill now before the Senate is the bill relating to the treaties. I ask that the pending amendment may be stated.

The CHIEF CLERK. In section 3, line 130, after the word "issued," the Committee on Foreign Relations report to strike out the following words:

That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge any such certificate, or knowingly transfer, utter, or have in possession, with intent to use the same, any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $1,000, and imprisoned in a penitentiary for a term of not more than five years.

Mr. HOAR. I thought the bill taken up was to indemnify certain Chinese who were injured in Wyoming Territory. That was stated by the Chair.

Mr. SHERMAN. No; it is the Chinese restriction bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Foreign Relations.

The amendment was agreed to.

The next amendment was, in section 3, line 175, after the words "United States," to strike out the words "at any time within two years from the date of the issuance of the certificate;" so as to read:

The return certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return and re-enter the United States upon producing and surrendering the said certificate to the collector of customs of the district at which such Chinese laborer shall seek to re-enter, subject to the restrictions and limitations hereinafter provided as to the number of Chinese passengers who may come into the United States on any one vessel from any foreign port or place; and said return certificate, and the certificate issued under the acts to which this act is amendatory and supplementary, shall be the only evidence of the right of any Chinese laborer to return to and re-enter the United States.

The amendment was agreed to.

The next amendment was, in section 5, after the word "upon," in line 7, to insert the words "his or her application, and upon;" so as to read:

That for the purpose of identifying any Chinese person other than a laborer now or hereafter residing or being in the United States, and desiring to depart temporarily therefrom, with the intention of returning to the United States, the collector of customs of the district from which such Chinese person other than a laborer desires to depart shall register such person upon his or her application, and upon being furnished with the photograph of the applicant as in the case of a Chinese laborer, and shall issue, without cost or charge to such Chinese person, the preliminary and return certificates in all respects similar to those provided for the identification of Chinese laborers by the act to which this is supplementary and amendatory, as amended in this act, and in accordance with such further provisions relating thereto as are made in this act, such changes to be made as the different character, occupation, and circumstances of the applicant may require.

The amendment was agreed to.

The next amendment was, in section 5, line 20, after the word "laborers," to strike out the words:

The purpose and effect of such certificate as evidence shall be the same as is provided in the cases of similar certificates issued to Chinese laborers.

The amendment was agreed to.

The next amendment was, in section 5, line 23, after the word "certificate," to strike out the words "as herein described;" and after the words "shall be," in the same line, to strike out the words "the only" and insert "sufficient;" so as to read:

And such a certificate shall be sufficient evidence of the right of any Chinese person other than a Chinese laborer, temporarily departing, to re-enter the United States.

The amendment was agreed to.

The next amendment was, in section 5, to strike out lines 26 to 30, inclusive, in the following words:

All the provisions relating to certificates issued to Chinese laborers, and to the parties to whom they are issued, and all the restrictions and limitations therein contained, shall be equally applicable to the certificate provided for in this section, and to the parties to whom they are issued.

The amendment was agreed to.

The next amendment was, in section 7, line 23, after the word "aforesaid," to insert:

But the provisions of this act shall not preclude a judicial inquiry into and determination of the right of any person to come into the United States.

The amendment was agreed to.

The next amendment was, in section 8, line 2, after the word "master," to insert "or other person in charge;" in line 3, after the word "vessel," to insert the word "whether;" in line 4, after the word "by," to strike out the words "a citizen of any foreign country" and insert the words "an alien;" and in line 10, after the word "nor," to strike out the words "shall any person leave any foreign port or place and;" so as to read:

SEC. 8. That on and after ninety days after this act takes effect, no master or other person in charge of any vessel, whether owned in whole or in part by a citizen of the United States or by an alien, shall take on board any such vessel, at any port or place within the Chinese Empire or at any other foreign port or place whatever, any number of Chinese passengers, whether male or female, exceeding one passenger to every 50 tons of the registered tonnage of such vessel, with intent to bring such passengers to the United States, nor bring Chinese passengers on board any vessel to any number exceeding one passenger to every 50 tons of the registered tonnage of such vessel, on one voyage, within the jurisdiction of the United States.

The amendment was agreed to.

The next amendment was, in section 8, line 17, after the word "weather," to insert:

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, for each passenger so taken on board and brought within the jurisdiction of the United States exceeding the number of one passenger to every 50 tons of the registered tonnage of such vessel, be fined $500, and may also be imprisoned for not exceeding six months. That the amount of the several penalties imposed by this section shall be a lien on the vessel violating the same, and such vessel shall be libeled therefor in the district court of the United States within which district such vessel shall arrive or be found.

The amendment was agreed to.

The next amendment was to strike out section 9 of the bill in the following words:

SEC. 9. That whenever the master or other person in charge of any such vessel takes on board the same, at any foreign port or place, on and after ninety days after this act takes effect, any greater number of Chinese passengers than is prescribed in the preceding section, with intent to bring such passengers to the United States, and leaves such port or place and brings such passengers to any number exceeding one passenger to every 50 tons of the registered tonnage of such vessel, on one voyage, within the jurisdiction of the United States, he shall be deemed guilty of a misdemeanor, and shall, for each passenger so taken on board and brought within the jurisdiction of the United States exceeding the number of one passenger to every 50 tons of the registered tonnage of such vessel, be fined $500, and may also be imprisoned for not exceeding six months. That the amount of the several penalties imposed by this section shall be a lien on the vessels violating the same, and such vessels shall be libeled therefor in any circuit or district court of the United States where such vessel shall arrive.

The amendment was agreed to.

The next amendment was, in section 10 [9], in line 5, after the word "Government," to insert the words "or any other government;" and in line 6, after the word "thereof," to insert "or their body or household servants;" so as to make the section read:

That the limitations herein provided as to the number of Chinese passengers that may be carried by any vessel on any one voyage to any port or place in the United States shall not apply to persons officially connected with the Chinese Government or any other Government, or any embassy thereof, or their body or household servants, or to persons rescued from shipwreck during the voyage of and by the vessel bringing the same within the jurisdiction of the United States.

The amendment was agreed to.

The PRESIDING OFFICER. This completes the amendments reported by the Committee on Foreign Relations.

Mr. MITCHELL, of Oregon. Mr. President, I do not intend to occupy the time of the Senate at any length. I wish, however, to make an observation or two before the final vote is taken on this bill.

I shall support the bill, of course, not because I believe that it is in scope and character such a bill as the American Congress should enact, but because I believe it is a great improvement upon existing legislation on this subject. I shall support it upon the principle that a piece of a loaf is better than no bread. I shall support it, moreover, because it is one more step in advance in the position taken by the American Congress in reference to this great question.

This bill is a great improvement, permit me to say, in my judgment, upon any bill that has ever heretofore at any time been reported by any committee of either branch of Congress upon this question. As a mere measure of restriction, I have no kind of doubt that it is as strong and effective as any bill could well be drawn and at the same time have

kept within the provisions of our treaty stipulations with China. To have gone a step further would have been to declare what I may say that I in common with I think ninety-seven one-hundredths of all the people of the Pacific States and Territories irrespective of party believe ought to be done, and that is to enact an absolute exclusion act, and to that extent abrogate any provision that may exist inconsistent therewith in our treaties with China.

But evidently the pending bill, which as I have said is one of the best bills ever reported by any committee on this subject, is as radical a measure as we can hope to enact into law at this session of Congress. Therefore, while I desire personally to go much further than this bill goes, I give to the bill my earnest and cordial support.

When this bill was under consideration a few days since my friend from Massachusetts [Mr. HOAR] made this statement:

This proposed act, and the statute of which it is an amendment, and the treaty which those two statutes profess to carry into effect, will in my judgment be regarded, if civilization be preserved on this continent, in future ages as among the great blots on the history of the human race.

While my friend from Kansas [Mr. INGALLS] used the following language in speaking of the bill in a parenthetic manner:

Which all affirm is a disgrace to American civilization.

I wish to remind my friend from Massachusetts of a fact or two in history which evidently escaped his mind. Nineteen years ago last January in this Chamber his distinguished predecessor, Charles Sumner, reported from the Committee on Foreign Relations a resolution, and the resolution was unanimously adopted by the Senate, which read as follows:

Whereas the traffic in laborers transported from China and other Eastern countries, known as the cooly trade, is odious to the people of the United States as inhuman and immoral; and

Whereas it is abhorrent to the spirit of modern international law and policy, which have substantially extirpated the African slave trade, to permit the establishment in its place of a mode of enslaving men different from the former in little else than the employment of fraud instead of force to make its victims captive: Therefore,

Be it resolved, That it is the duty of this Government to give effect to the moral sentiment of the nation through all its agencies for the purpose of preventing the further introduction of coolies into this hemisphere or the adjacent islands.

Mr. Sumner, in reporting that resolution, made this statement:

I will read—

Said he:

I will read a very brief letter which has been put into my hands, dated "Hong Kong, November 14, 1866." It will be seen that it is a very late letter for one coming so far. It is as follows:

"Hard times are upon the Chinese and the cooly trade flourishes. Twenty-two vessels were loading at one time at Macao. The negro slave trade was never half as bad as this traffic, which will ruin regular migration of the Chinese. It is time a stop had been put to this business. So much rascality is done in it that the Chinese suspect every offer of going abroad."

The resolution was adopted. It will be observed that this resolution, reported by Senator Sumner from the Committee on Foreign Relations of the Senate, declared that it was the duty of this Government to give expression to the moral sentiment of the nation through all its agencies, for what purpose? "For the purpose of preventing the further introduction of coolies into this hemisphere or the adjacent islands." That is the sum and substance of the whole business. Every man who comes here from China is a cooly; it is the cooly immigration that is the curse of this country.

Mr. HOAR. Will the Senator allow me to interrupt him?

Mr. MITCHELL, of Oregon. Not just now, because the Senator from Massachusetts would not yield to me for a question the other day.

Mr. HOAR. I was uttering my last sentence when I declined to yield to the Senator.

Mr. MITCHELL, of Oregon. There is one other matter of which I desire to remind my friend. I had the honor of sitting in a national convention of the Republican party in Chicago. I had the pleasure of seeing my friend the Senator from Massachusetts preside over that convention, as he did with dignity and distinction and credit. I further heard in that convention a resolution adopted appointing a committee to draught resolutions expressive of the sense of the convention. That committee was appointed. That committee reported a series of resolutions to the convention, and I heard my friend the Senator from Massachusetts as chairman of the convention declare that those resolutions were unanimously adopted by the convention. This was one of those resolutions:

6. Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment, under the exercise of both these powers would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result.

I might refer, if I desired to occupy time, which I do not, to other conventions of both political parties and of all political parties. Commencing with 1876 there never has been a national convention held in the United States of any political party that has not resolved upon this question and declared in substance and effect, some of them stronger and some of them weaker, that the immigration of the Chinese into this country was a great evil, and one, as some of the resolutions declared, that ought to be prevented in the future.

I do not wish to take up time. I simply rose to call the attention of my friend from Massachusetts to these bits of history which had evidently escaped his mind, or he has perhaps changed his opinion upon this subject. I hope the bill will pass.

Mr. HOAR. I desire to assure the Senator from Oregon that his interruption of my remarks was when I was uttering the very last sentence.

Mr. MITCHELL, of Oregon. I make no point against the Senator on that.

Mr. HOAR. The Senator has made a point about it in public, and he has drawn the inference that something has been said here by me inconsistent with the resolutions read or with Mr. Sumner's attitude. It is perfectly well known that Mr. Sumner denounced the kind of legislation which is now before the Senate with all that impassioned eloquence which on a question of human rights was surpassed by no other which ever came from human lips and of which he was master. The resolution against the cooly trade which Mr. Sumner introduced he supported by an argument, one sentence in which has been read, which set forth among other things that it would destroy the regular immigration of the Chinese to this country.

Here is a bill which prohibits the voluntary immigration of any man of the Chinese race, provided he be a laborer. It is a bill which undertakes to dishonor manhood and to dishonor labor, and it is a policy which has been persisted in notwithstanding the offer that was made to gentlemen who represented the Government at Asiatic ports, Government agents.

Mr. Seward was offered the support of the Chinese Government and of the very skillful and able Chinese ministry to prevent the coming over to this country of any cooly, of any pauper, of any person of abandoned character, of any person who did not come here to make a home and make himself a workman and a laborer.

So of the resolutions of the Republican convention of 1880, of which you yourself, sir [Mr. HALE in the chair], were an eminent member. Those resolutions declared against the coming over of this class of poor, dependent laborers, which all agree is injurious and ought to be put a stop to, and that the powers of the Government ought to be invoked to regulate and to limit their coming. Instead of doing that this bill undertakes to prohibit it.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDEMNITY TO CHINESE SUBJECTS.

Mr. SHERMAN. I should like to call up and pass a bill that was reported at the same time with the bill which has just been passed. The Senator from Oregon [Mr. MITCHELL] tells me that he wishes to make some remarks upon it, but the whole matter is covered by a very excellent report made by the Senator from Alabama [Mr. MORGAN], a member of the Committee on Foreign Relations. I will ask the Senate to proceed to its consideration in the hope that the Senator from Oregon will waive his remarks. I do not wish to interfere with the pending bill, but the Committee on Foreign Relations unanimously reported this measure. A like bill is pending in the House of Representatives. It is proper to state that without stating the action of the other House upon it. I do not think that any one who reads the official correspondence in regard to the massacre of unoffending Chinese at Rock Springs, Wyo., can fail to feel that the Government of the United States should indemnify the injury. I move that the Senate proceed to the consideration of Senate bill 2225.

Mr. MITCHELL, of Oregon. I understand the chairman of the Committee on Foreign Relations to say that a report has been submitted on that bill. I have not been able to find any report.

Mr. SHERMAN. The Senator from Alabama [Mr. MORGAN] prepared a report, but he is not here. However, all the facts are fully stated in the official documents. I have them all here. There is no doubt that the injury was done by the sudden uprising of a mob, not a single American among them, all foreigners entirely, who got angry with the Chinese because they refused to participate in a strike, and they murdered several of them, burned their shanties, and destroyed their property. It is a clear case it seems to me not only of justice, of mercy, of magnanimity, but I think it is within the language of the treaty, although upon that question there might be some division of opinion. However, the Committee on Foreign Relations were unanimously of opinion, treaty or no treaty, that in dealing with these people we ought to pay the losses and damages suffered.

There are three different cases where the United States have enforced the same rule against the Chinese, and the Chinese Government have in each case responded by paying in some instances a greater amount of damages than was suffered by citizens of the United States.

This appeal is made to us by the Chinese Government, and one of the most eloquent, one of the most beautiful compositions I know of in our language is a recent document from the Chinese minister setting out this claim against the Government of the United States, appealing to our generosity, to our magnanimity, to reimburse these people.

I move that the Senate proceed to the consideration of the bill. At

the same time, if the bill is likely to take time I shall not undertake to press it to a vote to-day.

Mr. HOAR. How about the injuries done to Chinese in Washington Territory?

Mr. SHERMAN. The Senator from Massachusetts asks me about the injuries done to Chinese in Washington Territory. As I understand, the authorities in Washington Territory summarily and promptly put down the mob there, and there were no real damages done, although lives were threatened.

Mr. HOAR. There is no claim from China on that account?

Mr. SHERMAN. There is no claim from China in regard to that affair. The only claim made by the Chinese Government is this claim, and the committee have responded to it by a bill placing it in the power of the Secretary of State to pay such of these damages as he finds after a careful examination have actually been suffered by these people, and to turn the amount, whatever it is, over to the Chinese Government for distribution among the sufferers. I move that the Senate proceed to the consideration of the bill.

Mr. MITCHELL, of Oregon. Mr. President——

The PRESIDING OFFICER. The motion, under the rules, is not debatable. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. PLUMB. Will that not lead to debate?

Mr. SHERMAN. If it does I will give way.

Mr. PLUMB. I have no objection to debate, except that I do not wish it to displace the pending special order, Senate bill 1812, to provide for taxation of railroad-grant lands.

Mr. SHERMAN. The Senator from Oregon tells me that he will insist upon making a speech upon the subject. I do think when the Senate have substantially by a large vote agreed that they would carry out the policy of restriction as against the laborers who come from China we should make a suitable provision to indemnify those who are entitled to protection, and that we ought not now to interpose any delay or impediment to the passage of a plain, palpable act of justice and mercy.

While I do not wish to stand in the way of the unfinished business, I hope we may take up the bill and pass the two together, and I will move to take it up, promising at the same time that if it can not be disposed of this evening before adjournment, I shall give way to the unfinished business, which is the bill providing for the taxation of railroad-grant lands.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. MITCHELL, of Oregon. Mr. President——

Mr. COCKRELL. I wish to ask the Senator from Ohio a question.

Mr. SHERMAN. I think I have said all I desired to say.

Mr. COCKRELL. I want to know who were the persons who committed this depredation. Were they American citizens or not?

Mr. SHERMAN. There was not a single American citizen among them. They were foreigners.

Mr. COCKRELL. How did they get here, and how did the tax-paying people of the United States become responsible for the malicious and wrongful acts of a parcel of men of some other nationality?

Mr. SHERMAN. They were admitted here under the policy of our laws. Whether those laws were wise or not it is not for me to discuss. It is sufficient to say that the outrage was committed by a large number of whites, said to be Bohemians and of other nations; but each nation is seeking to deny its responsibility for these people. They were lawless people. They had engaged in a strike. They appealed to these Chinese to join them in the strike. The Chinese refused, and were going on digging coal out of the earth at regular wages, the coal to be used by the railroads. These men by some impulse and by a concerted movement attacked the Chinese, marched upon their buildings (for they lived in a place by themselves), burned down their village, shot them in their tents—no, in their huts; indeed they were scarcely huts—shot them and drove them away into the mountains, and there for a day or two they wandered. I think thirty or forty of them were killed and a number were wounded. Then those men burned what was called Chinatown.

Mr. MITCHELL, of Oregon. Twenty-eight were killed.

Mr. SHERMAN. Twenty-eight were killed, the Senator from Oregon tells me. They burned the Chinatown. This was done to people who were not only under the protection of our laws, but under the express provisions of the treaty made with China, and under precisely similar circumstances, much less barbarous in their nature, the Government of China was made three different times to pay to the Government of the United States money for just such injuries to American citizens in China.

Mr. COCKRELL. Injuries to American citizens by foreigners residing in China?

Mr. SHERMAN. By Chinese.

Mr. COCKRELL. Oh, by Chinese.

Mr. SHERMAN. The distinction endeavored to be made by the Senator from Missouri is not well taken. When we admit foreigners of this class to come among us and go on our public lands and into our Territories they are under our protection, and we are just as much responsible for their conduct while they are there under our jurisdiction as we should be if they were native-born citizens. I say they are not native-born citizens as a matter of pride, because our people, it seems to me, could not in any portion of the country resort to any such barbarity.

At all events these men suffered, and the Chinese minister, in an eloquent message which lies upon your table, which you could read with great advantage, makes the appeal to you and quotes the Divine precept of doing unto others as you would have them do unto you, stating that that is a law older even than Christianity, and he appeals to us, as we have required of them redress under similar circumstances, that this Government should give redress for the injuries done to these Chinese. If the Senator from Missouri will take that document and read it over and will find in it technical objections, or any objections whatever, to the payment of this money, I am greatly mistaken in him. I know he will not.

This subject was fully considered. All these documents were read by the Committee on Foreign Relations, and we agreed unanimously that in pursuance of the recommendation made by the President in his message and by the Secretary of State in an admirable document which he sent, it was good policy, it was good Christianity, it was good humanity to reimburse all the losses committed by the mob in this riot.

Mr. COCKRELL. I should like to ask the Senator if there is any instance on record where American citizens traveling in any foreign country and in that country meeting foreigners from an entirely different country have been injured, there was claimed any indemnity of the government in whose territory they happened to be?

Mr. SHERMAN. I do not know whether there is any country which would allow foreigners to come so freely into its territory as our own does. We have adopted a broad, liberal policy. For instance, in China you could not find anybody but Chinese to commit barbarities of this kind.

Mr. COCKRELL. Certainly not.

Mr. SHERMAN. If you would go to England you could not find enough foreigners there in any neighborhood to make a mob of foreigners without having Englishmen to participate in it. But the policy of our laws has drawn here large numbers of foreigners. They go to such portions of the country in masses, and sometimes monopolize and exclude American citizens from certain trades and occupations by their policy, by their habits, by their methods. They are there by the protection of our laws, and we as a nation are responsible for the people who are brought within our jurisdiction.

Mr. COCKRELL. As I understand, a parcel of Chinese came in and engaged in work there. Here was a parcel of Bohemians who came to the same place. They got into this controversy. The Bohemians wanted the Chinese to do in a certain way and the Chinese refused to do it, and they went to killing each other; and the American citizens, the taxpayers of this country, are to become responsible for their acts upon each other. I want the point met. Has there ever been a precedent where the United States has admitted its liability for the wrongful, malicious, tortious, vindictive, murderous acts of foreigners traveling in this country upon other foreigners who were also traveling in this country?

Mr. SHERMAN. There is scarcely a State in this Union that would not be responsible under like circumstances for damages done in a riot by a mob. How often has that been enforced in the States? Remember this was in a Territory where the Government of the United States is the only power, where the jurisdiction of Congress is absolute and complete. Here was an injury done to people under our protection, under the protection of our laws, and not only of our laws but of our treaty obligations. They are beaten down by a lawless mob—I do not care whether you call them Bohemians or what—by a mob under precisely the same circumstances in almost every city in the North (and I presume in the South you have the same laws) the city is responsible for damages done by a mob. It is only the same rule of justice, that where a city or a State claiming to be the government fails to protect people in the enjoyment of their rights and a mob beats down the ruling power, the government of the people, the community, State or city, should be responsible for the consequences of that mob.

Mr. MITCHELL, of Oregon. Will the Senator from Ohio yield to me?

Mr. SHERMAN. I am answering the Senator from Missouri now. When I am through answering him I will yield.

The Government of the United States is doing precisely now for injuries done by this mob what would be enforced against the city of New York or Philadelphia or as was enforced against the city of Pittsburgh. That was a noted case. In the city of Pittsburgh in 1877 a mob, suddenly organized, composed largely of foreigners it is said, arose, seized upon arms, and burned three or four or five million dollars' worth of property, and yet the city of Pittsburgh was compelled to pay for the damages and the injuries by the laws of Pennsylvania, because Penn-

sylvania ought to have exercised her power to put down the mob, and because she did not do it the city of Pittsburgh was compelled by the laws of that State and by the judgment of its supreme court to indemnify the parties who were injured, although the chief sufferer was the Pennsylvania Railroad, an enormous, great corporation.

But now the injury here is done to poor people, many of whom lose their lives. It seems to me that the principle ought to be enforced in this case as against the Government.

This, after all, is not so much of an appeal to the law as it is an appeal to the heart of every Senator, to the feeling of justice that rules and governs mankind, that an injury like this, wanton in character, in a region under our jurisdiction, should be remedied and redressed, especially as the fact is that in like circumstances we have severely enforced the same remedy against the Chinese Government, in one case collecting so much from the Chinese Government that a sense of justice on the part of Congress compelled us to refund a considerable part of the indemnity that we had collected from them.

Mr. COCKRELL. That was where the depredations were committed by citizens of the Chinese Government upon our citizens.

Mr. SHERMAN. I do not see the force of the distinction.

Mr. COCKRELL. I should like to ascertain the fact, were not these Chinese taken there by a corporation for the purpose of doing its work, and were not the other side, the Bohemians, also taken there by a corporation as hirelings? Was it not these two classes that came in conflict?

Mr. SHERMAN. There was no conflict; it was all on one side. As to how they got there I do not know.

Mr. COCKRELL. Were they not imported there? Were they not taken there for a specific purpose? They certainly were not roaming around as citizens of that Territory or engaged in any business.

Mr. SHERMAN. They were taken there for a lawful purpose, for the mining of coal.

Mr. COCKRELL. How were the Bohemians taken there? For the same purpose?

Mr. SHERMAN. They may have gone there by their own volition, so far as I know. There is nothing in the papers to indicate how they were brought there.

Mr. COCKRELL. How many Chinese were there, and how did they get there?

Mr. SHERMAN. My impression is that the sufferers numbered two or three hundred.

Mr. COCKRELL. The two or three hundred Chinamen never found their way out into Wyoming to a coal-bank there without some concert of action. They must have been acting under the authority of some corporation or individual; and these Bohemians from Europe never would have found their way out there unless they had been acting under the control and direction of some corporation.

I do not believe in the principle of making the people of the United States, the tax-payers of this country, responsible for the class of people that corporations and monopolies may import into the country to displace American labor, and make them responsible for the depredations they may commit upon each other. Here are these two classes, Chinese and Bohemians, brought there, hired, who came there practically as serfs. They get into a quarrel; some dispute arises; one side wants the other to do a certain thing; they rise as a mob, destroy, kill; and then the honest, laboring, tax-paying citizens of the United States are to respond in damages for their acts. I do not believe there is any principle of law or of justice or equity or morality or religion that makes the people of this country responsible in such a case.

Mr. EDMUNDS. Mr. President, it has always seemed to me that every government had a right to determine what people should come within its borders, and that every person who did come within its borders by its consent was entitled, as one section of the Constitution of the United States says, to the equal protection of law. No matter whether he be a citizen or not, the fourteenth amendment of the Constitution of the United States, which was adopted before my distinguished friend from Missouri came into the Senate, provided that every person—not every citizen, but every person—should be entitled to the equal protection of law.

The treaties of the United States with China and the laws of Congress carrying them out provided that certain of the subjects of the Emperor of China might come to the United States under certain conditions and stipulations and restrictions. The presumption is, and I have no doubt the truth is as to ninety-nine in a hundred of the Chinamen who were outraged in that Territory, that they came within that provision. There may have been some fraud, but it was a very small per cent. if it existed at all—not more than 1 per cent. So the subjects of the Emperor of China coming into the United States in pursuance of the treaty stipulations and in accordance with the acts of Congress, being engaged in lawful pursuits in that Territory—not a State but a Territory—were subjected to the outrages of a mob. Now, the question is whether the United States ought to make the same indemnity to China that, if the case were reversed, we should insist, as we have insisted hitherto, that recompense and retribution and reimbursement and indemnity should be made to us in such a case.

That is the proposition, and it is not of the slightest consequence whether the outrages were committed upon these subjects of the Emperor of China by citizens of the United States or by outlaws or enemies of the United States or whatever. We were bound by our treaty with China and by the effect of our acts of Congress and by the effect of our Constitution itself to see that these people should be protected in the enjoyment of their rights that they had which were invaded in this way, just as much as if they had received a similar outrage from the President of the United States in person or from the Senate and House of Representatives of the United States in their respective persons on that occasion. We can not get off either in international law or in morals upon the idea that the people who assailed them were Bohemians, whatever that may mean.

If we wish to cultivate the arts of peace; if we wish to cultivate the principles of justice and fair play, and to deal with others as we would wish them and would compel them to the extent of our power to deal with us under similar circumstances, it seems to me to be clear that the Treasury of the United States should make indemnity to China for the benefit of its subjects in a case of this kind. That is where it stands.

It is not a question who were the people who assailed them. They were under the protection of our law, and wherever that protection was violated in this way they were entitled to indemnity, because the law officers of the United States and the forces of the Territory knowing that this thing was impending did not exert themselves in the way they might and ought to have done to prevent it.

As I say again, under precisely similar circumstances we have demanded from that very empire and of the Empire of Japan, and in fact of every power where similar things have occurred, that indemnity should be made in order to vindicate, as far as we might, our glad duty of protecting the citizens of other countries who come to us in the way that we have engaged to protect them. That is where the case stands as it appears to me.

Mr. MITCHELL, of Oregon. May I ask the Senator a question?

Mr. EDMUNDS. Yes.

Mr. MITCHELL, of Oregon. The Senator in his opening remarks quoted from the Constitution of the United States, I believe?

Mr. EDMUNDS. Yes.

Mr. MITCHELL, of Oregon. He quoted some clause to the effect that all persons are entitled to the equal protection of the laws. There were twenty-eight Chinamen who were so unfortunate as to lose their lives in the disgraceful occurrence which took place at Rock Springs, subjects of the Chinese Empire, resident in this country, engaged in following the occupation of laborers. Suppose that instead of being twenty-eight Chinamen it had been fourteen Chinamen and fourteen citizens of the United States who had lost their lives, would my friend from Vermont and would the Committee on Foreign Relations of this body recommend that those citizens of the United States be indemnified, not through the courts in the ordinary way, but as is proposed here by an appropriation from the Treasury of the United States? That is the question which I put to the Senator.

Mr. EDMUNDS. Well, I will answer, and answering categorically, I will say, no.

Mr. MITCHELL, of Oregon. Then, right there——

Mr. EDMUNDS. If you will just pardon me, when I say "no" I say it with an explanation, or a justification, which is a better word.

Mr. MITCHELL, of Oregon. Very well.

Mr. EDMUNDS. Every citizen of the United States who is preyed upon by a fellow-citizen has a common recourse at law, and he is not under any constitutional or treaty protection from another power that is engaged in defending him in any such attitude as a foreigner is. Therefore I say that the case is entirely distinguishable between a mob which inflicts an injury upon a citizen of the United States and a mob which inflicts an injury upon subjects of another country whom we have engaged to protect.

I will put to my friend a corresponding question. Suppose a similar number of American citizens had been engaged in extracting coal-oil from the depths of the ground in Western Canada, in the district of Ontario, under a treaty with Great Britain, which authorized them to go there and to be engaged in that business. Thereupon a British mob in Ontario proceeds, on account of the fact that they are citizens of the United States (for that was the fundamental ground of this mob, that these men were Chinese and not Americans or Bohemians or Europeans), proceeds to put them to death. I ask my friend from Oregon if he would not stand up with all the rest of us and call upon the British Government, the most powerful probably in all respects, excepting ourselves, on the globe, and say to the extent of war we will demand that you shall make restitution to the heirs and children and wives of these people and make reimbursement for the losses that they have sustained. There is not a man in the Senate who would not stand up, and would not go to the front if he was capable of carrying a musket, to accomplish that very thing, and it is the very thing that we have over and over again with other nations insisted should be done, as we would have done if a similar number of American citizens because they were American citizens had been maltreated in the very front of Buckingham Palace in London, which is the official residence of the Queen at the seat of her empire.

It is stated in the documents, as my friend the chairman of the com-

mittee [Mr. SHERMAN] points out to me, by the Chinese consul in San Francisco, Mr. Bee:

I am, after a thorough investigation, firmly of the opinion that not one of these criminals who murdered the twenty-eight Chinese, burned and robbed them at Rock Springs on the 2d day of September, will or can ever be brought to punishment by the so-called Territorial or local authorities. In this opinion I am sustained not only by my own convictions, but also by the governor and prosecuting attorney of the Territory, and scores of citizens, resident and non-resident.

Therefore, if we are right in our pretensions, as I submit we are, when our citizens are thus treated in a foreign country whose protection by treaty they are entitled to, is it not right that we should have the manhood and the honor to say that when the case comes the other way we will do all that we can to make restitution and reimbursement for such a crime and injury?

My friend from Massachusetts [Mr. HOAR] calls my attention to the third article of the treaty with China, which reads as follows:

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons—

Not United States citizens, but "any other persons"—

the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

Mr. COCKRELL. Is there any indemnity for any injury that may happen to them?

Mr. EDMUNDS. Oh, no; the logic is generally left out of a statute. There is not any indemnity in most statutes.

Mr. COCKRELL. It seems to have been left out of that one.

Mr. EDMUNDS. It is the honor that is supposed to follow in the minds of most men, and it is an honor that the Senator from Missouri would stand up for as strongly as I do, if any similar number, or any quarter number, or tenth number of citizens of the United States had been similarly treated in any other country on this globe.

Even this administration, as conservative—I will not use any offensive phrase—as it may be, would recommend and its partisans and adherents would vote for measures for raising armies and arming vessels and carrying on a war, no matter whether with Great Britain or France or Germany or the greatest powers on the globe or the smallest ones, to reach the very indemnity that we for our own honor should cheerfully and gladly propose in this case. If the argument is based on the question of physical strength only and that everything that is might is right, then the Senator from Missouri is correct; but if it is based upon national honor and justice and duty as between nations, then if we apply to ourselves the same law of justice as we demand from others there is no answer to this bill.

Mr. MITCHELL, of Oregon. Mr. President, the Senator from Vermont answered my question in the negative. He said that if a number of the persons murdered by this mob had been American citizens instead of being subjects of China, then he would not favor an indemnification for their wrongs and their injuries by an appropriation from the Treasury of the United States. Then why quote the Constitution of the United States, the fourteenth amendment, here as bearing upon this question? The Senator in his opening remarks referred to that article which says that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Has not the Chinese subject the same protection of the laws in Wyoming that our own citizens have?

Mr. EDMUNDS. Your executive officers say no, and we all know it is true.

Mr. MITCHELL, of Oregon. A mere failure to find an indictment, a mere failure of justice, does not create a new principle, it seems to me.

Mr. EDMUNDS. No, but illustrates the fact.

Mr. MITCHELL, of Oregon. Nor does it demonstrate that there is a difficulty in this particular case. The fourteenth amendment of the Constitution has nothing to do with it, in my judgment. Of course, all persons are entitled to the equal protection of the laws. What laws? The laws that create tribunals, the laws that enact provisions for the protection of private property and for life, are domestic laws, not international laws, not any obligation that may arise by virtue of a conventional stipulation with a foreign nation. So it does occur to me that this provision of the Constitution has nothing whatever to do with this question, and why my friend from Vermont quoted it I confess I am unable to see.

Now, Mr. President, one other word——

Mr. EDMUNDS. With the permission of my friend, I wish to recall to his attention a decision of the Supreme Court of the United States in respect of our internal laws, that this provision in the Constitution of the United States is not a provision of statute and legislative authority, but it is a provision of action, and they have held that where in some one or two of the States, where the question arose, the administration of the laws of Virginia, if it arose there, or Kentucky, or wherever it was, that denied in fact and prevented in fact and did not accomplish in fact the equal justice and protection that the constitutional provision provided for, was an invasion of this principle. It was by way of illustration of the right that I quoted that and in that connection. So it is not a question of mere law-making; it is a question of law-doing by execution; and now we have the officials of the Government reporting to the President of the United States through the proper Department that the execution of the law there can not be accomplished, and, therefore, these persons are denied, under the decision of the Supreme Court of the United States and in their very language, as I believe, that equal protection which the Constitution gives them, because the executive authority and the administrative authority, whether the judicial or otherwise, is incapable of doing it.

Mr. MITCHELL, of Oregon. Suppose in any given case where parties have suffered by a mob there was a failure to protect our own citizens not the subjects of a foreign power, no matter how that failure may come; admit that it does come for the very reason stated by the honorable Senator, by a failure to execute the law as it should be executed, would my friend then favor an appropriation from the Treasury of the United States to indemnify such person, a citizen?

Mr. EDMUNDS. That would depend as to whether it was within a State or a Territory, because within a State its internal policy is its own affair, and it would be the duty of the State to indemnify; but in a Territory, which is our business and ours alone, in the case proposed I should say it would. If the United States in a Territory, over which it has sole control and for which it is entirely responsible and of which it creates all the government, fails in providing such executive government as to protect the citizen, then I say the United States ought to make indemnity.

Mr. MITCHELL, of Oregon. One other question, Mr. President. Let me ask the honorable Senator from Vermont, inasmuch as the United States Government has classed the Indians of this country as its wards and exercised jurisdiction over them and entered into treaties with them, in the event of Indian outbreaks, and Indian depredations, and Indian mobs, and Indian murders, and Indian massacres, as there can be no indemnification by the courts that we have seen proper to establish in our Territories within the United States, would he indemnify on the same principle the sufferers in those cases by an appropriation out of the Treasury of the United States?

Mr. EDMUNDS. That would not follow, although I can tell my friend, as he probably very well knows, that in a thousand such cases, speaking in round numbers, we have compelled the Indian tribes whose members did those things to pay for the benefit of the people injured out of their funds a proper indemnity, and in a great many other cases we have provided, when there was not any such indemnity got, to pay out of the Treasury of the United States.

Mr. MITCHELL, of Oregon. Mr. President, I was not aware that this question was coming up this evening. I do not know that there is any other Senator here who will vote against this bill. For one I never intend to vote for it, and I desire very much to give my reasons why I shall not vote for it.

Several SENATORS. Give them now.

Mr. MITCHELL, of Oregon. I am not prepared to do it now, because there are certain papers which I have that are not here. I will be ready to-morrow morning, or whenever it is the pleasure of the Senate to take up the bill and dispose of it.

I undertake to say in this connection that, in my judgment, after a most careful examination, there is no principle either of international law, of conventional stipulation in any treaty existing between this country and China, or in any Federal statute that will justify this proposed action; but upon the contrary, if this bill passes, as I have no doubt it will, it will be no more and no less than an act of charity, pure and simple, an act of benevolence, and nothing else. I undertake to say in this connection here and now that there never has been a Secretary of State from the time of Daniel Webster down to the present day, so far as I have been able to advise myself, who has not argued ably and at length and with conclusiveness that in a case like this there is no legal liability whatever on the part of the Government of the United States to make indemnity. That was the position taken by Daniel Webster in regard to the celebrated Spanish riots at Key West; that was the position taken by Secretary Seward, by Secretary Blaine, and by Secretary Evarts, and it is the position taken to-day by Secretary Bayard, although it is a fact that the present Secretary of State recommends it as an act of benevolence, as an act of pure charity, and with the distinct understanding, as he declares in his letter to the President of the United States, that it shall not be considered as a precedent nor as creating a liability on the part of the Government to respond in damages from the Treasury of the United States in any such case.

Mr. INGALLS. Does the Senator oppose that view of it as an act of charity?

Mr. MITCHELL, of Oregon. I certainly am opposed to extending this as an act of charity; and until the Congress of the United States will pay some portion at least of the twelve or thirteen million dollars due on account of losses suffered by frontiersmen in the Western States and Territories by reason of Indian depredations, in reference to which there is to-day a legal obligation on the part of the Government of the United States to make payment, I shall vote no gracious contribution to Chinese subjects in this country. Not by my vote shall an act of benevolence be passed through the Senate until these obligations to our

frontiersmen and our pioneers receive some kind of attention and some kind of respect at the hands of Congress.

You pass resolutions through Congress directing the Secretary of the Interior to investigate and find out what losses have been sustained by our own citizens by reason of Indian depredations, by reason of the acts of men with whom you have made treaties and with whom you are in treaty relations to-day. The Secretary, in pursuance of that direction, has gone on and investigated these cases and reported these claims to Congress amounting to many millions of dollars, and they lie stuck away in your pigeon-holes; and yet before the cry of the mob has died away, of an alien mob in the Territory of Wyoming, we get on our knees here before the Chinese Empire and propose to do an act of great grace, to pass an act of benevolence, an act of charity, when not a Senator upon this Foreign Relations Committee, so far as I know, has yet had the temerity, if I may be permitted to use the language, to place upon record in the Senate any report upon which they can base a legal obligation to do what they now propose to do. I have watched carefully, and I have seen no report from the committee in support of this bill.

Now, Mr. President, inasmuch as I for one—and I perhaps shall be the only one in the Senate, I do not know how that is—do not intend to vote for this bill, and inasmuch as perhaps I shall be so largely in the minority, I think it but due not only to the Senate but to the people whom I in part represent here that I should give my reasons. I prefer to do it in a careful, methodical way. I shall do so to-morrow if I have an opportunity. If the Senate denies me that, of course I shall cast my vote against the bill and submit. I will say, however, before I take my seat, that I had understood from the honorable chairman of the Committee on Foreign Relations that if I desired to make an argument on this question he would give way until to-morrow. I will say in addition that if my request is denied, I think perhaps it will be the only time such a request was ever denied in the Senate.

Mr. SHERMAN. I do say now, as I said to the Senator a while ago, that I would not as one ever deny to a Senator the right to express his opinions freely on any subject. I have sat here many a time until the gray of the morning to secure Senators their right to talk at pleasure. At the same time, while I intend to stand by what I said, the Senator must perceive that having spoken at least four hours on two separate occasions on this Chinese question, giving us his views, so that we know them thoroughly and his constituents know them, it is a great stretch of courtesy for him to ask us under the circumstances that we give him another day, to-morrow, on this subject. But I think on the whole it is better to do it, because I do not want ever to see debate restrained in the Senate.

So far as writing a report is concerned, I understood the Senator from Alabama [Mr. MORGAN] to say that he would write a report. I think he probably has prepared one, but he is not here to speak for himself. I want no report except the message of the President of the United States, which I hold in my hand. It contains the gist and germ, the whole substance of the argument in favor of this proposition. It is reported by the Secretary of State in a communication to the Chinese minister, which is the last document in this little pamphlet I hold in my hand.

Mr. COCKRELL. What is that document Executive Document 102?

Mr. SHERMAN. The President's message, Executive Document 102. The last paper in the document is the letter of the Secretary of State, which covers the whole ground, and there is also the communication of the Chinese minister setting out this claim, and here is the evidence as to the items of the claim.

The President and Secretary of State in their discussion with the Chinese minister naturally avoided the legal question so far as they could, but I think the President in quoting the treaty substantially showed that by the fair terms of the treaty as construed between man and man the Government of the United States is bound to protect these people, and in case it does not is bound to make indemnity. The President quotes the language of the treaty in his message. I think on reading that treaty any fair-minded man will see that if there was no express legal obligation to pay indemnity, yet we do expressly provide and engage in the treaty that the Government of the United States will exert all its power to devise measures for their protection and secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by others. It says also:

> If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

The Government has not been able to do it, and has not done it; they are in a remote Territory under the national flag. As a matter of course under these circumstances the implied condition, if not the express language of the treaty, requires that indemnity should be paid in case they be not protected from injury. The same argument is amplified by Mr. Bayard.

I do not wish to go further into the matter. As I said, I would not insist on a vote now if the Senator from Oregon wishes to speak on this subject at some other time. I move to postpone the bill until to-morrow to give him that opportunity, so as not to interfere with the unfinished business.

Mr. COCKRELL. Before that is done I wish to put on record one or two statements.

I will first read from the message of the President of March 2, 1886, transmitting this case to Congress:

> I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection; and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country; with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

Mr. President, the distinguished Senator from Vermont [Mr. EDMUNDS] attempted in his sly way to cast an insinuation upon the existing administration by saying that even this conservative administration, and he would say nothing further, was in favor of this indemnity, and even this administration would resort to force to protect the rights of the American citizen. Yes, there never was a day in the history of this great country, for over half a century under Democratic administration, when any citizen of the United States feared to tread the soil of the greatest empire on earth, knowing as he did that he would receive full and perfect protection of person and property in every respect; and it will be so again. That is not the question, Mr. President. It was an attempted fling, unworthy of the distinguished Senator and the position he occupies before the country.

Now let us see what position his administration and his distinguished Republican leader, the last nominee for President and the prospective next one of his party for the highest office in the gift of the American people, took when he was Secretary of State and we had a Republican President. I read from this same document, and I read from No. 1, the Chinese minister to Secretary Bayard, on page 5, toward the bottom. The Chinese minister, having made his statement, proceeds to say:

> With this statement I might consider my duty discharged, but for the fact that this legation, having had occasion to call the attention of two of your worthy predecessors to a similar but much less bloody and disastrous event, the honorable Secretary Evarts—

A distinguished member of this body now—

> expressed some doubts as to the legal liability of his Government to make pecuniary indemnity to the Chinese sufferers by the mob at Denver, in the State of Colorado, in 1880, and that the honorable Secretary Blaine—

James G. Blaine, of Maine—

> concurred in the views of Mr. Secretary Evarts. I have, therefore, to beg the kind indulgence of your excellency while I attempt to show why the present request for indemnification, in the opinion of my government, ought in justice and equity to be granted, notwithstanding the views set forth in the notes of Secretary Evarts of December 30, 1880, and of Secretary Blaine of March 25, 1881. In doing this it is not my intention to either appeal to you from or to question the correctness of the interpretation of the laws of the United States as given by the distinguished jurist Mr. Evarts, and confirmed by the experienced statesman Mr. Blaine. It would seem to me, however, to be just that if the view taken by Mr. Evarts as to the obligation of the United States to make indemnity for injuries to private individuals from mob violence should be insisted upon and adhered to by your excellency's Government, China should, in due reciprocity and international comity, accept and practice the same principle.

Mr. President, it is well enough when these thrusts are attempted to be made upon the existing administration that we should look back a little and see what was done when the distinguished Senator from New York [Mr. EVARTS] was Secretary of State and when the experienced statesman James G. Blaine was Secretary of State. Why was no indemnity made then? It was claimed. There was no response and no indemnification was made, and I assert that in my judgment there is no principle of international law, there is no principle of justice, of right, of equity, of morality, or of Christianity that will require the tax-paying citizens of the United States to respond in damages for the malicious, vindictive, tortious, illegal acts of a band of foreigners, Bohemians imported there by a corporation as serfs to do their work as laborers, as servants, as slaves. I fail to recognize any principle which will make the citizens of the United States responsible in such a case.

Mr. CALL. Mr. President, it seems to me somewhat remarkable that the principles of international law and of intercourse which have existed between all governments for a thousand years should now be denied and fail of universal recognition.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator will allow the Chair to inquire of the Senator from Ohio whether he withdrew his motion to postpone?

Mr. SHERMAN. I did not. I withdrew it at the request of the Senator from Missouri to give him an opportunity to speak. That mo-

tion is still pending. I am willing the matter should go over at this hour of the day. I suggest to the Senator from Florida that the matter will be called up again.

Mr. CALL. I have no objection.

The PRESIDING OFFICER. The Senator from Ohio moves that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. CONGER. I wish to make a conference report on the bill (H. R. 6975) to establish additional life-saving stations. I send the report to the desk.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6975) to establish additional life-saving stations having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

O. D. CONGER,
S. J. R. McMILLAN,
A. P. GORMAN,
Managers on the part of the Senate.
A. B. IRION,
CHARLES F. CRISP,
R. W. DUNHAM,
Managers on the part of the House.

The report was concurred in.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. SHERMAN. Now let the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The unfinished business will be stated.

The CHIEF CLERK. A bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. PLUMB. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 2, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 1, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

UNITED STATES COURT-HOUSE, PHILADELPHIA.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Supervising Architect for repairs, painting, and ventilation of the United States court-house at Philadelphia, Pa.; which was referred to the Committee on Appropriations, and ordered to be printed.

DOMESTIC REQUIREMENTS OF GRAIN.

The SPEAKER also laid before the House a letter from the acting Commissioner of Agriculture, transmitting, in response to a resolution of the House, a report by the statistician of that Department respecting the surplus and domestic requirements of wheat and corn, and the acreage of wheat for the present year as compared with the past five years; also, the probable requirements of importing countries, and the acreage of crop and probable surplus or shortage in exporting countries for the ensuing year; which was referred to the Committee on Agriculture, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. SWINBURNE, on account of sickness in his family.

To Mr. STEWART, of Texas, indefinitely, on account of sickness.

To Mr. COOPER, indefinitely, on account of important business.

MRS. ELEANOR ELLWOOD.

Mr. HOPKINS, by unanimous consent, introduced a bill (H. R. 9120) making an appropriation for Mrs. Eleanor Ellwood, widow of Hon. Reuben Ellwood, deceased, late a Representative from the State of Illinois; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WILKINS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill S. 206, and put the same upon its passage. It is simply a local measure, and will require but a few moments.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (S. 206) to provide for the erection of a public building at the city of Zanesville, Ohio.

Mr. BEACH. I shall have to demand the regular order.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. IRION, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 6975) for the establishment of additional life-saving stations, submitted the following report; which was read, considered, and agreed to:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6975) to establish additional life-saving stations, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

A. B. IRION,
CHARLES F. CRISP,
R. W. DUNHAM,
Managers on the part of the House.
O. D. CONGER,
S. J. R. McMILLAN,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. IRION moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL PRIVILEGE.

Mr. WEAVER, of Iowa. I rise to a question of personal privilege. I send to the desk to be read a portion of an editorial in the Iowa State Register, the leading Republican organ of Iowa.

The Clerk read as follows:

OLEOMARGARINE WEAVER.

According to the reports of the spirited debate in the lower House of Congress on Wednesday, in the matter of the bogus-butter bill, all the Iowa Congressmen except one appeared to have stood by the Iowa dairy. One of them, Mr. JAMES B. WEAVER, stood by Mr. Millionaire Armour and his Chicago factory for making butter out of refuse tallow and pig fat. Mr. Armour, whose income is $10,000 a week, evidently knows where to find a man and how to find him when he wants him. Such a man can always find Congressman WEAVER, and generally does it. Evidently the gentleman from the sixth district of Iowa, occupying a seat in Congress by fraud, is making hay while the sun is shining hot enough to melt Mr. Armour's tallow. He has less than a year in Congress left, and all the dairies and butter-makers in Iowa are not going to cause him to disappoint Mr. Armour when Mr. Armour's millionaire interests are so much at stake.

But what do the farmers and butter and cheese makers of Iowa think of an Iowa Congressman's betrayal of their interests for the sake of a millionaire dealer in refuse tallow and lard?

Mr. WEAVER, of Iowa. It is very seldom that I rise to a question of personal privilege or pay any attention to what is said about me in the opposition press. But here is an innuendo very plain that I have been influenced by improper motives in my course toward the pending oleomargarine bill.

In the first place it is charged I am opposing that bill. That, of course, would not constitute a question of privilege, although it is false, as every member of this House knows I am ardently supporting that measure and have done so at every vote. I shall continue to do so till the end of the controversy if it continues during the remainder of the session.

But the charge is made here plainly that I have not only opposed the bill, but that I have been influenced to do so by improper motives and influences. I simply want to call attention in the presence of my fellow-members to the character of the opposition I am compelled to meet in my State in standing up for what I believe to be right principles and correct laws. There is no foundation whatever for this charge. In every word and thought expressed or implied it is exactly the opposite of the truth.

Further, it is charged I am holding my seat in this House by fraud. That also affects my standing as a member of this House and is a matter of personal privilege.

Mr. MORRISON. I submit there is no question of privilege involved in this newspaper article.

The SPEAKER. The Chair thinks that in so far as the article read from the Clerk's desk imputes to the gentleman from Iowa improper or corrupt motives——

Mr. MORRISON. Nobody believes it. You have been for the bill from the first.

The SPEAKER. The Chair thinks in so far as it does that, there is presented a question of privilege, but only to that extent.

Mr. WEAVER, of Iowa. Of course I understand that. Of course nobody believes it here. Nobody in Iowa who is acquainted with the man who makes the charge believes it. But there are thousands of men who read that paper who may believe it, because they will never see the contradiction, nor do they understand the unmanly and malicious motives which prompted the article. Now, as to the charge that I am holding my seat by fraud, I wish to say no charge was ever made that I had obtained my seat by fraud. My right to a seat was investigated by a committee of this House, and the majority of that committee reported—only three of the six Republican members dissenting—that I had a right to the seat. And I will state further that when the vote was taken in this House—I desire to be contradicted if I am not stating it correctly—there were not exceeding six men who voted that I was not entitled to my seat; and among those who voted that I was entitled

to a seat were the leaders on the Republican side of the House. They did not feel there was anything in the legal points or the facts sought to be made against me. If I am not correct as to that, I desire to be contradicted here and now. I want to stand right on the record.

Another charge is made by this same paper that I falsely, and knowing it to be false, accused my colleague, Mr. HENDERSON, of having once left the Republican party. This charge is also untrue and without foundation. I have never at any time made any such charge against my colleague, Colonel HENDERSON. Having said this much I am through.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been called for, the Chair will proceed to call committees for reports.

DUFF GREEN REED.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 8296) to remove the political disabilities of Duff Green Reed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAVAL BUREAUS.

Mr. BOUTELLE, from the Committee on Naval Affairs, obtained leave to present the views of the minority on the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes; which were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

LOTTERY GIFT CIRCULARS IN THE MAILS.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported, in lieu of sundry bills, a bill (H. R. 9121) to amend section 3894 of the Revised Statutes of the United States relating to the transmissions through the mails of lottery gift enterprise and other circulars, and excluding from the mails newspapers and periodicals containing advertisements of the same; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills Nos. 6522, 2030, 2296, and 3337, relating to the same subject, were laid on the table.

Mr. WARD, of Indiana, obtained leave to present the views of the minority; which were ordered to be printed with the report of the majority.

CHANGE OF REFERENCE.

On motion of Mr. LOUTTIT, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 1201) granting a pension to Louise Armbrecht; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6475) granting a pension to Benjamin Hillman;

A bill (H. R. 6751) granting a pension to Margaret O'Neill;

A bill (H. R. 5096) granting a pension to James Chase Heath;

A bill (H. R. 1116) granting a pension to the orphan children of Dennis Owens; and

A bill (H. R. 6090) granting a pension to William W. Wheeler.

MRS. HANNAH BABB HUTCHINS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back amendments of the Senate to the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins, with the recommendation they be non-concurred in; and the same were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ADDIE L. MACOMBER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back unfavorably amendments of the Senate to the bill (H. R. 1462) granting a pension to Addie L. Macomber; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

JAMES CARLIN.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6314) to increase the pension of James Carlin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN SADLER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed.

A bill (H. R. 7186) granting a pension to John E. Rollins; and

A bill (H. R. 8309) granting a pension to John M. Bickford.

THOMAS WALSH.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8481) granting a pension to Thomas Walsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANNA SCHIER.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7983) granting a pension to Mrs. Anna Schier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE LANIGAN.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2349) granting a pension to Catharine Lanigan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID RYAN.

Mr. SPRINGER, from the Committee on Claims, reported, as a substitute for H. R. 7233, a bill (H. R. 9122) to confer jurisdiction on the Court of Claims to hear and determine the claim of David Ryan against the United States; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 7233) was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from further consideration of the bill (H. R. 4033) for the relief of Richard A. Newert, and the same was referred to the Committee on War Claims.

ROBERT STRACHAN.

Mr. GALLINGER, from the Committee on Claims, reported back with an amendment the bill (S. 574) for the relief of Robert Strachan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATES OF ELY MOORE AND OTHERS.

Mr. BUCHANAN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5470) for the relief of the estates of Ely Moore and John W. Whitfield and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMPENSATION OF CERTAIN PHYSICIANS.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN WIGHTMAN.

Mr. FLEEGER, from the Committee on Claims, reported, as a substitute for H. R. 7803, a bill (H. R. 9123) for the relief of the legal representatives of John Wightman, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 7803) was laid on the table.

RICHARD H. AND JAMES PORTER.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 8168) for the relief of Richard H. Porter and James Porter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BOARD OF FOREIGN MISSIONS, M. P. CHURCH.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back with amendments the bill (S. 1008) to empower the Board of Foreign Missions of the Methodist Protestant Church to hold property in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY.

Mr. LAFFOON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

GEORGE J. STANNARD.

Mr. GROUT. Mr. Speaker, Maj. Gen. George J. Stannard, a brave soldier and distinguished officer in the late war, at present upon the soldiers' roll as an employé of this House, died suddenly this morning about 9 o'clock at his lodgings in this city. I ask unanimous consent to put upon its passage at the present time the usual resolution relating to his pay and funeral expenses.

The SPEAKER. The resolution will be read for information, after which there will be opportunity for objection.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House to the widow or legal representatives of George J. Stannard, late an employé of the House, a sum equal to his salary for six months, and also the necessary expenses of his last illness and funeral, not to exceed $250.

There being no objection, the House proceeded to consider the resolution; which was adopted.

Mr. GROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OLEOMARGARINE.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair) and resumed the consideration of the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The CHAIRMAN. On this bill the Committee of the Whole had reached the consideration of section 8. By order of the House all debate on this section and amendments thereto has been limited to one minute.

Mr. DUNHAM. Are there any amendments now pending to this section?

The CHAIRMAN. There are several amendments pending.

Mr. DUNHAM. I wish to offer an amendment at the proper time.

Mr. NEGLEY. I desire to have read a telegram from various trades assemblies.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. NEGLEY] to occupy the one minute allowed for debate.

Mr. NEGLEY. I desire to have read from the Clerk's desk the telegram which I send up.

The Clerk proceeded to read the following:

PITTSBURGH, PA., *May* 31.

Whereas certain measures are now pending in Congress for the regulation of the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon, amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legal, a legitimate business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of the legislation will be to increase the price of a cheap and wholesome food product and destroy the labor its manufacture employs; and

Whereas the only reason given for the legislation is that it comes into competition with butter:

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy.

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preambles and resolutions were adopted at a session of the Trades Assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

RICHARD ENNISS,
President of Trades Assembly of Western Pennsylvania.
THOMAS S. DICUS,
Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations: Superior Lodge No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metal Workers' Assembly, Knights of Labor; American Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly, No. 21, Knights of Labor; Good Intent Lodge No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 142; Builders, Carpenters, and Joiners' Union; International Cigar-makers' Union, Knights of Labor; German Journeymen Tailors' Union, Knights of Labor; International Furniture Makers' Union, No. 21, Knights of Labor; Bridge Workers' Assembly, No. 1632, Knights of Labor; Labor Assembly No. 5269, Knights of Labor; Calkers Assembly, No. 862, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street-car Drivers' Assembly, No. 1603, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Banksville Miners' Association; Typographical Association, No. 1632, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly No. 80, Knights of Labor; Pressmen's Union, No. 13; Labor Assembly No. 791, Knights of Labor; Labor Assembly No. 1631, Knights of Labor; Labor Assembly No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 28, American Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union, No. 14; Iron-molders' Assembly, No. 230, Knights of Labor; Bottle-blowers' Union of North America; Horseshoers' Union; Typographical Union No. 7; Job Printers' Association No. 1392, Knights of Labor; Independent Lodge of Millvale, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Assembly, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works, Lodge No. 8, Amalgamated Association of Iron and Steel Workers; American Flint-glass Workers' Association, No. 6; Labor Assembly No. 719, Knights of Labor; Labor Assembly No. 2300, Knights of Labor; Cigar-makers' Union No. 271; Iron-molders' Union of North America, No. 243; Labor Assembly No. 5478, Knights of Labor; Lodge No. 86, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union, No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 2126, Knights of Labor—representing about seventy-eight thousand members.

The CHAIRMAN (before the reading of the telegram was concluded) said: By order of the House all debate on this section is now closed.

Mr. NEGLEY. I desire that the entire telegram may be printed in the RECORD.

There being no objection, it was ordered accordingly.

The CHAIRMAN. The first question is on an amendment offered by the gentleman from Virginia [Mr. DANIEL], to add a proviso to section 8. This amendment having already been read, the reading will not be repeated unless some gentleman demands it.

Mr. DUNHAM. I think it ought to be read again.

The Clerk read as follows:

Add to the pending section the following:

"*Provided*, That on and after the 1st day of July, 1886, the taxes herein specified imposed by the internal-revenue laws of the United States now in force be, and the same are hereby, repealed, namely: The taxes on manufactured tobacco, snuff, cigars, cheroots, and cigarettes, and the special taxes required by law to be paid by dealers in leaf-tobacco, retail dealers in leaf-tobacco, dealers in manufactured tobacco, peddlers of tobacco, snuff, and cigars, and manufacturers of snuff and of cigars: *Provided also*, That on all original and unbroken factory packages of smoking and manufactured tobacco, and snuff, cigars, cheroots, and cigarettes held by manufacturers, factors, jobbers, or dealers at the time such repeal shall go into effect, upon which the tax has been paid, there shall be a drawback or rebate in favor of said manufacturer, factor, jobber, dealer, or other owner of said tobacco, snuff, cigars, cheroots, and cigarettes to the full amount and extent of the tax so paid thereon, but the same shall not apply in any case where the claim has not been presented within ninety days following the date when such repeal shall take effect; and no claim shall be allowed for a less amount than $10; and any special-tax stamp covering taxes repealed by this act may he redeemed for the portion of the special-tax year unexpired at the time of the repeal, when the amount claimed for such stamp shall not be less than $10; and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury not otherwise appropriated, and it shall be the duty of the Secretary of the Treasury to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect: *Provided also*, That all internal-revenue laws limiting, restricting, or regulating the manufacture, sale, or exportation of tobacco, snuff, cigars, cheroots, and cigarettes are hereby repealed on and after the 1st day of October, 1886, and that there shall be no drawback allowed upon any such articles which shall be entered for export on or after that date: *Provided*, That all laws now in force shall remain and have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when the repeal of the taxes specified in this act shall take effect."

The CHAIRMAN. The gentleman from North Carolina [Mr. COWLES] submitted a substitute for this amendment. The Chair is advised, however, that the gentleman prefers to move his proposition separately. The Chair will therefore put the question upon the amendment of the gentleman from Virginia, just read by the Clerk.

The question being taken, there were—ayes 49, noes 102.

Mr. GIBSON, of West Virginia. No quorum.

Tellers were ordered; and Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 52, noes 110.

The CHAIRMAN. In order to make a quorum the Chair votes in the negative, and the amendment is rejected. The next question is upon another amendment submitted by the gentleman from Virginia [Mr. DANIEL], which will be read.

The Clerk read as follows:

Add to section 8 the following:

"That on and after the 1st day of July, 1886, all laws and parts of laws heretofore passed by Congress, and now in existence, imposing an internal-revenue tax upon liquors distilled from apples, peaches, and other fruits, shall be repealed: *Provided*, That no person or persons shall be allowed to manufacture or distill spirits partly from fruits and partly from grain without the payment of the full tax required by law upon the making or manufacture of spirits distilled from grain; and any person violating the provisions of this section shall be fined not less than $100 nor more than $500, and imprisoned not less than one month nor more than one year, or both, at the discretion of the court."

The question being taken, there were—ayes 42, noes 110.

Mr. GIBSON, of West Virginia. No quorum.

Tellers were ordered; and Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 38, noes 125.

So the amendment was rejected.

The CHAIRMAN. The next question is upon an amendment submitted by the gentleman from North Carolina [Mr. COWLES], which will be read.

The Clerk read as follows:

Add to section 8 the following:

"That all laws and sections and clauses of laws, imposing a tax or taxes on brandy distilled from fruit, and all laws and sections and clauses of laws, providing for the collection of a tax or taxes on brandy distilled from fruit, and prohibiting, without compliance with certain statutory requisitions, the manufacture or distillation of brandy, be, and the same are hereby, repealed."

Mr. HATCH. I make the point of order that this amendment is substantially the same as that which has just been voted down by the committee.

Mr. GIBSON, of West Virginia. Let us hear reread the amendment that was just voted down.

The Clerk again read the amendment of Mr. DANIEL.

Mr. COWLES. Allow me but a minute in reply on the point of order.

The CHAIRMAN. The Chair desires to state that the amendment submitted by the gentleman from Virginia [Mr. DANIEL], which has just been voted down, provides that, on and after the 1st day of July, 1886, these laws should be repealed, while the pending amendment provides for repeal immediately on the passage of the law, which makes it a different proposition.

Mr. HATCH. I withdraw the point of order.

The question recurred on Mr. COWLES's amendment.

The committee divided; and there were—ayes 26, noes 121.

Mr. GIBSON, of West Virginia. No quorum.

Mr. COWLES and Mr. HATCH were appointed tellers.

The committee again divided; and the tellers reported—ayes 43, noes 120.

So the amendment was disagreed to.

Mr. DUNHAM. I move the following amendment.

The Clerk read as follows:

Strike out the word "ten," in line 3, and insert the word "three;" so it will read:

"There shall be assessed and collected a tax of 3 cents per pound."

Mr. HEPBURN. Was not that amendment voted upon on a previous day?

The CHAIRMAN. Amendments heretofore were amendments to the amendment, to strike out "ten" and insert "two," and the votes heretofore taken were on that amendment. There has been no amendment heretofore to strike out "ten" and insert any number except "two."

Mr. DUNHAM. More than that, "three" has not been mentioned before.

Mr. GIBSON, of West Virginia. I understand this amendment is debatable.

The CHAIRMAN. It is not.

Mr. GIBSON, of West Virginia. I understand the motion was to close debate only upon the pending amendments, and not upon all amendments to the section.

The CHAIRMAN. At Saturday's session the motion was made to close all debate on the eighth section and all pending amendments thereto.

Mr. GIBSON, of West Virginia. It referred, I think, only to pending amendments.

The CHAIRMAN. It referred to all amendments.

Mr. GIBSON, of West Virginia. I ask the language of the motion be read.

The CHAIRMAN. The Clerk will read from the RECORD.

The Clerk read as follows:

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of revenue bills; and pending that motion I move that all debate on the eighth section and all amendments thereto shall be limited to one minute, and upon that I demand the previous question.

The CHAIRMAN. That is the motion which was adopted by the House.

Mr. TOWNSHEND. I submit the following amendment to the amendment.

The Clerk read as follows:

Strike out "three" and insert "five."

Mr. HATCH. Has not that amendment already been voted on?

The CHAIRMAN. The amendment voted on was an amendment to the then pending amendment.

Mr. HATCH. It is substantially the same thing.

The CHAIRMAN. Not in a parliamentary sense, and the Chair was compelled to recognize the amendment to the amendment.

The question recurred on Mr. TOWNSHEND's amendment to the amendment.

The CHAIRMAN. The noes appear to have it.

Mr. TOWNSHEND demanded a division.

The committee divided; and there were—ayes 21, noes 92.

Mr. GIBSON, of West Virginia. No quorum.

Mr. TOWNSHEND and Mr. STAHLNECKER were appointed tellers.

The committee again divided; and the tellers reported—ayes 46, noes 118.

So the amendment to the amendment was disagreed to.

Mr. BROWNE, of Indiana. I move an amendment to come in at the end of the section.

The CHAIRMAN. It is not in order at this moment.

Mr. DUNHAM. I ask for the reading of the amendment, and then for the reading of the section as it will be if the amendment is adopted.

The Clerk read the amendment and section as it would be if amended.

Mr. GIBSON, of West Virginia. I offer an amendment to the amendment, to strike out "three" and insert "four."

A MEMBER. Let this go through and offer yours afterward.

Mr. GIBSON, of West Virginia. You can not do it then.

The CHAIRMAN. The noes have it.

Mr. GIBSON, of West Virginia. I demand a division on my amendment, to the amendment.

The committee divided; and there were—ayes 6, noes 106.

Mr. GIBSON, of West Virginia. No quorum.

Mr. GIBSON, of West Virginia, and Mr. PRICE were appointed tellers.

The committee again divided; and the tellers reported—ayes 31, noes 117.

The CHAIRMAN. Does the gentleman withdraw his point of no quorum?

Mr. GIBSON, of West Virginia. When I get ready to yield the point I will announce it to the Chair.

The CHAIRMAN. No quorum appearing, it becomes the duty of the Chair under the rules to have the roll called in order to report the names of the absentees to the House to be spread upon the Journal.

The Clerk called the roll; and the following members failed to answer to their names:

Adams, J. J.	Cutcheon,	Kleiner,	Rogers,
Aiken,	Daniel,	Laird,	Scott,
Anderson, C. M.	Davis,	Le Fevre,	Spriggs,
Arnot,	Dibble,	Markham,	Stewart, Charles
Belmont,	Dunn,	Matson,	St. Martin,
Bingham,	Eden,	McKinley,	Stone, W. J., of Mo.
Bragg,	Foran,	Mitchell,	Swinburne,
Brumm,	Ford,	Morrill,	Taylor, I. H.
Butterworth,	Gibson, C. H.	Muller,	Thomas, J. R.
Candler,	Glover,	Negley,	Trigg,
Clardy,	Grosvenor,	Nelson,	Van Eaton,
Clements,	Guenther,	Oates,	Viele,
Cobb,	Hayden,	Pirce,	Ward, T. B.
Cole,	Heard,	Reed, T. B.	Warner, A. J.
Cooper,	Hewitt,	Reid, J. W.	Winans.
Crain,	Hires,	Rice,	
Curtin,	James,	Robertson,	

The committee rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole, having had under consideration House bill No. 8328, found itself without a quorum; whereupon the Chair had caused the roll to be called, and now reported the names of sixty-six absentees to the House.

The SPEAKER. From this report it appears that there are sixty-six members absent, whose names will be entered upon the Journal. The roll-call discloses the fact that a quorum is present, and, under the rules of the House the Committee of the Whole will immediately resume its session.

The Committee of the Whole resumed its session.

The CHAIRMAN. The tellers will resume their places, and in order to prevent confusion the Chair will direct the vote to be taken anew.

Mr. BROWNE, of Indiana. Will not the tellers resume the count where they left off? Is it necessary that the vote should be taken anew? Is not this the same continuous action of the tellers?

The CHAIRMAN. Where a quorum fails to vote, and the roll is called, such a length of time having elapsed, the Chair thinks it proper that the vote should be taken *de novo*, as the tellers can not determine whether or not the gentlemen have voted thereafter.

Mr. BROWNE, of Indiana. But the gentlemen themselves can.

The CHAIRMAN. The Chair thinks in order to avoid confusion that a new vote should be taken.

The committee again divided; and the tellers reported—ayes 51, noes 120.

So the amendment was not agreed to.

Mr. HATCH. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Illinois [Mr. DUNHAM]. I understand his amendment is to strike out 10 cents and insert 3 cents. I move to amend the amendment by striking out "three" and inserting "eight;" so that it will read:

There shall be assessed and collected a tax of 8 cents per pound.

Mr. DUNHAM. I would like to say to the gentleman from Missouri——

The CHAIRMAN. It is not debatable.

Mr. DUNHAM. I do not propose to debate it, but simply to say that that is no improvement.

The question being taken on the amendment to the amendment, there were on a division—ayes 86, noes 17.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. The Chair will appoint tellers.

Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed tellers.

The committee again divided; and the tellers reported—ayes 124, noes 40.

So the amendment to the amendment was agreed to.

Mr. BROWNE, of Indiana. I desire to offer a further amendment.

The CHAIRMAN. No further amendment is in order to this amendment at this time.

Mr. GIBSON, of West Virginia. I submit it is in order to offer further amendments.

The CHAIRMAN. The committee has already amended this amendment by striking out "three" and inserting "eight."

Mr. GIBSON, of West Virginia. And the amendment now stands simply as if it had been originally offered "eight" instead of "three," and therefore other amendments are in order.

The CHAIRMAN. The committee has already accepted an amendment, and consequently the amendment is not subject to further amendment, because otherwise the committee could never reach a conclusion. The committee has reached a conclusion as to this amendment.

Mr. GIBSON, of West Virginia. But I submit that was simply a choice between three and eight. It does not settle any other question. [Cries of "Regular order!"]

The CHAIRMAN. The committee must now settle the other question as between eight and ten, and the question recurs upon the amendment of the gentleman from Illinois as amended.

Mr. LAWLER. Would it be in order to have read a letter at this time?

The CHAIRMAN. It would not; debate is not in order.

The question being taken on the amendment of Mr. DUNHAM as amended, the committee divided, and there were—ayes 120, noes 10.

Mr. GIBSON, of West Virginia. No quorum.

The CHAIRMAN. The Chair will appoint tellers.

Mr. GIBSON, of West Virginia, and Mr. HATCH were appointed tellers.

The committee again divided; and there were—ayes 130, noes 33.

So the amendment as amended was agreed to.

Mr. BROWNE, of Indiana. I move to amend by adding to the section what I send to the desk.

The Clerk read as follows:

Provided, That oleomargarine which is ascertained to be pure and healthful, and so certified in writing by the duly appointed health officer of a city or State where the same is offered for sale, and which is exposed for sale and sold to the consumer by its true name and without fraud, and without being disguised so as to resemble dairy butter, shall not be subject to the tax imposed by this section.

Mr. HATCH. I make the point of order on that amendment. It has been already offered to this section and voted down, or substantially the same was offered on Saturday, as will be seen by the RECORD.

Mr. MCRAE. I desire to offer an amendment to the amendment for my colleague [Mr. BRECKINRIDGE], who is necessarily absent for a few moments. It is his and not mine.

Mr. BROWNE, of Indiana. I wish to say that I will be glad if the gentleman from Missouri will point out the amendment to which he refers, or in what shape this proposition has been heretofore submitted to the committee and voted down, as I should like to be heard upon the point of order.

Mr. HATCH. The RECORD will show it.

The CHAIRMAN. The clerk is examining the RECORD.

Mr. BROWNE, of Indiana. I assume that no such proposition has been submitted or voted on by the committee.

Mr. HATCH. It is easy enough if I am mistaken to withdraw the point of order. I feel sure that substantially the same amendment has been acted upon by the committee.

Mr. BROWNE, of Indiana. This amendment, in order that the committee may understand it, and in order that the question of order may be properly determined, is this: It seeks and is intended to make the bill what its projectors say it is now, and that is, if oleomargarine be pure and healthful, if it has no tape-worm eggs in it, or fungi, or trichinæ, or dairy-maid's hair, or any other impurities; if it is ascertained to be by the proper health officer healthful and so certified in writing (which is a matter of local inspection) and undergoes such inspection, and is submitted to chemical analysis and to the microscopic tests, and after having undergone all of these investigations is found to be pure and healthful and is offered for sale and sold to the consumer——

Mr. HATCH. I must demand the regular order.

Mr. BROWNE, of Indiana. I am simply stating what my amendment is.

The CHAIRMAN (Mr. MCMILLIN). The Chair understood the gentleman from Indiana to be addressing himself to the point of order.

Mr. HATCH. On the contrary, he is explaining his amendment.

Mr. BROWNE, of Indiana. I am addressing myself to the point of order, and am endeavoring to show that this is not the same amendment as any that has been previously submitted to the committee.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BROWNE, of Indiana. In addition to the article being ascertained to be pure and healthful, it must be exposed in the market for sale under its own name of oleomargarine. It is expressly provided that the consumer shall be notified so that there shall be no fraud upon him. And then for the purpose of protecting the dairy interest which lies behind this bill, and needs its protection, it is further provided that it shall not be disguised so as to resemble dairy butter, either good dairy butter or bad dairy butter, yellow dairy butter or red, white or blue dairy butter, dairy butter made out of pure cream or out of buttermilk. It seems to me this provision is broad enough to protect the dairy interests and all other butter interests from Chinese cheap labor.

Mr. CURTIN addressed the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. CURTIN] desire to speak to the point of order?

Mr. CURTIN. Yes. If the representation of seventy-eight thousand laboring men of Pennsylvania has any bearing on the point of order I have it here.

The CHAIRMAN. Nothing except what pertains to the point of order would be in order at this time.

Mr. CURTIN. With very little knowledge of the rules of this House I do not think I am in order. [Laughter.]

The CHAIRMAN. Upon the hasty examination which the Chair has been able to make of the RECORD for several days past he finds the nearest approach to the amendment of the gentleman from Indiana is one offered by the gentleman from Texas [Mr. REAGAN], which the Clerk will read.

The Clerk read as follows:

Mr. REAGAN. Mr. Chairman. I desire to offer an amendment as a substitute for the amendment of the gentleman from Massachusetts [Mr. LONG].

The Clerk read as follows:

"Amend by adding the following proviso at the end of section 8:

"'*Provided*, That this act shall not be understood or construed to impose any of the taxes mentioned in it on oleomargarine, or any of the products or compounds mentioned in it, where the same is plainly marked with the name of the particular product, and sold or offered to be sold as such.'"

The CHAIRMAN. The Chair will now direct to be read the amendment offered by the gentleman from Indiana upon which his ruling is asked.

The Clerk read as follows:

Provided, That oleomargarine, which has been ascertained to be pure and healthful, and so certified by the duly appointed health officer of a city, or a State, and where the same is offered for sale, and it is exposed for sale and sold to the consumer by its true name, and without fraud, and without being disguised so as to resemble dairy butter, shall not be subject to the tax imposed by this section.

Mr. GIBSON, of West Virginia. The two amendments are quite distinct.

The CHAIRMAN. The Chair is ready to rule on the point of order. It will be observed the amendment of the gentleman from Texas provided that all oleomargarine substances marked as such should be exempted from the tax provision of the bill. Upon comparison it will be seen that not only is that required in the amendment of the gentleman from Indiana, but the certificate of the proper health officer showing its healthfulness is also required. The Chair is therefore of opinion that the amendment of the gentleman from Texas while similar in one respect to that of the gentleman from Indiana is not so in others. The Chair therefore overrules the point of order.

Mr. BAYNE. I desire to make another point of order against the amendment. It is this: that the bill is only for the purpose of raising revenue——

Mr. HAMMOND. That is a mistake.

Mr. BAYNE. And that the amendment of the gentleman from Indiana is one requiring a distinction to be made between wholesome and unwholesome food, and is therefore not germane to this bill.

The amendment distinguishes as to the wholesomeness or unwholesomeness of the food. It distinguishes the wholesome food which may be put on the market from the unwholesome food liable to tax. And, moreover, it is not proper to propose an amendment to the bill which takes away from it the property of levying an equal tax upon the subject-matter of taxation as this proposition of the gentleman from Indiana does.

Mr. HAMMOND. I desire to say on the point of order that the gentleman from Pennsylvania [Mr. BAYNE] is mistaken in both his propositions. This is not a bill to raise revenue, but is a bill to put down oleomargarine. He is mistaken also in supposing that the bill has nothing to do with the purity of the food. For in section 14 is this provision:

The Commissioner may also decide whether any substance made in imitation or semblance of butter or intended for human consumption contains ingredients deleterious to the public health.

Now, this is a mere change of one of the features of the bill, providing that in certain cases State officers may determine that the thing presented to the public is not injurious to public health, and that if so it may be subject to sale without this tax. Therefore, whether this be a bill to raise revenue or to put down oleomargarine, it is a bill also to protect people from putting bad food into their stomachs.

Mr. GIBSON, of West Virginia. I desire, in answer to the point raised by the gentleman from Pennsylvania——

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. GIBSON, of West Virginia. That being the case, I do not desire to be heard on it.

Mr. BROWNE, of Indiana. As it was I who offered the amendment, if the Chair is in any doubt about it I should like to be heard on the point of order.

The CHAIRMAN. The Chair is of opinion that, the bill being before the committee, whether its purpose is one thing or another it is competent for the House to restrict it wherein it sees proper to do so. The Chair, therefore, overrules the point of order. The question is on the amendment offered by the gentleman from Indiana.

Mr. GIBSON, of West Virginia. Let the amendment be read again.

Several members objected.

Mr. MCRAE. I ask that the amendment which I sent a few moments ago to the desk for my colleague be submitted.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. McRAE. Yes, sir.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 8 by adding at the end of the section the following:

"*Provided*, That where cotton-seed oil enters into the production of oleomargarine, and it shall be satisfactorily shown that the product is perfectly wholesome as an article of food, and when it is marked and sold as oleomargarine and not as butter, and the Secretary of the Treasury is satisfied that no fraud is contemplated or is possible upon buyers, then the tax herein imposed shall be remitted to the extent that cotton-seed oil enters into the composition of said product."

The CHAIRMAN. This seems to be framed as an amendment to the section, and will properly be in order after the amendment of the gentleman from Indiana [Mr. BROWNE] is voted upon. The gentleman from Arkansas will be recognized to present it at the proper time.

Mr. McRAE. Mr. Chairman, the amendment was drawn by my colleague, Mr. BRECKINRIDGE, who is absent, without seeing the pending amendment. He asked me to offer it for him, and I have done so; but with the understanding that the committee shall have an opportunity to vote upon it after the pending amendment is disposed of, I withdraw it for the present.

The CHAIRMAN. The Chair thinks that in its present form the amendment will properly come in after the amendment of the gentleman from Indiana [Mr. BROWNE] has been acted upon.

Mr. McRAE. I have no objection to that.

The House divided on the amendment offered by Mr. BROWNE, of Indiana; and there were—ayes 44, noes 92.

So the amendment was rejected.

The amendment of Mr. BRECKINRIDGE, of Arkansas (presented by Mr. McRAE), was read, as follows:

Amend section 8 by adding at the end of the section the following:

"*Provided*, That where cotton-seed oil enters into the production of oleomargarine, and it shall be satisfactorily shown that the product is perfectly wholesome as an article of food, and when it is marked and sold as oleomargarine and not as butter, and the Secretary of the Treasury is satisfied that no fraud is contemplated or is possible upon buyers, then the tax herein imposed shall be remitted to the extent that cotton-seed oil enters into the composition of said product.

The amendment was rejected.

Mr. McRAE. Mr. Chairman, I have another amendment to the same section, which I desire to offer for my colleague [Mr. BRECKINRIDGE].

The Clerk read the amendment, as follows:

Amend section 8, line 3, by striking out the word "eight" and inserting the words "half a cent;" so that it will read "a tax of half a cent per pound," &c.

Mr. HISCOCK. Mr. Chairman, I make the point of order on that amendment.

Mr. HATCH. Mr. Chairman, I make the point that the rate has been already fixed by a vote of the Committee of the Whole.

The CHAIRMAN. The Chair thinks the point is well taken.

Mr. GIBSON, of West Virginia. Mr. Chairman, I submit again—— [Calls of "Regular order!" "Regular order!"] I am addressing the House on the point of order. [Renewed calls of "Regular order!"]

Mr. HATCH. I think I can settle this. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 8328) defining butter, &c., and had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

The Speaker announced the appointment of Mr. BLOUNT, Mr. RIGGS, and Mr. BINGHAM as conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the Post-Office appropriation bill.

OLEOMARGARINE.

Mr. HATCH. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the further consideration of bills raising revenue; and, pending that motion, I ask unanimous consent that when the bill is reported from the Committee to the House a vote shall be taken in the House on the propositions which I am about to state in the order in which I shall state them. I do this for the purpose of advancing the business of the House. What I propose is that a yea-and-nay vote shall be taken, first, upon the proposition to fix the rate of tax at 3 cents; if that is voted down by the House, that a similar vote shall be taken upon the proposition to fix the rate at 5 cents; if that is voted down, that a like vote shall be taken upon the amendment submitted by the committee fixing the rate at 8 cents; and, if that is voted down, that the vote shall then be taken upon the bill as reported.

Mr. BRECKINRIDGE, of Arkansas. I object. If the gentleman will include my amendment and give me a vote on it I will agree, but if he insists upon cutting my amendment out, then, as a matter of course, I object.

Mr. GIBSON, of West Virginia. Mr. Chairman, it is certainly very desirable that we should, if possible, compromise our differences upon this bill and let legislation proceed. I have been in consultation with the gentleman from Missouri [Mr. HATCH] upon this subject. I have no desire whatever to retard legislation in this House. All I want is to have a fair vote upon this bill. I want to make this further suggestion to the gentleman from Missouri [Mr. HATCH]. I speak only for myself, for I am not authorized to speak for anybody else. If the gentleman from Missouri will agree to allow the vote to be taken as he suggested, with a further yea-and-nay vote on the amendment offered by the gentleman from Indiana [Mr. BROWNE], and a further yea-and-nay vote on the section in this bill dividing the fines between the Government and the informer, I say to him that I, for one, will stop fighting this bill and let it come to a vote.

Mr. DUNHAM. Mr. Speaker, as I understand the friends of this bill, their object has been mainly to provide means for identifying this oleomargarine, and I understand that they have stated privately that they do not care so much for the tax as they do to be certain that this article is sold for what it is. Now, if that be the fact, I can see no object in placing the Commissioner of Internal Revenue in charge of all the factories of this character throughout the country, placing inspectors over them, and compelling the manufacturers to pay a tax. The article being identified beyond question, I can not see any good reason why there should be any tax whatever upon it. For that reason, Mr. Speaker——

Mr. HATCH. I desire to say to the gentleman from Illinois [Mr. DUNHAM] that I am not responsible for what any friend or opponent of this bill may have said about it outside of this House, nor am I governed by any such statement. I am here in good faith supporting this bill. I have made this proposition in the utmost good faith to meet more than half-way gentlemen on the other side who have suggested that an arrangement might be reached. I have made my proposition, and it is to take a fair vote in the House to test the sense of the House upon the several propositions as to the rate of tax—3 cents, 5 cents, 8 cents, or 10 cents.

Mr. RANDALL. I suggest that these questions should be voted on in a different order from that suggested by the gentleman from Missouri; that the question should first be taken on 8 cents, then on 5 cents, then on 3 cents.

Mr. HATCH. I would be willing to have the vote so taken; but the gentleman from West Virginia [Mr. GIBSON] requested that it be taken the other way, and in deference to him I have so proposed.

Mr. RANDALL. Unanimous consent can do anything, of course; but the usual proceeding is to vote first on the higher figure. If the House should agree to 8 cents, that of course would settle the question by a single vote.

Mr. GIBSON, of West Virginia. But, Mr. Speaker, the object of this compromise is to save the necessity——

Mr. RANDALL. I do not wish to interfere with any compromise which may have been arranged; I only state what is the usual proceeding under the rule.

The SPEAKER. The request of the gentleman from Missouri [Mr. HATCH] has been objected to.

Mr. HATCH. I hope the Chair will state it again before making a final announcement.

The SPEAKER. The Chair will do so.

Mr. GIBSON, of West Virginia. Does the gentleman from Missouri accede to the proposition that there be a yea-and-nay vote taken on the amendment of the gentleman from Indiana [Mr. BROWNE]?

Mr. HATCH. I do not.

Mr. GIBSON, of West Virginia. And on the clause in regard to informers?

Mr. HATCH. I do not.

Mr. GIBSON, of West Virginia. Then we can not agree.

Mr. HISCOCK. I hope that some general understanding may be reached, so that we may have a vote on these questions and proceed with the business of the House. I think the gentleman from Missouri had better agree to a yea-and-nay vote on these two questions.

Mr. REAGAN. There are a great many other subjects waiting action by the House, and I trust that some agreement may be reached.

Mr. TAULBEE. I rise to a parliamentary inquiry. I wish to know what question is pending before the House?

The SPEAKER. There is no motion before the House except the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole——

Mr. TAULBEE. Then I call for the regular order.

The SPEAKER. But pending that, the gentleman from Missouri endeavored to effect some arrangement about the consideration of the bill, which was objected to. There is nothing of that sort before the House. The question is on the motion of the gentleman from Missouri.

Mr. HISCOCK. I hope there will be consent to a little informal talk on this subject in the way of negotiation to see whether we can not reach some basis of agreement.

Mr. HATCH. Mr. Speaker, gentlemen have asked me to consent to modify a section of this bill the consideration of which has not yet been reached in the Committee of the Whole. I can not speak for the committee; I have no right to anticipate what the committee will do with that section when it is reached. I will not submit any proposition to modify a section of this bill which has not been reached for consideration in the Committee of the Whole.

Mr. MORRISON. What does the gentleman say as to the proposition of the gentleman from Indiana which has been voted down?

Mr. HATCH. In two or three different shapes it has been voted down in the Committee of the Whole by a very large majority, and I think gentlemen ought to accept that decision.

Mr. HISCOCK. I hope the gentleman from Missouri will accede to the suggestion that the amendment of the gentleman from Indiana be included in his proposition.

Mr. HATCH. At the suggestion of the gentleman from New York [Mr. HISCOCK] I include in my request the three propositions I have named and a yea-and-nay vote upon the amendment offered by the gentleman from Indiana [Mr. BROWNE].

Mr. GIBSON, of West Virginia. Now I hope the gentleman will go further——

Mr. HATCH. No; I will not go further.

Mr. HISCOCK (to Mr. GIBSON, of West Virginia). That is as far as you should ask him to go.

The SPEAKER. Will the gentleman from Missouri state in what order he desires the questions taken upon the rate of tax?

Mr. HATCH. I desire that the question be first taken on the lowest rate.

The SPEAKER. If the House will be in order the Chair will state the request made by the gentleman from Missouri. The gentleman asks unanimous consent that there may be a yea-and-nay vote in the House, first upon the proposition to fix the tax at 3 cents per pound; secondly, to fix it at 5 cents; thirdly, at 8 cents; and also that there may be a yea-and-nay vote in the House upon the amendment heretofore proposed in Committee of the Whole by the gentleman from Indiana [Mr. BROWNE] to the eighth section. Is there objection?

Mr. GIBSON, of West Virginia. I hope there will be none.

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. HATCH. Put the question on my motion to go into committee.

Mr. BRECKINRIDGE, of Arkansas. I withdraw my objection temporarily. Why does the gentleman exclude my amendment; why not allow it to be pending?

Mr. HATCH. Simply because, as I have already explained, the gentleman's amendment of half a cent a pound is not in order, the rate having been fixed at 8 cents.

Mr. BRECKINRIDGE, of Arkansas. If that is not in order then 3 cents is not in order.

Mr. HATCH. It is only piling up one more vote in the RECORD.

A MEMBER. I would do it.

Mr. HATCH. I ask for a vote on going into committee.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

Mr. MCMILLIN. I offer the following amendment to the eighth section.

The Clerk read as follows:

Add to section 8:

"And the producer of tobacco shall have the right to sell the same, and dealers to buy from them, unmanufactured tobacco without the payment of privilege or other taxes, and all laws in conflict herewith are hereby repealed."

The amendment was disagreed to.

Mr. DUNHAM. I offer the following amendment, to come in at the close of the section.

The Clerk read as follows:

That the tax on spirits distilled from grapes and peaches shall hereafter be 25 cents a gallon.

Mr. DUNHAM. I demand a division.

The committee divided; and there were—ayes 15, noes 99.

Mr. DUNHAM. No quorum has voted.

Mr. DUNHAM and Mr. FREDERICK were appointed tellers.

The committee again divided; and the tellers reported—ayes 42, noes 121.

Mr. DUNHAM. I move the following amendment.

The Clerk read as follows:

That hereafter there shall be placed upon every receipt for any sum of money or the payment of any debt a special-tax stamp of the denomination of 2 cents.

Mr. SOWDEN. I make the point of order that this amendment is not germane to the bill.

The CHAIRMAN. This is a revenue tax, and the Chair will entertain it.

Mr. DUNHAM. I demand a division.

The committee divided; and there were—ayes 5, noes 117.

The amendment was disagreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, several messages in writing were received from the President of the United States, by Mr. PRUDEN, one of his secretaries, announcing that he had approved and signed bills of the following titles:

An act (H. R. 570) for the relief of E. P. Thompson;

An act (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich.;

An act (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States; and

An act (H. R. 8762) making appropriations to supply deficiencies in the appropriations for public printing, pensions, and pay of the Army for the fiscal year ending June 30, 1886.

OLEOMARGARINE.

The committee resumed its session, Mr. SPRINGER in the chair.

Mr. DUNHAM. I offer the following amendment.

The Clerk read as follows:

That hereafter there shall be affixed to each deed, instrument, or writing, whereby any lands, tenements, or otherwise conveyed to or vested in the purchaser or any other person or persons by his, her, or their direction, when the consideration or value does not exceed $500, a stamp of the denomination of 50 cents; when the consideration exceeds $500 and does not exceed $1,000, a stamp of the denomination of $1, and for every additional $500 or fractional part thereof in excess of $1,000 of consideration, an additional stamp of the denomination of 50 cents.

The committee divided; and there were—ayes 5, noes 122.

So the amendment was not agreed to.

Mr. DUNHAM. I offer the following amendment.

The Clerk read as follows:

That hereafter all United States officers shall pay a tax of 5 per cent. upon salaries exceeding $1,500 per annum.

The committee divided; and there were—ayes 5, noes 92.

So the amendment was disagreed to.

Mr. DUNHAM. I move the following amendment.

The Clerk read as follows:

That all railroad companies shall hereafter pay a tax of 10 per cent. on all dividends and undistributed profits.

The committee divided; and there were—ayes 11, noes 90.

Mr. DUNHAM. Let us have a quorum on that.

Mr. DUNHAM and Mr. PRICE were appointed tellers.

The committee again divided; and the tellers reported—ayes 21, noes 143.

So the amendment was disagreed to.

Mr. DUNHAM. I move to strike out the eighth section of the bill.

The committee divided; and there were—ayes 21, noes 117.

Mr. DUNHAM. Let us have a quorum on this.

Mr. DUNHAM and Mr. PRICE were appointed tellers.

The committee again divided; and the tellers reported—ayes 3, noes 117.

So the amendment was disagreed to.

The Clerk read the ninth section, as follows:

SEC. 9. That whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

No amendment was offered.

The Clerk read the tenth section of the bill, as follows:

SEC. 10. That all oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of 15 cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper custom-house officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than 10 pounds, as prescribed in this act for oleomargarine manufactured in the United States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this act prescribed for manufacturers of oleomargarine manufactured in the United States. Whenever it is necessary to take any oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct; and every officer of customs who permits any such oleomargarine to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be guilty of a misdemeanor, and shall be fined not less than $1,000 nor more than $5,000, and imprisoned not less than six months nor more than three years. Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this act, shall be fined not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than two years.

Mr. LAWLER. Mr. Chairman, I move to strike out the last word. I have a letter here, which I want to have read in the hearing of the House by the Clerk, in reference to the subject now under debate. One of the oldest residents of Illinois, in the stone business, in the course of his travels through the State of Illinois, while in Chicago, and hearing a great deal about this question, concluded to visit one of the packing-houses and see how this oleomargarine was manufactured. His letter is in reference to that subject, and I ask the Clerk to read it.

The Clerk read as follows:

ENGLEWOOD, ILL., *May* 28, 1886.

DEAR SIR: I am not in any way interested in any of the corporations; not one cent can it affect me except in what I will be compelled to pay for the oleomargarine in tax. I have gone for my own satisfaction and examined the *modus operandi* of the work—which any man can do who may wish—of the making of the oleomargarine.

It is made from the tallow, first grinding then heating sufficiently to make it into a liquid. It is run into coolers and then pressed, separating the stearine and all fibrous parts. The oil from the press is dropped into a cooler. When taken from the cooler it has the appearance of butter when taken from the churn, and is palatable and sweet and of a better color than the average of butter taken from the churn. It is then placed in a churn with pure milk and cream and churned, which gives a butter flavor. It is then salted and worked over, the same as is done in a dairy. It is then ready for use. There is nothing in it that can be unhealthy. It is a pure extract from the tallow, in substance about the same as the butter from the cow, and is as good as the average butter and far superior to the low grades of butter. It is nutritious, palatable, healthy, and cheap. It is the poor man's butter, and when you tax it you are only adding that burden to the poor man. You tax him and not the manufacturer.

The discovery of extracting the oleomargarine from the tallow of the bullock is a blessing, and makes it possible for the poor man to have butter on his table. Those who say oleomargarine is made up of refuse grease are talking for a purpose, as they know not what they say. The discovery has given a value to tallow of from one to two dollars per hundred on each fat bullock. The farmer gets that.

The dairy interests may fear they have a competition in the introduction of oleomargarine. Is it not an honest one? Are they going to force this tax on the poor man with the view of forcing out of use an honest competitor? What a hue and cry they would raise if one firm in the country had the exclusive right of making all the mowers and harvesters or plows! In 1834 or thereabouts the farmers and stage owners and agents met in convention in Albany with the view of stopping the building of railroads. The pretext was it was going to ruin the sale of horses and the use of coaches and drivers.

In 1845-'46 the discovery of the propeller wheel was being introduced. It was ridiculed then. It is now forcing our large steamers on the ocean. The flying-shuttle, the steam-power for weaving, and the planing-machine met vigorous opposition, yet the world moves on.

The twelve hours a day, the ten hours, and now the eight hours a day has its opposition. Genius and intelligence and progress will move on notwithstanding the selfishness of men. Science will prevail; selfishess must give way.

The farmers are among those who cry out against trades unions. They, like the trades union, are selfish in the extreme. The dairymen are only a small portion of producers of this country, and they, like the other trades, will have to concede that there are other people and other interests than theirs. We want but one trades union in this country. That union shall be for the best interests of the entire nation. We do not want, nor will we have, any more legislation for classes or corporations. This that has been done must be abolished. The land, railroad, banking, and other monopolies must be abolished, and that soon. If there is a necessity for raising more revenue raise it by a graduated income tax; put it on those who have their favored franchises, not on the poor man. Let up a bit on him. Look back over the history of the last thirty years. See if you can what has been done for him. A change will be demanded in a way it will not be misunderstood. We expected a change for the better; so far it has been for the worse.

It was the design of the founders of this Government it should be for the masses and not for the few. We have no objection to the strictest inspection and restriction to protect and govern the manufacturer of all food products, and tax the same to pay the expense of maintenance of the inspection and make the penalty for any infringement or violation with severe punishment. This will meet the approval of all good citizens.

Respectfully, yours, M. HALEY.

Hon. FRANK LAWLER.

Mr. LAWLER. I am sorry that owing to the confusion prevailing in the House this letter was not carefully listened to by every member on the floor. This is the opinion of a straightforward, honest business man. He has no interest whatever in the matter, and believes that it is a manufacture that ought to be controlled by the authorities in a proper way; but he takes the view which I am satisfied is taken by nine-tenths of the people, that it is an improper and poor way of levying taxation to select a food product for that purpose.

I withdraw the *pro forma* amendment.

Mr. CURTIN. Mr. Chairman, the other day during the course of some remarks made upon this bill I said I did believe that the workingmen of this country in their organizations are opposed to its passage. A telegram was read, in answer to which I rose to a personal explanation. I now hold in my hand a telegram received from a number of these organizations in Central and Western Pennsylvania, an association numbering altogether about seventy-eight thousand, against the passage of the bill; and I wish to say to this House that there are more coming from that class of people.

I oppose the bill on the principles of the bill itself. I am opposed to it because I am opposed to taxing any industry out of existence; and am willing, as I said before, to submit this article to the most rigid tests that can be demanded even down to the microscopic tests with instruments of the highest magnifying powers.

I oppose it because on the same principle you should introduce an inquiry into coffee and tea and other articles of food just as well as in reference to this article; and if this is a parental Government let us examine the food of our people generally, but until then let the freemen of the United States be the judges of what is wholesome for themselves and their families, and let not this House legislate on such a subject.

I ask to have this telegram and the resolutions read, and if there is not time in the two minutes allotted to me then I shall ask to have them printed. [Cries of "Read!" "Read!"]

The Clerk read as follows:

PITTSBURGH, PA., *May* 31, 1886.

Hon. ANDREW G. CURTIN,
House Representatives, Washington:

Below find resolutions passed by trades assembly and lodges composing the same. Official copies by mail:

PITTSBURGH, PA., *May* 29, 1886.

Whereas certain measures are now pending in Congress for the regulation of the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legitimate business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of this legislation will be to increase the price of a cheap and wholesome food product, and destroy the labor its manufacture employs; and

Whereas the only reason given for this legislation is that it comes into competition with butter:

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy.

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolution were adopted at a session of the Trades Assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

RICHARD ENNISS,
President of Trades Assembly of Western Pennsylvania.
T. J. DICUS,
Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations: Superior Lodge, No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metallic Workers' Assembly, Knights of Labor; American Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 21, Knights of Labor; Good Intent Lodge, No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 142, Builders, Carpenters, and Joiners' Union; International Cigar-makers' Union, Knights of Labor; German Journeymen Tailors' Union, Knights of Labor; International Furniture Makers' Union, No. 21, Knights of Labor; Bridge Workers' Assembly, No. 1632, Knights of Labor; Labor Assembly No. 5269, Knights of Labor; Calkers' Assembly, No. 862, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street-car Drivers' Assembly, No. 6003, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Banksville Miners' Association; Typographical Association, No. 1630, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge, Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly No. 80, Knights of Labor; Pressmen's Union, No. 13; Labor Assembly No. 791, Knights of Labor; Labor Assembly No. 1631, Knights of Labor; Labor Assembly No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 28, American Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union No. 14; Iron-molders' Assembly, No. 1030, Knights of Labor; Bottle-blowers' Union of North America; Horse-shoers' Union; Typographical Union No. 7, Job Printers' Association, No. 1392, Knights of Labor; Independent Lodge of Millvale, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Assembly, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works Lodge, No. 8, Amalgamated Association of Iron and Steel Workers; American Flint-glass Workers' Association, No. 6; Labor Assembly No. 1719, Knights of Labor; Labor Assembly No. 2300, Knights of Labor; International Cigar-makers' Union, No. 170; Iron-molders' Union of North America, No. 243; Labor Assembly No. 5478, Knights of Labor; Lodge No. 86, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly No. 2126, Knights of Labor—representing about seventy-eight thousand members.

[During the reading of the foregoing the hammer fell.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HISCOCK. I understand the gentleman from Pennsylvania is indifferent about the whole of this being read; I therefore call for the regular order.

Mr. CURTIN. It comes out of my time.

Mr. WILLIS. Let it be read.

Mr. CURTIN. I want the names of the signers to be read.

The CHAIRMAN. The gentleman can have them printed.

Mr. CURTIN. Very well; I ask to have it all printed.

The CHAIRMAN. It will be printed.

The telegram is printed above.]

Mr. GIBSON, of West Virginia. Mr. Chairman, I move to strike out the last word.

I have during the progress of this bill and its consideration in the committee persistently fought it at every step. I have done so not for the purpose of wasting the time of the House, not for the purpose of making myself conspicuous as a filibuster, but for the purpose of gaining a good end in a matter of important public legislation. I think we have arrived at that stage in the consideration of this bill when I feel I have accomplished all I expected to accomplish or could hope for. The chairman of this committee having the bill in charge has agreed with me that when it comes up in the House for consideration he will himself offer amendments such as I have desired to vote upon: first to strike out the tax of 10 cents a pound and insert 3; if the House refuses to do that, then to strike out 10 and insert 5; and if the House shall refuse to do that, to follow it up by another amendment to strike out 10 and insert 8. And it is further agreed with him that he will himself offer the amendment which was submitted by the gentleman from Indiana [Mr. BROWNE], so that the House can have an opportunity for a fair and square ay-and-no vote upon these items of the bill and upon the bill itself.

Mr. BLANCHARD. A yea-and-nay vote has been agreed upon.

Mr. GIBSON, of West Virginia. Yes, it has been agreed that an ay-and-no vote shall be taken in the House.

Now, while I can not vote for the bill even with the amendments I have suggested, still I do not feel at liberty uselessly to consume further

the time of the House when there is so much public business to be transacted. I can not vote for the bill for reasons which I have heretofore stated in my remarks. I regard it as vicious in every form and in every aspect. It violates every principle of republican government, and violates as well all of the fundamental principles of the Democratic party, in which I believe.

It will subject the people throughout the country to a system of espionage, to spies and informers. It will make all the housekeepers in this land afraid of their employés, their servants, or whoever may be around them. It will seriously embarrass and disturb the cattle interest of this country. It will lower the price of hogs as well as of cattle. And all for no good to the masses of the people. It will simply put it into the power of combinations of dairymen around the cities to increase the price of living, and will make it harder for the poor people, for the wage-workers, for the millions of consumers in this land to live.

For these reasons, whenever this bill comes up for a vote, I propose to vote against it. But as I have accomplished all that I could have hoped to accomplish, and as the chairman of the committee has shown a spirit of fairness, I announce for myself I will not filibuster further against the bill. [Applause].

Mr. HATCH. I desire to say to the committee that the statement made by the gentleman from West Virginia is authoritative and correct. I propose, when we get into the House, to offer for the consideration of the House, in the order named, the amendments stated in my request for unanimous consent a short time ago. The gentleman from West Virginia said I would offer them. I will offer them as stated, not, of course, that I will support them, and the gentleman does not expect that; but I will offer them in good faith in the House, giving the opportunity in the House for every gentleman to vote by a yea-and-nay vote on each of these propositions.

Mr. GIBSON, of West Virginia. That is my understanding.

Here the committee informally rose, and Mr. RICHARDSON took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. 2076) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes relating to the hours of labor; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. TILLMAN. Mr. Chairman, the gentleman who preceded me [Mr. CURTIN] has just had read an important dispatch, that contains information, I think, of such a character that the House should weigh it well. And I, too, sir, have a couple of dispatches that will contribute to our information. Only a few moments ago I received one from the oleomargarine manufacturers of New York and Brooklyn in these words.

A MEMBER. Manufacturers of what?

Mr. TILLMAN. Of oleomargarine, of course. The dispatch says:

NEW YORK, *June* 1, 1886.

Hon. G. D. TILLMAN,
Washington, D. C.:

Your consistent course in defending oleomargarine has our warmest approval. All we desire is a right to fair competition with honest State branding laws honestly enforced.

THE MANUFACTURERS OF NEW YORK AND BROOKLYN.

I also hold in my hand another dispatch from the Merchants' Exchange of the city of Charleston, addressed to the entire delegation from South Carolina, exhorting us to defeat this bill if possible. It reads:

CHARLESTON, S. C., *May* 27, 1886.

HONS. SAMUEL DIBBLE, GEORGE D. TILLMAN, D. WYATT AIKIN, W. H. PERRY, J. J. HEMPHILL, G. W. DARGAN, and ROBERT SMALLS, *House Representatives:*

The committee appointed by the Merchants' Exchange to investigate the important subject of the proposed dairy legislation in Congress would respectfully report that your committee have as carefully as they were able examined this question in all its bearings, and recommend the following action by the exchange:

Whereas efforts are now being made to secure enactment by Congress, under bills pending, providing for imposing a special tax of 10 cents per pound upon the manufacture of oleomargarine and butterine, with additional restrictions in the form of heavy license assessments against dealers in these articles and the placing of their production and sale under charge of the Internal Revenue Department; and

Whereas it has been well and clearly shown that these products are proper ones for food purposes, and their manufacture has proven to be a great public convenience, as well as furnishing an important acquisition to the volume of commercial operations, thus promotive of the business interest of a large number of merchants throughout the country, as well as conferring incalculable benefits upon consumers: Therefore,

Be it resolved by the Merchants' Exchange of Charleston, S. C., That it would be against sound public policy to carry out the proposed legislation calculated to operate against the oleomargarine and butterine industries, and that, as these articles are manifestly proper ones to be manufactured and sold for food purposes, any special tax would be an unjustifiable discrimination against legitimate domestic industry, and should not be imposed.

Resolved, That all imitation butter products should be sold on their merits, and that measures providing against their being offered for sale as ordinary butter should be enacted and enforced by State or local authority.

Respectfully submitted.

GEO. W. BELL, *Secretary.*

Mr. Chairman, it is but a pretense that this bill is to protect the public health. When the gentleman from Georgia [Mr. HAMMOND] offered an amendment requiring hotel, restaurant, and boarding-house keepers to placard their dining-rooms conspicuously with the words "Oleomargarine is used by this house," it was readily adopted, but when he proposed another amendment, attaching a penalty for failure to so notify customers, it was easily voted down, showing that the majority are insincere and care nothing for the health of those who eat oleomargarine, because, as the bill in its present shape is merely declaratory, no public housekeeper can be punished for feeding his boarders on oleomargarine.

Mr. Chairman, this bill is a discrimination against towns people and against laboring people. Nearly everybody in the country has a cow and can make natural butter for his own use and that of his family. But where can townsmen and laborers in cities, mines, factories, &c., get their butter except at a rate at which they can only taste it occasionally unless they can purchase oleomargarine or butterine at a reasonable price? This bill likewise discriminates in favor of the dairymen against other agriculturists.

Enact this bill, and it will lower the price of beef-cattle nearly $3 per head by diminishing the market value of the oleine in the tallow, and in proportion, for the same reason, it will reduce the value of hogs and sheep. Tallow, lard, and suet were all formerly largely used for illuminating or lubricating purposes, both of which are now done either by gas, petroleum, or cotton-seed oil. As these animal fats have been superseded for those purposes, what valuable use can be made of them if they can not be worked into oleomargarine, especially as the quality of cotton-seed oil is so superior and its quantity so abundant that it has well-nigh displaced not only olive oil for the table but lard for the kitchen. Peanut oil which for food is even better than cotton-seed oil is likewise becoming very plentiful and cheap in competition with lard.

I say to my North Carolinia friends who are advocating this bill, pass it and the price of peanuts will fall perhaps 50 per cent. [Laughter.] I say to my friend from Mississippi [Mr. MORGAN], and the representatives from other Cotton States, pass this bill and the price of cotton-seed, now worth on the average perhaps 20 cents a bushel, will go down to 10 cents a bushel, their value for manure. Why? Mostly because the oleine of these two articles, together with oleine of animal fats, enter so largely into the manufacture of oleomargarine, which I insist is better than natural butter, as my colleague [Mr. AIKEN], if he were here, could testify, for he has studied this question thoroughly, having carefully examined the factories and spent hours and days investigating the process of making oleomargarine.

Mr. MORGAN. Will my friend permit me to state——

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard the formal amendment offered by the gentleman from West Virginia as withdrawn.

Mr. BLOUNT. I renew the amendment; and I yield my time to the gentleman from South Carolina.

Mr. TILLMAN. I thank the gentleman from Georgia [Mr. BLOUNT], and I should like if I could get my time extended once or twice more. [Laughter.]

Mr. MORGAN. Mr. Chairman, I speak now for the opportunity of extending the gentleman's time.

Mr. TILLMAN. Mr. Chairman, oleomargarine, when it is honestly made out of good materials, is not only as good as butter but it is better. [Laughter.] Gentlemen, you laugh again because you have not studied the science and art of its manufacture. Oleomargarine is simply made of the oleine or principal liquid ingredient of certain animal and vegetable fixed oils or fats. The gentleman from Missouri [Mr. HATCH] charged that oleomargarine is made out of tallow, lard, and suet bodily, while it is made merely out of those articles in part, as only the oleine which is about four-tenths of those fats is used in making oleomargarine, and oleine is oleine, whether derived from butter, from animal fat, or from vegetable matter. The crude materials are put through a hashing, washing, freezing, heating, and pressing process to get rid of the tallow and stearine and other solids and gums that are objectionable and fit only to make candles, soap-grease, &c.

The substance which gives oleomargarine the consistence, color, and taste of butter comes from the sweet milk in which the mixed oleine is churned, and it is merely the caseine, curd, or cheesy element, and the margarine of the milk blended with the oleine by churning at a high temperature, and then freezing, to prevent crystallization. Take 500 pounds of oleine properly extracted from oils and fats with 100 pounds of sweet milk and 20 pounds of salt and churn them together and you get 620 pounds of better butter than you can make in the best Alderney dairy in America. [Laughter.] Why? Because, first, it will keep ten times as long as natural butter for the reason that it has an excessive supply of oleine, while it is deficient, so to speak, in cer-

tain acids that speedily smell badly in natural butter and cause it to become rancid and putrid. Another advantage that oleomargarine has, one by which it can be easily distinguished in warm weather, is that it never gets soft and sloppy as natural butter does. Oleomargarine will not get in that condition until the thermometer approaches 140° Fahrenheit.

That is a simple rule by which to test the matter; and gentlemen need not shudder in horror about this thing. It is not the first instance where art has surpassed nature. If I were now put on the stand in a court of justice I would swear to the best of my knowledge and belief that two-thirds of all the butter that the members of this House have eaten in this city, or in Baltimore, Philadelphia, New York, Boston, or in other cities, for the last three or four years, but especially in this city, has been oleomargarine. [Great laughter.] And yet, gentlemen, you are still alive. It is only a wrong association of ideas and facts which makes your gorge rise. The friends of this bill have been challenged to name a single instance of any one dying, or even being made sick, from the use of oleomargarine, yet they have not even named one instance. Still they propose to legislate against the poor laborers in the cities, in the factories, in the mines, and in the workshops, and to deprive them of this cheap and wholesome article of food which I may well define as the poor man's meat as well as butter. By the use of this article he can use cold baker's bread and avoid the expense of a cook and fuel for perhaps half of the year. Pass this bill, and those of you from the cities who vote for it will hear from your constituents or I am most sadly mistaken; and some of the representatives of rural districts will also hear it thunder in my opinion.

[Here the hammer fell.]

Mr. MORGAN. Mr. Chairman, I move to strike out the last word. Oleomargarine has struck such a solid friend in my distinguished friend from South Carolina that I want to give him more time. [Laughter.]

Mr. TILLMAN. I not only thank the gentleman, but I am grateful to the House for unanimously according me a third hearing. This, however, is a subject about which so many gentlemen on this floor differ from me, and about which there are such strong and radical antagonisms of opinion (I say it without intending to offend anybody) simply because gentlemen have not inquired into the subject, that I can not hope to do it justice even in five minutes more, but I will attempt to present one or two additional points which I think ought to have some weight.

The derivation of the word "margarine" throws some light on the manufacture of artificial butter. It comes from the Greek and means "pearl," because it crystallizes in pearly scales and is the substance which imparts the color as well as the firm consistence of natural butter. Mégé, who invented oleomargarine, while pursuing his efforts to manufacture a palatable substitute for butter was led to believe that the only difference between butter and beef fat was that the latter contained an excess of stearine which is the chief constituent of butter. By extracting the oleine of tallow and other fats and churning it in milk he proved his theory to be correct. So that the component elements of natural and artificial butter are the same, except that they are mixed in better proportion in the artificial than in the natural product.

Mr. Chairman, that some of the materials used in the manufacture of oleomargarine are not as fresh and pure as they ought to be no one will deny, and that the processes of separating or blending those materials are not always as well performed as they ought to be nobody can gainsay, but the same is true of natural butter. The milk from which it is made is frequently very poor, filthy, or diseased, and we know that millions of gallons of water and thousands of tons of mutton suet have been employed to adulterate butter.

The shocking stories we hear about the fat of dead horses, cattle, and other animals being converted into oleomargarine are mere inventions of the imagination. The manufacturer of oleomargarine has a reputation or good-will to preserve as well as the dairyman, and the maker of the former article must keep on his good behavior and exercise his best skill to perfect his product to command the highest price for it. So that there is quite as much necessity to protect the public against adulterated butter as against adulterated oleomargarine.

Mr. Chairman, the principal objection to oleomargarine is that it makes natural butter cheap, and that therefore it should be taxed out of existence. Sir, everything is cheap now except gold. Beef is down in price, as well as milch cows; so is pork, mutton, cotton, corn, wheat, and even uncoined silver. As I said the other day, the discovery of a German chemist a few years ago, that glucose sugar and sirup could be extracted from Indian corn, by the simple process of boiling it in diluted sulphuric acid has made sugar cheaper than it has been in the history of the world. Everybody knows that glucose sugar and glucose sirup contain only about 40 per cent. as much saccharine matter as an equal quantity of cane sugar and sirup, yet it gives satisfaction. Everybody is pleased with it, except that maple-sugar producers and cane-sugar producers try to make us believe that some of the sulphuric acid is left in it and causes disease, just as these dairymen are trying to make out that oleomargarine is causing sickness and diminishing population. I say that with these exceptions everybody is pleased to have sugar so cheap, and nobody proposes to tax glucose; still it would be just as wise and just as fair to tax glucose, and thus to discriminate to that extent against the producer of Indian corn in the West, as it is to tax oleomargarine.

After many years' trial oleomargarine has approved itself a cheap and excellent food. There is hardly a doubt that twice as much of it is consumed in the cities as of natural butter, and there is a much greater quantity of it exported from this country than there is of butter.

Impose a tax of 10 or even 8 cents a pound on oleomargarine and there shall soon be but little or no oleomargarine to tax, either by reason of a mighty industry having been stricken down by the strong arm of the law at the bidding of a rival interest, or by every public dairy having a creamery and an oleomargarine factory working in concert, and the whole product will go out for sale as butter, but it will be half one, half the other, and all of neither. I predict that although this bill if it become a law may decree the destruction of the manufacture of oleomargarine by a prohibitory tax, yet the decree can never be carried into effect, nor will the city people do without oleomargarine, because they can not and will not. So we may expect fearful times in the near future if the Internal Revenue Bureau shall attempt to enforce such a law.

I have not time to do more than merely glance at the revenue feature of the bill. Eight cents a pound tax if it can be collected will bring into the Treasury $16,000,000 according to the lowest estimate. What use have we for the money? There is already a large surplus in the Treasury, and to increase the surplus is to stimulate further extravagance and corruption than now prevail.

But the most odious provision of the bill is the extension of the infamous excise system, which offers a premium for spies, informers, and petty tyrants to worry, rob, and oppress the people. [Great applause.]

[Here the hammer fell.]

Mr. PARKER. Mr. Chairman, I rise for the purpose of protesting against the use which is made here of the names of organizations of Knights of Labor and other associations of laboring men with the view of influencing the vote upon this bill. I affirm that such use is without proper justification. Why, sir, we have had presented here petitions claiming to represent the sentiments of seventy thousand laboring men. By whom are these petitions signed? They are signed, as I understand, by the heads of the orders, the officers; they are signed by a few men who can be easily reached, easily worked upon, easily induced to act in this matter; and petitions gotten up in this way are brought here and heralded over the country as an expression of the views of seventy thousand workingmen.

A MEMBER. Who gets them up?

Mr. PARKER. We can readily understand how they are gotten up. They are gotten up by such men as those who have been sent here, if we are correctly informed, within forty-eight hours, to put in their work where it will do most good.

Mr. Chairman, we have no evidence that any reasonable number of workingmen anywhere have personally signed these petitions; these men are not directly consulted in any manner, but certain leading men undertake to speak for them.

Sir, we had before a special committee of this House a petition purporting to represent the views of seventy thousand Knights of Labor in favor of the Bland dollar, of making it the currency of the country. But, sir, it is now a matter of public notoriety, for it has been reported in the public press, that the general secretary of the order, Mr. Turner, being examined upon the subject, testified that the order as an order was not exerting a political influence upon the question; that if any assembly had acted on the subject, it acted merely for itself. On tracing the matter further, it was evident that upon these petitions appeared merely the names of different local organizations, those names having been put upon the papers by officers or small numbers of men who are assumed to represent the great mass of the laboring men.

And, sir, only a day or two ago Mr. Powderly, seeing the use attempted to be made of the organization of which he is the honorable head, acting upon his own judgment, as I believe, without being called upon by any one, repudiated in a manly way this improper use of the name of the order.

We see in the public press another illustration of the manner in which these things are gotten up. In the Evening Star of this city recently appeared a telegram from Cleveland, Ohio, dated May 28, stating that—

Messrs. Edwin C. Dodge and George M. Sterne, of Chicago, are in the city trying to induce the Knights of Labor to take some favorable action on the oleomargarine and butterine bill now pending in Congress.

Sir, these men are known to be the agents of Armour & Co., representing undoubtedly the imitation-butter manufacturers of the country, those men who, according to a careful computation, are now making from $24,000,000 to $34,000,000 annually off of the consumers of the country; and while carrying this amount of money to their safety vaults they turn round and pretend to be groaning and weeping for the poor laboring men. While appropriating to themselves from $24,000,000 to $34,000,000 a year, they stand before the country claiming that they are concerned for the welfare of the poor laboring men whose name they belie and whose intelligence, by putting these petitions upon them, they would disgrace.

It has been said here that our action upon this legislation may affect

the membership of the next House, and may involve the success or failure of some gentlemen in their aspirations for re-election, and the last speaker [Mr. TILLMAN] has repeated the suggestion. Sir, I submit that such motives should not influence members in their action here; but I will say that there are men here to-day opposing this bill who within ninety days will be making a diligent "tin-peddler" canvass through their districts, going from house to house, seeking to appease the anger of the blessed old women of their districts (incensed by this unreasonable opposition to honest dairy products), and begging to be allowed to come back here and attempt to regain a popularity which at home they have properly lost. [Applause.]

[Here the hammer fell.]

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I rise simply for the purpose of having read an act passed by the Legislature of the State of Pennsylvania on the 21st of May, 1885. I desire this act read, because, my State having protected itself by passing a law on this subject, I design voting against this bill.

The Clerk read as follows:

An act for the protection of the public health, and to prevent adulteration of dairy products and fraud in the sale thereof.

SEC. 1. *Be it enacted, &c.*, That no person, firm, or corporate body shall manufacture out of any oleaginous substance, or any compound of the same, other than that produced from unadulterated milk or of cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream from the same, or of any imitation or adulterated butter or cheese, nor shall sell or offer for sale, or have in his, her, or their possession with intent to sell the same as an article of food.

SEC. 2. Every sale of such article or substance which is prohibited by the first section of this act, made after this act shall take effect, is hereby declared to be unlawful and void, and no action shall be maintained in any of the courts of this State to recover upon any contract for the sale of any such article or substance.

SEC. 3. Every person, company, firm, or corporate body, who shall manufacture, sell, or offer or expose for sale, or have in his, her, or their possession, with intent to sell, any substance, the manufacture and sale of which is prohibited by the first section of this act shall for every such offense forfeit and pay the sum of $100, which shall be recoverable with costs by any person suing in the name of the Commonwealth as debts of like amount are by law recoverable, one-half of which sum when so recovered shall be paid to the proper county treasurer for the use of the county in which suit is brought, and the other half to the person or persons at whose instance such a suit shall or may be commenced and prosecuted to recovery.

SEC. 4. Every person who violates the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than three hundred, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both such fine and imprisonment for the first offense, and by imprisonment for one year for every subsequent offense.

SEC. 5. It shall be the duty of the constables of the several cities, boroughs, wards, and townships of this Commonwealth to make quarterly reports under oath to the courts of quarter sessions, of all violations of any of the provisions of this act which may come or be brought to their notice, and it shall be the duty of the judges of the said courts to see that the said returns are made regularly and faithfully.

SEC. 6. This act shall take effect on the 1st day of July, 1885.

SEC. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved May 21, 1885.

Mr. O'NEILL, of Pennsylvania. I wish to state, Mr. Chairman, that that act has been carried out to the letter in several of the counties adjoining the city of Philadelphia, and that farther west there have been suits and prosecutions against those engaged in the sale of this article or in its manufacture. In other words, the law which was read by the Clerk has thus far been strictly carried out.

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard all formal amendments as having been withdrawn.

Mr. ALLEN, of Mississippi. Mr. Chairman, I had hoped it would not be necessary for me to speak again on this bill, but I can not permit the assertion of the distinguished gentleman from South Carolina [Mr. TILLMAN], that oleomargarine is better and more wholesome food than the best butter produced in any Jersey or Alderny dairy in the country, to pass without dissenting therefrom and expressing some opinion as to his taste. [Laughter.] He insists that this is one of the many instances in which art has triumphed over nature. I grant there are some instances in which art seems to have decidedly the advantage as shown by a look into the window of Bell's gallery, where the photographs of the gentleman and myself are exhibited. [Renewed laughter.]

Mr. TILLMAN. Yours is there, but not mine.

Mr. ALLEN, of Mississippi. But, Mr. Chairman, I deny that this is true of any likeness or imitation of good butter. I know, sir, that what is good is often a matter of taste; that taste sometimes depends on how a person is raised. For my part, I think it must be a vitiated taste that would prefer oleomargarine to genuine, good butter. People, you know, can eat almost anything, and they often persuade themselves that what is cheap is wholesome. I remember, sir, an incident that occurred in my town about two years ago that illustrates this. A colored friend of mine, Dave Creighton, walked into a store in my town, and after passing the usual compliments with the merchant asked him, "How is politics now?" The merchant replied that politics were quiet, when Dave said: "I hear de Demicrats is nominated Mr. John Allen for Congress dis time." "Yes," said the merchant. "Well," said Dave, "dey is sho' got a good man dis time, and it won't take no ballot-box stuffing to elect him needer." "The cullored men will vote for him." Just then Dave, being hungry, noticed some small boxes of axle-greese put up in boxes round like cheese, and he said, "Boss, how you sells dem little cheeses." The merchant priced them at 10 cents. "Throw in the crackers," said the darkey. The merchant said yes, and a bargain was struck, and the darkey went out in front of the store and sat down on a goods box, took out his knife and his crackers, opened his box, and fixed for a good time. He did not seem to like the looks of his cheese at first, but he had paid for it and he had it to eat, and with his knife he put it on his crackers and ate till it was all gone, and then scraped the box out with his knife, wiped it on his cracker, and put it in his mouth. When the merchant, who had watched the proceeding, asked him how he liked his cheese, Dave said, "Well, sir, the crackers was mighty good and de cheese was cheap enough, and I speck it is mighty wholesome, but fo' God, boss, dat was de ransomest cheese I ever is eat yet." [Prolonged laughter and applause.]

Now, Mr. Chairman, I have no doubt but that if a proposition were pending here to prevent the sale of axle-grease for cheese the gentleman from South Carolina would deliver us a scientific lecture, and try to persuade us it was much better and more wholesome than cheese, and that it would be a great outrage on the laboring man to suppress the fraud. [Applause.]

Mr. BUTTERWORTH. I move to strike out the last two words. I was unable to be here, Mr. Chairman, during Saturday's session. I was informed that the Indian bill would be considered on that day. The 30th of May is memorial day, and I was called to Ohio on that day to bear testimony on the occasion of the decoration of our soldiers' graves. On that day it was my good fortune to meet a great many farmers, a great many mechanics, a great many merchants who have to deal with oleomargarine in one way or another. I found the action of the House on the bill now under consideration was being carefully noted. I was at some pains to ascertain as far as I could the views entertained on the provisions of the bill. I shall refer to my interviews in a moment.

I learn that on Saturday the friends of this bill who favor the high rate of tax fixed in section 8, after four days' earnest discussion, discovered, instead of a high tax suggesting the extermination of the manufacture of oleomargarine, that under the provisions of this bill that industry is not liable to be taxed at all. I understand that is the construction which is now given it by my honorable friend from New York. I wish to say to the House that nobody discovered until after four days' discussion that under the provisions of this bill it was possible for oleomargarine to escape taxation. I certainly did not hear such intimation. The point of the excessive rate was distinctly discussed pro and con, and the idea that the article would not be taxed at all under the peculiar phraseology of section 2 was not mentioned.

Mr. STRUBLE. You are mistaken.

Mr. BUTTERWORTH. Possibly I am mistaken as to the point having been made, but I am sure I did not hear any such line of argument touching the operation of section 2 as was urged on Saturday. I am inclined to the opinion that it was only when after discussion gentlemen discovered it was not safe and defensible to inaugurate a new system of protection in this country—a system which destroys domestic as well as foreign competition by crushing one of the competitors by burdensome taxation, and when the unsafe ground upon which gentlemen stood became manifest and the dangerous innovation upon the well-considered and long-established system of protection which has obtained in this country became apparent, this new and revised construction was given to the bill.

I wish to say to the House, not that some gentlemen may not have entertained and expressed the view of the bill now insisted upon, but that I did not hear anything in all the discussion that indicated to my mind that any gentleman who favored the high tax either thought or desired that a single pound of oleomargarine, however and wherever manufactured, could or should escape a tax of 10 cents a pound. Certainly the debate proceeded on that understanding; and on reading the bill again I am unable to see anything in the language that would permit a pound to escape payment of the tax, and that without reference to the merit or demerit of the article. And it is the fact that the tax as fixed by the eighth section wages a war of extermination against the industry that compels me to protest. I favor a tax to regulate, not a tax to exterminate, regardless of the merits of the article manufactured.

As intimated a moment since, I had occasion within the last three days to talk with a great many farmers and others on this subject. I addressed a large assemblage of people on Sunday. Both before and after the meeting I talked with a great many of them about this matter——

A MEMBER. On Sunday!

Mr. BUTTERWORTH. Yes, on Sunday. I talked with a number of gentlemen, farmers and others, and not one of them, not one, pretended that the farmers' interests demanded anything at the hands of Congress except that these two industries should be separated and that butter should have a fair field unvexed by fraudulent competition. Nothing more was demanded and nothing less ought to be granted.

And, more than that, I will say to gentlemen and to the country, for the people understand perfectly the object and purport of this bill, that at 10 cents a pound, if this industry could continue to flourish as it does now when untaxed, it would yield to the Government eighteen or twenty millions of dollars annually, and the people—that is, the consumers of

the country—will not agree that four or five millions of people who are the consumers and who purchase all they eat shall be compelled to pay that eighteen or twenty millions of dollars for the privilege of eating any particular article of domestic manufacture simply to protect a competing industry, both being domestic industries. They will not consent that this Congress shall increase the cost of an article of food that is used on every man's table 50 per cent. merely to aid a kindred and competing domestic enterprise.

In protecting against foreign competition there is manifest and palpable compensation to the producers and consumers of the country, but the protection which this bill proposes to this home industry by imposing a high tax on oleomargarine is nothing more nor less than compelling one class of our citizens who are consumers to pay so many dollars directly over into the pockets of another class who are producers, and that without any shade or trace of compensation as in the case of import duty on articles of foreign production.

Now, it has been said, Mr. Chairman, that my position in regard to this bill has not been understood. To gentlemen who say they can not understand my position on this bill, I wish to remark, in the language of the Roman maxim, "against stupidity the gods themselves are powerless." I have stated it fully heretofore and restate it now, that these industries should be torn apart and each compelled to stand before the country upon its own intrinsic merits; and I think it has been made plain. Certainly the honorable gentleman in charge of the bill admits that a merely nominal tax is enough for that—that is, to pay the cost of enforcing the law—the result of which would be the complete separation of the industries.

But if it can not be otherwise done, if we are still to eat we know not what, and it was impossible otherwise to accomplish the result, I would levy the tax as high as might be found necessary and would go as far as any one in that direction. My point is—and I restate it again and again so I may not be misrepresented nor misunderstood—to let every man who manufactures oleomargarine for sale and sells it put it upon the market, to be accepted or rejected on its own intrinsic merits and upon that exclusively, and to that end and for that purpose this bill has my support, but beyond that I will not go; for I am well assured that on no other theory or basis can we defend the interference with this domestic industry through the taxing power. No other incidental protection to the dairy industry can be successfully defended before the country.

The amendments proposed and promptly voted down by the champions of the high tax would seem to settle the question as to whether the tax is to destroy. Clearly that is the intention; it would be the inevitable result. And, sir, that proposition as embodied in the bill is without a precedent in the history of legislation in this country. I defy my friend from New York or any other gentleman here upon this floor to cite a precedent which can be produced for driving one domestic industry entirely from the field of competition, out of existence altogether, by overtaxation in order to bolster up and make more prosperous another competing domestic industry. You might just as well and on the same principle crush the manufacture of Bessemer steel because it competes with wrought iron.

Mr. LONG. Do you agree with the gentleman from Michigan in his interpretation of the legal effect of the bill?

Mr. BUTTERWORTH. I do not know what it is.

Mr. LONG. You have just stated it.

Mr. BUTTERWORTH. No; I do not. Clearly this bill taxes all oleomargarine, and, as I have stated, it was so understood for the first few days of the debate. I met no man in the marts of the country that believed otherwise, and so far as I observed every speaker who addressed the House upon it for the first few days took that ground.

That was the whole tenor of the discussion, and was the accepted interpretation so far as my information goes. Gentlemen may have held different views, but I did not hear them expressed; and for myself I will vote for no measure which puts these industries of the country in any other position than each fairly and squarely upon its own basis, each one for itself. I shall never vote for a measure that compels my constituents to pay 10 cents per pound for a substitute for butter, if they want to buy it knowing what it is, as a mere bounty to those who produce butter.

It is a principle that I can never sustain by any vote of mine. It is anti-American, it is undemocratic and unrepublican, and can not be justified on any principle whatever consistent with what is known and recognized as the protective or tariff system of the country. I need hardly say to my Republican friends that our protective system must be maintained, if at all, as a system. And that system requires all our domestic industries to stand together, each finding its strength and prosperity in the unity, strength, and prosperity of all. It in no wise deals with the competition which springs up between domestic industries, except possibly for the avowed purpose of this bill, which looks merely to the prevention and punishment of fraudulent competition, which is accomplished as an incident to raising revenue. Those who cry out that the farmer is in no wise protected under our system have not studied the question. Our system is his source of prosperity.

[Here the hammer fell.]

Mr. FARQUHAR rose.

Mr. HATCH. Mr. Chairman, I move that the tenth section of the bill, which has been read and no amendment offered, be allowed to stand.

The CHAIRMAN. That will not require a motion, and if there be no amendment to the section then the Clerk will read the next section. The tenth section as read will stand, unless stricken out by a vote of the committee.

Mr. FARQUHAR. I desire, Mr. Chairman, to renew the motion of the gentleman from Ohio, and rose for that purpose, understanding that the Chair had promised to recognize me.

Mr. HATCH. I move that the committee do now rise.

The CHAIRMAN. The gentleman from New York is making a request, as the Chair understands.

Mr. FARQUHAR. I simply wish to renew the motion of the gentleman from Ohio. If I can have only one or two minutes' explanation in regard to the remarks of the gentleman from New York——

The CHAIRMAN. The Chair will submit the request of the gentleman from New York to the committee as soon as order is restored upon the floor.

Mr. FARQUHAR. My request was simply to be permitted to make a few remarks by consent of the committee in reply to the gentleman from New York, who I think has not taken the right view in respect to the papers presented and read by the gentleman from Pennsylvania [Mr. CURTIN]. I wish to explain the means of bringing such papers before this body.

Mr. HATCH. If I can get unanimous consent of the committee that all debate upon this section may be closed in five minutes, I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri, that the debate on this section shall be closed in five minutes, that time to be yielded to the gentleman from New York?

There was no objection, and it was so ordered.

Mr. FARQUHAR. Mr. Chairman, I am very sorry that my colleague from the State of New York should try to break the force of this petition or memorial presented in the shape of resolutions by the workingmen of Pittsburgh through the gentleman from Pennsylvania [Mr. CURTIN]. They are presented in the proper form by organized assemblies, especially by the trades assemblies of that city. I wish to state to the committee that when he says they had no authority more than as any three, or five, or ten, or fifteen men he is entirely mistaken in the scope of the authority of an organized trades assembly.

The assemblies are composed of delegates from every trades association in their districts. They may have fifteen or forty or sixty members. These members come there with delegated authority from their own trades unions, from their own local assemblies, and they are given power as delegates to meet all current questions. When they have discussed these questions, as they do in these assemblies—and I am sorry to say, Mr. Chairman, it has been the custom the last four or five years, on account of the long hours of labor, to drive these assemblies into Sunday, and they are held Sundays—after proper discussion the delegates have the power in their hands to give voice to the sentiments of every assembly that they represent.

Mr. PARKER. Will the gentleman permit me a question?

Mr. FARQUHAR. Yes, sir.

Mr. PARKER. I ask the gentleman if he has any knowledge or information that the assemblies where the men meet themselves gave authority to the superior assembly to address Congress upon oleomargarine?

Mr. FARQUHAR. I tell the gentleman from New York that no officer of a trades assembly in America would dare send forth to this House of Representatives an expression of opinion from his assembly, whether a trades union or whether Knights of Labor, that was a falsehood. I have never known a case in the history of any assembly where they have taken upon themselves to formulate opinions that were not held in common by the whole brotherhood that were in the assembly.

Mr. PARKER. Again I ask the gentleman to answer my question. It is: Whether he has any knowledge or information that the superior assembly communicating with Congress had authority from any inferior lodge to address Congress on the subject of oleomargarine?

Mr. FARQUHAR. I have just informed the gentleman and the committee that I affirm on this floor that they had all the authority; and if they represent seventy thousand men, they voiced the sentiments of seventy thousand men; and until that authority is revoked in the lower assemblies the expression of the superior assembly stands as the voice of these workingmen of Pittsburgh.

A MEMBER. Is the assembly entitled to speak the opinions of the workingmen?

Mr. FARQUHAR. It is clothed with full power to speak their opinions.

Mr. CUTCHEON. Can the gentleman from New York state that this particular question now under debate, the taxing of oleomargarine, has been submitted to or voted upon by every individual assembly represented in the general assembly?

Mr. FARQUHAR. The gentleman from Michigan has as much knowledge on that question as I have. I have no right to go back on this official document, nor has the gentleman from New York.

Mr. CUTCHEON. Then you mean this is simply within their general scope and power?

Mr. FARQUHAR. Yes, sir.

Mr. HISCOCK. Do you believe that on this question the officers of this association represent the sentiments of the men in the primary assemblies?

Mr. FARQUHAR. I did not say it was the officers who expressed these views. The officers signed the papers merely. They are voted upon by the delegates, and the voice of the delegates the officers must express in the paper which they sign.

Mr. NEGLEY. I have here the minutes with the seal of the association and the signatures of the officers.

Mr. BOUTELLE. I will ask the gentleman from New York is it not a fact within his own knowledge that petitions have been repeatedly received here purporting to come from Knights of Labor favoring or opposing certain legislation which when they have had their attention called to the real merits of the legislation they have withdrawn?

Mr. FARQUHAR. The gentleman asks if I know that of my own knowledge. I answer, no.

Mr. BOUTELLE. Then I inform the gentleman that has been repeatedly the fact during this session.

Mr. MILLS. This communication speaks by its seal.

Mr. HISCOCK. I ask the gentleman do the Knights of Labor contemplate as a body in their corporate capacity attempting to influence legislation upon a fraud in food products of this kind?

Mr. FARQUHAR. I will say to the gentleman this is not from the Knights of Labor at all. This is from the trades assembly of Western Pennsylvania.

Mr. HISCOCK. Do you believe it represents the sentiments of that association?

Mr. FARQUHAR. That is a matter of opinion. I think that just now petitions and remonstrances of this character are somewhat premature. And why do I say that? Because the effect of the operation of this bill has not yet been felt. But they attempt to ward the stroke. Let butter go up 5, 8, or 10 cents a pound within six months and your petition-box will not be large enough to hold the remonstrances that will be coming in against this legislation.

Mr. HISCOCK. I believe every laboring man would be willing to have butter high-priced rather than to have these unwholesome imitations of butter in the market.

Mr. FARQUHAR. All I desired when I took the floor was merely to break the force of the argument against this remonstrance—an argument which has no point when that remonstrance bears the seal of the association and is signed by its officers.

Mr. PARKER. And the gentleman has stated no fact that breaks the force of that argument.

The Clerk read section 11, as follows:

SEC. 11. That every person who purchases or receives for sale any oleomargarine which has not been branded or stamped according to law, shall be liable to a penalty of $50 for each such offense.

Mr. WHEELER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, That no person who was reported by the tenth census as unable to read shall be fined or imprisoned for violating the provisions of sections 6, 11, 12, or 13 of this act until one year after the passage of the bill now pending in Congress to aid in the support of common schools.

Mr. HATCH. I make the point of order that that amendment has been already acted upon.

Mr. WHEELER. It was ruled out when offered to the sixth section. I now offer it to the eleventh.

Mr. HAMMOND. I make the further point of order against the amendment that it alludes to the twelfth and thirteenth sections and is not in order till those sections are read.

Mr. Chairman, without regard to the merits of the proposition——

Mr. WHEELER. Mr. Chairman, I withdraw the amendment, and will introduce it at the end of the thirteenth section.

Mr. HATCH. Mr. Chairman, I move to insert in the first line of section 11, after the word "who," the word "knowingly;" so that it will read "that every person who knowingly purchases or receives for sale," &c.

Mr. DUNHAM. Mr. Chairman, have we passed the tenth section?

The CHAIRMAN. The tenth section is passed.

Mr. DUNHAM. I had some amendments that I wanted to offer to that section.

The CHAIRMAN. The section is now passed, and the gentleman can not return to it except by unanimous consent.

The amendment offered by Mr. HATCH was agreed to.

Mr. DUNHAM. Mr. Chairman, I would like to have the gentleman from Missouri [Mr. HATCH] in charge of this bill explain exactly what this eleventh section means. It says that "every person who knowingly purchases or receives for sale any oleomargarine," &c. I wish to know if that means that the wholesale dealer who buys this article of the manufacturer and keeps it for sale is the one who is to be fined, or does the section include every person who goes to the retail dealer and buys a pound of it?

Mr. HATCH. The section is so plain that I do not think anything I can say will make it any plainer. The provision of the section is that "every person who knowingly purchases or receives for sale any oleomargarine, which has not been branded according to law shall be liable to a penalty of $50 for each such offense."

Mr. DUNHAM. Then the workingman who goes to a retail dealer and purchases a pound of this article, perhaps under the name of "butter," is not subject to the fine.

Mr. HATCH. That is not covered by the eleventh section at all. That section applies only to those who purchase or receive the article for sale again.

Mr. DUNHAM. People who buy it or receive it for the purpose of selling it to somebody else?

Mr. HATCH. Yes.

Mr. HAMMOND. Mr. Chairman, I suppose the gentleman from Missouri [Mr. HATCH] desires to have the word "knowingly" qualify the branding. Of course, if I purchase anything I knowingly purchase it, and if I receive anything for sale I knowingly receive it for sale; but the point the gentleman wishes to make, I suppose, is, that the man who shall purchase or receive oleomargarine for sale knowing that the same has not been properly branded shall be subject to the penalty.

Mr. HATCH. That is unquestionably the purpose of the amendment.

Mr. McMILLIN. Mr. Chairman, I move to strike out the eleventh section. I do so because I think that we go to the very verge of propriety by the other sections of the bill, even if this be left out. I suppose there are few men here who have not seen something of the troubles and hardships that have arisen in the administration of our internal-revenue laws relative to the sale of spirits. The effect has been to drag citizens to attend courts at points far distant from their homes, irrespective of the season of the year, of their home obligations, of the condition of their crops, or of the condition of their families or their purses. There is no time when Federal courts having cognizance of such cases are in session that you can not see these unfortunates hanging around the court-rooms, and there are instances where parties have taken a single barrel of whisky, started out through the country, and sold it by the gill, the pint, or the quart, as they found people to buy it, and then those who were with them in the transaction have gone around and arrested every man who had bought it and dragged him off before a Federal court.

It is bad enough to have such things done in the whisky traffic, but I say to this House that no man can foresee the extent of the hardships that will follow from turning your deputy marshals loose to pry into the homes of the people and into their pantries; to smell around trying to discover the odor and the age of their butter. I think this section should by struck out, leaving the provision that he who first makes the article and first puts it upon sale in violation of law shall be the guilty party and shall bear the penalty.

The question was taken on the motion of Mr. McMILLIN; and it was rejected—ayes 43, noes 90.

Mr. O'HARA. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from Wisconsin [Mr. PRICE] and the gentleman from Missouri [Mr. HATCH] to act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 106.

So the motion of Mr. McMILLIN to strike out the section was rejected.

Mr. DUNHAM. I move to amend by striking out the word "fifty," in the third line of this section, and inserting the word "ten."

Mr. HATCH. I make the point of order that this amendment is not in order.

Mr. DUNHAM. Why not?

Mr. HATCH. Because the Committee of the Whole has just refused to strike out the section.

Mr. DUNHAM. I accept the gentleman's suggestion, and withdraw my motion.

Mr. PETTIBONE. I move to amend by inserting after the word "purchases," in the first line of the section, the words "for resale."

Mr. HISCOCK. I make the point of order that no amendment to this section is now in order, the Committee of the Whole having just rejected a motion to strike out the section.

The CHAIRMAN. According to the ordinary parliamentary rule, the point made by the gentleman from New York [Mr. HISCOCK] would be correct; but the attention of the Chair has been directed to a special rule of the House which changes on this subject the ordinary parliamentary rule.

Mr. PETTIBONE. My amendment is to insert after the word "purchases" the words "for resale;" so that the section will read:

That any person who purchases for resale or receives for sale any oleomargarine, &c.

I will state my reason for offering this amendment. The question has been asked whether by this section as it now stands a poor man purchasing a single pound of oleomargarine, not for sale but for his own use, will be liable to the penalty prescribed in the section. The man who purchases for the purpose of selling again——

Mr. HATCH. Will the gentleman listen to me one moment?

Mr. PETTIBONE. Yes, sir.

Mr. HATCH. So far as I am concerned, I see no objection to the gentleman's amendment.

Mr. PETTIBONE. I am glad to hear the gentleman is willing to assent to it. It simply removes an ambiguity; that is all. I hope we may have a vote upon it. What we desire to accomplish by this section is to prohibit the buying of oleomargarine to be resold as honest butter.

Mr. WARNER, of Missouri. The proper construction of the language as it now stands in the section is that "every person who purchases for sale or receives for sale," &c.

Mr. PETTIBONE. I wish to avoid the ambiguity of the present language.

Mr. WARNER, of Missouri. What is the difference between the language of the section and the gentleman's amendment?

Mr. PETTIBONE. Under the language of the section as it now stands a man who has bought one pound or ten pounds of oleomargarine for home consumption may possibly be arraigned for having purchased it, though he did not buy for the purpose of selling again.

Mr. BOUTELLE. The language is "purchases or receives for sale."

Mr. PETTIBONE. Possibly the ambiguity might be removed by the insertion of a comma; but if the words "for resale" be inserted after the word "purchases" there can be no possible doubt as to the meaning.

The question being taken on the amendment of Mr. PETTIBONE, it was not agreed to.

Mr. DUNHAM. If amendments are in order, I move to amend by striking out "50," in line 3 of this section, and inserting "10;" so as to make the language read "shall be liable to a penalty of $10 for each such offense." It seems to me improbable that any person would be guilty of this offense, and if it should be committed $10 fine is enough. It is unnecessary that $50 should be collected and put into the Treasury. [Cries of "Vote!" "Vote!"]

Mr. EVANS. Mr. Chairman, so much has been said upon the bill under consideration, and so little left to say, that I shall not occupy the time of the committee very long in what I have to present. I am aware that it will be next to an impossibility to offer anything new on the question.

The great State of Pennsylvania, which I have the honor in part to represent, is largely interested in this bill, notwithstanding we have a State law. Nearly if not quite 80,000,000 pounds of butter are produced annually within her borders, and the district which I individually represent is especially noted for its fine quality of butter; but my people are largely interested in both agriculture and manufactures; they regard their interests as mutual, and I am sure there is no desire on the part of either one to take advantage of the other.

During the commercial and financial depression of the last decade we have not been inflicted, like many other sections, with riots and strikes, but all have quietly and peaceably borne their share of the depression in the hope that the lawmakers of the country would find some way or would enact some legislation that would stimulate and promote the growth and prosperity of the country. My people are firm believers in the system of protection to American industry. They believe in protection to the farmer as well as to the manufacturer, knowing that whatever benefits the one must benefit the other. If the manufacturer receives a fair price for his commodities he can afford to pay his skilled workmen remunerative wages, and they in turn, together with the manufacturer, can pay the farmer fair prices for his productions. But neither the manufacturer nor the workingman is willing to be cheated and defrauded by a counterfeit product, for which he has to pay the price of the genuine article.

In many instances the workingman is more particular as to what he eats than the epicure, and I venture to say, if he has his choice between oleomargarine and pure butter, that ninety-nine times out of one hundred he would take the butter; to say that oleomargarine is the poor man's food is a dishonest and false assertion. If it is to be manufactured and sold for the benefit of the poor man alone, I venture to say it would have a poor market. Who do they mean when they speak of the poor man? There is not one in a thousand so poor but what he can afford to buy genuine butter instead of oleomargarine, especially when the counterfeit is sold to him for the genuine. Oleomargarine is manufactured for a very much larger market than the poor man can afford. It is manufactured for the manufacturer, the mechanic, for all classes of wage-workers, the professor in the arts and sciences, for the high as well as the low, and for the rich as well as the poor. Nearly sixty millions of people are included in this number; they compose the market.

But how much, may I ask, of these obnoxious compounds known as oleomargarine and butterine would all these people consume if they were sold for what they really are? Instead of 200,000,000 pounds, which is said to be the product of the last year, I venture to assert that not one million pounds would be manufactured, unless it is found to be superior to lard and tallow for cooking purposes, which of course it can not be. If my predictions are true, then those gentlemen on this floor who have grave fears of a surplus revenue produced by taxing it may rest in peace; even 10 cents per pound would not more than pay necessary expenses in enforcing the law. But we are confronted with the charge that we propose to tax one industry out of existence for the benefit of another. I do not so understand it. The chairman of the Committee on Agriculture has clearly and fully explained the provisions of the bill as given in the second section, as follows:

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

The chairman says:

The last two lines of this section apply to and interpret each and every single word in the section. According to the interpretation of that section as interpreted not only by the Commissioner of Agriculture but by the Commissioner of Internal Revenue, who submitted it to the law officer of that Department who has revised every single word and comma in it, it means this and nothing but this: That the mixture of any two or more of these compounds into a substance to be colored and flavored and packed and sold as butter, is to be taxed, under this bill, 10 cents a pound. But if lard and cotton-seed oil are mixed together, if any two or more of these substances are mixed, placed on the market and sold for what they are, in good faith and in fact, and not colored and flavored as an imitation and fraud upon butter, they are not liable to the tax under this section, and no reasonable construction of that kind can be placed on that section, or the bill as an entirety.

It is clear to my mind that this bill does not tax the manufacture and sale of oleomargarine if it is not colored, flavored, or mixed with butter and made to imitate butter. The object of this bill is to deprive it of its fraudulent character, to compel it to stand on its own merits. If the manufacturers of it are willing to do this they will be free from license and taxes, and the retail dealers likewise will be free from license to sell to all who may wish to purchase it. Therefore the charge that we are taxing one industry to its death for the benefit of another is not true. We are only taxing a fraud, a counterfeit, not an honest industry, and this we are doing not alone in the interest of the farmer or the dairy, but to protect all of us who are consumers from imposition and fraud which is daily and hourly being practiced upon us by unscrupulous manufacturers and dealers in the article.

Now, Mr. Chairman, we are told by the expounders of the Constitution in this House that this bill, if enacted into a law would be unconstitutional. Comic Blackstone says:

It is well enough for every man to know a little law; but perhaps the less he knows the better.

I have sometimes thought that if some of the members of this House knew a little less law, and would depend more upon good, sound, practical common sense and business principles, we would get along more rapidly than we do, with a better prospect than we now have of getting away from here before the middle of August. I am not a lawyer, and I think I can indorse the remark of Brother PRICE, "That I am rather glad that I am not," especially if its study should enable me to construe the law when so desired as to hold a false position, and thereby defeat the ends of justice.

I, however, have a high regard for an honest lawyer, and lest I might be misunderstood I freely admit that there are many of them in the profession; but when they endeavor to construe the Constitution in such a way as to make it say that such a bill as we propose to pass and now under consideration is unconstitutional, I am led to believe that they do not want to understand either the provisions of the bill or the Constitution. The Constitution was intended to protect the rights of the citizen, and was never intended to protect fraud of any kind. The very first article of the Constitution defines the powers and duties of Congress. Section 8 says:

Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

The power therefore is clearly expressed in this section.

Not being educated in the law, I presume it would be regarded as presumptuous on my part to endeavor to give an opinion as to the constitutionality of this bill. I desire, however, to quote a few passages from Chief-Justice Story on the Constitution, in reference to the power of Congress to lay taxes. Judging the argument of the Chief-Justice from a layman's standpoint, I should say that he proves conclusively and beyond all doubt that Congress has full power to select the subjects of taxation, and that it may tax for other purposes beside revenue.

On page 677 he says:

The very point is whether it is restricted to purposes of revenue.

The language of the Constitution is, "Congress shall have power to lay and collect taxes, duties, imposts, and excises." If the clause had stopped here and remained in this absolute form, as it was, in fact, when reported in the first draught in the convention, there could not have been the slightest doubt on the subject.

The absolute power to lay taxes includes the power in every form in which it may be used, and for every purpose to which the Legislature may choose to apply it. This results from the very nature of such an unrestricted power. *A fortiori* it might be applied by Congress to purposes for which nations have been accustomed to apply to it.

Now, nothing is more clear, from the history of commercial nations, than the fact that the taxing power is often, very often, applied for other purposes than revenue. It is often applied as a regulation of Congress. It is often applied as

a virtual prohibition upon the importation of particulor articles, for the encouragement and protection of domestic products and industry, for the support of agriculture, commerce, and manufactures; for retaliation upon foreign monopolies and injurious restrictions, for mere purposes of state policy and domestic economy; sometimes to banish a noxious article of consumption, sometimes as a bounty upon an infant manufacture or agricultural product, sometimes as a temporary restraint of trade, sometimes as a suppression of particular employments, sometimes as a prerogative power to destroy competition and secure a monopoly to the Government.

If, then, the power to lay taxes, being general, may embrace, and in the practice of nations does embrace, all these objects, either separately or in combination, upon what foundation does the argument rest which assumes one object only to the exclusion of all the rest; which insists, in effect, that because revenue may be one object, therefore it is the sole object of the power; which assumes its own construction to be correct because it suits its own theory and denies the same right to others entertaining a different theory?

If the power is general in its terms, is it not an abuse of all fair reasoning to insist that it is particular; to desert the import of the language and to substitute other and different language?

Is this allowable in regard to any instrument? Is it allowable in an especial manner as to constitutions of government, growing out of the rights, duties, and exigencies of nations, and looking to an infinite variety of circumstances which may require very different applications of a given power?

In the next place, then, is the power to lay taxes given by the Constitution a general power or is it a limited power?

If a limited power, to what objects is it limited by the terms of the Constitution?

Upon this subject, as has been already stated, three different opinions appear to have been held by statesmen of no common sagacity and ability. The first is that the power is unlimited, and that the subsequent clause, "to pay the debts and provide for the common defense and general welfare," is a substantive, independent power.

In the view of those who maintain this opinion, the power, being general, can not with any consistency be restrained to purposes of revenue.

The next is, that the power is restrained by the subsequent clause, so that it is a power to lay taxes in order to pay debts, and to provide for the common defense and general welfare. Is raising revenue the only proper mode to provide for the common defense and general welfare? May not the general welfare, in the judgment of Congress, be in given circumstances as well provided for, nay, better provided for, by prohibitory duties, or by encouragements to domestic industry of all sorts? If a tax of one sort, as on tonnage of foreign vessels, will aid commerce, and a tax on foreign raw materials will aid agriculture, and a tax on imported fabrics will aid domestic manufactures, and so promote the general welfare, may they not be all constitutionally united by Congress in a law for this purpose? If Congress can unite them all, may they not sustain them severally in separate laws? Is a tax to aid manufactures or agriculture or commerce necessarily, or even naturally, against the general welfare or the common defense? Who is going to decide upon such a point? Congress, to whom the authority is given to exercise the power, or any other body, State or national, which may choose to assume it?

Besides, if a particular act of Congress, not for revenue, should be deemed an excess of the powers, does it follow that all other acts are so? If the common defense or general welfare can be promoted by laying taxes in any other manner than for revenue, who is at liberty to say that Congress can not constitutionally exercise the power for such a purpose? No one has a right to say that the common defense and general welfare can never be promoted by laying taxes except for revenue. No one has ever yet been bold enough to assert such a proposition.

Different men have entertained opposite opinions on subjects of this nature. It is a matter of theory and speculation, of political economy and national policy, and not a matter of power. It may be wise or unwise to lay taxes, except for revenue; but the wisdom or inexpediency of a measure is no test of its constitutionality.

Those, therefore, who hold the opinion above stated must unavoidably maintain that the power to lay taxes is not confined to revenue, but extends to all cases where it is proper to be used for the common defense and general welfare.

It is contended by some that this bill, if enacted into a law, will raise a large amount of revenue. It can not be regarded as unconstitutional on that account, and the Government has not arrived at that stage of prosperity that it can live without revenue. I do not believe that the tax of 10 cents per pound would raise much revenue, but if it should there are many ways in which it could be used. Every year the expenses of the Government are increasing, notwithstanding the promises of the Democratic party that this should be an administration of "retrenchment, economy, and reform."

The Secretary of the Treasury, in his report of June 30, informs us that there will be a deficit for the fiscal year ending June 30, 1887, of not less than $24,000,000. Nevertheless it is claimed by the opponents of this bill that we do not need the additional revenue it will raise. Let me say to those gentlemen that we are paying in pensions alone $80,000,000 annually, that we are appropriating yearly millions for the Army and Navy with a prospect of still larger appropriations, and that we have a national debt of not less than $1,275,000,000 and an interest charge of some $48,000,000 annually.

There need be no fears that we shall not be able to use all the revenue that the tax of 10 cents per pound will produce. Indeed our fears may justly be on the other side. How will the Government raise the $24,000,000 deficit? And in this estimate is not included the increased pensions to widows and orphans of the Union soldiers, which will probably increase the amount five or six millions more. It really looks as though something would have to be taxed to meet the increased expenses of the Government, and if so there are but two ways to accomplish it, either by increased duties on imports or by internal revenue. It is evident that the friends of free trade will not allow us to raise it by increased duties on imports; we shall therefore have to raise it by internal revenue. Where then can we levy this tax to do the least harm?

Surely it can do no harm, but on the contrary much good, to put it upon that which is manufactured and sold in defiance of State laws, and is a fraud and a counterfeit. I believe a tax of 5 cents per pound would raise more revenue than 10 cents, but I am not one of those who want it taxed for revenue alone. I would, if it is constitutional, favor a prohibitory tax on oleomargarine and its compounds, and on all other counterfeits and adulterations of food intended to defraud, cheat, and deceive the people and destroy honest industries.

Mr. Chairman, it can not be claimed that a fraud promotes the public welfare; on the contrary, it is destructive of the public good and the morals of the people; therefore it is always a proper subject of legislation, and if necessary to arrest and prevent fraud and protect the public welfare, the Congress of the United States certainly has the legal power to do it either by taxation or otherwise, independent of the power to tax for revenue purposes. The manufacturers of oleomargarine and its associates claim that they are healthful compounds. It is possible that some of them may be; but who can tell the healthful from the unhealthful—the good from the bad? We are told there are fifty-eight different ways to manufacture them patented, and sixty different articles enter into the manufacture of oleomargarine, butterine, neutral, &c. The list has been given by several members who have addressed the committee; but in my judgment it can not be published too often; the people should know what poisonous articles enter into their composition.

The list taken from the Patent-Office is as follows: Nitric acid, commonly known as aqua-fortis, acetate of lead, better known as sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, capric acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame or benne, turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, bromo-chloralum, oil of peanuts, sugar, caustic soda, and sea salt. It has often been remarked in a jocular way that people sometimes make apothecary shops of their stomachs. I think it might be truthfully and seriously claimed, after reading this list, that he who eats oleomargarine surely gets about all the ingredients of a well-regulated apothecary shop into his stomach. It is scarcely necessary for me to say that I have some knowledge of materia medica and chemistry, and that some of the ingredients mentioned in the list are deadly poisons, even in what might be termed infinitesimal doses.

It is not contended that all these ingredients enter into a single process of the manufacture of these different compounds; but all of them seem to be regarded as necessary or important by the different patentees in one combination or another. The reports of chemists differ greatly as to the unhealthfulness of oleomargarine, butterine, neutral, &c., and this arises no doubt from the different samples furnished and the knowledge or the want of knowledge of microscopy, of materia medica, of biology, and all germ life, in addition to a mere knowledge of chemistry, and toxicology. It is shown by the analysis of the professor of the State University of Minnesota that the three specimens examined by him contained a variety of living organisms and spores ready to germinate. "Some of it," he says, "teemed with life and yielded molds and bacteria that would have gladdened the heart of the student of biology."

The microscope revealed the fact that the greatest variety of life existed in the inner portion of these samples and that the other portions contained the greatest quantity of active bacteria." Many of the protozoa pass into an encysted stage and lie dormant until the environment is again favorable." He further says: "It can not be doubted that the person who eats so promiscuous and so lively a mixture as the butterine examined is running great risk. Spores and seeds of the lower organisms increase the danger to parasitism; and spores now harmless may become inimical to the health and happiness of countless millions." Other experts and professors have testified that they regarded oleomargarine and like compounds unwholesome as food products. Professor Clark, of Albany, N. Y., says of oleomargarine:

That it is unwholesome to health for four reasons—first, because it is indigestible; second, because it is insoluble when made from animal fats; third, that it is liable to carry the germs of disease into the human system; and fourth, that in the eagerness of manufacturers to produce the spurious compounds cheaply they are tempted to use ingredients which are detrimental to the health of the consumer.

Numerous other testimonies of a like character might be given.

Then, on the other side, we have the testimony of chemists and experts, who say that oleomargarine is a healthy product, and this, I think, to a certain extent may be true when it is carefully made of pure fats, but the difficulty is to know when it is so made. It can not, however, be regarded as healthful as pure butter, for the reason that the animal fats, independent of the chemicals used in its manufacture, are more difficult of digestion on account of their greater insolubility. Believing as we do that much of it is impure and deleterious to health, that it is a fraud practiced upon the people, and that we have the constitutional right to tax it for revenue, if for no other purpose, why should this bill not be passed?

Mr. Chairman, we are told by the State-rights people on this floor that we should leave the matter to the States. I think, if I am correctly informed, some twenty States of the Union have passed laws to regulate its manufacture and sale; but in nearly every instance they

have been failures, and now these very States are appealing to Congress to pass a law placing it under the supervision of the Commissioner of Internal Revenue, who is at the head of an organized force competent to carry out and enforce the law. Some States have passed no laws; others have; but they are not uniform, and it is well known that the States have no power to regulate interstate commerce, therefore there should be concurrent jurisdiction over this matter just as there is in regard to whisky and tobacco. Agriculture is regarded as the basis of our wealth as a nation; but in order for it to be prosperous it must be a diversified industry. The constant cropping by the raising of the cereals rapidly exhausts the soil, and the means of compensation is found only by returning to it that which you have abstracted from it.

In no way can we so well comply with this great law of compensation in farming as by the herd of the dairyman. Every practical farmer knows that the more he feeds to his stock the more fertile his farm becomes. The greater the consumption of his crops on the farm the richer his land will be. Now, in order to do this he must have a dairy or some other live stock. Heretofore the dairy interest has paid better than any other, but since the introduction of imitation butter, which the people do not want if they know it, the production of butter has decreased and the profits greatly diminished.

The number of milch cows have decreased some 25 to 30 per cent., but there are still invested about $700,000,000 in milch cows; their value, however, has been decreased over $30,000,000 within the last year, and since the introduction of imitation butter the total loss is estimated at $150,000,000. Three hundred thousand cows are reported to have been slaughtered for beef during the past year in the city of Chicago alone.

In consequence of this fraud the governments of Europe have passed laws prejudicial to our dairy products. The result has been a steady falling off in our exportation of genuine butter. In 1881 we exported $22,636,272 worth, in 1885 $14,086,055, a falling off of nearly $9,000,000, whereas if it had not been for the distrust and these stringent laws the amount instead of being decreased would probably have been more than doubled.

In conclusion, let me say, Mr. Chairman, that I have not only been a close observer of the farmers' interests, but I have been personally interested in farming for many years. I live perhaps in as good an agricultural district as there is in the State of Pennsylvania, contiguous to the second largest market in the United States, Philadelphia, and yet with all the advantages I do not believe there is one farmer in my district who could pay 5 per cent. interest on his farm and his personal property, pay his labor and his taxes, and at the end of the year's hard labor for himself and family have $500 left. I am sure if there is one who could do it there are hundreds who are not able to save a single cent, and no farmer in my district who has good judgment would think of buying a farm without some means of his own, for he knows full well that he could not pay for it, and in all probability in less than ten years would be sold out by the sheriff. He runs very much less risk and it pays him better to rent; but the owner of the farm, after keeping up the necessary expenses, gets but a poor interest on his investment.

Where, then, may I ask the members of this House, the great majority of whom are not farmers, is the money in farming? Who is there here who would be willing to exchange his profession and its emoluments with the farmer for his occupation of long days of weary toil and its scanty returns? Who is here that is willing to rob him of the fruits of his honest toil and destroy one of his most profitable and most important industries—important indeed when we come to think of it? The annual product of butter produced in the United States, as given by the Statistician, is over 1,000,000,000 pounds, estimated to be worth $250,000,000, every pound of which represents hard-earned and scanty paid labor compared to the manufacture of its bogus competitor, oleomargarine, which it is said costs less than 8 cents per pound to manufacture. It is estimated that the profit on the last year's product, 200,000,000 pounds, was not less than $30,000,000, or about 200 per cent.

Think for a moment. They are now manufacturing about one-fifth as much as the product of genuine butter. If they succeed in driving and starving out the dairy interest, and should manufacture the same amount, 1,000,000,000 pounds, their profits would be not less than $150,000,000 annually; and yet these are the men who have appeared before the Agricultural Committee in behalf of the poor laboring man of the country, in order that he may not be compelled to pay extravagant prices for his butter, or butterine—a fraud in name, as well as in substance; and they who manufacture this vile stuff to cheat and defraud the poor man as well as the rich—would "steal the livery of heaven to serve the devil in."

The question now before this House is, shall this great interest in which seven million people are directly interested be destroyed? Will you say to the agriculturist that you prefer to protect the manufacture of a counterfeit article rather than an honest, legitimate industry? If you do, then vote against the passage of this bill; but remember that you who represent agricultural districts will not be forgiven or forgotten by your constituents.

Mr. HATCH. I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having, according to order, had under consideration the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, had come to no resolution thereon.

And then, on motion of Mr. HATCH (at 4 o'clock and 59 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Alice Donahue, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. BRAGG: Petition of hospital stewards of the United States Army, praying for increase of their pay—to the Committee on Military Affairs.

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Faulkner County, Arkansas, in favor of national aid to education—to the Committee on Education.

By Mr. W. W. BROWN: Petition of Post 48, Grand Army of the Republic, of Pennsylvania, praying for the passage of Senate bill No. 1886—to the Committee on Invalid Pensions.

By Mr. COLE: Memorial of the New York Board of Trade and Transportation, for a supply of one and two dollar greenbacks or Treasury certificates—to the Committee on Coinage, Weights, and Measures.

By Mr. CONGER: Petition of citizens of Adair County, Iowa, praying for the protection of the dairy interests of the country against the ravages made by oleomargarine, butterine, and kindred forms of counterfeit butter—to the Committee on Agriculture.

By Mr. CUTCHEON: Petition and statements of A. C. Beals, Charles Gomes, D. Robertson, and August Herbst, hospital stewards, United States Army, asking for increased compensation—to the Committee on Military Affairs.

By Mr. DINGLEY: Petition of Maine Methodist conference, for the passage of the temperance educational bill—to the Committee on Education.

By Mr. DORSEY: Petition of citizens of Custer County, Nebraska, praying for the passage of bill to authorize the Western Pacific Railway Company to build branch lines—to the Committee on Pacific Railroads.

By Mr. ERMENTROUT: Four petitions from United States hospital stewards, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. GALLINGER: Petition for a revenue tax on adulterated butter, signed by Mark Spokesfield and 27 others, citizens of Compton, N. H.—to the Committee on Agriculture.

By Mr. GIFFORD: Five petitions of citizens of Dakota, praying for the division of the Territory upon the seventh standard parallel thereof—to the Committee on the Territories.

By Mr. HAMMOND: Petition of citizens of the United States praying that the coinage of silver be placed on an equality with gold, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. HEARD: Petition of citizens of Moniteau County, Missouri, in favor of the passage of House bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Petition from the railroad interests of the United States looking to the perpetuation of the discovery of steam-transportation—to the Committee on Appropriations.

By Mr. HILL: Twenty-six petitions signed by many hundreds of people in Dakota, asking for the division of Dakota on the seventh standard parallel—to the Committee on the Territories.

By Mr. HOUK: Petition of hospital stewards of the United States Army at Governor's Island, New York, Augustine, Fla., Rock Island, Ill., Fort Douglas, Utah, and others, asking for increase of pay to hospital stewards—to the Committee on Military Affairs.

Also, petition of B. R. Hackney, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petition of M. L. Gifford, and 57 others, of Stuyvesant, N. Y., asking that a revenue tax be levied on adulterated butter—to the Committee on Agriculture.

By Mr. KLEINER: Petition of Russell Post, Grand Army of the Republic, of Indiana, praying for more liberal treatment of ex-Union soldiers—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of David Caulfield, relating to a pension for service in the Florida war—to the Committee on Pensions.

Also, petition of citizens of the counties of Eastland, Comanche, and Stephens, Texas, relating to the removal of the Federal court from Graham to Cisco—to the Committee on the Judiciary.

By Mr. LORE: Petition of George F. Wardle, for reimbursement of money paid to United States for unused revenue-stamps—to the Committee on Claims.

By Mr. McMILLIN: Petition of W. A. Stott, of Smith County, Tennessee, for a pension—to the Committee on Pensions.

By Mr. MORROW: Petition of Knights of Labor Assembly No. 2434, of Bolivar, N. Y., praying for legislation imposing restrictions upon foreign immigration—to the Committee on Foreign Affairs.

By Mr. O'FERRALL; Resolutions of a meeting of citizens, farmers of Dinwiddie County, Virginia, in favor of the passage without amendment of the bill to tax imitation butter—to the Committee on Agriculture.

By Mr. J. J. O'NEILL: Numerous petitions of the employés of the navy-yards at Brooklyn, N. Y., Washington, D. C., Philadelphia, Pa., Norfolk, Va., and Portsmouth, N. H., asking for the passage of Senate bill No. 2268, relating to leave of absence of employés—to the Committee on Labor.

By Mr. PETTIBONE: Petition of William F. Austin and of A. J. Woods, of Hamblen County; and of Logan Hodge and Marion McDaniel, heirs of L. M. McDaniel, of Jefferson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Petition of C. B. Saunders and 60 others, of Grand Army of the Republic, of Pennville; of B. F. Albert and 60 others; of Michael Cook and 100 others; and of Hezekiah Miller and 80 others, of Indiana, asking for the passage of the Mexican war pension bill with Senate amendments—to the Committee on Invalid Pensions.

Also, petition of John W. De Puy, of Post No. 6, Grand Army of the Republic, Wabash, Ind., asking an increase of pensions in certain cases; also consideration of Mexican war pension bill with Senate amendments—to the same committee.

By Mr. TAULBEE: Petition of Elijah Patrick, of Magoffin County, Kentucky—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Petition of Benjamin F. Shelby, executor of Levi Shelby, deceased, asking that the same be referred to the Court of Claims—to the same committee.

By Mr. ZACH. TAYLOR: Petition of William H. Foster, administrator, of Lauderdale County, and of W. W. Wilkerson, of Haywood County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, resolutions of the Cotton Exchange, of Memphis, Tenn., asking for an amendment to section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. TUCKER: Petition of Sarah W. Brown, of Alleghany County, Virginia, praying her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Jonathan O. Cooper, administrator of John Cooper; of Lewis F. Martin, executor of Francis C. Martin; and of Bettie F. Perkins, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. A. C. WHITE: Petition of citizens of Utica, N. Y.; of Craigsville and New Brighton, Pa., for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. MILO WHITE: Petition of citizens of Le Roy, Minn., for the oleomargarine law—to the Committee on Agriculture.

Also, resolutions of the Saint Paul Chamber of Commerce, against low bridges on the Mississippi River below the mouth of the Missouri—to the Committee on Commerce.

SENATE.

WEDNESDAY, *June* 2, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of 317 citizens of the thirteenth Congressional district of Pennsylvania, praying for the enactment of such pension legislation as is recommended by the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented a petition of residents of Kittanning, Pa., and a petition of residents of Brookville, Pa., praying that an appropriation be made for the erection of a dam at Herr's Island, Allegheny River, Pennsylvania; which were referred to the Committee on Commerce.

Mr. ALDRICH presented a petition of 59 citizens of the ninth ward of the city of Providence, R. I., praying for the adoption of a joint resolution submitting to the Legislatures of the several States an amendment to the Constitution of the United States inserting the word "nativity" in the fifteenth amendment; which was referred to the Committee on the Judiciary.

He also presented two petitions of citizens of Rhode Island, praying for legislation prohibiting the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DAWES. I present the memorial of Charles S. Welsh, second chief, and quite a number of other Indians of the Miami tribe, remonstrating against the passage of the bill making allotments of land on their reservation. I move the reference of the memorial to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES presented a memorial of certain Cherokee freedmen, remonstrating against the Morgan amendment to Senate bill 1800 to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883; which was referred to the Committee on Indian Affairs.

He also presented the petition of Daniel Ballard and other citizens of New Salem, Mass., praying for legislation to protect the dairy interests against imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I also present the petition of Isaac Rich & Co. and a large number of other merchants of the city of Boston engaged in the fishing industry, praying for the passage of a bill providing for a short season catch of mackerel. I move the reference of the petition to the Committee on Fisheries.

The motion was agreed to.

Mr. CULLOM presented a resolution adopted by the Wool Merchants' Association of Chicago, Ill., remonstrating against the passage of a tariff bill proposing to place foreign wool on the free-list; which was referred to the Committee on Finance.

Mr. BLAIR. I present a petition of the New Hampshire Annual Conference of the Methodist Episcopal Church, praying for the enactment of just legislation to indemnify the Chinese for injuries done them in certain Western States and Territories. I move that the petition lie on the table, as the bill on that subject is now pending.

The motion was agreed to.

Mr. BLAIR. I also present a petition of the same body of clergymen, praying for relief against outrages and wrongs done the Indians. I move the reference of the petition to the Committee on Indian Affairs.

The motion was agreed to.

Mr. MAHONE presented a memorial of Pomona Grange, of Frederick County, Virginia, remonstrating against the admission free of duty of agricultural raw materials; which was referred to the Committee on Finance.

He also presented a petition of Pomona Grange, of Frederick County, Virginia, praying for the suppression of the manufacture and sale of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. MORRILL presented a petition of citizens of Norwich, Windsor county, Vermont, praying for legislation providing that oleomargarine shall be sold under its proper name; which was referred to the Committee on Agriculture and Forestry.

Mr. INGALLS. I present the petition of A. H. Cragin and N. G. Ordway, of Washington, D. C., praying for relief from certain alleged unjust assessments and damages resulting from improvements in the eastern part of the city. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. WHITTHORNE. I am directed by the Committee on Claims to report favorably without amendment the bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased.

Mr. HARRIS. That bill passed the Senate at the last Congress, and I am satisfied upon an explanation of a minute and a half every Senator will favor its passage. I ask unanimous consent of the Senate to consider it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. Let it be read.

Mr. CONGER. Let the reports of committees be finished first.

Mr. HARRIS. I withdraw the request until the reports of committees are completed.

The PRESIDENT *pro tempore*. The request is withdrawn.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 4836) for the relief of Thomas McBride, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., heretofore reported by that committee.

He also, from the same committee, submitted a report to accompany the bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish, heretofore reported by that committee.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2542) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workingmen of the District of Columbia for fifteen years last past, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1201) for the relief of Mary Howard Farquhar;

A bill (H. R. 4386) granting an increase of pension to William F. Clark; and

A bill (H. R. 7511) granting a pension to Margaret Lucy.

Mr. HALE. I ask leave to take up the bill just reported by the Senator from New Hampshire, the bill (H. R. 1201) for the relief of Mrs. Mary Howard Farquhar. It is a case where the Senate has already passed a bill in precisely the same words and terms, and therefore I ask that it may be passed now.

The PRESIDENT *pro tempore*. Objection has already been made to the consideration of bills until the morning business is closed. Does the Senator from Maine waive his request?

Mr. HALE. Yes, sir.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon, reported it with an amendment, and submitted a report thereon.

Mr. EDMUNDS, from the Committee on Foreign Relations, to whom was referred the bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, reported it with amendments.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co., reported it with an amendment, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2588) for the relief of Lucinda McGuire; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 694) for the relief of Lucinda McGuire, moved its indefinite postponement; which was agreed to.

COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. CONGER. I am instructed by the Committee on Post-Offices and Post-Roads to ask leave for that committee to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. The Committee on Post-Offices and Post-Roads ask leave to sit during the sessions of the Senate. If there be no objection, that order will be made. The Chair hears none.

BILLS INTRODUCED.

Mr. HALE (by request) introduced a bill (S. 2581) to amend section 5258 of the Revised Statutes, relating to railways; which was read twice by its title, and referred to the Committee on Railroads.

Mr. INGALLS (by request) introduced a bill (S. 2582) to provide for the support of wives, children, and other dependents; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2583) to amend the act of 1871 (amended in 1872) regulating licenses in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS. I introduce a bill to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called "Rock Creek Park." The bill is accompanied by a memorial in favor of the proposition, and I ask that the bill may be twice read, and, with the memorial, referred to the Committee on the District of Columbia.

The bill (S. 2584) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park, to be called "Rock Creek Park," was read twice by its title, and, with the accompanying memorial, referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 2585) to provide for the extension of the streets and avenues of the cities of Washington and Georgetown, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLISON introduced a bill (S. 2586) granting an increase of pension to Samuel J. Murphy, of Marengo, Iowa; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PAYNE introduced a bill (S. 2587) granting a pension to Elizabeth Ward; which was read twice by its title, and referred to the Committee on Pensions.

INSTITUTION OF MARRIAGE.

Mr. CULLOM. I ask leave to introduce a joint resolution, which I ask to have read and referred to the Committee on the Judiciary.

The joint resolution (S. R. 68) for the amendment of the Constitution of the United States in regard to bigamy and polygamy was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That it is deemed necessary by the two Houses of Congress to propose an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified, as hereby proposed, by the Legislatures of three-fourths of the several States, the amendment hereby proposed to be numbered and to read as follows, to wit:

"ARTICLE XVI.

"SECTION 1. The only institution or contract of marriage within the United States, or any place subject to their jurisdiction, shall be that of the union in marriage of one man with one woman; and bigamy or polygamy is forever prohibited, any law, custom, form, or ceremony, civil or religious, to the contrary notwithstanding.

"SEC. 2. No State shall pass any law, nor allow any custom, form, or ceremony of marriage, except in obedience to and conformably to the institution of marriage as herein defined and established; but, otherwise, the regulation, within each State, of marriage and divorce, and civil and criminal jurisdiction over those subjects, shall belong to the several States as heretofore.

"SEC. 3. Congress shall have power to enforce this article by appropriate legislation."

Mr. CULLOM. I ask that the joint resolution be referred to the Committee on the Judiciary, and I should like to call the attention of the committee to the subject in the hope that they may act upon it.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. CALL and Mr. CAMERON submitted amendments intended to be proposed by them to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. BLAIR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. MORRILL. I offer an amendment to the resolution in relation to open executive sessions. I merely offer it to have it printed, and shall offer it when that matter comes up.

The PRESIDENT *pro tempore*. The order to print will be made.

The amendment proposed by Mr. MORRILL is as follows:

Strike out the words "executive nominations" and insert in lieu thereof the words "reciprocity treaties, so called."

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the morning business is closed, and the Chair lays before the Senate a resolution which went over under objection yesterday. It will be read.

The Chief Clerk read the following resolution, submitted yesterday by Mr. GEORGE:

Resolved, That Senate bill No. 714 be recommitted to the Committee on the Judiciary with instructions to report it so amended as to provide for voluntary proceedings in bankruptcy only.

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. HOAR] not being present, if there be no objection the resolution will lie on the table for the present,

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. VAN WYCK. I ask to have Order of Business 1396, being Senate bill 546, recommitted to the Committee on the Improvement of the Mississippi River. I do this at the request of the Senator from Louisiana [Mr. EUSTIS] and the Senator from Mississippi [Mr. GEORGE]; and I ask, if in order, that the bill shall not lose its place on the Calendar.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 546) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill be recommitted to the Committee on the Improvement of the Mississippi River. Is there objection?

Mr. VEST. The bill comes from the Committee on the Improvement of the Mississippi River, does it not?

The PRESIDENT *pro tempore*. It does. Is there objection to the request?

Mr. COCKRELL. I have no objection if it is proposed to recommit the report and the bill.

Mr. MCMILLAN. What is the purpose of the recommittal? Why is the bill to be recommitted?

Mr. GEORGE. I desire to make a personal explanation in reference to the bill.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks the unanimous consent of the Senate to make an explanation upon a matter which is not debatable, which is taken up by unanimous consent. Is there objection? The Chair hears none.

Mr. GEORGE. I desire simply to state in reference to the report and the bill to be recommitted to the Committee on the Improvement of the Mississippi River that it was reported here in the first instance without consultation with me, I being a member of the committee, and that I dissent entirely both from the report and the bill.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill and report will be recommitted.

ORDER OF BUSINESS.

Mr. BROWN and Mr. DOLPH addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] is recognized upon the unfinished business of yesterday.

Mr. DOLPH. If the morning business is closed, I ask that Senate bill No. 2172 be proceeded with.

Mr. BROWN. I had prepared some remarks yesterday which I expected to have submitted upon the bankruptcy bill, when the bill took a turn that was not looked for by the Senate. I ask the indulgence of the Senator from Oregon and the Senate for some half hour until I submit those remarks. I ask that the bill be considered as taken up only for the purpose of submitting the remarks that I desire to make.

Mr. DOLPH. I hope the Senator will allow me to make the motion and get the bill up for consideration, and then I shall yield for the purpose desired.

Mr. BROWN. I did not hear the Senator.

Mr. DOLPH. I shall be glad if the Senator from Georgia will allow me to make the motion that I rose to make and get the bill up. I propose to ask that the bill which has been under consideration for three days during the morning hour shall be taken up for consideration, and then, if the Senator desires to make some remarks upon the bankruptcy bill and to take it up for that purpose, I shall of course extend to him the usual courtesy.

Mr. BROWN. I have no objection to that course.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. DOLPH. The senior Senator from Mississippi [Mr. GEORGE] when the morning hour closed yesterday had the floor upon the bill now under consideration. I simply state that to the Senator from Georgia. So far as I am concerned, as managing the bill, of course I will yield for the purpose indicated by the Senator from Georgia.

Mr. BROWN. Then I ask the Senator from Mississippi to extend to me the courtesy of the floor until I proceed to submit a few remarks on the bankruptcy bill.

Mr. GEORGE. Certainly.

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDENT *pro tempore*. There being no objection, the Northern Pacific Railroad bill will be laid aside informally and the bankruptcy bill will be regarded as before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. BROWN. Mr. President, there are supposed to be 60,000,000 of people in the United States at the present time. Of that number, I think it is safe to say that not 1,000,000, or not more than one-sixtieth, desire the passage of a bankrupt law.

The bankers and brokers and large merchants and speculators in large cities, who constitute the principal creditor class of this country, and who always urge bankrupt legislation in the name and as they say for the benefit of the debtor class, and the lawyers, do desire it; because it aids the creditor class in the collection of the debts due them by the debtor class and gives fees to the lawyers. It is also desired by the reckless traders and the dishonest part of the debtor class, because it relieves the part of the debtor class above mentioned from debts contracted by them.

As there is a large honest debtor class in every great city, as well as large numbers of creditors not of the classes above mentioned, we can not count the population of the great cities as solid for a bankrupt law. Indeed, we can not count one-half the population, no, not one-fourth of the population of each large city, as favorable to the passage of the bankrupt law. It is principally the large influential creditor class, and the part of the debtor class mentioned, with a small class of honest unfortunates in the cities, that desire such a law. Take the towns and villages and rural districts, and there is great unanimity among the people in opposition to a bankrupt law. There is now and then a dishonest debtor who is anxious for it. There is occasionally an unfortunate honest debtor who would be glad to avail himself of the benefit of it, and who would have the sympathy of the community while doing so, but this class is small. If a debtor is honest and his creditors, as is apt to be the case, are indulgent and kind, he does not want the name of going into bankruptcy.

The bill then, if it becomes a law, will benefit the large creditor class and dishonest debtor class more than it will benefit anybody else. The plain common people, as they are termed, the bone and sinew of this country, do not see any good reason why such a law should be passed to give relief to the classes which have just been mentioned, and to officers of court and lawyers, among whom part of every bankrupt's estate is distributed. While the bankrupt law furnishes to the large wealthy creditor class a short and speedy method of collecting the debts due them, it is in a majority of cases oppressive to the debtor class.

The people of this country have never favored a bankrupt law. There have been three general laws on that subject passed. The first was passed on the 4th of March, 1800, and the people became so much dissatisfied with it and so clamorous for its repeal that Congress yielded to the demands of their constituents, and repealed it on the 19th of December, 1803. It lasted three years, eight months, and five days. It was almost a half a century before the wealthy merchants and bankers and lawyers of the great cities were able to prevail upon Congress to pass another bankrupt law. However, they finally succeeded, and on the 19th of August, 1841, a bankrupt bill was passed. It met general disfavor with the mass of the people, who in a very short time demanded its repeal, and their representatives yielded to the popular will and it was repealed on the 13th day of March, 1843. It was the law one year, six months, and fourteen days.

This ended all successful legislation for the passage of a bankrupt bill until after the war, when, on account of the ravages of war, and the number of persons who had made failures where they were no way at fault, a bankrupt bill might at that time have been of some service to the honest debtor class; but it was put through Congress mainly by the influence of the creditor class, as the mass of the people in the country towns and villages and rural districts never favored it. However, on the 2d day of March, 1867, a general bankrupt bill was passed, and on account of the peculiar state of things which existed, the people bore it with more patience than they had exercised in the case of either of its predecessors. However, the clamor came up to Congress repeatedly for its repeal, and the pressure became so great that on the 7th June, 1878, the act was repealed. This law lasted eleven years four months and five days, and the whole country breathed freer and felt greatly relieved when it was stricken from the statute-book.

The first session of Congress was held under the Constitution in 1789, ninety-seven years ago. The three bankrupt laws to which I have referred, when taken together, lasted but sixteen years seven months and four days—in round numbers one-sixth of the time since the first Congress met under the Constitution. If the people of the United States had desired a bankrupt law, and it had been believed by them to be wise and proper to have such a law, who can suppose that they would have kept it upon the statute-book for only one-sixth of the period of time since the organization of the Government under the Constitution?

Then we have had three bankrupt laws at different periods of the Government. In each case the law has become very unpopular, and the people have been averse to its operations and have demanded its repeal.

I take it, therefore, judging from the history of the past, that the people of this country are opposed to a bankrupt law; and if we should enact the present bill into a law, as soon as the people realized its workings they would, as on former occasions, within a very short period consign it to the same fate which has attended each of its predecessors.

As already stated, we have had three general bankrupt laws passed and repealed; but I think no one of them contained as many bad provisions as are proposed by the present bill. The class of involuntary bankrupts under the proposed act are designated in the bill as traders. Who are traders? For all traders as defined by the proposed act are subject to the bankrupt law. First, traders as defined by this bill include all merchants, no matter whether large or small, whether they are in the large cities or the country towns or villages, or at the cross-roads in the country. Every man who is a merchant is subject, for the causes to which I will hereafter refer, to be put into bankruptcy. The bill also includes all persons who make it their business, or a part of their business, to buy or sell lands, goods, chattels, bills, bonds, stocks, or shares.

Now note this language, Mr. President; it does not apply to persons whose business it is to buy *and* sell lands, goods, chattels, bills, bonds, notes, stocks, or shares, but to any one, a part of whose business it is not to buy *and* sell, but to buy *or* sell any of the kinds of property already mentioned. A man, therefore, no matter in what pursuit he is engaged, who makes it only a part of his business, and the bill does not say how small a part shall suffice, but if it is any part of his business to buy or sell lands, goods, chattels, &c., he is subject to be put into bankruptcy. There are very few farmers who do not make it part of their business to buy some of the articles mentioned or occasionally to sell lands or chattels, &c. If it is only a part, and even a small part of the farmer's business, and he makes it a part of his business to buy or sell the articles mentioned, he is subject to be put into bankruptcy.

But the act does not stop here. It includes manufacturers, warehousemen, bankers, and brokers. Now, manufacturers are a very large class, Mr. President. There are several millions of our people engaged in the manufacture of different articles. A man whose business is manufacturing, whether he manufacture boots, shoes, or hats, or paper sacks, or paper collars, or cottons or woolens, or any other article or articles that are manufactured in this country, is a manufacturer, and is the subject of bankruptcy. We have a large class of warehousemen, and they, too, are subject to be put into bankruptcy for the causes that I will mention further on.

But I have not yet enumerated all who are made subject by this bill to involuntary bankruptcy. The next class are builders and contractors. Every person engaged as a builder therefore is subject to be put into bankruptcy. Or if he is a contractor in any sort of business where he falls under the general designation of contractor he is the subject

of bankruptcy under this bill; so are shipwrights; so are publishers, and this is a very large class. They are scattered all over the United States. They are in every city, town, and village. Like other classes, they are not able always to be prompt in meeting their engagements, and for a little delay they may be put into bankruptcy. Then it applies to inn-keepers, livery-stable keepers, and all artisans who buy the material for their business on credit.

A sign painter is an artisan, and if he buys on credit the paint and the brush used in painting signs he is the subject of bankruptcy. But the bill very graciously excepts a class of persons who are generally able to take care of themselves. It declares that it shall not apply to persons who buy goods and merchandise for sale only to their tenants and employés and laborers, nor who buy to sell again any goods or chattels from such tenants, employés, and laborers. So that the wealthy man who employs a large number of tenants, employés, and laborers may buy from them to sell again goods they may have to sell, and though he may not pay for them within the time prescribed in the contract, or within thirty days after the debt is due, or may never pay for them, he is not the subject of bankruptcy. This is the case of the man who employs large numbers of men, and is usually a man of wealth. He may buy from his employés and laborers and never pay them, and still not be put into bankruptcy.

The bill graciously exempts one or two other classes. It declares that it shall not apply to mechanics of any kind who habitually labor at their trade. If they are artisans and buy on credit the materials for their business, they would come within the provisions of the act; but if they are simply laborers, as mechanics, they are not subject to be put into bankruptcy. Nor does it apply to farmers having no place of business in any village, town, or city, who buy or sell agricultural products, or buy live stock with a view of fattening them for sale, unless such person so excluded be otherwise a trader within the meaning of this act. A farmer, then, may buy live stock with a view of fattening them for sale without going into bankruptcy even though he should fail for thirty days to pay for one. But if he buys young heifers or a young bull for breeding purposes and does not pay for them within thirty days after the debt is due, the farmer may be put into bankruptcy. In a word, he can not deal in live stock at all without being subject to bankruptcy unless he simply buys with a view of fattening them for sale. If he wants them for milch cows or for breeding stock or for any other uses, but with a view to fattening them for sale, he may be subject to bankruptcy on the contract.

And if the farmer has any place of business in a village, town, or city he is subject to bankruptcy as any of the other classes I have mentioned. In other words, the only privilege that the act gives to the farmer of trading without being subject to bankruptcy is the privilege of buying and selling agricultural products, or of buying live stock with a view of fattening them for sale. In all other matters of trade the farmer would be as subject to bankruptcy as any other trader.

Now, Mr. President, I have pointed out the classes who are subject to bankruptcy under this act, if it should become a law, and they are very numerous, embracing almost everybody.

Now, what are the grounds upon which this large class may be put into bankruptcy? As the bill was reported by the committee, if any trader, which under the bill embraces all the classes mentioned, owing debts exceeding in amount $1,000, after the passage of this act, depart from the State, district, or Territory of which the person implicated is an inhabitant, with an intent to defraud his creditors, or being absent remains so with like intent, or conceals himself to avoid arrest or the service of legal process, or makes a fraudulent transfer of his property, or conceals or removes the same to avoid process, or with intent to defraud his creditors, or suffers judgment against him, or gives a warrant to confess judgment or judgment-note with like intent, or who being actually insolvent suffers his property to be seized on execution and fails within twenty days thereafter to redeem the same from such seizure, he may be put into bankruptcy.

The act must be done with intent to defraud his creditors, but any three irresponsible, malicious persons, or enemies, who desire to break a man up, may take the necessary steps to put him into bankruptcy by alleging that his acts are done with intent to defraud his creditors every time he goes out of the State, district, or Territory where he lives, without having the remotest intention of defrauding his creditors. The result is that he must come into court, demand a trial, and be able to prove that he did not leave the State or Territory of his residence with any view to defrauding his creditors. In any of the cases above mentioned malicious persons who desire to involve a fellow-citizen in litigation and trouble, and to destroy his credit, by taking steps to put him into bankruptcy, may cause it to go all over the country that the person implicated has become a bankrupt, and if he should be able on trial to show that the allegations of intended fraud, &c., were all false, he has still been involved in heavy expense, his property has been seized and taken from him, and he is almost ruined.

But this is not all. If any one of the numerous classes already mentioned has suspended, and not resumed payment of his commercial paper made, passed, or contracted in the course of his business for a period of thirty days after the same were payable, he is to be put into bankruptcy. Take the case of the hotel-keeper in a small village, and if he fails to pay a debt due his grocery merchant for a period of thirty days after it is due, this bill, if it becomes a law, provides, no matter how solvent he may be, for putting him into bankruptcy. What would our plain country people say to such an act? Our merchants, our manufacturers, our warehousemen, our builders, our contractors, our shipwrights, our publishers, our inn-keepers, our livery-stable men, and all our artisans who buy their material for their business on credit, what would they say to such an act?

What would they say to a law that breaks them up, takes their property from them, and ruins their credit because they have been unable to pay their debt for as much as thirty days after it is due? Everybody familiar with the general business of the country knows that our country merchants, who are more prompt usually than the other classes above mentioned, very often fall behind more than thirty days in meeting their paper with their wholesale merchants, and nobody thinks in all this large class of persons of breaking down and destroying a man because he has suspended payment and failed to pay a debt for as much as thirty days after it is due. As I have already shown, the bill makes a very large proportion of our people subject to bankruptcy, and then it provides for putting them into bankruptcy for the most trivial grounds, for instance, a farmer buying live stock, with no intent to fatten them for sale, who fails to pay for them only as much as thirty days is subject to have his whole property seized and to be put into bankruptcy and ruined.

Mr. President, the people of this country never did sanction such an iniquity for any considerable length of time, and they never will do it. But this is not all. A person who, being insolvent, gives a preference to a creditor as hereinafter defined, or makes an assignment for the benefit of existing creditors, with or without preference, shall be deemed to have committed an act of bankruptcy, and may be adjudged bankrupt by any court of bankruptcy in the district in which he may have been resident, &c. Now if he is insolvent and has a debt of honor, of the most sacred character, that every right-thinking man would feel that it was his duty to pay in preference to other indebtedness, and he gives a preference to that creditor, no matter how much in honor bound he may be to do so, he may be dragged into bankruptcy for doing it, or if he makes an assignment for the benefit of existing creditors with or without preferences. In other words, if he finds he is in failing circumstances and does not want to go into the bankrupt court where his little estate will be absorbed in expenses and costs and lawyers' fees, and he prefers to make an assignment to some upright, intelligent citizen for the benefit of his creditors, and does it without giving preference to anybody, he shall be seized and dragged into bankruptcy for doing it. Could anything be more unfair? Those who covet the passage of this bill seem to have but one idea, and that is that everything ought to be wound up in bankruptcy.

A man who is insolvent may not make an assignment of all his effects for the benefit of his creditors, giving no preference to anybody, and if he does he shall be put into bankruptcy for doing it. In other words, it is necessary that the officers in bankruptcy and lawyers shall have fees, and there must be a great many cases made for their benefit; and therefore it will not do to permit insolvent persons to make assignments even without preference, as each assignment would keep one case out of bankruptcy.

But, Mr. President, if the estate is small, in such case the debtor will be ruined and the creditors will not get the benefit. It will go mainly to the officers of the court, to the lawyers, and to the Government. Bear in mind that a man who manufactures paper sacks and gets $1,000 in debt and fails to pay a debt of $10 for as much as thirty days after it is due may be put into bankruptcy. Now, what will become of the thousand dollars of estate? In the twenty-sixth section of this bill it is provided that the costs and counsel fees of involuntary proceedings which have proceeded to adjudication may be paid out of the assets to an amount not exceeding $200 if the court shall so order. Here, then, $200 of the thousand has gone as costs and counsel fees.

Then, in section 20 it is provided that every trustee shall pay in to the clerk 1 per cent. of the gross amount of money realized from the assets in excess of $500, and every debtor making a composition shall in like manner pay one-half of 1 per cent. upon the total amount thereof, which is to be paid into the Treasury of the United States. Then, in section 72 it is provided, first, that 1½ per cent. upon the gross assets above $500, for the use of the United States, as provided in section 20, shall be one of the prior liens; second, the costs and charges of proceedings, including the entry fee of $60, when not paid by the bankrupt, and all costs duly charged against the assets. Here then, is $60 more, running the amount up to $260; and then there is an indefinite provision for all costs duly charged against the assets. No one can tell how much costs will be duly charged against the assets.

Then, in section 75 it is provided that the trustee shall be allowed from the assets in his hands all his necessary disbursements and such reasonable compensation for his services, having regard to the circumstances of the case, as shall be allowed by the committee of direction, or if there be no committee by a majority in value of the creditors; and in default of such allowance by the commissioner, not exceeding the rate of compensation allowed for similar services by probate courts of the State in which the proceedings are pending. And the allowance shall

in all cases be subject to the decision of the district judge and the supervision of the circuit court. Where the commissioner acts as trustee the allowance shall be made by the judge. Here, then, is another indefinite arrangement for fees and costs for the trustee, which is to include all his necessary disbursements and such reasonable compensation for his services, having regard to the circumstances of the case, as shall be allowed by the committee of direction, &c.

By the time all this is through with, I should say at least $500 of the thousand-dollar estate is absorbed in costs and counsel fees and percentage, to go to the Treasury of the United States and compensation to trustees, &c. The bill is very careful that the manufacturer of paper sacks or any other of the classes above mentioned shall not make an assignment either with or without preference, but if he does he goes into bankruptcy, and when he gets there, nearly or quite one-half of the estate of a thousand dollars will be eaten up in expense, he will be ruined, and his creditors will get but little benefit.

Section 26, as reported by the committee, provides that at any time before or within three months after the adjudication, upon proof being made by affidavit to the satisfaction of the judge that any bankrupt or person against whom proceedings in bankruptcy are pending is about to leave the district, and that his departure will hinder, impair, or delay the proceedings therein, the judge may issue his warrant to the marshal directing him to arrest the said bankrupt, or supposed bankrupt, and him safely keep until he shall give bail or recognizance in a sum to be specified in said warrant for his appearance from time to time as required by the court, and for his obedience to all lawful orders of the court in said proceedings. What is the liberty of the citizen worth in a case of that character?

A proceeding has probably been commenced against the bankrupt without just cause by some enemy or malicious person for the purpose is destroying his reputation, and if he attempts while the proceeding of pending to leave the State for any cause, and his absence would hinder or impair or even delay the proceeding for a single day, he may be arrested, and if he does not give security for his appearance at court, put in jail, and his little estate swallowed up by costs and charges as already mentioned.

There is an old maxim of the law, Mr. President, that "the law protects the vigilant and not the sleepy," and that among creditors those who are vigilant and commence proceedings when they may legally commence them get preference and natural preference over those who are negligent and careless in doing so. This bill proposes to destroy all that entirely.

As reported by the committee it is provided in section 33 that all property of a debtor levied upon or seized on execution within thirty days of filing the petition by or against him by any process of law applied to the satisfaction of sales on execution, or the proceeds thereof, shall be held by the judgment creditor for the general creditors and shall be recovered by the trustee on proper process, except so much as is necessary to reimburse the cost of such execution. Here is a case where suit has been brought say in the State court by a creditor who has obtained judgment levied upon the property of the debtor and had it sold and has received his money, as he had a right to do, and if the defendant, or debtor, at any time within thirty days applies for voluntary bankruptcy, or some creditor proceeds against him as a bankrupt, for causes already mentioned, the judgment creditor who brought suit and obtained judgment and sold the property of the debtor and received his money is bound to hold the money for the general creditors and is subject to suit by the trustee in bankruptcy who has a right to recover the money from the judgment creditor for the benefit of the general creditors.

In such case the creditor in bringing the suit in the State courts, for instance, may have acted in perfect good faith, and after proceeding to judgment and having the property of the defendant sold for the satisfaction of the judgment and having received his money he is cited to hold the money for the benefit of the general creditors. But if after the judgment was rendered and after the property was sold, and after the money was paid to him without any notice to him of any act on the part of the defendant for which he could be put into bankruptcy, some of the creditors of the defendant in the bankrupt court proceed against him, the bill then provides that the trustee in bankruptcy may bring suit against the vigilant creditor who has collected his money by regular legal process and compel him to hold it for the benefit of the general creditors of the defendant now bankrupt. I am satisfied that the people of this country desire no such legislation.

There is no great emergency such as existed at the close of the war to call for a bankrupt law, and scarcely anybody desires it except a few reckless or dishonest debtors, or the class of large merchants or bankers in commercial centers who as a creditor class desire to hold the bankrupt law as a rod over their debtors to compel payment.

It is true, Mr. President, that there is a provision in the bill authorizing persons who are debtors to go into voluntary bankruptcy, and that is held out by the friends of the large creditor class and the advocates of the bankrupt bill as one of its best provisions.

While there would occasionally be an instance where it might be beneficial to a debtor to permit him to go into voluntary bankruptcy where he had made an honest failure and would never be able to pay his debts, where no censure could attach to him, yet, as a general rule, the class of persons who would take the benefit of voluntary bankruptcy would be those who were either dishonest or who, with knowledge that they could avail themselves of the benefit of the bankrupt law, would take risks and trade carelessly with a view to that character of relief if it should ever become necessary to avail themselves of it. But if that is the chief excellence of the bill, why not permit those opposed to it to have stricken from it all the provisions which relate to involuntary bankruptcy? That motion has been made and the advocates of the bill very vigorously oppose a motion to amend the bill in that particular.

Mr. President, ours is a Government of the people, and while combinations of wealthy citizens, or corporations, or interested parties may occasionally be able to secure legislation that is not for the general good and does not meet the popular approval, and such legislation may sleep for years upon the statute-book without attracting popular attention, still the popular judgment will ultimately control it, as has been the case in reference to the bankrupt acts which have heretofore been enacted.

This is a question of so much importance and so far-reaching in its operations that the attention of the people is necessarily attracted to it when a bankrupt law is put upon the statute-book; and I think I have shown very conclusively that popular sentiment has frowned upon every such act and that the representatives of the people have been compelled to yield and join in its repeal. I take it for granted that there is no great emergency requiring this legislation and no popular clamor demanding its enactment. Indeed, judging by the past, I take it for granted that there is a very overwhelming popular sentiment against it.

Then I object to the bill on account of the unjust and unreasonable provisions which I have already pointed out. It seizes unsuspecting persons who have intended to do no wrong, takes their property from them for short delays of as much as thirty days in meeting their obligations, and denies to them the right to make assignments for the benefit of their creditors, even without preference to any one. Everybody knows that it is not in the power of the large classes of people described in this act to meet promptly all their engagements within thirty days, and this is the case of persons perfectly solvent. Country merchants do not do it, hotel-keepers do not do it, farmers can not do it, and manufacturers can not do it, and so with all the classes mentioned. Then why pass a law that everybody knows can not be executed without immense injury to the honest laboring masses of our people, and a law which everybody knows will not be permitted to stand long upon the statute-book until they will require its repeal?

It seems to me it has been tried often enough; that its advocates ought to begin to learn that the people do not favor their views on this question. For these and other considerations which I might mention I feel it my duty to cast my vote against this bill, and I earnestly protest, in the name of the people I represent, against its passage.

The PRESIDENT *pro tempore*. The bill will be restored to its place on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes; that it asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON, Mr. J. J. ADAMS, and Mr. HENDERSON, of Iowa, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorise and empower the Legislative Assembly of said Territory to pass such general laws; that it agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. HILL, Mr. BOYLE, and Mr. BAKER managers of the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown.

The message also announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House of Representatives the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee; and it was thereupon signed by the President *pro tempore*.

RECALL OF A BILL.

Mr. JONES, of Arkansas. I ask that the concurrent resolution which

has just come from the House of Representatives for the recall of a bill be laid before the Senate, as it is important that it shall be passed at once.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *June* 2, 1886.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the resolution be concurred in and that the request of the House of Representatives be complied with.

The motion was agreed to.

NORTHERN PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the pending question being on the amendment proposed by Mr. VAN WYCK.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. Mr. President, yesterday I made a statement of the amount of land donated by Congress to this road, which was correct. I changed the statement in the hearing of the Senate, and I find that the original statement was correct. In order to remove all doubt on that subject, I have learned from the statute the true state of facts on the subject to be this: In the States there were granted twenty sections of land to the mile, and in the Territories there were granted forty sections of land to the mile. I will read now from the third section of the act incorporating the Northern Pacific Railroad Company, so as to verify that statement. That section reads as follows. I read only part of it:

SEC. 3. *And be it further enacted*, That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company, its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway and its branches, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of said railroad line, as said company may adopt, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any State.

Ten sections per mile on each side in a State makes twenty sections per mile. Twenty sections on each side in the Territories makes forty sections per mile.

I do not intend this morning to continue the debate, but I have some memoranda from which I desire to speak during the progress of the debate. I do not desire to go on now. I only desired to make the correction, and during the progress of the debate I shall have something further to say.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK], which will be stated.

The CHIEF CLERK. In section 1, line 10, after the word "main," it is proposed to strike out—

Line which extends from Wallula Junction, in Washington Territory, to the city of Portland, in the State of Oregon, except such of said lands as appertain to and are conterminous with the branch line across the Cascade Mountains.

And to insert in lieu thereof:

And branch lines where the railroad required by said acts has not been constructed and completely finished on the date of the passage of this act.

So as to make the section read:

That all the lands heretofore granted to the Northern Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and subsequent acts and joint resolutions of Congress, which appertain to and are conterminous with that part of its main and branch lines where the railroad required by said acts has not been constructed and completely finished on the date of the passage of this act, be, and the same are hereby, resumed by the United States and restored to the public domain, and made subject to disposition and settlement under the general laws relating to the public lands.

The PRESIDENT *pro tempore*. On this amendment the yeas and nays have been ordered.

Mr. CALL. I do not think a question of so great importance ought to be allowed to pass without some further consideration of it. The amendment proposed by the Senator from Nebraska raises the entire question of the expediency of the forfeiture of railroad land grants. When a measure of great public importance is pressed upon the attention of Congress by a large body of public opinion, when it has been presented by the platforms of both the great political parties of the country, when the Democratic party in the last canvass presented distinctly to the country the pledge that all unearned railroad grants should be forfeited, that the policy of granting the lands in homesteads to actual settlers was a necessary one for the well-being of the whole country, that the policy of these large land grants to railroad corporations was a hurtful one in every respect, when the great body of the associated labor of this country has indorsed that view and has spoken in the most emphatic terms recently to the country, it can scarcely be justified that we should fail to take action upon it, and it is certainly true that a failure to act when the question is presented and the passage only of a law which relates to a very small portion, an insignificant portion of this vast domain, thus evading the question raised before us by the public opinion of the country, will be regarded as a denial, as hostile legislation, and whatever the motives, it will in effect and in fact be a denial of this proposition and of this demand by the public opinion of the country.

It does not matter that this small proportion of this unearned land grant shall be forfeited and that it is right that it should be. The great question upon which the people of this country demand Congress to take action, and upon which in my judgment the very stability of our republican institutions depends, is left untouched; and it is left untouched in the interest of these vast land grants; it is left untouched in the interest of accumulation without consideration of vast properties in the hands of a few individuals; it is left untouched in the interest of that great amount of taxation upon securities issued without consideration and taxing the productive power of the people of the United States without the authority of law, but which is as practical and as effective in oppressing the industries of the country as if imposed by an act of Congress itself. And for one, therefore, I am not in favor of allowing this question to pass without some expression of opinion on the part of the Senate.

In the report of the Committee on Education and Labor, the intelligent representatives of the associations of labor presented the views and the opinions of that large and influential body of our fellow-citizens upon that subject. Since that time the subject has continued to grow in importance. I will read a few extracts from the testimony taken before the committee on this subject, the testimony of Mr. William Godwin Moody found on the seven hundred and twentieth page of the first volume of that report:

EXTENT OF LAND GRANTS TO RAILROADS ILLUSTRATED.

By the CHAIRMAN:

Q. Have you ever made a calculation of how many States of the size of New York those 215,000,000 acres of public lands granted to the railroads would make?

A. Yes, sir; I have made a calculation, though it is not based on the size of New York. The 250,000,000 acres that I speak of cover an area nearly equal to the eight States of Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri. Those States together have an area of 258,000,000 acres, only 8,000,000 acres more than what has been given to the railroads. The amount of the public domain that has been absolutely granted to the railroads is more than three times greater in area than England, Ireland, and Scotland combined. It is an area equal to the Austro-Hungarian Empire and the Kingdom of Italy, with Switzerland and the Netherlands thrown in.

Q. One empire, two kingdoms, and one republic.

A. Precisely. It is about equal to the Empire of Germany, with the Kingdoms of Italy, Greece, Portugal, and the Swiss Republic as a make-weight, they having in the aggregate an area of only 251,000,000 acres as against 250,000,000 acres that have been granted to our railroad despots.

Q. Assuming that you are correct in the statement that the odd-numbered sections of the public land dominate and control the even-numbered sections, then that calculation would be doubled?

A. Exactly so.

EVIL EFFECTS.

Q. Now, Mr. Moody, what hurt does it do?

A. The hurt is manifold and manifest. It is perfectly apparent. One of the most manifest features of it is that it has driven our American people off the farms. I intended to have said that under the conditions of the grants of the homestead lands the amount of land so granted to each American citizen was limited to two quarter-sections at the most; one acquired by homestead right or purchase and the other by tree culture, making altogether 320 acres. Under the grants to the railroads no limitations have been made, and no conditions have been imposed as to the disposal of the lands. The railroads take them purely as speculators, and they enter upon the disposal of them as upon a gigantic speculation. They are filling our country with these great estates; estates that sink to insignificance the *latifundia* of old Rome, which were the cause of her destruction. They are planting upon our soil a social system that is in utter and direct conflict with all our institutions, and it is growing with a rapidity that is almost beyond belief. That system is driving from the soil those who should there find their homes with full occupation, abundance, and happiness. Hundreds of thousands, ay, millions, of our people are driven off the land into the towns and cities, where they are hived up in hovels and tenements such as the gentlemen of this committee have seen, I believe, to some degree, and the sight of which, I understand, was so exceedingly offensive to their olfactory nerves that they abandoned that method of investigation—at least it has been so reported by the papers. The facts are that while there are hundreds and thousands and millions of acres of our lands, cultivated and uncultivated, in the hands of private owners, without a single fixed inhabitant upon them, we have here in the city of New York a population so dense that it is reckoned at the rate of 500,000 people upon a single square mile. By the medical reports and other statistics it appears that there is a population of 760 persons to the square acre in some places here, which makes 486,000 to the square mile; a mass of people living in a state of wretchedness unendurable to the sight of gentlemen of this committee, and absolutely unendurable to the life of those people themselves—for we find that the mortality in those districts is double what it is in the other sections of New York."

This testimony has been verified in the report of the Commissioner of Labor, in the fact that there are a million of unemployed people now in this country, in the fact that labor is disturbed and there is unrest everywhere, in the fact that there is among our people a disposition for change, for new legislation, or something that will cure the manifest evils that affect the family, that affect the comfort and well-being of the entire community. We are not at a loss to understand why that is when we understand that between three and four thousand millions of securities which have no consideration, but as was said by the Senator from Texas [Mr. COKE] the ink and the paper upon which they are made, but which carry with them a taxing power upon every man, woman, and

child to meet the gross amount of nearly $900,000,000 a year, that being the total gross earnings of these corporations, and between three and four thousand millions appears to be the most reasonable estimate of this character of securities bearing a proportionate part of this vast amount of tax paid for railroad transportation.

Mr. President, we have here this vast grant of something like thirty or thirty-two million acres which are involved in this question of forfeiture, which were not earned within the time specified in the granting acts, which were given upon the express condition, so specified in the law, that it should not be a grant unless that condition was complied with; and we find upon an examination of the reports that have been made to the two Houses of Congress and a careful estimate of the facts that between thirty and forty million dollars will be made from this land grant by the few projectors of this enterprise, those who hold and control its stock, over and above the entire cost of the construction of the road. We find that the indirect effect of this action of Congress is to tax the people who shall occupy these public lands not only with the actual cost of the construction of this road and then give it to a few individuals, but with thirty or forty millions above and beyond the cost of the road. Such is the statement which is contained in House report, first session, Forty-seventh Congress, in 1881–'82.

Mr. GEORGE. Do I understand the Senator that the Government paid enough to build and equip the road fully from end to end and $30,000,000 besides?

Mr. CALL. That is the effect of it.

Mr. GEORGE. So as to make them a present of the road and $30,000,000 as a bonus for building it? Is that the idea?

Mr. CALL. That is the idea. In this report, signed by J. Proctor Knott, DAVID B. CULBERSON, R. W. TOWNSHEND, Van H. Manning on the 11th of July, 1882, and by L. E. PAYSON on the 21st of July, 1882, is this:

Or, assuming the mean between the estimates of the auditor and the president of the company, and also the mean between the average price of the lands already sold and the auditor's estimate of $2.50 per acre, the following will be the result:

Proceeds of lands already sold	$11,565,466 65
26,919,947 acres unsold, at $3.12½	84,100,146 87
Total	95,665,613 52
Cost of 2,409¼ miles road, at $33,407.65	80,495,732 75
Surplus	15,169,880 77

That is the mean estimate.

Or, adopting the extravagant estimates submitted by the president in his response to the committee, the figures will stand thus:

Value of land sold	$11,565,466 65
The residue, 39,416,047 acres, at $2.50	98,540,117 50
	110,105,584 15
Cost of 2,409¼ miles of road	93,526,668 86
Surplus	16,578,915 29

Or, taking the mean between the two, the following will result:

Value of lands sold and unsold, estimated as last above	$110,105,584 15
Cost of 2,409¼ miles road, at $33,407.65	80,495,732 75
Surplus	29,609,851 40

The undersigned suppose that all that could be asked of the Government in the exercise of the most prodigal generosity would be a sufficient amount of lands to enable the company to construct its road without costing it a single dollar of its own money, and as either of the foregoing hypotheses shows a surplus of many millions more than are necessary for that purpose, it has occurred to them that it might be to the interest of the people of the United States generally to look somewhat after that surplus, whatever it may be.

There is a further view to be taken of this subject, however. The undersigned have no means of knowing precisely how much land has been earned by the company, but estimating it at 30,000,000 acres, and appraising the portion unsold at $2.50 per acre, which the auditor supposes to be reasonable, and we have the following:

3,083,953 acres sold for	$11,565,466 65
26,916,047 acres unsold, at $2.50	67,290,117 50
Total	78,855,584 15

* * * * * * *

The president of the company, in response to the inquiries proposed by the committee, states the cost of constructing 1,203½ miles of completed road and 170 miles of finished grade at $51,019,402.99, and estimates the cost of constructing 1,206 miles yet to be built at $42,507,265.87, making $93,526,668.86 for 2,409¼ miles, or $38,815.79 per mile; while the auditor, in the report above referred to, after having, as he says, "made special inquiry in order to obtain the fullest information," and, as the undersigned understand, from data furnished by the company itself, estimates the entire cost of 2,700 miles at about $75,000,000, or at the rate of $28,000 per mile. After some remarks concerning the work which had already been done, he says:

The road yet to be constructed and accepted may be stated as follows, with the estimated cost of the same, namely:

Wisconsin division—Montreal River to Thompson Junction, 122 miles, at $20,000 per mile	$3,440,000 00
Missouri division—Missouri River to Yellowstone River, 217 miles, at $12,000 per mile, including an iron bridge over the Missouri River at Bismarck, the cost of which is estimated at nearly $1,000,000, or about	3,500,000 00
Yellowstone, Rocky Mountain, and Clark's Ford divisions—Yellowstone River to Lake Pend d'Oreille, 820 miles, at $30,000 per mile	24,600,000 00
Pend d'Oreille division—Lake Pend d'Oreille to Columbia River, 209 miles, at $21,500 per mile	4,500,000 00
Columbia River division—Junction of Columbia and Snake Rivers to Portland, 238 miles, at $31,500 per mile	7,500,000 00
Cascade Mountain division—Junction of Columbia and Snake Rivers to Puget Sound, 219 miles, at $30,000 per mile	6,570,000 00
Pacific division—Portland to Kalama, 40 miles, at $25,000 per mile.	1,000,000 00
Total road to be constructed, 1,865 miles, at an estimated average cost of $26,868 per mile, amounting to	50,110,000 00

The entire road when completed, 2,700 miles, will have cost about $75,000,000, or at the rate of $28,000 per mile. (Report Secretary of Interior, Vol. II, p. 575.)

Notwithstanding that due allowance is made by the auditor for the million-dollar bridge over the Mississippi River, as well as for those portions of the road of more difficult construction, it will be observed that the discrepancy between these two estimates is $10,815 per mile, or $26,048,732 for the whole line of 2,409¼ miles. Which is nearer correct may possibly be ascertained by a little closer analysis.

It appears that under all these estimates there is a fund of from sixteen to thirty million dollars over and above the entire cost of the construction of this railroad, valuing its lands at $2.50 per acre. I have been informed that there has been offered by an English syndicate an amount nearly equal to $300,000,000 for the land if the title can be confirmed. I do not know anything in regard to the correctness of this statement, but it comes to me from a gentleman connected with the Government and with the legislation of this body, and standing high in the confidence of the country, not as a matter of knowledge on his part, but as a matter of information which he has derived from persons of character and respectability.

Mr. GEORGE. It appears that the average sales of lands made by the Northern Pacific Railroad Company up to the present time come within a fraction of $4 per acre instead of $2.50, as estimated by the Senator.

Mr. CALL. Now, Mr. President, here is a great public question, a question involving the safety of the Republic, for both political parties have asserted, and it is plain to the eye of reason and argument that there can be no republican government if there be several hundred millions of dollars in value of the public land granted without consideration and as a gift to individuals. Upon that proposition there can be no kind of doubt or question that the people of this country will not sustain this Congress, and that it can not be covered up by any delusive and illusory propositions and arguments in regard to the consideration of the construction of a railroad. The necessity of railroads, the advantage to the public, the necessity of them to the civilization of the country is one thing in which all will acquiesce. The construction of them even by donations from the Federal Treasury is another thing, which does not concern that question. If it be expedient that the public policy shall be established of building these great public highways by donations from the public Treasury, none will contend but that it should be limited to the cost of the road. None will deny that in the case of the subsidy to the Northern Pacific Railroad it should be a lien upon the property returnable to the people in some shape or form. No one can justify the imposition by law being the direct effect of a grant of the public lands, of the burden of building a railroad upon the settlers upon the public lands, taking from them and their hard-earned toil the entire cost of a railroad, and then adding to it as much again as the cost paid by them, and then give this enormous sum of from sixteen to forty million dollars and the franchise and the completed railroad built by the labor and toil of these people to a few individuals who manipulate and control and own the stock of the road. That is the question that is presented from which there is no escape and no denial, and the question is how are we going to deal with this condition of things.

We are told by the Senator from Vermont [Mr. EDMUNDS] and others that there are differences of opinion in this body and that we must respect those differences of opinion, that this great public question must not be dealt with, taken hold of when it comes up, and settled and determined. I am in favor of a final settlement of this question. I have no enmity to corporations. I recognize them as an instrument of modern civilization. Associated effort, which can only be effective in the form of corporate authority, is the great instrument of modern civilization; but it is a distinct question whether they should be left without restraint, whether railroads should be built by impositions upon the settlers and the hard earnings of those who toil upon the public lands, and then give them away with two or three times their cost with the power of taxation of those people. That is a different and a distinct question. That has nothing to do with the utility of railroads, nothing to do with the policy of aiding them either by grants of public money or otherwise. It is that question of abuse of the legislative power of government in making donations of public lands and increasing the power of individuals to impose unreasonable burdens on the country which we have to deal with.

It is no answer to this line of argument to say that the public in carrying into operation a transportation system has been greatly benefited, that freights have been reduced, that transportation has been made easy. We have a right to demand that it shall be done with the least cost to the people consistent with a reasonable and liberal profit to those who engage in these enterprises.

How did that distinguished man, whose great capacity none will deny, the lamented President of the United States, deal with this question

when it came before him? I refer to the late President Garfield. What did he say to the American people, with the authority of his great name and reputation, with regard to that question which the Senate proposes to set aside and not deal with as demanded by the people—the question of this vast corporate interest unrestrained by law, the question of the donation of millions upon millions of acres of the public land without reference to the cost of construction? President Garfield, in his address upon "The Future of the Republic," delivered before the literary societies of the Western Reserve College, of Hudson, Ohio, on the 2d of July, 1873, said:

All railroad experience has verified the truth of George Stephenson's aphorism, that, "when combination is possible, competition is impossible."

* * * * * * *

It is easy to see that we are repeating the experience of Great Britain on a vast scale. We have doubled our miles of railway in the last eight years. In the last two years we have built and put into operation 14,206 miles of road—more than a quarter of all we had in January, 1871.

The cost of constructing the roads we are now operating was $3,160,000,000; and during the year 1872 there were transported by rail more than 200,000,000 tons of freight. The process of consolidation of our leading lines of roads has been even more rapid than that of construction, and whatever dangers we may expect from the system are rapidly culminating to the point of full development. In antagonism to these and to similar combinations of capitalists are the combinations of laborers in trades unions and labor leagues. The indications are abundant that we shall soon see, set in full array, a conflict between capital and labor—a conflict between forces that ought not to be enemies, for labor is the creator of capital, which is only another name for accumulated labor. It is the duty of statesmanship to study the relation which the Government sustains and ought to sustain to this struggle, and to provide that it shall not be the partisan supporter of either combatant, but the just protector of both. The right to labor has not been sufficiently emphasized as one of the rights of man. The right to enjoy the fruits of labor has been better secured.

In view of the facts now set forth, the question returns, What is likely to be the effect of railway and other similar combinations upon our community and our political institutions? Is it true, as asserted by the British writer quoted above, that the state must soon recapture and control the railroads, or be captured and subjugated by them? Or do the phenomena we are witnessing indicate that general breaking up of the social and political order of modern nations so confidently predicted by a class of philosophers whose opinions have hitherto made but little impression on the public mind?

He then reads the declaration of Fourier sixty-six years ago:

These declarations read something like prophecy, so far as they relate to the effects of combined corporations. New mechanical forces have hastened the development of corporations since Fourier wrote. We need not take alarm at his prophecy of the speedy decay of civilization; but the analogy between the industrial condition of society at the present time and the feudalism of the Middle Ages is both striking and instructive. In the darkness and chaos of that period the feudal system was the first important step toward the organization of modern nations. Powerful chiefs and barons intrenched themselves in castles, and in return for submission and service gave to their vassals rude protection and ruder laws. But as the feudal chiefs grew in power and wealth, they became the oppressors of their people, taxed and robbed them at will, and finally, in their arrogance, defied the kings and emperors of the mediæval states. From their castles, planted on the great throughfares, they practiced the most capricious extortions on commerce and travel, and thus gave to modern language the phrase "to levy blackmail." The consolidation of our great industrial and commercial companies, the power they wield, and the relations they sustain to the States, and to the industry of the people, do not fall far short of Fourier's definition of commercial or industrial feudalism. The modern barons, more powerful than their military prototypes, own our greatest highways, and levy tribute at will upon all our vast industries. And, as the old feudalism was finally controlled and subordinated only by the combined efforts of the kings and the people of the free cities and towns, so our modern feudalism can be subordinated to the public good only by the great body of the people acting through their governments by wise and just laws.

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States and communities have willingly and thoughtlessly conferred these great powers upon railways, and they must seek to rectify their own errors without injury to the industries they have encouraged.

Now, Mr. President, these words of Mr. Garfield, who unquestionably, whatever may be said of him, was a man of great thought, a man of profound reflection, come to us with great force when we are considering the question of dealing in our discretion with a grant of thirty-odd millions of acres of the public land over which Congress has plenary and absolute power for a railroad constructed outside the terms of the law with notice to every one that the law giving that grant had expired, for I undertake to say that there is not a single ground of argument to the contrary.

It has been said that no lawyer would express an opinion that this grant was not vested up to the point of the present completion of the railroad company. Why, there is not a decision of the Supreme Court and there is nothing but a single decision of the district court in Oregon and one or two others that Congress has abdicated its sovereign power of legislation and created a vested right, in defiance of the power and the duty of Congress, to an empire of public land under an act which in express terms required that if a certain thing was not done, to wit, the completion of the road by a certain time, it should be without force and effect, or as the Supreme Court says, in the decision that I have before me, in words the law is a law as well as a grant and the grant is controlled by the law. Without the law it has no existence, and the law says it shall exist only upon condition, a condition which was never performed, and to this force and effect is every word of every decision, and the single fact that the Supreme Court has said that the words "there shall be and is hereby granted" create a present interest is the only foundation of an argument without reason and without countenance in the authorities which seeks to overturn the fact that the law controls the grant and that it is an act of sovereign legislative power for a great public purpose limited by time, because it is absurd to say that to do that a hundred years hence which to do to-morrow would be of great public service would be a compliance with the public necessities and the public uses. Therefore time is of the essence of the law, made so expressly by the reason of the act itself, sustained by the reason of the law and by the public policy upon which it was based. Therefore I undertake to say that neither can there be an argument or pretense of an argument or reason for the assertion that the power of Congress is not absolute and discretionary over this subject.

I undertake further to say that it is a demonstrable fact that if we are to aid this railroad corporation, if this franchise to this great corporation of the road built by it does not furnish a compensation for its cost, we had better pay for it out of the public Treasury and pay the reasonable and proper and just cost of the construction of the road than to impose upon the people of this country the burden of paying two or three times its value, or to impose it upon that portion of the people of this country who live in Oregon, who live in Idaho, who live in the States and Territories along the line of the road. The policy of this law was to say before that country was occupied "we will give this land if you will construct this road within the time limited," and in doing that from this enormous empire, greater than has been acquired by conquest almost at any period of the history of the world by the armies of one nation from another—from this great empire of public land, this act of Congress making the grant undertook to say there should be paid out of the labor and toil of the people who settled upon it whatever might be demanded as the cost of the construction of the road, which even at the present value of this land would realize to the grantees probably $100,000,000 more than the entire cost of construction of the railroad.

Certainly the intendment of the act was that it should be a reasonable cost of construction, but, as Mr. Garfield said, these grants were made unreasonably, recklessly, without the limitations which sound policy would have imposed, and from the report to the two Houses of Congress the report of the president of the company, the report of the auditor, and in estimating as the committee of the House did the mean between the two reports they find that in addition to paying the entire cost of the construction of the road there was a difference of from sixteen to thirty or forty million dollars of profit over and above the estimated cost of the road, even taking the completed portion of it, and that was at the valuation of two dollars and a half an acre for the land.

Mr. GEORGE. The entire cost of the road has been estimated by the Commissioner of Railroads as $75,000,000; the whole land grant, 42,000,000 acres at $4 an acre, would be $168,000,000; deducting from that $75,000,000, the cost of the road, would leave $93,000,000.

Mr. CALL. Now, Mr. President, it can not be disguised that what is proposed and what is sought to be done is a gift of an amount estimated from $16,000,000 to $93,000,000 to some few persons, and that this is sought to be covered up under the pretense of vested rights—vested rights under a law that gave notice to every one that they should have no existence until the condition upon which the grant was made was performed. Now, what does the Supreme Court of the United States say on that matter? The law as I have said required the completion of this railroad by 1879. It has been said that there is an equity that arises against the United States because it was not enforced, because Congress took no action, that the law, which is mandatory, which by its very nature can not be a law except it is absolute and is notice to every one, was set aside and repealed. That is not the nature of law. It is not permissive, but it is commanding. It is an exercise of sovereign power; it admits of no distinction and of no qualification. The law said there shall be this grant made on condition that this road is completed by a certain time, and not otherwise.

Mr. MITCHELL, of Oregon. May I ask the Senator from Florida a question right there?

Mr. CALL. Certainly.

Mr. MITCHELL, of Oregon. Suppose after the time has expired for the completion of the whole road as designated in the act, as has been stated here—I do not know that it is correct—after the 4th of July, 1879, that then the Congress of the United States instead of declaring a forfeiture as they undoubtedly had the right to do at that time, proceeded to pass an act granting the same company further privileges in connection with the road by giving them the right of way through Indian reservations and all that, what effect, if any, in the judgment of the Senator from Florida would that have on the question now under consideration?

Mr. CALL. It would depend entirely upon the language used, and the purpose as declared for which such extension was made. The mere fact of perfecting its right to go through an Indian territory would have nothing to do with the land grant. It would not touch the question. It could not destroy the effect of the exercise of sovereign, absolute legislative power in the original grant. The mere fact that you extended the road and provided for it, and by legislation effected its extension through an Indian territory, would have no connection with the grant of lands or money or anything else with which it was to be done.

Mr. MITCHELL, of Oregon. I wish to ask one other question, if the Senator will allow me.

Mr. CALL. Certainly.

Mr. MITCHELL, of Oregon. I am not contending to the contrary, for the present at least. I simply wish to have the views of the Sen-

ator upon that question and upon some other questions which have been suggested in reference to this matter. There is one other question I should like to ask the Senator and to have his views upon.

Mr. CALL. Certainly; I am very glad to hear the Senator.

Mr. MITCHELL, of Oregon. It is this: Can there be such a thing as a waiver in law upon the part of the General Government in reference to a land grant by failing to proceed to take advantage of the failure to complete the road within the time and declare a forfeiture?

Mr. CALL. I think not. I think such a thing as that would be a clear denial of the force and effect of the law. Nothing can waive a law or repeal a law except the sovereign legislative power that enacted it, and which by constitutional authority has express power to do it. But that question has been decided in The United States *vs.* Clarke (8 Peters, 436), confirmed and affirmed by repeated decisions subsequently, and especially in the case from which I read, The United States *vs.* Thompson (98 United States Supreme Court Reports), where the court then said:

The United States possess other attributes of sovereignty resting also upon the basis of universal consent and recognition. They can not be sued without their consent. (United States *vs.* Clarke, 8 Pet., 436.) If they sue, and a balance is found in favor of the defendant, no judgment can be rendered against them, either for such balance or in any case for costs. (United States *vs.* Boyd, 5 How., 29; Reside *vs.* Walker, 11 *id.*, 272.) A judgment in their favor can not be enjoined. (Hill *vs.* United States, 9 *id.*, 386.) Laches, however gross, can not be imputed to them. (United States *vs.* Kirkpatrick, 9 Wheat, 720.) There is no presumption of payment against them arising from lapse of time. (United States *vs.* Williams, *supra.*) They can maintain a suit in their own name upon a non-negotiable claim assigned to them. (United States *vs.* White, 2 Hill, N. Y., 59.)

The rule of *nullum tempus occurrit regi* has existed as an element of the English law from a very early period. It is discussed in Bracton, and has come down to the present time. It is not necessary to advert to the qualifications which successive Parliaments have applied to it.

The common law fixed no time as to the bringing of actions. Limitations derive their authority from statutes. The king was held never to be included, unless expressly named. No laches was imputable to him. These exemptions were founded upon considerations of public policy. It was deemed important that, while the sovereign was engrossed by the cares and duties of his office, the public should not suffer by the negligence of his servants. "In a representative government, where the people do not and can not act in a body, where their power is delegated to others and must of necessity be exercised by them, if exercised at all, the reason for applying these principles is equally cogent."

That answers the Senator from Oregon. If no laches can be imputed to the Government, if the negligence of the servants of the Government can not affect the law, but it stands until repealed, where can the waiver be? A law by your Constitution is repealed, is deprived of its force and effect, only by a certain exercise of sovereign legislative power. It can not be modified, it can not be diminished, it can not be altered in its force or operation except constitutionally by the exercise of the sovereign legislative power that enacted it. Therefore, if it can not be altered or affected or qualified or repealed, there can be no waiver of it. Considerations of equity address themselves to the general legislative discretion of Congress.

But what did Mr. Garfield say upon the subject of this question of vested rights which are so often interposed to deny and qualify the exercise of the sovereign legislative power of the Government? The subject is not by any means affected or concerned by this question, because it does not arise here. I quote Mr. Garfield, because these questions are being forced upon the American mind. The very existence of property depends upon its use in such form that it shall not burden the people of the country with such taxes and such impositions as will make life uncomfortable, as will deprive it of ease and comfort. The existence of corporate power and property depends, as he says, upon wise and just and temperate legislation by the Congress of the United States and by the State Legislatures within their respective spheres. He says:

Since the dawn of history the great thoroughfares have belonged to the people—have been known as the king's highways or the public highways, and have been open to the free use of all, on payment of a small, uniform tax or toll to keep them in repair. But now the most perfect and by far the most important roads known to mankind are owned and managed as private property by a comparatively small number of private citizens. In all its uses the railroad is the most public of all our roads; and in all the objects to which its work relates the railway corporation is as public as any organization can be. But, in the start, it was labeled a private corporation; and, so far as its legal status is concerned, it is now grouped with eleemosynary institutions and private charities, and enjoys similar immunities and exemptions. It remains to be seen how long the community will suffer itself to be the victim of an abstract definition.

It will be readily conceded that a corporation is strictly and really private when it is authorized to carry on such a business as a private citizen may carry on. But when the State has delegated to a corporation the sovereign right of eminent domain—the right to take from the private citizen, without his consent, a portion of his real estate to build its structure across farm, garden, and lawn, into and through, over or under the blocks, squares, streets, churches, and dwellings of incorporated cities and towns, across navigable rivers, and over and along public highways—it requires a stretch of the common imagination, and much refinement and subtlety of the law, to maintain the old fiction that such an organization is not a public corporation.

In the famous Dartmouth College case it was decided, in 1819, by the Supreme Court of the United States that the charter of Dartmouth College is a contract between the State and the corporation which the Legislature can not alter without the consent of the corporation; and that any such alteration is void, being in conflict with that clause of the Constitution of the United States which forbids a State to make any law impairing the obligation of contracts. This decision has stood for more than half a century as a monument of judicial learning and the great safeguard of vested rights. But Chief-Justice Marshall pronounced this decision ten years before the steam-railway was born, and it is clear he did not contemplate the class of corporations that have since come into being. But year by year the doctrine of that case has been extended to the whole class of private corporations, including railroad and telegraph companies.

But few of the States, in their early charters to railroads, reserved any effectual control of the operations of the corporations they created. In many instances, like that of the Illinois Central charter, the right to amend was not reserved. In most States each Legislature has narrowed and abridged the powers of its successors, and enlarged the powers of the corporations; and these, by the strong grip of the law and in the name of private property and vested rights, hold fast all they have received. By these means not only corporations but the vast railroad and telegraph systems have virtually passed from the control of the State. It is painfully evident, from the experience of the last few years, that the efforts of the States to regulate their railroads have amounted to but little more than feeble annoyance. In many cases the corporations have treated such efforts as impertinent, intermeddling, and have brushed away the legislative restrictions as easily as Gulliver broke the cords with which the Lilliputians attempted to bind him. In these contests the corporations have become conscious of their strength and have entered upon the work of controlling the States. Already they have captured several of the oldest and strongest of them; and these discrowned sovereigns now follow in chains the triumphal chariot of their conquerors. And this does not imply that merely the officers and representatives of States have been subjected to the railways, but that the corporations have grasped the sources and fountains of power, and controlled the choice of both officers and representatives.

The private corporation has another great advantage over the municipal corporation. The jurisdiction of the latter is confined to its own territory; but by the recent constructions and devices of the law, a private corporation, though it has no soul, no conscience, and can commit no crime, is yet a citizen of the State that creates it, and can make and execute contracts with individuals and corporations of other States. Thus the way has been opened to those vast consolidations which have placed the control of the whole system in the hands of a few and have developed the Charlemagnes and Cæsars of our internal commerce.

In addition to these external conquests, the great managers have in many cases grasped the private property of the corporations themselves; and the stocks which represent the investment have become mere counters in the great gambling-houses of Wall street, where the daily ebb and flow of the stock market sweeps and tosses the business and trade of the continent.

This is the answer which has been made by a great leader of the Republican party. This was the answer which the platforms of the Republican and Democratic parties gave to the question of leaving this vast unearned land grant in the possession of a few individuals. No proconsular power in the Roman Empire was ever so great as the dominion of the thirty-odd millions of acres of magnificently fertile land, to be inhabited by millions of the people of this country, in defiance of the public law of the country which dedicates that land to homestead settlement, to actual settlement, which recognizes the principle that the land of the country belongs to the people who toil and work upon it, which the public interest demands shall be in their hands with the least possible cost. This is the answer that is given to the proposition now made, which is involved in the Senate's turning its back now upon the proposition of forfeiture and attempting to appease the public mind by a forfeiture of an insignificant portion of the territory, not desired by the corporation, over which it has built no road, while the great practical question before the country, Shall the unearned grant, unearned within the time specified in the act, be forfeited, is answered by non-action and by indirect efforts to confirm it?

The PRESIDENT *pro tempore.* The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. PLUMB. Pending the consideration of that bill I ask the Chair to lay before the Senate the message from the House of Representatives in regard to the District of Columbia appropriation bill.

Mr. GEORGE. I ask unanimous consent that the Senator from Florida may proceed with his remarks.

The PRESIDENT *pro tempore.* The Senator from Oregon [Mr. DOLPH] has the floor upon the pending bill.

Mr. PLUMB. So far as I am concerned, when this conference matter is out of the way I shall have no objection myself to the Senator from Florida proceeding with his remarks within some reasonable limitation.

Mr. HARRIS. A conference report is always in order.

Mr. PLUMB. I ask the Chair to lay before the Senate the action of the House of Representatives.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, non-concurring in certain amendments of the Senate to the bill, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill disagreed to by the House of Representatives, and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

ORDER OF BUSINESS.

Mr. GEORGE. I ask the consent of the Senator from Oregon [Mr. DOLPH] and the unanimous consent of the Senate that the Senator from Florida [Mr. CALL] be allowed to proceed and finish his remarks.

Mr. DOLPH. I wish to make a statement only. I have given way the third time when I had the floor to conclude my remarks begun some time since. I have no objection to giving way to the Senator from Florida to finish his remarks to-day, provided the Senator from Ne-

braska [Mr. VAN WYCK] who has charge of the pending bill is willing that that should be done. But I do not propose to give away the whole of the afternoon, as I have other arrangements.

Mr. GEORGE. I only ask that the Senator from Florida be allowed to finish his remarks.

Mr. VAN WYCK. The bill has been up a great many times for consideration. It seems to me that it ought to be disposed of. If the Senator from Florida is anxious to finish his remarks to-day, of course I shall not insist on going on with the unfinished business now.

Mr. CALL. I had no idea that I was interfering with anybody's time. I supposed the bill on which I was speaking had come up in regular order for discussion.

Mr. VAN WYCK. It will come up in regular order to-morrow morning, if it would suit the Senator from Florida as well to finish to-morrow.

Mr. DOLPH. I do not wish the Senator from Florida to understand that I am interposing an objection to his proceeding now.

Mr. CALL. Certainly not. I appreciate it entirely. I shall not occupy a great deal more of the time of the Senate.

The PRESIDENT *pro tempore*. Pending the unfinished business the Senator from Florida is understood to have unanimous consent of the Senate to proceed to the conclusion of his remarks.

NORTHERN PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. CALL. Mr. President, I have said that there was no ground whatever, in my opinion, for any question as to the absolute and unquestioned power of Congress over this subject. In the case of The Dubuque and Pacific Railroad Company *vs.* Litchfield (23 Howard, 88), the Supreme Court, in deciding the case, say:

All grants of this description are strictly construed against the grantees; nothing passes but what is conveyed in clear and explicit language; and as the rights here claimed are derived entirely from the act of Congress, the donation stands on the same footing of a grant by the public to a private company, the terms of which must be plainly expressed in the statute; and if not thus expressed, they can not be implied. (Charles River Bridge *vs.* Warren Bridge, 11 Peters, 420.)

There can be no laches against the Government. There can be no implied power or interest against the public. There can be no implied extension of a grant not warranted by its express terms. That has been the decision not only in this country but in every other country. If you will go back to the days of the civil law you will find in every system of law the same proposition laid down, and laid down as the only security on the part of the commonwealth, of the people, that their constitutional rights, their fundamental rights will not be taken form them by the negligence, the laches, or the failure of their servants to perform the obligations imposed upon them by the law. It would be in effect to maintain that the force and effect of law be given as against the public right by the failure of a public servant to perform his duty. So the Supreme Court, in Gaussen *vs.* The United States (in 97 United States Supreme Court Reports, being the eighth volume of Otto), say:

But laches of the officers or agents of the Government is confessedly no bar to the assertion of its rights. This is admitted by the plaintiff in error, and it has not been contended in argument, as it could not have been successfully, that delay or neglect in prosecuting its claims against the co-sureties of the defendant's testator is any bar to this suit.

I think it is scarcely necessary, as this subject has been so fully and thoroughly investigated, to cite any further authority. In 21 Wallace, in the celebrated case of Schulenberg *vs.* Harriman, the Supreme Court, in laying down the doctrine on which this power must be exercised, say:

In what manner the reserved rights of the grantor for breach of the condition must be asserted so as to restore the estate, depends upon the character of the grant. If it be a private grant that right must be asserted by entry or its equivalent. If the grant be a public one it must be asserted by judicial proceedings authorized by law, the equivalent of an inquest of office found at common law, finding the fact of forfeiture, and adjudging the restoration of the estate on that ground, or there must be some legislative assertion of ownership of the property for breach of condition, such as an act declaring the possession and appropriation of the property, or that it be offered for sale or settlement.

In an earlier case, United States *vs.* Repentigny (5 Wallace, 258), the court say:

The mode of ascertaining or assuming the forfeited grant is subject to the legislative authority of the Government. It may be after judicial investigation, or by taking possession directly under the authority of the Government, without these preliminary proceedings. In the present instance we have seen the laws have been extended over this tract, the lands surveyed and put on sale, and confirmed to the occupants or purchasers, and in the mean time an opportunity given to all settlers and claimants to come in before a board of commissioners and exhibit their claims. This is a legislative equivalent for reunion [re-entry?] by office found.

If this doctrine be true, if it be true that the law be as Blackstone declares it to be, an exercise of the power of a sovereign, mandatory and absolute in its nature, if it be true that a law can be repealed only by the sovereign legislative power that enacted it, then there is no ground or reason for holding that there can be a waiver, that there can be a modification of the terms of that law save by the sovereign legislative power. There can be no doubt of the proposition that, however present may be the interest vested in the grantee, it is only the interest created by the law; it is only the creature of the law that has life; it is not a child born without law and living in defiance of law.

We would scarcely call that reasoning which says that the law can be waived by the neglect of the executive department of the Government or by the neglect of the Congress to act in the mode prescribed by the Constitution. The law must stand, if it be a law, until it is repealed, and there can be no ideas, no reasoning in contravention of this proposition.

Then if it be true that there can be no laches as against the Government, and reasons of grave public policy demand it, if it be true as was asserted by Mr. Garfield, by the Republican party, by the Democratic party, that the interests of this country demand that the public lands shall be given to actual settlers, that vast empires shall not be concentrated in individual hands, if it be true as a matter of economy that when railroads are built and required to be constructed within a definite and given time aided by grants of public land or public money, one hundred years is not a compliance with the grant when ten years is specified, if it be true that within ten or twenty years in this Republic a territory which was a wilderness when a grant was made may become a vast industrial community with thousands and tens of thousands of productive laborers and industries upon it, if it be true that it would be a stultification and an act of folly to say that that might be done in twenty years which the law requires to be done in ten years, when a vast population had in the course of events, from economic causes, been transplanted upon that territory, and that still the letter and the spirit of the law requires that it should be done—even if all this were true, I stand here to-day in my place to say that I should prefer to vote from the public Treasury the money to pay the reasonable and just cost of construction of any railroad rather than to impose the burdens of an unlimited purchase-price and an unlimited taxation in the interest of securities issued far beyond the just and proper cost of construction, or in the interest of giving value to the fraudulent and spurious securities which are proved by the report made and discussed here in this body within ten days upon the interstate-commerce bill, alluded to in the speech of the Senator from Texas, to be between $3,000,000,000 and $4,000,000,000 of fictitious value with a power of taxation upon all production and upon all transportation.

I have no hesitation in saying that the neglect or failure to forfeit these unearned land grants will be directly in the interest and for the protection of this vast mass of three or four thousand millions of fraudulent securities, fictitious securities at least, but fraudulent in the sense that they are without real value and carrying with them a living power of taxation of $400,000,000 annually upon the people of the United States.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 670) to increase the pension of the widow of the late Commander T. A. Craven;

An act (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph lines through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;"

An act (S. 788) granting a pension to John L. Bruce;

An act (S. 895) granting a pension to Rachel Fleming Cellar;

An act (S. 1124) granting a pension to William Bethuren;

An act (S. 1169) granting a pension to John S. Bridges;

An act (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;

An act (S. 1257) granting a pension to Henry Shively;

An act (S. 1348) granting a pension to Sarah E. Henry;

An act (S. 1770) granting a pension to J. H. Thornbury;

An act (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett; and

An act (S. 1357) granting a pension to Sarah A. Thomas.

TAXATION OF RAILROAD LAND GRANTS.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senate resumes the consideration of unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes, the pending question being on the amendment proposed by Mr. HOAR to add:

That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired or owned or held in trust for any one person; and any title or interest acquired in violation hereof shall be forfeited to the United States, without any act of entry or other process whatever.

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] is entitled to the floor.

Mr. DOLPH. Mr. President, the importance of the bill under consideration is my excuse for occupying any more of the time of the Senate upon it. When I had the floor before upon this bill I stated that I had joined in the report of the committee; that I believed some legislation was necessary to make the lands granted to railroad companies taxable

in cases where they had been improved and made productive, and that this bill appeared to be the best measure that the wisdom of the committee could devise, or at least that they could agree upon. I detailed the process by which railroad lands are segregated from the public domain. I referred to the fact that a grant of lands in place does not carry with it all the odd sections within the limits of the grant, but that there were certain exceptions in all the railroad grants, such as mineral lands, lands within Indian reservations and military reservations, lands which had been previously granted, lands which had been occupied under the homestead and pre-emption laws and were therefore separated and withdrawn from the great body of the public lands; that before it could be determined that any section or legal subdivision of public lands was included in the grant to a railroad company it was necessary to have an official segregation; that this was done by a process called "listing," a selection of the lands supposed to be embraced within the grant, in the local land office, from the maps and records of the office; that when these lists were made up they were sent to the Department of the Interior to receive the approval of the Secretary of the Interior, and until that approval was had the lands could not be said to have been officially ascertained to belong to the railroad company.

I referred to a report recently made by the Secretary of the Interior in regard to the number of acres of land which had been surveyed within the limits of the Northern Pacific grant, the number of acres of land which had been selected, and the number of acres which had been approved. It there appears that out of about 21,000,000 acres of land surveyed within the limits of the grant there had been selected by that company something over 11,000,000 acres, of which only a trifle over 700,000 acres had been approved to the company. Evidently the Department of the Interior was not willing to proceed with the certification of these lands while the question of the right of forfeiture and the question of the title of the company was unsettled. I also said that we were proposing in this case in effect to turn over the power, which under the present laws and regulations of the Interior Department is exercised by the Secretary of the Interior, to the local assessors and to permit them to determine for themselves, for the purposes of taxation, what lands are the lands of the railroad company.

Now, while this may be the best measure that can be secured, it will be apparent to every one, I think, that it will not be executed without difficulties; and I desire to call attention to the provisions of this bill, and especially the attention of those Senators who contend that the entire land grant of the Northern Pacific Railroad Company and of other railroad companies which have failed to construct their entire roads within the time limited in the granting acts can be forfeited. Commencing in the twelfth line of this bill is the following proviso:

Provided further, That this act shall apply only to lands situated opposite to and conterminous with completed portions of said roads, and in organized counties.

The effect of that provision is plainly that the lands which are situated opposite to and conterminous with the completed portions of the road may be taxed as the lands of the railroad company; and that proposition, in my judgment, is entirely incompatible with the idea that those lands are forfeitable or will be forfeited by Congress notwithstanding the provision contained in the third section of the bill that this act shall not affect the right of the Government to declare forfeiture of any lands so granted. For my part I do not object to that provision, because I believe, as I stated on a former occasion, that whenever a section of road under these grants has been completed and commissioners have been appointed and have examined it, and they have reported that it has been constructed in accordance with the terms of the granting act and the President has accepted it as such, the grant for that section becomes absolute, is no longer defeasible, and is beyond the power of Congress. Therefore, as I say, I find no fault with this provision, but I call attention to it as proceeding upon a theory entirely incompatible with that advocated by the Senator from Florida [Mr. CALL] when on the floor to-day.

There were before the committee two distinct propositions. One was a proposition to declare by law that these railroad lands should be taxed, or might be taxed by the States, Territories, and other municipalities in which they are situated. Another proposition, and the one which prevailed, was for the United States to provide by law that the lien of the Government for the cost of selecting, surveying, and patenting should not prevent the taxation of these lands for local purposes. There were three ways to accomplish this. It was proposed that the United States should repeal the act or acts which required the railroad companies to pay these costs, they being trifling in amount, and thus remove this obstacle to the taxation of the lands. That the committee were unwilling to do. It was said that that would be, in effect, giving so much money to the railroad companies.

There was another proposition, which was to provide that these costs should no longer be a lien upon the lands, but that the railroad companies if they did not pay them within a given time should be sued by the Government and judgment obtained and the costs collected by legal process. The majority of the committee were not willing to waive the lien of the Government. Consequently the other proposition was adopted, that is, to provide that the United States would step out of the way so far as its lien was concerned, and remove that obstacle to the taxation of these lands, and also provide that if the costs of surveying and selecting and patenting were not paid within a reasonable time after demand, it should be the duty of the Attorney-General to sue the parties liable for them.

As I said before, the execution of this bill will be accompanied with difficulties. One objection in the opinion of some no doubt will be that it in effect declares that the lands which lie conterminous to the completed road shall be taxable as the lands of the company. Another objection to the bill is that it allows every local assessor, every clerk of a school district whose duty it is to make an assessment for school purposes, every assessor of a city or incorporated municipality, every assessor of a county, in any of the States or Territories where these lands lie, to determine for himself whether they are included in or excepted from the operation of the granting act, whether they are mineral lands, whether they are lands within the limits of reservations, or whether they had been sold previous to the passage of the act, so that the company does not take them under its grant; in a word, to determine whether the lands are or are not the property of the railroad company for the purpose of taxation. Of course mistakes will be made; lands which belong to the Government will be assessed, taxed, and sold, and there will be more or less confusion growing out of the exercise of the taxing power before the railroad lands have been officially segregated and identified.

There is another matter to which I desire to call attention, and I can not better illustrate it than by reference to the grant of the Northern Pacific Railroad Company in Montana. The road of that company in Montana is about 800 miles long. I am told the amount of their grant is about 21,000,000 acres in Montana alone, and that of the 21,000,000 acres there is not exceeding a million and a half acres that is of any value for agricultural purposes. That being the case, there must be a large amount of land in that Territory that the company will probably not pay taxes upon. That land will undoubtedly be assessed as fast as it is surveyed. There is no reason why the surveys should be delayed, because as fast as the surveys are made the company is required to pay the costs of survey, and that vast body of land will within the near future undoubtedly be put up for sale, and the best portions of the lands will be purchased by people who know where the valuable sections and smaller subdivisions lie; and I fear that the result will be that large bodies of these lands will pass into the hands of private owners.

A much better plan, in my judgment, than that proposed by the bill under consideration would have been to have settled this question as to whether the lands which lie adjacent to constructed roads belong to the company or not, and to have authorized the Secretary of the Interior to approve to the companies lists of such lands as belong to them. That would at once make over 11,000,000 acres of the lands of the Northern Pacific Railroad Company taxable without question, because they would be patented at once; and then if the companies entitled to these grants would not proceed to select their lands in the manner provided by the regulations of the Interior Department within a reasonable time, to provide that they should within twelve months or some other reasonable time after the surveys are extended proceed to select their lands under certain penalties for default to be provided.

Those two simple provisions would have met and solved this whole question of taxation and would have permitted these lands to be segregated and officially identified by the Secretary of the Interior.

There was no provision of law requiring the Northern Pacific to pay the costs of selecting, surveying, and patenting its lands until 1870. Whatever may be the hardship to the company, whatever may be the disadvantages to the Government, whatever may be the effect of this bill in enabling persons and corporations to obtain title to large tracts of land covered by railroad grants and on which the company do not choose to pay taxes, the company and the Government will be placed, if this bill becomes a law, in precisely the same attitude toward this question of taxation as they occupied prior to the act of 1870; and it is upon that ground that I joined in the report of the committee upon this bill, although I think in the interest of the Government and in the interest of settlers something better might have been proposed.

Now, I desire to call attention for a moment—as I am about to leave the Senate Chamber to attend a meeting of the Committe on Commerce that has the river and harbor bill under consideration—to the amendment offered by the Senator from New Hampshire [Mr. BLAIR] and adopted by the Senate as in Committee of the Whole. This amendment proposes—

That lands purchased by the Government shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

I suggested the other day, and it seemed to meet with no opposition, that there should be inserted in this amendment the words "and not redeemed," because under the laws of perhaps all the States and Territories there is a certain time given for redemption from tax-sales of land, and if the owner comes forward and redeems the land within the time and before the deed is made to the purchaser the title does not pass, and in such a case we ought not to provide that the land should be restored to the public domain.

I should like to inquire of the Senator what he means by the word "preferred"—"preferred purchaser?" "Lands sold for taxes" are

sold at public sale, and are sold to the highest bidder generally, the least subdivision which will pay all the taxes assessed against the individual owning the land being sold. I think the word "preferred" here would be inoperative.

Mr. BLAIR. I do not think it important that the word remain there. It was only designed in case there were not purchasers that the Government should take the land. I am not particular about the word remaining.

Mr. DOLPH. Now, I will make a further suggestion. If there is any question about the power of the United States to purchase land, it would require an amendment of the Constitution to authorize it. I do not think there is any question.

Mr. BLAIR. We purchased Louisiana.

Mr. DOLPH. We purchased Louisiana; we purchased Florida; we purchased a portion of Mexico; we purchased Alaska.

Mr. BLAIR. And we have purchased sites for public buildings.

Mr. DOLPH. I do not think there is any question about the power; but what I am coming to now is that the Senator's amendment, which I believe to be a good one if it is put into a shape to accomplish the purpose designed, does not accomplish it. It provides that at a sale of land under the provisions of this act the United States may become a preferred purchaser. The United States has power to purchase now, but if we want the United States to purchase we must authorize some one to act for the United States and to use the money of the United States for the purpose of making the purchase. The criticism I would make on the Senator's amendment is that to accomplish his purpose he should authorize the Secretary of the Interior or some other representative of the Government to purchase these lands for the United States, instead of providing that the United States may become a purchaser, which we know they may do if they have the constitutional power. We must authorize some one to act for the United States, to use the money of the United States to make the purchase, in order to make the amendment operative. I submit that for the consideration of the Senator from New Hampshire.

Now, I desire to say something in regard to an amendment that is to be proposed. The amendment I refer to is the amendment of the Senator from Massachusetts [Mr. HOAR], which is:

> That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired or owned or held in trust for any one person; and any title or interest acquired in violation hereof shall be forfeited to the United States without any act of entry or other process whatever.

I called attention a moment ago to the theory of this bill which is not to providea ffirmatively that lands in this State or that Territory shall be taxable, or that an equitable interest in lands shall be taxable, or a legal interest only shall be taxable; but the theory of the bill is for the United States to get out of the way, to provide that its lien for the costs of surveying, &c., shall not be an obstacle in the way of the local taxation of these lands. What does the Senator from Massachusetts by his amendment propose to do? He proposes to step in and deal with these lands as if they were still the lands of the Government, as if we were by this bill authorizing States and Territories to tax the Government lands, and he proposes to attach a condition to the fee of these lands, a condition which is to run with the land forever, that at tax-sales which may be held under the laws of the States and Territories, no man shall purchase more than 640 acres, and no man shall thereafter acquire more than 640 acres of the lands so sold.

Why, sir, if we were simply providing in this bill (which we are not) that the lands of the United States shall be taxed, submitting these lands to taxation, treating them as lands of the United States, I do not believe it would be competent for Congress to attach a condition which would restrict their alienation for all time to come. But when we consider the fact that we are not by this bill attempting to provide that the lands of the railroad company shall be taxed, or how they shall be taxed, or how they shall be sold, or in what quantities, the want of authority on the part of Congress to enact such a provision appears to me to be still more apparent. By what warrant of the Constitution would Congress undertake to say that the lands of a railroad company in a State or Territory sold for taxes should only be purchased in quantities of 640 acres? While if Congress had power to make such a provision it would remedy one of the difficulties I have already referred to that may grow out of this bill it is clear to me there is no power on the part of Congress to do it. We must treat these lands as the lands of the railroad companies and say they may be taxed so far as the interests of the Government in them is concerned, or treat them as the lands of the Government and say they shall not be taxed.

Does any Senator suppose that if we provide that all the lands heretofore granted to railroad companies which are conterminous with completed roads shall be taxed and may be sold and the purchaser shall pay the costs of surveying and selecting and patenting them Congress is ever going afterward to turn around and say, "Notwithstanding we have said these lands may be taxed as the lands of the railroad companies and may be sold and the purchasers may step in and discharge the obligations of the railroad company and receive the title to the lands instead of the company we are going to turn around and forfeit them or attempt to forfeit them?" Congress would not be guilty of such an inconsistency. So I say to those Senators who contend for such a power in Congress that this bill proceeds upon entirely a different theory from that.

That is all I desire to say. The bill is important. Some legislation is necessary. This bill may be the best that can be had. I think not. I think there might have been a better bill; but I am ready to vote for this. I desired, however, that the Senate should understand all the difficulties which, in my judgment, will arise under this bill in its execution. The proper thing to do would be to deal with the question of forfeiture at once, and determine the question of title, and thus settle the question of taxation. The lands of the railroad companies will be taxed when they obtain title. Congress ought to direct the Secretary of the Interior to proceed to certify the lands to the companies which in the judgment of Congress belong to them, and thus make them subject to taxation, and then if necessary to require by stringent legislation the companies that do not select their lands within a reasonable time to make the selections. That was in my opinion what should have been done, but that was not the opinion of a majority of the committee.

Mr. PLUMB. Mr. President, I have no desire to detain the Senate on this bill. I do not think there will be any serious difference of opinion about the propriety of its passage, but it is proper that I should state the facts upon which it is based and the theory of the committee in regard to it.

In reference to the most considerable railroad grants in the United States, those to the Union and Central Pacific Railroads and to the Northern Pacific Railroad, there was a reservation practically of title in the United States until such time as the railroad companies should pay for the cost of surveying and selecting and conveying the lands to the companies. That reservation in the case of the Union and Central Pacific was contained in the twenty-first section of the act of 1864, being the amendatory act under which the railroads were subsequently constructed. In the case of the Northern Pacific road it was not inserted in the grant, but was inserted in a subsequent act of Congress. In the case of the Union Pacific I have no doubt it was designed to cast a burden upon the company by requiring them to do that which but for the legislation would not otherwise be done, and would have resulted in loss to the Treasury; but it practically resulted in their favor, because it enabled them by withholding this small payment of about four or five dollars to the quarter-section to prevent the payment of taxes in the localities in which the lands were situated. Originally it was held otherwise, and in the State of Kansas the lands were taxed; but in the case of the Railroad Company *vs.* Prescott, treasurer of Lee County, the Supreme Court decided that so long as the surveying fees remained unpaid there was a title in the Government which could not be subjected to taxation, and recently the Supreme Court has rendered a similar decision in the case of the Northern Pacific lands.

It therefore appears that the Government of the United States for the purpose of recovering to itself this surveying fee is preventing the taxation of these lands by the local authorities of the localities in which the lands are situated. This has been going on for a long time, and it is time that the lien of the Government was lifted or that something was done which would permit these lands to be subjected to taxation as other lands are.

The statement has been made by the Senator from Oregon and by others that the Government itself has been to some extent derelict because it has not certified these lands to the railroad companies, and that therefore the companies have no title—I mean in cases where they have tendered the fees—and that there has been no title which could be made the subject of taxation, and that as long as the Government was thus delinquent it was not fair to regard the railroad companies as delinquent. But the fact is that notwithstanding the lack of certification, whether it be due to the failure of the railroad companies or to that of the Government, the railroad companies have sold their lands far in advance of any payment by them of fees or any tender by them of fees, and far in advance also of any certification by the Government. Therefore they have had the use practically of these lands for the purposes of sale.

I am not aware that in any case they have withheld the lands from sale. On the completed portions of their railroad they have mortgaged them all in advance, and therefore had the benefit of the credit which the lands gave them for the purpose of floating the bonds which they put upon the roads.

Then, as I stated, in addition they have been able to find and have found purchasers for these lands far in advance of any certification. So they have been in actual possession for all practical purposes of the lands just as completely as though they had a patent.

In this condition of things the Government of the United States is preventing the localities in which the lands lie from levying upon them the taxes which they ought to bear as their fair proportion of the burdens of the Government which protects them in the exercise of their property. And by reason of this withholding by the maintenance of this Government lien the effect is, as these lands have not been subject to taxation, that the taxes on the lands of private persons in these localities have been correspondingly enhanced.

This bill proposes to take away this Government lien as a barrier to the taxation of the lands which have been granted to the railroad com-

panies. It does not deal with the question directly as to the authority of the localities in which they lie to levy taxes when the Government lien is removed. It simply takes that lien out of the way and says that whatever authority exists independently of that lien may be exercised by these different localities.

Mr. President, there are other questions that will naturally come up in the course of the exercise of jurisdiction by the localities in which these lands are located, which may affect in some way the validity of these grants. They are liable to affect not only the validity of the grants, but the extent of the grants where there is no question about their validity. Naturally the question will come up when you get on to the borders of this land as to whether a particular tract was included within the grant or not. That is a question which the committee did not feel like entering into. It is a question about which Congress can not act unless it is ready to take up and adjust every single question that can arise growing out of these grants of land. Therefore the committee said: "The Government has heretofore stood in the way, and by the exertion of its lien for the cost of surveying and selecting and conveying these lands has preverted their being taxed. It will now take that lien out of the way and will leave Colorado, Nebraska, California, Montana, Oregon, Washington Territory, and all the localities in which these lands lie the right to go ahead, the lien of the Government to the contrary notwithstanding, and to settle for themselves all these other questions that arise just the same as they do in the exercise of all their taxing power when they come to deal with the question of the ownership of real estate or other property which is subject to taxation."

We enter on no doubtful ground. It is simply an exercise of honest, fair dealing under the principles of justice upon the part of the Government with regard to these new communities struggling as all new communities especially have to do with the difficulty of making both ends meet between the raising and the expenditure of revenue.

Mr. BROWN. Do you tax any man's land before a patent is issued?

Mr. PLUMB. We do not provide for taxing these lands at all. We simply say that whatever power exists in these communities to tax shall not be interfered with by reason of the Government lien. We simply take the Government out of the way. We do not confer any power. We leave that to be dealt with under the organic act of the Territories or under the laws of the several States. Whatever power they have independently of this Government lien we provide that they may go on and exercise. The Senate will see that we intrude ourselves in no wise to raise the question of taxation, but leave those localities to settle this question precisely as they do in regard to individual holdings.

I might say a great deal about the burden which this Government lien has inflicted on the communities through which these railroads run. The Union Pacific Railroad in the State of Kansas not only has not paid its taxes, but it has sold land on eleven years' time, one of the considerations of the purchase being that the railroad company should not take out the title, should not pay and discharge this lien, but should carry the non-taxable condition of the land forward for eleven years in the hands of a private purchaser, and, as the Senator from Wisconsin [Mr. SPOONER] suggests, they get a higher price for the land in consequence of their ability to allow it to escape for eleven years the burden of taxation, while all around the hardy settlers who have made that country what it is are paying additional burdens by reason of the fact that the Government has stood in the doorway with this lien to prevent the locality from taxing them. It is not necessary to go especially into that.

Independent of all that, this bill is entirely justified. The Government has no right to substantially part with its title, to put it in the power of any one to sell, to mortgage, to speculate in the lands of the United States, and then prevent the localities in which those lands lie from having the benefit of them as property upon which taxes can be levied. So, independent of the special hardships in this case and which are not alone pertinent to Kansas but apply to Nebraska, Colorado, and other communities through which the Union Pacific Railroad runs, and also to all the communities through which the Northern Pacific runs, because, as I said before, under a recent decision of the Supreme Court the Northern Pacific is in the same category with the Union Pacific. Congress having intended to put on them the burden of paying the cost of surveying these lands, the Supreme Court held that that lien remains with a consequent title on the part of the Government, and the new communities of Dakota and Montana are prevented from taxing those lands though the company has mortgaged them and is selling them, and is exercising all the authority any owner can over any portion of his property. The communities through which the railroad is built are carrying on all the operations of government, building school-houses, furnishing them with teachers, organizing cities and towns, and subjecting themselves to taxation for the purpose of the protection of life and property, and are paying all the taxes, while the railroad company gets its fair share of the benefits from government and pays none of the taxes, except what it pays on its road-bed and rolling-stock.

Mr. PLATT. May I ask a question for information?

Mr. PLUMB. Certainly.

Mr. PLATT. At what period in the history of a land grant to a railroad does the Senator hold that the lands ought to become taxable by the local authorities? I see the third section of the bill provides that nothing in this act shall prevent the right of Congress "to declare or enforce a forfeiture of any lands so granted." Does the Senator hold that the lands are taxable before they are completely earned, so that no forfeiture can be declared?

Mr. PLUMB. So far as that is concerned, that is a question which is not attempted to be settled by this bill. We simply say that whatever right these communities have with reference to taxing these lands as other property is taxed we will not interfere with. We therefore withdraw the Government lien. The third section, which provides that this shall not be construed as in any wise affecting the right of the Government to declare a forfeiture, is a very proper provision to be inserted, because no one, I take it, desires to confirm by legislation now any land grant to any railroad company, and this only repels a possible inference.

I see what is in the Senator's mind. He is thinking of a case where by the withdrawal of our lien a community might tax these lands, and yet thereafter Congress might declare a forfeiture. That would simply bring into exercise at once the conscience of Congress. Congress in forfeiting a land grant undoubtedly would provide for the payment of whatever money had been invested in the payment of taxes on the land. It has ample authority also over all the agencies of the Territorial government. It may provide that the Territories which had levied these taxes should repay them if it were necessary; but I have no fear that Congress in the exercise of any power of forfeiture hereafter will do any injustice to any individual who may buy these lands by reason of the fact that we have taken our lien off them, so that they may be made subject to taxation.

Mr. CHACE. Will not the Senator permit an amendment to that effect?

Mr. PLUMB. Then we simply project ourselves into a condition of things that may never exist.

Mr. CHACE. But such cases may exist.

Mr. PLUMB. Such cases do not exist. That is a field which the Committee on Public Lands felt that it was not wise to enter into. We felt that the least the Government could do and that it ought promptly to do was to stand out of the way. Why should not the Government even give up entirely and relieve the companies from the necessity of the payment of the cost of surveying in order that these lands may become subject to taxation, and thereby a source of revenue instead of a burden to the new communities in which they lie? So far as I am concerned, if it were necessary to do that, which it is not, I should be willing to remit to the railroad companies, or to the communities in which the railroad lands are situated, this entire lien, this three dollars and a half or four dollars a quarter-section, or whatever it is, so that we might no longer do injustice to these new communities which so much need to have the right to tax these lands. But, as I said, we simply stand out of the way; we provide that our lien shall not be in the way of the taxation of these lands, and we provide that whoever purchases the lands at any tax-sale under the laws of any State or Territory shall, in addition to the payment of the tax, pay the lien of the Government, under regulations to be prescribed by the Secretary of the Interior, in such a way that while the Government stands out of the way it loses no cent of all the money that it is entitled to receive back as the cost of surveying and selecting and conveying these lands. Those fees are to be paid by the purchaser at the tax-sale. But I shall propose an amendment at the proper time to provide for the repayment to the purchaser of any money that may be collected from the railroad companies on this account hereafter under the provisions of the second section.

After having given to this subject a great deal of consideration heretofore, having been the author of a bill which has twice passed the Senate but failed to pass the other House of Congress, on this subject, I do not believe that it is possible to adopt a wiser or better rule than the one we have proposed in this bill. The fundamental idea that the Government shall stand out of the way, shall cease any longer to interpose its lien between the taxing power of the communities and the railroad companies, I think, is the least we can do, and we ought to do that very promptly, I think.

Mr. GEORGE. I wish to ask a question of the Senator from Kansas. Does he understand section 3 to mean that this act does not affect any other lands than those confirmed to the companies?

Mr. PLUMB. No lands whatever that have been made the subject of grant shall be in any wise affected in reference to the right of the Government to forfeit them by the passage of this act. If there is any form of words that will make that any more comprehensive, I am authorized on the part of the committee to accept it. In other words, we did not intend to deal with any question except the one of taking our lien out of the way in such manner that whatever result follows to other people's property would follow to the railroad property.

Mr. EVARTS. I have an amendment to offer. If it be now in order I will offer it. If not, I will have it read for information.

The PRESIDING OFFICER. The amendment of the Senator from New York will be read for information. The Chair is informed by the Secretary that the pending amendment is that offered by the Senator from Massachusetts [Mr. HOAR].

Mr. PLUMB. Will the Secretary please report that amendment? I was not aware of the fact that it was pending.

The PRESIDING OFFICER. The Secretary will report the amend-

ment of the Senator from Massachusetts, and then the amendment suggested by the Senator from New York.

The SECRETARY. It is proposed to add:

That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired or owned or held in trust for any one person; and any title or interest acquired in violation hereof shall be forfeited to the United States, without any act of entry or other process whatever.

The PRESIDING OFFICER. The Secretary will report the amendment intended to be proposed by the Senator from New York.

Mr. EVARTS. The amendment which I ask to have read for information will come in on the eighth line of the first section, after the word "therefor," and is of limited extent and operation.

But this provision shall not apply to lands unsurveyed, nor to lands not ascertained and allocated as within such grant.

An objection has been felt and insisted upon in delays of taxation by the interval occurring between the issue of the patents and the salability or marketable condition of the lands which might be and which were availed of by sales by the corporation. As I have conferred with my learned friend the Senator from Kansas [Mr. PLUMB], I believe there is no objection felt to the first member of this clause, to wit:

But this provision shall not apply to lands unsurveyed.

Mr. PLUMB. The committee did not think that the bill covered unsurveyed lands because unsurveyed lands can not be made the subject of that description which would make a levy of tax upon them possible. Therefore, there is no objection to making that certain.

Mr. EVARTS. My learned friend is therefore willing that it should be certain. The second member of the amendment that I offer is simply to have it appear that the tax shall not be exacted from the railroad companies until it has been made apparent that the lands on which they are to pay the tax are within the grant. That seems to me entirely reasonable, and it should be suitable to all the purposes of the bill, unless it run at all counter to the object of not making taxability depend upon the position of the Government, of readiness to receive taxes and issue patents.

If this amendment be admitted it will, I suppose, satisfy all the reasonable requirements; and perhaps it is not unreasonable that the railroad companies should be called upon to submit to them. It would seem to be on principle not at all variant from the rights of the railroad companies that they should not be called upon to pay taxes upon lands when they were not in position to make sales that would bring the best price, for the want of a good title. Absolute security of that kind can not be evidenced in dealing with railroad grants any more than with private ownership until there is consummated in the possession by the vendor a patent to the very section or quarter-section that is to be disposed of.

It is, I believe, true, as the Supreme Court has held, and rightly held, as we all understand, that the grants are grants *in præsenti*, and do not need to be made dependent upon the issue of patents for the validity of the right. These railroad companies have been in the habit of selling in advance of the patent, and the taxability of what would pass out of their ownership into private occupation is what is sought for, and properly sought for, if you please for the argument, in taxing them; but it does not seem to me at all reasonable that taxation should be exacted from a particular lot of land from the railroad companies until some action has been taken by the Government which shows that that very parcel of land is within the grant. My amendment is intended to go no further than that ascertainment.

Mr. SAULSBURY. Suppose there should be some of this land where there has been no legal title vested in the railroad company, to which they claim title and over which they exert some degree of authority, what would be the condition of the case then? If they are exercising authority over it, if they are seeking to sell it, ought there not to be some right to tax the lands that they claim to control?

Mr. EVARTS. The scheme of this taxation is not made to depend upon the fact that the railroad companies have parted with their parcels and that they are in the hands of private owners; it is proceeding upon the scheme that the lots are the subject of taxation although remaining unsold, because they may be made the subject of sale.

In the great railroads that traverse the continent no party is more interested in the proper conservation of the values of the properties of these companies, including the land grants themselves, than the United States as the great second mortgagee that is to look out for the protection of the Treasury. The Government therefore is interested in dealing with all these granted lands upon the principle of dealing with them as an owner should deal with them in getting the best price by a market being sought under the most favorable circumstances of exposure.

It has no interest in encouraging sales of these lands by these companies upon a doubtful or a speculative value, from uncertainty either in regard to forfeiture or in regard to authenticity of allocation. The Government has the same interests, as the great and the second mortgagee on these properties, that the stockholders or those who have to come after the first mortgage have, that the sales should be conducted and the exaction of taxation should fall upon the true principles that govern between owner as vender and purchaser as vendee. Recognizing the propriety of having no vague and unsettled space of time by the act to be arrived at, as it seems to me, I propose in the interest of all concerned that the best prices shall come and that taxation shall not fall prematurely, by desiring that there shall not be this faculty of State or local taxation from these railroad companies until it is ascertained so as to be in a marketable condition, if not by patent at least by ascertainment, that the parcel itself is the subject of ownership and the subject of sale.

Mr. PLUMB. I do not know that I have any objection to the first branch of the amendment. I will suggest with the consent of the Senator from Massachusetts that his amendment be laid aside informally until certain amendments which I shall offer from the committee are adopted.

Mr. HOAR. I desired to have my amendment pending in order that I may not be compelled to renew it again if I should happen to be absent. It was the order of the Senate that it should be treated as pending. I wish to have that order continue, but I am willing that it shall be laid aside temporarily.

The PRESIDING OFFICER. If there be no objection the amendments suggested by the Senator from Kansas will be acted upon, considering the amendment of the Senator from Massachusetts as pending. The Chair hears no objection.

Mr. PLUMB. In section 2, line 3, after the word "company," I move to insert the words "or for its use and benefit," so as to read that "lands granted to such company or for its use and benefit."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 2, line 3, after the word "company," it is proposed to insert "or for its use and benefit;" so as to read:

That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company, or for its use and benefit, by act of Congress, shall for thirty days neglect or refuse to pay any such costs, &c.

The amendment was agreed to.

Mr. PLUMB. I move to add to section 2 the following words:

But when any sum shall be collected of such railway company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section 1 hereof, the Secretary of the Interior shall out of such collection reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. In regard to the amendment of the Senator from New York, as I said the committee believed that the bill as limited did not authorize the taxing of unsurveyed lands, because until they are surveyed there is no way whereby they can be described so that they can be placed on the tax-list. If it is deemed advisable to make that any more certain, speaking for the committee I shall have no objection to the first part of the amendment of the Senator from New York, but in regard to the latter part I can not agree that that shall be adopted.

The trouble about this matter heretofore has been that the railroad company would not act, and without the action of the railroad company the Government would not act. If the Senator's amendment is inserted it will leave the condition of things exactly as it is now: the railroad company will not pay the costs of surveying, and selecting, and conveying the lands, and the Government will not therefore issue the patent, which according to the idea of the Senator from New York is the way, and the only way, whereby these lands can be allocated.

There is no act of segregation, of special distinction concerning these lands which is not found in the statute granting the same that can be exercised or done by the Government except the issuance of a patent or a certification which under the law amounts to the same thing as a patent. Therefore the one thing between the railroad company and title to-day is the issue by the Government of a patent, and it is the only thing that can add specification to the particular tracts of land which may be known as railroad land within the terms of any act granting land to a railroad company.

In regard to these lands, there are two classes. They are what are known as lands in place; that is to say, the particular sections named in the statute, as, for instance, the odd sections, which are usually the class of sections granted by the various acts of Congress; and the lands which are known as indemnity lands. The Pacific railroads have got nothing except lands in place. They get no indemnity lands. They were entitled to the odd sections within a certain limit on each side of the line as definitely located, unless those lands had before that time been in some manner segregated from the public domain, or title thereto parted with by the United States. They got no indemnity for the lands they lost by reason of the fact that before that time some of the sections were disposed of and were not subject to the grant.

Therefore it is known absolutely and unqualifiedly what lands each one of these railroad companies got, because they got all the odd sections within the granted limits that were not otherwise disposed of. The owners of the Pacific railroads know to-day precisely where their lands are and they have been surveyed. They know them for all the purposes of mortgaging and for all the purposes of sale, and there is nothing that can be done now by the United States Government to

further pick out and select and designate and make certain those sections except the issuance of a patent; and that does not make it any more certain, because, as I said, the sections are named, and losing the sections they get no others. Really a patent would not make it any more certain except in some very remote contingency; and as it is the fact that the railroad companies have not demanded the patents, and that the Government have not issued the patents that makes this difficulty which we are seeking to avoid, and it would seem to me to be worse than useless to provide for re-enacting the same difficulty in the present bill.

When it comes to the Northern Pacific grant, which is the other conspicuous one to which the bill would apply, that company got the odd sections within certain limits on each side of its constructed line in the States through which it passes and within certain broader limits in the Territories through which it passes; and if any of those sections had been disposed of before by the Government, then they are entitled to go into certain other limits outside and select lands in lieu of the place lands which they thus lost.

The way in which those lands are determined is by the company certifying to the General Land Office a list of the lands that it has lost; that is to say, a list of the odd sections which it would have had except for the fact that they have been otherwise disposed of by the General Government, and then being authorized to go out into the indemnity limits and select other lands in place of the lands so lost, and in selecting they are bound to name the particular section or quarter-section which they take. That makes the grant in all those particulars perfectly certain and without any possibility of mistake arising in regard to it.

Whatever is necessary to make the lands certain within the limits of the Northern Pacific grant is within the power of the railroad company itself; and to say that the lands should not be taxed unless they thus made their grant certain would be to say that they should not be taxed unless they elect to have them taxed. That is the difficulty with which we are confronted now, that they do not elect to have their lands taxed; they do not pay the costs of surveying, selecting, and conveying, and thus the lands escape taxation. Therefore you would be providing in one section that our lien should not stand in the way, and at the very next breath providing that a railroad company might at all times interpose the same objections it has heretofore interposed to prevent taxes from being levied and collected.

I do not suppose that any law ever to be passed will operate with absolute equality everywhere and upon all persons, under all circumstances and conditions; but the simple proposition is, that whereas today we have got a lien amounting to a considerable sum upon this land for the cost of survey, and by reason of that the land can not be taxed and thereby great burdens fall upon the local communities in which the land lies, in consideration of all these things, in view of the exigencies of the case, the justice of it, the fact that these railroads have escaped taxation so long, Congress simply lifts the lien and says that whatever other obstacles there may be in the way of the imposition of the very proper burdens of government upon this land it shall be treated as all other property within the local jurisdiction.

For these reasons I can not consent to the adoption of the last part of the amendment of the Senator from New York. The first part is, as I said, what I believe the bill to be now. The last part, in my judgment, would render the bill largely if not wholly nugatory.

Mr. EVARTS. The only answer that I have heard from the Senator from Kansas on the second branch of my amendment is that all the lands are ascertained and allocated just as distinctly as they can be or need to be. I have only asked that taxation shall not fall until that predicament which he assigns to these parcels of land shall be actually evident and known. He says that all these lots of land that I desire shall not be taxed until they are ascertained and allocated as within the grants are sufficiently ascertained already, because all of these parcels named in the granting laws according to the lines and routes of the railroad are by those laws well ascertained.

Very well; I only ask that in this second branch of my proposition as in the first about unsurveyed lots, there shall be left nothing open for litigation on the part of States and counties, or open for court agitations on the subject except that very thing, that the present license of taxation now given by authority of the United States and thus springing into active force immediately by virtue of this proposed law shall be exactly on those parcels of land and no others, that are definitely ascertained upon the statement of the learned Senator from Kansas. But I do desire now that the legislation takes its inception in the authority accorded by this Government to the States and the counties, that it shall be a taxation only upon those parcels of land that are brought into that condition of ascertainment which the Senator has been ready to designate as properly following the lines of these grants.

Therefore it does not seem to me that there is any better reason for objecting to the second branch of my amendment than there was to the first; that is, that it is not necessary because the ascertainment and allocation has been had. Should it be so declared, then, and only when it has been declared, there shall be this taxation. Indeed, the Senator went so far as to assert that everything had been done in the way of ascertainment except issuing the patent. I do not ask so broad a statement as that, but I do ask that before the parcels of land are thrown open to taxation by the concession of the United States, it shall be only upon lands that are ascertained as under the grant; if by the terms of the grant, all the better, and that is the view of the Senator from Kansas.

Mr. PLUMB. The difference between the Senator from New York and myself is just this: I say that the location of the land has already been ascertained, and ascertained as soon as the land was surveyed, because then we know what the odd sections are; but the Senator wants something to be done hereafter in addition to that, and that is what I object to, because that must rest with the railroad company itself to have it done, and resting with them as heretofore they will not have it done, and therefore the lands will continue to escape taxation.

Mr. EVARTS. That brings it narrower, then. There is not a word in this clause which looks to the future. If it has already been done, so much the better. If it has not been done, then it may need to be done. The language which I propose to insert is:

But this provision shall not apply to lands unsurveyed, nor to lands not ascertained and allocated as within such grant.

Mr. TELLER. If the land is to be ascertained it must be ascertained by some action of the proper department of the Government, and that is the Land Office. So the Senator's amendment is practically a declaration that there shall be no tax until there is an adjustment of all these grants. That is a work which will not be accomplished for many years. It would be utterly impossible for the department to ascertain and adjust all the difficult contesting questions between settlers and the railroad companies for a number of years to come, in regard to a portion of this land, at least.

The person who takes the tax title, who bids at the sale upon the theory that this is the property of the railroad company, is the only person who can suffer, if the ascertainment has not been made. He buys with his eyes open. If it turns out that it is the railroad company's property, the railroad company is not affected. If it turns out that it is the property of the Government of the United States, then of course the Government of the United States is not affected. If it turns out that it is a settler's property, it is not then taxable because the title is still in the United States.

If the second branch of the amendment of the Senator from New York is incorporated in the bill, the bill might as well be dropped. There would be no assessment and no taxes levied for years to come under the bill, because if it means anything it will be when the Land Department has declared officially that all of these lands belong to the railroad companies, and each section or each fraction of a section, as the case may be, it will be necessary that they should certify to somebody or in some way declare that it has been determined by the proper authority that it belongs to the railroad company, and that can not be done while a single quarter-section is in controversy.

The question was asked by the Senator from Connecticut, when should this railroad company pay taxes? When should they do what everybody else in the country does, pay taxes upon their property? I say whenever they have absolute dominion over it, whenever they have earned the land, whenever the Government has surveyed it, then they ought to pay the tax on it, because for all practical purposes it is theirs and is so treated by the railroad company. Why should they not pay taxes on it when they can sell it, when they can give permission to occupy it, when they can realize benefits from the grant? Why should they not pay taxes on it as well as sell it?

I have no objection to the first provision of the amendment of the Senator from New York, because I think that is what the present bill means, and practically that is what would be done. No assessor would go out and tax unsurveyed land. The impossibility of describing it, the impossibility of the purchaser who bought it at the tax sale finding it, would render that thing impossible. Everybody understands that one of the essentials of a tax title is a proper description. It has been held everywhere, and would be held in every community in the world, that property must be definitely pointed out before it can be taxed, and before it can be sold the deed must convey by boundaries. Practically that provision is in the bill now, but I have no objection myself to its being put in the bill specifically.

The Senator from Oregon, speaking of the Northern Pacific, says that that company has only received a small proportion of its land and that the fault has been with the Department. In 1870, in an appropriation act, there was an appropriation made for the payment of the costs of surveys. It was provided that the company should receive no further patents or certificates of land until it should have paid the costs of surveys, &c. Without noticing that, it being in an appropriation act, the Department in 1873 certified some 700,000 or 800,000 acres of land to the company. It discovered later that there was about $26,000 due to the Government of the United States, which ought to have been paid before the patent issued. The company declined to pay. They declined to pay upon the ground that they had taken their grant without any such provision, and Congress had not the right to insert such a provision in the statutes, and thus affect and change their grant. That controversy continued until 1882, the matter having been at different times the subject of more or less discussion. In May or June, 1882, the railroad company applied to the Department for the certifi-

cation of further lands. The matter was presented to the Commissioner of the General Land Office, and finally referred to the Secretary of the Interior, and on the 5th of June, if I recollect aright, he decided that they were liable to pay for these surveys before they were entitled to their grant, and they were again notified for the second time, as they had been notified in 1874 by the then Commissioner of the General Land Office, that until they did pay the $26,000 there should be no more certification of lands to the company. Later, in September, 1882, the company paid the $26,000 and put themselves in such a relation to the Department that they were entitled to have the land certified to them as they paid up. So it was not the fault of the Department, but it was the fault of the company itself that from 1873 to 1882 there was no land certified to them at all.

Under the decisions of the Supreme Court of the United States there is not any necessity that this company should have a patent; they have got an absolute grant and all they need with a patent is to show that they have got it. Their title remains practically the same without the patent as with it, and neither they nor any of these railroad companies, with rare exceptions, have been anxious to have their patents. I think I may state it as a rule that the railroad companies have not demanded patents or certifications of title except when they wanted to sell and when the purchaser demanded of them some evidence of title. They have studiously as a rule refused to pay the cost of the survey and the cost of the selection and have kept just sufficient title in the Government of the United States, a shadowy, doubtful title, but just sufficient so that the Supreme Court would always interpose and say, "There is a possibility that the land may revert to the United States because you have not paid the $3 or $4 a quarter-section, and therefore the land is not to be taxed." It is upon that theory that the taxes have not been levied, and the Supreme Court recently declared that in the case of the North Pacific no tax could be levied until this money was paid.

As was said by the chairman of the committee, this is not an authorization to anybody to tax this property. We do not say to any State or to any Territory, "tax this property." We simply say that the title, the possibility of a reversion to the United States, shall not stand in the way of a tax, and that is all. No authority is given, I repeat, and all questions as to whether they are properly taxed will be settled with the railroad company in the courts of the jurisdiction where the taxing is done exactly as the case is settled with the citizen.

I can not conceive of any reason why great anxiety should be expressed that this railroad company should have that which is denied to the settler. The moment that the settler enters his pre-emption claim and gets his certificate, his duplicate, nobody waits for the patent. The taxing authorities go to the land office and discover all who have entered up to a certain date when the time comes for laying the taxes, and then insert them in the list of taxable property, and the settler pays at once a tax upon his land that he has got the title to long before he gets the patent. Why should not the same rule apply here? The settler pays at once when he has an equitable title. These parties have got a legal title, and yet they decline to pay, waiting either for the evidence of it or waiting until they shall have discharged a duty imposed upon them by law, the payment of the costs of survey, selection, &c.

Mr. EVARTS. The Senator from Colorado seems to treat this amendment in a different aspect from that which the Senator from Kansas has imputed to it. The Senator from Kansas, as I understand, held that the grants then ascertained and located the lands that might be taxed.

Mr. TELLER. I did not raise a question of that character. I simply said that it is a direction to the department to do some affirmative thing, and that there is no affirmative thing it can do except to adjust the whole area of the grant.

Mr. EVARTS. Having stated the view of the Senator from Kansas, I was proceeding to state the view of the Senator from Colorado, that instead of being a harmless clause as viewed by the Senator from Kansas, it was a fatal clause as viewed by the Senator from Colorado, because the parcels that might thus be taxed would need to be ascertained by some action of the Government whether they did or did not fall within the grant. That is precisely what I wish to have determined now in the bill. It is to avoid the difference of opinion in courts and in administration by the laws and authorities of the States, as is now evidenced by the great dispute between so competent authorities as the Senator from Colorado and the Senator from Kansas.

There is not any word "hereafter" in my amendment. There is not any proposition of future action in it at all. I wish to guard against this taxation except upon land that is known by law as being within the grants. If shown by the grants themselves, very well, and I think for the great part they are so shown; but my proposition is, that it should be in the bill upon the same ground that unsurveyed lands are not to be subjected to taxation.

I must therefore submit, with great respect to these views of more competent Senators on these topics, that this is not an amendment which attacks the true spirit and meaning of the measure as framed and intended, but is merely to explain and make secure what its meaning is.

Mr. PLUMB. I will ask for a division of the question on the amendment. I think there will be no objection to the first part of the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from New York [Mr. EVARTS] is not now pending, but the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. EVARTS. I supposed the amendment of the Senator from Massachusetts had been informally set aside, and therefore my amendment might be now in order.

Mr. PLUMB. That was the understanding, I think. The Senator from Massachusetts had no desire to have his amendment come up until the other amendments were offered.

Mr. EVARTS. That passed while the Senator from Tennessee [Mr. HARRIS] was in the chair, and I supposed that my amendment could be now regularly offered.

The PRESIDENT *pro tempore*. If it is understood by Senators that the amendment of the Senator from Massachusetts is withdrawn, the Chair will receive the amendment of the Senator from New York.

Mr. PLUMB. It is not withdrawn, but simply remains pending until the other amendments are disposed of.

Mr. HARRIS. By unanimous consent the Senate agreed to act upon certain amendments which the Senator from Kansas, from the Committee on Public Lands, proposed to offer, with the understanding that the amendment of the Senator from Massachusetts was pending.

Mr. PLUMB. In that event I will ask that the amendment of the Senator from Massachusetts be interposed at a point succeeding the amendment of the Senator from New Hampshire [Mr. BLAIR], which was adopted at a preceding session of the Senate. I have no objection to it myself. I ask that it be read for information.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Massachusetts will be read as proposed to be inserted at the point designated.

Mr. PLUMB. Let it go in as a proviso to succeed the proviso which was adopted on the motion of the Senator from New Hampshire.

The CHIEF CLERK. It is proposed to add as an additional proviso to section 1:

Provided further, That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired or owned or held in trust for any one person; and any title or interest acquired in violation hereof shall be forfeited to the United States, without any act of entry or other process whatever.

Mr. TELLER. I should like to inquire of the Senator from Massachusetts, if he were present, upon what theory he proposes that in the State of Colorado a purchaser at a tax-sale shall only buy a certain amount of property that is subject to taxation in that State?

Mr. DOLPH. And if he does buy more that it shall be forfeited to the United States?

Mr. TELLER. Further than that, if he buys more, although he may buy it of somebody else, or if he holds it in trust for somebody else, it shall be forfeited. I am willing to go as far as anybody in limiting the area of the public land to purchasers; I am willing to do anything that is proper to prevent the monopoly of property in land after it has ceased to be public land; but I deny the right of Congress to say how much land shall be bought in the State of Colorado that is subject to taxation under its laws.

Mr. PLUMB. I do not think there can be any valid objection raised against the power of Congress in this case, so far as the limitation upon the amount to be sold is concerned, because, the title proceeding from the United States and the United States at this time lifting a lien in order that the land may be taxed, I have no doubt that it is entirely within the competency of Congress to put such conditions on the sale as it may see fit. So far as the last clause of the amendment is concerned, that ought not to be adopted, because that would go upon the assumption that the tax-sale absolutely divested the title without any interposition even of a deed, and that, if land shall be purchased at that sale in violation of this provision, it should then revert to the United States, which absolutely cuts out the railroad company, which may have earned, which must have earned the land, and must have had a valid title to it before it could be subject to taxation at all. That is something which can not be done in this way. The railroad company of course has got a right there, the right of redemption under the local law up to the time of the issuance of the deed, and probably, as in most of the States, until a certain specified time thereafter; yet under this amendment the moment one person shall purchase more than 640 acres of land the title must revert to the Government, that is to say, the valid title. That certainly can not be the case. I have no objection at all to the first part of the amendment, but the last part undoubtedly ought to be stricken out. I therefore move to amend the amendment by striking out all after the word "person," in line 4.

The PRESIDENT *pro tempore*. The amendment moved by the Senator from Kansas to the amendment of the Senator from Massachusetts will be stated.

The CHIEF CLERK. In line 4 of the proposed amendment, after the word "person," it is moved to strike out the remainder of the amendment, as follows:

And any title or interest acquired in violation hereof shall be forfeited to the United States without any act of entry or other process whatever.

So as to read:

Provided further, That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired or owned or held in trust for any one person.

Mr. PLUMB. The suggestion is made to me that, as the Senator from Massachusetts who moved the amendment is probably in the building, it would be well to ask unanimous consent that the amendment lie over until the other amendments have been disposed of. He has been sent for.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that this amendment be laid over until the other amendments are disposed of. That will be considered as agreed to if there be no objection. The next amendment will be stated. The Senator from New York [Mr. EVARTS] has proposed an amendment.

Mr. EVARTS. As the first clause of my amendment, if the Senator from Kansas will give me his attention, may be considered as out of debate and objection, that perhaps may be treated as accepted, as retained.

Mr. PLUMB. So far as I have authority to accept it I will accept it. However, I suppose it will need a formal adoption in order to incorporate it in the bill.

Mr. HARRIS. Let there be a division of the question, and let the first clause of the amendment be agreed to.

Mr. EVARTS. I will therefore divide the question in this way; I offer the amendment to add:

But this provision shall not apply to lands unsurveyed.

Mr. PLUMB. At what point in the bill does the Senator from New York propose to insert those words?

Mr. EVARTS. After the word "therefor," in the eighth line of the first section.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as now proposed by the Senator from New York.

Mr. SAULSBURY. It occurs to me that that clause of the amendment covers the whole question. It says that the provision shall not apply to lands which are unsurveyed. It can not apply to all the sections named in the original grant unless they have been surveyed. It occurs to me that the Senator from Kansas in accepting the amendment has given away the whole question in dispute, if I understand it.

Mr. PLUMB. If the lands are not surveyed there is no way of telling what portion of them the railroad company has got. They can not be made the subject of description on the tax-roll until surveyed, and consequently there can not be that certainty which must necessarily be observed in order to designate the particular object of taxation. These lands must necessarily be described on the tax-roll in the method observed in their survey, as for instance, the northeast quarter of a certain section, or the whole of a certain section, giving also township and range in which the section is found. Then it becomes definite and certain; but in the absence of a survey which establishes the fact where the odd section is which becomes the subject of the grant there can be no such description of it. All the other lands which have been surveyed of course can be put in the tax-roll just as they can in the case of individual ownership.

Mr. SAULSBURY. I understood the Senator to say in his former argument that wherever the section was specially designated in the land grant, though there may have been no survey specifically dividing up that section, yet that was sufficiently identified for the purposes of taxation. If so, then the amendment of the Senator from New York would exclude that entire section from liability to taxation, because there had not been any survey of the different quarter-sections and half-sections under the grant. I may have misunderstood the Senator.

Mr. PLUMB. There is a lack of apprehension in the Senator's mind as to how these surveys are made. The lands are surveyed, first, into townships. Then they are subdivided into sections; and then not actually subdivided into quarter-sections, but there is put at equal intervals between the corners on each side a stone, the result of a survey, which is supposed to furnish the means of subdividing into quarter-sections.

The meaning of the amendment of the Senator from New York is not that the section shall be surveyed, but that the general section of land in which is the particular section that the railroad company is entitled to shall be surveyed in order that the section to which they are entitled by reason of the grant may be positively known.

Mr. TELLER. Located.

Mr. PLUMB. That it may be located. There can be no question about that, and without the survey the land shall not be taxed at all. The committee believed (and it was the subject of specific discussion in the committee) that the bill as it now stands does not provide for the taxation of unsurveyed lands for the simple reason that they can not be located or described.

Mr. INGALLS. Neither could they be patented.

Mr. PLUMB. No; they could not be made the subject of any action.

Mr. INGALLS. So that the amendment next suggested by the Senator from New York has absolutely no meaning in connection with this paragraph. In the first place, the provision is that the exemption shall not be "for the costs of surveying, selecting, and conveying the same." Of course there can be no cost of surveying unsurveyed lands.

Mr. PLUMB. Certainly not.

Mr. INGALLS. And there can be no patent issued for unsurveyed lands. Therefore, all the lands to which the provisions of this clause can apply are surveyed lands, and it is simply repeating in another phrase the absolute significance and sense of the paragraph by saying that it shall not apply to unsurveyed lands.

Mr. PLUMB. That is entirely true, but the Senator from New York was anxious about it, and submitting it to some members of the committee they said if he desired to have it more certain they would not object, although practically it repeated, as my colleague says, the previous language of the bill.

The question has been asked by the Senator from Massachusetts sitting in front of me [Mr. DAWES], who is responsible for the survey or non-survey of this land? I will say to him that the Government controls that question and not the railroad company. Therefore the question as to how fast the surveys shall continue of lands which have not heretofore been made the subject of surveys is a question to be settled by the Government and not by the railroad companies; so that they will have no option; they are unable to say that any portion of the land which they claim under the grant shall not be surveyed, and therefore be made subject to taxation under the bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

Mr. TELLER. Which amendment is this?

Mr. EVARTS. The first half.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. In section 1, line 8, after the word "therefor," it is proposed to insert:

But this provision shall not apply to lands unsurveyed.

The amendment was agreed to—ayes 24, noes not counted.

Mr. EVARTS. Now I move the second clause, to follow immediately after that which is now adopted:

Nor to lands not ascertained and allocated as within such grant.

Mr. PLUMB. I think we had better have the yeas and nays on that.

The yeas and nays were ordered.

Mr. INGALLS. I suggest to the Senator from New York to employ the technical term that has long been used in regard to the public lands, and that is "located" instead of "allocated." "Allocation" means to place one thing after another. The location of the public land and the question of locating the public land has been the subject of legal definition for the greater part of a century without disturbance or question, and I submit that it is rather late to introduce a new phrase into our terminology. And if the Senator does not object I would rather vote on this with the word "located" than "allocated."

Mr. EVARTS. Mr. President, I can not consent to the change upon the reasons given by the Senator from Kansas [Mr. INGALLS]. In the first place "allocated" is much more technical than "located" is.

Mr. INGALLS. Bring me a dictionary, please.

Mr. EVARTS. And in the second place "allocated" does not mean putting one thing after another. "Allocation" means "assigning to." I will, however, for other reasons agree to the change proposed, especially if I can count on having a support of the amendment after that change.

The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

The roll-call was concluded.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], and as I do not know how he would vote if present, I withhold my vote.

Mr. ALLISON. The Senator from Indiana [Mr. VOORHEES] asked me to pair with him for the day, and therefore I refrain from voting.

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE] for the day.

Mr. PLUMB. I am paired generally with the Senator from Alabama [Mr. MORGAN], but being assured that he would vote against this amendment I have voted.

Mr. CHACE. I am paired with the Senator from Delaware [Mr. GRAY].

Mr. BERRY. The Senator from Kentucky [Mr. BECK] was compelled to leave town. He is paired with the Senator from Maine [Mr. HALE].

Mr. WALTHALL. I was requested by the Senator from Kentucky [Mr. BLACKBURN] to announce that he is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. BROWN. I desire to announce that my colleague [Mr. COLQUITT] is paired with the Senator from Illinois [Mr. CULLOM]. I do not know how my colleague would vote if present, and the Senator from Illinois may do as he pleases about voting on this proposition.

Mr. RANSOM. I am paired with the Senator from New York [Mr. MILLER].

The result was announced—yeas 9, nays 32; as follows:

YEAS—9.

Blair,	Evarts,	Hoar,	Morrill,
Conger,	Hearst,	Mitchell of Oreg.,	Stanford.
Edmunds,			

NAYS—32.

Berry,	Eustis,	McMillan,	Spooner,
Brown,	Fair,	McPherson,	Teller,
Call,	George,	Mahone,	Van Wyck,
Cameron,	Hampton,	Maxey,	Vest,
Cockrell,	Harris,	Payne,	Walthall,
Coke,	Hawley,	Plumb,	Whitthorne,
Cullom,	Ingalls,	Pugh,	Wilson of Iowa
Dawes,	Jones of Nevada,	Sherman,	Wilson of Md.

ABSENT—35.

Aldrich,	Dolph,	Kenna,	Ransom,
Allison,	Frye,	Logan,	Riddleberger,
Beck,	Gibson,	Manderson,	Sabin,
Blackburn,	Gorman,	Miller,	Saulsbury,
Bowen,	Gray,	Mitchell of Pa.,	Sawyer,
Butler,	Hale,	Morgan,	Sewell,
Camden,	Harrison,	Palmer,	Vance,
Chace,	Jones of Arkansas,	Pike,	Voorhees.
Colquitt,	Jones of Florida,	Platt,	

So the amendment was rejected.

Mr. HOAR. I suppose my amendment is now pending, to be inserted as an additional section.

Mr. PLUMB. Let it be a proviso.

Mr. HOAR. Very well; I will offer it in the shape of a proviso.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts will be stated.

Mr. HOAR. Let it be added as a proviso to the first section.

The PRESIDENT *pro tempore*. To which the Senator from Kansas [Mr. PLUMB] has offered an amendment to strike out the last clause. The question is on the amendment to the amendment.

Mr. EVARTS. Let the whole amendment be reported.

The PRESIDENT *pro tempore*. The amendment and the amendment to the amendment will be reported.

The CHIEF CLERK. It is proposed to add to the proviso at the end of section 1 the following additional proviso:

Provided further, That not more than 640 acres of the lands sold under the provisions of this act shall be purchased by any one person, or shall thereafter be acquired, or owned, or held in trust for any one person; and any title or interest acquired in violation hereof shall be forfeited to the United States without any act of entry or other process whatever.

The amendment to the amendment is to strike out the last clause, as follows:

And any title or interest acquired in violation hereof shall be forfeited to the United States without any act of entry or other process whatever.

Mr. CALL. I shall be very glad to hear from the Senator from Massachusetts how it is competent for Congress to make a law of this kind operating in the States. I can see how it might attach a condition running with the land, but I do not see how it can be a perpetuity to last for three lives or more; nor do I understerstand how as to lands within the States any act of Congress can be operative to limit the tenure of lands or the amount of lands held by individuals contrary to the laws of the State.

Mr. HOAR. Mr. President, it does not seem to me that there is any difficulty in that regard. As I understand, the authority for the sale of this land comes from the United States. It is land which has not yet passed under State jurisdiction for any of the purposes of alienation. It is land the property in which is held by the United States, or is held by a railroad company, not subject to be divested by a tax-sale. Now we confer that authority, and we may confer it with such conditions as we may choose to require. If we may confer the authority to tax and to dispose at tax-sale of these lands, we may limit that authority by saying that they shall only be sold on condition that they shall be owned only in quantities not exceeding 640 acres.

The purpose of this amendment, I suppose, will commend itself to almost all the Senators who have watched the dangers in modern times that attend the accumulation of lands in vast quantities in the hands of individuals or corporations. I suppose the Senator from Florida [Mr. CALL], like other Senators, has seen some of the alarming statements which have been made that great masses of land are held in the hands of aliens, of corporations, whose stock is or may be hereafter in the hands of foreigners.

A bill which has passed the Senate prohibits the acquisition of real estate in our Territories by aliens who have not initiated steps to become citizens. If I recollect aright, however, that bill has not provided for the case of corporations whose stock may be held by aliens.

Mr. PLUMB. Oh, yes, it does.

Mr. HOAR. I was not present when that bill passed. I have no objection to conceding the amendment proposed by the Senator from Kansas—that is, that the prohibition shall be expressed without requiring the title to revert to the United States. I call for the yeas and nays on the amendment.

Mr. DOLPH. I sympathize with the purpose that the Senator from Massachusetts has in view, but I see the same difficulty that the Senator from Florida has expressed.

The Senator from Massachusetts, it appears to me, has a wrong idea about what we are here proposing to do. I do not understand that we are proposing to submit the lands of the United States to taxation. I do not understand with him that we are proposing to say that a part of the public domain shall be taxable. We are proposing to tax the lands of the railroad companies upon which the United States has a lien for a very small amount, supposed to be equivalent to about 3 cents per acre. Now we are proposing to do that by saying that these lands shall be taxable.

Mr. HOAR. Are you not also proposing to make land taxable which the railroads are entitled to patents for but which patents they have failed to take.

Mr. DOLPH. I will explain that. The United States has a lien on these lands for the cost of surveying, selecting, and patenting, amounting to about 3 cents an acre, a very small interest; but small as it is the courts have said that it is such an interest in the lands that they can not be taxed until the lien is removed from the lands. Now, we are not proposing to say permanently that these lands shall be taxed. We do not understand that we have any more power to say that the lands shall be taxed in Dakota or Montana than we have to say that the Senator's sheep or horses or merchandise, if he has any, in Massachusetts, shall be taxed.

Mr. HOAR. The Senator desired to have me reply to his suggestion.

Mr. DOLPH. Allow me to get through.

Mr. HOAR. And therefore he will permit me to have an understanding as he goes along.

Mr. DOLPH. I was only explaining what I supposed to be the theory of the bill.

Mr. HOAR. Does not the Senator understand that a large portion of the land upon which this bill is to operate is land the title to which has not yet passed from the United States to the railroad and is not to pass until the railroad performs a certain condition hereafter?

Mr. DOLPH. No, I do not understand that. I understand that the title goes with the act, and when the conditions are performed the title relates back and vests, commencing from the date of the grant. I understand simply that the United States has a lien upon the land and holds that lien until the cost of surveying is paid; and when the patent is issued it is only the evidence of a previous title.

Now, what are we proposing in this bill? We are proposing to say that this lien of the United States shall no longer be an obstacle in the way of the taxation of these lands; that they may be sold for taxes notwithstanding the lien of the United States, and the purchaser at the tax-sale may come in and pay off the lien and have the land discharged from the effect of the lien, and then he acquires title and takes the patent instead of the railroad company. We are proposing simply to step out of the way. That being the case, I should like to know under what constitutional provision we are going to say that there is to be attached to the title of the land of the railroad company a condition which shall run with the land for all time to come and which shall prevent the free alienation of it. I should like to understand further by what provision of the Constitution Congress is proposing to step in and say to the State of Colorado, "You may make your laws for the sale of lands, but in regard to this particular land in which the United States steps out of the way and permits to be taxable there shall be a condition attached that one man shall buy only 640 acres and that for all time to come one man shall own but 640 acres."

It seems to me, with all due deference to the legal attainments of the Senator from Massachusetts, that he has not considered properly what we are proposing to do by this bill and the title with which we are dealing. I do not believe it is competent for Congress to attach this condition. If it is competent I should be glad to vote for the amendment. I should be glad to meet the difficulty which the Senator sees in the way, and which I called attention to at some length this afternoon, of the purchase of large bodies of this land by single individuals, but I think we are traveling out of the power of Congress, we are getting out of the legitimate scope of this bill when we undertake it.

Mr. EVARTS. I think, Mr. President, we should all understand what the scope and force and reach of this amendment will be.

Great amounts of land have been granted by this Government to various railroad companies. This bill relates in a certain sense to all those grants. In the original grant there is not any requirement that in subsequent sales there shall be no holder of more than 640 acres of the lands granted. So, in the first place, this amendment seeks to put upon the land grants already conferred, under the operation of this amendment to this extent, that whenever any of them shall be sold for taxes in the States there shall be a perpetual exaction that no more than 640 acres of them shall be held by any person. That, of course, is a burden upon the sales that these railroad companies make in the ordinary course of their management of the property, that whoever buys the lands, if there be a sale under the tax laws in any State, can make no acquisition of more than 640 acres. It is a burden, a perpetual agreement on the part of the purchasers at these tax-sales, that more than that amount or land can not be held together.

But aside from that, we come to another very difficult proposition, as it seems to me. I will treat this clause of the amendment with the

provision for forfeiture to the United States, and then consider what will happen after that is cut off. The provision is:

That not more than 640 acres of the land sold under the provisions of this act shall be purchased by any one person.

That is a definite and ascertained transaction, that a person buying any of these lands thus put up for sale can not purchase more than 640 acres. But thereafter follows this:

Or shall thereafter be acquired or owned or held in trust for any one person.

That is, no portion bought under the provisions of this act, though not originally purchased in 640 acres, can afterward be aggregated and held in more than 640 acres. So you have a land act as one of the laws of the Territory or State thereafter so far as these lands are concerned that there can not be a holding of more than 640 acres.

If I am not right in that construction, this aggregation is not well made; but I can see no other construction of it.

Mr. HOAR. That is the purpose of it.

Mr. EVARTS. Very well. That is to say, if one person buys 600 acres and another person buys 600 acres, nobody can put them together and own the 1200 acres.

Mr. HOAR. That is it exactly.

Mr. EVARTS. Nobody can have 1,200 acres at any time in the future. In other words, it is a perpetual land law applied to all these sections forever and forever. That is to say, while the general land laws of the State have no such restriction and persons can buy and add together as purchasers whatever amount of acreage the State laws do not prohibit, there shall be another line of land running on forever in those States that can not be aggregated because the title was limited under a tax sale. That is the proposition. The wisdom of any such arrangement does not approve itself to me.

Mr. DAWES. On any subsequent taxation after the lien is lifted, any subsequent assessment of tax is affected.

Mr. EVARTS. It is a condition of the land, and it can not be aggregated upon anywhere by anybody under any circumstances, although the general law of the State or Territory may permit any aggregation.

Mr. HOAR. Will the Senator pardon me?

Mr. EVARTS. Certainly.

Mr. HOAR. I desire to say to the Senator from New York that the purpose of the amendment is exactly what he describes; and if there is any doubt about it, it results from my failure to effect my purpose by language.

I desire, so far as the constitutional authority of the United States can go, to prevent in the future a repetition of the experience of Great Britain of the holding of a vast mass of land in one ownership, and to make it when this land goes out of the United States a perpetual condition that that shall not be accomplished, and as far as possible to secure the future American against that danger in the new Territories, and so far as this law applies in the new States.

Mr. EVARTS. Well, is 1,200 acres a vast amount of ownership of land? Is that a proper limit to assign to farms—1,200 acres? Is it the rule, is it the idea, is it the notion anywhere in any of the States of this country that a farmer can not have more than 640 acres, and that forever and forever land shall be followed in these subdivisions? If it is a good rule and a good law governing the transmission of estates and their acquisition, why should you pounce upon these tax-sales and say they shall be held under a law that is not applicable to any other land?

Now I come to the question, as I have not been wrong in construing the true meaning of this amendment of the forfeiture:

And any title or interest acquired in violation hereof shall be forfeited to the United States without any act of entry or other process whatever.

That is to say, the United States is kept the lord paramount under the English law system that can insist upon forfeiture under all circumstances and at all future dates if the condition imposed by law happens to be violated. That ties up and takes out of commerce all these lands. There is not a piece of land in the city of New York that is salable which is hampered by a condition of a lord paramount, so that at any time hereafter for forfeiture there shall be an entry. The common law has guarded forfeiture by every degree of astuteness, every degree of severity against such a tenure as that. And now it is proposed that the United States shall take the position of being lord paramount and hanging up the freedom of land which is the freedom of any land.

But how does it stand if this forfeiture to the United States is stricken out? What happens then? Who is lord paramount? Who then can enforce the forfeiture? Is it then a *brutum fulmen?* Or is there latent somewhere a power of forfeiture that can be claimed in the name of some one? Is it by the State, is it by the county that has sold the land? Where is the forfeiture? Strike out the forfeiture, and you have it left at large; and who can define the position at common law of the estate being forfeited by a breach of condition is to be enforced?

But, Mr. President, whatever might be said about the propriety of declaring that these immediate and primary sales should not exceed 640 acres, it seems to me abhorrent to the whole system of free ownership of land that any line of land whatever should be perpetually held and hampered by a condition at common law.

I do not speak of this as having the least reference to the interest of railroad companies except so far as it will affect anybody else; and that is the deprivation of the *jus disponendi* so as to burden and reduce the value of land in the market—land now, land hereafter, land under all circumstances.

I venture to say that whatever repugnance the United States and its people may have to large aggregations of land in private owners, this Government will never impress upon the public domain that it shall part with in the distribution among its citizens of public lands this forfeiture to be retained to the United States. If this Government will never adopt that rule as a rule of real property in any of the arrangements of the public lands, why should it insist upon it as to these particular parcels where the title is to be acquired by this particular tax-sale?

It seems to me, therefore, while it may be reasonable to provide that a sale shall not be made under these tax-sales of more than 640 acres in a parcel, that to impress on that land the necessary permanent condition of forfeiture is abhorrent to the whole system of freedom in the tenure of land.

Mr. HOAR. Mr. President, when I was taking my seat before, the Senator from Oregon [Mr. DOLPH] rose and asked me if I would answer a question and make an explanation of a difficulty which was in his mind. Under the ruling of the Chair the very elaborate speech of the Senator from New York [Mr. EVARTS] has intervened between the question and the answer.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts as having yielded the floor.

Mr. HOAR. I supposed the Chair so understood, or the thing would not have happened. But I owe this apology to the Senator from Oregon for not having sooner answered his question.

The Senator from Oregon asks if I understand that there is a title to these lands in the United States, or only a lien. I certainly do understand that the lands upon which this bill is to operate are largely still held in fee by the United States as owner. They are lands not even made certain or allocated, to use the phraseology of the Senator from New York. They are lands to which these roads have not yet received their patents, and are not to receive them until they have paid certain costs of survey. Now, I do not understand that that transaction passes a title to the railroads. Unquestionably it passes an assignable interest to the railroads except so far as restrained by the legislation which created them. But it is quite immaterial. It is clear that these lands can neither be taxed nor sold for taxes without the assent of the United States, whether that necessity is caused in regard to any portion of them by our having a lien inconsistent with the power of taxation, or whether it is caused by our having a fee which we are not to part with until a certain condition takes place.

Mr. DOLPH. Will the Senator allow me to make a suggestion? The act providing for the payment of costs was passed several years after the grant. It was not a part of the condition of the original grant.

Mr. HOAR. Patents have not issued and the land is not determined. How can it be said that a title is vested in these railroads when nobody knows but that it is to depend on something in the future even what land they are to get?

Mr. DOLPH. I will not take up time to explain that; but that was the very thing I talked about a long time to-day.

Mr. HOAR. That is immaterial to my purpose, because the right of the United States to put a condition upon a transaction that can not occur without its assent either way is perfectly clear.

My honorable friend from New York thinks that this proposition is objectionable, because it is creating a certain lord paramount, as he expresses it. He knows it is to enforce this condition.

Mr. President, the nation from which we have come has suffered, her working people have suffered, from the fact that her lands, small as they are compared with ours, have been engrossed by great landed proprietors and great noblemen. It is a fundamental maxim with all persons who understand the history of constitutional liberty or of the American or English system of government that where the title in the land is, there is the sovereignty, in the long run, of the state. De Tocqueville speaks of the effect of a suitable land system. Speaking of the abolition of primogeniture in New England under the operation of our body of liberties adopting the Kentish custom instead of the law of primogeniture in 1641, De Tocqueville says that when that system was adopted in the New England States, the American Revolution and the American Constitution followed as a natural sequence; and Mr. Webster in his great oration in 1820 at Plymouth said that you had but to ascertain the land laws of a people and you could predict without erring their history. I quote the substance, of course, and not the language of these great authorities.

Here are in Great Britain these great landed estates through which two or three thousand men have directly or indirectly wielded the political affairs of that empire for more than a thousand years. The workman, the small farmer, the tenant are turned out to make the preserves or the hunting grounds for the pleasure of the rich landed aristocracy. Our most thoughtful observers, especially those who have studied the labor question that is upon us, see already the signs of that danger in

our own sky. There are cases already where in our Territories in the Northwest men of other countries are acquiring and corporations are acquiring vast landed estates; and it is now, as this opportunity comes, the purpose of this amendment to dedicate forever so much of the public lands as is within our power and as we are now dealing with to the ownership of the small homesteader, instead of to the ownership of the great alien corporations and of the great alien proprietors.

What is there of danger, what is there of the lord paramount in this? The United States, of course, so far as it legislates is the lord paramount, but it is a lordship paramount exercised for the entire people and in the interest of the entire people.

The Senator from New York asks if no farm should be permitted to exist of more than 640 acres. I answer that 640 acres is enough, as a general rule. Certainly when you consider the fact that there is much land that we can not reach by our legislation, 640 acres is enough to preserve the title of the small homesteader to whose interest we are looking.

The Senator asks me why we fix this rule for these particular parcels. The answer is, because we have let other particular parcels go, to the injury of the people, out of our power without having fixed it.

Mr. SAULSBURY. Allow me to ask a question for my own information. I understand the bill applies to lands already granted by act of Congress to certain railroad companies. Would not this be adding a condition subsequent to the grant of those lands? And can we do that?

Mr. HOAR. It is only adding a condition when we are providing for the authority for a particular method of sale. We say that if these lands are to be taken for taxes by a power not now authorized to tax them it shall only be done on the condition that the title acquired under that tax-sale shall be forever held in amounts not exceeding 640 acres. That is all. I do not understand that anybody questions the constitutionality of the condition, so far as it relates to the sales made under the authority of this act.

Mr. HAWLEY. I suppose the Senator from Massachusetts hardly anticipates anything like an exact repetition of the evils of large holdings of land in Great Britain; but we are in danger of reaching those evils by a different course altogether. I am unwilling, however, to encumber this bill as reported by the committee with any attempt to cover the whole general subject. This has a wise and just purpose. It is a bill based upon one I had the honor to present myself and which received the approval of some of the ablest lawyers in Dakota, and others presented by other gentlemen and referred to the Committee on Public Lands. The committee in its wisdom reported the present bill.

There is a great deal more that I desire to do, but I do not propose to reach it through amendments, I may say hastily prepared for the pending bill. Let us have another bill.

I was not here when the bill was passed concerning alien holding (though I had previously stated my approval of it) to avoid the great evils of extensive absentee landlordism. In general, as I recollect the bill, I approve it.

There is a pending bill to repeal and end forever the pre-emption law, and to repeal the timber-culture law also, so that there may be but one way hereafter of getting possession of the public lands; that is to say, under the homestead act, with the exception of the provisions for holding larger extents of grazing and desert lands. But there is more yet needed.

Sir, the history of the State of New York from 1840 to 1850 is more instructive than the history of any other States in this matter, owing to the very fierce excitement that arose there known as the anti-rent agitation. There were felt the evils of large and permanent holdings of lands, and the people endeavored to strike at the root of the evil. I picked up the other day their constitution of 1846, which revived my memory of the history of those days. Allow me to quote a paragraph or two.

SEC. 11. The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail, from a defect of heirs, shall revert or escheat to the people.

I may say in passing that I think provisions such as it is attempted to add to the pending bill will be found to be very burdensome ultimately when this land passes under the control of States. I do not think it is wise that these lands should have attached to them for centuries to come conditions imposed now by the National Government, while we are simply the guardian of infant States. The next section of the New York constitution says:

SEC. 12. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving, however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

SEC. 13. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

Here follows a very significant section that I commend to our Public Lands Committee in connection with their legislation for the Territories:

SEC. 14. No lease or grant of agricultural land for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

That I desire to see held over these Territories until they shall have passed through our guardianship and have become States controlling their own destinies in local affairs.

SEC. 15. All fines, quarter-sales, or other like restraints upon alienation reserved in any grant of land hereafter to be made, shall be void.

I desire that these lands, when they shall pass into the possession of the States, shall be covered by constitutional provisions like these. There is also a statute, passed after the adoption of this constitution, which indicates what I believe to be the right policy for the Territories and for the States in general concerning the tenure of real estate. It is in the laws of 1867, I believe:

SECTION 1. It shall be lawful for any joint stock company or association to purchase, hold, and convey real estate for the following purposes:

1. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; or—

That is to say, of a bank or insurance company—

2. Such as shall be mortgaged to it in good faith, by way of security for loans made by, or moneys due to, such joint stock company or association; or,

3. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such joint stock company or association.

The statute proceeds to say:

The said joint stock company or association shall not purchase, hold, or convey real estate in any other case or for any other purpose.

Another statute, that I have not but that I remember well, prevents speculation in real estate in the case of any bank, insurance, or similar corporation, and provides that if such a corporation shall acquire possession of lands by foreclosure it shall be required within five years to dispose thereof. So jealous was New York of accumulations of land that, lest these accumulations should be made under the guise of forfeitures and foreclosures, corporations were permitted to hold only for the immediate purpose of their incorporation, and were required to dispose of lands acquired in course of legitimate business within a limited number of years.

In one sense it makes very little difference that we have dispensed with the laws of primogeniture and entailment; for there is another possibility of evil quite aside from those, another form of reaching the same evil. We are all familiar with the fundamental laws and characteristics of corporations in general. They have an eternal life. Land acquired to-day may be held forever. Land acquired by an individual under the chances of society is not likely to be held long in one family. But we are permitting Territorial Legislatures to create certain corporations, possibly we are creating them ourselves, which may acquire land in absolutely unlimited quantities, and have a greater likelihood of holding for centuries than was probable under the ancient laws of England. Who shall say what will be the complaints and the evils that will arise ten, fifteen, or twenty, or a hundred years hence when these Territories shall have passed out of our control, out of our guardianship, and shall have become States? The States will find immense tracts of land in single ownerships, with a perfect title obtained from the United States in the days of their infancy, and we may be providing, without knowing it to-day, for an agitation similar to that and far greater than that which prevailed in New York forty years ago.

I would not permit any corporation whatever to acquire large bodies of land for the purpose of speculation or trade. I would permit none to hold any more than was absolutely necessary for its own straightforward and legitimate business. I would require it to part within a certain short period with all lands that it might acquire in the collection of debts. I would restrict within the narrowest limits the holding of lands by corporations. Moreover, I would restrict the quantity that might be held by individuals while this land is under our jurisdiction and guardianship.

This bill has a perfectly legitimate and honest purpose. I hope the bill will be confined to that. If there be any attempt made, as there ought to be, to reach these other general purposes, it should be in a distinct general bill to be reported by the committee.

Mr. HOAR. Will my friend from Connecticut allow me to ask how he proposes to let this land get out of our power and then affect it by another bill?

Mr. HAWLEY. I do not understand the question.

Mr. HOAR. I ask how he expects, if we let this land get out of our power by this bill without this condition, that it will be possible to make any general law that will affect this land hereafter?

Mr. HAWLEY. I do not know that I comprehend all the legal relations of this bill; but the purpose of it is to cure an evil that has arisen in the Territories by which great railroad companies—not one but several—have kept the virtual title of these lands, have practically sold them to settlers, and when a settler was called upon to pay his taxes he went back through the title of the railroad company to show that the title was still in the United States for the lack of the payment of 2 or 3 cents an acre for surveying. Wherefore the fee being still in the National Government, the Supreme Court has decided that the lands are exempt from taxation, and great embarrassment has arisen.

I hope we shall not think it wise to encumber lands now absolutely under our control in the Territories with conditions to remain upon them a century hence. When they shall have passed to the control of States, let those States take and hold them under such title as New

York gives to its people and claims for itself; but in the mean time, while the Territories are our pupils, our wards, let us legislate with the very broadest and most generous views of the future so as to avoid all the evils of absentee landlords and immense estates held under perpetual titles.

Mr. CONGER. Mr. President, I sympathize with the desire of the Senator from Massachusetts to prevent now, or at any time when there is an opportunity, by law the great accumulations of landed estates in corporations or in individuals. I think that is the coming danger and the coming curse of the West and of the South and of the Northwest; and for the passage of any proper law to restrict and restrain and direct in that regard I believe I shall always be ready to vote. But the object of this bill, if we may understand it has an object at all, the sole object of this bill is to bring under the law of taxation the vast quantities of land which have been given mostly to States to aid them in building railroads, or directly to the railroad companies themselves, and relieve the settlers through the sparsely settled regions of the country where these lands lie from the whole burden of taxation—to impose it alike upon land held by railroads and upon land held by settlers. That is the object of this bill.

Now, so far as that can be attained by the bill I approve of the measure and shall support it; but to my mind there comes in in this proviso a plan and process which will necessarily and absolutely defeat all the objects of the bill. To accomplish another purpose, to prevent a larger holding by corporations or by individuals through a tax-title than 640 acres, an obstruction is necessarily imposed upon the tax-sales of the larger portion of all the lands to which this bill might subject them.

Those familiar with our new country under the operation of the general land laws of the United States know very well from their own observations and experience that in all new States and in new regions there can be no non-resident lands returned for sale under the tax-laws secured by the purchase of individuals in small quantities. There is no such sale, and never has been, and never will be, in sparsely settled countries. There will never be a sale or a purchase at a tax-sale by individuals here and there. The lands are bought and the taxes are paid, and whatever title runs with the sale for taxes in all such regions the purchase is made by individuals in large quantities, 10 acres of this 40, 20 acres of that 80, the whole of another section bought off for the taxes, and it is bought in subject to the laws of the different States allowing redemption within a reasonable time and at a reasonable percentage added to the tax.

Mr. President, there are some members of the Senate who will not endure to be interrupted by my feeble voice when they are talking because it prevents the current of their thoughts and prevents the continuity of thought if there happens to be any. I would suggest to those gentlemen to listen a moment to what I have to say without interruption, which confuses me, a new man to this kind of business.

I have stated the history and the experience in all new States and in all new countries. Now, I call the attention of Senators to the fact that this applies mainly, I might almost say only, in regard to railroad lands to the vast region hundreds and thousands of miles in extent through which the transcontinental roads extend. Scattered all along these lines, although there may be an organized county, the settlements are very much scattered and sparse. Throughout all Dakota, throughout all Montana, throughout Northern Idaho, throughout Washington Territory, along the line of the Northern Pacific Railroad there are organized counties and a few settlements here and there, and a few residents away from the railroad. Now, suppose under the provisions of this bill all the lands for 2,000 miles may be taxed and may be taxed in counties where the settlers are homesteaders, where they are poor, where every dollar that they can wring from the soil or may have brought with them is necessary to the current expenses and to the livelihood of the year, who can buy these lands? Who can come to the sale and pay the taxes and bid in the lands and accomplish the object of this bill? For hundreds of miles along the Northern Pacific—and I speak of that because I have been along it—there would not be ten men in a county who would have the means to go to a tax-sale in the county and buy up these lands.

In one Territory there are millions of acres of railroad lands stretched along in counties. Who would buy hundreds of thousands of acres of this land if offered for sale? The railroad company finding its lands offered for sale could buy but 640 acres under the provisions of this amendment. The bankers and the capitalists are not the men who have gone along in this new country ready to invest their money in tax-sale lands. Who will buy? No one can buy these thousands and hundreds of thousands and millions of acres under this amendment if it succeeds when they are thrown into the market at tax-sales. The railroad can buy but this 640 acres.

Mr. HOAR. It can pay the taxes.

Mr. CONGER. The railroad can pay the taxes, it is said; but the railroad may not have paid the taxes. I am speaking merely of the impossibility of finding a purchaser. So benevolent societies can go and pay their taxes; benevolent men can go and pay taxes, if they want to do so, for railroad companies. There are possibilities within the range of the imagination of the Senator from Massachusetts which do not have force with me.

Mr. HOAR. Pardon me; the Senator does not understand my point. I understand that the bill proposes a sale on the failure by the railroad company to pay taxes on the lands of the railroad. The Senator's argument is that the railroad can not buy in the land at the sale, but if the railroad pays the tax the title becomes vested in it without any sale or purchase.

Mr. CONGER. Of course. I suppose any Senator of ordinary perception would arrive at that conclusion without the interruption. My argument is that there is nobody to buy the lands at the tax sale. They are there for sale. My argument is that, under the condition the Senator from Massachusetts would impose on this bill, the law itself becomes a dead failure in fact and of necessity; and the chairman of this committee, acquainted with the mode of selling tax lands in the great West and in new countries, and every man who is living where the general land laws of the United States are in force, will see at once that, whether intentionally or not—I have the charity to believe that it was not intentional—the effect is the same as if an enemy had come towards the close of the discussion of this bill, when it might be about to pass, and fastened upon the bill a provision which would render it utterly futile and useless as a law. I can not conceive it possible that that was the object of this amendment, but no man is so dull but that he must see that the necessary result of the amendment would be to prevent the carrying out of the law.

If I have illustrated that, I have made it plain that under the provisions of this amendment if the taxes assessed are not paid, whether assessed by Territories or by counties or by towns or in whatever manner, and the lands are offered for sale to secure the taxes so levied, there can not, in the very nature of the situation of things in that far-off region, be purchasers. No man could buy more than 640 acres. For each mile of this railroad, unless the lands had been sold or disposed of, there are lands granted miles in width. Running along with each mile of the railroad there are ten, twelve, fifteen, possibly twenty sections of railroad land, and for every mile of the length of the railroad 2,000 miles long there must be twenty different purchasers if the lands are taxed and offered for sale. They are not in that country. Every man, woman, and child might attempt to buy at these sales, and there would not be enough to buy in the lands thus taxed and thus desired to be sold.

But suppose the poor settlers could buy along in one place and another, Mr. President, do you or does any Senator here desire to inaugurate a system by which an unsuspicious and confiding people, ignorant of law, ignorant of the subtleties and quirks of the law, shall be induced under any consideration to make a home for themselves by buying tax-title lands, lands to which the Government has some title, to which the railroad company has some title, to which the bondholder has some title, to which the stockholder of the company has some rights, all which is spread out as broad as the limitless prairies through which these roads run, spread out open to future litigation and future contest.

Sir, I have seen too much of the evil effects, the disastrous effects upon those who have ventured to make their homes and own their homes through tax titles, even in the older portions of the country, to ever wish to see such scenes encouraged and renewed. If I had no other objection to this amendment, if the former objections were not of full and sufficient force to me, I would withhold my vote from it. I would vote against it always and continuously and lift my voice against it if it succeeds in encouraging in the slightest degree the poor, innocent, inoffensive, unprotected settler to trust his future for himself and family upon land for his home obtained through a tax title under this law.

Those are partially my objections to this provision being inserted in the bill. There is a place, there must be a place somewhere in the legislation of this country where we can begin now, although late, to limit the vast holdings of real estate, to prevent its being gathered together in the hands of one man or in the hands of one corporation, and shutting out millions and millions of our fellow-citizens now and in the future from the possibility of obtaining a homestead.

Much nearer to the home of the Senator from Massachusetts than to my home this danger of accumulation of land in one hand exists to-day. You may pass through the New England States, ay, you need not travel, you may stay at home and take the census of the New England States, and you will find that year by year, and almost day by day, the thrifty, successful farmer all through the valleys and along the rocky hills of New England has gathered in the 20 acres and the 40 acres and the 80 acres of his less fortunate neighbor; and you may travel along those roads that once had settlers within half a mile or a quarter of a mile or a mile of each other—you may travel along the roads in the rural parts of New England to-day and you will see the one homestead extending over miles of territory.

That is not so in Rhode Island. Thank God, Rhode Island is so small that there is no possibility of an accumulation of great landed estates within its borders. It is the safety of Rhode Island. I say that in answer to the nodding of my friend the Senator from that State [Mr. CHACE]. But in many parts of New England the actual, positive danger and wrong to-day is that the lands, whatever they be, good or bad, valley or mountain, alluvial or rocky, are gradually being accumulated into the hands of a few, and the young men and the middle-aged men

are giving up their little parcels of land and going out to the great West to get more land and more sunshine and more air and more freedom. Now if there is any way which we can devise to restrict and restrain this fatal accumulation of small holdings into large holdings in New England, I should like to assist in furthering that object.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. CONGER. Yes, sir.

Mr. PLATT. I do not know how it may be in the rest of New England, but there is nothing of that sort going on in the State of Connecticut. On the other hand, the holdings are becoming smaller there year by year, the farms being divided up and held in less quantities than they have been formerly.

Mr. CONGER. The census reports do not show that. Unfortunately those who took our census were laboring under a mistake. The reports of the census show that there is a less number of farm-holdings in New England with each succeeding decade. Does the gentleman attack the census?

Mr. PLATT. I do not know anything about the census. The Senator has the advantage of me in that respect. I do know from my observation what I think is true.

Mr. CONGER. A reference which can be readily made by almost any Senator would settle the question beyond dispute.

Why, sir, it is even so in the older Western States, in your own State, Mr. President, that land holdings by the natural course of purchase and sale in the rural districts, in the very county in which you reside, become less in number except—and that is for the present the only redeeming thing about it—except that when those who have large holdings of land in Richland and in Huron and in Wayne and in those large counties die, the love of the farm and the love of the place and the desire to retain part of the old homestead leads continually to a division among the children and the grandchildren. That is so in Richland County within your knowledge and within mine. That for the time being equalizes to some extent the purchasing in of small holdings by the larger farmers.

Sir, that is the case in the southern tiers of counties of my own State. The two southern tiers of counties have a less number of farms to-day than they had ten years ago and a less number ten years ago than they had twenty years ago. It is the natural, inevitable result of prosperity and thrift on the one hand and the desire to sell out and go where more land can be obtained on the other, and it is spreading all through the Middle and the New England States and some of the newer Western States at this day.

Now, sir, while I deprecate the continual gathering together by foreign corporations or by foreign persons, aliens, or by citizens of these vast amounts of our rich alluvial soil in the South and in the West, I do not think the amendment offered here will have any tendency whatever to restrain it. We have sat still quietly, I from my natural diffidence and indisposition to push ahead, and the Senator from Massachusetts from having other and greater cares upon his mind; and he has remained in the House and in the Senate through a quarter of a century almost, and has seen and known that foreigners were accumulating in the United States lands by the 40,000, 50,000, and 100,000 acres, and though there was a little titillation, fear, and anxiety in regard to it, it did not occur to the Senator from Massachusetts that there was great danger in this accumulation till it comes to some paltry tax-sale and the encouragement which should be given to our citizens to buy in lands for homesteads by virtue of that vanishing, fluctuating, visionary, uncertain title to lands, a tax-title here and there and everywhere where tax-titles exist in the land.

Mr. EVARTS. Mr. President, the question of the free tenure of land is vital to American institutions. The division of estates as distinguishable from primogeniture——

Mr. PLUMB. It is evident the debate is to be somewhat extended, judging by the indications, and I ask the Senator if he will yield the floor for a motion to go into executive session?

Mr. EVARTS. I have no desire to continue the debate to-morrow at all. What I have to say to-night I shall probably end within ten minutes. But if the Senators do not wish to listen to me for ten minutes—— ["Go on!" "Go on!"]

Mr. PLUMB. I only thought that as the debate was to go on somewhat indefinitely, this being a new subject, we had better proceed to the consideration of executive business.

Mr. EVARTS. I shall take but a little while.

Primogeniture on the one hand and an equal distribution of land upon the demise of the owner on the other, are very important institutions in a country where the one prevails and in our country where the other prevails. I do not understand that this minor clause in this tax-bill interferes with primogeniture or distribution. But, so far as it bears at all, and the Senator from Massachusetts avows the principle which he desires as expressed in this amendment to be extended over this land, it breaks down the freedom of the tenure of land. We hold our land here, all of us, in free and common socage, and not an acre of it is held under any feudal tie. Every acre of land that is to be put up and sold under this clause of this amendment is to be subject perpetually so that no longer can it be held in free and common socage, but is subject to a forfeiture to the United States.

Now, Mr. President, let us look at the very narrow topic that this is to meet. It is to govern tax-sales. If I had provided as a clause in these terms that no greater parcel than 640 acres should be sold under any tax-sale arising under the operation of the bill, and that shall be sold only by a base fee, I could have avoided and defeated the whole measure of this bill. If you pass a general law that all of our free holding of land shall be restored to a feudal obedience to the United States of America or the several States of the Union, that I can understand; but if you want to hamper a tax-sale of lands to which by any possibility these clauses can apply, when all around them there are holders in free and common socage with no baseness in their fee and no defect in its being a fee-simple absolute, you defeat the tax-sale; you change the tenure of the American people. No man with his eyes open buys a base fee, and that is the plain, distinct rule of the common law for that unfortunate conditition into which land may be brought as being subject to forfeiture on a condition at common law.

Now, Mr. President, as to the aggregation of land, pass laws if you please having such efficacy and having such purpose, but do not embrace so vast a subject and so high an object upon grasping in your hands only the trivial tax-sales that may occur, distinguishing them forever from all the other surrounding lands. It is not that land is in great or small amounts; the fact that we are owners of our land is the distinction of free property in land. It is our estate free of tenures that fell back and impeded its transfer and burdened it by forfeitures and entries in the name of mesne or paramount lord.

Mr. President, it is to you and to me and to all the other farmers in this land that we hold our frugal acres as owners for ourselves and our posterity, unhampered by a lord paramount who is to forfeit the estate.

Mr. PLATT. Mr. President, since my ideas with regard to the holdings of land in the State of Connecticut were called in question by the Senator from Michigan I have sent for the Compendium of the Census, and I find that in 1850 in Connecticut there were 22,445 farms; in 1860, 25,180; in 1870, the war intervening during that decade, there was only a small increase, 25,508; and in 1880, 30,598.

Mr. HOAR. Will you read Massachusetts?

Mr. PLATT. Massachusetts in 1850, 34,069; in 1860, 35,061. Then they ran down during the next decade, during which the war occurred, to 26,500, as it is here. I doubt whether that is correct. I think it is a misprint for 36,500; and in 1880, 38,406. So that there was an increase during every decade unless it was from 1860 to 1870.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Senator from Massachusetts.

Mr. CONGER. Whether I was mistaken in regard to the number of holdings or not as appears here I do not know. I can not tell whether that alludes to such little farms as are around the cities. If it does, I was mistaken. It may have been that; but the fact that the farmers through the rural districts have accumulated to themselves the lands of others around them and that the large holdings take the place of several small ones I venture to say nobody will deny. That is the point I made.

Now, I want to say that all around the manufacturing cities the lands have been divided up. I do not call those the rural districts proper. They have been divided up into little farms, truck farms, things of that kind, 5, 10, 15, perhaps 20 acres, growing up around manufacturing establishments and in the neighborhood of cities. But when any Senator from New England will tell me that away from the cities in the farming lands proper there is not an accumulation of larger farms, the small farmers have sold out to the larger ones, then I will yield the point I have made.

Mr. PLATT. I do not pretend to contend with the Senator from Michigan as to what the condition of things is in the State of Michigan, but I think I know with regard to the State of Connecticut. The number of acres in farms is not being increased in the State of Connecticut and has not been. On the contrary, just the other thing is going on. The old families that had three, four, and five hundred acres, as the old farmers die off, divide their farms, and they are largely being taken up now by enterprising Germans and Irishmen in smaller holdings; and the agricultural towns, which for a time became to a certain extent depopulated, that is, the population decreased in them, are now being increased again just from that fact, that the farms are being divided and that either native farmers or foreigners, largely Germans and Irishmen, are taking up the lands in smaller quantities and working them more thoroughly than they were worked under the old régime.

Mr. INGALLS. Mr. President——

Mr. HOAR. If the Senator will allow me a sentence——

Mr. INGALLS. My purpose was to move that the Senate proceed to the consideration of executive business, but for the purpose of enabling the Senator to say a sentence, I will allow that motion to be pending.

Mr. HOAR. I do not wish to go on with a speech to-night, but I would like to state a word in regard to what my honorable friend from Michigan has said.

There are three manufacturing counties in Massachusetts in which the proportion of income in comparison to the value of the capital,

treating the farm and the stock, the tools and appliances, as capital, make nearly the very best showing of any community in the United States. There are two counties which I selected last year for the benefit of some addresses to my constituents in reference to the operation of the tariff policy on agriculture. While there are a few counties like Genesee County, New York, and Lancaster County, Pennsylvania, and some few others that excel these, still in spite of our sterile soil, agriculture makes a very handsome showing in comparison with other places. There is, however, what the Senator speaks of somewhat contemptuously—I do not think he meant it contemptuously, however—as the little truck farms. We have twenty-three large manufacturing cities in Massachusetts. In addition to that we have a vast number of towns of ten, twelve, eight, six, or five thousand inhabitants, and small manufacturing villages on the streams, making a market; and the farmers who go into the business of raising berries and fruits and fresh vegetables for those markets get rich. I know a little country town, the town in which my father was born, where quite a number of the private farmers have made handsome fortunes by this business. They are about 12 or 14 miles out of Boston.

It is true that in the more bleak rural communities in Massachusetts and in very small towns, and so of New Hampshire, and perhaps not so much in Vermont, but at any rate in New Hampshire and Massachusetts, what the Senator alluded to has taken place. Homesteads which were occupied a generation ago by the men who were the very bone and sinew of America are not there now. They were farmers, living on those bleak farms, but they made the best jurors, the best legislators, the best governors of towns, the best citizens, if I may be permitted to say so, that ever existed on the face of this earth; and in my ancestral line there are some instances of it. They are the men who planted Ohio and Michigan; they are the men who planted the standard in Nebraska, who settled California; and they are the men whose spirit, living again, has crossed with hungry eyes to Washington and Oregon. It is true that when these villages grew up the younger farmers, when they come home from school like to go to the city, where they can have the advantages of churches, and lyceums, and good schools, physicians, and all the pleasures of society; and these farms were sold.

But as my friend from Connecticut has said in regard to his own State, that is changing now. The Irishman and the Swede, and the German to some extent, are filling up those places. They are not getting these large holdings; my friend from Michigan is mistaken in that. The lands are sold to the poor Irishman accustomed to live in hardship and with economy, to whom the possession and ownership of land, however rocky or sterile, is a great step in fulfilling his ambition. The future of the farming districts of Massachusetts and New England I think we have no occasion to be anxious for. At any rate the evil at which my amendment strikes of having the vast aggregations of land in foreign ownership, or of allowing individuals, the millionaire, the railroad magnate, or the merchant to gather together the title to hundreds and thousands of acres for selfish pride and pleasure, there is no danger will ever exist in New England.

Mr. INGALLS. After the sentence uttered by the Senator from Massachusetts, I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 3, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 2d day of June, 1886.

ASSISTANT SECRETARY OF THE INTERIOR.

David L. Hawkins, of Missouri, to be Assistant Secretary of the Interior, *vice* George A. Jenks, resigned.

ALASKA COMMISSIONER.

Joseph B. Johnson, of Virginia, to be a commissioner in and for the District of Alaska, to reside at Unalaska, *vice* Charles Seeber, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1886.

INDIAN INSPECTOR.

Frank C. Armstrong, of New Orleans, La., to be an Indian inspector.

INDIAN AGENT.

John B. Scott, of Nevada, to be agent for the Indians of the Western Shoshone agency, in Nevada.

POSTMASTERS.

R. R. Hunley, to be postmaster at Talladega, in the county of Talladega and State of Alabama.

William J. Fleming, to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas.

John Shearman, to be postmaster at Monroe City, in the county of Monroe and State of Missouri.

Richard J. Wickersham, to be postmaster at Lebanon, in the county of Laclede and State of Missouri.

James W. Locke, to be postmaster at Greensborough, in the county of Hale and State of Alabama.

Benjamin L. Long, to be postmaster at Greenville, in the county of Butler and State of Alabama.

William B. Alexander, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas.

Samuel Berry, to be postmaster at Winchester, in the county of Scott and State of Illinois.

John W. Marshall, to be postmaster at McLeansborough, in the county of Hamilton and State of Illinois.

Joseph R. Ratekin, to be postmaster at Shenandoah, in the county of Page and State of Iowa.

Joseph B. Fugate, to be postmaster at Newton, in the county of Harvey and State of Kansas.

Ebenezer M. Lockwood, to be postmaster at Burlington, in the county of Coffey and State of Kansas.

Frank E. Martin, to be postmaster at Larned, in the county of Pawnee and State of Kansas.

F. M. Reamer, to be postmaster at Dodge City, in the county of Ford and State of Kansas.

Richard Holmes, to be postmaster at Natchez, in the county of Adams and State of Mississippi.

George Blakeney, to be postmaster at Carthage, in the county of Jasper and State of Missouri.

James E. Watson, to be postmaster at Fulton, in the county of Callaway and State of Missouri.

William F. Harrity, to be postmaster at Philadelphia, in the county of Philadelphia and State of Pennsylvania.

Joseph H. Wilder, to be postmaster at Shelburne Falls, Franklin County, Massachusetts.

Rollin C. Ward, to be postmaster at Northfield, Franklin County, Massachusetts.

Gilbert W. Farrington, to be postmaster at Monson, Mass.

J. H. Beidler, to be postmaster at Mount Pulaski, Logan County, Illinois.

John H. Hamilton, to be postmaster at Eureka Springs, Carroll County, Arkansas.

Charles A. Sheldon, to be postmaster at Gainesville, Alachua County, Florida.

William N. Hensley, to be postmaster at Columbus, in the county of Platte and State of Nebraska.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads submits the following report: "On the 10th day of December, 1885, the President nominated to the Senate William N. Hensley to be postmaster at Columbus, Nebr., *vice* Henry J. Hudson, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said William N. Hensley to the Senate with a recommendation that it be confirmed.".

J. M. Gilliland to be postmaster at Nashua, in the county of Chickasaw and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

On the 16th day of December, 1885, the President nominated to the Senate J. M. Gilliland to be postmaster at Nashua, Iowa, *vice* Joseph F. Grawe, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee, therefore, report the nomination of the said J. M. Gilliland to the Senate with a recommendation that it be confirmed.

Franklin A. Thompson, to be postmaster at McCook, Red Cloud County, Nebraska.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

On the 11th day of February, 1886, the President nominated to the Senate Franklin A. Thompson to be postmaster at McCook, Nebr., *vice* Alonzo P. Sharp, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said Franklin A. Thompson to the Senate with a recommendation that it be confirmed.

Adam Ferguson, to be postmaster at North Platte, in the county of Lincoln and State of Nebraska.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

On the 16th day of December, 1885, the President nominated to the Senate Adam Ferguson to be postmaster at North Platte, Nebr., *vice* John E. Evans, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said Adam Ferguson to the Senate with a recommendation that it be confirmed.

C. E. Forbes, to be postmaster at Saint Paul, in the county of Howard and State of Nebraska.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

On the 10th day of December, 1885, the President nominated to the Senate C. E. Forbes to be postmaster at Saint Paul, Nebr., *vice* Adelbert A. Kendall, suspended during the recess of the Senate. The suspension seems to have been made for political reasons only, and the committee has not found anything in the case reflecting upon the personal or official character or conduct of the suspended officer. The nominee seems to be a person competent to discharge the duties of the office. The committee therefore report the nomination of the said C. E. Forbes to the Senate with a recommendation that it be confirmed.

REJECTION.

Executive nomination rejected May 25, 1886.

Andrew Shanahan, nominated to be postmaster at Rockland, Plymouth County, Massachusetts.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 2, 1886.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

TAXATION ON PETROLEUM, HOLLAND.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Ways and Means, and ordered to be printed:

To the House of Representatives:

In response to a resolution of the House of Representatives of the 17th of March last, requesting the Secretary of State "to communicate to the House of Representatives, if not incompatible with the public interests, copies of recent correspondence and dispatches between the Secretary of State and the minister of the United States at the Hague, touching the subject of taxation on petroleum in Holland and in the Dutch colonies, and that of the export therefrom of leaf-tobacco to the United States," with reference to my message to the House of Representatives of the 14th ultimo, I now transmit a further report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 1, 1886.

CLAIMS CERTIFIED BY COURT OF CLAIMS.

The SPEAKER also laid before the House communications from the assistant clerk of the Court of Claims, transmitting copies of order of findings of fact by that court in the several cases of Newit Harris, John A. Oursler, and Indiana E. Hughes against the United States; which were severally referred to the Committee on War Claims.

SENATE BILL REFERRED.

The SPEAKER also laid before the House a bill of the Senate of the following title; which was read a first and second time, and referred to the Committee on Labor, namely:

A bill (S. 2076) to extend to letter-carriers the privileges secured to other employés of the United States by section 3738 of the Revised Statutes relating to hours of labor.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. CUTCHEON, for two weeks, on account of important business.

To Mr. GREEN, of New Jersey, for three days, on account of important business.

To Mr. HALL, for two weeks, on account of important business.

To Mr. ANDERSON, of Ohio, for five days.

WITHDRAWAL OF PAPERS.

On motion of Mr. BUTTERWORTH, by unanimous consent leave was granted to withdraw from the files of the House the petition of Eliza Rodde, in reference to an application for pension filed on the 24th day of May.

LAWS OF DAKOTA.

The SPEAKER announced as managers on the part of the House at a conference between the Senate and House on the disagreeing votes of the two Houses on the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota, &c., Mr. HILL, Mr. BOYLE, and Mr. BAKER.

ORDER OF BUSINESS.

Mr. OATES. Mr. Speaker, I ask leave to introduce a bill for reference.

Mr. BEACH. I shall be obliged to object. I suppose that will keep until next Monday.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILSON, from the Committee on Appropriations, submitted the following report:

The Committee on Appropriations, to whom was referred the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 3, 7, 10, 16, 25, 28, 29, 30, 31, 35, 53, 54, 72, 77, 81, 82, 92, and 114.

They recommend non-concurrence in the amendments of the Senate numbered 1, 2, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 78, 79, 80, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, and 130.

The SPEAKER. Is the reading of the amendments demanded?

Mr. REAGAN. I should like to have the gentleman from West Virginia state what the principal amendments are.

Mr. WILSON. The Senate added about one hundred and thirty amendments to the bill as it passed the House. Some are mere verbal amendments, and many increases are made of appropriations. The report of the committee recommends concurrence in no case where the amount appropriated by the House has been increased.

Mr. BLOUNT. What is the aggregate of the increase?

Mr. WILSON. The aggregate is two hundred and eleven thousand and some hundred dollars.

The SPEAKER. If there be no objection the question will be taken upon agreeing to all of the amendments of the Senate in which the committee recommend concurrence.

The said amendments were agreed to.

The SPEAKER. No separate vote being demanded, the motion will be taken to non-concur in all the rest of the amendments.

The motion to non-concur was agreed to.

Mr. WILSON moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILSON. I ask now that a conference be requested with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. If there be no objection, the House will request a conference with the Senate on the disagreeing votes of the two Houses; and the Chair will appoint the managers at the conference on the part of the House.

There was no objection, and it was so ordered.

Mr. WILSON, Mr. ADAMS of New York, and Mr. HENDERSON of Iowa were appointed as managers on the part of the House at said conference.

AQUEDUCT BRIDGE.

Mr. BARBOUR. I submit the report of the committee of conference on the bill (S. 200) known as the Aqueduct Bridge bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to Senate bill No. 200 recommend as follows:

That the House agree to the amendment of the Senate, as follows: Page 1, line 4, after the word "bridge," insert the words "including the piers thereof."

That the Senate agree to the amendment of the House, as follows: Page 1, line 12, strike out after the word "same" all down to and including the word "bridge," in line 15.

That the Senate agree to the amendment of the House, as follows: Page 1, line 20, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 1, lines 22 and 23, strike out the word "three-fourths" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 25, strike out all after the word "survey" down to and including the word "bridge," in line 26.

That the Senate agree to the amendment of the House, as follows: Page 2, line 27, strike out the word "one-fourth" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 2, line 29, strike out the word "three-fourths" and insert the word "one-half."

That the Senate agree to the amendment of the House, as follows: Page 3, lines 3 and 4, strike out the words "and the length of draw."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, strike out the word "and" after the word "Illinois."

That the Senate agree to the amendment of the House, as follows: Page 3, line 8, after the word "Virginia," insert the words "Saint Louis, Missouri."

At the end of the bill add the following sections:

"SEC. 3. That if in the purchase of the Aqueduct Bridge under the first section, at any time, it shall be deemed necessary to obtain from the Chesapeake and Ohio Canal Company, or its grantees, any release or conveyance of any portion of the ground upon which the northern abutment of the Aqueduct Bridge rests, or right to cross the Chesapeake and Ohio Canal from the abutment to Bridge street, or if a good title can not be procured by contract to any property required in the construction of a bridge under the second section, the same shall be acquired by the Secretary of War by condemnation in the manner provided by the act approved May 8, 1872, entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes:' *Provided* That the condemnation proceedings, if any such proceedings are necessary, shall not prevent the taking possession, on payment of the purchase-money, of the Aqueduct Bridge by the United States, and opening the same to the public as a free bridge, if the same shall be acquired under the first section: *Provided further*, That the sum of $10,000 of the sum

hereby appropriated shall be available to meet the payments under condemnation proceedings, if any shall he had.

"SEC. 4. The act approved February 23, 1881, entitled 'An act to authorize the construction of a bridge across the Potomac River, at or near Georgetown in the District of Columbia, and for other purposes,' is hereby repealed."

JOHN S. BARBOUR,
J. H. ROWELL,
WM. L. WILSON,
Conferees on the part of the House.
H. H. RIDDLEBERGER,
Z. B. VANCE,
JOHN C. SPOONER,
Conferees on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

The conferees on the part of the House upon the bill of the Senate 200 respectfully make the following statement to accompany and explain the report of the conference:

The Senate has agreed to all the amendments to said bill made by the House, and both parties have agreed that the words "including the piers thereof" should be inserted after the word "bridge," in line 4, so as to avoid any uncertainty in the interpretation of the aforesaid word "bridge."

JOHN S. BARBOUR,
WM. L. WILSON,
J. H. ROWELL,
Conferees on part of House.

The report was adopted.

Mr. BARBOUR moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HATCH. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

NATIONAL TRADES UNIONS.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back with a favorable recommendation the bill (H. R. 7621) to legalize the incorporation of national trades unions; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. O'NEILL, of Missouri, from the Committee on Labor, also reported back the bill (H. R. 6084) to legalize the incorporation of national trades unions; which was laid on the table.

CONSIDERATION OF EDUCATION BILL.

Mr. DANIEL (by Mr. O'NEILL, of Missouri), from the Committee on Labor, reported back with amendments the following resolution; which was read, and referred to the House Calendar:

Resolved, That Thursday, the 10th day of June, 1886, be set apart for the consideration of the bill H. R. 7266, entitled a bill to aid in the establishment and temporary support of common schools.

MRS. SARAH L. LATIMER.

Mr. LANHAM, from the Committee on Claims, reported, as a substitute for H. R. 6051, a bill (H. R. 9124) to compensate Mrs. Sarah L. Latimer for loss of property taken by Sioux Indians; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 6051 was laid on the table.

Mr. BUCHANAN obtained leave to file the views of the minority; which were ordered to be printed with the report of the majority of the committee.

J. W. BEAMAN AND B. F. SCRIBNER.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2990) for the relief of John W. Beaman and B. F. Scribner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. COMSTOCK, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 6649) for the relief of George F. Brott; which was laid on the table, and the accompanying report ordered to be printed.

BRIDGE ACROSS EASTERN BRANCH.

Mr. ROWELL, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

SCHOOL BOARD FOR THE DISTRICT.

Mr. BARBOUR, from the Committee on the District of Columbia, reported, as a substitute for the bill H. R. 5235, a bill (H. R. 9125) to create a school board for the District of Columbia and to prescribe its powers and duties; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

The bill H. R. 5235 was laid on the table.

NATIONAL SAFE DEPOSIT COMPANY.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back with a favorable recommendation the bill (H. R. 2589) to amend an act entitled "An act to incorporate the National Safe Deposit Company, of Washington, in the District of Columbia," approved January 22, 1867; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PARK LANDS AT MARQUETTE, MICH.

Mr. ANDERSON, of Kansas, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 6094) granting to the city of Marquette, Mich., certain lands for park purposes, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

OLEOMARGARINE.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue. Pending that motion, I ask unanimous consent that at 4 o'clock this afternoon the committee shall rise and report the pending bill and amendments to the House.

Mr. REAGAN. Might not an earlier hour be fixed?

Mr. HATCH. Some gentlemen informed me there are substantial amendments which they desire to discuss. I have therefore proposed that the committee shall rise at 4 o'clock.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at 4 o'clock this afternoon the Committee of the Whole shall rise and report back to the House the bill under consideration with amendments. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. I desire to make a parliamentary inquiry. If this order should be made would it not have the same effect in the Committee of the Whole as ordering the previous question in the House?

The SPEAKER. It is proposed to direct the committee to report the bill back to the House at 4 o'clock, and then if the previous question is ordered it will have to be ordered by the House.

Mr. BRECKINRIDGE, of Kentucky. This has the effect of peremptorily requiring the committee to rise at that hour, no matter what point in the bill they may have reached for consideration?

The SPEAKER. That would be the effect of the order.

Mr. BRECKINRIDGE, of Kentucky. For instance, if we had not yet reached the nineteenth section, which gives the informer a moiety, we should be cut off from the discussion of that section.

Mr. HATCH. I will say to the gentleman that that is one of the sections that we desire to discuss, and there can be no doubt whatever that we shall reach it during the day.

Mr. MCMILLIN. Can we have a yea-and-nay vote on that in the House? I think it is very important that we should have a vote on that section.

Mr. HATCH. I have no objection to that.

Mr. HAMMOND. I have no doubt that we can reach the nineteenth section during the day, but to make this order now would enable parties to waste all the intervening time and prevent our reaching that or other sections.

Mr. HATCH. I assure the gentleman that there is no disposition on the part of those who are in favor of this bill to waste any time on any section.

Mr. HAMMOND. Well, I do not know the disposition of those who are opposed to it. I object. I am perfectly willing that a vote shall be had earlier, but I can not consent to the arrangement proposed.

Mr. DUNHAM. I hope the gentleman from Georgia [Mr. HAMMOND] will withdraw his objection.

Mr. HAMMOND. I will not. I would like to have a vote on the bill in an hour, but I do not wish to place myself in a box.

Mr. DUNHAM. As I understand the position of the gentleman——

The SPEAKER. The proposition has been made and stated by the Chair, and it has been objected to by the gentleman from Georgia, who insists upon his objection.

Mr. DUNHAM. I want to see if I understand it correctly. There can be no harm in that.

The SPEAKER. But the gentleman from Georgia objects.

Mr. HAMMOND. It is immaterial whether the gentleman from Illinois [Mr. DUNHAM] understands it correctly or not. I object. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. HATCH], that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill (H.

R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. The Clerk will report the pending amendment.

The Clerk read as follows:

In line 3, section 11, strike out "fifty" and insert "ten;" making it read: "That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of $50 for each such offense."

The question was taken on the amendment, and there were—ayes 4, noes 78.

So the amendment was rejected.

The CHAIRMAN. If there be no further amendments to this section of the bill the Clerk will report the next section.

The Clerk read as follows:

SEC. 12. That every person who purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of $100 and to a forfeiture of all articles so purchased or received, or of the full value thereof.

Mr. WELLBORN. Mr. Chairman, I move to strike out the last word of the section, and do so for the purpose of submitting some general remarks in opposition to the bill.

To the supporters of the measure I concede that if oleomargarine and its kindred compounds are noxious and deleterious to health, which, however, has not been shown during this debate save by vague general assertion, their manufacture and sale ought to be regulated or suppressed according as the nature and extent of the mischiefs to be remedied require. But for the enactment of such laws, I submit, the police power of the States should be invoked and not the limited authority of the Federal Government. I concede further that oleomargarine and other like articles of food ought to be made to stand on their own merits, and that their fraudulent sales as genuine products ought to be severely condemned by public opinion and effectually guarded against by suitable laws.

It does not rest with Congress, however, to apply correctives, though these evils be ever so aggravated and flagrant. This should be done by the Legislatures of the States. In either event, that is, whether the bill be considered a sanitary regulation or a measure for the prevention of frauds and impositions, I can but regard it an invasion by Federal of State authority. And right here let me repeat, with emphasis, what has been so often said before, that the growing disposition of the Federal Government to unduly extend its powers can but be viewed with anxiety and solicitude, if not alarm, by those who would hold its several departments to their delegated functions. This disposition, unresisted and unchecked, must inevitably sooner or later result in strengthening and broadening Federal jurisdiction to such an extent that State lines will exist only on the map and be without political significance or bearing.

We are told by others that the bill is a revenue measure, and therefore clearly within the constitutional grant to Congress of the power to "lay and collect taxes," &c. But does the Government need larger revenues than are now collected? On the contrary the declaration is heard everywhere, both inside and out of this House, that taxation must be reduced, not increased. Again, what are the provisions which it is claimed give a revenue character to the bill? They are the special taxes of $600 on the manufacturer, $480 on the wholesale dealer, $48 on the retail dealer, and 10 cents per pound on the article itself. The testimony of gentlemen familiar with the subject is to the effect that these taxes will render unprofitable and hence impracticable the continued manufacture of oleomargarine. If this be true no revenue, of course, can be derived from the bill. These two conditions, namely, that no larger revenues are needed and that the proposed taxes would practically discontinue the manufacture of oleomargarine, strip the bill of its revenue garb and disclose as its real object the fostering of dairy interests at the expense of a competing domestic industry. Than this no greater departure from early principles and traditions has ever been attempted.

What, think you, would have been the feelings of the men who constructed the Government a hundred years ago on the principle of equal rights could they have foreseen that one of its sovereign powers, that of taxation, was ultimately to be used as a means of protecting one American industry from the competition of another American industry? Despondency, if not despair, would have staggered their energies. And yet, sir, as is openly avowed by its recognized promoters, such is the substantial purpose of the mischievous bill we are now considering. The fact that it comes to us disguised as a revenue measure but intensifies its viciousness. I have not time to discuss at length the constitutional phase of this question, but will submit a simple inquiry: What is the essential principle of the bill? What is the doctrine on which it necessarily rests? It is that hateful principle which invites and justifies legislation in behalf of special interests. It is the odious doctrine of class legislation whose abominable office it is to destroy one domestic industry in order that a more vigorous and profitable growth may be imparted to another domestic industry, a doctrine which can rightfully have no place or standing in a land of free institutions, but which belongs only to aristocratic and monarchical establishments.

In my opinion, Mr. Chairman, there can not be found in all the history of the Republic a more dangerous precedent than that which the enactment of this bill into a law would establish. Could the voices of Jefferson and Jackson be lifted to-day from their graves and reach us on this side of the House their utterances would be those of displeasure if not of wrath. In blistering words would they denounce this bill, not only as un-American, but as violative of the high aims and principles of that great party of constitutional law and equal rights which they founded and preserved, not for particular classes and interests, but for the common good of the generations that were to follow them. They would also implore us to resist and oppose all efforts at class legislation, and to hold fast to the elemental tenet of democratic faith, "Unjust privileges to none; equal protection of the laws to all."

The advocacy of this measure by Republicans is no occasion of surprise. It possesses at least the virtue, if virtue it be, of consistency. Such action on their part is in keeping with the dogmas of that school of political philosophy in which they have been taught. The protective policy of which this bill is but an extreme manifestation is the cardinal economic belief of the Republican party; and under the rule of that party this protective policy has been expanded to such an extent over numberless interests and classes that monopoly in its multiform character has at last grown so great that its huge shadow darkens all the land. No wonder that gentlemen so earnestly, intensely devoted to a particular dogma rush it blindly, madly rush it, to dangerous if not fatal extremes. Of the Republicans, therefore, who support this measure we can but involuntarily exclaim, "Lord, have mercy on them; they know not what they do!" But no such excuse exists for our Democratic friends. They have been brought up in a different school of politics, and the country expects of them better things.

But, sir, in mitigation of the evil of this bill, it is said that it is in the interest of the farmer. We are told also that in meeting the expenses of government heavy, unequal burdens rest upon the agricultural interests of the country. No truth more obvious and at the same time more shameful than the latter statement has ever been promulgated in this House. But how, in what conceivable way, can this bill lift the burdens complained of? Mr. Chairman, the plea that the measure is in the interest of agriculture will not do, nor will it be accepted by the farmers of the country, whose approbation it is designed to secure.

[Here the hammer fell.]

Mr. MILLS obtained the floor and said: I yield my time to my colleague [Mr. WELLBORN].

Mr. WELLBORN. I was about to observe, Mr. Chairman, that American farmers are not readily duped. They are men of intelligence as well as of honesty and patriotism. They realize keenly the grievous wrongs to which they have long been subjected by vicious legislation. They are in arms for relief, and for one I trust that the momentous though bloodless contest will not be ended until their grievances are redressed. But, sir, these grievances spring from poisoned, malignant sources, which this bill does not undertake to touch. Let me enumerate some of them.

First and foremost I place the protective tariff, whose intolerable burdens distress and persecute the fireside of every farmer in the land.

Second. Another fruitful source of injury and harm to the agriculturist is the failure of Congress to regulate interstate commerce. Next to uniform and equal taxation there is nothing which more nearly concerns the farmer than the transportation of his products to the markets of the world on fair and reasonable terms. Corporate privileges—among others the transcendent right of eminent domain—are conferred not for the advantage of individuals but for the public good, and Government should see to it that these privileges are so used as to promote, not defeat, the object of their grant.

In the third place, our contracted, inadequate currency is another evil which afflicts and curses agricultural as well as other laboring interests. A currency insufficient in volume can but enhance the value of money and correspondingly depreciate the prices of agricultural as well as other products of labor.

These are some of the monstrous wrongs to which farmers are subjected. In the face of these wrongs, what is the situation here to-day? What, Mr. Chairman, is the message which this day's proceedings of the House will send to the farmer in answer to his repeated demands for justice? Let me outline it. "Farmers of America, in order to still further increase the colossal fortunes of manufacturers you must continue to bear the intolerable burdens of protection. To the end that railroad magnates and kings may continue to draw large dividends on unreal, watered, fictitious stock you must still submit to those unjust corporate exactions which are inevitable in the absence of laws regulating interstate commerce. In the interests of national banks, of bondholders, and of persons with fixed incomes you must suffer indefinitely the fearful evils of a contracted currency, made more inadequate by the refusal of Congress to restore silver to free and unlimited coinage. But, as an atonement for these multiplied and unutterable wrongs, as compensation for the stupendous burdens you bear and the incalculable losses you sustain in the respects named, know that here under the dome of the nation's Capitol your chosen representatives are now, and have been for days, engaged in a splendid, heroic struggle to crush out that sum of all infamies, oleomargarine, and thus rescue from dangerous competition your surplus butter." [Laughter and applause.]

This may be satisfactory to the large dairy interests of the country;

but, sir, I greatly mistake the intelligent, patriotic manhood of the American farmer if he does not respond to this message indignantly and resentfully.

[Here the hammer fell.]

Mr. NELSON. I move to amend the *pro forma* amendment so as to strike out the last two words. And I will yield my time to the gentleman from Texas [Mr. WELLBORN].

Mr. WELLBORN. Mr. Chairman, I was about to say, that when the farmers come to investigate and reflect deliberately upon this bill so far from indorsing they will condemn it as an extreme development of that odious policy of protection whose robberies have impoverished them to the enrichment of manufacturers. And I say further, that instead of consuming the time of the House in an effort to pull down one interest in order to make another more prosperous, under the delusive plea of benefiting agriculture, better far would it be were we to devote our attention to measures which will bring substantial and permanent relief to this tax-ridden, monopoly-oppressed industry.

The more important of these measures, as I have already indicated, are the abrogation of the protective tariff, the regulation of interstate commerce, and the restoration of silver to free and unlimited coinage. To these I would add another measure or policy of interest not only to farmers but to all classes, namely, the absolute and irrevocable dedication of all that remains of our public domain to homestead uses for those of our people who are homeless and landless. No object of higher, more universal concern than that of placing it within the power of the individual to acquire for himself a home ever had the sanction of American patriotism or challenged the energies of American statesmanship. There are two conditions calculated to attach the citizen to his country and his government:

First. Ownership of the roof, however humble it may be, which shelters his wife and children.

Second. Consciousness of the fact that the law extends over this roof and those beneath it a jealous protection, given to no other species of property, and the fullness of which is aptly represented in those sublime utterances of Chatham:

> The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter, but the King of England may not enter. All his force dares not cross the threshold of the ruined tenement.

Give to a man this ownership and this consciousness and he will love the country which holds within its borders, and revere the government which shields from harm and intrusion, what to him is the most sacred of localities. For this country and this government he will fight; for them, if need be, he will die.

Mr. Chairman, while I speak to-day with all the earnestness of my nature, while I speak with all the emphasis that my humble control of language can give, in behalf of an oppressed industry—agriculture, I do not claim to be its special champion to the exclusion of all other interests. And were I to arrogate to myself the exclusive championship of this or any other industry or interest my utterances ought to be despised as the wiles of a conscienceless man degrading the high office of an American Representative into the contemptible rôle of a political trickster.

But I do claim to represent all the interests and all the classes of my constituency, and when one of these is borne down by oppression duty commands me to its attempted relief. And I tell you to-day, sir, the wrongs which I have hurriedly enumerated must be redressed or else the social and political elements of the country will be kept in a state of constant disturbance, not only perilous to public peace and order, but ultimately to the stability of our institutions. Sir, no matter how widely members of this House may differ on other questions, no matter how fierce and bitter party prejudice and passion may at times unfortunately become, there is one question upon which I trust that middle aisle may never divide us—the desirability of perpetuating free constitutional government. To this end we ought sternly to resist all efforts at class legislation, all propositions which look to the building up of one interest at the expense of others. Sir, if we would place the free institutions of our country in fortresses impregnable and lasting we must intrench them in the hearts of the people. To make this possible the people must know and realize that this Government is theirs, and not a government of classes and privileges. Then let our legislation be so framed, let all our public policies be so shaped as to rivet this conviction, this great conviction, in the popular mind, and then the Republic, under a mighty impulse, the love and affection of sixty millions of people of all classes and interests, will move forward to a higher and a more glorious destiny than has hitherto been allotted to any human government. [Great applause.]

The CHAIRMAN. If there be no objection all formal amendments will be considered as withdrawn.

Mr. BEACH. I move, after the word "who," in line 1, to insert "knowingly;" so it will read:

> That every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer.

Now, Mr. Chairman, I do not care to consume the time of the committee in debating that amendment. I think the chairman will see the propriety of its adoption.

Mr. HATCH. I sought the floor this morning for the purpose of offering that amendment. As I said yesterday, I would not object to its being adopted.

The amendment was agreed to.

Mr. O'FERRALL. Mr. Chairman, the discussion of this bill has been protracted to such an extent I am reluctant to detain the House with any further remarks of mine; but after listening a day or two ago to the distinguished gentleman from New York [Mr. FARQUHAR] and this morning to the distinguished gentleman from Texas [Mr. WELLBORN] I find, perhaps, it is necessary for me and other Democrats on this floor who favor this bill to take our political bearings and see where we stand. The distinguished gentleman from New York declared this bill was contrary to the tenets and policy of the Republican party, and he warned his friends on the other side of the House who are supporting it that its passage would tend to reduce tariff taxes. If this be the effect of the passage of this bill, then, sir, the gentleman from New York has offered the very best argument he could offer why Democrats should support it, and he has strengthened me in my support of it at least. I am a tariff reformer in its most comprehensive sense. God gave the people of this land their brains and their hands, and what they make by their brains and their hands by the law of the Almighty belongs to them, except so far as it may be necessary to contribute to the support of the national household in which they all have a common interest.

And when this Government puts its hand in the pockets of the people and takes therefrom more money than is necessary to run the Government upon principles of true economy it is committing a robbery by taking from them the fruits of their brains and hands, their sweat and toil and muscle, and committing a wrong which will not down or be covered up by all the sophistries of the high protective-tariff idea.

But, Mr. Chairman, the gentleman from Texas comes and says that this bill now is in the interest of protection. I recognize his ability, sir, but he loses sight altogether of the bed-rock principle underlying this legislation. He says it is undemocratic; that it builds up one industry at the expense of another industry, and hence is unconstitutional.

Sir, it is not building up an honest industry at the expense of another honest industry. It is building up a pure and honest industry at the expense of a fraudulent and deceptive enterprise that is daily wronging the people of this country. It is legislating in favor of truth against falsehood; it is legislating in favor of one of the purest of products against one that shuns the light of day; that works in darkness and deceit; that wears a false face and steals the livery of honesty to cover it when it is presented in the markets of the country. Unconstitutional, says the gentleman! I love the Constitution and cherish it. I would not willingly do violence to it, no matter how much public sentiment might demand it or public clamor require it. I am a Democrat, pure and simple; proud of my party, its record, traditions, and glories. I am a strict-construction Democrat; but I believe the Constitution, which was the emanation of the minds of men which seemed to be charged with electric thought, and I might almost say, without sacrilege, of divine inspiration from that God whose eye had witnessed the decay and fall of so many republics before the grand inception of this Republic—I believe that Constitution is broad enough to allow Congress to tax fraud and deceit in the shape of oleomargarine and kindred products, and force the miserable fraud to sail under its own black flag of disease and death.

I believe, in addition, sir, that this Congress has power to tax fraud and protect honest industries; and in raising money by taxing this fraud to make it possible to relieve another honest industry by taking the tax from tobacco; and, failing in that, to empower Congress to reduce the tariff tax, that follows the child from infancy to boyhood through all of the stages of manhood down to old age, and only ceases its vicious pursuit at the grave, and retires with the mourners with its head bowed over the loss of a subject. [Applause.]

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman a question?

Mr. O'FERRALL. Yes; but not out of my time.

Mr. BRECKINRIDGE, of Arkansas. Of course, since there is no other time in which to ask it, I must desist.

Mr. O'FERRALL. I will remind the gentleman from Arkansas of an old Quaker proverb: "If one toss salt on thee it will do thee no harm unless thou hast sore places." The gentleman can apply the proverb.

[Here the hammer fell.]

Mr. HAMMOND. Mr. Chairman, I am not disposed now to discuss Democratic doctrines. Any man who believes that the taxing power of the Government can be used to prevent the manufacture of good maple sirup out of sorghum-cane (which is now being done in Kansas); any man who believes that the taxing power of the Government can be used to prevent people from selling glucose sugar made of corn as sugar made of sugar-cane, lying every time they make a sale, can vote if he likes for this bill. He was not taught in the same school of politics in which I was educated. I understand these things to be beyond the purpose of this General Government. It is a good thing to stop profane swearing, but this Government can not do that. It is a good thing to stop stealing, but this Government can not do it, except from itself.

But I rose to say I am glad to see the bill improves as it goes along.

The gentleman in charge of it, in order to induce a suspension of the opposition to it, declared that when it came into the House he would himself offer amendments reducing this tax. To-day and yesterday he has put into these eleventh and twelfth sections a word that takes from them all their force. These two sections were literally copied from sections 3366 and 3367 Revised Statutes, to suppress the violation of the internal-revenue laws as to tobacco. It was known when those laws were passed that if you had to prove that the party knew he was violating the law it might be utterly nugatory. The man who made this bill understood that he was asking the House to pass the hard, cold, cruel, internal-revenue system as to tobacco to be used to crush one American industry for another. But the ventilation in this House has made some retract.

And now, not manfully striking out the sections but covertly putting in the word "knowingly," which destroys their force, another fraud is practiced on the House.

The nineteenth section of this bill, framed for the purpose of destroying oleomargarine, offers a reward to all the dirty informers of the land. After Congress had deliberately repealed the laws as to informers as to malt and distilled liquors and tobacco, this bill comes in and renews that system with features worse than before. But the gentleman from Indiana [Mr. HOLMAN] says he will take that out. He says he will relieve the bill of that feature. In other words, so odious is this measure, that its friends have found they have to trim to keep the majority of the members of this House in support of the bill.

Go on, gentlemen, and make it as little a curse to the farmers as you can. But you still leave in it the right of servants to tell that their mistresses bought oleomargarine, knowing it to be such, or that their mistresses emptied a package of oleomargarine sent home and did not destroy the stamp; and you have an internal-revenue officer or his deputy in every pantry in America. Let the man who desires to vote for such a measure vote for it. I would not for my right arm. [Applause.]

ENROLLED BILL SIGNED.

Here the committee informally rose, and the Speaker resumed the chair.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The SPEAKER. The Chair is desired to request the return from the President of a bill which has passed both Houses. The Clerk will read the concurrent resolution which has been handed to the Chair.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

There being no objection, the resolution was agreed to.

OLEOMARGARINE.

Mr. HATCH. I ask unanimous consent that when the Committee of the Whole House on the state of the Union again resumes consideration of the bill H. R. 8328 all debate on the section under consideration and amendments thereto be limited to one minute.

There was no objection, and it was so ordered.

The Committee of the Whole resumed its session.

Mr. DUNHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 12 by striking out in line 4 "$100" and inserting "$10."

The amendment was disagreed to.

Mr. DUNHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 12 by striking out in line 4 "$100" and inserting "$20."

The amendment was disagreed to.

Mr. DUNHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 12 by striking out in line 4 "$100" and inserting "$25."

Mr. DUNHAM. I ask a division on that amendment.

The committee divided; and there were—ayes 10, noes 98.

So (further count not being called for) the amendment was disagreed to.

The Clerk read section 13, as follows:

SEC. 13. That whenever any stamped package containing oleomargarine is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon; and any person who willfully neglects or refuses so to do shall for each such offense be fined not exceeding $50, and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine any such stamped package, shall for each such offense be fined not exceeding $100, and be imprisoned not more than one year. Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found.

Mr. BUCK. I offer a formal amendment for the purpose of making a suggestion in regard to a point made by the distinguished gentleman from Texas [Mr. WELLBORN], whose eloquence in this matter I admire, as I always do his eloquence, and whose opinions I respect, for they are stated honestly and frankly. That point which the gentleman from Texas made was this: That we were taxing one industry in the interest of another. I do not so regard this measure at all. If I thought so I should vote against it and do all I could to secure its defeat. But, in my judgment, it is simply and only an attempt by legislation to bring about fair play as between one industry and another, to compel an industry which has deceived the people by imitating a genuine article of food to show its hand or suffer the penalties named in the bill. No one wishes to interfere with an honest business honestly conducted. This bill is aimed only at imitation of the real article. If the offensive compound is not made to imitate the genuine product of the dairy and notice is given to all dealers and consumers of its real character, it will not be subjected to any tax at all under the amendment proposed to be offered by the gentleman from Missouri, the chairman of the committee that reported the bill.

Does this bill affect alone the dairymen of this country? By no means. It affects the consumer much more than it does the dairyman or the dealer in the article; and in that view of the case the gentleman's argument is not sound. The object of this bill is not to prefer any one industry above another or to tax one industry out of existence for the benefit of another, but to place each upon an equality with the other. That is the purpose and the effect of the bill, and we very properly use the taxing power given us in the Constitution for the purpose of obtaining jurisdiction of this subject-matter; and after we have obtained jurisdiction of the subject-matter we impose regulations which shall give all the world, both dairymen and consumers, a fair notice and a fair warning of what they buy, what they pay for, and what they eat. And to permit the manufacturers of oleomargarine to foist their product, distasteful as it is, upon the public under false colors is to permit them to have an advantage over another industry which is equally under the protection of our laws or should be.

I can not imagine a more reprehensible way of obtaining profit than the practice of the manufacturers of oleomargarine in the imitation of genuine butter and in selling it to dealers and consumers. It is claimed that many of them stamp their product and in other ways notify dealers what they are buying. This is all very well and as it should be, but how many of them do this? And how many consumers eat this unwholesome stuff supposing it to be a real article?

The committee that reported this bill find:

That such imitations are not only disastrous to the dairy interest directly and to all branches of agriculture indirectly, but that they are detrimental to public health, being the fruitful cause of dyspepsia and other diseases.

That among the articles and ingredients used in the manufacture of such imitations there are the following: Nitric acid, sugar of lead, sulphate of lime, benzoic acid, butyric acid, glycerine, capsic acid, commercial sulphuric acid, tallow, butyric ether, castor oil, caul, gastric juice, curcumine, chlorate of potash, peroxide of magnesia, nitrate of soda, dry-blood albumen, saltpeter, borax, orris root, bicarbonate of soda, caparic acid, sulphite of soda, pepsin, lard, caustic potash, chalk, oil of sesame (or benne), turnip-seed oil, oil of sweet almonds, stomach of pigs, sheep, or calves, mustard-seed oil, bicarbonate of potash, boracic acid, salicylic acid, cotton-seed oil, alum, cows' udders, sal-soda, farinaceous flour, carbolic acid, slippery-elm bark, olive oil, bromo-chloralum, oil of peanuts, sugar, caustic soda.

From the best and most reliable information obtainable your committee believe that about 200,000,000 pounds of spurious and imitation compounds and mixtures are now being manufactured annually, which not only takes the place of so much butter, but stops the consumption of much more by the demoralization of the trade.

Mr. Chairman, if anybody wants to eat this compound, although it is called butter or butterine, I suppose we can not object, but those who do not wish to indulge in this inviting morsel should have the protections afforded by this bill.

Another suggestion is made, that this measure is in the interest of the American system of protection. I do not so understand the bill. It is not protection in that sense that we ordinarily understand the word when speaking of the American system of protection to our home industries. Not at all. There is no fraud in manufacturing silk or cutlery in Europe and importing it into this country under its own proper name, under its own proper colors. Not at all.

We take that silk or that cutlery and we impose a duty upon it that compels it to go into the markets of our country on an equal footing with our own product of the same kind, thereby placing it upon an equality with our own industries, just as this bill proposes to place one industry upon an equality with another so far as fair dealing is concerned. We compel fair dealing by this bill as between some industries competing with each other. But the tariff duty is placed upon the foreign-made article to protect each one of our industries against foreign competition, and to equalize the unequal conditions connected with producing the same article in our own country and in foreign countries.

The best evidence that this bill is not generally regarded as the gentleman from Texas regards it is found in the fact that members of this House are divided upon the bill neither politically nor with reference to protection or free trade. We see that the gentleman from New York [Mr. HISCOCK], a protectionist, is one of the champions of this measure, and we see the gentleman from Pennsylvania [Mr. KELLEY], a life-long advocate of the protective system, opposing the bill. We see Demo-

crats and Republicans favoring the bill, and Democrats and Republicans opposing it.

The gentleman from Virginia [Mr. DANIEL], whose eloquence is always so agreeable to us, took occasion the other day to lament the loss of some of his political associates, and to say that upon this question they had fled to the Republican camp. Let me say to him that he need have no fears of that kind, for he will find them all back again with him when the great question comes up on the bill of the distinguished gentleman from Illinois [Mr. MORRISON] to reduce tariff duties and place certain articles on the free-list. They will all come back into the fold and do duty against the system of American protection, except perhaps the noble few whom I will call the Parnellites of American protection, led by the Parnell of America in tariff legislation, the distinguished gentleman from Pennsylvania [Mr. RANDALL].

Mr. Chairman, I shall support this bill, because I wish to see uniformity of law on this subject. The gentleman from Georgia [Mr. HAMMOND] made a very excellent point against this bill, if his point were well taken, in regard to the legislation by the States. He said the matter belonged to the States, and that the States ought to take care of it. If the States would do so, and do it uniformly, I would be very glad indeed to see them do it.

Mr. HAMMOND. Does the gentleman mean that when the States will not pass laws to suit him Congress should pass them?

Mr. BUCK. Not at all.

Mr. HISCOCK. I would like to answer that question and say, "Yes, if we have the jurisdiction under the Constitution."

Mr. HAMMOND. I have no doubt you would vote for anything of the kind.

Mr. BUCK. Let me answer the gentleman. The States and the United States in Congress assembled have concurrent jurisdiction over the question which this bill deals with, and the fact is that any State may pass a law regulating this matter, as my own State of Connecticut has done and as several other States have done. Florida, I believe, has passed a law on this subject; so has New York; so has Pennsylvania, and so, I believe, has Massachusetts; but other States have not.

In the mean time the farmers, the dairymen, the consumers, have all come here and asked us to make a common law on this subject, which shall apply all over the country, so as to have fair dealing in legislation and fair dealing in commercial transactions.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, there is one reason in favor of this bill, just one, and that is that a certain measure of public sentiment demands it. Now, sir, whenever we reach a point where we measure and shape our legislation exclusively by the behests of popular sentiment, losing sight of the Constitution, we have ceased to be the American Republic, and have become simply the old Athenian democracy, where the people assembled in the market-places and the popular will was both the constitution and the government. That is the condition to which we are coming; no longer a popular will harnessed by constitutional restrictions of the people's own adoption and expressed by careful and cautious representatives. Sir, nothing has more impressed me with the importance of a conservative body of long tenure of office at the other end of the Capitol than the manner in which gentlemen have ridden down every constitutional barrier, every traditional maxim of government, and have flocked in ill-assorted numbers in support of this bill.

The distinguished gentleman from Ohio [Mr. BUTTERWORTH] has warned his protectionists friends that this will advance the cause of free trade because it is protection run mad, and that people will not tolerate it. I trust the impending evil will produce a reaction among the people and lead to reforms. My friend from Virginia [Mr. O'FERRALL], who spoke a few moments ago, seeks to adopt this extreme measure of protection as a means of attaining revenue reform. I do not believe in doing evil that good may come. I believe that every member who supports this bill will ultimately lose ground in public confidence and estimation. So far as I can see, the supporters of this bill have abandoned all pretense of its being a just and proper measure for taxation. They hardly have the face longer to stand before the country professing, as they have heretofore done, that the one great duty of the hour is a reduction of taxes and at the same time contending for this bill as a measure to increase taxation. The other horn of the dilemma is that it polices the industries of the country, and upon that proposition I send to the Clerk's desk a decision of the Supreme Court which I ask to have read. It is the decision in the case of the United States *vs.* Dewitt (9 Wallace, page 42). It is the unanimous decision of, for the most part, a Republican court, delivered by Chief-Justice Chase, and in the centralizing, reckless era of 1869. It should be heeded at least by Democrats who now seek to go where it solemnly forbids even Republicans to enter.

The Clerk read as follows:

Section 29 of the act of March 2, 1867, declares—

"That no person shall mix for sale naphtha and illuminating oils, or shall knowingly sell or keep for sale, or offer for sale such mixture, or shall sell or offer for sale oil made from petroleum for illuminating purposes inflammable at less temperature or fire-test than 110 degrees Fahrenheit; and any person so doing shall be held to be guilty of a misdemeanor, and on conviction thereof by indictment or presentment in any court of the United States having competent jurisdiction shall be punished by fine, &c., and imprisonment," &c.

The Chief-Justice delivered the opinion of the court.

The questions certified resolve themselves into this: Has Congress power, under the Constitution, to prohibit trade within the limits of a State?

That Congress has power to regulate commerce with foreign nations and among the several States, and with the Indian tribes, the Constitution expressly declares. But this express grant of power to regulate commerce among the States has always been understood as limited by its terms; and as a virtual denial of any power to interfere with the internal trade and business of the separate States, except, indeed, as a necessary and proper means for carrying into execution some other power expressly granted or vested.

[Here the hammer fell.]

Mr. HATCH. I ask unanimous consent that all debate upon this section and all amendments thereto may be closed——

Mr. BRECKINRIDGE, of Arkansas. I would like to have the Clerk conclude the reading.

Mr. HATCH. Say in five minutes.

Mr. HAMMOND. I desire, before debate is closed, to call attention to the last paragraph of the section.

Mr. BRECKINRIDGE, of Arkansas (to Mr. HATCH). Make the limitation ten minutes.

Mr. HATCH. Very well.

Mr. HAMMOND. If I can have five minutes of the ten I have no objection.

Mr. HATCH. You can, so far as I am concerned.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] asks unanimous consent that all debate on this section and amendments thereto be limited to ten minutes. The Chair hears no objection, and it is so ordered.

Mr. BRECKINRIDGE, of Arkansas. I ask the Clerk to finish the reading of that decision.

The Clerk read as follows:

It has been urged in argument that the provision under which this indictment was framed is within this exception; that the prohibition of the sale of the illuminating oil described in the indictment was in aid and support of the internal-revenue tax imposed on other illuminating oils. And we have been referred to provisions, supposed to be analogous, regulating the business of distilling liquors and the mode of packing various manufactured articles, but the analogy appears to fail at the essential point, for the regulations referred to are restricted to the very articles which are the subject of taxation, and are plainly adapted to secure the collection of the tax imposed; while, in the case before us, no tax is imposed on the oils the sale of which is prohibited. If the prohibition, therefore, has any relation to taxation at all, it is merely that of increasing the production and sale of other oils, and, consequently, the revenue derived from them, by excluding from the market the particular kind prescribed.

This consequence is too remote and too uncertain to warrant us in saying that the prohibition is an appropriate and plainly adapted means for carrying into execution the power of laying and collecting taxes.

There is, indeed, no reason for saying that it was regarded by Congress as such a means, except that it is found in an act imposing internal duties. Standing by itself, it is plainly a regulation of police; and that it was so considered, if not by the Congress which enacted it, certainly by the succeeding Congress, may be inferred from the circumstance that while all special taxes on illuminating oils were repealed by the act of July 20, 1868, which subjected distillers and refiners to the tax on sales as manufacturers, this prohibition was left unrepealed.

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as for example in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions, that we think it unnecessary to enter again upon the discussion.

The first question certified must, therefore, be answered in the negative.

The second question must also be answered in the negative, except so far as the section named operates within the United States but without the limits of any State.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, it seems strange that a committee of this House should contend for lawful power where the decisions are so strong and so unanimous against the position they hold. They adopt the form of a tax-bill so as to escape the courts, to professedly do what now professedly we have no direct power to do. This is a shameful abuse and betrayal of a trust. Without a line in any decision to sustain them—literally taken by the heels and thrown out of Congress by every decision of any court that has passed judgment upon the question—they yet come here and by the power of an unreasoning and selfish public sentiment are forcing through this body one of the most astonishing and odious bill ever presented to it. And, sir, we see put forward to sustain this measure all manner of fraudulent statistics. There is absolutely no demand for a bill of this kind except from the sellers of a competing article, who wish us to do police duty for the States, and to stamp a rival industry out of existence by imposing a tax upon it of nearly if not quite 150 per cent.

Mr. Chairman, it is significant that foreign governments that are singularly skillful in detecting all fraudulent and injurious features in connection with food products, foreign governments that have interdicted our pork and our beef, foreign governments that have rival dairy industries and whose people are consuming annually 120,000,000 pounds of this product, have never yet interdicted it or complained about it. Only from the producers here of a competing article do we hear the claim that there is impurity in it. A member of the committee [Mr. GREEN, of North Carolina] tells me that detection by means of the microscope is perfectly easy. The cellular or crystal formations are wholly different. Two hundred million pounds are consumed annually, yet there is not a syllable of protest from a single consumer, and there is not a single certificate from a physician in this or any other country that any man, woman, or child has ever been made sick by eating the article.

I hold in my hand certificates from the most eminent chemists and

physicians in the country and from State boards of health saying that oleomargarine is a wholesome food product. Even if it were injurious it is not our function to remedy the injury, but the States'. The language of the courts is plain. Construction and practice are unbroken. And no special necessity can be pleaded, for the States can inspect every factory, they can detect every ounce of the product anywhere, and they can prevent either the making or the selling. But in the face of all this we are asked not merely to prevent deception, but also to try to stamp out what is to-day politically the weak for the sake of the politically strong. Who will be the next victim to this wretched policy of despotism and wrong and folly? Gentlemen are invoking a power and a form of power that to-morrow they may be the victims of. I belong to a minority section and to a minority industry, cotton-growing, and I view this proscriptive and ruinous legislation with fear for my people and for my whole country. My hope is that our people are too just and wise to long permit such a wrong as this. I protest against all that is being done, and I would disdain to add to the wealth of my people by robbing their brethren, or, if they had them, their enemies. Fair play and fidelity to the Constitution is the path of safety and honor and of true prosperity.

Sir, it seems like belittling the issue to seriously consider the statistical facts about a proposition so monstrously improper and unlawful in doctrine, and when I say unlawful I speak of law in its large and constitutional sense; but, while complaint is made of depression in this rival industry, we find that, compared with periods slightly anterior to the general use of this product, the price of milch cows has risen about $10 per head. We find that the hay crop of this country—and this too in States supposed to be specially interested in this competitive industry and where if the effect had been injurious the hay crop would have declined—has in point of fact increased.

Here are the facts about the milch cows, down through the last report yet issued from the Agricultural Department:

Years.	Number.	Average value.	Total valuation.
1879	11,826,400	$21 73	$256,953,928
1880	12,027,000	23 27	279,899,420
1881	12,368,653	23 95	296,277,060
1882	12,611,632	25 89	326,489,310
1883	13,125,685	30 21	396,575,405
1884	13,501,206	31 37	423,486,649

If the progress of events were depressing upon the dairy business we should find a large decline in the acreage in hay in the States concerned and people taking refuge in cereals. But the facts average the other way. Here they are:

Acres in cereals and hay in the United States.

	Years.	Cereals.	Hay.	Ratio.
United States	1874	80,051,289	21,769,772	100 to 27.2
	1879	102,260,950	27,484,991	100 to 26.9
	1883	130,633,556	35,515,948	100 to 27.2
New York	1874	2,661,277	4,070,615	100 to 153.0
	1883	3,776,427	4,962,158	100 to 131.4
Ohio	1874	5,131,628	1,839,555	100 to 35.8
	1883	6,389,828	2,300,244	100 to 36.0
Vermont	1874	206,990	853,947	100 to 412.5
	1883	217,964	964,790	100 to 442.6
Pennsylvania	1874	3,591,286	2,087,845	100 to 58.1
	1883	4,849,613	2,738,572	100 to 56.5
New Jersey	1874	598,552	385,407	100 to 64.2
	1883	768,607	508,959	100 to 66.2
Illinois	1874	12,120,844	1,860,417	100 to 15.3
	1883	13,609,080	2,944,870	100 to 21.4
Wisconsin	1874	2,363,402	1,058,636	100 to 37.0
	1883	4,502,975	1,682,025	100 to 37.4
Iowa	1874	7,813,671	1,432,131	100 to 18.3
	1883	11,772,454	3,363,730	100 to 28.6
Kansas	1874	2,602,599	530,000	100 to 20.4
	1883	7,233,372	3,500,000	100 to 49.8
Missouri	1874	4,668,324	478,780	100 to 10.3
	1883	9,359,020	1,120,017	100 to 12.0
Massachusetts	1874	95,329	447,607	100 to 470.0
	1883	117,981	623,484	100 to 528.0
New Hampshire	1874	81,780	685,000	100 to 837.0
	1883	90,716	603,534	100 to 665.0
Michigan	1874	2,064,829	916,600	100 to 44.4
	1883	3,384,676	1,280,899	100 to 37.8
Indiana	1874	5,352,844	711,416	100 to 13.3
	1883	4,643,620	1,285,339	100 to 18.2
Minnesota	1874	2,257,512	605,778	100 to 26.8
	1883	4,629,777	1,522,139	100 to 32.9
Nebraska	1874	762,516	150,417	100 to 19.7
	1883	5,356,459	749,067	100 to 14.0
Tennessee	1874	3,443,319	103,909	100 to 3.0
	1883	5,166,690	188,341	100 to 3.6
Kentucky	1874	3,152,123	269,574	100 to 8.6
	1883	5,041,818	208,260	100 to 4.2

And, sir, what about the price of butter itself? The result shows how public wants adjust themselves to increased supplies of wholesome articles, and how unfair are those who come here asking to be subsidized and to be given a "corner" upon their suffering brethern. I have gone to one of the most intelligent grocers of this city, and he has opened his books to me, by which I find that his cost price of butter during last January was as high as in any January for six years past; and the price was 5 cents higher per pound last January than in the corresponding month in 1880.

A MEMBER. What was the average price?

Mr. BRECKINRIDGE, of Arkansas. The average price of the article I speak of was 40 cents a pound in the month of January. This butter was from near Frederick, Md.; and the grocer I speak of is John H. Magruder; and he stated that the lower grade of butter followed the same law. He further informed me that the fluctuations through the seasons were great—low in spring and summer, and high in fall and winter; but that the range of prices was about the same on any grade for any given month. I took this one.

Mr. MORGAN. That does not agree with the testimony I have here.

Mr. BRECKINRIDGE, of Arkansas. Very well; let the gentleman bring in his testimony. I have more testimony to the same effect as that to which I have just referred. I have here figures from a large wholesale butter dealer, one of the most intelligent in the country; and while he does not buy the special brand of butter referred to by the gentleman whom I have just quoted, his figures show that there is not a product in this country the price of which has been so steadily maintained as has been the price of butter. He gives me the prices of "creamery" butter for the month of May—a low-priced month; and he says the other grades run according to the same scale. The prices run as follows: May 16, 1882, 27 cents; May 15, 1883, 26 cents; May 16, 1884, 25 cents; May 16, 1885, 23 cents. Now, for May 15 of this year we have a very low price, 18 cents; but as this competition has been going on for years we must look to some other cause for the present depression. If this competition alone caused it we should have had it during the other years.

The following is from an intelligent writer in a recent issue of the American Grocer, who, speaking of the butter trade, says:

> Taken as a whole, the year of 1885 has been a fairly good one. There have been very few heavy losses among our merchants and no important failures. Many butter-men say there is no money in butter, yet they still continue in the business. They should talk more logically and say profits have been small. Are not small profits better than none at all? The past year has not been disastrous, neither has it been good, but it has been fair, and our merchants should not gainsay the fact to obtain sympathy and condolence from their brothers in the grain, cotton, and nearly all other trades, who are even worse off.

Pray, Mr. Chairman, of what industry can so good an account be given? Yet these people want us to subsidize them at the cost of others whose business they frankly say is so unprofitable as to offer no inducements to themselves to enter them. Are the weak not already, then, sufficiently burdened and poor? Are they to be robbed by the law and under the forms of law? Workingmen consume these goods. It is not the fine butter consumed by the rich that you propose to tax. A million workingmen are now out of work and suffering for food. Are you going to make food dearer to them and for the sake of the most prosperous class of food producers?

This proposes to deal a blow, too, to the rights, not the privileges, of many of the people of the South. Cotton-seed oil, a pure product, that I use in my own family in preference to lard for cooking purposes, enters into the production of oleomargarine. I have had many letters and telegrams, and I will give the following from an official of the Southern Association of Oil-mills:

> OFFICE OF LITTLE ROCK OIL AND COMPRESS COMPANY,
> *Little Rock, Ark., May 1, 1886.*
>
> DEAR SIR: The dairymen are making efforts, it is stated in the public press of the country, to have Congress pass prohibitory laws against the manufacture of substitutes for butter—oleomargarine, butterine, &c.; articles which are well known to commerce, and welcome in the homes of thousands of families, among the laboring classes especially, as more wholesome than the cheap, low-grade butter from the dairies. These substitutes for butter are manufactured from the fat of beef, pure leaf lard, and cotton-seed oils, all wholesome ingredients; and however attacked by prejudice, stand in the markets of the country, after years of manufacture, as healthful food.
>
> There is no more right and justice in laws being passed inimical to this industry than there would be for a law against any other farm product. Oleomargarine and all similar commodities are farm products, as much so as butter or anything else raised by the agriculturist. A law unfriendly to such manufacture of substitutes for butter will affect the price of every gallon of oil made by the oil-mills of the South, and, incidentally, the value of the cotton seed to the farmer, pure, highly refined cotton-seed oil entering into the composition of most of these substitutes. It is, therefore, to be hoped that the Arkansas delegation will carefully examine all contemplated legislation on this question, and sustain the manufacturers of cotton-seed oils of their State and of the South with their votes and influence in Congress against unfriendly legislation.
>
> Very respectfully,
>
> W. H. WRIGHT, *Vice-President.*
>
> Hon. C. R. BRECKINRIDGE,
> *Washington, D. C*

Cotton seed is peculiarly the source of ready money to the poor and to the colored people in my country in the fall of the year. They ask no favors. They have no favors. Are you going to strike a blow at all these people at the behest of the dairymen?

[Here the hammer fell.]

Mr. HAMMOND. Let members of the committee look at the next to the last sentence in this section and say what it means. If any person "fraudulently gives" away a thing, how does he give? How does

he "accept" it "fraudulently?" What does it mean? Here is the Congress of the United States making a grave law which is to affect millions in this country and there is not a gentleman in the House who will say that word "fraudulently" does not produce confusion in the text. And why? I will give you the explanation. In the tobacco laws these words all exist except the word "fraudulently." And why? The only way to prevent men from selling their products as they please, and as Americans ought to be allowed to sell their produce, is to require a stamp and that stamp to be canceled by the man who takes charge of it; and if one gives away a package with the stamp uncanceled or accepts a package with the stamp uncanceled to make it a crime. Because if one can give it away he puts it in circulation with the stamp undestroyed. If you had to stop to prove he "fraudulently gave" it away what does the fraud mean? How will you convict him? What is the evidence necessary?

Now I do not propose to make it any better. I am only giving this as another illustration that when they put in those words they did not dare to go in this instance to the enormity of what is already on the statute-book; yet they have not the manhood to say, we will tell you the truth, and stuck in the word "fraudulently." The bill ought to be so stamped. [Laughter and applause.]

How much time have I remaining?

The CHAIRMAN. One minute.

Mr. HAMMOND. I will yield that time to the gentleman from Indiana.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana on the next section of the bill.

Mr. HAMMOND. Very well; then I will yield it to the gentleman from Kentucky [Mr. BRECKINRIDGE], who wishes to make a brief statement.

Mr. SCOTT. I rise to a parliamentary inquiry. I understand the rule of this House to be under the five-minute debate one member speaks in support of the pending proposition and the other in opposition to it. Now, we have a majority in favor of this bill of about 180 and all the speaking this morning has been made against it.

The CHAIRMAN. The Chair recognized the gentlemen who sought the floor and wished to be heard.

Mr. SCOTT. Here are 180 majority in favor of this bill and yet this morning every speech made has been against it.

The CHAIRMAN. That has not been the fault of the Chair. No friend of the bill having risen, the Chair was compelled to recognize those who did rise.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last sentence of section 13, which reads as follows:

Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found.

It occurs to me, Mr. Chairman, that is rather an arbitrary and unconstitutional power to give to a revenue officer—power to seize where he may happen to find any person with such package and without trial to destroy it.

Mr. MORGAN. That is a literal transcript of the language of the whisky law.

The CHAIRMAN. Debate is exhausted on the pending amendments. The Chair will consider the formal amendments withdrawn and the question recurs on the amendment of the gentleman from Kentucky.

The amendment of Mr. BRECKINRIDGE, of Kentucky, was disagreed to.

Mr. DUNHAM. I move the following amendment:

Amend section 13 by striking out in line 5 the word "fifty" and insert "twenty-five."

The committee divided; and there were—ayes 6, noes 91.

So the amendment was disagreed to.

Mr. DUNHAM. I offer the following amendment:

Amend section 12 by striking out in line 4 the words "one hundred dollars" and insert "twenty-five dollars."

The committee divided; and there were—ayes 10, noes 69.

So the amendment was disagreed to.

Mr. WHEELER. I move to add at the end of section 13 the following:

Provided, That no person who was reported by the tenth census as unable to read shall be fined or imprisoned for violating the provisions of sections 6, 11, 12, or 13 of this act until one year after the passage of the bill now pending in Congress to aid in the support of common schools.

The amendment was disagreed to.

The Clerk read section 14, as follows:

SEC. 14. That there shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of $3,000 per annum; and the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose. And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final. The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture; and the decisions of this board shall be final in the premises.

Mr. HOLMAN. I move to strike out "three" and insert "two;" so it will read "and shall receive a salary of $2,000 per annum."

Mr. Chairman, the salaries proposed to be paid under this section of the bill are larger than those now paid for similar services in the Departments. For instance, the microscopist of the Agricultural Department gets a salary of $1,800 a year and the chemist $2,500. It will be seen, therefore, that these are considerably above the salaries paid for corresponding services elsewhere, and of course that ought not to be permitted. I understand the gentleman from Missouri, however, will acquiesce in the amendment which I have submitted.

Mr. BRECKINRIDGE, of Kentucky. Do I understand the gentleman to say that the chemist's salary in the Department of Agriculture is $2,500?

Mr. HOLMAN. It has been so increased by appropriation.

Now, Mr. Chairman, a word in respect to the merits of this bill. On the propositions laid down by gentlemen who oppose the measure I concede that there are embarrassments in the way. If the manufacture and sale of oleomargarine were a legitimate industry, the manufacture of imitation butter, I concede that there might be some trouble in the way, because it might be truthfully said that this was an attempt to crush out by an act of Congress one industry in the interest of another. But the fact must be borne in mind that it is not a contest between two legitimate industries; the one industry known from the beginning of our Government, that of producing butter in the ordinary way from milk, and the other a process under letters patent in imitation of the genuine article.

As far as the former is concerned it is an industry the importance of which no one calls in question; the other is an industry which has grown up under the patent-right system, and only manufactured and put upon the market through fraud as an imitation of a genuine article of dairy produce. Therefore when gentlemen assume that these are two conflicting industries, and that Congress is interposing to crush the one for the benefit of the other, the proposition, I maintain, is not well founded, for if it was an issue between two legitimate industries I should be compelled to deny the right of Congress to interfere on any pretext whatever.

But I deny that it is a legitimate industry, or that any industry can be a legitimate industry which from the very necessities of the case can only flourish through the perpetuation of fraud upon the public; and it can not be pretended that this industry has flourished or can through any other means.

But it is said this is not a legitimate measure of taxation, and that Congress is, therefore, using the taxing power wrongfully, not in good faith, but simply to crush a particular industry against which, for the moment, demands are made on the part of the people. But gentlemen have no right to assume that the members of this House who favor this bill are not supporting it as a revenue measure, as it purports to be. Their motives can not be called in question in that respect, nor can it be said that the manufacture of imitation butter is not a legitimate subject of taxation. Why? For many reasons, but for one especially, you have always proposed, except in time of war, to impose your taxes upon those articles which can best bear taxation; and ordinarily, as far as practicable, upon luxuries and articles equally liable to bear taxation, especially those not entering into the ordinary and common use of the people. Now here is an article existing through fraud, brought before the public by fraud, sold through fraud, and I submit it is more legitimately a subject of taxation than spirits or any other article that you may call a luxury, whether the tax be imposed under the customs system or under the internal-revenue system. But further, Mr. Chairman, there is a reason for the adoption of this measure away beyond that. I admit that you do not need the revenue; but we are now taxing some articles at the expense of a very high interest in this country. You are taxing under the customs as well as the internal-revenue system salt, lumber, coal, which ought to be free, and heavily many articles of universal use and of prime necessity, and tobacco, the only product of the soil that has ever been taxed by Congress——

Mr. BRECKINRIDGE, of Arkansas. Except cotton——

Mr. HOLMAN. Which system is having a very fatal effect upon some industries. Have gentlemen noticed the unfortunate fact that the small freeholders are being reduced in number; the small freeholders upon whom and through whose happy and independent homes depend the perpetuity of our institutions perhaps more than upon any other class of our people—the great conservative element of our population? Have you considered how this patented monopoly (not legitimate, but patented and based upon letters-patent, in my judgment the only mistake our fathers made in their early legislation, for it does not well express the purpose of the Constitution they framed), how that is driving out of existence the smaller estates by destroying the elements of their prosperity? Have gentlemen considered how far the butter, the product of the wife's and the daughter's industry, enters into the domestic economy of the home; how much it does to support the fireside; how this comparatively little product enters into the support of the family, the education of the children, and the purchase of their clothing? I stand

here, sir, in behalf of that great industry, great by reason of the multitude who participate in it and the great aggregate results, and in behalf of the small freeholders of this country against this imposition upon them by patented monopoly.

[Here the hammer fell.]

Mr. HATCH. I desire to offer an amendment to the amendment offered by the gentleman from Indiana which I hope the friends of this measure will accept. After a conference with gentlemen that I could reach, members of the committee and others, I move to amend the amendment by fixing the salaries of these two officers at $2,500 each.

Mr. HOLMAN. That is too high.

Mr. HATCH. That will enable the Commissioner of Internal Revenue to select competent and well-qualified men of high standing in their professions for these positions.

I now yield my time to the gentleman from Indiana.

Mr. HOLMAN. There is no denying the fact that the effect of our legislation for years, from the time our heavy taxation began, has been unfriendly to the small interests and industries of this country. There never is a day or an hour that some great interest is not being forced upon Congress. These are the interests that build up great estates against the interests that would foster multitudes of smaller estates in this country. Your small farms disappear under heavy taxation. Your small farms would disappear under any artificial system of legislation, for the great and industrious multitude of small freeholders are never here, but the monopolists are always with us.

Take your patent-right system, under which great monopolies can be built up, and you see how even a prudent measure of government may become a source of danger in the future. By your heavy taxation, I do not care in what form it comes, you are crowding to the wall small freeholders, and are enlarging year by year your great landed estates.

I support this measure because it is a measure in the interest of the small freeholders of this country. I would support any legitimate measure which is directly in the face of the policy which has been governing for so many years, tending to diffuse instead of centralizing our wealth. If our past system of legislation shall continue, if great monopolies are permitted to crowd out small freeholders, and to enlarge your farms, to a large degree you will destroy the foundations upon which the Government so securely rested in former years.

Mr. HAMMOND. I have sent an amendment to the desk which I desire to have read.

The CHAIRMAN. There is now pending the amendment of the gentleman from Indiana [Mr. HOLMAN] and an amendment to the amendment offered by the gentleman from Missouri [Mr. HATCH].

Mr. HAMMOND. Very well; let those be voted on first.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out "$2,000" and insert "$2,500;" so it will read:
"And shall each receive a salary of $2,500 per annum."

Mr. HOLMAN. I hope that will not be done. As living amidst a body of small farmers I protest that my friend from Missouri ought not to insist that a bill like this, in the interest in some degree of the laboring men of this country, should carry larger salaries than the average salaries we are paying. In the name of those farmers I trust a moderate salary will be fixed.

The question being taken, there were—ayes 90, noes 31.

So (further count not being called for) the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose and the Speaker resumed the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the resolution of the House of Representatives requesting the return from the President of the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. HAMMOND. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "that," in section 14, strike out these words:
"There shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of $2,500 per annum; and."

Mr. HAMMOND. We have already all the officers of the Agricultural Department necessary to run this business. And now let the gentleman who desired to reduce the salary to $2,000 bring in his argument to save it all. There is no earthly necessity for these extra officers. That is all I desire to say on that subject.

Mr. HOLMAN rose.

Mr. HAMMOND. Not in my time, please. The gentleman from Indiana [Mr. HOLMAN] says, first, that we have ruined a great many small farmers by the odious tobacco internal-revenue law. And now to preserve the remnant of the small farmers of this country he proposes to re-enact this law and make the system popular and permanent.

Mr. HOLMAN. Oh, no. Let me say——

Mr. HAMMOND. Not in my time.

Mr. HOLMAN. I am in favor of repealing the tobacco tax.

Mr. HAMMOND. But you know you can not do it. I agree with the gentleman that it ought to be repealed. But he knows as well as I that whenever this bill passes an insuperable obstacle to the repeal of those internal-revenue laws is placed, over which the Congress of the United States can not vault in the next twenty years. The gentleman says this is not a fight of one industry against another.

Mr. BRECKINRIDGE, of Arkansas. Of one legitimate industry.

Mr. HAMMOND. Of one legitimate industry against another. I challenge the gentleman's cool, clear consideration of that point. His proposition is this, that if Congress desires it may in behalf of one industry put down another provided it considers that other an illegitimate or fraudulent industry. Can this House levy a tax on paper-soled shoes that are put upon the market as bottomed by leather made of good hides? Can this Government put a tax on maple sugar made of sorghum cane because the man lies and says it came from a maple tree?

Can we tax out of existence glucose sold as sugar every day? The gentleman will repudiate his argument whenever he thinks about it.

He is hardly driven again to say that this bill is against a monopoly patent. He absolutely says that the patent clause of the Constitution is a curse rather than a blessing.

Mr. HOLMAN. No; not that.

Mr. HAMMOND. I can not argue such a proposition in my limited time. But the history and the experience of this Government will show no other clause, except those that protect life, liberty, and property, that has been half as valuable to this country.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas, was recognized, and yielded his time to Mr. HAMMOND.

Mr. HAMMOND. I thank the gentleman, Mr. Chairman. Let me call attention to some facts which illustrate this. We may put our wives down to knitting stockings for themselves and their children, or we may turn to a machine that will knit seven pairs for one mill. What rest to the wife! What comfort to the babes! With patent peg-wood we peg sixty million pair of shoes per annum in the United States at a cost of five pairs to a cent! Millions of feet are shod that but for that invention would be crippled by the hard frosts of winter. Sir, the Patent Office has changed the whole current of modern life. It has given fewer hours of labor and to more men, less consumption of human muscle, and broader sweep of human mind. Consider the poor men copying the gospels in ink at a price per volume which would pay a king's ransom, and then the thousand times as many men acting as private salesmen of the blessed truths of our religion in bound books, at a nickel a volume. The foundation of that change is the constitutional clause on which is based the Patent Office. It has increased wages, it has increased mental strength and physical strength, mental comfort and physical comfort. When gentlemen are driven, in support of this bill, to denounce any part, and especially that part of the Constitution of the United States, they are indeed hardly driven. [Applause.]

Mr. HISCOCK. Mr. Chairman, this bill proposes to tax a fraud, a deception, a pirate upon an honest industry. It has been frequently charged here that we who favor this bill have been compelled to "hedge." I undertake to say that no friend of this measure has ever understood that it went any further than I have stated, to tax a pirate sailing under a false flag and preying upon one of the great industries of the country. I will admit that many men who favor this bill did not clearly appreciate the fact that oleomargarine as known to the trade, as known to chemistry, might not always be such a pirate; and they were glad when they found that the bill pointed out the clear distinction between the two kinds and properly labeled and marked just what it intended to tax, to wit, this deception, this cheat, this fraud.

Mr. DANIEL. Will the gentleman yield for a question?

Mr. HISCOCK. I shall need additional time, and if the gentleman occupies my time with questions I suppose he will yield me time in return.

Mr. DANIEL. I will endeavor to do so, if I can get the floor. I understand the gentleman to say that this bill does not tax anything that sails under its own true colors.

Mr. HISCOCK. It does not. This bill is not intended to tax any product that can not be sold for and does not have the semblance of butter.

Mr. DANIEL. Will the gentleman yield for a further question?

Mr. HISCOCK. I will if I can have the time to answer.

Mr. DANIEL. Suppose it has the semblance of butter, but is marked not butter, but "oleomargarine;" does the bill tax it then?

Mr. HISCOCK. Oh, you may ask very many questions which I have not the time to answer. It intends merely to tax these patented productions that chemistry has enabled to be manufactured under these patents and which are palmed off upon the unsuspecting public as butter. That is just what it intends to tax.

Mr. WARNER, of Missouri. Does the gentleman assert that the large manufacturers of oleomargarine manufacture under any patent?

Mr. HISCOCK. I do not know whether they do or not. In the main I suppose these articles are manufactured by some secret process, or else under a patent. Now, sir, I have heard no one upon this floor allege that this law, in its form or in its phraseology, is unconstitutional, and I desire to call the attention of the House, and of gentlemen who have had longer experience than I, to the fact that we have always regarded this as a republican Government, we standing here to vote the will of our constituents. I undertake to say that no tax law has ever passed this House, no bill carrying any considerable sum of money (except to defray the ordinary expenses of the Government), has ever passed this House but what the majority who voted it into law represented by their votes the needs and the demands of their constituents. I may point to the river and harbor bill as a striking illustration of the correctness of the assertion which I have just made.

Day after day measures come in here and are urged because localities want them, because members realize that they are demanded for the benefit of their immediate constituents. We look to the Constitution, and if there is constitutional power to grant what they ask we grant it.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas, obtained the floor and said: I yield my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. What I have just described is the course pursued here with reference to all legislation. Gentlemen may soar in ethereal regions among the ghosts of departed statesmen for reasons in favor of a measure or in opposition to it; but when we come down to practical legislation we can trace back of every man's vote here this motive—that his people want him to cast his vote in that particular way, and his action is guided by a proper desire, as I affirm, to represent his constituency here on this floor.

Since I have been a member of this House it has been upon this policy that we have legislated, and it is upon this line that our constituents and the country expect us to legislate. They expect that we will represent their wishes and their will. If there is any subject of which we can take jurisdiction under the Constitution, and we can grant their petitions in reference to it, we hasten to do it.

I say to gentlemen on the other side, have no fear that the palladium of our liberties is in danger because we do this. We are a body three hundred and twenty-five in number, representing the whole country; and it is only when a majority of the three hundred and twenty-five members, or a majority of those who attend here (not less than a quorum), see their pathway clear in reference to any legislation of this kind that they will tread in it. From this body the measure of legislation goes to the Senate, there to be scrutinized; and then it goes to the Executive to receive his approval.

There is no danger of a war of one industry upon another. There is no danger that this taxing power will ever be invoked to crush out any legitimate industry or to array one legitimate industry against another. These obstacles which I have recited, the full consideration which every important measure is sure to receive, the large constituencies that we represent here with their diverse and varied interests, will always stand in the way of hasty and inconsiderate legislation upon any subject.

I say again, let gentlemen dismiss their fears in this regard. Have no fear that the Constitution of the United States will ever be invoked as authority for a measure of oppression. Those various interests represented here, sometimes coming in conflict perhaps with one another, will always operate as barriers against everything of that kind; and a law of this sort will only be called for and enacted when there is in its favor a clear public sentiment, overriding by it character and power, if you please, the sentiment that there may be in favor of other industries. I perhaps may say it will only be when a fraud like that now under consideration is to be legislated upon is to be stamped out, or the deceptive flag under which it sails is to be struck down, that Congress will ever seek to exercise this power in favor of one industry against another.

[Here the hammer fell.]

Mr. O'HARA. I move to amend by striking out section 14. Mr. Chairman, no member of this House will go further than I am ready to go to protect the people from the adulteration of food. But, sir, this bill, as I understand it, proposes not to prevent the adulteration of food as such. On the contrary, under the guise of protecting the poor man from oleomargarine and spurious butter, it seeks to destroy one industry of the country for the purpose of building up another. More than that, it proposes to create a number of new offices and to revivify and set in motion all the odious features of the internal-revenue system. The fourteenth section of this bill, which I propose to strike out, does not only create additional officers at large salaries, but it gives to the Commissioner of Internal Revenue the power, whenever in his judgment the necessity of the service may require it, to add to this already large army of officers other officers.

The number of these will be limited, say gentlemen on the other side, by the appropriation; but, sir, every member on this floor knows that the appropriation does not limit the number of the public offices of the Government when the administrative officials see fit to go beyond the authority of existing law. At every session, Mr. Chairman, we are met by demands from the Treasury Department, from the Internal Revenue Bureau, from the Department of Justice, and from almost every other Department asking Congress to pass "urgent deficiency appropriation bills." We murmur; but the executive officers come to us and tell us that the service has been performed, that when we passed our appropriation bills we were mistaken as to what the public exigencies required; and murmur though we may, we always pass such bills when their passage is demanded. Thus, Congress after Congress, we find that these administrative officers go beyond the appropriations. Therefore, Mr. Chairman, the so-called limitation involved in the appropriation of money is no limit at all.

Mr. Chairman, if places are needed for party favorites let gentlemen say so. Let the country so understand it. Let us all understand that such is the scope of the pending measure. Let us make it clear and sure there should be no attempt here to throttle any interest or to strangle any industry of the country. I am, Mr. Chairman, no advocate of oleomargarine; but, sir, it is said that this bill is made in the interest of the poor man, and I ask where are the petitions of poor men crying out against this abuse.

Sir, the poor man is not here clamoring for this proposed legislation, but it is the rich dairymen of the country who by this bill are saying you shall have only what we desire to give you at whatever price we may demand, whether it be butter made from pure milk of fancy and well-kept cows, or from milk of diseased and swill-fed cows. I hold, sir, that the poorer classes need as much, if not more, protection from butter made from the milk of diseased and swill-fed cows as they do from oleomargarine or any of the other manufactures mentioned in the bill.

The crowning piece of infamy of the bill will, however, be found in the nineteenth section. This section proposes to give a premium to every spy and informer in the land who shall become a self-appointed guardian of this law; it offers a reward, holds out an inducement, to the lazy and worthless to spy upon his neighbor's action, that he may satisfy his avarice and cupidity by securing one-half of the penalty imposed by the bill. It has a tendency to create an army of Jean Valjeans to follow with sleuth-hound tenacity every imaginable violator of this law. I do not think that I overdraw the picture when I warn this House that the passage of this bill will add at least one-fourth more officers to the already long list of special United States marshals, assistant prosecuting attorneys, and henchmen to be employed and paid from the hard-wrung taxes of an already overtaxed people.

I have heard from the Democratic party for the past ten years the cry of "Reduction of taxes!" "Relief of the masses from an army of office-holders!" "Help from the merciless red-legged grasshoppers and 'golden-winged butterflies!'" as the revenue officers were once called in my State. But, sir, I suppose all this has changed, and the cry of war taxes has changed to the cry of protection to the people from spurious and death-dealing food, and the slogan of reform. The revenue officer, the spy, the accuser of his neighbors, the United States prosecuting attorney are no longer tyrants but guardian angels to the health and liberty of the poor man.

The hard-wrung taxes to keep up and feed this vast additional army of cormorants becomes a free-will offering of spices and ointment of sweet-smelling savor. I do not believe that the people of my State or of any State in this Union are in favor of this bill; it savors of class legislation, of favoritism to one industry and oppression to another; it is not protection—it is destruction; and as such it must work to the detriment of the poorer classes. Sir, I will willingly go as far as any gentleman upon this floor to protect the people from adulterated food, and I say here and now that whenever the Committee on Agriculture, or any committee of this House, shall bring in a bill to remedy that evil, placing its enforcement with the ordinary courts of the country, without the creation of additional officers and spies and informers, separate and apart from the Internal Revenue Bureau, I am ready to give it my hearty approval.

As between natural butter and the manufactured article I am decidedly in favor of natural butter, and am of the opinion that if the dairymen of the country need protection they ought to have it; but I would ask the friends of the bill, a large number of whom are in favor of State rights, are not the respective State Legislatures competent to deal with this question? Has an effort been made by the dairymen of any particular State or number of States to secure protection against this so-called false representation of butter and refusal by the Legislature made? If not so, why, then, not let them first apply to the States for the necessary legislation?

It can not be urged that for any needs of the Government the revenue derived from this source is necessary, for we have heard, and the world was made to believe, that there was a large surplus of money lying idle in the Treasury of the United States, to the great detriment of the poor laboring man. Is it now proposed to augment this surplus? For what purpose? That a single industry shall be crushed out, or that a rival industry, both to the manner born, shall be protected, or that political favorites, henchmen, and bosses shall have places? If for either of these, Mr. Chairman, I think we have done enough, and it is full time that our faces and footsteps were turned in another direction. By all

means protect the poor from adulterated and deleterious food, but in the name of common fairness let us do it in one general bill. Enact a law that will make no invidious distinction, but one that will bear alike upon all, that will be wise and beneficial, but let not this engine of favoritism and injustice mar the pages of our statutes. [Applause.]

During the delivery of the above remarks, Mr. O'HARA's time having expired, Mr. BRUMM took the floor and proposed to yield his five minutes.

Mr. FREDERICK. It seems to me, Mr. Chairman, it is going too far in violation of the rules of the House to constantly yield the floor to members to speak in favor of an amendment and then let them speak in the time of those who are opposed to it.

Mr. BUCHANAN. I hope the gentleman will withdraw his objection.

Mr. BROWNE, of Indiana. I give notice no other gentleman's time will be continued from this to the end of the session.

Mr. FREDERICK. I have accomplished my purpose in calling attention to the violation of the rule, and will now withdraw my objection.

Mr. O'HARA resumed the floor and completed his speech.

Mr. HATCH. Mr. Chairman, I ask by unanimous consent that debate be closed on the pending section and all amendments thereto in one minute.

Mr. HALE. I object.

Mr. HATCH. I had supposed the gentlemen desiring to move substantial amendments to this section had already done so.

Mr. HAMMOND. I have one amendment pending, and I wish to introduce another before debate is closed.

Mr. WARNER, of Missouri. I have a substantial amendment to present on which I desire to be heard, and so I understand has my colleague.

Mr. HATCH. I ask then by unanimous consent that all debate be limited to ten minutes.

Mr. HOLMAN. I hope the gentleman will say fifteen minutes.

Mr. BRECKINRIDGE, of Kentucky. I wish to offer an amendment, and wish to be heard upon it.

Mr. HALE. I shall object unless I can have five minutes myself.

Mr. HATCH. Then I shall be compelled to move that the committee rise for the purpose of having the House close debate.

Mr. HOLMAN. I hope the gentleman will not do that, as we can come to some understanding in the committee.

Mr. HATCH. It is stated that some gentlemen wish to offer substantial amendments, and I move therefore that all further debate on the section and pending amendments be closed in twenty minutes. Will that be agreeable?

There was no objection, and it was so ordered.

Mr. HOLMAN. I ask that the pending amendment moved by the gentleman from Georgia [Mr. HAMMOND] may be reported.

The Clerk read as follows:

Strike out of section 14 the following words:

"There shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of three thousand dollars per annum; and."

Mr. HOLMAN. Now, Mr. Chairman, I wish to get this amendment before the committee, and I ask the Clerk to read the section as it will stand if the amendment is adopted.

The Clerk read as follows:

That the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose.

Mr. HOLMAN. It is manifest, Mr. Chairman, that the amendment of the gentleman from Georgia may be adopted without any impairment of the contemplated service. I trust my friend from Missouri having charge of the bill will consent to the amendment.

A word further. The gentleman from Georgia [Mr. HAMMOND] says that the internal-revenue tax on tobacco can not be abolished. But what right has he to assume that? I concede as matters stand now no member who is opposed to the abolition of our present rate of taxation, internal and customs, could support this bill on the plea of its being a revenue measure, for the revenues of the Government are now enormously beyond the wants of the Government. But the gentleman has no right to assume that members on this floor are not in favor of substituting the source of revenue proposed by this bill for other existing sources of revenue. I think the fraudulent product under consideration a very proper object of taxation. It can claim no right to exemption. The tax on tobacco is an oppressive tax on the producer; it is a discriminating tax; it is an oppressive tax on the great body of laborers to whom it is a necessity, and, if a luxury, it is the only one within their reach; it diminishes to the farmer the value of the products of his land; it hedges in his legitimate industry by oppressive restraints; he can only sell the product of his labor to a licensed dealer, and, in my judgment, it ought to be abolished. No direct and simple product of land should be specially taxed except in a great emergency. I think the sentiment of the House is favorable to the abolition of the internal-revenue tax on tobacco. I do not care how high you tax the imported article or the manufactured cigar, but I wish to see the American farmer released from a tax on the direct product of his land.

But the gentleman from Georgia has not shown his usual logic in debate. He talks about a connection between our Government Patent Office and the discoveries and inventions in the arts which have revolutionized the world—great discoveries, which have marked the progress of the civilization of the human race, and are the sources of the happiness and prosperity of all civilized people, and attributes all to the Patent Office. What does the gentleman mean? I looked over to the other side of the House at my distinguished friend who presided for a while over the Patent Office with so much ability, the gentleman from Ohio [Mr. BUTTERWORTH], and noticed that he was smiling at the idea that to our Patent Office the world was indebted for the printing press and the other great discoveries which have enlightened the world and elevated the human race, the development of the great forces wrung from nature from time to time for the benefit of mankind, and which for centuries have marked the progress of the civilization of our race. And yet the logic of the gentleman's argument is that to our system of patents, to our patent laws as they have stood upon our statute-books, the world is indebted for this marvelous development wrought by the discoveries of the centuries.

I deny it, sir. The patent laws have nothing to do with it. The progress of the race is not dependent on patent laws. The progress of the human race has not depended upon such agencies, on patent laws or patents. I have always doubted, and doubt still, the policy of the patent system as adopted many years ago by our fathers, and which we have adhered to without inquiry or question all of these years. That the inventor is in many instances a benefactor and entitled to a fair and just consideration, and in some instances to very great honor, I do not doubt. But that he is one of a multitude of men bearing on the accumulated experience of the ages, marching in the same general direction, and ready to reach the same result, no one can deny. The one of the great number who first announces a result is entitled to just consideration, but the interests of the great multitude are not to be forgotten when the patent laws of the country are employed as an artificial agency by which the interests and overgrown estates of a few men may be built up in the impoverishment of multitudes of their fellow-citizens and imperial fortunes realized, and that, too, at the expense of multitudes of people, and at the expense of all substantial public interests of the country, then I do not hesitate to say that the system of laws which permits this is injurious to the general prosperity of the poople and to the perpetuity of our form of government, and the laws, while being just to the inventors, should not render such a result possible.

It is only the artificial force of law that can injuriously change the material conditions of our people. Natural forces never create overgrown fortunes for some, hopeless poverty for the many. I still insist, sir, that the system of legislation which builds up great interests, that promotes the creation of great fortunes, that encourages the growth of great estates, is that kind of legislation which this side of the House at all events should not be eager to perpetuate, should not hasten to encourage; for it is that system of all others that breaks down the very foundation upon which, according to the democratic theory of government, the perpetuity of our institutions must depend.

It is for the reason that I would not see crushed out the great multitude of the smaller industries of the country, or see the comforts of the homes of multitudes of our people diminished, for the purpose of building up colossal fortunes by patented monopolies, that I am giving this bill my support. I speak for the small industries against the power of monopoly through which under our artificial legislation great estates are rendered possible.

[Here the hammer fell.]

Mr. MORRISON. Mr. Chairman, it is probably useless to say more of the merits or demerits of this bill. I am not much in the habit of wasting words upon a question which is already determined by the will of the majority. What I wish to say is by way of reply to the remarks of the gentleman from Indiana [Mr. HOLMAN], who, it seems to me, having determined to vote for this bill, finds it necessary to make some apology for voting for it.

In doing this he tells us in the remarks first made to-day he would lay on this tax, not needed for revenue, in the interest of the poor, whom he would not oppress. He would not oppress or vex that too numerous class of our people with unnecessary taxes; yet he says this inferior or poor butter is a very proper subject of taxation. Sir, this article will never be taxed unless it is sold. It will never be sold unless it is used for food, and whoever uses it for food will pay the tax. Who does the gentleman from Indiana believe will buy, use, and pay the taxes on this cheaper and poorer butter or substitute for butter? Who will contribute the promised revenue on or from this article? Will it not fall on those who will buy this for want of means to buy the better and more expensive article? Does he expect the thrifty and well-to-do people to put aside the better and more expensive food and buy this cheaper oleomargarine? Oh, no; he can not expect this.

But I need not answer for the gentleman. He must know, we all know, that if oleomargarine continues to be made when this bill is law it will be used and paid for, including the tax, by those least able to

pay taxes. One other thing the gentleman from Indiana would do to relieve the poor for whom he professedly speaks. He would remove all taxes from tobacco. We will get this year from the tax on tobacco in various forms, including snuff and cigars, $28,000,000. Remove that, and we can spare no more revenue now. Repeal the tobacco tax means continue the present tax on wood, lumber, sugar, salt, shoes, and shirts, shelter, food, and clothing. All these must continue to bear the heavy burden now resting upon them. And are these not necessary, more necessary to the wants, the health, and comfort of the great mass of men for whom the gentleman from Indiana assures us he speaks when he speaks for untaxed tobacco?

Mr. WADSWORTH. Will the gentleman permit a question?

Mr. MORRISON. I have but five minutes; however, I will hear the gentleman.

Mr. WADSWORTH. I wish to know who pays the tobacco tax, the rich or the poor?

Mr. MORRISON. All who use tobacco pay the taxes on it as part of the price.

Mr. HOLMAN. And the very poor, those to whom it is the only luxury which they are able to procure, pay the most of it.

Mr. MORRISON. Yes, and the same is true of all taxes. The poor pay nine-tenths of all taxes paid; in whatever form they are paid they pay nine-tenths, whether on tobacco, shirts, or shoes. Our taxes are all on consumption, and our friends on the opposite side of the Chamber have so retained taxes as to keep those which fall unequally and largely on the poor, and the removal of the tobacco tax is in continuation of that policy. To take that off results in the necessity of retaining others which in their existing form are much more oppressive. In the debate on the pending bill the gentleman from Ohio [Mr. GROSVENOR] said the repeal of the wool tax would cost the people of his State $3,000,000. His State produces about 8 per cent., or one-twelfth, of all the wool consumed in the country. And if the gentleman from Ohio is not mistaken as to the amount Ohio lost and the people of Ohio and other States would gain, then the repeal of the wool tax would remove from thirty-five to forty millions of taxes on the goods made at home, and yet that wool tax put but $3,000,000 in the Treasury.

This article (cigars) yields us $11,000,000 revenue.

A MEMBER. What is it?

Mr. MORRISON. It is a small-sized cigar. It yields $11,000,000, and the cigar industry is not crushed out either; for the number used has more than doubled in the last ten years. The growth of the cigar industry has increased five times as fast as our people. Every dollar paid in taxes on cigars goes into the Treasury. Take off that $11,000,000, and to what idle man will you give employment? What new wheel will you turn? What industry will you encourage? Take off the three millions on wool, and you let loose the spindles; you give work to the idle. Take off three millions of revenue on wool, and by the estimate of the gentleman from Ohio you take off more than ten times as many millions dollars taxes. Remove those taxes and with them the increased cost of making woolen goods, and you will have something you can sell in the foreign markets, which but a few days ago you were buying, or attempting to buy, your way into at a cost of $800,000 a year. You will add to the productive wealth of the country and the comforts of its people, Mr. Chairman, when eleven millions of taxes, which yield eleven millions of revenue from tobacco are to be taken off; that three millions of revenue from wool must be obtained by a tax, which, based on the estimate of the gentleman from Ohio, costs those who wear hats of wool or woolen clothing more than ten times as many millions. Then, Mr. Chairman, some other reason must be assigned than the interests of the poor. [Applause.]

Mr. HALE. While I am friendly to the general purposes and objects of this bill and design to support it on its final passage, yet I desire to call the special attention of the friends of the measure and the House generally to what I consider the extraordinary provisions of the last clause of this section. I had an amendment pending to strike out all after the word "final," in the fourteenth line. As I understand the meaning of that part of the section, it vests in the Commissioner of Internal Revenue, subject to the supervision of certain officers therein named, the power to determine what articles used in the manufacture of oleomargarine are injurious and deleterious to the public health.

Now I do not understand that the friends of this bill have ever placed it on the ground that the General Government had the right to interfere with the sanitary regulations inside of State lines. Under the provisions of this section the Commissioner has the right to determine what is healthy food and what is not healthy food, and under the provisions of a subsequent section the power is vested in that department to seize and destroy, in other words to confiscate, these supposed unhealthy articles of food.

If we have the power to do this, if we have the power to enact laws of that character, where is this thing to stop? If the Commissioner of Internal Revenue can be authorized to say what kind of butter or oleomargarine is healthy and what is not and to confiscate what is not in his judgment, can not he say what sort of canned goods are healthy and what are unhealthy? Have we not in that case the right to go inside the State lines and supervise all the domestic relations of the people of the States in such matters? I understand the States have a municipal power of that sort. There is no doubt about the right of States to enact laws for the inspection of articles of food as sanitary measures. There is no doubt about the power of the General Government to enact sanitary regulations to prevent the introduction and spread of disease from foreign ports. It may go so far as to regulate these matters between the States. But I never heard it claimed that the Federal Government had any power under the Constitution to enact laws by which the revenue department could enter into our domestic life within State lines and determine what should be used as food and what not.

Where is the warrant and authority for this immense power? There is nothing in any law which amounts to the exercise of this power; there is no precedent for it in the history of the country. Whence is such a power derived? A State or a city may enact laws and ordinances by which food may be inspected, by which manufacturing establishments may be supervised, and the public health protected. But that the Federal Government should enact laws to authorize its officers to go inside of State lines and supervise our food and say what is healthy and what is not healthy, and to confiscate what they say is not healthy, is an extraordinary power never heretofore asserted by this Government, and it has not, as I understand, been claimed by the friends of this bill.

This portion of the fourteenth section is not necessary to carry out the general objects and purposes of this measure. As I understand, this bill can only be defended on the ground that this tax is levied for the purpose of raising revenue. It never has been claimed by its friends that we had the power to make sanitary regulations within State lines. Why not then strike out this provision and place the bill before the country as a revenue measure? Why not lift the burdens from other objects of taxation? Why not lower our tariff? But do not establish the doctrine and principle that the Federal Government has the right to go within our family, interfere with our domestic affairs, and determine what is healthy and what is unhealthy. It is a most dangerous power. As I have said, I favor the general object of this bill. I think there is no doubt about the right of this Government to levy taxes of this sort for revenue purposes; and when levying such taxes they can discriminate against articles and in favor of articles just as they do in levying a tariff. We have the right to discriminate. We may tax this article 5 per cent. and another 10 per cent. and another 20 per cent.; we are not bound to say that all shall be taxed alike. We can put one tax on tobacco, another on whisky, and another on oleomargarine.

Mr. WARNER, of Missouri. Mr. Chairman, I have an amendment to section 14, which I will send up to be offered at the proper time. I had supposed, sir, as we have been assured here, that this bill had undergone the scrutiny of the Law Department of the Government and of the Internal Revenue Department, and that, as it came to us from the hands of the committee, it was a sacred thing which should not be touched. We were also informed that the provisions of this bill were not intended to apply to anything except oleomargarine when compounded of some of the ingredients named in the second section and sold as butter or for butter.

The chairman of the committee in making that assertion it seems to me must have overlooked the provisions of the fourteenth and fifteenth sections of the bill.

I assert without fear of successful contradiction that if any gentleman will read the fourteenth section he will find two classes of oleomargarine provided for therein. The first is that which is subject to a tax under the provisions of this bill, and when a question arises as to whether or not it is so subject to taxation the question is to be submitted to the decision of the Commissioner of Internal Revenue, and the decision of that officer is to be final, from which no appeal is granted. There is no appeal whatever from it, and to strike out that provision is one purpose of my amendment. The second class of oleomargarine provided for in the fourteenth section of the bill is covered by this language:

> The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health.

The fourteenth section contains that provision, while, in the discussion on the second section, we were informed by the chairman of the committee, with the advice and consent of the law officers as it was claimed, that it only applied to oleomargarine which was sold for butter or as butter. From the language which I have read it will be seen that this provision in the fourteenth section applies to any substance of this character "intended for human consumption." When a question arises under this provision a commission is to be appointed, consisting of the officers named in the bill, and their decision is to be final.

But, sir, the monstrosity—I use the word advisedly—the monstrosity of this law crops out in the fifteenth section, which provides that "all packages of oleomargarine subject to tax under this act that shall be found without stamps or marks as herein provided"—that is one class—"and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States," without regard to whether it is liable to a tax or not. That I say is monstrous. It is a reaching out, under the pressure of constituents, under the clamor of interested parties, to strike down an industry of this country, and by this bill you seize the police powers of the Gov-

ernment. You would have the same power to determine, if you can determine, the quality of every article of food whether it is canned, or packed, or not, and if it is pronounced deleterious to health, you could thus usurp the police powers of the State. It is dangerous ground and, in my opinion, unwarranted.

Your informers come in, they go running around seeking to get one-half of what they seize. Informers! a class of men that no lawyer would believe under oath; their occupation is one that no honorable man would engage in. Informer! a name detested and execrated by every lover of the rights of the citizen in every country where the rights of the citizen are respected. They flourish best where the rights of the individual citizen are least. I am surprised that there should be an attempt at this time by a committee of the American Congress to give occupation to that class called informers—occupation at the expense and to the annoyance of the public.

Mr. Chairman, under what provision of the Constitution do the committee claim the extraordinary jurisdiction of Congress over the health and morals of the States set out in these sections 14 and 15? Would it not be well to leave that duty to the States where the fathers placed it?

[Here the hammer fell.]

The CHAIRMAN. Debate upon this section and all amendments thereto is exhausted. The first amendment is that of the gentleman from Georgia, which the Clerk will read.

Mr. STONE. Mr. Chairman, I wish to send up an amendment to be acted upon.

The CHAIRMAN. The Chair will entertain amendments in their order.

The Clerk read as follows:

In section 14 strike out "that there shall be in the office of internal revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of $2,500 per annum; and."

The CHAIRMAN. Does the amendment of the gentleman from Massachusetts [Mr. STONE] relate to these lines of the bill?

Mr. STONE. It does not.

The question was taken on the amendment just read; and there were—ayes 33, noes 61.

So the amendment was rejected.

The CHAIRMAN. The Chair will now entertain the amendment of the gentleman from Massachusetts [Mr. STONE].

The Clerk read as follows:

In section 14, lines 13 and 14, strike out the words "and his decision in matters of taxation under this act shall be final."

The amendment was rejected.

The CHAIRMAN. The Clerk will now read the amendment offered by the gentleman from Missouri [Mr. HALE].

The Clerk read as follows:

In section 14, strike out the following:

"The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture; and the decisions of this board shall be final in the premises."

The question was taken; and there were—ayes 24, noes 74.

So the amendment was rejected.

Mr. HOLMAN. No quorum has voted. I do not wish to interrupt the progress of the bill, but I suggest to the gentleman from Missouri [Mr. HATCH] that inasmuch as this is a very important bill, he allow us to have a vote upon it in the House.

Mr. HATCH. I desire to state to the gentleman from Indiana [Mr. HOLMAN] and to my colleague that they are under an entire misapprehension about this portion of this section.

Mr. HAMMOND. Regular order, Mr. Chairman.

Mr. HATCH. The gentleman from Georgia does not seem to be willing that anybody shall say anything upon this bill but himself, or that anybody who has any information shall impart it except himself.

Mr. HAMMOND. It was on the motion of the gentleman himself that the limitation was put upon the debate.

Mr. HATCH. I was simply replying to a polite request of the gentleman from Indiana [Mr. HOLMAN].

Mr. HAMMOND. I withdraw my objection.

Mr. HATCH. Mr. Chairman, I will say what I have to say at another time, and the gentleman from Georgia shall hear from me.

Mr. HAMMOND. I will.

Mr. HALE. Mr. Chairman, I shall make the point that no quorum has voted unless we can have an understanding with the gentleman from Missouri [Mr. HATCH] about a vote upon this provision in the House.

Mr. HATCH. I will say to my colleague, with the greatest kindness and frankness, that I do not propose to accept any such proposition, and whenever that gauntlet is thrown down I shall accept it. Let the gentleman make his point that no quorum has voted, and we will see if we can not get a quorum here.

Mr. HALE. I make the point, Mr. Chairman.

The CHAIRMAN. The point being made that no quorum has voted, the Chair appoints the gentleman from Missouri, Mr. HALE, and the gentleman from Missouri, Mr. HATCH, to act as tellers.

The committee again divided; and the tellers reported—ayes 42, noes 121.

So the amendment was rejected.

Mr. BRECKINRIDGE, of Kentucky. I move to amend by striking out, in lines 10 to 14, the following:

And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final.

The amendment was rejected.

The CHAIRMAN. The question will next be taken on an amendment of the gentleman from Missouri [Mr. WARNER], which the Clerk will read.

The Clerk read as follows:

In line 18 of section 14, strike out the words "in this class of cases."

The amendment was rejected.

The following amendment, offered by Mr. WARNER, of Missouri, was read:

After the word "board," in the last line of the section, strike out the words "shall be final in the premises" and insert "may be appealed from to the Secretary of the Treasury."

The amendment was rejected.

The following amendment, offered by Mr. DUNHAM, was read:

Amend section 14 by inserting after the word "revenue," in line 2, the words "and in each of the following places, to wit: New York, Philadelphia, Boston, Chicago, Kansas City, and Pittsburgh."

The amendment was rejected, there being—ayes 5, noes 92.

Mr. DUNHAM. I move to amend by inserting after the word "revenue," in the second line, the words "and the town of Newton, in the State of Kansas."

The amendment was rejected.

Mr. DUNHAM. I move to amend by striking out all after the word "purpose," in line 10, down to and including "final," in line 14.

The amendment was rejected.

The CHAIRMAN. The question will now be taken on the motion of the gentleman from North Carolina [Mr. O'HARA] to strike out section 14.

The motion was rejected.

The Clerk read as follows:

SEC. 15. That all packages of oleomargarine subject to tax under this act that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States. Any person who shall willfully remove or deface the stamps, marks, or brands on package containing oleomargarine taxed as provided herein shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $100 nor more than $2,000, and by imprisonment for not less than thirty days nor more than six months.

Mr. MCKENNA. Mr. Chairman, I do not know that I can say anything to vindicate a claim to the attention of the House; but I can at least achieve the laudable and customary ambition of a place in the RECORD, and exhibit to my constituents what a lively interest their Representative takes in their affairs, though it may be an idle or unnecessary one.

Mr. Chairman, when this bill first came up for discussion I concurred in the general and assumed interpretation, and while I favored what I conceived to be its primary purpose, I was tossed upon a sea of doubt by the many strong objections that were urged to its methods. It appeared to have a very peculiar effect. It seemed to "uproar the universal peace" and confound all distinctions between men and measures in this House. Its tax has been variously described as a tax for protection and a tax for oppression; a tax constitutional and a tax unconstitutional; a tax on honesty and a tax on fraud; a tax promotive of the progress of the country and a tax to ruin its industry—one that would shake the very structure of the Capitol, and destroy the last example of freedom on earth and the last hope of the oppressed of mankind.

It appeared, Mr. Chairman, to have a similar effect upon the members of the House. Protectionists have quarreled over its provisions and threatened each other; free-traders have fallen out and scolded and railed at each other; those who favor the internal-revenue system have opposed the bill; those who oppose the internal-revenue system have favored the bill; States-rights Democrats have advocated it, national Republicans condemned it. It appeared, sir, to have the peculiar power of politics to "make strange bed-fellows;" and all sorts of men with all sorts of opinions might be seen, in the language of Burke, to be "pigging together heads and points in the same truckle-beds."

Now, Mr. Chairman, I see no disadvantage in this intermingling; and it may be that in the association and co-operation of old-time enemies each may see the possibilities and limitations of his doctrine, and find accommodation for antagonisms which are now thought imposible to compose.

Mr. Chairman, as philosophers in some situations we can have no prejudice against tallow; as philosophers at the breakfast table I think we would prefer butter. As legislators concerned with the interests a of a people and invested with power of taxation and the right to discriminate its objects, I think within its purview we can subserve other purposes than raising revenue. This seems to be right; and if it be

within the competence of Government to expose imposture it is its duty to do so.

The law seeks to protect against illegal encroachment and impositions of all kinds. To obtain money under false pretenses is a well-known crime, and the kind or manner of the artifice, be it to sell oleomargarine as butter or other kind can not destroy the essential difference between right and wrong. It would seem, therefore, our right at least to make it difficult for covert and clever rascality to practice deceit and fraud by mimicking some other man's industry, and our duty to disappoint the cheat of pecuniary advantage by the imposition of the tax provided for in the bill. The amount of the tax is not important, and can not be a burden if it can be avoided by honesty.

I would not care particularly if we went no further than to distinguish the products, and if it were possible in the condition of the business of the House and the inveterate opposition made against this measure to stop and temporize I might be in favor of it. I would strip it of its disguises; I would stop its artful and iniquitous masquerade. I would color it, if you please, sky blue as suggested by the gentleman from Tennessee [Mr. PETTIBONE], or pink as urged by the gentleman from New York [Mr. BEACH]——

The CHAIRMAN. The gentleman's time has expired.

Mr. HITT. I will take the floor, Mr. Chairman, and yield my time to the gentleman from California.

Mr. MCKENNA. Thanks. I see vast possibilities of profit in the suggestion for oleomargarine men. Tint it a delicate pink, perfume it with the scent of the rose or the violet, or of "the flowers that bloom in the spring," and bull's grease will be idealized into taurine ointment, and as such can be used to anoint the lip of beauty and soften the cheek of members of Congress. [Laughter.]

Mr. Chairman, there are millions in it. [Great laughter and applause.] Distinguished by color, it may be started out and will take its chances in the dispute of tastes, and if anybody then prefers this article of the slaughter-pen and an apothecary-shop, this product dug from a charnel-house and run through a chemical laboratory, carrion of death and the grave, to pure butter, so be it. Are we not Americans? *De gustibus non est disputandum.* [Great laughter.] That, Mr. Chairman, is Latin [renewed laughter], but it does not mean anything more than the old woman said when she kissed the cow. [Great laughter and applause.]

[Here the hammer fell.]

Mr. HISCOCK. I move, Mr. Chariman, that further debate be limited to ten minutes.

Mr. BEACH. I have an amendment to offer and I hope debate will not be limited just now.

Mr. LAWLER. Mr. Chairman, yesterday a question was raised against the petitions of iron-workers and trades assemblies by the friends of this bill, who questioned the right of the signers to send these telegrams through the duly recognized representatives of these organizations. When these people sent these dispatches to the gentleman from Pittsburgh [Mr. NEGLEY], the gentleman from Pennsylvania [Mr. CURTIN], and myself, I hold they came from the authorized officers of these iron-workers and other toilers of Pennsylvania.

Now, I do not like to pose here before this body as the champion of the toilers of this country, as that would appear to assume too much for one member of this House, but on all questions of this kind I feel proud to stand here in behalf of the honest toilers of the country. I say this legislation attempted here by asking the passage of this bill is vicious legislation.

I want to say further, that gentlemen who make an attack on those interested in the city of Chicago, against Armour & Co., Fowler Brothers, Fairbanks & Co., Swift & Co., and other manufacturers too numerous to mention, representing to-day over $200,000,000 of capital invested in the cattle business, attack men who during the winter employed not less than ninety thousand of these very toilers in favor of whose interests we hear so much said upon this floor.

Mr. FREDERICK. And is this the poor laboring class whose business is to be destroyed by this bill!

Mr. FELTON. Who does the gentleman from Illinois say are worth $200,000,000?

Mr. LAWLER. I say that those men and others engaged in the cattle business represent more than $200,000,000.

Mr. FELTON. Does the gentleman mean to say those men pay taxes on that amount?

Mr. LAWLER. I say they represent that much money invested in this cattle business. We have no tax-dodgers in Chicago interested in this business.

Mr. FELTON. If they have that much money then they have enough.

Mr. LAWLER. I want to say that Armour & Co., Fowler & Bros., and others, are continually investing their capital and thereby giving employment to thousands of toilers.

Mr. MORGAN. You mean the makers of oleomargarine.

Mr. LAWLER. Yes. I mean the makers of oleomargarine, and the pork-packing and cattle interests of my city.

Mr. BROWNE, of Indiana. I hope we will have some order here.

Mr. LAWLER. I want to say, Mr. Chairman, to the gentlemen on my left and in my rear who have passed the word demagogy and blatherskite—I want to say to these gentlemen right here that if the capitalistic newspapers of the country were on the side of the toilers, so far as Congress is concerned, there are a great many members of this House who would be pleased to be called demagogues and blatherskites. [Applause.]

Mr. MORGAN. Let me ask the gentleman a question?

Mr. LAWLER. I shall not yield, as my time will not allow further interruption. [Laughter.]

Let me say to those who have been asking why there were thirty-five thousand toilers who could not get employment in Chicago that if it had not been for these people who have been so much denounced as the manufacturers of oleomargarine thousands upon thousands of toilers would have suffered all winter long for the want of employment. Thousands upon thousands have been employed by those who are interested in the manufacture of oleomargarine in the large cities.

What is this article of oleomargarine? I have eaten it. [Laughter.] And I make the statement here, whatever may be said by the friends of the dairy interests, that oleomargarine properly manufactured and put on the market will compare favorably with the present dairy butter which is manufactured and placed upon the market.

I wish to say further to the members here this afternoon that, looking to the condition of affairs in the country, instead of putting on additional taxation some of the burdens now imposed should be taken off of the people. I said, in the remarks made by me the other day, you could not compel men who work at 90 and 100 cents a day to endure increased taxation.

Mr. MORGAN. I would like to ask the gentleman from Illinois a question. I wish to ask him whether the trades unions, the names of whose officers are signed here, represent anybody but themselves, and whether they pretend to interfere here in law and politics and religion? [Laughter and applause.]

Mr. LAWLER. I would answer that by saying this, they are the officers of these different lodges and assemblages——

Mr. MORGAN. Do they represent anybody but themselves when they speak?

Mr. LAWLER. Yes; they represent all these assemblages, numbering seventy-eight thousand men, and all other questions affecting their interests, as shown by these dispatches.

Mr. MORGAN. Can they speak as to the law, politics, and religion of the subject, or as to the objects of their organization in connection with it?

Mr. LAWLER. They speak with the authority of the whole body against the passage of this bill.

Mr. MORGAN. Then, unless it is a part of the organization to consider these things, how can they represent anybody but themselves?

Mr. LAWLER. They are the regularly authorized deputies of these different assemblages, and they have met and framed this protest against the passage of the bill.

Mr. MORGAN. Have the seventy-eight thousand of whom you speak held any meeting to consider this matter?

Mr. LAWLER. Certainly, and their resolutions voice the sentiments of the seventy-eight thousand members through their delegates. I think this statement will answer the gentleman's question.

Mr. FARQUHAR. These are the delegates, representing the whole body, who speak in this paper.

Mr. MORGAN. Whom do they represent?

Mr. FARQUHAR. The whole body of men organized in the different assemblages.

Mr. MORGAN. Can they speak with authority, or do they speak simply for themselves?

Mr. FARQUHAR. They speak for all. They are the properly accredited representatives of the whole body to speak for them and in their name.

Mr. MORGAN. As to the law, politics, and religion of the whole subject?

Mr. LAWLER. Yes, sir.

I want to say that what I think Congress should have done in this matter was, if this product is unwholesome for food, there should have been no stricture put upon it in the shape of taxation, but Congress should have passed an act prohibiting its being sold in the country at all——

Mr. FREDERICK. And let it be sold in the cities altogether. [Laughter.]

Mr. LAWLER. To prohibit its sale all over the country; but in place of that you say we want to protect the dairy interests. Now, we have already stated here the protection the people of this country get from this very interest which gentlemen clamor so loudly for, the dairy interest. In this very city a year ago dairy butter sold at 60 cents a pound; an outrageous price, as everybody knows. The result of the introduction of this new product has been that they are now selling their dairy butter for one-half or less, and it is just as good as that for which this enormous price was paid.

I believe that the country's increasing population, running away beyond 60,000,000 to-day, and having this large surplus of unemployed men, over 1,000,000 in this country at the present time, must have

cheap food products. They are entitled to better protection, and they certainly should not be forced to pay the exorbitant price of the dairymen when they can get a good, wholesome butter in the shape of oleomargarine or butterine for less than half price. They can not pay 60 cents a pound nor 50 cents a pound for butter. I believe in encouraging every honest agricultural product at all times, but I do not believe in casting a vote here to advance the interest of the agriculturist as against any other class of our people, and particularly so when that vote would raise the price of necessary products of home consumption to the toiling masses of this country.

For that reason I say, gentlemen, that it has been considered very unpopular for men to get up here and talk against public opinion and stand for the toiling classes of the country. For twenty-one years, and long, hard years at that, which I am proud to speak of, I did nothing but hard labor, and I was not ashamed of it; and when I spoke to those people in my district I told them that if they would elect me to Congress I would, as far as I could by my voice and vote, see that justice was done to them, and I do not propose right here to cast a vote to interfere with them or impose an additional tax on them to protect the interests of the butter-men. These men are consumers largely of oleomargarine and butterine. I say to you gentlemen here of this Congress consider well before you cast your vote. The unfortunate condition of affairs in this country to-day is on account of so much class legislation of this kind. I say to men, go on and pass this bill to-day; and I made a remark in my speech the other day which may have been considered as braggadocio, but I now repeat it, that many who so cast their votes will not return and have that opportunity again. [Applause.]

The following telegrams received by me I append as part of my remarks:

PITTSBURGH, PA., *May* 31, 1886.

Congressman LAWLER, M. C.:

Below find resolutions passed by trades assemblies and lodges comprising the same. (Official copies by mail sent to NEGLEY and CURTIN.)

Whereas certain measures are now pending in Congress for the regulation of the manufacture and sale of butterine and oleomargarine, and the imposition of taxes thereon and amounting to a prohibition; and

Whereas the manufacture and sale of this article is a legitimate and legal business, furnishing a clean, palatable, healthy, and nutritious article of food at a reasonable price, and that the effect of this legislation will be to increase the price of a cheap and a wholesome food product and destroy the labor its manufacture employs; and

Whereas the only reason given for the legislation is that it comes into competition with butter: and

It is resolved, That we protest against the passage of such measures as unjust and injurious to the laboring classes and as opposed to the principles of sound public policy,

It is further resolved, That copies of these resolutions be transmitted to our Senators and Representatives in Congress by the secretary of this assembly.

The foregoing preamble and resolutions were adopted at a session of the Trades Assembly of Western Pennsylvania for the purpose of taking prompt action in regard to a bill now pending before Congress, entitled "A bill to regulate the manufacture and sale of butterine or oleomargarine."

RICHARD ENNISS,
President of Trades Assembly of Western Pennsylvania.
THOS. J. DICUS,
Secretary Trades Assembly of Western Pennsylvania.

The Trades Assembly of Western Pennsylvania consists of the following labor associations:

Superior Lodge, No. 3, Amalgamated Association of Iron and Steel Workers; Sheet and Metal Workers' Assembly, Knights of Labor; American Lodge, No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly, No. 21, Knights of Labor; Good Intent Lodge, No. 4, Amalgamated Association of Iron and Steel Workers; Labor Assembly, No. 242, Builders, Carpenters, and Joiners' Union; International Cigar Makers' Union, Knights of Labor; German Journeymen Taylors' Union, Knights of Labor; International Furniture Makers' Union, No. 20, Knights of Labor; Bridge Workers' Assembly, No. 632, Knights of Labor; Labor Assembly, No. 5269, Knights of Labor; Caulkers' Assembly, No. 862, Knights of Labor; Locomotive Workers' Association; Salesmen's Assembly, No. 4907, Knights of Labor; Street Car Drivers' Assembly, No. 603, Knights of Labor; Iron Workers' Assembly, No. 1747, Knights of Labor; Banksville Miners' Association; Typographical Association, No. 1632, Knights of Labor; Lodge No. 35, Amalgamated Association of Iron and Steel Workers; Tubal Cain Lodge, Amalgamated Association of Iron and Steel Workers; Royal Lodge, Amalgamated Association of Iron and Steel Workers, No. 34; Mechanics' Lodge, Amalgamated Association of Iron and Steel Workers, No. 28; Allegheny Lodge, Amalgamated Association of Iron and Steel Workers, No. 14; District Assembly, No. 80, Knights of Labor; Pressmen's Union, No. 13; Labor Assembly, No. 791, Knights of Labor: Labor Assembly, No. 631, Knights of Labor; Labor Assembly, No. 1862, Knights of Labor; Lodge No. 70, Amalgamated Association of Iron and Steel Workers; Lodge No. 28, Amercan Flint-glass Workers' Union; Saw Mill Run Coal Miners' Association; Window-glass Workers' Association, No. 300, Knights of Labor; Iron-molders' Union No. 14; Iron-molders' Assembly, No. 1038, Knights of Labor; Bottle-blowers' Union of North America; Horse-shoers' Union; Typographical Union No. 7; Printers' Association, No. 1392, Knights of Labor; Independent Lodge of Millvale, Amalgamated Association of Iron and Steel Workers; Friendship Lodge, Amalgamated Association of Iron and Steel Workers; Stone-cutters' Asembly, Knights of Labor; Soho Lodge, No. 70, Amalgamated Association of Iron and Steel Workers; Sligo Iron Works, No. 8, Amalgamated Association of Iron and Steel Workers; American Glass-workers' Association, No. 6; Labor Assembly No. 1719, Knights of Labor; Labor Assembly No. 300, Knights of Labor; International Union, No. 171; Iron-molders' Union of North America, No. 243; Knights of Labor Assembly No. 5478, Knights of Labor; Lodge No. 86, Amalgamated Association of Iron and Steel Workers; Bricklayers' Union No. 2; District Assembly No. 3, Knights of Labor, forty thousand members; Lodge No. 29, Amalgamated Association of Iron and Steel Workers; Labor Assembly 2126, Knights of Labor—representing about seventy-eight thousand members.

Mr. BAYNE. Mr. Chairman, certain statements have been made here respecting the telegraphic dispatches from the workingmen of Pittsburgh which have been introduced and read during the course of this debate. I do not know who prepared those dispatches, nor do I know by what trades unions they may have been indorsed, nor do I know how many members of the trades assemblies attended the meeting at which such protests were adopted, not having seen them; but I feel that I can say for the workingmen of Pittsburgh, and for the workingmen of Pennsylvania generally, that they will not object to putting a tax upon a commodity which is placed on the market in imitation of a genuine article, when that commodity can be put upon the market in its true colors without paying any tax. Coloring oleomargarine so as to make it resemble butter will not make it any better.

If anybody wants to buy oleomargarine, and if anybody like the gentleman from Chicago who has just spoken wants to eat oleomargarine, there is nothing in this bill to prevent him from buying and eating as much oleomargarine as he pleases.

Mr. BROWN, of Pennsylvania. Provided he pays a tax.

Mr. BAYNE. But he need not pay one cent of tax on all the oleomargarine he chooses to buy and chooses to eat if he will go to the manufacturer of oleomargarine who puts it on the market in its true colors. That is all there is in this bill. It is simply to put a tax on the article which is colored to imitate butter and which is palmed off on the public as butter when it is not butter.

I want to say another thing. We have here a Representative from Georgia [Mr. HAMMOND], a Representative from North Carolina [Mr. O'HARA], a Representative from the State of Arkansas [Mr. BRECKINRIDGE], and a Representative from South Carolina [Mr. TILLMAN], all opposing this bill with intense earnestness and zeal, and they are all able men. I find upon an examination of the census of 1880 that Georgia produced in that year 7,424,485 pounds of butter; North Carolina 7,212,507; Arkansas 7,790,013; and South Carolina 3,196,851 pounds, making an aggregate of 25,623,856 pounds of butter produced by those four States. That same census discloses the fact that the little State of Vermont manufactured over 25,000,000 pounds of butter; about as much as the four States I have named. The industry of manufacturing butter in those States, like all manufacturing industries within their borders, is away behind the time—behind the age. It is therefore to be expected that the sympathy of the Representatives from those States is not with the manufacture of butter by the dairymen or with any other class of manufacturers. But while I find the total quantity of butter manufactured in those four States in a year amounts to but about 25,000,000 pounds, I find the cotton seed produced by them amounts to 2,627,000,000 pounds; and this cotton seed is not only utilized now for the purpose of making oleomargarine, but it used also for table purposes.

As I have spoken of oleomargarine, so I speak of cotton-seed oil. It may be and doubtless is a very wholesome product; but it will be seen that when you resolve these constitutional scruples we have heard so much about in this debate down into their original element, it is a contest of selfishness, it is a contest of the industry of these States which is the production of cotton and cotton seed as against the industries of the other States of the Union, which produce in large quantities milk and butter and other varieties of necessary and useful things.

I had reduced the cotton-seed product of South Carolina, Arkansas, Georgia, and North Carolina from tons to pounds on the ratio of 2,000 pounds to the ton, thus getting the aggregate of 2,627,178,000 pounds. It may be that I should have calculated on 2,240 pounds to the ton.

The production of cotton seed as shown by the last census for the four States in tons is as follows:

	Tons.
South Carolina	248,210
Arkansas	288,922
Georgia	386,859
North Carolina	389,598

[Here the hammer fell.]

Mr. SCOTT. I move to strike out the last word. I want to enter my protest in behalf of the dairy farmers of Pennsylvania against the telegram which has been alluded to by the gentleman from Chicago [Mr. LAWLER], purporting to be from the organized labor associations of Pennsylvania, representing seventy-eight thousand workers in the mills and factories, and claiming to express the sentiments of this particular class of wage-workers in that State. If there be any class of men who have earned their living by hard work, but who have at the same time received the fostering care and protection of the National Government, the wage-workers of Pennsylvania most assuredly belong to that class. The farmers of Pennsylvania for the past twenty-five years have quietly stood by and seen these men protected at their expense without one word of complaint or protest.

The wage-workers of Pennsylvania have been taken care of and protected as no class has been taken care of and protected by any nation under the sun. And now, when the one million dairy producers of Pennsylvania and the seven million of farmers of the United States appeal to this House to afford them some relief, if it be in its power to do so, from the difficulties with which they are struggling, it would be in very poor taste indeed for the wage-workers of the State to enter their protest against such action, and I can not believe that they would do so. It is my judgment, sir, that this telegram misrepresents them, that it does not speak their true sentiments. But if it does, sir, then I assert it is full time that the farmers of Pennsylvania organized, as well as those of the United States, for the protection of their own interests and for the purpose of ascertaining whether the fostering care of this

Government is to be simply extended in favor of one class of the community and not to another who have at least equal, and in this case it seems to me superior, claims upon it.

Mr. WHEELER. Mr. Chairman, there is no desire nearer to my heart than to secure the enactment of laws designed to promote the interests of the farming people of the country. But this anxiety to promote the welfare of a large and important interest will not justify us in accepting blindly and unquestionably every measure introduced here apparently for that purpose. It is incumbent upon us to examine all such measures with scrupulous care, to satisfy ourselves that they will really accomplish the purpose intended—to convince ourselves that their practical effect will not be antagonistic to the interests which we seek to benefit.

I can not, therefore, allow the consideration of this bill to proceed to a final vote without calling the attention of the House to some of its features which I regard as undemocratic and as involving dangerous and pernicious legislation.

The party with which I am proud to be identified has always opposed taxation of this character, and for a Democratic House of Representatives to enact this law would present the astounding picture of the Democratic party coming forward in 1886 to indorse and ratify revenue methods which for twenty years they have denounced.

THE NATIONAL DEMOCRATIC PLATFORM.

The platform of principles upon which Mr. Cleveland carried our banner to victory declared:

> The system of direct taxation known as the "internal revenue," is a war tax.

It also declared:

> We denounce the Republican party for having failed to relieve the people from crushing war taxes.

In the same declaration of principles, the Democratic theory of taxation was explained in these words:

> From the foundation of this Government, taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be.
>
> * * * * * * *
>
> Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest, and principal of the public debt, can be got from our present system of taxation from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury, and bearing lightest on articles of necessity.

With these distinct, definite, and positive declarations of principles staring them in the face, with the consciousness that they were elected to the seats they now occupy upon the faith that these principles were to be the groundwork, the guide of their official action, I am unable to see how Democrats can bring themselves to support a measure so directly at war with all the professions of their party.

The declaration of principles from which I have read is the latest authoritative announcement of the fundamental articles of faith in the Democratic political creed, and every Democratic vote for this bill is a clear, emphatic, and unequivocal denial of the party faith as promulgated by the only body empowered to speak for the party.

Not only does this bill antagonize the last platform of principles promulgated by the national Democratic party, not only does it make war upon the positive pledges to which that party is committed in failing to do away with or to diminish the "internal-revenue war taxes" which the Republican party was denounced for perpetuating, but it sanctions and indorses the practice of levying such taxes, it widens the field of their imposition, and extends them to "fresh fields and pastures new."

THE HARDSHIPS OF THE BILL.

The second section of the bill declares that, for the purposes of this act, any mixture of butter with tallow, beef fat, suet, lard, lard oil, vegetable oil, &c., shall be known and designated as "oleomargarine." It also includes in this definition any mixture or compound of these and many other ingredients.

The sixth section provides that any person who offers for sale or who packs such a substance in any manner contrary to the provisions of this act may be fined $1,000 and imprisoned not more than two years.

Section 11 provides that any person who purchases such a substance which has not been branded or stamped shall be fined $50 for each offense.

Section 12 provides that any person who purchases such a substance from a manufacturer who has not paid the special tax of $600 shall be liable to a penalty of $100 for each offense.

Section 13 provides that any person who willfully neglects or refuses to destroy the stamps on a package which contained such substance, after it is emptied, shall be fined not exceeding $50 and imprisoned not less than ten days nor more than six months for each offense.

Several of the advocates of this bill have endeavored to convince the House that its only effect will be to levy a tax upon articles which are sold as butter when, in fact, they are not butter. The gentleman from Pennsylania [Mr. BAYNE] who has just taken his seat conveyed this idea in these words:

> It is simply to put a tax on the article which is colored to imitate butter, and which is palmed off on the public as butter, when it is not butter.

These gentlemen certainly could not have given the bill a careful reading, for, as I have endeavored to show, the bill defines "oleomargarine" to be any mixture of butter with any one of a great number of ingredients. It does not matter how small the quantity of these ingredients may be—if only an ounce, or even the tenth of an ounce in a pound of butter—it would still be, for the purpose of this act, "oleomargarine," and subject to the tax and all the penalties imposed by this bill.

Again, are the advocates of this bill the ones who are to decide what is and what is not a violation of this law? Most certainly they will admit that they can not be.

TEN MILLION BRIBE.

The advocates of the measure estimate that $20,000,000 are to be collected by its operation, and one-half of that amount, $10,000,000, is offered as a bribe to spies and informers who would thus be induced to invade any household in this land to find some one who had been guilty of some technical violation of the intricate and vaguely defined provisions of this bill, or without the slightest intention of wrongdoing had failed to comply with some one of its many unreasonable requirements. I wish it to be distinctly understood that I do not in any way pretend to invoke the idea that ignorance of law can be pleaded in justification of its violation, but I do insist that in a government like ours we should be extremely cautious about enacting laws filled with intricate rules and regulations the violation of which would subject our best citizens to the same punishment which is inflicted upon the worst of criminals.

Is it not a crime for the American Congress to place laws on the statute-book the violation of which is not *malum in se*, but will enable irresponsible officials to arrest our best citizens and throw them in prison by the side of thieves and murderers?

This morning I offered the amendment which I will again read:

> *Provided*, That no person who was reported by the Tenth Census as being unable to read shall be fined or imprisoned for violating the provisions of sections 6, 11, 12, or 13 of this act until one year after the passage of the bill now pending in Congress to aid in the support of common schools.

The census shows us that in 1880 there were 4,923,451 persons in the United States over the age of ten years who could not read. Although the friends of that vast body of the American people whose unremitting labor and scanty earnings do not permit them to supply their children with proper educational advantages have used every effort in their power to mitigate this evil, they have encountered the unyielding opposition of certain members of Congress, including many of the most determined advocates of the bill now under consideration.

A CONSTITUTIONAL QUESTION.

The opponents of the educational bill on this side of the House justify their action upon two grounds: First, they say there is no authority in the Constitution to appropriate the money of the people for the purpose of aiding in the support of common schools; second, that it enlarges to a dangerous extent the powers of the General Government for it to contribute a meager sum to the support of common schools, even though the proposed educational bill distinctly and positively provides that in all respects these schools shall be under the exclusive control of the State officials.

And yet these gentlemen support a measure the effect of which will be to empower the Government to appoint a horde of officers, to send them into every corner of the land armed with authority to arrest and imprison every purchaser of a pound of butter containing an ounce or even a trace of lard or of any other of the numerous ingredients mentioned in the second section of the bill, the manufacturer of which has not paid the special tax of $600.

Is there any constitutional warrant for such an outrage upon the liberties of the American people? Is there any Democratic creed which tolerates such an undemocratic measure? Have I not shown that the platform of the party which carried its banners to victory in the last Presidential election denounced laws of this character, and did not the same platform of principles advocate the aid to education which is opposed by some of the Democratic advocates of the bill now being considered?

Fearing some of my party friends may have forgotten the position of the national Democracy upon this question, I will read a paragraph from the Democratic platform adopted at Chicago in 1884:

> We favor * * * the diffusion of free education by common schools, so that every child in the land may be taught the rights and duties of citizenship.

ARREST FOR TRIVIAL OFFENSES.

Let us for a moment, Mr. Chairman, consider the trivial character of the offenses for which citizens may be arrested under the operation of this bill. If any honest farmer, or any one else, is suspected of having mixed a mere trace of any one of some fifty substances with a pound of butter, not only is he liable to arrest, but any one that purchases the product is also liable to arrest, and every arrest of this character will give a handsome fee to a United States commissioner, a deputy marshal, and the numerous other officials around the Federal courts, all of whom, and others besides them, will be stimulated into unwonted and malevolent activity by the $10,000,000 which the bill offers as a bribe to spies and informers.

I have seen enough of the iniquitous operation of these inquisitorial laws which seek to collect the "war tax" called and known as "in-

ternal revenue." I have known of instances in which honorable and upright men have been dragged from their homes and families and thrown into jail for alleged violation of some trivial regulation of which they had never heard. I have seen scores of honest farmers and workingmen sleeping on the ground while awaiting trial before a Federal court or United States commissioner upon a charge which was not infrequently shown to have been trumped up by the envy or malice of a personal enemy who had found in this iniquitous system an easy means of wreaking his spite.

These are some of the evils wrought in my own district, and within my own knowledge, by the internal-revenue tax system which this bill is designed to extend and indefinitely prolong. And, sir, even if it accomplish all that its champions claim that it will accomplish, it will not benefit either my district or my State one particle. According to the last census my district produced only 1,488,676 pounds of butter, and the entire State of Alabama produced only 7,997,719 pounds.

WILL NOT BENEFIT ALABAMA.

The population of my district according to the same census was 168,502, and of the State was 1,262,505. The butter produced in my district is, therefore, only sufficient to supply an annual consumption per capita of 8 pounds and 13 ounces, and in the entire State of Alabama the product is equal to an annual consumption per capita of only 6 pounds 5 ounces. It is evident, therefore, that neither my district nor my State can be benefited by this bill if it should crush out the manufacture of oleomargarine; and the effect of the crushing-out process should be to enhance the value of each pound of butter where the manufactured product comes into competition with the dairy product.

This competition can effect only those States which produce more butter than they can consume—those States which find a market for their surplus beyond their own borders. I have prepared a table showing the population and quantity of butter produced in several of the States, which will indicate at a glance which States are most likely to be benefited by this bill if it should succeed in increasing the market value of one product by destroying another:

States.	Population.	Butter produced.
		Pounds.
Illinois	3,077,871	53,657,943
Indiana	1,978,301	37,377,797
Iowa	1,624,615	55,481,958
Kansas	996,096	21,671,762
Michigan	1,636,937	38,821,890
Minnesota	780,773	19,161,385
Missouri	2,168,380	28,572,124
New York	5,082,871	111,922,423
Ohio	3,198,062	67,634,263
Pennsylvania	4,282,891	79,336,012
Vermont	332,286	25,240,826
Wisconsin	1,315,497	33,353,045

At the first blush, Mr. Chairman, it would appear that the dairy interest must unavoidably be greatly benefited by the passage of this measure. Nominally to raise additional revenue—which, by the way, no one has pretended we need—it is in reality a scheme to tax out of existence a manufacture alleged to be a fraudulent competitor of the genuine butter produced in our dairies. It would appear, therefore, that the producer of genuine butter must be benefited by the destruction of the cheaper product and the consequent augmentation in the value of the Simon Pure dairy product.

EFFECT OF DIRECT TAX ON PRICES.

Have the friends of this bill given the House any reasons for believing that this will actually be accomplished? What assurance have we as to the ultimate result of the bill upon the price of butter? Will there be an increase in the price of all kinds of butter, genuine and imitation, or will it only increase the profit on genuine butter? What reason have we to expect that our experiences with other products which have been submitted to an internal-revenue tax will not be repeated?

Did the tax on whisky, tobacco, matches, or proprietary medicines diminish the production?

Do we not know that the only practical effect of such taxation was, in large measure, to crush out of existence the small producers, and to confer upon the large and wealthy establishments a practical monopoly of the article so taxed?

And it is not impossible that this will be the effect of this measure. The small and unimportant manufacturer of oleomargarine, with but little capital invested and producing but a trifling quantity, will be forced out of the business, which will be concentrated in the hands of a few wealthy firms who will make as much of the stuff as ever, and exact the taxes levied by this bill from the consumer. I say that it is not impossible that this may be the final effect of this bill should it become a law. I will go even further and say that in my opinion it is highly probable, and I think our past experience warrants the opinion.

What then, sir, will we have achieved? If the market price of dairy butter be increased, and the price of oleomargarine shall be simultaneously advanced, will not the competition between these two products be as sharp as ever? Will not their relative value in market be the same as before this tax was imposed? Will not the only result of this bill be that we have added so much to the cost of living of every consumer of butter, without having conferred any benefit whatever upon any one, except the dairymen in those places where the production is greater than the local consumption? In my country the amount of butter produced is and always has been less than the local demand, and yet oleomargarine is entirely unknown among us.

It will therefore be seen that this bill can not in any way benefit the dairymen of Alabama. I would like very much to advocate any proper bill which would benefit the dairymen of Vermont and other butter-making States; but as it is not certain that this bill will materially benefit even those States, and as it has much in it that is evil, should we not hesitate before we consent to its passage? The argument on this bill has developed the fact that it seeks to benefit this one industry at the expense of many others.

SOUTHERN INDUSTRIES INJURED.

It has been developed that lard and cotton-seed oil are very important ingredients of oleomargarine. I read from the Chicago Times of November 15, 1885:

It is likely that oleomargarine, refined lard and cotton-seed oil are articles of food "that have come to stay." Cotton-seed oil is new, but there is every reason for believing that it is as wholesome as olive oil or any animal fat. The real objection of dairymen to the manufacture and sale of any of these articles is that they believe they have a tendency to diminish the price of butter.

If this measure should increase the profits of the dairymen of the North and the Northwest, just in the same proportion will it decrease the profits of the producers of cotton and the stock-raisers of the South? The court of appeals of New York, in discussing the constitutionality of a somewhat similar law, said:

THE LAW UNCONSTITUTIONAL.

Among these (namely, constitutional safeguards) no proposition is more fully settled than that it is one of the fundamental rights and principles of every American citizen to adopt and follow such lawful and industrial pursuit not injurious to the community, as he may see fit.

Who will have the temerity to say that these constitutional privileges are not violated by an enactment which absolutely prohibits an important branch of industry, for the sole reason that it competes with another, and may reduce the price of an article of food for the human race.

Measures of this kind are dangerous even to their promoters. If the argument of the respondents in support of the absolute power of the Legislature to prohibit one branch of industry for the purpose of protecting another with which it competes can be sustained, why could not the oleomargarine manufacturers, should they obtain sufficient power to influence or control the legislative council, prohibit the manufacture or sale of dairy products? Would arguments then be found wanting to demonstrate the invalidity, under the Constitution, of such an act? The principle is the same in both cases. The numbers engaged upon each side of the controversy can not influence the question here. Equal rights to all are what are intended to be secured by the establishment of constitutional limits to legislative power, and impartial tribunals to enforce these.

Illustrations might be indefinitely multiplied of the evils which would result from legislation which would exclude one class of citizens from industries, lawful in other respects, in order to protect another class against competition. We can not doubt that such legislation is violative of the letter as well as the spirit of the constitutional provisions before referred to, nor that such is the character of the enactment under which the appellant was convicted.—*Opinion filed June 16, 1885.*

It can not be contended that the sole purpose of this bill is to collect taxes. The Democrats who advocate this bill have insisted that we do not need any more revenue, as our Treasury is even now overflowing. This bill proposes to tax a manufactured article 150 per cent. They then insist that it is necessary as a police measure. If they are correct in this, then I reply that the Supreme Court of the United States has distinctly declared such laws to be clearly in violation of the Constitution. The act of March 2, 1867, declares—

That no person shall mix for sale naphtha and illuminating oils, or shall knowingly sell or keep for sale, or offer for sale such mixture, or shall sell or offer for sale oil made from petroleum for illuminating purposes, inflammable at less temperature or fire-test than 110° Fahrenheit; and any person so doing shall be held to be guilty of a misdemeanor and on conviction thereof by indictment or presentment in any court of the United States having competent jurisdiction shall be punished by fine, &c., and imprisonment, &c.

The Chief-Justice of the Supreme Court of the United States delivered an opinioh declaring this law to be unconstitutional. It was the case of The United States *vs.* Dewitt (9 Wallace Reports, page 42). In this connection the court said:

Standing by itself, it is plainly a regulation of police; and that it was so considered, if not by the Congress which enacted it, certainly by the succeeding Congress, may be inferred from the circumstance that while all special taxes on illuminating oils were repealed by the act of July 20, 1868, which subjected distillers and refiners to the tax on sales as manufacturers, this prohibition was left unrepealed.

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as for example in the District of Columbia. Within State limits, it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions that we think it unnecessary to enter again upon the discussion.

But even if this law is constitutional will the proof show it to be necessary?

EXPERT TESTIMONY.

In a recent trial in the State of New York the testimony of experts

was given regarding the wholesomeness of this substance. Professor Henry Morton testified:

I am professor of the science of technology at the Stevens Institute, Hoboken, and have been for fourteen years. I have seen oleomargarine made repeatedly and analyzed it frequently, and have obtained knowledge about it from reading in reference to its history from the time it was first devised and introduced up to the present time.

I am familiar with the article known as dairy butter, and have analyzed and examined it.

* * * * * * *

Oleomargarine was first devised or invented, I think, in 1872 or 1873. It was during the Franco-German war. It was invented by Mégé, who was a man of scientific attainments. He had already made a reputation in reference to bread which he made for the French Government. It is reported that he was employed by the French Government to devise a substitute for butter. Oleomargarine is a more durable article than butter. It keeps better.

* * * * * * *

In my opinion it is precisely as wholesome as dairy butter. I can not imagine a reason why there should be a difference, and, moreover, the fact that the manufacture of oleomargarine is carried on by machinery on a large scale makes it easier to be kept clean. My personal belief is that it is a cleaner product than the average butter.

For the reasons I have given, to which many others might be added, Mr. Chairman, I shall oppose the passage of this bill.

It is in direct opposition to the declarations and pledges of the Democratic party.

It adds to instead of decreasing the burden of taxation under which the people now groan.

It widens the field for and extends and prolongs the system of taxation which only extreme necessity has ever been held to justify.

It creates a horde of additional officers of the General Government, and thereby increases our expenditures.

It appeals to all that is base and detestable in the minds of those who are naturally base, by offering them heavy bribes to become spies upon and informers against their neighbors.

It exposes the honest and unsuspecting but uninformed to the machinations and oppressions of the crafty, the cruel, and the avaricious.

It will be of practical benefit to those who need it least, and punishes those who deserve to be most carefully protected.

In operation it will be inquisitorial, iniquitous, unjust, and oppressive, and utterly repugnant to every principle to which the Democratic party stands pledged.

Mr. HENLEY. Mr. Chairman, I have been highly amused at the dolorous apprehensions expressed by the political Cassandras on this floor, of whom the gentleman from Georgia [Mr. HAMMOND] seems to be the chiefest, that this bogus-butter bill was going to be the means of the overthrow of the Constitution of this country and general demolition of civil institutions.

Those whom I must characterize as the intellectual aristocracy of this Hall, among whom is my distinguished friend, have almost affrighted us out of our senses by intimating that some gentleman's pantry was likely to be invaded by a United States marshal under the operation of this bill should it become a law. To lull the disquietude of my friend I could assure him that an amendment to protect his pantry would be cheerfully accepted by the friends of the bill.

Now, sir, seriously, apropos of this constitutional question, I confess to some slight impatience at the "damnable iteration" with which the supporters of this measure have been charged by its antagonists with the willful intent of violating the fundamental law of our land. The measure is characterized as being the offspring of passion, &c.

I hereby declare in my opinion that it is within the constitutional power of Congress to seize upon any industry, that in its discretion it sees fit, for the purpose of making such industry tributary to the support of this Government.

It may shock the weak nerves of some of my friends if I declare that it is within the power of Congress to tax the raising of beans in Georgia or peanuts in the State of North Carolina and place them under the internal-revenue system if we want to do so for this purpose. I ask the gentleman in all candor upon what ground is the tax upon whisky and tobacco justified? It is for two reasons, as every one knows: First, for the purpose of raising revenue; second, because those articles are deemed luxuries, are deemed meretricious industries, and therefore proper subjects for revenue.

The theory upon which they are taxed is that being articles which can not be classified as necessaries of life, and it being possible for the people to get along without them, the law steps in and says to the consumers of those articles, "If you desire to minister to your vicious appetite you must pay for it;" and hence those businesses are made the subject of very oppressive tax. So the philosophy upon which this measure is predicated is a mixture of those two considerations.

We say to the manufacturers of bogus butter, it is an impure and obnoxious compound, unwholesome, detrimental, and unfit for human consumption. Some of it may be pure and healthful, but it is a business which affords so many opportunities and temptations to intermix unwholesome and poisonous substances that we deem it expedient to place it under the authority of the internal revenue in order that it may contribute to the support of the Government and be kept subjected to such regulations as may be necessary.

My very distinguished and eloquent friend, the gentleman from Virginia [Mr. DANIEL], made a speech here on last Saturday in which he rang the changes upon the alleged unconstitutionality of the pending measure. The speech abundantly illustrates that gentleman's rare gifts, and showed how much persuasive force could be expressed in an address of only about ten minutes' duration. Eliminating from that effort its rhetoric and its denunciation the residue is not worthy of serious concern. There was grace of delivery; there was mellifluous vocalism; there was foaming declamation, and that was about all; and this I say with great deference to the high powers of my distinguished friend, because it was the kind of speech he intended to make, and indeed the most effective one that could have been made on his side of the question.

Sir, the opposition to this bill thus far has been based upon denunciation, invective, ridicule, and the like. Should they invade the domain of logic, should they invoke a little common sense, they apparently fear that it would be destructive to their cause.

The gentleman said, among other things, that one resolution of our national platform, upon which we won our late victory, pledged our party to the repeal of war taxes; and giving his own interpretation to that platform, he said it meant that the internal-revenue system should be abolished, and proceeded to arraign the Democracy of this House, as I thought, for infidelity to that pledge.

Why, sir, the gentleman need not resort to a telescopic range of vision to find violators of that pledge, and I admonish him in the future to be a little more discriminative in his charges. I tell him that those with whom he so fondly and lovingly co-operates in contesting this bill are the chiefest transgressors in that respect. The gentleman's address was in certain particulars a strange affair. Only a moment before he took the floor the gentleman from Kentucky [Mr. BRECKINRIDGE] had boldly announced his purpose in substance to violate the very pledge the sanctity of whose obligation my friend in such piercing eloquence sought to uphold; and when my friend took the floor I supposed it was for the purpose of visiting condign consequences upon the head of the intrepid Representative of the blue-grass region of Kentucky.

I say I expected it; everybody expected it, not even excepting my Kentucky friend himself, who I could see (or at least I so fancied) had braced himself to receive the blow. But, oh, most lame and impotent conclusion! Not at the real foe; not at the confessed violators of this pledge, who stood before him expectant and, I thought, defiant, did the gentleman hurl his denunciation. And why not? There were these inquisitors confronting him, eye to eye and foot to foot, confessing by their official action their contemptuous disregard of this same pledge. There were the gentlemen twain from Kentucky and Arkansas, Messrs. BRECKINRIDGE, of historic name; also the chiefest of all of them, him from Illinois [Mr. MORRISON]; there were all of the Democratic members of the Ways and Means Committee, whose duty it was, according to the view of the gentleman from Virginia, to bring in a bill redeeming this pledge and abolishing this hateful system; and there was their record—a record of bold and avowed denial of even the existence of any such a pledge, a record which ignores the very existence of war taxes, of which Virginia complains so loudly and so unceasingly.

And yet, sir, with this state of facts staring him in the face, my able and distinguished friend passes these arch-offenders by without a hint or word of reprobation, and, with this grand theme inviting his unmatched abilities, turns aside and lashes himself into an oratorical fury over a harmless attempt to prevent the imposition of impure grease upon the public under the "counterfeit presentment" of butter.

Sir, if my friend lives a century he will never have a grander opportunity to serve the cause which he loves, and I am quite certain he will never again so deplorably neglect it. Why did he stay his hand? Did he want a cause? Never was a loftier. It was a cause, arguing from his standpoint, of a party betrayed in the house of its friends; a party being lured by a mistaken or treacherous leadership to a course of infidelity which would destroy us in the confidence of the people.

It was a cause of a people—especially those of Virginia and the South—harried to madness by swarms of spies, bedeviled by domiciliary intrusion, and vexed almost to death by inquisitorial surveillance; a people who for years have felt the damned barb and thorn of a tribulation which can know no abatement until this mediæval, un-American, and infernal scheme of internal-revenue taxation is pruned of its offensive features; and these people had selected the gentleman from Virginia from all their hosts as their staunchest defender, as the one invincible champion to sound the war-cry and lead the onset against the harnessed cohorts of those who upheld this system and against maladministration; and with this great emergency upon him he takes the floor and talks about the sanctity of the Constitution and bogus butter!

Mr. Chairman, it was an anti-climax which I do not care to dwell upon. It was as if one finding himself amid the awe-inspiring grandeur and the transcendent glories of St. Peter, should chant, not the *Te Deum laudamus* but *opera bouffe*.

Now, sir, the gentleman has offered an amendment in vindication of the pledge spoken of abolishing the internal-revenue tax. Why did he not go before the Ways and Means Committee and prevail by his marvelous persuasive powers on the Democrats composing it to bring in a bill effectuating this purpose.

He may have made the effort for all I know; but if not I will state the reason myself. It was because he must have known that those

gentlemen composing the Democrats on that committee are so bent and determined to "reform," as they call it, our revenue after their own peculiar fashion that he had as well "forbid the mountain pines to wag their high tops and make no noise when fretted by the gusts of heaven" as address any such invocation to them. They do not intend to reduce or abolish the internal-revenue tax, because, that being done, it leaves them without adequate excuse to precipitate that malign element of dissention, the tariff, into discussion on the floor of this House.

Mr. Chairman, with no affectation of humility I most sincerely declare that I bow in admiration to the superior powers of my friend, not only upon questions of expediency and leadership, but in all other respects. In the future I shall love to follow his nodding plume to victory. But, sir, to my humble capacity it does seem that, should the present volume of revenue be increased by the amount that will probably be raised by this bill, the necessity for the existence of the internal revenue in its most oppressive features becomes to that extent diminished, and one great obstruction to its abolition is thereby removed.

So when this bill, which I know to be in the interest of honesty and which seeks only to compel fair dealing in trade, which is asked for in thunderous tones by millions of farmers everywhere on this broad continent, and of which we simply invoke decency and fair play to conserve a wholesome industry—when such a bill is presented I propose, first, last, and all the time, to give it my support. [Applause.]

Mr. MCMILLIN. Is the object of this bill to stop the sale? If that is the object where is the warrant in the Constitution?

Mr. HENLEY. I am glad the gentleman has made that suggestion. One of the objects is to seize upon an industry which we consider is undeserving of encouragement, and another is to make that industry assist in contributing to the revenues of this Government.

Mr. MCMILLIN. Does the Government need additional revenue?

Many MEMBERS. Yes, yes.

Mr. HENLEY. Yes; it does, and I am glad the gentleman has made this second suggestion. Many times on this floor gentlemen have said we do not need it. Do we not indeed? Well, sir, if we do not need it we might throw it in the Potomac. But it is not for the gentleman from Tennessee to say that we do not need it. We have debts to pay, navies to build; and it strikes me as being folly to say that any government does not need revenue from a source where it can be gained without detriment or without oppression. It has been asserted here almost *ad nauseam* that this bill taxes one industry for the benefit of another. Sir, I invite people to seriously consider the second section of this bill.

SEC. 2. That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or calculated or intended to be used as butter or for butter.

From that it is quite clear that this assumption is unsupported by anything contained within the measure. Under its provisions it leaves the trafficker in bogus butter as free to pursue his loathsome calling untaxed as he now is; but if the scoundrel undertakes to impose it upon a people for what it is not, then we nail him under this bill; and this the farmer of this country, in this great emergency and by every means by which public opinion can be formulated and expressed, asks of this Congress; from every State of this Union that lies between the two oceans there comes a prayer for the enactment of this measure with an intensity and a universality seldom, if ever, equaled.

Evidences multiply on every side as "thick as leaves in Vallombrosa" showing this. And I hereby dedicate my best energies to respond to that appeal; and replying to whatever of threat or menace that may be thrown out by the other side in respect to the measure, I hereby declare that to the end that we shall have a fair vote upon the bill I intend, if necessary, to remain in this Hall until my right to be here is terminated by constitutional limitation. [Loud applause.]

Mr. Chairman, one other word. The gentleman from Indiana [Mr. HOLMAN] struck the key-note of this business this morning. He declared that the dairying industry is one which is diffused throughout the country, disseminated among the masses, the pursuit of numberless people, and therefore was entitled to greater consideration than any occupation in which a large bulk of capital concentrated in the hands of a few persons is employed.

The gentleman from Illinois [Mr. LAWLER] said a while ago in opposition to this bill that there were three or four persons, whom he named, in Chicago engaged in the bogus-butter business who were worth $200,000,000. Sir, the statement does not commend this bill to my favorable regard, but I have no doubt it is true. The opposition is in the interest of a few persons worth $200,000,000. Where are your three or four dairymen worth that sum of money or anything like it?

This measure is in the interest of the farmers of the country. It is in the interest of honesty, and by it we simply say that people shall brand their commodity which they sell honestly, in order that it may show exactly what it purports to be.

The CHAIRMAN. The time of the gentleman from California [Mr. HENLEY] has expired.

Mr. HATCH. I now ask unanimous consent that all debate upon the section under consideration and all amendments thereto may be limited—does the gentleman from Georgia [Mr. HAMMOND] desire to speak?

Mr. HAMMOND. I do.

Mr. HATCH. That all debate be limited to five minutes.

Mr. BEACH. I have a substantial amendment to offer, and I desire to be heard upon it.

Mr. HATCH. Well, I will say ten minutes.

Mr. BEACH. If I can be recognized I do not object.

Mr. HAMMOND. I suggest to the gentleman from Missouri that we shall be through the discussion very soon. There is no disposition to occupy time unduly.

Mr. HATCH. Well, I will say fifteen minutes, ten of which can be occupied by the gentleman from Georgia [Mr. HAMMOND] and five by the gentleman from New York [Mr. BEACH].

Mr. HAMMOND. That will suit me.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that debate on this section and all amendments thereto be limited to fifteen minutes. Is there objection? The Chair hears none. The Chair first recognizes the gentleman from Georgia [Mr. HAMMOND]. Will he give way for a moment to allow the amendment of the gentleman from New York [Mr. BEACH] to be read?

Mr. HAMMOND. Certainly.

The Clerk read as follows:

Strike out the words beginning with "oleomargarine," in the third line of the fifteenth section, and ending with the word "States," in the sixth line, and insert "shall be forfeited to the United States; and no oleomargarine shall be colored with annotto or any other coloring matter which will give it the appearance of natural butter."

Mr. HAMMOND. Mr. Chairman, it is impossible this House shall vote intelligently if controlled by telegrams from anybody. We are obliged to think for ourselves, because we do not know whether those who advise us are themselves well advised.

It is impossible for gentlemen to vote as Representatives ought to vote under any such threat as the gentleman from California [Mr. HENLEY] makes. We should vote as we believe to be right; and if it should happen our constituency differ with us and choose to relegate us to private position, we can at least go back home with our honor preserved.

So much for that. Now, one remark in reply to the gentleman from Pennsylvania [Mr. BAYNE]. He out of the abundance of his heart spoke the truth as he understood it when he said this was a contest between the Pennsylvania dairy interest and the New York dairy interest and the interest of the farmer in the South who made cotton seed which was pressed into oil.

I say "as he understood it." He votes from a purely selfish standpoint, to crush out one industry for another. But I thank God there are men in this world whose souls are bigger than to be governed simply by selfishness, either for themselves or for their constituents!

The gentleman from Indiana [Mr. HOLMAN] got away from the issue made between him and myself as to that clause in the Constitution which declares that "to promote the progress of science and useful arts" patents may be granted "for limited times." He undertook to raise a prejudice by speaking against "patent monopolies" and the laws as passed. The law is one thing, the Constitution another. If the law is wrong it ought to be changed. The Constitution was the thing which he attacked, and is the thing which we swear to support.

Mr. Chairman, in the price of every acre of land in this country on the Eastern or Western shore you see the value of the patent rights. What would our Western lands be worth but for improved corn-droppers and corn-shellers, and improved plows, thrashers, and binders? What would they be worth but for the improved machinery which has tunneled our mountains, which has bridged our rivers, which carries our produce to the ocean, and from the Eastern shore to the great world beyond?

The CHAIRMAN. The gentleman's time has expired.

Mr. DUNHAM. I yield my time to the gentleman from Georgia.

Mr. HAMMOND. I thank the gentleman.

Mr. Chairman, let us look at the philosophy of this thing. It is a fact that every dollar of gold which was ever dug cost three; not to the man who dug it out. It is but one who finds it, and he gets rich. But the others who are hunting, the others who are wearing out their hands and eyes in fruitless search are spending their dollars. It was not the man who undertook to find oil in Pittsburgh, but the man who struck it that made a fortune. The world profited by the industry of the searchers for gold, and the world reaps a benefit of the oil from the find of the finder. That they got rich affects not the question.

That grand impulse of selfishness which God has placed in every man for his protection and as a stimulus for his ambition and energy is the mainspring which has led to all the inventions of this world which are worth talking about.

Why is it we outdistance any nation of the earth? It is because we have the best patent laws and patent organization on the face of the earth. Why is it that these very systems denounced as monopolies are utilized by every one of us except that they bring but good? Take

this telephone. How many use it simply to save the expense of servants?

The gentleman from Indiana [Mr. HOLMAN] said when printing was invented there was no patent office. When the Patent Office was established the printing-press then in existence compared as poorly with the Hoe power-press of to-day as a chip on the ocean compares with the most magnificent steam-vessel which floats a flag. [Applause.]

When the gentleman from Pennsylvania was a boy his neighbors, perhaps himself, lived in a cabin with nothing to hang their coats upon but a peg, and nothing to sit upon but a stool. Under the impulse to inventive talent given by the hope of securing for inventors during a limited time the exclusive benefit of the cogitation of their brains, the homes of the poor and the rich have been made comfortable. And the cottage of the workingman to-day outvies in comforts and luxury the dwellings of the kings of a hundred years ago.

Mr. Chairman, look at the item of wages for a moment. Go back fifty years and compare the wages then paid with the present rates. Take the history of New England recently published and compare the wages of a shoemaker of to-day with what they were then. These mechanical improvements have been developed in every department. Yet shoemakers' wages are doubled and in some departments trebled in fifty years. One man to-day can make three hundred pairs of boots each day by a Yankee machine; but more boots are wanted and bought for little money. I do not care where you go or what you see, it is better and cheaper because of inventions. Inventions are made because they are protected by the Constitution. The thousands and thousands of dollars that are wasted in vain endeavor, the sleepless nights, the toilsome days, all at last crystallized in some man's success, bring a glad fruit to the Patent Office and asks it to make the contract according to constitutional promise. The inventor says, "Give me this for a limited time, and at the end it shall belong to the world." And the world makes by the bargain every time. [Applause.]

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message from the President of the United States in writing was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message further announced the approval of House bills of the following titles:

An act (H. R. 5655) granting a pension to Elizabeth B. Bell;

An act (H. R. 607) granting a pension to James E. B. Smith;

An act (H. R. 3287) for the relief of Silas Corzatt;

An act (H. R. 5085) for the relief of Mary Hill; and

An act (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. BEACH. Mr. Chairman, I think that much of the confusion which has pervaded this debate has been caused by the very defective definition of the word "oleomargarine," as given in the second section of the bill. As we now understand it from the chairman of the Committee on Agriculture this bill is intended not to tax oleomargarine when made and sold as such. It is said to be intended only to tax this substance when made and sold in imitation of butter. Now let us look for a moment at the two articles and compare them, the genuine butter and the counterfeit, with which we are now dealing.

The color of natural butter, when made from the milk of grass-fed cows, is yellow. In the winter season, when cows are fed upon hay and grain, the butter produced from such food is ordinarily of a pale straw-color. In order to give to winter-churned butter its natural color, butter-makers sometimes use a little annotto or the juice of the carrot, by either of which the natural color can be imparted to the butter, and both are very harmless substances. [Applause.]

Now the color of oleomargarine—— [Applause and laughter.]

Mr. MILLIKEN. Mr. Chairman, I rise to a question of order.

There are some of us upon the floor who would be glad to hear the gentleman from New York if we could be permitted to do so. But we can not hear him because of the continued noise. [Applause.]

The CHAIRMAN. The Chair must request gentlemen to preserve order upon the floor of the House.

Mr. BEACH. Mr. Chairman, I do not want this interruption to come out of my time; and if I am not permitted to proceed in order I shall have to make a motion to clear the galleries [laughter and applause], for I presume that this continued interruption comes from the galleries, as I do not suppose that gentlemen upon the floor are so lost to the instincts of gentlemen as to refuse me a hearing upon this floor.

The color of oleomargarine is white like that of lard or tallow. In order to sell it it is colored yellow in imitation of butter. When it is thus colored the low-priced article of oleomargarine is sold in the market for the higher-priced article of butter. The whole fraud is made possible simply by the addition of the coloring matter. Now, if you stop the coloring of oleomargarine, if you prohibit the manufacturer from putting yellow into it, or compel him to give it a color of its own, you necessarily stop the fraud, because an inspection of the product by the eye will at once disclose what it is.

Mr. Chairman, if I vote for this bill, and I have said that I would, it will not be because I want to raise a revenue from the tax on oleomargarine. It will not be because I want to build up one industry by tearing down another. It will not be because I want to prevent the sale of an unwholesome product or article of food. But, sir, it will be simply and solely to stop the circulation of a counterfeit, whereby the people are defrauded. By stopping the deception in the sale we indirectly protect the farmer and the dairyman, but the direct object of our legislation is to protect the interests of the whole people, all who buy or use butter; and where is there a person who does not use it? In the whole course of my life I have never met but two persons who did not eat butter.

I therefore, Mr. Chairman, regard this bill the same as I do our laws against false weights and measures; the same as our laws against adulterating foods and drugs; the same as our laws prohibiting the simulation of trade-marks. It is true this bill carries a tax along with it, but the tax is not imposed for revenue, but for regulation. Revenue is not the object but the incident of this legislation.

Now, sir, the States having tried to regulate this matter but having tried in vain, the people appeal to Congress to put the whole matter under the supervision of the Internal Revenue Bureau, which has the machinery already in existence and in good working order to control it.

But, Mr. Chairman, I do not believe this bill if it is enacted into law will accomplish its purpose. What I want, and what I think the farmers of this country want, is to prevent the deception which is practiced in the sale of this stuff. As soon as that is done no more of it will be manufactured, for the people do not want it and will not buy it.

This bill in its present shape will not stop the deception. Aside from that the bill contains what to me is a very odious feature. It legalizes a fraud. The unwritten law condemns all traffic in spurious goods. This bill throws the panoply of the law around oleomargarine, which is a spurious article, and declares that it may be lawfully sold in the market so long as the tax has been paid.

You may put on a tax of 20 cents a pound if you please, and I do not believe it will stop the fraud. I am free to say I will vote for a tax of 20 cents a pound more cheerfully than I will for 10, because from my standpoint a tax of 20 cents will be more apt to regulate the sale than a tax of 10 will.

But if this bill can be amended so as to prohibit the manufacturer from coloring it yellow in imitation of butter, or, what is still better, compel him to give it a distinctive color of its own, then I am willing to let it go free of all tax whatsoever.

There is no use in talking about branding it. It has been tried and found wanting. No amount of branding will prevent the retailer from swindling his customers, nor stop the keepers of hotels, restaurants, and boarding-houses from palming the vile stuff off on their customers. We have got to make the manufacturers keep the yellow out or put some other color in; and that is the object of my amendment.

The CHAIRMAN. Debate on this section and the amendments thereto is exhausted. The Clerk will report the pending amendment.

The Clerk read the pending amendment, proposed by Mr. BEACH, as follows:

Strike out the words beginning with "oleomargarine," in the third line of the fifteenth section, and ending with the word "States," in the sixth line, and insert as follows:

"Shall be forfeited to the United States, and no oleomargarine shall be colored with annotto or any other coloring matter which will give it the appearance of natural butter."

The amendment was disagreed to.

Mr. WARNER, of Missouri. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1, after the word "oleomargarine," insert the following:
"Which contains ingredients deleterious to the public health."

The amendment was disagreed to.

The Clerk read section 16, as follows:

SEC. 16. That oleomargarine may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "oleomargarine," in plain Roman letters not less than one-half inch square.

Mr. STRUBLE addressed the Chair.

The CHAIRMAN. The gentleman from Missouri [Mr. HATCH] has been recognized.

Mr. HATCH. I ask unanimous consent of the committee that all debate upon this and the remaining sections of the bill may be closed at 5 o'clock. I couple this request with the statement that an amendment which will be offered to the nineteenth section, striking out the words "one-half of such fine or penalty, when paid, to go to the informer," shall be voted on in the House by a yea-and-nay vote.

Mr. HISCOCK. I suggest that the gentleman should say at ten minutes before 5 o'clock, so as to allow time for the report to be made to the House.

Mr. HATCH. The effect would be that the committee shall rise and

report the bill and amendment at 5, or ten minutes before 5 o'clock. Whatever the action of the committee may be on the amendment I have indicated, I will offer the amendment myself in the House, and a yea-and-nay vote on it will be had.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman from Missouri whether he is in favor of striking out that portion of the nineteenth section?

Mr. HATCH. I am making no statement as to my own position, but I say I will give to the House the fairest opportunity of expressing its opinion upon this by a yea-and-nay vote, whether the amendment is lost or not in the committee.

Mr. BLANCHARD. Is it proposed to take a yea-and-nay vote this evening?

Mr. HATCH. Not at all. It is proposed to go through with the bill and report it this evening and commence voting in the House to-morrow morning.

Mr. GIBSON, of West Virginia. I have perhaps more objection to the nineteenth section than to any other feature of the bill. If the gentleman from Missouri desires and is willing in good faith to have that stricken out in the House, why not allow it to be stricken out now?

Mr. HATCH. The gentleman from West Virginia must see that I have no right to speak for the three hundred and twenty-five members of this House. I can not say what the vote of a majority will be. It is a question that has only been submitted to one committee, and what I propose is to give to the members of the House the fairest and fullest opportunity of expressing themselves in regard to that section.

Mr. GIBSON, of West Virginia. I did not ask the gentleman to speak for the House; I only asked him to speak for himself. If he will say that when this measure comes up before the House he will in good faith ask the House to strike out that section then there can be no objection to the proposition. But I want to call the attention of the House to this fact, that after a number of years of experience upon this question of informers——

Mr. HATCH. I hope the gentleman will not argue the question until we get to the section. The effect of it would be to get up a discussion. My desire is to have the request I made submitted to the committee.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that this bill may be reported to the House this day at ten minutes before 5 o'clock——

Mr. MORRISON. Does the gentleman propose to report it to the House without a vote in the committee?

Mr. HATCH. We will take a vote in the committee, of course.

Mr. BEACH. I ask the gentleman whether this may not preclude the opportunity of offering substantial amendments or a substitute?

Mr. HATCH. You can offer those at the proper time, of course.

The CHAIRMAN. The Chair will state the request. The gentleman from Missouri asks unanimous consent that the bill and amendments be reported to the House this afternoon at ten minutes before 5 o'clock with the understanding that in the House he will move to strike out the portion of the nineteenth section which he has indicated——

Mr. HATCH. Provided, of course, that the amendment is defeated in the committee. The amendment may be carried by a vote of the committee, and in that event it, of course, comes up in the House for action without any agreement. But I say that if the committee should vote down the amendment to strike out that portion of the nineteenth section, notwithstanding that vote in the committee I shall move the amendment myself in the House.

Mr. GIBSON, of West Virginia. I wish to ask the gentleman whether his motion will allow the discussion of the nineteenth section.

Mr. HATCH. The discussion will continue here in Committee of the Whole between now and ten minutes before 5 o'clock.

Mr. GIBSON, of West Virginia. Unless the gentleman will agree to strike out the nineteenth section I shall object.

Several MEMBERS. "Regular order!"

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. HATCH]?

Mr. GIBSON, of West Virginia. I object.

Mr. STRUBLE. Mr. Chairman, I move to strike out section 16. I do not expect to ask a vote upon this motion, but have made the motion simply for the purpose of obtaining the floor in order to give expression to my views upon the section.

So far I have voted with the Committee on Agriculture, I believe, upon every proposition that has been submitted to vote, and shall continue to vote with that committee upon the remaining sections of the bill and to support the bill when put upon its final passage.

There are some features about it, however, I would prefer to see changed if such changes could have been made without the effect so common in contests as prolonged and earnest as this, of endangering final success of the measure.

The opponents of the bill have fought it long and ably, and they and we who are friendly to it know very well that in such a contest it is dangerous to permit the line of battle to be broken at any point, and that it is better, as a question of parliamentary struggle, to preserve the integrity of the bill as nearly as possible. Therefore I have, with other friends of the measure, stood by the committee, and shall continue loyal to the end; but, in my judgment, section 16 is not a wise one, and if it can be dispensed with and not leave the bill vulnerable to constitutional objection, it should be stricken out.

It is conceded now by the friends of the bill that in this act there is a distinction to be made between the kind of oleomargarine that may be manufactured to imitate butter and to take the place of butter and the other quality of oleomargarine which may be manufactured under its own name and sold without being taxed.

I confess that, to my mind, section 2 is not as clear upon this point as I think it ought to be, and I do not wonder that many gentlemen have been led to entertain a different opinion with respect to the construction of this section from that entertained by the friends of the bill. But it is now conceded that there are two kinds of oleomargarine—one to be taxed, the other not to be taxed.

Now section 16 proposes that all oleomargarine, whether made in imitation of butter and to be sold as or for butter, or made and sold under its own name, shall, when the purpose is to ship it from the country, be allowed to go out scot-free. I maintain, as I maintained the other day, that that is wrong. This is a radical bill. So much we all will concede, whether we are favorable to it or not. It is a radical bill which I believe to be fully justified by the exigencies at present existing in this country, and I am heartily in favor of it.

But, sir, if we are to tax oleomargarine when it is made and sold to be used as butter, I contend that we ought to tax every pound of it, whether it is to be consumed here or shipped abroad, if there is nothing in the Constitution prohibiting such taxation. For my part, I not only desire the markets of this country for the products of the farm, but I think that upon this question, as upon every other, we should so legislate that we may obtain as fully as possible the privileges of foreign markets. Therefore it seems to me, Mr. Chairman, that in section 16 of this bill there is an advantage given to the manufacturers of oleomargarine which will result in displacing in the foreign markets the American butter that might otherwise go there. I showed the other day in my remarks, by reference to statistics, that whereas in 1875 we shipped less than $2,000,000 worth of butter, the quantity continued to augment until in 1880 we sold over $6,000,000 worth, but that in 1885 the value of the butter exportation had decreased to something over $3,000,000, while the exportation of oleomargarine increased from $70,000 in 1878 to nearly $4,500,000 in 1885.

What does this mean? It means that the entire exportation of butter from this country will soon be prevented if oleomargarine, whether as butter or oleomargarine, is allowed to go out of this country free; because, no matter under what name shipped, there can be no doubt that it will eventually be sold as and for butter. I say, therefore, let us tax every pound of it, whether it is made and sold in imitation of butter or not, and whether it remains in this country or goes abroad. Now, Mr. Chairman, I ask unanimous consent to withdraw my motion.

There was no objection.

Mr. HATCH. Mr. Chairman, I now renew the request which I made a while ago. I have had an explanation from the gentleman from West Virginia [Mr. GIBSON], and if the House will hear him for a moment I have no doubt an agreement can be reached.

Mr. GIBSON, of West Virginia. Mr. Chairman, waiving the objections I entertain to previous provisions of this bill, and addressing myself to the nineteenth section, I simply desire to say that perhaps the most objectionable feature in the bill is included in the third line of that section, in these words: "One-half of such fine or penalty when paid to go to the informer." I want to say to the House now that the gentleman from Missouri [Mr. HATCH] has agreed that when we come to a vote in the House we may have a yea-and-nay vote on the question of striking out those words.

Mr. HATCH. That is correct.

Mr. GIBSON, of West Virginia. That being the case, I withdraw my objection to the request of the gentleman from Missouri.

The CHAIRMAN. Is there further objection to the request of the gentleman from Missouri [Mr. HATCH]?

Mr. HAMMOND (to Mr. HATCH). That will not prevent a motion *ad interim* on any amendment?

Mr. HATCH. Not at all.

The CHAIRMAN. Is there further objection to the request?

Mr. LOWRY. In order that the matter may be fully understood——

Mr. HATCH. I have stated it very fully, and I hope the gentleman will not interpose any objection or delay.

Mr. LOWRY. In order that it may be fully understood, I desire to ask the gentleman from Missouri [Mr. HATCH] if it is his purpose to strike out the words in the second section, "calculated or intended to be used as butter?"

Mr. HATCH. If the gentleman will consult the RECORD he will find that, in connection with a proposition offered by the gentleman from Massachusetts [Mr. LONG], I stated that it was my purpose to move to amend that section.

There was no objection, and the request of Mr. HATCH was agreed to.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Missouri [Mr. HATCH]? The Chair hears none; and it is so ordered.

Mr. PLUMB. I move *pro forma* to amend the section by striking out the last word.

Mr. Chairman, in so far as this bill protects the dairy interests of the country against the unjust and unfair competition of a counterfeit article I am heartily in favor of it. A branch of our great agricultural industry which gives employment to so much of capital and labor, owned and managed by a class as worthy and intelligent as is the dairy interests, is entitled to and shall receive my earnest support.

The district I have the honor to represent here is pre-eminently agricultural, and in many of its towns the dairy has come to be of such importance to profitable farming that any injury unjustly inflicted upon it, or any outrage attempted, naturally arouses a feeling of resentment that all will justify.

On this question the dairymen of my district have spoken, and have stated with great clearness what they ask for. This is their language:

Desiring to be relieved from the dishonest competition of oleomargarine and butterine as now sold, we ask you to use your influence and to vote for the bill now in the hands of the Committee on Agriculture, placing the manufacture and sale of all imitations of butter under control of the Internal Revenue Department and compelling the manufacturers and dealers to sell them for what they are.

The dairy interest asks to be relieved from dishonest competition of oleomargarine and butterine as now sold. That, sir, is a reasonable request, and if legislation can grant the relief sought—and I believe it can—it should not be withheld. These petitioners are intelligent, and they not only know what they want, but they know what kind of legislation will be effective, and that is, to place the manufacture and sale of all imitations of butter under the control of the Internal Revenue Department. Is that an improper request? That it is entirely constitutional to place it there is, in my opinion, beyond question.

But for what purpose does the dairyman seek to use the machinery of our internal-revenue system? Let their own language answer. It is "to compel the manufacturers and dealers" of oleomargarine and butterine "to sell them for what they are." This is a just demand, and if there be any good reason for refusing it I fail to see it.

Mr. Chairman, the makers of butter do not seek to destroy the manufacture or sale of oleomargarine or butterine, nor any other imitation of the genuine article. These dairymen are too intelligent to think for one moment that their own interests could possibly be safe if a policy of legislating any legitimate industry out of existence should, under any pretext whatsoever, be inaugurated; and, sir, I do not for one moment suppose that they desire anything more than the language of their request implies. Now, sir, what does this bill propose? Its provisions are such as to fairly meet the demands of the butter-makers of my district. But the bill goes further than they ask; it not only places the manufacture and sale of oleomargarine and all imitations of butter under the control of the Internal Revenue Department, and compels them to be made and sold for what they actually are, to the end that the dairy interests may be relieved from fraudulent and dishonest competition, but the excessive tax proposed by the bill means an absolute crushing out of the manufacture of oleomargarine. Deny it as you will, disguise it as you may, this is the intent and purpose of the tax of 10 cents per pound imposed by this bill on oleomargarine. This the dairymen do not ask, but this the bill seeks to do.

Sir, I have had a long acquaintance with dairymen, and I know them well enough to say that they would scorn to ask Congress to give them any advantage over any legitimate industry. All they ask is that their product, good, sweet butter, may not be subjected to the disadvantage of a pretended butter which they claim is being palmed off upon the consumer in the name of butter, and which, being produced at a less cost than real butter can be, is working a serious injury to them.

They are willing the public shall use for food anything they may prefer, but they protest against fraud.

If it were true, as is charged, that oleomargarine and butterine are poisonous or unwholesome as an article of diet, if their use were destructive to the public health, a good and sufficient reason would thereby be furnished for prohibitive legislation, and there should be no hesitation or delay in adopting this excessive tax or any other required provision to accomplish the end. But if this be a fact, where is the proof of it? Where has one man, woman, or child died or been made ill by using these articles?

For my own part, Mr. Chairman, I am decidedly in favor of having my bread buttered on both sides with the genuine old-fashioned article; no oleomargarine on mine, so far as I now know; but, sir, others may have such taste, or be so situated that they would purchase and eat the imitation article, knowing just what it is; and if there be such, why should we so legislate as to deprive them of the benefit of such an article of food at a price as low as it can be afforded, instead of increasing, as the heavy tax must, the cost thereof 10 cents per pound? This excessive tax is the objectionable, and I must say the destructive, feature of this bill. Let it be reduced to 3 cents per pound, which will be sufficient to pay more than the cost of causing oleomargarine to be sold for what it is, which is all that is openly asked for, and I for one will gladly vote for the bill.

Mr. Chairman, if my limited time would permit I would endeavor to point out the grave objections that present themselves to such legislation as the excessive tax feature of this bill proposes; but, sir, the field is too broad to admit of more than an allusion to some of them in a very general way.

The policy of the Government on all economic questions should be to secure to all people of every section and of every occupation freedom to pursue any and every legitimate industry relieved from legislative restriction as well as from the burden of a tax. The necessities of the war furnished justification for taxing almost everything, but now whisky and tobacco alone remain as bearers of these burdens, and were it not for the conviction, in which public sentiment with great unanimity joins, that the personal use of both these articles might be entirely dispensed with without injury to any one, no internal-revenue tax would be in existence to-day.

As one of the grand results of crushing the rebellion, no greater benefit of a commercial sort has been secured to the people of the United States than this absolute freedom of trade between all sections and the absolute freedom of pursuit by all persons. Protection to all against foreign competition and free trade with untaxed industries among ourselves should be the motto. When we invoke the aid of our existing internal-revenue system to protect one industry against a practical fraud attempted by another we have gone far enough, and we should hesitate before going further. Reduce the tax to 3 cents per pound and pass the bill. That done and the dairyman will get all that he asks for, no legitimate industry will be destroyed, and if a wholesome article of food can be furnished to those who desire to use it, no burdensome tax will be laid on the consumer. [Applause.]

[During the delivery of the foregoing remarks, when five minutes had expired, Mr. HOPKINS obtained the floor, and yielded his time to Mr. PLUMB, who then concluded.]

Mr. BRECKINRIDGE, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 16 by striking out the last sentence, which reads as follows: "Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word 'oleomargarine,' in plain Roman letters not less than one-half inch square."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, my object in offering this amendment is to remove as far as possible all restrictions upon exports. Perhaps no proposition brought before the House has been more extreme than the one presented by my esteemed friend from Iowa [Mr. STRUBLE] a moment ago, to maintain the tax upon this article regardless of its consumption whether at home or abroad, in order to prevent its competing with genuine butter in the markets of Europe. I would ask my friend to read carefully the fifth clause of section 9 of Article I of the Constitution:

No tax or duty shall be laid on articles exported from any State.

Mr. WEAVER, of Iowa. That means exported from any State into another State.

Mr. BRECKINRIDGE, of Arkansas. It does not say only "exported from any State into another State." It says "exported from any State." We all know it refers to exports from any State in this country to another country. I do not mean to say that that is all it means; but that is the point at issue. But I do not wish to enter into an argument now as to the balance of the scope of the clause. I ask the gentleman to consider and construe that provision. The whole Union has construed it one way up to this time. This seems to be the day of strange things, and no man seems to have any fixed guides or convictions.

I wish now to call attention to one or two points that were made by my distinguished friend from Indiana [Mr. HOLMAN], who, I regret to see, is not in his seat. The gentleman, as usual, presented about the best appearance for the case he was defending of which it was susceptible. One thing against which he inveighs is "patented" monopolies. Sir, there are many monopolies, such as subsidized industries and subsidized railroads, and fraudulent aggrandizement of the public lands, and fraudulent and other aggrandizement of the functions of public carriers, &c., all contrary to the spirit of justice and of the Constitution, and much of it, by perversions of trust powers here reposed, contrary to the very letter of the Constitution. Here is another effort, and in an unprecedented and in the most dangerous and abominable manner, to subsidize an industry. To this and to all such things I am firmly opposed.

Pardon me, sir, if I say it; but it seems as if demagogism is in the air. I can not believe that so low an estimate as gentlemen seem to be placing upon the people is a just estimate. Constitutions and systems must be at last an insufficient guarantee of liberty and justice. The people must evidently be of themselves essentially capable of wise self-government. The gentleman from Indiana [Mr. HOLMAN] takes a novel position when he inveighs against "patented" monopolies. The Constitution says that Congress shall have power—

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

No man denies the constitutionality of the patent laws. The gentleman from Indiana [Mr. HOLMAN] is the first one I have ever heard of who says that this incentive to genius and guarantee for "limited times" of the enjoyment of a man's own writings and discoveries has not proved of incalculable benefit to our country or that it is not just

within itself. But, sir, that is not the worst of it. The gentleman favors this bill because it taxes a patented product.

I have before me copies from the Patent Office of not less than 100 of these patents. The number prevents the possibility of a monopoly. The process is so simple that it can be conducted in every kitchen in the country. But suppose there is some special benefit in a lawful patent. Was not the patent issued in good faith? Here is the enormity. This is the first time I ever heard a proposition to grant a patent to a citizen and then turn around and tax his patent out of existence. That mode of treatment is one which can never become popular with a fair-dealing legislative body. If the law is unwise, repeal it. If the idea or invention is indispensable to the people at cheaper prices than those current, appraise it, buy it, and throw it open to the world. But do not let us approve the idea of an insidious and treacherous breach of contract.

Now, the other point made by my distinguished friend is that you should take hold of this matter and treat it as a fraud; in other words, undertake to deal with it by an exercise of the police power. And the gentleman inveighed with considerable force and effect upon the fraudulent character of the commodity now under consideration. Allow me to read from the decision of the Supreme Court, which I cited this morning in full, one short paragraph bearing especially upon this particular point.

This is the unanimous deliverance of the Supreme Court in 1869 in the case of the United States *vs.* Dewitt (9 Wallace), commonly called the Coal-oil Case. The court says:

> As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes territorially all State legislation, as, for example, in the District of Columbia. Within State limits it can have no constitutional operation. This has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions, that we think it unnecessary to enter again upon the discussion.

Sir, as a young member of the grand army of Democracy I must confess to having been somewhat amazed at seeing such apparent heresy preached by one of the old leaders of the party; and I would have my friend, when he makes a special plea for the price of the butter of the small farmers of his community, remember that the very measure by which he proposes to put up the price of butter will also put down the price of the fat of every stalled ox that is sold by his constituents. In reducing the price of the surplus fat of cattle it reduces the price of every head of cattle. We know that in order to make the more edible portions of beef palatable, so as to bring a high price, the beef must be fattened to a high degree. If the gentleman should seek to strike down an industry that utilizes the surplus fat upon the beef he will find he "can not eat his cake and keep it too."

Sir, what has been the effect of this industry upon beef? Let me cite again the average prices for a series of years past of cows alone: In 1879, $21.73; in 1880, $23.27; in 1881, $23.95; in 1882, $25.89; in 1883, $30.21; in 1884, $31.37.

These figures, which are as late as can be obtained, show that as the result of being able to utilize all parts of beef-cattle in this country the price has been brought some $10 per head higher. Now cut off the chance to use the surplus fat of your beeves, and what you gain on your butter you lose in the price of your beef-cattle. Yet this will not make the remaining salable part of the beef any lower to the consumer.

Mr. Chairman, I have fought this bill the best I could. The House is determined to pass it, and the end is near at hand. I can only trust that it will meet at the hands of the Senate or of the Executive the fate it well deserves. I yield the balance of my time back to the Chair.

Mr. DUNHAM. Occasionally during this debate, Mr. Chairman, I have heard members discuss the constitutional question, but after listening to the speech of the gentleman from New York [Mr. HISCOCK] on this side of the House in which he proposed to draw us all into the support of the bill and announced his determination to follow the Committee on Agriculture line by line and section by section, from the blind adherence which he offered to give to the Democratic committee of this House, and in connection with the speeches of other members, I feel convinced that the Constitution has had nothing whatever to do with this bill—or the case, as the gentleman near me suggests. [Laughter.]

Constitutional or not constitutional, it is on the programme for this bill to pass the House. It makes no difference to the men who are here. They care nothing about that instrument just at present. Perhaps before the courts of the country that question may be discussed; and they are willing, to accomplish their present purposes, to leave it to be settled by the judiciary. For myself, I am here to say I do not differ with them very much on that subject, but lawyers should be consistent, and not give their support to measures that their legal education teaches them to be outside of lawful authority.

As for the bill itself, I claim it is dishonest in its intentions, dishonest in its wording, and dishonest in its conception. The principle of the bill, as announced here, with a few exceptions, is to raise revenue. I have heard some members admit squarely and honestly that their object was to tax oleomargarine out of existence. Now, I say the members of the House who have taken that position have honestly stated their real motives; and the man who says here the object of this bill is revenue, I doubt very much if he means really what he says. The tendency of Congress is to reduce the revenue. No one will deny this. I understand there are members who would rather not vote on this bill either way, some on constitutional grounds, some because they look upon such measures as dangerous in their tendency, and others because forcing commercial values by law is contrary to the spirit of the nineteenth century; but, representing farming constituencies, and believing or fearing future elections depend on the votes they give, they propose to vote for this bill, constitutional or not, right or wrong, honest or not. [Laughter.]

Soon after this bill came up for discussion I stated that its real and true object was to enable the farmers to get a higher price for their butter. Now, I am willing they should get a good price. I do not object to it; and if they came in here and presented a bill which said what it meant perhaps I might have supported it then. But when you come here with a fraud on its face, with a deceit from beginning to end, when you come here with an intention to strike down one interest for the purpose of building up another, I say to you, my Republican friends, that is not the true protective doctrine. We believe on this side of the House in protecting the industries of this country against foreign competitors. We believe in protecting American labor against the labor of Europe. That is the true doctrine; that is the theory of the Republican party. A few gentlemen on the other side of the House do not agree with us; still it is the correct theory and the only safe one for Republican members to follow.

It is not wise or just to attempt to strike down one interest in America in order to build up another. You propose to advance the price of butter as a result of legislation. It reminds me that a bunch of Congressmen at one time during the war by a solemn act of Congress prohibited trading in gold, and the next day everybody was buying and selling currency. The people quietly smiled, and the "men of wisdom" concluded their "tinkering" with commercial articles was a failure.

In this butter engineering you may be partially successful for six months. You may go on the political stump and tell the farmers "we have taxed your rival to death, and now you are sure of good prices. You that own one cow buy another and own two; you that now delight in ten cows buy ten more and become the owner of twenty. The oleomargarine factories are closed and good prices are yours."

It might be well for you gentlemen in your remarks to add, "Do not make haste to be rich;" but you will not do that, because it would carry with it a doubt in your own minds as to the success of your legislative action.

The CHAIRMAN. The gentleman's time has expired.

Mr. ADAMS, of Illinois. I will take the floor and yield my time to my colleague.

Mr. DUNHAM. As a natural result of this bill the tendency throughout the country at first will be higher prices for butter, but in a year the price will fall simply from overproduction. The farmers when they get time to consider this matter and see what the result of this thing will be will demand of you an explanation for depression, and you lawyers will fly to commercial men and ask reasons. They will tell you to let the commerce of the nation alone.

Markets can not be regulated by law, and any attempt to do so is sure to bring disaster somewhere. It is often the case that prices of grain, for instance, advance in anticipation of some damage to growing crops; then when the damage really comes the price tumbles. Why? Because everybody is loaded and prepared for it, and who will the holders sell to? Let the farmers think you have acted wisely in their interest, but I greatly fear one year hence will see them suffering under lower prices for their butter than they obtain to-day.

You forget the fact, my friends, that while there are seven millions of farmers, including their wives and children, in this country, there are also many more millions of working people who do not make butter but who buy and consume it. Grant all rights to farmers, and yet others' feelings and pockets are to be consulted. Be honest and square, gentlemen, with all classes.

Now I concede that perhaps not a workingman in this country cares to eat this oleomargarine, or at any rate if he buys it he wants to buy it for what it really is, and as I claim he ought to do; but I do say, and I defy any man to contradict its truth, that the laboring men, the consumers of products in this country, are willing that oleomargarine shall be continued to be manufactured; and why? Simply because it will keep down the price of butter.

Now I propose to be honest about that, Mr. Chairman, and will say that the laboring man naturally desires to keep down the price of his food products, and butter is one of them. It is a proper and natural desire on his part, and I admit that this product, oleomargarine, aids him in his desire; but it should be branded and sold for what it is. I claim that the men who live in my district and manufacture this product are willing to manufacture and brand and mark it in every way to show what it is; that is what they are now doing; and your bill does not affect them in that respect in the least. What then is the objection?

We do object to this tax that you propose to put upon the product. I object to it in the name of the men who manufacture it; I object to it in the name of the 250,000 people who reside in my dis-

trict, not butter-makers but butter-consumers, who desire to buy butter at 25 cents a pound, as now, rather than to be forced to pay 40 or 50 cents a pound, as was the case one, two, three, or five years ago. Remember that 25 cents to-day is equal to 40 cents to the farmer ten years ago. I ask the House then to consider carefully the provisions of the bill. You have commenced, by this, the inauguration of a species of legislation for which the day will come when you will be sorry. There is no telling what industry will come here next and demand the wiping out of another industry which is perhaps injuring its prosperity.

Mr. BAYNE. But you stated that it would make butter cheaper, did you not?

Mr. DUNHAM. I did say so, that such will be the ultimate effect of it, but not the immediate effect. I do say that it is wrong to strike down one industry for the sake of trying to build up another. You can not honestly deny this proposition. You can not possibly have more sympathy and respect for farmers than I have. You believe your course now is for their good. I believe its final end will be a losing one in the finances of farmers.

I say it is wrong for you gentlemen here, representing as you claim the farming community, to do what you can to temporarily benefit them, but really to do that which in the end will result in their injury, and perhaps in the financial ruin of many of them.

Time determines all things. No farmer shall ever suffer by my vote. No laboring man shall lay the charge at my door that the cost of the necessaries of life for himself, wife, and children were advanced by legislation by any vote of mine.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. Mr. Chairman, I did not intend to participate in the discussion of this bill, and do not now propose to occupy the attention of the committee but for the few minutes allowed me under the rules.

While I have uniformly voted with the friends of this bill and with the Committee on Agriculture, which reported the same to the House, yet I confess that I have had some doubts as to the propriety of some of the provisions contained in it. I go as far as my colleague [Mr. DUNHAM], who has just taken his seat, in denouncing any system of legislation which discriminates in favor of any one industry of this country as against another. I would not vote for any bill which had for its purpose the building up of one industry at the expense of another, no matter what that industry might be. Nor would I vote for any bill which in my judgment would have that effect. But I say to my colleague from Chicago [Mr. DUNHAM] that while I am, like himself, utterly opposed to fraud, I do not see the fraud in this bill of which he speaks, but think I can see the fraud which the bill proposes to protect the people of this country against.

Mr. Chairman, if there is any one thing more than another in which I would like to see effective legislation in this country by the State and by the General Government, where it can be constitutionally done, it would be legislation against the adulteration of human food. And I would extend it to fraud and deception in the selling of any article of food for domestic consumption for any thing else than what it really is, so that people may know what they are purchasing and what they are eating. If people want to eat oleomargarine they should be permitted to do so, but they should know what they are eating.

Now, my colleague from Chicago [Mr. LAWLER] has acknowledged here that he has eaten oleomargarine. I wish to say that I have never eaten any to my personal knowledge; and yet I am not certain but that I have eaten much of it under the impression that it was very bad butter. [Laughter.] I know that there is good butter and bad butter; but the object of this bill, as I understand it is to prevent the manufacture of an article in imitation or in resemblance of butter and the selling of it to the consumer as butter. I believe honestly that of the 200,000,000 of pounds of oleomargarine which it has been said here are manufactured and sold in this country, a very small percentage of it has been sold as oleomargarine. The great bulk of it has been sold for butter to the consumer. And that is the wrong which one industry inflicts upon another, and which this bill seeks to prevent.

Now, sir, I was going to say that I was not in favor of all the provisions of this bill. I have thought the tax provided for in the bill too high. I, myself, would only favor a sufficient tax to pay the expenses of regulating and inspecting these oleomargarine manufactories; and it seems to me that would be a sufficient tax. But if the construction now put upon the bill be the true one, and I am inclined to think it is, and the object is not to tax all oleomargarine, but only that which is manufactured as an imitation of butter, then I do not care, Mr. Chairman, how high the tax may be, even if it be 20 or 25 cents a pound.

If gentlemen of the committee will examine the second section of this bill, and I have examined it to-day with some care in connection with what I understand to be proposed amendments to the section, they will see that oleomargarine is defined here in this bill to be that which is made in imitation or semblance of butter, and which as such imitation or semblance of butter is to be sold for butter. It is this imitation or semblance of butter, this fraud and deception, which is to be taxed, as it now occurs to me, and this I am heartily in favor of.

While much has been said here about the men who are interested in oleomargarine factories, I know there is a great deal of interest on both sides of this question, and I do not see much difference in the influences that seem to be brought to bear here, whether they are on the one side or on the other. But, Mr. Chairman, I believe oleomargarine has been immensely profitable to the manufacturers of it in this country; that they have made immense sums of money out of its manufacture, and this has been done by palming it off on the public as an article which it is not. It has been sold for butter when it is inferior to any good quality of butter, and to the injury of an industry in which thousands of people all over the country are interested, and I believe such deception and fraud should, if possible, be prevented.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments nonconcurred in by the House of Representatives to the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, agreed to the conference requested by the House, and had appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL as managers of the conference on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6975) to establish additional life-saving stations.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and ordered to lie on the table, and be printed:

To the House of Representatives:

In compliance with the request of the House of Representatives of this date, I return herewith House bill No. 6391, entitled "An act to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes."

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 2, 1886.

OLEOMARGARINE.

The Committee of the Whole resumed its session.

Mr. HATCH. I ask unanimous consent that all debate upon the pending section and amendments thereto may be closed, that there may be an opportunity of having the other sections read.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. BRECKINRIDGE], which the Clerk will report.

The Clerk read as follows:

Amend section 16 by striking out the last sentence, namely, these words: "Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word 'oleomargarine,' in plain Roman letters not less than one-half inch square."

The amendment was disagreed to.

The CHAIRMAN. If there be no objection the remaining sections of the bill will be read.

The Clerk resumed the reading of the bill, and read section 19, as follows:

SEC. 19. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction, one-half of such fine or penalty, when paid, to go to the informer.

Mr. MCMILLIN. I desire to offer an amendment.

The CHAIRMAN. Section 19, as the Chair is informed, is one on which a number of gentlemen desire to be heard. The Chair, therefore, requested the Clerk to read the sections in their order until that section was reached. Before doing so the Chair had recognized the gentleman from New York [Mr. BAKER], who is now entitled to the floor.

Mr. BAYNE. I ask unanimous consent that the bill be read through and that we may then recur to the nineteenth section.

Mr. BRUMM. I object.

Mr. HATCH. Several members have asked me a question which I desire to answer in the presence of the committee that there may be no misunderstanding about this, as there are some members who have calls to go somewhere else and want to leave the Hall. The proposition was made that all debate under the five-minute rule should be considered closed at ten minutes before 5 o'clock, and that the bill should then be reported, and the agreement was that the bill and all these amendments would come up as the first business in order to morrow morning after the morning hour——

Mr. SCOTT. In committee?

Mr. HATCH. In the House. I can not ask the committee to have the previous question considered as ordered, because that would cut off the opportunity to carry out the agreement we made to offer the amendments in the House. Therefore I want it understood the bill and all amendments will be reported and taken up in the House after the morning hour. Will the Chair please submit the question, that there may be no misunderstanding?

The CHAIRMAN. If there be no objection the arrangement will be made as indicated by the gentleman from Missouri.

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. BAKER] is entitled to the floor.

Mr. BAKER. I move to strike out the last clause of the nineteenth section; and I desire, Mr. Chairman, to submit two or three observations on the bill explanatory of my own position, because so many arguments have been brought forward here by gentlemen upon this subject that it seems to me we overlook two or three very important questions in the consideration of this bill.

In the first place this legislation comes here somewhat in consequence of the action of the manufacturers in the several States upon this very important matter. Recurring for a moment to the history of the legislation in the different States, let me say that in my own State year after year legislation has been attempted to regulate the manufacture and sale of oleomargarine. It has been uniformly resisted by the same influences and the same arguments that have been offered here upon this floor. Efforts to investigate the manufacture and sale of this article have been met with the argument that this stuff is pure, that it is healthful, that it is a proper substitute for butter, and may with safety be placed upon the tables of and consumed by the people. After investigation in my own State on two or three occasions acts have been passed to regulate its manufacture and to compel its being marked so that it may be sold as what it is.

Mr. Chairman, the legislation brought forward and passed in my own State, passed, as I have said, against strenuous opposition, has on two occasions been overthrown by the action of the court of appeals, and it has utterly failed—all efforts have failed—to regulate the manufacture of this article, in consequence of the inability of the State Legislature to throw around it the safe-guards proposed by this bill. This opposition to the manufacture and sale of oleomargarine has grown up simply because the manufacturers have refused to sell the article for what it is. They have continually practiced deception and fraud upon the consumer, and it is for that reason that my State and every other agricultural State will hail with delight the passage of this bill. I believe such legislation would have been unnecessary if the dealers had been honest with consumers, and my purpose in making these remarks is simply to explain that I vote for this bill in order to enable consumers to know, when they buy butter, that they are getting butter, and to prevent the continuance of the deceit and fraud that have characterized the manufacture and sale of this article during several years past. Incidentally, this law will produce revenue; incidentally it will benefit the dairy interests of the country, and these are objects devoutly to be desired. Therefore, Mr. Chairman, while believing that the tax proposed to be assessed is, perhaps, too high, I trust that, when it shall be fixed at such a figure as will guarantee the sale of oleomargarine not as butter but as oleomargarine, and in that way secure the protection of the consumer, the bill will pass without further opposition.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. MCMILLIN].

The Clerk read as follows:

In section 19 strike out the following: "One-half of such fine or penalty, when paid, to go to the informer."

Mr. MCMILLIN. Mr. Chairman, it is hardly necessary for me to explain at length the reason why this amendment is offered. The legislation which gave to informers a share of the penalties imposed for violation of the tariff laws has long since been repealed; the penalties of the internal revenue laws that were imposed and distributed in the same way have also been repealed. Yet here, in "these piping times of peace," the Committee on Agriculture in their wisdom have seen fit to inaugurate anew the most obnoxious of all that legislation. I am happy to think that the majority of the people of the United States would scorn to accept such money. But in almost every community there are those so depraved as to be capable of its acceptance. From such I would take the temptation to accept by withholding from the Government officials the power to give.

If we are to have a new swarm of deputy marshals sent around in new paths hunting for new substances, let us not add to their zeal the zeal of the mercenary who is to receive a part of the penalty as an informer. I do not know of any kind of legislation which is more reprehensible than that which sets neighbor spying upon neighbor for these petty offenses. The penalties affixed by this bill are very large. The forfeitures if obtained will be great, and hence the temptation to inform upon his neighbors to every man mean enough to do it will be great. I do not think that this House will do itself justice if, even for the protection of the cow, it turns loose a set of men upon the community urged on by such motives. I do not deny the power of the Government to raise taxes. They are essential to the existence of the state. When the object is taxation for the support of the Government no citizen can interpose his voice and no constitutional question arises. But, sir, I am of those who believe that the strong arm of Government can not be legitimately invoked to crush out any legitimate industry, and when this Government enters upon that experiment it will be upon a wide, a boundless sea of troubles. I hope that at the proper time the amendment will be adopted.

Mr. LA FOLLETTE addressed the committee. [See Appendix.]

Mr. WILSON. Mr. Chairman, I have already, at an early period of this discussion, stated some objections to this measure. These objections were fundamental, and subsequent reflection and the argument which has taken place in the last few days have not lessened but rather have confirmed and intensified them.

No debate I have listened to since I have been a member of this House has been marked by more frequent recurrence to those first principles which are supposed to be sound and safe guides in all legislation. This very fact itself, Mr. Chairman, is a presumption against this bill, because it implies that it opens a new field of legislation, and one which Congress has not heretofore occupied.

But, sir, I have not been able to square this bill or to reconcile its principles with any of those just and safe maxims of legislation to which gentlemen have so frequently alluded in this debate.

Now, I know, Mr. Chairman, that a constitutional argument is too often met and supposed to be overthrown in this House by a sneer. Nevertheless, sir, the Constitution is the supreme law of the land, and it seems to me in a legislative assembly engaged in framing laws no inquiry could be more pertinent, none deserving of more respectful consideration, than that which seeks to bring those laws to the test of the Constitution, the organic law of the land.

A MEMBER. Especially when we are sworn to support it.

Mr. WILSON. Yes, sir, especially when we are sworn to support it.

Gentlemen seem to suppose that they have made their case when, as the gentleman from California [Mr. HENLEY] who spoke a few minutes ago, they ask us what provision of the Constitution does this bill violate. Mr. Chairman, I have always supposed, and I have been taught to believe, that in the legislation of Congress the pertinent inquiry is, under what provision of the Constitution is it allowable? From the beginning of this discussion I have not heard any gentleman on this floor attempt to maintain this bill on constitutional grounds except as a measure to raise revenue.

It seems to me, Mr. Chairman, before Congress can attempt to raise revenue there must be a double authority derived from the Constitution. It must not only be a constitutional mode of raising revenue, but there must be a necessity for revenue before you are authorized to put into operation the power of levying taxes. To pretend that this is a bill to raise revenue is to palter with the very highest trust that we as Representatives are clothed with. The trust and authority to impose taxes on the people, to use that power for any oblique or indirect purpose, or otherwise than for the plain and honest purpose of raising necessary revenues, is, I say, to abuse it and to palter with the most sacred trust with which we are invested.

[Here the hammer fell.]

Mr. STRUBLE. Mr. Chairman, a few moments ago the gentleman from Arkansas [Mr. BRECKINRIDGE] called my attention to section 5, Article IX of the Constitution, and suggested that it might be well for me to consider whether my remarks upon the subject of taxing oleomargarine, whether consumed at home or abroad, were not in conflict with the section and article I have just named.

It may be his view is the correct one, but I submit it is not entirely clear upon the reading of the section, which is as follows:

No tax or duty shall be laid on articles exported from any State.

There is no time to enter upon any considerable discussion of the section now. It may be conceded that no tax or duty in the shape of export taxes or duties can be laid; but may not the United States primarily tax all oleomargarine, saying nothing about the tax or duty in view of exportation. Then, again, is it clear that this section may not refer to exportations from States, as if made somewhat under their authority—which of course can not be done—instead of, in a sense, from and under the authority of the United States to foreign countries?

I merely suggest these queries to the gentleman from Arkansas for reflection, without in terms contending that he is in error in what I assume might be his opinion of the section upon argument.

Mr. PARKER. Mr. Chairman, during this debate my friend from Pennsylvania [Mr. BAYNE] has said:

Pennsylvania is the second largest butter-producing State in the Union. New York comes first with 111,000,000 pounds annual production; Pennsylvania comes next, with over 79,000,000 pounds; the State of Ohio comes next, with, I believe, about 67,000,000 pounds, and Iowa next, with about 55,000,000 pounds. It will be seen, therefore, that the great State of Pennsylvania has a larger interest in protecting her dairy products than any other State in the Union except alone the State of New York.

It is true that by the last census New York was shown to have an annual product of over 111,000,000 pounds of butter, and it is also true that over 11,000,000 pounds of it was produced in the counties of Saint Lawrence and Jefferson, which constitute the district which I have the honor to represent on this floor. New York had then nearly one and one-half million cows, of which more than one hundred and fifty-five thousand were in the same two counties.

It appears that there are from fifteen to sixteen million cows in the United States. The annual product of butter has been a little over 1,000,000,000 pounds, worth about $250,000,000.

The annual product of bogus butter has been over 200,000,000 pounds, over 99 per cent. of which has been sold "as and for butter." It has cost less than 8 cents, and has been sold to the consumer for an av-

erage of about 25 cents; hence the profit of 17 cents, or $34,000,000, has been secured by those who have made and those who have sold it. Not only has the butter interest suffered from this fraudulent competition, but the whole $565,000,000 of butter, cheese, and milk interest of the United States has been greatly disturbed and harmed by it.

Unless some check is given to the bogus product and its deceptive sale, no power under heaven can prevent the practical destruction of the butter-making industry as it now exists in the United States.

Not one pound in one hundred of the bogus product is ever bought by a consumer who knows its character.

It is shown beyond question that much of this bogus product is not only unhealthy, but to a greater or less degree poisonous.

Never since the world began has any nation submitted so long to such an extensive and shameless fraud, and yet men stand about us and raise their hands as though in holy horror, and invoke the Constitution to prevent any interference with the continuance of the crime.

Seldom have men gathered in so much wealth in so short a period as has been seized and appropriated by these bogus-butter kings whose work is under investigation. Disease and poverty follow in their train, but they carry away their millions upon millions.

Consider it, 200,000,000 pounds of (largely a filthy) product sold to the consumer for $50,000,000—it cost the producer $16,000,000—leaving an annual profit of $34,000,000.

Or make the estimate very low, call the product 20 cents per pound—and if the counterfeit is prudently managed it will average above that for the year—then we have:

Paid by the consumer	$40,000,000
Cost to the producer	16,000,000
Leaving	24,000,000
Take off for possible incidentals	4,000,000
Leaving a net profit of	20,000,000

And these humanitarians, these lovers of poor men, carry away to their own safety-deposit vaults $20,000,000 per year, got from consumers who paid for butter and got nothing but its flavor in a bulk of grease. Is it strange that butter now sells for 16 cents in market? Is it strange that the great American dairy interest languishes and is demoralized? Is it surprising that these bogus-butter fellows, making their $20,000,000 a year, are going about here weeping for the "poor man's butter," because the poor man wants it so much and these fellows are afraid that the poor man can not get enough of it? Is it strange that men gather in to oppose this bill from Northern Illinois to Southern Georgia? Is it strange that this Congress is held here for days in mere delay over this bill while legislation of the greatest importance presses upon us? Is it strange that men representing tallow butter and lard butter and cotton-seed-oil butter, and men with whole windrows of dead animals of all kinds and conditions behind them, rise up and scream crazily about the Constitution?

All of these men represent the interest that robs the public of from twenty to forty millions a year.

[Mr. VAN EATON addressed the committee. [See Appendix.]

Mr. HATCH. I move by unanimous consent that all debate on the pending section be closed, so that we may vote upon the pending amendment of the gentleman from Tennessee [Mr. MCMILLIN].

There was no objection, and it was ordered accordingly.

The question recurred on Mr. MCMILLIN'S amendment.

The committee divided; and there were—ayes 76, noes 23.

So the amendment was agreed to.

Mr. HATCH. Now let the remaining sections be read.

Mr. WHEELER. I have an amendment to offer.

Mr. HATCH. The gentleman can offer it afterward.

The Clerk read as follows:

SEC. 20. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act.

SEC. 21. That this act shall go into effect on the ninetieth day after its passage; and all wooden packages containing ten or more pounds of oleomargarine found on the premises of any dealer on or after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section 8 of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purposes of securing the affixing of the stamps, marks, and brands required by this act, the oleomargarine shall be regarded as having been manufactured and sold, or removed from the manufactory for consumption or use, on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such package to mark and brand the same and to affix thereto the proper tax-paid stamps.

Mr. WHEELER. I now ask for a vote on my amendment.

The amendment was read, as follows:

Strike out in lines 3 and 4 of section 19 the words "one-half of such fine or penalty, when paid, to go to the informer," and insert these words:

"One-half of all money collected under the provisions of this act shall be used in the support of common schools, and such money shall annually be divided among and paid out in the several States and Territories and in the District of Columbia in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not read bears to the whole number of such persons in the United States; such computation shall be made according to the census of 1880 until the illiteracy returns of the census of 1890 shall be received, and then upon the basis of that census."

Mr. HATCH. Mr. Chairman, I now move that the committee rise and report this bill and amendments to the House under the agreement which has already been made.

Mr. COMPTON. I ask to offer the amendment which I have sent up to the desk.

Mr. HATCH. I have no objection to its being read for information.

The CHAIRMAN. The Clerk will read the amendment for information; but nothing is in order now under the agreement heretofore made except the motion which the gentleman from Missouri has submitted.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"SECTION 1. That every person who purchases or receives for sale within the District of Columbia or any Territory of the United States any oleomargarine which has not been branded or stamped 'oleomargarine' shall be liable to a penalty of $50 for each offense; and that said penalty shall be recoverable as all other fines or penalties imposed by law in said districts."

The CHAIRMAN. Under the agreement which the committee made this afternoon the Chair is now required to cause the committee to rise and report this bill and amendments to the House.

Mr. DUNHAM. I rise to a point of order. My understanding was that it was agreed that debate should close at ten minutes to 5 o'clock; but nothing was said about amendments. Amendments may be offered and voted upon, and I submit it is against the rules of the House to force a bill to be reported back to the House as long as members desire to offer amendments. [Cries of "Regular order!"]

Mr. HATCH. The agreement was so plain that there can be no mistake upon that point.

The CHAIRMAN. The agreement was that at ten minutes before 5 o'clock this bill should be reported to the House; that agreement was made by unanimous consent; and without unanimous consent now given it can not be changed.

Mr. MORRISON. Reported back without a vote?

The CHAIRMAN. Not without a vote; but the motion of the gentleman from Missouri is in order. [Cries of "Regular order!"]

Mr. DUNHAM. I wish to offer additional amendments.

Mr. HENDERSON, of Iowa. Regular order!

The motion that the committee rise and report the bill to the House was agreed to; there being on a division—ayes 109, noes 33.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8328), had instructed him to report the same to the House with sundry amendments, and recommend that it be passed as amended.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its Clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes; and

A bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the Post-Office appropriation bill (H. R. 5887) and on its disagreement to the amendment of the House to the Senate amendment, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. MAHONE, and Mr. BECK.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6975) to establish additional life-saving stations.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House do now adjourn.

Mr. DUNHAM. I rise to a parliamentary inquiry.

Mr. RANDALL. The motion is not debatable.

Mr. DUNHAM. Has this committee a right to report a bill back to the House as long as amendments are offered to the bill by members of the House?

The SPEAKER. That is not a question for the Chair to determine. It is a question which could only have been properly determined by the chairman of the Committee of the Whole on the state of the Union. [Cries of "Regular order!"]

The motion of Mr. HATCH was then agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition and claim of Catharine A. Fossett, executrix of James Fossett, deceased—to the Committee on War Claims.

Also, petition of Maria Trunnell, for compensation for damages done to her property in the District of Columbia by street improvements—to the Committee on the District of Columbia.

By Mr. BARKSDALE: Papers relating to the claim of Walter W. Peck and of Martha J. Stewart, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. BARNES: Papers relating to the claim of John McKinne, of Emanuel County; of Martha Price, of Burke County, and of Larkin Wilcher, of Glasscock County, Georgia—to the same committee.

By Mr. BUCHANAN: Memorial of the Board of Trade of Atlantic City, N. J., for a post-office building at that place—to the Committee on the Post-Office and Post-Roads.

By Mr. BUNNELL: Petition of the New England Shoe and Leather Association, requesting that one and two dollar bills be issued to take the place of those defaced and worn out—to the Committee on Banking and Currency.

Also, petition of the Grand Army of the Republic post of Union Dale, Susquehanna County, Pennsylvania, urging the passage of the Senate pension bill 1886—to the Committee on Invalid Pensions.

Also, memorial of the common and select council of Norfolk, Va., calling attention to the eligibility of that city as a site for a Government ship-building plant—to the Committee on American Ship-building and Ship-owning Interests.

By Mr. DUNHAM: Protest of E. T. Palmer & Co. and 665 others, employers and employés in the cloak manufacturing trade in the city of Chicago, against the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. ELY: Petition of Joshua W. Davis, in favor of Senate bills 53 and 54—to the Committee on Indian Affairs.

By Mr. ERMENTROUT: Eight petitions of hospital stewards, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. GROUT: Petition of W. H. Collins and 35 others, citizens of Swanton, Vt., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HARRIS: Petition of Josiah R. Chambers, administrator of Josiah Chambers, of Carrollton, Ga., asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HEMPHILL: Papers relating to the claim of Leonidas Lowery, of Chesterfield County, and of John C. Canthen, of Lancaster County, South Carolina—to the same committee.

By Mr. HOUK: Petition of savings-banks of New York State, praying for a repeal of the law which directs the coinage of the 412½ grains silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Blount County, Tennessee, praying for the passage of the Blair educational bill—to the Committee on Education.

Also, a bill authorizing the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.—to the Committee on Commerce.

Also, petition of Walter Newburn and of Henry Krueger, hospital steward, United States Army, praying for increase of pay for hospital stewards—to the Committee on Military Affairs.

Also, petition of John F. Rhoton, of Jefferson County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAFFOON: Petition of W. J. Mitchell and others, in favor of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. LAIRD: Petition of John F. Hilman and 80 others, citizens of Weld and Arapahoe Counties, Colorado, praying for the establishment of a land office in northeastern Colorado—to the Committee on the Public Lands.

By Mr. LIBBEY: Petition of citizens of Warwick County, Virginia, for the improvement of Deep Creek—to the Committee on Rivers and Harbors.

Also, resolutions of the Norfolk and Portsmouth Cotton Exchange, relative to the establishment of a branch hydrographic office at Norfolk, Va.—to the Committee on Appropriations.

Also, papers in the case of J. E. Hozier—to the Committee on Claims.

By Mr. MILLARD: Resolution favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. PLUMB: Petition of A. F. Waldorf, John J. King, and 36 others, citizens of Trumbull County, Ohio, for the passage of bill taxing oleomargarine 10 cents—to the Committee on Agriculture.

By Mr. RANDALL: Petition of Richard Ennis, president, and Thomas J. Dicus, secretary of the trades assembly of Western Pennsylvania, in opposition to proposed oleomargarine and butterine legislation—to the same committee.

By Mr. RYAN: Petition of the board of medical pension examiners, for change of law in regard to fees of such examiners—to the Committee on Invalid Pensions.

By Mr. SKINNER: Petition of Mrs. Holland Harderly, widow of Micajah Harderly; of Joseph R. Franklin, of Rev. Jacob Utley, of J. S. Davis, of D. W. Morton, of Josiah L. Bell, and of Francis J. and Mary F. Morton and Martha J. Oglesby, of Carteret County; of Thomas E. Harris, administrator of Thomas D. Harris, and of Mary E. English, executrix of James C. Ballance, of Hyde County; of William J. Porter, and of W. H. Hyatt, son of James H. Hyatt, deceased, of Perquimans County; of Javis M. Williams, of Beaufort County; of Joseph J. Jordon, of Winton; and of A. O. Dey, administrator of J. S. Dey, Currituck County, North Carolina, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SNYDER: Papers relating to the claim of George W. Spotts, of Garrett W. Bane, and of Phillip Gordon, of Jefferson County, West Virginia—to the same committee.

By Mr. STEPHENSON: Resolutions of Grange No. 92, Patrons of Husbandry, of Waterloo, Wis., on interstate commerce—to the Committee on Commerce.

By Mr. STRAIT: Resolutions of the Board of Trade of Duluth, Minn., protesting against the consolidations of the customs districts of Minnesota—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of Nancomah Valley Grange, of Shelby County, Tennessee, asking the passage of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, papers relating to the claim of Martha L. Yancy, administratrix, of Shelby County, Tennessee, to the Committee on War Claims.

By Mr. TILLMAN: Petition of R. S. Lipsey, of Barnwell County, South Carolina, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. WARD: Petition of Ernest Hodden, of Chicago, Ill., praying that his claim be referred to the Court of Claims—to the same committee.

By Mr. MILO WHITE: Protest of the Board of Trade of Duluth, against the consolidation of the customs districts of Minnesota—to the Committee on Ways and Means.

The following petitions, urging the adoption of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, taxing the same 10 cents per pound, and urging the adoption of such effective measures as will save the dairy interests from ruin and protect consumers of butter from fraud and imposition, were presented, and severally referred to the Committee on Agriculture:

By Mr. LINDSLEY: Of dairymen of Green County, New York.

By Mr. MILLARD: Of citizens of Guilford, N. Y.

SENATE.

THURSDAY, *June* 3, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN S. WILLIAMS—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

Senate bill No. 789, entitled "An act granting a pension to John S. Williams," is herewith returned without approval.

This claimant enlisted in 1861. He alleges that his shoulder was dislocated in 1862 while ferrying troops across a river. The records of the War Department fail to furnish any information as to the alleged injury. He served afterward until 1865 and was discharged. His claim for pension was rejected by the Pension Bureau in 1882, twenty years after the time he fixes as the date of his injury; and after such long delay he states as an excuse for the unsatisfactory nature of his proof that the doctors, surgeons, and officers who knew him are dead.

Considering that the injury complained of is merely a dislocation of the shoulder, and in view of the other facts developed in the case, I think the Pension Bureau arrived at a correct conclusion when this claim was rejected.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 2, 1886.

JAMES E. O'SHEA—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I return without approval Senate bill No. 327, entitled "An act granting a pension to James E. O'Shea."

From the report of the committee to whom this bill was referred I learn that the claimant enlisted in April, 1861, and was discharged in October, 1864.

He filed a claim in the Pension Bureau alleging that he received a saber wound in the head March 7, 1862, and a gunshot wound in the left leg in the autumn of the same year.

It appears, upon examination of his military record, that there is no mention of either disability, and that he served two years after the time he claims to have received these injuries. So far from being disabled, it is reported as an incident of his army life that in the year 1864 this soldier was found guilty of desertion and sentenced to forfeit all pay and allowances for the time he was absent.

The report of the committee, in apparent explanation of the lack of any official mention of the injuries alleged, declares that "the fact that the records of the War Department are often imperfect works great hardship to men who apply for pensions;" and his conviction of desertion and the lack of proof to sustain his allegations as to his injuries are disposed of as follows in the committee's report:

"The Adjutant-General's report shows that the man was under discipline for some irregularities, but, notwithstanding this and the lack of the required proof that he was wounded in the line of duty, the committee are of the opinion that, situated as he was, he was very liable to, and very probably did, receive the wound from which he has suffered and is still suffering."

I am convinced that there exists serious difficulty on the part of the claimant instead of in the record of the War Department, that the kind of irregularity for

which he was under discipline is calculated to produce a lack of confidence in his merits as a pensioner, and that the fact of his situation being such as to render him liable to receive a wound is hardly sufficient to establish his right to a soldier's pension, which is only justified by injuries actually received and affirmatively proven.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 2, 1886.

AUGUSTUS FIELD STEVENS—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I return herewith without approval Senate bill No. 1726, entitled "An act granting a pension to Augustus Field Stevens."

It appears that this claimant enlisted August 21, 1861, and was discharged on the 3d day of October, 1861, after a service of less than two months, upon a medical certificate of disability which represented him as "incapable of performing the duties of a soldier because of general debility, advanced age—unfit for service before entering."

His claim is not based upon any wound or injury, but he alleges that he contracted chronic diarrhea or dysentery while in the service. The committee to whom the bill was referred by the Senate admit that "there is a quantity of contradictory testimony biased in about equal proportion for and against the claimant."

His claim was rejected by the Pension Bureau in 1882 and again in 1885, after a special examination concerning the facts, on the ground that the claimant had failed to show any pensionable disability contracted while he was in the service.

The medical certificate upon which he was discharged makes no mention of the disorders of which the applicant for pension now complains, but contains other statements which demonstrate that no allowance should be made to him by way of pension, unless such pension is to be openly and confessedly regarded as a mere charity, or unless the medical certificate, made at the time of discharge, with the patient under observation, is to be, without any allegation to that effect, impeached.

I am not prepared either to gratuitously set at naught two determinations of the Pension Bureau, one very lately made, after a special examination—and especially when the evidence produced before the committee to reverse the bureau's action is admitted to be "contradictory" and "biased in about equal proportion for and against the claimant."

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 2, 1886.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions adopted by the Trades Assembly of Western Pennsylvania, consisting of various labor organizations, representing about seventy-eight thousand members, remonstrating against the passage of any measure to regulate the manufacture and sale of butterine and oleomargarine and to impose a tax thereon amounting to a prohibition. The resolutions will be referred to the Committee on Agriculture and Forestry.

Mr. VOORHEES presented the petition of Nancy Jane Orman, of Bowling Green, Ind., praying to be allowed a pension, and a petition of citizens of Clay County, Indiana, praying that Nancy Jane Orman be allowed a widow's pension; which were referred to the Committee on Pensions.

Mr. CAMERON. Day before yesterday I presented a telegram from Richard Ennis, president of the Trades Assembly of Western Pennsylvania, Pittsburgh, Pa., covering resolutions adopted by that assembly, which represents seventy-eight thousand members, protesting against the passage of the bill to regulate the manufacture and sale of butterine or oleomargarine. I have received and present now an official copy of those resolutions, and move their reference to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM presented the petition of Henry R. Hall, mayor, and 68 citizens of Salem, Ill., praying for the passage of the bill (S. 2052) authorizing the construction of a bridge over the Mississippi River at Saint Louis; which was ordered to lie on the table.

SEIZURE OF FISHING VESSELS.

Mr. DAWES. I present resolutions of the city council of the city of Gloucester, Mass., praying for retaliation on the Canadian Government for the seizure of American fishing vessels, and I move that they be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DAWES. In this connection I desire to call the attention of the Committee on Foreign Relations to a resolution adopted by the Senate on the 10th of last month, in which they were instructed among other things—

To inquire what measures, if any, are necessary to protect the persons and property of American citizens while engaged in lawful commerce in the ports of the Dominion of Canada; and to report by bill or otherwise.

I desire to make the inquiry of the Committee on Foreign Relations whether they have made any such advance in the investigation of this grave question as to enable them to make public any assurance that measures are being taken, or will be likely to be taken, which will afford protection to those engaged in lawful commerce with the Dominion from the aggressive measures that are now being taken.

Since the passage of the resolution, now nearly a month ago, transactions have occurred which have served very much to intensify the feeling and to put in jeopardy the interests of a large portion of my own constituents and those of New England generally engaged in the fishing industry.

There seems to be an apparent disposition upon the part of the Dominion Government to harass and embarrass very much those engaged in what can not but be considered the lawful commerce of the United States, to the extent that honest and innocent commercial transactions, such as the purchase of provisions merely, have been the cause of the seizing of vessels of the United States; and it seems to these persons that the delay is unnecessary, and that there is dilatoriness on the part of those clothed with the duty of protecting our commerce.

I do not make this inquiry because I myself have any such impression, or would intimate that the Committee on Foreign Relations have not devoted themselves to this duty as becomes so grave a subject, but in order that I may obtain from them, if it be within the province of their duty to make such a disclosure, some assurance which shall go forth to the public that measures are being taken which will protect them in their rights; and I should be glad to get some such information from the committee if it is compatible with their idea of duty.

Mr. EDMUNDS. The Senator from Massachusetts of course can not have overlooked the fact that the Committee on Foreign Relations has no power to protect American commerce or American citizens. That belongs to the executive department of the Government, and is a part of its duty under laws of the United States and under the public law of nations.

I think at this present moment, in the absence of definite information, which I confess I do not possess, we must presume that the executive department of the Government is endeavoring to do everything that it rightly may to accomplish the just protection of citizens of the United States whose property and vessels have been illegally or unkindly dealt with in the Dominion of Canada, if there be such a case. Of course it may have happened that some of these vessels, it may have happened possibly that all of them have been guilty of a violation of the existing laws of the dominion. As they have been seized by the public authorities, of course there must be a public pretension on the part of the dominion officers that such is the case.

I hope, and I do not doubt the committee hope, although I have no formal authority to speak for them, that it will turn out in every one of these cases that the seizures have been made of innocent vessels which have not violated the laws of the dominion, and which have not violated any principle of public law and were engaged at the time of their seizure in doing what the intercourse of nations and the laws of their own country and those of the country to which they went allowed; and that the seizures therefore will be dismissed without even a certificate of probable cause.

But that depends of course upon a judicial inquiry in the first instance. I do not mean to say that a judicial inquiry in the Dominion of Canada would bind us if we thought it were unjust or improper. In case it should turn out to be the fact that any of these vessels should be condemned and the United States were of opinion that the condemnation was unjust, we should not be bound by any principle of public law or of public justice to assent to such an unjust condemnation, and it would be our duty to maintain the rights of our citizens if we have any spirit left, as I think we have, and any strength left, as I hope we have, although we have not been very successful in trying to get a navy or to arm our seacoasts lately for some reason or other. But in some way and in some good time the rights of citizens of the United States must be vindicated if such rights have been violated.

It would be premature in me to say now that I know they have been violated. I hope it will turn out that they are innocent and that they have been violated, if I may put it that way; but we do not know it. The Executive is now empowered, if he has signed a bill that passed the two Houses the other day, as I presume he will do if he has not done, to defend in the way of retaliation any injustice that is done to vessels of the United States sailing to ports of the dominion or elsewhere. When that bill becomes a law, if our British brothers are straining a point in order to force us into a convention of reciprocity, or free fish, or whatever, then it is within the competence of the President of the United States, authorized by law, to take such measures in his discretion that are peaceable as will tend to correct any such abuse, if such an abuse shall turn out to exist.

So I repeat that while the committee is investigating the subject and is endeavoring to find out exactly how the thing stands with a view to guide us in reporting to the Senate any legislation, if any shall be necessary, or any resolution, if any shall be necessary, the case so far as we are concerned is yet too premature, or rather too immature, to enable me to make any public declaration as to how the committee think the matter is and what ought to be done about it. But the matter is in the hands of gentlemen of the committee who have the highest interest and zeal to prosecute the inquiry with the utmost expedition.

Mr. DAWES. My chief object was to elicit from the committee, in connection with the latter part of the resolution to which I alluded, whether in their opinion any further legislation than that which has recently passed Congress was necessary to clothe the Executive with power to protect our fishermen.

It can not have escaped the attention of the committee that armed cruisers of the British Government are all about the waters on the border of the 3-mile limit in search of American vessels that they can, under some pretense or other, seize. The entire absence of any armed vessel of the United States in those waters to protect those fishermen in the pursuit of lawful commerce led me to inquire whether that ab-

sence was from a lack of legislative power on the part of the administration of this Government, or whether it was due to any other justifiable cause of delay.

I am aware, as well as the Senator, of the necessity of proceeding with caution, and the consequent delay upon that necessity; but there are those engaged in this interest who do not as well as the Senator certainly appreciate the necessity of that delay. If they can have the assurance from so high an authority as the Committee on Foreign Relations that no delay arises from indifference, then I am satisfied that they will have greater confidence in their cause and in the ultimate protection of the Government of the United States.

Mr. EDMUNDS. I think I can state for the whole Committee on Foreign Relations and for the whole Senate to my friend that no legislation is necessary unless it may be an appropriation of money—hardly that—to enable the President of the United States, who is Commander-in-chief of its armies and navies, to send to the northern waters any vessel of the United States, if we happen to have one that will swim, as we have some I believe. There is one I believe that has been trying to swim under sundry tests for several months, and has swum every time, but can not yet be taken into the service of the United States for some reason or other, that would be a very good, swift cruiser to sail in the open seas with the flag of the United States at the fore, and to protect so far as she might citizens of the United States on the high seas engaged in lawful occupations.

I confess that I sympathize pretty largely with my friend from Massachusetts in the hope, if it will not be considered as discourteous to anybody, that the flag of the United States at the mast of the best vessel we have got shall appear in the northern seas at a due and respectful distance from the dominions of her majesty to endeavor to give a little kind of encouragement to men who are engaged in clearly lawful occupations in clearly lawful places. But there is no law needed for that. It only needs executive action, which, as I say, the committee is bound to presume will be duly taken.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. There is no question before the Senate. The whole debate is out of order.

Mr. HALE. I only wish to say one word.

Mr. EDMUNDS. I ask unanimous consent that the Senator from Maine have leave to proceed.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator from Maine is recognized.

Mr. HALE. Yesterday a dispatch was received by Mr. BOUTELLE, of the House of Representatives, from Eastport, in my State, stating that it was reported there upon apparent good authority that orders had been issued by the Ottawa Government to prevent the purchase of small sardines that are taken in New Brunswick waters and prepared and put up at Eastport on this side of the line. This industry employs a large number of men upon this side of the line in the town of Eastport in putting up these sardines. It also employs on the other side of the line a large number of Canadian or New Brunswick fishermen and boatmen, who catch the fish and sell them to our Eastport sardine-packers.

Under the ruling of the Treasury Department, that these fresh fish brought into our market for immediate use or consumption are not subject to duty, they come in free and the New Brunswick fisherman gets the benefit of our market duty free. He sells his fish to our citizen who puts up the herring or sardines. It makes a profitable industry on both sides. It is an industry in which Canadian labor has as much interest as ours, and in which no duties are exacted; and yet it is gravely proposed, if the rumor be correct, by the Ottawa Government to put rude hands on that industry, and to send armed ships there to prevent the purchase from Canadians by our citizens of these fish.

It is to me, sir, the largest cloud that has yet appeared on the horizon in this unhappy affair. If the rumor is correct and the Canadian authorities give that direction to their ships to break up this industry of their own people in order to prevent our citizens from purchasing these fish, it indicates a more profound spirit of mischief than has heretofore been shown. Whatever can be done by the State Department that will at once give information not only to the fishermen of Maine and Massachusetts but to the country of just what the fundamental purpose of the Ottawa Government is will be a benefit to us.

I am bound to say that the communication was laid before the Secretary of State and he disclosed a disposition to at once under every method in his power and at his command learn the ulterior purposes of the Canadian authorities, and I hope and trust that there will be no delay in that direction. If anything can be done by our Government, by any branch of the Government, that shall indicate the earnest purpose of the Government and of the administration to protect our fishing interests and to see to it that citizens engaged in lawful enterprise are not broken up and driven away, the sooner it is done the better.

It is a grave question now whether our main fishing enterprise of the season has not been so rudely broken in upon and assailed and hindered that it will be of little account for the rest of the year.

There has been nothing so important and so demanding prompt and vigorous action confronting the State Department and the administration as this. Congress has already acted, and has put into the hands of the President the power of fitting and proper retaliation, the occasion and measure of which retaliation must be exercised as an administrative and not as a legislative power. I am bound to say that the people whom I represent, and I believe the public generally, are looking now with anxiety to see to it that the administration comes up to what has been the evident spirit and wish of Congress.

Mr. VAN WYCK. I do not yet understand the purport of this discussion.

The PRESIDENT *pro tempore*. The debate is out of order.

Mr. VAN WYCK. When did the Chair discover the fact?

The PRESIDENT *pro tempore*. The Chair asked the unanimous consent of the Senate that the Senator from Maine might proceed, and no objection was made.

Mr. HOAR. Is debate out of order if unanimous consent is given?

The PRESIDENT *pro tempore*. There is no question before the Senate. Reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 2289) to change the name of the Exchange National Bank of El Dorado, to report it adversely and ask that it be indefinitely postponed.

I will say that a general bill having passed the Senate and also having passed the House and become a law, there is no longer any need of a special bill to change the name of any bank.

The bill was indefinitely postponed.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2290) to change the name of the Wichita National Bank, moved its indefinite postponement; which was agreed to.

Mr. MAXEY, from the Committee on Indian Affairs, to whom was referred the bill (S. 1513) for the relief of George T. Newman, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, reported a bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; which was read twice by its title.

Mr. MCMILLAN. I wish to say that the bill is reported favorably with the assent of a majority of the committee only, a minority of the committee dissenting from the report. I desire to express my dissent from the report as a member of the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. VEST, from the Committee on Commerce, to whom was referred the following bills, moved their indefinite postponement; which was agreed to:

A bill (S. 2052) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., and for other purposes;

A bill (S. 106) authorizing the construction of a bridge across the Mississippi River at or near the Chain of Rocks, in the northern part of the city of Saint Louis, State of Missouri;

A bill (S. 107) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; and

A bill (S. 1945) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase money on the sale of the reservation of the Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, reported it with amendments.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, to report it with an amendment. I will state in regard to this bill that I shall ask the Senate to proceed to its consideration at an early day. Some matters in connection with it are now under consideration by the Department at the request of the Committee on Public Lands, and it may be that before it is called up certain other amendments may be proposed on the part of the committee. I report the bill now in order that it may get a favorable place upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER. I report from the Committee on Commerce three bills, which I move be indefinitely postponed, the subject-matter having been embraced in a bill already acted upon.

The bills were postponed indefinitely, as follows:

A bill (S. 153) establishing additional life-saving stations on the sea-coast of the United States;

A bill (S. 1569) establishing additional life-saving stations on the sea and lake coasts of the United States; and

A bill (S. 1496) making an appropriation for the establishment of a life-saving station, and providing for a life-saving crew at Fort Stevens, at the entrance to the Columbia River, in the State of Oregon.

Mr. GORMAN, from the Committee on Printing, to whom was referred the joint resolution (S. R. 62) authorizing the publication of an edition

of A Digest of International Law, edited by Francis Wharton, reported it with an amendment, and submitted a report thereon.

INDIAN TRADERSHIPS.

Mr. DAWES. I am instructed by the Committee on Indian Affairs, to which were referred resolutions instructing the committee to investigate certain proceedings of Indian traders, to report them back with an amendment and to ask for their present consideration. The amendment is to strike out "the Committee on Indian Affairs," and to insert "a select committee of five, to be appointed by the presiding officer of the Senate."

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate to proceed to the consideration of the resolutions at this time. They will be read for information.

The resolutions were read, and, by unanimous consent, were considered, as follows:

Whereas it is stated that in the matter of the administration of the powers and duties of the Commissioner of Indian Affairs in respect of the appointment of Indian traders acts have been done, or permitted to be done, in disregard of law and the rights and proper interests of citizens: Therefore,

Be it resolved, That the Committee on Indian Affairs be, and hereby is, directed to investigate the subject of the appointment of such traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, and the methods which have been practiced in that regard since the month of April, 1885; and the reasons and influences affecting the several instances of such granting or refusing of such licenses; to whom licenses have been granted since said date, and to whom refused, why granted, and why refused, and whether or not any person to whom a license has been granted has been guilty of conduct or practices prejudicial to the good repute of the public service, and, if so, in what respect, and whether or not the same have come to the knowledge of the Commissioner of Indian Affairs.

Resolved, That in pursuing the said investigation the said committee shall have power to send for persons and papers, administer the necessary oaths, and employ a stenographer, should it be deemed necessary so to do, and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate.

Resolved, That the committee is further instructed to report a bill or bills for such legislation as the investigation may disclose to be necessary and proper in the premises.

The PRESIDENT *pro tempore*. The amendment reported by the committee will be stated.

The CHIEF CLERK. In the first line of the first resolution it is proposed to strike out the words "the Committee on Indian Affairs" and insert "a select committee of five, to be appointed by the presiding officer of the Senate;" so as to read:

That a select committee of five, to be appointed by the presiding officer of the Senate, be, and hereby is, directed to investigate the subject of the appointment of such traders, &c.

The amendment was agreed to.

The resolutions as amended were agreed to.

ADDITIONAL CLERK TO THE COMMITTEE ON COMMERCE.

Mr. JONES, of Nevada. I report from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution which was referred to that committee with a favorable recommendation from the Committee on Commerce.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be an additional clerk for the Committee on Commerce for the remainder of the session at a salary of $8 per day; and that the Secretary of the Senate be, and he is hereby, authorized and directed to pay the said salary out of the appropriation for miscellaneous items of the contingent fund of the Senate.

ESTATE OF JAMES G. WINTERSMITH.

Mr. BECK. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, to report it without amendment, and I ask unanimous consent that it be now considered. It is entirely a House matter, which was sent to the committee, and I was instructed to report it back with the recommendation that it be passed.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Clerk of the House to pay, and the accounting officers of the Treasury to pass the account, to the legal representatives of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, one year's salary as Doorkeeper of the House, and also the expenses of the last sickness and expenses of burial, not exceeding $500 for the burial.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRIS. At the request of the Cotton Exchange and the Merchants' Exchange, two commercial organizations of the city of Memphis, Tenn., I introduce a bill and ask its reference to the Committee on the Judiciary.

The bill (S. 2590) to amend section 5258 of the Revised Statutes of the United States, relating to railways, was read twice by its titles, and referred to the Committee on the Judiciary.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2591) granting an increase of pension to Jacob W. Hasler, of Oregon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 2592) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2593) to amend section 685 of the Revised Statutes, relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB introduced a bill (S. 2594) granting to Rapid City, Dak., fractional section 16, township 2 north, range 7 east, Black Hills, Dakota, meridian; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2495) for the relief of Mrs. Adelaide H. Graton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN (by request) introduced a bill (S. 2596) referring certain claims to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

COMMITTEE SERVICE.

Mr. RIDDLEBERGER. I ask the Senate to excuse me from further service upon the Committee on the District of Columbia. I make this request in the interest of the committee itself. It is very difficult to get a quorum, and I find that I can not attend the sessions of the committee. I think that some other Senator should be appointed in my place, so that there shall be no trouble in having a quorum of the committee present whenever they desire to transact business. Therefore I ask to be excused from further service upon the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Virginia asks to be excused from further service upon the Committee on the District of Columbia. Is there objection? The Chair hears none, and he is excused.

CHANGE OF INAUGURATION DAY.

Mr. HOAR. I desire to give notice that at an early day next week I shall ask the Senate to take up Senate joint resolution No. 55, for the amendment of the Constitution to change the time of the expiration of the Presidential term. I am informed that a large number of Senators have privately examined the resolution, and I do not expect any considerable opposition to it. If it should turn out that it is a matter of serious controversy, I shall not press it at that time.

INDEMNITY TO CHINESE SUBJECTS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" the Calendar is now in order.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The motion was agreed to.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I ask leave to make a statement at this time. I had intended to get the floor and was watching the expiration of the morning business to move to take up for consideration the bill to forfeit certain unearned lands granted to the Northern Pacific Railroad Company. I shall be obliged to leave the city to-morrow morning to be absent the rest of the week. Inasmuch as this motion has prevailed, I ask unanimous consent that that bill may be taken up for consideration immediately after the regular morning business on Monday next.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent of the Senate that the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, be postponed until Monday next and be taken up immediately after the morning business on that day. Is there objection?

Mr. VAN WYCK. I do not object, but I should like to make an inquiry, if that is in order.

The PRESIDENT *pro tempore*. It is not debatable.

Mr. VAN WYCK. I do not propose to debate it, but I should like to understand what the rights of a Senator may be when a question of this kind is asked for consideration, whether it is competent and proper and in order for a Senator to ask for some information from a Senator making a proposition.

The PRESIDENT *pro tempore*. All inquiries are in the nature of debate strictly, according to the rules. If the Senator asks unanimous consent he may proceed if there is no objection.

Mr. VAN WYCK. I merely rise to ask for information. The Senator from Oregon requests that the Northern Pacific bill be taken up after the routine business on Monday morning. Is it understood that it will be continued after 2 o'clock that day?

Mr. DOLPH. I should be pleased to have it continued.

Mr. VAN WYCK. I do not object, but I do not wish it to interfere with the railroad land-grant taxation bill.

Mr. DOLPH. That is understood. I do not intend to antagonize that or the bill for the repeal of the pre-emption laws after 2 o'clock.

Mr. VAN WYCK. Very well.

INDEMNITY TO CHINESE SUBJECTS.

The PRESIDENT *pro tempore*. The bill taken up on motion of the Senator from Vermont [Mr. EDMUNDS] is before the Senate as in Committee of the Whole. Its title will be stated.

The CHIEF CLERK. A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. MITCHELL, of Oregon. The Senator from New York [Mr. EVARTS] spoke to me some twenty minutes ago in reference to this bill and said he desired to discuss it but was obliged to go over to the House of Representatives for a short time. He did not suppose the bill would come up until after 1 o'clock.

The PRESIDENT *pro tempore*. The Senator from New York expressed a desire to have the bill taken up, and no doubt by the time the Senator from Oregon is through he will be back.

Mr. MITCHELL, of Oregon. Mr. President——

Mr. VOORHEES. There was some misunderstanding here in regard to the disposition of the bill for the forfeiture of the land grant of the Northern Pacific Railroad. I did not hear very distinctly, and in fact the Senate was in a good deal of confusion. I should have no objection whatever to the bill going over until Monday; yet I as well as the Senator from Oregon [Mr. DOLPH] will have to be absent and I am to leave the city on Saturday to be gone some days, and the Senator from Mississippi [Mr. GEORGE] and I desire to submit some remarks upon the measure; I rose to suggest that the matter might be taken up and discussed to-day, subject to the 2-o'clock rule, and then let it go over until Monday, if that be agreeable to the Senator from Oregon.

Mr. DOLPH. I have no objection. I intended to move to take up the bill to-day and discuss it, as has been done on previous days, until 2 o'clock; but the Senator from Vermont made a motion that another bill be taken up for consideration to-day. I am compelled to go with my family, who are about to sail for Europe, to-morrow, to be absent the rest of the week, and I asked unanimous consent that the bill might be taken up after the routine business on Monday morning for consideration. I have no objection to its being taken up if the Senator desires to make remarks, and having charge of the bill I should like to be present when it is acted on.

Mr. VOORHEES. If it be permitted to occupy the time of the Senate for the next hour it will accomplish the object I have in view.

Mr. DOLPH. I shall have no objection to its being taken up in my absence for the purpose of submitting remarks.

Mr. VOORHEES. If the Senator from Oregon would not object, inasmuch as the Calendar has the right of way now, I would ask that unanimous consent be given to take it up to-morrow after the expiration of the morning business until 2 o'clock for discussion.

Mr. DOLPH. I should have no objection to that except, of course, having charge of the bill, I prefer to be present when it is considered.

Mr. EDMUNDS. I can not give unanimous consent in this stage of the Senate's business to anything being taken up merely for discussion. Undoubtedly it will happen to-morrow or next day that the Senator from Indiana, if he desires to go away, can get then unanimous consent to occupy a short time; but for the Senate in advance to make what is a special order for general discussion, I must object to.

Mr. VOORHEES. Then I give notice that after the conclusion of the morning business to-morrow I shall ask the Senate to allow the Northern Pacific bill to be taken up that I may submit some remarks.

The PRESIDENT *pro tempore*. The Senator from Oregon has the floor on the pending bill.

Mr. MITCHELL, of Oregon. I ask for the reading of the bill.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Secretary read as follows:

Be it enacted, &c., That the President of the United States shall ascertain the actual loss and damage inflicted upon the person and property of Chinese subjects by the violence of a mob of lawless and riotous persons at and near Rock Springs, in Wyoming Territory, on or about the 2d day of September, 1885; and for this purpose he may detail such officers of the United States as he may designate, not exceeding three in number, to investigate and take the testimony of witnesses as to the nature and extent of the damage done to the person and property of Chinese subjects, and, in connection therewith, may consider the testimony already taken and reports made, subject to the cross-examination of the witnesses, if deemed necessary, and such other proof as may be submitted to them by the Government of China. They shall report the estimate of the damages sustained by each person, and the testimony, to the Secretary of State, within six months from the approval of this act, which time may be extended not exceeding six months by the order of the President, and the same shall be examined by the Secretary of State; and thereupon the President shall award to each person so injured the sum that he shall consider to be just in view of the evidence and report so presented to him.

SEC. 2. That the aggregate amount so awarded by the President, not exceeding $150,000, shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to the envoy extraordinary and minister plenipotentiary for China at Washington, in full satisfaction and discharge of the injuries to person and property inflicted upon subjects of the Chinese Empire; and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Secretary of State, to pay the expenses necessarily incurred for traveling or other expenses under the provisions of this act.

Mr. MITCHELL, of Oregon. Mr. President, inasmuch as this measure has been reported from a committee composed of the most distinguished Senators of this body, and which committee is presided over by the honorable President of this body, and inasmuch as that report is unanimous, and as I am unable to concur in the bill or give it my support, I have thought it due to myself as well as others that I should state my reasons as briefly as possible for not supporting the bill.

Mr. President, under no circumstances, from no conceivable standpoint, nor for any reason can the Wyoming massacre be either palliated or excused, much less justified. However much we may deplore the fact of the existence in this country or any part of it of objectionable, antagonistic, and non-assimilating race elements, whose presence tends to riot, anarchy, and bloodshed, when the blow comes, from whatever source it may come, and human rights are stricken down, the civil law overridden, the public peace disturbed, private property destroyed, and human life sacrificed, humanity, law, civilization have but one voice to utter against the perpetrators, and that is of unqualified and absolute condemnation.

Whatever may be said of the undesirability of the presence of Chinese in this country, or of that of any other obnoxious element, the massacre of twenty-eight of the Chinese race at Wyoming on September 2 last by mob violence is as inexcusable, reprehensible, defenseless, and cowardly as was the recent act of anarchist alien fiends, who a few days since, with civilization proscribed weapons, scattered death and destruction among the preservers of the peace in the streets of Chicago. Mob violence in this country, however great the provocation, or whether, as is too often the case, without any provocation whatever, should receive the unqualified and emphatic condemnation of every citizen of the Republic, both native and foreign-born, whether the representative of labor or capital.

On the preservation and vindication of the majesty of the law at all times and under all circumstances must the people of America ever rely as upon a rock of enduring safety for the preservation and perpetuity, not only of the rights of property and life, but also the principles of human liberty and free institutions. This great barrier against ruthless and dangerous invasion once broken down, or impaired in vitalizing force and effect, and the security of the public peace, the protection of public and private property, and the preservation of human life become proportionately weakened, subjected to imminent peril, and more readily exposed to the rage and fury of those disturbing and abnormal elements of society, whose mission on earth seems to be the dethronement of law and order, the establishment of lawlessness and confusion, and who, in the language of Cowper, "spread anarchy and terror all around."

And let it not be supposed for one moment that the people of the Pacific coast who have felt the infectious and paralyzing touch of Asiatic invasion, and who by reason of actual experience have been enabled to rise to the importance of the situation in reference to that grave subject, and who to-day with one voice demand absolute exclusion in the future—one petition alone to this Congress demanding absolute prohibition containing over 50,000 names—are for this or any other reason any less earnest in their patriotic determination to maintain to the extent of their power, at all times and under all circumstances, in every legitimate and proper way, the preservation of the public peace, and the protection of the individual rights of life, limb, and property of every human being rightfully within our borders, whether native or foreign-born, citizen or alien, white, black, red, or yellow.

Unfortunately a somewhat contrary impression of the motives, inclinations, intentions, and actions of the people of the Pacific States and Territories has been created here and elsewhere in the East through the unwarranted and unjustifiable misrepresentations of a portion of the public press, and by those prompted by sinister motives and for selfish ends, but all such misrepresentations are gross and indefensible libels upon as brave, peaceable, law-abiding, and as courageous and intelligent communities as any to be found east of the Rocky Mountains. They, irrespective of party, with one emphatic voice condemn the Wyoming outrage. No portion of the American people more deeply deplore this stain on the otherwise fair name of Wyoming than they. That this gross overturning of the law and violation of human rights did not occur within the territory of the Pacific States or Territories is to them a source of supreme self-congratulation. None more regretfully than they learned of this wanton destruction of human life.

No portion of the people of this Republic would more readily than they undo, if they had the power, this sad occurrence in our history, or wipe by any lawful means at their command this blot from the records of the past. None more heartily than they sympathized with the victims of that injustifiable outrage. But the deed is done. The outrage is unfortunately already a part of our recorded history, or perhaps, more properly speaking, of the history of the Territory of Wyoming. The past is irrevocable.

The lives of those that perished are beyond human recall. Whatever of property was destroyed by the torch or otherwise can not be resurrected from its ashes. Hence we are met with a demand for national indemnity. It is proposed by the bill under consideration to take from the Treasury of the United States the sum of $150,000 and turn it over to whom? Not to the men who suffered in the loss of property, not to the legal representatives of the twenty-eight unfortunate victims who lost their lives at the hands of the mob, but to the Chinese minister and the Chinese Government.

Hence it becomes pertinent to inquire by virtue of what obligation

or under what pretense of authority is this to be done. By reason of what conventional stipulation, or principle of international law, or national requirement, or international comity is the American Congress to do this thing?

It is not pretended by the distinguished premier who suggested it, by the Chief Executive who recommended it, or by the honorable Committee on Foreign Affairs of this Senate in so far as we are advised by any report from that committee accompanying the measure, and which committee now demand its passage *in pari materia* with more restrictive Chinese legislation, that the United States is in any manner, either by treaty stipulation with the Chinese Government, by any principle of national or international law, under any legal obligation whatever to make such indemnity. If such an obligation existed even by the remotest implication I should be the last to hesitate a moment to vote the indemnity.

I would maintain inviolate every treaty stipulation so long as the treaty is not abrogated by act of Congress or the concurrent agreement of the two governments. I would violate no rule of international law, no requirement exacted by the comity of nations, no established practice or precedents intended to be precedents in the line of our own nation, or any existing provision or requirement of Federal law. I would break no plighted faith, resist no rightful demand. If by any of the claims suggested the tax-payers of this Republic are properly charged with payment of this indemnity, then good faith requires that it should be promptly paid. But this, with all due deference to the distinguished committee reporting this measure, I must insist is not so. There is no pretense here, as I have intimated, either by the honorable Secretary of State, the President of the United States, or the distinguished committee which reported this bill, that it is so.

Entering as is our nation on what would seem to be an era of unrest, the legitimate consequence of the constant influx to our midst of the most objectionable alien element of Europe and Asia, becoming as we are every day more liable to sporadic inflictions of mob violence at the hands of an idle, irresponsible, and dangerous alien element, who in many instances in the sacred name of labor and the rights of man would strike down law, inaugurate anarchy, destroy property, and sacrifice human life, it might be well before the Congress of the United States in the name of statesmanship, and of that exalted and somewhat etherial notion of international courtesy and grace, which is sometimes misleading, to pause and inquire what the precedent is that is about to be established by the American Congress in the passage of the pending measure.

Is it one upon which this nation can afford to stand in justice to its own citizens, and its well-established theories of international law in its dealings with the governments of earth, in the coming years that shall mark our national existence? Shall we now in the dawn of this new era of internal discord, when for the first time in our national existence we are called upon to contend with the socialistic and anarchical elements, heretofore unknown in this country, and so dangerous to the peace of our communities, and when more than ever before our large cities are subjected to the devastating influences and destructive consequences of mob violence, particularly in the States east of the Rocky Mountains, and when the private property of the millions of aliens within our borders, as also that of our own citizens, is in greater danger perhaps than ever before of the torch of the communist and anarchist, establish the doctrine enunciated in the pending measure?

What is the precise question involved? What do the honorable Committee on Foreign Affairs of this Senate propose? The proposition stripped of every element of disguise, and stated in its real nakedness and virgin attitude, is simply and purely this: That the Government of the United States will indemnify a foreign government for and on account of losses sustained by reason of mob violence by subjects of such foreign government, aliens to our Government, who have voluntarily come to our shores, committed against their lives and property by other alien residents, subjects of other foreign powers, in open violation of our domestic laws, and when connected with neither the assailants nor the assailed was there any official representative of either government, nor was there any public property or national emblem of either government in any manner whatever involved.

That is the proposition. In other words, we are called upon to vote a national indemnity to the Chinese Government for and on account of losses sustained and injuries suffered by certain of their subjects in this country at the hands of a mob, in which neither American official nor American citizens participated, and of which they had no knowledge, but which was composed exclusively of Swedish and Welsh resident aliens. That this can be done upon any other theory, or can be sustained by any other principle than that of national charity, public generosity, or pure grace, without the slightest support whatever from any principle of national or international law or treaty obligation, I most absolutely and emphatically deny; and the precedent you are about to establish to-day, however strong may be your protestation, that it shall not be regarded as a precedent, will, I doubt not, in the next one hundred years of our history, come knocking at the doors of the national Congress in times without number, and at the vaults of the national Treasury, demand of our posterity, that the precedents of the fathers be observed, though the people of the Republic, native and foreign born, be taxed to the tune of millions in order to meet the demand and maintain the precedent of to-day in indemnifying alien governments for losses their alien resident subjects in this country may sustain at the hands of mobs composed of other irresponsible bands of unnaturalized foreigners who may set our laws at defiance, unfurl the red flag in our midst, and engage in the destruction of life and property, as did the Swedish and Welsh aliens at Rock Springs.

But in considering this question it is well to bear in mind that the demand for this indemnity does not come from the Chinese Government in the form of an appeal to the gracious and humane sensibilities of mankind and the charitable disposition and gracious action of our Government. If this were so there might in the light of the abhorrent attributes of the outrage complained of be some justification on the score of morals and humanity and national sympathy for the proposed appropriation. But this is not so. The claim upon the part of the Chinese minister is based upon an asserted right resulting from an alleged reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered loss at Rock Springs. He bases this claim of reciprocal obligations mainly on the action of the Chinese Government in sundry instances in the past wherein indemnity has been made for the losses of American citizens in China.

This, it is confidently submitted, is a claim that can not be maintained, as has been most ably demonstrated by every Secretary of State who has ever discussed the subject, including Webster, Marcy, Fish, Evarts, Blaine, and Bayard, and, without any reflection upon any of the others, it may be truthfully said by none more ably than Secretary Bayard in his exhaustive and unanswerable reply of February 18 last to the demand of Cheng Tsa Ju, the Chinese minister at Washington. It is to be regretted, however, that so able, dignified, and masterly a defense of the American doctrine on this subject should be, in a sense, weakened and destroyed, as it seems to me it has been, by the suggestion in its conclusion that the President recommend Congress that, to use his own language—

> Not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and equity to an innocent and unfortunate body of men, subjects of a friendly power, * * * it may be reasonably a subject for the benevolent consideration of Congress, whether, with the distinct understanding that no precedent is thereby created, or liability for want of enforcement of police jurisdiction in the Territories, they will not, *ex gratia*, grant pecuniary relief to the sufferers in the case now before us to the extent of the value of the property of which they were so outrageously deprived to the grave discredit of republican institutions.

So, too, the President, in his recent message of March 2, and in pursuance of the recommendations of which this legislation is proposed, denies in the most emphatic terms the existence of any reciprocal obligation on the part of the United States Government to indemnify the Chinese subjects who suffered at Rock Springs; but following the suggestion of his Secretary he brings that suggestion approvingly to the attention of Congress, and as a result we now are about to do, on the unanimous recommendation of the Committee on Foreign Affairs of this body, that which the late Secretary Evarts, now a distinguished member of the Committee on Foreign Affairs of this Senate; the late Secretary Blaine, the late distinguished candidate of the Republican party for President of the United States; Secretary Bayard, the present Secretary of State, and President Cleveland have each and all in their turn officially, following in the footsteps of their no less illustrious predecessors, demonstrated by the most conclusive, able, and unanswerable arguments we have no right to do. And this is called statesmanship!

If this appropriation is made it must have for its justification one or more of the following three reasons, or for its excuse a fourth reason as hereinafter suggested. The only three grounds on which it can possibly be justified in the sense of discharging a legal obligation are the following:

First. The existence of conventional stipulations between the two governments creating a reciprocal obligation upon the part of the United States to make indemnity in such a case; or an absolute treaty covenant to make indemnity in cases of the character under consideration.

Second. International obligation resulting from the principle of the good neighborhood of nations and arising out of the good faith of governments to each other to provide indemnity in cases of the character of that under consideration.

Third. An obligation resulting from some provision or requirement of some Federal statute.

The only ground upon which the proposed action may be excused, if at all, is:

Fourth. A moral obligation created and supported, not by any legal requirement, but resting alone on the gracious sentiment of generosity and national sympathy, and the discharge of which can be nothing more nor less than an act of national charity, pure and simple.

At first glance it may seem to some that if we exact indemnity from China for injuries inflicted on our citizens in that country and for property destroyed by mobs, the reciprocal obligation exists upon our Government to indemnify the Chinese Government or its subjects from our national Treasury for injuries received by Chinese subjects here. On

reflection, however, the reasons why this is not so and can not possibly in the very nature of the case be so will be seen at a glance. It results in the first place and mainly from the absolutely diverse structure of the two governments, which are so essentially and widely different in their respective political organisms and functional powers, and in their machinery and modes respectively of protecting private rights and redressing private wrongs, and all of which essential and radical differences have been fully recognized by both governments in every treaty entered into between the two states, commencing with that of 1844 and extending through those of 1858, and known as our commercial treaty, and 1868, known as the Burlingame treaty, and ending with that of 1880, known as the "emigration-restriction treaty." And these radical differences between the two governments in and of themselves interpose an absolute barrier against any attempt that might have been made to make the conventional stipulations between the two governments in any respect reciprocal.

No such attempt was ever made. They are not and could not in the very nature of the case be reciprocal. There never was a time in the history of the two nations when the rights, and privileges, and immunities of American citizens in China bore any comparison in respect of extent, or scope, or value to those enjoyed by Chinese subjects in the United States. In the one case they were surrounded by every manner of restriction both as to locality of residence and otherwise; while in the latter the rights, and privileges, and immunities extended to and enjoyed by Chinese subjects in this country were, until the treaty of 1880, unrestrained in any shape, manner, or form, either as to place of residence or otherwise; and they were accorded, as all now here are accorded, every right of protection of life, and limb, and property that is accorded by our system of laws to any other alien resident, or in fact to any of our own citizens, and every political and personal right enjoyed by any other alien of the most favored nation. Even prior to our first treaty with China, that of 1844, at a time when no American citizen could rightfully, or with any degree of safety to life, or limb, or property, enter Chinese territory, the subjects of that empire had the right in unlimited numbers to come to and reside in any part of our vast domain, and while here receive the same protection of our laws in life and limb and property that were accorded to subjects of the most favored nation or to any of our own citizens.

Prior to the Burlingame treaty it is true no formal right by treaty stipulation or otherwise was in express terms accorded to Chinese subjects to come to this country, but it must be remembered that none such was necessary, as around this land of freedom, this asylum for the oppressed, this home of the adventurer and hiding-place of the criminals, mendicants, and contagion-stricken of earth as well, no Chinese wall had been erected. Our doors, until the treaty of 1880, which in a measure provided for the restriction of Chinese immigration, were open to all the millions of all the nations of the earth—king and peasant, freeman and slave, millionaire and pauper, honest yeoman and wandering sloth, vigorous, energetic, industrious men, and the palsied, leprous, loathsome wrecks of living deaths.

While prior to the treaty of 1880, as has been intimated, Chinese of all classes and without limit as to number or character could come to and reside in any part or portion of the territory of the United States, engage in any business, occupation, or profession, "go and come of their own free will and accord," and were entitled to and received the protection of all domestic laws in reference to the rights of life, limb, and property enjoyed by American citizens; during all these years American citizens, and certain classes only of these, enjoyed and enjoy no more to-day, the meager privilege of entering the sacred precincts of Chinese territory, alone for the purposes of trade only prior to the existence of the Burlingame treaty, and since then only for the purposes of trade, curiosity, or as teachers, and then only in a few certain specified localities, which are chosen, in the language of the treaty, by "having due regard to the feelings of the people in the location thereof."

This was the precise state of the case prior to the treaty of 1880. There was in the situation and in the various international stipulations prior to that date no essential ingredient of reciprocity. There was on the contrary an entire absence of every element necessary to the creation of reciprocal obligations. Nor was the situation in this respect in the least changed by the stipulations of the treaty of 1880, inasmuch as this last treaty, while guaranteeing in express terms to all Chinese students, teachers, merchants, and those moved by curiosity, who might desire to come to the United States from China, and also to all Chinese laborers then in this country, and which was but an affirmation of rights, the existence of which could not under our system be denied before, the right to "go and come of their own free will and accord," and in addition every right possessed by citizens or subjects of the most favored nation, that treaty is as silent as the grave in so far as any stipulation is concerned looking to equal, or similar, or approximate reciprocal rights of American citizens in China, or which would give enlargement of scope to the restricted rights, privileges, and immunities theretofore possessed by or extended to such citizens in the Chinese Empire.

In view, therefore, of the rights, privileges, and immunities which the subjects of the two nationalities may under existing policies and treaty stipulations exercise and enjoy respectively within the jurisdiction of the other, and which, it must be confessed, will bear no comparison the one with the other in any respect whatever, when considered in the light of reciprocal obligation, bold and audacious indeed must be the representative of that government who would with earnestness in his diplomatic capacity, and by elaborate and labored argument insist that the obligations of the two governments were in virtue of these treaty stipulations, or in virtue of their international relations in any respect whatever dependent or reciprocal. Yet such is the attitude of the Chinese Government to-day. Such is the demand of the Chinese minister; and while denying in emphatic terms and with extended arguments the tenability and justice of this claim, we, at the same time, propose by this legislation to repudiate our own arguments, deny our own position, falsify our established theories, and with uncovered heads, in the presence of the mandarins of the Mongolian Empire, publicly avow our complicity with the mobs of irresponsible aliens in Wyoming—acknowledge our national guilt, and meekly, quietly, and graciously submit to the illegal demand.

But waiving for the present the question of reciprocity, what are the actual stipulations in the Burlingame treaty or in any of our treaties with China that could by any possibility be brought to bear in any possible manner favorably upon the question of the liability of the United States to make indemnity in the case of the sufferers at Rock Springs.

Article VI of the Burlingame treaty provides as follows:

> Chinese subjects, visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect of travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation.

While Article III of the treaty of November 17, 1880, contains the following:

> If Chinese laborers or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

But surely it can not with any degree of propriety be said that these stipulations clothe a Chinese subject with any other, greater, or more enlarged rights or privileges than are possessed by any alien resident subjects of any other nationality. These are but declarations of a rule that has existed since the foundation of our Government, and under which aliens of all lands and every nationality are placed on a plane of exact equality in the matter of favor by our domestic law.

Mr. EDMUNDS. May I interrupt the Senator?

Mr. MITCHELL, of Oregon. Yes, sir.

Mr. EDMUNDS. May I call the attention of my distinguished friend to all this line of Chinese treaties to which he has referred and ask whether it is not stated in article 14 of the treaty of 1844 and article 11 of the treaty of 1858 and in all these treaties that where mob violence intervenes the authorities of the respective countries will use every exertion to bring the criminals to punishment? And then in connection with that (which we all understand is in all these treaties as it ought to be) I wish to ask whether any of the persons concerned in the Rock Springs violence have been brought to punishment, and whether it is not stated in our official reports that it is totally impracticable to do anything about that?

Mr. MITCHELL, of Oregon. There is no doubt that it is the duty of this Government under the several treaty stipulations referred to by the honorable Senator from Vermont to do everything in its power to protect these people in this country and to bring the offenders to punishment. I have no doubt about that.

Mr. EDMUNDS. Have we done it?

Mr. MITCHELL, of Oregon. The mere fact that there may be a failure to find an indictment in a given case where the proper necessary, and appropriate judicial tribunal has been established, would, it seems to me, be no reason for saying that they would have a right to resort to the national Treasury for indemnity.

Mr. EDMUNDS. But the question I put to my friend is this, and it is in order that the Senate and the people of the United States may know how the fact is: I wish to know, there having been twenty-five or thirty of the Chinese killed and fifteen or twenty others badly wounded, and property, as it is said, to the amount of $150,000 destroyed by a mob of two or three hundred persons, whether any one of the two or three hundred persons who composed this mob has been brought to justice as a fact?

Mr. MITCHELL, of Oregon. I do not know whether they have or not; but I will say to the Senator from Vermont that under our policy and under our system of laws there is but one way to determine whether a crime has been committed, and that is by an investigation by the proper judicial tribunal that has been appointed by law to do that.

Mr. EDMUNDS. There can be negligence between nations on the part of governments as in the case of Great Britain about the rebel cruisers and as other nations have claimed as against us. One nation as between itself and another is not bound by the internal autonomy of that state, but it looks to the body of the nation to carry out its obligations, and if they have not the judicial means to do it, for one reason or another, the nation that is injured is not bound by the failure of the nation whose people committed the injury.

Mr. MITCHELL, of Oregon. The Senator from Vermont asked me

a question the other day in regard to what I thought ought to be done in case a mob should commit certain violence in Canada. It will be time enough to settle those questions when they come up. We are now discussing the question as to whether we are liable to China in this particular case to make national indemnity out of the national funds; and I feel that we have no right to assume that the judicial tribunals of this country will not afford relief. I ask my friend from Vermont, inasmuch as no part of this appropriation, as I understand, is to indemnify for lives lost, but is simply for property destroyed, whether he knows whether or not a civil suit of any kind or character has ever been commenced by any Chinese subject who suffered loss at the hands of the mob at Rock Springs?

Mr. EDMUNDS. I do not know of any, and I suppose that none has been brought, because when it was seen after a year or more has now gone by that the public strength of the Government there was not sufficient to bring, in a criminal way, any one of this mob into the presence of a court of justice even, the poor Chinaman would feel that it would be rather hopeless for him to employ even so distinguished a man as my friend from Oregon as his counsel to bring a private suit, and particularly if he be dead.

Mr. MITCHELL, of Oregon. That is an evasion of the question. As I understand, this appropriation, as I said a moment ago, is intended in no particular to be a recompense to anybody, either the legal representatives of those who lost their lives or the Chinese Government for men who lost their lives, but is intended purely and wholly to indemnify, not the representatives of anybody so far as individuals are concerned, but to indemnify the Chinese Government for property lost and destroyed by certain Chinese subjects at Rock Springs.

Now, I say it is pertinent, especially is it pertinent in answer to the inquiries propounded to me by the Senator from Vermont, to inquire whether any of these Chinese subjects who suffered loss of property at Rock Springs by reason of this mob have ever attempted in any shape, manner, or form to appeal to the judicial tribunals of Wyoming for vindication; and if they have not as a matter of fact, then we have no right to assume here that in case they did appeal they would fail to get justice. So far as I am concerned I have yet to learn that there has been any civil suit brought by anybody.

Referring now to the clause of the treaty, which I last read, I say that the most that can be said with reference to these treaty stipulations, or the highest office that can possibly be imputed to them, is that while conferring no new or peculiar rights not possessed by other aliens, they may perhaps be held as constituting a pledge, or conferring something in the nature of a special privilege which in the event of ill-treatment would require not indemnity, but this Government to "exert all its power to devise measures for their protection," which would secure to them those rights in the future to which they are in common with each and every other alien resident of this country justly entitled. Only this, no more.

That is to say to enact such laws, create such judicial tribunals, and take such legitimate governmental steps as will secure to these subjects the rights and privileges under proper and uniform forms of law, and appropriate remedial tribunals, already attaching to them equally with every other foreigner residing in this country. But that these provisions in any manner impose an obligation upon the United States to indemnify for losses sustained by reason of infractions of our local and domestic laws by lawless and irresponsible mobs, can not for one moment be maintained. Nor has there been any discrimination whatever of an unfavorable character against the Chinese, or which in any manner discriminates against them in any of the laws of this country, State, national, or Territorial, save and except such Federal laws as have been enacted by Congress relating to the restriction of Chinese immigration, and these, as we all know, were enacted in pursuance of treaty stipulations, while in other respects they are favored, not perhaps above other alien residents, but absolutely above citizens of our own country in the matter of the selection of those tribunals through which they may seek redress of private wrongs or the enforcement of their private rights. The Chinaman who has suffered wrong in this country and desires to seek a remedy in the courts may select at his option a Federal or State court, whereas to citizens of our own country having controversies with citizens in the same State the right to a remedy in the Federal court is denied except in special cases, and thus in the one case very frequently the alien has the right to have his case reviewed by the Supreme Court of the United States, while in a precisely similar case the citizen of this country must be content with the decision of the State court.

Here, then, for the investigation and redress of injuries to the life and limb and property of resident Chinese subjects are established courts, judicial tribunals—Federal, State, and Territorial—always open alike to the Chinese resident, other foreigners, and our own citizens, having full and complete jurisdiction and ample power to afford a complete remedy for every wrong. And this very fact precludes every supposition to the effect that for a private injury to life, or limb, or property suffered by a Chinese resident within our jurisdiction there is on the part of any such Chinese resident or his home government any existing right to demand indemnity from the National Government through legislative or administrative action.

But how strangely different is the case with our citizens in China! What judicial system has that empire to which our citizens can appeal for redress when they have suffered injuries? To what tribunals can they resort for protection and indemnification? What power attaches to those extraterritorial tribunals established for the protection of their own citizens and subjects by those powers in treaty stipulations with China, to take jurisdiction of or determine questions as to the liability of China to aliens? None, whatever. American citizens, therefore, in China are entirely helpless, absolutely remediless in the matter of redress for injuries committed on them in so far as any appeal to established judicial tribunals in that country is concerned. Hence it is that their remedy, and their only just and proper remedy, is by a demand through the home Government on the Chinese Government for national indemnity.

It has been said elsewhere in advocacy of a measure similar to the one under discussion that our Government has in the past been consistent in the one thing of proclaiming through our State Department bad law on this question, while action has invariably been right, and in direct conflict with the position assumed and advocated from time to time by our Government. And therefore it is concluded that while our diplomatic theory has been one thing, and our legislative and diplomatic action has been quite another, and on the assumption that our action has been right and our theory wrong, that the precedent has been firmly established in this country in favor of the policy proposed by the pending bill. This, however, can hardly be said to be true, and for two reasons:

First. In glancing back through the diplomatic and legislative history of this Government in so far as its affirmative action has been concerned, as contradistinguished from the theory it has advocated in reference to this and cognate questions, it will be observed that in nearly, if not quite every case wherein national indemnity has been recommended by the executive and administrative departments of the Government in approximate and similar cases, and that recommendation has been adopted and acted upon by Congress, there has been some ingredient of either official or national delinquency on our part in advance of the alleged injury and which in whole or in part led up to it on the one hand, or on the other some official or property attached to or belonging to the government making the demand, or some emblem or insignia of its nationality has been in some way injured, assailed or involved in the outrage in reference to which the indemnity is claimed. As, for instance, in the case of the New Orleans and Key West riots of 1851, when the Spanish consulate was entered and plundered, as also the office of the Spanish newspaper, La Union, including also, it is true, several coffee houses, tobacco stores and other property, and which riots moreover grew out of a high state of public feeling as the result of the shooting of fifty Americans by Spanish authorities while aiding in the attempted insurrection in Cuba.

But even in that case, in which an insult was inflicted on the Spanish flag, our Government, by its then Secretary of State, Mr. Webster, strongly and ably drew the distinction between injuries that constituted an insult to the Spanish flag and those which merely affected the property of Spanish subjects, and insisted that inasmuch as the outrage "was one perpetrated by a mob, composed of irresponsible persons, the names of none of whom were known to the Government," and inasmuch as "neither any officer nor agent of the Government of the United States, high or low, nor any officer of the State of Louisiana, high or low, or of the municipal government of the city of New Orleans, took any part in the proceedings, or gave it any degree of countenance whatever," that while the Spanish consul might claim special indemnity, the ordinary Spanish subjects who had come to this country to mingle with our own citizens and here pursue their private business and objects were not entitled to such indemnity, but on the contrary must seek their remedy alike with our own citizens, some of whom at the same time suffered at the hands of this identical mob, in the judicial tribunals of our country.

And in pursuance of this position of Mr. Webster, the then President of the United States, Mr. Fillmore, in his annual message to Congress in December, 1851, made the following recommendation: "That provision be made for such indemnity to him (the Spanish consul) as a just regard for the honor of the nation and the respect which is due to a friendly power, in your judgment seem to require," but declined to make any recommendation for the indemnity of ordinary Spanish residents who suffered by the same mob.

It is true indemnity was subsequently made by Congress, but how and with what protestation? And this brings me, secondly, to remark that an examination of the records will show, I think, in every case perhaps wherein indemnity has been actually made in any case in any respect similar in its facts to the Wyoming riots, it has been distinctly and positively asserted and accompanied with a distinct and emphatic protestation when recommended, that it was not made in pursuance of any legal obligation, or by virtue of any obligation resulting from treaty stipulation, or principle of international law, and that such action was not to be regarded as a precedent in the future.

This was the position of Secretary Webster, President Fillmore, and Senator Mason, then chairman of the Committee on Foreign Relations of this body, when indemnity was, under such protestations and decla-

rations, finally made to Spanish subjects for injuries received in the riots at New Orleans and Key West. And in the case we are now considering, as has been seen, both Secretary Bayard and the President, while recommending the indemnity, distinctly and ably avow and insist by elaborate argument that there is no legal obligation, and the United States is not, to use the language of the able Secretary, under "any obligation of treaty or international law," to make it, but on the contrary they place it wholly and distinctly on the ground, to again use the language of the distinguished Secretary, of "a sentiment of generosity and pity to an innocent and unfortunate body of men, subjects of a friendly power," and protest that if indemnity is made it shall be, and I again quote the language of the Secretary—

With the distinct understanding that no precedent is thereby created or liability for want of proper enforcement of police jurisdiction in the Territories—

While the President in his message transmitting the demand of the Chinese Government and the suggestions of the Secretary of State attracts the special attention of Congress to that portion of the Secretary's letter from which I have just quoted and gives it his unqualified approval.

The proposed appropriation then of $150,000 as Chinese indemnity is not because of any legal obligation to make it, not because any reciprocal claim demands it, not because any principle of international law or any conventional stipulations require it, but, on the contrary, is confessedly an act of charity and of pure benevolence. For one, while I would give to every Chinaman now in this country that full and complete protection of life and limb and property that is afforded by our domestic laws to the most favored of our own citizens, I shall never vote to indemnify from the national Treasury Chinese subjects in this country, or the subjects of any foreign country on earth, voluntary alien residents within our jurisdiction, for losses sustained or injuries suffered at the hands of mob violence, especially when such mobs are constituted wholly and exclusively, as was so in the case of the Wyoming riots, by other alien residents and law breakers within our territory, so long as hundreds and thousands of our own citizens who have suffered losses to the extent of untold millions by reason of depredations by the wards of this Government—the various Indian tribes of the country—are compelled to go without indemnification or payment for such losses.

The records of our country show adjudicated claims amounting to millions of dollars due and owing citizens of this country in the Western States and Territories for losses suffered by them in life, and limb, and property, through the murders and depredations of the wards of this Government, then and now in treaty relation with the Government, and who from time to time during the past fifty years have reddened our frontiers with the blood of the pioneers, pillaged, burned, and destroyed millions of their private property, leaving their homes in ashes, putting many of them to death through slow and terrible tortures, unknown and unpracticed save by savage men. These claims of our own citizens must go unpaid, must be ignored by Congress, must be repudiated by the nation.

Mr. DAWES. I should like to inquire of my friend if the records report any account on the other side of the spoliations committed on the Indians, or if there is any objection to going into an accounting between the United States and the Indians to determine what would be a just balance when you come to put a fair estimate upon the property which has been wrested from the Indians, and make compensation for the property which has been destroyed by the ravages of war upon the defenseless Indians. I do not understand that the United States raises any objection to paying any honest claim which comes under the name of an Indian depredation, but I do understand that the United States is coming at last to the idea that there is an account on both sides, and that it is quite time that the Indian had some consideration in the court of conscience for the depredations that have been committed upon him.

It is quite fashionable to talk about Indian depredations and to cry out against the Government of the United States because they have swollen to the large amount stated by the Senator. I do not hear of anybody who takes the slightest concern about the question whether the Indian himself has had an injustice done him.

Mr. MITCHELL, of Oregon. I differ with the honorable Senator from Massachusetts. I think there is at least one Senator on this floor who takes considerable concern in behalf of the Indian, and I am satisfied furthermore that so long as we have the distinguished Senator from Massachusetts at the head of the Committee on Indian Affairs of this body the Indians of this country will not suffer violence at the hands of the Senate at least.

Now, with reference to the offset the Senator talks about, of course we shall discuss that when we come to it. All I know is that some $13,000,000 have been adjudicated. The claims are not mere claims simply sworn to by the claimants for damages suffered by the frontiersmen and the pioneers of this country by reason of Indian depredations, but they are claims that have been investigated under the authority of Congress by the Secretary of the Interior. Evidence has been taken; adjudications have been had so far as adjudications can be made by the Secretary of the Interior, and the claims have been forwarded to Congress. I am not aware, on the other hand, that an accounting has been had or any adjudication has been had in regard to the claims referred to by the Senator from Massachusetts. In addition to all that my understanding is that whatever has been done with reference to transferring the title to the Indian country has been done not only with the consent but under the direction of the United States, and done by treaty, by various Indian treaties that have been entered into under the direction of Congress. Those treaties have been approved by Congress.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. CULLOM. I hope the Senate will give the Senator from Oregon permission to proceed until he has concluded his remarks.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Oregon will proceed.

Mr. EVARTS. I was about to ask whether this matter might not be continued until we can conclude this discussion. I am desirous of speaking, but not at any length.

Mr. PLUMB. The tax bill has been a long time before the Senate. There are a great many reasons why it should be passed at an early day if it is to be passed at all. While I would not interfere with the wishes of any Senator beyond an absolute necessity, I think in this case I ought to insist that the tax bill retain its place. Debate has been nearly concluded; in fact, it has been concluded on all the features of the bill itself, and I think it can be disposed of in a very short time.

The PRESIDENT *pro tempore*. Does the Senator from Kansas object to the Senator from Oregon proceeding?

Mr. PLUMB. I do not object to the Senator from Oregon concluding his remarks.

Mr. DAWES. I owe an apology to the Senator from Oregon for interrupting him at all, but I do not mean by what I have said to doubt that there are a great many just claims under the name of Indian depredation claims, and that some of them ought to be paid; and it is a great hardship that they have not been paid. Nor do I object to any transaction with the Indians under the form of treaties by which we have obtained their property through treaty, hard as those treaties were. They have been with the consent of the Indians, however obtained.

But beyond all that, outside of all that, the Senator can not be ignorant of the fact that violent hands have been laid upon Indian possessions, personal property and real property, and they have been driven at the point of the bayonet from possessions which they held under a title that recited it as a perpetual inheritance by the graves of their fathers. Whenever the Senator calls attention to the enormous amount of claims against the Indian, all I say is that he forgets that the Indian himself has a just claim upon the Government of the United States for remuneration. Whether he is likely to be any better off on account of the personal allusion the Senator has been kind enough to make to me, does not seem to be a matter very hopeful to him. I trust that he may have a foundation in the justice and conscience of the Government which will be of more service to him than any such service as the Senator attributes to me.

Mr. MITCHELL, of Oregon. When we come to adjudicate that side of the account, it should be against the Government and not against claims by citizens. Waiving that for the present, I will resume.

On these claimants the back of the Republic must be turned; in their faces the doors of the Government must be closed; to their appeals no response is given; their bills for relief by the scores and hundreds must be consigned to the pigeon-holes of the Committees of Congress, there to slumber the sleep of legislative death; while scarcely has the cry of the alien mob in Wyoming subsided until the Government of the United States, at the demand of the Chinese Empire, turns a patronizing and willing ear and springs with alacrity to the front for the purpose of indemnifying that government, on the principle of benevolence and charity, for losses sustained by its subjects who are not our citizens, and who have suffered losses at the hands of an alien mob. This may be statesmanship worthy of the leaders of a great government. For one, I fail to see in it any element of justice.

For one, while millions of dollars of claims of our own citizens in the States and Territories of the West, arising through losses sustained by them through Indian depredations while fighting the rough battles of frontier life and establishing the foundations of empire in the distant West, and which claims have, under the authority of law, been investigated and found correct, remain unpaid, I do not propose to insult them as a portion of the taxpayers of this country by voting to appropriate their money as a charity and as an act of benevolence to the Chinese Government as indemnity for the losses suffered by a few of their alien residents in this country at the hands of an incendiary mob composed of another set of equally objectionable aliens from some other foreign country. If we are going to deal in charity, then we are taught that charity should commence at home.

At all events so long as there remain unpaid millions of dollars of the character of claims I have described due our own citizens, the payment of which could in no sense be regarded as an act of benevolence, but rather the discharge of a just. legal, and righteous obligation, I am unwilling for one to vote to indemnify the Chinese for losses where it is admitted we are under no obligation to do so, nor in any manner

bound to do so by any principle of international law, Federal statute, or conventional stipulation.

In response to my question of the day before yesterday, if I did not misunderstand the honorable Senator from Vermont, he replied that the Government of the United States would not have been under any legal obligation to make indemnity from the national Treasury had the sufferers at Rock Springs been of our own citizens instead of Chinese subjects. Nor would the Senator in such a case, as I understand him, be willing to vote an indemnity as a matter of benevolence or charity.

For one, Mr. President, while I am in favor of according to each and every person within our borders, of every name and color and creed and nationality, the equal protection of the laws, I am unwilling that Congress shall do that which the States respectively are by the fourteenth amendment to the Constitution prohibited from doing—that is, deny to any person within the jurisdiction of a State the equal protection of the laws—by giving to the subjects of the Chinese Empire in our midst infinitely greater protection, and throwing around their lives and limbs and property a more ample mantle of protecting care than are accorded to our own citizens. When we say to our own citizens, who suffer at the hands of the mob: "You have your remedy in the judicial tribunals of the country, and there alone; go seek your redress there," and in the same breath say to aliens in our midst: "You have not only the right of our own citizens to seek relief in the established courts of the country, but in addition, or in case of failure in the courts, you are entitled to indemnity through act of Congress by appropriation from the national Treasury," we declare a policy which in my judgment is in direct contravention of the principle—not the provision, because it operates solely on the States—of the Constitution of the United States quoted on yesterday by the Senator from Vermont.

In other words, by such a policy we accord to aliens in our midst rights, privileges, and guarantees which we deny to our own citizens. Or to state the case in another form, we create and recognize and advocate by Congress an inequality of protection forbidden in the States by the fourteenth amendment to the Constitution, giving the preference, and the fuller, more complete, and ampler protection to the Chinese subject than to our own, and subordinating the claims of our own citizens to the higher and preferred claims of the alien. This, Mr. President, is the inevitable logic of the pending bill.

I am not surprised that there is a failure on the part of the distinguished committee reporting this measure to submit with it a report stating the grounds upon which that committee were so unanimous in its recommendation; nor am I surprised at the evident anxiety of the honorable chairman of that committee to choke off discussion and rush this measure through *communi consensu* and without debate; and on the assumption that inasmuch as the distinguished committee of which he is chairman had unanimously reported the bill, that therefore it is a matter of impossibility that there could be any two sides to the question.

I regard this bill, Mr. President, as an insult to American citizens, as an act of flagrant and uncalled-for partiality to alien residents, operating as a gross injustice to those who, if preferences are to be given, are by every consideration that springs from the relation of citizenship justly entitled to them.

While we are manifesting so much concern for the Chinese Government and for the protection and indemnification of their subjects, it would be well perhaps to remember the millions of dollars' worth of losses sustained by our own citizens along our Southern Texan frontiers by the destruction and capture of stock, the property of American citizens, by raids from Mexicans. Although the line has been guarded as best it could be by the Texan Rangers and Federal troops, our citizens have suffered to the extent of millions of dollars, and yet not so much as a demand for indemnity is made by our Government in behalf of our own citizens, although they have suffered through raids on our own soil from marauding subjects of a foreign power.

Are the Senators from Texas on this floor, whose immediate constituents have suffered so greatly in this manner, willing to vote this charity to Chinese subjects while the just claims of their constituents, citizens of their State, and of our common country are wholly ignored?

What will our fellow-citizens in Arizona and New Mexico, who for years past have suffered so greatly and who are even now and for months past have been subjected to the incessant and murderous raids of the Indian bandit, Geronimo, and his murderous band, think of a Congress of the United States that will employ its time in appropriating the national funds as a charity in indemnification of Chinese subjects who have suffered at the hands of an alien mob, while for our own citizens and pioneers not so much as a word of sympathy is extended?

While we must not for a moment, of course, presume that any other motives than those which spring from the purest fountains of patriotism and from the highest and best considerations of public justice, and the loftiest aspirations of statesmanship, the most enlightened views of public policy, could influence the distinguished Committee on Foreign Affairs, who have, with a unanimity that is charming to contemplate, reported this bill, I have, I confess, in my verdancy and feeble inability to grasp this higher order of statesmanship to which that committee has risen in reporting this measure, and in support of which they have for reasons best known to themselves failed to furnish any reasons in the shape of a committee report, been inclined to the belief that if perchance some portion of that committee had been so fortunate or unfortunate, as the case may be, to have resided west of the Mississippi River, and all had been so located as to have been less subject to the blandishments and plausible arguments of the able representatives of the Chinese Government in this city, that perhaps a somewhat different view might have been taken of this subject.

It has been suggested elsewhere that by voting this indemnity we place our Government in more intimate relations and on a more friendly footing with the Chinese officials and will thus enable them to secure such modifications of our present treaties with China as will result in the near future in the absolute exclusion of Chinese immigrants in the future. On the contrary, Mr. President, in my judgment the effect will be the very reverse. Let it once be understood that this Government is committed to the policy of promptly indemnifying out of the National Treasury for any and all property of Chinese subjects in this country that may be destroyed or lost at the hands of mobs; let it be understood that these alien subjects have not only all the rights of American citizens under like circumstances of appealing to the courts, State and Federal, but in addition can make rightful claim upon the Treasury of the United States, and then the Chinese Government will in my judgment be more loth than than ever before to consent to any arrangement that will tend to the exclusion of Chinese immigrants to this country.

It will be time enough to placate the Chinese officials after our own diplomatists, and those who for the present direct and control the political destinies of this Government, are educated to a realizing sense of the imminent peril to which our country is being rapidly subjected, not alone from a deluge of Oriental slaves, not alone from the blighting swarms of Asian migration, but from the still more dangerous red-handed anarchist and communistic elements pouring in upon us from the lowest, vilest, and criminally lawless classes of European life.

It is our own people, our own statesmen, our own officials that should be brought to a realizing sense of impending dangers, their causes and the remedy; that should be stimulated to arouse themselves, shake off the dull lethargy of at least apparent ignorance in reference to the vital questions of the hour, and of positive inaction, vindicate their own intelligence, statesmanship, and patriotism by rising to a proper comprehension of the magnitude of the evils that confront us, and grasp with ability, energy, effectiveness, and power a subject than which none more important, none more seriously involving the prospective peace and prosperity of the country, the stability of American institutions, the security of life and property, the integrity of free labor, and the welfare of modern civilization on this continent, ever engaged the attention of the American people or challenged the prescience, ability, and patriotism of American statesmen.

The times are not propitious, I submit, when the followers of the red flag are plotting treason against law and order and inciting to riot and bloodshed and anarchy, in which the Government of the United States can with prudence and propriety, or in justice to its own citizens announce to the governments of earth, civilized and barbaric, Christian and Pagan, that we stand ready to respond to each and all of these on demand, in a money indemnity from the Treasury of the United States, for injuries that may be suffered by their subjects resident here, by reason of mob violence. The people of this country, the present tax-payers, the lovers of peace, and justice to our own citizens, and the brave defenders in every proper form of law and order, will not, I fancy, relish the declaration of a policy such as this, which pledges them individually and collectively to the payment of all such claims, whether amounting to a few hundred thousand or many millions of dollars; nor will our posterity, when the generations of the present shall slumber with their fathers, regard with favor the establishment of precedents by us that commit them and their posterity to a like policy.

This bill will pass. It is the wish of the administration it should pass, while our distinguished Committee on Foreign Relations of this Senate while tinkering with restriction acts, at best mere delusions and snares when considered as a remedy for the evil against which they are directed, handling with diplomatic fingers, kid-gloved, for fear of giving offense to the Chinese minister, this overshadowing question of Chinese invasion, and while refusing so far as heard from to declare, when properly called upon to do so, that they or a majority of them are in favor of providing for the future exclusion of Chinese immigration to this country even by diplomatic arrangement between the two governments, recommend it.

This measure will doubtless receive nearly if not every vote of this body cast on its final passage, and for this protest I shall doubtless be charged here and elsewhere with either playing the part of the demagogue, or lacking in ability to comprehend those delicate questions involved in international controversies, and which seem at least in this case to demand that while with one voice protesting the non-tenability of the demand, and the absence of all legal obligation, while stoutly asserting that by no principle of governmental reciprocity, conventional stipulation, or requirement of international law, are we under any obligation whatever to do this thing; yet in order that it may not be said we are not dealing with China by reason of her weakness as compared with some other nations, or by reason of some supposed prejudice we have against her subjects here, as we would deal with such mightier powers,

we must as an act of benevolence and out of pure charity make this donation.

If we are dealing thus with China in this instance prompted by any of the considerations just suggested, as I fear we are, and differently from that which our sense of right and of public justice, our views of international law, and considerations of self-respect would allow us to do were it England, or France, or Spain, or any other of the great maritime powers that had made this demand, even though their iron-clads menaced our harbors and our fleets as a means of enforcing it, then it would seem we are basing our proposed action on a principle in which is involved as its most important component part an ingredient of moral cowardice unworthy the representatives of a great nation.

TAXATION OF RAILROAD-GRANT LANDS.

The PRESIDENT *pro tempore*. The unfinished business will now be placed before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. PLUMB. I should like to make a statement to the Senate and especially to the Senator from Massachusetts [Mr. HOAR] in reference to the amendment which is now pending.

I agree most fully with the general purpose of this amendment. When I first read it my purpose was to offer no opposition to it whatever; but the more I consider it the more I feel that it may, in the first place, embarrass the proper administration of this bill should it become a law, and next that it would be introducing into this bill an important subject which can not be properly dealt with in this connection.

I believe that the best manure for the soil is the foot of the proprietor. I believe no man ought to own any more land than he can reasonably use. Whether the time has come to go as far as that by legislation I do not now say; but certainly I should be glad to commit myself by vote and by voice to any legislation tending to a reasonable extent at least to a limitation upon the holding of land, and to an extent which would prevent speculation in land, and which would as far as possible save all land for those who would make personal use of it by cultivation.

This, however, is a large question, one which ought to be dealt with by itself after due consideration, because the value of the legislation is largely dependent on the details and not on the mere announcement of principles. If this amendment were adopted by the Senate, it might prevent the lands which are the subject of the legislation proposed from being sold at all, and thus prevent the collection of the taxes which Congress is now legislating with a view of having levied and collected.

It is necessary in the collection of taxes, in the West at least, that the counties in which the lands are located shall be a bidder for those lands; and this is not only necessary, but the counties frequently bid in very large areas of land at tax-sales, subsequently disposing of their interest to private persons if private persons desire to purchase. Therefore there ought to be an exception made, if the provision is to be operative at all, in favor of the counties, of the Territory or the State, whatever authority may be provided for that purpose by the law of the locality, purchasing these lands for the purpose of preventing the sale from going by default; and when we enter upon the question of making exceptions to this general rule, as I said before, we enter upon a very wide field.

Believing as I do that the bill as it now stands is designed to accomplish a good purpose and that this amendment will embarrass it in its future conduct as well as almost certainly in its operation, I shall be very glad indeed if the Senator from Massachusetts will withdraw the amendment and address himself to the consideration of a proposition which shall cover all possible details of this very urgent question in order that it may come before the Senate in such a way as to receive consideration independently of other measures like this of which it now clogs the progress.

Mr. HOAR. Mr. President, I had supposed that the general purpose of this bill was a proper one, and expected to support it if its details were satisfactory and it properly provided to do justice to all persons in interest. Of course it is a grave responsibility for a Senator entertaining such opinions to undertake to thrust upon a measure which an able committee has matured a provision which the committee responsible for the measure conceive to be likely to embarrass its successful operation. It is a responsibility which I feel very unwilling to take. I am therefore disposed to accept the suggestion of the honorable Senator from Kansas, the chairman of the Committee on Public Lands, and his assurance that he and, as far as he can represent it, the committee over which he presides will endeavor to combine with other Senators in framing a general and comprehensive measure which will cure the evil to which the attention of the American people is being most emphatically called. I think, however, that it is proper before doing that that I should call the attention of the Senate to the grounds upon which this amendment rests.

The ingenious and rhetorical imagination of my honorable friend from New York [Mr. EVARTS] finds what he calls a lord-paramount arising in this country. He says that nobody will buy a base fee. One would think that that learned lawyer and accomplished Senator had never heard of an estate upon condition in his life——

Mr. EVARTS. Allow me; it was because I had heard of it that I was able to discriminate and know what it led to.

Mr. HOAR. And that no American citizen would buy a dwelling-place or a farm the title of which was attended by any possibility of forfeiture for breach of condition. Why, sir, there is not a populous town or city growing up all over America, certainly not in the New England States, where land titles are not full of conditions for the convenience or comfort of the neighborhood. A large land-owner cuts up his estate and sells it out in house-lots, and every deed for all time provides that no person buying shall put his house or barn within 6 feet or 12 feet or some other prescribed distance of the highway, that everybody shall have a front yard, that his front windows shall not be interfered with in their prospect, that no one shall build a shoe-shop or certain classes of manufacturing establishment, and so on—nothing shall be built but a particular kind of dwelling. Those things are as common as ownership, as common as land, as common as wells or windows. And now we are told that the men who impose those conditions on their estates are lords-paramount, and that the obligation they impose on their grantees is repugnant to the freedom of American ownership in land; that the humble farm of my friend from New York in Vermont, which I think contains not more than 2 acres, if I recollect aright, would be held by a less satisfactory tenure hereafter if we should adopt this principle.

Here is a proposition which is to secure, and only to secure, for all time the great, vast homestead spaces of our Western States and Territories against the danger which has embarrassed England, which has subjected her working classes to countless woe, sorrow, humiliation, and distress, and which has been the ruin of Ireland.

Why, Mr. President, a great orator and statesman, within twenty-four hours, at a meeting in the State of Maine held to express sympathy with Mr. Gladstone, declared to his audience that the one reason for the present condition of Ireland, with her vast and wonderful fertility, is that one-half her soil is owned by between nine hundred and a thousand men, and half of the remaining half is owned by three thousand. The same condition of things, to a great extent, exists in England. I have here the statistics, which I will not undertake to read, but a very few men in Great Britain, I think less than seventy thousand in all, own the entire land of that prosperous and powerful country; and the result is, notwithstanding all the pride that the Englishman feels in his country, and notwithstanding her power, notwithstanding her wealth, her workingmen emigrate to this country if they can scrape together the means to get to the seaboard and make the voyage.

There is a story that I heard of an American traveler in England who was traveling on a railroad train with Sir William Watkyns Wynn, the possessor of the vast landed estate which belongs to the great house of Buckingham. Sir Watkyns was a stranger to him. He asked him who owned the house they passed and the baronet replied that that was his. They went about 10 miles farther. He looked out and saw a beautiful mountain crested with wood and green on the sides, and he said, "Who owns this mountain?" and his fellow-traveler replied rather sleepily, "That is mine." Several miles farther on they came to a wood, and he asked, "Who owns that wood?" His fellow-traveler waked up from his sleep and said, "Why, that is mine." The stranger got out at the next station and told the guard that there was a lunatic on the train who fancied that he owned the whole kingdom round about, and he thought they had better take him into custody; but he was not dangerous, as he then seemed to be asleep.

This danger is not a danger which is found only in the imagination of radical reformers or demagogues or alarmists. It is the pregnant and real danger which menaces our great spaces in the new States and in the Territories of the Northwest. It is reported to us by Congressional committees, it comes to us in communications of our Departments. Here is a list contained in a document communicated to the House of Representatives at the second session of the Forty-eighth Congress by Secretary McCulloch, showing purchases of lands in this country by foreign syndicates:

	Acres.
English syndicate No. 1 (in Texas)	4,500,000
English syndicate No. 3 (in Texas)	3,000,000
Sir Edward Reid, K. C. B. (in Florida)	2,000,000
English syndicate, headed by S. Philpotts	1,800,000
C. R. and Land Company of London, Marquis of Tweedale	1,750,000
Phillips, Marshall & Co., of London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, headed by Mr. Rodgers, London	750,000
An English company (in Mississippi)	700,000
Duke of Sutherland	425,000
British Land and Mortgage Company	320,000
Captain Whalley, M. P. for Peterboro', England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Hon. Robert Tennant, of London	230,000
Scotch Land Company, Dundee, Scotland	247,666
Lord Dunmore	100,000
Benjamin Newgas, Liverpool, England	100,000
Lord Houghton	60,000
Lord Dunraven	60,000
English Land Company (in Florida)	50,000
England Land Company, represented by B. Newgas	50,000

An English capitalist (in Arkansas)	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir John Lester Kaye, Yorkshire, England	5,000
George Grant, of London (in Kansas)	100,000
An English syndicate (represented by Close Bros.) in Wisconsin	110,000
A Scotch company (in California)	140,000
M. Ellerhauser (of Nova Scotia) in West Virginia	600,000
A Scotch syndicate (in Florida)	500,000
A. Boyesen, Danish consul at Milwaukee	50,000
Missouri Land and S. S. Co., of Edinburgh, Scotland	165,000
English syndicate (in Florida)	59,000
Total	20,941,666

It seems to me that we are all somewhat justly exposed to the criticism made by the honorable Senator from Michigan [Mr. CONGER] yesterday that we have allowed this thing to go too far already. The wonder is, not that we have waked up so soon, but that we have waked up so late. In my judgment the time has come when it is the duty of the Congress of the United States wherever the matter is in its power to break up these large holdings by corporations and by aliens altogether, and to limit them strictly, as this amendment of mine proposes to limit them, to the ownership of parcels reasonable in amount in single hands. Certainly 640 acres are enough for any one man who is himself to be counted as a husbandman. I do not think we are aware of the extent to which tenant farming is already becoming an institution in this country. According to the census of 1880 there were 1,024,601 farms rented by tenants in the United States; 1,024,601 farms in this country occupied by men to whom the produce of the soil they till does not belong except as tenants or holding under landowners who have nothing to do with the cultivation of the soil. At this moment, proud as we are of our yeomanry which throughout certainly the Northern belt of States in this country as in England has been the class to which the history and character of our country has been due, we are the largest tenant-farming nation in the world.

The Senator from New York talks about the feudal system, and he finds that system in a condition that no one man shall engross more than 640 acres in one ownership and fails to find anything of feudalism in a system under which 1,024,601 tenants have grown up.

My notion of what feudalism is to be dreaded differs from that of my honorable friend. I do not think that a condition entering into the very ownership of land itself, that the land shall not be sold to a corporation to be held in mortmain, is feudalism. It is a blow at feudalism. I do not think a condition that land shall be held on the tenure that it shall not be sold to a man who owns 640 acres already is feudalism. It is a blow at feudalism. I find the danger of the feudal system to this country in its essence in the system which provides that one man shall own the land which another man is to till.

The number of tenant holding is estimated to have increased 25 per cent. since the result which I have stated was ascertained in the census of 1880. There are but 547,222 tenant farmers in Ireland, and in England and Wales 424,000 more, making 962,000 in all, and in Scotland 80,101. So the United States at the present day possesses more tillers of the soil paying rent to landlords by more than 25 per cent. than England, Wales, Scotland, and Ireland combined.

I shall not pursue this subject, and I will withdraw the amendment, but the subject will be pressed upon the attention of Congress until it is disposed of.

Mr. EVARTS. Whenever, Mr. President, a subject is before the Senate that involves either primogeniture or the aggregation of land in single owners I shall be able to express my opinions, and whether they shall differ with those of my honorable friend from Massachusetts will appear when those opinions of mine are expressed on a topic involved in the subject of debate.

I had no fault to find with the measure that these tax-sales should carry to a single purchaser no more than 640 acres. I was not on that point. I only meant it should carry the 640 acres and the man should own it when he bought it as every freeman in the United States now owns his land.

The condition by which under the feudal system there could be a reversion to a mesne or a paramount lord was the essence of the feudal system. All that was left in the common law that we imported in this country was that a common-law forfeiture hung over land forever and forever in the name of the heir of the first grantor, without a scintilla of estate left in the grantor at all, but he held over the land the power and the pall of destroying its marketable value. Now, at this day in the Senate we hear under cover of entirely different topics and interests and motives and occasions an introduction of a proposition that when the tax-gatherer shall sell the 640 acres no man shall be able to get a good title to it.

What is the common-law condition? The common law before the invention and introduction or development of equity had no resource to gain the adherence of the granted property to the purpose intended to be secured, except by imposing an absolute forfeiture which should bring it back to the grantor, although the absolute fee except for the condition had been parted with by the grantor and been paid for by the grantee. As feudalism declined this remnant of feudalism was condemned by the common law in the mother country under those fearful words, that the common law abhors a forfeiture. What principle of freedom, what ownership of land, what energy of the common law could express that relation more firmly than that, that the common law abhors a forfeiture?

If you believe the Senator from Massachusetts, while this limping paragraph as to tax-sales is thus to be burdened with this abhorred forfeiture of the common law, he makes it an occasion to think that it would be desirable that all the lands of the people of this country should be held under that same terrible overhanging forfeiture, and he amuses the Senate with the notion that in his own neighborhood people like nothing better than to buy lands and to build houses with a forfeiture hanging over them.

I do not know what energy of intelligence and of self-respect has taken hold of his neighbors, but I know there is not a man in the State or in the city of New York who buys a base fee if he knows it. I can point out unused and unusable plots of land in the city of New York because in a remote deed there is found a forfeiture at common law that may be exerted. Who will buy a lot in the city of New York under such a forfeiture and build a structure that is to cost ten times that of the lot with a forfeiture hanging over it at common law, that to the heirs, if they can be found after a hundred years, the condition is reserved against which by possibility no adverse possession can run and it never can be cured, because there is no estate? It does not spring out into re-entry and reversion except upon the fact that if you only had the forfeiture happen then the principles of law may run adversely; but until the forfeiture takes place the right of entry as of his original estate is always arising under the principle of the feudal lordship that thus reserved this power.

The great real estate lawyer, Sir Edward Sugden, says that under the principle of the common law, which abhors forfeiture, under the development of the equity jurisdictions and facilities, the courts will always hold that what used to be regarded as a common-law forfeiture should be only a covenant, if there can be found one shred or word upon which that can be founded; and that so far as estates arise under dispositions by will, courts of equity will always interpret them in that way, and courts of law when they can will turn a forfeitable condition, where the fee passes, into a covenant. That answers what was the whole purpose of the common-law forfeiture; that is, that the lands should be held to the purposes for which the grantor intended; but it disposes of the cruel and exacting tyranny that if there be a diversion the land shall go back, that ruin shall be wrought upon the owners, and the land thus liberated again be disposed of. But equity intervenes and says it is to be treated as a covenant, and the courts of equity retain the title and ownership in the grantee, break down the forfeiture, and then enforce the application of the equitable covenant.

Mr. HOAR. I wish to ask the Senator from New York if it has not been the policy and the enactment of the English law down to the present generation at least, if not the present day, that no land should be sold to an alien, and that no land should be sold to a corporation to hold in mortmain except in certain specified cases; and what there is of distinction in principle in his mind between a legal bar against selling land to a corporation or to an alien and one against selling it to a man who has got 640 acres already?

Mr. EVARTS. If I am to go into the whole doctrine of mortmain and of alienage, let us open them. They have no more connection with the notion of forfeiture at common law than the arrangements of the marriage contract or of the statute of wills.

The objection to land in mortmain is disclosed by the term itself, that it is held in a dead hand; that it is held now in the name of corporations by those who do not represent citizenship and cultivation and enterprise. In the old time it was in mortmain, in dead hand, that could not perform the feudal duties attached to tenure of serving the crown or the nobles on the battlefield. Whenever there is any subject about mortmain, whenever there is a talk as to whether we shall limit the land that can be aggregated by this or that or all corporations put together, I will debate that question, and then it will be seen how much we differ.

So too about aggregation. It is said that we have tenancies springing up here. I detest the system. The true system has been that the man who owned the land tilled it. My narrow acres are all tilled by myself, and not a tenant occupies any portion of that humble domain. We have very little of that anywhere at the East; but in the great farms of the West, in the middle West, there has been of course a great increase of that. It is not a desirable condition of things, and not a condition of things in my judgment likely long to endure.

I believe in freedom in discussing the question of these aggregations. I am willing to have any limitations that you please, but I do not want to have it said that the only way we can meet one of the difficulties that attend the disposition of the public domain or of the land system in private hands is to put us all under the condition of forfeiture to the Government itself.

But the subject before the Senate is of the narrowest practical interest. I have nothing to say about it except that as I read the text it seemed to make a perpetual forfeiture hang over these parcels of land from hand to hand. I supposed it was an oversight. When the Senator avowed the purpose, when he avowed it as a plan, I could not but oppose it as frustrating really the purpose of a sale possibly taking place, for it would be an advertisement to every one not to buy.

There are occasions in which conditions are imposed—I mean in the practice of our people. Generally it is done where the grant is a donation and a public use is thus secured; but there is no such custom. I venture to say that you may search the common-law reports of the State of Massachusetts and every New England State, and you will find that the rarest topics of discussion are those which relate to common-law forfeitures. I think you will find as vigorous a line of decisions in this abhorrence of the common law of forfeitures in those New England reports as in the judicial decisions of any portion of our country.

So, sir, while my learned friend from Massachusetts pursues these large discussions of so great interest to the race and to the people of this country, I confine myself to the question whether when you are going to put land up at public vendue, 640 acres, or any more, you are to tell the buyer that he is to hold it under a common-law forfeiture if he buys it at all.

Mr. GEORGE. Mr. President——

Mr. HOAR. Will the Senator from Mississippi allow me one moment?

Mr. PLUMB. Will both the Senators yield to me to say that there is no subject before the Senate except the tax bill? The amendment has been withdrawn. It would subserve my convenience certainly if debate on a subject which is not before the Senate should be left until some other time in order that the bill may go through.

The PRESIDING OFFICER (Mr. BLAIR in the chair). The Senator from Mississippi [Mr. GEORGE] has the floor.

Mr. HOAR. He will give me one moment?

Mr. GEORGE. Certainly.

Mr. HOAR. I wish to say one word in reply to the Senator from New York. I do not think that the people of this country who are looking to having as the foundation of its society and its institutions the holding of humble homesteads to be tilled by the men who own them, in a fashion very different from that which in the imagination of my honorable friend he says he tills his own, but by the hard labor of the husbandman, will be contented to have the wind of any rhetoric from whatever Æolian harp it may come instead of the solid fact.

The one thing I want to say is just this, that no land the title to which is now within the power of the Government of the United States shall ever hereafter be lawfully conveyed to a man who owns 640 acres already. That is my proposition.

Mr. PLUMB. I can instruct the Senator somewhat on that point. The law of the United States now is that no man who owns 320 acres can obtain any land from the United States.

Mr. HOAR. That is not the point I was talking about. My proposition is that the land now owned by the United States shall never hereafter be conveyed, into whatever it may in the mean time pass, to any person who holds 640 acres already. To answer that proposition by talking about a forfeiture or by talking about the evils of feudalism in the past, seems to me, with due respect to the source from which it comes, mere rhetoric.

The Senator says that the common law of England abhors forfeitures; and it does abhor those forfeitures with which it has done away; but forfeitures based upon this principle, if you give that name to it, forfeitures intended to accomplish the same end or a like end, the common law of England and the policy of England, especially so far as the voice of her workingmen can be heard, favors to-day and always has. That is, it is the policy of England that foreign wealth shall not come in and take up English soil from which English sovereignty is to proceed, and therefore England says that no alien shall own her real estate, and the effect of a deed to an alien is exactly what I propose to have the effect of a deed to the wealthy man who already engrosses 640 acres.

England says that her real estate shall not be conveyed to a corporation which can not die and which can not divide the estate among heirs equally and which shall hold it in the dead hand. The effect of an attempt to do that by any process of conveyance is exactly what I propose to have the effect of the attempt to do this; and when I ask my honorable friend, these two things being exactly the same in principle and undistinguishable as it seems to me, he says that the English law now abhors forfeitures. If it abhors forfeiture where there is an attempt to obtain the land in mortmain to a corporation, or if it abhors forfeiture when there is an attempt to convey the land to an alien, as these 20,000,000 acres of land in the American Territories have already been conveyed within the past ten years to corporations whose shares are owned exclusively by aliens, what is the answer to my proposition? The Senator answers me and says that we shall talk about mortmain and talk about alienage at the proper time!

Mr. EVARTS. Now, Mr. President——

Mr. GEORGE. Does the Senator from New York want to speak?

Mr. PLUMB. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] has the floor.

Mr. GEORGE. I shall not detain the Senate long. I am entitled to the floor.

Mr. PLUMB. I am aware that the Senator from Mississippi has the floor, and that has been the trouble all along.

Mr. GEORGE. It has not been the trouble when I had it.

Mr. PLUMB. But I mean the trouble of debating a question which does not concern this bill, and a debate which is going on to the obstruction of most useful legislation. It is that to which I object.

Mr. HOAR. I think the debate is more important than the bill.

Mr. PLUMB. Of course a man who utters as short a speech as the Senator from Massachusetts may think so.

Mr. HOAR. It is not my honorable friend's business whether I make a short speech or a long one.

The PRESIDING OFFICER. Order.

Mr. GEORGE. When I get the floor probably I shall proceed.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. GEORGE. Mr. President, this is a very large question which has been precipitated upon the Senate, the most important one I suppose that will or can engage our attention. I do not propose to go into it now. I do not propose to obstruct very long the legislation which the Senator from Kansas desires to have consummated.

In a great deal that has been said by the Senator from Massachusetts about the great accumulations of wealth by individuals and corporations I concur. I know that it is one of the great dangers of our age that not only land but wealth in other forms has accumulated inordinately in the hands of a few. I know that, sir.

I regret to say that in my opinion this large accumulation of wealth in the hands of a few persons both natural and artificial has been not the result of natural causes, not the result of mere individual exertion, but to a very large extent the result of Government policies and Government subsidies. So far as we can correct that by correcting and reversing those policies I think we have jurisdiction to act, and I am willing to act.

It was said by the Senator from New York and also by the Senator from Massachusetts that one of the great fundamental principles of the common law was against the conveyance of real estate in mortmain to corporations. That is true; and England owes much of her glory, much of her greatness, much of the excellence of her free institutions to that principle of the common law. I desire simply to make an application of that principle to the circumstances before us.

In violation of that cherished principle of the common law this Government has granted about 179,000,000 acres of land to corporations, an area twice as large as all the territory of the United Kingdom, including England, Scotland, and Ireland. This great empire, twice as large as the British Empire, excluding her colonies, has been by the action of this Government given in mortmain to corporations. If that be a danger, as I believe it is, to free institutions, to the happiness and the welfare of our people, then I ask the Senator from Massachusetts, who concurs with me in that view, if we had not better act while we have yet the power to retrace our footsteps, and while yet the power remains in us, as it does, to interpose in a constitutional way, in an effectual way? I ask him if we had not better use that power to reclaim this empire, forfeited for non-failure to comply with the conditions of the gift, so that the millions of unsheltered and homeless people in this country may have an opportunity of getting homes?

The Senator from Massachusetts read from an article which he had that there were over a million of tenant agricultural laborers in this country. If the magnificent empire which has been given by the United States in mortmain to corporations was restored to the public domain there would be a shelter and a home for every one of those tenants on land of his own if he chooses to take it.

Mr. President, I desired to say that much, and I will say but a little more. If we really desire that there shall be a fair chance to the American people, to the laboring people of this country, to advance their happiness and welfare here, a fair chance in the struggle for life, then we ought to respond to a sentiment which I believe to be universal all over this land when you go outside of railroad circles, namely, that every power which remains in us, every governmental energy and force which still are in our hands, shall be used speedily and efficaciously to restore for homes to the people the empire to which I have alluded and which we have recklessly granted in mortmain to corporations. This land, so far as the conditions on which it was granted have not been complied with, justly belongs to the people of the United States, and they ought to have it.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. INGALLS. What is the pending question?

The PRESIDING OFFICER. It is on the bill. There is no pending amendment.

Mr. INGALLS. I thought there was an amendment pending.

The PRESIDING OFFICER. There is none pending.

Mr. CALL. Mr. President, I think that this bill is a very dangerous one, and one which may complicate if it does not effectually embarrass and unsettle the question of forfeiture of the unearned railroad grants. It is true that the bill contains a provision in the third section that the act shall not affect the right of the Government to declare or enforce the forfeiture of any land so granted. That is a reservation of the power of Congress to declare a forfeiture. But the bill makes the entire grant subject to taxation, and we know very well that after the amendment of the Senator from Massachusetts was withdrawn, which, I think, was an impracticable one, the only effect of exposing these lands to sale for

taxes would be their purchase by the railroad companies at tax-sales for the purpose of concluding that question.

The bill therefore practically under the guise of taxing lands by the States and Territories may be a bill of confirmation of every acre of this land subject to forfeiture. It is in my opinion a very extraordinary method of even pretending to be a bill for the taxation of these lands by the States and Territories. Under the acts of admission of the several States in which these lands may be there is an exclusion of the power of the State to tax the lands of the United States. Outside of that exclusion the power of a State exists by virtue of its own State organization. Its power of taxation can not be moved by the United States Government, and is not in any way the subject of its control.

The State is absolutely sovereign and independent of any power on the part of the General Government in this respect, and the only manner in which the Congress of the United States can enable the States to tax the property of the United States is by divesting the United States of its title. It can not be subject to taxation otherwise except by the act of Congress imposing its own tax or devoting it to some special purpose. The power of State taxation rests upon anything which is in it of the nature of property excepting only the power excluded of taxing the lands of the United States, and it would be an anomaly and a contradiction and a most awkward, if not an entirely impracticable proceeding, for the United States to confer upon the States the power to tax the property of the United States. That has never been the method in which this Government has proceeded.

Therefore, these lands are not subject to taxation by the State authority and ought not to be unless they are the lands of the railroad company, and when the act of Congress authorizes this taxation to be made either by the States or Territories or otherwise, it may imply that it is the property of the railroad company and not the property of the United States, and the lien from which it is exempted is only the lien for the cost of the surveying and other fees of that description.

It is a peculiar and an extraordinary method of proceeding. As was observed by the Senator from Oregon, the practical method would be to decide whether these lands are the lands of the United States or the lands of the railroad company. That is the only method in which it can be done safely and certainly.

Let us meet this question boldly and decide it either by forfeiting the grant beyond the point of completion at the time fixed by the granting act, as the country demands, or if the Senate will place itself in the way of complying with the demand of the people then let those who are willing to defy the public will vote to confirm the grant.

It has been said that it is desirable that these lands should be in the hands of the people. Instead of this awkward and cumbrous and doubtful method, the only effect of which, notwithstanding this reservation of the power of forfeiture in the Government, may be practically to confirm the title in the railroad company, why not open these lands by the action of Congress now to the homestead settlement of the people?

That will settle the question, that will determine the matter at once, and not only subject the property to the taxation of the States and Territories, but put upon it a race of hardy, industrious, laboring people who are now without homes and without employment. That will relieve much of the present distress, and will let the people know and the railroad companies know to whom the land belongs. If the people who live on these lands are to be placed in the power of the railroad companies and compelled to pay high prices for their lands, let Congress so declare here and now.

For these reasons, unless the bill shall be amended by declaring that the lands covered by it are only those which were earned by the completion of the road within the period specified in the grant, I shall vote against it. I believe every interest of the people demands the immediate forfeiture of this grant beyond the point of completion in 1879, when the grant expired, and its being opened to and settled by actual settlers under the homestead laws without cost to them. This will settle all questions of forfeiture and taxation in the interests of the States and Territories and the people.

Mr. PLUMB. I move to amend the bill by adding to section 3 the following words:

But all the rights of the United States to said lands or to any interest therein, shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

The amendment was agreed to.

Mr. PLUMB. In section 1, line 11, after the word "manner," I move to add "by the purchaser;" so as to make the proviso read:

Provided, That any such lands sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide.

The amendment was agreed to.

Mr. PLUMB. In section 1, line 4, I move to strike out the word "local" before "taxation;" so as to read:

That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, &c.

The word "local" may possibly embarrass the clause.

The amendment was agreed to.

Mr. CALL. In section 1, line 4, after the word "Congress," I move to insert the words "which have been earned within the time required by the granting act;" so as to read:

That no lands granted to any railroad corporation by any act of Congress, which have been earned within the time required by the granting act, shall be exempt from taxation by States, Territories, and other municipal corporations on account of the lien of the United States upon the same for the costs of surveying, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

Mr. CALL. I will state my object in offering the amendment. I wish to have the question voted upon. If this is the land of the United States it is not, and ought not to be, subject to taxation by the States and Territories. If it is the land of the railroad company it ought to be subject to taxation; and the amendment is to confine the operation of the bill to that land which we recognize to be the land of the railroad company.

I take it, from the House reports and the action which has been had, that we can all concur, if this body sees fit to do so, in the proposition that the railroad company shall have the lands which were earned within the time specified by the granting acts up to the point of completion at the time required by the granting acts for the grant to expire—or for the completion of the road—after which it is too clear even for a doubt that no right to any part of the grant can exist without another act of Congress creating such a right and conferring title. Let us then deal with the question in the interests of the people and declare the grant forfeited, and not embarrass and complicate the question with a subterfuge like this.

Mr. GEORGE. The fallacy of the position taken by the Senator from Florida lies in this, that when land has been granted upon a condition subsequent, the proprietorship of the land is in the grantee until forfeiture has taken place, and also until the rights of the grantor have been enforced by an act of entry. These lands in law belong to the railroad companies, and the mere right of the United States to enforce the forfeiture, though a very valuable right and if enforced will return the land to the Government, does not prevent them from being liable to taxation before the forfeiture is enforced.

I wish to call the attention of the Senator from Florida to a very familiar principle upon the subject, that when the forfeiture takes place, when entry has been made at common law (and a bill passed by Congress is simply an entry), the entry avoids all incumbrances, all liens, all conveyances, and transfers which may have been made by the grantee or which arose under him prior to that time; or, in other words, it restores to the grantor his rights in the land as fully and perfectly as they existed at the time he parted with the title. So there is nothing incongruous in the idea of taxing the estate or the right, whatever it may be, of the railroad corporations in these lands.

The third section of the bill, as amended on the motion of the Senator from Kansas, removes utterly all doubt that could exist on that subject. If the amendment of the Senator from Florida is adopted it will amount simply to this, if I have read the history of the railroad corporations correctly, that not one acre in five hundred which the railroads have gotten has been earned within the time limited in the acts making the grants, and the bill would simply be inoperative for the want of a subject-matter to which it could apply.

I may add that by this bill the United States do not undertake to tax these lands. The bill merely allows the States and Territories in which they lie to tax them by removing the only obstacle in the way of their doing so. How taxation by a State or Territory can affect the right of the United States I can not see. Besides, strictly and legally speaking, the taxation is on the railroad companies on account of their interest in and title to the land, and not on the land itself. The tax when assessed will be a debt against the railroad company, and any property which it owns will be liable to seizure and sale to pay it. If the land is sold to pay the tax, then under the bill, whatever interest the railroad company has in the land will be sold and nothing more. The third section of the bill is an absolute, specific security against any transfer of the title or interest of the United States by any such sale.

Mr. CALL. I appreciate the points of law of the Senator from Mississippi. I am very well satisfied that this is not an estate vested in any grantee; it is an estate which is in the United States, because the condition has never been performed upon which the land was proposed to be granted; but I do not propose to argue that point and to open all those questions.

This is a correct amendment, for the reason that whatever may be the law, whether the land is in the railroad company or not, it should not be taxed if we propose to forfeit it. The railroad company should not be required to pay taxes upon that land which we do not intend it to possess and own.

Mr. GEORGE. Will the Senator allow me to interrupt him for a minute right there?

Mr. CALL. Certainly.

Mr. GEORGE. When a man holds land by deed subject to forfeiture by condition subsequent up to the time of entry by the grantor for condition broken it is his. He can use it; he can keep everybody else out of it; he can rent it; he can plant it; he can cultivate it; he can

take timber from it; he can do anything he pleases with it. Because there is a condition which may never be enforced during the time in which his proprietorship is undisputed and absolute against everybody in the world, except the right of entry on the part of the grantor, why should he be exempt from the ordinary burdens imposed upon every property-holder to help support the Government? Suppose I were to grant to the Senator from Florida a thousand acres of land upon a condition-subsequent, who is to pay the taxes on that? He is in possession; he can sue any man for trespass who goes upon it; he can maintain an action of ejectment against any man who ejects him from it; he can cultivate it; he can sell it; he can mortgage it; he can do anything with it that an absolute proprietor can do, and thus clothed with all these indicia of right and of ownership, why should he be exempted from taxation just because his title is not complete?

Mr. CALL. The difference is between technical deductions of law and fact. It might be that where property has become the undisputed subject of taxation and been so for some time and has been transferred to other hands, the tax should be borne by the person in whom the legal title was vested. That is not the case with these railroad grants. They were grants of large territories of unoccupied lands, and to a great extent they are now unoccupied. They have been reserved from actual settlement for the purpose of having the conditions of the grant complied with. They have been reserved awaiting the action of Congress, and the title to them rests, except the mere naked legal fiction that words conveying a present interest are operative to vest the interest, whatever it is, created by the law, subject to the conditions of the law, in the United States alone. For all practical purposes the title remains in the Government.

These lands have never been subject to taxation. They were granted for a great public purpose; they are the lands of the United States. Whatever legal fictions may be declared or exist in regard to these matters, the fact is that it is a part of the public domain excluded from taxation by a compact between the States and the Federal Government, and granted to certain public agencies in the shape of corporations for conditional objects, the completion of certain lines of road within a designated time. In that condition of things, with the question of forfeiture pressed upon us by the united voice of the people of this country of all parties, with the necessity on the part of the people for homestead settlement and cultivation, with this question easily to be settled by saying whether we will or will not forfeit these lands, we propose to pass a bill subjecting them to State and Territorial taxation.

If they are not the lands of the railroad company, if it is intended to forfeit them, we should not tax them; we have no right to tax them. If they are not the lands of the railroad company the objects of the bill are to be immediately attained by passing an act opening the lands to homestead settlement and inviting the people of the country to go upon them. This would subject them to State and Territorial taxation and at the same time settle the question. But the passage of the bill will embarrass the question, and may be a confirmation in disguise of the title of these lands to great corporations, and you can not prevent it by any amendment to the bill which will reserve the legal power of forfeiture in the Congress of the United States. It may become a method of giving two or three hundred millions of dollars, to be paid out of the toil and suffering of the men, women, and children who are to cultivate these lands, to a few individuals. I am not in favor of using the powers conferred on us for this purpose or to this end.

Mr. GEORGE. I call for the reading of the third section of the bill as amended.

The PRESIDENT *pro tempore*. The third section of the bill will be read.

The Chief Clerk read as follows:

SEC. 3. That this act shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted. But all the rights of the United States to said lands, or to any interest therein, shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. BLAIR. Mr. President, when the bill first came on to discussion, now more than a month since, I proposed an amendment, the same in its nature as that which was offered by the Senator from Massachusetts [Mr. HOAR], excepting that the amount of ownership in a single individual derived by a tax-sale under the provisions of the bill should be limited to 320 acres of agricultural land, and to not exceeding 640 acres of any other description. Understanding that the Senator from Massachusetts was to press his amendment at a later time, I withdrew or indicated a purpose to withhold my own. Since he has abandoned the whole matter, I do not propose to renew it in that form.

I did, however, give notice at the same time of an intention to move as an amendment to the bill the provisions of Senate bill No. 1495, which I introduced at an early stage of the session and which was referred to the Committee on Public Lands, a bill which covered the entire question as to the amount of the parcels in which the public domain should now and forever hereafter be disposed of, as from time to time the title of the country to its domain should be parted with; and also restricting the lands to an ownership of no greater amount than the original parcels for all time in perpetuity, and providing that the patents, the original title from the United States, should recite this provision, and that the provision should appear forever afterward in the conveyances between parties.

I had designed to move that bill as an amendment to this measure, and now that the matter has been discussed considerably, if the Senator from Kansas who has the bill in charge and who is the chairman of the Committee on Public Lands would feel like taking the matter up and disposing of it in connection with this bill, I should be very glad indeed to have him do so.

As it is a very great question, I am not disposed to press the amendment for consideration at this time against his objection, but I submit to him and to all who entertain the views which have been expressed here with scarcely any opposition that it is exceedingly desirable, if a policy of this kind restricting the holdings of the now public domain forever hereafter to a limitation is to be adopted at all with reference to any of the public domain, it should be adopted at this time with reference to the great amount of land the control of which in the future will slip through our fingers if this bill should become a law.

It is said that about 200,000,000 acres have been granted in the way of assistance to the construction of railroads in this country. Almost 50,000,000 acres were granted a single road, the Northern Pacific road, which probably more than any other will be affected by the provisions of the bill. That is one-fourth part of the amount of available agricultural domain which is supposed to be now in the possession of the United States itself and open for homestead settlement in future.

It must be at once apparent to the chairman of the committee and to the Senate that if the policy, which seems to be almost unanimously concurred in, of limiting to small holdings so much of the public domain as is still within our control for the future is to prevail at all, it ought to be adopted now when we are practically disposing of our control of so large an amount of it.

As I said before, I do not like to press this measure against the sense of the chairman of the committee. I will send the proposed amendment to the Secretary's desk that it may be read. I design it to be in the form of additional sections. I send up the original Senate bill 1495.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New Hampshire will be read.

The CHIEF CLERK. It is proposed to add to the bill the following additional sections:

SEC. —. That no natural person or persons or partnership shall hereafter acquire, hold, or own, either by virtue of the laws relating to the disposition of the public lands, or by grant, assignment, purchase, descent, or by any other method by which title to land may be acquired, more than 320 acres of agricultural lands nor more than 640 acres of any description of lands which shall belong to the public domain, on or after the passage of this act; and hereafter all patents and evidences of title to any portion of the public domain to which this act shall apply shall recite the provisions hereof.

SEC. —. That all lands acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by due process of, law.

Mr. BLAIR. In this connection I desire further to say that there is in the possession of the Senate, in one of the published documents of the country, the testimony taken by the Committee on Education and Labor upon the relations between labor and capital, a vast amount of information upon the great evil of absenteeism, landlordism, and the result of immense land holdings in certain individuals or in certain titles. There is in that document a great amount of information bearing on this subject, and if Senators have occasion to examine the matter I think they will be satisfied that there is but very little to be said in opposition to an amendment of the kind which I have proposed to the bill.

I do not wish to undertake to go into anything like a lengthy discussion of the matter, but I have thought it would be well for me to send to the desk and have read a newspaper article, but which I know to be substantially true. It is only an illustration in a single instance of an evil which is already pressing upon the country, and which is felt and suffered even in some of the older States of the Union. It is in the form of a communication to the New York World, and by saying that I know it to be substantially true I do not mean to call in question the accuracy of the New York World as an authority upon questions generally, but simply to say that this is only one instance of a great many which the investigations of the committee brought to light and the truth of which they corroborate. I ask the Chief Clerk to read so much of the article as I have indicated, omitting the irrelevant matter which I have erased.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks leave to have the paper sent to the desk read. If there be no objection it will be read.

Mr. PLUMB. I will ask the Senator from New Hampshire if it would not answer his purpose as well to have it put into the RECORD and save the time of reading?

Mr. BLAIR. No; I can read it myself, it is short.

Mr. PLUMB. Then I have no objection to its being read at the desk.

Mr. BLAIR. I do not care to have the whole of the article read. I have indicated the parts I desire to have read.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

THE IRISH LAND-MISER—HOW WILLIAM SCULLY ACQUIRED TWO HUNDRED THOUSAND ACRES OF WESTERN LANDS.

LITTLE BRITAIN, N. Y., *May* 5.

The publicity recently given to the rack-renting practices of William Scully, the Irish absentee landlord, of thousands of acres of Western lands has attracted much attention here. Mr. Charles Reynders, of this place, related to a World correspondent to-day some facts that throw an important and interesting light on Scully's character and the results of the system he has imported.

"I spent a long time with the Scully tenants, or 'renters' as they are called, in the summer of 1882," said Mr. Reynders. "It was in Logan County, Illinois," he continued, "that Scully laid the foundations of his present fortune. Immediately after the Mexican war he began buying up soldiers' homestead warrants. For these he paid extremely little, as he went to work very quietly and systematically, buying from men who either remained in the Army or returned to occupations in the large cities, which indicated their indisposition to become pioneer farmers in what was then a wild region of country. In more than one instance, it is said, he secured a 160-acre tract for $5 or $10. He has never sold an acre of all the land thus acquired. On the contrary, it has been made the means of wringing from the hard hands of a large peasant tenantry by any indirection all that their daily toil might produce above a wretched subsistence year in and year out. He is virtually as much master of about a thousand of these human toilers as the pharaohs were of the Egyptian slaves whose lives were sacrificed in building the pyramids, and their condition is little better than that of the wretched fellaheen of to-day, who are compelled to labor unceasingly through a miserable existence to provide for the extravagance of successive khédives.

Scully's rents are adjusted according to the quality of the land, but in no case are they low enough to leave the cultivators more than enough to keep body and soul together. These are mostly men with families, and without capital, who rent the land in the vain hope of being able to save enough in a few years to enable them to become purchasers of other land and establish comfortable homes. Instead of this they usually find themselves worse off at the end of five or six years than they were at the beginning, with their labor mortgaged to pay arrears of rent. Besides the rental the tenant is obliged to pay all taxes and other charges on the land, and to make his own improvements, no indemnity being allowed. In the city of Lincoln Scully has several agents to watch and report on crop prospects, secure prompt payment of rents, and see to the exact observance of the iron-clad leases. His agents make much of the assertion that Scully's rents are reduced when the crops fail. This, however, is only partially true. For every such "reduction" the tenant is charged with the deficiency and obliged to make it up in the next good season. The astute landlord does not try to extract blood from a stone.

Having been bought up in small parcels here and there, Scully's lands often adjoin farms owned by those who live on them, and the contrast is striking. A squatter's shanty in Harlem is a palace compared to the squalid huts of the renters. On the other hand, the dwellings of the owners of adjoining farms are, as a rule, well-built, tasteful, and comfortable houses that indicate the prosperous industry of the American farmer.

* * * * * * *

From his lands in Logan County alone he derives an annual rental of nearly $150,000. The pitiable condition of the people under this system is likely soon to result in decided action. While I was in the neighborhood there was no little talk of bringing forward a measure in the Legislature to forfeit the lands to the State, paying Scully a fair indemnification, and allowing his tenants to become proprietors by a system of small payments extending over ten years. This is somewhat on the plan of Gladstone's land bill for Ireland, and much trouble might be avoided by adopting some such scheme before it is too late.

Mr. BLAIR. It is apparent from that and other like instances that the evils apprehended are already realized; they are an existing factor in the affairs of this country; and legislation to be of any avail ought to be made applicable to the comparatively small pittance of our public domain which still remains under our control. There is scope enough for the evil among the lands the title to which is already vested in private individuals, beyond our action probably, and probably beyond that of the power of the States, certainly until in some dire extremity there be a resort to revolution or something like it. And I appeal once more to the Senator from Kansas to know whether he will object to my moving or himself moving this amendment at the present time on the present bill.

Mr. PLUMB. If this bill is to go through it must go through as a measure for the taxation of railroad lands and not as a measure for gathering together all the other things we think we would like to have done. I hope the Senate will stand by this bill, if not in its present shape at all events as a bill for the accomplishment of one purpose, and not bring up a question of this kind, which will undoubtedly lead to long debate, in which the subjects will get inextricably mixed. If the Senator is zealous about his bill, as I have no doubt he is, he will have ample opportunity to get it before the Senate as a substantive measure, when it can be considered on its own merits and not be embarrassed by the consideration of the tax measure at the same time and not embarrass in its turn the measure now before the Senate.

Mr. BLAIR. I ask the Senator if he believes his construction of the bill as it is before the Senate is such that if there be a failure to interpose this safeguard at the present time there will be any difficulty in doing it by subsequent legislation?

Mr. PLUMB. I do not think there will, but there are a great many other bills to which it can be hitched, and as this bill has been experimented with considerably, I hope the Senator will not desire to make further experiments.

Mr. BLAIR. As I said, I do not wish to press any amendment against the judgment of the chairman. I do not wish to embarrass the bill, but I think this is a measure to be attended to by substantive legislation very soon.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. VANCE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. VAN WYCK. Before the vote is taken on the final passage of the bill, in order that the bill may be accelerated in its passage in the other House I ask unanimous consent to move it as an amendment to a House bill upon the same subject. Therefore I move that this bill be substituted after the enacting clause of House bill 5874.

Mr. EDMUNDS. Let us see what that is.

The PRESIDENT *pro tempore*. That can only be done by unanimous consent or by postponing the present bill and taking up the House bill.

Mr. EDMUNDS. Let the House bill be read for information.

Mr. VAN WYCK. If there is objection I move to take up the House bill.

The PRESIDENT *pro tempore*. The Senator from Nebraska can make such a motion.

Mr. VAN WYCK. I move that the Committee on Public Lands be discharged from the further consideration of House bill 5874, and that it be taken up for consideration for the purpose of substituting for it the Senate bill we are about to pass.

Mr. EDMUNDS. Let us hear the House bill read for information, if that is the motion.

Mr. MCMILLAN. Have not the yeas and nays been ordered on the Senate bill?

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the passage of the bill, but it is still in the competence of any Senator to move that the Senate take up any other bill pending the consideration of the present bill. That, the Chair understands, is the motion of the Senator from Nebraska.

Mr. EDMUNDS. On that question I ask that the bill proposed to be taken up be read for information.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk proceeded to read the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act, but before concluding was interrupted by

Mr. EDMUNDS. I do not myself ask that it be read any more.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of the House bill referred to, discharging the Committee on Public Lands from its further consideration?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider House bill No. 5874.

Mr. VAN WYCK. I move to strike out all after the enacting clause of the bill just read and insert Senate bill 1812, as amended.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to amend by striking out all after the enacting clause and inserting what will be read.

Mr. EDMUNDS. The Senate bill having just passed to a third reading, it need not be read.

Mr. INGALLS. It had better be read as amended.

The Chief Clerk read the words proposed to be inserted, as follows:

That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and other municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided*, That any such lands sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide, and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands: *Provided further*, That this act shall apply only to lands situated opposite to and conterminous with completed portions of said roads, and in organized counties: *Provided further*, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

SEC. 2. That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney-General, who shall at once commence proceedings to collect the same, but when any sum shall be collected of such railroad company as costs of surveying, selecting and conveying any tract of land which shall have been purchased under the provisions of section 1 hereof, the Secretary of the Interior shall out of such collection reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying.

SEC. 3. That this act shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted, but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed except as to the lien mentioned in the first section hereof.

Mr. PLUMB. I ask unanimous consent that the last proviso of section 1 may be amended by striking out the word "now" where it occurs in connection with the words "provided by the laws," &c. It might be construed to carry into this bill by reference the present existing land laws, which may be hereafter amended.

The PRESIDENT *pro tempore*. The amendment is open to amendment.

Mr. INGALLS. I suggest that the word "other," before "municipal corporations," in line 5 of section 1, be stricken out. The use of the word "other" there would imply that a State or Territory was a municipal corporation, which I suppose is not the case.

Mr. PLUMB. I ask unanimous consent that that word be stricken out.

The PRESIDENT *pro tempore*. The modifications proposed will be read.

The CHIEF CLERK. In the last line of the last proviso of section 1 it is proposed to strike out the word "now;" so as to read:

Provided further, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

The amendment to the amendment was agreed to.

Mr. PLUMB. I now move to strike out the word "other," in line 5 of the first section, before the word "municipal;" so as to read:

That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and municipal corporations, &c.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CALL. I do not know what is in that House bill.

The PRESIDENT *pro tempore*. It has all been stricken out.

Mr. HARRIS. The House bill has been stricken out and the Senate bill inserted.

Mr. CALL. It is very singular legislation.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VAN WYCK. I desire to amend the title by striking out the title of the House bill and inserting that of Senate bill 1812; so as to read: "A bill to provide for taxation of railroad-grant lands, and for other purposes."

The amendment was agreed to.

Mr. VAN WYCK. I move that the Senate insist on its amendment and ask for a committee of conference with the House of Representatives on this bill.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. MORRILL. I desire to inquire what has become of the bill of which we recently reached the third reading?

The PRESIDENT *pro tempore*. If there be no objection Senate bill 1812 will be indefinitely postponed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 6975) to establish additional life-saving stations; and it was thereupon signed by the President *pro tempore*.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I present to the Senate the conference report on the Post-Office appropriation bill. It is not my intention to call it up now, but I ask that it lie on the table, and I will state for the information of Senators that it will not probably be called up until some time next week. Several Senators have notified me of their desire to speak upon the subject of the principal disagreement between the two Houses.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5887) "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887," having met, after full and free conference have been unable to agree.

P. B. PLUMB,
WM. MAHONE,
JAS. B. BECK,
Managers on the part of the Senate.

JAMES H. BLOUNT,
J. M. RIGGS,
HENRY H. BINGHAM,
Managers on the part of the House.

The PRESIDENT *pro tempore*. Does the Senator wish that the conference report be printed?

Mr. PLUMB. I do not care about having it printed. There is nothing in it but a simple disagreement as to all the amendments. Sometime during the latter part of next week, probably, I shall call it up and at a time when it will answer the convenience of Senators who desire to speak on the subject.

Mr. BECK. As one of the conferees, I hope the Senator from Kansas will give us one day's notice before he calls it up.

Mr. PLUMB. I propose to give at least two days' notice to the Senate.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. The Committee on Appropriations instruct me to report the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes, with sundry amendments.

INDIAN TRADERSHIPS.

The PRESIDENT *pro tempore*. The Chair announces the appointment of the following Senators as the Select Committee on Indian Traderships: Mr. WILSON of Iowa, Mr. TELLER, Mr. SPOONER, Mr. HARRIS, and Mr. WILSON of Maryland.

Mr. SPOONER. I understand the Chair has announced me as one of the committee to investigate the Indian traderships.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SPOONER. I shall be obliged to ask to be excused from service upon that committee. It will be impossible for me to give attention to it with the engagements I have made.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks to be excused from service upon the Committee on Indian Traderships. Is there objection? The Chair hears none, and the Senator is excused.

Mr. WILSON, of Iowa. My name was announced at the head of that committee. When the resolution was introduced I stated that I had no personal knowledge of the facts involved, but that the subject belonged properly to the jurisdiction of the Committee on Indian Affairs. I would very cheerfully, however, discharge the duty which service upon that committee would impose upon me if it were practicable for me to do so; but I have about all the committee work now that I can attend to during the session, and afterward I have engagements which will require my attention during the vacation. I therefore ask to be excused from service on that committee.

The PRESIDENT *pro tempore*. The Senator from Iowa asks to be excused from service upon the Committee on Indian Traders. If there be no objection the order excusing him will be made.

Mr. TELLER. I desire to prefer the same request. I do not see that I have any time to give to this special subject, and I do not think it is a subject for a special committee. I think it is a subject for the standing committee of this body on Indian Affairs. That committee arrogates to itself a good deal; and when there is a little labor I think that committee ought to discharge it. I think there is where the inquiry should have gone, and there is where I understood it did go; but it seems that I was mistaken.

The PRESIDENT *pro tempore*. The Committee on Indian Affairs reported the resolution substituting a select committee to be appointed by the Chair for the standing committee.

Mr. TELLER. It will be utterly impossible for me to discharge any duties in that direction.

Mr. DAWES. The Committee on Indian Affairs made the report without any desire to shirk any duty that properly belongs to it. The Committee on Indian Affairs found itself in a position where it could not discharge this duty for the very reasons that the Senators who are appointed upon this committee have indicated to the Senate and which have been considered by the Senate sufficient reasons for excusing them. Each member of the Committee on Indian Affairs found himself as having made engagements, like the Senator from Wisconsin, for the vacation, which render it impossible for them to discharge this duty.

There was no desire to either disparage the duty itself or to shirk any labor proper to be performed by that committee. It is well known that that committee has devoted its vacations for four or five years to duties which they have not sought themselves but which have been devolved upon them, so that while other Senators have had the opportunity to discharge other engagements during the vacation, that committee has found itself employed during the whole vacation upon matters that the Senate, without their seeking and in many instances against their entreaty, have imposed upon them. Now members of the committee find themselves in this situation, and that is the sole reason why they have asked that a special committee of the Senate should take this duty off their hands.

It is due to the Commissioner of Indian Affairs that I should say in this connection that since the reference of the resolution to the Committee on Indian Affairs he has addressed a letter to the committee which indicates that he feels, after the introduction of this matter upon the statements made, that it is due to him and to his usefulness as an official of this Government that in good faith and thoroughly and impartially this investigation should be carried on. It can not be carried on in the opinion of the Committee on Indian Affairs by that committee; and that is the reason they reported it back to the Senate and asked that a special committee having no other duty upon it should devote itself to that work.

The PRESIDENT *pro tempore*. There is no question pending.

Mr. TELLER. I asked to be excused from service.

The PRESIDENT *pro tempore*. That makes a question. The Senator from Colorado asks to be excused from service on the select committee. If there be no objection that order will be made.

INDEMNITY TO CHINESE SUBJECTS.

Mr. EVARTS. I move that the Chinese indemnity bill which was under discussion yesterday and this morning shall be now taken up with a view of finishing it.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. EVARTS. Mr. President, I have no desire to detain the Senate long from a vote on this bill. I hope that it may be brought to a vote at this sitting and without a very prolonged debate; certainly I shall occupy but a very brief time.

It came in my way as Secretary of State early to take up for deliberate and responsible consideration the relations between this country and its Government and the Chinese population here and the Chinese Government. I then formed the opinion that the interests of the United States required that Chinese immigration, as it was called, really presented no conformity with, in fact no similarity to, the immigration that we have been hospitable to through the whole history of this country, and which I hoped, so far as my opinions went, would never be changed.

Without insisting upon the traits of this discrimination to which I have adverted, I formed the opinion that the coming of the Chinese as they were here and as they were expected to be if the country was still open to them, was more properly the condition of importation or of invasion than of immigration. I have therefore from the beginning and have acted from the beginning on the opinion that the arrangements existing under the former treaties ought to be changed, and took the lead therefore in a commission that brought about the treaty of 1880. That treaty still left remaining in this country the Chinese population that had come here under the Burlingame treaty, and the question therefore was of the right acquired by this Government to regulate the condition of the Chinese here, how that was properly to be administered in conformity with the concession and the terms found in the new treaty.

We have just disposed of a bill of very thorough and comprehensive application and action, that is to carry out in the interests of the people of this country, as I regard them, the administration of the continued population now here of that race and of that nation. We are now to confront another element of importance in the relations between the Chinese Empire and this country, between the Government of this country and the government of China, and that is the relations arising out of the deplorable massacre and violence and spoliation in a Territory of the United States which was practiced without any other provocation that I know of than the fact that these poor victims were Chinese, subjects of the Empire of China. Their presence, their toleration became offensive to another portion of our population then locally intermixed with them, who were rivaling in the industries for which they were competing.

It has been said—it was said by you, Mr. President—that none of those engaged in these violences were citizens of the United States. They were persons subject to the laws of the United States; they were persons for whose conduct we were responsible as much as we were for that of native or of naturalized citizens. We exert our power and extend our authority over all that are within our territory and subject to the general dominion of our power and of our laws. We are to treat this, therefore, in dealing with China, as if this was the act of the people of the United States.

Nor can we draw any distinction as toward China or toward the emperor between the circumstances under which these Chinese were here, nor of the particular occasion or opportunity for division, for disagreement, for rivalry, for hatred, and for the pursuit of wrath. They were entitled to as much protection as if they had been subjects of Great Britain or citizens of France. They were under the same law; we had the same power; and we do not lower our authority in the presence of any difficulties or dangers on this land.

There comes then under these circumstances first the dignity of the occurrence. It was not an ordinary mob; it was not a temporary excitement or perturbation of spirit unconnected with the carrying out of a purpose. This was a violence against the Chinese who were here in the peace of our laws, under our Government, under our Constitution, and under the late relations of almost the extreme of comity and concession which had been accorded by the Chinese Government in accommodating to our occasions the treaty of 1880 in disparity from the Burlingame treaty. There was also an indication that, relieved from its asperities, most of the resentments, most of the competitions of our people had passed away. There was only this remnant that was to be dealt with, and that were to pass out of our territory never to return, or if to return at all, under the restrictions that identified them.

This was what fairly may be called a massacre, a disgrace to any community where it occurs, and a disgrace to any power or government that does not punish the offenders and reinstate the injury. I do not qualify that in any term or word. That occurrence was a disgrace to the community where it occurred; it is a disgrace to the United States Government and power if it can not punish, if it can not resent, and if it can not repair.

Now the scene of this outrage and violence was not disparaged or encumbered by any of the difficulties under our Constitution of direct authority within the States. This was in our own territory, our own local government. There were no laws prevalent in that community but the laws of the United States of America either by direct legislation or by legislation called into power directly by this Government and exercised within our own territory.

The history shows that for these fifteen murders and this list of less serious injuries and of spoliation of these poor people, counting by a hundred or so and culminating only in the sum of $147,000, nobody has been punished and no restitution has been made. If it was then a crime of excitement on the part of the mob, it was a crime either of indifference or of imbecility on the part of the Government there. If it was a crime of imbecility and indifference on the part of authorities there, then those who represented the power of this great Government should themselves have been punished and themselves removed from position. And thus in all relations that prevail between nations we stand as the power responsible for the transaction, not in its origin, but for the transaction as it has been treated, or as it has proceeded since it occurred.

I have now to say but a word about the distinction between the relations between this country and the western powers, and the relations between this and the western powers and the Oriental, or, as they are generally called, non-Christian nations. Between Great Britain and ourselves there is what we may call an absolute unity in the habits of government and administration of law; not merely that we have the same common law and the same system of trials of fact and of control of judicial matters; but we have the same habits of feeling, and we know exactly how far and how close may be the excesses that are possible in the administration of justice which will occur to the disgrace of its administration in any community for a moment or under extraordinary circumstances. So with the Continental nations; we have the same religion, the same race, the same institutions, the same humanity, the same amenities, and we do not hesitate to understand that when our citizens or their subjects or citizens are in the country of another, we submit them and expect them to be submitted to the ordinary fate that belong to the administration of affairs as governing and protecting the safety and security of the population.

In our dealings with the Oriental or non-Christian nations, including Turkey, we have never been willing to stand upon those footings. We have never been willing that our citizens, when sojourners in those countries, were to be treated as subject to their laws. Extraterritorial protection of our people in providing tribunals and methods of trial and protection have been insisted upon and are governed by our treaties.

Now when it comes to a question between China and the United States, with this transaction present between them for observation and criticism and judgment of these two nations concerning this identical transaction and in the judgment of all the nations of the world, how are we to meet this situation under this responsibility so direct of this Government, except to deal with it upon the same terms that we have insisted upon from those nations? We in advance have said, "We will claim exemption and extraterritorial jurisdiction for our citizens in their rights and in their trials; we have refused that to you;" and now putting it upon a ground of superiority in our laws, in our humanity, in our cultivation of all Christian and all benevolent relations, we ask you to receive from us the cold answer of diplomacy that all people are safe here and the laws protect, and the laws punish, and the laws redress!

Our Government has been called upon in regard to Turkey, and Japan, and China, to exact indemnity for outrages that had been perpetrated at the cost and injury of our citizens, our missionaries, our merchants, our travelers. We have done it and have not hesitated to do it, regarding it as a charge for which those governments were responsible although the acts complained of proceeded from no act either of the Japanese or of the Chinese or of the Turkish Government. I do not mean that all the cases were of this kind, but all cases falling within that condition. We have said that we do not occupy the same relation, we do not recognize that the administration of justice or of punishment or the rules of protection are the same with you that they are with us. But diplomatically the answer must be made to the Chinese as I had occasion to make it in the instance of the Colorado violence, which was fortunately much less and much better administered in the way of redress and protection than in this case—the diplomatic answer is the same, and that is that when persons are within a foreign country and there are laws and courts of justice and violence has sprung out of the ground, as it were, and victims have fallen among your sojourning population the fate is the same as it would be upon our own people; our laws punish with severity all such crimes; our laws protect by police against the perpetration of such crimes, and your people while within the borders of our territory must submit to the same fate with ours. And this we say to these Oriental or non-Christian nations with the same tone with which we deny to them the same answer on their part when violence and massacre or violence and spoliation spring out of the ground also in their territories, not by the act of the government. We insist upon indemnity and have exacted it over and over again.

There is, therefore, no inconsistency in the view which I presented of the relations by which the executive government were held to a rec-

ognition of responsibility from that position which I now take and in the concurrence that Mr. Blaine when Secretary of State did me the honor to present in his own letter and that the present Secretary of State has also done. There is no difference whatever in the view all of us presented in this diplomatic relation and that which we—I at least and the present Secretary of State—have occasion now to consider.

What is, then, the relation we are in? As against any of the Western nations, when the administration of justice by them, although they have the same laws, the same system, the same freedom, the same submission to the supremacy of jury trials, &c.—when there is an instance of a great, noticeable, undeniable violence and spoliation that has been followed by an actual indifference of the ordinary administration of justice and the obstruction and the indifference put wholly on the ground that our race and our nationality was the occasion of the violence and the occasion of the indifference, we have not been disposed to submit to an answer that the laws are equal and the situation is the same.

What then should be our attitude toward China, for we need not discuss it as applicable to other nations nor as furnishing a rule for action herafter? It is this: Although *ex debito justitiæ* we can not admit that it is a rule of responsibility, yet every nation recognizes that it hears with respect and attention whatever may touch the heart and the feeling and the duty of a foreign nation and may properly be presented to the heart, the feeling, and the duty of our nation; and that is, whether on pre-existing obligations or not, and as a matter of diplomatic recognition of responsibility that the executive government undertakes. When it is thus presented to us we will look at the features and the circumstances and the relations of the actual transaction. And I apprehend that whatever divergence of opinion or feeling there may be as to whether there should be an actual unanimity in making this indemnity, I think all will agree that the circumstances of this transaction will be, in the judgment of the people of this country, objects of future consideration, of future record, if we have done what we can to obliterate the disgrace to our Government on the subject of there having been no punishment and no reparation in a Territory where our Government has direct authority.

All will agree that China has a right to be stirred in the breasts of all that mass of population and may affect the great statesmen and the great rulers of that friendly nation, and our people have a right to be stirred; and they have a right not to submit themselves to the final disposition of a local community where the neighbors will not prosecute and will not convict and will not punish for these outrages. This Government itself by whatever regulation of absolute obligation may subsist, our people must rescue itself from this foul blot of violence and turbulence, and this fouler blot of the indifference of our communities.

It is in this view, Mr. President, that I have chosen to present this case, because of the course of the Chinese minister in the discussion of diplomatic views which have been brought to attention.

I am told that in the other House, as matter of argument in favor of this indemnity, some reference has been made to the attitude taken by the counsel of this Government in the insistence and prosecution of its rights against Great Britain for the injuries that we suffered by the spoliation of our commerce by the escaped cruisers. It is quite true that within the scope of that argument thus raised between nation and nation, under no pre-existing obligations of recognized and stipulated force and operation, the answer there made that they had laws and they were laws of freedom and that they could not arrest and they could not intervene except on the principles of the common law and of adequate evidence before they could be called upon to exercise their power, and that the escape of the cruisers, therefore, was to be treated as one of those misfortunes that must happen under the exercise of these liberal views in the administration of justice.

It is true that that answer was met on our part by the position that as toward us they were bound to maintain neutrality, and if that neutrality could not be preserved under proper obligations to us except according to such domestic and municipal regulations as they thought were of advantage to themselves, this violation of neutrality and these outrages upon us could not be perpetrated upon us at our expense for the benefit of their domestic affairs. It appears to me that when a nation comes to act, as it does not under pre-existing obligations, but of its own motion, of its own sense of what it should do as belonging from one great nation to another great friendly nation toward whom more than ever presently we should show a disposition both of justice and of regard, in a case never likely to occur between other nations with more striking obligations than in the particular relations between these two great governments, we must concur that the grant of this indemnity from the Treasury, asked for by the executive government and now submitted to the action of the Senate, should receive, I should hope, almost a unanimous support.

Mr. CALL. Mr. President, I wish to make a few observations upon this bill.

This has been one of the most grievous outrages ever committed in our country or in any other. It is a barbarism which it is impossible for language to describe. I read a very short extract taken from a paper published in the county where this outrage occurred:

A look around the scenes of the previous day's work revealed some terrible sights Thursday morning. In the smoking cellar of one Chinese house the blackened bodies of three Chinamen were seen. Three others were in the cellar of another, and four more bodies were found near by. From the position of some of the bodies it would seem as if they had began to dig a hole in the cellar to hide themselves. But the fire overtook them when about half way in the hole, burning their lower extremities to a crisp and leaving the upper portion of the body untouched. At the east end of Chinatown another body was found, charred by the flames and mutilated by hogs. The smell that arose from the smoking ruins was horribly suggestive of burning flesh. Farther east were the bodies of four more Chinamen, shot down in their flight; one of them had tumbled over the bank, and lay in the creek with face upturned and distorted. Still further another Chinaman was found, shot through the hips, but still alive. He had been shot just as he came to the bank, and had fallen over and lay close to the edge of the bank. He was taken up town and cared for by Dr. Woodruff. Besides this two others were seriously wounded, and many who got away were more slightly hurt. The trains to-day have picked up a large number of Chinamen on the track and taken them west.

[From Salt Lake Tribune.]

AT ROCK SPRINGS—A SPECIAL TRIBUNE REPRESENTATIVE ON THE GROUND.

After the massacre on September 2, the bodies of twenty-five Chinese were gathered and buried on a portion of the burnt district. The bodies were exhumed and placed in coffins, and given burial in the Chinese cemetery, while the Government directors were here, and they had an opportunity to see the ghastly remains. Probably no more horrible mortuary scene ever presented itself to man than this. Trunks and limbs of human beings, showing the work of fire-arms, knives, bludgeons, and of fire, mingled in one mass of putrefaction when all had been gathered together. On many the skulls were mashed in and brains protruded. Regarding the number killed, and who have perished from fright and starvation, or died from their wounds, it is doubtful whether the full list will ever be made known, but it is known that twenty-five have been buried; that in all forty-eight are missing, including these twenty-five, and it is believed that fifteen are dead in the hills. One Chinaman, who came in after living out several days, reports that two of his comrades died, and before he left them the coyotes had begun to devour the bodies. This is probably one incident in a half dozen or more. The Chinaman who reported this when he came in was so nearly famished that he lay down by a tub and drank as if he never would be able to quench his dreadful thirst, and, being wounded in his foot, went away for treatment, and can not now be found.

This is a very small part of the description of this most cowardly outrage upon humanity as well as upon the laws and upon the treaty obligations of this Government to protect these Chinese. It has been argued that there was no obligation on the part of this Government to do more than give to these people the usual remedy of access to the courts, to the judicial authorities. I do not so understand the relations that one government sustains to another. For a thousand years the traveler who goes beyond the jurisdiction of his country and enters into the sovereignty of another has been followed by the power of his government, and to that alone does he look for protection. It is true that he has the right to appeal to the judicial authority; but suppose that, as is generally the case and as is recognized by international law, protection has not been thus afforded to him, who is there to hold the foreign government amenable? Who throws protection around the citizen except the sovereignty under whose flag and under whose power he has gone abroad? Whose obligation is it to secure the peace of the Commonwealth and protect the people from organized violence? It is the Government's, and foreign governments must hold the sovereign responsible that it shall be done.

Mr. President, it seems strange to me that there should be any question made in regard to the necessity and propriety of passing this bill. I find in the official documents which have been presented to us the following:

But the official and published records of the Government of the United States show that, in the past thirty years, that Government has repeatedly intervened officially and demanded of the Chinese Government not only the punishment of rioters, robbers, and other lawless persons, who have destroyed or appropriated the property of American citizens in China, but has also asked the imperial government either to compel the outlaws or the local authorities to indemnify those citizens for the losses sustained, or has asked the imperial government itself to pay these losses. The most noted instance is that of the convention of 1858, when, at the close of the British and French hostilities against China, at the urgent instance of the Government of the United States, $735,258.97 were paid by China to satisfy the claims of American citizens, a large amount of which was for losses occasioned by mobs, robbery, and other lawless acts of individual Chinese subjects. For detailed information as to these claims, reference is made to inclosure No. 3.

Since that date the official publications disclose a number of cases, one of the most important being that of the Tien-Tsin riot in 1870, when the native population attacked the French Catholic mission in that city, destroyed the cathedral, the French consulate, and the establishment of the French Sisters of Mercy, and the mob resulted in the death of sixteen French subjects, including the consul, and three Russians. Although the riot was directed against the French Catholic missions, some property belonging to the American board of missions was destroyed or injured. The American minister, Mr. Low, very promptly united with the other members of the diplomatic corps in a joint note to Prince Kung, calling urgently upon the imperial government to take prompt measures to punish these rioters, in which they state that "it is indispensable that, as other countries hear the tidings of this crime, they should, at the same time, be informed that justice is being done." (For. Rel., 1870, p. 359.)

In connection with that I read the following from the communication of the Secretary of State:

Such remedies must be pursued in the proper quarter and through the avenues of justice marked out for the reparation of such wrongs.

The doctrine of the non-liability of the United States for the acts of individuals committed in violation of its laws is clear as to acts of its own citizens, and *a fortiori* in respect of aliens who abuse the privilege accorded them of residence in our midst by breaking the public peace and infringing upon the rights of others, and it has been correctly and authoritatively laid down by my predecessors in office, to whose declarations in that behalf your note refers. To that doctrine the course of this Government furnishes no exception. And in this connection I venture to say that you labor under a misapprehension in citing as an exception the action of the United States, in 1859, in respect of the violence committed upon the Spanish consulate at New Orleans by a mob of irresponsible persons unknown to the Government, and with which no officer or agent of the United States was allied.

Nothing can be clearer than the enunciation of the doctrine of Government non-liability on that occasion. While denouncing such outrages as disgraceful and in criminal violation of law and order, it was emphatically denied that the acts in question created any obligation on the part of the United States, arising out of the good faith of nations towards each other, for the losses thus occasioned by and to individuals. Neither is there a parity between the Spanish incident of 1850 and the recent riot and massacre of the Chinese at Rock Springs.

Now, Mr. President, there is a great contradiction between this enunciation of the Secretary of State and the practice of this Government in demanding indemnity from the Chinese Government. Can that be law which the Government of the United States does not recognize and enforce in its relations with other governments? We understand that it is a legal fiction that the sovereignty is bound by no law except the law of its own sovereign volition, but the question is upon what principle of right did the Government of the United States act in demanding indemnity from the Chinese Government for a robbery and a violence perpetrated upon an American citizen by a Chinese mob? And when the Government of the United States undertake to say that there is no obligation upon this Government to do what they demanded of China to do, there can be no justification of such a proposition.

Does not the action of any sovereign government toward another government furnish the law for its proceeding in regard to that same government when a like case occurs? I merely wish to say that there is no reasoning in this proposition. What has the Senate of the United States, in dealing with a great question relating to the foreign intercourse of this Government with another one, to do with technical questions as to legal responsibility? I undertake to say that by the light of precedent, by the acknowledgment of this and every other government as to what is just, as to what are the obligations of international law, the man who comes into this country invited by a treaty obligation comes here under the protection of the National Government, to whom is remitted the conduct of its foreign affairs and its relations with foreign countries. And I say furthermore that when this Government demanded and received indemnity for an American citizen for violence perpetrated by a Chinese mob, we affirmed to the Government of China and all the world that we would furnish the like protection and the like indemnity to Chinese and others who should suffer under like circumstances.

I conceive that there is neither authority nor reason nor justice in denying the responsibility of the Government of the United States for the protection of these Chinese subjects and for indemnifying them for their losses in this great outrage.

Mr. COCKRELL. Mr. President, I did not anticipate that this bill would come up for final action to-day. I desire to submit a few remarks upon it, particularly to refer to some precedents and authorities which I have not now convenient. I would be very much obliged if the Senator in charge of the bill would consent that we might now go into executive session and take it up in the morning. It will save a great deal of time, because I do not want to detain the Senate long, and if I were to speak now I should be compelled to read a great deal more than I should do if I had time to arrange the paragraphs I wish to quote.

Mr. EVARTS. Certainly; I think it is a proper concession if it is desired; but I should like to have some understanding as to whether we shall be able to go on with the matter to-morrow.

Mr. COCKRELL. It comes up as the unfinished business.

The PRESIDENT *pro tempore*. The bill will come up as the unfinished business at 2 o'clock to-morrow.

Mr. COCKRELL. Give notice that you will call it up in the morning hour again.

Mr. EVARTS. I will call it up again.

The PRESIDENT *pro tempore*. The bill will come up as the unfinished business at 2 o'clock.

Mr. COCKRELL. But the Senator can move to take it up before that.

The PRESIDENT *pro tempore*. Does the Senator from New York submit a motion?

Mr. EVARTS. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Before that is done, I ask the Senator from New York to yield. I hope we shall finish this bill to-night.

Mr. EVARTS. I yield to the Senator from Vermont.

PENSION APPEALS.

Mr. EDMUNDS. I wish to submit an amendment to be proposed to the legislative, executive, and judicial appropriation bill, which I ask to have referred for the time being to the Committee on Pensions which has charge of these affairs to consider, and I should like to have the amendment read together with a letter from the Secretary of the Interior, addressed to me about the number of pension appeals now depending before him from the Commissioner of Pensions, which I think is worthy of consideration.

The PRESIDENT *pro tempore*. If there be no objection the proposed amendment will be read, and also the letter of the Secretary of the Interior.

The Chief Clerk read the proposed amendment, as follows:

To enable the Secretary of the Interior to speedily dispose of the appeals from the Commissioner of Pensions to him in pension cases, the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint not exceeding seven special assistants to the Secretary of the Interior for the consideration of such cases, at a compensation not exceeding $10 a day for a period not exceeding twelve months, $21,000.

Mr. EDMUNDS. Now read the letter.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, May 26, 1886.*

SIR: I am in receipt of your letter of the 24th instant, requesting to be informed of the present total number of pension appeals before the Secretary of the Interior, and when the appeal in the case of Adrian T. Woodward, late surgeon of the Fourteenth Vermont Volunteers, will be reached in its order for consideration, and how long it has been pending. I have the honor to state in reply that during the year 1885 there were twenty-six hundred and twenty-one appeals filed. About six hundred of these have been disposed of, and those appealed in March, 1885, are now being considered. The appeal in Mr. Woodward's case was filed on the 6th of May, 1885, and there are about four hundred cases ahead of his on the docket; approximately it will therefore be at least three months before his case will be reached in its order.

I will state further that there have been appealed during this year up to the present date something over twelve hundred cases, making a total of over three thousand claims pending on appeal before the Department.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

HON. GEORGE F. EDMUNDS,
United States Senate.

The amendment was ordered to be printed and referred to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. EVARTS. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from New York [Mr. EVARTS] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and nine minutes spent in executive session the doors were reopened, and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 4, 1886, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28, 1886.

ASSOCIATE TERRITORIAL JUSTICES.

William H. Barnes, of Illinois, to be associate justice of the supreme court of the Territory of Arizona.

Louis K. Church, of New York, to be associate justice of the supreme court of the Territory of Dakota.

PENSION AGENT.

Benjamin F. Peach, jr., of Lynn, Mass., to be pension agent at Boston, Mass.

CONSUL.

Frederick Ellison, of Indiana, to be consul of the United States at Asuncion.

SURVEYORS OF CUSTOMS.

Alfred C. Egerter, of West Virginia, to be surveyor of customs for the port of Wheeling, in the State of West Virginia.

Leon Trousdale, of Tennessee, to be surveyor of customs for the port of Nashville, in the State of Tennessee.

COLLECTOR OF CUSTOMS.

Robert M. T. Hunter, of Virginia, to be collector of customs for the district of Tappahannock, in the State of Virginia.

UNITED STATES ATTORNEYS.

Fabius H. Busbee, of North Carolina, to be attorney of the United States for the eastern district of North Carolina.

Henry W. Hobson, of Colorado, to be attorney of the United States for the district of Colorado.

MARSHALS OF THE UNITED STATES.

Reuben B. Pleasants, of Louisiana, to be marshal of the United States for the eastern district of Louisiana.

Romulo Martinez, of New Mexico, to be marshal of the United States for the Territory of New Mexico.

Samuel L. Graham, of Virginia, to be marshal of the United States for the western district of Virginia.

Frank H. Dyer, of Utah Territory, to be marshal of the United States for the Territory of Utah.

Thomas E. Kelly, of Nevada, to be marshal of the United States for the district of Nevada.

Robert S. Kelly, of Montana, to be marshal of the United States for the Territory of Montana.

REGISTERS OF LAND OFFICE.

A. F. Snelling, of Lakeview, Oreg., to be register of the land office of Lakeview, Oreg.

John Y. Ostrander, to be register of the land office at Olympia, Wash.

PROMOTION IN THE ARMY OF THE UNITED STATES.

Corps of Engineers.

First Lieut. Dan. C. Kingman, to be captain. Second Lieut. Henry E. Waterman, to be first lieutenant.

POSTMASTERS.

Willard Stearns, to be postmaster at Adrian, in the county of Lenawee and State of Michigan.

William Schermerhorn, to be postmaster at Hudson, in the county of Lenawee and State of Michigan.

Patrick H. McGarry, to be postmaster at Stanton, in the county of Montcalm and State of Michigan.

Shannon Clements, to be postmaster at Bucyrus, Crawford County, Ohio.

Benjamin F. Howell, to be postmaster at Riverhead, Suffolk County, New York.

Robert Humphrey, to be postmaster at West New Brighton, Richmond County, New York.

Albert Sweet, to be postmaster at Dansville, Livingston County, New York.

James B. Crossen, to be postmaster at The Dalles, Waco County, Oregon.

Frank W. Osburn, to be postmaster at Eugene City, Lane County, Oregon.

Stephen D. Jeffries, to be postmaster at Clark, Clark County, Territory of Dakota.

Peter Nodler, to be postmaster at Covington, Kenton County, Kentucky.

Don A. Gilbert, to be postmaster at Bainbridge, Chenango County, New York.

Charles D. Curtis, to be postmaster at Helena, Lewis, and Clark County, Territory of Montana.

W. Scott Gillespie, to be postmaster at Kingston, N. Y.

Silas C. Bennett, to be postmaster at Georgetown, Colo.

Anton Klaus, to be postmaster at Jamestown, Dak.

James Moran, jr., to be postmaster at Waukegan, Ill.

COLLECTORS OF INTERNAL REVENUE.

Frank J. Pratt, of Massachusetts, to be collector of internal revenue for the tenth district of Massachusetts.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 856) of Frank J. Pratt, of Massachusetts, to be collector of internal revenue for the tenth district of Massachusetts, in place of Edward R. Tinker, suspended, and, so far as they have been able to obtain the information, they find that Frank J. Pratt is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Edward R. Tinker, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Edward R. Tinker, late collector of internal revenue for the district of Massachusetts, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Pratt.

Andrew L. Ellett, of Virginia, to be collector of internal revenue for the second district of Virginia.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No.—) of Andrew L. Ellett, of Virginia, to be collector of internal revenue for the second district of Virginia, in place of Asa Rogers, suspended, and, so far as they have been able to obtain the information, they find that Andrew L. Ellett is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Asa Rogers, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking whether or not "there are any charges on file against the official or moral character of Asa Rogers, late collector of internal revenue for the second district of Virginia, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Ellett.

John W. Causey, of Delaware, to be collector of internal revenue for the district of Delaware.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1285) of John W. Causey, of Delaware, to be collector of internal revenue for the district of Delaware, in place of Beriah Watson, suspended, and, so far as they have been able to obtain the information, they find that John W. Causey is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Beriah Watson, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking whether or not "there are any charges on file against the official or moral character of Beriah Watson, late collector of internal revenue for the district of Delaware, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such a change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Causey.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 3, 1886.

The House was called to order at 11 o'clock a. m. by Hon. JOHN B. CLARK, its Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 3, 1886.

Having to be absent from the city, I hereby designate Hon. OLIN WELLBORN to preside as Speaker *pro tempore* during this legislative day.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Mr. WELLBORN accordingly took the chair as Speaker *pro tempore.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EVENING SESSION FOR DEBATE.

Mr. HILL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the House take a recess at 4.55 p. m. this day until 8 o'clock p. m., the evening session to be devoted to debate only on the Oklahoma bill.

ORDER OF BUSINESS.

Mr. HATCH. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

RELINQUISHMENT OF LANDS, SAN FRANCISCO.

Mr. HENLEY, from the Committee on the Public Lands, reported back with favorable recommendation the bill (H. R. 6402) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, and its grantees; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. ATKINSON, from the Committee on Railways and Canals, reported back with favorable recommendation the joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH S. MOODY.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back favorably the bill (S. 948) granting a pension to Joseph S. Moody; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATHIAS WONDRACK.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, also reported back favorably the bill (S. 1384) granting a pension to Mathias Wondrack; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHESTER A. ARTHUR AND WILLIAM H. ROBERTSON.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of customs of the district of the city of New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. B. BAILEY.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back favorably the bill (H. R. 9033) for the relief of E. B. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. M. HOBBS.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 118) for the relief of J. M. Hobbs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. If there be no objection, the Chair will now recognize gentlemen to present reports who were not in their seats when their committees were called.

There was no objection.

CHAPTER 218 OF ACTS OF FORTY-SEVENTH CONGRESS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GEN. BENJAMIN F. KELLY.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back favorably the bill (S. 838) granting an increase of pension to Benjamin F. Kelly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. WORTHINGTON, from the Committee on Foreign Affairs, reported back with an adverse recommendation the bill (H. R. 1524) making an appropriation for the purchase of a work entitled "Port charges and requirements on vessels in the various ports of the world, with tables of moneys, weights, and measures of all nations, and a telegraphic code for masters, owners, and ship-brokers, by Theodore Hunter and Jarvis Patten," for the use of United States consuls that are stationed at seaports, and through said consuls for consultation of American ship-masters visiting those ports; which was laid on the table, and the accompanying report ordered to be printed.

LOUISA KEARNEY.

Mr. THOMPSON, from the Committee on Pensions, reported back favorably the bill (H. R. 5927) for the relief of Louisa Kearney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. THOMPSON, from the Committee on Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5280) to pay to the surviving children of Revolutionary soldiers the arrears of pensions between 1818 and 1832;

The bill (H. R. 1856) granting a pension to Isaac Winans; and

The bill (H. R. 8942) increasing the pension of Dwyer Tracy.

PUBLIC BUILDING AT TROY.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the report hereafter to be filed, ordered to be printed.

LETTER-CARRIERS.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back favorably the bill (S. 2076) to extend to letter-carriers the privileges secured to other employés of the United States by section 3738 of the Revised Statutes, relating to the hours of labor; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

APPEALS TO SUPREME COURT.

Mr. CASWELL, from the Committee on the Judiciary, reported back favorably the bill (H. R. 5577) to provide that a judgment in the circuit court of the United States upon an interest coupon of a bond by a municipal corporation shall not be conclusive in a question on the bond when the amount gives jurisdiction to the Supreme Court on appeal; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FURNITURE FOR GOVERNOR'S OFFICE, UTAH.

The SPEAKER *pro tempore* laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the secretary of Utah for the purchase of furniture for the office of the governor; which was referred to the Committee on Appropriations, and ordered to be printed.

NEW PENSION BUILDING.

The SPEAKER *pro tempore* also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, an estimate from the Secretary of the Interior for the construction of an additional floor in the new pension building; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER *pro tempore* also laid before the House bills of the Senate of the following titles; which were referred as follows:

The bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes—to the Committee on the Judiciary.

The bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act approved July 5, 1884—to the Committee on Foreign Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HUDD, indefinitely, on account of severe indisposition.

To Mr. CLEMENTS, for ten days.

To Mr. LAIRD, indefinitely.

WITHDRAWAL OF PAPERS.

On motion of Mr. ELY, by unanimous consent leave was given to withdraw from the files of the House certain papers presented with the application for pension for the grandchildren of General Eleazer Brooks, of Lincoln, Mass.

OLEOMARGARINE.

The SPEAKER *pro tempore*. By an agreement entered into yesterday evening the regular order now is the further consideration of the bill (H. R. 8328) defining butter, &c. The gentleman from Missouri [Mr. HATCH] is recognized.

Mr. HATCH. Mr. Speaker, availing myself of the privilege of the rules, I shall occupy the hour allotted to me in further explanation of the provisions of this bill and of my own reasons for so earnestly supporting it. In many respects this is the most remarkable parliamentary contest that has been had on this floor for many years. The very fact that this bill was reported from the Committee on Agriculture and not from the Committee on Ways and Means seems to have aroused antagonism at its first reading.

How does it come that this bill is reported by the Committee on Agriculture? It results from a direct vote of this House. The jurisdiction conferred upon that committee comes from the same power that confers jurisdiction upon the Committee on Ways and Means, and upon all the other committees of the House. The Committee on Agriculture did not seek the responsibility of this measure. No member of that committee introduced any bill upon this subject until after the House had acted upon the bill introduced by the gentleman from Pennsylvania [Mr. SCOTT] and, by a decisive vote, had referred that bill to the Com-

mittee on Agriculture. Afterward the gentleman from Minnesota [Mr. WHITE] and the gentleman from Iowa [Mr. FREDERICK], and perhaps other members of the committee, introduced supplemental bills which also were referred to the same committee. The Committee on Agriculture brings this bill before the House with all the authority and all the jurisdiction conferred upon any committee to report a bill, and this measure is entitled to the same careful consideration that it would have received had it been reported by the Committee on Ways and Means.

Perhaps no bill that has been under consideration in this Congress or in any Congress during the past ten years has received a more thorough and in many respects a more searching, instructive, and able discussion than this. While I am glad to say that this is true in the main, yet it is also true that in this discussion expressions the most reckless, opposition as bitter as could possibly be put in words, has been hurled at this bill. Gentlemen opposing the bill started out with the cry of "fraud." Like the cuttle-fish which attempts to darken and muddy the waters when it seeks to make its escape from danger, like the malefactor who blinds his pursurers by the cry of "stop thief!" gentlemen have raised this cry of "fraud" knowing and feeling that in opposing this bill they stood here the advocates of the monumental fraud of the nineteenth century. [Applause.]

Where is the fraud? Read the title of the bill. Is there a single word in it as to the purposes of this bill that any honorable man can object to? It is a bill to define butter and to place an internal-revenue tax upon oleomargarine, and it defines what oleomargarine is. Where is the fraud? The fraud is in the manufacture of the article; the fraud is in the sale of the article; the fraud is committed upon sixty millions of people who are asked to buy this article under a false and fraudulent name. The fraud exists only in the imagination of those gentlemen who are haunted by their own advocacy of this stupendous fraud.

At the very outset, as was anticipated by the committee, we are met by the objection that this bill is unconstitutional. Has any gentleman dared to assert in terms upon this floor and to risk his reputation as a constitutional lawyer upon the proposition that there is in the terms of this bill, in any section of it or in its entirety, an unconstitutional feature? Not one. No gentleman has ventured to risk his reputation as a lawyer by asserting that this bill upon its face is amenable to the objection of being unconstitutional. But they say that incidentally it involves a constitutional objection.

Mr. Speaker, it is a very strange fact, but it is nevertheless a true one—and I state it because I am justified by the past action of this House, because the records of the last few Congresses bear me out in the statement—it is a very strange fact, I say, that every single measure that is brought before the House of Representatives of the United States which looks to the amelioration of the condition of the agricultural masses, which looks in the direction of clipping the wings of some magnificent close corporation or monopoly, always meets with a flood of "constitutional" objections.

When measures come before this House in the interest of great corporations and corporate powers, of monopolies, either railroads, banks, or manufactures, no one hears a word about the Constitution; but let any representative of the agricultural interests of the country raise his voice here in behalf of any measure seeking to relieve them of the undue burdens of taxation resting upon them and he is sure to be met with constitutional objection. The lion of the Judiciary Committee, the distinguished gentleman from Virginia [Mr. TUCKER], marches out into the middle aisle, shakes his shaggy mane, stamps his foot, and cries "unconstitutional;" and all the constitutional lawyers of the House, big and little, great and small, echo "unconstitutional?" [Laughter and applause.]

This is but a repetition of what we witnessed in the Forty-eighth Congress when the bill creating a bureau of animal industry was under discussion. The gentleman from Virginia [Mr. TUCKER] in the same emphatic and earnest manner declared that measure to be utterly unconstitutional and vicious, and yet a majority of both Houses differed with him, passed the bill, it was signed by the President, and is now existing law. That gentleman comes in again and cries "conscience!" in connection with this bill; and, lo and behold, all the constitutional lawyers who are so ready to advocate the interests of the corporations and monopolies of the country cry out "conscience."

I accept the gage of battle. I place my advocacy of this bill upon the broadest and the grandest conscience—the conscience of each individual member. Whenever I am found on this floor on the side of corporate power and monopoly, whenever I am found on this floor advocating like a special pleader the effort of the greatest manufacturing monopoly of the nineteenth century, then I want somebody to keep my conscience for me; but I will not go the constitutional lawyers of the House. I will go to some man, if I can find him, who is linked to the throne above by the ties of his mission, that I may get acquittance for such a deed as that.

"Unconstitutional" because we levy a tax! I hope gentlemen of the House will remember that in this extended argument of nine days not one single decision of the Supreme Court of the United States, not one line of any great commentator upon the Constitution, not even a single decision of a State court has been presented to the House in support of the position that this bill upon its face in its separate provisions or in its entirety is unconstitutional. A great many such citations have been read to sustain the constitutionality of the measure; and some things have been read against it.

I sat in my seat with some trepidation on the first day of the discussion on this bill, when the distinguished gentleman from Georgia [Mr. HAMMOND] rose in his place and, with an air which was intended to paralyze the intellects and still the hearts of the members of this House until that great expounder of the Constitution could be heard from, proclaimed the unconstitutionality of the bill. He had two books before him; and I listened with a great deal of interest to find out from whom he would quote to sustain his position. He did not keep us long in waiting. He quoted first from the living statesman from Georgia—himself [laughter]; and for fear that he could not overwhelm the House with the soundness and eloquence of that quotation, he consented to supplement it by reading a short extract from the writings of the great dead expounder of the Constitution, Webster of Massachusetts! But you notice he put Webster last. [Laughter.]

In the name of all the living admirers of Webster, I thank the gentleman for having placed that great constitutional lawyer again upon the records of Congress side by side with the living statesman from the great State of Georgia. [Laughter and applause.] And that gentleman, not satisfied with having read his opinion delivered some years ago upon these constitutional questions, undertook later in the discussion, with an arrogance which I say has never been equaled in this House, to call in question the motives and the "manhood" of gentlemen who advocate the passage of this bill. Who made him the keeper of any man's manhood here? If he wants to try the manhood of some gentlemen who advocate this bill, let him not do it under the shield and protection of the rules of this House in a discussion here. Let him not use language that is susceptible of one of two constructions—either courteous or discourteous. Because, forsooth, the advocates and friends of this bill, the Committee on Agriculture, come in here and ask to amend it so as to meet the views of some gentlemen who desire that it shall be so amended, this can not be done without that gentleman saying that the committee had not the "manhood" to bring in this bill in such and such a way, or having brought it in here, had not the "manhood" to stand by it. He will find out before he gets through whether we have the manhood to stand by it or not. When he thinks that the Committee on Agriculture or the two hundred men who stand behind this bill as its advocates can be driven from its support by either the eloquence or the maledictions of the gentleman from Georgia he makes the mistake of his life.

Mr. Speaker, gentlemen on this floor for whose opinions I have profound respect, have in this discussion made issue that the bill is a discrimination in favor of one legitimate industry of the country as against another. I have listened throughout this long discussion to all the arguments in support of that view; and if I could have been satisfied that the position was sustained, I would myself have moved to strike out the enacting clause of this bill. If to-day we can not convince a majority of this House that such is not the object and effect of this bill I hope it will be defeated. I am not here as the advocate of the protection of one legitimate American industry at the expense of another. My voice has never been raised and my vote never cast in favor of any such proposition; and any gentleman who attributes to me any such motives not only does me an injustice, but he does himself a greater wrong. We are not asking the protection of a great American industry at the expense of any other legitimate industry of the country. If the manufacture and sale of this compound known as oleomargarine is not in all its elements an outrageous and infamous fraud from the beginning to the end, then I hope this bill will be defeated. We are simply seeking to protect the people of the country from the imposition of a fraud in the hands of a great and wealthy close corporation and combination, and that under letters patent, which have been, and will be again, read before the House.

What is it that we seek to tax? Is it a legitimate industry of the country? Are the people at large engaged in the manufacture of this commodity? Not by any means. The production of this article is confined, so far as I have been able to get reliable statistics, to less than three hundred and fifty, or at the outside five hundred, manufacturers in the United States. Of this number less than one hundred manufacture seven-eighths of the whole product. Who ever heard of this article a few years ago? The gentleman from South Carolina [Mr. TILLMAN] says that it is one of the boons and blessings of the age in which we live; and he makes the remarkable statement on this floor that in his judgment it is better than butter. "Ephraim is joined to his idols." I shall not attempt to convince that gentleman of his error. "Where ignorance is bliss 'tis folly to be wise." [Laughter.] But what is it?

Now, I want to say in the very outset of this argument that I do not agree with the admissions made on the part of some of the supporters of this bill, that in their judgment oleomargarine can be made palatable and wholesome as human food. Without a qualification I do not consent to that proposition.

I do not believe that it is within the power of chemistry, that it is within the power of patentees by any process, or that it is within the power of skilled workmen, to so combine the raw materials with the chemicals used in the manufacture to make the oleomargarine to be

used in its raw state as butter a wholesome or palatable food. I deny it altogetner, and I have no respect for the opinion of any chemist who asserts it. That selected samples of the product have been sent to chemists and have received their commendation, that large sums of money have been paid for their opinions upon them, no man who has studied the question doubts for a minute; but any doctor or chemist who tells me that I can take for three hundred and sixty-five days in the year and three times a day into my stomach the raw, uncooked product of oleomargarine, used as butter, simply writes himself down in my judgment as a knave or an ass. [Laughter.] I do not believe any such nonsense; and no man who has ever given the subject the slightest attention and knows what it is believes it.

That oleomargarine can be used, manufactured from pure materials, in cooking when subjected to a high temperature—the heat of the fire—and recooked, may under such circumstances be a wholesome food, I do not pretend to deny; I have not a doubt of it; and I am perfectly willing to admit that the gentlemen who sent the certificates from Chicago, Armour & Co., Fairbanks & Co., Swift & Co., in connection with their mode of manufacturing oleomargarine, make the very best and purest that is used in the United States. I do not question that. Nor do I question the further fact that when the product is made, there is put upon it a little stamp of "oleomargarine" upon the top or the bottom of the tub simply to be erased the moment it leaves the manufactory. That these great houses in connection with the slaughter-houses of Chicago, which is exactly as the manufacture is conducted in France, in connection with the abattoirs, is the best product of the kind that can be made, no man doubts.

But that is not the danger. The danger is in the hundred and one little dead animal factories on the lines of the railroads, where they buy broken-down, diseased, and dead animals from the railroads; these little rendering establishments in the out-of-the-way towns and villages, that simply operate by purchasing the refuse and scrapings of the butcher-shops, and making this oleo oil to be used in the manufacture of oleomargarine and butterine, spreading disease and destruction throughout the country. There is the danger which is constantly going on; and if it is not checked it will be impossible for the citizens of the towns and villages, and in the cities also, to buy one pound of honest butter in this country. There will be no such thing as good, honest markets. They are attempting even now to seduce the smaller creameries, and even the farmers themselves, into using this oleo oil to be used in the manufacture of their butter on the farms and in the creameries.

Why is it, Mr. Speaker, that no gentleman here in the discussion of this question has attempted to explain why, if this be a fair, honest, wholesome food product and intended for an honest market, that these people are using a method of coloring and flavoring this stuff to make it resemble butter? Why is it? Why, any one who knows anything of the manufacture of oleomargarine knows that the product itself is whiter than this handkerchief; it is as white as chalk, entirely colorless and odorless, as well as tasteless, but there comes in the process of fraud. Then they commence to color and flavor it to look like butter and to taste like butter, and put it on the market to sell it as and for butter. That is the fraud.

It was said by one or two wise men in the course of this debate that this is just what the butter-makers do; that they color the butter; and in the definition of butter as given in the first section of the bill this committee in reporting the bill sustained the fraud of coloring butter. These are the allegations that have been made in the discussion. Let me ask has your gold dollar got any alloy in it? Has your silver coin got any alloy it? Is it any the less a standard silver or gold coin because it has got a little alloy in it? But do you, because of that fact, protect the counterfeiter? When the counterfeiter goes to make his base coin the color of gold or silver in order to pass it as a counterfeit, do you go to his aid and protect him? Now, it is true that the manufacturers of butter in the creameries of the country, who buy the cream product from one hundred or five hundred farms, gathering their cream from a circuit of 10 or 15 miles, in preparing their butter use sometimes annotto or expressed carrot juice or some other coloring matter for the purpose of keeping it a uniform standard in color. But there is no need for it. The great mass of the farmers do not use it at all. Not one in ten thousand puts any form of coloring matter into the butter. But the creameries are compelled to use it to make a uniform color of their product, because of buying their cream from so many different farms. But is that a crime? So far as I am individually concerned I do not believe it adds anything to the value of the product. So far as I am concerned, in my judgment the highest standard of butter is that which comes pure from the churn, without artificial color, without adulteration, except that which nature gives, that which has come down to us through all the long ages, so long ago that even history itself fails to record the time of its earliest manufacture.

But the creameries are compelled to use it, and that is why the committee placed in that section the words "with or without coloring matter." An amendment to that was adopted by the Committee of the Whole under a misapprehension, and in my temporary absence from the floor, offered by the gentleman from Arkansas [Mr. BRECKINRIDGE], and I hope every friend of this bill will vote against it when it comes up before the House.

Mr. BRECKINRIDGE, of Arkansas. The gentleman does not mean to say, does he, that he wishes to countenance that fraud on the part of the creameries?

Mr. HATCH. I wish to say this, that after having waited nine days for the privilege of expressing my views on this bill, I do not propose to yield for any interruption. The gentleman from Arkansas and other gentlemen will bear me witness that I have not interrupted a single gentleman in his argument. I thank the gentleman from West Virginia [Mr. GIBSON] for his compliment that I have behaved very well, and I wish it were in my power to return the compliment. [Laughter.] But I will say this, that with but a single exception (his demand for a quorum) that gentleman has behaved remarkably well.

There can be no mistake about my position. I say it is essential and necessary in connection with this bill; it is an absolute necessity that those words should be retained in the bill. Do you want to deprive the creameries of the power of making a uniform color of butter and to give that right to the maker of a fraud? That is the position of the gentleman from Arkansas and of those who advocate that amendment. You would confer the right and privilege of fraud upon the men who make the imitation and fraud upon butter, but deny it to the creameries of the country upon which thousands and thousands of farmers rely for a home market for their cream.

It is necessary in this connection that I give the House some little information about what this product is, how it is used, and how it is sold. I will ask the Clerk to read two paragraphs I have marked in a slip taken from the American Grocer, published in the city of New York:

The Clerk read as follows:

[From the American Grocer.]

DISINGENUOUS.

We notice that the manufacturers of oleomargarine and butterine, who are opposing the passage of the Scott bill, which imposes a national tax on butter substitutes and places their manufacture under the regulation of the Internal Revenue Department, are seeking to blind Congress to the main issue, which is its fraudulent sale at retail. The manufacturers profess to be in favor of its being honestly sold to the consumer, and claim that all efforts to regulate this trade should take that direction. Some of them may be honest in this, but our experience has led us to believe that the majority of these manufacturers do not care a fig whether it is sold honestly or fraudulently so long as they are able to find a profitable market for their product. They salve their consciences with the reflection that they are not responsible if other people commit frauds, when, in reality, their position is that of the manufacturer of counterfeit money, who sells it for what it is to the "shovers of the queer."

The leading dealers in food products of the United States, Messrs. Thurber, Whyland & Co., who at one time were agents for the largest company manufacturing oleomargarine under the Mége patents, refused more than two years ago to further handle the product, because it had become evident that its honest sale at retail could not under existing conditions be enforced. Although they sold it at wholesale for what it was, they were unwilling to be a party in any way to the marketing of a product which reached the consumer fraudulently; and if the present manufacturers were equally conscientious they would take the same course.

The great dairy interest of the country favors this measure because it will compel honest competition. Consumers are in favor of it because it will diminish their chances of being imposed upon; and honest dealers welcome it because the worst competition they experience is unscrupulous competition, which does not hesitate to misrepresent values. Arrayed against all these interests are a few rich and shrewd manufacturers who understand the art of throwing dust to conceal their movements and who are disingenuously advocating measures to "compel its honest sale," when they know very well that it can not and will not be honestly sold unless the temptation to sell it dishonestly is removed through taxation which will so enhance the price that there will not be such an enormous profit left to the retail dealer that it is constantly leading him into temptation to fraud. Members of Congress who may be in doubt as regards this question should give the public and not these manufacturers the benefit of it.

Mr. HATCH. And also the following extract from an editorial in the Missouri Republican of May 30, one of the most influential and widely circulated journals published in the Mississippi Valley.

The Clerk read as follows:

SOAP-GREASE AND THE CONSTITUTION.

The gang of adulterators and counterfeiters who manufacture bogus butter from soap-grease protest that the Hatch bill makes martyrs of them and violates their constitutional rights. They have their headquarters in Chicago. In Missouri and many other States their business is a criminal one under State laws, but Illinois allows them to carry it on because their frauds have been such a prolific source of gain that they are a great power in the State. While these conditions continue it is impossible to keep their fraudulent products out of Missouri and other States which have passed laws against them. In fact, the object for which they carry on business is to violate law. If they had no market except Illinois they would go out of business. They defy and nullify the laws of every State that has legislated against the adulteration of butter. If their product was offered in market as what it is—a mixture of butter and the grease extracted from animal refuse—it would have no sale at all. It does have an immense sale, because, by the aid of drugs, it is made to resemble the best article of butter, and is sold under the odious false pretense that it is butter.

The right of a State to use its police power to prevent frauds by adulteration is not questioned. It is also an unquestionable fact that no State can exclude the legitimate mercantile product of another. If adulterated butter is a legitimate mercantile product, the State laws against it are unconstitutional and void. But the courts have declared the law and the fact that the product in this case is illegitimate and that laws against it are proper and valid. These facts are not to be refuted, and to admit them is to destroy every argument against the principle of Mr. HATCH's bill.

That principle is that if bogus butter is a legitimate article of commerce, as its manufacturers claim, the States have no power to pass laws against it, but the United States alone under the Constitution have the right to regulate it. If, on the other hand, its manufacture in one State is for the purpose of violating a valid law of another, and imposing an illegal and dangerous counterfeit on the

people, then the United States still have power to regulate by the constitutional method of license laws. The bill has nothing to do either with tariff or anti-tariff. It is simply a measure by which the police power of the States, not extensive enough, is to be re-enfored by the police power of the United States for the protection of the entire people against fraud.

Mr. HATCH. In this connection I desire to read for the information of the House a few lines from the testimony of one of the manufacturers of this compound, Mr. Louis Mendel, one of the firm of N. I. Nathan & Co., a statement made under oath before an investigating committee of the New York State senate, February 7, 1884:

Q. Will you give me the composition of this product—what ingredients you use?
A. I have got it all here.
Q. I would like to have you tell me in words what it consists of?
A. It consists of the extract of beef fat, called "oleo;" it consists of fat of what we call beef oil.
Q. That is the fat from cattle?
A. Yes, sir; the caul fat; then, in winter time, to prevent the brittling of it, there is some leaf lard added—deodorized leaf lard made from the fat of hogs.
Q. In what proportion are those two products added?
A. It depends on the weather.
Q. Say this winter.
A. We put, perhaps, one-fifth to one-sixth of leaf lard to the oil.
Q. Five parts of oil and one part of leaf lard?
A. Generally; sometimes a little more or less; it depends on the weather.
Q. What other product?
A. Then we add the sesame oil; it is made from African seed. I have not seen the seed. It has been told me it is like grape seed.
Q. It is a vegetable oil made from an African seed?
A. Yes; comes from the coast of Africa.
Q. It is made here?
A. It is manufactured in France.
Q. Why do you use that oil?
A. To prevent the brittling of the butter and to give it a gloss.
Q. To prevent the brittling of the oleomargarine?
A. Yes, sir; and at the same time it gives it a gloss.

* * * * * * *

Q. You said you use the sesame oil for the purpose of keeping it from being brittle; and you also state that you use the lard for the same purpose?
A. Yes, sir.
Q. Can you give the reason why the lard will not do it alone?
A. We found it was necessary to put that in; it improves it.

I tried to get my friend from New York [Mr. FARQUHAR] who is an expert on these subjects to give me some additional information as to the characteristics of sesame oil, but he did not seem to know much about it. I went to the library, and in Watts's Dictionary of Chemistry, page 239, I found something about sesame oil, and also in the United States Dispensatory, pages 997 and 1040. It is described as a rich, fatty oil that is taken from the seed of a plant grown in India and Africa that belongs to the species of the benne plant, and in a milder form has the delightful medicinal qualities of castor oil. [Laughter.] And that is added to this compound and sold as butter. And yet gentlemen who oppose the regulation by a tax of this compound say the bill is a fraud. No, no; the compound is the fraud, not the bill.

In the sworn statement made by Mr. Philip D. Armour, of Chicago, presented by the gentleman from Illinois [Mr. DUNHAM] and published in the RECORD of May 29, he says:

At certain seasons of the year, namely, in cold weather, a small quantity of salad oil made from cotton seed, is used to soften the texture of the product, but this is not generally used by us.

To what extent cotton-seed oil is used in the manufacture of these imitation and counterfeit compounds let those most interested in the cotton-seed oil industry testify.

In the letter read by the gentleman from Arkansas [Mr. BRECKINRIDGE] yesterday, Mr. Wright, vice-president of the Little Rock Oil and Compress Company, says:

A law unfriendly to such manufacture of substitutes for butter will affect the price of every gallon of oil made by the oil-mills of the South, and, incidentally, the value of the cotton seed to the farmer, pure, highly refined cotton-seed oil entering into the composition of most of these substitutes. It is, therefore, to be hoped that the Arkansas delegation will carefully examine all contemplated legislation on this question, and sustain the munufacturers of cotton-seed oils of their State and of the South with their votes and influence in Congress against unfriendly legislation.

And the following telegram from the officers of the Cotton-Seed Crushers' Association would seem to be conclusive on this point:

The undersigned, at the request and on behalf of the Cotton-seed Crushers' Association, now in convention assembled at Memphis, earnestly request your influence and co-operation in defeating a bill reported from Committee on Agriculture by HATCH, of Missouri, to impose a tax on manufactured butter. If passed, this bill would strike directly at Southern cotton-planters, whose seed is crushed by about one hundred and thirty mills, the oil from which enters largely into the manufacture of butter. Furthermore it would deprive poor classes of a cheap butter pronounced by eminent chemists to be wholesome.

J. W. ALLISON, *Prest.*
E. URQUHART, *V. P.*
J. H. DUGGAN, *Secy.*

Let me read for the benefit of the distinguished delegation from the State of Louisiana, who, with I believe but one exception, a very honorable and notable exception, seem to be opposed to the passage of this bill—let me read from a review of the New Orleans butter and cheese market from May, 1885, to May, 1886, by C. H. Lawrence & Co., Nos. 68, 70, and 72 Tchoupitoulas street:

Now, as regards imitation butter, butterine, oleomargarine, and all other oleaginous compounds, sales have been quite large during the fall and winter months. The bulk of the stock was of the very cheapest grade and very little high-grade butterine has been sold here. The oleomargarine has been sold principally in 1 pound and half-pound rolls and prints. It was the poorest of the poor, being made from the scrapings of the packing-houses in Chicago and Kansas City. Price at wholesale ranged from 8½ to 11 cents per pound delivered here. The receiver or buyer of it sold it to the retail trade on small margins, which enabled him (the retailer) to sell 2 pounds for 25 cents, or 1 pound for 15 cents. Large quantities of this stuff was sold, but quality deteriorated as price was reduced, until it become so vile that it was impossible for human beings to eat it, and considerable was shipped back to be worked over again. As the warm weather approached and butter declined, the sale of bogus butter becomes less and less and we predict it will soon disappear from the market and be resurrected again only when the price of pure butter is advanced again next fall. We can not but help sympathizing with the honest dairyman who must compete with dishonest goods. The steps that are now being taken in the Eastern and Western States by interested parties as regards the protection of the dairy interests, we can not help but applaud. We want to see the time come when the Government will compel a dealer to sell it for what it really is and not make misrepresentations. If that law was enforced it would not be long before the oleomargarine interests would suffer. The great fraud in selling oleomargarine nowadays lays exclusively with the dealer who comes in direct contact with the consumers. He may think it honest when he represents oleomargarine as genuine butter, and as a general thing the buyer does not doubt the word of his family grocer but pays for his supposed butter and goes away. Now, if the dealer would act fair and square and offer the oleomargarine with the genuine butter, he would find not one in fifty who would buy it; but it pays him to be dishonest, and as long at he remains unpunished just so long will this state of affairs continue. We sincerely hope that the National Government will take the matter in hand and protect the great dairy interests of this country, worth millions of dollars annually, and whereby so many people are enabled to earn a livelihood.

I have here a letter, which I will print in this connection, from the secretary of the Wisconsin Dairymen's Association. It is addressed to Hon. L. B. CASWELL, M. C. As it is short, I will read it:

FORT ATKINSON, WIS., *May* 29, 1886.

DEAR SIR: Having read from time to time the statements made in the papers by prominent butterine manufacturers of Chicago about the wholesomeness of butterine, I am reminded of a visit which I paid to one of the large butterine factories of Chicago, some two or three years ago, in company with another gentleman, and of the butterine which I saw being manufactured at that time, and sold in large quantities. This creamery establishment belongs to one of the largest manufacturers of Chicago, who makes affidavit as to the wholesomeness of butterine.

On a long table was piled large quantities of butterine, and the workmen were busily engaged in putting this in 1-pound prints; and it was then neatly wrapped in clean muslin and put in a nice clean box for shipment. The foreman says, "Taste of that," and we did so. He said, "Do you taste any mule in that?" Our reply was that it did not taste very sweetly; and he was asked what part of that was butter, and he said, "Not a particle; it is the coarsest grease that we can buy in the market. We manufacture it into butterine, and deliver it in Saint Louis at 10 cents per pound. We can not supply the demand." This is the cheap wholesome butter that is manufactured for the laboring classes, who can not afford to buy dairy butter. Comment is unnecessary.

Yours very truly,

D. W. CURTIS.

Hon. L. B. CASWELL, *M. C., Washington, D. C.*

Mr. REAGAN rose.

Mr. HATCH. I must decline to be interrupted at present. I regret the position occupied by my distinguished friend from Texas [Mr. REAGAN] on this bill more than that of any other individual member, except perhaps one whom I will come to presently. I have known the distinguished gentleman so long, have admired him so much, have loved him so much, that I regret more than I have language to tell the position he is occupying here upon this great measure which is in the interest of ten millions of the agriculturists of this country.

Mr. REAGAN. I reciprocate the gentleman's feeling.

Mr. HATCH. I have followed the gentleman for years in his efforts to remove some of their burdens from the farmers. I have followed him in every step that he has taken since the beginning of the Forty-sixth Congress to lift from the shoulders of agriculture a portion of the tax imposed upon them by the carrying trade, but I say to the gentleman now that there is more involved to the agricultural interests of this country in the passage of the pending bill than in all the interstate-commerce bills that have ever been introduced here. [Applause.] I know that the gentleman has got his brain into such a condition that it can not entertain any other idea than interstate commerce just at this time. If he were waked up in the middle of the night by an angel from heaven who brought him straight from the throne the plan of salvation, I believe he would unhesitatingly reject it as unconstitutional unless he was allowed to amend it with his interstate-commerce bill. [Great laughter.]

Mr. Speaker, I have here some statistics which I will not consume the time in reading, but will print in this connection to show the increasing danger and character of the competition which confronts the growers of the great staples, wheat and corn, in the United States, and which tends to make this legislation a necessity:

THE WHEAT QUESTION.

The average crop in India is from 10 to 11 bushels per acre, against 15 to 16 bushels in the United States; but India is capable of an immense increase in yield under careful cultivation, and where fertilizers have been applied its yield has increased to 40 bushels per acre. Great as is already the present production of wheat in India it is steadily increasing, its development being limited only by the lack of transportation to the seaboard, an obstacle that is steadily disappearing in the rapid construction of the great railroad and canal system under direct patronage of Great Britain.

It was not until 1874 that the first shipment of wheat from India to Europe was made, and was then only 95,000 bushels; in 1875 it extended to 1,500,000 bushels; in 1876 it exceeded 4,500,000 bushels; in 1877 and part of 1878 over 12,000,000 bushels. During the famine of 1878-'79 the exports fell to about 2,500,000 bushels, but reached in 1880 over 15,000,000 bushels; in 1881 rapidly increased to 38,500,000 bushels; in 1882 the exact amount was 36,485,580 bushels; in 1883 the crop slightly failed, and only 26,021,875 bushels were exported; but in 1884 the crops rose once more to 38,502,285 bushels, while in 1885, up to November, over 42,500,000 bushels were exported, and for over 3,400,000 bushels freight-room had been engaged for Europe.

To obtain such results the English Government has widely and gratuitously distributed among the native ryots, or farmers, for the purpose of encouraging

them in the use of improved machinery, a number of plows, constructed with a special design and of peculiar style to meet the requirements of their soil. In addition, large quantities of all kinds of plows and other implements, adapted with studious care to the wants of Indian agriculture, have been sent out by the English Government to be sold at a mere nominal price.

Great care has been exercised to select seeds from foreign countries—mostly American—of the best varieties and suitable for the soil of India.

PRICE OF LABOR AND LIVING CONTRASTED.

The Indian ryot, or farmer, lives in a bamboo hut; cost about 20 rupees, or $9.60; his utensils, a few earthenware pots, value 2 or 3 rupees, or 96 cents to $1.44. His meals consist of half an anna's (1½ cents) worth of rice or millet seed. His farming outfit consists of rude plow, a primitive wooden cart constructed with his own hands, a grubbing-hoe, a pair of bullocks, a few cows or sheep. He cuts his grain with a sickle, treads it out with his bullocks, winnows it in the air, and carries it to market on his back. If he employs a farm hand it is at about 2 annas (6 cents) per day. These circumstances tend toward an equalization of the terms of competition between the Indian and American farmers in laying down wheat in Europe, but notwithstanding the low wages of India and its increased railroad facilities, it would still be impossible for the Indian ryot to sell wheat as cheaply in Liverpool as the American farmer were it not for the divergence caused by legislation in the relative values of gold and silver.

OUR HEAVY LOSSES.

The exportation of wheat from India during 1884 and the eleven months of 1885 amounted to over 84,400,000 bushels, representing a loss of over $80,000,000 to our farmers and of over 3,500,000 tons of freight to our "granger" railroads, and of over $17,000,000 on their earnings.

It is needless to point out the manifold ways in which such a subtraction from one principal article of our export trade has made itself felt in all employments, and to the detriment of all branches of business.

But this is not all. On the 22d of October last, Indian wheat sold in Liverpool at 89 cents per bushel; while quality for quality compared, brought in Chicago on that day 88½ cents. The cost of transportation, partly by water, of each bushel of wheat from Chicago to New York is a little over 6 cents; the present laydown cost of wheat from New York to Liverpool is:

	Cents.
Free on board and insurance per bushel	1.00
Freight to Liverpool	6.82
Cost of discharging in Liverpool without commission	4.50
Total per bushel	12.32

Add to it 6½ cents from Chicago to New York and the cost of transportation, less commission, is just 18¾ cents per bushel, which added to 88½ cost in Chicago brings our American wheat in Liverpool first cost equal to $1.07 per bushel, or 18 cents per bushel more, than quality for quality Indian wheat is selling in Liverpool.

This state of affairs is the consequence of the extremely low price for silver bullion which is more or less controlled in the British market. At the present price of silver bullion in London, 47*d.* per ounce, the exchange on India is 1*s.* 6*d.* per rupee, or 33⅓ per cent. in favor of the British importer of India's wheat, who with £1,000 purchases 13,333 rupees instead of 10,000 rupees, which is all he could have purchased for that number of pounds in 1873, and yet the purchasing power in India of the rupee is a little greater now than it was in 1873.

Add, therefore, to the ruling rate of 89 cents per bushel of wheat in Liverpool the 33⅓ per cent., and the price at once advances to $1.19 per bushel. This rate of $1.19 in Liverpool, less freight and other charges from New York to Liverpool, would leave the market price of wheat in New York $1.06⅔ per bushel, in place of 90⅝ cents, the now ruling rate; and in Chicago it would be equal to $1 in place of 85 cents per bushel, as it is now. It is evident from these figures that the restoration of silver to its old place by free coinage would at once enable the American farmer to put Indian wheat out of the European markets.

This price of 89 cents per bushel in Liverpool not only prevents us from exporting our wheat, but actually regulates the market value of it to the detriment of our farmers, who lose from 20 to 25 cents per bushel on their wheat in order to enable them to meet the now ruling low market price in Liverpool. These 20 to 25 cents on our present crop of 1885 of 352,000,000 bushels of wheat mean a loss to the American farmers of from $70,000,000 to $88,000,000.

RAPID DECLINE IN OUR WHEAT EXPORTS.

Let us review the rapid decline in our wheat exports for the past few years.

In 1883 we exported 106,385,828 bushels, for which we received $119,879,341, equal to $1.12⅔ per bushel.

In 1884 our exports declined over 30 per cent., and we exported only 70,349,012 bushels, for which we received $75,026,584 or $1.06 $\frac{5}{10}$ per bushel.

In 1885 we exported some 84,500,000 bushels of wheat, for which we received only $72,933,097, or 86.32 cents per bushel, while the year previous we got over $75,026,000 for only 70,349,012 bushels, a loss of over 20 cents on each bushel.

Not only has the American farmer been a direct loser by this reduction of the demand and price abroad for his wheat product, but he has indirectly suffered in still greater degree by the resulting depreciation of his whole crop, whether consumed at home or sent abroad; and on the crop of 1885 alone, so far, he has submitted to a loss of over $70,400,000 as compared with last year's price.

This one fact is therefore proved beyond cavil or dispute, and should always be borne in mind, that to destroy the profits of the American wheat-grower it is not necessary that India should raise a crop which will meet the whole demand of Europe; it has but to furnish such a portion of the amount as will prevent an advance in the price to a point which will repay the cost of production by our own farmers.

How important a part the wheat crop of this country constitutes of the total of our exports is shown by the fact that since 1873 to 1883 about 24.85 per cent. of the whole value of our agricultural exports was made up by wheat and flour; yet the latest official statistics for the month of December, 1885, as compared with 1884, show a decline which must create an uneasiness to all who have America's welfare at heart.

Exports of wheat and flour.

December, 1884:	
Wheat, bushels	8,261,153
December, 1885:	
Wheat, bushels	4,211,850

A decline of nearly 50 per cent.

December, 1884:	
Flour, barrels	1,016,617
December, 1885:	
Flour, barrels	757,829

A decline of over 25 per cent., ending with December, 1885, as compared with 1884 and 1883, as shown by the latest official custom-house returns.

Total value of exports of breadstuffs.

July to December, 1883	$88,014,626
July to December, 1884	79,700,507
July to December, 1885	52,998,732

But the contrasts of the average yearly exports of wheat and flour exhibit still greater and more deplorable deficits.

The exports of wheat and flour from 1873 to 1883 were:

Articles.	Exports.	Value.
Wheat.....bushels...	919,073,737	$1,095,174,727
Yearly average.....do.....	91,907,373	109,517,472
Flour.....barrels...	54,001,528	325,308,458
Yearly average.....do.....	5,400,152	32,530,845

The accumulation of stock on hand January 16, 1886, in the United States as compared with corresponding period of 1885, 1884, and 1883 shows the marked decline in our exports of wheat.

Stock on hand or visible supply:

	Bushels.
January 15, 1883	21,909,118
January 15, 1884	33,948,813
January 16, 1885	42,575,703
January 16, 1886	57,108,226

While our exports are gradually decreasing our stocks on hand have rapidly increased from 21,909,118 bushels in 1883 to 57,108,226 in 1886.

In order to comprehend more fully the rapid decline in the exports of wheat from this country, the official returns of the Bureau of Statistics gives the following figures:

	Bushels.
Exports of wheat from all ports for December, 1884	8,400,000
Exports of wheat from all ports for December, 1885	3,773,153
Decrease	4,626,847
Twelve months ending with December 31, 1884	81,628,478
Twelve months ending with December 31, 1885	53,025,918
Decrease	28,602,560

If we consider that from 1873 to 1883 inclusive we exported 919,720,637 bushels, or 91,972,063 bushels on the average for each year, the decline from 91,972,063 bushels down to 53,025,918 bushels shows a decrease of 38,946,145 bushels, or a decline of over 57½ per cent. Compared with the exports of 1879, when 122,775,751 bushels were shipped, and in 1880 153,250,685 bushels, and in 1881 150,565,450 bushels, as well as 104,030,584 bushels in 1883, the rapid decline is startling.

The half-yearly returns of shipment of wheat from San Francisco from July 1 to December 31, 1885, compared with 1884, are equally as disturbing:

	Bushels.
July 1 to December 31, 1884	12,447,000
July 1 to December 31, 1885	5,850,000
Decrease, 1885	6,597,000

A loss of over 50 per cent.

The imports of wheat into Great Britain for the four months August (harvest time), September, October, and November, 1885, when compared with corresponding period of 1884 are equally important and exhibit the gradual supremacy India's wheat is gaining in that country:

	Bushels.
Wheat from United States:	
1884	11,973,160
1885	4,494,879
Decrease	7,478,281
Wheat from India:	
1884	6,833,195
1885	8,867,427
Increase	2,034,232

While the exports of wheat to Great Britain from the United States have decreased by over 7,000,000 bushels, those from India to Great Britain have not only held their own but have increased by over 2,000,000 bushels.

The contrast between the rapid increase in the exportation of wheat from India and the equally rapid decline in the exportation of wheat from the United States is significant and startling. The export of wheat from India in 1879 amounted to 1,972,544 bushels, but has rapidly increased year by year, until in 1884 it amounted to 39,202,636 bushels; our own exports have, when compared with corresponding period of 1879, when we exported 122,353,936 bushels, fallen in 1884 to 75,026,678 bushels, a decrease most appalling as well as mortifying.

The decrease in the exportation of wheat from New Orleans exhibits the following: 1880-'81, 6,523,747 bushels, while the year following it fell to 2,474,581 bushels, gradually reaching for the fiscal year September 1, 1884-'85, down to 784,195 bushels; while so far this fiscal year, of which five months have passed, not one bushel has been exported from New Orleans.

CORN QUESTION.

Indian corn, equal in every particular to our own of the same appellation, though of comparatively recent introduction, has increased in favor most rapidly, and there were raised in 1882 in India over 75,000,000 bushels. The first cargo of India's corn was shipped to Europe in January, 1883. In 1883 the crop was over 120,000,000 bushels; in 1884 over 160,000,000 bushels. It would indeed be one of the curiosities of international trade if from this small beginning in 1882 there should grow, as in the cases of wheat, an export trade from India to Europe of equally as great proportions. It is a positive fact that in the central provinces of India alone enough Indian corn can be raised to supply the wants of Europe, to which we have shipped during the year (calendar) of 1885 62,525,742 bushels, and for which we received $33,090,350.

About twenty States of the Union have legislated upon this subject of the manufacture and sale of oleomargarine, and have demonstrated their inability to properly control it. They can not prevent its introduction from other States; they can not successfully identify it in the hands of the retailers. The State of Missouri has a law prohibiting its manufacture and sale, but it is impossible to enforce it. Pass this bill and all the States can easily control its manufacture and sale to consumers.

Tax it and stamp it and compel it to sail under its own flag. It will only be in the nature of supplemental legislation in aid of the States. Already the Canadian Parliament is perfecting measures to prohibit its manufacture, introduction, or sale within the Dominion of Canada. Good people everywhere are uniting in their determination to stop the

fraud. Shall we refuse or hesitate to do our duty in regard to it? I trust not.

And just here I desire to enter my earnest and vigorous protest to the position that this legislation is inimical to the interests of the laboring masses of our country; that this oleomargarine is the poor man's butter. I deny it. As a rule the laborers and mechanics are the best customers for pure and honest butter. Their prudent housewives do their own marketing, and buy the best food products offered for sale. The best customers for oleomargarine are the hotel-keepers, boarding-house keepers, stewards of steamboats and steam-vessels, and that class of housekeepers who order their butter from the retail grocer through the telephone. I utterly deny the statement that this counterfeit and fraud is purchased by the laboring classes knowingly, and repudiate the sentiment that they should be permitted to buy it because it is cheap, except under its real and true name, plainly marked and stamped, that there may be no deceit or cheat in it.

I have heard the silvery and eloquent voice of my old time friend from Kentucky [Mr. BRECKINRIDGE], whom I have known and loved so well from his boyhood, even from that period which he has described so eloquently and beautifully, the period of his earlier and better days when he was "a barefooted boy" in the State of Kentucky. Did the gentleman ever know a Kentucky boy that was not barefooted? [Laughter.] We all went barefooted. The gentleman has forgotten the feet that he is worshiping. It was only the egotism of his later years that caused him, in the beautiful pastoral picture which he drew here, to refer so touchingly to the barefooted boy of Kentucky. The gentleman has made a mistake. It is not the feet of the barefooted boy, it is those of the pretty little girl—

Whose feet beneath her petticoat
Like little mice played in and out—

that haunt the gentleman's memory. [Laughter.] Who ever heard of a boy being in love with his own feet? [Laughter.] A barefooted boy—yes; but the misfortune is that they put shoes upon him too early in life to make him a farmer. [Laughter.] My friend found very early in his career that he had an eloquent and silvery tongue, and he has been wagging it ever since, instead of working with his hands upon the farm. He found that it paid better to plead the cause of rich clients in the courts of Kentucky, and I rejoice in his success.

I only regret that his eloquence, his influence at home, his power in this House, should be thrown against the great farming interest of that grand old Commonwealth and in behalf of two or three hundred merciless and unconscionable manufacturers of the greatest fraud of the nineteenth century. [Applause.] I tell you, my friends, that the farmers are getting sick and tired to death of being fed upon soft and eloquent phrases. The gentleman talks about what he intends to do for the farmers of Kentucky by this great tariff bill which the Committee on Ways and Means have hanging here between the dome of the Capitol and its final resting place of either victory or defeat, the Lord only knows at this time where. [Great laughter.] Why not bring forward that bill, gentlemen? Why do you leave it hanging upon the Calendar day after day and week after week? Nobody doubts the sincerity or the courage of the chairman of the Committee on Ways and Means. Has he lost confidence in his committee?

You are all here fighting the farmers. Every single member of the majority of that committee is here fighting agriculture and agricultural interests. Have you deserted your chairman? If so, and you will let us offer a resolution and turn over the Committee on Agriculture (leaving me off of it) to the chairman of the Committee on Ways and Means, they will bring that bill before the House and fight for it to the end.

Talk about what they are going to do. The farmers of this country want to see something done. Every time they come here and ask for bread we give them a stone—the cold stones of the past. The distinguished gentleman from Texas [Mr. WELLBORN] pointed to the tombs of Jefferson and Madison and Monroe. I prefer to go to the homes of the ten million of free men of this country, engaged in the pursuit of agriculture, for my inspiration. [Applause.]

I had the pleasure of hearing a week ago last Sunday night a distinguished divine, Rev. W. A. Bartlett, preach in this city a sermon from the twelfth chapter and thirty-second verse of First Chronicles. The preceding verses contain an enumeration of the tribes and families of Israel that, ready armed for war, flocked to the standard of David at Hebron, where the kingdom of Saul was turned over to him according to the word of the Lord, and he was coronated king of all the mighty bands. Here is the text; and I wish these gentlemen from Virginia and Kentucky and the gentleman from Texas could have been present to hear that magnificent and eloquent sermon:

And of the children of Issachar, which were men that had understanding of the times, to know what Israel ought to do; the heads of them were two hundred; and all their brethren were at their commandment.

That great tribe of Issachar, the agricultural tribe of Judah—and I wish you could have heard that eloquent divine as he pictured the magnificence of that agricultural band—were those upon whom, in the time of peril, Israel leaned. They "had understanding of the times" in which they lived, and knew what Israel ought to do. They coronated David king, and that tribe went on "conquering and to conquer." I wish to God that to-day these gentlemen from Virginia who are always talking about what was done in the moldy and musty past "had understanding of the times" in which they live. Thank God, Virginia has one Representative who is a true son of Issachar. I refer to the member from the seventh district [Mr. O'FERRALL]. Eight times wounded in her defense, twice left upon the battlefield for dead, I honor him. All hail, son of Issachar, who knows what the old Commonwealth of Virginia ought to do! [Applause.]

Why should gentlemen rake among the dead embers of a long-forgotten age? Why, sir, if my reading in regard to Thomas Jefferson is correct, he was the author of that immortal sentiment which has long since been forgotten in this Congress and in the United States, that "commerce is the handmaid of agriculture." Now commerce has been made her mistress. Agriculture has been dragged at the wheels of commerce; and we come here in an earnest, honest spirit to try to lift up the hearts of the children of Issachar, and we are met by constitutional objections at every step. And the distinguished son of Virginia [Mr. DANIEL] who, before he had served a single session in this House, was deemed worthy to be transplanted to the other wing of the Capitol, comes here with his power of intellect and his eloquent tongue and tells us that when he sees the Democratic party about to be betrayed into the hands of the enemy he intends to throw his body prostrate athwart that measure. Well, my advice to you, my friend, is, do not do any such thing [laughter], for if you do you will be crushed beneath the train of progress that bears the honors, the duties, and the rights of more than one-half the American people. Betrayed, indeed! Who is going to betray the Democratic party into the hands of the enemy? Whenever that party is betrayed it will be by those upon this floor who seek to hand it over, bound hand and foot, to the monopolists and corporations of the country. [Applause.] It will never be betrayed as long as it is in the hands of the sons of Issachar and their rights are protected upon this floor. It will be betrayed when corporate power and the greed of monopolies place their chains around it and rivet those chains by the votes of their friends on this floor. That is the only betrayal of which the Democratic party is in danger.

But every time we bring in a bill from the Committee on Agriculture, every time we ask for recognition on this floor, these constitutional lawyers bent upon even defeating consideration of such bills, interpose their dilatory motions, wear out the patience of the House, throw themselves athwart this train of progress and attempt to stay it. My friends, before you get through you will find that some people in this country will come to the conclusion that they have been betrayed. It will be the constituents of the men who failed to stand up here earnestly and honestly seeking to protect the agriculturists of the country from this great wrong.

Ah! The gentleman from Kentucky says that all the farmer asks is simply to be allowed to make his battle in the open field of the world. Yes; we accept the gauge of battle. We are now raising wheat and selling it at 72 cents a bushel in the markets of the world in competition with the coolies of India. We are raising corn to-day in competition with the coolies of India. We are raising all the cereals in competition with the world; and we ask no protection. We disdain to ask it. We ask only to be protected from the infamy of a counterfeit and a fraud at home. But, my friends, when the great battle comes—I welcome it, I wish it was here to-day—when it comes, let all the agriculturists of this country stand shoulder to shoulder and side by side. Let us have no distinctions. Let the wheat-grower of the great Mississippi valley, the wool-grower of the Pacific Slope, all the cereal-growers of the magnificent valleys of the Mississippi and Ohio, the sugar-planter of Louisiana, and the rice planter of South Carolina stand shoulder to shoulder and upon the same plane. Along with free wheat and free wool, free salt and free wood, put free sugar and free rice. [Applause.] If that is to be the platform, let it all go together.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HATCH. Mr. Speaker, indulge me a for moment in expressing my profound acknowledgment to the House for the courteous and kind attention with which they have listened to me. [Great applause.]

I demand the previous question on the first amendment to the bill.

The previous question was ordered.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The Clerk will report the first amendment to the bill.

The Clerk read as follows:

First section, sixth line, strike out the words "with or;" so it will read: "Made exclusively from milk or cream, or both, without common salt, and without additional coloring matter."

The amendment was disagreed to.

Mr. HATCH. I demand the previous question on the next amendment.

The SPEAKER *pro tempore*. The Clerk will read the next amendment.

The Clerk read as follows:

Thirteenth line of second section add the following:
"Hereafter it shall not be lawful for any manufacturer"——

Mr. BAYNE. Let us have order.

Mr. HATCH. I have an amendment to offer before that. The House

will recollect I stated to the gentleman from Massachusetts [Mr. LONG] I would insert in the tenth line of the second section "when so made," and in line 13 to strike out "used" and insert "sold;" so it will read——

Mr. HAMMOND. Was there not an amendment to the first section?

The SPEAKER *pro tempore*. Yes; that has been disposed of.

Mr. HATCH. Read my amendment.

The Clerk read as follows:

After the word "or," before the word "calculated," insert "when so made;" and in the thirteenth line strike out "used" and insert "sold;" so it will read: "Made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter."

Mr. STONE, of Massachusetts. Will not the gentleman submit it with the last words struck out—"sold as butter?"

Mr. HATCH. I can not do that.

Mr. BRECKINRIDGE, of Kentucky, rose.

Mr. HATCH. I have asked the previous question.

Mr. REAGAN. The gentleman asked the previous question on another amendment.

Mr. BRECKINRIDGE, of Kentucky. I have the floor——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Missouri to demand the previous question.

Mr. BRECKINRIDGE, of Kentucky. But he can not take me off the floor. The Chair rose and started to put the question when I rose and took the floor. The gentleman from Missouri was not on the floor and did not ask for the previous question.

Mr. HATCH. Before I offered my amendment I demanded the previous question.

The SPEAKER *pro tempore*. The Clerk proceeded to read the amendment to the second section, but before concluding the reading he was stopped by the gentleman from Missouri, who said in accordance with a previous agreement he had an amendment to offer.

Mr. REAGAN. Yes; and he offered it, but did not call the previous question.

Mr. HATCH. But I had called the previous question on the next amendment.

Mr. REAGAN. Is it competent for the gentleman to call the previous question on an amendment which has not been read?

The SPEAKER *pro tempore*. The gentleman demanded the previous question on the next amendment, when the Clerk proceeded to read the amendment; but the reading was suspended, and the gentleman from Missouri gave notice of another amendment which he asked to submit.

Mr. HAMMOND. I rise to a parliamentary inquiry. Where there is honest difference between gentlemen as to the fact can not we have the record read?

The SPEAKER *pro tempore*. If anybody disputes the statement of the Chair——

Mr. HAMMOND. Not in any offensive sense, but to have the record read. If that can be done I desire it.

Mr. HISCOCK. The recollection of the Chair as to what transpired is as good as any record kept by anybody else.

Mr. BRECKINRIDGE, of Kentucky. I desire to submit the Chair has not stated all that has occurred.

The SPEAKER *pro tempore*. Perhaps not.

Mr. BRECKINRIDGE, of Kentucky. This is the observation I desire to submit: When the Clerk had proceeded to read the next amendment he was stopped by the gentleman from Missouri, who said that was not the amendment he desired to have voted on, because he had promised the gentleman from Massachusetts to submit another amendment. I take it for granted his memory was jogged about that time.

Mr. HATCH. There was no intimation about it. As soon as the Clerk commenced reading the next amendment I stopped him and directed the attention of the Chair to the fact that I desired the next vote to be on the amendment which I had promised the gentleman from Massachusetts [Mr. LONG] to offer at this place. The Chair will understand I am trying in good faith to carry out my agreement. If gentlemen shall force me to demand the previous question on the engrossment and third reading of the bill, very well.

Mr. BRECKINRIDGE, of Kentucky. That is not the point.

Mr. HAMMOND. I have no opinion about this; I simply do not know. But when several gentlemen differ with the Chair in what the Chair has said, if the record can be read I desire simply to have it read so we may know exactly what occurred. The gentleman from Missouri says he demanded the previous question. I did not hear it; other gentlemen just as honest said they did hear it; others just as honest still said they did not. It is in writing before the Chair; therefore I want to know the facts.

The SPEAKER *pro tempore*. As soon as it is prepared the Chair will direct it to be read by the Clerk.

Mr. MORGAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MORGAN. Is it permissible, when a gentleman rises on this floor and states that he did make a motion, and the Chair rules that he did, to seek further evidence of the truth of that statement?

The SPEAKER *pro tempore*. The Chair will direct the language to be read as soon as it is prepared.

Mr. MORGAN. It is simply a matter of primary and secondary evidence. The man who makes the statement gives the primary evidence; the man who prepares the statement, takes it down, gives secondary evidence. Now, the primary evidence is right here.

Mr. BRECKINRIDGE, of Kentucky. If the Chair will permit me, the point of order that I have been trying to make is this: The gentleman from Missouri introduced that amendment for the first time after the demand for the previous question had been made. The other amendment, on which he demanded the previous question, was an amendment which came from the Committee of the Whole, and was, therefore, a part of the report of the Committee of the Whole, and was on record as such.

Again, if the Chair will give me his attention for a moment, I will try to submit a point of order in which, if I am correct, it will not make any difference about the fact that has been stated, nor will it be necessary to wait for the exact language to be written out. Certain amendments were reported from the Committee of the Whole House on the state of the Union, which are matters of record. The gentleman from Missouri [Mr. HATCH], in charge of the bill, rose and asked that the first amendment to the first section be read, and upon that he demanded the previous question. He then asked the previous question upon the second amendment, which the Clerk proceeded to read. The amendment on which the previous question was asked was, of course, the amendment reported from the Committee of the Whole House on the state of the Union. That amendment, however, was withdrawn, and he introduced on his own responsibility a new amendment upon which no demand for the previous question was made, and it will hardly be claimed that the previous question could have been called before the amendment was read, because the amendment was not then in existence; it was never in existence until the gentleman from Missouri offered it. When he offered it there was, of course, no possible previous question that could affect it until somebody called it. So it makes no difference as to the question of order in which the demand was made. The point I make is that it is impossible for the previous question to be called upon an amendment before the amendment is ever offered.

The SPEAKER *pro tempore*. The gentleman from Kentucky is substantially correct in what he says. The Chair recognizes the fact that the amendment was not technically before the committee, and, therefore, that the previous question, if then moved, would not have applied to that amendment. But the Chair also recognizes the fact that the gentleman from Missouri intended to move the previous question upon the next amendment, he having so stated; and, therefore, following the precedents heretofore universally followed in all matters of this kind, the Chair recognized the gentleman from Missouri when his amendment was read to move the previous question.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. One at a time. The gentleman from Kentucky is on the floor. Has the gentleman any further point of order?

Mr. HAMMOND. I want to make a point of order upon that decision; and if I am correct in my understanding of it, I want to appeal from the decision.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman as soon as the gentleman from Kentucky has been heard.

Mr. BRECKINRIDGE, of Kentucky. The point I make is that while the Speaker might as a matter of right have recognized the gentleman from Missouri to make the unspoken but intended motion for the previous question, in point of fact he did not recognize him and in point of fact he did recognize me. Now, the point of order I make is that having recognized me and being in possession of the floor, it was not competent for the Chair to take me off the floor to recognize the gentleman from Missouri under the intention of the Speaker to recognize the unspoken wish of the gentleman from Missouri for the previous question.

Mr. HISCOCK. I rise to a parliamentary question.

The SPEAKER *pro tempore*. The gentleman from Georgia rose, as the Chair understands, for a parliamentary inquiry. As soon as he has concluded the Chair will recognize the gentleman from New York.

Mr. HAMMOND. My parliamentary inquiry is this; and I ask it because, if I understand the Chair correctly, I desire to appeal from the decision. The question is, does the Chair mean to be understood as ruling that although the gentleman from Missouri did not demand the previous question, yet the Chair will recognize him to demand it now because the Chair knew he intended to do it, that information having been given privately and not publicly? Is that the decision of the Chair?

The SPEAKER *pro tempore*. The Chair is not here to be catechised by the gentleman from Georgia.

Mr. HAMMOND. I am not catechising the Chair, but simply asking information as to the decision with a view to taking an appeal.

The SPEAKER *pro tempore*. Whenever a proper question is submitted to the Chair the Chair will decide it.

Mr. HISCOCK. I wish to ask if there is not now a demand for the previous question pending?

Mr. HAMMOND. Has the Chair announced his decision upon the point of order that I have made?

The SPEAKER *pro tempore*. The Chair has decided [cries of "Regular order!"] that the demand for the previous question is pending.

Mr. HISCOCK. I understand, then, that the demand of the gentleman from Missouri for the previous question upon the next amendment is now pending and has not been withdrawn?

Mr. BRECKINRIDGE, of Kentucky. He withdrew the amendment.

Mr. HISCOCK. He could not withdraw the amendment. It was an amendment of the committee.

Mr. BRECKINRIDGE, of Arkansas. He withdrew that amendment.

Mr. HATCH. I think it is due to the Chair and to myself that I should be permitted to make a single statement. Before the Clerk commenced to read the next amendment I rose and addressed the Chair, and said: "Mr. Speaker, I demand the previous question on the next amendment." I was then taking up the bill to present the amendment when the Clerk commenced to read. As soon as I could I stopped him. I said: "That is not the amendment." I had promised the House to offer this amendment in this connection, and I proceeded to state it. I demanded the previous question on that amendment, as I had a right to do.

Mr. HISCOCK. Have you withdrawn that?

Mr. HATCH. No, I have not withdrawn it, nor have I yielded the floor.

Mr. HISCOCK. If the gentleman from Missouri did not withdraw his demand for the previous question on the amendment which he proposed to offer, or on the one reported by the committee, there is now pending a demand for the previous question which has not been withdrawn.

Mr. BRECKINRIDGE, of Kentucky. On what is that demand for the previous question pending?

The SPEAKER *pro tempore*. The Chair will state what is the pending question. The gentleman from Missouri [Mr. HATCH] demanded the previous question upon the next amendment. The Chair directed the Clerk to read the next amendment. Before the Chair put the question on the demand for the previous question the Clerk began to read an amendment to the thirteenth line. He was immediately arrested in his reading by the gentleman from Missouri, who stated he intended to move at that point an amendment to section 2 of the bill. That was the amendment on which the Chair understood the gentleman to move the previous question. When the amendment was read the Chair inadvertently put the question upon agreeing to the amendment. He should have put it on the demand for the previous question. The gentleman from Kentucky meanwhile arose to address the Chair. The Chair did not know for what purpose he had risen and recognized him. He proceeded to make an inquiry, to which the Chair made a response. The Chair is of opinion that this controversy has grown out of the fact that the Chair instead of putting the question on the motion for the previous question proceeded to put it on the amendment itself. On discovering this he recurred to the question pending, which was the demand of the gentleman from Missouri for the previous question; and that is now the question before the committee. [Many cries of "Regular order!"]

Mr. BRECKINRIDGE, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Upon what is the demand for the previous question now pending?

The SPEAKER *pro tempore*. Upon the amendment which the Clerk will now report.

The Clerk read as follows:

In line 12 of section 2, after the word "or," where it occurs the second time, insert "when so made." In the thirteenth line strike out the word "used" and insert the word "sold;" so it will read:

"Made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter."

Mr. BRECKINRIDGE, of Kentucky. The question I now submit to the Chair is whether that amendment was offered before or after the demand of the gentleman from Missouri for the previous question?

The SPEAKER *pro tempore*. The Chair has stated distinctly the circumstances under which the previous question was demanded.

Mr. BRECKINRIDGE, of Kentucky. This amendment was not read until after the demand for the previous question.

Mr. HENLEY. I respectfully demand the regular order.

Mr. BRECKINRIDGE, of Kentucky. I ask the Chair to rule on the point of order. I desire to have his decision go on record whether a demand for the previous question made before an amendment is offered is in order. I therefore raise the point of order against the motion for the previous question that the motion for the previous question was made before the amendment to which it was to be applied was introduced, and upon that point of order I ask the decision of the Chair.

The SPEAKER *pro tempore*. The Chair has stated all the facts as they occurred and as the Chair understood them, and the Chair thinks the House understands the situation and recognizes the motion now pending to be for the previous question on the amendment just read.

Mr. BRECKINRIDGE, of Kentucky. I ask the Chair to give a decision on the point of order, which will carry with it a right of appeal.

The SPEAKER *pro tempore*. There is nothing from which an appeal can be taken. The Chair has a right to recognize gentlemen on the floor, and on the question of recognition there can be no appeal.

Mr. BRECKINRIDGE, of Kentucky. It is because—— [Loud and repeated cries of "Regular order!"] Gentlemen will make nothing by these outcries.

Mr. REAGAN. This is a clear case of a mob attempting to rule by force.

Mr. BRECKINRIDGE, of Kentucky. It is because the Speaker has declined to so decide the question as to give me the right of appeal that I again insist upon a decision on the point of order I have raised as to whether the previous question can be called upon an amendment before it is introduced; and with great respect to the Speaker I desire him either to decide the question so that the appeal can be taken, or to say that he refuses to decide it and let that refusal go into the RECORD. I insist I have the right to have the question of order decided.

The SPEAKER *pro tempore*. The Chair decides the question as it is, which is that the gentleman from Missouri [Mr. HATCH] is recognized to move the previous question upon this amendment, and that that is the question now before the House.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Missouri [Mr. HATCH] has not yet made that motion.

The SPEAKER *pro tempore*. The Chair understands that that is the motion pending.

Mr. HATCH. Mr. Speaker, I have not yielded the floor, and I now again demand the previous question. [Cries of "Regular order!"]

The question was taken on the motion of Mr. HATCH; and there were—ayes 150, noes none.

Mr. BRECKINRIDGE, of Kentucky. No quorum.

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will appoint as tellers the gentleman from Kentucky, Mr. BRECKINRIDGE, and the gentleman from Wisconsin, Mr. PRICE.

The House again divided; and the tellers reported—ayes 159, noes 5.

Mr. BRECKINRIDGE, of Kentucky. I demand the yeas and nays.

The question was taken on ordering the yeas and nays; and there were—ayes 42, noes 168.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were refused; and the previous question was ordered.

The SPEAKER *pro tempore*. The question recurs on the amendment submitted by the gentleman from Missouri [Mr. HATCH].

The amendment was agreed to.

Mr. HATCH. Let the next amendment be reported.

The Clerk read as follows:

That hereafter it shall not be lawful for any manufacturer, merchant, shopkeeper, or other person to sell or expose for sale within the District of Columbia, or any of the Territories of the United States, the produce known as "oleomargarine," without first branding, marking, or labeling the same in a legible manner and conspicuous place with the word "oleomargarine" so as to be easily observed by persons offering to purchase, and also without first informing the person offering to purchase that the article is oleomargarine.

It shall not be lawful for any proprietor, keeper, or manager of any hotel, inn, restaurant, or house of public entertainment to furnish, offer, or set before, or permit to be offered, furnished, or set before his guests, in the District of Columbia or any of the Territories of the United States, the article known as "oleomargarine," without first putting his guests upon notice, by posting in conspicuous places in the dining-room and in all other rooms where the guests of such house are accustomed to take meals, and also in private rooms of the guests, that can be easily observed and read by the guests, in the following words: "This house uses oleomargarine;" and also by printing said notice on their bills of fare when any bills of fare are used by any such house.

The question was taken; and there were—ayes 53, noes 144.

Mr. HAMMOND. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 178, not voting 55; as follows:

YEAS—89.

Adams, J. J.	Dawson,	Lanham,	Snyder,
Allen, J. M.	Dibble,	Lawler,	St. Martin,
Ballentine,	Dockery,	Lehlbach,	Stone, W. J., Ky.
Barnes,	Dougherty,	Lovering,	Tarsney,
Bennett,	Dowdney,	Mahoney,	Taulbee,
Blanchard,	Ellsberry,	Martin,	Taylor, J. M.
Breckinridge, C. R.	Findlay,	Maybury,	Thompson,
Breckinridge, W. C. P.	Ford,	McMillin,	Throckmorton,
Burnes,	Forney,	McRae,	Tillman,
Cabell,	Gay,	Merriman,	Tucker,
Campbell, Felix	Gibson, C. H.	Miller,	Turner,
Campbell, J. E.	Gibson, Eustace	Mills,	Van Eaton,
Candler,	Hammond,	Morrison,	Ward, J. H.
Clardy,	Harris,	Neal,	Ward, T. B.
Cobb,	Hemphill,	Norwood,	Wellborn,
Collins,	Henderson, J. S.	O'Hara,	Wheeler,
Cowles,	Herbert,	O'Neill, J. J.	Willis,
Crain,	Hewitt,	Outhwaite,	Wilson,
Crisp,	Hutton,	Peel,	Wise,
Daniel,	Irion,	Perry,	Woodburn.
Dargan,	Johnston, T. D.	Reagan,	
Davidson, A. C.	Jones, J. H.	Sayers,	
Davidson, R. H. M.	Jones, J. T.	Skinner,	

NAYS—178.

Adams, G. E.	Baker,	Bayne,	Boutelle,
Allen, C. H.	Barbour,	Beach,	Browne, T. M.
Anderson, J. A.	Barksdale,	Bland,	Brown, C. E.
Atkinson,	Barry,	Bound,	Brown, W. W.

Brumm,	Hale,	McKinley,	Shaw,
Buck,	Halsell,	Millard,	Singleton,
Bunnell,	Hatch,	Millikin,	Smalls,
Burleigh,	Haynes,	Moffatt,	Sowden,
Burrows,	Heard,	Morgan,	Spooner,
Butterworth,	Henderson, D. B.	Morrow,	Spriggs,
Bynum,	Henderson, T. J.	Muller,	Springer,
Caldwell,	Henley,	Murphy,	Stahlnecker,
Campbell, J. M.	Hepburn,	Neece,	Steele,
Cannon,	Hermann,	Negley,	Stephenson,
Carleton,	Hiestand,	Nelson,	Stewart, J. W.
Caswell,	Hill,	Oates,	Stone, E. F.
Comstock,	Hires,	O'Donnell,	Storm,
Conger,	Hiscock,	O'Ferrall,	Strait,
Cox,	Hitt,	O'Neill, Charles	Struble,
Culberson,	Holman,	Osborne,	Swope,
Curtin,	Holmes,	Parker,	Taylor, E. B.
Davenport,	Hopkins,	Payne,	Taylor, I. H.
Dingley,	Houk,	Payson,	Taylor, Zach.
Dorsey,	Howard,	Perkins,	Thomas, J. R.
Dunham,	Jackson,	Peters,	Thomas, O. B.
Dunn,	James,	Pettibone,	Townshend,
Eldredge,	Johnson, F. A.	Phelps,	Van Schaick,
Ely,	Johnston, J. T.	Pidcock,	Wade,
Ermentrout,	Kelley,	Pindar,	Wadsworth,
Evans,	Ketcham,	Plumb,	Wait,
Everhart,	King,	Price,	Wakefield,
Farquhar,	Kleiner,	Randall,	Warner, William
Felton,	La Follette,	Reese,	Weaver, A. J.
Fisher,	Landes,	Richardson,	Weaver, J. B.
Fleeger,	Le Fevre,	Riggs,	Weber,
Foran,	Lindsley,	Rockwell,	West,
Frederick,	Long,	Romeis,	White, A. C.
Fuller,	Lore,	Rowell,	White, Milo
Funston,	Louttit,	Ryan,	Whiting,
Gallinger,	Lowry,	Sawyer,	Wilkins,
Geddes,	Lyman,	Scott,	Winans,
Gilfillan,	Matson,	Scranton,	Wolford,
Glass,	McComas,	Seney,	Worthington.
Green, W. J.	McCreary,	Sessions,	
Grout,	McKenna,	Seymour,	

NOT VOTING—55.

Aiken,	Cole,	Harmer,	Reed, T. B.
Anderson, C. M.	Compton,	Hayden,	Reid, J. W.
Arnot,	Cooper,	Hudd,	Rice,
Belmont,	Croxton,	Laffoon,	Robertson,
Bingham,	Cutcheon,	Laird,	Rogers,
Bliss,	Davis,	Libbey,	Sadler,
Blount,	Eden,	Little,	Stewart, Charles
Boyle,	Glover,	Markham,	Stone, W. J., Mo.
Brady,	Goff,	McAdoo,	Swinburne,
Bragg,	Green, R. S.	Mitchell,	Symes,
Buchanan,	Grosvenor,	Morrill,	Trigg,
Campbell, T. J.	Guenther,	Owen,	Viele,
Catchings,	Hall,	Pirce,	Warner, A. J.
Clements,	Hanback,	Ranney,	

On motion of Mr. SOWDEN, the reading of the names of members voting was dispensed with.

The following-named members were announced as paired until further notice:

Mr. CLEMENTS with Mr. MORRILL.

Mr. BOYLE with Mr. GUENTHER.

Mr. HALL with Mr. CUTCHEON.

Mr. STEWART, of Texas, with Mr. COOPER.

Mr. REID, of North Carolina, with Mr. RICE. If present, Mr. REID would vote against the pending bill; Mr. RICE for it.

Mr. EDEN with Mr. MARKHAM.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. WARNER, of Ohio, with Mr. GROSVENOR.

Mr. ARNOT with Mr. DAVIS. Mr. ARNOT, if present, would vote for the pending bill; Mr. DAVIS against it.

Mr. VIELE with Mr. LAIRD. Mr. LAIRD, if present, would vote for the bill.

Mr. BRAGG with Mr. NEGLEY.

Mr. ANDERSON, of Ohio, with Mr. OWEN.

Mr. ROGERS with Mr. PIRCE.

Mr. STONE, of Missouri, with Mr. REED, of Maine.

Mr. BLOUNT with Mr. BINGHAM.

Mr. MITCHELL and Mr. GOFF were announced as paired on this vote.

Mr. HUDD and Mr. HARMER were announced as paired for this day.

Mr. GREEN, of New Jersey, and Mr. GLOVER were announced as paired on this bill. If present, Mr. GLOVER would vote for the bill and Mr. GREEN against it.

Mr. CROXTON and Mr. DORSEY were announced as paired from the 3d until the 10th of June.

Mr. MILLS. Mr. Speaker, I desire to announce that my colleague [Mr. STEWART] is absent on account of illness.

Mr. DAVIDSON, of Alabama. Mr. Speaker, my colleague [Mr. SADLER] is confined to his room by sickness.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. WELLBORN). The Clerk will report the next amendment reported from the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

In the twelfth line of section 6 insert the words "or paper" after the word 'wooden;" so as to read "wooden or paper packages."

Mr. HATCH. I demand the previous question on that amendment.

The previous question was ordered.

Mr. GIBSON, of West Virginia. I understand the committee accepts this amendment.

Mr. HATCH. We do.

The amendment was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

In the sixteenth line of section 6 insert the words "or paper" after the word "wooden."

Mr. HATCH. I demand the previous question upon this amendment.

The previous question was ordered; and under the operation thereof the amendment was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

In line 3 of section 8 strike out "ten" and insert "eight;" so as to read: "That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of eight cents per pound," &c.

Mr. HATCH. Mr. Speaker, under an agreement made in the Committee of the Whole, the vote is first to be taken on an amendment which in pursuance of that agreement I now submit, and on which I demand the previous question—to amend the amendment reported from the Committee of the Whole by striking out "eight" and inserting "three," the effect of which would be to make the tax 3 cents a pound. I do not favor this amendment, but offer it in accordance with the agreement.

Mr. GIBSON, of West Virginia. And by unanimous consent a yea-and-nay vote was to be taken on this proposition.

Mr. HATCH. That is correct.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. HATCH] demands the previous question on this amendment.

The previous question was ordered.

The SPEAKER *pro tempore*. The gentleman from West Virginia calls for the yeas and nays on this proposition.

Mr. GIBSON, of West Virginia. By unanimous consent it was agreed that the yeas and nays should be taken.

The SPEAKER *pro tempore*. That consent was in Committee of the Whole; but to order the yeas and nays requires the action of the House.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 131, nays 139, not voting 52; as follows:

YEAS—131.

Adams, G. E.	Daniel,	Lanham,	Riggs,
Adams, J. J.	Dargan,	Lawler,	Romeis,
Allen, C. H.	Davidson, A. C.	Lehlbach,	Sayers,
Allen, J. M.	Dawson,	Libbey,	Scranton,
Ballentine,	Dibble,	Long,	Skinner,
Barnes,	Dockery,	Lovering,	Snyder,
Bingham.	Dougherty,	Lyman,	Spooner.
Blanchard,	Dowdney,	Mahoney,	St. Martin,
Bliss,	Dunham,	Martin,	Stone, E. F.
Blount,	Dunn,	Maybury,	Stone, W. J., of Ky.
Brady,	Farquhar,	McAdoo,	Tarsney,
Breckinridge, C. R.	Findlay,	McMillin,	Taulbee,
Breckinridge, WCP.	Fisher,	McRae,	Taylor, J. M.
Browne, T. M.	Foran,	Merriman,	Taylor, Zach.
Brown, C. E.	Ford,	Miller,	Throckmorton,
Brown, W. W.	Forney,	Mills,	Tillman,
Brumm,	Gay,	Mitchell,	Townshend,
Butterworth,	Gibson, Eustace	Moffatt,	Tucker,
Bynum,	Glass,	Morrison,	Turner,
Cabell,	Halsell,	Neal,	Van Eaton,
Caldwell,	Hammond,	Negley,	Van Schaick,
Campbell, Felix	Harris,	Oates,	Wadsworth,
Campbell, J. E.	Hemphill,	O'Hara,	Ward, J. H.
Candler,	Herbert,	O'Neill, Charles	Warner, William
Cannon,	Hermann,	O'Neill, J. J.	Wellborn,
Catchings,	Hewitt,	Outhwaite,	West,
Cobb,	Hutton,	Peel,	Wheeler,
Collins,	Irion,	Perry,	Wilkins,
Cowles,	James,	Phelps,	Willis,
Crain,	Johnston, J. T.	Plumb,	Wilson,
Crisp,	Jones, J. H.	Reagan,	Wise,
Culberson,	Jones, J. T.	Rice,	Woodburn.
Curtin,	Kelley,	Richardson,	

NAYS—139.

Anderson, J. A.	Ely,	Hires,	Milliken,
Atkinson,	Ermentrout,	Hiscock,	Morgan,
Baker,	Evans,	Hitt,	Morrow,
Barksdale,	Everhart,	Holman,	Muller,
Barry,	Felton,	Holmes,	Murphy,
Bayne,	Fleeger,	Hopkins,	Neece,
Beach,	Frederick,	Houk,	Nelson,
Bennett,	Fuller,	Howard,	O'Donnell,
Bland,	Funston,	Jackson,	O'Ferrall,
Bound,	Gallinger,	Johnson, F. A.	Osborne,
Boutelle,	Geddes,	Ketcham,	Parker,
Buchanan,	Gibson, C. H.	King,	Payne,
Buck,	Gilfillan,	Kleiner,	Payson,
Bunnell,	Green, W. J.	La Follette,	Perkins,
Burleigh,	Grout,	Landes,	Peters,
Burrows,	Hanback,	Le Fevre,	Pettibone,
Campbell, J. M.	Hatch,	Lindsley,	Pidcock,
Carleton,	Haynes,	Little,	Pindar,
Caswell,	Heard,	Lore,	Price,
Clardy,	Henderson, D. B.	Louttit,	Randall,
Conger,	Henderson, J. S.	Lowry,	Ranney,
Cox,	Henderson, T. J.	Matson,	Robertson,
Davenport,	Henley,	McComas,	Rockwell,
Dingley,	Hepburn,	McKenna,	Rowell,
Dorsey,	Hiestand,	McKinley,	Ryan,
Eldredge,	Hill,	Millard,	Sawyer,

Scott,	Springer,	Taylor, E. B.	Weaver, J. B.
Seney,	Stahlnecker,	Taylor, I. H.	Weber,
Sessions,	Steele,	Thomas, J. R.	White, A. C.
Seymour,	Stephenson,	Thomas, O. B.	White, Milo
Shaw,	Stewart, J. W.	Thompson,	Whiting,
Singleton,	Storm,	Wait,	Winans,
Smalls,	Strait,	Wakefield,	Wolford,
Sowden,	Struble,	Ward, T. B.	Worthington.
Spriggs,	Swope,	Weaver, A. J.	

NOT VOTING—52.

Aiken,	Cooper,	Hall,	Reed, T. B.
Anderson, C. M.	Croxton,	Harmer,	Reid, J. W.
Arnot,	Cutcheon,	Hayden,	Reese,
Barbour,	Davidson, R. H. M.	Hudd,	Rogers,
Belmont,	Davis,	Johnston, T. D.	Sadler,
Boyle,	Eden,	Laffoon,	Stewart, Charles
Bragg,	Ellsberry,	Laird,	Stone, W. J., of Mo.
Burnes,	Glover,	Markham,	Swinburne,
Campbell, T. J.	Goff,	McCreary,	Symes,
Clements,	Green, R. S.	Morrill,	Trigg,
Cole,	Grosvenor,	Norwood,	Viele,
Compton,	Guenther,	Owen,	Wade,
Comstock,	Hale,	Pirce,	Warner, A. J.

So the amendment was rejected.

The following additional pair was announced:

Mr. DAVIDSON, of Florida, with Mr. GOFF, for the remainder of this day.

The result of the vote was announced as above stated.

Mr. HATCH moved to reconsider the vote just taken; and also moved at the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HATCH. In accordance with the agreement made in the Committee of the Whole that I would submit three amendments in the order then stated, I now move to amend the amendment reported from the Committee of the Whole by striking out "eight" and inserting "five," so as to make the tax 5 cents a pound. I will state that I am opposed to this amendment, but offer it in pursuance of the agreement. Upon this amendment I call the previous question; and I shall ask the yeas and nays upon agreeing to the amendment.

The previous question was ordered.

Mr. HATCH. I now demand the yeas and nays upon agreeing to the amendment.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. Before this question is taken the Chair desires to appeal to members to preserve order so that the vote may be correctly recorded. The Chair is utterly powerless to advance the public business unless members will aid the Chair in the preservation of order.

Mr. HATCH. I ask to have read, and that the Chair will enforce, the seventh paragraph of Rule XIV.

The Clerk read as follows:

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER *pro tempore* (Mr. WELLBORN in the chair). The Chair will endeavor to enforce the rule.

The question recurred on Mr. HATCH'S motion to strike out 8 and insert 5 cents a pound.

The question was taken; and it was decided in the affirmative—yeas 153, nays 122, not voting 47; as follows:

YEAS—153.

Adams, G. E.	Ellsberry,	Little,	Sayers,
Adams, J. J.	Ely,	Long,	Scranton,
Allen, C. H.	Farquhar,	Lovering,	Singleton,
Allen, J. M.	Findlay,	Lyman,	Smalls,
Ballentine,	Fisher,	Martin,	Snyder,
Barksdale,	Foran,	Maybury,	Spooner,
Barnes,	Ford,	McAdoo,	Springer,
Barry,	Forney,	McComas,	St. Martin,
Bingham,	Gay,	McCreary,	Stone, E. F.
Blanchard,	Gibson, Eustace	McMillin,	Stone, W. J., Ky.
Blount,	Glass,	McRae,	Symes,
Breckinridge, C. R.	Green, W. J.	Miller,	Taulbee,
Brown, C. E.	Hale,	Mills,	Taylor, J. M.
Brown, W. W.	Halsell,	Mitchell,	Taylor, Zach.
Brumm,	Hammond,	Moffatt,	Throckmorton,
Buchanan,	Harris,	Morgan,	Tillman,
Butterworth,	Haynes,	Morrill,	Townshend,
Cabell,	Hemphill,	Morrison,	Tucker,
Caldwell,	Henderson, J. S.	Neal,	Turner,
Campbell, J. E.	Herbert,	Negley,	Van Eaton,
Candler,	Hermann,	Norwood,	Van Schaick,
Cannon,	Hewitt,	Oates,	Wade,
Catchings,	Hiestand,	O'Hara,	Wadsworth,
Clardy,	Hill,	O'Neill, Charles	Wait,
Cobb,	Hires,	O'Neill, J. J.	Ward, J. H.
Collins,	Houk,	Outhwaite,	Ward, T. B.
Cowles,	Hutton,	Peel,	Warner, William
Cox,	Irion,	Perkins,	Wellborn,
Crisp,	Jackson,	Perry,	West,
Culberson,	James,	Pettibone,	Wheeler,
Curtin,	Johnston, J. T.	Phelps,	Wilkins,
Daniel,	Johnston, T. D.	Plumb,	Willis,
Dargan,	Jones, J. H.	Reagan,	Wilson,
Davidson, A. C.	Jones, J. T.	Reese,	Wise,
Dibble,	Kleiner,	Rice,	Woodburn,
Dockery,	Lanham,	Richardson,	Worthington.
Dowdney,	Lawler,	Riggs,	
Dunham,	Lehlbach,	Romeis,	
Dunn,	Libbey,	Rowell,	

NAYS—122.

Anderson, J. A.	Everhart,	Le Fevre,	Scott,
Atkinson,	Felton,	Lindsley,	Sessions,
Baker,	Fleeger,	Lore,	Seymour,
Bayne,	Frederick,	Louttit,	Shaw,
Beach,	Fuller,	Lowry,	Skinner,
Bennett,	Funston,	Mahoney,	Sowden,
Bland,	Gallinger,	Matson,	Spriggs,
Bliss,	Geddes,	McKenna,	Stahlnecker,
Bound,	Gibson, C. H.	McKinley,	Steele,
Boutelle,	Gilfillan,	Millard,	Stephenson,
Browne, T. M.	Grout,	Milliken,	Stewart, J. W.
Buck,	Hanback,	Morrow,	Storm,
Bunnell,	Hatch,	Muller,	Strait,
Burleigh,	Heard,	Murphy,	Struble,
Burnes,	Henderson, D. B.	Neece,	Swope,
Burrows,	Henderson, T. J.	Nelson,	Taylor, E. B.
Bynum,	Henley,	O'Donnell,	Taylor, I. H.
Campbell, Felix	Hepburn,	O'Ferrall,	Thomas, J. R.
Campbell, J. M.	Hiscock,	Osborne,	Thomas, O. B.
Carleton,	Hitt,	Parker,	Thompson,
Caswell,	Holman,	Payne,	Wakefield,
Comstock,	Holmes,	Payson,	Weaver, A. J.
Conger,	Hopkins,	Peters,	Weaver, J. B.
Davenport,	Howard,	Pidcock,	Weber,
Dawson,	Hudd,	Pindar,	White, A. C.
Dingley,	Johnson, F. A.	Price,	White, Milo
Dorsey,	Kelley,	Randall,	Whiting,
Dougherty,	Ketcham,	Ranney,	Winans,
Eldredge,	King,	Rockwell,	Wolford.
Ermentrout,	La Follette,	Ryan,	
Evans,	Landes,	Sawyer,	

NOT VOTING—47.

Aiken,	Compton,	Guenther,	Robertson,
Anderson, C. M.	Cooper,	Hall,	Rogers,
Arnot,	Crain,	Harmer,	Sadler,
Barbour,	Croxton,	Hayden,	Seney,
Belmont,	Cutcheon,	Laffoon,	Stewart, Charles
Boyle,	Davidson, R. H. M.	Laird,	Stone, W. J., Mo.
Brady,	Davis,	Markham,	Swinburne,
Bragg,	Eden,	Merriman,	Tarsney,
Breckinridge, WCP.	Glover,	Owen,	Trigg,
Campbell, T. J.	Goff,	Pirce,	Viele,
Clements,	Green, R. S.	Reed, T. B.	Warner, A. J.
Cole,	Grosvenor,	Reid, J. W.	

So the amendment was agreed to.

MEMBER SWORN IN.

Mr. BLANCHARD. Mr. Speaker, I rise to a question of the highest privilege. Hon. Nathaniel Dick Wallace, member-elect from the second Congressional district of Louisiana, to fill the vacancy caused by the death of the late Representative Michael Hahn, is present with his credentials. I move you his credentials be read, and he be sworn in as a member of the House.

The Clerk read as follows:

UNITED STATES OF AMERICA, *State of Louisiana:*

Be it known and remembered, that on this day, we, the undersigned, Samuel D. McEnery, governor of the State of Louisiana; Milton J. Cunningham, attorney-general, and Oscar Arroyo, secretary of state of the State of Louisiana, did, by virtue of and in obedience to the third section of act 99 of the General Assembly of this State, entitled, "An act to amend and re-enact sections 33, 38, and 41, of 'An act providing for the time and manner of holding elections and making returns thereof,' being act No. 58, approved April 11, 1877, to provide the manner of transferring the ballot-boxes and returns from the polls to the clerks of court and returning officers; to provide for the transfer of returns by the returning officer to the secretary of state and to the clerks of court, and by the clerks of court to the secretary of state; to provide for the compilation of the returns of elections for Representatives in Congress, and for the certificate of their election, and to provide penalties for a violation of the provisions of this act," approved March 14, 1878, proceed to the executive office, in the city of Raton Rouge, the seat of government of this State, in order to ascertain the number of votes cast for each candidate for Representative in Congress from the second Congressional district of this State, composed of the first, second, fourth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, and seventeenth wards of the city of New Orleans, parish of Orleans, and of the parishes of Jefferson, Saint Charles, Saint James, and Saint John the Baptist, in this State, to the Forty-ninth Congress of the United States, to fill the unexpired term of Michael Hahn, deceased, as shown by the returns of said election for each parish in the said second Congressional district of this State, of an election held on Thursday, the 20th day of May, 1886, agreeably to the constitution and laws of this State and pursuant to the proclamation of his excellency Samuel D. McEnery, governor of the State of Louisiana, dated the 17th day of March, 1886, which returns are on file and of record in the office of the secretary of state of the State of Louisiana, and from which it appears that the following was the result of the vote cast at said election in each parish of said Congressional district, which we do hereby officially announce and declare to be as follows:

Second Congressional district.

Parishes.	N. D. Wallace.	H. W. Martin.	O. J. Flagg.
Orleans, first ward	4,057	394	134
Orleans, second ward			
Orleans, tenth ward			
Orleans, eleventh ward			
Orleans, twelfth ward			
Orleans, thirteenth ward			
Orleans, fourteenth ward			
Orleans, sixteenth ward			
Orleans, seventeenth ward			
Jefferson	288	442	148
Saint Charles	75	498	268
Saint John the Baptist	344	38	139
Saint James	316	339	505
Total	5,080	1,765	1,194

In faith whereof we do hereby affix our signatures, authenticated with the

seal of the State of Louisiana, at the city of Baton Rouge, this 27th day of May, A. D. 1886.

[SEAL.]

S. D. McENERY,
Governor of the State of Louisiana.
M. J. CUNNINGHAM,
Attorney-General.
OSCAR ARROYO,
Secretary of State.

I, the undersigned, secretary of state of the State of Louisiana, do hereby certify that in compliance with the third section of act No. 99 of the General Assembly of this State, approved March 14, 1878, I have entered on record in my office a certificate signed by the governor of this State showing the person who received the greatest number of votes actually cast for Representative in the Forty-ninth Congress of the United States to fill the vacancy occasioned by the death of Michael Hahn, at an election held on Thursday, the 20th day of May, A. D. 1886, in the Congressional district of the State of Louisiana composed of the first, second, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, and seventeenth wards of the city of New Orleans, parish of Orleans, and of the parishes of Jefferson, Saint Charles, Saint John the Baptist, and Saint James, and that the following is a duly certified copy thereof:

This is to certify that at an election held on Thursday, the 20th day of May, 1886, for one Representative to Congress from the second Congressional district of the State of Louisiana, composed of the first, second, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, and seventeenth wards of the city of New Orleans, parish of Orleans, and of the parishes of Jefferson, Saint Charles, Saint John the Baptist, and Saint James, the votes stood as follows, namely:

Parishes.	N. D. Wallace.	H. W. Martin.	O. J. Flagg.
Orleans, first ward			
Orleans, second ward			
Orleans, tenth ward			
Orleans, eleventh ward			
Orleans, twelfth ward	4,057	394	134
Orleans, thirteenth ward			
Orleans, fourteenth ward			
Orleans, sixteenth ward			
Orleans, seventeenth ward			
Jefferson	288	442	148
Saint Charles	75	498	268
Saint John the Baptist	344	38	139
Saint James	316	393	505
Total	5,080	1,765	1,194

Witness our official signatures and the seal of the State of Louisiana, at the city of Baton Rouge, this 27th day of May, A. D. 1886.

[SEAL.]

S. D. McENERY,
Governor of the State of Louisiana.
OSCAR ARROYO,
Secretary of State.

I, Samuel D. McEnery, governor of the State of Louisiana, do hereby certify the foregoing is a true and correct copy of the certificate entered on record by the secretary of state of this State, and signed by me, showing who received the greatest number of votes cast actually for Representative in Congress from the second Congressional district of this State, composed of the first, second, tenth, eleventh, twelfth, thirteenth, fourteenth, sixteenth, and seventeenth wards of the city of New Orleans, parish of Orleans, and of the parishes of Jefferson, Saint Charles, Saint John the Baptist, and Saint James, in said State, in the Forty-ninth Congress of the United States, to fill the unexpired term of Michael Hahn, deceased; and I do hereby certify that Nathaniel Dick Wallace, having received the greatest number of votes cast at said election for Representative from the second Congressional district of this State in the Forty-ninth Congress of the United States, to fill the unexpired term of Michael Hahn, deceased, I do hereby declare him to be duly elected to said office.

Given under my signature and the seal of the State of Louisiana, at the city of Baton Rouge, this 27th day of May, 1886.

[SEAL.]

S. D. McENERY,
Governor of the State of Louisiana.

By the governor:

OSCAR ARROYO,
Secretary of State.

Mr. WALLACE presented himself in front of the Speaker *pro tempore* and was duly sworn as a member of the House.

OLEOMARGARINE.

Mr. GIBSON, of West Virginia. I move to reconsider the vote last taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HATCH. Mr. Speaker, state the pending question.

The SPEAKER *pro tempore*. The question now recurs on the amendment reported by the Committee of the Whole House on the state of the Union as just amended by the amendment of the gentleman from Missouri [Mr. HATCH].

Mr. HATCH. On that I demand the previous question.

The previous question was ordered; and under the operation thereof the amendment as amended was agreed to.

Mr. HATCH. I believe the next amendment in order under the agreement is the one offered by the gentleman from Indiana [Mr. BROWNE], upon which I demand the previous question.

The previous question was ordered.

The amendment was read, as follows:

Provided, That no oleomargarine which has been ascertained to be pure and healthful, and so certified in writing by the duly appointed health officer of a city or State where the same is offered for sale, and which is exposed for sale and sold to the consumer by its true name and without fraud, and without being disguised so as to resemble dairy butter, shall not be subject to the tax imposed by this section.

Mr. HATCH. I ask this amendment be voted on by yeas and nays.

Mr. GIBSON, of West Virginia. That is according to the agreement. The yeas and nays were ordered.

Mr. BROWNE, of Indiana. Will the gentleman consent to the alteration of one word, and that is to strike out "no;" so it will read "that oleomargarine which has been ascertained to be pure," &c.? It is simply to perfect the language.

Mr. HATCH. I can not consent to change in any respect the agreement.

Mr. BROWNE, of Indiana. It does not change the sense at all. I ask consent of the House.

Mr. HATCH. So far as I am personally concerned I have no objection to the amendment.

The SPEAKER *pro tempore*. The Chair hears no objection, and the verbal amendment is agreed to.

The question was taken on the amendment as modified; and it was decided in the negative—yeas 118, nays 153, not voting 52; as follows:

YEAS—118.

Adams, G. E.	Curtin,	Lanham,	Richardson,
Adams, J. J.	Daniel,	Lawler,	Riggs,
Allen, C. H.	Dargan,	Lehlbach,	Sayers,
Barbour,	Davidson, A. C.	Libbey,	Skinner,
Barnes,	Dawson,	Long,	Snyder,
Bingham,	Dibble,	Lovering,	Spooner,
Blanchard,	Dougherty,	Mahoney,	St. Martin,
Bland,	Dowdney,	Martin,	Stone, E. F.
Blount,	Dunham,	Maybury,	Stone, W. J., Ky.
Brady,	Dunn,	McAdoo,	Tarsney,
Breckinridge, C. R.	Farquhar,	McCreary,	Taulbee,
Breckinridge, WCP.	Findlay,	McMillin,	Taylor, J. M.
Browne, T. M.	Fisher,	McRae,	Throckmorton,
Brown, C. E.	Forney,	Merriman,	Tillman,
Brown, W. W.	Gay,	Miller,	Tucker,
Brumm,	Gibson, Eustace	Mills,	Turner,
Burnes,	Glass,	Morrison,	Van Eaton,
Butterworth,	Halsell,	Neal,	Van Shaick,
Cabell,	Hammond,	Negley,	Wadsworth,
Caldwell,	Harris,	Norwood,	Wait,
Campbell, Felix	Hemphill,	Oates,	Wallace,
Campbell, T. J.	Herbert,	O'Hara,	Warner, William
Candler,	Hewitt,	O'Neill, Charles	Wellborn,
Cannon,	Hutton,	O'Neill, J. J.	Wheeler,
Catchings,	Irion,	Outhwaite,	Willis,
Cobb,	James,	Peel,	Wilson,
Collins,	Johnston, T. D.	Perry,	Wise,
Cowles,	Jones, J. H.	Phelps,	Woodburn.
Cox,	Jones, J. T.	Reagan,	
Crisp,	Kelley,	Rice,	

NAYS—153.

Allen, J. M.	Gibson, C. H.	McKinley,	Singleton,
Anderson, J. A.	Gilfillan,	Millard,	Smalls,
Atkinson,	Green, W. J.	Milliken,	Sowden,
Baker,	Grout,	Mitchell,	Spriggs,
Barksdale,	Hanback,	Moffatt,	Springer,
Barry,	Hatch,	Morgan,	Stahlnecker,
Bayne,	Haynes,	Morrill,	Steele,
Beach,	Heard,	Morrow,	Stephenson,
Bennett,	Henderson, D. B.	Muller,	Stewart, J. W.
Bound,	Henderson, J. S.	Murphy,	Storm,
Boutelle,	Henderson, T. J.	Neece,	Strait,
Buck,	Henley,	Nelson,	Struble,
Bunnell,	Hepburn,	O'Donnell,	Swope,
Burleigh,	Hermann,	O'Ferrall,	Symes,
Burrows,	Hill,	Osborne,	Taylor, E. B.
Campbell, J. E.	Hiscock,	Parker,	Taylor, I. H.
Campbell, J. M.	Hitt,	Payne,	Taylor, Zach.
Carleton,	Holman,	Payson,	Thomas, J. R.
Caswell,	Holmes,	Perkins,	Thomas, O. B.
Comstock,	Hopkins,	Peters,	Thompson,
Conger,	Houk,	Pettibone,	Townshend,
Culberson,	Howard,	Pidcock,	Wade,
Davenport,	Jackson,	Pindar,	Wakefield,
Dingley,	Johnson, F. A.	Price,	Ward, J. H.
Dorsey,	Johnston, J. T.	Randall,	Ward, T. B.
Eldredge,	Ketcham,	Ranney,	Weaver, A. J.
Ellsberry,	King,	Reese,	Weaver, J. B.
Ely,	Kleiner,	Robertson,	Weber,
Ermentrout,	La Follette,	Rockwell,	West,
Evans,	Landes,	Romeis,	White, A. C.
Everhart,	Le Fevre,	Rowell,	White, Milo
Felton,	Lindsley,	Ryan,	Whiting,
Fleeger,	Little,	Sawyer,	Wilkins,
Foran,	Lore,	Scott,	Winans,
Frederick,	Lowry,	Scranton,	Wolford,
Fuller,	Lyman,	Seney,	Worthington.
Funston,	Matson,	Sessions,	
Gallinger,	McComas,	Seymour,	
Geddes,	McKenna,	Shaw,	

NOT VOTING—52.

Aiken,	Compton,	Grosvenor,	Owen,
Anderson, C. M.	Cooper,	Guenther,	Pirce,
Arnot,	Crain,	Hale,	Plumb,
Ballentine,	Croxton,	Hall,	Reed, T. B.
Belmont,	Cutcheon,	Harmer,	Reid, J. W.
Bliss,	Davidson, R. H. M.	Hayden,	Rogers,
Boyle,	Davis,	Hiestand,	Sadler,
Bragg,	Dockery,	Hires,	Stewart, Charles
Buchanan,	Eden,	Hudd,	Stone, W. J., Mo.
Bynum,	Ford,	Laffoon,	Swinburne,
Clardy,	Glover,	Laird,	Trigg,
Clements,	Goff,	Louttit,	Viele,
Cole,	Green, R. S.	Markham,	Warner, A. J.

So the amendment was rejected.

On motion of Mr. BROWNE, of Indiana, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. CLEMENTS with Mr. HIESTAND, on all questions, from now until further notice.

The result of the vote was then announced as above recorded.

Mr. HATCH moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HATCH. Mr. Speaker, I demand the previous question upon the engrossment and third reading of the bill and upon all the remainder of the amendments.

The previous question was ordered.

Mr. MILLS. Mr. Speaker, I desire to move at the proper time to recommit this bill with instructions.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for that motion when in order.

The remainder of the amendments reported from the Committee of the Whole were severally agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HATCH. I now demand the previous question upon the passage of the bill as amended.

The previous question was ordered.

Mr. MILLS. I move to recommit the bill to the Committee on Agriculture with the instructions which I send to the desk.

The Clerk read as follows:

Add to the bill the following provisions:

That there shall be levied and collected, as hereinafter provided, for the year 1887, and annually thereafter, upon the gains, profits, and income of every person residing in the United States and of every citizen of the United States temporarily residing abroad, derived from any source whatever, whether within or without the United States, except as hereafter provided, and the gains, profits, and income derived from any business, trade, or profession carried on in the United States by any person residing without the United States and not a citizen thereof, or from rents of real estate within the United States owned by any person residing without the United States and not a citizen thereof, the following tax, to wit:

Two and one-half per cent. on the amount of all such gains, profits, and income in excess of $4,000 up to the sum of $10,000, and 5 per cent. of the amount thereof over $10,000 and up to the sum of $20,000, and 10 per cent. on the amount thereof above the sum of $20,000.

SEC. 2. In estimating the gains, profits, and income of any person there shall be included all income derived from any kind of property, rents, interest received or accrued upon all notes, bonds, and mortgages, or other forms of indebtedness bearing interest, whether paid or not, if good and collectible, interest upon notes, bonds, or other securities of the United States; the gains, profits, and income of any business, profession, trade, employment, office, or vocation, including any amount received as salary or pay for services in the civil, military, naval, or other service of the United States, or as Senator, Representative, or Delegate in Congress; the share of any person of the gains and profits, whether divided or not, of all companies or partnerships; profits above costs and expenses actually received or realized in cash or cash value within the year from sales of real estate purchased within two years previous to the year for which income is estimated; the amount of sales of live-stock, sugar, wool, butter, cheese, pork, beef, mutton, or other meats, hay and grain, fruits, vegetables, or other productions, being the growth or produce of the estate of such person, but not including any part thereof consumed directly by the family; and all other gains, profits, and income drawn from any source whatever, but not including the rental value of the homestead owned and used or occupied by any person or by his family: *Provided*, That no gift, devise, or property acquired by inheritance, distribution, or succession shall be accounted as gains, profits, or income under this section.

SEC. 3. Military or naval pensions allowed to any person under the laws of the United States, and the sum of $4,000 of the gains, profits, and income of any person, shall be exempt from said income tax, in the manner hereinafter provided. Only one deduction of $4,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or of husband and wife; but when a wife has by law a separate income, beyond the control of her husband, and is living separate and apart from him, such deduction shall then be made from her income, gains, and profits; and guardians and trustees shall be allowed to make the deduction in favor of each ward or beneficiary, except that in case of two or more wards or beneficiaries comprised in one family, having joint property interest, only one deduction shall be made in their favor. For the purpose of allowing said deduction from the income of any religious or social community holding all their property and the income therefrom jointly and in common, each five of the persons composing such society, and any remaining fractional number of such persons less than five over such groups of five, shall be held to constitute a family, and a deduction of $4,000 shall be allowed for each of said families.

In addition to the exemptions provided, above specified, there shall be deducted from the gains, profits, and income of any person, all premiums on insurance of life or property, and all national, State, county, and municipal taxes paid by him within the year, whether such person be owner, tenant, or mortgager; all his losses actually sustained during the year arising from fires, floods, shipwrecks, or incurred in trade, and debts ascertained to be worthless, but excluding all estimated depreciation of values; the amount of interest paid during the year, and the amount paid for rent or labor to cultivate land, or to conduct any other business from which income is derived; the amount paid for the rent of the house or premises occupied as a residence for himself or his family, and the amount paid out for usual and ordinary repairs. No deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate.

The salaries of all officers, executive, judicial, and legislative, of any State of the Union shall also be deducted from their gains, profits, and income, and be exempted from said tax; and consuls of foreign governments who are not citizens of the United States shall be exempt from any income tax imposed by this act which may be derived from their official emoluments, or from property in foreign countries: *Provided*, That the governments which such consuls may represent shall extend similar exemption to consuls of the United States.

SEC. 4. That the tax hereinbefore provided shall be assessed upon the gains, profits, and income for the year ending the 31st day of December, 1888, and for each succeeding year, as herein provided, and shall, after assessment, be due and payable upon notice and demand made as provided by section 3184 of the Revised Statutes. When said tax shall have been assessed by the Commissioner of Internal Revenue, and said lists shall have been returned to the collector, he shall at once proceed to collect the tax assessed in the same manner as all other assessed taxes are required by law to be collected; and in case of default in the payment of the tax as required, or any part thereof, the penalty of 5 per cent. and interest at the rate of 1 per cent. per month shall also be collected in the manner prescribed by law in the case of other assessed taxes. If any person liable to pay the said tax neglects or refuses to pay the same for ten days after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with, except in case of deceased, insane, or insolvent persons, the interest, penalties, and costs that may accrue in addition thereto, upon all the real and personal property of the persons assessed within the collection district.

SEC. 5. That it shall be the duty of every person of lawful age having a taxable income during the preceding year to make and render a return on or before the 10th day of January, or within twenty days thereafter, to the collector of internal revenue of the district in which he resides of the gross amount of his income, gains, and profits as aforesaid; but not including the wages of minor children not received; and every guardian and trustee, executor or administrator, and any person acting in any other fiduciary capacity, or as a resident agent for, or copartner of, any citizen or non-resident alien, deriving incomes, gains, and profits from any business, trade, or profession carried on in the United States, or from rents of real estate situated therein, shall make and render a return as aforesaid to the collector of the district in which he resides of the amount of income, gains, and profits of any minor or person for whom he acts.

And it shall be the duty of every collector to notify, in writing, by mail or otherwise, all such persons in his district as he shall have reason to believe had a taxable income for the preceding year to make and render a like return thereof. And such notice may be delivered to the person, or left at his dwelling or usual place of business, or may be sent by mail.

Every such return shall be verified by the oath of the party rendering it, and shall be made in duplicate to the collector, who will immediately transmit one copy to the Commissioner of Internal Revenue; and the returns shall be made in such forms and manner as may be prescribed by general rules and regulations of the Commissioner of Internal Revenue, in order to ascertain the amount of his income, gains, and profits legally liable to said tax; and where the party liable to the tax shall not be a resident of the United States, the collector may in like manner require a like return of any agent of such non-resident, in order to ascertain his taxable income.

SEC. 6. And it shall be the duty of the Commissioner of Internal Revenue to prepare, and forward to the collectors of internal revenue, the needful schedules, blanks, and instructions, with such questions as he may deem necessary in order to elicit from each person a full, fair, and unequivocal account of his income, gains, and profits liable to said tax.

If any person having a taxable income shall fail or refuse, after being notified as aforesaid, to make such return, or shall make a false return, it shall be the duty of the collector, after reasonable notice to such person of the time and place of doing so, to proceed to make such return upon such evidence as he shall be able to obtain by the examination of such person under oath, or from any other source, and shall add, as a penalty, to the amount of the tax due thereon, 100 per cent. in all cases of willful neglect or refusal to make and render a return, and in all cases of a false or fraudulent return having been rendered. The tax, and the addition thereto as penalty, shall be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a return, or of rendering a false or fraudulent return.

Any person may appeal from the decision of the collector, in such cases, to the Commissioner of Internal Revenue. The form, time, and manner of proceedings shall be subject to regulations to be prescribed by the Commissioner of Internal Revenue.

And in all such proceedings, any person, in his own behalf, or as such fiduciary agent, shall be permitted to declare, under oath, or otherwise show, that he, or his ward, beneficiary, or principal, was not possessed of an income liable to be assessed according to the provisions of this act; or may declare that an income tax has been assessed and paid elsewhere in the same year, under authority of the United States, upon his income, gains, and profits, or those of his ward, beneficiary, or principal, as required by law; and if the collector shall be satisfied of the truth of the declaration, such person shall thereupon be exempt from income tax in the said district.

SEC. 7. It shall be the duty of each collector, on or before the 15th day of February, in the year 1879, and of every succeeding year, to make triplicate lists of all the returns within his district, giving the name, residence, gross income, exemptions, deductions, and any other facts which, under the regulations to be made by the Commissioner of Internal Revenue, may be required. The collector shall, immediately thereafter, transmit to the Commissioner of Internal Revenue one of each of the returns made to the collector, with the original and duplicate lists aforesaid, retaining one set of returns and the triplicate list in his office. Upon the receipt of said lists and returns, the Commissioner of Internal Revenue shall, as soon as practicable, assess the tax due by each person, and shall thereupon transmit the original list, with said assessments, to the collector, who shall give receipts therefor as in other cases: *Provided, however*, That no collector shall permit to be published in any manner such income returns, or any part thereof, except such general statistics, not specifying the names of individuals or firms, as he may make public, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe.

That if any person signing and making the return above prescribed in regard to said tax shall intentionally and fraudulently sign and make a false return, he may be indicted and convicted in any court of the United States having local jurisdiction, and shall, upon conviction, be subject to a fine of not less than $1,000 nor more than $50,000, or be imprisoned not less than one nor more than ten years, or both, at the discretion of the court.

SEC. 8. The taxes collected under this act shall be paid over and accounted for in the same manner that other internal-revenue taxes are required to be paid by law, and the collectors of internal revenue, before proceeding to execute this act, shall renew their bonds as such, or give a separate bond, with sufficient sureties, as now provided in like cases, conditioned to discharge their duties under it, and to account for all moneys received under its provisions.

The provisions of chapter 2, title 35, of the Revised Statutes of the United States, relative to assessments and collections of internal-revenue taxes, are, when not inconsistent with any of the provisions of this act, hereby made applicable to the assessment and collection of the taxes imposed by this act.

SEC. 10. That all the revenues raised by this act are hereby pledged for the payment of pensions.

Mr. HATCH. I demand the previous question upon the motion to recommit.

The previous question was ordered.

Mr. McMILLIN. I demand the yeas and nays.

Mr. WILLIS. I did not understand whether the gentleman from Missouri accepted the amendment or not. [Laughter.]

Mr. HATCH. I do not think it is necessary to reply to that question.

Mr. MILLS. I now ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 188, not voting 52; as follows:

YEAS—83.

Adams, J. J.	Dibble,	Maybury,	St. Martin,
Barnes,	Dougherty,	McAdoo,	Stone, W. J., Ky.
Blanchard,	Dunn,	McMillin,	Tarsney,
Bland,	Findlay,	McRae,	Taulbee,
Blount,	Fisher,	Merriman,	Taylor, J. M.
Breckinridge, C. R.	Forney,	Miller,	Taylor, Zach.
Breckinridge, WCP.	Gibson, Eustace	Mills,	Throckmorton,
Brumm,	Glass,	Mitchell,	Tillman,
Burnes,	Hammond,	Morrison,	Townshend,
Cabell,	Hemphill,	Neal,	Tucker,
Campbell, T. J.	Herbert,	Norwood,	Turner,
Candler,	Hutton,	Oates,	Van Eaton,
Cobb,	Irion,	O'Neill, J. J.	Wallace,
Collins,	Johnston, T. D.	Outhwaite,	Ward, J. H.
Cowles,	Jones, J. H.	Peel,	Wellborn,
Crain,	Jones, J. T.	Perry,	Wheeler,
Crisp,	Lanham,	Reagan,	Willis,
Culberson,	Lawler,	Richardson,	Wilson,
Daniel,	Libbey,	Sayers,	Wise,
Dargan,	Lovering,	Skinner,	Woodburn.
Davidson, A. C.	Martin,	Snyder,	

NAYS—188.

Adams, G. E.	Everhart,	Landes,	Romeis,
Allen, C. H.	Farquhar,	Le Fevre,	Rowell,
Allen, J. M.	Felton,	Lehlbach,	Ryan,
Anderson, J. A.	Fleeger,	Lindsley,	Sawyer,
Atkinson,	Foran,	Little,	Scott,
Baker,	Ford,	Long,	Scranton,
Ballentine,	Frederick,	Lore,	Seney,
Barbour,	Fuller,	Louttit,	Sessions,
Barksdale,	Funston,	Lowry,	Seymour,
Barry,	Gallinger,	Lyman,	Singleton,
Bayne,	Gay,	Matson,	Smalls,
Beach,	Geddes,	McComas,	Sowden,
Bennett,	Gibson, C. H.	McCreary,	Spooner,
Bingham,	Gilfillan,	McKenna,	Spriggs,
Bound,	Green, W. J.,	McKinley,	Springer,
Boutelle,	Grout,	Millard,	Stahlnecker,
Brady,	Hale,	Milliken,	Steele,
Browne, T. M.	Halsell,	Moffatt,	Stephenson,
Brown, C. E.	Hanback,	Morgan,	Stewart, J. W.
Brown, W. W.	Harris,	Morrill,	Stone, E. F.
Buchanan,	Hatch,	Morrow,	Storm,
Buck,	Haynes,	Muller,	Strait,
Bunnell,	Heard,	Murphy,	Struble,
Burleigh,	Henderson, D. B.	Neece,	Swope,
Burrows,	Henderson, J. S.	Negley,	Taylor, E. B.
Butterworth,	Henderson, T. J.	Nelson,	Taylor, I. H.
Bynum,	Henley,	O'Donnell,	Thomas, J. R.
Caldwell,	Hepburn,	O'Ferrall,	Thomas, O. B.
Campbell, J. E.	Hermann,	O'Hara,	Thompson,
Campbell, J. M.	Hill,	O'Neill, Charles	Van Schaick,
Cannon,	Hires,	Osborne,	Wade,
Carleton,	Hiscock,	Parker,	Wadsworth,
Caswell,	Hitt,	Payne,	Wait,
Clardy,	Holman,	Payson,	Wakefield,
Conger,	Holmes,	Perkins,	Ward, T. B.
Cox,	Hopkins,	Peters,	Warner, William
Davenport,	Houk,	Pettibone,	Weaver, A. J.
Dawson,	Howard,	Phelps,	Weaver, J. B.
Dingley,	Jackson,	Pidcock,	Weber,
Dockery,	James,	Pindar,	West,
Dorsey,	Johnson, F. A.	Plumb,	White, A. C.
Dowdney,	Johnston, J. T.	Price,	White, Milo
Dunham,	Kelley,	Randall,	Whiting,
Eldredge,	Ketcham,	Reese,	Wilkins,
Ely,	King,	Rice,	Winans,
Ermentrout,	Kleiner,	Riggs,	Wolford,
Evans,	La Follette,	Rockwell,	Worthington.

NOT VOTING—52.

Aiken,	Cooper,	Hall,	Reed, T. B.
Anderson, C. M.	Croxton,	Harmer,	Reid, J. W.
Arnot,	Curtin,	Hayden,	Robertson,
Belmont,	Cutcheon,	Hewitt,	Rogers,
Bliss,	Davidson, R. H. M.	Hiestand,	Sadler,
Boyle,	Davis,	Hudd,	Shaw,
Bragg,	Eden,	Laffoon,	Stewart, Charles
Campbell, Felix	Ellsberry,	Laird,	Stone, W. J., Mo.
Catchings,	Glover,	Mahoney,	Swinburne,
Clements,	Goff,	Markham,	Symes,
Cole,	Green, R. S.	Owen,	Trigg,
Compton,	Grosvenor,	Pirce,	Viele,
Comstock,	Guenther,	Ranney,	Warner, A. J.

So the motion to recommit was not agreed to.

Mr. ANDERSON, of Kansas. I ask unanimous consent to dispense with the reading of the names.

Mr. MILLS. I object.

The Clerk then recapitulated the names of those voting.

The following additional pair was announced:

Mr. CURTIN with Mr. RANNEY, on this bill.

The result of the vote was then announced as above recorded.

The question recurred upon the passage of the bill.

Mr. HATCH. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 101, not noting 45; as follows:

YEAS—177.

Adams, G. E.	Ballentine,	Bland,	Buchanan,
Allen, C. H.	Barksdale,	Bound,	Buck,
Allen, J. M.	Barry,	Boutelle,	Bunnell,
Anderson, J. A.	Bayne,	Brady,	Burleigh,
Atkinson,	Beach,	Brown, C. E.	Burrows,
Baker,	Bingham,	Brown, W. W.	Butterworth,
Bynum,	Heard,	Morgan,	Singleton,
Caldwell,	Henderson, D. B.	Morrill,	Smalls,
Campbell, J. E.	Henderson, T. J.	Morrow,	Sowden,
Campbell, J. M.	Henley,	Muller,	Spriggs,
Cannon,	Hepburn,	Murphy,	Springer,
Carleton,	Hermann,	Neece,	Stahlnecker,
Caswell,	Hill,	Nelson,	Steele,
Clardy,	Hires,	O'Donnell,	Stephenson,
Comstock,	Hiscock,	O'Ferrall,	Stewart, J. W.
Conger,	Hitt,	Osborne,	Stone, E. F.
Davenport,	Holman,	Outhwaite,	Stone, W. J., Ky.
Dawson,	Holmes,	Parker,	Storm,
Dingley,	Hopkins,	Payne,	Strait,
Dockery,	Howard,	Payson,	Struble,
Dorsey,	Jackson,	Perkins,	Swope,
Eldredge,	James,	Peters,	Symes,
Ellsberry,	Johnson, F. A.	Pettibone,	Taylor, E. B.
Ely,	Johnston, J. T.	Phelps,	Taylor, I. H.
Ermentrout,	Ketcham,	Pidcock,	Thomas, J. R.
Evans,	King,	Pindar,	Thomas, O. B.
Everhart,	Kleiner,	Plumb,	Thompson,
Farquhar,	La Follette,	Price,	Townshend,
Felton,	Landes,	Randall,	Wade,
Fleeger,	Le Fevre,	Reese,	Wait,
Foran,	Lindsley,	Rice,	Wakefield,
Frederick,	Little,	Richardson,	Ward, T. B.
Fuller,	Long,	Riggs,	Weaver, A. J.
Funston,	Lore,	Robertson,	Weaver, J. B.
Gallinger,	Louttit,	Rockwell,	Weber.
Geddes,	Lowry,	Romeis,	West,
Gibson, C. H.	Lyman,	Rowell,	White, A. C.
Gilfillan,	Matson,	Ryan,	White, Milo
Green, W. J.	McComas,	Sawyer,	Whiting,
Grout,	McCreary,	Scott,	Wilkins,
Hale,	McKenna,	Scranton,	Winans,
Halsell,	McKinley,	Seney,	Wolford,
Hanback,	Millard,	Sessions,	Worthington.
Hatch,	Milliken,	Seymour,	
Haynes,	Moffatt,	Shaw,	

NAYS—101.

Adams, J. J.	Dibble,	Lehlbach,	Snyder,
Barbour,	Dougherty,	Libbey,	Spooner,
Barnes,	Dowdney,	Lovering,	St. Martin,
Bennett,	Dunham,	Mahoney,	Tarsney,
Blanchard,	Dunn,	Martin,	Taulbee,
Blount,	Fisher,	Maybury,	Taylor, J. M.
Breckinridge, C. R.	Ford,	McAdoo,	Taylor, Zach.
Breckinridge, WCP.	Forney,	McMillin,	Throckmorton,
Browne, T. M.	Gay,	McRae,	Tillman,
Burnes,	Gibson, Eustace	Merriman,	Tucker,
Cabell,	Glass,	Miller,	Turner,
Campbell, Felix	Hammond,	Mills,	Van Eaton,
Campbell, T. J.	Harris,	Mitchell,	Van Schaick,
Candler,	Hemphill,	Morrison,	Wadsworth,
Catchings,	Henderson, J. S.	Neal,	Wallace,
Cobb,	Herbert,	Negley,	Ward, J. H.
Collins,	Hewitt,	Norwood,	Warner, William
Cowles,	Houk,	Oates,	Wellborn,
Cox,	Hutton,	O'Hara,	Wheeler,
Crain,	Irion,	O'Neill, Charles	Willis,
Crisp,	Johnston, T. D.	O'Neill, J. J.	Wilson,
Culberson,	Jones, J. H.	Peel,	Wise,
Curtin,	Jones, J. T.	Perry,	Woodburn.
Daniel,	Kelley,	Reagan,	
Dargan,	Lanham,	Sayers,	
Davidson, A. C.	Lawler,	Skinner,	

NOT VOTING—45.

Aiken,	Cooper,	Guenther,	Ranney,
Anderson, C. M.	Croxton,	Hall,	Reed, T. B.
Arnot,	Cutcheon,	Harmer,	Reid, J. W.
Belmont,	Davidson, R. H. M.	Hayden,	Rogers,
Bliss,	Davis,	Hiestand,	Sadler,
Boyle,	Eden,	Hudd,	Stewart, Charles
Bragg,	Findlay,	Laffoon,	Stone, W. J., Mo.
Brumm,	Glover,	Laird,	Swinburne,
Clements,	Goff,	Markham,	Trigg,
Cole,	Green, R. S.	Owen,	Viele,
Compton,	Grosvenor,	Pirce,	Warner, A. J.

So the bill was passed.

On motion of Mr. RICHARDSON, by unanimous consent the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. STONE, of Missouri, with Mr. LAFFOON, on this bill.

Mr. FINDLAY with Mr. REED, of Maine, on this vote. Mr. FINDLAY would vote against the bill.

The result of the vote was then announced as above stated amidst applause.

Mr. HATCH. I move the adoption of the title as reported, and upon that I demand the previous question.

The previous question was ordered; and under the operation thereof the title of the bill was agreed to.

Mr. HATCH moved to reconsider the last two votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House now take a recess until 8 o'clock, under the previous order of the House.

Mr. WEAVER, of Iowa. I would like to have the Chair state what the evening session is for.

The SPEAKER *pro tempore*. The Chair will state, in response to the inquiry of the gentleman from Iowa, that the evening session to-night is for debate only on the Oklahoma bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage without amendment of the joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives.

The motion of Mr. HATCH was agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The House reassembled at 8 o'clock p. m., Mr. WELLBORN in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The session of this evening under the order of the House is for the purpose of debate, and debate only, on the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. SPRINGER. This bill is in Committee of the Whole House on the state of the Union. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

TERRITORY OF OKLAHOMA.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. CULBERSON in the chair) for debate on the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes.

Mr. KING. Mr. Chairman, all questions relating to the public domain from the very earliest organization of society have concerned those who earn their bread from the soil. Some of the greatest struggles recorded in history have arisen from an unequal and unwise distribution of land. The use made by this great Republic of its vast domain has been variously and severely criticised. We are rapidly growing to a close of our possession of the virgin territory to which we have fallen heir. But it seems to me one of the anomalous features in the conduct of our public domain is that there should be so vast a territory, so large a body of land apportioned for so trifling a purpose as is this Oklahoma possession to-day. I understand from the debates I have heard on this floor, and from what I have read, that directly and indirectly this title covers between fifteen and sixteen million acres of land; and that under what is called a treaty that land is practically appropriated to the possession of some thirty-five hundred Indians.

I understand further that they have not more than 1,000 acres of this Territory under cultivation. We are met by the opposition with the announcement that a treaty is an inviolable obligation. Why, sir, the footprints of history are marked by destroyed treaties. We have lived to see the Russians and the allied powers make the treaty of Paris, and not more than ten days ago the Emperor of Russia gave practical notice to the world that the treaty growing out of the fall of Sebastopol was torn to atoms, and he would send his fleets into the Black Sea. Treaties between great powers have existed only so long as those powers felt it was convenient to carry them out.

The engagements between the Indians and this Government have been dignified by the term "treaty." The term is misapplied, and by recent court decisions I believe I am sustained in so saying. These agreements with these savages have been kept or modified just in proportion to the demands of the American people for more territory; and to-day with your labor movement, your bread-winners, begging for more means with which to supply their natural wants, are knocking at the door of this Government to be allowed to go upon this territory and make for themselves there comfortable homes to which they can carry their families and live in comfort and with health and all that pertains to home life.

We are met by the assertion that this proposition to place these savages off in territories by themselves is the best means to civilize them. Why sir, it is as impracticable to civilize an inferior race in that way as it would be to tame a herd of deer by placing them in an almost boundless park. If the Indian is ever to be civilized he is to be taught to work with his hands. He is not to be made to believe as some of our friends seem to think that school education is the only road to civilization. Educate him in these schools which you have established and what do you make of him? We have been so told in the vivid speech of my friend from Kansas and in the speech of my friend from Illinois, and I remember distinctly the experience of the Freedman's Bureau when they attempted to cluster the freedmen and bring them under the control of officers of this Government. The iniquities of that system became so glaring and were so early apparent that it was very soon abolished.

The Indian simply taught to read and write is still nothing more than a savage, with additional means of exercising his native cunning, and this education further excites his ambition to enjoy the luxuries of the glittering civilization which he has been permitted to look upon among the whites. He thinks that "education" means that he is to do nothing. This splendid empire—a territory greater than was acquired by the first war of the Third Napoleon when Savoy and Nice were given as his share of the plunder, greater than that which the Germans won in their last war against France—this vast region is at the disposal of these savages, the chiefs and agents of whom have in some instances and in a very large degree undertaken to lease these broad acres to men who fence them around and become great "cattle kings." They are but the harbingers of robbers and murderers. No law-abiding citizen ventures to enter upon this domain; but the man who will steal and murder from the impulses of his own wicked nature finds there a refuge to which he can escape and from which he can make his raids.

If my vote could determine the question, I should at once say: Convert this region into a regularly organized Territory; put over it the controlling hand of the Government; give it courts and the offices pertaining thereto; protect them if need be, and for whatever time it may be necessary, with either regular or volunteer soldiers; open up this country to the energetic, courageous, frontiersman who is the pioneer of civilization; let him be followed by that industrious class of people who are building up to-day Washington Territory, Montana, Idaho, and all the other future States of this great Republic, and let the Indian and his colleagues take their chances with other men in the great race of civilization and fortune. [Applause.]

Mr. STRUBLE addressed the committee. [See Appendix.]

Mr. HERMANN. Mr. Chairman, the present discussion of the pending measure vividly recalls the unlawful invasions of Oklahoma in recent years and the prompt removal by the military of the intruders. It was asserted in defense of these attempts at forcible possession that the lands sought for were parts of the public domain and subject to settlement under the land laws of the United States.

Proclamations were issued by President Cleveland and his predecessor defining the status of the Oklahoma country, and warning all persons not to attempt settlement. The Executive was authorized by act of Congress of last session to negotiate with the Creeks, Seminoles, and Cherokees for the opening to settlement of the unoccupied lands in the cessions of these tribes, and an appropriation made for this purpose. Nothing was done. Now it is proposed in the measure before us not only to provide a special commission to negotiate with these Indians, but at the same time to create a Territorial government which shall take immediate effect as to the public land strip, which is not Indian land, and thereafter to embrace such as shall be negotiated for hereafter. I shall address my remarks chiefly to objections as they appear on the face of the bill, and in so doing to the real merits of the subject before us for consideration.

The very first objection which confronts us in the pending bill is as to the area embraced in the proposed Territory. We have no right to vaguely anticipate on some future acquisition. It is not the business-like course of an individual or community in ordinary transactions, still less that of a great nation. It is not statesmanship. Policy, precedent, economy, are all against it. The first question is, What is the area over which the Government now has the authority, clear and undoubted, to extend a Territorial organization with all the political machinery of laws, officers, and offices?

The answer to this is found in the first section of the proposed act. It is to include what is known as the Public Land strip and so much of the Indian Territory as is not occupied by any Indian tribe to which title has been conveyed by patent from the United States, or which by treaty with any Indian tribe is not without its consent to be included within the territorial limits or jurisdiction of any State or Territory.

Now, let us examine concerning the brief limits not excepted from the general boundaries, and over which it is proposed to establish a separate political government, with its governor, Legislative Assembly, Delegate in Congress, United States and county courts, precinct officers, and all the paraphernalia incidental to such a well-recognized status in our form of republican institutions. The Public Land strip contains 5,740 square miles, or 3,673,600 acres. It lies along the south boundary of Kansas and Colorado and north of Texas.

A horseman in an easy day's ride can cross it at any point from Texas into Kansas or Colorado. It is the panhandle to Indian Territory, and a narrow strip only 34½ miles wide and 167 miles long. The irregular conformation of the country is an objection within itself. In all our later legislation it is the policy rather to make the exterior boundaries of our States and Territories symmetrical in form where it is at all practicable to do so. This land forms more properly a part of Texas, from which it was once acquired and to which it should again be receded. This respect for symmetry in our later State and Territorial boundaries is seen in Colorado, New Mexico, Utah, Wyoming, Arizona, Oregon, Dakota, Kansas, and others.

Only recently and in this Congress we are reminded that this House provided for the annexation of the Panhandle of Idaho to Washington Territory. Large rivers—as the Mississippi, Columbia, and others—or great mountain ranges often require a deviation from the established precedents and policy. With the Public Land strip there are neither great rivers nor mountains to appeal for its present or future annexation to the Indian Territory. Nor are there any considerations, commercial or otherwise, which should arbitrarily unite the one section with the other. When in the future the whole western half of the Indian Territory may be politically organized and be regular within its parallel

lines, to add to it the projecting arm 167 miles long of the narrow Public Land strip would be a blot on the map and an unnecessary burden to the new government with no corresponding benefit.

Realizing the anomalous condition of this land the Commissioner of the General Land Office in his annual report for 1884 recommended its attachment to Kansas. The public surveys have never yet been extended over this strip, and we have no evidence that it contains any *bona fide* settlers.

Mr. SYMES. Will the gentleman allow me to interrupt him?

Mr. HERMANN. Yes, sir.

Mr. SYMES. I wish to suggest to the gentleman that it has been surveyed into townships.

Mr. HERMANN. But the townships have never been subdivided.

Mr. SYMES. The surveys have been extended over them.

Mr. HERMANN. Not completely. I am speaking now with special reference to townships being subdivided, and the facilities for obtaining title. The Commissioner reports that "the entire tract is illegally occupied by cattle companies, who are reported to have fenced in the whole of the territory." There are no schools, churches, villages, or towns—in a word, there is nothing to form even a nucleus for society; and neither public policy nor public necessity demands the organization of a political government for this strip at the present time. It is, however, confidently predicted that in the event of the proposed organization this country must soon be populated, and that we are thus authorized to infer this and to construct in advance a form of government for this anticipated population. Even conceding this future population, we submit that for some time at least all the conditions of society will be amply subserved by attaching this country to some judicial district, surveying the subdivisional lines of the townships, and also including the entire body of land within one or more existing land districts, and making the lands subject to entry by actual settlers under the homestead laws, without the privilege of commutation by cash. Thus those seeking homes can avail themselves of this much of the nation's land system, and enjoy the full protection of the laws.

Such a law has already been enacted by the Senate, and a like measure is now pending in this House in House bill No. 679.

It is incorrect to assume, as has been done, that this entire body of land can be utilized for purposes either of agriculture or grazing. Frequent droughts exist; the soil is in most places gravelly and rocky, and unless irrigated the only resort of the agriculturist is the appropriation of land along the water courses. Though settlement is not prohibited here as in the Cherokee or Oklahoma and other Creek and Seminole cessions, yet we have heard of no "boomers" rushing pell-mell or otherwise to possess themselves of any desirable lands in the Public Land strip, as was done in Oklahoma. We may safely assume, then, if these lands are as fertile as represented they would contain *bona fide* squatters, who would be reminding us by earnest petitions as to their desires in the matter of some organization and the extension of the public surveys.

Mr. WEAVER, of Iowa. Will the gentleman allow me?

Mr. HERMANN. Yes, sir.

Mr. WEAVER, of Iowa. The gentleman from Oregon has just said this country is fenced by cattle syndicates. I have information that settlers have attempted to go in there, and have been driven out by those cattle syndicates.

Mr. HERMANN. The statement of the gentleman is purely voluntary. We have nothing before the House officially or otherwise to show this; we have no statement from the Department and no petition from these settlers who it is alleged have been debarred the privilege of settlement.

Mr. WEAVER, of Iowa. Did the gentleman not say himself that that country has been fenced by cattle syndicates?

Mr. HERMANN. Yes, sir; and I repeat, it is being filled up by those who are not there for the *bona fide* purpose of making a settlement. They are cattlemen, not agriculturists. This class do not seek that country. It is unfit for agriculture.

Mr. WEAVER, of Iowa. The gentleman will not deny that I have information from those who have gone there and have been driven away.

Mr. HERMANN. It is strange if that is the case that they have not appealed to this body which has authority to give redress.

Mr. WEAVER, of Iowa. They have, and they have asked to have a government organized.

Mr. HERMANN. The committee to whom this measure was referred received no such requests from any persons desiring settlement on this Public Land strip. This House has no knowledge of such request.

It may be claimed that the Chickasaw and Choctaw cession being without restriction as to settlement and Territorial government should be included in the proposed government. Even if this were true, where do we find it? Adjoining, annexed to, or forming a compact body with the Public Land strip? No. It is completely separated from it with the intervening Creek cession varying from 35 to 100 miles. Is it deliberately proposed, sir, that this Congress shall establish such a preposterous limit for territorial boundary? Two separate, distinct, disconnected divisions many miles distant one from the other and yet forming a single political division! Is there any advocate of the pending bill bold enough to venture an affirmative answer?

But, sir, it is hardly a question whether even this disconnected portion of the Indian Territory is not, under the provisions of the pending bill, "excepted out of the boundaries and to constitute no part of the Territory of Oklahoma;" and more than all, is it a question in view of good faith or in any fair interpretation of the treaties and executive orders pertaining to it? This country lies west of the ninety-eighth degree of west longitude, and south of the Canadian and north of the Red River, and contains 7,713,239 acres and was originally in the cession to the Choctaws of all the Indian Territory south of the Creek and Seminole cessions.

The Choctaw treaty contains this clause:

> And that no part of the land granted them shall ever be embraced in any Territory or State.

When the Chickasaw tribe united with the Choctaws the same guarantee was by treaty extended to it. Susequently these tribes leased to the United States all these lands west of the ninety-eighth degree, in the following words:

> And the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common country west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein.

This lease was of indefinite duration, and permanent settlements made on the lands. By treaty of April 28, 1866, this leased district was formally ceded to the United States. These extensive lands were obtained for the special purpose of a permanent settlement of the Wichita and certain other tribes of Indians. This, as in the Creek and Cherokee cessions, was beyond doubt the main inducement for the Indian relinquishment of his rights.

Pursuant to this expressed purpose the United States has settled on these lands the Wichitas, the Kiowas, Comanches, and Apaches under treaty of October 21, 1867 (15 Stat., 581), and in 1869 the Cheyennes and Arapahoes were settled on other portions of the same lands by executive order. This treaty provides that said district "shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing (with the consent of the United States) to admit among them." Further on the "United States now solemnly agrees" that only these Indians, with certain other specified persons, "shall ever be permitted to pass over, settle upon, or reside in the territory described."

Can it be successfully claimed that, in view of these strong guarantees, these lands can be included in the proposed territory of Oklahoma unless said tribes shall signify their assent to the President of the United States? Would such an act on the part of Congress be in harmony with any sense of right? Would it be consistent with any reasonable treaty construction?

The compact entered into with the Choctaws and Chickasaws as to the expressed use which should be made of the lands then leased amounted to a trust which followed the lands after the cession. The Commissioner of Indian Affairs, in his communication to the Secretary of the Interior (October 27, 1881), says:

> The subsequent treaty with the Choctaws and Chickasaws of April 28, 1866, substituted a direct purchase for the lease, but did not alter or extinguish the trust.

Mr. STRUBLE. Will the gentleman from Oregon yield to me for a moment?

Mr. HERMANN. Yes, sir.

Mr. STRUBLE. As I understand the gentleman, he says that the trust obtains by reason of the lease made prior to the cession.

Mr. HERMANN. I do. I will go even further. I propose to say there is a trust not only with regard to this particular cession made to the Wichitas and other friendly tribes, but there is as to all the others in this territory.

Mr. STRUBLE. As to the Choctaws and Chickasaws?

Mr. HERMANN. Yes, sir.

Mr. STRUBLE. By virtue of the lease and not the subsequent cession?

Mr. HERMANN. Yes, sir; by virtue of the original lease, and that is the decision of the Department. It was to the effect that the subsequent cession did not alter or extinguish the trust, referring to the trust in the original transaction which was the original lease between the parties.

The Wichitas under this trust occupy 1,463,935 acres south of the Canadian River, by virtue of an agreement entered into at Washington, October 19, 1872, as a home. With the Wichitas are also included the Caddoes and other affiliated bands. In consideration of this location and settlement and as showing its permanency "these Indians ceded and relinquished to the United States all their right, title, interest, or claim of any nature whatsoever to any lands in Texas, Louisiana, Indian Territory, or elsewhere within the limits of the United States." This tract is within the Cheyenne and Arapaho reservation. In addition to these agreements, the Indians themselves base their claim to this country as well as that as far south as the Red River, on guarantees made them in the council at Fort Arbuckle that they and their children would be permitted to remain on the particular reservations selected for them "as long as the waters should run." The Commissioner of Indian Affairs,

in his letter as late as October 9, 1883, to the Secretary of the Interior, in reporting on the status of these Indians, says:

But from a thorough examination of the papers submitted and the records and correspondence on file I am convinced that the only obligation now resting upon the Government is that of confirming to these Indians by a secure and permanent title the lands now occupied by them. To this end the agreement of October 19, 1872, should be ratified by Congress, and the title confirmed by patent.

Mr. SYMES. What are you now reading from or quoting? A treaty or a comment upon a treaty?

Mr. HERMANN. I am now reading from a construction placed on this treaty by the Commissioner of Indian Affairs and the Secretary of the Interior.

Mr. SYMES. What Commissioner?

Mr. HERMANN. This bears date October 9, 1883.

Mr. SYMES. Who was Commissioner?

Mr. HERMANN. Commissioner Price.

Mr. SYMES. Are you not referring to the opinion or purported opinion of acting Commissioner Holcombe?

Mr. HERMANN. No, sir. I will refer to that opinion in a few moments. And as the gentleman from Colorado has alluded to it, I will do so now. In further confirmation of this position I call the attention of the House to the opinion expressed by acting Commissioner Holcombe in a communication addressed to the Secretary of the Interior, Mr. Kirkwood. This is the position again taken by the Government on this question. He says:

The treaties by which the United States reacquired title to any of the lands in the Indian Territory, or obtained the conditional right to control the disposal of any of said lands, were the treaties with the Seminoles of March 21, 1866; with the Choctaws and Chickasaws of April 28, 1866; with the Creeks of June 14, 1866; and with the Cherokees of July 19, 1866.

By the third article of the treaty with the Seminoles (14 Stat., 756), said Indians ceded to the United States about 2,100,000 acres of land, "in compliance with the desire of the United States to locate other Indians and freedmen thereon."

In compliance with the same desire, the Creeks, by the third article of the treaty with that tribe (14 Stat., 786), ceded about 3,200,000 acres to the United States, "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon."

The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trust named. They can be appropriated only to the uses specified, and to those uses only by the United States, and then only in the manner provided for by law. Miscellaneous immigration even by the intended beneficiaries would be unauthorized and illegal.

The Choctaw and Chickasaw cession of April 28, 1866 (14 Statutes, 760), was by the tenth section thereof made subject to the conditions of the compact of June 22, 1885 (14 Statutes, 613), by the ninth article of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands of Indians as the United States may desire to locate thereon.

Articles 15 and 16 of the treaty with the Cherokees (14 Stat., 803, 804) provide that the United States may settle any civilized Indians friendly with the Cherokees and adjacent tribes within the Cherokee country, on unoccupied lands, on certain terms and conditions specified in the treaty.

These provisions made the United States the agent of the Cherokees for the sale and disposal of unoccupied land in the Cherokee country for the benefit of said tribe, but restricted such sale and disposal exclusively to friendly Indians.

In pursuance of the stipulations of the foregoing compacts, and in the exercise of the trusts assumed by the United States under the several treaties, and in accordance with specific provisions of law and the lawful orders of the President, all the lands in the Indian Territory to which the United States has title have been permanently appropriated or definitely reserved for the uses and purposes named.

The title of the United States to lands in the Indian Territory is, as heretofore shown, subject to specific trusts, and it is not within the lawful power of either the legislative or executive departments of the Government to annihilate such trusts, or to avoid the obligations arising thereunder.

This opinion was submitted to the Secretary of the Interior April 25, 1881, received and accepted by him, and ever since acted upon as the rule and law of the Department.

Mr. SYMES. The gentleman is now reading from the opinion, or purported opinion, contained in a circular of Acting Commissioner Holcombe, of the Interior Department, and I understand the gentleman is now undertaking to support as a lawyer the legal position that when an Indian tribe by a deed or by cession transfers a piece of property to the Government and agrees that it takes it for a certain purpose, that is a trust within the meaning of the law.

Mr. HERMANN. Under this treaty it is. I have given the opinion of the Commissioner of Indian Affairs as a further comment on this construction. I shall advert to it again before I close. Under the language of the treaty the Government assumes an express trust, which attaches to its appropriation thereafter. Every instrument must be construed according to its own terms.

Mr. SYMES. I only desire to know the gentleman's position. He seems to dodge taking the position as a lawyer, and seeks out some acting commissioner to back him up in a circular written by some Department clerk some morning.

I am used to extraordinary legal positions; but when you look to that quarter for them, the mind has never yet existed that could imagine what letter may be written to-morrow, or what legal opinion may come forth from a clerk of some Department of the Government in the great hurry of business.

Mr. BAKER. If the gentleman will allow me, I will say that I understand the letter which the gentleman from Oregon has just read was expressly approved by the Interior Department, and formed the basis of subsequent action by the Department.

Mr. SYMES. No, sir.

Mr. HERMANN. Yes, sir. And I will state further that from that time down, as well as previously, the Government in all its transactions has acted upon just such a construction; and further to the gentleman from Colorado let me say, that I am very much surprised that he should characterize the Commissioner of Indian Affairs as an "itinerant subordinate." Here is a decision proceeding from the Commissioner of Indian Affairs, and approved by the Secretary of the Interior, and we may well presume that it was not put forth until after proper consultation with the law officers of the Department and their approval as to its correctness as a legal opinion. I proceed.

Special Agent Townsend, in his report as to these Wichitas, says their claims "are of long standing and their rights should be defined and guaranteed to them by some authority from which there shall be no appeal. Emigration and civilization are pressing upon these people on all sides." General Hazen, once superintendent of Indian affairs for the southwest of Indian Territory, including these Indians, writes to the Secretary of the Interior as late as April 14, 1883, and appealing for a confirmation of their present location says:

To one who is acquainted with these quiet, patient, and long-suffering people—long suffering mostly because they always remained at peace—there is a powerful appeal to the better instincts of our nature in their favor that can hardly be felt for any other people.

The remainder of these lands in the Choctaw and Chickasaw cession is set apart for the use of, and now occupied by, the Arapaho and Cheyenne Indians under Executive Order, and seems to be accepted by them in lieu of a former cession by treaty of lands in the Cherokee strip—the location on which they insist they did not understand, and never desired to occupy. Their present reservation is less in amount than that ceded to them of the Cherokee strip, a portion of which has since been appropriated for other tribes of friendly Indians. Thus it is seen that of the Chickasaw and Choctaw cession all is now claimed by treaty, or executive order, and all is occupied; and above all there still attaches the trust under which it was originally obtained—"the permanent settlement of the Wichita and certain other tribes or bands of Indians."

The Cheyenne and Arapahoes occupy their reservation in exchange and for relinquishment of their lands ceded them in the Cherokee strip with which they were not satisfied, and in consideration for this relinquishment and "in lieu thereof the United States agree to set apart for the absolute use and undisturbed occupation and as the future home of the Cheyenne tribe of Indians" the lands at present occupied by them; and to the Arapahoe tribe of Indians by the same precise language the lands occupied by them. These articles of agreement were entered into at Washington city November 18, 1873, signed by the representative chief and the Commissioner of Indian Affairs. It is of these lands given these tribes for their "absolute use, undisturbed occupation, and as their future home" that it is said by some the Indians hold merely by executive order which may be modified or rescinded at the pleasure of the Government! Is it any wonder the unlearned red man should become suspicious of all treaties, agreements, or executive orders, if they are to be thus construed so contrary to the letter as well as spirit? Are these lands to be opened to settlement without any treaty or assent?

The provisions of the bill and the conclusions of the majority of the committee are in strange contrast. The majority say:

The aggregate, therefore, of the lands to be opened to settlement under the provisions of this bill is 11,583,295 acres, a section of country larger in area than the three States of Massachusetts, Rhode Island, and New Jersey.

This, then, we are informed is to be the area of the proposed territory under the Oklahoma organization. But what is to form this area? The report enumerates Oklahoma land strip of the Creek and Seminole cession with 1,887,800 acres; the Public Land strip south of Colorado and Kansas, 3,672,640 acres, and the Cherokee strip, 6,022,855 acres. These together form the proposed territorial area of 11,583,295 acres. This would seem to be an assurance positive that at least this much shall form the new territory over which the new government and laws shall extend. But a reading of the bill invites us to a different conclusion. There we find no exception made of the 7,713,239 acres in the Chickasaw and Choctaw cession. No assent of these Indians is required. This will be disputed ground. Settlers will claim it under this bill, and the Indians under treaties.

Mr. HILL. Does not the gentleman from Oregon know that the bill provides for the appointment by the President of a commission to obtain the consent of the Indians, and provides further that "all such territory shall be excepted out of the boundaries, &c., until said tribes shall signify their assent to the President of the United States?

Mr. HERMANN. The bill provides just this, and nothing more:

That nothing in this act shall be construed to impair the rights of person or property or to impair any patent to lands now pertaining to the Indians in said Territory under the laws and treaties of the United States, or to include any territory occupied by any Indian tribe to which title has been conveyed by patent from the United States, without the consent of said tribe.

That is not the case with the Wichitas. No patent has been given to them yet, nor to the Cheyennes nor the Arapahoes.

Mr. WEAVER, of Iowa. Read on.

Mr. HERMANN. "Or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory."

Mr. WEAVER, of Iowa. That is it.

Mr. HERMANN. Mr. Chairman, that is just the point where these gentleman are mistaken, because there is no treaty or agreement with the Cheyennes nor the Arapahoes which would give any such protection as here contemplated, and that is the reason why I claim that those Indians are left entirely out and that their assent is not required to be obtained.

Mr. WEAVER, of Iowa. The gentleman is entirely wrong.

Mr. HERMANN. And I invite the attention of the gentlemen who advocate this bill to that point, for there is evidently a great oversight in that portion of the bill. I ask whether the Cheyennes are included?

Mr. WEAVER, of Iowa. Certainly they are. The tribes are not named in the bill. It provides that the lands of no tribe shall be included in violation of any agreement or treaty.

Mr. HERMANN. The gentleman is again in error. The tribes are named. I have just referred for the benefit of the gentleman to the sections which provide that the Creeks and Seminoles and Cherokees shall signify their assent, and that upon their doing so the unoccupied lands occupied by those tribes shall be open to settlement, but there is nothing requiring the Cheyennes or the Arapahoes or the Wichitas, or any of the tribes who inhabit these 7,000,000 acres, to be consulted as to their assent. The lands of the Choctaw and Chickasaw cession are not even referred to in the bill, and the treaty rights of the friendly Indians occupying these lands are entirely ignored.

Mr. WEAVER, of Iowa. The gentleman has just read the clause of the bill which contradicts his statement.

Mr. HERMANN. Sections 5 and 6 provide that the Creeks, Seminoles, and Cherokees shall signify their assent, and then the unoccupied lands ceded by these Indians shall be opened to settlement. No other tribes are mentioned in the bill, by name or otherwise. But assuming for illustration they are all included, and in the event of their refusal to assent, what then? What extent of country shall then clearly constitute the future Territory of Oklahoma? The Public Land strip, or panhandle, is all that is left. This, then, will be the only fragment of the many millions of acres referred to, which the bill gravely provides "is hereby declared to be a part of the public domain of the United States, and shall be opened to settlement under the operation of the homestead laws only." This is the only land which is expressly opened to settlement. The status of the Chickasaw and Choctaw cession is left in painful uncertainty. It is not surprising that the majority should fail to construe their own measure.

It is claimed that all future acquisition is to depend really upon the negotiation with and assent of the various Indian tribes! Is it upon such shadowy expectations that Congress legislates governments into existence?—and more shadowy still in view of the pleading remonstrance of the tribes affected by the bill. This is a recommendation for a reversal of the usual order in governmental organization. We are accustomed to believe that first there should exist the territory, and secondly the people, and then the machinery of government.

Even if the assent of the Indians is obtained, what evidence have we that there is a reasonable number of inhabitants who are citizens? Sections 2147 and 2148, Revised Statutes, provide that no white person has a right to go into the Indian country to reside without a permit, and if when once ejected he returns he becomes liable to a penalty of $1,000. With such restrictions we can not expect to find many *bona fide* inhabitants already there desirable as citizens in any American government, particularly where, being in limited numbers, they will necessarily be required to share more or less in the civic administration of affairs in the newly inaugurated system. No persons to be benefited by this government are asking for it. There is not a single individual in the entire Indian Territory now petitioning for the passage of this bill. Even the few who are there by various permits and relations do not ask it.

Mr. SYMES. The gentleman says that there are no people in the Indian Territory asking for the organization of this Territorial government. Is it not a fact that the Government has by force kept people from going into that Territory, and is not that the reason why there are no people there asking for a Territorial government?

Mr. HERMANN. Mr. Chairman, I am very much surprised that the gentleman from Colorado, as well as other gentlemen who advocate this bill, should so persistently emphasize the words "force" and "forcibly." Gentlemen say that the Government has forcibly expelled or excluded people from this Territory. How has the Government done that? In what way and by what authority? Simply by the same authority and the same right that either one of those gentlemen has the right, or I myself have the right, to "enforce" the absence of an individual who is an intruder upon our private property without our consent or without authority of law. The law and the treaties provide against intrusion, and the lands are reserved for a specific purpose. The Government has solemnly guaranteed and stipulated with the tribes, quiet and peaceable possession of the country, and provided for protection against "intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their Territory." Is this not enough?

Mr. WEAVER, of Iowa. Will there ever be any people there to ask for a Territorial government as long as the cattle kings are allowed to fence in that Territory?

Mr. HERMANN. Then, Mr. Chairman, let us first remove those obstacles in a just, regular, and proper way, so that after this proceeding is all over we can wash our hands of it in an honorable manner, and not lay ourselves open to be denounced in infamy as a nation of covenant-breakers.

Mr. SYMES. That is just what we propose.

Mr. HERMANN. I have been criticising this bill more especially with reference to the 7,000,000 acres now occupied by the tribes named on the Choctaw and Chickasaw cession, and I say this bill does not include any provision which would require them to give their assent; and even if it did, I regard your proposition unwise in legislating at all in the direction of a Territory organization until a full, free, and final assent has been procured to the settlement of this country. This being done a subsequent Congress can provide for the government proposed in this bill if the population and needs of the country should then require it. Another objection to your bill is that it constitutes that little Public Land strip a Territory of the United States without regard to the acquisition of any other lands. Such a miniature Territorial government would be a farce.

Until the assent of the Indians shall be obtained, this bill on its passage can only affect the narrow Public Land strip, except for judicial purposes. Over this district, then, without people, it is proposed that an organized Territorial government shall be established. There is no petition before us from any people in this section asking for a Territorial government, nor have we any evidence there are any people in good faith residing there; and yet a governor and secretary are to be appointed and provided for, and to be restricted in their authority by boundaries hardly the extent of many fair-sized counties. A governor of the Public Land strip! This Territory and embryo State, capable only of settling twenty-three thousand occupants with 160 acres each! A wise proviso in the bill postpones the election of a Legislative Assembly and delegate to Congress until the President shall order; or, as might properly have been said, until there are inhabitants to become voters. A Territory may be termed the foundation of the future State. Then let us construct the Territory of such dimensions as that it may for all time fitly serve as the solid and enduring foundation for one of the great States of this Union. If the area is as yet too contracted let us patiently defer until the limits may be extended, and that only by fair, honorable, open-handed negotiation. Let it not be said in some future year that the foundation we are asked to lay was laid by a betrayal of the oft-repeated compacts and treaty assurances entered into with the present occupants.

Sir, I do not argue that these lands or the larger portion of them should remain forever in their present status, to the future exclusion of the white man. I very frankly confess that the millions of acres occupied by these Indians are greatly in excess of their requirements or of any possible use by them. When the forests and prairies once contained abundant game and the chase supplied their exclusive wants these same Indians required more scope of country to follow the game, and could bear less intrusion from another people than at present. Now the game has entirely disappeared. The fruits of the soil and the domestic stock are their only resort.

Their very wants, which in past years required a large district, now can be content with much less. As an incident in this reversed change of life and condition this great excess of territory now remains useless to any class of people, except to cattle monopolies and other intruders. Those great factors of our country, the home-seekers, of whom it is so much the favored policy of this nation to aid, encourage, and protect, they are admonished not to enter, but to respect the laws of their country, and the obligations, treaties, and orders which at present appertain to these lands, until a change of law and obligation is effected in a just and creditable negotiation. There is a right way to do this; then let us do it. This pending measure maps out the future State, names the exterior boundaries, and then excepts those divisions from it whose occupants decline to signify their assent. It is as if the house-builder were to create a design for his edifice on the basis of a certain plot of real estate belonging to another, or rather encumbered with peculiar trusts of another which must first be removed. If he should undertake to construct one corner of the building on his own insufficient and narrow strip adjoining, proposing to continue the building on to the adjoining estate after the trust should be removed, by the voluntary and uncertain consent of the beneficiary or owner, would not any community bestow upon him either its severest criticism or its tender pity?

The immediate effect of the pending bill then is to include only the narrow strip, or Panhandle, and hereafter extend its provisions over the adjoining Territory when the present trusts of indefinite duration attaching to it shall be removed. If like management is not good sense in an individual it is not statesmanship in the American Congress. If we are sincere in our purpose and desire to appropriate the unoccupied lands of the Indian Territory for homestead settlement, is it not for the settler's own best interest and future security that every evidence of good faith and fair dealing should be observed? This be-

ing first consummated through a commission or by the Indian Department itself and the Indian trust extinguished the land becomes legally and justly opened to settlement, and there is then sufficient area to include in an organized Territorial government. When these conditions concur it will be time enough to organize Oklahoma Territory. Believing, sir, that it does not comport with the honor and respect of a great Government like ours to act hastily, and still less to act unjustly, I am constrained to oppose this measure and to favor the creation of a commission to first adjust all conflicting differences and to arrange for the opening of the unoccupied lands to settlement.

Not to provide for an adjustment previous to legislation for organization is to create a pending threat and indirectly to coerce. Quoting from the minority:

The passage of a bill organizing a Territorial government, under such circumstances, over a weak and defenseless people, with a condition requiring their assent before the bill should become operative, would evince on the part of a powerful government like that of the United States such a predetermination to create the proposed government as would deprive these people of all freedom of volition in the matter. It would be a miserable perversion of terms to call an assent thus obtained free and voluntary.

It is the iron hand in the velvet glove.

Mr. STRUBLE. Will the gentleman allow me a question right there? Supposing that this commission which the gentleman contemplates should be appointed and after negotiation should fail positively and utterly to secure any concession from the Indians, what then? Would the gentleman allow them to go right along and hold these lands for centuries?

Mr. HERMANN. I propose we shall go on and keep our faith. Let us recognize the solemn seal placed on those treaties which will remain there forever to remind us of our sacred duty which we owe to those weak and defenseless people and which we should fully discharge though it should take from now to eternity. But I remind the gentleman from Iowa, with all due respect, that it will not be long before there will be none of these people left, for they are fast fading out of existence; and in a short time—probably in the generation which is to come after us—they will largely have passed away. Let us while they do exist treat them honorably and fairly; let us stand by our word of honor and the very letter of our compact.

The language quoted from the minority report of the committee is not too strong in view of the past legislation as to these Indians and their interesting and romantic history; not less than the original and continued policy and purposes of the Government in the appropriation of the entire country known as the Indian Territory. The treatment of this subject stands on an entirely different basis from that of the other Indian tribes of the nation. Our policy, legislation, and precedents as to the Indian tribes generally should not be cited in this Congress as a criterion for similar control over the lands, and Indians of the Indian Territory. We should not prove unmindful of the voluntary relinquishment of other lands and privileges by these Indians in accepting the voluntary invitation of the United States to make this country their future, permanent, and undisturbed home for them and their children. This guarantee was evidenced by the solemnity of patents to these lands as well as various treaties and agreements dating back over half a century in our history.

While many of our Indians may be summarily removed from one location and reservation to another with no assent on their part, yet as to these people in the Creek and Seminole and Choctaw cessions a higher respect is due.

A GENERAL COMMISSION.

A general commission, such as provided by the Holman bill, is superior to a special commission. The first, having examined all the Indian lands of the Government and consulted in person with all the Indian tribes, can better know what lands are available for further Indian occupancy and what portions may be best fitted for certain tribes. Climatic effects should also be consulted. A removal from a cold to a hot climate has proven fatal often. Of the Nez Percé Indians taken from Idaho to Indian Territory 25 per cent. died in twelve months. Some Indians being advanced in agriculture should not be confined to lands only fit for grazing, and the converse is true of others. Some tribes will agree to assimilate with others and to accept them within the same reservation limits, as in the case of the Cheyenne and Arapaho tribes, the Comanche, Kiowa, and Caddoes, the Walla Walla, Umatilla, and Cayuse Indians, while others will not consent, or if forcibly united under one agency will engage in ceaseless broils and hostilities.

This commission will be a means of mutual interchange of Indian sentiment as well as an ascertainment of the best and most practicable method of contracting the Indian limits and opening the surplus to an honorable settlement of the white man.

A special commission being confined in its investigation to a limited territory can not reach the same intelligent, broad, and satisfactory result so desirable to a liberal understanding by this Congress in its treatment of a great subject involving alike the integrity of many solemn compacts by this Government, the assured rights and peace of the dependent Indian, and the anxious expectations of American homeseekers.

The Holman bill is comprehensive, and provides:

SEC. 2. That it shall be their duty in making such inspection to ascertain and report in detail as to the exact condition and needs of the Indians; what steps are necessary to be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; what, if any, of the reservations may be reduced in area, and what portion thereof, not needed for Indian occupation, may be held by the Government in trust for the Indians having title thereto by law or treaty, and disposed of for their benefit; what, if any, Indians may, with their consent be removed to other reservations, with a view to their concentration, and the sale, on their behalf and for their benefit, of their abandoned reservations; what, if any, lands reserved by executive orders for Indian occupation are no longer needed for such purpose and may be restored to the public domain; what Indian lands now held in common should be allotted in severalty, the quantity to be allotted to heads of families, unmarried adults, orphans, or others, and what, if any, Indians are not provided with or located upon reservations or land which may be patented to them.

It is indeed a measure proceeding from the department of the Government having the daily study of the subject, acquired by immediate contact and supervision of the Indians.

The President in his last message to Congress devotes much thought to this question, and presents it in its practical as well as humane considerations. He recommends the creation of this general commission, to be composed of six commissioners; "that they ascertain from such inspection what, if any, of the reservations may be reduced in area, and in such cases what part not needed for Indian occupation may be purchased by the Government from the Indians and disposed of for their benefit; what, if any, Indians may with their consent be removed to other reservations, with a view to their concentration and the sale on their behalf of their abandoned reservations; what Indian lands now held in common should be allotted in severalty; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties."

Let the appointment of this commission be mandatory, and not discretionary, as left in the law passed at the last session of Congress authorizing the President to negotiate with the Indians of Indian Territory for the same object.

OKLAHOMA.

The unoccupied land known as Oklahoma ("red man's land"), comprising 1,887,300 acres, the unlawful settlement of which was attempted by Payne and his followers, is a part of the Creek and Seminole cession (article 3), and is coupled with the trust that the lands are "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon." Said article 3 is as follows:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south, * * * and in consideration of said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agree to pay the sum of 30 cents per acre, amounting to $975,168, in the manner hereinafter provided, &c.

Over two-thirds of Oklahoma is in this cession from the Creeks, and the remainder is from the Seminoles in their cession of March 21, 1866, with this language: "In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey," &c. The price fixed was 15 cents per acre. These cessions were for a specific purpose. There were inducements in the contract. No higher evidence of this can be found than in the paltry sum mentioned as the price. We must not forget that these tribes had an absolute title in fee simple to these lands. They held patents for them from the United States. It is well known they had an antipathy to the settlement of whites among them, but did not object to allowing "other Indians and freedmen" and "such other civilized Indians as the United States may choose to settle thereon." The lands were ceded for a specific and express purpose.

A contract is as binding in a treaty as in a law. The purpose of the contract should not be changed without a concurrence of the Indians. They claim, however, that if the purpose is to be changed they should at least be allowed the minimum value the Government fixes for its lands when sold for settlement to white men.

Secretary Teller, in his communication to the President (Executive Document 54) as to these lands, says:

It is believed that there will be found at all times in the United States a wholesome public opinon that will demand of the Government that its contracts heretofore made with the Indians be respected in all cases where they do not conflict with the interests of the Indians and are not unjust to the people of the United States. * * * It is, however, within the power of the Government, with the consent of the Indians interested, to change this provision of the treaties, so that these desirable unoccupied lands may be placed within the lawful reach of settlers.

THE CHEROKEE LANDS.

That larger body of unoccupied lands—the Cherokee strip comprising 6,022,754 acres—is less subject to settlement than the rest, and is even more encumbered with treaty conditions.

By the sixteenth article of the treaty with the Cherokees, of July 19, 1866 (14 Stat., 804), it is provided that—

The United States may settle friendly Indians in any part of the Cherokee country west of the ninety-sixth degree, to be taken in compact form, in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty as the United States may decide.

Said land thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed upon between the said parties in interest, subject to the approval of the President, and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all said country west of 96° of longitude until thus sold and occupied, after

which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Under this treaty the Government settled the Osages, Kaws, Pawnees, Poncas, Nez Percés, Otoes, and Missourias on a part. The Cherokee legislature passed an act authorizing a delegation to arrange for an adjustment, as follows:

* * * The said delegation are hereby instructed and empowered to agree to and receive for said lands, upon which friendly Indians have already been located, what will be a fair and equitable price for such lands, and not less than $1.25 per acre.

Be it further enacted, That on the payment of such sum as agreed upon by the said delegation and the United States to the treasury of the Cherokee Nation as other moneys are paid, the said delegation shall, in the name of the Cherokee Nation, execute a deed of conveyance or relinquishment of such tracts to the United States in trust for the benefit of the Indians occupying and located upon such lands. * * *

The land so settled by these friendly Indians amounted to 551,732 acres. The Indians were never consulted as to the price, and in this respect the treaty was ignored from the outset. They declined conveying these lands to the Government, and it could not convey the same in fee simple to these friendly Indians, as it had stipulated in the treaty. The Cherokees retained the right of possession and jurisdiction over the country. On July 31, 1876 (19 Stat., 120), Congress provided for a commission to appraise all the Cherokee lands. This was again a flagrant violation of the letter as well as spirit of the treaty. The treaty only provided for appraising such lands as friendly Indians settled. They were allowed no voice in the appraisement, nor was any provision made for submitting to a fixed price by the President in case the Cherokees remonstrated against the valuation. The Commissioner of Indian Affairs instructed the appraisers who were appointed, as follows:

In determining the valuation per acre of these lands, you will take into consideration the fact that these are lands for Indian occupancy and settlement only, and, consequently, less valuable than lands open to white settlement.

In their report, dated August 22, 1877, they say:

In valuing these lands, it is our impression that the chief difficulty consists in determining the amount of allowance which ought to be made in view of "the fact that these lands are for Indian occupancy and settlement only, and consequently less valuable than lands open to white settlement." We have devoted our attention carefully to the consideration of this subject. Our conclusion is that, in view of this restriction placed upon their use, these lands are worth about one-half as much as they would be if open to settlement by white people. As far as made our appraisal is, in our judgment, in conformity with that opinion.

The price fixed was 47.49 cents per acre, except the lands taken for the Pawnees, amounting to 230,014 acres, which they fixed at 70 cents per acres.

The Cherokees complained that their best lands were now selected for these friendly Indians and valued no higher than their western lands which are far more inferior. The eastern portion, being more fertile and favored with much more moisture, is well adapted for farming, while the western portion is more arid and only fit for grazing, and hence may remain many years unoccupied and not paid for. The Indians then claimed $1.25 per acre for their lands so taken and occupied.

Secretary Kirkwood, in his letter to the President, of February 28, 1883, on this matter, says:

I think that in this matter the Cherokees have some cause to complain that they have not been fairly dealt by.

Secretary Teller, in his letter to the Senate Committee on Indian Affairs, of January 31, 1883, says:

I do not think it is fair or just for the United States to select the most valuable tract of these lands and pay for them at the rate fixed by the President as the price per acre for the whole tract.

On March 3, 1883, Congress provided for payment of $300,000 to the Cherokees on condition that conveyances be made in trust for the benefit of the Pawnees, Poncas, Otoes, and Missourias and Osages, and patents were made to the United States in trust for each of these tribes. With appropriation made in 1880 of $300,000, and $48,389.46 in 1881, ostensibly for the Poncas, and $300,000 on March 3, 1883, above referred to, making $648,389.46, the Cherokees applied to the credit of the $689,665.55 due from the Government (at $1.25 per acre) on the 551,732.44 acres, on which friendly Indians have been settled.

The first $300,000 was paid on the unequal and illegal appraisement of the commission, made in 1877, the appropriation being in 1880; and the second $300,000 being paid in March, 1883, after the recommendations of both Secretary Kirkwood and Secretary Teller that a better price should be paid. It is claimed by some that the second $300,000 was a payment on the remaining unoccupied lands of the Cherokee strip, and it is reasoned that therefore these lands being thus paid for are now subject to control by the Government for occupancy or for purposes of Territorial government. A sufficient answer to this would be that the treaty does not authorize the sale nor appraisement of any of the unoccupied tracts. In the letter referred to of Secretary Teller he says, in alluding to the proposed last $300,000, that "it is not an unreasonable one, as the sums already paid to the Cherokee nation, with this proposed appropriation added, are not believed to be in excess of the value of the lands upon which friendly Indians have already been located."

Mr. WEAVER, of Iowa. The gentleman understands of course that this bill does not propose to include the Cherokee strip within this Territory without the assent of the Cherokees; and even if they assent it is proposed to pay them for the land at the rate of $1.25 per acre.

Mr. HERMANN. I will say to the gentleman that this argument is made in reply to the gentleman from Iowa [Mr. STRUBLE] who has spoken so very ably this evening of our treaty stipulations in reference to the Cherokee land strip, and yet arguing that the Cherokees had more than their right. I am endeavoring to show that these Cherokee lands are hedged about by these treaties and honorable stipulations which it is impossible to avoid without just and proper negotiation with the Indians.

Mr. STRUBLE. Of course the gentleman did not understand me to say that the Government should disregard in the least any existing treaty stipulation or disregard the present status of that title. I argued these equities lying at the foundation of the cession, showing that the Indians had more than they ought to have. Yet we recognize by the bill that the commission shall treat with them as owning both the entire equity and the fee of the land.

Mr. WEAVER, of Iowa. And we propose to pay them $1.25 an acre.

Mr. HERMANN. I feel satisfied that the honorable gentleman from Iowa would not be a party to anything bearing on its face a tincture of dishonor.

To all the unoccupied Cherokee lands that tribe retains the absolute title by patent and as valid as that of any private ownership. The title being still in the Cherokees it can only be divested by a compliance with the treaty or a voluntary agreement on their part. This has been definitely decided by the Supreme Court of the United States in Holden *vs.* Joy (17 Wallace, page 211).

The Secretary of the Interior, in his letter to the United States Senate January 3, 1883, says:

The Cherokees have a fee-simple title to their lands, and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto.

This should also be a sufficient answer as to our right to annul and prohibit the Cherokee leases.

I think I have now clearly established that the only district which can at present enjoy the honors proposed by the pending bill is the uninhabited Public Land strip, or, as it is more appropriately known, "No Man's Land." This becomes a Territory regardless of Indian assent as to remainder. All the rest must be subject to the assent of the Indians. Now, should this Congress deliberately establish a Territorial organization, with its costly machinery, its governor, and other officers, over a district not much larger than a county and without inhabitants? A governor and no one to govern! The play of Hamlet with Hamlet left out! No; let us rather await the two prime conditions for any Territory—the area and the people. Let us await a just and honorable abrogation of the treaty contract with the present occupants.

We have beheld the Indian sullenly retreating before the car of progress, pausing ever and anon to dispute for a resting-place. But a short time since the East was driving him to the West, but now the West is turning him backward again. He is between two hostile forces. Formerly he was encouraged by the policy of our civilization to "go West." The game was abundant, the buffalo, the elk, deer, bear, and beaver roaming undisturbed where now exist large cities, fruitful orchards, and waving fields of grain. The treaties often stipulated, as in that made by General Jackson with the Cherokees, "that the United States shall give to all the poor warriors who may remove to the western side of the Mississippi River one rifle-gun and ammunition, one blanket, and one brass kettle, or in lieu of the brass kettle a beaver-trap." These are no longer of much use, and now we supply him with the plow, the ax, and the hoe. Times have changed and with them conditions. The Indian hero of Cooper has passed away. Deerslayer, Leatherstocking, and the Last of the Mohicans all gone! Wherever he gazes he beholds the scriptural injunction that man should eat his bread in the sweat of his brow. He at last realizes that he is to be no exception.

This truth is also realized by our own Government. A different policy must soon prevail. The Indian must exist by his own industrial pursuit. He must take his land in severalty, cultivate and improve it. He must become directly amenable to the law, and answer for its violation just as any white man does now. By our system of reservation and training schools and the industrial experience now offered the present generation of Indians will soon be enabled to cast off the lines of their present wardship and enter successfully on the new era.

We have but to be patient a brief time. With many the period has already arrived, and in some instances reservations should be disbanded, in others they should be contracted and the lands restored to the public domain for settlement by those seeking homes. The bead and the blanket, the tattoo and the wigwam, annuities and inexcusable idleness should all disappear and give place to the newer and better order of things. But whatever we do let it be done with deliberation, with wisdom, prudence, and justice. We are in this duty as the guardian is to the ward. Inflexible good faith is required and should be demanded.

We are a great and powerful nation, we possess a high order of civil-

ization, we are a magnanimous people, and just, as well as merciful, and we can not suffer the reproach of a broken faith and a dishonored covenant with a dependent people. We owe it to ourselves, we owe it to our posterity that our nation's honor should be preserved inviolate with the weak as well as the strong.

Mr. HILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. WELLBORN having resumed the chair as Speaker *pro tempore*, Mr. CULBERSON reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes, had come to no resolution thereon.

And then, on motion of Mr. HILL (at 10 o'clock and 30 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Edward Schendel, late of Company B, Ninth Regiment Pennsylvania Reserve Corps, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. BEACH: Petition of members of Waterbury Post, Grand Army of the Republic, of Wurtsborough, N. Y., in favor of the Senate bill to pension disabled soldiers—to the same committee.

By Mr. BOUTELLE: Memorial of members of Hampden Grange, No. 270, Patrons of Husbandry, of Hampden, Me., in favor of the bill taxing the sale of imitation butter—to the Committee on Agriculture.

By Mr. BRUMM: Petition of Fred. Linkenhoof and 49 others; of John Dougherty and 46 others; of Samuel Major and 65 others; of Thomas McAvery and 50 others; of John Roe and 25 others, and of Joshua Richards and 26 others, asking for the passage of the pension bill as recommended by the pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of a number of citizens of Putnam, N. Y., praying Congress to impose a revenue tax on all forms of adulterated butter of not less than 10 cents a pound—to the Committee on Agriculture.

By Mr. BUTTERWORTH: Petition of Joseph F. Larkin and others, praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, memorial of R. W. Wise and others, of Cincinnati, Ohio, protesting against the obstructing the navigation of the Ohio River—to the Committee on Commerce.

By Mr. J. E. CAMPBELL: Petition of T. F. Lucas, John O. Humphrey, and others, citizens of Cleveland, Ohio, asking for better legal protection of young girls in the District of Columbia—to the Committee on the Judiciary.

By Mr. J. M. CAMPBELL: Petition of Harrison Post, No. 231, Grand Army of the Republic, of Pennsylvania, asking the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. COLLINS: Petition of Thomas F. Leahy, for an invalid pension—to the same committee.

By Mr. COMPTON: Petition of F. R. Veitch, Lizzie V. Boyle, and others, heirs of John Veitch, of Prince George County, Maryland, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GEDDES: Petition of J. N. Mitchell and 42 others, members of Plymouth Post, No. 431, Grand Army of the Republic, Department of Ohio, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of citizens of Dakota, praying for the division of the Territory upon the seventh standard parallel—to the Committee on Territories.

By Mr. HARRIS: Papers relating to the claim of Josiah Chambers, of Carroll County, Georgia—to the Committee on War Claims.

By Mr. HAYNES: Petition of Mary Jane Magoon, for a pension—to the Committee on Invalid Pensions.

Also, evidence to support bill granting an increase of pension to Stephen D. Smith—to the same committee.

By Mr. HEWITT: Petition of Charles A. Kron, late of Company I, Seventh United States Cavalry, for relief—to the Committee on Military Affairs.

By Mr. HOLMES: Petition of John Donebar and 23 others, citizens of Story County, Iowa, praying for the passage of the bill taxing all imitations of butter—to the Committee on Agriculture.

By Mr. LAWLER: Resolution of officers of Assembly No. 3710, Knights of Labor, of Danville, Ill., protesting against the crushing out of a legitimate industry of the country by the passage of the bill putting an internal-revenue tax upon oleomargarine—to the same committee.

By Mr. McCREARY: Papers relating to the claim of Pearce Noland, of Shelby County, Kentucky, and of John H. McGaughey, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of J. F. Coffin and others, and of James H. Lord and others, for a tax on oleomargarine—to the Committee on Agriculture.

Also, petition of James O. Bradbury and others, that a pension be granted to George Henderson—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of N. M. Miller and 70 others, citizens of Mound Valley, Kans., and members of the Grand Army of the Republic, asking for the passage of Senate bill 1886, relating to pensions—to the same committee.

By Mr. RIGGS: Petition of G. E. Fletcher, for taxation of oleomargarine—to the Committee on Agriculture.

Also, petition of E. E. B. Sawyer and others, of Camp Point, Ill., for pension legislation—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: Petition of H. H. Wellington and others, of Adams and Pittsfield, Mass., praying for the immediate passage of a bill for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. ST. MARTIN: Petition of Louisa Loeb and others, heirs of Mary Heine, asking that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SKINNER: Papers relating to the claim of Israel S. Davis, of Micajah Hardesty, of Mary and Frances Morton and Martha Oglesby, of David W. Morton, of Joseph R. Franklin, and of Jacob Utley, of Carteret County; of Thomas D. Harris and of James C. Ballance, of Hyde County; of Josiah L. Bell, of Newport; of A. O. Dey, administrator of J. S. Dey, of Currituck County; of Joseph J. Jordan, of Hertford County; of James H. Hyatt, of Perquimans County; and of William Parker, of Harnett County, North Carolina—to the same committee.

By Mr. SPRINGER: Petition of citizens of Buffalo, Ill., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. STORM: Petition of Trades Assembly of Western Pennsylvania, against taxing oleomargarine—to the Committee on Agriculture.

By Mr. ZACH. TAYLOR: Resolutions of the Merchants' Exchange, of Memphis, Tenn., asking for the amendment of section 5258 of the Revised Statutes—to the Committee on the Judiciary.

Also, resolutions of the Cotton Exchange, of Memphis, Tenn., and the Merchants' Exchange and citizens, in regard to the construction of a bridge over the Mississippi River at Memphis, Tenn.—to the Committee on Commerce.

By Mr. TILLMAN: Papers relating to the claim of Rivanah Lipsey, of Barnwell County, South Carolina—to the Committee on War Claims.

By Mr. WHEELER: Petition of John Lawlor, asking that his war claim and all papers connected therewith be referred to the Court of Claims—to the same committee.

By Mr. A. C. WHITE: Petition of members of John Foster Post, No. 403, Department of Pennsylvania, Grand Army of the Republic, for the passage of Senate bill for relief of soldiers—to the Committee on Invalid Pensions.

Also, petition of soldiers of Jefferson County, Pennsylvania, for the passage of Senate bill 1886—to the same committee.

By Mr. MILO WHITE: Petition of citizens of Minnesota, in favor of arrears of pensions—to the same committee.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented, and severally referred to the Committee on Education:

By Mr. HOLMES: Of citizens of Webster County, Iowa.

SENATE.

FRIDAY, *June* 4, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petitions of Amos M. Thayer, judge of the circuit court of Saint Louis, Mo.; of Austin Adams, judge of the supreme court of Iowa; of L. E. Wales, United States judge, and J. C. Patterson, United States district attorney, of Delaware; of E. M. Bartlett, United States district attorney, and George B. Lake, late chief-justice of Nebraska; of M. I. Townsend, United States district attorney of Northern New York; of George F. Danforth, of New York; of R. S. Tuthill, United States attorney of Southern Illinois; of Moulton, Johnson & Ryan, and of Samuel F. Miller, a judge of the Supreme Court of the United States, all praying for a code of procedure. All these petitions are identical in form and in print, and are being circulated by somebody who evidently takes a deep interest in the subject. I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. EDMUNDS. I also present a petition of 48 citizens of Barre, Vt., praying for the imposition of a revenue tax on spurious butter; also a petition of Albert McClellan and 55 other citizens of Cambridge, Vt.,

praying for similar legislation; also a petition of S. M. Safford and 56 other citizens of Cambridge, Vt., praying for the same legislation. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM. I present a telegram, in the nature of a memorial, and which is quite lengthy, from Nathan Bennett, president of the Amalgamated Association of Iron and Steel Workers, of Joliet, Ill., remonstrating against the passage of the proposed legislation in relation to oleomargarine. I move the reference of the memorial to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. EVARTS presented the petition of Elizabeth B. Voorhies, M. B. Binninger, and 57 other citizens of New York, praying for legislation providing better protection to young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MCPHERSON presented the petition of J. R. Haskell, of New York city, praying for an investigation in regard to the failure to carry out the clause in the fortification act of March 3, 1885, making an appropriation for the purchase or manufacture of a multicharge gun and casting the same, &c.; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5509) for the relief of Saint Patrick's church in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872, reported it with amendments.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 5862) providing for the establishment of certain light-houses, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, and for other puposes, reported it with amendments.

INDIAN TERRITORY INVESTIGATION.

Mr. DAWES. The Committee on Indian Affairs were instructed on the 11th of June, 1884, the 3d of December, 1884, and in February, 1885, to pursue certain investigations recited in the resolutions of those dates here in Washington, and also in the Indian Territory. They have attended to that duty, have taken a large amount of testimony, and a report has been prepared covering the matters investigated at that time.

This report was prepared by the Senator from Alabama [Mr. MORGAN], a member of the committee who is necessarily absent from the Senate. I ask unanimous consent to make the report in his name and that the report and the evidence and the accompanying documents may be printed.

I wish to say also that another branch of the investigation ordered by the Senate in Dakota and Montana Territories was pursued by a subcommittee, of which the Senator from Indiana [Mr. HARRISON] was chairman, and that at a subsequent time he will make report as to that; but the report I now submit can be made in the name of the Senator from Alabama, and I should like to have it printed with the accompanying evidence.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, in behalf of the Senator from Alabama [Mr. MORGAN], makes a report, which will be printed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2597) granting a pension to Joseph E. Kiel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2598) granting a pension to James Noyes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EDMUNDS introduced a bill (S. 2599) granting a pension to Emily C. Stannard; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

SUSPENSION OF PUBLIC-LAND LAWS.

Mr. INGALLS submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform the Senate whether the Commissioner of the General Land Office has, with the approval of the Secretary of the Interior, issued a circular in the following words:

"Circular.

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., June 2, 1886.*

"*To registers and receivers United States land offices:*

"GENTLEMEN: The repeal of the 'pre-emption, timber-culture,' and 'desert-land' laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time.

"WM. A. J. SPARKS, *Commissioner.*

"Approved.

"L. Q. C. LAMAR, *Secretary.*"

And if such circular has been issued, to inform the Senate by what act it is claimed that Congress has delegated to the Commissioner of the General Land Office, or to the Secretary of the Interior, or to those officers acting jointly, the power to suspend by executive order the operation throughout the United States of the pre-emption, the timber-culture, and the desert-land acts, and to deny to citizens of the United States their rights under said statutes.

The PRESIDENT *pro tempore*. If there is no objection to the present consideration of the resolution the question is on its adoption.

Mr. BECK. I should like to have it lie over until to-morrow morning.

The PRESIDENT *pro tempore*. The resolution lies over under the rule, objection being made.

Mr. EDMUNDS. Let it be printed.

The PRESIDENT *pro tempore*. It will be printed.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Order of Business 869, being the Chinese indemnity bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The PRESIDENT *pro tempore*. Upon this bill the Senator from Missouri [Mr. COCKRELL] has the floor.

Mr. ALLISON. As the Senator from Missouri seems to be absent, I ask the Senator from Vermont to yield to me that I may move to proceed to the consideration of the consular and diplomatic appropriation bill. I do not think it will take a great while to dispose of the bill.

Mr. EDMUNDS. I think that we should save a great deal of time in all these matters by sticking to one thing until it is done.

Mr. ALLISON. So I agree.

Mr. EDMUNDS. But we have always understood that the Committee on Appropriations when they were ready should have the right to go ahead, and I can not refuse it. I hope my friend will allow the pending bill to be laid aside informally.

Mr. ALLISON. I ask that it be laid aside informally.

The PRESIDENT *pro tempore*. Pending the consideration of the Chinese indemnity bill, the Senator from Iowa [Mr. ALLISON] asks that it be laid aside informally with a view to proceed to the consideration of an appropriation bill. Is there objection? The Chair hears none.

Mr. BUTLER. Will the Senator from Iowa yield to me for the purpose of an inquiry?

Mr. ALLISON. Certainly.

Mr. BUTLER. I have been informed that while I was absent from the Senate yesterday some understanding was reached in regard to the Calendar, and it was understood that on Monday and Tuesday we would devote ourselves to the cases on the Calendar. I should be glad to be informed if that is true. I have been trying to get the consideration of a bill for a week, and we have been going on in a sort of hop, skip, and jump style, it seems to me, of transacting the public business. I should be very glad indeed to have some time to consider the matter and to get it off my hands. Therefore, I shall be glad to inquire if there was any agreement to that effect.

Mr. EDMUNDS. It was stated yesterday after the doors were closed, after conference on both sides of the Chamber, and it was hoped everybody would agree (I do not say that there was unanimous consent that it should be done, but there was no objection), that Monday and Tuesday we would give to the consideration of the Calendar, under the principles of Rule VIII, not taking up the large subjects but going on with the minor affairs like the one I know my friend from South Carolina wishes to get up.

Mr. BUTLER. The bill that I wish to ask the consideration of will of course lead to some debate; the Senator from Maine [Mr. HALE] I believe antagonizes it; but it is a matter of very considerable consequence and I should like to have it considered.

Mr. DAWES. Under the rule, if anybody objects the Senator can move to proceed to the consideration of the bill.

Mr. EDMUNDS. The Senator will be entitled on Monday under that understanding to move the bill out of its order on the Calendar if the Senator wishes to take it up.

The PRESIDENT *pro tempore*. It was understood that to-morrow the pension bills on the Calendar should be disposed of.

COMMITTEE SERVICE.

Mr. INGALLS. I move that the President of the Senate be empow-

ered to fill the vacancy upon the Committee on the District of Columbia occasioned by the resignation of the Senator from Virginia [Mr. RIDDLEBERGER].

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas? The Chair hears none. The Chair appoints the Senator from Rhode Island [Mr. CHACE] to fill that vacancy.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. Although there appears to be a great number of amendments to the bill, I will state to Senators that a large number of the amendments are mere amendments of form. The Committee on Appropriations thought it wise to conform the bill to the usual phraseology hitherto adopted in these bills. I therefore ask that the formal reading of the bill may be dispensed with, and that the amendments of the committee may be considered as the reading progresses.

The PRESIDENT *pro tempore*. If there be no objection the formal reading will be dispensed with. The Chair hears no objection, and that order will be made.

Mr. EDMUNDS. The Senator proposes the usual course with appropriation bills.

Mr. ALLISON. The usual course.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in line 4, after the word "appropriated," to insert "in full compensation;" so as to read:

That the following sums be, and they are hereby, severally appropriated in full compensation for the diplomatic and consular service of the fiscal year ending June 30, 1887, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

Mr. ALLISON. The committee recommend the insertion of these words because of a decision which was recently made by the Supreme Court, holding that unless the words are inserted in these bills the statutory compensation must be paid. I think there are perhaps half a dozen instances in the bill where the appropriation is less than the salary provided by the Revised Statutes, and these words were inserted for that reason.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, and, after proceeding, read lines 34 and 35, in the following words:

Minister resident and consul-general in the Argentine Republic, $7,500.

Mr. VOORHEES. I should like to ask the chairman of the Committee on Appropriations who has the bill in charge a question in connection with the last clause that has been read.

I notice that there is an envoy extraordinary and minister plenipotentiary to Turkey. I notice that there is a minister resident and consul-general to the Argentine Republic. So far as business relations are concerned they are as 10 to 1 on the part of this country with the Argentine Republic to those which we entertain with the Sultan of Turkey and his government. The Argentine Republic send to us an envoy extraordinary and minister plenipotentiary. That is his title. We return the compliment with that great country, whose trade is of immense importance to us, by sending an official of inferior rank.

I offered an amendment (what consideration it has had by the committee I know not, but I offered it at the proper time) to send to that country a representative of the same rank that they send to us, not necessarily increasing the pay; but title is a good deal between governments and the representatives of governments.

I know no reason why the American representative should not bear as high rank in the diplomatic world at the Argentine Republic as the representative of that government does here with us. The trade of this country with the Argentine Republic and other South American countries is a great and growing one, one of vast and of increasing importance to this country, and the policy which will control my mind is to cultivate relations with those countries.

I used the Government of Turkey as an illustration. I do not desire, of course, to reduce the rank of the minister to Turkey, but I repeat the query to the Senator having charge of the bill, if it is proper and necessary to have an envoy extraordinary and minister plenipotentiary to Turkey why should not the same rank be given to a mission of much greater importance than that to Constantinople?

I observed a moment ago that I offered an amendment giving the American representative there the rank which the representative of the Argentine Republic bears here. I think comity, national courtesy, propriety, fraternity require this to be done. I did not in that amendment contemplate any increase of the pay of the representative, but I did in that connection also offer an amendment providing that the American representative should have a secretary.

It sounds extremely strange to my ears and is a peculiar fact to my mind that we send a representative to a government of that importance without a clerk, a secretary, or a human being to assist him in his duties, without a human being to write a letter or a dispatch or act as his clerk. We provide clerks for ourselves here, we provide clerks for our committees, and Senators who are not chairmen of committees during the session have clerks for themselves personally. I voted for it and I believe in it, because the more assistance we have the better work we can do for those who send us here. While we are doing this, I am at a loss to know how a Senator can justify the sending of an American representative to an important country, where he has important duties to transact, without a clerk, a secretary, a scribe, or the slightest assistance.

I could, if I had known this bill was coming up, have furnished some statistics as to the trade with that country. It would be gratifying to me to do so. It is gratifying to me to know the immense South American trade we have, and I think that we should be building up and caring for the rank and importance of our missions down there in connection with the prosperity of this country in fostering our relations and the trade and commerce which naturally belong to us.

I repeat I offered these amendments; and I do not know what became of them. I throw out these observations to be instructed rather than to instruct anybody.

Mr. ALLISON. Mr. President, the Committee on Appropriations considered all the amendments proposed by the Senator from Indiana. There were, I think, three other, certainly two other, suggestions for advance in the rank of diplomatic officers, but the committee did not believe that it was wise to increase the rank of any of them, inasmuch as the rank that they now hold has been held for many years. It is true that last year, under peculiar circumstances, the rank of minister to Turkey was increased and the compensation also increased. The House of Representatives having considered this question, and having failed to increase rank, our committee did not feel authorized to increase the rank of this minister, especially as if that were done it would require similar action with reference to two or three other missions.

Now, as to the clerk suggested by the Senator from Indiana, I have no doubt that it would be a great convenience to our minister at the Argentine Republic to have a clerk, and it certainly would be a great convenience to all these officers; but if we give one of them a clerk we must give clerks to all, and for many years they have been enabled to get on without this additional service and the committee did not feel at this time that it could reasonably suggest a large increase, or any considerable increase in the appropriations for this purpose. Therefore the amendments, although considered carefully by the committee, were not acted upon favorably.

Mr. EDMUNDS. I wish to state that an amendment of the kind referred to by the Senator from Indiana was sent to the Committee on Foreign Relations, where properly such a matter should be considered as it is not a matter of appropriation. It is a matter of the dignity and propriety and arrangement of all these places. And the Committee on Foreign Relations, I think I am justified in saying without violating any propriety in regard to committees, thought it right before it took any action either way to get the judgment of the President of the United States, through the Secretary of State, but practically of course the judgment of the State Department, as to the necessity of this and half a dozen other analogous things; and we have accordingly sent to the Secretary of State for information which has not yet been received.

I submit to my friend from Indiana whether it would be wise and right to undertake to change these orderly arrangements in respect of grade, &c., without having the opinions—not that we are to be bound by them—the views of the Executive through his Secretary of State. I suggest therefore to let this bill go as it is now and on a separate bill, or next year we can adjust it if we do not get the information before it is too late this year.

The PRESIDENT *pro tempore*. The reading of the bill will proceed. There is no amendment pending.

Mr. CONGER. I wish to make a remark, though I make no motion. I find in regard to this and some other cases these items in the bill:

Minister resident and consul-general in the Argentine Republic, $7,500.
Ministers resident and consuls-general in Liberia, Switzerland, Denmark, Portugal, Siam, Persia, Corea, Hayti, and Bolivia, at $5,000 each.

There are added in many instances to the duties of a minister the duties of consul-general, and he is the only consul-general in the particular republic or government referred to. In all cases where there are consuls-general alone, not having the duties of ministers to perform, there are clerks provided for. I call the attention of the gentleman having charge of this bill, the Senator from Iowa, to this. I say that in several places where there are ministers resident and consuls-general, as in the Argentine Republic, Liberia, Switzerland, Denmark, Portugal, Siam, Persia, Corea, Hayti, and Bolivia, in addition to the duties of minister they are made consuls-general in those countries. There are consuls-general and consuls independent of ministers in many other places. To all consuls-general who have no duties as minister to perform there are clerks assigned at varying salaries. I can not understand exactly why when there are added to the duties of the minister resident the duties of consul-general for a whole nation, a republic or whatever the government may be, the latter duties being often the most important, there should not be a clerk at least provided for the

combined offices. There is no secretary, no clerk, no interpreter, nothing of the kind, where the double duties of minister and consul-general are imposed upon one man; and yet I find in this bill clerks are provided for many small consulates:

For allowance for clerks at consulates, $50,320, the sum to be allowed at each consulate not to exceed the rate herein specified, as follows:
Consul at Liverpool, $2,000.
Consul-general at Havana, $1,600.
Consul-general at Shanghai, $1,200.
Consuls-general at London, Paris, and Rio de Janeiro, at $1,600 each, $4,800.

Mr. BUTLER. From what page of the bill does the Senator read?

Mr. CONGER. From page 23.

Consuls-general at Berlin, Frankfort, Vienna, Montreal, and Kanagawa, and consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, at $1,200 each, $15,600.

Now, the idea that the little interior town of Chemnitz, where the consul heretofore has received a salary of $1,500, increased here to $2,000, should have a clerk to that consul with a salary of $1,200, and no secretary or clerk to ministers resident and consuls-general where they are the only consul-general in the kingdom or republic or whatever it may be, I can not understand.

Consuls at Bradford, Birmingham, and Marseilles, at $960 each, $2,880.
Consuls-general at Calcutta, Port au Prince, and Melbourne, and consuls at Leipsic, Sheffield, Sonneberg, Dresden, Antwerp, Nuremburg, Tunstall, Bordeaux, Colon, Singapore, Glasgow, and Panama, at $800 each, $12,000.
Consuls at Belfast, Barmen, Leith, Dundee, and Victoria, and the consuls-general at Matamoras and Halifax, at $640 each, $4,480.
Consul-general at Mexico and Berne, and consuls at Malaga, Naples, Genoa, Stuttgart, Florence, Mannheim—

Little towns away up in the mountains of Germany, far removed from any seaport or any particular commercial relations—

Prague, Zurich, Beirut, and Demerara, at $480 each, $5,760.

There must be some inconsistency in this arrangement of clerks to consuls.

Mr. VOORHEES. From what page is the Senator reading?

Mr. CONGER. I am reading now from page 24. Pages 23 and 24 provide for consular clerks. There must be some inconsistency in allowing clerks to the consuls at these little places named in this bill at twelve hundred and fifteen hundred dollars when the salary of the consul is $2,000, and allowing no secretary or clerk and no provision for expenses to ministers resident and consuls-general where they have to perform the duties of consul-general in some of these nations where we are trying to-day, as the Senator from Indiana remarked, to introduce new commercial relations, and where the duties of the consul-general comprise a whole country.

I do not make any motion in regard to this matter. Heretofore there has been a round sum appropriated to provide clerks somewhat in the discretion of the Secretary of State for the different consulates, without naming all of them. I suppose the committee desired to name the places where clerks should be allowed and their salaries, which is very well, and in that arrangement undoubtedly did not have their attention called to the fact that many of the places where consular clerks are authorized by this bill are of very slight importance, little interior places in the mountains and in the valleys of Germany, some of them, and other places where is no seaport to make commercial relations.

I make no criticism upon it, but I call the attention of the gentleman in charge of the bill to the fact that there is some inconsistency in the bill, and I think, considering the desire that all have to extend commercial relations especially in the South American republics, that where there is a minister and consul-general there should be some provision for aid and assistance in the complicated duties which the consul-general (no matter what the duties of the minister may be) ought to perform in the making of reports and in gathering information. Here are several countries where the consul-general is also minister resident, having the duplicate duties to perform, and he has no clerk or assistant. It is very important if we desire to extend trade with those countries and even to have reports showing what avenues of trade may be opened to our people, what kind of commerce and exchange may be established there, that these consuls-general, to say nothing of the ministers, should have some assistance in making the inquiries and in the correspondence, and in preparing reports for the benefit of American manufacturers and merchants and people.

Some years ago I called the attention of the then Secretary of State and especially the then Assistant Secretary of State, Mr. Seward, to the fact that I was receiving letters frequently from constituents of mine making inquiries in regard to the commerce, and the manufactures, and the chances for sale of products of different kinds raised in the State of Michigan, and I think the letters which I received at that time and the inquiries which I brought to the attention of the State Department had some effect, and I myself had the pleasure of joining somewhat in preparing that noted circular which was sent abroad to all the consuls of the United States to make the reports which have been made from that time to this and which have been very valuable to the producers and manufacturers of the United States in enabling them to see at a glance in these reports to what countries of the earth their products might possibly be sent with advantage. I think no other source has increased so much the knowledge of our own manufacturers and producers in the United States as to the wants of different peoples of the world and the places where their particular manufacture and production might be sent with profit as the reports of consuls stating the demands for different productions and for different manufactures, the prices, the places to which they might be sent. These reports have conveyed that kind of general information which each enterprising business man could look over and see where he might be able in the particular line of industry in which he was engaged to avail himself of that information and enter into correspondence more definite in regard to sales and markets for his products.

I think I am safe in saying that in the regions of the world less known than those with which we have heretofore had constant commercial intercourse the amount of sales and marketing of our productions both of manufacture and from the soil of all kinds have been more than doubled within the last six or seven years by reason of the information contained in the consular reports which are summarized and condensed monthly and spread abroad from the State Department through members of Congress and through the Department itself to the people in the several States. I know myself of many instances in which new markets have been found for manufactures and productions even from my own interior State.

I speak of these things because I think there was an evident oversight by the committee in providing for ministers resident and consuls-general where there is no other consul-general in the country to which they are sent, without some means to write and correspond and travel perhaps by their clerks or by other assistants in some way to find out what markets may be opened to our people. The great object of our people to-day is to find where the markets of the world may be secured for our productions, and I venture to say that our commercial agents can be no better employed than in looking up such matters. I may say in this connection that I do not think it advisable, I do not think it is wise to connect a minister with diplomatic relations, where one is necessary, with the merely and purely commercial relations, the business relations of a consul-general. To some extent they are incompatible; to some extent they infringe upon each other. The minister has to sustain peculiar diplomatic relations to the government to which he is sent, and it may be a delicate duty to be inquiring in regard to markets and productions and rivalries. It may bring him as a minister in wrong relations with the government, while as consul-general having his associations and his inquiries with the manufacturing, the producing, and purchasing people of that country, the consul-general would have duties to perform very important, more important than all these ministerial relations in almost every country on the globe with our people.

Why they are put together, why duties which are sometimes running in contradictory lines, the diplomatic and the commercial relations, should be united in one person, I have never been able to understand. I do not believe it is a wise arrangement. I could wish that the committee might have examined that subject and separated the two. There is no reason why a minister resident residing at the seat of government, wherever that may be, very frequently remote from the commercial towns, the manufacturing towns, from the seaport, confined to the particular locality of a capital, should be charged with duties that require his observation and his labor, and if he is of any service to the people of the United States he should conduct an arduous, constant, uninterrupted inquiry of the condition of that country in relation to our commerce and our productions. Why these duties should be joined in fact, I do not know; one or the other is sacrificed necessarily by locality, by propinquity to the business which they have or ought to have in their charge.

I will take this occasion to say a word more. To my mind, to-day the great demand in the condition of the American people is for agents—intelligent, bright, enterprising men—in every country on this globe to see what kinds of products American manufacturers and American producers can find a market there for. In this great teeming country of ours, with its industries and its wealth and its productions, while business is in a state of stagnation here at home, and while thousands of men are either idle or dissatisfied for want of full employment, I think the wise thing for this Government to do is to look over the face of the world and see where the productions of the industries of our people may find a market, so that the cry, whether true or false, of overproduction which leads to a lack of demand and sale of our productions may be obviated, that industries may be encouraged, that there may not be overproduction, because we can find markets all over the world for one or another of these productions which fill and glut our own market.

Sir, I am glad of the attention which has been given to the consular system and its direction in the years of the recent past, and continued, I am happy to say, now by the present Secretary of State and that Department. The tendency which has been given to consular appointments and consular duties and consular industry in the direction to which I have alluded is the most hopeful thing for the laboring man of the United States in the shop, in the factory, on the farm. The prospect which that opens for markets for our diversified industries is the most hopeful thing in the present somewhat gloomy state of affairs in our own country. The markets throughout the world, the new markets, the unoccupied markets for the ten thousand manufactures and productions of the soil and of the factory which may be found by

a bright, active, intelligent consular force will open new fields of enterprise, new fields of industry to the mechanics and manufacturers and laborers in farm and field and shop and factory throughout the United States; and I would without parsimony give to that service all the encouragement which can be given to it by a reasonable and fair appropriation and by proper and earnest instruction to the consular service of the United States to make it what it is intended to be, the agent of our commerce, the watchman to look out for our industries in every place in the world where its members are stationed.

I speak of this with some little feeling because my attention for some years has been called to it, commencing with the preparation of the circulars for consular reports, which I have watched with a great deal of earnestness from the time they commenced until now. I have tried to follow the effect of that in the different countries as far as I have been able to do; but with the limited means I have had at my disposal I have seen the advantages to us of markets abroad secured through consular methods and consular efforts. I may say here that I think members of Congress do not appreciate and never have appreciated the value of the statistics gathered by our consuls and published by the State Department in their monthly reports, and distributed twenty to each member for circulation in his district to those who may desire that class of information. Among our manufacturers, among our people, these reports are sought for as soon as they are brought to their knowledge, and I have watched the effect of them in creating new markets. Sir, I have looked with pleasure upon the shipment of wagons manufactured in my State to many of the islands of the Pacific in large numbers, and bringing remunerative prices, manufactured at different places in Michigan and, as my friend from Indiana knows, at South Bend in his State. I have gathered together from San Francisco and from the agents of the lines of steamers running to the Pacific islands the invoices of the item of wagons sent from South Bend, Indiana, and from Jackson, Michigan, to islands of which we think only as if their people were cannibals, the Feejee Islands, the Society Islands, and to Australia, and to New Zealand, and to other places. I have seen with very great gratification that the products of industries going on around me in my own State were sent to those far islands of the sea, furnishing a market almost equal some years to the home market for these same productions.

I have delayed the Senate in commenting on some things which have interested me very much, and I have only alluded to one or two of the things. I could, even from memory, go on and enumerate by fifties, if not by hundreds, different items of manufacture and of production that have found a market in the distant and almost unknown islands of the ocean, as well as in other places on the continents, through the information and the knowledge gained in the first instance through the reports of our consuls, and caused by following clews that have led to the opening of the markets of these countries to my own people and to your people, sir.

I make these remarks to call the attention of the committee to the lack of assistance to that class at least of consuls-general who are charged with the double duty of ministers or diplomats, which is an important thing with the South American republics especially, and the entirely different and sometimes complicated duties of consuls. I am sorry to find that so many of them have not a clerk of any kind to assist them in opening these new regions to our commerce and to our productions and furnishing markets to our people. This fact strikes me somewhat with surprise, and I am very glad the Senator from Indiana has called attention to one of these cases. I ask the attention of the Senate to the many cases where consuls-general and ministers have not even an assistant as a clerk.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

Mr. ALLISON. Before the reading of the bill proceeds, I think I ought to say a word in response to the suggestions made by the Senator from Michigan.

The Committee on Appropriations does not have charge of the regulation of our diplomatic and consular service. It is our business to recommend to the Senate appropriations for the public service in this regard as we find it; and if the Senator will examine the statutes on this subject he will find no authority for clerks at the several places named by him, although I admit if we thought proper to provide for clerks at these several missions it would be perhaps within our province to do so.

There is in this bill a large number of clerks provided for for the various consulates throughout Europe and South America. Where clerks are provided for in this bill, they are estimated for by the Department; and in the cases named by the Senator from Michigan there is no estimate and no suggestion coming from the head of the Department of State asking us to make provision for clerk-hire.

The Secretary of State appeared before the committee and made many suggestions to the committee. Some of these suggestions are incorporated in this bill, and many others are not incorporated in the bill. He desired a great many things; but he did not even suggest to the committee that at the places named by the Senator from Michigan there was any need of clerk-hire. If we are to enter on the business of providing clerks for all the ministers-resident and consuls-general, without regard to the business done by these ministers or consuls-general, we must necessarily very largely increase the appropriations for this service.

I agree with the Senator from Michigan that for the last few years our appropriations for the consular and diplomatic service have been rather too rigid. I think a little expansion for this service would be healthy for the commerce of our country as well as for its diplomatic service. But we did not feel, situated as we are now as a Senate committee, that it was our duty to enlarge very much this consular and diplomatic appropriation bill in the face of the fact that in the other House this bill was presented by the Committee on Foreign Affairs, which is supposed to know more in detail the needs of the service than we possibly can. It is presented to the Senate after full consultation with the Secretary of State, and in the respects wherein the bill has been criticised by the Senator from Michigan we had no suggestion whatever on the subject.

I think I ought to say in reference to our consuls that while in theory it is a beautiful idea to have our consuls actively engaged in enlarging and developing our intercourse, as a rule I am sorry to say that they are, to say the least, very lax in that regard, and as far as my observation and experience go the consuls do very little to develop the commerce of our country; but they are under our laws necessary and we have made provision for consuls, I believe, wherever the Secretary of State has deemed it wise to make such provision, and we have provided them with clerical force in every instance where the Secretary of State has deemed it necessary to make such provision.

So, while I agree perhaps that we might enlarge somewhat our diplomatic service by separating the consular service entirely from the diplomatic service, I think that at this time it is not wise for us to enter upon this subject, especially as only four or five years ago two or three suggestions were made by the then Secretary of State for the consolidation of missions with the position of consul-general.

Mr. BUTLER. May I inquire of the Senator from Iowa, who has evidently given this subject much consideration, if he can account for the difference which I see all through this bill in the style or name or rank of the various representatives of this Government in foreign countries?

I think there is great force in what fell from the Senator from Michigan in regard to the duties of ministers resident and consuls-general. One is diplomatic and the other is commercial. I see on page 3, line 42:

Minister resident and consul-general to Roumania, Servia, and Greece, $3,500.

Immediately following, in line 44, is:

Agent and consul-general at Cairo, $5,000:

And immediately following that, line 45:

Chargé d'affaires to Paraguay and Uruguay, $5,000.

I should like to be informed by the Senator from Iowa, if he can do so, why that distinction? Why do we have a minister resident and consul-general to Roumania, Servia, a chargé d'affaires to Uruguay and Paraguay, and an agent and consul-general at Cairo? I agree entirely with the Senator from Indiana if these governments are of sufficient importance to have a representative of the United States Government to them, our representative ought to go there with a rank at least equal to that of the representative of that Government to this. For instance, at Paraguay and Uruguay we have a chargé d'affaires. What is that? Is that diplomatic or consular or both? Five thousand dollars he gets, and the minister resident and consul-general to Roumania, Servia, and Greece gets $6,500.

Of course I appreciate the difficulties suggested by the Senator from Iowa which are encountered by the Committee on Appropriations, but I trust that the Committee on Foreign Relations will take this matter into consideration and give us something like a uniform system for the diplomatic and consular service of this Government.

Mr. ALLISON. Regarding the suggestion first made by the Senator from South Carolina as to the item "minister resident and consul-general to Roumania, Servia, and Greece," I will say that is a new item. That is to say, it is an item inserted within the last three or four years. We had a consul-general accredited to Roumania, Servia, and Greece, and two or three years ago we raised his rank to that of minister resident, adding to the duties of consul-general diplomatic functions. A consul-general has no diplomatic functions. Although our relations with Roumania and Servia are not very intimate, we thought it wise to have there a diplomatic officer to keep the State Department informed with reference to our diplomatic relations with that region, whatever they are.

Mr. BUTLER. I understand that, but as was suggested by the Senator from Michigan, the duties of the two, minister resident and consul-general, seem to be inconsistent, and sometimes run across each other. The minister resident is purely a diplomatic officer to conduct international questions between the two countries. The duties of the consul-general, on the other hand, are purely commercial, having nothing whatever to do with diplomatic questions, as I understand. It strikes me as being extremely awkward to unite the two.

Of course, I understand very well that the Committee on Appropriations can not correct that difficulty. I merely make the suggestion somewhat in the line of what was said by the Senator from Michigan, in order to induce either the State Department or the Committee on Foreign Relations of this body to take cognizance of the question, and give us a more symmetrical and uniform system.

Mr. ALLISON. I will say to the Senator from South Carolina that this provision uniting consular and diplomatic functions is a new provision inserted some five or six years ago, in fact at the urgent instance of the House of Representatives when they sought to economize in the foreign service. It was at that time first provided that a minister resident should be a consul-general at certain points and places where it was supposed that one man could perform both functions. Although it appears to be inconsistent to have the minister resident to Roumania and Servia also consul-general, I think that one person exercising the diligence that we exercise and laboring the hours that we labor here could possibly perform all the diplomatic service required there and also could supervise all the consuls in Roumania and Servia, especially as we do not have a single one there. The business of a consul-general is to supervise the consuls, and therefore I think that this officer in the instances named by the Senator can very well perform both functions.

Now, as to the consul-general at Cairo, we have never had a diplomatic officer there except as an agent.

Mr. BUTLER. A commercial agent?

Mr. ALLISON. No, sir; he is denominated and has been, I think, for twenty years in our consular and diplomatic appropriation bills as an agent. That gives him diplomatic authority. He is also a consul-general, having charge of the trade relations with Egypt. He is an agent.

Mr. BUTLER. An agent of what? Of this Government?

Mr. ALLISON. Agent of this Government to perform diplomatic functions in Cairo. He is not a commercial agent.

Mr. CONGER. I suppose, Egypt being in some sort a quasi province of Turkey, we could not have a separate minister resident there any more than we could in Canada, but we have a ministerial agent named in that way.

Mr. BUTLER. Is he subordinate to the consul-general to Turkey or the minister to Turkey?

Mr. CONGER. He performs whatever ministerial duties are to be performed at Cairo.

Mr. ALLISON. He exercises the functions of a diplomatic agent there. Whenever matters concerning our diplomacy come up, he is the proper officer to act.

Mr. BUTLER. How about the chargés d'affaires to Uruguay and Paraguay? What is a chargé d'affaires?

Mr. ALLISON. That was an economical experiment by the House of Representatives four or five years ago, whereby the appropriation was reduced from $7,500 to $5,000, and it has stood in that way from that time to this. The Committee on Appropriations did not see proper to change it.

Mr. HALE. He was formerly minister resident, but was razeed by the House.

Mr. BUTLER. I think we had better raise it back again.

Mr. CONGER. In my comments on this bill I had supposed that all these changes, at least all the minor ones, had been made and were customarily made in an appropriation bill and not by a separate bill making legislation on these subjects.

Mr. ALLISON. That is true.

Mr. CONGER. My remarks were in reference to the fact that the practice had been and would probably continue to be that the changes in these different officers, their grades and the divisions of them, by custom, or at least consent, had been made in the appropriation bill and not in other regular legislation.

Mr. ALLISON. I quite agree that the Senator is right. We may, if we see proper, initiate a provision here looking to the employment of clerks at every one of these places.

There is a clerk allowed, I will say, to the consul-general at Berne; but I do not believe that there is a sufficient amount of work required of these several officers to create a necessity for a clerk, and I think if such clerk-hire was necessary the Secretary of State would have discovered it and would have put in his estimates an estimate for clerk-hire at these places.

Mr. BECK. I do not desire unnecessarily to delay the passage of this bill, but sometime or other during its progress it may be as well to say that there is a measure pending at the other end of the Capitol, a copy of which I have, seeking to reorganize the consular service and place it in something like working shape. It is not now the law, however, though it may become so. I hope it will, as it seems to be an improvement on the present system in many regards.

As this bill came to the Senate Committee on Appropriations from the Committee on Foreign Relations of the other House, which is now seeking to change the present diplomatic and consular system, while there are very many important changes which I think ought to be made, the Committee on Appropriations did not feel at liberty to make them, especially as there are no recommendations from the head of the Department asking us to make such radical changes as I would like to see. I agree that we ought to adhere to the House bill substantially. Doubtless the Secretary of State felt that we could not make changes such as he desired on an appropriation bill, and therefore withheld recommendations he would otherwise have made.

The Senator from Michigan stated very justly and very strongly some marked advances in the work of our consuls. I was glad to hear him say that he felt encouraged by the efforts made in the last five or six years by our consuls to obtain information necessary to aid in extending the commerce of this country; yet there are very many things in the consular service, as the Senator from Michigan and the Committee on Commerce will find when they come to look into it, which need to be radically changed before it will be of much real practical value in aiding our revenue officers.

Our consuls are our agents in promoting our commerce and in assisting us in the collection of our revenue, by giving such information as will enable our custom-house officers in New York and elsewhere to see to it that we are not defrauded by false invoices and undervaluations. They are paid two dollars and a half, I believe, for signing their names to every affidavit of the importer to the truth of the statements he makes in regard to each invoice. The presumption is that they act in good faith and with proper caution, yet the facts do not sustain the presumption.

A subcommittee of the Committee on Finance went to New York under the order of the Senate and investigated, among other things, the action of our consuls. I have before me an illustration furnished by the testimony, which shows how little consular certificates are worth under the present system. The Senator from Iowa [Mr. ALLISON] is the chairman of that subcommittee. Almost the first thing the committee did was to go to the appraiser's office and ascertain how invoices were verified, and this was about the first thing handed to us as we entered the office:

I read from the printed statement:

In the invoice division Mr. McMullen presented the chief of division, Mr. H. F. Bowers, who exhibited to the committee certain invoices and papers which he explained, one by one, as being improperly certified, as follows:

In this case [exhibiting a paper] the consul at Brunswick, in Germany, certifies to an invoice dated at Hanover, which is in his jurisdiction, that the goods came from Barmen. There are two invoices from Barmen, and no certificate from the consul there; and one from Zittau, in Saxony. There is no consul there, but there is one at Dresden, near there.

By Mr. BECK:

Q. That is not under the jurisdiction of the consul at Brunswick?
A. No, sir. Here is one from Waldkirchen, in Saxony.

By the CHAIRMAN:

Q. Is that near Brunswick?
A. No, sir; it is near to Leipsic. Here is one from Forbach, in Baden; here one from Linden, near to Hanover; here another from Barmen; now one from Hanover, an invoice of 14,071 marks, being the total amount consolidated. It is certified to by the consul at Brunswick, William C. Fox.

By Mr. BECK:

Q. And it has no other consular certificate upon it?
A. No, sir.
Q. What value do you attach to a certificate of that sort on invoices coming from cities outside of the consul's jurisdiction, and where there is a consul who should certify, but does not?
A. We can not attach any importance to it, because the consul who certifies can not know anything about it. He can not know anything about goods not produced in his own district."

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Q. Now, in reference to that consolidated invoice coming from Hanover, outside the jurisdiction of the consul who certifies, what do you do with that invoice?
A. It goes back again from us to the collector.

By the CHAIRMAN:

Q. But you pay no attention to the certification?
A. The appraiser can not pay any attention to it.

By Mr. BECK:

Q. Do you treat it as an invoice?
A. Of course, the consul certifies that it is so; for which the collector is bound to take it, of course.
Q. The collector is not bound to take the invoice that has no goods with it?
A. No, sir; the only point with me is to show you of how little value they are; how much importance the examiner attaches to it I can not tell you, but I think there is no importance to be attached, because the goods are not produced in that consular district at all.
Q. And so far as the United States is concerned, it might as well have no official certification at all as to have one like that?
A. That is the way I look at it. And here the appraisement may as well apply the same as to goods which have no invoice at all.

And so it was all through the history we obtained from the custom-house officers. No faith could be placed in consular certificates.

I have read that portion of the testimony for the purpose of showing that until we have some reorganization of the consular system, some change whereby we can make the service of our consuls available for commercial purposes, we might as well, in many instances, have none. That was the testimony of all the leading officials in the great custom-houses of New York and Boston. As I have just read, ten or twelve different invoices were all certified by one consul, all certified by the consul at Brunswick, who is himself, if I recollect aright, an unsalaried consul who lives by fees, there being regular consuls with fixed salaries living at four or five of the places from which the goods in that invoice came. They were all avoided; and the certificate alone was presented of the consul at Brunswick, an unsalaried officer, living upon his fees, and who, by the way, collects $4,663.86 of fees, and is allowed a compensation of $2,500, $255.83 for rent and clerk-hire, and $118.10 for contingent expenses. That man whose pay depends upon his fees is the man who was selected by all these shippers to certify their invoices of goods, nine-tenths of which came from places outside of his consular jurisdiction.

We were advised by well-informed men, and when our report is made

it will show that whenever merchants who are sending goods to New York on consignment to their own agents desire to value them as low as possible, if they find that we had a vigilant officer or consul at the place that officer is boycotted; he is not recognized; he is not spoken to; he is tabooed; while some other officials, may be like the consul at Brunswick, who will certify to anything, is the officer who gets the fees and gives such certificates as the importer wants, without knowing or caring whether they are true or false.

For one I do not feel like extending the present consular system. I will provide for it as it is, hoping that it may be remodeled. The Committee on Appropriations having had this bill sent to them that was specially considered by the Committee on Foreign Affairs of the House, which took five months to consider it, and sent it to us without any changes of the old condition of things, we did not think we could change it. Perhaps the House committee could not in this bill under the rules that we have jointly agreed should prevail, that no new legislation should be inserted in appropriation bills. As they have prepared another bill correcting many of these evils, and as they sent us this bill as it is, and as we were not advised by the State Department that the suggestions of increasing the rank of the ministers now being considered, or adding clerks to those who hold the office of minister resident and consul-general were approved, we simply took up other matters which were deemed important, and we have made quite considerable increases in other regards, as the Senate will see when we come to them.

For example, as to the money for the secret-service fund, if you may call it so, whereby the Secretary of State can carry on negotiations in regard to the troubles we may have with Canada, Central America, or any other country, we had added considerably to the House bill, and wherever it is necessary to extend our commerce, in Corea, Japan, and elsewhere, we have felt that we ought to strengthen the hands of the Secretary. That we have done, and I think done properly.

That is about all I care to say at present, because while in many regards our consular system is working well in regard to reports and information, I do not think that consular aid in the collection of revenues will be valuable while they are responsible only to the State Department. All their most important services are rendered to the Treasury Department, and unless we make a change in some form to improve that service and impose penalties for neglect of duty we will not get satisfactory results under divided authority of two Departments and no real responsibility to either. I recollect when the Senator from New York [Mr. EVARTS] was appointed Secretary of State—I believe he was the first to organize and put in shape the system of consular reports—that we expected great results, and we have in the shape of reports obtained very useful information, and in that regard very salutary results; but in aid of our officers collecting our revenue and the safeguards against fraud we have not up to this time received anything like as much help as we ought. I called the attention of the Committee on Commerce on yesterday, and I hope they will look at it, to this state of things, which needs revision. On page 27 of the report of the Fifth Auditor will be found a large number of unsalaried commercial agents none of whom came before the Senate for confirmation. They are appointed I do not know how, kept there I do not know how, with pay and allowances such as the Department sees fit to give them. Take the first one on the list, Baracoa de Cuba; the amount collected at that agency in fees is put down at $1,361.50, and the compensation of the agent is $2,500. The pay for services to vessels, &c., is $1,138.50, and the contingent expenses $20—$3,658.50 paid to that unsalaried agent in regard to whose appointment we have no sort of authority, when he only collects $1,361.50 in fees.

If we cut classified consuls down to $2,000, $1,500, and $1,000, why should we have a commercial agent receiving that much money at the hands of the State Department and paid $2,500 salary with all sorts of other allowances, merely because he is called by another name, and the Senate has nothing to say about his fitness.

Again, on the same page, take Elberfeld; there is a case where the agent collected $3,740.50 in fees, and he receives a compensation of $2,500. Take Mayence; there the agent collected $3,741.50 in fees, and $2,500 is paid him as compensation, and the fees accruing to the Government amounted to $646.30, and for rent and clerk-hire he was allowed $595.20.

So at Port Stanley and St. Thomas, $3,312 was received in fees, $2,500 paid the agent as compensation, so that $812 accrued to the Government from the fees. So at a number of other places.

I may as well add that after hearing the Secretary of State and seeing that perhaps we could not reach what was desired in this bill, and knowing that something ought to be done in regard to bringing this class of officers under our control, the best the committee at present thought they could do was to insert this provision:

And in the estimates for the fiscal year ending June 30, 1888, there shall be estimated for specifically, under classified consulates, all consulates and commercial agencies where the fees collected or compensation allowed for the fiscal year ending June 30, 1886, exceeds $1,000.

So that in the next Book of Estimates the Secretary may take them in hand, and we can see whether we can not bring them under our authority. I do not think the Committee on Commerce are quite prepared to advise us how to do it. I do not know that the Committee on Foreign Relations are, but perhaps a bill may be framed by some committee even before we adjourn that may be a step in the right direction. I have not examined the House bill with sufficient care to say how far it goes in that direction.

Mr. CONGER. The difficulties which have confronted the Committee on Appropriations have also frequently come to the consideration of the Committee on Commerce in their branch of the subject, and I have no doubt have troubled the Committee on Foreign Relations very much.

For several years in the other House some of these evils to which the Senator from Kentucky has alluded were met and discussed by the Committee on Commerce of the House, and amendments and suggestions were made in different bills to try and remedy some of the very evils to which the Senator from Kentucky has alluded.

For a great many years I have been firmly of the opinion that our laws in regard to the transportation of goods from the port of entry to an interior port without examination at the port of entry and without appraisal and the settlement and payment of the duties there, but that being left to some other port to which they may under the law be taken on a consular certificate, have been a fruitful source of danger to the revenues of the country and have been a fruitful cause of the procuring of certificates away from the principal consular offices at minor consulates throughout the world.

Our law here at home permits an invoice of goods coming to New York or Boston or Portland, intended for Chicago or intended to pass across the continent to San Francisco, to be entered on a consular certificate in New York or in Boston, and there, without examination, without appraisement, without the payment of duties, to be forwarded by virtue of that consular certificate, such as the Senator from Kentucky has described and read about, to Cincinnati or Chicago, or, if intended for New Orleans, to New Orleans, or to any other port of entry in the United States, there to have the goods appraised, there to have the goods examined and the cases opened, and unless there is something to indicate some opening of the packages or tampering with the packages in the original port of entry the custom-house officers there must send them right on, it may be across the continent to San Francisco or to Puget Sound or to Portland, or to New Orleans or to Detroit or Chicago or any other place.

If there is anything to indicate that the invoices do not correspond with the contents of the packages, the officer at the original ports of entry may open them, may examine them to see whether they contain the goods mentioned in the invoices; but our law provides and directs and authorizes the entry at the port of New Orleans, New York, Boston, Baltimore, anywhere, if the packages mentioned in an invoice appear to be unopened, if there is nothing to lead to suspicion that the contents are not properly mentioned in the invoices, and the forwarding of the goods to the place of destination, to these other ports, interior or otherwise, without examination and without payment of duties.

That being the law here, very naturally anybody who wishes to take any advantage of undervaluation would have a consular certificate from a consular agent or a consul who had never seen the packages and contents, but merely certified to them, and coming here they will go through to interior points, to Sault de St. Marie, to any place where under the law they can be sent, and there an appraiser entirely unfamiliar with the goods would fix the appraisal and arrange the duties.

I have felt for years, and have publicly expressed my opinion, that in our own country was one of the best opportunities and most fertile sources of the undervaluation and loss to the Treasury of duties by underappraisement and undervaluation; but whatever I may have stated as the result of an investigation related more particularly to invoices coming from Canada through the port where I live. Whatever I may have said or attempted in the other House (and the occasion has not arisen where I have had opportunity to do it in this) has been passed along in the general system. No correction of evils, no correction of what I believe to be the possibility and the strong probability of abuse of that system has been made.

The very testimony read by the Senator from Kentucky and the remarks he made before the Committee on Commerce within the last few days in regard to some of these things, will show Senators how the law which we have in regard to forwarding the invoices of goods from the port of entry, without appraisal and without the payment of duties, to some interior and remote port where the officials are not familiar with the kinds of goods, will lead men in other countries, in Europe or wherever, to go away from the consuls at the ports of shipment and to take certificates from a consular agent far removed from the markets and from the ability to judge and examine as to the value of the goods and get those certificates in that way. There is no kind of question that all through Europe the shippers to this country do find their official certificate from men remote from market for that very object and for that very reason.

I had occasion in studying this subject and in following up some of my investigations in Canada to find that instead of having consular certificates from Montreal, from Toronto, from Hamilton, we had consular certificates from some point in the interior of Canada, where goods would be shipped by rail and there the consular certificate attached by

a consular agent, not by the consul in the place from which the goods were originally intended to be shipped to the United States. I have pursued that inquiry and have gone to different places in Canada to make personal observation that I might while I was in the other House fortify myself with some information to lead to a change of the law. But unfortunately my efforts were not seconded, and the law remains the same.

There is another trouble about this which the Senator from New York [Mr. EVARTS] in his experience in the State Department can very well appreciate. By a kind of necessity, perhaps, our agents abroad, whether ministerial or commercial, seem to have their appointment and their responsibility to the State Department. The State Department, except incidentally and collaterally, is not the special guardian of the individual commercial transactions of our country abroad. It has that in view on the general scale, but the duties of consuls abroad are almost entirely connected with the Treasury Department, with our sailing, with our invoices, with our estimates of value. There is no responsibility of a consul abroad to the head of the Department to which his duties relate. There is no responsibility of a consul abroad to the Treasury Department, where his official certificates are to be taken by the Treasury Department in many of its transactions under the law as proof and the only proof. There seems to be an incongruity which I have no doubt the Senator from New York has felt in his experience of the appointment and control of mere commercial agents to perform duties connected more especially with the Treasury Department than any other, that these officials should be responsible to the Department of State only and have no official relation with and no official responsibility to the Treasury Department, with whom their duties are more intimately connected and to whom as the head and as the source of their authority they ought by the system of commercial relations and consular duties to have the responsibility.

Perhaps in our system there could be no way devised by which our Treasury Department could have control and direction of our appointees in a foreign country. I can myself see the difficulties which might arise, and I suppose our fathers selected what seemed to them the better way, that they would class all the agents of the Government abroad as connected with our foreign relations and as of necessity coming under the State Department, having charge of all our foreign relations which could exist, and their responsibility to that Department and their duty under the supervision of that Department must be kept up, although the efficiency and activity of the consular service is confined almost entirely to the Treasury Department.

What the remedy may be for that I do not know; but if a bill be introduced reorganizing and regulating the consular service, that great body which may be so beneficial in all our commercial relations abroad, I trust we shall have the benefit of the experience and observation of my friend from New York and of my friend the President of this body, on account of his relations to the Treasury Department, in so organizing and reorganizing the commercial service, the consular service of the United States, that there should be some responsibility, some direction, even if it were to come through the State Department to the Treasury Department, which will make it more efficient and more valuable, and remove some of the evils to which the Senator from Kentucky alluded, and which I have seen and known of and opposed for years in the other House, that we may have a system more adapted to our circumstances and to the wants of our people.

Mr. MCMILLAN. I think this discussion will be of great benefit to the consular service as well as to the commercial interests of this country, and I am very glad that it has transpired.

Doubtless the regulation of the consular service is very necessary, and I think the suggestions made by the Senator from Michigan are very profitable ones. The fact that this service is intimately connected with two Departments of the Government has heretofore prevented a definite regulation of it. The State Department and the Treasury Department are the two great Departments of the Government with which this service is intimately connected, and I am sure the Senate will greatly benefit from the experience of the Senator from New York [Mr. EVARTS] and the Senator from Ohio [Mr. SHERMAN], who have been in the State Department and the Treasury Department respectively, from their presence and advice here.

I wish, however, to suggest a difference of opinion with the Senator from Michigan in regard to one point to which he alluded. The Senator from Michigan seems to be of opinion that our laws which permit the transportation of imported goods to the interior of our country for appraisement have not operated beneficially, and that they have produced evils in respect to the appraisement of goods.

Mr. CONGER. Will the Senator from Minnesota allow me to make a suggestion?

Mr. MCMILLAN. Yes, sir.

Mr. CONGER. My objection is not at all to what you call the immediate transportation of goods. In the law relating to the interior transportation of goods Congress defines the place from which and the place to which all the goods shall go. It is supposed that in fixing places under the special provision for the immediate transportation of goods to interior points the proper facilities for appraisal are afforded. But what I refer to is an entirely distinct and different thing, which existed long before we had the act for the immediate transportation of goods to the interior. It exists now, and is entirely independent of that. Under the law goods arriving at one point under a consular certificate, by virtue of that consular certificate may be taken to any place not provided for in the immediate transportation act. I assisted in the formation of the other law, and while each place from which and to which the goods may go is specified in the law or else they can not be taken under that law, and where there is no proper appraisal provided for, it is also provided for in the law. I agree with the Senator as to the value of that law, but my point is an entirely different thing, where a consular certificate will take goods from the original port of entry through the country to any other port of entry in the United States.

Mr. ALLISON. What law is that, I should like to ask the Senator from Michigan?

Mr. CONGER. I can not turn to it, but I will find it for the Senator. It is a law by which under a consular certificate goods which have no appearance of being tampered with may by virtue of the consular certificate itself have immediate transportation to the designated place in the United States mentioned in the invoice.

Mr. ALLISON. That is under the immediate-transportation act?

Mr. CONGER. No, sir; not at all. It was passed before the immediate-transportation act, and continues now.

Mr. ALLISON. I should be glad to have the Senator show it to me.

Mr. CONGER. The immediate-transportation act I assisted in forming and modifying, and I approve of it; but by the consular-certificate law, if in Europe a man desires to consign his goods to Marquette, Grand Haven, Chicago, Racine, or to any place where there is a port of entry——

Mr. ALLISON. And pass them through Canada?

Mr. CONGER. I do not mean through Canada. He may pass them through the United States; he may pass them through Canada under the provisions of another law; if sent from New Orleans to Saint Paul, or what used to be the port of entry of Saint Paul. I ask the Senator from Minnesota to excuse me for taking his time.

Mr. MCMILLAN. Certainly.

Mr. CONGER. You might send from New York, or New Orleans, or Baltimore an invoice of goods under a consular certificate without appraisal and without the payment of duties to what used to be the port of entry of Minnesota, Pembina, a place away up on our northern frontier, which was a port of entry. You could send under a consular certificate, and can now, to any port of entry in the United States, without examination, without appraisal, and without payment of duties, by virtue of the consular certificate, any packages of goods, any invoice of goods, unless the collector at the port where they are first landed has reason to suppose either the packages have been tampered with or that the goods do not correspond with the invoice. The duty is paid at the place of delivery and the appraisal is paid at the place of delivery. The trouble with me is that without an appraisal such as we have at the interior ports of entry under the immediate-transportation act, with persons there who have no perfect knowledge of the class of goods, the appraisal is made and the duties settled at the remote port of entry.

Mr. MCMILLAN. I am glad to know that I misunderstood the Senator from Michigan in the remarks he submitted before I took the floor. I was somewhat surprised at the expression as I understood it, because I was aware that the Senator had concurred with me always in respect to the importation of goods to interior ports under our existing law.

While I am on the floor I desire to express my entire approbation of the existing system. Its benefits are so great that the interests of the country now forbid any change in this respect. The points of distribution of goods in the interior of our country are established and they are essential to the interests of commerce. To say that we shall not be permitted to import foreign goods into the large inland cities of the country and have the benefits of the direct shipment of goods would interfere with the commercial transactions of the country to such an extent that it would produce great derangement.

Mr. HOAR. The experience of the seaboard ports does not show that such importations are free from fraud.

Mr. MCMILLAN. No; the seaboard ports are, as I learn, the places where the evils exist. All the complaints in regard to underappraisement and to frauds of various kinds come not from interior ports but from the great ports of the Atlantic coast, where the importations are principally made. I have heard no complaint whatever of undervaluation or of any frauds in the appraisement of goods or in the importation of them to the inland cities of the country.

Mr. DAWES. In connection with what has just been said I desire to state to the Senator from Minnesota and the Senator from Michigan that the recent action of the Executive renders it necessary for us to review this whole system and to determine whether hereafter all importations shall be concentrated at the ports of the seaboard, or whether we shall be permitted to enjoy the beneficial results that certainly flow from transmitting the goods to the points of delivery indicated in recent statutes.

I wish to take this opportunity to express my great surprise at the objections which have been raised to the system which has received the commendation of those two Senators, on the part of the Executive, grow-

ing out of the fact that he or any one else should conceive that there was better chance for honest administration at these great seaboard points, where is concentrated necessarily such an immense amount and infinite variety of importation and examination, that there is more safety there and better safeguards against frauds than there would be in the interior at points where there would be small deliveries of imported goods. I am glad to know that in due time we shall have the co-operation not only of those Senators, but I am confident of the entire Senate, in a review of the reasons given by the President for an attempt on his part to put an end to this policy.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the unfinished business, being Senate bill 2225, is before the Senate.

Mr. ALLISON. Before we pass from this question I desire to say one word upon the suggestion made by the Senator from Michigan [Mr. CONGER]. I think he entirely misapprehends the causes which lead to undervaluations. I am sure that if he will examine into the question carefully he will see that the undervaluations do not originate in any sense from the fact that goods are transported from one section of our own country to another, nor will he find that these consular certificates are issued by one consul rather than another or that it is in any way connected with our tariff system in our own country.

The truth is that these consular certificates are made without personal examination of the goods at any time. The consul does not make a personal examination. He simply overhauls the invoices, and is supposed to be familiar with the character of goods manufactured in the locality, and from his general knowledge of the situation is supposed to be able to certify as to the correctness of the invoices.

Now I want to call attention to the statement made by the Senator from Kentucky [Mr. BECK] on that subject wherein it appears that the consul at Brunswick certified to various invoices coming from other towns and cities in Germany. I believe that that whole system of certification originates from a scramble between feed consuls as to whether they shall certify and the regular salaried consuls appointed to make verifications as to which shall do so. Take this very case of Brunswick. Here are four or five consuls in the immediate neighborhood of Brunswick, at least three, who are provided for in this bill, with regular compensation, salaries; and yet the merchants instead of going to our regular consuls who have salaries fixed go to the consul at Brunswick. We have a consul at Barmen provided for in this bill. He has been provided for for many years at a fixed salary; and yet the Department of State has established a consulate at Elberfeld within 2 or 3 miles of the consul at Barmen. In fact they are really in one manufacturing town, and the consul at Elberfeld, as shown by the Fifth Auditor's report, receives a compensation through fees of $3,740.50 and the consul at Barmen is provided for in this bill at $1,500 salary. Can anybody give me a reason why the consul at Elberfeld, 3 miles from the Barmen consulate, receives $3,740? It is because he is active and vigilant with the merchants and manufacturers in saying, "Bring your invoices to me and I will certify them and receive the fees." The consul at Barmen has a regular fixed salary.

The trouble about these consular certificates arises from the inattention of our consuls and from the scramble for fees which originates at these feed consulates; and it is because of this that the Committee on Appropriations have now for the second time introduced into an appropriation bill a requisition on the Department of State that they shall draw the commercial agencies and feed consulates into the classifications provided for in the statute in order that there shall not be this scramble at the little manufacturing towns in Germany and other countries for the certification of invoices merely for the sake of procuring fees. This abuse—because it is an abuse—has been going on for some two or three years.

In 1882 we made a provision for drawing in the feed consulates; and the then Secretary of State, Mr. Frelinghuysen, made a long report on the subject proposing an absolute revision of our entire consular system, which, I think, would be a wise thing to do; but until that is done it is the duty, I think, of the Department of State to estimate specifically for whatever consulates they desire for the consular service in order that they may be put in the classified system of the consular service and turn over the fees they receive regularly to the Treasury, because there is a great inducement for a consul, if he can find a good location either in Switzerland or Germany, where the fees amount to six, seven, or eight thousand dollars a year, to leave his consulate entirely out of the classified service. It is true he ought to receive $2,500; but now he receives an allowance practically at his own discretion for clerk-hire and rent and all the surroundings which he thinks necessary for the carrying on of the office. So it is with St. Galle, in Switzerland, where laces are manufactured. The consul there is a feed consul, receives some seven or eight thousand dollars per annum in the shape of fees, and he is not drawn into the classified service at all. That is all the committee meant by suggesting the amendment referred to.

I did not rise particularly to discuss that amendment, but for the purpose of removing the misapprehension which seems to be in the mind of the Senator from Michigan that it is because of our internal system of transportation that these difficulties arise abroad with reference to the classification of invoices. I do not think that has anything to do with the present system of certifying invoices abroad.

Mr. CONGER. I do not know that the Senator from Iowa exactly understood what I said. It was that by virtue of our laws, not the immediate transportation act, a consular certificate gives special authority to pass goods through the original port of entry without examination, without appraisal, and without the settlement of the duties, to a remote interior port of entry, an equal port of entry in law, and have the examination and the appraisement and the payment of the duties there. I say the law does that, and takes the goods away from places where appraisers exist, for these smaller places have no appraisers, the collector himself being the appraiser. I allege that that is an inducement to men abroad to ship goods from Europe to these smaller and more remote places, perhaps not the very places they would otherwise have sent them.

I do not say it is for the purposes of fraud; but I do know that shipments are made to ports far remote from the original port of entry, but in the general direction where the goods are finally to be used, consigned to a place where they are not intended to be sold, and where there is no market for them. There is some object in using a consular certificate for that purpose to get goods there. I said merely that that being the object at this end of the journey, if there was no intention of undervaluation and of fraud in the consignor of the goods he would very naturally have his invoice certified to, if he had undervalued them at home, by somebody not familiar either with appraisals or valuations, as there would be in the larger towns or the place where the goods were made. Whatever gentlemen may say about it that fact exists, that from Canada and from Europe consular certificates are signed by men away from the very places of manufacture and where the knowledge of the value is not as great as at the places where they should naturally be certified from.

The Senator says, and says very truly, that under our present lax system the consul does not examine each package and its contents, but he certifies that he does. He certifies to the contents and value of package 1 and package 2. The invoice gives the contents, the invoice gives the value, and the consul certifies to it, and that is the authority through which and by which the goods pass from New York off to Natchez, that being a port of entry, the only port of entry on the Mississippi or Ohio Rivers, the others being ports of delivery. Natchez having been the southernmost point of the United States before the acquisition of Louisiana, it was made our southern port of entry, and that district of Natchez, unique in itself, unlike every other point from New Orleans to Pittsburgh or Saint Paul, is a port of entry, a customs district by itself, while all the other great cities on the Mississippi and Ohio, like Cincinnati and all those other places, are mere ports of delivery in the customs district of New Orleans.

By virtue of the power and force of a consular certificate goods can be sent to Natchez. They can not be sent to Cincinnati by virtue of that, because that is a port of delivery only, and they have to be appraised at some other port before they get there. They can be sent to the little ports on the lakes that are ports of entry and can be sent across the continent to Puget Sound, to Port Townsend, or to Portland, or to San Francisco. I do not say that either of these things induces fraud. They may all be honest, but I say if there is a disposition to undervalue and make a false invoice they would naturally go and get the certificate of a consular agent remote from the main marts of shipment in the old countries, and they do it, and evils arise in that way, as an investigation of this matter more full and more complete will show.

The PRESIDENT *pro tempore*. The unfinished business will be laid before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8087) for the relief of John J. Coughlin; and

A bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers;

A bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.;

A bill (S. 226) granting a pension to Margaret D. Marchand;

A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa;

A bill (S. 1584) for the relief of Cornelia R. Schenck; and

A bill (S. 2223) granting a pension to Elizabeth S. De Krafft.

TAXATION OF RAILROAD-GRANT LANDS.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. VAN WYCK, and Mr. WALTHALL the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

HOUSE BILL REFERRED.

The bill (H. R. 8087) for the relief of John J. Coughlin was read twice by its title, and referred to the Committee on Claims.

INDEMNITY TO CHINESE SUBJECTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] is entitled to the floor.

Mr. ALLISON. I do not wish to interfere with the Senator from Missouri, nor will I interfere with a vote on this Chinese indemnity bill if it can be had in a reasonable time this afternoon. I only want to say that I desire to finish this appropriation bill to-day if possible.

Mr. COCKRELL. Mr. President, Senate bill 2225, reported favorably from the Committee on Foreign Relations, is entitled "A bill to indemnify certain subjects"—I call attention to the language—"certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The bill provides—

That the President of the United States shall ascertain the actual loss and damage inflicted upon the person and property of Chinese subjects by the violence of a mob of lawless and riotous persons at and near Rock Springs, in Wyoming Territory, on or about the 2d day of September, 1885.

And it authorizes him to detail officers and have a report made, and these officers—

Shall report the estimate of the damages sustained by each person—

That is, each Chinese subject—

and the same shall be examined by the Secretary of State; and thereupon the President shall award to each person—

Each Chinese subject—

so injured the sum that he shall consider to be just in view of the evidence and report so presented to him.

Then the second section provides—

That the aggregate amount so awarded by the President, not exceeding $150,000, shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to the envoy extraordinary and minister plenipotentiary for China at Washington, in full satisfaction and discharge of the injuries to person and property inflicted upon subjects of the Chinese Empire.

This is not a bill proposing an indemnity to the Chinese Government for any indignity, offense, or injury committed upon it by the United States Government, or by any officer, civil or military, representing the United States authority. It is simply a bill to provide for the indemnity of private Chinese subjects who were upon the soil of the United States, and who suffered injury at the hands of a mob.

The bill proposes to take out of the Treasury, out of the funds contributed by the labor, the sweat, and the toil of the people of the United States, a given sum and hand it over to the representative of the Chinese Empire, to be paid to these Chinese subjects or citizens residing temporarily upon our soil and supposed to have been injured.

Now what are the facts upon which this action is proposed to be based? In order to ascertain all the facts we must first consider the parties to this transaction, this mob, then second the place at which it occurred, then third how and why the parties were there, and then what caused the mob. In order to get at all the facts we must consider these various points.

The first question then is, Who were the parties composing this mob and upon whom did they use mob violence? I read from House Executive Document No. 102, Forty-ninth Congress, first session, "The Chinese Question." I read from the testimony of James H. Dickey on page 15. He says:

The nationality of the men was Welsh, Cornishmen, and Swedes, and from other foreign countries. Don't know of any Americans being engaged in the trouble or attack.

I read from the President's message, pages 1 and 2 of the same document:

And it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

* * * * * * *

This outrage upon law and treaty engagements was committed by a lawless mob. None of the aggressors, happily for the national good fame, appear by the reports to have been citizens of the United States. They were aliens, engaged in that remote district as mining laborers, who became excited against the Chinese laborers, as it would seem, because of their refusal to join them in a strike to secure higher wages.

I quote now from the Chinese consul, Frederick A. Bee, of San Francisco, page 12 of this document:

It may be of interest to your excellency to know that not one of these murdering fiends was a native of this country, many of them not residents of the United States one year, and but a small number naturalized citizens. Such were the facts I learned from undoubted authority. As an instance, his excellency Governor Warren, governor of the Territory of Wyoming, was waited upon by a committee of miners who, among other demands made upon him, said that under no circumstances would they permit the Chinese to labor in the coal mines of the Territory. When asked by the governor if they made these demands as citizens, they all had to admit that they were not citizens, and never had been naturalized as such.

I now read from A. C. Beckwith, whose testimony was taken by the Chinese officials, on page 16 of this pamphlet:

There are but two nationalities working as laborers in these mines—European and Chinese.

I quote further from an interview with Hon. E. P. Alexander, M. A. Hanna, and James W. Savage, Government directors of the Union Pacific Railway, who visited there immediately after this occurrence. On page 26, they were asked this question:

Is that true that most of the attacking party of miners were aliens?

Quite true. We found upon investigation that there was not an American-born citizen among them. Their nationalities were English, Welsh, Scotch, Irish, and Scandinavian, their numbers predominating in the order named.

I quote now from Secretary Bayard's letter as contained in this same document on page 63:

On neither side, among assailants or assailed, was there any representative of the Government of China or of the United States or of the Territory of Wyoming. There was, therefore, as there could be, no official insult or wrong. Whatever occurred was between private individuals wholly devoid of official character. It was, moreover, absolutely without national character. The domestic element of an ordinary civil disturbance was wanting. The assailants, equally with the assailed, were strangers in our land. In strict truth, the hospitality of a friendly country, no less than the rights of peaceable sojourners therein, may be said to have been outraged by a body of aliens, who, being permitted by the generosity of our laws to enter our borders and roam unchecked and at will throughout its jurisdiction, freely and profitably selecting their places of abode and finding occupation therein, have abused the privileges thus accorded to them and committed gross breaches of the public peace, suddenly and doubtless with the knowledge that nowhere within summons could any police organization be found in sufficient force to stay their criminal hands.

Mr. President, the parties engaged in this mob were Chinese and European foreigners; not an American citizen was engaged in it, no man who had sworn allegiance to this country and its institutions. Where at what place did the disturbance occur? I read from Secretary Bayard's letter to the Chinese minister, on pages 62 and 63:

The region in which this outbreak occurred is not within the borders of any State of the United States, but is within the limits of Wyoming Territory. You make the point that this Territory is directly under the control of the Federal Government, and that the acts of the Territorial officers are in that degree those of the United States in the national capacity, not those of a distinct sovereignty. In this you approximately state a broad proposition; but do not accurately give it specific application. By its enabling and organic law the Territory of Wyoming enjoys local self-government, with a full equipment of officials in every branch known to our Republican forms, who are invested with full authority to maintain law and order and administer justice to all inhabitants. This Territorial government contains the usual framework of the other republics which combine to form this Union. It comprises an executive, a legislative, and a judicial branch. In the centers of population this government is as competent to discharge its administrative obligations as is the government of any State, and is responsible in the same way. Recent occurrences at Seattle, in the Territory of Washington, show this. Blood has been shed there lately under the authority of Territorial officials in successful defense and assertion of the right of certain of your countrymen to peaceable and law-observant residence.

The scene of the lamentable occurrences at Rock Springs was, however, remote from any center of population, and was marked by all the customary features of a newly and scantily settled locality. It consisted of a scattered assemblage of dwellings near a railway station and in the vicinity of some coal mines. The population was made up of men of all races, migratory in their habits; some engaged as laborers in mining, while others were employed in furnishing their supplies. Of formal recognized authority there were few representatives, and little or no attempt at organized police. It was, in short, a rude commencement of a community on the outposts of civilization, and, like all such beginnings, largely dependent for stability and order on the congruity of the elements of which it was composed.

To this remote and unprotected region your countrymen voluntarily resorted in large numbers. The attack upon them, as your note truly states, was made suddenly by a lawless band of about one hundred and fifty armed men, who had given no previous intimation of their criminal intent. These men were discontented mining laborers, who had previously sought to induce the Chinese to join with them in a concerted strike for higher wages, and their overtures being rejected, they became angered on that account.

The place was one where no civil authority of the United States practically existed, where there were no civil officers, where there was no police whatever. We have seen the parties and the place. Now how and why were these parties there? How did it happen that subjects of the Celestial Empire and subjects of three or four European nations, coming from the East and the West, met at this isolated place in Wyoming Territory, Rock Springs, and became engaged in coal mining and involved in this dispute? I read from this same executive document, page 15:

STATEMENT OF A. C. BECKWITH.

I am a member of the firm of Beckwith, Quinn & Co. Our business has been carried on at this place, Rock Springs, for ten years. A branch of our firm is and has been engaged in the furnishing of miners for the Union Pacific Railroad. We have furnished all nationalities, including Chinese. Up to the year 1875 these mines had been worked exclusively by white men.

Mark the time—"Up to the year 1875 these mines had been worked exclusively by white," or European miners—

At that time a strike took place by the miners. We—

Who are "we?" Their firm, the masters of these imported hirelings—

We then decided to employ a portion of the force, at least by experiment, comprising Chinese. We obtained about four hundred and set them to work, paying them the same wages we paid white men, which we have adhered to up to this time, a period of ten years. * * *

We as a firm have not brought into these mines any more Chinese the past year than years previous, and those who have been brought here this year were only to fill vacancies.

In the year 1885 they were still importing them.

Now, Mr. President, these parties are gathered together by a corporation or a subordinate power of that corporation as hirelings, as slaves, as serfs, and they are taken there and placed in those mines, first the Europeans, then the Chinese to displace them, and the Chinese and their government knew the object for which they were going there; they knew the object for which they were imported to Rock Springs. It was to supplant and drive out the other miners; they knew the incidents of that; they knew the probable result; and yet they go there because they are mere hirelings, and will sell themselves for wages.

We have ascertained the facts, the parties, the place, and how these parties got there. We see who they are. On the one hand they were Europeans from four or five different nations who have come here not to become citizens of the United States, not to become a part and parcel of this great country and people. On the other hand are Chinese brought from China to supplant these identical Europeans and drive them out of the mines. Because as laborers, hirelings, practically slaves, they are more docile, less resentful, more easily controllable, they were taken there, knowing the place to which they were going, the place almost outside the jurisdiction of civil or criminal authority in the United States. They go there, and they take all their chances and invite the race prejudices and animosities of the laborers they were displacing, and are alone personally and individually responsible for all consequences.

Now, let us get at the true cause which precipitated this mob. The distinguished representative of the Chinese Government has undertaken to suppress apparently or ignore the actual origin, and the distinguished Senators from Ohio and Vermont and New York have each ignored the spark that caused the conflagration. They have failed to get at the actual cause that brought this mob into existence and this terrible dealing with these Chinese. What was it? On page 13 of this document I read from the testimony of Mr. O. C. Smith, postmaster at Rock Springs:

About 9 o'clock in the forenoon on the day mentioned word was brought to me that there was trouble in No. 6 mine between white and Chinese miners. I immediately started to walk there. Half a mile this side of No. 6 mine I found about thirty white miners sitting on the railroad track. About half of them had guns in their hands. I inquired what it meant, and they said there had been a fight in the mine between two white men and some Chinese miners about a room; that the white miners and Chinese had been hurt. I advised them all to go back and go to work, &c.

Now, I read from the testimony of Mr. James H. Dickey, from whom I have quoted before, on page 15:

The first thing that attracted my attention on that day—

The 2d day of September, 1885—

was when a Chinaman named Ah Lip came out of the mine and went to Mr. Francis's house, he being a pit boss, and requested him to go into the mine and settle some trouble there. Mr. Francis asked him, "What is the matter?" Lip said, "The white miners want to fight the Chinamen." Mr. Francis went with him to the pit. Mr. Francis told me that Mr. Evans—

A pit boss, I suppose—

had marked off four rooms in No. 5 entry, two for Chinese miners, and Isaiah Whitehouse and William Jenkins went to work in two of the rooms, and the first day put in a shot and left it, not going back that day, but did so the next morning, September 2. On this day the Chinamen went to the rooms that had been assigned to them the day before, and fired the shot that Whitehouse had put in the day before. When he went to the room and found the Chinamen at work the difficulty took place, the Chinamen claiming that the pit boss had assigned the room to them. The two white miners beat the Chinamen in a terrible manner. This took place about 8 o'clock a. m. I saw them taking the wounded Chinamen on a buckboard over toward their houses.

About half past 8 o'clock I saw the white miners come out of the mine and go to Rock Springs, about forty-five men all told. No. 6 mine is about half a mile from Chinatown.

I now quote from Ralph Zwicky, pages 16 and 17:

In the forenoon of September 2 our clerk reported from No. 6 mine that a fight had taken place in the mine between white and Chinese miners; that several Chinamen had been seriously hurt, and that the men were all leaving the mines.

On page 17 he says:

The immediate cause of the riot was the occupation of two rooms by Chinese which white miners claimed had been given to them by Foreman Evans and Pit Boss Brookman. As the Chinese would not vacate the rooms a fight ensued, in which many white miners took part. As the statement of the parties connected with the affair is contradictory, and my knowledge is based upon hearsay, I would respectfully refer to the testimony given before the Government directors. My belief, however, is that there was no intention of defrauding white miners or of favoring Chinese, but that there was a misunderstanding of the orders by Evans and Brookman.

A remoter cause of the riot was the importation of Chinese miners during the summer and non-employment of white men coming to town. The reason for this was the coal company feared a strike of white miners, and to prevent this introduced more Chinamen. All white miners belonging to Rock Springs had work at good wages.

The grievances of white miners adduced to have led to the riot are favoritism of the Chinese against white men by pit bosses and officials of the coal company. Of this I have no personal knowledge, except that one boss, McBride, was discharged from the employment of the coal company, it having been proven that he sold rooms. I would again refer to the testimony before the Government directors.

Now, Mr. President, take the press account, on page 23 of this same document. I will not take time to read the whole of it, but it is substantially the same. Now take the white laborers' grievances, found in the report on page 22. They say:

1. They have been robbed of their rights by being turned out of their places in the mine and Chinese put into the same.
2. They have been made to work where Chinese would not work.
3. Their places have been bought by Chinese giving as far as $100 to the mine boss for the same.
4. They have been robbed by false weights being used to weigh their coal.
5. They have been discharged because they refused to vote for Mrs. Tisdel for school superintendent.
6. They have been compelled to buy their goods of Beckwith, Quinn & Co., when they could have procured them cheaper elsewhere.

These are some of the grievances of the foreigners there called "whites." Now, let us see what the Chinese have to say for themselves. On page 32 the Chinese say—Chinese laborers now:

1. The Chinese had been for a long time employed at the same work as the white men. While they knew that the white men entertained ill feelings toward them, the Chinese did not take any precautions to guard against this sudden outbreak, inasmuch as at no time in the past had there been any quarrel or fighting between the races.

Mark, they say this "sudden outbreak."

2. On the 2d day of September, 1885, in coal-pit No. 6, the white men attacked the Chinese. That place being quite a distance from Rock Springs, very few Chinese were there. As we did not think that the trouble would extend to Rock Springs, we did not warn each other to prepare for flight.
3. Most of the Chinese living in Rock Springs worked during the daytime in the different coal mines, and consequently did not hear of the fight at coal-pit No. 6, nor did they know of the armed mob that had assembled in "Whitemen's town." When 12 o'clock came everybody returned home from his place of work to lunch. As yet the mob had not come to attack the Chinese; a great number of the latter were returning to work without any apprehension of danger.
4. About 2 o'clock the mob suddenly—

Mark the language—"suddenly"—

made their appearance for the attack. The Chinese thought that they had only assembled to threaten, and that some of the company's officers would come to disperse them.

What is that they thought? That some of the company's officers would come to disperse them, that some of their masters would come to demand obedience of their co-slaves and co-serfs. There was their reliance—not upon the laws and power of the United States or of the Territory of Wyoming, but upon their lords and masters who had imported them there and who doubtless if the truth were known had engaged to protect them. They did not go there under the authority and protection of the United States.

Most of the Chinese, acting upon this view of the matter, did not gather up their money or clothing, and when the mob fired at them they fled precipitately. Those Chinese who were in the workshops, hearing of the riot, stopped work and fled in their working clothes, and did not have time enough to go home to change their clothes or to gather up their money. What they had left at home was either plundered or burned.

5. None of the Chinese had fire-arms or any defensive weapons, nor was there any place that afforded an opportunity for the erection of a barricade that might impede the rioters in their attack. The Chinese were all like a herd of frightened deer that let the huntsmen surround and kill them.
6. All the Chinese had on the 1st of September bought from the company a month's supply of provisions and the implements necessary for the mining of coal. This loss of property was therefore larger than it would be later in the month.

There is their grievance. Now you have the cause of it. Here are hirelings, serfs, slaves of this corporation and its subordinate monopoly, brought from Europe, from China, from the East and the West, and put down there in an isolated, distant place beyond the power and authority practically of the police and civil and criminal officers of the United States, the company to take care of them. The Chinese looked to the company for protection, not asking for any police officers, not asking for any soldiers to be stationed there, asking no protection of the United States, but looking simply and solely to their masters who had employed them for protection. They get into a quarrel, into a contention, in a mine, the fault of one of their subordinate bosses, a pit boss having assigned to Chinamen and Europeans the same rooms in mine No. 6. They get into a fight there. Nobody was apprehending any riot. No notice or warning was given to the Territorial authorities, no notice or warning of any kind was given to the United States authorities, none to the officials of any kind, none even to the company. The Chinese say they thought the company's officers would come and disperse these other fellows. They got into this fight. They left the mines, and a mob was the result, and damage was done; and the distinguished Senators from Ohio and Vermont and New York ask the tax-paying people of the United States to come up and put down the money to pay damages that these serfs and hirelings sustained at the hands of their brother serfs and hirelings.

We have the facts. Where is the law that creates any liability? Upon what principle of international law can any liability be imposed upon the tax-payers of the United States? I challenge the gifted and distinguished Senator from New York in charge of the bill to quote a solitary writer on international law to show liability on the part of the United States Government for these acts. I challenge him to quote any authority on this question. It is not in the books; it is not in reason; it is not in common sense; it is not in honesty; it is not in Christianity.

What are the general principles which govern foreigners resident in the United States upon our soil. What are the obligations of the United States to any foreign citizens residing or traveling in the United States? I ask the distinguished Senator from New York in charge of the bill to show what are the obligations of the United States to foreigners traveling in this country. I say, and I ask his criticism of it, that the general principle is this: The Government of the United States is bound to extend to foreigners temporarily residing, transient, engaged in business inside the territorial limits of the United States the same remedies for the redress of wrongs and the enforcement of rights as are extended to our own citizens. I say there is not a writer in the whole line of writers upon international law who will go further than I have stated. If we extend to foreigners residing here and traveling in our country the rights, privileges, and immunities extended to our own citizens we have discharged every obligation of international law and comity, of religion and Christianity.

Have we done that in this case? Has the United States Government extended to these Chinese every right, privilege, and immunity it would extend to its own citizens? That is the question. The burden of proof is upon the claimants. Where is there one particle of evidence that they have adduced to show that the United States Government has not extended to the Chinese every right, every remedy, and every immunity that would be extended to any citizen of the United States? Let us examine that, for I want to be exactly correct. On page 1 of the President's message the President says:

Every effort has been made by this Government to prevent these violent outbreaks, and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

On page 2 he says:

In the investigation of the Rock Springs outbreak and the ascertainment of the facts on which the Chinese minister's statements rest, the Chinese representatives were aided by the agents of the United States, and the reports submitted having been thus framed and recounting facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness."

On page 19 of the same executive document we find that there was a coroner's jury impaneled. It made its reports. They may be criticised and burlesqued; I will deal with them in a few moments. Read Mr. Bee's interview on pages 27 and 28, which seems to have been copied in this document as testimony. In addition to the coroner's jury a grand jury was impaneled, and I will read that first, on page 27:

We have diligently inquired into the occurrence at Rock Springs on the 2d day of September last, and though we have examined a large number of witnesses, no one has been able to testify to a single criminal act committed by any known white person that day.

Now, mark it; here is the machinery of government in full operation, a coroner's jury impaneled and an inquest held. Anybody was at liberty to come and testify before that coroner's jury and give information. It was the duty of the officers and persons in charge of these laborers to give the information. The very next month, on October 7, a grand jury was impaneled. They summoned before them witnesses, and they could not find a single witness to testify to a single criminal act committed by any known white person on that day. The Chinese minister and representatives are disposed to criticise this. They have made charges which they have not offered one particle of evidence to sustain. Mr. Bee in this interview says, on page 28:

To show you what sort of a grand jury that must have been, I will simply state that I myself have nine affidavits of railroad employés, merchants, and superintendents of the mine, who saw every house fired from first to last.

Now, mark you, the agent and representative of the Celestial Empire himself has in his hands the sworn affidavits of competent witnesses to establish certain facts connected with this transaction.

I told United States District Attorney Campbell, who was especially deputized by the Attorney-General to investigate the massacre, that if he would guarantee proper protection I would furnish him Chinese witnesses who could identify every white engaged in the assault. He said he would attend to the matter, and let me know. He then went off to Evanston, and I have never seen or heard from him since. There was no attempt on the part of the prosecuting officers to indict; they did not want any indictments returned, thanks to the reign of terror. You must remember that these Chinese and white miners have been working together for the last eight years, and are a trifle more than familiar with each other's countenances. All the white miners as well as the Chinese were paid off by an American firm, and the head of that concern, as well as two or three clerks, could have identified every one of the rioters.

"Whatever crimes may have been committed," say the jurors, "the perpetrators thereof have not been discovered." Now, to expose the falsity of the statement, let me tell you what took place before the Government railroad directors, M. A. Hanna, of Cleveland, Ohio; E. P. Alexander, of Augusta, Ga., and Judge J. W. Savage, of Iowa. When these gentlemen began their investigations they desired the evidence of Chinese witnesses, and requested me to furnish such witnesses. They assured me that the Chinamen should be protected while giving their testimony, and I then produced the witnesses. The first Chinaman who testified—

Describing him, was asked by Judge Savage—

how he got the cut on his head. The Chinaman said he was struck on the head with a pick-handle and knocked senseless, and after he recovered consciousness he started to run away, and was shot. Judge Savage then said: "Can you recognize the man who struck you on the head?" and the answer was prompt and unhesitating: "Oh, yes; I have known him a long time." "Can you give his name?" was then asked, and the witness then replied: "Isaiah Whitehouse."

Isaiah Whitehouse, the very individual with whom the Chinaman had the fuss down in mine No. 6 over one of the rooms.

"Now," continued Colonel Bee, "this man Whitehouse is an ignorant, bigoted Mormon, and a member of the Legislature."

We here see that the only parties who had the evidence to cause indictments to be found were the authorities of the railroad company or its officials, who knew these parties, and the representatives of the Chinese Government. Where was Colonel Bee when that grand jury was in session? Why did he not go there and present these affidavits before that grand jury and why did he not have witnesses subpœnaed? What steps have the Chinese taken under the civil and criminal laws of the United States to bring these murderers and robbers and thieves and plunderers to justice in the courts of the Territory? Not one step. Oh, no; they throw themselves back upon their reserved rights, as they think, upon the Government of the United States. They resort to the purse of the tax-payers of the United States, thinking it is easier for them to get redress by appealing to the sentimentalism of the distinguished Senator from New York and his confrères, appealing to their liberality, their generosity. No, they have not taken one solitary step. The courts are open to them. Every Chinaman there whose property was destroyed has an adequate remedy in the courts of that Territory, the same remedy he would have were he a native-born citizen of the United States. The courts, with criminal jurisdiction and power to enforce the laws against criminals, murderers, were open and are now open equally to the Chinese as to our own citizens.

We have done all that could be expected of us. This mob was sudden, unexpected. It was not anticipated by the Chinese, and was not anticipated by a solitary living individual who had any power or authority under the laws of the United States or of that Territory. There was no warning and there could be no preventive measures taken. It was sudden and unexpected to everybody. What did our Government do? At once the army was sent there. Officers were sent there. They went to the Chinamen who had been frightened from their work and took them back and put them to work. They immediately suppressed every possible disturbance. Peace reigned supreme from the moment it was possible for the United States to rush soldiers there. There was no police force, there was no United States marshal, there was no sheriff of the county. It was a sparsely settled country. It was impossible for the civil authorities to get together a force to suppress a disturbance of that kind. The United States immediately sent troops there, and did all that any government on the face of the earth would do. It did more than China would have done under the same circumstances.

We have extended to these Chinese for the redress of their grievances and the enforcement of their rights, every right, privilege, and immunity afforded by the United States to our own citizens. What more can we do? What more ought we to do? The Chinese there can pursue their remedies in the courts of the Territory for damages, for redress of grievances. It is the duty of every Chinaman who has any personal knowledge of a felony having been committed upon his own property or person, or upon that of any of his confrères there, his co-slaves, to give information to the proper officers, to have the guilty party arrested, and to have criminal process issued against him. It is his duty to do it. Living under the laws of the United States he must observe them. It is just as much his duty to do it as it is that of any American citizen.

These remedies are open to them, and not only that, but we afford them a right and a privilege which is not accorded to any citizens of the United States or the citizens of any other favored nation. They seem to have been the particular objects of the love and care of the United States Government. They can go into the United States courts for the redress of their grievances and the enforcement of their rights in cases where the citizens of the United States themselves can not go.

What more can the United States do than has been done in this case? The distinguished Senator from Vermont spoke about a year having elapsed and nobody having been brought to punishment. This mob only occurred on the 2d day of last September.

Mr. President, you can point all over this country, a country of law and order, of peace and justice, of right and Christianity—you can point all over this country to mobs. They are almost inseparable from any system of governmental administration. You can point to hundreds of them where no guilty man was ever indicted or brought to punishment, and where no reparation was ever made for the property destroyed. The law was open, the parties injured had their remedies, and never thought of appealing to the United States for redress.

The Senator from Ohio [Mr. SHERMAN] spoke about the mob at Pittsburgh and the State of Pennsylvania being responsible. Suppose it had been Chinese who had been damaged by that mob of American citizens, would they not have had the same rights and remedies against the State of Pennsylvania that the citizens of that State had? Certainly. These Chinese in Wyoming Territory have every right, privilege, and immunity that any citizen of the United States has there, and if the laws of Wyoming provide compensation for property destroyed by mobs they can secure that compensation and reparation. They have the same rights, and they have no more right to come here than any citizen of the United States who suffered from a mob would have a right to come here and ask for reparation.

I will read from the admirable letter of Secretary Bayard to the Chi-

nese minister the portions of it which I have not read. On page 63 he says:

As you are aware, in the States of the Union, and also in the organized Territories and in the District of Columbia, where the Government of the nation has its Federal seat, the conservation of the public peace is committed to the local authorities, and crimes of violence involving the lives and safety of the property of individuals are held to be in violation of the peace, and in derogation of the local laws and jurisdiction. This violation constitutes the criminality which the police of the community seeks to prevent by all rational precautions and which the law is intended to punish.

Violent assaults and homicides in newly-settled countries are very frequent and in proportion as the social elements are incongruous and the organization of police and judiciary is inchoate and imperfect.

The Government of the United States, opening its vast domain so freely to actual settlers, has extended the scope and power of the Constitution and laws over the Territories, by confiding to their local Legislatures and government the duty and power of maintaining order, preserving the public peace, and punishing infractions thereof. In this respect the local authority and responsibility is in practice as self-contained in a Territory as in a State.

Moreover, this local authority and responsibility is applied to and affects all inhabitants alike. Before the law alien and native are equal. Your note, however, intimated rather than argues the existence of special and peculiar responsibility in respect of the Chinese in our midst. By argument and analogy you seek to show that a singular and exceptional obligation rests upon the United States toward Chinamen, correspondent and reciprocal to the contractual obligations of China in respect of citizens of the United States resorting thither.

On page 67, he says:

The Chinese subjects now in the United States are certainly accorded all the rights, privileges, immunities, and exemptions which pertain to the citizens and subjects of the most favored nation, as is provided in the second article of the treaty.

* * * * * * *

The same laws are administered by the same tribunals to Chinese subjects as to American citizens, save in one respect, wherein the Chinese alien is the more favored, since he has a right of option in selecting either a State or a Federal tribunal for the trial of his rights, which in many cases is denied for residential causes to our own citizens; and he may even at will remove his cause from a State to a Federal court.

He is a highly privileged individual, possessing under our laws and treaty, rights and privileges not enjoyed by the noblest citizen of this country.

Thus, I find in the public press the announcement that Wing Hing, on behalf of himself and others, Chinese subjects, has lately brought suit in the United States circuit court to recover $132,000 from the city of Eureka, Humboldt County, California, for loss of property by the action of a mob in February of last year. A citizen of that State would have been compelled to resort to a State tribunal, without appeal beyond the jurisdiction of the State, whereas the Chinese plaintiff in question can carry his case on appeal to the Supreme Court at Washington, thus divesting his rights from all adverse chance of local prejudice.

I think you will thus recognize, in the same frank spirit as animates your note, that none of the protection intended by the law for our own citizens is withheld from your countrymen, but that, on the contrary, they possess noteworthy advantages in the choice of forum or the removal of their cause, of which many of our citizens are deprived.

The provision of an organized and in some cases privileged forum excludes the idea of direct recourse by the alien to other means of obtaining justice or redress. Your note argues that direct recourse to administrative or executive settlement is open to citizens of the United States in China, and instances are cited to show this. Surely, this rather proves that to the alien in China no such judicial forum is secured as to aliens in the United States.

The extraterritorial tribunals established for their own citizens or subjects by all the powers in treaty relations with China are, in principle and from the reason of the thing, incompetent to adjudicate questions touching the liability of China to aliens.

On page 69 I read:

The doctrine of the non-liability of the United States for the acts of individuals committed in violations of its laws is clear as to acts of its own citizens, and *a fortiori* in respect of aliens who abuse the privilege accorded them of residence in our midst by breaking the public peace and infringing upon the rights of others, and it has been correctly and authoritatively laid down by my predecessors in office, to whose declarations in that behalf your note refers. To that doctrine the course of this Government furnishes no exception.

On page 70 he says:

That the power of the National Government is promptly and efficiently exercised whenever occasion unhappily arises therefor you have justly acknowledged, and it has been abundantly shown. The conditions under which this power may be applied are not always clear and are sometimes very difficult. Causes growing out of the peculiar characteristics and habits of the Chinese immigrants have induced them to segregate themselves from the rest of the residents and citizens of the United States and to refuse to mingle with the mass of population as do the members of other nationalities. As a consequence, race prejudice has been more excited against them.

No measures can be devised to meet the problem which do not take this state of things into account, nor can they be effective if they do not contemplate the exercise of authority where it is competent to afford protection, for these measures have only for their object to secure to the Chinese the same rights as other foreigners of the most favored nation enjoy, not superior or special rights. For Chinese labor is not alone repugnant to the local communities; from many quarters of the land comes the same cry—the conflict of different alien laborers and the oppression of the weaker by the stronger. There can and should be no discrimination in applying punitive measures to all infractions of law. And so, too, with preventive measures. What will protect a Hungarian or Italian contract laborer in Pennsylvania or a Swedish "non-union" man in Ohio is equally applicable to a Chinaman on the Pacific coast.

We have done everything in the world that could be required of us as a nation, and there has been no neglect on the part of any official of the United States or of the Territory of Wyoming which would make the United States responsible.

Are we liable under treaty stipulations? The Senator from Ohio intimated that there was a liability by reason of treaty stipulations. The Senator from Vermont did the same, and also the Senator from New York, but not quite as broadly as the Senators from Ohio and Vermont, who seemed to think that there was some special obligation upon the United States by virtue of its treaty relations with China.

I have before me all the treaties ever made with China. I shall not take time to read in full the passages to which I call attention. The first treaty was made with China in 1844; an additional treaty was made in 1858; an additional one in 1868; and the last one in 1880. Secretary Bayard in his letter to the Chinese minister gives an epitome of these treaties and the rights and privileges under them. The President in his message communicating this case to Congress says that we have discharged our treaty obligations. What was the treaty of 1844? I have it before me. I have examined its provisions. I say that there is not in the treaty of 1844 even the mention of the right of a Chinaman in the United States. Why was that omitted? Because the citizens of China had the same right under the liberal policy and principles of this great Government to come here that the citizens of any other country had. It was not a treaty for the protection of Chinese citizens in the United States; it was not a treaty for the recognition of the rights of Chinamen.

We had already recognized to them all the rights and privileges accorded to the citizens of any other nation. They needed no protection by treaty. But what was the treaty? It was to give to American citizens rights in China. That, and that alone. They had no rights there; they were aliens and heathens—aliens from the commonwealth of China, heathens to her institutions, without mercy and without hope according to their theory. That treaty gave to citizens of the United States limited rights to reside at the five Chinese ports. That was about all. They could engage in commerce there, and we had the authority to send ministers and consuls there. The mode of paying the tariff duties was pointed out. I now read from Article XVII:

Citizens of the United States residing or sojourning at any of the ports open to foreign commerce shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business, and also hospitals, churches, and cemeteries. The local authorities of the two governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof.

Here was what? Every American citizen going to China was to have due regard to the feelings and prejudices, the likes and dislikes of that race of people. They could not go and settle where they chose; they did not grant them any such privilege; they could only go where they were permitted to go. Article XIX provides that—

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good-will with subjects of China, shall receive and enjoy, for themselves and everything appertaining to them, the special protection of the local authorities of government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the consul, will immediately dispatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

There are various other provisions here, but I wish to call the attention of the Senator from New York to a special provision in the twenty-sixth article of that treaty. I have tried to make a distinction between mob violence committed within the territorial limits of the United States by the citizens of one foreign country upon citizens of another foreign country. The Senator from New York, the Senator from Ohio, and the Senator from Vermont, have all said that it made no difference, that we had the same obligations imposed upon us regardless of whether the mob force were citizens of the United States or foreigners passing through the country. In other words, they have stated the doctrine to be, and it would practically be, that if an English lord, with a host of servants, twelve or fifteen in number, should go out into some part of the Western country and there meet a Chinese official of high rank with his escort of servants, and they should get into some little dispute over a game of cards or a bottle of whisky, or some trivial matter, and the Chinese should whip the English and kill them and rob them of their property, we are responsible to the English nation, and if the Englishmen killed the Chinese or destroyed their property we are responsible to the Chinese nation.

I assert that there is no such principle in international law. I assert that there is no such precedent to be found in the recorded annals of civilized nations, and I challenge the production of a solitary one. I say when we furnish to foreigners traveling in this country, not citizens of the country, not coming here for citizenship, the same rights, privileges, and immunities to go into our courts, redress their grievances and enforce their rights as to our own citizens, we have discharged every obligation that can rest upon any civilized Christian nation. I repudiate the doctrine asserted by these distinguished Senators that the tax-payers of the United States can be made responsible for the malicious, tortious, vindictive acts of bands of foreigners traveling upon our soil and coming in collision and doing damage to each other.

Now, let us see what the Chinese thought of this question. I read the twenty-sixth article of the treaty of 1844. The Chinese are one of the oldest nations of people now existing. They have had experience in diplomacy. It has never yet been learned that any nation got the advantage of the Chinese in a treaty. Let us see what they provide in the twenty-sixth article of the treaty:

For injuries done to the citizens or the commerce of the United States by any foreign power the Chinese Government will not hold itself bound to make reparation. But if the merchant vessels of the United States, while within the waters

over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered to be placed in the hands of the nearest consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers can not be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

The Chinese were smart enough then to establish what has always been international law upon such a question, and to insert in that treaty an express provision of non-liability for acts precisely like this.

The treaty of 1858 I have before me. So far as the rights of the Chinese are concerned it does not touch them. It makes no provision for the rights of Chinese in the United States; it is only an extension of the rights and privileges granted to American citizens in China. I refer to Articles XI, XII, XXIV, XXV, and XXIX. I come now to the treaty of 1868, and refer to Articles IV, V, VI, VII of that treaty. That is the first treaty that mentioned the right of a Chinaman in the United States. It is the first treaty that grants to Chinese in the United States any rights or privileges whatever. Why? Because they had all rights and privileges before, but there were special things provided for in the treaty of 1868 for Chinese as well as for citizens of the United States.

Now I come to the treaty of 1880. The treaty of 1880 was restrictive. The treaty of 1868 was a partial restriction, but the next treaty, that of 1880, was a restrictive treaty. It took from the Chinese in the United States the privileges and immunities which they had enjoyed with the citizens of all other nations up to that time. It was not a granting of additional privileges to them, and there is not one solitary word in that treaty which makes the United States liable. The only article that the Chinese minister quotes is Article III, which is as follows:

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

We have extended to them the remedies, and they have the remedies yet. They can go there as the citizen of the most favored nation can go and they can bring their suits in the Territorial courts. They can go as citizens of the United States can not go. They can go as the citizens of no other nation on earth can go. They can bring their suits in the United States courts, and if they bring them in the Territorial courts then they can take them by change to the Federal courts. We have given them more than the treaty contemplates.

There is no treaty obligation; there is no international obligation. Is there any general obligation? The President in his message states the position fully as to the general liability of the United States. He says:

But when he—

Referring to the Chinese minister—

But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it became necessary to meet his argument and to deny most emphatically the conclusions he seeks to draw as to the existence of such a liability and the right of the Chinese Government to insist upon it.

I refer to what I have already read from the letter of Mr. Bayard on page 69, in which he says that to that doctrine—the doctrine of non-liability of the Government—the course of this Government furnishes no exception.

I shall not stop at the authority of the President of the United States and Secretary Bayard, distinguished and able as they are. There was a day when the distinguished Senator from Vermont would not say "even this conservative administration." There was a day in the history of this country when that distinguished jurist and able Senator, Hon. WILLIAM M. EVARTS, of New York, under a Republican administration, presided at the helm of the old ship of state and guided her destinies and proclaimed the principles that govern this the greatest of all countries. It gives me pleasure to refer to the position and exposition of the law then by that distinguished Secretary of State. I read from executive document, Foreign Relations, page 319:

[Mr. Evarts to Chen Lan Pin.]

DEPARTMENT OF STATE, *Washington, December* 30, 1880.

* * * * * * *

You express, in your note, the desire that this Government shall extend protection to the Chinese in Denver, and see that the guilty persons are arrested and punished and you add that—

This is a quotation—

"It would seem to be just that the owners of the property wantonly destroyed shall, in some way, be compensated for their losses."

The identical language used in the very adroit note of the present minister to Secretary Bayard.

It affords me—

Says Secretary Evarts—

pleasure to assure you that not only in Denver, but in every other part of the United States, the protection of this Government will always be, as it always has been, freely and fully given to the natives of China resident in the country, in the same manner and to the same extent as it is afforded to our own citizens. As to the arrest and punishment of the guilty persons who composed the mob at Denver I need only remind you that the powers of direct intervention on the part of this Government are limited by the Constitution of the United States.

On page 320, the then Secretary of State, Hon. William M. Evarts says:

It seems superfluous to recall to your attention the fact, but too well attested by history, that on occasions, happily infrequent, often without motive in their inception, and always without reason in their working, lawless persons will band together and make up a force in the character of a mob of sufficient power and numerical strength to defy, for the moment, the denunciations of the law and the power of the local authorities. Such incidents are peculiar to no country. Neither the United States nor China are exempt from such disasters. In the case now under consideration it is seen that the local authorities brought into requisition all the means at their command for the suppression of the mob, and that these means proved so effective that within twenty-four hours regular and lawful authority was re-established, the mob completely subdued, and many of the ringleaders arrested.

Under circumstances of this nature when the Government has put forth every legitimate effort to suppress a mob that threatens or attacks alike the safety and security of its own citizens and the foreign residents within its borders, I know of no principle of national obligation, and there certainly is none arising from treaty stipulation, which renders it incumbent on the Government of the United States to make indemnity to the Chinese residents of Denver, who in common with citizens of the United States, at the time residents in that city, suffered losses from the operations of the mob. Whatever remedies may be afforded to the citizens of Colorado or to the citizens of the United States from other States of the Union resident in Colorado for losses resulting from that occurrence, are equally open to the Chinese residents of Denver who may have suffered from the lawlessness of the mob. This is all that the principles of international law and the usages of national comity demand.

Precisely what I have said. I am gratified to know that every statement I have made in regard to international law and the comity of nations has long since been established and proclaimed and enforced by the distinguished Senator from New York while he was Secretary of State.

This correspondence was not concluded under the administration of which the Senator from New York was the Secretary of State. It was pending when that administration went out of power and it was pending when the "plumed knight," the distinguished statesman, the honorable James G. Blaine, of Maine, came in as Secretary of State as successor to the distinguished Secretary from New York. Here is another distinguished citizen of this country, representing the honor, the power, the dignity, and the glory of this great country as its chief executive officer under the President. Let us see what he says:

[Mr. Blaine to Chen Lan Pin.]

DEPARTMENT OF STATE, *Washington, March* 25, 1881.

* * * * * * *

I note with satisfaction the expressions of appreciation of the disposition of this Government toward that of China, and the subjects of China resident in the United States, which you so frankly avow. I must express my regret, however, that the views so clearly expressed by my predecessor in regard to the question of liability of this Government to make pecuniary indemnity to the Chinese sufferers by the occurrences at Denver, failed to commend themselves to your enlightened judgment. Concurring, as I do, in the conclusions thus reached by Mr. Evarts, and conceiving the principle upon which they rest to be in consonance with public law and the universal practice of nations, I must insist that that principle is the one by which the obligations of this Government in regard to the incident in question are to be measured. After recounting the efforts put forth by the local authorities for the suppression of the riots (efforts that happily proved successful with only the loss of one life, although the mob numbered thousands), my predecessor thus states the rule:

* * * * * * *

You observe with reference to these views, "that it appears to you that treaties, as well as the Constitution, are the supreme law of this land."

He discusses that. Says Mr. Blaine further on:

You will perceive that neither in this article, nor in any other part of the same treaty, is there any provision reciprocal with this with regard to subjects of China resident in the United States, and the reason for this must at once be obvious to your superior intelligence.

That has been the argument of the Senator from Ohio and the Senator from Vermont, the reciprocal obligations of the United States and China; that because we claimed indemnity of China, therefore China has a right to claim indemnity of the United States. We claimed indemnity of China by reason of treaty stipulations. There are no treaty stipulations with the United States in regard to Chinese citizens except to restrict them. There has never been a treaty agreed to that granted privileges to the Chinese that they did not already enjoy before. The treaties have been restrictive while the treaties on the part of China toward the United States have been to admit our citizens to rights never enjoyed before. Before the treaty of 1844 no American citizen could go to China and transact business there. Before that time any Chinaman could come to the United States and travel at free will and pleasure all over the United States. Mr. Blaine further says:

No treaty stipulations are necessary to enable subjects of China to come to this country, take up their residence here, and pursue any lawful business or calling in common with the citizens or subjects of every country in the world who may choose to make their home in this Republic. The subjects of China, in respect to their rights and security of person and property, are placed under the protection of the laws of the United States in manner and measure equal to that extended to native citizens of this country, and that the Chinese residents of Denver at the time of the unfortunate occurrences now in question were in the enjoyment of this common protection of the law, is shown by the report of the Chinese consul, Mr. Bell, to you, a copy of which accompanies your note.

There is the law laid down, and I say that there can be no question in the world of the non-liability of the United States upon this subject.

I wish now to read from Senator EVARTS, on page 5441 of the RECORD of to-day. As Secretary of State of the United States, he repudiated the idea of liability on the part of the United States either by reason of international law, international comity, or treaty stipulations. What does he say in his speech on yesterday? He says:

This was a violence against the Chinese who were here in the peace of our laws, under our Government, under our Constitution, and under the late relations of almost the extreme of comity and concession which had been accorded by the Chinese Government in accommodating to our occasions the treaty of 1880 in disparity from the Burlingame treaty.

What was granted there? It was a restriction upon the Chinese rights in the United States, and an extension of the rights of citizens of the United States in China.

If it was a crime of imbecility and indifference on the part of authorities there, then those who represented the power of this great Government should themselves have been punished and themselves removed from position. And thus in all relations that prevail between nations we stand as the power responsible for the transaction, not in its origin, but for the transaction as it has been treated, or as it has proceeded since it occurred.

The distinguished Senator undertakes to evade the responsibility and the force of his own very clear exposition of international law by saying that our responsibility was not because of the origin of this mob but because of subsequent events. I have stated all the facts connected with the transaction to show that nothing was done by the United States after the occurrence which can be charged as culpable or negligent—not one solitary thing. The Senator from New York said further on yesterday:

I have now to say but a word about the distinction between the relations between this country and the Western powers, and the relations between this and the Western powers and the Oriental, or, as they are generally called, non-Christian nations. Between Great Britain and ourselves there is what we may call an absolute unity in the habits of government and administration of law; not merely that we have the same common law and the same system of trials of fact and of control of judicial matters; but we have the same habits of feeling, and we know exactly now far and how close may be the excesses that are possible in the administration of justice which will occur to the disgrace of its administration in any community for a moment or under extraordinary circumstances. So with the continental nations; we have the same religion, the same race, the same institutions, the same humanity, the same amenities, and we do not hesitate to understand that when our citizens or their subjects or citizens are in the country of another, we submit them and expect them to be submitted to the ordinary fate that belongs to the administration of affairs as governing and protecting the safety and security of the population.

In our dealings with the Oriental or non-Christian nations, including Turkey, we have never been willing to stand upon those footings. We have never been willing that our citizens, when sojourners in those countries, were to be treated as subject to their laws. Extraterritorial protection of our people in providing tribunals and methods of trial and protection have been insisted upon and are governed by our treaties.

Now when it comes to a question between China and the United States, with this transaction present between them for observation and criticism and judgment of these two nations concerning this identical transaction and in the judgment of all the nations of the world, how are we to meet this situation under this responsibility so direct of this Government, except to deal with it upon the same terms that we have insisted upon from those nations? We in advance have said, "We will claim exemption and extraterritorial jurisdiction for our citizens in their rights and in their trials; we have refused that to you;" and now putting it upon a ground of superiority in our laws, in our humanity, in our cultivation of all Christian and all benevolent relations, we ask you to receive from us the cold answer of diplomacy that all people are safe here and the laws protect, and the laws punish, and the laws redress!

I confess profound astonishment at such utterances from the distinguished Senator, a comparison of the Oriental and Western nations, a comparison of the United States with China and Turkey, a comparison of the United States with England, France, and other nations of Europe where our citizens can travel at will and pleasure with perfect impunity and perfect protection and enjoy the same rights, privileges, and immunities enjoyed by native citizens of the country in which they are traveling. But when it comes to China and Turkey he says it is different. Why is it different? He does not give the reason. It is because they exclude all nations from their territorial limits. Not until recently, even if now, have they come within international comity. Up to 1844 the Chinese nation never admitted the citizens of any foreign country to transact business in it, and it was not entitled to the amenities and privileges of international law.

Every right and privilege enjoyed by the citizens of the United States and citizens of European countries in China has been wrested from that empire by force and treaty. It is not so with the United States. We have held this out as the country of the free, the land of the brave, the palladium of the world's liberties and hopes. Every man has been invited to come here and under his own vine and fig tree worship Almighty God according to the dictates of his conscience and pursue the avocations of life as he chose. The Chinamen came here without any treaty rights, simply as citizens of the world. They erected their Joss temples upon Christian soil, and there with impunity they worshiped their wooden idols and gods. They got no permission from the United States to erect their temples of worship. It is not so with citizens of the United States. They could not go to China and build a Christian church and worship the ever-living God as they chose. They could not go to China and build a residence where they chose. They could not go to China and engage in the business they chose.

They can not go there to-day and travel through China and do business there, because every right that is accorded to an American citizen in China is by virtue of treaty, and because when they violate that treaty we make them pay compensation. Then the principle is to be applied to the United States, and we are to be told that the United States is to be responsible because of the reciprocal obligations existing. There is no reciprocity either in the facts or in the treaties—not one particle, Mr. President.

Why, then, is this case here? If there is no obligation according to international law, if there is no obligation by treaty stipulation, if there is no general liability on the part of the United States, why is this case here at all? It has been attempted to make the impression that the President of the United States and the Secretary of State have recommended it. I shall read from the message of the President upon this question. The President distinctly disavows any obligation by international law or treaty stipulations. I shall first read from Secretary Bayard and then from the President. Secretary Bayard also disavows any obligation of international law by treaty stipulations or by reciprocal obligations, but he says on page 71:

Yet I am frank to say that the circumstances of the case now under consideration contain features which I am disposed to believe may induce the President to recommend to the Congress, not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity—

"Generosity and pity"—

to an innocent and unfortunate body of men, subjects of a friendly power, who, being peaceably employed within our jurisdiction, were so shockingly outraged; that in view of the gross and shameful failure of the police authorities at Rock Springs, in Wyoming Territory, to keep the peace, or even to attempt to keep the peace, or to make proper efforts to uphold the law, or punish the criminals, or make compensation for the loss of property pillaged or destroyed, it may reasonably be a subject for the benevolent consideration of Congress whether with the distinct understanding that no precedent is thereby created, or liability for want of proper enforcement of police jurisdiction in the Territories, they will not, *ex gratia*, grant pecuniary relief to the sufferers in the case now before us to the extent of the value of the property of which they were so outrageously deprived, to the grave discredit of republican institutions.

The distinguished Secretary being importuned and reimportuned by the Chinese authorities, just as they importuned and reimportuned Secretary Evarts and Secretary Blaine, said, "I will see if the President will not submit it to the compassion and the generosity and the pity of Congress." The President transmitted the case to Congress and said:

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that, whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection; and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country; with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

In other words, this case is before Congress because the President and the Secretary of State importuned, denied any obligation and submitted it to Congress for its compassionate consideration. The distinguished representative of the Celestial Empire has made an appeal which has won the heart and affection of the distinguished Senator from Ohio, our distinguished presiding officer. In remarks made by him the other day he asked me to read the wondrously strong and touching appeal of that able and distinguished representative of the Chinese people, and he talked about his quoting the Divine command, "Do unto others as you would have others do unto you."

Mr. President, I am willing to apply that principle. I am willing to apply it in this case. If we have American citizens upon Chinese soil and they there meet English citizens under the same rights and privileges of American citizens and those English citizens depredate upon American citizens and destroy their property I would never sanction the United States asking compensation of China. The Senator from New York would not ask it. The Senator from Ohio, even though the tenderness of his heart was touched by the appeal of the Chinese minister, would not ask it. The persuasive eloquence of the Chinese minister would then be turned in a different direction. No American would think of asking compensation of the Chinese Empire for the malicious, vindictive, tortious acts of English citizens residing there under the friendly protection of the Chinese flag upon American citizens residing there likewise under the friendly protection of the Chinese flag.

I am willing to extend to the Chinese in this case everything that international law and international comity, everything that treaty stipulations, everything that honor, everything that justice, that equity, that Christianity and our holy religion will justify; but I can not and will not consent that the Chinese Government shall put its hands into the pockets of the tax-payers of the United States and take out $150,000 and place it in the hands of those Chinamen who went to Rock Springs as slaves, and serfs, as hirelings, knowing that it was an exposed place, knowing that the jurisdiction and authority of the laws of the United States were weak there, and knowing that they were to displace and drive out white laborers who were engaged in the mines, and drive them out of occupation. I shall not consent to pay for the depredations committed upon them by other hirelings of the same company not citi-

zens of the United States; and even if they were citizens of the United States the United States would not be responsible. And, as I said before, there is no principle of international law, there is no principle of treaty stipulation, there is no principle of our Christianity, there is no principle of justice or equity that will require this burden to be imposed upon the people of the United States, and therefore I am opposed to the passage of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. COCKRELL. Let us have the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when Mr. COLQUITT'S name was called). My colleague [Mr. COLQUITT] is paired with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote if he were present.

Mr. JONES, of Arkansas (when his name was called). I am paired on all questions with the Senator from Indiana [Mr. HARRISON]. I do not know how he would vote, and I withhold my vote.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, he would vote "yea."

Mr. VANCE (when Mr. RANSOM'S name was called). My colleague [Mr. RANSOM] is paired with the Senator from New York [Mr. MILLER]. I do not know how he would vote.

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER], but I am informed by his colleague that, if present, he would vote "yea." I will therefore vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER], but as his colleague has announced that he would vote "yea," I will vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Georgia [Mr. COLQUITT]. I am not informed how he would vote. If I were at liberty to vote, I should vote "yea."

Mr. GORMAN. I am paired generally with the Senator from Maine [Mr. FRYE], but I am advised by his colleague that he would vote "yea" on the passage of this bill. Therefore I vote "yea."

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. I am not advised how he would vote if present. I should vote "nay."

Mr. CHACE. I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

The result was announced—yeas 30, nays 10; as follows:

YEAS—30.

Allison,	Fair,	Morrill,	Stanford,
Blair,	Gorman,	Payne,	Teller,
Brown,	Hale,	Plumb,	Vance,
Call,	Hearst,	Pugh,	Whitthorne,
Conger,	Hoar,	Riddleberger,	Wilson of Iowa,
Dawes,	Ingalls,	Saulsbury,	Wilson of Md.
Edmunds,	McMillan,	Sherman,	
Evarts,	Mahone,	Spooner,	

NAYS—10.

Beck,	Coke,	Harris,	Vest.
Berry,	Eustis,	Maxey,	
Cockrell,	George,	Mitchell of Oreg.,	

ABSENT—36.

Aldrich,	Dolph,	Jones of Nevada,	Pike,
Blackburn,	Frye,	Kenna,	Platt,
Bowen,	Gibson,	Logan,	Ransom,
Butler,	Gray,	McPherson,	Sabin,
Camden,	Hampton,	Manderson,	Sawyer,
Cameron,	Harrison,	Miller,	Sewell,
Chace,	Hawley,	Mitchell of Pa.,	Van Wyck,
Colquitt,	Jones of Arkansas,	Morgan,	Voorhees,
Cullom,	Jones of Florida,	Palmer,	Walthall.

So the bill was passed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate resume the consideration of the appropriation bill which was partially considered this morning.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "Schedule A, salaries of ministers," in line 48, to increase the appropriation for salaries of "chargés d'affaires *ad interim* and diplomatic officers abroad" from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "salaries, interpreters to legations," in line 88, to increase the appropriation for salary of "interpreter to the legation and consulate-general in Bangkok, Siam," from $500 to $800.

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses, foreign missions," in line 97, after the word "guards," to strike out "and Arabic clerk at the consulate at Tangiers;" so as to make the clause read:

For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk-hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and the compensation of dispatch-agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, $105,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "miscellaneous expenses of legations," after line 109, to insert:

For rent of legation buildings in Tokio, Japan, for the year ending March 15, 1887, $3,400.

The amendment was agreed to.

The next amendment was, after line 112, to insert:

For purchase of building and grounds for legation at Seoul, Corea, and repairs upon the same, $5,000.

The amendment was agreed to.

The next amendment was to strike out from line 131 to line 135 inclusive, as follows:

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $15,000, or so much thereof as may be necessary.

And to insert in lieu thereof:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $50,000, or so much thereof as may be necessary.

Mr. EVARTS. The Secretary has read the latter clause as a substitute for the former, but it is not so regarded by the committee reporting it. This is really a striking out of this clause providing for maintaining neutrality and substituting no provision for carrying it out. If the Secretary will read the next clause, perhaps that will be evident.

Mr. EDMUNDS. I wish to suggest to the committee that under existing conditions of affairs all around it might be well to leave the clause at the foot of page 6 to stand and to add the clause at the top of page 7, which seems to be proposed to take its place.

Mr. ALLISON. In response to the suggestion made by the Senator from New York, I will say that the committee intended the paragraph as amended to cover both the special provision in respect to the enforcement of the neutrality acts and the additional provision which is found in the bill of last year, giving the Secretary of State a fund to meet unforeseen emergencies. Then we placed the whole of this provision under the requirements of section 291 of the Revised Statutes. If the Committee on Foreign Relations think it better to leave the first paragraph stand and add the other I do not know that I should personally object, though I have no authority from the Committee on Appropriations to yield to the suggestion.

Mr. BECK. My understanding is that the language now used is the language that was thought by the State Department to cover everything.

Mr. EDMUNDS. It will certainly not cover the neutrality act in the sense in which the clause stands at the foot of page 6, and in which it has always stood; and I am bound to say, with the information I have about the state of affairs, that I should be glad to give to the discretion of the President of the United States the $15,000 under the neutrality provision at the foot of page 6, and also give him exactly what the Committee on Appropriations has recommended at the top of page 7. A motion to strike out and insert is not divisible, I believe, but if there is any way of dividing the question——

The PRESIDENT *pro tempore*. It may be done by unanimous consent.

Mr. BECK. The Senator will observe that in the law for the current fiscal year there is no provision as to the neutrality act, and we have simply added the words to make it more comprehensive.

Mr. EDMUNDS. But at the foot of page 6 there is a provision for expenses in enforcing the neutrality act which the committee propose to strike out, which I do not think, in view of all the circumstances existing, ought to be done, while I entirely agree that the committee is correct in recommending what is at the top of page 7.

Mr. ALLISON. For myself I am perfectly willing to let the paragraph of the House bill stand as it is, and to add the paragraph presented by the committee.

Mr. EDMUNDS. I ask unanimous consent that that matter may be divided and that we take the question, first, on striking out the paragraph at the foot of page 6.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate that the amendment may be divided, so as to take the vote, first, on striking out the clause from line 131 to line 135 inclusive, at the bottom of page 6. If there is no objection, that suggestion will be considered as agreed to. The question then is, first, on the motion to strike out the words at the foot of page 6.

The motion was rejected.

The PRESIDENT *pro tempore*. The question now is on the insertion of the words in Italics at the top of page 7, as follows:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirements of section 291 of the Revised Statutes, $50,000, or so much thereof as may be necessary.

Mr. RIDDLEBERGER. Before the question is put on that I should like to have read section 291 of the Revised Statutes, so that I may know what I am voting on when I am asked to appropriate $50,000.

The PRESIDENT *pro tempore*. The section of the Revised Statutes referred to will be read.

The Secretary read as follows:

SEC. 291. Whenever any sum of money has been or shall be issued, from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Mr. RIDDLEBERGER. I know that this comes from the *sanctum sanctorum* of the Committee on Appropriations:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $50,000, or so much thereof as may be necessary.

Now, sir, I should like to know if there be any reason why these italics should be put into this bill. It is easy to vote away $50,000. Section 291 does not provide in the way that this does. We are enlarging every year, doing these things year by year, seeming not to think of the possibility that it requires taxation to meet this kind of expenditure. Why should we say that an appropriation of $50,000 is made to enable the President to meet unforseen emergencies? We sometimes have what are called deficiency bills, and they hardly hold the Departments or even the Executive in check. I can not vote for this, because I think it is unjust to the tax-payers of this country.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following clause from lines 153 to 161:

Contribution to the maintenance of the international bureau of weights and measures for the year ending June 30, 1887, in conformity with the terms of the convention of May 24, 1875, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, $2,270.

Mr. CONGER. I ask the Senator from Iowa what the object of that appropriation is, "international bureau of weights and measures?"

Mr. ALLISON. There is an international bureau of weights and measures which meets once a year under a convention made in 1875, and each nation under that treaty is under obligation to contribute a portion annually to the expense.

Mr. CONGER. What is the object of that convention?

Mr. ALLISON. The object of it is to regulate weights and measures from time to time.

Mr. CONGER. Where?

Mr. ALLISON. Everywhere; to establish an international system of weights and measures, and to test weights and measures from time to time. It is a treaty obligation.

Mr. CONGER. If I understand it, this is a bureau the main object of which is to introduce into this country the metrical system of weights and measures, and to do away, as far as they can work it along, with the old English measures and the measures of the common people of the United States.

Mr. ALLISON. So far from that being the object, it is a very greatly controverted question now whether the English system of weights and measures is not the best, and I think the weight of authority is rather in favor of our present system. The object is to readjust the measures from time to time and make them in harmony, whether the metrical system shall be adopted by the nations or the system in vogue in this country now.

Mr. CONGER. The result of it is to pay out the money of the people of the United States, so far as I understand it, to make the United States a party to the bureau or convention or congress represented from the different nations in which the French metric system has a preponderance of representatives, and to aid that insidious, persistent, and attacking force in the United States which enters almost every bill where there is an opportunity and provides for unknown weights and unknown measures by name as the measures and the weights of the people of the United States. It has crept in in one form and another until running through our bills and our laws now, inadvertently and without much thought on the part of legislators I apprehend, but not without having caused some considerable alarm to people who desire the old weights, the old measures, the old inch, the foot, and the rod, and the rood, and all the forms which our ancestors have been accustomed to and which have become a part of the common language of the country, are provisions for changing over to grammes and meters and kilometers and all that innumerable system of outlandish and Frenchified and heathenish names which a certain body of people in the United States have been attempting from the time when John Quincy Adams made his celebrated report upon the propriety of preserving to an English-speaking people, as far as might be, in our laws the weights and the measures and the names of those weights and measures with which our people had been familiar in the Old World for a thousand years and in this country since the establishment of society here.

In one form or another there are continually efforts made by those who are insidiously attempting to ingraft upon our language and upon our laws some of these Frenchified names and notions with which our people, thank God, are as yet unfamiliar; and I venture to say that there are not five Senators here, with all their diversified acquirements and knowledge both of language and of measures, who can understand and explain without time to refer to the tables and to the dictionaries the meaning of words which are now in our laws. Somebody may know what a gramme is. [Laughter.] I see with what avidity some of my friends seize upon the word of corresponding sound which has reference more to the throat than to the measure. [Laughter.]

In bills which have been introduced during this session in the other House and which have received attention here there is that sly, insidious attempt to ingraft into our laws these foreign terms, foreign to our language, foreign to our knowledge, foreign to the customs and habits of thought of our people. There have been times when there has crept into the laws the authority of this Government to different Departments of it to use entire the names of the metric weights and measures. I believe to-day a part of the business of this Government is carried on by the use of terms in weights and measures which not one out of nine hundred and ninety-nine of the people of the United States understand when they read the laws or read the accounts. Our medicines, our drugs are bought, mixed, and compounded by English-speaking Americans, and the accounts are made out and rendered in a language which without particular study no Senator would understand unless by the aid of an interpreter.

Our laws have been thus doctored with through the assistance of a society instituted in this country for the purpose of fastening upon our people the metrical system of France, a system adopted in the days of the revolution, a system adopted when they made ten days a week and the Goddess of Reason the presiding genius over the nation in place of all religion and in place of all respect for the commonly received doctrines of our fathers. These terms have from time to time, against the reports of the best men, the best statesmen, the most efficient accountants, been ingrafted into the laws of the United States so as to permit at least a substitution for English weights and measures of the metrical system or the system of some other people.

In our laws to-day, so far have our lawmakers forgotten the necessity and propriety of adhering to our own methods of denomination of weights, of measures, of coins, of money, that our consuls abroad and our ministers in foreign countries are required not to send invoices of amounts of value, or amounts of weight, or amounts of measure in the language of the people of the United States to our collectors, our appraisers, and our naval officers, to those who have to look over these invoices and these accounts, but our law has been so tortured and mangled as to compel our own officers in foreign countries sending the lists and the values and the amounts as to require them to send them in the language of the country from which the goods are sent. It permits—and I have a feeling of thankfulness for some kind friend of American institutions and the American language who secured this much—it permits in brackets or in parentheses (which may be left out without obscuring the sense) the corresponding value of weight or measure in our own language.

The utter absurdity of such a provision of law as that would be apparent to any one who looked at the invoices and the values coming to us from Japan and China and Corea and Madagascar, from the Hovans in the islands, from the Fiji land, from all over this great, round globe, a law that would compel information intended for our officers at the ports of entry to come to us in a foreign language. That is in the statutes; that is in the law. There has gradually crept in the compulsory use of these foreign terms of weights and measures and money denominations in our own dealings.

It is not any new question that has sprung up. The subject was referred years ago, more than half a century ago, to the most enlightened and intelligent and educated statesmen of the time, to a committee to consider; and making the report for that committee, John Quincy Adams reported to the Congress that the use of these foreign terms was not only distasteful to an English-speaking people, but that it would

tend and did tend to create confusion and trouble in the minds of all who spoke only the English language in trying to learn to understand the hundreds of strange terms which would thus be incorporated into our literature and into our law.

I can not see exactly what the object of this bureau is, for I plead ignorance in regard to it; but I do say its existence for any useful purpose to the people of the United States is problematical, and I do say that the friends of that bureau, as I understand, have been with the preponderance of the nations favoring the metric system who compose this convention, and the course of the representatives there has been directly in opposition to the tastes, the habits, the interests, the convenience of the American people; and I think it is time to stop such an appropriation, treaty or no treaty. I think it is time to stop giving any force to an effort which is being made, not by our own people in the first instance, to ingraft upon our customs and habits of thought and literature and law a system of weights and measures unknown to our people, distasteful to them, which it would take years and years of anxious, assiduous study by all the good people throughout this country to teach themselves by schooling and by tuition to understand.

I can find in the statutes of the United States words expressing the idea of weights and measures, which I venture to say there are not ten Senators in this body who would understand without referring to a table of weights and measures and without knowing the language from whence it came and without knowing the fractional equivalants in our own terms. This attempt has been going on for fifty years. It has never met with a great deal of success. Somebody in favor of that system has worked it up insidiously, getting into our laws for the last twenty-five years here and there some little use of such phrases. Somebody at some time has had influence enough with those who ought to have stood by the language and the institutions and the weights and the measures of the English-speaking people of America and not have carelessly permitted to be incorporated into our laws and permitted to be used in public transactions of the Government and in the mode of keeping accounts. These foreign terms are used to-day—why, I do not know—as if the plain old Anglo-Saxon was not good enough for our officials. The metric system is used, as I understand, in the medical accounts of the Navy and of the Army to-day. How are the people to read these reports and read these accounts and read these prescriptions? Is it to secrete from them a knowledge of what these agents of theirs are doing? What is the object of all this rigmarole and forgetting the staunch, honest, plain old Anglo-Saxon language in our accounts with measures and with weights and with denominations as good as the world has ever seen, and convenient because we all understand them?

I object to this appropriation. I want an opportunity, at least for myself, to vote against it, because, although the Senator reporting this bill says it is a treaty arrangement, although he says that of late there is beginning to be a kind of tendency which may possibly result in the use of our own language, and in the use of our own names of weights and measures, and of the weights and measures themselves, I do not want to admit or to encourage even the possibility of any other result being obtained.

One can hardly imagine the confusion, the utter confusion to the American people if by the result of that Congress or that bureau it should be decided to recommend the metrical system or any other system or a combination of systems to the American people, and Congress should adopt that report and incorporate it into the law, and by one sweep of legislation compel the sixty million people of the United States to read all these things in an unknown tongue and to spend years in acquiring the knowledge of the names of the every-day transactions of life. If that is the object, as I understand it to be, of this bureau, or if it had that in the beginning for its object, to come to some system by which English speaking people can agree to the names and peculiarities of the weights and measures of the Latin nations or of any other nations, or if it means in any way to invade the domain of the old Anglo Saxon nomenclature, then I oppose it, and then I venture to say there is not a Senator here voting in the face of his constituents for the American people but what will oppose such a measure as that.

If I am mistaken in the object of this, if I am mistaken in the tendency of it, if I am mistaken in the danger that there may be that it will further the introduction of this system and make it more than a mere permission in our laws where it already stands permitted to the different Departments of the Government and where it is already required that our consuls abroad and our officials abroad shall, in certifying to the invoices and to the values and to the weights and to the measures of goods that come here, report them in the denominations and currency and weights and measures of whatever country they come from, permitting them to inclose in brackets, for the information of the uneducated, what would be the equivalent in our own language, making that secondary, then I think every Senator should vote against anything that would lead to or encourage such a measure.

The chairman of the Committee on Appropriations is an Anglo-Saxon to some extent I believe—a mixture of that at least—speaking that language, claiming no particular affiliation with the unknown languages or knowledge of the unknown languages of all the various nations and tribes and peoples of the world. Unless he can here show that this has no such object, and has not had, I want to vote against this clause.

My learned friend from New York [Mr. EVARTS], brimming over with knowledge of all languages and of all tongues and endowed with the spirit of prophecy, sitting before me here, who, if he can not speak the unknown tongues, can interpret them; and if he can not prophesy can at least foretell—he was in position when these things were working around in some kind of a migratory way to overthrow the good old Anglo-Saxon language and custom of weights and measures of the country, and he ought to know what the object is, for he perhaps inaugurated it, perhaps he has furthered it. I feel a delicacy in asking him to explain anything unworthy of the American people or of our State Department in inaugurating or furthering such an object, but how the Senator from the far-off State of Iowa, a State that did not even go to the English language for its name, and of all things did not go to France for its name, but took a name aboriginal, indigenous to the country—how he, educated at the same *alma mater* where I got the little knowledge I acquired in my early days, should permit this kind of thing to creep in surprises me. And how the other representative of that committee, the Senator from Kentucky [Mr. BECK], although, as he has remarked sometimes, not native born, is yet as staunch an American as lives in the land, and comes here with all his old Scotch prejudices and prepossessions for the language of his country, with no special partiality for the flummeries and attachments of the Italians and the Spanish and the French—how he should permit this thing to come in year after year in this appropriation bill I can not understand.

Sir, there are some things in the mental peculiarities of my colleagues on this floor that permit them to pass over matters which are of great import, which are of vast importance to this English-speaking nation, to this American nation and the American race and the American language; and they pass here year after year without calling the attention of their fellows to them, and make appropriation after appropriation to destroy our language and destroy its use and to modify it and to change it. Why, sir, they can not imagine, they do not seem to understand if they have thought of it at all, how it is possible for them to permit anything of that kind when from day to day they rise in their places and talk of the glory of the American race, the new race founded here upon a hemisphere which Providence itself had preserved from the earliest days of the settlement of the world by man for the especial purpose of having (with the exception of a few Indians which the Senator from Massachusetts [Mr. DAWES] is especially appointed to take care of as they pass away from the vision of mankind and disappear from their residence upon the earth) here the grandest race ever known in human history.

How men who extol and glorify the American race as a race founded upon a new world, the aggregate of the best of all races, at the head of it the Anglo-Saxon, the old Teutonic, the Scotch, the Irish, English, gathered in here the best elements of all the best people, with the best language, with the best measures, with the best weights, with the best nomenclature—how they can permit and could have permitted that kind of thing to creep into the laws that I have alluded to I can not understand. I mean these old Senators, who were here long before I dreamed of ever having the honor of joining the illustrious throng. And is it left to me from the wilds of Michigan to come here, uneducated, unsophisticated, to call the attention of these life-long statesmen to the inconsistencies which they have permitted to creep into our laws and to the appropriations of money they have made to further these inconsistencies and give strength and vitality to those who are sapping the institutions and the language of our country?

Sir, the people of the United States expect a direct reply from the Senator from Iowa who has permitted these things in this law, but has permitted in other appropriation acts these names of unknown things to creep in, and I assure him in their name that a straightforward, direct, honest reply will be received by the people of the United States with a gratification which arises very seldom in the discharge by the Senator of his duty on this floor. And, sir, if I might not be considered personal, I would venture to say that there will be an anxiety among a great many people of the United States when they read this discussion to hear what the learned and distinguished and the polyglot statesman from New York has to say about this measure, inaugurated, if I remember aright, while he was at the head of the State Department, while he controlled with his magnificent intellect the destinies of the United States in its foreign relations; and if by good fortune it shall be made to appear that the system was not inaugurated under his administration, how happy it will make his numerous friends throughout the country to have a prompt and explicit denial of any agency in this matter.

And sir, I might, except that I am liable to be called to order for personal allusions, extend that invitation to the distinguished gentleman who presides over this distinguished body at this moment, and ask him to explain whether through the recommendations of the Department over which he presided so long and so well there crept into the system of customs laws and duties the very provision to which I have alluded which requires reports from our own officers abroad to be made in foreign and unknown tongues, whether he unfortunately participated in and has a responsibility in regard to those invasions of our law? I do not ask a reply from the Chair, but there are many Senators who would occupy that seat for a few moments until the Senator from Ohio

himself should have an opportunity to repudiate any connection with or any control over such matters.

Turning from the distinguished gentlemen to whom I have alluded, I say to my fellow-Senators upon this floor—and I may extend the list before I close my remarks of those to whom I would make personal appeals—that in the dim, distant future which spreads itself before the eye of many an ambitious man (and I apply that as well to the Senator from Iowa as to others) there is a cloud and a veil which must be removed from between a candidate for the Presidency and the people of the United States, or he had better retire from the struggle beforehand and without a nomination. I am not an alarmist. [Laughter.] I do not desire to threaten or to awake fear and excitement in the breast of ambitious friends of mine on this side or on the other side of the Chamber, for in the inscrutable decrees and manifestations and designs of Providence I have lived long enough to know that when I address my fellow-Senators upon the subject to which I have alluded and the probabilities of the future, on the vista down which they look, seeing through the openings, through the shadows, and through the obscurities, and through the gloom, and through the brightness, and through the hope, there are so many men who have vistas and who look down to a particular abode known in our country as the White House that I never know, when I am talking upon such a subject as that, whether I appeal to the united and universal feelings of my colleagues or only to three or four or five or ten of that glorious number. [Laughter.]

But with no such thoughts or aspirations for myself, with the kindness and benevolence and gentleness of nature which is attributed to me by all my fellows [laughter], I feel that perhaps on this occasion I should depart from the line of my duty if I did not throw out to all this generous and kindly warning on the subject of introducing into the body-politic and language and laws of the American people the flummeries and the frivolities and the idealities and the theories which have distinguished another bright, glorious, luminous people, but who are captivated and led away by new notions and new designs which hitherto have not found a footing and foothold and home in the honest, sturdy, self-reliant Anglo-Saxon nature or language or laws.

Mr. ALLISON rose.

Mr. CONGER. I have not got through.

Mr. ALLISON. I beg pardon.

Mr. CONGER. If my word of warning shall have any good effect—and I was wondering which of the gentlemen to whom I have been permitted so kindly personally to refer would arise first to the denial of sympathy with these measures; the denial has not come from the place where I expected it would; and I think we may gauge somewhat the hopes and expectations of our fellows by the zeal with which they rush to explain themselves on this question. The Senator from Iowa rises hastily and I will not delay him long.

Mr. EVARTS rose.

Mr. CONGER. The Senator from New York has risen, and he will have his opportunity; but I will not by yielding the floor to one express a political preference between gentlemen whom I admire alike [laughter], except that there is a little warmer personal friendly feeling for the Senator from Iowa from a long intercourse with him in the other House, which might perhaps make me a little kinder to him, and as he rose first, although he did not get the floor, I should be unwilling even to let the Senator from New York take advantage of my courtesy to shut out the Senator from Iowa who is to be the pride of this great Republic in the future.

Mr. EVARTS. Will the Senator yield for a moment to a few remarks on my part?

Mr. CONGER. I am almost through, and then I will yield the floor. It might be taking too much advantage of the presiding officer to yield to anybody until he can call somebody to the chair and have a chance of rising himself on this interesting occasion. [Laughter.]

Now, Mr. President, I have said but little on this question. I did not propose to say more than a word or two, and I will confine myself to that purpose. I merely wished to throw out a word of warning to my colleagues here who hope to have particular relations in future to the American people, as well as to the Senators at large in whose breasts there may spring up noble aspirations for the future, unknown to their fellows as yet, not to vote this money to further a cause repugnant to the American people which if avowed—and I will venture the Senator from Iowa will deny that it has any such relation to the subject-matter I have discussed—which if avowed as a means of introducing to all the sixty million people of the United States these new weights and new measures and new nomenclature would condemn utterly beyond recovery all the dear delightful hopes and aspirations which may grow and swell in the breast of any citizen of these United States toward that high political preferment which may honestly and properly be the object of any Senator here.

Mr. ALLISON. Mr. President, this appropriation is made in pursuance of a treaty agreed to by nearly all the civilized nations of the world in May, 1875, which established an international bureau of weights and measures. The objects of that bureau are fully set forth in the sixth article of the treaty. I will not take the time of the Senate to read the objects of this international bureau unless some Senator desires it. I will state, however, that none of the objects suggested by the Senator from Michigan are included in this treaty. This international bureau has no possible power to suggest any system of weights and measures for any country. Its object is the verification of existing weights and measures, whether those measures be yard-sticks or meters, or whatever they are.

We have since 1875, as this treaty required us to do, made an annual appropriation for our portion of the expense; and I do not think it is necessary to go into any further explanation of the subject.

Mr. EVARTS. Mr. President, there is undoubtedly an inconvenience in speaking on known subjects in unknown terms, but there is also an inconvenience in speaking in known terms on unknown subjects; and it is I think in this view that we must criticise the observations of the learned, distinguished, and accomplished Senator from Michigan.

The object of this assent, establishing the bureau, given by the principal powers having relations with one another, is to provide, among other things and principally, for a verification of the measures and weights of the articles constituting the interchange of commerce, and it is between nations who speak different tongues and have different weights and measures.

We have a relation with all the powers who have joined in this convention. They understand their own tongues and their own weights and their own measures, and the Senator from Michigan holds it not only a birthright of every nation to foster that knowledge, but it is a clear duty never to suffer identity of measure and of weight and of language to be invaded. If, then, all of these nations thus interchanging commodities, and with tariffs and prices in commerce all of which are to be made between buyer and seller a common medium for their interchange and their payments somehow or other, there must be an establishment by which either each single nation shall furnish the standards to guide its custom-house and its merchant, or there must be a common agreement established between all these commercial nations.

Now, these nations, some twelve or fourteen in number, have established a bureau at Paris that shall have the standard or prototype as it is called of these weights and measures, and with which and thus by common standard to be communicated to each nation, and each is to know what the particular language conveys in the meaning of weight and measure, and in the interchange of commodities needs to be verified for the purposes of the custom-house and for the purposes of commerce. In that view this arrangement has been made.

Incidentally, the Senator from Michigan introduces what he regards as really the culmination of absurdity, that we should provide in our laws that every trading community having intercourse through our custom-house shall express in the invoices the weights and measures and the language of its own country. Why is that? Because each exporter understands his own language, knows his own weights, and knows his own measures; and if he is not allowed to hide himself under a plea of ignorance of the language that he uses in his invoice, we can verify the accuracy of his statements, and we can find out whether he has undervalued the duties and whether he has done it with fraudulent purpose. How readily if our regulations would permit it, how gladly would foreign exporters be allowed to convert their weights and measures into our weights and measures and into our language their statements, so that when they were brought up by the custom-house officers and the verifications showed an undervaluation they could protect themselves by saying that they had been misled by a misunderstanding of weights and measures and language.

Therefore instead of its being an absurdity in the requirements in the invoices to insist that each merchant should make himself responsible for his own weights, his own measures, and his own language, it is a necessary provision to protect us against undervaluations. We could not get along at all without it. That is the object of what the learned Senator regards as the absurdity, and the most absurd of all.

Now, this convention, which seems to have been ratified by exchange of ratifications in 1878 and was then made public, will last for twelve years, and then it may be renounced by any one of these powers by a year's notice. I am not aware, certainly I was not aware during the time that these payments were made year by year, I had no evidence that there was any extravagance in the expenses or that the permanence or usefulness of the contrivance was questioned. But there is an easy way out of it if it is held either to be at variance with our love of our mother tongue or with our own customs in weights and measures; and that is by an announcement that at the termination of the twelve years, which we can make in 1888, we take the proper measures through the announcement of this Government that we retire from it. In the mean time it seems proper that we should appropriate our share of the expense of this international arrangement intended for the equal benefit of all the nations and quite as much for ours.

Mr. CONGER. Mr. President, I will read from this convention to show what part the United States will have in it.

I read the names:

Done at Paris, May 20, 1875—

I read the names of the representatives:

[L. S.] E. B. WASHBURNE.
[L. S.] HOHENLOHE.
[L. S.] APPONYI.
[L. S.] BERGENS.
[L. S.] VISCOUNT DE ITAJUBA.
[L. S.] M. BALCARCE.
[L. S.] MOLTKE-HOITFELDT—

If I fail in the pronunciation of any of these words, it is from a little imperfect knowledge of the language of the main body of the representatives in the convention—

[L. S.] MARQUIS DE MOLINS.
[L. S.] CARLOS IBAÑEZ.
[L. S.] DECAZES.
[L. S.] C. DE MEAUX.
[L. S.] N. DUMAS.
[L. S.] NIGRA.
[L. S.] P. GALVEZ.
[L. S.] FRAN'SE DE RIVERO.
JOSÉ DE SILVA MENDES [SEAL].
[L. S.] O'KONNEFF,
For BARON ADELSWÄRD (prevented).
[L. S.] H. AKERMAN.
[L. S.] KERN.
[L. S.] HUSSEY.
[L. S.] E. ACOSTA.

Nineteen or twenty—I have not verified the exact number—nineteen or twenty agreed to the league establishing this bureau, mostly ministers of the countries which they represented. These are names of foreigners, Germans, Italians, Spaniards, and some unknown names here. I was pained by the unkind hit of the Senator from New York, brought up in the metropolis of the world's greatness, with Columbia College in sight, and the University of New York standing but a little way off, with summer visits and winter visits to the collegiate institutions of New England, surrounded by diplomats from all the known parts of the world, with every opportunity which could be granted to this great man to learn all languages, to be informed upon all subjects; and in reply to a plain, straightforward, Anglo-Saxon appeal that I made, he says "prove to me that an unknown tongue arises from ignorance." The Lord knows that I have regretted with sorrow and with tears that condition of ignorance of myself all through a painful life; but, oh, if I had had the advantages that the Senator from New York has had it would not become me to say how I might have availed myself of those precious privileges. [Laughter.]

Now I have read the names of this body to which we are to send here a contribution of—how many thousand is it, Mr. Chairman?

Mr. ALLISON. Over $2,000.

Mr. CONGER. Two thousand two hundred and seventy dollars, I believe, we are to send to mingle with these people of unknown languages and unknown countries. We are to send to join them, at an expense of $2,270, somebody who does not know their language nor their measures nor their weights. But I can not dwell upon such an unimportant matter as that.

Let me call the attention of Senators to a matter which the Senator from Iowa unfortunately for himself—I say it in view of the dimness which comes over some prospects in the future—failed to mention. I find article 7 provides this, as to what this bureau shall do:

It shall be its duty to discuss and initiate measures necessary for the dissemination and improvement of the metrical system.

Why could not the Senator say so? I wish the Senator had told us this. I will read it again:

It shall be its duty to discuss—

That is the duty of this bureau—

Discuss and initiate measures necessary for the dissemination and improvement of the metrical system—

I asked if it had any relation to that. The Senator unfortunately said "no"—

and to pass upon such new fundamental metrological determinations as may have been made during the time when it was not in session. It shall receive the report of the international committee concerning the work that has been accomplished, and shall replace one-half of the international committee by secret ballot.

The voting in the general conference shall be by states; each state shall be entitled to one vote.

We send our man among the nineteen or twenty of these men, all belonging to the Latin nations, all in favor of the metrical system—we send our man there, whosoever he may be, the illustrious Washburne, or whoever, with his one vote, by a secret vote, to represent us in that system of Latin nations.

I find another little matter here about the establishment of this commission, and its objects, &c.

37. The international commission desires to notify to the several governments interested the great utility of founding an international bureau of weights and measures, upon the following bases:

* * * * * * *

4. The establishment shall be subordinate to the international metric commission, and be placed under the supervision of the permanent committee, who shall appoint the director.

I am trying to go through this, but all over this document I have before me there are phrases and paragraphs showing the object, but I read this resolution:

Resolved, That this society has received with gratification the intelligence of the ratification of a convention between the leading powers of the civilized world establishing an international bureau of weights and measures, for *the purpose of perpetuating forever without change the basic units of the metric system of weights and measures*, and the distribution of authenticated copies of the prototype standards of that system, as well as for the exact comparison of standards of all descriptions and the determination of their relations to those of the metric system.

This is brimful, bursting out all over with the efforts that are being made by the bureau and by friends of the metrical system to disseminate it, and by secret votes and otherwise give it control, and to vote each by states, each republic or government having one vote, and in all these ways to which I have alluded to disseminate and extend the international metric system. So, sir, what I feared from the reading of that bill is verified and more than verified by the treaty and the history of the institution. I ask for a vote. I move to strike out that paragraph.

The PRESIDENT *pro tempore*. The motion is not now in order, except by unanimous consent.

Mr. CONGER. The bill was being read by paragraphs.

The PRESIDENT *pro tempore*. If there be no objection the question will be put now, but according to the order of the Senate the bill was to be read through and the amendments of the Committee on Appropriations to be first acted on.

Mr. ALLISON. If the Senator from Michigan desires a vote on this particular clause or paragraph at this time I will not interpose objection; but I give notice that hereafter I will object to introducing amendments until the committee amendments are disposed of.

Mr. CONGER. I should like a vote by yeas and nays, if the Senate is willing.

The PRESIDENT *pro tempore*. If there be no objection the question will be put on the motion of the Senator from Michigan to strike out the clause referred to.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. He asked me to pair with him on all questions in regard to which I thought he and I should be likely to differ. I do not think we should be likely to differ on this question, and therefore I will vote.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. WALTHALL (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] is paired with the Senator from New York [Mr. MILLER].

The roll-call was concluded.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. SAULSBURY. I desire to state that my colleague [Mr. GRAY] is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. BROWN. My colleague [Mr. COLQUITT] is paired with the Senator from Illinois [Mr. CULLOM] on all political questions. I do not consider this a political question, however, and as I believe my colleague would vote if here as the Senator from Illinois would, I consent that the Senator from Illinois may vote without considering the pair.

Mr. KENNA. I understand that the Senator from Minnesota [Mr. SABIN], with whom I am paired, would vote "nay" if he were here, and therefore I vote "nay."

The result was announced—yea 1, nays 42; as follows:

YEA—1.

Conger.

NAYS—42.

Aldrich,	Cullom,	Ingalls,	Saulsbury,
Allison,	Dawes,	Jones of Nevada,	Sherman,
Beck,	Edmunds,	Kenna,	Stanford,
Berry,	Eustis,	McMillan,	Teller,
Blair,	Evarts,	Mahone,	Vest,
Bowen,	Fair,	Maxey,	Walthall,
Brown,	George,	Mitchell of Oreg.,	Whitthorne,
Call,	Hale,	Morrill,	Wilson of Iowa,
Chace,	Hawley,	Payne,	Wilson of Md.
Cockrell,	Hearst,	Plumb,	
Coke,	Hoar,	Pugh,	

ABSENT—33.

Blackburn,	Gray,	Miller,	Sawyer,
Butler,	Hampton,	Mitchell of Pa.,	Sewell,
Camden,	Harris,	Morgan,	Spooner,
Cameron,	Harrison,	Palmer,	Vance,
Colquitt,	Jones of Arkansas,	Pike,	Van Wyck,
Dolph,	Jones of Florida,	Platt,	Voorhees.
Frye,	Logan,	Ransom,	
Gibson,	McPherson,	Riddleberger,	
Gorman,	Manderson,	Sabin,	

So the motion to strike out was not agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Schedule B, salaries, consuls-general," in line 175, to increase the appropriation for salary of "consul-general at Halifax" from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, after line 182, to insert:

For salaries of consuls, vice-consuls, and commercial agents, $333,500, namely.

The amendment was agreed to.

The next amendment was to strike out from line 188 to 191, inclusive, as follows:

Consuls at Foo-Chow, Hankow, Canton, Amoy, Tien-Tsin, and Chin-Kiang, China, at $3,500 each, $21,000.

And in lieu thereof to insert:

CLASS II.—At $3,500 per annum:

China:

Foo-Chow; Hankow; Canton; Amoy; Tien-Tsin; Chin-Kiang.

Mr. BECK. I rise for the purpose of suggesting that we treat as one amendment all that portion of the bill from line 188 down to line 524, as it is simply making the text correspond to existing law.

Mr. ALLISON. I think we can get along rapidly in that way, but I do not think it is possible to finish this bill to-night; and if it be agreeable to Senators I will now move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 5, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 4, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

STEAM OYSTER-BOAT J. P. THOMAS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting correspondence and recommending an item in the defficiency bill refunding to Thomas Thomas, master of the steam oyster-boat J. P. Thomas, the remitted portion of a fine; which was referred to the Committee on Appropriations, and ordered to be printed.

ARMAMENT OF FORTIFICATIONS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Secretary of War recommending that $50,000 of the amount appropriated by act of March 3, 1886, for armament of fortifications for 1884, be reappropriated and made available for construction of guns; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. MAYBURY, until Monday, on account of important business.

To Mr. BAYNE, for to-day and to-morrow, on account of important business.

To Mr. MURPHY, indefinitely, on account of sickness.

To Mr. STEWART, of Vermont, for ten days, on account of important business.

To Mr. HEISTAND, for the remainder of this week.

To Mr. DAVIDSON, of Florida, indefinitely, on account of the sickness of a member of his family.

To Mr. SADLER, indefinitely, on account of sickness.

To Mr. MILLARD, for ten days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 226) granting a pension to Margaret D. Marchand;

A bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers;

A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Lynn County, Iowa;

A bill (S. 1584) for the relief of Cornelia R. Schenck;

A bill (S. 2223) granting a pension to Elizabeth S. De Krafft; and

A bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

JUDICIAL DISTRICTS, ARKANSAS.

Mr. EZRA. B. TAYLOR. Mr. Speaker, I desire to submit a report from the Committee on the Judiciary. I ask unanimous consent to concur in the Senate amendment to the bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas.

The SPEAKER. The Senate amendment will be read.

The Clerk read as follows:

After line 17, insert the following section:

"SEC. 3. All crimes and offenses hereafter committed within said western district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed."

Mr. EZRA B. TAYLOR. The committee recommend concurrence in the Senate amendment.

The amendment was concurred in.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN J. COUGHLIN.

Mr. LORE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 8087) for the relief of John J. Coughlin and put the same upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay John J. Coughlin the sum of $631.13, out of any money in the Treasury not otherwise appropriated, said sum being difference of pay from laborer, at $1.25 per day, to skilled laborer at $4 per day, for two hundred and twenty-nine and one-half days, in arranging, cataloguing, and classifying bound volumes of newspapers in the Library of Congress.

Mr. RANDALL. Let the report be read.

Mr. LORE. I think I can make a brief statement which will obviate the necessity of reading the report.

Mr. RANDALL. Reserving the right to object, I shall be glad to hear the gentleman.

Mr. LORE. Mr. Speaker, John J. Coughlin was employed by the architect of this building at a salary of $1.25 per day, and was assigned to duty under the Librarian of Congress and employed in a work requiring very intelligent labor and skill in cataloguing and arranging newspaper-files and documents published in the several States and Territories of the United States, and in England, France, Spain, Portugal, Belgium, Switzerland, Cuba, Russia, China, and other countries—a collection of rare historic value. He was employed in arranging, preparing, and distributing them for proper reference. There were a number of persons engaged in the same business, all of whom were paid, except this man, at the rate of $4 a day. It required much skill in this arrangement, and knowledge of language, and care, which the committee think, in view of the services rendered, ought to be paid for. This man is now in the employ of the House, and is the only one of the whole number employed who was not paid.

This only adds $2.75 a day for the time that he was employed in this service to his ordinary compensation, and the aggregate amount covered by the bill is $631.33 for nearly a year's work. I repeat, it required great skill, considerable knowledge of languages, and carefulness in arranging the works.

I have here a letter from the Librarian of Congress showing the value of this service; and I wish to add that this is a unanimous report from the Committee on Claims.

There being no objection, the bill was considered, and ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. LORE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent to introduce a bill for reference.

Mr. BEACH. I shall object; it will keep until Monday.

APPROPRIATION TO JEFFERSONVILLE (IND.) LEVEE.

Mr. COX. Mr. Speaker, I call up now for present consideration the report of the Committee on Reform in the Civil Service in relation to certain charges against employés of the House.

Mr. HOLMAN. I wish, in view of the fact that the Committee on Appropriations is desirous of proceeding with the legislative bill, to inquire of the gentleman if he will be able to indicate how much time will probably be occupied with the consideration of the report to which he refers?

Mr. COX. I do not know myself, but I should not think that a very great deal of time will be required.

Mr. RANDALL. Will it take an hour, two hours, or three hours?

Mr. COX. I think two hours will answer very well.

Mr. HOLMAN. As soon as this subject is disposed of I will ask the consent of the House to take up the legislative appropriation bill, as it is important that bill should be disposed of at the earliest possible date, that it may become a law before the 1st July.

Mr. WARD, of Indiana. Mr. Luthur F. Warder, first assistant doorkeeper of the House, is charged with very grave offenses. The Committee on Civil Service Reform have unanimously reported that he is guilty

of these charges. He himself claims that he is not guilty. His friends are confident that he is not guilty. I earnestly ask in his behalf that this session may not be closed without his having a hearing; and I ask that that hearing may be accorded now.

Mr. COX. I fully concur in the gentleman's suggestion.

The SPEAKER. The Clerk will read the resolution reported by the Select Committee on the Civil Service Reform.

The Clerk read as follows:

Resolved, That L. F. Warder be dismissed from the service of this House.

Mr. GIBSON, of West Virginia. I did not understand the gentleman to say when he proposes to call the previous question on this resolution.

Mr. COX. I should think two hours would be sufficient for debate.

Mr. GIBSON, of West Virginia. I submit when the character of a man, however humble, whether an employé of this House or not, is involved, the matter should not be driven through this House. He should at least have sufficient time to defend himself. That is given to any man that is charged with the smallest offense in a court. I hope the gentleman will not undertake to rush this case through.

Mr. COX. We have no disposition to do that.

Mr. O'NEILL, of Pennsylvania. I think we ought to have the report in this case read.

The SPEAKER. The reading of the report would be in the nature of debate. Any gentleman who gets the floor can have the report read as occupying a portion of his time.

Mr. WARD, of Indiana. The gentleman from North Carolina yields to me for a moment to offer the substitute which I send to the desk for the resolution reported by the committee.

The Clerk read the proposed substitute, as follows:

That the evidence in this case does not sustain the charges.

Resolved, That it is improper for any officer or employé of this House to seek to influence legislation either directly or indirectly, and that the action of Luther F. Warder (as the agent of the city of Jeffersonville, Ind., at a time when said Warder was an employé of this House), in procuring the services of an attorney for the purpose of influencing legislation, is disapproved by the House.

Mr. COX. I ask that the report be read.

The report was read, as follows:

The Select Committee on Reform in the Civil Service, to whom was referred the resolution directing an inquiry into the charges against certain officers of the House of Representatives, in connection with the appropriation of $50,000 by the Forty-eighth Congress to what is known as the Jeffersonville (Ind.) levee, beg leave to report as follows:

That your committee met on the 2d day of April, 1886, and proceeded to discharge the duties imposed upon them by the House by its resolution adopted on the 16th of March last, which reads as follows:

"Whereas there is pending in the Forty-eighth Congress a bill containing, among other matters, an appropriation of $50,000 for a certain improvement of the Ohio River at or near Jeffersonville, Ind., known as the Jeffersonville levee appropriation; and

"Whereas it is charged by a reputable citizen of Indiana that during the pendency of said measure a person or persons, then officers of the House of Representatives, exacted, collected, and accepted from a person or persons interested in the success of the said appropriation a large sum of money upon the pretense or for the purpose of influencing Congress, or some committee thereof, or Members or Senators in their official action thereon; and

"Whereas it is also charged that the person or persons so exacting, collecting, and accepting said sum of money for the purpose aforesaid are officers and employés of this House: Therefore,

"*Be it resolved*, That the Committee on Reform in the Civil Service be, and is hereby, instructed to inquire into the truth of said charges and report the facts to this House; and to enable the said committee to thoroughly investigate said charges, it is hereby authorized to send for persons and papers; and a sum sufficient to defray the necessary expenses of this inquiry is hereby appropriated out of the contingent fund of the House."

That they have examined twenty witnesses, whose testimony is herewith sent. That the facts extracted from this evidence appear to be as follows:

The city of Jeffersonville, Ind., took action on the 6th day of February, 1884, looking to its protection against overflows in times of freshets in the Ohio River. The council passed a resolution in favor of the passage by Congress of a bill with this object in view, and on the 12th day of February, 1884, appointed a committee, consisting of Messrs. Jonas G. Howard, William H. Fogg, and A. O. Clark, to go to Washington city to urge upon Congress the improvement of levees at that city. This committee visited Washington and returned about the 3d day of March.

Prior to this time the House Committee on Rivers and Harbors had completed its work, and the visiting committee was informed by Mr. WILLIS, the chairman of the Committee on Rivers and Harbors, that they would have to make their effort to secure an appropriation in the Senate.

The visiting committee then interviewed Senators VOORHEES and HARRISON, and these gentlemen immediately took steps to secure an appropriation, the former by the introduction of an amendment designed to be offered to the river and harbor bill when it should come from the House, and the latter by the introduction of a resolution calling upon the Secretary of War for necessary information respecting the desired improvement. The action of this visiting committee and that of Senators VOORHEES and HARRISON were the really influential factors in obtaining the legislation which secured the appropriation for the levee at Jeffersonville.

The result of the passage of the resolution of Senator HARRISON was a report by the local engineer, Colonel Merrill, dated April 19, 1884, which was transmitted by the Secretary of War to the Senate on the 12th day of May, 1884.

On the 22d day of April, 1884, three days after the date of Colonel Merrill's report, the council of the city of Jeffersonville appointed a committee, consisting of the same persons included in the original committee, to visit Washington, in the interest of an appropriation. Messrs. Howard and Fogg declined to come and Mr. Simeon Goldback was substituted, and he and Mr. Clark came to Washington the latter part of April and remained about two weeks.

This committee did but little, and in fact there was but little for them to do, because the matter was in the care of Senators VOORHEES and HARRISON; but as it appears by the evidence introduced in behalf of Messrs. Warder and Stealey, the last visiting committee left matters in their charge, they being citizens of Jeffersonville, and then and now employés of the House of Representatives.

Upon the return of this second committee to Jeffersonville, in the early part of May, by the instructions of the levy committee of the city council, Mr. A. O. Shuler, secretary, wrote to Mr. L. F. Warder, asking his advice as to the propriety of sending another committee to Washington. Shortly thereafter Mr. Warder wrote to the parties interested at Jeffersonville that he had secured the services of an attorney, influential friend, or competent person, there being a conflict of evidence as to which term was used, to attend to this matter, and had made a contract with him by which the said person was to be paid $250 cash and $1,000 additional in the event of the success of the measure; and he stated further in his communications that it was utterly useless to send committees to Washington, but that the $250 should be forwarded to Mr. O. O. Stealey, which was done by Mr. Shuler.

From the time of these communications, in the early part of May, up to the time when the river and harbor bill had finally passed the Senate, the evidence fails to disclose anything that Mr. Warder did, except to speak perhaps occasionally to Senators VOORHEES and HARRISON and frequently to Mr. Stealey about the appropriation.

Mr. Warder testifies that in these conversations with Mr. Stealey he informed him that he purposed, and afterward had, employed a Mr. Hill as an attorney to look after the appropriation. He said nothing whatever, according to his own testimony, to either Senators VOORHEES or HARRISON, to Mr. Stockslager, his Representative, who took great interest in the matter, or to any other person excepting Mr. Stealey, prior to the adjournment of Congress, of this employment of Hill.

Mr. Warder claims in his testimony that he referred to Mr. Hill when he wrote the communication to Shuler asking for money; but, as heretofore stated, he did not name him in that communication.

Mr. Warder went upon the witness-stand before your committee in his own defense, and, when asked why and how he came to employ Hill, stated:

"Now, I want to state here the reason, or one of the reasons, why I employed Mr. Hill. I had become acquainted with him around the House. I saw him frequently about the House there, often before Congress met, and that he was associating around with members of Congress, and we got up a talking acquaintance. It was just on the eve of a political national contest, and through and about it I became acquainted with him and found him to be the best-posted man on the subject of levees that I had talked with in Congress or out of Congress. That was another reason that induced me to employ this man. I did employ him on a contingent fee, with the understanding that I should pay him $250. If the appropriation failed, that to be the end of it. If the appropriation was a success and we obtained it, he was to have $1,000 contingent fee. To make the matter short, we obtained the appropriation. I paid him the $1,000. That ended our connection; and, gentlemen, that is, without going into specific details, about my explanation of the matter."

The foregoing is the voluntary statement of Mr. Warder in regard to the employment of Hill. Upon cross-examination he stated:

"Q. Did you say that Mr. Hill was a lawyer?

"A. I understood him to be an attorney-at-law.

"Q. Well, do you know whether he is a lawyer or not?

"A. Yes, sir; I might say I know he is a lawyer.

"Q. Is he engaged in any other business?

"A. Not that I know of. The reason I might say I know he is a lawyer is that he has or had a lawyer's office. He told me that he was a Washington attorney, and practicing before the Supreme Court of the United States, and I had no right to doubt what he told me.

"Q. Your acquaintance had been about how long before this employment?

"A. A month or two, or three.

"Q. By whom was he first introduced to you?

"A. I don't remember, Mr. BAYNE, that there was any introduction at all, as far as that was concerned.

"Q. How long had you met him before this employment?

"A. Oh, quite frequently. I don't know what he was engaged in, but he seemed to have some business here, as he came to the House quite often.

"Q. Were your meetings with him there?

"A. I met him around my desk, and in the Hall of the House, and in the corridors and lobbies.

"Q. Had he been recommended to you by anybody?

"A. No, sir; I don't remember that he was recommended by anybody.

* * * * * * *

"Q. Did you consult with anybody at all about employing him?

"A. I consulted with Mr. Stealey.

"Q. With anybody else?

"A. No, sir.

"Q. What was Mr. Stealey's advice in reference to his employment?

"A. Mr. Stealey thought I had better employ him.

"Q. Did Mr. Stealey know Mr. Hill?

"A. I do not know whether he did before that time or not.

"Q. Did he know him at all?

"A. I don't know whether he did or not.

"Q. Did you consult with anybody else in reference to it?

"A. I did not.

"Q. Did you mention, in any of the communications which you wrote the people of Jeffersonville, or to the committee who visited Washington, the name of Mr. Hill as the party whom you had employed?

"A. I did not see any of the committees that visited Washington until after Congress adjourned.

"Q. When did you mention the fact outside of Mr. Stealey that Mr. Hill had been employed?

"A. Well, when I went home after the adjournment of Congress I spoke with several parties.

* * * * * * *

"Q. Who introduced you to him?

"A. No one that I remember.

"Q. You just struck up an acquaintance with him?

"A. Yes, sir; a casual acquaintance.

"Q. Did you inquire into his standing, reliability, capacity, or anything of that sort previous to this employment?

"A. No, sir; because upon my own judgment of his capacity I was satisfied upon that score.

"Q. Did you post yourself as to whether he had any influence in connection with any matter before Congress, or likely to be?

"A. I did not. I believe he told me he had connection with some matters, but I forget what they were, but it was in a legal way. I believe he said this, that he was paid a $2,500 fee for writing a brief that did not take him three days."

Now, it is in evidence that Mr. Warder was at one time mayor of the city of Jeffersonville; at another time he had taken an active part in promoting legislation by the State of Indiana for the removal of the county site to Jeffersonville, and, in his own language, "was in it up to my (his) ears for three years." He had been an officer of the House of Representatives since the first Monday in December, 1883. He therefore had considerable experience in public affairs. In addition to this, he exhibited as a witness the characteristics and traits of an intelligent man of the world.

The person, Mr. E. N. Hill, whom he alleges he employed as an attorney, has been discreditably connected with a number of public affairs. Mr. Warder did not put him on the witness-stand, although advised and defended by able and learned counsel, but the committee did.

He testified that he was employed by Warder; that he received $250 at one

time and $1,000 at another; that he put the money in his pocket; that he kept no bank account; that he gave receipts, which were produced in evidence; but he declined to state what he did with the money, except to say generally that he used it as he needed it. He was asked if he was an attorney, and he answered that he was licensed by the Supreme Court of the United States, but had never practiced in that court; he was asked if he had practiced in the courts of the District of Columbia; he replied he never had; he was asked in what courts he did practice, and he replied in the Court of Claims and before the Departments, but when questioned as to cases he had or was interested in, he failed to indicate more than two or three.

Your committee find, further, that the manner of Mr. Hill upon the witness-stand, together with the character of his evidence and his antecedents, are such that they are disposed to place but little credence in any statements made by him which are not fully corroborated by extraneous circumstances, and that he is hardly the man whom an intelligent person would employ to conduct or manage an important business affair.

According to his own testimony and also that of Mr. Warder, Hill rendered no effective service whatever in securing the appropriation for Jeffersonville. He appeared before no committee, importuned no Congressman or Senator, did absolutely nothing except to advise Mr. Warder to make the fight in the Senate, and that the appropriation should be asked in aid of navigation and protection to Government property and not to protect the city of Jeffersonville from inundations. Action had been pending in the Senate for two and a half months prior to the alleged employment of Hill, as has been shown, and all measures proposed looked to the protection of Government property. This was particularly shown by the bill introduced by Mr. Stockslager on April 4, 1884, five weeks prior to the alleged employment of Hill.

In the face of these facts Mr. Warder testifies that he paid Hill $250 as a retainer and $1,000 after the approval of the bill by the President. This $1,000, it appears, was sent from Jeffersonville in response to the following dispatch sent by Warder:

WASHINGTON, D. C., *July* 2, 1884—9.45 a. m.

Mr. A. O. SHULER, *Jeff.:*

We expect to adjourn Saturday. Send draft to me at once, so that I will not be detained here. It is all right; but I will not pay until the bill is signed.

L. F. WARDER.

And, according to the testimony of Warder and Hill, was paid to the latter on the 6th of July, 1884.

In this connection it is proper to state that throughout this investigation on the part of the committee, and notwithstanding the fact that several parties from Jeffersonville friendly to Mr. Warder, who stated that they had talked with him on the subject both at Jeffersonville after the appropriation had been secured and in Washington after they had reached here under a subpœna from the committee, were placed on the stand and questioned closely with a view of ascertaining the name of the attorney or influential party who had been employed by Warder, the committee were unable to ascertain it, and it was not until Mr. Warder had been called to the witness-stand by his counsel to testify in his own behalf that the name of the party so employed was divulged.

The alleged employment of such a man as Hill, under the circumstances described, and the payment to him of so large a fee for so trivial a service is to the minds of your committee a doubtful and improbable transaction; but in any event the fact that Mr. Warder suggested that money should be raised, coupled with the fact that he received it under the pretense of securing legislation, is, they think, quite sufficient to justify decisive action on the part of the House of Representatives.

Such conduct on the part of an officer of the House is productive of scandal and reproach, and leads to erroneous impressions regarding the character and integrity of those charged with the legislation of the country.

While the testimony established that no part of the $1,250 paid by the people of Jeffersonville was used or attempted to be used in corruptly influencing any member of either branch of the Forty-eighth Congress, your committee wish to put the most emphatic condemnation upon the practice of an employé of Congress having anything to do with the reception and payment of money the consideration of which is the promotion of legislation. In this view of the case the conduct of Mr. Warder in connection with the affair, even if honest and straightforward, deserves unqualified disapproval.

In view of all the facts in the case, your committee find that L. F. Warder, then and now an employé of the House of Representatives, did receive the sum of $1,250 from certain persons interested in the success of the Jeffersonville (Ind.) levee appropriation, pending in the Forty-eighth Congress, upon the pretense of influencing Congress in connection therewith, and they recommend that L. F. Warder be dismissed from the service of this House.

The only other employé of the House of Representatives in any way connected with the charge under investigation is Mr. O. O. Stealey. It appears that Mr. Stealey was cognizant of the employment of Hill, and loaned Mr. Warder the sum of $250 for that alleged purpose, which sum was repaid Mr. Stealey by the citizens of Jeffersonville. While Mr. Stealey did this, however, he explains his connection with the transaction as follows:

"Q. Mr. Stealey, please tell the committee what connection you had with procuring this levee appropriation for Jeffersonville, when you first undertook it, and all about it.

"A. I am a citizen and tax-payer of Jeffersonville; all my interests are there, and my family lives there. They had floods there in 1883 and in 1884, which destroyed the town pretty much, and I was asked by friends to assist here in Washington in securing this appropriation, which I did. I went to Senator HARRISON frequently, and I went to Senator VOORHEES, and to members of the House, and did all that man could do for his town in that respect.

* * * * * * *

"Q. Something was said about you having paid out $250.

"A. I loaned Mr. Warder $250.

"Q. What was that for?

"A. He told me at the time that he wanted to or had employed an attorney. I asked him who the man was, and he said it was Hill. I then asked him what he knew about the man and was he a good man, and he said, "I think so; I talked to him, and he seems to have a good idea of legislation." I then asked him where the money was to come from, and he answered, "Prominent tax-payers want this done, and I am authorized by Mr. Goldbach to employ an attorney, or some man to watch this bill."

"Q. Did you tell him you could not give it much attention?

"A. I told him so distinctly and positively. I was away a good deal of the time; I was two weeks in Chicago, and from the latter part of May until the 3d of June I was away from Washington, and from the latter part of June until the middle of July I was not here. And during that time no letter was written and no dispatch sent by me, and I had no communication whatever in any manner connected with the money or the employment of an attorney except with Mr. Warder, and that was to let him have $250, which Mr. Shuler sent me a draft for in about six weeks. That ended my connection here with the whole business, except my personal efforts among members of the House and Senators."

Now, though in the opinion of your committee it is improper for any officer or employé of the House of Representatives to undertake, by his own efforts or those of his agents, to influence legislation in Congress, yet, so far as the present inquiry is concerned, your committee find that O. O. Stealey did not exact, collect, or accept from any person any sum of money upon the pretense or for the purpose of influencing Congress, or any committee thereof, or any member or Senator, in connection with the Jeffersonville levee appropriation, and except the impropriety of an employé being concerned in any attempt to secure such an appropriation said Stealey was not connected therewith.

All of which is respectfully submitted.

[Resolution to accompany report.]

Resolved, That L. F. Warder be dismissed from the service of the House.

Mr. COX. It was with profound regret I saw this House require the Committee on Reform in the Civil Service to investigate the charges against certain of its employés, which were preferred by the gentleman from Indiana [Mr. BROWNE]. I knew they might with more propriety be investigated by a special committee created for that purpose; but I had no election in the matter, neither had the committee. It is always disagreeable to our natural impulses to be connected with any investigation which may result in disclosures damaging to our fellowmen. It is always unpleasant to be placed in the position of a censor upon the transactions of our fellows. It is doubly so when the investigation may lead to the conviction of those with whom we are brought in daily association.

Mr. Warder was an employé of the Forty-eighth and is of the Forty-ninth Congress, of which I have been and am a member. In addition to this, he was and is a member of the political family to which I belong. At the inception of these proceedings (as the charges proceeded from the other side of the House, from one with whom I am not in political affiliation), my natural bias was in favor of the accused, for I feared that a political element might be the cause of their origination. At all events, it would have given me the greatest pleasure after making the investigation to be enabled to report to this House that the charges were not sustained and were indeed without foundation. I am frank in admitting that such was my natural and original bias.

I wish to call to the attention of the House in connection with this unanimous report of the committee, a fact which, in my opinion, is entitled to great weight, in considering the verdict it has to render. That is as to the composition of the committee. It is composed of nine members of the bar, six of whom are Democrats, three Republicans, and the remainder are intelligent and fair-minded laymen. Every one knows the analytical and inquisitorial character of a lawyer's mind. He is accustomed to examine witnesses and weigh their testimony both in his Chamber and at the bar. He is disposed to decide for himself. His thoughts and his conclusions are his own.

He exercises an independence of thought not easily controlled by others. He watches closely not only what a witness says, but his manner and bearing, and searches for the motive that may prompt his answer. Hence it is unusual to find nine members of the profession concurring in any given proposition. Therefore, when the facts and circumstances have been of such a character as to command a unanimous indorsement as to the guilt of the accused, this House should hesitate, when debarred from the advantages we have enjoyed of investigating the truth of the accusation, to set our unanimous verdict aside. Especially is this true when this verdict has been strengthened and supported by the concurrent opinion of the intelligent and impartial laymen who co-operated in this investigation.

The committee gave to this case a full, fair, impartial, and exhaustive investigation. It was engaged in the examination of witnesses for over one month's time, and from the care given to the case and the freedom from party spirit manifested by all, I feel warranted in saying it would have been the pleasure of the entire committee to have reported in favor of Mr. Warder if it could have consistently done so. As it was, he was given the benefit of his own statement in the report, in order that he and his friends and this House might see that there was no disposition to deal harshly with him. The committee, however, does not claim for itself infallibility, and recognizes the fact that it is the duty of this House in reviewing its action to determine for itself whether it is satisfied with the action of its committee.

The committee has no feeling in the matter. It feels that it has honestly, laboriously, and faithfully discharged its duty to the House and to the accused. That is what it aimed to do; that is what it has done. It does not claim to have a higher sense of honor as to what is due to this House than others. If its standard has been high, it does not propose to lower it. The danger is in the other direction. It is for you, gentlemen of the House, to say whether you shall entertain the same view of this matter that the committee does. Whatever may be your conclusion they will feel that you have been impelled by the same motives that prompted them in coming to their decision.

The substitute offered by the gentleman from Indiana [Mr. WARD] proposes that you shall find that the testimony does not sustain the charges preferred by the gentleman from Indiana [Mr. BROWNE], while the committee say it does. Who are the best judges of testimony? The party who has seen the witness testify, noted his hesitation, overzeal, confusion, manner, and bearing, or the person who examines the testimony only after committed to type and laid before him? The law authorities say that he who stands face to face to the witness is the best judge. And this opinion is founded on experience and common sense. While on this subject, I will briefly invite your attention to an eminent authority and see what he has to say in regard to the weight of testimony. Says Mr. Starkie, in his work upon evidence:

No definite degrees of probability can in practice be assigned to the testimony

of witnesses. Their credibility usually depends upon special circumstances attending each particular case, upon their connection with the party and the subject-matter of litigation, their previous character, the manner of delivering their evidence, and many other circumstances, by a careful consideration of which the value of their testimony is usually so well ascertained as to leave no room for mere numerical comparison.

The mistake of the gentlemen on the other side is, that they propose that you shall take the testimony as reported to this House, and without the adventitious aids enjoyed by the committee you shall say its conclusion is erroneous; whereas courts of law when reviewing law and facts are always reluctant to set aside a verdict of a jury when it has any evidence upon which to form its verdict. Not so when it has no evidence, or is contrary to the evidence. In this case it is insisted that within the one hundred and twenty-six pages of testimony submitted for your consideration, there is abundant evidence to justify the finding of the committee, and we are confident you will not only be slow but absolutely refuse to consent to the misleading substitute offered by my friend.

Turning from that subject, I find laid upon the desks of members what appears to me to be a very peculiar brief from the counsel on the part of the defense. It is, I say, a rather peculiar document, and, without intentional offense, I will add worthy of the cause these gentlemen are defending. It begins as follows:

Luther F. Warder, of Jeffersonville, Ind., is on trial before you.

We do not differ about that; and I think that the House will concur that he is not only on trial but that the testimony is very damaging against him. It proceeds:

Your grand jury, the Committee on Civil Service Reform, charge him with perjury, subornation of perjury, forgery, and embezzlement.

Now, Mr. Speaker, not even a tyro in the profession of the law should make the mistake of comparing the Committee on Reform in the Civil Service to a grand jury. Why is it done here? To covertly disparage the committee? A grand jury is drawn, sworn, and charged by the court; it is then placed in charge of an officer, who conducts it to a room and stands as sentinel at the door; its investigations are secret; but one side of the case is heard; the defendant is not present either in person or by counsel, and all that is required to entitle it to find an indictment (which is drawn by the State's attorney), is to establish a *prima facie* case of guilt.

In this case the committee-room doors were thrown open. The defendant appeared with his counsel, learned in the law, to cross-examine witnesses, to interpose objections to improper questions, to avail himself of any defense which might be accorded in any court of justice, and to examine all witnesses testifying in the case. Not only this, but a stenographer was present to prepare the testimony for the use of the committee and the accused.

Whenever mistakes occurred or corrections were desired they were permitted by your committee; therefore this House can readily see that there is not the faintest similarity between a committee of this House charged with an investigation and a grand jury, to which the counsel compares it. So I say that at the very commencement of this defense, misleading comparisons are made in order to break the force of the blow impending over the head of their client. Next it says:

The Committee on Reform in the Civil Service then charged Mr. Warder with perjury, forgery, and embezzlement.

The committee have done no such thing, and the counsel are again mistaken in this assertion. The committee find that L. F. Warder, then and now an employé of this House, did receive the sum of $1,250 from certain persons interested in a levee appropriation pending in the Forty-eighth Congress upon the pretense of influencing Congress in connection therewith, and it recommends his dismissal. No one of ordinary understanding can read the testimony and come to any other conclusion. Even Warder's testimony itself indubitably establishes this fact. This wonderful brief goes on further to say:

We further declare that as lawyers and honest men——

Why did it become necessary to add that latter phrase?

with a keen appreciation of the dignity and honor of this House, we have carefully and closely read all the evidence adduced in this investigation, and we do most solemnly aver and declare that the charges against Mr. Warder are not sustained, and the resolutions reported by the committee are wholly unwarranted and unjustly, cruelly severe.

Not content with appearing before the committee in defense of their client the counsel in their zeal generously propose to give this House the benefit of their unbiased opinion as to the law and the facts. We should rather suppose the House would be inclined to attach more importance to the views of those who stand neutral in this case. Probably the most influential and potential name attached to this wonderful brief is that of ex-Senator McDonald, of Indiana. I must confess to great surprise when I first saw his name affixed to a brief where the attorneys testified as to law and facts.

Therefore when he appeared in Washington before the Committee on Foreign Affairs I was gratified when he informed me he had never seen the brief nor authorized his name to be attached to it. I replied that when I saw his name thus used I was surprised, and could only ascribe it to that good nature which all his friends so fully appreciate. It is true that since that time he has written a letter to the counsel for the accused stating substantially what I have repeated.

It is true that in the exercise of what I conceive to be rather an extraordinary discretion the counsel may have been justified in affixing his name to this brief; for having appeared with them in the defense of Mr. Stealey, and his name being of record as counsel for the accused, they may have been misled, and I therefore cheerfully accept the explanation given by them in the note of disclaimer of ex-Senator McDonald. While the zeal of counsel may sometimes cause them to go a little too far, there is no reason why those who review the case should partake of the ardor of the advocate.

But I must hasten on to other matters.

Mr. Speaker, what would be the natural course of an innocent man when charged with an offense of this kind? I ask members of the House to put it to themselves and inquire what they would have done? Would you not have hastened before the committee so soon as it met and proffered to disclose your whole connection with the case? Yes; you would have gone before the committee, all of whom you had known, with all of whom you had served; you would have relied upon their honor to resolve every reasonable doubt in your behalf. You would have gone upon the witness-stand and made an honest statement of your connection with the transaction. You would have relied upon their sympathy; you would have said, my city was overflowed; it was the home of myself, my family, and my friends; the mistake I made was of the head and not of the heart; deal with me as I am; I desire to throw no impediment in the way of this investigation.

Instead of this, the accused, with his learned counsel, sat silent day by day while the investigation went on. The committee were compelled to bring witnesses at great cost and inconvenience over 700 miles to testify to facts in the full knowledge and possession of the accused. And not until fact after fact had so tightened the chain of circumstantial evidence around him that he felt he could not escape, did he take the stand in order, if possible, to extricate himself from these criminating circumstances. The testimony, bearing, and manner of Mr. Warder upon the stand had much influence on the committee in arriving at its conclusion.

It furthermore saw that some of the principal witnesses summoned by the committee on arriving in the city were promptly taken in hand. Two of them, Shuler and Goldbach, staid at the same house with Warder. These two witnesses staid in the city fully a day before coming before the committee to be examined. They are what is known in the law as reluctant and eager witnesses—reluctant for the side that subpœnaed them, eager for the opposition. This illustrates in part the advantage of meeting witnesses face to face. This committee were not partisans. All they desired to do was to render a just and proper verdict.

While strict party men, they recognized their high obligation to conserve the honor and reputation of the House and the equally imposing duty of doing justice to the accused. Had Warder manifested more promptness in going upon the stand in his own defense his testimony would have had more weight.

Extraordinary efforts have been made to arouse the sympathies of this House in his favor. He is entitled to justice, tempered with mercy, but not sympathy. Who brought this case here but himself? What but his own acts places him on trial to-day? By this reception of money for the alleged purpose of affecting the legislation of this House he affixed suspicion upon himself. Standing at its portals to guard the entrance against lobbyists and those who would improperly secure legislation, he puts himself in the forefront as a lobbyist, and received money to be employed in accomplishing legislation. No special pleading, no technicalities, no false sympathy should be extended to enable him to escape.

There is another matter presented in the brief in this case to which I would here refer, as it is in the line of the whole defense. It displays a disposition to raise misleading issues in order to escape the real issue presented for the consideration of the House. It is alleged that this charge against him "is the child of an appropriate *liaison* between political prejudices as sire and a deserter from the Southern armies as dam." Suppose that is so, what has that got to do with this case? The only question for this House to consider is, are the charges which have been brought against Warder true?

We have nothing to do with the animus that may have inspired them. Even informers give clews which lead to the most important revelations. The only inquiry we have to determine is whether the charges the committee investigated are true. In this case the tactics of adroit and skillful counsel should not mislead this House. Senator HARRISON'S testimony discloses the fact that the idea of bringing these charges before this House was an afterthought. He stated that, as he was closely connected with the passage of the appropriation for the purpose of the Jeffersonville levee, when he heard that money had been received from the people of Jeffersonville to effect legislation he thought of moving for an investigation in the Senate, but when he ascertained that the money was received by an employé of this House he requested the gentleman from Indiana [Mr. BROWNE] to originate the matter here.

It is not my purpose to vindicate the gentleman from Indiana. He

is abundantly able to take care of himself; but, as an act of justice, I deem it proper to say he has shown no forwardness in this whole investigation. The charges, it will be seen, are general. In fact, I thought too much so. In calling the attention of the gentleman from Indiana to my objection he stated that he had conferred with a distinguished Democrat on this side of the House in relation to that very matter, and they agreed on the form of the resolution; that a lie travels faster than the truth, and he did not wish to smirch the character of any man by naming him in the resolutions before the truth should be known. Therefore, instead of being amenable to the charge preferred by the counsel for the accused, he had shown a tender consideration for his reputation.

Why refer to the witness Glass as being a confederate deserter, who broke his parole, unless to arouse certain sectional resentments? It appears from the evidence that Glass, when eighteen or nineteen years old, enlisted in the confederate army and served until captured in 1863. Then he was paroled and returned home; the cause of the South being desperate he came North, and made his home at Jeffersonville. Being a poor man he became a corn-husker, then a team-driver in the city to which he went, and subsequently was elected mayor for two successive terms.

The first time he moved in this matter was when the gentleman from Kentucky [Mr. WILLIS], the Democratic chairman of the Committee on Rivers and Harbors, having seen in a newspaper that certain employés of this House had received money for the purpose of effecting legislation, naturally felt indignant and wrote to Mr. Glass, who was the mayor, on the subject.

That desire which prompted the gentleman from Kentucky to investigate a matter which was calculated to reflect upon the integrity and the usefulness of this House is such as I trust and believe will inspire the action of its members to-day. The gentleman from Kentucky did not know the name of any of the parties concerned in the transaction; he believed it was a black-mailing operation, and the result has shown that it was a disgraceful transaction. Thus it appears how groundless is the charge in the brief of the counsel for Warder.

The accused is a man of no ordinary intelligence; he is shrewd, quick, and accustomed to deal with men. He saw, no doubt, the weakness of the points in the brief of his counsel and he supplements it with one of his own, in which he appeals to the sympathy of the members of this House. While occupying a position on this floor he has placed document after document on the desks of its members for the purpose of affecting their judgment, and it is needless to refer to his personal importunities.

I wish to call attention to another matter. While the committee were carefully endeavoring to ascertain who was the alleged attorney to whom Mr. Warder said he paid this money, they were unable for some time to do so. Something was to be concealed; there was no openness, no frankness, no candor. Even the men who came here and with whom Mr. Warder associated were asked, as they went upon the stand one after another, to name the attorney to whom this money had been paid, and no one was able to give the name.

But when Mr. Warder was driven to the stand—I use that word with all its import, because he hesitated to go upon the stand even when the testimony was about to close; the committee at one time thought they would have to force him upon the stand—when at last he was driven upon the stand, then for the first time do we hear the name of this attorney who was alleged to have received the $1,250 which was sent from Jeffersonville, Ind. It then turns out that he is one E. N. Hill. I do not blame Mr. Warder for wishing to conceal the name of the man. The committee could not believe that an intelligent man like Mr. Warder, who had been engaged for three years before the Indiana Legislature in regard to public matters, who for eight years was mayor of the town of Jeffersonville, and who upon the stand exhibited great intelligence and shrewdness, should not have known more about Hill than he professed.

So far as Hill is concerned, we find the man was so notorious in his character that you have merely to examine him a short time to discredit everything he says. He is a man, according to his own statement and that of others, who has betrayed every man with whom he has been associated. He acted as agent for Stephen W. Dorsey, and he betrayed him. He was connected with the Pan-Electric Telephone, and he betrayed Hon. Casey Young. He was connected with various unsavory transactions.

And this is the man to whom an employé of the House said he paid $1,250 for the purpose of securing the passage of a bill through this House! Why, sir, this is hard to believe.

Mr. ROBERTSON. Will the gentleman allow me to ask him a question?

Mr. COX. Certainly.

Mr. ROBERTSON. Is there any proof showing that Mr. Warder knew at the time the character of this man Hill?

Mr. COX. There is no proof of that fact, but he did not ask any man in this city who Hill was nor tell any one of his employment, and why not?

Mr. ROBERTSON. Did you know anything of Mr. Hill?

Mr. COX. No, sir; but I never would have paid him $1,250 until I had inquired of somebody about what manner of man he was.

Mr. FINDLAY. Would you [Mr. ROBERTSON] have paid a fee to a man of whom you knew nothing?

Mr. ROBERTSON. I do not know what I would have done.

Mr. COX. The gentleman would not have employed a man, as Mr. Warder alleges he did, with his opportunities of knowing, and paid him $1,250 without knowing something of his character. It was easy to inquire about him and to know exactly who he was. I inquired about him after he was on the stand, and I learned he was a man who would borrow 25 cents. There was no difficulty in getting such information.

Mr. MORRISON. Would he pay it back? [Laughter.]

Mr. COX. No, I do not think he would, for according to the testimony he received $5 and never paid it back.

Mr. FINDLAY. As a fee?

Mr. COX. As a fee; and he never paid it back.

Now, Mr. Speaker, I say the singular part was, we find Mr. Warder makes it appear that he was of great service to him. He made the suggestion to him they should not strive for the purpose of protecting a levee, but to protect United States property. That appears to be all he ever did. Yet if you will mark the sequence: Senator HARRISON had referred to the War Department on the 1st of March an inquiry in regard to that very subject, and Mr. Stockslager, the Representative of that district, on the 4th of April introduced a bill embodying that very idea. Yet Hill was not employed till the 13th of May, and Mr. Warder says his suggestion was most valuable. Is not that dodging? Is not that a misrepresentation of the true facts in this case?

From the facts before us we can see the great, deep, abiding interest he had in explaining this matter, and therefore we must make due allowance for his evidence—take it with a grain of salt. But you may leave out Hill, and yet I say the facts found by the committee would justify such a finding as we make, because Warder himself said he received $1,250 and received it for the purpose of influencing legislation. That is what we have found. I say he contributed to the erroneous but too general belief outside of Congress, that it is necessary to use money to influence legislation in this House.

It is for you to say to-day whether you will give the lie to this false impression, or whether in the face of the restrictions thrown around us in regard to lobbyists so that even an ex-member of Congress is not allowed to enter here without stating on his honor he is not engaged in the passage of any bill, and with the fact that the United States Statutes provide a penalty of $5,000 or one year's imprisonment for any employé using money for that purpose—I say it is for you by your action here to-day to say whether you wish to publish to the world that an employé of this House who received $1,250 for the purpose of influencing legislation, is worthy to further occupy the position which, in the opinion of the committee and the country, he has dishonored. If such is your verdict, throw open your doors, invite all the lobbyists throughout the country to come to this council chamber and pay money for the purpose of securing legislation.

Mr. LONG. Do you care to consider the question which will arise whether Stealey and Warder are not both entitled to the same criticism?

Mr. COX. Now, in regard to Mr. Stealey, he never received one cent of money. Mr. Warder received it all, and Mr. Warder says so himself. Mr. Stealey did not employ a counsel. He knew of the employment of counsel, loaned Warder $250 to employ counsel, and in that way agreed to it after it had been done.

The money that Mr. Stealey received from Jeffersonville was but money paid back to him for the purpose of refunding the amount he had loaned to Warder. He got back simply what he had loaned, and nothing in addition to it.

Mr. JOHNSTON, of Indiana. May I ask the gentleman from North Carolina a question?

Mr. COX. My time is nearly out, but I will yield for a question only.

Mr. JOHNSTON, of Indiana. I shall occupy but a moment if the gentleman will permit a question.

Mr. COX. Very well.

Mr. JOHNSTON, of Indiana. Was Mr. Stealey an employé of the House at this time?

Mr. COX. He was.

Mr. JOHNSTON, of Indiana. Did he furnish to Warder the $250 that was advanced?

Mr. COX. He did, sir.

Mr. JOHNSTON, of Indiana. Did he know what he was going to do with it?

Mr. COX. He did, sir.

Mr. JOHNSTON, of Indiana. Now, then, you acquit Stealey, as I understand?

Mr. COX. We say, further than using his influence for purposes of affecting legislation he is "not guilty." The facts do not make him guilty under the resolutions.

Mr. JOHNSTON, of Indiana. Now, if he loaned the money to Warder to be used for that purpose, knowing the purpose for which it was to be used, is he not just as bad as the man who used it?

Mr. COX. We think not, sir. He did not, after it was apparent to every one else that the success of the measure was assured through the influence of Senators VOORHEES and HARRISON, dupe his fellow-citizens of Jeffersonville to send on $1,250 for a needless purpose, as did Warder. We have been fair and even merciful in our recommendations, according to my conception.

The committee find that—

L. F. Warder, then and now an employé of the House of Representatives, did receive the sum of $1,250 from certain persons interested in the success of the Jeffersonville, Ind., levee appropriation, pending in the Forty-eighth Congress, upon the pretense of influencing Congress in connection therewith, and they recommend that L. F. Warder be dismissed from the service of this House.

As to Stealey, the committee find that—

Though it is improper for any officer or employé of the House of Representatives to undertake by his own efforts or those of his agents to influence legislation in Congress, yet, so far as the present inquiry is concerned, the committee find that Stealey did not exact, collect, or accept from any person any sum of money upon the pretense or for the purpose of influencing Congress, and with the exception of the impropriety of an employé being concerned in attempts to secure such an appropriation he was not connected therewith.

I reserve the remainder of my time.

Mr. WARD, of Indiana. Mr. Speaker, I respectfully but most earnestly request the attention of the House while I speak in behalf of Luther F. Warder. He has commissioned me to lead in his defense upon this floor.

I painfully realize, Mr. Speaker, the responsibility of my position, and I can say, without affectation of any modesty whatever, that I wish the defense, the main defense, so far as the control and direction of the argument is concerned, had fallen into other hands; that it had devolved upon some one more experienced in legislation than I am.

Mr. Warder is charged with very grave offenses, and let me say at once that if upon the evidence adduced in this case the Committee on Reform in the Civil Service could properly come to the conclusion at which they have arrived, they must have found him guilty not only of the charges embraced in the resolution by which the matter was referred to that committee, but they must have also found him guilty of the offense of embezzlement, guilty of the offense of perjury, and guilty of the offense of subornation of perjury—crimes for which, if he has committed any one of them, he deserves a greater punishment than this House has jurisdiction to inflict. Sir, I not only believe him guiltless of any of these crimes and guiltless of any of the offenses with which he is charged, but I declare, upon my word as a member of this honorable body, that I believe him to be a gentleman of the highest integrity of character.

Now, sir, I am not here for the purpose of indulging in harsh criticism upon the action of the committee who have conducted this investigation. I recognize every gentleman upon the committee as my peer on this floor. I know it is composed of honorable gentlemen, and many of them are able and learned lawyers, and I mean to speak of them with the utmost respect; but I say here, weighing my words well, having read this evidence with care, and having arrived at my conclusion upon my conscience, that if this man had been tried by any court in this country and the jury had returned, upon the evidence adduced in this case, the verdict which the committee has returned, there is not a court of appeals in the land or in any civilized land in this world that would not have promptly set aside that verdict as contrary to the evidence.

I say with emphasis that there is not from the beginning to the end of the evidence in this case a line or letter, a word or a syllable, that would justify in the remotest degree the finding of the committee; and I do not mean to say this in any dogmatic spirit. I am not setting up my judgment as a man or as a lawyer against that of any gentleman upon the committee, or against the committee itself; but feeling earnestly on this question, I have, as a lawyer, tried carefully to read the evidence, and if I could know that every member of the House had read the evidence with the same earnest care and attention which I have conscientiously endeavored to bestow upon it, I should esteem it a work of supererogation for any friend of Mr. Warder to utter a single word in his behalf upon this occasion. But the record is so voluminous that it was not to be expected any considerable number of gentlemen would find time to thoroughly acquaint themselves with its contents.

Mr. Speaker, if I urge this defense with some degree of earnestness I do so not simply from the fact that I have weighed the evidence carefully, but also for the reason that I have known the defendant, Mr. Warder, long, well, and most intimately. He is from my own State, and I say here in the presence of the House that in my judgment there is not a member here to-day who is more incapable of prostituting his position for pecuniary gain or of betraying his official trust by corruptly seeking to influence legislation than is Mr. Warder.

I say this upon my knowledge of the man. What is proposed to be done here? If the committee in their wisdom and upon their consciences had contented themselves with finding and saying in their conclusions that Mr. Warder had done wrong in receiving and expending money while an employé of the House in engaging the services of an attorney for the purpose of influencing legislation he would have been content, I would have been content, and his friends would have been content. But they go further, and I ask you to consider what is proposed to be done here. I ask you, each one of you, to put yourselves in the place of Mr. Warder. And I ask you if you propose to send him forth a branded perjurer to disgrace and to dishonor? If you do, I say again you do it upon evidence that can not possibly satisfy any disinterested and impartial mind.

What are the charges? Allow me to read them. Let us see what is the resolution that was sent to the committee. Let us see what was the issue the committee had to try:

Whereas there was pending in the Forty-eighth Congress a bill containing, among other matters, an appropriation of $50,000 for a certain improvement of the Ohio River at or near Jeffersonville, Ind., known as the Jeffersonville levee appropriation; and

Whereas it is charged by a reputable citizen of Indiana—

I will have something to say about that "reputable citizen" before I get through—

that during the pendency of said measure a person or persons, then officers of the House of Representatives, exacted, collected, and accepted from a person or persons interested in the success of the said appropriation a large sum of money upon the pretense or for the purpose of influencing Congress, or some committee thereof, or Members or Senators in their official action thereon; and

Whereas it is also charged that the person or persons so exacting, collecting, and accepting said sum of money for the purpose aforesaid are officers and employés of this House: Therefore,

Be it resolved, That the Committee on Reform in the Civil Service be, and is hereby, instructed to inquire into the truth of said charges and report the facts to this House, &c.

That amounts to this: that some persons who were employés of the Forty-eighth Congress, and are employés of the Forty-ninth Congress, collected money from some person or persons, and paid it over to some member of this House or members of this House, Senator or Senators, for the corrupt purpose of influencing legislation. That is the charge. And I now respectfully ask the gentleman from North Carolina [Mr. COX] to put his hand upon one letter, upon one word that was uttered by any witness on the stand which sustains that charge. Who was the witness? He is not to be found. He was not to be found. There is no such testimony.

What are the facts, Mr. Speaker? Let me briefly allude to them as they are disclosed by the evidence. Who is Luther F. Warder? Who he is and what he has been is fully shown by the evidence. He is a citizen of Jeffersonville, Ind. He has held the position of councilman for eight years in that city; he was mayor of that city for four years; he was a captain of a company in the Union Army in the late war. He is a gentleman who has held high positions before he came here. In the Forty-eighth Congress and in this Congress he has held the responsible position of first assistant doorkeeper of the House. Who has testified against Mr. Warder? What is there in the evidence in this case that reflects upon his character? Every witness who gave testimony in this case, so far as he alluded to the subject at all, testified that Mr. Warder had hitherto sustained a good reputation. And right in that connection, Mr. Speaker, I wish to read a short extract from a letter recently received by Mr. Warder from one of the leading citizens of Clark County—the county in which he resides—who is not only a leading citizen but is the leading Republican of that county. And Mr. Warder is known to all of you as a Democrat. Here is what Mr. James G. Merryweather says—a gentleman of high character, bitterly opposed to Mr. Warder in politics. I wish to read a portion of this letter as tending to show you the esteem in which Mr. Warder is held.

Mr. COX. Is that in evidence?

Mr. WARD, of Indiana. It is not. I am not confined to the evidence. This, as I have said, is a letter recently received from this distinguished citizen.

Mr. BROWNE, of Indiana. Do I understand letters of that character are to be admitted on both sides?

Mr. WARD, of Indiana. I am not sitting as a court and I can not say what documents are to be admitted, but I propose to read this letter unless somebody prevents me from doing so. The extracts which I read are as follows:

JEFFERSONVILLE, *May* 15, 1886.

FRIEND WARDER: I see your committee has reported. That report is wonderful to me. From a Jeffersonville standpoint, it is amazing. To justify it, there must be things which we have never known, and matters about which we never had the least suspicion. All of the matters connected with your case have been freely canvassed here, and excepting a very few of your enemies, political and personal, there has been but one expression, namely, that you acted as desired by the citizens, and in no way benefited yourself pecuniarily. That is the almost universal expression of opinion, and the sympathies of the people are accordingly with you. We think you sought to befriend us and resent any other construction or meaning of your action. We know the committee has done you great wrong, and was not fully enlightened as to your true position and objects. Four-fifths of the people of Jeffersonville would gladly aid you, and if any way were indicated their expression would at once be forthcoming. * * * In all things, regarding the good of Jeffersonville, you have been the friend of the people, and while, as did occur, we often differed as to the best policy, I and those with whom I acted always gave you credit for being upright, unselfish, and faithfully regardful of what you believed to be the best interests of the people. I say nothing of the committee—doubtless it has done what it thought right and best, giving due regard to the rules of the House and "civil-service reform," &c. But I am sure "civil-service reform" has given too much zeal to its functions, and has led it into a most grave and grievous error in your case. When the evidence is properly weighed, I hope and believe it will see its error, and you yet receive justice. Let that be as it may, our faith in your integrity is not in the least impaired.

* * * * * * *

Your friend,

J. B. MERIWEATHER.

That is the testimony of a political opponent, the leader of his party

in this man's county. That is the esteem, I undertake to say, in which Mr. Warder is held at his home, by his fellow-citizens in general.

I have stated what is charged against this gentleman in the resolution referred by the House to the Committee on Reform in the Civil Service. Let us see from the evidence what are the facts of the case. In 1883 the winds came and the rains descended and beat upon the town of Jeffersonville and flooded it almost out of existence. In 1884 there was another flood, greater in magnitude than the flood of 1883. Luther F. Warder, in both those years, was a citizen of the town of Jeffersonville. All the little he owns in this world is situated in that town.

During the flood of 1884 he was here occupying the position that he occupies now. His city, as I have said, was flooded. Mr. Warder's property was in danger; the water had come up to the second story of his house. The property of his friends was in danger; there was imminent danger that the city of Jeffersonville would be ruined as a place of commercial and manufacturing importance. The common council of that municipality (of which Mr. Warder had previously been mayor, having also served several terms as common councilman), knowing that he was here, sent on a committee to advise with him as to what was best to be done for their interests. They wanted to get a levee constructed at Jeffersonville to prevent the recurrence of such damage should another flood come. They sent a committee here with full authority to confer with Mr. Stealey and Mr. Warder, empowering them to do whatever seemed wisest and best in their judgment. Two committees of that kind came on to Washington. On the last of those committees was a wealthy and prominent citizen of the town by the name of Goldbach. He called upon Mr. Warder and told him he had full authority to do what he thought best, to employ an attorney or to do anything that would be in the interest of the town. That was the starting point of this case. That is who Warder was. That is what his relation to the city of Jeffersonville was. That is what he was authorized to do by the citizens of Jeffersonville acting through their common council and through their committees.

Now, what was done?

The important evidence in this case is embraced in the testimony of the witnesses Glass, Shuler, a member of the common council of Jeffersonville; Schwaninger, Burlingame, the clerk of the council; Prather, the treasurer; HOWARD, now an honored member of this House; Goldbach, Stealey, Warder, and Hill. These, I say, are the witnesses who give pertinent testimony in this case, and I again ask the gentlemen of the Committee on Civil Service Reform, with great respect, to tell me which one of these witnesses has sworn to anything that justifies these charges. Name the witness. Cite me to the testimony he has given. The testimony is not contradictory; it is uniform in its tendency throughout, and it establishes no fact which I do not cheerfully concede in this case. Gentlemen, when a man intends to commit a crime or undertakes to do a fraudulent act he does not proclaim his intention to the world. What was the conduct of Mr. Warder throughout this transaction?

First, I say, and the evidence fully sustains the assertion that from the beginning of this transaction to the end of it he acted openly, boldly, and above board. There was no secrecy or concealment in anything that he did. Everything was published to the world, so that all the world might have known it, and the people of Jeffersonville did know it. Does this look like the conduct of a man who was attempting to commit a crime or an offense of any kind? Is there evidence in the conduct of Mr. Warder that he was engaged in the business of seeking to improperly or corruptly influence legislation in this House? The committee have found that there came into Mr. Warder's hands $1,250. They do not find that the money was used by him for the purpose of corruptly influencing legislation. In fact they find—they could not find anything else and justify their verdict—that, although Mr. Warder paid this money over to the man Hill, yet it was done fraudulently and with a secret understanding between him and Hill that the money, or a considerable part of it, was to be paid back to Warder.

Now, I wish to know where the evidence of that is? Take the evidence just as it stands in the record and tell me who is the witness that swears to anything of that kind? Mr. Goldbach swears that Warder informed him fully of what he had done in employing Hill as an attorney. Warder informed Shuler of the same fact, he informed Foutz of the same fact, and when he returned to Jeffersonville he exhibited to the people there the receipts which were given to him by this man Hill and which have been put in evidence here.

Mr. CALDWELL. What are the dates of those receipts?

Mr. WARD, of Indiana. I will give you the dates. The one for $250 is dated May 13, 1884, and the one for $1,000 is dated July 7, 1884. Mr. Warder came here in January, 1883. The first he had to do with this matter was along in February or March of that year. Now what does he testify to himself? and his testimony is corroborated by other witnesses. He was here in the House, here acting in the position which he now occupies. He became acquainted with this man Hill. He had frequent conversations with him before this matter came up. Hill frequented these lobbies; Warder made his acquaintance and talked with him about many things, among others about levees. Hill told him that he knew all about levees, that he had "been raised behind a levee" himself, and he exhibited, Warder says, more intelligence upon the subject of levees and legislation concerning them than any man with whom he had ever conversed. Mr. Hill is a plausible man, a smart man, an able man, and these gentlemen of the committee say he is also a rascal. I do not know anything about that, but for the purpose of this argument I am perfectly willing to concede that he is, or was, a disreputable attorney.

In fact, I think the evidence tends to show that; but, gentlemen, tell me if you can where is the evidence that Mr. Warder at the time he employed Hill knew his character? The gentleman from North Carolina says that Warder had made Hill's acquaintance two or three months before and he ought to have known he was a rascal. Why, sir, there are gentlemen on this floor who have been here fifteen or twenty years, but I venture to say there is not one man out of ten here today who ever heard of Hill until this investigation was entered upon.

Mr. Warder, meeting this man, believing him to be intelligent and able in the matter in which he was interested, employed him. What did he employ him to do? He employed him to act as the attorney of the people of Jeffersonville in getting this appropriation through Congress. Hill gave him advice. What advice did he give? The Committee on Rivers and Harbors of this House had made or were about to make their report. Mr. Hill told Mr. Warder that in his judgment it would be useless to try to get anything through this House, but that an effort should be made to get the appropriation put on in the Senate; and that it must be tacked on there upon the ground that such an appropriation was necessary to protect Government property at Jeffersonville.

Mr. BLANCHARD. I would like to ask the gentleman a question. Did not Mr. Stockslager, then the representative from Jeffersonville, embody just that idea of the protection of Government property at Jeffersonville in a bill which he introduced one month before the employment of Hill?

Mr. WARD, of Indiana. Yes, sir; he did. But what of that? It only shows that Mr. Stockslager was an intelligent man also. He put the matter upon the right ground.

But before Mr. Hill was employed by Mr. Warder the latter did not know what advice he was going to get from Hill. In fact, Hill told him he would not give him any advice until he had been paid a retaining fee of $250; and after that fee had been paid, he gave him this advice.

But it is said by this committee that Hill never did anything else; that there is no evidence that Hill ever went to the committee or to any member of Congress, or ever did anything except advise Warder from time to time; and that his services, if worth anything, were manifestly worth less than what Warder paid him. Suppose we concede that proposition; and I do concede it for the purpose of the argument. Mr. Warder, under the contract which both Hill and Warder swore was made, agreed to pay Hill a retaining fee of $250, and $1,000 more. Upon what condition? Not if he performed valuable services, but if the appropriation passed. That was the contract; and Hill, if he had sued him for this money would not have sued for the value of the services rendered, but upon the contract. Because Hill did not render services equal in value to the amount which was paid him, it does not follow that Mr. Warder was corrupt in employing him to perform those services. He is not the first client who has paid his attorney more than the services of his attorney were worth.

Mr. MORGAN. Is the charge of the committee that Mr. Warder shared the money with Hill, or is it charged that the contract between them was immoral or illegal?

Mr. WARD, of Indiana. My inference from the finding of the committee is that they believe Warder shared in this money.

Mr. MORGAN. Do the committee believe there was anything immoral or illegal in the contract, as you have stated it.

Mr. WARD, of Indiana. I do not know that the committee charge there was anything immoral in the contract. I do not think there was anything immoral in it. I conclude from the finding that the committee believe that although Warder paid over the money to Hill, Hill paid back some part of it to Warder; that Warder was the recipient of the greater part of the money. In view of their finding, they must have believed that.

But I say here to-day that, in my judgment, the committee have found Warder guilty upon mere suspicion; nothing else. They find him guilty upon the sole ground that he employed a disreputable man. I say respectfully—for I mean to be respectful all the time—but I say with entire confidence, that there can not be found in the evidence anything which warrants the conclusion to which the committee have come; and we are remitted simply to suspicion, based on the fact that Mr. Warder employed a disreputable attorney.

Now, it may be that Hill was a rascal. I do not know whether he was or not. I never heard of the man until this transaction came up. But I say again there is no proof that Warder knew his character. And I say that Hill, being a man of ability, as must be conceded, a plausible man in conversation and manner, he was just the man of all men to impose upon Mr. Warder, who was a newcomer here, who was himself a frank, outspoken man. That is what I believe.

Now, I want to see who this man Hill is. It is said that he has no

standing as an attorney. If it were said merely that he is a rascal, perhaps I might assent, although I do not know anything about him; but I want to see whether he is so insignificant a person as we should be led to conclude from the report of the committee. I find from the evidence that Hill was paid $2,500 for his services in the case of Mill, formerly United States marshal, of Arkansas. That is one fee which he received.

Mr. SPRINGER. Who says he received it?

A MEMBER. He says it himself.

Mr. WARD, of Indiana. Well, I will give you the testimony of somebody else whose credibility you will not impeach. He was assistant counsel for the Louisiana returning board before the Potter investigating committee, having been employed by Judge Edmunds, secretary of the national Republican committee, and he was paid $500 for his services in that case.

A MEMBER. That is enough to condemn him.

Mr. WARD, of Indiana. Well, I am only speaking of the question of his ability and character as a lawyer, not his character as a man. He must be a man of some ability or he could not have got such employment as he did in these cases. Again, he is now engaged in an important case before the Court of Claims, involving $67,000. He is the leading counsel in that case. One of the members of the committee, the honorable gentleman from Kentucky [Mr. STONE], testifies that he knows the fact that Hill is employed as the leading counsel in that case to-day. So he is not an insignificant man. He is a man of considerable ability. I suppose his ability extends, perhaps, to his rascality. I do not know about that, and I do not care. But I take it that it can not be a just conclusion, that because Mr. Warder happened, owing to circumstances by which any man might be deceived, to employ this disreputable man, therefore it follows Mr. Warder was acting corruptly and knew of the bad character of Mr. Hill. There is nothing, sir, in the testimony of any witness to warrant such a conclusion.

I wish, Mr. Speaker, to call attention to another matter. Hill did give him further advice. There was a time in the progress of this transaction, while this appropriation bill was being considered by the Senate, when Senator HARRISON, and he testifies to it himself, advised Mr. Stealey to get the citizens of Jeffersonville to raise the sum of $25,000 themselves and then to petition Congress for an appropriation of $25,000 more, and, if this should be done, Senator HARRISON thought an appropriation of $25,000 might be voted by Congress. Mr. Stealey went to Hill and communicated to him the counsel of Senator HARRISON. Hill immediately said to him not to act upon that advice, that if they could get $25,000 they could just as easily get an appropriation of $50,000. That advice of Hill's was followed, and no doubt Jeffersonville obtained $25,000 more than she otherwise would have received, and I am glad of it, for Jeffersonville is one of the enterprising and promising cities of my State, and I rejoice in any proper measure which may at any time be adopted tending to promote her growth and prosperity.

Mr. CRAIN. Thirteen hundred dollars was a small fee for that purpose.

Mr. WARD, of Indiana. Very small. There is no lawyer in Indiana or anywhere else who would render the same service for that amount of money.

I wish to say a word in this connection, as my friend from North Carolina [Mr. COX] has alluded to it, and I do not wish the House to be misinformed in the matter. The honorable gentleman from North Carolina has attacked, with some asperity, the counsel of Mr. Warder in this case. He has indulged in severe criticism of the brief which they have filed. Now I am not here to defend Mr. Warder's counsel. They are abundantly able to take care of themselves. I am not standing here as Mr. Warder's advocate either, except as I deem it my duty as a member of the House and one of his triers.

It is asserted these gentleman, who by the way were both honorable members of the Forty-eighth and several preceding Congresses, Mr. Ellis of Louisiana and Mr. Thompson of Kentucky, attempted to palm off a fraud on this House by attaching the name of Hon. Joseph E. McDonald, of Indiana, to the brief filed in behalf of Mr. Warder. It is, perhaps, but simple justice for me to say that Senator McDonald attended the sittings of this committee for a time, at least, and that Mr. Ellis and Mr. Thompson naturally thought he was counsel in this case, and so thinking, learning he was out of the city when the brief was filed, they deemed it but an act of courtesy to him that his name should be appended to the brief. I wish to have read by the Clerk the letter which Mr. McDonald has written on this subject.

The Clerk read as follows:

RIGGS HOUSE, WASHINGTON, D. C., *May* 22, 1886.

MY DEAR SIR: On yesterday my attention was called to a brief in the Stealey-Warder matter, which had been under investigation by the Civil-Service Committee of the House, purporting to be signed by me as one of the counsel in the cause. I am sure my name was placed to it under a misapprehension of the facts. I was not at any time attorney in the cause.

At the instance of Mr. Stealey I took an interest in the investigation as a friend of the accused, and consulted with you as one of the counsel in the cause, from which fact, I have no doubt, you inferred I also was of counsel.

I attended two sessions of the committee, and heard the testimony of the chief witnesses from Jeffersonville, but I heard no other part of the testimony, nor have I read it.

I had expected to be called as a witness, as Mr. Stealey informed me that he might need my testimony, but it was not found necessary.

The evidence I heard did not, in my judgment, tend to criminate either of the parties, and I understand the committee fully exonerated Mr. Stealey.

My acquaintance with Mr. Warder, which is of some years' standing, would not lead me to believe that he would embezzle funds placed in his hands.

Very respectfully yours,

J. E. MCDONALD.

Hon. E. JOHN ELLIS.

Mr. WARD, of Indiana. I do not regard this matter as one of great importance, and I would not have alluded to it but for the fact that unless I misapprehended the remarks of my honorable friend from North Carolina [Mr. COX] there was an attempt made to have it appear that something in the way of fraud had been attempted to be practiced on the House in the defense of this case. I respectfully call the attention of the honorable gentleman from North Carolina [Mr. COX] further to what appears upon the record of the committee as published in this case. I read from the proceedings of the case——

A MEMBER. What page?

Mr. WARD, of Indiana. The first page of the record.

COMMITTEE ON REFORM IN THE CIVIL SERVICE,
Friday, April 2, 1886.

The Committee on Reform in the Civil Service, to whom was referred the resolution introduced by Mr. T. M. BROWNE, of Indiana, on the 18th of March last, relative to the appropriation for the Jeffersonville, Ind., levee, met this morning for the purpose of investigating the matter as instructed therein, Mr. COX, chairman, presiding.

Hon. J. E. McDonald of Indiana, Hon. Philip B. Thompson of Kentucky, and Hon. E. J. Ellis of Washington, D. C., appeared as counsel for the parties against whom the charges were made.

I suppose Mr. Ellis and Mr. Thompson very naturally concluded that Mr. McDonald was counsel in the case when they found his name published in the record itself. It would have been an act of the extremest discourtesy to him if they had left his name off that brief. I call the attention of the House to another fact, that although Mr. McDonald disclaims being an attorney in the case at all he bears testimony to the high character of Mr. Warder in the letter which has just been read.

Now, sir, because I am desirous that other gentlemen who are the friends of Mr. Warder, some personally and some because they have read the evidence in the case—because I am desirous that they shall be heard, I do not propose to extend my remarks, but I appeal to the House before they pass final judgment in this case to understand—to consider and ponder well, the evidence upon which they are called to act. I say again, and repeat it with earnestness and emphasis, and I appeal to any lawyer in the House to support me if he has read the evidence, that the findings of this committee are wholly inconsistent with the evidence and are absolutely unsustained by it. And yet it is proposed to send this man forth a branded criminal upon a state of facts on which any jury of his peers, in any court of the land, would promptly acquit him.

I ask any man upon this floor if he would like to be so treated, so tried, or if he could patiently submit to being found guilty upon such an array of testimony? I do feel most earnestly in this matter, because I believe, I repeat, in the man, from my own acquaintance with him, from my own personal knowledge of his character, and from my knowledge of the general reputation he bears in the State where he lives; and knowing him as I do I believe him to be an upright man, and I have as implicit confidence in his integrity and high character as in those of any gentleman upon this floor.

Mr. Speaker, the vicissitudes of life bring varied and varying fortunes; the distribution of Heaven's good gifts to the sons of men is not made in equal measure. To some comes the pride of descent from a noble ancestry; to some come great riches; and to some high position and honor; but the ambition which is born of divine inspiration is to transmit to our posterity the legacy of a good name.

For this it is which shall survive when all else shall perish. It is for the House to say whether the children of Luther F. Warder shall be robbed of this legacy, which surely would have been theirs if they had become fatherless before the report of the Committee on Reform in the Civil Service was made. I appeal to you, gentlemen, to try this man upon the rules of law and of evidence.

There can be no appeal from your high verdict. There is no court which can reverse your finding. Either this man goes hence vindicated fully from what those who know him best believe to be a vile and wicked calumny, or he spends the remainder of his life under the shadow of a cloud which can never be lifted.

I do not believe that you will suffer this; my faith rather is that you will send him forth clothed with the badge of innocence—so shall he walk in the golden sunshine which illumines the path of all honest and upright men. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has sixteen minutes of his time remaining.

Mr. COX. Mr. Speaker, I would like to have some indication on the part of gentlemen as to what time they should like this debate to continue?

Mr. MATSON. Several gentlemen desire to be heard, I know.

Mr. WARD, of Indiana. I reserve the remainder of my time, and hope the House will allow a reasonable length of time for the friends of Mr. Warder to be heard in this case.

Mr. COX. I am simply trying to agree upon some time when the debate shall close. Some members have informed me that they were under the impression the debate would be closed in two hours, and I do not wish to antagonize measures of public importance which gentlemen desire to call up, nor do I wish to impose upon the patience of the House any longer than is absolutely necessary. I hope therefore that gentlemen will indicate a reasonable time within which the debate shall run. Would three hours answer for the gentlemen?

Mr. WARD, of Indiana. It seems that two hours on a side would not be an unreasonable time. There are grave and serious charges. I do not know, of course, how many gentlemen may desire to discuss the question.

Mr. BLANCHARD. Does the gentleman mean two hours additional?

Mr. WARD, of Indiana. No; two hours altogether on each side, making four hours in all.

Mr. BRECKINRIDGE, of Arkansas. That is reasonable.

Mr. SPRINGER. I think we have had debate enough, and the House is ready to vote.

Mr. COX. Does the gentleman mean to indicate that he is willing that the previous question shall be considered as ordered at the end of four hours?

Mr. WARD, of Indiana. I think that would be satisfactory.

Mr. COX. Then I ask unanimous consent that the debate shall be closed in two hours from this time.

Mr. WISE. How long has the matter been under consideration?

The SPEAKER *pro tempore*. The debate began at thirty minutes past 11 o'clock. The gentleman from North Carolina now asks unanimous consent that at the expiration of four hours from that time the previous question shall be considered as ordered upon the resolution reported by the committee and the substitute of the gentleman from Indiana. Is there objection?

Mr. ROBERTSON. I object.

Mr. COX. I will call the previous question at that time.

Mr. SPRINGER. I hope the gentleman from Indiana will consent to limit this debate to three hours in all. The House will be just as competent after three hours to vote upon it as they will after four hours. The facts are few and simple, and so far as I am individually concerned I am ready to vote now.

Mr. ROBERTSON. On consultation with gentlemen around me I withdraw the objection.

The SPEAKER *pro tempore*. Is there further objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

Mr. WARD, of Indiana. Mr. Speaker, I possibly misapprehend the statement of the gentleman from North Carolina. I only consented that the entire debate should be limited to four hours, under the supposition that we could not get any more. My friends around me, or rather the friends of Mr. Warder, are anxious that more time should be given, and I ask the gentleman from North Carolina now to consent that the previous question be called at the end of five hours from the beginning of the debate; which will give two hours and a half on each side.

Mr. COX. I can not consent to that.

Mr. WISE. I object to that proposition.

Mr. COX. I propose to call the previous question at the end of four hours.

Mr. WARD. Then I agree to the proposition that the previous question shall be considered as ordered at the end of four hours of debate.

The SPEAKER *pro tempore*. The Chair again submits the proposition that the previous question be ordered at half past 3 o'clock.

There was no objection.

Mr. BLANCHARD. I desire to make a parliamentary inquiry. Will the chairman of the Committee on Civil-Service Reform be recognized by the Chair to dispense one-half of the remaining time?

The SPEAKER *pro tempore*. The gentleman from North Carolina has ten minutes of his hour remaining, and the gentleman from Indiana has sixteen minutes of his hour remaining. If there be no objection the gentleman from North Carolina will be recognized to apportion the hour and ten minutes remaining on his side, and the gentleman from Indiana [Mr. WARD] will be recognized to apportion the hour and sixteen minutes on his side.

There was no objection.

Mr. COX. I yield ten minutes to the gentleman from Rhode Island [Mr. SPOONER].

Mr. SPOONER. I am sure it has been no part of my purpose, and I am equally sure it has been no part of the purpose of the Committee on Civil Service Reform, which had this disagreeable matter under inquiry, to do injustice to any officer of this House coming within their scrutiny in the performance of the duty which was delegated to them. The Committee on Civil Service Reform is composed of eight Democratic and five Republican members. Its report upon this matter is a unanimous report, arrived at after a careful hearing of the testimony and a consideration of the case and the questions involved, occupying a period of more than a month, during which I believe they gave earnest, faithful, and honest investigation to this subject, and arrived at the one conclusion which the facts which came to their knowledge warranted. Evidence, I suppose I need hardly suggest to a House composed so largely as this House is of gentlemen of the legal profession, is that which convinces.

No man reading this testimony as it is presented in the pages of this report can arrive at the fair and intelligent conclusion concerning the questions involved that a committee can which, competent for the task, has listened to the testimony as it came from the lips of the witnesses, has seen the bearing of the witnesses upon the stand, has scrutinized their manner of testifying, and carefully digesting the facts, has put them in their proper relationship with one another.

I can not doubt that the House in its consideration of this matter has the same desire which the committee had to arrive at a just conclusion. If I could be satisfied that I was wrong in the conclusion which I have reached, no one more readily than I would concede the fact, for I would be among the last of those who would undertake directly or indirectly to blacken the fair fame of any man or attempt to punish him improperly.

But, Mr. Speaker, under the oath of office which I have taken here and in the performance of my duty upon the committee to which this matter was assigned, not by the committee's request but by the order of the House, I can only do that which, in the light of the testimony and under the responsibility of my position here and upon that committee, seems to my conscience just and proper. I must lend my voice and my vote, now and whenever circumstances require, to maintain the dignity and integrity of this House and its proceedings; and whenever it becomes my duty, as it evidently has upon this occasion, I shall not hesitate to express my judgment concerning any matter relating thereto which may be committed to my consideration.

The time which I have is very limited, and I can not attempt therefore to go into the extended consideration of this testimony which its character and importance properly demands. I must content myself with referring briefly, as it necessarily must be, to those salient points in this testimony and this case which have largely compelled me to arrive at the judgment which I have formed.

No one who knows Mr. Warder can question that he is a shrewd, intelligent man of the world. He has had large experience. He has been mayor of the city of Jeffersonville. He has been in public and official life. He has mingled with men. He shows and exhibited to the committee those traits of intelligence and ability which justify the committee in measuring his acts by the standard they would apply to those of any man possessing those characteristics in similar circumstances.

Now, Mr. Warder admits that this money was received by him. He admits that while an officer of this House he received it for the purpose of influencing legislation concerning the appropriation for the Jeffersonville levee. When he is asked what he did with this $1,250 he tells the committee, as appears in his testimony here, that he employed one E. N. Hill and paid him this amount of money.

If Mr. Warder had employed a reputable attorney and paid him this $1,250 which came to his hands, I am not by any means prepared to say he would be excusable for his connection with this matter; but he certainly would stand in a very different attitude in my apprehension from that which he now occupies; for he would at least have a reputable witness to verify his now doubtful or incredible and unsupported story. I can not stop to tell the House who and what this man Hill is; a man without character; a man who has been engaged in the most questionable transactions; a man who has been a pirate in politics and a mercenary everywhere; a man who is irresponsible for a five-dollar loan; who could have been employed, if his employment was desired in any matter, for a very trifling compensation; the last selection of any honorable, intelligent man for legitimate service in forwarding Congressional legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. SPOONER. I wish the Chairman would give me a few minutes more.

Mr. COX. The gentleman can have three minutes more.

Mr. SPOONER. Then, Mr. Speaker, I must hurry on. Whatever the employment that Hill is alleged to have been secured for, he did nothing. He was first employed, as he and Warder testify, on the 13th of May, 1884. The only thing that Warder pretends that Hill ever did in this case, the only thing that Hill himself pretends he did in this connection, was to advise that this appropriation should be urged upon the ground that it was for the protection of the Government property at Jeffersonville.

Now, bear in mind that it was not till the 13th of May that Hill was first employed. It is also a fact that on the 4th of April, nearly a month preceding Hill's employment, Mr. Stockslager, then a member of this House, had introduced here a bill for the protection of that same Government property at Jeffersonville, Ind., by the construction of levees, the identical project that Mr. Warder and Mr. Hill claim that Hill originated. It is also a matter of fact that on the 1st of March preceding, nearly two months and a half before the employment of Hill, Senator HARRISON had introduced in the Senate a resolution of inquiry addressed to the Secretary of War, asking for information on this same subject as a basis for appropriation; and the report of the

Chief of Engineers in response to that inquiry, concerning the protection of those Government works by levees, is dated on the 19th of April, 1884, nearly a month prior to the time when Warder and Hill would have us believe that the project of protecting the Government works there by levees was originated by Hill. Hill appeared before no committee, conferred with no member or Senator, and did nothing and could have done nothing to forward that legislation, as Warder must have known.

All that was done in connection with this project in either House of Congress was done by the Senators from Indiana and the Representative of the district upon this floor, Mr. Stockslager; and there is no evidence and no pretense that Hill knew anything about what they were doing or what they did, or performed any professional service in the matter.

It is a larger draft on my credulity than I can conscientiously honor to ask me to believe, upon Warder's statement, indorsed by Hill, that a man of intelligence and experience would have paid so considerable a sum as $1,250 in such circumstances for such utterly worthless and entirely unnecessary services.

Mr. WARD. I now yield ten minutes to the gentleman from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. Mr. Speaker, under ordinary circumstances no man in this House would hesitate longer than myself to antagonize the report of a committee; but, sir, I have done in this case what I believe very few members of the House have done—I have read every single word of the evidence, and I have come to the conclusion, after mature deliberation, that the resolution reported by the Committee on Civil Service Reform ought not to be adopted by this House.

The chairman of the committee asks this question: "Are the charges against Mr. Warder true?" Now, sir, I want the committee itself to answer the question thus propounded by its chairman. The charge against Mr. Warder I find to be this:

Whereas there is pending in the Forty-eighth Congress a bill containing, among other matters, an appropriation of $50,000 for a certain improvement of the Ohio River at or near Jeffersonville, Ind., known as the Jeffersonville levee appropriation; and

Whereas it is charged by a reputable citizen of Indiana that during the pendency of said measure a person or persons, then officers of the House of Representatives, exacted, collected, and accepted from a person or persons interested in the success of the said appropriation a large sum of money upon the pretense or for the purpose of influencing Congress, or some committee thereof, or Members or Senators in their official action thereon; and.

That, sir, is the charge upon which Mr. Warder was tried, and now, as I have said, I propose to let the committee answer the question of its chairman. They say in their report that the testimony establishes the fact that no part of the $1,250 paid by the people of Jeffersonville was used, or attempted to be used, in corruptly influencing any member of either branch of the Forty-eighth Congress. Therefore I say that the committee have themselves answered the question of the chairman whether or not the charge has been sustained, and have said to this House that the allegation upon which Mr. Warder was tried is not sustained by the evidence.

Mr. Speaker, we have testimony in this case that is worth our while to examine. In the first place, two members of the last Congress, Mr. Ellis, of Louisiana, and Mr. Thompson, of Kentucky, say that, "As lawyers and honest men, and with a keen appreciation of the dignity and honor of this House, we have carefully and closely read all the evidence adduced in this investigation, and we do most solemnly aver and declare that the charges against Mr. Warder are not sustained, and that the resolutions reported by the committee are unwarranted, unjust, cruel, and severe." Ex-Senator McDonald, who has been called into this controversy, has given his testimony, and he says, "The evidence I heard did not, in my judgment, tend to criminate either of the parties, and I understand the committee fully exonerate Mr. Stealey."

We have a gentleman in this House who stands as high, I apprehend, as any member of this body, Hon. JONAS G. HOWARD, of Indiana. He was a member of the committee that came on here to Washington to press this appropriation for the works of Jeffersonville, and he on the witness stand gave this testimony:

Q. You helped to raise that money, the $1,000 or the $1,250?
A. I advised them to raise it, and thought it was necessary to do so. Afterwards a note was presented to me and I either signed it as a surety or as a principal; I do not remember which. I had the impression that some one or other of the signers brought it to me, and that I occupied the position of surety on it; but I was willing to pay my proportion of it, and advised that the money be sent; and if I had not advised it the money would not have been sent. It was sent here for the purpose alleged in the letter, that they wanted it to employ a man here to assist in getting it through.
Q. Were they counsel, lawyers, or what?
A. I do not know; I thought some lawyer, to give an opinion upon what was thought best to do in the matter, or some men who were not lawyers, who knew how to manage a scheme of that kind. That would be my judgment, without ever having been here or had any legislative experience.
Q. What was that money to be used for—any illegal or unlawful purpose?
A. Of course not.
Q. Was it open and notoriously known there?
A. I was attending to my own business, but it was understand by me that it was no secret, and my advice always was to send the money.
Q. And at that time you were a candidate for Congress?
A. Yes, we were in the fight. I was nominated on the 15th of May.
Q. Then it was after you were nominated that the money was sent?
A. Yes, sir; this committee that Goldbach was on was here before I put my name on the note.
Q. You raised the money after you were a candidate?
A. I think the money was not raised until some time in July.
Q. Now, Mr. HOWARD, you came here first to Washington in the capacity of a visiting committee?
A. Yes, sir.
Q. Did your experience here cause you to advise the employment of counsel in this matter who would give it special attention?
A. Well, sir, I should do that now after my experience here. I would want somebody to look after it.

Now, Mr. Chairman, the allegation in this case involved not only Mr. Warder, but Mr. Stealey also, and let us see how the case stands as to Mr. Stealey. The committee say:

The only other employé of the House of Representatives in any way connected with the charges under investigation is Mr. O. O. Stealey. It appears that Mr. Stealey was cognizant of the employment of Hill, and loaned Mr. Warder the sum of $250 for that alleged purpose, which sum was repaid Mr. Stealey by the citizens of Jeffersonville.

Now let us hear Mr. Stealey's own testimony on the subject:

Q. Mr. Stealey, please tell the committee what connection you had with procuring this levee appropriation for Jeffersonville; when you first undertook it, and all about it.
A. I am a citizen and tax-payer of Jeffersonville; all my interests are there, and my family lives there. They had floods there in 1883 and in 1884 which destroyed the town pretty much, and I was asked by friends to assist here in Washington in securing this appropriation, which I did. I went to Senator Harrison frequently, and I went to Senator Voorhees, and to members of the House, and did all that man could do for his town in that respect.
* * * * * * *
Q. Something was said about you having paid out $250.
A. I loaned Mr. Warder $250.
Q. What was that for?
A. He told me at the time that he wanted to or had employed an attorney. I asked him who the man was, and he said it was Hill. I then asked him what he knew about the man and was he a good man, and he said: "I think so; I talked to him, and he seems to have a good idea of legislation." I then asked him where the money was to come from, and he answered: "Prominent tax-payers want this done, and I am authorized by Mr. Goldbach to employ an attorney, or some man to watch this bill."

I submit, Mr. Speaker, that upon the testimony given by Mr. Stealey himself, which I have just read, it is a most extraordinary circumstance that this committee should find Mr. Warder guilty and yet find Mr. Stealey innocent of this charge. Why, sir, Mr. Stealey knew that Warder had employed Hill; Stealey took the money out of his own pocket and handed it to Warder for that purpose, which money the citizens of Jeffersonville subsequently repaid to Stealey. Yet the committee say that Stealey is innocent while Warder is guilty. If I buy a pistol and hand it to my neighbor to shoot a man down, I ask this House if I am not equally guilty with the man who commits the murder? And I ask the House this further question: If this man Stealey, who took this money from his own pocket, knowing what it was wanted for, and thereby enabled Warder to use the money for that purpose—if he is innocent, how can Warder be guilty?

Now, Mr. Speaker, I protest against this discrimination. I protest against this committee striking down one man and allowing another man who is equally guilty go free. I protest against this committee or this House striking down a brave Union soldier because a man who was a deserter from the confederate army and a personal enemy to the accused has come forward to prefer charges against him, as is the case here. I am not going to detain the House. I have read this testimony—every word of it. I am not a lawyer, but I undertake under all circumstances to do justice as between man and man. I say it might be right for this House to censure both these men. Very likely they were both guilty of an indiscretion. But when this committee undertakes to declare this one man guilty of an offense deserving expulsion, and the other man guilty of no offense whatever, it is making a discrimination which the intelligent judgment, the good sense, and honesty, and integrity of the House will not, in my opinion, sustain by its vote. Sir, my vote will be given against the committee's report. I shall be neither principal nor accessory to a wrong which I think is unprecedented in this House, and if done to-day will not, I think, be repeated in the future. [Applause.]

Mr. WARD, of Indiana. I yield ten minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I look upon the functions of a committee of investigation as somewhat similar to those of a master or commissioner in chancery, whose duty it is to take testimony and report it to the court with such recommendations as he may think proper within the terms of the order. I look upon the members of the House in this matter as standing in the attitude of judges to take that testimony and conscientiously examine it so that their votes may really be judgments based upon the evidence. Of course, Mr. Speaker, in such a proceeding a judge in equity or a member of Congress is always at some disadvantage, because he reads the testimony as it appears on the printed page and has not the benefit of the impression that is necessarily made upon those who hear the witnesses depose and who mark their demeanor under cross-examination. But the best we can do is to take this testimony and try to find what is established by it.

Having read the testimony in this case from beginning to end with such care as the practice of my profession has taught me to exercise, I have, in spite of a prejudice which I could not entirely remove, come to the conclusion that the judgment reached by the committee is not

warranted by the testimony reported to the House. I have no criticism to make upon the committee. It is solely in discharge of the duty required of me to vote on this question that I have attempted to understand the testimony so that I might vote intelligently.

The facts as shown by the testimony—the uncontradicted facts, facts which, so far as the testimony that I hold in my hand goes, are without contradictory evidence—are that Mr. Warder, a citizen of Jeffersonville, Ind., having been its mayor and then an employé and officer of this House, was requested by an official act of the council of Jeffersonville to aid in the obtaining of an appropriation of $50,000 to prevent the recurrence of an overflow of the Ohio River and the consequent damage therefrom.

Mr. FINDLAY. Do I understand my friend to say he finds from the evidence that Mr. Warder was employed by the city council of Jeffersonville?

Mr. BRECKINRIDGE, of Kentucky. No, sir; I did not say employed; or, if I did, I will now say "requested."

Mr. FINDLAY. In what way?

Mr. BRECKINRIDGE, of Kentucky. By a committee of which Mr. Shuler was the secretary, of which Mr. Jonas Howard and others were members, which committee had been requested to come here and see about this matter.

Mr. FINDLAY. Now, I desire to say to my friend from Kentucky, with all deference to him, that I do not think he has read the evidence with that care with which I know he usually reads the testimony in cases with which he is professionally connected. If he will allow me to say——

Mr. BRECKINRIDGE, of Kentucky. I am perfectly willing to yield to the gentleman, if it does not come out of the few minutes allowed me.

Mr. FINDLAY. Of course this is an important point, and ought to be corrected right here. There were two committees. If my friend will look at the testimony——

Mr. BRECKINRIDGE, of Kentucky. Yes, there were two committees that came here at different times.

Mr. FINDLAY. The first was a legally authorized committee. The second committee was composed of three persons, Mr. Jonas Howard, Mr. Clark, and Mr. Goldbach. Mr. Clark was the only member of the committee who had any authority from the city council to come here. Mr. Howard did not come. Mr. Goldbach was substituted in Mr. Howard's place by Mr. Howard.

Mr. BRECKINRIDGE, of Kentucky. Yes, sir, that is true.

Mr. FINDLAY. Well, I do not think you can make a "request" out of that.

Mr. WARD, of Indiana. Authority was delegated to him to employ an attorney.

Mr. FINDLAY. Authority from Howard to Goldbach.

Mr. BRECKINRIDGE, of Kentucky. The fact is, then, as I stated, that Mr. Warder was requested by a committee to aid in obtaining this appropriation. As the gentleman from Maryland says, Mr. Howard was originally a member of the committee. Mr. Howard could not come, and Mr. Goldbach came in his place. That committee represented the town of Jeffersonville, and that committee requested Mr. Warder to act. It is a mere "sticking in the bark"——

Mr. FINDLAY. Not at all.

Mr. BRECKINRIDGE, of Kentucky. It is a mere "sticking in the bark" to say because one of the three members of the committee staid at home and nominated another citizen as his proxy, who did come, that the request made by this second committee was not an authorized request.

Mr. Speaker, it seems to me that is too narrow a ground to put the disgrace of a man upon.

Mr. FINDLAY. It is if true, but unfortunately it is not true. Mr. Goldbach was the man when he came to Washington who says he gave this authority to Mr. Warder. There is no proof in this case that Mr. Clark, the second man on the committee, ever united in the request. Mr. Clark comes here as a substitute, but does not show how he became a substitute.

Mr. BRECKINRIDGE, of Kentucky. The fact is shown by the testimony, and it is making a mountain out of a mole hill and an elephant track out of a mouse track to attempt to build up an argument upon the absence of the authority of Mr. Goldbach, representing as a member of the committee from Jeffersonville his right to ask of this citizen, an ex-mayor of Jeffersonville, the duty of helping that town to have an appropriation to prevent the recurrence of a disastrous flood is clear.

Mr. FINDLAY. I only want to set you right.

Mr. BRECKINRIDGE, of Kentucky. I think, sir, the statement I made, and which I repeat under the full knowledge I think of the testimony, is that Mr. Warder was requested by a committee from Jeffersonville to see if this appropriation could not be made. Mr. Speaker, whether requested or not, he was a citizen of the town of Jeffersonville, his family living there; had been one of its citizens; was now upon the ground; and the thing asked by the town was a thing the citizens of Jeffersonville were greatly interested in, and was not an improper thing to do.

Passing from that, Mr. Speaker, whether properly or not does not affect the argument, I desire to submit he came to the conclusion and decided he would not be of any efficient service, that it was better to retain a man skilled as an attorney, and he says he employed, and I am not commenting upon the verity of the testimony, about which, of course, I can only judge by the testimony itself—but speaking from the testimony of the committee as reported itself, that testimony, not the suspicion, not the conjectures, not the guesses of anybody, not the beliefs of anybody, but the testimony is that he employed a man by the name of Hill, that he employed him with a bargain that he was to have $250 down and $1,000 after the act was passed.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky. I ask the gentleman from Indiana to give me five minutes more.

Mr. WARD, of Indiana. I will yield to the gentleman for that time.

Mr. BRECKINRIDGE, of Kentucky. I do not desire to take up so much of the time of the House, but it was because of the colloquy with the gentleman from Maryland [Mr. FINDLAY], and I will now proceed. He paid that $250, and he paid the other $1,000 after the bill was passed, as both Warder and Hill testified, and there is not a single word of contradiction but some of corroboration.

Now, the committee report one important fact as the conclusion to which they come, and as to which there is no contrariety, so that we get rid of one phase in the case which might require severe punishment. It is that the testimony shows no portion of the $1,250 paid by the people of Jeffersonville was used or attempted to be used in corruptly influencing any member of either House of Congress. Therefore the only act Mr. Warder was guilty of was that he acted as the conduit through which $1,250 of the money of the people of Jeffersonville passed into the pockets of Mr. Hill for the purpose of having the appropriation made.

Say it was wrong that he did employ an attorney for this purpose, he himself being at the time an employé of this House; admit, if you please, that it was improper for him as an employé of this House to interest himself in an appropriation for his own town, still is it conceivable that that impropriety should be regarded as such a crime by this House as to warrant his being dismissed in disgrace?

Mr. Speaker, the objection I have to the report of the committee is that it obliterates the distinction between crime and impropriety. It is no such crime—a citizen of a town interesting himself in an appropriation for his town, being himself an employé at the time of the House which makes the appropriation, employing a lawyer and paying a fee for that service—as it is to receive money for a corrupt purpose, for the purpose of effecting or influencing legislation and using that money for such corrupt purposes. There is a broad distinction between the two; and yet we, if this report is adopted, inflict upon this man all of the punishment, the extremest punishment that could possibly be inflicted upon him even if this money had been used for corrupt purposes. We go back to the old days when the man who stole a shilling was hung as well as he who murdered by poison.

We obliterate all discrimination between crime and impropriety. Sir, I have tried, from the testimony, to come to a just conclusion. I have no other feeling in it. The fact that Mr. Warder was a citizen of Kentucky at one time, that he served in a most gallant regiment under a most gallant and meritorious officer of the Federal Army, only strengthens my desire to do him justice under the testimony.

But the point I desire to make is, that the committee itself do not report corruption. They report that the story about the payment is suspicious, but not that he is guilty of that perjury which must be necessary and of which he would be guilty if he did not pay the money; nor do they find him guilty of the embezzlement necessary if he had pocketed it. They simply report that the story is suspicious and they do not believe it; and that report leaves the matter just in this condition: that a man did have $1,250 put into his hands, out of which he paid a lawyer $250 at one time and $1,000 thereafter; that he did not corruptly influence or try to influence anybody; that he approached nobody improperly or used any improper means with anybody to do anything; and the sole question for the House to determine is, whether under such circumstances punishment such as is here recommended shall be inflicted. I do not believe it just.

Mr. Speaker, it seems to me, and I say it with all respect to the committee and with all respect to its members, that those who read the testimony will come to a conclusion opposite to that which the committee has reached. It seems to me that this great punishment is not at all proportionate to the offense as established by the testimony; and thus believing, when the friends of this man asked me my opinion and I had given it to them, I thought it was no more than proper that I should express openly and fully on the floor of the House the same opinion I had given to them on an examination of the testimony.

Mr. WARD, of Indiana. I now yield five minutes to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Speaker, two things are involved in this investigation: In the first place the dignity, the purity, and the integrity of the proceedings of this House; in the second place the character of one

who has been a reputable citizen. Like the committee who report this resolution, and like every gentleman here who values his own good name, I have endeavored to take care that the dignity of this House shall be duly and most scrupulously defended. On the other hand, not for the sake of our own personal character, nor for the sake of the character of this House, nor for the sake of the character of anybody, should any gentleman who sits here clothed with the power and dignity of a judge venture to trespass in any degree upon the character even of the humblest citizen of the land. For my part, sir, I do not take into account, and small would be the man indeed who should, in my humble judgment, the fact that this man has or might have worn the blue or the gray or whether he is here as a Republican or a Democrat or neither. He is an officer of the House, and we are the representatives of the people, and that is all our relation.

Now, sir, the facts of this case when summed up and boiled down are simply these: That an officer of this House received from a gentleman in the community where he lived, in no secret manner, a very reputable citizen so far as we know and so far as the record shows of that community, a certain sum of money to be paid to an attorney, which attorney was to exercise his skill in some way, whether by argument before the committee or not, or whether in legitimate ways or not, does not appear, and there is a blank as to that. There can be no presumption against an estimable citizen of criminality unless the circumstances fairly prove it. Now, sir, in my humble opinion that any officer of this House should lay hold of matters of legislation which are to be dealt with, and should have to do with them, is an impropriety.

Mr. DOUGHERTY. Will the gentleman allow an interruption?

Mr. DANIEL. Certainly.

Mr. DOUGHERTY. Is there any evidence anywhere to show that even this man Hill, after having been employed as an attorney, ever approached any member of the House?

Mr. COBB. The testimony is just the other way.

Mr. DANIEL. There is no testimony that a dollar of the money was corruptly used; and nothing but inferential and conjectural testimony, which is a mere matter of suspicion, according to the varying minds of men who may devote their attention to the matter, that any money was intended to be used corruptly.

But there is this about it: The very nature of the contract made, with a contingent fee dependent upon the passage of a bill in this House, was against public policy, and that fee could not be recovered in a court of law if it had been sued for. It was a grossly improper transaction, but it was not a transaction which by any court has ever been held to partake of criminality or to require the visitation of severe judgments.

Now, sir, it seems to me that standing in this attitude, having to deal with our own characters and with the dignity of the House of Representatives, and having to deal with the character of a reputable citizen with an equitable and just judgment, not straining the mind to take hold of suspicions and inferences and conjectures, which are involved in fog and uncertainty; nor on the other hand yielding to that looseness of legislation and that looseness of morals which perhaps has been gone too far with in many transactions—that we should deal with this matter just as it is proved to be—"nothing extenuating, nor setting down aught in malice," and that this officer should be censured for an improper transaction; whereas a just and equitably-minded man, reviewing all the circumstances and partaking of just indignation against any impropriety in legislative concerns, would say that judgment was too harsh and too severe which degraded a citizen so far as to dismiss him from the public employment.

[Here the hammer fell.]

Mr. COX. I yield five minutes to the gentleman from New York [Mr. FARQUHAR].

Mr. FARQUHAR. I wish to be very brief and very pointed in the few remarks I may make as a member of the committee, not merely in vindication of the findings of the committee, but to look at one or two points brought out in the testimony, and that have led in all likelihood to the findings of the committee in their report.

First of all, Mr. Speaker, I wish to say as a member of this House and as a citizen, that this whole Jeffersonville investigation, from beginning to end, is so besmirched with circumstances brought out in the evidence, and that have led to the findings of the committee, that I almost feel glad that it has come to this House to be turned over to it to be ultimately settled; but I hope that no other investigation of this kind may ever again come before a committee of which I am a member.

From the first day that a delegation was sent from Jeffersonville until the last dollar of money was turned over by Mr. Warder to this so-called briefless barrister, there is a history of circumlocution with men's characters, and men's actions, and men's motives thoroughly involved; and in the midst of all of it there was a good deal of politics and political trickery.

During the investigation I took occasion to ask Mr. Warder on the witness-stand why it was that he did not consult with the Representative on this floor of that district, Mr. Stockslager, who certainly knew more about the matter than he could, and had more interest in it than he had. I asked him why he was not the man to consult, and to go to Senator VOORHEES and Senator HARRISON when this bill passed out of the House without this designation of $50,000 of appropriation—why the Representative of the people in this House was not the man to be consulted about it? I shall give the House Mr. Warder's answer. Here is his explanation of the whole transaction. It is the explanation why Mr. Stockslager got left.

By Mr. FARQUHAR:

Q. The receipt for $250 is dated May 13. How long before that date did you hire this man Hill?

A. I think a day or two previous to that.

Q. Now, in all this time intervening between the hiring of Hill until the passage of this designation of appropriation, can you give this committee a reason why you never told Mr. Stockslager that you had hired this man?

A. I suppose I can, sir.

Q. That is just it.

A. If that is just it I think I can satisfy you. I want to be very particular, because there is some little delicacy about it. I think I will make a statement that will be reasonable, and if it does not convince you, I am thoroughly convinced: In the first place Mr. Stockslager was a candidate for re-election, and my county and my city and my people were friendly to Mr. Stockslager up to the time that Mr. Jonas G. Howard, a citizen of our city, was induced to become a candidate. I had received an appointment as assistant doorkeeper in the House of Representatives under the Doorkeeper, and I was credited to Mr. Stockslager, while in reality and in truth Mr. Stockslager had nothing to do with my appointment. But still I was willing that it should be so, and I was friendly to him at the time. Naturally, I suppose, Mr. Stockslager thought I ought to support him in his candidacy. Mr. Howard was my neighbor and my friend, and of course I could not support Mr. Stockslager. I went to him and told him so. I told him I intended to support Mr. Howard and to do all I could for him. That caused a little estrangement between Mr. Stockslager and myself, and I never consulted with Mr. Stockslager about this thing in my life.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. FARQUHAR. I ask the chairman of the committee to yield me just another minute.

Mr. COX. I yield the gentleman another minute.

Mr. FARQUHAR. Now, as a member of the committee I base my whole action on this. An officer of this House by his own volition, of his own will and act, exacted from citizens of Jeffersonville $1,250 for the influencing of legislation. He sought his own way to influence it. It was through a briefless barrister, a nobody, who stands before a committee of this House perjured. He swore before the Hot Springs investigation committee that he had lied on the witness-stand. And when I asked Mr. Warder "did you not pay too dear for your whistle," he answered they had.

Now, with all the circumstances of the case, with no animus against this gentleman, because in my view he has done his duty in this House diligently and well, I can not with the rest of the committee rest under the stigma that any feeling has entered into their report. And let me say not a line of brief was written by Hill, not a consultation was had by him; Hill was a man of no repute and was a poor man to hire at an awfully big figure.

[Here the hammer fell.]

Mr. WARD, of Indiana. I yield ten minutes to the gentleman from Kentucky [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, I have found time to read the entire testimony in this case, the report of the committee, and the brief of counsel, not only because I wished to know the facts before passing upon the question of the expulsion of an officer of this House, but also because of my long acquaintance with the gentleman principally concerned, Mr. Warder. He was born and raised in my district and my neighborhood, and many of his kinfolk reside there to-day, people of most eminent respectability and worth. Mr. Warder volunteered in the county of Fleming in the fall of 1861 as a private soldier in a company of the Sixteenth Kentucky Volunteer Infantry, one of the finest regiments that ever served under our flag, a regiment raised in my own county and the adjoining counties of my district by Col. Charles A. Marshall, one of the worthiest citizens of the State.

It is no small praise to say that in such a regiment Mr. Warder rapidly rose to the rank of captain. Under these circumstances I took an interest in the case which led me to make a thorough investigation of it by reading the testimony, the report of the committee, and the brief of counsel, and I confess that I was agreeably disappointed upon reading that testimony after the report of the committee had been filed. The effect of that reading was to entirely change my impression of the case. About the facts as shown by this testimony there is no room for a difference of opinion. The crime or the impropriety, whichever gentlemen choose to call it, consists in the fact that Mr. Warder, by the authority of his fellow-citizens of Jeffersonville, employed a lawyer to counsel him in relation to the question of an appropriation pending before Congress, in which his neighbors were deeply interested. The fact that the lawyer employed was a man of poor reputation is, in my judgment, a small and unimportant circumstance in the case. My opinion is that the offense, if it be an offense, would have been the same if the lawyer had been a man of high standing, because there is no evidence to show that Mr. Warder, new as he was to the men and business of this city, had any notice that Mr. Hill was not a lawyer in good standing.

The case is simply the case of an officer of this House employing counsel to advise him as far as he could properly do so in the interest of an appropriation pending before Congress for the benefit of the town in which he lived. It seems to me that the motives of the gentleman in making this employment are in question and nothing else, and

I think our friend from Rhode Island [Mr. SPOONER] concedes that when he says that even if the lawyer had been reputable, still he is not quite clear in his own mind that Mr. Warder would have been blameless.

Mr. SPOONER. I simply meant to say that he would then have had a reputable man to corroborate him.

Mr. WADSWORTH. It is perfectly clear, Mr. Speaker, that if this lawyer had been among the members of the bar in high standing this case would have been whistled down the wind, and this blow is aimed at Luth Warder simply because shortly after his coming to Washington he employed a man who upon cross-examination seems to have been employed theretofore in performing questionable exploits. Now, the motive of Mr. Warder in making the employment was honest or it was corrupt. If it was honest, this report can not be justified. The employment of counsel for and on behalf of his townsmen is all that he is responsible for. The testimony is absolute that the money was raised publicly in the town of Jeffersonville, where Mr. Warder lives, and that the most reputable citizens there knew all about it. It was not done in a corner.

It was no secret. It was not fraud trying to cover up its steps; it was the open manifestation of the anxiety of the citizens of Jeffersonville to procure some assistance from the national Treasury. At the request of these people, Mr. Warder made this employment, not to influence legislation corruptly, not to buy any committeeman or Congressman. No committeeman, no legislator was approached. There was no secret proceeding of any kind. The money was raised by the people of the town, and part of it was paid to Mr. Stealey, who had advanced $250, and, after the passage of the bill, $1,000 was sent to Mr. Warder, and he paid it to Hill. If he is to blame, he is to blame for having employed this man at the solicitation or request of his fellow-citizens while he was an officer of this House. Now, if that was a mistake it was a mistake that any gentleman might have made, and probably would have made under the same circumstances, and does not imply any corrupt motive.

If it was criminal Mr. Stealey is just as criminal as Mr. Warder. He knew that Hill was to be employed. He furnished the money to employ him, and the committee show that they are not sure of their ground when they leave Mr. Stealey out. If they had felt certain that the employment of Hill under these circumstances was a criminal act which should be visited by expulsion, they certainly never could have exonerated Mr. Stealey. Why, it is in proof that he sent a friend to suppress the investigation and offered to pay the money back, and he is the man that advanced the money to employ Hill and interested himself to secure the appropriation.

We are asked to brand an officer of this House as criminal simply because, at the solicitation of his fellow-citizens, he employed a lawyer to advise in a matter pending before Congress. Now, the committee do not mean that. The chairman of the committee says that we have not seen the men testify, that we have not had an opportunity to see the manner of the witnesses. The committee are of opinion that there is something not disclosed by the evidence.

But, Mr. Speaker, I protest against condemning an officer of this House upon any such ground as that. The evidence is all we have. The testimony is absolutely clear and convincing that the people of Jeffersonville raised this money openly and above-board; that they wanted this lawyer employed, that they requested their fellow-citizen to employ him, and that they paid him. That is all clear from the proof in the case, and I protest against going behind the proof and inferring something merely because the testimony may show that the man employed was not a reputable lawyer. To condemn an officer of this House upon any mere inference of that kind is to do an act of injustice and can not in any way promote the dignity or maintain the character of the House, which seems to be the end in view.

Mr. WARD, of Indiana. I have already yielded to three gentlemen consecutively, and I now ask that the other side dispose of a part of their time.

The SPEAKER *pro tempore* (Mr. CRISP). Does the gentleman from North Carolina [Mr. COX] desire to yield to anybody?

Mr. COX. Not at this moment.

The SPEAKER *pro tempore*. The Chair will state that at half past 3 o'clock the vote must be taken, and any delay in occupying the floor reduces of course the time allowed for debate. If there is no desire to continue the debate further the Chair will put the question.

Mr. COX. I yield fifteen minutes to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Speaker, if I can have the attention of the House I propose to talk about this case. I have no feeling whatever as to its result. I have long believed that truth, when it has a fair opportunity, will vindicate itself. It was one of the earliest things I learned that you might fortify a falsehood—attempt to make it appear a truth—but the time would come in God's providence when the light would shine through it and show its real character. With your indulgence, Mr. Speaker, I will present this case as it seems to me to be disclosed by the testimony. I will begin by saying that the original fact of the receipt of $1,250 by Mr. Warder is not denied by him. It is an admitted fact in the case. Here I wish to say that an attack has been made upon John M. Glass, who seems to have furnished the statement upon which the charge was made.

I do not deem it necessary to say a word in vindication of Mr. Glass. It is enough to say that he does not testify to a single fact which is not admitted to be true even by the defense. I challenge any gentleman to refer to a single fact in this case testified to by John M. Glass that is not conceded to be true. Why then assail him?

Now, $1,250 having been received by Warder, for what purpose was it received? My distinguished friend from Kentucky [Mr. WADSWORTH] says it was raised by citizens of Jeffersonville for the purpose of having a lawyer employed to secure this appropriation of $50,000. Where in the record does that appear? It seems that after two committees had come from Jeffersonville for the purpose of influencing Congress or some committee to consider favorably this contemplated appropriation, a dispatch was sent by a gentleman of Jeffersonville to know whether it would be better to send a third committee. Why, sir, the second one, according to the testimony of Mr. Goldbach, did nothing for two mortal weeks but eat and drink and look at Congressmen and draw their pay! But a telegram was sent to Mr. Warder inquiring whether it would not be better to send another committee; and he telegraphed in reply, I do not undertake to repeat his language, for I do not remember it, but substantially he replied that they might as well throw their money away as to send a committee here. He thought it best to employ some one here.

Now, that advice came from Mr. Warder himself. Mr. JONAS G. HOWARD, the distinguished gentleman who now represents that district, was thought to possess no sufficient influence to be of value if he should return; nor was it conceived that any other distinguished citizen of Jeffersonville could render any service by coming here. Warder and Hill seemed to be the men who Warder thought should figure in the case.

But I pass hurriedly on; for I have but fifteen minutes. Mr. Warder suggests that he had employed or would employ—my recollection is that he states he had employed—whom? One of the witnesses who is not impeached says "an influential friend;" another states "a competent person;" and a third, swearing in regard to Mr. Warder's statement, says "an attorney." Mr. Warder had employed either "an influential friend," "a competent person," or "an attorney." Before I pass from this point I want to say that notwithstanding the fact that this matter was discussed in the newspapers of Jeffersonville and Louisville for two years, becoming, I may say, a matter of notoriety, a public scandal, yet I dare any gentleman to point to the place in the record where the name of this attorney was ever disclosed until it was disclosed to the committee during the investigation.

Mr. WARD, of Indiana, rose.

Mr. BROWNE, of Indiana. I assert that the record in this case shows that this matter entered into local politics, became a matter of local controversy through the newspapers; men ran for office on the platform of reimbursing or not reimbursing these men who raised the money. Yet for the first time the name of the attorney is disclosed during the committee's investigation. It is true that Mr. Goldbach says that some time after the transaction was over he saw a letter in which the name of an attorney was given, and it was a short name, but he does not remember what it was. But it is a little singular that when this matter became one of public controversy some explanation was not made to the people. Further than this, when this money was reimbursed by the city council and the bill was presented it was for expenses incurred in procuring the appropriation, but neither the name of Hill nor the name of any other attorney is mentioned, nor is the receipt of any attorney filed in connection with the matter. Nor did the bill mention an attorney's fee at all——

Mr. BYNUM. Will my colleague permit a question?

Mr. BROWNE, of Indiana. Not now.

Mr. BYNUM. My colleague asked to be shown where in the record this name is mentioned.

Mr. BROWNE, of Indiana. Yes; I know what the record is.

Mr. BYNUM. If the gentleman will yield, I can point out where the name is mentioned.

Mr. BROWNE, of Indiana. You will have an opportunity.

Mr. ROBERTSON (holding up a copy of the evidence). Here, it is right here.

Mr. BROWNE, of Indiana. Read it.

Mr. ROBERTSON. You can read it yourself.

Mr. BROWNE, of Indiana. I do not know what the gentleman refers to. There is in this case an intimation from some witness, perhaps more than one, that in some conversation in the city of Jeffersonville a name was mentioned; but I say if it was mentioned it was kept in the breasts of these men, and the public who were concerned in the matter were never informed in reference to it. After this thing had gone through the newspapers the chairman of the Committee on Rivers and Harbors [Mr. WILLIS] noticed the controversy and informed Mr. John M. Glass that if the citizens of Jeffersonville or its council had paid any money for this purpose they had been "taken in" by some Washington "shark," as there was no necessity for the payment of the money or any part of it.

But I must pass on. It is admitted that this money was paid, that

it was received by Mr. Warder. It was received either that he might thereby influence legislation or that he might procure somebody else to do it. Now the inquiry comes, what became of it?

That is the question. Let us discuss it fairly. What became of it? Says my distinguished friend from Kentucky [Mr. WADSWORTH], he employed an attorney. Who? Let us talk about it as sensible men. Suppose you, or some of you, become trustees of your neighbors to use $1,250 in the employment of an attorney, do you not want to know who the attorney is, to know something of his standing in the profession, to know something about his character as a man? Do you not want to be introduced to him by somebody, not want to know him? No, it is not insisted on here that Warder knew of Hill's standing, but it is admitted he was never introduced as an attorney or anything else. But Warder finds a man wandering about these corridors and picks up a little passing acquaintance with him. He discovers in conversation with him that he "knew more about levees than any man he ever struck." And one day afterward, in conversation with Hill, he told him he had a levee matter on hand, and wanted to know how to proceed. I give the substance of his testimony and the testimony of Hill. "I am a man of business," said Hill, "and generally get something for my service. Give me $250 down, and I will begin to talk to you." The inquiry was: Where is your office, and when will you be there? Without another word the bargain was made. The same evening, or the evening of the next day, he goes to Hill's office and shells out $250, and agrees he will pay him a thousand more when the bill becomes a law. Up to this time he does not ask any one about Hill. Up to this time he has not made inquiry of anybody about Hill. Up to this time he has conferred with no one about Hill's employment. He did not ask Mr. Stealey about him, as has been asserted. Mr. Stealey asked Warder, when he was informed Hill had been employed: What do you know about this man? Is he a good man? He said: "I do not know anything about him. I casually met him here, and he seems to know all about levees." That was after Hill was employed.

Mr. ROBERTSON rose.

Mr. BROWNE, of Indiana, Now, would you, my friend, would any of the gentlemen here employ a man and pay him $250 down and promise him a thousand dollars more in addition without knowing anything at all about him?

Mr. ROBERTSON. And would you convict a man merely on suspicion?

Mr. BROWNE, of Indiana. I will talk to you about that after a while.

Mr. ROBERTSON. And that is what you do when you vote to convict him, for there is not one line of proof in this record to show he is guilty of anything.

Mr. BROWNE, of Indiana. My friend is——

Mr. ROBERTSON. Not at all. [Great laughter.]

Mr. BROWNE, of Indiana. If I could only apply a sedative to my friend and quiet him he would not talk so much.

Mr. ROBERTSON. I can talk. There is the gentleman's misfortune. I have the facts and I can show that there is not a particle of proof against him. [Laughter.]

Mr. BROWNE, of Indiana. I protest against these interruptions.

Now, sir, having employed a man nobody told him anything about, a man to whom he was never introduced, a man nobody ever knew, he paid him an enormous fee to do what? I ask again, to do what? What duties were enjoined upon him? Who was to confer with him? With whom was Hill to work, and how? Did he ever for a moment go before the committee having this appropriation in charge? Oh, no. Did he ever see any member of Congress? No. Did he make any argument or prepare any brief? But he conferred with Warder. What did he tell Warder? If you want to get this appropriation you must abandon the idea of getting it for protecting Jeffersonville or for the improvement of the river; you must get it for the protection of the Government property in Jeffersonville. It was, they say, on that advice they proceeded and subsequently obtained the appropriation.

Was this advice really given or acted on? No.

Let me say a word about that. In the first place, before I pass, it is admitted that that advice is all Hill did that was of any consequence. This lawyer who received $1,250 never spoke to any member of the committee. That is true. And it is true this money was not used to influence any member or any committee, corruptly or otherwise, because the emphatic proof is that Hill never spoke to any member or to any committre. He did not speak to any member of the House or of the Senate. Oh, yes, he earned this money very easily. But did the measure begin or proceed on his suggestion?

Now, I want to put down dates, and I do not want to be confused. Hill was employed on the 13th of May. Mind you it must have been subsequent to the 13th of May he gave this important counsel to abandon the idea of securing the levee to protect Jeffersonville, but to proceed on the theory that it was to protect the property of the Government there.

Bear distinctly in mind now he was employed on the 13th day of May, and, mind you, it was subsequent to the 13th day of May he gave this important counsel. Bear in mind that fact. Now, before March 1 there was a meeting of Senator HARRISON, Senator VOORHEES, Mr. WILLIS, the chairman of the Committee on Rivers and Harbors, and Mr. Stockslager, who represented that district, and these gentlemen there agreed upon this plan of proceeding, and they had never heard of Hill and had never heard of his employment. This was ten weeks before Hill's pretended employment.

My colleague, Judge HOLMAN, the record says, was present, and at this meeting, I repeat, held before the 1st of March, it was agreed that if this appropriation were proper at all it must be made and presented upon the assumption that it was necessary to protect the Government property in Jeffersonville. On the 1st of March Senator HARRISON introduced a resolution into the Senate asking the Secretary of War for information on this subject; and on the 19th day of April the engineer reported, and on the 12th day of May the Secretary of War reported—all in favor of the project, and all before Hill had been employed and got his $1,250 for doing nothing. Mr. Stockslager, the gentleman who was not to be communicated with at all in this matter, had, on the 14th day of April, introduced a bill into this House proposing to secure this appropriation upon that express ground.

Ah! gentleman, look at it now. Here is a man employed by Warder that he did not know, that he had had no introduction to, that he had never heard of, who had been recommended by nobody, who was not a lawyer at all in any proper sense of the word, but he employs this man and pays him $1,250 and requires him to do nothing. He did not communicate Hill's employment, and only pretends now the lawyer had given him this counsel. All this had been anticipated, and long before had been anticipated and was a matter of record. Now let us come to the close of it. Unfortunately, in this case, the man who secured and accepted the money, the man who appears and swears that he received the money, the man who puts the $1,250 in his pocket without rendering any service, is, by all, conceded to be a most disreputable man, wholly unworthy of credit. Is it surprising that the committee discredited this story?

[Here the hammer fell.]

The SPEAKER. The gentleman from North Carolina has thirty-two minutes of his time remaining and the gentleman from Indiana has twenty-seven minutes.

Mr. WARD, of Indiana. I yield ten minutes of my time to my colleague [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, I regret exceedingly that so important a matter as this, a question of investigation that has taken one month to get through with, and comprising one hundred and twenty-five pages of evidence—that it should be crowded into the short space of four hours' debate on this floor. I think that this House by limiting the time to so short a period has done a great injustice to the defendant as the party arraigned before its bar.

There is more in this case than dollars and cents, Mr. Speaker. There is involved in it the integrity and honor of a citizen; and every member of this House has to pass in judgment upon that citizen. They are called upon not to recall the judgment of the committee; that is not the question; but each must be responsible for the verdict he gives to-day. He can not shirk the responsibility. This rests upon each and every man, and each and every man must bear it. It is a question that we can not weigh in comparison with money. It is more far-reaching in its consequences than that.

Now, Mr. Speaker, the time is so limited that I scarcely know how to take hold of the case in order to discuss it properly; but there seems to be two prominent points to which I ask attention, and which the advocates of the report of the committee make in this case: One is that the attorney employed was a disreputable man; another prominent point is that they went and employed an attorney and ignored the Representative of the people from that district, Mr. Stockslager, and these two points, together with another point—that the parties upon the witness-stand, Hill and Warder, did not in their manner of testifying suit the members of the committee—are all they rest upon. None of them appear to be worried about the evidence or the facts submitted; they do not pretend that the evidence sustains the verdict they rendered; nowhere do they dare say that the man could be found guilty on the strength of the evidence adduced against him, nor would it be sustained by any court in this country. But upon what principle do they find him guilty? Do you find him guilty because the man he employed was not the man that he ought to have employed? If you held every man responsible for the character of the lawyer he employs I ask how it would fare with many litigants in this country? What would be the end of it? It is not the first time that true and good men have been deceived by the men they employed as attorneys. But it does not appear that Mr. Warder was the only man who employed this attorney, for it is shown that greater and wiser men than Warder have been deceived in the employment of this same man.

We find him employed in the Potter committee by the gentlemen who are here. We find him employed in various important cases. And although the services might not have been exactly in accordance with what men may regard as reputable, you should not be asked because of this to condemn this man Warder as a felon, as a criminal, and send him out of this House in disgrace upon mere inference. I submit that inferences are always in favor of innocence and not of guilt.

But gentlemen of the committee say we are not bound by the ordi-

nary rules of evidence that govern the courts of justice. Why should not the ordinary rules of evidence prevail in this House? When Congress with all its power occupies one end of the scale and a humble individual is in the other, because Congress has unlimited power we should for that very reason be very circumspect and examine every point with care. I again ask why it is the ordinary rules of evidence should not govern in a case like this? Is it not as important as a question of dollars and cents? A man's honor and integrity are as important to him as his life itself—nay, more so. The same rules that prevent him from being incarcerated in a penitentiary should be applied when his honor is at stake.

Now, let us apply these rules, and where does the case stand? The committee ask us to judge the law and the evidence. They bring prominently before the House the attitude of Mr. Stockslager. For one solid month Mr. Stockslager was in my Congressional district. He came four times and spent one month there. My people were against him; I was against him. Mr. Warder and Mr. Stealey were against him. On the 1st May he was in Indiana at the convention that nominated me. And when these parties came here, knowing my town was against him, knowing that the appropriation was to be in favor of my town, my advice was to keep away from Mr. Stockslager. His position was such that no prudent man would trust him in that transaction. Why? Because we were all against him. All the town was against him. Those that were seeking the appropriation were against him. And I say no prudent man would commit his case to that kind of a man under such circumstances. I advised them not to do so. Mr. Stockslager, as I am informed, did not even know that that appropriation was before a committee of conference. And it was for the reason that he might be friendly to it, yet he might on the other hand stab it if he had a mind to; and no prudent man would have committed the charge of the matter to him under such circumstances.

And yet this committee have used that as a circumstance to bolster up their report. I do not say Mr. Stockslager would not have acted honestly. I say, while he might have supported the appropriation, it was dangerous to have him interfere with it, and no prudent man who understands business transactions and human nature as we do would trust such a man under the circumstances. And for that reason we felt we were without any assistance in Congress from the Representative of that district.

[Here the hammer fell.]

Mr. COX. I yield fifteen minutes to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD. In the outset of my remarks I desire to state that I take no part in the criticism which in the course of this debate has been passed upon two of the gentlemen who represented the defendant in this investigation as counsel. I refer to the charge that by one of those gentlemen the name of ex-Senator McDonald was improperly signed to the brief. It appears from the record which I hold in my hand that Mr. McDonald did appear before the committee in the capacity, as was thought, of counsel for Warder and Stealey, and, being absent when the brief was prepared, I do not think it was improper or unprofessional for one of his colleagues to sign his name along with theirs to the brief which was prepared on behalf of the accused.

With this statement I will proceed to present the case from the standpoint of the committee.

Mr. Speaker, to me it is somewhat singular that so much opposition to this report should have been developed upon this floor considering the fact that your committee, composed of a majority of Democrats and a minority of Republicans, investigating this case for weeks and devoting to it a great deal of care and attention, and after the investigation had ceased going into executive session and discussing it among themselves at length, came to the unanimous conclusion that the verdict agreed upon is a proper one and sustained by the evidence.

Mr. DOUGHERTY. Will the gentleman yield to me for a question?

Mr. BLANCHARD. I can not yield. A majority of the committee making this investigation were and are the political friends of Mr. Warder; and I speak for the whole committee, I believe, when I say that in conducting the investigation every man of us felt it as much our duty to acquit him if the facts warranted it, as we did to convict him if the facts justified that verdict.

Now I say, considering these facts, with no animosity on the part of any man on the committee toward either of the accused, it is somewhat remarkable that when a unanimous report of the committee in a case like this is presented to the House it should encounter so much hostility. It shows that much of importunity of members has been indulged in on the part of the accused or his friends since this report was first submitted.

The facts of this case, Mr. Speaker, are simply these: The city of Jeffersonville was subject to inundation. Twice within recent years had the floods swept over it causing much damage to property. It was quite natural those people should desire protection against overflows, and believing they were not themselves able to build the necessary levees for that protection they sought it here through their Senators and Representatives.

There were at the other end of this Capitol two gentlemen representing the State of Indiana in the Senate, and the testimony before the committee (both those gentlemen were on the stand) showed that they were wide awake to the situation and giving heed to the cry that came up from the people of Jeffersonville for relief. The Representative from Jeffersonville on this floor, Mr. Stockslager, was also alive to the situation. More than five weeks before the time when this Hill is said to have been employed Mr. Stockslager introduced a bill which embodied the proposition that Jeffersonville should seek this appropriation, not upon the ground of protecting the town, but upon the ground of protecting the Government property there. Yet the making of this suggestion by Hill is paraded here as part of the service which it is claimed he rendered to Mr. Warder.

Two committees came on here from Jeffersonville for the purpose of urging the appropriation. They saw not only their member in the House but the Senators from their State, and the matter was being worked up, especially in the Senate, where Senator HARRISON introduced a resolution, which went to the War Department, asking for estimates of what it would cost to build the proposed levee. Now under all these circumstances, with a Representative here looking after the interests of the town, with two Senators at the other end of the Capitol alive to its necessities, we find Mr. Warder, one of the accused, writing a letter to a gentleman in Jeffersonville, a member of the city council, telling him that in his (Warder's) opinion it is necessary to use money here for the purpose of securing this legislation, and at the same time stating that he had employed an attorney, had given him a retainer of $250, and had promised him a thousand dollars more after the bill should have become a law.

There had been no resolution of the city council of Jeffersonville in relation to the employment of an attorney before that time, and in point of fact there never was any such action. In June, 1885, nearly a year after the bill had become a law, and not until then, did the city council take any action whatever in relation to the matter, and that was simply to authorize the payment of $1,329, which was the $1,250 said to have been paid to Hill, with the addition of interest. It seems from the testimony that one person, a Mr. Goldbach, came on here and authorized Mr. Warder to employ counsel. It does not appear that his colleagues on the committee concurred in that action, or that the city council of Jeffersonville had requested or authorized it. It is true that an informal meeting of the council was called after Warder had informed one of them of the employment of a party here, but it was so informal that the mayor did not preside and no record of it was kept by the clerk of the council. The gentlemen composing the city council simply met and talked the matter over among themselves.

Mr. Warder's letter to one of them, Mr. Shuler, was read, and they agreed that the money should be sent on, and that the gentlemen who composed the council would, if it became necessary, vote at the proper time to pay it. But, as I have said, there was no meeting of the city council. This meeting was not called in any regular way, and there is no pretense that it was a meeting of the council.

It was merely a meeting of certain gentlemen upon their own responsibility.

After the committees from Jeffersonville had come here, after the employment or alleged employment of Hill, after the bill had become a law (it became a law on the 3d or 4th of July, 1884), on the 15th of the same month, one of these committees reported to the city council that they had secured an appropriation of $50,000 for the Jeffersonville levee without cost to the city save the expense of one of the committees, some $300. That report was made, I say, on the 15th of July, after Mr. Hill had been paid this $1,000, and after the bill had become a law. From that time, July 15, 1884, to June, 1885, no action was taken by the city council of Jeffersonville with reference to this matter. On June 9, 1885, nearly one year after the $1,000 was paid Hill, the council allowed an account reading about as follows: "To expense relating to Jeffersonville levee, $1,329;" being the principal and interest of the amounts alleged to have been paid Hill. So that while the city council of Jeffersonville never authorized this expenditure, they did ratify it by paying the money a year afterward.

Now, Mr. Speaker, there was no necessity whatever for the employment of counsel. Senator VOORHEES and Senator HARRISON both testify to that. They did not even know of the employment of counsel. Mr. Stockslager, then a member of the House from the Jeffersonville district, did not know of the employment of counsel. If this counsel was employed, what did he do? We are asked to believe that Mr. Hill, a person whose record is shown to be disreputable, was employed and paid $1,250 simply for giving advice, to whom? Not to any committee of the citizens of Jeffersonville, not to any committee of either House of Congress, not for writing any brief or making any argument, but for giving advice to Mr. Warder himself, which could not have occupied him at the outside more than twenty minutes or half an hour.

Mr. HENLEY. Will the gentleman yield for a question?

Mr. BLANCHARD. I can not now. I have not the time.

Mr. HENLEY. It is very important. It may determine my vote.

Mr. BLANCHARD. Mr. Speaker, we are asked to believe all this and to be governed in our action on this case by the consideration that Mr. Warder was a citizen of Jeffersonville and therefore had an interest in securing an appropriation for this levee.

It is true that Mr. Warder was a citizen of Jeffersonville; but, sir, I

hold and announce here as a deep-seated conviction on my part that an officer of a legislative body like this, no matter whether he comes from the city interested in the proposed legislation or not, is guilty of official misconduct if he receives or acts as disbursing agent for money to be used in influencing legislation before the body of which he is an official. I say this House can not do otherwise than stand upon that doctrine. It will not do to try to shield or excuse Mr. Warder upon the fact that he was a citizen of Jeffersonville. He was an officer of this House. His first duty was in that capacity. As an official he should stand aloof from all considerations of money; he should not act as agent where money is to be disbursed to influence legislation before the body of which he is an officer. I care not whether this money was so used or not. That does not influence my judgment in this case. I find—and it can not be disputed—that Mr. Warder received $1,250. For what? He received it, if we put the most charitable construction upon the case, as disbursing agent of a fund raised for the purpose of influencing legislation before this House. I say that is enough for me; I do not need to go any further.

[Here the hammer fell.]

Mr. WARD, of Indiana. I yield seven minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, this is an information against Mr. Warder charging him with having exacted, collected, and accepted from some person or persons in Jeffersonville, Ind., a certain sum of money with which to influence the official action of Members or Senators. The evidence has been presented to us by the committee. I have, after a careful examination of the evidence, made a dozen findings of fact; and I think those findings of fact completely cover the case. The first is that in 1883 Jeffersonville had a flood which destroyed considerable property. Second, that the people of that city determined to apply to Congress for an appropriation. Third, that Mr. Warder came to Washington in January, 1884, and that he had never been in Washington city prior to that time. Fourth, that at the request of citizens of Jeffersonville he agreed to look after the interests of Jeffersonville here in Washington in connection with that appropriation and in connection with the affairs of this House. Fifth, that in May, 1884, he employed one E. N. Hill as an attorney to take care of and look after the interests of Jeffersonville. Sixth, that he agreed to pay Hill $1,250—$250 as a retainer, $1,000 as a contingent fee—and that he borrowed $250 and paid to Hill that retaining fee. Seventh, that Hill made no appearance before the Committee on Rivers and Harbors, and did nothing in the case except to make suggestions to Mr. Warder. Eighth, that Hill was an attorney somewhat disreputable, but had received fees for acting as attorney in certain cases. Ninth, that the $50,000 appropriation was secured. Tenth, that the citizens of Jeffersonville had raised the $1,250 and placed it in bank subject to an order. Eleventh, that the $1,000 remaining was paid upon order of Mr. Warder. And twelfth, that the $1,000 was paid to Mr. Hill.

This covers the entire evidence in the case. If the evidence from which these findings of fact were drawn be true, then Mr. Warder can in no case be guilty. For, sir, this is in the nature of criminal prosecution. Mr. Warder is on trial before this House. While the resolution only provides he shall be dismissed the service of the House, yet the natural implication of the adoption of such a resolution is he was guilty of a violation of the law.

Why do they say he should be dismissed? Not because any of these findings of fact are true, but because they are suspicious some of the evidence supporting these findings of fact is false. And why false? Because, in the first place, of the bad character of the man he employed. That has been adverted to, and I will not take up time of the committee by arguing it further.

Secondly. Because the name of the attorney was not mentioned to the people of Jeffersonville. Was it necessary? Was there any reason why he should state to the people of Jeffersonville the name of the attorney he employed? But even suppose he kept a secret, was it evidence of guilt on his part? No one will come to any such conclusion.

Third. Hill did nothing. It is alleged Warder never paid the money to Hill because Hill did nothing, and yet it is shown Warder had never been in Washington before he came here to take this position, that before that time he had no experience here. Now, how many members come here with the idea that a powerful lobby surrounds this House, and that it is necessary, in order to obtain legislation here, to secure the services of lobbyists?

But is there anything wrong about the employment of attorneys? Have they not appeared before every committee of Congress? We have had before the Committee on the Post-Office and Post-Roads, of which I am a member, at this session such distinguished attorneys of this city as Judge Shellabarger, men of the very highest character. Do you think they appeared before the committees of this House and argued questions affecting the legislation of Congress without receiving fees for their services? During the last Congress I was on the Committee on Commerce, and during the pendency of the interstate-commerce discussion attorney after attorney appeared before that committee in the interest of the railroads, and attorneys, although very few in number, I am sorry to say, appeared there in the interest of the public. They appeared before that committee and argued in favor of the propositions involved in the interstate-commerce bill. Now, were the members of the House, who requested these attorneys to come here and present these matters to the Committee on Commerce, guilty of any crime? Were they guilty of any impropriety?

Why, Mr. Speaker, in the last House my seat was contested and I employed an attorney to go before the Committee on Elections and speak for me, although I regarded the contest as a frivolous one. Am I to be accused of improper conduct because I employed an attorney to go before the Committee on Elections to plead my case? Then shall we charge Mr. Warder with crime for doing what I did and what other members of the House have done?

[Here the hammer fell.]

Mr. WARD, of Indiana. I yield for five minutes to my colleague.

Mr. LOWRY. Mr. Speaker, the high regard I personally entertain for the distinguished chairman of the Committee on Civil-Service Reform and for the members of the committee known to me when they made this report created a serious apprehension in my mind as to whether or not a citizen of Indiana was not doomed to have administered to him the discipline of this House. I felt much concerned in reference to the matter, and it was not until I received an appeal from that citizen, addressed, as appears, to each member of the House, simply to read the testimony in his case, indicating that degree of confidence in his innocence and a sense of exemption from reprehension in reference to this matter, that I felt there was a hope the position of the committee could not be sustained. I naturally considered how it could happen a committee of this character should come to this conclusion without there being sufficient evidence to sustain it. I could not but reflect how natural, when our honor is at stake—for such is not only the case with this body in the aggregate but with each member of this House—when a charge is made against one of its own servants, we should not only feel sensitive, but we should be particularly guarded. We should not fail to administer the discipline called for when there is any infraction of the rules of the House.

But, sir, at the same time I recall the fact that when such interests are involved we are not in a condition to judge with entire impartiality on any such question; and I am apprehensive that while this committee has been duly sensitive of the honor of the House and of its members while deliberating upon the testimony before them, they have been too hasty. I would feel apprehensive, sir, in view of the character of this report and the unanimity with which the committee agree with reference to it, of the result here, were we not admonished by circumstances which have transpired in the past that it is well to consider carefully the facts of the case and the testimony before we come to a conclusion or act under the impulse of the moment. Sir, we remember that in this very city a distinguished soldier was tried, adjudged guilty, and sentenced to be dismissed in disgrace from the Army; and for a couple of decades the heart of this soldier has been agonized in consequence of that disgrace, until at length the House and the Senate of the United States have determined that he was wrongfully adjudged to be guilty of the offense charged against him. We remember the case of the execution of Mrs. Surratt, when, in obedience to a morbid sentiment on the part of the people, our humanity was shocked by the sacrifice upon the gallows of the life of that unfortunate woman; and who is there now within the sound of my voice, if he had the power, would not recall that unfortunate execution?

In this case, sir, the chairman of the Committee on Reform in the Civil Service has stated to us that it was a rule of evidence that the manner of a witness when on the stand and his conduct under examination should be considered in determining his credibility.

We are told by this report that the witnesses in this case did not commend themselves favorably to the committee because of the manner of their testimony, and hence this report. What is the result? Why, they report against the accused. This is not sufficient evidence to sustain their finding. The charge is that money was procured for the purpose of corruptly influencing legislation here. That charge is not proved.

Now let us examine that point.

[Here the hammer fell.]

Mr. WARD, of Indiana. I now give five minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. LOWRY. I hope my colleague will give me half a minute longer.

Mr. WARD, of Indiana. I regret that I have not the time at my disposal.

Mr. CURTIN. Mr. Speaker, since my presence in this House I have scarcely ever known an appropriation for local purposes that some one did not appear before some committee of some kind who was authorized and empowered to aid if possible in procuring its passage. It is a matter of every-day occurrence.

Now, sir, there is no evidence that any part of this money was offered to any member of that committee or to any member of this House; and if there was money expended for an attorney why the settlement is between the gentlemen who received it and the people who placed it in his hands. I have never in all my life been in favor of persecuting any man without just cause. I do not know the man who is accused here; nor do I know anything of the man who is said to have been employed; nor do I shrink from my duty because the slime of the serpent

is sought to be interwoven against the man now accused before the House.

At the request of my friend from Indiana I have examined the testimony in this case as well as the briefs of the lawyers, and my mind was carried back to a period of my life when I practiced in criminal courts; and I now allege in the presence of this House that this man could not be convicted before any jury of any criminal court of this country properly organized upon such testimony. True, they paid the money out there; and if gentlemen in this House can remember any instance in which they were authorized to procure an appropriation for a court-house or a custom-house or a public building or a levee to protect commerce or to clear out a river when there were not employed men here to advocate its passage and properly go before the committees, they can recall more than I do. This man seems to have got the money for a similar purpose. He did not retain one cent of it. He was here in the employment of the House, and they sent the money to him to disburse it. They say the Representative from that district was not spoken to or the Senators in the Chamber at the other end of the Capitol. Why should they be spoken to? The people of that town desired a protection to their commerce and trade, and this man, being here, was intrusted with the disbursement of their funds. He fell into the hands of the lobbyists in Washington and gave them the money, every cent of it, and not one cent is chargeable to him. I do not know him now. I never saw him.

They say he was a gallant soldier, and other things being equal I am always for the soldier. [Applause.] He is shown to be a man reputable in the community where he lives—mayor of the city, chargeable with high responsibilities to his neighbors. He is not accused of ever having violated the trusts reposed in him at any time. He is here before this august tribunal which has resolved itself into a court of quarter sessions, and the committee which makes the report is the grand jury of the court of quarter sessions. That report is before the House as an indictment. We are the jury sitting upon the reputation and the future and the happiness of a fellow-man and of his family. We are to decide on the testimony before us that not one cent of that money can be traced to his pocket; and if the money was not properly appropriated he has to contend with the people who sent it to him, as he was here, if he gave it to the wrong man. That is a question between them. Who has not been so deceived? If the $1,250 received by him would debauch this House, then, Mr. Speaker, we are very cheap. [Laughter and applause.]

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CURTIN. What, strike me again? [Applause and laughter.]

Mr. COX. I yield now the remainder of the time to the gentleman from Maryland [Mr. FINDLAY].

Mr. FINDLAY. I desire to say in the outset that I have no feeling whatever in this case; that this Mr. Warder is a stranger to me, and that until after the investigation had closed I did not even know him by sight. It so happened that my duties called me elsewhere, and I never attended a single session of the Committee on Reform in the Civil Service while this investigation was in progress.

I have done, therefore, what Mr. Warder requests members of this House to do in his circular, and that is, to take up the testimony, to take up the record, and come to a dispassionate conclusion upon the record. And the opinion I have formed in this case is founded upon the record and the facts disclosed in the record and has nothing to do with the demeanor or the manner of the witnesses while they were upon the stand. I wish I could have reached another conclusion than that which was reached unanimously by the committee. I would much rather have found this man guiltless than have found him guilty; not only for his own sake, but for the sake of the family for whom he appeals; for the sake of the innocent who, by the inexplicable laws of the Almighty, seem in this wondrous economy of ours to be mixed up with the guilty without any fault of their own. But I feel I would have been untrue to myself, untrue to my country, and untrue to this House if I did not pronounce Mr. Warder guilty upon the record as it stands.

What is the charge against him? The charge is that he received or accepted money under pretense of influencing the legislation of this body.

Mr. ROBERTSON. Will you please point to the place in the testimony which shows that?

Mr. FINDLAY. I do not wish to be interrupted. The charge is that he accepted money under the pretense of influencing legislation. That was the matter which was submitted to us for inquiry. That was the matter which we were instructed to investigate, and it is upon that matter that we have reported. And we have said that we find him guilty of accepting money under the pretense of influencing legislation. Did he or did he not? What did he get the money for? What was the money sent for? Is it not a *concessum* in this case from the beginning to the end that the money was sent here for the purpose of procuring an appropriation for the benefit of the city of Jeffersonville? If it was sent here for that purpose, it was sent here for the purpose of influencing legislation. I do not care how, or through what medium, or by what means, it was sent here under that pretense.

Now, sir, that would have been sufficient in my judgment to authorize his expulsion from this House if it had stood alone. But in addition to that we go a step further, and we say he got that money under a false pretense. Why false? It was sent here for the purpose of procuring legislation upon the assumption that it was necessary to procure the legislation. Was it necessary? No, sir. It is a *concessum* throughout this whole case that the appropriation would have been made whether the money was sent or not. It is a fact proven in this case from the beginning to the end of it that that appropriation was already in the bill in the form of an amendment in the Senate, with every prospect and probability of going through the House before the money was sent.

What is the case then? The case so far is that he got the money under the pretense of influencing legislation. Secondly, he got the money under a false pretense, pretending that he had influenced legislation by the use of that money when in point of fact he had not.

Mr. ROBERTSON. I deny every word of that.

Mr. FINDLAY. I do not yield.

The SPEAKER. The gentleman declines to be interrupted.

Mr. FINDLAY. We have got that far. We have traced the money in his hands for an illegal purpose, or a purpose, as was well said by the gentleman from Virginia, that if this had been an action in court, if this had been a suit at law for the recovery of this money it could not have been recovered, because the contract was void as against public policy.

Just let me read a brief extract from a decision of the Supreme Court of the United States in Marshall *vs.* Baltimore and Ohio Railroad Company, 16 Howard:

> A contract is void as against public policy, and can have no standing in court by which one party stipulates to employ a number of secret agents in order to obtain the passage of a particular law, and the other party promises to pay a large sum of money in case the law should pass.

Was not the agent secret here? Who was the agent? This Mr. Hill. Who knew of Mr. Hill's employment? While this appropriation was in the different stages of its passage did he appear before any committee? No, sir. Did he file any brief? No, sir. Did he make any argument to anybody? No, sir. He was unknown in the transaction. This employment was of a nature which comes directly within the terms of that decision.

He was employed as a secret agent for the purpose of influencing the legislation upon this floor; and upon that the Supreme Court of the United States has set the seal, the emphatic seal, of its disapproval.

We have traced this money into his hands for an illegal purpose.

Mr. HENLEY. Does the gentleman decline to yield?

Mr. FINDLAY. I prefer not to yield.

Mr. HENLEY. I would like to know where the element of secrecy is in this case.

Mr. FINDLAY. If I had the time to take up this testimony, running through this record of one hundred and twenty-six pages, and to dissect it and analyze it as I have done in the quiet of my room, I think I could demonstrate to the gentleman where the secrecy is. But I have not the time. I must simply seize such salient points as I can and pass on without discussing matters of detail.

We have traced this money into his hands for an unlawful purpose. Who is to explain how he got rid of the money? Is it for us to account for how he got rid of it? Are we to come in and show what disposition he made of it, whether it was lawful or unlawful? No, sir. The onus is upon him. He must explain what he did with it.

Now what is his explanation? He says that making a casual acquaintance, as one dog makes the acquaintance of another dog, of this Hill on the floor of the House, having no introduction to him whatever, never having seen him before, knowing nothing under heaven about him, he meets him and they get to talking—about what? About levees. And it seems that Mr. Hill was particularly posted in levees, because he had been raised behind a levee. He gives that as a reason for it; and there is also evidence in the case to show that has been his business in life, levying on one thing or another ever since he was born. Making his acquaintance in that casual kind of way what does he do? He says, "I will give you $250 as a retainer in this case, and then you shall receive a thousand more contingent on the success of the appropriation," and the $250 is paid; and then, on Sunday, the 6th day of July, a telegraphic order is sent on here from Jeffersonville, and that $1,000 in the original package as taken from the bank Warder says he went into the office of the Sergeant-at-Arms and there handed over to Mr. Hill—every dollar of that money—which Hill himself says he did not count, and he did not know whether there was $1,000 in it or not. But he said Hill accepted it for $1,000.

And these gentlemen, having such reverence for the law, minutely careful that it should not be infracted in any particular, did not draw the receipt and date it as of Sunday, which was the 6th of July, but with a vigilance and careful respect for the law which does them credit they date the so-called receipt on Monday, the 7th of July.

How did that money get here? It got here on a dispatch from Warder to persons in Jeffersonville to send on the money at once; that he did not wish to be detained here; that the appropriation had been passed; that he would see to it that the money was not paid to the lawyer

(whose name had not been disclosed); he would see to it that the money was not paid to this undisclosed and unnamed as well as briefless attorney until the President had signed the bill. Mr. Warder is in a hurry to get the money here; and it comes on here in this way; and then, according to his statement, he pays it over in the original package, without counting it, to this man Hill.

Hill admits that he did nothing. Warder says that Hill did nothing except to give him a piece of advice; and what was that advice? It was a fraud in itself. "Do not come in and ask for the appropriation upon the real ground, but ask for it under a false pretense; do not come in and say you want it for the city of Jeffersonville, but come in and say you need it for the protection of the Government property located at Jeffersonville."

Mr. WARD, of Indiana, rose.

Mr. FINDLAY. Wait one moment. On that advice he says he paid Mr. Hill. Well, there is not a word of truth in that, for the simple reason that Mr. Stockslager had introduced a bill here early in the session based upon the same idea and for the same purpose. Senator HARRISON, of Indiana, at the other end of the Capitol, was working upon the same line; and he says that he acted upon his own suggestion, and not upon any hint from Mr. Hill, Mr. Warder, or anybody else.

Mr. MATSON. May I ask the gentleman a question?

Mr. FINDLAY. I decline to be interrupted.

Mr. MATSON. I only wanted to ask whether you meant to say that Senator HARRISON was guilty of "false pretenses."

Mr. FINDLAY. No, sir.

Mr. MATSON. You said Warder was guilty of "false pretenses."

Mr. FINDLAY. I did not say he was guilty of false pretenses. What I said was—and I repeat it—that the appropriation which went through this House and the other House did not go through on its merits, did not go through as an appropriation for the benefit of the city of Jeffersonville, but it went through as an appropriation for the purpose of protecting the Government property at Jeffersonville. That is what I say, and that is what I stand by. I accuse nobody in the other Chamber or in this of a false pretense.

[Here the hammer fell.]

The SPEAKER. The hour fixed by the House for the close of this debate has arrived. By order of the House the previous question now takes effect.

Mr. WARD, of Indiana. I ask leave to withdraw the substitute I have offered, and allow the gentleman from Alabama [Mr. OATES] to offer in its stead one which meets my approval.

Several MEMBERS. Read it.

The SPEAKER. The Clerk will report the proposition which the gentleman from Alabama desires consent to offer as a substitute for the resolution proposed by the committee.

The Clerk read as follows:

Resolved, That the conduct of Luther F. Warder, he being at the time an employé of the House, in receiving money from the city of Jeffersonville, Ind., to employ counsel to influence legislation in Congress, was a gross impropriety, and that this House hereby expresses its emphatic condemnation thereof; but the evidence adduced, in the opinion of this House, does not require his expulsion from the office he holds.

The SPEAKER. Is there objection to permitting this substitute to be offered in lieu of that heretofore submitted by the gentleman from Indiana [Mr. WARD]? The Chair hears none. The question is first upon the substitute proposed by the gentleman from Alabama [Mr. OATES] for the resolution reported by the committee.

Mr. FINDLAY. Let us have the yeas and nays on the substitute.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. Is not this substitute susceptible of division? May not that part of it which closes with the statement that the conduct of Mr. Warder was a "gross impropriety" be separated from the other part?

The SPEAKER (after examining the substitute). The Chair thinks the resolution offered as a substitute contains two distinct propositions, and is divisible.

Mr. BROWNE, of Indiana. Then I call for a division of the question.

The SPEAKER. The first question is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. BRECKINRIDGE, of Arkansas. Is an amendment in order?

The SPEAKER. It is not.

LEAVE OF ABSENCE.

Mr. MILLS. Mr. Speaker, before the vote is taken I desire to ask that the gentleman from Illinois [Mr. PAYSON] be excused from attendance to-day on account of sickness.

There was no objection, and it was so ordered.

WARDER CASE.

The SPEAKER. The question is first on that part of the substitute which will now be read.

The Clerk read as follows:

Resolved, That the conduct of Luther F. Warder, he being at the time an employé of the House, in receiving money from the city of Jeffersonville, Ind., to influence legislation of Congress, was a gross impropriety, and this House hereby expresses its emphatic condemnation thereof.

Mr. ROBERTSON. Mr. Speaker, is that in lieu of the original resolution?

The SPEAKER. This is offered as a substitute for the resolution reported by the committee, and the question is upon agreeing to the part of the substitute which has just been read.

Mr. ROBERTSON. If this be adopted, then it does away with the resolution reported by the committee.

The SPEAKER. If it is adopted, then the vote will be on agreeing to the resolution as amended; but there will be still another vote to be taken upon the remaining part of the substitute.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. Gentlemen all around me desire to know what will be the effect of the adoption of this portion of the substitute?

The SPEAKER. Whether this first part of the substitute be adopted or not, a vote must be taken upon the second part of the substitute, and if either of them be agreed to by the House, then the question will be upon agreeing to the resolution as amended.

Mr. ADAMS, of Illinois. Suppose the first part of the proposition is approved by the House, does not that first part thereupon become a substitute for the original resolution? Ought not the division of the question to come after the substitution of the substitute for the original proposition?

The SPEAKER. The Chair thinks it could not be done then.

Mr. SPRINGER. Mr. Speaker, I rise to a parliamentary inquiry. If we should adopt the first part of the substitute, and then should desire to adopt the resolution reported by the Committee as the conclusion thereof, could that be done?

The SPEAKER. It could not; because then the question would be upon agreeing to that resolution as amended by this.

Mr. BROWNE, of Indiana. Mr. Speaker, I withdraw my application for a division of the substitute.

The SPEAKER. The demand for a division of the question is withdrawn. The question then is upon agreeing to the substitute proposed by the gentleman from Alabama [Mr. OATES] for the resolution reported by the committee.

Mr. OATES. Mr. Speaker, I ask that the substitute be again read.

The substitute was again read in full.

The question was taken on the adoption of the substitute; and there were—yeas 136, nays 67, not voting 120; as follows:

YEAS—136.

Baker,	Dargan,	Ketcham,	Ryan,
Ballentine,	Davidson, R. H. M.	King,	Sawyer,
Barbour,	Dawson,	Kleiner,	Sayers,
Barnes,	Dibble,	Laffoon,	Seney,
Barry,	Dockery,	Lanham,	Shaw,
Bennett,	Dougherty,	Lawler,	Singleton,
Bingham,	Dowdney,	Libbey,	Sowden,
Bland,	Ely,	Lindsley,	Stahlnecker,
Bliss,	Foran,	Louttit,	St. Martin,
Blount,	Ford,	Lowry,	Stone, W. J., Ky.
Bound,	Funston,	Mahoney,	Symes,
Brady,	Gallinger,	Matson,	Tarsney,
Breckinridge, C. R.	Gay,	McCreary,	Taulbee,
Breckinridge, WCP.	Gibson, C. H.	Merriman,	Taylor, Zach.
Brown, C. E.	Gibson, Eustace	Morgan,	Tillman,
Brown, W. W.	Green, R. S.	Morrill,	Townshend,
Brumm,	Hale,	Muller,	Trigg,
Burnes,	Halsell,	Neal,	Turner,
Bynum,	Hanback,	Oates,	Van Schaick,
Cabell,	Haynes,	O'Donnell,	Wade,
Caldwell,	Heard,	O'Ferrall,	Wadsworth,
Campbell, Felix	Hemphill,	O'Neill, J. J.	Wallace,
Campbell, J. E.	Henderson, J. S.	Owen,	Ward, J. H.
Campbell, T. J	Henderson, T. J.	Peel,	Ward, T. B.
Carleton,	Henley,	Perry,	Warner, William
Catchings,	Hermann,	Peters,	Wheeler,
Clardy,	Hewitt,	Pettibone,	White, A. C.
Cobb,	Hill,	Pidcock,	Wilkins,
Compton,	Hires,	Pindar,	Willis,
Comstock,	Howard,	Reid, J. W.	Winans,
Crain,	Hutton,	Reese,	Wise,
Culberson,	Irion,	Richardson,	Wolford.
Curtin,	Johnston, J. T.	Riggs,	Woodburn,
Daniel,	Jones, J. H.	Robertson,	Worthington.

NAYS—67.

Allen, C. H.	Eldredge,	La Follette,	Randall,
Allen, J. M.	Everhart,	Le Fevre,	Reagan,
Beach,	Farquhar,	Lehlbach,	Rice,
Blanchard,	Findlay,	Long,	Scranton,
Boutelle,	Forney,	Lyman,	Seymour,
Browne, T. M.	Fuller,	Martin,	Skinner,
Buchanan,	Geddes,	McComas,	Spooner,
Buck,	Gilfillan,	McKinley,	Springer,
Burrows,	Glass,	McMillin,	Stone, E. F.
Butterworth,	Goff,	McRae,	Struble,
Campbell, J. M.	Hammond,	Milliken,	Thomas, J. R.
Candler,	Hayden,	Mitchell,	Wait,
Cannon,	Hepburn,	Moffatt,	Weaver, A. J.
Cowles,	Herbert,	Morrison,	Weaver, J. B.
Cox,	Holmes,	Nelson,	Wellborn,
Crisp,	Hopkins,	Outhwaite,	Wilson.
Davidson, A. C.	Johnston, T. D.	Payne,	

NOT VOTING—120.

Adams, G. E.	Bayne,	Cole,	Dingley,
Adams, J. J.	Belmont,	Collins,	Dorsey,
Aiken,	Boyle,	Conger,	Dunham,
Anderson, C. M.	Bragg,	Cooper,	Dunn,
Anderson, J. A.	Bunnell,	Croxton,	Eden,
Arnot,	Burleigh,	Cutcheon,	Ellsberry,
Atkinson,	Caswell,	Davenport,	Ermentrout,
Barksdale,	Clements,	Davis,	Evans,

Felton,	Johnson, F. A.	Osborne,	Stewart, Charles
Fisher,	Jones, J. T.	Parker,	Stewart, J. W.
Fleeger,	Kelley,	Payson,	Stone, W. J., Mo.
Frederick,	Laird,	Perkins,	Storm,
Glover,	Landes,	Phelps,	Strait,
Green, W. J.	Little,	Pirce,	Swinburne,
Grosvenor,	Lore,	Plumb,	Swope,
Grout,	Lovering,	Price,	Taylor, E. B.
Guenther,	Markham,	Ranney,	Taylor, Ike H.
Hall,	Maybury,	Reed, T. B.	Taylor, J. M.
Harmer,	McAdoo,	Rockwell,	Thomas, O. B.
Harris,	McKenna,	Rogers,	Thompson,
Hatch,	Millard,	Romeis,	Throckmorton,
Henderson, D. B.	Miller,	Rowell,	Tucker,
Hiestand,	Mills,	Sadler,	Van Eaton,
Hiscock,	Morrow,	Scott,	Viele,
Hitt,	Murphy,	Sessions,	Wakefield,
Holman,	Neece,	Smalls,	Warner, A. J.
Houk,	Negley,	Snyder,	Weber,
Hudd,	Norwood,	Spriggs,	West,
Jackson,	O'Hara,	Steele,	White, Milo
James,	O'Neill, Charles	Stephenson,	Whiting.

Mr. MILLS. I desire to announce that my colleague, Mr. STEWART, is confined to his bed by sickness.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I happened to be out in the hall when my name was called, but I would like to record my vote.

The SPEAKER. The Chair can not entertain the gentleman's request under the circumstances. The gentleman can state how he would have voted.

Mr. O'NEILL, of Pennsylvania. If I had been present, I would have voted ay.

On motion of Mr. RANDALL, the reading of names of members voting was dispensed with.

The following-named members were announced as paired until further notice:

Mr. STEWART, of Texas, with Mr. COOPER.

Mr. HALL with Mr. CUTCHEON.

Mr. ARNOT with Mr. DAVIS.

Mr. VIELE with Mr. LAIRD.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. WARNER, of Ohio, with Mr. GROSVENOR.

Mr. BOYLE with Mr. GUENTHER.

Mr. STONE, of Missouri, with Mr. REED, of Maine.

Mr. NEGLEY with Mr. BRAGG, on political questions.

Mr. CLEMENTS with Mr. HIESTAND.

Mr. EDEN with Mr. MARKHAM.

Mr. ROGERS with Mr. EZRA B. TAYLOR.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. FREDERICK with Mr. DUNHAM.

Mr. CROXTON with Mr. DORSEY.

Mr. STEWART, of Vermont, with Mr. TUCKER.

Mr. MILLS with Mr. HISCOCK.

Mr. MILLARD with Mr. SPRIGGS.

Mr. GLOVER with Mr. BUNNELL.

Mr. ADAMS, of New York, and Mr. JACKSON were announced as paired until Monday next.

Mr. HUDD and Mr. BAYNE were announced as paired until June 7.

The following were announced as paired for this day:

Mr. DINGLEY with Mr. DUNN.

Mr. VAN EATON with Mr. PAYSON.

Mr. HATCH with Mr. LITTLE.

Mr. SNYDER with Mr. ROCKWELL.

Mr. MAYBURY with Mr. KELLEY.

Mr. HARRIS with Mr. DAVENPORT.

The following were announced as paired on this vote:

Mr. MCKENNA with Mr. FELTON. If present, Mr. MCKENNA would vote no and Mr. FELTON ay.

Mr. J. M. TAYLOR with Mr. ERMENTROUT.

Mr. NEECE with Mr. FISHER.

Mr. HOUK with Mr. STEELE.

Mr. WHITE, of Minnesota, with Mr. ANDERSON, of Kansas.

Mr. ELLSBERRY with Mr. STRAIT.

Mr. FELIX CAMPBELL with Mr. PIRCE.

Mr. LAIRD with Mr. OSBORN. If present, Mr. LAIRD would vote against the report of the committee, Mr. OSBORN in its favor.

Mr. BRAGG with Mr. CASWELL. Mr. BRAGG would vote against the report of the committee, Mr. CASWELL for it.

Mr. HENDERSON, of Iowa, with Mr. THOMAS, of Wisconsin.

Mr. CONGER with Mr. PLUMB.

The result of the vote was then announced as above recorded.

Mr. OATES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred on the adoption of the resolution as amended.

The House divided; and there were—ayes 94, noes 43.

So the resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move private business be dispensed with for the balance of the day.

The House divided; and there were—ayes 85, noes 44.

Mr. PETTIBONE. No quorum.

The SPEAKER appointed Mr. PETTIBONE and Mr. HOLMAN as tellers.

Mr. PETTIBONE. I do not further insist on my demand.

The House divided; and there were—ayes 105, noes 56.

So the motion was agreed to.

Mr. HOLMAN. I move to dispense for to-day with the morning hour for the call of committees for reports.

The SPEAKER. That requires a vote of two-thirds.

The House divided; and there were—ayes 85, noes 13.

So (no further count being demanded) the motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, when the Speaker signed the same.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN moved that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The committee takes up for consideration a bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HOLMAN. I move that the first reading of the bill for information be dispensed with.

The motion was agreed to.

Mr. BUTTERWORTH. I want to reserve all points of order, so there may be no misunderstanding on that matter hereafter.

Mr. HOLMAN. That has already been done.

Now, Mr. Chairman, before proceeding further with the consideration of this bill I would like to ascertain whether or not by unanimous consent some arrangement can not be come to by which the time to be consumed on both sides in the general debate on this bill may be limited? I will suggest it be limited to three or four hours. If agreeable to members, say three hours of general debate on this legislative, &c., appropriation bill.

Mr. CANNON. It seems to me we had better allow it to run on without limit in the first instance. When we come out of committee into the House gentlemen may move to limit the debate.

Mr. HOLMAN. I suggest, then, the debate be limited to four hours.

Mr. CANNON. I think you had better let it run for a time, and you can tell whenever you wish to close the debate what is the temper of the House.

Mr. HOLMAN. Will the gentleman name the time which would be agreeable to members on the other side?

Mr. CANNON. A number of gentlemen about me say in the first instance they would prefer the debate should run without limit. Whenever we come out of committee gentlemen can indicate the time to which to limit the debate.

Mr. HOLMAN. Say four or five hours.

Mr. FARQUHAR. That is not sufficient time for so important a measure as this.

Mr. CANNON. Let it run until the committee rises.

Mr. RYAN. There is no purpose to delay unnecessarily action on the bill, and we had better let the debate run for to-day at least.

Mr. HOLMAN. That then will have to be the understanding for the present. Unless some gentleman desires to address the committee this evening I will move the committee rise.

Mr. REAGAN. Why not go on with the debate?

Mr. HOLMAN. I have stated if any gentleman wishes to address the committee I will yield to him.

Mr. BUTTERWORTH. I will say to the gentleman from Indiana no members on thisside have arranged to address the committee, as it was generally supposed the resolution which has been debated during the morning would consume the day.

Mr. HOLMAN. With a view to a recess, then, I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8975) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

PAYMENT OF FEES FOR RETURNING EVIDENCE.

On motion of Mr. RANDALL, the Committee on Appropriations was discharged from the further consideration of the Attorney-General's letter relating to the payment of fees for returning evidence; and the same was referred to the Committee on the Judiciary.

UNITED STATES PENITENTIARY, BOISE CITY, IDAHO.

On motion of Mr. RANDALL, the Committee on Appropriations was also discharged from the further consideration of letter of the Secretary of the Treasury relating to the United States penitentiary at Boise City, Idaho; and the same was referred to the Committee on Public Buildings and Grounds.

LIGHT-HOUSE AT GRAY'S HARBOR, WASHINGTON TERRITORY.

On motion of Mr. RANDALL, the Committee on Appropriations was also discharged from the further consideration of letter of the Secretary of the Treasury relating to light-house at Gray's Harbor, Washington Territory; and the same was referred to the Committee on Commerce.

FEES OF WITNESSES AND JURORS.

On motion of Mr. RANDALL, the Committee on Appropriations was also discharged from the further consideration of letter of the Secretary of the Treasury relating to fees of witnesses and jurors; and the same was referred to the Committee on Claims.

SALE OF DISTRICT PROPERTY.

Mr. HEARD. At the request of the commissioners of the District I ask to introduce a bill so it may be considered next Monday when the District business will be called up.

The SPEAKER. The Chair hears no objection.

Mr. HEARD introduced a bill (H. R. 9125) to authorize the sale of certain property for the benefit of public schools of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HOUR OF MEETING FRIDAY EVENING SESSIONS.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that during the balance of this session the recess to be taken on Friday evenings be hereafter from 5 to 8 o'clock instead of to half past 7. We tried it last Friday evening and found it to work more satisfactorily.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

DUTY ON FISH.

Mr. BOUTELLE, by unanimous consent, introduced a bill (H. R. 9126) to amend Title XXXIII of the Revised Statutes, relating to the duty on fish; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITE, of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Private Calendar the bill (H. R. 6265) for the relief of John Montgomery and put it upon its passage.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MORRISON. I object, unless we can have some explanation of it.

Mr. McMILLIN. Let the report be read.

Mr. SPRINGER. This is private bill day, and we have half an hour left before the time for taking the recess, so we might dispose of some bills to which there is no objection. I would like to have the report read in this case, however, before waiving the right to object.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. I object. This is an ordinary war claim, and there are thousands of them in the committee-rooms and on the Calendars, and I shall object to it.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I desire to call up if I can by unanimous consent the bill (S. 30) for the relief of Harry J. Todd, keeper of the penitentiary of Kentucky, which bill simply gives him the right to appeal to the Court of Claims.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read at length.

Mr. SPRINGER. I will reserve the objection until I can hear the report read.

Mr. BRECKINRIDGE, of Kentucky. I think I can state it in a much shorter time than the report can be read.

Mr. SPRINGER. How much is the amount involved?

Mr. BRECKINRIDGE, of Kentucky. I do not know the amount. The facts are these, and it is a question of this sort: Harry J. Todd was keeper of the Kentucky penitentiary and was charged under the income-tax law a percentage upon the amount received by him as such keeper. The Supreme Court afterward decided that it was unconstitutional; that officers receiving salaries from the States—State officers—could not be taxed upon their salaries. This is simply a bill allowing him to go before the Court of Claims and adjudicate his claim for a refund of the tax——

Mr. LONG. The amount involved then is probably inconsiderable?

Mr. BRECKINRIDGE, of Kentucky. It may be more than you think, because he was paid by a percentage on the amount resulting from the expenditure for prisoners in the penitentiary.

Mr. SPRINGER. I think I would prefer to hear the report read before consenting.

Mr. BRECKINRIDGE, of Kentucky. I believe the gentleman himself made the report.

Mr. SPRINGER. I do not know how that may be; but still I think it had better be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. I will have to object to this, although I dislike to do it.

Mr. RANDALL. I move that the House take a recess until 8 o'clock this evening for the consideration of bills under the special order.

The question was taken; and on a division there were—ayes 52, noes 11.

So the motion was agreed to; and accordingly (at 4 o'clock and 37 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

At 8 o'clock the House was called to order by the Clerk, who directed the reading of the following communication from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 4, 1886.

SIR: I hereby designate Hon. BENTON McMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House assembles.

The special order was read.

Mr. WINANS. I move that the House resolve itself into Committee of the Whole House for consideration of bills on the Private Calendar under the special order.

The House accordingly resolved itself into Committee of the Whole House, Mr. ADAMS, of Illinois, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for consideration of bills on the Private Calendar under the special order.

The Clerk will report the first bill.

The Clerk read the title of the first pension bill on the Private Calendar, as follows:

A bill (H. R. 4097) for the relief of William J. Owings.

Mr. MORRILL. I ask that that bill be passed over without prejudice.

There was no objection, and it was so ordered.

The Clerk read the title of the next pension bill on the Private Calendar, as follows:

A bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. MORRILL. That is a general bill and does not come under the order for this evening.

The bill was passed over, retaining its place on the Calendar.

PHŒBE H. MEECH.

The next business on the Private Calendar was the bill (H. R. 1649) granting a pension to Phœbe H. Meech; reported by the Committee on Pensions.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Phœbe H. Meech, widow of Horace J. Meech, late a second lieutenant in the Second Regiment New York Volunteers, in the Mexican war, and to pay to her, from and after the passage of this act, a pension at the rate of $15 per month, in lieu of the pension she is now receiving.

Mr. ZACH. TAYLOR. When this bill was up for consideration before I opposed it, because I was not satisfied that the officer, the husband of the claimant, had ever been mustered as a second lieutenant. Since that time I have seen a certificate from the proper officers in Albany, N. Y., from which State he went into the Mexican war, showing that his commission as second lieutenant was issued to him some six months before he was discharged from the Army. I have reason to believe, from other evidence, that his commission was retained by his superior officers. I withdraw any further opposition to the bill.

Mr. BLANCHARD. I ask that the report may be read.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1649) granting a pension to Phœbe H. Meech respectfully submit the following report:

Phœbe C. Meech is the widow of Horace J. Meech, who was a soldier in the Mexican war, serving gallantly and faithfully. By the records of the adjutant-general's office at Albany, N. Y., he is shown to have been commissioned second lieutenant in the First Regiment Volunteers on the 19th day of February, 1848, with rank from that date. Also, the same fact is shown by quite a number of witnesses. Whether he was mustered or served as a second lieutenant is not clear. He was honorably discharged on the 28th day of June, 1848. He applied for a pension, but died in 1851, before receiving the same. The applicant was pensioned in 1875, but only from that date and only at the rate of $8 per month.

From all the facts in the case your committee are of the opinion that she is entitled to receive pension as a widow of a second lieutenant. They therefore recommend the passage of the bill.

Mr. BLANCHARD. I ask the gentleman in charge of this bill whether this officer was duly commissioned second lieutenant? As no gentleman answers my question I ask is anybody responsible for this bill? It proposes to increase the pension of this lady on the ground that she is the widow of a second lieutenant.

Mr. BRADY. I understand from the report he was commissioned second lieutenant.

Mr. BLANCHARD. Was there any evidence of that before the committee?

Mr. BRADY. I do not recollect distinctly the evidence in this case, but I presume there was such evidence or the committee would not have made the report.

Mr. BUCHANAN. The gentleman from Tennessee [Mr. ZACH. TAYLOR], whom I do not now see in his seat, remarked a few moments ago that he had opposed the bill on a previous evening because he did not understand that this lieutenant had been mustered. He remarked he had since ascertained that the lieutenant's commission was issued, but through some neglect the commission did not reach him. The commission was signed and issued in good faith. The gentleman was perfectly satisfied the case was a meritorious one, and he withdrew the objection he had made to the bill the other evening.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER ADAMS.

The next business on the Private Calendar was the bill (H. R. 7163) granting a pension to Peter Adams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter Adams, late of Company D, One hundred and sixty-fifth Regiment Pennsylvania Volunteers.

Mr. WINANS. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7163) granting a pension to Peter Adams, submit the following report:

Claimant was a private in Company D, One hundred and sixty-fifth Pennsylvania Volunteers, and asks a pension for an injury to the left testicle caused by falling down an embankment. The application was rejected on the ground of no record and claimant's inability to furnish satisfactory evidence. The stumbling-block in the case seems to be a letter written by Dr. William C. Stern, dated September 28, 1883, that claimant told him in 1860 that he was ruptured, and says he knows this by reference to his books. December 1, 1883, Dr. William C. Stern, presumably the same person, testifies under oath that up to February, 1859, claimant was a sound man, and that in September, 1863, he told affiant that he was ruptured, and affiant advised him to get a truss and wear it; that he knows this from reference to his books, and that the record of this advice and a record of treatment in 1870 for fever includes the principal medical treatment of Peter Adams for nineteen years. The letter and the affidavit are flatly contradictory, and your committee deem both as unworthy of credence, and conclude that the case ought to be decided upon other evidence submitted.

Capt. J. H. Plank, the captain of the company, testifies that he has known claimant since 1854; that he served with him nine months in the service, and knows that he was a sound man before he enlisted; that on or about the — day of May, 1863, at Windsor, Va., I found him incapacitated for duty while then 18 miles from camp, and ordered him to return in the ambulance. He was wholly unable to do any duty. His sickness seemed to be serious. He was a good and faithful soldier.

John Strambough testifies to prior soundness and gives reasons for knowing which are perfectly satisfactory to your committee. He also states that the claimant was injured at discharge; that the rupture was about the size of a turkey's egg, and that claimant described the manner of receiving it, which corresponds with his statements in the declaration.

Henry J. Lawrence testifies that while marching at night claimant accidentally fell and seriously and permanently injured his left testicle; that he saw him just before the accident, when he was well, and saw him again the morning after it happened, when he was disabled and was taken away in the ambulance. The evidence of continuance seems to be unquestioned. It is proven by evidence of one physician and five or six neighbors. The examining board at York, Pa., report: "We find upon examination an enlargement about the size of a man's fist, &c.;" and they rate the disability at one-half.

There seems to be no reason whatever (aside from Dr. Stern's letter) to doubt that the disability was received in the service and has continued ever since.

Your committee recommend the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask whether this case has ever been presented to the Pension Bureau?

Mr. BRADY. Yes, sir. The report shows that it has been before the Pension Bureau.

Mr. BRECKINRIDGE, of Arkansas. I was not present during the reading of the entire report. On what grounds was the application rejected?

Mr. ROWELL. The report states that the application was rejected because there was no hospital record of the disability.

Mr. BRECKINRIDGE, of Arkansas. What evidence have we of that which was not in possession of the Pension Bureau?

Mr. ROWELL. There is the evidence of four or five witnesses set forth in the declaration.

Mr. MORRILL. If the gentleman from Arkansas will allow me, I will state that this application was rejected by the Pension Bureau because a Dr. Stern wrote a letter in which he stated the disability existed in 1860. Afterward he made an affidavit that he learned of the disability in 1863, and that he then treated the man for it. The application was rejected on that contradictory evidence, and because there was no hospital record. The captain of the company testifies positively as to the time when the soldier received the injury. The evidence of prior soundness given by comrades was very strong.

Mr. BRECKINRIDGE, of Arkansas. Have we any stronger evidence than the Pension Bureau had?

Mr. MORRILL. If we are only to pass pension cases which the Pension Office might properly pass, there would be no further occasion for the Committee on Invalid Pensions reporting. But this was an extremely strong case.

Mr. BRECKINRIDGE, of Arkansas. As I conceive the course we should pursue, we ought not to pass any pension case that comes within the power of the Pension Bureau and which they have considered as not established. I think they, with their trained force, and certainly their friendly disposition toward pensioners, are better able to judge within the limits prescribed to them than we are.

Cases frequently come up that are very meritorious, but which are not covered by the general powers given to the Pension Bureau. They are cases that the Pension Bureau can not pass whatever may be the merits, and they may properly come up for the action of Congress. But if this is a case that has attached to it at this time only the evidence that it possessed before the Pension Bureau, and is one that the Pension Bureau has full power to act upon, but refrained from action because they considered it not established, I should only give my consent to it upon the most conclusive proof that the Pension Bureau has acted in an unjust manner toward the claimant.

Mr. MORRILL. In reply to the gentleman from Arkansas I will say that it seemed to me after an examination of the case that it ought to be allowed. The only knowledge I have of it is derived from a careful examination of all the papers. The bill was introduced by a gentleman from Pennsylvania, and by special request was referred to me for examination. I gave it special care upon that ground and it seemed to me the proof was absolute as to the injury. The conflicting testimony in the case was that of Dr. Stern, who flatly contradicted himself.

Mr. BLANCHARD. Was he the regimental surgeon who treated this soldier?

Mr. MORRILL. Not at all. He was a physician living in the place where this man resided; and he wrote this letter that in 1860 this applicant consulted him about this disability. Afterward he made an affidavit that this occurred in 1863.

A MEMBER. When did the injury occur?

Mr. MORRILL. I think in 1862.

Mr. BRECKINRIDGE, of Arkansas. Suppose the Pension Bureau came to the same conclusion that you have come to, that the case was probably a meritorious one, that that part of the evidence which was unfavorable was not as weighty as that which was favorable, and that the man ought to have a pension, would not the bureau at this time have the power to grant him a pension?

Mr. MORRILL. I suppose they would have the power now. The case was rejected some years ago.

Mr. BRECKINRIDGE, of Arkansas. But that does not interfere with the right of review.

Mr. MORRILL. Well, Mr. Chairman, I will say in answer to the gentleman's question that the Pension Office requires clear, positive proof of the incurrence of the disability in the service, and that wherever there is a doubt, oftentimes a very unreasonable doubt, the office rejects the case. For that reason it has been the custom of Congress to pass favorably upon cases in which they thought the Pension Office had decided unjustly.

Mr. RANDALL. Or upon technicalities.

Mr. MORRILL. Or upon technicalities.

Mr. BRADY. I will say to the gentleman from Arkansas that it has been almost the invariable practice of the Pension Bureau to reject cases upon mere technicalities.

Mr. BRECKINRIDGE, of Arkansas. Is there any technicality in this case?

Mr. BRADY. Certainly.

Mr. BRECKINRIDGE, of Arkansas. What is it?

Mr. BRADY. It has been stated by the gentleman from Kansas [Mr. MORRILL]. I speak from experience when I say that the rule of the Department has been to reject many meritorious cases on technical grounds.

Mr. BLANCHARD. Mr. Chairman, I wish to ask the gentleman from Kansas [Mr. MORRILL] whether his committee has reversed the decision of the Pension Bureau upon the same evidence that was before the bureau, or whether the report of the committee is based upon additional evidence?

Mr. MORRILL. In answer to the gentleman from Louisiana I will say, that upon evidence no stronger than the evidence in this case he, as a lawyer, could undoubtedly go before any intelligent jury in the country and convict a man of murder; yet the Pension Office rejected the case. The Committee on Invalid Pensions have, in a large majority of cases coming before them, reviewed the evidence submitted to the Pension Office, and where they have thought the rulings unjust or unreasonable they have recommended the allowance of the pension.

Mr. GROUT. Will the gentleman permit me a question?

Mr. MORRILL. With pleasure.

Mr. GROUT. I suppose that in your report you present a summary of the evidence?

Mr. MORRILL. Yes; and it is an extremely strong case.

Mr. GROUT. Certainly the evidence as recited in the report does present a strong case in favor of the claim.

Mr. BRECKINRIDGE, of Arkansas. I was not present, Mr. Chairman, during the reading of the first part of the report. I will simply say this. As the gentleman from Kansas [Mr. MORRILL] is so firm in his belief in the merits of the case, and as I know he is honest in that belief (as I am sure he is in all the opinions he expresses here), and as I have not heard the whole of the report read, I will make no objection to this case; but I think that the evidence should be just as clear and strong as I have no doubt the gentleman believes it to be here before we should take up a case that can be acted upon by the Pension Bureau, especially a case in which the bureau tells us the claimant is not entitled to a pension.

Mr. HAYNES. Mr. Chairman, I would say to the gentleman from Arkansas [Mr. BRECKINRIDGE] that if he had had as much experience in "punching up" cases in the Pension Office as some other members here he would lose his faith in the infallibility of the office. Those members who have many pension cases to handle are well aware from experience that in many cases which have been rejected in the Pension Office it is not unusual, by going there and having the evidence reviewed, to get a reversal of the adverse judgment without introducing a single word of new evidence. Only within a few days past my colleague who sits by me, a physician [Mr. GALLINGER], came to me with a case which had been rejected upon the opinion of the medical experts of the Pension Office. He came to consult with me about introducing a bill for the relief of the claimant. He was so firm in his belief that the medical judgment was wrong that I suggested to him that he had better go down first and see the medical reviewer. He did call at the office, and, upon looking at the case again, the reviewer, without any argument being submitted, reversed his former decision. I simply mention this case to illustrate the point that the Pension Office is not infallible in its judgments, and that our judgment is just as liable to be good in certain cases as that of any clerk or any employé of the Pension Bureau.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I have no doubt that what the gentleman says about decisions being in many instances reversed upon re-examination is true, and I think it is to the credit of the bureau that when they find they have made a mistake they are willing to correct that mistake. Nevertheless, that is the machinery which we have supplied for the purpose of deciding upon these pension cases.

If it is not good we should make it good. We should not seek to convert Congress, with far more business of other classes than it can attend to properly, into a pension bureau. Congress ought not to take up any pension cases except those in which it can be clearly shown that the bureau, though having the power, is yet undoubtedly at fault, and those meritorious cases which do not come within the general scope of the power granted to the bureau. Exceptions of this sort must always come to Congress, and I think such cases ought to be received here in a very liberal spirit. While we should require clear evidence to support them, yet upon such evidence we ought very cheerfully to vote in favor of them. I heed all that the gentleman says; and this is the opinion I entertain.

Mr. ROWELL. Mr. Chairman, at the very opening of this evening session an objection is raised which would reject ninety-nine out of every one hundred pension bills—no, probably not quite that many.

A MEMBER. About seventy-five out of a hundred.

Mr. ROWELL. Seventy-five out of every one hundred pension bills passed by Congress are passed upon the judgment of the appropriate committee that the Pension Bureau has not properly weighed the evidence, has improperly rejected the claim upon the evidence; that the Pension Bureau has rejected the claim, not because of technical objections, but because it has misjudged the case upon the evidence. And it is proper right here to consider whether we ought to pass bills of that character.

Now, everybody knows that a chief of division, not the Commissioner of Pensions, first reviews the case. The Commissioner does not examine personally one case in a thousand. Some chief of division may conclude that the case has been proved. He sends it to a reviewing officer and the reviewing officer rejects it. I recollect examining a case within the last two weeks where two special examiners in the field had examamined and cross-examined the witnesses and reported very strongly in favor of the allowance of the application; yet the reviewing officer in the Pension Bureau rejected the claim on the express ground that there was no proof that the disability had been incurred in the Army, notwithstanding the fact that the Army surgeon had positively sworn, not only in an affidavit which was filed, but before the special examiner, that the man was in the ambulance corps, and that this disability was incurred while he was a member of the ambulance corps; that the surgeon knew him intimately and treated him for the disability. Notwithstanding the fact that there was on file the strongest kind of evidence of the character and credit of this surgeon, showing that he was so careful in filing affidavits that the members of his regiment found fault with him, yet the reviewing officer rejected the case on the ground that there was no evidence of the incurrence of the disability in the Army.

I recollect another case—a case that has gone through this Congress—which was rejected by throwing out the testimony of a man who was in the battle where the applicant for a pension had been wounded; and this testimony was thrown out on the ground that the record showed that the man who gave the testimony was in the regimental hospital at the time of the battle, though this same witness was pensioned for a wound received in that very battle.

Such is the character of the cases rejected sometimes at the Pension Office when they happen to get into the hands of an unskillful reviewer. Among a thousand employés you may have five hundred or six hundred or seven hundred good ones, and you may have others who are not so good. It is to correct errors of this kind that we meet here every Friday evening; and I insist it is not a proper objection——

Mr. BLANCHARD. I would like to ask the gentleman a question. When a pension case is reviewed in the Pension Office, and the reviewer passes upon it, either allowing it or rejecting it, is that the end of it, or does it pass before some other officer for further examination?

Mr. ROWELL. That is in general the end of it. In the very case of which I spoke, when the attention of the reviewing officer was called to the fact that he had falsely stated there was no evidence in the records of the incurrence of disability in the Army, he said he would take the matter under advice; and a week afterward he writes an opinion reaffirming his former decision. The only way to secure justice in such cases is to bring them before Congress.

Mr. BLANCHARD. Another question. If the reviewing officer rejects the case, then, as I understand the gentleman, it goes to no other reviewing officer in the Pension Bureau.

Mr. ROWELL. It may go to the Secretary of the Interior.

Mr. BLANCHARD. I was about to ask whether an appeal was not allowed to the Secretary of the Interior.

Mr. ROWELL. Oh, yes, such an appeal can be taken in any case; a year or two years will be occupied in reaching it; and the chances are ten to one that the decision will be reaffirmed unless there is somebody right there to argue and protest. In other words, there is *pro forma* affirmance of the judgment below. In other words, that judgment, after a delay of a year or more, is in general affirmed without examination.

Mr. BRECKINRIDGE, of Arkansas. If it does not trespass upon the courtesy of my friend from Illinois——

Mr. ROWELL. Not at all.

Mr. BRECKINRIDGE, of Arkansas. I will say, without wishing to detain the committee, that I have listened with interest to what the gentleman has said. I do not think, however, that his remarks impeach the soundness of the view I have expressed that we should exercise particularity and care in acting on these pension cases. That is about the sum and substance of my position.

Mr. ROWELL. That is all right.

Mr. BRECKINRIDGE, of Arkansas. Furthermore, if there are incompetent reviewers in the Pension Bureau the chief remedy for that trouble is not to be in flooding thousands of cases before Congress.

Mr. ROWELL. Allow me to answer that?

Mr. BRECKINRIDGE, of Arkansas. Wait until I complete it. The proper remedy is to get well-attested cases and have the reviewers removed.

Mr. BROWN, of Pennsylvania. Who is going to attend to that?

Mr. BRECKINRIDGE, of Arkansas. That we must attend to in a more general way than to crowd a thousand cases here. I do not think there could be a more careless review than by our committee as a general thing. I do not mean to cast any reflection on the Committee on Invalid Pensions, because I think it is an honest and competent committee.

Mr. ROWELL. It has been my experience in the employment of men and women that where there are large numbers employed it is impossible to have all of them first class men or women. You get the average. You find all to be equally competent men. One has a technical mind and is always hunting for technical objections. Another has a broad and liberal mind. Both of them are honest, and both desire to do what is right. One reviews the case and it is passed. If it fell into the other reviewer's hands it would be rejected. That is part of our poor humanity. It is not possible to get a body of reviewers each one of whom will come to the same conclusion any more than it is possible in every case to get a supreme court to be united in opinion in all causes.

Now, every private bill which comes before Congress, if it is passed it is because in the judgment of Congress justice will not be done in the Department or has not been done.

Mr. BRECKINRIDGE, of Arkansas. Frequently there is no jurisdiction in the Department.

Mr. ROWELL. But frequently there is.

Mr. BRECKINRIDGE, of Arkansas. I am only speaking of cases where there is jurisdiction. We are slow to grant any claim that has a remedy before any court.

Mr. ROWELL. We have been in the habit for many years of granting these pension claims.

Mr. BLANCHARD. One more question.

Mr. ROWELL. One more only, then, as I want these pension cases passed.

Mr. BLANCHARD. It is the most expeditious way of passing them.

Mr. ROWELL. I will hear the gentleman's question.

Mr. BLANCHARD. The gentleman speaks of the reviewer in the Pension Bureau sitting on pension cases. Now, is it not a board of reviewers?

Mr. ROWELL. Nominally it is a board of reviewers, but you will find only one reviewer reviews each case.

Mr. BLANCHARD. Of how many persons is the board of reviewers composed?

Mr. ROWELL. I think there are about forty.

Mr. BLANCHARD. How many did the gentleman say—three?

Mr. ROWELL. No; forty. In the board of review one man takes one case and another another.

Mr. BLANCHARD. How many take a case?

Mr. ROWELL. Only one. In the board of review one man takes one case and another another. You will find where a case has been sent by the chief of division properly approved it will be returned signed by only one reviewer. One single reviewer passes the case and returns it. It is not looked at by any other.

Mr. BLANCHARD. Does the gentleman say of all those composing the board of review each case is examined by only one reviewer.

Mr. ROWELL. I say under the present régime I have not yet been able to get the Commissioner or the deputy commissioner to examine anything after it has been returned on the part of the reviewer.

Mr. McMILLIN. But is it not a fact that the board passes upon them?

Mr. ROWELL. No; only one reviewer passes on each case.

Mr. McMILLIN. I say when the Department approves?

Mr. ROWELL. That is in the case of an appeal.

Mr. GALLINGER. That is in the case of a rereview.

Mr. ROWELL. There is a board of medical reviewers.

Mr. McMILLIN. They do not pass upon the facts.

Mr. ROWELL. They are medical examiners.

Mr. McMILLIN. I knew there was one department there where more than one man was engaged in such work.

Mr. ROWELL. But even that is done by one man.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET WELCH.

The next business on the Private Calendar was the bill (S. 1383) granting a pension to Harriet Welch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Harriet Welch, widow of Cyraneous Welch, late a private in Company C, Thirty-eighth Regiment Wisconsin Volunteers, at the rate of $8 per month, and $2 per month for each of her children under the age of sixteen years, subject to the provisions and limitations of the pension laws.

The report (by Mr. WINANS) was read, as follows:

The committee adopt the Senate report, as follows:

Harriet Welch is the widow of Syraneous Welch, private, Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, who was pensioned for gunshot wound of his left leg, received in the military service and in the line of his duty. The rate of pension was increased from one-half to three-quarters because of increasing disability in the wounded leg. Again applying for increase of pension, he was directed to report for examination before the examining board of surgeons convened at Green Bay, Wis. Returning from Green Bay, Wis., he fell from the cars and was killed, September 7, 1877.

John Hammer filed affidavit May 22, 1884, that "soldier's leg was so crippled that he could not depend upon it and that it gave way many times and caused him to fall." That it is his belief that in attempting to pass from one car to another while returning from Green Bay his leg gave out and caused him to fall between the cars, when he was crushed to death.

In view of all the facts, the committee believe it to be their duty to report in favor of this bill, and recommend its passage, with the following amendment: Strike out in the seventh, eighth, and ninth lines the words "at the rate of eight dollars per month, and two dollars per month for each of her children under the age of sixteen years" and insert "and her minor children" in lieu thereof.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA O. HUTCHINGS.

The next business on the Private Calendar was the bill (S. 1382) for the relief of Lydia O. Hutchings.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Lydia O. Hutchings, mother of George T. Pomeroy, late a private in Company C, One hundred and eighty-sixth Regiment New York Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The [illegible] (by Mr. WINANS) was read, as follows:

Lydia [illegible]tchings is the dependent mother of George T. Pomeroy, late a private in Company C, One hundred and eighty-sixth Regiment New York Volunteer Infantry, who was shot dead in the line of his duty April 2, 1865. That at the time of his death Lydia O. Hutchings, the mother, was dependent upon the said son, George T. Pomeroy, for her support, and accordingly lived at his (the son's) house at the date of his enlistment, and continued to be supported by him until his death; and after his death that she lived with the widow of soldier until the widow of said soldier died, on or about August 31, 1869; that said soldier left no children.

The fact of the widow Hannah Pomeroy's death is supported by affidavit of Lydia O. Hutchings, filed December 5, 1882; also, by affidavit of Emelia Beckley, filed December 5, 1882; also, by affidavit of E. C. Draper, filed January 17, 1883.

The claim that the widow, Hannah Pomeroy, left no children is supported by affidavit of E. C. Draper, brother of Hannah Pomeroy, deceased; also, by affidavit of Lydia O. Hutchings.

The soldier's widow was pensioned by certificate No. 67038.

Taking into consideration all the circumstances of this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARRILLA PARSONS.

The next business on the Private Calendar was the bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marrilla Parsons, of Detroit, Mich., dependent stepmother of Daniel P. Parsons, late captain of Company D, Eleventh Missouri Cavalry.

The report (by Mr. WINANS) was read, as follows:

The facts in this case show that Marrilla Parsons is the widow of the late ex-Governor Andrew Parsons, of the State of Michigan, and the stepmother of the late Daniel P. Parsons, who enlisted in Company B, Thirteenth Regiment of Illinois Infantry, on the 24th of May, 1861; that he was discharged on the 1st day of February, 1863, for promotion as captain of Company D, Eleventh Regiment of Missouri Cavalry, and that from exposure incident to his service he was taken sick and died of consumption at Sterling, Ill., on the 13th of August, 1864, leaving no widow or children surviving him. Under the law Mrs. Parsons is not entitled to a mother's pension, being the stepmother of the deceased, but the papers in the case show that from the time of her marriage until Daniel Parsons, the deceased, left home she exercised the same care over him as a mother would have done, and that after the death of her husband and his father, in 1854, the said Daniel Parsons contributed from his wages to her support as if he had been her own son, and continued to do so up to the time of his death. She received from him the same treatment and affection that would have been given if he had been her son.

The papers also show that Mrs. Parsons, for whom a pension is asked, was dependent upon the support given her by said Daniel Parsons, and that since his death she has been dependent upon other friends, having no property herself.

Your committee recommend the passage of the bill for the reason that Marrilla Parsons is as much entitled to a pension as if she had been the natural mother of the late Daniel P. Parsons.

Mr. BLANCHARD. This is a case, it seems to me, Mr. Chairman, entirely outside the law. It is not a case of a pension being granted to the mother of a deceased soldier, but the case of granting a pension to a stepmother, not provided by the pension laws at all.

Mr. NEECE. Why should she not be pensioned where she has raised the child?

Mr. GROUT. That is just the reason why this bill is introduced, for the purpose of making her case a special exception because she does not come within the provisions of the law.

Mr. TIMOTHY J. CAMPBELL. If she is a good stepmother she ought to have a pension.

Mr. BLANCHARD. I can well understand, Mr. Chairman, that where reviewers of the Pension Office reject a case because of the insufficiency of testimony, or on some technical ground, we are asked to make exceptions to the general law and grant such party a pension where the testimony warrants it; but here is a case that does not come under any provision of the law whatever. There is no evidence in this case that the reviewers of the Pension Office rejected this claim on any technicality or any insufficiency of testimony. I question, indeed, whether it is a case that has ever been presented at all.

Mr. BRECKINRIDGE, of Arkansas. Will my friend from Louisiana pardon me for interrupting him a moment?

Mr. BLANCHARD. Certainly.

Mr. BRECKINRIDGE, of Arkansas. This, as I understand it, is a case over which the Pension Bureau has no control whatever.

Mr. BLANCHARD. None at all.

Mr. BRECKINRIDGE, of Arkansas. The law does not provide for pensioning stepmothers. Now, I think this is a very meritorious case. I would draw the line at mothers-in-law, but I would not draw it at stepmothers [laughter], especially such as this.

Mr. TIMOTHY J. CAMPBELL. Especially if she is a good one.

Mr. BRECKINRIDGE, of Arkansas. And I have no doubt that she was a good one. She seems to have taken good care of this child and supported it with the warmest affection; and he seems to have recognized what men do not always recognize, that there is an equal claim upon him for reciprocal affection and honor toward the relict of his father, and to discharge toward this stepmother the duties which he would properly owe to his own mother—this stepmother who had exhibited and sustained such affection toward him. She is now entirely dependent upon the Government since her maimed pensioned son has been removed by death. I think, therefore, my friend from Louisiana is mistaken in citing the jurisdiction of the bureau as against this case. He draws the line just a little too much inside. It is well to cut off the mothers-in-law, but not always the stepmothers.

Mr. BLANCHARD. It was not my purpose, Mr. Chairman, when I rose to oppose this bill to the extent of calling a quorum upon it, but simply to call the attention of the House and the country to the extent which we are going in this pension legislation. I confess since I have been a member of this House I have not been attending regularly these Friday night sessions, and I do not know whether or not there has been any case similar to this passed upon by the House.

Mr. GROUT. Plenty of them.

Mr. WINANS. I will say, with the consent of the gentleman from Louisiana, that this is one of those cases that necessarily come before Congress. It can not be allowed by the Pension Department, because the law does not provide for it, she not being the natural mother of the soldier; and yet her relations sustained toward the son were of the most tender character, as shown by the report, and would entitle her to a pension as much as the natural mother. She reared this young man from a tender age, bearing toward him all the relations of a mother up to the time of his death. It could not under the circumstances be considered by the Pension Office, and it is properly a case to come before this body. And it could not be allowed in the Pension Office, and therefore this is a legitimate case to come here. I will say to the gentleman there have been a great many such cases, and this is the place to which to bring them for relief.

Mr. BLANCHARD. Many cases like this allowing pensions to stepmothers?

Mr. WINANS. Very many of them.

Mr. BLANCHARD. Then, if that be so, I do not see why the line should be drawn on this particular stepmother. But I for one am here to protest against the allowance of pensions in any such cases as this, not to the extent of calling a quorum on this case, but simply to express my opposition to it.

Mr. GLASS. I think probably this case had better go over and wait the action of a full House.

Mr. WINANS. I hope my friend will not insist upon that. This is one of the clearest cases that could be brought before the House for relief by Congress. This woman has no property, and no means of support. She was clearly dependent upon this stepson, who supported her. Her husband is dead. The son is now dead. She was as much dependent on this son as if she had been his natural mother. It is a clear case for relief, and there should be no objection to it. There have been many such cases passed without objection, and it seems to me just as deserving a case as though this woman had been the natural mother of this dead soldier.

Mr. GLASS. I will not press the objection. I think a general law could be passed to meet all this class of cases.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. SCOTT. I ask consent that members present be allowed to call up bills out of their order on the Calendar.

Mr. BRADY. I object.

WILLIAM H. BECK.

The next business on the Private Calendar was the bill (S. 1400) granting a pension to William H. Beck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Beck, late of Company K, Eighth Iowa Veteran Volunteer Infantry.

Mr. BLANCHARD. I call for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1400) granting a pension to William H. Beck, submit the following report:

The report of the Senate Pension Committee in this case, which is full and complete, is adopted, and reads as follows:

"That the records in this case show that William H. Beck enlisted as a private in Company K, Eighth Regiment Iowa Volunteers, on September 21, 1861, and was discharged April 20, 1866; declaration for pension filed April 4, 1879, alleging that on or about June 15, 1863, claimant incurred epilepsy, since which time epileptic attacks come on from one to ten days apart; claim rejected on the ground "that there is no record of the alleged epilepsy, and claimant has declared his inability to furnish testimony of commanding officer as to origin, of regimental surgeon showing treatment in service, or medical testimony showing existence at discharge."

"Claimant testifies that on or about May 18, 1863, he came from guard duty and went to sleep in a trench in the hot sun, close to where a piece of heavy artillery was being fired almost constantly, and the next thing claimant realized he was being carried to a temporary hospital in rear of the trenches, where he remained a few days, and then returned to duty, and that ever since that time the epileptic fits have become more frequent and severe.

"Claimant's testimony is corroborated by affidavits of comrades Corporal M. Ryan and Private L. M. Kensey, who found him in the trench, as stated, and that at each discharge of the artillery it brought on another fit.

"Also the testimony of Samuel B. Davidson, who was present at that time, and who had been with claimant from September 21, 1861, until that time, and knew he was sound and healthy.

"Testimony of claimant is further corroborated by affidavits of neighbors and friends and the family physician as to claimant being sound and free from epilepsy or other diseases before enlistment, and the testimony of neighbors as to the occurrence of the epileptic fits since claimant's discharge.

"To all this testimony there is to be added the certificate of the examining surgeon under the direction of the Pension Office, signed L. A. Perce, M. D., to the effect that he contracted this disease in the service, and that he is 'entitled to one-half total pension for privates, or $4.'

"We can see no reason why this pension should not have been allowed by the Pension Office."

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT HOLSEY.

The next business on the Private Calendar was the bill (S. 1288) granting a pension to Robert Holsey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Holsey, late of Company H, Ninth Regiment Kansas Cavalry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1288) granting a pension to Robert Holsey, submit the following report:

The report of the Senate Committee, which is herewith made a part of this report, contains a clear statement of this case:

"The petitioner was a private in Company H, Ninth Kansas Cavalry, and asks for a pension in consequence of disabilities contracted in the line of his duty. The report of the Surgeon-General shows that he was in the general hospital from September 14, 1863, to January 1, 1864; also that he was treated in January, July, and August, 1863. Three comrades testify to his sound condition when he enlisted.

"Lieutenant Cram, who was in command of the company, gives evidence of the suffering condition of the soldier, and in consequence put him on light duty. The same witness says:

"'That on the 20th of April, 1863, the claimant was sent with others from Leavenworth to Levy, Kans., as burial escort; that they were exposed to storm and night travel, after which the claimant was sick in camp and hospital, and that he was in feeble health when mustered out.'

"Comrade Crotts gives similar testimony, and adds that he was with claimant from December 20, 1863, to March 6, 1864, and was at his bedside every day.

"His neighbor, John G. Chase, was acquainted with him soon after muster-out, and knew that he was ill and totally unable to labor during the space of five years.

"Dr. H. D. Hill testifies, in affidavit dated November 9, 1882—

"'That he has known the petitioner during the past ten years, and that he has always appeared to be in feeble health, and that on examination he found him greatly reduced by a complication of diseases, including affection of lungs, liver, and kidneys.'

"There is a large amount of testimony from comrades and neighbors, all of whom appear to be reliable and disinterested witnesses, which favors the petitioner's claim, and there is no evidence of an adverse description.

"The claim was rejected by the Pension Office on the alleged insufficiency of the medical proof.

"We find a report of an examining board, dated November 12, 1882, which states that the disability is permanent; that there is evidence of kidney trouble, which is rated at half total.

"A subsequent examination by the same board reports that the claimant has Bright's disease, and rates the disability as total."

Your committee report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET SMITH.

The next pension business on the Private Calendar was the bill (S. 1467) granting a pension to Mrs. Margaret Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Smith, widow of Joseph Smith, late a sergeant of Company H, Fourth United States Infantry, Company H, Sixth United States Infantry, and Company B, Tenth Regiment Kansas Volunteers.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The Clerk commenced to read the report.

Mr. BUCHANAN. I suggest that in reading the reports hereafter the formal part be omitted.

Mr. BLANCHARD. Let the whole of the report be read.

The Clerk resumed, and concluded the reading of the report (by Mr. MORRILL), as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1467) granting a pension to Margaret Smith, submit the following report:

The report of the Senate Committee on Pensions sets forth the facts in this case very clearly, and is as follows:

"That the claimant is the widow of Sergt. Joseph Smith, late of Company H, Fourth United States Infantry, Company H, Sixth United States Infantry, and Company B, Tenth Regiment Kansas Volunteers. She made application to the Commissioner of Pensions, but the claim was rejected on the ground 'that the soldier's death was not a result of any disease contracted in the United States service.'"

Sergeant Smith was pensioned October 9, 1850, for injuries of veins of right leg, from long and continuous marches during the war with Mexico. During the rebellion he served from July 26, 1861, to August 8, 1863, when he was discharged for disability. Was restored to the pension-rolls February 18, 1867, to date from his discharge from the volunteer service August 9, 1863, and was a pensioner at date of his death, which occurred August 10, 1881, the cause of death being stated as "old age and chronic disease of liver."

Joseph Smith served in the armies of the United States, volunteer and regular, a period of thirty-two years. He participated in the Florida war, the war with Mexico, and in the war of the rebellion. During his last illness, covering a period of two years and eleven months, he was confined to his bed, and at times not able to move without assistance. The claimant attended him constantly, and as a result is completely broken in health, aged, and unable to earn a living. Her home had to be sold at a great loss to enable her to purchase food, medicine, and medical attendance for the soldier.

"A number of leading citizens of the city of Leavenworth certify to the respectability of the claimant, and petition Congress to grant her a pension, believing that the soldier's death was indirectly caused by his long and faithful service in the armies of the United States."

Your committee, feeling that this case is one of unusual merit, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN R. SMITH.

The next business on the Private Calendar was the bill (S. 1466) granting an increase of pension to Stephen R. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Stephen R. Smith, late a private in Company C, Thirty-first Regiment Iowa Infantry, at the rate of $30 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1466) granting an increase of pension to Stephen R. Smith, having examined the same, recommend the passage of the bill.

The claimant was a private in Company C, Thirty-first Regiment Iowa Infantry Volunteers, and was discharged on surgeon's certificate of disability for gunshot wound of right lung received at the battle of Kenesaw Mountain, Georgia, June 27, 1864. He was pensioned in 1867 for gunshot wound of right lung, and has received various rates, ranging from $8 to $24 per month, since June 12, 1865, the date of his discharge, and the latter is the present rate of allowance, having been advanced to that sum under the provisions of the act of March 3, 1883.

He subsequently made application for increase, and on June 17, 1884, was examined by the board of examining surgeons at Washington, D. C., who reported adversely to his application for increase, solely because he was receiving the maximum rate allowed by the pension law, and conclude their report as follows: "His disability is equivalent to the loss of a hand or foot."

The medical examinations held in this case have uniformly found "that the disability is permanent; that the ball still remains in his body; that he suffers much from dyspepsia and pain of right lung; that he can not perform any labor requiring the active use of his arms; that the wound yet remains open and discharges pus freely; that the wound is still an open suppurating ulcer; every symptom of consumption; the right arm partially paralyzed; generally debility exists.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK MURPHY.

The next business on the Private Calendar was the bill (H. R. 6087) granting a pension to Patrick Murphy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Patrick Murphy, late a seaman in the United States Navy.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 6087, submit the following report:

Patrick Murphy enlisted in the United States Navy August 20, 1864, and was discharged September 8, 1865. He filed an application for pension January 11, 1881, alleging that—

"On or about January, 1865, while going from the fire-room to the deck, after coming off watch, he slipped on the iron steps leading from the fire-room to the deck, striking upon the right side of his body and head, which resulted in disease of the eyes, and ultimately in loss of right eye and impairment of vision of left."

His claim was rejected—

"Because there was no record evidence in the Navy Department of the alleged disability, and claimant's inability to furnish satisfactory evidence connecting said disability with service and line of duty."

The evidence in the case is as follows:

Robert T. Stackhouse and John Murray testify that they personally knew claimant before he enlisted in the service; that he was in good health and free from any apparent disability.

J. Knox Foster, late assistant engineer, United States Navy, testifies:

"Claimant was a coal passer on U. S. S. Mahaska, when lying at Key West in the winter of 1864 and 1865. Affiant was assistant engineer on same vessel, and Murphy was on his watch. In passing from fire-room to main deck he slipped and fell back from the ladder to the floor of the fire-room, injuring his head and eye. He was placed on the sick-list, and eventually lost his right eye by reason of the injury. This accident occurred in line of duty. That he was sent to marine hospital at Key West, and never again rejoined the ship. Before the accident claimant was to all appearances a sound and healthy man. It was affiant's duty to inspect the men weekly, and if there had been any bodily infirmity affiant would have discovered it."

Edward Early, of South Weymouth, Mass., shipmate of claimant, testifies that he was an eye-witness to the accident, and that claimant complained of his head and eyes.

John C. Foster, of Gloucester, Mass., testifies:

"I was an acting master's mate on the U. S. S. Mahaska; that claimant fell in coming from the fire-room to the main deck, receiving severe injuries to his head and eye, with certain internal injuries; that prior to the accident claimant was in good, sound bodily health, with the use of both his eyes."

George Quackenbush, seaman, also testifies substantially as his other shipmates, and further says "it was conceded at the time of the accident and believed that he had lost his right eye."

William F. Coleman, M. D., September 7, 1881, testifies:

"Claimant has been under my care on account of sympathetic disease of eyes, which has left his sight so much impaired as to render him incapable of seeing anything except large objects."

Dr. R. Percy Cowashall testifies:

"Claimant has been a patient of general public hospital Saint John's, New Brunswick, receiving treatment for debility and nervous symptoms consequent upon a fall upon the head."

L. B. Botsford, M. D., marine hospital, Saint John's, New Brunswick, testifies:

"Claimant was an inmate of this hospital from December 27, 1878, till March 18, 1879. He suffered from inflammation of right eye."

George W. Galvin, M. D., testifies:

"Claimant was examined at the Massachusetts Charitable Eye and Ear Infirmary in May, 1880, for disease of eye."

The Surgeon-General, in reply to office inquiry, replies that the records of the U. S. S. Mahaska are not on file.

Albert F. Stillings, surgeon's steward, U. S. S. Mahaska, testifies that—

"Claimant received injuries to his head by fall from a ladder while on duty at Key West, Fla.; he was placed on the sick-list; remained some two weeks, I think, and not improving to be fit for duty, the surgeon in charge had him sent to the hospital at Key West, and that he never again rejoined the vessel."

The evidence in this case shows conclusively that claimant entered the service a strong, healthy man; that he met with a painful accident to his head and eye; that he was put in hospital on board the Mahaska and transferred to hospital on shore, and that after the accident he never did service, and that ever since his discharge he has suffered with his eyes until at present he has lost the sight of one and the other is impaired, as shown by the report of the medical examining board at Washington, D. C., April, 1881, as follows:

"Total loss of right eye and slight amblyopia of left eye, about seven-eighths normal vision in that eye."

In view of all the facts in this case your committee are of opinion that the fact, "No record evidence at the Navy Department," should not deprive him of his right to pension. They therefore report back the accompanying bill, and recommend its passage.

Mr. BRECKINRIDGE, of Arkansas. Does this pension come out of the general pension fund, or is there a separate provision made?

Mr. BRADY. It comes out of the naval pension fund, as I understand. It is not necessary to specify in the act from which fund it comes.

Mr. BRECKINRIDGE, of Arkansas. You are satisfied that the bill is right in that particular?

Mr. BRADY. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. That is all I desire to know.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ABEL COMSTOCK.

The next business on the Private Calendar was the bill (S. 1016) granting an increase of pension to Abel Comstock.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abel Comstock, late a private in Company C, Twenty-first Regiment Ohio Veteran Infantry Volunteers, at the rate of $30 per month, in lieu of what he is now receiving.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The Clerk commenced to read the report (by Mr. ELLSBERRY).

Mr. GOFF (interrupting the reading). I ask that the further reading of the report be dispensed with.

The CHAIRMAN. The reading of the report was asked for by the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. GOFF. I do not understand that a gentleman can call for the reading of the report as a matter of right.

The CHAIRMAN. The Chair understands that at these Friday evening sessions whenever the reading of a report is called for it is read in the time of the gentleman who calls for the reading.

Mr. GOFF. I do not understand that a gentleman can call for the reading of a report and can then resume his seat while it is being read.

The CHAIRMAN. The Chair is under the impression that any gentleman can call for the reading of the report in his own time.

Mr. BLANCHARD. If the remarks of the gentleman from West Virginia [Mr. GOFF] are directed toward myself——

Mr. BRECKINRIDGE, of Arkansas. It was I who called for the reading of the report. I would suggest to the gentleman from West Virginia that the report is the basis upon which we are asked to grant the pension. All the information relating to the case, in the absence of a statement from the gentleman who has charge of the bill, is contained, I presume, in the report. Now, it can hardly be assumed that we should grant applications for pensions without any information, and unless some gentleman is prepared to make a plain statement of the facts I think the most expeditious way of prosecuting this business is to let the report be read. It was in that spirit that I called for the reading of the report, and I am quite sure that the gentleman from West Virginia does not wish to retard the progress of business or to keep the House out of any information in the premises.

Mr. GOFF. If a member desires to have the report read as a part of his remarks it may be presumed that he will follow the reading with his opinion on the report in the particular case. I understand that to be the meaning and spirit of the rule, and I do not understand that this is a privilege of which any member may avail himself for the purpose, I may say, of consuming time and preventing the progress of these cases.

The CHAIRMAN. The Chair is perfectly aware that the report must be read in the time of some gentleman who is assumed to be addressing the House. The Chair is guided by what he understands to be the custom of the House. The Chair assumes that the gentleman who calls for the reading of the report must be considered as having risen to discuss the case, and the Chair can not go into the motives with which any gentleman either discusses a case or calls for the reading of a report.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman——

The CHAIRMAN. The Chair feels bound to recognize at this point the gentleman from Arkansas [Mr. BRECKINRIDGE] for any purpose for which he claims the floor.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I would state to the gentleman from West Virginia [Mr. GOFF] that it would be as improper in me to assume that he wishes to deny to the House any information in the premises as—and I say it with all respect—it is perhaps a little uncharitable in him, and certainly entirely incorrect, to assume that I have called for the reading of the report as a means of needlessly consuming time.

The report gives me and gives him information in the premises. If the report in any given case be satisfactory, or if when I have called for the reading of a report the first part of it proves satisfactory as to

the merits of the case, I certainly shall not supplement it by any unnecessary remarks. The absence of remark is evidence that the report is satisfactory, and in several instances where I have called for the reading of a report and have found from the first part of it that the proof was conclusive, or satisfactory, I have stopped the reading as a needless consumption of time.

Mr. GOFF. I hope, Mr. Chairman, that the gentleman sees that that is so in this case.

Mr. BRECKINRIDGE, of Arkansas. If this should prove to be such a case, I shall take that course.

Mr. GOFF. I think the gentleman has heard enough of this report to be satisfied that this is such a case.

Mr. BRECKINRIDGE, of Arkansas. I have not. I will call for the rereading of the few lines that have been read, and, as they are gone over again, I may catch something that escaped me in the former reading.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] is entitled to the floor and calls for the reading of the report.

Mr. PRICE. Mr. Chairman, I question the right of a member——

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] is entitled to the floor.

Mr. PRICE. The gentleman instructed the Clerk to go on with the reading of the report. Then I addressed the Chair and was recognized. Now, is the gentleman from Arkansas still entitled to the floor?

The CHAIRMAN. He is entitled to the floor for the reading of the report. The Chair recognized the gentleman from Wisconsin [Mr. PRICE] in order to ask the purpose for which he rose.

Mr. PRICE. I rise for the purpose of reading a few lines from Jefferson's Manual (page 147) with reference to the point of order. I read:

When the reading of a paper is called for and objected to, it shall be determined by a vote of the Senate without debate.

This is not the Senate, but that is parliamentary law as laid down by Jefferson; it applies to the proceedings of this House, and I think it is clearly to the point here.

Several MEMBERS. "Regular order!"

The CHAIRMAN. The report will be read in the time of the gentleman from Arkansas [Mr. BRECKINRIDGE].

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1016) having examined the same, concur in the Senate printed report hereunto attached, and recommend the passage of the bill.

The claimant, Abel Comstock, late private of Company C, Twenty-first Ohio Volunteers, was pensioned from November 4, 1881, at $12 per month. This was reduced to $8 September 4, 1883, and afterward increased to $12 from September 29, 1884. He now asks that this amount be raised to $30 per month by special act of Congress. In support of his application he presents the affidavit of four reputable physicians, which have been filed by Senator SHERMAN, one of which we copy, as follows:

THE STATE OF OHIO, *Wood County, ss:*

On this 1st day of January, A. D. 1886, before me, clerk of the common pleas court within and for the county and State aforesaid, personally came Dr. Joseph C. Lincoln, aged forty-two years, a resident of, and whose post-office address is, Bowling Green, Wood County, Ohio, and who, being by me first duly sworn according to law, makes a solemn oath, and says as follows, viz: That I am a a regular physician by profession, and have been in practice in Bowling Green, Ohio, since 1873; that I first became acquainted with claimant, Abel Comstock, in the spring of 1876, and have met him almost daily ever since; that I have at different times since 1876 examined him professionally, and advised him as to his physical condition and proper treatment; that upon making examinations as aforesaid I have found him to be suffering from chronic diarrhea, piles, disease of liver and spleen, with gastric troubles, varicose veins of both legs and feet, with swellings of the ankles and limbs, and discharging varicose ulcers, also resulting sympathetic disease of the heart, caused by disease of liver and spleen, deranged portal circulation, and gastric troubles; that ever since 1876 the claimant has been incapacitated for the performance of any manual labor by reason of the disabilities above described, the heart-beat averaging about one hundred per minute while at rest; that the extent of his disability, by reason of his condition as above described, is equal to or greater than that resulting from the loss of a leg above the knee; that I have no interest in this claim, direct or indirect.

JOSEPH C. LINCOLN, *M. D.*

THE STATE of OHIO, *Wood County, ss:*

Sworn to before me and signed in my presence, in duplicate, by the above-named affiant, this 1st day of January, A. D. 1886, and I hereby certify that the purpose and contents of the above affidavit were fully made known and explained to the affiant before swearing; that the affiant is well known to me, and is a reputable person, and in good standing in his profession, and that I have no interest in this claim or its prosecution.

[SEAL.] R. M. DONNELLY, *County Clerk.*

The other three professional affidavits are to the same effect, and are corroborated by the other evidence in the case.

It appears to be a case of extreme and complicated disability, which does not appear to be reached by the general pension laws, and your committee believe that relief should be furnished by special legislation. The disability would seem to be really greater than that which is in many cases allowed a far higher rating, and where the disability is far less serious in its nature.

Your committee recommend the passage of the bill allowing a pension at the rate of $30 a month.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I would like to ask some member of the committee whether the bureau has not the power in a case where the disability proceeds from general causes but equals a certain fixed degree of disability, such as that occasioned by the loss of a leg or an arm, to increase the pension accordingly?

Mr. ROWELL. It may increase the pension to $24 where the disability is equivalent to the loss of a leg below the knee or an arm below the elbow.

Mr. MORRILL. But the increased disability has to be connected with the original disability. Where a man is pensioned for a particular disability, the Pension Office will allow only the rate of pension which that disability indicates. In this case, as the gentleman will perceive from the report, there seems to be a complication of troubles, all arising probably from the same original cause.

Mr. BRECKINRIDGE, of Arkansas. I can, of course, understand that these troubles may all arise from the same original cause and yet not be distinctly traceable to it.

Mr. MORRILL. The man was pensioned at a certain rate, and his other disabilities are not recognized by the office.

Mr. BRECKINRIDGE, of Arkansas. I observed an apparent gap in the testimony; but the explanation is entirely satisfactory to me.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALFRED DENNY.

The next business on the Private Calendar was the bill (S. 1192) granting a pension to Alfred Denny.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Alfred Denny, late a captain and assistant quartermaster, subject to the limitations and provisions of the pension laws.

Mr. BRECKINRIDGE, of Arkansas. Let the report be read.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1192) granting a pension to Alfred Denny, having examined the same, concur in the Senate report hereunto attached, and recommend the passage of the bill.

"The Committee on Pensions, to whom was referred the bill (S. 1192) granting a pension to Alfred Denny, beg leave to report back the same with recommendation that it do pass.

"Alfred Denny was mustered into the United States service as a captain and assistant quartermaster of volunteers on the 12th day of June, 1863, and was honorably discharged on the 3d day of June, 1864. His declaration for original invalid pension, signed and sworn to on the 4th day of March, 1884, shows that 'while in the service and in the line of his duty at Chambersburg, in the State of Pennsylvania, on or about the 25th day of August, 1864, he was, by the sudden movement of his horse, thrown upon the horn of his saddle and received an injury, causing a rupture or hernia;' that 'being a post quartermaster he could not be treated by a regimental surgeon, but, upon the contrary, was treated by a private physician.'

"The statement of the examining surgeon for the county in which Mr. Denny lives, Preble County, Ohio, dated July 19, 1884, shows from the time that Mr. Denny left the United States service, as above stated, he has suffered from rupture, 'so much so that within the last three years the other side became affected, and a hernia appeared, which from some cause produced most excruciating pain, so that a council of physicians had to be called in the case, his life being despaired of for the time.' The examining surgeon further states that he was Mr. Denny's physician 'before he went into the service,' and has been 'since he came out;' and he asserts that 'I know that he has been wholly incapacitated for manual labor ever since he came out of the Army, by reason of the continual suffering from these ruptures and consequent troubles.'"

The Commissioner of Pensions required Mr. Denny to furnish evidence of "a commissioned officer or member of the company" to which he belonged, which it was manifestly impossible for him to do, as he belonged to no company or regiment, being a captain and assistant quartermaster; for the same reason he was unable to furnish evidence from the "regimental surgeon" as to treatment, &c.

Under all of the circumstances the committee are of opinion that Mr. Denny is entitled to a pension, and recommend that the bill be amended by striking out of lines 5 and 6 the words "at the rate of twenty dollars per month" and inserting in lieu thereof the words "subject to the limitations and provisions of the pension laws."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCINDA SAWYER.

The next business on the Private Calendar was the bill (H. R. 8333) granting a pension to Lucinda Sawyer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Lucinda Sawyer, stepmother of John Sawyer, late a private in Company C, Third Regiment Maine Volunteers, subject to the limitations and provisions of the laws governing pensions to dependent parents.

Mr. BRECKINRIDGE, of Arkansas. I call for the reading of the report.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Lucinda Sawyer, having considered the same and accompanying papers, submit the following report:

This petitioner is the stepmother of John Sawyer, a private of Company C, Third Regiment Maine Volunteers, who died from wound received in the first battle of Bull Run. The mother of soldier died while he was an infant. His father married the petitioner when John was about three years old, and she filled a mother's place in every particular from that time till the time of his death; in fact, she had the care of him almost from the time of his mother's death. She reared him as her own child, nursed, clothed, and worked hard for him, for the family seem to have been poor.

Leason Sawyer was pensioned as dependent father of the soldier. He died in 1879. The claimant was equally dependent with the father upon the pension for support, but, as a stepmother, can have no claim under the laws governing pensions. She is sixty-three years old, and in feeble health, with no means of support, having no money or property from which she derives any income.

It is in the line of numerous precedents, and this committee think it is right, that this woman, the only mother John Sawyer ever knew, who nursed him and

reared him and sent him forth to die in the service of his country, is entitled to the same consideration she would receive as his natural mother.

We therefore report the accompanying bill and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES N. SEBASTIAN.

The next business on the Private Calendar was the bill (S. 686) granting a pension to Charles N. Sebastian.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles N. Sebastian, late of Company A, Second New Hampshire Volunteers.

Mr. BLANCHARD. Let the report be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S.686) granting a pension to Charles N. Sebastian, submit the following report:

The committee adopt the Senate report, and recommend the passage of the bill.

The Senate report is as follows:

The applicant, Charles N. Sebastian, late a private in Company H, Twenty-third Massachusetts Volunteers, enlisted under the name of Charles N. Derby, July 31, 1862, and was discharged July 15, 1863. He re-enlisted in the same company and regiment December 2, 1863. It appears that he had a prior service. He made application for a pension, which has been pending before the Commissioner for a long time, and the only objection to its allowance is the charge of desertion. It is a case not relieved by the recent legislation, as appears by the certificate of the Adjutant-General.

The following letter (Exhibit A) from Mr. Sebastian to the member of your committee who reports upon this bill fully explains the circumstances of the alleged desertion, which was such but in name, and did not interfere with his rendering faithful service as a soldier from April 21, 1861, to July 31, 1865, one year of which was spent in confederate prisons.

Your committee recommend the passage of the bill.

EXHIBIT A.

TROY, N. H., *February* 13, 1885.

DEAR SIR: I received your kind answer to my letter in due season, informing me that I should hear from my pension soon. I did receive a letter yesterday, which I inclose with this to you.

My case is different from most others, and in order to have you understand it fully I am obliged to write you the whole:

I, Charles N. Sebastian, first enlisted at Keene, N. H, April 21, 1861, in Company G, First New Hampshire Volunteer Infantry; was transferrred into Company A, Second New Hampshire Volunteer Infantry, for three years; was in the first battle of Bull Run, and there taken prisoner; was kept a prisoner until June 3, 1862, then released on parole; came home; staid about five weeks; was ordered to Camp Distribution at Annapolis. Arriving in Boston I ran across some of my old school-mates that had enlisted in Company H, Twenty-third Massachusetts Volunteer Infantry. They wanted me to go with them, so I enlisted in Company H, Twenty-third Massachusetts Volunteer Infantry, under the assumed name of Charles N. Derby, so that if taken prisoner again before I was exchanged my name would (as Derby) prove me not to be the former prisoner. I was young then and did not think of the wrong I was doing, but I have the satisfaction still of knowing that I served my country faithfully as a soldier from April 21, 1861, until July 31, 1865, with that one exception. I had no motive for enlisting in Company H, Twenty-third Massachusetts, other than to be with my old school-mates. Elmer Dickinson, James Dickinson, George Reynolds, and Alfred R. Stone are their names; two of them are dead.

I contracted gastritis and pericarditis while in prison and in the service, and have never been a well man since I was discharged. It seems, if I can get a transfer from Company A, Second New Hampshire Volunteers, to Company H, Twenty-third Massachusetts Volunteer Infantry, with my right name, Charles N. Sebastian, put on Company H, Twenty-third Massachusetts, papers, it would help me to get a pension soon, perhaps; or a discharge from Company A, Second New Hampshire; but perhaps the transfer would be of the most benefit to me, if I can get it.

If you will please help me to get this all right, I shall, indeed, be ever so thankful to you. My wife and little children will always be very grateful also.

Thanking you very much for what you have done,

I remain, your obedient servant,

CHAS. N. SEBASTIAN.

Hon. H. W. BLAIR, *Washington, D. C.*

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I have listened with care to the reading of the report, but I have not heard any evidence of disability except the testimony of the claimant himself.

Mr. HAYNES. The statement in the first part of the Senate report, as I remember it, is that the only bar to the allowance of the claim in the Pension Office—for it appears by the report that this man applied there—is this charge of desertion which stands against him. I think that is stated in specific terms. I do not know that the evidence is cited in the report.

Mr. BRECKINRIDGE, of Arkansas. I remember that last Friday night we had up a question similar to this as to the action of the bureau. It was then stated that in the case then under consideration a pension had been refused by the bureau upon certain grounds, and it was claimed that in the absence of that technical objection, as it was, and perhaps justly, denominated, the bureau would have granted the pension. I then asked whether the bureau had indicated a willingness to grant the pension if the bar based upon this so-called technical objection were removed.

The statement was then made by some gentleman of the committee that the bureau never goes further than to state the fact on which it grants a pension, or the naked fact on which the pension is refused; that it never goes into the problematical part of a case. If that be true, it is altogether an assumption on our part to say that the Pension Bureau would have given this man a pension had it not been for this technical objection. In the case of which I speak the evidence which has been before the bureau was adduced in the report; and upon that evidence we granted the claimant a pension. In this case, so far as I have heard the report, no such evidence is adduced, but there is simply the assumption that in the absence of this technical objection the bureau would have granted the pension.

Mr. BROWN, of Pennsylvania. Perhaps the case may have been so clear as to induce that conclusion.

Mr. HAYNES. The report as drawn may not be so full in its statements as it should be. In fact, I have observed that the Senate reports do not state the evidence with the same fullness as do the House reports. In fact, as to some Senate cases in which I have taken pains to examine the papers, not being satisfied upon the face of the Senate report, which, in fact, appeared to show a case in which I would not recommend favorable action, I have found on examination of the papers that the conclusion of the Senate committee was correct, and I have made a favorable report on such cases.

Now, taking the Senate report as we have heard it read, there is no question that we have to accept on faith the conclusion there stated that the charge of desertion is the only bar which exists to the allowance of this man's claim. The facts in the case are not stated as fully perhaps as they should be. If we choose to assume that the statement of the Senate report as to the charge of desertion being the only bar to the allowance of the claim is incorrect, undoubtedly that gives a different aspect to the case.

Mr. BRECKINRIDGE, of Arkansas. The Senate report seems to give the conclusion of the Senate committee without any data upon which that conclusion is based.

Mr. HAYNES. It certainly does; there is no question about that.

Mr. NEECE. I wish to call attention to the fact that this bill proposes to place the man on the pension-roll subject to the provisions and limitations of the pension laws. If the bill passes, he will have to go to the Pension Office to get his rating; and if there is no disability, he can get nothing. He will have to go before the board of surgeons for examination.

Mr. HAYNES. And if he goes there for examination, it will be upon the specific disabilities on which he applied for a pension at the Pension Office.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask gentlemen here, who are more familiar with the pension business than I am, this question: If we should pass this bill and the fact should be developed that there is no disability, could the man get a pension?

Mr. HAYNES. He could get no pension. As I understand, upon the passage of this bill he will be ordered before the board of surgeons for examination upon the specific disabilities on which he applied to the Pension Office. If no disability exists, he will receive no rating, and consequently no pension.

Mr. BRADY. If a man is already on the pension-roll and his disabilty ceases, his pension ceases; he is dropped.

Mr. BRECKINRIDGE, of Arkansas. Then there is one other question I would like to have answered.. Suppose we pass this bill and he is found in a state of disability, will the Pension Bureau have power to inquire whether that disability arose in the line of service?

Mr. BRADY. I think not.

Mr. HAYNES. This establishes the presumption that it did so arise.

Mr. BRECKINRIDGE, of Arkansas. And we would be establishing that presumption without a line of evidence. And we would be establishing that presumption when on last Friday night we distinctly took the position we could not presume the Pension Bureau in denying an applicant a pension for a technical reason meant to disparage the merits of his case, while here we are seeking to assume in denying it for a technical reason they mean to admit the merits of his case.

There is one other point in this claimant's case which should be made plain to the House. If he changed his branch of service in the way he did as a kind of college-boy's freak it of course is entirely satisfactory to me, and I presume it would be to every gentleman. We overlook that; but it ought to be clearly shown to us, to whom he is a stranger, this did not involve any of the bounty-jumping business which was common at that time.

Mr. HAYNES. The fact that he served to the end of the war in 1865 would indicate he was not a bounty-jumper. We know bounty-jumpers were in the service, of course.

Mr. BRECKINRIDGE, of Arkansas. They jumped more than once. They jumped every fence they came to. [Laughter.]

Mr. HAYNES. His first service was in my regiment, but I know nothing about the man. He was taken a prisoner at the first battle of Bull Run. Those prisoners were kept, if I remember correctly, some ten months before they were sent back and paroled. It appears in this case he was sent back immediately, but that on his way back he enlisted in a Massachusetts regiment and served in that regiment till the end of the war in April, 1865, which would indicate to my mind he was not a bounty-jumper, but rendered good service in the Army.

Mr. BRECKINRIDGE, of Arkansas. The man seems to have rendered service in the Army, and I suppose we will be able to get over the question of bounty-jumping or any suspicion we may have on that score very readily.

Mr. HAYNES. I will call the gentleman's attention to the fact that

at the time this man first enlisted these large bounties were not being paid.

Mr. GROUT. And as the claimant himself states he left his own regiment and went into another regiment, in which he served till the close of the war, merely for the purpose of being with his college associates and with no other motive whatever.

Mr. BRECKINRIDGE, of Arkansas. Yes, that is his statement; and, if corroborated, it will be evidence of that fact.

But, sir, to bring the matter to a conclusion I will say I do not think it is proper for us to grant pensions without having laid before us a summary on the part of the committee of the evidence of the case. I am not willing to admit the Pension Bureau in rejecting for a given reason means to credit or discredit that evidence upon which they have not passed judgment. So far as we see that is an assumption on the part of the Senate, and it clearly is if the position we took is a correct one.

Mr. BRADY. That is the opinion of the Senate.

Mr. BRECKINRIDGE, of Arkansas. Yes; the Senate is a solemn body; but, sir, we have to pass on the merits in these cases upon our own judgment of the evidence presented.

Mr. BRADY. That is true.

Mr. BRECKINRIDGE, of Arkansas. Without meaning to express any unfavorable opinion on this case, because I can not do that from the absolute ignorance we are in about its merits, I ask the case be sent back to the committee, in order that it may submit to us a summary of the evidence, which we do not now have.

Mr. HAYNES. Very well, I will move at the proper time that the case be recommitted to the Committee on Invalid Pensions.

Mr. BRADY. No, that is not necessary.

Mr. HAYNES. Or let it be understood that the committee hereafter is to submit such a statement of evidence to be presented when this bill is again called up.

Mr. BRECKINRIDGE, of Arkansas. Let the bill retain its place, and the committee can look the matter up.

Mr. HAYNES. All right. I withdraw my motion to recommit.

The CHAIRMAN. That motion would not now be in order.

Mr. GALLINGER. I ask, Mr. Chairman, by unanimous consent that the bill be passed over informally for the present and to retain its place on the Calendar.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the reading of the Calendar in the regular way be suspended, and that gentlemen present may have an opportunity of calling up bills. It is now within fifteen minutes of 10 o'clock, and it will shortly be time for the committee to rise.

Mr. BRADY. I object.

Mr. BINGHAM. As the gentleman from Virginia has objected to the proposition of the gentleman from Pennsylvania, and in order that gentlemen present, who have come here for the purpose of reaching certain bills upon the Calendar, may have an opportunity of securing their consideration, I will ask unanimous consent that the bills upon the Calendar be taken up in their regular order and read by their titles, and if the demand is not made by some member present for the reading of the report that the bill be passed over informally without detriment to its place upon the Calendar, and so continue until a bill is reached in which some member present is interested, who will call for the reading of the report, and thus bring the bill before the committee for consideration.

Mr. BRECKINRIDGE, of Arkansas. I think that is a very good suggestion.

Mr. LONG. That will not necessitate the reading of the reports unless the bill is to be acted upon.

Mr. BINGHAM. No; nor the reading of the bill, either.

Mr. PRICE. Mr. Chairman, right on this subject, if you will permit me to call the attention of the Chair for a few moments, I wish to be heard. Evidently the gentleman from Pennsylvania in making his request is proceeding upon the theory that any member of the House has a right to demand the reading of any report in any case. I called the attention of the Chair to this a few moments ago, and now I desire permission to be heard still further in the same direction for the purpose of ascertaining whether that is not a mistaken opinion, and if the Chair does not agree in reference to the point I shall make, I will be satisfied with the ruling and make no further objection.

I call attention now for a moment to two clauses in this Digest; one is the common law, and the other the statute law; that is to say, one is the general parliamentary law, and the other a rule of the House.

SECTION XXVIII—READING PAPERS.

There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put.

That is the common law.

Now, Rule XXXI of the House provides:

READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded—

And the report is not such a paper—

and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Now, in the light of this law I do not see how any gentleman can demand as a matter of right the reading of a report, nor how it can be read at all except by consent. That is the point to which I wish to direct the attention of the Chair.

Mr. BROWN, of Pennsylvania. The presumption is all are read outside.

Mr. PRICE. That is the object of sending the reports out. They are laid upon our tables, or sent to us every day, and there is no need for taking up the time of the committee now by reading them. I therefore present the question in order to obtain a ruling upon it at the proper time.

Mr. BINGHAM. Do I understand my friend from Wisconsin to object to the reading of the reports?

Mr. PRICE. I am raising the point as to the right of a member to have the reports read when objection is made.

Mr. BINGHAM. Then you deny the validity of the rulings of the Chair all the evening, that they can be read?

Mr. PRICE. It is for the very purpose of obtaining a ruling from the Chair that I make the point now.

The CHAIRMAN. That point of order is not before the committee at this time.

Mr. PRICE. No; but I call the attention of the Chair to it so that when the time does come it shall be properly before the Chair for a ruling.

The CHAIRMAN. The only question now is whether unanimous consent is given that the Clerk shall read the bills by their titles in their regular order on the Calendar, so that when a bill is thus reached and read by its title, if no gentleman addresses the Chair asking for the reading of the report, the bill shall be considered as passed over informally, retaining its place on the Calendar.

Mr. TAULBEE. How long is that rule intended to operate?

The CHAIRMAN. Only to-night, as the Chair understands.

Mr. TAULBEE. Will it interfere with debate?

The CHAIRMAN. No; gentlemen have the right to debate any questions before the committee for consideration.

Mr. TAULBEE. I have no objection.

MARY J. NOTTAGE.

The next business on the Private Calendar was the bill (S. 2005) granting a pension to Mary J. Nottage.

Mr. HAYNES. I ask for the reading of that bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Nottage, widow of Thomas Nottage, late a sergeant of Company F, Third New Hampshire Volunteers.

Mr. HAYNES. I ask that the report be read as a part of my remarks.

Mr. PRICE. I object to the reading of the report.

The CHAIRMAN. The gentleman from New Hampshire is recognized to discuss the bill, and has called for the reading of the report as a part of his remarks.

Mr. PRICE. And I make the objection to which I have just alluded, relying upon the law which I have cited, and if the Chair shall overrule the point of order I will yield gracefully to the decision.

The CHAIRMAN. The gentleman from Wisconsin objects to the reading of the report, basing his right to object on the language of Rule XXXI, which is as follows:

READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

The Chair understands that this rule relates to the reading of any paper not in the time of any gentleman addressing the committee or House, but when such paper is introduced at any time to be read on request of a member or as a matter of privilege; and doubtless the rule will apply to a case such as the Chair has mentioned.

But it has been the universal custom of the committee, so far as the present occupant of the chair is aware, that any gentleman rising to address the committee and recognized for that purpose is entitled to have anything read that is respectful in its language or otherwise unobjectionable at the Clerk's desk as a part of his remarks. The Chair rules that the reading of a report in the time of the gentleman who is occupying the floor is not the reading of a paper such as is referred to in Rule XXXI; and it so happens that in the present case the member addressing the Chair asks to have read the report on the bill now under consideration, although the ruling would be precisely the same if an article in a newspaper or any other document were asked to be read.

The Clerk will read the report.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2005) granting a pension to Mary J. Nottage, submit the following report:

The committee accept the statement of the case made in the report of the Senate Committee on Pensions, hereto appended, and recommend the passage of the bill.

The claimant, Mary J. Nottage, is the widow of Thomas Nottage, late sergeant of Company F, Third New Hampshire Volunteers, No. 270607. She made application at the Pension Office, but it was rejected on the ground that the cause of the death of the soldier was not a result of his military service.

It appears that the soldier enlisted August 15, 1861, and served until discharged, September 17, 1862. He died January 8, 1879, and the widow applied June 24, 1880.

The record in the Adjutant-General's Office states that he was "discharged for disability," and his certificate of discharge for disability is on file, showing in detail his condition at that time. The certificate of his attending physician, that he died of "consumption," is also on file.

E. P. Emerson, general agent of the New England Life Insurance Company, testifies that an examination was made July, 1860, by Dr. James B. Greely, who reported that the soldier was of good constitution, and vital organs normal. He was insured in their company.

Dr. Josiah G. Graves testifies that he was soldier's family physician for many years before his enlistment; attended him in 1853 for lung fever, and his books show he made fourteen professional visits to him; has no knowledge of any other sickness up to the time of his enlistment, and his relations were such that if he had had any disease or disability he would have known it. So far as affiant knows, the soldier was a sound man when he enlisted, and had been since his illness in 1853.

The evidence of several comrades is on file, showing that he was sick in the service with malaria and kidney trouble, and became thin, pale, and weak.

Several witnesses testify to his condition since that time, as having worked with him and seen him constantly, and that he was during the whole time unfit for any hard manual labor, and remained so until he died; that during all those years he suffered a great deal; that he frequently kept about his business, although suffering with remittent fever and general debility; that he had piles, and became very weak and feeble, and had a cough ever after he came out of the service on the slightest exposure to cold.

Without detailing all the evidence, your committee state that they believe that it fairly establishes the fact that the soldier died from the results of his service. His system seems to have been shattered and never to have recovered; and it seems but fair to presume that the "consumption," which is stated to have been the final stage of his disease, was a legitimate result of the condition in which he left the service and afterward continued. If there could be any doubt we feel disposed to give this widow the benefit of it, and therefore recommend the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. What was the date of the death of the claimant's husband?

Mr. HAYNES. January, 1879.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BUTLER.

The next business on the Private Calendar was the bill (S. 2025) granting a pension to James Butler.

Mr. HAYNES. I call for the reading of the bill and also for the reading of the report in my time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Butler, late a private in Company F, First New Hampshire Heavy Artillery.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2025) granting a pension to James Butler, have had the same under consideration, and submit the following report:

The statement of facts contained in the Senate report is as follows:

"The claimant, James Butler, late a private of Company F, First New Hampshire Heavy Artillery, applied for a pension at the Department November 10, 1871, alleging disability from breaking his right leg just above the knee, at Concord, N. H., September 9, 1864. It appears that the soldier received a pass from the captain of his company until the next morning and went home in the city; that he got up in the morning before light to return to camp and started; that in passing to camp he fell into a cellar where a house had just been removed, breaking his right leg.

"The records show that he was discharged September 12, 1864, by reason of rejection on organization of company at general rendezvous, Concord, N. H., per General Order No. 243, War Department A. G. O., 1864, on account of comminuted fracture of lower third right femur since muster into service. It also appears that he was treated in the hospital at Concord. The testimony of Capt. D. J. Flanders is to substantially the same effect, and further states that he was rejected on organization of the company, after his muster-in, and that he received the injury while in the service and in the line of duty. There is other corroborating testimony."

The claim was rejected by the Department on the ground that disability was not contracted in the line of duty. Without arguing this point at length, this committee indorses the decision of the Senate committee, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTOPHER C. WHITE.

The next business on the Private Calendar was the bill (H. R. 4407) granting a pension to Christopher C. White.

Mr. McMILLIN. I call for the reading of the bill, and also of the report, in my time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. White, late of Company A, First Regiment Tennessee Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4407) granting a pension to Christopher C. White, submit the following report:

Christopher C. White enlisted as a private in Company A, First Regiment Tennessee Mounted Infantry Volunteers, December 18, 1863, and was discharged January 30, 1865. Filed claim for pension December 17, 1875, based on injury to chest, shoulder, and leg, caused by his horse falling upon him. His claim was rejected on the ground of "no record, and claimant's inability to furnish satisfactory evidence showing origin of alleged disability in the service and line of duty. Not treated in hospital or by regimental surgeon. First treatment after discharge was in fall of 1866."

Claimant is shown to have been sound and free from disease at enlistment.

The evidence shows that claimant and nine others of his comrades, under command of Lieut. M. C. Crary, were on a scouting expedition, and while on said scouting expedition claimant's horse fell on him, and, rolling over him, injured his chest, shoulder, and leg, and the said lieutenant testifies that he sent claimant to his (claimant's) father's residence to be treated for said injuries, claimant's father being a physician and residing in the neighborhood where the injury was received. After claimant partially recovered he returned to his command and remained with his command until he was discharged. He is shown to have been badly injured and a continual sufferer from said injuries.

The medical evidence shows him to be suffering from a painful condition of the spine, obstruction of the liver (hepatitis), and general debility. Your committee have no doubt of the fact that soldier's present disabilities are the result of the injury received as aforesaid in the service and line of duty.

They recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The next business on the Private Calendar was the bill H. R. 7221, granting a pension to Thomas B. Walsh.

THOMAS B. WALSH.

Mr. ZACH. TAYLOR. I call for the reading of the bill and report.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Thomas B. Walsh, late of Company D, Tenth Tennessee Cavalry, upon the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. WHEELER. I call for the reading of the report.

The CHAIRMAN. That has already been called for by the gentleman from Tennessee [Mr. ZACH. TAYLOR].

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7221) granting a pension to Thomas B. Walsh, have had the same under consideration, and submit the following report:

Claimant enlisted as a private in Company D, Tenth Regiment Tennessee Cavalry, January 1, 1864, and was discharged August 1, 1865. Claims a pension for disability caused by rheumatism contracted while in the service of the United States and in the line of duty. Claim rejected on the ground that there is no record of alleged disability, and claimant is unable to prove by reliable testimony that it was contracted in the service and in line of duty. Claimant states that he was treated for rheumatism, in camp, by Dr. Leonard, assistant surgeon of his regiment, at Johnsonville, Tenn., for about two and a half months, until sent to Nashville for discharge.

After his discharge he was treated by Drs. Abel, Slack, May, and Parkerson; that he has not been treated by any physician for the last several years, but has used a medicine recommended by Dr. Parkerson, which always afforded temporary relief. Has performed manual labor about one-fourth of his time since discharge; that he can not find a commissioned officer of regiment to give further testimony than that now on file; that he has written to Dr. Spencer J. Freeman, formerly of his regiment, but fails to get any reply. Dr. Alexander is dead. Dr. John A. Parkerson, Isaac M. Bigham, and Capt. John A. Davis all testify as to prior soundness of soldier, and that at date of enlistment he was a sound, healthy man, having no disease whatever.

Capt. John A. Davis further testifies that soldier complained of rheumatism, located in both hips; saw him placing his hands on his hips as if in pain; that soldier often reported to the surgeon for treatment for said disease, and to make his lot easier he was detailed about the adjutant's tent, where he staid until mustered out. Knows above from personal observation.

Comrades John G. Williams and William H. Wingo testify to the same state of facts.

First Lieut. Lorenzo D. McJunkins testifies that claimant, while in the line of duty at Johnsonville, Tenn., about July, 1865, was affected by rheumatism, and that he relieved him from duty on that account, and he did no more active duty until discharged; that soldier, with his company and regiment, was transferred from New Orleans to Nashville, Tenn., on a steamer. They were eleven days on the passage, exposed to the fogs and mist from the waters. This, with exposure to camp life, brought on rheumatism.

Dr. Abraham Slack testified that he treated soldier for lumbago and rheumatism shortly after his discharge and again in 1868 and 1870.

Dr. A. G. Clapton also treated soldier for rheumatism.

Dr. J. P. Rowe testifies as to the continuance of rheumatism, and rates soldier as two-thirds disabled. There is an abundance of testimony showing continuance of disability from date of discharge.

Dr. A. J. Paine, examining surgeon, gives soldier a three-fourths rating for disability for rheumatism.

Your committee are of the opinion that soldier contracted the disease from which he now suffers while in the service of the United States and in the line of duty. He is clearly entitled to a pension, and we therefore recommend the passage of the bill.

The CHAIRMAN. Without objection the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. CRAIN. I object.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported with a favorable recommendation?

The question was decided in the affirmative, and the order was made.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee rise and report to the House the bills on which action has been taken.

Mr. LAWLER. Pending that motion, I desire to make a brief statement. There is a case on the Calendar of a lady from Chicago who has been here for five weeks. She has at home an aged mother, eighty-one years old, a cripple, and in bed. This lady has remained here in hopes of getting action on this bill to-night. The Senators from the State of Illinois [Mr. CULLOM and Mr. LOGAN] have been over requesting action by the committee. I ask unanimous consent to allow that case to be taken up.

Mr. MATSON. I object.

Mr. RANDALL. This is a case of great hardship. I happen to know something about it.

Mr. MATSON. I expect I know as much about it as others do. I know there are a great many cases of suffering and hardship. The committee to-night has seen fit to take up these cases in order, and I know of no reason why this case should be taken up out of its order.

Mr. LAWLER. This lady has been here for five long weeks, and has remained in order to see if any action would be taken this evening.

Mr. MATSON. We agreed last Friday night that General WHEELER should have an opportunity to speak this evening. It is now 10 o'clock, and in view of that arrangement it is time the committee should rise.

Mr. WHEELER. I wish to state I would not allow any pension case to be interfered with by any remarks which I desire to submit. My wish is that after the committee has got entirely through with its business I may have unanimous consent to submit those remarks. [Cries of "Regular order!"]

Mr. RANDALL. The gentleman from Alabama does not object to the request which has been made for the consideration of the Lanigan bill?

Mr. WHEELER. Not at all. I am in favor of it.

Mr. MATSON. The gentleman from Indiana objects.

The CHAIRMAN. Does the gentleman from Indiana insist on his objection?

Mr. MATSON. I do.

The question being taken, there were—ayes 22, noes 15.

So the motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. ADAMS, of Illinois, reported that the Committee of the Whole House, having had under consideration the Private Calendar under the special order, had directed him to report sundry bills to the House with favorable recommendations.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1649) granting a pension to Phœbe H. Meech;

A bill (H. R. 7163) granting a pension to Peter Adams;

A bill (H. R. 6087) granting a pension to Patrick Murphy;

A bill (H. R. 8333) granting a pension to Lucinda Sawyer;

A bill (H. R. 4407) granting a pension to Christopher C. White; and

A bill (H. R. 7221) granting a pension to Thomas B. Walsh.

Senate bills of the following titles, reported from the Committee of the Whole House with favorable recommendations, were severally ordered to a third reading, and were accordingly read the third time, and passed:

A bill (S. 1383) granting a pension to Harriet Welch;

A bill (S. 1382) for the relief of Lydia O. Hutchings;

A bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.;

A bill (S. 1400) granting a pension to William H. Beck;

A bill (S. 1288) granting a pension to Robert Holsey;

A bill (S. 1467) granting a pension to Mrs. Margaret Smith;

A bill (S. 1466) granting an increase of pension to Stephen R. Smith;

A bill (S. 1016) granting an increase of pension to Abel Comstock;

A bill (S. 1192) granting a pension to Alfred Denny;

A bill (S. 2005) granting a pension to Mary J. Nottage; and

A bill (S. 2025) granting a pension to James Butler.

Mr. WINANS moved to reconsider the votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ADAMS, of Illinois. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill 2349, being an act granting a pension to Catharine Lanigan, and that the same be now considered in the House.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, would assent to that permit a statement to be made?

The SPEAKER *pro tempore*. A statement may be made by unanimous consent.

Mr. WINANS. I object, Mr. Speaker.

Mr. BRECKINRIDGE, of Arkansas. I should like to hear a brief statement of the merits of the case.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. WINANS] objects.

Mr. WINANS moved that the House adjourn, but immediately withdrew his motion.

Mr. WHEELER. Mr. Speaker, I was unwilling to occupy the time of the House while pension bills were being passed, but as that business is entirely finished for the evening, and as some gentlemen have kindly consented to hear what I have to say, I shall now, with the permission of the House, proceed in continuation of my remarks which I began last Friday evening.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Alabama that no remarks are in order now except by unanimous consent.

Mr. LEHLBACH. I object, Mr. Speaker.

The SPEAKER *pro tempore*. Nothing is in order at this evening session but the consideration of pension bills, and although there may have been a tacit understanding to the contrary last Friday evening, the Chair holds that that understanding can not be permitted to contravene the order under which the House assembles. The Chair therefore holds that the gentleman from Alabama [Mr. WHEELER] can obtain or retain the floor only by unanimous consent.

Mr. HERMAN. I hope, Mr. Speaker, that the understanding will be carried out.

Mr. ANDERSON, of Kansas. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Kansas. As an agreement had been arrived at by unanimous consent upon last Friday evening and also this evening, in Committee of the Whole, that the gentleman from Alabama [Mr. WHEELER] should have an opportunity to deliver his speech, does not that agreement render unnecessary unanimous consent at this time?

The SPEAKER *pro tempore*. The Chair is having the record examined and will answer the gentleman's inquiry when report is made upon the record of last Friday night.

Mr. ANDERSON, of Kansas. I sincerely trust that the gentleman from Alabama will be heard.

Mr. LEHLBACH. I withdraw my objection, Mr. Speaker.

The SPEAKER *pro tempore*. The objection is withdrawn. Unless further objection is made, the gentleman from Alabama will proceed.

There was no objection.

Mr. WHEELER. Mr. Speaker, it is unnecessary for me to say that I am and always have been unwilling to occupy a single moment of the time of the House which could be made available for the consideration of pensions or other laws, and all the gentlemen present must have observed that both by vote and word I insisted upon the completion of all our work; and since all the business of the House for this evening has been finished, and as the gentleman from Michigan [Mr. WINANS], who moved that the House adjourn, has withdrawn his motion, I desire first to thank the House for extending to me their unanimous consent to proceed with my remarks in reply to the unjust reflection which emanated from the gentleman from Iowa [Mr. HEPBURN].

Pending the consideration of the bill to appropriate the means necessary to support the Army for the year ending June 30, 1887, the RECORD reads:

The Clerk read as follows:

"Subsistence Department:

"For one brigadier-general, two colonels, three lieutenant-colonels, eight majors, twelve captains (mounted), and additional pay for one hundred and forty acting commissaries, $79,500.

"Mr. HEPBURN. I move to amend by striking out the paragraph just read; and I give notice that at the proper time I shall move to strike out the paragraphs beginning respectively on line 100, line 113, line 116, line 120, and line 124."

Carrying out this intention, the gentleman made four additional motions to strike out the other paragraphs as they were successively reached, devoting the usual time to discussing the various amendments.

The chairman of the Committee on Military Affairs, General BRAGG, explained to him and to the House, that all these appropriations were for the pay of officers who held their positions under existing laws, and that our failure to appropriate would not lessen the liability of the Government to the officers referred to.

The gentleman from Iowa had been very prominent in his attacks upon the bill to provide for improving our rivers and harbors. He had used his best efforts to destroy many of the essential features of that measure, and to do this he had offered numerous amendments in quick succession, and the RECORD shows that he made twenty different speeches in his continued and repeated assaults upon the bill; and when this amendment to the Army bill was coupled with his assertion that the next five paragraphs would be attacked by him, were we not justified in our belief that the gentleman intended an assault upon every feature of the bill then being considered, the only effect of which, if successful, would have been to embarrass and block the machinery of the Government?

INDISCRIMINATE ATTACKS AVERTED.

If nothing else was accomplished by my reference to the Judge-Advocate-General's Department, it was advantageous to the House and to the country in so far that it appears to have had the effect of stopping the gentleman's indiscriminate and unreasonable attacks upon the Army bill.

Although less than one-fourth of the bill had been considered, and although up to that time he had not proposed all the amendments which he had indicated a purpose of introducing, he allowed the business of the House to proceed without further objection or comment. This has probably saved the House fivefold the time I shall occupy in the explanation which the gentleman's language and course have made necessary.

After the gentleman had offered five amendments, the effect of each

being to abolish and destroy a department of the Army, and after the fifth amendment had been discussed and advocated by the gentleman from Ohio [Mr. GROSVENOR], I ventured to call attention to the origin of the department last referred to, and to the fact that the abuses of which he complained arose and existed under Republican administrations, and I referred to an episode which I think has been accepted as unquestioned history.

I stated that Mr. Stanton sought to conspire to drag down officers who did not conform to his views or sustain his line of policy. In my desire to repel with merited scorn the unjustifiable and totally unwarranted imputation made by the gentleman from Iowa that I had assailed the memory of President Lincoln, I, in the warmth of my indignation, used words which roused the sensibilities of some members of this House.

I had no wish or intention to reflect upon Mr. Stanton, and notwithstanding the language used by the gentleman from Iowa [Mr. HEPBURN] I endeavored to obtain the floor with the intention of asking permission to withdraw the expression referred to before replying to the attack upon myself. The next morning when the matter was brought up I rose with the same intention, and notwithstanding my continued efforts this is my first opportunity to reply to the gentleman's attack, and I will also add that it is the first time I have ever asked the indulgence of the House regarding a matter which involved a question of personal explanation.

Although a very old member of this House had, by his example, more than justified the language I employed by alluding to a President of the Republic as an "arch criminal," I had no desire to follow such a lead. I regretted using the words, and would gladly have omitted them. I have always endeavored to abstain from any harsh, extreme, or unkind expressions, and have always felt that members of Congress were here for a higher and better purpose. Actuated by these feelings I availed myself of the rules of the House and asked to have the word most objected to omitted from the RECORD. But as the gentleman from Pennsylvania insisted that the word should appear, I now feel called upon to explain the facts which caused and seemed to justify the expression, and in doing this I shall endeavor to use no improper language. I shall not for one moment forget the courtesy due this House nor the usages of parliamentary decorum; and I shall most certainly abstain from the use of such words and phrases as were indulged in by the gentleman from Iowa, which I do not wish and shall not attempt to characterize, as to do so appropriately would necessitate the use of language neither parliamentary nor decorous.

I am aware that a few have in times past contended that Southern men should silently endure all taunts and jeers, whether leveled at themselves or their constituencies; but this sentiment is an insult to the manhood of the just, honorable, and brave of every Northern State from Maine to California. At the time I was under the influence of mingled feelings—my innate love of justice, my abhorrence of injustice, and sympathy with the wronged and oppressed.

CONTROLLING INFLUENCES.

I had in my mind the statement of President Lincoln regarding the influences which controlled his action in the case of a court-martial which affected the honor of a distinguished general.

I also recalled the arbitrary dismissal of many devoted officers, and the arrest, imprisonment, and attempted ruin of General Stone. Many of these cases have been appealed to this body, and the facts connected with these arbitrary dismissals have developed such gross injustice that in almost every instance Congress has been constrained to reverse the action of Mr. Stanton.

I had in my mind the assertions of the leading Republicans—Mr. Seward, Mr. Sumner, Mr. Wilson, Mr. Dawes, and Mr. Howard—that the very first act of Mr. Stanton as a member of Mr. Buchanan's Cabinet was to instigate, aid, and abet a design to procure the arrest and disgrace of his colleague, Mr. Toucey.

I had in my mind the sad execution of an innocent woman, not in time of war, but in time of peace, and like the crushing and irresistible force of a tornado, these episodes in our history were thrust upon me, together with the attending circumstances, which show that Mr. Stanton was a leading actor, and in most cases the instigator, of the arbitrary acts by which so many had suffered.

Mr. HEPBURN. Will the gentleman permit me to interrupt him?

Mr. WHEELER. I will yield to the gentleman for a question.

Mr. HEPBURN. I want to inquire who suggested that you said that Mr. Stanton *sought* to conspire to break down the character of officers?

Mr. WHEELER. That is substantially what I said in my remarks in reply to the gentleman from Iowa.

Mr. HEPBURN. Is that what you said or is that what you made the RECORD say afterward?

Mr. WHEELER. That is substantially what I said, as I understand it.

Mr. HEPBURN. I understand that you said, and that the notes of the reporter show you said, that Mr. Stanton was the "arch-conspirator" and *had* conspired.

Mr. BRECKINRIDGE, of Arkansas. Oh, there is no material difference there.

Mr. WHEELER. I can not see that there is any material difference. I can not see that any such technicality as that can have any weight in this discussion.

It has not been denied that I used the word "arch," but the gentleman knows that I have used every effort in my power to withdraw it, and its appearance in the RECORD is solely due to the friends of the gentlemen, who have forced me into this controversy. The very point made by the gentleman from Iowa [Mr. HEPBURN] illustrates the question at issue, that he and his friends have sought to force into the RECORD expressions made in the heat of debate and which they consider unjust to Mr. Stanton, while my endeavor has been to prevent their further publicity.

I do not think the gentleman quotes the exact words, but he is substantially correct.

Mr. HEPBURN. I think I can see a great difference.

Mr. WHEELER. I also recalled that his most extreme and arbitrary acts and his matchless craft were the features of his character which had sometimes been eulogized above the greater qualities exhibited by his undoubted mental and physical energies, some of his eulogists—at least by implication—having indicated that in their opinion the omission of the characteristics first mentioned was unjust to him. It was like the play of Hamlet with Hamlet left out, or like Samson after he was shorn of his locks.

The gentleman from Pennsylvania [Mr. BRUMM] opposed the suppression of the words which seemed to grate upon the sensibilities of the gentleman from New York and the gentleman from Iowa.

Whether the gentleman from Pennsylvania agreed with those who would contend that the words described characteristics which they admired, or whether the purpose was to place me in what they hoped would be a more vulnerable position for their attack is immaterial to the question.

THE CONTROVERSY RELUCTANTLY ACCEPTED.

At the risk of inviting another sneer from the gentleman from Iowa [Mr. HEPBURN] for repeating what I have already said, I wish, Mr. Speaker, to emphasize my regret at being forced into this controversy.

My indisposition to use any unkind or unfavorable expressions in reference to Mr. Stanton has been clearly demonstrated by my efforts to withdraw the words, uttered in the warmth of debate, which the friends of Mr. Stanton thought objectionable, and to omit them from the RECORD.

Nay, further, with the exception of the single expression which certain gentlemen on the other side of the House have determined to make so prominent, I have never uttered one word which was other than complimentary to Mr. Stanton.

I have spoken of him as a man of unquestioned ability and legal accomplishments, with a trained intellect backed by untiring energy and indomitable will. And I still insist that he possessed qualities which enabled him to achieve much good, but at the same time gave him unlimited power for evil.

My accidental and unpremeditated assertion that these talents had been sometimes used to disparage, and even to destroy, those who did not conform to his views is the extent of my offending.

I might have expressed myself in different language; had I been given a moment's reflection no doubt I would have used less rugged words. But I believe that Mr. Stanton would rather have his history written by a man who would boldly present the strong qualities which made his reputation than intrust it to the cant and hypocrisy of those who would hide these qualities by an attempt to enrobe him in the garb of a saint.

GREAT MEN DISDAIN FLATTERY.

It has been a trait of all men of decided character—all men whose abilities raised them to eminence and enabled them to leave the impress of their opinions and actions upon the time in which they lived—to desire that posterity should know them as they were.

Macaulay tells us that when Sir Peter Lely proposed to leave out of his portrait of Oliver Cromwell the warts and moles which he thought a blemish, the great Roundhead leader protested against the ignoble flattery, and insisted that his portrait should show him to future generations as he was.

Would not the same feelings that controlled Cromwell in the matter of his portrait have been potent with Mr. Stanton respecting his career? When his life ebbed away, had his biographer been by his side, would not his last words have been: "Write of me as I was. Do not, I insist, omit a paragraph or a word. The worst enemies of the great men of past time are those who seek to suppress acts and qualities which they do not understand and therefore can not appreciate. All of a great man's life is essential to its rotundity. Leave out the prominent acts, even though they are not good acts, and you destroy all—the symmetry is gone, and the strength is gone. What the people of one school of morals and of one age execrate the people of another may extol. There will always be those who must applaud my craft, my skill, my determined will, and my audacity."

If Mr. Stanton were here would he not say, "Yes, I did the work described by Mr. Seward, Mr. Sumner, Mr. Dawes, and Mr. Wilson, and I did it with consummate skill. I made everything succumb to my will. It is my pride and glory that I did what no one else could

accomplish. I played a part in the drama no one else could play. Confound to confusion the hypocrites who would strip me of this part of my history and attempt to make me appear like a country parson, a county-court lawyer, or an underclerk in a Department of the Government. Paint me as Stanton or wipe me from the page of history."

But Mr. Stanton was not the kind of man to wish to be wiped from history. He had played a prominent and important part in public affairs; he had been part of and had helped to make the history of a most momentous epoch. It is an insult to such a man to seek either to entomb his memory or to suppress the plain and truthful recital of what he did by substituting for it glittering generalities or high-sounding platitudes.

For these reasons no true friend of Mr. Stanton can object to a plain, impartial consideration of some of the prominent events in which he was an actor.

THEIR EMPHATIC CHALLENGE.

But as my effort to suppress the objectionable language was most strenuously opposed, and as the words to which exception was taken have since their utterance been repeatedly used by a gentleman on the Republican side of the House—and used in the most offensive manner which the rules of the House would allow—and as the gentlemen who insist upon this controversy have by various other means manifested their desire to force a consideration of Mr. Stanton's merits upon this House, and as the gentleman from Iowa [Mr. HEPBURN] has within the last few days seemed to assume a very martial mien, and during that time has posed with what appeared to be a studied grace and an unmistakable air of self-conscious importance before the Speaker's desk, I am constrained to construe their words and actions as a personal challenge to me to substantiate my assertion respecting Mr. Stanton, or confess that it was unfounded, if not wanton.

And this challenge gains additional emphasis by the gentleman's recent repeated exhibitions of indecorum and impropriety. First, in his reiterated and groundless insinuations that a highly honored member of this House was capable of taking an oath in the morning and breaking it before night. Second, his use of the word "blackguard," in speaking of a Northern Democrat, whose cultured language and whose conduct in every respect the gentleman from Iowa might well emulate. Certainly, the conduct of the leader of the "Iron Brigade" from the Wilderness in May, 1864, to Appomattox in April, 1865, was well worthy of any man's emulation. Third, his assertion on the floor of the House that because the gentleman from Iowa [Mr. WEAVER] was at that time a member of the Republican party in good standing it would justify or excuse him [Mr. HEPBURN] for denouncing the Republican party as being "so rotten that the Goddess of Liberty had to hold her nose when she passed over the Capitol."

Having by this means, in the judgment of some, established himself before the House of Representatives as a polished gentleman and refined debater, he seems to seek further opportunity for an exhibition of his peculiar characteristics, and his colleague [Mr. STRUBLE] standing beside him, cries out:

I understand my colleague [Mr. HEPBURN] does not wish better fun than to have a discussion with the gentleman from Alabama.

I regret very much to be so publicly informed that I have been selected as the especial target for the gentleman's insinuations and epithets, but since such a determination has been announced on the floor of the House I shall endeavor to undergo the infliction, fully realizing the weight and power of the combined oratorical talent which, under the gentleman's leadership, has arrayed itself against me.

I protest, Mr. Speaker, that I am sincere when I say I am reluctantly forced either to pursue this matter, or to admit that I have used words which do injustice to an official whom some gentlemen on this floor regard with admiration.

The words I used and which these gentlemen challenge me to defend only conveyed the idea that Mr. Stanton had sometimes exercised very arbitrary and cruel power, and on other occasions had been wanting in fidelity to associates for whom he had professed friendship, and that information gained in the confidence of such sacred relations had been used by him to their injury; that in doing these acts he had joined and aided others, or had been aided by others in efforts to accomplish his object.

QUESTIONABLE PRACTICES.

I admit there are those who regard such practices merely as sharp tricks, as indicative of talent, as traits to be admired, as characteristics worthy of commendation, but by the class of gentlemen with whom it has been my good fortune to associate such methods are condemned.

Such purposes are seldom attempted by one man alone, as the nature of the undertaking requires concert of action, and this concert of two or more persons is generally designated conspiracy.

I admit that the gentlemen have displayed great sagacity in forcing this issue upon one who was identified with the cause opposed to the one which gave employment to Mr. Stanton, because they well judged the hesitation and embarrassment one so circumstanced must feel in being driven into such a controversy.

As these gentlemen will not permit me to be silent, I will now proceed to present some of the voluminous proof bearing upon this matter, the testimony being that of witnesses whom my opponents must accept as absolutely unimpeachable.

Though well known to many as an ardent pro-slavery Democrat, Mr. Stanton first became prominent in public affairs when he was made a member of Mr. Buchanan's Cabinet.

Lest it may be claimed that I have no warrant for asserting Mr. Stanton to have been a pro-slavery Democrat, I desire to call attention to his own utterances on the Sickles trial, April 14, 1859, in which cause he was one of the counsel for the defendant. The quotation I make is found on page 51 of the printed report of that celebrated case. I read now from that report:

As the relations of counsel to slavery had been referred to, he would state that he had the blood of slave-holding parents in his veins; his father had been a North Carolinian and his mother a Virginian.

This by way of parenthesis.

I shall begin with his appointment as Attorney-General in Mr. Buchanan's Cabinet, and in this review I shall not utter one word of disparagement to Mr. Stanton which can possibly be avoided, nor quote a single expression from any of his opponents or enemies. I shall measure him by the standard selected by his friends, and shall use no expressions or evidence except the encomiums of his eulogists and panegyrists.

The issue then is distinctly joined. I am challenged to produce evidence justifying or warranting the assertion that Mr. Stanton at any time "sought to conspire to drag down officers," &c.

That evidence I shall now introduce, and the first witness is Henry Wilson, of Massachusetts, during his life a prominent Republican, a Senator and Vice-President of the United States.

BUCHANAN'S ATTORNEY-GENERAL.

In the Atlantic Monthly for February, 1870, Hon. Henry Wilson, in an intended panegyric upon Mr. Stanton, asserts that, while occupying the confidential position of Attorney-General in Mr. Buchanan's Cabinet, he habitually and systematically pursued a course which I think all will admit violated the plainest and simplest obligations of official propriety by disclosing to others what occurred in Cabinet meetings.

He asserts further that he entered into an arrangement with the Republican members of a special committee of the House of Representatives which had been appointed upon his suggestion to procure the arrest of his associate in the Cabinet, Hon. Isaac Toucey, the Secretary of the Navy.

This witness asserts further that while occupying the aforesaid confidential position in President Buchanan's Cabinet Mr. Stanton conferred and consulted with "a committee of vigilance," composed of the more active Republican members of Congress, and the statements of Mr. Wilson, when taken together with those of Mr. Seward and Mr. Howard and Mr. Sumner, clearly show that this was done "almost daily," for the purpose of keeping them (the "committee of vigilance") informed of the utterances and actions of the President and his constitutional advisers; and the witness says that—

He [Mr. Stanton] put himself in communication with the Republicans in Congress and kept them well informed of what was going on in the councils of the administration.

This witness further alleges that Mr. Stanton held a midnight conference with Senator Sumner to disclose to that prominent Republican leader some special and particular information which I think the evidence clearly shows had come to his (Stanton's) knowledge by and through his aforesaid position of unlimited trust and confidence, and that Mr. Stanton himself appointed the midnight rendezvous because "he [Stanton] did not dare to hold conversation with him [Sumner] there" (in Stanton's office).

Mr. Wilson says:

He [Stanton] led Mr. Sumner from his office and told him he did not dare to hold conversation with him there, and made an appointment to call upon him at 1 o'clock in the morning. At that hour he made the promised call and explained to him the perilous condition of the country, and suggested plans of action for the loyal men in Congress.

Of course such intense patriotism, sleepless vigilance, and tireless activity brought him in conflict with disloyal men both in the Cabinet and in Congress.

Mr. Sumner's evidence fixes this interview as occurring in January, and at a period when the Cabinet was composed of men who remained in it until March 4, and these are the men who are alluded to as disloyal.

This witness further alleges that "nearly thirty years" before the date on which his testimony is given (February, 1870) Mr. Stanton approached Mr. Chase on the streets of Columbus, Ohio, and declared that he was in "entire agreement with the anti-slavery sentiments just put forth by the latter" (Mr. Chase), "and hoped he [Stanton] should soon be able to take his place by his [Chase's] side," but that he never did so, and continued to act with the Democratic party.

This witness also alleges, finally, that after the accession of Mr. Johnson to the Presidency Mr. Stanton retained his confidential position as a member of the Cabinet; and the language of the witness clearly indicates that the action of Mr. Stanton was governed by the intention to prevent the President being successful in the prosecution of his policy, and to that end "did all he could to secure, in the elections, the success" of those opposed to the President and his policy.

The witness also says upon this point:

To break with the President before he had fully revealed his purposes would, he thought, place the Republicans in a false position before the people and inure solely to the advantage of Mr. Johnson.

Mr. HENDERSON, of Iowa. Do you in every instance give the source from which you take the extract?

Mr. WHEELER. I specify the sources.

Mr. BUCHANAN. Do they show that those acts were committed near the close of President Buchanan's term?

Mr. WHEELER. They show that they were committed in January and February preceding the close of President Buchanan's term.

Mr. BROWN, of Pennsylvania. Extracts touching what points?

Mr. WHEELER. Touching these points that I have just been discussing.

Mr. GALLINGER. Extracts from the speeches of the gentlemen you have referred to?

Mr. WHEELER. Extracts from their speeches, or rather from their articles published in different magazines.

Mr. HENDERSON, of Iowa. Does your statement have reference to the Committee on the Conduct of the War?

Mr. WHEELER. No, sir; that committee was not formed at that time.

Mr. GROUT. Those transactions took place, I believe, at a time when troops were being raised and organized throughout the South?

Mr. WHEELER. I presume so, to a limited extent. We all know the history of the country in 1860–'61.

I was not in the South at the time. I was in the far West, hoping, and, I will say, hoping with confidence, that Mr. Buchanan's efforts to preserve the Union and to preserve peace would be successful. I was one of those who never believed that this Union could be disrupted and that Americans could be arrayed against each other, and no one regretted more than myself when the inevitable burst upon us.

But, it may be objected, the evidence of a single witness, however credible and unimpeachable, will not suffice, unsupported, to convict any man of the offenses recited by Mr. Wilson. Unfortunately for the defenders of Mr. Stanton the case against him does not rest upon Mr. Wilson's unsupported testimony.

AN ALLY OF MR. SEWARD.

There are a number of witnesses by whom every material allegation of Mr. Wilson is corroborated, some of whom I shall now introduce, the first one being Hon. William H. Seward.

In the Atlantic Monthly for October, 1870, there is quoted a letter of Secretary Seward's, the date given being June 6, from which I read:

If my memory serves me, I did not personally know Edwin M. Stanton until after he was appointed Attorney-General in place of Hon. Jeremiah S. Black, who became Secretary of State on the resignation of General Cass.

Mr. Peter H. Watson, who during Mr. Lincoln's administration became a very devoted and efficient assistant Secretary of War, was an intimate personal friend of Mr. Stanton, as well as of myself. Immediately after Mr. Stanton took office he put himself into indirect communication with me at my house, employing Mr. Watson for that purpose. Every day thereafter, until the inauguration had passed, I conferred either in the morning or in the evening, or both, with Mr. Stanton through the same agency. * * * Mr. Watson often brought with him suggestions in writing from Mr. Stanton and returned to Mr. Stanton with mine. * * *

One day, as I was riding through F street from the Capitol, I met Mr. Stanton on foot. We recognized each other, and a hurried explanation concerning our relations, as they were being conducted through the agency of Mr. Watson, took place. We separated quickly, from the motive on my part, and I supposed on his, of avoiding public observation. This was the only occasion, as I remember, on which I met Mr. Stanton until after the expiration of Mr. Buchanan's Presidential term.

Bear in mind that Mr. Seward was the very embodiment, the incarnation, of the most active and rancorous hostility to President Buchanan's administration; that, as he himself says in this letter: "* * * It early became understood that I was to be appointed Secretary of State by Mr. Lincoln. In this manner it happened that I came to be regarded somewhat extensively as a person representing the incoming administration and the Republican party." And yet Mr. Stanton, while holding office under a Democratic administration, professing, necessarily, to be in thorough accord with his Democratic associates upon all questions of party policy, and implicitly trusted by them, could consent to accept and retain a strictly confidential position in Buchanan's Cabinet, and "immediately upon taking office," as Mr. Seward says, put himself into communication with the bitterest and most virulent enemy of the Democratic party whom he could reach. It is positively stated by Mr. Wilson and clearly indicated by Mr. Seward that this was done for the purpose of disclosing to him and other Republicans what transpired in Cabinet councils. In other words, Mr. Stanton deliberately revealed the deliberations of his party associates to their most active opponent. What could have been the motive of these revelations?

Could it have been any other than to injure, to "drag down," and possibly to ruin, those whose trust he should have held sacred?

And who were the gentlemen whom Mr. Stanton thus "sought to conspire to drag down?" In answering this question we must remember that Mr. Seward testifies that this secret and indirect communication, which I presume all will admit was a systematic violation of trust, was persisted in during every day of the two months (January and February, 1861) Mr. Stanton was in Buchanan's Cabinet. Mr. Seward says it began immediately after Mr. Stanton took office and continued until Mr. Lincoln was inaugurated.

I say this occurred in January and February, 1861. All the proof shows this to be so, but as conclusive on this point Mr. Wilson asserts that Mr. Stanton was engaged in an important trial in Pittsburgh until the last days of December, 1860.

WHO WERE TO BE DRAGGED DOWN?

I repeat the question, Who were the proposed victims it was sought to thus "drag down" and ruin? They were James Buchanan, Jeremiah S. Black, John A. Dix, Joseph Holt, Isaac Toucey, and Horatio King. These gentlemen were devoted and true to the country, devoted and true to the Union, and were earnest and untiring in their efforts to preserve the Union in its integrity, in peace, unity, and concord. No one can point to an act by any of these gentlemen that showed aught but devotion to the Union—not even Edwin M. Stanton himself.

The witness now on the stand, Hon. William H. Seward, testifies that upon one occasion at least, even while he was seeking to "drag them down," Mr. Stanton expressed "entire confidence in the loyalty of the President and of the heads of the Departments who remained in association with him until the close of that administration."

Mr. Seward's evidence needs no corroboration; but nevertheless I will introduce another witness, the Hon. Gideon Welles, Mr. Lincoln's Secretary of the Navy. I read from his work, "Lincoln and Seward," page 201, where, referring to this very matter, he says:

It is well known that Mr. Stanton, at that time a member of Mr. Buchanan's Cabinet, * * * secretly confided to Mr. Seward the consultations and purposes of that administration.

This incontrovertible evidence of Mr. Wilson, Mr. Seward, and Mr. Welles certainly exhibits Mr. Stanton as a most astounding and remarkable character. Is it not in keeping with General Sherman's inference "that Mr. Stanton was notoriously vindictive in his prejudices," as well as with the declaration of General Grant that "he (Stanton) cared nothing for the feelings of others? In fact it seemed pleasanter to him to disappoint than to gratify."

Does not the evidence I have already submitted justify any one in the assertion that Mr. Stanton "sought to conspire to drag down," &c.?

I feel confident it does, and that I might safely rest my case here; but I have still further evidence, and the next witness I shall call is Mr. William A. Howard, of Michigan. This witness was chairman of the special committee of the House of Representatives, referred to by Mr. Wilson in his evidence as having been appointed at the suggestion of Mr. Stanton to procure the arrest of Secretary Toucey. The witness therefore enjoyed special and peculiar advantages of knowing all about the organization, methods, and purposes of that committee.

EFFORT TO ARREST MR. TOUCEY.

In the Atlantic Monthly for October, 1870, I find a lengthy quotation from a letter of Mr. Howard to ex-Attorney-General Hoar, under date of February 7, 1870, from which I read:

If you will refer to the resolutions of the House early in January, 1861, under which the special committee of which I was chairman was appointed, you will see that the committee was clothed with very ample powers. That committee was raised at the request of loyal members of the Cabinet. The resolutions came from them, and were placed in my hands with a request that I would offer them, and thus become, if they should pass, chairman of the committee. At first I refused to assume so fearful a responsibility.

* * * * * * *

I do not know that Mr. Stanton wrote the resolutions creating the committee. I did not see him write them. I never heard him say he wrote them. It would be easier, however, to persuade me that Mr. Jefferson did not write the Declaration of Independence than that Mr. Stanton did not write those resolutions. * * * I do not think I saw Mr. Stanton at any time between the 1st of January and the 4th of March, 1861, but I think I heard from him more times than there were days in those two months.

* * * * * * *

We were more than once told it would probably be necessary to arrest a certain member of the Cabinet for treason. Once we were told it would probably have to be within an hour, but to wait until we could hear a second time. Word came to hold on. Those messages certainly came from some member of the Cabinet. * * * For obvious reasons personal interviews with Cabinet ministers were avoided during the labors of the committee; but I do know I many times sent inquiries, and always received answers with great promptness, conveying information of great importance. But these communications were indirect and anonymous.

To appreciate the full significance of this evidence it is necessary to recall the history of the resolutions referred to by the witness. On the 8th of January, 1861, President Buchanan sent a special message to Congress relative to the condition of the country, and urging it to devote itself exclusively to devising the means whereby the Union might be preserved in peace. This message was discussed and the important question it dealt with considered in all its bearings by the Cabinet, receiving the cordial approbation of every one of the President's advisers.

Among these advisers was Mr. Stanton. Observe, the message was sent January 8; the resolutions appointing the committee were introduced by Hr. Howard, the witness, on January 9, and he testifies positively that they (the resolutions) were sent to him from the Cabinet, and that—

It would be easier to persuade him that Mr. Jefferson did not write the Declaration of Independence than that Mr. Stanton did not write those resolutions.

The resolutions followed the message so closely we are forced to conclude that Mr. Stanton hurried from the confidential conference of the

President with his trusted counselors to the privacy of his own office, and with all convenient speed devoted his unrivaled ingenuity and distinguished ability in draughting a series of resolutions investing the political enemies of the President and his Cabinet with formidable powers which he knew would be unsparingly exercised. Nor was this all. With a skill and cunning almost superhuman the very solicitude of the administration for the preservation of the Union was made to furnish the means of attacking it for treasonable designs and to supply the pretext for the arrest of one of its members.

Mr. BROWN, of Pennsylvania. I say it was to his credit on account of the peculiar state of affairs in the country at the time. He was a patriot, and it was his duty to ferret out the conspiracy against his country.

Mr. WHEELER. Mr. Buchanan was a patriot; Mr. Horatio King was a patriot; Jeremiah S. Black was a patriot; General John A. Dix was a patriot; Isaac Toucey was a patriot; and has one man so much patriotism that he must cause the arrest of another patriot?

A MEMBER. It depends upon what the other "patriot" was doing.

Mr. WHEELER. That other patriot was doing all he could to preserve the unity of his country. There were no men at that time in the Cabinet of Mr. Buchanan except men who, as Mr. Stanton said in his letter to Mr. Buchanan and also in his letter to Mr. Sumner, had his fullest confidence as loyal and devoted to the country.

Mr. BRADY. Is it not a fact that Mr. Thompson was in the Cabinet at that time?

Mr. WHEELER. Mr. Thompson had left the Cabinet. Every one of the Southern men had left the Cabinet. Judge Holt was the only member of the Cabinet, except those I have named. All this I will show as I go on.

Mr. BRADY. I was under the impression that Mr. Thompson was in the Cabinet at that time.

Mr. WHEELER. No; he was not. Mr. Cobb and Mr. Floyd resigned in December, 1860. Mr. Thompson resigned early in January, his resignation being accepted on January 8, and it was after this date that Mr. Howard introduced the resolutions in Congress, which his evidence shows were written by Mr. Stanton, and the evident purpose of which was the arrest of Mr. Toucey.

MATCHLESS DEXTERITY.

Gentlemen will search history in vain for an instance of superior dexterity in outwitting and ensnaring political opponents. Compared with the artificer of this matchless device Fouché, Talleyrand, Mazarin, Richelieu, and Machiavel were tyros and bunglers. Those they overthrew fell victims to their own weaknesses, follies or vices, but the excellence of this contrivance was that the virtue of the proposed victims was to be punished as vice—they were to suffer as traitors because they had given unmistakable evidence of unfaltering patriotism.

The copious vocabulary of panegyric of the gentleman from Iowa [Mr. HEPBURN] or of the gentleman from New York [Mr. HISCOCK] might exhaust itself upon the phenomenal mental powers of invention, combination, suggestion, arrangement, and direction displayed in this masterpiece of craft without doing justice to their superlative merits, but the merely moral aspects of the entire transaction may safely be left to the verdict of any one possessing intelligence and conscience enough to know right from wrong—to distinguish good from evil.

To corroborate the evidence of Mr. Wilson as to the design and purpose of Mr. Stanton to procure the arrest of Secretary Toucey, I desire now to call Hon. HENRY L. DAWES, Senator from Massachusetts, and associated with Mr. Howard on the special committee to which reference has been made by former witnesses.

In the periodical from which I last quoted I find it asserted:

> In an article written immediately after the death of Mr. Stanton * * * he [Mr. DAWES] stated that some of the most important and secret plans of the couspirators became known and were thwarted by means of communications from Mr. Stanton to the committee.

A PERPLEXING INQUIRY.

I trust I will be pardoned for arresting the witness at this point for a moment while I call attention to the extraordinary import of a portion of his evidence. He says "important and secret plans of the conspirators" were made known by Mr. Stanton. Who were these "conspirators" with whom Mr. Stanton was so intimate and by whom he was so fully trusted as to enable him to learn their "most important and secret plans?" The world knows that Mr. Stanton held confidential and secret relations with President Buchanan's Cabinet, of which he was a member, and simultaneously held similar relations with the most active and virulent political enemies of that Cabinet, with whom he held secret and midnight interviews, and with whom he constantly communicated through chosen agents. Were the "conspirators" referred to by this witness to be found in either of these bodies? Clearly they could not have been in the Cabinet, for before the appointment of the committee to which the witness says this information was given the Cabinet had been reconstituted, and at the time fixed by the witness was composed of the same members of whom Mr. Seward testifies that Mr. Stanton assured him he (Stanton) had entire confidence in their loyalty. These "conspirators" could not have been found in the other body of gentlemen by whom Mr. Stanton was so implicitly trusted, for it is at once their justification and their glory that they were "conspiring" to baffle conspiracy.

Can it be possible, then, that Mr. Stanton maintained secret and confidential relations with a third body of men, whose secrets he systematically disclosed? If so, could this third body have consisted of secessionists, pure and simple, and their sympathizers? It seems well-nigh incredible, and yet that conclusion seems to be unavoidable.

But irresistible as this conclusion appears to be, I reject it utterly. I had rather be thought illogical than so simply credulous as to permit even the most potent reasons to convince my judgment of so arrant an absurdity as that Mr. Stanton ever established or ever held—for even the briefest period—confidential relations with the secessionists. I almost dare be sworn that he never was so associated. It is not merely an absurdity—it is an impossibility. So firm is my faith on this point that fire could not burn it out of me.

SOUTHERN MEN CONCEALED NOTHING.

A moment's reflection will enable any one to recall the fact that nothing could have been more open than the action of the Southern people during all this period. In Congress and in the public press their purposes and plans were boldly and unreservedly announced. Senators and Representatives, Army and Navy officers, resigned and made their adieus to their old friends and associates. The course they pursued was sanctioned by the best authority and the highest officials.

Mr. Greeley's historical expression, "Erring sisters, go in peace."

General Scott's repeated utterance: "Wayward sisters, depart in peace;" and Mr. Chase's opinion, "The South is not worth fighting for, let it alone," were published and republished in every paper in the land. From the day Mr. Lincoln's election was announced, Mr. Greeley, in the New York Tribune, asserted that the South had a perfect right to secede. I read from his paper of November 9, 1860:

> If the cotton States shall become satisfied that they can do better out of the Union than in it, we insist on letting them go in peace.

In the issue of November 16 I find:

> If the fifteen slave States, or even the eight cotton States alone, shall quietly, decisively say to the rest, "We prefer to be henceforth separated from you," we shall insist that they be permitted to go in peace.

On November 19 the Tribune said:

> Whenever the slave States, or the cotton States only, shall unitedly and coolly say to the rest, "We want to get out of the Union," we shall urge that their request be acceded to.

The same idea was repeated on November 30:

> But if the cotton States generally unite with her [South Carolina] in seceding, we insist that they can not be prevented, and that the attempt must not be made.

At a later date, and while the South Carolina convention was in session, Mr. Greeley said:

> If it (the Declaration of Independence) justified the secession from the British Empire of three million of colonists in 1776, we do not see why it would not justify the secession of five million of Southrons from the Federal Union in 1861.

Even after the formation of the confederate government Mr. Greeley declared:

> We have repeatedly said, and we once more insist, that the great principle embodied by Jefferson in the Declaration of Independence that governments derive their just powers from the consent of the governed is sound and just, and that if the slave States, the cotton States, or the Gulf States only, choose to form an independent nation, they have a clear and moral right to do so.

All this shows that there was no necessity for any secrecy on the part of Southern men, and the history of the time shows that there was nothing of that character. I will, therefore, say that no power on earth, no argument, no proof, can satisfy me that Mr. Stanton ever maintained confidential relations except with the two bodies I have named. His most intimate and most trusted confederates, Mr. Seward, Mr. Wilson, Mr. Sumner, Mr. DAWES, and Mr. Howard have taken the world into their confidence, and they have told all about the important revelations made by Mr. Stanton, but the most rigid scrutiny of their utterances will fail to discover any revelations whatever touching the purposes or the designs of the secessionists.

If they trusted him, where are the revelations? Until some one is able to produce revelations affecting the secessionists I refuse to believe that he was ever in intimate and confidential relations with them.

This impossible hypothesis disposed of, I again ask who were these "conspirators?" Mr. DAWES could enlighten the world on this point.

"A CABINET OFFICER DENOUNCED."

Apologizing for the interruption, I will now allow the witness, Mr. DAWES, to resume his testimony. He says:

> Once a member of that committee read by the light of the street lamps these words: "Secretary ——— is a traitor, depend upon it. * * * Arrest him instantly, or all will be lost." The paper went back to its hiding-place, but the Secretary, though he walked the streets unmolested, was watched from that hour.

Who can question the truthfulness of this testimony? Who can doubt the fact that Mr. Stanton, in the extraordinary emergencies of that dark winter, did put himself in communication with Republican members of Congress?

Now, who was this "Secretary," this "member of the Cabinet," who, according to the evidence of Mr. Wilson, Mr. Howard, and Mr. DAWES, Mr. Stanton sought to have arrested? If the testimony of these witnesses is to be accepted it was Hon. Isaac Toucey, the Secretary of

the Navy. And even without their positive testimony to the fact, all the circumstances point irresistibly to Mr. Toucey as the person to be arrested. It could not have been Judge Black, nor General Dix, nor Judge Holt, nor Mr. King, and certainly Mr. Stanton did not enter into a clandestine arrangement with "the committee" to effect the arrest of the Attorney-General. There was no possibility of its being any other than Mr. Toucey.

Mr. HEPBURN. I would like to ask the gentleman from Alabama whether these gentlemen whom he has just named were those he had in his mind when he spoke the other day of Mr. Stanton as an "arch conspirator."

Mr. WHEELER. Yes; I had them all in my mind—those and many others; there was an immense number in my mind.

Mr. HEPBURN. Then it was not McClellan and it was not——

Mr. WHEELER. Yes, it was McClellan; it was Fitz-John Porter; it was General Stone. I could spend the night in giving a list of them, but I must hasten on in my justification, as my time is limited.

Now what were the grounds upon which Mr. Stanton denounced his personal friend and political associate in the Cabinet? Will it be credited that this committee, prepared to believe the worst by the prejudicial representations of their secret ally in the Cabinet, and clothed by Congress with "very ample powers," instituted a searching inquiry into Mr. Toucey's administration of the Navy Department, and that the report of that investigation, submitted by this witness, Hon. HENRY L. DAWES, summed up all the offenses which could be charged against Mr. Toucey in a resolution which declares that he has "committed a grave error." This was the conclusion of the Secretary's political enemies; but the minority report declares that the investigation has developed "nothing to detract from the high reputation always borne by the present Secretary for integrity and patriotism."

But the utter groundlessness of these aspersions upon Secretary Toucey's patriotism is attested by a witness whom my opponents in this controversy dare not challenge, and this witness I introduce in the person of Edwin M. Stanton, the "loyal" member of the Cabinet who denounced Mr. Toucey to the witnesses Howard and DAWES.

MR. STANTON AS A WITNESS.

In the Life of Buchanan, by George Ticknor Curtis, volume 2, page 529, I find a letter dated March 10, 1861, from Mr. Stanton to his former chief. In this letter Mr. Stanton comments upon the "errors in respect to material facts" which had attracted his attention in "some remarkable comments" of General Scott upon Mr. Holt's report in relation to Major Anderson and Fort Sumter. From these comments I read:

These errors relate, first, to the sending of the Star of the West. This is attributed to Mr. Toucey's being unwilling to furnish the Brooklyn for that expedition. My understanding was that Mr. Toucey wanted to send the Brooklyn, and that General Scott and Mr. Holt preferred the other mode, and overruled Mr. Toucey.

Elsewhere in the same letter, referring to the "comments of General Scott," Mr. Stanton says:

The second point was that on subsequent consultations General Scott urged the sending of a military and naval force to relieve Major Anderson, but that Mr. Toucey made such difficulty about furnishing the ships that it was abandoned. My understanding was that General Scott never urged the sending of any force to Sumter, but only to be ready to do so if necessary.

The full significance of this evidence can not be appreciated unless we bear in mind the dates of several occurrences. The special message to Congress which afforded Mr. Stanton the opportunity to write the resolutions under which the Howard and Dawes special committee was organized was sent on January 8; the resolutions were introduced on January 9; and it must have been subsequent to that date that, as Mr. DAWES testifies, "a member of that committee [the Howard special committee] read by the light of the street lamps" a denunciation of a member of the Cabinet, which all the evidence, I think, certainly shows came from Mr. Stanton.

But the Star of the West sailed from New York on January 5.

A comparison of these dates develops the astounding fact that Mr. Stanton denounced Mr. Toucey as "a traitor" after he had been a witness of his loyal anxiety to send the Brooklyn to relieve Fort Sumter.

We have the evidence of his own letter to Mr. Buchanan that he must have known this prior to the sailing of the Star of the West on January 5, and we have the testimony of Mr. Seward that he (Stanton) vouched for the steadfast loyalty and devotion to the Union of Mr. Toucey and all his associates in the Cabinet. Yet it is in evidence that at the very time he gave this voucher he was engaged in a clandestine arrangement to procure the arrest and ruin of Mr. Toucey for treason.

I ask, does not this show that Mr. Stanton "sought to conspire to drag down officers," &c.?

Mr. GROUT. Is that statement from Mr. Stanton that Mr. Toucey was loyal?

Mr. WHEELER. Yes.

Mr. GROUT. Was not that remote?

Mr. WHEELER. No; it was March 10, 1861.

Mr. GROUT. He sought to arrest him and yet Mr. Stanton said he was loyal?

Mr. BROWN, of Pennsylvania. He might have been loyal one day and a traitor the next.

Mr. WHEELER. He said he was always loyal. But I must proceed.

The next witness I shall introduce is Hon. Charles Sumner, whom I call to corroborate Mr. Henry Wilson's evidence as to Mr. Stanton's midnight interviews with the political enemies of Mr. Buchanan's Cabinet, Mr. Stanton being a member of that Cabinet at the time.

A MIDNIGHT CONFERENCE.

In the Atlantic Monthly for October, 1870, I find a letter from Mr. Sumner, from which I read:

* * * In the month of January, 1861, * * * I called on him (Mr. Stanton) at the Attorney-General's office * * * for information and counsel. * * * He was in the inner room, where he received me kindly. * * * Looking about and seeing somebody in the room, he whispered that we must be alone, and then passed into the ante-room, where was also somebody, and then into the next room, and then into the next, when, finding somebody in each room, he opened the door into the corridor, where he began an earnest conversation, saying that he must see me alone, * * * and he concluded by proposing to call on me at my lodgings at 1 o'clock that night, when he would tell me of the fearful condition of affairs as he saw them. I said in reply that I would expect him at the time named by him.

He came at 1 o'clock that night and was alone with me for an hour. * * *

There is no evidence given that Mr. Stanton told Mr. Sumner any details other than were daily reported in the public press. But this evidence of Mr. Sumner is important, because it shows that while he was secretly associating with other prominent Republicans, and was secretly preparing the resolutions by which it was designed to accomplish the ruin of Mr. Toucey, Mr. Stanton sought and obtained a midnight interview with Mr. Sumner, who was no less than Mr. Seward identified with the bitterest foes of the administration of which Mr. Stanton was a member, and by which he was implicitly trusted.

Did not all these acts of Mr. Stanton tend to sustain the position which I have been challenged to maintain?

Mr. HEPBURN. Does the gentleman understand that the President and his Cabinet at that time were engaged in efforts to preserve the Union?

Mr. WHEELER. I do, sir.

Mr. HEPBURN. Were not these gentlemen with whom you say Mr. Stanton conferred engaged in efforts to preserve the Union?

Mr. WHEELER. That is a question which history must determine.

Mr. HEPBURN. Is it not your opinion?

Mr. WHEELER. Though it is undoubtedly true that the masses of the people of both parties anxiously desired the preservation of the Union, yet it must be admitted that some of the prominent Republican leaders were vastly opposed to the pacific measures by which Mr. Buchanan and his advisers hoped to avert its threatened disruption.

Mr. Buchanan, and I think a majority of the Northern people, felt that in the alarmed and excited condition of the country the Southern States should be assured protection in their constitutional rights under the administration of Mr. Lincoln. And the gentleman will admit that these Republican leaders declined giving these conciliatory views any consideration. The difference was this: Mr. Buchanan sought to save the Union by constitutional measures and by conciliation, while many Republican leaders openly advocated the attainment of this end by the force of arms.

Either method would have succeeded; the latter was finally adopted. I will show you that Mr. Stanton says himself that Mr. Buchanan was doing all he could to preserve the Union; and he applauds every act of Mr. Buchanan.

Mr. HEPBURN. Is it not true that the efforts of these other gentlemen did result in preserving the Union?

Mr. WHEELER. That is a question we have not time to discuss to-night. The combined efforts of the people of the North restored the Union, but they were aided by a large number of soldiers from the South. The number of soldiers in the Federal Army from the Southern Sates was about equal to the entire strength of the confederate army.

Mr. HEPBURN. If that is true, why do you say Mr. Stanton was conferring with the enemies of the administration?

Mr. WHEELER. Because the political enemies of the Democratic party were the Republican party; the political enemies of the Republican party were the Democratic party.

Mr. HEPBURN. Were not all engaged in the same purpose—working for the same end?

Mr. WHEELER. Both parties in all times are engaged in doing all they can for the greatness and glory of their country, but they pursue different methods. Mr. Buchanan and the Democratic party sought to preserve the Union in one way, as I have shown, and Republican leaders determined to pursue another policy.

Mr. GROUT. Will the gentleman allow me a question?

Mr. WHEELER. Yes, sir.

Mr. GROUT. At that time was not the bulk of the Democratic party drifting into the rebellion?

Mr. WHEELER. No, sir. The Democratic party of the North crushed the rebellion. After the war was precipitated they were as earnest in their efforts to restore the Union by that means as they had been to preserve it by pacific measures.

Mr. GROUT. Will the gentleman allow me one other question?

Mr. WHEELER. Yes, sir.

Mr. GROUT. Did Mr. Stanton ever testify to the loyalty of Secretary Toucey?

Mr. WHEELER. Yes, sir; I will show you that he did.

Mr. GROUT. Was that before or after he dispersed the war vessels of the United States into distant seas upon one manner of empty errand and another?

Mr. WHEELER. I am coming to all that. I will show you that Mr. Stanton certifies that Secretary Toucey did not do that.

Mr. GALLINGER. Will the gentleman allow me a question?

Mr. WHEELER. With pleasure.

Mr. GALLINGER. You testify to Mr. Buchanan's fidelity to the Union?

Mr. WHEELER. Yes, sir. Will any man in the United States question it?

Mr. GALLINGER. Is it not a fact that a committee of Congress, of which Mr. Tappan, of my own State, was a member, waited upon Mr. Buchanan during the incipiency of the rebellion, requesting him to take immediate action to suppress the rebellion, and that Mr. Buchanan replied he knew of no power under the Constitution that would warrant him in undertaking to coerce a sovereign State? Is not that a matter of history?

Mr. WHEELER. I will say in reply that the history of that time shows that some of Mr. Buchanan's advisers contended for that position; but I will show that Mr. Stanton says that those advisers while so advising were opposed by Mr. Buchanan, and that Mr. Buchanan insisted on taking action and did take action. I will come to all that in a short time.

Mr. Tappan was a member of the committee of thirty-three. Some fifty resolutions were proposed by members of that committee of a conciliatory character. Mr. Tappan and Mr. Washburn were the only members as I recall it who offered resolutions which opposed guarantees, compromises, or concessions.

Mr. GALLINGER. Is it not a matter of history that Mr. Buchanan made that reply to that Congressional committee? Does not the gentleman know the fact as a matter of history?

Mr. WHEELER. It is a matter of history that at that time many of the leading people of the country regarded the use of coercive measures as a very questionable policy, and they all contended that every effort of conciliation should be first exhausted; and Mr. Stanton's letters to Mr. Buchanan show that he concurred in those views, and that such a policy controlled the first forty days of Mr. Lincoln's administration.

I will read some extracts from Mr. Buchanan's message to Congress of December 3, 1860:

* * * That the election of any one of our fellow-citizens to the office of President does not, of itself, afford just cause for dissolving the Union; and that;

In order to justify a resort to revolutionary resistance, the Federal Government must be guilty of a deliberate, palpable, and dangerous exercise of powers not granted by the Constitution.

He denied that "secession" could be justified as a constitutional remedy, and asserted that—

Such a principle is wholly inconsistent with the history as well as the character of the Federal Constitution.

It is true he said that the duty of the Executive was to execute laws, not to enact them; but he appealed to Congress for the necessary legislation, and said:

Congress can contribute much to avert it by proposing and recommending to the Legislatures of the several States the remedy for existing evils which the Constitution has itself provided for its own preservation. This has been tried at different critical periods of our history, and always with eminent success.

In his message to Congress of January 8, 1861, Mr. Buchanan said:

At the opening of your present session I called your attention to the dangers which threatened the existence of the Union. I expressed my opinion freely concerning the original causes of those dangers, and recommended such measures as I believed would have the effect of tranquillizing the country and saving it from the peril in which it had been needlessly and most unfortunately involved.

* * * I also declared my opinion to be that, even if that right existed and should be exercised by any State of the Confederacy, the executive department of this Government had no authority under the Constitution to recognize its validity by acknowledging the independence of such State. * * *

The fact can not be disguised that we are in the midst of a great revolution. In all its various bearings, therefore, I commend the question to Congress as the only human tribunal under Providence possessing the power to meet the existing emergency. To them, exclusively, belongs the power to declare war or to authorize the employment of military force in all cases contemplated by the Constitution; and they alone possess the power to remove grievances which might lead to war, and to secure peace and union to this distracted country. On them, and on them alone, rests the responsibility. * * *

I, therefore, appeal through you to the people of this country to declare in their might that the Union must and shall be preserved by all constitutional means. I most earnestly recommend that you devote yourselves exclusively to the question how this can be accomplished in peace. All other questions, when compared with this, sink into insignificance.

The present is no time for palliatives; action, prompt action, is required.

A delay in Congress to prescribe or to recommend a distinct and practical proposition for conciliation may drive us to a point from which it will be almost impossible to recede.

I think these citations from Mr. Buchanan's message clearly indicate his attitude upon this question.

CABINET CONFIDENCES INVIOLABLE.

I think I may say there never was a man so lost to proper sentiments as not to feel the extent of the impropriety of sitting in Cabinet council during the day, advising with his chief and colleagues, and professing to aid them in their plans and policy, and then sitting in midnight conclave with the chiefs of the opposing party, and by various agencies secretly informing them of the Cabinet confidences and thereby aiding them in efforts to thwart the plans which he and his chief and his Cabinet colleagues had perfected during the day.

Mr. GROUT. What do you mean by "opposing parties," when you have said both parties were trying to save the Union, the Republican party and the Democratic party?

Mr. WHEELER. I say Mr. Buchanan was trying to save the Union.

Mr. GROUT. What do you mean?

Mr. WHEELER. And Mr. Stanton was trying to thwart his plans, and thus to neutralize his efforts.

Mr. GROUT. You do not claim the Republicans were trying to overthrow the Union when the Republicans were trying to save the Union?

Mr. WHEELER. I made no such intimation. I spoke of the Democratic party as one party and the Republican party as the other party.

The Republicans sought to maintain the Union by force of arms; the Democratic theory was to obtain the same result by guarantees and concessions.

Mr. Buchanan's opinion as to the binding force of the obligation resting upon those occupying these confidential relations is very forcibly expressed in a private letter which appears in the Life of the ex-President, by George Ticknor Curtis, volume 2, page 581, from which I read:

Since the origin of the Government there has been no case of violating Cabinet confidence except one, and the great man who was betrayed into it by violent prejudice was destroyed. It is moral perjury, and no Cabinet could exist if the consultations were not held sacred.

And upon page 588 of the same work I find another letter in which the same subject is referred to. I read:

In all free countries fidelity to the head of the government on the part of the members of his cabinet, whilst belonging to his political family, has ever been considered both a point of honor and duty, and has rarely, if ever, been violated. While at liberty to contract new political engagements, if they should betray to their new friends or the public what had transpired in the old cabinet, without the consent of its head, they would be held justly infamous.

The dates of these letters—the first one being dated February 10, 1862, and the second May 17 of the same year—show that Mr. Buchanan could not have known positively that any member or members of his own political family had been guilty of the violation of Cabinet confidences which he so vigorously condemns, for the truth regarding the relations of his Attorney-General, Mr. Stanton, with the Republican leaders was not made public until a long time afterward. We learn that about this time (January 16, 1862), in referring to Mr. Stanton, Mr. Buchanan wrote:

He [Stanton] was always on my side, and flattered me *ad nauseam*.

And Mr. Buchanan was not singular in this opinion of Cabinet confidences.

MR. STANTON'S SENSITIVE DELICACY.

I have a letter, dated March 10, 1861, written to Mr. Buchanan by one of his Cabinet officers, who it seems desired to place on record his utter detestation, loathing, and abhorrence of such impropriety (I will not use the word treachery). This letter would indicate that the writer appreciated that what transpired in a Cabinet meeting was sacred and that no one member could or should refer to it outside of that meeting for fear he might unwittingly say something that would reflect upon or do his brother Cabinet officers injustice, and the writer seems to take the high ground that even though it might be for the good of an imperiled country for him to give information to President Lincoln, yet for the reason I have mentioned he would feel it his duty to refuse to say anything regarding Mr. Buchanan's Cabinet councils unless all his brother Cabinet officers were present.

The delicate and refined sensibilities expressed by the writer indicate that he, for one, wished his late chief to understand that all that had transpired in the Cabinet while he was a member was regarded by him as sacred and inviolable.

Mr. Speaker, who would you suppose this man of such delicate sensibilities could have been? Which one of Mr. Buchanan's ministers do you suppose wrote and signed this letter, and thus, as shown by Mr. DAWES, Mr. Sumner, Mr. Seward, and Mr. Howard, administered such an overwhelming rebuke to the man who while he was a Cabinet officer did violate propriety and trust to an infinitely greater degree than could have been involved in a compliance with the request made by Mr. Seward and Mr. Lincoln?

Really, many very high-minded gentlemen would fail to see the impropriety of a prompt and unhesitating compliance with their request.

It seems that Mr. Seward, the Secretary of State, and President Lincoln sought to obtain information regarding what was called an "informal truce," which Mr. Stanton said had been indorsed, or favored, or at least concurred in, by General Scott and the Secretary of War, Judge Holt.

This information was important to them, as affording them official information regarding the existing status of the relations between the confederate and Federal authorities.

I believe there are few men who have been Cabinet officers who

would have hesitated a moment, but I cite this letter to show the sacred regard with which some men maintain the sanctity of Cabinet councils, and their unwillingness to trust themselves, in the absence of their associates, to even refer to anything which transpired in Cabinet meetings.

I repeat, Mr. Speaker, who do you suppose expressed these delicate sentiments? Who do you suppose wrote this letter?

I will exhibit the record.

I will send it to the Clerk's desk. I will ask him to read the signature.

Mr. HENDERSON, of Iowa. Read it yourself.

Mr. WHEELER. Very well; the letter is signed "Edwin M. Stanton."

Mr. GROUT. Read the letter now.

Mr. WHEELER. I have read a part of it.

I have read the first paragraph which refers to the Star of the West, and the second paragraph which states that General Scott never urged the sending of any force to Sumter. I will now read what follows.

Third. A third point relates to what General Scott calls an informal truce entered into by you with certain persons from seceding States, under which the re-enforcement of Sumter and Fort Pickens was suspended. My recollection in respect to that transaction is that Mr. Holt and General Scott concurred with you in that arrangement, which, when proposed in Cabinet was opposed (approved?) by Judge Black and myself.

In his conversation with me Mr. Seward mentioned that Mr. Lincoln and his Cabinet, when this subject came up, would desire me to be present, and also Mr. Holt. I told him that *if all of the late Cabinet* were requested to be present I would have no objection, but I did not think it proper *unless all* were present. He said that of course the invitation would be extended *to all*. As I never heard anything more on the subject, I suppose that they have found it only necessary to consult Mr. Holt, who continued acting as Secretary of War.

I desire to call particular attention to the word "opposed," which I think is a typographical error, and should be "approved."

I will state my reasons for this opinion:

First. Judge Black is known to have "approved" Mr. Buchanan's policy—certainly he did not oppose it.

Second. In a letter from Mr. Stanton to Mr. Buchanan, dated March 16, 1861, Mr. Stanton says:

I do not think there will be any serious effort to assail your administration in respect to Fort Sumter. That would imply a coercive policy on their part, and hostility to your pacific measures. The tendency of General Scott's remarks was rather to impute blame to Mr. Toucey than to any one else. And as Mr. Holt and the general concurred in everything done or written, their concurrence will defend you.

Third. In Curtis's Life of Buchanan, (volume 2, page 583) I find a letter from Mr. Buchanan to Mr. Stanton, dated February 25, 1862, in which, evidently referring to Mr. Stanton's letter from which I have quoted, he says:

Your particular attention must have been drawn to this subject a few days after the 4th of March, 1861, because in your letter to me of the 14th of that month, you state your recollection to be, that Mr. Holt and General Scott concurred with me in that arrangement, which you say, "when proposed in Cabinet was approved by Judge Black and myself."

It is contended by some that this is a matter in which I have no interest, and which I can not with propriety discuss.

I emphatically deny this assertion.

BUCHANAN'S POLICY COMMENDED.

At that time (January and February, 1861) we had peace in every corner of our land, and I was interested in, and desired the maintenance of, that peace as much as any other citizen. And it was my belief, as well as the belief of the majority of the best citizens of the United States, that adherence to the pacific measures of Mr. Buchanan would have preserved peace and secured the integrity and perpetuity of the Union. This was the opinion of Mr. Buchanan and of his Cabinet, and it seemed to be also the prevailing sentiment with Mr. Lincoln and his Cabinet when the new administration first came into power.

Judging from his letters to Mr. Buchanan, written during the early part of Mr. Lincoln's administration, this appears to have been the opinion of Mr. Stanton also.

Mr. BRUMM. Will the gentleman yield to me for a question? I made an engagement to leave in the train, and can not stay much longer, otherwise I would not interrupt him at this point. The gentleman in starting out in his remarks referred to my calling attention to the RECORD. The question I wish to ask is, whether the gentleman from Alabama in correcting the RECORD simply claims he struck out the word "arch," or that he corrected it in other respects beside that one instance?

Mr. WHEELER. I may have changed the grammar, and likely did so, but I did not change the sense. That is the privilege all persons in this House take. It is the universal rule.

Mr. BRUMM. My point is this. We want to get at the facts in the case, and that is the reason why I made the point. It is, whether the gentleman did not change the sense and essence of his remarks outside of striking out the word "arch?" Did he not do that in this respect: In his original remarks he said Stanton said and did conspire, and in changing his remarks he said that Stanton sought to conspire.

Now, inasmuch as a conspiracy always involves two or more, the very point of the controversy, when you say "Stanton and others," is not that a change of the sentence? Because if he sought to conspire, that he might have done alone, but if he did conspire, then others with whom he was in connection were as guilty as himself.

Mr. WHEELER. Whatever there may be in that technicality my change showed the impression I wished to make.

Mr. BRUMM. You say you did change it so as to say he sought to conspire and not that he did conspire?

Mr. WHEELER. We always do make changes, as the gentleman knows, so as to express our meaning.

Mr. BRUMM. The fact is the notes of the reporter show you did change to that extent.

Mr. WHEELER. I would like to see them, but there is nothing material in the correction referred to.

Mr. BRUMM. I have the original, and will have them read if necessary.

Mr. WHEELER. I must resume my argument; I must press on. I will read now from the same letter of Mr. Stanton to Mr. Buchanan:

I am perfectly satisfied that Major Anderson will be withdrawn. Scott agrees with Anderson as to the force required to relieve Sumter, and evidently favors withdrawal of the troops. The same thing will no doubt be done in respect to Fort Pickens. The Montgomery commissioners have not yet applied for an audience. Various conjectures are made in respect to whether they will be received. I am also convinced by the general tone prevailing here that there is not the least design to attempt any coercive measure. A continuation of your policy to avoid a collision will be the course of the present administration.

From another letter of Mr. Stanton to the ex-President, dated Washington, March 16, 1861, I read:

The embarrassments that surrounded you they now feel, and whatever may be said against you must recoil as an argument against them. And in giving reasons for their action, they must exhibit the facts that controlled you in respect to Sumter.

Under date of April 3 the same correspondent writes his former chief:

The first month of the administration seems to have furnished an ample vindication of your policy and to have rendered all occasion of other defense needless.

In a letter dated May 16, 1861, Mr. Stanton gives Mr. Buchanan a glimpse of the interior workings of the new Cabinet. I read:

The negotiations carrried on by Mr. Seward with the confederate commissioners through Judge Campbell and Judge Nelson will, some day perhaps, be brought to light, and, if they were as has been represented to me, Mr. Seward and the Lincoln administration will not be in a position to make sneering observations respecting any negotiations during your administration.

DIRECT METHODS THE BEST.

The gentlemen justify these acts of Mr. Stanton because they say they were done to aid the cause which they say was God's cause.

Let me tell them that God never required any agencies which were not pure and honorable in accomplishing his purposes.

Even imperfect and frail human beings prefer direct and open methods, and scorn success attained by unworthy means. Lincoln would have abhorred a man who proposed to destroy a friend to achieve a purpose.

Grant, Sherman, Sheridan, Thomas, Rosecrans, McClellan, Buell, or Canby might have employed and used a spy to enter their opponents' camps, but they would have loathed his presence and distrusted him. No cause in the history of the world was ever benefited by such methods.

In morals and politics, as in law, insincerity or fraud injures, if it does not destroy, whatever it touches, and Holy Writ itself instructs us that we are not permitted to do evil that good may come.

It is an insult to the cause supported by Mr. Lincoln and General Grant to even suggest that it required such aid as was secured by Mr. Stanton's professing confidence and friendship for his associates and colleagues with his lips while his heart and head were engaged in efforts to accomplish their disgrace and ruin.

That the cause of the Union survived such questionable, unmanly, and unchivalric practices is the strongest evidence of the skill, courage, and devotion of the officers, soldiers, and statesmen who gave to its service only that which was true and noble.

Mr. PERKINS. If it will not interrupt the gentleman I would like to ask why, if that was his judgment, the Southern members should have left the Cabinet at that time?

Mr. WHEELER. Because they thought it right to do so.

Mr. PERKINS. I know, but why did they leave?

Mr. WHEELER. Because the country expected and every Southern man regarded it as his duty to leave.

Mr. GROUT. Did they feel it necessary to organize and equip troops, as was being done?

Mr. WHEELER. I do not know about that; I was not there at the time.

Mr. GROUT. But you know it was being done.

Mr. WHEELER. Oh, yes; I recollect the last thing I saw in the New York Herald was that an attempt was made to enlist troops, and that they succeeded, after four weeks, in getting one private, while they had applications for four thousand offices.

Mr. GROUT. They were more successful in South Carolina.

WHY WAS THERE NO CLEMENCY?

Mr. WHEELER. The circumstances attending the execution of Mrs. Surratt recurred to my memory. I recalled the assertion of Presi-

dent Johnson that the recommendation for mercy and executive clemency was not presented to him, and that he did not know that the court had signed a recommendation for mercy until after the execution.

I had before me the statute which authorized the appointment of a Judge-Advocate-General, pursuant to which Judge Holt was appointed, and which contains the words:

And no sentence of death or imprisonment in the penitentiary shall be carried into execution until the same shall have been approved by the President.

The recommendation by the court for executive clemency was the most important paper in the case. This paper was, at least should have been, in the custody of the Judge-Advocate and Secretary of War, and the law made it the imperative duty of the Secretary to place it before the President.

This duty President Johnson says was not performed, and a woman since proven to have been absolutely innocent of the charges brought against her was executed.

I have had no time to investigate, but must trust to memory for most of these events. I recall Mr. Merrick's speech on the John Surratt trial. Mr. Merrick repeatedly charged that this recommendation to mercy was never placed before Mr. Johnson. This charge was made, and the district attorney was challenged to bring a refutation of the charge, and during all of this discussion, lasting nearly two weeks, the charge was never refuted. If this charge had not been true, its falsity would certainly have been established during that trial.

President Johnson was within a stone's throw, and if the charge was not true its refutation by his evidence could easily have been secured.

Mr. Merrick asked:

Who stood between her and the seat of mercy? Has conscience lashed the Chief of the Bureau of Military Justice? Does memory haunt the Secretary of War?

I will refer now to the case of Fitz-John Porter.

MR. LINCOLN DECEIVED.

In court-martial proceedings which require the approval of the Executive the law makes it imperative that the evidence be placed before the President, and if an abbreviated summary of the evidence is substituted it should be truthful, not garbled or false, and as this statement is transmitted to the President by the Secretary of War it becomes his duty to see that it is such a presentation of the evidence as will insure justice to the accused as well as to the Government.

Governor Newell, of New Jersey, a personal and political friend of Mr. Lincoln, referring to Mr. Lincoln's action in the case of General Porter, testified in these words:

Mr. Lincoln stated that he had not been able to give that personal attention to the cause which its merits required; that he had accepted the opinion of the Judge-Advocate-General and of the War Department as the basis of his action; that if any evidence exculpatory of General Porter could be introduced he would be very glad to give him an opportunity to have it presented; that he had a high regard for General Porter personally and as a soldier, and that he hoped he would be able to vindicate himself in that way.

Here we have the statement of Mr. Lincoln himself that these two men acting together had caused him to accept their view and opinion as the basis of his (Mr. Lincoln's) action.

It will be observed that Mr. Lincoln acted upon the opinion of Mr. Stanton and Judge Holt. Mr. Stanton was a Cabinet officer and almost constantly had the ear of the President. What verbal opinion he expressed to Mr. Lincoln we can not know, but Congress called for and obtained the written opinion which was transmitted by the War Department to Mr. Lincoln.

This paper from the War Department and Judge-Advocate-General is now before the country, and it was this paper, together with such verbal opinions as Mr. Stanton expressed to the President, which Mr. Lincoln said he accepted as the basis of his action; and I felt that this written opinion alone, even without the probably more damaging and extravagant verbal opinion, fully justified my statement that Mr. Stanton conspired with Judge Holt to drag down an officer.

Mr. PRICE. I wish to make a suggestion to the gentleman from Alabama with his consent. We all want to read this carefully and the reply, and we can not listen to this to-night without overworking ourselves. Would it not be entirely proper to print the balance?

Mr. HENDERSON, of Iowa. I hope the gentleman will be allowed to proceed to-night.

Mr. PRICE. I understand the gentleman is not using the exact language he intends to print, but only extracts from it; and we want to read it carefully, so as to know how to reply.

Mr. JOHNSTON, of Indiana. Let him proceed now.

Mr. WHEELER. The gentleman may rest assured that all I say will appear in the RECORD.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Wisconsin that the proceeding is by unanimous consent. The gentleman can only proceed by unanimous consent.

Mr. HENDERSON, of Iowa. After he gets the floor by unanimous consent he can then proceed.

Mr. PRICE. I beg pardon; he can not.

The SPEAKER *pro tempore*. The Chair will not decide that question in advance, but has an opinion upon the subject.

Mr. WHEELER. The facts in this case have been so recently and so fully presented to the House and are too familiar to all to render it necessary to recapitulate them at length. It has been clearly demonstrated that General Porter was unjustly condemned, and wishing to repair, so far as possible, this grievous wrong to a gallant officer, the Forty-eighth Congress passed a bill restoring him to his rank in the Army. The bill was vetoed by President Arthur upon the ground that its phraseology was such as to give it the effect of an interference with the prerogatives of the Executive.

All the circumstances attending the appointment of Judge Holt to the position of Judge-Advocate-General, the first important duty he performed in his new office, the manner in which he conducted the trial of General Porter, the continuous and habitual disregard of his duty in putting leading questions to witnesses, all tend irresistibly to produce the impression that the object of the trial was not the punishment of an offender, but the disgrace of an officer "who did not conform to his views or sustain the line of policy he had inaugurated."

THE TRIUMPH OF DECEPTION.

And the means by which effect was given to the sentence of the court-martial still further confirms the presumption of prearranged determination to work the ruin of this officer at all hazards.

It was, as we have seen, the duty of the Judge-Advocate-General to submit, with the finding of the court, the evidence, or a full, fair, and impartial summary of the evidence, upon which that finding was based. The record of the proceedings and this summary were transmitted to the President by the Secretary of War.

This was the first court-martial of real importance held during the war. Whether it was organized to protect and maintain the efficiency of the Army, or whether, as has been charged, its object was merely the degradation of the accused, the Secretary of War was too deeply interested in the case to permit us to believe that he failed to read the evidence from day to day as the trial progressed. The summary of the evidence prepared by the Judge-Advocate-General would necessarily exert a potent influence on the President's action in the case, and the Secretary of War was too anxious to be assured that his subordinate had discharged his duty efficiently to have possibly allowed the summary to pass through his hands unread.

Now, let us see how this summary of the evidence, prepared by the Judge Advocate-General, read by the Secretary of War, and by him transmitted to the President, mangled the case of the accused.

TRUTH AND MISREPRESENTATION.

Referring to the 4.30 p. m. order (the one important order in the case) and the time of its delivery to the accused, the summary of the evidence led the President to believe that it had been clearly proved the accused could not have had less than two hours of daylight in which to make the attack, when in fact the order was not delivered until sunset.

To arrive at this misleading conclusion the compilers of the paper appear to have rejected the positive testimony of five officers, namely: General Sykes, Lieutenant-Colonel Locke, Captain Monteith, Lieutenant Weld, and Lieutenant Ingham, "who deposed that the order was not received until about sundown," and accept the opinion of an orderly, who, six months after the occurrences, testifies as to what he "thinks," and the evidence of General Pope's brother, whose cross-examination showed that his evidence was based upon mere surmise and opinion.

Mr. GROUT. Is not the time when that order was received fixed by the note from Warren to Sykes as having been previous to 5.40 p.m.?

Mr. WHEELER. No, sir; there is no such evidence.

Mr. GROUT. There is positive proof of that fact in the note from Warren to Sykes, which speaks of the orders passing between Morrell and Pope in front and the movements in response to the 4.30 order.

Mr. WHEELER. I shall not go into that subject now, but—

Mr. GROUT. The note from Warren to Sykes, of which I speak, appeared in the "Rebellion Records," and shows the order from Pope was received by Porter long before 4.45 p. m., whereas the sun did not set that day till 6.36.

Mr. WHEELER. I will inform the gentleman that Warren was not a witness on Porter's trial, and that General Sykes's testimony is on page 177 of the court-martial record, and he swears that the order arrived "as near sunset as he could remember," and there is nothing in General Morrell's testimony to contradict this; on the contrary, he confirms it.

Mr. GROUT. No; we have had enough of the Porter business already. It has all been gone over.

Mr. WHEELER. I shall not go into that now.

Again, from the statements of the summary the President could not escape the conclusion that on the 29th of August a furious battle was raging within hearing of the accused, and that he stood idly by and listened to the sounds of the conflict for the five or six hours preceding half past 5 o'clock in the afternoon, when in fact there was no general battle on the 29th of August, but only a series of sharp and obstinate engagements by small fractions of the Army, and even these did not begin until late in the afternoon.

To illustrate: This paper, sent from the War Department to the President, and upon which he relied, said:

The accused had, for between five and six hours, been listening to the sounds

of the battle raging immediately to his right. Its dust and smoke were before his eyes, and the reverberation of its artillery was in his ears.

This statement was laid before President Lincoln by Mr. Stanton and Judge Holt when the evidence of Major-General John F. Reynolds, which showed its utter falsity, was staring them in the face. I will read from General Reynolds's testimony (court-martial record, page 170):

Q. On the 29th, before 4 o'clock p. m., what was the character of the battle—artillery or infantry?
A. Principally artillery.
Q. About what time did the infantry fire commence in force and volume?
A. As near as I can recollect it must have been between 4 and 5 o'clock, probably 5 o'clock; that is, I refer to the part near me. There may have been infantry firing on the right which I could not hear.

General Reynolds's troops were nearer to General Porter than any other portion of General Pope's line of battle, and he was 3 miles to General Porter's right, and he says if there was infantry firing it was so far to his right that he could not hear it. Now, if there had been firing on the right Porter was 3 miles farther from it than Reynolds.

Generals Schofield, Terry, and Getty, in referring to the 29th of August, say:

That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. These combats were of short duration and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton.

And with regard to the events of that day General Grant says:

Until 1881, when I re-examined for myself, my belief was that on the 29th of August, 1861, a great battle was fought. * * * Now, on a full investigation of facts, I find that the battle was fought on the 30th of August; that your (Porter's) corps, commanded directly by you (Porter) in person, lost a greater percentage than any other corps engaged.

But to completely expose the falsity of this deceptive paper upon this point, all of Pope's orders and his correspondence with his corps commanders were before the court, and none of these letters or orders speak of a battle prior to half past 4 o'clock, or of the army as doing anything else than either marching or preparing to fight.

Again: From this summary the President was positively informed that the command of the accused numbered thirteen thousand men, when in fact he had but about nine thousand, and it also stated that only a small force of the enemy was in his front, when in fact he was confronted by nearly if not quite three times his own numbers.

The Stanton and Holt paper says:

There is some contrariety in the evidence as to the force of the enemy by which the accused was opposed. The weight of the testimony is that it was small—decidedly so in the early part of the afternoon.

* * * * * * *

It is believed that at no time on the 29th could the accused have been confronted by a rebel force exceeding seven thousand—a little more than half the strength of his own corps. The strong probability is that the force was not so large.

The fact is, the evidence showed that Longstreet's corps and Stuart's cavalry were directly in Porter's front. It was positively known further that these bodies of the enemy were estimated at from twenty-five thousand to thirty-five thousand men. Col. E. J. Marshall, of Porter's corps, who was engaged with the enemy at one point, testifies regarding them (page 268 court record):

It was a very large force, and they were drawn up in line of battle as they came down. * * * Their position was a very strong one, and they were certainly in force at that time twice as large as our own force—all of Porter's corps.

These are only specimen bricks of this adroit aud skillful misrepresentation of material and essential facts in the case. The whole paper is not merely misleading, it is instinct with deception throughout, and it is not surprising that it imposed upon an honest, unsuspicious trustful man like Mr. Lincoln.

So good a lawyer as the Secretary of War, familiar with the evidence as he must have been, could not possibly have bestowed the least critical examination on such a paper without detecting its manifest partiality, its glaring injustice to the accused, and yet it was solely upon the representations of this paper, coupled with any verbal opinions the Secretary may have advanced, that Mr. Lincoln approved the sentence of the court.

I wish now, Mr. Speaker, to call attention to other authorities, and I will read from Montgomery Blair.

Mr. GROUT. Who is Montgomery Blair?

Mr. WHEELER. He was Postmaster-General under that administration. This is a letter written by Mr. Blair to General Porter, which we find in the Porter case, page 531:

When they tried you, the War Department wanted to excuse Pope's defeat and their share of the business. That honest and able man, Secretary Welles, in his defense of Mr. Lincoln, tells how Stanton met the emergency. He charged the blame on McClellan. He demanded of Mr. Lincoln his instant dismissal. He tried to engage the whole Cabinet in it. He tried to get them all to sign a paper drawn by him to compel Mr. Lincoln's consent. But Mr. Lincoln thought McClellan only could rally the army, and he went to him and asked him to resume the command. That put a check on the business until McClellan was finally removed; and then the charges were worked up against you.

I will also read a paragraph from Hon. Gideon Welles's work, entitled "Lincoln and Seward," page 193, which refers to the paper mentioned by Mr. Blair:

I declined to sign the paper, which was in the handwriting of Stanton, not that I did not disapprove of the course of the general, but because the combination was improper and disrespectful to the President, who had selected his Cabinet to consult and advise with, not to conspire against him.

I wish to call special attention to this expression of Secretary of the Navy, Welles, where he speaks of Mr. Stanton as conspiring against Mr. Lincoln while a member of his Cabinet, and also gives as his (Welles's) reason for not signing the paper that it was "because the combination was improper and disrespectful to the President."

If Mr. Stanton's colleague in Mr. Lincoln's Cabinet boldly charges Mr. Stanton with conspiring against his chief, Mr. Lincoln, may not the gentlemen pardon me for my inadvertent expression?

A MASTERPIECE OF CRAFT.

But as bad as all this is, worse remains behind. If I am correct in my surmise the primary object of the Secretary of War and his Judge-Advocate-General was accomplished when the President had been imposed upon and deceived into approving the sentence of the court. But after this it became necessary to satisfy the country that no injustice had been done, that the condemned officer had been most leniently dealt with. To do this it had to be shown that General Porter did in fact stand aloof from his comrades during the whole continuance of a great battle in progress in his immediate vicinity. But the evidence before the court-martial would not show anything of the kind. On the contrary, it would have shown that General Porter was a victim, not a culprit.

Here was apparently a most perplexing dilemma for the Secretary and his Judge-Advocate-General. But if they were not equal to the exigency, some sympathizing friend, of great ingenuity and singular fertility of resource, was equal to it for them.

A copy of Stonewall Jackson's official report of a battle in which he was long and obstinately engaged with a most determined enemy was procured and published to the world as the confederate account of the great battle to which General Porter listened unmoved and so unconcerned that he made no attempt to participate in it. This settled the matter. It drove the nail home into the popular belief and clinched it. The published report of the confederate general was read everywhere, its authenticity and accuracy were doubted by none, and General Porter became the object of almost universal detestation as a traitor who had been undeservedly fortunate in escaping the death he so richly merited.

Now, can it be believed that the brunt of the battle which the confederate general reported as having been so stubbornly and bloodily contested, and for non-participation in which Porter had been so generally execrated, was actually borne by General Porter's own command, under his personal and immediate leadership and direction; that by another piece of marvelous dexterity and sublime yet simple audacity in making Jackson's report of the battle of August 30 read as the account of a battle fought on August 29, public opinion was made to condemn General Porter as a traitor for not taking part in his own fight? And this extraordinary result was achieved by merely changing the dates in a rebel general's report.

I wish it to be distinctly understood that I do not charge Mr. Stanton with being personally the author of this more than questionable piece of finesse, but as it has been admitted under oath that it was the work of an officer whose relations with Mr. Stanton had been very intimate, I cite it as establishing the admitted necessity of using craft in the efforts to convince the country that no imposition had been practiced upon Mr. Lincoln.

Still Mr. Stanton undeniably possessed qualities of a pronounced order, and by some they were regarded as soldierly characteristics and as an evidence of military talent. General James B. Fry, who was Provost-Marshal-General of the United States during 1863, 1864, and 1865, whose position gave him exceptionally advantageous opportunities of becoming intimately acquainted with Mr. Stanton's peculiarities, in a recent work gives this candid opinion of the moral and mental constitution of the "great war Secretary:"

While he was strictly honest, before him justice was powerless and personal rights were trifles. The cause was everything, and his will was the cause. Modifying Richelieu's maxim, "first use all means to conciliate, then all to crush," he tried to conciliate only when he thought he could not crush. * * *

It has been said that "law is the most narrowing and degrading of all professions," and that "the habitual study of it is demoralizing." That depends, very much at least, on natural gifts. If it was verified in Stanton certainly it was contradicted in Lincoln. * * *

Impressed by the importance of despotic sway in war, he overestimated the value of terror, and sometimes hastily dispatched the accused for the sake of the example.

AN ELASTIC CODE OF MORALS.

It may be that some gentlemen may be able to find in the circumstances of the troubled times mid which they were placed a perfect and satisfactory justification for the course of the Secretary of War and his Judge-Advocate-General in this whole proceeding against General Porter. They may contend that Mr. Stanton foresaw—or honestly thought he foresaw—that the success of the Union cause was imperiled by the devotion of the principal army of the country to its commander; that the paramount consideration with him was the preservation of the Union, and that such minor questions as personal rights and justice to individuals should have been, and very properly were, regarded as subordinate.

This idea is very forcibly presented by my Republican friend from New York [Mr. WEBER] in his speech on the Fitz-John Porter bill, from which I read:

Who knows but that the military necessities of the situation required just such an arbitrary act, to sacrifice one for the good of the many. Only those who served in the Peninsula campaign can realize or comprehend that intense McClellanism which pervaded that Army of the Potomac in 1862.

* * * * * *

That feeling, that spirit of McClellanism, capable of being used to such great advantage, worthy and desirable if so used, was nevertheless a great obstacle to the success of the army with another commander to lead it, and that spirit needed extinction, even if by arbitrary acts an innocent man should suffer. It is a cruel theory, but as Sherman has pithily expressed it, "war is a cruelty and can not be refined."

But, Mr. Speaker, even if we accept this elastic code of moral obligation, I maintain that such acceptance does not affect the fact.

It may have been necessary to "sacrifice one for the good of the many," but if the sacrifice was effected by indirect methods; if it was accomplished by and through collusion between the Secretary of War and his Judge-Advocate-General designed to impose upon their confiding and unsuspicious chief, General Porter was the victim of a conspiracy. For a conspiracy is the combination of two or more persons to accomplish an unlawful purpose by concerted action.

All the proof shows that General Porter was such a victim.

A DUTY PERFORMED.

I have done with this branch of the subject, Mr. Speaker. A most unwelcome and painful task has been forced upon me as a duty, a duty to myself, a duty to the people with whom I have ever been and always shall be identified in feeling and sentiment, and a duty to the truth of history.

That duty is now performed. I have shown from the record that an innocent woman was executed despite a recommendation to executive clemency, that recommendation being studiously kept from the Executive. I have shown that officers were dismissed the service so unjustly that Congress has felt constrained to use its power to repair the wrongs inflicted upon them by the Secretary of War. I have shown from the testimony of his own friends that Mr. Stanton systematically violated the confidence and trust reposed in him by President Buchanan and his Cabinet. And, finally, I feel that I have shown that he sought to destroy General Porter by practices and methods which have been in effect condemned by Generals Grant, Schofield, Terry, and Getty, and which Mr. Lincoln would also have condemned had his life been spared.

I maintain, therefore, that it is incontestably established that I was justified in saying that Mr. Stanton "sought to conspire to drag down officers who did not conform to his views or sustain the line of policy that he had inaugurated."

This uncongenial and unpleasant duty has been thrust upon me. Sincerely—I had almost said laboriously—I endeavored to escape it. But I was not permitted to evade it, and though it was unwillingly undertaken, I trust the gentlemen who forced it upon me are satisfied with the manner in which it has been discharged.

Mr. Stanton may have been a great man, may have rendered great services to the Republican party, and the country may be largely indebted to his undoubted ability. But can the proof be questioned which shows that he professed fealty and devotion to one set of party friends, while at the same moment he was secretly conferring with and aiding their enemies; can they question the proofs which show that he was insatiable in engrossing power and arbitrary and ruthless in exercising it; that he sought to accomplish the disgrace and ruin of one officer of the Government by acts which I doubt if many members of this House will approve, and secured the dismissal of another by devices equally reprehensible?

In a desire to be even extreme in punctiliousness regarding the use of language I had chosen to ask a withdrawal of the objectionable words, although words much more extreme are almost constantly and without comment used upon this floor; and if it can be shown that I, in defending myself from the imputation that I had been without warrant in my unpremeditated assertion that Mr. Stanton sought to drag down officers, &c., I will gladly give it the most emphatic retraction; but before this is demanded at least some of the evidence I have cited must be disproved.

It must be shown that Mr. Stanton, while a member of Mr. Buchanan's Cabinet, did not keep Republican members of Congress informed of what was going on in the councils of Mr. Buchanan's administration, and that Mr. Stanton had no part in the proceeding, one purpose of which was a serious reflection upon Mr. Toucey, and that he did not cause either the arrest or dismissal of officers whose innocence and faithfulness have since been so abundantly proven as to cause their restoration to duty or their exoneration by Congress.

And the statement of Hon. Gideon Welles, Lincoln's Secretary of the Navy, must also be disproved where he charges Mr. Stanton with conspiring against the President in his efforts to dismiss and therefore "drag down" Major-General McClellan, the commander of the Army of the Potomac. Will any one attempt to show that Mr. Lincoln did not inform Governor Newell that he accepted the opinion, and therefore relied upon the Secretary of War to guide him in his action regarding General Porter?

Will any one attempt to disprove the statements of Mr. Wilson, Mr. Seward, Mr. Sumner, Mr. DAWES, Mr. Welles, and Mr. Howard, or try to impeach the statements of Andrew Johnson? Unless all this can be done, it must be admitted that I was neither wanton nor without warrant.

ORGANIZED VICTORIES.

But it is claimed that I have also offended the gentlemen by introducing the name of an official who seems to be their ideal of a great and most successful general.

I have never made any comment upon Mr. Stanton's military capacity, and should not do so now did I not feel that by allowing their challenge on this point to pass unanswered I should become a party to an injustice to the living and the dead. I should have preferred that the duty of showing that Grant, Sherman, Sheridan, Thomas, Rosecrans, Buell, Schofield, and Canby owe no particle of their military fame to the guidance and control of any civilian had fallen into abler hands. But as the worshipers and panegyrists of Mr. Stanton have challenged me directly to the proof, and as the task is easily within the range of even my feeble powers, and as there is very strong evidence that Mr. Stanton did not desire that character of reputation, I unhesitatingly accept the issue forced upon me, trusting that the unaided potency of facts and the unvarnished truth of history may suffice to convince this House that my challengers' party idol was no such demi-god as they would have the world believe.

Mr. Stanton would not thank the gentlemen for their attempt to ascribe to him the possession of great military genius. He not only made no pretensions to soldierly capacity, but those most intimate with him assert that he estimated such talent as indicating a different and lower order of ability than that upon which he prided himself and for which he wished to be remembered. As confirmatory of this I quote from a recent military work by Maj. Gen. James B. Fry, United States Army, note, on page 199:

A young lawyer, who served in Stanton's own office while he was Secretary of War, writes: "I revere Stanton, but I shut my eyes to no man's defects. For a man of his transcendent ability he was narrow-minded; he overrated his own profession of the law, and he contemned the military profession."

The gentleman from New York [Mr. HISCOCK] says Mr. Stanton "organized victory."

The gentleman from Iowa [Mr. HEPBURN] says:

He was the man who directed as no other living man could all the manœuvers and operations of the Federal Army.

Do the gentlemen mean to say, do they wish the country to believe, that Generals Grant and Sherman and McClellan and Sheridan and Rosecrans and Buell did not lead or direct their armies? Did they go to Mr. Stanton's feet to learn how to manage their armies?

McClellan says this of Mr. Stanton:

So long as Mr. Cameron was Secretary of War I received the cordial support of that Department, but when he resigned the whole state of affairs changed. I had never met Mr. Stanton before reaching Washington in 1861. He at once sought me and professed the utmost personal affection, the expression of which was exceeded only by the bitterness of his denunciation of the Government and its policy. The more serious difficulties of my position began with Mr. Stanton's accession to the War Office.

Did General Sherman go to Stanton to learn the art of war, to be taught by this man, who, the gentleman from Iowa says, directed armies as no other living man could?

Regarding some orders sent to him by Mr. Stanton, which purported to come from the President, General Sherman says:

The publication of this bulletin by authority was an outrage on me. * * * I regarded this bulletin of Mr. Stanton as a personal and official insult, which I afterward publicly resented. * * * I found that General Halleck had ordered General Davis's corps (the Fourteenth) for review by himself. This I forbade. All the Army knew of the insult that had been made me by Secretary of War and General Halleck, and watched me closely to see if I would tamely submit.

* * * * * * *

The next day I met General Grant and President Johnson. The latter was extremely cordial to me, and knowing that I was chafing under the censures of the War Department, especially of the two war bulletins of Mr. Stanton, he volunteered to say that he knew of neither of them till seen in the newspapers, and that Mr. Stanton had shown neither to him nor to any of his associates in the Cabinet till they were published. Nearly all the members of the Cabinet made similar assurances to me afterward, and I declined General Grant's friendly offices for a reconciliation, but on the contrary resolved to resent what I considered an insult as publicly as it was made. My brother, Senator SHERMAN, who was Mr. Stanton's neighbor, always insisted that Mr. Stanton had been frightened by the intended assassination of himself and had become embittered thereby. * * *

I inferred that Mr. Stanton, who was notoriously vindictive in his prejudices, would not consent to the employment of these high officers.

GENERAL GRANT HAD NO ADVISER.

Certainly he did not organize any victories for General Grant.

That great general says to us in his recent work, volume 2, page 123:

I did not communicate my plan to the President, nor did I to the Secretary of War.

General Badeau, in the May Century, says General Grant's determination and plans were all his own, and General Horace Porter and General J. H. Wilson, in their articles in the October Century, declare that if President Lincoln had any opinions regarding the campaigns he studiously kept them to himself so far as Grant was concerned, and that the President carefully abstained from any interference in military affairs. And history abundantly proves that President Lincoln not

only abstained from interference himself, but was careful to see that no one else annoyed General Grant in this way.

It is stated in a recent publication that on one occasion, when Mr. Stanton attempted to interfere with his Army, General Grant went to the President, who sent for Mr. Stanton and said:

Mr. Stanton, we had better let General Grant manage his own affairs.

So far from conferring with or asking advice or accepting suggestions from Mr. Stanton, we see that General Grant was sometimes put to great inconvenience and lost valuable time in his many precautions to avoid the ill effects and annoyances of Mr. Stanton's efforts to interfere with his plans and, as the gentleman from New York would say, "organize victories." I read from page 327 of General Grant's Personal Memoirs:

On the 15th of September I started to visit General Sheridan in the Shenandoah Valley. My purpose was to have him attack Early or drive him out of the valley, and destroy that source of supplies for Lee's army. I knew it was impossible for me to get orders through Washington to Sheridan to make a move, because they would be stopped there, and such orders as Halleck's caution (and that of the Secretary of War) would suggest would be given instead, and would, no doubt, be contradictory to mine. I therefore, without stopping at Washington, went directly through to Charlestown, some 10 miles above Harper's Ferry, and waited there to see General Sheridan.

Now, I hope the gentleman from New York will admit that General Grant conquered victories, and this great man says that he knew if Mr. Stanton had an opportunity to do so he would change the order, and he says no doubt that the order Stanton would have given would be contradictory to his.

This conclusion regarding Mr. Stanton must have been reached from his association after he reached Washington, as General Grant was too busy to have given much study to the victories Mr. Stanton organized for Frémont, Banks, Shields, Milroy, McDowell, and Pope in the spring and summer of 1862.

General Grant also says, on page 537 of his Memoirs:

The Secretary was very timid, and it was impossible for him to avoid interfering with the armies covering the capital when it was sought to defend it by an offensive movement against the army guarding the confederate capital.

He could see our weakness, but he could not see that the enemy was in danger. The enemy would not have been in danger if Mr. Stanton had been in the field.

GUARDING AGAINST POSSIBLE INJUSTICE.

But let me not do Mr. Stanton injustice. There was one period during the war when he had entire control. From March 11 to July 11, 1862, a period of four months, there was no general in chief, and, as Mr. Lincoln says, he (Mr. Lincoln) did not interfere with the armies much, Mr. Stanton must be accorded all the credit for the operations during that period. I can not say all, because I find from the records that he sent but few orders to General Halleck while in the West, but that he confined his efforts at organizing victories for the troops in Virginia and Kentucky. General McDowell was commanding the Department of the Rappahannock; General Frémont, the Mountain Department; General Banks commanding the Department of the Shenandoah, and Generals Shields and Milroy each had separate commands.

The correspondence between Mr. Stanton and these generals during that period was immense. I have seen as many as two hundred and forty such letters and orders, many of them giving specific and minute details regarding marches, strategy, tactics, &c., &c. They were no doubt intended to "organize victories."

The first fruit was the battle of Kernstown, March 23. The second the battle at McDowell, May 8. This was followed in quick succession by the battles of Front Royal, May 23; Winchester, May, 25 Cross Keys, June 8; and Port Republic, June 9. Mr. Lincoln failed to appreciate these organized victories of Mr. Stanton's, and hastened to order General Halleck and General Pope to the scene of action.

HALLECK'S ATTITUDE AS COMMANDER.

They reached Washington, but the subordinate position occupied by General Halleck is clearly stated by himself in a letter from which I read:

I am simply a military adviser of the Secretary of War and the President, and must obey and carry out what they decide upon, whether I concur in their decisions or not.

From this it appears that Mr. Stanton still retained his power and authority, and we find that most frequent and minutely detailed instructions were sent from Washington to direct the campaign which resulted in the numerous battles beginning with that at Cedar Run, August 9, and ending with Second Manassas, August 30, and Chantilly, September 1.

This closed the campaign, and Mr. Stanton yielded unrestricted control of the Army to General McClellan.

It must be admitted that during the preceding six months Mr. Stanton had directed most of the movements of this eventful period, and the gentleman from Iowa, speaking of Mr. Stanton, says:

He was the man who directed, as no other man could, all the movements and operations of the Federal Army.

I do not propose to controvert this statement of the gentleman, but I think General Grant would have less delicacy on the subject, as he says in his book, page 537:

The enemy would not have been in danger if Mr. Stanton had been in the field.

While McClellan was conducting the Antietam campaign Mr. Stanton was enabled to turn all his attention to General Buell, which the records show was most lavishly done, and the statements of General James B. Fry and others go far to justify the conclusion that the course pursued by the War Department regarding that army materially influenced its movements and rendered it responsible for the results.

The removal of General McClellan after the victory of Antietam gave Mr. Stanton another opportunity to exercise on the Army of Virginia the propensity to which General Grant on more than one occasion refers in his memoirs, and it would be unfair to deprive him of his full share of the credit attaching to the military results achieved at Fredericksburg and Chancellorsville.

THE SOLDIER WHO FOUGHT.

It takes all kinds of characters to make a world and all kinds of men to make a congress.

General Willard Warner, a gallant soldier, who fought under General Sherman, and who was once a Senator of the United States, addressed the Society of the Army of the Cumberland on September 14, 1880. I hold the book containing his speech, a paragraph from which I will read:

General Garfield said right when he said that if the soldiers had all these difficult questions to settle they would have been settled happily long ago. I have lived here in the South.

There are men here who know me as a radical Republican of the worst kind. I have lived here for sixteen years of the prime of my life, and I say it here, with pride and thankfulness, that I have yet to receive the first word or the first act of unkindness from a confederate soldier, and I never expect to as long as I may live here.

Will any brave soldier in this Hall who remained until the end in the front rank of the armies led by Grant, Sherman, or Sheridan say that the men whom they met in battle have ever hesitated to accord to them the knightly qualities which made their achievements possible and brought final victory to the Union arms, despite the utmost efforts of those who fought under the Southern banner? Has any utterance ever come from the Southern soldier which malevolence itself could construe as an effort to take one sprig from the laurel wreath of victory which Federal soldiers won and which they have so modestly and worthily worn?

But does this unequivocal recognition of their skill and gallantry and devotion to their idea of duty oblige me or any other Southern man to admit that the same qualities were wanting in our comrades? Will any one here or anywhere in this broad land maintain that because we acknowledge and take pride in the courage and endurance of the Federal soldier who fought from the first to the close, we are deterred from repelling a taunt, a thinly-disguised sneer leveled at the soldiers whose perils we shared and in whose final overthrow we suffered? Especially as that taunt or sneer always comes from those who were either never in the field or left it when battles were most frequent and most obstinately contested.

I can not believe that there is one of them who would not scorn such ignoble and unmanly adulation. I am certain that none of the heroes of the Northern armies would willingly surrender the proud consciousness that their triumphs were won from worthy foes; that would exchange this glorious satisfaction for the degrading thought that for four years they were held in check by enemies who lacked manliness and self-respect.

A QUESTION OF OBLIGATION.

God forbid that I should utter one word or do one act to keep alive the enmities and dissensions of past differences or contentions, but may He also forbid that I should ever be brought so low as to dumbly acquiesce in untruthful charges or groundless imputations.

Whether as a humble participant in the struggle to which the gentleman from Iowa [Mr. HEPBURN] so sneeringly alludes, or as a Representative in the American Congress, nothing in my past career or present position requires that I should surrender that manhood which is the birthright of every gentleman.

Our misfortunes, great as they have been, have not robbed us of our rights as citizens or lessened our dignity as gentlemen, and we shall defend our honor no matter where or by whom it be assailed.

We cherish no animosities. Loyally have we accepted the stern arbitrament of war. Unrepiningly have we submitted to every exaction. But the Anglo-Saxon spirit which has supported us through every disaster is ours still, and forbids us to be silent when it is assailed or impugned.

I had credited, and still credit, the great mass of the Northern people with the same spirit which had animated their soldiers; had supposed that the magnanimity and generous forbearance which forbade exultation by the soldiers in the hour of triumph might be relied upon to restrain any and all manifestations of a feeling of petty and paltry superiority on the part of those benefited by the result achieved by such valor and skill.

I had supposed—and until I have better evidence than the taunts of the gentlemen from Iowa [Mr. HEPBURN] and New York [Mr. HISCOCK], I shall not admit that I was mistaken in my estimate—that the people of the North would be no less generous to fellow-Americans than Englishmen and Frenchmen had shown themselves to those who had once contended with them in battle's stern array.

BEARING OF TRUE SOLDIERS.

Only yesterday I read of the loud hurrahs and enthusiastic honors with which an English crowd—the Duke of Wellington being one prominent figure in the pageant—received Marshal Soult when he visited London on the occasion of Queen Victoria's coronation.

Recently I read the letter of Napoleon III recounting his participation in the ceremony of decorating and beautifying the graves of English soldiers who had fallen and were buried at Toulon.

In English history I find that Oliver Cromwell is honored equally with the greatest of Britain's kings, and we see England treasuring the perfume of glory won by the heroes of her "wars of the roses," regardless of whether it come from the white rose of York or the red rose of Lancaster. I see the picture of the great Napoleon lying in state with Louis XVI and the monarchs who preceded him on one side, and the rulers who ascended the throne after Napoleon was sent to St. Helena lying upon the other.

I learn from the record that—

After the surrender of Lee they [the Union Army] began, without orders, to salute him [General Grant] with cannon, but he directed the firing to cease, lest it should wound the feelings of the prisoners, who, he said, were once again our countrymen.—*General Badeau in Century*, May, 1885.

The same writer tells us that General Grant refused to have a picture of the surrender of Lee placed in the rotunda, because "he should never consent, so far as he was concerned, to any picture being placed in the Capitol to commemorate a victory in which our own countrymen were the losers."

I hear Abraham Lincoln's immortal words, "With malice toward none, but with charity for all," and I see him on the field of Gettysburg, where, after eulogizing the men who held the heights, he looked down on the graves of those who charged that steep hill-side, and I hear him, with voice thrilling with the emotion which filled his great heart, exclaim:

Those men will live in history also, and I shall always be proud to remember that they were my countrymen.

These two expressions can never die so long as the English tongue survives on earth; and it was the traits of Mr. Lincoln's character from which emanated such expressions as these which have endeared him to all Americans and won for him the admiration of the world.

Here there was no thought or suggestion of one man's sovereign grace; no talk of the hangman's noose. That was reserved for a later day, and, I regret to say, for a widely different character.

No words of mine can give any added emphasis to the contrast between these two characters; but I venture to ask the members of this House which one they regard as the most admirable or most to be envied?

THE STRONGER ARM PREVAILED.

One gentleman speaks of the strong arm of Stanton, and another says we live to-day because Stanton, among others, was willing that we might live. I will inform the gentlemen that my reading of history leads me to believe that the strong arm of Stanton, backed by those who thought like him, would have arrested, imprisoned, and tried those who surrendered at Appomattox and Greensborough, had not that strong arm been staid by the stronger arm of Generals Grant and Sherman, Sheridan, Rosecrans, Thomas, Schofield, Hancock, and Canby, and the brave officers and soldiers who fought with them.

Has the gentleman forgotten that an order was issued for the arrest of General Lee? And has he forgotten (I read from General Badeau in the Century Magazine for May, 1886) that—

General Grant declared he would resign his position in the Army unless the terms granted at Appomattox Court House were respected.

Has he forgotten that General Grant said (I read from the same author):

In my opinion the officers and men paroled at Appomattox Court House and since, upon the same terms given to General Lee, can not be tried for treason so long as they observe the terms of their parole.

Has the gentleman forgotten that even before all the troops of the confederacy had been disbanded General Grant wrote, upon the application of General Robert E. Lee, the words:

Respectfully forwarded through the Secretary of War to the President, with the earnest recommendation that the application of Robert E. Lee for amnesty and pardon may be granted him?

Mr. HENDERSON, of Iowa. Let me ask the gentleman a question in this connection.

Mr. WHEELER. Certainly.

Mr. HENDERSON, of Iowa. Discussing character, as the gentlemen now is doing, and recognizing the gentle character of Mr. Lincoln, would it not be as appropriate to have due regard for the men who, like Stanton, had to deal blows where blows were needed?

Mr. WHEELER. I think I have given Mr. Stanton his due in all that I have said. That is just what I have done. I have taken particular pains to speak of Mr. Stanton's strong qualities, and have done so in a most complimentary manner.

Mr. HENDERSON, of Iowa. I mean, at this time, since you recognize the character of Mr. Lincoln as being gentle and kindly, is it not also proper that you should give Mr. Stanton his due, who was ready to give blows for his country when blows were necessary? I was not present when my colleague addressed the House upon this question, but my understanding is that he took that position.

HOLMEDON AND APPOMATTOX.

Mr. WHEELER. The feelings and sentiments which animated the brave men whose courage and skill were crowned by the triumph at Appomattox must have been widely different from those which the gentleman from Iowa appears to have cherished for twenty-one years and has finally unpacked in his recent utterances on this floor.

The great general who had so successfully commanded these gallant soldiers undoubtedly voiced the sentiment of the whole army when, in the preliminary negotiations for General Lee's surrender, he wrote, "Seriously hoping that all our difficulties may be settled without the loss of another life."

Does the gentleman think that he is better entitled to speak for the fighting men of the Union armies than General Grant, or that the latter did not express the real opinions and sentiments of those who won the victories of which others boast, when he wrote to General Lee—

* * * there is but one condition I would insist upon, namely: That the men and officers surrendered shall be disqualified for taking up arms against the Government of the United States until properly exchanged.

Or would he have us believe that the true soldiers of the Union armies at any time desired, in April, 1865, or in May, 1886, a disregard or violation of their faith as pledged to their former antagonists in the distinct and positive agreement—

* * * Each officer and man will be allowed to return to his home, not to be disturbed by United States authority so long as they observe their paroles and the laws in force where they may reside.

Those familiar with the methods adopted by soldiers to manifest their detestation of any and every thing unmanly and revengeful can readily imagine the reception which Grant's army would have accorded to an implacable and ferocious civilian who, after resting quietly in his comfortable home during that last year of continuous and desperate fighting, should have visited their camp and talked about hanging the men and officers who were under the protection of General Grant's parole. Why, sir, the carefully polished boots, the "biled" shirt, "store clothes," and glossy beaver in which the sanguinary-minded man of peace had been careful to array himself, as indicating his vast superiority to mere fighting soldiers, would only have tended to increase the derision and scorn with which his proposition would have been received, and if he escaped a coat of tar and feathers he might have considered himself undeservedly and exceptionally fortunate.

Man's circumstances and surroundings may change, but human nature is the same in all ages and under all conditions, and the great master delineator of the workings of the human heart, has, in Hotspur's account of the bearing and language of the courtier who demanded the prisoners he had taken on Holmedon field, so very accurately portrays the scorn with which the soldiers of Grant's army would have received such an emissary as I have imagined that I can not forbear quoting the passage:

I remember, when the fight was done,
When I was dry with rage, and extreme toil,
Breathless and faint, leaning upon my sword,
Came there a certain lord, neat, trimly dressed,
Fresh as a bridegroom; and his chin, new reaped,
Showed like a stubble-land at harvest time.
He was perfumed like a milliner;
* * * * *
* * * —and still he smiled and talked;
And, as the soldiers bore dead bodies by,
He called them untaught knaves, unmannerly,
To bring a slovenly, unhandsome corse
Betwixt the wind and his nobility.
I then, all smarting, with my wounds being cold,
To be so pestered with a popinjay,
Out of my grief and my impatience,
Answered neglectingly, I know not what;
He should, or he should not;—for he made me mad,
To see him shine so brisk, and smell so sweet,
And talk so like a waiting gentlewoman,
Of guns, and drums, and wounds (God save the mark!)
And telling me the sovereign'st thing on earth
Was parmaceti for an inward bruise;
And that it was great pity, so it was,
That villainous saltpeter should be digged
Out of the bowels of the harmless earth,
Which many a good, tall fellow had destroyed
So cowardly; and but for these vile guns,
He would himself have been a soldier.

WHO CHERISH ANIMOSITIES.

General WARNER, the friend and the associate of Lincoln and Garfield, emphasized his view regarding soldiers in these words:

The harsh words and language and insults come from those gentlemen, largely professional politicians * * * who talk now but who shirked in the fight when fighting men were in sharp demand. And now I say, confusion to them. Confounded confusion to them—to the men who now, sixteen years after we fighting soldiers have laid down our arms, would wave their red flag in the face of this sorrowing nation. Their time has gone by, and the soldiers should everywhere be heard, as they are being heard to-day.

I will not use as severe words as those uttered by this distinguished

Federal general and United States Senator, but I will go so far as to say that none of those who were confederate soldiers have during the twenty-one years since 1865 ever received aught but kindness, respect, and courtesy from the brave men of the Federal Army who for four years stood in the front rank of battle.

All the taunts, all the insults, all the unkindness, all the sneers, all the oppressions, all the efforts and talks about hanging have come from men who were in their homes while their countrymen were bivouacking under the canopy of heaven or bravely leading in the front of battle. We may take it as an invariable rule that when any of these men who talk about hanging Americans went to the front they accepted positions as judge-advocates or quartermasters, or at least a portion of their service was of that character; and it is such men who form a little coterie (scarce more than a trio) who in Congress, on occasions, express sentiments which seem to betray regret that Southern men were not hanged; and some of them to-day, after the lapse of twenty-one years, use language on this floor which certainly indicates that this regret still rankles in their hearts.

I recognize fully the fact that many of our best, purest, and worthiest citizens—men of dauntless courage, devoted patriotism, sterling character, and distinguished ability—both North and South, were prevented by circumstances from taking any active part in the war. But men of this character never indulge in tirades such as I have referred to. Inoffensively cherishing their convictions and quietly pursuing their peaceful avocations while the clash of contending armies resounded through the land, they were not transformed into fierce, implacable warriors by the return of peace.

I wish now to say how keenly I have appreciated the kindness and chivalrous courtesy which has uniformly been extended to me by nearly every member of this House, and to place on record my regret that self-respect as a man and proper regard for my dignity as a Representative have necessitated my saying aught which could wound the "self-adoring pride" of this small coterie of patriots whose devotion to their country became most manifest when it was least needed.

Mr. GALLINGER. What does the gentleman think of the recent exploits of Jefferson Davis?

Mr. WHEELER. I do not know any more than that he was invited to Montgomery for the purpose of drawing a crowd and raising money to put up a monument.

But the gentleman from Iowa says we live to-day because Stanton, among others, was willing that we might live, &c.

Let me ask the gentleman when it was that such an idea grew in his mind and actuated the emotions of his heart? And let me ask him when it was that he acquired this taste for talking about hanging gentlemen who are now his fellow-members of Congress? And let me ask him further if this desire has festered in his heart for twenty-one years?

Mr. HEPBURN. Do you ask an answer to that?

Mr. WHEELER. I do, sir.

Mr. HEPBURN. Did I say anything of that kind?

Mr. WHEELER. You said that I owed my life and that—I have forgotten the exact expression—but that I had won a halter.

Mr. HEPBURN. Hadn't you won it?

Mr. WHEELER. No, sir; I never won a halter; I fought honorably and fairly.

Mr. HEPBURN. How do you define treason?

Mr. WHEELER. No brave soldier whoever met me in battle has ever since treated me with anything except kindness and courtesy. Not one of them has ever whispered "treason." General Grant and the brave officers and men of his army never spoke of "treason" to General Lee or his men. General Sherman and his brave officers never talked of "treason" to the armies they finally overcame.

Mr. HEPBURN. I ask you how do you define treason?

Mr. WHEELER. I deny that any man in this Congress was ever guilty of treason.

Mr. HEPBURN. Is not levying war against the United States and adhering to its enemies a proper definition of treason?

Mr. WHEELER. There is no use of discussing constitutional questions now. The terms upon which the confederate army surrendered settled all that.

Mr. HEPBURN. Is not that the definition of treason? Had you not levied war against the United States? Had you not adhered to its enemies? Did you not give them aid and comfort?

Mr. WHEELER. The gentleman is honorable, and all honorable men speak the truth, and certainly he has not made this statement about Mr. Stanton without good grounds for believing it to be the truth.

Let me ask him, then, was he one of those who conferred with Mr. Stanton about putting halters around the necks of gentlemen who are now his colleagues on this floor? If not, will he kindly give his authority for his most remarkable assertion?

Let me tell him that whether he desired to enact the rôle of hangman himself, or only desired to see it enacted, or, perchance, only desired to talk about others enacting this rôle, he will find that neither those who have been employed to hang their fellow-countrymen for opinion's sake or for political offenses, nor their coadjutors, nor their applauders are glorified in history; that neither the judge nor the jurors in a bloody assize for political opinions were ever remembered except with detestation.

Who was the first prominent Southern soldier that General Grant's strong arm shielded? It was General Lee. But a few weeks after General Lee was paroled by General Grant he was indicted by Judge Underwood's court, and Grant immediately demanded that it should be quashed, stating that already this indictment had done much harm.

What a difference between the views of General Grant in the spring of 1865 and the views of the gentleman from Iowa in 1886. If General Grant would not tolerate even talking about arresting confederate generals in the spring of 1865, what would he have thought of a member of Congress talking about hanging them in 1886?

Who would not rather be remembered as Nathan Hale, Robert Emmett, Marie Antoinette, or Madam Roland than as their executioners?

The history of all armed contests shows that when, after their close, the spirit of hate and revenge could only be appeased by blood, none but the basest of mankind would consent to serve as the instruments of butchery; and history also holds up to even deeper scorn, execration, and loathing the miscreants who lacked the courage to be butchers themselves, but sought to induce others to serve as the ministers of their cowardly animosity.

Is it surprising that the gentleman who became so excited because the majority of this House opposed his efforts to destroy four principal departments of the Army should find vent for his outraged feelings by talking about hanging men who differed with him upon constitutional questions and political opinions a quarter of a century ago?

I think, Mr. Speaker, that the country should be congratulated on the fact that in all this broad land there has been found only one man who was willing to put it upon record in the American Congress that in his opinion half a million of American citizens could properly have been executed because as far back as before some members of this House were born they had entertained views of duty different from those held by the gentleman from Iowa.

I now desire to renew my thanks to the gentlemen of this House for their courteous attention and for so kindly according me this opportunity for personal vindication.

During the delivery of the foregoing remarks the hammer fell.

Mr. ZACH. TAYLOR. I ask unanimous consent that the time of the gentleman from Alabama be extended for ten minutes longer.

There was no objection.

Mr. WHEELER then resumed and concluded his remarks as above.

Mr. WINANS. I move that the House do now adjourn.

The question being taken, the motion was not agreed to.

Mr. HEPBURN addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Iowa rise?

Mr. HEPBURN. For the purpose of asking unanimous consent to place in the RECORD some remarks which I desire to make in reply to the gentleman from Alabama.

A MEMBER. Speak them now.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Iowa, as was stated by the Chair to the gentleman from Alabama, that no recognition could be had except by unanimous consent on any matter not coming within the special order. The Chair, however, will put the request for unanimous consent.

Mr. WHEELER. I hope it will be granted.

The SPEAKER *pro tempore*. The gentleman from Iowa asks unanimous consent to place in the RECORD some remarks in reply to those which have been made by the gentleman from Alabama.

There was no objection.

Mr. PRICE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to the claim of Edwin C. Fitzhugh—to the Committee on War Claims.

By Mr. BUCHANAN: Memorial of the Board of Trade of Atlantic City, N. J., for a post-office building at that place—to the Committee on Public Buildings and Grounds.

By Mr. BURROWS: Petition of members of the Grand Army of the Republic, of Gobleville, Van Buren County, Michigan, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. DANIEL: Petition of Charlotte Smith, president of Woman's National Industrial League—to the Committee on Labor.

Also, petition of Noah P. Garst, of Elias Brubaker, and of John B. Furguson, of Roanoke County; and of J. G. Bryant, son of J. L. Bryant, deceased, of Bedford County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DIBBLE: Petition of Margaret Wakerfer, praying that the war claim of Charles S. Wakerfer, deceased, late of Charleston, S. C., be referred to the Court of Claims—to the same committee.

By Mr. ERMENTROUT: Petition of Daniel B. Miller and William

Bethon, hospital stewards, United States Army, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

Also, memorial of the Civil Service Reform Association, against certain provisions of the legislative appropriation bill before the House—to the Committee on Appropriations.

By Mr. GOFF: Petition of L. C. Powell and 372 citizens of West Virginia, for an appropriation to erect fish-ladders on the dams in the Monongahela River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Resolutions of Gordon Granger Post, No. 64, Grand Army of the Republic, of Grinnell, Iowa, favoring the passage of Senate pension bill 1886—to the Committee on Invalid Pensions.

Also, paper from F. P. Anderson, of Iowa, opposing the proposed abolition of paleontological work by the Government—to the Select Committee on Signal Service, Geological Surveys, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department.

By Mr. HOUK: Petition of Henry Hull, administrator, of Jefferson County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. F. A. JOHNSON: Petition of William S. Barber and 26 others, of Post Randall, No. 460, Grand Army of the Republic, of Bolton, N. Y., for the passage of Senate bill 1886, for the relief of soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of citizens of Shackelford and Throckmorton Counties, Texas, for the removal of the Federal court from Graham to Cisco, Tex.—to the Committee on the Judiciary.

By Mr. McCOMAS: Petition of 34 farmers and dairymen to have a tax placed upon the manufacture of oleomargarine butter—to the Committee on Agriculture.

Also, petition of Margaret South, of John Shifler, of Elizabeth Elliot, of Ezra and Jonas E. Beachly, executors of David South, of Washington County, Maryland, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of George Hering, of Alleghany County, Maryland, for payment of war claim—to the same committee.

By Mr. McKINLEY: Resolutions of the Mahoning Valley Wool-Growers' Association, in favor of the tariff act of 1867—to the Committee on Ways and Means.

Also, joint resolution of the Ohio Legislature, relative to building a memorial structure at Marietta, Ohio—to the Committee on Appropriations.

By Mr. MITCHELL: Petition of the Indian Rights' Association of Middletown, Conn., in favor of Senate bill 54—to the Committee on Indian Affairs.

By Mr. O'DONNELL: Petition of C. O. Loomis Post, No. 2, Grand Army of the Republic, Quincy, Mich., for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Petition of Andrew Cornwell and of Mrs. M. E. Weston, widow of Charles E. Weston, deceased, of Warren County; of Noah C. Wenger, and of N. W. Allen and Eliza F. Elam, administrators of Sarah Allen, deceased, of Rockingham County; and of Amelia A. Griffith, widow of John Griffith, deceased, of Page County, Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Petitions of employés of the navy-yard at New York, and at Norfolk, Va., in favor of Senate bill 2268—to the Committee on Labor.

By Mr. PERKINS: Petition of A. M. Ledman and 125 others, citizens of Elk City and Montgomery County, Kansas, asking for the passage of Senate bill 1886, relating to pensions—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of R. E. Rudolph and E. R. Wilfong, for the passage of bill embodying recommendations of the national pension committee of the Grand Army of the Republic—to the same committee.

By Mr. RIGGS: Petition of A. J. Jones and others, of Athensville, Ill., for the passage of pension bill—to the same committee.

By Mr. ST. MARTIN: Papers relating to the claim of Mary Heinn, of Orleans Parish, Louisiana—to the Committee on War Claims.

By Mr. SPRINGER: Petition of Trades Assembly of Western Pennsylvania against the oleomargarine taxation—to the Committee on Agriculture.

By Mr. STEELE: Petition of Eel River band of Miami Indians, by Jesse T. Hutchins, asking that the principal sum be paid to them at once—to the Committee on Indian Affairs.

By Mr. VAN SCHAICK: Memorial of the Waterloo (Wis.) Grange, Patrons of Husbandry, on the subject of interstate commerce—to the Committee on Commerce.

By Mr. WHEELER: Petition of Solomon G. Grimmett, administrator of Valentine Cage, deceased, and of W. P. James, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WINANS: Remonstrance of John Gilluly Post, Grand Army of the Republic, of Fowlerville, Mich., against appropriating money by the United States for a home for indigent ex-rebel soldiers—to the Committee on Military Affairs.

By Mr. WORTHINGTON: Petition of the Women's Silk-Culture Association of Illinois, praying for relief—to the Committee on Agriculture.

SENATE.

SATURDAY, *June* 5, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of State to the chairman of the Committee on Foreign Relations as to amendments to the diplomatic and consular appropriation bill. As that bill is now pending, the Chair will ask that the letter be printed, with the accompanying papers, in the RECORD, and be referred to the Committee on Foreign Relations. That order will be made, there being no objection.

The letter is as follows:

DEPARTMENT OF STATE, *Washington, June 4, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, asking, on behalf of the Committee on Foreign Relations, the views of the Department of State upon three amendments intended to be proposed to the bill (H. R. 6392) making appropriations for the diplomatic and consular service for the next fiscal year, providing respectively for an "envoy extraordinary and minister plenipotentiary" to, and "secretary of legation" in, the Argentine Republic; and a "clerk to the minister resident in Sweden and Norway."

With respect to the proposed increase of rank in our mission at Buenos Ayres, I may observe that I have long been of the opinion that the position of the United States in the family of American nations makes it fitting that they should be represented at every American capital by an envoy of the plenipotentiary grade. I have, however, refrained from proposing, in the departmental estimates, an increase of rank for the missions to the Argentine Republic, Bolivia, Hayti, Santo Domingo, Paraguay and Uruguay, and Venezuela, and the consulate-general in Ecuador, because it seemed inexpedient to recommend enlargement of the responsibilities and functions of those offices without a corresponding increase of salary, which I was unprepared to suggest. The recent elevations of the resident missions in Central America, Colombia, and Turkey to the plenipotentiary grade were attended by an increase of the respective salaries to $10,000, which the statute, section 1675, Revised Statutes, assigns as the minimum.

The proposed amendment contemplates making the Argentine legation a plenipotentiary mission, without increase of salary over the present rate of $7,500. It also omits the additional title of consul-general, thus abandoning the anomaly of uniting diplomatic and consular functions and prerogatives in one office. This is a proper change, since the bill provides, lines 199-200, for a consul at Buenos Ayres, thus obviating any necessity for a consul-general at the same post. Under all the circumstances I favor the proposed amendment, and would be pleased to see the same principles applied wherever practicable.

I also favor the second amendment, which proposes a secretary of legation at Buenos Ayres. The advantage of having a qualified officer on the spot to continue diplomatic intercourse in the event of a vacancy is obvious. A secretary of legation is a usual and proper adjunct to every plenipotentiary mission.

The employment, as suggested by the third amendment, of a clerk to the legation in Sweden and Norway, is in its present form open to some objection. The legation is not provided with a secretary, and the clerk, although receiving a salary nearly equal to that of a regularly commissioned secretary, would have no diplomatic standing whatever and could not act as chargé d'affaires in case of the minister's death or absence. The only present employment of an authorized clerk is at Madrid, where there is a secretary of legation and where the onerous labors of the office make additional clerical aid indispensable, without any occasion, however, for attaching diplomatic privilege to the employment.

Our relations with Sweden and Norway are important, and that government maintains a plenipotentiary mission at Washington. If it be desired to increase the working force at Stockholm, I would suggest raising the mission to the plenipotentiary grade without increase of salary, and assigning a secretary of legation at a salary of $1,500.

By raising the missions at Buenos Ayres and Stockholm to the plenipotentiary grade, a convenient principle might be established in assigning $7,500 as the minimum salary of an envoy, and it might be well to consider the advisability of raising the grade also of the other resident missions having that salary attached, to wit, Belgium, Hawaii, Netherlands, and Venezuela. The specification of $7,500 as the salary of such offices would not conflict with section 1675, Revised Statutes, if the appropriation were so worded as to appear distinctly to be "a different compensation * * * prescribed by law." In the recent case of Mr. Langston, lately minister resident at Hayti, the judgment of the Court of Claims in his favor rested, not on that provision, but on the unrepealed and continuing statute, section 1683, Revised Statutes, which fixed the salary at that particular mission.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN SHERMAN,
Chairman of the Committee on Foreign Relations, Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Thomas F. Luers, John O. Humphrey, and 21 other citizens, of Cleveland, Ohio, praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BLAIR presented a petition of the Woman's Christian Temperance Union of Philadelphia, officially signed, representing three hundred members, praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented the memorial of John W. Smith, president of the Trades and Labor Assembly of Springfield, Ill., remonstrating against the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR. I present the petition of A. W. Lovering, missionary of the Presbyterian Board of Foreign Missions to the Chinese in Cali-

fornia, and several other gentlemen engaged in like missionary work, praying for the enactment of a law to enforce the rights of the Chinese under the treaties with the United States. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. INGALLS presented the petition of Elizabeth M. Dresher, Sarah B. Brotherton, and 93 other citizens of Philadelphia, praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Woodson County, Kansas, praying for certain pension legislation; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented the petition of H. B. Edmonson and other wool-growers of Pittsburg, Iowa, and five other petitions of citizens of the same place, praying for the restoration of the duty on wool as fixed by the tariff of 1876; which were referred to the Committee on Finance.

Mr. HAWLEY presented a memorial of Knights of Labor of Bridgeport, Conn., recommending liberal appropriations for works of internal improvement and especially for the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. DOLPH presented a resolution adopted by citizens of Idaho Territory at a mass meeting held at Pierre City, Shoshone County, favoring the annexation of North Idaho to Washington Territory; which was referred to the Committee on Territories.

He also presented a memorial of citizens of Idaho County, Idaho Territory, praying the annexation of North Idaho to Washington Territory; which was referred to the Committee on Territories.

Mr. LOGAN presented a memorial of the Commercial Exchange of Chicago protesting against the imposition of a tax on oleomargarine and butterine; which was referred to the Committee on Agriculture and Forestry.

He also presented a letter signed by a number of business firms of Chicago protesting against the passage of the bill imposing a tax on oleomargarine and butterine; which was referred to the Committee on Agriculture and Forestry.

He also presented a protest of William Smith, president of the Trade and Labor Assembly of Springfield, Ill., and a resolution of the Amalgamated Association of Iron and Steel Workers of Joliet, Ill., against the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. PALMER presented the petition of the Women's Christian Union of Grand Rapids, Mich., praying for legislation for the protection of young girls in the District of Columbia and Territories governed by the United States; which was referred to the Committee on the District of Columbia.

Mr. HALE presented the petition of M. E. Jordan, Mary A. Milliken, and 66 other citizens of Saco, Me., asking for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Appropriations, to whom was referred the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, reported it with amendments.

AMENDMENTS TO THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill, making an appropriation of $106,100 for the inauguration of the statue of "Liberty Enlightening the World;" which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLAIR. By direction of the Committee on Education and Labor I report an amendment intended to be proposed to the sundry civil appropriation bill "to aid in the establishment of a school in the Territory of Utah, to be under the direction of the Industrial Christian Home Association of Utah, and to provide employment and means of self-support for the dependent classes in that Territory, with a view to aid in the suppression of polygamy therein," accompanied by certain documents and a report; which I ask may be printed and the whole referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from New Hampshire reports an amendment intended to be proposed to the sundry civil appropriation bill, which, with the accompanying documents, will be printed and referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of the District; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 2601) for the relief of George Hill, jr.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2602) for the relief of Beaufort Lee and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES (by request) introduced a bill (S. 2603) for the relief of the owners and crews of the American whaling vessels Midas, Progress, Lagoda, Daniel Webster, and Europa; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 2604) granting a pension to William P. Hill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2605) granting a pension to Margaret J. Cash; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2606) granting a pension to Frederick Robertson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2607) granting a pension to Caroline M. Norton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2608) for the relief of the estate of Daniel Lake, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

EMILY C. STANNARD.

Mr. EDMUNDS. Mr. President, I present the memorial of myself, as a citizen of Vermont, praying Congress to pass a bill granting a pension of $100 a month to Mrs. Emily C. Stannard, the widow of the late General George J. Stannard, a brevet major-general and full brigadier-general of volunteers, whose conspicuous strategy and gallantry at Gettysburg turned the fortunes of war at that time, and who afterward at Harrison's Landing, on the Potomac, in the operations before or toward Richmond, lost an arm at the shoulder from a cannon-shot of the enemy, and who, after he came home, drew a pension at the rate of $18 a month. He was entirely broken up by his war service, and his widow and two grown-up daughters are left in very necessitous circumstances, the widow having been for many years a helpless invalid.

I ask the Committee on Pensions therefore to give this matter very early consideration, for I think that among the volunteer soldiers of the war or among any soldiers of the war there was no man who did more for his country than General Stannard did, and notably on this occasion at Gettysburg, where I think, and a great many other people think, and nobody denies it, that his skill and readiness and quickness and ability and comprehension of the situation turned the tide of war when Pickett's division, I believe it was, charged upon the center and key of our position.

I myself knew this gentleman personally and intimately for twenty-five years, and therefore, testifying as a layman, I can say to the committee and to the Senate that I know that his health was broken down by his service and by the loss of his arm at or near the shoulder, and that his death, which finally resulted here in a humble position in the House of Representatives which his poverty compelled him to accept on the soldiers' roll of doorkeepers, although it resulted immediately from pneumonia from taking a cold within the week last past, terminated fatally only because of his weakened and enfeebled constitution occasioned by his military service. But whether it did or not, I think this is one of the cases where Congress may gratefully and gladly for such conspicuous service as he rendered provide for the comfort during the remaining years of her life of his helpless and invalid widow. I ask that the memorial be referred to the Committee on Pensions.

The motion was agreed to.

Mr. EDMUNDS. Now I ask leave to introduce a bill in accordance with the memorial.

The bill (S. 2609) granting a pension to Emily C. Stannard, was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAWLEY, it was

Ordered, That the memorial of Arnold A. Rand and Albert Ordway be taken from the files of the Senate and referred to the Committee on Military Affairs, no adverse report having been made thereon.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. BROWN and Mr. CALL submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

SUSPENSION OF PUBLIC-LAND LAWS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Kansas [Mr. INGALLS], which comes over under objection, and which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform the Senate whether the Commissioner of the General Land Office has, with the approval of the Secretary of the Interior, issued a circular in the following words:

"Circular.

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., June 2, 1886.*

"*To registers and receivers United States land offices:*

"GENTLEMEN: The repeal of the 'pre-emption, timber-culture,' and 'desert-

land' laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time.

"WM. A. J. SPARKS, *Commissioner.*

"Approved.

"L. Q. C. LAMAR, *Secretary.*"

And if such circular has been issued, to inform the Senate by what act it is claimed that Congress has delegated to the Commissioner of the General Land Office, or to the Secretary of the Interior, or to those officers acting jointly, the power to suspend by executive order the operation throughout the United States of the pre-emption, the timber-culture, and the desert-land acts, and to deny to citizens of the United States their rights under said statutes.

The PRESIDENT *pro tempore.* The question is on agreeing to the resolution.

Mr. BECK. Yesterday when that resolution came up, as the RECORD shows, I rose and said, "I should like to have it lie over until to-morrow." I did not make that request because I desired to oppose the resolution or because I desired to smother any investigation that might be called for. On the contrary I desire that it be made as full as possible, and I think that is the feeling of the Secretary of the Interior.

Yesterday morning early, at 9 o'clock, I happened to meet the Secretary of the Interior, and he said to me that on reflection he thought the order was a mistake and that he would withdraw the assent he had given to it. I supposed that was done by 12 o'clock yesterday, but I was not sure at the time the resolution was offered, and therefore asked that it go over. . I ascertained afterward that yesterday morning some time the Secretary did withdraw his assent from that order, and I understand that it was rescinded very promptly yesterday so far as the Secretary could rescind it.

I only desire to say now that the reason why I requested that the resolution lie over was because I was advised by the Secretary himself quite early yesterday morning that that would be the fact. I want the fullest investigation. I want to look into the matter, and to have the resolution pass. I only rose now to explain why I asked that the resolution should go over yesterday morning.

Mr. WALTHALL. The order referred to in the resolution submitted by the honorable Senator from Kansas yesterday was revoked, and I hold in my hand a copy of the order of revocation.

I chance to know that very soon after the issuance of that order the Secretary of the Interior came seriously to doubt the legal authority of the order and determined to revoke it. Yesterday, some hours before the meeting of the Senate, I saw and read the original draught of the order of revocation. When the honorable Senator from Kansas submitted the resolution yesterday I was not absolutely certain that the order of revocation had been promulgated. If I had been, I should have called attention to that fact at the time, though I supposed it had.

Immediately after the resolution was introduced I communicated with the Secretary of the Interior and asked him to send me a copy of the order of revocation which I had seen some hours before. Soon afterward in response I received a copy of the order of revocation, which I will ask the Chief Clerk to read.

The PRESIDENT *pro tempore.* The paper will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 4, 1886.

To registers and receivers United States land offices:

GENTLEMEN: Based upon satisfactory evidence that an unusual number of entries under the pre-emption, timber-culture, and desert-land laws are at this time being made anticipating the action of Congress repealing said laws, and following numerous precedents of this office and Department deemed to be in substantial harmony therewith, the following order, approved by the Secretary, was on the 2d instant issued to you:

"The repeal of the 'pre-emption, timber-culture,' and 'desert-land' laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time."

Now, in view of serious question as to the existence of sufficient absolute legal authority therefor, the same is hereby revoked.

WM. A. J. SPARKS, *Commissioner.*

Approved.

L. Q. C. LAMAR, *Secretary.*

Mr. INGALLS. Mr. President, the complaint is not that this order has been revoked, but that it was in the first place issued and then revoked, issued by the Commissioner of the General Land Office and revoked after approval by the Secretary of the Interior.

The order of revocation is an avowed justification of the original order issued on the 2d day of June. It declares that it followed "numerous precedents" of the office, and that the Department deemed those precedents "to be in substantial harmony therewith," and closes by stating in mild phrase that, "in view of serious question as to the existence of sufficient absolute legal authority therefor, the same is hereby revoked."

I affirm that in the Department of the Interior there is not and never has been any precedent in substantial harmony with the order of the 2d day of June issued by the Commissioner of the General Land Office. If the Secretary of the Interior had contented himself with withdrawing his approval of the order of the 2d of June, that would have been enough; but when he bases his withdrawal upon a statement that seems to justify the original order I feel called upon to say that his reasons for the revocation are not satisfactory.

The Constitution of the United States makes it the duty of the President of the United States to "take care that the laws be faithfully executed." The President of the United States is responsible for the acts of his subordinate executive officers. While I do not assume that President Cleveland on the 2d day of June, or at any day since the 2d day of June, has been in a condition either to approve or disapprove of the act of this subordinate, and while I exonerate the Secretary of the Interior from any active intervention in this matter, the radical difficulty lies in the fact that the Executive has placed vast national interests in the hands of subordinate officers who assume, not to see that the laws are faithfully executed, but that valid and subsisting laws of the United States are suspended over a vast area of the public domain, and that many thousands of the citizens of this country are denied their rights under statutes of the United States.

The advent of the Commissioner of the General Land Office into his position was signalized by the immediate suspension of one hundred and twenty-six thousand entries of public lands on the domain of the United States. He assumed that every one of those claimants under the homestead, pre-emption, timber-culture, and desert-land acts was engaged in a fraudulent attempt to rob and plunder the United States. He suspended those entries in mass and directed that patents should not issue, and thereafter sent out a vast horde of inquisitors and spies instructed to find evidence to support his suspicions that frauds were being perpetrated.

Up to this time that same policy has been pursued, and so great has been the injustice, the hardship, and the oppression, that the Secretary of the Interior has already been called upon to revoke several prior orders of the Commissioner of the General Land Office upon the ground that they were not consonant with precedent nor warranted by the evidence presented.

The Commissioner has lately made a report in response to a resolution offered by my colleague [Mr. PLUMB] on the 16th day of February, "requesting information as to the number of special agents employed by the Department," from which I read.

Mr. COCKRELL. What document are you reading from, please?

Mr. INGALLS. I read from a letter addressed by the Commissioner of the General Land Office to the Secretary of the Interior on the 6th day of May, 1886.

Mr. COCKRELL. What is the document stated to be on the outside?

Mr. BECK. What is the number?

Mr. COCKRELL. What is the number of the document?

Mr. INGALLS. I do not read from the print of an executive document. I am reading the report that the Commissioner of the General Land Office made to the Secretary of the Interior in response to a Senate resolution.

Mr. COCKRELL. I should like to know whether it is a private paper or a paper published by the authority of the Senate. If it is a report it is a report of such a number, and so if it is an executive document or a Senate document.

Mr. INGALLS. If the Senator denies the authenticity of the document from which I read, or suspects that in any way whatever I shall tamper with the text of the Commissioner's letter, let him send to the document-room and obtain the report, which is already in print, and verify my reading.

Mr. COCKRELL. Will the Senator yield?

Mr. TELLER (handing a document to Mr. INGALLS). Here is the Senate print of the document.

Mr. INGALLS. It is Executive Document No. 134, Forty-ninth Congress, first session.

The Commissioner states:

There were, on February 16, 1886, 31,583 final entries requiring examination by the board of review. Of this number about 8,000 were final homestead entries. The operations of the board have heretofore been confined principally to final homesteads, and of this class it has been found necessary to direct the investigation by special agents of about 37 per cent. of the cases examined.

He proceeds:

There are now in the service 31 agents of this class, and at the rate of examination stated above, namely, 9 per month for each agent, the 18,000 entries could hardly be examined by them in less than 5 years.

Therefore upon a suspicion that all these entries are fraudulent, upon a surmise that all homestead settlers on the public domain of the United States are engaged in a combined effort to plunder and depredate, the Commissioner of the General Land Office has suspended them *en masse*, and proceeds to send out a corps of inquisitors to verify his suspicions, and declares that before he can get through with the cases that are now upon the list, to say nothing about those that are to be entered hereafter, five years at least will have expired.

Mr. President, my mails come to me burdened with complaints and lamentations of an afflicted people. I had this morning two letters from homestead settlers in one of the northwestern counties in my own State. One of them, a stranger, said to me that he had taken a homestead upon the public lands in the Oberlin land district; that he had made permanent, lasting, and valuable improvements thereon; that his family were living there; that he had broken the sod for planting corn and grain; and being without money to support his family while his crop was growing he went away from the homestead every Monday

morning to an adjoining town, and there he worked as an artisan at day wages until Saturday night, when he returned to his family upon his homestead; and that claim has been reported for cancellation for a violation of the public-land laws of the United States upon the report made by these hired agents of the Interior Department sent out to verify the suspicions of the Commissioner of the General Land Office that this settler is attempting to perpetrate a fraud upon the homestead system of the United States because he has not continuously resided thereon for the period required by law.

I had another letter not long since from a clergyman, a classmate of mine in college thirty years ago, a humble, God-fearing man, who for that long interval has been engaged in preaching the gospel as a minister in the Methodist Church. He went into Dakota to locate a homestead. He left his family there upon his acres. He built a home for them. His whole family was there. He had made the necessary improvement upon the land that he occupied, and day by day and week by week he went off into the neighboring towns and villages for the purpose of preaching the gospel; but one of these paid agents of the Interior Department, because this man had not lived continuously on his homestead every day and every week and every month of the year, reported his entry for cancellation.

I am not complaining of the President of the United States; I am not complaining of the Secretary of the Interior, who I doubt not has been imposed upon, whose action was improvident, whose instincts are just, whose sympathies can not be with this man who prefers indictments against entire communities. My complaint, sir, is with the agency that is administering this system in opposition to the interests of a great many thousand of my constituents and a great many thousand other honest and industrious people who are endeavoring to build communities and States upon the plains of the West—men who have conquered the frontier and obliterated the desert, who are our friends, our relatives, our kinsmen, who are not aliens nor enemies, and who are as incapable of committing fraud or depredation upon the public domain as any of those who now hear me.

In their name I feel called upon to say that no greater invasion of public right, of constitutional law, of the prerogatives of freemen was ever committed in any age or in any time than this order of the 2d day of June, 1886, suspending the operation of valid and subsisting laws of the United States. It is an offense which, had it been committed by the Secretary of the Interior and sanctioned by the President of the United States, would have justified their impeachment and removal from office.

I am very glad, indeed, that the Secretary of the Interior has seen fit early and promptly to disavow it, and I regret that his disavowal has been accompanied by an apparent justification which is not warranted by the facts, and which was intended, I fear, as an aspersion upon the administration of that Department by his predecessor.

Mr. DOLPH. Mr. President, I desire to call the attention of the Senate to the bill reported by the Committee on Public Lands, and passed by the Senate at the last Congress, "to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture." On the motion of the Senator from Kansas [Mr. INGALLS], I think, there was inserted in that bill a proviso that the repeal of the pre-emption law should not "affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with the law." The same provision in substance was inserted in the section repealing the timber-culture act.

The same proposition is contained in the bill which was reported by the Senate Committee on Public Lands at the present session to repeal those acts. The 1st day of July, 1886, is fixed as the date at which the repeal of these laws is to take effect. If the idea is carried out, as we are now approaching that date so nearly, it will be necessary to still further extend the time. But so far as the Senate is concerned there has been no proposition to cut off pre-emption settlers by the repeal of the law without giving an opportunity to do so to those who are making preparations to take up land.

Mr. BECK. I stated a few minutes ago that the Secretary of the Interior, observing no doubt that I had made objection to the consideration of the resolution, has advised me that he not only did not desire that I should oppose it, but in substance he has said—and I received this in the last minute—that he desired every facility to be given to the passage of the resolution and desired the fullest inquiry possible in regard to the subject, so that the causes which led to the order and the object in view should all be fully explained.

I only rose to say that in addition to the action of the Secretary of the Interior in rescinding the order promptly yesterday he now advises me that he desires that we shall pass promptly the resolution and then whatever of precedents there may be of course will be given in his answer.

I believe that the order issued on the 2d day of June was without authority of law, and I am very glad that the Secretary of the Interior rescinded it as promptly as he did; but now, since the resolution will be passed, I hope by unanimous consent, as it certainly sets forth the facts so as to obtain whatever may have been the practice of the office, perhaps it would be as well then to see whether some action ought not to be taken to prevent a repetition of an assumption of authority if it has grown into a practice. Until the answer comes in, however, I shall not say anything further in regard to the matter.

Mr. TELLER. It is very certain that there can be no precedent for this order. I will venture to make the assertion now that no precedent can be found in the history of this Government for the order of June 2, 1886.

I have no disposition myself to criticise any official. I know something of the duties of the Secretary of the Interior. I know something of the temper and disposition of the present Secretary, for whom I have the highest possible regard. I know very well how the Secretary of the Interior could be induced to approve such an order as this, without any observation or thought upon the subject. With the multiplicity of duties placed upon the Secretary of the Interior, it is physically impossible that he should investigate and study every order that he signs. It is a fact that if the Secretary of the Interior would seat himself at his table at 9 o'clock in the morning he could not at 5 o'clock in the evening have read all the papers that are presented for his signature.

So it is physically impossible, I say, that he should study all these matters and know of them. He must rely upon his subordinate officers. He must rely upon the Commissioner of the General Land Office for land matters, he must rely upon the Commissioner of Patents for patents, and he is justified in supposing that a man who is competent to fill such a position knows what he presents for his signature. In a majority of cases the signature is given without reading or without thought, and sometimes even without having the purpose stated.

I have not any idea that the present Secretary of the Interior would for a moment assume that the right existed in any public officer, big or little, no matter how commanding his position might be, to suspend a statute unless there was a positive statutory permission to do so.

I have no criticism to make upon the Secretary of the Interior, and do not intend to make any. I think he did well in promptly rescinding the order. I only regret that, probably for the purpose of relieving the Commissioner of the General Land Office, he should allow his approval to a statement that is calculated to mislead the public and seriously to reflect not simply upon that Department of the Government but to reflect seriously upon the administration of government in the United States, by an assertion that it can be supposed to be a serious question whether it is within the power of any living man to suspend a statute unless he can find the clear and positive direction of law.

Mr. President, this is a country of law. This is a country where every official has his duties defined to him, and the distinction between the legislative department of the Government and the executive and the judicial departments is so clearly marked and so distinct that there ought to be no possible danger of misunderstanding. If this can be done in this case, every other statute may be nullified.

I venture to say that the Secretary of the Interior will not contend that there are precedents, nor will he contend that there ought to be authority of that kind. There is not in that Department—and I only speak as to that—anything which can possibly be tortured into an excuse for the order of June 2, 1886. There is nothing that is analogous to it, and nothing will come here from the Department to show that any officer of that Department at any time has ever undertaken hitherto to suspend a statute, to deny to the citizen a right given to him by the very plain and explicit terms of the law, a privilege that forty-eight thousand of the citizens exercised last year under one statute alone—the right to file their pre-emptions. Under existing law the settler is required first to make his settlement. Having made his settlement, he is then required within a given time—in some cases thirty days, and in some ninety—to go to the land office and file. Otherwise the land is open to the next occupant, the next taker. He is required also within three months to prove up the actual residence upon the land. Otherwise it is open to the next taker.

If the Commissioner of the General Land Office can suspend a statute for two months, he may for twelve; if he can for twelve he may for twenty-four; and he may thus put it out of the power of the settler to initiate his claim as the law requires he should, or to complete his claim as the law requires that he should, and thus he would be deprived of his property rights by an order of the Commissioner of the General Land Office.

Mr. President, there may be frauds, there are frauds being committed in this office as we know from the reports of the Commissioner for the last five years; but it would be better that all the frauds which have been practiced should be duplicated and doubled than that the settler who has gone out on the public lands should be deprived of the privilege of making his title as the law requires that he should, for the law requires that he shall if he expects to make his title—it is not a privilege given to him—go and file; he must file if he is to make his title.

Now, sir, I have no intention to reflect upon anybody, and I think if it had not been for the words in this order saying that it was deemed to be in harmony with the precedents of the Department I should have said nothing. I know that it is delicate to interfere with an Executive Department by this body, and I am not very much in love with resolutions calling upon the different Departments for information except in clear cases; but I did think that such an order as this actu-

ally suspending three statutes for two months was such an extraordinary proceeding that it would not do for the legislative department to overlook it.

Mr. COCKRELL. Mr. President, I would thank the President to have the resolution read.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform the Senate whether the Commissioner of the General Land Office has, with the approval of the Secretary of the Interior, issued a circular in the following words:

"Circular.

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., June* 2, 1886.

"*To registers and receivers United States land offices:*

"GENTLEMEN: The repeal of the 'pre-emption, timber-culture,' and 'desert-land' laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time.

"WM. A. J. SPARKS, *Commissioner*.

"Approved.

"L. Q. C. LAMAR, *Secretary*."

And if such circular has been issued to inform the Senate by what act it is claimed that Congress has delegated to the Commissioner of the General Land Office, or to the Secretary of the Interior, or to those officers acting jointly, the power to suspend by executive order the operation throughout the United States of the pre-emption, the timber-culture, and the desert-land acts, and to deny to citizens of the United States their rights under said statutes.

Mr. COCKRELL. That resolution has never passed as yet.

The PRESIDENT *pro tempore*. It has not yet passed.

Mr. COCKRELL. It is up for consideration and action?

The PRESIDENT *pro tempore*. It is pending now.

Mr. COCKRELL. A resolution asking for information whether certain things have been done, and, if so, why they have been done. I was not here when the resolution was introduced yesterday, and I was not here when it was called up this morning, but I have heard that there was a circular presented by the Senator from Mississippi [Mr. WALTHALL] which was read. I would thank the Secretary to read that.

The PRESIDENT *pro tempore*. The Secretary will read the circular.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 4, 1886.

Registers and receivers United States land offices:

GENTLEMEN: Based upon satisfactory evidence that an unusual number of entries under the pre-emption, timber-culture, and desert-land laws are at this time being made, anticipating the action of Congress, repealing said laws, and following numerous precedents of this office and Department deemed to be in substantial harmony therewith, the following order, approved by the Secretary, was on the 2d instant issued to you:

"The repeal of the 'pre-emption,' 'timber-culture,' and 'desert-land' laws being now the subject of consideration by Congress, all applications to enter lands under said laws are hereby suspended from and after this date until the 1st day of August, 1886, and you are hereby directed to receive no filings or new applications for entry under said laws during said time."

Now, in view of serious question as to the existence of sufficient absolute legal authority therefor, the same is hereby revoked.

WILLIAM A. J. SPARKS, *Commissioner*.

Approved.

L. Q. C. LAMAR, *Secretary*.

Mr. COCKRELL. Has that been communicated formally to the Senate by the Secretary of the Interior?

The PRESIDENT *pro tempore*. It has not been.

Mr. WALTHALL. It has not been otherwise than through me. I do not know that the Secretary, until the resolution passes, is in any position to communicate officially with the Senate on the subject. I can state that the order has been promulgated, and was yesterday telegraphed to the various land offices.

Mr. COCKRELL. I want simply to get at the situation.

Mr. WALTHALL. The circular was presented by me. I stated while the Senator was out that I happened to know that very soon after the order complained of and referred to in the resolution of the Senator from Kansas had been issued the Secretary of the Interior came to doubt seriously as to the legal authority for that order without reference to the matter of precedents, and that he had determined to revoke it; and that yesterday, some hour or more before the Senate met, two or three hours before the resolution was introduced, I saw and read the original draught of the order revoking it, and had a conversation with the Secretary on the subject. I learned from him that there was very great doubt as to the legality of it, and he had determined to revoke it, whatever the precedents might be. Yesterday, when the resolution was introduced, I was unable to say that that order which I had seen an hour or two before had been promulgated, and I sent to the Secretary of the Interior, after the resolution was introduced, a copy of the resolution and asked him to send me the order which I had seen in his possession an hour or two before, and this which has just been read came to me in response to that request.

While I am up, if the Senator from Missouri will allow me, I would like to add a word which perhaps had better be said pending this inquiry.

Mr. COCKRELL. I yield to the Senator from Mississippi.

Mr. WALTHALL. I agree with the conclusion reached by the Secretary that there is very grave doubt, to say no more, as to the legal authority for the issuance of the order recited in the resolution; but as it has been stated very broadly and very unqualifiedly that there are no precedents for the issuance of such an order, I desire to say that in failing to take issue with that statement at this time I do not wish to be understood as agreeing to the correctness of that statement. It is probable that precedents in cases somewhat analogous in the past history of that Department may be produced; and the fact that it is not done at this time I do not desire to be taken as evidence of the fact that we concede the correctness of the statement that there are no such precedents in the Department.

I make no reference to the precedents at this time for the simple reason that we are all anxious that the resolution should pass, and as the Senator from Kentucky [Mr. BECK] has already said he has been requested by the Secretary of the Interior to facilitate its passage, and I suppose, as it calls for a report, when the report comes in those precedents will be referred to at that time and that that will be the proper time to discuss them. I make no reference to the precedents now.

Mr. COCKRELL. When I came out of the committee-room on Appropriations this morning into the Senate Chamber I found the Senator from Kansas discussing some resolutions. I walked to the Secretary's desk and discovered that resolution and did not know of any explanation that had been made by the Senator from Mississippi and did not know that there had been any response to the resolution. I inquired particularly if the resolution had been passed, and I saw it was only a resolution of inquiry, and when the Senator from Kansas commenced reading from a document which I supposed was a public document necessarily, I asked a question as to what the document was, because I had seen no report. If the Secretary had made a report in response to the resolution, as a matter of course I desired to see it.

Now, Mr. President, it is a very strange speech that the Senator from Kansas should have made upon a simple resolution asking for information. It is unusual that a Senator shall introduce a resolution calling upon a Department for information and to know if a certain act has been done why the act has been done, and then make a speech denouncing the act and proclaiming that there can be no reason for it.

A great deal has been said in regard to these land entries. That question is not now before the Senate upon this resolution. The question whether the Commissioner of the General Land Office or the Secretary of the Interior has followed the law or not is not before the Senate upon this resolution. The question on this resolution is whether the Senate will call upon the Secretary to inform this body whether that order was issued, and, if so, why. That is the question. It is a legitimate question, and I am heartily in favor of it; but why an attack should have been made upon the Commissioner of the General Land Office and upon the Secretary of the Interior is more than I can conceive. It may have been inspired by that gallant, chivalrous, invincible character and disposition of the distinguished war chief from Kansas. It may have been prompted by the same feeling that inspired the attack upon the crippled, disabled, and limp soldier at the head of the Pension Office——

Mr. INGALLS. Totally disabled, mentally and physically.

Mr. COCKRELL. When he was not here in the Senate Chamber and was unable to respond. I can only attribute to that same fearless and dauntless spirit of the war chief from Kansas this attack upon Commissioner Sparks.

Mr. CALL. Mr. President, as one member of the Senate I wish to say that I think there is no warrant for this attack upon the Commissioner of the General Land Office. It may be that this action may have been taken without the intent of suspending a statute of the United States. The statute gives the right to the citizen to make pre-emption and timber-culture entries, but the means by which it is to be done and the regulation of the matter is within the Interior Department, and very often entries are suspended for cause. Congress session after session under the recommendation of the Committee on Public Lands, in considering questions of fraudulent entries, especially in timber-culture cases which have been reported and urged upon the Senate, time and again suspends action. Whether there was a sufficient cause for suspending these applications remains to be seen. The suspension is not of the right to enter, but of the immediate consideration of the cases, which is a very different thing from suspending the operation of a statute.

Again, there is no reason to impeach the honesty or the zeal in the public service of the Commissioner of the General Land Office. There has been no fact stated by the Senator from Kansas which can be the foundation of such an impeachment as that.

I wish for one to say that, while there may be many things in which my judgment would differ from that of the Commissioner of the General Land Office, I think the country recognizes that in the endeavor to prevent fraudulent entries to the detriment of the people of the United States who wish to obtain homes upon the public lands he has discharged his duty and earned the commendation of the people to a large extent. I know in my own State the people who desire to have homes upon the public land have been injured by the lax administration of that Department; and while I do justice to the distinguished Senator from Colorado [Mr. TELLER] and to his zeal in the public

service while he was Secretary of the Interior, I have reason to know that there were frauds committed in the administration of that Department which did require of the present Commissioner and would have required of the former Secretary if he had remained in office the diligent and zealous exercise of the powers intrusted to him in the interest of the people who ought to have the right to have homes upon the public lands.

Mr. TELLER. Mr. President, the Senator from Florida says that he knows there have been frauds perpetrated in the past. I suppose he will not deny that they are being perpetrated at this time. It is because, as I understand this explanation, frauds are being now perpetrated that the Commissioner got up this circular.

The honorable Senator says perhaps nobody will apply. The Commissioner says the people are applying in unusual numbers to enter lands.

Mr. CALL. No, I did not say that.

Mr. TELLER. The Commissioner says that.

Mr. CALL. I did not say it was because no one was applying. I say you may suspend an application without suspending the statute; and I say it has been the custom of the Department always for cause to suspend applications.

Mr. TELLER. If the Senator from Florida is not able to distinguish between the suspension of a claim that is already initiated for the purpose of enabling the Department to determine whether it was properly initiated and whether it has been properly proceeded with after it was initiated, and an order which declines to allow a settler to initiate his claim at all, it will be impossible for me or anybody else to enlighten him upon that subject. Surely such a question as that needs not to be discussed in the American Senate. The suspension of a claim and the reservation of the land from settlement are entirely different things from denying to the settler the provision given him by the plain words of the statute.

I did not speak unadvisedly when I said that there will be no precedent produced here, and it will be to the credit of the Democratic party if they stand up and admit that if there had been a precedent of that kind it would be no justification for this order. If there were a thousand precedents they would be no justification for it. It is forbidding the settler to go before the Department and initiate his claim in the way that the statute declares he must within a certain time or forfeit his right to the lands.

I am making no attack upon anybody. I am making no attack upon the Secretary; and none has been made upon him this morning that I know of. I am making no attack upon the Commissioner. I do not doubt his zeal in the interest of the public service. I doubt his judgment. It does seem to me that an order of that kind for the credit of the nation ought never to have found its way to the files of any administration of any Department of the Government. It may seem to the Senator from Florida that the declaration by the executive department of the Government of a right to nullify statutes is a matter of no great concern. There has been a time when an assertion of that kind in this country would have made a revolution. There has been a time when nobody on this floor would have been found to excuse it upon the ground of precedent or anything else. And it would be to the credit of the Interior Department to-day to say that it was an inadvertence; that it escaped the observation of the proper officers of the Government; and that is what I have no doubt was the actual fact.

I am not claiming—it is not possible that the head of that Department would seriously contemplate that he or anybody had the right to nullify a statute. I said when I spoke before that I had not any doubt that his attention was not called to this order before its issuance. From what I regard good authority I understand that the minute his attention was called to the effect of the order he determined in his own mind that it was improperly made and that it ought to be revoked, and proceeded as hastily as he could to revoke it on the following day.

Mr. BECK. The Senator from Colorado will allow me a word. I said a while ago that I desired the passage of this resolution and hoped it would be unanimously adopted. While I did not have in my hands any precedent to warrant this character of action when I spoke, I telephoned at once at 12 o'clock and have just received a paper containing what purports to be quite a number of precedents. I do not say that they are correct, but they are here, and while I do not want to go into them now, I would like that just one of importance be read.

Mr. TELLER. Certainly.

Mr. BECK. I am not going to quote any of them but one:

In addition to the foregoing, withdrawal of indemnity lands where no withdrawals were authorized by law have been made from time to time as the several roads were located, in anticipation of losses within granted limits. Withdrawals of this character, covering many millions of acres, have been made for about seventy roads. The largest withdrawals of this class are those for the Northern Pacific Railroad Company, which were made at various dates between 1871 and 1884, and are still maintained. Said withdrawals were from sale, location, entry, and claim of any kind, and embraced at least ten or twelve millions of acres, including unsurveyed as well as surveyed lands. In the Territory of Dakota alone about two million four hundred thousand acres of indemnity lands are withdrawn, while the records of the General Land Office show that the losses within the granted limits in said Territory do not exceed thirty thousand acres.

Then a number of others are taken up which I do not propose to present now. I have received this hurriedly prepared statement.

Mr. TELLER. There is not the slightest analogy between the action of the Department in withdrawing lands from the operation of the pre-emption laws and the present action of the Department of June 2, 1886. The right of the executive department to withdraw land from settlement is a right recognized by the Supreme Court many years ago, but it must be for a specific purpose and not generally. The Supreme Court settled it years ago, and I have a case in my desk which if it was worth while to go into it this morning I could cite. That is one of the rights which the President exercises independent of any statute except inferentially. The Supreme Court refers to the fact that in 1830 the first pre-emption law provided that all lands should be subject to pre-emption except such as were reserved by the President, and the act of 1841 contains a similar provision not quite so plain and so explicit; and under those laws the Supreme Court of the United States has held that the President might withdraw lands from the operation of the law, but they must be specifically designated and the withdrawal must be for a specific purpose.

Here is a direction to public officers, the register and receiver, to decline to execute a duty which is imposed upon them by law. It is a direction to them to decline to execute the law which they are sworn to execute, and it is an inhibition upon the settler from making his application or proving it up after he has made the application.

I knew that what has just been read would be substantially what would come here if anything came at all in the way of defense in the shape of precedent; and that is the nearest they can get to it, that land has been withdrawn from the operation of the settlement laws for the purpose of enabling a railroad company to take the lands granted to it, land which the Attorney-General declared it took *in presenti* in the first instance if it was within the grant, and in the next it took by selection if it was within the indemnity limits.

Mr. President, allusion has been made to the fact that a large area of country was withdrawn for railroads. I did not intend to go into any general discussion, but I should like to say just a word on that subject.

In the very early history of legislative grants, which commenced in 1839, or indeed in 1827, when grants were made for canals, railroads, and other purposes, the Department invariably withdrew the land at once without waiting for the definite line of location. That was done for many years. When Mr. Hendricks was Commissioner of the General Land Office the records will show that he withdrew from the operation of the settlement laws lands that had not yet been granted to any railroad company, in view of the fact that a bill was pending making the grant, and in another case on the same day that the act passed, without any definite location. But that right of reservation is an entirely different right from the one sought to be exercised in this order of June 2, and there is no analogy between the two. I shall be ready to meet any alleged precedent when it comes here. I repeat, not only for the administration that I was connected with, but for all time, even under Democratic administrations that preceded the war, none of them ever attempted to do this thing, and I do not believe now that the head of the Department will sit down seriously and send us anything justifying him in an attempt to nullify a statute.

Mr. CALL. Mr. President, I do not desire to discuss this question at all, nor did I intend to make any imputation upon any one in reference to the discharge of his duties connected with the public lands, but simply as one member of the Senate I rose to say a word in defense of the Commissioner of the General Land Office against what I conceive to be an improper imputation upon him without any facts which would justify such a charge as has been made.

Now the Senator from Colorado says it is possible to make a distinction. I wish to say that is no argument, that is no method of reasoning. It gives no dignity or force to a man to assail another one, but, as the logicians state, it is an evidence of weakness to engage in a reflection upon another. The Senator from Colorado may feel sure that he is correct, and yet he may be mistaken in his proposition. He may declare to the Senate as often as he will, but I will not make an imputation on him that he is deficient in intellectual capacity or intelligence.

Mr. TELLER. The Senator certainly misunderstood what I said. I said if the Senator himself could not draw the distinction between the cases I could not say anything that would enable him to do so. That is all I did say. I did not say the Senator could not do it.

Mr. CALL. Very well; the imputation rests; and all I wish to say is that it adds nothing to the force of the argument.

The instance cited by the Senator from Kentucky involves the principle of a control over the provisions of an act of Congress to some extent, not to deny but to suspend operations under it for the moment. The cause why, the justification of it, is another and a different question. The act of Congress confers rights, but it leaves the machinery, the mode by which those rights are to be attained, within the power of the Interior Department; and that general proposition is one which may not be denied, for I have the act here, and it simply confers the naked right and does not provide the method by which that right shall be exerted, and that method has been uniformly left to be exercised by the rules and methods of proceeding in the Department within the control of the Department. Time and again cases have been suspended, even in the

initiation, as was done in the withholding of railroad lands, because every such reservation is the withholding of land from the right of pre-emption and of homestead positively guaranteed under the law to every citizen. Therefore I say there is no question here of a claim of power in the Executive Department to suspend a statute, and the question is not in any way affected by the statute.

Mr. WALTHALL. I should like to ask the Senator from Colorado a question for my own information, knowing that he is entirely familiar with everything connected with the Department of the Interior. Did I understand the Senator to say that there was no precedent in that Department for the withdrawal of lands to prevent them from being entered pending a bill making a disposition of those lands but before the passage of that bill?

Mr. TELLER. Oh, no, Mr. President, I did not say that.

Mr. WALTHALL. Is not that the fact?

Mr. TELLER. I said that there was a precedent for the withdrawal of lands. I instanced the fact that Mr. Hendricks, when Commissioner of the General Land Office did not wait until the act became a law, but he withdrew the land before. He withdrew it by telegraph in one instance. That is a very different thing, He designated what lands should be withdrawn.

Mr. WALTHALL. Still he withdrew the lands pending the passage of the bill and before the bill had become a law.

Mr. TELLER. He did that. That never has been done since 1861.

Mr. WALTHALL. Had it not been repeatedly done before?

Mr. TELLER. It had been done several times before.

Mr. WALTHALL. That is what I wanted to know, because those precedents, if we wished to go into the discussion of that subject now (which seems to me to be premature), bear on the matter.

Mr. TELLER. When the time comes I shall be prepared to go into that matter. I am quite ready to discuss it at any time with the Senator.

Mr. GEORGE. I desire to ask the Senator from Colorado a question also for my information and for the information of the country. I have heard, and I want to know whether my information is correct, that under the timber-culture act and pre-emption act so many frauds are being perpetrated on the Government and upon those laws that the Department of the Interior and the General Land Office for some years have been in favor of repealing those laws. Is that the fact or not?

Mr. TELLER. I will say that the records of the Government show that at least for the last five years the Commissioner has, with the approval of the Secretary, recommended the repeal of the pre-emption and timber-culture laws.

Mr. GEORGE. Upon the ground that they were being abused and that fraudulent entries were being made under them?

Mr. TELLER. Partially for that reason. So far as I may be allowed to speak for myself, I would say that I have had for many years an idea that no lands ought to be parted with by the Government except the desert lands, which stand upon a different footing—that no lands upon which a pre-emption claim can be initiated ought to be parted with except under the homstead law; and very early after my advent into this body I introduced a bill to that effect. When the Commissioner of the General Land Office complained to me as Secretary that great frauds were being perpetrated, that together with the fact that I had been for several years hostile to the law, believing that it was frequently abused, not always, I recommended the repeal, as I think, though I am not quite certain, that my predecessor had before me.

Mr. GEORGE. In administration circles, especially in the Interior Department, is it not a fact well recognized and well understood that these two laws, the timber-culture law and the pre-emption law, are so frequently perverted by fraudulent means from the purposes for which the acts were passed that it has been the opinion and judgment of that Department for five years that they ought to be repealed. I would like the Senator to answer that question.

Mr. TELLER. I think I have answered that question.

Mr. INGALLS. May I make a suggestion? I understand it is the opinion in the Cabinet and in administration circles that the continued coinage of the silver dollar is a fraud on the finances of this country and is hostile to its best interests. Would that justify the Secretary of the Treasury in directing the suspension of the coinage of the silver dollar?

Mr. GEORGE. Mr. President, one thing at a time.

Mr. INGALLS. Yes.

Mr. GEORGE. We are on this question now, and I should like to have an answer to the inquiry I have propounded to the Senator from Colorado.

Mr. TELLER. If the Senator is not satisfied with my answer I will repeat it.

Mr. GEORGE. Very well; if you are satisfied with it I am. That is all.

Mr. TELLER. The Commissioner of the General Land Office several times recommended, and I believe in each instance with the approval of the Secretary, the repeal of the pre-emption law. Whether it was wholly and entirely because of frauds I am not quite prepared to say, but that great frauds have been perpetrated under it nobody doubts. The files of the Senate are full of the reports sent here by the late Secretary of the Interior calling the attention of the Senate to the necessity of either a repeal or a modification of the pre-emption and timber-culture laws; but the Department never entertained an opinion at any time that it had the power to suspend the execution of those laws, hostile as the Secretary was to them, hostile as he had been for years on the record while he was in the Senate as a member of it, and everywhere else. He never supposed for a moment that he had the right to say to a man, "You can not initiate your claim, you can not start in under this law, whether you are a *bona fide* or a dishonest pre-emptor." The right to file was one given by statute, and it could not be denied as long as the land was in the category of land open to settlement; it could not be denied by any Department of the Government; and the files will show that the Secretary said repeatedly we are unable to cure these frauds and prevent them, and we are unable to detect all the fraudulent entries; there is no machinery under the law to do it; and therefore the law itself ought to be repealed. There was no attempt at nullification.

Mr. GEORGE. Mr. President, then "the head and front" of the "offending" of the Commissioner of the General Land Office is this, as I understand, that he may have committed a technical violation of law, and this violation, if it be a violation, was in favor of preserving the rights of the Government and the people of the United States to the public domain against fraudulent entries.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. COCKRELL. I wish simply to correct the Senator from Colorado in regard to the withdrawal of lands. He said that none were withdrawn after 1860. I think he will find that withdrawals were made beginning in 1854 and continuing up to 1866 in regard to land grants.

The PRESIDENT *pro tempore*. The resolution has passed.

Mr. TELLER. The Senator misunderstood me. I did not say withdrawals were not made, but they were not made until the statutes passed.

Mr. COCKRELL. They were in anticipation of the passage of the acts.

Mr. TELLER. I think not.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1649) granting a pension to Pœbe H. Meech;
A bill (H. R. 4407) granting a pension to Christopher C. White;
A bill (H. R. 6087) granting a pension to Patrick Murphy;
A bill (H. R. 7163) granting a pension to Peter Adams;
A bill (H. R. 7221) granting a pension to Thomas B. Walsh; and
A bill (H. R. 8333) granting a pension to Lucinda Sawyer.

The above six pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

BUTTER AND OLEOMARGARINE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, was read twice by its title.

Mr. MORRILL. In the absence of the Senator from New York [Mr. MILLER], who takes a deep interest in this bill, I move that it lie on the table for the present.

The motion was agreed to.

Mr. BLAIR. I move that the Senate now proceed to the consideration of special pension bills favorably reported and not objected to.

Mr. BECK. Before that is done, I rise, if I may be allowed, to a parliamentary inquiry. The bill known as the oleomargarine bill came from the House of Representatives and went to the table. I believe it is there now. There will be a contest as to the committee to which it shall go. I for one insist that it shall go to the Committee on Finance. I understand others desire that it shall go to the Committee on Agriculture. I would like some notice to be given so that gentlemen on both sides can be here; that it will not be taken from the table and referred *pro forma* to either committee.

Mr. MORRILL. I understand the Senator from New York [Mr. MILLER] will not be back until next week, and I think it would be unfair to have any action upon it until his return. Therefore I moved to have it remain on the table.

Mr. BECK. I desire that some previous notice shall be given before the time when it is to be referred, so that the chairman of the Committee on Agriculture as well as the chairman of the Committee on Finance will be advised as to when it is to come up.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.;

A bill (S. 1016) granting an increase of pension to Abel Comstock;
A bill (S. 1192) granting a pension to Alfred Denny;
A bill (S. 1288) granting a pension to Robert Holsey;
A bill (S. 1382) for the relief of Lydia O. Hutchings;
A bill (S. 1383) granting a pension to Harriet Welch;
A bill (S. 1400) granting a pension to William H. Beck;
A bill (S. 1466) granting an increase of pension to Stephen R. Smith;
A bill (S. 1467) granting a pension to Mrs. Margaret Smith;
A bill (S. 2005) granting a pension to Mary J. Nottage; and
A bill (S. 2025) granting a pension to James Butler.

The message also announced that the House had passed the following bills, with amendments; in which it requested the concurrence of the Senate:

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio; and

A bill (S. 763) for the erection of a public building at Sioux City, Iowa.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives; and it was thereupon signed by the President *pro tempore*.

CONSIDERATION OF PENSION BILLS.

Mr. BLAIR. I renew my motion to proceed to the consideration of special pension bills favorably reported and not objected to.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of special pension bills favorably reported from the Committee on Pensions in their order. Is there objection? The Chair hears no objection, and that order will be made. The first pension bill on the Calendar will be stated.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ALLISON. Before the Senator from New Hampshire proceeds, I desire to say to the Senate that on Monday morning, immediately after the morning business, I shall ask the Senate to resume the consideration of the diplomatic and consular appropriation bill; and in the mean time I ask leave now to present to the Senate certain comparative tables respecting the appropriations of last year as compared with the estimates of the present year, that they may be printed in the RECORD. I also ask leave to submit a letter of the Secretary of State, addressed to me as chairman of the Committee on Appropriations, dated the 29th of May, and the accompanying memoranda respecting the consular and diplomatic bill, and ask that they may be printed in the RECORD. I will say to Senators that the accompanying memoranda as to page and line refer to the bill as printed as it came from the House and not the bill as printed with the amendments of the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection the papers referred to will be printed in the RECORD. The Chair hears no objection.

The papers are as follows:

DIPLOMATIC AND CONSULAR SERVICE.

Amount of estimates for 1887	$1,604,961 60
Amount of House bill	1,299,665 00
Increase made to House bill by the Senate committee	49,700 00
Amount as reported	1,349,365 00
Amount of act for fiscal year 1886	1,242,925 00
The bill as reported is less than the estimate	255,596 60
The bill as reported exceeds the act for 1886	106,440 00

The items of increase made by the Senate committee are as follows:

For chargés d'affaires ad interim and diplomatic officers abroad	$5,000 00
Salary of interpreter at Bangkok, Siam	300 00
For legation buildings at Seoul, Corea	5,000 00
For rent of legation buildings at Tokio, Japan	3,400 00
For emergencies arising in the diplomatic and consular service	35,000 00
Salary of consul-general at Halifax	500 00
Salary of consul at Apia	500 00
Total increase	49,700 00

DIPLOMATIC AND CONSULAR SERVICE.

Comparative statement showing the appropriations for 1886, the estimates for 1887, the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for 1887.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate committee, 1887.
SALARIES OF MINISTERS.				
Great Britain, France, Germany, and Russia, at $17,500 each	$70,000 00	$70,000 00	$70,000 00	$80,000 00
Japan, China, Spain, Austria, Italy, Brazil, and Mexico, at $12,000 each	84,000 00	84,000 00	84,000 00	84,000 00
Chili and Peru, at $10,000 each	20,000 00	20,000 00	20,000 00	20,000 00
Guatemala, Costa Rica, Honduras, Nicaragua, and Salvador	10,000 00	10,000 00	10,000 00	10,000 00
Turkey	10,000 00	10,000 00	10,000 00	10,000 00
United States of Colombia	7,500 00	7,500 00	7,500 00	7,500 00
Belgium, Netherlands, Hawaiian Islands, Sweden and Norway, Venezuela, and Argentine Republic, at $7,500 each	45,000 00	45,000 00	45,000 00	45,000 00
Liberia, Switzerland, Denmark, Portugal, Siam, Persia, Corea, Hayti, and Bolivia, at $5,000 each	45,000 00	45,000 00	45,000 00	45,000 00
Roumania, Servia, and Greece	6,500 00	6,500 00	6,500 00	6,500 00
Cairo, agent and consul-general	5,000 00	5,000 00	5,000 00	5,000 00
Congo Association, agent and consul-general	5,000 00			
Congo Association, expenses	5,000 00			
Paraguay and Uruguay, chargé d'affaires	5,000 00	5,000 00	5,000 00	5,000 00
Chargé d'affaires *ad interim* and diplomatic officers abroad	12,000 00	20,000 00	15,000 00	20,000 00
Total, ministers	330,000 00	328,000 00	323,000 00	328,000 00
SALARIES OF SECRETARIES TO LEGATIONS, ETC.				
London, Paris, Berlin, and St. Petersburg, secretaries, at $2,625 each	10,500 00	10,500 00	10,500 00	10,500 00
China and Japan, secretaries, at $2,625 each	5,250 00	5,250 00	5,250 00	5,250 00
Spain, Turkey, Austria, Italy, Brazil, and Mexico, secretaries, at $1,800 each	10,800 00	10,800 00	10,800 00	10,800 00
Chili and Peru, secretaries, at $1,500 each	3,000 00	3,000 00	3,000 00	3,000 00
London, Paris, and Berlin, second secretaries, at $2,000 each	6,000 00	6,000 00	6,000 00	6,000 00
Japan and China, second secretaries, at $1,800 each	3,600 00	3,600 00	3,600 00	3,600 00
Spain, clerk to legation	1,200 00	1,200 00	1,200 00	1,200 00
Bogota, secretary to legation and consul-general	2,000 00	2,000 00	2,000 00	2,000 00
Central American States, secretary of legation and consul-general at Guatemala	2,000 00	2,000 00	2,000 00	2,000 00
Four secretaries of legation-at-large, at $1,800 each		7,200 00		
Traveling and other expenses of same		2,000 00		
Total, secretaries to legations	44,350 00	53,500 00	44,350 00	44,350 00
SALARIES OF INTERPRETERS TO LEGATIONS.				
China, interpreter to legation	3,000 00	3,000 00	3,000 00	3,000 00
Japan and Turkey, interpreters to legation, at $2,500 each	5,000 00	5,000 00	5,000 00	5,000 00
Corea, interpreter to legation	1,000 00	1,000 00	1,000 00	1,000 00
Persia, interpreter to legation and consulate-general	1,000 00	1,000 00	1,000 00	1,000 00
Bangkok, interpreter to legation and consulate-general	500 00	800 00	500 00	800 00
Total, interpreters to legations	10,500 00	10,800 00	10,500 00	10,800 00
CONTINGENT AND MISCELLANEOUS EXPENSES, DIPLOMATIC SERVICE.				
Contingent expenses, foreign missions	75,000 00	150,000 00	105,000 00	105,000 00
Loss by exchange, diplomatic service	2,000 00	3,000 00	2,500 00	2,500 00

DIPLOMATIC AND CONSULAR SERVICE.

Comparative statement showing the appropriations for 1886, *the estimates for* 1887, *&c.*—Continued.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate committee, 1887.
Hire of steam-launch for legation at Constantinople	$1,000 00	$1,000 00	$1,800 00	$1,800 00
Rent of buildings, &c., for legation at Peking, China	3,100 00	3,100 00	3,100 00	3,100 00
Repair of legation buildings at Tangier	2,500 00	.....	.....	.....
Purchase of legation buildings at Seoul, Corea	.....	5,000 00	.....	5,000 00
Erection of legation buildings, &c., at Tokei, Japan	.....	25,000 00	.....	.....
Rent of legation buildings at Tokio, Japan	.....	.....	.....	3,400 00
Repairing legation buildings, &c., at Bangkok, Siam	.....	3,000 00	.....	.....
Annual expenses of Cape Spartel and Tangier light	325 00	325 00	325 00	325 00
Expenses of bringing home criminals	5,000 00	5,000 00	5,000 00	5,000 00
Expenses in extradition cases	5,000 00	5,000 00	5,000 00	5,000 00
Rescuing shipwrecked American seamen	4,500 00	4,500 00	4,000 00	4,000 00
Expenses under the neutrality act	.....	25,000 00	15,000 00	.....
Emergencies arising in the diplomatic and consular service	25,000 00	50,000 00	.....	50,000 00
Allowance to widows or heirs of diplomatic and consular officers dying abroad	5,000 00	5,000 00	5,000 00	5,000 00
Transporting remains of ministers and consuls to their homes for interment	10,000 00	10,000 00	10,000 00	10,000 00
International bureau of weights and measures	2,270 00	2,270 00	2,270 00	2,270 00
International boundary survey between the United States and Mexico	(*a*)	100,000 00	.....	.....
Payment of balance under award by French and American Claims Commission	(*b*)	15,639 16	.....	.....
Expenses of Haytian Arbitration Commission	.....	4,077 44	.....	.....
Total, miscellaneous and contingent, diplomatic service	140,695 00	416,911 60	158,995 00	202,395 00
SALARIES OF CONSULS-GENERAL.				
London, Paris, Havana, and Rio de Janeiro, at $6,000 each	24,000 00	24,000 00	24,000 00	24,000 00
Calcutta and Shanghai, at $5,000 each	10,000 00	10,000 00	10,000 00	10,000 00
Melbourne	4,500 00	4,500 00	4,500 00	4,500 00
Kanagawa	4,000 00	5,000 00	4,000 00	4,000 00
Panama	4,000 00	5,000 00	4,000 00	4,000 00
Berlin, Montreal, and Honolulu, at $4,000 each	12,000 00	12,000 00	12,000 00	12,000 00
Halifax	3,000 00	4,000 00	3,000 00	3,500 00
St. Petersburg, Frankfort, Vienna, Constantinople, Rome, and in Ecuador, at $3,000 each	18,000 00	18,000 00	18,000 00	18,000 00
Mexico	2,500 00	2,500 00	2,500 00	2,500 00
Total, consuls-general	82,000 00	85,000 00	82,000 00	82,500 00
CONSULAR SERVICE, ETC.				
Consuls, vice-consuls, and commercial agents	330,000 00	342,500 00	333,000 00	333,500 00
Thirteen consular clerks	14,600 00	14,400 00	14,400 00	14,400 00
Clerks at consulates specified	48,880 00	51,700 00	50,320 00	50,320 00
Clerks at consulates not otherwise provided for	10,000 00	10,000 00	10,000 00	10,000 00
Consular officers not citizens of the United States	6,000 00	6,000 00	6,000 00	6,000 00
Interpreters to consulates in China and Japan	12,000 00	15,000 00	12,000 00	12,000 00
Marshals for consular courts in Japan, China, and Turkey	7,000 00	8,000 00	8,000 00	8,000 00
Boat and boat's crew for use of consul at Osaka and Hiogo	500 00	500 00	500 00	500 00
Boat and boat's crew for use of consul at Hong-Kong	.....	500 00	500 00	500 00
Interpreters and guards at consulates at Constantinople, Smyrna, Cairo, Jerusalem, and Beirut	4,000 00	5,000 00	4,000 00	4,000 00
Loss on bills of exchange, consular service	3,000 00	4,000 00	4,000 00	4,000 00
Expenses of prisons at Bangkok, Siam	1,000 00	1,000 00	1,000 00	1,000 00
Expenses of prison at Shanghai, China	1,550 00	1,550 00	1,550 00	1,550 00
Expenses of prison at Kanagawa, Japan	1,550 00	1,550 00	1,550 00	1,550 00
Expenses of keeping prisoners in China, Japan, Siam, and Turkey	9,000 00	9,000 00	9,000 00	9,000 00
Rent of prisons for American convicts in Turkey and wages of keepers	1,000 00	1,500 00	1,500 00	1,500 00
Relief and protection of American seamen	50,000 00	50,000 00	50,000 00	50,000 00
Contribution to foreign hospital at Panama	300 00	500 00	500 00	500 00
Expenses of consular and commercial reports	20,000 00	20,000 00	20,000 00	20,000 00
Expenses of search of French records, &c., relating to French spoliations	5,000 00	.....	.....	.....
Expenses of revising the consular regulations	.....	.....	3,000 00	3,000 00
Inspectors of consulates, 2, at $4,000	.....	8,000 00	.....	.....
Traveling expenses of inspectors	.....	10,000 00	.....	.....
Contingent expenses, consular service	110,000 00	150,000 00	150,000 00	150,000 00
Total, consular service	635,380 00	710,700 00	680,820 00	681,320 00
Total, diplomatic and consular service	1,242,925 00	1,604,961 60	1,299,665 00	1,349,365 00

a The sum of $100,000, for international boundary survey between the United States and Mexico, was appropriated in the sundry civil act for 1886.
b The sum of $594,288.04, for payment of final award of French and American Claims Commission, was appropriated in the sundry civil act for 1886.

CONTINGENT EXPENSES—FOREIGN MISSIONS.

Statement showing the estimates, the amounts recommended by the House of Representatives and the Senate, and the amounts appropriated for the following fiscal years:

1886.		1882.	
Estimates	$90,000	Estimates	$85,000
House	75,000	House	80,000
Senate	75,000	Senate	80,000
Law	75,000	Law	80,000
1885.		**1881.**	
Estimates	90,000	Estimates	85,000
House	15,500	House	80,000
Senate	80,000	Senate	80,000
Law	75,000	Law	80,000
1884.		**1880.**	
Estimates	90,000	Estimates	85,000
House	80,000	House	80,000
Senate	85,000	Senate	80,000
Law	85,000	Law	80,000
1883.		**1879.**	
Estimates	85,000	Estimates	110,000
House	85,000	House	80,000
Senate	85,000	Senate	80,000
Law	85,000	Law	80,000

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Statement showing the estimates, the amounts recommended by the House of Representatives and the Senate, and the amounts appropriated for the following fiscal years:

1886.		1882.	
Estimates	$150,000	Estimates	$140,000
House	110,000	House	135,000
Senate	110,000	Senate	135,000
Law	110,000	Law	135,000
1885.		**1881.**	
Estimates	150,000	Estimates	140,000
House	84,000	House	125,000
Senate	125,000	Senate	125,000
Law	110,000	Law	125,000
1884.		**1880.**	
Estimates	150,000	Estimates	130,000
House	100,000	House	115,000
Senate	135,000	Senate	115,000
Law	110,000	Law	115,000
1883.		**1879.**	
Estimates	140,000	Estimates	125,000
House	135,000	House	115,000
Senate	135,000	Senate	115,000
Law	135,000	Law	115,000

DEPARTMENT OF STATE, *Washington, May* 29, 1886.

MY DEAR SIR: Thanking your committee for the opportunity given me yesterday to give reasons for the amendments I suggested to the diplomatic and consular appropriation bill (H. R. 6392), I now inclose, in accordance with your request of yesterday, a copy of the bill as it passed the House, with interlineations of the amendments I deem wise, and numerical references in the margin to each amendment.

The bill is accompanied by a copy of a letter I addressed to the chairman of the House committee by whom the bill was reported, and whose printed report you have already, and which can properly be reviewed by you in connection with the present action of your committee.

I do not desire to obtrude my opinions upon your independent judgments, but I believe your committee will agree with me that no real economy is effected by making appropriations piecemeal and supplementing insufficient sums by subsequent deficiency appropriations.

Indeed I may say that the public service is promoted by the ability to pay for a thing when it is most needed, and that this mode of payment is in the end most productive of economy. If official responsibility is directly annexed to the power and discretion of expense, abuse of such power is best guarded against, and so far as I am concerned I am ready to acept the trust on such terms.

I dwelt yesterday with emphasis upon the wisdom of providing a reasonable fund for unforeseen emergencies, and I venture to repeat those views. In the absence of Congress, the prompt employment of special envoys may become essential, and the want of means for their employment should be guarded against. The development of our commercial interests in the hitherto unknown regions of the North and South Pacific, where they encounter the rival enterprise of European powers; questions still awaiting permanent settlement in the long conterminous boundaries on our northern and southern frontiers—all join in counseling wise provisions for expenses proportionate to the importance of the subjects to which they relate.

I believe the letter to which I have just referred, and of which a copy is sent you, will reasonably account for my recommendations.

All of which I submit with high respect, and am,

Very truly, yours,

T. F. BAYARD.

Hon. W. B. ALLISON, *U. S. Senate.*

Memorandum of amendments requested by the Secretary of State.

No. 1.—Line 11, page 1, "and China." (See page 13 of letter to chairman of Committee on Foreign Affairs.)

No. 2.—Line 14, page 2, strike out "China."

No. 3.—Line 17, page 2, insert "Belgium." (See letter from Mr. Tree.)

No. 4.—Line 28, page 2, strike out "Belgium."

No. 5.—Line 46, page 3, insert "$20,000" instead of "$15,000." (See "letter, &c.," page 1.)

No. 6.—Line 54, page 3, insert "Belgium."

(This being new legislation, the House committee would not consider it under their construction of the new House rules.)

No. 7.—Line 86, page 4, insert "eight" instead of "five." (See "letter, &c.," page 2.)

No. 8.—Line 99, page 5, insert "$150,000" instead of "$105,000." (See "letter, &c.," page 3.)

No. 9.—Line 102, page 5, insert "$3,000" instead of "$2,500." (See "letter, &c.," page 4.)

No. 10.—Line 126, page 6, insert "$25,000" instead of "$15,000." (See "letter, &c.," page 6.)

No. 11.—After line 127, page 6, insert, "To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, $25,000." (See "letter," page 6.)

No. 12.—Line 161, page 7, insert "four" instead of "three."

(Mr. Bayard stated reasons for the increase to committee; having no diplomatic representative in Canada, we require at Halifax a consul of more than usual ability.)

No. 13.—After line 175, page 8, insert "consul at Antwerp, Belgium, $3,500." (See "letter," page 7.)

No. 14.—Line 207, page 9, strike out "and Antwerp, at," and, in line 208, "each, $5,000."

No. 15.—After line 254, page 11, insert "Friendly and Navigator's Islands: Consul at Apia, $2,000." (See "letter," page 8.)

No. 16.—Lines 303 and 304, page 13, strike out "Friendly and Navigator's Islands: Consul at Apia, $1,500."

No. 17.—Line 392, page 17, insert "$15,000" instead of "$12,000." (See "letter," page 10.)

No. 18.—Line 403, page 17, insert "$5,000" instead of "$4,000." (See "letter," page 11.)

No. 20.—Line 454, page 19, insert "traveling expenses of consular clerks."

(This merely includes an enumerated charge.)

No. 21.—Line 457, page 19, insert: "And no expense charge shall be allowed hereafter in the accounts of any consular officer except upon a certificate of approval of the Secretary of State, which certificate shall be conclusive upon the accounting officers of the Treasury, and be deemed by them a sufficient voucher for the expenditure it covers."

The embarrassments of a divided discretion in executive duties are obvious. The impossibility of even defining by name the miscellaneous expenses of a Department proves the equal impossibility of defining the specific amount made necessary for each such expense; and as the total expenditure is carefully estimated and limited by Congress and the accounts in detail are carefully recorded and audited in the State Department under orders of the President, it is unnecessary to have such essential Executive discretion submitted to the revision of the accounting officers of the Treasury, who can not possess the knowledge requisite for the performance of the business of another Department of the Government.

I therefore consider the guards upon allowance or expense are fully furnished in the amendment I have submitted, and that much useless friction can be saved by its adoption.

ADDITIONAL NOTES.

No. 19.—Lines 448 and 449: "Expense of revising the Consular Regulations by the Department of State, $3,000."

Reasons for the necessity of revising and re-editing the Consular Regulations:

(1) The edition is exhausted and now there are no copies on hand.

(2) The present arrangement is confused and in many instances obsolete. It was published five years ago. Careful examination by the Solicitor of the Department, confirmed by the personal supervision of the Secretary, justifies the statement that the present edition is inaccurate and exceedingly imperfect.

(3) As it is the hand-book and official guide for the service the necessity for fullness and accuracy is apparent.

See page 6 of "letter, &c." for reasons for placing the appropriations for (1) French claims, (2) Mexican boundary, (3) Haytian arbitration, on this bill. It is obvious that this is the proper bill to contain these items.

Mr. CONGER. I understood unanimous consent was given yesterday that Monday and Tuesday next should be devoted entirely to the Calendar. The Senator himself understood that, but whether he wishes to take up that time in an appropriation bill was not stated. I should like to know about that.

Mr. ALLISON. I will say to the Senator from Michigan that so far as I am concerned personally I am quite willing that whatever time on Monday is devoted to the consideration of the consular and diplomatic appropriation bill shall be carried over on Wednesday and devoted to the consideration of the Calendar; but I think it is important that as rapidly as the appropriation bills are ready they should be passed and sent to the House for concurrence in our amendments.

Mr. CONGER. I called attention to it so that it might be understood that the unanimous consent given in the Senate assigning two days next week to the Calendar should not be interfered with without giving the equivalent time on the next day as the Senator has suggested.

Mr. ALLISON. I will say to the Senator that I had hoped to finish the consular and diplomatic bill last night; but a very interesting debate arose on the bill, so that it was impossible to conclude the bill then.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

Mr. WILSON, of Iowa. I ask the Senate to take from the table the bill providing for the erection of a public building at Sioux City, Iowa, which has been returned from the House of Representatives with an amendment.

The PRESIDENT *pro tempore.* The Chair will lay before the Senate the bill (S. 736) for the erection of a public building at Sioux City, Iowa, returned from the House of Representatives with an amendment.

Mr. WILSON, of Iowa. I move concurrence in the amendment of the House, which I ask may be read.

Mr. BLAIR. I must object to anything that will take time.

Mr. WILSON, of Iowa. It will not take time.

Mr. ALLISON. It will take but a moment.

Mr. BLAIR. Very well.

The PRESIDENT *pro tempore.* The amendment will be stated.

The CHIEF CLERK. In line 9, after the word "dollars," the House of Representatives inserted:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury, and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000.

The amendment was concurred in.

PUBLIC BUILDING AT ZANESVILLE, OHIO.

The PRESIDENT *pro tempore.* The Chair also lays before the Senate the bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio, returned from the House of Representatives with amendments. The amendments will be reported.

The CHIEF CLERK. The amendments of the House of Representatives are, in line 10 to strike out "and fifty," and in line 13 to strike out "and fifty;" so as to read:

The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $100,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 50 feet, including streets and alleys; and for the purposes herein mentioned the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The amendments were concurred in.

ANDREW T. M'REYNOLDS.

Mr. BLAIR. I call for the regular order.

The PRESIDENT *pro tempore.* The first pension bill on the Calendar will be stated.

The bill (S. 2217) for the relief of Andrew T. McReynolds was announced as first in order.

Mr. COCKRELL. I think there was some motion pending on that bill.

The PRESIDENT *pro tempore.* A motion to recommit. Does the Senator ask for a vote on the question?

Mr. COCKRELL. Unless that bill is recommitted to the committee for further examination I must object to its consideration. I prefer having it recommitted and let the attention of the committee be called to it.

Mr. BLAIR. I do not think the committee would take different action. Suppose it be passed over informally for the present.

The PRESIDENT *pro tempore.* That course will be taken unless there be objection.

Mr. CONGER. That is a bill in which I feel an interest for a constituent of mine. Are these bills to be passed over by an objection only?

The PRESIDENT *pro tempore.* They are taken up in their order, open to amendment, and subject to vote.

Mr. BLAIR. This bill may as well be disposed of, if the Senator from Michigan desires. I have no objection to its being disposed of now. It can be discussed on its merits now.

Mr. CONGER. The report is favorable.

Mr. BLAIR. Yes; but the Senator from Missouri has made a motion to recommit, and that is the pending motion.

Mr. CONGER. Is there any object in recommitting?

Mr. BLAIR. There is no object in recommitting. The committee examined the case and reported it upon its merits, and the Senate may as well dispose of it on its merits now as at any time.

Mr. COCKRELL. We are acting, as I understand, under Rule VIII.

The PRESIDENT *pro tempore*. Subject to five minutes' debate.

Mr. COCKRELL. Subject to five minutes' debate and subject to objection.

Mr. CONGER. I should like to understand whether that statement of the Senator is the understanding of the Chair and of the Senate.

Mr. COCKRELL. The Chair so announced it.

Mr. CONGER. If that is so, I do not insist upon taking the bill up now because there is objection. I do not want any misunderstanding about it. If there is any reason why the bill should go over, or any objection under Rule VIII, I do not move to take it up now, because I think we should go through with the unobjected cases; but whenever the proper time comes I desire to say a word myself in behalf of this Colonel McReynolds, or if the bill goes over without prejudice I have no objection.

The PRESIDENT *pro tempore*. The Chair understands that by unanimous consent these cases are taken up under Rule VIII, but without limitation as to the hour of 2 o'clock. They will continue on during the whole of this day, but are considered under Rule VIII, so that a single objection will carry a bill over.

Mr. CONGER. Then I ask that it may keep its place on the Calendar without prejudice.

Mr. COCKRELL. I have no objection to that.

Mr. CONGER. And on some other opportunity when there is a less number of these cases to be considered we will take it up.

The PRESIDENT *pro tempore*. The bill will be passed over.

PATRICK M'KEAN.

The bill (H. R. 7329) granting a pension to Patrick McKean was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick McKean, formerly of Company K, Eighth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. GOTT.

The bill (S. 2258) to increase the pension of James E. Gott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James E. Gott, late a private in Company A, Fourteenth Maine Volunteers, at the rate of $50 per month, in lieu of the present pension he now receives.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLAIR May 10, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2258) to increase the pension of James E. Gott, have examined the same, and report:

The claimant, James E. Gott, was a private of Company A, Fourteenth Maine Volunteers. He was pensioned under the provisions of the general laws at the rate of $8 per month from May 4, 1863; this was increased to $12 from July 16, 1873; again increased to $18 from December 28, 1876; again increased to $24 from March 3, 1883, for anchylosis of lower jaw. He applied for a further increase on the ground of abscess of left maxillary bone, result of scurvy, &c.; but this application was rejected November 10, 1885. Upon his examination September 2, 1885, he was rated by the board of surgeons as of second grade, "unable to perform any manual labor."

A memorial is presented to us, the truth of which is averred by a large number of respectable signers, and from other sources, as the basis of the present claim for $50 per month. It represents that in consequence of the flesh of the inside of claimant's mouth adhering or growing to the jaw, he is unable to open his mouth, rendering it impossible for him to take into his mouth any solid food of any description, and that he is in consequence a great sufferer and unable to labor.

The following affidavit of the claimant also shows his present condition:

DEER ISLE, MAINE, *April* 21, 1886.

I, James E. Gott, was enrolled on the 7th day of December, 1861, in Company A, Fourteenth Maine Volunteers, and was discharged from the service of the United States the 4th day of March, 1863, by reason of surgeon's certificate of disability, at the marine hospital at New Orleans, La. I was taken sick at Camp Williams, near New Orleans; we were on guard and our tent was full of prisoners, and we had to lie on the ground and got wet and cold, and the next day I was taken sick; that was the last of October, 1862, and I was taken to the hospital the 1st day of November, 1862, and have not seen a well day since. I have pain in my face most all of the time; it is so hard for me to eat it keeps my face sore all of the time; I can not open my mouth any, and all I can eat is what I suck through my mouth, and all I have to live on is my pension and what my friends help me. I could get extracts of different kinds of food if I had the means to get them, and the most of my teeth is affected, and I can not have them taken out because I can not open my mouth. I have not done any work for a long time. I can not get any wages because I can not stand it, so I can not earn anything.

Very respectfully,

JAMES E. GOTT.

Personally appeared James E. Gott and acknowledged the above instrument to be true.

Sworn to before me this 22d day of April, 1886.

[SEAL.] S. B. THURLOW, *Notary Public.*

No. pension 81065, $24 per month.

In view of all the facts in this case your committee feel justified in recommending the increase asked for in this bill, and therefore report it back with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. WARD.

The bill (H. R. 5643) granting an increase of pension to Charles F. Ward was considered as in Committee of the Whole. It proposes to pay to Charles F. Ward, formerly of the ship Vermont, United States Navy, a pension of $24 a month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH B. BROOKSHIRE.

The bill (H. R. 4644) granting a pension to Noah B. Brookshire was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Noah B. Brookshire, late a private in Company B, Third Regiment of North Carolina Mounted Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRIETTA FISHER.

The bill (H. R. 3954) granting a pension to Henrietta Fisher was considered as in Committee of the Whole. It proposes to put the name of Henrietta Fisher, widow of Thaddeus S. Fisher, deceased, late of Company B, Fourth United States Colored Troops, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL F. GARRETT.

The bill (H. R. 1840) granting a pension to Samuel F. Garrett was considered as in Committee of the Whole. It proposes to place the name of Samuel F. Garrett, late a private in Company I, Thirty-ninth Ohio Volunteers, on the pension-roll.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SEWELL May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1840) granting a pension to Samuel F. Garrett, have examined the same, and report as follows:

This soldier entered the service July 4, 1861, and was honorably discharged July 9, 1865. Through exposure and hard service he claims to have contracted chronic diarrhea and inflammatory sore eyes, while in the line of duty, and in November, 1879, applied for pension. This claim was rejected in January, 1884, upon the ground "that there has been no pensionable disability from alleged causes since discharge."

An examination of the papers in the case, however, discloses the evidence to be abundant that the claimant was, and is, greatly disabled. His father's family physician testifies to his robust health and entire freedom from disease prior to his enlistment, and the War Department records show that he was treated for the disabilities alleged in the Government hospitals.

The following brief extracts from the report of the House Committee on Invalid Pensions set forth other and undisputed testimony to the same effect, while the Department examiner, R. G. Charles, gives his recommendation for allowing the claim:

"His officers and comrades testify to his having chronic diarrhea in November, 1861, and sore eyes in 1863, and that he never recovered from either disability during his service. His neighbors, who have known him from boyhood, testify to the continuance of the diseases from the time of discharge, in 1865, up to the present. Drs. Grinnell, Graham, Stephenson, and Connell, skillful and reputable physicians, bear positive testimony to his disabled condition from the causes alleged.

"Notwithstanding the rejection of this claim by the Department, the Department examiner, R. G. Charles, recommended its allowance in the following words:

"'From my examination of all the evidence in this case, I am of the opinion that the claim should be admitted for chronic diarrhea and inflammation of eyes. I think that claimant has been disabled for performing manual labor during the years from 1863 to 1882, in degree one-half.'

"All of the witnesses testifying in support of the claim are of the highest character and best standing, and all of them have lived in the same community with the claimant since his birth."

This committee think the facts and evidence sufficient to warrant the claim, and therefore recommend the passage of the bill.

Mr. COCKRELL. This claim for increase was rejected in January, 1884, and it does not seem that there has been any application for a reconsideration of it, and it appears to have been rejected on the ground that there has been no pensionable disability from the alleged cause since discharge. The application for pension was not made until 1879, while the soldier was discharged in 1865, and in 1884 the Commissioner of Pensions rejected the claim on the ground that there is no pensionable disability; that is, that there is no disability for manual labor in a pensionable degree; the injury or the disease produced no disability practically for manual labor. It is two years and a half nearly since this claim was rejected; and if the disability has increased the Pension Office can readily reopen the case and pass upon any additional evidence and determine whether the disability is now in a pensionable degree. It does seem to me that in cases where so much time has elapsed since the rejection the applicant ought to be required to pursue his remedy before the proper office according to law. I think the bill had better lie over.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator objects to the consideration of the bill.

Mr. BLAIR. Will the Senator be willing to let it go over informally?

Mr. COCKRELL. Yes, without prejudice.

Mr. BLAIR. The Senator from New Jersey [Mr. SEWELL], who reported it, is not present.

Mr. COCKRELL. That is why I would not object to its consideration.

The PRESIDING OFFICER. The bill will retain its place on the Calendar.

JAMES CARROLL.

The bill (H. R. 4642) granting a pension to James Carroll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Carroll, late a private in Company B, Third Regiment of North Carolina Mounted Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M'ALEXANDER.

The bill (H. R. 464) granting a pension to Robert McAlexander was considered as in Committee of the Whole. It proposes to put the name of Robert McAlexander on the pension-roll, he being a soldier in the Union Army in the late war, and member of Company F, Eighty-seventh Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CATHERINE M'CARTY.

The bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine McCarty, widow of John McCarty, late a private in Company B, First Regiment Missouri State Militia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. COHN.

The bill (H. R. 5881) for the relief of Henry S. Cohn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry S. Cohn as second lieutenant of Company C, One hundred and sixth Ohio Volunteer Infantry, according to the degree of his disabilities, in lieu of the pension he now receives as sergeant of Company G, One hundred and sixth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ANN MURPHY.

The bill (H. R. 5882) granting a pension to Sarah Ann Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Ann Murphy, widow of James Murphy, late a private in Company K, Twentieth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE ANN BRADLEY.

The bill (H. R. 5394) granting a pension to Sallie Ann Bradley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sallie Ann Bradley, widow of Thomas J. Bradley, late a private in Company D, Twenty-fourth Ohio Volunteers.

Mr. COCKRELL. I should like to hear the report in that case.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SEWELL May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5394) granting a pension to Sally Ann Bradley, have examined the same, and report as follows:

That they find a report was made on this case by the House Committee on Invalid Pensions during the Forty-eighth Congress, and that the bill granting the claimant a pension was passed by the House, but did not reach the Senate in time for action. The committee herewith present said report and adopt it as part of their own, as follows:

"Sally Ann Bradley is the widow of Thomas J. Bradley, who served as a private in Company D, Twenty-fourth Ohio Volunteers, from June 13, 1861, to October 9, 1865. He was pensioned on account of shell wound of back received at Murfreesborough, Tenn., January 2, 1863, and died October 21, 1882. His death is not entirely chargeable to his military service, and consequently his widow has no title before the Pension Office.

"A petition signed by nearly three hundred of the best citizens of the county in which she resides, some of whom have known her and her deceased husband for many years before the late war, sets forth that she is seventy years of age, is as helpless as an infant, and left without means of support, or friends able to assist her.

"Having been left destitute by the death of her husband, who served faithfully for more than four years in the defense of his country, and who, while in such service, contracted a disability which necessarily impaired his ability to provide for himself and wife a comfortable support in their declining years, your committee are clearly of opinion that she should not now be abandoned to the charity of the world, but be, in a measure at least, provided for in her old days, and therefore report favorably on the bill and ask that it do pass."

An examination of the papers in the case verifies the foregoing statements, and the claim is strengthened, in the opinion of the committee, by the fact that four of the claimant's sons followed their father in the war for the Union, two dying on the field of battle, and the other two returning home cripples for life through wounds received.

The committee believing this to be a very worthy case, recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA WRIGHT.

The bill (S. 2210) granting a pension to Anna Wright was considered as in Committee of the Whole. It proposes to place the name of Anna Wright, dependent mother of Silas Wright, late a private in Company A, Twenty-third New Jersey Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARGARET DUNLAP.

The bill (S. 2167) granting a pension to Mrs. Margaret Dunlap was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Margaret Dunlap, mother of James F. Dunlap, late a private in Company H, Seventh Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC HARTER.

The bill (S. 1802) for the relief of Isaac Harter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Harter, of Herkimer, N. Y., late of Company C, New York Heavy Artillery.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1802) granting a pension to Isaac Harter, have examined the same, and report:

The petitioner in this case is Isaac Harter, who enlisted August 8, 1862, as a private in Company C, Tenth New York Heavy Artillery, and was discharged June 23, 1865. His claim for a pension is chronic rheumatism, and the Pension Office rejects him on the ground of "no disability."

In his declaration the claimant alleges the incurrence of the disease while on picket duty in a severe storm, on which he served forty-eight continuous hours without relief; that he has suffered from it more or less ever since, and that he is at times disabled from doing any manual labor; that he was not treated in hospital, but by the regimental surgeon.

The report of the Adjutant-General says:

"The records of this office do not show the disability alleged."

They seldom do, and if the soldiers depended only on record proof there would be few pensions granted. The evidence procured by the Pension Office from its examining surgeons sustains its decision of "no disability;" which is conclusive, but, in the opinion of the committee, too sweeping. Dr. Cyrus Kay, jr., of Herkimer, N. Y., says he has known claimant ten years, and he knows that he has been and is a great sufferer from rheumatism, abdominal and muscular.

Isaac Doxtator, a citizen of Herkimer, makes affidavit in these words:

"Have been acquainted with Isaac Harter for about forty-seven years. He came to live with me when about ten years old, and up to the time of his enlistment he was not troubled with rheumatism; but since he came out of the Army he has had it a great deal. I remember one time in particular I was at his house visiting, and he had it so bad I was up with him most all night."

And he adds that it increases with the years.

The facts in this case are not, apparently, as well developed as they might have been; but, with the proof at hand, the committee find that this man served through his term of enlistment, with a good record as to the quality of his service; that he was sound when he entered upon the hard duty of a soldier; that he is far otherwise now. His own statement, made under oath, inasmuch as he is a man well vouched for as to his integrity, should have some weight, and it seems to the committee that from his own plain description of his exposure he may very readily have incurred a permanent and pensionable disability. The committee can not undertake to account for the contradictory testimony of the Pension Office examiners and that of the attending physician. Such contradictions are common; but in this case the evidence given by the doctor who has for many years attended the man is corroborated by one who has known him from boyhood.

This bill is reported favorably, with a recommendation that it do pass.

Mr. COCKRELL. According to that report there is no disability in a pensionable degree existing in this case, and I must therefore object to the consideration of the bill.

The PRESIDING OFFICER. The Senator objects to its consideration. It will go over without losing its place on the Calendar.

Mr. BLAIR. The Senator has his right to object, but I think he makes his statement altogether too sweepingly. The finding of the committee, like that of a jury on a question of fact, is to the contrary of the Senator's statement.

Mr. COCKRELL. The report has been read.

The PRESIDING OFFICER. The bill has been passed over without prejudice.

JOHN PARKINSON.

The bill (S. 2326) granting a pension to John Parkinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Parkinson, late a private in Company G, Third United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY MASON.

The bill (S. 2325) to grant a pension to Nancy Mason was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy Mason, widow of William A. Mason, formerly a private in Company K, Third Wisconsin Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHANNA SOFIA ENLIND.

The bill (S. 2061) granting a pension to Johanna Sofia Enlind was considered as in Committee of the Whole. It proposes to place the name of Johanna Sofia Enlind, mother of Alexander Enlind, deceased, late a private in Company I, Thirteenth Connecticut Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RHODA WILLIAMS.

The bill (S. 2181) granting a pension to Rhoda Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rhoda Williams, widow of John M. Williams, late of the First Iowa Battery Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER TRIMBLE.

The bill (S. 1897) granting a pension to Alexander Trimble was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alexander Trimble, late a member of Company H, Seventeenth Regiment of Iowa Infantry Volunteers.

Mr. COCKRELL. I want the report read in that case.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1897) granting a pension to Alexander Trimble, have examined the same, and report:

The claimant was a private in Company H, Seventeenth Iowa Infantry. He enlisted in 1862, and was discharged in 1865. He claims disability, permanent and acute, from chronic dyspepsia. There is no record testimony of his having been sick in the service, and he says the physician who treated him is dead, and he finds it impossible to procure the testimony required. The Adjutant-General's report, however, does show that he was several months a prisoner in the South, which is very strong circumstantial evidence that he may have incurred not only chronic dyspepsia, but almost any other disease to which the soldier is liable. His record as a soldier from the beginning to the end of his service is excellent, and his reputation as a man is of the best. His neighbors, quite a number of them, certify to his physical depreciation, and to his inability to do manual labor more than a small portion of the time. The examining surgeon testifies that he is ill from the cause specified by him; that he is reduced in strength; that his heart is affected, and his respiration at times difficult; and he adds that he has personal as well as professional knowledge of his disabled condition.

The committee are of opinion that the claimant is entitled to the relief he claims and needs, notwithstanding his inability to furnish the full amount of testimony required. The bill is therefore reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMILY M. SWIFT.

The bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily M. Swift, of Dexter, Mich., dependent mother of James C. Swift, late a lieutenant of Company B, First Regiment Alabama Union Cavalry.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2203) granting a pension to Mrs. Emily M. Swift, have examined the same, and report:

The petitioner applies for a pension as dependent mother of James C. Swift, first lieutenant of Company B, First Alabama Cavalry, and who died at Glendale, Miss., November 3, 1863, of wounds received in battle. The soldier's identity, service, and death are not questioned, and the proof is ample to show that he was the only son of the claimant. The pension is denied by the Pension Office on the ground of non-dependence at the time of his death. The facts are that the mother was living with her second husband, William Stephens, in the village of Dexter, Washtenaw County, Michigan, when her son enlisted, which was also the home of the latter. It is in evidence that the relations between the husband and wife were not pleasant; that the son gave his mother his bounty-money and afterward sent her portions of his pay, thus recognizing her dependence upon him independent of the fact that his mother had a husband who was under obligations to support her. It is also in evidence that the husband not only did not maintain her, but that he converted to his own use all the personal property she had; that he treated her with cruelty; that he procured from the estate of the soldier's father money that belonged to the son, converted it to his own use, and that the mother had no benefit from it. Also that the petitioner has been granted a divorce from her said husband, William Stephens, and that she is now sixty-seven years of age, in poor health, and dependent upon her relatives for support; and that she has resumed the name of Emily M. Swift.

In the opinion of the committee this is a case demanding relief that may properly be given. The bill is therefore reported favorably with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEN P. JACOBS.

The bill (H. R. 5622) granting a pension to Allen P. Jacobs was considered as in Committee of the Whole. It proposes to place the name of Allen P. Jacobs, a soldier of the war of 1812, on the pension-roll at the rate of $25 a month.

Mr. COCKRELL. Let the report be read in that case to show why this old soldier has not received a pension before.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5622) granting a pension to Allen P. Jacobs, have examined the same, and adopt the report of the House of Representatives, and report with recommendation that the bill do pass.

That Allen P. Jacobs, of Owen County, Kentucky, before he was sixteen years of age was sent by his father to attend his sick brother, Elijah —. Jacobs, who was a soldier in Captain Williams's company, Colonel Whistler's regiment, in the war of 1812; that upon his arrival at Dayton, Ohio, where the United States troops were then located, he, the said Allen P. Jacobs, finding that his brother had recovered from his sickness, joined Col. R. M. Johnson's regiment in its pursuit of the Indians and the British, and that on the 5th day of October, 1813, this command was engaged with the enemy at the battle of the River Thames; that young Allen P. Jacobs was conspicuous for his bravery in said battle, in which he was severely wounded by a bullet shot through the thigh, about midway between the hip joint and the knee. It does not appear from the records of the War Department that he was regularly mustered into the service of the United States, and therefore the Pension Office have not acted upon his application for pension; but that as a boy he volunteered, served gallantly in the field with the United States Army, and was severely wounded, as above stated, is clearly shown by the testimony filed with the papers in the case and examined by the committee.

This veteran is now nearly eighty-nine years of age; he is almost helpless and still a great sufferer from the wound he received in his country's service seventy-three years ago, and now in his old age he is compelled to live on the charity and kindness of friends.

Your committee recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS T. SMITHERS.

The bill (H. R. 427) for the relief of Thomas T. Smithers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas T. Smithers, late a private in Company D, Twenty-eighth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERTINE COCKRUM.

The bill (H. R. 116) for the relief of Albertine Cockrum was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albertine Cockrum, widow of E. B. Cockrum, late a captain in the Missouri Home Guards.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH CASTEEL.

The bill (H. R. 6795) for the relief of Mrs. Sarah Casteel was considered as in Committee of the Whole. It proposes to place the name of Mrs. Sarah Casteel, widow of Abram C. Casteel, late a private in Company F, Twelfth Regiment Missouri State Militia Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL W. BOWLING.

The bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of Samuel W. Bowling, late a private in Company D of the Eleventh Regiment of Kansas Volunteer Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE WHITESELL.

The bill (H. R. 6590) granting a pension to Catharine Whitesell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Whitesell, widow of Dr. George L. Whitesell, as if Dr. George L. Whitesell had been mustered into the military service of the United States during the war of the rebellion, and to have her paid the pension of the widow of an assistant surgeon.

Mr. COCKRELL. I should like to call the attention of the Senator in charge of that bill to the language of it. It reads:

As if the said Dr. George L. Whitesell had been mustered into the service of the United States during the war of the rebellion.

Might not that language carry with it arrears?

Mr. BLAIR. I think the bill itself says that the pension is to be paid her on and after the passage of this act.

Mr. COCKRELL. No.

Mr. BLAIR. I move to insert that.

Mr. COCKRELL. Would it not be better to strike out the words I have named, so as to read:

The name of Catharine Whitesell, widow of Dr. George L. Whitesell, and pay her the pension of the widow of an assistant surgeon.

That is all that is necessary, striking out the other words.

Mr. BLAIR. The form of the bill is not before me.

Mr. COCKRELL. I move to strike out all of lines 7 and 8 and line 9 down to and including the word "rebellion," as follows:

As if the said Dr. George L. Whitesell had been mustered into the military service of the United States during the war of the rebellion.

Mr. BLAIR. That leaves the lady properly described.

Mr. COCKRELL. Let the bill be read as amended.

The CHIEF CLERK. As proposed to be amended the bill would read:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Whitesell, widow of Dr. George L. Whitesell, and pay her the pension of the widow of an assistant surgeon.

Mr. BLAIR. Add:

From and after the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BLAIR. Does the bill as now amended contain a description of the organization in which the service was rendered?

The PRESIDING OFFICER. It does not.

Mr. COCKRELL. It is not necessary. He was an assistant surgeon.

Mr. BLAIR. But as it is a question of identity, the woman should be described as the widow of one who rendered service in some particular organization. It should retain the words descriptive of her as the widow of the man who was in the organization. Let the bill be passed over for the present until it be amended.

The PRESIDING OFFICER. The bill will be passed over without losing its place on the Calendar.

Mr. BLAIR. It can be called up at another time.

BRIDGET M. CULLEN.

The bill (H. R. 6183) for the relief Bridget M. Cullen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bridget M. Cullen, widow of Patrick Cullen, late a private in Company B, Nineteenth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT H. STAPLETON.

The bill (H. R. 4797) granting a pension to Robert H. Stapleton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert H. Stapleton, late colonel of the Third Regiment New Mexico Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. SHANNON.

The bill (H. R. 1766) granting a pension to Mary A. Shannon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Shannon, widow of Criner C. Shannon, late a private in Company G, One hundred and eighteenth Regiment Ohio Volunteer Infantry.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1766) granting a pension to Mary A. Shannon, have carefully examined the same, and adopt the report of the House and report in favor of the passage of the bill.

The claim of this widow was rejected in the Pension Office on the ground that her husband died of a disease which originated after discharge.

The committee concede that the erysipelas which caused the soldier's death did not originate in the service, but we think it is clearly shown that the erysipelas did result from diseased eyes contracted while in the service and for which he was receiving a pension at the time of his death.

In support of this view of the case we quote the evidence of Dr. Watson, who testifies that he attended the soldier in his last illness for about one week prior to his death; that the immediate and remote cause of soldier's death was inflammation of the eyes, during the progress of which erysipelas set in, and resulted in his death; that the disease of eyes was the immediate cause of the inflammation. In a subsequent affidavit Dr. Watson states that the inflammation in the eyes took an acute form, probably from exposure, and was so great as to cause much redness of the eyes, and while in this condition erysipelas set in and spread all over the face and reached the throat, causing his death in about six days after erysipelas commenced.

The only material question involved in this case is, did erysipelas result from inflamed eyes? Your committee think it did, and recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. M. A. LEWIS.

The bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. M. A. Lewis, mother of Thomas Lewis, late of Company L, Second Regiment Illinois Volunteer Cavalry, as dependent relative.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LENFORD ROSE.

The bill (H. R. 2976) granting a pension to Lenford Rose was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lenford Rose, son of George W. Rose, late a lieutenant of Company I, Fifth Michigan Infantry, and to pay to his legally constituted guardian, for his benefit, a pension of $15 a month.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 2976) granting a pension to Lenford Rose, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill.

That Lenford Rose is the son of George W. Rose, who enlisted as a private, Company I, Fifth Regiment Michigan Infantry, August 27, 1861, was promoted to second lieutenant May 28, 1862, and to first lieutenant July 22, 1862, and captain June 23, 1863; died May 24, 1864, of wounds received in action at the battle of the Wilderness, Virginia, May 5, 1864. He left two children, Lenford and Benjamin F. Rose. Benjamin F. is poor; not worth a dollar; supports himself and family by day's labor. Lenford is now thirty-one years of age; is deaf and dumb, and was so from birth. He has no use of his left arm and hand, it being withered and drawn out of shape by contraction of the muscles. George W. Rose left no property whatever at the time of his death, and the pension given the children till they were sixteen was used up in their support. Lenford Rose, on account of his infirmity, is entirely unable to earn his support, and is living on the charity of friends and neighbors, having no relatives able to give him a home.

No soldier has a better military history than George W. Rose. Had he lived, his unfortunate son would not now be a homeless waif. He gave his life to his country, and this unfortunate orphan should be that country's ward.

We think this is a legitimate case for Congressional relief, and recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON MESSER.

The bill (H. R. 3166) granting a pension to Solomon Messer was considered as in Committee of the Whole. It proposes to place the name of Solomon Messer, late of Nathaniel Kelsey's company, North Carolina troops, in removing the Cherokee Indians, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL M'GRAYEL.

The bill (H. R. 5975) granting a pension to Michael McGrayel was considered as in Committee of the Whole. It proposes to increase the pension of Michael McGrayel, late of Company B, Ninety-eighth Illinois Volunteers, to $36 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA KILE.

The bill (H. R. 4145) granting a pension to Maria Kile was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria Kile, mother of Nathaniel Kile, late a member in Company K, Fifty-sixth Regiment New York Volunteers.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 4145) granting a pension to Maria Kile, have carefully examined the same, and adopt the report of the House, and report in favor of the passage of the bill.

Nathaniel Kile enlisted as a private in Company K, Fifty-sixth Regiment New York Volunteers, on the 23d day of October, 1861, and died while in the service September 25, 1862, leaving no widow or child surviving.

His mother, Maria Kile, filed her claim for a pension, and it was rejected April 17, 1883, on the ground that she was not dependent upon the soldier for her support at the time of his death.

The evidence on file in the Pension Bureau gives rise to a serious doubt as to the correctness of this rejection. It appears that at the time of the soldier's death (1862) Simeon Kile, the father, was in the occupation of some rugged land in the wilds of Sullivan County, New York. It was stony, unproductive, and poor enough. He did not own it. He leased it. The Hon. H. R. Low, at present a senator of the State of New York, testifies that he was the owner of the land in question and leased it to Kile; that Kile could not and did not pay the rent, small as it was.

On this so-called farm he had a half dozen cows, a few sheep, and a team of horses. But even these were mortgaged to one Cyrus Gray, who testifies that the chattel mortgage was given in 1862, and after four annual renewals he was, in 1866, obliged to foreclose and sell out the property.

The evidence plainly shows that the son, before he went to the war, was in the habit of working for his parents on the farm, and when employed elsewhere he contributed to their support by bringing his earnings home. It also appears that he sent money to his parents while he was in the Army. His mother is now seventy-four years old, feeble, childish, and in very destitute circumstances.

Your committee is of opinion that she should be placed upon the pension-roll, and therefore recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. NEVIL.

The bill (H. R. 3623) granting a pension to William H. Nevil was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Nevil, late of Company A, One hundred and ninety-eighth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERDMUTHE KIRCHNER.

The bill (H. R. 5931) granting a pension to Erdmuthe Kirchner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Erdmuthe Kirchner, dependent mother of Carl Kirchner, late a private in Company G, Twenty-fourth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WOLFE.

The bill (H. R. 1768) granting a pension to James Wolfe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Wolfe, late a private in Company F, Second Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. BARBARA FUCHS.

The bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Barbara Fuchs, stepmother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER (Mr. HOAR in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill.

The claimant filed her application for pension as the dependent stepmother of John Fuchs, late private of Company H, Sixth Regiment Wisconsin Infantry Volunteers, and who was killed in action June 19, 1864, at Petersburg, Va. Soldier was never married. Claim was rejected on the ground that there is no title in claim, she not being the natural mother of soldier.

M. Feelder and Jacob Blum testify that they knew claimant as the stepmother of soldier; that soldier at the time of his father's (Sebastian Fuchs) marriage with said claimant was a child of about three years of age.

John G. Steiger and Philip Eder testify that claimant's husband, at soldier's death, was feeble and unable to support her.

Michael Feelder and Jacob Blum further testify that claimant has not remarried since the death of soldier's father April 5, 1867. He was a laboring man, sickly and unable to support his family. He used to mend shoes and had no income from his real estate. Since his death claimant has supported herself by selling the real estate she owned. They owned some real estate in Fountain City, Wis., worth about $2,000, and she has sold the most of it to support herself. Soldier worked for his parents prior to his enlistment, and gave all his earnings to them, and did this for three years before his enlistment.

In soldier's letter to parents bearing date February, 1864, at Camp Washburn, he sends for their support $60 out of his bounty of $75; he also sent them his cirtificate of muster, to enable them to draw the bounty given by the town, with instructions to use it for their support.

The applicant at the death of her husband (soldier's father) was left with four girls to support, the oldest being seventeen and the youngest two and one-half years of age. The soldier's letter written but a few months before his death, and his sending a large portion of his earnings to the support of his parents, strengthened with other testimony showing that prior to and at the time of his enlistment he felt it his duty to contribute to the support of his father's family, evidence the fact that had he lived he would have cared for her who cared for him in his infancy in her now poor and helpless condition.

Your committee therefore recommend the passage of the bill.

Mr. COCKRELL. I think the bill had better be passed over.

The PRESIDING OFFICER. The bill will be passed over.

ELIZA A. WEEKS.

The bill (H. R. 2975) granting a pension to Eliza A. Weeks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza A. Weeks, widow of David P. Weeks, late a private in Captain Crosby's company, Second United States Dragoons.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET MADDEN.

The bill (H. R. 4143) for the relief of Margaret Madden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Madden, of Long Island City, N. Y., widow of Christopher Madden, late a private in Company B of the Eighty-fourth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. HEADY.

The bill (H. R. 5635) granting a pension to William J. Heady was considered as in Committee of the Whole. It proposes to place the name of William J. Heady, as captain, on the pension-roll for gallant and meritorious services in the Mexican war.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions to whom was referred the bill (H. R. 5635) granting a pension to William J. Heady, have examined the same, and report:

That an examination of the proofs in this case has satisfied the committee that the report of the Committee on Invalid Pensions of the House of Representatives is correct. It is adopted, and is as follows:

"That William J. Heady, of Kentucky, was a captain in the Army of the United States during the war with Mexico. That just previous to the battle of Buena Vista he was sent with a small detachment on a dangerous reconnaissance, and was captured and carried to the City of Mexico, and kept a prisoner until that city was captured by General Scott.

"He was a brave, prompt, intelligent, and efficient officer. He is now very old, poor, and in very bad health, and in some measure resulting from hard usage as a prisoner, being now wholly unable to do any kind of work, and has been an inmate of a public hospital.

"Your committee recommend the passage of the bill."

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LARKIN G. MEAD.

The bill (H. R. 5283) granting a pension to Larkin G. Mead was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Larkin G. Mead, late assistant surgeon of the Eighteenth Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA C. BEEZELY.

The bill (H. R. 576) for the relief of Louisa C. Beezely was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louisa C. Beezely, widow of Nathaniel Beezely, deceased, formerly a member of Company B, Second Indiana Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELANDER M. MOONEYHAN.

The bill (H. R. 6801) granting a pension to Elander M. Mooneyhan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elander M. Mooneyhan, widow of Thomas J. Mooneyhan, of Company I, Twenty-fourth Regiment Missouri Volunteers.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6801) granting a pension to Elander M. Mooneyhan, have examined the same, and report:

That an examination of the proofs in this case has satisfied the committee that the report of the Committee on Invalid Pensions of the House of Representatives is correct. It is adopted, and is as follows:

"The evidence in this case establishes beyond question the following facts: Claimant's husband enlisted in Company I, Twenty-fourth Missouri Volunteers, August 11, 1861. On the 20th of August, 1861, he was elected first lieutenant of that company, and immediately took command, drilling them until October 10, 1861, when he was taken sick with typhoid fever, and died October 23, 1861. On the next day the company was regularly mustered into service. The widow's claim was rejected on the ground that the soldier had not been mustered into service. That he served two months and incurred the disease from which he died is clearly proven. The rule of this committee has been to rate pensions according to rank from time of muster under a commission. As this soldier at time of death held no commission, your committee recommend that the bill be passed."

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELILAH VANDEVENDER.

The bill (S. 2196) granting a pension to Dillian Vandeventer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, to strike out the name "Dillian Vandeventer" and insert "Delilah Vandevender;" and in line 7, to strike out "Vandeventer" and insert "Vandevender;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Delilah Vandevender, dependent father of Jacob Vandevender, late of Company D, One hundred and forty-ninth Regiment Indiana Volunteers.

Mr. HARRISON. There is some confusion in the names. The amendment proposed by the committee to strike out "Dillian" and insert "Delilah" should be agreed to; but the name "Vandeventer" is correct, and therefore the amendment to strike out "Vandeventer" and insert "Vandevender" should be rejected. I move to amend the amendment of the committee by striking out the word "Vandevender," as proposed by them, and restoring "Vandeventer;" so as to read "Delilah Vandeventer."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARRISON. The committee have failed to make a correction. They changed the name, as will be seen, to the mother instead of the father, but left the word "father" standing. In line 7, I move to strike out the word "father" and insert "mother;" so as to read "dependent mother of Jacob Vandeventer."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Delilah Vandeventer."

DANIEL H. ROSS.

The bill (S. 524) granting a pension to Daniel H. Ross was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel H. Ross, late a private in Company B, First Regiment Mississippi Marine Brigade.

Mr. COCKRELL. I move to strike out the second section of the bill, in the following words:

SEC. 2. That this act shall take effect from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM L. M'CALL.

The bill (H. R. 4632) granting a pension to William L. McCall was considered as in Committee of the Whole. It proposes to place the name of William L. McCall, late a private in Company D, Ninth Tennessee Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELEANOR FOUST.

The bill (H. R. 5100) granting a pension to Eleanor Foust was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eleanor Foust, widow of James Foust, deceased, late a private in Company H, Thirteenth Regiment Tennessee Volunteer Cavalry.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. WHITTHORNE May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5100) granting a pension to Eleanor Foust, having examined the same, beg leave to report:

That the testimony which was before the Commissioner of Pensions was fully examined, and being satisfied that the report of the House committee (first session, Forty-ninth Congress No. 787), who also examined this claim, is sustained by the proof in the case, do adopt the said report as herein set forth as a part hereof:

"James Foust enlisted as private in Company H, Thirteenth Regiment Tennessee Cavalry, September 24, 1863, and was honorably discharged on the 5th day of September, 1875, and died December 4, 1875.

"Eleanor Foust, his widow, filed claim for pension March 25, 1880, which was rejected on the ground that disabilities of which the soldier died were not incurred while in line of duty.

"The proof shows that claimant's husband was sound and free from disease at time of enlistment, and that he was at time of discharge afflicted with disease of leg and thigh, from which he afterward died.

"The only question which the Pension Office could make on this case is that of the incurrence of the fatal disabilities in line of duty. On this point the proof shows that the first symptoms of the disease were obvious when the soldier returned to his command from a trip home on furlough, and that he attributed the disease at that time to overexertion in attempting to evade capture by a band of confederate soldiers which he encountered while returning to his command.

"The disease appears from the medical testimony to have been physical prostration from profuse and protracted suppuration of the deep-seated structures of the thigh, apparently resulting from extensive periostitis, which his attending physicians during his last illness agree was the cause of his death, and that such disease would naturally result from overexertion.

"The soldier served fifteen months after the first development of disease, and engaged in active service and battles until said disease developed to such an extent as to render him unable to perform hard service. He returned from the Army a physical wreck, and was never able to perform any kind of manual labor thereafter.

"Soldier and this claimant were married to each other March 9, 1854.

"Your committee recommend the passage of the bill."

And accordingly reccommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. RUSSELL.

The bill (H. R. 5692) for the relief of James B. Russell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James B. Russell, late first lieutenant of Company H, Second Regiment East Tennessee Cavalry.

Mr. COCKRELL. I must ask that that bill shall lie over. The claimant resides in my State, and I have information that the disabilities were not incurred in the line of service or in the line of duty, but long since the war. This information comes from a Union soldier. I have communicated it to the Commissioner of Pensions and have requested that he send a special examiner to make a thorough examination into the case and make a report. Until that report is received I desire that the case shall remain upon the Calendar and not be acted upon. I want equal and exact justice done. If the claimant is fairly and properly entitled to a pension he should have it and I shall favor it, and if he is not he ought not to have it.

Mr. WHITTHORNE. Speaking for myself, I am perfectly willing that that shall be done, but from an examination of the record as presented to the committee I was thoroughly satisfied myself that it is a meritorious case. However, upon an allegation of the kind now made, it is just alike to the claimant and the Government that a further examination should be made.

Mr. BLAIR. I call attention to the fact that this is a case where it would seem that if there is conflicting evidence the soldier might well be entitled to the benefit of the doubt. The report says:

The evidence shows him to have been intensely loyal to the Government and very active in its support.

He is now seventy-two years of age, poor, and unable to do anything for his support.

Your committee recommend the passage of the bill.

Mr. COCKRELL. The question of present disability and present pecuniary condition are also controverted.

Mr. BLAIR. The question is really whether it is a case of fraud or not.

Mr. COCKRELL. I furnished the Commissioner of Pensions a copy of the report and all the information. I do not know any of the parties, and I do not know the gentleman who gave me the information, except that he is considered a reliable gentleman.

Mr. BLAIR. The bill is to go over informally, I understand.

Mr. COCKRELL. Oh, yes.

Mr. WHITTHORNE. If the Pension Office is to make an examination, it is proper that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN D. KREHBIEL.

The bill (H. R. 6519) granting a pension to John D. Krehbiel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. Krehbiel, late captain of Company I, Forty-first Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ARTHUR.

The bill (H. R. 5058) granting a pension to John Arthur was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Arthur, late of Company K, One hundred and sixtieth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. WILSON.

The bill (H. R. 7108) granting a pension to Andrew J. Wilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew J. Wilson, late a private in Company F, Ninety-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE KENNEDY.

The bill (H. R. 6639) granting a pension to Catharine Kennedy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Kennedy, mother of John Moriarty, deceased, late of Company K, One hundred and fifty-eighth New York Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. BLAIR May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6639) granting a pension to Catharine Kennedy, have examined the same, and report:

Your committee have examined the facts of this case, and adopt the statement thereof in the report hereto annexed of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1200), and recommend the passage of the bill.

That Catharine Kennedy is the mother of John Moriarty, late of Company K, One hundred and fifty-eighth New York Volunteers; that soldier enlisted August 17, 1862, and was killed while on picket duty at Hatcher's Run, Va., March 31, 1865.

Father of soldier died in 1845, and mother remarried in 1847, to Thomas Kennedy, but he had his hip broken in 1850, from which he has been disabled since and unable to do a full day's work. In consequence, both Mrs. Kennedy and her husband have had a constant strife to earn their support. Mother's claim for pension was rejected on the ground that she was not dependent on soldier for support.

Thomas Wieckless, auditor of Scott County, Iowa, March 28, 1881, testifies that Thomas Kennedy owns a house and lot in Davenport, Iowa, assessed at $115, which he purchased in 1876, and that he owns no other property.

Edward Russell, postmaster at Davenport, Iowa, on February 12, 1881, certifies that Mrs. Catherine Kennedy is quite poor; she was wholly dependent upon her son, John Moriarty, for support; her husband is sixty years of age and is in poor health.

Thomas Mahony testifies that he has known claimant for forty-nine years; that he knew her son, John Moriarty; that before he entered the service he worked in a brush factory and gave his earnings to his mother and his stepfather until he enlisted; that he knew he sent them money from the Army.

The Second Auditor of the Treasury certifies that arrears of pay and bounty were paid to mother of the soldier.

It is also in proof that soldier was never married, and that although past his majority when he enlisted, yet he acknowledged his duty and desire to assist in the support of his mother by making contributions both before and after his entering the service. She has struggled along through the years without aid, but now she is old and in need, and is entitled to some relief from a Government to which in the hour of peril she gave the life of her first-born.

Your committee therefore recommend that the bill do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. HUDSON.

The bill (H. R. 4850) for the relief of William J. Hudson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William J. Hudson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LURENA WAGES.

The bill (H. R. 6668) granting a pension to Lurena Wages was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lurena Wages, widow of Jackson Wages, late a private in Company E, Seventh Regiment Kentucky Volunteers.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. BLAIR May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6668) granting a pension to Lurena Wages, have examined the same, and report:

Your committee have examined the facts in this case, and concur in the report hereto annexed of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1861), and report back the bill with a recommendation that it do pass.

The claimant was married to one James Jackson prior to 1845. They lived together a short time and separated. They both filed petitions for divorce from each other in the circuit court of Clay County, Kentucky, in the year 1845. Claimant at the time resided a considerable distance from the county seat, and did not attend the trial of the cause.

She testifies that a short time after the term of the court at which the suit for divorce was set for trial the said James Jackson passed by her place of residence on his return from said term of court, and exhibited to her an instrument of writing, which he represented as being a bill of divorcement dissolving their said marriage, and that she in good faith believed that they were lawfully divorced from each other.

The said James Jackson testifies that he and claimant were by a decree of the proper court of Clay County, Kentucky, divorced from each other.

The said James Jackson was married to another woman in the same neighborhood where claimant lived, in the year 1845, and claimant was married to Jackson Wages, also of the same neighborhood, in the year 1848. The said Jackson Wages enlisted as a private in Company E, Seventh Regiment Kentucky Volunteers, on the 11th day of March, 1862; was discharged therefrom the 10th day of March, 1865, and died July 26, 1881, of chronic diarrhea, which he contracted while in the service aforesaid, and in the line of duty. Claimant filed application for pension January 25, 1882, which was rejected December 5, 1884, on the ground that claimant was not the lawful widow of the soldier, she having a husband living from whom she was not legally divorced at the time of her marriage to the soldier.

The clerk of the circuit court of Clay County, Kentucky, certifies to the existence of record in his office of the pleadings and papers in the suit for divorce as aforesaid, but does not find a judgment of divorce in said case of record, and gives it as his opinion that the allegations and grounds for divorce were amply sufficient to justify a decree dissolving the marriage contract, and attributes the absence of the record of the divorce to the carelessness of the officers of the court. The deposition of divers citizens of the neighborhood in which claimant and the soldier lived together as husband and wife for more than thirty years shows that the fact of claimant's being divorced from her former husband was never questioned by any one to their knowledge until the question was raised by the Pension Office, which said witnesses are certified in the record as being of good character.

Your committee have been called upon by the citizens of Clay County, Kentucky, to consider in connection with this case a petition numerously signed by the leading citizens and representative men of the locality in which claimant has resided for more than forty years, setting forth the good moral character of claimant and the universally accepted belief of the legality of her marriage with the said soldier, and the fact of their living continuously together as husband and wife in good faith for more than thirty years. The character of these petitioners and their standing in society entitled them to the very highest consideration.

While your committee think that there may have been some legal impairment to claimant's marriage with said soldier, yet they do not for a moment believe that any legal barrier to the marriage was known to or suspected by either claimant or the said soldier. They therefore recommend the passage of the bill herewith reported.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH TUTTLE.

The bill (H. R. 7109) granting a pension to Joseph Tuttle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Tuttle, father of Charles Tuttle, deceased, late a private in Company F, Second Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. WALTERS.

The bill (H. H. 3860) granting a pension to John H. Walters was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Walters, late a private in Company A, First Regiment Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. SLAYTON.

The bill (H. R. 5169) to increase the pension of Thomas J. Slayton was considered as in Committee of the Whole. It proposes to increase the pension of Thomas J. Slayton, late a private in Company H, Thirteenth Regiment Vermont Volunteers, from $4 to $15 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FIELD.

The bill (H. R. 4808) granting a pension to William Field was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Field, late a private in Company A, Thirty-ninth Regiment of Massachusetts Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH FOCHT.

The bill (H. R. 5408) granting a pension to Josiah Focht was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Josiah Focht, late a private in Company D, Thirty-seventh Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUPHEMIA R. SMITH.

The bill (H. R. 6150) for the relief of Euphemia R. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Euphemia R. Smith, widow of Garrett Smith, late of Company A, One hundred and ninth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS WHORLEY.

The bill (H. R. 2963) granting a pension to Louis Whorley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louis Whorley, late of Company F, Fifth Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT E. STEPHENS.

The bill (H. R. 5525) granting increase of pension to Robert E. Stephens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert E. Stephens, late of Company K, Seventy-first Regiment Indiana Volunteers (afterward Sixth Indiana Cavalry), at the rate of $28 per month, in lieu of $24 per month heretofore allowed him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD M. HARRINGTON.

The bill (H. R. 6648) for the relief of Edward M. Harrington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, to strike out "New Jersey" and insert "New York;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Harrington, formerly a member of Company —, Ninth Regiment New York Cavalry Volunteers.

The amendment was agreed to.

Mr. COCKRELL. I move to insert "C," in line 7, after the word "Company;" so as to read "Company C." There ought to be some company named in the bill.

Mr. BLAIR. Does the report show that he was in Company C?

Mr. COCKRELL. "Edward M. Harrington enlisted in Company C, Ninth New York Cavalry."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH M'KAY.

The bill (H. R. 4782) granting a pension to Elizabeth McKay was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, to strike out "Rawley" and insert "Rowley;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth McKay, widow of Rowley S. McKay, deceased, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WALTER A. DONALDSON.

The bill (S. 1459) granting a pension to Walter A. Donaldson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Walter A. Donaldson, late captain of Company F, Seventy-first Regiment New York State Volunteers, at the rate of $35 per month, in lieu of the pension which he is now receiving.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. BLAIR May 11, 1886:

The Committee on Pensions, to whom was referred the bill (S. 1459) granting an increase of pension to Walter A. Donaldson, have examined the same, and report:

The claimant, Walter A. Donaldson, enlisted June 21, 1861, as captain of Company F, Seventy-first New York Volunteers, and served until discharged, November 4, 1863. He applied for a pension November 12, 1863, which was allowed at the rate of $5 per month. This was based on a cut on left leg by his horse falling on him at second Bull Run, August 29, 1862; gunshot wound of neck at battle of Chancellorsville, May 3, 1863; gunshot wound of right thigh at battle of Gettysburg, July 2, 1863; and bleeding piles from hard marching.

This amount was increased to $10 from May 4, 1870. Another application for increase was rejected December 5, 1873. His application for arrears was also rejected, but another application for increase was allowed at $15 from September 21, 1877. This was increased to $20 from November 26, 1881. It does not appear that any application has been made since for further increase.

The affidavit of Charles F. Russell, M. D., dated April 16, 1886, is presented, which details at length the present condition of this soldier, and shows that he is now unable to perform any manual labor whatever, and the letter of claimant and other papers are also filed.

Your committee, after a careful consideration of this case, think that the evidence warrants an increase of the pension, and therefore report back the bill

with the recommendation that it do pass, with an amendment: Strike out the word "fifty" and insert the words "thirty-five," in the eighth line.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. ORNDORFF.

The bill (H. R. 4685) for the relief of John A. Orendorff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "Orendorff" and insert "Orndorff;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John A. Orndorff, late of Company I, Two hundred and fifth Regiment Pennsylvania Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John A. Orndorff."

PHILIP RAIGER.

The bill (H. R. 5406) granting a pension to P. E. Raiger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment: In line 6, before "Raiger," to strike out "P. E." and insert "Philip;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip Raiger, late of Company F, Fourth Pennsylvania Volunteer Cavalry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Philip Raiger."

DR. WILLIAM H. SHEFFIELD.

The bill (H. R. 4163) granting a pension to Dr. William H. Sheffield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Sheffield, late volunteer acting assistant surgeon of the One hundred and seventh Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. JACOBS.

The bill (H. R. 4199) granting a pension to William B. Jacobs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William B. Jacobs, late a member of the Fifty-ninth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE BUCK.

The bill (H. R. 3614) granting a pension to Charlotte Buck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charlotte Buck, dependent stepmother of James Buck, deceased, late of Company A, Sixteenth United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON T. OTEY.

The bill (H. R. 4882) granting a pension to Washington T. Otey was considered as in Committee of the Whole. It proposes to place the name of Washington T. Otey, late a lieutenant of Company F of the Sixty-second Regiment Illinois Infantry Volunteers, on the pension-roll at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERDINAND KOEHLER.

The bill (H. R. 6770) granting a pension to Ferdinand Koehler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ferdinand Koehler, late of Company C, Second Regiment Missouri Artillery.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER May 12, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6770) granting a pension to Ferdinand Koehler, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill.

It appears from the files in this case that claimant enlisted in Company C, Second Missouri Cavalry, November 22, 1861, and was discharged March 16, 1863, upon surgeon's certificate of disability. In March, 1879, he applied for a pension, alleging internal bleeding hemorrhoids. This application was rejected on ground of no record and no medical treatment in service. He claims that he was treated in regimental hospital, and no records of that regiment are on file. The certificate upon which he was discharged says he was unfit for duty six months before discharged.

Dr. Edward Mayer and several neighbors testify that claimant was an unusually sound man when he enlisted. The former also testifies that claimant was very sick while the regiment was stationed at Saint Louis.

Sergeant Pousch, of the same company, testifies to his sickness in service, and that at the time of his discharge he was suffering from his back and spells of bleeding at his bowels, and that he testifies to this from personal knowledge. Christian Ott, a comrade, corroborates this.

Dr. Mayer testifies that he became his family physician when he returned from the Army, and that from the time of his discharge to the present claimant has been a diseased and disabled man.

B. Warsenger, Wilson Mills, and Andrew Frasier testify as to continuance. Dr. L. Dyer testifies as to treatment for hemorrhoids in 1865. The examining board of surgeons report him totally disabled with hemorrhoids and asthma. His inability to procure medical evidence in service at or immediately after discharge seems to have been the cause of rejection. He served sixteen months, entering the service an unusually strong man, and came out completely broken down. The existence of the disease in the service soon after discharge and ever since seems to be established.

Your committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. L. KYLER.

The bill (H. R. 1818) granting a pension to H. L. Kyler was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of H. L. Kyler.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER May 12, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1818) granting a pension to H. L. Kyler, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill.

H. L. Kyler was a private in Company A, One hundred and sixty-seventh Ohio Volunteers, and was pensioned for neuralgia affecting the eyesight incurably. His pension was revoked in 1882 on the ground that the disability existed prior to enlistment.

Upon a special examination by the agent of the Pension Bureau, it was developed that Dr. J. M. Saunders, of Oxford, Ohio, had complained to the Department and requested Mr. Kyler's pension to be revoked. Dr. Saunders is reported by the special examiner to be a personal enemy to Kyler, and to evidently be animated by ill-will and hatred. The examiner also reports Kyler to be a man of the highest standing and integrity. The truth is that Kyler is marshal of Oxford, and had incurred the enmity of Dr. Saunders while discharging his official duty in a matter wherein Dr. Saunders was culpable. Under these circumstances Dr. Saunder's testimony is entitled to no consideration. On the other hand, eleven witnesses, one of them assistant surgeon of the regiment, swear to Kyler's soundness and exemption from affection of the eyes at enlistment.

We are utterly unable to concur with the Pension Bureau in its suspension of Kyler's certificate. We therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. CARLETON.

The bill (H. R. 7074) granting a pension to William P. Carleton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William P. Carleton, late of Company B, Second Regiment Illinois Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MANES.

The bill (H. R. 2800) granting a pension to Mary Manes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Manes, mother of William Manes, late a member of Company D, Fourth Regiment of Wisconsin Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. ROBBINS.

The bill (H. R. 426) granting a pension to Elizabeth A. Robbins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth A. Robbins, mother of William Henry Robbins, deceased, late a private in Company E, Seventh Regiment Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN J. REYNOLDS.

The bill (H. R. 6453) granting a pension to Martin J. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martin J. Reynolds, late a private in Company K, Third Regiment Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRUNO SCHULTZ.

The bill (H. R. 6774) granting a pension to Bruno Schultz was con-

sidered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bruno Schultz, late of Company F, Twenty-second Regiment Illinois Volunteers.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER May 12, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6774) granting a pension to Bruno Schultz, have examined the same, and report:

An examination of the proofs in this case has satisfied the committee that the report of the Committee on Invalid Pensions of the House of Representatives is correct. It is adopted, and is as follows:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6774) granting a pension to Bruno Schultz, submit the following report:

"Claimant was a private in Company F, Twenty-second Illinois Volunteers, having enlisted on June 25, 1861, and was discharged July 7, 1864. He alleges in his declaration for pension that he was ruptured in right side, caused by falling over a stump at night about January 17 or 18, 1864, while on the retreat from Dandridge to Loudon, Tenn. His claim was rejected because there was no record of his disability in the service. Claimant is shown to have been a stout, healthy young man prior to enlistment, a cooper by trade. The circumstances of his injury as alleged are shown by the testimony of Lieutenant Scheurmann and comrades John Kimich and Conrad Steffman; and three persons, among them his employer, testify to his showing his rupture within eight days after his return from the service. The report of the medical board of examiners in 1876 shows "right scrotal hernia of large size and difficult of retention," and that the disability is permanent. The last evidence, filed in July, 1884, shows claimant disabled for work at least one-half the time.

"It would seem from this evidence that the injury was incurred in the service and line of duty, and therefore recommend the passage of the bill."

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. COTTON.

The bill (H. R. 6117) granting a pension to James D. Cotton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James D. Cotton, father of Thomas J. Cotton, deceased, late a private in Company H, Twenty-first Missouri Volunteer Infantry.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 12, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6117) granting a pension to James D. Cotton, have examined the same, andreport:

An examination of the proofs in this case has satisfied the committee that the report of the Committee on Invalid Pensions of the House of Representatives is correct. It is adopted, and is as follows:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6117) granting a pension to James D. Cotton, submit the following report:

"The claimant is the father of Thomas J. Cotton, late a private in Company H, Twenty-first Missouri Volunteers, who was killed in battle April 6, 1862, at Pittsburg Landing, Tenn. There is some evidence to show that the soldier, who was eighteen years old when killed, had prior to enlistment worked for his father, who was a blacksmith of small means. The assessment rolls show that he was taxed on a valuation of $200. In 1868 he bought (and now owns) a small farm, which is assessed at $350. He is now sixty-five years of age, and unable to perform manual labor. The soldier's mother died a few days after his birth. The Pension Department, in investigating the case, ascertained that the son did not contribute to his father's support at the time of his death, and could not therefore allow the claim.

"Your committee recommend the passage of the bill."

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY R. BROWN.

The bill (H. R. 1997) granting a pension to Nancy R. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy R. Brown, widow, mother of Robert M. Brown, late a lieutenant of Company K, One hundred and forty-fifth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. PENNINGTON.

The bill (H. R. 2940) granting a pension to John T. Pennington was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John T. Pennington, late a private in Company B, Fiftieth Regiment East Missouri Militia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY FRANKLIN.

The bill (H. R. 7365) for the relief of Nancy Franklin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy Franklin, of Madison County, North Carolina, dependent mother of Balis Norton and James Norton, late of the Second Regiment North Carolina Volunteers, United States Army, and Josiah Norton, late of the Third North Carolina Regiment, United States Volunteers, all of whom were killed in fight on Laurel, North Carolina, September, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS W. SCANLAND.

The bill (H. R. 3043) granting a pension to Lewis W. Scanland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lewis W. Scanland, late of Col. John Thomas's regiment, Captain Barnsback's company, of Illinois volunteers in the Black Hawk war.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 13, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3043) granting a pension to Lewis W. Scanland, have examined the same, and report:

That an examination of the proofs in this case has satisfied the committee that the report of the Committee on Invalid Pensions of the House of Representatives is correct. It is adopted, and is as follows:

"The Committee on Pensions, to whom was referred the bill (H. R. 3043) for the relief of Lewis W. Scanland, submit the following report:

"It appears that petitioner enlisted April 18, 1832, for service in the Black Hawk war; that he served about thirty-eight days, and was honorably discharged with his comrades May 28, 1832. On March 14, 1884, petitioner filed his application for pension, alleging the incurrence of chronic diarrhea during the service above mentioned.

"There is no record of his disability or treatment therefor, nor does claimant allege to have been treated while in the service. There is no mention of his disability at discharge.

"Claim was rejected on ground of no record, short service, and claimant's inability to furnish satisfactory evidence to connect the alleged disability with his military service. To substantiate claimant's testimony in regard to alleged disability we have the affidavit of his comrade, S. W. Gaskell, who has known claimant since he was ten years old; enlisted with him, served and been discharged with him; knew that he was attacked with chronic diarrhea while in the aforesaid service; that he suffered severely with it after discharge, and upon the route home, and that he suffered with it continually up to 1872, when affiant moved from the vicinity of claimant. Said Gaskell is the only member of his company whom claimant knows to be now living.

"We also find the evidence of Col. John Thomas, of Belleview, Ill., who says that from the best of his remembrance claimant was attacked with diarrhea while in said service, and that a great many in that service were similarly attacked. Colonel Thomas also testifies to his belief in the truthfulness and uprightness of claimant.

"Claimant testifies that the physician who treated him immediately upon his return home died many years ago. Other medical treatment of claimant is testified to by the following physicians: Henry L. Strong, who was his family doctor for ten years after September 9, 1848, and he knows him to have been troubled with chronic weakness of bowels both before and after September, 1848. Samuel Willard, who, for a few years about 1856, was claimant's family doctor, testifies:

"'Claimant was subject to chronic diarrhea. He had several severe attacks, in which I was obliged to be up all night with him.'

"J. L. R. Wadsworth, who treated claimant in 1871 and 1872, testifies that he was subject to chronic diarrhea.

"Also, affidavit of True Blake, who was a near neighbor of claimant from 1872 to 1883 and knew that he was subject to chronic diarrhea.

"James Purviance also makes affidavit that he has known claimant for sixty years; was his neighbor before and after his service in Black Hawk war, and from the time of his discharge up to 1872, when claimant moved from his vicinity, it was common report that he was suffering from chronic diarrhea.

"Claimant is unable to produce evidence of any one except Gaskell and Purviance as to his condition at discharge, and all his old neighbors are dead or moved to parts unknown.

"We recommend the passage of the bill."

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN MALONE.

The bill (H. R. 6670) granting a pension to Susan Malone was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan Malone, widow of William Malone, late a sergeant in Company H, One hundred and tenth Regiment United States Colored Troops, who died during the war of 1861 to 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD HORRIGAN.

The bill (H. R. 6120) for the relief of Richard Horrigan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Richard Horrigan, at the rate per month which the medical examination entitles him to, by reason of rupture received while a member of Company A, Sixty-third Regiment New York Volunteers; and this pension is to be in addition to the one he is now receiving for another disability.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA A. SMITH.

The bill (H. R. 6452) granting a pension to Samantha A Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Samantha A. Smith, widow of Lewis Y. Smith, late of Company C, Sixteenth Regiment Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. STARR.

The bill (H. R. 6718) granting a pension to William H. Starr was considered as in Committee of the Whole. It proposes to place the name of William H. Starr, late a private in Company D, Eighth Illinois Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. SANFORD.

The bill (H. R. 6135) granting a pension to James W. Sanford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James W. Sanford, late of Company G, Second Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEZEKIAH TILLMAN.

The bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman was considered as in Committee of the Whole. It proposes to grant an increase of pension to Hezekiah Tillman, late of Company B, Sixth Indiana Infantry Volunteers, to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY S. WOODSON.

The bill (H. R. 7073) granting a pension to Mary S. Woodson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary S. Woodson, widow of Henry B. Woodson, late a private in Company E, Twenty-sixth Regiment Missouri Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORSON W. SEARS.

The bill (H. R. 7075) granting a pension to Orson W. Sears was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Orson W. Sears, of Macon County, Missouri, late a private in Company B, One hundred and twenty-eighth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALLIE WEST.

The bill (H. R. 7222) granting a pension to Callie West was considered as in Committee of the Whole. It proposes to place the name of Callie West, widow of Burris C. West, late of Company G, Sixty-sixth Regiment Illinois Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MURPHY.

The bill (H. R. 4730) for the relief of Mary Murphy was considered as in Committee of the Whole. It proposes to place the name of Mary Murphy, widow of Thomas Murphy, late private of marines, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD R. SHUBRICK.

The bill (S. 2355) granting a pension to Edward R. Shubrick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward R. Shubrick, late a midshipman in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY BROOKS.

The bill (H. R. 5472) to increase the pension of Henry Brooks was considered as in Committee of the Whole. It proposes to increase the pension of Henry Brooks, late of Company E, Fifth Vermont Volunteers, to $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVESTER ROOT.

The bill (H. R. 3054) granting a pension to Sylvester Root was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sylvester Root, late of Company E, Twenty-seventh Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE STURTZ.

The bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS SHEADS.

The bill (H. R. 5438) for the relief of Elias Sheads was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elias Sheads, dependent father of four sons, all of whom were killed in battle or died from wounds or disease contracted in line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL B. RANDALL.

The bill (H. R. 4501) granting a pension to Daniel B. Randall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel B. Randall, late of Company A, One hundred and second Illinois Volunteers.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. CAMDEN May 18, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 4501) granting a pension to Daniel B. Randall, respectfully submit the following report:

The claimant enlisted in Company A, One hundred and second Illinois Volunteers, on July 28, 1862, and was discharged June 6, 1865. His application for pension was filed on the 18th day of July, 1879, alleging fracture of limbs (sustained in the line of duty), which caused epilepsy (about November 15, 1862). The claimant states that he can not furnish proof of comrades, because those who were with him were strangers, and the surgeon who treated him died (as he is informed) soon after the war. Proof of soundness at date of enlistment is established by the evidence of his family physician and several of his neighbors.

The claimant's captain testifies that "claimant was away at hospital, and returned between September 26 and November 15, 1862, and upon his return the accident was reported. He further states that he knew nothing about the case except that claimant suffered from frequent fits of epilepsy from that time until his discharge."

The claim was rejected upon the ground that there is no evidence that alleged disability (injury to side and resulting epilepsy) was received in line of duty. The claimant's reason for not producing this evidence is found in the fact that the men under his charge at the time were strangers to him. Evidence of the continuance of the disease from date of discharge to the present time is conclusive.

Your committee recommend that the bill pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES T. REBER.

The bill (H. R. 3831) granting a pension to Charles T. Reber was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles T. Reber, late surgeon of the Forty-eighth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DUNBAR.

The bill (H. R. 3836) granting a pension to James Dunbar was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Dunbar, late a private in Company I, Second Regiment of Delaware Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. WILSON, of Maryland, May 18, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3836) granting a pension to James Dunbar, have carefully examined the same, and report:

That the soldier enlisted in Company I, Second Regiment Delaware Volunteers, on the 8th day of October, in the year 1861, and was discharged from service July 14, 1862, his certificate of discharge stating that it was based upon the ground of "deafness, under which he labored before he was mustered into the service." He again enlisted on the 19th of September, 1864, in Company C, Eighth Regiment Delaware Volunteers. He avers that during the period of his first enlistment, in the winter of 1861, at Camp Wharton, in Maryland, and in the line of his duty, his ears were frozen, and he contracted a severe cold, which first caused a loss of hearing. He also declares that when he the second time enlisted, as above stated, he made known to the officers the fact of his deafness, but was told by them it would make no difference in his case, as he would be employed in cooking; that during such second service, in the winter of 1864, at City Point, Va., his deafness was increased by exposure then incurred in the service, and he was taken first to Harewood Hospital, Washington, D. C., and then to Tilton General Hospital, Delaware, from the last of which he was discharged May 16, 1865.

The Pension Office rejected this soldier's application for a pension upon the ground that the alleged disability of deafness existed prior to his enlistment. Of this allegation there is no proof in the case except the recital of the surgeon's certificate, upon which the discharge was granted. The claimant is a very ignorant man, incapable of writing his name, and unless the certificate of discharge was read to him he could not have known what facts were stated in it. It is not fair even to presume his acquiescence in the truth of such facts from the possession by him of such certificate, taking it for granted that a copy of the same was handed to him.

How the surgeon came by his knowledge of the time of the incurrence of deafness is not stated. In view of the accumulated evidence to the contrary, derived from the affidavits of some half-dozen witnesses, neighbors, and friends who knew the claimant just before his enlistment, we conclude that this allegation of disability prior to enlistment was a mere inference drawn by the surgeon of what the soldier's condition was at the time of enlistment, judging from what it was at the time of discharge.

The severity of exposure to which the soldier was subjected soon after entering into the service, and the great bodily suffering ensuing therefrom, render it exceedingly probable that the alleged deafness then had its origin. From that time his neighbors and friends date the beginning of his affliction. The captain of his company testified that soon after the first enlistment it was officially reported to him that this soldier had become deaf from such exposure. It is further proved that he was extremely deaf at the time of his final discharge; that shortly after his return from the war the inside of his head gathered, and filthy humor constantly ran from his ears, causing almost total deafness in both ears; and that he has been a constant sufferer from pains in the head and deafness, and greatly incapacitated for work, being rendered dependent upon others, in a measure, for support.

It further appears that the original declaration in the case was filed January 8, 1863, and that the claimant is over sixty years of age and very poor.

Your committee therefore report favorably upon this bill, and recommend the passage of the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH M. SHEARER.

The bill (H. R. 1061) for the relief of Sarah M. Shearer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah M. Shearer, widow of Cranford W. Shearer, late lieutenant-colonel of the —— Maryland Volunteers.

The PRESIDENT *pro tempore*. There is a blank in the bill.

Mr. BLAIR. Let the clerks see if there is anything in the report to indicate with what it should be filled.

Mr. COCKRELL. I do not see the name of the organization mentioned anywhere.

Mr. EDMUNDS. That is the widow of a lieutenant-colonel. The pension would be $30 a month.

Mr. BLAIR. But the organization is not shown.

Mr. COCKRELL. There is nothing in the papers to show the organization in which he served.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over, without losing its place on the Calendar.

Mr. COCKRELL subsequently said: I understand that the Senator from Maryland [Mr. WILSON] has the name of the regiment in the Shearer case.

Mr. WILSON, of Maryland. Yes, it was the Third Maryland Regiment. As the bill came from the House the name of the regiment was omitted. The bill will have to be amended.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 7 insert the word "third;" so as to read, "late lieutenant-colonel of the Third Maryland Volunteers."

Mr. EDMUNDS. I understand the Senator from Maryland to say that that is a correct description.

Mr. WILSON, of Maryland. That is the correct name of the regiment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LEVI M. STARNE.

The bill (H. R. 6020) granting a pension to Levi M. Starne was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Levi M. Starne, late a private in Company B, Eighty-sixth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CLARISSA TAFT.

The bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clarissa Taft, widow of Hiram Taft, jr., late of Company C, One hundred and twenty-third Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. MYKINS.

The bill (S. 158) granting a pension to Mary A. Mykins was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 7, to strike out the words "second lieutenant" and insert "captain;" in the same line, after the word "company," to strike out "A" and insert "E;" and, before the word "regiment," to strike out "one hundred and seventy-sixth" and insert "one hundred and seventieth;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Mykins, widow of Daniel J. Mykins, late captain of Company E, One hundred and seventieth Regiment of New York Volunteers, and pay her a pension from and after the passage of this act.

The amendments were agreed to.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. ALDRICH May 18, 1886:

The Committee on Pensions, to whom was referred the bill (S. 158) granting a pension to Mary A. Mykins, have examined the same, and report:

That David J. Mykins enlisted as a private in Company E, One hundred and seventieth Regiment of New York Volunteers, on the 28th of August, 1862. He was promoted through the several grades until at the time of his discharge he was captain and brevet lieutenant-colonel. He was wounded at Petersburg July 16, 1864; received a gunshot wound in the forehead, crushing the frontal bone, and a flesh wound in the neck. For the first of these wounds, which unfitted him for manual labor, causing intense pain, dizziness, and deafness, he was pensioned by certificate issued in 1881. Two intelligent and respectable witnesses, who knew the soldier intimately for several years prior and at the time of his death, which occurred on the 4th day of April, 1882, state that they had ample opportunities to observe him during his last illness, and that from such observation they believe his death was the result of the wounds received in the manner indicated.

The committee recommend the passage of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY M'MAHON.

The bill (S. 2372) for the relief of Mary McMahon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary McMahon, widow of Peter McMahon, late a private in Company E, Second Regiment Rhode Island Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE D. WHITTED.

The bill (S. 2341) granting a pension to Josephine D. Whitted was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Josephine D. Whitted, widow of George W. Whitted, late of Company G, Seventy-seventh Indiana Volunteers, or Fourth Indiana Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BARDEN.

The bill (S. 2353) granting a pension to William Barden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Barden, father of Henry D. Barden, a private of Company E, First Regiment of Wisconsin Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM MORRIS.

The bill (S. 2310) granting a pension to Hiram Morris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hiram Morris, formerly of Company B, Twenty-third Regiment Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT C. KELLEY.

The bill (S. 2286) for the relief of Albert C. Kelley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "cavalry," to strike out the words "at the rate of $50 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the limitiations and provisions of the pension laws, the name of Albert C. Kelley, late a private in Company B, Fifth Regiment of Michigan Cavalry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA M. MARSHALL.

The bill (S. 2393) granting a pension to Anna M. Marshall, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out the words "twenty dollars per month, the pension allowed the widow of a captain in the military service," and to insert "twelve dollars a month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Anna M. Marshall, widow of Capt. Patterson S. Marshall, on the pension-roll as a pensioner, at the rate of $12 a month, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANTHON EITAPENCE.

The bill (S. 2330) for the relief of Adam Eitapence was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Eitapence," to strike out "Adam" and insert "Anthon;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws the name of Anthon Eitapence, of Utica, N. Y., father of Adam Eitapence, late of Company H, of the One hundred and forty-sixth Regiment New York Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill for the relief of Anthon Eitapence.

HENRY LAFNER.

The bill (S. 2308) granting a pension to Henry Lafner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amend-

ment, in line 6, to strike out "Lafuer" and insert "Lafner;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Henry Lafner, formerly a private in Company A, One hundred and eighty-first Regiment Ohio Infantry Volunteers.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the bill (S. 2308) granting a pension to Henry Lafner, have examined the same, and report:

The petitioner was a private in Company A, One hundred and eighty-first Regiment Ohio Volunteers. He made application for a pension, alleging total blindness in both eyes, the result of exposure in the service, which was rejected on the ground of insufficiency of testimony.

In reference to this case, the captain of the company says:

"He was quite a boy, and did his duty as a good soldier. I have since learned that he was blind; in fact, he was led into my office, and I know he is blind. He stated that it was caused by exposure in the service. I know he was subjected to a great deal of hardship and exposure."

In an affidavit, the captain testifies to his activity and efficiency as a soldier, notwithstanding his youth; that during the winter of 1864-'65 and the spring of 1865, in consequence of exposure and unusual bad weather, he contracted a cold, which affected his eyes, causing inflammation and a blood-shot appearance, and symptoms of granulation, which continued until after discharge and return to Ohio.

Fred. McDonough, who also was in command of the company, testifies that the soldier was thoroughly examined; that he passed a good examination; that he was a faithful, active soldier, and that the command experienced great hardships and exposures during the winter of 1864-'65 and the early spring following.

The certificate of an examining surgeon pronounces him totally blind. In his petition the soldier says that his peculiar disability prevents him from prosecuting his claim with any hope of success in procuring such testimony as is required to complete his case, and he appeals to Congress for the relief which he can not hope to obtain but by the passage of a special bill. The committee regard this as a very hard case, in which there is no appearance of fraud and in reference to which the witnesses are evidently convinced of more than they can certify under oath. There is evidence to show that the inflammation commenced before he was discharged. No proof has been offered disparaging his reputation or questioning his claim. It is a case of sad necessity, to which relief can only be extended by Congress, which, in the opinion of the committee, may properly be done. The bill is reported with an amendment changing the name "Lafuer" to "Lafner" wherever it occurs, with a recommendation that it do pass.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Henry Lafner."

RACHEL ANN PIERPONT.

The bill (S. 2452) granting a pension to Rachel Ann Pierpont was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Ann Pierpont, dependent mother of Thomas W. Bailey, late a private in Company C, Twenty-second Kentucky Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. PEAVEY.

The bill (S. 2453) granting a pension to George W. Peavey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Peavey, late first lieutenant of Company D, Fifty-seventh United States Colored Infantry, and a sergeant of Company B, First New York Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES S. FURNISS.

The bill (S. 2454) granting a pension to James S. Furniss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James S. Furniss, late a private in Company E, Seventy-fourth New York Volunteers, who enlisted May 5, 1862, and was discharged May 30, 1865.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the bill granting a pension to James S. Furniss, have examined the same, and report:

The claimant enlisted in the Seventy-fourth Regiment New York Volunteers, July 25, 1861; was honorably discharged April 10, 1862; re-enlisted September 5, 1862, and was honorably discharged in May, 1865. His application is for disabilities that include chronic diarrhea, disease of kidneys, and from typhoid fever, hemorrhage of right lung; and his rejection is on the ground of his failure to prove "origin."

The claimant makes a connected statement covering the time from his entering the service until his discharge, giving the dates of his admission to hospital and his transfer from one to another. The Surgeon-General's report corroborates his statement, and names typhoid fever as one of the diseases for which he was treated.

The report of the Adjutant-General verifies his service and his sick-furloughs, but adds, "Nature of sickness not stated; regimental hospital records not on file;" and the report of the Surgeon-General closes with the remark that "the records of the general and field hospital, Third Army Corps, are not on file bearing on this case." The absence of a connected history of treatment from the record is one of the discouragements encountered by nearly every suitor for a pension. While it should be the reliable source of information as to the origin of disease, it furnishes little that is satisfactory, so that the soldier is thrown upon his own resources for such evidence as is exacted by the Pension Bureau.

In this case the files contain the best quality of evidence as to the soldier's soundness and as to his exemplary character prior to enlistment.

Two of his neighbors, who knew him before and after his service, who lived near, and were intimate with him—and one of whom is vouched for as entirely reliable—testify to his broken-down condition immediately after his return; to his kidney disease, chronic diarrhea, and hemorrhages of lung; to his continued suffering and almost total incapacity to perform light labor. Dr. Cramton, of Colchester, Vt., testifies that he commenced treating claimant in 1871; found him in a debilitated condition, suffering with pain and soreness over region of kidneys and liver, torpid condition of liver, and irritation of kidneys; that he is not able to do half the work of an able-bodied man.

The medical board before whom the claimant was ordered to appear by the Commissioner of Pensions report affection of right lung, severe cough, respiration hurried, diarrhea troublesome. At the date of the examination, April 5, 1882, they say, "He is now entirely incapacitated for manual labor. The disease has been of gradual progress, and may have originated from typhoid fever."

The question as to "origin" of disease must be settled on this testimony, which is partly circumstantial. He can not obtain that of comrades, as the Pension Office requires, because, as he says, his regiment was composed of different nationalities, who dispersed to various localities. Furthermore, he was a musician, by reason of which, and his frequent illness, he was separated from intimate association with members of his regiment. It would seem that, inasmuch as he went in the service in a healthy condition, was for months sick and under treatment in hospital, returned to his home in a broken-down condition, and has traced the progress of his disabilities to a period when he is apparently very near the end of his mortal career, the "origin" of his illness must have connection with his service.

So convinced are the committee of this fact that the accompanying bill is reported for his relief, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD D. PATCHIN.

The bill (S. 2455) granting a pension to Edward D. Patchin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward D. Patchin, son of Bernard Patchin, late a private in Company B, Forty-first Regiment Ohio Volunteers.

Mr. COCKRELL. I must ask that that bill be passed over. The Senator from Wisconsin [Mr. SAWYER] who reported it is not here, and the report is not at all satisfactory. It is the introduction of a new class of pensions. I ask that the bill may retain its place on the Calendar and be passed over.

The PRESIDENT *pro tempore*. The bill will go over under objection.

MARGARET S. DAVIS.

The bill (H. R. 5656) granting a pension to Margaret S. Davis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret S. Davis, widow of Dr. J. E. Davis, late assistant surgeon of the Twenty-seventh Regiment of Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. DOWNING.

The bill (H. R. 3737) granting a pension to John H. Downing was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Downing, late of Company I, First Pennsylvania Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET PEAK.

The bill (H. R. 2968) granting a pension to Harriet Peak was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet Peak, widow of Urias Peak, deceased, late of Company E, Tenth Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW G. HILLBERG.

The bill (H. R. 7066) for the relief of Andrew G. Hillberg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew G. Hillberg, late a private in Company A, Sixth Regiment Minnesota State Volunteers, and to grant him a pension for varicose veins in addition to the pension he is now receiving for partial deafness.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. MATTINGLY.

The bill (H. R. 5951) granting a pension to John M. Mattingly was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John M. Mattingly, late a private in Company A, Tenth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA ALLEN.

The bill (H. R. 5645) granting a pension to Rebecca Allen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Allen, widow of John E. Allen, deceased, late a landsman on the United States steamer Atlanta.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STOBAUGH.

The bill (H. R. 7660) granting a pension to James Stobaugh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Stobaugh, late of Company B, Third Regiment Arkansas Cavalry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 7660) granting a pension to James Stobaugh, have examined the same, and report:

That an examination of the proofs in this case satisfies the committee that the House report is correct. It is adopted, and is as follows:

"James Stobaugh enlisted June 1, 1862, in Company B, First Arkansas Infantry, and was discharged with his company at expiration of service, December 31, 1862. He re-enlisted in Company B, Third Arkansas Cavalry, September 23, 1863, and was discharged therefrom May 22, 1865.

"In his application for pension he alleges that about September 20, 1863, while performing service as a soldier, he with several others were attacked at Lewisburg, Ark., while there recruiting, and he was wounded in the right shoulder; says that captain and lieutenant are both dead, but the fact is well established by the testimony of several comrades who were present.

"His claim was rejected because the date of receiving wound is alleged by claimant and comrades three days before the date of his enrollment as shown by the records in the War Department.

"The records in the War Department give date of enrollment as September 23, 1863, and date of muster October 29, 1863. It does not seem probable that claimant would have been accepted and enrolled three days after receiving the wound; and as the claimant and comrades fix the date about the 20th, it is not a violent presumption to assume that it was after the enrollment, since this soldier would have been very likely to have enrolled his own name before recruiting others. But even if his wound was received three days before his enrollment it is proven satisfactorily that he was on duty, and his six months' previous and nearly two years' subsequent service clearly entitle him to the relief sought.

"The official examination finds a present disability from the wound. So, in view of all the facts, your committee recommend that the bill do pass."

The bill is herewith reported to the Senate with a recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY N. HUGGINS.

The bill (H. R. 1678) for the relief of Henry N. Huggins was considered as in Committee of the Whole. It proposes to place the name of Henry N. Huggins, dependent father of Andrew P. Huggins, deceased, late a private in Company K, Twenty-fourth Regiment New York Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE E. EVANS.

The bill (H. R. 4426) granting a pension to Fannie E. Evans was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Fannie E. Evans, widow of George S. Evans, late colonel of the Second Regiment California Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS DEMING.

The bill (H. R. 2971) granting a pension to Francis Deming was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis Deming, late of Company F, Ninth Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY KARSTETTER.

The bill (H. R. 2043) to place Mary Karstetter on the pension-roll was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report be read. That is a bill of remarkable phraseology.

The Secretary read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 2043) to place Mary Karstetter on the pension-roll, have examined the same, and report:

That an examination of the proofs in this case satisfies the committee that the House report is correct. It is adopted, and is as follows:

"Jacob Karstetter, husband of claimant, was in receipt of a pension previous to and at the time of his death of $18 per month for gunshot wound of left hand, received in action. He died August 21, 1874, of gastritis, alleged to be the consequence of broken constitution, the result of exposure and injuries received in the service. His widow's claim for pension was rejected 'because death resulted from gastritis and congestion of kidneys, due to unknown causes no medically established.'

"The evidence all shows that the soldier was over 6 feet in height, and engaged in farming in the mountains of Pennsylvania at the time of his enlistment; that his health was of the most rugged character; that he returned home wounded and broken down in health; that he never recovered, and that he finally died from some disease, which, as is claimed by the Pension Department, could not be medically established.

"James F. Berry, neighbor, testifies:

"'When he came home he was broken down and not able to do manual labor. He complained a good deal after he came home, and was frequently sick and laid up. Saw him often in his last sickness; he was much worn down and very feeble.'

"F. H. Van Valzah, M. D., testifies:

"'From June, 1870, to 1871 saw soldier almost daily. In months of November and December, 1870, I attended him in an attack of pleuro-pneumonia, brought on by exposure and the broken-down condition of his system. The above trouble was in the left side and lung; he always complained of a weakness in this lung, from some injury received in the service. Affiant thinks a horse ran against him in the Seven Days fight, injuring him and leaving an enlargement or tumor in the left side, which no doubt has been the starting point of his lung trouble.'

"Dr. J. A. Houtz testifies:

"'Knew Jacob Karstetter from December, 1871, to date of his death. Do not know anything about his condition before enlistment. He never was under affiant's treatment except during his last illness, which lasted about four weeks. His illness was caused by gastritis and congestion of kidneys. Death was caused by gastritis. Although soldier never consulted affiant before his last illness, affiant frequently heard him say he was not the same man physically he had been before he was in the service. He did very little hard labor during the time affiant knew him.'

"From the evidence of these pysicians, who attended soldier during his last and a previous severe illness, it is apparent that his broken-down constitution, the result of exposure and service in the Army, predisposed him to several attacks of sickness, the last of which proved fatal.

"Your committee are clearly of the opinion that death can be traced in this case to soldier's service in the Army with very nearly the same degree of certainty (notwithstanding the fact that it cannot be medically established) as if it had been the direct result of a gunshot wound. They therefore report favorably, and recommend that the bill do pass."

The bill is herewith reported to the Senate with a recommendation that it pass.

Mr. COCKRELL. The bill reads as follows:

That Mary Karstetter, widow of Jacob Karstetter, a soldier in the volunteer service of Pennsylvania, be placed on the pension-roll, and receive an allowance of pension as the widow of a soldier.

I think there ought to be some company and regiment stated there.

Mr. EDMUNDS. So there ought. That is very loose indeed.

Mr. BLAIR. Let the bill be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

JESSE B. SCUDDER.

The bill (H. R. 421) granting a pension to Jesse B. Scudder was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse B. Scudder, of Industry, Ill., of Company I, Seventy-eighth Illinois Regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT A. PHILIPS.

The bill (H. R. 918) granting a pension to Gilbert A. Philips was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Gilbert A. Philips, of Louisville, Ky., who was appointed a quartermaster in the Army in 1861 by order of General William Nelson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA WEITZEL.

The bill (H. R. 3601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of United States volunteers, was considered as in Committee of the Whole. It proposes to increase to $50 per month the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a lieutenant-colonel in the Corps of Engineers, United States Army, and a major-general of United States volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON MONROE.

The bill (H. R. 6088) granting an increase of pension to Nelson Monroe was considered as in Committee of the Whole. It proposes to increase the pension of Nelson Monroe to $40 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL SHULER.

The bill (H. R. 6237) for the relief of Samuel Shuler was considered as in Committee of the Whole. It proposes to increase the pension of Samuel Shuler, late a private in Company E, Sixty-first Regiment Pennsylvania Volunteers, to $10 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIAH E. A. B. NOWELL.

The bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mariah E. A. B. Nowell, and to pay her a pension during her life of $12 a month, for her important services to the country during the late civil war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS TEGAN.

The bill (H. R. 3047) granting a pension to Thomas Tegan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Tegan, late a private in Company I, Thirty-seventh New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE BAGLEY.

The bill (H. R. 1627) granting a pension to Annie Bagley was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of Annie Bagley, widow of Robert F. Bagley, late a sergeant of Company F, Fifty-first New York Volunteers, as though her husband had contracted the disability of which he died in the military service of the United States.

Mr. COCKRELL. I do not see the necessity of having in the bill the words, "as though her said husband had contracted the disability of which he died in the military service of the United States." I do not think they are necessary, and I move to strike them out. They might bring up some question of intricacy.

The PRESIDENT *pro tempore*. The question is on agreeing to the the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MEXICAN WAR PENSIONS.

The bill (H. R. 807) granting a pension to the soldiers and sailors of the Mexican war was announced as the next pension bill in order on the Calendar.

Mr. BLAIR. That is a general bill which I should be glad to see passed, but I suppose it is hardly proper to press it now.

The PRESIDENT *pro tempore*. The bill will be passed over.

MARGARET J. REIGHTER.

The bill (H. R. 5761) granting a pension to Margaret J. Reighter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret J. Reighter, widow of Andrew J. Reighter, late of Company H, First Regiment Pennsylvania Reserve Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH ANN WILLIAMS.

The bill (H. R. 6919) granting a pension to Sarah Ann Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Ann Williams, dependent mother of Kneeland Badger, late a sergeant of Company K, Fourth Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. CHASE.

The bill (H. R. 6372) to pension Charles A. Chase was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles A. Chase, of Fairfield, Me., late of Company C, Thirteenth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE KELLEY.

The bill (S. 2382) granting a pension to Alice Kelley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alice Kelley, a volunteer nurse during the late war, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANDERSON.

The bill (H. R. 7436) to grant a pension to Mary Anderson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Anderson, widow of Richard Anderson, late a private in Company I, Seventeenth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY I. CARTIN.

The bill (H. R. 6566) granting a pension to Henry I. Cartin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry I. Cartin, late a private in Company C, One hundred and forty-eighth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH GUY.

The bill (H. R. 7253) for the relief of Joseph Guy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Guy, formerly a member of Company C, One hundred and twenty-first Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAYBERRY VANCE.

The bill (H. R. 6247) granting a pension to Mayberry Vance was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mayberry Vance, of Danville, Pa., late a private in the marine service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABNER MOREHEAD.

The bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Abner Morehead, late of Company K, One hundred and fifteenth Indiana Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SAWYER May 19, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 3304) to restore Abner Morehead to the pension-roll, have examined the same, and report:

That an examination of the proofs in this case satisfies the committee that the House report is correct. It is adopted, and is as follows:

"The claimant enlisted as a private in Company K, One hundred and fifteenth Indiana Volunteers, August 13, 1863, and was discharged March 27, 1864, and filed his application for a pension September 25, 1866, alleging the incurrence of disability of loss of eyesight resulting from hardship and exposure incident to camp life and field duty. He contracted fever in severe form at Greeneville, Tenn., and before entirely recovering contracted a heavy cold, which settled in his eyes, causing ulceration of the eyes, almost destroying his sight, which has continued up to the present time, rendering him unable to perform any manual labor by reason of loss of sight and general debility resulting from said disability. He was treated in hospital at Knoxville, Tenn., and Indianapolis, Ind."

"Prior to and up to time of enlistment he was a stout, able-bodied man, wholly free from any disease whatever. He was granted a pension November 16, 1867, at the rate of $8 for disability for loss of sight of right eye and partial loss of the sight of left eye. He was also granted an increase to $15 per month December 15, 1869, upon the statement of Examining Surgeon Barnes. His pension was discontinued September 26, 1876, upon the statement of a claim agent and special examiner, alleging existence of disability prior to enlistment.

"Claimant made application for restoration February 17, 1882; the Department rejecting the same upon statement of special examiner, as above stated.

"Your committee having made a thorough and complete examination of the very voluminous papers now on file with the Pension Office, and believing this case to be a just and meritorious one, submit the following strong array of evidence in support of claimant's bill:

"Captain George Beauchamp, of claimant's company and regiment, testifies that while in the line of duty at Greeneville, Tenn., about November 1, 1863, soldier took a severe fever, and before recovering took cold from exposure, which settled in his eyes, causing ulceration of the eyes and injury to the sight.

"Claimant's neighbors, B. F. Hart, Dr. Osgood, Dr. Worden, Rev. Hamilton Hays, testify that they had known claimant for years prior to the time of enlistment, and that his eyesight was good.

"John Smith, James South, Thomas Keeling, and John P. Brown, all members of the same company and regiment, swear they enlisted at the same time, and know claimant was free from said disability at the time of his entering the service.

"William Kelley, George C. Massey, and Thomas C. Baker, his neighbors, testify that they worked with claimant in a pork house for a year or more prior to his entering the Army, and that claimant was free from said disability at the time of his enlistment, and that he is now totally blind.

"Therefore your committee, in view of the abundant evidence in claimant's favor and his extreme helplessness and old age, report the bill favorably, with the recommendation that it do pass."

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA KESSINGER.

The bill (H. R. 504) granting a pension to Anna Kessinger was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna Kessinger, widow of Daniel F. Kessinger, late a private in Company A, Sixth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. IRWIN.

The bill (H. R. 3640) granting a pension to James T. Irwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James T. Irwin, late of Company K, Eleventh Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. BARKER.

The bill (H. R. 1177) granting a pension to William J. Barker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William J. Barker, late of Company A, Eleventh Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. DARLING.

The bill (H. R. 7257) granting a pension to James H. Darling was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James H. Darling, late of Company G, Seventy-third Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA REESE M'KEE.

The bill (H. R. 6323) granting a pension to Rebecca Reese McKee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Reese McKee, the widow of Capt. John McKee, a soldier of the war of 1812, at the rate of $25 per month.

Mr. RIDDLEBERGER. Let the report in that case be read.

The Secretary read the following report, submitted by Mr. SAWYER May 19, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6323) granting a pension to Rebecca Reese McKee, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the bill and recommend its passage.

The claimant, Rebecca Reese McKee, was married to John McKee, of Iredell County, North Carolina, on the 23d day of December, 1838, and she is now over ninety years of age. On the 19th day of March, 1880, she made application to the Commissioner of Pensions for a pension as the widow of said John McKee, on account of his services as a captain of the Detached Militia of North Carolina, war of 1812, but the application was rejected on the ground that there was no record or other evidence of the service of said soldier. There has been submitted to your committee a printed copy of the—

"Muster-rolls of the soldiers of the war of 1812 detached from the militia of North Carolina in 1812 and 1814, published in pursuance of the resolution of the General Assembly of January 28, 1851, and a resolution of the General Assembly of February 25, 1873, under the direction of the adjutant-general."

The adjutant-general of North Carolina, under date of March 6, 1873, certifies these rolls to be a true copy of the records of his office, and they show that John McKee was captain of the Iredell County company of the Sixth Regiment of the Detached Militia of North Carolina, commanded by Lieut. Col. Richard Allison. Satisfactory evidence has been filed with the committee showing that John McKee, the husband of the claimant, is the same person who was captain of said Iredell County company.

To correct a mistake in the names of the claimant and her husband your committee recommend that the bill do pass.

Mr. RIDDLEBERGER. It is far from any purpose of mine to oppose the pension. I simply want to call the attention of the Senate to the fact that we are pensioning soldiers, or the widows of soldiers, and now we are getting down to the widows of soldiers of the war of 1812 married many years after the close of that war. I only call attention to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ALICE E. TRAVERS.

The bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Alice E. Travers, widow of John Travers, late of the Third Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA CUNNINGHAM.

The bill (H. R. 5414) granting a pension to Maria Cunningham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria Cunningham, widow of William H. Cunningham, deceased, late of Company K, One hundred and twelfth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMMINS PORTER.

The bill (H. R. 8086) granting a pension to Cummins Porter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cummins Porter, late a private in Company F, Second Regiment Ohio Volunteer Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HAWHE.

The bill (H. R. 5232) for the relief of Mary Hawhe, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Hawhe, widow of Arthur J. Hawhe, late lieutenant-colonel of the Forty-ninth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA NEWMAN.

The bill (H. R. 5492) granting a pension to Eliza Newman, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Newman, widow of Lazarus Newman, late a private in the One hundred and forty-ninth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. M. AUGUSTA BARNES.

The bill (S. 1932) granting a pension to Mrs. M. Augusta Barnes was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 8, after the words "rate of," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. M. Augusta Barnes, widow of Surgeon Norman S. Barnes, late of the Twenty-seventh New York Volunteers, at the rate of $40 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CECELIA C. M'KENNA.

The bill (H. R. 7509) granting a pension to Cecelia C. McKenna was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cecelia C. McKenna, mother of John H. McKenna, late a private in the United States Marine Corps, at the rate of $25 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS C. WERTZ.

The bill (H. R. 5434) granting a pension to Amos C. Wertz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amos C. Wertz, late a sergeant of Company L, Second Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL J. BINGMAN.

The bill (H. R. 3501) granting a pension to Daniel J. Bingman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel J. Bingman, late of Company H, Fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET MAYHAM.

The bill (H. R. 6176) granting a pension to Margaret Mayham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Mayham, widow of William Mayham, late lieutenant of Company A, One hundred and forty-fourth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES FOREMAN.

The bill (H. R. 6193) granting a pension to Charles Foreman was considered as in Committee of the Whole. It proposes to place the name of Charles Foreman, late a private in Company G, Thirty-sixth United States Colored Troops, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. CHASE.

The bill (H. R. 4382) granting a pension to John F. Chase was considered as in Committee of the Whole. It proposes to increase the pension of John F. Chase, late of the Fifth Maine Battery, to $46 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BUTLER.

The bill (H. R. 5411) granting a pension to John Butler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Butler, late of Company E, Fourteenth Regiment Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHRONIA WITHAM.

The bill (H. R. 7641) granting a pension to Sophronia Witham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sophronia Witham, widow of Robert McGill, late a private in Company A, Twelfth Regiment Maine Volunteers.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. BLAIR May 19, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 7641) granting a pension to Sophronia Witham, have examined the same, and report:

Your committee concur in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1530) hereto annexed, and report back the bill with a recommendation that it do pass.

The petition in this case, which we append, is supported by several affidavits and discloses the following facts: The petitioner was pensioned as widow of Robert McGill, a private in Company A, Twelfth Maine Regiment, who died from wounds received while on picket before Port Hudson, La., May 26, 1863. Subsequently she was married to one Aaron Witham, and her pension ended. Witham died in 1882, leaving no property. Mrs. Witham is now very poor and entirely destitute. She has depended upon charity for the last two years, and, unless her pension is renewed, must go to the poor-house. She has no relatives upon whom she can call for aid. Two of her brothers, as well as her first husband, were killed in the Army. She has suffered from a paralytic shock and can perform no labor. Congress has in several instances granted relief under like circumstances, and your committee accordingly report the accompanying bill for her relief, with recommendation that it pass.

PETITION OF SOPHRONIA WITHAM.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, a resident of the town of Lebanon, in the county of York and State of Maine, respectfully represents that her husband, Robert McGill, was a soldier in the service of the United States during the late war, and was killed while in the service; that at the time of his death she had three daughters who were dependent upon her for support; that a pension was granted to her, and with that she was unable to support herself and daughters; that on the 2d day of May, 1870, she was married to one Aaron Witham, of Acton, Me., who lived on a good farm and represented to her that he was the owner thereof and had a good property. By reason of these representations, and in order that she might more comfortably support her children—who were, respectively, aged nine, twelve, and fifteen—she was induced to be married. Aaron Witham died on the 5th of April, A. D. 1882, leaving no property, and I am entirely destitute and not able to do anything to support myself, having had a paralytic shock,

and must become chargeable as a pauper unless I can have my pension restored. I therefore pray your honorable body for the passage of an act of Congress restoring me to the pension-list, and that I may be paid my pension from May 2, 1870. I am now fifty-two years of age.

her
SOPHRONIA + WITHAM.
mark.

LEBANON, *December*, 1883.

Witness:
WILLIAM EMERY.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH M. FITGER.

The bill (H. R. 1945) granting a pension to Jeremiah M. Fitger was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jeremiah M. Fitger.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP ARNER.

The bill (H. R. 6266) granting a pension to Philip Arner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philip Arner, late first lieutenant of Company E, Sixty-second Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK MARION.

The bill (H. R. 6147) granting a pension to Frederick Marion was considered as in the Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Marion, late of Company K, Thirty-first Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL KITZMILLER.

The bill (H. R. 4226) for the relief of Samuel Kitzmiller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Kitzmiller, father of John Kitzmiller, deceased, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID L. M'DERMOTT.

The bill (H. R. 5435) granting a pension to David L. McDermott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David L. McDermott, late a private in Company K, One hundred and seventh Regiment Pennsylvania Volunteers.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. BLAIR May 19, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5435) granting a pension to David L. McDermott, have examined the same, and report:

Your committee have considered the facts in this case, which are stated in the annexed report (House Report 1583), and recommend the passage of the bill.

[House Report No. 1583, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5435) granting a pension to David L. McDermott, respectfully report:

David L. McDermott was enrolled on the 23d day of February, 1862, in Company K of the One hundred and seventh Regiment of Pennsylvania Volunteers, and was discharged on the 7th day of June, 1862.

He claims a pension on the following basis: While a member of the organization aforesaid, in the service, and in the line of his duty, at Washington, D. C., on or about the 4th day of March, 1862, he was in the act of harnessing a mule and was kicked on the left leg above the ankle, causing a fracture of the said limb. That since he received the said injury several bones have come out of the leg, and it is now open and become a chronic sore, depriving him of the use of it, and having to use two crutches.

The Pension Office has notified claimant that his claim can not be further considered until certain evidence is furnished. As claimant can not possibly at this late day comply with the requirements of the Department, the claim stands almost a rejected one; hence his appeal to Congress.

The board of examining surgeons of Harrisburg, Pa., in report dated September 21, 1881, state:

"In our opinion the said applicant is total two grade incapacitated for obtaining his subsistence by manual labor from fracture of left leg caused by kick of mule. It is our opinion that the said disability did originate in the service in the line of duty, and the disability is permanent. At present the leg is one mass of disease, due to carious bone. The whole tibia seems to be involved, as the fistulous openings extend from knee to ankle-joint."

The assistant surgeon-general, United States Army, states "there are no records of the regiment named within on file in this office," in reply to the usual letter of inquiry from the Commissioner of Pensions.

As to the soldier having incurred the sore leg in the Army service, Adam Bloom, comrade, testifies:

"That he has been personally acquainted with claimant for about thirty-five years. That he enlisted with him in Company K, One hundred and seventh Regiment Pennsylvania Volunteers; that he, in company with claimant, was detailed to post duty at Washington, D. C., in the capacity of driver or teamster; that on the morning of March 4, 1862, deponent and claimant, in the line of duty, were driving Government teams through the said city of Washington, D. C., and somewhere along Twenty-second street claimant was in the act of hitching up or harnessing a mule, to be substituted for one that was disabled in his team, and the mule becoming refractory and unmanageable kicked and knocked claimant down and trampled him in a frightful manner. Deponent, assisted by others, carried claimant back to his tent, and upon examination found his left leg badly bruised from the ankle to the knee. Two weeks after he saw claimant again in the hospital, in bed, unable to stir or walk. In June, 1862, deponent took soldier from hospital and hauled him home; he was still seriously disabled and totally unable to walk. He has frequently been with claimant since discharge, and knows that he (claimant) was always unable to do any hard physical labor by reason of his sore leg."

David Miller testifies to substantially the same as above quoted.

Thompson Anderson also testifies similarly.

From the evidence as above detailed it appears that this soldier received an injury to his leg while in line of duty; that this injury was of great severity at the time of its incurrence, and has continued ever since in an increasing degree. The board of examining surgeons state that the leg is in a very bad condition from the caries of the bone, portions of which are discharged from time to time, and eventually its amputation may become necessary. The case was delayed in the Pension Bureau for lack of evidence as to the incurrence of the injury as claimed. The claim was grossly neglected by reason of want of diligence on the part of the person having it in charge, otherwise it is clear that the soldier would have long since been in receipt of the pension to which it is the opinion of your committee he is justly entitled. The lacking evidence has been furnished this committee, duly certified to, as quoted above.

They therefore, deeming this to be a meritorious case, recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH BROOKS.

The bill (H. R. 3645) granting a pension to Sarah Brooks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Brooks, mother of William Brooks, jr., deceased, late a private in Company D, Sixty-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BOLLMAN.

The bill (H. R. 3366) granting a pension to Henry Bollman was considered as in Committee of the Whole. It proposes to place the name of Henry Bollman, late of Company L, Fourteenth Regiment Pennsylvania Cavalry, and now a resident of Harwood, Wayne County, Iowa, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET LUCAS.

The bill (H. R. 6812) granting a pension to Margaret Lucas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Lucas, widow of Samuel Lucas, late a private in Company M, Second Regiment New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CRAMBLETT.

The bill (H. R. 6000) granting a pension to George W. Cramblett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Cramblett, dependent father of John C. Cramblett, late of Company G, Ninety-seventh Ohio Volunteers.

Mr. WILSON, of Iowa. That is an adverse report. I wish to state that since it was made I have received information of the death of Mr. Cramblett, for whose relief the bill was introduced, and in justice to this aged man I wish to read the concluding paragraph of the report of the House committee, which is as follows:

Affidavit after affidavit has been filed from county officers and citizens of highest character, showing conclusively that the claimant was very poor at date of soldier's death, and has been so continually since; has been an object of charity much of the time; is now an inmate of the almshouse; is seventy-five years old. It is further clearly shown that he has always been a man of sobriety, of good habits and character. In view of all which, and the further fact that his first born, upon whom he had a right to expect to lean in his old age, was shot down while battling for his country's honor and preservation, your committee believe that the country should place him on its pension-roll as a dependent father, and therefore recommend the passage of the bill.

Inasmuch as this old gentleman has passed beyond the relief proposed by this bill, I now move that it be indefinitely postponed.

Mr. RIDDLEBERGER. Was he in the Army?

Mr. WILSON, of Iowa. The son was in the Army, and this bill is a bill for the relief of the dependent father.

The bill was postponed indefinitely.

ELIZA M. FERRIS.

The bill (S. 2427) for the relief of the legal representatives of Eliza M. Ferris was considered as in Committee of the Whole. It proposes to pay to Reuben D. Smart, administrator of Eliza M. Ferris, deceased, the sum of money to which she would have been entitled by pension-certificate 220860, which was not issued until four days after her death.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. POLAND.

The bill (H. R. 5154) granting a pension to Margaret A. Poland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "eight" and insert "twelve," and after the word "month," in the same line, to strike out the following words:

and continue during the term of her natural life, and Alexander Poland having been killed by armed soldiers of the late Confederate States Government on that date, for feeding Union soldiers, furnishing supplies to the United States

Army, and because of his devotion to the Union, which pension shall be paid quarterly at the pension agency nearest to Washington, D. C., the arrears to be paid the date of the first quarterly payment of United States pensioners occurring after the passage of this act.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret A. Poland, widow of Alexander Poland, late of Leesburg, Loudoun County, State of Virginia, at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LOUIS A. WOLLENWEBER.

The bill (H. R. 6248) granting a pension to Louis A. Wollenweber was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louis A. Wollenweber, father of Louis A. Wollenweber, deceased, late a private in Company K, Ninetieth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI L. TONGUE.

The bill (H. R. 7437) to increase the pension of Levi L. Tongue was considered as in Committee of the Whole. It proposes to increase the pension of Levi L. Tongue, late a private in Company I of the Sixth Regiment of Wisconsin Volunteer Infantry, to $20 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPENCER W. TRYON.

The bill (H. R. 7249) to pension Spencer W. Tryon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Spencer W. Tryon, late a private in Company E, Fourteenth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS DUBBS.

The bill (H. R. 7407) granting a pension to Cyrus Dubbs was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $12 per month, the name of Cyrus Dubbs, the poor, blind brother of Hiram N. Dubbs, late of Company F, Fourth Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILHELM NOLTE.

The bill (H. R. 7688) granting a pension to Wilhelm Nolte was considered as in Committee of the Whole. It proposes to place the name of Wilhelm Nolte, late a private in Company A, Twenty-second Regiment Indiana Volunteers, on the pension roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN R. PARKS.

The bill (H. R. 7843) granting a pension to Edwin R. Parks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edwin R. Parks, late a sergeant of the Thirteenth Regiment of United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREEN CHAMBERS.

The bill (H. R. 7299) for the relief of Green Chambers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Green Chambers, late a private in Company H, One hundred and fifteenth United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL MILLER.

The bill (H. R. 7401) granting a pension to Samuel Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Miller, late a private in Company C, Eleventh Regiment Pennsylvania Reserves.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH HARBAUGH.

The bill (H. R. 6895) granting a pension to Sarah Harbaugh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Harbaugh, widow of George F. Harbaugh, late a private in Company C, Sixty-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET D. MARCHAND.

The bill (H. R. 2060) granting a pension to Margaret D. Marchand was announced as next in order.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Chair calls attention to the fact that this bill has been passed already by both Houses as a Senate bill.

Mr. MCMILLAN. Let it be passed over.

The PRESIDING OFFICER. The Chair is informed that the Senate bill has been passed by the House—a bill similar to this.

Mr. COCKRELL. This bill ought then to be indefinitely postponed.

Mr. BLAIR. This is a House bill.

The PRESIDING OFFICER. The Chair is informed that the Senator from New Jersey [Mr. SEWELL] notified the Clerk of the Senate that the Senate bill had been passed by the House, and that this bill should be indefinitely postponed when reached.

Mr. BLAIR. Let it be indefinitely postponed.

The bill was postponed indefinitely.

WILLIAM DERMODY.

The bill (H. R. 1505) granting a pension to William Dermody was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Dermody, late a private in Company E, Fifth Regiment New Jersey Infantry, and in Company H, Seventh Regiment New Jersey Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD L. HILL.

The bill (H. R. 5333) granting a pension to Edward L. Hill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward L. Hill, late of Company G, Fifteenth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROXANA V. ROWLEY.

The bill (H. R. 5306) granting a pension to Roxana V. Rowley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Roxana V. Rowley, of Winona, Minn., widow of the late Franklin Rowley, first lieutenant of Company D, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA CONNELLY.

The bill (H. R. 6257) for the relief of Julia Connelly was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia Connelly, widow of Thomas Connelly, late a private in Company G, Seventy-ninth Regiment Pennsylvania Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. M'CLARRAN.

The bill (H. R. 1943) granting a pension to James L. McClarran was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James L. McClarran, late of Company H, Twenty-third Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH PROST.

The bill (H. R. 5307) granting a pension to Lieut. Joseph Prost was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Prost, late a lieutenant of Company E, Fifty-fifth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY ANIN.

The bill (H. R. 5334) granting a pension to Henry Anin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Anin, late a private in the Forty-first Regiment United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON STEWARD.

The bill (H. R. 7979) granting a pension to Jackson Steward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jackson Steward, late a member of Companies C and E of the Sixth Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARGARET A. JACOBY.

The bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby was considered as in Committee of the Whole. It proposes to place on

the pension-roll the name of Mrs. Margaret A. Jacoby, widow of Sandford Jacoby, late of Company F, Seventieth New York Volunteers.

Mr. EDMUNDS. That does not show the rank the soldier held. It says "late of Company F." Was he an officer or a private? I think the report had better be read to let us see whether that is correct in point of form.

The Secretary read the following report, submitted by Mr. SAWYER on the 25th of May, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby, have examined the same, and report:

That an examination of the proofs in this case satisfies the committee that the House report is correct. It is adopted, and is as follows:

"That Sandford Jacoby, the husband of the claimant, enlisted April 20, 1861, in Company F, Seventieth Regiment New York Volunteers, and was discharged July 1, 1864. The soldier's claim for pension was submitted for admission December 1, 1884, and approved for total deafness and chronic diarrhea, granting him a pension for $5 per month, commencing July 1, 1864, and ending September 7, 1875, date of soldier's disappearance. The widow's application was filed July 17, 1885, and rejected by the Department August 6, 1885, upon the ground that fact, date, and cause of soldier's death not shown, and inability of applicant to furnish the necessary proof.

"The basis of the claim is that while the soldier was engaged in the battle of Gettysburg, Pa., July 2, 1863, by reason of concussion from discharge of artillery, he was rendered almost totally deaf, and also contracted chronic diarrhea, by reason of which he was totally disabled for military duty; that he never recovered, but has been totally deaf in right ear ever since, and afflicted with chronic diarrhea.

"Claimant testifies that when her husband returned from the Army in 1864 he was suffering from chronic diarrhea and deafness contracted while in the service; that while residing with deponent at Greene, Chenango County, New York, on or about the 7th day of September, 1875, he left and has never been heard from since; that she made diligent search and inquiry for him, and that she has been unable to ascertain or learn anything about him, and that she verily believes he is now deceased; that he had been sick for a week before he left and had done no work; that he was despondent by reason of his said disabilities and did not seem to be in his right mind; that he was not then able to support deponent, and that she has not received any support from him since.

"Dr. Charles M. Lawrence, of Port Jervis, N. Y., testifies that he treated soldier upon his discharge and return from the Army for chronic diarrhea and deafness, and has treated him at frequent intervals for said disabilities up to 1873, when he removed to Greene, Chenango County, New York, and that said diseases were likely to prove fatal.

"Dr. Marcus M. Wood, of Greene, Chenango County, New York, testifies that he treated soldier for deafness and chronic diarrhea at intervals from 1873 to 1875, and that the diarrhea laid him up about half the time until the summer of 1875, when he left town. He was then suffering from both of those disabilities, which probably have proven fatal before this date (August 20, 1883). Have no doubt that his complaints were caused by exposure while in the service.

"Jane Brown testifies that she is a sister of soldier's wife; has always lived near her said sister during her residence at Port Jervis, N. Y., which has been continuous since her marriage, except for six or seven years, when she lived at Greene, Chenango County, New York, during which time she was deserted by her husband, and since that time her sister has resided at Port Jervis, N. Y.

"Adela Cunningham, Murates Beach, Henry P. Bates, and Lucius P. Clark all testify that the said Sanford Jacoby disappeared in 1875, and have never seen him since.

"The decision of the Secretary of the Interior, regarding the presumption of death, is as follows:

"'That cases arise in which it is impossible to obtain positive proof of the soldier's death, but the presumption of his death from causes connected with the service is so strong as to justify the allowance of a claim for pension made on behalf of his widow, children, or dependent relatives.

* * * * * * *

"'The presumption of common law is that a person who has been absent and not been heard from for seven years is dead. The presumption may properly be accepted under the pension law, and if, when last heard from, soldier was suffering from serious disease contracted or injury received in the line of duty in the service, it may be presumed that his death occurred from such cause if there is nothing in the circumstances to rebut such presumption.'

"Your committee are of the belief that the proofs, with the fact that the soldier has not been paid his pension since the date of his disappearance, justify the presumption that the soldier is dead, and that his death was the result of disease contracted while in service in the line of duty, and recommend that the bill do pass."

The bill is herewith reported to the Senate with a recommendation that it do pass.

Mr. EDMUNDS. Ought not the bill to state that he was a private?

Mr. COCKRELL. It will not hurt it, but it is not very material.

Mr. BLAIR. He is described expressly by his company.

Mr. EDMUNDS. But there may be a technical difficulty very possibly.

Mr. COCKRELL. He will be taken to be a private unless specified as an officer.

Mr. EDMUNDS. On the statement of the Senator from Missouri that that is the law, of course I have no observation to make. It is rather a loose way of doing the thing, I think.

Mr. WILSON, of Iowa. The rank of a soldier is determined by the papers on file in the Pension Office. Of course those will be examined by the Commissioner of Pensions in determining what pension to grant.

Mr. EDMUNDS. But in all those bills, rightly, as I suppose, it is stated, except in this one, what rank the person held. Here is one that does not state what rank he held.

Mr. COCKRELL. I do not believe there is any doubt about the law. Unless the papers show to the contrary he will be taken to be a private or a non-commissioned officer.

Mr. EDMUNDS. Suppose he happened to be a captain?

Mr. COCKRELL. Then the papers will have to show that in the office before he will get the pension.

Mr. WILSON, of Iowa. The discharge or muster-out will show that.

Mr. EDMUNDS. Of course the papers would show; but then that would go to prove that all these provisions in the special laws which describe the status of the person are entirely unnecessary and we might in those bills merely say, "You are to put this person," of such a regiment, in order to identify who he was, "on the pension-roll."

Mr. WILSON, of Iowa. This is not an unusual form, however.

Mr. EDMUNDS. I think it is from my listening here during the day.

Mr. TELLER. "Subject to the limitations of the pension laws" is all that is necessary.

Mr. EDMUNDS. Then there is a good deal that is unnecessary in describing what the person was in all these bills.

Mr. TELLER. That is for the purpose of identity only; there can be no other purpose.

Mr. EDMUNDS. Yielding to the Senators who know so much more about it, I make no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY G. DUTCHER.

The bill (H. R. 6430) granting a pension to Lucy G. Dutcher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucy G. Dutcher, widow of Nathaniel Dutcher, late of Company D, Twelfth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ADALINE P. LOY.

The bill (S. 2479) granting a pension to Mrs. Adaline P. Loy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Adaline P. Loy, widow of Joseph F. Loy, late captain of Company H, Fourth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA WILKINS.

The bill (S. 2459) granting a pension to Eliza Wilkins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Wilkins, widow of Orrin Wilkins, late a private in Company A, First Regiment of Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIDNEY DENTON.

The bill (S. 2420) granting a pension to Sidney Denton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sidney Denton, late a private in Company F, Thirteenth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. WARREN.

The bill (S. 2391) granting a pension to John G. Warren was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John G. Warren, late a private in the Eighth Regiment Wisconsin Light Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALONZO RAYMOND.

The bill (S. 2388) granting a pension to Alonzo Raymond was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alonzo Raymond, father of Platt Green Raymond, late a private in Company E, Fifth Regiment Wisconsin Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH GARAGHTY.

The bill (S. 2366) granting a pension to Elizabeth Garaghty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Garaghty, widow of Michael Garaghty, late of Company A, Forty-fourth Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARCEL GAGNON.

The bill (S. 2363) granting a pension to Marcel Gagnon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marcel Gagnon, late of Company A, Hatch's battalion Minnesota cavalry, at the rate of $10 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH C. WRIGHT.

The bill (S. 1614) granting a pension to Sarah C. Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah C. Wright, widow of John W. Wright, late of Company D, Seventy-seventh Regiment Enrolled Militia of Missouri, and who was pensioned by special act of Congress approved January 31, 1885.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. HILDRETH.

The bill (H. R. 4124) granting a pension to Charles F. Hildreth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles F. Hildreth, late surgeon of the Fortieth Massachusetts Regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA A. BIRNEY.

The bill (H. R. 7156) to increase the pension of Antionette Birney, widow of Maj. Gen. David B. Birney, was considered as in Committee of the Whole.

The Committee on Pensions reported to amend the bill, in line 4, by striking out the name "Antionette" and inserting "Maria A.;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Maria A. Birney, widow of Maj. Gen. David B. Birney, from $30 to $50 a month, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Maria A. Birney, widow of Maj. Gen. David B. Birney."

JOHN WINES.

The bill (S. 2478) granting a pension to John Wines was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Wines, father of Rufus H. Wines, late a private in Company E, Twenty-sixth Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA M'ILWAIN.

The bill (H. R. 7162) granting a pension to Martha McIlwain was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha McIlwain, widow of Robert J. McIlwain, late a sergeant of Company K, Eighth Regiment Pennsylvania Reserves.

Mr. EDMUNDS. I would like the Senator from New Hampshire to state what the term "Pennsylvania Reserves" means. Does it seem to imply necessarily that these people were in the war? I dare say they were in fact; but for the benefit of the record I should like to have the Senator state about that.

Mr. BLAIR. The Pennsylvania Reserves were among the best drilled and bravest and most efficient of the troops on the Union side in the late war. They participated with great distinction in the battle of Gettysburg.

Mr. EDMUNDS. Were they United States troops, or only State troops?

Mr. BLAIR. They went by that name, but they were in the service of the United States. I do not know but they may properly be said to have been the crack troops of Pennsylvania.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS A. ROWLEY.

The bill (H. R. 6250) to increase the pension of Thomas A. Rowley was considered as in Committee of the Whole. It provides that Thomas A. Rowley, late a brigadier-general of volunteers, shall be entitled to receive an increase of pension of $10 per month in addition to the allowance heretofore paid to him.

Mr. EDMUNDS. How much was the previous allowance? Let us hear the report.

The Secretary read the following report, submitted by Mr. SAWYER May 26, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6250) granting a pension to Thomas A. Rowley, have examined the same, and report:

That an examination of the proofs in this case satisfies the committee that the report of the House is correct. It is adopted, and is as follows:

"Thomas A. Rowley was colonel of the One hundred and second Regiment Pennsylvania Volunteers; promoted to be brigadier-general. He is now in receipt of $15 per month for injuries received at the battle of Fair Oaks, Va., which disabilities are described as follows by the examining surgeons:

"'There is a cicatrix 1 inch to the left of crest of occipital bone over inferior curved line. The cicatrix is tender, with considerable thickening of periosteum. He complains of pain radiating from cicatrix over left side of head. He states that seven pieces of bone have been removed and discharged from site of wound. He also states that since receipt of injury he has had frequent attacks of hemicrania. We think the present rating too low—disability one-half.'

"General Rowley's disabilities have very considerably increased since the above examination. He is now seventy-seven years of age, is partially paralyzed, and in indigent circumstances.

"Your committee, considering the serious nature of the wound received in the battle, his helpless condition at present time, which is clearly shown, together with his extreme age and poverty, recommend the passage of the bill."

The bill is herewith reported to the Senate with a recommendation that it do pass.

Mr. EDMUNDS. Is that a House bill?

The PRESIDING OFFICER. It is.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA ROBERTS.

The bill (H. R. 8111) granting a pension to Rebecca Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Roberts, widow of Clark Roberts, who was lately surgeon of the One hundred and first Regiment Illinois Volunteers, at the rate provided by the pension laws for widows of surgeons in volunteer regiments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

K. G. BILLINGS.

The bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of K. G. Billings, of Lancaster County, South Carolina, formerly a soldier in the Mexican war.

Mr. EDMUNDS. Let us hear the report. What is the trouble about that Mexican veteran?

Mr. BLAIR. There is no trouble about it. We are restoring him, putting him on the roll again.

Mr. EDMUNDS. I should like to hear the report.

The Secretary read the following report, submitted by Mr. SAWYER May 26, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 2242) granting a pension to K. G. Billings, have examined the same, and report:

That an examination of the proofs in this case satisfies the committee that the House report is correct. It is adopted, and is as follows:

"The Committee on Pensions, to whom was referred the petition of Kennedy G. Billings, asking to be restored to the pension-rolls, and for back pension, submit the following report:

"The committee, after examination, find that at the outbreak of the war with Mexico Kennedy G. Billings enlisted as a lieutenant in Captain Cantey's company of the regiment of South Carolina volunteers, and served with distinction during that entire war, and, as is shown by the affidavit of T. J. Mackey, filed in this case, he fought with great bravery, doing honor to himself and his country, and at the time when his company became reduced, by casualties in battle, from one hundred and fifteen to but nine or ten men fit for duty, he voluntarily entered the ranks with a musket and fought at the battles of Chapultepec and at the Garita de Belen in the capacity of a private soldier.

"That on the 10th day of January, 1854, a pension was granted said Billings for services rendered his country in said war, at the rate of $17 per month, payable semi-annually on the 4th of March and the 4th of September, at the Charleston agency. That the pension so granted him was paid regularly up to the 4th day of September, 1860, when, without assigning any reason, the agent declined to pay him anything more, and he has received no payment on account of said pension since said last-mentioned date.

"Your committee are of the opinion that said Billings should be restored to the pension-rolls at the rate of $17 per month, and to that end report the accompanying bill, with recommendation that it do pass."

The bill is herewith reported to the Senate with a recommendation that it do pass.

Mr. EDMUNDS. I should like to hear that bill read again.

The PRESIDING OFFICER. The bill will be again read.

The bill was read.

Mr. EDMUNDS. Would that bill as it stands give this person an allowance for the twenty-five years or over that have passed since he got his pay? And perhaps the acting chairman of the committee can tell us what this person was engaged about during the four years from 1861 to 1865. We ought to deal fairly with all these cases and all alike upon some fair principle. If the present state of the law is as I suppose—I do not at this moment remember, though I think it is—that those who were on the pension-roll and went into the rebellion lost their right to a pension, to take out this particular person would be invidious. I do not say whether I would not vote to restore all, beginning from now, for their old services; but that is quite another question. To take out this particular person and put him on the pension-roll and leave everybody else off would seem to require some explanation. I would like to hear from my friend from New Hampshire on this point.

Mr. BLAIR. I ask that that case be passed over informally. I am anxious to get through with the rest of the pension bills to-day. The Senator from Wisconsin [Mr. SAWYER] reported the case, and is more familiar with it than I am.

The PRESIDING OFFICER. The bill will be passed over.

LYDIA HADLOCK.

The bill (H. R. 1142) granting a pension to Lydia Hadlock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia Hadlock, of Lexington, Mass., widow of Colburn Hadlock, who served three months in the war of 1812.

Mr. COCKRELL. I move to strike out, beginning in line 5, the words "act of Congress approved March 9, 1878 (twentieth Statutes at Large, page 27)," and then, after the words "widow of Colburn Hadlock," to strike out the words "who served three months in the war of 1812," and say, "widow of Colburn Hadlock, late a soldier of the war of 1812."

Mr. EDMUNDS. On that point I should like to hear the report.

The PRESIDING OFFICER. The report will be read.

Mr. RIDDLEBERGER. I ask to have the bill read again.

The PRESIDING OFFICER. The bill will be read, and the report.

The Secretary read the bill.

Mr. HOAR. Let me ask the Senator from Missouri what is his objection to the bill?

Mr. COCKRELL. We never pass a bill referring to any special act which is the law. This says, according to a certain act. There is no necessity for that, for the act named is a general pension law. Then it says "who served three months in the war of 1812." This man never was an enlisted soldier, but was a teamster, and the record shows that. Let the report be read.

Mr. EDMUNDS. I asked to have the report read.

Mr. WILSON, of Iowa. The report also shows that he discharged the duties of a soldier in the artillery.

Mr. HOAR. I know this old lady very well. She lives in Lexington, Mass., now, and lived formerly in the town where I was born, Concord. I was not aware of this application; it has come through somebody else than me; but I know very well that Mr. Hadlock received a bounty as a soldier.

Mr. COCKRELL. A land-warrant?

Mr. HOAR. Yes; a land-warrant.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 26, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 1142) granting a pension to Lydia Hadlock, have examined the same, and report:

That an examination of the proofs in this case satisfies the committee that the House report is correct. It is adopted, and is as follows:

"Lydia Hadlock, ninety-two years of age, is the widow of Colburn Hadlock, who served in the war of 1812, and whose name was carried on the rolls as a teamster. He served less than a year, but during his time of service was attached to the artillery, and performed his duties as other soldiers did to the close of the war. He received a land-warrant, as appears from the records of the Interior Department.

"In view of these facts of actual service as a soldier your committee recommend the passage of the bill."

The bill is herewith reported to the Senate with a recommendation that it do pass.

Mr. WILSON, of Iowa. This is a House bill; and while its recitals may be somewhat unusual, yet it seems to me they are not sufficiently so to justify an amendment and sending the bill back to the House.

Mr. COCKRELL. I withdraw my motion to amend.

Mr. WILSON, of Iowa. The lady can get a pension under this bill as well as under any other form.

Mr. EDMUNDS. I am inclined to think on looking at the act referred to in the House bill that it is wise and necessary to have it in, because it is by force of that act and not the general pension laws that this pension can be defined.

Mr. COCKRELL. That is a general pension law.

Mr. EDMUNDS. It is possibly, but I think the House were rather wise in putting it in.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA A. PROBERT.

The bill (H. R. 7703) granting a pension to Anna A. Probert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna A. Probert, widow of George C. Probert, late a first lieutenant in the Third Ohio Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK BOON.

The bill (H. R. 7931) increasing the pension of Clark Boon was considered as in Committee of the Whole. It proposes to increase the pension of Clark Boon, late a member of Company H, Thirty-third Regiment of Iowa Volunteers, to $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID M. RENNOE.

The bill (H. R. 7914) to increase the pension of David M. Rennoe was considered as in Committee of the Whole. It proposes to increase the pension of David M. Rennoe, late a private in Company H of the Twenty-ninth Regiment Indiana Volunteers, to $30 per month, in lieu of the pension now received.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN D. MEAD.

The bill (S. 2460) granting a pension to Stephen D. Mead was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen D. Mead, late a private in Company B, Seventh Regiment Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES MOSHER.

The bill (H. R. 7965) for the relief of Frances Mosher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frances Mosher, widow of Hiram A. Mosher, late a private in Company F, Tenth Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARLANTA T. TAYLOR.

The bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Arlanta T. Taylor, widow of John T. Taylor, who was a private in Company B, First Engineers Missouri Volunteers.

Mr. COCKRELL. I must ask that that bill be passed over informally.

The PRESIDING OFFICER. The bill will be laid aside, retaining its place on the Calendar.

JOHN H. HUNTER.

The bill (H. R. 5324) granting a pension to John H. Hunter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Hunter, late a private in Company B, One hundred and forty-third Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY F. BLAKE.

The bill (H. R. 1520) granting an increase of pension to Mary F. Blake was considered as in Committee of the Whole. It proposes to increase the pension of Mary F. Blake, widow of the late Commodore Homer Crane Blake, United States Navy, from $30 to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA S. JOHNSON.

The bill (H. R. 8078) for the relief of Lydia S. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia S. Johnson, of Yates, Orleans County, New York, a nurse in the Army during the late civil war, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC FOSSETT.

The bill (H. R. 5261) granting a pension to Isaac Fossett was considered as in Committee of the Whole. It proposes to place the name of Isaac Fossett, late a private in Company K, First Minnesota Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. K. HUGHES.

The bill (H. R. 2144) granting a pension to C. K. Hughes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of C. K. Hughes, late major of the One hundred and forty-third Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN CORCORAN.

The bill (H. R. 1815) granting a pension to Ellen Corcoran was considered as in Committee of the Whole. It proposes to place the name of Ellen Corcoran, sister of Eugene Corcoran, late chaplain of the Fiftieth Regiment Ohio Volunteer Infantry, on the pension-roll, at $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SULLIVAN.

The bill (H. R. 308) granting a pension to Mary Sullivan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Sullivan, widow of Michael Sullivan, late a private in Company K, Ninety-third Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. WESTERHOUSE.

The bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED M. OWEN'S CHILDREN.

The bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen and to increase their pensions was considered as in Committee of the Whole. It proposes to allow to Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen, minor children of the late Surgeon Alfred M. Owen, United States Navy, a pension of $15 each per month, to continue until each child shall respectively attain the age of sixteen years, in lieu of the pension now paid them.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. BLAIR June 1, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions, have examined the same and report:

Your committee have carefully considered the facts of this case, and concur in the annexed report of the House Committee on Invalid Pensions (House Report No. 934) and recommend the passage of the bill.

The naval career of the deceased officer, which began in May, 1869, was one of exceptional credit, and was made conspicuous by an unusually wide range of duties by sea and land. From his entry into the service until his death he was constantly employed, exercising professional attainments of a very high order, and that he dignified every duty assigned him by the zeal, courage, fidelity, and intelligence displayed in its execution is the testimony of all who knew him.

He was always conscientious, earnest, skillful, kind, and courteous, commanding thereby the affection and confidence of the sick, and the respect and admiration of his superiors.

In February, 1882, he reported for duty at the navy-yard, Pensacola, and a few months later was combating the much-dreaded yellow fever. By his judicious sanitary provisions and personal force and courage he established a cordon of environment which preserved the naval station from the plague which devastated the neighboring city. At the height of the epidemic, when the physicians of Pensacola had been cut off by the fell disease, he bravely volunteered to go into the city to attend the afflicted.

In the following summer (1883) he was without medical assistance, performing the quadruple duty of surgeon of the navy-yard, surgeon of the naval hospital, surgeon of the reservation, and quarantine officer of the lower bay.

A return of the fever was looked for. Every officer who could be spared was permitted to leave, and this brave officer could have been detached upon application, but he scorned the thought.

August 14, 1883, the fever reappeared. Overexertion and exposure to the sun had caused Surgeon Owen a partial sunstroke in July, and while yet suffering from this, he was, on August 16, himself seized with the fever. For two days there was no one on land to treat the hero, and on the 22d he died. His faithful wife was untiring in her efforts at his bedside, and within a day or so after his death she was stricken with the same disease; at midnight of the 29th she was buried by his side.

They left behind them four children, between the ages of three months and eight years, each of whom and their nurse also had the fever.

The committee therefore recommend that the amounts named in the bill be allowed to the four children of the deceased.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BLAIR. The Senate has passed a bill allowing $100 instead of $60. This is the House bill. The Senate bill has been held in the House committee, and I now move that the House be requested to return the Senate bill.

The PRESIDING OFFICER. It will be so ordered unless objection be made.

Mr. RIDDLEBERGER. Does not this bill mean that if a man served in the Army and did not die and did not get killed and did not get wounded, and if after the war he died of yellow fever we will pension his family? Does not the bill mean just that and nothing else?

The PRESIDING OFFICER. There is no bill before the Senate. The Secretary will read the next bill.

MARY A. VAN ETTEN.

The bill (H. R. 6170) granting a pension to Mary A. Van Etten was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Van Etten, widow of James F. Van Etten, late of Company A, Thirteenth Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN SMITH.

The bill (H. R. 4552) for the relief of Susan Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan Smith, widow of Michael Smith, late first lieutenant of Company I, One hundred and eighty-fourth Regiment Pennsylvania Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. D. HOBBS.

The bill (S. 2463) granting a pension to H. D. Hobbs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of H. D. Hobbs, late a private in Company G, Second Regiment District of Columbia Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE PAUL.

The bill (S. 2502) granting a pension to Louise Paul was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louise Paul, widow of Brig. Gen. Gabriel R. Paul, deceased, late of the United States Army, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCY E. ANDERSON.

The bill (S. 2301) granting a pension to Lucy E. Anderson was considered as in Committee of the Whole.

The bill was reported from the committee with an amendment, which was, in line 7, after the word "Anderson," to insert:

Late first lieutenant and adjutant Twentieth Indiana Volunteers, afterward captain, and appointed major of volunteers by brevet for gallant and meritorious services in the campaign terminating in the capture of Petersburg and the surrender of the insurgent army of Northern Virginia.

So that the bill as amended will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitation of the pension laws, the name of Lucy E. Anderson, widow of Maj. William A. Anderson, late first lieutenant and adjutant Twentieth Indiana Volunteers, afterward captain, and appointed major of volunteers by brevet for gallant and meritorious services in the campaign terminating in the capture of Petersburg and the surrender of the insurgent army of Northern Virginia, and pay her a pension at the rate of $25 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORACE W. BROWNELL.

The bill (S. 2570) granting a pension to Horace W. Brownell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Horace W. Brownell, late a second lieutenant in the Sixth Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to to be engrossed for a third reading, read the third time, and passed.

MARY HOWARD FARQUHAR.

The bill (H. R. 1201) for the relief of Mary Howard Farquhar was considered as in committee of the Whole. It proposes to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Maj. and Bvt. Lieut. Col. Francis V. Farquhar, Corps of Engineers, United States Army, and daughter of the late Maj. Gen. Alpheus S. Williams, United States volunteers, at the rate of $40 per month, in lieu of the pension which she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. CLARK.

The bill (H. R. 4386) granting an increase of pension to William F. Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William F. Clark, formerly of the First Connecticut Cavalry, at the rate of $45 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET LUCY.

The bill (H. R. 7511) granting a pension to Margaret Lucy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Lucy, dependent mother of George W. Lucy, late a private in Company G, Nineteenth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELVIRA BLISS SHELDON.

The bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out the word "forty" and insert "thirty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elvira Bliss Sheldon, an ex-Army nurse and widow of Joel S. Sheldon, late a commissary and lieutenant of volunteers, and pay her a pension at the rate of $30 per month, in lieu of the pension now received by her.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. This concludes the pension bills.

Mr. EDMUNDS. I respectfully move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until Monday, June 7, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 5, 1886.

The House met at 11 o'clock a. m.

The Journal of yesterday's proceedings was read and approved.

ADDITIONAL CLERK IN TREASURY DEPARTMENT.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the disbursing clerk of the Department recommending that provision be made in the legislative, executive, and judicial appropriation bill for an addi-

tional clerk in his office for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. JOHN M. TAYLOR, indefinitely, on account of sickness.

To Mr. BURLEIGH, for one week, on account of important business.

To Mr. FLEEGER, for five days, on account of important business.

To Mr. FREDERICK, for ten days, on account of important business.

PUBLIC BUILDING AT ZANESVILLE, OHIO.

Mr. WILKINS. I ask by unanimous consent to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio, and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Zanesville, in the State of Ohio, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 50 feet, including streets and alleys; and for the purposes herein mentioned the sum of $150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Ohio shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORRISON. I wish to ask the gentleman from Ohio a question. Is it usual to put the appropriation in bills of this kind?

Mr. WILKINS. It has been done on very many occasions, and on most of the bills that have passed this House. I am quite willing the appropriation should be stricken out if the gentleman from Illinois desires it.

Mr. HOLMAN. Is the whole appropriation made?

Mr. WILKINS. I will say to the gentleman from Indiana that I propose to strike out $50,000, and limit the amount to $100,000.

Mr. HOLMAN. With the understanding that it will not be hereafter increased?

Mr. WILKINS. Certainly. That clause is in the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WILKINS. I move to amend by striking out "$150,000" wherever it occurs and inserting in lieu thereof "$100,000."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

Mr. STRUBLE. I ask by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 763), and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office, post-office, and other Government offices, at the city of Sioux City, Iowa. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less that 40 feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. For the purposes of this act the sum of $100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Treasury.

The Committee on Public Buildings and Grounds recommended the following amendment:

Insert in the twelfth line, after the word "dollars," the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STRUBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The regular order is the call of standing and select committees.

Mr. McRAE. Mr. Speaker, the gentleman from Indiana [Mr. HOLMAN] will withdraw the call for the regular order for a moment to enable me to call up a bill. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, Ark., and for other purposes.

The SPEAKER. Is the call for the regular order withdrawn?

Mr. HOLMAN. Yes.

The SPEAKER. The gentleman from Arkansas [Mr. McRAE] asks unanimous consent to take from the House Calendar for present consideration the bill indicated by him. The Clerk will report the bill.

Mr. BEACH. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded, and the Chair will proceed to call the standing and select committees.

BRIDGE NEAR CHATTANOOGA, TENN.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SECTION 4887 REVISED STATUTES.

Mr. ATKINSON, from the Committee on Patents, reported, as a substitute for H. R. 3656, a bill (H. R. 9128) to amend section 4887 of the Revised Statutes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3656) was laid on the table.

SAMUEL SAWYER.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4028) granting a pension to Samuel Sawyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA WISWELL.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported a bill (H. R. 9129) granting a pension to Rebecca Wiswell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE D. MUMFORD.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1184) granting a pension to Jane D. Mumford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GRACE F. EDES.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 2144) granting an increase of pension to Grace F. Edes; which, on motion of Mr. RANDALL, was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE BLISS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 1783) granting an increase of pension to George Bliss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH O'BRIEN.

Mr. PINDAR, from the Committee on Invalid Pensions, reported a bill (H. R. 9130) granting a pension to Sarah O'Brien; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. PINDAR, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 8838) granting a pension to Louise Paul; and also of the bill (S. 1112) granting a pension to Phœbe H. Meech; and the same were referred to the Committee on Pensions.

WILLIAM H. RANDLE.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (H. R. 5111) for the relief of William H. Randle; which was re-

ferred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. JOHN B. READ.

Mr. HOWARD, from the Committee on Claims, reported, as a substitute for H. Res. 7, a joint resolution (H. Res. 179) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made; also, in relation to the claim of William E. Woodbridge, based upon the plea of alleged priority in this line of invention; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original joint resolution (H. Res. 7) was laid on the table.

DAVIDSON DICKSON AND OTHERS.

Mr. SMALLS, from the Committee on War Claims, reported back favorably the bill (S. 290) for the relief of Davidson Dickson and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The call of standing and select committees was concluded, no further reports being presented.

SEMON BACHE & CO.

Mr. RANDALL. I ask consent to make a report from the Committee on Appropriations touching an item in the Book of Estimates, of which the committee desire some other of the standing committees should have jurisdiction by authority of the House. I desire to submit by instructions of the Committee on Appropriations the proposition which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be discharged from the consideration of an item in the Book of Estimates for 1887, page 205:

"To refund the duty paid by Semon Bache & Co., of New York, upon glass from imported stock furnished to the National Museum and the New Orleans, Louisville, and Cincinnati expositions for exhibition cases, $3,562.56."

And that the same be referred to the Committee on Claims.

Mr. RANDALL. I am not clear whether this might not properly go to the Committee on Ways and Means——

The SPEAKER. The Chair thinks not, except by unanimous consent. It appears to be a claim against the United States; and although it may have arisen out of the administration of the revenue laws, yet under the amended rules of the House all claims of every character, unless unanimous consent be given for some other reference, must go to the Committee on Claims.

Mr. RANDALL. That was the judgment of the Committee on Appropriations.

There being no objection, the resolution was considered and adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The message also announced that the Senate had passed with amendments the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act; asked a conference with the House upon the amendments to said bill; and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. VAN WYCK, and Mr. WALTHALL.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. COBB. I ask the gentleman to withdraw that motion for a moment. On behalf of the Committee on Public Lands, I desire to ask the House to consider a Senate bill reported from that committee and now on the Calendar.

Mr. HOLMAN. I withdraw the motion for the present.

Mr. COBB. I ask unanimous consent to have taken up and put on its passage at this time the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The bill was read.

Mr. STRAIT and others called for the regular order.

The SPEAKER. The bill is not before the House.

Mr. STRUBLE. Has not the Committee on Public Lands the right of way, and may it not call up that bill at the present time?

The SPEAKER. That right would not operate until after the hour for the consideration of bills.

Mr. HOLMAN. I now renew my motion.

Mr. THROCKMORTON. By order of the House the business of the Committee on Pacific Railroads is made a special order for to-day. I wish to say to the gentleman from Indiana [Mr. HOLMAN], who has just proposed to bring up the legislative appropriation bill at this time, that there is a very important bill reported from the Committee on Pacific Railroads which we would like to have considered to-day; and I think we can get through with it in an hour or two. Indeed, I think we can get through to-day with all the bills reported from our committee. I hope the gentleman from Indiana will consent to give way for the consideration of this business.

Mr. HOLMAN. It is necessary, as the gentleman knows, that the legislative, executive, and judicial appropriation bill should become a law before the 1st of July; and the Committee on Appropriations would hardly feel justified in taking the responsibility of further delay in the consideration of that bill. Otherwise, of course, I would not hesitate a moment to accede to the suggestion of the gentleman from Texas.

Mr. THROCKMORTON. I would like to make a suggestion to the gentleman from Indiana. Would not the gentleman be satisfied to allow us an hour or an hour and a half for the consideration of our business, if we consent to yield the remainder of the day?

Mr. HOLMAN. I think the appropriation bill will necessarily give rise to some general debate; and it would be impossible for me, as a representative of the Committee on Appropriations, to enter into any engagement of that character. I would be very glad to do so if I could.

Mr. THROCKMORTON. Then I will inquire of the Chair whether it is not in order for us to antagonize the consideration of the legislative bill.

The SPEAKER. The Chair will state to the gentleman from Texas that if the House should refuse to agree to the motion of the gentleman from Indiana it will be in order, after an hour has been occupied in the consideration of bills reported from committees, to consider special orders, but not until then. The special order which the gentleman from Texas desires to bring up and the special order in which the gentleman from Missouri [Mr. O'NEILL] is interested are both operative only after the hour for the consideration of bills.

Mr. CANNON. If the gentleman from Indiana [Mr. HOLMAN] will indulge me for a moment, I desire to say to gentlemen sitting about me who may not have heard the discussion upon the other side, that this matter of the consideration of the legislative bill was referred to in the Committee on Appropriations to-day; and I believe, from the expression there made, there was a very general feeling in that committee that the application for the consideration of that bill to-day should be merely to throw upon the House the responsibility of determining what business it would consider, the committee or most of its members I think feeling that this day is perhaps the only day that the Committee on Pacific Railroads will have, and recognizing the fact that the bill which the gentleman from Texas desires to bring up, whatever its merits, of which I express no opinion at this time, may involve to the Government over $100,000,000.

And they felt that perhaps this should be submitted to the House, so that it could use its own determination touching the matter.

Mr. HOLMAN. I only wish to say that I am not permitted, of course, to state what transpired in the Committee on Appropriations, but I have no doubt my friend from Illinois has expressed in some degree the views of the various members.

Every gentleman can see for himself the propriety of the passage of this bill before the 1st of July, since if not passed before that time, and the fiscal year then expiring, it becomes necessary to extend into the next year a law of the same character; and all gentleman understand the objections and inconvenience of that arrangement.

Mr. BLOUNT. Regular order.

Mr. O'NEILL, of Missouri. Concerning the understanding of the Committee on Appropriations, or some members of that committee, and the members of the Committee on the Pacific Railroads, I desire to state if the House does not take up the appropriation bill, that under the order of May 17, giving the Committee on Labor the 3d of June and all days succeeding until the business of that committee is disposed of, I will endeavor to call up the reports from that committee, as I believe it is a prior order to the order for the Pacific railroads business.

Mr. RANDALL. The order provides that this shall be a continuing order, whereas the business of the Committee on the Pacific Railroads is confined to this day only, as I recollect it.

Mr. O'NEILL, of Missouri. No; the Committee on Pacific Railroads has a continuing order until two days shall have been consumed. Our order provides that it shall continue until all our bills are disposed of.

Mr. CRISP. If the House will indulge me a moment, the Committee on Appropriations, if they do not succeed in getting up their bill to-day, can do so on the next legislative day. To vote down the proposition to go into Committee of the Whole involves to them the loss of one day, and one day only. To vote down the proposition to consider the special order assigned for to-day involves, I may say, the failure, the absolute failure, to consider the question of the adjustment of this great indebtedness of $125,000,000 due by the railroads to the Government. On the question submitted by the gentleman from Missouri I

would say to the House that by the terms of the order for the consideration of his business it is not to interfere with prior orders. The gentleman conceives that the priority there referred to means priority of assignment. I respectfully submit to him that it means priority in the time of obtaining the order. For instance, when the gentleman obtained his order ours had been already obtained; and when he, by the terms of his order, said we will not interfere with prior orders, it was exactly the same as if he had said in terms he would not interfere or seek to interfere with the order granted by the House to our committee.

Mr. O'NEILL, of Missouri. I am perfectly willing to leave the determination of that question to the Speaker of the House.

Mr. CRISP. I therefore ask that this day be devoted to the consideration of business of the Pacific Railroads Committee, so that the House may act promptly upon this important question which they present.

Several members addressed the Chair.

The SPEAKER. This question is not debatable except by unanimous consent, and the regular order has been demanded.

Mr. RANDALL. So much time is lost in debate on the order of business that we will save time by coming to a vote.

Mr. BLOUNT. I wish to know if it would be in order for the chairman of the Committee on Pacific Railroads to move to postpone to a given day the consideration of bills to be called up by that committee?

The SPEAKER. That can be done by a vote of the majority whenever the bills are taken up and are under consideration before the House. It can only be done by unanimous consent at any other time.

Mr. SPRINGER. I desire to ask if this is not a continuing order?

The SPEAKER. The Calendar shows that both are continuing orders, one until all of the bills are disposed of and the other until two days have been occupied.

Mr. SPRINGER. I respectfully submit to the House that this Pacific Railroad matter is one covering a period of seventy years, and there is no necessity for such extraordinary haste in its consideration, whereas the legislative bill must be passed by both Houses within twenty-six days from this time. [Cries of "Regular order!"]

The question being taken on the motion of Mr. HOLMAN, there were on a division—ayes 51, noes 67.

Mr. SPRINGER. I make the point that no quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. SPRINGER and Mr. THROCKMORTON were appointed tellers.

The House again divided; and the tellers reported—ayes 61, noes 99.

Mr. SPRINGER. I withdraw the point that no quorum has voted.

So (no further count being demanded,) the motion of Mr. HOLMAN was not agreed to.

Mr. SPRINGER. I now demand the regular order.

The SPEAKER. The regular order is the hour for the consideration of bills reported from committees, which begins at five minutes to 12 o'clock. The call rests with the Committee on Military Affairs.

Mr. CRISP. I rise to a question of order. By the terms of the order assigning to-day for the Committee on Pacific Railroads the second hour was expressly excluded. The question was raised, if the Chair will recollect, at the time as to what was meant by the word "hours" as used in the resolution. The resolution used the term "hours" instead of hour. It expressly declared, and reference to the RECORD will show it, that the second hour was excluded altogether, and this business was to be taken up immediately after the expiration of the morning hour.

Mr. RICHARDSON. The gentleman from Georgia is correct in the statement he has just made.

The SPEAKER. The Chair remembers something occurred about the use of the word "hour," and will cause the RECORD to be examined.

Mr. STEELE. As some members of the Committee on Military Affairs are absent on public business, I shall ask that the hour for the consideration of bills be not used to-day.

The SPEAKER. On examination of the engrossed copy of the order it appears that the letter "s" was stricken out of the word "hours," so that the meaning of the resolution is that this day, after the morning hour, is set apart for consideration of measures reported from the Committee on Pacific Railroads.

Mr. CRISP. I call up the special order.

Mr. O'NEILL, of Missouri. I rise for a question of information. Under the special order adopted May 17 it was

Resolved, That Thursday, the 3d day of June, 1886, after the hour for the consideration of bills, be set apart for the consideration of such business as may be presented by the Committee on Labor; this order not to interfere with general appropriation or revenue bills, bills reported from the Committee on Public Lands, or prior orders; and whether so interfered with on that day or not, shall be a continuing order as above until the bills presented by said committee shall be disposed of.

I ask if that does not constitute a prior order for the Committee on Labor over the Committee on Pacific Railroads?

The SPEAKER. The Chair will state in response to the gentleman from Missouri that it is not necessary now for the Chair to decide which of these special orders shall have priority over the other. In case they had both been fixed for consideration after the hour for consideration of bills that question would have arisen. But with the amendment made by the House to the resolution offered by the gentleman from Georgia [Mr. CRISP] setting apart this day, immediately after the morning hour, for the consideration of measures reported from the Committee on Pacific Railroads that order takes effect before the hour for the consideration of bills reported by the committee, whereas the order made on the motion of the gentleman from Missouri in any state of the case could only take effect after the hour for the consideration of bills, and that hour has not yet been used. The gentleman from Georgia calls up, as he has a right to do under the amended order, at this time the measures reported from the Committee on Pacific Railroads.

Mr. CALDWELL. I ask the attention of the Chair to the special order, which is a continuing order, not to interfere with revenue or general appropriation bills, setting apart the 6th of May, 1886, for the consideration of Senate bill No. 9, to provide for and regulate the electoral count. I want to know if that order has not priority; if it is not a prior order to that setting apart to-day for business of the Committee on Pacific Railroads. Have I the right to call up that order now?

The SPEAKER. The Chair thinks the order to which the gentleman from Tennessee alludes would have priority over certain other special orders. But this day, the 5th of June, is specifically set apart in terms by order of the House for the consideration of certain business reported by the Committee on Pacific Railroads. Besides, the order alluded to by the gentleman from Tennessee does not take effect until after the hour for the consideration of bills. The gentleman from Georgia [Mr. CRISP] calls for consideration under the special order——

Mr. O'NEILL, of Missouri. Is it in order to raise the question of consideration?

The SPEAKER. It is always in the power of the House to raise the question of consideration against each bill as it is called.

Mr. O'NEILL, of Missouri. I raise the question of consideration, my purpose being to call up measures reported by the Committee on Labor.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Georgia.

The Cleark read as follows:

A bill (H. R. 8318) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

The SPEAKER. The gentleman from Missouri raises the question of consideration against this bill. Is the reading of the bill demanded before the question is put on consideration? If not, the question is, Will the House now proceed to the consideration of the bill the title of which has just been read?

The question being taken, the Speaker stated that the "ayes" seemed to have it.

Mr. O'NEILL, of Missouri. I call for a division.

The House divided; and there were—ayes 97, noes 31.

Mr. O'NEILL, of Missouri, No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from Missouri [Mr. O'NEILL] and the gentleman from Georgia [Mr. CRISP].

Mr. O'NEILL, of Missouri. I withdraw the point of no quorum.

Mr. HENLEY. I renew it.

The SPEAKER. The gentleman from California [Mr. HENLEY] will take his place as a teller.

The House again divided; and the tellers reported—ayes 122, noes 41.

So the House determined to proceed to the consideration of the bill.

PACIFIC RAILROADS.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, &c., That the payment of the respective indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, the Sioux City and Pacific Railroad Company, the Central Pacific Railroad Company, and the Western Pacific Railroad Company, to which companies the subsidy bonds of the United States were advanced in aid of the Pacific railroads and branches, be authorized and required upon the terms and conditions and in the manner hereinafter provided, so that the average date of maturity of the installments in which said debts shall be arranged to be paid shall be October 1, 1921; and the payments to be made by said companies, respectively, shall be computed and ascertained as follows by the Secretary of the Treasury:

First. To the sums of the principal of said subsidy bonds attributable to each of said companies shall be added the interest paid or to be paid by the United States upon the same (so as to ascertain the total amounts that would have been due the United States for principal and interest paid on the bonds issued to each of said companies, at their maturity, if no payments or reimbursements had been made thereon by the companies).

Second. From said amounts so ascertained shall be deducted any payments or reimbursements made by any of said companies upon their indebtedness at any time before the 1st day of October, 1886; and also the amounts in the sinking fund properly applicable to the respective companies (computing the value of any bonds in such sinking fund at their market value, at a day to be agreed upon by the presidents of the companies interested therein and the Secretary of the Treasury), and simple interest at the rate of 3 per cent. per annum upon said amounts in the sinking fund, from such day agreed upon until the average date of the maturity of the subsidy bonds.

Third. Upon the remainder thus found shall be computed simple interest at

3½ per cent. per annum from the average date of maturity of the subsidy bonds until the 1st day of October, A. D. 1921, which interest shall be added to said remainder, and the amount so obtained shall be divided into one hundred and forty equal parts, one of which equal parts shall be due and payable April 1, 1887, and an additional one at the end of each six months thereafter until the whole one hundred and forty shall have been paid. That is to say, the Central Pacific Railroad Company, and its successors, shall pay into the Treasury of the United States, when the same shall become due and payable as aforesaid, these installments of the indebtedness of itself and the Western Pacific Railroad Company; the Union Pacific Railway Company (successor to the Union Pacific Railroad Company and the Kansas Pacific Railway Company) and its successors, shall pay those of the Union Pacific Railroad Company and the Kansas and Pacific Railroad Company; the Central Branch Union Pacific Railroad Company, and its successors, shall pay those of itself; and the Sioux City and Pacific Railroad Company, and its successors, those of itself.

SEC. 2. That the statutory lien and security created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the repayment of said subsidy bonds and the interest thereon, as set forth in said acts, and upon all the property therein subjected to said statutory lien and security, shall be and remain as security for the payment of the said installments of said indebtedness; and in addition thereto, and as a further security for the prompt payment of all sums required to be paid into the Treasury of the United States under this act, upon the acceptance of this act as hereinafter provided, by any of said companies, all the installments of the indebtedness of said company are hereby declared to become and be a lien on any stocks, bonds, or securities of every kind or description, and on all railroads now owned or hereafter constructed or acquired by such compeny, wherever the same may be situated, and all their franchises, telegraph lines, their rolling-stock, fixtures, and property of every kind and description, as well as that which it, its successors or assigns, may hereafter acquire, subject to any *bona fide* lawfully prior and paramount lien, claim, or mortgage upon any railroads now owned by such company, or upon any railroad which such company may acquire. But this section shall not be construed to prevent said companies, respectively, from using and disposing of any of their property or assets in the ordinary, proper, and lawful course of their current business, in good faith and for valuable consideration, and not in violation or diminution of the security and lien of the Government: *Provided*, That every such disposition of any stocks, bonds, or other securities owned by either of said companies, whether by sale, pledge, or otherwise, shall be reported to the Secretary of the Treasury by the company making the same, within thirty days after such disposition has been made: *And provided further*, That any of said companies shall be permitted to extend the payment of or refund any balance of its indebtedness authorized by the tenth section of the act approved July 2, 1864, which it may be unable to pay when the same shall become due according to the terms of said section, at a lower rate of interest than it now bears (not to exceed 4 per cent. per annum, payable semi-annually); and the lien of the United States shall continue to be subordinate to that of the extended payments or refunding bonds of any or either of said companies which shall so extend or refund, on that property only of said company upon which the original lien was permitted by said section of said act. Any or either of said companies so entitled to extend or refund such balance of said indebtedness may issue their new first-mortgage bonds on the original property only, and shall establish, and sustain by semi-annual deposits therein, a sinking fund amply sufficient to pay off and discharge said new first-mortgage bonds at their maturity, and shall promptly pay the interest upon such new first-mortgage bonds.

SEC. 3. That to the said several companies, or any of them, accepting this act, or any of their successors or assigns, no money shall thereafter be paid from the United States Treasury for or on account of services rendered to the United States, or any Department of the Government thereof, over or upon the said railroad and telegraph line so aided by the advances of subsidy bonds, or upon any railroads or telegraph lines owned, leased, or operated by said company, until the installment next maturing after such services are rendered shall be fully paid as herein provided; but the obligation to pay said installments so to be paid to the United States by said companies, and the obligation of the United States to pay for services, shall be deemed otherwise independent: *Provided*, That no dividends shall be paid by any of said companies unless the same shall have been actually earned, nor unless said company shall have paid to the United States the amount of all matured indebtedness then due and payable under this act, and shall also have paid all debts and interest which have previously matured, which are secured by a lien paramount to that of the United States, except in so far as said debt shall have been extended or refunded according to the second section of this act.

SEC. 4. That so long as each and every of said companies, their successors and assigns, shall keep their said railroads and telegraph lines in proper repair and use, and shall at all times transmit dispatches over said telegraph lines, and transport mails, troops, munitions of war, supplies of public stores, and Government property upon said railroads, for the Government, or any Department thereof, whenever required to do so (at fair and reasonable rates of compensation, not to exceed the lowest rates paid by any private party for the same kind of service, and subject to and bound by the provisions of any act of Congress, and the authority exercised thereunder, relating to postal, military, or any other Government transportation, applicable alike to other railway or railroad companies), and shall give the Government preference in the use of the same for all the purposes aforesaid, as mentioned in the sixth section of the act of July 1, 1862, and all acts amendatory of said act, and shall make punctual payment of the said installments of their indebtedness, and of any debt and interest secured by a lien paramount to that of the United States, no other or further sums shall be demanded or required of the company, its successors or assigns, so performing said service and complying with this act. Each of said companies, its successors and assigns, shall also in each year expend whatever sums are necessary to maintain its railroad, rolling-stock, equipments, and operating property of every description in as good condition as the same now are, and in all respects in proper condition to do its business.

SEC. 5. That a failure for six months to pay any of said installments, as the same shall become due and payable, as hereinbefore provided, shall be deemed, taken, and held to make all the said installments due and payable; and all the rights and securities of the United States shall be thereupon enforced.

SEC. 6. That this act shall take effect, as to the said companies and their branches, respectively, as hereinbefore described, upon its acceptance by their boards of directors and under their corporate seals, signed by their presidents and countersigned by their secretaries, respectively, being filed or deposited with the Secretary of the Treasury within three months from the passage of this act; but if such acceptance be not so filed, said companies shall take no benefit therefrom. Upon said acceptance being filed, and the settlement in this act provided for being completed, the Secretary of the Treasury is authorized and directed to sell any securities held in the sinking fund for said companies; any excess realized from such sale above the value of said securities, as estimated under the first section of this act, to be credited to the company to whose sinking fund said securities belonged, as a payment upon its next maturing installment, and any deficiency below such value to be paid by said company upon demand made by the Secretary of the Treasury after such sale; and said settlement shall be completed on or before the 1st day of April, A. D. 1887. And at the time of said acceptance, and as a part thereof, each of said companies shall also file with the Secretary of the Treasury a full and complete list and description of all the railroads and telegraph lines, of all stocks, bonds, and securities of every kind, and of all property whatsoever to become and be subject to the lien of the United States hereinbefore provided for. Said lists and descriptions shall be given by their boards of directors and under their corporate seals, signed by their presidents and countersigned by their secretaries. But such lists and descriptions shall not be held to be conclusive against the United States as to any matter or thing omitted therefrom which ought to be included therein.

SEC. 7. That the acceptance of this act shall be deemed and held to be an acceptance of the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-mentioned act."

SEC. 8. That if any of said companies shall fail to accept the foregoing provisions of this act, or if said settlement shall fail to be completed as and within the time in this act provided, there shall be charged and collected from such company or companies, their successors and assigns, so failing, from and after the 1st day of July, 1886, 40 per cent. of their annual net earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act; and to that end said act of May 7, 1878, commonly called the "sinking-fund act," and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railway Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch Union Pacific Railroad Company; and said act, and all amendments or modifications thereof, shall henceforth apply to said corporations equally as to those specifically named in said act.

SEC. 9. That in the event of the non-acceptance of the provisions of this act by said companies, or in the event of the failure to complete the settlement hereinbefore provided for in this act, it is further provided that section 3 of said act of May 7, 1878, be, and the same hereby is, so amended as to allow the Secretary of the Treasury to invest the sinking funds of said companies in the first-mortgage bonds of said companies, or any bonds or securities of the United States, in his discretion; or he may, with the assent of the companies, apply the same to the extinguishment of the interest of the subsidy bonds.

SEC. 10. That whenever, in the opinion of the President of the United States, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of the several companies named in the first section of this act, upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made: *Provided*, That whenever it shall so become necessary for the United States to pay off any part of any such paramount incumbrance as aforesaid, the Secretary of the Treasury may require the payment of all money paid for such purpose, with costs, expenses, and interest; and upon the failure of the company for whom such payment shall have been made to make such repayment, with all costs, expenses, and interest thereon, within twelve months after being notified so to do, the whole indebtedness of said company to the United States shall, at the discretion and option of the President of the United States, become due and payable at any day thereafter, and all the rights of the United States shall thereupon be enforced.

SEC. 11. That nothing in this act contained shall operate to discharge, extinguish, diminish, or affect the rights of the United States in the property now belonging to or hereafter to be acquired by any of said companies, their successors or assigns, as against any person or corporation who may have acquired or shall hereafter acquire rights in the same subsequent and subject to the rights of the United States, or in any way diminish or affect the rights, if any, of such person or corporation to redeem such property, or be substituted thereto on paying the debt due to the United States; nor shall anything in this act be construed or taken in any wise to affect or impair the right of Congress, at any time hereafter, further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal, as in the opinion of Congress justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 12. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall make report to the President each year or oftener thereon, which report shall be laid before Congress; and until the settlement in this act provided for shall be completed, all existing provisions of law relating to said companies, respectively, shall remain in force; and on and after the said 1st day of April, 1887, sections 8 and 9 of this act shall, if said settlement fail to be completed, take effect.

SEC. 13. That this act, and each and every provision thereof, shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862, and of said act of 1864, and of said act of 1878, respectively, and of all of said acts.

Mr. THROCKMORTON. How much time does the gentleman from California [Mr. HENLEY] desire?

Mr. HENLEY. In reply to the query of the gentleman from Texas I will state that I may have something to say in respect to this measure before we get through, and I certainly shall ask leave to print some remarks upon it.

Mr. SPRINGER. Mr. Speaker, I would like to know of the gentleman from Texas [Mr. THROCKMORTON] at what time he desires to have the previous question ordered on this bill.

Mr. THROCKMORTON. Just as early as possible.

Mr. SPRINGER. Has the bill been reported unanimously by the Committee on Pacific Railroads?

Mr. THROCKMORTON. It has.

Mr. SPRINGER. Then no member of that committee desires to be heard in opposition to it.

Mr. THROCKMORTON. No, sir.

Mr. SPRINGER. I desire before the previous question is moved to be permitted to make some remarks on this bill, and I would like to know how much time those in favor of the bill desire to occupy.

Mr. THROCKMORTON. I think those in favor of the bill will not occupy more than two hours and a half, or two hours and three-quarters.

Mr. HENLEY. I do not know that I shall want to occupy an hour,

but I shall probably want to express some views upon the bill, and may occupy that time.

Mr. SPRINGER. This is a bill of great importance, and I believe that those who favor it are desirous that it should be thoroughly discussed before the vote is taken. I confess that I am not sufficiently advised now as to its merits to say what course I shall take in regard to the bill. I desire to be enlightened; I am here for that purpose, and I desire to reserve the right to be heard as this discussion progresses. The bill is so important that it certainly ought not to pass until after an exhaustive discussion.

Mr. THROCKMORTON. I think the members of the committee can get through in two hours. Would three hours as the limit of debate satisfy the gentleman from Illinois [Mr. SPRINGER]?

Mr. SPRINGER. The gentleman from California [Mr. HENLEY] has expressed a desire to reserve at least an hour, and I suggest that the time be four hours.

Mr. THROCKMORTON. Then, Mr. Speaker, under the circumstances I will ask that the previous question shall be considered as ordered on the bill and the pending amendments at 4 o'clock to-day, unless we get through the discussion sooner.

Mr. SPRINGER. Mr. Speaker, is this bill in Committee of the Whole?

The SPEAKER *pro tempore*. No; it is in the House.

Mr. SPRINGER. Was not this bill referred to the Committee of the Whole House on the state of the Union?

The SPEAKER *pro tempore*. The Clerk informs the Chair that the bill was referred to the House Calendar, and that it was considered in the House on a previous day.

Mr. SPRINGER. I have no objection to the proposition of the gentleman from Texas [Mr. THROCKMORTON] if it is understood that I can control an hour of the time.

Mr. THROCKMORTON. Do you mean yourself or you and the gentleman from California [Mr. HENLEY] together?

Mr. SPRINGER. The gentleman from California must speak for himself.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Texas as now asking unanimous consent that the previous question shall be considered as ordered at 4 o'clock to-day?

Mr. THROCKMORTON. Yes; or sooner, if we get through sooner.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. THROCKMORTON] asks unanimous consent that the previous question be considered as ordered upon this bill and the pending amendments at 4 o'clock to-day, unless the discussion be completed at an earlier hour; one-half the time to be controlled by those advocating the bill, and the other half by those opposing it. Is there objection?

There was no objection and it was so ordered.

Mr. THROCKMORTON. Mr. Speaker, I now yield the floor to the gentleman from Ohio [Mr. OUTHWAITE] who reported this bill.

Mr. OUTHWAITE. Mr. Speaker, this bill is what it is described to be in the last clause of the title. It is a bill to secure to the United States the payment of the indebtedness of certain railroad companies therein mentioned. This House and preceding Houses of Congress have considered so frequently the debt due the Government from the Pacific railroads, the manner in which it originated, the laws which authorized it, and the condition into which it has fallen, that it is scarcely necessary for me at this time to rehearse any of those facts. I will direct my remarks to these questions:

(1) Why is it necessary that Congress should take some action at this time?

(2) What plan has this committee offered to subserve the best interests of the Government in this particular?

It is evident that some steps are necessary because of the simple fact that a debt which at the time of its inception was but $64,000,000 has gradually increased until it now reaches the enormous sum of $109,249,527.62, due from all these companies.

The following table will exhibit the status of each, June 30, 1885, which is sufficiently near to show the necessity of some action being taken by Congress to secure repayment to the Government of the large and increasing debts from these roads, if repayment is desired or expected.

Name of railway.	Principal outstanding.	Interest accrued and not yet paid by United States, due July 1, 1885.	Interest paid by United States.	Interest repaid by companies to credit of bond and interest account.		Balance of interest paid by United States.
				By transportation services.	By cash, 5 per cent. of net earnings.	
Central Pacific	$25,885,120	$776,553 60	$25,782,216 07	$5,134,185 31	$648,271 96	$19,999,758 80
Western Pacific	1,970,560	59,116 80	1,845,599 34	9,367 00	.....	1,836,232 34
Union Pacific	27,236,512	817,095 36	27,409,136 49	10,647,579 36	283,162 99	16,478,394 14
Kansas Pacific	6,303,000	189,090 00	6,696,603 09	3,284,294 23	.....	3,412,308 86
Central Branch Union Pacific	1,600,000	48,000 00	1,693,808 26	219,746 48	6,926 91	1,467,134 87
Sioux City and Pacific	1,628,320	48,849 60	1,610,846 29	178,659 68	.....	1,432,186 61
Total	64,623,512	1,938,705 36	65,038,209 54	19,473,832 06	938,361 86	44,626,015 62

This table is from the public debt statement and report of Commissioner of Railroads, 1885, page 3.

It was stated in the House but a short time ago that this indebtedness was $102,834,794; that is, after crediting to the companies all the moneys in the sinking fund, which by law are not strictly entitled to be credited to them, but by this bill are sought to be taken for the purpose of a credit or a present payment. This indebtedness, it was shown, has been increasing at the rate of over $1,600,000 per annum. It is increasing daily; it is increasing monthly; it is increasing yearly; and the time is rapidly drawing near when these companies should be called upon to pay the Government.

Now why is it that this arrearage has grown? Why is it that the companies have failed to keep up with what would seem to be proper business requirements in a case like this? It must be borne in mind that the Government itself provided the manner in which the payments should be made, and provided that the interest upon this great indebtedness should not be due until the time when the bonds themselves are due. That is a provision in the charter which has been sustained by the Supreme Court of the United States; and it is a provision which can not be changed, can not be affected in any manner, except with the consent of the companies interested therein.

Provisions have been made to secure a sinking fund tending not only to care for this debt, but to care for a debt of equal amount which was permitted by the Government by the act of July 2, 1864—that debt for which the first mortgage of the companies was given and that debt which must be paid off before the debt of the Government can be collected by virtue of law.

Now with this indebtedness increasing there comes to the people of this country these questions: Shall you risk this debt to go on increasing until the end of the thirty years and the possibility of the companies being able to pay you at that time? Will this Government be in any better position if it permits this debt to go on increasing and places itself in very great danger of having to redeem the underlying or first mortgages to the same amount?

Will this Government provide a way by which these companies can enter upon a course of fixed annual payments sufficient to pay off the debt in a given length of time, or will it push these companies into immediate bankruptcy? Will the Government decide that these debtors that have become embarrassed, it may be, through some fault of their own, but chiefly through the regulations which were made by Congress as to what payments should be made, shall be pushed into bankrupcy and that the Government shall take possession of the roads? For that is a question, a strong and living question, shall the Government submit itself to be placed in danger of having to take possession of these roads at the maturity of the debt? In order to do this the Government must pay the whole of the first-mortgage debt, not the interest, because the companies have kept paid up the interest on that indebtedness, but the principal amounting to $64,623,512. For if no extension be given, the probabilities are that the foreclosure of the first-mortgage bonds would extinguish the debt of the Government, unless it is prepared to pay for the Central Branch Union Pacific $1,600,000; for the Union Pacific, including the Kansas Pacific, $33,532,000; for the Sioux City and Pacific, $1,628,320; and for the Central Pacific $27,741,000, to cover the debt with interest of the mortgage which has priority over the Government.

Let us consider some of the things which may have affected unfavorably the results of those provisions of the law made for securing the repayment by the companies of at least a portion of the interest paid by the Government on the subsidy bonds. They were based upon percentages of net earnings, described in a particular manner. Now, it is a fact that the net earnings of these roads have considerably diminished since 1881, and that the net earnings of these several roads were not nearly so large last year as they were in previous years. It is charged against the companies that while the net earnings of the subsidized portions of the roads have diminished the earnings of certain branch lines belonging to or under the control of the systems have increased.

This is true; and whether it has resulted from the manner in which these railroads have kept their accounts or whether it has been because

of the growth of the country being greater in the vicinity of the branch lines than on the long stretch of the main line, or whether it has resulted from some evil method of book-keeping, matters little to us. There is, however, one good reason why this has occurred; and that is that since these roads were constructed, partly through the aid of the Government giving large grants of land to other lines, which may be strictly termed opposition or competing lines, there have been built to the Pacific three other through lines which compete with these roads. Besides these, other lines have pushed out with numerous branches into the adjacent country, one of which has been extended almost across.

The Canada Pacific must also hereafter interfere to some extent with their transcontinental traffic. There is here in the hall a map of these roads, showing their branch lines and showing the subsidized portions of the main lines; this map will enable any gentleman who will take the opportunity to study it for a few moments to see that these reasons may have entered without any evil on the part of the companies into this diminution of their earnings. The rates upon freight and passengers have been continually falling.

How far has the sinking fund proved a failure—the sinking fund which was provided for in the act which was termed the Thurman act? I wish to call the attention of the House to what was expected of that act by its author at the time it was introduced. He expected, in brief, that this amount which was required would be sufficient at compound interest to provide for the payment of the indebtedness of the companies at maturity. At the time the bill was under consideration in the Senate in 1878 he said:

> Twenty-three years from now they will have to pay the accumulated 6 per cent. interest; but there are no rests. If any one will make a computation he will find that money at 5 per cent. compounded semi-annually, as it is here provided that it shall be compounded, will produce in the time we have to consider a larger sum than 6 per cent. upon the same amount of money not compounded. It is obvious that the amount of accretion on this sinking fund, that is, the interest upon it, ought to be sufficient to meet the interest which the companies will have to pay for the same period of time on the Government loan.

Now, the causes I have enumerated have tended to diminish the amount expected to be realized from the companies for the sinking fund. But the failure to have it increase at the rate expected has been chiefly due to this fact: the sinking-fund provision required these funds to be invested in Government 5 per cent. bonds, or in other United States bonds at the discretion of the Secretary of the Treasury.

No one foresaw at that time the remarkable course of financial events in this country, which has reduced the ruling rates of interest from 5 and 6 per cent. down to 3 per cent. In making the investment for that fund the Secretary of the Treasury has been compelled to pay out premiums in some instances as high as 35 per cent. So the investments have resulted in procuring as a return for the benefit of the companies and for the increase of that fund not as much as has been paid out in premiums alone on this sinking fund.

Virtually, it has not grown at all. There have remained in the Treasury at different times large sums; and I have here a table which shows the amount uninvested in the sinking fund on account of high premiums which would have to be paid by the Secretary of the Treasury.

At different times the Commissioner of Railroads has reported that because of the high premium upon the bonds there remained in the Treasury belonging to this sinking fund uninvested—

	Central Pacific.	Union Pacific.	Both companies.
June 30, 1881	$63,176 89	$75,880 21	$139,057 10
June 30, 1882	527,886 53	407,441 99	935,328 52
June 30, 1883	845,652 13	858,532 16	1,703,184 29
June 30, 1884	1,089,159 75	992,485 91	2,081,645 66
June 30, 1885	2,020,900 13	220,448 68	2,241,348 81

It shows from an uninvested sum of $139,057 on June 30, 1881, it had increased on June 30, 1885, to $2,241,348.81, or that there had remained in the sinking fund an average of over $1,420,000 which has been uninvested because of the high rate of premium.

Now, then, I wish to call the attention of the House to the plan which has been adopted and presented in this bill. And I wish to say this bill is unlike in its plan any other proposition or any other project ever offered here in Congress or to the public for procuring the adjustment and settlement of this indebtedness.

It starts out by fixing an average state of maturity of the indebtedness October 1, 1921; taking a point thirty-five years hence. Then the plan requires that the Secretary of the Treasury shall find out not the present worth of the indebtedness, not any amount which is the result of discounting, but find out the total amount which the Government shall have advanced to or for the benefit of the specific railway. This new principal is the principal of the bonds and the interest upon those bonds for thirty years at 6 per cent.

In the report of the committee, on page 7, will be found simply an example illustrating how this computation will result. This example, which is found on page 7, is not incorporated in the law. It is simply an illustration of the working of the requirements of the bill, which will prove it is different from any other plan projected, and a plan which will result in the payment of all the indebtedness and the payment of all the interest on all the indebtedness.

After having found this principal sum which becomes due upon an average at some date in 1897, certain credits are made, as I will show in a few moments. It may be well here to state why an average date must be selected, that is, the average date when the bonds of any one of these companies shall become due. As you are all aware, these bonds were delivered to the companies for their use and benefit during the period of three and four years as the construction of the roads went on. Therefore it is but fair to take notice of this fact to reach a just calculation and make a computation to the average period of maturity of all the bonds issued for each company. Having found the total amount, principal and interest, that shall have been paid for each one of the companies by the United States, from that amount are to be deducted the proper credits that they are entitled to. These credits consist of reimbursements or repayments heretofore made according to the requirements of law, some in cash, some compensation for services rendered the Government, and these credits are given without any computation or consideration of interest.

There is another necessary credit to that sum at that date. Bear in mind we are at a future date, a date at which we commence to compute interest to another fixed date, October 1, 1921. We are considering the indebtedness of the companies as it will be at the average date of the maturity of the subsidy bonds in 1897, and we should give them credit for their sinking funds. As that sinking fund ought to produce at least 3 per cent. simple interest, we compute 3 per cent. on the sinking fund from the 1st of October of this year. Add that to the sinking fund and this amount constitutes another credit. Certainly the railroads can not complain of any injustice or unfairness in that respect. They can not complain that the sinking fund does not make them a larger credit than that, because, as invested heretofore, it has not given them as much on the average as that rate of 3 per cent.

We compute interest on the remainder of the debt and interest, after making these deductions, at the rate of 3½ per cent. per annum until October 1, 1921, such a date as will be the average date of one hundred and forty equal semi-annual payments. Add this interest to the remainder of the debt and interest aforesaid, and divide the sum so found into one hundred and forty equal parts, each company to pay the first of these equal installments on the 1st of April, 1887, and another even payment every six months thereafter until the whole one hundred and forty shall have been paid.

If it were possible for these companies to commence now and pay such a sum as would pay their debt in twenty-two years, it would be divisible into forty-four payments. Thus commencing eleven years before it became due, any one will concede that the debtor should have eleven years after.

It would not be demanding too much to say that you shall commence at the end of six months and pay one twenty-second of the amount, and so on continually every six months until the whole amount is liquidated. But upon an examination of the affairs of the various companies, examining their net earnings, their annual earnings, examining their receipts from all sources and their expenditures generally and condition in various respects, the committee came to the conclusion that it would be utterly fruitless to make such a requirement, and very unwise to expect that such demand could be complied with by the companies. We saw that in order to have safety and certainty of regular payments very much longer time must be given, and finally decided that the companies could bear such semi-annual payments as would entirely obliterate these debts by giving them upon the average the still further period of time, to October 1, 1921, and computing the interest at 3½ per cent. to that date. We do not want any member of this House to imagine that we claim the Government will get the whole amount of 3½ per cent.

That rate of 3½ per cent. is chosen for this purpose. You will observe in this provision that we will require the whole of this 6 per cent., which will be paid out by the Government for the benefit of these companies from this time on until the maturity of the principal, and that we then compute 3½ per cent. upon the amount of the principal and this interest combined. The committee desired to collect from each company such a fixed installment every six months as would pay interest at 3 per cent. on the present value of their debt and make such reductions of the principal of that present value as would entirely pay it off in the time given them. It was necessary to adopt 3½ per cent. to attain this object. A careful observation of certain plans proposed will show the reason.

For instance, a plan which was proposed and urged upon the committee as one that would be acceptable was that eighty years should be taken as the time within which this indebtedness should be liquidated, and that the present worth of the indebtedness should be taken at October 1 of this year, upon which further computation should be based and the amount of the debt ascertained for that period. Interest for the average period upon that present worth of the indebtedness, to wit, forty years and six months, should be computed at 3 per cent. and this interest added to the principal, the whole then divided into one hundred and sixty annual payments, and one of these parts be paid at the end of every six months continually until the whole should be liquidated.

This calculation, Mr. Speaker, will show the remarkable fact that by such manipulation of figures the whole of the principal of the in-

debtedness is averaged out of existence. That would result, if it were accepted, in the Government making an appropriation to these railroads of the whole of their debt and part of the interest thereon by permitting them to pay their indebtedness in eighty years by paying less than 3 per cent semi-annually upon the present worth of the debt.

It would not provide for the payment of a single cent of the principal of that indebtedness. That was the plan suggested and it has been represented on this floor as the plan of this bill. By no member of this committee has it been urged as being an appropriate plan of adjustment. There was another feature of this rejected method to which I wish to call the attention of the House, because the plan we propose has no such weakness or objectionable features.

I refer to a provision which was made in that plan, that, after the companies had issued their bonds to comply with the calculation made, as I have before stated, they should be permitted to take up and discount their own bonds, taking them up at an abatement of 3 per cent. interest. That provision, if strictly carried out, and the Government should be compelled to make good all of the abatement of interest upon the indebtedness so provided, would require a payment to the companies upon final settlement of an amount equal to nearly one-third of the whole indebtedness. There is no such weakness as that in the plan suggested by this committee.

Now, as to the features of this plan which should commend itself to the House as a very strong requirement in favor of the Government, I wish to call attention very briefly. The first feature to which I wish to call attention is this, as you will see by reference to page 7 of the report of the committee. There is embodied the result of a division of the whole payments required into one hundred and forty installments (referring now to the Union Pacific Railway Company), which requires a payment of $903,617.03 at the end of each six months; and for the convenience of any gentleman who might wish to make the computation for himself the present worth of that indebtedness is also given a few lines above as $52,897,885.55.

If you take the interest on that present worth for six months you will see that this payment which is required amounts to a sum sufficient to pay that interest upon the present worth and $110,000 toward liquidating the principal. The very first payment has that effect. The first payment makes that provision, and of course when the $110,000 is applied toward the principal of the debt the next computation upon the principal remaining will produce less interest, and the amount which will go to reducing the principal is greater. That will continue until by the end of one hundred and forty of these payments the total indebtedness is obliterated. Now, this calculation is correct, and I do not ask the House to take it upon my statement only, for it has been made by other members of the committee, who have worked it out by the rules of partial payments.

A like computation has been made by two accountants in the office of the Railroad Commissioner, and is corroborated and sustained by a statement of the actuary of the Treasury, Mr. Elliott, who in making his computation worked it out, not by partial payments, but by a mathematical process well known to such skilled mathematicians as he; and he arrives at the conclusion that this fixed sum will provide for the payment of the interest semi-annually upon the present worth and given in the example at the rate of 3 per cent. within one hundredth of 1 per cent. and such an increasing payment upon the principal each year as will obliterate it in the seventy years. It may be a little more or a little less, but will not vary much either way, depending altogether upon the accuracy of the calculation which is authorized to be made by this bill.

Another provision which this committee have been careful to place in this bill is that which preserves the lien of the Government and all the rights that the Government now has upon all the lines that were subsidized by the Government in the outset. It goes still further, and extends the lien of the Government to all the branch lines, all of the operated lines, all of the leased lines of these railway companies, their telegraph lines, franchises, rolling-stock, and property of every description.

I call attention to this map again which is before you, which will show the great extent of these branch lines and of the lines which are operated or leased by the companies. And there is in the report of the committee, on page 9, a statement of those companies whose securities the Union Pacific now holds—a statement of the relationship of those companies to the Union Pacific. I know it has been questioned that the Union Pacific has the control that is represented by these companies. I know it has been questioned that the Union Pacific possesses this property as herein stated. I have to say, in reply to that, that these statements are made in the public reports of the company which are sent abroad to its stockholders and sent abroad to the public, and accepted by the stockholders and by the public as being true. And I have still further to say that the United States Government has recognized the control of the Union Pacific with regard to at least thirteen of these roads in having made within recent years settlements with the Union Pacific by which the earnings for compensation of these roads were paid over to the United States Government in adjustment of a debt of the Union Pacific. The Union Pacific had the control of the compensation that was coming to these several roads, and the Union Pacific, acting upon that ownership, offered it to the United States Government in settlement, and the United States has accepted it.

On pages 9 and 10 is a brief statement of the relationship of these roads and other properties which are owned by the Union Pacific, and which are to become an additional security for the payment of this indebtedness. The total amount of these investments is something over $79,269,000, as shown by that table, and the cost of them to these companies is something over $45,753,000.

Statement in relation to the amount of stock of lines operated by the Union Pacific Railway Company.

Road.	Miles.	Stock issued.	Owned by Union Pacific.	Afloat.
Omaha and Republican Valley...	258.42	$990,500	$975,500	$15,000
Omaha, Niobrara and Black Hills	114.97	977,000	977,000	.....
Colorado Central	327.17	6,360,300	6,359,000	1,300
Denver, South Park and Pacific	322.25	6,142,800	6,042,000	100,800
Greeley, Salt Lake and Pacific	53.89	808,500	808,500	.....
Echo and Park City	31.78	480,000	480,000	.....
Utah and Northern	466.18	5,543,000	4,816,400	726,600
Oregon Short Line	610.62	14,080,000	8,015,600	6,064,400
Salt Lake and Western	57.60	1,080,000	1,080,000	.....
Lawrence and Emporia	31.00	465,000	465,000	.....
Junction City and Fort Kearny	87.60	977,100	*720,000	257,100
Solomon	57.04	1,108,850	*1,000,500	108,350
Salina and Southwestern	35.43	288,400	231,700	56,700
Denver and Boulder Valley	27.00	700,000	*17,000	683,000
Golden, Boulder and Caribou	5.09	60,000	*60,000	.....
Kansas Central	166.14	1,348,000	1,313,400	34,600
Georgetown, Breckenridge and Leadville	8.47	(†)	.....	.....
Montana	9.00	60,000	60,000	.....
Laramie, North Park and Pacific	13.51	(†)	.....	.....
Denver and Middle Park	3.92	(†)	.....	.....
Totals, February 26, 1886	2,687.08	41,469,450	33,421,600	8,047,850

*In the Kansas Pacific consolidated mortgage trust.
†Road recently completed. Securities not yet received by the Union Pacific Company.

Statement in relation to the amount of bonds of lines operated by the Union Pacific Railway Company.

Roads.	Miles.	Bonds issued.	Owned by Union Pacific.	Afloat.
Omaha and Republican Valley...	258.42	$1,981,000	*$1,979,000	$2,000
Omaha, Niobrara and Black Hills	114.97	977,000	977,000	.....
Colorado Central	327.17	4,788,000	†4,719,000	69,000
Denver, South Park and Pacific	322.25	4,617,000	‡2,689,000	1,928,000
Greeley, Salt Lake and Pacific	53.89	808,000	808,000	.....
Echo and Park City	31.78	480,000	480,000	.....
Utah and Northern	466.18	5,543,000	§4,968,000	575,000
Oregon Short Line	610.62	14,901,000	1,115,000	13,786,000
Salt Lake and Western	57.60	1,080,000	1,080,000	.....
Lawrence and Emporia	31.00	465,000	‖465,000	.....
Junction City and Fort Kearny	87.60	970,000	‖970,000	.....
Solomon	57.04	575,000	‖575,000	.....
Salina and Southwestern	35.43	540,000	‖540,000	.....
Denver and Boulder Valley	27.00	550,000	‖548,000	2,000
Golden, Boulder and Caribou	5.09	60,000	‖60,000	.....
Kansas Central	166.14	1,348,000	1,162,000	186,000
Georgetown, Breckenridge and Leadville	8.47	.....	.....	.....
Montana	9.00	.....	.....	.....
Laramie, North Park and Pacific	13.51	.....	.....	.....
Denver and Middle Park	3.92	.....	.....	.....
Total, February 26, 1886	2,687.08	39,683,000	23,135,000	16,548,000

*$1,051,000 in 6 per cent. collateral trust; $692,000 in 5 per cent. collateral trust.
†$2,133,000 in 6 per cent. collateral trust; $1,415,000 in 5 per cent. collateral trust.
‡$1,821,000 in 5 per cent. collateral trust.
§$2,419,000 in 6 per cent. collateral trust; $2,258,000 in 5 per cent. collateral trust.
‖In the Kansas Pacific consolidated mortgage trust.

It will be seen from the foregoing statements that—

On these 2,687.08 miles of road there have been issued in stock	$41,469,450 00
Of which said company owns	33,421,600 00
On the same mileage bonds have been issued to the amount of	39,683,000 00
Of which said company owns	23,135,000 00
In addition to these that company owns other securities—	
Miscellaneous bonds	$6,221,500 00
Miscellaneous stocks	11,039,475 00
Miscellaneous investments	604,631 25
Investment accounts	4,847,784 68
Total	79,269,990 93
The cost of these securities, as shown by the books of the company, was	45,753,297 75

In addition to that security and in addition to that means of paying the debt which the companies ought to furnish, and which this bill requires they shall furnish if they accept the provisions of the act, it is well to observe the additional number of miles on which the com-

pensation for services rendered the Government will be retained to secure the payment of these installments.

I will submit a table of the mileage of the Union Pacific Railroad Company system and another of the Central Pacific system:

	Miles.
Road covered by lien of the United States	1,423.12
Road owned by Union Pacific not covered by Government lien	407.33
Road controlled by Union Pacific not covered by Government lien	2,687.10
Total number of miles not covered by the Government lien	3,094.41
Total number of miles Union Pacific proper	1,832.45
Total number of miles embraced in the system	4,519.53
MILEAGE OF CENTRAL PACIFIC SYSTEM.	
Road covered by lien of the United States	865.66
Road owned by Central Pacific not covered by the Government lien	333.94
Road controlled by the Central Pacific not covered by Government lien, operated under leases	400.26
Total number of miles not covered by the Government lien	784.20
Total number of miles Central Pacific proper	1,249.60
Total number of miles embraced in system	1,649.86

This figures are valuable for this purpose: They show the number of miles of road that these companies own or control or operate and of which these companies are entitled to the earnings, the compensation paid by the Government for transportation of troops, for transportation of mails, for transportation of all kinds of stores that may be sent over the lines by the Government or any Department thereof, and as an additional security for the payment of its indebtedness, as an additional guarantee that the companies will comply with this proposition if accepted by them. We show this number of miles upon which, as I said a while ago, the earnings in many instances are increasing. The earnings shall be submitted to the Government; they shall draw none of the compensation. You might say, then why does not the Government withhold the compensation from these lines now and apply it to the payment of the debt? The Government has tried to do that and the matter has been taken to the Supreme Court of the United States, and it has been decided the Government is not authorized to do so under the law as it now exists, and therefore this feature is necessary, at least in order to command the control of the earnings of these roads to be applied to the payment of the indebtedness of the United States Government.

Then, in addition to that, these companies have unsold lands available to a very slight extent as a security. The Union Pacific has 7,446,585 acres of land of the estimated value of somewhere from eleven to thirteen millions of dollars. I have said that is only available as a security to a slight extent. That is to say, there are mortgages upon these lands. But in the case of the Union Pacific Railway Company, there are already funds, cash in hand, securities, land contracts, &c., sufficient to obliterate that indebtedness, and the Government of the United States will be entitled, however, to the equity that remains in the company when the mortgages are paid.

As to the Central Pacific, it has 2,271,872 acres of land patented, which, estimated at $2.50 per acre, would produce about five and a half million dollars. That is in about the same condition as the land of the Union Pacific. This company has in addition lands and water-front in San Francisco, Oakland, and Sacramento, valued at $7,750,000, which also would become in like manner subject to this lien. These are the unsold lands of these companies, and they are the lands which the report says are to some extent available. Therefore if this demand that we make, especially the demand upon the Central Pacific, is a little heavy to be borne, if it is even greater than the net earnings of the company will justify, still they have assets, they have means out of which and through which they ought to be able to make these payments as required.

The net earnings under the Thurman law of the Union Pacific Company last year amounted to about three and a half million dollars upon that portion of their system which is subject to the lien of the United States, and the net earnings of the Central Pacific upon its subsidized portion was about one and one-fourth millions; so that the Government requirement would be more than the net earnings. But the compensation which was paid to those two companies by the Government last year, and which may be taken as a proper average of what it may have to pay them in years to come, is sufficient in the case of the Union Pacific to pay about two-thirds of the annual requirement of the Government, and in the case of the Central Pacific is sufficient to pay $100,000 more than one-half of the annual requirement. If, then, these requirements are made of these companies, they have to some extent the certainty of being able to pay them, even if the demands amount to more than half of the net earnings in one instance and to all the net earnings in the other.

It is the intention of the committee to suggest at the proper time an amendment to one of the sections of this bill with regard to permission to extend or refund the companies' own debt. As members are aware, that large debt becomes due at the same time that the debt to the Government becomes due. In order to permit the refunding of that debt before it becomes due, and at a lower rate of interest, some legislation is necessary. With their bonds so near maturity the companies ought to be able to replace this debt by a bonded indebtedness at a rate of interest at least as low as 4 per cent. If they do that, then the 2 per cent. saved becomes so much security for the payment of the Government indebtedness, for it will be in so much reduction of the annual fixed charges that come in before anything is to be paid to the Government. Therefore the bill provides that the companies shall have the privilege of refunding, but it also carefully provides that in this permission to extend or refund that indebtedness no right or privilege is included which will invalidate or weaken in the least degree the security of the Government.

The lien of the refunded debt is continued only on the property that was originally subject to it, and is not permitted to extend to any other property of the company. Another provision in this bill is that no dividend shall be paid by any of these companies until the installment next coming due to the Government shall have been first paid. That is in addition to the other provision, that the money to be applied to the dividend shall first be earned.

There is also in this bill a provision which will prevent some of the questions of difference that have heretofore arisen between the Government and the companies, the provision that the companies shall carry all the Government mails, munitions of war, stores, &c., at the lowest rates paid by any private parties for the same kind of service, "subject to and bound by the provisions of any act of Congress and the authority exercised thereunder relating to postal, military, or other Government transportation applicable alike to other railway or railroad companies." The necessity for this provision is that the companies have heretofore insisted that under their charter they were not subject to the general laws in relation to the transportation of mail matter, but were at liberty to charge express rates for such service. This provision is put in to prevent any such claim being made hereafter, and leaving no opportunity for question or dispute.

Further, the companies are required to keep their roads in good condition; and let me say that the investigation of the Railroad Commissioner shows that they are keeping up their roads in such condition that they will be well prepared to do the business of the Government and of the country through which they run.

I wish particularly that the attention of the House shall be directed to section 5 of this bill, which in itself seems to be a sufficient guarantee that these railroad companies, if they shall accept the provisions of the act, will comply with them. Section 5 of the bill reads:

> That a failure for six months to pay any of said installments as the same shall become due and payable, as hereinbefore provided, shall be deemed, taken, and held to make all the said installments due and payable; and all the rights and securities of the United States shall be thereupon enforced.

This bill provides, further, that the companies, in order to avail themselves of the provision that they may have further time in which to pay their indebtedness, must yield to lien of the Government everything they have, all their stocks, all their bonds, all their securities, all their branch lines, all the lines in which they have an interest or which they control to that extent. They must submit to the withholding of all the compensation that the Government would pay them for transportation; such compensation so withheld to go toward paying the next maturing installment of this indebtedness. They are required to place themselves in the position that if they fail for six months to comply with the terms of the bill then all their indebtedness becomes due. These provisions require, as I have said, about $3,757,496 annually, and under the present law we get about one-half of this amount.

This feature is worthy of notice, that by the requirements of this bill these companies, commencing to pay eleven years before the indebtedness is due and paying the amount herein provided during those eleven years, will have paid, before the indebtedness becomes due, over $41,000,000.

Mr. DOUGHERTY. Will the gentleman allow me a question?

Mr. OUTHWAITE. Certainly.

Mr. DOUGHERTY. The gentleman says, as I understand, that if the companies, after accepting the provisions of this bill, do not comply with those provisions, the Government can then step in and consider all their indebtedness at once due. In that case what will become of the prior liens?

Mr. OUTHWAITE. Of course that proceeding can not affect the prior liens; and there is a provision in the bill that the Government may take up the prior liens.

Mr. DOUGHERTY. Is it not a fact that the prior liens on the main lines and its branches, which the companies propose to give as security to the Government, would, if enforced, amount to as much as the road and branches are now worth?

Mr. OUTHWAITE. I have no doubt of this. When you wreck a railroad company you never get what it is worth.

Mr. DOUGHERTY. Then the Government would be paying for the property twice.

Mr. OUTHWAITE. When you have all there is you have as much as can be expected.

Mr. WEAVER, of Iowa. I believe it was stated by the gentleman from Georgia [Mr. CRISP] that it was worth more.

Mr. OUTHWAITE. It is undoubtedly worth more; it is undoubtedly worth twice as much as the first-mortgage indebtedness.

Mr. WEAVER, of Iowa. The gentleman did not understand me. I meant that the mortgage lien is now more than the value of the entire property of the road.

Mr. MILLS. Land grant and all?

Mr. WEAVER, of Iowa. Land grant and all.

Mr. OUTHWAITE. I do not think that is so. The prior lien is for $64,000,000. The value represented by the cost of construction and by the bonds and other securities which are now held by these companies would amount to four or five times that.

Mr. DOUGHERTY. Is it not a fact that all these branches which the companies now propose to offer to the Government as additional security are already mortgaged to their full value?

Mr. OUTHWAITE. That is not a fact, and yet it is a fact. They are mortgaged to their full value; but the Union Pacific Railroad Company owns a very large proportion of those bonds and stock, as is shown by the table given in the report.

Mr. HAYDEN. Allow me a suggestion showing the value of these auxiliary lines. The income of the Union Pacific Railway system is about $5,000,000, and the net income about $3,500,000, which goes into the system, showing the value of the roads over and above the incumbrances which may be upon them.

Mr. WEAVER, of Iowa. Now, let me understand the gentleman from Ohio [Mr. OUTHWAITE]; I know we both want to be understood. Do I understand the gentleman to say that the cash value to-day of the property on which the Government has a second-mortgage lien is double, or is greater by any amount than, the amount of the first-mortgage lien? Does the gentleman mean to say that the cash value of the property on which the Government has a lien to-day is greater than the amount of the first-mortgage lien?

Mr. OUTHWAITE. I believe it is.

Mr. WEAVER, of Iowa. If that is so, why would it not be a good plan for the Government to pay off the first-mortgage lien?

Mr. OUTHWAITE. And take the road?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. OUTHWAITE. Simply because the most injurious thing which could happen to this Government would be for it to go into the railroad business.

Mr. WEAVER, of Iowa. That is a different proposition. Some of us may differ with the gentleman on that.

Mr. MILLS. How much of the lands heretofore granted do the companies still retain?

Mr. HENLEY. Will the gentleman from Texas amend his question so as to include this interrogatory: Whether or not the land-grant bonds and the land grant itself are under this bill to be turned over by the railroad companies to the Government as security?

Mr. OUTHWAITE. In reply to the first question I will say, as I stated a few moments ago, that there are 7,446,585 acres of unsold lands of the Union Pacific Railroad Company, the estimated value of which is from $11,000,000 to $13,000,000. The Central Pacific Railroad Company has 2,271,872 acres of land undisposed of, and has large claims for lands which are in question between it and the Government, the lands not having been patented to the company.

Mr. LONG. Amounting in value to how much?

Mr. OUTHWAITE. The amount has not been estimated, because it is impossible to determine it. Now, as to whether all the bonds which are in the possession of any of these companies are to become subject to the lien of the United States Government for the payment of this indebtedness, I will say that all of them are to become subject to this lien.

Mr. BUCHANAN. Does that statement include the bonds represented by the mortgages upon these branch roads?

Mr. OUTHWAITE. It does include all those bonds (a table of which is given in the report) and such stock of the companies.

Mr. SPRINGER. But in the mean time, between now and the time when the lien of the Government is to be asserted, may not the railroad companies dispose of any of these bonds in the ordinary course of business?

Mr. OUTHWAITE. I suppose that might be done if the railroad companies desired to place themselves in the position of openly and boldly attempting to perpetrate a fraud upon the Government.

Mr. SPRINGER. Is it not provided in the bill that they may dispose of any of these securities?

Mr. OUTHWAITE. It is provided they may do so in the ordinary course of business; and that has been the provision of the law from the beginning, as it is the law now. But there is an express provision that these securities shall not be disposed of in any way to the injury or diminution of the security of the Government. The companies may dispose of the securities in the ordinary course of business; but a disposition of them in such a way that the companies would not receive back value which would then be subject to this lien would not be disposition in the ordinary course of business.

Mr. SPRINGER. Who is to judge of that fact?

Mr. OUTHWAITE. The Secretary of the Treasury. I suppose at least their disposal is to be reported to that officer.

Mr. SPRINGER. But the railroad companies in the first instance would be the judge of the propriety of these transactions.

Several MEMBERS. Of course.

Mr. SPRINGER. Then the only way to reach the companies, if the securities were disposed of improperly, would be to bring suit against them for the violation of their obligations under the law.

Mr. OUTHWAITE. Yes, sir.

Mr. WEBER. I desire to say to the gentleman from Illinois that authority on the part of these companies to dispose of these securities in the ordinary, lawful course of their business now exists; and the provision inserted in this bill by the committee requires that this shall not be done in violation of the rights of the Government or in diminution of its security; and requires, furthermore, that report be made to the Secretary of the Treasury of such disposition within thirty days.

Mr. BUCHANAN. Will the gentleman from Ohio allow me another question? I understood the gentleman to say a while ago that the greater portion of the bonds secured by mortgage upon these branch lines, upon which the Government has now no security, are owned by these parent companies.

Mr. OUTHWAITE. Yes, sir.

Mr. BUCHANAN. Then if the companies are so anxious to secure the Government against loss, what prevents them from making over to the Government now, in payment of this indebtedness, those bonds and obligations?

Mr. OUTHWAITE. There is nothing that prevents their doing so; and unless this bill be accepted there is no law that provides for it.

Mr. RICHARDSON. The debt is not due for twelve years.

Mr. OUTHWAITE. And the companies are entitled to stand upon their right based upon the fact that the debt is not due until twelve years hence.

Mr. BUCHANAN. I understand that. My question is, is there anything which prevents the companies from paying them if they are anxious to do so, or to their being received by the United States Government?

Mr. WEAVER, of Iowa. Who is authorized to do so?

Mr. BUCHANAN. Is there anything which prevents the company from paying them to the United States Government?

Mr. WEAVER, of Iowa. But who is authorized to receive them?

Mr. OUTHWAITE. No one is authorized to receive them; neither the Secretary of the Treasury nor the Secretary of the Interior nor any other officer of the Government of the United States is authorized to receive those bonds.

Mr. BUCHANAN. Did the committee consider whether it would be better to have the Government take possession of those bonds than to take possession of the net earnings?

Mr. OUTHWAITE. The commitee have not been under the necessity of considering that, because they propose in this bill to take possession of both of them—not all of the net earnings, but that portion which they might receive or be entitled to for any services rendered to the Government of the United States over the main lines or the branch lines.

Mr. BUCHANAN. And also these bonds?

Mr. OUTHWAITE. And also these bonds. They are to have a lien on these bonds and hold them in payment of this indebtedness.

Mr. PAYSON. Will the gentleman permit me to make one further suggestion right here?

Mr. OUTHWAITE. Certainly.

Mr. PAYSON. Is not this the precise point, that in consideration of the company giving this additional security they get extension of the time of payment?

Mr. OUTHWAITE. You have stated it well and strongly, as I would like to have done in the first instance.

Mr. WEAVER, of Iowa. Is the security any more than is sufficient to pay the lien? Why do they ask for an extension? They can foreclose the mortgage and take the property.

Mr. CRISP. If the gentleman will allow me a moment——

Mr. OUTHWAITE. Certainly.

Mr. CRISP. My friend from Iowa entirely misconceives my statement.

Mr. WEAVER, of Iowa. I wish to hear the gentleman state it then.

Mr. CRISP. I wish to state, if the gentleman yields to me, in reply to the question which has been suggested——

Mr. OUTHWAITE. I yield to the gentleman from Georgia with pleasure.

Mr. CRISP. I gave it as my opinion—and it is only my opinion—that the value of the subsidized portion of these railroads was not more than enough to pay the first-mortgage bonds. It has no reference whatever to the unsubsidized railroads, which, according to the proposition of this bill, ought to be held subject to the lien of the Government.

Mr. WEAVER, of Iowa. But this does not give you a lien.

Mr. CRISP. With the consent of the company.

Mr. WEAVER, of Iowa. But you can not legislate a lien.

Mr. CRISP. The Government is not asked to legislate a lien.

The SPEAKER *pro tempore*. The House will come to order and the Chair will inquire of the gentleman from Ohio whether he yields to these interruptions?

Mr. OUTHWAITE. Everybody seems to be talking at the same time, and nobody seems to be asking me to yield to him, but all have taken possession of the floor.

The SPEAKER *pro tempore*. The gentleman is entitled to the floor, and will proceed with his remarks without interruption.

Mr. OUTHWAITE. I want to find out whatever objections there may be to the plan suggested in this bill, and I am perfectly willing to yield to any inquiry in regard to this matter which any gentleman may desire to propose. I will hear now the inquiry of the gentleman from Iowa.

Mr. WEAVER, of Iowa. I am not making any inquiry now. I simply asked a question of the gentleman from Georgia in the colloquy which was taking place at the time.

Mr. OUTHWAITE. I submit, Mr. Speaker, that this proposition provides for a semi-annual payment, a fixed payment, a payment not depending upon the net earnings, not depending on any other consideration, but a payment large enough in amount to pay 3 per cent. semi-annually upon the present value of the indebtedness, and also to make a payment upon the principal in the case of the Union Pacific of $220,-269.34, and in the case of the Central Pacific of $212,157.80 the first year. And to such an extent do these partial payments go that they will entirely obliterate the indebtedness in the number of years given in this bill.

These payments will make over $41,000,000 that will be paid by these roads before their indebtedness becomes due. In connection with the credits the companies will be properly entitled to have, there will be paid by this bill, if it shall be placed upon the statute-book, some $76,000,000 in the aggregate, or nearly $12,000,000 more than the total original indebtedness of these companies.

Therefore, if these companies shall be willing to place as security all they have, all they control, all they can command in any manner whatever, and will consent if at any time they shall fail for six months to pay any one of these installments of indebtedness as they shall become due that all of them shall become due at once; and if they will refund their other underlying or first-mortgage debt at a lower rate of interest and consent that if they make default of payment therein, so that the Government must step in and pay off that portion upon which default shall be made, and they fail to repay the same to the Government on demand and pay interest, costs, and all expenses thereon within twelve months thereafter, then all the installments of indebtedness shall become due and payable, I submit we shall have taken about as close a hold upon these companies as the Government possibly can take at this time.

If they do not accept the terms there is a provision in this bill that the Government shall collect from them 40 per cent. of their net earnings hereafter.

Mr. DOUGHERTY. Will you permit another question?

Mr. OUTHWAITE. Yes, sir.

Mr. DOUGHERTY. I wish to ask now this question: You undertake by this bill, of course with the acceptance of its provisions by the companies, to extend the time in which the money is to be paid seventy years; is that the figure?

Mr. OUTHWAITE. Seventy years from this date. Let me state again that this is not an extension of seventy years, for they begin paying eleven years before it is due, and should be entitled to eleven years at the end, or twenty-two years in all, and taking twenty-two years from seventy leaves forty-eight, and averaging that gives, if they anticipate their indebtedness, only an average extension of twenty-four years.

Mr. MCKENNA. And that is all the Government surrenders.

Mr. OUTHWAITE. Yes, sir; and it gathers in everything it possibly can.

Mr. DOUGHERTY. Now, during this extension of time, these companies making these partial payments, suppose while they make them upon the debt to the Government they should default upon the interest and principal of this prior lien, and the Government having agreed to extend the time to this period, will it not give these prior bondholders an opportunity to come in and gobble up the whole property to the exclusion of the indebtedness to the Government altogether?

Mr. OUTHWAITE. I can not conceive it possible that such a result could be achieved under this bill. It is neither reasonable nor, in my judgment, possible under its provisions.

Mr. PAYSON. What is the Government to do now if that condition of things should happen.

Mr. OUTHWAITE. Yes, that is true; the Government can do nothing whatever now.

In answer further to the gentleman from Florida let me state there is also an express provision embodied in the bill that does not exist in the present law; that the Government in case of default may come in and pay off the lien and then demand repayment; and all of the rights of the United States may be enforced, for the whole indebtedness becomes due if such repayment is not made within twelve months.

Now, I can not see how any legislation that can possibly be made would be more in the interest of the Government in the event of a default than this.

Mr. CANNON. If I understood the gentleman from Iowa aright a moment ago he claimed that the railway companies would not avail themselves of the provisions of this act.

Mr. WEAVER, of Iowa. Yes, sir.

Mr. CANNON. If I understand the gentleman from Ohio in reply, and I ask the question in good faith for information, he said that if the railway companies refused to avail themselves of that act we will have 40 per cent of their net earnings instead of 25 per cent. as under the present law?

[Here the hammer fell.]

Mr. THROCKMORTON. I will yield additional time to the gentleman from Ohio.

Mr. OUTHWAITE. That was my statement; and I will make further statement by way of explanation of this provision of the bill: This bill requires the acceptance by the companies within ninety days after its passage. The House will be in session shortly thereafter. If then these companies fail to avail themselves of this plain business proposition they will admit to the House and to the country that their intentions are evil; and this same committee that gave consideration to the present measure, and the same House, will be here to prepare and make some legislation which will enable the Government of the United States to foreclose, if necessary and possible, or perfect any other plan that to its wisdom shall seem necessary.

Mr. LONG. The companies will be required also to pay 15 per cent. more than they now pay out of their net earnings?

Mr. OUTHWAITE. Yes, sir; that will be the effect.

Mr. WARNER, of Ohio. May I ask my colleague a question? I have not had an opportunity to examine as carefully as I desired the provisions of this bill, but I wish to make one or two inquiries. My colleague may have explained them before, but I did not hear it. This bill, as I understand it, makes no provision whatever for the first-mortgage indebtedness of the road. It does not deal with that, in other words, except in certain contingencies?

Mr. OUTHWAITE. It permits the roads to refund at a lower rate of interest, not to exceed 4 per cent.; and if they should default, the President of the United States may direct the Secretary of the Treasury to take up the default and require payment.

Mr. WARNER, of Ohio. Will my colleague state the amount of the first-mortgage lien?

Mr. OUTHWAITE. Sixty-four millions of dollars.

Mr. WARNER, of Ohio. That is the first mortgage or prior lien?

Mr. OUTHWAITE. Yes, sir.

Mr. WARNER, of Ohio. That is the amount also of the Government bonds which are secured by the second mortgage?

Mr. OUTHWAITE. Yes, sir. There is interest, of course, to be added on the Government bonds.

Mr. SPRINGER. The total indebtedness is about $109,000,000.

Mr. WARNER, of Ohio. When does this second mortgage mature?

Mr. OUTHWAITE. At the same time the subsidy bonds mature—in about eleven years.

Mr. WARNER, of Ohio. That was my understanding.

Mr. OUTHWAITE. The average is eleven years and a few months.

Mr. WARNER, of Ohio. Then this amounts to an extension or a continuance of the first-mortgage indebtedness into the future?

Mr. OUTHWAITE. It does.

Mr. WARNER, of Ohio. The Government retaining simply the second-mortgage lien and extending the first mortgage indefinitely.

Mr. HEWITT. Not indefinitely.

Mr. OUTHWAITE. This requires the companies to keep a sinking fund and put into it a certain fund, and to keep it up in such a sum as will be sufficient to pay the debt at its maturity.

Mr. WARNER, of Ohio. For my part I should much rather the Government would do what any individual owner of a second mortgage would do where the property was encumbered by a prior lien. He would take up that mortgage himself. The Government should take up the prior lien itself. The Government should pay off those bonds and take a first mortgage covering the whole amount.

Mr. LONG. A business man would very rarely do that under circumstances like these.

Mr. WARNER, of Ohio. He would certainly do it in this case; especially as the Government has funds, and this would provide a sinking fund, or a fund that might be utilized as a sinking fund by the Government.

Mr. OUTHWAITE. I think in reply to the gentleman from Ohio I may say that this bill is directly in the line that he suggests as far as it is possible to be unless it made an express provision for the Government taking up all the indebtedness.

Mr. WARNER, of Ohio. Why not make that express provision?

Mr. LONG. There is in this bill a provision for this very thing, for taking up the prior lien in the discretion of the President.

Mr. OUTHWAITE. In the discretion of the President. But we were not disposed to say that it was advisable for the United States Government to put sixty-four millions of dollars more in those roads at this time. The Thurman act, which provided for the payment of 25 per cent., extended only to four of these roads, while this act, in case it is refused, extends the provisions of the Thurman act amended to all the Pacific roads that received aid from the Government.

Mr. THROCKMORTON. I will yield now to the gentleman from California [Mr. HENLEY], the gentleman from Illinois [Mr. SPRINGER], or the gentleman from Iowa [Mr WEAVER].

Mr. WEAVER, of Iowa. I shall want some time hereafter, but not just now.

Mr. HENLEY addressed the committee. [See Appendix.]

The SPEAKER *pro tempore*. There are ten minutes of the hour remaining, and forty-four minutes afterward before the previous question will begin to operate.

Mr. WEAVER, of Iowa. Mr. Speaker——

Mr. SPRINGER. It was understood, I believe, that I was to control one hour; and, if so, I will yield ten minutes to the gentleman from Iowa.

Mr. WEAVER, of Iowa. Supposing I would have some time in my own right, I promised to yield five minutes to the gentleman from Ohio [Mr. WARNER].

Mr. SPRINGER. At the time consent was given that the previous question be considered as ordered at 4 o'clock, I stated that I consented only on the understanding that I should be entitled to control an hour.

Mr. THROCKMORTON. We have only thirty-eight minutes left of the time on our side; and we do not propose to divide that with gentlemen on the other side. We concede the right of the gentleman from Illinois [Mr. SPRINGER] to divide his own time as he may see proper.

Mr. SPRINGER. Then we have on this side one hour and five minutes.

Mr. WEAVER, of Iowa. I ask the gentleman from Illinois to yield five minutes to the gentleman from Ohio [Mr. WARNER] after I am through.

Mr. SPRINGER. Very well. I now yield ten minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Speaker, if I can have the attention of the House I will state as briefly as possible my views on this bill. I confess very frankly I have not had time to examine it very thoroughly, and hence I am necessarily somewhat in the position of a seeker after information.

This bill relates to one of the most remarkable business transactions in the history of modern times. The original act of July 1, 1862, granted to these Pacific railroads an immense subsidy of lands and 6 per cent. bonds—more than sufficient to construct and equip the roads. By the terms of this act the Government was to have a prior lien to secure the payment of the bonds, principal and interest. Waiving all consideration as to the propriety of the original act, I come to the act of July 2, 1864. Concerning this last act the committee, in their report accompanying this bill, say:

> The grant in lands and bonds was doubled by the act of July 2, 1864, and many other powers given the companies, among which was to place a first mortgage upon their railroads equal in amount to the subsidy in bonds given by the Government, and prior in lien to the lien heretofore held by the Government. (See section 10, act of 1864.)
>
> They were also granted powers of consolidation, and were compelled by the twelfth section to operate all the roads and branches, as far as transportation was concerned, as a continuous route.

The theory upon which the bonds were first issued and the lands granted to these various companies was that the bonds would be amply secured, and that competition would be provided, and that the rates of traffic and passenger transportation would be regulated by such competition. But the act of July 2, 1864, struck down all these considerations and cast them to the winds. It made the Government lien a second-mortgage lien; it struck down competition by expressly authorizing combination.

This act of 1864 was a terrible betrayal of the interests and rights of the American people. I have referred to the Journal of the House which records the vote on the passage of this act. Turning to page 895 of the House Journal, first session Thirty-eighth Congress, I find the fact recorded that the bill passed in this House by a vote of 71 yeas to 37 nays, 74 members not voting. It was passed by 21 votes less than was required to constitute a quorum of the House. A vote like this, sir, placed this Government in the position of a second-mortgage lien-holder and in such a position that terms can be dictated to it by a corporation of its own creation.

Of course it is scarcely germane so far as the present bill is concerned to refer to these things, because this bill is presented to us as a business proposition in view of present surroundings. And I concede that some features of this bill are plausible. But I shall not support the measure; first, for the reason that I have been substantially instructed by the Legislature of my State to vote against it. It is true that the joint resolution passed by the Iowa Legislature refers to the Senate bill not the House bill, but it refers substantially to the whole proposition; and hence, following my own best judgment as well as my instructions, I must vote against this measure.

But I think the people of this country ought to know who are responsible for the passage of the act which places us in this situation. The very first name that I find recorded in favor of that measure is that of Hon. WILLIAM B. ALLISON, of my own State; I find also the name of Hon. JAMES F. WILSON, another Representative from Iowa.

Mr. HEPBURN. Do you find any of your present political allies voting for it?

Mr. WEAVER, of Iowa. I will refer to the whole list, and I intend to print it with my remarks. I shall give the names of those voting in the affirmative, those voting in the negative, and those not voting at all. I do not intend to shield anybody, nor do I intend to assail anybody's motives. I shall simply give the facts.

I simply regard it as a remarkable fact in the parliamentary history of this country that an act of this kind could be passed by 71 votes in a House numbering one hundred and eighty-two members.

I find among the affirmative vote upon this bill the names also of many other distinguished men, some of whom have passed away and some of whom are now living. I find Hon. James G. Blaine recorded as voting for the bill. I find on the same side my good friend Hon. WILLIAM R. MORRISON, now a member of this House.

Here is the vote on the passage of this act July 2, 1864:

Those who voted in the affirmative were—

William B. Allison,	John A. Griswold,	Charles O'Neill,
Oakes Ames,	James T. Hale,	James W. Patterson,
James M. Ashley,	William Higby,	Sidney Perham,
Augustus C. Baldwin,	Samuel Hooper,	Theodore M. Pomeroy,
Fernando C. Beaman,	Asahel W. Hubbard,	Hiram Price,
James G. Blaine,	John H. Hubbard,	John H. Rice,
Jacob B. Blair,	Calvin T. Hulbard,	James S. Rollins,
Henry T. Blow,	Thomas A. Jenckes,	Lewis W. Ross,
Sempronius H. Boyd,	George W. Julian,	Robert C. Schenck,
James Brooks,	Martin Kalbfleisch,	Thomas B. Shannon,
William G. Brown,	Orlando Kellogg,	Ithamar C. Sloan,
Ambrose W. Clark,	Samuel Knox,	Nathaniel B. Smithers,
Alexander H. Coffroth,	De Witt C. Littlejohn,	John B. Steele,
Cornelius Cole,	Benjamin F. Loan,	William G. Steele,
John A. J. Creswell,	John W. Longyear,	Thaddeus Stevens,
Thomas T. Davis,	James M. Marvin,	John T. Stuart,
Henry L. Dawes,	John R. McBride,	Lorenzo D. M. Sweat,
Henry C. Deming,	Joseph W. McClurg,	M. Russell Thayer,
Nathan F. Dixon,	James K. Moorhead,	Charles Upson,
Ignatius Donnelly,	Justin S. Morrill,	Edwin H. Webster,
Thomas D. Eliot,	William R. Morrison,	James F. Wilson,
James E. English,	Amos Myers,	William Windom,
Reuben E. Fenton,	Warren P. Noble,	Benjamin Wood.
James A. Garfield,	Moses F. Odell,	

Those who voted in the negative were—

Sydenham E. Ancona,	Willliam S. Holman,	James C. Robinson,
Joseph Baily,	Philip Johnson,	Andrew J. Rogers,
George Bliss,	Francis Kernan,	Edward H. Rollins,
George S. Boutwell,	Anthony L. Knapp,	Glenni W. Scofield,
John W. Chanler,	John Law,	John D. Stiles,
John L. Dawson,	Francis C. La Blond,	Francis Thomas,
Charles Denison,	Robert Mallory,	Elihu B. Washburne,
John R. Eden,	Daniel Marcy,	William B. Washburn,
Joseph K. Edgerton,	James F. McDowell,	Chilton A. White,
Henry Grider,	John F. McKinney,	Joseph W. White,
Aaron Harding,	John O'Neill,	Fernando Wood.
Henry W. Harrington,	Godlove S. Orth,	
Benjamin G. Harris,	William Radford,	

Those not voting were—

James C. Allen,	Isaac N. Arnold,	John M. Broomall,
William J. Allen,	John D. Baldwin,	James S. Brown,
John B. Alley,	Portus Baxter,	Freeman Clarke,
Lucien Anderson,	Augustus Brandegee,	Brutus J. Clay,
Amasa Cobb,	John A. Kasson,	William H. Randall,
Samuel S. Cox,	William D. Kelley,	Alexander H. Rice,
James A. Cravens,	Francis W. Kellogg,	John G. Scott,
Henry Winter Davis,	Austin A. King,	Green Clay Smith,
John F. Driggs,	Jesse Lazear,	Rufus P. Spalding,
Ebenezer Dumont,	Alexander Long,	John F. Starr,
Ephraim R. Eckley,	Archibald McAllister,	Henry G. Stebbins,
Charles A. Eldridge,	Walter D. McIndoe,	Myer Strouse,
John F. Farnsworth,	George Middleton,	Henry W. Tracy,
William E. Finck,	Samuel F. Miller,	R. B. Van Valkenburgh,
Augustus Frank,	William H. Miller,	Daniel W. Voorhees,
John Ganson,	Daniel Morris,	William H. Wadsworth,
Daniel W. Gooch,	James R. Morris,	Elijah Ward,
Josiah B. Grinnell,	Leonard Myers,	Kellian V. Whaley,
William A. Hall,	Homer A. Nelson,	Ezra Wheeler,
Charles M. Harris,	Jesse O. Norton,	Thomas Williams,
Anson Herrick,	George H. Pendleton,	A. Carter Wilder,
Wells A. Hutchins,	Nehemiah Perry,	Charles H. Winfield,
Giles W. Hotchkiss,	Frederick A. Pike,	Fred'k E. Woodbridge,
Ebon C. Ingersoll,	John V. L. Pruyn,	George H. Yeaman.
William Johnson,	Samuel J. Randall,	

This record shows, Mr. Speaker, how loosely the legislation of this country was conducted in that period. Congress seems to have gone wild and to have supposed that to this generation the whole continent belonged, and that nothing whatever was due to posterity. All conceptions of duty seem to have been lost for the time and everybody ran riot. The whole continent was parceled out among speculators and the people were forgotten.

Mr. HOLMES. Will my colleague permit me to ask him a question?

Mr. WEAVER, of Iowa. Certainly.

Mr. HOLMES. Did my colleague take exception or raise his voice against the passage of that act in 1864?

Mr. WEAVER, of Iowa. I was in the Army up to about the time the act of July, 1864, was passed. I was not in Congress at the time. I was in the Republican party, it is true, for many years, and at that time, when this matter was called to the attention of the public, it was condemned, and I condemned it both when I was a member of the Republican party and since.

Mr. HOLMES. Did the gentleman ever raise his voice against it at the time?

Mr. WEAVER, of Iowa. I knew but little about it at the time, if, indeed, anything at all. Nor did the people. I never uttered when I was a member of the Republican party, nor since I have been out of

the Republican party, one word in favor of the act of 1864. Not one word, sir. It was the principal business of the Republican speakers up to the time that I left the party, and since that time, to call attention to the condition of things down South and to wave the bloody shirt, as the gentleman well knows, instead of to such matters as we are now considering.

Mr. HOLMES. Will the gentleman yield to me?

Mr. WEAVER, of Iowa. I do.

Mr. HOLMES. Will the gentleman state where he ever did denounce this act or the passage of this act? Where did he ever denounce it? If he ever did, let him tell us where it was.

Mr. WEAVER, of Iowa. I can not tell the particular place, but everywhere when I was a member of the Republican party, and for years before I left it, the gentleman knows, and the leaders of the Republican party of Iowa know, that I was so strong an anti-monopolist and an anti-bank man that my views were well understood in the Republican party long before I left it, so much so that I was criticised in consequence of it.

Let me allude to some other facts in connection with this remarkable transaction. How much interest has been paid by the Government of the United States for these various railroads? The following table will answer:

Name of railway.	Principal outstanding.	Interest accrued and not yet paid by United States, due July 1, 1885.	Interest paid by United States.	Interest repaid by companies to credit of bond and interest account.		Balance of interest paid by United States.
				By transportation services.	By cash, 5 per cent. of net earnings.	
Central Pacific	$25,885,120	$776,553 60	$25,782,216 07	$5,134,185 31	$648,271 96	$19,999,758 80
Western Pacific	1,970,560	59,116 80	1,845,599 34	9,367 00	.....	1,836,232 34
Union Pacific	27,236,512	817,095 36	27,409,136 49	10,647,579 36	283,162 99	16,478,394 14
Kansas Pacific	6,303,000	189,090 00	6,696,603 09	3,284,294 23	.....	3,412,308 86
Central Branch Union Pacific	1,600,000	48,000 00	1,693,808 26	219,746 48	6,926 91	1,467 134 87
Sioux City and Pacific	1,628,320	48,849 60	1,610,846 29	178,659 68	.....	1,432,186 61
Total	64,623,512	1,938,705 36	65,038,209 54	19,473,832 06	938,361 86	44,626,015 62

Take the Sioux City and Pacific Railroad, in my own State. That branch is built from Sioux City in the direction of Council Bluffs along the Missouri Valley and about 100 miles in length. I know all about that railroad and every mile of it. It is built on the dead level of the Missouri Valley. The fall is no more than the natural curvature of the earth, about one foot to the mile. It is practically upon a dead level, and could be constructed by the plow and scraper so far as the grade is concerned. Yet, sir, the Government paid to that railroad company in subsidy bonds $1,628,320.00, and upon those bonds interest to the amount of $1,610,846.29, of which there is a balance remaining due to the United States of $1,432,186.61.

What excuse, in the name of common sense, can there be for such a transaction?

Mr. Speaker, I can not support this bill. I much prefer that the Government shall buy in the first-mortgage lien at the end of eleven years from now, and then compel the company to pay the whole claim or sell out the road. This is infinitely better than to extend this indebtedness for seventy years. We know what our rights are under the present law, but who can foresee what advantages will be taken of the present bill?

Mr. SPRINGER. How much of the forty-five minutes remains?

The SPEAKER *pro tempore*. The gentleman from Iowa occupied seventeen minutes. Twenty-eight minutes remain.

Mr. SPRINGER. I yield five minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Speaker, the Pacific railroads are now indebted to the United States Government to the amount of something over $100,000,000, which is secured by a second-mortgage lien upon the property of these companies. There exists also a first mortgage securing the $64,000,000 of first-mortgage bonds. It is proposed in this bill to extend the time of paying the debt to the Government seventy years.

Mr. DUNN. Oh, no.

Mr. WARNER, of Ohio. Yes; one hundred and forty semi-annual payments would extend to seventy years. The second-mortgage lien is to continue and extend to branch roads, how fully mortgaged now, I do not know. It is proposed also to extend the first-mortgage lien for seventy years——

Mr. DUNN. No, the gentleman is mistaken in that. The lien expires in seventy years——

Mr. WARNER, of Ohio. The mortgage remains, and it is practically an extension for seventy years.

Mr. OUTHWAITE. There is no such provision in this bill.

Mr. WARNER, of Ohio. It authorizes the company to renew its first-mortgage bonds without stating for how long, and I assume that it is at least to be coextensive with the second-mortgage bonds, which are to run seventy years.

Now, as a financial or business operation for the Government, that does not commend itself to me as being a wise arrangement. I do not think it is what an individual owner of a second mortgage would do where the property which was his security was subject to a prior lien. The first mortgage would certainly be a better security than the second mortgage. If I owned such a second mortgage and had more money which I wished to invest, and I was asked to extend my second mortgage seventy years, and also to permit the extension of the first mortgage, I would likely say, oh no, I will take the first mortgage myself, and thus improve my whole security. I will extend the debt, provided I am sure of my interest and an annual payment as a sinking fund. In other words, I would say let the whole debt be consolidated that I may control it all. Any business man, I say, being able to buy up prior liens would undoubtedly do so instead of permitting a first mortgage to be extended and put beyond his control. Now that, I think, is what the Government should do in this case. It should become the owner of the first-mortgage lien by paying the first-mortgage bonds when they become due, letting the railroad companies become indebted to the Government for the entire amount of both mortgages.

I have no objection to letting the property remain in the hands of the present companies, to be operated and managed by them, provided the stipulated interest is paid to the Government and a sinking fund is provided or other means for final payment of the entire debt. But I have another reason for wanting the Government to pay off the first-mortgage bonds and thereby become the sole mortgage creditor, the debt being consolidated under one mortgage to the Government.

We have now but one hundred and fifty-four millions of Government bonds payable at the option of the Government, and there is more than money enough in the Treasury to pay them, and they ought to be paid.

Mr. PAYSON. Will the gentleman allow me a question?

Mr. WARNER, of Ohio. I will yield for a question, but my time is very limited.

Mr. PAYSON. Does the gentleman think it is any more probable that there will be a payment on any of these railroad bonds than there is of the present administration paying off the Government bonds?

Mr. WARNER, of Ohio. This $150,000,000 must be paid. The sinking fund requires a payment of about fifty millions a year. In 1891 two hundred and fifty millions more—the four and a halfs—become payable, and no other bonds are payable until 1907, so that between 1895, when the bonds of the Pacific roads become payable, and 1907 there will be no bonds subject to call. Now, the Government can just as well as not, and better than not, pay the first bonds upon the railroads, and thus consolidate the whole debt and become the sole mortgagee of these railroads. These first-mortgage bonds could be made a part of the sinking fund, or otherwise be made to constitute a cumulative fund ready to be applied to the bonds maturing in 1907.

That is in my judgment, Mr. Speaker, what ought to be done, and if that be done I will support the bill; but to allow the first-mortgage lien to be extended indefinitely, or for seventy years, the Government holding all the time only a second mortgage I think is objectionable, and I shall feel bound to vote against the bill as presented.

[Here the hammer fell.]

Mr. HENLEY. I yield my twenty minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, the question before the House is whether or not this arrangement proposed will be beneficial to the Government? It is assumed by gentlemen that the only assurance we have of the ultimate payment of this great debt, and that the Government shall sustain no serious loss, will be by this extension of time. And I take it for granted, on account of the earnestness with which gentlemen have pressed the importance of extending the time for the payment of this debt and securing the Government, gentlemen feel that to carry this bonded debt for near three generations and keep up our relations to these great corporations for that great length of time is not a

proper thing to be done; that only a high and imperative necessity on the part of the Government would justify it.

Now, what is the actual condition of these corporations? I refer to two of them alone, the two great corporations, the Union Pacific and the Central Pacific. I have no time to refer to others. What is their condition? What security have we now for ultimate payment? Basing the answer on the report made to this Congress by the Commissioner of Railroads, the only authority to which we can refer with confidence and safety at this time with which I am acquainted, I ask the question, What are the assets of these corporations according to the report of the Commissioner last December, when his last report was made to Congress?

I answer from the report of the Commissioner, which I have before me, beginning on page 589, Executive Document 1, part 5, first session Forty-ninth Congress:

Assets of the Union Pacific, $252,041,633; assets of Central Pacific, $177,655,098; making the entire assets of these two corporations—the Union Pacific, of course embracing the Kansas branch, and the Central Pacific embracing what was formerly known as the Western Pacific—the entire assets of those two companies amount to $429,696,731. The assets of those two corporations then is $429,696,731.

And gentleman must bear in mind that that amount of $429,696,731 are the tangible assets of these corporations. Now, what are the liabilities of these two corporations (I speak of them as two, although, in fact, four), as shown by this report?

The liabilities of the Union Pacific were $164,686,247, of the Central Pacific $120,547,718; in all $285,233,965; including every dollar of the indebtedness of these two corporations to the Government, principal and interest, on the subsidy bonds, in December last when that report was made.

A MEMBER. Not stock?

Mr. HOLMAN. We are not taking that into account upon a question whether the Government should get back the money it advanced to create this corporate wealth. I trust the question of stock is not to be involved in this controversy.

Now, sir, what is the result? That there is a balance of assets, according to the report of your Commissioner of Railroads only last December, taking every element of assets, every element of indebtedness into account over the indebtedness of the two corporations, of $144,462,766—one hundred and forty-four millions—all the indebtedness of these corporations upon their first-mortgage bonds, upon their second-mortgage bonds, the interest paid by the Government, and all else of indebtedness taken into account. Here you have assets to the amount of more than one hundred and forty-four millions as a guarantee of payment of your bonds beyond the entire indebtedness of these corporations' first and second mortgages and all other debts taken into the account. Yes, sir; $144,462,766 of surplus wealth to meet your great claim when it becomes due ten or eleven years hence.

Those liabilities embrace your bonded debt and the interest you have paid for these corporations. And what, sir, is the amount of that debt as against these two corporations. The Union Pacific, at the time the report was made, owed you on the subsidy bonds, $48,914,056; the Central Pacific. $47,488,887; in all, $96,402,933, a sum less, mark you, gentlemen, by more than $48,000,000 than the sum of the assets of these corporations over all indebtedness, as showu by the report.

The following tables from the report show the facts:

UNION PACIFIC.

The indebtedness of the Union Pacific Railway Company (including the Kansas Pacific) to the United States, June 30, 1885, is as follows:

Principal	$33,539,512 00	
Accrued interest	35,111,924 94	
Total		$68,651,436 94

CREDIT.

Transportation performed and money paid into the Treasury:		
Transportation applied to bond and interest account	$13,931,873 59	
Cash payments applied to bond and interest account	283,162 99	
Transportation applied to sinking fund	3,873,664 08	
Cash payments to sinking fund	1,421,714 46	
Interest on sinking-fund investments	226,965 20	
Total		$19,737,380 32
Balance in favor of the United States, but not due until maturity of principal, 1895-'99		48,914,056 62

Financial condition of the Union Pacific Railway Company, June 30, 1885.

LIABILITIES.

Funded debt	$82,484,285 00
Interest on funded debt, accrued, not due	782,326 34
United States subsidy bonds	33,539,512 00
Interest on United States subsidy bonds, accrued, not due	35,111,924 94
Bills payable	7,575,000 00
Accounts payable	1,516,833 80
Pay-rolls and vouchers	2,242,076 88
Dividends unpaid	72,665 52
Coupons due and unpaid	1,265,622 90
Called bonds	96,000 00
Total debt	164,686,247 38
Capital stock	60,868,500 00
Total stock and debt	225,554,747 38

ASSETS.

Cost of road and fixtures	$159,092,996 62
Fuel, material, and stores on hand	1,164,762 75
Cash on hand	1,211,855 96
Company's stocks and bonds owned by company	3,167,460 93
Sinking funds in hands of trustees	135,694 89
Bills and accounts receivable	3,548,396 07
Bonds and stocks of other companies, cost	40,956,287 24
Miscellaneous investments	604,631 25
Interest repaid the United States by transportation	8,941,817 37
Due from the United States for transportation	7,592,295 35
Land contracts and land cash	16,659,441 46
Advances payable in bonds and stocks	5,205,893 16
Sinking funds in United States Treasury	3,760,100 00
Total	252,041,633 65
Surplus, including land sales	26,486,886 27
Surplus, excluding land sales	9,827,444 81

CENTRAL PACIFIC.

The indebtedness of the Central Pacific Railroad Company (including the Western Pacific) to the United States, June 30, 1885, is as follows:

Principal	$27,855,680 00
Accrued interest	28,463,485 81
Total	56,329,165 81

Financial condition.

Financial condition of the Central Pacific Railroad Company June 30, 1885:

LIABILITIES.

Funded debt	$57,037,000 00
Interest on funded debt, accrued but not due	1,577,177 22
United States subsidy bonds	27,855,680 00
Interest on United States bonds, accrued but not due	28,463,485 81
Trustees' land mortgage, to redeem land bonds	1,029,605 88
Sinking funds uninvested	180,001 17
Bills and loans payable	3,228,500 00
Accounts payable	1,142,626 21
Dividends unpaid	14,067 00
Coupon interest unpaid	19,575 00
Total debt	120,547,718 29
Capital stock	59,275,500 00
Total stock and debt	179,823,218 29

ASSETS.

Cost of road (including Oregon extension)	$141,444,161 73
Cost of equipment	8,575,756 53
Real estate, shops, &c.	3,285,398 82
Miscellaneous investments	1,743,026 76
United States transportation and sinking-fund accounts	9,059,810 18
Cash due from United States for transportation withheld in excess of all requirements	630,339 41
Fuel, material, and stores on hand	806,446 15
Stocks and bonds owned	1,089,721 92
Cash	7,856 05
Sinking funds of the company	7,223,694 17
Trustees of land mortgage for redemption of bonds	1,029,605 88
Deferred payments on land sales, notes, contracts, &c.	1,376,712 84
Bills and accounts receivable	505,458 54
Due from Southern Pacific Company, interest on Central Pacific Railroad Company's bonds from April 1 to June 30, 1885	877,109 72
Total assets	177,655,098 70
Deficit	2,168,119 59

From these tables it appears that the assets of these corporations exceed their liabilities, all elements considered, the sum I have named—$144,462,766. Of course the stock is not taken into the account.

Now, if under the circumstances it can be said that it is better for us to take a security from these corporations, running through a period of seventy years, and during all that time keep up our relations with two great and powerful corporations growing more powerful every successive year, I am not able to see it. I am astonished at such a proposition.

Mr. CRISP. Will the gentleman yield to me?

Mr. HOLMAN. Yes, sir.

Mr. CRISP. Had we not better take a lien on that $144,000,000 to secure the debt than enable the company between now and 1898 to dispose of it?

Mr. HOLMAN. We do not get security by this bill on any more of that one hundred and forty-four millions than we have now. It is the substantial property of these corporations—the roads and the rolling stock and all else of their possessions—they are the assets of the two corporations.

Mr. CRISP. Of the Pacific Railway Company, not the Pacific Railroad Company. The gentleman does not appear to see the distinction.

Mr. HOLMAN. The debt is secure enough now if the report of the Commissioner is true. It is proposed to extend the time seventy years and to have by way of additional security certain branch roads, all of which are under heavy mortgage. Let us see how this case stands, no matter how earnestly this has been pressed upon us by eminent capitalists of our great cities.

How does it happen that in addition to your mortgage the Union Pacific road, it is said, carries a mortgage subject to yours amounting to $14,483,000, at 8 per cent., bonds? Do you suppose the capitalists of this country, ever vigilant, would take bonds at long time subject to both mortgages?

Mr. CRISP. Does not the gentleman know that is on the unsubsidized parts of the road?

Mr. HOLMAN. On the Union Pacific?

Mr. CRISP. The unsubsidized portion of the road.

Mr. HOLMAN. If my friend is correct, I am mistaken. I am not so informed.

Mr. CRISP. You are.

Mr. HOLMAN. Well, I am assuming that my data are as reliable as those of my friend from Georgia. Take the Kansas branch——

Mr. DUNN. Do you argue that you do not want to collect the debt because it is safe?

Mr. HOLMAN. No, I want to collect it; that is what I am aiming at; but I am not in favor of extending the time to seventy years or to any other period. I am claiming that the debt shall be closed up when it is due. Take the Kansas Pacific. There is a mortgage on that road, it is said, of $14,000,000, subject to your mortgage and the preceding one, and running until 1902. Is it likely that capitalists would run that kind of risk if there is uncertainty in the security?

But, again, let us see for a moment how these corporations have been repaying you for the enormous sums you have paid as interest on the bonds you issued in their behalf by their transportation services. Let us see how they have so far repaid you, even in the comparatively small sums they have paid you. Of course I take the account as shown by the Commissioner. Take the Union Pacific: "Transportation applied to bond and interest account, $13,931,873.59." In other words, of the $19,737,380.32 that you collected, $13,931,873—nearly fourten millions—is what you have paid for the transportation of your supplies, and over that single road.

Take the Central Pacific as furnishing some data on this subject——

Mr. BROWN, of Pennsylvania. Was the rate of freight charges paid by the Government any higher?

Mr. HOLMAN. Greatly above, sir. Take the Central Pacific. Their aggregate is $8,830,288.13, while your transportation account is $5,143,552.31.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. HOLMAN. In a moment. The meaning of all this is simply that after furnishing these corporations an empire of land—37,000,000 of acres—out of which, together with bonuses in the form of dividends and otherwise, the shareholders of the Union Pacific alone have realized already $121,000,000 of wealth—after all this, you are paying these enormous sums of money to these companies for transportation and greatly above the rates you have paid to other railroad companies, and at the same time this debt of yours is to be postponed seventy years, perhaps indefinitely, to the end that, by the enormous charges which will be made against you for transportation, exceeding those paid to the other railroad companies, these Pacific Railroad corporations may be enabled to pay off this debt without any embarrassment to their shareholders, without impairing the value of their stock, and on a basis which will bear heavily upon you and your posterity on account of their exactions, their charges being, as is shown by the decisions of the Supreme Court, greatly in excess of what you would have paid if those corporations had not been enriched by your bounty and their roads built on your credit by your bonds.

Mr. OUTHWAITE. Is not the gentleman mistaken as to the amount which he has stated being for transportation alone? I have in my hands the last report of the Commissioner of Railroads, which reads: "Transportation performed and money paid into the Treasury, $13,931,873.59."

Mr. HOLMAN. No, sir; I am not mistaken. It reads: "Transportation performed and money paid into the Treasury: Transportation applied to bonds and interest account, $13,931,873.59."

Mr. OUTHWAITE. But I have reference to the larger sum which the gentleman mentioned—the thirteen millions. Does not the report of the Commissioner show that that was for transportation and moneys?

Mr. HOLMAN. My friend will please remember that this is my time. [Laughter.]

Mr. OUTHWAITE. But I want to know whether or not you are mistaken on that point?

Mr. HOLMAN. I am not mistaken. I will read the statement again: "Transportation performed and money paid into the Treasury: Transportation applied to bonds and interest account, $13,931,873.59." Now who is mistaken? Now it is time for my friend to explain his mistake. [Laughter.]

Mr. BUTTERWORTH. Who is mistaken about that any way, the gentleman from Ohio or the gentleman from Indiana?

Mr. OUTHWAITE. My friend has got it wrong.

Mr. HOLMAN. The statement shows "Transportation applied to bond and interest account, $13,931,873," as I have stated.

Mr. OUTHWAITE. But a large proportion of that is money paid.

Mr. HOLMAN. Does my friend require me to read this whole statement? Here it is:

Transportation performed and money paid into the Treasury:	
Transportation applied to bond and interest account	$13,931,873 59
Cash payments applied to bond and interest account	283,162 99
Transportation applied to sinking fund	3,873,664 08
Cash payments to sinking fund	1,421,714 46
Interest on sinking-fund investments	226,965 20

"Transportation applied to sinking fund"—ah, another item, it is greater than I thought—$3,863,608. So, instead of the total paid by "transportation" being thirteen millions, it is over sixteen millions, nearly seventeen millions of dollars. That is the amount of the exorbitant charges made by this one corporation against you. Almost all of their credits seem to be created by charges against you at exorbitant rates for transportation.

So it is proposed to make this imperial estate of railroads almost a direct gift to a few of your citizens. It seemed to be assuming that shape in former years, but now you are making it much more definite and effective by this proposed legislation. You are saying to this corporation, "Notwithstanding the enormous sums you have already realized—unexampled estates—you shall have such an extension of time as that the transportation of the supplies for the Government, for which you will charge, according to former precedents, at a higher rate than other railways demand, you will in these seventy years more than extinguish the enormous debt which you owe to the United States." The great debt that created your wealth will be no burden to you. Now, Mr. Speaker, let us look for a moment at the profits of these companies. One of these corporations—the Union Pacific—mark you, gentlemen, last year, as shown in the Commissioner's report, made net earnings to the amount of $8,738,407.05, and of that sum if you had only taken 50 per cent. it would have gone far to meet the claims of the Government.

Mr. OUTHWAITE. Is not that the net earnings of the whole system?

Mr. HOLMAN. No, sir. I am talking about one road at a time. I do not intend to confuse things. I am now speaking of the Union Pacific. Fifty per cent. of the net earnings, as stated in this report, is more than $4,350,000. Is it not an easy thing for us to see that on the basis of even 50 per cent. if you require these corporations to pay on their net earnings you will realize at the end of the next twelve years a larger sum of money than you can realize under the system proposed by this bill, and with the large amount of property on which the Government has a just claim, amounting to more than $144,000,000 above all liabilities, can any gentleman be apprehensive that this great debt will be lost, unless these corporations exercise the same control over us that they did when the act of 1864 was passed, the passage of which I very well remember.

Take this other corporation, the Central Pacific. The net earnings of this company last year—of course they are now somewhat less—were $7,820,371.41, as stated in the report.

Mr. CRISP. That is for the whole system, is it not?

Mr. HOLMAN. I speak of the Central Pacific road. If the able gentleman at the head of the Bureau of Railroads has confounded branch roads (with which we have nothing to do) with the Central Pacific, I am not to blame. I am simply reading from his report. Fifty per cent. on $7,820,371.41—and if you should take even 60 per cent. it would be but just, if you should take the whole to meet the debt due the Government no fair-minded man could complain; but even at 50 per cent. the arrangement would be far better than what is proposed by this bill, without reference to the misfortune of extending this enormous debt and the connection of the Government with these corporations during this longer period of seventy years.

Mr. BUTTERWORTH. Then I understand the gentleman to maintain that the committee are mistaken both in their facts and in their conclusions.

Mr. HOLMAN. All I have said is based on this public record of your Commissioner of Railroads. I have taken my figures from his report.

[Here the hammer fell.]

The SPEAKER. The gentleman from Illinois has now twenty-two minutes.

Mr. SPRINGER. Mr. Speaker, I regret that this matter must be passed upon after so brief a discussion as has been permitted. The Committee on Pacific Railroads has already reported to this House for its favorable consideration a joint resolution introduced by the gentleman from Tennessee [Mr. RICHARDSON], authorizing the Secretary of the Interior to appoint a commission of three competent persons, whose duty it shall be to make a thorough and careful investigation of the affairs of the Pacific Railroads. The salary of each member of this commission is fixed at $3,000 per annum for the time during which the commission may be occupied, which would lead us to infer that it would take some time for this commission to complete the arduous labors which this joint resolution is designed to impose upon them. The committee in their report to the House upon this resolution use the following language:

The committee are of opinion that an examination should be made into the workings and financial management of the Pacific railroads that have received aid from the Government in bonds or lands, to ascertain whether they have observed all the obligations imposed upon them by the laws under which they received such aid, or which have been since passed in reference thereto.

In view of the vast interest the Government has in these railroads, and its liability for them, it is of the utmost importance that Congress shall know whether or not said obligations have been and are being disregarded by said companies. It is, by the committee, deemed important that the system of keeping the books and accounts of the roads be also investigated. The committee have reasons to believe that their books are not so kept as to show properly their net earnings. It is important to ascertain if there have been diversions of the earnings of said aided roads to less productive unaided branches, or any

other wrongful or improper purpose, and if so, to what extent; and also whether or not there have been discriminations in rates in favor of unaided as against aided roads. Your committee are of opinion that considerable money is due to the United States from said railroads on account of mistaken or erroneous reports, settlements, or accounts made and rendered by them. Further, it is believed that proceeds of the trust funds or lands loaned or granted them have been diverted from their lawful use.

To the end that an investigation may be had covering these alleged evils and irregularities, your committee are of opinion that the Secretary of the Interior should be clothed with power and have the necessary funds provided him with which to make such examination.

The resolution providing for this commission appropriates, I believe, $30,000 for the purpose of paying the expenses of the commission. Now, I ask this committee and this House—I do not desire an answer now, but in the time of the gentlemen on the other side—of what avail is this investigation, what purpose is to be accomplished by it, unless it is to enlighten this House and the Senate upon just such a subject as that which we have now before us?

Mr. DUNN. We desire to pass that resolution to-day as well as this bill.

Mr. SPRINGER. I want the resolution passed; I am in favor of its passage; but are we going to pass the present bill, putting this question out of our hands for seventy years, and afterward institute this investigation into the affairs of these companies to ascertain whether they have complied with the law?

Mr. DUNN rose.

Mr. SPRINGER. I have no time to yield. Let gentlemen answer in their own time. I want some gentleman to state why an investigation of this sort should be instituted after you have permanently disposed of this question by legislation.

Mr. THROCKMORTON. What assurance has the gentleman that the Senate will pass this bill if the House passes it?

Mr. SPRINGER. I assume that it will. It never fails to pass a good thing for the railroad companies.

Mr. Speaker, we are told that this bill is to be of great advantage to the Government. In the report submitted by the honorable gentleman from Ohio [Mr. OUTHWAITE] it is shown that under this bill the railroad companies embraced within its provisions will pay to the Government $3,757,496 a year for seventy years, at the end of which time the principal and interest of the indebtedness due by the railroad companies to the United States will be liquidated. Now, is this a good arrangement for the Government? That is the question before this House to-day. What is the present condition of things? The railroad companies covered by this bill owe the Government to-day $109,000,000. Are they able to pay it? Will they be able in the future to pay this sum? Does the Government need to go about looking for new securities in order to make this indebtedness worth its par value?

Mr. Speaker, what will be the condition of this country seventy years hence? What will it be at the end of eleven years when it is provided the first payment shall be made?

Mr. DUNN. The first payment is to be made next year.

Mr. SPRINGER. I am speaking of payments under the law without any further legislation. I maintain, sir, this is a good investment for the Government. In eleven years from now the population of this country will have increased many millions, and that largely increased population will be settled principally upon the lines of these several railroads. Seventy years from this time there will be perhaps 200,000,000 of people within the limits of the United States; and the vast plains of the West, which are now little better in most places than a "howling wilderness," will abound in wealth and be seats of empire composed of many prosperous communities.

The Government, therefore, to my mind, has a good investment in these roads, and ought to hold on to it. I desire to recur for a moment to the time when in 1864 we held the first mortgage on these roads, and when Congress surrendered that first mortgage, believing in so doing it was accomplishing a good thing in then helping these roads out of difficulty, thereby securing their rapid completion. We gave them that great advantage then, but I hope gentlemen will pause before giving them now an advantage even greater than they had at that time.

As I said before, Mr. Speaker, the present indebtedness of the Pacific railroads to the United States amounts to $109,000,000. This indebtedness consists of bonds issued to the Pacific railroads drawing 6 per cent. interest, amounting to $64,623,512, and the balance of interest paid by the United States over and above the interest paid by the companies to the credit of the bonds and interest account. I hold that the railroad companies are able to pay this intebtedness and that the Government has a good security for it. It is worth its face in bonds drawing 3 per cent. interest. If so funded into bonds drawing 3 per cent. interest, the interest account would amount to $3,270,000 a year; and in seventy years the companies would pay in interest at this rate an aggregate of $228,900,000.

The principal of $109,000,000 would still remain due and unpaid. Under the provisions of the pending bill, according to the report submitted by the gentleman from Ohio [Mr. OUTHWAITE], if the bill is passed the railroad companies would pay to the United States the sum of $3,757,496 annually for seventy years, at which time the whole amount of principal and interest would be liquidated. The aggregate payments at this rate, under the bill, in seventy years would amount to $263,024,720. Subtracting from this sum the $228,900,000 which the Government would receive as interest upon the present indebtedness at 3 per cent., would leave a difference of $34,000,000; in other words, under the present bill the companies would pay but $34,000,000 more in seventy years in interest than they would if their present indebtedness was funded at 3 per cent.

But at the end of seventy years, under the present bill, the entire principal and interest would be extinguished. But by funding the present indebtedness at 3 per cent. the excess of interest would amount to but $34,000,000, while the whole amount of principal would still remain unpaid. Therefore, deducting the $34,000,000 of excess of interest from the principal of $109,000,000, we would have left $75,000,000 of principal of the debt remaining unpaid and due the United States. Hence the advantage to the railroad companies in paying this indebtedness in the manner provided in the pending bill amounts in round numbers to $75,000,000 as compared with the payment of their present indebtedness in the same length of time funded into bonds bearing 3 per cent. interest.

In 1864, when the first lien of the Government was made a second lien, a great advantage was obtained by the railroad company. The action of Congress at that time has been severely condemned by the people of this country. But if this bill passes, even a much greater advantage than ever attained heretofore will be obtained by the railroad companies. If we consider their indebtedness as worth its face and 3 per cent. interest, the advantage in the seventy years covered by this bill amounts, as I have already said, to $75,000,000. The representatives of the people should consider well what they are doing. There is no necessity for this haste. Let us postpone consideration of this bill until December next, and in the mean time secure the investigation of the affairs of the railroad companies, which is provided for in the resolution to which I have already referred. Are we prepared to say, by an act of Congress, that the Pacific roads are entitled to a further bounty of $75,000,000 from the Government?

Mr. OUTHWAITE. It is $109,000,000 at a period not yet commenced.

Mr. SPRINGER. But the interest is accruing at the rate of 6 per cent. per annum on the $64,000,000 of bonds, and the railroad companies must pay it all back to us some time or other. I maintain they are able to do so, and the future will show they can pay this indebtedness.

Now, what are these lines of railroads which owe this large indebtedness to the United States? They are among the greatest of modern undertakings. That they are to be useless in the future is to deny the truth of all history and to close our eyes to all past experience. We must not forget the character of the country through which these roads run, or the fact that population increases in our country at the rate of more than a million of inhabitants every year.

If we are to suppose these railroads in the future are to be profitable to those who own them, then rather than pass this bill let things remain as they now are, or amend the Thurman act and secure our just and legal rights. If in eleven years these companies can not make profitable arrangements with us, let us enforce the liens which we hold upon them by paying the prior liens, and we will own the entire property, unless they can meet both liens. But by this bill you put it out of the power of the Government to deal with the subject for seventy years. You place it out of the control of Congress to interfere with these companies, if they pay this sum annually, for seventy long years. I am not particular what will be the condition of things seventy years hence; I do not think I will be here; but, sir, when that time shall have come, I hope those who will then be in existence will turn back to the files of the CONGRESSIONAL RECORD and see what good reason was given for the passage of this bill.

Mr. HOLMAN. Has my friend considered the fact that the Central Pacific Railroad has been transferred by a long lease for ninety-nine years?

Mr. HENLEY. For ninety-nine years, to a Kentucky corporation, taking it out of the jurisdiction of the courts of the different States through which it passes, and the passage of this act would have the effect by Congress to relieve that company by that extraordinary transaction.

Mr. DUNN. No; the lien carries with it all the obligations the Central owes the Government. It is expressly so stipulated.

Mr. HENLEY. It is the monetary obligations, not the governmental obligations. The object of that transfer was to get rid of the legal jurisdiction of the courts there.

Mr. OUTHWAITE. Does the gentleman from California say they can make a transfer of their property which would deprive the United States of any of its rights?

Mr. HENLEY. I do not say that. I do not know; but that is the claim of the company.

Mr. OUTHWAITE. I do not know what the company claims, but I know what the facts are.

Mr. SPRINGER. I am aware of the facts suggested by the gentlemen from Indiana and California; and I know in addition that this bill would simply give the Government an additional lien or mortgage upon the property. It simply takes possession of other property which is already heavily mortgaged.

Mr. DUNN. Here is the value: We get the branch lines, the Government now only having security on the trunk lines.

Mr. SPRINGER. I do not dispute the fact we get this additional security, for I have just stated it; but we take the branch lines, with all of their liabilities and debts, and the great sums of money which the gentleman has cited here as coming into our possession are not assets at all, but debts and obligations of these companies; and in such a transaction as this we are simply taking additional security subject to the liabilities and indebtedness which the companies have already assumed on these roads. We take a lien subject to an indebtedness equal to the bonded debt and capital of the roads.

Mr. DUNN. But the Union and Central now own these bonds.

Mr. SPRINGER. Yes; but they are debts, not assets; we are to get their debts and hold them as additional security for the debts they owe, and that is all there is of it.

Now, Mr. Speaker, before we deliberately pass a measure of this importance, stretching over a vast period of time, we should stop at least long enough to investigate the facts and understand what we are about to do. I would prefer, for my own part, the postponement of this bill until the first Monday in December next, and in the mean time this commission could go on as proposed by the resolution to which I have referred, make their investigation, and come in and submit their report to Congress, showing whether the present security is good or not, and whether we need additional branch lines and other bonded indebtedness to make us secure.

If they make their report, as I believe they will, that this is one of the richest properties in the world, then there will be no necessity for such legislation, because we will secure the debt we have against the company. They may report that the value of the property is in excess of the amount of the indebtedness of the roads, and that even if the Government debt is a second mortgage it is well secured and will bring its full value in all the markets of the world. If that be the report, then to-day we are guilty of a great breach of trust as the representatives of the people in giving the railroad companies the privileges and advantages which this bill would secure to them. It will give them an additional pecuniary advantage amounting to at least $75,000,000 and not render any more secure the claim of the Government.

Therefore, in the interest of the people of this country who have been once before betrayed in the house of their friends in the allowance of a first mortgage to be put on this property as against their own, I plead that we shall not now allow another act to be passed which will put this great property out of our control for a period of seventy years. Let us gather all of the facts, and then in December, when we meet again and the report is laid before us, we may all be willing to agree that this bill should pass; but if, on the contrary, the facts submitted be such as I anticipate they will be, then we can intelligently say it ought not to pass.

There is no necessity for such haste about it. It is eleven years before this indebtedness is due, and consequently there is no need of pressing the matter through the House in such hot haste. Let us wait and get a little more light. Let us get the results of this investigation. Let us understand if we are really *in extremis*, as we are led to believe by the arguments which we have heard here to-day. For myself, Mr. Speaker, I do not believe that the Government of the United States needs this alleged additional security. I believe all the provisions of this bill will inure not to the benefit of the Government, but to the benefit of the railroad companies; and it certainly will be so under this act.

This vast and valuable property is subject to our lien. If it is not worth the lien then it is worthless to us, for we have to take it for better or worse, with all of its indebtedness, under this arrangement. If the indebtedness is secured and the railroad companies can pay it, then we do not need this, the alleged advantages of this bill. If our indebtedness on the other hand is not secured, if the roads are worthless, we can not get our money under any circumstances. The individual stockholders are not coming forward as a mere matter of charity to help the Government out of its dilemma.

They are going to run it as long as it proves to be profitable to them; when it proves to be unprofitable to them they will give it up. So if it is worthless and if this bill is passed, we will get it without the passage of this bill, and we do not need the passage of the bill to enable us to do so. On the other hand, if it is valuable, as I believe it to be, then we have no reason to anticipate that our claims will not be paid in full. They may not be able to pay to-day.

This bill is not dealing with to-day. It is spreading itself over two or three generations, and therefore there is no necessity for haste; but, on the contrary, we should go slowly, and take great care not to make any mistake on this important subject. Let us investigate first and legislate afterward, and not legislate first and then proceed to investigate the railroads to ascertain their condition, their ability to pay, and the value of the Government's lien. A few months' delay can not possibly embarrass the Government or hazard any of our present advantages. But hasty action may prove to be detrimental to the interests of the Government and bring upon us the just condemnation of the people.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes.

Mr. SPRINGER. I yield the remainder of the time to my colleague [Mr. MORRISON].

Mr. MORRISON. The Union Pacific Railroad, or system of railroads, owes the United States more than a hundred millions of dollars, counting in the sixty-four millions of bonds guaranteed, which to all appearances we shall be compelled to pay. After one attempt by the Thurman act to compel the road to keep its contract and save the Government harmless, the amount of indebtedness to the Government continues to increase. In fact we have a hard bargain with the railroad company, one in which the company or companies fall further short of their engagements each succeeding year.

This bill is intended to fund, extend the time of payment, and increase the security for the final payment of the debt guaranteed by the Government. Were I assured the bill would accomplish its purpose I would vote for it, and it may be my own fault that I do not have that assurance, for I have confidence in both the intelligence and the purpose of the committee from which the bill comes.

The corporation, or men composing it, availed themselves of what turned out to be an enormous grant, built the road, squeezed all there was in it into their own pockets, in fact left it something of a wreck in the hands of men for the most part in no way responsible for the monstrous frauds practiced by their predecessors on the Government and the people. Our duty is now to make the most we can out of what is left—to deal rightly with the situation as we find it.

In the discussion much has been said of the bad bargain and alleged bad faith of the legislation of 1864 on this subject. Well, sir, viewed from this standpoint, it was a bad or hard bargain. If my colleague [Mr. SPRINGER] and the gentleman from Iowa [Mr. WEAVER] had been here then and as wise as they are now, twenty-two years later, they probably would not have been parties to its ratification. [Laughter]. They talk as if they believed we had given away a first-mortgage lien upon a railroad. Why, sir, in 1862 a grant had been made to certain parties; yes, to any parties or anybody who would build a railroad to California and tie it fast onto the Union. Nobody under that legislation put a spade in the ground or built any road. Two years afterward, and after we had tried in vain to obtain the building of the road under the first grant, it became apparent to all that the capital of the country would not take the risk of the enterprise. It substantially declared the capital of the country will not stand second; if you, the representatives of the people, want the railroad built the Government must take the second place and the first risk.

I remember, as the gentleman from Indiana [Mr. HOLMAN] does, some of the occurrences of the occasion. The gentlemen charged with legislation then (the majority) were on the other side of the Hall. They were especially charged with or took to themselves the control of legislation affecting the conduct of the war. They said from the other side, this grant has been made and offered to the capital of the country and is yet unaccepted. Nobody will under this offer build a road to the Pacific Ocean. Is my time out, Mr. Speaker?

The SPEAKER. The time of the gentleman has expired.

Mr. WEAVER, of Iowa. I hope his time will be extended.

Mr. HAYDEN. I will give the gentleman three minutes.

The SPEAKER. The Chair is not aware of the fact that the gentleman from Massachusetts has any time to give.

Mr. BRECKINRIDGE, of Kentucky. Can not the time be extended by unanimous consent.

Mr. THROCKMORTON. I ask unanimous consent that the gentleman from Illinois be permitted to proceed five minutes longer.

There was no objection.

Mr. MORRISON. I think if any one will take the trouble to inspect the House Journal it will be found that many members were in doubt as to their votes and more declined to vote than voted for the law now criticised. The gentleman from Indiana [Mr. HOLMAN] voted no; I voted ay. I was just out of the Army, a Union man, and he professed to be [laughter], and I believe was. Then, as now, in California there was a bright, intelligent people, largely Southern men, with big brains and big hearts, whose sympathies and aspirations were with the South, and they desired to cast their fortunes with the South also. Men of the North wanted to tie them on to the North. Half way between us and California were a people alien to us in religion and in everything unfriendly. The question was presented, or believed to be presented, here, will we tie the people of California on with iron bands and bring them near to us, or take the risk, by refusing to do so, of allowing them to unite with the South, as many of their leading men desired to do?

I agreed with those who wanted to bring them near to us by enabling us to get near to them, and as I remember, after some effort to get it amended, voted for it, and, as I always do, assume whatever responsibility belongs to me. [Applause.] At the time it appeared to me to be the right thing to do, and none of the wise critics of to-day know that it was not the right thing to do. Nearly all, I think all, my anti-war colleagues voted against the bill or did not vote at all. And at that time, while I believed I was tying on California (for the Pacific road bill was then a war measure), many of those who now regard that legislation as a betrayal of the people's interests were beating about the bush and very uncertain on every public question of that time.

With the lights before us to-day it is a very easy thing to talk of grants to great corporations. The grant was an invitation to the capital of the country, an invitation to invest in what was believed to be a most hazardous enterprise, probably never to be undertaken by anybody, but of great national interest. The gentleman from Indiana or my colleague or the gentleman from Iowa was at liberty to invest in it.

I think if the gentleman from Iowa [Mr. WEAVER] had been here he might have voted as I did; perhaps not. Some of the best men in the country voted against it, and some did not vote at all. The two distinguished gentlemen from Pennsylvania [Messrs. KELLEY and RANDALL] were members at the time, but did not vote.

Mr. HENDERSON, of Iowa. Mr. Julian and Mr. English voted for it.

Mr. MORRISON. Several of my colleagues from Illinois did not vote, but I did.

Mr. OUTHWAITE. May I ask the gentleman a question?

Mr. MORRISON. Yes, sir.

Mr. OUTHWAITE. My question is, whether it is not the fact that for years preceding that date the Government had been paying $7,200,000 for transportation from the Missouri River to the Pacific Ocean, and whether that has not been reduced more than one-half by the building of this road?

Mr. MORRISON. The gentleman is most likely correct, but I do not know the facts. In fact, I did not then count things by dollars [laughter] so much as in later years.

Mr. HOLMAN. If the time has not expired I wish to ask my friend a question.

The SPEAKER *pro tempore*. The gentleman from Illinois has one minute left.

Mr. HOLMAN. At the time the acts passed in 1864, had there not been a careful survey made of the route over which the road was to run from the Pacific Ocean to the Mississippi River? Had not the character of the country become to be better known, and was it not understood that the undertaking would not be so extraordinary or perilous as in former years it had been supposed to be? And did not these facts which I have here mentioned come to light soon after the passage of the act?

Mr. MORRISON. Possibly, but that did not afford us any light when the act was passed and when nothing was known here of any survey. The question was presented: "Gentlemen will you build this railroad to the Pacific? Will you take the risk, or will you leave it unbuilt?" That was all the light we had.

Mr. HOLMAN. The corporation had been formed?

Mr. MORRISON. Yes; corporators were in the act of 1862, and there was, I think, an organization, a paper organization; no road; and I have heard and believe that whatever survey was made was not by the corporation or men who afterward built the road.

Mr. CRISP. Mr. Speaker, I should be content but for the statements of the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Illinois [Mr. SPRINGER] to leave this argument wholly to others; but I propose to assume the full responsibility for the part I have taken in this matter, and I propose that those two gentlemen shall assume before the country their proper responsibility for the representations they have made here. The distinguished gentleman from Indiana [Mr. HOLMAN] read from the report of the Secretary of the Interior. He is in the habit of examining figures, and the statement he made was calculated to mislead this House. I have before me the identical document used by him. On it I find marks that refer to the figures to which he called attention.

In the book, in connection with the figures, in connection with the identical statements from which the gentleman read, are clear and distinct refutations of what he has said here. He stated to you that the assets of the Union Pacific Railway Company were two hundred and fifty million and odd dollars, when there was included in that statement the unsubsidized lines, to which we have no claim and on which we have no lien. There are 2,687 miles of line of that sort.

The gentleman stated that the net earnings of the Union Pacific Railway were $8,738,407.55, when the very same book, in the very same connection——

Mr. HOLMAN. What page?

Mr. CRISP. Page 597. The very next page after that from which the gentleman read shows that the net earnings of that company, *within the meaning of the Thurman act*, were $4,540,880.62.

Mr. HENDERSON, of Iowa. That is not marked, is it? [Laughter.]

Mr. CRISP. That is not marked, but I am marking it now for the benefit of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Will the gentleman point to the page that he refers to?

Mr. CRISP. It is page 597, the one following that from which the distinguished gentleman from Indiana read.

Mr. HOLMAN. Will the gentleman present in his speech the whole of that table?

Mr. CRISP. I present here a refutation of the statement of the gentleman from Indiana. And mark, I called the gentleman's attention to it at the time, and so did the gentleman from Ohio [Mr. OUTHWAITE]. We told him that the figures he was giving were not the net earnings within the meaning of the Thurman act.

Mr. HOLMAN. Does not the gentleman know that this table reads as follows——

Mr. CRISP. I do not yield, Mr. Speaker. I have but five minutes. If the House will give me five minutes more I will yield to the gentleman.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HENDERSON, of Iowa. I move that the time of the gentleman be extended for five minutes, and that the gentleman from Indiana [Mr. HOLMAN] also have five minutes.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the gentleman from Georgia be allowed ten minutes more.

Mr. HENLEY. There will be no unanimous consent unless the same privilege is given to the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent that five minutes' additional time be allowed to the gentleman from Georgia [Mr. CRISP] and five minutes to the gentleman from Indiana [Mr. HOLMAN]. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I move to amend by making it ten.

Mr. THROCKMORTON. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. THROCKMORTON. Under the order of the House the previous question is ordered upon this bill at 4 o'clock to-day.

The SPEAKER *pro tempore*. The Chair understands that this extension of time, if granted, will extend the time under the order. Is there objection to the request of the gentleman from Iowa?

Mr. DOUGHERTY. I object.

Several MEMBERS. "Withdraw the objection!"

The SPEAKER. Does the gentleman from Florida [Mr. DOUGHERTY] object?

Mr. BRECKINRIDGE, of Arkansas. I understand the objection is withdrawn.

Mr. HENLEY. What is the request?

The SPEAKER. The Chair has already stated the request. The gentleman from Iowa [Mr. HENDERSON] has asked unanimous consent that five minutes' additional time be given to the gentleman from Georgia and five minutes to the gentleman from Indiana.

Mr. BRECKINRIDGE, of Arkansas. I sought to amend that proposition so as to allow ten minutes to each gentleman.

Mr. HENLEY. Five minutes are enough; I have no objection to five minutes on each side.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that ten minutes——

Mr. THROCKMORTON. I object.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the proposition.

The SPEAKER. If there be no objection, five minutes will be allowed to each of the gentlemen named, and the time for taking the vote will be extended accordingly. The Chair hears no objection.

Mr. HOLMAN (to Mr. CRISP). Now go ahead and occupy your time.

Mr. CRISP. If the gentleman from Indiana desires now to make his explanation I would be glad to have him do so.

Mr. HOLMAN. I have five minutes, and will answer the gentleman when he is through.

Mr. HENDERSON, of Iowa (to Mr. CRISP). You can reserve two or three minutes of your time.

Mr. CRISP. I will try to see that I have time for a reply, if necessary.

Mr. Speaker, the figures which I have quoted in the hearing of the House are in the report. They were and they are before the gentleman from Indiana, and while there is a statement in this report that the net earnings were as he says $8,738,407.55, the same statement shows further on that the net earnings within the meaning of the Thurman act, so far as this Government has anything to do with the question, were about half of that sum. Now why did the gentleman make that statement?

As to the Central Pacific Railroad Company, the gentleman from Indiana said the net earnings were $7,820,371.41. That is marked in the book, but when it comes to the net earnings within the meaning of the Thurman act—the earnings of the subsidized lines, not those vast lines designated on the map by red lines, but the subsidized lines indicated by the black lines—when it comes to the net earnings within the meaning of the Thurman act the amount is $1,212,526.45.

And this is the distinguished gentleman that is posing in this House as the friend of the people, when he is seeking by statements of that kind to keep this House from endeavoring to collect the just debts due the Government! I say to him, sir, and I say to the distinguished gentleman from Illinois [Mr. SPRINGER] that they may not, with my consent, pose here as the friends of the Treasury, when by resorting to such means as that they are endeavoring to prevent those who are honestly the friends of the Government from collecting what is justly its due. Those gentlemen can not, by seeking to excite prejudices in reference to the past acts of these corporations, blind the eyes of business men to the present facts.

I reserve the minute and a half that I have remaining until the gentleman from Indiana gets through.

By virtue of the leave granted me by the House I append the following tables, taken from the report of Commissioner of Railroads, embraced in the report of the Secretary of the Interior made November 1, 1885, showing the net earnings of the Union and Cental Pacific Railroads on the subsidized and unsubsidized lines together and also on the subsidized lines alone, under the rule established by the Thurman act of 1878; the first beginning on page 594 of report of Secretary of Interior and ending on page 597, the second beginning on page 604 and ending on page 606 of said report:

The indebtedness of the Union Pacific Railway Company (including the Kansas Pacific) to the United States, June 30, 1885, is as follows:

Principal	$33,539,512 00	
Accrued interest	35,111,924 94	
Total		$68,651,436 94

CREDIT.

Transportation performed and money paid into the Treasury:

Transportation applied to bond and interest account	$13,931,873 59	
Cash payments applied to bond and interest account	283,162 99	
Transportation applied to sinking fund	3,873,664 08	
Cash payments to sinking fund	1,421,714 46	
Interest on sinking-fund investments	226,965 20	
Total		19,737,380 32
Balance in favor of the United States, but not due until maturity of principal, 1895–'99		48,914,056 62

Financial condition of the Union Pacific Railway Company June 30, 1885.

LIABILITIES.

Funded debt	$82,484,285 04
Interest on funded debt, accrued, not due	782,326 30
United States subsidy bonds	33,539,512 00
Interest on United States subsidy bonds, accrued, not due	35,111,924 94
Bills payable	7,575,000 00
Accounts payable	1,516,833 80
Pay-rolls and vouchers	2,242,076 88
Dividends unpaid	72,665 52
Coupons due and unpaid	1,265,622 90
Called bonds	96,000 00
Total debt	164,686,247 38
Capital stock	60,868,500 00
Total stock and debt	225,554,747 38

ASSETS.

Cost of road and fixtures	$159,092,996 62
Fuel, material, and stores on hand	1,164,762 75
Cash on hand	1,211,855 96
Company's stocks and bonds owned by company	3,167,460 93
Sinking funds in hands of trustees	135,694 89
Bills and accounts receivable	3,548,396 07
Bonds and stocks of other companies, cost	40,956,287 24
Miscellaneous investments	604,631 25
Interest repaid the United States for transportation	8,941,817 37
Due from the United States for transportation	7,592,295 35
Land contracts and land cash	16,659,441 46
Advances payable in bonds and stocks	5,205,893 16
Sinking funds in United States Treasury	3,760,100 00
Total	252,041,633 65
Surplus, including land sales	26,486,886 27
Surplus, excluding land sales	9,827,444 81

Comparative statement of the earnings and expenses of the Union Pacific Railway Company.

	Year ending June 30, 1885.	Year ending June 30, 1884.	Difference.		
			Increase or decrease.	Amount.	Per cent.
EARNINGS.					
Passenger	$3,975,078 64	$4,448,517 76	Decrease	$473,439 12	10.64
Freight	12,001,597 34	12,568,348 27	Decrease	566,750 93	4.51
Mail	665,419 90	677,384 02	Decrease	11,964 12	1.62
Express	598,887 78	693,731 13	Decrease	94,843 35	13.67
Miscellaneous	595,747 82	630,526 49	Decrease	34,778 67	5.51
Total	17,836,731 48	19,018,507 67	Decrease	1,181,776 19	6.21
EXPENSES.					
Conducting transportation	2,738,458 97	2,849,029 50	Decrease	110,570 53	3.89
Maintenance of way	1,944,373 58	2,023,203 33	Decrease	78,829 75	3.89
Motive power	2,633,159 39	3,603,637 07	Decrease	970,477 68	26.93
Maintenance of cars	657,215 23	878,857 93	Decrease	221,642 70	25.22
General expenses and taxes	1,125,116 76	938,880 02	Increase	186,236 74	19.83
Total	9,098,323 93	10,293,607 85	Decrease	1,195,283 92	11.61
Net earnings	8,738,407 55	8,724,899 82	Increase	13,507 73	0.15
Average miles operated	1,832.18	1,824.26	Increase	7.92	0.43
Earnings per mile	$9,735 25	$10,425 32	Decrease	$690 07	6.66
Expenses per mile	4,965 85	5,642 62	Decrease	676 77	11.99
Net earnings per mile	4,769 40	4,782 70	Decrease	13 30	0.27
Percentage of expenses to earnings	51.01	54.12	Decrease	3.11	5.74

Union Pacific Railroad.

Years.	Number of miles.	Passengers.			Average per passenger per mile.	Freight.			Average per ton per mile.	Per passenger.	Per ton.
		Number.	Carried one mile.	Gross receipts.		Gross tons.	Carried one mile.	Gross receipts.			
					Cents.				Cents.	Miles.	Miles.
1870	1,038.68	142,623	74,917,335	$3,818,627 55	5.10	.....	71,779,106	$3,058,514 71	4.26	525	.....
1871	1,038.68	130,561	73,994,927	3,123,510 08	4.22	.....	134,205,887	3,629,488 94	2.70	568	.....
1872	1,038.68	165,688	80,663,871	3,370,312 41	4.18	.....	178,145,755	4,768,419 07	2.67	487	.....
1873	1,038.68	174,994	95,709,054	3,887,204 48	4.06	487,484	223,361,542	5,516,907 58	2.47	547	458
1874	1,038.68	188,877	105,138,205	3,952,858 55	3.76	482,000	262,238,837	5,664,731 33	2.16	556	544
1875	1,038.68	209,831	132,591,343	4,346,014 00	3.28	501,410	269,414,989	6,641,512 00	2.47	632	537
1876	1,038.68	202,648	128,032,924	4,307,602 00	3.36	629,947	292,002,076	7,304,123 00	2.50	632	464
1877	1,038.68	185,691	107,883,371	3,599,756 00	3.34	716,112	334,644,870	7,597,681 00	2.27	581	467
1878	1,038.68	188,315	96,304,250	3,150,409 00	3.27	844,019	366,014,080	8,295,878 00	2.27	511	434
1879	1,038.68	207,020	100,151,148	3,207,910 00	3.20	992,886	436,054,149	8,692,414 00	1.99	484	439
1880	1,816.73	839,374	161,890,901	5,405,125 00	3.33	.....	660,472,084	13,617,024 67	2.06	193	.....
1881	1,820.90	807,141	153,570,005	5,131,571 39	3.34	2,065,030	783,331,084	15,559,528 00	1.99	166	379
1882	1,820.90	981,420	157,527,336	5,197,769 96	3.30	2,101,635	732,791,054	13,905,489 63	1.89	161	349
1883	1,830.27	1,135,983	148,953,839	4,659,116 16	3.13	2,826,071	705,781,630	14,268,291 31	2.02	131	250
1884	1,830.27	1,265,299	142,692,631	4,212,597 12	2.95	2,970,311	749,020,218	11,630,310 63	1.56	113	252

UNION PACIFIC RAILWAY, UNION DIVISION.

Statement of 25 per cent. of the net earnings as ascertained under the act of May 7, 1878, for the year ending December 31, 1884.

EARNINGS.

United States:		
Passenger	$94,479 24	
Freight	206,115 31	
Mail	462,865 65	
Express	381 44	
Telegraph	1,718 01	
		$765,559 65
Commercial:		
Passenger	2,942,747 96	
Freight	7,582,640 83	
Express	482,530 42	
Company freight	304,679 93	
Car service		
Rent of buildings	35,756 71	
Miscellaneous	461,177 94	
		11,809,533 79
Gross earnings		12,575,093 44

EXPENSES.

Conducting transportation	1,932,917 94	
Maintenance of way	832,552 15	
Motive power	1,983,313 21	
Maintenance of cars	529,944 92	
General expenses and taxes	749,928 14	
Total operating expenses and taxe		$6,028,656 36
Interest paid on first-mortgage bonds, having priority of lien over those of the United States		1,631,010 00
New construction (see statement)	$106,784 02	
New equipment (see statement)	267,762 44	
		374,546 46
Total expenses under act of May 7, 1878		8,034,212 82
Net earnings so ascertained		4,540,880 62

Twenty-five per cent		$1,135,220 16
Deduct amount of transportation for 1884, as above		765,559 65
Remainder, cash, or additional payment required by law		369,660 51

APPLICATION.

One-half transportation services on aided line	$382,779 82	
Cash payment, 5 per cent. of net earnings	227,044 03	
Total to credit of bond and interest account		609,823 85
One-half transportation services on aided line	382,779 83	
Cash payment, being that portion of $850,000 named in section 4 of the act of May 7, 1878, payable into the sinking fund	142,616 48	
Total to credit of sinking-fund account		525,396 31
Twenty-five per cent. of net earnings		1,135,220 16
Cash, or additional payment required by law		369,660 51

The indebtedness of the Central Pacific Railroad Company (including the Western Pacific) to the United States, June 30, 1885, is as follows:

Principal	$27,855,680 00
Accrued interest	28,463,485 81
Total	56,319,165 81

CREDIT.

Transportation performed and money paid into the Treasury:		
Transportation applied to bond and interest account	$5,143,552 31	
Cash payment applied to bond and interest account	648,271 96	
Transportation applied to sinking fund	2,193,912 55	
Cash payments to sinking fund	633,992 48	
Interest on sinking-fund investments	210,558 83	
Total		8,830,288 13
Balance in favor of the United States but not due until maturity of principal, 1895-'99		47,488,877 68

Comparative statement of earnings and expenses of the Central Pacific Railroad Company.

	Year ending June 30, 1885.	Year ending June 30, 1884.	Difference.		
			Increase or decrease.	Amount.	Per cent.
EARNINGS.					
Passenger	$6,853,798 74	$7,649,715 80	Decrease	$795,917 06	10.41
Freight	12,618,307 52	14,059,395 66	Decrease	1,441,088 13	10.25
Mail	548,399 16	575,785 83	Decrease	27,386 67	4.76
Express	308,074 10	310,630 11	Decrease	2,556 01	0.82
Miscellaneous	710,885 54	1,043,688 41	Decrease	332,802 87	31.88
Total	21,039,465 07	23,639,215 81	Decrease	2,599,750 74	10.99
EXPENSES.					
Conducting transportation	2,620,760 13	2,782,789 18	Decrease	162,029 05	5.82
Maintenance of way	1,844,790 61	2,712,327 11	Decrease	867,436 50	31.99
Motive power	3,684,464 61	3,837,468 27	Decrease	153,003 66	3.99
Maintenance of cars	631,873 20	734,850 48	Decrease	102,977 28	14.01
General expenses and taxes	4,437,205 11	5,770,770 61	Decrease	1,333,565 50	23.10
Total	13,219,093 66	15,838,205 65	Decrease	2,619,111 96	16.53
Net earnings	7,820,371 41	7,801,010 16	Increase	19,361 25	0.25
Average miles operated	2,856 07	3,003 68	Decrease	147 61	4.91
Earnings per mile	7,366 57	7,870 08	Decrease	503 51	6.40
Expenses per mile	4,628 42	5,272 93	Decrease	644 51	12.22
Net earnings per mile	2,738 15	2,597 15	Increase	141 00	5.43
Percentage of expenses to earnings	62 83	66 99	Decrease	4 16	6.22

Central Pacific Railroad.

Years.	Number of miles.	Passengers.			Average per passenger per mile.	Freight.			Average per ton per mile.	Per passenger.	Per ton.
		Number.	Carried one mile.	Gross receipts.		Gross tons.	Carried one mile.	Gross receipts.			
					Cents.				Cents.	Miles.	Miles.
1870	992.07			$3,581,506 18		442,890		$3,232,479 25			
1871	1,054.84			3,486,239 29				4,653,811 75			
1872	1,176.41		106,120,000	4,065,210 00	3.83	948,114	190,510,000	6,967,441 58	3.66		209
1873	1,254.48		120,858,000	4,418,417 42	3.66	941,000	248,793,000	7,462,894 92	3.00		264
1874	1,265.97		134,318,000	4,723,866 94	3.52	1,029,000	280,395,000	7,986,894 92	2.85		272
1875	1,349.28		168,336,000	5,509,369 32	3.27	1,096,000	316,593,000	9,938,303 58	3.14		289
1876	1,423.94	5,772,659	172,639,000	5,589,304 43	3.24	1,284,000	363,460,000	10,773,618 34	2.96	30	283
1877	1,905.95	6,275,979	181,715,000	5,483,704 35	3.02	1,415,000	363,542,000	10,095,349 87	2.78	29	257
1878	2,118.74	6,978,188	178,773,325	5,204,913 07	2.96	1,787,786	392,281,710	10,802,276 40	2.75	26	219
1879	2,325.25	6,803,479	180,779,711	4,919,254 63	2.72	1,864,335	392,950,000	10,934,573 39	2.78	27	211
1880	2,492.26	6,707,345	191,415,400	5,819,794 23	3.04	2,140,879	565,063,768	13,245,857 79	2.34	29	264
1881	2,707.00	7,032,366	218,117,760	6,692,828 27	3.07	2,757,193	733,285,889	15,842,139 01	2.14	30	266
1882	3,111.81	7,688,514	255,824,363	7,474,216 12	2.92	3,109,697	902,981,309	16,302,882 72	1.81	33	290
1883	2,996.33	8,542,583	291,109,508	7,945,826 07	2.73	2,883,941	775,976,492	14,932,969 94	1.92	34	269
1884	2,796.83	8,773,853	275,034,110	7,226,570 94	2.63	2,868,410	664,507,819	13,043,034 27	1.96	31	232

Statement of 25 per cent. of the net earnings, as ascertained under the act of May 7, 1878, for the year ending December 31, 1884.

CENTRAL PACIFIC RAILROAD COMPANY.

EARNINGS.			EXPENSES.		
United States:			Conducting transportation	$688,732 16	
Passenger	$98,604 84		Maintenance of way	956,015 47	
Freight	75,334 49		Motive power	1,326,735 09	
Mail	304,285 87		Maintenance of cars	263,495 98	
		$478,225 20	General expenses and taxes	1,181,645 52	
Commercial:			Total operating expenses and taxes	4,416,624 22	
Passenger	2,161,746 88		Interest paid on first-mortgage bonds having priority of lien over those of the United States	1,671,630 00	
Freight	3,971,703 66				
Express	105,361 68		Total expenses under act of May 7, 1878		6,088,254 22
Miscellaneous	583,743 25				
		6,822,555 47			
Gross earnings		$7,300,780 67	Net earnings so ascertained		1,212,526 45

Mr. HOLMAN. Let us see now who is correct. Let this public document speak the truth, and let us see whether gentlemen who thought proper to applaud a discourteous statement did an honorable thing. I I have this record from which I read before me—the report of the Commissioner of Railroads. There is first the statement (page 592) that the Union Pacific road is composed of the Union Pacific, Kansas Pacific, and the Denver Pacific Railway and Telegraph Company. Gentlemen are aware that these are portions of the Union Pacific system. Then there is a "a comparative statement of earnings and expenses of the Union Pacific Railway Company"—the Union Pacific Railway Company. Let us see now who should apologize to the House.

Comparative statement of earnings and expenses of the Union Pacific Railway Company.

Every word and figure of this table shall go into my remarks unless objection is made.

Here is the table (page 595, Executive Document 1, part 5, first session Forty-ninth Congress):

Comparative statement of the earnings and expenses of the Union Pacific Railway Company.

	Year ending June 30, 1885.	Year ending June 30, 1884.	Difference.		
			Increase or decrease.	Amount.	Per cent.
EARNINGS.					
Passenger	$3,975,078 64	$4,448,517 76	Decrease	$473,439 12	10.64
Freight	12,001,597 34	12,568,348 27	Decrease	566,750 93	4.51
Mail	665,419 90	677,384 02	Decrease	11,964 12	1.62
Express	598,887 78	693,731 13	Decrease	94,843 35	13.67
Miscellaneous	595,747 82	630,526 49	Decrease	34,778 67	5.51
Total	17,836,731 48	19,018,507 67	Decrease	1,181,776 19	6.21
EXPENSES.					
Conducting transportation	2,738,458 97	2,849,029 50	Decrease	110,570 03	3.89
Maintenance of way	1,944,373 58	2,023,203 33	Decrease	78,829 75	3.89
Motive power	2,633,159 39	3,603,637 07	Decrease	970,477 68	26.93
Maintenance of cars	657,215 23	878,857 93	Decrease	221,642 70	25.22
General expenses and taxes	1,125,116 76	938,880 02	Increase	186,236 74	19.83
Total	9,098,323 93	10,293,607 85	Decrease	1,195,283 92	11.61
Net earnings	8,738,407 55	8,724,899 82	Increase	13,507 73	0.15
Average miles operated	1,832 18	1,824 26	Increase	7 92	0.43
Earnings per mile	$9,735 25	$10,425 32	Decrease	$690 07	6.66
Expenses per mile	4,965 85	5,642 62	Decrease	676 77	11.99
Net earnings per mile	4,769 40	4,782 70	Decrease	13 30	0.27
Percentage of expenses to earnings	51.01	54.12	Decrease	3.11	5.74

Comparative statement of earnings and expenses of the Central Pacific Railroad Company.

	Year ending June 30, 1885.	Year ending June 30, 1884.	Difference.		
			Increase or decrease.	Amount.	Per cent.
EARNINGS.					
Passenger	$6,853,798 74	$7,649,715 80	Decrease	$795,917 06	10.41
Freight	12,618,307 53	14,059,395 66	Decrease	1,441,088 13	10.25
Mail	548,399 16	575,785 83	Decrease	27,386 67	4.76
Express	308,074 10	310,630 11	Decrease	2,556 01	0.82
Micellaneous	710,885 54	1,043,688 41	Decrease	332,802 87	31.88
Total	21,039,465 07	23,639,215 81	Decrease	2,599,750 74	10.99
EXPENSES.					
Conducting transportation	2,620,760 13	2,782,789 18	Decrease	162,029 05	5.82
Maintenance of way	1,844,790 61	7,712,327 11	Decrease	867,536 50	31.99
Motive power	3,684,464 61	3,837,468 27	Decrease	153,003 66	3.99
Maintenance of cars	631,873 20	734,850 48	Decrease	102,977 28	14.01
General expenses and taxes	4,437,205 11	5,770,770 61	Decrease	1,333,565 50	23.10
Total	13,219,093 66	15,838,205 65	Decrease	2,619,111 99	16.53
Net earnings	7,820,371 41	7,801,010 16	Increase	19,361 25	0.25
Average miles operated	2,856.07	3,003.68	Decrease	147.61	4.91
Earnings per mile	7,366 57	7,870 08	Decrease	503 51	6.40
Expenses per mile	4,628 42	5,272 93	Decrease	644 51	12.22
Net earnings per mile	2,738 15	2,597 15	Increase	141 00	5.43
Percentage of expenses to earnings	62.83	66.99	Decrease	4.16	6.22

Then follows a statement of "net earnings, average per mile;" "earnings per mile;" "expenses per mile;" "net earnings per mile;" "percentage of expenses and earnings."

Mr. DUNN. That includes all the unsubsidized lines——

Mr. HOLMAN. It embraces what I have read.

Mr. DUNN. Over 3,000 miles.

Mr. HOLMAN. It embraces what I have read—"comparative statement of earnings and expenses of the Union Pacific Railway Company;" and it gives the earnings as I have read them. No gentleman who has this document before him can fail to see that this display of passion was not the result apparently of a fair controversy over a question of what a public record states.

Turning further, here is a comparative statement of the earnings of the Central Pacific Railroad and the Western Pacific, both subsidized roads under the name of the Central Pacific, net earnings $7,820,371.41; "earnings per mile;" "expenses per mile;" "percentage of expenses of earnings." There are the tables, gentlemen.

There are the tables; and if the gentleman can point out an error in the statement made by your public officers let him do it.

I publish the whole of the tables, and the country will see what the truth is.

Mr. CRISP. The gentleman may publish it. I ask nothing better than an appeal to the country on a question of this sort. I tell you, Mr. Speaker, in a business body like this, so far as I am concerned, in every judgment I make I seek to be guided by business principles.

The SPEAKER. The gentleman's time has expired.

Mr. THROCKMORTON. How much time have I left?

The SPEAKER. Thirty minutes.

Mr. HOLMAN. I ask to put in both of the tables.

Mr. CRISP. I ask to put in both of the tables.

Mr. THROCKMORTON. I ask by unanimous consent that leave be granted to all gentlemen on either side of the House who may wish to do so to print remarks in the RECORD on this bill.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. DOUGHERTY. It seems to me they are undertaking to dispose of a very important measure.

The SPEAKER. The gentleman from Texas [Mr. THROCKMORTON] has yielded the floor to the gentleman from New York [Mr. WEBER].

Mr. DOUGHERTY. I move the House adjourn.

The SPEAKER. The gentleman from New York has the floor.

Mr. WEBER. Mr. Speaker, the relations of the Pacific railroads with the Government of the United States come down to us as legislative legacies of former Congresses, out of which have grown burdens and liabilities increasing in weight with time, until now some additional legislation seems absolutely necessary to prevent the probability of a total wreck of the interests of the people therein involved.

In the consideration of such legislative measures present conditions and future relief are subjects more profitable for discussion and will be more fruitful of results than denunciations of these corporations for past transgressions, richly deserving of such denunciations though they are as I believe. The experience of the past, however, should be drawn upon for present guidance, and in view of such additional aid our action now will not receive the charitable consideration that was invoked and accorded to our predecessors, who grappled with an enterprise looked upon by many as visionary and impracticable.

HISTORY OF PACIFIC RAILROAD LEGISLATION.

For a brief history of Pacific railroad legislation I quote from the report of the committee as follows:

On the 1st day of July, 1862, Congress passed "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," by which lands and bonds were granted to certain railroads therein mentioned, to aid in their construction. By section 6 of said act it was provided "that the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, &c., and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. Said company may also pay the United States, wholly or in part, in the same or other bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, at least 5 per cent. of the net earnings of said road shall also annually be applied to the payment thereof.

The grant in lands and bonds was doubled by the act of July 2, 1864, and many other powers given the companies, among which was to place a first mortgage upon their railroads equal in amount to the subsidy in bonds given by the Government, and prior in lien to the lien heretofore held by the Government. (See section 10, act of 1864.)

* * * * * * *

It is evident that when the bonds were given to aid the roads the intention was for them to provide out of their assets for the payment of the interest as it fell due, and also to provide a 5 per cent. sinking fund, which would retire the principal at the end of twenty years from the completion of the roads. It was stated upon the floor of Congress, and generally believed, that the compensation then being paid out for transportation of mails and Government supplies, all of which would be carried by the roads, along the routes aided, was nearly double the interest on the subsidy bonds, and that to retain one-half of said compensation would be sufficient in the hands of the Government to meet the interest payments, leaving the 5 per cent. of net earnings to liquidate the principal and any interest left unsettled. So by the fifth section of the act of 1864 it was provided "that only one-half of the compensation for services rendered for the Government by said companies shall be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads."

The words in the act of 1862 to which all compensation was to be applied were "bonds and interest;" the term here used is simply "bonds," nothing being said about interest; from which we might reasonably conclude that there was a fixed determination to have the interest paid from time to time, if it took all the compensation to do it, but a willingness to remit one-half, so far as the bonds themselves were concerned, leaving the 5 per cent. to take care of them.

* * * * * * *

After the bonds were received by the roads, and transportation commenced, the officers of the Treasury gave such a construction to the act of 1864 that they only retained one-half the compensation for any purpose, and the 5 per cent. of net earnings. It was found that this sum was wholly inadequate to repay the interest which the Government had to pay out semi-annually for the roads, and by an act of March 3, 1873, afterwards carried into section 5260 of the Revised Statutes, Congress again directed that the Secretary of the Treasury withhold "all payments to any railroad company, and its assigns, on account of freights or transportation over their respective roads of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been reimbursed, together with the 5 per cent. of net earnings due and unapplied as provided by law," and then provided for suit to be brought by any company for transportation, which is practically a declaration by Congress that the whole should be retained and applied, if it can legally be done, to the payment of interest. After the passage of this act the officers of the Treasury withheld all payments from the roads on the accounts mentioned and applied them to the payment of interest until May 7, 1878, when Congress passed what is known as the "Thurman sinking-fund act." We regret to say this act, in financial results, has not fully met the expectations of its authors, for it was not then foreseen that the 6, 5, and 4 per cent. Government bonds might be called in and extended at a lower rate. But it established one most important point—the control of the Government over these companies.

GOVERNMENT GRANTS.

By this we find that the grants under the first act, which by reason of the wonderful developments brought about through the agencies created by governmental grants, raised them to that princely degree we know them to be now, but not realized then, yet were insufficient to induce capital to invest in the undertaking, and the enterprise languished until the passage of the amendatory acts of 1864 doubling the land grants, reducing the application of compensation for governmental transportation to one-half, and permitting a mortgage of equal amount to the subsidy of the Government to be placed ahead of it as the first lien upon the road.

GOVERNMENT TRANSPORTATION COMPENSATION.

As is stated in the report of the committee, it was believed that one-half of the charges for the transportation of the mails and Government supplies, which, according to the report of the Secretary of War made in March, 1862, averaged for the five years previous, for the transportation of mails, troops, and munitions of war between the Atlantic and Pacific coasts and intermediate points, $7,309,341 annually, would be sufficient to repay the interest on the subsidy bonds, and the 5 per cent. would wipe out the principal before maturity; but the building of the roads immediately reduced the cost of transportation to insignificant figures in comparison with previous cost.

LITIGATION BETWEEN THE COMPANIES AND THE GOVERNMENT.

Various questions have arisen resulting in litigation between the corporations and the United States, the most important of which, as to whether the companies were obliged to pay the interest upon the bonds until the maturity of the principal, was decided by the Supreme Court in favor of the railroads and against the Government.

THURMAN ACT OF 1878.

Following this came the Thurman act, from which so much was expected, and which in financial results, as stated in the report, has not yielded according to the expectation of its authors. Under its provisions the Union Pacific Company paid to the Government for the year ending December 31, 1885, the sum of $1,184,053.05, while the amount actually paid by the Government for this company for that period was $2,012,370.72, showing a deficiency in the interest account of $828,317.67 for one year.

Brief extracts from the report of the committee will enable us to reach an understanding of the situation as it now confronts us:

The act of May 7, 1878, was expected to keep down the indebtedness of the roads, but it has failed to do so. The unpaid interest accounts have continued to increase from year to year, and will continue to do so until the maturity of the subsidy bonds. The total debt amounts now to $109,249,527.62. This is an enormous debt, increasing more than $1,500,000 a year, and will mature in about twelve years, for the payment of which no provision is being made by the companies voluntarily. There seems to be a fear, possibly with some foundation, that they are discriminating in through freights against the subsidized roads. The receipts upon this portion of the large roads upon which the lien exists are declining, while upon several of the branch roads not subject to the lien the earnings are increasing. Whether this is at the expense of the former is an unsettled question.

"How far it may be to the interest of the owners and controllers of the Union and Central Pacific to build parallel roads, surround and cut off the trade legitimately belonging to the subsidized roads as population increases in the West and States grow up, and thereby render these lines useful only to their systems and profitable only to them, can only be determined by their present conduct. If they are strangling them now, it is not without a purpose, and we may expect a continuation of this policy. The tendency of this is to endanger the final payment of the debt which will soon be due the Government."

* * * * * * *

The Canada Pacific must interfere to some extent with their transcontinental traffic hereafter.

The Northern Pacific has withdrawn from these lines a large proportion of the trade of Oregon, Washington, and Montana. The Atlantic and Pacific, as a central line, competes directly for the trade of San Francisco, Central California, and the intervening territory.

The Southern Pacific competes directly for the trade of Southern California, and thus is withdrawn to sustain these three great competing lines a large proportion of the traffic upon which the earnings of the Central and Union Pacific companies depend. Apart from all questions of traffic purposely diverted from the subsidized and non-subsidized roads, if any there be, the necessary and natural competition between these same roads seriously impairs the earnings of

both and renders the payment of this enormous debt at least doubtful under any system which depends upon the levying of a percentage of net earnings.

Your committee has therefore come to the conclusion that the best interests of the Government and a just regard for the interests of the stockholders, thousands of whom have purchased their stock since the year 1878, and of the communities through which the roads run, requires that some method be devised whereby the Government shall be secured the certain payment of all the money it has advanced to the Pacific Railroads, and that the immediate commencement of payment thereon in fixed semi-annual amounts be arranged for. * * *

The present board of Government directors, all of whom were appointed during the year of 1885, in their report of January 30, 1886, among other things say:

RELATIONS OF THE RAILWAY COMPANY TO THE GOVERNMENT.

The salient feature in the relations of the Union Pacific to the Government is that the road is a debtor to the Government to a very large amount, the debt being secured only by a second mortgage upon a portion of the property of the company. Under these circumstances there has grown up an uneasiness on the part of Congress lest the debt to the United States might be finally lost, and legislation has been had with a view to prevent that result.

But the legislation had so far seems admitted upon all sides to have failed of its object and to have brought about a state of affairs which calls for early action.

For some years every Secretary of the Treasury, every Commissioner of Railroads, and every board of Government directors, has reported to Congress that the Thurman act, under conditions changed since its passage, is yearly locking up in comparative idleness large sums of money, to the mutual loss and injury of debtor and creditor.

* * * * * * *

As matters now stand, the debt of the road is growing larger from year to year, and the time of its maturity is not far distant. The uncertain attitude and intentions of the Government are calculated to impair the credit of the company and not only hamper it in efforts to secure its present and future business on a safe foundation, but even, in case of a serious financial crisis, to threaten grave present disaster.

This is so clear and so simple that no argument seems necessary to enforce it.

The Government is the principal creditor of the company, and has power to precipitate it into bankruptcy should it choose to exercise it. To let matters alone is practically to exercise the power, for every year that a settlement is postponed the position of the company is weakened.

The course of the Government should be that which any practical business man would pursue with a private debtor in a similar situation.

He would first estimate carefully the value of the debtor's business, and decide whether it was such that it could reasonably be expected to pay off the debt, if extended and made to fall due in installments.

If satisfied that it could, the creditor, while maintaining his lien upon the property, would promptly make whatever announcements and arrangements might be necessary to establish the general credit of the debtor in his business, and enable him to extend it, and put it upon the firmest foundation possible.

And in estimating what extension of time could be given, and what installments should be paid, a prudent business man would allow some margin for possible fluctuations in business, as well as a reasonable support for the debtor, to assure a faithful and competent management of the business.

It is for Congress to apply these principles to the case of the Union Pacific road.

The following table will exhibit the status of the account with each of these roads June 30, 1885, taken from the public-debt statement and report of the Commissioner of Railroads for 1885.

Name of railway.	Principal outstanding.	Interest accrued and not yet paid by United States, due July 1, 1885.	Interest paid by United States.	Interest repaid by companies to credit of bond and interest account.		Balance of interest paid by United States.
				By transportation services.	By cash, 5 per cent. of net earnings.	
Central Pacific	$25,885,120	$776,553 60	$25,782,216 07	$5,134,185 31	$648,271 96	$19,999,758 80
Western Pacific	1,970,560	59,116 80	1,845,599 34	9,367 00	.....	1,836,232 34
Union Pacific	27,236,512	817,095 36	27,409,136 49	10,647,579 36	283,162 99	16,478,394 14
Kansas Pacific	6,303,000	189,090 00	6,696,603 09	3,284,294 23	.....	3,412,308 86
Central Branch Union Pacific	1,600,000	48,000 00	1,693,808 26	219,746 48	6,926 91	1,467,131 87
Sioux City and Pacific	1,628,320	48,849 60	1,610,846 29	178,659 68	.....	1,432,186 61
Total	64,623,512	1,938,705 36	65,038,209 54	19,473,832 06	938,361 86	44,626,015 62

WHAT IS BEST NOW TO DO?

And this brings us to the consideration of what is best now to do. The present amount of the debt is over $109,000,000, which, under existing conditions, is increasing about $1,600,000 yearly; and yet the companies are seemingly acting in compliance with the law. The question suggests itself, why do not the yields under the Thurman act correspond in increase to the increase of percentage of the net earnings as required by that act? And I know of no better answer than that any system which is based upon a percentage of earnings of a business in which the accounts are kept by one of the partners (and this in effect is the relationship under existing law between the Government and these corporations), in which freight tariffs between the main lines and branches over which there is no governmental lien are arranged and adjusted by the different managers who yet have a common interest, the inevitable result must be to place the largest benefits to the credit of the represented interests at the expense of the unrepresented interest, which in these arrangements means the Government of the United States.

And upon this point the Government directors in their last report say:

PAYMENTS BASED ON NET EARNINGS.

Under the existing laws the annual payments by the railway company to the Government are made to depend upon the net earnings of the company. The expression "net earnings" is so indefinite and vague that parties adversely interested will rarely agree upon a definition without the decision of a court upon disputed points, and new points are liable to arise year by year. For this reason alone it is most desirable that in any new legislation the amount of the annual payments should be a definitely fixed sum, to be paid absolutely, without regard to net earnings, gross earnings, or any contingency whatever; and, when this change is made in the present laws, the restrictions upon the financial operations of the company imposed to protect the annual net earnings should be removed that the company may be unembarrassed in the use of its credit. As before stated, it is of vital importance to the company, and to the Government as its principal creditor, that the company shall not be left behind by its rivals in occupying adjacent territory with branch lines, and in securing or keeping open important connections. It can only do this by being as free as its rivals are to use its credit promptly as contingencies may arise.

The lien of the Government, of course, should remain paramount and unaffected by any possible event; but under that condition the company should be given full liberty and the usual powers possessed by railroad companies to develop and extend its system and do all things pertinent to its business at its own risk.

Hence one of the main features kept in view by the committee in the bill presented was to abolish the partnership relation between the Government and the companies and establish that of debtor and creditor by fixity of payments, irrespective of earning exhibits, book-keeping systems, or tariff adjustments among each other. Into this calculation enters the ability of the companies to make the payments and meet the conditions imposed. It is claimed by the corporations that the burdens imposed by this bill are heavier than their present circumstances and prospects will bear, but the official returns and reports induce the committee to believe that the amounts required can be met without endangering their ability to make and continue the payments of interest and finally extinguish the principal of the indebtedness.

The question may arise: Can not we safely insist upon larger payments? Can we not amend the Thurman act by simply changing the requirements of the Government and increase the percentage from 25 to 40 or 50, or even 75 per cent.? The objection to this has already been generally stated. The increase from 5 to 25 per cent. has failed to satisfactorily swell the results.

THE EXISTING PLAN IS DEFECTIVE.

The plan is defective, the system is at fault, and the financial results are a failure as the figures prove. To be sure, this same feature or plan will be continued in a more stringent form by making the percentage 40 instead of as now 25 per cent., if the companies refuse to accept the provisions of this bill, should it become law. But as their acceptance is necessary to the change this seems to be the only policy, defective though it be, that can be pursued. It is an alternative which I hope will not be forced upon us, but if it is, I venture to predict that the object for which we are striving, namely, the payment of current interest and ultimate extinction of the debt, will not be materially advanced.

Why not, then, it may be asked, adopt the substantial features of the committee's bill, that of extension, but reduce the time so that the payments will be larger and the end be sooner reached?

QUESTION OF THE TIME OF EXTENSION.

In the matter of time there are several features to consider. It will perhaps be admitted that wisdom dictates that the governmental demands should not be crowded to the extreme of the present earning ability of these roads. As stated in the report, the competition of the Northern Pacific, the Atlantic and Pacific, and the Southern Pacific has already seriously impaired the earning capacity of the subsidized roads, while the Canadian Pacific will undoubtedly soon interfere with their transcontinental traffic.

STOCKHOLDERS' INTERESTS.

But back of all this are the interests of the stockholders, which we are bound to consider, from selfish motives if no other. The question arises, what concern have we in the stockholders? Their rights and interests are behind those of the Government. For the stockholders *per se* we need have no care. The cry that the stock has been largely transferred to innocent and honest holders, who have invested their moneys in good faith, since the dishonest manipulators have unloaded at enormous and ill-gotten profits, need not move us a particle, nor need the widows-and-orphans dodge appeal to our sympathies. That is a bulwark behind which many a soulless, merciless, and plundering corporation has sought shelter and protection from outraged public sentiment. Business investments recognize no such distinctions. Speculat-

ive enterprises distribute the burdens and the hazard according to the amounts involved, irrespective of sex or age. But this fact remains, that the management of these corporations continues in the hands of directors chosen by the stockholders. Reduce the returns to the stockholders to nothing and their interest in the management of the roads will keep pace. Impose burdens which will prevent dividends or destroy the expectation of dividends for half a century and the price of such stock will be but nominal. It will become the prey of stock-jobbers and the football of Wall street. Its value will consist chiefly in the control of its management. The money that there will be in such management will be the measure and criterion of the worth of its stock. The result would be reckless and corrupt management under a skinning process, inability to meet governmental requirements, and the ultimate transfer of ownership to the United States, which I assume is a result above all others to be deplored and avoided.

Hence the interests of the stockholders, good, bad, and indifferent, so far as they impair or advance the interests of the Government, are properly objects of our solicitude and no further.

And in this view we are ably sustained by Senator Thurman, who stated, when reporting his act—

that the committee had recognized the fact that it is for the interest not only of the companies but of the country that the public and the stockholders should receive some reasonable dividends, because where roads pay dividends they are always better managed than where they pay none.

EXTENSION OF TIME.

The extension of the time for the money payments already made and hereafter required to be made by the United States in accordance with existing obligations, with the methods of carrying into effect the plan upon which such extension is based, are set out in detail in the report of the committee.

In substance it amounts to this: The present actual indebtedness is first ascertained. Into this calculation enters all of the moneys paid and to be paid by the United States. This includes the difference between the 6 per cent. rate of interest until maturity of the bonds for which the Government is holden and the 3 per cent. interest which the companies will be required to pay hereafter. From this is deducted the sums already paid by the companies. This present indebtedness so arrived at is divided into one hundred and forty semi-annual parts. To each part is added the interest on the sums remaining unpaid from half-year to half-year until the final extinguishment of debt.

This is the practical outcome of the transaction and its substantial effect, although the details of the arrangement are changed so as to distribute the strain upon the companies equally over the term and within their probable earning abilities. By making the payments uniform throughout the term the first half will not reach the figures of equal installments of principal and interest on unpaid sums added, while the latter half will exceed in the same proportion, and thus produce equality and fairness between the Government and the companies. To illustrate this without going through the entire mass of figures I take the case of the Union Pacific company and the present worth of its indebtedness, as shown in the report, which I assume to be correct:

The figures of present indebtedness are $52,897,885.55, divided into one hundred and forty equal parts	$377,842 00
Add 3 per cent. interest, six months, on principal	793,468 28
Total payment first six months	1,171,310 28
Payment required by the proposed plan	903,617 03
This would show a deficiency of	267,693 25

Which deficiency each six months would grow less, and finally develop into a surplus, growing each half-year, and exactly counterbalance the deficiencies of the early payments, the last payment, for instance, furnishing an excess of $514,439.77. The fixed payment of $903,617.03 semi-annually is supposed to be the product of an exact equalization of the payments, based upon one hundred and forty semi-annual installments, one of which, with interest on the sums remaining from time to time unpaid, being paid each half-year. These results of figures have been demonstrated, and furnished to the committee by expert official accountants, and I assume that they are correct.

ADDITIONAL SECURITY.

Section 2 of the proposed act provides that the statutory lien and security now existing shall remain, and in addition be extended to cover all stocks, bonds, or securities of every kind or description, and all railroads now owned or hereafter constructed or acquired, and all franchises, telegraph lines, rolling-stock, fixtures, and property of every kind and description. It would seem as if this was comprehensive enough to reach everything, and if anything has been omitted I am sure the committee would be glad to include it. Now, as it has been claimed that this additional security amounts to nothing, let us examine the facts and see if that be so. On page 139 of the last report of the Union Pacific Company the following statement shows:

Number of miles of Union Pacific Railroad Company	1,832
Number of miles of its branch lines	3,308
Debt per mile, irrespective of stock, on the Union Pacific Railroad Company	$71,763 00
Debt per mile, irrespective of stock, on branch lines	9,263 00
Total fixed charges for the year ending September 30, 1885, per mile, for the Union Pacific Railroad Company	3,477 67
Same for the branch lines	562 43

The debt of the Union Pacific Railroad Company ahead of the Government per mile is more than twice that of the branch lines.

The branch lines have grown in mileage until they are nearly double that of the trunk or main line. The limbs have outgrown the body, and over the limbs we have now no controlling power. It may become financially cheaper for the Union Pacific Company to form a new company, build another main line, and abandon the old one to the tender mercies of the first-mortgage bondholders and the Government of the United States. Those two liens are in the neighborhood of $40,000 per mile, and this statement, with the possible outcome of a failure on the part of the Government to fasten its grasp on the entire system, to my mind gives to the additional security its chief value.

The opinions of the Government directors on the value of the branch lines is interesting:

BRANCH LINES.

The directors can not emphasize too strongly the value to the Union Pacific of its auxiliary or branch-line system as a whole. Some of the lines, it is true, are injudiciously located and in themselves are only operated at a loss. But as feeders to the main line all have a value which does not appear on their own balance-sheets.

In fact, without them the main line would to-day be a bankrupt property.

OTHER FEATURES.

The same section gives to the companies the right to use and dispose of their property or assets in the ordinary, proper, and lawful course of their current business.

With regard to this privilege, I desire to say for myself, inasmuch as it is realized that the settlement of these vast financial transactions extending so far into the future will be adjudged wise or unwise by those who come after us according to the degree of success attained, there seems to be attached to this permission a defect, which the committee, in the general features of its plan, have sought to avoid—that is, the uncertainties or contingencies depending upon the correctness of company books or statements, and the necessity of governmental supervision of their transactions, which at best must be comparatively superficial. But there seems to be no way to avoid the objections without paralyzing the ability of the corporations upon which depends the payment of the indebtedness to the Government. We might tighten the grip, and in so doing strangle the subject, which, should it ever fall into the possession of the Government, I venture to predict, will prove to be a blasted trunk, furnishing rich pickings for official favorites in the endeavor to keep the surplus of the Treasury circulating as life-blood in a decaying corpse.

But this privilege we find they now enjoy under existing law, and the committee have added that it shall not be exercised in violation or diminution of the security and lien of the Government, requiring also reports of such transactions to be made within thirty days to the Secretary of the Treasury.

Then, again, they are permitted to extend the payment of or refund the indebtedness now prior to that of the Government. This privilege I apprehend now exists under and by virtue of the act of March, 1873, but the committee limits the rate of interest to 4 per cent. per annum instead of 6 per cent. as now being paid. This limitation would prevent the managers, if so disposed, from extending these bonds on long time at a high rate of interest and disposing of them to favored parties. This also reduces the amount of interest on bonds paramount to those of the Government, and which must first be paid, and in such protection of its own interests the Government necessarily protects to that degree the interests of the stockholders.

Other sections provide that nothing is to be paid by the Government for or on account of transportation services until the installment next maturing shall have been paid, as well as matured debts and interest secured by a paramount lien.

Failure for six months to meet the payments as required makes the whole indebtedness due and payable, and all the rights and securities of the United States shall be thereupon enforced.

ADDITIONAL PROTECTION TO THE INTERESTS OF THE GOVERNMENT.

Section 10 embraces the last of the important features of the bill and deserves careful consideration. It seeks to provide a remedy for the protection of the interests of the Government which does not now exist, and which interests might be cut off.

Under existing law, if foreclosure of the mortgage prior to the lien of the Government is brought about by intentional or unavoidable default in interest payments the Government has not the power of an ordinary second mortgagee to bid in or force up the bidding on the property, because the authority to do so does not now exist. This provision in the bill vests such power in the President of the United States whenever in his opinion it shall be deemed necessary to use it in the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any of the property of these companies upon which there exists liens or incumbrances paramount to those of the Government. It enables the Secretary of the Treasury to pay off such prior incumbrance and collect repayment from the companies within twelve months, or upon failure of the companies to make such repayment their whole indebtedness to the United States shall become due and payable, and all its rights shall thereupon be enforced. The exercise of this power rests entirely upon the opinion and discretion of the President.

The provision adds no new liability to the Government, but creates an additional safeguard to prevent total loss in consequence of the foreclosure of the prior liens.

RECAPITULATION.

This, in substance, comprises the salient features of the bill. The future may not approve of it as the wisest measure to have adopted, but with the collective wisdom of this House to perfect its details and the experience of the past to guide us, it would seem as if some legislation might be effected which will justify the committee in their assertion of the claim that this bill presents the basis of a plan that promises the collection of the people's money by a simple, sensible, and practical business-like method. In its substantial points it is in harmony, I believe, with the views of the Railroad Commissioner, the Government directors, the Secretary of the Interior, and of a unanimous committee. It largely increases the existing requirements of annual payments into the United States Treasury; requires the payment of over $40,000,000 before the debt and interest are due and payable according to the Supreme Court decision; enables us to foreclose at any time after a six months' default, instead of being compelled to wait until 1898, according to the existing law; avoids the necessity of supervision of the bookkeeping system of the companies, at which I have no doubt the Government has been and would hereafter be beaten; wipes out a partnership relation between the Government and the corporations, where the profits seem to have gone to the companies and the losses to the Government; and brings down our business transactions with them to the simpler basis of debtor and creditor, adding no new liability to the Government, releasing no security now in hand, extending our lien over everything the railroads own, and which, whether much or little be added, embraces everything they have.

CONCLUSION.

If the desire be to chastise these corporations for past transgressions I might be favorably inclined to any plan tending in that direction the execution of which will not punish the Government the more. If the desire be to secure the repayment of advances made and to be made out of the public Treasury, then we must adopt a plan other than that based upon existing laws, for that has been tried and found wanting. If, however, the desire be to secure governmental control and ownership of these roads, then indeed it is entirely consistent to oppose this bill, oppose all legislation involving changes; but the cost of such a step should be well considered and not buried in an avalanche of denunciation for past misdeeds, and which will likely result in a total governmental expenditure of nearly $200,000,000. I object to the cost and am opposed to the policy of governmental ownership and management of railroads.

In conclusion, I trust that in this bill the legal meshes have been drawn close enough to prevent the corporations from slipping through, but the responsibility for this I leave upon others of the committee—all being lawyers, except one, besides myself.

I know this of law, that it is good to let alone, and that litigation is a luxury the poor can not afford and the rich do not enjoy, even so wealthy a client as the Government of the United States.

Mr. THROCKMORTON. I yield to my colleague [Mr. OUTHWAITE] for the purpose of enabling him to offer an amendment which he has been instructed by the committee to present.

Mr. OUTHWAITE. I desire to offer an amendment to the second section, authorized by the committee, and which provides that instead of the companies having authority to refund or extend their debt when it becomes due, they may refund or extend it before it becomes due, so that the sooner it can be refunded at a low rate of interest, 4 per cent., the sooner the Government security will be extended, and so that the company will be able to take advantage of any favorable turn in the money market before the debt becomes due.

The Clerk read as follows:

Amend by striking out the word "balance," in section 2, line 37; the words "which it may be unable to pay when the same shall become due according to the terms of said section," in lines 39, 40, and 41; and the words "such balance of," in line 49.

The amendment was agreed to.

Mr. CRISP. Mr. Speaker, by unanimous consent the previous question was ordered upon this bill at 4 o'clock to day.

The SPEAKER. The time was extended by unanimous consent for fifteen minutes longer.

Mr. CRISP. That time having arrived, I ask that the vote be now taken; or I am willing, and I think the committee are willing, that the vote shall be postponed until Monday, when we shall have a fuller House.

Mr. HOLMAN. Mr. Speaker, I wish to submit an amendment before the question is taken.

Mr. CRISP. The previous question has been ordered by the unanimous action of the House.

Mr. HOLMAN. I want to amend section 8, line 7, by striking out "forty" and inserting "fifty;" so as to make it read: "Fifty per cent. of their annual net earnings."

The SPEAKER. The present occupant of the chair was absent at the moment when the order of the House was made, and does not know exactly what were its terms.

Mr. CRISP. Mr. Speaker, I have no authority from the committee, but speaking for myself, I have no objection at all to making the proportion 50 per cent., none in the world. But, Mr. Speaker, it was agreed that the previous question should be considered as ordered upon the passage of this bill at 4 o'clock to-day.

The SPEAKER. Not upon its passage; upon ordering the bill to be engrossed and read a third time.

Mr. CRISP. Very well. Now, for myself, I am perfectly willing to have a vote upon the amendment which the gentleman from Indiana [Mr. HOLMAN] proposes.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 8, line 7, by striking out the word "forty" and inserting the word "fifty;" making the clause read "so failing, from and after the 1st day of July, 1886, 50 per cent. of their annual net earnings," &c.

Mr. SPRINGER. Mr. Speaker, is it in order now to move to postpone the further consideration of this bill until the first Monday in December next?

The SPEAKER. As soon as the operation of the previous question has been exhausted that motion will be in order.

Mr. SPRINGER. Then I give notice that I shall make that motion.

Mr. CRISP. And I give notice, Mr. Speaker, that I shall ask the House to order the previous question on the passage of the bill.

The SPEAKER. Even then a motion to recommit will be in order.

Mr. CRISP. Yes; but not a motion to postpone.

The amendment offered by Mr. HOLMAN was agreed to.

The SPEAKER. The question now is on ordering this bill to be engrossed and read a third time.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. WEAVER, of Iowa, called for a division, but withdrew the call, saying, "I will take it on the final passage of the bill."

Several members renewed the call for a division.

The House divided; and there were—ayes 75, noes 40.

Mr. DOUGHERTY. No quorum, Mr. Speaker.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Florida, Mr. DOUGHERTY, and the gentleman from Georgia, Mr. CRISP, to act as tellers.

Mr. HENLEY. I move that the House do now adjourn.

Mr. SPRINGER. I ask the gentleman to withdraw that motion for a moment.

Several MEMBERS. "Regular order!"

Mr. SPRINGER. I want to make a proposition which I think will facilitate business.

The SPEAKER. The regular order is insisted upon.

Mr. SPRINGER. Then we will have an adjournment.

Mr. CRISP. I hope the House will hear the proposition of the gentleman from Illinois.

The SPEAKER. That is not in the control of the Chair when gentlemen demand the regular order.

The question was taken on the motion to adjourn; and there were—ayes 58, noes 79.

Mr. SPRINGER. I demand the yeas and nays.

Mr. CRISP. Mr. Speaker, if the House will allow me I will say in behalf of the committee that we know the time from now until 5 o'clock can be consumed, and therefore we do not propose to engage in any contest about it. We make no objection to the House adjourning now, but give notice that on next Tuesday, under the special order which we already have, we shall ask the House to vote on this bill.

The SPEAKER. Does the gentleman from Illinois insist upon the demand for the yeas and nays?

Mr. SPRINGER. I insist upon my demand unless gentlemen will agree to let this bill rest and take up the resolution providing for an investigation. Let us take that up and pass it; I am sure we can pass it without objection.

Mr. CRISP. I have no objection to that.

The SPEAKER. Is the motion to adjourn withdrawn?

Mr. HENLEY. No, sir; I do not withdraw the motion.

The SPEAKER. Is the demand for the yeas and nays insisted upon?

Mr. SPRINGER. I withdraw the demand.

The SPEAKER. Upon this motion the ayes are 58 and the noes are 79; so the House refuses to adjourn.

Mr. CRISP. Mr. Speaker, I move that the House do now adjourn.

Mr. SPRINGER. I hope that the gentleman will withdraw that motion in order that we may take up and consider the resolution ordering an investigation.

Mr. CRISP. If there is no objection to the consideration of the resolution at this time I will yield for that purpose.

The SPEAKER. If the bill now under consideration be laid aside, the gentleman from Georgia [Mr. CRISP], under the order of the House, has a right to call up the resolution.

Mr. CRISP. I call up that resolution.

Mr. HENLEY. I insist upon the motion to adjourn.

The SPEAKER. That motion has been lost; the Chair has already announced that it was lost.

Mr. HENLEY. I demand the yeas and nays upon the motion.

The SPEAKER. The Chair distinctly asked whether the demand for the yeas and nays was insisted upon, and the gentleman from Illinois [Mr. SPRINGER], who made the demand, said that it was not insisted upon; whereupon the Chair announced the result of the vote—ayes 58, noes 79, and declared the motion lost.

The gentleman from Georgia now calls up for consideration——

Mr. CRISP. On consultation with the committee I move that the House do now adjourn.

Mr. DOUGHERTY. I make the point of order that the House has just voted down that motion.

The SPEAKER. The gentleman from Florida makes the point of order that, no intervening business having transpired, the motion to adjourn is not in order. The Chair sustains the point of order.

Mr. DOUGHERTY. What is before the House?

The SPEAKER. The gentleman from Georgia has called up a resolution which the Clerk will read.

Mr. CRISP. On further consultation with the committee I decline to call up the resolution at this time.

Mr. PAYSON. I rise to a parliamentary inquiry. If the House adjourns without final disposition of the matter now under consideration, will it come up as a special order on Tuesday?

The SPEAKER. It will come up as a special order on any day that the committee desire to call it up not otherwise set apart; but of course the question of consideration can be raised against it.

Mr. PAYSON. Under the rules, is the question of order just propounded such intervening business as authorizes the motion to adjourn to be now made?

The SPEAKER. That is not business of the House; it is simply a question addressed to the Chair.

Mr. STEELE. I move that the House take a recess until 10 o'clock and 59 minutes a. m. Monday next.

Mr. REAGAN. Has the previous question been ordered?

The SPEAKER. It has been ordered upon the engrossment and third reading of the bill; not upon its passage. That is the present status of the bill.

Mr. SPRINGER. Does that give the bill any other status than as unfinished business?

The SPEAKER. It will remain as unfinished business unless called up some other time under the special order assigning two days to this committee.

The gentleman from Indiana now moves that the House take a recess until Monday next at 10 o'clock and 59 minutes a. m.

The motion was not agreed to.

Mr. STEELE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BENNETT: Petition of Elizabeth Covington, of Archibald S. McNeill, and of Mrs. C. M. Banks, of Richmond County, of H. K. Ruark, agent for heirs of William Grissom, of Smithville; and of Arthur J. Hill, jr., of New Hanover County, North Carolina, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. T. M. BROWNE: Petition of C. S. W. Hance and other soldiers of the National Home, in favor of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. COMPTON: Petition of John Hughes, and of N. Brewer, of Anne Arundel County, Maryland, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. COMSTOCK: Petition of Mrs. P. B. Whitfield and others, representing 200 members of the Ladies' Central Christian Union of Grand Rapids, Mich., asking for legislation to protect young girls from seduction in the District of Columbia and other localities especially under the jurisdiction of the United States—to the Committee on the Judiciary.

By Mr. DIBBLE: Petition of Martin Caulfield; of Philip Fogarty, administrator of John Slattery; of John Baker, and of Mrs. Alice Brady, administratrix of Patrick Brady, deceased, of Charleston, S. C., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claims of Martin Caulfield, of Patrick Brady, and of John Baker, of Charleston, S. C.—to the same committee.

By Mr. DUNN: Papers relating to the claim of Caroline, Richard D., and Ira M. Lamb, of Phillips County, and of Pleasant Bumpus, of Pulaski County, Arkansas—to the same committee.

By Mr. ERMENTROUT: Petition of H. Wilkendorf and others, hospital stewards, United States Army, asking for the passage of Senate bill 1119—to the Committee on Military Affairs.

Also, petition of H. Winkelmann and others, hospital stewards, asking for the same—to the same committee.

By Mr. HILL: Petition of Peter West and other citizens, of George Hutchinson and others, and of several hundred soldiers and citizens of Hand County, Dakota, asking for division of that Territory—to the Committee on the Territories.

By Mr. HOUK: Petition of hospital stewards, in reference to increase of pay—to the Committee on Military Affairs.

By Mr. McRAE: Petition of Judson Cloud, of Waldo, Ark., asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MOFFATT: Remonstrance of citizens of Baraga County, Michigan, against the passage of bill to forfeit the land grant of the Marquette, Houghton and Ontonagon Railroad—to the Committee on the Public Lands.

By Mr. NELSON: Petition of ex-soldiers, in favor of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Papers relating to the claim of Andrew Cornwell, of Clarke County; of Sarah Allen and N. C. Wenger, of Rockingham County; and of John Griffith, of Virginia; and of Charles T. Weston, of Luzerne County, Pennsylvania—to the Committee on War Claims.

By Mr. PERKINS: Petition of H. M. Ford and 75 others, citizens of Crawford County, Kansas, asking for the passage of Senate bill 1886, doing partial justice to the Union soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: Memorial of Local Assembly No. 2357, Knights of Labor, of Bridgeport, Conn., favoring the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. SNYDER: Petition of William McClintic, of Greenbrier County, West Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SPOONER: Petition of Josiah W. Seabury and 263 others, citizens of Providence County, Rhode Island, for the passage of bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Delia Clark Hurd, daughter of Robert M. Clark, and of Jesse Corgyle, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Petition of G. W. Dempsey and others, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WILKINS: Petition from Dan Brown Post, No. 380, Grand Army of the Republic, for the passage of Senate bill 1886—to the same committee.

SENATE.

MONDAY, *June* 7, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. HARRISON presented a petition of J. H. Cissell and 168 other citizens of Indiana and Illinois, praying for the passage of Senate bill No. 1579, for the suppression of the traffic in intoxicating liquors in the District of Columbia, and Senate bill No. 1405, in relation to the study of the effects of stimulants and narcotics on the human system; which was referred to the Committee on Education and Labor.

Mr. HALE presented a petition of the State board of agriculture of Maine, praying for the passage of a bill preventing the illegal sale of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented the petition of Robert Purvis, Mrs. J. Haines, and other citizens of Philadelphia, Pa., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CULLOM. I present resolutions adopted by the board of directors of the Chicago Board of Trade, favoring the adoption by Congress at its present session of such measures as may be deemed most effectual to repress attempts that may be made by threats, intimidation, or violence to disturb the peaceful flow of commerce among the States, and to protect the rights and provide for the security of all citizens lawfully engaged in such traffic. I move that the resolutions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CULLOM presented the petition of Amos Romine, of Holliday, Fayette County, Illinois, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MILLER presented a petition of the Farmers' Club, of Columbia County, New York, and a petition of 76 citizens of Taberg, N. Y., praying for the passage of the bill taxing all imitations of butter; which were referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented resolutions of the Chicago Freight Bureau Association, praying the passage of the bill (S. 1877) relating to trade from foreign countries; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Public Lands, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 2065) to extend the act of June 15, 1880, to all homestead entries;

A bill (S. 1613) in relation to homestead entries;

A bill (S. 1415) to promote the reclamation of the desert lands of the United States;

A bill (S. 1913) to amend an act entitled "An act to provide for the sale of desert lands in certain States and Territories;" and

A bill (S. 2241) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States, reported it with amendments.

Mr. CHACE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2438) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement, reported it with amendments.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 1232) granting an increase of pension to John S. Hale, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2610) to secure a larger circulation of United States notes of the denominations of $1 and $2; which was read twice by its title, and referred to the Committee on Finance.

Mr. McMILLAN introduced a bill (S. 2611) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORRILL (by request) introduced a bill (S. 2612) making an appropriation for the purchase of Fairbanks & Co.'s infallible American gold and silver coin scale and counterfeit-coin detector for use in the post-offices throughout the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE introduced a bill (S. 2613) granting badges to the officers of the Greely relief party; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HARRISON introduced a bill (S. 2614) granting a pension to William Daly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2615) to authorize the payment of certain expenses of the Territory of Utah, and to secure the payment of the indebtedness of said Territory to the United States; which was read twice by its title, and referred to the Committee on Territories.

Mr. JONES, of Arkansas, introduced a bill (S. 2616) for the relief of M. W. Locke, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMDEN introduced a bill (S. 2617) for the relief of the sureties of Dennis Murphy; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILL.

Mr. MAHONE and Mr. SPOONER submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INDIAN TRADERSHIPS.

Mr. HARRIS. Some days ago I was appointed upon the select committee raised for the purpose of investigating the administration of the Indian Office in respect to Indian traders. In view of the fact that the Commissioner of Indian Affairs has been from his boyhood among my most intimate and fastest personal friends, while I would flatter myself with the hope of being able to impartially perform the duties of such committeeman, I hardly think it proper for me to undertake their discharge. In view of that intimate relation which has so long existed, I ask the Senate to excuse me from service on that committee.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that he be excused from service on the select committee in respect to Indian traderships. The question is on that motion.

The motion was agreed to.

Mr. DAWES. I suggest to the Senator from Tennessee whether under all the circumstances he would not feel justified in moving to lay that resolution upon the table. It would be for the Senator, I think, from his position and his relations to the Commissioner, if anybody, to make that motion. There is evidently a disposition on the part of the Senate to decline to pursue that investigation.

I am free to think that the members of the Senate are actuated by a feeling of deserved confidence in the Commissioner of Indian Affairs, and if that is the opinion of the Senate itself it is hardly worth while to pursue the investigation. If some Senator standing in the relation to the Commissioner of Indian Affairs that the Senator from Tennessee does would feel it proper and due to him to make the motion, I suggest that a motion be made to lay that resolution upon the table.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. ALLISON. I trust that this matter will pass over for the present until my colleague [Mr. WILSON, of Iowa], who introduced the resolution, comes in and his attention can be called to it.

Mr. HARRIS. I hope the Senator from Iowa will indulge me a single moment to say that the reason I have already stated, my very intimate and close friendship to the Commissioner of Indian Affairs, would certainly prevent me from making any such motion or any such suggestion as the one made by the Senator from Massachusetts.

Being perfectly satisfied that the administration of the Commissioner of Indian Affairs of the office over which he presides can stand the test of any scrutiny or any examination which can be made, I could not as his friend seem to shrink, but on the contrary I court the fullest measure of investigation and the most rigid investigation; and he, I know, feels exactly the same way.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. DAWES. I made the suggestion, if the President of the Senate will allow me, as the Senator from Tennessee must be aware, because I thought that no one else could afford to make it if the Senator from Tennessee could not. If the Senator from Tennessee in his relations to the Commissioner of Indian Affairs does not feel that it ought to be made, certainly I do not make the suggestion. I spoke because of a feeling I have that no good would result from the investigation.

BUTTER AND OLEOMARGARINE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a House bill for reference.

The CHIEF CLERK. "A bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine."

Mr. MILLER. I move that the bill be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The Senator from New York moves that the bill be referred to the Committee on Agriculture and Forestry. The question is on that motion.

Mr. MORRILL. Before the motion is put I desire to say that I recognize the fact that all the petitions and papers in relation to the oleomargarine and butterine question have been referred to and considered by the Committee on Agriculture and Forestry. The bill now before the Senate on the question of reference was considered in the other House by the Committee on Agriculture and reported favorably. At the same time this bill as it comes to us from the House appears to contain a tax. If it is to be considered as a tax bill certainly the Committee on Finance should have jurisdiction of it. If it is to be considered as a question in relation to agriculture, then it ought to go to the Committee on Agriculture.

I will merely say that while I have no disposition to arrogate for the Committee on Finance any undue advantage in relation to this matter, if the motion of the Senator from New York should not prevail I shall then feel bound to make a motion to have the bill referred to the Committee on Finance.

Mr. VEST. I hope the bill will go to the Committee on Finance. My vote in regard to the measure will be determined by the simple question as to whether the Government needs the revenue to be raised under this taxation or not.

I have examined the bill as it came from the House of Representatives. It is a revenue bill or it is nothing. I do not undertake to say what is the position of any Senator except myself upon this matter. For one, I believe that the question whether oleomargarine or butterine is a fraudulent compound and deleterious to health is not to be determined by the Senate of the United States; but that under the Constitution that question has been delegated to the States, and to the States alone.

It therefore depends with me, as to my action upon the bill, whether the revenue it proposes to raise, which is estimated to be from twelve to twenty million dollars, is necessary for the purposes of the Government or not. I believe in taxing for revenue and for revenue alone, and so believing I want to hear from the Committee on Finance whether the Government needs this amount of money in order that it shall be properly carried on.

I hope that the bill will go to the Committee on Finance.

Mr. BECK. Did I understand the chairman of the Committee on Finance to move to strike out "the Committee on Agriculture and Forestry" and insert "the Committee on Finance?"

Mr. VEST. No; he did not.

Mr. BECK. Then I make that motion.

The PRESIDENT *pro tempore*. That motion is not in order. The question must be taken on motions to refer in the order in which motions are presented, under the rule.

Mr. BECK. Is not a motion to refer amendable?

The PRESIDENT *pro tempore*. It is not.

Mr. BECK. I thought it was.

The PRESIDENT *pro tempore*. By the rule it is expressly provided that it shall not be amendable. The Chair will call attention to the rule. It will be read.

The Chief Clerk read as follows:

RULE XXVI.

1. When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

The PRESIDENT *pro tempore*. The motion to amend can only be to instruct the committee; but if the motion to refer to the Committee on Agriculture is voted down, then it will be in order to move to refer the bill to the Committee on Finance.

Mr. BECK. Then in view of the ruling of the President of the Senate, I only desire to say that if the pending motion is voted down I shall move to refer the bill to the Committee on Finance.

I think if Senators will look at the bill they will readily understand that if the bill as it came from the House does not go to the Finance Committee, it is hard to imagine any bill that ought to go to that committee. A tariff bill might as well go to the Committee on Agriculture, for that has to do with farmers, with their shoes and stockings, their sugar, their salt, and everything else. If this is to go to that committee because it deals with butter, they had better take charge of all the matters pertaining to the thousand things that the Committee on Finance is supposed to have to deal with, whisky, tobacco, and everything else.

That this bill is a bill purporting to raise revenue and dealing with revenue matters I suppose is too plain for argument. Take section 3 of the bill, which reads:

That special taxes are imposed as follows:

Manufacturers of oleomargarine shall pay $600. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

Wholesale dealers in oleomargarine shall pay $480.

It is provided that retail dealers shall pay so much. Then there shall be a tax of 5 cents a pound. Originally it was 10 cents, but the tax was reduced to 5 cents in the other House. Every item of it deals with taxation and with licenses, and with those particular questions of which the Committee on Finance have had charge always. I think it is a question too plain for argument, and I shall not delay the Senate.

Mr. MILLER. I do not desire to enter into any discussion of the merits of this measure at this time. The bill comes to us from the other House, having been perfected there in the Committee on Agriculture, having passed the House entirely under the charge of that committee, as the RECORD will show, never having been referred to the Ways and Means Committee, which corresponds to the Finance Committee of this body.

By the common consent of the Senate thus far a vast number of petitions upon this subject, amounting to many thousands, have been referred to the Agricultural Committee at this session. Several bills have been introduced in the Senate regarding the manufacture and sale of imitation butter, which have been referred to that committee. The Committee on Agriculture has already considered the matter at several meetings. It has given two or three public hearings on this question, very important hearings, and it proposes, of course, if the bill shall be referred to it to give other public hearings, to the opponents as well as to the friends of the measure.

What will be the condition of the bill when it shall reappear from that committee, if referred there, I can not tell—whether there will be anything of a tax in it or not. I know nothing whatever about the views of the individual members of that committee. I have not thought it wise or proper that I should in any way interrogate the members of the committee as to their views upon it.

I simply desire to say that if anything can properly be referred to the Agricultural Committee it is certainly this whole subject, and as the committee has been considering it for several weeks it certainly would advance the interests of the public business in this body if the bill should go there, and should be acted upon finally by that committee, and then reported back to the Senate. If then it should come here in such a shape as the Senate thought it wise and proper that it should be referred to some other committee for consideration upon any of its provisions, certainly the Senate would have it within its power to do it.

But I believe it to be unwise and unjust to the great agricultural interests of this country that this measure, which has thus far been considered by a committee appointed for considering questions of this kind, should be taken from that committee and given to another committee which in the nature of the business that comes before it has neither made this subject or any other subject pertaining to the agriculture of the country a particular study. I submit, however, to the judgment of the Senate as to the committee to which the bill shall go.

Mr. ALDRICH. I can not conceive how any bill can be properly referred to the Committee on Finance if another committee is entitled to the jurisdiction of this bill. It is a tax bill and nothing else, and refers in every one of its provisions to the taxation of an article of merchandise and the regulation of its sale by the Internal Revenue Bureau of the Treasury Department.

The Senator from New York says that this subject has been considered by the Committee on Agriculture. How has it been considered by that committee? Not by any express direction of the Senate. The Senator himself, or some other Senator, introduced a bill and had it referred to the Committee on Agriculture without discussion and without objection. That committee in this way, and in this way alone, obtained jurisdiction of this question, and have been considering it.

The Senator from New York says that the bill affects the agricultural interests of the country. Does not the tax upon whisky affect the agricultural interests of the country? Has not the tax upon tobacco something to do with the agricultural interests of the country? If we are to send every tax bill that relates to, or interests, or affects the agricultural interests of the country to the Committee on Agriculture they would usurp all the functions of the Committee on Finance and all other committees of the Senate.

A motion to refer this question of taxation to another committee than the Committee on Finance is equivalent to a vote of want of confidence on the part of the Senate in the committee to which by its own rules and by universal precedents such questions have hitherto been sent.

Mr. MCPHERSON. As I look at the case, the question is simply this: Is it a revenue bill or is it not? If it is a revenue bill it clearly belongs to the Committee on Finance. Is the Senator from New York ready to say that it is not a revenue bill?

Mr. MILLER. As I said before, I do not care to go into a discussion of the bill, but I certainly hope under this bill, or any other that we may pass, no revenue will be derived at all, for I hope the legislation passed here will forever make such a fraudulent manufacture as the imitation of butter impossible in this country. I will state that frankly.

Mr. MCPHERSON. It is not an answer to the question to say that the tax should be so high that it would tax one industry out of existence for the sake of protecting another. That certainly does not answer the question I put to the Senator from New York.

The simple fact that petitions have been referred to the Committee on Agriculture to my mind means nothing, because perhaps when those petitions came to the Senate no legislation was constructed and the petitions referred to legislation which might be made touching the question.

Mr. MILLER. The Senator will permit me to state that perhaps he has not noticed the wording of the petitions. The wording of nearly every petition which has been presented here has been directly in favor of a tax upon the manufacture of oleomargarine, and with that understanding they were sent to the Committee on Agriculture and Forestry.

Mr. MCPHERSON. It would be very difficult to devise a bill by which the object sought to be attained in this matter could be reached except by a tax. That is very evident to everybody.

As to the petitions which are in possession of the Committee on Agriculture, I presume the Committee on Finance could examine those petitions and could pass upon them perhaps fairly and equitably; and as it is a very important question, which touches to my mind rather a new system of taxation in this country, and one that requires careful consideration, it would seem to me to be unwise to send the bill to any other committee than the one which has jurisdiction of those matters. I think no Senator should contend for a moment that the bill ought to go anywhere else but to the Committee on Finance.

Mr. BLAIR. As has been stated by the chairman of the committee, all along, by general consent, it has been understood in the Senate that this subject-matter belonged to the Committee on Agriculture. Various bills have been before it and are there now; hearings have been had and petitions have been considered by the Committee on Agriculture touching this subject. It has never until very lately been suggested that this movement for legislation upon the subject of oleomargarine was connected with the revenue subject incidentally. The main purpose of it is to afford some remedy for an attack which has been made under false pretenses, as I allege, upon the great dairy interests of the country, one of the principal divisions of the agricultural interests of the American people, in which more than twenty-five million American people are engaged to-day.

The matter of a tax has never been understood to be anything more than an incidental one and as affording the necessary revenue by which the necessary expenses of an inspection should be derived, so that there might not be by reason of this legislation and the attempted remedy of this great evil any additional burdens upon the finances of the country. It is only by considering an incident that the Committee on Finance can claim jurisdiction of this subject-matter.

As has been well suggested, if after a primary consideration of the main question, which is that of some method of affording a remedy for this great evil of substituting a fraudulent manufacture for the genuine article to be purchased in the market as an article of food, if after the general question has been considered, the matter of tax should still be retained in the bill and it should come from the Committee on Agriculture as a bill involving taxation to some extent, then there could be no impropriety in referring it to the Committee on Finance; but in the first instance it seems to me that the bill ought to go where everybody

has understood the main question to belong, to the Committee on Agriculture and Forestry.

Mr. MAXEY. If the bill is to be regarded as a bill in the interest of the public health, then it is untenable in my judgment, because the police powers are exclusively in the States. They were so before the adoption of the Constitution, were not parted with in that instrument, and are intact in the States as much so to-day as they were before the adoption of the Constitution, and so the Supreme Court have said.

Even if it be regarded as a bill in the interest of public health the Committee on Agriculture has nothing to do with it. If it be regarded, as it must be regarded, as a revenue measure, then it necessarily belongs to the Committee on Finance and can not belong otherwise. For that reason it seems to me that it is conclusive that in any event the bill ought to go to the Committee on Finance.

Mr. BECK. Mr. President, only one word more. That this is a tax bill, as I said, is too obvious for argument. Whatever petitions or bills may have been sent to the Committee on Agriculture, or whatever conclusions they may have arrived at in regard to the matters sent before them, they have reported nothing. We are now dealing with the House bill independent altogether of what may have been sent to the Senate Committee on Agriculture, either in the form of bills or petitions, and independent altogether of their action, for they have not acted.

We are to determine whether the bill sent from the House of Representatives is a tax bill or not. That it is, no man will deny. That it can be made the basis of amendment in the Senate to attach to it free tobacco, free whisky, free salt, free coal, free anything, no man will deny. Being a bill of that character, I say it would not be fair in the Senate—I do not use the term in any improper sense—to deprive of the consideration of the bill the chairman of the Committee on Finance, the ex-Secretary of the Treasury, and other gentlemen who have been selected and placed on the Finance Committee for the purpose of looking into all questions of taxation, both as to the necessity of the tax imposed in the bill and as to the necessity of increasing the machinery of the internal revenue with which they are supposed to be familiar, in the way of licenses for wholesale and retail dealers and every other character of business.

The chairman of the Committee on Agriculture is himself a member of the Committee on Finance, and he will have an ample opportunity of guarding all the interests of farmers when the bill comes before the committee of which he is a distinguished member.

Mr. COCKRELL. Is the Senator from New York [Mr. MILLER] a member of the Committee on Finance?

Mr. BECK. The Senator from New York [Mr. MILLER] is a member of the Committee on Finance with full opportunity to present everything that his Committee on Agriculture may see fit to present. It would be an anomaly in the history of American politics for amendments that can be properly offered to this bill and may be considered, to put tobacco upon the free-list, to take up the wine-culture of California, which is being pressed upon us, and free brandy that they seek to fortify their wines with, or free salt, or free sugar, or free anything, or to rearrange our whole tariff system upon a bill before the Committee on Agriculture.

When the last tariff act was passed it passed the Senate first and never was passed by the other House until we sent it there. Why? Because they had sent us an internal-revenue tax bill upon which we based the whole tariff taxation. When I was a member of the other House if I recollect aright, a question involving free salt alone came to the Senate, and a whole tariff bill was based upon that and sent back to the House as an amendment.

The House bill which I hold in my hand can be amended; and the committee, selected because of their familiarity with questions of that sort, whose sole business it has been to see whether more revenue was needed, what guards should be placed over it, what amendments it would recommend or reject, are to be deprived of a bill like this covering all these consequences, when there can be no possible detriment to any farming interest or any detriment to any gentleman who may desire to offer amendments to it in that committee, of which, as I said, the Senator from New York is himself a distinguished member. By every reason and for every reason the bill ought to go to the Committee on Finance.

Mr. MILLER. Mr. President, a single word and I shall not trouble the Senate again on this question at present.

Every argument which the Senator from Kentucky has presented in favor of the reference of this bill to the Finance Committee could have been made with equal force in the House of Representatives for sending it to the Ways and Means Committee.

Mr. ALDRICH. Is it in order to refer to what has been done in the other branch of Congress?

Mr. MILLER. If the gentleman will not trouble himself too much about this I will not infringe on parliamentary rules.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island raise a question of order?

Mr. ALDRICH. I do.

The PRESIDENT *pro tempore*. The Senator from New York will suspend. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. That it is not in order to discuss what has been done in another branch of the Government.

The PRESIDENT *pro tempore*. That is hardly considered in the nature of a question of order.

Mr. ALDRICH. I call the attention of the Chair to it.

The PRESIDENT *pro tempore*. Parliamentary rules forbid such reference; but it is hardly a question of order.

Mr. MILLER. We all know that this bill has passed the other House. The message which was delivered to the Senate when the bill was sent here stated the fact that it had passed the House of Representatives. It is no more an improper reference to say that the bill went through the Committee on Agriculture of the House than to say that it went through the House itself.

The Senator from Kentucky says it would be no reflection on the agricultural interests of this country or no detriment to them to have the bill sent to the other committee. I do not undertake to say how either one of these committees would act upon this matter; but when the House of Representatives has considered the bill in one committee and has upon the report of that committee acted upon it and sent it to this body, I say it would be a direct reflection upon the agricultural interests of the country, and it would be understood by them to be inimical to their interests if it should be sent to any other committee of the Senate.

Now, Mr. President, I happen to know that a number of the leading oleomargarine manufacturers of this country have been writing letters to Senators in this body asking them to prevent the reference of this bill to the Agricultural Committee and to vote to send it to the Finance Committee. Senators here have shown me those letters, and I state what I know to be a fact. This is a contest which comes up at the very beginning, and we are to decide here and now whether the agricultural interests of this country can have a fair hearing in this body or not. That is all I have to say about it.

Mr. BUTLER. May I ask the Senator from New York before he takes his seat what feature of this bill requires the consideration of the Agricultural Committee?

Mr. MILLER. The whole subject has been considered by the Committee on Agriculture for the last six weeks or more in all its bearings.

Mr. BUTLER. What feature in this bill is there that the Agricultural Committee can consider on the face of the measure?

Mr. MILLER. It is properly a bill which the Agricultural Committee can consider and has been considering.

Mr. BUTLER. Of course the Agricultural Committee can consider it, but I can not see that the Agricultural Committee have jurisdiction of the subject. It is one purely of taxation, as I understand, and simply because somewhere else a committee on agriculture may have considered it furnishes no reason why we should send it to that committee.

Mr. MILLER. It is not simply a bill of taxation and of revenue. It is a bill to regulate and control what is claimed to be a fraudulent industry in this country. It reaches much further and away beyond the question of revenue. The question of revenue is the least important question in the whole measure.

Mr. BUTLER. Then the bill is a fraud upon its face if it is not intended for the purpose of raising revenue.

Mr. MILLER. It is not a fraud on its face, for it is a bill to regulate the sale and manufacture of imitation butter.

Mr. BUTLER. It comes in here under false pretenses. If it is not for the purpose of raising revenue it has no business in this body or any other legislative body. If this Senate is to take jurisdiction of every fraudulent industry in this country, we should do very little else. I trust the bill will be referred to the Committee on Finance, where it properly belongs, for if it is not intended to raise revenue for this Government it comes to the Senate under false pretenses.

Mr. MCPHERSON. I should like to ask the Senator from New York if I understood him correctly as saying that certain letters were in the possession of Senators this morning requesting the reference of this bill to the Committee on Finance? I find that he omitted to state the fact that certain Senators were also in possession of letters asking to have it sent to the Committee on Agriculture. I do not know which are the more numerous. In my mail this morning I found several letters asking me to vote to send the bill to the Committee on Agriculture.

Mr. MILLER. I will say to the Senator that if he has not received any letter from any oleomargarine manufacturer asking him to vote to send this bill to the Finance Committee he is different from many of his colleagues. If he has received numerous petitions signed by thousands of his fellow-citizens of New Jersey asking that the measure shall be passed, and if he has to-day received letters from a large number of the representatives of the agricultural interests of this country to the effect stated, I hope he will be influenced by their voice and by their wish, and that he will carry out that wish by voting to send this bill to the Agricultural Committee.

Mr. MCPHERSON. I take it, sir, that the Senate at least thinks that either the Committee on Agriculture or the Committee on Finance will deal with this question fairly and properly, and I can not understand why a part of the public outside are so much interested in having the matter referred to the Committee on Agriculture. I can not understand what information, if any, they may have touching the probable

action of the Finance Committee which leads them to apprehend that its action may be unfriendly. There is something about this that I do not understand. This appears to be clearly a tax bill. As I suppose the Senate of the United States is evidently able to manage such business as is referred to it, and it being a matter relating entirely to finance and one with which the Finance Committee is accustomed to deal, and that is the committee to which all such matters are referred, I can see no good reason why it should be referred to the Committee on Agriculture.

Mr. VAN WYCK. The inquiry of the Senator from New Jersey might be very properly extended to Senators who persist upon changing the direction of this subject-matter. Why the necessity? This subject has already been referred to the Committee on Agriculture and for weeks been considered by that committee. Now, will the Senator emphasize his inquiry by asking why Senators at this time seek to take this subject-matter from the hands of the Committee on Agriculture and refer it to another committee?

Mr. MCPHERSON. I will speak for myself. As to a matter involving taxation on any subject, it matters not whether this subject or or any other, I insist upon it that it is proper to refer it to the Committee on Finance and very improper to refer it elsewhere.

Mr. VAN WYCK. But the leading feature in this bill is not taxation. That is a mere incident. Now, I take it there is no expression of opinion by any Senator here as to the merits of this bill or as to the propriety of taxation. I take it not. But the subject-matter itself has been referred to the Committee on Agriculture, and the taxation is a mere incident. Suppose, forsooth, any other subject, the adulteration of food, if you please, of flour and of medicines, no matter what, was referred to a proper committee of this body—that is not a matter of taxation, it is not a matter of revenue—but suppose in determining that question the proper committee should determine on a license tax, would that then justify on the report of the committee that it should be immediately transferred to the revenue committee, the Committee on Finance? That I understand is substantially the case here. The great question agitating the people at this time who are interested in this question, the oleomargarine manufacturers and the butter-makers, is not the question of taxation, but shall there be anything done to protect the people or the manufacturers of butter? That is the point.

Mr. BUTLER. I understand the Senator to state that the object of the bill is not taxation.

Mr. VAN WYCK. No, sir; not taxation. The object of those introducing the measure in this body and in the other House was not taxation, not the raising of revenue.

Mr. BUTLER. Then I should like to ask the Senator to point out under what authority the Senate acts, and how Congress gets jurisdiction of the question except by its taxing power.

Mr. VAN WYCK. In the first place, the first feature of the bill mentioned in the title is "defining butter."

Mr. BUTLER. What else?

Mr. VAN WYCK. You ask, where does Congress get jurisdiction to define butter?

Mr. BUTLER. Yes; I do.

Mr. VAN WYCK. Here it is; they have got it. The House has passed it, and that is the main foundation of this matter.

Mr. BUTLER. "Also imposing a tax upon, and regulating the manufacture, sale, importation, and exportation of oleomargarine."

Mr. VAN WYCK. Precisely. As the Senator sees, the very first words he reads in this bill show that it properly goes to the Committee on Agriculture—"defining butter." What does the Committee on Finance know about butter? [Laughter.]

Mr. BUTLER. What does the Committee on Agriculture know about butter? [Laughter.]

Mr. VAN WYCK. Everything about it. [Laughter.] The Senator has taken away his own foundation from under himself. The first clause of this bill shows that it has no place where he seeks to put it. That is all the object there is, nothing else. In seeking that, there are several propositions proposed, and among them this proposition of the House. It does not follow that the Senate Committee on Agriculture will adopt that—not by any means. This is a mere incident to the end. In the first place we desire pure butter, as we might desire purity in any other article that was being adulterated. Is not that a proper matter for the Agricultural Committee?

Mr. BUTLER. I do not think it is.

Mr. VAN WYCK. Then some say oleomargarine is made pure. Other people say no, it is not pure; it is also adulterated with vile compounds, and therefore it is unhealthy. Is not that a proper matter for the Agricultural Committee?

Mr. BUTLER. I think not.

Mr. VAN WYCK. Why not? What other committee possibly has to do with it?

Mr. BUTLER. None.

Mr. VAN WYCK. Very well. The Senator goes too far. He would throw the whole thing out of Congress entirely.

Mr. BUTLER. I would.

Mr. VAN WYCK. Very well. It is proper to make that statement if he believes it. Others believe it is a proper subject for legislation by the Congress of the United States; and if it be, is not that the suitable committee to consider it? The Senator will concede that, I take it.

Mr. MAXEY. Suppose the Senate should strike out the tax clause of the bill, which the Senator says is the incident and not the principal object, what is there left?

Mr. VAN WYCK. Everything left. The Committee on Agriculture will see that something is put in the place of the tax to secure what they want. [Laughter.] It is exceedingly funny to gentlemen on the other side. What is there left? The bill that was offered in the first place provided for no tax. I do not remember the exact nature of the bill, but no matter now. They may inflict pains and penalties in place of a tax. They may provide that oleomargarine, if made, shall be made according to law, and make violation of law subject to pains and penalties instead of a tax. We may say this shall be a misdemeanor. There is no trouble about substituting that in place of a tax. To define a crime and then provide a penalty for it is not unusual.

Mr. MAXEY. I now ask the Senator where it is that he gets the authority in Congress to impose pains and penalties on the manufacture in the States of the Union of an article on the ground that it is unwholesome to manufacture it? I am not speaking of the District of Columbia or the Territories. This bill goes far beyond them, and enters the States. What authority is there in the Constitution for you to affix pains and penalties on the manufacture or sale of any article produced within the States on the ground that it is unwholesome?

Mr. VAN WYCK. Now the Senator from Texas occupies the same ground as the Senator from South Carolina, that we have no business to touch it at all. That is a question not proper to discuss at this time. The question is as to the reference of this bill, not as to the power of Congress to legislate on this subject. That is not it; but the Senators demonstrate their idea of the merits of the bill and want to carry it into the question of reference. Congress has exercised the power to prevent and punish adulterated and deteriorated drugs, medicines, and medicinal preparations, also adding any ingredient or substance to distilled spirits.

Mr. BUTLER. Would the Senator consent to strike out of this bill the taxing feature of it?

Mr. VAN WYCK. When the bill is under consideration by the Senate they will determine what they will strike out or put in. I am not proposing my notions about this matter now.

Mr. BUTLER. I should be very glad to have the Senator's notions.

Mr. VAN WYCK. If my friend will excuse me, I will give them cheerfully and frankly at the proper time. This is not the proper time. We are not discussing the merits of the bill. I want to say that these gentlemen who are so very anxious about the question of reference do not want anything done. They are opposed to anything being done.

Mr. MAXEY. This bill, as we who oppose its reference to the Committee on Agriculture contend, has no reference whatever and nothing in it has any reference whatever to the duties of the Committee on Agriculture. If it has any merit at all, it is as a revenue measure, and only as a revenue measure. If it be a revenue measure, then necessarily it must go to the Committee on Finance.

Mr. VAN WYCK. That is the idea I was endeavoring to antagonize. It is not necessarily a revenue measure, was not introduced as a revenue measure, and the object was not to add to the revenues in the Treasury. That was not the object. It was not as the Senator from Rhode Island [Mr. ALDRICH] stated in reference to the case of tobacco. Legislation on tobacco is merely for the purpose of revenue. It is not to provide for its production or for any adulteration connected with it, but purely as a measure to increase the revenue. This bill is not for that purpose.

Mr. BUTLER. How would it be if the question of imposing a tax on the issues of State banks were presented for the first time in the Senate? To what committee would the Senator refer a proposition to impose a tax of 10 per cent. on the issues of State banks? Would that go to the Committee on Commerce, to the Committee on the Judiciary, or the Committee on Finance?

Mr. VAN WYCK. If we were framing a law in regard to the issue of bank bills in any way and if we were legalizing the issue of bank bills or were endeavoring to prevent the issue of counterfeit bills as some persons are now endeavoring to prevent counterfeit butter and other persons were issuing counterfeit bank bills, I suppose if Congress did not want to legalize it they would not place a tax on them but would provide a penalty, and the man who would issue counterfeits they would subject to a fine in dollars and cents, or to imprisonment in the penitentiary, or both. Congress could prohibit by fines and penalties, or if it legalized, could do so on conditions of paying tax, license, or other conditions.

Mr. BUTLER. That was not the question I put to the Senator.

Mr. BECK. I should like to ask the Senator from Nebraska one question. This bill comes from the House. It is referred no matter where. Is it not in order to amend and send to any committee as a legitimate amendment to this bill propositions providing that sugar shall be placed on the free-list, and that tobacco and salt and coal or anything else shall be made free? May not our tariff taxation be modified as a legitimate amendment to this bill?

Mr. VAN WYCK. They have tried the experiment of propounding

some strange amendments in the House to this bill and which the movers claimed to be legitimate without sending it to the House Committee on Ways and Means or Finance, and I suppose the same experiments will be indulged in here.

Mr. MCPHERSON. While I admit that it is unparliamentary under our rules to refer to the action of the House, I understand the Senator to say this is not a revenue bill. I should like to ask the Senator as to the action taken elsewhere if it did not receive precedence elsewhere, in the House if you please, because it was a revenue measure, and if it had not been claimed to be a revenue measure it would not have received consideration at all?

Mr. VAN WYCK. If it was a revenue measure in the House, why did it not come from the revenue committee of the House?

Mr. MCPHERSON. I do not know.

Mr. VAN WYCK. They were antagonizing this bill and fought it week after week. Why was it not sent there if it was a revenue bill?

Mr. BECK. I can not state what took place in the House according to the rules, but the Senator from Nebraska will be much astonished perhaps to find that it never could have been considered in the House except that it was put before them as a revenue measure.

Let me ask one more question and I have done. This bill I understand will raise $8,000,000 or $10,000,000 of revenue. We have a surplus of $25,000,000 or $30,000,000 now. Will it not be necessary, if $10,000,000 are added to the revenue by this bill, to devise ways and means whereby $10,000,000 should be taken off from something else; and is not that a subject that the Committee on Finance ought to have referred to it?

Mr. VAN WYCK. We will not be embarrassed in using the money raised by this bill, even though we neglect to deduct the amount from other sources of revenue. It seems a strange position that this was considered as a revenue measure in the other House when it was not so considered there.

Mr. EDMUNDS. I rise to a question of order. I do not want to interrupt my friend from Nebraska.

The PRESIDENT *pro tempore*. The Senator from Vermont will state his question of order.

Mr. EDMUNDS. I object most decidedly, and for public reasons that we all understand, to any reference being made to the proceedings of the House of Representatives to influence our action in one way or another. That is a fundamental rule of parliamentary law, and I ask the Chair to enforce it.

The PRESIDENT *pro tempore*. The attention of the Chair was called to the rule by the Senator from Rhode Island [Mr. ALDRICH] a few moments ago. It is a parliamentary rule laid down in Jefferson's Manual that no reference shall be made to the proceedings of the other House. The Chair has not usually regarded it, nor has the Senate regarded it, as a question of order, but rather a question of propriety or impropriety on the part of Senators; and the Chair does not feel at liberty to call a Senator to order for that alone unless there be some breach of the positive rules of the Senate which would justify the Chair in calling a Senator to order. Still if it is the desire of the Senate the Chair will interrupt whenever a reference of this kind is made; but it is so frequently made, sometimes in an innocent way, that the Chair would feel very much disinclined to enforce such a rule unless made a mandatory rule of the Senate.

Mr. VAN WYCK. I suppose we can get along in discussing this question without alluding directly to what the House of Representatives did, and yet the very bill here shows what the House did. This very bill prints what the action of the House is on this matter; and we must make no allusion to it? Where is the line to be drawn? We are acting upon a House bill? Now I will read it; and will gentlemen say we must not read it because it is a House bill? If I read something from a newspaper, will that be out of order, or from that interesting sheet the CONGRESSIONAL RECORD, will that be out of order?

The PRESIDENT *pro tempore*. In order to have it distinctly understood, the Chair will read what is said in Jefferson's Manual on this subject:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. (8 Grey, 22.)

That is undoubtedly the rule of parliamentary law.

Mr. EDMUNDS. I ask the Chair to enforce it.

Mr. VAN WYCK. What was said in the other House, not what was done there.

Mr. EDMUNDS. That is criticising upon words. It is perfectly well understood in every parliamentary body under a constitution that organizes its legislature into two independent bodies that no influence is to be brought to bear upon the members of one body by what the gentlemen in the other House think or do in respect of a matter; and the only exception—and that is not really an exception to the rule—is the report of a conference committee. Then the Senate conferees and the House conferees have the right to state what the representatives of the other side have said and insisted upon to them.

Mr. VAN WYCK. It will be well incidentally that the Committee on Rules should give this matter incidentally serious consideration at some time, because it seems a reflection upon Senators that they are not able to trust themselves to know what has been done or said in the other House. The point of the rule seems that it may affect, control, or influence. I take it from what the Senator from New York said that the butterine manufacturers outside by a letter would do more controlling than any reference to what may have been said or done in the other House on this matter.

Mr. EDMUNDS. If the Senator alludes to me as having raised the question of order I wish to tell him that I am just as much and probably more in favor of the substance, and for all I know the form, of this bill than he is; but I think it right to have the bill go to the committee where only it can stand as a constitutional bill, and that is the tax committee of this body. I do not want to have the Supreme Court of the United States told by and by, when that question is raised, that the Senate recognized and determined that this was a mere evasion and device. I want it to stand on its honest ground as a tax bill, where alone it can stand, guided by the policy of the Government.

Mr. VAN WYCK. I hope the terrors of the Supreme Court will not be thrown at us now, as well as what has been said in the House of Representatives. [Laughter.]

Mr. EDMUNDS. No; I hope not, because you would be more afraid of the court than you would of the House.

Mr. VAN WYCK. Yes; I think there is more danger when honest legislation is concerned. I suppose it is in order for me to read this bill. Let me leave out a few words in the title, if you please, and then see if anybody will object: "A bill defining butter and regulating the manufacture, sale, importation, and exportation of oleomargarine." Will any gentleman object to that bill as it is read to him "defining butter," leaving out only the words "also imposing a tax upon," "and regulating the manufacture, sale, importation, and exportation of oleomargarine?" Would there be any danger of the Supreme Court on that much? Would there be any objection to sending that bill to the Committee on Agriculture if such was the title? If that was the title of the bill, "A bill defining butter and regulating the manufacture, sale, importatiou, and exportation of oleomargarine;" would the Senator from Kentucky think it ought to go to the Finance Committee then?

Mr. BECK. I do not care what the title might be. The provisions of the bill as they are would decide that. I have examined the character of the bill and I find that it is a tax bill all through in every feature of it. Therefore I do not care to answer what might happen in any supposed case. Even if the title were wrong, it could be amended and it would be amended to correspond with what is in the bill.

Mr. VAN WYCK. The object of this bill is evident from what I have read in the title, and the body of the bill corresponds with the same, "A bill defining butter and regulating the manufacture, sale, importation, and exportation of oleomargarine." Suppose that was the only point for consideration by Congress and by the American people; suppose there was no other. Now that matter is presented in this bill, and the House referred it to the proper committee and they considered the proposed question, defining, first, butter, and then regulating the manufacture, sale, importation, and exportation of oleomargarine. Now, what is the proper question for the Agricultural Committee, where properly it belongs? It seems the bill as presented from the House—it comes from the House, I suppose, as it has "H. R.," House of Representatives, on it—the bill in effecting those objects, to secure those matters, among other things provides for the imposition of a tax, which is not the leading idea, which is not the main thing proposed to be done, but the main thing is in the words which I have read. In endeavoring to secure that object they deem it the best way to impose a tax on the manufacture. Whether that is right or not is a matter to be considered by this body when the question comes before it for consideration and action.

That is all there is about the matter. The only question is as to the protection of a farming industry. The oleomargarine is claimed also to be a farming industry, it is said, by those who manufacture it; and they claim it is a farming interest by the fact that it may be made from the fat of cattle and hogs in the manufacture of imitation butter.

Is not that, above all other questions, one which should properly go to the Agricultural Committee? Why take it away from there except for one purpose? As the House would protect butter, as the House provides how to regulate oleomargarine and imitation butter and the exportation and importation of it, that is a matter that would fairly and properly go to that committee. As I said, whether a tax is the best way, I do not know; what the action of the Senate may be on that point, I do not know, and the committee themselves do not know.

There must be an object and a purpose in this. Why, when it has been with this committee for six weeks, should it now be taken away unless it is to place it in the hands of a committee already overworked and already trying to do too much? That is probably the reason why it is to go to that committee, which will not find it convenient to report it so that it may be acted on by the Senate this session. They may not find it convenient because it is impossible for them to attend to it.

It is a new question for them. They have not considered it, and the Committee on Agriculture have been considering it for six weeks. It is a question that has been discussed and in a measure acted upon by that committee. Now tell the country, will you, who are so anxious

to take this bill away from where it properly belongs, from that committee which is made to protect the farming industry of this country, let them explain some time to the great agricultural interest of this country which is interested in this why at this time there should be a necessity to take this question away from a committee which understands it in all its bearings as well or better than the Committee on Finance will after they shall have devoted six weeks to its study and examination. Why take it away except for one purpose, and that is to prevent any legislation on this question? There can be no other. If legislation is desired, the subject is before the proper committee; and if you desire no legislation, gentlemen particularly who believe this is no place for the consideration of this question, as the Senator from Texas [Mr. MAXEY] and the Senator from South Carolina [Mr. BUTLER] think, can very easily justify themselves in sending it to a committee which can not have the time to examine it thoroughly and will find it impossible to make any report.

Mr. MAXEY. I wish to ask a question. The Constitution declares in terms that "each House may determine the rules of its proceedings." Therefore if the Senate regard this as a tax bill, as it undoubtedly must be, the course which has been pursued toward the bill elsewhere has not the slightest thing on the face of the earth to do with the action of the Senate, which is an independent body, to determine the rules of its own proceedings. The proper proceeding in this case is to refer it to that committee which has been organized for the purpose of looking into revenue measures.

Mr. EVARTS. Mr. President, it is very obvious, as has been suggested by the very title of this bill, that it embraces several subjects, and those subjects should appropriately be sent to one or the other of several committees. It is a bill "defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine."

Various prominent considerations, whose relative importance it is not now proper to discriminate, might carry this bill to the Agricultural Committee, to the Commerce Committee, or to the tax committee. It is not incompetent for this body to take up these various topics of consideration to be submitted to this or to that committee in such order as it deems fit. Now, the main interest of this bill, it will be seen by reading the text of it as well as by looking at the title, does embrace a very extensive subject that belongs to commerce, also a very important question that regards finance or revenue, and also very serious questions, as may occur to the Senate in future debates, that may involve topics which are proper for consideration by the Judiciary Committee.

The substance of this legislation deals with two agricultural products, two food products, two products of the farm, for in whatever way these two food products, these two farm products may be dealt with in the manufacture and sale, the whole question is of dealing with these two products—the dairy products and the oleaginous products from the farm.

I shall vote for a reference of this bill to the Agricultural Committee for the reason that the great interest shown in this matter upon one side and the other is in the nature of the subject as a food product, and the question of the tax is one thereafter to be raised, after the committee having charge of this subject shall have explored and presented it in the aspect that their deliberations and their examinations shall lead them to present it to us. I can not suppose that if this bill should come in from the Committee on Agriculture it would pass the Senate probably without being considered by the Committee on Finance, and possibly not without being considered by the Committee on Commerce. Certainly a large portion of the dealing with these great interests thus presented here has to do strictly with commerce, both domestic commerce and foreign commerce; but at the bottom of both questions of dealing with it in commerce and of dealing with it in revenue, the nature and character of the interest promoting the bill and the opposing interests are of matters that have to do with farm products, and it is so regarded by the people of this country.

Mr. BECK. I wish to ask the Senator from New York whether he does not regard wool and tobacco as equally farm products, and if the question of taxation in regard to them came up would he not send them to the Committee on Finance?

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Agriculture and Forestry.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON] on this question.

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY.] I do not know how he would vote if he were here. I should vote "nay" if he were here.

Mr. CULLOM (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT.] Not knowing how he would vote, I withhold my vote.

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. PIKE].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. PLUMB (when the name of Mr. INGALLS was called). My colleague [Mr. INGALLS] is paired with the Senator from Colorado [Mr. BOWEN].

Mr. LOGAN (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. MCPHERSON (when his name was called). I am paired generally with my colleague [Mr. SEWELL]. I do not know how he would vote on this motion. If he were here, I would vote "nay."

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Alabama [Mr. MORGAN].

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. If my colleague were here, he would vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "yea."

Mr. TELLER (when his name was called). I am paired on political questions with the Senator from Louisiana [Mr. GIBSON]. Not regarding this as such, I vote "yea."

Mr. VANCE (when his name was called). I was paired with the Senator from Michigan [Mr. PALMER]. My colleague [Mr. RANSOM] is absent, and I will transfer that pair to my colleague. I vote "nay."

The roll-call was concluded.

Mr. SPOONER. I wish to announce that the Senator from Nebraska [Mr. MANDERSON] is at West Point, charged with a duty by the Senate. He is paired.

Mr. HALE. My colleague [Mr. FRYE] is absent, paired with the Senator from Maryland [Mr. GORMAN].

Mr. LOGAN. I was paired with the Senator from North Carolina [Mr. RANSOM] when I left last week, but I understand the Senator from New York [Mr. MILLER] is now paired with him, and has transferred it to the Senator from Michigan [Mr. PALMER]. That being the case, I vote "yea."

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. COCKRELL (after having voted in the affirmative). I am paired with the Senator from South Carolina [Mr. HAMPTON]. I withdraw my vote.

Mr. CONGER. I stated that my colleague [Mr. PALMER] was paired with the Senator from North Carolina [Mr. VANCE]. The pair has been transferred to the Senator's colleague [Mr. RANSOM].

Mr. CAMDEN. I announced a pair with the Senator from Nebraska [Mr. MANDERSON]. I have transferred the pair to the Senator from Connecticut [Mr. PLATT]. I observe he is not here. I withdraw the pair with the Senator from Nebraska and announce my pair with the Senator from Connecticut. Not knowing how he would vote, I withhold my vote.

Mr. BLACKBURN. I am paired generally with the Senator from Nebraska [Mr. MANDERSON]. He is absent under order of the Senate. If he were here, I should vote "yea."

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN], but understanding that he would if present vote as I do, I vote "yea."

The result was announced—yeas 22, nays 21; as follows:

YEAS—22.

Allison,	Evarts,	McMillan,	Teller,
Blair,	Hale,	Mahone,	Van Wyck,
Cameron,	Harrison,	Miller,	Whitthorne,
Conger,	Hoar,	Mitchell of Oreg.,	Wilson of Iowa.
Dawes,	Kenna,	Sherman,	
Dolph,	Logan,	Spooner,	

NAYS—21.

Aldrich,	Coke,	Maxey,	Vest,
Beck,	Edmunds,	Morrill,	Walthall,
Berry,	Eustis,	Payne,	Wilson of Md.
Brown,	Harris,	Pugh,	
Butler,	Hawley,	Riddleberger,	
Call,	Jones of Arkansas,	Vance,	

ABSENT—33.

Blackburn,	George,	McPherson,	Sabin,
Bowen,	Gibson,	Manderson,	Saulsbury,
Camden,	Gorman,	Mitchell of Pa.,	Sawyer,
Chace,	Gray,	Morgan,	Sewell,
Cockrell,	Hampton,	Palmer,	Stanford,
Colquitt,	Hearst,	Pike,	Voorhees.
Cullom,	Ingalls,	Platt,	
Fair,	Jones of Florida,	Plumb,	
Frye,	Jones of Nevada,	Ransom,	

So the motion to refer the bill to the Committee on Agriculture and Forestry was agreed to.

Mr. BECK subsequently said: I ask leave to offer an amendment to House bill 8328, known as the "oleomargarine bill," not committing myself to all its provisions. The amendment is the House bill in regard to tariff and taxation.

The PRESIDENT *pro tempore*. If there be no objection the amend-

ment will be printed and referred to the Committee on Agriculture and Forestry.

ORDER OF BUSINESS.

Mr. CONGER. Is the morning business through?

The PRESIDENT *pro tempore*. The morning business is closed. The consular and diplomatic appropriation bill is before the Senate.

Mr. CONGER. I ask the gentleman in charge of the appropriation bill, if we can not reach the Calendar to-day, to allow me to call up——

Mr. ALLISON. I will say to the Senator from Michigan that I think the consular and diplomatic bill will not take an hour of the time of the Senate.

Mr. CONGER. It may take more. I desire to say that there are two bills—one for the establishment of light-houses, on which some bills of the Senate Committee on Commerce have been placed as amendments, providing for all the light-houses recommended by the Light-House Board and by the Committee on Commerce; and another for light-ships. I am very anxious to have those bills passed, that a committee of conference may be appointed, and that they may be passed in some form, so that appropriations for them can be placed in the sundry civil bill. I ask this because after to-day I expect to be gone for the remainder of the week. Having had charge of these bills, I desire very much to have them passed this morning.

Mr. DOLPH. With the permission of the Senator from Iowa I desire to state that on Thursday last, when the morning hour was given up to other business, it was agreed that the bill reported by myself from the Committee on Public Lands to forfeit certain lands granted to the Northern Pacific Railroad Company should come up immediately after the morning business to-day. Of course I do not propose to antagonize the appopriation bill. I am also informed that during my absence it was agreed that to-day and to-morrow should be devoted to unobjected cases on the Calendar. I will not undertake to antagonize that order; but I give notice that on Wednesday, immediately after the morning business, I shall make a motion to take up again for consideration the bill referred to.

Mr. BECK. I intended Saturday morning to call up the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States. I do not propose to antagonize what is going on to-day or to-morrow as to the Calendar or to call it up on Wednesday, but on Thursday after the close of the morning business I shall endeavor to call up that bill and ask a vote on it.

Mr. BUTLER. Is it understood that after the conclusion of the diplomatic and consular appropriation bill we shall go on with the Calendar?

The PRESIDENT *pro tempore*. The Chair so understands, that after the conclusion of the present bill, the diplomatic and consular appropriation bill, the Calendar will be taken up under the eighth rule. The reading of the bill will be proceeded with.

LIGHT-HOUSE SUPPLY STEAMERS.

Mr. CONGER. I believe the Senator from Iowa will yield to allow me to have the light-house and light-ship bills taken up. I ask it simply because I have to leave to be gone the remainder of the week. I ask the courtesy of the Senate to take up these light-house and light-ship bills now. There is no objection to them, I think. They are No. 1460 and No. 1461 in the Order of Business.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of the bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts.

The question being put, it was declared that the noes appeared to prevail.

Mr. CONGER. I do not know when there has been a refusal to a gentleman under such circumstances when he was going away.

The question being again put, the motion was agreed to—ayes 25, noes not counted.

The bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in line 8, after the word "made," to strike out the words "for that purpose;" so as to read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to construct a suitable steamer for use in supplying the light-houses on the Atlantic and Gulf coasts of the United States, the sum required for construction of the same to be paid from an appropriation hereafter to be made, the cost of which shall not exceed the sum of $147,500.

The amendment was agreed to.

The next amendment was to add:

Also to cause to be constructed an iron screw-steamer for use as a light-house tender in the fourth light-house district, the cost of which shall not exceed the sum of $68,300: *Provided*, That the contract for the construction of such steamers shall be let to the lowest responsible bidder after advertisement, and that such steamers shall be built in American ship-yards.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 2. That the Light-House Board is authorized and required to establish and maintain light-ships at the following-named places: One at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island; one at or near the south end of Ram Island Reef, Fisher's Island Sound, Long Island, New York; one, the cost of which shall not exceed the sum of $40,000, to be stationed off Grosse Point, Lake Saint Clair, Michigan.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, and for other purposes."

Mr. CONGER. I now ask that a committee of conference be asked for on the disagreeing votes of the two Houses on this bill.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. DOLPH, and Mr. GORMAN were appointed.

NEW LIGHT-HOUSES.

Mr. CONGER. Now, I move to take up House bill No. 5862.

The motion was agreed to; and the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, Cal., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, which was to add to the bill:

Also that there be established at or near Point Sur, on the seacoast of California, a light-house and fog-signal station, the entire cost of which shall not exceed the sum of $100,000; also that a light-house and fog-signal be established on Castle Hill, Rhode Island, at the entrance to Newport Harbor, under the direction of the Light-House Board: *Provided*, That a suitable site for the light-house can be obtained without expense to the Government, upon terms and conditions to be agreed upon by said board with the owner of the land at Castle Hill, the entire cost of which shall not exceed the sum of $10,000; also that there shall be established above Pulpit Point, Whitehall Narrows, New York, a light to guide vessels through said narrows, the cost of which shall not exceed the sum of $200; also that a light be established on the bridge between New Bedford and Fairhaven, Massachusetts, the entire cost of which shall not exceed the sum of $200; also that a light-house and fog-signal be established on one of the Gull Rocks, opposite the United States Naval Training School, in Upper Newport Harbor, Rhode Island, the entire cost of which shall not exceed the sum of $10,000; also that there be established and erected a light-house on Crabtree's Ledge (so called), between Bean Island and the mainland of Crabtree's Neck, in Frenchman's Bay, Hancock County, Maine, the cost of which shall not exceed the sum of $10,000; also that there be established a light-house and fog-signal at or near Deer Island, in Boston Harbor, Massachusetts, the cost of which shall not exceed the sum of $35,000; also that there be established a light-house at or near Lubec Narrows, Maine, the cost of which shall not exceed the sum of $40,000; also that there be appropriated, out of any money in the Treasury not otherwise appropriated, $2,000 for the purchase of a right of way from Cape Orford Light-Station to the town of Cape Orford, Oregon; also that there be established a light-house at Two Harbors, Minnesota, the cost of which shall not exceed the sum of $10,000; also that there be established a light-house on Gould Island, Narragansett Bay, State of Rhode Island, the cost of which shall not exceed the sum of $10,000; also that there be established a light-station at or near North Point, to take the place of the old one near Milwaukee, on Milwaukee Bay, Lake Michigan, Wisconsin, the cost of which shall not exceed the sum of $15,000; also for the purchase of a site and the construction of a first-order coast light-house at Cape Meares, Tillamook Bay, Oregon, the cost of which shall not exceed the sum of $60,000; also that the appropriation of $15,000 made by the act of Congress approved July 7, 1884, "for removing the Croatan Light-House to a point where it will be of more value to navigators," be made available for the erection of a new light-house at the proposed point.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. ALLISON. I should like to ask the Senator from Michigan if all these proposed lights and stations have received the approval of the Light-House Board?

Mr. CONGER. They have, all of them, as being among the most necessary lights. Some others have been recommended, but they did not have the recommendation of the board as among those most necessary to be established. The committee have grouped together in this one bill those that seemed most important.

Mr. BECK. I could not quite hear the Senator from Michigan. Does he say that the Committee on Commerce were unanimous in this report?

Mr. CONGER. I understand so, and the Light House Board sent a special recommendation in each case. I will say that several of these items were passed by the House in separate bills, and the Committee on Commerce of the Senate thought it proper to put them all together in one bill.

Mr. HALE. In one of these cases, which is within my knowledge, I know that subsequent investigations have shown that the appropriation for the cost of the structure provided for here ought to be increased. I move in the case of Crabtree's Ledge light to increase the limitation to $25,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 33 it is proposed to strike out the word "ten" and to insert "twenty-five;" so as to read:

Also that there be established and erected a light-house on Crabtree's Ledge (so called), between Bean Island and the mainland of Crabtree's Neck, in French-

man's Bay, Hancock County, Maine, the cost of which shall not exceed the sum of $25,000.

Mr. CONGER. I have no objection to that. I remember that there was a second report. We took the report of the committee of the Light-House Board first, but this was a subsequent report on further examination.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

A bill providing for the establishment of certain light-houses and fog-signals, and for other purposes.

Mr. CONGER. I move that a conference be asked on the amendments to this bill.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate. Mr. MCMILLAN, Mr. DOLPH, and Mr. GORMAN were appointed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BECK] suggested rather than moved that a large number of the amendments reported by the Committee on Appropriations be considered as one amendment. If there be no objection that order will be taken in regard to these formal amendments. They will all be stated as one amendment.

Mr. ALLISON. There is no objection, except that at one particular point I shall ask to have a separate consideration.

The PRESIDENT *pro tempore*. The text proposed to be stricken out will not be read.

Mr. ALLISON. I will call attention to the amendment I want acted on separately as it is reached.

The Chief Clerk read from line 192 to line 365 of the bill as proposed to be amended by the Committee on Appropriations, as follows:

CLASS II.—At $3,500 per annum:

CHINA.

Foo Chow; Hankow; Canton; Amoy; Tien-Tsin; Chin-Kiang.

PERU.

Callao.

CLASS III.—At $3,000 per annum:

GREAT BRITAIN.

Manchester; Glasgow; Bradford; Belfast; Demerara; Ottawa; Singapore.

CHINA.

Ningpo.

FRANCE.

Havre.

SPANISH DOMINIONS.

Matanzas (Cuba).

MEXICO.

Vera Cruz.

UNITED STATES OF COLOMBIA.

Colon (Aspinwall).

JAPAN.

Nagasaki; Osaka and Hiogo.

CHILI.

Valparaiso.

CLASS IV.—At $2,500 per annum:

GREAT BRITAIN.

Tunstall; Birmingham; Sheffield; Dundee; Leith; Nottingham; Victoria (British Columbia).

FRENCH DOMINIONS.

Marseilles; Bordeaux; Lyons.

ARGENTINE REPUBLIC.

Buenos Ayres.

GERMANY.

Hamburg; Bremen; Dresden.

SPANISH DOMINIONS.

Cienfuegos; Santiago de Cuba.

BELGIUM.

Brussels; Antwerp.

DANISH DOMINIONS.

St. Thomas.

TURKISH DOMINIONS.

Smyrna.

GREECE.

Athens.

CLASS V.—At $2,000 per annum:

GREAT BRITAIN.

Cork; Dublin; Leeds; Cardiff; Toronto; Hamilton (Ontario); St. John (New Brunswick); Kingston (Jamaica); Nassau (New Providence); Port Louis Mauritius); Sydney (New South Wales).

VENEZUELA.

Maracaibo.

TURKISH DOMINIONS.

Beirut; Jerusalem.

SPANISH DOMINIONS.

San Juan (Porto Rico); Sagua la Grande (Cuba).

BARBARY STATES.

Tangier.

NETHERLANDS.

Rotterdam.

RUSSIA.

Odessa.

GERMANY.

Sonneberg; Nuremberg; Barmen; Cologne; Chemnitz; Liepsic; Crefeld.

AUSTRIA-HUNGARY.

Trieste; Prague.

SWITZERLAND.

Basle; Zurich.

ITALY.

Palermo.

MEXICO.

Acapulco; Matamoras.

BRAZIL.

Pernambuco.

MADAGASCAR.

Tamatave.

URUGUAY.

Montevideo.

HONDURAS.

Tegucigalpa.

COSTA RICA.

San Jose.

NICARAGUA.

Managua; San Juan del Norte.

SAN SALVADOR.

San Salvador.

PHILIPPINE ISLANDS.

Manila.

FRIENDLY AND NAVIGATOR'S ISLANDS.

Apia.

Mr. ALLISON. I desire to call attention at this point to the fact that the Committee on Appropriations carry the item for the consul at Apia from class 6 to class 5, increasing the pay of the consul at this point $500, bringing it within the $2,000 class instead of the $1,500. It is stricken out of class 6, and by lines 364 and 365 it is brought over to class 5. It is struck out of the provision on page 20, lines 455 and 456. I merely wished to explain it.

The Chief Clerk resumed and concluded the reading of the words proposed to be inserted in lieu of the original bill between lines 188 and 519, as follows:

CLASS VI.—At $1,500 per annum:

GREAT BRITAIN.

Bristol; Clifton; Southampton; Newcastle; Auckland; Gibraltar; Cape Town; St. Helena; Charlottetown (Prince Edward Island); Port Stanley (Falkland Islands); Pictou; Winnipeg; Mahe; Kingston; Prescott; Port Sarnia; Quebec; St. John's (Canada); Barbadoes; Bermuda; Fort Erie; Goderich (Canada West); Amherstburg (Canada West); Windsor (Canada West); Ceylon; Antigua; St. Stephen's; Malta.

FRENCH DOMINIONS.

Nice; Martinique; Guadeloupe.

SPAIN.

Cadiz; Malaga; Barcelona.

PORTUGUESE DOMINIONS.

Fayal (Azores); Funchal (Madeira).

BELGIUM.

Verviers and Liege.

GERMANY.

Munich; Stuttgart; Mannheim; Aix la Chapelle.

NETHERLANDS.

Amsterdam.

DENMARK.

Copenhagen.

SWITZERLAND.

Geneva.

ITALY.

Genoa; Naples; Milan; Leghorn; Florence; Messina.

MEXICO.

Tampico; El Paso del Norte.

VENEZUELA.

Laguayra; Puerto Cabello.

PARAGUAY.

Asuncion.

BRAZIL.

Bahia; Para.

SAN DOMINGO.

San Domingo.

TURKISH DOMINIONS.

Sivas.

SCHEDULE C.

CLASS VII.—At $1,000 per annum:

GREAT BRITAIN.

Gaspe Basin; Windsor (Nova Scotia); Bombay; Sierra Leone; Turk's Island.

CHILI.

Talcahuano.

GERMANY.

Stettin.

BELGIUM.

Ghent.

FRANCE.

Nantes; Algiers.

ITALY.

Venice.

HAYTI.

Cape Haytien.

NETHERLANDS.

Batavia.

BRAZIL.

Rio Grande do Sul.

HONDURAS.

Ruatan and Truxillo (to reside at Urilla).

EASTERN AFRICA.

Mozambique.

MEXICO.

Guaymas; Nuevo Laredo; Piedras Negras.

MUSCAT.

Zanzibar.

PORTUGUESE DOMINIONS.

Santiago (Cape Verde Islands).

SOCIETY ISLANDS.

Tahiti.

SWEDEN AND NORWAY.

Christiania.

COMMERCIAL AGENCIES.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 523, to insert:

SCHEDULE C.

Saint Paul de Loando; Levuka; Gaboon.

And in the estimates for the fiscal year ending June 30, 1888, there shall be estimated for specifically, under classified consulates, all consulates and commercial agencies where the fees collected or compensation allowed for the fiscal year ending June 30, 1886, exceeds $1,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, to strike out line 542, as follows:

For allowance for clerks at consulates, as follows.

And in lieu thereof to insert:

For allowance for clerks at consulates, $50,320, the sum to be allowed at each consulate not to exceed the rate herein specified, as follows.

The amendment was agreed to.

The next amendment was, at the beginning of line 577, before the words "for clerks," to strike out "allowance" and insert "for an additional allowance;" so as to make the clause read:

For an additional allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk-hire, no greater portion of this sum than $400 to be allowed to any one consulate in any one fiscal year: *Provided*, That the total sum expended in one year shall not exceed amount appropriated, $10,000: *And provided further*, That out of the amount hereby appropriated the Secretary of State may make such allowance as may to him seem proper to any interpreter for clerical services, in addition to his pay as interpreter.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Contingent Expenses, United States Consulates," in line 654, after the word "messenger-service," to insert "traveling expenses of consular clerks;" so as to make the clause read:

Expense of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight, foreign and domestic, telegrams, advertising, messenger-service, traveling expenses of consular clerks, and such other miscellaneous expenses as the President may think necessary for the several consulates and commercial agencies in the transaction of their business, $150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. EVARTS. In the memorandum that is printed under the authority of the committee having in charge this appropriation bill, there is a clause suggested by the Secretary of State which would properly come in as an amendment following the last line of the bill:

And no expense charge shall be allowed hereafter in the accounts of any consular officer except upon a certificate of approval of the Secretary of State, which certificate shall be conclusive upon the accounting officers of the Treasury, and be deemed by them a sufficient voucher for the expenditure it covers.

The Secretary proceeds to say:

The embarrassments of a divided discretion in executive duties are obvious. The impossibility of even defining by name the miscellaneous expenses of a Department proves the equal impossibility of defining the specific amount made necessary for each such expense; and as the total expenditure is carefully estimated and limited by Congress and the accounts in detail are carefully recorded and audited in the State Department under orders of the President, it is unnecessary to have such essential Executive discretion submitted to the revision of the accounting officers of the Treasury, who can not possess the knowledge requisite for the performance of the business of another Department of the Government.

I therefore consider the guards upon allowance or expense are fully furnished in the amendment I have submitted, and that much useless friction can be saved by its adoption.

I can not but concur with the Secretary of State in thinking that many embarrassments do arise in the conduct by officers abroad of their duties in petty matters of expenditures that are recognized by the State Department, and yet they find themselves obstructed in the passing of their accounts when they come to the Treasury officers. Whether or not at any time an arrangement should more completely assign to the Treasury Department a supervision of the consular system, it seems to me entirely incongruous that so long as the appointment and responsibility in regard to these officers is in the State Department—of course, under the President, the Secretary having no authority of his own—there should be a discord which in my own experience and in matters which have been brought to my attention since have arisen.

Sitting here and discussing these matters we probably do not feel or appreciate the difficulties in which our officers abroad, where they are both discreet and frugal, may find themselves in following the directions of the State Department under its system of expenditure and supposing themselves covered thereby, when the accounts reach the Treasury Department where, without any imputation either of integrity or of intelligence of the officers abroad, they are considered under the mere interest and duty of accounting officers. That often brings the parties into a very uncomfortable position. They are not generally persons of much means, and they have not very ample emoluments from the office; and frequently in deficiency bills, after a delay of years sometimes, these matters that are small really but important to the officers abroad, are finally settled and disposed of.

Now, Mr. President, I do not know whether a suggestion of this amendment would encounter the ground of being in the nature of new legislation. My own impression is that it would not be so, but I am entirely in favor of the general proposition that appropriation bills should exclude new legislation. I should hardly think that a clause of this kind, if it should approve itself to the good sense of the Senate, could be discarded upon a suggestion that it was in the nature of new legislation.

Mr. ALLISON. In response to the last suggestion made by the Senator from New York, I think it would be new legislation. Whether it is such new legislation in the bill, limiting and controlling as it does the contingent expenses, I do not seek to say. Indeed, I think it very likely, if it was necessary, we could place the limitation proposed by the Senator from New York on this appropriation; but the Committee on Appropriations considered this amendment with a great deal of care, because the Secretary of State very much desired it. He stated to us, as he does in his letter, that there were great inconveniences arising from the fact that these contingent-expense accounts are overhauled by the accounting officers of the Treasury. That is no doubt true, not only with these contingent expenses, but with the contingent expenses of every Department; and the committee believed that if they were to begin this system of regulation, whereby the certificate of one head of Department should be conclusive upon the accounting officers of the Treasury, it would be but a little while until, with this class of expenses at least, we should have no accounting officers. I do not know but that would be a wise thing; I am not so clear about it, but certainly it is a radical change and a change that has never been proposed to my knowledge before. Certainly, since the foundation of the Government, the accounting officers of the Treasury have revised every expenditure of the Government, of every department of the Government, of every officer of the Government, except in the single instance wherein by special legislation that power has been reserved to the President for small sums of money respecting our foreign relations. If there is any reservation now in the case of any head of Department, such as is proposed here, I am not aware of it. I appreciate these little annoyances affecting the accounts of the Secretary of State, and the honorable Senator from New York has had the like experience; but it seems to me it is rather a dangerous provision to insert at this time.

The PRESIDENT *pro tempore*. Objection being made, the amendment is clearly excluded by the rules.

Mr. EVARTS. I was going to say that I would not insist on the amendment, but perhaps in some reorganization, which is now thought of and spoken of at the last sitting, this may appear as a proper regulation.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "A bill making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 13, 1887, and for other purposes."

JUDICIAL CIRCUITS.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will state the first case on the Calendar under Rule VIII.

The bill (S. 1286) to amend section 604 of the Revised Statutes, and for other purposes, was announced as first in order.

Mr. BECK. That stands on a motion to reconsider, I think, does it not?

The PRESIDING OFFICER. It does.

Mr. BECK. Perhaps we had better go on with unobjected cases to-day first.

The PRESIDING OFFICER. Being objected to, the bill goes over.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The next business on the Calendar was the resolution submitted by Mr. PLATT, and reported adversely from the Committee on Rules by Mr. INGALLS, declaring that executive nominations shall hereafter be considered in open session.

Mr. ALLISON. I object.

The PRESIDING OFFICER. Being objected to, the resolution goes over.

ELON A. MARSH AND MINARD LAFEVER.

The bill (S. 500) for the relief of Elon A. Marsh and Minard Lafever was announced as next in order on the Calendar.

The bill was reported from the Committee on Patents with an amendment, to strike out all after the enacting clause and insert a subsitute therefor.

Mr. ALLISON. Read the preamble there referred to that we may hear what it is.

The Chief Clerk read the preamble.

Mr. ALLISON. I object to that, the Senator from Connecticut [Mr. PLATT] not being present.

The PRESIDING OFFICER. Being objected to, the bill goes over. Does the Senator ask that it hold its place on the Calendar?

Mr. ALLISON. I am willing it shall retain its place on the Calendar.

The PRESIDING OFFICER. Then it goes over without prejudice, retaining its place on the Calendar.

STEPHEN N. SMITH.

Mr. ALLISON. I make the same objection to the next case, the bill (S. 708) for the relief of Stephen N. Smith.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM C. DODGE.

The bill (S. 301) for the relief of William C. Dodge was announced as next in order.

Mr. HALE. Let us have the report read in that case.

The PRESIDING OFFICER. The bill will first be read at length.

The bill was read.

Mr. ALLISON. I object.

The PRESIDING OFFICER. Objection being made, the bill goes over.

CALIFORNIA LAND SALES.

The bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of lands in said State was announced as next in order.

Mr. PLUMB. I think that had better go over.

Mr. DOLPH. I ask that it retain its place on the Calendar.

The PRESIDING OFFICER. If there be no objection the bill will be passed over, retaining its place on the Calendar.

RESTORATION OF NAVAL CADETS.

The bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," was announced as next in order on the Calendar.

Mr. HALE. Let that bill go over.

The PRESIDING OFFICER. The bill being objected to, goes over. Is it desired that the objection shall carry it over to the Calendar under Rule IX, or does it hold its place?

Mr. HALE. That objection can be made at any time hereafter. The bill now holds its place, of course. The Senator who has charge of it is not here.

The PRESIDING OFFICER. It will be passed over, retaining its place.

JAMES S. CLARK & CO.

The bill (S. 41) for the relief of James S. Clark & Co. was announced as next in order.

Mr. DOLPH. That was up for consideration before. I now move to substitute for that Order of Business 1312, being Senate bill 2474, and will state that this is a claim for the proceeds of cotton. The facts were found in favor of the claimants by the Court of Claims, but the case was decided adversely to them by a divided court on the statute of limitations. The substitute is simply to send them back to the Court of Claims for a retrial. I think there will be no objection to that.

Mr. MCMILLAN. Waiving the statute of limitations?

Mr. DOLPH. To waive the statute. The court itself was divided in regard to the effect of the statute.

Mr. MCMILLAN. Why waive it?

Mr. DOLPH. Because this seems to be a meritorious case.

Mr. ALLISON. Let the report be read.

The PRESIDING OFFICER. If there be no objection the bill referred to by the Senator from Oregon will be considered as in Committee of the Whole in lieu of the one just announced.

Mr. ALLISON. Let the report be read.

Mr. DOLPH. Will the Senator let me make a statement? The report is very long.

The PRESIDING OFFICER. The bill will first be read.

The Chief Clerk read the bill (S. 2474) for the relief of James S. Clark & Co., and the Senate as in Committee of the Whole proceeded to consider it.

The bill proposes to confer jurisdiction on the Court of Claims to rehear and determine *de novo* the claim of James S. Clark & Co. for the proceeds of 900 bales of cotton taken from their possession by the United States Treasury agent at Mobile, Ala., in the month of August, 1865, and to determine the suit on the merits, without regard to any statute of limitations or adverse decision of the court or of the Supreme Court on the former hearing.

Mr. DOLPH. If it is desired now I ask that the Secretary may read the portions of the report which I have marked, and I think they will be satisfactory to the Senator from Iowa, the rest being a legal argument.

The PRESIDING OFFICER. The Secretary will read such portions of the report as are indicated by the Senator from Oregon.

The Chief Clerk read the following passages from the report, submitted by Mr. DOLPH, from the Committee on Claims, April 23, 1884:

The facts in this case, which have been "judicially ascertained" by the Court of Claims, are as follows:

First. That in July and August, 1865, the claimants, James S. Clark and Edward Fulton, together with Joseph C. Palmer, were the owners, jointly, of 900 bales of cotton, which was consigned by them to C. A. Dexter, supervising special agent of the United States Treasury Department, at Mobile, in the State of Alabama, in the last part of said July or the first part of said August.

Second. That the said cotton was so consigned to said Treasury agent by the claimants because the Government at that time had charge of the railroads and other means of transportation to Mobile; and the use of such means of transportation was necessary in order to facilitate the arrival of said cotton at Mobile, and upon its arrival there was claimed of him by the claimants.

Third. That in August, 1865, the said Treasury agent, having received orders from the Treasury Department to ship all cotton received by him, shipped the said 900 bales of cotton to Simeon Draper, United States cotton agent in New York, where it arrived and was sold by the United States, and the net proceeds thereof, amounting to the sum of $127,350, were paid into the Treasury of the United States.

Fourth. That during the late rebellion the claimants resided in the city of New Orleans, State of Louisiana.

In addition to the above facts your committee find, as a fact established by the evidence taken in said cause, that the claimants did not, nor did either of them, give any aid or comfort to the late rebellion.

The claimants instituted their suit in the Court of Claims on the 27th day of March, 1872, and the defense there interposed, aside from a contest in regard to the facts, was the statute of limitations. There were two pleas of the statute of limitations interposed by the United States to the claimants' right to recover, as follows:

First. That the claimants did not prefer their claim to the proceeds of said cotton within two years after the suppression of the rebellion. This plea was based upon the third section of the act of March 12, 1863 (12 Statutes at Large, page 820).

Second. That the claimants did not file their petition in the Court of Claims within six years after the claim accrued.

This plea was founded on the tenth section of the act of Congress for the reorganization of the Court of Claims, approved March 3, 1863 (12 Statutes at Large, page 765). The case was twice argued in the Court of Claims before four of the judges of said court, and at each of the said trials the court was equally divided in regard to the sufficiency of said pleas as a defense to said action.

In the Supreme Court the case was argued before seven judges, and the judgment of the Court of Claims, adverse to the claimants, was there affirmed, with Justices Field, Miller, and Bradley dissenting.

Your committee can not doubt that the conversion of the claimants' cotton to the use of the United States, under the orders of the Secretary of the Treasury, was an unlawful act, and that the retention by the United States of the proceeds resulting from the sale of the claimants' cotton is also illegal, unjustifiable, unwarranted, and without right.

* * * * * * *

Your committee agree with the said committee in the conclusions reached by it in said report, that the lawful title of the claimant to the cotton in question has not been divested by any proceedings under the authority of the Government; and that the net proceeds of such cotton having gone into the Treasury of the United States through the illegal acts of its agents, it ought not to shield itself from the payment of the same to the claimants by the statute of limitations.

The committee, therefore, report back the bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. What disposition does the Senator from Oregon propose to make of Senate bill 41 of the same title?

Mr. DOLPH. I move that it be indefinitely postponed.

The motion was agreed to.

MARY F. POTTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 244) for the relief of Mary F. Potts.

The bill was reported from the Committee on Patents with an amendment in line 22, after the word "extended" to insert:

Provided, however, That no extension of said patents, or either of them, allowed by the Commissioner, shall operate to give the patentee any rights not secured to her by said patents as originally granted.

So as to make the bill read:

Be it enacted, &c., That the Commissioner of Patents be, and he is hereby, authorized to hear the application of Mary F. Potts for the extension of the letters patent granted to her May 24, 1870, for improved sad-iron, numbered 103501, as reissued January 6, 1880, and also for the extension of the letters patent granted to her April 4, 1871, for improvement in sad-irons, numbered 113448, as reissued October 15, 1872, and as subsequently reissued October 7, 1879; and said Commissioner shall immediately make a certificate upon said reissued patents renewing and extending the same to the said Mary F. Potts, her heirs, executors, administrators, or assigns, for the term of seven years from the dates of their expiration, which certificate shall be recorded in the Patent Office; and thereupon the said patents shall have the same force and effect in law as if originally granted for the full term for which the same may be extended: *Provided, however*, That no extension of said patents, or either of them, allowed by the Commissioner, shall operate to give the patentee any rights not secured to her by said patents as originally granted: *And provided further*, That it shall be established to the satisfaction of said Commissioner that said Mary F. Potts has, without neglect or fault on her part, failed to obtain from the use or sale of her invention or discovery a proper remuneration for the time, ingenuity, and expense bestowed upon their introduction into use.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT TAX SALES.

The bill (S. 634) relating to sales for taxes in the District of Columbia was announced as next in order.

Mr. HALE. The Senator from Kansas [Mr. INGALLS] in charge of

that and the next bill being absent, I think it had better remain on the Calendar.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

DISTRICT LIQUOR SALES.

The bill (S. 1380) relating to the sale of distilled and fermented liquors in the District of Columbia was announced as next in order.

Mr. CULLOM. Let the same order be made in relation to that bill.

The PRESIDING OFFICER. The bill will remain on the Calendar, holding its place.

LOUISE HOME PROPERTY.

The bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes, was announced as next in order.

Mr. ALLISON. I object.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CULLOM. I see that this bill is reported by the Senator occupying the chair [Mr. HARRIS].

The PRESIDING OFFICER. The Chair was just sending for a brother Senator to take the chair.

Mr. CULLOM. I arose for the purpose of giving the Chair time to do that.

Mr. ALLISON. I am very glad the Senator from Illinois did. I did not mean to cut off the Senator from Tennessee.

Mr. HARRIS. I ask the Senator from Iowa, Mr. President, to allow the report in these two cases, Orders of Business 233 and 234, to be read. They involve exactly the same principle, and if the bill in its present shape as reported by the Committee on the District of Columbia shall not be satisfactory to the Senator from Iowa or to the Senate, I hope we shall be able to put the bills in such shape as will be satisfactory, for I think it is important that in some form they should be passed. I hope therefore the objection will be withdrawn.

The PRESIDING OFFICER (Mr. MCMILLAN in the chair). Is the objection withdrawn?

Mr. ALLISON. Long enough to hear the report.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HARRIS February 19, 1886:

The Committee on the District of Columbia, to which was referred the bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes, has considered the same, and reports:

That, on the 21st day of November, 1869, W. W. Corcoran conveyed by deed to James M. Carlisle and others, trustees, lots numbered 11, 12, 13, 14, 15, and 16, in square No. 196, in the city of Washington, D. C.; the purpose being—

"To establish and maintain in the city of Washington * * * an institution for the support and maintenance of a limited number of gentlewomen, who have been reduced by misfortune, so as, in the opinion of the trustees and directresses, to be proper persons to receive such assistance."

That the grounds thus conveyed make about 53,000 square feet, fronting 381 feet on Massachusetts avenue, which, with the buildings and improvements placed upon them, are estimated at at least $200,000.

In addition to the buildings and grounds, Mr. Corcoran endowed the home with a fund of $325,000, well invested in stocks and bonds, for its permanent support.

The home was opened for occupation on the 17th day of April, 1871.

"Sixty-four ladies have enjoyed the benefits of the home, and the family now consists of forty-two, in the full enjoyment of all the comforts and home pleasures that can be obtained."

The trustees of the home were incorporated by act approved March 3, 1875; the second section of which act provides as follows:

"SEC. 2. That the buildings and grounds connected therewith, and all property held by said trustees for the purposes of said trust, on the square numbered 196, shall be free from all taxes and assessment by the municipal authorities, or by the United States, so long as the same shall be held and used for the purposes of the said trust."

And the act approved February 24, 1879, provides as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commissioners of the District of Columbia be authorized and required to release the property held by the trustees of the Louise Home under the deed of trust from William W. Corcoran to the said trustees dated November 21, 1869, from all taxes levied upon it since the date said institution was opened for reception of inmates, and now remaining unpaid."

This act releases all taxes upon the property conveyed by the deed of November, 1869, but the endowment fund was not described in said deed.

In a letter from Mr. Corcoran to the committee, amongst other things he says:

"In addition to the grounds and buildings of the home proper, the trustees held six houses on which they had loaned a considerable portion of the funds of the institution, and which they were compelled to buy in under the several deeds of trust. Three of these have been sold at a loss of $13,000, which loss will probably be increased by the sale of the three that remain, netting a small interest while so held, and will be sold as."

Notwithstanding the act of February 24, 1879, it appears that the commissioners of the District are demanding the payment of certain tax-lien certificates issued on special improvement assessments in 1872 and 1873 against square 196 (the home proper), aggregating $4,207.62, when the facts, as stated to the committee by Mr. Corcoran, are that—

"The grounds and property known as the Louise Home comprise an aggregate frontage of 700 linear feet on Massachusetts avenue, Fifteenth street, Sixteenth street, and N street.

"In September, 1870, the trustees of Louise Home commenced the street improvement of this property, taking the established grades of the several streets on which the property fronted, and furnished all the materials and labor necessary to complete the same at their own cost, expecting that a just and proper allowance, as was the custom, would be made for such materials and labor expended in this work as would be properly chargeable to the corporate authorities in the improvement of the several streets.

"After the thorough completion of all the work of grading and paving sidewalks, grading and paving gutters and laying curbstones, the erection of a substantial brick-wall fence, and the planting and boxing of trees on the whole front, the regular and established grades of the several streets on which this property abutted was materially changed by the board of public works. The work of grading and paving had to be done anew, involving the cutting down of the sidewalk and street on the Fifteenth street and Massachusetts avenue front and heavy filling of the Sixteenth street front.

"In addition to the first work done by the trustees on the streets, the garden and grounds of the home within the inclosure were made to conform to the established grade, properly graded and filled, shrubbery planted, and the grounds laid out and beautified at great expense.

"The arbitrary change of grade made by the board of public works after the completion of this work not only caused the necessity of doing the work all over on the streets, but also necessitated an entire change of the grade of grounds, involving regrading, replanting of shrubbery, heavy filling in several places, and deep cutting in others.

"In addition to the materials and labor already furnished by the trustees at their own cost, the change of grade after the completion of the work involved still further large outlays for the purchase of extra material and for labor in underpinning the brick-fence wall, the setting of extra stone steps, lowering gas and water and sewer connections, the underpinning and raising of the house on the western portion of the grounds fronting on Sixteenth street, and the erection of iron posts and chains.

"The cutting down of Massachusetts avenue, and the consequent increase in the number of steps at the main entrance of the home building, has wrought great and lasting damage to the property, of which no allowance or award of damages has ever been made.

"Other parties owning improved property on Massachusetts avenue, between Fourteenth and Fifteenth streets, in square No. 212, have had fair and liberal allowance for damages sustained by the change of grade, and not only received large credits and drawbacks on their special assessments (some of them having the whole charge remitted), but were allowed sums by the board of audit for damages to property, and in several instances large sums were expended in repairing the houses, underpinning and removing them, the cost of which was charged to the general fund of the District, and no charge made against the property. In the case of these other parties, the connections of gas, water, and sewer were made by the board of public works, and paid out of the general fund, and no charge made against the parties.

"In the case of the Louise Home these connections of gas, water, and sewer were all made by the trustees at their own expense and no allowance made for it.

"In one case a house was entirely removed from Massachusetts avenue to N street at a cost of $5,300.40 to the District government.

"In another case a house was underpinned at a cost to the District of $1,735.68, and the owner received in addition an award of $2,000 from the board of audit.

"The frame house owned by the Louise Home on Sixteenth street had to be underpinned and repaired at a considerable cost, and for this an allowance of only $400 was made by the board of audit, which is the only award made to the trustees for all the damage to the property and for the cost of materials and labor expended on the streets.

"The following is a synopsis of the expenditures of money made by the trustees of the Louise Home in the improvements as above enumerated:

Grading and paving footway, brick-wall fence, grading gardens and grounds, filling Sixteenth street lot, workmen at garden, materials, &c., the sum of	$8,105 75
Fence and painting	657 75
Raising house on Sixteenth street and repairs to same	2,075 85
Iron posts and chains	862 50
Surveying	20 00
Setting five extra stone steps	353 66
Total	12,075 51

"Notwithstanding the large outlay by the Louise Home at its own cost, the commissioners of the District of Columbia demand the payment of the following assessments for special improvements, to wit:

Square 196 of lot 10, Sixteenth street, November 15, 1872	$231 14
Square 196 of lot 11, Sixteenth street, November 15, 1872	771 53
Square 196 of lot 11, Massachusetts avenue, November 6, 1873	998 39
Square 196 of lot 12, Massachusetts avenue, November 6, 1773	405 31
Square 196 of lot 13, Massachusetts avenue, November 6, 1873	353 50
Square 196 of lot 14, Massachusetts avenue, November 6, 1873	353 50
Square 196 of lot 15, Massachusetts avenue, November 6, 1873	405 31
Square 196 of lot 16, Massachusetts avenue, November 6, 1873	527 26
Square 196 of lot 4, M street, December 11, 1876	161 41
Total	4,207 62

with interest at 10 per cent. from the date of the assessments, making an aggregate of over $10,000."

From which it appears that these so-called improvements not only cost Mr. Corcoran over $12,000 to repair damages, but there is still claimed of the home, or held against it for the work which inflicted this injury, these assessments, which, with the penalties and interest, will aggregate about $10,000.

The committee is of opinion that the property held by a public charity, such as this, should be exempt from taxation, the endowment fund as well as the grounds and buildings of the home proper.

While the committee does not think it good policy to allow corporations of this character to invest in real estate, except so far as necessary for their own immediate purposes, yet inasmuch as the trustees of this charity were compelled to purchase certain houses to save the endowment fund from serious loss, the committee recommends that such of said houses and lots as are still held by said trustees shall be exempt from taxation while so held, provided they shall not be so held for more than five years from the passage of this bill.

Your committee reports the bill back with an amendment in the nature of a substitute, and the recommendation that it pass.

Mr. MORRILL. This is a noble and most disinterested charity, and I hope that no objection will be made to the passage of the bill. I am sure it will meet with the approval of every Senator present. We have exempted other property within the District with far less merit than this.

Mr. HARRIS. I ask in line 4 that the name "Louisa" be changed to "Louise," inserting "e" instead of "a." It is a misprint.

The PRESIDING OFFICER. That correction will be made. The bill is before the Senate as in Committee of the Whole.

Mr. DAWES. Did not the Senator from Iowa object to the consideration of the bill?

Mr. HARRIS. He withdrew the objection.

The bill was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That all property held as endowment fund by the trustees of the Louise Home, in the city of Washington, D. C., for the purpose of revenue to support said institution, shall be, and the same is hereby, declared exempt from all taxation and assessments by the municipal authorities or by the United States so long as the same shall be so held; and all taxes and assessments made or imposed upon any of the property of said trustees subsequent to the 21st day of November, 1869, whether real, personal, or mixed, be, and the same are hereby, released: *Provided*, That real estate heretofore purchased by said trustees in the management of the endowment fund shall be exempt from taxation only while so held, and not to exceed five years from the passage of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORCORAN GALLERY OF ART.

The bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That all property held as endowment fund by the trustees of the Corcoran Gallery of Art, in the city of Washington, D. C., for the purpose of revenue to support said institution, shall be, and the same is hereby, declared exempt from all taxation and assessments by the municipal authorities or by the United States so long as the same shall be so held; and all taxes and assessments made or imposed upon any of the property of said trustees subsequent to the 10th day of May, 1869, whether real, personal, or mixed, be, and the same are hereby, released: *Provided*, That real estate heretofore purchased by said trustees in the management of the endowment fund shall be exempt from taxation only while so held, and not to exceed five years from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORECLOSURE OF MORTGAGES.

The bill (S. 984) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHERMAN subsequently moved to reconsider the vote by which the bill was passed, and the motion was entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the Senate, in compliance with its request, the bill (S. 1204) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas; and it was thereupon signed by the President *pro tempore*.

ELLEN CORCORAN.

Mr. SAWYER. There was an error in a bill passed by the Senate the other day, and I ask for the adoption of the following order:

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (H. R. 1815) granting a pension to Ellen Corcoran.

The PRESIDENT *pro tempore*. The order will be agreed to, if there be no objection.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. DOLPH submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN TRADERSHIPS.

The PRESIDENT *pro tempore* appointed as the Select Committee on Indian traderships Mr. PLATT, Mr. CULLOM, Mr. JONES of Nevada, Mr. COKE, and Mr. WILSON of Maryland.

INSURANCE COMPANIES IN DAKOTA.

Mr. HARRISON. I was requested by the Senator from Connecticut [Mr. PLATT], who is necessarily absent this week, to ask the Senate to excuse him from service upon the conference committee appointed on the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws, and to ask that some one be substituted in his place. I suggest that the Senator from Illinois [Mr. CULLOM] be substituted in the place of the Senator from Connecticut [Mr. PLATT].

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Connecticut will be relieved from service, and the Senator from Illinois [Mr. CULLOM] will take his place.

HEIRS OF PETER DELLA TERRE.

The bill (S. 492) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased, was announced as next in order on the Calendar.

Mr. MCMILLAN. Let that go over.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Being objected to, the bill goes over. Does the Senator propose that it go over to the Calendar under Rule IX, or to have it remain under Rule VIII?

Mr. MCMILLAN. Let it remain without prejudice.

The PRESIDING OFFICER. The bill will hold its place on the Calendar.

ACCOUNTS WITH RAILWAY COMPANIES.

The bill (S. 511) to provide for the settlement of accounts with certain railway companies was announced as next in order on the Calendar.

Mr. HARRISON. Is there a report in connection with that bill?

Mr. BROWN. There is a report.

Mr. HARRISON. I think the bill had better go over under the other Calendar. It seems to be a very important measure, remitting some dues to the Government. I do not know the extent of it.

Mr. BROWN. I ask the Senator from Indiana to withdraw the objection and permit me to make a short statement. I think he will not object then to the passage of the bill.

The PRESIDING OFFICER. Does the Senator from Indiana withdraw his objection?

Mr. HARRISON. I withdraw the objection for that purpose, of course.

Mr. BROWN. This is a bill similar to three different acts which have been passed already making a return of a portion of the money that was agreed to be paid by Southern railroad companies at the end of the war for rolling-stock. The rolling-stock of the different railroads in the South was in a great measure destroyed during the war. The gauge there was a 5-foot gauge, while the Northern gauge was 4 feet 8½ inches. There was a large quantity of rolling-stock on hand when the war terminated, and the Southern roads needed the rolling-stock very much, as they had not enough rolling-stock to do the ordinary business of transportation. The Northern people desired commerce and communication opened as rapidly as possible, and the Government proposed to sell its rolling-stock, which had been gotten up for war purposes and was really manufactured in a great hurry, a great deal of it very inferior, to the Southern railroads and take bonds or obligations for it.

A commission was appointed to value the rolling-stock, and, as the report shows, there were a great many instances where the valuation by the commission, in the then inflated condition of the currency, was more than it cost the Government to construct the rolling-stock when it was new, although it had been used, some of it a good while.

Although the valuation was largely over the real value of the rolling-stock, the companies were compelled to take the rolling-stock at any price that might be charged. In the Quartermaster's Department at the time the trade was made it was stated to them that very probably Congress would relieve them entirely; if not, that the amount would be likely to be reduced.

After the bonds had been given, however, and it was discovered that there was a very great excess in the valuation of the property, an act was passed relieving a number of roads in Tennessee that had given bonds, which act was signed by the President on the 3d of March, 1871. Under that act a 25 per cent. reduction was made. Then in 1875 another act was passed relieving another portion of the roads, and 25 per cent. reduction was made there on the valuation. Then there was a later act, passed in 1877, relieving the Western and Atlantic Railroad, of Georgia, which had already paid every cent of the amount, and refunding to the road 25 per cent. of the amount, so as to do the same equity to them as had been done to the others.

There has been more than six-sevenths of the whole amount adjusted. Now, it is only asked to settle with the rest of the companies upon the same basis of equity that the settlement was made with the first companies, and to allow them the same reduction. In the case of the Mobile and Ohio road they had not paid up the full amount, but they had paid more than 75 per cent. The amendment is intended to cover their case also, that the excess may be refunded if they have paid more than 75 per cent., so as to reduce it to 75 per cent. of the valuation.

That is substantially the case, and we only ask for the other companies the same equity that has been done to five-sixths of the companies, that the same reduction be made as was made in those cases.

I hope in that view of it that the Senator from Indiana will withdraw his objection. It is only a simple act of justice to those companies who gave an obligation for a great deal more, as everybody admits, than the rolling-stock was worth; but they were, under pressure, obliged to take it at any price they could get it for at the time; and as five-sixths have been relieved I think the others should be.

Mr. HAWLEY. I have the honor of serving upon the Committee

on Railroads, and I think I remember something about the consideration of this bill. The report as it appears here was never before that committee, and in its present language could never have been adopted by the committee.

Mr. BROWN. The report was adopted by the committee at this session of Congress, not at a former session.

Mr. HAWLEY. I know. The bill was before the committee, I remember that very well, but the report itself was drawn up after the committee authorized the reporting of the bill. The language of the report never in the world passed a committee on which there were a majority of Republicans. It begins thus:

That during the late unfortunate war, when the armies of the United States invaded the territory of Southern States, &c.

Language that has been a little out of fashion since we found out which side whipped.

Mr. HARRISON. I do not want to interpose in a case of this kind without reason, but it does seem to me the whole sum and substance of the statement of the Senator from Georgia is that these roads, having contracted with the Government to buy certain rolling-stock at a certain appraised figure, afterward found by a deterioration in that sort of property the price they contracted to pay was somewhat too high. I think under the circumstances the Senator had better let the bill go over until we can have a little wider margin of discussion of it than under the five-minute rule.

Mr. BROWN. There have been four or five different reports of committees in favor of the measure from time to time, and never one against it. Every committee that the bill has been before has recognized the justice of the claim. If the bill goes over to the General Calendar, as the Senator very well knows, there is not any probability of reaching it at this session.

Mr. HARRISON. I will consent then for the present that it be passed over and retain its place on the Calendar until I can look into it a little.

Mr. BROWN. We did that once before, at a former sitting, a few days ago.

Mr. HARRISON. Not at my instance.

Mr. BROWN. It was a week or ten days ago, the last time the Calendar was called, when the bill went over to hold its place. We had better dispose of it in some way now. I think the Senator ought to withdraw the objection he has made.

The PRESIDING OFFICER. Does the Senator from Indiana object to the consideration of the bill?

Mr. HARRISON. I consent that the bill may retain its place on the Calendar.

The PRESIDING OFFICER. The Senator from Indiana objects to the consideration of the bill.

Mr. BROWN. I move that it be taken up for consideration.

The PRESIDING OFFICER. The Senator from Indiana objecting to the present consideration of the bill, the Senator from Georgia moves that the bill be considered notwithstanding the objection. The question is on agreeing to the motion.

Mr. BROWN. I ask for the yeas and nays. We have been pretty liberal on this side in voting to pay all just Northern claims. The justice of this claim has been recognized by three acts of Congress in similar cases and by half a dozen reports of committees, and I think our Northern friends ought to meet us in the same spirit in which we have met them in reference to similar matters.

The PRESIDING OFFICER. The yeas and nays are demanded on the motion to proceed to the consideration of the bill.

The yeas and nays were ordered.

Mr. BECK. Mr. President——

The PRESIDING OFFICER. The Chair must notify the Senator from Kentucky that the question is not debatable unless it be by unanimous consent.

Mr. BECK. I only desire to say that while I wanted to consider this case as well as any other on the Calendar, there are so many of this class that we should perhaps destroy the two days that we are going to devote to the Calendar, in which we might pass a great many bills. Would it not be better to let the bill retain its place on the Calendar and get through with the unobjected cases and then come back to it?

Mr. BROWN. It is not likely that there will be any discussion over it.

Mr. HARRISON. If time is to be consumed in this way in getting the bill up I withdraw the objection, with the consent of the Senate, and let it come on for debate now.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 511) to provide for the settlement of accounts with certain railway companies.

The bill was reported from the Committee on Railroads with an amendment, in section 1, line 9, after the word "same," to insert:

And in case any company has paid more than 75 per cent. of the amount due under the original obligation, but has not paid the whole, then the equities shall be adjusted on the same basis as other cases, allowing said company the same per cent. of reduction which is allowed to other companies having like equitable claim to a reduction.

So as to read:

That the Secretary of War and the Attorney-General be, and they are hereby, authorized and directed, jointly, to adjust and finally settle the accounts of the United States with such railway companies as received property from the United States in the years 1865 and 1866 and have made full payment for the same; and in case any company has paid more than 75 per cent. of the amount due under the original obligation, but has not paid the whole, &c.

Mr. BROWN. I simply want to say that the object of the amendment is to cover the case of the Mobile and Ohio Railroad Company, which has paid more than 75 per cent. of the amount of the bond as originally given, but has not paid the whole of it. There was an act passed which authorized the Secretary of War and the Attorney-General to adjust the claims of that company, as well as others, and allow such reduction as they thought proper. They reported that they ought to have a reduction of 25 per cent., but as the act did not make provision for any appropriation to pay back the amount which they paid over the 75 per cent. nothing could be done, and the case came back to Congress.

This amendment simply proposes in a case of that character, if the Secretary of War and the Attorney-General should be satisfied that there ought to be a reduction of 25 per cent. made in behalf of the company, as in the case of other companies, and a number of them, the Secretary of War and the Attorney-General may adjust the matter, and the Secretary of War shall draw his warrant for the balance that may be due the company over the 75 per cent. that has been made as a payment upon the amount. If, for instance, 90 per cent. has been paid, the difference between 75 per cent. and 90 per cent. would be refunded. That is the object of the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HAWLEY. I wish to emphasize what I said before. As the Senator from Georgia has had an opportunity and has made no sort of explanation, I desire to say that I consider the language of the report a gross discourtesy to the committee, not warranted by anything that was ever said or done in the committee, obviously to any man of judgment not reflecting the opinion of the committee, language that he must have known the committee never would have used in the world. While I suppose the committee sanctioned the bill—indeed I think my recollection is to that effect, that it authorized the Senator from Georgia to make a favorable report upon it—the Senator must have known that he never could have received a vote for a report which characterized the defense of the National Union as an invasion of the Southern States. He knows the committee would have disapproved it and would have directed the alteration of the report. He has had an opportunity to apologize here, and has not made any apology.

Mr. McMILLAN. I suggest to strike out the language.

Mr. HAWLEY. I do not know whether a report is amendable or not.

Mr. BROWN. My recollection is that the report was not written and read before the committee, yet I went over the grounds, the basis of the report, and stated at the time what the report would be, and it was approved by the committee.

As to the language the Senator refers to, I do not understand that the committee is bound by that. Probably it was an inadvertence on my part to use it under the circumstances. It was so common, however, during the war to say that the invading army had reached a certain point that the language was used in that sense, and not with any other meaning. If it is at all offensive, I am willing for my part, so far as I can, to withdraw that part of it, and simply to say that when the Union Army had recovered possession of the State, or any language that is agreeable to the Senator. I certainly had no motive to use any expression that would be offensive to any one in writing out the report, and I desire to state that here at this time.

Mr. HARRISON. This report goes into the records of the Senate as the report of the Committee on Railroads of the Senate. I do not think it is proper that it should stand as the report of the committee. The expression used is not simply the one referred to by the Senator from Connecticut, but in the following sentence it is said:

It frequently became the policy of the commander-in-chief of the invading army—

to do so and so. I move, if it is in order, that the bill be recommitted to the Committee on Railroads with instructions to strike out these expressions from the report.

The PRESIDING OFFICER. The Senator from Indiana moves that the bill be recommitted to the Committee on Railroads. Is the Senate ready for the question?

Mr. HOAR. With instructions, I think.

The PRESIDING OFFICER. It is moved that the bill be recommitted with the instructions indicated by the Senator from Indiana.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. I ask the Senator from Indiana to indicate the words he wishes to have stricken out.

Mr. BROWN. Will the Senator from Virginia yield to me for a moment?

Mr. RIDDLEBERGER. Certainly, sir.

Mr. BROWN. I ask to be permitted to withdraw the report, and I disclaim intending anything offensive in the language therein used. I ask the leave of the Senate to withdraw the report.

Mr. HARRISON. I make no objection to that.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent for leave to withdraw the report. Is there objection? The Chair hears none, and leave is granted, and the report is withdrawn. The bill is in the Senate, the amendment having been concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION OF NAVAL CADETS.

Mr. BUTLER. While I was temporarily out of the Chamber the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," was passed over, retaining its place on the Calendar. I ask that that bill be now taken up.

The PRESIDING OFFICER. The Senator from South Carolina asks that the bill indicated by him be taken up for consideration. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. BUTLER. I ask that the amendment proposed by me as a substitute be read.

Mr. HALE. This is a very important bill, and when taken up will consume at least the day in its discussion. Therefore I must object to its being considered under the eighth rule.

Mr. BUTLER. Then I move the Senate proceed to the consideration of the bill notwithstanding the objection of the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine objects to the consideration of the bill, and the Senator from South Carolina moves to proceed to its consideration notwithstanding the objection.

Mr. HALE. I do not wish to take any time. I hope that Senators interested in the Calendar will understand that if this bill is taken up, which is a very important matter, involving some millions of dollars to the Treasury, it will occupy at least the whole day and perhaps to-morrow.

Mr. HARRISON. Will the Senator from Maine explain in a word the provisions of the bill?

The PRESIDING OFFICER. The Chair must state that the question is not debatable. The bill being objected to, the Senator from South Carolina moves to proceed to its consideration.

Mr. BECK. The Senator from South Carolina asked permission to go back to the bill, but I was not aware that leave was granted. I thought when we passed it over in his absence without losing its place on the Calendar we would proceed regularly under the arrangement for two days with cases unobjected to, and then if the bill had not lost its place on the Calendar it would come up afterward.

Mr. BUTLER. I have been seeking an opportunity to have the bill considered by the Senate now for a week or ten days, and I have given way again and again. It is a matter, as the Senator from Maine says, of some consequence, but I think, with all deference to his objection, it will not require over an hour's discussion certainly.

Mr. EDMUNDS. Is debate in order?

The PRESIDING OFFICER. It is not.

Mr. BUTLER. I was simply proceeding to say that I do not think it will require over an hour's discussion to dispose of the bill.

Mr. HALE. I propose to occupy more time than that myself, perhaps double the time.

Mr. BUTLER. The Senator is mistaken in saying that it involves millions of dollars.

The PRESIDING OFFICER. The Chair must remind Senators that the question is not debatable except by unanimous consent.

Mr. HALE. It is a very important bill, and will take all of the time to-day and perhaps to-morrow.

Mr. BUTLER. I move that the bill be proceeded with.

Mr. EDMUNDS. I ask that the bill be read for information.

Mr. BECK. I rise to a parliamentary inquiry, and that is whether the Senate has ever given consent to go back to this bill.

The PRESIDING OFFICER. The Chair so understood, and announced the bill as being before the Senate.

Mr. BECK. If the request was made for unanimous consent, I did not hear it.

The PRESIDING OFFICER. The request was made, and the Chair announced it, and understood the Senate as assenting. The bill will be read at length for the information of the Senate.

The Chief Clerk read the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Carolina to proceed to the consideration of the bill notwithstanding the objection. [Putting the question.] The noes appear to have it.

Mr. CAMERON. I ask for the yeas and nays.

Mr. EDMUNDS. Take a division first.

Mr. BUTLER. Let us take a division.

Mr. HALE. Let us have the yeas and nays; we may as well have them now.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "nay."

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. PIKE].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PLUMB (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. I do not know how he would vote. If he were here I should vote "nay."

Mr. CULLOM (after having voted in the negative). I cast my vote not thinking at the moment that I am paired with the Senator from Georgia [Mr. COLQUITT]. Not knowing how he would vote, I withdraw my vote.

Mr. TELLER. I am paired with the Senator from Louisiana [Mr. GIBSON], but only upon political questions. Unless this is to be considered a political question I shall vote.

Several SENATORS. Vote!

Mr. TELLER. I vote "yea."

The result was announced—yeas 28, nays 11; as follows:

YEAS—28.

Beck,	Edmunds,	Maxey,	Teller,
Brown,	Eustis,	Mitchell of Oreg.,	Vance,
Butler,	Evarts,	Payne,	Van Wyck,
Call,	Harris,	Pugh,	Vest,
Cameron,	Harrison,	Riddleberger,	Walthall,
Coke,	Hawley,	Saulsbury,	Whitthorne,
Dawes,	Hoar,	Spooner,	Wilson of Md.

NAYS—11.

Allison,	Conger,	Jones of Arkansas,	Morrill,
Berry,	Dolph,	McMillan,	Wilson of Iowa.
Blair,	Hale,	McPherson,	

ABSENT—37.

Aldrich,	George,	Logan,	Ransom,
Blackburn,	Gibson,	Mahone,	Sabin,
Bowen,	Gorman,	Manderson,	Sawyer,
Camden,	Gray,	Miller,	Sewell,
Chace,	Hampton,	Mitchell of Pa.,	Sherman,
Cockrell,	Hearst,	Morgan,	Stanford,
Colquitt,	Ingalls,	Palmer,	Voorhees.
Cullom,	Jones of Florida,	Pike,	
Fair,	Jones of Nevada,	Platt,	
Frye,	Kenna,	Plumb,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

Mr. BUTLER. I ask that the amendment I offered, intended to be proposed by me, be read.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

That that part of the act of Congress approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service each year shall not apply to those cadets who had entered the Naval Academy prior to the passage of said act; and those cadets who have been honorably discharged under the provisions of the aforesaid act may, upon making application to the Secretary of the Navy within sixty days after the passage of this act, be restored to the service and take their places on the Naval Register in the same manner as if said act had not been passed: *Provided*, That nothing herein contained shall be construed to make any change in the assignments made under the provisions of the act approved August 5, 1882, of graduates of the Naval Academy to the line and to the staff and Marine Corps: *And provided further*, That this act shall not apply to those cadets who failed to pass the physical examination at the time of graduation.

SEC. 2. That officers restored under the provisions of this act shall not be entitled to receive pay for the period intervening between the date of their discharge under the act of August 5, 1882, and their restoration as herein provided for, but in all other respects they shall be considered as having been continuously in the naval service.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. HALE. There are careful reports covering this subject. It is a very important subject and quite likely one that Senators have not thoroughly investigated, because it pertains to a particular field of inquiry, and it is very probable that Senators outside of the membership of the Naval Committee have not thoroughly probed it to the bottom. Therefore I ask for the reading of the reports.

The PRESIDING OFFICER. The Secretary will read the reports.

The Secretary read the views submitted by Mr. HALE, from the Committee on Naval Affairs, February 15, 1886, as follows:

This bill, by its provisions, will largely nullify the legislation contained in the act of August 5, 1882, which, after discussion, was adopted as the first step in a wise policy intended to remedy a definite and admitted evil.

This evil consisted in introducing from the Naval Academy into the naval service a number of officers greatly disproportionate to the wants of the service.

Two things had resulted from this evil which were intolerable to the country and to the service itself: First, the naval list had been indefinitely swollen and the expenses thereby to the country enormously increased; secondly, as there was no limit to the lowest grade, while all the grades above were limited, it created an immense reservoir of young officers who were pouring in at the foot of the list, which list remained choked for years, with no sufficient outlet.

This condition delayed promotion and forced the younger officers of the Navy to remain in the lowest grades until middle life overtook them. Without the incentive which reasonable promotion offers, ambition and enterprise were dying out, and the *morale* of the service had become seriously impaired.

In the line of the Navy the number of graduates entering the unlimited grade of midshipmen was from 40 to 50 a year; it had once been as high as 70; while the number promoted by ordinary vacancies was less than 20. The head of each grade was thus kept back by the lower man in the grade above, and it was seen that unless the evil was removed naval graduates would still be midshipmen at thirty-three or even thirty-five years of age, remaining ten to twelve years in that grade.

Already, in July, 1882, the number of midshipmen had reached 91, with enough more of those whose promotion had been temporarily delayed, to make 111 in all. Every grade above was full. The next class coming up for final graduation in 1883 numbered 70, so that the list of midshipmen in August, 1883, making a fair allowance for casualties, would have been at least 175.

The next four classes numbered 37, 38, 32, and 40 members, respectively, in all 147, which, making every allowance for casualties, would bring the number of the grade of midshipmen, within five years from the passage of the act, up to 248.

This would have been suffocation. It would have removed nearly all inducement to the naval cadets to graduate and enter the service, as the best part of their middle life would be passed in the lowest grade in the service.

The overcrowded condition referred to was not confined to line officers. The Engineer Corps also was receiving large additions from the academy, the graduates numbering 25 a year, probably three times the number necessary to supply the ordinary waste of the corps.

The act of 1882 reduced the three grades of chief engineer, passed assistant engineer, and assistant engineer to a total of 170—61 less than the figures shown by the July Register of that year. Very little of this reduction has yet been accomplished.

The remedy was simple and obvious, and was put in force by the act of 1882. It consisted in making the number of admissions to the Navy dependent on the number of vacancies at the foot of the list, with the reservation that the ten best graduates of the year should always be taken. In fact it has been found that the needs of the service require from fifteen to twenty each year, and, under the present law, as many are taken.

The act of 1882 reduced the number of officers to be allowed in the grades above midshipmen. This made immediate action below doubly necessary. Under the act the upper grades were not only full but they had a surplus of 115, which could only be worked off with the lapse of time, causing still further delays in the advancement of junior officers.

In the line the maximum in these grades, fixed by the act of 1882, has only just been reached by the reductions under that law, and under its wise provisions a cadet in the Naval Academy who, by good conduct and a studious course, added to natural abilities, succeeds in graduating into the lower rank of the active Navy, now that of ensign, may have a reasonable expectation of such a promotion into the upper grades as will justify his remaining in the service.

This bill proposes to change all this, and to unload into the lower grade of the Navy 145 young officers, more than one-half of whom have already been separated from the Academy and from the naval service, and have lost the benefit of continuous study, or of the training which the service affords.

Under the claim of equity to the young men who have left the service under the provisions of the act of August, 1882, it inflicts upon all the classes that have entered since an additional service of six years in the lower grade.

It punishes every bright cadet who has entered the academy in the last three years, or will enter for the next three years, and takes away from him the stimulus needed to keep him up to fair proficiency in the course of study.

It is difficult to exaggerate the evil effect resulting to the naval service from the passage of the pending bill. It would restore the deplorable condition in which the naval list was found in 1882. It proposes to realize all the prospective evils which the act was designed to avert, and which it actually did avert.

Into this overcrowded lower list these one hundred and forty-five young men will be thrown, a large number of whom, having been out of the service for about three years, have become engaged in other occupations and estranged from naval discipline. Indeed, the effect would be to restore those of the least merit, for the brightest and most enterprising will be found to have already secured employment in other vocations. To restore them now would be a gross injustice to those who, although entering the Academy afterward, have shown a zeal and attention to duty which have secured for them the prize of a naval commission, and who by restoration of inferior men could be kept back for years from deserved promotion. Sloth and inefficiency are the sure results of such a course.

As a matter of public policy the proposed measure has nothing in its favor and everything to condemn it. It can only be discussed in its bearings on the claims of private individuals. It is claimed that the act of 1882 has done an injustice to those young men who were excluded under its operation from the Navy.

This claim proceeds upon the assumption that the Government, by appointing them pupils at the Naval Academy, had thereby contracted an obligation to commission them as officers in its service. A careful consideration of the conditions under which their connection with the Navy was formed and maintained shows that, so far from the Government's resting under any obligation to them, it has laid them under heavy obligations to itself.

They were received into the Academy as beneficiaries. They were not pensioners, receiving a reward for previous service, but novices, apprentices, pupils, whom the Government was willing to educate solely for reasons of public policy. The fact that they received a gratuitous education for no merits or services of their own does not give them any claims upon the Government, which has already granted to them benefits incalculably in excess of those which it is able to give to the sons of citizens generally. They had no claim at the outset, and they could derive none from being merely the recipients of favor. Besides, they not only received their education, but, during the years of pupilage, while rendering no service, they were granted a liberal allowance in the shape of pay to the amount of $600 a year.

There are few young men in the country that would not eagerly avail themselves of such advantages for their intrinsic worth, and deem themselves highly benefited by receiving them, without any question of ulterior prospects. In addition to this, each cadet discharged received from the Government the sum of $950. Moreover, no Secretary of the Navy can find any use for this increased number of officers. At the time of the passage of the act of 1882 there were 1,817 naval officers on the active list. Their annual pay amounted to, and they were receiving, $3,825,400, while the Government only had thirty-one naval vessels in commission, being fifty-nine officers for each ship, or one officer to every five men.

The number of effective ships has not been increased since that date, and the desired and hoped-for addition of new ships which may be made to the Navy during the next five years is not likely to more than take the place of wooden ships which must be dropped from the service. Even with the reductions made under the act of 1882, should no change be made in the policy then established, the United States Navy yet remains top-heavy, and this bill proposes to aggravate that evil, and, at the expense of the Government, to do away with a large part of the saving which resulted from that act.

The act of 1882 did nothing more than the French and German Governments have done, which, after the Franco-Prussian war, adopted the policy of educating a large number of young men, and, at the end of their course, discharging them, so that in case of emergency they might be drawn upon in increasing the official *personnel* of the navy.

Should Congress be disregardful of these considerations and pass the present bill, we recommend certain amendments which will become necessary in order to prevent this undue increase of officers of the naval establishment. If this bill is forced through, then something must be done to prevent further graduations from the Naval Academy—for instance, shutting up that institution for several years. A provision should also be made adapting the upper grades of the service to the condition of the lower grade established by this bill.

The committee will present amendments covering these points, and, as a part of this report, the committee appends to this the accompanying communication and papers.

EUGENE HALE.
J. R. McPHERSON.
JO. C. S. BLACKBURN.
H. H. RIDDLEBERGER.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Does the Senator from Maine desire to have the views of the minority read?

Mr. BUTLER. I ask that the other report be read.

The PRESIDING OFFICER. The views of the minority will be read.

The Secretary read the views submitted by Mr. BUTLER, from the Committee on Naval Affairs, February 15, 1886, as follows:

The undersigned, members of Committee on Naval Affairs, to which was referred the bill (S. 371) to prevent the retroactive operation of that portion of the naval appropriation act of August 5, 1882, limiting the number of graduates of the United States Naval Academy to be retained in the service each year (printed on page 285 of volume 22 of the United States Statutes at Large), having carefully considered the same, beg leave to submit the following as their views:

That upon examination we find that a number of the graduates of the United States Naval Academy, at Annapolis, Md., who have successfully completed the four years' course at the Academy and the two years' service at sea, have been honorably discharged from the service under the provisions of said act.

We are of the opinion that said law is retroactive in its operation, and worked great injustice to the cadets who have been already discharged, and will work great injustice to all those who had entered the Academy prior to August 5, 1882, for the following reasons, to wit:

That all the cadets, at the time of their entering said academy, were required to sign articles agreeing to serve the Government for eight years. This was an express contract and it has been broken by the Government, for many of them have been discharged at the end of six years, without cause, and without fault on the part of those so discharged. There was also an implied contract on the part of the Government to render their position a permanent one, in consideration of their devoting their lives and labors to their profession, and giving up all ideas and opportunities of making a livelihood by any other means. These young gentlemen also faithfully performed their part of this implied contract, and were rewarded for so doing by being discharged from the service. If the Government can break its contracts, it is difficult to perceive how its citizens can be expected to give it that support and confidence so essential and desirable for it to have.

The idea that a cadet who graduated at Annapolis was secured a position for life, or during good behavior, was universally accepted and is sustained by the fact that it was so held by the most prominent and distinguished men connected with the highest branches of the public service.

The law under which these young gentlemen entered the service entitled them to promotion on the completion of the six years' course, according to section 1521, United States Revised Statutes, which reads as follows: "When cadet midshipmen shall have successfully passed the graduating examination at the Academy they shall receive appointments as midshipmen, and shall take rank according to the order of their merit at graduation." We find that all these young gentlemen complied with the provisions of said section, but instead of receiving "appointments as midshipmen" they were discharged from the service.

We further submit that in 1878 a similar act, in relation to the cadets of the Military Academy at West Point, was passed by the House, but was amended in the Senate June 8, 1878, so as not to affect those cadets who had entered the Military Academy prior to the passage of said act, which amendment was concurred in by the House. In view of this precedent we see no reason why the act of August 5, 1882, should not be similarly modified, as herein recommended.

In this connection we also submit that in the Forty-seventh Congress the bill herein proposed was introduced in the Senate and passed that body unanimously, and we believe that it only failed to pass the House from lack of time. At the last session of Congress it was again reported favorably, and almost unanimously, by the House Naval Committee, but again failed to be acted on in the press of legislation. These facts are alone sufficient to demonstrate the merits of the bill herein proposed.

We further submit that the annual Board of Visitors to the United States Naval Academy in June, 1883, made the following recommendation in their official report to the Secretary of the Navy, to wit:

"We recommend that the act of August 5, 1882, be amended, as a similar act in relation to cadets at West Point has been, so as not to include those cadets who had entered the service before the passage of said act.

"JOHN G. HOWELL,
"*Rear-Admiral, United States Navy.*
"E. G. LAPHAM,
"*United States Senate.*
"SAMUEL H. GREEN,
"*Massachusetts.*
"GEORGE A. RITCHIE,
"*Pennsylvania.*
"EDWARD V. KINGSLEY,
"*New York.*
"JOHN W. DRUMMOND,
"*Illinois.*
"THOMAS UPDEGRAFF,
"*Iowa (member of House).*
"ANSON G. McCOOK,
"*New York (member of House).*
"R. Q. MILLS,
"*Texas (member of House).*
"IRVIN McDOWELL,
"*Major-General, United States Army.*"

The last Board of Visitors to the United States Naval Academy, in June, 1886 renewed the above recommendation in the following terms:

"The attention of the board having been called to the fact that the Board of Visitors in June, 1883, recommended that the act of August 5, 1882, be amended, as a similar act in relation to cadets at West Point has been, so as not to include the cadets who had entered the service before the passage of said act: *Resolved*, That we concur in this recommendation, and respectfully renew the same for the consideration of Congress.

"Very respectfully,

"ORLANDO M. POPE,
"United States Army.
"JNO. R. THOMAS,
"House of Representatives.
"JNO. G. BALLENTINE,
"House of Representatives.
"W. G. SUMNER,
"New Haven, Conn.
"JNO. N. A. GRISWOLD,
"New York, N. Y.
"WM. REED,
"Baltimore, Md.
"JAS. G. GRINNELL,
"Greenfield, Mass.
"A. M. CRAIG,
"Galesburg, Ill."

We further submit that this recommendation, as made by two separate Boards of Visitors to the Naval Academy, composed of members of both branches of Congress and eminent representatives of the Army, the Navy, the judiciary, and the people, and appointed for the very purpose of investigating and reporting to the Secretary of the Navy the needs of the service and the Naval Academy, should be of sufficient weight and importance to secure the passage of this bill at the earliest opportunity.

We further submit that, by three separate, recent, and unanimous decisions of the Court of Claims, through a mere technicality in the law, cadet-midshipmen are to be discharged, while cadet-engineers who entered at the same time are to be retained. Cadet-engineers are graduated after four years, while, through the provisions or a like clause, cadet-midshipmen are graduated only after a six-years' course. Thus they entered the academy together, pursued their studies for the same length of time, and finally received their diplomas of graduation together; then, through a difference of wording of two clauses intended to convey the same idea, cadet-midshipmen are discharged while cadet-engineers are retained. Late Secretary of the Navy Chandler says: "Equitably, if the cadet-engineers have any claim, the cadet-midshipmen have the same."

We further submit that it has been said, in opposition to this measure, and to distinguish it from the act relating to the cadets at West Point, that the course of studies at Annapolis better fits one for civil life than that at West Point. The reverse of this, however, is the case, as a comparison of the curriculum at the Military Academy with that of the Naval Academy will show. The last two years of the course at the Naval Academy are given entirely to technical studies, and the additional two years of the course at sea are given solely to the practical application of the technical studies, thus further unfitting the graduates for civil life. On the other hand, the graduate of the Military Academy is at least an accomplished civil engineer, and, as such, can always find a lucrative employment. At the end of their six years' course these young men were examined in the following subjects: Practical navigation, compass deviation, theory and practice of gunnery, French, Spanish, seamanship, and naval tactics, and practical steam-engineering. And we do not think that this examination is, in subjects, likely to be of much assistance in civil life.

We further find that all of the classes of 1881 and 1882 were in actual service when the act of August 5, 1882, was passed. Not only had they completed the four years' course at the Naval Academy and received their diplomas of graduation, but they were then serving at sea. Even if desirous of resigning after the passage of this act, in order to engage in some business or profession, their absence from the United States made it almost impossible to secure a position, and, even if they could have done so, the cost of returning to the United States would have been so great that they were forced to remain in the service until the completion of the two years at sea. The law was not operative when they entered the Academy, and five years later was made to affect them, and is thus retroactive and in effect an *ex post facto* law.

In conclusion, we admit the power of Congress to pass the act of August 5, 1882, but maintain that, as a matter of right, equity, and justice, there should have been incorporated therewith a proviso that said act should not affect any one who was in the service at that time.

We therefore recommend the passage of the bill amended as herein proposed.

We submit herewith, as a part of this statement, the opinions of the United States Supreme Court in the cases of The United States, appellant, *vs.* De Witt C. Redgrave, and The United States, appellant, *vs.* Lyman B. Perkins.

J. D. CAMERON.
H. L. DAWES.
LELAND STANFORD.
M. C. BUTLER.

Mr. HALE. Mr. President, this bill comes before the Senate with a great underlying influence which makes itself felt in a thousand ways. Here are one hundred and forty-five young men who have been supported by the Government for six years, have received $600 a year besides, who are not wanted in an overburdened Navy, whose intrusion into the Navy against all its needs will create a suffocation at the lower end of the ranks. Yet these young men are scattered all over the United States with relatives and friends and powerful intercessors, and early and late their solicitations and entreaties for the Government to take them back and give them more than it has given, although it does not need them, have never ceased. There is no member of the Senate who has not been importuned by these young gentlemen and their friends who are so desirous of coming into the service, and knowing the good nature of Senators, and having been importuned and solicited myself, I realize the disadvantage that any Senator has who stands here and opposes the bill in the interest of the public service.

Many Senators do not recall until it is brought to their mind the legislation which gave rise to this bill. In 1882 Congress was confronted with this condition: There were in the American Navy a little more than thirty ships that could be used to any advantage floated on the waters of the globe. They were rapidly decaying, and no steps had then been taken to substitute new and better and modern constructed ships. It was a poor, small, dwindling navy, and had been growing less and less from year to year, because the old style of naval construction comprehended wooden ships that with the best of care will only last for a little while. As the years went by, after the war had ceased, the establishment so far as its ships were concerned kept running down smaller and smaller.

But while that was true, the establishment so far as officers were concerned kept growing larger and larger; and in 1882, at the time of the passage of the act which took the naval establishment in charge and tried to reform abuses in it, we were confronted with the fact that there were in the Navy thirty-one naval ships in commission and one thousand eight hundred and seventeen officers upon the active-list to man that small Navy. How many officers do Senators suppose were then found for every vessel we had in the service? Fifty-nine officers for every vessel, and one officer to every five men.

There was not a sincere friend of the American Navy at that time who did not realize that the establishment was top-heavy; that it needed more ships and less officers, and that reform was needed.

So the Congress then in session and in life proceeded to do two things: first, to provide for building up the naval establishment so far as ships went. So it passed the act of 1882 providing and making plans and giving directions for the building of new ships. When that was done, under the act of August, 1882, Congress proceeded to deal with the other evil, and that was the top-heavy condition as to officers. There was a superfluity of rear-admirals, captains, commodores, commanders, lieutenant-commanders, lieutenants, and ensigns, but, above all, the evil which was found then that was making it impossible to correct this trouble in the Navy of being over officered, the great trouble, was that there was pouring in at the bottom of the Navy, from the graduating classes at Annapolis, such a number of men that they could not be taken care of. There was no room for them; there was no duty for them; there was nothing for them to do.

Already in the July previous to the passage of the act the number of midshipmen had reached ninety-one, with enough more of those whose promotion had been temporarily delayed to make it one hundred and eleven. Every grade above was full. The next class coming up for final graduation numbered seventy. So the list of midshipmen in August, 1883, making a fair allowance for casualties, would have been one hundred and seventy-five naval officers in the lowest rank. The next four years would have carried it up, if Congress had not intervened, so that in the lowest grade, that of midshipmen, there would have been two hundred and forty-eight officers.

What would have been the result? The result would have been no kindness to these young men. With that grade so full and promotions only occurring as they did by vacancies above, through death or retirement or resignations, which of course were rare, these young men would have remained in that grade for fifteen or twenty years with no service to perform.

The question considered then by Congress was how should this trouble be met? What was a fair remedy? How should we deal with the question of the Navy being overstocked, as it was admitted by everybody that it was, with officers? There was an indulgence felt, and a kindly feeling exhibited by Congress for the officers of the Navy who had spent years in its service, who had performed arduous service in the war, many of them having distinguished themselves by gallant exploits. It was not felt that they ought to be taken rudely and dismissed from the Navy. A commodore who had spent thirty years in the service and was too old to turn to other vocations, it was not considered fitting to turn out. So the plan was adopted of beginning at the lower end, and Congress passed the legislation which is found in the act of August 5, 1882.

What was a fair way of dealing with this great current that was pouring from Annapolis into the Navy and suffocating the lower ranks and preventing promotion, which is the only thing which ought to justify a young man in seeking the Navy? What was the fair way to do? There were several projects. One was to shut up the Annapolis Academy for five or six years, until this overplus and surfeit had been removed. That was deliberated upon; and considering what the Government had established there, considering how much money had been expended by the Government, considering that here was a most complete school, that its course is thorough and efficient, that its instructors were able and distinguished, and that everything was going on properly so far as the course was concerned in educating these young men, it was concluded that it would be a rude measure to shut up the academy.

Then what was the next thing which should be done? That was the scheme which Congress fell upon and provided for, and that was that as the classes graduated, not including the graduates of that year but for the years to come, the real needs of the service should be considered. How much room will there be in the lower rank, midshipmen or ensigns, whichever you call it, by vacancies occurring through promotions above for these great classes that come out? Congress declared that the numbers needed, that the promotions made vacant from year to year in the lower class, never to be reduced below ten, should be taken—where from?—from the brightest and best spirits in the different classes.

There is always an effort and a struggle to get into the Navy. Every Senator who has served in the other House knows that when he has had an appointment to make, or a vacancy at the school at Annapolis or West Point to fill, there are dozens of bright young men who are eager to go into the service for the education that it gives, and for the opportunity, if they choose, of remaining in the naval or military service. There is nothing to hinder resignation. It has been going on continually. When the war broke out in 1861 some of the ablest and

brightest of the graduates of our military institution at West Point, having received the benefit of the Government's education, had left the service and had gone into private life. Nobody complained. There is no obligation that prevents it. When the graduate from Annapolis or West Point has received the benefactions of the Government, has gotten an education that tens of thousands of bright youths in this country would lie awake nights striving to find methods and ways of obtaining—after he has obtained that education there is nothing to prevent his resigning and going into private life. It has been done repeatedly, and will always be done, and no disgrace attaches to that. There is no obligation to remain, and therefore there is no obligation on the part of the Government to keep up a useless establishment.

Congress said these young men are crowding into the service. They desire the education. It is said in this condition of the Navy, crowded as it is, suffocated as it is, top-heavy as it is, fifty-nine officers to every vessel, one officer for every five men, not reckoning the retired-list, Congress will take each year the ten brightest of the youths who have passed through the course and who have come out and graduated at the end of their six years. It has been found that the regular promotions and vacancies absorb about seventeen or eighteen a year; but the best of the class are to be taken, at least ten.

What shall you do then with the others? What was the condition of this throng of youths who are now clamoring and knocking at the doors of Congress demanding to be let into the Navy that is still overstocked and overcharged? Each one of them had been taken into the Government school, had been carefully trained, had been educated in many different directions; and it is a good education. The youth who goes there and gets the knowledge of mathematics, of engineering, of literature, of constitutional law, of French and German there imparted, if he has got anything in him that entitles him to enter with any advantage in the race that young men in this country make with their fellows, he has an education that equips him for any field of endeavor that lies open before the young man of the United States of America. Congress realizing that, said that after we have taken out the brightest and the best—I mean those who rank the highest; it does not always follow that they are the best in the struggle of life, but it is the only test you can make—after we have taken these young men who stand the highest in their class and are certified and are needed in this Navy of ours, the other boys whom we have carefully trained and reared and given their education and given $600 a year, we will give an honorable certificate of discharge to and the sum in money of $950 each.

I ask Senators to consider the hardship upon these young men, each one of whom had sought to enter into this establishment of the Government, each one of whom had been benefited by an education that ninety-nine out of a hundred bright American boys are never able to compass. Each one of these young men had been trained in mathematics, in engineering, in Spanish, in French, in the beauties that dwell in English literature, and in the other parts of the course that are a foundation for use in every-day life. In addition to this they had received $600 per year, and when it was found that the Government did not need their services they were given a certificate of honorable discharge of their graduation and proficiency and $950 in money.

The whole basis of the vociferous clamor that is set up here now to take these youths back into a navy that does not need them is the hardship that there was in the legislation of Congress. I am not ashamed of the part I had in that legislation. I am not ashamed of having realized, as all other Senators who served with me then, that we were confronted with a navy that was dying of dry-rot at the top, and that Congress had the nerve and the sense and the wisdom to seize this question right by the throat and deal with it not only in a wise way but in a humane and a generous way. I deny that there is anything in the claim that there was a hardship to these cadets who had been so educated by the Government. I deny that there is anything in the claim that the Government was bound in obligation, having invited these young men there, to keep them in the Navy when it had no need for their services.

There is neither sense nor law in that proposition. Does anybody claim because we have got an army to-day of thirty-odd regiments that if the needs of the country were only found to require twenty we could not reduce the Army and turn out men who are already in it? But that was not done by the act. It was no such act as that. It only went to the bottom and provided for those who had not entered the service as officers, but were being instructed at Government expense, and paid them a liberal bonus besides. There was no obligation to keep these men any longer, and every cadet clamoring as he does to enter service, earnest and beseeching as he is at the door of his member of Congress, and asking to have the chance to compete for a nomination to Annapolis or West Point, goes in subject to two conditions, that either he can go out after his graduation, if he chooses, and no man shall say him nay, or if the Government does not need him in the service it may at any time so declare, and he is simply left as a citizen, with the benefit of the education that he gets.

I deny the proposition which is heard early and late as the foundation of this bill that the Government had invited these young men in there and was bound to keep them. I have shown what would have happened if that rule had been carried out. You would have had in three years as midshipmen two hundred and seventy-odd young men at the bottom, in the lower rank, and they would have staid there until they were forty years old before any of them would have got out of it. The natural promotions that would have taken place by vacancies or by deaths and retirements in the upper ranks would have kept these young men there. No naval establishment in any civilized enlightened country on the globe ever conducted its affairs in such a way as that. It was for this reason that Congress interfered and passed the act of 1882, and every young man had notice.

Now, what took place after that? Just what ought to have taken place. In every class a new stimulus was infused into the minds of the cadets. It was not simply that by touch-and-go he might be able to get through and go into the Navy and be commissioned and be taken care of for the remainder of his life, but he had upon him the stimulus that applies in other institutions where the topmost rank is a desideratum which he may be striving for constantly. Every cadet knew after the passage of that act that if he lagged in his studies, if he failed in deportment, if he was indolent, or vicious, or slothful, he would be consigned to the obscurity of the bottom of the class and would never enter the service; but the studious boy, the earnest boy, the sober boy, the ambitious boy, whose mind was bent upon service in the Navy and upon ornamenting and illustrating its annals as he might hope to do afterward, had upon him the incitement and the spur that if he studied and behaved well he would be one of the ten or fifteen or twenty who were to be selected.

From that time the boys who have so studied, who have so attained these uppermost ranks, and who have graduated since high in the class, have been taken into service, have received their commissions as midshipmen or ensigns, and have started on their field of promotion.

I call the attention of Senators to one thing that happens from this bill, and it is a thing that Senators ought not to forget. If a class of bright boys in 1884 graduated and fifteen were received into the Navy because they had studied best and made best proficiency and took highest rank and received their commissions as ensigns, every one of those fifteen bright boys, if the bill passes, is graded down and razeed and put below boys who will be put back into the Navy and be placed above them. Does anybody want to see that done? Has any Senator here a young friend who under the law has gone on and obtained his rank and got his position and been appointed afterward into the Navy, who wants to see his promotion delayed by taking men who have been out of the service for two years, and who have been looking about for other business, and who have finally come here to the doors of Congress as suppliants, put into the Navy over and above those?

Mr. WHITTHORNE. Right there, will the Senator allow me to interrupt him?

Mr. HALE. Yes, and I know what the Senator is going to say.

Mr. WHITTHORNE. I doubt it. Allow me to ask him, if under the amendment proposed, the meaning and effect of this legislation, if it passes——

Mr. HALE. In line 13?

Mr. WHITTHORNE. In lines 11, 12, and 13, which read:

> Be restored to the service and take their places on the Naval Register in the same manner as if said act had not been passed.

Premising that the graduates are those who passed their four years ending in 1883, 1884, 1885, and 1886——

Mr. HALE. Not four years but six years.

Mr. WHITTHORNE. They pass through four years at the academy. Under the law, as I remember it, they are then compelled to undergo two years of service at sea.

Mr. HALE. The Senator is an old student and authority in naval matters. I know he has not fallen into the error which is common to men who have not given special study to this branch of the service by supposing that in law there is any difference between the last two years of a cadet's term and the first four. It is a term of six years. In the last two years the service of the cadet is at sea, or rather his duty and his studies; but he never completes his course until the end of the six years. There is no course of four years.

Mr. WHITTHORNE. I was going to ask the Senator a practical question.

Mr. HALE. Certainly; I yield.

Mr. WHITTHORNE. After having passed four years at the academy the cadet is then, under the act of 1882, discharged from the service, I understand.

Mr. HALE. Oh, no!

Mr. WHITTHORNE. Not until the six years?

Mr. HALE. Not until the six years. I will read the law if the Senator would like to have me do so.

Mr. BUTLER. I will state for the information of the Senator from Tennessee that at the expiration of four years each cadet does receive a certificate, not a diploma of graduation, but a certificate that he has completed his academic course. At the end of six years he receives his diploma of graduation, the last two years having been spent at sea.

Mr. WHITTHORNE. As a matter of fact, then, since the passage of the act of 1882 the graduates passed and got their certificate or diploma of four years, and we have each class of 1883, 1884, 1885, and

1886 who went into the service of the Navy upon the sea. Is that true as a matter of fact?

Mr. HALE. No; they do not go into the service.

Mr. BUTLER. They go to sea.

Mr. HALE. They go into a course of instruction; but they do not go into the service until after six years. They get no commission; they do not become officers of the Navy. I ought to know something about it, because I drew the provision when a member of the other House, if I may be allowed to allude to it, and had charge of the bill. It was found then that there was an overplus of the lower rank, too many graduates, and we increased the service to six years instead of four years, so that no member of Congress could get from his district a new cadet oftener than once in six years, and we provided that part of the course should be upon the sea. But the whole course is entire and complete as a six years' course. In the act of 1882 we provided that every cadet at the end of six years who was not needed in the Navy for its service or because there were vacancies should receive his certificate and his $950. Then we also provided that any cadet who chose, not that the law sent him out, but that any cadet who had served for four years, a special clause—

That any cadet whose position in his class entitles him to be retained in the service may, upon his own application, be honorably discharged at the end of four years' course at the Naval Academy, with a proper certificate of graduation.

But that was the act of the cadet.

Mr. WHITTHORNE. There is a class who did avail themselves of that legislation.

Mr. HALE. A very small class.

Mr. WHITTHORNE. Whatever number it is, if they should be exempted under this proposed legislation—in other words the four years' man who got his diploma and then went out of the service should not stand in the same position with the six years' man.

Mr. HALE. I do not think he ought.

Mr. BUTLER. He does not.

Mr. HALE. So far as the Senator from Tennessee goes he is correct, but he does not go far enough.

Mr. WHITTHORNE. Now, will my friend from Maine indulge me for a moment?

Mr. HALE. Yes, sir.

Mr. WHITTHORNE. I desire to say at the proper moment, and I take that to be now, that familiar as I was with the legislation of 1882, and agreeing with the Senator in almost everything he has said in regard to the top-heaviness of the Navy and the absolute necessity and duty upon the part of Congress to relieve that top-heaviness, concurring in that motive and object as I did in 1882, yet the result of the legislation which was had was to place these young men out of the service, who, whatever may have been the nature of their contract or agreement with the Government, felt, if not from any other consideration, from pride, that having devoted their services to the Government of the United States it was a mortification ensuing from the legislation that put them out of the service; and this reproach commenced with them then lasts with them now. I believed it was then unjust, I believe it is now unjust; and no matter how top-heavy the Navy may be, there is a consideration, and that consideration is of justice to these young men, which demands legislation like this.

Mr. HALE. I think the Senator might have waited until I got through with my speech before he made a speech on the other side. Still, if as a matter of taste he preferred to come in now, I do not object to it. I am very glad of one thing. I am very glad the Senator is not so anxious for economy and for reform in the Navy as he has been in the years past. He says he does not care how top-heavy the Navy is, he does not care how little these young men are needed, he does not care how overcrowded the service may be, he does not care what were the considerations that applied at the time, in which he says we agreed—he cares for nothing of that kind, but he does think that these young men ought to be taken back into the Navy.

Mr. WHITTHORNE. My friend indulges in his usual shrewdness in placing an argument of that kind in my mouth.

Mr. HALE. I am stating not the language, for that I am incapable of reaching, but I am certainly stating the conclusion the Senator from Tennessee arrived at. I understood him to announce his proposition, and his position at last was that these young men ought to be taken back notwithstanding these other considerations.

Mr. WHITTHORNE rose.

Mr. HALE. There will be ample opportunity when I get through, unless the Senator desires to say something specially now.

Mr. WHITTHORNE. No; I was simply going to say that the Senator will find me always the advocate of reform, but always at the same time the advocate of justice.

Mr. HALE. When interrupted by the Senator from Tennessee I was talking about what is a manifest injustice in the mind of every Senator here if he realizes it. Let me again state the proposition. Under the legislation of 1882, in the year 1883 there came around a graduating class which the Secretary of the Navy said numbered seventy. Under the old law, that is if it had not been touched, they would all have been put in. Under the act of 1882, which it is sought now to undermine and destroy, instead of seventy graduates being put in the Navy the fifteen or sixteen highest were taken into the Navy. Did the Government incur any obligation to these young men? Is the Government under any obligation to protect the fifteen or sixteen young men who went into the service in 1883 at the head of their class? Is the Government under any obligation to the young men that when they have been so selected under the law they shall be allowed to go on and receive due promotion as vacancies occur? But if you pass this bill you will now take the remainder of that class who went out under that legislation, who have been divorced from the Navy, who have been outside of its uses, its sympathies, and its purposes, and dump them in back over the heads of men who graduated before. You disturb the arrangement, because it is provided in the bill that it shall be precisely as though they had continued and remained in the Naval Academy and in the service.

Mr. PLUMB. As to pay and all?

Mr. HALE. There is a provision that cuts off back pay; but as to rank and status and everything else they are put back as if they had not been out. The Secretary of the Navy in a letter he has written here declares how these young men will go back. Let us see how it will work. When Senators talk about the obligations of the Government to these young men, I beg them to bear in mind the obligation the Government is under to the graduates of the academy for the six years beginning with 1883 who go to the top of their class and are put in and start out on the race of promotion which invites young men into the Navy. I invite Senators to the consideration of the obligation that the Government is under to the bright men of these classes and not the men who are dropped because they are not at the head. Does it follow that a young man who can not get the foremost position in his class, who is turned out under the law, shall come in afterward and be put above the bright men of the next class who graduate? That is the operation of the bill.

Here is the disposition that will be made of these one hundred and forty-five men who, if the bill passes, will be dumped on the Navy that does not need them:

Of the former, thirty-nine would come between Ensigns Gilbert Wilkes and Spencer S. Wood.

Is there any reason why Spencer S. Wood, who has performed his duties well, who has followed the course of his class well, who has got up in the upper fifteen and been put into the service and is making his way for the next rank above him, should now be detained six or eight years in his promotion by these men being put back over him? The Secretary of the Navy makes a statement here in a letter which I wish to read.

Mr. CAMERON. What Secretary?

Mr. HALE. Mr. Harmony, acting Secretary of the Navy. I have just read the assignment these young men will receive if they are taken back into the Navy.

Thirty-nine would come between Ensigns Gilbert Wilkes and Spencer S. Wood, eight between Ensigns John M. Poyer and S. Dana Greene.

I do not know of any reason why this young officer of the Navy, Mr. S. Dana Greene, of a family long distinguished in naval pursuits, naval exploits, and naval warfare, who has devoted his life to the Navy and who has been able to keep at the head of his class, should be delayed in his promotion six long years by men who have gone out under law coming back and being put over him. I think if the Government has any obligation it is to the men who determine to stick to the service and who go on and show themselves the first of their fellows.

Twenty-one after Ensign Harry A. Field.

And then he goes on to say—and I want Senators to bear this in mind—

At the rate of promotion since June, 1883, should these officers be restored to the service, it would retard the advancement of the officers affected about six years.

Pass the bill, and an ensign who has graduated since 1882, or will graduate up to 1887, inclusive, will have six years of service in the lowest grade in the Navy added to his time, and he will be forty years old before he will be able to emerge from that lower rank into the rank of a junior lieutenant. It is restoring the very condition that was sought to be removed and cured by the act of 1882; and can any Senator who is pushing and urging this bill without regard to the needs and wants of the naval service tell me what can be done with these boys? What can the present Secretary of the Navy or any Secretary of the Navy do with these youths that come back here after having been dismissed under law, passed off from naval service and naval surroundings and the naval atmosphere? What is he going to do with the one hundred and forty-five young men, for that is what the Navy Department says will be brought into the service?

When the committee was investigating the subject it directed an inquiry to be made of the Secretary of the Navy. I send to the desk and desire to have read his reply, dated Washington, February 3, 1886.

The Secretary read as follows:

NAVY DEPARTMENT, *Washington, February* 3, 1886.

SIR: In answer to the inquiry contained in your communication of January 22, inquiring whether the needs of the service at the present time are such that there is any call that a large number of young officers should be suddenly brought into the service, as contemplated by Senate bill No. 371, I would reply that Congress has already fixed the requirements of the service as to the num-

ber of officers by statute, in which I acquiesce. At the present time I see no need for a greater number. If this large number is to be added to the list, I think it should be accompanied by a change in the law, making permanent increase in the number of officers in the different grades; otherwise the excess above the statutory limit will be so large in the grades of ensign and assistant engineer at the present time as to make promotion from the lowest grades so slow that the service would hardly offer temptations to ambitious men.

It can be readily seen that a present graduate entering the service would remain, under the present law (with this addition of sixty-eight to the list before him), a very long time in the grade of ensign before the promotions would have brought the number down to the legal limit, and cleared off those above him, so as to enable him to get promotion.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy,

Hon. EUGENE HALE,
Committee on Naval Affairs, United States Senate.

Mr. HOAR. Before the Senator proceeds, I wish to ask him whether that point which he has just made, and which is confirmed by this letter, would be well taken if the Navy were enlarged and reformed, as he himself thinks it should be?

Mr. HALE. I was coming to that, and I may as well answer it now, because it will be said that as top-heavy as the Navy is and overofficered, if we build it up then there will be need for these officers. That is not a new subject to me. I have had something to do with the attempted increase of the Navy and with the efforts which have been made to that end. There are already four new ships either launched or in process of completion and ready to be launched to be added to the Navy; but in the term of any Senator here all the additions that are made to the United States Navy will not more than take the place of ships that go out by rot and destruction. In six years from now, even if we go on at a much hastier pace than Congress is going in constructing new ships, we shall have no more need for officers, young officers or old officers, than we had when this act was passed in 1882.

We had then thirty-one ships, requiring officers to command them, and it will be long years before we get thirty-one new ships needing officers to man them. And so the additions will only take the place of the ships that go out, and we shall not need any more officers six years from now, and probably ten years from now, than we needed in 1882. But with a list of eighteen hundred and odd commissioned officers on the active-list of the Navy to man sixty sail of steamships, there will not be a man of us serving in this Chamber, I venture to say, when the American Navy will reach the point of needing that number of officers.

That is a complete answer to the allegations that the additions to the Navy will require these young men. They will not. The additions to the Navy, even as I want them and as other Senators want them who have urged that course and voted for it in the years past, never will reach the number of officers that are in the Navy to-day. I thank the Senator from Massachusetts for having suggested this point, because it was one of the things on my memorandum that I was to touch upon.

The Secretary of the Navy has pictured the evils, and certainly he is impartial; he has got no traditions to bind him; he has had no association with legislation that commits him to one side or the other; he is an arbiter; he is presumed to know what the service needs; he comes into the Department from outside without any prejudices; and when he is called upon with an inquiry as to the needs of the service and what he would do with these young men, that is his answer, and he was dealing only with about half the number because he only reckoned upon those who had already gone out in the three past years. He did not reckon the other classes that make up the six years' time from 1882 that are comprehended in this bill, because this bill applies to all of the classes, to every man who entered the Annapolis Academy before the act of 1882, and therefore runs six years ahead, and the Secretary was only dealing with two-thirds of those when he wrote this letter. He struck the whole here when he said:

Otherwise the excess—

He says you have to enlarge the list of officers, you must give us some more commodores, some more rear-admirals, some more captains. Why, Senators, we have got rear-admirals, commodores, captains, lieutenants, ensigns, enough to man a fleet four times as large as there is to-day in the American Navy. The Secretary says:

If this large number is to be added to the list, I think it should be accompanied by a change in the law, making permanent increase in the number of officers in the different grades; otherwise the excess above the statutory limit will be so large in the grades of ensign and assistant engineer—

Corresponding to it—

at the present time as to make promotion from the lowest grade so slow that the service would hardly offer temptations to ambitious men.

That is the whole theory of this bill. It is sinking every good of the service in the future; it is dwarfing and dwindling and killing ambition for the sake of putting these young men back and over-suffocating an already too large lower grade, and destroying the spirit that ought to animate cadets and ensigns and every lower grade in the Navy. It is wanton and wicked and cruel beyond comparison to the young men who are in the service. That is the underlying fault of the bill; that is the wrong principle on which it is graded; and the Secretary found it when he first began to investigate it. It kills ambition. Who wants a Navy without ambition? Who wants a Navy with the young men who are not first, but who are last in their classes, coming in and delaying the promotion of the men who are first?

Mr. BUTLER. I am very glad I did not interrupt the burst of eloquence the Senator was delivering, but I should like now to ask him what the Secretary of the Navy is doing with the thirty-four engineers who were restored by the Supreme Court in that suffocated condition of the Navy?

Mr. HALE. That is one of the memoranda I have here, and I thank the Senator for having referred to it.

Mr. BUTLER. I should like to have that explained.

Mr. HALE. The Secretary of the Navy is to-day embarrassed by the decision of the Supreme Court with reference to engineers. It does not touch this question; it has nothing to do with it whatever. It was decided on a side issue, that is, that the cadet-engineers were not like the cadet-midshipmen, but were graduates when the act of 1882 passed, had already gone out at a four years' course, and could not be reached by the law. The Supreme Court has decided that those engineers are back, but the Secretary says he knows no more what to do with them than he would if so many wild men of the woods came here. He has no place to put them, and moreover he says as a matter of law—and it is a grave question whether he is not correct; I think he is—that Congress having fixed the numbers of the grade of assistant engineers, and he having filled those places by regular appointments under commission of the President confirmed by the Senate, and every number of the grade being full, these men are gone notwithstanding the decision of the Supreme Court. And if there is anything in the decision which was rendered years ago, which has been the law of both the military establishments since, that where a vacancy is filled it puts the other man out, then there is no place for these assistant engineers; every place in the grade has been filled; it is to-day with full ranks, and there is no room.

Mr. MCPHERSON. The Senator will remember that the Supreme Court has decided that there were no vacancies, and consequently there was nothing to be filled. That was the suggestion I wished to make.

Mr. HALE. I did not put it in that form. There are no vacancies, and the court has so decided. So this situation in the Engineer Corps is an illustration of the evils of this bill. You may pass an act here, you may put these men on the Secretary, but if any man can tell what he will do, he has got a brighter vision and clearer ken than I have. These assistant engineers are by no means in the service as commissioned officers by the decision of the court. The court simply say that the act of 1882, which declared that it should not apply to any officers then in the Navy, did not apply to these men because they were graduates and had already passed their course, but it does not put them in commission——

Mr. BUTLER. They draw the pay all the same.

Mr. HALE. I do not know whether they do or not.

Mr. BUTLER. I know.

Mr. DAWES. I should like to inquire of the Senator from Maine what embarrassment it is to the Secretary of the Navy if they are neither in the service nor drawing their pay?

Mr. HALE. It is the same embarrassment to the Secretary of the Navy that it has been to the Senator from Massachusetts when his door has been besieged early and late by these young men who want to get back into the Navy. I am saying nothing against them, nothing against their character, nothing against them in any way, except that there has been no end to the importunities of them and their friends; and that is embarrassing; it has embarrassed me, but it did not embarrass me enough to lead me to go, out of sympathy, for a bill that will put the American Navy back for years in its efficiency.

Mr. DAWES. Will the Senator answer another question? If the Navy has so many more officers in it than it can find employment for, why would it not be a good plan to suspend the supply for a while?

Mr. HALE. Shut up the academy at Annapolis?

Mr. DAWES. Suspend the supply at Annapolis. Why do we continue to educate the same number every year, and come here and say that we have got a great many more than we know what to do with every year? Is it not the part of wisdow to suspend their operation until the equilibrium between supply and demand is restored?

Mr. HALE. I have an answer to that. That was considered by the members of the committee who have joined me in this report, and we determined that if this bill was pushed through and urged through by sympathy and appeals, it was the duty of Congress to close the school at Annapolis, and we report an amendment that from and after the close of the academic year 18—, the Naval Academy shall be closed for six years. That is one of the contingencies, one of the emergencies that this bill puts us in.

Mr. DAWES. Then it is proposed to say that if you pass this bill you suspend Annapolis. If there is any propriety in suspending Annapolis to lessen the supply of officers, is it not just as proper whether this bill passes or not?

Mr. HALE. Our act of 1882 is the thing that takes care of that question if it is not interfered with, and that is that no men are received into the Navy who are not wanted by promotion to fill vacancies. We have settled all that if they will only let the act alone.

Mr. DAWES. It takes care of it in this way: It educates seventy

or eighty each year and takes ten of them into the Navy and turns the rest out upon the world with an education furnished at the expense of the United States. That is the method by which the act proposes to shorten the supply hereafter. The more sensible way, it seems to me, is to suspend it until the time may come when the demand for officers in the Navy will require the educating of more men.

Mr. HALE. Now, will the Senator vote under any condition to close the school at Annapolis for six years?

Mr. DAWES. Most certainly I will do so rather than educate nine-tenths of all that graduate there at the expense of the Government without the slighest idea of ever utilizing that education in the Navy.

Mr. BUTLER. Or I suggest to the Senator from Massachusetts we may limit the number of admissions.

Mr. HALE. That has been done more than once.

Mr. DAWES. That is the same thing precisely.

Mr. HALE. Keep up your academy.

Now, does the Senator from Massachusetts know that these schemes are not as new as they appear to be? Does the Senator know that great nations passing through the experience of war and with the knowledge that comes of the need of an establishment, instead of closing their schools, do as France and Germany have done since their great war, keep up their establishments, provide a liberal education, and only receive into the service such young officers as are at the head of their class and are needed to fill the ranks. I have very great doubt whether that is not the wiser way. I do not look upon the money as lost that is spent in the education of these young men. They are found in every State; they have been imbued with the knowledge, with the atmosphere, with everything that is gained at the academy. They have the studies, the spirit, the patriotism, the interest in the flag, and they go out equipped for every-day life; and it is not lost. But above all, it does not lie in the mouths of the young men who have had this given to them (which the Senator from Massachusetts would rather take away and close up the school than to give) to come here and seek to be obtruded into a crowded Navy on the ground that they have been treated harshly and outraged and imposed upon by false obligations. If there is any complaint it is the complaint that the Senator from Massachusetts indicates here, that we have done too much and spent too much money for them.

Now, how much money will this cost? I have endeavored to proceed in the investigation of this matter with care, because I felt from the beginning the earnestness of the effort that was being made to push this bill to a passage in the Senate. I knew it was no light task to enter into the opposition to it, and I endeavored in every step to get my facts and to get them from responsible and impartial sources. Now what will this cost? I have the estimate of the Navy Department. Taking the basis that with only a portion of those who have already gone out coming into the service, as the Secretary says sixty-eight, it would increase the time of service six years, then the intrusion of this force into these lower ranks would add six years' service to begin with to that number more than we are paying for now. The Secretary has estimated that. It is easy enough to estimate it.

Cost of maintaining sixty-eight ensigns for six years, $489,600.
Cost of maintaining thirty-four assistant engineers for six years, $346,800.

Mr. BUTLER. The Senator surely does not put that last in as one of the estimates of cost, $346,800 for the engineers. That whole question has been eliminated from this bill.

Mr. HALE. Only for the two classes. The decision of the court only applied to two classes who have gone through four years, but it does not apply to the classes running ahead.

Mr. BUTLER. No; for the very reason that that designation has been abolished in the Naval Academy. There is no such thing as cadet engineer. Therefore, that $346,800 is not a proper estimate.

Mr. HALE. Then, in addition to that, the Secretary reckons the cost of the ensigns to be received from the classes of 1886 and 1887, $306,000, making in all as the actual expense in the next six years $1,142,400. And then he goes on:

If the pay of these one hundred and forty-five officers which the bill proposes to now introduce into the Navy should be carried out, through all the grades of the service until their withdrawal, retirement, or death, maintaining the average of service in the Navy, it would involve an expenditure to the Government of more than $6,000,000.

One of the things sought by the legislation of 1882 was not only to make the naval service more efficient, but to make it less expensive; and the legislation incorporated into the statute by the act of 1882 in the volume before me in the long years to come saves to the Government millions of dollars.

Mr. MAXEY. I ask the Senator from Maine if there was any statute in existence at the time these young men entered the Naval Academy which would lead them to suppose or believe that they were not to receive their commissions if they graduated?

Mr. HALE. I have said already that there is nothing whatever in the law that obliges the Government to keep these young officers in the service a day beyond its needs. There was no statute that needed to be repealed when the act of 1882 was adopted. The law was clear and plain, and left it entirely in the discretion of the Government, as it does in any military establishment.

Mr. MAXEY. I ask the Senator if it is not a fact that there was a tacit understanding, and had been from the foundation of the Military Academy and the Naval Academy, that those who graduated should receive appointments; and did not that understanding exist up to the passage of the act of 1882, which cut off a certain portion from appointments?

Mr. HALE. The history of the military establishments shows that young officers at any time have left the service voluntarily, taking the advantage and benefit of all they had gained from the Government. So the Government heretofore has interfered with the naval establishment; it has done what it would in its own sweet will; it has closed the academy, has changed from one field to another; limited grades; it has reduced and cut down, as it has a right to do. The Senator, from his knowledge of the law and the principles that guide the other military establishment of the Government, knows that the Congress to-day, without violating any statute or any obligation, could reduce the number of brigadiers-general and retire one-half of them from active service if it chose to do so, if it found there was no need of them.

Mr. BUTLER. If the Senator from Maine and the Senator from Texas will permit me, I can perhaps give this statement:

In 1878 a similar act, in relation to the cadets of the Military Academy at West Point, was passed by the House, but was amended in the Senate June 8, 1878, so as not to affect those cadets who had entered the Military Academy prior to the passage of said act, which amendment was concurred in by the House.

Mr. MAXEY. The exact point I wanted to make.

Mr. HALE. Does the Senator know why that was done?

Mr. BUTLER. To prevent being retroactive.

Mr. HALE. But does the Senator know why Congress declared that it should so apply only to those who had not entered? For the reason that the condition of the Army never in any degree was parallel to that of the Navy. Up to the present year the graduating classes at West Point have not been enough to fill the Army vacancies, and the President has been going off every year making appointments from civil life to second lieutenancies in the Army. So there was no need of any provision that should cut off graduates of West Point from commissions, but in the Navy it was entirely different.

Mr. BUTLER. It has not infrequently happened, as I remember, that there were a number of cadets of West Point as additional second-lieutenants attached to companies awaiting assignment under their regular promotion. This very Congress has passed an act relieving the present graduating class at West Point of the operation of the act of 1878.

Mr. HALE. Because the class is extraordinarily large. Nobody knows why it is so. Does the Senator deny that up to the present year the graduates from West Point have been less than the vacancies in the Army, and that the deficit has been made up by appointments from civil life?

Mr. BUTLER. It would not have been so if the present class had been taken up by assignments in the Army, because this class is about seventy.

Mr. HALE. It is a very large class.

Mr. BUTLER. Therefore there would not have been places for them all.

Mr. HALE. The present class is so large that it creates a condition entirely different from anything that we have witnessed before; but I repeat that heretofore the classes have been too small, the vacancies have been too many. In the Navy just the reverse is true. The vacancies have been but few, the classes have been inordinately large; and we had to consider the condition as we found it.

Mr. MAXEY. The point I endeavored to present to the Senator from Maine I do not think I have accurately submitted. The Committee on Military Affairs, in view of what they regarded as the equity of the case, reported to the Senate a bill the object of which was not to apply the provision of law that would cut off those who had entered the academy prior to the passage of that law. That act was in full force and effect when this act of 1882 passed and when these young men entered the academy. Would they not reasonably, in view of that general policy which is known to all the world, have a right to conclude that the Congress of the United States did not intend, in justice and equity and fair dealing, to make the act retroactive—in other words, to apply it to those who had entered prior to the passage of the act?

Mr. HALE. I do not admit that this act is retroactive. It does not apply to a single officer in the Navy. These young men at the academy are not officers; they are not pensioners; they are young men who have gone there at their own insistence, been accepted by the Government, not as officers, but in order to be educated; and there is no retroactive effect upon them. On the contrary, it provides that they may go on after 1882 and complete their studies, receive their $600 a year, get their certificate of graduation, and then get their $950, and there is no retroaction in it. It carefully in terms declares that it shall not interfere with a single officer of the Navy. Can I tell whether a young boy fifteen years old entering the academy thinks that the Government is going to keep him all his life? Quite likely he does think that; but he would go in just as quickly and there would be just as many applications for this great boon that the Government confers on these youths if he understood the law as lawyers understand it and as Senators ought

to understand it. There would be no difficulty in getting applications for admission.

Mr. ALLISON. Evidently this bill can not be finished to-night, and if the Senator from Maine will yield for a motion to go into executive session I will make that motion.

Mr. HALE. There are some considerations touching this very matter of expense and other things that I desire to present before I close, but I find it rather difficult for me to go on now; and I yield to the Senator from Iowa.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened.

OHIO SENATORIAL ELECTION.

Mr. HOAR submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Privileges and Elections, to whom were referred sundry memorials from the State of Ohio in regard to the recent election of a Senator in that State, be authorized to employ a stenographer, to be paid out of the contingent fund of the Senate.

CONSIDERATION OF THE CALENDAR.

On motion of Mr. EDMUNDS, and by unanimous consent, it was

Ordered, That after the disposition of Senate bill No. 371, the rest of to-morrow and next day be devoted to the Calendar under the five-minutes' limitation for debate and subject to objection, which objection shall operate only to pass over the case, retaining its place on the Calendar; and that no motion shall be made to proceed to the consideration of any bill where objection is made to the consideration of the same.

Mr. McMILLAN. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 8, 1886, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate May 18, 1886.

Horatio S. Tryon, to be postmaster at Weedsport, Cayuga County, New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 7, 1886.

The House met at 11 o'clock a. m. Prayer by Rev. S. W. HADDAWAY, of Washington, D. C.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HENDERSON, of North Carolina, indefinitely, on account of sickness in his family.

To Mr. BARKSDALE, for to-day, on account of indisposition.

To Mr. WILKINS, indefinitely.

To Mr. WHITE, of Minnesota, until the 20th of this month, on account of important business.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas.

QUESTION OF PRIVILEGE.

Mr. KELLEY. Mr. Speaker, I rise to a question of privilege——

The SPEAKER. The gentleman will state it.

Mr. KELLEY. A question concerning the business, and in my judgment the character, of the House, which I will state as briefly as I can.

On the 15th day of January the House adopted this resolution:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

On last Friday the House met under that order, and I find in the RECORD of yesterday a twenty-five-column speech on Edwin M. Stanton, by the Representative from the eighth district of Alabama, made when avowedly no pension business was before the committee and no bill for removing disabilities; and I desire to bring to the attention of the House the fact that sessions granted in order to promote meritorious business are being perverted to the basest of ends, the slander of the illustrious dead who died from devoted service to their country.

Mr. BEACH. Mr. Speaker, I would like to call the attention of the gentleman from Pennsylvania to the fact that the gentleman from Alabama is not in his seat.

Mr. PAYSON. He ought to be.

Mr. BEACH. And I would state further that the speech he delivered was not delivered upon any Friday evening session as I understand it. [Cries of "It was!"]

Mr. THOMPSON. It was delivered on Friday evening.

Mr. KELLEY. It purports to have been delivered by unanimous consent at two of these meetings, namely, on May 28 and June 4.

Mr. REAGAN. Mr. Speaker, how does this come before the House?

The SPEAKER. The gentleman from Pennsylvania stated that he rose to a question of privilege, but the Chair thinks that up to the present time the gentleman has not presented a question of that character.

Mr. REAGAN. The gentleman ought not, it seems to me, to avail himself of an opportunity to make such a statement in the absence of the gentleman from Alabama.

Mr. KELLEY. I propose at the proper time to move that these remarks which were not within the scope of the order authorizing those meetings, and which reflected not on the absent merely but on the dead——

Mr. REAGAN. I make the point of order that the gentleman from Pennsylvania is not stating a question of privilege.

The SPEAKER. The Chair supposes if any rule or order of the House has been abused by a member, and a motion is made to correct the abuse or to censure the member, that would involve a question of privilege in the first instance which the Chair must entertain. But it is not within the province of the Chair to pass upon the question as to whether or not the rules and orders of the House have actually been abused. That is for the House to determine, and to take such action as it may deem proper. Up to the present moment the gentleman from Pennsylvania has made no motion which presents a question for the consideration of the House. The gentleman, the Chair understood, was proceeding to state he was about to make a motion.

Mr. REAGAN. I propose to insist on the objection till the gentleman makes a motion.

Mr. KELLEY. I shall then make the motion that these remarks——

Mr. HERBERT. Will the gentleman from Pennsylvania permit me to make a suggestion?

Mr. KELLEY. Yes, sir.

Mr. HERBERT. If the gentleman proposes to make a motion personal in its character, I suggest to him it would be eminently proper for him to wait till the gentleman from Alabama who made the speech shall be in the House, instead of proceeding to arraign him in his absence. If the gentleman from Alabama were not to be present any more during the session it might be proper for the gentleman from Pennsylvania to proceed now. But I think it would be only fair to that gentleman, who has certainly something to say in his own behalf, to postpone this matter until he is present.

Mr. KELLEY. Can I have the assurance that I will have the floor when the gentleman from Alabama is present?

Mr. BEACH. It is a privileged matter.

Mr. HERBERT. I can give the gentleman no assurance of that kind. If this is a question of privilege now it will be then, and the gentleman from Pennsylvania will certainly lose none of his rights.

The SPEAKER. The gentleman can make his motion and let it stand, if he desires, to be called up at some other time.

Mr. KELLEY. That will be agreeable to me.

The SPEAKER. The gentleman's motion, the Chair understands, is to expunge these remarks from the RECORD.

Mr. KELLEY. Yes, sir; I propose to move that they be expunged from the permanent RECORD, and to prohibit the printing of further copies by the Public Printer.

Mr. HENDERSON, of Iowa. I rise to a matter of privilege.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON, of Iowa. I desire to have the RECORD corrected. In the RECORD of yesterday morning a portion of an interlocutory discussion between the gentleman from Alabama [Mr. WHEELER] and myself is taken from the context where it occurred and is inserted at a subsequent part of his speech where no conversation or discussion took place between him and me.

Mr. HERBERT. I will submit also to the gentleman from Iowa that he postpone his explanation till the gentleman from Alabama [Mr. WHEELER] is present. I know nothing about it myself, but I put it to the gentleman's sense of fairness that that would be the proper course.

Mr. HENDERSON, of Iowa. Will the gentleman from Alabama state whether his colleague is in the city?

Mr. HERBERT. I understand he is.

Mr. HENDERSON, of Iowa. I understand if a correction of the RECORD is to be made it must be done within three days.

A MEMBER. Four days.

Mr. HERBERT. I know nothing of the gentleman having left the city. He has been here all winter, and I presume is here now.

Mr. HENDERSON, of Iowa. I will not ask, then, to make the correction at this time, but I will make it within the period falling within the rule if the gentleman should not be in his seat before that period expires.

Mr. KELLEY. That the gentleman from Alabama [Mr. WHEELER] may have notice of my purpose, I announce that I will ask the Speaker to recognize me to-morrow morning after the reading of the Journal

upon my statement that I have a privileged motion or a question of privilege for discussion.

PERSONAL EXPLANATION.

Mr. CRISP. On Saturday last, during a debate in this House upon a proposition pending before it, I was betrayed into a warmth of expression which I regret. The distinguished gentleman from Indiana [Mr. HOLMAN], whose long service to his country and whose years entitle him to the respect of the public, was and is in full possession of mine. The expression used by that gentleman or that I understood him to use excited a feeling that prompted that warmth of expression which I now say I regret. I have had no communication with that gentleman on this subject, and I make this statement to the House here and now because I feel—I really feel—that I regret those expressions, and I know of no more manly thing to do than to give public expression to what my feeling is in that regard. [Applause.]

Mr. HOLMAN. I wish to say that the gentleman from Georgia in interpreting my original remarks as having any reference to himself labored under an entire misapprehension. I presume that arose from the different standpoints from which we were discussing the same subject. I was discussing it from one standpoint and he from another. I accept very cheerfully and sincerely the expressions which have fallen from his lips, and I wish to recall any words which I may have uttered in the heat of debate which may have been regarded as unkind to him or unjust to the House. [Applause.]

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and resolutions for printing and reference without debate, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and resolutions of inquiry directed to the heads of the Executive Departments are also in order for reference to appropriate committees.

HENRY W. LONG.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 9131) for the relief of Henry W. Long; which was read a first and second time (the first reading being in full upon demand of Mr. BLAND), referred to the Committee on War Claims, and ordered to be printed.

TRANSPORTATION OF SHIPWRECKED SEAMEN.

Mr. MORROW introduced a bill (H. R. 9132) to credit the revenue-cutter service for the transportation home by United States revenue vessels of shipwrecked seamen from the arctic regions or from the Territory of Alaska; which was read a first and second time (the first reading being in full upon demand of Mr. BLAND).

Mr. BLAND. I move that this bill be referred to the Committee on Pensions.

The SPEAKER (having put the question) said: The noes seem to have it.

Mr. BLAND. I call for a division.

The question being again taken, there were—ayes 7, noes 42.

Mr. BLAND. No quorum.

Tellers were ordered; and Mr. BLAND and Mr. MORROW were appointed.

The House again divided; but before the result of the vote was announced Mr. BLAND withdrew the point of order.

The bill was accordingly referred to the Committee on Commerce, and ordered to be printed.

SETTLEMENT OF TERRITORIES.

Mr. MORROW also introduced a bill (H. R. 9133) to promote the settlement of the Territories of the United States and to protect the rights of homestead and pre-emption claimants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JONATHAN D. STEVENSON.

Mr. FELTON (by request) introduced a bill (H. R. 9134) for the relief of Jonathan D. Stevenson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILITARY POST, DENVER.

Mr. SYMES introduced a bill (H. R. 9135) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LORENZO D. COOMBS.

Mr. SYMES also introduced bill (H. R. 9136) granting a pension to Lorenzo D. Coombs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC DAVISSON.

Mr. SYMES also introduced a bill (H. R. 9137) granting a pension to Isaac Davisson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAGGIE A. AUTER.

Mr. SYMES also introduced a bill (H. R. 9138) granting a pension to Maggie A. Auter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. BENHAM.

Mr. MITCHELL introduced a bill (H. R. 9139) for the relief of J. H. Benham; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELEANOR F. RUDD.

Mr. WAIT introduced a bill (H. R. 9140) granting a pension to Eleanor F. Rudd, widow of Albert Rudd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY E. DART.

Mr. WAIT also introduced a bill (H. R. 9141) to remove the charge of desertion against Henry E. Dart; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M. GARRISON.

Mr. SEYMOUR introduced a bill (H. R. 9142) for the relief of James M. Garrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SABIN STOCKING.

Mr. SEYMOUR also introduced a bill (H. R. 9143) granting a pension to Dr. Sabin Stocking; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSISTANT SUPERINTENDENT RAILWAY MAIL SERVICE.

Mr. BLOUNT introduced a bill (H. R. 9144) to authorize the appointment of an additional superintendent of the railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CONTRACTS FOR STATIONERY, EXECUTIVE DEPARTMENTS.

Mr. BLOUNT also introduced a joint resolution (H. Res. 180) further explanatory of the resolution adopted June 31, 1868, limiting contracts for stationery and other supplies to one year; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

GRADUATED INCOME TAX.

Mr. HARRIS introduced a bill (H. R. 9145) to impose a graduated income tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JUDICIAL DISTRICTS, GEORGIA.

Mr. BARNES introduced a bill (H. R. 9146) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district of said State into two, to be known as the western and eastern divisions of said district, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM R. RICH.

Mr. LANDES (by request) introduced a bill (H. R. 9147) granting a pension to William R. Rich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. REED.

Mr. TOWNSHEND introduced a bill (H. R. 9148) granting a pension to William F. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. DENNING.

Mr. TOWNSHEND also introduced a bill (H. R. 9149) granting a pension to John D. Denning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON SALT.

Mr. TOWNSHEND also introduced a bill (H. R. 9150) to amend section 3022 of the Revised Statutes, so as to place the tax on salt used in curing pork, beef, and other provisions on the same basis with salt used in curing fish; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT MOUNT VERNON, ILL.

Mr. TOWNSHEND also introduced a bill (H. R. 9151) to provide for the erection of a public building in the city of Mount Vernon, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

F. M. RYON.

Mr. PLUMB introduced a bill (H. R. 9152) for the relief of F. M. Ryon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES S. ROBERTS.

Mr. RIGGS introduced a bill (H. R. 9153) granting a pension to

James S. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVAN S. SULLIVAN.

Mr. MATSON introduced a bill (H. R. 9154) for the relief of Evan S. Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES HAYMAKER.

Mr. MATSON also introduced a bill (H. R. 9155) for the relief of Frances Haymaker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE PARISH.

Mr. MATSON also introduced a bill (H. R. 9156) granting a pension to Caroline Parish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRANT E. Q. LATHERMON.

Mr. MATSON also introduced a bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. FEE.

Mr. MATSON also introduced a bill (H. R. 9158) granting a pension to James F. Fee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILAS B. DECKER.

Mr. HOWARD introduced a bill (H. R. 9159) granting a pension to Silas B. Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. BUSSABARGAR.

Mr. HOWARD also introduced a bill (H. R. 9160) granting a pension to John W. Bussabargar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR WAR OF 1812.

Mr. HOWARD also introduced a bill (H. R. 9161) extending the provisions of the act of March, 1878, granting pensions to the soldiers and sailors of the war of 1812 and their widows; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSHUA WALLACE.

Mr. KLEINER introduced a bill (H. R. 9162) granting a pension to Joshua Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HARTMAN.

Mr. OWEN introduced a bill (H. R. 9163) granting a pension to Henry Hartman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER ZIMMER.

Mr. OWEN also introduced a bill (H. R. 9161) correcting the military record of Peter Zimmer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MERRICK Y. BUCK.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 9165) granting a pension to Merrick Y. Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BANNON.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 9166) granting a pension to James Bannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH F. KIRKHART.

Mr. CONGER introduced a bill (H. R. 9167) granting a pension to Joseph F. Kirkhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUKE HALL.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 9168) granting a pension to Luke Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNION PACIFIC AND KANSAS PACIFIC RAILROADS.

Mr. WEAVER, of Iowa, submitted the following resolution; which was read, and referred to the Committee on Pacific Railroads:

Whereas the Union Pacific Railroad Company and the Kansas Pacific Railroad Company were corporations incorporated by the Congress of the United States; and

Whereas it has been currently reported and is now generally believed that certain directors in one or both of said corporations have been unfaithful to their trust in various ways, and particularly in buying the stock of the Kansas Pacific Railroad Company at a nominal or small sum and transferring it to the Union Pacific Railroad Company, and then selling the same at a great profit, by which and similar transactions said directors made great personal gains, amounting to many millions of dollars, and have neglected, omitted, and failed to account for the same to the Union Pacific Railroad Company: Therefore,

Resolved by the House of Representatives, That the Judiciary Committee of this House be, and is hereby, directed to inquire into all the transactions of the directors of each of said companies since their organization and with the capital stock of either or both of them; and if said committee shall find that said directors or any of them have made gains for which they owe or should account to either or both of said corporations, then said committee are hereby further directed to bring in a bill or resolution directing the Department of Justice to commence proper proceedings in the courts of the United States to compel said directors to render a true account to said corporation or to either of them, and to pay the net proceeds of such account or accounts into the sinking fund established by Congress to pay the debts of said corporations or either of them to the United States.

Resolved, That no final adjustment or settlement of the accounts of either of said corporations with the Government should be determined on until said committee reports its conclusions.

Resolved, That said committee have power to do all things necessary to carry this resolution into effect.

LAND GRANTS IN KANSAS.

Mr. WEAVER, of Iowa, offered the following resolution; which was referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish to the House a copy of the report of the Commissioner of the General Land Office recently transmitted to the Senate showing the adjustment of grants of land to aid in the construction of railroads in the State of Kansas.

CHARLES T. WORNOM.

Mr. LYMAN introduced a bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom, late of Company F, Twelfth Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREEN FIELDS.

Mr. LYMAN also introduced a bill (H. R. 9170) for the relief of Green Fields, late of the Fourth Indiana Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MACKEY.

Mr. FUNSTON introduced a bill (H. R. 9171) for the relief of William Mackey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN A. MEUGER.

Mr. FUNSTON also introduced a bill (H. R. 9172) for the relief of Christian A. Meuger, Company B, Ninth Kansas Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BOATWRIGHT.

Mr. FUNSTON also introduced a bill (H. R. 9173) for the relief of John Boatwright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESURVEY IN KANSAS.

Mr. PETERS introduced a bill (H. R. 9174) to resurvey township 18 south, range 9 west of the sixth principal meridian, Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EPHRAIM NYE.

Mr. PETERS also introduced a bill (H. R. 9175) granting a pension to Ephraim Nye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE G. HAMILTON.

Mr. PETERS also introduced a bill (H. R. 9176) granting a pension to Jesse G. Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILFORD WHITE.

Mr. RYAN introduced a bill (H. R. 9177) granting a pension to Wilford White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI J. YAMGHEIM.

Mr. RYAN also introduced a bill (H. R. 9178) granting a pension to Eli J. Yamgheim; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN NICODEMAS.

Mr. RYAN also introduced a bill (H. R. 9179) granting an increase of pension to John Nicodemas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 2133 REVISED STATUTES.

Mr. RYAN (by request) also introduced a bill (H. R. 9180) to amend section 2133 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANNA PLATT.

Mr. PERKINS introduced a bill (H. R. 9181) granting a pension to Anna Platt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL PETERS.

Mr. McCREARY introduced a bill (H. R. 9182) granting a pension to Samuel Peters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES R. MARRS.

Mr. McCREARY also introduced a bill (H. R. 9183) for the benefit of James R. Marrs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISTRIBUTION OF PUBLIC OFFICES.

Mr. TAULBEE offered the following resolution; which was referred to the Committee on Reform in the Civil Service:

Resolved, That the United States Civil Service Commission be, and is hereby, directed to inform this House by what authority twenty-three appointments to positions within the classified public service were made from the District of Columbia when the proportion due to said District of Columbia was less than three, for the year ending January 16, 1886.

EMPLOYMENT OF SUBSTITUTES BY PUBLIC OFFICIALS.

Mr. TAULBEE also offered the following resolution; which was referred to the Committee on Reform in the Civil Service:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House whether any employés in the service of the Treasury Department, in any custom-house of this country, in the steamship-inspector service, or elsewhere, are permitted to employ substitutes for the performance of the duties assigned to said employés without a sufficient excuse on account of sickness or otherwise.

FURLOUGHS IN THE INTERIOR DEPARTMENT.

Mr. TAULBEE also offered the following resolution; which was referred to the Committee on Reform in the Civil Service:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform this House whether or not employés in his Department are granted furloughs or leaves of absence, with pay, for a greater length of time than thirty days in any given twelve months; if so, by what authority of law and to what extent such custom is had.

APPOINTMENTS IN THE TREASURY DEPARTMENT.

Mr. TAULBEE also offered the following resolution; which was referred to the Committee on Reform in the Civil Service:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House whether or not any person or persons are now borne on the rolls of the employés in the Treasury Department included in the classified civil service and who have been appointed to such position since January 16, 1883, and who have not been certified for appointment to such position by the United States Civil Service Commission.

If so, the number and grade of such appointees, with the date of the appointments and the authority by which such appointments were made.

CHARLES L. DAWSON.

Mr. WADSWORTH introduced a bill (H. R. 9184) for the benefit of Charles L. Dawson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILEY B. HILL.

Mr. WADSWORTH also introduced a bill (H. R. 9185) for the relief of Wiley B. Hill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMANDA F. WOOD.

Mr. WADSWORTH also introduced a bill (H. R. 9186) granting a pension to Amanda F. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMISSIONERS OF CLAIMS.

Mr. STONE, of Kentucky, introduced a bill (H. R. 9187) to authorize the President to appoint three commissioners of claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. BLANCHARD introduced a bill (H. R. 9188) to authorize the Louisiana North and South Railroad Company to maintain a bridge across the Red River in Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDUSTRIAL SCHOOL AT NEW ORLEANS.

Mr. ST. MARTIN introduced resolutions of the General Assembly of the State of Louisiana, asking the passage of an act of Congress to donate to the city of New Orleans the grounds and buildings of the United States marine hospital in that city for the establishment of an industrial school; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CITIZENS' BANK OF LOUISIANA.

Mr. ST. MARTIN also introduced a bill (H. R. 9189) to confirm the land claim of the Citizens' Bank of Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

NEW ORLEANS GASLIGHT COMPANY.

Mr. ST. MARTIN also introduced a bill (H. R. 9190) for the relief of the New Orleans Gaslight Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC LANDS IN LOUISIANA.

Mr. GAY introduced a bill (H. R. 9191) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River, in the State of Louisiana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. GAY also introduced a bill (H. R. 9192) to cancel certain reservations on account of live-oak west of the Mississippi River, in the State of Louisiana, and to regulate the disposition thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MRS. E. W. F. CHEVIS.

Mr. IRION introduced a bill (H. R. 9193) for the relief of Mrs. E. W. F. Chevis, of Saint Landry Parish, Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. LUCY J. BOYLE.

Mr. IRION also introduced a bill (H. R. 9194) for the relief of Mrs. Lucy J. Boyle, of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FANNY B. RANDOLPH AND DORA L. STARK.

Mr. IRION also introduced a bill (H. R. 9195) for the relief of Fanny B. Randolph and Dora L. Stark, who were minors and the only children of William M. Lambeth, of Louisiana, who died in 1853; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. ROLLINS.

Mr. DINGLEY introduced a bill (H. R. 9196) to correct the military record of John H. Rollins; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CYRUS T. WARDWELL.

Mr. DINGLEY also introduced a bill (H. R. 9197) to increase the pension of Cyrus T. Wardwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM F. WORDWELL.

Mr. MILLIKEN introduced a bill (H. R. 9198) for the relief of Hiram F. Wordwell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE HENDERSON.

Mr. MILLIKEN also introduced a bill (H. R. 9199) granting a pension to George Henderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. BRADFORD.

Mr. FINDLAY introduced a bill (H. R. 9200) for the relief of John G. Bradford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. TUCKEY.

Mr. FINDLAY also introduced a bill (H. R. 9201) for the relief of William E. Tuckey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS S. REID.

Mr. FINDLAY also introduced a bill (H. R. 9202) for the relief of Thomas S. Reid; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN FURLONG AND HATTIE M. CRANFORD.

Mr. FINDLAY also introduced a bill (H. R. 9203) for the relief of Mary Ann Furlong and Hattie M. Cranford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLUMBUS E. ROBEY.

Mr. COMPTON introduced a bill (H. R. 9204) for the payment of the claim of Columbus E. Robey, of Charles County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MINNIE LYLES.

Mr. COMPTON also submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That there be paid to Minnie Lyles, widow of Alfred Lyles, the sum of $370 for services rendered under the Doorkeeper of the House from March 1, 1877, to January 15, 1878; also that there be paid to Minnie Lyles, widow of Alfred Lyles, late an employé of this House, a sum equal to his pay for three months and the proper funeral expenses.

THORNTON GANOE.

Mr. McCOMAS introduced a bill (H. R. 9205) for the relief of Thornton Ganoe; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAYMENT FOR AN ALLEY, WASHINGTON, D. C.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 9206) to reappropriate the sum of money originally appropriated for the payment of a parcel of ground condemned for an alley in the city of Washington and covered back into the Treasury; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SECTION 5165 REVISED STATUTES.

Mr. COLLINS introduced a bill (H. R. 9207) to amend section 5365 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES BOTTLERS' PROTECTIVE ASSOCIATION.

Mr. COLLINS also introduced a bill (H. R. 9208) to permit the entry, free of duty, of foreign goods for exhibition at the fourth biennial exhibition of the United States Bottlers' Protective Association; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WINIFRED B. COFFIN.

Mr. DAVIS introduced a bill (H. R. 9209) for the relief of Winifred B. Coffin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FREEDOM OF COMMERCIAL INTERCOURSE.

Mr. DAVIS also introduced a bill (H. R. 9210) to protect the freedom of commercial intercourse; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS D. ELDER.

Mr. LOVERING introduced a bill (H. R. 9211) to remove the charge of desertion against Thomas D. Elder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN H. H. WILSON.

Mr. LOVERING also introduced a bill (H. R. 9212) granting a pension to John H. H. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY CORBETT.

Mr. LOVERING also introduced a bill (H. R. 9213) granting a pension to Mary Corbett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. E. GLADDEN.

Mr. WHITING introduced a bill (H. R. 9214) granting a pension to A. E. Gladden, dependent mother of Henry E. Gladden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. GOODRICH.

Mr. LONG introduced a bill (H. R. 9215) granting a pension to George W. Goodrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF CERTAIN WHALING VESSELS.

Mr. LONG (by request) also introduced a bill (H. R. 9216) for the relief of the owners and crews of the American whaling vessels Midas, Progress, Lagoda, Daniel Webster, and Europa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. FAILING.

Mr. O'DONNELL introduced a bill (H. R. 9217) granting an increase of pension to John C. Failing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. O'DONNELL also introduced a bill (H. R. 9218) providing for the settlement of the claims of the Pottawatomie Indians of Michigan and Indiana, including the Pottawatomies of Huron, in Calhoun County, Michigan, as per treaty stipulations existing with said bands; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN F. CHAVILEER.

Mr. BURROWS introduced a bill (H. R. 9219) for the relief of John F. Chavileer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COASTWISE VESSELS.

Mr. BURROWS also introduced a bill (H. R. 9220) to amend section 4446 of the Revised Statutes, referring to vessels engaged wholly or in part in the coastwise service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOSEPH MILLER.

Mr. BURROWS also introduced a bill (H. R. 9221) increasing the pension of Joseph Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. CARLETON introduced a bill (H. R. 9222) granting an allowance of pension to widows and dependent relatives who lost their lives in the performance of their duties in the Life-Saving Service, so called, of the Government; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FREEMAN M'INTIRE.

Mr. WHITE, of Minnesota (by Mr. GILFILLAN), introduced a bill (H. R. 9223) granting a pension to Freeman McIntire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE TOWNSEND.

Mr. WHITE, of Minnesota (by Mr. GILFILLAN), also introduced a bill (H. R. 9224) granting a pension to George Townsend; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN CHEAIRS.

Mr. MORGAN introduced a bill (H. R. 9225) for the relief of Calvin Cheairs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD H. PARHAM.

Mr. MORGAN (by request) also introduced a bill (H. R. 9226) for the relief of Richard H. Parham, administrator of George Gorman, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT S. M'DONALD.

Mr. MORGAN also introduced a bill (H. R. 9227) for the relief of Robert S. McDonald; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. E. G. TOMLINSON.

Mr. MORGAN (by request) also introduced a bill (H. R. 9228) for the relief of Mrs. E. G. Tomlinson, executrix of William E. Tomlinson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN KREBS.

Mr. VAN EATON (by request) introduced a bill (H. R. 9229) for the relief of John Krebs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY O'BRIEN.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 9230) for the relief of Mrs. Mary O'Brien; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY O. COOPER.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 9231) for the relief of Mary O. Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPORTATION OF ALIENS UNDER CONTRACT.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, and to provide for the enforcement thereof; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JOHN BLOCK.

Mr. BURNES introduced a bill (H. R. 9233) granting a pension to John Block; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENINA HUNT.

Mr. BURNES also introduced a bill (H. R. 9234) granting a pension to Penina Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. J. GEORGE.

Mr. DAWSON introduced a bill (H. R. 9235) for the relief of T. J. George; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON LEAF-TOBACCO.

Mr. HALE introduced a bill (H. R. 9236) to repeal all laws imposing a tax on leaf-tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EZRA S. HARENS.

Mr. HALE also introduced a bill (H. R. 9237) for the relief of Ezra S. Harens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER WILKIE.

Mr. HAYNES introduced a bill (H. R. 9238) for the relief of Alexander Wilkie; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER M'KELVIE.

Mr. GALLINGER (by request) introduced a bill (H. R. 9239) for the relief of Alexander McKelvie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. WOLF.

Mr. PIDCOCK (by Mr. MCADOO) introduced a bill (H. R. 9240) granting a pension to John B. Wolf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY K. TAYLOR.

Mr. PIDCOCK (by Mr. MCADOO) also introduced a bill (H. R. 9241) granting an increase of pension to Mary K. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. RANDOLPH.

Mr. PIDCOCK (by Mr. MCADOO) also introduced a bill (H. R. 9242) granting a pension to William F. Randolph; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH S. CRAMER.

Mr. PIDCOCK also introduced a bill (H. R. 9243) granting a pension to Noah S. Cramer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. AVIS.

Mr. HIRES introduced a bill (H. R. 9244) granting a pension to William M. Avis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY REED.

Mr. BUCHANAN introduced a bill (H. R. 9245) for the relief of Mary Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONVICT LABOR.

Mr. MAHONEY introduced a bill (H. R. 9246) to prevent the employment of convict labor upon public buildings and other public works, and convict labor in the preparation or manufacture of materials for public buildings or other public works, and aliens in the service of the United States, and to regulate the manner of letting contracts therefor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MARY GRIMES.

Mr. SAWYER introduced a bill (H. R. 9247) granting a pension to Mary Grimes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD FOREMAN.

Mr. SAWYER also introduced a bill (H. R. 9248) to increase the pension of Richard Foreman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT TO VICTIMS OF PRISON SHIPS.

Mr. FELIX CAMPBELL introduced a bill (H. R. 9249) for the erection and completion of a monument to the memory of the victims of prison-ships, at Fort Green, Brooklyn; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROGRESS OF THE PANAMA CANAL.

Mr. JAMES offered the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Printing be directed to cause to be printed for distribution by the Senate and members of the House, in the usual proportion, 5,000 copies of the "Special Intelligence Report, by Lieutenant Kimball and Naval Cadet Copp, United States Navy, upon the progress of the Panama Canal during the year 1885;" which report was transmitted to the House by the honorable Secretary of the Navy on May 20, and referred to the Committee on Printing.

WILLIAM B. BARNES.

Mr. WEBER introduced a bill (H. R. 9250) for the relief of William B. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS F. READ.

Mr. WEBER also introduced a bill (H. R. 9251) for the relief of Thomas F. Read; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEHEMIAH OSBORN.

Mr. BAKER (by request) introduced a bill (H. R. 9252) for the relief of Nehemiah Osborn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SCALES FOR USE OF THE DEPARTMENTS.

Mr. BAKER (by request) also introduced a bill (H. R. 9253) making an appropriation for the purchase of scales for the use of the Departments and post-offices of the Government; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NEWTON A. CALKINS.

Mr. LINDSLEY introduced a bill (H. R. 9254) for the relief of Newton A. Calkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HUGH DONNELLY.

Mr. DOWDNEY introduced a bill (H. R. 9255) granting an additional pension to Hugh Donnelly, late captain Thirty-seventh Massachusetts Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHŒBE A. PICKERT.

Mr. PAYNE introduced a bill (H. R. 9256) granting a pension to Phœbe A. Pickert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHESTER L. POSSON.

Mr. PINDAR introduced a bill (H. R. 9257) to remove the charge of desertion against Chester L. Posson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOME-RULE IN IRELAND.

Mr. MAHONEY introduced the following resolution:

Resolved, That the House of Representatives earnestly sympathizes with Right Hon. William E. Gladstone and his associates in their efforts to secure a free parliament for the people of Ireland, and congratulate the people of that hitherto unhappy country upon the prospect of an early and successful termination of their long and patriotic struggle for the right of local self-government.

Resolved, That the Speaker of the House is directed to communicate a copy of this resolution to Mr. Gladstone.

Mr. GIBSON, of West Virginia. That should go to the Committee on Foreign Affairs.

Mr. MAHONEY. I ask unanimous consent that it be referred to the Committee on Labor.

Mr. GIBSON, of West Virginia, and Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. MAHONEY. I move that it be referred to the Committee on Labor.

The question was taken on referring the resolution to the Committee on Labor; and there were—ayes 31, noes 77.

Mr. MAHONEY. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from New York, Mr. MAHONEY, and the gentleman from New York, Mr. BELMONT, to act as tellers.

Mr. SPRINGER. Mr. Speaker, I rise to a parliamentary inquiry. Would it be in order to move to refer this resolution to the Committee on Foreign Affairs, with instructions to report it back to-morrow morning?

The SPEAKER. It would not be in order under this call, because this is simply a call of the States and Territories for the introduction and reference of bills and resolutions. The Chair will appoint as tellers the gentleman from New York, Mr. MAHONEY, and the gentleman from New York, Mr. BELMONT.

The House again divided.

During the count,

Mr. HISCOCK said: I rise to a parliamentary inquiry. Did I understand the Chair to say that after the decision of this motion it would be in order to move a reference of the resolution with instructions?

The SPEAKER. The Chair upon reflection decided that it would not be in order, because this resolution is introduced under the call of States and Territories, and the rule provides that resolutions introduced under this call shall be simply referred to the appropriate committees.

The count having been completed, the tellers reported—ayes 30, noes 133.

So the motion of Mr. MAHONEY was not agreed to.

The resolution was then referred to the Committee on Foreign Affairs.

J. M. BIVINS.

Mr. BENNETT introduced a bill (H. R. 9258) for the relief of J. M. Bivins, postmaster at Albemarle, N. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE B. HANNA.

Mr. BENNETT also introduced a bill (H. R. 9259) for the relief of George B. Hanna, late melter United States assay office, Charlotte, N. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. J. COWLES.

Mr. BENNETT also introduced a bill (H. R. 9260) for the relief of C. J. Cowles, late assayer in charge of the United States assay office at Charlotte, N. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. M. ANDERSON AND OTHERS.

Mr. COWLES introduced a bill (H. R. 9261) for the relief of A. M.

Anderson and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY MEYER.

Mr. HILL introduced a bill (H. R. 9262) granting a pension to Henry Meyer, of Henry County, Ohio, late a private in the United States Marine Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. GRAY.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 9263) granting an increase of pension to Thomas J. Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BIG JOHN BROOKS.

Mr. LE FEVRE introduced a bill (H. R. 9264) for the relief of Big John Brooks, of Spalding County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELECTRICAL RECORDING OF YEAS AND NAYS.

Mr. LE FEVRE introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Rules be directed to examine into the merits, with a view to the adoption, of a recently invented electrical vote-recording and indicating apparatus, especially designed to reduce the time used in calling the roll and making a record of each individual vote to within three minutes.

HEIRS OF WILLIAM NESSLE.

Mr. McKINLEY introduced a bill (H. R. 9265) for the relief of the heirs of William Nessle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. PHILIP KAME.

Mr. McKINLEY also introduced a bill (H. R. 9266) granting a pension to Mrs. Philip Kame; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. W. HILL.

Mr. McKINLEY also introduced a bill (H. R. 9267) for the relief of D. W. Hill, late private Nineteenth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES YANT.

Mr. McKINLEY also introduced a bill (H. R. 9268) granting a pension to James Yant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CAROLINE F. SPEIGEL.

Mr. McKINLEY also introduced a bill (H. R. 9269) to increase the pension of Mrs. Caroline F. Speigel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB LONG.

Mr. McKINLEY also introduced a bill (H. R. 9270) granting a pension to Jacob Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WARD.

Mr. BUTTERWORTH introduced a bill (H. R. 9271) granting a pension of $100 a month to Elizabeth Ward, widow of the late General Durbin Ward, of Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSPORTATION OF PASSENGERS AND MAILS.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 9272) to promote safer and quicker transportation of passengers and mails; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE W. ROGER.

Mr. BUTTERWORTH also introduced a bill (H. R. 9273) granting a pension to George W. Roger, late of the Seventy-third Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVAL PENSION FUND.

Mr. BROWN, of Ohio (by request), introduced a bill (H. R. 9274) directing the transfer of certain amounts from the naval pension fund; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DANIEL WEISSINGER.

Mr. LITTLE introduced a bill (H. R. 9275) for the relief of Daniel Weissinger; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ERCILDON BOOTH.

Mr. GEDDES introduced a bill (H. R. 9276) granting a pension to Ercildon Booth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE SMITH.

Mr. GEDDES also introduced a bill (H. R. 9277) granting a pension to George Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. MARTIN.

Mr. HERMANN introduced a bill (H. R. 9278) for the relief of William J. Martin and payment to him of $7,500 for beef-cattle furnished the United States for use of Army, and for reference of said claim to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE ENGLE.

Mr. HERMANN also introduced a bill (H. R. 9279) for the payment to George Engle, of the State of Oregon, the sum of $2,067, for property destroyed in said State in June, 1878, by the depredations of the Pi-Ute and Bannock Indians; which was read a first and second time.

Mr. HERMANN. I ask that the bill be referred to the Committee on Indian Affairs.

The SPEAKER. This bill proposes to pay this money out of the public Treasury, and will go to the Committee on Claims, and not to the Committee on Indian Affairs.

Mr. HERMANN. Let it go as the Chair decides.

The bill was referred to the Committee on Claims, and ordered to be printed.

J. R. FRIERSON.

Mr. HERMANN also introduced a bill (H. R. 9280) for the relief of J. R. Frierson, of Oregon, and payment to him for certain services rendered in the military service of the United States in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. MEIN.

Mr. HERMANN also introduced a bill (H. R. 9281) granting a pension to J. C. Mein, of the State of Oregon, late second lieutenant in Company C, One hundred and forty-fourth New York Volunteers, late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS BEEZELEY.

Mr. HERMAN also introduced a bill (H. R. 9282) to pension Silas Beezeley, of the State of Oregon, for services rendered in the Black Hawk war, in Capt. Jesse B. Brown's company of Illinois Rangers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DISCHARGE CERTIFICATES, ETC.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 9283) to amend section 224 of the Revised Statutes relating to the discharge certificates allowed in case of loss or destruction of the original discharge of non-commissioned officers and private soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER D. RANKE.

Mr. ERMENTROUT introduced a bill (H. R. 9284) for the relief of Peter D. Ranke, late captain of Company C, Fourteenth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEROME J. VAN NAME.

Mr. FLEEGER introduced a bill (H. R. 9285) granting a pension to Jerome J. Van Name; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BARNETT.

Mr. HARMER introduced a bill (H. R. 9286) granting a pension to Mary Barnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION DEPARTMENT.

Mr. NEGLEY submitted the following resolution; which was referred to the Committee on Rules:

The Union armies were disbanded twenty-one years ago, nevertheless there are now pending tens of thousands of meritorious pension claims which have been under examination the greater portion of this time. A considerable number of these cases are accompanied by sufficient proofs to secure a favorable award from a competent jury in any court in Christendom. They will, in all probability, remain undetermined until the claimant appears before the supreme tribunal of justice, where there are no special pension detectives and boards of review.

Every applicant for a pension, and every witness to the hopeless despair of the disabled soldier, who, after years of fruitless effort to comply with the arbitrary and technical requirements of an "examiner," and who dies in poverty, is persuaded that the entire system is defective, and that the rules and regulations of the Department are uncertain as to the interpretation of the letter and intent of the pension laws.

The presentation of thirty-nine hundred and forty-eight pension bills during the present Congress, with a favorable action on seven hundred and thirty of these cases, is the most impressive and suggestive commentary upon the administration of the laws in the Pension Department: Therefore,

Be it resolved, That a special committee, consisting of five members of this House, be appointed and directed to make inquiry into the administration of the affairs of the Pension Department; more particularly as to the method and practice of conducting the investigation of claims, the admission of evidence,

and the propriety of continuing the excessive expenditure of money to carry on the present system, and report at as early a day as practicable the result of said inquiry, with such recommendation as shall arise therefrom.

That the committee be granted the right to send for persons and papers, to sit in session during the sessions of the House or after its adjournment; employ a stenographer, and to incur all reasonable and necessary expenditures which may be deemed requisite for the purpose of such investigation; such expenditures to be paid out of the contingent funds of the House.

SUSAN MAJOR.

Mr. OSBORNE introduced a bill (H. R. 9287) granting a pension to Susan Major, mother of James A. Major, deceased, late a private in Company C, Twenty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE CHURCH.

Mr. BOYLE introduced a bill (H. R. 9288) granting a pension to Charlotte Church; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID ABBOTT.

Mr. BOYLE also introduced a bill (H. R. 9289) granting a pension to David Abbott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY RICHEY.

Mr. BOYLE also introduced a bill (H. R. 9290) granting a pension to Mary Richey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARIFF REVISION.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I ask to have read the resolutions I send to the desk.

The Clerk proceeded to read, as follows:

HEADQUARTERS FOURTEENTH WARD UNION REPUBLICAN CLUB——

The SPEAKER *pro tempore* (Mr. CRISP). The Chair will ask the gentleman from Pennsylvania what the paper is he sends to the desk.

Mr. O'NEILL, of Pennsylvania. It is a resolution of instruction directing the Representatives from Pennsylvania, and myself especially, how to vote upon tariff bills, that association believing that a high protective tariff is to the best interests of the workingmen of the country, and that the Morrison tariff bill is a bad bill to their interests.

Mr. WILLIS. I make the point of order that the gentleman from Pennsylvania does not need instructions. [Laughter.]

Mr. O'NEILL, of Pennsylvania. I may not need instructions, but I desire the House to know the feeling of the people of Philadelphia on the subject.

The SPEAKER *pro tempore*. The paper is not in order under this call.

ALLEN SPENCER.

Mr. SMALLS introduced a bill (H. R. 9291) increasing the pension of Allen Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FEES OF COMMISSIONERS UNITED STATES COURTS.

Mr. HEMPHILL (by request) introduced a bill (H. R. 9292) to amend section 847 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WASHINGTON AND WESTERN MARYLAND RAILROAD.

Mr. HEMPHILL (by request) also introduced a bill (H. R. 9293) to incorporate the Washington and Western Maryland Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LITTLETON O. GOOCH.

Mr. HOUK introduced a bill (H. R. 9294) for the relief of Littleton O. Gooch; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM BURK.

Mr. HOUK also introduced a bill (H. R. 9295) granting a pension to William Burk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS DUNCAN.

Mr. HOUK also introduced a bill (H. R. 9296) for the relief of Thomas Duncan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM LEWIS.

Mr. HOUK also introduced a bill (H. R. 9297) for the relief of William Lewis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OBSTRUCTION OF INTERSTATE RAILROAD BUSINESS.

Mr. HOUK also introduced a bill (H. R. 9298) prohibiting the obstruction of interstate railroad business; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZA M'INTYRE.

Mr. HOUK also introduced a bill (H. R. 9299) for the relief of Eliza McIntyre; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. R. HACKNEY.

Mr. HOUK also introduced a bill (H. R. 9300) for the relief of B. R. Hackney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH JONES.

Mr. HOUK also introduced a bill (H. R. 9301) granting a pension to Joseph Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS T. CRAWFORD.

Mr. HOUK also introduced a bill (H. R. 9302) for the relief of Thomas T. Crawford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN TALLENT.

Mr. HOUK also introduced a bill (H. R. 9303) for the relief of Benjamin Tallent; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM SILVEY.

Mr. HOUK also introduced a bill (H. R. 9304) for the relief of William Silvey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY H. HAGGARD.

Mr. HOUK also introduced a bill (H. R. 9305) for the relief of Henry H. Haggard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT W. MILLS.

Mr. HOUK also introduced a bill (H. R. 9306) granting a pension to Robert W. Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC F. BURKETT.

Mr. HOUK also introduced a bill (H. R. 9307) for the relief of Isaac F. Burkett, of Martin, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. CATHARINE ODLAM.

Mr. HOUK also introduced a bill (H. R. 9308) for the relief of Mrs. Catharine Odlam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN E. CRESSWELL.

Mr. HOUK also introduced a bill (H. R. 9309) granting a pension to John E. Cresswell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD J. BUDDINGTON.

Mr. PETTIBONE introduced a bill (H. R. 9310) to increase the pension of Edward J. Buddington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED F. BROWN.

Mr. PETTIBONE also introduced a bill (H. R. 9311) for the relief of Alfred F. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. L. MORAT.

Mr. ZACH. TAYLOR introduced a bill (H. R. 9312) for the relief of F. L. Morat, of Shelby County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH L. M'LEMORE.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 9313) for the relief of Mrs. Sarah L. McLemore, administratrix of John E. McLemore, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH E. MILLER.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 9314) for the relief of Joseph E. Miller, administrator of U. H. Miller, deceased, of Memphis, Tenn.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOUTHERN UTE INDIANS.

Mr. SYMES (by Mr. ZACH. TAYLOR) introduced a bill (H. R. 9315) authorizing the removal of Southern Ute Indians from the State of Colorado to the Territory of Utah; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

COMMON SCHOOLS.

Mr. MILLER (by Mr. THROCKMORTON) introduced a bill (H. R. 9316) to aid in the support of common schools; which was read a first

and second time, referred to the Committee on Education, and ordered to be printed.

HEIRS OF ALEXANDER M'COPPIN.

Mr. CRAIN (by Mr. SAYERS) introduced a bill (H. R. 9317) for the relief of the heirs of Alexander McCoppin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASA A. GOODWIN.

Mr. GROUT introduced a bill (H. R. 9318) granting a pension to Asa A. Goodwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF ADULTERATED FOOD.

Mr. BARBOUR (by request) introduced a bill (H. R. 9319) to prevent the sale of adulterated food in the District of Columbia and the Territories of the United States; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CLAIMS FOR DAMAGES IN DISTRICT.

Mr. BARBOUR (by request) also introduced a bill (H. R. 9320) to create a board of audit to adjust all claims for special damages to real estate by reason of public improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ANACOSTIA AND POTOMAC RAILROAD.

Mr. BARBOUR (by request) also introduced a bill (H. R. 9321) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LOUISA KEARNEY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 9322) for the relief of Louisa Kearney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE A. NOWLAND.

Mr. BARBOUR also introduced a bill (H. R. 9323) for the relief of George A. Nowland, administrator of James B. Beaver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUBMARINE CABLES.

Mr. DANIEL introduced a bill (H. R. 9324) to carry into effect the international convention of 14th of March, 1884, for the protection of submarine cables; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WILLIAM A. WALTON.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 9325) granting a pension to William A. Walton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE B. WARNER.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 9326) to remove the charge of desertion from the record of George B. Warner; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. AMERICA T. SPROUSE.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 9327) granting a pension to Mrs. America T. Sprouse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL WHITE.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 9328) granting a pension to Daniel White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. WEAKS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 9329) to increase the pension of John M. Weaks, of Company K, Tenth Regiment Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES EVANS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 9330) to remove the charge of desertion from James Evans, of Company F, Fourteenth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT ON NEW RIVER, ETC.

Mr. SNYDER introduced a resolution directing the Secretary of War to inquire into the nature of damages alleged to have been done to private property on the New River and Kanawha River, in the State of West Virginia, by the improvement of such streams by the United States Government, and to report a plan or plans to prevent the continuance of the same, together with the probable cost thereof; which was referred to the Committee on Rivers and Harbors.

CHRISTINE PRIEBE.

Mr. GUENTHER introduced a bill (H. R. 9331) granting a pension to Christine Priebe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER MITCHELL.

Mr. GUENTHER also introduced a bill (H. R. 9332) for the relief of Peter Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADIN CORNISH.

Mr. GUENTHER also introduced a bill (H. R. 9333) granting a pension to Adin Cornish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN DICKSON.

Mr. PRICE introduced a bill (H. R. 9334) granting a pension to Stephen Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES SHAFFER.

Mr. PRICE also introduced a bill (H. R. 9335) granting a pension to Moses Shaffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY CARBINO.

Mr. PRICE also introduced a bill (H. R. 9336) granting an increase of pension to Henry Carbino; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ADAMS.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 9337) to grant a pension to John Adams, late a private of Company C, Forty-eighth Regiment of Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH F. ALLEN.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 9338) to grant a pension to Josiah F. Allen, late a private of Company I, One hundred and twelfth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY ACROSS FORT WHIPPLE RESERVATION.

Mr. BEAN introduced a bill (H. R. 9339) granting the right of way to the Prescott and Arizona Railway Company across the Fort Whipple military reservation in Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELLEN PAGE.

Mr. GIFFORD introduced a bill (H. R. 9340) granting a pension to Ellen Page; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN INDUSTRIAL SCHOOL, PIERRE, DAK.

Mr. GIFFORD also introduced a bill (H. R. 9341) for the establishment of an Indian industrial school at Pierre, Dak.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SECTION 2288 REVISED STATUTES.

Mr. GIFFORD also introduced a bill (H. R. 9342) to amend section 2288 of chapter 4 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HEIRS OF MANUEL LUCERO.

Mr. JOSEPH introduced a bill (H. R. 9343) for the relief of the heirs of Manuel Lucero, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSÉ A. MONTOYA.

Mr. JOSEPH also introduced a bill (H. R. 9344) for the relief of José A. Montoya; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICARDO PINO.

Mr. JOSEPH also introduced a bill (H. R. 9345) for the relief of Ricardo Pino; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FEES OF UNITED STATES OFFICIALS IN UTAH.

Mr. CAINE offered the following resolution; which was referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Secretary of the Treasury be requested to inform the House of Representatives of the amounts expended in behalf of the Territory of Utah, referred to in Senate Executive Document No. 97, Forty-ninth Congress, first session, for fees of marshals, of district attorneys, of assistant attorneys, of clerks of courts, and of United States commissioners, and expenses of peniten-

tiary, respectively; also the yearly amount received by the district attorney and his assistants severally during the period covered by these expenditures for services rendered in United States cases, the total cost of the Utah penitentiary, and the amounts, if any, that have been paid into the United States Treasury by marshals, attorneys, assistant attorneys, in excess of the compensation allowed by law.

CLALLAM COUNTY, WASHINGTON TERRITORY.

Mr. VOORHEES introduced a bill (H. R. 9346) to enable Clallam County, in Washington Territory, to avail itself of the benefits of section 2286 of the Revised Statutes of the United States relating to preemptions for the establishment of seats of justice; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

DAM ACROSS BUDD'S INLET, WASHINGTON TERRITORY.

Mr. VOORHEES also introduced a bill (H. R. 9347) to authorize and aid in the construction of a dam across Budd's Inlet, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES H. COWAN

Mr. VOORHEES (by request) also introduced a bill (H. R. 9348) to place James H. Cowan on the rolls of the Arkansas volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

M. MILLSAPS.

Mr. VOORHEES (by request) also introduced a bill (H. R. 9349) for the relief of M. Millsaps, late a private in Company C, First Regiment Arkansas Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. M. LEE.

Mr. PEEL (by request) introduced a bill (H. R. 9350) for the relief of R. M. Lee; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

J. D. ASH.

Mr. HEARD introduced a bill (H. R. 9351) for the relief of J. D. Ash; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH GREGORY.

Mr. HOWARD introduced a bill (H. R. 9352) for the relief of Elizabeth Gregory; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET DODDS.

Mr. HOWARD also introduced a bill (H. R. 9353) for the relief of Margaret Dodds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. HENLEY introduced a bill (H. R. 9354) to restore pensions in certain cases; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. OATES introduced a bill (H. R. 9355) to prevent the obstruction of interstate commerce; which was read a first and second time, referred, by unanimous consent, to the Committee on the Revision of the Laws, and ordered to be printed.

JACOB PINDLE.

Mr. OATES (by request) also introduced a resolution to pay Jacob Pindle $30 per month during the sessions of the Forty-ninth Congress; which was referred to the Committee on Accounts.

GEORGE P. TURNER.

Mr. WHEELER introduced a bill (H. R. 9356) for the relief of George P. Turner; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. GEORGE RUCKSTUHL.

Mr. WILLIS introduced a bill (H. R. 9357) to remove the charge of desertion from the military record of J. George Ruckstuhl, late lieutenant Ninety-seventh Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHERINE BUSEY.

Mr. WILLIS also introduced a bill (H. R. 9358) granting a pension to Catherine Busey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEBASTIAN GANZ.

Mr. WILLIS also introduced a bill (H. R. 9359) granting a pension to Sebastian Ganz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAX VON EIK.

Mr. WILLIS also introduced a bill (H. R. 9360) to remove the charge of desertion from the military record of Max Von Eik, Company C, ——— Regiment New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES L. KELLY.

Mr. WILLIS also introduced a bill (H. R. 9361) granting a pension to James L. Kelly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BUCKLEY.

Mr. WILLIS also introduced a bill (H. R. 9362) granting a pension to Mary Buckley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH HARPER.

Mr. BINGHAM introduced a bill (H. R. 9363) granting a pension to Sarah Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH B. RITCHIE.

Mr. HEPBURN introduced a bill (H. R. 9364) granting a pension to Hannah B. Ritchie, of Allerton, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TENTS FOR SOLDIERS' REUNION.

Mr. HEPBURN also introduced a joint resolution (H. Res. 181) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldiers' Association for reunion purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDICIAL DISTRICTS IN ILLINOIS.

Mr. TOWNSHEND introduced a bill (H. R. 9365) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the southern district at Mount Vernon; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MINNEAPOLIS INDUSTRIAL EXPOSITION.

Mr. GILFILLAN introduced a joint resolution (H. Res. 182) authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELIZABETH WARD.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 9366) granting a pension to Elizabeth Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSULATING SUBMARINE CABLES.

Mr. LEHLBACH presented the views of the minority on the bill (H. R. 4402) to provide for the extension of letters patent for the improvement in insulating submarine cables; which were ordered to be printed to accompany the majority report.

JOHN COLTER.

Mr. HOLMAN introduced a bill (H. R. 9367) for the relief of John Colter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NICHOLAS EVANS.

Mr. HOLMAN also introduced a bill (H. R. 9368) granting a pension to Nicholas Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. N. SAMPSON.

Mr. McCREARY introduced a bill (H. R. 9369) granting a pension to B. N. Sampson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, requested the return to the Senate of the bill (S. 1204) for the relief of the children of the late Surgeon Alfred M. Owen and to increase their pensions.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio; and

A bill (S. 763) for the erection of a public building at Sioux City, Iowa.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 524) granting a pension to Daniel H. Ross;
A bill (H. R. 1061) for the relief of Sarah M. Shearer;
A bill (H. R. 1627) granting a pension to Annie Bagley;
A bill (H. R. 4685) for the relief of John A. Orndorff;
A bill (H. R. 4782) granting a pension to Elizabeth McKay;
A bill (H. R. 5154) granting a pension to Margaret A. Poland;
A bill (H. R. 5406) granting a pension to P. E. Raiger;

A bill (H. R. 6648) for the relief of Edward M. Harrington; and
A bill (H. R. 7156) to increase the pension of Antionette Birney, widow of Maj. Gen. David B. Birney.

The message further announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 116) for the relief of Albertine Cockrum;
A bill (H. R. 308) granting a pension to Mary Sullivan;
A bill (H. R. 421) granting a pension to Jesse B. Scudder;
A bill (H. R. 426) granting a pension to Elizabeth A. Robbins;
A bill (H. R. 427) for the relief of Thomas J. Smithers;
A bill (H. R. 464) granting a pension to Robert McAlexander;
A bill (H. R. 504) granting a pension to Anna Kessinger;
A bill (H. R. 576) for the relief of Louisa C. Beezeley;
A bill (H. R. 918) granting a pension to Gilbert A. Philips;
A bill (H. R. 1142) granting a pension to Lydia Hadlock;
A bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell;
A bill (H. R. 1177) granting a pension to William J. Barker;
A bill (H. R. 1201) for the relief of Mary Howard Farquhar;
A bill (H. R. 1505) granting a pension to William Dermody;
A bill (H. R. 1520) granting an increase of pension to Mary F. Blake;
A bill (H. R. 1678) for the relief of Henry N. Huggins;
A bill (H. R. 1766) granting a pension to Mary A. Shannon;
A bill (H. R. 1768) granting a pension to James Wolfe;
A bill (H. R. 1815) granting a pension to Ellen Corcoran;
A bill (H. R. 1818) granting a pension to H. L. Kyler;
A bill (H. R. 1943) granting a pension to James L. McClarran;
A bill (H. R. 1945) granting a pension to Jeremiah M. Fitger;
A bill (H. R. 1997) granting a pension to Nancy R. Brown;
A bill (H. R. 2144) granting a pension to C. K. Hughes;
A bill (H. R. 2800) granting a pension to Mary Manes;
A bill (H. R. 2040) granting a pension to John T. Pennington;
A bill (H. R. 2963) granting a pension to Louis Whorley;
A bill (H. R. 2968) granting a pension to Harriet Peak;
A bill (H. R. 2971) granting a pension to Francis Deming;
A bill (H. R. 2975) granting a pension to Eliza A. Wecks;
A bill (H. R. 2976) granting a pension to Lenford Rose;
A bill (H. R. 3043) granting a pension to Lewis W. Scauland;
A bill (H. R. 3047) granting a pension to Thomas Tegau;
A bill (H. R. 3054) granting a pension to Sylvester Root;
A bill (H. R. 3166) granting a pension to Solomon Messer;
A bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll;
A bill (H. R. 3366) granting a pension to Henry Bollman;
A bill (H. R. 3501) granting a pension to Daniel J. Bingman;
A bill (H. R. 3601) to increase the pension of Louisa Weitzel, widow of Godfrey Weitzel, late a major-general of the United States volunteers.
A bill (H. R. 3614) granting a pension to Charlotte Buck;
A bill (H. R. 3623) granting a pension to William H. Nevil;
A bill (H. R. 3640) granting a pension to James T. Irwin;
A bill (H. R. 3645) granting a pension to Sarah Brooks;
A bill (H. R. 3737) granting a pension to John H. Downing;
A bill (H. R. 3831) granting a pension to Charles T. Reber;
A bill (H. R. 3836) granting a pension to James Dunbar;
A bill (H. R. 3860) granting a pension to John H. Walters;
A bill (H. R. 3954) granting a pension to Henrietta Fisher;
A bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers;
A bill (H. R. 4124) granting a pension to Charles F. Hildredth;
A bill (H. R. 4143) for the relief of Margaret Madden;
A bill (H. R. 4145) granting a pension to Maria Kile;
A bill (H. R. 4163) granting a pension to Dr. William H. Sheffield;
A bill (H. R. 4199) granting a pension to William B. Jacobs;
A bill (H. R. 4226) for the relief of Samuel Kitzmiller;
A bill (H. R. 4382) to increase the pension of John F. Chase;
A bill (H. R. 4386) granting an increase of pension to William F. Clark;
A bill (H. R. 4426) granting a pension to Fannie E. Evans;
A bill (H. R. 4501) granting a pension to Daniel B. Randall;
A bill (H. R. 4552) for the relief of Susan Smith;
A bill (H. R. 4632) granting a pension to William L. McCall;
A bill (H. R. 4642) granting a pension to James Carroll;
A bill (H. R. 4644) granting a pension to Noah B. Brookshire;
A bill (H. R. 4689) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions;
A bill (H. R. 4730) for the relief of Mary Murphy;
A bill (H. R. 4797) granting a pension to Robert H. Stapleton;
A bill (H. R. 4808) granting a pension to William Field;
A bill (H. R. 4850) for the relief of William J. Hudson;
A bill (H. R. 4882) granting a pension to Washington T. Otey;
A bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby;
A bill (H. R. 5058) granting a pension to John Arthur;
A bill (H. R. 5100) granting a pension to Eleanor Foust;
A bill (H. R. 5169) to increase the pension of Thomas J. Slayton;
A bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis;
A bill (H. R. 5232) for the relief of Mary Hawhe;
A bill (H. R. 5261) granting a pension to Isaac Fossett;
A bill (H. R. 5283) granting a pension to Larkin G. Mead;
A bill (H. R. 5306) granting a pension to Roxana V. Rowley;
A bill (H. R. 5307) granting a pension to Lieut. Joseph Prost;
A bill (H. R. 5324) granting a pension to John H. Hunter;
A bill (H. R. 5333) granting a pension to Edward L. Hill;
A bill (H. R. 5334) granting a pension to Henry Anin;
A bill (H. R. 5351) granting a pension to Mrs. Clarissa Taft;
A bill (H. R. 5394) granting a pension to Sally Ann Bradley;
A bill (H. R. 5408) granting a pension to Josiah Focht;
A bill (H. R. 5411) granting a pension to John Butler;
A bill (H. R. 5414) granting a pension to Maria Cunningham;
A bill (H. R. 5434) granting a pension to Amos C. Wertz;
A bill (H. R. 5435) granting a pension to David L. McDermott;
A bill (H. R. 5438) for the relief of Elias Sheads;
A bill (H. R. 5472) to increase the pension of Henry Brooks;
A bill (H. R. 5492) granting a pension to Eliza Newman;
A bill (H. R. 5525) granting an increase of pension to Robert E. Stephens;
A bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty;
A bill (H. R. 5622) granting a pension to Allen P. Jacobs;
A bill (H. R. 5635) granting a pension to William J. Heady;
A bill (H. R. 5643) granting an increase of pension to Charles F. Ward;
A bill (H. R. 5645) granting a pension to Rebecca Allen;
A bill (H. R. 5656) granting a pension to Margaret S. Davis;
A bill (H. R. 5761) granting a pension to Margaret J. Reighter;
A bill (H. R. 5881) for the relief of Henry S. Cohn;
A bill (H. R. 5882) granting a pension to Sarah Ann Murphy;
A bill (H. R. 5931) granting a pension to Erdmuthe Kirchner;
A bill (H. R. 5951) granting a pension to John M. Mattingly;
A bill (H. R. 5975) to increase the pension of Michael McGrayel;
A bill (H. R. 6020) granting a pension to Levi M. Starne;
A bill (H. R. 6088) granting an increase of pension to Nelson Monroe;
A bill (H. R. 6117) granting a pension to James D. Cotton;
A bill (H. R. 6120) for the relief of Richard Horrigan;
A bill (H. R. 6135) granting a pension to James W. Sanford;
A bill (H. R. 6147) granting a pension to Frederick Marion;
A bill (H. R. 6150) for the relief of Euphemia R. Smith;
A bill (H. R. 6170) granting a pension to Mary A. Van Etten;
A bill (H. R. 6176) granting a pension to Margaret Mayham;
A bill (H. R. 6183) for the relief of Bridget M. Cullen;
A bill (H. R. 6193) granting a pension to Charles Foreman;
A bill (H. R. 6237) for the relief of Samuel Shuler;
A bill (H. R. 6247) granting a pension to Mayberry Vance;
A bill (H. R. 6248) granting a pension to Louis A. Wollenweber;
A bill (H. R. 6250) to increase the pension of Thomas A. Rowley;
A bill (H. R. 6257) for the relief of Julia Connelly;
A bill (H. R. 6266) granting a pension to Philip Arner;
A bill (H. R. 6323) granting a pension to Rebecca Reese McKee;
A bill (H. R. 6372 to pension Charles A. Chase;
A bill (H. R. 6430) granting a pension to Lucy G. Dutcher;
A bill (H. R. 6452) granting a pension to Samantha A. Smith;
A bill (H. R. 6453) granting a pension to Martin J. Reynolds;
A bill (H. R. 6519) granting a pension to John D. Krehbiel;
A bill (H. R. 6566) granting a pension to Henry J. Cartin;
A bill (H. R. 6639) granting a pension to Catherine Kennedy;
A bill (H. R. 6668) granting a pension to Lurena Wages;
A bill (H. R. 6670) granting a pension to Susan Malone;
A bill (H. R. 6718) granting a pension to William H. Starr;
A bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers;
A bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers;
A bill (H. R. 6770) granting a pension to Ferdinand Koehler;
A bill (H. R. 6774) granting a pension to Bruno Schultz;
A bill (H. R. 6795) for the relief of Mrs. Sarah Casteel;
A bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll;
A bill (H. R. 6801) granting a pension to Elander M. Mooneyhan;
A bill (H. R. 6812) granting a pension to Margaret Lucas;
A bill (H. R. 6895) granting a pension to Sarah Harbaugh;
A bill (H. R. 6919) granting a pension to Sarah Ann Williams;
A bill (H. R. 7066) for the relief of Andrew G. Helberg;
A bill (H. R. 7073) granting a pension to Mary S. Woodson;
A bill (H. R. 7074) granting a pension to William P. Carleton;
A bill (H. R. 7075) granting a pension to Orson W. Sears;
A bill (H. R. 7108) granting a pension to Andrew J. Wilson;
A bill (H. R. 7109) granting a pension to Joseph Tuttle;
A bill (H. R. 7162) granting a pension to Martha McIlwain;
A bill (H. R. 7222) granting a pension to Callie West;
A bill (H. R. 7249) to pension Spencer W. Tryon;
A bill (H. R. 7253) for the relief of Joseph Guy;
A bill (H. R. 7257) granting a pension to James H. Darling;
A bill (H. R. 7299) for the relief of Green Chambers;

A bill (H. R. 7329) granting a pension to Patrick McKean;
A bill (H. R. 7365) for the relief of Nancy Franklin;
A bill (H. R. 7401) granting a pension to Samuel Miller;
A bill (H. R. 7407) granting a pension to Cyrus Dubbs;
A bill (H. R. 7436) to grant a pension to Mary Anderson;
A bill (H. R. 7437) to increase the pension of Levi L. Tongue;
A bill (H. R. 7509) granting a pension to Cecilia C. McKenna;
A bill (H. R. 7511) granting a pension to Margaret Lucy;
A bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman;
A bill (H. R. 7641) granting a pension to Sophronia Witham;
A bill (H. R. 7660) granting a pension to James Stobaugh;
A bill (H. R. 7688) granting a pension to Wilhelm Nolte;
A bill (H. R. 7703) granting a pension to Anna A. Probert;
A bill (H. R. 7843) granting a pension to Edwin R. Parks;
A bill (H. R. 7914) to increase the pension of David M. Rennoe;
A bill (H. R. 7931) increasing the pension of Clark Boon;
A bill (H. R. 7979) granting a pension to Jackson Steward;
A bill (H. R. 7965) for the relief of Frances Mosher;
A bill (H. R. 8078) for the relief of Lydia S. Johnson;
A bill (H. R. 8086) granting a pension to Cummins Porter; and
A bill (H. R. 8111) granting a pension to Rebecca Roberts.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 158) granting a pension to Mary A. Mykins;
A bill (S. 1459) granting an increase of pension to Walter A. Donaldson;
A bill (S. 1614) granting a pension to Sarah C. Wright;
A bill (S. 1897) granting a pension to Alexander Trimble;
A bill (S. 1932) granting a pension to Mrs. M. Augusta Barnes;
A bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon;
A bill (S. 2061) granting a pension to Johanna Sofia Enlind;
A bill (S. 2167) granting a pension to Mrs. Margaret Dunlap;
A bill (S. 2181) granting a pension to Rhoda Williams;
A bill (S. 2196) granting a pension to Delilah Vandeventer;
A bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.;
A bill (S. 2210) granting a pension to Anna Wright;
A bill (S. 2258) to increase the pension of James E. Gott;
A bill (S. 2286) for the relief of Albert C. Kelley;
A bill (S. 2301) granting a pension to Lucy E. Anderson;
A bill (S. 2308) granting a pension to Henry Lafner;
A bill (S. 2310) granting a pension to Hiram Morris;
A bill (S. 2325) to grant a pension to Nancy Mason;
A bill (S. 2326) granting a pension to John Parkinson;
A bill (S. 2330) for the relief of Anthon Eitapence;
A bill (S. 2341) granting a pension to Josephine D. Whitted;
A bill (S. 2353) granting a pension to William Barden;
A bill (S. 2355) granting a pension to Edward R. Shubrick;
A bill (S. 2363) granting a pension to Marcel Gagnon;
A bill (S. 2366) granting a pension to Elizabeth Garaghty;
A bill (S. 2372) granting a pension to Mary McMahon;
A bill (S. 2382) granting a pension to Alice Kelley;
A bill (S. 2388) granting a pension to Alonzo Raymond;
A bill (S. 2391) granting a pension to John G. Warren;
A bill (S. 2393) granting a pension to Anna M. Marshall;
A bill (S. 2420) granting a pension to Sidney Denton;
A bill (S. 2427) for the relief of the legal representatives of Eliza M. Ferris;
A bill (S. 2452) granting a pension to Rachel Ann Pierpont;
A bill (S. 2453) granting a pension to George W. Peavey;
A bill (S. 2454) granting a pension to James S. Furniss;
A bill (S. 2459) granting a pension to Eliza Wilkins;
A bill (S. 2460) granting a pension to Stephen D. Mead;
A bill (S. 2463) granting a pension to H. D. Hobbs;
A bill (S. 2478) granting a pension to John Wines;
A bill (S. 2479) granting a pension to Mrs. Adaline P. Loy;
A bill (S. 2502) granting a pension to Louise Paul; and
A bill (S. 2570) granting a pension to Horace W. Brownell.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, the object being to secure prompt action on the legislative, &c., appropriation bill before the expiration of the current fiscal year.

Mr. COBB. I hope the gentleman will allow me to call up bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

Mr. HOLMAN. I can not yield unless the gentleman is entitled to the floor on a motion to suspend the rules.

Mr. COBB. I think I will be.

Mr. HISCOCK. I hope the gentleman from Indiana [Mr. HOLMAN] will consent to let us have the regular order to-day. It is not very often we have a day. It seems we ought to have the regular order.

Mr. HOLMAN. I insist on my motion. We have barely time to get the bill through before the expiration of the present fiscal year.

The House divided; and there were—ayes 59, noes 81.

Mr. HOLMAN. In order that the responsibility shall not rest on the Committee on Appropriations I demand the yeas and nays.

The House divided; and there were—ayes 40.

The SPEAKER. More than one-fifth of the last vote.

Mr. HISCOCK. Count the other side.

The other side were counted; and there were—noes 86.

So the yeas and nays were ordered, more than one-fifth of those present voting in favor thereof.

The question recurred on Mr. HOLMAN'S motion that the House resolve itself into the Committee of the Whole House on the state of the Union to continue the consideration of the legislative, &c., appropriation bill.

The question was taken; and it was decided in the negative—yeas 73, nays 150, not voting 100; as follows:

YEAS—73.

Allen, J. M.	Dawson,	Mahoney,	Springer,
Anderson, C. M.	Dockery,	Martin,	Steele,
Ballentine,	Dunn,	McComas,	Stone, W. J., Ky.
Beach,	Eldredge,	McMillin,	Swope,
Blanchard,	Ellsberry,	McRae,	Taulbee,
Bland,	Fisher,	Morgan,	Tillman,
Bliss,	Ford,	Morrison,	Townshend,
Blount,	Forney,	Oates,	Trigg,
Breckinridge, C. R.	Glass,	O'Neill, J. J.	Turner,
Breckinridge, WCP	Green, W. J.	Peel,	Ward, J. H.
Cabell,	Hammond,	Perry,	Ward, T. B.
Caldwell,	Hemphill,	Randall,	Willis,
Campbell, Felix	Henderson, D. B.	Riggs,	Winans,
Campbell, J. E.	Henley,	Ryan,	Wolford,
Cannon,	Herbert,	Sadler,	Woodburn,
Carleton,	Holman,	Seney,	Worthington.
Cowles,	Jones, J. T.	Seymour,	
Cox,	Le Fevre,	Skinner,	
Dargan,	Long.	Smalls,	

NAYS—150.

Adams, G. E.	Fuller,	Lindsley,	Robertson,
Allen, C. H.	Gallinger,	Little,	Rockwell,
Anderson, J. A.	Geddes,	Louttit,	Romeis,
Barnes,	Gibson, C. H.	Lovering,	Rowell,
Bayne,	Gibson, Eustace	Lowry,	Sayers,
Belmont,	Gilfillan,	Lyman,	Sawyer,
Bennett,	Glover,	Matson,	Scranton,
Bingham,	Grout,	McCreary,	Sessions,
Bound,	Guenther,	McKenna,	Snyder,
Boutelle,	Hale,	McKinley,	Sowden,
Boyle,	Halsell,	Merriman,	Spooner,
Brady,	Harris,	Milliken,	Strait,
Browne, T. M.	Hatch,	Mills,	Struble,
Brown, C. E.	Hayden,	Moffatt,	Symes,
Brown, W. W.	Haynes,	Morrill,	Tarsney,
Buck,	Heard,	Neal,	Taylor, I. H.
Burnes,	Henderson, T. J.	Neece,	Taylor, Zach.
Burrows,	Hermann,	Negley,	Thomas, J. R.
Campbell, J. M.	Hill,	Nelson,	Thomas, O. B.
Candler,	Hiscock,	O'Donnell,	Thompson,
Caswell,	Hitt,	O'Hara,	Throckmorton,
Catchings,	Holmes,	Osborne,	Van Eaton,
Clardy,	Houk,	Outhwaite,	Van Schaick,
Cobb,	Howard,	Owen,	Wade,
Collins,	Hutton,	Parker,	Wadsworth,
Compton,	Irion,	Payne,	Wait,
Conger,	James,	Payson,	Wallace,
Crisp,	Johnson, F. A.	Perkins,	Warner, William
Culberson,	Johnston, J. T.	Peters,	Weaver, A. J.
Daniel,	Johnston, T. D.	Pettibone,	Weaver, J. B.
Dibble,	Jones, J. H.	Phelps,	Weber,
Dingley,	Kelley,	Plumb,	Wellborn,
Dorsey,	Ketcham,	Price,	West,
Ely,	Kleiner,	Ranney,	Wheeler,
Ermentrout,	Laffoon,	Reagan,	White, A. C.
Everhart,	La Follette,	Reed, T. B.	Whiting.
Findlay,	Landes,	Reid, J. W.	
Foran,	Lanham,	Rice,	

NOT VOTING—100.

Adams, J. J.	Davidson, A. C.	Hopkins,	Richardson,
Aiken,	Davidson, R. H. M.	Hudd,	Rogers,
Arnot,	Davis,	Jackson,	Scott,
Atkinson,	Dougherty,	King,	Shaw,
Baker,	Dowdney,	Laird,	Singleton,
Barbour,	Dunham,	Lawler,	Spriggs,
Barksdale,	Eden,	Lehlbach,	Stahlnecker,
Barry,	Evans,	Libbey,	Stephenson,
Bragg,	Farquhar,	Lore,	Stewart, Charles
Brumm,	Felton,	Markham,	Stewart, J. W.
Buchanan,	Fleeger,	Maybury,	St. Martin,
Bunnell,	Frederick,	McAdoo,	Stone, E. F.
Burleigh,	Funston,	Millard,	Stone, W. J., Mo.
Butterworth,	Gay,	Miller,	Storm,
Bynum,	Goff,	Mitchell,	Swinburne,
Campbell, T. J.	Green, R. S.	Morrow,	Talyor, E. B.
Clements,	Grosvenor,	Muller,	Taylor, J. M.
Cole,	Hall,	Murphy,	Tucker,
Comstock,	Hanback,	Norwood,	Viele,
Cooper,	Harmer,	O'Ferrall,	Wakefield,
Crain,	Henderson, J. S.	O'Neill, Charles	Warner, A. J.
Croxton,	Hepburn,	Pidcock,	White, Milo
Curtin,	Hewitt,	Pindar,	Wilkins,
Cutcheon,	Hiestand,	Pirce,	Wilson,
Davenport,	Hires,	Reese,	Wise.

So the motion was not agreed to.

Mr. MILLS. My colleague, Mr. STEWART, is still sick and confined to his room.

Mr. ERMENTROUT. I ask to dispense with the reading of the names.

Mr. MORRISON. I object.

The Clerk then recapitulated the names of those voting.

The following pairs were announced until further notice:

Mr. PIDCOCK with Mr. FLEEGER.
Mr. CLEMENTS with Mr. BUNNELL.
Mr. STONE, of Missouri, with Mr. PIRCE.
Mr. WILKINS with Mr. STONE, of Massachusetts.
Mr. HEARD with Mr. HANBACK.
Mr. KING with Mr. WHITE, of Minnesota.
Mr. ARNOT with Mr. DAVIS.
Mr. O'FERRALL with Mr. EVANS.
Mr. HALL with Mr. CUTCHEON.
Mr. STEWART, of Texas, with Mr. COOPER.
Mr. BRAGG with Mr. NEGLEY.
Mr. WARNER, of Ohio, with Mr. GROSVENOR.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. VIELE with Mr. HOWARD.
Mr. HARMER with Mr. LORE.
Mr. MILLARD with Mr. SPRIGGS.
Mr. STEWART, of Vermont, with Mr. TUCKER.
Mr. CROXTON with Mr. DORSEY.
Mr. FREDERICK with Mr. DUNHAM.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. ROGERS with Mr. EZRA B. TAYLOR.
Mr. EDEN with Mr. MARKHAM, until June 7.
Mr. CURTIN with Mr. ATKINSON, for Monday and Tuesday.
Mr. WISE with Mr. DAVENPORT, until Wednesday next.
Mr. HEWITT with Mr. GOFF, until Wednesday next.
Mr. MAYBURY with Mr. JACKSON, for this day.
Mr. WILSON with Mr. O'NEILL, of Pennsylvania, for to-day.
Mr. MULLER with Mr. VAN SCHAICK, for this day.
Mr. DAVIDSON, of Florida, with Mr. FARQUHAR, for to-day.
Mr. RICHARDSON with Mr. LIBBEY, for this day.
Mr. LAWLER with Mr. NORWOOD, for this day.
Mr. HENDERSON, of North Carolina, with Mr. WAKEFIELD, for this day.

Mr. HEARD. I am announced as being paired with the gentleman from Kansas, Mr. HANBACK. That pair relates to political questions; but not considering this as a question of that character, I have voted.

The result of the vote was then announced as above recorded.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. The Chair will cause a communication from the Senate to be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 5, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 1204) for the relief of the children of the late Surgeon Albert M. Owen, and to increase their pension.

The bill was ordered to be returned to the Senate.

REPEAL OF PRE-EMPTION LAWS.

Mr. COBB. Mr. Speaker, I move to suspend the rules, take from the House Calendar, and pass the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

Mr. NELSON. I demand a second.

The SPEAKER. After the bill is read.

Be it enacted, &c., That chapter 4 of title 32, excepting sections 2275, 2276, 2283, 2286, and 2288, and section 2299 of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, are hereby repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, except by sale or disposal of his right thereto, to perfect title to a tract of land heretofore entered by him under the homestead laws, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed.

SEC. 2. That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, be, and the same is hereby, repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

SEC. 3. That section 2301 of the Revised Statutes be amended so as to read as follows:

"SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section 2289 from paying the minimum price for the quantity of land so entered at any time after the expiration of thirty calendar months from the date of such entry, and obtaining a patent therefor, the proofs of actual settlement and cultivation thereof to be filed at least six months prior and as preliminary to the application for the patent, and in the same manner and to the same effect as is provided and required in section 3 of this act as to final proofs and the issuance of patents."

SEC. 4. That an act entitled "An act to provide for the sale of desert lands in certain States and Territories," approved March 3, 1877, is hereby repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

SEC. 5. That hereafter no public lands of the United States, heretofore offered at public sale, including abandoned military or other reservations, and except isolated and disconnected fractional tracts authorized to be sold by section 2455 of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any person who has already settled on the public lands, either by pre-emption or by virtue of the homestead law, or any amendments thereto, and any person who shall hereafter settle on the public lands by virtue of the homestead law, or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads, canals, or ditches for irrigation or drainage across such pre-emption or homestead; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads."

Mr. PERKINS, Mr. HENLEY, and others demanded a second.

The SPEAKER appointed Mr. PERKINS and Mr. COBB as tellers.

The House divided; and the tellers reported—ayes 109, noes 48.

So (no further count being demanded) a second was ordered.

The SPEAKER. Under the rule fifteen minutes on each side are allowed for debate. The Chair will recognize the gentleman from Indiana [Mr. COBB] in support of the motion and the gentleman from Kansas [Mr. PERKINS] to control the time in opposition.

Mr. COBB. Mr. Speaker, this bill is substantially the bill that passed the House during the last Congress. I regard it as by far the most important bill, with reference to our public-land system, that has been pending in any Congress during the last ten years. It provides virtually for the repeal of the pre-emption, timber-culture, and desert-land laws. It amends the homestead law to the extent of requiring that the homesteader shall make his proof before he receives his patent, six months before the patent shall issue. As now he may do so at once and get his patent when the proof is filed.

Under our present laws with regard to pre-emption, timber-culture and desert-lands, in view of the passage of this bill, within the last two months the increase of filings under these laws has been enormous. I have a statement in my hand from the Commissioner of the General Land Office showing the increase of entries at the land office at Denver, Colo., which I incorporate in my remarks, which is a sample of what is being done at the other land offices in the West.

Comparative statement of pre-emption and timber-culture applications and cash entries in the Denver land office.

PRE-EMPTION APPLICATIONS.

	1885.	1886.
	No.	*No.*
January	120	118
February	157	173
March	145	379
April	116	552
May	141	*410
Totals	679	1,632

TIMBER-CULTURE ENTRIES.

January	57	106
February	79	135
March	95	288
April	77	416
May	126	*301
Totals	434	1,246

CASH ENTRIES.

January	45	39
February	28	31
March	48	51
April	39	75
May	34	*78
Totals	194	274

*From 1st to 19th.

But I desire to call attention of members of the House to some items in this statement, before they vote, showing the increase in the filings of applications in contemplation of the passage of this bill, comparing the five months of 1885 with the same period of 1886. The figures are given as follows: In January, 1885, it was 120; in 1886, 118, or 2 less. In February, 1885, 157; February, 1886, 173. In March, when they ascertained the fact that the probability was the bill would pass, the entries in 1885 were 145, while in March, 1886, under the apprehension which I have alluded to, they increased to 379. In April, 1885, there were 116, while in April, 1886, they jumped to 552. From the 1st of May to the 19th of May, 1886, 410 were filed, while in May,

1885, but 141 were presented. I refer now to the filings under the pre-emption law. This shows therefore an enormous increase under that system.

Now let us look at the timber-culture act. In January, 1885, there were 57 filings; in 1886, the same month, 106. In February, 1885, 79, and in February, 1886, 135; in March, when they began to start, there were 95 in the year 1885, and there were 288 in the same month for 1886. In April, 1885, there were 77, and the same month of the next year they rose to 416. In May, 1885, there were 126, and from the 1st of May to the 19th of May, 1886, there were 301, which will carry it up near 700 in that month.

Mr. HOLMAN. At one land office?

Mr. COBB. At one land office. And with reference to nearly all of them, as I am informed, the increase is wonderful. The public lands are being taken up by speculators and not by homesteaders, the men who go on the public lands to make homes for themselves and their families.

The evidence before the Interior Department is that these men that file these entries are doing it for speculative purposes under all of these three laws; and we believe it is necessary in order to preserve the public domain for future actual settlers that these laws should be repealed and thereby stop these frauds.

I know it will be insisted that the desert-land law ought not to be repealed; that, if changed at all, it ought to be amended merely. It is admitted by all, I believe, that that law is unfortunate in its provisions, and gives to speculators and those who go upon our public lands to plunder them the right to do so at their will. But they say that the desert lands are such that unless they can be held in greater quantities than 160 acres, as provided for by the homestead laws, entries will not be made, because a man can not live on that quantity of desert land. That may be true, but your Committee on Public Lands believed that the best thing to do to preserve our public lands was to repeal these laws, and to take our chances of passing others which will hold the public lands for actual settlers.

The SPEAKER. The gentleman from Indiana [Mr. COBB] has occupied five minutes of his time.

Mr. COBB. I reserve the balance of my time after yielding five minutes to the gentleman from Illinois [Mr. PAYSON].

Mr. NEGLEY. Will the gentleman from Indiana [Mr. COBB] before he yields the floor answer a question?

Mr. COBB. I can not in the time I have.

Mr. PAYSON. I reserve my time until the other side is heard.

Mr. PERKINS. I yield three minutes to the gentlemen from California [Mr. HENLEY].

Mr. HENLEY. I shall confine myself, Mr. Speaker, simply to a protest against the provisions of section 4 of this bill. I have some misgivings about the wisdom of a total repeal of the pre-emption law. From various sources, not from speculators, but from people in my State, I have had many protests against entire abrogation of that law. Amendments to prevent fraud are what is needed. I have no doubt that frauds have been practiced under the operation of that law, and I join in what the gentleman from Indiana has said in regard to them. But as to the repeal of the law out and out, its total obliteration, without reservation, I have some very serious doubts as to the wisdom of that policy.

I know this country has progressed in a most wonderful degree, challenging the admiration of the world, under the present land system; but I on the whole shall have to support this bill and am in favor of the pre-emption law.

The fourth section provides for the repeal of the desert-land law, which is in operation in California, Oregon, Wyoming, and other outlying regions in the western portion of this continent. The Committee on the Public Lands has now on the Calendar a bill providing for the amendment of the desert-land law, for the repeal of which this section provides; and I think the situation is somewhat anomalous. In my judgment the more logical and sensible way to do would be to amend this bill, striking out the section repealing the desert-land act, and then pass the bill now on the Calendar under a favorable report amending the latter act.

I simply rise for the purpose of placing upon record my protest against the repeal of the present desert-land law. I know it ought to be amended, but it ought not to be repealed without something being substituted in its place. I should like to have time to explain what are the provisions of the bill now on the Calendar, with a favorable report from the Public Lands Committee, amending the desert-land law. The question of irrigation of desert lands is one which now convulses the State of California from center to circumference, and in its presence every other question is dwarfed and belittled. It is of transcendent importance to our State to pass the law I have spoken of. I am opposed to the unconditional repeal of the law. As it is, its operation has been subject to frauds and abuses; but my effort before the Public Lands Committee was to have it amended, not repealed outright. As to the bill itself, I shall be constrained with some reluctance, owing to section 4, to support it; but I do so, for the reasons stated, under protest, and I give notice that at as early a day as possible I shall press to a vote my bill amending the desert-land act.

Mr. HENDERSON, of Iowa. In the form in which this bill is brought up it can not be amended in any way.

Mr. HENLEY. I know that.

Mr. PERKINS. I yield four minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. There are provisions of this bill which I can support and others which I can not. It is alleged frauds are committed under these land laws. That is true. I am not only opposed to those frauds, but I am in favor of so amending these laws as to prevent them. It would have been as easy for the committee to have proposed remedial legislation as to have proposed this absolute and peremptory repeal. What would be the effect of it? That no one can obtain land except by homesteading; and the day this bill becomes a law every acre of land held by railroads will be doubled in price. That is the first effect of the bill to which I call attention. The railroad companies alone would have public lands to put in the market. They would be the only merchants in the market, and you must buy from them or not at all.

The second objection I have is that from the very nature of things in the far West men can not homestead large areas of land. Where land can be used only for cattle purposes you can not homestead 160 acres, or rather you will not, for the reason that one can not support himself by raising cattle on 160 acres. So that this legislation simply puts a bar against all settlement of those lands by the people along about the Colorado line.

As I have said, I would be in favor of amending these several laws so as absolutely to prevent fraud; but I will not vote for this bill without a possibility of offering amendments, seeing its effects as I do. There are many reasons which could be given against it, and which in the limited time that I have I shall not enter upon now. I reserve the balance of my time.

Mr. PERKINS. I now yield five minutes to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON addressed the committee. [See Appendix.]

Mr. PERKINS. Mr. Speaker, if it is permissible under the rules, I would like to reserve my time until five minutes more of the time in support of the bill is consumed.

The SPEAKER *pro tempore*. The gentleman can do so.

Mr. COBB. I now yield five minutes to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, I am aware that it is not unusual for gentlemen having bills in charge when presenting them for consideration here to emphasize their importance; but I hazard nothing in saying, Mr. Speaker, that there has been no bill presented to the House for its action at this session of greater moment than the one now being considered.

For several years past the necessity for reform in our public-land system has been painfully apparent to every one who has had occasion to examine existing conditions and notice the administration of the laws as they stand, and to study the effect of present action upon the future condition of the country.

It is a matter of common remark, in a general way all are cognizant of the fact, that the vast empire of our public domain is being rapidly diminished. An area of public lands which was a few years only ago regarded as practically inexhaustible, which could and would afford comfortable, cheap homes for the adventurous pioneer, on soil of great fertility, has been so reduced by prodigal donations and grants for different purposes—mainly educational and for transportation—and by lax administration of imperfect laws and fraudulent evasions of their provisions, which rendered possible the acquisition of great areas of lands by individuals in fraud of the spirit as well as the letter of these enactments; this area, I say, sir, has been so greatly reduced and diminished that it is a serious question to-day to the honest toiler in the more thickly settled portion of the Union, desiring to take advantage of the homestead law, where he shall find an available tract of fertile land suitable for agriculture.

This generation has lived to see this vast amount of land substantially disposed of, and should the existing laws be allowed to remain on the statute-book, I am confident that there are those now taking part in the action on the bill who will see every acre of arable land belonging to the nation disposed of, as well as that which by irrigation may be made productive.

Mr. Speaker, I believe that if there is any sentiment prevailing among the people of this Union about which there is almost absolute unanimity, and which embraces every opportunity to give to itself expression, it is that a stop shall be put to these methods of disposition of the public lands, and that the residue now controlled by Congress shall be held for the benefit of Americans alone, who shall be actual settlers in homesteads only in small allotments not exceeding 160 acres, and which shall be given them without cost, except the usual small fees to the local land officers.

This same public sentiment also demands that the great areas of lands offered as bounties by the Government to railroad and wagon-road corporations, and which have been by the Interior Department withdrawn from the operation of the general land laws of the United States, so that settlement upon them was impossible by the citizen,

although unearned—that these lands, to which the corporations interested were not entitled by the terms of the laws making the grants, or at least by an equivalent equity, should be restored to the public domain for the benefit of actual settlers only, as I have before stated.

To that end, sir, have the labors of the Committee on the Public Lands been directed, especially during this and the last Congress. These labors have resulted in the presentation to the House of the various forfeiture bills which have passed, those now on the Calendar, as well as the bill now being considered, the object of these bills being to repeal all such measures now on the statute-books as render possible the improper acquisition of great bodies of the public lands by individuals or corporations, and to reclaim and preserve all public lands for the purposes stated.

These laws, which the committee think should be repealed, are the pre-emption, the timber-culture, and the desert-land acts. These the committee earnestly insist should be wiped from the statutes, and in that way the door be shut against the continuance of the frauds to which somewhat in detail I shall presently call the attention of the House and, I hope, the country.

I know there are many gentlemen about me, possibly a large proportion of the House, who have a very vague idea of the details of our public-land system, and hence of the necessity of this action. The localities from which they come are not affected by the existing laws; nor have they had occasion to examine the matter in connection with the performance of these public duties.

I trust I may be pardoned if I take a few minutes in giving such an abstract of the legislation as will make the present situation intelligible.

In earlier days the practice of disposing of the public lands was this: When they should be surveyed they were, by proclamation of the President, offered for sale, at public auction, to the highest bidder for cash, a minimum price of $1.25 per acre being demanded.

Practically, at such sales very little land was sold, and that remaining unsold was technically known as "offered land," and was thereafter subject to what was called "private entry;" that is, the right of purchase by any one at the local land office, in any quantity, at $1.25 per acre.

The policy was, as is apparent, to sell the public lands as rapidly as possible for the purpose of obtaining as much revenue as possible therefrom, and this policy of administering the affairs connected with the public domain continued for many years; and indeed large areas of "offered lands" still are held on the books at the Land Office, located especially in the South, and which are now being rapidly taken up by capitalists in large bodies.

Under this practice, and especially beginning about 1838 to 1840, a very large proportion of the "surveyed lands" thus "offered" were secured and held in large bodies for speculative purposes, and the settler was asked a largely increased price for them. This drove the settler beyond the limits of the "surveyed lands," and settlements were made upon not only "surveyed" but unsold lands, but on unsurveyed lands as well.

This led to the passage of the pre-emption (or prior right of purchase) law of 1841, which gave the actual occupant the first right to purchase, but this act restricted the operation and privilege to "surveyed" lands, and this right was extended by the act of 1853 to unsurveyed lands.

The pre-emption law was the first general law of the United States for the disposition of the public lands in the interest of actual settlers, and under it, to a great degree, has been the marvelous growth and development of the great West and Northwest. But it must be kept in mind that the pre-emption law was a settlement law, and no one was entitled to the benefit of its provisions except an actual occupant of the land itself, and upon payment of $1.25 per acre.

In 1862 the homestead law was passed, which, in substance, gave the land, not exceeding 160 acres, to the settler on five years' residence.

But this act contained the provision of a right on the part of the settler to "commute" his homestead—that is, the right to buy the land at $1.25 per acre—after a limited period, so that the homestead act, with its commutation feature, was essentially the pre-emption law. And we have had since that two systems of settlement laws for the disposal of the public lands with the only result, after keeping up the two systems, of permitting acquisition under each of a farm of 320 acres to each settler.

For many years, as the area was so vast, but little thought was given to ultimate results under the practice of "private entries" in unlimited quantities and of double entries by "homestead" and "pre-emption." With the diminished area of agricultural public lands there have been no general proclamation for sale of such lands by the President for many years, and by the withdrawal of much land from private entry by executive order opportunity for speculation in the purchase of lands direct from the Government has been correspondingly reduced; and owing to greater demand for lands in late years for obvious reasons, such as the rapid increase in population, increase in value in farm lands in older sections of the Union, the discontinuance of public sales, &c., the ingenuity of capitalists and speculators has been exercised to evade the plain spirit of the law and to acquire lands evading the "settlement" provisions.

As I shall presently show, this ingenuity has resulted in frauds of the most alarming character, and which lead me to say that this bill is of so much consequence.

Later on, yielding to a sentiment that a liberal policy as to the planting of forest trees would encourage that practice in the great prairie regions of the Northwest, the timber-culture act of 1873 was passed.

That act provided that "any person" might make an entry of 160 acres "for the cultivation of timber thereon," requiring at least 40 acres of timber, &c., final proof after ten and within thirteen years from entry.

Various amendments have been made, so that now in substance the law requires that only one quarter-section in a section shall be so entered, that 5 acres shall be "broken" the first year, and 5 the second, and the 10 acres set to trees within the first four years, and that final proof may be made after eight and within thirteen years from entry.

As I think I shall fully show, Mr. Speaker, whatever the hopes were which inspired this legislation, they have wholly failed, and the act has been used as a basis of frauds similar in character to those under the pre-emption law, beside the further fact that the law is a failure by reason of its inherent defects.

This all results in the conclusion that the law should be repealed. The only other law of general application in force is the desert-land law.

As is well known, there are vast areas of land in the western, northwestern, and southwestern portions of the Union which, owing to the lack of rainfall, are unproductive of crops except when irrigated by artificial contrivances. The purpose of this act was to secure the reclamation of these lands thus barren and unproductive, and as the process of irrigation was necessarily expensive, it was urged that inducements of larger areas of land must be held out to secure attempts. So by the act land not exceeding 640 acres in compact form may be purchased at $1.25 per acre, 25 cents when the "filing" is made and $1 when the final proofs are made, if ever, and with this proof of conducting water upon the land in sufficient quantity to reclaim the tract. The abuses of this act will be noticed later. These, sir, are the laws of general application as to disposition of the public lands, and for reasons to be stated we recommend the repeal of all except the homestead law by this bill.

Mr. Speaker, this bill in substance passed both Houses of Congress in the Forty-eighth Congress; it has been recommended by the Commissioner of the General Land Office for four successive years, and two Secretaries of the Interior, the present one and his predecessor, have favored its passage.

Mr. McRAE. Will the gentleman allow me to interrupt him?

Mr. PAYSON. No, sir; unless I misstate something. I shall then be glad to be corrected.

Mr. McRAE. I think you do misstate when you say that this bill passed both Houses. I ask whether section 5 ever passed either House?

Mr. PAYSON. I say that this bill in substance passed both Houses, and the only reason it did not become a law was because in the Senate a bill of a private nature affirming some private entries in Michigan was attached to it on the motion of a Senator from that State, and that amendment defeated the bill. But the principle of this bill has been recommended for four years past by the Commissioner of the General Land Office, and also by the last Secretary of the Interior and by the present one.

Mr. McRAE. I assert that no such provision as is contained in section 5 ever passed either the House or the Senate or has ever been recommended by the Commissioner.

Mr. PAYSON. Now, Mr. Speaker, the necessity for the passage of this bill is found in the reports of the Commissioner of the General Land Office. For the last three years all the frauds with which the public land system have been tainted, and which have grown to such an extent as to have become a stench in the nostrils of every man who has undertaken to examine the subject, have arisen out of the existence of these laws upon our statute-book.

Mr. HENDERSON, of Iowa. Will the gentleman allow me one question?

Mr. PAYSON. Yes, sir.

Mr. HENDERSON, of Iowa. Does this bill in any way affect the right of a soldier in making a land entry to have credit for his length of service?

Mr. PAYSON. I thank the gentleman for asking that question. It does not affect the soldier directly or indirectly. The provision of law which gives the soldier the right to be credited with his length of service is found in the homestead law in section 2305 of the Revised Statutes, which is as follows:

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

That provision is part of the chapter of the statutes on "homesteads," with which the bill does not interfere, except to extend the commutation feature to thirty months, and which I will explain hereafter.

The bill proposes the repeal of the pre-emption law, the timber-culture act, and the desert-land act, but does not touch the homestead law except to extend the commutation provision from six months, as it is now, to thirty months. It does not touch the soldier question at all one way or the other. I am glad the gentleman asked the question, because I understood my colleague, the chairman of the committee, to say in answer to a question by the gentleman from Pennsylvania [Mr. NEGLEY] that it did, but that is a mistake. If he so replied he doubtless misunderstood the gentleman from Pennsylvania. I am now advised that he did not hear the gentleman from Pennsylvania.

Mr. PETERS. Will the gentleman state what proportion of the public domain is now remaining that can be taken up under the homestead law?

Mr. PAYSON. Probably not exceeding 20,000,000 of acres. Take the reports of the Commissioner of the General Land Office for the last four years, and you can hardly find a page that is not bristling with accounts of fraudulent and fictitious entries, sometimes amounting to 30,000, 40,000, or even as high as half a million acres in inclosures based on these fraudulent entries. I have papers in my desk covering cases where at least a half million acres have been taken under fictitious entries. I have a communication from the Commissioner of the General Land Office, saying that in Estes Park, in Colorado, 6,000 acres were taken at one time in behalf of mythical claimants, but really for a man who is a nobleman in England, the Earl of Dunraven.

This is the paper:

LARAMIE CITY, WYO., *April* 18, 1881.

SIR: Referring to your letter "A," of February 24, I have the honor to inform you that I went to Denver, Colo., on the 3d instant, and after conferring with the United States district attorney at that place, I found it would be necessary to go to Estes Park in order to get the information required to make a full and complete investigation of the alleged fraudulent entries of lands referred to in your letter.

I accordingly left Denver on the 5th instant and reached Estes Park the same evening, having traveled 35 miles with livery team. On reaching the park I found A. Q. Macgregor and others who have lived in the park and been connected with its settlement from the commencement. After obtaining all the information that was within reach in the park, I went to Fort Collins (the county seat of Laramie County) for the purpose of making an examination of the county records with reference to the transfer of any of the lands embraced in the list alleged to have been fraudulently entered.

For convenience I have made a tabulated statement, and inclose it herewith, of all the lands that have passed into the hands of Theodore Whyte, who has been the general agent of the Estes Park Company. This statement is marked Exhibit A, and shows in whose name the lands were patented, the date of the entry, the register and receiver's number, the date of the deeds transferring the same to Theodore Whyte, and the date of recording in the county records of Larimer County.

From A. Q. Macgregor and others of Estes Park I learn that the first-named thirty persons in Exhibit A have never lived in Estes Park, never made any settlement on the land, and, in short, never have complied with or attempted to comply with the law for the settlement on the public lands; and, in fact, these thirty names are believed to be fictitious, having no existence in fact.

As to the other eight names on the exhibit some of them have been in the Park occasionally and others have lived there, and a portion of them have made showing of settlement, but none have complied with the law by living on and improving the land. They evidently started out to take the land and transfer it to Theodore Whyte or the Estes Park Company, by prior agreement to that effect with Whyte.

The witnesses to the foregoing facts, and by whom they can be proven, are A. Q. Macgregor, Henry Farran, Lyman A. White, W. L. Walsh, and Charles Thorne, of Estes Park; Lewis Rowe, of Fort Collins; David Miller, of Lougmout; J. M. Cavanaugh, of Central Gulch, Boulder County; Hugh McDermot, of Griffith, Saint Vrain's Cañon; Dexter Smith, of Evans's Ranch, Saint Vrain's Cañon, Griffith; J. Evans, of Saint Vrain's Cañon.

Several of the above-named parties were witnesses before the grand jury who indicted the thirty parties first named on the exhibit some years ago, and who then testified to all the material facts I have mentioned.

If further testimony is needed the names of other witnesses can be obtained by referring to the old indictment in the Denver court. By the examination of the records at Fort Collins I find that all the lands embraced in Exhibit A (except those marked "not transferred") were conveyed by warranty deed to Theodore Whyte by persons representing the names on Exhibit A. The acknowledgments were made before either Albert B. Jones, George M. Howe, or Inon Brooks, notaries public.

On the 1st day of March, 1876, there was recorded a power of attorney from Theodore Whyte to Windham Thomas, Earl of Dunraven, of London, England, authorizing said earl to sell or dispose of Whyte's one-third interest in all personal and real property in Estes Park. Said power of attorney is recorded in Book I, pages 138 and 139.

On the 14th day of September, 1876, there was recorded a deed (without warranty) from Theodore Whyte to Frederick G. Cornish for all the land embraced in Exhibit A, the consideration being $5.

On the 5th day of September, 1876, Frederick G. Cornish made a deed of trust for all the lands named in Exhibit A, the consideration being $5, the consideration of the trust to hold said lands in trust for the Estes Park Company, or to dispose of the same in whole or in part, or to be governed by the wishes of Windham Thomas, Earl of Dunraven. This deed was recorded September 14, 1876, in Book I, pages 228 and 229. On the 4th day of February, 1879, David H. Moffet, jr., and Theodore Whyte deeded by quitclaim to the Estes Park Company all the lands described in Whyte's deed to Cornish (without any other description of the land); consideration, $1. This deed is recorded in Book L page 36.

So far as the county records show, the title now rests in the Estes Park Company to all the lands described in Exhibit A.

This corporation (Estes Park Company) is organized under the laws of Great Britain and doing business in Colorado.

Theodore Whyte appears to be the authorized agent and general manager of the company. The company is known and commonly called the English Company.

Frederick G. Cornish, to whom Whyte deeded the land, is a personal friend of Whyte. (Both are Englishmen.)

David H. Moffit, to whom the deed of trust is made (in part) by Cornish, is president of the First National Bank, of Denver, and I am informed the Estes Park Company do all their banking business with Moffitt's bank.

From all the facts and information that I have been able to collect, I am forced to the conclusion that none of these lands have passed through the hands of innocent purchasers, nor is the Estes Park Company, in whom the title now seems to rest, innocent purchasers, Theodore Whyte, its agent and general manager, having been one of the principal actors in all the transactions connected with the entry and transfer of the same, and, as I am informed, one of the principals in bringing about or inducing the fraudulent entry of the lands.

Whether any of the stock of the Estes Park Company has been sold or disposed of to innocent purchasers or not I have not been able to find out, but it is believed by persons who have good opportunities of knowing that none of the stock has been sold. If none of the stock has been sold to innocent parties there would seem to be nothing in the way of setting aside the patents, and in this opinion the United States district attorney fully concurs.

In conclusion I will add that I am forced to believe from all the circumstances and the testimony of reliable and trustworthy citizens of Colorado that this has been a deliberate and systematic scheme to obtain possession of all the best lands in Estes Park by fraud and perjury.

The other cases mentioned in your letter of February 24 will be reported as soon as I can make them up.

Very respectfully, your obedient servant,

JNO. M. JONES, *Special Agent.*

Hon. J. A. WILLIAMSON,
Commissioner General Land Office, Washington, D. C.

Appended is a list of the lands, aggregating nearly 7,000 acres, and the names of the assumed entrymen, mythical and personal, under which these frauds were perpetrated.

Here let me insert some of the official reports bearing on this question, premising them with the statement that these are only typical of the situation. They could be extended, Mr. Speaker, almost *ad infinitum:*

[From A. R. Greene, inspector, November 3, 1884.]

Generally speaking, I believe that fraudulent entries of the public lands include a large per cent. of the whole number, excepting possibly cash entries.

The idea prevails to an almost universal extent that, because the Government in its generosity has provided for the donation of the public domain to its citizens, a strict compliance with the conditions imposed is not essential. Men who would scorn to commit a dishonest act toward an individual, though he were a total stranger, eagerly listen to every scheme for evading the letter and spirit of the settlement laws, and in a majority of instances I believe avail themselves of them.

Our land officers partake of this feeling in many instance, and if they do not corruptly connive at fraudulent entries, modify their instructions and exceed their discretionary powers in examinations of final proof. This is especially the case with entries under the timber-culture law.

At the very best, this law was a doubtful experiment at the start. The greater portion of the lands upon which artificial groves could be grown without irrigation had passed from the Government before it was enacted. I have never seen any instances of its success except in the eastern portion of Nebraska and Southeastern Dakota. I do not say there are no other.

The prime cause of failure lies back of any fault of the entryman, although his remissness makes the failure more complete. Natural causes and neglect together have rendered success impossible.

It is not a question of encouraging a climate and soil favorable to forest growth to greater productiveness, but one of compulsion against the embarrassments of an uncongenial soil and blighting winds.

The experiment has approximated success about as nearly as an effort to make water flow uphill. I doubt if the trees standing on any timber-culture entry west of the one hundredth meridian would retard a zephyr.

The hopelessness of the attempt was apparent to every one who was familiar with the soil and climate of the region proposed to be reclaimed at the outset, but the opportunity for getting a quarter-section of land for a trifle induces men to go through the merest form of compliance with the law and make up the rest by perjury. I hesitate to make the statement that in a large proportion of cases *no* pretense of complying with the law has been made, but I believe such to be the case. I have traveled over hundreds of miles of land in Western Kansas, Nebraska, and Central Dakota, nearly one-fourth of which had been taken under the "timber-culture act," without seeing an artificial grove even in incipiency, and can scarcely recall an instance in any one day's travel where the ground had been more than scratched with the plow for the purpose of planting trees.

I have seen small patches of land (possibly 5 acres) where the prairie sod had been "listed" in furrows 6 or 8 feet apart each way, and occasionally a sickly cottonwood sprout, 2 or 3 feet in height, of the thickness of a man's thumb, standing thereon. In other cases the land had evidently been honestly plowed at some time, but through neglect had grown up again to grass and the trees (?) were holding up their tiny, cattle-browsed, fire-burnt branches in mute protest against the farcical absurdity of the "timber-culture act."

As to the proportion of land entered under the timber-culture act that is not improved as required by that act, I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly successful cultivation.

The methods by which fraudulent timber-culture entries are made consists, first, of a failure by careless entrymen to comply with the law. A large class of homesteaders take up adjoining quarter-sections under this act, and intend after the lands have passed to patent to appropriate the whole of a wheat field or stock farm. They "don't want to be bothered with brush," and argue that the act was made to be evaded.

They go to the officer before whom final proof is to be made, and their neighbors, who are similarly situated and entertain like opinions of the land laws, appear as their witnesses. Probably the tract required to be cultivated may have been plowed and planted with trees or cuttings. It may have been subsequently cultivated after a fashion and gaps in the rows replanted with trees. These facts are dwelt upon by the witnesses, who expect a like favor of the entryman in their own behalf in the future. The officer sometimes volunteers a few questions to further convince himself that the law has been respected, and for want of any evidence to the contrary the proof is accepted and the final certificate issues.

The above represents the better class of timber-culture entries that may justly be termed fraudulent.

A more vicious system of fraudulent entries has been successfully practiced by and in the interest of cattle-men and stock corporations. If the law had been enacted solely for their benefit it could scarcely have been more successful.

I have been told that entrymen engaged in this character of frauds seldom make a pretense of plowing or planting trees, or complying in any particular with the law. My own observation confirms this statement, and I believe it to be true. This is largely the case in Colorado, Dakota, Montana, Nebraska, and New Mexico, where immense stock ranches have been established and all the valuable grass land and water have been secured. This system also obtains to no inconsiderale extent in Kansas, I believe.

The method is simple, effective, and infamous.

I have had occasion to inquire into its details somewhat in the examination of land offices in connection with charges of collusion on the part of the officers.

A "cattle king" employs a number of men as herders; "cowboys" is the popular designation for them. The herd is located on a favorable portion of the

public lands, where grass, water, and shelter are convenient, and each herder is expected and required to make a timber-culture entry of lands along the stream. These entries often very nearly, if not quite, occupy all the watered lands in a township and render the remainder undesirable for actual settlement for farming purposes.

Thus an entire township, and frequently a number of townships together, are dominated by an interest the most inimical possible to ordinary agricultural operations and a development of the country. If a *bona fide* settler has located in advance of the cattle-man he is either bought off or scared off. I found one case where the evidence showed conclusively that *bona fide* entrymen had been driven from the land they desired to acquire by a party of men brought from a distant part of the State, who did not know the description of the lands they filed on until it was furnished by the man in whose interests the lands were being taken, and who furnished the money for the entry fees.

A strong presumption of collusion of the land officers was raised in this case, the preponderance of evidence being that these fraudulent entrymen were given the preference over others who applied to make *bona fide* entries.

It is unnecessary to multiply cases. The methods are similar—methods in which brute force is the larger factor and a defiance of law and decency the brazen boast. The results are identical.

Our land officers are largely to blame for abuses of the land laws in general, and the homestead law is no exception.

It seems to me there should be some way to distinguish between a fire guard of a few furrows plowed around a quarter-section and a corn-field—some way to determine whether a description of a house "14 by 16" referred to inches or feet square; whether the floor was bored or board, and whether the "shingle roof" meant more than two shingles, one on each side.

This may sound ridiculous, and yet the statement has been made to me that these simple evasions have been very successfully employed in acquiring homestead entries in Dakota and elsewhere.

I have found one land office where the rules were so lax that a house 6 by 8 feet, built of unbattened boards, was accepted as a "comfortable residence" in latitude 46° north.

A settler once importuned me to advise the land officers to allow him to make final proof before the expiration of the full time because "his family was anxious to go back to Chicago, and would be liable to freeze to death in the shanty if they remained on the homestead." This man was a minister of the gospel and a highly respectable citizen, but his moral perceptibilities were fearfully blunted when he came to consider land laws.

My observation has convinced me that entries of timber lands are made very largely in the interest of mill-men and lumber companies, their employés being used to perpetrate the frauds, very much as the herders of the cattle companies are in the case of timber-culture entries.

I have seen a mill-owner appear at a land office in company with seven or eight of his employés and assist them in making homestead filings, giving them the money for the fees. The most rigid examination and impressive administration of the oath failed to betray them into any confession of collusion, however, and all that could be done was to put a special timber agent on the track of an investigation. This was done, with what results I never learned.

As regards the unlawful fencing of public lands, the evidence is of the most positive and convincing character. It is notorious that extensive inclosures of this kind have been made in Nebraska in the vicinity of North Platte, and south of there at inconsiderable intervals all the way to and into the Indian Territory, including large areas of the States of Nebraska, Colorado, and Kansas. There are doubtless other similar unlawful inclosures, but I speak of those with which I am familiar.

These inclosures occasionally included settlements, and the stock companies have in some instances bought the settlers' improvements and amicably induced them to leave. In other cases, bloody feuds have been originated, of which there could be but one result, and that against law and justice.

The effect of such domination upon immigration and settlements is the worst that can be imagined.

The best lands, and practically all the waters, are controlled by men who have no interest in the development of the country, evade taxation, and in many cases owe no allegiance to our laws and Government. They have abundant physical power always at hand to enforce their schemes of spoliation and set the local authorities and people at defiance.

Settlers avoid such localities as they would districts stricken with a plague, and the tide of immigration turns back to publish and magnify the evil.

[From Special Agent Webster Eaton, Duluth, Minn., October 28, 1884.]

The territory operated in by me is in the northern portion of the State of Minnesota and is embraced in the Duluth and Saint Cloud United States land districts. It is a timbered country, and but a very small portion of the land is adapted to agricultural purposes. Fully one-third of the surface of the land in the territory referred to is covered with swamps. A large portion of it is also covered with ledges of rocks. About one-tenth of the land is covered with pine forests.

In reference to the Duluth land district I will make a few figures for the purpose of more thoroughly convincing you that my calculations and estimates are about correct. There are in this district 412 townships (some of them fractional). Of this number 305 have been surveyed and the plats returned to the local office, and 107 are yet unsurveyed. Two hundred and seventeen of the surveyed townships have been offered at public sale and 88 are unoffered.

There have been 2,361 homestead entries made in this district. Of these 887 have been what is known as soldiers' additional homesteads, and more than 1,000 others have been commuted to cash after a pretended residence of six months. Only 273 have been proven up on as actual homesteads, and a very large proportion of this last number has been by old soldiers, who were compelled to have a residence on the land but a short time. Up to this date there have also been 3,280 declaratory statements filed, upon about two-thirds of which final proof has been made. Thus it will be seen that there have been over 4,300 final entries of this kind made, to say nothing about the cash entries and entries at public sale; and I know that there are less than 100 actual settlers living upon any of these lands in this land district who make a living by farming, or who are trying to make a living in that way, and although I have made diligent inquiry during my stay of over one year in this place I have yet to find one person who is making a farm or trying to make a farm upon a pre-emption claim. Therefore I think I am fully warranted in saying that less than one-thirtieth of the claims taken in the Duluth United States land district are taken for actual settlement.

The favorite method of obtaining title to the pine and mineral lands of this section has been to hire men for a stipulated amount to pre-empt or homestead the most valuable tracts, the same to be conveyed immediately by warranty deed upon making final proof. The county records of the different counties in the district will bear me witness that this must have been the case, even though we had no other testimony. Nineteen-twentieths of this land has been taken for the pine timber that is upon it, and most of the remainder for iron and other minerals.

Less than one-tenth of the land entered in this way is now in the hands of the original claimants, and most of it is considered worth less than 10 cents an acre for agricultural purposes, and after the timber is taken off the land is looked upon as worthless, and men are not plenty who will pay the taxes upon this land for it. Nearly all of the land taken in this manner has been taken for extensive lumber firms in different parts of the State.

Mr. Speaker, I call especial attention to this report. Over forty-three hundred entries were carefully examined, all presupposing settlement, occupancy, and cultivation, and yet less than one hundred actual settlers who are farmers and not one farmer on a pre-emption claim!

[From Thomas W. Jaycox, special agent, Aberdeen, Dak., October 25, 1884.]

In my opinion not more than 30 per cent. of the land in this district entered under the provisions of the pre-emption and homestead laws is occupied by actual settlers. The practice largely prevails of immediately abandoning the land when cash entry is made for the same. Fully 75 per cent. of the entries made under the provisions of the pre-emption laws are made for speculative purposes, and not for a home and for cultivation. The claimants mortgage their claims for as large a loan as they can procure upon the land, then make a homestead filing, move in town, return to the East, where they came from when they entered the land, or offer the same for sale, when it is purchased by non-resident speculators. The result in either case is the same—the land is left unoccupied.

I am of the opinion that 90 per cent. of the entries that are made under the provisions of the timber-culture act are made purely and simply for speculation. The entryman when he makes the entry intends to relinquish the land at the end of three years at the farthest, when the relinquishment will be worth from $200 to $500. I am of the opinion that very few timber-culture entries will be proved up under the provisions of the timber-culture act. They will be turned into pre-emptions or homesteads and pass out of the hands of the speculators as soon as it becomes troublesome to comply with the law.

[From Special Agent William Y. Drew, Wichita, Kansas, November 26, 1884.]

My work has been performed almost entirely upon the Osage and Kansas trust and diminished reserve lands, which lands are only subject to entry by pre-emption; therefore my experience and observation in regard to the obtaining of the public lands by homestead or timber-culture entry has been very limited.

There are two kinds of fraudulent entries of public lands that have come under my observation, the "intentional" and "unintentional." The "unintentional" are those where, through the willful or mistaken interpretation of the laws relative to what is required in settling on and proving up on the public lands given by notaries or real estate agents to the persons intending to avail themselves of the pre-emption law, the entryman does not comply with the law in residing on or making a home on the land. In some cases they have been led to believe that, by putting up a sod inclosure 3 or 4 feet high and throwing some loose boards over it for a roof, two or three days before going to make their proofs, and having from 2 to 10 acres plowed, all they would have to do would be to claim it as their home, even if they never ate or slept on it, and it would be a substantial fulfilling of the law's requirements. Others have the idea that by going on the land about once every month, sometimes eating and sleeping upon it at those times and sometimes not, that they have fully complied with the law. They will have probably a small shanty or sod house that would hardly shelter a pig, and a few acres of breaking.

These parties very often build and make other improvements on the land and occupy it after proving up. Others dispose of the land very soon after proving up, though probably they had no intention of doing so at the time of making their proof. There are a good many cases of this kind, and I have had my attention called to several and have reported on them. The "intentional" frauds are where parties have employed others to prove up on public lands, furnishing the money to make the payments and paying the entryman a small amount for his services.

In some cases stock-raisers have had their employés prove up on lands on which their stock was ranging, and as fast as one batch would get through another batch would be employed, and in that way quite a large amount of the public land would be gobbled up. In some cases that have come under my observation the parties who it is claimed proved up on the land were never known or heard of in the vicinity, but the improvements made on the land have been done by parties who afterward obtained the land, and presumably hired the entryman just at the time proof was to be made to make the required affidavits. In other cases I believe that the entryman was a myth, and that the proof papers and deeds of the land were made out in the notary's office, fictitious names attached for both principal and witnesses, and acknowledgments taken by the notary as though the parties had actually been present.

There are other cases where parties made a business of proving up lands under different names, apparently for the purpose of obtaining from $50 to $100 by mortgage more than the land cost them.

Some parties have fenced in large bodies of the public lands through which a water-course is flowing, and by themselves and their employés have proved up the land adjoining the water-course. They claim not to interfere with settlers going into the inclosures, but as their cattle are running at large inside the settler can not raise a crop without he goes to the trouble and expense of fencing in the tract he claims, and then there is always more or less trouble in other ways between the settlers and herders in regard to keeping gates closed and getting settlers' cattle mixed with the cattle belonging to the stockmen. It is reported that two men (father and son) were killed in Barber County by herders on account of leaving the gates open while going to land they were claiming inside the inclosure.

[From Register and Receiver, McCook, Neb., November 26, 1884.]

All or nearly all the lands bordering on streams have been taken under the homestead, pre-emption, and timber-culture laws. Proofs are made, and we hear it reported that deeds are executed soon after to other parties, but to whom we have no means of knowing at this office—presumably to cattle companies.

As to the timber-culture act, Mr. Secretary Teller, in his last annual report, recommended the repeal of this law in the following forcible language:

In my last annual report I called attention to the abuses flowing from the operations of this act. Continued experience has demonstrated that these abuses are inherent in the law, and beyond the reach of administrative methods for their correction. Settlement on the land is not required. Even residence within the State or Territory in which the land is situated is not a condition to an entry. A mere entry of record holds the land for one year without the performance of any act of cultivation. The meager act of breaking 5 acres, which can be done at the close of the year as well as at the beginning, holds the land for the second year. Comparatively trivial acts hold it for a third year. (During these periods relinquishments of the entries are sold to homestead or other settlers at such price as the land may command.)

My information leads me to the conclusion that a majority of entries under the timber-culture act are made for speculative purposes and not for the cultivation of timber. Compliance with the law in these cases is a mere pretense and does not result in the production of timber. On the contrary, as one entry in a section exhausts the timber-culture right in that section, it follows that every fraudulent entry prevents a *bona fide* one on any portion of the section within which the fraudulent entry is made. My information is that no trees are to be seen over vast regions of country where timber-culture entries have been most numerous.

Again, under the operation of the pre-emption, homestead, and timber-culture

laws any one person may enter 160 acres in each class of entry, making a total of 480 acres which may be taken by one person.

[From J. L. Prichard, special agent, Gunnison, Colo., November 29, 1884.]

The principal frauds are perpetrated on what I have designated as the hay or grazing lands, and are in proportion to *bona fide* entries as perhaps 1 to 10. A large portion of them are made by collusion between the cattlemen and their employés. The method is well understood by the Department, and I may say in this connection that these are the most difficult cases a special agent has to deal with.

[From A. F. Ely, special agent, Pueblo, Colo., October 25, 1884.]

In Western or Southwestern Kansas, in the territory embraced in the Larned and Garden City land districts, a large number of fraudulent entries have been made in the interest of parties seeking to control large bodies of land for stock ranges. The methods used were to hire a number of young men ostensibly to assist in taking care of stock, but really to pre-empt a tract of land for the party or parties desiring to obtain stock ranges, the agreement usually being that the employé, in addition to his other duties, should file on some tract of land to be designated by his employer, claim that as his home for six months, and then make final proof and convey the land to his employer, the employer to pay all the expenses incident to the same. Since the institution of investigations of this class of entries the fraudulent entryman, instead of conveying the land by deeds, in many cases gives his employer a mortgage on the land. Eight-tenths of the fraudulent entries are pre-emptions.

The largest proportion of fraudulent entries is on the Osage lands in Kansas. Up to December, 1883, I think three-fourths of all the entries made on these lands west of range 16 W. were fraudulent, and were made in the interest of stockmen. Not one-twentieth of the lands entered on the Osage strip were occupied by actual settlers up to December, 1883. Outside of this tract about one-tenth of the land entered by pre-emptors in the land districts before named is actually occupied by settlers. About one-half of the land homesteaded in the same territory is occupied by actual settlers.

As to the land entered in the Pueblo land district of Colorado, I have not sufficient knowledge or information to enable me to give any correct information. I can state that in the survey of the Arkansas Land and Cattle Company's inclosure we found no inhabitants inside of it except one or two near Granada and three or four near Holly Station, and this inclosure contains over 600,000 acres of land, and, as I am informed, all of the water privileges in it have been pre-empted.

[From W. H. Goucher, special agent, San Francisco, Cal., November 17, 1884.]

I would estimate that but 5 per cent. of the entries made under the timber-culture and desert-land laws are in good faith and with the intent of accomplishing the purposes contemplated in those acts. Ninety per cent. of all the entries under these laws made in this district were filed within the past two years. As the requirements of the laws during such period are preliminary to the object intended, especially as to the timber-culture act, no estimate can be made as to the proportion of such entries as are really improved by planting and cultivating trees. My estimate of 5 per cent. is based on the number of entries that are relinquished and the general tone of the settlers from conversations, &c.

As a rule, it is safe to assume that the entries made under the desert-land law in the Los Angeles district are for the purposes of speculation, for the reason, as I have before stated, that owing to prior appropriation of the water it would be almost impossible to procure the necessary water to reclaim such lands, even if the entryman was honest in his intentions. During the year 1877, shortly after the passage of this act, a large number of desert entries were made in this district of which not 2 per cent. have been reclaimed, as contemplated in the act.

[From Receiver, Boisé City, Idaho, October 14, 1884.]

I believe it would be for the best interests of settlers if the desert act were repealed. Large bodies of land are under this act segregated from the public domain for a term of years by stockmen and speculators, who can afford to pay the 25 cents an acre for the use of the land for three years and the hope of selling out to actual settlers. So far as this district is concerned the desert act has been a drawback rather than a help or advantage. I would advise that it be repealed at the earliest moment.

The Idaho and Oregon Land Improvement Company have acquired title and control of large bodies of land in several localities in this district and the Hailey district for speculative and town-site purposes contrary to law, as I understand it. I refer to the Hailey district only for the reason that it was formerly part of this district.

[From Special Agent T. H. Cavenaugh, Olympia, Wash., November 8, 1884.]

I am convinced, from examination and investigation, that 90 per cent. of the homestead and pre-emption entries made within the territory named herein are made solely for the timber growing thereon, and because such lands are ready sale. By making use of the pre-emption and homestead laws the entrymen save in purchase of tract the difference between $2.50 and $1.25 per acre, which swells the profits when sold.

These, sir, are from the records at the General Land Office, and were all made under the last administration and to Mr. Commissioner MacFarland. They are only a few of the vast number of reports made by the special agents in the field and are typical of the rest.

I state to you, sir, and to the House that I have examined scores of these reports and they are all of the same tenor; there have been no exceptions in the last few years.

I have said these reports to which I call special attention were made to the last administration, and I have selected them for that reason.

I know that many attacks have been made upon the present Secretary of the Interior and the Commissioner of the General Land Office by some of the newspapers for their zeal in the matter of land reform.

From an intimate personal acquaintance with both those officers, and frequent association and consultation with them upon matters connected with the public lands, I know and take this occasion to say that both those gentlemen are heartily in accord with the public sentiment of to-day on this question.

The reports which come to them day after day from the special agents now in the field are practically like those given by me here, but I do not cite them in detail, contenting myself with referring to the fact and citing earlier ones to demonstrate that these abuses have been of long standing and that it is no recent discovery.

The opinion of Mr. Commissioner McFarland is best shown by an interview with him in 1884, published in one of the leading papers in the West, which I call especial attention to:

"How is the system of special agents working?" asked a Tribune correspondent of Commissioner McFarland, of the General Land Office.

"Satisfactorily. The special agents have been in the field about six months, and reports from some of them are received every day. I have examined and acted upon about eight hundred illegal and fraudulent entries reported by them. These entries covered about 128,000 acres, of which the Government would have been deprived except for the new service."

"Have any of the persons who held such entries appealed from the finding of the special agents?"

"Yes; in eighty cases only out of the eight hundred examed under this system have objections been offered to the proposed cancellation of the entries. This fact is significant of the correctness of the agents' reports and of the wholly indefensible character of the impeached entries. The reports are in all cases based upon a personal examination by the agent of each tract of land, and the entry is held for cancellation except upon positive evidence. It is further found that in few, if any, of the eighty cases have the objections come from the persons in whose names the entries were made. They usually appear to be from persons who furnished the money for the entries or bought them afterward."

"What kinds of lands did these fraudulent entries cover?"

"Pine-timber lands in Minnesota, Michigan, Wisconsin, and Missouri, made ostensibly for settlement under the pre-emption and commuted-homestead laws, but actually to obtain the valuable timber for the nominal price at which agricultural lands are sold to settlers. The principal operators are persons largely engaged in the timber business, the 'settler' being a convenient myth. Another class consists of timber lands in California, Oregon, Nevada, and Washington Territory. The reports of special agents, particularly in California and Washington Territory, disclose a combination of large capitalists, English as well as American, to obtain title to immense tracts of timber land by hiring men, women, and children to swear to false affidavits that they make the entries as required by law for their own use and benefit, and not for speculation. The prices regularly paid for a set of false entry papers range, according to the reports, from $50 to $100. The Government gets $2.50 an acre, the land perhaps being worth ten times its cost to the speculators. Agricultural lands in Dakota have also received marked attention.

"The persons concerned, directly or indirectly, embrace English peers, Eastern capitalists, adventurous spirits who emigrate to the booming Territory to grow up with the country, and enterprising land-agents and attorneys. Pre-emption, commuted-homestead, and timber-culture entries are the favorite instrumentalities of fraud in this region. No sooner is a township of land surveyed than it is plastered over with entries and filings, more or less bogus, but generally more, and the actual settler who goes to stay, the farmer who is to produce the subsistence of the nation, must buy off these pretended claims at high rates before he can obtain the privilege of making an honest entry of the land. The timber-culture laws have proved especially advantageous to the fraudulent control of public lands. The principal sphere of operations under these laws is at present Minnesota, Dakota, Kansas, and Nebraska.

"The failure of the timber-culture law to produce the results contemplated and its success in promoting fraudulent land entries are paralleled by the desert-land act, the frauds under which are committed mainly in the Pacific States and Territories. But the frauds do not stop there. The Government price for coal lands is from $10 to $20 an acre. Fraudulent entries of coal lands are made under the pre-emption and other agricultural laws. The reports of the special agents cover heavy transactions of this sort in Colorado and other States in which coal abounds, the fraudulent entries proving to be the property of mining companies.

"But by far the most extensive frauds are found in the grazing country, where the cattle-kings have fenced in the country by whole counties, and the investigations by agents show that the land within these inclosures is being covered by bogus entries made by employés of the stockmen, the former supplying the needed affidavits of settlement and the latter paying the land office fees and pocketing the title. Many entries of this class have been canceled or held for cancellation.

"The practice in such old Territories as New Mexico and Arizona is found to be that the cowboys are brought up in squads to the district land office to swear in mellifluous Spanish names to affidavits that they have resided on the land ten, twelve, or twenty years, when in fact they may have not been in the Territory as many months or days; but they swear all the same, and each serves as the regulation witness for the other. The cost of 160 acres to the stock company is by this process about $18, a trifle over 10 cents an acre. In the newer Territories, where long inhabitancy is not so easily proven, the operation is like that of Democrats repeating in New York city elections. A gang of 'pre-emptors' is fitted out, who make all the entries required by their employers by merely adopting a sufficient number of names and repeating the process of swearing as principals and witnesses alternately."

Knowing this condition of affairs, the Secretaries of the Interior under the last and this administration, as well as the Commissioners of the General Land Office for several years have recommended the repeal of these laws.

Mr. MacFarland, in his last annual report, speaking of this law, says:

In my last annual report I renewed the recommendation frequently made by my predecessors that the pre-emption law be repealed. Continued experience demonstrates the advisability and necessity of such repeal. The objection that much good has heretofore resulted from the pre-emption system, and that it should not be discontinued because abused, appears to us without good foundation under the changed conditions created by the homestead laws.

Our committee said to the last Congress, and I emphasize it now and here:

Whole townships of the public domain have been acquired under this law by capitalists who do not reside within hundreds of miles of the land, and never did. They have secured them through paid agents in their employ, who receive so much for their services when they make the proof necessary to entitle them to a patent from the Government, and assign their claims to their employers. This is done, of course, through perjury and subornation of perjury, for each one of these agents or claimants is required to make settlement on the pre-emption claim under the law, and he must make oath before the register or receiver of the land district in which the lands are situate, on which he claims to have settled for the purpose of pre-empting, and that he has never had the benefit of any right of pre-emption; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use, and that he has not directly or indirectly made any agreement or contract in any way or manner with any person whatsoever by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself. And yet it is well known that this oath is daily taken by parties who make it under contracts such as we have indicated above. They file with the register of the proper land district their declaration, make their proof, affidavit, and payment required by the law, and receive their title and transfer the same to

the parties with whom they made the contract before they attempted to make the pre-emption.

The present Commissioner of the General Land Office, in his annual report, renews the recommendations of his predecessors for the repeal of the pre-emption system and the timber-culture law. Concerning the first he says:

The pre-emption system no longer secures settlements by pre-emptors. If it did, or could be amended to do so, it would be useless to any good purpose, because supplanted by the more effective homestead law, if a home is the real object designed to be secured. If a home is not the object, the sooner the facility for obtaining land without making a home upon it, which is offered by this system, is removed from the statutes the better for the settlement interests of the country and the future of its institutions.

And again he says:

The pre-emption system serves the speculative interest, the timber interest, the cattle interest, the coal-mining interest, and the water-controlling interest, all at the cost or to the exclusion of actual settlers, according as the purpose of its usefulness is speculation or monopoly.

I quote the following from his report, referring to the repeal of the timber-culture act:

The failure of the timber-culture law to accomplish the purpose for which it was intended (encouragement of the growth of timber on Western prairies), and some of the abuses that have resulted from its practical operation, are fully set forth in the accompanying reports.

The records of this office exhibit successions of entries, relinquishments, contests, and re-entries of the same tracts in farming districts, showing that speculation in the land and not cultivation of timber is the foundation of the mass of claims under this act. The requirements to be complied with during the first few years are necessarily slight. The ground is to be prepared and seeds planted. During this period (the infancy of the entry) its speculative object is achieved. This is a sale of the entryman's relinquishment. One claimant gives place to another for a consideration; the land remains uninhabited, unimproved, and uncultivated, except that a little breaking is done for a pretext, to be used as evidence of "good faith" to defeat a contest before this Department, until finally some seeker of a home upon the soil is found to pay the price demanded by the last holder of the "tree claim," when, upon a *bona fide* homestead being established, the citizen or immigrant who has bought his way to an honest entry of public land may commence the work of putting out trees for his own benefit. The act thus results in a double imposition—an imposition on the Government and an imposition on actual settlers.

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The reports herewith submitted show the impracticability of the act and its inutility for other than evasive and fraudulent purposes. The proportion of totally fraudulent entries under this act is estimated at 90 per cent. I therefore most earnestly recommend its repeal.

Mr. Speaker, gentlemen about me ask how the law can be so easily evaded by relinquishments by those making "filings" and I take pleasure in stating.

The pre-emption law provides that all assignments and transfers of the pre-emption right "prior to the issuing of the patent shall be null and void." The homestead laws require proof that the party has not sold the land. Now, as soon as a filing is made on a tract of public land the books show it, and while the "filing" stands of record no other filing can be made. The speculator then prepares a "relinquishment" of his right and it is ready to sell to the settler seeking land, to be filed with the local land officer. The land is thus "released" and a new filing made by the settler upon the land.

This species of traffic is most common now. The curious may see at the General Land Office hundreds—yes, sir, hundreds of advertisements and business cards of enterprising real estate agents through the West containing as the most prominently advertised branch of their business "Relinquishments for sale."

I was told by many gentlemen in Dakota last summer that in localities there you could travel for miles and not see a sign of habitation or improvement, and yet all the land held under "filings" presupposing settlement; and the only way in which a settler could get his foothold would be to purchase a "relinquishment" and then make his "filing," all held and controlled by speculators, to be paid by the *bona fide* settler when he should come. A system which makes this practice possible can not be too speedily repealed.

The general law, then, as it will stand if this bill shall pass, will permit lands to be taken only under the homestead law and free of cost to the settler, except fees.

Under the present homestead act, allowing a commutation or right to purchase at the end of six months, the frauds are the same in character, but possibly greater in degree than under the pre-emption law.

The Commissioner in his last report says:

The principle of commuted homesteads is the same as the pre-emption, and its uses are the same. The difference between the two is that commuted homesteads are the more universally fraudulent, this form of entry being more advantageous to corporations and large operators in coal, timber, and water entries than pre-emption, because the homestead entry is esteemed a segregation of the land, and is held to work its absolute reservation. No other entry can be made under existing rules while one is on record, and there is therefore a degree of security against adverse claims in operating under it that is not enjoyed under the pre-emption system. Commuted homestead entries, as a class, are made immediately after the expiration of six months from date of original entry, or just as soon as the law allows, and are just as invariably conveyed by deed or power of sale mortgage, usually executed on the day of entry. I think it has seldom or never been reported upon examination that an original settler has been found living on a six months' commuted homestead claim. The proportion of fraudulent entries of this kind can be more nearly estimated at the whole number of such entries than in any other manner. If public lands are to be kept for actual inhabitancy, the commutation feature of the homestead law should be abolished.

The *bona fide* settler on a "homestead" does not go there to buy it at the end of six months; he can have it as a gift by remaining upon it, as he intends to do; and we therefore extend the commutation feature to thirty months; that is, if the settler desires to buy his land he may do so after thirty months. This insures his residence upon the land for at least three crop years, and this we think a guarantee that he is there *bona fide* for a home, and will absolutely guard against speculative entries.

Mr. Speaker, I have given a great deal of time, as have others on our committee, to the examination of this phase of the land question.

I have had information from unofficial sources, but equally conclusive to me, of the extended operations of these frauds, one of which, carried on by several persons residing in Streator, a city near my own home, where many thousands of acres of land were secured recently in Nebraska in fraud of the law and by the most barefaced of perjury, either in the securing of the lands or the *exposé* in relation to it, showing a portable house used as a dwelling on one tract long enough to sleep and cook in, followed by an affidavit, and then moved to an adjoining quarter-section and made to do duty there as a permanent residence—for a day and a night—and then again repeated. These papers I will try and print if these remarks are not too extended, but they are on file in the Post-Office Department and subject to inspection by any one curious to see how close companions perjury and truth sometimes are.

Therefore, sir, I speak earnestly on this subject, and I say, confidently, you can not find, nor will any gentleman who opposes the bill undertake to cite an instance, a single instance, where a special agent of the Department, who has been sent out either by this or the last administration, has failed to condemn the operation of the pre-emption law and commutation feature of the homestead law as they stand to-day, as the instruments by which these frauds are perpetrated.

Mr. PERKINS. Have not the fraudulent entries of which the gentleman speaks been canceled?

Mr. PAYSON. They have not been canceled. And I am very glad to tell the gentleman why they have not.

First, these frauds can only be detected by personal inspection on the part of the special agent sent out to examine the actual condition.

The area of the country which the public land system covers embraces almost one-half the area of the Union; the Commissioner of the General Land Office has only twenty-three special agents to detail for this work, and hence it is a matter of physical impossibility, with the force at his command, to detect these frauds to any great extent.

But the official reports from which I quote here, the correctness of which I have never heard questioned, and I think will not be in this debate, show that over 90 per cent. of the entries made under these laws during the last few years are fraudulent.

This bill proposes simply to render impossible the perpetration of these frauds as against the General Government, and to reserve the land for actual settlers in quantities not exceeding 160 acres.

Mr. HENDERSON, of Iowa. When the gentleman speaks of 90 per cent. of the entries being fraudulent, I presume he means entries under the three classes of acts.

Mr. PAYSON. Yes, sir; 90 per cent. of the entries under the timber-culture act, the desert-land act, and the pre-emption law.

But we hear it said, sir, that this legislation is in the interest of railroad companies having large grants of land to dispose of, and the gentleman from Kansas [Mr. ANDERSON], with his accustomed energy, asserts that "the day this bill becomes a law every acre of land held by railroads will be doubled in price. The railroad companies alone would have public lands to put upon the market."

How easily this is answered. The gentleman from Kansas knows that the land grants are made in alternate sections; that wherever there is a railroad section of land—640 acres—immediately adjoining is a Government section of the same area.

This bill does not diminish the area, or change either the locality or quality of an acre of public land. The Government has precisely the same amount of land and precisely the same in character and location to dispose of after this bill has passed that it had before, only the manner of disposal is changed.

We propose that the first grantee from the Government shall be the occupant instead of the speculator, that is all; and as a gift to him from a generous Nation rather than as a sale to one who shall sell to him and make the usual profit in the transaction.

All the public land remains but to be held for settlers as a donation rather than for sale. How then is the price of railroad land to be increased?

Now the price of Government land in railroad limits, as the gentleman knows, is $2.50 per acre, and as I have said if this bill shall pass this land will be free to the settlers; and does the gentleman think, will he argue on a moment's reflection which he should take, but does not seem to have taken before debating this bill, that if the Government offers a farm of 160 acres as a gift to the citizen, instead of demanding $400 in cash for it, the citizen will be less apt to take it? Or that the railroad land adjoining which now retains its value of $2.50 per acre because the Government land is held at the same price will be worth $5 per acre to the settler as soon as the Government will donate its land?

No, sir; the opposite effect will be produced, and the lands of the

railroad companies must and will be reduced in price if they are disposed of. To the objection that in the West where the land is of a desert character, 160 acres is too little for a farm, I only desire to say a single word. I have heard this stated during the past thirty years with reference to the arid lands of the West. Then the line was east of the center of Kansas and Nebraska—lands there were then called "desert," and regarded as valueless for the purposes of agriculture, as the Colorado desert is to-day. So far east as the district represented by the gentleman from Nebraska behind me [Mr. LAIRD], the land was regarded only a few years ago as of that character. I have seen it then, and in recent years, and canvassed the change in condition with that gentleman. Then a worthless desert wild; now, by the changes wrought by civilization, cultivation, tree-planting, sowing of grass, and covering the earth with verdure; possibly (many will say surely), by providential direction, an increased annual rainfall has, in less than the span of one generation, changed the order and condition of that country, until now, as the traveler passes over it, on the right hand and on the left are seen evidences of thrift and prosperity, happiness and contentment, the delight of the lover of his fellow and his country. I have seen the same thing in Kansas. Last summer I saw corn growing in Western Kansas on lands only a few years ago regarded as desert, rivaling in luxuriant growth that which I had just left in my own great State.

Mr. Speaker, the line of arid lands is slowly but surely working westwardly, and I hazard nothing in the prediction that gentlemen are now acting upon this bill who will live to see the whole region up to the foothills of the Rocky Mountains dotted with the happy homes of frugal, industrious, patriotic people, whose condition may be largely attributed to the statesmanship of to-day which reserved these broad acres for their use cheaply.

I confess, sir, that the prodigal, yes, reckless, disposition of the public lands fills me with alarm for the future of this Republic. The safety and security of the nation rest, as I believe, very largely in the distribution of the lands and permanent homes among the largest possible number of our citizens.

No nation ever was or ever will be permanently great where this principle has been disregarded. And without enlarging upon the idea, speaking for myself instead of the committee, I should be glad if the whole area of so-called "desert lands" could be held, except as taken in small parcels here and there in more advantageous localities, for actual homes, the great body remaining for similar utilization to meet the growing, increasing demands of an overflowing population, crowded out of our cities and more densely populated portions of the Union in the not distant future.

This has been the judgment of the officers of the Interior Department in recent years, and is to-day of most of those who have studied the situation in the light of past experience and present knowledge.

We recommend the suspension of the practice of selling any of the public lands at private entry, by section 5 of the bill.

The policy of disposing of public lands as a means of raising revenue has long since been rejected by enlightened views of public economy. The policy of applying public lands so as to increase the number of farms and homesteads, diffusing instead of aggregating land titles, and promoting general prosperity and the independence of agricultural labor, in place of creating baronial estates and reducing producers to dependence, has long been declared to be the policy of this Government, founded upon the good of the greatest number, inspired by patriotic impulses looking to the preservation of republican institutions, and enforced by the teachings of history and the lessons of revolutions. The public opinion of the country that the public domain shall be preserved for actual settlement has crystallized into an imperative demand that no more land shall be sold out of the reach of the people and into the hands of speculators or the grasp of monopoly.

The baleful shadow of monopoly is felt and feared in every portion of the Union; it is the overshadowing curse under which this people seem to rest.

Every comfort and all the conveniences of civilized life seem to be, to-day, paying tribute in one form or another to it, and I believe, Mr. Speaker, that the feeling of unrest and discontent, resulting in disorders and riots in different parts of the Union since we have been sitting in this Congress, grows out of the apprehension, rather, indeed, the appreciation, that the prosperity of the people, the accumulations of labor, from which all material prosperity arises, is passing, through either the operation of improper legislation or the absence of proper restrictive rules, into the hands of the few, to the discomfort if not actual danger of the rights of the masses.

The carving out and accumulation of imperial fortunes by a few men in schemes of railroad and telegraph enterprises, through franchises quasi public in their character, secured in the way of privilege by legislative enactment from representatives of the people, only to be used to oppress to the verge of endurance, is not calculated to inspire the greatest confidence in the Government on the part of the laboring citizen, and it is no wonder that remedial legislation is demanded. And to this question before us, the accumulation of vast estates in lands by the operation of defective laws, such as we see all over the West—thousands of acres in compact form in single holdings—means, Mr. Speaker, corresponding tenant holdings by the actual cultivator and corresponding poverty, dependence, and wretchedness.

To call a halt on this species of monopoly, to prevent further steps in the direction of land monopoly out of the public lands, and preserve the balance for occupation as I have stated has been my aim and the aim of the Committee on the Public Lands in this and the last Congress, and we have indulged the hope and have now the belief that the vote on this bill will be responsive to the public demand that the public lands of the Nation shall hereafter be held as a trust for the securing of free homes for free men.

I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER *pro tempore* (Mr. HAMMOND in the chair). Is there objection?

Mr. HENLEY. I object, unless the same leave be extended to others.

Mr. HENDERSON, of Iowa. I ask unanimous consent that any gentleman may extend or publish remarks on this question in the RECORD.

The SPEAKER *pro tempore*. Unanimous consent is asked that all members desiring to do so may publish remarks on this question. Is there objection? The Chair hears none.

Mr. HENDERSON, of Iowa. Mr. Speaker, I will vote for this bill for the following reasons:

First. Because it is in the interest of the masses of the people, who want homes to live on.

Second. Because our public domain is rapidly becoming exhausted, and wise legislation should aim at holding what lands remain for the actual settler—for the poor man who wants a reasonable quantity of land for himself and his family.

Third. Because 90 per cent. of the entries made under the timber-culture, pre-emption, and desert-land laws have been found to be fraudulent, and these laws are thus made the media for defeating the citizen entitled to the benefits of said laws from procuring homes upon the public lands.

Fourth. Because under these laws the speculators, cattle companies (in many cases), foreign capitalists, and rings of swindlers with plenty of cash and no character are seizing upon public lands that should go to the man seeking in good faith a home.

Fifth. Because the passage of this bill will make the homestead laws more potential and effective for securing to each citizen a sufficient quantity of land for the purposes of a home.

I regret that the bill was brought up for consideration under a suspension of the rules, which cut off all amendments and limits debate to a few minutes when hours should be devoted thereto. But believing that this law will protect the man against the combination of men, the poor man against the rich man, the settler against the speculator, and save the public domain for its most sacred use, a home, I will vote for it, relying upon the greater deliberations of the Senate to correct any minor defects that may be found in the bill.

It should not be forgotten that all rights now vested and all the rights of the soldier under the homestead laws are sacredly protected, so that whoever has taken any lawful steps under any of the laws repealed by this bill will not be disturbed, but can go forward under the laws and secure any right to which he is now entitled.

Mr. COBB. I now yield to the gentleman from Iowa for one minute.

Mr. WEAVER, of Iowa. Mr. Speaker, I support this bill. The idea of giving to the homeless citizen a homestead is a humane one; but our public-land policy ought to be confined to that, and no one should be allowed to speculate in the common inheritance of all. This bill, as I understand, simply cuts out of our public-land system the idea of speculation; and that is right. The present law is the law of the speculator and not of the honest home-seeker. There are some exceptions to this rule, but in the main there can be no doubt about the correctness of my statement. The policy of this bill should have been adopted at the very cradle of the Republic, and not one-quarter section of the public lands should ever have been disposed of to corporations or speculators. It should have been sacredly held for homesteads. If this policy had obtained labor troubles would now be unknown and the scandalous legislation of the last few years would have been avoided.

Mr. COBB. I desire to reserve the residue of my time.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. PERKINS] is now recognized for five minutes.

Mr. PERKINS. Mr. Speaker, I regret that we have not more time for the discussion of this bill. Justice can not be done to this subject in the limited time allowed for this debate. I do not desire to impute any wrong purpose to the chairman of the Committee on the Public Lands or to those who favor this contemplated legislation; but in my judgment it is erroneous and wrong. If this proposed legislation should become law it will in my view operate in the interest of the railroad companies and the great cattle organizations of this country. There is not a land-grant railroad company in the West that is not in favor of this measure, for this reason——

Mr. HENDERSON, of Iowa. How do you show that?

Mr. PERKINS. I am about to show it. Those companies under their land grants have lands which they are in a position to sell to any man who desires to establish a home or who wishes to purchase for speculation or investment. If you repeal the pre-emption law, the timber-culture act, and the desert-land act, the only land in this entire na-

tion remaining subject to settlement is the land owned by the railroad companies and that which may be open to settlement under the homestead law.

Mr. HENDERSON, of Iowa. This bill does not propose to repeal the homestead law.

Mr. PERKINS. I say the only land which will remain will be that owned by the railroad companies and that open to settlement under the homestead law; and to acquire land under the homestead law requires five years' settlement upon the land, unless the settler has been in the military service of the country. There is in the western portion of my State, in Colorado, and in every Western State and Territory a great domain which can not be settled under the homestead law. No man would be willing to live five years on that arid land in order to acquire title to 160 acres. The effect of this legislation is to keep that great area open—a waste, to be occupied by the cattle companies, their servants, and employés.

And it enhances the value of the railroad lands for that reason, because they have lands they can sell.

Again, Mr. Speaker, the point is suggested in support of this legislation that frauds are perpetrated under the pre-emption and timber-culture laws, and that hence they should be repealed. Ah, Mr. Speaker, the Commissioner of the General Land Office himself admits that under the homestead law more than 40 per cent. of the entries are fraudulent. And hence why not repeal that law.

Mr. PAYSON. And does he not put it upon the ground the commutation homestead law may be rendered inoperative at the end of six months?

Mr. PERKINS. No, sir; he shows that under the commutation homestead law more frauds are perpetrated than under any other law, and yet this bill provides for keeping this commutation homestead law in existence but amends it somewhat; that is, the act under which the greatest frauds are perpetrated is to remain if this proposed legislation is enacted into law.

Mr. PAYSON. Of course the gentleman desires to be accurate?

Mr. PERKINS. Certainly I do.

Mr. PAYSON. Let me ask a question, then.

Mr. PERKINS. Certainly.

Mr. PAYSON. Do you say the commutation homestead law is more advantageous than the pre-emption law when amended as provided in the pending bill?

Mr. PERKINS. No; I do not. But I do say that the commutation homestead law is still left upon the statute-book with an amendment if this bill passes. And if they can amend the statute under which the greatest frauds are being perpetrated, why is it they can not amend the pre-emption law? Why can not they amend the timber-culture law so as to prevent frauds which are now perpetrated under it?

If we can amend the commutation homestead law so as to prevent fraud, we can also amend these other statutes pertaining to our public domain so as to prevent frauds from being perpetrated under them. For, according to the report of the Commissioner of the General Land Office, more and greater frauds are being perpetrated under the commutation homestead law than under any other statute. And he says further in his report, that the corporations and great companies take advantage of the commutation homestead law to secure for themselves enormous tracts of the public domain. Yet, I repeat, it is proposed by this bill that statute shall remain upon the statute-book, while all else is stricken down.

In my judgment, Mr. Speaker, the people of the West regard this legislation as wrong. There are no settlers here asking for the passage of any such measure. On the contrary, they are against it. No petition has been presented here from them asking for any such legislation. Men seeking homes upon the public domain are not asking for the passage of this bill. It is under the beneficent provisions of the pre-emption law that our Western States and Territories have had their wonderful growth and development. If frauds are practiced, let us amend and perfect our statutes so as to prevent them; but do not let us in our zeal strike down the legislation under which the waste places of the plains are being reclaimed and converted into happy and productive homes, and the great prairies of the West occupied and converted into the growing, teeming communities to be found in every State and Territory west of the Mississippi River.

Mr. Speaker, I do not believe that any member upon this floor wants to retard the growth or development of our country or desires to protect those who are fraudulently acquiring our public domain, and hence do not let us join the land-grant railroad companies and the great cattle syndicates in their prayers for the repeal of all legislation affecting our public domain except the homestead law. I would not, Mr. Speaker, deprive any man of the excellent provisions of the homestead law, but let us give to the pioneers who break the prairies and reclaim the arid plains the choice of these wholesome statutes, which, if properly amended and properly executed, will preserve every acre of our remaining public lands to the honest settler and pioneer, that homes may be made and industry find employment where now all is waste or unauthorized occupation.

Mr. HENDERSON, of Iowa. It does not affect the settlers, because their rights are vested under this bill.

[Here the hammer fell.]

Mr. COBB. I yield now to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL. Mr. Speaker, this bill is a rainbow of hope to the idle workmen of the country, who, when crowded from the ranks of industry by labor-saving machinery and the exigencies of trade, instinctively turn to the country, where honest toil can at least produce the necessaries of life.

To prevent the further theft of the public domain by fraudulent pre-emptions, timber-culture, and desert claims, as this bill proposes to do, makes it, in my judgment, the best bill this Congress can pass for the benefit of labor.

Let no member be swerved from his duty by the alleged technical errors in the bill; pass it, and let the errors be rectified hereafter. It is an absolute repeal of those laws which have permitted the theft of millions of acres, and unless repealed, within a few years the remaining public land will be in the hands of syndicates and alien lords.

Save the land for the actual settler and redeem your pledges to the people.

[Here the hammer fell.]

Mr. COBB. I yield two minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, the pressure of population will settle the public lands without the additional incentive of these acts which it is proposed to repeal. The day is approaching, in my judgment, when people will rise up and call the man blessed who will raise his voice to save the public domain from still further diminution.

It has been stated in the public prints that the Commissioner of the General Land Office had made exaggerated statements. Now, sir, the statements of the Commissioner of the General Land Office as to this matter were based upon reports of special inspectors returned to that office long before he came into the Interior Department as chief of the General Land Office. And before going further I desire to read from those inspectors' reports a brief extract:

> As to the proportion of land entered under the timber-culture act that is not improved as required by that act, I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly successful cultivation.

Let Congress repeal these laws, for while they are on the statute-book, however bad they may be, they are the supreme law of this land and beyond the legitimate control of any executive officer. Let us remove the evil, and so give no incentive to Department-made laws. Half the trouble with our revenue and other laws comes from false and absurd constructions and explanations and rulings of Executive Departments. The Congress of the United States is the sole law-making power in Federal matters. The time has come to stop the wholesale stealing of the land of the people. The hired minions of foreign noblemen are probably this very day grabbing tracts of the public domain under color of these laws. The land-grabber, alien or domestic, must go.

[Here the hammer fell.]

Mr. COBB. I yield for one minute to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, in the brief time allotted to me it is of course impossible to explain the provisions of this bill. But, in short, it repeals all the land laws of the United States except those which provide for taking the public domain under homestead provisions by actual settlement. In order to prevent frauds which have been perpetrated upon the Government whereby the public lands have been taken up in great bodies this bill has been recommended by the Land Office and by the Interior Department.

It has been shown during the last four years the public domain has been rapidly disappearing, and that soon there will be none left for actual settlement. Great corporations, many of them foreign in their origin and ownership, are represented as holding large tracts. My colleague [Mr. PAYSON] referred to the fact that the Earl of Dunraven had secured under the pre-emption laws about 6,000 acres in Estes Park, Colorado. The report of Commissioner Sparks, of the General Land Office, exhaustively treats of this subject, and urgently recommends the repeal of all land laws except the homestead law. Under the operation of that law actual settlers can secure homes; but those who make pre-emption locations as the employés of rich corporations will be deprived of their occupations. The greatest abuses, frauds, and land piracies have been perpetrated under the operation of the pre-emption, timber-culture, and desert-land acts. Their total repeal is demanded by every consideration of the public good. Let this bill pass, and the public lands will hereafter be held solely as homes for the people.

[Here the hammer fell.]

Mr. COBB. Mr. Speaker, as I was about saying at the outset of my remarks upon this bill, it is one of the most important, in my judgment and in the judgment of the majority of the Committee on the Public Lands, of any of the bills that have been pending before that committee or the House with reference to our public land system. There is no doubt of the fact that our public lands are being squandered daily by thousands and hundreds of thousands of acres.

They are being taken up by speculators under these various laws; that is to say, the three laws which we now propose to repeal by the passage of this act. Under the timber-culture law you can go now into the States of Kansas and Nebraska, and gentlemen from those

States know the fact, for I have seen it with my own eyes and know what I speak of, and find thousands of acres of land which have been taken up under the timber-culture act upon which there is not one shrub, although they claim to have title to them.

So it is also with reference to the desert-land act. Under that act you will find thousands of acres taken up which are the very finest character of agricultural lands. The reports from the Land Office show that they are taken up by fraud and perjury, as everybody must know.

I have the proof before me showing that sixty-three men were taken up the Columbia River on a steamboat under the direction of guides who had first examined the quality of the lands, and these men were placed on a different 160-acre tract of the best timber-land, and they remained there overnight, and made the proof of entry by committing perjury and assigned their claims to a certain lumber company, for which they were paid a small sum cash by said company, and the company now claims the land.

Mr. PETERS. Have not those entries been suspended?

Mr. COBB. No, sir; not in all cases.

Mr. PETERS. Why have they not been?

Mr. SPRINGER. They will be if this bill passes.

Mr. COBB. That is one of the objects of passing this bill, to secure the suspension of just such fraudulent entries.

The SPEAKER. The time allowed for debate has expired.

The question is upon the motion of the gentleman from Indiana to suspend the rules and pass the bill.

Mr. HOLMAN. On account of the importance of this bill I ask the yeas and nays upon it.

Mr. PETERS and others also demanded the yeas and nays.

The yeas and nays were ordered.

Mr. McKENNA. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKENNA. If this motion should be voted down, will the bill be referred back to the committee and retain its place on the Calendar?

The SPEAKER. It will retain its place where it now is upon the Calendar.

The Clerk will call the roll.

The question being taken on the motion of Mr. COBB, there were—yeas 184, nays 42, not voting 97; as follows:

YEAS—184.

Adams, J. J.	Davis,	Kelley,	Reese,
Allen, J. M.	Dawson,	Ketcham,	Riggs,
Anderson, C. M.	Dibble,	Laffoon,	Robertson,
Baker,	Dockery,	La Follette,	Romeis,
Ballentine,	Dunn,	Landes,	Sadler,
Barnes,	Eldredge,	Lanham,	Sawyer,
Barry,	Ellsberry,	Le Fevre,	Sayers,
Bayne,	Ermentrout,	Lehlbach,	Scranton,
Beach,	Everhart,	Lindsley,	Seymour,
Belmont,	Farquhar,	Long,	Shaw,
Bennett,	Findlay,	Lovering,	Singleton,
Bingham,	Foran,	Lowry,	Skinner,
Blanchard,	Ford,	Mahoney,	Snyder,
Bland,	Forney,	Martin,	Sowden,
Bliss,	Fuller,	Matson,	Springer,
Blount,	Gallinger,	McAdoo,	Steele,
Boyle,	Gay,	McComas,	St. Martin,
Breckinridge, C. R.	Geddes,	McCreary,	Stone, W. J., Ky.
Breckinridge, W. C. P.	Gibson, C. H.	McKinley,	Swope,
Browne, T. M.	Gibson, Eustace	McMillin,	Tarsney,
Brown, W. W.	Glass,	McRae,	Taulbee,
Buchanan,	Glover,	Merriman,	Taylor, Zach.
Buck,	Green, W. J.	Miller,	Thomas, J. R.
Burnes,	Guenther,	Mills,	Throckmorton,
Burrows,	Halsell,	Mitchell,	Townshend,
Bynum,	Hammond,	Morgan,	Trigg,
Cabell,	Harris,	Morrison,	Turner,
Campbell, Felix	Hatch,	Neal,	Van Eaton,
Campbell, J. M.	Hayden,	Neece,	Van Schaick,
Campbell, J. E.	Heard,	Negley,	Wade,
Cannon,	Henderson, D. B.	Oates,	Wadsworth,
Carleton,	Henley,	O'Neill, J. J.	Wait,
Catchings,	Hepburn,	Osborne,	Wallace,
Clardy,	Herbert,	Outhwaite,	Ward, T. B.
Cobb,	Hiestand,	Parker,	Warner, A. J.
Collins,	Hill,	Payne,	Weaver, A. J.
Compton,	Hires,	Payson,	Weaver, J. B.
Comstock,	Hiscock,	Peel,	Weber,
Conger,	Holman,	Pettibone,	Wellborn,
Cowles,	Hopkins,	Phelps,	West,
Cox,	Howard,	Plumb,	Wheeler,
Crisp,	Hutton,	Randall,	White, A. C.
Culberson,	Irion,	Ranney,	Willis,
Daniel,	James,	Reagan,	Winans,
Dargan,	Johnston, T. D.	Reed, T. B.	Wolford,
Davidson, A. C.	Jones, J. H.	Reid, J. W.	Worthington.

NAYS—42.

Adams, G. E.	Hitt,	Nelson,	Strait,
Allen, C. H.	Holmes,	O'Donnell,	Struble,
Anderson, J. A.	Houk,	O'Hara,	Swinburne,
Bound,	Kleiner,	Perkins,	Symes,
Brady,	Little,	Perry,	Thomas, O. B.
Caswell,	Louttit,	Peters,	Thompson,
Dorsey,	Lyman,	Price,	Tillman,
Grout,	McKenna,	Rice,	Warner, William
Hemphill,	Moffatt,	Ryan,	Whiting.
Henderson, T. J.	Morrill,	Smalls,	
Hermann,	Morrow,	Spooner,	

NOT VOTING—97.

Aiken,	Atkinson,	Barksdale,	Bragg,
Arnot,	Barbour,	Boutelle,	Brown, C. E.
Brumm,	Felton,	Lawler,	Spriggs,
Bunnell,	Fisher,	Libbey,	Stahlnecker,
Burleigh,	Fleeger,	Lore,	Stephenson,
Butterworth,	Frederick,	Markham,	Stewart, Charles
Caldwell,	Funston,	Maybury,	Stewart, J. W.
Campbell, T. J.	Gilfillan,	Millard,	Stone, E. F.
Candler,	Goff,	Milliken,	Stone, W. J., Mo.
Clements,	Green, R. S.	Muller,	Storm,
Cole,	Grosvenor,	Murphy,	Taylor, E. B.
Cooper,	Hale,	Norwood,	Taylor, I. H.
Crain,	Hall,	O'Ferrall,	Taylor, J. M.
Croxton,	Hanback,	O'Neill, Charles	Tucker,
Curtin,	Harmer,	Owen,	Viele,
Cutcheon,	Haynes,	Pidcock,	Wakefield,
Davenport,	Henderson, J. S.	Pindar,	Ward, J. H.
Davidson, R. H. M.	Hewitt,	Pirce,	White, Milo
Dingley,	Hudd,	Richardson,	Wilkins,
Dougherty,	Jackson,	Rockwell,	Wilson,
Dowdney,	Johnson, F. A.	Rogers,	Wise,
Dunham,	Johnston, J. T.	Rowell,	Woodburn.
Eden,	Jones, J. T.	Scott,	
Ely,	King,	Seney,	
Evans,	Laird,	Sessions,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

Mr. TOWNSHEND. I ask unanimous consent to dispense with the reading of the names of those voting.

Mr. MORRISON. I object. We have plenty of time to-day for that.

The Clerk then recapitulated the names of those voting.

Mr. WARNER, of Ohio. I voted upon this bill, although I am paired with my colleague [Mr. GROSVENOR]. I assume that if he were present he would vote the same way.

Mr. DAVIS. I am paired on all political questions with Mr. ARNOT. I do not regard this as a question of that character, and do not know how he would vote; but I have voted for the bill.

The following additional pairs were announced:

Mr. HANBACK with Mr. OWEN.

Mr. HUDD with Mr. JOHNSON, of New York.

Mr. CALDWELL with Mr. STEPHENSON, for the remainder of the day.

Mr. PINDAR with Mr. HAYNES.

Mr. LAWLER with Mr. ELY.

Mr. WEST. Mr. Speaker, I agreed to pair with Mr. CAMPBELL, my colleague from New York. Not knowing how he would vote, though I presume he would have voted for the bill, I have voted for it and I desire my vote to stand.

The result of the vote was then announced as above recorded.

PUBLIC BUILDING, SPRINGFIELD, MO.

Mr. WADE. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 1391) to provide for the erection of a public building at Springfield, Mo., and pass the bill with the amendments suggested by the committee.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Springfield, in the State of Missouri, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $100,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least 50 feet, including streets and alleys; and for the purpose herein mentioned the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States; and the State of Missouri shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The committee recommend the adoption of the following amendments:

In lines 13 and 17, strike out the words "one hundred," where they occur in each place, and insert the word "seventy-five;" so that it will read "$75,000 is hereby appropriated," &c.

Mr. MORRISON. I demand a second.

Mr. MORRISON and Mr. WADE were appointed tellers.

The House divided; and the tellers reported—ayes 150, noes not counted.

So (no further count being demanded) a second was ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate, and the Chair will recognize the gentleman from Missouri, Mr. WADE, to control the time in support of, and the gentleman from Illinois, Mr. MORRISON, in opposition to the motion.

Mr. WADE. I reserve my time. [Cries of "Vote!" "Vote!"]

Mr. MORRISON. Let us have the report read.

The report by (Mr. WADE) was read, as follows:

The cities of Springfield and North Springfield are located on the Saint Louis and San Francisco Railroad and the Kansas City, Springfield and Memphis Railroad, 240 miles from Saint Louis and 200 miles from Kansas City, 300 from Memphis, Tenn., 150 from Indian Territory, and over 150 from Fort Smith, Ark.; have a population of 20,000, and are increasing in population, wealth, and manufactures, and if the rate of increase for the last two years is maintained will in 1890 have a population of 40,000.

The country tributary to Springfield is unsurpassed in agricultural, mineral, stock-raising, and timber resources. The wholesale trade of Springfield extends over Southwest Missouri, Indian Territory, and Northwest Arkansas, and amounted in the year of 1885 to more than $5,000,000.

Springfield has five banks, two national and three private, with a capital stock of $500,000.

The amount expended in the erection of buildings and improvements in two cities in the year of 1885 was $1,800,000. The cities have several lines of street railroad, water-works, gas-works, and electric-light plant; have the very best school system, employing fifty teachers; have a college (Drury) employing seven professors and a number of teachers in the primary department, an academy (Lorretta) with a full corps of teachers. The educational facilities of these cities are unsurpassed.

There are in operation in these cities three foundries and machine-shops, which manufacture steam-engines, agricultural implements, water-works supplies, &c., six large flouring mills, four planing mills, one large cotton-mill, an extensive woolen-mill, tobacco factories, cigar manufactories, and many other manufacturing establishments, among which is an extensive wagon-factory employing several hundred men.

The shops of both the Saint Louis and San Francisco and the Kansas City and Springfield and Memphis Railroads are located there. The former shops employ fifteen hundred men; the latter shops are in process of erection, and when complete will be the most extensive in the State and will employ two thousand men. The Saint Louis and San Francisco Railroad extends from Saint Louis, Mo., to San Francisco, Cal., connecting at Fort Smith with the Southern system of railroads, and at Vinita, Ind. T., with the Texas system. The Kansas City, Springfield and Memphis Railroad extends from Kansas City, Mo., to Memphis, Tenn., connecting at latter place with roads leading to all Eastern and Southern seaboard cities. There are practically eight roads centering in Springfield.

The land office has been located here for many years, and contains many valuable records. These records are now kept in rooms in the third story of a building very much exposed to fire, and in the event of the building taking fire would be lost.

The mails that are received here necessitate a large force to receive and distribute same, and require a large and properly arranged building to accommodate both the mail in transit and the local mail. The number of employés in both offices is eight, and the rent of buildings that would properly accommodate the people of both cities would be $2,000.

This bill is to consolidate the two offices of Springfield and North Springfield, thus saving the Government $2,500 and giving better facilities for both towns.

The total expense of the two offices for the year 1885 was $6,757.50 and the net revenue to the Government upon expenses $14,000.70.

The committee recommend that the bill be amended as follows: Strike out in lines 16 and 17 "one hundred" and substitute "seventy-five," and that when so amended the bill shall be passed.

The SPEAKER. If no gentleman desires to address the House the question is upon the motion made by the gentleman from Missouri [Mr. WADE].

Mr. WADE. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER]. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. As the House seems desirous of passing the bill, I shall not occupy any time in advocating it.

The question being taken, there were—ayes 121, noes 8.

Mr. COWLES. No quorum.

The SPEAKER. A quorum not having voted, the Chair appoints as tellers the gentleman from North Carolina, Mr. COWLES, and the gentleman from Missouri, Mr. WADE.

The House again divided; and the tellers reported—ayes 164, noes 5.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

BRIDGE ACROSS STATEN ISLAND SOUND.

Mr. TOWNSHEND. I move that the rules be suspended and that the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, be taken from the House Calendar and passed.

The bill was read, as follows:

Be it enacted, &c, That it shall be lawful for the Staten Island Rapid Transit Railroad Company, a corporation existing under the laws of the State of New York, and the Baltimore and New York Railroad Company, a corporation existing under the laws of the State of New Jersey, or either of said companies, to build and maintain a bridge across the Staten Island Sound, or Arthur Kill, from New Jersey to Richmond County, New York, for the passage of railroad trains, engines, and cars thereon, and to lay on and over said bridge railway tracks for the more perfect connection of any railroads that are or shall be constructed to the said sound at or opposite said point; and in case of any litigation concerning any alleged obstruction to the free navigation of said sound on account of said bridge, the cause may be tried before the circuit court of the United States of either of said States in which any portion of said obstruction or bridge touches; and that all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage over the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, for a reasonable compensation to be paid to the owners of said bridge, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

SEC. 2. That said bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the sound at an accessible and navigable point, and with spans of not less than 200 feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than 32 feet above mean low-water mark, measuring to the lowest member of the bridge superstructure: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, except when trains are passing over the said bridge, for the passage of the boats whose construction shall not be such as to admit of their passage under the draw of said bridge when closed; but in no case shall unnecessary delay occur in opening the said draw after the passage of trains; and the said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to said bridge; and the United States shall have the right of way for postal telegraph purposes across said bridge.

SEC. 4. That the plan and location of said bridge, with a detailed map of the sound at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built; but upon the approval of said plan by the Secretary of War the said companies, or either of them, may proceed to the erection of said bridge in conformity with said approved plan; and should any change be made in the plan of said bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War. If the Secretary of War shall at any time deem any change or alteration necessary in the said bridge so that the same shall not obstruct navigation, or if he shall think the removal of the whole structure necessary, the alteration so required or the removal of the whole structure shall be made at the expense of the parties owning said bridge; and if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall determine and cease.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SPEAKER. Is a second demanded?

Mr. MORRISON. I demand a second?

Mr. TOWNSHEND. I ask unanimous consent that a second may be considered as ordered.

There was no objection.

The SPEAKER. Thirty minutes are allowed for debate—fifteen minutes on each side. The gentleman from Illinois, Mr. TOWNSHEND, will control the time in favor of the proposition, and the gentleman from Illinois, Mr. MORRISON, will control the time against it. [Cries of "Vote!" "Vote!"]

Mr. TOWNSHEND. I have no desire to make a speech, but gentlemen have insisted something should be said.

Mr. MORRISON. I want to know all about this matter.

Mr. TOWNSHEND. Then as the object of the bill is generally well known I will consume but a few minutes in its explanation.

This bill makes it lawful for the Staten Island Rapid Transit Railroad Company and the Baltimore and New York Railroad Company, corporations existing under the States of New York and New Jersey, respectively, to construct a railway bridge across the Staten Island Sound, known as Arthur Kill, at or near Elizabeth, N. J., and the town of Northfield, upon Staten Island, New York. It provides that the bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the sound at an accessible and navigable point and with spans of not less than 200 feet in the clear on each side of the central or pivot pier of the draw, and that these spans shall not be less than 32 feet above low-water mark measuring to the lowest member of the bridge superstructure. The bill further provides that the plan and location of the bridge shall be submitted to the Secretary of War and receive his approval before it can be constructed.

The bill, Mr. Speaker, was reported favorably by unanimous vote by the Senate committee. It has passed the Senate nearly unanimously, there being but five votes against it. It has been reported by the House Committee on Commerce unanimously, and is now here for final action. This is the identical bill which has passed the Senate without any amendment whatever. I will also say that it was before Congress during the last term, and was reported favorably by the House committee, but no action was then reached upon it. It is not probable any action can be had upon it during this session except by the motion I have made.

I am impelled in making this motion by a belief that it is in the interest of the general commerce of the country, and especially in the interest of the people of the Mississippi Valley and the Southern States. The present terminal facilities on the New Jersey shore fronting New York Bay do not exceed 2½ miles, which is now entirely occupied by a few railroads, private corporations, and business houses, who demand such enormous sums for any portion of these facilities as practically render it impossible for any competing railroad to afford the purchase of a sufficient entrance there.

If this bill be passed it will result in a bridge being thrown across the Arthur Kill or Staten Island Sound of about 600 yards in length, and thereby give access to some 10 miles of deep water on the north and east coast of Staten Island. The inadequacy of terminal facilities for receiving, storing, and shipping at New York enable those having a monopoly of the present facilities to impose a heavy tax on the commerce of the West and South. This bill will open the gateway of commerce at New York to competition, and will utilize the much-needed and excellent harbor on Staten Island for railway connection with foreign and domestic shipping in New York Bay.

If this bridge be constructed a new competitive line will be found in the Baltimore and Ohio Railroad Company, which controls 3,000 miles of railroad, extending to Cincinnati, Chicago, and Saint Louis, and connecting with the Southern and Western systems of railroads. Other railroad companies desiring to use the bridge will be entitled to equal rights and privileges in the passage over the same on just and equitable terms.

It is, therefore, a bill which will result in the reduction of terminal charges by wholesome competition. It is well known the cost of transportation of agricultural products comes off the producer, and when you can reduce that cost you increase the value of the product in the hands of producers. Imports for the South and West will also by this means find cheaper rates of transportation.

The harbor of New York is the common property of the nation. New York is the great market, depot, and shipping point both for the exports and imports of the whole country. "The harbor of New York is in the fullest sense the harbor of the whole country." "Here," as has been said, "all the nerves and arteries of the body-politic converge.

Here are the vital pulsations of commerce and national energy." Therefore the facilities at that point which will promote ample, free, rapid, and cheap transportation are of the greatest importance to all sections and classes in this country.

The construction of this bridge will extend the present limited wharf and harbor facilities of the city of New York by making them five times greater. The deep-water frontage on Staten Island will enable cars loaded with the grain of the West, the cotton of the South, and the other products of the country to discharge their freight immediately into the vessels which convey them to foreign countries, and the imports which are brought to the port of New York may be loaded from the vessels that bring them upon the trains which will distribute them through the country, thereby avoiding the payment of the present enormous and at times extortionate charges for lighterage, ferriage, and other terminal charges. It is unnecessary for me to dwell longer upon the immense value of the construction of a bridge across this narrow stream to the general commerce of the country.

The report of Major Gillespie, of the Engineer Corps, shows that the construction of the bridge in the manner proposed will not seriously interfere with the navigation of the Arthur Kill. In the construction of any bridge across a stream on which there is much commerce some interference will occur, but any such interference in this instance is utterly insignificant in comparison with the immense advantages that will result to the commerce of the whole country.

I have nothing more to say, except that I am convinced, as was the Senate committee and as was the House committee, that this bill is in the interest of the general commerce not only of the West and South, but of the entire country. I think, therefore, the bill ought to pass.

I ask that the report of the Senate committee may be read.

The Committee on Commerce, to whom was referred the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, beg leave to report as follows:

This bill makes it lawful for the Staten Island Rapid Transit Railroad Company and the Baltimore and New York Railroad Company, corporations existing under the States of New York and New Jersey respectively, to construct a railway bridge across the Staten Island Sound, known as Arthur Kill, at or near Elizabeth, N. J., and the town of Northfield, upon Staten Island, New York.

It provides that the bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the sound at an accessible and navigable point and with spans of not less than 200 feet in the clear on each side of the central or pivot pier of the draw, and that these spans shall not be less than 32 feet above low-water mark measuring to the lowest member of the bridge superstructure. The bill further provides that the plan and location of the bridge shall be submitted to the Secretary of War and receive his approval before it can be constructed.

The committee gave ample opportunity to all parties interested to present their arguments in favor of or against the bill, and, after carefully considering the same, now state their conclusions as follows:

(1) Staten Island Sound, or Arthur Kill, is a tidal water way separating New Jersey from Staten Island, New York. The bill does not locate the site of the bridge, but leaves the same to be determined by the Secretary of War. It was conceded, however, in the arguments before the committee that the point at which the railroad companies desired to construct the bridge, if the site chosen by them should be approved by the Secretary of War, was near the southern border of the town of Elizabeth, where the sound does not exceed 600 feet in width. Some of the opponents of the bill did not object to the construction of the bridge across the sound, but to the location as chosen by the railroad companies. The committee, however, are of opinion that the question of the location of the bridge should be left, as it is left by the bill, to the determination of the Secretary of War, who will doubtless be governed in his action by the report of engineer officers thoroughly familiar with the sound, and who are eminently qualified to determine what is properly a question of engineering.

In almost all the acts of Congress authorizing the construction of bridges over navigable streams we find that the Secretary of War has been invested with the power to locate the bridge and approve the plans thereof, and no sufficient reason has been presented to the committee warranting a departure from this uniform usage.

(2) Staten Island Sound is an important water way connecting Newark Bay and Kill von Kull with Raritan Bay, and along this sound there is carried an extensive commerce. The shores on either side in the main are low, flat salt meadows.

The chief commerce of the sound that is to be affected by the construction of this bridge is that coming from South Amboy, Perth Amboy, and the Raritan River. At South Amboy the Pennsylvania Railroad Company have constructed their extensive coal wharves, and at Perth Amboy are found the large piers of the Lehigh Valley Railroad Company. The tonnage from South Amboy, as shown by the report of Major Gillespie, for the year ending June 30, 1884, was 2,308,961 tons, being chiefly coal (see page 754); from Perth Amboy, from the same report (page 754), the tonnage was 2,293,620 tons; this also was chiefly coal. From the Raritan River came, first, the tonnage passing through the Delaware and Raritan Canal, connecting the Delaware and Raritan Rivers, amounting, as shown by that report (page 756), to 1,272,386 tons; and also the tonnage coming from manufacturing and other establishments upon the river and tributaries, and which was carried in small sail-boats or small steamers, and shown in the same report as 409,939 tons.

What proportion of this entire tonnage passes through the Raritan Bay and takes what is known as the outer channel through the Narrows to New York, and what proportion of the same passes through the outer channel and past Sandy Hook and up the coast, the committee have no accurate means of determining; it was, however, conclusively shown to the committee, and indeed admitted by all parties, that the commerce from South Amboy, Perth Amboy, and the Delaware and Raritan Canal, and which passed up the sound to New York Harbor and to ports situated on or near Long Island Sound, was carried almost exclusively in canal-boats and barges. These boats and barges are placed in large tows, sometimes containing, as stated to the committee, 8,000 tons of coal, and drawn by tugs. The canal-boats or barges coming from the Delaware and Raritan Canal are brought down the Raritan River in large tows and pass through the draw-bridge of the Central Railroad of New Jersey at the mouth of the Raritan River. The draw of this bridge gives a clear water way of 200 feet.

The opponents of the bill claim that the construction of the bridge would offer serious obstruction to this canal-boat and barge traffic by contracting the width of the channel to two clear water ways of 200 feet each; the committee, however, are of the opinion that the difficulties anticipated by the opponents of the bill will not arise in actual practice. It must be remembered that these canal-boats and barges will readily pass under the bridge constructed 30 feet above low-water mark without the draw thereof being open, and it was shown to this committee that a large proportion of the tugs were provided with smoke-stacks of such a height that they could readily pass under the bridge without the opening of the draw. Moreover, it is a well-known fact that the smoke-stacks of these tugs can be so constructed that they can be lowered while passing under a bridge, and that this form of construction is quite common, if not almost universal, upon the Western rivers, where the boats are frequently required to lower their stacks while passing under bridges constructed without a draw.

The committee call attention to the fact that the bill does not fix the exact height at which the bridge is to be constructed above low-water mark, but prescribes that it shall be constructed not less than 30 feet above the same, leaving to the Secretary of War to determine whether, under all the circumstances, the bridge shall be constructed a few feet higher than the minimum prescribed by the bill. The committee call attention to the fact that very much of this commerce that will pass through this bridge has not only come through the Delaware and Raritan Canal, but has come in tows through the 200-foot draw at the mouth of the Raritan River. The committee are not aware that a draw of greater length than that prescribed by the bill has ever been required by Congressional enactment. The New York and Greenbush Railroad Company's bridge is constructed across the Hudson River, near Albany, with a draw of 170 feet, and above this draw are made up the large tows of canal-boats coming from the Erie Canal and destined to New York, and through it also pass all the large steamers plying between New York and Albany.

The lake commerce of the city of Chicago is accommodated upon the Chicago River, and at least 99 per cent. of the same passes through one draw-bridge and 90 per cent. passes through five draw-bridges. Over the Chicago River there are some thirty-three bridges with draws therein, and none of them, we believe, are of greater width than that provided by the bill. Under the act of Congress approved the 3d day of March, 1883, the construction of a bridge of the New York, Boston and Providence Railroad Company across the Thames River, at or near New London, Conn., was authorized; the location and plans thereof were to be approved by a board of Army and Navy officers designated by the Secretaries of War and Navy. After full discussion this board has approved a plan of a bridge with a draw of substantially the same length as that provided in the bill, and through this draw pass the sound steamers of the Norwich line, and large ocean craft, and the United States war vessels destined to the naval station which is situated some distance above the bridge. Across the Harlem River in New York bridges have recently been constructed and approved by the engineers of the Army with draws of considerably less width than the one proposed by this bill; and under these bridges and through these draws passes an immense commerce, as well as the large car floats and tows of the New York Central and Hudson River Railroad to the High Bridge terminus of that line.

It is a fact well known that there is scarcely a navigable water way in New Jersey which has not been bridged under the authority of the Legislature of that State. The large commerce of the city of Newark, with a population of 150,000 inhabitants, and of its neighboring towns passes through the draws of the numerous bridges across the Newark Bay and the Passaic River, and none of these draws have a width greater than 80 feet, and the extent and value of the commerce and the number of vessels passing through the same is shown by the above-mentioned report of Major Gillespie (page 742). All of these bridges across the Newark Bay and the Passaic River are so low that the draws are required to be opened even for the smallest craft.

The committee are therefore persuaded that the commerce of Arthur Kill can readily pass through a 200-foot draw. It was shown to the committee that there was a limited commerce of small oyster-boats and craft of that kind, but of course these would have no difficulty in passing through this draw-bridge. Very few sea-going vessels pass through the Arthur Kill, and only when in tow, and it was not seriously claimed that vessels of this character would be affected by the construction of this bridge.

The committee refer to the fact that a bill similar to this received the unanimous approval of the Senate Committee on Commerce at the last session, and they also refer to and make a part of this report the report of the Secretary of War and the communications of the War Department in regard to the previous bill, which contained provisions substantially the same as the one now in question. They call special attention to the following language of Major Gillespie, of the Engineers:

"The proposed clear width of 200 feet on either side of the pivot will be ample to prevent interference with the security and convenience of navigation of Arthur Kill. It is a comprehensive enterprise, which, if successfully carried out, will add greatly to the commercial character of the island and the adjacent shores, and the bridges may be safely authorized to be built under the restrictions of the bill without any detriment to commerce, present or prospective."

In the report of Major Gillespie the Chief of Engineers concurred, and the same was approved by the Secretary of War.

(3) The two corporations which by the bill are authorized to construct this bridge are now controlled by the Baltimore and Ohio Railroad Company, which seeks for its traffic an independent outlet upon New York Harbor. This company is one of the large trunk lines, so called, controlling some 3,000 miles of railway, extending to Cincinnati, Louisville, and Saint Louis on the southwest, and Pittsburgh, Cleveland, Sandusky, and Chicago in the north and northwest.

This company desires to use the northern and eastern shore of Staten Island for its terminus; upon these shores there is ample depth of water for the accommodation of the largest sea-going vessels. These vessels can come direct to the piers constructed upon these Staten Island shores and unload their cargoes direct into warehouses, whence the same can be loaded directly into cars for shipment to their places of distribution. Terminal charges for lighterage from the vessel to the warehouse and again from the warehouse to the railroad will thus be saved. The average cost of lighterage in New York Harbor was stated to your committee at 60 cents a ton. The railroad company also propose to carry their passenger traffic in fast steamers directly from the northern point of the island to their depot near the Battery in New York city, and which is immediately connected with the station of the four elevated railroad lines in New York.

The construction of the bridge will therefore serve a very important public purpose and accommodate a very large amount of interstate and foreign traffic, and will give to the Baltimore and Ohio Railroad an independent terminus at New York, and will bring into use for commercial purposes the deep-watered shore of Staten Island, which forms the southern portion of the New York Harbor.

(4) The committee are of opinion that the commerce which passes across such a stream as Staten Island Sound is to be accommodated as well as that which passes along it, and, in the language of the Supreme Court in the case of Escanaba Company *vs.* Chicago (107 U. S. Reports, page 680), "The object of wise legislation is to give facilities to both with the least obstruction to either." This we think is accomplished by the provisions of the bill. Commerce of the railroad can pass across the sound, commerce of the sound can pass through the draws which are ample for every purpose, and the large proportion of the sound traffic can pass under the bridge without even the necessity of opening the draw and without being obstructed in any substantial degree.

The committee therefore report Senate bill No. 121 with amendments, and recommend its passage as amended.

Since this report was prepared the attention of your committee has been called

to resolutions passed by the Legislature of New Jersey, touching the authority of Congress in these premises, and in fact denying that authority. They therefore submit their views as to this question. They also annex communications from the Secretary of War.

The committee does not deem it necessary to enter into an extended discussion of the power of Congress to pass acts authorizing the construction of bridges over interstate water ways. This power has been exercised too frequently to be now the subject of serious denial. To cite a single instance among the statutes enacted by the Forty-seventh Congress, there are twenty-four acts in substantially the same terms as the present bill authorizing railroad companies to build bridges over navigable rivers within and between States; hardly a session of Congress passes without similar authority being conferred upon a railroad or bridge company to bridge some navigable stream.

In 1876 the State of South Carolina filed a bill in the Supreme Court of the United States against the State of Georgia and the Secretary of War to prevent the United States engineers from building a crib across one channel of the Savannah River in order to deepen the others. The court dismissed the bill, and in doing so used the following language:

"They (the States before the adoption of the Federal Constitution) had plenary authority to make improvements in the bed of a river, to divert the water from one channel to another, and to plant obstructions in it at their will, but the power to regulate commerce conferred by the Constitution is that which previously existed in the States. The power to regulate commerce confers the control for that purpose to the extent necessary of all the navigable rivers of the United States which are accessible from a State other than those in which they lie; for this purpose they are the public property of the United States, subject to all the requisite legislation by Congress." (South Carolina *vs.* Georgia, 93 U. S., page 4.)

Again the court said:

"Every structure erected in the bed of a river, whether in the channel or not, would be an obstruction. It might be a light-house erected on a submerged sand-bank, or a jetty pushed out into the stream to narrow the water way, or a pier of a bridge standing where vessels now pass."

It is true that the States retain the power to authorize the construction of bridges across navigable streams as long as the subject is not regulated by Congress, but the moment that Congress, in pursuance of the power delegated to it by the Constitution, exercises its right to authorize the construction of bridges, State enactments contrary thereto become null and void. This is a doctrine settled by numerous decisions of the Supreme Court of the United States, and upon which Congress has uniformly acted. In the case of Gilliman *vs.* Philadelphia (3 Wallace, 713) the court, referring to the construction of bridges, uses the following language:

"The States have always exercised this power, and, from the nature and objects of the two systems of government, they must always continue to exercise it, subject, however, in all cases to the paramount authority of Congress whenever the power of the State shall be exerted within the sphere of the commercial power which belongs to the nation."

Again:

"Lastly, Congress may interpose, whenever it shall be deemed necessary; by general or special laws it may regulate all bridges over navigable waters, remove offending bridges, and punish those who shall thereafter erect them. Within the sphere of their authority both the legislative and judicial power of the United States are supreme. A different doctrine finds no warrant in the Constitution and is abnormal and revolutionary."

In a case concerning a license to construct a boom in the Mississippi, the court said, in 1878: "Moreover, the United States, having paramount control over the river, may grant such license if the State should refuse one." (98 U. S., page 409, Patterson *vs.* Boom Company.) In 1882 the same court said, in the case relating to the bridge over the Ohio River, authorized by both State and the United States, that the act of Congress was "the paramount license for the erection and maintenance of the bridge." (105 U. S., page 479, Bridge Company *vs.* United States.) The authority to construct the bridge across the Missouri River from Council Bluffs to Omaha is derived from the act of Congress of February 24, 1871, without any legislation of the State of Iowa authorizing its construction, and the construction of the bridge under this act has been declared legal by the Supreme Court of the United States.

The act of Congress of July 14, 1862 (11 Stat. L., 570), authorized a railroad company to construct the bridge over the Ohio River near Steubenville, and makes void all provisions of the acts of Ohio or Virginia in conflict therewith. This is a notable instance of where Congress authorized a railroad company to construct its bridge over the Ohio River, although the express legislation of Virginia provided that it should not construct that bridge until certain other bridges should be constructed elsewhere. The act of Congress strikes down this restriction of the State Legislature, and gives express authority to the railroad company to construct its bridge in spite of the same.

The committee do not deem it necessary to cite more instances of Congressional action in authorizing bridges, nor to refer at greater length to the numerous decisions of the Supreme Court and circuit courts of the United States, in which this power is recognized as unquestioned.

WAR DEPARTMENT, *Washington City, January 27, 1886.*

SIR: I have the honor to acknowledge the receipt of a letter, dated the 8th instant, from the Committee on Commerce, by its clerk, inclosing Senate bill No. 121, Forty-ninth Congress, first session, "to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road," and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I beg to invite your attention to the inclosed letter, dated the 21st instant, from the Chief of Engineers, who embodies a report in this matter by Major Gillespie, Corps of Engineers, concurring in his views, and recommending that the height in the clear between the bridge and the water be measured from the level of mean low water, and be made 32 feet, if practicable.

The recommendations of Major Gillespie and of the Chief of Engineers are concurred in.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. SAMUEL J. R. MCMILLAN,
Chairman Committee on Commerce, U. S. Senate.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C., January 21, 1886.

SIR: I have the honor to acknowledge the reference to this office for report of letter from the Senate Committee on Commerce, by its clerk, Mr. J. B. McMillan, dated the 8th instant, inclosing Senate bill 121, Forty-ninth Congress, first session, "to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and establish the same as a post-road," and to state that it was referred to Maj. G. L. Gillespie, Corps of Engineers, who has returned it with a report, of which the following copy is respectfully submitted.

Major Gillespie's views are concurred in by this office, and in addition it is recommended that the height in the clear between the bridge structure and the water be measured from the level of mean low water, and be made 32 feet, if practicable.

UNITED STATES ENGINEER OFFICE, *New York, January 16, 1886.*

GENERAL: I have the honor to submit the following report in compliance with first indorsement, Office Chief of Engineers, United States Army, January 14, 1886, on letter from Committee on Commerce, United States Senate, January 8, 1886, referring to Senate bill 121, Forty-ninth Congress, first session, "To authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road."

This is essentially the same as Senate bill 1447, Forty-eighth Congress, first session, upon which reports were submitted from this office under dates of February 28 and April 15, 1884, to which references are respectfully made.

Arthur Kill is about 12 miles long, and is a retired and sheltered water connection, through Kill von Kull, between the Upper Bay of New York and the mouth of the Raritan River. At the proposed site of the bridge the width from bank to bank, between high-water lines, is 625 feet, approximately, and between the 12-foot curves 500 feet, approximately, the depth in the center of the channel being 18 to 19 feet M. L. W. In the northern half of the kill the navigable depth is 13 feet, low stage, and in the south half 15 to 18 feet, low stage; these are the minimum depths arising from small shoals, the maximum depth near Perth Amboy being in excess of 35 feet. By a slight improvement the navigable depth may readily be increased throughout to 20 feet, low stage.

Senate bill 121, Forty-ninth Congress, first session, provides for the construction of a pivot draw-bridge, which shall have a width of span of not less than 200 feet in the clear on either side of the pivot pier, and a height of not less than 30 feet from lower chord to low-water level. These provisions, in my opinion, meet all the demands of the present or future commerce of the kill, and the restrictions contained in section 4 of the bill are ample to secure a location and construction for the pivot pier such as will cause least interference with the existing deep-water channel and at the same time will be least obstructive to the tidal currents.

The construction of the proposed bridge under the provisions of the bill will not injuriously affect any interests over which the Government has control.

Very respectfully, your obedient servant,

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., United States Army.

Brig. Gen. JOHN NEWTON,
Chief of Engineers, United States Army, Washington, D. C.

The letter from the Senate Committee on Commerce is herewith returned.

Very respectfully, your obedient servant,

JOHN NEWTON.
Chief of Engineers, Brig. and Bvt. Maj. General.

Hon. W. C. ENDICOTT,
Secretary of War.

WAR DEPARTMENT, *Washington City, March 7, 1884.*

SIR: In returning herewith the copy of bill S. 1447, "A bill to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," which was referred from the Senate Committee on Commerce for the views of this Department thereon, I have the honor to inclose herewith a report of the Chief of Engineers, dated the 4th instant, embodying a copy of a report upon the subject of said bill by Maj. G. L. Gillespie, Corps of Engineers, New York, dated the 28th ultimo.

The views presented by Major Gillespie, in which the Chief of Engineers expresses his concurrence, are also concurred in by this Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

OFFICE OF CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., March 4, 1884.

SIR: I have the honor to return herewith (S. 1447) "A bill to authorize the construction of certain bridges across the Staten Island Sound known as Arthur Kill, and to establish the same as post-roads," referred to the War Department for its views and suggestions from the Committee on Commerce of the Senate of the United States, and thence to this office, and to invite attention to the following copy of the report thereon of Maj. G. L. Gillespie, Corps of Engineers.

It will be observed that Major Gillespie sees no objection to the construction of draw-bridges as provided for, but makes objection to spanning the highway in question by a bridge with unbroken spans having the elevation specified in the bill.

[Second indorsement.]

UNITED STATES ENGINEER OFFICE, *New York, February 28, 1884.*

Respectfully returned to the Chief of Engineers, United States Army. That there may be no mistake as to the water way mentioned as "Staten Island Sound," I take occasion to say in the beginning that the navigable channel known by that name is limited exclusively to the narrow and tortuous water course usually called Arthur Kill, which separates Staten Island on the west side from the New Jersey shore, and extends from Elizabethport to Perth Amboy, N. J.

The name Kill von Kull is reserved solely for the connecting passage between Upper New York Bay and Newark Bay, separating Bergen Neck on the north from Staten Island on the south.

The bridges mentioned in Senate bill 1447, Forty-eighth Congress, first session, are proposed to be erected over Arthur Kill, one at or below Elizabethport, N. J., and the other at or above Perth Amboy, N. J.

Arthur Kill is the grand highway for all the local commerce of the several ports and streams on the west side of Staten Island, as well as for the interstate commerce passing south and west through the Delaware and Raritan Canal, which connects the Raritan River at New Brunswick, N. J., with the Delaware River at Trenton, N. J. This canal is one of the principal links of the chain of internal navigation of the Atlantic seaboard. It has a minimum depth of 8 feet throughout, and its annual tonnage is 2,000,000 tons, approximately; less of late years than formerly, owing to railroad competition, though its importance as a water way is not impaired.

The draws which are described in the bill are sufficiently wide to meet all the requirements of commerce along the route over which the bridges are to be built.

I do not approve the spanning of any important navigable highway adjacent to the sea, which is now or may hereafter be utilized by sea-going vessels, by a bridge with continuous spans, even if the bottom chords should be placed so high as 100 feet above high-water mark, except in the rare case of two large and populous cities, where the intercommunication between them over a bridge would be greatly interfered with by frequent and prolonged openings of the draw.

No such condition exists on Arthur Kill, and while the existing depth of water is not sufficient for sea-going vessels of the first class, yet the stream is capable of improvement, and will be improved whenever commerce demands it. For this reason the bridges should be provided with draws. The proposed clear width of 200 feet on either side of the pivot will be ample to prevent interference with the security and convenience of navigation of Arthur Kill.

On the approach to Newark, N. J., from Kill von Kull, the Central Railroad of New Jersey, which crosses Newark Bay, has a draw with a clear opening of 80 feet on either side of pivot; the New York and Newark Railroad, at the mouth of the Passaic River, has one of 65 feet, and the Pennsylvania Railroad, in the city of Newark, has one of 75 feet.

The Central Railroad of New Jersey, whose tracks cross Raritan River near its mouth, on the approach to the canal, after a lengthy controversy with the Delaware and Raritan Canal Company, adopted and built a draw opening of 200 feet, the same as proposed in this bill.

The main objects to be gained by the construction of these bridges are to give rapid transit around the island to points on the New Jersey shore, to increase the facilities for reaching New York, and to provide means for reaching coal wharves to be built, it is said, by the coal-carrying roads on deep water on the east side of the island.

It is a comprehensive enterprise, which, if successfully carried out, will add greatly to the commercial character of the island and the adjacent shores, and the bridges may be safely authorized to be built under the restrictions of the bill without any detriment to commerce, present or prospective.

The papers are herewith returned.

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

I concur in these views.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., April 17, 1884.

SIR: I have the honor to acknowledge the reference to this office on the 11th instant of the letter of Hon. W. P. FRYE, of the Committee on Commerce of the United States Senate, inclosing S. 1447, "to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," and certain papers relating thereto, and to state that it was referred to Maj. G. L. Gillespie, Corps of Engineers, who has returned it with the report of which the following is a copy.

Major Gillespie's views appear to be just and proper, and are concurred in.

UNITED STATES ENGINEER'S OFFICE, *New York, April* 15, 1884.

Respectfully returned to the Chief of Engineers, United States Army.

The intent of the act, as I understand it, is to authorize at this time the construction of a railroad bridge over the navigable waters of Arthur Kill, the Secretary of War having the reserved right, in the interest of commerce, to dictate the character and arrangement of the bridge in all its parts.

The petition submitted with Mr. Bonnett's paper has been carefully considered. The east bank of Arthur Kill, on the northern side of Staten Island, extending south to Fresh Kills, is a wide marsh land, with but little variation in its elevation for a distance back from the shore line of over 2 miles. If the lower chord of the bridge proposed to be built near Elizabethport be placed at 135 feet above high water the approaches to the bridge would be over long and high trestle-work, which would have so steep a grade as to make the railroad probably unfitted for giving rapid transit to the towns on the island and on the west bank, or for convenient connection with existing railroads.

The 135-foot contour of the island along the proposed railroad line on the north shore does not extend westward of Factoryville. At the southwestern point of the island the ground is higher than on the north shore; on the ridge above Tottenville the 100-foot contour appears on a single rise, but this is an exception; all the rest of the ground in the vicinity is much lower.

The low character of the land adjacent to Arthur Kill therefore compels, with rapid transit in view, the construction of low bridges; and that they may not obstruct navigation, draws must be provided, the exact width and arrangement of which can be definitely stated only after a careful survey of the water course has been made, including the determination of the strength and directions of the current. A clear width of not less than 200 feet in the channel way, through the bridges provided for in the act, is, with my present knowledge, deemed sufficient for the requirement of the commerce of Arthur Kill, and the projected bridges may, it is thought, be built without interfering injuriously with the flow of the tide, or without increasing the dangers to navigation due to ice which forms in the kill or which is driven there by winds and currents.

The relation of the bridges to the tides, ice floes, and other matters involving the rights of commerce will engage the attention of the examining officers designated by the Secretary of War after the bridge company shall have presented drawings and specifications of the plans proposed.

The examination will include not only the bridges proper and the necessary width of draws, but their sites and the sites and arrangements of the piers with reference to the navigation of Arthur Kill in all its bearings.

The papers are herewith returned.

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

The letter of Hon. Mr. FRYE is herewith returned.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

WAR DEPARTMENT, *Washington City, April* 19, 1884.

SIR: Referring to your letter of the 10th instant, inclosing bill S. 1447, Forty-eighth Congress, first session, a bill "to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," together with a petition from Mr. P. Bonnett and other shore-owners, and also returning for consideration in connection with the petition referred to a report, dated the 4th ultimo, from the Chief of Engineers, embodying a report on this bill from Maj. G. L. Gillespie, Corps of Engineers, I have the honor to invite your attention to the inclosed report of April 17, 1884, from the Chief of Engineers, embodying a supplemental report, dated the 15th instant, from Maj. G. L. Gillespie, Corps of Engineers, whose views as expressed therein are concurred in by the Chief of Engineers.

The inclosures to your letter are herewith returned.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN, *Secretary of War.*

Hon. WILLIAM P. FRYE,
Chairman of subcommittee of Committee on Commerce,
United States Senate.

Mr. MORRISON. I would like to have the report read.

The report (by Mr. CRISP) was read, as follows:

The Committee on Commerce, to whom was referred the bill (S. 121) to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, have had the same under consideration, and report as follows:

The bill contains all the restrictions necessary for the protection of the navigation of the Arthur Kill, is recommended by the War Department, and we think should be passed. We therefore report the bill back with a favorable recommendation.

Mr. MORRISON. Here is a paper from an engineer which gives some light on this subject. I send it to the desk to be read.

The Clerk read as follows:

In regard to the proposed building of a railroad bridge across Arthur Kill, between Staten Island and New Jersey, this proposed railroad bridge is to be built over the existing channel, which passes Elizabethport, runs between Staten Island and New Jersey, and empties into Raritan Bay.

The bill introduced is for a bridge to extend from Elizabethport to Staten Island with a center pier 500 feet long, parallel with the channel, having a draw 200 feet wide.

To build such a bridge at this point, at least 300 feet of the water inclosed between these shores will be obstructed by the piling or the piers which will have to be driven or built to support the road-bed.

Arthur Kill is very narrow, only 600 feet wide; is one of the most important highways for commerce in the vicinity of New York Harbor.

The channel is used by all the vessels which transport the commerce originating at Elizabethport, and also by all vessels, steamers, boats, barges, and tows which go to and come from the many rivers tributary to Arthur Kill, or which pass from New York Harbor southward, through the Delaware and Raritan Canal, which, with the Raritan River, is the connecting link of interstate commerce between States south of New Jersey and those east. The annual tonnage of the canal alone, at one time, amounted to 5,500,000 tons; it is now diminished to 1,800,000 tons on account of shoals in the Raritan River, and the unfortunate delay at the mouth of this river compelling the tows to wait for certain stages of the tide before attempting to pass through the draw of the Long Branch Railroad Company's bridge; then they experience great difficulty in getting safely through.

In 1874 the General Government proposed to improve the channel by dredging a channel 400 feet wide, 13 feet deep, mean low water, extending from Shootec Island, leading past the wharves at Elizabethport, with deflecting dikes on both sides of the channel. The opposition to the dikes was so influential that April 26, 1875, a general order was issued constituting a board of United States engineer officers to examine and report a plan for a channel between Staten Island and New Jersey, which board reported November 30, 1875, and in this report is the following paragraph:

"It has been urged that the projected route by reason of the abrupt termination of direction at the eastern end of the dikes will inconvenience the towage companies, while the advantage of a wider, deeper, and shorter channel, only about a mile long, between dikes, more than compensates for the inconveniences of this change of direction to the larger class of vessels. It is quite probable that large tows would by preference take the present channel if suitably improved."

Any proposition to dike in the present channel would doubtless prove a failure, as the meeting of Arthur Kill and Kill von Kull currents would form a shoal somewhere between the dikes or at their entrance, and thus defeat the purpose of their construction. This board place their decision not to recommend the dike system of improvement already commenced solely on this ground, that whatever may have been the prospective requirements of commerce on this route three years ago, its present needs do not, in their opinion, call for a 14-foot channel at mean low water to be attained by the construction of dikes at lage cost. On the contrary, they believe that the existing channel can be sufficiently improved to accommodate present commercial interests by dredging to a depth of 10 to 11 feet at mean low water, by diminishing its curvature at the corner stakes light, and by giving it such width as to permit the passage of large tows and the largest class of sailing vessels in use on these waters without risk of colliding or grounding. We therefore recommend that this deepening and widening of the channel be effected in accordance with the plans which we now submit:

As the channel in its western and difficult portion was produced by the transit of large tows drawn by steamers and the larger class of propellers, it is presumed that when deepened the same causes will help to maintain that depth and diminish the expenditures that will be required from time to time for dredging.

It will be noticed that the board of engineers decided that shoals will form somewhere between the dikes or at their entrance. These dikes were to be built parallel with the channel, so that the water could flow past them. Now, if shoals form around such dikes, which comparatively do not obstruct the flow of water, is it not demonstrated that if piles are driven directly across or horizontal to the flow of water of the channel, or large piers built with narrow outlets, that they act as a dam, stopping the flow of water in a great measure, and in consequence shoals will more readily form, and in a short time the channel will dwindle down to a narrow, intricate one, caused by shoals forming around the piers of the railroad bridge, causing great inconvenience to the commercial interests of the many tributary rivers which rely on this kill as the means of a near, direct, and economical delivery of their merchandise, and on which the General Government has expended $848,000 improving.

The maintenance of deep water and open channel at this point is a matter of more than local importance, as it not only concerns the coasting trade of New Jersey, but also a considerable part of that of Pennsylvania, Delaware, and Maryland, being a great outlet for easy and economical delivery to the manufactories of the New England States. The number of vessels which pass through this channel amounts to 98,000 annually, carrying a total tonnage of 16,500,000 tons, with an estimated value of $61,592,000.

Any bridge across this kill would greatly obstruct the navigation of this channel, as the distance from Staten Island to New Jersey is only 600 feet, and at least 300 feet of that would be occupied by the piers to support the bridge.

A bridge can be built a little farther down Staten Island Sound which would have its center pier entirely out of water, resting on Buckwheat Island, a draw on the New Jersey side of the island and a span reaching from Buckwheat Island to Staten Island. Such a bridge should have an elevation of at least 70 feet from mean high water, and would not be an obstruction to the navigation of this highway.

For verification of commercial statistics I refer to the report of Col. G. L. Gillespie, United States Engineer Corps United States Army. (Appendix G, pages 741, 742.)

A. B. BURR, *Chief Engineer.*

Mr. BUCHANAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. This being a motion to suspend the rules and pass the bill, is an amendment to the bill in order?

The SPEAKER. Not unless by unanimous consent.

Mr. BUCHANAN. Then I ask unanimous consent to offer an amendment which will obviate the objection of the engineer in charge of the harbor at that point—an amendment drawn precisely in accordance with his suggestions.

Mr. TOWNSHEND. I can not accept any amendment, but I will

state that accompanying the Senate report are the opinions of engineers showing that the bridge will be no serious obstruction to commerce.

Mr. BUCHANAN. This amendment is in accordance with the suggestions of the engineer in charge of the harbor.

Mr. FINDLAY. I object.

Mr. MORRISON. Has the paper that I sent to the desk been read in full?

The SPEAKER. The reading has been completed.

Mr. MORRISON. This bill seems to have merit in it. I make no further objection to its passage.

Mr. TOWNSHEND. I ask to have the Senate report printed in the RECORD.

Mr. WARNER, of Ohio. I do not think that is necessary.

Mr. TOWNSHEND. I think it is very necessary, in order that all the facts may be known.

The SPEAKER. Is there objection?

Mr. MILLS. I object.

Mr. BUCHANAN. Unless the objection to my amendment is withdrawn there will be objection.

Mr. TOWNSHEND. Then I must ask that that report be read, because it embodies the objections that have been made and the answers to them.

The SPEAKER. It can be read in the gentleman's time.

The Clerk began the reading of the report.

Mr. TOWNSHEND. Mr. Speaker, I will trust to the generosity of the House hereafter to allow the report to be printed in the RECORD, and will not insist upon its reading at this time.

The question was taken on the motion to suspend the rules and pass the bill; and there were—ayes 139, noes 3.

So (more than two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent that gentlemen be permitted to print remarks upon this bill.

There was no objection, and it was so ordered.

Mr. JOHNSON, of New York. Mr. Speaker, in my humble judgment the measure now under consideration is one of very great importance to the business interests, and so to the general welfare of the entire country. It is a question of the completion of another trunk line connecting the great West and our chief commercial center, a trunk line owning and controlling 3,000 miles of railroad and seeking proper terminal facilities at the seaboard. Shall Congress authorize the building of a bridge across Staten Island Sound connecting the States of New York and New Jersey—a draw-bridge, at least 32 feet above low water mark and with a channel of 200 feet clear on each side of the pivot pier of the draw, the plans and location of which are to be subject to the approval of the Secretary of War, the bridge not to be built till such approval is given? After careful consideration in committee, favorable reports were made by the Committee on Commerce of both the Senate and House of Representatives, and the measure has recently passed the Senate by a large majority. The sentiment so far as expressed by the commercial bodies of New York is unanimous in favor of the bill. The New York Legislature adopted unanimously resolutions requesting their Senators and Representatives in Congress to use "all honorable means to procure the passage of the bill authorizing the construction of the Arthur Kill bridge as a public improvement leading to largely increasing terminal facilities, without cost to the State or General Government." The opposition thus far has come from the State of New Jersey. For reasons satisfactory to themselves, her Senators and Representatives have and will oppose the bill, and that too with the zeal and ability characteristic of the representatives of that State; but for one I have heard no arguments in opposition which should stand for a moment as against those that can be presented in favor of the measure. I trust the bill may be promptly passed, believing that the results will prove such legislation to have been in the line of desirable and legitimate commercial competition and tending to the best interests of all concerned.

Mr. BELMONT. Mr. Speaker, as Richmond County, or Staten Island, is part of the constituency I have the honor to represent, I will avail myself of the leave granted by the House to present the reasons for my support of the bill now before the House "to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road." The bill was introduced by myself at the outset of this session. It asks nothing of the United States but a right of way in the interests of interstate commerce over a navigable channel, and surrounds the granting of that right with every proper precaution against undue interference with navigation, which, I assume, is the only point this House will feel called upon to guard. No question of the right of Congress to pass the bill can be seriously raised and maintained, except, perhaps, for dilatory purposes, and then not in the public interest. The authority of Congress over all navigable streams within our own borders has been settled by a long line of decisions of the Supreme Court, and especially and absolutely so where the tide ebbs and flows, as in this case. The only question is one of expediency, and on that point I think the proofs are overwhelming.

The bill authorizes the Staten Island Rapid Transit Railroad Company, a corporation existing under the laws of the State of New York, and the Baltimore and New York Railroad Company, a corporation existing under the laws of New Jersey, to construct, for the passage of railroad trains, across that part of Staten Island Sound known as Arthur Kill, from New Jersey to Richmond County (Staten Island), New York, a pivotal draw-bridge, with a span of not less than 200 feet on each side of the central pier, and of a height not less than 32 feet from the lowest part of the structure to mean low-water mark. The use of the bridge is not restricted to the two railroads named. Any railroad, by paying a reasonable compensation to the owners, can traverse the bridge; and it is further provided that if the Secretary of War shall at any time deem a change of construction necessary to prevent obstruction to navigation, or if he shall even deem the removal of the whole structure necessary for this purpose, he shall have power to direct it to be done at the cost of the owners of the bridge. In this and every other respect ample precautions have been taken to protect the navigation of this most important water way.

It may, perhaps, be necessary to explain to gentlemen not familiar with the topography of New York Harbor that Arthur Kill is a narrow arm of the sea separating the west side of Staten Island from the New Jersey shore and connecting Raritan Bay with the Kill von Kull, the latter a channel which debouches into Upper New York Bay and divides Bergen Neck, New Jersey, on the north from Staten Island on the south. Arthur Kill has a length of 12 miles and a width varying from 3,600 feet at its widest to 600 feet at its narrowest point and a current ranging, according to the estimates of different engineers, from one and a quarter to two and a half miles an hour.

The bill as originally framed provided that the proposed bridge should be constructed at the narrowest point; but as it now comes before the House this question is left absolutely to the discretion of the Secretary of War, the bill enacting that a detailed map of the sound, showing the depths and currents at the proposed site of the bridge, shall be first submitted to him, and that without his approval of plan and location the bridge shall not be built.

This is not a new question before Congress or the country. A bill of similar purport (H. R. 4830) was introduced by myself in the first session of the Forty-eighth Congress. It was very carefully considered by the Committee on Commerce who reported a substitute (H. R. 7165) embracing most of the main features of the original bill. Pending action by a co-ordinate branch, the engineers of the War Department were called upon to investigate the matter. Major Gillespie, the officer selected for this purpose, made a careful and able report, fully recognizing the importance of the water way proposed to be bridged, in respect to which he said:

> Arthur Kill is the grand highway for all the local commerce of the several ports and streams on the west side of Staten Island, as well as for the interstate commerce passing south and west through the Delaware and Raritan Canal, which connects the Raritan River at New Brunswick, N. J., with the Delaware River at Trenton, N. J. This canal is one of the principal links of the chain of internal navigation of the Atlantic seaboard.

He added:

> The draws which are described in the bill are sufficiently wide to meet all the requirements of the commerce along the route over which the bridges are to be built.

(There were two bridges proposed in the bill as originally introduced; in the present bill one only is provided for.) And in closing his report he said:

> The main objects to be gained by the construction of these bridges are to give rapid transit around the island to points on the New Jersey shore, to increase the facilities for reaching New York, and to provide means for reaching coal wharves to be built, it is said, by the coal-carrying roads on deep water on the east side of the island.
>
> It is a comprehensive enterprise, which, if successfully carried out, will add greatly to the commercial character of the island and the adjacent shores, and the bridges may be safely authorized to be built under the restrictions of the bill without any detriment to commerce, present or prospective.

This report was concurred in by Major-General Wright, Chief of Engineers, and Maj. Gen. John Newton, Chief of Engineers, and was approved by Secretary Lincoln. On the 8th of January last the matter was rereferred to the War Department. It was re-examined, and the bridge over the Arthur Kill was again recommended with only one suggested change, namely, that the height in the clear between the bridge structure and the water be measured from mean low water and be made 32 feet (instead of 30 feet). This recommendation was transmitted to Congress with the approval of Secretary Endicott, and the suggested change from 30 to 32 feet is embodied in the pending bill.

The value of the railroad transportation estimated to pass over the bridge is $200,000,000 per annum; the outside annual value of the commerce which will pass under the bridge is estimated by engineers opposed to the measure at some $68,000,000. The chief trade through the Arthur Kill consists of the towage of barges laden with coal, pottery, brick clays, fertilizers, ores, and the coarser kinds of chemicals—coal largely predominating. The Pennsylvania Railroad has a terminal depot for its heavy freights at South Amboy, and the Lehigh Valley Railroad has a similar terminal depot at Perth Amboy, both near the suggested site of the bridge, on the south side of it; and the Jersey Central Railroad has a terminal coal depot at Elizabeth, to the north of it—all three of these terminal depots being on the west shore of the Arthur Kill. In fact, to use the language of one of the prominent opponents of the bill, this channel, so long as it remains unbridged,

"is the end of rail commerce between the West and the East," and therefore he wishes it to remain so, because "here commences a great system for the distribution of that commerce" by boats to the New England ports and elsewhere.

The construction of this bridge will extend to the people of the West and South increased facilities for the marketing of their products, and will reduce by competition the cost of transportation of coal and other heavy freight to them as well as to the Eastern States. It will greatly diminish the terminal charges and add 10 or 12 miles of deep-water wharfage to the harbor facilities of the port of New York, and will bring about a wholesome competition in passenger rates.

The bill should pass.

The Senate report above referred to is as follows:

The Committee on Commerce, to whom was referred the bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, beg leave to report as follows:

This bill makes it lawful for the Staten Island Rapid Transit Railroad Company and the Baltimore and New York Railroad Company, corporations existing under the States of New York and New Jersey, respectively, to construct a railway bridge across the Staten Island Sound, known as Arthur Kill, at or near Elizabeth, N. J., and the town of Northfield, upon Staten Island, New York. It provides that the bridge shall be constructed as a pivot draw-bridge, with a draw over the main channel of the Sound at an accessible and navigable point and with spans of not less than 200 feet in the clear on each side of the central or pivot pier of the draw, and that these spans shall not be less than 32 feet above low-water mark measuring to the lowest member of the bridge superstructure. The bill further provides that the plan and location of the bridge shall be submitted to the Secretary of War and receive his approval before it can be constructed.

The committee gave ample opportunity to all parties interested to present their arguments in favor of or against the bill, and, after carefully considering the same, now state their conclusions as follows:

(1) Staten Island Sound, or Arthur Kill, is a tidal water way separating New Jersey from Staten Island, New York. The bill does not locate the site of the bridge, but leaves the same to be determined by the Secretary of War. It was conceded, however, in the arguments before the committee that the point at which the railroad companies desired to construct the bridge, if the site chosen by them should be approved by the Secretary of War, was near the southern border of the town of Elizabeth, and where the Sound does not exceed 600 feet in width. Some of the opponents of the bill did not object to the construction of the bridge across the sound, but to the location as chosen by the railroad companies. The committee, however, are of opinion that the question of the location of the bridge should be left, as it is left by the bill, to the determination of the Secretary of War, who will doubtless be governed in his action by the report of engineer officers thoroughly familiar with the sound, and who are eminently qualified to determine what is properly a question of engineering.

In almost all the acts of Congress authorizing the construction of bridges over navigable streams we find that the Secretary of War has been invested with the power to locate the bridge and approve the plan thereof, and no sufficient reason has been presented to the committee warranting a departure from this uniform usage.

(2) Staten Island Sound is an important water way connecting Newark Bay and Kill von Kull with Raritan Bay, and along this sound there is carried an extensive commerce. The shores on either side in the main are low, flat salt meadows.

The chief commerce of the sound that is to be affected by the construction of this bridge is that coming from South Amboy, Perth Amboy, and the Raritan River. At South Amboy the Pennsylvania Railroad Company have constructed their extensive coal wharves, and at Perth Amboy are found the large piers of the Lehigh Valley Railroad Company. The tonnage from South Amboy, as shown by the report of Major Gillespie, for the year ending June 30, 1884, was 2,308,961 tons, being chiefly coal (see page 754); from Perth Amboy, from the same report (page 754), the tonnage was 2,293,620 tons; this also was chiefly coal. From the Raritan River came, first, the tonnage passing through the Delaware and Raritan Canal connecting the Delaware and Raritan Rivers, amounting, as shown by that report (page 756), to 1,272,386 tons; and also the tonnage coming from manufacturing and other establishments upon the river and tributaries, and which were carried in small sail-boats or small steamers, and shown in the same report as 409,939 tons.

What proportion of this entire tonnage passes through the Raritan Bay and takes what is known as the outer channel through the Narrows to New York, and what proportion of the same passes through the outer channel and past Sandy Hook and up the coast, the committee have no accurate means of determining; it was, however, conclusively shown to the committee, and indeed admitted by all parties, that the commerce from South Amboy, Perth Amboy, and the Delaware and Raritan Canal and which passed up the sound to New York Harbor and to ports situated on or near Long Island Sound, was carried almost exclusively in canal-boats and barges. These boats and barges are placed in large tows, sometimes containing, as stated to the committee, 8,000 tons of coal, and drawn by tugs. The canal-boats or barges coming from the Delaware and Raritan Canal are brought down the Raritan River in large tows and pass through the draw-bridge of the Central Railroad of New Jersey at the mouth of the Raritan River. The draw of this bridge gives a clear water way of 200 feet.

The opponents of the bill claim that the construction of the bridge would offer serious obstruction to this canal-boat and barge traffic by contracting the width of the channel to two clear water ways of 200 feet each. The committee, however, are of the opinion that the difficulties anticipated by the opponents of the bill will not arise in actual practice. It must be remembered that these canal-boats and barges will readily pass under the bridge constructed 30 feet above low-water mark without the draw thereof being open, and it was shown to this committee that a large proportion of the tugs were provided with smoke-stacks of such a height that they could readily pass under the bridge without the opening of the draw. Moreover, it is a well known fact that the smoke-stacks of these tugs can be so constructed that they can be lowered while passing under a bridge, and that this form of construction is quite common if not almost universal upon the Western rivers, where the boats are frequently required to lower their stacks while passing under bridges constructed without a draw.

The committee call attention to the fact that the bill does not fix the exact height at which the bridge is to be constructed above low-water mark, but prescribes that it shall be constructed not less than 30 feet above the same, leaving to the Secretary of War to determine whether, under all the circumstances, the bridge shall be constructed a few feet higher than the minimum prescribed by the bill. The committee call attention to the fact that very much of this commerce that will pass through this bridge has not only come through the Delaware and Raritan Canal, but has come in tows through the 200-foot draw at the mouth of the Raritan River. The committee are not aware that a draw of greater length than that prescribed by the bill has ever been required by Congressional enactment.

The New York and Greenbush Railroad Company's bridge is constructed across the Hudson River, near Albany, with a draw of 170 feet, and above this draw are made up the large tows of canal-boats coming from the Erie Canal and destined to New York, and through it also pass all the large steamers plying between New York and Albany.

The lake commerce of the city of Chicago is accommodated upon the Chicago River, and at least 99 per cent. of the same passes through one draw-bridge and 90 per cent. passes through five draw-bridges. Over the Chicago River there are some thirty-three bridges with draws therein, and none of them, we believe, are of greater width than that provided by the bill. Under the act of Congress approved the 3d day of March, 1883, the construction of a bridge of the New York, Boston, and Providence Railroad Company across the Thames River, at or near New London, Conn., was authorized; the location and plans thereof were to be approved by a board of Army and Navy officers designated by the Secretaries of War and Navy.

After full discussion this board has approved a plan of a bridge with a draw of substantially the same length as that provided in the bill, and through this draw pass the sound steamers of the Norwich line, and large ocean craft, and the United States war vessels destined to the naval station which is situated some distance above the bridge. Across the Harlem River in New York bridges have recently been constructed and approved by the engineers of the Army with draws of considerably less width than the one proposed by this bill; and under these bridges and through these draws passes an immense commerce as well as the large car floats and tows of the New York Central and Hudson River Railroad to the High Bridge terminus of that line.

It is a fact well known that there is scarcely a navigable water way in New Jersey which has not been bridged under the authority of the Legislature of that State. The large commerce of the city of Newark, with a population of 150,000 inhabitants, and of its neighboring towns passes through the draws of the numerous bridges across the Newark Bay and the Passaic River, and none of these draws have a width greater than 80 feet, and the extent and value of the commerce and the number of vessels passing through the same is shown by the above-mentioned report of Major Gillespie page (742). All of these bridges across the Newark Bay and the Passaic River are so low that the draws are required to be opened even for the smallest craft.

The committee are therefore persuaded that the commerce of Arthur Kill can readily pass through a 200-feet draw. It was shown to the committee that there was a limited commerce of small oyster boats, and craft of that kind, but of course these would have no difficulty in passing through this draw-bridge. Very few sea-going vessels pass through the Arthur Kill and only when in tow, and it was not seriously claimed that vessels of this character would be affected by the construction of this bridge.

The committee refer to the fact that a bill similar to this received the unanimous approval of the Senate Committee on Commerce at the last session, and they also refer to and make a part of this report the report of the Secretary of War and the communications of the War Department in regard to the previous bill, which contained provisions substantially the same as the one now in question. They call special attention to the following language of Major Gillespie, of the engineers:

"The proposed clear width of 200 feet on either side of the pivot will be ample to prevent interference with the security and convenience of navigation of Arthur Kill. It is a comprehensive enterprise, which, if successfully carried out, will add greatly to the commercial character of the island and the adjacent shores, and the bridges may be safely authorized to be built under the restrictions of the bill without any detriment to commerce, present or prospective."

In the report of Major Gillespie the Chief of Engineers concurred, and the same was approved by the Secretary of War.

(3) The two corporations which by the bill are authorized to construct this bridge are now controlled by the Baltimore and Ohio Railroad Company, which seeks for its traffic an independent outlet upon New York Harbor. This company is one of the large trunk lines, so called, controlling some 3,000 miles of railway, extending to Cincinnati, Louisville, and Saint Louis on the southwest, and Pittsburgh, Cleveland, Sandusky, and Chicago in the north and northwest.

This company desires to use the northern and eastern shore of Staten Island for its terminus; upon these shores there is ample depth of water for the accommodation of the largest sea-going vessels. These vessels can come direct to the piers constructed upon these Staten Island shores and unload their cargoes direct into warehouses, whence the same can be loaded directly into cars for shipment to their places of distribution. Terminal charges for lighterage from the vessel to the warehouse and again from the warehouse to the railroad will thus be saved. The average cost of lighterage in the New York Harbor was stated to your committee as 60 cents a ton. The railroad company also propose to carry their passenger traffic in fast steamers directly from the northern point of the island to their depot near the Battery in New York city, and which is immediately connected with the station of the four elevated railroad lines in New York.

The construction of the bridge will therefore serve a very important public purpose and accommodate a very large amount of interstate and foreign traffic, and will give to the Baltimore and Ohio Railroad an independent terminus at New York, and will bring into use for commercial purpose the deep-watered shore of Staten Island, which forms the southern portion of the New York Harbor.

(4) The committee are of opinion that the commerce which passes across such a stream as Staten Island Sound is to be accommodated as well as that which passes along it, and, in the language of the Supreme Court in the case of Escanaba Company *vs.* Chicago (107 U. S. Reports, page 680), "The object of wise legislation is to give facilities to both with the least obstruction to either." This we think is accomplished by the provision of the bill. Commerce of the railroad can pass across the sound, commerce of the sound can pass through the draws which are ample for every purpose, and the large proportion of the sound traffic can pass under the bridge without even the necessity of opening the draw and without being obstructed in any substantial degree.

The committee therefore report Senate bill No. 121 with amendments, and recommend its passage as amended.

Since this report was prepared the attention of your committee has been called to resolutions passed by the Legislature of New Jersey, touching the authority of Congress in these premises, and in fact denying that authority. They therefore submit their views as to this question. They also annex communications from the Secretary of War.

The committee does not deem it necessary to enter into an extended discussion of the power of Congress to pass acts authorizing the construction of bridges over interstate water ways. This power has been exercised too frequently to be now the subject of serious denial. To cite a single instance among the statutes enacted by the Forty-seventh Congress, there are twenty-four acts in substantially the same terms as the present bill authorizing railroad companies to build bridges over navigable rivers within and between States: hardly a session of Congress passes without similar authority being conferred upon a railroad or bridge company to bridge some navigable stream.

In 1876 the State of South Carolina filed a bill in the Supreme Court of the United States against the State of Georgia and the Secretary of War, to prevent the United States engineers from building a crib across one channel of the Savannah River in order to deepen the other; the court dismissed the bill, and in so doing used the following language:

"They (the States before the adoption of the Federal Constitution) had plenary authority to make improvements in the bed of a river, to divert the water

from one channel to another, and to plant obstructions in it at their will, but the power to regulate commerce conferred by the Constitution is that which previously existed in the States. The power to regulate commerce confers the control, for that purpose, to the extent necessary, of all the navigable rivers of the United States which are accessible from a State other than those in which they lie; for this purpose they are the public property of the United States, subject to all the requisite legislation by Congress." (South Carolina *vs.* Georgia, 93 U. S., page 4.)

Again the court said:

"Every structure erected in the bed of a river, whether in the channel or not, would be an obstruction. It might be a light-house erected on a submerged sand-bank, or a jetty pushed out into a stream to narrow the water way, or a pier of a bridge standing where vessels now pass."

It is true that the States retain the power to authorize the construction of bridges across navigable streams as long as the subject is not regulated by Congress, but the moment that Congress, in pursuance of the power delegated to it by the Constitution, exercises its right to authorize the construction of bridges State enactments contrary thereto become null and void. This is a doctrine settled by numerous decisions of the Supreme Court of the United States, and upon which Congress has uniformly acted. In the case of Gillman *vs.* Philadelphia (3 Wallace, 713) the court, referring to the construction of bridges, uses the following language:

"The States have always exercised this power, and, from the nature and objects of the two systems of government, they must always continue to exercise it, subject, however, in all cases to the paramount authority of Congress whenever the power of the State shall be exerted within the sphere of the commercial power which belongs to the nation."

Again:

"Lastly, Congress may interpose whenever it shall be deemed necessary; by general or special laws it may regulate all bridges over navigable waters, remove offending bridges, and punish those who shall thereafter erect them. Within the sphere of their authority both the legislative and judicial power of the United States are supreme. A different doctrine finds no warrant in the Constitution and is abnormal and revolutionary."

In a case concerning a license to construct a boom in the Mississippi, the court said, in 1878: "Moreover, the United States, having paramount control over the river, may grant such license if the State should refuse one." (98 U. S., p. 409, Patterson *vs.* Boom Co.) In 1882 the same court said, in the case relating to the bridge over the Ohio River, authorized by both State and the United States, that the act of Congress was "the paramount license for the erection and maintenance of the bridge." (105 U. S., p 479, Bridge Company *vs.* United States.) The authority to construct the bridge across the Missouri River from Council Bluffs to Omaha is derived from the act of Congress of February 24, 1871, without any legislation of the State of Iowa authorizing its construction, and the construction of the bridge under this act has been declared legal by the Supreme Court of the United States.

The act of Congress July 14, 1862 (11 Stat. L., 570), authorized a railroad company to construct the bridge over the Ohio River, near Steubenville, and makes void all provisions of the acts of Ohio or Virginia in conflict therewith. This is a notable instance of where Congress authorized a railroad company to construct its bridge over the Ohio River, although the express legislation of Virginia provided that it should not construct that bridge until certain other bridges should be constructed elsewhere. The act of Congress strikes down this restriction of the State Legislature, and gives express authority to the railroad company to construct its bridge in spite of the same.

The committee do not deem it necessary to cite more instances of Congressional action in authorizing bridges, nor to refer at greater length to the numerous decisions of the Supreme Court and circuit courts of the United States in which this power is recognized as unquestioned.

WAR DEPARTMENT, *Washington City, January 27, 1886.*

SIR: I have the honor to acknowledge the receipt of a letter dated the 8th instant from the Committee on Commerce, by its clerk, inclosing Senate bill No. 121, Forty-ninth Congress, first session, "to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road," and requesting that the committee be furnished with such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I beg to invite your attention to the inclosed letter, dated the 21st instant, from the Chief of Engineers, who embodies a report in this matter by Major Gillespie, Corps of Engineers, concurring in his views and recommending that the height in the clear between the bridge and the water be measured from the level of mean low water and be made 32 feet, if practicable.

The recommendations of Major Gillespie and of the Chief of Engineers are concurred in.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. SAMUEL J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C., January 21, 1886.

SIR: I have the honor to acknowledge the reference to this office for report of letter from the Senate Committee on Commerce, by its clerk, Mr. J. B. McMillan, dated the 8th instant, inclosing Senate bill 121, Forty-ninth Congress, first session, "to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and establish the same as a post-road," and to state that it was referred to Maj. G. L. Gillespie, Corps of Engineers, who has returned it with a report, of which the following copy is respectfully submitted.

Major Gillespie's views are concurred in by this office, and in addition it is recommended that the height in the clear between the bridge structure and the water be measured from the level of mean low water, and be made 32 feet, if practicable.

UNITED STATES ENGINEER OFFICE,
New York, January 16, 1886.

GENERAL: I have the honor to submit the following report in compliance with first indorsement, Office Chief of Engineers, United States Army, January 14, 1886, on letter from Committee on Commerce, United States Senate, January 8, 1886, referring to Senate bill 121, Forty-ninth Congress, first session, "to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road."

This is essentially the same as Senate bill 1447, Forty-eighth Congress, first session, upon which reports were submitted from this office under dates of February 28 and April 15, 1884, to which references are respectfully made.

Arthur Kill is about 12 miles long, and is a retired and sheltered water connection, through Kill von Kull, between the Upper Bay of New York and the mouth of the Raritan River. At the proposed site of the bridge the width from bank to bank between high-water lines is 625 feet, approximately, and between the 12-foot curves 500 feet, approximately, the depth in the center of the channel being 18 to 19 feet M. L. W. In the northern half of the kill the navigable depth is 13 feet, low stage, and in the south half 15 to 18 feet, low stage; these are the minimum depths arising from small shoals, the maximum depth near Perth Amboy being in excess of 35 feet. By a slight improvement the navigable depth may readily be increased throughout to 20 feet, low stage.

Senate bill 121, Forty-ninth Congress, first session, provides for the construction of a pivot draw-bridge which shall have a width of span of not less than 200 feet in the clear on either side of the pivot pier, and a height of not less than 30 feet from lower chord to low-water level. These provisions, in my opinion, meet all the demands of the present or future commerce of the kill, and the restrictions contained in section 4 of the bill are ample to secure a location and construction for the pivot pier, such as will cause least interference with the existing deep-water channel, and at the same time will be least obstructive to the tidal currents.

The construction of the proposed bridge under the provisions of the bill will not injuriously affect any interests over which the Government has control.

Very respectfully, your obedient servant,

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. Army.

Brig. Gen. JOHN NEWTON,
Chief of Engineers, U. S. Army, Washington, D. C.

The letter from the Senate Committee on Commerce is herewith returned.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. General.

Hon. W. C. ENDICOTT,
Secretary of War.

WAR DEPARTMENT, *Washington City, March 7, 1884.*

SIR: In returning herewith the copy of bill S. 1447, "A bill to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," which was referred from the Senate Committee on Commerce for the views of this Department thereon, I have the honor to inclose herewith a report of the Chief of Engineers, dated the 4th instant, embodying a copy of a report upon the subject of said bill by Maj. G. L. Gillespie, Corps of Engineers, New York, dated the 28th ultimo.

The views presented by Major Gillespie, in which the Chief of Engineers expresses his concurrence, are also concurred in by this Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
Washington, D. C., March 4, 1884.

Hon. ROBERT T. LINCOLN,
Secretary of War.

SIR: I have the honor to return herewith (S. 1447) "A bill to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill and to establish the same as post-roads," referred to the War Department for its views and suggestions from the Committee on Commerce of the Senate of the United States, and thence to this office, and to invite attention to the following copy of the report thereon of Maj. G. L. Gillespie, Corps of Engineers.

It will be observed that Major Gillespie sees no objection to the construction of draw-bridges as provided for, but makes objection to spanning the highway in question by a bridge with unbroken spans having the elevation specified in the bill.

[Second indorsement.]

UNITED STATES ENGINEER OFFICE,
New York, February 28, 1884.

Respectfully returned to the Chief of Engineers, United States Army. That there may be no mistake as to the water way mentioned as "Staten Island Sound," I take occasion to say in the beginning that the navigable channel known by that name is limited exclusively to the narrow and tortuous water course usually called Arthur Kill, which separates Staten Island on the west side from the New Jersey shore, and extends from Elizabethport to Perth Amboy, N. J.

The name Kill von Kull is reserved solely for the connecting passage between Upper New York Bay and Newark Bay, separating Bergen Neck on the north from Staten Island on the south.

The bridges mentioned in Senate bill 1447, Forty-eighth Congress, first session, are proposed to be erected over Arthur Kill, one at or below Elizabethport, N. J., and the other at or above Perth Amboy, N. J.

Arthur Kill is the grand highway for all the local commerce of the several ports and streams on the west side of Staten Island, as well as for the interstate commerce passing south and west through the Delaware and Raritan Canal, which connects the Raritan River at New Brunswick, N. J., with the Delaware River at Trenton, N. J. This canal is one of the principal links of the chain of internal navigation of the Atlantic seaboard. It has a minimum depth of 8 feet throughout, and its annual tonnage is 2,000,000 tons, approximately; less of late years than formerly, owing to railroad competition, though its importance as a water way is not impaired.

The draws which are described in the bill are sufficiently wide to meet all the requirements of commerce along the route over which the bridges are to be built.

I do not approve the spanning of any important navigable highway, adjacent to sea, which is now or may hereafter be utilized by sea-going vessels, by a bridge with continuous spans, even if the bottom chords should be placed so high as 100 feet above high-water mark, except in the rare case of two large and populous cities, where the intercommunication between them over a bridge would be greatly interfered with by frequent and prolonged openings of the draw.

No such condition exists on Arthur Kill, and while the existing depth of water is not sufficient for sea-going vessels of the first class, yet the stream is capable of improvement, and will be improved whenever commerce demands it. For this reason the bridges should be provided with draws. The proposed clear width of 200 feet on either side of the pivot will be ample to prevent interference with the security and convenience of navigation of Arthur Kill.

On the approach to Newark, N. J., from Kill von Kull, the Central Railroad of New Jersey, which crosses Newark Bay, has a draw with a clear opening of 80 feet on either side of pivot; the New York and Newark Railroad, at the mouth of the Passaic River, has one of 65 feet, and the Pennsylvania Railroad, in the city of Newark, has one of 75 feet.

The Central Railroad of New Jersey, whose tracks cross Raritan River near its mouth, on the approach to the canal, after a lengthy controversy with the Delaware and Raritan Canal Company, adopted and built a draw opening of 200 feet, the same as proposed in this bill.

The main objects to be gained by the construction of these bridges are to give rapid transit around the island to points on the New Jersey shore, to increase the facilities for reaching New York, and to provide means for reaching coal wharves to be built, it is said, by the coal-carrying roads on deep water on the east side of the island.

It is a comprehensive enterprise, which, if successfully carried out, will add greatly to the commercial character of the island and the adjacent shores, and the bridges may be safely authorized to be built under the restrictions of the bill without any detriment to commerce, present or prospective.

The papers are herewith returned.

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

I concur in these views.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., April 17, 1884.

Hon. ROBERT T. LINCOLN,
Secretary of War:

SIR: I have the honor to acknowledge the reference to this office on the 11th instant of the letter of the Hon. W. P. FRYE, of the Committee on Commerce of the United States Senate, inclosing S. 1447, "To authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," and certain papers relating thereto, and to state that it was referred to Maj. G. L. Gillespie, Corps of Engineers, who has returned it with the report of which the following is a copy.

Major Gillespie's views appear to be just and proper, and are concurred in.

UNITED STATES ENGINEER'S OFFICE, *New York, April* 15, 1884.

Respectfully returned to the Chief of Engineers, United States Army.

The intent of the act, as I understand it, is to authorize at this time the construction of a railroad bridge over the navigable waters of Arthur Kill, the Secretary of War having the reserved right, in the interest of commerce, to dictate the character and arrangement of the bridge in all its parts.

The petition submitted with Mr. Bonnett's paper has been carefully considered. The east bank of Arthur Kill, on the northern side of Staten Island, extending south to Fresh Kills, is a wide marsh land, with but little variation in its elevation for a distance back from the shore line of over 2 miles. If the lower chord of the bridge proposed to be built near Elizabethport be placed at 135 feet above high water the approaches to the bridge would be over long and high trestle-work, which would have so steep a grade as to make the railroad probably unfitted for giving rapid transit to the towns on the island and on the west bank, or for convenient connection with existing railroads.

The 135-foot contour of the island along the proposed railroad line on the north shore does not extend westward of Factoryville. At the southwestern point of the island the ground is higher than on the north shore; on the ridge above Tottenville the 100-foot contour appears on a single rise, but this is an exception; all the rest of the ground in the vicinity is much lower.

The low character of the land adjacent to Arthur Kill therefore compels, with rapid transit in view, the construction of low bridges; and that they may not obstruct navigation, draws must be provided, the exact width and arrangement of which can be definitely stated only after a careful survey of the water course has been made, including the determination of the strength and directions of the current. A clear width of not less than 200 feet in the channel way, through the bridges provided for in the act, is, with my present knowledge, deemed sufficient for the requirement of the commerce of Arthur Kill, and the projected bridges may, it is thought, be built without interfering injuriously with the flow of the tide, or without increasing the dangers to navigation due to ice which forms in the kill or is driven there by winds and currents.

The relation of the bridges to the tides, ice-floes, and other matters involving the rights of commerce, will engage the attention of the examining officers designated by the Secretary of War, after the bridge company shall have presented drawings and specifications of the plans proposed.

The examination will include not only the bridges proper and the necessary width of draws, but their sites and the sites and arrangements of the piers with reference to the navigation of Arthur Kill in all its bearings.

The papers are herewith returned.

G. L. GILLESPIE,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

The letter of Hon. Mr. FRYE is herewith returned.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

WAR DEPARTMENT, *Washington City, April* 19, 1884.

SIR: Referring to your letter of the 10th instant, inclosing bill S. 1447, Forty-eighth Congress, first session, a bill "to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads," together with a petition from Mr. P. Bonnett and other shore-owners, and also returning for consideration in connection with the petition referred to a report, dated the 4th ultimo, from the Chief of Engineers, embodying a report on this bill from Maj. G. L. Gillespie, Corps of Engineers, I have the honor to invite your attention to the inclosed report of April 17, 1884, from the Chief of Engineers, embodying a supplemental report, dated the 15th instant, from Maj. G. L. Gillespie, Corps of Engineers, whose views as expressed therein are concurred in by the Chief of Engineers.

The inclosures to your letter are herewith returned.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. WILLIAM P. FRYE,
Chairman of subcommittee of Committee on Commerce,
United States Senate.

PUBLIC BUILDING, READING, PA.

Mr. ERMENTROUT. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House from the further consideration of House bill 1983 with the amendment reported from the Committee on Public Buildings and Grounds, and put the same upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill as amended was read, as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Reading, Pa., be, and the same is hereby, increased to $180,000, and that sum is hereby fixed as the limit of cost for the erection of said building.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. MORRISON. I demand a second.

The question being on seconding the motion to suspend the rules, the Speaker appointed Mr. MORRISON and Mr. ERMENTROUT to act as tellers.

Before the count was completed,

Mr. ERMENTROUT. Mr. Speaker, I believe that a quorum has not yet voted, but in consideration of an agreement to have a vote by yeas and nays on the passage of this bill the point will not be made.

The SPEAKER. On this question the ayes are 128 and the noes 8, so there is a second. Under the rule thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. ERMENTROUT addressed the committee. [See Appendix.]

Mr. MORRISON. I ask for the reading of the report of the committee.

The report of the committee (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill 1983, beg leave to report:

That Reading is one of the most flourishing business emporiums in the Union. The census of 1880 shows it to be the fifth largest city in Pennsylvania and the forty-first in the United States. Owing to its remarkable prosperity since then, it is, at present, the fourth largest city in Pennsylvania. The official record shows that since June 1, 1880, 2,833 permits have been issued for buildings of various kinds, mainly for dwelling-houses to accommodate its rapidly increasing population, and also to considerable extent for manufactories.

The population in 1870 was 33,930, and in 1880 was 43,278. The increase in population has been unusual, for an Eastern city, since 1880, and the population is now set down at about 55,000.

The valuation of property for taxation for city purposes in 1883 was $23,460,806; in 1885, $28,638,837. Total receipts by the city government for the year ending December 31, 1883, were $372,140.50; in 1885, were $405,863.96.

Reading is situate on the river Schuylkill, 54 miles east of Harrisburg, 56 miles north of Philadelphia, 36 miles south of Pottsville, in the heart of the richest agricultural section of the State, abounding also in rich deposits of iron ore and limestone.

The large anthracite-coal fields of Pennsylvania are immediately at her doors, being within reach by both water and rail. Besides having canal navigation (Schuylkill Canal Company) it is the radiating center of six important railroad lines, under the general control of the Philadelphia and Reading Railroad Company, connecting the anthracite-coal regions with New York, Philadelphia, and the West, and the lumber regions.

The Pennsylvania Railroad Company, under the name of the Pennsylvania and Schuylkill Valley Railroad, has completed a line of railroad, almost parallel with that of the Philadelphia and Reading, to the city of Reading, and from thence to Hamburg, from which point the road will be pushed to an early completion to Pottsville and the anthracite regions of the Schuylkill. It is expected that their lines will, at an early period, be extended up the Lebanon Valley, to connect with their main line to the West.

The machine-shops, car-shops, rolling-mills, &c., of the Philadelphia and Reading Company are located here; the pay-roll of this company alone being $150,000 monthly. There are also located here large manufacturing establishments, including foundries, forges, machine and boiler works, anthracite furnaces, cotton and woolen mills, hat factories, tanneries, pipe and sheet mills, stove-works, nut-works, hardware-works, tobacco factories and warehouses, grist-mills, paint-works, zinc-works, planing-mills, carriage factories, breweries, &c., giving steady employment to thousands of operatives.

It has six national banks, with aggregate capital stock of $1,300,000; fifty building and loan associations, whose income and loans, from the savings of the working classes mainly, reach at least $125,000 monthly. Two street railway companies traverse the city, from east to west and from north to south.

Among its public buildings are large churches of every denomination, two large opera houses, Mænnerchoir hall, and six large market houses, in as many sections of the city. It has also three parks.

The total financial transactions of the Reading post-office for the year 1885 amounted to the sum of $247,063.35, of which the postal money-order business amounted to nearly $103,000. The gross income of the post-office up to December 31, 1883, was $42,937.46, the net income $21,857.84; and notwithstanding the reduction in rate of postage the gross income for the year 1885 amounted to $41,936.81, and the net income to $19,361.53.

The receipts from internal revenue are about $300,000. There are two deputy collectors and seven gaugers in the county of which Reading is the county seat.

The sources of Reading's prosperity are of an enduring and permanent character, insuring for it a continuing and rapid growth. It is destined to become one of the great cities of the East in point of trade and population.

The Government now depends for its post-office accommodations, and for the accommodation of the United States revenue officers, examining surgeons, and commissioner located there, upon rental of buildings never constructed for any such purpose, and in which, from time to time, alterations, repairs, and extensions have been required to meet its growing wants, subject to the risks of removal. These quarters are insufficient for the public need, inconvenient for officials, and afford no security against robbery or fire.

A bill authorizing the Secretary of the Treasury to select a site for a public building at Reading passed the House during the Forty-second Congress, and a bill was reported favorably from the Committee on Public Buildings and Grounds during the Forty-seventh Congress, and also during the Forty-eighth Congress.

The bill reported to the Forty-eighth Congress became a law, but the sum appropriated, $80,000, was entirely too small. The commission appointed by the Treasury Department failed to find a suitable site at such a price as would justify the commencement of the building, and so reported to the Department. Upon inquiry made as to the price at which a substantial building commensurate with the business and future growth of Reading could be erected, the Department suggests that the limit fixed by the present bill, $250,000, would be a proper appropriation.

Your committee are of the opinion that the amount heretofore fixed as limit of cost for the erection of a public building at Reading is too small, and they therefore recommend that House bill 1983 be amended by striking out the words "two hundred and fifty thousand," in line 6, and inserting in lieu thereof the words "one hundred and eighty thousand," and that as thus amended the same do pass.

Mr. SPRINGER and Mr. MCMILLIN. Was there not an agreement we should have the yeas and nays on this bill.

Mr. ERMENTROUT. Yes; that was the agreement, and I will call for the yeas and nays.

The SPEAKER. It was agreed if the call for a quorum was withdrawn the yeas and nays should be taken on the passage of the bill.

Mr. ERMENTROUT. Yes; that is so.

Mr. WEAVER, of Iowa. But that does not bind the House.

The House divided; and there were—ayes 21, noes 69.

So the yeas and nays were ordered, one fifth of those present voting therefor.

The question was taken; and it was decided in the affirmative—yeas 155, nays 34, not voting 134; as follows:

YEAS—155.

Adams, J. J.	Everhart,	Mahoney,	Scranton,
Anderson, C. M.	Farquhar,	Martin,	Seney,
Anderson, J. A.	Felton,	McAdoo,	Sessions,
Baker,	Ford,	McKenna.	Shaw,
Barbour,	Forney,	McRae,	Smalls,
Barnes,	Gay,	Miller,	Snyder,
Bayne,	Gibson, C. H.	Mills,	Sowden,
Beach,	Gibson, Eustace	Mitchell,	Spooner,
Belmont,	Gilfillan,	Morgan,	Springer,
Bennett,	Grout,	Morrill,	Steele,
Bingham,	Guenther,	Morrison,	St. Martin,
Blanchard,	Hatch,	Morrow,	Stone, W. J., Ky.
Bliss,	Haynes,	Neal,	Strait,
Blount,	Heard,	Neece,	Swinburne,
Bound.	Hemphill,	Negley,	Swope,
Boutelle,	Henderson, T. J.	Nelson,	Symes,
Boyle,	Henley,	O'Donnell,	Tarsney,
Brown, C. E.	Hepburn,	O'Hara,	Taulbee.
Brown, W. W.	Hiestand,	O'Neill, J. J.	Taylor, I. H.
Buck,	Hill,	Osborne,	Thompson,
Burnes,	Hires,	Outhwaite,	Throckmorton,
Bynum,	Hiscock,	Owen,	Tillman,
Campbell, Felix	Holman,	Parker,	Townshend,
Campbell, J. M.	Hopkins,	Payson,	Trigg,
Campbell, J. E.	Houk,	Perkins,	Van Eaton,
Catchings,	Hutton,	Perry,	Wade,
Cobb,	Irion,	Pettibone,	Wadsworth,
Compton,	James,	Plumb,	Wait,
Conger,	Johnson, F. A.	Randall,	Warner, William
Crisp,	Johnston, T. D.	Ranney,	Weaver, J. B.
Culberson,	Jones, J. H.	Reagan,	Weber,
Dargan,	Kleiner,	Reid, J. W.	Wellborn,
Dawson,	Laffoon,	Reese,	West,
Dibble,	Lanham,	Rice,	Wheeler,
Dingley,	Le Fevre,	Robertson,	White, A. C.
Dockery,	Lindsley,	Rockwell,	Winans,
Dunn,	Louttit,	Romeis,	Woodburn,
Ely,	Lovering,	Sawyer,	Worthington.
Ermentrout,	Lyman,	Sayers,	

NAYS—34.

Allen, J. M.	Davidson, A. C.	Harris,	Reed, T. B.
Bland,	Eldredge,	Herbert,	Riggs,
Breckinridge, C. R.	Fuller,	Johnston, J. T.	Seymour,
Cabell,	Geddes,	La Follette,	Skinner,
Candler,	Glass,	Matson,	Taylor, Zach.
Comstock,	Green, W. J.	McMillin,	Thomas, O. B.
Cowles,	Hale,	Oates,	Turner.
Cox,	Halsell,	Peel,	
Daniel,	Hammond,	Price,	

NOT VOTING—134.

Adams, G. E.	Davis,	Ketcham,	Ryan,
Aiken,	Dorsey,	King,	Sadler,
Allen, C. H.	Dougherty,	Laird,	Scott,
Arnot,	Dowdney,	Landes,	Singleton,
Atkinson,	Dunham,	Lawler,	Spriggs,
Ballentine,	Eden,	Lehlbach,	Stahlnecker,
Barksdale,	Ellsberry,	Libbey,	Stephenson,
Barry,	Evans,	Little,	Stewart, Charles
Brady,	Findlay,	Long,	Stewart, J. W.
Bragg,	Fisher,	Lore,	Stone, E. F.
Breckinridge, WCP.	Fleeger,	Lowry,	Stone, W. J., Mo.
Browne, T. M.	Foran,	Markham,	Storm,
Brumm,	Frederick,	Maybury,	Struble,
Buchanan,	Funston,	McComas,	Taylor, E. B.
Bunnell,	Gallinger,	MCreary,	Taylor, J. M.
Burleigh,	Glover,	McKinley,	Thomas, J. R.
Burrows,	Goff,	Merriman,	Tucker,
Butterworth,	Green, R. S.	Millard,	Van Schaick,
Caldwell,	Grosvenor,	Milliken,	Viele,
Campbell, T. J.	Hall,	Moffat,	Wakefield,
Cannon,	Hanback,	Muller,	Wallace,
Carleton,	Harmer,	Murphy,	Ward, J. H.
Caswell,	Hayden,	Norwood,	Ward, T. B.
Clardy,	Henderson, D. B.	O'Ferrall,	Warner, A. J.
Clements,	Henderson, J. S.	O'Neill, Charles	Weaver, A. J.
Cole,	Hermann,	Payne,	White, Milo
Collins,	Hewitt,	Peters,	Whiting,
Cooper,	Hitt,	Phelps,	Wilkins,
Crain,	Holmes,	Pidcock,	Willis,
Croxton,	Howard,	Pindar,	Wilson,
Curtin,	Hudd,	Pirce,	Wise,
Cutcheon,	Jackson,	Richardson,	Wolford.
Davenport,	Jones, J. T.	Rogers,	
Davidson, R. H. M.	Kelley,	Rowell,	

So (two-thirds voting in favor thereof) the bill was passed.

During the roll-call, on motion of Mr. SOWDEN, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. BALLENTINE with Mr. CARLETON, on this vote.

Mr. BRECKINRIDGE, of Kentucky, with Mr. MCKINLEY, on this vote.

Mr. GREEN, of New Jersey, with Mr. BRUMM, for this day.

Mr. STAHLNECKER with Mr. BRADY, for the remainder of this day.

Mr. MCADOO. My colleague, Mr. GREEN, of New Jersey, if present, would have voted in the affirmative on the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

The vote was then announced as above recorded.

RETURN OF A BILL.

A message from the Senate, by Mr. SYMPSON, one of its Clerks, requested the return to that body of the bill (H. R. 1815) granting a pension to Ellen Corcoran.

And then (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition of the Board of Trade of Chicago, Ill.—to the Committee on the Judiciary.

By Mr. ARNOT: Petition for the relief of Edward Sidney, to accompany House bill 5049—to the Committee on Invalid Pensions.

Also, petition of members of Sydney Post, No. 41, Grand Army of the Republic, praying that a pension be granted to Sophronia E. Bucklin—to the Committee on Invalid Pensions.

By Mr. C. R. BRECKINRIDGE: Petition of J. G. and J. V. Johnson, sons of J. J. Johnson, deceased, of De Witt; of Eveline T. Bearley, widow of John P. Bearley; and of Samuel H. Fitzhugh, of Monroe County; of Kate Whitmore, heir of Charles W. Belknoff; and of James Yurlong, of Arkansas County, Arkansas, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BOYLE: Petition for an act granting a pension to Charlotte Church—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Four petitions asking that a pension be granted Mrs. Mary Reed, widow of A. A. Reed—to the same committee.

By Mr. BURROWS: Petition of 179 soldiers and sailors and citizens of Decatur, Mich., for the passage of Senate bill 1886—to the same committee.

By Mr. BUTTERWORTH: Petition of M. E. Collester, S. E. Burrows, and others, citizens of Cleveland, Ohio, asking for better legal protection of young girls in the District of Columbia—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Ohio, for the passage of Senate bill 779—to the Committee on Invalid Pensions.

Also, report of the committee of the Chamber of Commerce of Cincinnati, favoring the bill to create a customs court, &c.—to the Committee on Ways and Means.

By Mr. CABELL: Petition of Lurena Lamb, of Carroll County, Virginia, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. CAINE: Petition of 2,122 citizens of sundry districts of Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of said Territory, by disfranchising them through test-oaths on account of their religious beliefs, as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create a legislative commission therefor—to the Committee on the Territories.

By Mr. COLLINS: Memorial of 208 citizens of Rhode Island, asking for an amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CONGER: Petition of Local Assembly, Knights of Labor, of Stuart, Iowa, urging the passage of laws prohibiting aliens from owning lands in the United States—to the same committee.

By Mr. CRAIN: Petition of citizens of Brownsville, Tex., favoring the passage of House bill 1513—to the Committee on Ways and Means.

Also, papers in the case of Mrs. Catharine Allen—to the Committee on War Claims.

By Mr. DAVIS: Petition of John S. Emery & Co. and others, in favor of establishing telephonic communication between the life-saving station on Cape Cod, Massachusetts—to the Committee on Commerce.

By Mr. DINGLEY: Petition of Ellen S. Braden, Kinsman Atkinson, and 59 others, citizens of Saco, Me., asking for the better legal protection of young girls in the District of Columbia—to the Committee on the Judiciary.

Also, petition of John H. Rollins, late a private in Company F, First District of Columbia Cavalry, for correction of his military record—to the Committee on Military Affairs.

By Mr. ERMENTROUT: Petition of Emil Wagner and others, hospital stewards, asking for the passage of Senate bill 1119—to the same committee.

Also, memorial of MacKellar, Smith & Jordan, of Philadelphia, asking for the passage of Senate bill 1813 and House bill 8323—to the Committee on Patents.

By Mr. EVERHART: Petition of the Moral Education Society of Philadelphia, officially signed, asking for better legal protection of young girls in the District of Columbia, &c.—to the Committee on the Judiciary.

By Mr. FULLER: Petition of J. D. Dooley and 57 others, citizens of Fayette County, Iowa, asking for the passage of Senate bill 1886, for the relief of soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Petition of William Mackey, to be restored to the pension-roll—to the same committee.

By Mr. GIFFORD: Petition of Ellen Page, for special-act pension—to the same committee.

By Mr. GROUT: Affidavit of Abram G. Bliss, in support of House bill granting an increase of pension to James C. Doggett—to the same committee.

Also, testimony in support of House bill granting a pension to Alexander R. Goodwin—to the same committee.

By Mr. HALSELL: Petition of R. K. Dick, for a pension—to the same committee.

Also, petition of William M. Smith and others, for equalization of bounties, &c.—to the same committee.

By Mr. HAMMOND: Petition of Peter Lynch, of Fulton County; of Elizabeth Walker, of Asa Broswell, and of Zadock C. Baker, of De Kalb County; of H. S. Campbell, of Allen J. Veal, of William Goddard, and James E. Elam, of De Kalb County; of Thomas Dye, John M. Nace, and John Fickem, of Atlanta; and of Mattie A. D. Vaughan, widow of M. B. D. Vaughan, of Jonesborough, Ga., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Papers and letters in relation to claim for pension of Luke Hall, dependent father of Amos E. Hall, deceased—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of Hannah B. Ritchie, asking for a pension—to the same committee.

By Mr. HILL: Petition of members of the Grand Army of the Republic of Bee Height, Dak., praying for the division of said Territory on the seventh standard parallel—to the Committee on Territories.

By Mr. HOLMAN: Petition and papers of John Colter, for repayment of money expended by him in raising volunteers for the Union Army in the late war—to the Committee on War Claims.

By Mr. HOUK: Petition of N. H. Blair, executor, of Sevier County, and of S. S. McCuistion, of Jefferson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, petition of William L. Vance, surviving partner of Lopp & Vance—to the same committee.

Also, two petitions of hospital stewards, relative to increase of pay—to the Committee on Military Affairs.

By Mr. J. T. JOHNSTON: Petition of Merrick Y. Buck and of James Bannon, asking for the passage of bills granting them pensions—to the Committee on Invalid Pensions.

Also, petition and evidence of Leletta Lawrence, asking that the same accompany bill—to the same committee.

By Mr. KLEINER: Papers to accompany bill for the relief of Joshua Wallace—to the same committee.

By Mr. LAFFOON: Petition of Jesse A. Radcliff and many others, citizens of Christian County, Kentucky, asking for the passage of Senate bill 1886—to the same committee.

By Mr. LOVERING: Memorial of citizens of Massachusetts, asking that the navy-yard at Boston be put upon a footing to do such work as may be required on the repair, fitting out, and construction of vessels of war as shall substantially add to our Navy for the protection of commerce and the country—to the Committee on Naval Affairs.

By Mr. LYMAN: Petition of James M. Garrison, for removal of the charge of desertion—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petition of John M. Peters and others, asking for the passage of the general pension bill—to the same committee.

By Mr. MATSON: Petition of Richard A. Fulk and 58 others, citizens of Monroe County, Indiana, for a pension by special act to Evan L. Sullivan, late of Company G, One hundred and forty-ninth Indiana Volunteers—to the same committee.

By Mr. MILLER: Petition of William S. Bunch, of Caldwell County, Texas, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of George Henderson, for a pension—to the Committee on Invalid Pensions.

Also, petition of Josiah Woodwell, to remove mark of desertion of Hiram F. Woodwell—to the Committee on Military Affairs.

By Mr. MITCHELL: Remonstrance of citizens of Middleton, Conn., against the removal of the custom-house from Middleton to Hartford, Conn.—to the Committee on Ways and Means.

By Mr. MORROW: Memorial from citizens of the United States and residents of the Territory of Utah, praying for legislation to promote settlement of the Territories of the United States and to protect the rights of homestead and pre-emption claimants—to the Committee on the Public Lands.

By Mr. NELSON: Memorial of the Duluth Board of Trade, relative to and in opposition to the consolidation of the Duluth customs district with the Minneapolis district, and making Saint Paul the sole port of entry—to the Committee on Ways and Means.

By Mr. O'HARA: Petition of the Teachers' Association of Northampton County, North Carolina, asking for the passage of an educational bill—to the Committee on Education.

By Mr. OSBORNE: Petition of A. Sidney Lyman, A. Y. Olmstead, and 92 others, citizens of Coudersport, Pa., asking for the passage of Senate bill 1886, for the relief of soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of Godfrey Weitzel Post, No. 467, Grand Army of the Republic, of Westbury, N. Y., for general pension legislation—to the same committee.

By Mr. PEEL: Petition of J. P. Roberson, of Perryville, Ala., for payment of supplies and stores taken by the United States troops during the late war—to the Committee on War Claims.

By Mr. PERKINS: Resolutions of Lincoln Camp, No. 60, Division of Kansas, of Sons of Veterans, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of Robert W. Millard, of George W. Dixon, of William H. Litter, of Benajah Coffield, of George Fichfield, of James A. Underwood, of George F. McCleland, of Robert H. McElwain, of John L. Dickson, of James A. Underwood, of William J. Millard, and of James J. Godfrey, for relief—to the Committee on the Public Lands.

Also, petition of citizens of Harper County, Kansas, protesting against entries and patents to public lands—to the same committee.

Also, petition of W. H. Gilliam for heirs of James H. Egner, deceased, of Barber County, Kansas, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Hon. J. C. Strong and 80 others, citizens of Pawnee County, Kansas, praying for the passage of the Logan bill—to the Committee on Invalid Pensions.

Also, petition of Jesse G. Hamilton, for an invalid pension—to the same committee.

Also, petition of Commissioner of General Land Office, in relation to survey asked by House resolution—to the Committee on the Public Lands.

By Mr. PETTIBONE: Testimony in the matter of Alfred F. Brown, of Washington County, Tennessee—to the Committee on War Claims.

By Mr. PINDAR: Petition of C. W. Hamlin and 15 others, soldiers of the late war, asking the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. RIGGS: Petition of E. O. Stanard and others, of Saint Louis, praying for the improvement of Hamburg Bay, Calhoun County, Illinois—to the Committee on Rivers and Harbors.

Also, resolutions of McLane Post, No. 97, Grand Army of the Republic, of Beardstown, Ill., in favor of Senate bill No. 1886—to the Committee on Invalid Pensions.

By Mr. ROWELL: Petition of Mary K. Lewis, administratrix of Joseph C. Lewis, deceased, of the District of Columbia—to the Committee on War Claims.

By Mr. SPRINGER: Petition of Edward P. Bartlett, M. D., and others; and of John Howell and others, in favor of Senate bill 347, for the relief of ex-Union soldiers—to the Committee on Invalid Pensions.

Also, resolutions of the board of directors of the Board of Trade of Chicago, in favor of amending section 5258 Revised Statutes—to the Committee on the Judiciary.

By Mr. STEELE: Petition of the Grand Army of the Republic asking favorable action on the bill for the relief of Capt. Alexander McCreary—to the Committee on Military Affairs.

By Mr. STRAIT: Statement of the collector of customs of Saint Paul, Minn., showing the dutiable value of and amount of duty collected at the port of Saint Paul for the fiscal years 1885 and 1886; also the expense of collecting the same, and the value of free goods—to the Committee on Ways and Means.

By Mr. SWOPE: Petition of George Hess, for pay for sixteen months' service as private in Company F, One hundred and thirtieth Regiment Pennsylvania Volunteers—to the Committee on War Claims.

By Mr. E. B. TAYLOR: Resolutions of Hall Post, No. 426; of Hall Relief Corps, No. 104, of Farmington; of John B. Richards and others, and of W. H. Johnson and others, of Mentor, Ohio, in favor of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. THOMAS, of Illinois: Resolutions of the board of directors of the Chicago Board of Trade, asking the amendment of section 5258 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. TOWNSHEND: Petition of citizens of Jefferson County, Illinois, praying for the erection of a public building at Mount Vernon, Ill., for the use of the Federal court, internal-revenue office, and post-office—to the Committee on Public Buildings and Grounds.

By Mr. A. J. WARNER: Petition of H. J. Young and 53 others, citizens of Noble County, Ohio, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Thomas J. Mitchell and of Albert Dolberry, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Minter P. Key, inventor of an improved fort, praying for a bill to be passed making an appropriation to build one at Sandy Hook, New Jersey—to the Committee on Military Affairs.

By Mr. WILLIS: Petition of Ganz Sebastian, for a pension—to the Committee on Invalid Pensions.

Also, papers to be filed with bill for the relief of James L. Kelley—to the same committee.

Also, papers to be filed with bill for relief of Mary Buckley, mother of Martin Sullivan—to the same committee.

SENATE.

TUESDAY, *June* 8, 1886.

Prayer by Rev. JOEL SWARTZ, D. D., of Gettysburg, Pa.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented a petition of ex-Union soldiers of Warren County, Illinois, praying that all ex-Union soldiers be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. HARRIS. I present a paper addressed to myself and my colleague, but evidently in the nature and intended as a memorial to Congress, against the passage of what is known as the oleomargarine bill. It is signed by Cooper & Co. and 20 other business firms in the city of Memphis, Tenn. I ask that the paper be received and referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The memorial will be so referred.

Mr. HARRISON presented resolutions adopted at a meeting of the Union Soldiers and Sailors' Rights Association of Indiana, favoring the enactment of an amendatory clause to section 1754 of the Revised Statutes, prescribing a punishment for non-compliance with its provisions, &c.; which were referred to the Committee on Military Affairs.

Mr. CALL presented a memorial of citizens of Pensacola, Fa., remonstrating against the passage of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CALL. I present a memorial of the Board of Trade of the city of Fernandina, Fla., stating—

That the port of Fernandina is situated at the entrance of Cumberland Sound, being the mouth of the Saint Mary's River.

That the port affords the deepest water for the entrance of vessels on the whole coast of Florida, Pensacola alone excepted.

That it is the mouth of the Saint Mary's, a deep and important river, and is connected with the whole coast of Georgia and Savannah on the one hand and the Saint John's River on the other, by the inland passage.

That it is the designated terminus of the ship-canal between the Gulf of Mexico and the Atlantic.

That it is the only port on the eastern coast of Florida admitting vessels engaged in European and South American commerce.

That it is the only port on the eastern coast of Florida admitting vessels drawing over 12 feet of water.

That it has a considerable and increasing commerce, both foreign and domestic. The tonnage of vessels arriving and departing annually is over 300,000 tons.

That it is the railway terminus of the Florida Railway and Navigation Company's system, comprising nearly 600 miles of road in Florida.

That it has a bonded warehouse and greater facilities for foreign commerce now than any port on the Atlantic coast of Florida, and that "with a bar channel deepened (says General Gillmore in his report of July 1, 1885), the port will become at once far more valuable and attractive for maritime and naval purposes," and it will then have as great a depth of water as any harbor on the Atlantic coast.

That new lines of transportation now building will connect this port with the great granaries of the West.

That a semi-weekly line of large steamships is now running between Fernandina and New York, and English steamers are in the trade between this port and Great Britain.

That, as a commercial port, it is of superior importance to that of the Saint John's (Jacksonville).

That the low-water depth at the entrance of Saint John's River, according to the report of the Chief of Engineers, is 6 feet, with a high-water depth of 11 feet.

That the low-water depth at the Fernandina bar, according to the same report, is 12 feet, and the high-water depth 16 feet.

That the average tonnage per vessel of foreign vessels arriving in the Saint John's, from 1880 to 1885, was 71½ tons, and during the same period at Fernandina was 442$\frac{88}{100}$ tons.

That the value of exports per sea from the Saint John's, 1880 to 1885, was $315,018.29, and from Fernandina $1,417,830.

That the amount of duties collected at Jacksonville, 1880 to 1885, was $6,245, and at Fernandina, during the same period, $59,388.

In view of these facts, the board of trade protests against the proposed removal, or abolition, of the custom-house from this port.

I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CALL. I present a resolution adopted by the Jacksonville (Fla.) Board of Trade, favoring legislation making liberal appropriations for sustaining the Signal Service of the Government on the Atlantic coast of Florida. I move the reference of the resolution to the Committee on Commerce.

The motion was agreed to.

Mr. CAMERON presented the petition of William H. Williams and 48 other citizens and soldiers of the thirteenth Congressional district of Pennsylvania; the petition of John Birkelbach and 20 other citizens and soldiers of the thirteenth Congressional district of Pennsylvania; the petition of James Fox and 27 other citizens and soldiers of the thirteenth Congressional district of Pennsylvania; and the petition of Lewis Hopkins and 64 other citizens and soldiers of the thirteenth Congressional district of Pennsylvania, praying for the passage of pension bills as recommended by the committee on pensions of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present a resolution adopted by the Iowa State Traveling Men's Association favoring the enactment of the bill now pending before Congress to remove the fees and licenses now being levied on commercial travelers for goods sold by them by sample in the several States and Territories. I move the reference of the resolution to the Committee on Commerce.

The motion was agreed to.

Mr. EDMUNDS. I present the memorial of Mrs. A. F. Newman, of Utah, on the subject of female suffrage in that Territory. I have read it, and as it contains so interesting an account of the operations of the female suffrage Mormon law there, I ask that it may be printed as a document. As the subject has now been acted upon here, I ask that the memorial lie on the table.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the memorial presented by him be printed as a document. If there be no objection, that order will be made. The memorial will lie on the table.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 1982) for the relief of John Fraser, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 6692) for the relief of Ferdinand Plocher, to report it back adversely. There is a general law now authorizing all that is provided to be done by the bill and I move that it be postponed indefinitely.

The motion was agreed to.

Mr. TELLER, from the Committee on Patents, to whom was referred the petition of Hiram Berdan, agent of the Berdan Fire-Arms Manufacturing Company of New York, claiming compensation for infringement of the Berdan patents in the manufacture of the Springfield breech-loading rifles at the national armory at Springfield, Mass., submitted a report thereon, accompanied by a bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-Arms Manufacturing Company; which was read twice by its title.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 1775) for the relief of Eliza Ellen Ehle, reported it with amendments, and submitted a report thereon.

Mr. ALLISON. I submit from the joint commission to consider the organization of the Signal Service, Geological Survey, &c., a report on that subject, and two bills which I ask may go on the Calendar; and at the request of the minority, the Senator from Alabama [Mr. MORGAN], who is absent, I also present with the majority report the views of the minority.

The following bills were severally read twice by their titles:

A bill (S. 2620) to repeal so much of the act of June 20, 1878, as provides for the appointment of second lieutenants in Signal Corps; and

A bill (S. 2621) to limit the printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service.

The views of the minority were ordered to be printed with the report.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2482) to restore pensions in certain cases;

A bill (S. 2418) granting a pension to Sarah E. Boulter;

A bill (S. 2002) granting a pension to Betsey A. Smith; and

A bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2435) granting a pension to Henrietta M. Drum Hunt; and

A bill (S. 2176) granting a pension to Joanna W. Turner.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of James B. Royce, of Washington, D. C., late corporal of Company I, Seventh Vermont Volunteers, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. 2622) granting a pension to James B. Royce; which was read twice by its title.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 8332) increasing the pension of James I. Miller, reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 921) granting a pension to Clara L. Preuss; and

A bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard.

Mr. SAWYER, from the Committee on Pensions, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ASSISTANT SECRETARY OF THE TREASURY.

Mr. MORRILL. I am directed by the Committee on Finance to report an original bill creating an additional Assistant Secretary of the Treasury. Considering the emergency which is known to all Senators, the committee directed me to ask for the present consideration of the bill. It is a very brief bill and I ask that it be read at length.

The bill (S. 2618) creating an additional Assistant Secretary of the

Treasury was read the first time by its title and the second time at length, as follows:

Be it enacted, &c., That an additional Assistant Secretary of the Treasury shall be appointed by the President, by and with the advice and consent of the Senate, who shall be paid the same compensation, perform the same duties, and shall be subject to all provisions of law that are now provided for the present Assistant Secretaries of the Treasury. This act and the office hereby created shall continue in force one year only.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOAR. I think that should stand over one day, as it is a very important bill, although I have great deference to the judgment of that committee. The Senate is not full.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. HARRIS. Let it be printed.

Mr. MORRILL. I ask to have it printed.

The PRESIDENT *pro tempore*. It will be printed, as a matter of course.

Mr. HOAR. I should like to call the attention of the Senator from Vermont who reported the bill to a suggestion made by my colleague [Mr. DAWES] as to the phraseology of the bill. It provides that the office shall be held for one year. Is it the intention of the committee to have a successive officer appointed for one year, or one officer?

Mr. MORRILL. No, sir; it is intended only as a temporary act.

Mr. HOAR. Then the bill ought to be amended by saying that the act shall only continue in force for one year. Otherwise it would be the duty of the President to appoint another officer at the end of the year and then another. I hope my friend will look at that question which my colleague has raised.

Mr. MORRILL. Very well.

The PRESIDENT *pro tempore*. The bill goes on the Calendar.

Mr. MORRILL subsequently said: I ask unanimous consent, as the Senator from Massachusetts [Mr. HOAR] has now withdrawn his objection, that the bill in relation to an additional Secretary of the Treasury may be considered, and that an amendment which has been suggested by that Senator be agreed to.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent to proceed to the consideration of the bill (S. 2618) creating an additional Assistant Secretary of the Treasury.

Mr. TELLER. I object to the consideration of the bill.

Mr. MORRILL. Very well; let it go over.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 2623) for the relief of F. M. Ryon; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2624) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2625) to establish a national art commission; which was read twice by its title, and referred to the Committee on the Library.

Mr. HARRISON introduced a bill (S. 2626) to limit the creation of debts by the Territories of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LOGAN, it was

Ordered, That the papers in the case of F. M. Ryon be taken from the files of the Senate, and referred to the Committee on Post-Offices and Post-Roads, there being no adverse report.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. BROWN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

BONDED EXPORT WHISKY.

Mr. DAWES submitted the following resolution; which was read:

Whereas on the 6th day of January, 1885, the Secretary of the Treasury issued an order extending the time for the transportation or exportation of whisky then in bond, upon which the tax of 90 cents per gallon was due, or soon to become due and payable, which on the 30th day of June, 1885, amounted to 7,750,696 gallons, all of which had been stamped for export, and upon which, under the law, the tax amounting to $6,975,626.40 had become due to the United States; and

Whereas under said order the bonded period was extended, giving the owners of said whisky the term of seven months in which they were to export said whisky out of the United States, giving notice of their intention and entering into bonds so to do; and

Whereas on the 27th day of March, 1886, an order was issued by the Secretary of the Treasury permitting whisky exported under the order of January 6, 1885, to be returned to the United States, without the payment of the duty provided under the existing customs laws of the United States as provided by law, permitting the same whisky exported under the order of January 6, 1885, to be returned to the warehouses from which it was originally bonded for export:

Be it resolved, That the Secretary of the Treasury be directed to furnish to the Senate the authority upon which the above-named orders were issued, together with all decisions of the Attorney-General of the United States, opinions of the Commissioner of Internal Revenue, correspondence, and all other papers relating to the before-mentioned orders of January 6, 1885, and March 27, 1886, now on file in the United States Treasury Department, and to inform the Senate what quantity of whisky has been exported out of the United States under the order of January 6, 1885; also, what quantity, if any, the tax was permitted to be paid upon after the expiration of the time provided by law, instead of its being stamped for export, and also, what quantity, if any, has been returned to the United States under the order of March 27, 1886, at what ports of entry it was admitted and received, and where it is now stored in bond.

The PRESIDENT *pro tempore*. The resolution will be printed and referred to the Committee on Finance.

Mr. DAWES. I should like to have it adopted, if there be no objection.

Mr. EDMUNDS. That is the best way. It is merely a resolution for information.

Mr. COCKRELL. Let the resolution without the recital be read again.

Mr. DAWES. It is only calling for information; that is all.

The PRESIDENT *pro tempore*. The first part of the resolution will be read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on agreeing to it.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo.;

A bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa.; and

A bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 121) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road; and

A bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1061) for the relief of Sarah M. Shearer;

A bill (H. R. 1627) granting a pension to Annie Bagley;

A bill (H. R. 4085) for the relief of John A. Orndorff;

A bill (H. R. 4782) granting a pension to Elizabeth McKay;

A bill (H. R. 5154) granting a pension to Margaret A. Poland;

A bill (H. R. 5406) granting a pension to P. E. Raiger;

A bill (H. R. 6648) for the relief of Edward M. Harrington; and

A bill (H. R. 7156) to increase the pension of Antionette Birney, widow of Maj. Gen. David B. Birney.

The message also returned to the Senate in compliance with its request the bill (H. R. 1815) granting a pension to Ellen Corcoran.

TARIFF AMENDMENTS TO OLEOMARGARINE BILL.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the morning business is closed and the Calendar is in order.

Mr. DAWES. Yesterday the Senator from Kentucky [Mr. BECK] submitted and asked to have printed and referred to the Committee on Agriculture and Forestry an amendment to the oleomargarine bill. I desire to offer an amendment to that amendment, and ask that it may be printed and referred to the same committee.

Mr. ALLISON. I ask that the amendment to the amendment be read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to strike out all of the amendment of Mr. BECK and in lieu thereof to insert:

SEC. —. That on and after the date of the passage of this act, for all purposes relating to customs duties and importations, "woolen cloths" shall be held and construed to include worsted cloths.

SEC. —. That, for the purposes above named, the concluding proviso of section 365 of said act relating to women's and children's dress goods shall be held and construed to apply to the whole of said section.

SEC. —. That for the purposes above named the term "knit goods," in section 367 of the said act, relating to cloaks, dolmans, &c., shall be held and construed to apply only to garments shaped wholly by knitting.

Mr. DAWES. I move that the amendment to the amendment be printed and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

CONSIDERATION OF THE CALENDAR.

The PRESIDENT *pro tempore*. The Chair will ask the Chief Clerk to read the order adopted yesterday which governs the proceedings of to-day and to-morrow, and which the Chair will endeavor to enforce as far as he can.

The Chief Clerk read as follows:

Ordered, That after the disposition of Senate bill No. 371, the rest of to-morrow and next day be devoted to the Calendar under the five-minutes' limitation for debate and subject to objection, which objection shall operate only to pass over the case, retaining its place on the Calendar; and that no motion shall be made to proceed to the consideration of any bill where objection is made to the consideration of the same.

The PRESIDENT *pro tempore*. The bill referred to in the order of the Senate will now be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act; that it agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. CRISP, Mr. RICHARDSON, and Mr. HANBACK managers at the conference on its part.

RESTORATION OF NAVAL CADETS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ended June 30, 1883, and for other purposes," the pending question being on the amendment proposed by Mr. BUTLER as a substitute for the bill.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. HALE] has the floor on the pending question.

Mr. HALE. Mr. President, when the Senate went into executive session yesterday I was referring to the claim which is made by that portion of the Committee on Naval Affairs represented by the Senator from South Carolina [Mr. BUTLER] that the act of 1882 was retroactive, and therefore grievous and not to be borne. I find in the report signed by that portion of the committee, the one-half who favor the bill, these words, referring to the act of 1882:

The law was not operative when they (the cadets) entered the academy, and five years later was made to affect them, and is thus retroactive and in effect an *ex post facto* law.

I wish at no great length to enforce the view which I endeavored to present yesterday, that this claim is without foundation. There is nothing whatever in the act of 1882 that is retroactive upon the naval establishment. The committee which considered and matured that statute and presented it to Congress, where it was accepted and passed, considered that subject very fully, and it was on the basis that it was not a retroactive act that it was accepted and adopted by Congress.

The Court of Claims and the Supreme Court, which have since considered the force of that act, have taken into consideration this very subject. In the opinions of the Supreme Court cited in the report, and making a part of it, presented by the Senator from South Carolina, the court in two places refer to this very subject. The Supreme Court, upon appeal from the Court of Claims in the case of the United States, appellant, *vs.* De Witt C. Redgrave, the engineer who brought the suit, and whom the court decided the law of 1882 did not apply to because he was already a graduate, go further than this, and in discussing the provisions of the act of 1882 base their decisions on the simple fact that the cadet-engineer who had served four years and graduated was out of his course of studies and in the Navy, and therefore the act did not apply to him. I call the attention of the Senator from South Carolina to this decision upon the point of which he is inclined to make so much. The court say, referring to this statute:

The provision in the act of August 5, 1882, for the discharge of surplus naval graduates is prospective only and does not apply to the classes of 1881 and 1882.

There the court have considered this very subject and have decided, in accordance with the intention of Congress when the act was passed, that it is not a retroactive act. So also Mr. Justice Matthews, in the opinion upon the case that came before the court, after a full discussion of this legislation, referring to the language of the act and to what it embodied as its purpose, says:

And to this end the whole scheme of reform embodied in the legislation was made prospective.

With what force it can be argued here that the operation of the act of 1882 was retroactive I fail to perceive. I know it was not the intent of the committee framing the act; I know it was not the understanding of Congress.

Mr. RIDDLEBERGER. May I ask the Senator if that is not the decision of the court?

Mr. HALE. I have just read from the decision of the Supreme Court of the United States.

Mr. RIDDLEBERGER. Skipping a little bit. I ask if it is not really the decision of the court that it is a retroactive act?

Mr. HALE. On the other hand, the decision of the court is that it is not. The decision of the court, if the Senator will understand it, is simply upon the point that the engineers, unlike the cadets, had completed their course at the academy in four years, and were out of their studies and in the Navy, and therefore that the act did not apply to them. The court do not go into the question of obligation in the least, but declare in terms that the statute is prospective and not retroactive.

Mr. RIDDLEBERGER. I will ask the Senator, inasmuch as my name is signed to that report, whether it is not a fact that the court decided that there was a certain class of students, or whatever you may choose to call them, who made a contract, or that the Government contracted with under what the Senator calls the four-year theory and another class of six years?

Mr. HALE. No, sir; the court decide nothing whatever on that point and lay no stress whatever upon the question of contract. They simply declare that the engineers, unlike the cadets, had graduated at the end of four years, and that under the provisions of the act declaring that it should not apply to officers of the Navy, it did not apply to them. Then they go on further than that and declare that as to all the others the act is not retroactive but is prospective.

Mr. BUTLER. I think the Senator is mistaken about that. As I read the language of the court, they do not say that the act is prospective so far as it relates to the engineers, upon the ground that the Senator has just stated, that they were officers of the Navy, that they had graduated, and therefore could not be discharged in that summary way. That was the idea as I understood by reading the decision.

Mr. HALE. The court go further than that, examine into the act and discuss its propositions and its leading purpose in a quite long and full opinion, and then at the end in the opinion of Mr. Justice Matthews—and I shall read it again showing that it does not simply apply to the engineers—he says:

And to this end the whole scheme of reform embodied in the legislation was made prospective.

I repeat that on this very point, of which so much is sought to be made, there was originally the purpose of the committee which framed the act that it should not be retroactive; there was the act of Congress adopting it with that purpose, and here is the decision of the Supreme Court upon the very subject-matter, declaring that it is not a retroactive act.

Let us see one reason why the committee and Congress were so careful. The youths who were then in the academy pursuing their studies were not in the service of the Navy of the United States. They were not a part of the Navy, and the act specifically and carefully and with the greatest scrutiny and care provided that nothing in it should apply to any officer in the Navy, because it was deemed to be of importance that the man who was in the Navy as an officer should not be troubled or sent out.

These cadets had been admitted as students by the Government, were being educated by the Government, were having their course of instruction supplied to them and receiving $600 a year in addition. The act was not only not retroactive as to them, not shutting them off, but declared that they might go on and complete their course at the expense of the Government. Every boy who was in there at that time has his right as a student and as a cadet very jealously guarded, and he is allowed to go on and complete his course; and if at the end of four years he chooses to take a certificate of what he has completed he may leave the service and go into civil life without any money, or he may continue and complete his six years' course and then go out and receive his $950. Nobody at that time thought of raising the point that the right of the boy at Annapolis was not jealously and scrupulously guarded. He was not a part of the naval establishment; but Senators are inclined to look, and the committee reporting the bill sustaining it by its report evidently look, upon those boys as part of the Navy.

The last examining academic board, the last board whose view upon this subject (not upon what I am speaking of, but upon the meaning to be given to the words I quoted), took up this very point for consideration. Let me read on this point one of the things that led to the provision of the act of 1882 as touching these boys. The academic board of visitors on June 6, 1885, the same board that is referred to in the report of the Senator from South Carolina, say this—I ask the attention of Senators to it:

There is, perhaps, another matter upon which it seems proper that something should be said. The cadets in the Military Academy at West Point are by an act of Congress designated as a part of the Army, but this board are aware of no statute which directly provides that cadets in the Naval Academy are a part of the Navy.

And that is so. The cadet at Annapolis does not stand as a part of the Navy of the United States and in its service as an officer, as the cadet at West Point does in regard to the Army; and this whole proposition went upon the theory that the rights of these boys as students, as cadets who were studying, should be jealously guarded; and so they were.

This proposition embodied in the act of 1882 that so carefully looked out for these cadets and gave them the privilege of completing their studies and jealously excluded the retroactive feature, would not be subject to objection one half as much as the proposition that the Senator from Massachusetts sustains; that is, shutting up the academy. You shut up the academy to-day or next year and you interfere with the course of study of every boy who has entered that academy. He

might have some reason to say that the Government was expected to complete his course there.

Mr. DAWES. I have never been able to make the Senator understand the proposition I made. The Senator from Maine argued yesterday—and that is the burden of his portion of the report made to the Senate—that the course of instruction at Annapolis had resulted in producing a great many more officers for the Navy than there was any use for, and he has addressed himself for several years (and the bill under consideration is the result of that report of his) to relieving the country from the difficulties which that policy has involved us in. I suggested whether, instead of addressing himself to measures to relieve us from the results of the policy, he had not better modify the policy and reduce the supply; and he inquired of me if I would shut up the academy at Annapolis, and I said if it was necessary to reduce the supply to the needs and demands of the Navy, it would be better to shut it up than to go on overrunning the Navy with officers and then proceeding to devise measures by which we could throw the officers out after we had educated them. That was my suggestion. If the Senator supposed that I would be a party to inducing young men to embark in this education, and after having spent one, two, or three years there to shut the academy down on them, as you would a lid on a box, I have never made any such suggestion as that.

Mr. HALE. I asked the Senator yesterday if he would vote to shut up the academy at Annapolis, and he said in terms that he would.

Mr. DAWES. Certainly, and I say it now; but I would shut it up in some way in conformity with justice. The Senator seems to think that to relieve the country of the results of the unwise policy adopted it is necessary to disregard all the undertakings of the Government thus far instead of correcting the policy itself.

Mr. HALE. Now, Mr. President, if there has been any force whatever in what I have said, it is upon that very point; and I here and now utterly repudiate the idea that this legislation is based on the Government going back upon any of its undertakings. On the other hand, I have endeavored to show that the act of 1882 most jealously guards the rights of everybody, of every officer in the Navy that he shall not be turned out, and of every student who was pursuing his studies that his studies should not be interfered with; and I do here declare that it is an assumption on the part of Senators who favor this bill that they are seeking to do what will put the Government right in keeping its contracts. On the other hand, the Government has scrupulously guarded and sensitively guarded its duties in this respect; and there is nothing in the legislation which shows that the Government has been lacking in the least.

Yesterday I asked the Senator in terms:

Now—

Not hereafter, but "now"—

Now, will the Senator vote under any condition to close the school at Annapolis for six years?

To which he responded:

Mr. DAWES. Most certainly. I will do so rather than educate nine-tenths of all that graduate there at the expense of the Government without the slightest idea of ever utilizing that education in the Navy.

So that the Senator put in contradistinction one against the other, either the educating men and turning them out and receiving only what the Navy wants, or shutting up the academy for six years. I would rather pursue the course that the act of 1882 intends and lays out so clearly, than to rudely shut up that academy for six years. I differ with the Senator from Massachusetts.

Mr. DAWES. The Senator did not understand me as imputing to him an intention to violate any of the contracts or engagements of the Government. The only assertion that I intended to make was that that was the effect of the proposition.

Mr. HALE. That I deny.

Mr. DAWES. The Senator did not ask me whether I would ruthlessly shut up the academy at Annapolis. He asked me if I would do it under any condition, and I repeat it I would do it under certain conditions.

Mr. HALE. The Senator made no conditions yesterday. He answered my categorical question clearly in the affirmative.

Mr. DAWES. Will the Senator be kind enough to read the question again?

Mr. HALE. I asked:

Now, will the Senator vote under any condition to close the school at Annapolis for six years?

Mr. DAWES. And I said that under certain conditions I would.

Mr. HALE. The Senator replied:

Most certainly.

And then he went on to say that he would do so rather than do what the act of 1882 did. I differ with him.

Mr. DAWES. The Senator says I meant by that that I would ruthlessly shut up the academy without any condition whatever.

Mr. HALE. I will accept the Senator's proposition that he would shut it up, without applying the word "ruthlessly," because that perhaps is a strong term to apply——

Mr. DAWES. The Senator must accept my answer as I gave it, that I would shut it up under certain conditions.

Mr. HALE. Well, it is not very essential.

Mr. DAWES. No, it is not worth anything; but it is worth going into the RECORD just as it was, if at all.

Mr. HALE. It seems to me, if I am capable of making anything clear, that I must have made it clear that this act is not retroactive, that Congress carefully saw to it that it should not be, and that the court has so passed upon and declared it as a matter of law, and that as a matter of right to these young men everything was done for them that could be done.

Mr. SAULSBURY. I should like to ask the Senator from Maine a question. I concur very fully with him that we ought not to provide a larger force for the Navy than may be necessary for the work of the defense of the country. I understand his position to be this: While these young men went to the Naval Academy there was no contract express or implied on the part of the Government that they would after completing their education enter into the naval service of the country. I can not take that view exactly. My impression is that when the young gentlemen were invited to become students at the Naval Academy the idea was present to their minds that after the completion of their studies they should be admitted into the naval service and have employment in that profession. If that is the case, it occurs to me that injustice was done by the act of Congress.

Mr. HALE. Let me ask the Senator even supposing that his assumption is correct, and it may be, that these young boys sixteen years of age supposed when they went there that they would be instructed and would be received into the naval service, does he hold because of that, because a boy so expected, that every rule of law and of policy and of the needs of the Government shall be overridden? Does the Senator forget what the Government was doing for these boys, and how much better a condition of life they were in than nine hundred and ninety-nine boys out of a thousand, how eager would have been so many boys to have taken their place, and that even to them in their tender years should be applied the rules which apply to men, that no man shall be taken as assuming what is contrary to the law and the needs and the good of the Government? Does the Senator set up the fact that the boy of sixteen supposed the Government would take him in as overriding everything else? When a judge is appointed to a court and it is declared that he shall not be removed until the expiration of his term, he expects that he will serve that term out, and yet the Senator knows and I know of case after case where the legislative power has intervened and abolished the court, and the judge has to take the result as the needs of the State or the General Government require and accept the legislation; and there is no hardship in that. It may have been a disappointment to the boy, I grant; undoubtedly it was a keen disappointment to many of these lads.

How it is that Senators who early and late upon all other things are in favor of economy and in favor of the Government exerting its rights and caring for itself have been overpersuaded in this matter as a question of sympathy I am unable to understand. I feel sympathy myself for these boys; I have had their case stated to me in most eloquent fashion; I have known and seen the expression of disappointment, and almost crushing disappointment, on the faces of different cadets when they were not allowed to go on; but I can not let that interfere with what seems to me to be the need of the Government. When the committee and when Congress considered this it took the other side, and endeavored to make recompense to these boys for their disappointment by treating them in the most generous fashion.

Mr. BUTLER. I will say for the information of the Senator, what of course is known, that the Committee on Naval Affairs never did consider this question.

Mr. HALE. No; but Congress considered it, and the bill was passed after one of the most animated debates that I ever listened to upon this floor.

Mr. BUTLER. It was put upon an appropriation bill.

Mr. HALE. It was put upon an appropriation bill, but with deliberation; and it was not passed in silence; it was not passed without scrutiny. Day after day upon this floor, in the heats of the closing days of that session of Congress, the Senate debated this question day in and day out, night in and night out. The whole scheme of the reformation of the Navy was brought in here, and it was antagonized and sharply disputed, and Congress at last adopted this, so that it was not done in a corner but in view of all the facts.

Mr. HOAR. I should like to ask the Senator from Maine what is the generous compensation which he speaks of to the boys?

Mr. HALE. First, it is a generous compensation to any American boy to receive him in over and above his fellows who desire to come in to the naval school at Annapolis.

Mr. HOAR. But the compensation?

Mr. HALE. I am coming to that. All of this is compensation. Compensation is not a matter of cash alone, but that has not been left out here. Compensation is not always to be measured in bank notes, in checks upon banks, or in gold or in silver; but compensation is a large word. Education is compensation, and education is a better compensation to the youth of this country, and no Senator knows it better and realizes its force more than the Senator from Massachusetts—it is a better compensation than money.

Mr. HOAR. I think my friend understands my question exactly. I understood these boys had been received into the Naval Academy with an assurance that they should become educated to and become members of a certain profession, a profession limited in number, it is true, but recognized the world over as one of the eminent professions; that is, one of a naval officer. Thereupon, when they partially completed their education they were deprived of the right to enter upon that profession.

Mr. HALE. No.

Mr. HOAR. The profession of a naval officer in the service of the country. It is for that I understand the honorable Senator from Maine to say that generous compensation had been given in the education which they had received for that purpose. I suppose he meant by that compensation the $900, and it was for the sake of asking him another question that I asked that. I ask whether, supposing my honorable friend had been trained for the bar, as he was, and a brilliant and able member of it; when he had completed his studies at the law school, at the age of twenty-four or twenty-five years, he had been condemned never to practice law as long as he lived, would he consider $900 or $9,000 any sort of compensation for that? This, it is true, is a profession few in numbers in this country. It is larger in England and in France, in Germany and in Italy; but it is the one thing which that boy had been invited by his country to make the sole and honorable ambition of his life. After having his whole youth, with every hope and training of himself and his faculties and his habits and his sense of honor, when he had been brought to think of that one thing to which his life was consecrated, then suddenly you turn him off, and say, "We have given you education, and we give you $900; go." What compensation is there in that?

Mr. HALE. In the first place, the Senator, with his remarkable acuteness, which we all admire, has failed to perceive that even on the question of not permitting this student, this boy at the academy, the cadet, to enter the service, Congress has not interfered and prevented it. The act does not in any way prevent the boy who completes his course from entering the service of the United States. It does not say that at the end of the six years none of the class shall be admitted, but that to be admitted he must be near the head of the class. It narrows the number who shall be admitted; it does nothing more than that. There was no cadet of the class of 1883, of 1884, or any subsequent year after the legislation of 1882, that was forbidden in any way to enter the naval service; but it was simply said to him, "You shall be submitted hereafter to a severer test as to your studies, you shall be able by your proficiency to be one of the first sixteen or seventeen, or you shall not enter the naval service." It does not shut down the door and deny every one of this class, but it simply declares what shall be the qualifications.

Does the Senator doubt that Congress at any time could have added a half dozen studies to the course at West Point or at Annapolis, and thereby made it less likely that a student would graduate and enter into the service of the United States? This was only proceeding in that way: it was making the attainments of the cadet who should enter the service higher and better, and make him a better officer. That is all that it did, and I am glad the Senator has furnished me an illustration in reference to the profession of the law. He asks what would be considered if a young man had been intended to enter the profession of the law, and he should find after he had given time to the study that he could not enter the profession. Why, sir, in my own State, at one time the qualification, the examination to be pursued before a student at law should be admitted to our courts was very small and very low, and scores of young men in the State of Maine were pursuing the course of studies with the intention of entering the bar, the best of them, those with the noblest aspirations, undoubtedly expecting afterward to make up what was not required of them; and the Legislature came in and declared that there should be a strict examination, that it should be in open court, that it should cover things which had never been embraced before; and under that scores of young men who were studying intending to enter the bar were shut out and never entered the bar, because the legislative power in its discretion declared what should be the qualifications before the State would allow young men to be admitted to the advantages that this great profession offered.

Mr. HOAR. You do not say that these men shall go in on any qualifications. You only say they shall be better than somebody else. You say to thirty men or forty or fifty, "only the first sixteen of you shall come in, whatever your qualification is." That is altogether a different thing.

Mr. HALE. That is making the end and aim of the studies. I put it again, suppose Congress has come in at any time and declared that in addition——

Mr. HOAR. I have transferred all my acuteness to my friend on the other side.

Mr. HALE. Suppose Congress had come in and instead of lowering the number that should be made, not in terms, but said "only those who shall attain a certain proficiency in the more abstruse branches of study than what is now pursued should be admitted," that would be another method, and it would result in the same thing. It would pare down the number that should be received into the naval service of the United States just as effectually, just as ruthlessly, if you choose to use the word, as it would if it went the other way. That was all that was done.

Now, Mr. President, these young men and their friends are bound to get back. They do not mean to let Congress alone. As a relative of one of these boys told me the other day, he never meant to leave Congress alone until these boys had got back. They mean to get back. The question whether they are wanted is not considered; the question whether they will be well treated is not considered; but they mean to get back and burden the crowded rolls of the naval establishment; and this bill, working, as it does all the way, against bright men and in favor of dull men, will not take back into the Navy the brightest of these men by any means. The Senator from South Carolina, if he ventures, before this debate is over, to go into the argument of this bill, instead of trusting to the lobbying that has been done for it, if he ventures to discuss this question of the merits, will say that the numbers that I have given are too large, and that one hundred and forty-five will not come back. They will not.

Mr. BUTLER. I would go into the argument with my friend from Maine but that he is evidently talking against time, and I have no idea of being betrayed into a discussion with him.

Mr. HALE. I am talking against the Senator, for I know how I ought to go over all the ground and forestall him before he gets the ear of the Senate.

These boys will not all come back. There will not be one hundred and forty-five of them, but I will tell you and the Senate who will come back. The poorest of them, the dullest of them, the least enterprising of them, the boys that will make the poorest officers. The brightest of them, the ablest, the most enterprising, the ones who would make the best officers have not been hanging around Congress, have not been beating at our doors and clamoring to come back, but have taken the education that the Government gave them and the money that was bestowed upon them and have gone into other walks of life, and to-day are in the professions, are in engineering, are in mercantile and commercial business, or are teaching the youth of the country, and taking advantage of the good education that they got at the academy, and no voice is heard from one of those young men; but the drones and the indolent and the slothful and the unenterprising are the boys who are demanding that they be let back upon this overburdened establishment to increase the suffocation in the lower grades.

They will not all come back. Undoubtedly the brightest of them will never come back; and to-day as I know more than one, several of these boys are thankful that Congress interfered and in the needs and purposes of the naval establishment gave them an opportunity to retire with nearly a thousand dollars, and they are better off to-day than they would be if you had said that they would have to remain at the foot of the rank until they were nearly forty years of age. No, sir; they will not all come back.

If I were one of them I should feel a great deal better if I had taken my $950 and the course of instruction which is given in this institution.

The Senator from South Carolina, if he ventures to debate this bill as his report in the case does, will declare that this course of instruction prevents and disqualifies a young man from succeeding in private life. Why, aside from the seamanship and drill, it is the course which is pursued in our colleges and institutions where the boys pay their own bills. The examination is upon subjects that not every youth is competent to be admitted upon. In the first year, here are some of the studies pursued: In mathematics, Ray's Higher Algebra, Todhunter's Algebra; Chauvenet's geometry; in English studies, history and law, the structure and historical development of the English language, exercise in the composition of letters; in history, outlines of history, especially the history of Greece, Rome, and of the States of Western Europe, historical geography, important points in naval history, illustrated by notes and by lectures. Here are the authorities, the books that are read and studied: Modern languages, French and German, and thorough drill in those, with higher mathematics; English studies, rhetoric and composition, choice and use of words, argumentative composition, exercises in the composition of letters and telegrams, themes—all of the things that go to make a boy equipped for the struggle of life that must fall upon him upon which he must enter when he comes into competition with his fellows. So it goes on in the subsequent year.

I have had occasion, because I anticipated in reading the report what the arguments would be, to look up these matters. I have found out what this course was. I was once a visitor there myself and knew it, but had forgotten it, this course which it is declared unfits a boy for other business! The training that he gets there, outside of and over and above the naval drill and discipline and gunnery and seamanship, is a liberal education. There are not one-half of the colleges in the United States that rank as colleges which give a boy as good an education outside of the technique of this course at Annapolis as this institution does.

Here are some of the studies in the course pursued: Seamanship, ordnance and gunnery, mathematics, steam-engineering, astronomy and navigation, physics and chemistry, English studies, history and law, modern languages, drawing, and constitutional law—a thorough education in all of those. There is no Greek there, but I would give more

for the education that they give in physics, in the higher mathematics, English literature, the uses of language, the medium by which we approach and communicate with and influence mankind, than I would for all the Greek that was ever taught in all the schools.

These boys get the advantage of that. It is the fault of the boy when at the end of six years he comes out of the academy if in addition to all that he knows about gunnery, about seamanship, about navigation, he has not got a higher education that makes him a fully equipped man for any field that he may choose to enter in civil life—it is his fault and not the fault of Congress; the claim that this is not a good education for these young men is not borne out.

Mr. President, I have taken much more time than I hoped to occupy when I rose; but I felt the importance of the subject. I have taken some interest in the naval establishment and in naval affairs ever since the day when, as a young man, I entered the lower House. I have seen two things happen, the naval establishment so far as concerned its *materiel*, its ships, running constantly down, and so far as its officers were concerned running constantly up, until the disparity was such that it rung out like a cry of fire and demanded the intervention of Congress. Congress intervened and passed the wise act of 1882. I have no apologies to make for that act. It is one of the things upon which I take some interest in considering that I had a part and parcel in it, for it begun the day when ships were to be built and the overplus of officers was sought to be restrained and prevented; and those added two existing good things. From that day to this some of the young men who were treated in that way have been before Congress constantly. They sometimes, without investigation because the subject was not discussed and presented, got bills reported in their favor; but they were never able to secure their passage. They have got academic boards that have visited the academy, that have been under sympathy by all that was heard from these young men, to report in their favor. But never on full discussion has Congress or either branch of it declared that it would go back upon the beneficent legislation of 1882 and involve the Government in this responsibility and destroy the good effect of that legislation.

Here we are in the seventh month of the session. The Committee on Naval Affairs has had opportunities to discuss and consider the whole subject of the Navy; the House of Representatives have had the same opportunity; and the first thing that comes up in reference to this great question, a question upon which our parties resolve alike when they get into convention that there should be a reorganization of the Navy, that we should have a respectable establishment, and not be the scoff and contumely of all the nations of the earth—the first thing that is pushed forward and obtruded in our faces is this provision to go back on the legislation of 1882 and take back these hundred or more officers who are no more needed in the naval establishment than the galley slaves or the rowers of the ancient Piræus would be needed; and we are asked to do that now and sympathy is invoked and it is declared that whatever may be the needs of the establishment this should be done.

Nobody has presented any bill that I have ever heard of in the House of Representatives or here that has been able to make its way for any new ships, because there are not all over the country in every State individuals personally interested to push such a bill as that, but supinely, slothfully, all these opportunities are neglected and we are asked, as the first thing in the direction of rehabilitating the naval establishment, to resuffocate this lower rank and to consign every boy who has gone on under this act and has graduated and has taken his place to find that if he graduated in 1884 and has got a commission as an officer in the Navy and has a chance for promotion, that if this bill passes the boys of the class of 1883 who could not enter the Navy under this law come in and are placed over him. They have no rights; no sympathy is evoked for them; they are the boys who are to make the stamina and the good blood and the efficiency of the Navy in the future; nobody is lobbied and besieged for them; but this other class that have gone away from the academy and been away shall come back now—not the best of them as I have said, but the others, and be put in over the boys who graduated the year after.

I protest against any such legislation. I protest in the interest of the American Navy against this attempt. I have said and tried to make plain that these boys have no reason to complain. The best of them do not complain. I have nothing to say against their character. I have no doubt that they are good, discreet boys, with a desire to enter the service, but every boy who enters the Naval Academy can not get into the service. In my own State there are hundreds of boys who would be glad whenever vacancies occur to be taken into this establishment, be educated, and take their chance. They can not go, because there is not room for them. They are just as worthy, they are just as ambitious, they are just as much entitled to the glowing description which the Senator from Massachusetts has given of the boys as those who do get into the establishment. And yet Congress does not propose to interfere and legislate for them.

And with this I leave the subject, earnestly protesting against the passage of this bill by the Senate as a step in the wrong direction, and as precisely the thing that Congress ought not to do.

Mr. McPHERSON. Mr. President, I desire to offer an amendment to the amendment proposed by the Senator from South Carolina. I move to strike out, in lines 6 and 7 of the amendment, the words "entered the Naval Academy," and insert:

Completed the four years' course at the Naval Academy and received diplomas of graduation.

So as to read:

That that part of the act of Congress approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service each year shall not apply to those cadets who had completed the four years' course at the Naval Academy and received diplomas of graduation prior to the passage of this act.

Mr. HALE. Let me ask the Senator if he is certain that since the passage of the act making six years the course the student who keeps on for the six years, the last two years at sea, gets a diploma of graduation at the end of four years? I make the suggestion because the Senator does not want to make his amendment so that it will not apply to those boys.

Mr. McPHERSON. He gets a diploma of graduation when he leaves the Naval Academy and goes on his sea trip. The education at Annapolis being a technical education, a diploma of graduation is given him, and then he takes his position at sea for putting in practical use the technical education he has received. Hence the graduates of 1881 and 1882 at the time of the passage of the act of 1882 occupied an entirely different position, in my opinion, from that of cadets then at the academy who had not passed through the graduating course at the academy. I have ever been in favor of restoring the classes of 1881 and 1882 because they had finished their course at the academy and were then in the service of the Government.

Let it be understood that at one time the four years' course at the academy was all that was required of the naval cadets. Because of the fact that so many were entering the academy and no places could be found for them by promotion, the course was extended from four to six years, the two years additional being simply a sea course to put in practical operation the technical education they had received.

Now, what is to be done? When the law of 1882 passed it found the classes of 1881 and 1882 both having passed their graduating course at the academy, and they were on board ship. They were away from the country when the legislation of 1882 took place, which included them also under the construction placed upon the law and on which we have had no decision of the courts. It placed them then in an entirely different position from that of students then in the Academy who had not passed the graduating course, and nobody knew whether they ever would or not.

Mr. BUTLER. I should like very much to have it determined under which of these two leaders we are to array ourselves. The Senator from Maine, who has just occupied the time of the Senate for about an hour to-day, informed the Senate that these young men were not in the naval service although they were at sea. Now comes the Senator from New Jersey and says that after a four years' course they are in the naval service although they are at sea. The fact is that the four years' course at the academy does not entitle them to a diploma of graduation. The Senator from New Jersey is mistaken. They get their diploma of graduation after the six years' course, two years having been spent at sea on board ship.

Mr. HALE. But the two years' course at sea is just as much part of their studies.

Mr. BUTLER. Precisely.

Mr. HALE. The Senator from New Jersey I presume did not mean to state that as a matter of law they had become officers in the service and were technically in the service the last two years; only that they were on sea duty.

Mr. BUTLER. That is what I understood him to say, that they were officers of the Navy after having graduated.

Mr. HALE. I do not think the Senator from New Jersey means that.

Mr. McPHERSON. Let the Senator understand me distinctly. I say that at the end of the four years' course the cadets are subjected to an examination. Some are to pass; others are not. Those who do not pass the requisite examination are dismissed, or given another chance perhaps. Those who do pass, as I understand, receive a diploma of graduation.

Mr. BUTLER. There the Senator is mistaken.

Mr. McPHERSON. Then I will change my amendment to meet the case, and say:

And have passed the requisite examination at the academy.

Mr. HALE. I think that would be better.

Mr. McPHERSON. The Senator from South Carolina asks who is the leader in opposition to this proposed measure. The Senator from Maine and myself differ with regard to what would be justice. The Senator from South Carolina and myself differ in like manner. I suppose I am not revealing any of the secrets of the committee when I say that I asked in committee that the bill be modified. I was not supported, but I find in the report made by the Senator from South Carolina that he supports me, and I will read from his report. I do not assume leadership in the matter; I want to be in accord with him. I will read from his report:

Mr. BUTLER. I have been simply trying to have it determined

which was the leader on the opposite side—whether the Senator from Maine or the Senator from New Jersey. I do not aspire to be a leader at all.

Mr. MCPHERSON. Let me read from the report of the Senator from South Carolina and see how near I am in accord with him.

We further find that all of the classes of 1881 and 1882 were in actual service—

Mark the language—

when the act of August 5, 1882, was passed. Not only had they completed the four years' course at the Naval Academy and received their diplomas of graduation—

I use his language in my amendment as first offered, supposing it to be correct—

but they were then serving at sea. Even if desirous of resigning after the passage of this act, in order to engage in some business or profession, their absence from the United States made it almost impossible to secure a position, and, even if they could have done so——

Mr. RIDDLEBERGER. I would like to ask whether it does not really mean this——

Mr. MCPHERSON. Will the Senator wait and listen to the report:

the cost of returning to the United States would have been so great that they were forced to remain in the service until the completion of the two years at sea. The law was not operative when they entered the academy, and five years later was made to affect them, and is thus retroactive and in effect an *ex post facto* law.

Mr. RIDDLEBERGER. Is that the minority report?

Mr. MCPHERSON. Each of the two reports is signed by an equal number of members of the committee, both for and against the bill. I speak now of the report signed by Mr. CAMERON, Mr. DAWES, Mr. STANFORD, and Mr. BUTLER, which the Senator from South Carolina submitted. He agrees with me in that report that the law would be retroactive touching the classes of 1881 and 1882. Therefore I agree with him that the classes of 1881 and 1882 should be restored, and I claim with him that there is a wide distinction between a naval cadet who entered the Naval Academy and graduated, who received his diploma of graduation, and who, under the orders of the Government, was sent to do sea service—in the language of the Senator's report, in actual service outside—and a mere student. Hence it is that I have ever been in favor of restoring those classes. I believe that as to them the law was retroactive. After the two years' sea course they returned from that sea cruise and an examination took place. It is the result of that examination, taken together with the former examination after the four years' course, that determines the position the cadet takes upon the Naval Register; his assignment is based upon that examination. Hence I supposed the Senator from Maine would aver that, that being his final examination, he is not accepted, and has not finished his course until that examination has taken place and he is given a place on the Naval Register, but that does not necessarily follow. He had left the academy, he was in actual service, and in the service of the Government, doing duty as a naval officer and filling a place that officers under pay are required to do and do fill.

Mr. RIDDLEBERGER. I wish to ask the Senator from New Jersey if the effect of his amendment would not be to blend two bills, to include here the classes of 1881 and 1882, to reinstate in the Navy those who were suspended with the words "honorably discharged" by Mr. Chandler, the then Secretary of the Navy? I ask whether the effect of the amendment of the Senator from New Jersey is not that?

Mr. MCPHERSON. It would restore the classes of 1881 and 1882; it would restore all classes that had left the academy after passing an examination and doing duty for the Government on shipboard at the time the act of 1882 passed.

Mr. RIDDLEBERGER. The effect would be to blend two bills.

Mr. MCPHERSON. It would be to limit the operation of the bill before the Senate to the classes of 1881 and 1882, and would not restore those who were in the Naval Academy and who had not passed the graduating examination.

Mr. RIDDLEBERGER. I am only asking for information, not opposing the amendment.

Mr. MCPHERSON. I have stated the effect of the amendment. I claim that there is justice in the restoration of the classes of 1881 and 1882, and in that respect I differ with the Senator from Maine.

The Senator from Maine in answer to the Senator from Massachusetts, if I understood him correctly, said that the act did not prevent any of these persons from receiving an appointment in the Navy; it simply subjected them to a competitive examination, and those who took rank highest on the list were the ones selected to fill any vacancies that might occur in the grade next above. But the Senator in that regard did not go far enough, because if the law of 1882 had not passed the classes of 1881 and 1882 who were at sea were then subject to promotion under the old law. What was that? They had a place on the Naval Register and whenever vacancies did occur by seniority they were entitled to promotion and must be promoted before those who entered the academy later. So in any event the classes of 1881 and 1882 would have been promoted if they passed the requisite final examination after return from the sea course, and they could not have been dismissed from the Navy except by court-martial. They were upon the Naval Register and would have been entitled to promotion which would have hindered the promotion that has been given to other and later classes.

That is exactly the situation. I claim that no injustice whatever has been done to the naval cadets who were in the Naval Academy and who had not finished their course. A good education is given them; a compensation is given them greater than they could earn at anything else; and if the Government of the United States owing to the topheavy condition of the Navy required, if the exigencies of the Government, the interest of the Government required that there should be a limit as to the number of officers who should be placed upon the Naval Register, then I claim that it was within the power of the Government and it was the duty of the Government to do it, and no injustice was done to those young men who were then pursuing their studies.

As to the education at the Naval Academy, in my opinion any young man entering the academy receives there an education which fits him for almost any department of business in life. The education there is a very full one; and one thing above all others which to my mind is indispensable and important to every young man who is seeking to attain an education is the discipline which is required from boys at the Naval Academy. Certainly, for myself, I think I would prefer to be educated there to fit a man for any place in life to any school or college in the country.

Hence I think, Mr. President, the Senate will not fail to draw a distinction and a very proper distinction between the classes of 1881 and 1882 and the classes which came in later.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. BUTLER. I shall not detain the Senate by making any response to the Senator from New Jersey.

The burden of the argument of the Senator from Maine was that there was not room in the Navy now for these young gentlemen that we propose to restore. If there is any force in that argument, it applies just as much to the amendment proposed by the Senator from New Jersey as to the amendment which I had the honor to present. It would be very unfair, very unjust, it seems to me, to make this discrimination in favor of one set of these young gentlemen against the other.

I will say, now that I am on my feet, that the statements made by the Senator from Maine are in my judgment enormously exaggerated. I do not mean intentionally so. In the first place this measure will cost nothing like the amount which he has stated. I have had an estimate made of the cost as I arrive at it, which would be about $217,000 distributed over five years' time, or about $40,000 a year. In the next place he has exaggerated the number of cadets that will be likely to go back. It comes within my knowledge that a great many of them have gone into other pursuits. A great many of them may not desire to avail themselves of this bill if it passes.

I hope that the amendment of the Senator from New Jersey will be voted down. It would be very unjust, as I said before, to other young gentlemen to have this discrimination made against them. They regard it as a sort of stigma upon them to be put out of the service in this way. A great many of them, I think, would be perfectly content with having the vindication that this bill would give them.

Mr. MCPHERSON. Would it interrupt the Senator to answer me a question?

Mr. BUTLER. Not at all.

Mr. MCPHERSON. Let me draw an illustration. The classes of 1881 and 1882 were at sea when the act was passed. They had been four years in the academy; they had finished their course, and one of them had served a year at sea. A young man comes into the academy in the year 1881 by appointment; he has served there a year; he receives his compensation, more than he could earn in any other place in the world in any other business; does the Senator pretend to say that any injustice is done to that young man who entered the academy in 1881 if he should be given to understand that at the end of his term if he stood at the top of the list in the competition he might receive promotion?

Mr. BUTLER. I do think it would be the very grossest injustice if there was no such contract or agreement at the time he entered the service. I think it would be equally as unjust to the young man who entered in 1881 as to the one who entered in 1878. The act as to the young man referred to by the Senator from New Jersey would be just as unjust and harsh.

The Senator from Maine says there is no contract. Why, Mr. President, there is an agreement, and each one of these young men is required to sign this oath when he enters the Naval Academy:

I, ——— ———, of the State of ———, aged —— years —— months, having been appointed a cadet-midshipman in the Naval Academy of the United States, do hereby engage, with the consent of my (parent or guardian), that I will serve in the Navy of the United States for eight years, unless sooner discharged by competent authority.

There is the oath the young man is required to subscribe to when he enters the academy.

Mr. RIDDLEBERGER. What is the date of it?

Mr. BUTLER. It is a blank form of the oath that the cadet makes.

Mr. RIDDLEBERGER. That does not apply to engineers, does it?

Mr. BUTLER. I take it that it applies to all, to all the cadet-midshipmen in the United States Naval Academy. I am not sure on that point, and it is not material to what I state.

Mr. MCPHERSON. Can not the young man at any time during that term resign?

Mr. BUTLER. Of course he is qualified to resign.

Mr. MCPHERSON. That is one side. It binds the Government and does not bind the cadet.

Mr. BUTLER. Of course he can resign; but that is the oath he is required to make when he enters the Naval Academy; and the amendment of the Senator from New Jersey will make the act of August 5, 1882, if anything, more objectionable and more harsh than it now is. I trust the amendment will not prevail.

Mr. HALE. Mr. President, the amendment that is offered by the Senator from New Jersey improves the bill very largely in this regard, that it cuts down largely the number of these young men that will be restored. I can not see the distinction that the Senator has in mind which puts the two classes that had finished their studies in 1882, and would take their final graduation in 1883 and 1884, in a different attitude from the others who came later, because when this act was passed about which so much controversy has arisen, in August, 1882, the members of the two classes that would graduate in 1883 and 1884, and who had ended their studies at the academy in 1881 and 1882, were away at sea without any opportunity to get out of the service. Those boys were undoubtedly differently situated from all the others. The other boys were in the classes and at the academy, had not been taken from it, were not away pursuing their duties upon the sea. These two classes had left the academy; they had not completed their course, because I again say that it is not a four years' course, it is a six years' course, and it makes no difference in law. But they had left the academy, and under the regulations and the law were pursuing their studies at sea and were away. They could not get back under two years. They had not the opportunity to resign; they had not the opportunity to get out and take their certificates of the four years' course of studies.

Mr. MCPHERSON. Will the Senator yield to me a moment?

Mr. HALE. Certainly.

Mr. MCPHERSON. Do you not think since the decision of the courts the practical recognition of this principle as applied to the cadet-engineers ought to cover this case?

Mr. HALE. I can see that a parity of reasoning might apply to the cadets who had completed their studies at the academy, but they are not the same in law. The cadet-engineers never had a six years' course, as the others had, and at the end of their four years they became graduates and were not touched by the law. The cadets who were in the six years' course were never graduates. Although they got through the four years' course at the academy, they were still cadets, but they had left the academy as the engineers had, and they invoke much more sympathy undoubtedly than this other class because they could not take advantage of the provisions of the act of 1882.

Mr. MCPHERSON. But the Senator is aware of the fact that as to the cadet-engineers it was not possible for them to be promoted to the grade of assistant engineer until they also had performed two years' service at sea and had passed their final examination. So with the single exception of the word "graduates" which was found in the law there was practically no difference whatever between the cadet-engineers who were restored by the decision of the Supreme Court and the classes of 1881 and 1882 which I propose to restore by this amendment.

Mr. HALE. I think the Senator has not got the phraseology in his amendment, so that it makes no difference, but I think if he refers to them as the classes of 1883 and 1884 it will be more technically correct, because that is the way the academy refers to them by the years they graduate, their final graduation. They call them the classes of 1883 and 1884; but that is not essential, because the Senator has not embodied it in this amendment.

The Senator is correct in saying that their duties were the same; they went away the same; only the law in one case made them graduates and in the other it did not; and that is the foundation of the Senator's amendment, and as far as it goes it improves this bill. I shall vote for the amendment because it improves the bill. I would not vote for the bill even if so amended.

Mr. BUTLER. What then becomes of the Senator's argument that there is already suffocation and distress and all that sort of thing at the foot of the Navy now? Where will the forty-five young men of the 1883 and 1884 classes go?

Mr. HALE. I do not know, but I would rather the Secretary should be met by a question of disposing of fifteen or twenty young men put back than one hundred; and I would vote to cut down the bill the Senator from South Carolina has reported which would send one hundred or more young men into the overcrowded rank of ensign. I would vote for any amendment that would make it twenty. That is what the Senator from New Jersey proposes.

Mr. BUTLER. And then vote against the bill?

Mr. HALE. I would not vote for the bill, but I say I would vote to make it as small as possible.

Mr. MCPHERSON. In my opinion, if this question were presented to the court, believing as I do in the decision of the court, and recognizing as I do the principle there decided in the case of cadet-engineers, a like decision would be rendered in this case. There is no difference between the status of the cadet-engineer and the cadet-midshipman, except that the cadet-engineer must serve the same length of time and is then paid double pay to what he received while in the academy and before graduation. He is in the service of the Government, an officer of the Government, entitled to and receiving larger compensation. It simply shows that at the end of the graduating course they are called graduates, and that is the only distinction I can possibly draw in the law upon which the judgment of the court was rendered. Hence when a proposition is before the Senate to restore these classes, as the Supreme Court has decided practically the principle in the case of cadet-engineers, I claim that it is right on the part of the Senate to incorporate that much in a law and restore the classes of 1881 and 1882. As to all the other classes, it seems to me there is no requirement on us to put them back. It is simply a question with the Government, involving great expense; the question is, what are you going to do with these young men, where are you going to put them? We have a bill pending before the Senate, which I presume will be reported either favorably or adversely very soon, touching the cadet-engineers, thirty-four of whom are found I think now to be eligible under the decision of the court and the order of the Secretary restoring them to service. The next question is where to place them on the Navy Register. We must of course increase the number of assistant engineers to the extent necessary to furnish those young men places in that list. If either of these bills, either the committee's bill or the amendment I have proposed, should pass, it will be necessary to increase the number of that grade to which you propose to assign these young men, in order that they may be properly placed on the list. But I agree with the Senator from Maine that to pass the bill reported and advocated by the Senator from South Carolina would so complicate and so encumber the whole situation that we should not see any end of it. Confusion without any particular benefit to these young men would ensue.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the Senator from South Carolina [Mr. BUTLER].

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. MCPHERSON. I have another amendment to offer, and I think the Senator from South Carolina will not disagree with me in regard to this. In line 10, after the word "Navy," I move to insert:

And passing the examination now required by law.

Let it be settled whether these young men are professionally, physically, and mentally competent now by passing an examination. I do not think anybody can say that they ought to be restored to the Navy unless they are fit.

Mr. BUTLER. I think my friend the chairman of the committee has an amendment which will cover the question raised by the Senator from New Jersey as to a physical examination.

Mr. CAMERON. I have an amendment which I proposed to offer when the Senator from New Jersey took the floor.

Mr. MCPHERSON. I desire to offer my amendment. After the word "Navy," in line 10 of the amendment of the Senator from South Carolina [Mr. BUTLER], I move to insert "and passing the examination now required by law."

So as to read:

And those cadets who have been honorably discharged under the provisions of the aforesaid act may, upon making application to the Secretary of the Navy and passing the examination now required by law, within sixty days after the passage of this act, be restored to the service and take their places on the Naval Register in the same manner as if said act had not been passed.

Mr. BUTLER. I do not quite see the force of that amendment. I do not know what examination the Senator refers to.

Mr. MCPHERSON. It is well known that a naval officer before he can be appointed or promoted must pass an examination. The examination is as to his physical, mental, moral, and professional qualifications. When the time has come for promotion an officer must pass that examination before he can be promoted. This is the year 1886.

Mr. BUTLER. I am not aware of any examination required by law, because the law never has required it. There is an examination for promotion. There are examinations when a boy enters the Naval Academy, and when he gets upon the Naval Register and seeks promotion of course he undergoes examination and he is promoted or otherwise as he is qualified; but I know of no examination that the law requires to meet a case like this. I do not know what kind of an examination the authorities would give them.

Mr. MCPHERSON. I am perfectly willing to make it plain by adding after the word "law" the words "for promotion."

Mr. BUTLER. These young men are not asking promotion. They are simply asking to be restored to the Navy.

Mr. CAMERON. I will state that I do not think there is any law compelling them to undergo an examination prior to promotion even. That is a regulation of the Department. These young men have already passed their examination, and the only difficulty in my mind was that there might be some question as to their physical condition, and therefore I proposed to move an amendment in line 18 which I think will cover all that is necessary. But as to making them undergo a mental

examination or any other examination except a physical one, it seems to me is asking a great deal more than ought to be required.

Mr. BUTLER. I concur entirely with the Senator from Pennsylvania, and would therefore ask the Senator from New Jersey to withhold his amendment until the amendment of the Senator from Pennsylvania is acted upon.

Mr. McPHERSON. I am willing to hear the amendment of the Senator from Pennsylvania.

Mr. CAMERON. I propose to strike out all after the words "provided further," in line 18 of the amendment of the Senator from South Carolina, down to the word "graduation," in line 20, and in lieu thereof to insert:

No graduate shall be entitled to restoration until he shall have subsequent to the passage of this act passed a physical examination before a board of naval medical officers.

Mr. McPHERSON. I can not hear.

Mr. CAMERON. I propose to insert in place of the second proviso at the end of section 1 of the amendment the following words:

That no graduate shall be entitled to restoration until he shall have subsequent to the passage of this act passed a physical examination before a board of naval medical officers.

It says nothing about his mental or moral condition.

Mr. HALE. Does not the Senator see that there might be other examinations that it would be essential these cadets should pass if they are going back in the Navy?

Mr. CAMERON. I do not see any such necessity.

Mr. HALE. Some of these boys, for instance, those that went out in 1883, have been entirely away from the Navy; have been away from naval studies; they have been away from naval associations; they have been away from all the things that tend to make a man competent for promotion in the Navy; and yet the Senator from Pennsylvania and the Senator from South Carolina are not willing, in their determination to force these boys back, that that condition shall be met by examination.

Contrast for a moment, Mr. President, the condition of these boys, a graduate of 1883, for instance, who, after three years' absence, is coming back to be restored without examination, and is to be put into the Navy over and above the graduate of 1884, who went into the Navy, who has been in it ever since pursuing naval studies, attending upon naval duties, upon ships, in navy-yards, in the observatory, wherever he may be; and here this intrusion from outside is forced upon the Navy, and these boys who have been absent all this time are to be put in it over and above bright boys at the head of their class who have graduated; and the Senator from South Carolina and the Senator from Pennsylvania are not willing that they should be submitted even to an examination. It only discloses the determination there is to put these boys back whether or no, without examination and without qualification and without fitness.

Mr. BUTLER. The Senator is not authorized to make that statement.

Mr. HALE. I understood the Senator to object to an examination.

Mr. BUTLER. I objected to the amendment in the form in which it was put, and I am not sure but that I shall object to it entirely, because, without being disrespectful to the mover of the amendment, the Senator from Maine, I do not think there is any sense in it. That is my opinion about it. The Senator from New Jersey provides in his amendment that there shall be the examination now provided by law. I will say to the Senator from Maine that there is no examination provided by law for such cases because there has never been such a case in the history of the Navy. If the Senator from Maine or the Senator from New Jersey will give some line of examination I may consider it.

Mr. HALE. Does not the Senator know that whenever there is a promotion, not by law but by regulation, whenever a man comes up in routine by reason of a vacancy to the promotion that he has so long desired, he can not move a step, he can not go over into the promised land until he is examined under the regulations of the Department?

Mr. BUTLER. I understand that perfectly well.

Mr. HALE. Now, let the Senator from New Jersey, if he chooses, or if that is essential to cover the point that no legal examination is required, that the law does not provide for it, modify his amendment and make it "such an examination as shall be required by the regulations of the Navy Department," because the Senator from South Carolina must perceive the great injustice to the boy who has remained in the Navy, has first attained the head of the class, and has been commissioned, and has got so far along in the numbers of his rank to have now a boy who has been three years away come back and be put over him and without examination. It only intensifies the objectionable features of this bill. I do not know that I feel like protesting further. I am willing to leave it to the Senate and let them decide upon this whole question.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on the amendment of the Senator from New Jersey [Mr. McPHERSON] to the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. HALE. I move to amend that by saying "and passing such examination"——

Mr. McPHERSON. I will listen to the suggestion.

Mr. HALE. It may be that the law does not require it. I propose to insert the words "and passing such examination as shall be fixed by the regulations of the Navy Department."

Mr. McPHERSON. The regulations of the Navy Department are printed regulations.

Mr. HALE. But this authorizes the Department to make another regulation.

Mr. McPHERSON. Very well. I accept that.

Mr. BUTLER. I simply want to point out the injustice of both these amendments. If these young gentlemen are restored by this bill to the Navy Register, if they become naval officers with the rank of ensign and present themselves for promotion, according to the admission of the Senator from Maine and the Senator from New Jersey they will be subjected to a rigid examination before they can get promotion. Now, what harm can result to the service by simply passing the amendment as I have offered it, with the additional amendment of the Senator from Pennsylvania, and let them take their chances, when it comes to promotion, to be subjected to the examination, which of course they will be obliged to be subjected to under the regulations? I can see no necessity in the world for this preliminary examination.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey, as proposed to be modified, will be read.

The CHIEF CLERK. In line 10, after the word "Navy," it is proposed to insert:

And passing such examination as shall be fixed by the regulations of the Navy Department.

Mr. BUTLER. These young gentlemen all passed their examination after their six years' course and were entitled to be put upon the Navy Register as ensigns. Now, why subject them to an additional examination for getting back into the Navy when those who have remained in the Navy with their own classes are not subjected to a similar examination?

Mr. CAMERON. I want to say in addition that when they come up for promotion they must undergo an examination precisely the same as those who have remained in the Navy.

Mr. BUTLER. I have just stated that. There is no doubt about that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. McPHERSON], as modified, to the amendment of the Senator from South Carolina [Mr. BUTLER].

The question being put, there were on a division—ayes 12, noes 11; no quorum voting.

Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. Before the yeas and nays are taken I wish to call the attention of the Senator who offers this amendment to the place where he proposes to put it into the bill. If it is inserted in that place the effect will be that these young gentlemen must be examined within sixty days, which might be entirely impracticable. They are to apply within sixty days; and the place where this amendment is to go in would require that they should be examined within sixty days, which might make the whole thing entirely nugatory. I am sure the Senator from New Jersey does not mean to do that.

Mr. PLUMB. I do not feel any special concern about this amendment, except that I am in favor of anything which is restrictive of the proposition originally reported by the Committee on Naval Affairs. The bill itself I regard as entirely without merit. We are spending days in debate over a proposition to put into the already overloaded Navy one hundred and forty-five young men for whom there is about as much use as there is for a fifth wheel to a wagon.

Mr. BUTLER. I am sure the Senator does not desire to state the case otherwise than in accordance with the facts. There are not one hundred and forty-five to be restored by this bill or anything like it.

Mr. PLUMB. That is upon the assumption that all who were discharged from the Naval Academy under the law of 1882 will not avail themselves of the privilege of this bill.

Mr. BUTLER. No, sir; I do not confine my estimate to that. The very highest possible estimate of those who would be eligible for reinstatement would be one hundred and eighteen, and about half of those perhaps will go back.

Mr. PLUMB. Let it be one hundred and eighteen, then. That is a difference only in degree, not in kind. The fact is that there are already at least three hundred officers in the Navy for whom we have practically no use. Now we propose to put one hundred and eighteen more into this already overburdened service. The money is something, of course; and I think on the whole that if we were to exert ourselves a little we could find some better way to spend that money; but it seems to be one of the peculiarities of our legislation that we are always ready to give the money in the Treasury to individuals, to increase compensation already large enough, and to create new places for which there is no necessity, while the industries of this country, its great commercial interests, go begging for lack of the support which the Government ought to give them, and which the money we propose to give here and now would help immensely to do; and we spend day after day in discussion about and in devising means for the benefit of the *personnel* of the Navy and not an hour in regard to those things which are vital to the creation and maintenance of a navy. Putting one hundred and eighteen more officers into the Navy and thereby

spending the money which otherwise might be used to build ships, putting one hundred and eighteen officers into the Navy for whom there is no earthly use, is not only an unwise—I was going to say almost a criminal expenditure of the public money, but it is to overload the Navy and make it impossible that it shall ever be anything else than it is now, simply the nursery of personal preference and favoritism which inevitably find their way into this Chamber in the shape of legislation like that under consideration.

It is the establishment also of a principle that when we take young men into the Naval or Military Academy, the expectations which they may have formed, which have no basis in the law, are to control Congress, no matter whether there is need for their services or not. While they can resign, quit the service at any moment of time they choose so to do, the Government can never dispense with them at its own option and when necessary for the public interest, but have got them tied on our backs like the Old Man of the Sea. Whether they are needed in the public service or not, and whether they are useful or not, we have always got to keep them. I think the establishment of that principle in these two branches of the service would be worse than the expenditure of the many millions of money by which the cost of the establishment is thereby unnecessarily increased.

Mr. President, no Army officer and no naval officer holds his commission by any tenure except the will of Congress. There is neither law nor equity that requires us to keep one single one of them in the service a moment of time beyond that when we, in the exercise of the sovereign power given us by the American people to be exercised in their interest, say his services are needed for the interests of the Government. We have turned out of the Army of the United States from time to time hundreds of officers of the greatest military reputation, men who had served in actual war and not in the quasi-military performances that go under the names of army operations in time of peace, men who carried upon their person the wounds of an honorable and dangerous service, men to whom the Government is under obligation which it can never repay with money or with anything else that it can do, because the patriotism and the self-sacrifice of that service was such as legislation can never adequately reward. Then there was no talk that we had no power over the subject, that there was any injustice, and that Congress should be governed by the expectations which these people had formed. But now, forsooth, when some young gentlemen to whom we have given an education, whom we have fed and clothed and sheltered during the process of giving them that education, equipped them for the race of life to the fullest extent that education can do, because they thought they ought to stay longer, we are debating here a proposition to put them back into the Navy, not for a day, not for the purpose of salving their wounded pride, but to stay a lifetime in the service of the Government under great pay and in positions in which they can never, so far as any one can now forecast the conditions of the future, ever render one single hour of useful service to the Government.

If that is not an unwise and reckless perversion of the legislative power and a most unwise and reckless use of the public money, I do not know what language could describe such. Instead of more officers of the Navy, we need fewer. Instead of a greater *personnel*, a greater current expense, we need to put the knife in and cut strongly, decisively, and deeply in order that we may have a service worthy of the Government and which at the same time shall be kept within proper limits as to current expense.

There is neither justice nor propriety in this demand. We are in the closing hours of a session, with great and important measures awaiting the action of Congress, and there never has been a time when, in my judgment, there was as much need of Congress doing something not only to limit the ordinary expenditures for running the Government, but to turn the public revenues which we may have in excess of the closest needs of the service, if we are to continue to raise them into sources which will be beneficial to the great body of the American people. At this time to spend days in debating a bill of this character, and to seriously consider a proposition to overburden the Navy with one hundred and eighteen utterly useless officers, it seems to me is trifling with the public interests committed to our charge.

Mr. WHITTHORNE. I think the Senator from Kansas is laboring under a mistake when he states that there will be under the operations of this bill one hundred and eighteen additions to the Navy.

Mr. PLUMB. I accepted the statement of the Senator from South Carolina who has charge of the bill.

Mr. WHITTHORNE. I hold in my hand a memorandum with regard to naval cadets which furnishes the number for the three years, 1883, 1884, and 1885, a copy of which the Senator from Maine has. It is an official statement. Forty-one naval cadets were given certificates of honorable discharge under the act of August 5, 1882, for the year ending June 30, 1883; eight naval cadets graduated in the year ending June 30, 1884, and twenty-one naval cadets graduated in the year ending June 30, 1885, making in numbers seventy in those three years. The statement does not include the graduates of this year; but taking about the pro rata, I assume that altogether there will be ninety.

Mr. HALE. The Senator must see that in addition to that, not only are the graduates of this year affected by this bill, but the graduates of 1887 and 1888 are also in addition to the ninety.

Mr. BUTLER. That is exactly the correct statement.

Mr. HALE. Does the Senator say that this bill does not take up the six classes the first of which graduated in 1883?

Mr. BUTLER. I mean to say this: Of the class of 1888 there will be but eight young men affected by this bill, because but eight had entered prior to its passage.

Mr. HALE. Of course it is a matter of estimate; nobody can tell; but even that has not been reckoned by the Senator from Tennessee. You may cut this down to the lowest figures you can, and you will not make it below the figures just given by the Senator from South Carolina, one hundred and eighteen; but the Navy Department furnishes the figures at the basis of one hundred and forty-five if they all go back. They will not all go back undoubtedly, but there will be over one hundred.

Mr. WHITTHORNE. If we assume the same rule of diminution in the number that is shown by this same memorandum to have occurred in the line of cadet-engineers, 25 per cent. less, then you get the number.

Mr. VEST. Mr. President, I agree with everything that has been said by the Senator from Kansas [Mr. PLUMB], but I want to emphasize his remarks by this statement, that official reports show that the Congress of the United States has appropriated $385,000,000 since the close of the war for naval purposes, for the building and repairing of naval vessels and for the pay of officers and seamen. I have had occasion heretofore to make the statement that in the city of Washington from year to year have been naval deadheads standing like lamp-posts upon the corners of the streets, attending public routs and assemblies, officers of the Navy without a ship after this enormous expenditure has been made by the party to which the Senator from Kansas belongs. And now he very properly says that he is opposed to increasing this number of deadheads to the extent of one hundred and eighteen, according to the Senator from South Carolina, and one hundred and forty-five according to the Senator from Maine.

Sir, it is a most conspicuous argument against the policy of the Republican party in regard to the Navy. We have few ships; but still we go on increasing officers, for what? In order to perform land duty; in order, I say it without meaning any disrespect to them, to float around the watering places of the country, and there are no vessels upon which they can place their service as naval officers or commanders. If I understand this discussion—and I have listened to it very patiently for the best part of two days—it amounts to this, that we have now graduated a certain number of young gentlemen for whom we have no use, and they come through their relatives and on their own personal solicitation and ask to be continued in a service which has no use for them whatever.

I am utterly opposed to any such bill. The first thing for us to do is to create a navy and then have officers in order to command our vessels; but until we have the vessels it is an expenditure of the public money contrary to all sort of reason for us now to pass such a measure as is proposed to the Senate.

Mr. HALE. Does the Senator know how many officers we have now to every ship in the Navy without these men? Fifty-nine. Fifty-nine officers on the active-list to every vessel in the Navy now, and they want more!

Mr. BUTLER. The trouble about the indignation of the Senator from Kansas and the Senator from Missouri is that it breaks out, if I may be allowed to use such an expression, a little too late. I submit to those two Senators and to the Senator from Maine if it is exactly fair, if it is exactly just, if it is exactly right to these young gentlemen who are seeking to have their rights restored to them by this bill to visit upon their heads what the Senator from Missouri chooses to call "naval deadheads" about the city of Washington. Is it exactly fair for the Senator from Kansas, who seems to take special delight and pleasure in shying a brick at the head of every naval officer who is presented to this body, to make this the occasion of an assault upon the naval service of the United States?

A great deal has been said by the Senator from Maine and other Senators about these young gentlemen being obtruded into the Navy, about intrusion and obtrusion and lobbying. Sir, I say for the benefit and the information of the Senator from Missouri and the Senator from Kansas and the Senator from Maine that but one single one of these young gentleman has spoken to me on the subject.

Mr. HALE. The Senator is an exception, then.

Mr. BUTLER. I will say further to the Senator from Maine that they did nothing but what they had a right as American citizens to do in presenting their grievances to Congress and asking in a respectful manner, as they have done, that they be considered. And, sir, while the Senator from Maine is protesting against this bill, I protest in the name of these young gentlemen against this assault upon their character for demanding what they had a right to demand from Congress. This indignation, this freak of virtue, this intense desire for economy comes a little too late, I submit with great respect. Why, sir, it has not been two months since the Senator from Kansas and the Senator from Missouri voted for a bill which I hold in my hand conferring upon the cadets at West Point precisely what we ask for the naval cadets who graduated at Annapolis. I heard nothing about suffocating

the service; I heard nothing about young gentlemen through their friends importuning Senators and haunting the doors of Congress when that bill was passed. I did not hear the eloquent voice of the Senator from Kansas animadvert upon the criminality of such extravagance at that time. It has become the fashion when Senators are in pursuit of something to strike at to select the officers of the American Navy.

I have been in this city for very nearly nine years in the discharge of my official duty and I have failed to see these deadheads standing about like lamp-posts in the streets of Washington from among the officers of the Navy. But I have seen that whenever the demand of duty called them they have responded with gallantry and courage and efficiency, and I deny in their name, and in the name of the naval service, the truth of the statements of the Senators from Kansas and Missouri. I venture to say there is not a naval officer to-day within the city of Washington who is not here either upon proper leave or in the discharge of his official duty under the orders of his superior officer.

But let us suppose that there are the abuses to which these Senators refer, is that fact to be allowed to affect the rights of these young gentlemen, as I insist? If this legislation had been passed and applied to the cadets who came after its enactment I should have made no demur or protest. I recognize the right of Congress to reduce the naval establishment; I recognize the right of Congress to reduce the military establishment; but I deny the right of Congress to commit an act of injustice such as was committed by the act of August 5, 1882.

It has been stated that this bill would restore one hundred and forty-five naval cadets or ensigns. There is no truth whatever in the statement. At the very highest figure there are not more than one hundred and eighteen, and I undertake to say that out of that number not more than sixty, perhaps not more than fifty, would ask to come back into the Navy.

These young gentlemen considered, and as I think properly considered, that that legislation, stuck at the eleventh hour upon a general appropriation bill, upsetting the organization of the Navy, was a stigma upon them which it is the duty of Congress to remove by the passage of this bill.

The Senator from Maine talks about injustice being done to the young officers who remained in the Navy. The injustice has been done to those who were incontinently kicked out by Congress without reason or excuse and without justice. Sir, they ought to be put back, and then I will join the Senator from Maine or any other economical Senator upon this floor who is so much alarmed at the little money that is to be spent in doing justice to these young gentlemen who have dedicated years of their life in preparation for the service of their country which they would otherwise have devoted to preparation for a career in some other branch of life, and will consider with him what justice to others may require.

I say it will not only not cost $1,200,000, but it will not cost over $200,000, and that to be distributed through five years. If I had the time I would demonstrate it, notwithstanding the letter which the honorable Senator from Maine has had read from the Secretary of the Navy. The estimates made in that letter were based upon the assumption that the cadet-engineers would be restored. That whole question has been eliminated by the Supreme Court, who in a decision accompanying the report say that they were never out of the service. I suppose the Senator from Kansas and the Senator from Missouri will rise and indignantly denounce the Supreme Court for entailing an additional expense upon Congress in putting thirty-five or forty cadet-engineers back when there was no need for them.

I think the amendment of the Senator from New Jersey, which provides, as I understand it, that there shall be a mental examination before they shall be restored, is unjust. As I stated a while ago, the officers who have been retained in the Navy are not to be subjected to that test. Why subject these young gentlemen? If there is an officer of the United States Navy who has profited by the misfortune of his brother officer I should vote to have him discharged and dismissed with ignominy from the naval establishment of the country, but I do not believe there is an honorable man on the Navy Register to-day who would profit by the misfortune to his brother officer.

Now, one word in reply to what we were told by the Senator from Maine, that this Government is under obligations to the bright men. I think that was his language. It is a new rule for the guidance of the legislative department of the Government or of any department of it that because the Creator has not endowed all with an equal amount of brightness of intellect those not so endowed are to be condemned in disgrace. The proposition is simply monstrous, that because a young man does not acquire a certain standard of intellectual excellence he is to be condemned in disgrace, because forsooth the Government is under obligations to the bright men of the country.

Mr. HALE. May I ask the Senator a question?

Mr. BUTLER. Why, certainly.

Mr. HALE. Of course I made no such proposition as the Senator is now stating, but I put this to him: The class of 1884 in graduating furnishes seventeen boys at the head of the list who are received into the Navy and get their commission. We will call them the brightest of the class because they are at the head of it. If the bill passes the boys of the class of 1883 who were not at the head of the class, who were at the tail of the class, will come in and be put over those who were at the head of the class of 1884. That is not a question of disgracing a boy because he is not as bright as another boy, but is a case of a premium to a boy who does not pursue his studies in such a way as that he gets to the head of his class, and it is putting the head of the class at a disadvantage as compared with the tail of the class. To that I do object. I do not know of any law or morals or ethics by which that ought to be done.

Mr. BUTLER. The Senator rose to ask me a question, and made a speech.

Mr. HALE. Does the Senator believe in that?

Mr. BUTLER. Of course I believe in it. I believe in exact justice to all alike, whether a man is brilliant or dull; and if any other course had been pursued the Senator to-day would not have had the opportunity of rejoicing in the reputations made by some of the most distinguished officers in the late war, both in the Army and Navy.

Mr. HALE. Let me ask the Senator what test is made at West Point in graduating except this very thing? Are there not scores of boys dropped out there because nature has not endowed them with bright intellectual faculties?

Mr. BUTLER. I do not complain of that, but where they have come up to the requirement and graduated, whether they be bright or dull, when they have passed their examination, I say that it is the very cruelty of injustice to say that because they do not happen to have an equal amount of intellect with others they are to be kicked out. I say to the Senator that if that had been the rule he would never have heard perhaps of Sheridan and Grant and many others of the most distinguished soldiers of the late war.

Mr. PLUMB. Will the Senator permit me to ask him a question?

Mr. BUTLER. Yes, sir; but not to make a speech.

Mr. PLUMB. Does the Senator think it is in the competence of Congress to discharge any naval officer for any cause whatever other than misconduct, without doing him an injustice?

Mr. BUTLER. I think, of course, that Congress has absolute jurisdiction over both the Army and Navy.

Mr. PLUMB. Can Congress justly reduce the naval establishment by discharging from the force any person now in it?

Mr. BUTLER. I will go further than the Senator is willing to go, and I will state as a matter of fact that Congress has a right to abolish the Army and Navy both.

Mr. PLUMB. Can it do that without doing injustice? I am referring now to what the Senator said about injustice to these young men who had ordered their affairs in accordance with the expectation that they were going into the Navy, and that is, I understand, the foundation of this bill. I ask him if it would not be a greater injustice to abolish the Navy or to do any act in relation to it which would require the mustering out of the officers of the Navy?

Mr. BUTLER. I am very frank to say that I believe Congress has a right to reduce the naval establishment.

Mr. PLUMB. Without injustice?

Mr. BUTLER. Without injustice; which is what Congress never did do.

Mr. PLUMB. If it can do that without injustice, how does the case of the young men who have only been engaged for four, five, or six years compare with the turning out of men who had reached fifty or sixty years and had served in the Navy thirty or forty years?

Mr. BUTLER. I do not claim that Congress ought to turn out those, and I do not believe Congress ever reduced the establishments except those raised for an emergency in war. Of course when men went into the Army and Navy at such a time, they went in on the assumption that the force would be reduced to a peace establishment. That could be done without the injustice which was the result of the act of August 5, 1882. It applied to young gentlemen who were then in the Naval Academy. If it had been made prospective, and had relieved all those in the academy and applied to those who entered subsequently, it would have been perfectly competent, and perfectly just, and perfectly proper that Congress should have done it.

What I complain of is that that act should have applied to those young gentlemen who went in under an express contract that they were to serve in the naval establishment for eight years.

I agree with a great deal the Senator from Maine and the Senator from Kansas have said, that the Navy may have too many officers; but I do not believe in the doctrine that you shall strike down without cause or excuse those who have entered the service with the expectation of remaining in it. The legislation on that subject should be made prospective, so that when a young man goes to the Naval Academy he may do so with his eyes open; and then no complaint can be made.

Mr. HALE. I wish to say only only one word in reply to what the Senator has said in reference to our being committed to this principle by having voted for the bill touching the West Point graduates. That is in no regard similar to this situation. The West Point Academy in its relation to the Army has never been like the Annapolis Academy in relation to the Navy. The Army has always absorbed all that West Point could graduate, and more too.

Mr. BUTLER. If the Senator will permit me, I should like just in that connection to read the act for which he voted, to see whether he is correct.

The PRESIDING OFFICER. Does the Senator from Maine yield for that purpose?

Mr. HALE. The Senator may read the act if he chooses, but I doubt whether I voted for it.

Mr. BUTLER. The Senator did not vote against it.

Mr. HALE. It created no attention here.

Mr. BUTLER. The act of May 17, 1886, reads as follows:

That when any cadet of the United States Military Academy has gone through all its classes and received a regular diploma from the academic staff, he may be promoted and commissioned as a second lieutenant in any arm or corps of the Army in which there may be a vacancy and the duties of which he may have been judged competent to perform—

This is the part of the act to which I wish to call the Senator's attention—

and in case there shall not at the time be a vacancy in such arm or corps, he may, at the discretion of the President, be promoted and commissioned in it as an additional second lieutenant, with the usual pay and allowances of a second lieutenant, until a vacancy shall happen.

Mr. HALE. I was going on to explain——

Mr. BUTLER. That is the act the Senator voted for.

Mr. HALE. No; I did not.

Mr. BUTLER. If he did not vote for it he did not vote against it, and now he says it is a great act of injustice to do the very same thing for the young gentlemen who were discharged at the Naval Academy.

Mr. HALE. Will the Senator now allow me to go on?

Mr. BUTLER. I beg the Senator's pardon. He gave me permission.

Mr. HALE. I was referring to that very act and was going on to state the situation which led to it. The two establishments are not in the least alike. The fact in regard to West Point and the Army is that the classes are not large enough to fill the vacancies.

The rule in the Navy and at Annapolis is precisely the reverse; the classes are always greatly larger than the vacancies. West Point has gone on for years and has not required any such legislation as the Navy did, because every year the classes would be smaller than the vacancies, and the President would fill up the vacancies by appointments from civil life. That has been done year after year. This year there is an exceptional condition. There is a very large graduating class. There never has been before such a large graduating class, and it is not likely to occur again. The letters and reports from West Point do not show that it is expected it will occur again. Here is a solitary case standing out where a class is graduated larger than the vacancies, and everybody knows that the vacancies occurring hereafter will soon absorb that overplus.

Therefore, for this single class, not as a matter of policy, not running through all the future, not suffocating the lower ranks like the pending bill reported by the Senator from South Carolina, but only for the time being the act was passed disposing of a few officers and allowing them to remain on the supernumerary list until the vacancies absorb them. Everybody knows that that was the ground on which the act was put, and it was presented simply as a measure for the time.

Whenever West Point gets into the condition that Annapolis got into, and is loading into the Army scores and hundreds of graduates who can not be taken care of in the Army, then the same knife will have to be applied to West Point that was applied to Annapolis, and the Army will only take those whom it needs to fill the vacancies. The situation in the Army is not in the slightest degree like the case we are considering.

Mr. DAWES. Is there any difference except in degree?

Mr. HALE. Yes; there is a very great difference, because everybody knows that there are exceptions in every phase of human life which we have to provide for, and we are willing as a matter of gratuity to do it; but it does not involve the principle of permanently overloading the military establishment. That is the difference. It is a principle which is a grievous wrong, it is an iniquity to the establishment to permanently overload it, and the West Point situation does not involve that principle.

Mr. DAWES. It does not involve it to the same degree, but the act passed in May took care of those on hand just as this measure proposes to do.

Mr. HALE. It does not involve it at all. It is not permanently overloaded, but only for a few weeks or months.

The Senator from South Carolina in eloquent fashion apostrophized the Navy, its gallant officers, capable men, honorable gentleman. They are all that, I agree with him fully, and in the protest that for one I am making against this bill I am speaking for the officers of the Navy, for the men who are in the Navy now, for the young gentlemen who have gone on and earned their commissions and are treading the way that naval officers pursue and looking forward to promotion. I I am speaking for them against this intrusion, and not against the naval officers. I agree fully, and the Senator can go no further than I go in praising the spirit and gallantry and honorable character and conduct of the officers of the naval establishment; and I want to save the naval establishment from the blight that will grow over and be put upon it at the bottom if this intrusion is allowed.

Mr. BUTLER. All I desire to say in reply is simply this, that if the Senator desires to destroy the *esprit* of the Navy, as I understand it, he can not adopt a more effective method of doing it than just such legislation as was put on the appropriation act in 1882. I think nothing on earth will so destroy the feeling of pride in the Navy as that radical legislation, introduced at a time when it was impossible to have had an elaborate and full discussion of it, and in that way slap in the face, if I may use the expression, the very best and most meritorious officers of the Navy.

Mr. HALE. I think the bill before the Senate would do more to sap ambition and destroy honorable endeavor and encourage slothfulness and indolence and lack of attention and ambition than any measure that has been before the Senate touching the Navy.

Mr. PLUMB. The Senator from South Carolina imputed to me sentiments which I did not utter at all in derogation of these young men, and I did not hear anybody else say anything disrespectful of them either. I certainly had no thought in my mind that was adverse to them as young men of character, and I never have heard of their being about the halls of Congress, although other Senators no doubt have. I said nothing about the Navy except that it was overloaded. I spoke of the unwisdom, of the impolicy of what I regarded as a great wrong in adding to the expenses of the establishment, already great, by increasing the number of its officers when there were already a great many more than we needed or could by any possibility make use of at any time in the near future, so far as we can foresee that future. I objected to this method of increasing the expenses of the Government at a time when I think on the whole they ought to be diminished.

The Senator from South Carolina, as he is bound to do, says that whoever enters the Naval Academy or the Military Academy does it with an expectation that he will graduate from the academy into the Army or Navy and that he will be kept there all his life, and that Congress is estopped from ever turning him out except it does to him a gross act of injustice. He is driven to that position. It is the logic of this bill. Without that assumption the bill has no leg to stand upon. That idea I want to repudiate at the outset. I say the establishment of that principle is vicious not only with reference to the Army and Navy but with reference to all other branches of the public service. It is no more unjust to turn a young man out of the Navy, if I may use that expression, at any time when the Government thinks it has no further need of his services, than it is for the executive officers of this Government to turn out of the Departments men who have served there for ten, fifteen, or twenty years and who have come to believe that they were to go on as long as their lives last.

More than that, these people are not turned out to put somebody else in their places, but because their places are not needed; while in the other branches of the public service men are turned out to give place to other persons, and their just expectations, if any man can have a just expectation of a life service under the Government, have been not only disappointed but they have been disappointed while the place which they have been filling, and so far as we believe, satisfactorily, was itself left and filled by somebody else.

Now, there is something very singular about this——

Mr. BUTLER. Before the Senator proceeds further, while I did not desire to interrupt him, he has put me in a position I did not occupy. I did not state that Congress might not put men out of the Army and Navy without injustice. I made no such statement. I think Congress may, but I do not think it ought to have exercised that discretion when it put these young men out.

Mr. PLUMB. Who is to revise that discretion?

Mr. BUTLER. The Congress itself can revise it, and that is what I am trying to get Congress to do now, in a sense of justice.

Mr. PLUMB. But Congress said, here is a class of people we do not need, and it simply said to them for that reason, having no need for your services, we will let you go back to civil life. There the Senator says that Congress did a gross injustice which now calls for this special legislation to remedy; that it is unjust to those people who are on the threshold of life, who can not have made any special preparation for service in the Navy, who have a naval education but an education as well liberal with reference to the curriculum which obtains in all modern colleges, fitting them better for the duties of life than the average young men are fitted, and that too at the expense of the Government.

Mr. BUTLER. I should like to appeal to the Senator to allow me to ask him a question.

Mr. PLUMB. Certainly.

Mr. BUTLER. I ask him if he does not think within his own experience that great injustice has been done by Congress in legislating officers out of the service in the Army and Navy.

Mr. PLUMB. I do not know of any such case.

Mr. BUTLER. The Senator's memory certainly is very defective.

Mr. PLUMB. I will ask the Senator to refresh it.

Mr. BUTLER. When we were on the Committee on Military Affairs together we restored numbers of officers who had been unjustly discharged by reason of what was known, I believe, as the "benzine board," and I think I have heard the Senator plead with great earnestness in behalf of some of those officers.

Mr. PLUMB. I gave my assent so far as I now remember to but

one bill of that kind. That was the only one, and that was a case which did not involve an increase of the number of officers in the Army at all. It stood upon an entirely different footing. We do not need these men.

Mr. BUTLER. We did not need the man to whom the Senator refers.

Mr. PLUMB. But the place was there. He went back into that place, and his going back did not increase the number of officers in the Army by one.

Mr. BUTLER. But he prevented the promotion of others, of course.

Mr. PLUMB. That has nothing to do with the public side of the question. That is a matter of complaint for the individual who is thus interfered with, and not on the part of the public.

Mr. BUTLER. That is all these young gentlemen have done, and yet they are berated from one end of the country to the other because of their doing it.

Mr. PLUMB. I have heard nobody berate them.

Mr. BUTLER. I have.

Mr. PLUMB. I have not heard a word uttered in disrespect of these young men in this debate; but I do say it is a little singular that these young men, strong in physique, mentally and physically strong, well educated at the expense of the General Government, should be here seeking so persistently to get back. There are avenues open to them throughout the country which it seems to me would satisfy a reasonable ambition. It is a part of the general craze to get into the Army and the Navy, to get an easy berth, to have a life position, to be removed as far as possible from the contingencies which affect the ordinary run of people.

I think on the whole that in this great country there ought to be some place where these people could earn a living. I think after having an education given to them they ought to be able to take care of themselves. To a certain extent it is an impeachment of their self-respect and of their independence that they should be here asking Congress to take them back. The very fact that they are here implies that the bargain to be made is an unequal one and that they are to profit at the expense of the Government.

Mr. BUTLER. I do not know that they are here. I have seen but one of them. I think that statement is entirely a gratuitous one. I do not believe they are here.

Mr. PLUMB. Does the Senator mean to say that there has not been any demand from these young men for the passage of the bill?

Mr. BUTLER. Of course not. I take it for granted there has been.

Mr. PLUMB. That is what I am referring to. I am not referring to lobbying or any thing of that kind, but I am referring to their desire to get back into the service of the Government when they know as well as anybody else that the Government does not want them and has got nothing for them to do. I do not speak of them with any special disrespect in that connection, but I only mention it because it has been brought up. I say again it is a part and parcel of the general craze to get into the Army and Navy and to be put into berths which are known to be tolerably soft and which are expected, whether justly or otherwise, to be permanent. To pass this bill is a recognition of the fact when once an expectation of this kind comes to exist in the mind of somebody, Congress can not put any hand on it, no matter what the public interest may require.

For these reasons I am opposed to the bill, but I am opposed to it for another reason. I believe that if we are to keep up the Naval Academy the best use we can make of it is to turn back into civil life a large portion of the graduates. It is better for the country to have young men who have had their attention turned to naval affairs and to military affairs and who have been educated with special reference to the service in these two branches scattered all over the country. We all know that the men who won distinction in the war were not the men who had been longest in the service from West Point, but men who, having served at West Point, had beside mingled with the people in civil life and thereby become broadened, widened, more sensible, and better qualified for the great commands which devolved upon them.

When the time comes to make use of the Army and the Navy, if it ever should come, it will be found that the men who have served the longest in those two branches of the service are not the men who are the best qualified to command. So I think if we are to keep up the Naval Academy on its present scale, and I would say the same thing about West Point, to turn a large number of the young men who graduate there back into civil life would be an advantage to the country and an advantage to them.

For the other reasons which I have mentioned, I hope the bill will not pass.

Mr. SAULSBURY. Mr. President, I shall vote against the bill. In doing so I desire to state that I am not at all surprised that these young gentlemen feel that an injustice has been done to them. They certainly went into the Naval Academy under the expectation and with the promise, implied at least, held out to them that if they graduated there they should be retained in the naval service of the country. The option, however, rested with them to retire at the end of the course from the Navy if they saw proper to do so.

I am not surprised that they have with some feeling applied to Congress to restore them to their positions in the Navy, but I can not agree with the Senator from South Carolina that any disgrace whatever has been inflicted upon these gentlemen. They went out under the act of 1882, which sought to reduce the number of officers of the Navy, and they went out in the same manner that some other grades of officers went out. It was not intended by Congress to degrade any of the officers who were dismissed from the service, or reduced in the service, at that time. I can not agree, therefore, with the Senator from South Carolina that these young gentlemen have been disgraced at all.

Mr. BUTLER. I did not state that; the Senator will pardon me.

Mr. SAULSBURY. Then I misunderstood the Senator.

Mr. BUTLER. I simply said that they very properly and naturally thought that some stigma—I can not say a disgrace, a disgrace means degradation, but that some stigma had been put upon them by the legislation of 1882, not to the extent of a disgrace perhaps. That is what I said.

Mr. SAULSBURY. I do not agree that any stigma was put on them. It was understood at the time that it was simply an effort to reduce the number of officers of the Navy, not to discharge a man because he was not meritorious, but some rule of action had to be applied in order to bring down the number of officers of the Navy to the standard which was deemed at that time proper.

I say again I am not surprised that these young gentlemen feel that they ought to be restored. Their expectations in life have been to some extent cut off. At least the ambition which they entertained has been diverted into another channel. But I am not sure that a benefit was not conferred upon them. I am not sure but what it will prove to the advantage of every one of these young men that they were discharged or dismissed from the naval service. For one I do not believe that that path to fortune and to fame is the best for the young men of this country. I believe that civil pursuits are the pursuits to which the ambition of young men ought to be directed, not to naval and military pursuits.

However, we can not restore these young men without encumbering the Navy with a number of officers whom the Navy does not need. It is a practical question and one which we have got to deal with practically. It is not simply to defer to the feelings of the young men who would like to get back, but we are to see what the service of the country requires; and in that aspect of the case I can not see that the services of these young men are required in the Navy.

Therefore, I shall be compelled for one to vote against the bill, believing that the best interests of the country will be served by its defeat.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from New Jersey [Mr. MCPHERSON] to the amendment of the Senator from South Carolina [Mr. BUTLER.] The amendment to the amendment will be stated.

The SECRETARY. In line 11 of the amendment, after the word "act," it is proposed to insert:

Upon passing such examination as shall be fixed by the regulation of the Navy Department.

So as to read:

And those cadets who have been honorably discharged under the provisions of the aforesaid act may, upon application to the Secretary of the Navy within sixty days after the passage of this act, upon passing such examination as shall be fixed by the regulation of the Navy Department, be restored to the service and take their places on the Naval Register in the same manner as if said act had not been passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The noes have it, and the amendment is rejected.

Mr. MCPHERSON. I supposed the yeas and nays had been ordered and were pending upon my amendment as modified.

The PRESIDING OFFICER. The amendment was changed after the yeas and nays were ordered.

Mr. MCPHERSON. I supposed the vote was to be taken by yeas and nays after the amendment I had offered was changed.

The PRESIDING OFFICER. That would have been done if the amendment had not been modified.

Mr. MCPHERSON. If it is not too late, I desire to call for the yeas and nays.

The PRESIDING OFFICER. In view of the misunderstanding, the Chair will ask if there is a second to the demand for the yeas and nays on agreeing to the amendment?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAIR (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. PIKE].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR]. If he were present, I should vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. If he were present, I should vote "yea."

Mr. MAXEY (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER].

Mr. RANSOM (when Mr. MILLER'S name was called). I am paired with the Senator from New York [Mr. MILLER]. If he were present, I should vote "yea" and he would vote "nay."

Mr. MITCHELL, of Oregon (when his name was called). I am paired on this question with the Senator from Kansas [Mr. INGALLS]. If he were here, I should vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call was concluded.

Mr. CHACE. I am paired with the Senator from Delaware [Mr. GRAY], and my colleage [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

The PRESIDING OFFICER. If any Senators are present who have not voted, and have a right to vote, they had better cast their votes in order to secure a quorum.

Mr. MCPHERSON. Having the right to vote in order to make a quorum, I vote "yea."

Mr. FAIR. As I am at liberty to vote to make a quorum, I vote "yea."

The result was announced—yeas 24, nays 15; as follows:

YEAS—24.

Allison,	Coke,	Logan,	Saulsbury,
Beck,	Cullom,	McPherson,	Sawyer,
Berry,	Eustis,	Morrill,	Sherman,
Blackburn,	Fair,	Payne,	Teller,
Call,	Hale,	Plumb,	Vest,
Cockrell,	Hawley,	Riddleberger,	Wilson of Md.

NAYS—15.

Bowen,	Dawes,	Harrison,	Walthall,
Brown,	Dolph,	Hoar,	Whitthorne,
Butler,	Evarts,	Pugh,	Wilson of Iowa.
Cameron,	Harris,	Spooner,	

ABSENT—37.

Aldrich,	Gorman,	Mahone,	Ransom,
Blair,	Gray,	Manderson,	Sabin,
Camden,	Hampton,	Maxey,	Sewell,
Chace,	Hearst,	Miller,	Stanford,
Colquitt,	Ingalls,	Mitchell of Oreg.,	Vance,
Conger,	Jones of Arkansas,	Mitchell of Pa.,	Van Wyck,
Edmunds,	Jones of Florida,	Morgan,	Voorhees.
Frye,	Jones of Nevada,	Palmer,	
George,	Kenna,	Pike,	
Gibson,	McMillan,	Platt,	

So the amendment to the amendment was agreed to.

Mr. CAMERON. After the word "further," in line 18 of section 1, I move to strike out the words:

That this act shall not apply to those cadets who failed to pass the physical examination at the time of graduation.

And to insert:

That no graduate shall be entitled to restoration until he shall have, subsequent to the passage of this act, passed a physical examination before a board of naval medical officers.

The amendment to the amendment was agreed to.

Mr. HALE. I ask for the yeas and nays on agreeing to the amendment as amended.

The yeas and nays were ordered.

Mr. MCPHERSON. I ask that the amendment be read as amended.

The PRESIDING OFFICER. The amendment as amended will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That that part of the act of Congress approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service each year shall not apply to those cadets who had entered the Naval Academy prior to the passage of said act; and those cadets who have been honorably discharged under the provisions of the aforesaid act may, upon making application to the Secretary of the Navy within sixty days after the passage of this act, upon passing such examination as shall be fixed by the regulations of the Navy Department, be restored to the service and take their places on the Naval Register in the same manner as if said act had not been passed: *Provided*, That nothing herein contained shall be construed to make any change in the assignments made under the provisions of the act approved August 5, 1882, of graduates of the Naval Academy to the line and to the staff and Marine Corps: *And provided further*, That no graduate shall be entitled to restoration until he shall have, subsequent to the passage of this act, passed a physical examination before a board of naval medical officers.

SEC. 2. That officers restored under the provisions of this act shall not be entitled to receive pay for the period intervening between the date of their discharge under the act of August 5, 1882, and their restoration as herein provided for, but in all other respects they shall be considered as having been continuously in the naval service.

The PRESIDING OFFICER. The yeas and nays have been ordered upon the amendment offered by the Senator from South Carolina [Mr. BUTLER] as amended by the amendment of the Senator from New Jersey [Mr. MCPHERSON] and the amendment of the Senator from Pennsylvania [Mr. CAMERON].

Mr. HALE. Which is now the main bill?

The PRESIDING OFFICER. It is the main bill. The Secretary will call the roll on agreeing to the amendment as amended.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. BLACKBURN (when his name was called). I am paired generally upon all political questions with the Senator from Nebraska [Mr. MANDERSON]. I do not understand that this is a political question, and I shall assume to vote. I vote "nay."

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "nay."

Mr. FAIR (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. PIKE].

Mr. GORMAN (when his name was called). I am paired on this question with the Senator from Maine [Mr. FRYE].

Mr. PLUMB (when Mr. INGALLS'S name was called). My colleague [Mr. INGALLS] is paired with the Senator from Oregon [Mr. MITCHELL]. If my colleague were present, he would vote "nay."

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR]. If he were present, I should vote "nay."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from New York [Mr. MILLER].

Mr. MCPHERSON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. MAXEY (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER].

Mr. MITCHELL, of Oregon (when his name was called). I should vote "yea" if the Senator from Kansas [Mr. INGALLS], with whom I am paired, were here.

Mr. HAWLEY (when Mr. PLATT'S name was called). My colleague [Mr. PLATT] is out of town, and is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. RANSOM (when his name was called). My pair with the Senator from New York [Mr. MILLER] has been transferred to the Senator from Minnesota [Mr. MCMILLAN]. I vote "nay."

Mr. SHERMAN (when his name was called). I am paired on this vote with the Senator from Virginia [Mr. MAHONE]. I should vote "nay" if he were here.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 17, nays 22; as follows:

YEAS—17.

Bowen,	Dawes,	Hawley,	Walthall,
Brown,	Dolph,	Hoar,	Whitthorne.
Butler,	Evarts,	Payne,	
Cameron,	Harris,	Pugh,	
Colquitt,	Harrison,	Riddleberger,	

NAYS—22.

Allison,	Coke,	Morrill,	Teller,
Beck,	Cullom,	Plumb,	Vest,
Berry	Edmunds,	Ransom,	Wilson of Iowa,
Blackburn,	Eustis,	Saulsbury,	Wilson of Md.
Call,	Hale,	Sawyer,	
Cockrell,	Logan,	Spooner,	

ABSENT—37.

Aldrich,	Gray,	Mahone,	Sabin,
Blair,	Hampton,	Manderson,	Sewell.
Camden,	Hearst,	Maxey,	Sherman,
Chace,	Ingalls,	Miller,	Stanford,
Conger,	Jones of Arkansas,	Mitchell of Oreg.,	Vance,
Fair,	Jones of Florida,	Mitchell of Pa.,	Van Wyck,
Frye,	Jones of Nevada,	Morgan,	Voorhees.
George,	Kenna,	Palmer,	
Gibson,	McMillan,	Pike,	
Gorman,	McPherson,	Platt,	

So the amendment as amended was rejected.

The PRESIDENT *pro tempore*. The question recurs on the original bill. If there be no amendments proposed as in Committee of the Whole the bill will be reported to the Senate.

Mr. MCPHERSON. When the bill is reported to the Senate I shall propose the amendment I offered to the substitute, limiting it to the classes of 1881 and 1882, and I shall also move to insert the examination required.

The bill was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. The bill is still open to amendment. Does the Senator from New Jersey desire to offer an amendment?

Mr. MCPHERSON. I have not prepared the amendment.

Mr. HALE. Let me suggest to the Senator that I do not think he would care to offer the amendment to the bill now before the Senate, because this is a bill that nobody is for. This is the original bill as introduced and sent to the Committee on Naval Affairs. Nobody was for that bill. Then it was amended, and half the committee reported

the substitute which has been in controversy and which has just been voted down. The Senator from New Jersey does not want to offer his amendment to this bill. I think myself there is not a Senator here who would vote for the present bill. It is only technically before the Senate, as it was the original bill sent to the committee, but the test vote was on the amendment which was voted on, which was the bill itself.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading.

Mr. HALE. I move to lay the bill on the table. That will be the shortest way to dispose of it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to lay the bill on the table.

The motion was agreed to.

ELLEN CORCORAN.

The PRESIDENT *pro tempore*. The Chair announces that the Calendar is in order under the rule adopted yesterday.

Mr. SAWYER. I move to take up——

Mr. HARRIS. The regular order.

Mr. SAWYER. I wish only to reconsider a vote so as to change the number of a regiment in a pension bill which was passed. It is a House bill, in which there was an error. I asked yesterday to have the bill returned to the Senate, and it has been returned.

The PRESIDENT *pro tempore*. The Senator from Wisconsin desires to make a formal amendment to a bill. Is there objection? The Chair hears none, and the title of the bill will be stated.

The SECRETARY. "A bill (H. R. 1815) granting a pension to Ellen Corcoran."

Mr. SAWYER. I move that the vote by which the bill was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. SAWYER. I move to change the number of the regiment to the sixty-first instead of the fiftieth.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The SECRETARY. In line 5, after the word "the," it is proposed to strike out "Fiftieth" and insert "Sixty-first;" so as to read:

Late chaplain of the Sixty-first Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. HARRISON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

TRUSTEES OF ISAAC R. TRIMBLE.

The PRESIDENT *pro tempore*. The Calendar will now be proceeded with according to the rule adopted yesterday.

The bill (S. 1388) for the relief of the trustees of Isaac R. Trimble was announced as first in order on the Calendar.

Mr. COCKRELL. Is there a written report on the bill?

The PRESIDENT *pro tempore*. There is.

Mr. HARRISON. I suggest, as the Senator from South Carolina [Mr. HAMPTON], who reported the bill, is not present, that if there is any desire to discuss it and inquire into it it had better be passed over.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over.

JOHN FRASER.

Mr. HOAR. The chairman of the Committee on Finance [Mr. MORRILL] this morning reported the bill (H. R. 1982) for the relief of John Fraser and moved that it be referred to the Committee on Claims, which was agreed to. The Committee on Claims have reported an original Senate bill on the same subject, so that it is unnecessary to have the House bill committed to them. I move that the Committee on Claims be discharged from the consideration of the House bill and that it be placed on the Calendar, so that when the Senate bill is reached in its order the House bill may be called up.

The PRESIDENT *pro tempore*. If there be no objection, the Committee on Claims will be discharged from the consideration of the bill indicated, and it will be placed on the Calendar. The Chair hears no objection, and it is so ordered.

FLORIDA INDIAN WAR CLAIMS.

The bill (S. 1729) to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities was considered as in Committee of the Whole. It proposes to pay to the State of Florida, on the allowance made by the Secretary of War under joint resolution of Congress approved March 3, 1881, and reported by him to Congress May 22, 1882, $92,648.09, in full settlement for Indian wars from 1855 to 1861. But there shall be delivered to the State all bonds and coupons of the State now held by the trustee of the Indian trust fund.

The bill was reported to the Senate without amendment.

Mr. HARRISON. Is that reported as an original bill? I notice from the report that Senate bill 1293, which was referred to the Committee on Military Affairs, was recommended to be indefinitely postponed.

The PRESIDENT *pro tempore*. This was reported as an original bill.

Mr. HARRISON. Not as an amendment to the other bill?

The PRESIDENT *pro tempore*. It was not.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRISON. I suggest that as it was recommended in the report that Senate bill 1293 be indefinitely postponed, that action be taken. Perhaps it has already been done.

The PRESIDENT *pro tempore*. That action was taken at the time.

Mr. CALL subsequently said: I ask unanimous consent that the vote which was taken a few minutes ago by which Senate bill 1729, to reimburse the State of Florida for expenditures in suppressing Indian hostilities, was passed may be reconsidered. The bill was passed without my observation, and it was my intention to offer an amendment to the bill. I ask that the vote by which the bill was passed may be reconsidered, and that the bill retain its place on the Calendar.

The motion to reconsider was agreed to.

FORT MARION, FLORIDA.

The bill (S. 457) for the repair of Fort Marion, at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 7, after the words "in charge of," to strike out the words "the city authorities of Saint Augustine and," and in line 8, after the word "officer," to strike out the words "of said fort" and insert "at Saint Augustine;" so as to make the bill read:

Be it enacted, &c., That $10,000 be, and the same is hereby, appropriated for the repair of Fort Marion, at Saint Augustine, Fla., and for the inclosure of the grounds attached to the fort as a park or place of public resort, the said park or grounds to be in charge of the commanding officer at Saint Augustine.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YELLOW-FEVER COMMISSION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1730) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever, and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease.

Mr. EDMUNDS. This is a very important commission, and I hope it will be a valuable one. I move in line 3 of the first section to insert after the word "authorized" the words "by and with the advice and consent of the Senate;" that is to say, that the commission shall be appointed by and with the advice and consent of the Senate. It is an important commission.

Mr. HARRIS. I do not think there can be any objection to that amendment.

Mr. EUSTIS. There will be no objection to it.

Mr. EDMUNDS. I presumed there would be no objection, of course.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, line 3, after the word "authorized," it is proposed to insert the words "by and with the advice and consent of the Senate;" so as to read:

That the President be, and is hereby, authorized, by and with the advice and consent of the Senate, to appoint a commission, which shall proceed to Mexico, and, if necessary, to the Central American states, Havana, and Brazil, and there make a careful and complete investigation of, and report, after thorough examination, the methods of inoculation pursued and their effectiveness in protecting against yellow fever, together with all other information relative to that disease which may be discovered by experiment or otherwise.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

Mr. HAWLEY. I intended to suggest that we might as well omit the preamble. It is purely an argument for the passage of the bill and in the nature of a report.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to strike out the preamble to the bill.

Mr. EUSTIS. There is no objection to that.

The PRESIDENT *pro tempore*. If there be no objection the preamble will be stricken out.

LIEUT. D. PRATT MANNIX.

The joint resolution (S. R. 50) authorizing Lieut. D. Pratt Mannix, of the United States Marine Corps, to accept the decoration of the third class of the Double Dragon tendered to him by the Emperor of

China on account of distinguished services rendered the empire as torpedo instructor, was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the report in that case read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BROWN, from the Committee on Foreign Relations, March 3, 1886:

This is an application made to the State Department by Mr. E. J. Smithers, chargé d'affaires *ad interim* at Pekin, informing the State Department that Li Hung Chang, viceroy of China, has informed him that his Imperial Majesty the Emperor of China has conferred upon Lieut. D. Pratt Mannix, of the United States Marine Corps, the decoration of the third class of the Double Dragon, on account of distinguished services rendered by him to China as torpedo instructor. The viceroy states that he displayed the utmost ability, and that all the soldiers under his tuition have become proficient, which has been a service of great satisfaction to the viceroy.

As this was a service rendered the Emperor of China by a citizen of the United States, which was eminently satisfactory to his majesty, and as the Secretary of State of the United States joins in the recommendation that he be permitted to accept the decoration tendered by the emperor, your committee report the accompanying joint resolution, and recommend that it do pass.

Mr. EDMUNDS. I have been opposed in the Committee on Foreign Relations to all these bills, with here and there a very rare exception in some act of extreme gallantry and heroism, or something of that kind. I think in a Republic like ours, if an officer of the United States is willing to be detailed, and almost all of them wish to be, in order to see foreign countries or to do something, receiving full pay and emoluments all the time from the proper Departments, to agree that he may receive decorations and titles is injurious to our republican public interest.

I was against this bill in the committee and I am against it now, and having said that I am done.

Mr. HAWLEY. I do not share the fears of the Senator from Vermont. This officer, if I may use the term, was borrowed from the United States Government for three or four years to give instructions to Chinese employés and officers of the army and navy of China in the construction and management of torpedoes. The service was exceedingly satisfactory. On the close of his term the government there chose to say "thank you" in the form they have of doing such things. I do not think there is any danger that it will injure the patriotism of Captain Mannix or of the service in general. It is a mere courtesy. It is unusual of course in our management of business, but one to which they are accustomed.

Mr. BROWN. I agree with the Senator from Vermont that these decorations are probably too often conferred for trivial reasons, and the Committee on Foreign Relations have reported against one of them occasionally. At this session I recollect we have postponed indefinitely more than one bill of that character; but I believe the committee were very nearly unanimous in this case. My friend from Vermont was opposed to it, but the committee notwithstanding his objection reported the joint resolution favorably, as the officer rendered important service to China in torpedo instruction and she thought proper to recognize his services by conferring the third class of the Double Dragon decoration upon him.

While I am not well enough versed in Chinese literature to know what was the origin of the degree, I think it is a very honorable one and only conferred upon those who have rendered distinguished services to the empire. I think, under the circumstances, we ought to pass the joint resolution and permit Lieutenant Mannix to accept the decoration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the joint resolution pass?

Mr. EDMUNDS. I ask for a division on the passage of the joint resolution.

Mr. MAXEY. Mr. President, a year or two ago the Senator from Kansas [Mr. PLUMB] and myself had the temerity to oppose a bill of this kind, by which we both got pretty severely criticised in a New York city paper.

In my judgment all this legislation is radically wrong. I believe it has the effect of lessening the respect which the officers of the country have for republican institutions and republican simplicity and of engendering a spirit of aristocracy and love of a monarchical form of government.

I never want to see an American officer with one of these double dragons, or a single dragon, or any other sort of a dragon on him. If he has the plain, simple uniform of his country and goes everywhere in republican simplicity, whether at home or in foreign lands, he is a better officer of this Government in my judgment than if decorated with every order that every government of Europe could put upon him.

I do not believe in this character of legislation. I would rejoice to see less of display and of foreign manners, and more of the republican simplicity of our fathers.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on the passage of the joint resolution.

Mr. EDMUNDS. No; I ask for a division simply. I do not want to take time with the yeas and nays. I merely want to get the actual sense of the Senate.

There were, on a division—ayes 13, noes 16; no quorum voting.

Mr. EDMUNDS. We shall be required to have the yeas and nays to get a quorum.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. CHACE (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. PIKE].

Mr. JONES, of Arkansas, (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. MAXEY (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER]. If he were present, I should vote "nay."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. HALE. My colleague [Mr FRYE] is absent, and is paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Blackburn,	Evarts,	McPherson,	Sherman,
Brown,	Hale,	Morrill,	Whitthorne.
Butler,	Harrison,	Payne,	
Call,	Hawley,	Saulsbury,	
Cameron,	Hoar,	Sawyer,	

NAYS—23.

Allison,	Colquitt,	Gorman,	Teller,
Beck,	Cullom,	Harris,	Van Wyck,
Berry,	Dawes,	Hearst,	Walthall,
Bowen,	Dolph,	Mitchell of Oreg.,	Wilson of Iowa,
Cockrell,	Edmunds,	Pugh,	Wilson of Md.
Coke,	Eustis,	Ransom,	

ABSENT—36.

Aldrich,	Gray,	Mahone,	Plumb,
Blair,	Hampton,	Manderson,	Riddleberger,
Camden,	Ingalls,	Maxey,	Sabin,
Chace,	Jones of Arkansas,	Miller,	Sewell,
Conger,	Jones of Florida,	Mitchell of Pa.,	Spooner,
Fair,	Jones of Nevada,	Morgan,	Stanford,
Frye,	Kenna,	Palmer,	Vance,
George,	Logan,	Pike,	Vest,
Gibson,	McMillan,	Platt,	Voorhees.

So the joint resolution was rejected.

WILLIAM SCHUCHARDT.

The bill (S. 1444) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William Schuchardt, United States commercial agent at Piedras Negras, Mexico, $750, in full compensation for his services in obtaining testimony for the use of the United States and Mexican Claims Commission appointed under the convention of July 4, 1868, with Mexico.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BROWN March 3, 1886, from the Committee on Foreign Relations:

This is a claim presented in behalf of William Schuchardt, United States commercial agent at Piedras Negras, Mexico, for the sum of $750, which he claims as compensation for services in obtaining testimony for the use of the United States and Mexican Claims Commission appointed under the convention of July 4, 1860.

It was approved by the Secretary of State in 1880, and again by Mr. Frelinghuysen in 1882, as a just claim. A favorable report was made on it in the House of Representatives in the Forty-fifth Congress by Mr. Bridges, as chairman of the Committee on Foreign Relations, and in the Forty-sixth Congress a similar report was made by Mr. Cox, from the Committee on Foreign Relations, and in the Forty-sixth Congress a favorable report was made by Mr. Johnson, from the Committee on Foreign Relations of the Senate, and the bill has passed in both Houses, but at different sessions.

Your committee report back the bill favorably.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSIT OF SAVINGS OF SEAMEN.

The bill (S. 1417) to provide for the deposit of the savings of seamen of the United States Navy was considered as in Committee of the Whole. It provides that any enlisted man or appointed petty officer of the Navy may deposit his savings, in sums not less than $5, with the paymaster upon whose books his account is borne; and he shall be furnished with a deposit-book, in which the paymaster shall note, over his signature, the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for "Pay of the Navy," and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to

be paid until after final payment on discharge, or to the heirs or representatives of a deceased sailor, and shall be exempt from liability for the sailor's debts; but the Government shall be liable for the amount deposited to the person so depositing the same.

Section 2 provides that for any sums not less than $50 so deposited for the period of six months, or longer, the sailor, on his final discharge, shall be paid interest at the rate of 4 per cent. per annum.

By section 3 it is provided that the system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of the Navy.

Mr. EDMUNDS. That is a good bill, I think.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TEMPORARY HOME FOR DISCHARGED SEAMEN.

The bill (S. 1527) to provide a temporary home for certain persons discharged from the United States Navy was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to permit any person receiving the honorable discharge authorized by section 1429 of the Revised Statutes to elect a home on board of any of the United States receiving ships, during any portion of three months granted by law as the limit of time within which to receive the pecuniary benefit of such discharge, the men so choosing a home to be entitled to one ration per day for their keeping while furnished with such home, but not to pay, other than that authorized by section 1573 of the Revised Statutes of the United States upon re-enlistment; and the persons so furnished with a home shall be amenable to such regulations as may be prescribed by the Secretary of the Navy or other competent authority.

Mr. COCKRELL. I should like to hear the report in that case or some explanation of the bill.

Mr. HALE. It is a public bill and speaks for itself, and so I drew no report. I will explain it.

Under the present law, the sections referred to here, if a sailor, an enlisted man, has served for three years consecutively and desires to re-enlist he is allowed three months' time off the ship. That is the policy of the present law to encourage continuous enlistments. This simply provides that during those three months if the sailor, instead of going into the cities and ports and spending his money, chooses to go on board the receiving ship he shall be permitted to do that. It makes no new establishment, no new ship, but simply provides, in encouragement of this continuous re-enlistment, that he shall be taken on board a receiving ship. It is to give him a place to sleep, as the Senator from Vermont [Mr. EDMUNDS] suggests, and one ration a day.

Mr. EDMUNDS. I think that is right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIRED-LIST FOR SEAMEN AND PETTY OFFICERS.

The bill (S. 1591) to amend an act entited "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward," approved February 14, 1885, so that the same shall apply to the United States Navy, was considered as in Committee of the Whole. It proposes to amend the act approved February, 14, 1885, by inserting, after the words "or both," the words "or has served thirty years in the Navy, either as an enlisted man or as an appointed petty officer, or both," and by inserting, after the word "rank," the words "or rating;" so that the act shall read, when amended, as follows:

That when an enlisted man has served as such thirty years in the United States Army or Marine Corps, either as a private or as a non-commissioned officer, or both, or has served thirty years in the Navy, either as an enlisted man or as an appointed petty officer, or both, he shall, by making application to the President, be placed on the retired-list hereby created, with the rank or rating held by him at the date of retirement; and he shall thereafter receive 75 per centum of the pay and allowances of the rank or rating upon which he was retired.

Mr. COCKRELL. Ought there not to be in that case—I thought there was in the other case—a provision that they shall not draw a pension? I think an amendment ought to be added there to cover both classes. I move to insert:

And shall not while so borne on said retired-list draw or receive any pension.

Mr. HALE. There is no provision of that kind in the bill for the Army.

Mr. COCKRELL. This will make it apply to both. I thought it was in the Army bill, but this amendment will make it apply to both. This bill is an amendment of the law, and changes the whole section so as to make it include both. By putting in what I suggest we shall cover both classes.

Mr. HALE. My only question is how would the Senator have it apply, that while upon the retired-list the man should not draw a pension or while drawing a pension he should not be upon the retired-list?

Mr. COCKRELL. While upon the retired-list he shall not draw a pension.

Mr. HALE. I have no objection to that. Let the Senator frame that amendment and add it.

Mr. COCKRELL. I move to add to the bill:

But while so borne upon such retired-list shall not draw or receive a pension.

Mr. HAWLEY. The Senator would leave both the soldier and sailor free to elect?

Mr. COCKRELL. Yes.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the bill:

But while so borne upon such retired-list shall not draw or receive a pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COCKRELL. I suggest to amend the title by adding "and for other purposes."

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the title by adding the words "and for other purposes."

The motion was agreed to.

MOBILE MARINE DOCK COMPANY.

The bill (S. 300) for the relief of the Mobile Marine Dock Company was announced as next in order.

The Committee on Claims reported an amendment, in line 6, after the word "appropriated," to strike out $101,938.81 and insert $86,202.65; so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Mobile Marine Dock Company, or to its authorized agent or attorney, out of any money in the Treasury not otherwise appropriated, $86,202.65, in full payment for the use and occupation of and damages to property taken of said company from the 16th day of April to the 15th day of November, 1865, inclusive.

Mr. EDMUNDS. I should like to hear the report in that case.

Mr. ALLISON. It is a long report. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill will be passed over.

ALLOWANCES TO POSTMASTERS.

The bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of the first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes, was announced as next in order.

Mr. EDMUNDS. That involves consideration that will take a long time to go into.

The PRESIDENT *pro tempore*. The bill will go over.

FEE ON DOMESTIC MONEY-ORDERS.

The bill (H. R. 4177) to reduce the fee on domestic money-orders for sums not exceeding $5 was announced as next in order.

Mr. WILSON, of Iowa. Let the bill go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

JOHN FRASER.

The bill (S. 1771) for the relief of John Fraser was announced as next in order.

Mr. HOAR. I ask unanimous consent that instead of that bill the House bill of the same title may be considered.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the bill (H. R. 1982) for the relief of John Fraser be considered instead of the Senate bill.

Mr. EDMUNDS. Subject to the same rule.

Mr. HOAR. Of course subject to the same rule.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1982) for the relief of John Fraser. It appropriates $914.20 for payment in full to John Fraser for services as acting Supervising Architect of the Treasury during 1878 and 1879.

Mr. EDMUNDS. Let us hear the report.

Mr. HOAR. The Senator will allow me to say a word before the report is read.

Mr. Fraser was an architect in the employment of the Government under a particular contract. When the difficulty in the Supervising Architect's office came up some years ago he was called to the office of Supervising Architect and held it temporarily. He performed in addition to that the duties of the contract which he was engaged in, the superintendence of a particular public building, the Bureau of Engraving and Printing. He was a man of great personal worth and integrity, and standing very high in his profession. The Committee on Claims thought that under the peculiar circumstances, as Mr. Fraser had performed the duties of both places, sat up far into the night, and performed them with great acceptability, we ought to make an exception to our usual rule and pay him for both services. On full debate the Senate disagreed with the committee, and decided to pay Mr. Fraser only the difference between the pay of Supervising Architect and the pay for superintending the building of the Bureau of Engraving and Printing; and on that, if I recollect aright, the Senate passed this bill without dissent.

We considered ourselves instructed by the action of the Senate, and this year we have reported a bill only to pay Mr. Fraser the difference. Now the report may be read, if it is desired.

Mr. EDMUNDS. I understand the Senator from Massachusetts to

say that this bill as now framed does not come in contravention of the standing rule about paying double salaries.

Mr. HOAR. No. Mr. Fraser, if this bill passes, will simply get pay as Supervising Architect during the time he did the whole of the duties of that office, and he will not get any additional pay, although during that time he superintended the building of the Bureau of Engraving and Printing.

Mr. PLUMB. The passage of this bill will be followed by bringing up a class of cases long since disposed of and equally meritorious, those of officers of the Army who had commands beyond their rank, captains of companies who commanded regiments and colonels who commanded brigades.

Mr. HOAR. My friend will allow me to interrupt him one moment right there. This man was not an officer at all. He merely had a contract with the Government to supervise the construction of a building, to do a certain professional duty. Then having that contract with the Government he was appointed to and held a certain office. He does not get the pay of more than one office. He is not an inferior officer getting the pay for a superior office. It is simply as if the Senator from Kansas supposing he was here arguing an important law case, and there was a vacancy for the time being in the office of Attorney-General, and he was retained to act as Attorney-General for the Department, this would give him under the circumstances the Attorney-General's salary for those two months, and not give him the previous compensation which he had stipulated for arguing the law case. That is the point.

Mr. PLUMB. Just what I was saying exactly; the captains acted as colonels, the colonels acted as brigadiers-general and sometimes as majors-general, and that ran through all the military performances. While it is true that these men in the Army have had the pay of the rank in which they were commissioned and mustered, they have not had the pay for the rank in which they actually served and did duty.

I object to this bill. We employ for the Government more than a hundred thousand people, first and last. It occasionally happens that by reason of an emergency of some kind an employé in one Department is required to move himself up another step, or to perform some duty which in an emergency is cast upon him which if some other person were present would be performed by that other person. If Mr. Fraser is to be paid, we are committed to the payment of every person in the Government service who goes away from the desk to which he considers himself appointed or out of the particular track in which he ordinarily moves. No private individual does that. The book-keeper of Mr. Stewart's establishment if he were alive to-day may be the man to-morrow on the responsibility of whose judgment great financial transactions are to be carried on in the absence of Mr. Stewart. He does not come into possession of Mr. Stewart's share of the profits or of any enlarged salary by reason of the fact that at this particular moment something was cast upon him that was not in strict contemplation at the time he was employed.

If we do this we commit ourselves, as I stated before, to a principle which running through all our service will compel us to be constantly readjusting the salaries of all our employés. When a man is employed by the Government he does not agree to do a particular thing; but he agrees to give his time to the Government, so many hours as the Government may require.

Mr. HOAR. This was one of a dozen things he was doing every day, as if he was building a house for you and one for me, and holding no office at all. This bill only proposes to pay him the salary of an office while he held it, deducting what he received for the other service.

Mr. PLUMB. Does it propose to take something away from him? Then I think upon the whole the Senator does not understand the bill. I am in favor of it if that is the case, not because I want to do any injustice to Mr. Fraser, but I should like to see an example of that kind set. I should be glad to see some one case come before Congress where actually an official proposed to have his emoluments cut off. I think it would be one of the most wholesome examples that could be set. But instead of that it is not to cut down his salary, but increase his salary.

Did Mr. Fraser give any more of his time by reason of this employment than he had given before? Was he actually performing any more service to the Government than he had contracted to perform when he entered that employment? I think he did not. Questions of this kind are constantly arising. Mr. Lamar is away to-day and some one who sits in his office to-day as stenographer, or clerk, or assistant secretary moves his chair up near Mr. Lamar's desk, and for the time being performs the duty of Secretary of the Interior, signing papers as such. Is he to receive Mr. Lamar's salary? Is Mr. Lamont, who has been doing some important duties in behalf of the President, to receive Mr. Cleveland's salary during Mr. Cleveland's very proper and necessary absence at Deer Park?

I think on the whole we ought to hesitate a long time before committing ourselves to this principle which I believe the Senate has voted down many and many a time.

Mr. HOAR. It has voted it up.

Mr. PLUMB. It may have voted it up sometimes, but I think it has done it, if it has at all, without understanding what it was doing.

Mr. BECK. Mr. President, both in the Committees on Appropriations of which I have served with the Senator from Kansas, and in the Finance Committee we have had a number of cases where persons occupying inferior positions are called upon to perform the duties of their superiors and have set up claims for the pay of their superiors because they have performed those duties. I believe on both committees we have resisted that class of claims. Three or four cases of that sort are pending before the Committee on Finance now, and the chairman submitted several of them to me as a subcommittee to examine. In making that examination I looked over a great many cases, and among others my attention was called to this case. I do not believe that this is a case that comes within the principle suggested by the Senator from Kansas, but that it is a fair case to increase the compensation of the man without establishing any bad precedent. This man was employed for a particular service, to be paid for that service as the superintendent of a building, not in the regular employ of the Government, and while he was so employed——

Mr. HOAR. He was a private architect.

Mr. BECK. A private architect eminently qualified for the position; and as a vacancy for the time being occurred in the office of Supervising Architect of the Treasury, no better man being found and perhaps none as good, this man was asked to do the duties of that place in addition to what he was doing. Being a private citizen employed for a special purpose, this simply pays nine hundred and odd dollars more for that extra work that he did, and really saved the Government from the temporary employment of a man who would have obtained full pay for doing the duties of Supervising Architect while he was drawing his pay for the other work which did not occupy his full time.

When I came to examine this case I was satisfied that the bill ought to pass and would set no bad precedent anywhere.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senate bill on the same subject, the bill (S. 1771) for the relief of John Fraser, is indefinitely postponed.

OBSTRUCTION OF NAVIGABLE WATERS.

The bill (S. 64) to prevent the obstruction of navigable waters and to protect the public works against trespass or injury was announced as next in order.

Mr. DOLPH. That bill may lead to some discussion, and the substance of it is already embodied in the House river and harbor bill. I ask that it be passed over without prejudice, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over.

FITZ-JOHN PORTER.

The bill (H. R. 67) for the relief of Fitz-John Porter was announced as next in order.

Mr. PLUMB. I suggest that that retain its place on the Calendar for consideration when reached at some future day.

The PRESIDENT *pro tempore*. The bill will be passed over.

JAPANESE WORKS OF ART.

The bill (S. 1772) providing for the purchase of the Capron collection of Japanese works of art, now on temporary deposit in the National Museum, was announced as next in order.

Mr. BECK. The Senator from Indiana [Mr. VOORHEES] is not here. If any controversy is to arise, perhaps it had better go over.

Mr. HARRIS. Retaining its place on the Calendar.

The PRESIDENT *pro tempore*. All cases that are passed over, under the special rule adopted yesterday, retain their place.

CHARLES A. SIBLEY.

The bill (S. 918) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens, was announced as next in order.

The PRESIDENT *pro tempore*. The bill was reported adversely.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. It will be passed over.

Mr. HOAR. Why not dispose of it by unanimous consent?

Mr. ALLISON. Some one may want to debate it.

The PRESIDENT *pro tempore*. The bill has been indefinitely postponed and a motion to reconsider entered.

CAPT. NICHOLAS J. BIGLEY.

The bill (S. 42) for the relief of Capt. Nicholas J. Bigley was announced as next in order.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will pass over.

Mr. LOGAN. Why not dispose of it?

Mr. ALLISON. I object to this because I find it was postponed indefinitely and then reconsidered. I presume some Senator who is absent may want to call it up.

The PRESIDENT *pro tempore*. The bill will be passed over.

BRITISH BARK VISCOUNT CANNING.

The bill (S. 330) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris, was announced as next in order.

Mr. HALE. Let that go over.

Mr. PUGH. That claim has the unanimous indorsement of the Judiciary Committee. The facts are set forth in the report, and it is approved by Attorney-General Devens and by Secretary Folger. I do not think there can be any objection to the passage of the bill.

Mr. HOAR. I will say to the Senator who objected that this is a case of dealing with a citizen of a foreign government where we are bound in a certain sense to afford the relief. Under the circumstances I hope the Senator will at least hear the report.

Mr. HALE. I withdraw my objection.

The Senate proceeded to consider the bill as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, which was, in line 13, after the word "sum," to insert the words "not exceeding the amount covered into the Treasury;" so that the bill as amended will read:

That in the matter of the forfeiture of the British bark Viscount Canning, on which she was condemned and sold by order of the district court of the United States for the southern district of Alabama, at Mobile, in June, 1879, the Secretary of the Treasury is hereby authorized to proceed on the petition for remission in the same manner and with the same effect as if the sum arising from the sale of said vessel had not been covered into the Treasury; and if said forfeiture, or any part thereof, shall be remitted, the Secretary of the Treasury may pay out of the Treasury such sum, not exceeding the amount covered into the Treasury, as he may remit to the parties entitled thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN SAN FRANCISCO.

The bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees was announced as next in order.

The bill was reported from the Committee on Public Lands with an amendment, which was, in section 2, line 4, after the word "said," to strike out the words "grantees of the said city and county" and to insert "city and county, and the grantees of the same," so that the section will read:

SEC. 2. That upon the approval of this act the Commissioner of the General Land Office shall issue a patent for said land to said city and county, and said patent shall inure to said city and county, and the grantees of the same, and their said successors in interest, as a confirmation of said city and county's grants of said land.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WAISHKEY, JR.

The bill (S. 1793) to confirm the homestead entry of John Waishkey, jr., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH FOSTER.

The bill (S. 1664) to confirm the homestead entry of Hugh Foster was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIAL OF CAUSES IN SUPREME COURT.

The bill (S. 439) to disqualify justices of the Supreme Court from sitting in the trial of causes which have been previously heard before them in their circuits or otherwise, was announced as next in order.

The PRESIDENT *pro tempore*. This bill is adversely reported.

Mr. HOAR. I move that the bill be indefinitely postponed.

The motion was agreed to.

CINNABAR AND CLARK'S FORK RAILROAD.

The bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. The bill will be passed over.

LETTERS PATENT FOR DESIGNS.

The bill (S. 1813) to amend the law relating to patents, trade-marks, and copyright was considered as in Committee of the Whole. It provides that hereafter, during the term of letters patent for a design, it shall be unlawful for any person other than the owner of the letters patent, without the license of such owner, to apply the design secured by such letters patent, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or to sell or expose for sale any article of manufacture to which such design or colorable imitation shall, without the license of the owner, have been applied, knowing that the same has been so applied.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. KINKEAD AND OTHERS.

The bill (S. 1353) referring to the Court of Claims for adjudication the claim of John H. Kinkead, Samuel Sussman, and Charles O. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, which was to strike out all after the enacting clause and to insert:

That jurisdiction be, and is hereby, conferred on the said Court of Claims to hear the said claims of John H. Kinkead and Samuel Sussman and Charles O. Wood upon the evidence already filed and such additional legal evidence as may be hereafter presented on either side; and said court shall award to said parties a fair and reasonable rent for the use of the said buildings for the time the same have been occupied by the United States, and also a suitable indemnity for said buildings themselves; and the receipt of such rent and indemnity shall thereafter bar any further claim by said parties for the use of said buildings or for the value thereof, and before receiving the same, all of said parties shall execute a release to the United States for all right, title, and interest whatever in and to the said property; and any defense, set-off, or counter-claim may be pleaded by the United States as defendants, as in cases within the general jurisdiction of the court, and either party shall have the same right of appeal as in such cases: *Provided*, That the liability of the United States shall be the same as if the acts done by the officers of the Government in the premises had been done by the agent of a public corporation.

Mr. LOGAN. From what committee does the bill come?

The PRESIDENT *pro tempore*. The Committee on Claims.

Mr. COCKRELL. I think the bill had better go over.

Mr. LOGAN. It ought to be amended so as to give the court power to decide the question. As it is it requires judgment to be given for these parties. I asked from what committee it came, because I know it has been before the Military Committee at former sessions.

The PRESIDENT *pro tempore*. Is the consideration of the bill objected to?

Mr. LOGAN. I shall not object if the committee reporting the bill will amend so that the court shall have a chance to decide the question of liability.

Mr. COCKRELL. I have objected to the consideration of the bill.

The PRESIDENT *pro tempore*. Under objection the bill goes over.

Mr. MITCHELL, of Oregon. I beg pardon of the Chair. I wish to appeal to the Senator from Missouri to allow the case not to lose its place on the Calendar.

Mr. COCKRELL. It does not. It retains its place.

RICHARD H. PORTER AND JAMES PORTER.

The bill (S. 1368) for the relief of Richard H. Porter and James Porter was announced as next in order.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

Mr. TELLER. I ask the Senator from Iowa to withdraw that objection a moment at least that I may make a statement.

Mr. ALLISON. I withdraw the objection.

Mr. TELLER. This is a case of very great hardship. These men have been asking at the hands of Congress relief, and I think the Senate has passed the bill at least three times. They are growing old. The property was taken in 1857. I hope the Senator will let the bill go through.

Mr. ALLISON. I have withdrawn my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that the Third Auditor of the Treasury, on the 10th of May, 1861, made the following award:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, *May* 10, 1861.

In pursuance of an act of Congress approved March 3, 1849, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," and of an opinion of the Attorney-General dated April 25, 1861, it is adjudged that there is due from the United States to James and Richard H. Porter, for property impressed by order of Colonel Johnston, then in command of the United States forces en route for Utah, and lost by them in the fall of 1857, while transporting goods from Atchison, Kansas Territory, to Camp Scott, Utah Territory, and while said property was in the service aforesaid, as follows: One hundred and seventy-five head of cattle at $55 per head, $9,350; 5 horses and mules, at $150 each, $750; and this sum, $10,100, is payable to the claimants present.

R. J. ATKINSON.
Third Auditor.

Which award was, in 1864, reconsidered by the Third Auditor and modified so as to allow only $750 instead of $10,100; that there appears to have been no fraud or improper conduct charged against the Porters; and that Attorney-General Bates, in 1861, declared the first award made in accordance with the law, the Solicitor of the Treasury having twice since approved the award.

The bill therefore directs the Secretary of the Treasury to pay to Richard H. Porter and James Porter $10,100, less the $750 paid them under the second award, in full for all claims for damages or compensation for property impressed by order of Colonel Johnston, in command of the United States troops en route for Utah in 1857.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair would suggest whether the preamble may not be omitted. The amount is stated in the body of the bill.

Mr. TELLER. I do not know. That was the way it passed the Senate several times. I am not on the committee that reported it. The interest I have taken in it is because I reported it years ago and because I know one of these claimants, who is in great destitution and want.

The PRESIDENT *pro tempore*. The question is on the preamble.

Mr. TELLER. I have no objection to striking out the preamble—any way so that these men may get their money.

The preamble was rejected.

The PRESIDENT *pro tempore*. The Chair will ask the Secretary to read the bill again, so that the Senate may see that it distinctly names the sum to be provided for, the word "said," before "sum," being stricken out in lines 4 and 5.

Mr. TELLER. I suggest, after the word "them," in line 6, to strike out the words "under the second award;" and before the word "paid" to insert the word "heretofore;" so as to read:

Less the sum of $750 heretofore paid them.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be made by unanimous consent. The Chair hears no objection.

ACCOUNTS WITH RAILWAY COMPANIES.

Mr. BROWN. Yesterday when the bill (S. 511) to provide for the settlement of accounts with certain railway companies was under consideration objection was made to certain language contained in the report of the Committee on Railroads that the committee in making out the report had used language disagreeable to a portion of the committee; and the report at my instance was withdrawn by the unanimous consent of the Senate. It has since been amended and agreed to by the committee, and I am instructed to submit it to the Senate and ask that it be printed and that the amended report be filed in lieu of the report which was withdrawn yesterday.

The PRESIDENT *pro tempore*. If there be no objection that course will be pursued.

Mr. WILSON, of Iowa. I suggest that the original report on the files be suppressed.

The PRESIDENT *pro tempore*. It has been already ordered to be suppressed.

Mr. BROWN. This being in lieu of the other, of course the other is withdrawn.

H. J. T. MOSS.

The bill (H. R. 2463) for the relief of H. J. T. Moss was considered as in Committee of the Whole. It is a direction to the Postmaster-General to adjust and settle the claim of H. J. T. Moss, postmaster at Saint Jo, Tex., for money-order funds lost in transit, notwithstanding the provisions of the act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882.

Mr. PLUMB. Does that state the amount?

Mr. MAXEY. Yes, sir.

Mr. PLUMB. It seems to me to be an indefinite bill.

Mr. MAXEY. Four hundred and eighty-two dollars is the amount. The bill is to adjust the account. That was the amount lost. It simply authorizes the Postmaster-General to adjust that account notwithstanding the act approved March 17, 1882. That act required the report of the loss to be made within three months. This gentleman shows conclusively the cause why the report was not made within three months, and the loss is admitted by the Department.

Mr. PLUMB. Is it prospective in its operation? Does it apply to this man as long as he lives? I think he has the right to the benefit of this provision indefinitely as often as he happens to be robbed.

Mr. MAXEY. Oh, no.

Mr. PLUMB. I ask that the bill be read again.

The bill was read.

Mr. LOGAN. Lost when? Does the report say when it was lost?

Mr. McMILLAN. Is there a report?

Mr. MAXEY. There is.

Mr. McMILLAN. Let that be read.

Mr. COKE. This bill simply relieves a party from the operation of the limitation of three months. That is all there is about it.

Mr. LOGAN. When did the loss occur?

Mr. MAXEY. The report will show conclusively if read.

Mr. McMILLAN. I do not call for the reading of the report.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREST RESERVATION AT CLARK'S FORK.

The bill (S. 581) to establish a forest reservation on the headwaters of the Missouri River and the headwaters of Clark's Fork of the Columbia River was announced as next in order.

Mr. PLUMB. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

GEORGE W. SAULPAW.

The bill (S. 474) for the relief of George W. Saulpaw was considered as in Committee of the Whole. It proposes to pay to George W. Saulpaw $7,000, in full compensation for his steamer Alfred Robb, taken by the United States for the use of the Government during the late rebellion.

Mr. LOGAN. Let us have the report in that case.

The Chief Clerk read the following report, submitted by Mr. HOAR March 10, 1886:

The Committee on Claims, to whom was referred the bill (S. 474) for the relief of George W. Saulpaw, have considered the same and respectfully report:

We adopt the report made June 12, 1878, by Mr. HOAR, and recommend the passage of the bill.

The petitioner has always been a loyal citizen. Before the war he was a member of a firm who were engaged in building railroad bridges. They built bridges over the Cumberland River at Nashville and Clarksburg, and also some other small bridges. They built a bridge over the Tennessee at Danville, which was completed in November, 1861. Said firm purchased a steamboat called the Alfred Robb in March, 1860, for the transportation of stone, timber, &c., needed in their bridge-building, for which they paid $8,500. November 21, 1861, said firm dissolved, and petitioner became sole owner of said boat, for which he allowed $5,500. The rebels had then blockaded the Tennessee River near Fort Henry, below said bridge, and the petitioner was unable to get the boat out of the river. He thereupon began running her as a packet from Danville to Eastport, Miss., a distance of about 175 miles, and continued this employment until about February 13, 1862, when the rebels seized her near Eastport by force, and used her as a transport until April 10, 1862. The boat was then lying in Little Bear Creek, near Tuscumbia, Ala. The rebel General Walker sent orders to have said boat burned and destroyed, as he was about to evacuate the country.

The pilot and clerk, who were loyal men, and who had remained on board while she was in the rebel service, succeeded in evading the order and in running the boat down the stream, where she was concealed at a place called Coyer's Island, until April 22, 1862, when she was taken by the Union gunboat Tyler. She was then taken to Cairo, Ill., and converted into a gunboat, used as such during the war, and was retained by the United States till the summer of 1865, when she was sold at Mound City at the great auction of the Mississippi gunboat squadron, and brought $9,200. The pilot entered into the Government service, and so remained through the war. The clerk and pilot were in the petitioner's employ, he designing to retain them, and paying them, deeming that his boat would be safer and his chance of securing it better by so doing. They intended to save and secure the boat for the owner, and had actually and completely delivered her from rebel control when she was taken by the United States gunboat. The circumstances of the delivery of the boat are proved by the testimony of the pilot, whose character and trustworthiness are established by the evidence of several United States officers with whom he served. The date and circumstances of the capture fully appear in the report of Lieutenant Gwin, commanding the gunboat Tyler, dated April 23, 1862, and forwarded to the Navy Department by Flag-Officer Foote, by report dated April 26, 1862.

The boat was of 80 tons, in good running order, as appears by the report of the officer who captured her. She is fully described in the other evidence, and we think was worth nearly her original cost when appropriated by the United States. Upon these facts we hold that all the owner's original right and title to the boat had revested in him, wholly purged from any effects of the impressment by the rebels. The owner's agents in his behalf and by his authority had completed the escape of the boat from rebel hands. This is not the case of a recapture by our Government of property of its loyal citizens which the enemy had taken and put to a military use. It is the case of the full and complete retaking of the property by the owner himself. It is as if the crew of a merchantman captured by the enemy at sea had risen in the night and retaken the vessel. In such case we conceive the title of the owner would completely revest.

The foregoing narrative, so far as relates to the time, place, and circumstances of the taking by the United States of the Alfred Robb, is as well established by public official records as any fact can be. Yet, on the 15th of July, 1862, an information was filed in the district court of the United States for the southern district of Illinois, on the relation of George D. Wise, as informer, against the steamer Alfred Robb, her engines, furniture, tackle, &c., setting forth "that on the 15th day of July A. D. 1862, there was seized on the Mississippi River, below Cairo, and brought into this district, the steamer Alfred Robb, her engines, furniture, tackle, &c. Said seizure was made by George D. Wise. Said seizure was made for the reason that said property was being used by and with the knowledge and consent of the owner, in aiding the present rebellion, contrary to the act of August 6, 1861, and being so used it has become forfeited." Every one of these allegations was false. The steamer was not seized July 15, 1862, but passed into the possession of the United States in April. She was not seized on the Mississippi River, and was not seized for the reason that she was being used by the knowledge or consent of the owner in aiding the rebellion. Wise never seized her at all. On this libel notice was ordered by publication fourteen days in a newspaper printed in Springfield, and by posting of a copy of the monition near the place of trial.

Wise was a captain and assistant quartermaster with the United States gunboat flotilla, to which the Alfred Robb then belonged.

A writ of attachment and monition issued, directing the marshal to attach the property, &c., and to detain the same until the further order of the court. The marshal made return as follows:

I hereby certify that on the 7th day of August, A. D. 1862, I have by virtue of this writ attached the within-named steamer Alfred Robb, and made due proclamation.

D. L. PHILLIPS,
United States Marshal.
By ISAAC KEYS,
Deputy.

To which is annexed the following receipt:

OFFICE OF GUNBOAT FLOTILLA,
Cairo, Ill., August 7, 1862.

Received from D. L. Phillips, United States marshal, southern district of Illinois, one steamboat called Alfred Robb, which has this day been attached by the said David L. Phillips as aforesaid; the said boat being now in the service of the United States as a gunboat on the Western waters, which I agree to deliver as hereafter may be decreed by the judge of the district court aforesaid, if in my power, and consistent with my duty to the United States.

GEO. D. WISE,
Captain and Assistant Quartermaster.

Upon these proceedings a decree of sale was made, and the boat bid off by George D. Wise aforesaid, in behalf of the United States, for the sum of $4,000, of which the court decreed $12.50 to the clerk, $96.82 to the marshal, $100 to the district attorney, and ordered the balance, $3,790.38, to be divided between the United States and George D. Wise, "the informer herein."

The owner of the boat had no notice or knowledge of the proceedings.

There was no actual proof of the allegations of the information, the record alleging a proclamation for all persons interested to appear, a default, and an order "that the allegations of the libel be taken as true against said property."

A request was made, at the close of the war, to the Quartermaster-General for return of the Alfred Robb, and for such information as the records of the De-

partment might show as to the history of these transactions. The following answer was returned:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C. September 18, 1865.

SIR: In reply to your letter of the 20th and 31st of July last, with reference to the claim of G. W. Saulpaw, esq., for the return to him of the steamer Alfred Robb, captured by the western gunboat flotilla in February, 1862, in the Tennessee River, you are respectfully informed that this boat was sold by the United States marshal under a decree of confiscation, having been captured while being used for insurrectionary purposes, and was purchased by the Navy Department, and placed under the charge of Capt. George D. Wise, the then quartermaster in charge of the property and accounts of the flotilla, and by him transferred to the Navy Department, October 1, 1862. You are informed that it is beyond the power of this Department to assist you in the settlement of this account.

You are respectfully referred to D. L. Phillips, esq., United States marshal, Springfield, Ill., for any further information concerning this vessel.

Very respectfully, your obedient servant,

GEO. D. WISE,
Colonel in Charge Third D. W.

R. J. ATKINSON, Esq., *Washington, D. C.*

The following letter, of which the original is before the committee, is found in the files of that office, which is evidently a first draught of an answer to the foregoing request, from which we think the nature of the transaction can be fairly inferred:

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 24, 1865.

SIR: Your letter of July 20, transmitting evidence, &c., pertaining to claim of G. W. Saulpaw, esq., of Tennessee, for compensation for the steamboat Alfred Robb has been referred to me by the Quartermaster-General.

You are respectfully informed that the case of the steamer Alfred Robb was duly adjudicated before the United States court for the southern district of Illinois, at Springfield, some time in the year 1863. Due notice was given at that time to claimants to show why she should not be condemned, having been used for insurrectionary purposes, but if any evidence was presented it was not considered satisfactory to the court, as she was condemned and sold by the United States marshal, and, after deducting expenses, one-half ($1,895.19) went to the informer and the other half to the United States Treasury.

Please read the above and see if it is correct.

How did the Robb come into our possession after the capture? Who paid for her at the sale of confiscation? I do not remember how I came into possession of the $1,895.19 given me by the marshal. Whom did he get it from? as although I bid the boat in, yet I do not remember to have paid any money for her, and yet received a portion of the sale. If she was sold by the United States marshal and I bid for her, I should have paid the amount and taken a voucher from the marshal. Can you explain all this, for it has entirely passed out of my mind, and I have no time to hunt up papers, and Mr. Blount is away.

Yours,

GEO. D. WISE.

R. J. ATKINSON, esq., *Washington, D. C.*

It is evident that the decree of the district court was entirely without foundation in fact, and the findings upon which it proceeded were erroneous. Under these circumstances if the decree were technically valid until reversed by proper proceeding, and constituted a binding judgment *in rem*, we do not think the Government ought to avail itself of such a technical defense to avoid repayment to the true owner of the proceeds of his property now in the Treasury.

But the decree is upon its face wholly erroneous and void.

It is settled that under the act of August 6, 1861, as well as under the later similar acts, there must have been an actual seizure of the property by the marshal to make a decree of confiscation valid. "The marshal must take the property under his actual custody and control." (Pelham *vs.* Way, 15 Wallace, 202; Brown *vs.* Kennedy, *ib.*, 591; Miller *vs.* United States, 11 *ib.*, 268; Pelham *vs.* Rose, 9 *ib.*, 103.) The property must remain in the custody of the marshal, so that he can deliver it to the highest bidder, if it be purchased under the decree of sale. But the return itself sufficiently shows that no such seizure was or could have been made. The gunboat was in the actual service of the United States, in command of an officer who retained possession. The receipt of Captain Wise, made part of the return, declares that "the boat is now in the service of the United States as a gunboat on the Western waters, which I agree to deliver as hereafter may be decreed by the judge of the district court aforesaid, if in my power and consistent with my duty to the United States." It clearly was not in his power, or consistent with his duty, to make such delivery. This consent or receipt no more transferred the possession of the gunboat from the United States to the marshal than would a like document executed by the cook or cabin-boy.

We think, therefore, the owner's title to his boat has never been lawfully divested.

The boat cost the firm, of which petitioner was a member, $8,500 in March, 1860. In November, 1861, she was valued at $5,500 in the division of the property of the company. She sold for $9,200 in 1865, at a large and extensively advertised auction sale of such property. But it does not appear that the alterations made in her by the United States may not have enhanced her value. The sale to Wise for $4,000 was nothing more than mere form, even if a form were really gone through. The claimant is not entitled to interest nor to compensation for the use of his boat, under the rules uniformly applied to like cases. Under all the circumstances we recommend the payment to the claimant of the sum of $7,000, and report a bill to that effect.

Mr. LOGAN. I want to inquire how the committee arrived at the conclusion that all the statements made by the captors were untrue?

Mr. HOAR. That case has been explained to the Senate three times.

Mr. LOGAN. Never when I was present.

Mr. HOAR. And every time on explanation the Senate has unanimously passed the bill; but the case certainly demands explanation.

The facts in regard to this man's ownership, his loyalty, his own recapture of his boat, and that it fully passed into the United States authorities on the reports of the United States naval officers are as well settled as the fact that I am a Senator of the United States. There is no question about them in the mind of anybody. Then the boat being with the gunboat flotilla on the Mississippi River, a man whose name is given here filed in the southern district of Illinois a libel for the condemnation of the boat. The law required in order that the court should have jurisdiction that the marshal should take possession—a well-settled principle of the admiralty law. The marshal reports:

I have by virtue of this writ attached the within-named steamer Alfred Robb. She was then down on the Mississippi River, the marshal being in the southern district of Illinois, and here is the receipt:

OFFICE OF GUNBOAT FLOTILLA, *Cairo, Ill., August* 7, 1862.

Received from D. L. Phillips, United States marshal, southern district of Illinois, one steamboat called Alfred Robb, which has this day been attached by the said David L. Phillips as aforesaid; the said boat being now in the service of the United States as a gunboat on the Western waters, which I agree to deliver as hereafter may be decreed by the judge of the district court aforesaid, if in my power, and consistent with my duty to the United States.

GEO. D. WISE,
Captain and Assistant Quartermaster.

That gentleman could no more have delivered that boat, it was no more consistent with his duty to the United States, and it was no more a taking possession of the boat by the marshal, than if that document had been executed by the cook or the cabin-boy. It was an absolutely untrue certificate. Then the marshal goes on to say that the money was paid over, and there is an application made here to Mr. Wise and to the Quartermaster-General in which they say they can not tell anything about it.

Mr. LOGAN. Who was the quartermaster?

Mr. HOAR. The quartermaster was George D. Wise. I should like to read two or three sentences. After reciting all these documents the committee say:

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Mr. DAWES. Will my colleague state how it came into the possession of the United States if it had been recaptured and was in possession of the owner?

Mr. HOAR. It was recaptured by the owner himself. It was in the first place in a strip of the Tennessee River which was occupied by our people, the rebels, however, occupying the country on each side of the river, as the Senate well recollects. Then when the rebels took possession of that part of the river they got possession of this boat. Then our forces moved upon the Tennessee River, and an order was sent down to burn this boat. The pilot, who had kept on board at the desire of the owner for the sake of watching his chance to retake the vessel, and who afterward entered into the service of the United States and continued during the war, and whose character is highly certified to by several United States officers——

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator that his five minutes have expired.

Mr. HOAR. I ask unanimous consent to finish this sentence.

He then ran the boat away, concealed her under an island, and delivered her to the owner, and our forces found her there in the possession of the owner when they took her. Then the United States took possession of her and impressed her.

Mr. LOGAN. I do not want to discuss this, but here is the error, I think, that my friend from Massachusetts has fallen into. The bill undertakes to dispute a record of a United States court in the first place. I know personally something about this. I know both Mr. Phillips and Mr. Wise. Mr. Phillips seized this vessel at Cairo and turned her over again. She was in possession of Mr. Wise, and he turned her over again with his receipt to show a delivery on the judgment of the court. Is not that the fact about it?

Mr. HOAR. No.

Mr. LOGAN. That is what your report says.

Mr. HOAR. There was no seizure at all by the marshal.

Mr. LOGAN. I suppose he did not go and take her by the bow and tie her up and seize her in that sense, but the writ shows the facts. He took the receipt of Wise for the delivery of the boat on the decree of the court. That is the fact about it.

I will state that at the capture of Fort Henry that boat was in the possession of the rebels on the Tennessee River, and this pilot ran her away from our forces and not from the rebel forces. When you say that these things are untrue there is no justification for attacking the records. There were three boats there, and they were all run away from our forces and not from the rebels. I happen to know personally

some things about the occurrences there, because Captain Worthington, a man who was a captain in our Army, owned one of these boats himself, and it was seized by the rebels there. Captain Worthington's boat was captured by a company in my command.

Mr. HOAR. This boat has nothing to do with that.

Mr. LOGAN. Let us see. His boat was run away with in the same way precisely from the rebels. He recaptured it, and I introduced a bill myself in relation to that case. It went to the Committee on Claims of the Senate and they refused to pay Captain Worthington for his boat because it was in rebel possession when we captured her. This boat is to be paid for and his is not to be. He was a young man from Illinois who owned one of the three boats, and Congress refuses to pay him, and now we are to vote to pay this man.

I do not know anything about this man's loyalty; but when these things come up that I personally know something about, I must say they do astound me. I am just as well satisfied that this man is not entitled to one cent as that I am not entitled to a cent for that boat. I was at Fort Henry, know all about the capture, know about these boats escaping not from the rebels but from the Union forces to keep them from taking possession. For this man to come now and plead loyalty and claim payment for his boat is an outrage on the Government.

The PRESIDENT *pro tempore*. Does the Senator from Illinois object to the consideration of the bill?

Mr. LOGAN. I do object and shall continue to object.

Mr. HOAR. Will the Senator allow me?

The PRESIDENT *pro tempore*. The Senator from Massachusetts is clearly out of order. He has once spoken.

Mr. HOAR. I am not out of order in asking unanimous consent; and I do not think any single Senator's sense of fair play would permit the declaration just announced to be made, followed by an objection, without giving me an opportunity to say a word.

Mr. LOGAN. I do not object to the Senator being heard.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks consent of the Senate to make remarks on this subject. If there is no objection the Senator from Massachusetts will proceed. The Chair is only seeking to enforce the rule.

Mr. HOAR. I have no fault to find with the Chair.

Mr. President, I think the honorable Senator from Illinois has confounded this case with some other, and that he is not speaking to the facts in this case, because, as I say, these facts are in the reports of the Union officers made at the time and made to the Department in regard to the history of this vessel and the character of the pilot and the circumstances of her rescue. They are all found in the Department. I am perfectly willing to say that if the Senator from Illinois, whose sense of justice we all understand, will take the papers which accompany this report and will read them all, if then he does not come in and declare that he is in error in the statement he has made, I am perfectly willing for one to abandon the case.

Mr. LOGAN. I shall certainly, if I find that I am wrong, so state.

Mr. HOAR. I know that there is no Senator who would do it quicker than the Senator from Illinois.

Mr. LOGAN. But in connection with this case the report shows the place where the boat was captured, Tuscumbia, and the fact is that I could not get a claim of the same amount almost to a dollar for a boat that belonged to a captain who then served in the Union Army whose boat was captured just above Paducah, a short distance off, and run up there above the fort and held and recaptured again——

Mr. HOAR. I never heard of that claim.

Mr. LOGAN. I understand that. It has not been before this committee.

Mr. HOAR. Of course if the honorable Senator thought the other one ought to be allowed when the circumstances were the same he will not object to this.

Mr. LOGAN. I have not thought anything about it, because I have not introduced it since the committee reported against it on the ground that the boat was in the service of rebels when we captured it. On that ground they refused the claim, and I have never asked for it since. I was only speaking of the fact that the owner was a loyal man serving in the Union Army and could not get pay for his boat captured at the same time, and it struck me as very strange that this man could get pay for this boat.

Mr. HARRIS. Will the Senator from Illinois allow me to state a single fact?

Mr. LOGAN. Certainly.

Mr. HARRIS. I know nothing of the service in which this boat had been engaged or the circumstances under which it was seized, but I had various official duties to perform with George W. Saulpaw, as a railroad bridge builder, up to and during the year 1861——

Mr. HOAR. He was a Vermont man.

Mr. HARRIS. From a somewhat intimate and thorough acquaintance with him I simply desire to say that I always understood him in 1861 and afterward to be a thoroughly loyal man. He was a Union man from the beginning to the end of the controversy.

Mr. LOGAN. I am not questioning the loyalty of anybody in connection with this claim; but the rule of law is that if the vessel was in the possession of the rebel forces at the time we captured her the owner is not entitled to pay. That rule was applied to the man that I thought was a loyal man and I want the same rule applied to this man. The fact that he lived in Vermont makes him no better than if he lived in Illinois.

Mr. HOAR. This man captured her himself, but the captain into whose possession she first came——

Mr. LOGAN. No, he did not capture her. He ran her away.

Mr. PLUMB. I ask leave to make this statement: If this man was loyal and sensible, I think he would have got his case before Congress a little sooner, and I think it is very grave ground of suspicion that twenty four years after this occurrence the claim is presented.

Mr. HOAR. The bill has been reported half a dozen times.

The PRESIDENT *pro tempore*. The bill has gone over under objection. The next bill will be stated.

GREENSBURG LIMESTONE COMPANY AND OTHERS.

The bill (S. 1829) for the relief of the Greensburg Limestone Company and others was considered as in Committee of the Whole.

Mr. EDMUNDS. I want to appeal to the Senators from Kansas and Illinois to take the sense of the Senate on this little claims bill of Saulpaw, which has gone by I know, but I am speaking now in my five minutes to the next bill, not to violate any rule. I will state, as I ought to do to inform the Senate that I am under this bias, that the nephew of this old gentleman, who is eighty years old, is a constituent of mine.

When five or six years ago he brought me these papers I felt, as I do about a great many such claims when there has been a Southern claims commission, &c., that there could not be anything in it. He asked me to read the papers through, the certificates of the Army officers and Navy officers, and so on. I did so, and in spite of my prejudices, allowing for the bias of the nephew of this old gentleman being my constituent, it seemed to me that he had a fair case. And so I presented his papers, and they were sent to the Committee on Claims and considered without any urgency of mine; I never did anything more about it; and they reported in favor of the claim. It passed the Senate, I am sure without dispute or doubt.

Now, I should be glad if these gentlemen would be kind enough to allow the sense of the Senate to be taken upon this little claim, and I say that without reference to whether injustice has been done to the constituent of my friend from Illinois, which certainly would not lead him to be willing to do injustice to somebody else; I know that perfectly well.

Mr. LOGAN. I think the Senator from Vermont is the very gentleman who beat my bill. I will say that to him.

Mr. EDMUNDS. No, I think not.

Mr. LOGAN. If you will look back about ten years in the RECORD you will find that to be the case, on the very principle that we recaptured the vessel while she was in the employ of the rebel forces and therefore the owner was not entitled to pay for her. That was the principle, and I look on this as the same.

Mr. EDMUNDS. I have made my appeal. I have nothing more to say.

The PRESIDENT *pro tempore*. The bill (S. 1829) for the relief of the Greensburg Limestone Company and others is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. I want the report read in this case, if I can not touch my friend from Illinois on the other case.

Mr. LOGAN. I know something about that.

The Chief Clerk read the following report, submitted by Mr. HOAR March 10, 1886:

The Committee on Claims, to whom was referred the bill (S. 756) entitled "A bill for the relief of the Greensburgh Limestone Company and others," report that the same ought not to pass. But they believe that the claimants are entitled to relief, and further report a new bill and recommend its passage.

The claimants made a contract with the United States, dated August 21, 1874, by which they agreed to furnish certain "dimension rubble-stone" for the custom-house and post-office building at Cincinnati.

The contract contained the following stipulation:

"This contract shall be valid and binding when approved by the Secretary of the Treasury and not otherwise, and no departure from its conditions shall be made without his written consent."

The contract was duly approved by the Secretary. When it came to be executed the superintendent required the contractors to deliver "dimension stone." They protested that "dimension stone" was another and different thing from the "dimension rubble-stone" named in the contract, and notified the superintendent that it was much more expensive and valuable, and that they should demand from the United States the excess of the value of the stone so required and delivered. They thereupon submitted to the order of the superintendent and proceeded to deliver dimension stone as required.

Thereafter they filed a petition in the Court of Claims for extra compensation. But on examining the decision of the Supreme Court in Hawkins's case, 7 Otto, and of the Court of Claims in Brandon *vs.* United States, 16 Court of Claims, 402, they discontinued their petition and apply to Congress for relief.

They say that mechanics making such a contract are in the power of the superintendent, who represents to them the Government of the United States, and who can compel them to submit to his terms or take the alternative of a costly, perhaps ruinous, lawsuit. They cite several legislative precedents where Congress has given relief in similar cases.

But the committee think these precedents ought not to be followed. Whatever may be the hardship to the contractor, we can not adopt a principle which would put it in the power of the superintendent, a local and subordinate officer, not only to alter a contract made by the Secretary of the Treasury, which expressly stipulates that no departure from its terms shall be allowed without his written consent, but also to increase the expense of a public work whose cost

is expressly limited by an act of Congress. We therefore advise the rejection of the original bill, which rests upon the ground above stated.

But we think the claimants ought to be permitted to recover what the departure from the original contract has actually saved to the United States in the completion of the work, not exceeding the original contract price. The claimants allege that they can show that the United States saved a large sum in the cost of cutting, fitting, handling, and laying the stone, which otherwise they would have been compelled to expend in completing the work according to the original design. We can see no reason in justice or public policy why this should not be paid them. If they had contracted to build an outer wall of wood and been compelled to build one of brick or stone, while they could not justly claim either the increased cost of value of brick or stone over wood, they might at least be allowed the saving to the United States of the sum which would have been required to pay for painting the wall of wood, and which a brick wall would not need. We therefore report the accompanying bill. Under its provisions the claimants, to recover anything, must establish to the satisfaction of the court:

(1) That they were compelled to furnish a more costly and valuable material than their contract required.

(2) That this change in the contract saved to the United States in the completion of the building an amount equal to that to be recovered.

(3) That the entire cost of the building is not thereby increased.

Mr. EDMUNDS. I should like to hear that bill read again.

The bill was read, as follows:

Be it enacted, &c., That the Greensburgh Limestone Company, a corporation duly organized under the laws of the State of Indiana, William W. Lowe, Daniel W. Levett, and Oliver M. Thompson, partners doing business under the firm-name of W. W. Lowe & Co., and John L. Scanlon, being the parties of the second part named in a certain contract in behalf of the United States made by Samuel Hannaford, such contract being one for the delivery of certain stone as therein described for the erection of a custom-house and post-office at Cincinnati, Ohio, and bearing date the 21st day of August, 1874, or the survivors of such parties, are hereby authorized and empowered to bring in the Court of Claims a suit against the Government of the United States, upon the said contract, for the damages by them sustained, in regard to the premises in said contract provided for, by reason of their being required, in the execution of such contract, by the superintendent and others in charge of the construction of the said building, to deliver stone, as is alleged, of sizes and character different from those called for in the said contract, or different from those which they were entitled to deliver thereunder. And the said court is hereby authorized and directed to take jurisdiction in said case, and to render a judgment therein for whatever sum, if anything, shall be shown by the evidence to have been the increased cost, damage, and expense to which the said claimants were subjected by reason of their being required, as aforesaid, to deliver stone different from that provided for in said contract, if the court shall hold that such requirement was not authorized thereby: *Provided*, That such recovery shall in no case be in excess of what shall appear from the said evidence to have been saved to the Government in avoiding loss or waste of stone, in the expense of cutting and fitting the said stone for the structure or structures for which they were designed, as provided in said contract, and in handling and setting such stone in said structure or structures; the claimants in no case to recover for anything that they shall not show to have been done by them not required by the contract, nor for anything that they shall not show to have been saved to the United States in the cost of the building by reason of the departure therefrom. And in the said action each party to the same shall be entitled to give in evidence all competent and relevant testimony already heretofore taken and filed in said court in a certain action, numbered 11972, heretofore prosecuted on said contract, and also all other competent and relevant testimony which either party may offer in the case. And each party to the said cause shall be entitled to take an appeal from the judgment of the Court of Claims to the Supreme Court of the United States, as in other cases.

Mr. EDMUNDS. I should like to ask the Senator from Massachusetts, who I believe reported this bill, if these people are entitled contract-wise to compensation, why they can not go to the Court of Claims without the passage of this bill?

Mr. HOAR. They are not entitled contract-wise, I suppose.

Mr. EDMUNDS. Then on what ground does the claim stand?

Mr. HOAR. I will state it, if the Senator will pardon me.

These men agreed to furnish a certain portion of the work on this public building, stone of a certain character, dimension rubble-stone. They were required by the architect on the ground to furnish dimension stone, which is another thing altogether, and which saves a great deal of laying and trimming and handling. He claimed that they were lawfully required to do it; they claimed that they were unlawfully required. He was the Government officer on the ground and these mechanics urged that the Unied States ought to be bound by his action; but the committee say, no, we can not allow a local officer to alter a contract made under the direction of the Secretary of the Treasury, which stipulates that it shall not be altered without his written consent, and especially one which might bring the expense beyond the amount stipulated in the act of Congress.

So we think it is clear that although they submitted to that demand, it does not give them any legal claim upon Congress; and now they come in and say, "We have no legal claim in consequence of having done more than our contract required, yet we saved money to the United States in the entire cost of the work; it ought at least give us that difference." For instance, suppose I have agreed to furnish the wall of a certain building, and my contract only requires me to furnish a wall of wood, which is to be painted under another contract by the United States; I have nothing to do with that. The local superintendents says: "You must make a brick wall;" and I submit and make a brick wall. It costs me a great deal more, and I come to Congress to be paid the excess, and Congress says, "No; this local superintendent had no business to put a construction on your contract." But I say, "At least, as I saved to the Government the cost of painting by giving you brick or stone instead of wood, you have got a better building; let me have so much." And that is the ground on which the committee proceed. We say these men may go into the Court of Claims, and if they can show, first, that what they did was what they were not required to do; next, that it made a saving to the United States in another part of the work; and, third, that the whole work does not exceed the original contract price, you may have what you show you saved to the United States. That is the bill.

Mr. EDMUNDS. Why did they yield to the demand of this superintendent or architect if they were not bound to do so by their contract?

Mr. HOAR. They were stone-cutters in a distant part of the country who made a contract with the United States to furnish dimension rubble stone, and when an architect who is employed to superintend and accept and approve comes in and says, "You have got to do so and so under your contract," these men submit. They brought their suit in the Court of Claims; Judge Shellabarger was their counsel. After the suit had started he became satisfied it could not be maintained on the original contract, and he came to Congress.

Mr. EDMUNDS. Then the short of it is that we are to relieve these mechanics on the ground that they did not understand their rights?

Mr. HARRISON. Not at all, Mr. President. They protested at the time that they were not bound to do this, as I understand.

Mr. HOAR. What would a stone-cutter in Vermont or in California or in this very case in Indiana do who has contracted with the Government, has got his work out and all ready, and the local architect says, "You must do a certain kind of work for the Government under this contract?" He says, "No, I do not think so; I do not understand it so at all." The architect adheres. If the mechanic resists, he is probably to be ruined. He has got his obligations to his subcontractors and to his workmen, which are lost. He has got to pursue the Government by possibly a distant lawsuit in a court of justice.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. Both the Senator from Massachusetts and the Senator from Vermont have spoken more than five minutes.

Mr. EDMUNDS. I have not spoken one minute on this bill.

The PRESIDENT *pro tempore*. The Senator spoke on another bill, counting it on this bill expressly.

Mr. EDMUNDS. I give up.

Mr. HOAR. It seems to me it is an absolutely just cause.

Mr. HARRISON. I think Senators who have listened to the statement of the Senator from Massachusetts must see that instead of being a liberal bill this is really a hard bill on the contractors; that is, it requires them to submit to pretty severe terms in order to get a just compensation from the Government for the work they did.

Mr. EDMUNDS. I do not understand the ground on which this bill stands, I confess.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION OF NAVAL CADETS.

Mr. HALE. I ask to take up a Senate bill that was laid on the table this morning for the purpose of moving that it be indefinitely postponed. I intended to make that motion at the time.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," be taken up with a view of indefinite postponement.

The motion was agreed to.

The bill was postponed indefinitely.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. COCKRELL. I hope the Senator will withdraw that and let us have a short executive session.

Mr. EDMUNDS and others. Not now.

Mr. ALLISON. My motion is that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 9, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 8, 1886.

The House met at 11 o'clock a. m. Prayer by the Rev. S. W. HADDOWAY, of Washington, D. C.

The Clerk proceeded to read the Journal of yesterday's proceedings.

On motion of Mr. MCMILLIN, by unanimous consent the reading of that portion of the Journal relating to the introduction and reference of bills and joint resolutions was dispensed with.

The remainder of the Journal was read and approved.

QUESTION OF PRIVILEGE.

Mr. HENDERSON, of Iowa. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON, of Iowa. In the speech of the gentleman from Alabama [Mr. WHEELER] on Friday evening last there was a brief discussion between him and myself, in which a remark of mine has by an error of some kind been placed in another part of the RECORD, and in an entirely different context from that to which it properly belongs, and I ask to have the correction made, which I shall now point out.

The SPEAKER. The Chair thinks that such a correction, referring to a proceeding other than that of yesterday, would properly come up after the Chair has complied with the rule and laid before the House certain messages from the Senate and executive and other communications. The Chair will recognize the gentleman hereafter to make this correction.

MISSOURI PACIFIC RAILROAD AND TELEGRAPH LINE.

The SPEAKER laid before the House amendments of the Senate to the bill (H. R. 5874) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act.

Mr. CRISP. Mr. Speaker, I move that the House non-concur in the Senate amendments, and agree to the conference asked for on the disagreeing votes of the two Houses on that bill.

The motion was agreed to.

The SPEAKER. The Chair will appoint the managers at the conference during the day.

REFERENCE OF SENATE BILLS.

Senate bills of the following titles were severally read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed, namely:

A bill (S. 158) granting a pension to Mary A. Mykins;

A bill (S. 1459) granting an increase of pension to Walter A. Donaldson;

A bill (S. 1614) granting a pension to Sarah C. Wright;

A bill (S. 1897) granting a pension to Alexander Trimble;

A bill (S. 1932) granting a pension to Mrs. M. Augusta Barnes;

A bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon;

A bill (S. 2061) granting a pension to Johanna Sofia Enlind;

A bill (S. 2167) granting a pension to Mrs. Margaret Dunlap;

A bill (S. 2181) granting a pension to Rhoda Williams;

A bill (S. 2196) granting a pension to Delilah Vandeventer;

A bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.;

A bill (S. 2210) granting a pension to Anna Wright;

A bill (S. 2258) to increase the pension of James E. Gott;

A bill (S. 2286) for the relief of Albert C. Kelley;

A bill (S. 2301) granting a pension to Lucy E. Anderson;

A bill (S. 2308) granting a pension to Henry Lafner;

A bill (S. 2310) granting a pension to Hiram Morris;

A bill (S. 2325) to grant a pension to Nancy Mason;

A bill (S. 2326) granting a pension to John Parkinson;

A bill (S. 2330) for the relief of Anthon Eitapence;

A bill (S. 2341) granting a pension to Josephine D. Whitted;

A bill (S. 2353) granting a pension to William Barden;

A bill (S. 2363) granting a pension to Marcel Gagnon;

A bill (S. 2366) granting a pension to Elizabeth Garaghty;

A bill (S. 2372) granting a pension to Mary McMahon;

A bill (S. 2382) granting a pension to Alice Kelley;

A bill (S. 2388) granting a pension to Alonzo Raymond;

A bill (S. 2391) granting a pension to John G. Warren;

A bill (S. 2393) granting a pension to Anna M. Marshall;

A bill (S. 2420) granting a pension to Sidney Denton;

A bill (S. 2452) granting a pension to Rachel Ann Pierpont;

A bill (S. 2453) granting a pension to George W. Peavey;

A bill (S. 2454) granting a pension to James S. Furniss;

A bill (S. 2459) granting a pension to Eliza Wilkins;

A bill (S. 2460) granting a pension to Stephen D. Mead;

A bill (S. 2463) granting a pension to H. D. Hobbs;

A bill (S. 2478) granting a pension to John Wines;

A bill (S. 2479) granting a pension to Mrs. Adaline P. Loy;

A bill (S. 2502) granting a pension to Louise Paul; and

A bill (S. 2570) granting a pension to Horace W. Brownell.

Senate bill 2355, granting a pension to Edward R. Shubrick, was read a first and second time, and referred to the Committee on Pensions.

Senate bill 2427, for the relief of the legal representatives of Eliza M. Ferris, was read a first and second time, and referred to the Committee on Claims.

Senate bill No. 2225, to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs in 1885, was read a first and second time, and referred to the Committee on Foreign Affairs.

Senate amendments to House bills of the following titles were severally considered and concurred in, namely:

A bill (H. R. 1061) for the relief of Sarah M. Shearer;

A bill (H. R. 1627) granting a pension to Annie Bagley;

A bill (H. R. 4685) for the relief of John A. Orndorff;

A bill (H. R. 4782) granting a pension to Elizabeth McKay;

A bill (H. R. 5154) granting a pension to Margaret A. Poland;

A bill (H. R. 5406) granting a pension to P. E. Raiger;

A bill (H. R. 6648) for the relief of Edward M. Harrington; and

A bill (H. R. 7156) to increase the pension of Antionette Birney, widow of Maj. Gen. David B. Birney.

Senate amendments to House bill No. 524, granting a pension to Daniel H. Ross, were referred to the Committee on Invalid Pensions.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES, *June* 7, 1886.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 1815) granting a pension to Ellen Corcoran.

The SPEAKER. If there be no objection, the request will be complied with.

There was no objection, and it was so ordered.

GEORGE K. SHEARMAN.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Third Auditor in relation to the claim of George K. Shearman, of Harrison County, Indiana, and recommending an amendatory act to the act approved May 17, 1886, providing for the payment of said claim; which was referred to the Committee on War Claims, and ordered to be printed.

SALARIES OF CHARGES D'AFFAIRES.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of State recommending an urgent appropriation of $8,100 to supply a deficiency in appropriation for salaries of charges d'affaires *ad interim* for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN FINN VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact in the case of John Finn against the United States; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. LAWLER, for to-day, on account of sickness.

To Mr. DOCKERY, for ten days, on account of important business.

To Mr. CURTIN, for two days.

To Mr. HANBACK, for ten days, on account of important business.

To Mr. STEPHENSON, for two weeks, on account of important business.

To Mr. FARQUHAR, for three days, on account of important business.

To Mr. WILSON, for four days.

To Mr. TUCKER, for three days, on account of important business.

To Mr. DINGLEY, indefinitely.

WITHDRAWAL OF PAPERS.

On motion of Mr. LYMAN, by unanimous consent leave was granted to withdraw from the files of the House the papers in the case of J. S. Herwick, House bill 6009.

TITLE TO LANDS IN SAGINAW BAY.

On motion of Mr. COBB, by unanimous consent the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (H. R. 1571) to quiet and confirm the title to certain lands in Saginaw Bay, in the State of Michigan, and the same was recommitted to the Committee on the Public Lands.

CORRECTION.

Mr. HENLEY. In the debate on the bill to repeal certain public land laws on yesterday I stated I was in favor of the repeal of the pre-emption law. I am made to say this morning in the RECORD I was in favor of the pre-emption law being retained.

The SPEAKER. The correction will be made. (See page 5372.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the President *pro tempore* had appointed Mr. CULLOM a member of the committee of conference on the disagreeing votes of the two House on the amendment of the Senate to the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws, in the place of Mr. PLATT, excused.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes;

A bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo; and

A bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 244) for the relief of Mary F. Potts;

A bill (S. 511) to provide for the settlement of accounts with certain railway companies;

A bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes;

A bill (S. 1130) to exempt from taxation all property held by trustees of the Corcoran Gallery of Art, and for other purposes; and

A bill (S. 2474) for the relief of James S. Clark & Co.

C. A. ARTHUR AND W. H. ROBERTSON.

Mr. REED, of Maine. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York, and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers be, and they are hereby, authorized and directed to allow Chester A. Arthur, collector of the district of the city of New York, in settlement of his accounts, a credit for the sum of $8,436.88, the same being for the sum of $5,000 in gold coin, a sum now charged to the said Collector Arthur, which was stolen or disappeared from the office of the then cashier of the custom-house at New York, January 21, 1876, without the default or negligence of said collector, or of the late William D. Robinson, cashier; and for the sum of $3,436.88, the amount of an apparent discrepancy in account of proceeds of sales of unclaimed goods, which is unexplained by reason of the death of Samuel G. Ogden, late auditor of the custom-house, who had charge of such account, and personally received and disbursed all moneys thereon during his whole term of service of thirty-six years. And that the proper accounting officers be, and they are hereby, authorized and directed to allow William H. Robertson, collector of the district of the city of New York, in settlement of his account, a credit for the sum of $13,094, the same being a sum now charged to the said Collector Robertson, which was stolen or disappeared from the office of the cashier of the custom-house at New York, without the default or negligence of said collector, or of the late James Hoffman, cashier.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCMILLIN. I desire to know whether there has been a favorable report upon this subject by a committee of the House?

Mr. REED, of Maine. There is a unanimous report in its favor from the Committee on Claims.

Mr. MCMILLIN. Let us hear the report read.

Mr. REED, of Maine. The report is somewhat long.

Mr. MCMILLIN. I should like to have it read.

Mr. REED, of Maine. If the gentleman from Tennessee will permit me to explain perhaps it will answer the purpose he has in view. The report is quite long and contains several documents.

Mr. MCMILLIN. I simply wish to know the facts of the case.

Mr. REED, of Maine. I will state the facts if the gentleman will permit me.

Mr. NEECE. I ask for the reading of the report.

The SPEAKER. The report will be read.

The report (by Mr. WARNER, of Missouri), was read, as follows:

The Committee on Claims, to which was referred bill S. 2053, having considered the same, submits the following report:

This is a bill for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York. The Senate report on this bill meets the approval of this committee and is adopted by this committee. The report is as follows, namely:

The Committee on Finance, to whom was referred the bill (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York, beg leave to submit the following report:

Chester A. Arthur was appointed collector of customs at New York city December 1, 1871. At the close of business on the 21st day of January, 1876, the cashier, William D. Robinson, reported the coin $5,000 short. Skilled detectives were immediately employed, but up to this time no one has advanced even a theory which was considered worthy of attention, and it was, and will probably ever be, a mystery, in regard to which nothing was ever settled except the bare fact that a $5,000 coin certificate had either disappeared, or by some unaccountable error had never been received.

Your committee would further state that on assuming the collectorship Chester A. Arthur found in office Samuel G. Ogden as auditor of the custom-house. Auditor Ogden had been appointed June 1, 1841, and had faithfully discharged the trusts imposed upon him, the accounts as rendered by him having been closed as correct by the Treasury Department, under the bonds of collectors Curtis, Van Ness, Lawrence, Maxwell, Bronson, Redfield, Schell, Barney, Draper, King, Smythe, Grinnell, and Murphy; that said Ogden died September 10, 1877, Chester A. Arthur being still collector. During the thirty-six years the said Ogden was auditor he correctly accounted for $3,300,000,000 collected, and $180,000,000 disbursed; that the said auditor himself in person during his official life received and disbursed moneys from the proceeds of sales of unclaimed merchandise and prepared the accounts thereof; that some time after his death an apparent discrepancy was discovered in such accounts, for Chester A. Arthur's term of office, of $3,436.88, according to the adjustment by the accounting officers at Washington. This apparent discrepancy was not discovered till after the death of Auditor Ogden, and it is just to presume that it could be made satisfactorily to disappear but for his death. Your committee further state that all of the accounts of the said Chester A. Arthur for his two terms of office, nearly seven years, have, except as to the items herein mentioned, been adjusted and closed on the books of the Treasury Department, covering a total of receipts of $861,131,198, and of disbursements of $39,912,213.

A bill granting Collector Arthur the relief now asked for passed the Senate during the second session of the Forty-sixth Congress, but failed to receive action in the House. Since that time up to the present Congress the said Chester A. Arthur has been Vice-President and afterward President of the United States, and for evident reasons did not petition Congress for his relief.

While Hon. JOHN SHERMAN was Secretary of the Treasury, he wrote a letter exonerating Collector Arthur from all personal responsibility and expressing the opinion that he ought to be relieved by Congress.

Your committee, therefore, recommend that the proper accounting officers allow Chester A. Arthur in the settlement of his accounts a credit of the sum named in the bill, $8,436.88.

This committee would further state that William H. Robertson was appointed collector of customs for the district of the city of New York on the 25th day of July, 1881. The facts in this case are as follows:

The said Collector Robertson in assuming his office retained, by reason of the great trusts confided to them, the persons who had been appointed by his predecessors in the cashier's department. During his term of office certain shortages in his cash receipts were discovered, the last one on the 12th day of March, 1883, amounting in all to $13,094; that the secret-service officers of the Government, in conjunction with Pinkerton's detective force, inquired into the matter at length, but without fixing the responsibility for the loss upon any particular person or persons. Collector Robertson in his memorial to Congress states that, acting upon his own impressions, he dismissed from service one of his attachés, who subsequently died; that another attaché resigned and afterward committed suicide; that the cashier, James Hoffman, who had been in office many years, was an upright and honest man, and his death, in the opinion of Collector Robertson, was hastened by the loss occurring in his department and his inability to locate the responsibility.

During the administration of the office by Collector Robertson the receipts by him amounted to $349,729,636.59, and the disbursements to $35,404,265.19, and it does not appear that there is any discrepancy in any of his accounts, except the shortage heretofore mentioned.

In view of these circumstances, your committee recommends that the proper accounting officers allow William H. Robertson a credit for the sum named in the bill, $13,094.

It therefore seems to this committee that both of the petitioners for whom relief is asked in this bill were the victims of fraud or errors against which they could not reasonably have protected themselves, and therefore this bill (S. 2053) is reported back favorably.

The following are a few cases of similar legislation:

The Forty-seventh Congress authorized and directed the Secretary of the Treasury to credit Francis E. Spinner, late Treasurer of the United States, with the sum of $47,097.65, amount of deficiency of June 2, 1875; he was also authorized and directed to pay to the Treasurer of the United States the sum of $650.61 to reimburse said Treasurer for an amount appearing on his books as a deficiency.

In the Forty-seventh Congress the Senate passed a bill granting relief to Thomas B. Shannon, collector of customs at San Francisco, Cal. He had signed a check for $4,777.84, to which the countersignature of the naval officer had been forged, and had paid over the amount of the forged check to the assistant treasurer.

In the same Congress the Senate passed a bill granting relief to Frank Soulé, collector of internal revenue for the first district of California, releasing him and his sureties from liability on account of certain defalcations.

The following officers have been relieved from the default of employés by acts of Congress, viz: William J. Patton, collector internal revenue, Arkansas, $36,081.88; E. B. Pendleton, collector internal revenue, Virginia, $26,476.28; J. L. Thomas, jr., collector customs, Baltimore, $27,540.25, and many others which it is unnecessary to mention.

The following letters in these cases are submitted herewith:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 17, 1878.

SIR: From a recent report to this office of Messrs. Graves, McMillan, and Hale, it appears, among other things, that a shortage occurred in your collections in January, 1876, of $5,000, coin, which has not yet been made up. From the statements made by yourself and the cashier of your office the Department has no doubt but that the loss occurred through no negligence on your part, and if I had the power to relieve you of your legal liability for the amount I would gladly do so, but the matter having been brought officially to my attention I am compelled to ask you to make up the amount at as early a day as practicable, or to seek relief from Congress, which will probably consider your request favorably, and pending such action the Department will for a reasonable time suspend its demand for payment.

* * * * * * *

Very respectfully,

JOHN SHERMAN, *Secretary.*

C. A. ARTHUR, Esq.,
Collector of Customs, New York City.

CUSTOM-HOUSE, NEW YORK CITY,
Collector's Office, February 20, 1885.

SIR: I am in receipt of your communication of the 18th instant (a. m.), in relation to the balance for which I appear on the books of the Department to be accountable to the United States, under my official bond, dated July 25, 1881.

The amount represents various sums which disappeared in a most unaccountable and mysterious manner from the cashier's department of this office at various times during the period of my incumbency, prior to March 12, 1883, when the last loss occurred.

By authority of the honorable Secretary of the Treasury, Pinkerton's detectives and a special detective of the Department made an exhaustive examination of the matter, and everything that ingenuity of man could suggest to discover the thief was resorted to, but without any absolutely conclusive result.

On one occasion, however, it was proven that the deficiency was in funds to which only three persons had access during the day. One of them, and only one, whom I found in office, was known to have been present on every occasion when money had disappeared, not only during my term but during the terms in office of two of my predecessors.

Even circumstantial evidence failed to go any further, but upon this coincidence the clerk was dismissed, and the result would seem to justify such action.

He died soon afterwards, under the most painful circumstances, in the asylum for the insane.

Feeling that I have not, in this connection at least, failed in the "true and faithful" discharge of the duties of my office, it is my intention, at the expiration of my term of service, to apply to Congress to relieve me from liability for this loss, for which I think I ought not to be held responsible.

Very respectfully,

W. H. ROBERTSON,
Collector.

H. C. JOHNSON, Esq.,
Commissioner of Customs, Washington, D. C.

PINKERTON'S DETECTIVE AGENCY, *New York, May* 4, 1883.

DEAR SIR: Relative to the investigation made by this agency into the loss in your cashier's department of $9,000 in gold certificates on March 12, 1883, permit me to say:

The idea of an honest error in this case does not appear tenable, and, I think, may be dismissed. There is nothing in the detail of the work of that day, or in the "tickets" which were checked by the "counters" and receivers at the "paper-crib," to indicate that a $1,000 gold certificate could have been mistaken for one of $10,000, nor is it at all probable that both a "counter" and a receiver made separately the same error in counting.

I therefore decide that a larceny of the amount was committed by some one who had access to the money after it reached the "paper-crib."

In company with Mr. Drummond, of the secret service division, my general superintendent, Mr. Bangs, and my superintendent, R. A. Pinkerton, made careful and rigid examination of all such persons, and in every instance were impressed with the frankness and truthfulness of the employés, with one exception. The facts developed by these examinations early developed the strong probability that the larceny lay between only two of the men. One of these, Mr. Russell, I think may be entirely exonerated; but as to the other, his manner and statements bristle full of suspicious circumstances, and I understand that the investigations relative to this man, which are still being instituted by Mr. Drummond, add to the suspicions first entertained.

There is as yet no absolute legal proof of his guilt, but my opinion is very decided that he, without collusion with any one, stole the money.

Yours, respectfully,

ALLAN PINKERTON,
By ROBERT A. PINKERTON,
Superintendent.

Hon. WILLIAM H. ROBERTSON,
Collector of the Port of New York.

UNITED STATES TREASURY DEPARTMENT,
SECRET SERVICE DIVISION, NEW YORK DISTRICT,
New York, May 6, 1886.

DEAR SIR: I find by an examination of reports in my possession that I met you first about March 27, 1883, regarding the case. That from April 2 to June 30, 1883, I had three men constantly on the case; that from April 10 to May 10, 1883, there were four men on the case; and from July 9 to July 29, 1883, there was one man on the case. These men were all withdrawn for the reason that the Secretary refused to longer pay them. During all this period I gave my personal supervision over all the men.

Very respectfully,

A. L. DRUMMOND.

Hon. WM. H. ROBERTSON,
Katonah, Westchester County, New York.

Mr. Bangs, Mr. Robert Pinkerton, and I did everything that was possible to do in the time we worked to discover the thief, and my four men did the same. We were all morally certain who the thief was, but had no legal proof. Since his dismissal I believe not a dollar has been lost.

A. L. DRUMMOND.

The committee recommend that the bill do pass.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Mr. Speaker, I wish to ask the chairman of the Committee on Claims whether this is a unanimous report of that committee.

Mr. SPRINGER. It is.

Mr. McMILLIN. Is there anything to show that this money was not embezzled? I have yet to hear any explanation of how it was lost. If it was embezzled, there ought to be no relief. If it was not, it might be proper to grant the relief.

Mr. SPRINGER. As far as the evidence before the committee is concerned, it appears that the money was lost through no fault of the collector in either case.

Mr. McMILLIN. How does that appear when they do not know how it was lost?

Mr. SPRINGER. It does appear from the facts as presented that in any event the collector himself could not have been at fault. The wonder is that in the handling of so many millions of dollars so little disappears mysteriously.

Mr. REAGAN. I wish to inquire of the chairman of the committee whether it appears that any effort was made to fix the liability for this loss.

Mr. SPRINGER. Yes. Detectives were employed and other efforts were made to fix the liability, but so far they appear to have been unavailing.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. REED, of Maine, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT ANNAPOLIS.

Mr. COMPTON. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 201) and that the same be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The Clerk read the title of the bill, as follows: "An act (S. 201) to provide for the erection of a public building in the city of Annapolis, Md."

Mr. BEACH. Mr. Speaker, I am obliged to call for the regular order.

Mr. COMPTON. I appeal to the gentleman to withdraw his objection and allow me to state, as I can within two minutes, the reasons for the passage of this bill at this time.

Mr. BEACH. Mr. Speaker, I shall be obliged to maintain my objection. There are probably forty bills of a similar character and of equal merit in this House in the same position as this one, and I do not see why the gentleman from Maryland should be allowed to get his bill through to the prejudice of all the rest.

Mr. COMPTON. I only ask to be allowed to state the reason why this bill should be passed at this time.

The SPEAKER. The gentleman from New York objects to the consideration of the bill, and therefore it is not before the House for debate.

Mr. COMPTON. I understood the gentleman to intimate that he would hear what I had to say about it.

The SPEAKER. But the gentleman objects to the consideration of the bill and declines to withdraw his objection.

QUESTION OF PRIVILEGE.

Mr. KELLEY. Mr. Speaker, I rise, as you are aware, to a question of privilege which I proposed to make yesterday, but consented should go over until to-day in order that the gentleman from Alabama [Mr. WHEELER] who is involved in my question might be present. I base my question of privilege upon a conscious, deliberate, persistent, abuse of an order of the House by the Representative from the eighth district of Alabama, and in order that you, Mr. Speaker, may know precisely upon what allegations my claim of privilege rests, I send you a preamble and resolution which I have prepared that they may be now read, and upon which I hope to have a vote of the House after their consideration.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Whereas it appears from the publication in the CONGRESSIONAL RECORD of June 6 of a speech of Hon. JOSEPH WHEELER, of Alabama, purporting to have been made on the evenings of May 28 and June 4, by unanimous consent of the House, the House then having under consideration the Private Calendar under the special order of January 15, 1886, that said JOSEPH WHEELER had been guilty of an abuse of the order of the House, inasmuch as no part of said speech had been made in support of, or opposition to, or with reference to any bill granting a pension reported from the Committee on Invalid Pensions or the Committee on Pensions, or to a bill reported from the Judiciary Committee to remove political disabilities, which three classes of bills constituted the sole objects that might be considered under the said order of January 15, in pursuance of which the said meetings of May 28 and June 4 had been held: Therefore,

Be it resolved, That as the delivery of said speech and its publication in the RECORD were without sanction of the House and in contravention of its special order, the said speech be expunged from the RECORD, and that the Public Printer be directed to omit it from the permanent RECORD, and be prohibited from issuing any copy or copies thereof in pamphlet or other form from the columns of the daily RECORD.

Mr. SPRINGER. Mr. Speaker, there are several points of order that I desire to reserve on that resolution.

Mr. REAGAN. I desire to make a point of order upon it now, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. It appears that the RECORD itself shows that the remarks of the gentleman from Alabama [Mr. WHEELER] were made by the unanimous consent of the House at the evening session, that the discussion was participated in by others, and that toward the close of it a member of the House asked and obtained unanimous consent for the prolongation of the discussion. Now I submit that that which was done by the unanimous consent of the House can not be an offense against the order of the House.

The SPEAKER. It is not within the province of the Chair to decide whether the matter in question is or is not an abuse of the orders or rules of the House. It is alleged by the gentleman from Pennsylvania to be an abuse of the order of the House, and it is for the House itself to decide whether that allegation is true or not. All the Chair can do is to determine that the charge made and the motion made to expunge the speech from the RECORD, which contains the official proceedings of the House, presents a question which the Chair must entertain as a matter of privilege. It is for the House itself to say whether the charge made is true or not, and whether the speech in question should be expunged from the RECORD or not. The Chair can not decide that question.

Mr. REAGAN. I was proceeding upon the supposition that as the RECORD itself discloses, and is conclusive proof of, the fact I have stated, we need not go further——

The SPEAKER. That is a matter for the House. Whenever a motion is made upon the floor of the House to expunge any matter whatever from the RECORD, for any reason whatever, it involves a question which the House, not the Chair, must decide.

Mr. SPRINGER. As the gentleman from Texas has submitted his point of order, I desire to indicate the point of order I intended to raise, that it may be considered. It is, that any exception to the fact that this speech may have been delivered out of order should have been taken at the time of its delivery, and the point not having been taken at that time, the House waived the right to take further notice of it, as appears from the fifth clause of Rule XIV, which says:

But he—

Referring to the member who is charged with having spoken words out of order—

shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The SPEAKER. That is also a matter for the House to determine when it votes on the resolution offered by the gentleman from Pennsylvania.

Mr. SPRINGER. The allegation is that this speech was delivered out of order. If so, the fact should have been taken advantage of at the time; but other business having now intervened, the House can not take further notice of the matter.

The SPEAKER. But that is a matter for the consideration of the

House in determining what action it will take upon the motion to expunge this speech from the RECORD. It is not a matter which the Chair can decide. The House might determine after consideration that it would expunge from the record of its proceedings matter which it had expressly authorized to be inserted there; and the Chair could not prevent it.

Mr. REAGAN. Allow me to make a statement——

Mr. KELLEY. The gentleman from Texas [Mr. REAGAN] and the gentleman from Illinois [Mr. SPRINGER] beg the question at issue. They assume the whole case.

Mr. REED, of Maine. Is it not in order for the affirmative side to be heard?

The SPEAKER. The Chair has decided the points of order raised by the several gentlemen.

Mr. REAGAN. In view of the proceedings of the House in this matter I desire to submit the point that while any resolution or action of the House is subject to the control of the House and can be expunged by order of the House, yet a different rule applies to debate; and a speech made in the House can not be expunged unless exception is taken to it under the rule referred to by the gentleman from Illinois.

The SPEAKER. That may be so. The House may decide when it comes to a vote on the resolution of the gentleman from Pennsylvania that it will not expunge this speech from the RECORD for the very reason which the gentleman gives; but the Chair can not decide that matter.

Mr. GIBSON, of West Virginia. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. GIBSON, of West Virginia. If the House is to judge whether this speech is an abuse of the rules of the House, will it not be necessary that the speech be read? [Laughter.]

The SPEAKER. The gentleman can read his speech in his own time if he so desires when he obtains the floor.

Mr. MCMILLIN. On the point of order made by the gentleman from Texas, I desire to have read a portion of the RECORD showing——

The SPEAKER. The Chair has already decided that point of order. At a later period the gentleman from Tennessee may have the matter read as a part of his remarks. The gentleman from Pennsylvania [Mr. KELLEY] will proceed.

Mr. KELLEY. Mr. Speaker, if I made myself understood the preamble and resolution are not now under consideration except by the Speaker.

The SPEAKER. The Chair understands that the resolution must be pending, otherwise there is no question before the House.

Mr. KELLEY. Exactly; it is pending, but will come up for a vote I presume after discussion.

The speech in question was made, as its author tells us in the RECORD of last Sunday, on May 28 and June 4, "the House having under consideration the Private Calendar under the special order, by unanimous consent."

I am unwilling, sir, that future readers of the records of this Congress shall by any possibility be able to suspect me of having sat by during what must have involved three hours listening to the slanders——

Mr. WHEELER. Will the gentleman allow me a remark for information?

Mr. KELLEY. The slanders which have been accumulating during twenty-five years, many of which are absolutely putrescent, upon one of the most unselfish patriots by whom the country was ever served, and one of the most beloved friends I have ever known in my long life. I am unwilling, sir, that a paper which records in a feeble and halting way as an apology the assertion that it was in the warmth of indignation that its author had denounced Abraham Lincoln and Edwin M. Stanton as conspirators, and Mr. Stanton as an "arch-conspirator" against the character of particular American citizens, and as having combined with others to thwart the success of the Union arms—I am, I repeat, unwilling, Mr. Speaker, that posterity shall be told through the columns of the official record of the proceedings of this House that the Republican party sat quietly in the hours of approaching midnight to hear these slanders on Lincoln and Stanton poured out by the hour, and that no man, either Republican or Democrat, who had periled his life under the administration of the war power exercised by Lincoln and Stanton for the support of the Union should have risen to say that these slanders which having been consigned years ago to the haunts of treasonable gossip and vile slander, are now offensive to the olfactories of all well-informed Union men of every section of the country.

Sir, we owe something to the illustrious dead, and I do not believe that such scandalous matter as is embodied in these twenty-five columns of Sunday's CONGRESSIONAL RECORD will be sent to posterity with the sanction of this Congress, which if it vindicates its own special order must declare that there was no warrant for uttering the speech and none for declaring in the official record that it was made with the unanimous consent of the House. When was that speech made? On the 28th day of May and the 4th day of June, we are told. Gentlemen, who of all of us who sat in this Hall on those days until 5 o'clock in the afternoon, when a recess was taken under a special order of the House, heard the member from the eighth district of Alabama on either day? Did he utter in this Hall by daylight in our hearing the nauseous stuff he has printed? No; and truth would have required him to say "in the evening session, under a special order of the House." That order was made on the 15th day of January last to provide for the consideration of pension bills. Did it authorize legislation on or the discussion of a subject which not only did not profess to relate to pension business or the removal of disabilities, but which was avowedly entered upon because there was no pension business or bill for the removal of disabilities pending, and before a score or two of gentlemen who were present, but who did not constitute the American Congress, and whose delegated powers were limited for the time being by the language of the special order which empowered them to assemble?

Here it is:

January 15, 1886.

Under the head of special orders in the Calendar.

On motion of Mr. MATSON—

"*Resolved*, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered."

Any legislation or discussion beyond the subjects designated was an infraction of the order, and every word of the speech printed in the RECORD is beyond the terms of the order. It is all outside of the limitations imposed upon these evening meetings by the House, which is falsely said to have given unanimous consent to the utterance of these slanders. Slanders upon whom? I ask the gentleman—I must keep myself within parliamentary language—from Alabama to listen to the reply to this question, which he shall hear in a voice coming from the other side of the Silent River, the voice of a patriot who was wearing away his life day by day and hour by hour in the service of his country, for whose destruction the hand of the member from Alabama was raised.

Yes. If he will give me his ear he will learn that so early as May, 1862, Edwin M. Stanton knew that he was assailed and that whether his life should be longer or shorter, he would be survived by jackals, hyenas, and ghouls, who, seeking objects of their hate in the grave, would rehash the false and scandalous stories that were even then giving pain to his family and friends; and, as if gifted with prescience, he at that early day prepared and confided to a friend an overwhelming reply to this unlicensed midnight assault which was to be published by its author as having been made in the House of Congress with its unanimous consent. Mr. Speaker, the paper I am about to read is a letter from one dear friend to another whom I too could call a friend, though I did not love him as I did the subject of these slanders, Edwin M. Stanton.

If the member from Alabama finds himself described in this letter he will remember that I am not its author. In reading it I do but ask that the slandered dead may be heard in his prophetic words in his own defense:

WASHINGTON, D. C., *May* 18, 1862.

MY DEAR FRIEND: Yours of the 10th is welcomed as an evidence of the continued regard of one whose esteem I have always been anxious to possess.

I have been very well aware of the calumnies busily circulated against me in New York and elsewhere respecting my relations to General McClellan, but am compelled from public considerations to withhold the proofs that would stamp the falsehood of the accusations and the base motives of the accusers, who belong to two classes.

First. Plunderers who have been driven from the Department when they were gorging millions.

Second. Scheming politicians, whose designs are endangered by an earnest, resolute, and uncompromising prosecution of this war as a war against rebels and traitors.

A brief statement of facts on official record, which I can make to you confidentially, will be sufficient to satisfy yourself that your confidence in me has not been misplaced:

First. When I entered the Cabinet I was and had been for months the sincere and devoted friend of General McClellan, and to support him, and so far as I might aid and assist him in bringing the war to a close, was a chief inducement for me to sacrifice my personal happiness to a sense of public duty. I had studied him earnestly with an anxious desire to discover the military and patriotic virtue that might save the country, and if in any degree disappointed I had hoped on, and waited for time to develop.

I went into the Cabinet about the 20th of January. On the 27th the President made his Order No. 1, requiring the Army of the Potomac to move. It is not necessary, or perhaps proper, to state all the causes which led to that order, but it is enough to know that the Government was on the verge of bankruptcy, and at the rate of expenditure the armies must move or the Government perish. The 22d of February was the day fixed for movement, and when it arrived there was no more sign of movement on the Potomac than there had been for three months before. Many, very many earnest conversations I had held with General McClellan, to impress him with the absolute necessity of active operations or that the Government would fail because of foreign intervention and enormous debt.

Between the 22d of February and the 8th of March the President had again interfered, and a movement on Winchester and to clear the blockade of the Potomac was promised, commenced, and abandoned. The circumstances can not yet be revealed.

On the 8th of March the President again interfered, ordered the Army of the Potomac to be organized into army corps, and that operations should commence.

Two lines of operations were open—one moving directly on the enemy at Manassas and forcing him back on Richmond, beating and destroying him by superior force, and all the time keeping the capital secure by lying between it and the enemy. This was the plan favored by the President. The other plan was to transfer the troops by water to some point on the lower Chesapeake, and thence advance on Richmond. This was General McClellan's plan. The Pres-

ident yielded his own views, although they were supported by some of the best military men in the country, and consented that the general should pursue his own plans. But by a written order he imposed the special condition that the army should not be removed without leaving a sufficient force in and around Washington to make the capital perfectly secure against all danger, and that the force required should be determined by the judgment of all the commanders of the army corps.

In order to enable General McClellan to devote his whole energy to the movement of his own army (which was quite enough to tax the ability of the ablest commander in the world), he was relieved from the charge of the other military departments, it being supposed that the respective commanders were competent to direct the operations in their own departments.

To enable General McClellan to transport his force every means and power of the Government were placed at his disposal and unsparingly used.

When a large part of his force had been transferred to Fortress Monroe, and the whole of it about to go in a few days, information was given to me by various persons that there was great reason to fear that no adequate force had been left to defend the capital in case of sudden attack; that the enemy might detach a large force and seize it at a time when it would be impossible for General McClellan to render any assistance. Serious alarm was expressed by many persons and many warnings given me which I could not neglect. I ordered a report of the force left to defend Washington. It was reported by the commander to be less than twenty thousand raw recruits, with not a single organized brigade. A dash like that made a short time before at Winchester would at any time take the capital of the nation. The report of the force left to defend Washington and the order of the President were referred to Major-General Hitchcock and Adjutant-General Thomas, to report—

First. Whether the President's orders had been complied with;

Second. Whether the force left to defend the city of Washington was sufficient.

They reported in the negative on both points. These reports were submitted to the President, who also consulted General Totten, General Taylor, General Meigs, and General Ripley. They agreed in the opinion that the capital was not safe. The President then by written order directed me to retain one of the army corps for the defense of Washington, either Sumner's or McDowell's; as part of Sumner's corps had already embarked, I directed McDowell to remain with his command. And the reason was approved by the President.

Down to this period there had never been a shadow of difference between General McClellan and myself. It is true that I thought his plan of operations objectionable, as the most expensive, the most hazardous, and most protracted that could have been chosen; but I was not a military man, and while he was in command I would not interfere with his plan, and gave him every aid to execute it. But when the case had assumed the form it had done by his disregard of the President's orders and by leaving the capital exposed to seizure by the enemy, I was bound to act, even if I had not been required by the specific written order of the President.

Will any man question that such was my duty?

When this order was communicated to General McClellan it of course provoked his wrath, and the wrath of his friends was directed upon me because I was the agent of its execution.

If the force had gone forward as he had designed I believe that Washington would this day be in the hands of the rebels.

Down to this point, moreover, there had never been the slightest difference between the President and myself. But the entreaties of General McClellan induced the President to modify his orders to the extent that Franklin's division (being part of McDowell's corps, that had been retained) were detached and sent forward by boat to McClellan.

This was against my judgment, because I thought the whole force of McDowell should be kept together and sent forward by land on the shortest route to Richmond, thus aiding McClellan, and at the same time covering and protecting Washington by keeping between it and the enemy. In this opinion Major-General Hitchcock, General Meigs, and Adjutant-General Thomas agreed; but the President was so anxious that General McClellan should have no cause of complaint, that he ordered the force to be sent by water, although that route was then threatened by the Merrimac. I yielded my opinion to the President's order; but between him and me there has never been the slightest shadow since I entered the Cabinet, and except the retention of the force under McDowell by the President's orders for the reason mentioned, General McClellan has never made a request or expressed a wish that has not been promptly complied with, if in the power of the Government.

To me personally he has repeatedly expressed his confidence and his thanks in the dispatches sent me.

Now, one word as to political motives. What motives can I have to thwart General McClellan? I am not now, never have been, and never will be a candidate for any office.

I hold my present post at the request of the President, who knew me personally, but to whom I had not spoken from the 4th of March, 1861, until the day he handed me my commission. I knew that everything I cherish and hold dear would be sacrificed by accepting office. But I thought I might help to save the country, and for that I was willing to perish. If I wanted to be a politician or a candidate for any office, would I stand between the Treasury and the robbers who are howling around me? Would I provoke and stand against the whole newspaper gang in the country, of every party, who to sell news would imperil a battle?

I was never taken for a fool, but there could be no greater madness than for a man to encounter what I do for anything else than motives that overleap time and look forward to eternity.

I believe that God Almighty founded this Government, and for my act in the effort to maintain it I expect to stand before Him in judgment. You will pardon this long explanation, which has been made to no one else. It is due to you, who were my friend when I was a poor boy at school, and had no claim upon your confidence or kindness. It can not be made public for obvious reasons. General McClellan is at the head of our chief army, he must have every confidence and support, and I am willing that the whole world should revile me rather than to diminish one grain of the strength needed to conquer the rebels. In a struggle like this, justice or credit to individuals is but dust in the balance.

Desiring no office or honor, and anxious only for the peace and quiet of my home, I suffer no inconvenience beyond that which arises from the trouble and anxiety suffered by worthy friends like yourself, who are naturally disturbed by the clamors and calumnies of those whose interest or feelings are hostile to me.

The official records will at the proper time fully prove—

First. That I have employed the whole power of the Government unsparingly to support General McClellan's operations.

Second. That I have not interfered with or thwarted them in any particular.

Third. That the force retained from his expedition was not needed and could not have been employed by him; that it was retained by express orders of the President upon military investigation and upon the best military advice in the country. That its retention was required to save the capital from the danger to which it was exposed by a disregard of the President's positive order of the 6th of March.

Fourth. That between the President and myself there has never been the slightest shadow of difference upon any point, save the detachment of Franklin's force, and that was a point of no significance, but in which I was sustained by Generals Hitchcock, Meigs, Thomas, and Ripley, while the President yielded only to an anxious desire to avoid complaint, declaring at the same time his belief that the force was not needed by General McClellan.

You will, of course, regard this explanation as being in the strictest confidence, designed only for your information upon matters where you have expressed concern for me.

The confidence of yourself, and men like you, is a full equivalent for all the railing that has been or can be expended against me; and in the magnitude of the cause all merely individual questions are swallowed up.

I shall always rejoice to hear from you, and am as ever,

Truly, yours,

EDWIN M. STANTON.

[Applause.]

Mr. LONG. Will the gentleman please to state to whom that letter was directed?

Mr. KELLEY. It was addressed to the Rev. Heman Dyer, D. D., an Episcopal clergyman. Does that letter from Edwin M. Stanton, written in the relations of friendship to one who had been his benefactor in childhood and had encouraged the development of his quick and massive intellect, his unconquerable will, his conscientious sense of duty—does that letter, I ask, written under such circumstances need corroboration against these midnight slanders? It shall however have confirmation and it shall have it from one of the men to whom false and garbled expressions inimical to Lincoln and Stanton are attributed in the course of this villainous diatribe.

HEADQUARTERS ARMIES UNITED STATES,
Culpeper Court-House, Va., May 1, 1861.

The PRESIDENT:

Your very kind letter of yesterday is just received. The confidence you express for the future and satisfaction for the past in my military administration is acknowledged with pride. It shall be my earnest endeavor that you and the country shall not be disappointed.

From my first entrance into the volunteer service of the country to the present day I have never had cause of complaint, have never expressed or implied a complaint against the administration or the Secretary of War for throwing any embarrassment in the way of my vigorously prosecuting what appeared to be my duty. Indeed, since the promotion which placed me in command of all the armies, and in view of the great responsibility and importance of success, I have been astonished at the readiness with which everything asked for has been yielded, without even an explanation being asked. Should my success be less than I desire and expect, the least I can say is, the fault is not with you.

Very truly, your obedient servant,

U. S. GRANT, *Lieutenant-General.*

I wonder that the rattling of the bones of Ulysses S. Grant did not alarm the conspirators who claimed to have power to give unanimous consent of the House by setting aside the special order under which they had assembled the other night.

The testimony of Stanton and Grant against the allegations of the author of these malicious slanders!

Mr. Speaker, I am not as young nor as strong as I was when, at his request, it was my habit when in Washington to see Edwin M. Stanton every day before repairing to my committee-room or to the floor of this House. His invitation I still have and cherish, and God knows how faithfully I gave him the opportunity every morning of making any communication to me or imposing upon me any duty for the performance of which he deemed me specially fitted. For him, the statesman I honored and the friend I loved, I have nothing more to say at this time.

I come now to ask the House to vindicate its orders and to protect them against conscious, deliberate, persistent invasions, to be followed by the untrue announcement that what was done by an abuse of an order of the House was done with its unanimous consent.

Now, Mr. Speaker, let me say—and the RECORD will sustain my assertions—that on the night of the 28th of May, when the member from the eighth district of Alabama attempted to force a discussion outside of the business named in the order under which the meeting was held, the then chairman, the gentleman from Georgia [Mr. CRISP] informed him of the impossibility of the consent of that meeting entitling him to speak on the subject he proposed to discuss. Other members did the same.

My colleague [Mr. BAYNE] explained to him elaborately the parliamentary and Congressional law which prohibited the discussion he sought to enter upon, and (if my memory serves me right, and I say it with that qualification) reminded him that the House in Committee of the Whole on the state of the Union would be the place to invite the discussion he was endeavoring to force in spite of the order of the House. He was told that, though the House at that evening session held under the special order had to go into Committee of the Whole on the pension bills it took up, it could not consider anything outside of them except bills to remove disabilities; that the case was not as when the House went into Committee of the Whole with no special bill before it, but on the state of the Union generally, when any subject might be discussed. He yielded for the time, hoping, as he said, to get in when the legitimate business of the evening was over; but it was then midnight, and probably the apprehension that if he slandered the dead too grossly he might see apparitions on his way to his lodgings, induced him to consent to forego the privilege for a week. Then, so he claims, one gentleman said he would hear him, and on that promise, a week later, he claimed to have had unanimous consent of the House and to have a right to force the discussion which resulted in these twenty-five columns of the RECORD.

Again, the chairman on this evening, that of June 4, told him he could not go on, but fell into the mistake of adding "without unanimous consent." Unanimous consent of whom? Under a restricted order like that, who was the man who, having made an objection, could

give unanimous consent of the House by withdrawing that objection? Because that was it; that is the whole story. One of the twenty or thirty gentlemen present had stopped the evil performance by an objection, but, unhappily, he was induced to withdraw the objection, and thereupon supervened the "unanimous consent" of the House, overriding its special order! The member from Alabama may say, as Stanton did in the letter I have read, "I have never been taken for a fool," and he did not fall into a blunder when he sought midnight and a social conclave to make the speech which would not have been listened to on the floor of this House under unanimous consent.

Did he know that he was not discussing a pension bill? Yes, sir; for the RECORD shows that he said: "I do not want the floor until the business is all over." When the pension and the disability bills were passed, they who were at that session had nothing to do but to go home. The order under which they were there was exhausted, and the attempt to influence legislation outside of that order by act or word was an infringement of the privileges of the House, an abuse of its order, and, as it turned out, must be a mortification to every honorable man who knows Stanton's record and reflects that there is a possibility of posterity believing that he, as a member of the House, sat quietly by and without objection listened to the member from the eighth Congressional district of Alabama make his speech on Edwin M. Stanton. [Applause on the Republican side.]

Mr. MORRISON and Mr. WHEELER both rose.

Mr. MORRISON. Mr. Speaker——

Mr. WHEELER. Mr. Speaker, I rise to a higher question than the gentleman from Illinois can rise to.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. I have been slandered upon this floor. Statements have been made regarding me which are not true, and I wish to correct them.

Mr. MORRISON. That is no question of privilege.

Mr. WHEELER. It is a privilege that has been granted to every member of this House, and never yet refused to a member of the House.

The SPEAKER. The Chair has had occasion to rule heretofore that a mere disagreement between members of the House as to the correctness or incorrectness of a statement made does not present a question of privilege, but that when a gentleman is charged with having corruptly or knowingly made a false statement on the floor of the House, or with having made a statement on the floor of the House for the purpose of misleading the House in reference to legislation before it, a question of privilege is presented. The Chair, of course, does not remember all that has been said by the gentleman from Pennsylvania [Mr. KELLEY]. The general course of the remarks of that gentleman has been to show that the statements made by the gentleman from Alabama with reference to the conduct and character of Mr. Stanton while Secretary of War were not correct; but the Chair does not remember that the gentleman from Pennsylvania has stated that the gentleman from Alabama has knowingly made any false statement concerning the course of conduct or the character of Mr. Stanton, and about that matter the Chair would of course have to consult the RECORD to see exactly what has been said by the gentleman from Pennsylvania.

There is a difference of opinion undoubtedly between the gentleman from Alabama and the gentleman from Pennsylvania not only as to the character but as to the official course of Mr. Stanton while a member of the Cabinet; but that does not raise any question as to the veracity of the gentleman from Alabama.

Mr. WHEELER. The gentleman from Pennsylvania charged me with perverting the sessions of the House——

Mr. HEPBURN. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. During the course of the remarks just made by the gentleman from Pennsylvania he referred to members of this House who were in session here last Friday evening as "conspirators." [Laughter.] I desire to say with reference to that matter that no order which this House can make can limit the operations and the performance of duty on the part of members at any other session of the House.

The SPEAKER. The Chair does not think that is a matter of privilege.

Mr. HEPBURN. I think it is. It is a part of my explanation with reference to this matter. I desire to show that the gentleman was in error when he made the charge that those gentlemen were "conspirators."

The SPEAKER. The Chair does not think that is a matter of privilege.

Mr. HEPBURN. Not a question of privilege when members have been charged upon the floor of the House with being "conspirators!"

The SPEAKER. But the gentleman from Iowa was proceeding not to answer that charge but to argue the question as to what the House had a right to do.

Mr. HEPBURN. I have risen to answer that charge; that is what I desire to do—to answer that charge, and to show the error of the gentleman; that there were no "conspirators" here that evening; that what we did was in pursuance of the order of this House; that we were here in the discharge of duties which can not be limited by the House.

Mr. MORRISON. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] makes a point of order, as the Chair understands, against the gentleman from Iowa.

Mr. HEPBURN. Well, I will hear the gentleman's statement.

Mr. MORRISON. I yield a moment to the gentleman from——

The SPEAKER. The Chair understood the gentleman from Illinois to rise to a point of order.

Mr. WHEELER. I ask unanimous consent to occupy ten minutes to reply to the gentleman from Pennsylvania.

The SPEAKER. Gentlemen of the House will please take their seats and preserve order. The Chair will suspend business until order is restored. [A pause].

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. There is a question of privilege already before the House. The Chair misunderstood the gentleman from Illinois [Mr. MORRISON], supposing he rose to make a point of order; but no point of order has been made.

Mr. HEPBURN. I make this point against the gentleman from Pennsylvania who has made this charge: The members of this House of Representatives who were in session here last Friday night, although they may have been but a "baker's dozen," had every power that this House can have at any time. If this is not true, then there is no action of this House at any of those sessions that has not been absolutely nugatory and invalid. At such a session we have the power of legislation. We do legislate; we exercise the highest powers it is possible for members of the House to exercise, and there is no power to prevent any sort of legitimate legislative action that may occur. We could pass an appropriation bill at one of those sessions. In contemplation of the rules and the law there was at that time a full session of three hundred and twenty-five members, and the House, I insist, had the right to give the gentleman from Alabama leave to proceed and make his address.

I want to say further that the gentleman from Alabama, in my humble judgment, was strictly in order. He began to address the House upon a question that was then pending. He proceeded to make his remarks, and I do not know of any power that the House has to limit the character of discussion that a gentleman may indulge in, unless a point of order is then and there made. I am opposed to expunging this speech of the gentleman from the RECORD. I believe he had an absolute right to make it. I do not agree with the sentiments in which he indulged. I do not propose to indorse any one of them; and at the proper time I want to have something to say about the subject-matter of his remarks. But I am not willing to punish him, to put upon him an indignity when he was at the most, in my humble judgment, violating good taste, history—possibly truth [laughter], but none of the rules of this House. Therefore I am opposed to the motion of the gentleman from Pennsylvania to expunge that speech from the RECORD. I want it to stay there.

Mr. HAMMOND. I rise to a question of order, that the gentleman from Illinois [Mr. MORRISON] has the floor, except——

The SPEAKER. The Chair has intimated this matter is not one of privilege, but no point of order has been made and the Chair is reluctant to intervene.

Mr. MORRISON. I raise that question.

The SPEAKER. The Chair thinks this discussion as to the right of the gentleman to make a speech is not a matter of privilege. It is a matter which arises out of the resolution, and the Chair recognizes the gentleman from Illinois [Mr. MORRISON] on that subject.

Mr. HEPBURN. I wish to illustrate the question of personal privilege. [Laughter.]

The SPEAKER. But the gentleman from Iowa is discussing the merits of the resolution of the gentleman from Pennsylvania [Mr. KELLEY].

Mr. HEPBURN. In reference to the question of privilege I am doing as well as I can. [Laughter.]

The SPEAKER. To discuss the merits of the resolution of the gentleman from Pennsylvania is not a matter of privilege.

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. During the morning hour the gentleman from Pennsylvania charged me as a member of this House——

Mr. MORRISON. That has been ruled upon as being no question of privilege.

The SPEAKER. The Chair will hear the gentleman's statement.

Mr. WHEELER. The gentleman from Pennsylvania [Mr. KELLEY] has charged me, as a member of this House, with having perverted the session of the House, with having slandered a man that is dead, and with having stated to the House that which might possibly be regarded as an infringement of the truth.

The gentleman from Pennsylvania also stated that certain "captions" of my speech are unwarranted. I wish to say those captions were not made by myself or the reporters. They were put in by the printers without any authority. [A murmur on the Republican side.]

I wish also to say that since I have been a member of this House I have taken great care to conform to its rules at all times, and on no occasion have I perverted its session in any way whatever. I regretted very much to see the printers have placed "Edwin M. Stanton's" name

at the head of my speech, which does not belong there. I regretted also that the printers put in the words "the House having under consideration the Private Calendar." Those words were put there without the sanction of myself, and without the sanction of the Official Reporter of the House.

Now, sir, my speech was made as a defense against the unjust attacks of the gentleman from Iowa [Mr. HEPBURN] and was not intended to be an attack upon Mr. Stanton.

The RECORD states I used the words——

Mr. BROWN, of Pennsylvania. I rise, Mr. Speaker——. [Cries on the Republican side of "No!" "No!" "Let him go on!" "Down!" and much confusion].

The SPEAKER. The House will be in order. For what purpose does the gentleman from Pennsylvania rise?

Mr. BROWN, of Pennsylvania. The gentleman is not stating a case of personal privilege, but on the contrary is only arguing his case over again. [Cries on the Republican side "Go on!"]

Mr. WHEELER. I am correcting what——

Mr. BROWN, of Pennsylvania. The gentleman is not stating a question of personal privilege.

Mr. MORRISON. That is right; I wish you would set him down; I have not been able to do it. [Laughter].

The SPEAKER. The gentleman from Pennsylvania makes the point of order that the gentleman from Alabama is not stating any question of privilege to the House [cries of "Withdraw it!" from the Republican side], but simply answering the speech of the gentleman from Pennsylvania [Mr. KELLEY].

Mr. WHEELER. I want to state——

The SPEAKER. The Chair thinks in accordance with the ruling made a few moments ago, unless the gentleman from Alabama can point out some statement in the speech of the gentleman from Pennsylvania which imputes to him some improper or some corrupt motive, or some false statement, knowingly made, or some attempt to deceive and impose on the House, it presents no question of personal privilege, and that the only matter before the House is simply the merits of the proposition of the gentleman from Pennsylvania to expunge from the RECORD a certain speech.

The Chair will also state, in his opinion, when a motion is under consideration which implies in any degree the censure of a member of the House there must necessarily be allowed more latitude of expression in reference to that matter than in the ordinary discussion of a matter of legislation pending before the House. Otherwise a charge against a member could never be properly prosecuted on the floor of the House. The discussion of such matters, when it is confined legitimately to the merits of the proposition actually before the House, can not present questions of privilege of which the member whose conduct is assailed can avail himself. The gentleman from Illinois has been recognized and will proceed.

Mr. REAGAN and Mr. MORRISON both rose.

Mr. REAGAN. I rise for this purpose, Mr. Speaker: I agree that, in the way the Speaker puts it, the ruling is correct; but the Chair forgets evidently that the gentleman from Pennsylvania charged the gentleman from Alabama with willfully and deliberately falsifying; with using villainous diatribes, with slandering, and other such epithets which he applied to him, making personally as bitter a charge against the gentleman from Alabama as he could possibly have framed in language.

Now, it does not seem that the gentleman from Alabama should be required to sit quietly and patiently under such language as that and have no privilege of responding.

The SPEAKER. The gentleman from Pennsylvania did undoubtedly charge that the statements contained in the speech of the gentleman from Alabama were slanders upon the memory of Mr. Stanton; and he gave that as one of the reasons why the speech, under the circumstances, should be expunged from the RECORD. But the Chair thinks, as has just been stated, that when a charge is made against the conduct of a member, or a motion to expunge some matter from the RECORD, the statement of the reasons why that should be done, if pertinent to the motion, does not present a question of privilege; otherwise there would be no end to the discussion of the proposition either on a motion to censure or to expel or to expunge matter from the RECORD; for every statement made, although absolutely necessary in order to inform the House what the charge really was, would involve a question of privilege, to which the member could respond as a matter of right, and he could continue to exercise this right throughout the whole discussion any time the charge, or the reasons for it, should be repeated.

Mr. WHEELER. Out of my respect for you, Mr. Speaker, and for the House I shall not insist further upon the matter.

Mr. McCOMAS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOMAS. I desire to know whether it is not in order as a privileged motion to move the appointment of a committee to ascertain who, at the Public Printing Office, added captions or interpolated mottoes for the purpose of extending the remarks of the gentleman from Alabama?

The SPEAKER. When the gentleman from Maryland or any other gentleman obtains the floor in his own right he can move to amend the resolution of the gentleman from Pennsylvania by providing for the appointment of a committee for the purpose to which he has referred, or referring the matter to a committee already existing, or make any other proper parliamentary motion with reference to the subject before the House.

Mr. McCOMAS. I give notice that I shall make that motion at the proper time.

Mr. MORRISON. Of the time to which I am entitled I propose to yield a very few minutes to the gentleman from Tennessee, who, as the presiding officer of the House at the evening session to which reference is made in the resolution of the gentleman from Pennsylvania, desires to read from the RECORD of the proceedings under what circumstances the speech in question was made.

Mr. McMILLIN. Mr. Speaker, I shall trespass upon the time of the House but for a very few moments in the time yielded to me by the gentleman from Illinois [Mr. MORRISON]—not for the purpose of going at length into the discussion of this question as to the merits of the resolution pending, or as to ex-Secretary Stanton and his acts. His life is extinct, and I shall not go back to that. His history is made and is before the country. But I wish to state the circumstances under which the gentleman from Alabama obtained the floor, and under which the remarks of the gentleman were made, that the House may see that there is no cause for the complaint made here. It happened that I was presiding as chairman of the Committee of the Whole House when the gentleman from Alabama [Mr. WHEELER] sought the floor on last Friday evening one week ago. At that time he attempted to make some remarks, and the point of order was made by the gentleman from Pennsylvania [Mr. BAYNE] that his speech was not in order on that night.

The gentleman from Alabama, after some discussion on the point of order, stated, if I remember correctly, that he did not wish to interfere with the pension business of the session that night, the Chair having admonished him that it was not within the scope of the special order; and he stated that after the business of the night should have been completed, if the Chair and House would indulge him he would like to be heard. There was no objection to the request; but when the close of the evening session came the following remark was made by the gentleman. Mr. MATSON having moved to reconsider the various votes by which the bills were passed, Mr. WHEELER rose and said:

Gentlemen kindly consented to allow me to submit some remarks this evening, but as the hour is late I am unwilling to detain gentlemen; and therefore I ask the same permission to be extended to me for next Friday evening.

Mr. MORRILL replied:

After the regular pension business has been disposed of.

After which—

Mr. TAULBEE moved that the House adjourn.

Mr. WILLIS. I would like to call the attention of my friend from Tennessee to one fact also in this connection. When the gentleman from Alabama took the floor on the first evening we were in Committee of the Whole and discussing a pension bill.

Mr. McMILLIN. That is true.

Mr. WILLIS. We were not in the House at all.

Mr. REED, of Maine. I would like to ask a question. Was it not a fact which became apparent from the appearance of the pile of manuscript that the gentleman from Alabama had before him that he was going to take an hour at least of the time of the House to be devoted to pensions, and was not the House practically coerced into granting this privilege at some future time when such business was not before it?

Mr. McMILLIN. It is very hard to determine from a man's manuscript how long his wind may last. [Laughter.]

Mr. REED, of Maine. I think you can tell with reference to the gentlemen from Alabama.

Mr. McMILLIN. Now, Mr. Speaker, as stated by the gentleman from Illinois [Mr. MORRISON], I was Speaker *pro tempore* when the gentleman from Alabama [Mr. WHEELER] made his speech last Friday night. I will have read, sir, from the RECORD an extract showing the manner in which the gentleman obtained the floor on this second Friday night, but will state before doing so that it will be observed the Chair ruled that not only the gentleman must obtain the floor by unanimous consent, but would retain it only by unanimous consent. So that it was in the power of any man in this House to object at any moment and stop the proceeding. All who were here on that occasion will bear testimony to the fact that there were many more gentlemen remaining, when that proceeding was carried on, on the Republican side of the House than on this side. So much for that particular feature of it.

When the point of order was made, the gentleman from Kansas [Mr. ANDERSON] got up and said it would be wrong under the circumstances to prevent the gentleman from speaking.

Mr. Speaker, if there has been a violation of the rules of the House, which I emphatically deny, it was not confined to the gentleman from Alabama or to this side of the House. For immediately after the gentleman from Alabama concluded the gentleman from Iowa [Mr. HEPBURN] obtained the floor and got unanimous consent to place in the RECORD some remarks in response to the gentleman from Alabama.

Furthermore, Mr. Speaker, it will be observed from the RECORD that not a single Democrat, not a single Southern man, made a suggestion in favor of the gentleman going on, but that the urgency came from that side. Those who were present will not deny the fact that when objection was made by a gentleman on the Republican side, members from that side went and got him to withdraw his objection and let the speech proceed.

If this is a "conspiracy," then there are gentlemen as good as the gentleman from Pennsylvania [Mr. KELLEY]—although I esteem him highly—there are gentlemen as good as any in the country who have engaged in the conspiracy. The gentleman's own side of the House is not blameless if there be blame. When the regular business of the evening was ended, then and not till then did the gentleman from Alabama obtain the floor. He had said before that he did not wish to stand in the way of any pension claim. Now I will ask the Clerk to read the portion of the RECORD which I have marked.

The Clerk read as follows:

Mr. WHEELER. Mr. Speaker, I was unwilling to occupy the time of the House while pension bills were being passed, but as that business is entirely finished for the evening, and as some gentlemen have kindly consented to hear what I have to say, I shall now, with the permission of the House, proceed in continuation of my remarks which I began last Friday evening.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Alabama that no remarks are in order now except by unanimous consent.

Mr. LEHLBACH. I object, Mr. Speaker.

The SPEAKER *pro tempore*. Nothing is in order at this evening session but the consideration of pension bills, and although there may have been a tacit understanding to the contrary last Friday evening, the Chair holds that that understanding can not be permitted to contravene the order under which the House assembles. The Chair therefore holds that the gentleman from Alabama [Mr. WHEELER] can obtain or retain the floor only by unanimous consent.

Mr. HERMANN. I hope, Mr. Speaker, that the understanding will be carried out.

Mr. ANDERSON, of Kansas. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON, of Kansas. As an agreement had been arrived at by unanimous consent upon last Friday evening, and also this evening, in Committee of the Whole, that the gentleman from Alabama [Mr. WHEELER] should have an opportunity to deliver his speech, does not that agreement render unnecessary unanimous consent at this time?

The SPEAKER *pro tempore*. The Chair is having the record examined and will answer the gentleman's inquiry when report is made upon the record of last Friday night.

Mr. ANDERSON, of Kansas. I sincerely trust that the gentleman from Alabama will be heard.

Mr. LEHLBACH. I withdraw my objection, Mr. Speaker.

The SPEAKER *pro tempore*. The objection is withdrawn. Unless further objection is made the gentleman from Alabama will proceed.

There was no objection.

[Mr. WHEELER withholds his remarks for revision, and they will appear hereafter.]

Mr. WINANS. I move that the House do now adjourn.

The question being taken, the motion was not agreed to.

Mr. HEPBURN addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Iowa rise?

Mr. HEPBURN. For the purpose of asking unanimous consent to place in the RECORD some remarks which I desire to make in reply to the gentleman from Alabama.

A MEMBER. Speak them now.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Iowa, as was stated by the Chair to the gentleman from Alabama, that no recognition could be had except by unanimous consent on any matter not coming within the special order. The Chair, however, will put the request for unanimous consent.

Mr. WHEELER. I hope it will be granted.

The SPEAKER *pro tempore*. The gentleman from Iowa asks unanimous consent to place in the RECORD some remarks in reply to those which have been made by the gentleman from Alabama.

There was no objection.

Mr. PRICE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 25 minutes p. m.) the House adjourned.

Mr. MCMILLIN. Now, Mr. Speaker, it will be observed that unanimous consent was asked by a gentleman on the other side of the House to do the very thing that the gentleman from Pennsylvania says was the carrying out of a "conspiracy."

For, Mr. Speaker, I state what the RECORD shows when I say that after the gentleman from Alabama had spoken for an hour and he was no longer entitled to the floor, and the Chair had rapped him down, unanimous consent was asked by a Republican, the gentleman from Tennessee [Mr. ZACH. TAYLOR], that his time be extended, and that was done. Gentlemen on the other side were here and not objecting to the debate, but seemed to want it.

I now yield the floor back to the gentleman from Illinois [Mr. MORRISON].

Mr. KELLEY. I desire to say a word in response—— [Cries of "Regular order!"]

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] is entitled to the floor.

Mr. ANDERSON, of Kansas. I ask the gentleman from Illinois to yield to me.

Mr. MORRISON. I yield the gentleman from Kansas two minutes.

Mr. ANDERSON, of Kansas. I wish, in view of the prominence that has been given to this matter, to make a brief statement. On the previous Friday evening, when I was not present, and as I understood it, unanimous consent was given to the gentleman from Alabama to make some remarks. On last Friday evening it was then stated that that unanimous consent had been given, and it was presented as a matter of good faith. It was stated that withholding the consent for the gentleman to proceed would be a breach of faith in the committee. I knew nothing whatever of the subject on which the gentleman from Alabama was to speak, nor did I know on what subject he was speaking till some time after his remarks had begun, of which I heard but a small portion.

I wish to say further that in the latitude of debate always allowed in the Committee of the Whole, and especially at the sessions for the consideration of pension bills, it has been understood that a gentleman might discuss one of those bills as long as he saw fit and in any manner. Consequently the gentleman from Alabama would have had the right on any one of those pension bills to present such remarks as he saw fit. He consented not to use the time of the pension session, but to allow the committee to pass the pension bills, in view of which the gentlemen present on a previous night when I was not present, and on last Friday night when I was present, gave consent under the circumstances that the gentleman from Alabama should make his remarks. Probably very few of them knew anything of the exact subject he would discuss, and I certainly did not.

There was no conspiracy about it. It was simply the execution in good faith of an agreement among gentlemen upon both sides of the House who may differ immensely not only in the present year, but who for twenty-five years have differed on numerous subjects. No man esteems the patriotism of Stanton more highly than do I. And for any gentlemen on this floor to attempt to place on those members who were present at that session last Friday night, or the previous Friday night, the brand of a conspirator is something, Mr. Speaker, which strikes me as being quite uncalled-for and quite reprehensible. [Applause.]

The gentlemen who were then present or who have been in the habit of attending those Friday night meetings for the purpose of passing pension bills are gentlemen who have as deep an interest in this Union, and who show it by their course on this pension business, and who have shown it by their actions years ago—as deep an interest in this Union as the gentlemen who have staid away. And to brand them as conspirators is something that appears to me entirely gratuitous. [Applause.]

Mr. MORRISON. Mr. Speaker, many things occurred in Mr. Stanton's time about which all good men were not and are not of one opinion. He and his acts have gone into history; both are likely in the future to be discussed and talked about sometimes with blame, sometimes with praise.

The matter now before the House concerns its orderly proceeding under its rules. I therefore move that the resolution of the gentleman from Pennsylvania [Mr. KELLEY] be referred to the Committee on Rules, and on that I demand the previous question.

Mr. HAMMOND. I ask the gentleman to allow me to have read for information an amendment which I propose to offer, and see if he will not allow it to be pending.

Mr. MORRISON. I have no objection to its being read.

The amendment was read, as follows:

Amend by adding at the end of the resolution as follows:

"*Resolved also*, That the unanimous consent of the House to Mr. HEPBURN, of Iowa, to publish in the RECORD a reply to said speech of Mr. WHEELER is hereby revoked.

"*Resolved further*, That for the present the remarks of the gentleman from Pennsylvania [Mr. KELLEY] be withheld from the RECORD, and that the Committee on Rules shall inquire and report what parts of his said remarks were applicable to the time when and circumstances in which the speech of the gentleman from Alabama was made; and that only such parts of the remarks of the gentleman from Pennsylvania [Mr. KELLEY] as were so applicable shall be printed in the RECORD.

Mr. HAMMOND. Will the gentleman allow that amendment to be pending?

Mr. MORRISON. I must decline, Mr. Speaker. I insist on my motion.

The SPEAKER. The gentleman from Illinois moves to refer the resolution offered by the gentleman from Pennsylvania [Mr. KELLEY] to the Committee on Rules, and on that he demands the previous question.

A division was called for.

The House divided upon ordering the previous question; and there were—ayes 85, noes 21.

So the previous question was ordered.

Mr. HEPBURN. Mr. Speaker, I move that the committee be instructed to report——

The SPEAKER. That can not be done. The previous question has just been ordered, which cuts off all amendment and brings the House to a direct vote upon the resolution offered by the gentleman from Illinois.

Mr. HEPBURN. But is it not proper now to move instructions?

The SPEAKER. This is not a motion to recommit. This is an original proposition offered in the House, simply a proposition to refer the pending resolution to one of the committees of the House.

Mr. BURROWS. Mr. Speaker, I desire to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. There seems to be an impression among some gentlemen on this side of the House that the amendment of the gentleman from Georgia [Mr. HAMMOND] is pending.

The SPEAKER. It is not. The Chair desires to state, as a matter of justice to himself and to the House, that when the Chair announced the question put by the gentleman from Iowa [Mr. HEPBURN] the Chair was under the impression for the moment that the previous ques-

tion had been ordered upon the resolution itself. The previous question was simply ordered upon the motion to refer, and the Chair thinks that as soon as that motion is disposed of, if the resolution is not referred, a motion to amend would be in order.

The question was taken on the motion to refer the resolution to the Committee on Rules; and there were—ayes 73, noes 52.

So the motion was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONFERENCE COMMITTEE.

The SPEAKER. The Chair will appoint as managers upon the part of the House on the disagreeing votes of the two Houses upon the bill of the House No. 5874, the gentleman from Georgia, Mr. CRISP, the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from Kansas, Mr. HANBACK.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. With a view to proceeding with the appropriation bills, I move that the morning hour be dispensed with.

The motion was agreed to.

Mr. HOLMAN. I now move that the House resolve itself into Committee of the Whole on the State of the Union for the consideration of appropriation bills.

Mr. THROCKMORTON. Mr. Speaker, I am instructed by the Committee on Pacific Railroads to say to the House this morning that appreciating the necessity of passing without delay the bill which the gentleman proposes to call up we do not wish to antagonize it; but that after that bill is disposed of we shall call up the bill that was under discussion on last Saturday.

REPORT OF COMMISSIONER OF LABOR.

Mr. REID, of North Carolina. Mr. Speaker, I rise to present a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Printing, to which was referred the joint resolution (H. Res. 141) providing for printing the first annual report of the Commissioner of Labor, report that they have considered the same and recommend that the said resolution do lie upon the table, and that the following substitute be adopted, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 35,000 copies, in cloth binding, of the first annual report of the Commissioner of Labor; 26,000 copies for the use of members of the House of Representatives, and 9,000 copies for use of members of the Senate.

SEC. 2. That the sum of $10,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to defray the cost of the publication of said report.

The estimated cost of said printing is $348.30 per thousand copies, or $10,500 in the aggregate.

Mr. REID, of North Carolina. I desire to offer an amendment.

The SPEAKER. The committee reports a substitute.

Mr. RANDALL. Does not this resolution go to the Calendar of the Committee of the Whole House on the state of the Union?

The SPEAKER. It is subject to the point of order that it must receive its first consideration in Committee of the Whole. The original resolution provides for printing for the use not only of the two Houses but also of the Secretary of the Interior, which fact will take the resolution to the Committee of the Whole House on the state of the Union if the point of order is made.

Mr. REID, of North Carolina. I ask unanimous consent that the joint resolution be considered now.

Mr. RANDALL. I have made no point of order, but only directed the attention of the House to the fact that the resolution is subject to a point of order.

The SPEAKER. It is.

Mr. RANDALL. My object was to call the attention of the House to this subject of printing generally and the large sums of money involved.

Mr. LONG. I hope that unanimous consent will be given for the present consideration of the resolution.

The SPEAKER. Is there objection? The Chair hears none.

The House accordingly proceeded to the consideration of the joint resolution.

Mr. REID, of North Carolina. I desire to offer an amendment, providing simply for the printing of copies for the use of the Department of the Interior, as the substitute reported by the committee provides only for copies for the use of the Senate and House.

The SPEAKER. The Clerk will read the amendment proposed by the gentleman from North Carolina.

The Clerk read as follows:

Strike out "thirty," in line 3 of section 1, and insert in lieu thereof "fifty."

After the word "Senate," in line 7 of section 1, insert the following:

"And 15,000 copies for the use of the Department of the Interior and the Bureau of Labor, the latter number to be wrapped for mailing in such manner as the Secretary of the Interior may direct."

Strike out, in line 1 of section 2, "$10,500" and insert "$15,725."

The amendment was agreed to.

The substitute as amended was adopted.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. REID, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. OATES. I desire leave to report from the Committee on the Judiciary a bill of great importance.

Mr. RANDALL. I must call for the regular order. It is necessary that we proceed with the legislative appropriation bill.

Mr. OATES. I think the gentleman when he understands what this bill is will recognize its importance.

Mr. HOLMAN. If the bill which the gentleman from Alabama desires to report will take but a moment I hope it may be allowed to come in.

The SPEAKER. Is there objection?

Objection was made.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The question being taken on the motion of Mr. HOLMAN, that the House resolve itself into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BLOUNT in the chair), and proceeded to the consideration of the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. HOLMAN. Mr. Chairman, in view of the importance of disposing of this bill at an early moment, I trust that the general debate on it will be confined to this day. I have not thought it proper until some debate has occurred to press a proposition limiting the time for discussion. I propose to occupy a very few minutes in calling the attention of the Committee of the Whole to a few matters which seem to be pertinent.

This bill, as all gentlemen will recognize, ought to go to the Senate at the earliest possible moment. It embraces a very large number of items. There are some changes made in the civil list of the Government and some propositions submitted which may give rise to some debate. The interests of the Government would be greatly embarrassed by the failure of this bill to become a law before the expiration of the current fiscal year. The importance of this must be manifest to every gentleman, not only as a matter of convenience to the Departments, but from the additional expense which would be entailed upon the Government if it should become necessary to extend the provisions of the law for the current year into the coming fiscal year.

This bill, appropriating for the civil list of the great Departments of the Government almost exclusively, involves $20,560,119.42. The appropriations made for the same service for the present fiscal year amount to $21,371,605.05, showing a reduction in this bill upon the law of the present year of $811,485.63. This, while a large sum in itself, is comparatively small when you consider the many millions involved in the bill; and it is a reduction which I hope this House will consent shall be made. In order to press upon the attention of the committee the propriety of this section, inasmuch as many gentlemen here are affected in their constituency and friends more or less by this reduction in the civil list, I wish to call attention to the startling rapidity with which the expenses of this Government are being increased; and in no field of expenditure is this increase more apparent and striking than in the civil list of the Government. I have before me a statement of the appropriations since the Forty-second Congress. I have commenced with that Congress, because then the charges resulting from the incidents of the war, except pensions and the public debt, had been measurably satisfied.

I have not sought in this statement to distinguish year by year the increase or decease of the appropriations made on account of pensions. But I admit that to the appropriations for pensions deduction ought to be made, the other war charge, interest on the public debt, not being covered by the appropriation bills of Congress but by permanent appropriations. The appropriations for pensions, however, should be deducted, so as to indicate the growth of the current ordinary expenses of the Government. The following table indicates the appropriations made each session of Congress since 1872.

Annual appropriations by Congress from 1873 *to* 1886, *inclusive.*

Forty-second Congress	1873	$175,300,533 73
	1874	197,919,297 38
Forty-third Congress	1875	183,685,002 16
	1876	179,166,833 90
Forty-fourth Congress	1877	154,553,639 64
	1878	144,392,149 23
Forty-fifth Congress	1879	171,187,349 68
	1880	192,870,137 17
Forty-sixth Congress	1881	189,474,559 49
	1882	218,358,057 25
Forty-seventh Congress	1883	297,561,602 29
	1884	231,993,647 63
Forty-eighth Congress	1885	195,710,588 09
	1886	219,595,283 18

In 1877 the appropriations made by the first session of the Forty-fourth Congress were reduced, it will be seen, to $154,553,639.64, a reduction of $24,613,194.26 from the preceding year. The next following session of the Forty-fourth Congress they were reduced to $144,392,149.23, being $10,161,490.41 less than the preceding year.

It is very proper for me to say that the very extraordinary reduction between the Forty-third and Forty-fourth Congresses is not to be attributed so much to the independent action of Congress as to the manifest demand of the country for a large reduction in the expenses of government, a public protest against the large charges made upon the people, and a demand that the expenses of the Government should be reduced. It was a period of unusual public vigilance.

These reductions were made by the Forty-fourth Congress in harmony with the public demand everywhere expressed.

Great as these reductions were, the distinguished Secretary of the Treasury, Mr. Sherman, referring to these reductions, afterward said in substance that a "reduction of public expenditure of ten million more could have been made without impairing the efficiency of the public service." And speaking with that degree of impartiality a member of Congress may be presumed to possess, intending to be absolutely impartial, I do not believe that the public service has ever been more efficient than during these two years.

Since then, however, Mr. Chairman, there has been very large increase of appropriations, beginning with the year 1879, as shown by the foregoing table, reaching in 1883 the enormous sum of $297,561,602.29, materially affected by the pension list, I admit.

Mr. BUTTERWORTH. Does my friend from Indiana show in his statement where and how this increase occurred and for what purpose? Has he any such detail as will enable us to learn as in reference to these points?

Mr. HOLMAN. I have not sought to consider the matter from the standpoint of details. I simply wish to show the gradual growth of the expenses of Government in the aggregate. But I will go somewhat more in detail. Take the several years I have mentioned and in reference to the appropriations made by a single bill, the legislative, executive, and judicial appropriation bill alone, we find that the result is the same. It is expressed in the following table, commencing with the year 1873. This table indicates how steadily all the other expenditures of the Government go up with the enlargement of the civil list.

Appropriations made by the legislative, executive, and judicial appropriation bills from 1873 *to* 1886.

Forty-second Congress...	1873	$18,671,785 74
	1874	17,120,496 60
Forty-third Congress.....	1875	20,783,900 80
	1876	18,902,236 99
Forty-fourth Congress...	1877	14,963,373 30
	1878	15,459,345 39
Forty-fifth Congress	1879	15,438,881 30
	1880	16,287,457 73
Forty-sixth Congress	1881	16,274,223 59
	1882	17,677,679 49
Forty-seventh Congress	1883	20,038,000 65
	1884	20,454,246 22
Forty-eighth Congress...	1885	21,393,141 85
	1886	21,371,605 05

In this table the reductions in the appropriations for 1877 and 1878 correspond with the aggregate reduction, and the increase from $14,963,373.30 in 1877 to $21,371,605.05 in 1886 indicates the general growth.

See how this compares with the expenses of the Senate and House, and although I take but two periods to illustrate it, the expenses of the Senate and House indicate the steady and sometimes rapid increase of the expenses of the Government—the appropriations for the second session of the Forty-fourth Congress, 1878, and second session Forty-eighth Congress, 1884.

Mr. BUTTERWORTH. What year?

Mr. HOLMAN. Eighteen hundred and seventy-eight, second session Forty-fourth Congress. The appropriation for the employés of House and Senate at those periods are indicated by the following table.

Number of officers and employés of the House and Senate and aggregate amount of their salaries for the fiscal years 1878 *and* 1886, *being for the first session of the Forty-fifth and Forty-ninth Congresses, respectively.*

	Salaries.	Number.
HOUSE.		
1878, first session Forty-fifth Congress	*$287,402 53	*224
1886, first session Forty-ninth Congress	391,013 45	305
SENATE.		
1878, first session Forty-fifth Congress	231,395 80	172
1886, first session Forty-ninth Congress	343,795 10	252

*Includes employés and salaries provided for in the sundry civil and deficiency acts for the first session Forty-fifth Congress.

I have taken those periods for the reason that it has been only eight years since the first period; and I have accordingly selected a comparatively recent date for this comparison. The law for the present year provides for three hundred and five employés of the House, or an increase of eighty-one employés in the service of the House alone in eight years.

Now, I admit that eighty-one employés is not a very large number; but the increase as to percentage is simply enormous, when you remember that it has run up from two hundred and twenty-four to three hundred and five in the brief period of eight years. The increased expenditure is still more when you remember that in 1878 the expenses of the force employed by the House was $287,402.53.

For the present year we appropriated $391,013.45, showing an increase of $103,610.92 in the expenses of the House for its current employés alone; that is to say, its current and contingent expenses; showing an increase of more than 33 per cent., with a corresponding result in the Senate.

Now, I admit, sir, that while some effort has been made, little is proposed in the direction of reducing the expenses of the House of Representatives by the pending bill. A few officers and employés clearly not necessary have been dispensed with, a few salaries have been somewhat reduced, but in the main the employés of the House and the Senate and the contingent expenses proposed to be appropriated are the same for the coming as for the present year. I trust, Mr. Chairman, that the action of the committee and House in regard to these reductions in the interest of economy recommended in this connection will be such as to instruct the Committees on Appropriations hereafter in making a more thorough revision of the expenditures for the offices and employments immediately around us as well as everywhere else in the interest of fair economy.

Having said this much for the purpose of pointing out in a general way the rate at which the expenses of the Government are being increased, I only wish to say a few words in addition on the general subject of economy in governmental affairs. I find in looking over the public records no expression on the subject by statesmen who have gone before us more forcible than the utterance of a great Senator of the United States, Mr. Thomas H. Benton, of Missouri, not only a typical representative of the statesmanship of the last generation, but of the generation which preceded it in our history.

Mr. Benton, in his Thirty Years' View, had occasion to discuss the subject, and I trust the importance of bearing in mind and occasionally reviewing the tendencies in our Government toward increased expenditures will be a sufficient apology for quoting his views. They certainly are entitled to high consideration, since providing for the raising and expending of revenue is in a large degree the business of Congress. It seems to be in time of peace the principal object of legislation. This, I think, will justify me in calling the attention of the committee to the views of that distinguished statesman on that subject. He says:

> At no point does the working of the Government more seriously claim the attention of statesmen than at that of its expenses. It is the tendency of all governments to increase their expenses, and it should be the care of all statesmen to restrain them within the limits of a judicious economy. This obligation was felt as a duty in the early periods of our history, and the doctrine of economy became a principle in the political faith of the party, which, whether called Republican as formerly, or Democratic as now, is still the same, and was incorporated in its creed. Mr. Jefferson largely rested the character of his administration upon it, and deservedly; for even in the last year of his administration, and after the enlargement of our territory by the acquisition of Louisiana, three millions and a half of dollars. At the end of Mr. Monroe's administration, sixteen years later, they had risen to about seven millions; and in the last year of Mr. Van Buren's (sixteen years more) they had risen to about thirteen millions.

Mr. Benton then goes on to call attention to certain of our appropriation bills, and adds as follows:

> The evils of extravagance in the Government are great. Besides the burden upon the people, it leads to corruption in the Government and to a janissary horde of office-holders to live upon the people, while polluting their elections and legislation and poisoning the fountains of public information in molding public opinion to their own purposes.

It seems to me that at the very inception of this legislation it is proper that I should ask the attention of this committee to this remarkable statement, confirmed as I have suggested by the fact that when we reduced the expenditures over $24,000,000 in 1878 the efficiency of the Government was not impaired in the least, and a distinguished Secretary of the Treasury informed Congress that a greater reduction might have been made without embarrassment to any department of the Government.

Mr. Benton says:

> At the same time it is the opinion of this writer that a practical man, acquainted with the object for which the Federal Government was created, and familiar with its financial working from the time its fathers put it into operation, could take his pen and cross out nearly the one-half of these seventy-odd millions and leave the Government in full vigor for all its proper objects, and more pure, by reducing the number of those who live upon the substance of the people.

I have quoted from page 199 of the second volume.

I think, sir, that no sounder sentiment was ever uttered. And yet one trouble in the House of Representatives, and it is the same I presume in the Senate, is this: This legislative bill and most of the others are composed of a great multitude of items. Most of the appropriations for our Government are in comparatively small sums. The details of Government go down into minute items. It is difficult for us to bring our minds to the conclusion that we ought to deal with these de-

tails. The details of the small sums, aggregating ultimately millions of dollars, do not arrest our attention. We appropriate this item which is unimportant in itself, and that item which is unimportant in itself. We increase this salary and that salary, create an office here and there, each quite unimportant; but in the aggregate, when the great budget is made up, of small items which scarcely arrest the attention of either the House or Senate, they have swollen into millions of dollars.

Gentlemen always appeal to committees of the House—we are all, I presume, equally subject to the censure, if it be a censure—on behalf of an item because it is unimportant or small. Such an appeal comes to us in the House or is made in the Senate; and yet that is the basis on which the enormous fabric of hundreds of millions is built up.

Let me revert to one other matter in connection with that subject, and I will not further weary the attention of the committee.

It might be said, and said fairly, that if this growth of expenditures of our Government was on the basis of an increase of population, there would be no just ground of complaint. And up to 1878 it could be said with fairness that the expenses incident to the war, the necessary extravagance resulting from a state of great public disorder, the impossibility of legislators in the midst of a great struggle coming down to the mere details of expenditure, made it difficult to cut down from the high standard of expenditures to the absolute wants of the Government, especially in the number of civil employés. But permit me to remark two things: First, that during the war period, from the meeting of Congress on the 4th of July, 1861, to the termination of that internal disorder, there was no tendency toward the increase of the expenditures in the civil list beyond the growth in the number of persons required to be employed in the various Departments of the Government; and more than once in this House at the very beginning of the session a resolution was introduced declaring that no civil salary should be increased; so that, notwithstanding the unexampled increase of responsibility thrown on the heads of Departments and the heads of bureaus, not a salary, according to my recollection, was increased.

Mr. WARNER, of Ohio. While there was a decrease in the value of money.

Mr. HOLMAN. Yes; there was, of course, a decrease in the value of money all the time. From a high sense of patriotic duty, looking the interests of Government full in the face in view of the condition of our affairs, I think not a salary was increased, so that it was not till after 1865, and in the main as late as 1873, that the high impulses of that period gave way, extravagance began, salaries everywhere were increased, new offices created; and then there was a recoil which produced the remarkable result I have mentioned in 1877 and 1878, but originating in 1874, which, at the demand of the people, reduced the expenses of the Government to the vast extent I have named. And yet at the same time the country saw no public interest impaired, no Department of Government embarrassed.

But the other point to which I want to call attention is this, that the growth of our expenditure as well as of the revenue goes far beyond the growth of our population. If taxation rested on wealth alone there would not be so much to regret if it did weaken the Government. But it does not. It can not in the nature of things. Labor in all the fields of human industry must of necessity feel the effects of taxation, and you can not impose your tax in any form, unless it be in one single form which I shall not stop to discuss, in which it will not reach in a greater or less degree every industry throughout the whole land. That applies just as well to your internal-revenue system confined to a few items as to the customs system extending to multitudes.

The following table illustrates the growth of our revenue and expenditure, and ought to command attention.

Statement showing the population, net revenue, and net expenditures of the Government from 1837 *to June* 30, 1885, *and per capita of the revenues and per capita of expenditures.*

Years.	Population.	Net revenue.	Per capita.	Net expenses.	Per capita.
1837	15,655,000	$24,954,153 00	$1 59	$37,243,496 00	$2 83
1838	16,112,000	26,302,562 00	1 63	33,865,059 00	2 10
1839	16,584,000	31,482,750 00	1 90	26,899,128 00	1 62
1840	17,069,453	19,480,115 00	1 14	24,317,579 00	1 42
1841	17,591,000	16,860,160 00	96	26,565,873 00	1 51
1842	18,132,000	19,976,197 00	1 10	25,205,761 00	1 39
1843 (6 months)	18,694,000	8,302,702 00	89	11,858,075 00	1 27
1844	19,276,000	29,321,374 00	1 52	22,337,571 00	1 16
1845	19,878,000	29,970,106 00	1 51	22,937,408 00	1 15
1846	20,500,000	29,699,968 00	1 45	27,766,925 00	1 35
1847	21,143,000	26,495,769 00	1 25	57,281,412 00	2 71
1848	21,805,000	35,735,779 00	1 64	45,377,225 00	2 08
1849	22,489,000	31,208,143 00	1 39	45,051,657 00	2 00
1850	23,191,876	43,603,439 00	1 88	39,543,492 00	1 71
1851	23,995,000	52,559,304 00	2 19	47,709,017 00	1 99
1852	24,802,000	49,846,816 00	2 01	44,194,919 00	1 78
1853	25,615,000	61,587,054 00	2 40	48,184,111 00	1 80
1854	26,433,000	73,800,341 00	2 79	58,044,862 00	2 20
1855	27,256,000	65,350,575 00	2 40	59,742,668 00	2 19
1856	28,083,000	74,056,699 00	2 64	69,571,026 00	2 48
1857	28,916,000	68,965,313 00	2 38	67,795,708 00	2 34
1858	29,753,000	46,655,366 00	1 58	74,185,270 00	2 49
1859	30,596,000	53,486,466 00	1 75	69,070,977 00	2 26
1860	31,443,321	56,064,608 00	1 78	63,130,598 00	2 01

Statement showing the population, net revenue, &c.—Continued.

Years.	Population.	Net revenue.	Per capita.	Net expenses.	Per capita.
1861	32,064,000	$41,509,930 00	$1 29	$63,545,645 00	$2 08
1862	32,704,000	51,987,455 00	1 59	474,761,819 00	14 52
1863	33,365,000	112,697,291 00	3 38	714,740,725 00	21 42
1864	34,046,000	264,626,772 00	7 77	865,322,642 00	25 42
1865	34,748,000	333,714,605 00	9 60	1,297,555,224 00	37 34
1866	35,469,000	558,032,620 00	15 73	520,809,417 00	14 68
1867	36,211,000	490,634,010 00	13 55	357,542,675 00	9 87
1868	36,973,000	405,638,083 00	10 97	377,340,285 00	10 21
1869	37,756,000	370,943,747 00	9 82	322,865,278 00	8 55
1870	38,558,371	411,255,478 00	10 67	309,653,561 00	8 03
1871	39,555,000	383,323,945 00	9 69	292,177,188 00	7 39
1872	40,596,000	374,106,868 00	9 22	277,517,963 00	6 84
1873	41,677,000	333,738,205 00	8 01	290,345,245 00	6 97
1874	42,796,000	304,978,755 00	7 13	302,633,873 00	7 07
1875	43,951,000	288,000,051 00	6 55	274,623,393 00	6 25
1876	45,137,000	294,095,865 00	6 52	265,101,085 00	5 87
1877	46,353,000	281,406,419 00	6 07	241,334,475 00	5 21
1878	47,598,000	257,763,879 00	5 42	236,964,327 00	4 98
1879	48,866,000	273,827,184 00	5 60	266,947,884 00	5 46
1880	50,155,783	333,526,611 00	6 65	267,642,958 00	5 34
1881	51,495,000	360,782,293 00	7 01	269,712,888 00	5 06
1882	52,802,000	403,525,250 00	7 64	257,981,440 00	4 89
1883	54,165,000	398,287,582 00	7 35	265,408,138 00	4 90
1884	55,556,000	348,519,870 00	6 27	244,126,244 00	4 39
1885	56,980,000	323,690,706 00	5 68	260,226,935 00	4 57

W. S. ROSECRANS, *Register.*

REGISTER'S OFFICE,
United States Treasury Department, April 20, 1886.

Let us see in this table the burden the country is bearing per capita in comparison with a comparatively short time ago. I take the year 1850 as the beginning point. In that year the revenues per capita averged $1.88, the expenditure $1.71. I come down to the year 1860, immediately preceding the war. In that year the revenues had not increased; they had slightly decreased, being $1.78. The expenditure was slightly increased on that very considerable period of time, being only $2.01 per capita, while upon the basis of revenue and expenditure during the last year the remarkable fact is presented that as to revenue our people paid $5.68 per capita and the expenditure was $4.74 per capita. With vast sums of money lying idle in your Treasury, I think there is no instance in the history of a government well established like our own, with the necessities for expenditure incident to public peril not rapidly increasing, where there is presented so remarkable a spectacle of the growth of burdens upon the one hand and of expenditures upon the other.

Mr. WARNER, of Ohio. I ask the gentleman if it is not the fact that our expenditures increase over three times as fast as our population? I mean the expenditures of the General Government.

Mr. HOLMAN. Yes, sir. Now, we sometimes think it strange that in a government possessed of such extraordinary elements of prosperity as ours, with a new and vigorous population, there should be disorders in our midst; that the chasm between the wealth of our people and the poverty of our people, between the comparatively few who are wealthy and the great mass of the people, is already so wide and deep; but it is absolutely certain that the most powerful agent in centralizing the wealth of a country, in depressing its industries, in depressing its laboring people, and increasing the number of those who are helplessly impoverished, is oppressive taxation, and that this taxation can not be borne on the basis upon which our people now pay taxes without its results being disastrous in the early future must I think be manifest to all.

Mr. Chairman, there is one other subject to which I wish to invite attention for a few moments. There are provisions in the bill to which I think gentlemen who desire to engage in the general debate will wish me to refer.

Mr. MILLIKEN. Will the gentleman permit me a question?

Mr. HOLMAN. Yes, sir.

Mr. MILLIKEN. The gentleman says that the burdens of taxation are increasing very much faster than population. I want to ask him if it is not also true that the wealth of the country and the comforts of the people are increasing much faster than population?

Mr. HOLMAN. The first proposition I concede, that the wealth of the country has rapidly increased. In no other country has wealth increased so rapidly as in ours. But, Mr. Chairman, is it true that it is beneficial to a government like ours, a Republic, that wealth should increase unless it increases through those agencies which naturally diffuse it? Does not my friend bear in mind that the chief growth in wealth is to be found in those large interests which enter into and involve the fortunes and estates of comparatively few individuals? Take, for instance, a few great corporations that have been created within our period; a large proportion of our accumulated wealth is in their hands, while the number of our people who are impoverished, people who have not the comforts of life and are cramped for the bare necessities of life, people who can barely keep the wolf from the door and whose children are growing up without encouragement or a hopeful future, is increasing every day in the year.

Mr. WARNER, of Ohio. I will ask the gentleman if it is not true

that while our wealth does increase somewhat faster than our population the percentage is only a small one, and at the same time the cost of the Government increases at a rate more than three times as rapid as the increase of population, and if you consider the whole Government of the country four times as fast?

Mr. HOLMAN. I think my friend, if he examines the subject, will find this to be the state of the case: At the close of the war we had a vast region of unopened country, vast resources which had not yet been touched, and the policy twenty or twenty-five years ago was, through the instrumentality and power of the Government, to rapidly open up those sources of wealth. As a consequence of that policy the development of wealth in our country within this period has been absolutely unexampled in the history of the world; but it has exhausted the resources of the nation in the creation of great estates.

Mr. WARNER, of Ohio. It is true that our wealth has doubled in twenty years, although it has taken thirty years to double our population; but the expenses of Government have increased fourfold in the same time.

Mr. MILLIKEN. What I desire to call the attention of the gentleman from Indiana to is this, that from 1860 to 1880, according to the best estimates I can get, the wealth of this country increased from $14,000,000,000 to $40,000,000,000.

Mr. HOLMAN. I am conceding the extraordinary growth of wealth, and had it been fairly diffused, which never occurs under the artificial power of government grants and subsidies, it would have been a blessing, but otherwise it is a misfortune.

Mr. MILLIKEN. I agree also with the gentleman that wealth, like the snow, when it is piled up does harm; but I do not believe that it can do harm if it is properly diffused; and if the gentleman will observe the increased savings in the portions of the country to which he refers, where these great corporations exist, and if he will also go through the country itself and look at the comforts which surround the farmers, I think he will come to the conclusion that this wealth is diffused pretty widely.

Mr. WEAVER, of Iowa. If the gentleman from Maine would examine the mortgages on the farms he would reach a different conclusion.

Mr. MILLIKEN. I do not think there would be many to examine in my part of the country.

Mr. HOLMAN. There are some localities in this country where wealth is better diffused than in others; but I think, taking the whole country together, there has been a fearful concentration of wealth and the diffusion has been very slight. Mr. Chairman, until now the experiment has never been tried of a wealthy people maintaining republican institutions. We are now making the first trial of that kind. It has been doubted in all ages whether a country of great wealth could at the same time be a republic. It is absolutely certain that the mere element of wealth, which in itself would be calculated to give increased opportunities of happiness to the people, would not be an element of weakness, but on the contrary a source of great strength, provided the wealth were diffused.

The misfortune in all other countries, and the misfortune we have now to encounter, is that this wealth is in the hands of very few, while a corresponding state of impoverishment is the fate of the many. Here is the trouble. It is very clear that a corrupt government can not exist as a republic. A republic can not continue if the foundations are corrupt. It has been the belief of those men who have studied this problem most carefully that it is possible this Government should be carried on as an economical, frugal government, notwithstanding the great mass of accumulated wealth throughout the land, just as it was in the former years when the whole of our people were comparatively poor. But the danger is that our Government, instead of representing the whole people, the great mass of those who are in comparatively moderate circumstances, will come to represent the wealth of the country rather than the people themselves—will put on the qualities and characteristics of the few, not of the many.

It is for this reason above all others that economy in this Government should be sought for as the only absolute mode of securing the perpetuation of our institutions. We must adopt the one basis or the other. Ours will be a frugal republic, plain and simple, just as it was in former years, or else it will go to the other extreme, a costly and splendid government and an impoverished people. There is no middle ground. In the one instance it would represent the people in moderate circumstances and with prosperous homes—it would represent the manhood of the nation; in the other case it would represent its wealth.

Mr. Chairman, the other subject to which I wish to invite attention for a moment, for I had no intention of occupying so much time, is in regard to three provisions of this bill. One is in reference to the appropriation of money to carry on the Civil Service Commission. This bill appropriates for the Civil Service Commission for the coming year the same sum that was appropriated for the present year, $21,400, and adds the following proviso, which will be found on page 19:

Provided, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

There are two rules alone of the Civil Service Commission affected by this provision. The provision is not new legislation, but simply a limitation upon the expenditure of this appropriation—a condition on which it may be expended. Those two rules are, first, that under which, when a Department or officer of the Government having the power to make an appointment desires to make an appointment, four names are furnished by the commissioners, and from those four a selection is made. The other rule is that, with the exception of those who served in the Union Army, no person shall be eligible to examination under the civil-service regulations who shall have passed the age of forty-five.

Mr. FINDLAY. The proposition, of course, is divisible; we could vote first on one and then on the other.

Mr. HOLMAN. There are two separate propositions. Now, Mr. Chairman, permit me to say the Civil Service Commission was experimental. The measure which established that commission was scarcely debated in this House. The bill organizing the commission came from the Senate, was referred to the Committee on Civil Service Reform of this House, of which Mr. Kasson, of Iowa, was chairman, was reported back, and on motion, I think, of Mr. COX, of New York, Mr. Kasson yielding for that motion, the previous question was called and sustained, the yeas and nays were ordered, and the question was taken at once.

Mr. COX. Was it not discussed for half an hour, several speeches being made?

Mr. HOLMAN. If such was the fact the discussion was so brief it had escaped my recollection.

A MEMBER. What was the vote?

Mr. HOLMAN. There was a very small negative vote. My recollection was that the subject was not discussed.

Mr. BUTTERWORTH. Would not half an hour of discussion have been in order after the previous question?

Mr. HOLMAN. I did not recall the fact that the rule to which the gentleman refers was in operation at that time. If it was, and I now remember it was, then debate for half an hour occurred. I know that the debate, if any, was so brief that it left no impression upon my mind. No opportunity for amendment was given. The measure had to be passed just as it came to the House or it had to be defeated. It had been believed by both sides of the House, and by neither side more strongly than by gentlemen around me on this side, that our civil service required very important reforms, and that it would scarcely be consistent with what was understood to be the drift of public opinion and the expressions of the platforms of the great national parties upon that subject that a measure which promised even in the remotest degree to reform and purify our civil service should be ignored when the subject was presented, even if no opportunity for debate or amendment was offered.

Mr. FINDLAY. Are not the two provisions which are to be affected by the changes proposed by the committee matters of regulation, and not matters of law?

Mr. HOLMAN. Certainly they are matters of regulation. I have spoken of them as rules; I do not mean rules laid down by law.

Mr. FINDLAY. They were not in the law?

Mr. HOLMAN. No, of course not. They are rules laid down by the commission. I am not denying the power of the Commissioners to make those rules with the approval of the President. I have said what I have in regard to the circumstances under which that bill passed and became a law for the reason that had this House had an opportunity of considering the matter and of adopting amendments—had the measure passed in the regular course of legislation like most other measures—it would have been regarded as a more deliberate expression of the judgment of gentlemen who gave it their support. As an experiment in a field where reform was imperatively demanded few gentlemen could hesitate as to what action was proper when the measure was thus presented.

Mr. BUTTERWORTH. Will the gentleman let me ask him a question?

Mr. HOLMAN. Certainly.

Mr. BUTTERWORTH. Let me ask the gentleman whether he says this does not change existing law? And whether he says also this provision in regard to sending names to the appointing power is a regulation made in pursuance of law?

Mr. HOLMAN. It changes the rules of the commission by limitation on the expenditure.

Mr. BUTTERWORTH. Wait a moment. If you change this statute that the Civil Service Board without the approval of the President can not make such regulation, does not that change the law?

Mr. HOLMAN. No. Not law except as to the incident of the power of the Commission.

Mr. REED, of Maine. It only applies the reasoning power of $21,000 to them; that is all. [Laughter.]

Mr. HOLMAN. I am not insisting these rules are in violation of law.

Mr. BUTTERWORTH. No.

Mr. HOLMAN. I am not passing judgment on them.

Mr. BUTTERWORTH. I am not discussing anything obnoxious to the rules of the House or any point of order which may be made. What I say is this, and I admit it, that the Civil Service Commission, with the approval of the President, had the power to make certain rules, and did make a regulation requiring only four names to be forwarded to the appointing officer, whoever he may be, and withholding from all persons, with limited exceptions, public employment. If this provision becomes a law the commission, under the will of Congress, must change the rules I have named.

Mr. REED, of Maine. The Commissioners will make the change under the reasoning of $21,000.

Mr. HOLMAN. The gentleman puts the case stronger than I do. I am not claiming these rules are in violation of law. I am not discussing that point at all. If Congress think those rules should be repealed certainly it has the power to repeal them. When the point of order shall come up I think it will not be found to affect the law-making power of this House, notwithstanding it may affect the law itself. For, sir, the House has not by any of its rules been deprived of the power when appropriating money to provide that it shall be expended in a specific manner and for a specific purpose. The House has not by its rules abandoned the power to legislate. It has not deprived itself of that power. That the House has still retained; it would be a strange thing indeed if the House had not retained the power of putting proper limitations on money which it votes in appropriation bills from the public Treasury.

Mr. LONG. If your bill becomes a law will not the Civil Service Commission be compelled to send up all the names?

Mr. HOLMAN. Yes, sir.

Mr. LONG. Under the present law are they compelled to do so?

Mr. HOLMAN. It seems not.

Mr. LONG. Is not that then a change of law?

Mr. HOLMAN. I am conceding the fact; but suppose it is a change of law, am I taking extreme ground even in insisting on that?

Mr. LONG. Then it has no place in the bill.

Mr. HOLMAN. This House, Congress, has never abandoned the power to annex a condition to the expenditure of public money.

Mr. LONG. The rule says you shall not appropriate money with any change of law, and yet you say it does change the law.

Mr. HOLMAN. The gentleman misapprehends the rule of the House. The House, I repeat, has never parted with its power under any rule so that when it comes to appropriate money it has not the right and power in appropriating that money to impose proper limitations on its expenditure. Will the gentleman from Massachusetts say it is not proper when an appropriation is made to provide that none of this money shall be paid for the purpose of salary unless, as in this bill, in full for that salary? This question of limitation on this bill involves several hundreds of thousands of dollars beyond what it appropriates unless you put some limitation like that upon the amounts which are given. You can not abandon the power to limit the expenditures.

Mr. LONG. But your change must not go so far as to raise any change of existing law.

Mr. HOLMAN. It would be a change of law in paying that salary on the basis of a less sum than the permanent law provides. I concede to that. It is an incident of legislation.

I am willing for one, in view of the importance of improving the civil service, that a commission shall exist to ascertain the fitness of applicants for clerical positions, their qualifications for official employment. I mean applicants for employment in the classified civil service.

I do not believe that any commission, however able—and the present commission is composed of able men—can be found efficient in selecting through a technical examination persons to fill the great body of the public employments of the country outside of clerical duties. To that extent therefore this would be a reform in our former system; and to that extent it may also be said that in years past some persons have been indicated in the Departments and prior to the organization of the Civil Service Commission to examine the fitness of those applying for specific appointments. And it is undoubtedly in the interest of the public service that fitness for the special duties to be performed should be ascertained in advance of the appointment.

But, sir, I could go much further than that. Can our people consent to the creation of a power in this country through a commission or otherwise which shall have in charge the entire control of all employments in the public service? It is entirely averse to all our institutions and not in harmony with our system of popular government. The commission as a means for ascertaining qualification and fitness for clerical services will be found valuable; beyond that the country will move prudently.

Mr. BUTTERWORTH. Let me interrupt the gentleman just there. Does not this provision, if adopted, in effect absolutely and unqualifiedly nullify the most important provision of the civil-service law as it exists now, in that it simply provides that every applicant from a State who passes the examination required by the rule, however low that examination may be rated, shall have his name sent up; and that the selection for the vacancy must be made from the entire list? Is not that now simply a means of enabling the appointing power to select its party friends?

A MEMBER. Yes; that is just the object of it.

Mr. MORRISON. It would not have meant that if I had drawn it.

Mr. HOLMAN. I answer the question of the gentleman from Ohio emphatically, no. It does not do any such thing. It does not nullify the most important feature of the law.

Mr. LONG. Then the gentleman from Indiana differs with the gentleman from Illinois, who intimates that to be the operation of the law as drawn.

Mr. HOLMAN. The most important duty which this commission is called upon to perform is to ascertain the qualifications of the various applicants for official duties in the classified civil service of the Government——

Mr. BUTTERWORTH. But that could have been done in the Departments, as was formerly the case.

Mr. HOLMAN. All that is required is that the list shall be sent up of all of those who have passed the proper examination, and not permit the selection of a small number to be made on the part of the commission. All persons found qualified upon the examination to enter the list shall have their names sent to the officer having the appointing power. By this arrangement you gain all that is available in the Civil Service Commission system when you have provided for examining the applicants for appointments in the classified service, and then required that the whole list of those found competent shall be sent up, so that the appointing power may have the selection and not the commission. This makes the commission an examining board as to qualification, and the system a method of appointment only, in which the qualification of the citizen for a particular public service is the main factor in securing his appointment.

Mr. WILLIS. Wherein does that differ from the examinations for appointments to specific positions prior to the passage of what is known as the civil-service law?

Mr. SPRINGER. But there was no basis of classification at all.

Mr. WILLIS. But an examination was required.

Mr. HOLMAN. Yes; as I have said, there was an examination for specific appointments, but there was no uniformity in the system.

Mr. TAULBEE. If the gentleman will permit me to interrupt him a moment, as I understand the practical working of this plan prior to the passage of the civil-service law, the examination related alone to the Treasury Department.

Mr. HITT. No; it applied to the other Departments.

Mr. HOLMAN. It applied to various Departments, but there was no standard nor any uniformity in the examinations.

Mr. TAULBEE. I am quite sure that appointments were had in the other Departments now included in the classified civil service without examination.

Mr. HOLMAN. There was no general examination for appointments in the various Departments; the examinations applied only to particular positions to be filled and to the qualifications of the candidate for the particular office. Now, the difference between that plan and this commission is that the commission makes the general examination not for a particular duty, but the general qualifications of the candidate for the classified clerical service of the Government.

Mr. LONG. Please state what your purpose is in making this change?

Mr. HOLMAN. As far as I am individually concerned—I do not speak for the committee.

Mr. LONG. But you speak for your party.

Mr. FINDLAY. Let me ask the gentleman a question right here.

Mr. HOLMAN. Let me answer the gentleman from Massachusetts first.

I do not speak for my committee or my party; but for myself there are sufficient reasons which commend themselves to me, and one of the most important is this: The examinations are all made on a general basis. An arbitrary standard is fixed by the commission which a candidate may reach with the necessary attainments; 100 is fixed as the maximum in proficiency. The applicant who reaches that number on the average of all the various subjects of examination—reading, writing, geography, and history, and often more technical—reaches the highest point, then down to 65; and all who fall below 65 are rejected. Now, how does it operate under the present system? The commission will send up the names of four persons who have obtained the highest numbers for appointment—just four. What is the result in practice?

I illustrate by a single case which came within my observation. A young man just entering upon life who had had no particular opportunities for education reaches a grade of 66. A gentleman coming from a school where he had presided as a teacher for many years, and especially qualified to answer the various questions that would be submitted but not as accomplished a penman as the younger man, graded up to 80. His name is sent in at an early day. But it is clear that the young man with his number at 66 would never have his name sent to a Department for an appointment, as the number of those having higher grade was so great that the chances were he would wait indefinitely, and yet for clerical duty, the service required, he might stand higher than any competitor.

Mr. LONG. He could have another examination.

Mr. HOLMAN. This is unjust to the Government, in depriving it of the best service and unjust to the applicant. It will be found that where the names all go before the proper appointing power, the head of a Department or the head of a bureau having the right to appoint a clerk, if it is a copyist that is to be employed, penmanship especially is a matter of consideration, and other matters which have controlled the grading by the commission are of no consequence to the public service. Penmanship is of the highest moment. And here the head of a Department must take a person not so well adapted, and one whose grade is comparatively low, with the accumulations of applicants that must occur in every State, would never have his name go to the Department at all.

I submit the case I put shows an injustice both to the applicant and to the Government. The case is so clear, there should be some remedy.

Mr. EZRA B. TAYLOR. Will the gentleman yield to me for a question?

Mr. HOLMAN. Yes, sir.

Mr. EZRA B. TAYLOR. It is a very direct question, and I know the gentleman from Indiana will answer it with his accustomed candor. My question is this: Is not the main object of this provision to provide for the employment of a greater proportion of Democrats to office?

Mr. HOLMAN. I would have to answer that in a general way in the negative—I mean so far as motives are concerned.

Mr. SPRINGER. I would like to answer that question.

Mr. HOLMAN. I will say however, in further reply to the gentleman's question with entire frankness, that if it had that effect, if it admitted members of the party now largely excluded from clerical employment, if it had incidentally the result of increasing the number of appointees from that party, I do not think either the gentleman from Ohio or anybody else could rightfully complain. I should not object to that result, especially in the present state of the classified clerical service of the Departments. But that would be an incident only to a just rule.

Mr. EZRA B. TAYLOR. I do not complain; but what I complain of is that you give reasons that are not the reasons.

Mr. FINDLAY. I desire to ask the gentleman from Indiana a question.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SPRINGER. I ask unanimous consent that the gentleman's time be extended.

Mr. HOLMAN. I am perfectly content that the result mentioned by the gentleman from Ohio [Mr. EZRA B. TAYLOR] shall follow. But my motive is justice to the applicant for appointment and justice to the Government by a reasonable latitude being given in making selections.

Mr. FINDLAY. I ask unanimous consent that the time of the gentleman from Indiana be extended to give me the opportunity of asking the gentleman a question.

Mr. SPRINGER. I ask unanimous consent that the gentleman's time be extended ten minutes.

Mr. HOLMAN. I am so anxious to close the debate that I do not want an extension of time. But if allowed I will answer the question of the gentleman from Maryland [Mr. FINDLAY].

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the gentleman from Indiana be allowed to proceed for ten minutes.

Mr. BUTTERWORTH. Or longer if he wants to.

There being no objection, Mr. HOLMAN'S time was extended for ten minutes.

Mr. FINDLAY. The gentleman from Indiana yields to me for the purpose of asking a question. I think the question asked by my friend from Ohio [Mr. EZRA B. TAYLOR] was a little too blunt and brusque a question and put too hardly to my friend from Indiana. It appears to me that I could ameliorate the question a little, soften it down and mitigate its asperities.

Mr. HOLMAN. You have not asked your question yet.

Mr. FINDLAY. I ask the gentleman whether the object of his amendment is not to enlarge the scope of choice for a political purpose?

Mr. HOLMAN. It is to enlarge the scope of choice, I admit.

Mr. FINDLAY. For a political purpose?

Mr. HOLMAN. For a governmental purpose and for purposes of even-handed justice.

Mr. LONG. Let me ask the gentleman a question.

Mr. HOLMAN. Let me first ask my friend from Maryland [Mr. FINDLAY] a question. Does he think it a proper thing in a Government like ours that a citizen with fair qualifications having passed an examination shall at the age of forty-five be ineligible for appointment?

Mr. FINDLAY. In so far as the forty-five provision is concerned, I am with you. I think a man should be allowed to serve his country, although over forty-five years of age. But the other proposition you are discussing is an entirely different thing. I am opposed to certifying all these eligibles, so as to give the appointing officer the chance of selecting his own partisan.

Mr. HOLMAN. Are you in favor of that for political purposes?

Mr. FINDLAY. Does the gentleman refer to my saying that there should be no limit on the age at which a man should serve his country? I am in favor of that for patriotic purposes.

Mr. GIBSON, of West Virginia. Let me ask the gentleman from Maryland a question. Are you not in favor of Democrats holding office under a Democratic administration?

Mr. FINDLAY. I am in favor of this Government being conducted on the highest principles of honor and honesty, without regard to party.

Mr. TAULBEE. I wish to ask a question.

Mr. HOLMAN. I yield the rest of my time to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I want to explain what I know about this. I ask for order, and then I desire to be heard.

Mr. HOLMAN. I hope the gentleman will yield to the gentleman from Kentucky [Mr. TAULBEE] for his question.

Mr. BUTTERWORTH. The gentleman from Illinois had no right to cover a retreat in this way.

Mr. TOWNSHEND. I rise to a question of order. I ask that gentlemen resume their seats.

The CHAIRMAN. The committee will come to order.

Mr. SPRINGER. Our friends upon the other side seem to fear that the Democratic majority in this House is seeking some advantage under this civil service law. I think they ought to concede one thing to the Democratic party. Before they accuse us of undue partisanship I think they should be willing to divide the classified service equally with Democrats now that we are in power, and until the classified service is composed to the extent of one half of Democrats, I think they ought to keep perfectly quiet on this subject of civil-service reform. The civil-service law existed for several years before the Democratic party came into control of the National Government, and my observation of its working was that, except in a very few cases, it always resulted in putting Republicans into office.

A MEMBER. Because they had the highest averages.

Mr. SPRINGER. After twenty-five years of Republican control of every department of the Government, when the Democratic party succeeded to power it found every branch of the Government, from the Supreme Court down to the messengers in the Departments, filled with the partisans of one political party, and now I say to my friends on the other side, possess your souls in patience and yield gracefully to the inevitable course of events, which is that until one-half the classified service is given to Democrats we will continue to press you on this point.

Mr. BROWN, of Pennsylvania. Then that is what you are after?

Mr. SPRINGER. We have not been unduly hasty in seeking to get possession of the offices of the Government. Everybody knows that the Railway Mail Service employs several thousand clerks who could be removed at any moment by the Postmaster-General——

Several MEMBERS. No, no.

Mr. SPRINGER (continuing). Yet there have been no unnecessary removals in that service. No removal has been made to disturb the public service, and every removal that has been made has been for the benefit of the service.

Mr. BOUTELLE. Oh, that is not so.

Mr. SPRINGER. I say that every removal made has been for the benefit of the service, and the head of the Department must be the judge of that fact.

Mr. BOUTELLE. Ah!

Mr. SPRINGER. Now, this civil-service law contravenes that great provision of the Constitution which says that the President and the heads of Departments shall make appointments to office, for, by the terms of the law, that power is taken out of the hands in which the Constitution places it and given to a little coterie of four individuals, withdrawn from the public eye and from the public observation, and without knowledge of the requirements of the service for which the appointees are to be selected. My observation in public affairs is that the man who can best make the appointments is the man at the head of the bureau where the service is to be rendered.

Mr. TAULBEE. Mr. Chairman, I rise to a point of order.

Mr. SPRINGER. I yield to my friend from Kentucky.

Mr. TAULBEE. Mr. Chairman, I want the gentleman from Illinois [Mr. SPRINGER] to continue that speech, for I consider that it is full of very solid truths. My point of order is that gentlemen are making so much confusion that I am unable to hear it distinctly.

The CHAIRMAN. The point of order is well taken. The House will be in order.

Mr. SPRINGER. Mr. Chairman, I have said all that I desire to say at this time.

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. SPRINGER. No; I yield now to my friend from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Mr. Chairman, inasmuch as the gentleman has yielded to me, I now desire to ask him the question which I desired to ask the gentleman from Indiana [Mr. HOLMAN] a while ago.

Mr. BROWN, of Pennsylvania. The gentleman evidently wants to do indirectly what he was afraid to do directly.

Mr. TAULBEE. Oh, I am in favor of doing it directly, or indirectly,

or any way it can be done. [Laughter.] I want to ask the gentleman from Illinois if one object sought to be accomplished by the provisions of this bill contained in lines 440 to 447 is not that individuals over forty-five years of age may have an opportunity to enter the classified civil service if found competent.

Mr. SPRINGER. That is one of the objects.

Mr. TAULBEE. Now, as I understand Rule XII of the Civil Service Commission, it prescribes the limit of age and makes age one of the conditions upon which persons may be admitted to the examinations held by that commission. My question, therefore, is: Does this provision, as explained by the gentleman from Indiana [Mr. HOLMAN], reach the object sought to be accomplished by the bill? It provides that certifications by this commission to the heads of Departments, when vacancies occur, shall be made without regard to age. The natural presumption is that these certifications shall be made from what is known as the eligible register; and under Rule XII of the Civil Service Commission no person can be placed on that register who is beyond the age of forty-five years. Therefore I ask again, Will this provision attain the desired object?

Mr. HOLMAN. Why not?

Mr. TAULBEE. Because of the simple fact there is no provision in this bill nor in the rules of the Civil Service Commission that will admit persons to these examinations who are beyond the age of forty-five.

Mr. HOLMAN. That is a mere limitation, and this appropriation is made upon the condition that the limitation shall be removed.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANNON rose and was recognized.

Mr. TAULBEE. Mr. Chairman, I desire to inquire under what rule we are proceeding here?

The CHAIRMAN. Under the rules of the House as to general debate.

Mr. TAULBEE. Did the gentleman from Illinois [Mr. SPRINGER] have an hour?

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] had a portion of the time of the gentleman from Indiana [Mr. HOLMAN], and that has expired.

Mr. TAULBEE. Then, Mr. Chairman, I desire to occupy the floor in my own right.

The CHAIRMAN. That the gentleman may not do at this time.

Mr. TAULBEE. I would like to know under what rule we are now proceeding?

The CHAIRMAN. Under the rules of the House. The Chair is observing the rules and the practice of the House.

Mr. TAULBEE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. Was the gentleman from Illinois [Mr. CANNON] recognized before I was?

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] was standing waiting to be recognized. The gentleman from Illinois is a member of the committee, and the Chair is observing the practice of the House in recognizing him at this time.

Mr. TAULBEE. I would like to know by what rule the Chair recognizes the gentleman from Illinois [Mr. CANNON] when I demanded recognition first?

The CHAIRMAN. The time of the gentleman from Kentucky had expired, and the gentleman from Illinois [Mr. CANNON] was recognized.

Mr. TAULBEE. Mr. Chairman, I was not occupying the floor in my own right, but by the courtesy of the gentleman from Illinois [Mr. SPRINGER].

The CHAIRMAN. The Chair so understood. The Chair has recognized the gentleman from Illinois [Mr. CANNON], who is now entitled to the floor.

Mr. CANNON. Mr. Chairman, I ask the indulgence and attention of the committee during the time I shall occupy, for an appropriation bill is at best a pretty dry subject; and although I might believe myself able to give the committee some information that possibly might be of interest touching the provisions of this bill, the subject is not sufficiently attractive to make me scream in order to do so.

It is the

DUTY OF A COMMITTEE

preparing bills which carry appropriations to conduct the Government to so frame the bills that the interests of the Government will be best subserved. This implies, of course, a knowledge not only of our form of government and of existing law, but of the policy of the Government and its wants, not only in Washington, but throughout the length and breadth of the country; and when a committee commences to prepare any of these bills, especially this one, without being prepared to look over the whole ground and without having an intention honestly to recommend such appropriations under the law as will best subserve the Government, the bill which may be presented as the result of their labors can not be entitled to much consideration.

DUE CONSIDERATION.

I have very great respect for my colleagues on the Committee on Appropriations, and I am not here to abuse them now or at any other time during the course of my remarks. But I want to say at the commencement that I do not believe this bill presented by the Committee on Appropriations has received the intelligent, honest, careful, liberal consideration that it should have received before being presented to the House for its action. Having said that much, I want to call the attention of members, before I speak of the details of the bill, to its first clause. I hope I shall have attention while I read it:

Be it enacted, &c., That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated—

Now, mark the words—

in full compensation for the service of the fiscal year ending June 30, 1887, for the objects hereinafter expressed.

I have read this first clause of the bill for the purpose of calling the attention of the committee to the fact that the words

"IN FULL COMPENSATION"

are words that change existing law, and are subject to a point of order under the rules which this House voluntarily adopted at this session of Congress. This is not a matter of opinion. I hold in my hand a decision of the Supreme Court made upon these identical words in a bill passed in the Forty-fourth Congress, the court holding that these words, "in full compensation," if they remain in the bill, are written into the law and fix the compensation of all the officers appropriated for in the bill for the year, although the Revised Statutes, the permanent law, may give a greater or a less salary.

Mr. TOWNSHEND. Has it not been the custom of the Committee on Appropriations to insert that language in all the legislative appropriation bills since 1877?

Mr. CANNON. Yes, sir, such has been the custom. And in each case year by year the Committee on Appropriations has legislated for the ensuing year that the amounts appropriated as salary in the bill should be the legal salary. For instance, take the Auditors in the Treasury Department. The Revised Statutes fix their salaries at $4,000 a year. In this bill $3,600 is appropriated as such salary, and such has been the appropriation in similar bills since 1877. Still the law remains the same, except for one year.

Now, I do not say that I stand here to make a point of order against these words, "in full compensation." But I call the attention of the House to what the bill does, and to the fact that if any gentleman does make the point of order upon these three words which constitute a change of law, then he should follow that point of order with a motion to increase or decrease the salaries of officers to the amounts fixed by the Revised Statutes. Otherwise each officer could go into the Court of Claims and recover the salary provided by permanent law not appropriated in the bill.

Mr. TOWNSHEND. Does my friend want the words stricken out in order that those officers whose salaries are reduced may go to the Court of Claims?

Mr. CANNON. Not at all; but as the chairman of the subcommittee did not explain the bill in some respects, it is my duty, as I am upon that committee, although in the minority, to explain this bill so far as these various changes of law are concerned, for it is only at this session of Congress that it has been written into your rules that there should be no legislation upon this or any other appropriation bill.

Mr. RANDALL. Will the gentleman allow me to say a word?

Mr. CANNON. Certainly.

Mr. RANDALL. If the gentleman will examine the report presented along with this bill, he will see it was unnecessary for the gentleman from Indiana to touch upon this subject, as every change of existing law embraced in the bill is noted in that report.

Mr. CANNON. Will the gentleman point out—I have read the report—where the words "in full compensation" are included in this report?

Mr. HOLMAN. Every change in the appropriation bill is in that report.

Mr. RANDALL. Under the heading of every department.

Mr. CANNON. Certainly. The specific changes from the salaries provided by the current appropriation act are pointed out in the report, but nowhere in the report is the attention of the House called to the change of existing law made in the bill by the insertion of words referred to in the first clause.

Mr. RANDALL. I do not wish further to interrupt the gentleman from Illinois in his speech, and I only did so for the purpose of calling attention to that fact.

Mr. CANNON. Certainly; and you call attention to a fact I am not speaking about. Now the fact I was speaking about is that this legislation "in full compensation" is not referred to in the report at all.

Mr. HOLMAN. Is that a new provision, that it was necessary to call attention to it?

Mr. RANDALL. The gentleman from Illinois said that whoever made the point of order on these words would have to follow the bill and make a motion to change and correct it.

Mr. TOWNSHEND. And restore the salaries which have been reduced.

Mr. RANDALL. Yes; and to restore the salaries. Now I wish to call attention to the fact there has been no concealment, for it is set forth in each case in the report.

Mr. CANNON. I have been exceedingly unfortunate in making myself understood or my friend from Pennsylvania is not as bright as he is on most occasions.

Mr. RANDALL. Perhaps the latter reason is the right one.

Mr. CANNON. The report does state changes so far as salaries are concerned where they differ from the salary fixed in the appropriation act for the year 1886 ending June of that year, but does not call attention to changes contemplated from salaries fixed by permanent law.

Mr. HOLMAN. That is, over the last law.

Mr. CANNON. This bill, Mr. Chairman, as the gentleman from Indiana [Mr. HOLMAN] said, recommends a reduction in appropriations of $811,455.63 under a similar appropriation act for the current fiscal year ending June 30, 1886.

There are a good many

CHANGES OF SALARIES

in it, notwithstanding the rule of the House. Some are put up and some are put down, and in amount the increases and decreases are substantially equal. There are as many increased as decreased.

Now, the next is the

SHORT SESSION OF CONGRESS,

expiring on the 4th of March, 1887, and there is not so much money needed for the coming fiscal year for the Senate and House as during the present long session. The reduction in the Senate is $35,421.

Senators' clerks are omitted also. You remember the contests we have had over that item for a good many sessions of Congress. Each Senator not chairman of a committee has a clerk payable from the appropriations for this fiscal year. The House has always made the fight against that provision and has

ALWAYS BACKED DOWN,

not having the courage to demand for itself what it concedes to a coordinate branch of the Legislature. True, we have dropped this item out of the bill for the Senate, but some time between this and the adjournment my Brother HOLMAN will get up and say, after some travail and a great many conferences, the Senate insisted on the item of clerks for Senators and the House was compelled to recede. Sir, with yourself and other members of the House I will get up here and vote to recede, and thus we will tend to make a distinction between the Senate and the House which the Constitution does not make.

The net reduction in the House of Representatives is $27,000 in round numbers. There are some slight increases of salaries in this overburdened House that my friend from Indiana spoke of, and it has to be remembered that there are

MORE EMPLOYÉS IN THE HOUSE NOW

than there ever were before since the organization of the Government. The bill recommends a decrease of salaries of a few of the House employés. The tally clerk of the House receives this year $3,000, and is cut down by this bill to $2,500. The newspaper clerk is cut down to $1,440, I believe, from $2,000, and two or three other employés are cut down. Then two or three or four are put up a little. Well, what will be the result? Why, when we reach these provisions in the bill those who are put up a little will remain as recommended. We will then by amendment restore the salary of those who are cut down by the bill. But in the mean time it will have gone to the country that my friend from Indiana, Judge HOLMAN, acting for the Committee on Appropriations, has reported a bill to the House of Representatives which contains a reduction of salary of $500 for the tally clerk and $560 for the newspaper clerk, and then we will all be happy. [Laughter.] They who have had their salaries put up will not be sorry, the Committee on Appropriations will not be sorry, because they will have had the credit of making a reduction in the expenditures of the Government, and those who have been reduced in salary will not be sorry, because they will, by amendment, get just as much as they had before. And this is statesmanship! Now, it takes some service on the Committee on Appropriations to learn how to do such things, and as I do not want this committee to be a close corporation I tell you about it.

The next item is expenses and

SALARIES OF COLLECTORS OF INTERNAL REVENUE.

The reduction there is $50,000, and that is right. It might have been, I think, possibly $20,000 more. The expenditures for 1885 for collectors of internal revenue were $20,000 less than is recommended in this bill for the coming year. In other words, after you make this reduction of $50,000 for the collectors of internal revenue you still have $20,000 recommended by this bill more than was expended in 1885.

Then the next item of reduction in appropriation is the salary and expenses of gaugers and storekeepers $50,000. The committee might have reduced this item $87,000 more and then it would not have been any less than was expended in the last fiscal year. So these reductions are well enough as there is plenty of margin there.

Again, reductions by transfer to the sundry civil bill on page 50 of this bill of papers, binding, &c., $20,000. Now here comes another reduction: Mint at Philadelphia—for wages of workmen and adjusters and contingent expenses, $75,000. Then for the mint at Carson, wages, workmen, and contingent expenses is stricken out entirely, $114,550. Now, gentlemen, this reduction is not going to do any hurt; and the only wonder to me is that the Committee on Appropriations did not report at least $100,000 more reduction, and I will explain why. You recollect the law that we passed several years ago authorizing the coinage of silver dollars; it contained a permanent appropriation for the coinage of the silver dollar; and whenever this appropriation for coinage falls short the Department resorts to the permanent appropriation, which stands one year after another without reference to our action, and make up the remainder. True, we Republicans in the Forty-seventh Congress had an idea that it was proper to appropriate outright for this purpose, so as to let the country see what amount was expended; but it makes no difference in the amount that will be expended.

The next item of reduction is in the expense of the Utah Commission, $5,000. The committee had

NO INFORMATION

as to the propriety of that reduction. Another reduction is in the Quartermaster-General's Office, the agents and clerks, which you will find at page 64 of the bill, $42,020.

For per diem in lieu of subsistence of agents in the Quartermaster-General's Office on account of settlement of claims, there is a decrease of $18,000; quite a large reduction; and right enough, too, for the reason that this is the force that work on the so-called 4th of July claims. You understand what they are. They are nearly all disposed of. For three or four years past we have been reducing this force rapidly, and I hope within a year or two at furthest that business can be entirely closed up.

PENSION OFFICE.

Another decrease is in the salaries of the Pension Office—in the aggregate $145,650; decrease of the per diem and traveling expenses for one hundred and fifty special agents and clerks detailed (page 10 of the report), $70,000; making over $210,000 decrease in the Pension Office. This decrease is explained in the report. In the law for this year making an appropriation for this force it was provided that the places of the first one hundred and fifty clerks that were removed or dropped out of the service in the Pension Office should not be filled. That was made permanent law.

Now, I want to say another thing about this

PENSION OFFICE FORCE.

In the first session of the Forty-seventh Congress, in 1882, in the law making appropriation for 1883, we made an appropriation for the force of this Pension Office, increasing it from $900,000 in round numbers to nearly $2,000,000 on an estimate, which I have in my hand, submitted by the Commissioner of Pensions and the Secretary of the Interior, that if we gave that additional force, multiplying the force by two, doubling it, and half as much more—that in three years the office could dispose of the accumulation of pension cases, and that then the force could be reduced to less than it was before we increased it, namely, a force involving an expenditure of $900,000, Well, the three years—yes, four years—have passed, and this bill recommends an appropriation for the Pension Office for the fifth year, and the only reduction is $210,000 in round numbers. And that is put on in this bill because the law absolutely directed it should be put on. Otherwise it would not have been here, because the estimates for clerical force from the Pension Office come fully up and are a little more than they ever were.

For one I shall not move to

TO DECREASE THE CLERICAL FORCE

in the Pension Office until the Commissioner of Pensions and Secretary of the Interior submit an estimate for decrease, or until a committee of this House makes a thorough inquiry and reports that such decrease can be made without delaying the allowance of pension claims. But while I say that, I want to be exactly fair and to give you my opinion that if this appropriation for clerical force was for any bureau other than the Pension Office the appropriation would be decreased at this session of Congress by at least a million dollars.

Mr. TAULBEE. Will the gentleman yield to me for a question?

Mr. CANNON. Yes sir.

Mr. TAULBEE. I agree with the gentleman we should be very cautious about reducing the force in the Pension Office. But I will ask him this question, if he does not think we could consistently with the best interests of the Pension Office dispense with the assistant chiefs of divisions, twenty-four of whom are enumerated on page 82 of the bill at $1,800 each?

Mr. CANNON. I will say to my friend from Kentucky, as I said a moment ago, I am not going to move to cut this pension force down until the Commissioner of Pensions and the Secretary of the Interior recommend the decrease or until there is an inquiry by Congress intelligent and thorough that shows a decrease could be made and ought to be made. In further answer to the gentleman's question I say that the estimates for the Pension Office ask for an increase rather than a decrease of clerks.

Mr. Chairman, before I pass to the consideration of other matters I feel it my duty to call the attention of the House, as I have heretofore done at this session of Congress, that it is costing in the Pension Office and kindred offices at the rate of

$5,000,000 PER ANNUM

and over to transact the business in connection with the allowance and

payment of pensions, most of which is spent in assisting or obstructing claimants in the allowance of their claims. The trouble is that we justly owe a great many soldiers of the late war pensions who can not make the technical proof required by the Pension Office to establish their claims.

Sir, it is time for Congress to intervene and by positive enactment clear away the technicalities and obstructions created by the practice of the Pension Office which keep so many men who deserve pensions off the pension-roll. In my opinion no Commissioner of Pensions likely to be appointed will materially modify the regulations and practice, and I fear the tendency on the part of some of the employés of the office is and has been to obstruct or postpone the allowance of claims, for the moment this business is disposed of their occupation is gone and they would have to find other employment. I am calling attention to this matter not to unduly criticise the Commissioner of Pensions or the force under his control, but that this House may understand the responsibility is upon it if this condition of affairs continues.

The Senate of the United States has performed its duty by passing a bill which provides that

EVERY SOLDIER

of the late war who saw three-months' service and was honorably discharged and is or shall become disabled from any cause and is dependent upon his own exertions for support, or upon the contributions of others not legally bound to support him, shall have his name written upon the pension-roll.

The responsibility is upon the House. The Republican side of the House is ready and anxious to pass the bill, and I say to the Democratic side of the House you are in the saddle, you have the majority, and if you fail to pass this bill or assist us to pass it, in my opinion you will and ought to receive the condemnation of the country. If we pass this bill we can

SOON DISCHARGE A LARGE PART OF THE FORCE

in the Pension Office, which now constitutes in one sense a civil pension-list, and pay the money to the men who are entitled to it.

Mr. ADAMS, of New York. Would not that impose more labor on the Pension Office?

Mr. CANNON. Oh, no.

Mr. ADAMS, of New York. Why not?

Mr. CANNON. Because the proposed act contemplates the placing of every soldier coming within its provisions upon the pension-roll without further proof as to the origin of his disability.

Mr. ADAMS, of New York. How much would it cost?

Mr. CANNON. My best information is that it would cost about $10,000,000 a year. Covering about one hundred thousand cases, and averaging the pension at $8 a month, which is about the average of those now on the roll, the amount would be somewhat less than $10,000,000. However, I did not intend to discuss that matter now, and I merely touch it incidentally in passing.

Mr. STEELE. The minimum pension is $4.

Mr. CANNON. Yes, but I am averaging it for the purpose of answering the query of the gentleman from New York.

SURVEYOR-GENERAL.

There is a large reduction made in the office of the Surveyor-General, $45,812. This is the appropriation for survey of the public lands. You gentlemen from the Territories and the newer States will know whether that is wise or not. The committee took the estimate of the Commissioner of the Land Office, who recommended this reduction, and wrote it bodily into the bill.

The assay office at Saint Louis is dropped out entirely $6,500. The contingent of the Treasury Department is reduced $18,000, properly, I think, because for the fiscal year 1885 they did not spend more than the amount recommended in the bill.

In the office of the publications of the Records of the Rebellion there is a reduction of $9,200, which I presume is proper, as that work is well under way.

BUREAU OF LABOR.

I wish now to refer to one or two matters in which I think there ought to be an increase of appropriation. One is the Labor Bureau. As gentlemen know, that bureau is organized this year for the first time. The first report of the Commissioner has just been ordered to be printed, and those who have seen advance sheets speak very highly of it. Gentlemen all understand who the Commissioner of Labor is, a man of national reputation, formerly at the head of the labor bureau in the State of Massachusetts. I have met him occasionally, and I want to say that I believe he is the right man in the right place. What we want of the Labor Bureau is not this man's theories or that man's theories, but facts. We can make our own theories, but we require facts, and this gentleman I think is intelligently, earnestly, and industriously engaged in collecting facts. This year for the first time he submits an estimate for a force and an appropriation. His estimate in round numbers is for about $90,000. The committee recommend less than half that sum. The chief of the Labor Bureau was before us and made a wonderfully clear and effective statement of what he intended to do.

LETTER FROM COMMISSIONER OF LABOR.

And I send to the Clerk's desk a copy of the letter written by him to the Secretary of the Interior, which outlines the work that he proposes to do during the next fiscal year if the money recommended to be appropriated in the supplemental estimates of the Secretary of the Interior, which I can not this instant lay my hand upon, should be voted by Congress.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF LABOR.
Washington, D. C.

SIR: I have the honor to recommend the following investigations for the second annual report of this bureau:

1. An investigation into the number, causes, duration, results, and other features of all strikes occurring in the United States since and including the year 1881.

2. An investigation into the hours of labor, wages paid, method of payment, tours of duty, the condition, &c., of railway employés on all railroad systems in the United States.

3. An investigation as to the kind and the amount of work performed in the penal institutions of the several States and Territories of the United States and the District of Columbia, the methods under which convicts are or may be employed in such institutions, and as to all the facts pertaining to convict labor and its influence upon the industries of the country.

4. An investigation into the distribution of products, the cost of producing and distributing such products, so far as the leading articles of consumption are concerned, tracing each article from its production to its consumption, and gathering all the facts as to cost and methods of distribution.

5. An investigation into the employment, wages, condition, &c., of the women workers of great cities.

I have the honor to be, very respectfully, your obedient servant,
CARROLL D. WRIGHT, *Commissioner.*

The honorable the SECRETARY OF THE INTERIOR.

Mr. CANNON. Members who have given attention to the reading of that letter will see that the investigation which this Commissioner proposes to make with the approval of the Secretary of the Interior is a broad one.

Mr. ROMEIS. Why do you cut down that estimate?

Mr. CANNON. The gentleman from Ohio asks why we cut that down. Is the gentleman from Indiana [Mr. HOLMAN] in the House? [Laughter.] Well, suffice it to say that the majority of the Committee on Appropriations refused to allow the amount of the estimate, and cut it down over one-half. I think, without mentioning any names, that the view of some statesmen upon that committee is that it is well, where they do not agree as to the policy of the law, to regulate it by refusing appropriations or giving small appropriations. Now, I do not say there is any member of that committee who does not recognize the value of the work of this Bureau of Labor; but I do say that the majority of that committee, after full discussion in the subcommittee and in the full committee, so far as I am allowed to refer to the matter, refused to increase the appropriation beyond that named in the bill. I gave notice then, as I give notice now, that when this item is reached in Committee of the Whole, I shall move to

APPROPRIATE THE FULL AMOUNT

of the estimate; because, I say again, what we want is facts. Various questions are pressing upon us with great force for solution. The country, with its population of 60,000,000 or 65,000,000, is rapidly growing; our industries are diversified; we have half of the railroads in the world; our wageworkers are increasing by hundreds and thousands every year; and as matters growing out of these industries press for solution there must be action by Congress, action by State Legislatures, action by the force of public opinion. And what we want is education, not only for the laboring men but for the men who do not labor. We want the facts honestly gathered and intelligently collated, so that we may have reliable data, and when we come to legislate, when we come to form public opinion, which is higher and greater than legislation, legislation can be had and public opinion formed in the light of facts which are unquestioned; and these facts we must gather ourselves if we would obtain them.

Mr. BUCHANAN. Will the gentleman allow me to inquire whether the attention of the committee was called fully to the objects and necessity of this proposed investigation?

Mr. CANNON. I will answer the gentleman so far as it is proper for me to do so without stating what took place in the committee-room. The Commissioner, Mr. Wright, was before the subcommittee, and we had a long sitting and a very interesting one.

Mr. BUCHANAN. If he was before the committee, I have no doubt the objects and purposes and necessity of this investigation were fully laid before the committee.

Mr. CANNON. Yes, sir.

Mr. BUCHANAN. And after they had been so laid before the committee the majority cut down the estimate?

Mr. CANNON. Well, I will say the amount reported in the bill is a little less than one-half the estimate.

Mr. BUCHANAN. I want the country to know that. That is all.

Mr. CANNON. Well, I think the majority of the House, when this amendment is offered in Committee of the Whole, will agree to appropriate the amount of the estimate. I intend to give the House a chance to do it by offering the amendment.

Mr. BUCHANAN. If you do not, I will.

NULLIFICATION OF CIVIL-SERVICE LAW.

Mr. CANNON. I come now to speak of the provision in this bill changing the civil-service law. It is legislation on an appropriation

bill, and therefore against the rule. Our Democratic committee insert the appropriation for the Civil Service Commission and then put a limitation on the use of the money.

Mr. BUCHANAN. In other words, they boycott the law.

Mr. CANNON. Yes; that is it. The clause referred to appropriates the money for the salaries and expense of the Civil Service Commission, and then follows the proviso. It is in these words:

Provided, That this appropriation shall be available only when the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State, found duly qualified on examination, and without regard to age, shall be sent to the head of a Department or other officer charged with making an appointment.

Now, before the money appropriated can be used for the support of the Civil Service Commission, the President must, under this proviso, modify their rules so as to send in the names of all those who have passed an examination, without reference to age.

The gentleman from Indiana claims that these rules have not the binding force of law. That claim can not be successfully made. Let gentlemen refer to section 2 of the civil-service act, where it is provided that—

It shall be the duty of said commissioners to aid the President as he may request in preparing suitable rules for carrying this act into effect.

I will not read it all.

Mr. REED, of Maine. The gentleman from Indiana proposes to induce the commissioners to change their rule by presenting to them the argument that if they do not change it they will get no money.

Mr. CANNON. Precisely.

Mr. REED, of Maine. It is only arguing with them; that is all.

Mr. CANNON. It is pretty much such an argument as was addressed to me by my schoolmaster when I was a little fellow and wanted to play hooky. He said to me, "Young man, go in or you will do without your dinner." I went in. [Laughter.] It was a little forcible persuasion, that is all; but it was effective. And in reply to the gentleman from Maine I will say I have no doubt this Civil Service Commission, if this law be passed as recommended by the committee, will modify their rules and take their salaries, or rather the President will modify the rules.

Mr. ADAMS, of New York. They are human.

Mr. CANNON. There are two sections of the statutes which authorize the President to make these rules, and under the ruling of the Supreme Court of the United States in reference to the Army regulations, where the power is not so clear as the power conferred upon the President to make the rules here, all gentlemen understand those Army regluations have been declared to have the force and effect of law by the courts. So, then, if this provision is written into this appropriation bill by this House of Representatives it will be because you do it in defiance of the rule which prohibits riders on appropriation bills.

Mr. Chairman, at the second session of the Forty-seventh Congress, in 1883, when both the House and Senate were Republican,

THIS CIVIL-SERVICE LAW

was passed in the Senate under the lead of Senator Pendleton, and we passed it with a rush through the House, the Democratic side of the House, under the lead of Mr. Cox, of New York, supporting it with great fervor.

President Arthur appointed the commission and the law was put in force. The object was

TO PROHIBIT POLITICAL ASSESSMENTS,

give a more certain tenure to those employés in the service holding clerical positions, and to select persons for appointment in such public service according to merit from the different States, and without regard to the politics of the appointees. The rules were adopted in good faith to put the law in force by President Arthur. One of these rules provides that where there is a vacancy, the head of the Department shall notify the Civil Service Commission, whereupon the commission shall send the names of four persons who passed the highest examination from the State entitled to the appointment, from which one shall be selected by the head of the Department for appointment. It was contemplated by the law and regulations that the politics of the applicants should not be known and should not be considered in making the appointments, and will not be if the law is executed in good faith.

The Civil Service Commission states in its report made last January that the law has been fairly enforced. I am satisfied in the main this is true and that it will be found wherever it is not true that it has been under the operation of some special rule not in harmony with the system of rules.

DEMOCRATS DO NOT APPROVE OF CIVIL SERVICE.

Now, Mr. Chairman, I am satisfied that Democrats generally do not approve of the civil-service law, or its enforcement, and that generally Democratic Representatives want the law so enforced or changed that Democrats will be appointed to these positions to the exclusion of all others, and that too without regard to comparative merit. To give force to that sentiment the provision under consideration is to be placed as a rider upon the appropriation of money for the salary of the civil-service commissioners. So that when there is an appointment to be made, and the Civil Service Commission is notified, it shall send up forty, fifty, or a hundred names, all the names it has on the list from the State entitled, from which list the selection of one is made for appointment, and then information can be given as to which is the Democrat in the list that is agreeable to the Democratic member or Senator and he can be appointed.

This would be a nullification, a destruction of the law, and much worse than its direct repeal.

This is not a matter of speculation. I have the direct proof at hand that such would be the case. For several years past we have authorized the appointment of one hundred and fifty special pension examiners, the law providing each year they should be authorized and appointed only for that year, the expectation being each year that they would finish their work and go out of the service, but so far that expectation has not been realized. In practice from year to year these special examiners have been reappointed.

POLITICS A QUALIFICATION.

My fellow-townsman and constituent, General Black, was appointed Commissioner of Pensions last year, and I notice it is reported in the papers that in the investigation before the Senate committee he testified that out of seventy-four or seventy-five new appointees designated by him this fiscal year all but three or four were Democrats and that he did not know the politics of the three or four. Now this could not happen under the rule we have been discussing, but I find that the appointments of special examiners were not made under that rule, but under a special rule substantially the same as is proposed to make universal by the rider on this bill.

The names of all the applicants who had passed the examination were sent to the Commissioner of Pensions, thus giving him the chance to select Democrats only for appointment.

Mr. WEAVER, of Iowa. Will the gentleman allow me to interrupt him?

Mr. CANNON. Certainly.

Mr. WEAVER, of Iowa. If the whole list is sent up, and other things are equal, and the administration can get a good man and one of its own friends, what objection can the gentleman have to that one being appointed?

Mr. CANNON. I will give an answer to the gentleman from Iowa, and after a while I will treat the question more fully. It is because your party almost unanimously helped enact this civil-service law, and so long as it remains upon the statute-book let it be fairly and fully enforced as every officer takes an oath to support it.

Mr. WEAVER, of Iowa. The object of the civil-service law was not, as I understand, to appoint either Republicans or Democrats.

Mr. CANNON. Precisely.

Mr. WEAVER, of Iowa. It was not to divide the appointments between members of the two parties and has no reference to politics whatever.

Mr. CANNON. Precisely.

Mr. WEAVER, of Iowa. I say, then, if other things are equal, what objection can there be to the administration appointing its own friends from among the number of those who have passed a suitable examination?

Mr. CANNON. I will say that a fair construction of this law and the rules made under it as long as it remains upon the statute-books prevents any officer of the Government from inquiring the politics of any man who comes for appointment. Now, I wish to give the gentleman a broader answer than that, and I can do it.

You elected in 1884 a President——

Mr. ADAMS, of New York. You mean in 1876.

Mr. CANNON. Oh; well, if the gentleman wants to go back to 1876, so be it. I am discussing this proposed legislation; and if the gentleman does not want to fairly discuss it, and wants to switch off to a political question and discuss that all along the line, I will be with him, if he will yield me some of his time.

Mr. WEAVER, of Iowa. I have not intended to switch the gentleman off, but I want an answer to that question.

Mr. CANNON. Then I will decline to be interrupted for the present, say for the next five minutes, while I answer the gentleman's question.

You elected a President in 1884 upon a civil-service platform. He is the head of your party, and I am inclined to think the most popular man with the country in your party. However, that is not saying a great deal for him; and however much I may regard him and you personally, I have a poor opinion of you all politically. [Laughter.]

Mr. BEACH. There is no love lost.

Mr. GIBSON, of West Virginia. You know from your own experience how mean politics are.

Mr. CANNON. I do not desire to be interrupted for the present. Soon after Mr. Cleveland's election, and before he was inaugurated, this letter was addressed to him by George William Curtiss and others:

LETTER FROM GEORGE WILLIAM CURTIS AND OTHERS.

NATIONAL CIVIL SERVICE REFORM LEAGUE,
OFFICE, NO. 4 PINE STREET.
New York, December 20, 1884.

SIR: We have the honor to address you on behalf of the National Civil Service Reform League, an association composed of citizens of all parties, whose sole purpose is indicated by its name, and which takes no part whatever in any party controversy.

The vast increase in the number of persons engaged in the civil service and the grave mischief and danger arising from the general proscription in the service which for half a century has followed the change of party control of the national administration have produced so profound an impression upon the public mind that the first effective steps toward reform were taken with the co-operation of both parties in the passage of the reform act of January 16, 1883.

The abuses which that act seeks to correct, however, are so strongly entrenched in the tradition and usage of both parties that there is naturally widespread anxiety lest the party change in the national Executive, effected by the late election, should show them to be insuperable. But, believing as we do, that the reform system can not be held to be securely established until it has safely passed the ordeal of such a party change, and recalling with satisfaction and confidence your public expressions favorable to reform, and your official acts as the chief executive of the State of New York, we confidently commend this cause to your patriotic care in the exercise of the great power with which the American people have intrusted you.

Respectfully yours,

GEORGE WILLIAM CURTIS, *President*,
WILLIAM POTTS, *Secretary*,
JOHN JAY,
MOORFIELD STOREY,
J. HALE PLEASANT,
W. W. MONTGOMERY,
EVERETT P. WHEELER,
FREDERICK CROMWELL,
MORRILL WYMAN, JR.,
CARL SCHURZ,
SILAS W. BURT,
A. R. McDONOUGH,
WM. CARY SANGER,
WILLIAM W. AIKIN,
Executive Committee.

HON. GROVER CLEVELAND.

A few days after, Mr. Cleveland addressed this letter in reply:

ALBANY, *December* 25, 1884.

DEAR SIR: Your communication, dated December 20, addressed to me on behalf of the National Civil Service Reform League, has been received.

That a practical reform in the civil service is demanded is abundantly established by the fact that a statute, referred to in your communication, to secure such a result has been passed in Congress with the assent of both political parties, and by the further fact that a sentiment is generally prevalent among patriotic people calling for the fair and honest enforcement of the law which has thus been enacted. I regard myself pledged to this because my conception of true Democratic faith and public duty requires that this and all other statutes should be in good faith and without evasion enforced, and because in my utterances made prior to my election as President, approved by the party to which I belong and which I have no disposition to disclaim, I have in effect promised the people that this should be done.

I am not unmindful of the fact to which you refer, that many of our citizens fear that the recent party change in the national Executive may demonstrate that the abuses which have grown up in the civil service are ineradicable. I know that they are deeply rooted, and that the spoils system has been supposed to be intimately related to success in the maintenance of party organization, and I am not sure that all those who profess to be the friends of this reform will stand firmly among its advocates when they find it obstructing their way to patronage and place.

But fully appreciating the trust committed to my charge, no such consideration shall cause a relaxation on my part of an earnest effort to enforce this law.

There is a class of Government positions which are not within the letter of the civil-service statute, but which are so disconnected with the policy of an administration that the removal therefrom of present incumbents, in my opinion, should not be made during the terms for which they were appointed solely on partisan grounds and for the purpose of putting in their places those who are in political accord with the appointing power.

But many now holding such positions have forfeited all just claims to retention because they have used their places for party purposes in disregard of their duty to the people, and because instead of being decent public servants they have proved themselves offensive partisans and unscrupulous manipulators of local party management.

The lessons of the past should be unlearned, and such officials, as well as their successors, should be taught that efficiency, fitness, and devotion to public duty are the conditions of their continuance in public place, and that the quiet and unobtrusive exercise of individual political rights is the reasonable measure of their party service.

If I were addressing none but party friends I should deem it entirely proper to remind them that, though the coming administration is to be Democratic, a due regard for the people's interest does not permit faithful party work to be always rewarded by appointment to office, and to say to them that while Democrats may expect all proper consideration, selections for office not embraced within the civil-service rules will be based upon sufficient inquiry as to fitness, instituted by those charged with that duty, rather than upon persistent importunity or self-solicited recommendations on behalf of candidates for appointment.

Yours, very truly,

GROVER CLEVELAND.

HON. GEORGE WILLIAM CURTIS, *President, &c.*

Afterward he was inaugurated, and there were more expressions of devotion to the civil-service act. Not only was the civil-service law to be enforced in good faith, but its vitality and spirit was to pervade the policy of the President as to other offices not in the letter of the civil-service act and regulations. Yet, Mr. Chairman, two months did not pass by until one of the members of his Cabinet issued a circular, not in open day to let the full, bright noonday light shine upon it, but "confidentially," in which he invited Democrats who wanted office, and that took in pretty much all the party [laughter], to make charges of offensive partisanship or other charges against such persons as they wanted to get out of office, and in proof of same file *ex parte* affidavits, secretly obtained, which since that time have been zealously guarded, so that they should not see the light of day so far as the public is concerned.

Mr. RANDALL. There is only one mistake about that letter and that was the word "confidential."

Mr. CANNON. I agree with the gentleman that was not commendable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. In regard to the time I would like to say——

Mr. RANDALL. I would not let a public officer do anything that the light of day could not see, or which was not permitted every man to see the next day in the public press.

Mr. CANNON. I agree with my friend from Pennsylvania in that. It was not fair dealing; it went upon its mission in secrecy.

Mr. SPRINGER. I ask unanimous consent that the gentleman from Illinois be given additional time.

Mr. RANDALL. Give the gentleman from Illinois all the time he wants, say thirty minutes. There will be no difficulty about the time.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Illinois?

There was no objection.

Mr. HOLMAN. Mr. Chairman——

Mr. CANNON. I will yield to my friend presently. I want to complete my answer to the gentleman from Iowa.

Mr. Chairman, that confidential circular that was ashamed to look fair men in the face was, in my opinion, intended to bring such charges of offensive partisanship and other charges against officials as would enable the Postmaster-General to turn them out without giving them a chance to be heard and at the same time not offend the independent friends of the President or embarrass the President on account of the letter he had written to them in December previous. The result was, in almost every town, village, and hamlet the smut machines were set in motion, and the product that was ground out served as a basis for action and is now concealed in the files of the Departments. I trust the time will come when the files will be cleansed and disinfected.

Mr. ADAMS, of New York. I understand that no honorable Democrat has taken advantage of that order. [Laughter and applause.]

Mr. BUCHANAN. "No honorable Democrat," but all the rest did. [Renewed laughter.]

Mr. HENLEY. That is equivalent to saying that nobody has taken notice of it.

Mr. REED, of Maine. The law can not take any notice of so small a list.

Mr. CANNON. Now, Mr. Chairman, keeping in view the civil-service law, the letters and messages of the President, and the confidential circular of the Postmaster-General, what next do we find? We find General Black, Commissioner of Pensions, by his own testimony apparently keeping within the letter of the civil-service law in the designation of special pension examiners, deliberately disregarding and violating the law in spirit. "The letter killeth but the spirit maketh alive."

What is the President to do? Nothing?

Mr. STEELE. He gets married. [Laughter.]

A MEMBER. And goes a-fishing.

Mr. ADAMS, of New York. Do you or do you not call getting married nothing? [Laughter.]

Mr. CANNON. Mr. Chairman, the operation of this special rule in the hands of the Commissioner of Pensions produces partisan appointments in the classified civil service. The Democratic Committee on Appropriations, by the provision—the rider—on this bill, proposes to make that special rule, producing such results, the general rule touching all appointments under the civil-service law. Does the Democratic House feel called upon to enact this provision so as to relieve the President from embarrassment—that President who so far has made no protest against the nullification of the civil-service law by his Commissioner of Pensions or Secretary of the Interior?

Is this provision placed upon the bill at the request of the President? Are these appointments made under the care of General Black—the President's subordinate—in pursuance of the President's pledge in his letter to Mr. Curtis and others, "that this and all other statutes should be in good faith and without evasion enforced?"

Mr. TOWNSHEND. I ask my friend from Illinois if General Black, Commissioner of Pensions. has appointed any special examiner not certified to him by the Civil Service Commission? Does he not in every instance, when there is an office to be filled, call upon that commission and they certify the names?

Mr. CANNON. I said, if the gentleman had done me the honor to listen to my remarks, that the appointments are professedly under the civil-service act. But all the names were sent up, and as the result of those appointments the Commissioner of Pensions testifies himself, as reported in the papers, that seventy out of seventy-four were Democrats.

Mr. TOWNSHEND. Let me ask my colleague——

Mr. CANNON. Let me finish this matter and then I will yield. I am not here attacking General Black personally. I am here attacking him for his official action in connection with the enforcement of the civil-service law; and I am here to call attention to the declarations of the President of the United States, and to show how the President of the United States stands quietly by saying, "Good Lord, help me to enforce this act," all the while asseverating that he is enforcing it in good faith, while he permits his subordinate to drive through it with a four-horse team, and then back again, in full light of the noonday sun.

Mr. TOWNSHEND. I ask the gentleman from Illinois this question. Among all the special examiners found in the service when the present Commissioner of Pensions took office will the gentleman name

a single one who was a Democrat? In other words, is it not the fact that all the special examiners selected under this pretended civil-service reform law were Republicans—not a single Democrat among them?

Mr. CANNON. I answer my friend, so far as I have knowledge, in the negative. I understand that a portion of them were Democrats.

Mr. TOWNSHEND. Among the special examiners?

Mr. CANNON. I so understand.

Mr. TOWNSHEND. I understand there was not a single Democrat among the special examiners.

Mr. CANNON. I am assured by gentlemen all around me that there were. But I do not care whether there were or not. My friend, as usual, when I attempt in good faith to discuss a question of national policy showing what the law is and what is the practice under that law, resorts to his ordinary tactics of attempting to show the Republican party or somebody else did something as bad as the matter to which attention is being called. That does not prove anything. If that was true as regards the Republican party under this law it was wrong. But does their wrong action justify his administration in doing wrong, especially when it is so zealous in pretension?

Mr. SPRINGER. Did my colleague [Mr. CANNON] condemn it when his party were doing the wrong?

Mr. MORRISON. Oh! we are expected to be better. [Laughter.]

Mr. CANNON. One word in conclusion touching this civil-service matter. I am asked if I object that you, being in the majority, feel it is your duty to repeal this civil-service law and to go back to the old system. You are the judges. But I want you to march up like men and vote to repeal that act. Do not undertake to do it surreptitiously. Do not undertake to nullify it. Do not undertake to put a rider on an appropriation bill and starve it to death; that is not the manly way to do it. Have the courage of your convictions. Do not attempt to say to the Civil Service Commission, "Unless you nullify the law you shall not have the money." Bring in your bill and repeal the law, if you have votes enough. That is the manly way to do it.

[Here the hammer fell.]

Mr. HOLMAN. I hope my friend will answer the question I proposed to him a while ago.

Mr. CANNON. I will if I have time.

Mr. TOWNSHEND. Trusting that the House may be as indulgent to me, I yield fifteen minutes to my colleague from Illinois [Mr. CANNON].

Mr. HOLMAN. My friend has spoken about the appropriation for the Labor Bureau.

Mr. CANNON. I would rather that my friend would let me finish this matter of the civil service, and then I will come back to the Labor Bureau.

Mr. HOLMAN. The gentleman can put this where he pleases. I simply wish to call attention to the fact that the appropriation for that bureau for the present year was $40,000, while the appropriation for the coming year is $53,220; $13,220 more than the appropriation of the current year. That is all I wish to say.

Mr. CANNON. Oh, yes. I stated all that.

Mr. TOWNSHEND. I understood the gentleman to say that we had cut down the estimates one-half.

Mr. CANNON. Substantially one-half.

Mr. TOWNSHEND. Therefore, I think it is very proper that the gentleman from Indiana should show that we have increased the amount.

Mr. CANNON. This Labor Bureau has never been in existence before this year, and this is the first year that it has presented any estimate. The bureau comes now, at the end of its first year, as directed by us, and tells us that it requires $90,000, and you refuse it and give only about half as much.

Mr. BUTTERWORTH. I want to call the attention of my associate [Mr. CANNON] to the fact that Mr. Wright, the Labor Commissioner, came before the committee, in view of the disturbed condition of the country presenting new subjects for investigation, and presented a supplemental estimate.

Mr. HOLMAN. We appropriated $25,000 to begin with, and then $15,000——

Mr. CANNON. Now I want to be fair about this civil-service act. I was in Congress at the time it passed, and I voted for it. I had very grave doubts whether it would result in good; but it was the sense of a majority of the Republicans, and of the other side of the House almost unanimously, that the experiment ought to be tried, and I voted for it. I want to say, further, that this act applies substantially to but fourteen thousand of the one hundred and twenty thousand officials in this country—those fourteen thousand being nearly all engaged in clerical service. I know there is a general impression throughout the length and breadth of the country that it applies to all the offices, and I know a great many gentlemen find it easy when their constituents come to them (now that they have come into their kingdom) for offices, and when there is not more than one office for every two hundred applicants—I know, I say, that they find it easy to sit back and damn the civil-service law. [Laughter.] That is the easiest way to get out of it. Still the fact remains that the law applies to only from 12 to 15 per cent. of the offices, though undoubtedly much of its unpopularity with Democratic office-seekers results from the belief that it controls substantially all the offices.

I want to say further that I have been agreeably surprised at the operation of this civil-service act, applied as it has been merely to the people holding clerical positions. We all understand what it means to hold a position of that kind in one of the Departments here at Washington or in the great offices of the Government. A man falls into a groove, he is isolated from his home, if he has a profession he forgets it, if he has not he very rarely gets one, he goes around in the tread-mill month after month and year after year. If I had a boy I would rather he should work at $10 a month than come here and take one of these positions—I was going to say I would rather see him dead. In a short time most of these employés get so that they have no politics.

The experience has been that a large percentage of the clerical force has changed politics almost as quickly as the administration has changed. Yet these clerks in the main perform their work well. Many of them have first-rate ability for the work they have to do. Now, if this law was properly backed up and supplemented by an honest effort to improve it, I believe that in the end it would do great good; but has there been any investigation made with a view to improving it? No. With this law upon the statute-book, with the clerks and employés in the great offices of the Government

RELIEVED FROM POLITICAL ASSESSMENTS

to which they were formerly subject under all parties, and holding their places so long as they give satisfaction, they can afford to do better work and for a less price than was formerly paid them; and, after considerable investigation of the subject, having for six years assisted in the preparation of the legislative appropriation bill, I state it as my deliberate opinion that if the Committee on Appropriations, intending in good faith to carry out this civil-service law, had commenced in December last inquiring all along the line as to the wants of the public service and had discovered where salaries could be decreased because of the permanency of the positions and relief from assessments heretofore imposed, the character of the service in the Departments and the great offices of the Government might have been improved and at the same time the cost reduced fully 25 per cent. But has there been any disposition to make that kind of an investigation? No. On the contrary a disposition has been manifested to indirectly repeal this law, without the House having the courage to do it directly. I do not believe the law will be repealed. I believe it should not be repealed.

Mr. RANDALL. Will the gentleman permit me to ask him a question?

Mr. CANNON. Yes, sir.

Mr. RANDALL. Do you believe that all persons who wish to enter the postal service of the United States, which is classified, should be excluded on the ground of age if they are over thirty-five years old, or that persons desiring to enter the customs service should be excluded if they are over forty-five?

Mr. CANNON. I will say to my friend from Pennsylvania that the railway-mail service is not under the civil-service law.

Mr. RANDALL. I say that under the regulations as to the "classified postal service" a man is excluded if he is over thirty-five years of age.

Mr. PETERS. A man over that age can not stand the work.

Mr. RANDALL. Without regard to mental or physical capacity, he is not allowed to be examined for that service.

Mr. CANNON. The railway-postal service is not under the operation of the civil-service law, and never was. If there be a regulation of the Post-Office Department on this subject which is objectionable to the gentleman from Pennsylvania, let him go to the Postmaster-General and get the rule modified. The law is silent as to age.

Mr. RANDALL. If the gentleman will permit, I will have the rule read.

Mr. PETERS. The experience of the Post-Office Department has demonstrated that an applicant for such a position if over thirty-five years of age is not available—can not stand the work.

Mr. RANDALL. I ask that the rule be read.

Mr. CANNON. Certainly; let it be read.

The Clerk read as follows:

2. No one shall be examined for admission to the classified postal service if under sixteen or over thirty-five years of age, excepting messengers, stampers, and other junior assistants, who must not be under fourteen years of age; or to the classified customs service, or to the classified departmental service, if under eighteen or over forty-five years of age; but no one shall be examined for appointment to any place in the classified customs service, except that of clerk or mrssenger, who is under twenty-one years of age; but these limitations of age shall not apply to persons honorably discharged from the military or naval service of the country, who are otherwise duly qualified.

Mr. RANDALL. Those rules with regard to the "classified postal service" apply, as I understand, to all offices where the employés exceed fifty.

Mr. CANNON. So I understand.

Mr. RANDALL. There is as to that "classified postal service" this disqualification: No man who is over thirty-five, whatever may be his mental or physical capacities, can enter the service in any of the post-offices of the country where there are more than fifty employés.

A MEMBER. Except those who have served in the Army.

Mr. RANDALL. They are excepted, of course, and properly so.

Mr. CANNON. In reply to the gentleman from Pennsylvania, I would remind him that he is now talking about an entirely different service from that which he spoke of in the first instance.

Mr. RANDALL. I am talking about applicants for office and about the regulations which disqualify for these places a large body of American citizens, without reference to their mental capacity or physical strength.

Mr. CANNON. The rule, as he says, applies to clerks in post-offices where there are more than fifty employés. It does not apply to railway postal clerks.

Mr. RANDALL. I never said that it did. I know that it applies in the post-office in my city.

Mr. CANNON. I want to say again that if these rules need modification let a Democratic President, who professes to have a regard for the law and is in harmony with the other side of the House, modify them. I wish to repeat, as I said a moment ago, that an honest enforcement of this law, re-enforced by an intelligent appropriation, would, I am satisfied, enable us to decrease the cost of the service 25 per cent.

Mr. RANDALL. I do not want to embarrass the gentleman, but I asked him whether he was in favor of this restriction as to age. He has not answered that question, but has referred it to Mr. Cleveland as the Chief Executive of the country.

Mr. CANNON. I will reply to the gentleman. There are some men over thirty-five who are perfectly competent for clerkships; there are some men over sixty and some over seventy who would make good clerks. But there should be some general rule, and all rules work a hardship in some cases. Perhaps the age of thirty-five is too young to be fixed as the limit. The President has full power to change the rule in this or any other respect.

Mr. RANDALL. Does not the gentleman think that such a provision, when applied to men such as I have named, who are entirely qualified, is indefensible?

Mr. BAYNE. If the gentleman from Illinois [Mr. CANNON] will allow me, I would like to suggest that if my observation is correct the civil-service law has not affected very seriously the post-office in the city of my colleague, Philadelphia——

Mr. RANDALL. The gentleman is entirely mistaken.

Mr. BAYNE. Wait one moment. The fact, as I understand, is that since the nomination and appointment of the Democratic postmaster at Philadelphia, Mr. Harrity, there have been about sixty changes made in that post-office under the civil-service law; and, if the public prints are correct in their statement of the affair, every one of the sixty who passed the examination and was accepted into that office under the civil-service law was a Democrat.

Mr. RANDALL. Whenever the gentleman relies on his own knowledge and states it as fact I will answer him. But he must not take up the statements of a partisan press and retail them here as facts.

Now, Mr. Chairman, I say without equivocation that I am advised Mr. Harrity has in no instance avoided or disregarded the civil-service law. Nor has he in any way acted except in harmony with that law.

Mr. BAYNE. I do not say that Mr. Harrity has, but it is a remarkable conjuncture of circumstances. My colleague has no reason to complain of the civil-service law as affecting his district. [Laughter.]

Mr. RANDALL. I should like to have the men who have grown up in the doctrines of the Democratic cause considered when applications for office come up. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. McCOMAS. The country has experienced fifteen months of Democratic rule. Congress has been in session six months. The party in power is not agreed on any question in which the people take a rational interest. On questions of currency, the coinage, the civil-service law, the internal revenue, the remedy for illiteracy, interstate commerce, the tariff, there is open antagonism in the ranks of the administration party. To this discord and the utter helplessness of the party in power is due much of the discontent and depression in the country.

All legislation may—the most important, the raising of the revenue, the appropriation of money, must, originate in this House.

The Democratic party controlling this House and the Presidency are responsible to the people for what is done and left undone. With no fixed policy on current questions and a fatal facility for taking the wrong side of new questions, the experiment of trusting it with power is a failure. It has not risen to the responsibility of a governing party.

The President appears to lack confidence in his party. The majority in this House in many ways has shown that it does not trust the President. Heretofore it repudiated his sound recommendation about coinage.

The bill we are considering has a rider which will abrogate the civil-service law which he commends.

This proviso to the appropriation for the Civil Service Commission is contrived to starve that commission into a surrender to the spoilsmen. Instead of sending to the appointing power from the list of any State the four highest names with the right to select one, hereafter the commission must send all the names of all the applicants who passed examination with the right to select one. If the Commissioners refuse to nullify the law, they can not draw their pay.

You propose to starve out competitive examinations and substitute pass examinations, and by attaching the rider to this bill you declare that you are ready to starve out the executive, judicial, and legislative functionaries of the Government, to nullify the civil-service law. Of course from the twelve hundred names now on the lists only Democrats urged by Senators, Members, and powerful Democratic leaders would be selected. Influence, not merit, would determine all appointments. Twelve thousand Democrats would soon be on the lists. Only Democrats need then apply. When my colleague on the committee [Mr. HOLMAN] who has charge of this bill discloses his purpose to equalize the offices between the parties he plans to have none but Democrats appointed. When he announces that politics, not merit, must control, it is hypocrisy to retain the forms of the law. It would be more manly to attack the law openly. If this proviso be carried the spoils system is thereby restored in all the Departments. The civil-service rules now cover only one-eighth of the offices. The Democrats all over the country are rapidly, steadily getting all the rest. Pass this proviso, and the machinery of the commission becomes a useless expense. Let my colleague as a true economist follow up his advantage. Let him abolish the commission and their clerks, for their offices will be sinecures.

Let us go back to the passing of this law under a Republican administration.

When that able and sagacious statesman and diplomat, Mr. Kasson, of Iowa, presented the civil-service bill as it had passed the Senate, Democrats incontinently trod on each other's robes as they rushed to prostrate themselves before the new idol of civil-service reform.

I read from the RECORD:

> Mr. COX, of New York. Now I propose in good faith to my friend from Iowa [Mr. Kasson], inasmuch as there has been already an extended debate on this bill in the Senate, that we may forego the debate in this House and at once put the bill on its passage.
>
> Members on both sides of the House. That is right. ["Vote!" "Vote!"]

Why do you desert the colors now? Why do you now say, "give us a clean sweep, and away with the Mugwumps?"

Mr. NEECE. I do assert that the rule is wrong that gives any preference to any one class of the people over another; that would put in a lot of school-teachers and exclude others.

Mr. McCOMAS. I say if there be a discrimination in favor of intelligence and against mere party service, if there be a discrimination in favor of capacity as against mere obligation to leaders here or elsewhere, that discrimination is far less objectionable and far better for the country. If the gentleman objects that the most of the school-teachers are in my party, so much the better for the Republican party.

What an extraordinary spectacle! Within sixty days the President transmitted to Congress the third report of this commission, approving its suggestions to extend the civil-service rules to additional offices, and commended the system to the liberal care and jealous protection of Congress. To-day his party friends are trying to starve out the commission by a rider on this appropriation bill.

Mr. ADAMS, of New York. May I ask the gentleman a question?

Mr. McCOMAS. I will yield for a question only.

Mr. ADAMS, of New York. Where do you find any such change as you assert? Point out, if you can, wherein this provision of law changes the present civil-service rules so far as the qualifications are concerned; and that is the chief point in it.

Mr. McCOMAS. Why, that is just the very thinnest pretense, and I say it with all respect, that I have ever heard on this floor. This proviso substitutes pass examinations for competitive examinations, and the competitive feature is the essence of the law.

Mr. ADAMS, of New York. Will you answer the question?

Mr. McCOMAS. The gentleman from Indiana in charge of the bill has said that if the effect of this is to be an equalization of the offices and put in more Democrats he will be glad. That is the real purpose of the proviso, to put in Democrats only, and that will be its effect.

Mr. ADAMS, of New York. I am sorry the gentleman from Maryland feels called upon to come to this side of the House for his authority. I did not apply to the gentleman from Indiana for information, but to him.

Mr. McCOMAS. Why, this says that after a mere pass examination to get on the list the appointing power may select at will every Democrat of the whole number who worked for my friend in New York, every one who aided in circulating the placards of Burchard's speech all over the State to help elect Mr. Cleveland President, who worked for the party in New York in that campaign; every one of these Democrats who has sufficient intelligence to pass the examination may be put upon the rolls to displace that many Republicans.

Mr. ADAMS, of New York. Would the civil-service board pass them?

Mr. McCOMAS. They would be compelled to pass if qualified, and the names of Democrats only would swell the list of eligibles and would be sent in by the thousands to the appointing power from the list for my friend's State. No, Mr. Chairman, it is too plain. The sole purpose of this proviso is to nullify the civil-service rules.

I speak not for the Republicans in office. They are rapidly decreasing. While they remain in place they are of no benefit to their party. I have no concern for those who, to keep their places, have abjured their party faith. For my party's sake it were far better if all Republicans

were turned out of office in a day. But this question rises above party. I plead for the civil-service rules under all administrations in the interest of the people. When honestly enforced these rules have worked admirably in their limited scope. When ignored bad results have followed.

In my own State in all parties there is a growing sentiment in favor of this reform. Under this administration, in Maryland as elsewhere, it has been weakened, evaded, perverted, abused, but these very failures demonstrate its vitality.

Mr. COMPTON. May I ask my colleague a question?

Mr. McCOMAS. Yes, sir.

Mr. COMPTON. Will my colleague be good enough to tell us when and where the civil-service law has been evaded in the State of Maryland, and by whom?

Mr. McCOMAS. I will say to my colleague that the question which he puts to me in all kindness shows he himself was so engrossed in the occupations with which he is busied, and the cares for an anxious constituency who throng the corridors seeking office, that he has not had time to read the account of the meeting at Baltimore the other day, and how the late postmaster at Baltimore, in personal character and efficiency in office worthy of high praise, was charged publicly by the Civil Service Society in that city, in the presence of Mr. Lyman, one of the Civil-Service Board, with having called for the whole list of eligibles for the purpose of appointing Democrats only under the civil-service rules; and the late postmaster is reported in the Democratic press to have confessed he had made quite a clean sweep of Republicans, and appeared proud to have left his successor an office nearly Democratic. Every one at that meeting, and the press, Republican and Democratic, concluded there had been an evasion of the civil-service law. The best of the Democrats admitted it; that it had been beautifully worked so that the Democrats should get in and nobody else.

Mr. COMPTON rose.

Mr. McCOMAS. Not yet. I say again to my colleague with all respect if he will go with me from those mountains which I love, and wherein the President now lingers, through our whole State and down to Worcester to the sands of the ocean, I will on the journey overwhelm him with Democrats who will complain that the administration of the civil service with its Higginses and Thomases, and its evasions of the spirit and letter of the law, is such that they have come to regard it as a mere farce to talk about the civil service reform of this country. Now what is my colleague's further question?

Mr. COMPTON. The gentleman has by no means given a square answer to my question.

Mr. McCOMAS. What is the second question? I have specifically answered your first question.

Mr. COMPTON. I do not propose to ask a second question. I wish to say this in reply to what my colleague has said about the evasion of the civil-service-reform law in Maryland. As to the Higginses and Thomases, they are not civil-service officers and have nothing to do with this question.

Mr. McCOMAS. That is not a question, but an argument. I yielded for a question.

Mr. COMPTON. I think the gentleman will find if he will turn to the columns of the Baltimore Sun, in which the investigation to which he has referred is reported, he will there find, not by a Democratic, but by an independent, fearless paper, the declaration clearly made that Mr. Veazie was not sat down upon by the Civil Service Commission, but, on the contrary, maintained himself, and his conduct as postmaster of Baltimore, to the entire satisfaction of all the fair-minded people of that city.

Mr. McCOMAS. I yielded only that my colleague might ask his question, and that I might state what civil-service reform in Maryland amounts to. My friend has heard much of that. He has heard it right and left in that State. But this system, having been so abused there and elsewhere, is still in the hearts of the people, gaining force and strength for the business administration of the offices of this Government.

Here and there in this bill we are asked to drop clerks within civil service grades and to provide clerks below the civil service grades of salary, not to save money, but to make more Democratic patronage.

Another proviso is more frank. Two years ago the Democratic majority here by an amendment to the legislative, executive, and judicial appropriation bill, offered by the distinguished chairman [Mr. RANDALL] and supported by my colleague on the committee [Mr. HOLMAN], insisted that the one hundred and fifty special pension examiners we then provided should be selected under the civil-service rules, to prevent the Republican Commissioner of Pensions from appointing his party favorites as political agents.

Under a Republican administration I voted to extend the civil-service law to these new offices. The House passed it, the Republican Senate adopted it, the Republican President signed it, the Republican Commissioner of Pensions followed strictly the law; but the administration has changed. To-day the same Democratic leaders provide by another rider on the same bill that the same one hundred and fifty special pension examiners shall no longer be selected by competitive examination, but by the Democratic Commissioner of Pensions, from their party friends just in time to become active emissaries in every Congressional district this fall. They have reversed themselves. They are for civil service or spoils just as they are in or out. It does not content them to know that their zealous partisan Commissioner of Pensions has already so adroitly evaded the law as to put in nearly all Democrats. The majority here want a clean sweep.

Mr. RANDALL. Will the gentleman allow me a word right there?

Mr. McCOMAS. Yes, sir.

Mr. RANDALL. I believe I have a right to say what I said in the committee. If the gentleman was present he will recollect——

Mr. McCOMAS. I was not.

Mr. RANDALL. Well, those who were there will remember that when the matter was recently under discussion I said that there was, perhaps, more occasion for a thorough civil-service examination in connection with these offices than with any other offices under the Government.

Mr. McCOMAS. Then I understand the gentleman from Pennsylvania [Mr. RANDALL] to say that he believes this proviso ought to be struck out.

Mr. RANDALL. I believe this, that these examiners who are here provided for would be more properly subjected to a civil-service examination than any other officers of the Government—necessarily so because of the character of the matters which they are called upon to investigate.

But I am free to say that the administration of the civil-service law, through the regulations made by the Commissioners, have a good deal tempered and cooled my admiration of the law. [Laughter.]

Mr. McCOMAS. But will the ardor of the distinguished chairman of the committee go with me far enough to vote to strike out this proviso?

Mr. RANDALL. You will see when the vote is taken. [Laughter.] I have not changed my mind on that, and I do not know that I shall change my vote.

Mr. McCOMAS. But my honored friend on the subcommittee, the gentleman in charge of this bill [Mr. HOLMAN], was at that time, when the civil-service rules were applied to these special examiners, in the forefront of the battle to shorten debate and press the House to a vote on Mr. RANDALL'S amendment. He at that time distinguished himself by putting these very officers under the civil-service rules, but to-day I find him, not recanting his civil-service zeal, but bitterly fighting civil service. Has not your partisan Commissioner of Pensions done the best he could? Has he not appointed more than half Democrats? Do you want the whole earth? Yes, you want a "clean sweep."

Mr. BOUTELLE. I understand the gentleman from Pennsylvania [Mr. RANDALL] to say that the administration of the civil-service law since he made these remarks in 1884 has dampened his ardor.

Mr. RANDALL. Oh, I don't believe the civil-service law has been honestly administered by the Republican party.

Mr. BOUTELLE. I supposed you referred to the administration that has been in power since you quote these remarks in 1884.

Mr. RANDALL. I was of that opinion, and in the light of more history and greater time spent in studying the subject, I am still of the same opinion.

Mr. McCOMAS. I have already reminded you of the very case in point, where members of a Democratic House, along with Republicans here, voted in 1884 to put under the civil-service rules officers whose appointment was provided for under a bill then pending; and a Republican Senate accepted that proposition, a Republican President signed the bill, and a Republican Commissioner of Pensions put it in force.

Mr. RANDALL. And it has been asserted here to-day, and not contradicted, that not a single Democrat secured office under the terms of that act.

Mr. REED, of Maine. That was flatly contradicted.

Mr. McCOMAS. I too deny it. I could produce the names of a number of Democrats who were appointed under that law, and under a Republican Commissioner of Pensions after civil-service examination.

Mr. RANDALL. I am not asserting the fact myself; I say it has been asserted here to-day.

Mr. REED, of Maine. And you said it was not contradicted, which is not accurate.

Mr. RANDALL. I did not hear anybody contradict it.

Mr. REED, of Maine. Oh, there were at least a dozen.

Mr. McCOMAS. Now I wish to remind the gentleman from Pennsylvania that he would have us believe we are now under a wise Democratic administration; and an expression of his which I was about to read has very great pertinence. On May 29, 1884, said Mr. RANDALL:

> This proviso here removes these appointments [the special pension examiners] from the civil-service rules. Therefore, to test the sense of the committee, I move to strike out the first proviso. Let me ask the gentleman if the best way to judge of the capacity of applicants for this service is not by following the rules of the Civil Service Commission?

Let me ask the gentleman from Pennsylvania whether the best way to judge of the capacity of applicants for this service is not by following the rules of the Civil Service Commission to-day under Cleveland as he believed it under Arthur?

Mr. RANDALL. The clause of the civil-service regulations which makes this distinction as to age I consider in the light of a rotten branch upon a healthy tree; and I, for one, propose directly to take whatever hatchet I may find near at hand and chop it off. [Applause.]

Mr. McCOMAS. Yes, I believe the gentleman will proceed directly; but the committee indirectly means to grub up the whole tree. [Laughter and applause.] That is the purpose of this proviso.

But to resume. You made that pledge in 1876, in 1880, and in 1884; and now when a Democratic reform administration has the chance to administer civil-service reform in all its purity and efficiency, you turn your back upon that pledge of your platform to civil service.

The Democratic politicians may decry it; the people do not. I believe that the great mass of the generous and enlightened people I represent, without distinction of party, believe that their Government has a right to the service of trained, honest, and capable officials; believe that the minor offices of the Government should not be filled by the favorites of a few party leaders; believe that these places should be open to the whole people, the poor as well as the influential, by competition of merit.

In 1876, in 1880, in 1884, to get power you pledged your party by its platforms to civil-service reform. Now that you are in possession of the Government you would throw off the mask and array your party against it. But the reform will survive. It has come to stay.

ONE PLEDGE REDEEMED.

Candor compels me to admit that you have kept one pledge of your platform of 1884. I refer to its declaration "that change is necessary is proved by an existing surplus of more than $100,000,000."

The last Democratic President had left the Treasury empty, worse than empty. So the platform pithily pledged the party to do it again, to get rid of the surplus. Apparently you have redeemed that pledge. Without repealing a tax, without taking off a customs duty, without lifting a single burden from the people, in a single year you have wiped out as with a sponge the surplus revenue.

Said President Garfield on this floor:

There are two committees of this House that stand, if I may so speak, with their backs to each other and facing in opposite directions. One is the Committee of Ways and Means. That committee faces out upon all the business of this country from which a revenue can be had. They ask the nation this one question, Where can we get a revenue to supply the machinery of this Government, to fill the Treasury as it ought to be filled? And they apply to all of the people of this country, to all its wealth, to all its trade, to all its commerce, and ask what contributions shall be gathered and how they shall be gathered from the people.

But that committee wants one thing before they start out upon this inquiry—they want the figures, the sum total. And they turn to the other committee which stands back to back to them, the Committee on Appropriations, and inquire of that committee how much money must we give you to run this Government for the coming year? And they get the figures from the Committee on Appropriations. That committee says to them, we will require so many millions of dollars.

The first scene in this spirited drama is presented to-day and there is a new meaning in it. We behold the eminent chairman of the Ways and Means [Mr. MORRISON] and the eminent chairman of the Appropriations [Mr. RANDALL] standing to-day with their backs to each other. They are indeed literally facing in opposite directions on the tariff.

The other scene, the fruit of Garfield's long experience on this floor, is omitted. The Ways and Means Committee do not turn to all the Committees of Appropriation and ask how much money must we give you to run this Government for the coming year. "The eye can not say to the hand, I have no need of thee." Had they turned and examined they might have withheld a tariff-revision bill based on an assumed enormous surplus revenue. Let this House then turn and look the other way, after six months of session, to see whether the revenue will indeed exceed the appropriations for the coming year.

THE SURPLUS EXPENDED.

The report of the committee on the new Morrison tariff bill says:

The expenditures for the fiscal year 1885, including pensions and the legal requirements of the public debt, were $305,830,970.54. Neither "the actual needs of an economical administration of the Government nor the patriotic expectations of the people justify any increase of this enormous annual expenditure, and we may safely estimate the annual surplus to exceed $30,000,000."

Upon this estimated surplus, by enlarging the free-list and reducing duties it is hoped to reduce the customs revenue more than $25,000,000 annually.

This legislation is based upon the results of 1885; but the estimates of expenditure by the administration for the year 1887 largely exceed the actual expenditure for 1885.

The first Democratic President since Buchanan in his first message to Congress, for the first time since the war reported that there was an estimated deficiency for 1887.

Secretary Manning reported that as compared with the last year of Republican rule the receipts had fallen off nearly $25,000,000 ($24,829,163.54), while expenditures had increased more than $16,000,000 ($16,100,690.78). For the year 1887 he estimated the expenditures at $339,589,552.34, and estimated ordinary receipts at $315,000,000, whereas the Ways and Means Committee assume a surplus of $30,000,000. The highest fiscal authority of the Government reports an estimated deficit for 1887 of $24,589,552.34. Instead of one hundred millions surplus there is fear, just fear, of a large deficit.

Now turn to the appropriation bills already passed or reported to this House. They will increase this apprehension. The agricultural, the Army, the Military Academy, the District of Columbia, the Indian bills as they passed this House, show slight reductions as compared with the current law for 1886; the consular and diplomatic and the Post-Office bills a marked increase, exceeding the reduction made in the legislative, executive, and judicial bill now before the House as compared with the current law for 1886:

The amount of regular annual appropriations made at the last session were for 1886	$219,595,283 18
The permanent annual appropriations as reported by the Treasury amount for 1886 to	118,154,728 69
Making the total appropriations for 1886	337,750,011 87
The pension appropriation law for 1887 is an increase over 1886 of	15,751,200 00
The river and harbor bill for 1887 is an increase over 1886 (when none was passed) of	15,142,100 00
On the basis of 1886 the aggregate appropriations which have already passed this House for 1887 and those to come will show	368,646,311 87
The Navy bill as reported is $11,849,858.70, and the naval construction bill as reported is $6,425,000, aggregating $18,274,858.70, in excess of the law for 1886, which was $15,070,837.95, in the sum for 1887 of	3,204,020 75
The coast and harbor fortifications bill may readily increase that of 1886 for 1887 more than	4,000,000 00
The deficiency bills for 1887 will exceed those for 1886 more than	4,000,000 00
The public buildings and all miscellaneous appropriations will show an increase over 1886 for 1887 of more than	5,000,000 00
The total appropriations for 1887 will therefore exceed	384,850,332 62
To meet this enormous appropriation we find the amount of estimated revenue for 1887	315,000,000 00
And the amount of estimated postal revenues for 1887	47,542,252 00
The total estimated revenue being for 1887 only	362,542,252 00

TARIFF REVISION THEREBY IMPOSSIBLE NOW.

With a deficit of twenty-two millions between estimated revenues for 1887 and the actual appropriations for 1887 what a mockery of the prostrate business, the distress of the people, the unemployed labor of this country is it for the tariff tinkers to cry for a cutting down of surplus revenue. With such a deficiency what excuse is there for the eloquent gentleman from Kentucky [Mr. BRECKINRIDGE] saying that the problem before us is to reduce these excessive revenues? That problem has been solved by this Congress. The surplus has been squandered by the extravagance within this Hall and has shrunken with the shrinkage in business outside. To-day and for the next year we need the present tariff for revenue. In this year of depression our highest duty is to secure and maintain for the American people the advantages resulting from highly paid labor.

In a year when labor is crying out for fewer hours and higher wages you dare not overwhelm our people with the products from abroad of labor at half wages and twelve or fourteen hours per day. At a time when the crops of the farmers bring the lowest prices known during the century, when the dairy industry cries out for relief against olemargarine, and the wool-clip has steadily fallen in value, you say to the farmer you will take away his home market, you will filibuster on this floor against a bill to save the cows and milk and butter of his farm in order to befriend the oleo manufacturers, and you will ruin the sheep husbandry of the nation.

We could not if we would reduce the tariff revenue now, and the project of tariff reform is as futile and hollow as your treatment of civil-service reform.

ADMINISTRATIVE REFORM ALSO A FAILURE.

What then of your third great campaign pledge of administrative reform? The people heard your cry "turn the rascals out," and let you in to look at the books. You control every Department. You have put in the heads of every bureau and the chiefs of every division. You have steadily turned out experienced men to put in new men wherever the civil-service law permitted or could be evaded. You have ignored the laws protecting Union soldiers in office.

The new Secretaries, the new Commissioners, the new assistants and deputies, the new Comptrollers, the new Auditors, the new heads and chiefs reported promptly that the books were correct to a penny, and they now report the estimates for appropriation to run the Government during the next year. It is true there was a proclamation of economy at the outset.

The Executive Mansion set the example. Three clerks were cut off, but one of them is put back on this bill at an increased salary, and the appropriation for the White House will this year greatly exceed that of last year. The carriages, horses, and drivers were put away with ostentation, but already some of these have been restored, and nearly every Department clamors for a larger contingent fund, which is the sure temptation to extravagance. There was a loudly-advertised reduction of the number and salaries of all custodians of public buildings throughout the land. Much clamor was made in the press about 30 per cent. reduction herein. But quietly the old number of men and the same salaries were restored, and the difference will be paid in the deficiency bill this year. The administration received the credit of this reform, the chance to fill the places anew, and spent as much

money, and for the next year quietly demand more than 30 per cent. more money than the Republican administration ever expended for this purpose.

In these and many like instances those early spasms of economy now quietly swell the deficiency bills.

You taught the honest Democrats to believe that the offices were overcrowded with useless employés at high salaries, and that the mission of your party, returning to power, was to decrease the offices and reduce the salaries. But the very agents you put in place to do this work report that your cry of "retrenchment and reform" was campaign thunder, and the Democratic administration demands more men and higher salaries.

Take these estimates I hold in my hand at random. The whole book is a surprising tribute to the efficiency of Republican rule.

Turn to the Navy Department. Here they want an assistant Secretary at a handsome salary, an increase of the salary of the chief clerk of the Bureau of Construction and Repair, an increase of the salary of the draughtsman, the assistant draughtsman, and the assistant messenger; they want three additional draughtsmen. All this when they had to spend $25,000 in England for a plan of a single ship by an Englishman. They call for more than thirty-five millions of dollars for the Navy.

Here we find the Commissioner of Pensions demanding that all the salaries of all the chiefs of all his divisions be increased, and insists that an increased force is necessary in the War Office for searches of records.

The Commissioner of Patents calls for one hundred and two additional employés. He appeals for increases of salaries all along the line—$500 more for the assistant commissioner, $250 more for the chief clerk, $500 more for the law clerk, $500 more for the financial clerk, and an increase of $100 more for all the model attendants. He wants an additional tribunal of appeals in the Patent Office, with three judges at adequate salaries.

Turn to the United States Treasurer, who asks an increase of the salaries of some of his subordinates and insists that their compensation is not commensurate with the work done. He protests that the salaries paid under Republican rule are less than salaries paid for like services by private establishments with much less responsibility.

The Secretary of War asks an increase of salary of $250 for his chief clerk, of $400 for his disbursing clerk, of $400 for each of his three chiefs of divisions, and of $200 for each of three assistants to them.

This cry for increase of salary runs along every line of administration.

To administer the executive, legislative, and judicial offices of the Government the new adminstration demand fifty-three more offices than under the Republican administration were provided for the last year, and they require more money than last year, although, if we regard the decrease of interest on the public debt, the last year was the most expensive since the war.

But I will not weary the House with a recapitulation of all the calls for new offices and higher salaries made by the new administration.

It is fair to state that the bill before us by the economy of the committee, and the reduction in the Treasury mainly by the decrease of employés in the internal-revenue service to accord with decreased business in that branch, the decrease in the Quartermaster-General's Office by decrease of war claims, and closing unnecessary mints and assay offices, makes substantial reductions. But this same bill grants many of the increases of employés and some of the salaries.

Taking all of them together, the estimates of the new administration to run all the Departments of the Government for 1887 exceed the appropriations for 1886 more than $56,000,000.

Omit the river and harbor bill, for whose extravagance this House is responsible, and still we find the new heads of the Government, with professions of "retrenchment and reform," demanding for the next year more officers than the Republicans and forty millions of money more than was appropriated last year.

What a splendid tribute to Republican management, or what a fraud was the cry of Democratic economy!

Never was a general call for higher salaries in every Department more unexpected, more indefensible. When we are at peace, when the business of the internal revenue and the customs service have shrunken with the depression of the country, when a dollar is harder to earn and will buy more than at any time since the Government was founded, I protest against any general increase of salaries, fixed incomes to be paid out of the declining wages of labor and cheapening products of the farm and mill and mine.

But after the extravagance of this House at this session you gentlemen of the majority are hardly the persons to turn and rebuke the new heads of the administration for the extraordinary discrepancy between their and your loud professions and protestations of economy and reform in the public service, and the enormous increase of expenditures proposed for 1887 in running the Government. Alas, administrative reform too is a failure!

The efforts of the chairman of appropriations [Mr. RANDALL], aided by the gentleman from Indiana [Mr. HOLMAN], can not stem the tide of extravagance here. The passionate protests of the gentleman from New York [Mr. HEWITT] against the reckless waste here go unheeded. The oft-repeated warnings of the chairman of the Ways and Means [Mr. MORRISON] that the majority were not sent here to spend more money and make more offices than the Republicans had, grow more and more pathetic as he saw his followers sweep away the surplus and begin upon a deficit.

If you who are the majority are convinced that you are as dangerous to the country as your leaders say you are, and if you believe the country is fast finding it out, you should pass the appropriation bills and go home. You are forced to abandon all pretense of being as economical as the Republicans were. You postpone great questions to consider small ones. You waste the people's time and money. There is a fleck of war cloud on our Northeastern horizon. Take back, therefore, some of the money you have just voted to waste on obscure bayous and creeks, that with it we may begin to fortify our defenseless coasts on the lakes, oceans, and gulfs.

Watch the flock of public building bills now fluttering over our heads. Already this session $4,167,737.50 have been appropriated in one House or the other for these purposes, and as much more will be fought for if this session be prolonged. I beg you to save that sum to build up the Navy.

Remember that the pensions justly due the defenders of the nation, their widows and orphans are a sacred obligation. Keep the money we will need for these debts of honor safe from the tramp of the army of schemes crowding the Calendar, coming with "the Constitution and an appropriation."

If you remain all summer there is no hope that you may pass the educational bill, for the majority here are deaf to the warning that the tide of illiteracy rising in this country, higher and higher in the South, is the greatest danger of the Republic. They do not accept the saying of Martin Luther:

Ignorance is more dangerous for a people than the armies of an enemy.

But there is danger that you may embrace that eminently American, that truly constitutional scheme, the Tehauntepec Canal, with its enormous demand for $37,000,000.

You have returned to our father's house hungry and thirsty and reckless as an erring prodigal son. You have grievously disappointed the great body of the people, both the Republicans and the sincere Democrats, all the citizens who desire under all administrations an economical, honest, and capable Government. [Great applause.]

Mr. HOLMAN. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I ask, by unanimous consent, that the general debate on the legislative, &c., appropriation bill be closed at 1 o'clock to-morrow.

Mr. HISCOCK and others objected.

Mr. SPRINGER. I suggest that the debate shall be closed in so many hours, because the whole time before the hour fixed for to-morrow may be taken up by other business.

Mr. HOLMAN. Say then in three hours.

Objection was made.

Mr. HOLMAN. I will try then to-morrow to arrange the time.

POLYGAMY.

Mr. OATES. I ask by unanimous consent to submit a report from the Committee on the Judiciary. The gentleman from Virginia [Mr. TUCKER], chairman of the committee, prepared the report, but being necessarily absent suggested to me to make it.

The SPEAKER. The gentleman will send it up.

The Clerk read as follows:

A bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to polygamy, and for other purposes," approved March 22, 1882.

Mr. OATES. I am directed to report a substitute for that bill.

Mr. CAINE. I object to the presentation of that report. I do not mean any disrespect to the gentleman.

Mr. OATES. Does not the objection come too late?

The SPEAKER. The Chair said the report will be sent up and will be received if there be no objection. The gentleman could not know what the report is until the title of the bill is read. The Chair supposes, therefore, if the gentleman has a right to object at all, he has a right to object now. There is some doubt whether the gentleman from Utah, being a Delegate and not a Member, has the right to object.

Mr. OATES. I make that point.

Mr. RANDALL. I suppose the Chair would like to look into that point before deciding it.

The SPEAKER. Certainly. It may be a very important one in the proceedings of the House.

Mr. OATES. I only want to have the report go upon the House Calendar and be printed.

The SPEAKER. It is desirable to have this point decided, because at some time it may become an important question.

Mr. RANDALL. And lead to difficulty.

The SPEAKER. The Chair will hold the question under consideration until to-morrow morning.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2971) granting a pension to Francis Deming;

A bill (H. R. 2968) granting a pension to Harriet Peak;

A bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio;

A bill (S. 342) granting a pension to Marilla Parsons, of Detroit, Mich;

A bill (S. 763) for the erection of a public building at Sioux City, Iowa;

A bill (S. 1016) granting an increase of pension to Abel Comstock;

A bill (S. 1192) granting a pension to Alfred Denny;

A bill (S. 1288) granting a pension to Robert Halsey;

A bill (S. 1382) for the relief of Lydia O. Hutchings;

A bill (S. 1383) granting a pension to Harriet Welch;

A bill (S. 1400) granting a pension to William H. Beck;

A bill (S. 1466) granting an increase of pension to Stephen R. Smith;

A bill (S. 1467) granting a pension to Mrs. Margaret Smith;

A bill (S. 2005) granting a pension to Mary J. Nottage; and

A bill (S. 2025) granting a pension to James Butler.

The hour of 5 p. m. having arrived, the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition of Robert Ship and others, of Texas County, Missouri, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. BOYLE: Resolutions of Col. J. F. McCullough Post, No. 367, Department of Pennsylvania, Grand Army of the Republic, of Waynesburg, Pa., for the passage of Senate bill 1886, for the relief of soldiers of the late war—to the same committee.

By Mr. C. R. BRECKINRIDGE: Papers relating to the claims of Charles W. Belknap; of Kate M. Price, administratrix of J. J. Johnston; and of James Furlong, of Arkansas County; and of Eveline T. Beasley, of Monroe County, Arkansas—to the Committee on War Claims.

By Mr. CALDWELL: Petition of George W. Corn, John M. Bennett, John P. Kennerby, John Chitwood, and Linton Riddle, of Franklin County; of Sallie Crisp, executrix of Jared Crisp, of Stewart County; of Montgomery Woods, of Hawkins County; of Henry H. Hubbard, of Jefferson County; of estate of Mrs. James K. Buchanan, of Davidson County; and of D. S. Noe, of Hamblin County, Tennessee, asking for the payment of their war claims—to the same committee.

By Mr. CLEMENTS: Petition of W. S. Cheney, of Cobb County, Georgia, for reference of his claim to the Court of Claims—to the same committee.

By Mr. DIBBLE: Papers relating to the claim of John Slatterly, of Charleston, S. C.—to the same committee.

By Mr. ERMENTROUT: Memorial relative to the claim of John F. Donahower—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Papers relating to the claims of Peter Lynch, of John M. Nace, and of John Ficken, of Atlanta; of John E. Elam, of Asa Braswell, of William Goddard, of Elizabeth Wright, of Zadock C. Baker, and of Shelton C. Campbell, of De Kalb County; of Thomas Dye, trustee of Sarah Dye, of Allen J. Neal, and of B. D. Vaughan, of Fulton, Granville, and Clayton Counties, Georgia—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Petition of the United States Maimed Soldiers' League, praying for the passage of Senate bill 2056, increasing pensions $6 in amputation cases—to the Committee on Invalid Pensions.

Also, resolution of the Iowa State Traveling Men's Association, favoring the passage of a bill relieving commercial travelers from special tax for selling by sample in cities—to the Committee on Commerce.

By Mr. HERMANN: Statement to accompany House bill 9280, for the relief of J. R. Frierson—to the Committee on Invalid Pensions.

By Mr. IRION: Papers relating to the claim of Eugene Oubré, of Point Coupee Parish, Louisiana—to the Committee on War Claims.

By Mr. JACKSON: Petition of soldiers of Luther Day Post, Grand Army of the Republic, in favor of the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. KING: Petition of J. Walter Blandford, for compensation for services as clerk to the Committee on Levees and Improvement of the Mississippi River—to the Committee on Appropriations.

By Mr. MORGAN: Papers relating to the claim of William M. K. Hall, of Marshall County, Mississippi—to the Committee on War Claims.

By Mr. MORROW: Petition of Assembly No. 3657, Knights of Labor, of San Francisco, Cal., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. NEAL: Petition of A. Womack, of McMunn County, Tennessee, for the payment of war claim—to the Committee on War Claims.

By Mr. NEECE: Resolutions of Reynold's Post, No. 559, Grand Army of the Republic, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. OATES: Petition of 58 colored citizens of Lee County, Alabama, for an appropriation to enable them to emigrate to Liberia—to the Committee on Appropriations.

By Mr. J. J. O'NEILL: Petition of Knights of Labor of Manistee, Mich., favoring the eight-hour law for all persons under twenty-one years of age—to the Committee on Labor.

By Mr. PETERS: Papers relating to the claim of Joseph H. Egner, of Independence County, Arkansas—to the Committee on War Claims.

By Mr. RIGGS: Petition of J. H. Dyer and 443 others, of Scott County, Illinois, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. STORM: Petition of Elizabeth M. Dresher, Sarah B. Brotherton, and 89 others, citizens of Philadelphia, asking for the better protection of young girls in the District of Columbia—to the Committee on the Judiciary.

By Mr. STRAIT: Petition of D. F. Kelly and 74 others, members of J. L. Haywood Post, No. 83, Grand Army of the Republic, of Minnesota, praying for the passage of Senate bill 1886, for the relief of disabled soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. ZACH. TAYLOR: Petition of Pinckney Walton, of Hardeman County, and of S. B. Person, administrator of Benjamin R. Person, of Madison County, Tenn., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. THOMPSON: Petition of 132 citizens of Scioto County, Ohio, for the passage of Senate bill 1886, granting pensions, &c.—to the Committee on Invalid Pensions.

By Mr. THROCKMORTON: Petition of 9 citizens of Dexter, Cook County, Texas, asking for the passage of Senate bill 1886 for the relief of soldiers of the late war honorably discharged after three months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein—to the same committee.

By Mr. WHEELER: Petition of Abraham McGee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WINANS: Petition of William H. Pullen and 50 others, soldiers and citizens of Fowlerville and vicinity, Livingston County, Michigan, praying for the passage of the Mexican pension bill—to the Committee on Pensions.

SENATE.

WEDNESDAY, *June* 9, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo.; and

A bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa.

The bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

LEAVE OF ABSENCE.

Mr. BUTLER. My colleague [Mr. HAMPTON] has had another terrible family affliction, which will detain him from the Senate for some time. I therefore ask for him a leave of absence from the Senate.

The PRESIDENT *pro tempore*. The Senator from South Carolina present requests a leave of absence for his colleague, who is absent on account of sickness in his family. An indefinite leave of absence will be granted, if there be no objection. The Chair hears none.

PETITIONS AND MEMORIALS.

Mr. CALL. I present petitions from workingmen in the navy-yards at Brooklyn, New York, Norfolk or Portsmouth, and Philadelphia, praying for the passage of the bill (S. 2268) to grant leaves of absence to employés in the United States navy-yards. The bill provides that any employé of a United States navy-yard who may be injured in the performance of his duty shall be allowed leave of absence with pay during the period of sickness in consequence of such inquiry. The Committee

on Education and Labor have authorized me to report the bill this morning, and I move that the petitions lie on the table.

The motion was agreed to.

Mr. BUTLER. I present the following dispatch, with a view of having it referred to the Committee on Agriculture and Forestry:

We, citizens of Spartanburg city, S. C., respectfully request the Senators from South Carolina to use your influence in defeating the oleomargarine bill. We believe it is protection of the worst type and unfair. If it is the policy of the Government to encourage rather than stifle all industries which are injurious to the country, let the people buy oleomargarine as they would another article of food.

The dispatch is signed by Joseph Walker, mayor, B. F. Shookley, a leading merchant, and a large number of other merchants and business men of the city of Spartanburg.

The PRESIDENT *pro tempore*. If there be no objection the telegraphic dispatch will be received as a memorial, and referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented resolutions adopted by Friendship Assembly, Knights of Labor, of Chicago, Ill., remonstrating against the passage of the bill proposing to place a tax upon oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. McPHERSON presented the petition of Fairbanks & Co., of Baltimore, Md., praying for the supplying of the scale known as "Fairbanks' infallible American gold and silver coin scale and counterfeit coin detector" to the Government Departments and offices where coin is received or disbursed; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN presented the petition of Albert Greenleaf, praying to be allowed compensation for service on the coasts of California and Mexico during the Mexican war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia, reported it with amendments.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred four admendments intended to be proposed to the sundry civil appropriation bill, reported them severally without amendment, and moved their reference to the Committee on Appropriations; which was agreed to.

Mr. WILSON, of Iowa. The amendments relate to specific cases of public buildings?

Mr. MAHONE. Yes, sir.

Mr. WILSON, of Iowa. I ask that the amendments be stated from the desk.

The PRESIDENT *pro tempore*. The amendments referred to will be read.

The Chief Clerk proceeded to read the amendments.

Mr. HARRIS. What is the necessity for reading the amendments?

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] has asked that they be read.

The proposed amendments were read, as follows:

To enlarge and complete the public building at Harrisonburg, Va., as recommended by the Secretary of the Treasury, the sum of $40,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the custom-house, at the city of Portland, in the State of Oregon; and plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $350,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site of said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

For the purchase of land in New Bedford, Mass., adjoining and additional to the lot of land the purchase whereof is provided for by the act approved February 20, 1885, for the post-office in said city, not exceeding $30,000.

For construction of a public building at La Crosse, Wis., in addition to the $100,000 heretofore appropriated for the purpose, $75,000.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2240) to increase the appropriation for the erection of the public building at Concord, State of New Hampshire;

A bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fire-proof;

A bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;

A bill (H. R. 5546) for the erection of a public building at Asheville, N. C.;

A bill (H. R. 5547) for the erection of a public building at Savannah, Ga.;

A bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn.;

A bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.;

A bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof;

A bill (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor; and

A bill (H. R. 6665) for the erection of a public building at El Paso, Tex.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, moved their indefinite postponement; which agreed to:

A bill (S. 1572) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor;

A bill (S. 247) to provide for the erection of a public building at Asheville, N. C.; and

A bill (S. 45) providing for the erection of a public building at El Paso, Tex.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (H. R. 4412) for the relief of John A. Coan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 299) for the relief of Sarah S. Watson, administratrix of the estate of Hugh P. Watson, deceased, late of Montgomery, Ala., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 2498) for the relief of Thomas Chambers, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 710) for the relief of the State National Bank of Louisiana, reported it without amendment, and submitted a report thereon.

Mr. CALL, from the Committee on Education and Labor, to whom was referred the bill (S. 2268) to grant leaves of absence to employés of the United States navy-yards, reported it with an amendment.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2066) to amend section 3894 of the Revised Statutes of the United States, relating to the transmission through the mails of lottery, gift-enterprise, and other circulars, reported it without amendment.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 800) to authorize Dr. C. E. Price, assistant surgeon United States Army, to receive pay for discharging the duties of physician to the Hooper Valley Indian reservation, such services having been performed at the request of the proper officers of the Interior Department, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2577) for the relief of J. R. Frierson, of Oregon, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 2000) for the relief of P. B. Sinnott, late Indian agent at Grand Ronde agency, State of Oregon, reported it with an amendment, and submitted a report thereon.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 60) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions, reported it with amendments.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 2627) to regulate the pay of the officers of the Army and Navy who refuse or neglect to provide for the support of their families; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRISON introduced bill (S. 2628) granting a pension to Joshua Parker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2629) granting a pension to Jane Brown Dunn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2630) for the relief of Miriam D. Brandt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. EUSTIS introduced a bill (S. 2631) to donate the United States marine hospital at New Orleans, La., to the city of New Orleans for educational purposes; which was read twice by its title.

Mr. EUSTIS. With the bill I send to the desk a resolution of the Legislature of the State of Louisiana asking that Congress pass the bill. I move that the bill and accompanying papers be referred to the Committee on Commerce.

The motion was agreed to.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. TELLER submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

JOHN H. KINKEAD AND OTHERS.

Mr. MITCHELL, of Oregon. I submit an amendment which I intend to propose to the bill (S. 1353) referring to the Court of Claims for adjudication the claim of John H. Kinkead, Samuel Sussman, and Charles O. Wood, which was called yesterday on the Calendar, and I ask the attention of the Senator from Illinois [Mr. LOGAN] and the Senator from Missouri [Mr. COCKRELL] to it.

The PRESIDENT *pro tempore*. The amendment will lie on the table.

WILLIAM J. MARTIN.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate full and complete copies of all papers, affidavits, and other evidence on file in his Department relating to the claim of William J. Martin, of Oregon, for a balance alleged to be due and owing him under an alleged contract for beef-cattle made with Lieut. G. W. Hawkins in June, 1849, and for the alleged delivery of beef-cattle under such alleged contract for the use of the Army, together with copies of any orders or adjudications made by the Department in reference to the same.

JUDICIAL CIRCUITS.

Mr. WILSON, of Iowa. Some time ago the Senate passed the bill (S. 1286) to change the limits of certain judicial circuits, to establish a new judicial circuit, and for the appointment of a judge for the same. After the passage of the bill I entered a motion to reconsider. I should like to have the bill taken up for the purpose of withdrawing the motion, in order that the bill may stand passed and go to the House of Representatives.

The PRESIDENT *pro tempore*. If there be no objection the bill referred to will be considered as pending with a view to allowing the Senator from Iowa to withdraw the motion to reconsider. The Chair hears no objection.

Mr. WILSON, of Iowa. I withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. The Senator from Iowa proposes to withdraw the motion to reconsider. Is there objection? The Chair hears none, and the bill stands passed.

MARY F. POTTS.

Mr. COCKRELL. While I was unavoidably out of the Senate Chamber a few days ago Order of Business 226, being the bill (S. 244) for the relief of Mary F. Potts, was passed by the Senate, extending a patent right. I desire to enter a motion to reconsider the vote by which that bill was passed, and I ask to let it lie until the Senator from Connecticut [Mr. PLATT] returns.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to reconsider the vote by which a certain bill was passed. The bill having gone to the other House, an order will have to be made for its return.

Mr. COCKRELL. I ask that an order be sent to the House of Representatives requesting the return of the bill.

The PRESIDENT *pro tempore*. If there be no objection the usual order will be made to recall the bill.

FORECLOSURES OF MORTGAGES.

The PRESIDENT *pro tempore*. The Chair calls attention to the fact that Order of Business No. 236 was passed during his absence, after which he entered a motion to reconsider. The bill will be read by its title, and the occupant of the Chair will ask to have it recommitted to the Committee on the District of Columbia.

The CHIEF CLERK. A bill (S. 984) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia.

The PRESIDENT *pro tempore*. If there be no objection the motion to reconsider will be regarded as agreed to, and the bill will be recommitted to the Committee on the District of Columbia. The Chair hears no objection.

EXECUTRIX OF WILLIAM WARD.

The PRESIDENT *pro tempore*. The first business on the Calendar will now be stated.

The bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to pay to P. L. Ward, executrix of William Ward, deceased, of Norfolk, Va., $2,075.13, in full satisfaction of all claim for beef and vegetables furnished by William Ward to the United States Navy and in full satisfaction for hay sold to the quartermaster of the United States Army.

Mr. LOGAN. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE March 10, 1886:

The Committee on Claims, to whom was referred the bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, beg leave to offer the following report:

Bills for the same claim as the present one passed the Senate at the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, but each time failed of consideration in the House.

At the second session of the Forty-sixth Congress Senator HARRIS, for the Committee on Claims, made a report on this claim, which embodied clearly and fully all the facts in the case.

The Committee on Claims of the Forty-seventh Congress, and again of the Forty-eighth Congress, adopted that report.

Your committee adopt the same report, annexing hereto a copy, and recommend the passage of the bill.

[Senate Report No. 428, Forty-eighth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 879) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, have examined the same, and report thereon as follows:

This claim was presented to the Senate during the Forty-sixth Congress by the petition of said executrix, which was referred to the Committee on Claims, and assigned to Mr. HARRIS, a member of the committee, for examination and report.

On the 11th day of February, 1880, the claim was favorably reported to the Senate by Mr. HARRIS. The following is a copy of the report:

The petition states that petitioner is the widow and executrix of William Ward, deceased. That in June, 1860, William Ward entered into a written contract with the United States for supplying fresh beef and vegetables to the Navy at the Norfolk (Va.) station, and that under said contract her late husband and testator on or about the 21st of January, 1861, supplied the United States ship Plymouth with the articles named to the amount of $275.13, for which no payment was ever made, and she refers to the records of the Navy Department for the proof. The committee sent the petition to the Navy Department with a request for such information in respect to this claim as the records of that Department could furnish, and received from the Secretary the following reply:

NAVY DEPARTMENT, *Washington, February* 5, 1880.

SIR: I have the honor to return herewith the petition of Mrs. P. L. Ward, asking for payment of $275.13, on account of fresh beef and vegetables supplied by her late husband, William Ward, of Norfolk, Va., for the use of the United States Navy, which petition was referred to this Department by the honorable Secretary of War, in compliance with your request of the 15th ultimo.

The account of the late Mr. Ward is correct as shown by the records of the Bureau of Provisions and Clothing in this Department, with the exception that the fresh beef and vegetables referred to were delivered to the United States steamer Brooklyn instead of the United States steamer Plymouth as stated in the petition.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. I. G. HARRIS, *United States Senate.*

From which the committee is satisfied that the articles were furnished under contract as stated in the petition, and have never been paid for, and that the amount, $275.13, is justly due the claimant and should be paid.

The petitioner also states that in the month of August, 1863, her testator entered into a verbal contract with Capt. Edwin Ludlow, of the Quartermaster's Department of the United States Army, in the presence of the Hon. L. H. Chandler, United States attorney for that district, and one other witness, for the purchase of 60 tons of hay, at $30 per ton, which was delivered by her said testator to the said Ludlow and used by the Army of the United States. That shortly after the delivery said Ludlow left that locality without paying for the hay, though often having promised so to do.

On the 12th December, 1866, her late husband and testator addressed a letter to the Quartermaster-General asking payment for this hay so furnished, reciting the facts of the contract and delivery of the hay, and the fact that no voucher was given, because Captain Ludlow said it was not necessary to give a voucher, as he would pay for the hay as soon as he received funds, which he was daily expecting; but he left there without paying, and without giving any voucher for the 60 tons of hay, and that upon diligent inqury he had never been able to ascertain the residence of Captain Ludlow since that time.

This letter is indorsed on the back as follows:

"I most unhesitatingly indorse the within statement.

"L. H. CHANDLER,
"*United States District Attorney for Virginia.*
"J. T. DANIELS."

On the 16th of January, 1867, this account was made out upon the regular printed form furnished by the Department, upon which the sale, delivery, and value of the hay, amounting to $1,800, and the loyalty of the claimant are proved by the affidavits of the then claimants, William Ward, L. H. Chandler, and J. R. Hunter; and the respectability and loyalty of the said Ward, Chandler, and Hunter are respectively certified to by John E. Doyle, justice of the peace; and the respectability and loyalty of William Ward is also certified to by William W. Wing, postmaster.

The oath of allegiance to the United States of William Ward is also exhibited, and Henry M. Bowden, clerk of the corporation court, certifies to the citizenship, respectability, and loyalty of William Ward, and to the official character of John E. Doyle as a justice of the peace for said county.

The letter above referred to, addressed by William Ward to the Quartermaster-General, and the proof above referred to were sent to the committee by the War Department in answer to a letter from the committee asking for such information as the records of that Department could furnish as to the justice of this claim. The following is the letter from the Secretary of War:

WAR DEPARTMENT,
Washington City, January 30, 1880.

SIR: Acknowledging the receipt of your letter of the 15th instant, referring for information memorial of Mrs. P. L. Ward for pay for certain quartermaster stores and beef delivered by her deceased husband, William Ward, in 1860 and 1863 to the Quartermaster's Department of the Army and the naval station at Norfolk, Va., respectively, I have the honor in reply to inclose herewith a letter from Mr. Ward, dated December 12, 1866, submitting his claim to the Quartermaster-General, paper which contains all the information on the subject the records of this Department afford.